



### **CALL MEETING TO ORDER**

An Adjourned Regular Meeting of the Redondo Beach City Council was called to order by Mayor Brand at 4:30 p.m. in the City Hall Council Chamber, 415 Diamond Street, Redondo Beach, California.

### **ROLL CALL**

Councilmembers Present: Nehrenheim, Loewenstein, Horvath, Gran, Emdee  
Councilmembers Absent: Mayor Brand  
Officials Present: Joe Hoefgen, City Manager  
Vickie Kroneberger, Chief Deputy City Clerk

### **SALUTE TO THE FLAG AND INVOCATION**

At the request of Mayor Pro Tem Loewenstein, the audience and Councilmembers rose to salute the flag.

### **BLUE FOLDER ITEMS – ADDITIONAL BACK UP MATERIALS - NONE**

### **PUBLIC COMMUNICATIONS ON CLOSED SESSION ITEMS**

Mayor Pro Tem Loewenstein called for public comment. There being no one wishing to comment, Mayor Pro Tem Loewenstein closed the public comment period.

### **F. RECESS TO CLOSED SESSION at 4:36 p.m.**

#### **F.1. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - The Closed Session is authorized by the attorney-client privilege, Government Code Sec. 54956.9(d)(1).**

Name of case:  
Redondo Beach Waterfront, LLC v. City of Redondo Beach, et al.  
Case Number: BS 168564

#### **F.2. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - The Closed Session is authorized by the attorney-client privilege, Government Code Sec. 54956.9(d)(1).**

Name of case:  
AES Southland Development, LLC et al. v. City of Redondo Beach, et al.  
Case No. BS157037

#### **F.3. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - The Closed Session is authorized by the attorney-client privilege, Government Code Sec. 54956.9(d)(1).**

Name of case:  
Public Utilities Commission of the State of California, Rulemaking 16-02-007, Order Instituting Rulemaking to Develop an Electricity Integrated Resource Planning Framework and to Coordinate and Refine Long-Term Procurement Planning Requirements

#### **F.4. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - The Closed Session is authorized by the attorney-client privilege, Government Code Sec. 54956.9(d)(1)**

Name of case:

Redondo Beach Waterfront, LLC v. City of Redondo Beach, et al.

Case Number: BC682833

- F.5. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION** - The Closed Session is authorized by the attorney-client privilege, Government Code Sec. 54956.9(d)(1).

Name of case:

Redondo Beach Waterfront, LLC v. City of Redondo Beach, et al.

Case Number: 19STCV13547

- F.6. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED POTENTIAL LITIGATION** - The Closed Session is authorized by the attorney-client privilege, Government Code Section 54956.9(d)(4)

One potential case

- F.7. CONFERENCE WITH LEGAL COUNSEL AND LABOR NEGOTIATOR** - The Closed Session is authorized by the Government Code Sec. 54957.6.

AGENCY NEGOTIATOR:

Joe Hoefgen, City Manager

Mike Witzansky, Assistant City Manager

Diane Strickfaden, Director of Human Resources

EMPLOYEE ORGANIZATIONS:

Redondo Beach Police Officers Association and Redondo Beach Firefighters Association

- F.8. CONFERENCE WITH REAL PROPERTY NEGOTIATOR** - The Closed Session is authorized by the Government Code Section 54956.8.

AGENCY NEGOTIATOR:

Joe Hoefgen, City Manager

Mike Witzansky, Assistant City Manager

Stephen Proud, Waterfront and Economic Development Director

PROPERTY:

900 Pacific Coast Highway, Redondo Beach, CA 90277

(APN#: 4186-031-101)

NEGOTIATING PARTY:

David Lawrence on behalf of Carwell LLC

UNDER NEGOTIATION:

Both Price and Terms

- F.9. CONFERENCE WITH REAL PROPERTY NEGOTIATOR** - The Closed Session is authorized by the attorney-client privilege, Government Code Sec. 54956.8.

AGENCY NEGOTIATOR:

Joe Hoefgen, City Manager

Mike Witzansky, Assistant City Manager

Stephen Proud, Waterfront and Economic Development Director

**PROPERTY:**

110-151 Fisherman's Wharf, Redondo Beach, CA 90277 (Portions of APN#: 7505-002- 934)

**NEGOTIATING PARTY:**

Next Century Power, LLC - Leo Pustilnikov

**UNDER NEGOTIATION:**

Both Price and Terms

- F.10. CONFERENCE WITH REAL PROPERTY NEGOTIATOR** - The Closed Session is authorized by the Government Code Section 54956.8.

**AGENCY NEGOTIATOR:**

Joe Hoefgen, City Manager

Mike Witzansky, Assistant City Manager

Stephen Proud, Waterfront and Economic Development Director

**PROPERTY:**

Portions of APNs: 7503-029-900, 7503-029-902, 7503-033-903, 7503-033-905, 7505-002-908, 7505-002-914, 7505-002-932

**NEGOTIATING PARTY:**

Leo Pustilnikov

**UNDER NEGOTIATION:**

Both Price and Terms

- F.11. CONFERENCE WITH REAL PROPERTY NEGOTIATOR** -The Closed Session is authorized by the Government Code Section 54956.8.

**AGENCY NEGOTIATOR:**

Joe Hoefgen, City Manager

Mike Witzansky, Assistant City Manager

Stephen Proud, Waterfront and Economic Development Director

**PROPERTY:**

300 N. Harbor Drive, Redondo Beach, CA 90277 (Former Gold's Gym, APN: 7503-034-024)

**NEGOTIATING PARTY:**

Leo Pustilnikov

**UNDER NEGOTIATION:**

Both Price and Terms

- F.12. CONFERENCE WITH REAL PROPERTY NEGOTIATOR** - The Closed Session is authorized by the Government Code Section 54956.8

**AGENCY NEGOTIATOR:**

Joe Hoefgen, City Manager

Mike Witzansky, Assistant City Manager

Stephen Proud, Waterfront and Economic Development Director

**PROPERTY:**

208 Yacht Club Way, Redondo Beach, CA 90277 (portions of APN's: 7503-003-900; 7503-013-822; 7503-003-901)

**NEGOTIATING PARTY:**

Maryann Guthrie, MCL

**UNDER NEGOTIATION:**

Both Price and Terms

Motion by Councilmember Horvath, seconded by Councilmember Emdee, to recess to conduct Closed Sessions attended by City Attorney Michael W. Webb, City Manager Joe Hoefgen, Assistant City Manager Mike Witzansky, Assistant City Attorney Cheryl Park, Waterfront & Economic Development Director Stephen Proud, Human Resources Director Diane Strickfaden, Public Works Director Ted Semaan, City Engineer Andy Winje, and Outside Legal Counsel Chip Andrews and Laura Kalty.

**G. RECONVENE TO OPEN SESSION: 6:12 p.m.**

**H. ROLL CALL**

Councilmembers Present:	Nehrenheim, Horvath, Gran, Emdee, Mayor Pro Tem Loewenstein
Councilmembers Absent:	Mayor Brand
Officials Present:	Michael W. Webb, City Attorney Joe Hoefgen, City Manager Vickie Kroneberger, Chief Deputy City Clerk Diane Cleary, Minutes Clerk

**I. ANNOUNCEMENT OF CLOSED SESSION ACTIONS**

No reportable action.

**J. ADJOURN TO REGULAR MEETING: 6:12 p.m.**

Motion by Councilmember Horvath, seconded by Councilmember Nehrenheim, to adjourn to Open Session at 6:12 p.m. Motion carried unanimously.

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**A. CALL TO ORDER**

A Regular Meeting of the Redondo Beach City Council was called to order by Mayor Pro Tem Loewenstein at 6:12 p.m. in the City Hall Council Chamber, 415 Diamond Street, Redondo Beach, California.

**B. ROLL CALL**

Councilmembers Present:	Nehrenheim, Horvath, Gran, Emdee, Mayor Pro Tem Loewenstein
Councilmembers Absent:	Mayor Brand
Officials Present:	Michael W. Webb, City Attorney Joe Hoefgen, City Manager Vickie Kroneberger, Chief Deputy City Clerk Diane Cleary, Minutes Clerk

**C. SALUTE TO THE FLAG AND INVOCATION**

At the request of Mayor Pro Tem Loewenstein, the audience and Councilmembers rose to salute the flag followed by a moment of silence.

#### **D. PRESENTATIONS/PROCLAMATIONS/ANNOUNCEMENTS**

Councilmember Nehrenheim announced his Community Meeting on Saturday at 9 p.m. at Alta Vista and stated a SoCal representative will be present, congratulated staff and Public Works for their help with the swim event which was a huge success, thanked Supervisor Janice Hahn for covering the life guard service, thanked the City and Public Works for fixing a water pipe, noted positive comments regarding the Seaside Lagoon, reviewed his involvement with swimming, supported the Redondo Union Marching Band, and stated Mayor Brand swam the 100 meters as well and thanked him for making the event happen.

Councilmember Horvath announced his Community Meeting taking place on Saturday, October 19, at the Beach Cities Health District from 9:30 to 11 a.m. with the guest speaker to be determined, announced CA 101 Art Exhibit ongoing at the old Gold's Gym building on Harbor Drive, and Tedx Redondo Beach will be hosting an event this Thursday night with the topic being "create change."

Councilmember Gran announced his Community Meeting taking place this Saturday at 9 a.m. at Perry Park, and thanked Public Works regarding the construction of the two parcels of land north and south of Artesia Boulevard at the North Redondo Beach Bike Path.

Councilmember Emdee announced a free shred and waste event at Mira Costa High School this Saturday from 10 a.m. to 12 p.m., a public safety open house on October 13 at the Civic Center from 10 a.m. to 3 p.m., and stated she attended the last subcommittee meeting for RHNA in downtown LA and suggested another discussion take place.

Mayor Pro Tem Loewenstein wished Mayor Brand well regarding his treatment, stated the swim event was very successful with a great turn out, stated the CA 101 Art Show is taking place next to the Crowne Plaza, thanked Public Works for their work in District 2 on the alleyways in terms of paving, noted a major power outage in the Beryl Heights area the Saturday before last and recommended submitting a claims form with loss of items due to the power surge to SCE.

#### **E. APPROVAL OF ORDER OF AGENDA**

Motion by Councilmember Emdee, seconded by Councilmember Nehrenheim, to move Item N.1 prior to Item N.2. Motion carried unanimously.

#### **F. AGENCY RECESS – NONE**

#### **G. BLUE FOLDER ITEMS – ADDITIONAL BACK UP MATERIALS**

Motion by Councilmember Horvath, seconded by Councilmember Gran, to receive and file additional materials for Agenda Item N1. Motion carried unanimously.

#### **H. CONSENT CALENDAR**

##### **H.1. APPROVE AFFIDAVIT OF POSTING FOR THE CITY COUNCIL ADJOURNED REGULAR AND REGULAR MEETING OF OCTOBER 8, 2019.**

**CONTACT: ELEANOR MANZANO, CITY CLERK**

##### **H.2. APPROVE MOTION TO READ BY TITLE ONLY AND WAIVE FURTHER READING OF ALL ORDINANCES AND RESOLUTIONS LISTED ON THE AGENDA.**

**CONTACT: ELEANOR MANZANO, CITY CLERK**

##### **H.3. APPROVE THE FOLLOWING CITY COUNCIL MINUTES – NONE**

**CONTACT: ELEANOR MANZANO, CITY CLERK**

Mayor Pro Tem Loewenstein called for public comment. There being no one wishing to comment, Mayor Pro Tem Loewenstein closed the public comment period.

Motion by Councilmember Horvath, seconded by Councilmember Nehrenheim, to approve Consent Calendar items H.1, H.2 and H.3. Motion carried unanimously.

**I. EXCLUDED CONSENT CALENDAR ITEMS - NONE**

**J. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS**

Mayor Pro Tem Loewenstein called for public comment.

Eugene Solomon spoke on perception and reality regarding imposing on the firefighter's new labor contract, noting the numbers don't add up and a flawed assumption, asked what Council is prepared to do if an agreement isn't reached regarding overtime and the 2% COLA raise, stated the problem is not going away, stated everyone agrees we all want what's best for the City, and supported correcting any mistakes made in the past.

Mary Drummer, City's appointee as trustee for Vector Control District, gave an update on the reported mosquito activity in and around Redondo Beach, advised removing anything that holds water and to wear long clothing, and stated more information can be provided at the CDC website and the Public Safety event.

Jacqueline Sun, Beach Cities Health District, announced an event on Monday, October 14 at 6:30 p.m. at the Manhattan Beach Middle School Gymnasium regarding vaping issues.

Dr. Andy Lesser spoke on Santa Anita horse racing and animal cruelty and suggested visiting horseracingwrongs.com and supported banning horse racing in California and throughout the nation.

There being no one else wishing to comment, Mayor Pro Tem Loewenstein closed the public comment period.

**K. EX PARTE COMMUNICATIONS - NONE**

**L. PUBLIC HEARINGS – NONE**

**N.2. DISCUSSION REGARDING THE TEMPORARY USE OF PROPERTY ON MOLE B BY NORTHROP GRUMMAN FOR THE LOADING AND TRANSPORT OF EQUIPMENT FOR THE TERM OCTOBER 18, 2019 – OCTOBER 20, 2019.**

**CONTACT: STEPHEN PROUD, WATERFRONT AND ECONOMIC DEVELOPMENT DIRECTOR**

Waterfront and Economic Development Director Stephen Proud gave a report on the Northrop Grumman Equipment Transport and discussed the following:

- October 18 to October 20 – transport of equipment
- Proposed route (slightly modified)
- Site Plan for Mole B – includes all support operations
- Working on license agreement – bring back to City Council for approval next week
- Request a deposit covering initial operating costs
- Separate agreement with Marina Cove – meeting on September 30
- Exit will be used as an entrance of the Marina Cove parking lot to drive area
- Marina Cove will notify tenants and outrigger community

City Attorney Webb stated the terms would be reimbursement to the City for its full cost, the insurance language is still being discussed along with an estimate of all costs, and said there will be a deposit. He also said if Northrop-Grumman alters their plan for any reason, the City would be able to retain the estimate. He also said the City will not be able to terminate the agreement once it's approved between Tuesday and Sunday.

Assistant City Manager Witzansky reviewed the Chevron Coker movement which was much more impactful compared to this proposal.

In response to Councilmember Emdee, Assistant City Manager Witzansky stated this is just an opportunity to provide information as a discussion tonight and any changes could be considered. He also said there will be full cost recovery but the City is not asking for a specific license fee.

In response to Mayor Pro Tem Loewenstein regarding the hours/days of the actual transport, Assistant City Manager Witzansky explained this will take place Saturday night and should be done in the early morning hours.

In response to Councilmember Nehrenheim regarding the parking lot availability, Assistant City Manager Witzansky pointed out that the public is not able to use the majority of the lot just adjacent to Moon Stone Park anyway, which is private MCL space. He said the spaces immediately adjacent to the dirt on the south side are public parking spaces and would be occupied as part of the staging.

Waterfront and Economic Development Director Proud explained that MCL has volunteered to do the outreach with Lanakila informing them about the operations.

Councilmember Nehrenheim suggested capturing some of the parking costs.

Assistant City Manager Witzansky stated staff had put together a value for the use of the parking over the duration of the Beach Life event and reimbursement for the offsetting impact.

Waterfront and Economic Development Director Proud explained that parking spaces at Moon Stone Park have no fee with no revenue received, but Beach Life Festival used a paid parking lot for which the City receives revenue for all of the spaces.

Assistant City Manager Witzansky explained this is a heavy piece of equipment but can be transported via a more traditional trailer.

In response to Councilmember Nehrenheim, Assistant City Manager Witzansky stated that Chevron wrote a \$2.4M donation but pointed out that Moon Stone Park will not be closed during this event.

In response to Mayor Pro Tem Loewenstein regarding outreach to the tenants and Harbor Commission, Waterfront and Economic Development Director Proud explained that this item will be presented to the Harbor Commission next Monday evening, and Marina Cove is outreaching to tenants most directly affected.

Mayor Pro Tem Loewenstein suggested donations to the City regarding the use of public land.

Mayor Pro Tem Loewenstein called for public comment.

A member of the public asked about compensation regarding impacts to businesses or traffic on PCH. Assistant City Manager Witzansky believed there won't be any businesses open during the movement which should take place between midnight and 5 a.m. and the pier will be closed.

There being no one else wishing to comment, Mayor Pro Tem Loewenstein closed the public comment period.

In response to Councilmember Horvath regarding needing access to any of the other areas once the trailer comes in with the equipment within the staging area, John Fewlass, Northrop-Grumman representative stated they would just be accessing in and out of the south driveway and not taking any parking spots along that location. He said there will be a setback to bring in the crane which comes in on the morning of the 19<sup>th</sup> around 6 a.m., and the full window is a three-day period.

Assistant City Manager Witzansky also explained that the intensity of the uses would take place within the black box area and getting in and out with the equipment. He said there will be a window period prior, at the end and for breakdown at the end of the project.

Councilmember Horvath asked if the entire mole will be vacated completely during the 48 hours. Waterfront and Economic Development Director Proud stated yes, the only area requesting no parking is on the diagram and Northrop-Grumman is not asking to strip any of the other additional parking up or down the mole.

In response to Councilmember Horvath regarding Lanakila being impacted, Assistant City Manager Witzansky stated that Lanakila will not be impeded other than losing the ability to park in the public parking spaces that are in place. He also said there is parking all along the Moon Stone Park edge all the way south to the harbor patrol facility, and indicated there should be parking available for Lanakila.

In response to Councilmember Nehrenheim, John Fewlass, Northrop-Grumman representative stated due to the sensitivity of the device, it is being referred to as a demonstration project going down to San Diego for the US Navy. He said the barge will come in on the 19<sup>th</sup> in the early morning before daylight depending on the weather. He also said the barge will be positioned right off the shore of Mole B and the boaters will be able to maneuver around the barge.

Councilmember Nehrenheim said there will be impact to the harbor, boaters, recreational uses and the fishermen and stated amenities are needed in the park. Mr. Fewlass, Northrop-Grumman representative stated they support staff, tried to minimize impacts and supported the timeline, and any City expenses will be accounted for, trying to find a compromise that works for both parties.

Motion by Councilmember Emdee, seconded by Councilmember Gran, to receive and file the report and allow staff and Northrop-Grumman to discuss any possible mitigation for the parking.

City Attorney Webb advised that this motion will not give Northrop-Grumman the certainty needed, noting staff has worked very diligently in a very tight timeframe, and staff may have a different view than Council.

Councilmember Emdee withdrew her motion.

Motion by Councilmember Emdee, seconded by Councilmember Gran, to receive and file the report. Motion carried unanimously.

## **M. ITEMS CONTINUED FROM PREVIOUS AGENDAS**

### **M.1. DISCUSSION AND POSSIBLE ACTION ON POTENTIAL AMENDMENTS TO THE ZONING ORDINANCE AND THE COASTAL LAND USE IMPLEMENTING ORDINANCE TO ADD ANIMAL KENNEL AS AN ALLOWED USE IN THE CITY IN CERTAIN ZONING DISTRICTS CONTACT: BRANDY FORBES, COMMUNITY DEVELOPMENT DIRECTOR**



Community Development Director Brandy Forbes gave a report and discussed the amendments to the zoning ordinance and coastal land use implementing ordinance to add animal kennel as an allowed use in certain zoning districts and discussed:

- Background
- Current Regulations
- Options for Regulations
- Recommendation

In response to Mayor Pro Tem Loewenstein regarding animal kennels and requirements to address fires, Community Development Director Forbes stated this is in the state regulations.

Assistant City Attorney Park stated requirements would include a fire alarm connection or fire suppression sprinkler system. She also said the City could go above and beyond what the state requires.

Mayor Pro Tem Loewenstein expressed concern with animals perishing in fires and facilities not having fire suppression equipment.

Mayor Pro Tem Loewenstein called for public comment.

Cami Barth, A Bark Idea, thanked Council and supported opening a facility in Redondo Beach.

In response to Councilmember Emdee regarding a location, Ms. Barth reviewed her proposal and said she is considering the old marine store or on Pearl Street, and agreed with having an alarm and sprinkler system for fire mitigation.

Mayor Pro Tem Loewenstein expressed concern with entrances and exits being blocked. Ms. Barth said her biggest priority is the safety of the pets.

Dr. Andy Lesser stated currently the only boarding options are surrounding cities but nothing in Redondo Beach. He also said it may be cost prohibitive to put in a sprinkler system and said he would be reluctant boarding an animal with no person on premises or next door. He also said some kennels can hold a lot of dogs which should have a required sprinkler system.

Marilyn Brown, Redondo Beach, Pearl Street, expressed concern with noise from kennels in residential areas, and suggested establishing a minimum distance, and said she would not want a kennel in her back yard.

In response to Mayor Pro Tem Loewenstein regarding requiring a buffer zone, Community Development Director Forbes said they could run a map but there would be very few locations available that would allow a buffer zone.

Councilmember Horvath asked if other cities have a buffer and noise attenuation and sound proofing included. Community Development Director Forbes stated Hawthorne has the sound proofing and Torrance and Huntington Beach have the buffer, but she was unsure if they have both the sound proofing and residential buffer. She said a map could be run regarding the limitation of the areas.

Councilmember Horvath pointed out that the areas being considered are adjacent to residential areas, and costs as a business owner will escalate if fire mitigation is included. He also said there is only a very small area in the industrial zone that has enough of a buffer with buildings better suited regarding sound proofing/noise attenuation.

Mayor Pro Tem Loewenstein referred to a terrible kennel fire outside Chicago this past summer where 30 dogs lost their lives, and suggested putting a limit on the number of animals that can be kept. He also

suggested requiring fire suppression systems, and smaller kennels would require a connected fire alarm to fire protection as well as smoke alarms.

In response to Councilmember Nehrenheim regarding the requirement of fire suppression and alarms in commercial buildings, Community Development Director Forbes believed this would be for buildings being renovated and hitting a threshold of the addition.

Captain Issac Yang, Redondo Beach Fire Department, explained that residential space and one story additional 750 square feet requires retrofitting sprinklers, and adding a second story requires sprinklers and then change of occupancy. He said commercial buildings would be the use of the building.

In response to Mayor Pro Tem Loewenstein, Community Development Director Forbes stated changing a pet store to an animal kennel would be considered a different use description.

In response to Councilmember Nehrenheim regarding newer buildings that don't have fire suppression equipment in Redondo Beach, Captain Yang stated it would depend on the code requirement at the time built.

Councilmember Nehrenheim believed that most commercial buildings should have some type of fire suppression already, suggested putting in the CUP process the amount of dogs allowed at a facility inside and outside, stated there is already a noise ordinance in place, stated the biggest concern is inside noise traveling out, stated he did not see an issue with sanitation, pointed out that hours of operation are part of the CUP, proximity to residential, and stated all dogs from Redondo Beach need to have a dog license.

Lina Portolese, Community Development Department, explained the licensing procedure and also pointed out that all dogs have to have a rabies certificate as well.

Councilmember Emdee referred to the state code which requires a fire alarm system connected to a central reporting station that alerts the local fire department in case of fire "or" a fire suppression sprinkler system.

Councilmember Nehrenheim suggested striking "or."

In response to Councilmember Emdee regarding complaints, Community Development Director Forbes explained that a business not in compliance with the conditions of the CUP is one thing, but if a business puts sound attenuation in place, is following hours of operation, and is located in an area allowed, complaints would be more difficult to address.

Councilmember Emdee reviewed the Manhattan Beach ordinance and supported limiting the number of animal kennel businesses in the City.

In response to Councilmember Horvath regarding a person being present overnight, Ms. Barth stated the larger facilities do, but the smaller ones usually don't.

Ms. Barth reviewed her concerns, addressed barking issues, and stated the facility would not be like an animal shelter.

Community Development Director Forbes stated staff can address all of the items discussed and incorporate points made tonight.

Mr. Brown agreed with having someone present 24 hours a day, pointed out that the beach event last week was only for one day whereas dogs would be barking every day and night, expressed concern with barking dogs near his home, and asked how this is enforced. He also said the building on Pearl is very old with little insulation.

There being no one else wishing to comment, Mayor Pro Tem Loewenstein closed the public comment period.

Councilmember Loewenstein suggested there should be a requirement that someone is on site for places that don't have fire suppression.

Assistant City Attorney Park reviewed concerns discussed tonight to include: fire suppression, sprinkler system and fire alarm system, limit number of pets boarded, buffers and sound attenuation, requirement of a CUP, how many pets in outside area, noise, regulating some of the hours of operations, dog license within CUP process, concern with how many facilities allowed in the City as a whole and the distance between them.

Motion by Councilmember Emdee, seconded by Councilmember Nehrenheim, to receive and file the report and bring forward City Council comments to the Planning Commission.

Mayor Pro Tem Loewenstein requested adding to the motion that someone be on site 24 hours a day, 7 days a week, and to have a fire suppression system if there are more than six dogs on site.

Councilmember Emdee amended the motion that the Planning Commission consider having someone on site 24 hours a day, 7 days a week. Councilmember Nehrenheim accepted the amendment. Motion carried unanimously.

Assistant City Attorney Park stated information regarding the fire suppression system being either/or will be forwarded to the Planning Commission who can make a recommendation to City Council.

## **N. ITEMS FOR DISCUSSION PRIOR TO ACTION**

### **N.1 DISCUSSION AND POSSIBLE ACTION REGARDING IMPLEMENTING A CITY-WIDE SMOKING BAN IN PUBLIC EXCEPT FOR DESIGNATED SMOKING AREAS, DISALLOWING POSSESSION AND USE OF TOBACCO PRODUCTS BY MINORS ON SCHOOL GROUNDS, AND ESTABLISHING A LOCAL TOBACCO RETAIL PERMIT AND PROCESS FOR ALL TOBACCO RETAILERS IN THE CITY.**

**A. INTRODUCE BY TITLE ONLY ORDINANCE NO. O-3193-19 ADDING MUNICIPAL CODE CHAPTER 9, ARTICLE 1, TO TITLE 5 TO DISALLOW SMOKING IN PUBLIC IN THE CITY WITH THE EXCEPTION OF DESIGNATED SMOKING AREAS FOR INTRODUCTION AND FIRST READING.**

**OR**

**B. INTRODUCE BY TITLE ONLY ORDINANCE NO. O-3193-19 ADDING MUNICIPAL CODE CHAPTER 9, ARTICLE 1, TO TITLE 5 TO DISALLOW SMOKING IN PUBLIC IN THE CITY WITH THE EXCEPTION OF DESIGNATED SMOKING AREAS AND DISALLOWING POSSESSION AND USE OF TOBACCO PRODUCTS BY MINORS ON SCHOOL GROUNDS FOR INTRODUCTION AND FIRST READING.**

**AND**

**C. INTRODUCE BY TITLE ONLY ORDINANCE NO. O-3194-19 ADDING MUNICIPAL CODE CHAPTER 9, ARTICLE 2, TO TITLE 5 TO CREATE A LOCAL TOBACCO RETAIL PERMIT AND APPROVAL PROCESS FOR INTRODUCTION AND FIRST READING.**

**CONTACT: BRANDY FORBES, COMMUNITY DEVELOPMENT DIRECTOR**

Community Development Director Brandy Forbes gave a report and discussed the background, City-wide smoking ban in public, Local Tobacco Retail Permit, and recommendation.

Senior Deputy City Attorney Jillian Martins stated this item is being brought back to Council this evening pursuant to a referral to staff to include in Option B the addition of a diversion program disallowing the possession of tobacco by minors on school grounds.

Mayor Pro Tem Loewenstein called for public comment.

Mark Nelson supported the ordinance and to consider multifamily later.

Mary Simun, Surf Rider Foundation South Bay Chapter, stated she lost her parents and uncle early due to smoking and grew up with second hand smoke. She noted young children smoking and being addicted, noted how addictive nicotine can be and pointed out it is used as a pesticide. She reviewed programs with Surf Rider and supported banning these products.

Motion by Councilmember Horvath, seconded by Councilmember Nehrenheim, to receive and file documents presented by Ms. Simun. Motion carried unanimously.

Craig Cadwallader, Surf Rider Foundation, South Bay Chapter, stated that statistics from International Coastal Clean Up Day have shown cigarette butts as the number one litter item on beaches and oceans worldwide which do not biodegrade and are toxic. He also said that outdoor designated smoking areas have not worked in other cities, expressed concern with the distance from opening reduced to 5 feet, and suggested moving forward on this item.

Councilmember Emdee explained that the 5 feet is specifically just for the designated smoking areas and is still 20 feet otherwise.

Jonatan Cvetko, Redondo Beach, supported getting ahead of a growing area, reviewed comparison of flowers, stated there is no state regulations regarding hemp flowers, there are no age restrictions, and suggested adding hemp flower as part of the ban.

Motion by Councilmember Horvath, seconded by Councilmember Nehrenheim, to receive and file documents presented by Mr. Cvetko. Motion carried unanimously.

Matt Hinsley, District 3, supported the addition to option B, stated public smoking is a shared space and nonsmokers are affected, stated the leaf blower ban is unrelated and should not be compared, stated the smoking ban does not go far enough, believed the language business owner with permission of property owner is ambiguous, asked about #9 and an absent minority, and expressed concern with the language being too broad and the change going in the wrong direction.

Councilmember Emdee stated the language was changed to "not approve."

Motion by Councilmember Horvath, seconded by Councilmember Gran, to extend Mr. Hinsley's time. Motion carried unanimously.

Senior Deputy City Attorney Jillian Martins reviewed the language changes to include:

First sentence: Giving flexibility

Second sentence: If there is no practical workaround for a designated smoking area, then the City Manager is authorized not to grant one.

Mr. Hinsley expressed concern with the language being too broad and watered down, stated the City is already so far behind other smoking bans, and requested having it more restrictive.

Jacqueline Sun, Beach Cities Health District, questioned the language in Section 59102 Prohibition of Smoking defining public spaces anywhere within 5 feet and questioned if this is a mistake. Senior Deputy City Attorney Jillian Martins believed that the change was to both provisions; however, if that was not the direction, this could be considered a typo and made 20 feet when it comes back for second reading.

Marilyn Brown referred to Option B and asked if E-cigarettes are included as "not being in possession of minors". Senior Deputy City Attorney Jillian Martins reviewed the definition of tobacco products which includes any electronic smoking device.

There being no one else wishing to comment, Mayor Pro Tem Loewenstein closed the public comment period.

In response to Councilmember Gran regarding hemp flower inclusion, Senior Deputy City Attorney Jillian Martins stated this would have to come back for first reading. She suggested a referral to staff.

Councilmember Horvath stated the language is a bit watered down but said they are trying to get to a unanimous decision. He believed that it will become more stringent over time and catch up. He also informed that Manhattan Beach is stopping all sales of tobacco products.

In response to Councilmember Gran, Senior Deputy City Attorney Jillian Martins explained that the amendment proposed narrowed the exception to allow sales of flavored tobacco products for consumption or later use solely at hookah lounges, banning flavored tobacco for 21 and older or military personnel 18 and older except for hookah lounges.

Motion by Councilmember Horvath, seconded by Councilmember Loewenstein, to introduce by title only Ordinance Nos. O-3193-19 (Version B) and O-3194-19. Motion carried unanimously.

Chief Deputy City Clerk Kroneberger read by title only Ordinance Nos. O-3193-19 and O-3194-19.

## **O. CITY MANAGER ITEMS**

City Manager Hoefgen stated a follow-up report on code enforcement will be presented at the October 15 City Council meeting, and a followup report will be provided on November 19 on the Beach Life Festival.

## **P. MAYOR AND COUNCIL ITEMS**

### **P.1. DISCUSSION AND CONSIDERATION OF MAYOR APPOINTMENTS TO VARIOUS BOARDS AND COMMISSIONS**

Motion by Councilmember Nehrenheim, seconded by Councilmember Loewenstein, to approve the Mayor's appointment of Lori Zaremski to the Historical Commission. Motion failed, with Councilmembers Emdee, Gran and Horvath voting no.

Mayor Pro Tem Loewenstein called for public comment.

Matt Hinsley suggested the Councilmembers express their opinions to the Mayor privately and questioned only 1 out of 5 ever being approved on the Planning Commission.

There being no one else wishing to comment, Mayor Pro Tem Loewenstein closed the public comment period.

Councilmember Nehrenheim did not support doing business behind closed doors and lack of transparency, and expressed concern with people not being assigned even when approved by the Mayor. He expressed concern with being sued, threats, divisiveness, and also supported balance. He further expressed concern about the Galleria project and the Planning Commission process and expressed concern with Commission appointments not moving forward.

Councilmember Horvath stated he tried to speak to the Mayor regarding appointments in general and reviewed his written statement of concerns.

**Q. MAYOR AND COUNCIL REFERRALS TO STAFF**

Councilmember Gran referred to staff to come back with a report regarding amending the smoking ordinance ban to include hemp flower. City Manager Hoefgen stated this could be included as part of the report from the Cannabis Task Force.

Motion by Councilmember Emdee, seconded by Councilmember Gran, to refer to staff the consideration of a four-way stop at Blossom and Mathews. Motion carried unanimously.

City Manager Hoefgen stated this can be discussed on November 19.

Motion by Councilmember Emdee, seconded by Councilmember Gran, to bring back next week a budget modification for the delta between the available budgeted amount for all personnel and what is needed to settle with the police. Motion carried unanimously.

Motion by Councilmember Horvath, seconded by Councilmember Emdee, to refer to staff that the City Attorney's Office review what legal recourse is available as it relates to the SCAG methodology process. Motion carried unanimously.

In response to Mayor Pro Tem Loewenstein, City Attorney Webb said information regarding his traffic safety concerns in North Redondo Beach will be reported at the November 19 City Council meeting, as confirmed by Public Works Director Semaan.

**R. RECESS TO CLOSED SESSION – NONE**

**S. RECONVENE TO OPEN CLOSED SESSION – NONE**

**T. ADJOURNMENT: 8:38 p.m.**

There being no further business to come before the City Council, Motion by Councilmember Horvath, seconded by Councilmember Emdee, to adjourn the meeting at 8:38 p.m. to an Adjourned Regular meeting to be held at 4:30 p.m. (Closed Session) and a Regular meeting to be held at 6:00 p.m. (Open Session) on Tuesday, October 15, 2019, in the City Hall Council Chamber, 415 Diamond Street, Redondo Beach, California. Motion carried unanimously.

Respectfully submitted,

  
Eleanor Manzano, City Clerk