

City Council Adjourned Regular Meeting

Friday, April 10, 2020
8:00 AM
City Council Chambers



Mayor Richard Montgomery
Mayor Pro Tem Suzanne Hadley
Councilmember Hildy Stern
Councilmember Steve Napolitano
Councilmember Nancy Hersman

Executive Team

Bruce Moe, City Manager
Quinn Barrow, City Attorney

Derrick Abell, Police Chief
Steve Charelian, Finance Director
Daryn Drum, Fire Chief
Patrick Griffin, Interim Information Technology Director
Lisa Jenkins, Human Resources Director

Stephanie Katsouleas, Public Works Director
Mark Leyman, Parks and Recreation Director
Carrie Tai, Community Development Director
Liza Tamura, City Clerk

MISSION STATEMENT:

**Our mission is to provide excellent municipal services,
preserve our small beach town character, and enhance the quality of life for our
residents, businesses and visitors.**

MANHATTAN BEACH'S CITY COUNCIL WELCOMES YOU!

Copies of staff reports or other written documentation relating to each item of business referred to on this agenda are available for review on the City's website at www.citymb.info, the Police Department located at 420 15th Street, and are also on file in the Office of the City Clerk for public inspection. Any person who has any question concerning any agenda item may call the City Clerk's office at (310) 802-5056.

Meetings are broadcast live through Manhattan Beach Local Community Cable, Channel 8 (Chapter Spectrum), Channel 35 (Frontier Communications), and live streaming via the City's website.

In compliance with the Americans With Disabilities Act, if you need special assistance to participate in this meeting, you should contact the Office of the City Clerk at (310) 802-5056 (voice) or (310) 546-3501 (TDD). The City also provides closed captioning of all its Regular City Council Meetings for the hearing impaired.

CERTIFICATION OF MEETING NOTICE AND AGENDA POSTING

I, Liza Tamura, City Clerk of the City of Manhattan Beach, California, state under penalty of perjury that this notice/agenda was posted on Tuesday, April 7, 2020, on the City's Website and on the bulletin boards of City Hall, Joslyn Community Center and Manhattan Heights.

BELOW ARE THE AGENDA ITEMS TO BE CONSIDERED.

A. CALL MEETING TO ORDER

B. ROLL CALL

C. PUBLIC COMMENTS

Pursuant to Governor Newsom's Executive Order Nos. N-25-20 and N-29-20, City Council Chambers will not be open to the public.

In the interest of maintaining appropriate social distancing, the City Council encourages the public to participate by using one of the following options for public comments:

- **eComment Online**, you can submit your eComments by 7:30 AM, the day of the meeting and have your comment available to City Council and the public.
- Email your public comment to cityclerk@citymb.info by 7:30 AM, the day of the meeting and have your comment available to City Council and the public.
- Call (310)802-5030 and leave a message by 7:30 AM, the day of the meeting.

D. CONSENT CALENDAR

1. Consider Accepting Resignation from Cultural Arts Commissioner Taner, Declare Vacant Cultural Arts Commission Seat No. 4 (Taner), and Defer Cultural Arts Commissioner Appointment Until the Annual Boards and Commissions Interview and Appointment Process (City Clerk Tamura). [20-0171](#)
 - a) **ACCEPT RESIGNATION**
 - b) **DECLARE VACANCY**
 - c) **DEFER CULTURAL ARTS COMMISSIONER APPOINTMENT**

Attachments: [Commissioner Taner Resignation Letter](#)

2. Consider Ordering Plans, Specifications, Cost Estimates, and Engineer's Report for Annual Street Lighting and Landscaping Assessments (Finance Director Charelian). [20-0077](#)

ADOPT RESOLUTION NO. 20-0045

Attachments: [Resolution No. 20-0045](#)

D. GENERAL BUSINESS

1. **City Manager Report on EOC (Emergency Operations Center).**
2. **Discuss and Consider Limiting All Construction to Five Days a Week (Closing Monday or Saturday) Residential, Commercial, Public Projects, Including School District Projects.**
3. **City Council to consider additional measures to address COVID-19.**

E. CLOSED SESSION

1. **CONFERENCE WITH LEGAL COUNSEL (ANTICIPATED LITIGATION)
(Government Code Section 54956.9(d)(2)(1))**

A point has been reached where, in the opinion of the City Council on the advice of its City Attorney, based on existing facts and circumstances, there is a significant exposure to litigation against the City.

Number of Cases: 1

2. THREAT TO PUBLIC SERVICES OR FACILITIES

Government Code Section 54957(a)

The City Council will conduct a closed session with the City Attorney on a matter posing a threat to the public's right of access to public services or public facilities related to COVID-19.

F. ADJOURNMENT

Adjourning in memory of Manhattan Beach Police Department Victim Assistance Team Member Jeanette Wright.

Agenda Date: 4/10/2020

TO:

Honorable Mayor and Members of the City Council

THROUGH:

Bruce Moe, City Manager

FROM:

Liza Tamura, City Clerk

Martha Alvarez, Senior Deputy City Clerk

Patricia Matson, Deputy City Clerk

SUBJECT:

Consider Accepting Resignation from Cultural Arts Commissioner Taner, Declare Vacant Cultural Arts Commission Seat No. 4 (Taner), and Defer Cultural Arts Commissioner Appointment Until the Annual Boards and Commissions Interview and Appointment Process (City Clerk Tamura).

- a) **ACCEPT RESIGNATION**
 - b) **DECLARE VACANCY**
 - c) **DEFER CULTURAL ARTS COMMISSIONER APPOINTMENT**
-

RECOMMENDATION:

Staff recommends that the City Council: a) accept the resignation from Cultural Arts Commissioner, Adam Taner; b) declare vacant Cultural Arts Commission Seat No. 4 (Taner); and c) defer the Cultural Arts Commissioner appointment until the annual Boards and Commissions interview and appointment process.

As a result of City Hall being closed due to the COVID-19 pandemic, and all City events being canceled, including the annual Boards and Commissions interviews and appointments process, staff recommends that the City Council postpone the Boards and Commissions interview and appointment process to a future date to be determined.

FISCAL IMPLICATIONS:

There are no fiscal implications associated with the recommended actions. There is adequate funding in the City Clerk's budget to advertise the vacancy of this seat.

BACKGROUND:

The Cultural Arts Commission consists of six members-one representative with art experience, four at-large members, and one student representative-and meets on the third Monday of each month. The Commission is responsible for developing a Cultural Arts Master Plan for the City, encouraging and supporting art education programs in the community and schools, participating in the Arts in Public Places selection process, and assisting in the Art in Civic Spaces Program.

On March 6, 2020, Commissioner Taner tendered his letter of resignation to the City; effectively leaving the Cultural Arts Commission, Seat No. 4, Member-At-Large seat, vacant.

DISCUSSION:

The term for Cultural Arts Commission Seat No. 4 is due to expire on May 31, 2022. The Manhattan Beach Municipal Code (MBMC) Section 2.44.070 states, "If a vacant seat has more than 18 months remaining in its term, the new member would complete the original term and then seek reappointment via the regular procedures for the next three year term."

The City Clerk's office historically declares vacancies and conducts public outreach for interested candidates to immediately fill unscheduled vacancies. Manhattan Beach Municipal Code (MBMC) Section 2.44.040 states, "Whenever an unscheduled vacancy occurs on a Commission, Board or Committee, a special notice is to be posted in the City Clerk's Office, and in other places as directed by the City Council within twenty (20) days after the City receives notice of the vacancy."

The delay in making an appointment to this seat will not have a negative impact on the commission's work, as all board and commission meetings, with the exception of Planning Commission meetings, have been canceled due to the COVID-19 pandemic.

CONCLUSION:

Staff recommends that the City Council accept the resignation from Cultural Arts Commissioner, Adam Taner and declare vacant Cultural Arts Commission Seat No. 4 (Taner).

In addition, due to the postponement of all vacant Board and Commission appointments, staff is recommending that the City Council defer the appointment of Cultural Arts Commission Seat No. 4 until the annual interview and appointment process takes place.

PUBLIC OUTREACH:

As part of the 2020 annual Boards and Commissions interview and appointment process, staff has advertised for several Board and Commission vacancies in the Beach Reporter, the Easy Reader, City Hall posting boards, Manhattan Heights Community Center and Joslyn Community Center bulletin boards, the City's website, the City's social media channels, and sent e-notifications to website subscribers.

The initial advertisements announced the following upcoming vacancies:

Board of Building Appeals - 5 Seats:

- 5 Members-At-Large

Cultural Arts Commission - 3 Seats:

- 1 Art Experience
- 1 Member-At-Large
- 1 Student Representative

Library Commission - 2 Seats:

- 1 Member-At-Large
- 1 Student Representative

Parks and Recreation Commission - 3 Seats:

- 1 Member-At-Large
- 1 MBUSD Nominee
- 1 Student Representative

Parking and Public Improvements Commission - 3 Seats:

- 1 Business Community
- 2 Members-At-Large

Planning Commission - 2 Seats:

- 2 Members-At-Large

After City Council direction, the vacancy of Cultural Arts Commission Seat No. 4 will be added to future advertisements for public outreach.

ENVIRONMENTAL REVIEW:

The City has reviewed the proposed activity for compliance with the California Environmental Quality Act (CEQA) and has determined that the activity is not a "Project" as defined under Section 15378 of the State CEQA Guidelines; therefore, pursuant to Section 15060(c)(3) of the State CEQA Guidelines the activity is not subject to CEQA. Thus, no environmental review is necessary.

LEGAL REVIEW:

The City Attorney has reviewed this report and determined that no additional legal analysis is necessary.

ATTACHMENT:

1. Commissioner Taner Resignation Letter

From: Orhan Taner <orhan.taner@yahoo.com>
Date: March 6, 2020 at 4:45:27 PM PST
To: Betsy Rubino <betsyrubino@gmail.com>
Cc: Liza Tamura <ltamura@citymb.info>, Mark Leyman
<mleyman@citymb.info>
Subject: Leaving the Cultural Arts Commission

Dear Chair Rubino,

I regret to inform you that I will have to quit my position as a Commissioner of Cultural Arts with the City of Manhattan Beach, since we have moved our primary residence from Manhattan Beach to North Redondo Beach, as of the beginning of this month.

I have tremendously enjoyed working with you and our fellow commissioners over the last two years, and am very proud of our achievements during this period.

Going forward, I would very much like to continue to be of assistance, in any manner or form, towards the advancement of Arts and Culture in Manhattan Beach, a community I truly enjoyed and loved being member of.

This was not an easy decision for me and my family to make; however we felt that it was the right thing to do given the economic realities associated with maintaining a rental residence in Manhattan Beach. Although we have moved physically, our hearts and souls will surely remain here. We hope to come back in one form or another, and as soon as practically possible.

Many thanks for your kind friendship over the past couple of years. I look forward to reconnecting with you all in the near future.

Best regards,

Orhan

(310) 309 7560
orhan.taner@yahoo.com
orhantanerjr@gmail.com

2212 Voorhees Avenue
Apt B
Redondo Beach, CA 90278

Agenda Date: 4/10/2020

TO:

Honorable Mayor and Members of the City Council

THROUGH:

Bruce Moe, City Manager

FROM:

Steve S. Charelian, Finance Director
Henry Mitzner, Controller

SUBJECT:

Consider Ordering Plans, Specifications, Cost Estimates, and Engineer's Report for Annual Street Lighting and Landscaping Assessments (Finance Director Charelian).

ADOPT RESOLUTION NO. 20-0045

RECOMMENDATION:

Staff recommends that the City Council adopt Resolution No. 20-0045 ordering the preparation of plans, specifications, cost estimates, and the engineer's report for the annual renewal of the Landscaping and Lighting District for fiscal year 2020-2021, pursuant to the Landscaping and Lighting Act of 1972.

FISCAL IMPLICATIONS:

The assessment engineering cost for the Landscaping and Lighting District is \$7,250 and is budgeted in the Public Works department.

It is important to note that because assessments have been fixed since 1996 and costs have continued to rise and exceed the revenue generated by the assessments, the Street Lighting and Landscape Fund has depleted its fund balance. As a result, the General Fund continues to subsidize the fund. The preliminary estimate for the subsidy in the current fiscal year (2019-2020) is \$196,016, and \$200,185 for the upcoming fiscal year 2020-2021. A Proposition 218 vote is required to raise the assessments; City Council reviewed the options for raising assessments but has deferred such action.

BACKGROUND:

The City provides for the operations and maintenance of Street Lighting and the Downtown Streetscape via the Street Lighting and Landscaping Assessment District (District). The

District, which was formed pursuant to the Landscaping and Lighting Act of 1972, is comprised of separate street lighting districts for the majority of the City, and the lighting and landscaping services provided for Downtown.

DISCUSSION:

The District must be renewed annually through a series of City Council resolutions, culminating with a public hearing. The public hearing and adoption of a final resolution are scheduled for the City Council Meeting of June 16, 2020.

In order to renew the districts, an assessment engineer must review and develop the benefit assessments for each parcel. Those assessments are based on the proposed budget for the upcoming fiscal year commencing July 1, subject to the constraints of Proposition 218. For FY 2020-2021, the preliminary assessment is comprised of \$377,595 from private property owners and a General Fund contribution toward Streetscape of \$17,112 for City property located in the Streetscape zone, for a total assessment of \$394,707. Total assessments (\$394,707) are the only budgeted resources for fiscal 2020-2021; budgeted expenditures for all zones are \$594,892, resulting in a shortfall of \$200,185 for all zones. The 2019-2020 fiscal year opening balance will have no available funds requiring a General Fund subsidy to match the shortfall.

The first step in this annual process is for City Council to pass a Resolution of Initiation on April 8, 2020, which authorizes the preparation of an engineer's report on the District. During a City Council meeting in May the engineer's report will be submitted, along with a Resolution of Intention, which authorizes proceedings for the annual levy and collection of assessments. Finally, on June 16, 2020, the public hearing will be held. At that time, City Council will be asked to adopt a resolution providing for the levy and collection of street lighting assessments for the fiscal year 2020-2021.

PUBLIC OUTREACH/INTEREST:

After analysis, staff determined that public outreach was not required for this issue.

ENVIRONMENTAL REVIEW:

The City has reviewed the proposed activity for compliance with the California Environmental Quality Act (CEQA) and has determined that the activity is not a "Project" as defined under Section 15378 of the State CEQA Guidelines; therefore, pursuant to Section 15060(c)(3) of the State CEQA Guidelines the activity is not subject to CEQA. Thus, no environmental review is necessary.

LEGAL REVIEW:

The City Attorney has reviewed this report and determined that no additional legal analysis is necessary.

ATTACHMENT:

1. Resolution No. 20-0045

RESOLUTION NO. 20-0045

A RESOLUTION OF THE MANHATTAN BEACH CITY COUNCIL INITIATING PROCEEDINGS FOR THE LEVY AND COLLECTION OF ASSESSMENTS WITHIN MANHATTAN BEACH LANDSCAPING AND STREET LIGHTING MAINTENANCE DISTRICT NO. 99 FOR FISCAL YEAR 2020-21 AND ORDERING THE PREPARATION OF AN ENGINEER'S REPORT PURSUANT TO THE PROVISIONS OF PART 2 OF DIVISION 15 OF THE STREETS AND HIGHWAYS CODE

THE MANHATTAN BEACH CITY COUNCIL HEREBY FINDS, RESOLVES AND ORDERS AS FOLLOWS:

Section 1. Pursuant to the provisions of the Landscaping and Lighting Act of 1972, Part 2 of Division 15 of the Streets and Highways Code (commencing with Section 22500) (the "Act"), the Manhattan Beach City Council desires to initiate proceedings for the levy and collection of an assessment against parcels of property within an existing assessment district designated "Manhattan Beach Landscaping and Street Lighting Maintenance District No. 99" (the "District"), for fiscal year 2020-21, commencing July 1, 2020, and ending June 30, 2021, to pay for the costs and expenses of the improvements described below in Section 4.

Section 2. The boundaries of the District are coterminous with the boundaries of the City of Manhattan Beach, with the exception of the area commonly known as Manhattan Village.

Section 3. The map describing the exterior boundaries of the District is attached as Exhibit A and is open for public inspection in the office of the City Clerk.

Section 4. The existing improvements may be briefly described as follows: Landscaping and appurtenant facilities generally include trees shrubs, plants, turf, irrigation systems, and necessary appurtenances including curbs, hardscape, monumentation, fencing, drainage detention facilities drainage structure (including percolation wells) located in public rights-of-way, medians, parkways, and/or easements adjacent to public rights-of-way, in and along major thoroughfares and certain designated primary and secondary arterials as defined in the General Plan's Infrastructure Element. Lighting and appurtenant facilities including poles, lighting fixtures, conduits and the necessary equipment to maintain, operate, service and replace a lighting system at designated intersections, in medians, parkways and adjacent to certain public facilities in and along certain streets, rights-of-way and designated lots.

Section 5. The City Council designates Harris and Associates as the engineer (the "Engineer") for the purpose of these proceedings and hereby authorizes and directs the Engineer to prepare and file with the City Clerk a written report in connection with these proceedings in accordance with Article 4 (commencing with Section 22565) of Chapter 1 of the Act, which report shall contain the following:

A. Plans and specifications for the improvements, which shall indicate the class and type of improvements to be provided for each zone.

B. An estimate of the costs of the improvements for the 2020-21 fiscal year, including all of the following:

1. the total cost of the improvements, including all incidental expenses;
2. the amount of any surplus or deficit in the Improvement Fund for the District to be carried over from the 2019-20 fiscal year;
3. the amount of any contributions to be made from sources other than the assessments levied pursuant to the Act; and
4. the net amount to be assessed upon assessable lands with the District, being the total cost of the improvements, increased or decreased as the case may be, by any surplus, deficit or contributions.

C. A diagram for the District showing all of the following:

1. the exterior boundaries of the District;
2. the boundaries of any zones within the District; and
3. the lines and dimensions of each lot or parcel of land within the District.

Each lot or parcel shall be identified by a distinctive number or letter. The lines and dimensions of each lot or parcel shown on the diagram shall conform to those shown on the County Assessor's Maps for the 2020-21 fiscal year. The diagram may refer to the County Assessor's Maps for a detailed description of the lines and dimensions of any lots or parcels, in which case those Maps shall govern for all details concerning the lines and dimensions of those lots or parcels.

D. An assessment of the estimated costs of the improvements for the 2020-21 fiscal year, which shall do all of the following:

1. state the net amount to be assessed upon assessable lands within the District;
2. describe each assessable lot or parcel of land within the District; and
3. assess the net amount upon all assessable lots or parcels of land within the District by apportioning the amount among the several lots or parcels in proportion to the estimated benefits to be received by each lot or parcel from the improvements.

The assessment may refer to the County assessment roll for a description of the lots and parcels, in which case the roll shall govern for all details concerning the description of the lots or parcels.

ADOPTED on April 10, 2020.

AYES:

NOES:

ABSENT:

ABSTAIN:

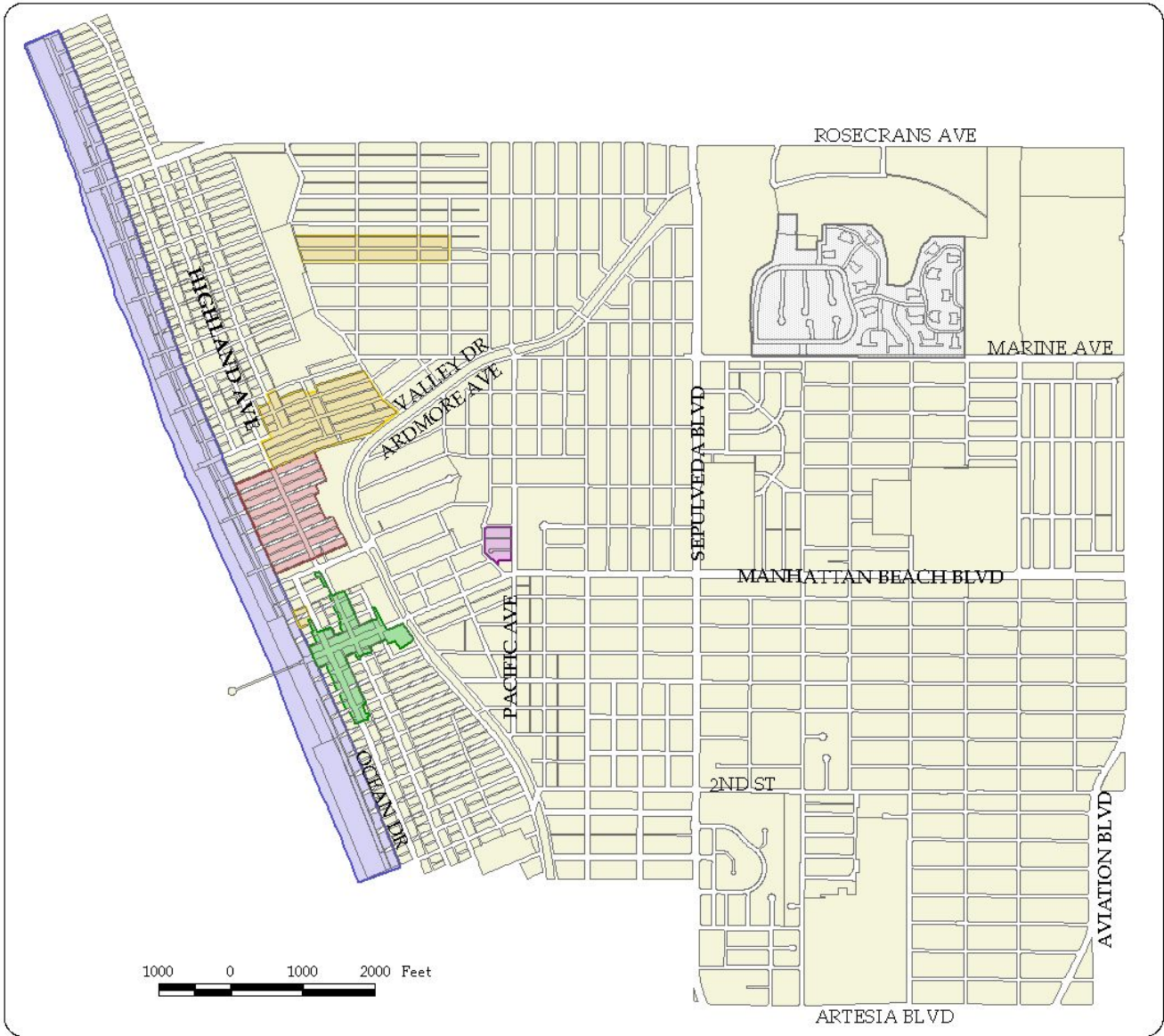
RICHARD MONTGOMERY
Mayor

ATTEST:

LIZA TAMURA
City Clerk

Exhibit A

City of Manhattan Beach Lighting and Landscape Assessment Districts



		Total Area (Acres)
Zone 1	General	2231.7
Zone 5	Gas Lights	39.0
Zone 6	The Strand	127.5
Zone 7	Walkway Streets	25.7
Zone 9	Arbolado Tract	2.9
Zone 10	Downtown Streetscape	15.4
	Excepted	82.5



August 2001

