

AMENDED
City Council Regular Meeting
Regular Meeting

Tuesday, June 16, 2020

6:00 PM

City Council Chambers



ELECTED OFFICIALS

Mayor Richard Montgomery

Mayor Pro Tem Suzanne Hadley

Councilmember Hildy Stern

Councilmember Steve Napolitano

Councilmember Nancy Hersman

Treasurer Tim Lilligren

EXECUTIVE TEAM

City Manager Bruce Moe

City Attorney Quinn Barrow

City Clerk Liza Tamura

Community Development Director Carrie Tai

Finance Director Steve Charelian

Fire Chief Daryn Drum

Human Resources Director Lisa Jenkins

Interim Information Technology Director Patrick Griffin

Parks and Recreation Director Mark Leyman

Police Chief Derrick Abell

Public Works Director Stephanie Katsouleas

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.

June 16, 2020

Amended City Council Meeting Agenda Packet:

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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 (Spectrum), Channel 35 (Frontier), 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). Notification 36 hours prior to the meeting will enable the City to make reasonable arrangements to assure accessibility to this meeting. 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 amended notice/agenda was posted on Friday, June 12, 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. THE RECOMMENDED COUNCIL ACTION IS LISTED IMMEDIATELY AFTER THE TITLE OF EACH ITEM IN BOLD CAPITAL LETTERS.

A. CALL MEETING TO ORDER**B. ROLL CALL****C. CEREMONIAL CALENDAR**

1. Presentation of City Plaques to Outgoing Commissioners and Boardmembers: Outgoing Parks & Recreation Commissioner Jackson; Outgoing Library Commissioner Parikh; Outgoing Cultural Arts Commissioners Bennett and May; Outgoing Parking and Public Improvements Commissioners Delk and Longhurst; and Outgoing Board of Building Appeals Members Adami and Nordberg.
PRESENT

[20-0113](#)**D. APPROVAL OF AGENDA AND WAIVER OF FULL READING OF ORDINANCES**

This is the time for the City Council to: (a) notify the public of any changes to the agenda; (b) remove items from the consent calendar for individual consideration; or (c) rearrange the order of the agenda.

MOTION TO APPROVE AGENDA AND WAIVE FULL READING

E. PUBLIC COMMENTS (3 MINUTES PER PERSON)

Speakers may provide public comments on any matter that is within the subject matter jurisdiction of the City Council, including items on the agenda. The Mayor may determine whether an item is within the subject matter jurisdiction of the City Council. While all comments are welcome, the Brown Act does not allow City Council to take action on any item not on the agenda.

Pursuant to Governor Newsom's Executive Orders No. N-25-20 and No. N-29-20, City Council Chambers is not open to the public. In the interest of maintaining appropriate social distancing, the City Council encourages the public to participate by submitting comments in advance of the meeting, no later than 5:30 PM, June 16, 2020 (the day of the meeting), via:

- 1) eComment at <http://www.citymb.info/ecomment>;
- 2) email to cityclerk@citymb.info; or
- 3) telephone message recorded at **(310) 802-5030**.

All of your comments provided by the deadlines above will be available to the City Council and the public prior to the meeting.

In addition, you may participate by joining Zoom during the meeting:

If you wish to speak on any item on the agenda, please register in advance by clicking the following link:
<https://citymb.seamlessdocs.com/f/publiccomment>

- 1) Join Zoom Meeting via the internet:
Direct URL: <https://comb.zoom.us/j/99951513798>, Meeting ID: **999-5151-3798**

During the meeting you will need to use the "raise hand" button through Zoom at the time the Mayor invites the public to provide comments.

- 2) Join Zoom Meeting via Phone Conference (Voice Only):
Phone Number: **(669) 900-6833**, Meeting ID: **999-5151-3798**

During the meeting you will need to enter *9 on the phone's dial pad at the time the Mayor invites the public to provide comments.

F. COVID-19

2. Discussion Regarding the Re-Opening of the Pier.
3. City Manager Report on EOC (Emergency Operations Center) and Update on COVID-19 Response.
4. City Council to Consider Additional Measures to Address COVID-19.

G. CONSENT CALENDAR (APPROVE)

Items on the Consent Calendar are routine and customary items and are enacted by a single motion with the exception of items previously removed by a member of the City Council during "Approval of the Agenda" for individual consideration. Any items removed shall be individually considered immediately after taking action on the Consent Calendar.

5. Financial Report: [20-0155](#)
Schedule of Demands: May 28, 2020 (Finance Director Charelian).
ACCEPT REPORT AND DEMANDS

Attachments: [Schedule of Demands for May 28, 2020](#)

6. Consider Adopting Resolutions Calling and Giving Notice Pertaining to the [20-0127](#)
November 3, 2020, General Municipal Election to be Conducted by the Los
Angeles County Registrar - Recorder/County Clerk (City Clerk Tamura and
City Attorney Barrow).
ADOPT RESOLUTION NOS. 20-0061, 20-0062 AND 20-0063

Attachments: [Resolution No. 20-0061](#)

[Resolution No. 20-0062](#)

[Resolution No. 20-0063](#)

H. ITEMS REMOVED FROM THE CONSENT CALENDAR

Each speaker may speak for up to 2 minutes on each item pulled from the agenda.

I. PUBLIC HEARINGS

At the discretion of the Mayor, each speaker may speak for up to 3 minutes on each public hearing item.

7. Conduct Public Hearing to Consider Adopting a Resolution Providing for [20-0080](#)
Annual Levy and Collection of Street Lighting and Landscaping District
Maintenance Assessments for Fiscal Year 2020-2021 (Finance Director
Charelian).
a) **CONDUCT PUBLIC HEARING**
b) **ADOPT RESOLUTION NO. 20-0066 PROVIDING FOR ANNUAL
LEVY AND COLLECTION OF FISCAL YEAR 2020-2021
MAINTENANCE ASSESSMENTS**

Attachments: [Resolution No. 20-0066](#)

[Engineers Report Fiscal Year 2020-2021](#)

J. GENERAL BUSINESS

Each speaker may speak for up to 2 minutes on each general business item.

8. Consider Adopting a Resolution Approving Memorandum of Understanding with Oceanographic Teaching Stations for a Six-Month Pilot Program Authorizing the Use of the Roundhouse for Fundraising Events (Parks and Recreation Director Leyman).

[20-0211](#)

ADOPT RESOLUTION NO. 20-0043

Attachments: [Resolution No. 20-0043](#)
[Memorandum of Understanding - Oceanographic Teaching Stations, Inc.](#)
[Letter from Oceanographic Teaching Stations](#)

K. CITY COUNCIL REQUESTS AND REPORTS INCLUDING AB 1234 REPORTS

In addition to providing reports of meetings and conferences attended by Councilmembers in connection with their official duties at City expense as required by AB 1234, Councilmembers requested at a previous City Council meeting that the following item(s) be placed on the agenda for discussion.

9. Request by Councilmember Stern to Conduct a Community Forum.
10. Request by Councilmember Napolitano to Discuss Response Regarding Responsible Policing and Use of Force Reform.

Attachments: [Memo](#)
[8CAN'WAIT: Current Law and Alternatives](#)

L. FUTURE AGENDA ITEMS

Councilmembers may request that items be placed on a future agenda with the concurrence of one other Councilmember.

M. CITY MANAGER REPORT

N. CITY ATTORNEY REPORT

O. INFORMATIONAL ITEMS

This section is for items that do not require City Council action.

P. CLOSED SESSION

Q. ADJOURNMENT

Meeting adjourned in memory of Manhattan Beach Police Department, Police Records/Technician Theresa Gaitan.

R. FUTURE MEETINGS

CITY COUNCIL MEETINGS

June 23, 2020 - Tuesday -- 6:00 PM - Adjourned Regular Meeting
June 25, 2020 - Thursday -- 12:00 PM - Adjourned Regular Meeting
June 30, 2020 - Tuesday -- 6:00 PM - Adjourned Regular Meeting
July 7, 2020 - Tuesday -- 6:00 PM - City Council Meeting
July 21, 2020 - Tuesday -- 6:00 PM - City Council Meeting
August 4, 2020 - Tuesday -- 6:00 PM - City Council Meeting
August 18, 2020 - Tuesday -- 6:00 PM - City Council Meeting
September 1, 2020 - Tuesday -- 6:00 PM - City Council Meeting
September 15, 2020 - Tuesday -- 6:00 PM - City Council Meeting
October 6, 2020 - Tuesday -- 6:00 PM - City Council Meeting
October 20, 2020 - Tuesday -- 6:00 PM - City Council Meeting
November 5, 2020 - Wednesday -- 6:00 PM - City Council Meeting
November 17, 2020 - Tuesday -- 6:00 PM - City Council Meeting
December 1, 2020 - Tuesday -- 6:00 PM - City Council Meeting (Reorganization)
December 15, 2020 - Tuesday -- 6:00 PM - City Council Meeting

BOARDS, COMMISSIONS AND COMMITTEE MEETINGS

June 15, 2020 - Monday - 6:00 PM - Cultural Arts Commission Meeting (Cancelled)
June 22, 2020 - Monday - 6:00 PM - Parks and Recreation Commission Meeting (Cancelled)
June 24, 2020 - Wednesday - 3:00 PM - Planning Commission Meeting
July 8, 2020 - Wednesday - 6:00 PM - Planning Commission Meeting
July 13, 2020 - Monday - 6:00 PM - Library Commission Meeting
July 20, 2020 - Monday - 6:00 PM - Cultural Arts Commission Meeting
July 22, 2020 - Wednesday - 6:00 PM - Planning Commission Meeting
July 23, 2020 - Thursday - 6:00 PM - Parking and Public Improvements Commission
July 27, 2020 - Monday - 6:00 PM - Parks and Recreation Commission Meeting
August 10, 2020 - Monday - 6:00 PM - Library Commission Meeting
August 12, 2020 - Wednesday - 6:00 PM - Planning Commission Meeting
August 17, 2020 - Monday - 6:00 PM - Cultural Arts Commission Meeting
August 24, 2020 - Monday - 6:00 PM - Parks and Recreation Commission Meeting
August 26, 2020 - Wednesday - 6:00 PM - Planning Commission Meeting
August 27, 2020 - Thursday - 6:00 PM - Parking and Public Improvements Commission
September 9, 2020 - Wednesday - 6:00 PM - Planning Commission Meeting
September 14, 2020 - Monday - 6:00 PM - Library Commission Meeting
September 21, 2020 - Monday - 6:00 PM - Cultural Arts Commission Meeting
September 23, 2020 - Wednesday - 6:00 PM - Planning Commission Meeting
September 24, 2020 - Thursday - 6:00 PM - Parking and Public Improvements Commission
September 28, 2020 - Monday - 6:00 PM - Parks and Recreation Commission Meeting

S. CITY OFFICES CLOSED**CITY HOLIDAYS:**

July 4, 2020 - Friday - Independence Day

September 7, 2020 - Monday - Labor Day

October 12, 2020 – Monday – Columbus Day

November 11, 2020 – Wednesday – Veterans Day

November 26-27, 2020 - Thursday & Friday - Thanksgiving Holiday

December 25, 2020 - Friday - Christmas Day Observed

January 1, 2021 – Friday – New Years Day Observed

January 18, 2021 – Monday – Martin Luther King Day

February 15, 2021 - Monday - Presidents Day

May 31, 2021 – Monday – Memorial Day



Agenda Date: 6/16/2020

TO:

Members of the City Council

FROM:

Mayor Montgomery

SUBJECT:

Presentation of City Plaques to Outgoing Commissioners and Boardmembers: Outgoing Parks & Recreation Commissioner Jackson; Outgoing Library Commissioner Parikh; Outgoing Cultural Arts Commissioners Bennett and May; Outgoing Parking and Public Improvements Commissioners Delk and Longhurst; and Outgoing Board of Building Appeals Members Adami and Nordberg.

PRESENT

**The City Council of the City of Manhattan Beach
Does Hereby Proudly Recognize
The Following Commissioners and Boardmembers
for their
Service to the City of Manhattan Beach**

Parks & Recreation Commission

Genevieve Jackson

Library Commission

Karina Parikh

Cultural Arts Commission

Georgia Bennett

Jacquelyne May

Parking and Public Improvements Commission

Steven Delk

Scott Longhurst

Board of Building Appeals

Dr. Cyrus Adami
Thomas Nordberg



CITY OF MANHATTAN BEACH CITY HALL

1400 Highland Avenue, Manhattan Beach, CA 90266

WEBSITE: www.citymb.info • **PHONE:** (310) 802-5000

AGENDA ITEM NO. 2

Discussion Regarding the Re-Opening of the Pier.



CITY OF MANHATTAN BEACH CITY HALL

1400 Highland Avenue, Manhattan Beach, CA 90266

WEBSITE: www.citymb.info • **PHONE:** (310) 802-5000

AGENDA ITEM NO. 3

City Manager Report on EOC (Emergency Operations Center) and Update on COVID-19 Response.



CITY OF MANHATTAN BEACH CITY HALL

1400 Highland Avenue, Manhattan Beach, CA 90266

WEBSITE: www.citymb.info • **PHONE:** (310) 802-5000

AGENDA ITEM NO. 4

City Council to Consider Additional Measures to Address COVID-19.



Agenda Date: 6/16/2020

TO:

Honorable Mayor and Members of the City Council

THROUGH:

Bruce Moe, City Manager

FROM:

Steve S. Charelian, Finance Director
Henry Mitzner, Controller
Julie Bondarchuk, Senior Accountant

SUBJECT:

Financial Report:
Schedule of Demands: May 28, 2020 (Finance Director Charelian).

ACCEPT REPORT AND DEMANDS

RECOMMENDATION:

Staff recommends that the City Council accept the attached report and demands.

FISCAL IMPLICATIONS:

The financial report included herein is designed to communicate fiscal activity based upon adopted and approved budget appropriations. No further action of a fiscal nature is requested as part of this report.

The total value of the warrant registers for May 28, 2020, is \$2,326,385.93.

BACKGROUND:

Finance staff prepares a variety of financial reports for City Council and the Finance Subcommittee. A brief discussion of the attached report follows.

DISCUSSION:

Schedule of Demands:

Every two weeks staff prepares a comprehensive listing of all disbursements with staff certification that the expenditure transactions listed have been reviewed and are within budgeted appropriations.

PUBLIC OUTREACH:

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. Schedule of Demands for May 28, 2020

City of Manhattan Beach



Schedule of Demands

May 28, 2020

CITY OF MANHATTAN BEACH

WARRANT REGISTER

WARRANT(S) WR 25A

DATED: 05/28/2020

I HEREBY CERTIFY THAT THE CLAIMS OR DEMANDS COVERED BY THE ABOVE WARRANT(S) IN THE AMOUNT OF \$2,326,385.93 HAVE BEEN REVIEWED AND THAT SAID CLAIMS OR DEMANDS ARE ACCURATE, ARE IN CONFORMANCE WITH THE ADOPTED BUDGET, AND THAT THE FUNDS ARE AVAILABLE THEREOF.



FINANCE DIRECTOR

THIS 16TH DAY OF JUNE

CITY MANAGER

WARRANT REGISTER(S) WR 25A

WARRANT(S)	25A	876,740.94
PREPAID WIRES / MANUAL CKS	25A	531,476.30
SUBTOTAL WARRANTS		<u>1,408,217.24</u>
VOIDS	25A	(405.76)
PAYROLL PE 5/22/2020	PY	918,574.45
TOTAL WARRANTS		<u><u>2,326,385.93</u></u>

**CITY OF MANHATTAN BEACH
WARRANT REGISTER**

WARRANT BATCH NUMBER:

CHECK NO.	DATE	TYPE	PAYEE NAME	PAYMENT DESCRIPTION	CHECK AMOUNT
906012020	6/1/2020	T	UNION BANK	F.I.T./ MEDICARE/S.I.T.	263,297.06
906022020	6/2/2020	T	PUBLIC EMPLOYEES'	PENSION SAFETY - CLASSIC: PAYMENT	268,179.24
SUBTOTAL					531,476.30
542434	5/28/2020	N	ADAMSON POLICE PRODUCTS	C50 MASK FOR PD	25,732.77
542435	5/28/2020	N	ADLERHORST INTERNATIONAL LLC	SOUTH BAY K-9 UPDATE/MAINTENANCE TRAIN	350.00
542436	5/28/2020	N	ADMINSURE INC	WORKERS COMP & MEDICAL BILL REVIEW	18,111.00
542437	5/28/2020	N	ADVANCED IMAGING STRATEGIES	5YR MULTIFUNCTION COPIERS & PRINTERS AG	11,097.29
542438	5/28/2020	N	AM-TEC TOTAL SECURITY INC	SECURITY/ALARM SYSTEMS	938.76
542439	5/28/2020	N	ARDURRA GROUP INC	DESIGN SERVICES - STREET RESURFACING PRC	6,578.43
542440	5/28/2020	N	AT&T	T1 LINE TO RCC	338.90
542441	5/28/2020	N	AT&T MOBILITY	CELLULAR CHARGES	6,715.51
542442	5/28/2020	N	AUTO INDULGENCE INC	SHIELDS AND CURTAINS FOR WORK AREAS	7,484.33
542443	5/28/2020	N	AVANT GARDE INC	FUNDING ADMINISTRATION	1,230.00
542444	5/28/2020	N	B M LINDSEY INC	REFUND TREE DEPOSIT	9,000.00
542445	5/28/2020	N	BEVERLY BAIRD	PARKS & RECREATION REFUND	30.00
542446	5/28/2020	N	BARTEL ASSOCIATES LLC	ACTUARIAL CONSULTING SERVICES	500.00
542447	5/28/2020	N	GAIL OR GARY BETTS	PARKS & RECREATION REFUND	24.50
542448	5/28/2020	N	BIG BELLY SOLAR LLC	BIG BELLY BAGS - YEAR 2	2,032.83
542449	5/28/2020	N	HAYLEY BLOCKLEY	PARKS & RECREATION REFUND	17.38
542450	5/28/2020	N	BORDER RECAPING LLC	CITY EQUIPMENT TIRES AND ON-SITE INSTALL	723.89
542451	5/28/2020	N	CECILY BRAY	PARKS & RECREATION REFUND	24.50
542452	5/28/2020	N	CA NEWSPAPER PARTNERSHIP	ADVERTISING	5,110.00
542453	5/28/2020	N	CA NEWSPAPER PARTNERSHIP	ADVERTISING	3,530.00

**CITY OF MANHATTAN BEACH
WARRANT REGISTER**

WARRANT BATCH NUMBER:

CHECK NO.	DATE	TYPE	PAYEE NAME	PAYMENT DESCRIPTION	CHECK AMOUNT
542454	5/28/2020	N	CA NEWSPAPER PARTNERSHIP	ADVERTISING	2,346.40
542455	5/28/2020	N	CA NEWSPAPER PARTNERSHIP	ADVERTISING	1,486.10
542456	5/28/2020	N	CAL ACT	SHIPPING COST FOR SURGICAL MASKS	146.16
542457	5/28/2020	N	CELLCO PARTNERSHIP	CONTRACT SERVICES	315.15
542458	5/28/2020	N	CITY OF GLENDALE	15-03530C CONTRACT SERVICES	75.00
542459	5/28/2020	N	CONTAINER ALLIANCE CO	LIVE OAK PARK STORAGE CONTAINER	5,869.08
542460	5/28/2020	N	CORODATA RECORDS MANAGEMENT	OFFICE RECORDS STORAGE SERVICES	40.00
542461	5/28/2020	N	CORRPRO COMPANIES INC	INSPECTION OF CATHODIC PROTECTION SYSTI	775.00
542462	5/28/2020	N	PATRICIA CUTLER	PARKS & RECREATION REFUND	40.00
542463	5/28/2020	N	SHANNON DAVEY	PARKS & RECREATION REFUND	30.00
542464	5/28/2020	N	DELTA DENTAL OF CALIFORNIA	DENTAL PREMIUMS	30,980.01
542465	5/28/2020	N	LAURA DOTSON	PARKS & RECREATION REFUND	30.00
542466	5/28/2020	N	DYNTEK SERVICES INC	STORAGE AREA NETWORK SOLUTION	20,800.51
542467	5/28/2020	N	EVANS BROOKS ASSOCIATES	PROJECT MANAGEMENT SERVICES FOR FEDER	1,235.00
542468	5/28/2020	N	FEDERAL EXPRESS CORPORATION	DELIVERY CHARGES	37.70
542469	5/28/2020	N	FRONTIER CALIFORNIA INC	CABLE SERVICE	7,816.29
542470	5/28/2020	N	TONY FRYKLUND	VEHICLE GRAPHICS	402.50
542471	5/28/2020	N	FUTURE INDUSTRIAL TECHNOLOGY	WELLNESS SERVICES	3,500.00
542472	5/28/2020	N	GARDA CL WEST INC	ARMORED SERVICES	1,296.16
542473	5/28/2020	N	GOLD METROPOLITAN MEDIA	NMBID HOLIDAY BANNERS	2,141.36
542474	5/28/2020	N	JASON GORDON	REIMBURSEMENT	10.44
542475	5/28/2020	N	PING GU	PARKS & RECREATION REFUND	42.38

**CITY OF MANHATTAN BEACH
WARRANT REGISTER**

WARRANT BATCH NUMBER:

CHECK NO.	DATE	TYPE	PAYEE NAME	PAYMENT DESCRIPTION	CHECK AMOUNT
542476	5/28/2020	N	JULIE GUTHRIE	PARKS & RECREATION REFUND	30.00
542477	5/28/2020	N	HDR ENGINEERING INC	SEPULVEDA BRIDGE WIDENING	31,213.00
542478	5/28/2020	N	TERRI HERRICK	PARKS & RECREATION REFUND	30.00
542479	5/28/2020	N	ICMA RETIREMENT TRUST - 401	DEFERRED COMP 108075: PAYMENT	673.08
542480	5/28/2020	N	ICMA RETIREMENT TRUST - 401	LOAN REPAY 401 - 2.5%: PAYMENT	1,982.91
542481	5/28/2020	N	ICMA RETIREMENT TRUST - 457	DEFERRED COMP 457 & LOAN REPAY	87,214.84
542482	5/28/2020	N	ICMA RETIREMENT TRUST 401	DEFERRED COMP 109766: PAYMENT	9,358.23
542483	5/28/2020	N	INFOSEND INC	THREE-YEAR ELECTRONIC BILL PRESENTMEN	9,964.94
542484	5/28/2020	N	INSIGHT PUBLIC SECTOR INC	CISCO MERAKI SWITCHES	9,146.29
542485	5/28/2020	N	INTIME SOLUTIONS INC	EQUIPMENT	1,850.00
542486	5/28/2020	N	ITERIS INC	BATTERY BACKUP SYSTEM PROJECT - DESIGN	4,470.64
542487	5/28/2020	N	JOE MAR POLYGRAPH &	PRE-EMPLOYMENT POLYGRAPH SERVICES	200.00
542488	5/28/2020	N	K-9 SERVICES LLC	K9- MAINTENANCE TRAINING	1,000.00
542489	5/28/2020	N	JENNIFER KALLOK	EARNINGS WITHHOLDING	184.62
542490	5/28/2020	N	TINA KATCHEN GALL	CDBG PROJECT ADMINISTRATION SERVICES	800.00
542491	5/28/2020	N	KEVORK ENTERPRISES INC	AUTO BODY REPAIRS	3,910.44
542492	5/28/2020	N	CHOL M KIM	HAND SANITIZER	385.44
542493	5/28/2020	N	KITCHELL CORPORATION	HVAC DESIGN SERVICES - AMENDMENT NO. 1	9,390.00
542494	5/28/2020	N	KONICA MINOLTA BUSINESS SOLN	ONBASE ENTERPRISE DOCUMENT MANAGEME	20,717.26
542495	5/28/2020	N	L A COUNTY DEPT OF P W	TRAFFIC SERVICES	2,230.37
542496	5/28/2020	N	L A COUNTY MTA	LA METRO FEB 2020 TAP SALES	468.00
542497	5/28/2020	N	L A COUNTY MTA	LA METRO FEB 2020 REGULAR SV	6.00

**CITY OF MANHATTAN BEACH
WARRANT REGISTER**

WARRANT BATCH NUMBER:

CHECK NO.	DATE	TYPE	PAYEE NAME	PAYMENT DESCRIPTION	CHECK AMOUNT
542498	5/28/2020	N	ROSEMARY A LACKOW	MINUTES SECRETARY - AMENDMENT NO. 1 & 2	272.00
542499	5/28/2020	N	LIANNE LEM	PARKS & RECREATION REFUND	28.00
542500	5/28/2020	N	CAROLINE LESSICK	PARKS & RECREATION REFUND	75.60
542501	5/28/2020	N	LIEBERT CASSIDY WHITMORE	LEGAL SERVICES	1,938.00
542502	5/28/2020	N	ANGELA CHRISTINE LITRELL	ESTATE OF CHRIS SMITH	9,429.27
542503	5/28/2020	N	LOGIX SECURITY INC	SECURITY MONITORING	90.00
542504	5/28/2020	N	M B POLICE MGMT ASSC	DUES \$ (POL MGT ASSN): PAYMENT	525.00
542505	5/28/2020	N	M B POLICE OFFICERS ASSOCIA	DUES % (POLICE - %): PAYMENT	3,434.10
542506	5/28/2020	N	THOMAS MALONE	PARKS & RECREATION REFUND	28.00
542507	5/28/2020	N	MBPOA RETIREE	MD TRUST (MED TRUST): PAYMENT	2,250.00
542508	5/28/2020	N	MELAD AND ASSOCIATES INC	BUILDING PLAN CHECK & INSPECTIONS AND F	5,940.00
542509	5/28/2020	N	MERCHANTS LANDSCAPE SVCS INC	LANDSCAPE MAINTENANCE SERVICES	50,217.77
542510	5/28/2020	N	MERRIMAC ENERGY GROUP	BID# 1185-19, BULK FUEL	16,276.78
542511	5/28/2020	N	MTGL INC	DESIGN SERVICES FOR TRAFFIC SIGNAL MODII	2,335.00
542512	5/28/2020	N	NANCY K BOHL INCORPORATED	PUBLIC SAFETY EMPLOYEE ASSISTANCE PROG	1,750.00
542513	5/28/2020	N	CLAIRE NELSON	PARKS & RECREATION REFUND	30.00
542514	5/28/2020	N	NLS LIGHTING LLC	OPTICAL LIGHTING SYSTEMS	19,983.75
542515	5/28/2020	N	NTH GENERATION COMPUTING INC	COMMVault SOFTWARE RENEWAL	5,240.00
542516	5/28/2020	N	PACIFIC ADVANCED CIVIL ENG	LARSSON STREET PUMP STATION UPGRADE	15,095.00
542517	5/28/2020	N	FRANCES PAXSON	PARKS & RECREATION REFUND	28.00
542518	5/28/2020	N	MONIKA PETROCZY	UTILITY ART BOX PROJECT	250.00
542519	5/28/2020	N	PIER ESCROW INC	OVERPAYMENT REFUND	25.21

**CITY OF MANHATTAN BEACH
WARRANT REGISTER**

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CHECK NO.	DATE	TYPE	PAYEE NAME	PAYMENT DESCRIPTION	CHECK AMOUNT
542520	5/28/2020	N	PROGRESSIVE SOLUTIONS INC	SUBSCRIPTIONS	5,640.62
542521	5/28/2020	N	PSOMAS	LIBERTY VILLAGE PAVEMENT REHABILITATION	300.00
542522	5/28/2020	N	QUANTUM QUALITY CONSULTING INC	RESTROOM UPGRADE PROJECT	1,465.00
542523	5/28/2020	N	QUICKCAPTION INC	RFP: 1095-17, CLOSED CAPTION PROFESSIONAL	3,960.00
542524	5/28/2020	N	RINCON CONSULTANTS INC	EIR FOR SUNRISE SENIOR ASSISTED LIVING P	18,883.75
542525	5/28/2020	N	MATTHEW SABOSKY	REIMBURSEMENT	48.27
542526	5/28/2020	N	SHAW HR CONSULTING INC	CONTRACT SERVICES	780.00
542527	5/28/2020	N	SOUTHERN CALIFORNIA EDISON	STREET LIGHTING CHARGES	7,607.46
542528	5/28/2020	N	SOUTHERN CALIFORNIA EDISON	MONTHLY ELECTRIC CHARGES	40,097.12
542529	5/28/2020	N	SOUTHERN CALIFORNIA GAS CO	MONTHLY GAS CHARGES	4,893.02
542530	5/28/2020	N	SPCA LA	ANIMAL SHELTERING SERVICES	550.00
542531	5/28/2020	N	STANDARD INSURANCE COMPANY	SHORT TER DISABILITY PREMIUMS	1,706.03
542532	5/28/2020	N	STANDARD INSURANCE COMPANY	LIFE AD&D LTD PREMIUMS	12,395.54
542533	5/28/2020	N	STATE DISBURSEMENT UNIT	EARNINGS WITHHOLDING	917.57
542534	5/28/2020	N	STATE DISBURSEMENT UNIT	EARNINGS WITHHOLDING	230.76
542535	5/28/2020	N	STATE DISBURSEMENT UNIT	EARNINGS WITHHOLDING	92.30
542536	5/28/2020	N	STATE OF CALIFORNIA	DEPARTMENT OF JUSTICE - FINGERPRINTING	164.00
542537	5/28/2020	N	STEPHAN T HONDA MD INC	PRE-EMPLOYMENT PHYSICALS	470.00
542538	5/28/2020	N	THE CODE GROUP INC	BUILDING PLAN CHECK & INSPECTIONS AND F	12,575.00
542539	5/28/2020	N	THE EDGE FITNESS TRAINING	FITNESS INSTRUCTOR/CONSULTANT	215.00
542540	5/28/2020	N	THE PITNEY BOWES BANK INC	POSTAGE FUND RESERVE ACCOUNT	6,000.00
542541	5/28/2020	N	PAMELA THOMAS	PARKS & RECREATION REFUND	60.00

**CITY OF MANHATTAN BEACH
WARRANT REGISTER**

WARRANT BATCH NUMBER:

CHECK NO.	DATE	TYPE	PAYEE NAME	PAYMENT DESCRIPTION	CHECK AMOUNT
542542	5/28/2020	N	THOMSON REUTERS-WEST PUBLISH	WEB-BASED PUBLIC RECORDS DATABASE SEA	446.52
542543	5/28/2020	N	TILLMAN FORENSIC INVEST LLC	FINGERPRINT IDENTIFICATION SERVICES	300.00
542544	5/28/2020	N	TIME WARNER CABLE INC	CABLE SERVICES	4,626.06
542545	5/28/2020	N	TOTAL ADMINISTRATIVE SVCS CORP	CHILD125 (CHILD 125 PLAN): PAYMENT	7,759.91
542546	5/28/2020	N	TYLER TECHNOLOGIES INC	MUNIS ENTERPRISE RESOURCE PLANNING SOI	15,300.00
542547	5/28/2020	N	U.S. BANK	P/T EMP RETIREMENT CONTRIB: PAYMENT	1,406.26
542548	5/28/2020	N	UNIFIRST CORPORATION	UNIFORM AND SAFETY MAT RENTAL SERVICES	1,254.53
542549	5/28/2020	N	UNITED PARCEL SERVICE	DELIVERY SERVICE	62.00
542550	5/28/2020	N	UNITED SITE SVCS OF CA INC	FENCING	79.04
542551	5/28/2020	N	US BANCORP CARD SERVICES INC	D-CARD CHARGES	145,271.26
542552	5/28/2020	N	UST OPERATORS OF SO CALIF INC	UNDERGROUND STORAGE TANKS	2,990.00
542553	5/28/2020	N	VANTAGEPOINT TRANSFER AGENTS	RETMNT HLTH SAVINGS CONTRIB: PAYMENT	1,402.04
542554	5/28/2020	N	ROBIN L VARGAS	EARNINGS WITHHOLDING	553.85
542555	5/28/2020	N	VISION SERVICE PLAN - (CA)	VISION PREMIUMS	3,936.16
542556	5/28/2020	N	WESTCHESTER MEDICAL GROUP	EMERGENCY PERSONNEL PHYSICALS - AMEND	1,545.00
542557	5/28/2020	N	WESTMED AMBULANCE INC	BLS TRANSPORT FROM MANHATTAN BEACH	61,180.00
542558	5/28/2020	N	ANN WICKLER	PARKS & RECREATION REFUND	28.00
542559	5/28/2020	N	TIFFANY WILSON	PARKS & RECREATION REFUND	30.00
542560	5/28/2020	N	LISA ZUCKER	PARKS & RECREATION REFUND	66.00
SUBTOTAL					876,740.94

3:42:36PM
5/28/2020

**CITY OF MANHATTAN BEACH
WARRANT REGISTER**

WARRANT BATCH NUMBER:

CHECK NO.	DATE	TYPE	PAYEE NAME	PAYMENT DESCRIPTION	CHECK AMOUNT
COMBINED TOTAL					1,408,217.24

PAYMENT LEGEND:
T = Wire Transfers
N = System Printed Checks
H = Hand Written Checks

**CITY OF MANHATTAN BEACH
WARRANT REGISTER
CHECKS EQUAL TO OR ABOVE
\$2,500.00**

WARRANT BATCH NUMBER: wr 25a

CHECK NO.	DATE	TYPE	PAYEE NAME	PAYMENT DESCRIPTION	CHECK AMOUNT
906012020	6/1/2020	T	UNION BANK	F.I.T./ MEDICARE/S.I.T.	263,297.06
906022020	6/2/2020	T	PUBLIC EMPLOYEES'	PENSION SAFETY - CLASSIC: PAYMENT	268,179.24
SUBTOTAL					531,476.30
542434	5/28/2020	N	ADAMSON POLICE PRODUCTS	C50 MASK FOR PD	25,732.77
542436	5/28/2020	N	ADMINSURE INC	WORKERS COMP & MEDICAL BILL REVIEW	18,111.00
542437	5/28/2020	N	ADVANCED IMAGING STRATEGIES	5YR MULTIFUNCTION COPIERS & PRINTERS AG	11,097.29
542439	5/28/2020	N	ARDURRA GROUP INC	DESIGN SERVICES - STREET RESURFACING PRC	6,578.43
542441	5/28/2020	N	AT&T MOBILITY	CELLULAR CHARGES	6,715.51
542442	5/28/2020	N	AUTO INDULGENCE INC	SHIELDS AND CURTAINS FOR WORK AREAS	7,484.33
542444	5/28/2020	N	B M LINDSEY INC	REFUND TREE DEPOSIT	9,000.00
542452	5/28/2020	N	CA NEWSPAPER PARTNERSHIP	ADVERTISING	5,110.00
542453	5/28/2020	N	CA NEWSPAPER PARTNERSHIP	ADVERTISING	3,530.00
542459	5/28/2020	N	CONTAINER ALLIANCE CO	LIVE OAK PARK STORAGE CONTAINER	5,869.08
542464	5/28/2020	N	DELTA DENTAL OF CALIFORNIA	DENTAL PREMIUMS	30,980.01
542466	5/28/2020	N	DYNTEK SERVICES INC	STORAGE AREA NETWORK SOLUTION	20,800.51
542469	5/28/2020	N	FRONTIER CALIFORNIA INC	CABLE SERVICE	7,816.29
542471	5/28/2020	N	FUTURE INDUSTRIAL TECHNOLOGY	WELLNESS SERVICES	3,500.00
542477	5/28/2020	N	HDR ENGINEERING INC	SEPULVEDA BRIDGE WIDENING	31,213.00
542481	5/28/2020	N	ICMA RETIREMENT TRUST - 457	DEFERRED COMP 457 & LOAN REPAY	87,214.84
542482	5/28/2020	N	ICMA RETIREMENT TRUST 401	DEFERRED COMP 109766: PAYMENT	9,358.23
542483	5/28/2020	N	INFOSEND INC	THREE-YEAR ELECTRONIC BILL PRESENTMEN'	9,964.94
542484	5/28/2020	N	INSIGHT PUBLIC SECTOR INC	CISCO MERAKI SWITCHES	9,146.29
542486	5/28/2020	N	ITERIS INC	BATTERY BACKUP SYSTEM PROJECT - DESIGN	4,470.64

**CITY OF MANHATTAN BEACH
WARRANT REGISTER
CHECKS EQUAL TO OR ABOVE
\$2,500.00**

WARRANT BATCH NUMBER: wr 25a

CHECK NO.	DATE	TYPE	PAYEE NAME	PAYMENT DESCRIPTION	CHECK AMOUNT
542491	5/28/2020	N	KEVORK ENTERPRISES INC	AUTO BODY REPAIRS	3,910.44
542493	5/28/2020	N	KITCHELL CORPORATION	HVAC DESIGN SERVICES - AMENDMENT NO. 1	9,390.00
542494	5/28/2020	N	KONICA MINOLTA BUSINESS SOLN	ONBASE ENTERPRISE DOCUMENT MANAGEME	20,717.26
542502	5/28/2020	N	ANGELA CHRISTINE LITTRELL	ESTATE OF CHRIS SMITH	9,429.27
542505	5/28/2020	N	M B POLICE OFFICERS ASSOCIA	DUES % (POLICE - %): PAYMENT	3,434.10
542508	5/28/2020	N	MELAD AND ASSOCIATES INC	BUILDING PLAN CHECK & INSPECTIONS AND F	5,940.00
542509	5/28/2020	N	MERCHANTS LANDSCAPE SVCS INC	LANDSCAPE MAINTENANCE SERVICES	50,217.77
542510	5/28/2020	N	MERRIMAC ENERGY GROUP	BID# 1185-19, BULK FUEL	16,276.78
542514	5/28/2020	N	NLS LIGHTING LLC	OPTICAL LIGHTING SYSTEMS	19,983.75
542515	5/28/2020	N	NTH GENERATION COMPUTING INC	COMMVAULT SOFTWARE RENEWAL	5,240.00
542516	5/28/2020	N	PACIFIC ADVANCED CIVIL ENG	LARSSON STREET PUMP STATION UPGRADE	15,095.00
542520	5/28/2020	N	PROGRESSIVE SOLUTIONS INC	SUBSCRIPTIONS	5,640.62
542523	5/28/2020	N	QUICKCAPTION INC	RFP: 1095-17, CLOSED CAPTION PROFESSIONA	3,960.00
542524	5/28/2020	N	RINCON CONSULTANTS INC	EIR FOR SUNRISE SENIOR ASSISTED LIVING P	18,883.75
542527	5/28/2020	N	SOUTHERN CALIFORNIA EDISON	STREET LIGHTING CHARGES	7,607.46
542528	5/28/2020	N	SOUTHERN CALIFORNIA EDISON	MONTHLY ELECTRIC CHARGES	40,097.12
542529	5/28/2020	N	SOUTHERN CALIFORNIA GAS CO	MONTHLY GAS CHARGES	4,893.02
542532	5/28/2020	N	STANDARD INSURANCE COMPANY	LIFE AD&D LTD PREMIUMS	12,395.54
542538	5/28/2020	N	THE CODE GROUP INC	BUILDING PLAN CHECK & INSPECTIONS AND F	12,575.00
542540	5/28/2020	N	THE PITNEY BOWES BANK INC	POSTAGE FUND RESERVE ACCOUNT	6,000.00
542544	5/28/2020	N	TIME WARNER CABLE INC	CABLE SERVICES	4,626.06
542545	5/28/2020	N	TOTAL ADMINISTRATIVE SVCS CORP	CHILD125 (CHILD 125 PLAN): PAYMENT	7,759.91

3:45:27PM
5/28/2020

CITY OF MANHATTAN BEACH
WARRANT REGISTER
CHECKS EQUAL TO OR ABOVE
\$2,500.00

WARRANT BATCH NUMBER: wr 25a

CHECK NO.	DATE	TYPE	PAYEE NAME	PAYMENT DESCRIPTION	CHECK AMOUNT
542546	5/28/2020	N	TYLER TECHNOLOGIES INC	MUNIS ENTERPRISE RESOURCE PLANNING SOI	15,300.00
542551	5/28/2020	N	US BANCORP CARD SERVICES INC	D-CARD CHARGES	145,271.26
542552	5/28/2020	N	UST OPERATORS OF SO CALIF INC	UNDERGROUND STORAGE TANKS	2,990.00
542555	5/28/2020	N	VISION SERVICE PLAN - (CA)	VISION PREMIUMS	3,936.16
542557	5/28/2020	N	WESTMED AMBULANCE INC	BLS TRANSPORT FROM MANHATTAN BEACH	61,180.00
SUBTOTAL					826,443.43
COMBINED TOTAL					1,357,919.73

PAYMENT LEGEND:

T = Wire Transfers
N = System Printed Checks
H = Hand Written Checks

Check History Listing
CITY OF MANHATTAN BEACH

Bank code: union

Check #	Date	Vendor	Status	Clear/Void Date	Invoice	Inv. Date	Amount Paid	Check Total
542431	05/14/2020	38078 MARK WESTFALL	V	05/28/2020	4299-0010	04/09/2020	405.76	405.76
							union Total:	405.76
1 checks in this report							Total Checks:	405.76

Report of Warrant Disbursements
wr 25a

Fund	Description	Amount
100	General	1,118,112.03
201	Street Light	14,781.03
205	Streets & Highways	2,451.20
210	Asset Forfeiture	315.15
230	Prop A	675.10
231	Prop C	39,647.03
401	Capital Improvements	16,612.84
501	Water	18,779.75
502	Storm	722.88
503	Waste Water	10,054.40
510	Refuse	4,945.40
520	Parking	28,461.22
521	County Parking Lot	1,139.88
522	State Pier Lots	1,496.36
601	Insurance	23,371.00
605	Information Services	76,287.22
610	Vehicle Fleet	24,529.29
615	Building Maintenance	25,560.25
710	UAD Debt Service	25.21
802	Trust Deposit	250.00
wr 25a		<u>1,408,217.24</u>

**Report of Warrant Disbursements
wr 25a**

Fund

Description

Amount

1,408,217.24

CITY OF MANHATTAN BEACH PAYROLL
PAY PERIOD: 05/09/20 TO 05/22/20
PAY DATE: 05/29/20

NET PAY 918,574.45

5/9/2020

5/22/2020

CITY OF MANHATTAN BEACH PAYROLL REPORT

PAYROLL PERIOD ENDING DATE

5/22/2020

FUND	DESCRIPTION	AMOUNT
100	General Fund	1,244,806.03
210	Asset Forfeiture Fund	4,391.01
230	Prop. A Fund	14,780.76
501	Water Fund	29,240.72
502	Stormwater Fund	2,390.11
503	Wastewater Fund	8,641.57
510	Refuse Fund	3,397.13
520	Parking Fund	3,744.84
521	County Parking Lots Fund	998.14
522	State Pier and Parking Lot Fund	998.10
601	Insurance Reserve Fund	13,854.58
605	Information Technology Fund	32,915.88
610	Fleet Management Fund	11,985.61
615	Building Maintenance & Operations Fund	16,051.30
801	Pension Trust Fund	8,726.92
		1,396,922.70
		478,348.25
		918,574.45
	Gross Pay	1,396,922.70
	Deductions	478,348.25
	Net Pay	918,574.45



Agenda Date: 6/16/2020

TO:

Honorable Mayor and Members of the City Council

THROUGH:

Bruce Moe, City Manager

FROM:

Liza Tamura, City Clerk
City Attorney, Quinn Barrow
Martha Alvarez, Senior Deputy City Clerk

SUBJECT:

Consider Adopting Resolutions Calling and Giving Notice Pertaining to the November 3, 2020, General Municipal Election to be Conducted by the Los Angeles County Registrar - Recorder/County Clerk (City Clerk Tamura and City Attorney Barrow).

ADOPT RESOLUTION NOS. 20-0061, 20-0062 AND 20-0063

RECOMMENDATION:

Staff recommends that the City Council adopt Resolutions Calling and Giving Notice pertaining to the November 3, 2020, General Municipal Election to be conducted by the Los Angeles County Registrar - Recorder/County Clerk.

FISCAL IMPLICATIONS:

Sufficient funds are currently budgeted in the Fiscal Year 2020-2021 City Clerk budget to conduct various services related to the November 3, 2020, General Municipal Election.

BACKGROUND AND DISCUSSION:

With the passage of SB 415, which became effective January 1, 2018, the City Council changed municipal election days from March odd years to November even years. The November 3, 2020, General Municipal Election will be the City's first consolidated election to be conducted by the Los Angeles County Registrar-Recorder/County Clerk since the passage of the bill.

The November 3, 2020, General Municipal Election for the City of Manhattan Beach is for the purpose of electing three City Council seats and one City Treasurer seat.

The Registrar will administer, manage and oversee the operational portion of the City's election, including voting processes, ballot counting and canvass of the votes, which will take place at the

Registrar's office. The City Clerk will continue to serve as the Elections Official, manage the nomination filing process, Fair Political Practices Commission (FPPC) filings, creating/publishing official election notices relating to calling an election and nominations, and serve as the liaison between the City and Registrar.

In April 2020, the City was notified by the Los Angeles County Registrar/County Clerk that due to COVID-19 the November 2020 election would be a Vote-by-Mail ballot only.

Note that the election on November 3, 2020, also coincides with the regularly scheduled City Council Meeting. Therefore, the November 3, 2020, Regular City Council meeting has been rescheduled to Wednesday, November 4, 2020, at 6:00 PM.

PUBLIC OUTREACH/INTEREST:

In addition to the required publishing of election legal notice(s) in The Beach Reporter, Staff will also include the following:

- Posting of election information on the City's website.
- Maintaining an election express button on the City's homepage for direct access to City election information.
- Utilizing street banners to remind residents of the November 3, 2020, election.
- Posting to Social Media to publicize City elections and encourage voter participation.
- Publishing the preliminary and actual election results on the City's website.

ENVIRONMENTAL REVIEW

The City has reviewed the proposed activity for compliance with the California Environmental Quality Act (CEQA) and has determined that the activities are not "Projects" 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.

CONCLUSION

Upon passage of the Resolutions, staff will forward a certified copy to the Los Angeles County Registrar-Recorder/County Clerk's Office and the Los Angeles County Board of Supervisors to properly schedule and initiate the November 3, 2020, General Municipal Election for the City of Manhattan Beach.

ATTACHMENTS:

1. Resolution No. 20-0061 - Call and Notice of General Municipal Election
2. Resolution No. 20-0062 - Candidate's Requirements
4. Resolution No. 20-0063 - Consolidated Election

RESOLUTION NO. 20-0061

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH, CALIFORNIA, CALLING FOR THE HOLDING OF A GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 3, 2020, FOR THE ELECTION OF CERTAIN OFFICERS AS REQUIRED BY THE PROVISIONS OF THE LAWS OF THE STATE OF CALIFORNIA RELATING TO GENERAL LAW CITIES

WHEREAS, under the provisions of the laws relating to general law cities in the State of California, a General Municipal Election shall be held on November 3, 2020, for the election of Municipal Officers; and

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. That pursuant to the requirements of the laws of the State of California relating to General Law Cities, there is called and ordered to be held in the City of Manhattan Beach, California, on Tuesday, November 3, 2020, a General Municipal Election for the purpose of electing three Councilmembers for the full term of four years and a City Treasurer for the full term of four years.

SECTION 2. That the ballots to be used at the election shall be in form and content as required by law.

SECTION 3. That the City Clerk is authorized, instructed and directed to coordinate with the County of Los Angeles Registrar-Recorder/County Clerk to procure and furnish any and all official ballots, notices, printed matter and all supplies, equipment and paraphernalia that may be necessary in order to properly and lawfully conduct the election.

SECTION 4. That vote centers for the election shall be open as required during the identified voting period pursuant to Elections Code sections 4007 and 14401.

SECTION 5. That in all particulars not recited in this resolution, the election shall be held and conducted as provided by law for holding municipal elections.

SECTION 6. That notice of the time and place of holding the election is given and the City Clerk is authorized, instructed and directed to give further or additional notice of the election, in time, form and manner as required by law.

SECTION 7. That in the event of a tie vote if any two or more persons receive an equal and the highest number of votes for an office as certified by the County of Los Angeles Registrar-Recorder/County Clerk, the City Council, in accordance with Election Code § 15651(a), shall set date and time and place and summon the candidates who have received the tie votes to appear and will determine the tie by lot.

SECTION 8. That the City Clerk shall certify to the passage and adoption of this

Resolution and enter it into the book of original Resolutions.

SECTION 9. The City Council authorizes the City Clerk to administer said election and all reasonable and actual election expenses shall be paid by the City upon presentation of a properly submitted bill.

ADOPTED June 16, 2020.

AYES:
NOES:
ABSENT:
ABSTAIN:

RICHARD MONTGOMERY
Mayor

ATTEST:

LIZA TAMURA
City Clerk

RESOLUTION NO. 20-0062

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH, CALIFORNIA, ADOPTING REGULATIONS FOR CANDIDATES FOR ELECTIVE OFFICE PERTAINING TO CANDIDATES STATEMENTS SUBMITTED TO THE VOTERS AT AN ELECTION (TO BE HELD ON TUESDAY, NOVEMBER 3, 2020).

WHEREAS, §13307 of the Elections Code of the State of California provides that the governing body of any local agency adopt regulations pertaining to materials prepared by any candidate for a municipal election, including costs of the candidate's statement;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH, CALIFORNIA, DOES HEREBY RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. GENERAL PROVISIONS. That pursuant to §13307 of the Elections Code of the State of California, each candidate for elective office to be voted for at an Election to be held in the City of Manhattan Beach (on November 3, 2020) may prepare a candidate's statement on an appropriate form provided by the City Clerk. The statement may include the name, age and occupation of the candidate and a brief description of no more than 200 words of the candidate's education and qualifications expressed by the candidate himself or herself. The statement shall not include party affiliation of the candidate, nor membership or activity in partisan political organizations. The statement shall be filed in typewritten form in the office of the City Clerk at the time the candidate's nomination papers are filed. The statement may be withdrawn, but not changed, during the period for filing nomination papers and until 4:30 PM of the next working day after the close of the nomination period.

SECTION 2. SPANISH LANGUAGE. The City Clerk shall have translated and printed in the voters pamphlet only the candidates statements of those Candidates who request translation and printing at the candidate's expense.

SECTION 3. PAYMENT.

- a. The candidate shall be required to pay for the cost of printing their candidate statement in English in the main voter pamphlet.
- b. The candidate shall be required to pay for the cost of translating their candidate statement into any required foreign language as specified pursuant to State and /or Federal law.
- c. The candidate shall be required to pay for the cost of printing their candidate statement in a foreign language in the main voter pamphlet.
- d. The candidate, at the time of filing their candidate statement for the November 3, 2020, General Municipal Election Sample Ballot, shall remit the established cost of \$500.00 for their proportionate share of the cost of printing their volunteered candidate statement in English. If

the candidate chooses to have their statement translated and printed in Spanish pursuant to Elections Code Section 13307, the candidate shall remit the additional established cost of \$750.00.

The City Clerk has estimated the total cost of printing, handling, translating, and mailing the candidate's statements filed pursuant to this section, including costs incurred as a result of complying with the Voting Rights Act of 1965 (as amended), and shall require each candidate filing a statement to pay in advance to the local agency his or her estimated pro rata share as a condition of having his or her statement included in the voter's pamphlet. In the event the estimated payment is required, the estimate is just an approximation of the actual cost that varies from one election to another election and may be significantly more or less than the estimate, depending on the actual number of candidates filing statements. Accordingly, the clerk is not bound by the estimate and may, on a pro rata basis, bill the candidate for additional actual expense or refund any excess paid depending on the final actual cost. In the event of underpayment, the clerk may require the candidate to pay the balance of the cost incurred. In the event of overpayment, the clerk shall prorate the excess amount among the candidates and refund the excess amount paid within 30 days of the election.

SECTION 4. MISCELLANEOUS.

- A) All translations shall be provided by professionally-certified translators.
- B) The City Clerk shall allow bullets to the same extent and manner as allowed in previous City elections.
- C) The City Clerk shall comply with all recommendations and standards set forth by the California Secretary of State regarding occupational designations and other matters relating to elections.

SECTION 5. ADDITIONAL MATERIALS. No candidate will be permitted to include additional materials in the sample ballot package.

SECTION 6. That the City Clerk shall provide each candidate or the candidate's representative a copy of this Resolution at the time nominating petitions are issued.

SECTION 7. That all previous resolutions establishing council policy on payment for candidates' statements are repealed.

SECTION 8. That the City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

ADOPTED June 16, 2020

Ayes:
Noes:
Absent:
Abstain:

ATTEST:

RICHARD MONTGOMERY
Mayor

RESOLUTION NO. 20-0063

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF LOS ANGELES TO ORDER THE CONSOLIDATION OF A GENERAL MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 3, 2020 WITH THE STATEWIDE GENERAL ELECTION TO BE HELD IN THE COUNTY OF LOS ANGELES THE SAME DAY; TO AUTHORIZE THE BOARD OF SUPERVISORS OF THE COUNTY OF LOS ANGELES TO CANVASS THE RETURNS OF SAID GENERAL MUNICIPAL ELECTION; AND TO REQUEST THAT THE REGISTRAR-RECORDER/COUNTY CLERK OF SAID COUNTY BE PERMITTED TO RENDER FULL SERVICES TO THE CITY OF MANHATTAN BEACH RELATING TO THE CONDUCT OF SAID GENERAL MUNICIPAL ELECTION PURSUANT TO CALIFORNIA ELECTIONS CODE SECTION 10403

WHEREAS, a General Municipal Election has been called by the City of Manhattan Beach to be held in the City of Manhattan Beach on November 3, 2020; and,

WHEREAS, a Statewide General Election to be held in the County of Los Angeles has been or will be called to be held on November 3, 2020; and,

WHEREAS, it is desired, pursuant to the authority found in California Elections Code section 10403, to consolidate said General Municipal Election with said Statewide General Election to be held in the County of Los Angeles;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Manhattan Beach as follows:

SECTION 1. The Board of Supervisors of the County of Los Angeles is hereby respectfully requested to order the consolidation of said General/Special Municipal Election to be held on November 3, 2020, with the Statewide General Election to be held in the County of Los Angeles on November 3, 2020.

SECTION 2. The Board of Supervisors of the County of Los Angeles is hereby further respectfully requested to place upon the same ballot as that provided for said Statewide General Election to be held in the County of Los Angeles on November 3, 2020, the names of the candidates for the offices of

Councilmember, Full Term
Councilmember, Full Term
Councilmember, Full Term
Treasurer, Full Term

to be submitted to the electors of the City of Manhattan Beach at said General Municipal Election.

SECTION 3. The City of Manhattan Beach acknowledges that the consolidated election will be held and conducted in the manner prescribed in Section 10418 of the California Elections Code.

SECTION 4. The Board of Supervisors of the County of Los Angeles is hereby authorized and respectfully requested to canvass the returns of said General Municipal Election.

SECTION 5. The Board of Supervisors of the County of Los Angeles is hereby authorized and respectfully requested to authorize and permit the Registrar-Recorder/County Clerk of the County of Los Angeles to:

- a) Print and supply ballots for said City of Manhattan Beach General Municipal Election;
- b) Mail the City's sample ballots and candidate statements of qualifications to the electors of the City of Manhattan Beach as part of the same material that will be mailed to the voters of the Statewide General Election to be held in the County of Los Angeles;
- c) Perform such other services as may be required for the consolidation and conduct of said City of Manhattan Beach General Municipal Election with said Statewide General Election to be held in the County of Los Angeles.

SECTION 6. The vote centers for the election shall be open as required during the identified voting period pursuant to California Elections Code sections 4007 and 14401.

SECTION 7. The City shall reimburse the County of Los Angeles in full for the services performed on behalf of the City upon the presentation of a bill by the County.

SECTION 8. The City Clerk is hereby directed to deliver a certified copy of this resolution to the Board of Supervisors of the County of Los Angeles and to transmit an electronic copy to the Board of Supervisors and the Registrar-Recorder/County Clerk of the County of Los Angeles.

ADOPTED June 16, 2020.

RICHARD MONTGOMERY
Mayor

ATTEST:

LIZA TAMURA
City Clerk



Agenda Date: 6/16/2020

TO:

Honorable Mayor and Members of the City Council

THROUGH:

Bruce Moe, City Manager

FROM:

Steve S. Charelian, Finance Director
Henry Mitzner, Controller

SUBJECT:

Conduct Public Hearing to Consider Adopting a Resolution Providing for Annual Levy and Collection of Street Lighting and Landscaping District Maintenance Assessments for Fiscal Year 2020-2021 (Finance Director Charelian).

- a) **CONDUCT PUBLIC HEARING**
 - b) **ADOPT RESOLUTION NO. 20-0066 PROVIDING FOR ANNUAL LEVY AND COLLECTION OF FISCAL YEAR 2020-2021 MAINTENANCE ASSESSMENTS**
-

RECOMMENDATION:

Staff recommends that after conducting a public hearing, the City Council adopt Resolution No. 20-0066 providing for the annual levy and collection of Street Lighting and Landscaping District maintenance assessments for Fiscal Year (FY) 2020-2021.

FISCAL IMPLICATIONS:

The assessment rates remain unchanged from FY 2019-2020. The total assessments for FY 2020-2021 are \$377,688.

BACKGROUND:

The City provides for the maintenance costs of citywide street lighting and downtown landscaping through a Street Lighting and Landscaping Assessment District. The district was formed pursuant to the California Landscaping and Lighting Act of 1972. The district must be renewed annually through a series of City Council resolutions culminating with tonight's public hearing and adoption of the resolution.

The following is a summary of previous City Council actions:

April 10, 2020 - Adoption of Resolution No. 20-0045 ordering plans, specifications, cost estimates and the assessment engineer's report of annual assessments.

May 21, 2020 - Adoption of Resolution No. 20-0053 approving the assessment engineer's report for the annual levy of street lighting assessments for FY 2020-2021.

May 21, 2020 - Adoption of Resolution No. 20-0054 declaring the City Council's intention to provide for the annual levy and collection of assessments for street lighting maintenance and setting the public hearing for June 16, 2020.

DISCUSSION:

The assessments for FY 2020-2021 (\$377,688), combined with a City contribution of \$12,230 for Downtown Streetscape (zone 10), will be used entirely for maintenance and operation of the street lighting (zones 1 through 9) and the Downtown Streetscape (zone 10). The City contribution of \$12,230 represents benefit received by the City via the inclusion of City Hall frontage along Highland Avenue in the Streetscape area (zone 10). In addition, the General Fund will be providing an operating subsidy of \$185,802 to cover revenue and contribution shortfalls. The shortfall components are \$183,235 for street lighting (zones 1 through 9) and \$2,567 for Streetscape (zone 10). In summary, total estimated revenue, including the General Fund contribution for FY 2020-2021, is \$389,918, while the budgeted expenditures for all zones is \$575,720, resulting in a deficit of \$185,802.

As discussed during the FY 2020-2021 budget meetings and in prior staff reports, the Street Lighting and Landscaping Fund will require a subsidy from the General Fund in the current fiscal year (\$185,802) and for the foreseeable future. Ongoing deficits can be alleviated through service level reductions/efficiencies, increased assessments (requiring a Proposition 218 vote), or other new revenue sources which may also require voter approval.

This public hearing is the final step in the process to establish the FY 2020-2021 assessment. The public hearing has been properly noticed and the assessment engineer's report, map of assessment zones, and register of assessment levies have been placed on file with the City Clerk.

ATTACHMENTS:

1. Resolution No. 20-0066
2. Engineer's Report Fiscal Year 2020-2021

RESOLUTION NO. 20-0066

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH CONFIRMING A DIAGRAM AND ASSESSMENT FOR THE 2020-21 FISCAL YEAR, AND ORDERING THE IMPROVEMENTS IN CONNECTION WITH MANHATTAN BEACH LANDSCAPING AND STREET LIGHTING MAINTENANCE DISTRICT NO. 99 PURSUANT TO THE PROVISIONS OF PART 2 OF DIVISION 15 OF THE STREETS AND HIGHWAYS CODE

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

Section 1. The Manhattan Beach City Council by Resolution No. 20-0066 initiated proceedings for the levy and collection of assessments for the 2020-21 fiscal year for Manhattan Beach Landscaping and Street Lighting Maintenance District No. 99 (the "District") 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").

Section 2. The City Council ordered the preparation of a report and the engineer, Harris and Associates, prepared and filed with the City Clerk a report (the "Engineer's Report") pursuant to law for the City Council's consideration. The City Council thereafter adopted Resolution No. 20-0066 approving the Engineer's Report, and Resolution No. 20-0066 declaring the intention of the City Council to order the levy and collection of assessments to pay the costs and expenses of the maintenance and operation of public streets and sidewalks within the District, as more particularly described in Section 10 below, for the fiscal year commencing July 1, 2021, and ending June 30,

Section 3. Following notice given in accordance with law, the City Council held a full and fair public hearing on June 16, 2020 regarding protests and objections to the levy and collection of assessments within the District for the fiscal year commencing July 1, 2020, and ending June 30, 2021, to pay for the costs and expenses of the maintenance and operation of public streets and sidewalks within the District, as more particularly described in Section 10 below.

Section 4. At the public hearing, all interested persons were afforded the opportunity to hear and be heard regarding protests and objections to the levy and collection of the proposed assessments against lots or parcels of real property within the District. The City Council considered all oral and written statements, protests and communications made or filed by interested persons.

Section 5. Based upon its review of the Engineer's Report, a copy of which has been filed with the City Clerk, and other information presented to the City Council, the City Council finds and determines (i) that the land within the District will be benefited by the improvements described in the Engineer's Report, (ii) that the District includes all of

the land so benefited, and (iii) that the net amount to be assessed upon the land within the District for the 2020-21 fiscal year in accordance with the Engineer's Report is apportioned by a method and formula that fairly distributes the net amount among all assessable lots or parcels in proportion to the estimated benefits to be received by each such lot or parcel from the improvements. All oral and written protests and objections are hereby overruled by the City Council.

Section 6. The City Council declares that the diagram and assessment in the Engineer's Report are confirmed as filed.

Section 7. The City Council orders the improvements described in the Engineer's Report to be made.

Section 8. The assessment is in compliance with the provisions of the Act, and the City Council has complied with all laws pertaining to the levy of an annual assessment pursuant to the Act.

Section 9. The assessment is levied without regard to property valuation.

Section 10. The assessment is levied for the purpose of paying the costs and expenses of landscaping and appurtenant facilities generally including 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; and 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, for the fiscal year commencing July 1, 2020, and ending June 30, 2021.

Section 11. The adoption of this Resolution constitutes the levy of the assessment for the fiscal year commencing July 1, 2020, and ending June 30, 2021.

Section 12. The installation, operation, maintenance and servicing of the landscaping and appurtenant facilities shall be performed pursuant to law.

Section 13. The County Auditor of the County of Los Angeles shall enter on the County Assessment Roll opposite each lot or parcel of land the amount of the assessment, and such assessments shall then be collected at the same time and in the same manner as County taxes are collected.

Section 14. The City Clerk is authorized and directed to file the diagram and assessment, or a certified copy of the diagram and assessment, with the County Auditor of the County of Los Angeles, together with a certified copy of this Resolution upon its adoption.

Section 15. A certified copy of the assessment and diagram shall be filed in the office of the City Clerk and be open for public inspection.

ADOPTED June 16, 2020.

RICHARD MONTGOMERY
Mayor

ATTEST:

LITA TAMURA
City Clerk



CITY OF MANHATTAN BEACH

FINAL ENGINEER'S REPORT

LANDSCAPING AND STREET LIGHTING

MAINTENANCE ASSESSMENT DISTRICT

FISCAL YEAR 2020-2021

LOS ANGELES COUNTY, CALIFORNIA

May 8, 2020

PREPARED BY



Harris & Associates

22 Executive Park, Suite 200

Irvine, CA 92614

www.weareharris.com

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ENGINEER'S CERTIFICATION

AGENCY: THE CITY OF MANHATTAN BEACH

PROJECT: LANDSCAPING AND STREET LIGHTING MAINTENANCE ASSESSMENT DISTRICT

TO: THE CITY COUNCIL OF THE
CITY OF MANHATTAN BEACH
STATE OF CALIFORNIA

ENGINEER'S REPORT FOR FISCAL YEAR 2020-21

The preparation of this Annual Engineer's Report ("Report") is in conformance with the obligation of the City Council for the annual levy of assessment within the Landscaping and Street Lighting Maintenance District of the City of Manhattan Beach to provide lighting and landscaping services upon each lot or parcel of land in the district in proportion to the estimated benefit to be received by each such lot or parcel of land for Fiscal Year 2020-21. Services will be provided through June 30, 2021.

Pursuant to the Landscaping and Lighting Act of 1972 (Part 2 Division 15 of the Streets and Highways Code of the State of California, commencing with Section 22500) ("Act"), and in accordance with the City of Manhattan Beach's Resolution being adopted by the City Council for:

LANDSCAPING AND STREET LIGHTING MAINTENANCE ASSESSMENT DISTRICT

(Hereinafter referred to as the "District"),

I, K. Dennis Klingelhofer, authorized representative of the District, the duly appointed Assessment Engineer submit the following Report which consists of the following five (5) parts and Appendices:

PART I

Overview: Provides the background and reason for the District.

PART II

Plans and Specifications: Plans and specifications for the existing and ultimate improvements are as set forth on the lists thereof, attached hereto, and are on file in the Office of the City Clerk and are incorporated herein by reference.

PART III

Cost Estimate: An estimate of the costs of the maintenance and/or servicing of the existing and ultimate improvements for Fiscal Year 2020-21, including incidental costs and expenses in connection therewith.

PART IV

Method of Apportionment of the Assessments: The method of apportionment of assessments, indicating the proposed assessment of the total amount of the costs and expenses of the improvements upon the several lots and parcels of land within the District, in proportion to the estimated benefits to be received by such lots and parcels. The Assessment Roll is filed in the office of the City Clerk of the City of Manhattan Beach and by reference is made a part hereof.

Appendices

Appendix A – Assessment Diagram of the Landscaping and Street Lighting Maintenance Assessment District

Appendix B – Assessment Roll

In conclusion, it is my opinion that the costs and expenses of the District have been assessed to the lots and parcels within the boundaries of the District in proportion to the estimated benefits to be received by each lot or parcel from the services provided.

DATED May 8, 2020

 Harris & Associates

K. Dennis Klingelhofer, P.E., Assessment Engineer
R.C.E. No. 50255
Engineer of Work
County of Los Angeles
State of California



PART I – OVERVIEW

The City of Manhattan Beach formed the Landscaping and Street Lighting Assessment District in the early 1970's pursuant to the requirements of the Landscaping and Lighting Act of 1972, Part 2, Division 15, Sections 22500 through 22679, of the Streets and Highways Code of the State of California. The District is being renewed annually. This report, as signed and presented to the Council for approval, has been prepared according to the methodology and rates approved by the City Council when the district was formed in the 1970's. Article XIID of the California Constitution (Proposition 218) which was approved by the voters in 1996 exempted certain assessments which were in existence prior to the passage of Proposition 218. The City has determined that all of the improvements and the annual assessments for the District are for the maintenance and operation of lighting and landscaping within the public street right-of-way. As such, the current assessment is exempt from the procedures and approval process set forth in Article XIID Section 4 of the California State Constitution.

As required by the Landscaping and Lighting Act of 1972, this Engineer's Report describes the improvements to be constructed, operated, maintained and serviced by the District for FY 2020-21, provides an estimated budget for the District, and lists the proposed assessments to be levied upon each assessable lot or parcel within the District. Following the approval of the report, either as submitted or as modified, the City Council will hold a Public Hearing to provide an opportunity for any interested person to be heard. All property owners must be noticed in accordance with Section 22626 of the Streets and Highways Code prior to the Public Hearing. At the conclusion of the Public Hearing, the City Council may adopt a resolution confirming the levy of assessments as originally proposed or as modified.

Following the adoption of this resolution, the final assessor's roll will be prepared and filed with the County Tax Collector's office to be included on the Fiscal Year 2020-21 tax roll.

This year's report includes projected costs, and is submitted for City Council's determination of the assessment for Fiscal Year 2020-21. No increase in the assessment rate is proposed for Fiscal Year 2020-21.

This Report is being prepared to authorize the existing district's levy of assessments for the 2020-21 Fiscal Year (FY).

Payment for the assessment for each parcel will be made in the same manner and at the same time as payments are made for property taxes for each Property.

This report contains the necessary data required to conduct the proceedings and is submitted to the Clerk of the City for filing.

PART II – PLANS AND SPECIFICATIONS

The installation of planting, landscaping, irrigation systems, lighting and the construction of appurtenant facilities to be operated, serviced and maintained, is more specifically described herein whereas, the landscaping and lighting facilities have been and/or will be provided by developers as a condition of subdivision of land, and in commercial areas, are part of the Conditional Use review and approval process. The facilities to be maintained and serviced are more generally described as follows:

The proposed improvements for FY 2020-21 may be generally described as the continued operation, servicing and maintenance of landscaping, lighting and appurtenant facilities that are located in and along such streets and sidewalks within the District, including but not limited to, personnel, electrical energy, utilities such as water, materials, contracting services, and other items necessary for the satisfactory operation of these services described as follows:

Landscaping

Landscaping includes: plantings, shrubbery, trees, turf, irrigation systems, entry monuments, hardscapes, walls, fencing, drainage detention facilities, drainage structures, including percolation wells and appurtenant facilities within public street and sidewalk rights-of-way and easements, including parkways and medians, within the proposed boundary of said District.

Lighting

Lighting includes: Poles, fixtures, bulbs, conduits, equipment including guys, anchors, posts and pedestals, metering devices and appurtenant facilities as required to provide lighting in public streets and sidewalk rights-of-way and easements, including parkways and medians, within the proposed boundaries of said District, both gas and electric.

Maintenance means the furnishing of services and materials for the ordinary and usual maintenance, operation and servicing of the landscaping, public lighting facilities, and appurtenant facilities, including repair, removal or replacement of all or part of any of the landscaping, public lighting facilities, or appurtenant facilities; providing for the life, growth, health and beauty of the landscaping, including cultivation, irrigation, trimming, spraying, fertilizing and treating for disease or injury; the removal of trimmings, rubbish, debris and other solid waste; and the cleaning, sandblasting, and painting of walls and other improvements to remove or cover graffiti.

Servicing means the furnishing of water for the irrigation of the landscaping and the maintenance of any of the public lighting facilities, or appurtenant facilities and the furnishing of electric current or energy, gas or other illuminating agent for the public lighting facilities, or for the lighting or operation of the landscaping, or appurtenant facilities.



The plans and specifications for the improvements, showing the general nature, location, and the extent of the improvements, are on file in the office of the City Clerk and are incorporated herein by reference.



PART III – COST ESTIMATE

The estimated cost for the operation, servicing and maintenance of landscaping and lighting improvements within the District for FY 2020-21, as described in Part II, are summarized herein and described on the following page table. All costs include administration and utilities where applicable.

The 1972 Act requires that a special fund be set-up for the revenues and expenditures of the District. Funds raised by assessment shall be used only for the purpose as stated herein. A cash flow reserve is provided to ensure funding of the operation and maintenance activities prior to the City receiving the assessment funds through the property tax collection process. Section 22569(a) of the Streets and Highways Code specifically permits the inclusion of a reserve for this purpose equal to roughly half of the annual operation and maintenance costs. A contribution to the District by the City may be made to reduce assessments, as the City Council deems appropriate. Any balance or deficit remaining on July 1 must be carried over to the next fiscal year.

The 1972 Act also has provisions for establishing a separate reserve to fund capital improvements as part of the assessment. However, any increase in the current assessment will require compliance with the provisions of Proposition 218 which would require that a property owner ballot be mailed to each property owner. The assessment could only be increased if a majority of property owners who returned their ballots approved (weighted by assessment amount) the increase in the assessment. Until that approval is gained the rates remain fixed, and any capital improvements or operating shortfall is covered through the General Fund transfer.

Cost Estimate Table

	Standard Lighting Zone 1	Gas Light Area Zone 5	The Strand Zone 6	Walkway Streets Zone 7	Arbolado Tract Zone 9	Total Zones 1-9	Business Area Zone 10	Grand Total Zones 1-10
Operation and Maintenance	\$ 309,804	\$ 101,169	\$ 19,856	\$ 18,080	\$ 4,509	\$ 453,418	\$ 122,302	\$ 575,720
General Fund Transfer	\$ (84,154)	\$ (67,661)	\$ (15,785)	\$ (14,032)	\$ (1,603)	\$ (183,235)	\$ (2,567)	\$ (185,801)
City Contribution	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ (12,230)	\$ (12,230)
Cashflow Reserves (projected as of 30-Jun) pursuant to Streets & Highways Code Section 22569(a)	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Interest	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Anticipated Delinquencies	\$ 1,981	\$ 647	\$ 127	\$ 116	\$ 29	\$ 2,900	\$ 500	\$ 3,400
Prior Year Delinquency Collections (positive)	\$ (1,981)	\$ (647)	\$ (127)	\$ (116)	\$ (29)	\$ (2,900)	\$ (500)	\$ (3,400)
Surplus Carryover from FY 2019-20 (projected as of 1-Jul-20)	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Total to Assessment	\$ 225,650	\$ 33,508	\$ 4,071	\$ 4,048	\$ 2,906	\$ 270,183	\$ 107,505	\$ 377,688



PART IV - METHOD OF APPORTIONMENT

General

Part 2 of Division 15 of the Streets and Highways Code, the Landscaping and Lighting Act of 1972, permits the establishment of assessment districts by cities for the purpose of providing certain public improvements which include operation, maintenance and servicing of street lights, traffic signals, parks and landscaping.

The 1972 Act requires that maintenance assessments be levied according to benefit rather than according to assessed value. Section 22573 provides that:

The net amount to be assessed upon lands within an assessment district may be apportioned by any formula or method which fairly distributes the net amount among all assessable lots or parcels in proportion to the estimated benefits to be received by each such lot or parcel from the improvements.

The Act permits the designation of zones of benefit within any individual assessment district if "by reason of variations in the nature, location, and extent of the improvements, the various areas will receive different degrees of benefit from the improvement" (Sec. 22574). Thus, the 1972 Act requires the levy of a true "benefit assessment" rather than a "special tax."

Excepted from the assessment would be the areas of all publicly owned property in use in the performance of a public function.

Benefit Determination

Landscaping - Trees, landscaping and parks, if well maintained, provided beautification, shade and enhancement of the desirability of the surroundings, and therefore increase property value.

The landscaping maintenance provided by the District is deemed to benefit business properties on Manhattan Beach Boulevard, Highland Avenue and Manhattan Avenue, which are designated as Zone 10.

Lighting - Street lighting is for the benefit of all parcels within the District as all property in the City derives benefit from the convenience, safety and protection of people and property they provide.

Methodology

Zones of Benefit

The District previously consisted of 10 zones of benefit; however, Zones 2, 3, 4 and 8 have been combined with and into Zone 1, as these parcels receive similar types of street lighting levels and service. Therefore, the District currently consists of six (6) zones of benefit, as described as follows:

ZONE 1 - Includes the majority of parcels within the City which have standard levels and types of street lighting.

ZONE 5 - Properties adjacent to street lights utilizing natural gas lighting.

ZONE 6 - Properties adjacent to the Strand.

ZONE 7 - Properties adjacent to walkway streets in the area bounded by 15th Street on the south, 21st Street on the north, Ocean Drive on the west and Live Oak Park on the east.

ZONE 9 - Properties within Tract No. 44884, Arbolado Tract.

ZONE 10 - Business properties adjacent to Manhattan Beach Boulevard from the Strand to Valley Drive, Highland Avenue from 11th Street to 15th Street and Manhattan Avenue from 8th Street to 13th Street.

ZONES 1-9

Equivalent Dwelling Units

The Equivalent Dwelling Unit method was adopted at the time the district was formed and uses the single family home as the basic unit of assessment. A single family home equals one Equivalent Dwelling Unit (EDU). Every other land-use is converted to EDU's based on an assessment formula appropriate for the City. Multi-family and condominium parcels are converted to EDU's based on the number of dwelling units on each parcel of land; Commercial and Industrial parcels are converted to EDU's based on the lot size of each parcel of land.

Single Family Residential - The single family parcel has been selected as the basic unit for calculation of the benefit assessments. This basic unit shall be called an Equivalent Dwelling Unit (EDU). Parcels designated as single family residential per the Los Angeles County land-use code are assessed 1 EDU.

Multiple Residential - Multiple family uses, as well as condominiums, are given a factor of .80 EDU per dwelling unit. Based on data from representative cities in Southern California, the multiple residential factor of 80 percent is determined by the statistical proportion of relative trip generation from various types of residential uses, in combination with population density per unit.



Commercial/Industrial - Commercial/Industrial properties are designated as commercial, industrial, recreational, institutional or miscellaneous uses per the Los Angeles County land-use codes. In converting improved Commercial/Industrial properties to EDUs, the factor used is the City of Manhattan Beach's highest requirement for a single family residential lot, which is 1 dwelling unit per 7,500 sq. ft., or 5.808 dwelling units per acre. The Commercial/Industrial parcels will be assessed 5.808 EDU for the first acre or any portion thereof, and then 25% of 5.808 EDUs (1.4520) for every additional acre or portion thereof, as the utilization of that portion of non-residential property greater than one acre is reduced and will be treated as vacant land. The minimum number of EDUs per parcel will be 1 EDU.

Vacant Property

Vacant property is described as parcels with no improved structures. Because property values in a community are increased when public infrastructure are in place, improved, operable, safe, clean and maintained, all properties, including vacant parcels, receive benefits based on their land, as this is the basis of their value. Based upon the opinions of professional appraisers, appraising current market property values for real estate in Southern California, the land value portion of a property typically ranges from 20 to 30 percent; in Manhattan Beach, we find that the average is about 50 percent. Additionally, the utilization of vacant property is significantly less than improved property and vacant property has a traffic generation rate of 0. Therefore, vacant property is assessed at the rate of 25 percent of improved property.

Vacant Residential - Parcels defined as single family residential parcels which do not have structures on the parcels are assessed 25% of a single family dwelling. The parcels will be assessed 0.25 EDU per parcel.

Vacant Non-Residential - Parcels defined as parcels which are not single family residential and which do not have structures on the parcel are assessed based upon the acreage of the parcel. The parcels will be assessed at the rate of 25% of the developed non-residential properties, or 1.4520 EDU per acre or any portion thereof, with a minimum of .25 EDU per parcel.

Exempt - All publicly owned property and utility rights-of-way are exempt from assessment. Also excepted from assessment is the residential area bounded by Village Drive, Marine Avenue, Redondo Avenue, and Park View Avenue, which has all private streets.

The land-use classification for each parcel has been based on the 2020-21 Los Angeles County Assessor's Roll.

ZONE 10

The Zone 10 improvements maintained and operated by the District consist of a higher level of landscaping and lighting facilities than are found in other parts of the City. These facilities increase the aesthetic appeal of the area and promote business in the downtown area. Front footage is the best

approach for this type of improvement, as each parcel's benefit is proportional to its frontage along the improved street. Therefore, assessments for Zone 10 are on an Adjusted Front Footage (AFF) basis.

Inventory of Parcels

The following information was obtained from the Los Angeles County Assessor's Roll, Assessor's Parcel Maps, and the City of Manhattan Beach's Community Development Department.

Land-Use	Parcels	Dwelling Units	Acres
0. Exempt *	718	---	---
1. Single Family Residential (SFR) Parcels	9,362	9,364	---
2. Multi-Family Residential Parcels	2,497	5,035	---
3. Commercial/Industrial	476	---	282.510
4. Vacant Residential Parcels	37	---	0
5. Vacant Commercial/Industrial Parcels	11	---	1.620
Totals:	13,101	14,399	284.130

* Exempt parcels include the Manhattan Village and all Public Property

Assessments

ZONES 1-9

The distribution of EDUs per Zone is as follows:

Zone	1	5	6	7	9
EDUs	13,250.14	384.80	387.00	374.85	18.40

Since the assessment rates cannot be increased without conducting a Proposition 218 mailed property owner ballot proceeding, the assessment rates are limited to the rates in effect at the time Proposition 218 was approved.

The following is the budget apportionment for Zones 1-9.

ZONE	FY 20-21 Levy	Parcels	EDUs	FY 20-21 Asmt Rate \$/EDU	FY 19-20 Asmt Rate \$/EDU
1 Std Lighting	\$225,650	11,287	13,250.14	\$17.03 / EDU	\$17.03 / EDU
5 Gas Light Area	\$33,508	386	384.80	\$87.08 / EDU	\$87.08 / EDU
6 The Strand	\$4,071	281	387.00	\$10.52 / EDU	\$10.52 / EDU
7 Walkway Streets	\$4,048	298	374.85	\$10.80 / EDU	\$10.80 / EDU
9 Arbolado Tract	\$2,906	23	18.40	\$157.93 / EDU	\$157.93 / EDU
Total	\$270,183	12,275	14,415.19		

ZONE 10

The following is the budget apportionment for Zone 10.

ZONE	FY 20-21 Levy	Parcels	AFF	FY 20-21 Asmt Rate \$/AFF	FY 19-20 Asmt Rate \$/AFF
10 Business Area	\$107,505	108	4,823	\$22.291 / AFF	\$22.291 / AFF

Note: Assessment Rates on for all zones are in effect as of July 1, 1997.

Sample calculations for various zones and land-use types are provided on the following page.

SAMPLE CALCULATIONS

ZONE 1 - Standard Lighting (\$17.03/EDU)		EDU	FY 20-21 Asmt
Single Family Residential		1.0	\$17.03
Condominium		0.8	\$13.62
Vacant Residential		0.25	\$4.26
Multi-Family Residential	Duplex	1.6	\$27.25
	Triplex	2.4	\$40.87
Commercial/Industrial	1/4 acre	1.425	\$24.27
	1/2 acre	2.904	\$49.46
	1 acre	5.8	\$98.91
Vacant Commercial/Industrial	1/4 acre	0.363	\$6.18
	1/2 acre	0.726	\$12.36
ZONE 5 - Gas Light Area (\$87.08/EDU)			
Single Family Residential		1.0	\$87.08
Condominium		0.8	\$69.66
Vacant Residential		0.25	\$21.77
Multi-Family Residential	Duplex	1.6	\$139.33
	Triplex	2.4	\$208.99
ZONE 6 - The Strand (\$10.52/EDU)			
Single Family Residential		1.0	\$10.52
Condominium		0.8	\$8.42
Vacant Residential		0.25	\$2.63
Multi-Family Residential	Duplex	1.6	\$16.83
	Triplex	2.4	\$25.25
	4-plex	3.2	\$33.66
	10-unit Apt	8.0	\$84.16
ZONE 7 - Walkway Streets (\$10.80/EDU)			
Single Family Residential		1.0	\$10.80
Condominium		0.8	\$8.64
Vacant Residential		0.25	\$2.70
Multi-Family Residential	Duplex	1.6	\$17.28
	Triplex	2.4	\$25.92
ZONE 9 - Arbolado Tract (\$157.93/EDU)			
Condominium		0.8	\$126.34

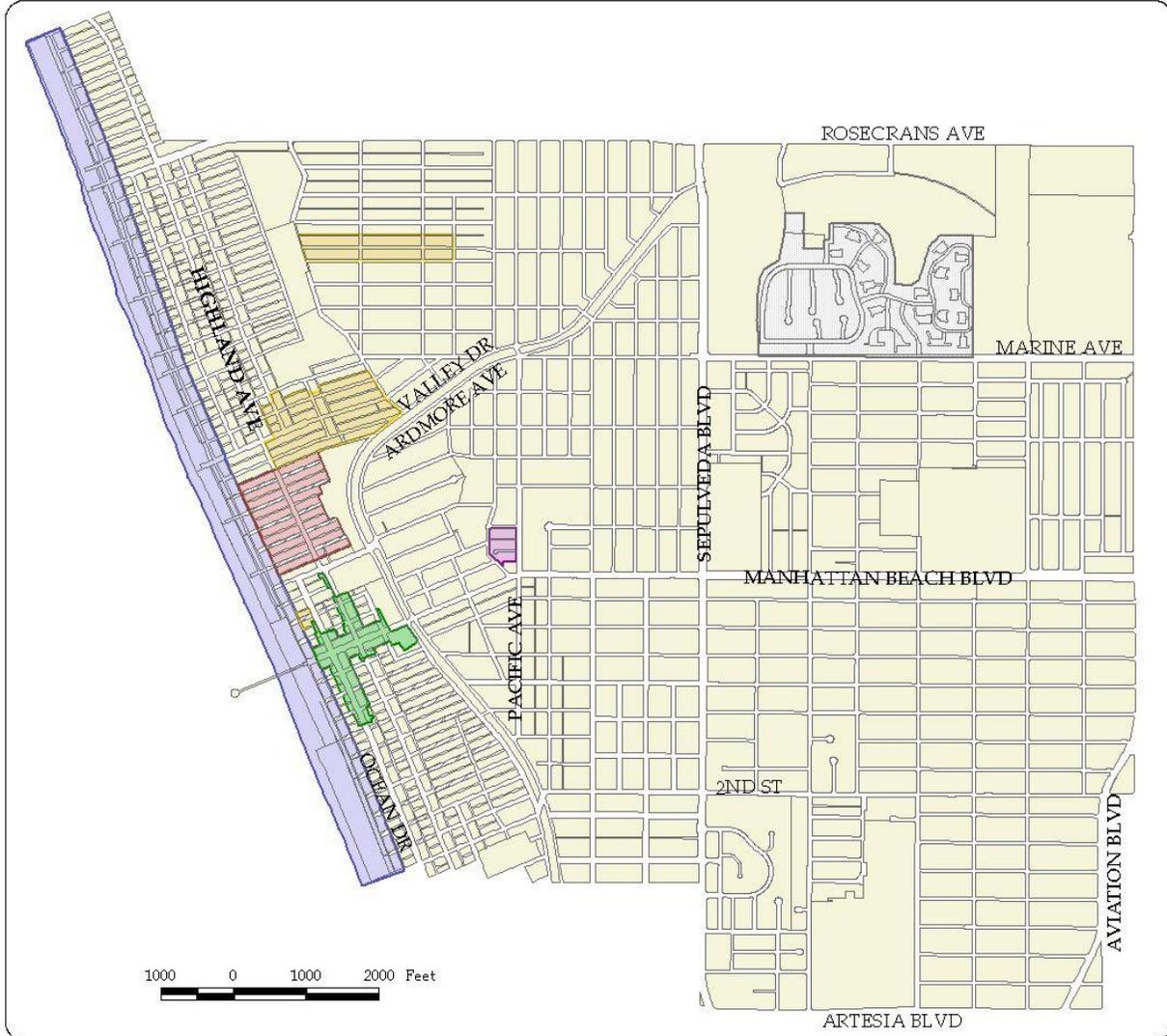


APPENDIX A – ASSESSMENT DIAGRAM

An Assessment Diagram for the District has been submitted to the Clerk of the City. The lines and dimensions of each lot or parcel within the District are those lines and dimensions shown on the maps of the Assessor of the County of Los Angeles, for the year when the report was prepared, and are incorporated by reference herein and made part of this Report.

A reduced copy of the Assessment Diagram, showing the various Zones of Benefit, is included on the following page.

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





APPENDIX B – ASSESSMENT ROLL

The assessment set forth for each parcel is shown on the Assessment Roll for the District, submitted separately, for the City of Manhattan Beach, Landscaping and Street Lighting Maintenance Assessment District, Fiscal Year 2020-20, which is incorporated by reference herein and is on file in the office of the City Clerk.

The Assessment Roll lists all parcels within the boundaries of the District as shown on the Assessment Diagram, and on the last equalized roll of the Assessor of the County of Los Angeles, which is by reference made part of this report.

Assessments are not levied within the area upon public streets and other public properties, utility easements, right-of-way, public schools, public parks, and common areas.



Agenda Date: 6/16/2020

TO:

Honorable Mayor and Members of the City Council

THROUGH:

Bruce Moe, City Manager

FROM:

Mark Leyman, Park and Recreation Director
Linda Robb, Management Analyst

SUBJECT:

Consider Adopting a Resolution Approving Memorandum of Understanding with Oceanographic Teaching Stations for a Six-Month Pilot Program Authorizing the Use of the Roundhouse for Fundraising Events (Parks and Recreation Director Leyman).

ADOPT RESOLUTION NO. 20-0043

RECOMMENDATION:

Staff recommends that the City Council consider approving a Memorandum of Understanding (MOU) with Oceanographic Teaching Stations (OTS) for a Six-Month Pilot Program authorizing the use of the Roundhouse for fundraising events.

FISCAL IMPLICATIONS:

If the agreement is approved, OTS will pay the City 15% of the aggregate amount of all "License Fees" received from the use of the Roundhouse for authorized events. Fees received from OTS will be allocated to the State Pier and Parking Lot Fund.

BACKGROUND:

Staff met with OTS board members to draft the attached MOU. The OTS is seeking permission from the City to license the use of the Roundhouse for various events to generate revenue to support the educational activities of OTS.

Staff presented this item to the City Council on May 19, 2020. City Council directed staff to reach out to the OTS board and update the MOU to increase the number of business days providing advanced notice for events, and to specify the types of events that OTS anticipates holding. Accordingly, adjustments were made to increase the notification from three to seven business days. Permissible activities are called out in the attached MOU between the City and

OTS and include: birthday parties, neighborhood dinners, appreciation events, speakers/lectures, and corporate gatherings.

DISCUSSION:

The attached MOU will allow OTS to license third parties to use the Roundhouse for certain events, including the serving of alcohol at those events for the purpose of generating revenue for the OTS.

The events are subject to the following conditions:

1. OTS shall enter into a license agreement with the event sponsor.
2. Permissible events include birthday parties, neighborhood dinners, appreciation events, speakers/lectures, and corporate gatherings.
3. OTS shall provide at least seven business days advanced notice.
4. All events shall occur between the hours of 6:00 pm and 10:30 pm during the winter period (November to April), and between the hours of 8:00 pm and 10:30 pm for summer events (May-October)
5. Maximum Occupancy: 40
6. Private security is required for events of twenty or more people.
7. No event may block access to any part of the Pier at any time without prior written approval from the City.
8. There shall be no driving on the pier, no smoking, no gasoline or other combustibles, no cooking, no animals, nothing may be attached to walls or display tanks, no access to office or lab areas, no use of plastic straws or bags, and no tents or pop-ups on the pier and no feeding of the fish and other sea specimens.
9. The City shall have the right to use the Roundhouse up to ten times per year for special functions. City events shall take precedence over any authorized events.
10. In order to allow alcohol service at events, OTS agrees to maintain liquor liability insurance, to be verified by the City's Risk Manager. No alcoholic beverages are to be sold during any event.

Based on the following conditions, staff recommends a six-month trial period for OTS fundraising events. Staff will evaluate and return to the City Council with recommendations following the trial period.

It is important to note that the events at the OTS are subject to any and all limitations and protocols from the State and County Health Officers with regard to COVID-19.

Regarding COVID-19 related impacts, OTS drafted a letter (attached) sharing the economic impacts and challenges of maintaining operations during this time.

PUBLIC OUTREACH:

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 approved the agreement as to form.

ATTACHMENTS:

1. Resolution No. 20-0043
2. Memorandum of Understanding - Oceanographic Teaching Stations, Inc.
3. Letter from Oceanographic Teaching Stations

RESOLUTION NO. 20-0043

A RESOLUTION OF THE MANHATTAN BEACH CITY COUNCIL ADOPTING THE MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF MANHATTAN BEACH AND OCEANOGRAPHIC TEACHING STATIONS, INC. FOR A SIX-MONTH PILOT PROGRAM AUTHORIZING THE USE OF THE ROUNDHOUSE FOR FUNDRAISING EVENTS

THE MANHATTAN BEACH CITY COUNCIL HEREBY RESOLVES AS FOLLOWS:

SECTION 1. The City Council hereby approves and adopts the MOU between the City of Manhattan Beach and Oceanographic Teaching Stations, Inc. dated June 16, 2020, for a six-month pilot program authorizing the use of the Roundhouse for fundraising event.

SECTION 2. The City Manager or his designee shall administer the terms of the MOUs on behalf of the City.

SECTION 3. The City Clerk shall certify to the passage and adoption of this resolution.

ADOPTED on June 16, 2020.

AYES:
NOES:
ABSENT:
ABSTAIN:

RICHARD MONTGOMERY
Mayor

ATTEST:

LIZA TAMURA
City Clerk

MEMORANDUM OF UNDERSTANDING

AUTHORIZING USE OF THE ROUNDHOUSE FOR FUNDRAISING EVENTS

THIS MEMORANDUM OF UNDERSTANDING (“MOU”) is made and entered into on this _____, 2020, by and between the City of Manhattan Beach, a California municipal corporation (“CITY”) and Oceanographic Teaching Stations, Inc., a nonprofit corporation incorporated under the laws of the State of California (“OTS”) with respect to the following facts:

- A. CITY and OTS have entered into that certain Contract Agreement dated December 4, 2018 (“Contract Agreement”), regarding the use of the Roundhouse located at the end of the Manhattan State Beach Pier; and
- B. Pursuant to Section 2.D of the Contract Agreement, OTS may plan, organize, and implement fundraising programs to acquire contributions to support the educational activities of OTS; and
- C. OTS seeks to license third parties to use the Roundhouse for various events, and to generate revenue from such events to support the educational activities of OTS; and
- D. Pursuant to Section 8 of the Contract Agreement, alcohol is prohibited on the Pier or inside the Roundhouse, but this restriction may be waived by the City Council for special events held within the Roundhouse, on a case-by-case basis, in the sole discretion of CITY; and
- E. OTS has requested that the City Council waive the alcohol prohibition, subject to the terms and conditions of this MOU; and
- F. CITY and OTS wish to enter into this MOU, setting forth the parameters for a six-month pilot program under which OTS may authorize third parties to use the Roundhouse for certain events, including the serving of alcohol at those events, for purposes of generating revenue for OTS.

In consideration of the mutual promises set forth below, CITY and OTS agree as follows:

- 1. CONTRACT AGREEMENT TO CONTROL
 - A. This MOU is subject to the Contract Agreement. All defined terms herein, as indicated by initial capitalization, shall have the means ascribed in the Contract Agreement unless otherwise indicated.
 - B. The use of the Roundhouse pursuant to this Agreement is subject to all requirements of the Contract Agreement, including but not limited to the Insurance and Indemnity provisions in Section 20 of the Contract Agreement.

- C. OTS acknowledges and agrees that the Indemnity in Section 20.E of the Contract Agreement applies to all activities of OTS and its agents, officers, employees, or subcontractors pursuant to this MOU, including all acts or failures to act of any party that enters into a license agreement with OTS pursuant to Section 3.

2. TERM

The initial term of this MOU shall be six months, ending on _____, 2020, unless earlier terminated pursuant to Section 7. Any extension of the term requires the consent of the City Council, which the City Council may grant or deny in its sole discretion.

3. USE RESTRICTIONS

OTS may authorize use of the Roundhouse by third parties for certain events (“Authorized Events”), for purposes of generating revenue to fund OTS programs, subject to the requirements of this Section.

A. License Agreement: OTS shall enter into a license agreement with the event sponsor. The license agreement shall include at a minimum:

1. a provision requiring compliance with the requirements of this MOU;
2. a provision requiring compliance with all applicable laws and regulations, including all rules, orders, regulations or requirements of CITY’s Police and Fire Departments;
3. a provision requiring the payment of a fee or fees for use of the facility and the provision of any services provided by OTS, in the amount(s) determined by OTS;
4. notwithstanding paragraphs B and C of Section 1, if the license agreement contains an indemnity in favor of OTS, the indemnity shall also name CITY and State and their officers, employees, and/or agents as indemnified parties;
5. notwithstanding paragraphs B and C of Section 1, if the license agreement requires insurance policies, such insurance policies shall contain an endorsement naming State and CITY, and their officers, employees, agents and volunteers as additional insureds; and
6. any other provisions deemed appropriate by OTS.

B. Permissible Events; Authorized Events: Permissible events include birthday parties, neighborhood dinners, appreciation events, speakers/lectures, and corporate gatherings. For purposes of this MOU, an “Authorized Event” shall be one of the foregoing events for which OTS has entered into a license agreement with a third party pursuant to paragraph A of this Section.

- C. **Advance Notice:** OTS shall provide at least seven business days advance notice to CITY of each Authorized Event, via email, to the following individuals: City Manager (bmoe@citymb.info), Parks and Recreation Director (mleyman@citymb.info), Community Development Director (ctai@citymb.info), Police Lt. (aharrod@citymb.info). The advance notice shall be accompanied by an application in the form attached hereto as **Exhibit A**.
- D. **City Permit(s):** Upon receipt of an advance notice and completed application, CITY shall approve the Roundhouse Fundraising Event Permit, provided that the proposed event complies with the terms and conditions of this MOU.
- E. **Hours for events:** All such events shall occur between the hours of 6:00 pm and 10:30 pm during the winter period (November to April), and between the hours of 8:00 pm and 10:30 pm for summer events (May- October).
- F. **Maximum Occupancy for Events:** 40
- G. **Security:** At least one security officer shall be on duty at the Roundhouse for events of twenty or more people. Each such security guard shall at a minimum: (i) possess a valid and current security guard registration card, with photo identification, as issued pursuant to the State of California, Department of Consumer Affairs, Bureau of Security and Investigative Services; (ii) possess at least twelve (12) months experience as a security guard or security officer; and (iii) have the ability to fluently speak and write English. The security guard shall be unarmed. OTS shall ensure that each such security guard or officer gives undivided attention to their duties and given responsibilities.
- H. **Pier Access:** No event may block public access to any part of the Pier at any time without prior written approval from CITY.
- I. **Additional Restrictions on Use:** OTS shall cause all Authorized Events to comply with the following restrictions on use: (i) no disruption to public use of the pier; (ii) no driving on the pier; (iii) no smoking; (iv) no gasoline, acetylene or other combustibles; (v) no cooking (other than sterno heating); (vi) no animals; (vii) nothing may be attached or taped to the walls or the display tanks; (viii) no access to the office or lab areas; (ix) no use of plastic straws or bags; (x) no tents or pop-ups on the pier; and (xi) no feeding of the fish and other sea specimens.
- J. **CITY Events:** OTS acknowledges that, per Section 7.H of the Contract Agreement, CITY shall have the right to use the Roundhouse up to ten times per year for special functions. All such CITY events shall take precedence over any Authorized Events.

4. ALCOHOL

- A. OTS may permit the serving of alcohol at Authorized Events, if OTS maintains in force the liquor liability insurance specified in Paragraph B. OTS shall not permit any

alcoholic beverages to be sold during any Authorized Event, and shall cause all such events to comply with the requirements of Business and Professions Code Section 23399.1.

B. Prior to any event where alcohol is served, OTS or the event sponsor shall have procured, through its general liability policy or through a separate policy, liquor liability insurance with a limit of no less than \$1,000,000 per occurrence, and CITY's Risk Manager shall have approved the evidence of such insurance. The policy of liquor liability insurance must comply with all requirements of Paragraphs B, C and D of Section 20 of the Contract Agreement.

5. REVENUE; CONTRIBUTION TO PIER IMPROVEMENT FUND

A. OTS shall pay to CITY a sum equal to 15% of the aggregate amount of all License Fees received by OTS from the use of the Roundhouse for Authorized Events ("Pier Improvement Fund Contribution"). License Fees shall mean all revenue received by OTS for any such event, including any license fee, rental fee, or other fee or charge, but shall not include any service fees charged by OTS as reimbursement for expenses incurred or advanced by OTS in connection with the Authorized Event.

B. OTS shall pay the Pier Improvement Fund Contribution to CITY quarterly. The first payment is due _____ [insert date (3 months + 15 days after date of agmt)]; the second payment is due _____ [insert date 180 + 15 days after date of agmt]. Each such payment shall be accompanied by an accounting form, in a format acceptable to CITY's Finance Director, that sets forth the Gross Receipts from Authorized Events occurring during the preceding three calendar months. The accounting form shall be signed by an officer of OTS, and shall include the following statement: "I hereby certify under penalty of perjury that the above information is correct and the Pier Improvement Fund Contribution calculations are true to the best of my knowledge".

6. FINANCIAL RECORDS

A. OTS shall maintain financial records for the use of the Roundhouse as authorized by this MOU, which shall be kept in accordance with State and federal law, and in keeping with good business practices. OTS shall separately account for all revenue derived from use of the Roundhouse pursuant to this MOU.

B. OTS shall make financial records for the operation available for the inspection by CITY at any reasonable time. CITY may, on reasonable notice, audit the financial records.

C. OTS may expend the excess revenue over costs derived from Authorized Events only for the purpose of accomplishing the educational activities of OTS and for the purpose of carrying out the terms of this MOU.

7. TERMINATION OF MOU

- A. CITY reserves the unqualified right to terminate this MOU, should such termination be required by the State, whether pursuant to the Operating Agreement (including termination of the Operating Agreement) or otherwise. Subject to applicable legal restrictions, CITY shall endeavor to provide OTS reasonable notice of any action by the State that would require CITY to terminate this MOU, and the effective date of such termination.
- B. This MOU shall automatically terminate upon the expiration or earlier termination of the Contract Agreement.
- C. CITY further may terminate this MOU for a failure by OTS to remit the Pier Improvement Fund Contribution and required accounting form pursuant to Section 5, upon giving OTS 10 days' written notice of intent to terminate if any and all breaches identified in the notice are not cured. Termination shall be effective at the end of that period if the identified breaches have not been cured.
- D. CITY further may terminate this MOU for material breach by OTS of any of the non-monetary provisions hereof, upon giving OTS 30 days' written notice of intent to terminate if any and all breaches identified in the notice are not cured. Termination shall be effective at the end of that period if the identified breaches have not been cured, provided that, if OTS provides documentation to CITY demonstrating that it has initiated in good faith action to cure the identified breaches during the 30-day period and the identified breaches cannot reasonably be cured within 30 days, then OTS shall have an additional 30 days to cure such breaches.
- E. CITY further may terminate this MOU should OTS serve alcohol, or permit the serving of alcohol at the Roundhouse without compliance with the requirements of Section 4. Termination shall be effective 10 days after written notice of termination from CITY.

8. WAIVER

Waiver of a breach of this MOU by either party shall not be construed as a waiver of any subsequent breach of the same or any other provision.

9. AMENDMENTS

No amendment or modification of this MOU shall have an effect whatsoever, unless the same is in writing and signed by each of the parties hereto.

10. MOU ASSIGNMENT

OTS shall not assign its rights under this MOU or any interest herein, or any part thereof, to any party.

11. NOTICES

Any notices herein provided to be given or which may be given by either party to the other shall be deemed to have been fully given when made in writing and deposited in the United States mail, postage prepaid, and addressed as follows:

OTS

Oceanographic Teaching Stations, Inc.
P.O. Box 1
Manhattan Beach, California 90266

CITY

City Manager
City of Manhattan Beach
1400 Highland Avenue
Manhattan Beach, California 90266

<p>City of Manhattan Beach, a California municipal corporation</p> <p>By: _____ Title: _____</p> <p>ATTEST:</p> <p>_____ Liza Tamura, City Clerk</p> <p>APPROVED AS TO FORM:</p> <p>_____ Quinn M. Barrow, City Attorney</p>	<p>Oceanographic Teaching Stations, Inc., a California nonprofit corporation</p> <p>By: _____ Title: President</p>
--	--

EXHIBIT A

ROUNDHOUSE FUNDRAISING EVENT PERMIT



City of Manhattan Beach

EVENT DATE: _____

ROUNDHOUSE FUNDRAISING EVENT PERMIT

EVENT INFORMATION

EVENT TITLE: _____

Sponsoring Organization: _____ Phone: _____

Date: _____ Time: _____

Event Description: _____

Names and Titles of any invited speakers or special guests: _____

Number of attendees: _____

- Amplified Sound (requires separate permit)
- Live Music (requires separate permit)
- Alcohol
- Signs

Security Company:(1 guard required if over 20 guests) _____

Security Contact Phone: _____

REQUIRED: ON-SITE CONTACT PERSON ON THE DAY OF THE EVENT

Name: _____ Cell: _____

Roundhouse representative _____ Signature _____

Hours for events: 6:00pm-10:30pm for Winter events; 8:00pm-10:30pm for Summer events

Maximum occupancy for Events: 40

Restrictions on use: No disruption to public use of the pier; no driving on the pier; no smoking; no gasoline, acetylene or other combustibles; no cooking (other than sterno heating), no animals, no use of plastic straws or bags

The event organizer/sponsor shall indemnify, defend and hold harmless, the City of Manhattan Beach, its elected officials, officers, agents and employees, from and against any liability and expense, including attorneys fees and court costs and claims for damages of any nature whatsoever, including, but not limited to, bodily or personal injury, death or property damage arising from any negligent or intentional act or omission by permittee or event organizer/sponsor, its subcontractors, officers, agents, employees and authorized street vendors, in the conduct of the event.

DO NOT WRITE BELOW—CITY USE ONLY

CLEARANCES				REQUIRED PERMITS/INSPECTIONS			
DEPARTMENT	REQ	CLEARED BY	DATE	PERMIT/INSPECTION TYPE	REQ	CLEARED BY	DATE
Alcoholic Beverage Control				Electrical			
Community Development				Building/Structural			
Fire Department				Occupancy			
Police Department				Amplified Sound			
Risk Management							

04/2020



Oceanographic Teaching Stations, Inc.

DBA Roundhouse Aquarium

2 Manhattan Beach Boulevard, P.O. Box 1, Manhattan Beach, CA 90266

310.379.8117 • www.roundhouseaquarium.org

June 1, 2020

Members of the City Council
City of Manhattan Beach
1400 Highland Avenue
Manhattan Beach, CA 90266

Dear Members of the Manhattan Beach City Council,

Thank you for your consideration of the MOU, pursuant to which the Roundhouse hopes to raise revenue to support its operations and programs. It is particularly important that we diversify our sources of revenue in these uncertain times. Like many businesses in Manhattan Beach, we have suffered a significant loss of revenue because of the measures taken to contain the spread of COVID-19.

From mid-March through May 28, 2020, the Roundhouse has suffered lost revenues of approximately \$208,000, resulting from canceled classes, reduced summer camp enrollment, a cancelled fundraising gala and zero donations from visitors. These losses have been partially off-set by a PPP loan of approximately \$83,000. If the total amount of the PPP loan is forgiven, then our net lost revenues through May 28, 2020 would be approximately \$125,000, or approximately 18% of our anticipated revenues for the year.

We anticipate that we will suffer further lost revenues over the next several months as the economic consequences of the pandemic negatively impact donations to the Roundhouse.

Under these circumstances, it is particularly important that we have the latitude to develop additional sources of revenue to support the Roundhouse. If the MOU is approved, we will of course not hold any events until permitted to do so by applicable health and safety regulations. However, we need time to prepare for implementation of this program, and therefore would appreciate the City Council's approval of the MOU at this time.

Thank you for your consideration of our proposal.

Sincerely,

President, Board of Directors
Oceanographic Teaching Stations dba The Roundhouse Aquarium



CITY OF MANHATTAN BEACH CITY HALL

1400 Highland Avenue, Manhattan Beach, CA 90266

WEBSITE: www.citymb.info • **PHONE:** (310) 802-5000

AGENDA ITEM NO. 9

Request by Councilmember Stern to Conduct a Community Forum.



CITY OF MANHATTAN BEACH CITY HALL

1400 Highland Avenue, Manhattan Beach, CA 90266

WEBSITE: www.citymb.info • **PHONE:** (310) 802-5000

AGENDA ITEM NO. 10

Request by Councilmember Napolitano to Discuss Response Regarding Responsible Policing and Use of Force Reform.

ATTACHMENT NAME: Memo

LINK: <https://www.citymb.info/Home/ShowDocument?id=42863>

ATTACHMENT NAME: 8CANTWAIT: Current Law and Alternatives

LINK: <https://www.citymb.info/Home/ShowDocument?id=42861>

City of Manhattan Beach
Police Department

Date: June 10, 2020
To: Bruce Moe, City Manager
From: Derrick Abell, Chief of Police
Subject: Response re Responsible Policing and Use of Force Reform

With the recent murder of George Floyd, the majority of local law enforcement department's use of force has become a serious topic of conversation in our community and beyond. The Manhattan Beach Police Department recognizes the impact this tragedy has had on our community and take to heart the concerns that many may have about our Department's use of force policies. The Manhattan Beach Police Department policies are formulated from templates provided by Lexipol, the leading provider of comprehensive public safety and local government agency development. Lexipol continues to provide the Manhattan Beach Police Department with evidence-based and legally sound policies that are continually updated based on best practices and changes in the law. That said, the Manhattan Beach Police Department already practices and adheres to many of the reforms included in the anticipated Los Angeles County Board of Supervisors motion and continually reviews and updates policies based on sound principles and emerging trends.

The anticipated motion by the Los Angeles County Board of Supervisors would "urge" the Los Angeles County Sheriff's Department and the forty-six police departments to review and "adapt" them to be consistent with the eight reforms outlined by Campaign Zero. The Manhattan Beach Police Department's current policy and training on the eight reforms are discussed below, which demonstrates our continued commitment to policing with respect for human life and within the bounds of the law.

1. Requiring officers to intervene to stop another officer from using excessive force.

The Manhattan Beach Police Department's current policy reads as follows. *Any officer present and observing another officer using force that is clearly beyond that which is objectively reasonable under the circumstances shall, when in a position to do so, intercede to prevent the use of unreasonable force. An officer who observes another employee use force that exceeds the degree of force permitted by law should promptly report these observations to a supervisor* (MPBD Policy: 300.2.1 Duty to Intercede).

2. Requiring, or prohibiting, the use of chokeholds, strangleholds, and carotid restraints.

On June 8, 2020, I informed officers via e-mail to adhere to the following directive:

"Effective immediately and until further notice, Manhattan Beach Police Department policy section 300.3.4 (Carotid Control Hold) shall not be utilized during use of force applications."

3. Requiring officers to de-escalate situations, when possible, before using force.

The idea of de-escalation has been a vital principle in law enforcement for many years. The Manhattan Police Department policy reads as follows. *Officers shall use only that amount of force that reasonably appears necessary given the facts and circumstances perceived by the officer at the time of the event to accomplish a legitimate law enforcement purpose* (MBPD Policy: 300.3 Use of Force).

Additionally, concerning when officers are determining whether or not a subject should be committed for Mental Illness, the Manhattan Beach Police Department policy reads as follow: *Any officer handling a call involving an individual who may qualify for a 5150 commitment should consider, as time and circumstances reasonably permit: Conflict resolution and de-escalation techniques* (MBPD Policy: 409.4 c Considerations and Responsibilities)

In regard to officers interacting with those who may be experiencing a mental health or emotional crisis, the Manhattan Beach Police Department policy reads as follows, *Officers should consider that taking no action or passively monitoring the situation may be the most reasonable response to a mental health crisis. Officers should try to designate one officer to primarily communicate with the subject. This allows a rapport to be built and avoids confusion with the subject. Officers should try to ask one question at a time. The subject in crisis may find it difficult to focus, thus too many questions at once may be difficult for the subject.*

Once it is determined that a situation is a mental health crisis and immediate safety concerns have been addressed, responding members should be aware of the following considerations and should generally:

- *Evaluate safety conditions.*
- *Introduce themselves and attempt to obtain the person's name.*
- *Be patient, polite, calm, courteous and avoid overreacting.*
- *Speak and move slowly and in a non-threatening manner.*
- *Moderate the level of direct eye contact.*
- *Remove distractions or disruptive people from the area.*
- *Demonstrate active listening skills (e.g., summarize the person's verbal communication).*
- *Provide for sufficient avenues of retreat or escape should the situation become volatile.*

Responding officers generally should not:

- *Use stances or tactics that can be interpreted as aggressive.*
- *Allow others to interrupt or engage the person.*
- *Corner a person who is not believed to be armed, violent or suicidal.*
- *Argue, speak with a raised voice or use threats to obtain compliance* (MBPD Policy: 427.6 De- Escalation).

4. Use of Force Continuum or Matrix that defines and limits the types of force that can be used to respond to specific types of resistance.

Many modern professional law enforcement agencies and training institutions have moved away from the “force continuum” standard and instead utilize the force options method. With a “continuum,” officers are expected to use each method of force before moving on to the next force method. Instead, the focus should be on training alternatives to deadly force, requirements on proportional force, and de-escalation requirements, all of which are contained in SB 230 and the Manhattan Beach Police Department policy outlined above (Policy: 300.3 Use of Force).

5. Requiring officers to give a verbal warning before using deadly force.

The Manhattan Beach Police Department’s reads as follows. *An officer may use deadly force to stop a fleeing subject when the officer has probable cause to believe that the person has committed, or intends to commit, a felony involving the infliction or threatened infliction of serious bodily injury or death, and the officer reasonably believes that there is an imminent risk of serious bodily injury or death to any other person if the subject is not immediately apprehended. Under such circumstances, a verbal warning should precede the use of deadly force, where feasible* (MBPD Policy: 300.4(b) Deadly Force Applications).

6. Prohibiting officers from shooting at people in moving vehicles unless the person poses a deadly threat by means other than the vehicle.

The Manhattan Beach Police Department policy reads as follows. *Shots fired at or from a moving vehicle are rarely effective. Officers should move out of the path of an approaching vehicle instead of discharging their firearm at the vehicle or any of its occupants. An officer should only discharge a firearm at a moving vehicle or its occupants when the officer reasonably believes there are no other reasonable means available to avert the threat of the vehicle, or if deadly force other than the vehicle is directed at the officer or others. Officers should not shoot at any part of a vehicle in an attempt to disable the vehicle* (MBPD Policy 300.4.1 Shooting at or From Moving Vehicles).

7. Requiring officers to exhaust all other reasonable alternatives before resorting to using deadly force.

Officers’ decisions concerning any use of force alternatives should be judged based on the totality of the circumstances and reasonable officer standard in Assembly Bill 392, which refers to peace officers use of deadly force.

8. Requiring comprehensive reporting that includes both use of force and threats of force.

The Manhattan Beach Police Department’s policy reads as follow. *Any use of force by a member of this department shall be documented promptly, completely and accurately in an appropriate report, depending on the nature of the incident. The officer should articulate the factors perceived and why he/she believed the use of force was reasonable under the circumstances. To collect data for purposes of training, resource allocation, analysis and related purposes, the Department may*

require the completion of additional report forms, as specified in department policy, procedure or law (MBPD Policy 300.5 Reporting the Use of Force).

The Manhattan Beach Police Department is committed to treating everyone with dignity and respect. The Manhattan Beach Police Department takes great pride in serving our community with integrity and compassion. Officers continue to undergo training in a variety of areas to include **racial profiling, procedural justice, fair and impartial policing, interpersonal communications, and crisis intervention training.** The Commission on Police Officers Standards and Training (POST), which is governed by the State of California, also certifies these training courses. POST sets minimum selection and training standards for California law enforcement officers, and fosters professionalism in agencies and officers.

I am available to discuss these policies and any proposed changes.

Respectfully,

Chief Abell



8CAN'TWAIT: CURRENT LAW and ALTERNATIVES

In 2019, CPCA led law enforcement stakeholder engagement in discussions that ultimately set a new legal standard for peace officers' use of deadly force in California (AB 392, Weber) and CPCA sponsored legislation, which set national precedent by establishing a minimum use of force policy standard for all departments (SB 230, Caballero). Most of the policies outlined in the *8Can'tWait* campaign have been captured by these two new landmark laws. However, several provisions, most notably the requirement officers' exhaust all alternatives, were not included in either bill due to shared concerns by law enforcement and policymakers. Instead, alternatives to those provisions were embraced to accomplish our shared goal of reducing deadly force incidents. Outlined below are the provisions in the *8Can'tWait* platform already captured directly in statute, or concerns and alternatives with what is being proposed:



De-Escalation Requirement:

SB 230 requires that "officers utilize de-escalation techniques, crisis intervention tactics, and other alternatives to force when feasible." SB 230 also mandates each policy require officers to conduct all duties in a manner that is fair and unbiased. Additionally, SB 230 requires all officers be trained in alternatives to deadly force and de-escalation techniques.



Require warning before shooting:

AB 392 states: "where feasible, a peace officer shall, prior to the use of force, make reasonable efforts to identify themselves as a peace officer and to warn that deadly force may be used, unless the officer has objectively reasonable grounds to believe the person is aware of those facts." This requirement is consistent with federal case law.



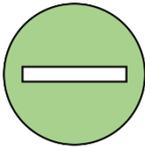
Duty to Intervene:

SB 230 sets forth a "requirement that an officer intercede when present and observing another officer using force that is clearly beyond that which is necessary, as determined by an objectively reasonable officer under the circumstances." This provision is consistent with federal law as well.



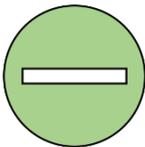
Require Comprehensive Reporting:

SB 230 already requires "comprehensive and detailed requirements for prompt internal reporting and notification regarding a use of force incident." Additionally, legislation from 2015 (Assembly Bill 71) requires statewide detailed reporting requirements on serious use of force incidents. SB 230 also requires officers to report excessive force they witness.



Ban Chokeholds and Strangulations:

SB 230 requires that "an officer may only use a level of force that they reasonably believe is proportional to the seriousness of the suspected offense." Any excessive force beyond this requirement is unreasonable. CPCA does not have a position on the outright ban of less lethal force options, but instead leaves that to each agency for determination. However, any use of force should meet this standard.



Ban Shooting at Moving Vehicles:

Again, outright prohibitions in all circumstances does not account for situations where the driver of a vehicle may be threatening death or great bodily injury to others. SB 230 requires "Comprehensive and specific guidelines for the application of deadly force," which should include guidance on the limited situations that would warrant shooting at moving vehicles.



Require Use of Force Continuum

The use of force continuum is an outdated model that has proven impractical, even dangerous, when applied in real life situations. Instead, policies should focus on requiring officers to create space and separation in an attempt to utilize de-escalation techniques, which is captured in the training and policy requirements within SB 230.



Require Exhaust all Alternatives Before Shooting

Arguably, the most controversial provision in *8Can'tWait's* platform, this requirement was rejected in AB 392 debate because of the untenable position it puts officers and departments in, by permitting second-guessing of split-second decisions. Instead, the focus should be on training alternatives to deadly force, requirements on proportional force, and de-escalation requirements, all of which are contained in SB 230. If this requirement is implemented, an officer's decision concerning the use of force alternative should be judged based upon the totality of the circumstances and reasonable officer standard in AB 392

