

## City Council Regular Meeting

### Regular Meeting

**Tuesday, July 5, 2022**

**6:00 PM**

**City Council Chambers and Zoom**



#### **ELECTED OFFICIALS**

**Mayor** Steve Napolitano

**Mayor Pro Tem** Richard Montgomery

**Councilmember** Joe Franklin

**Councilmember** Suzanne Hadley

**Councilmember** Hildy Stern

**City 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** Michael Lang

**Human Resources Director** Lisa Jenkins

**Information Technology Director** Terry Hackelman

**Parks and Recreation Director** Mark Leyman

**Interim Police Chief** Derrick Abell

**Public Works Director** Erick Lee

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#### **MISSION STATEMENT:**

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

## MANHATTAN BEACH'S CITY COUNCIL WELCOMES YOU!

*By participating in City Council meetings, you are participating in the process of representative government. To encourage that participation, the City Council provides an early opportunity for public comments under "Public Comments," at which time speakers may comment on any matter within the subject matter jurisdiction of the City Council, including items on the agenda.*

*The City continues to offer an opportunity to participate in Council meetings via Zoom. 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, July 5, 2022** (the day of the meeting), via:*

- 1) eComment at <http://www.manhattanbeach.gov/ecomment>
- 2) email to [cityclerk@manhattanbeach.gov](mailto:cityclerk@manhattanbeach.gov) 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. Instructions are provided on item G (Public Comments).*

*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.manhattanbeach.gov](http://www.manhattanbeach.gov), 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 notice/agenda was posted on Wednesday, June 29, 2022, 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.**

**PLEASE NOTE THAT THE CITY COUNCIL MAY ACT ON ANY ITEM LISTED ON THE AGENDA.**

**A. CALL MEETING TO ORDER**

**B. PLEDGE TO THE FLAG**

**C. ROLL CALL**

**D. CEREMONIAL CALENDAR**

**E. 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**

**F. CITY COUNCIL AND COMMUNITY ORGANIZATION ANNOUNCEMENTS OF UPCOMING EVENTS (1 MINUTE PER PERSON)**

*City Councilmembers and community organization representatives may inform the public about upcoming events.*

## G. 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.

The City Council encourages the public to participate by submitting comments in advance of the meeting, no later than **5:30 PM, July 5, 2022** (the day of the meeting), via:

- 1) eComment at <http://www.manhattanbeach.gov/ecomment>
- 2) email to [cityclerk@manhattanbeach.gov](mailto:cityclerk@manhattanbeach.gov) 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 PERSON PUBLIC PARTICIPATION

Please complete the "Request to Address the City Council" card by filling out your name, city of residence, the item(s) you would like to offer public comment, and returning it to the City Clerk.

### NOON PUBLIC PARTICIPATION

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>, even when submitting this request you will need to use the "raise hand" feature via Zoom during the presentation of that Agenda Item in order to confirm with the City Clerk's Office that you wish to provide comments.

- 1) Join Zoom Meeting via the internet:

Direct URL: <https://citymb-info.zoom.us/j/93376200363>, Meeting ID: 933 7620 0363

During the meeting you will need to use the "raise hand" button through Zoom at the time the Agenda Item is being presented for City Council consideration.

- 2) Join Zoom Meeting via Phone Conference (Voice Only):

**Phone Number: (669) 900-6833, Meeting ID: 933 7620 0363**

During the meeting you will need to enter \*9 on the phone's dial pad to "raise your hand" at the time the Agenda Item is being presented for City Council consideration.

Please note, the City is not responsible for the public's use of Zoom as it relates to the software, configuration, and setting on a personal device. The public is encouraged to visit the Zoom website for information on use of this software. The City's use of Zoom is consistent with the platform features and functions as described on the Zoom.

## H. 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.*

1. City Council Minutes: [22-0263](#)  
This Item Contains Minutes of the Following City Council Meeting(s):
  - a) City Council Adjourned Regular Meeting Minutes of June 20, 2022 (Cancelled)
  - b) City Council Regular Meeting Minutes of June 21, 2022 (City Clerk Tamura).**APPROVE**  
  
**Attachments:** [City Council Adjourned Regular Meeting Minutes of June 20, 2022 \(Cancelled\)](#)  
[City Council Regular Meeting Minutes of June 21, 2022](#)
  
2. Financial Reports: [22-0246](#)  
Schedule of Demands June 2, 2022, June 9, 2022 and June 16, 2022 (Finance Director Charelian).  
**ACCEPT REPORTS AND DEMANDS**  
  
**Attachments:** [Schedule of Demands for June 2 and June 9, 2022 and June 16, 2022](#)
  
3. Declaration Proclaiming the Month of July 2022, as Parks and Recreation Month. [22-0245](#)  
**PROCLAIM**  
  
**Attachments:** [Proclamation - Parks and Recreation Month](#)
  
4. City Council Reconsideration of the Circumstances of the Declared COVID-19 Emergency to Facilitate Remote Attendance at Public Meetings by Councilmembers and Other City Legislators Pursuant to AB 361's Special Teleconferencing Requirements (City Attorney Barrow). [22-0186](#)  
**ACCEPT STAFF RECOMMENDATION**
  
5. Consideration of a Resolution Approving an Agreement with the Beach Cities Health District to Provide Senior Care Management Services in the Amount of \$227,805 Over a Five-Year Period (Parks and Recreation Director Leyman). [22-0294](#)  
**ADOPT RESOLUTION NO. 22-0096**  
  
**Attachments:** [Resolution No. 22-0096](#)  
[Agreement - Beach Cities Health District](#)

6. Consideration of a Resolution Approving a \$1,200,000 Measure M Funding Agreement with the Los Angeles County Metropolitan Transportation Authority and Corresponding Appropriation for the Manhattan Beach Boulevard Eastbound Left-Turn Improvement at Aviation Boulevard Project (Public Works Director Lee). [22-0265](#)
- A) ADOPT RESOLUTION NO. 22-0097**  
**B) APPROVE APPROPRIATION**

**Attachments:** [Resolution No 22-0097](#)  
[Agreement - Los Angeles County Metropolitan Transportation Authority \(Measure M Funding\)](#)  
[Location Map](#)

## I. ITEMS REMOVED FROM THE CONSENT CALENDAR

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

## J. PUBLIC HEARINGS

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

## K. GENERAL BUSINESS

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

7. Consideration of Presenting to the Voters Two Ballot Measures Concerning Commercial Cannabis: [22-0298](#)
- a) Maintaining the Existing Prohibition of Commercial Cannabis Activity; and  
b) Establishing Local Regulation and Taxation of Commercial Cannabis Activity (City Manager Moe).  
**(Estimated Time: 1 Hr.)**  
**ADOPT RESOLUTION NOS. 22-0098 AND 22-0099**

**Attachments:** [Cannabis Industry Map \(Comparison Purposes Only\)](#)  
[Measure Banning the Sale of Cannabis](#)  
[Measure Regulating and Taxing Cannabis](#)  
[Staff's Suggested Buffer Map with 1,000 Foot Buffers](#)  
[Map with 1,500 Foot Buffers \(Comparison Purposes Only\)](#)

8. Update on Coyote Management Actions and Activities (City Manager Moe). [22-0300](#)  
**(Estimated Time: 30 Min.)**  
**DISCUSS AND PROVIDE DIRECTION**

**Attachments:** [Coyote Observations in Manhattan Beach \(2016 - Present\)](#)  
[California Fish and Wildlife Brochure on Coyotes](#)  
[Torrance At-Home Coyote Prevention Checklist](#)

9. Consideration of a Working Group for Participation in the Long-Term Outdoor Dining and Business Uses on Public and Private Property Work Plan Effort (Community Development Director Tai). [22-0283](#)

(Estimated Time: 1 Hr.)

**DISCUSS AND PROVIDE DIRECTION**

**Attachments:** [Outdoor Dining and Business Use Work Plan](#)  
[PowerPoint Presentation](#)

10. Consideration of Proposed Modifications to the City's Current Underground Utility Assessment District (UUAD) Formation Policy; Appropriation of \$250,000 from the General Fund for New UUAD Utility Designs; Acceptance of the Petition Signatures for UUAD08 and Approval of Payment of the Edison Design Fee; and Acceptance of the Petition Signatures for UUAD13 and Approval of Payment of the Edison Design Fee (Public Works Director Lee). [22-0200](#)

(Estimated Time: 1 Hr.)

**A) PROVIDE DIRECTION**

**B) APPROPRIATE FUNDS**

**C) ADOPT RESOLUTION NOS. 22-0100 AND 22-0101**

**Attachments:** [Resolution No. 22-0100](#)  
[Resolution No. 22-0101](#)  
[Manhattan Beach Municipal Code 7.28 - Undergrounding of Public Utilities](#)  
[Staff Report - August 1, 2006](#)  
[Minutes - August 1, 2006](#)  
[Staff Report - September 5, 2017](#)  
[Minutes - September 5, 2017](#)  
[Utility Undergrounding Fact Booklet \(2021\)](#)  
[Steps for Forming a Private Residential UUAD](#)  
[Map of District 8](#)  
[Map of District 13](#)  
[PowerPoint Presentation](#)

**L. 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.*

11. City Council AB 1234 Reports.

12. Consider Request by Councilmember Stern and Mayor Pro Tem Montgomery to Discuss Revisiting the City's Regulations Regarding the Use of City Facilities During Political Campaigns (City Manager Moe). [22-0299](#)
- DISCUSS AND PROVIDE DIRECTION**

**Attachments:** [Municipal Code - 4.120.055, 4.120.060, 4.120.070, and 4.120.080](#)

## M. FUTURE AGENDA ITEMS

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

## N. CITY MANAGER REPORT

## O. CITY ATTORNEY REPORT

## P. INFORMATIONAL ITEMS

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

13. Agenda Forecast (City Clerk Tamura). [22-0264](#)
- INFORMATION ITEM ONLY**

14. Commission Minutes: [22-0301](#)
- This Item Contains Minutes of the following City Commission Meetings:
- a) Planning Commission Meeting Minutes of June 22, 2022 (Cancelled)
  - b) Parking and Public Improvements Commission Meeting Minutes of June 23, 2022 (Cancelled)
- (Community Development Director Tai).
- INFORMATION ITEM ONLY**

**Attachments:** [Planning Commission Meeting Minutes of June 22, 2022 \(Cancelled\)](#)  
[Parking and Public Improvements Commission Meeting Minutes of June 23, 2022 \(Cancelled\)](#)



**Q. CLOSED SESSION****I. ANNOUNCEMENT IN OPEN SESSION OF ITEMS TO BE DISCUSSED  
IN CLOSED SESSION****CONFERENCE WITH LEGAL COUNSEL (EXISTING LITIGATION)  
(Government Code Section 54956.9(d)(1))**

In the opinion of the City Council on the advice of its City Attorney, based on existing facts and circumstances, there is a significant exposure to litigation against the City.

**Name of Case: Wilchis, Mayra v. City of Manhattan Beach  
Los Angeles Superior Court**

**Case No: BC706443**

**Name of Case: Californians for Homeownership v City of Manhattan Beach  
Los Angeles County Superior Court**

**Case No: 22STCP01417**

**II. RECESS INTO CLOSED SESSION****III. RECONVENE INTO OPEN SESSION****IV. CLOSED SESSION ANNOUNCEMENT IN OPEN SESSION****R. ADJOURNMENT****S. FUTURE MEETINGS****CITY COUNCIL MEETINGS**

*July 19, 2022 - Tuesday -- 6:00 PM - City Council Meeting*  
*August 2, 2022 - Tuesday -- 6:00 PM - City Council Meeting*  
*August 16, 2022 - Tuesday -- 6:00 PM - City Council Meeting*  
*September 6, 2022 - Tuesday -- 6:00 PM - City Council Meeting*  
*September 20, 2022 - Tuesday -- 6:00 PM - City Council Meeting*  
*October 4, 2022 - Tuesday -- 6:00 PM - City Council Meeting*  
*October 18, 2022 - Tuesday -- 6:00 PM - City Council Meeting*  
*November 1, 2022 - Tuesday -- 6:00 PM - City Council Meeting*  
*November 15, 2022 - Tuesday -- 6:00 PM - City Council Meeting*  
*December 6, 2022 - Tuesday -- 6:00 PM - City Council Meeting*  
*December 20, 2022 - Tuesday -- 6:00 PM - City Council Meeting*

**BOARDS, COMMISSIONS AND COMMITTEE MEETINGS**

July 11, 2022 - Monday - 5:00 PM - Library Commission Meeting  
July 13, 2022 - Wednesday - 3:00 PM - Planning Commission Meeting  
July 18, 2022 - Monday - 5:00 PM - Cultural Arts Commission Meeting  
July 25, 2022 - Monday - 6:00 PM - Parks and Recreation Commission Meeting  
July 27, 2022 - Wednesday - 3:00 PM - Planning Commission Meeting  
July 28, 2021 - Thursday - 4:00 PM - Parking and Public Improvements Commission Meeting  
August 8, 2022 - Monday - 5:00 PM - Library Commission Meeting  
August 10, 2022 - Wednesday - 3:00 PM - Planning Commission Meeting  
August 15, 2022 - Monday - 5:00 PM - Cultural Arts Commission Meeting  
August 22, 2022 - Monday - 6:00 PM - Parks and Recreation Commission Meeting  
August 24, 2022 - Wednesday - 3:00 PM - Planning Commission Meeting  
August 25, 2021 - Thursday - 4:00 PM - Parking and Public Improvements Commission Meeting  
September 12, 2022 - Monday - 5:00 PM - Library Commission Meeting  
September 14, 2022 - Wednesday - 3:00 PM - Planning Commission Meeting  
September 19, 2022 - Monday - 5:00 PM - Cultural Arts Commission Meeting  
September 22, 2021 - Thursday - 4:00 PM - Parking and Public Improvements Commission Meeting  
September 26, 2022 - Monday - 6:00 PM - Parks and Recreation Commission Meeting  
September 28, 2022 - Wednesday - 3:00 PM - Planning Commission Meeting  
October 10, 2022 - Monday - 5:00 PM - Library Commission Meeting  
October 12, 2022 - Wednesday - 3:00 PM - Planning Commission Meeting  
October 17, 2022 - Monday - 5:00 PM - Cultural Arts Commission Meeting  
October 24, 2022 - Monday - 6:00 PM - Parks and Recreation Commission Meeting  
October 26, 2022 - Wednesday - 3:00 PM - Planning Commission Meeting  
October 27, 2021 - Thursday - 4:00 PM - Parking and Public Improvements Commission Meeting

**T. CITY OFFICES CLOSED****CITY HOLIDAYS:**

September 5, 2022 - Monday - Labor Day  
October 10, 2022 – Monday – Columbus Day  
November 11, 2022 – Friday – Veterans Day  
November 24-25, 2022 - Thursday & Friday - Thanksgiving Holiday  
December 26, 2022 - Monday - Christmas Day Observed (Sunday, December 25, 2022)  
January 2, 2023 – Monday – New Years Day Observed (Sunday, January 1, 2023)  
January 16, 2023 – Monday – Martin Luther King Day  
February 20, 2023 - Monday - Presidents Day  
May 29, 2023 – Monday – Memorial Day  
July 4, 2023 - Tuesday - Independence Day