

City Council Regular Meeting

Regular Meeting

Tuesday, August 16, 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

Police Chief Rachel Johnson

Public Works Director Erick Lee

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, August 16, 2022** (the day of the meeting), via:*

- 1) eComment at <http://www.manhattanbeach.gov/ecomment>
- 2) email to 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, 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, August 10, 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. INTRODUCTION

1. Introduction of Police Chief Rachel Johnson (City Manager Moe). [22-0336](#)

(Estimated Time: 5 Min.)

INTRODUCE

E. CEREMONIAL CALENDAR

2. Presentation of Certificates of Commendation Recognizing Police Sergeant Michael Lynch as Police Officer of the Year and Fire Engineer/Paramedic Steve Fairbrother as Firefighter of the Year (Continued from the June 21, 2022, City Council Meeting). [22-0304](#)

(Estimated Time: 10 Min.)

PRESENT

Attachments: [Certificate of Commendation - Police Officer of the Year 2021](#)

[Certificate of Commendation - Firefighter of the Year 2021](#)

3. Presentation of Certificates of Commendation to Manhattan Beach Police Sergeant Michael Trani and Police Officer Arai White for Receiving the 2022 Medal of Valor Distinguished Service Award and Police Sergeant Michael Lynch for Receiving the 2022 Medal of Valor Life Saving Award (Continued from the June 21, 2022, City Council Meeting). [22-0305](#)

(Estimated Time: 10 Min.)

PRESENT

Attachments: [Certificates of Commendation](#)

F. 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

**G. 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.

H. PUBLIC COMMENTS (2 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, August 16, 2022** (the day of the meeting), via:

- 1) eComment at <http://www.manhattanbeach.gov/ecomment>
- 2) email to 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.

I. 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.

4. City Council Minutes: [22-0325](#)
This Item Contains the City Council Regular Meeting Minutes of August 2, 2022
(City Clerk Tamura).
APPROVE
Attachments: [City Council Regular Meeting Minutes of August 2, 2022](#)
5. Financial Reports: [22-0310](#)
a) Schedule of Demands July 21, 2022 and July 28, 2022
b) Investment Portfolio for the Month Ending June 30, 2022
c) Preliminary Month End Report for June 30, 2022
(Finance Director Charelian).
ACCEPT REPORTS AND DEMANDS
Attachments: [Schedule of Demands for July 21, 2022 and July 28, 2022](#)
[Investment Portfolio for the Month Ending June 30, 2022](#)
[Preliminary Month End Report for June 30, 2022](#)
6. 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). [22-0334](#)
ACCEPT STAFF RECOMMENDATION
7. Consideration of Adopting an Urgency Ordinance and Introducing an Ordinance to Amend the Existing Prohibition on the Use of City Resources for Political Activity in and on City Facilities (City Attorney Barrow). [22-0355](#)
A) ADOPT URGENCY ORDINANCE NO. 22-0007-U
B) ADOPT ORDINANCE NO. 22-0007
Attachments: [Urgency Ordinance No. 22-0007-U](#)
[Ordinance No. 22-0007](#)

8. Consideration in Designating a Voting Delegate and Alternate to the 2022 League of California Cities Annual Conference; Authorize the Delegate and Alternate Voting Authority on Proposed Resolution(s) Being Considered at the Conference (City Clerk Tamura). [22-0288](#)
- A) APPROVE VOTING DELEGATE AND ALTERNATE**
B) AUTHORIZE VOTING AUTHORITY
- Attachments:** [Designation of Voting Delegate/Alternates Form](#)
[2022 Annual League of California Cities Conference Resolutions Packet](#)
9. Consideration of: [22-0341](#)
- (1) Adopt a Resolution Nunc Pro Tunc Approving a Three-Year Crossing Guard Services Contract with All City Management Services in an Amount Not-to-Exceed \$1,495,000; and
(2) As a Contingency, Authorize the City Manager to Enter into a Separate Agreement to Prevent any Gap in Service (City Attorney Barrow).
- ADOPT RESOLUTION NO. 22-0122**
- Attachments:** [Resolution Nunc Pro Tunc No. 22-0122](#)
[Agreement - All City Management Services](#)
[RFP #1276-22 Bid Comparison for Crossing Guard Services](#)
10. Consideration of a Resolution Approving Amendment No. 1 to the Professional Services Agreement with Butier Engineering, Inc. for Additional Construction Management and Inspection Services in the Amount of \$321,301 for the Peck Reservoir Replacement Project (Public Works Director Lee). [22-0279](#)
- ADOPT RESOLUTION NO. 22-0116**
- Attachments:** [Resolution No. 22-0116](#)
[Amendment No. 1 - Butier Engineering, Inc.](#)
[Agreement - Butier Engineering, Inc.](#)
[Location Map](#)
11. Consideration of a Resolution Approving Amendment No. 5 to the Professional Services Agreement with SA Associates for \$330,000 for Additional Project Management Consulting Services for the Engineering Division (Public Works Director Lee). [22-0324](#)
- ADOPT RESOLUTION NO. 22-0117**
- Attachments:** [Resolution No. 22-0117](#)
[Amendment No. 5 - SA Associates](#)
[Agreement and Amendment Nos. 1-4 - SA Associates](#)

12. Consideration of Resolutions Awarding a Construction Agreement to Calpromax Engineering, Inc. for the Manhattan Beach Boulevard and Peck Avenue Traffic Signal Improvement Project for \$734,323; Approving an Inspection Services Agreement with Quantum Quality Consulting, Inc. in the Amount of \$120,250; and Approving an Appropriation of \$250,000 from the Measure R Fund (Public Works Director Lee).

[22-0037](#)

A) ADOPT RESOLUTION NOS. 22-0118 AND 22-0119

B) APPROPRIATE FUNDS

Attachments: [Resolution No. 22-0118](#)
[Agreement - Calpromax Engineering, Inc.](#)
[Bid Proposal - Calpromax Engineering, Inc.](#)
[Resolution No. 22-0119](#)
[Agreement - Quantum Quality Consulting, Inc.](#)
[Plans and Specifications \(Web-Link Provided\)](#)
[Budget and Expenditures Summary](#)
[Letter of No Prejudice](#)

J. ITEMS REMOVED FROM THE CONSENT CALENDAR

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

K. PUBLIC HEARINGS

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

- 13.** Conduct Public Hearing for Consideration of Adopting Resolutions [22-0247](#)
Regarding Renewal of Downtown Business Improvement District (BID) for
Fiscal Year 2022-2023 Including Authorization to Collect Assessments;
Ratification of the District Advisory Board; Authorization to Enter Into an
Agreement with the Downtown Manhattan Beach Business and
Professional Association; and Authorization to Disburse Assessments
Collected Through June 30, 2022 (Finance Director Charelian).
(Estimated Time: 10 Min.)
- A) CONDUCT PUBLIC HEARING**
 - B) ADOPT RESOLUTION NOS. 22-0120 AND 22-0121**
 - C) RATIFY BOARD**
 - D) AUTHORIZE THE DISBURSEMENT OF ASSESSMENTS
COLLECTED THROUGH JUNE 30, 2022**

Attachments: [Resolution No. 22-0120](#)
[Resolution No. 22-0121](#)
[Agreement - DMBBID/DMBPA \(2022-2023\)](#)
[BID Advisory Board of Directors to be Ratified \(FY 2022-2023\)](#)
[Business Improvement Budget & Activity Plan \(July 2022\)](#)

- 14.** Conduct Public Hearing Regarding the Triennial Water System Report on [22-0295](#)
Public Health Goals (Public Works Director Lee).
(Estimated Time: 10 Min.)
- A) CONDUCT PUBLIC HEARING**
 - B) RECEIVE AND FILE REPORT**

Attachments: [2022 Triennial Public Health Goal Final Report](#)
[Public Health Goal List](#)
[Health Risk Info](#)
[2019 Annual Water Quality Report](#)
[2020 Annual Water Quality Report](#)
[2021 Annual Water Quality Report](#)

L. GENERAL BUSINESS

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

15. Consideration of Five Appeals of the Planning Commission's Decision to Affirm the Community Development Director's Approval of a Precise Development Plan, Coastal Development Permit, and Tentative Parcel Map for the Development of a 96,217 Square-Foot Multi-Family Residential Building Ranging 37 to 50 Feet in Height and Including 79 Rental Dwelling Units with the Developer Utilizing a Density Bonus Pursuant to State Law, Inclusive of Waivers and Concessions, at 401 Rosecrans Avenue and 3770 Highland Avenue (Community Development Director Tai).

[22-0333](#)

(Estimated Time: 3 Hrs.)

AFFIRM THE DECISION OF THE PLANNING COMMISSION

Attachments: [Resolution No. 22-0124](#)
[Proposed Plans \(Web-Link Provided\)](#)
[Approval Decision - Director of Community Development \(March 29, 2022\)](#)
[Planning Commission Resolution No. PC 22-07](#)
[Planning Commission Draft Minutes \(June 8, 2022\)](#)
[Planning Commission Report, Attachments, and Related Material \(June 8, 2022\) \(Web-Link Provided\)](#)
[MBLCP Chapter A.94 Affordable Housing Density Bonus and Incentive Program \(Web-Link Provided\)](#)
[Compliance with Local Coastal Program- Implementation Plan and CA Government Code 65915](#)
[Appellant Materials - Donald McPherson](#)
[Appellant Materials - Robert Schendel](#)
[Appellant Materials - George Bordokas](#)
[Appellant Materials - Mark Burton](#)
[Appellant Materials - Andrew Ryan](#)
[Applicant's Architect's Letter Regarding Ceiling Height \(September 8, 2021\)](#)
[Applicant's Revised Study of Residential Rental Unit Size](#)
[Traffic Analysis Provided by Applicant](#)
[City Trip Generation Review \(February 17, 2022\)](#)
[Phase I and II Environmental Site Assessment \(Web-Link Provided\)](#)
[Public Comments \(Received Between June 9, 2022 - August 10, 2022\) \(Web-Link Provided\)](#)
[PowerPoint Presentation](#)

16. Consideration of Assessment on Coyote Population and Activity (Police Chief Johnson). [22-0328](#)

(Estimated Time: 45 Min.)

DISCUSS AND PROVIDE DIRECTION

Attachments: [Manhattan Beach Coyote Survey: Humane Wildlife Control, Inc. \(August 5, 2022\)](#)
[Manhattan Beach Coyote Management Plan](#)

17. Selection of a Ballot Letter Designation for the City's Ballot Measure Maintaining the Existing Prohibition on Commercial Cannabis Activity (City Attorney Barrow). [22-0350](#)

(Estimated Time: 15 Min.)

SELECT BALLOT LETTER DESIGNATION

Attachments: [City's Initiative Prohibiting Commercial Cannabis Activity](#)
[County Ballot Letter Designation Form](#)

M. 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.

18. City Council AB 1234 Reports. [22-0291](#)
RECEIVE AND FILE

19. Consider Request by Mayor Napolitano and Councilmember Hadley to Discuss Afterschool REC Program Fees (Parks and Recreation Director Leyman). [22-0351](#)

DISCUSS AND PROVIDE DIRECTION

20. Consider Request by Councilmember Franklin and Councilmember Hadley to Discuss the Approval Process for Edits to the Bruce's Beach History Report (City Manager Moe). [22-0354](#)

DISCUSS AND PROVIDE DIRECTION

N. FUTURE AGENDA ITEMS

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

21. Agenda Forecast (City Clerk Tamura). [22-0342](#)
INFORMATION ITEM ONLY

- 22.** Recent Planning Commission Quasi-Judicial Decision: [22-0360](#)
Use Permit Amendment to Allow an Expansion of an Existing 4,180 Square-Foot “Eating and Drinking Establishments” use (Arthur J restaurant) with Full Alcohol Service, Into an Adjacent Vacant 1,141 Square-Foot Tenant Space (Formerly a Dry Cleaner) Within an Existing Commercial Building at 901 and 903 Manhattan Avenue in the Downtown Commercial (CD) Zoning District Per LCP Section A.16.020, a Use Permit is Required for the Establishment of an “Eating and Drinking Establishments” Use and a Use Permit, or Use Permit Amendment, Shall be Required for any New Alcohol License or Modification to an Existing Alcohol License Within the Downtown Commercial (CD) Zoning District The expanded Area Will Serve as a Private Dining Room for the Existing Restaurant (Arthur J) (Community Development Director Tai).
INFORMATION ITEM ONLY

O. CITY MANAGER REPORT

P. CITY ATTORNEY REPORT

Q. INFORMATIONAL ITEMS

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

R. CLOSED SESSION

S. ADJOURNMENT

T. FUTURE MEETINGS

CITY COUNCIL MEETINGS

*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

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

U. 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