

## City Council Regular Meeting

### Regular Meeting

**Tuesday, October 18, 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

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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. The City Council encourages the public to participate by submitting comments in advance of the meeting, no later than **5:30 PM, October 18, 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, October 12, 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**

1. Presentation of Commendations to Manhattan Beach Historical Society  
Outgoing President Gary McAulay and Manhattan Beach Historical Society  
Pioneer Founder James Gill for Their Years of Dedicated Service to the  
City of Manhattan Beach and the Manhattan Beach Historical Society.

[22-0375](#)

**PRESENT**

Attachments: [Commendations - Gary McAulay and James Gill](#)

**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. GENERAL BUSINESS (CONTINUED)**

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

2. 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 (Continued from the August 16, 2022, City Council Meeting) (Community Development Director Tai).

[22-0432](#)

**(Estimated Time: 2 Hrs.)**

**A) RESUME DELIBERATIONS****B) AFFIRM AND UPHOLD THE DECISION OF THE PLANNING COMMISSION**

**Attachments:** [Draft Resolution No. 22-0124](#)

[Staff Report with Attachments \(August 16, 2022\) \(Web-Link Provided\)](#)

[Press Release \(Dated September 1, 2022\)](#)

[Public Comments \(August 16, 2022, September 6, 2022, and After September 6, 2022\) \(Web-Link Provided\)](#)

[PowerPoint Presentation](#)

## H. 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, October 18, 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.

**UPDATES AND PRESENTATIONS:**

3. Update on Resolution No. 22-0135 in Support of Measure V on the November 8, 2022, Election Ballot Readopting the City's Commercial Cannabis Prohibition, and Against Cannabis Industry Measure MB on the November 8, 2022, Election Ballot (City Manager Moe). [22-0434](#)

(Estimated Time: 10 Min.)

**RECEIVE REPORT**

Attachments: [Resolution No. 22-0135](#)  
[Staff Report - October 6, 2022](#)

**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: [22-0280](#)  
This Item Contains Minutes of the Following City Council Meeting(s):  
a) City Council Regular Meeting Minutes of October 4, 2022  
b) City Council Adjourned Regular Meeting Minutes of October 10, 2022  
(City Clerk Tamura).

**APPROVE**

Attachments: [City Council Regular Meeting Minutes of October 4, 2022](#)  
[City Council Adjourned Regular Meeting Minutes of October 10, 2022](#)

5. Financial Reports: [22-0416](#)  
a) Schedule of Demands September 22, 2022 and September 29, 2022  
b) Investment Portfolio for the Month Ending August 31, 2022  
c) Month End Report for August 31, 2022  
(Finance Director Charelian).

**ACCEPT REPORTS AND DEMANDS**

Attachments: [Schedule of Demands for September 22, 2022 and September 29, 2022](#)  
[Investment Portfolio for the Month Ending August 31, 2022](#)  
[Month End Report for August 31, 2022](#)

6. Declaration of a Proclamation for the Month of November as Family Court Awareness Month [22-0427](#)  
**PROCLAIM**

7. Consideration of the Following: [22-0433](#)
- a) Resolution Setting Aside Ordinance Nos. 15-0010 and 19-0007 in Compliance with Peremptory Writ of Mandate, and
  - b) Ordinance Regulating Short-term Rentals and Other Transient Uses Outside the Coastal Zone (City Attorney Barrow).
- A) ADOPT RESOLUTION NO. 22-0150**
- B) INTRODUCE ORDINANCE NO. 22-0010**
- Attachments:* [Resolution No. 22-0150](#)  
[Ordinance No. 22-0010](#)
8. Consideration and Introduction of Two Ordinances to Amend Title 9 and Chapter 3.16 of the Manhattan Beach Municipal Code to Adopt the 2022 California Building Standards Code by Reference (Building Code; Residential Code; Fire Code; Electrical Code; Plumbing Code; Green Building Standards Code; Energy Code; Mechanical Code; Existing Building Code; Historical Building Code; Administrative Code; Referenced Standards Code) and Adopt Associated Local Amendments (Community Development Director Tai and Fire Chief Lang). [22-0093](#)
- (Estimated Time: 15 Mins.)*
- A) INTRODUCE ORDINANCE NOS. 22-0008 AND 22-0009**
- B) SET PUBLIC HEARING FOR NOVEMBER 15, 2022**
- Attachments:* [Ordinance No. 22-0008](#)  
[Ordinance No. 22-0009](#)
9. Consideration of a Resolution Approving a Professional Services Agreement with Black & Veatch Management Consulting, LLC in the Budgeted Amount of \$68,085 for the 2023 Wastewater Rate Study (Public Works Director Lee). [22-0359](#)
- ADOPT RESOLUTION NO. 22-0147**
- Attachments:* [Resolution No. 22-0147](#)  
[Agreement – Black & Veatch Management Consulting, LLC](#)
10. Consideration of Accepting as Complete Work Performed by All American Asphalt Regarding the Slurry Seal Project Encompassing the Central Area of the Sand Section (Public Works Director Lee). [22-0330](#)
- ACCEPT AND AUTHORIZE**
- Attachments:* [Location Map](#)

11. Consideration of a Resolution Approving Amendment No. 2 With Merrimac Petroleum, Inc. dba Merrimac Energy Group for Bulk Fuel Purchases (Public Works Director Lee). [22-0365](#)

**ADOPT RESOLUTION NO. 22-0148**

**Attachments:** [Resolution No. 22-0148](#)  
[Amendment No. 2 - Merrimac Petroleum, Inc. dba Merrimac Energy Group](#)  
[Agreement and Amendment No. 1 - Merrimac Petroleum, Inc. dba Merrimac Energy Group](#)

12. Consideration of a Resolution Approving Amendment No. 2 to the Agreement with Unifirst Corporation for Uniform and Safety Mat Services to Modify the Provisions Governing Unifirst Corporation's Compensation (Public Works Director Lee). [22-0398](#)

**ADOPT RESOLUTION NO. 22-0149**

**Attachments:** [Resolution No. 22-0149](#)  
[Amendment No. 2 - Unifirst Corporation](#)  
[Agreement and Amendment No. 1 - Unifirst Corporation](#)

**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.** Public Hearing *De Novo* to Consider a Proposed 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 (Simms Restaurants Group/Arthur J) (Community Development Director Tai).

[22-0385](#)

**(Estimated Time: 1 Hr. 30 Mins.)**

**A) CONDUCT PUBLIC HEARING DE NOVO**

**B) DIRECT STAFF TO DRAFT A RESOLUTION MAKING AN ENVIRONMENTAL DETERMINATION OF CATEGORICAL EXEMPTION IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) AND CONDITIONALLY APPROVING THE USE PERMIT AMENDMENT FOR CONSIDERATION AT A SUBSEQUENT COUNCIL MEETING**

**Attachments:** [Vicinity Map](#)

[Planning Commission Resolution No. 22-08](#)

[Planning Commission Minutes \(August 10, 2022\)](#)

[Planning Commission Report and Attachments \(August 10, 2022\)  
\(Web-Link Provided\)](#)

[Use Permit Application \(Plans\)](#)

[Appellant Materials \(Don McPherson\)](#)

[Recommended Conditions of Approval](#)

[Notice of Exemption for Coastal Development Permit](#)

[PowerPoint Presentation](#)

## L. GENERAL BUSINESS

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

14. Consideration of Fire Department Staffing Levels and Authorization for Three Additional Full-Time Employees (2 Civilian Fire Prevention and 1 Sworn Employee) and the Over-Hiring of up to Three Additional Firefighter/Paramedics for Anticipated Vacancies (Fire Chief Lang and Human Resources Director Jenkins). [22-0431](#)  
(Estimated Time: 45 Mins.)  
**DISCUSS AND PROVIDE DIRECTION**  
*Attachments:* [Costing Comparison \(Backfilling on Overtime vs. Employee to Fill Position\)](#)
15. Consideration of Police Department Staffing Levels and Authorization for the Over-Hiring of Five Additional Police Officers (Police Chief Johnson and Human Resources Director Jenkins). [22-0435](#)  
**DISCUSS AND PROVIDE DIRECTION**
16. Discuss Existing Regulations For Overhead String Lights Placed Above Walk Streets (Community Development Director Tai). [22-0397](#)  
(Estimated Time: 30 Mins.)  
**DISCUSS AND PROVIDE DIRECTION**  
*Attachments:* [Manhattan Beach Municipal Code - Chapter 7.36 PowerPoint Presentation](#)

## 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.*

## N. FUTURE AGENDA ITEMS

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

## O. CITY MANAGER REPORT

## P. CITY ATTORNEY REPORT

## Q. INFORMATIONAL ITEMS

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

17. Agenda Forecast (City Clerk Tamura). [22-0377](#)  
**INFORMATION ITEM ONLY**

**R. CLOSED SESSION****S. ADJOURNMENT****T. FUTURE MEETINGS****CITY COUNCIL MEETINGS**

*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**

*October 24, 2022 - Monday - 4:00 PM - Parks and Recreation Commission Meeting*

*October 26, 2022 - Wednesday - 3:00 PM - Planning Commission Meeting*

*October 27, 2021 - Thursday - 6:00 PM - Parking and Public Improvements Commission Meeting*

*November 9, 2022 - Wednesday - 3:00 PM - Planning Commission Meeting*

*November 14, 2022 - Monday - 4:00 PM - Library Commission Meeting*

*November 21, 2022 - Monday - 4:00 PM - Cultural Arts Commission Meeting*

*November 23, 2022 - Wednesday - 3:00 PM - Planning Commission Meeting*

*November 24, 2021 - Thursday - 4:00 PM - Parking and Public Improvements Commission Meeting (Rescheduled to December 1, 2022)*

*November 28, 2022 - Monday - 4:00 PM - Parks and Recreation Commission Meeting*

*December 1, 2022 - Thursday - 4:00 PM - Parking and Public Improvements Commission Meeting (Rescheduled from the November 24, 2022 and December 22, 2022)*

*December 12, 2022 - Monday - 4:00 PM - Library Commission Meeting*

*December 14, 2022 - Wednesday - 3:00 PM - Planning Commission Meeting*

*December 19, 2022 - Monday - 4:00 PM - Cultural Arts Commission Meeting*

*December 22, 2021 - Thursday - 6:00 PM - Parking and Public Improvements Commission Meeting (Rescheduled to December 1, 2022)*

*December 26, 2022 - Monday - 4:00 PM - Parks and Recreation Commission Meeting*

*December 28, 2022 - Wednesday - 3:00 PM - Planning Commission Meeting*

**U. CITY OFFICES CLOSED****CITY HOLIDAYS:**

*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*

*September 4, 2023 - Monday - Labor Day*

*October 10, 2022 – Monday – Columbus Day*