

AMENDED

City Council Regular Meeting

Regular Meeting

Tuesday, December 20, 2022

6:00 PM

City Council Chambers and Zoom



ELECTED OFFICIALS

Mayor Steve Napolitano

Mayor Pro Tem Richard Montgomery

Councilmember Joe Franklin

Councilmember Amy Howorth

Councilmember David Lesser

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. The City Council encourages the public to participate by submitting comments in advance of the meeting, no later than **5:30 PM, December 20, 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 amended notice/agenda was posted on Friday, December 16, 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, December 20, 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.

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: [22-0285](#)
This Item Contains the City Council Adjourned Regular Meeting Minutes of December 13, 2022 (City Clerk Tamura).
APPROVE

2. Financial Reports: [22-0484](#)
 - a) Schedule of Demands November 17, 2022, November 23, 2022, and December 1, 2022
 - b) Investment Portfolio for the Month Ending October 31, 2022
 - c) Month End Report for October 31, 2022
(Finance Director Charelian).**ACCEPT REPORTS AND DEMANDS**

Attachments: [Schedule of Demands November 17, 2022, November 23, 2022 and December 1, 2022](#)
[Investment Portfolio October 31 2022](#)
[Month End Report October 31, 2022](#)

3. Consideration of a Resolution Approving a Five-Year Agreement with Vital Medical Services for On-Call Non-Emergency Medical Services for In-Custody Arrestees in an Amount Not-to-Exceed \$500,000 (Police Chief Johnson). [22-0457](#)
ADOPT RESOLUTION NO. 22-0167

Attachments: [Resolution No. 22-0167](#)
[Agreement - Vital Medical Services](#)

4. Consideration of a Resolution Approving a Comprehensive Citywide Salary Schedule for all City Positions and Adjustments to Salary Ranges (Human Resources Director Jenkins). [22-0510](#)
ADOPT RESOLUTION NO. 22-0168

Attachments: [Resolution No. 22-0168](#)
[City of Manhattan Beach - Salary Schedule](#)

5. Consideration of a Resolution Approving Amendment No. 1 to the Professional Services Agreement with Civic Solutions, Inc. for Professional Planning Services for the Community Development Department at a Cost Not-to-Exceed \$148,950 (Community Development Director Tai). [22-0482](#)
ADOPT RESOLUTION NO. 22-0169
Attachments: [Resolution No. 22-0169](#)
[Amendment No. 1 - Civic Solutions, Inc.](#)
[Agreement - Civic Solutions, Inc. \(2022\)](#)
6. Alleviation Report for Second Extension of Interim Zoning Ordinance to Clarify Provisions for the Preservation of Historic Resources (Community Development Director Tai). [22-0509](#)
ISSUE ALLEVIATION MEASURES REPORT
Attachments: [Government Code Section 65858](#)
7. Consideration of Resolutions Approving Engineering Design Professional Services Agreement with SWA Group for the Polliwog Park Lower Playground Replacement Project for \$59,129; Approving Amendment No. 1 to the Construction Management and Inspection Professional Services Agreement with Ardurra Group for \$152,598; and Approving an Additional Appropriation of \$350,000 from the Capital Improvements Program (CIP) Fund for the Project (Public Works Director Lee). [22-0481](#)
A) ADOPT RESOLUTION NOS. 22-0170 AND 22-0171
B) APPROPRIATE FUNDS
Attachments: [Resolution No. 22-0170](#)
[Agreement – SWA Group, Inc.](#)
[Resolution No. 22-0171](#)
[Amendment No. 1 - Ardurra Group, Inc.](#)
[Agreement – Ardurra Group, Inc. \(2021\)](#)
[Budget and Expenditure Summary](#)
[Location Map](#)
[Revised Playground Layout Renderings](#)
8. Consideration of a Resolution Authorizing a New Memorandum of Understanding Between the City of Manhattan Beach and West Basin Municipal Water District for Department of Water Resources Proposition 1 Round 2 Integrated Regional Water Management Grant Program Application Preparation Fees (Public Works Director Lee). [22-0512](#)
ADOPT RESOLUTION NO. 22-0172
Attachments: [Resolution No. 22-0172](#)
[Draft Memorandum of Understanding](#)

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.

9. Consideration of Design for Bruce's Beach Plaque Monument Landscaping (City Manager Moe). [22-0522](#)
(Estimated Time: 30 Min.)
DISCUSS AND PROVIDE DIRECTION
Attachments: [Hardscape and Planting Plans for Option 1](#)
[Rough Estimates for Option 1](#)
[PowerPoint Presentation \(Enviroscape LA\)](#)
10. Discussion Regarding Hiring Outside Law Enforcement Agency for Downtown (Police Chief Johnson). [22-0469](#)
(Estimated Time: 20 Mins.)
DISCUSS AND PROVIDE DIRECTION
11. California's COVID-19 State of Emergency Ending and Impacts on the City's Related Emergency Orders (City Manager Moe). [22-0455](#)
(Estimated Time: 40 Mins.)
DISCUSS AND PROVIDE DIRECTION
Attachments: [California's SMARTER Plan Progress Update](#)
[Urgency Ordinance No 20-0012-U](#)
[Urgency Ordinance No. 20-0016-U](#)
[Urgency Ordinance No. 20-0018-U](#)
[Ordinance No. 22-0001](#)
[Emergency Orders and Urgency Ordinances During COVID-19](#)
12. Review of Pending Agenda Items for City Council Consideration (City Manager Moe). [22-0519](#)
(Estimated Time: 20 Min.)
DISCUSS AND PROVIDE DIRECTION

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.

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). [22-0344](#)
INFORMATION ITEM ONLY

14. Commission Minutes: [22-0521](#)
This Item Contains Minutes of the following City Commission Meetings:
a) Library Commission Special Meeting Minutes of May 31, 2022 (Parks and Recreation Director Leyman)
b) Parks and Recreation Commission Meeting Minutes of September 26, 2022 (Rescheduled) (Parks and Recreation Director Leyman)
c) Parks and Recreation Commission Meeting Minutes of October 13, 2022 (Parks and Recreation Director Leyman)
d) Cultural Arts Commission Meeting Minutes of October 17, 2022 (Parks and Recreation Director Leyman)
e) Parks and Recreation Commission Meeting Minutes of October 24, 2022 (Parks and Recreation Director Leyman)
f) Library Commission Meeting Minutes of November 14, 2022 (Parks and Recreation Director Leyman).
INFORMATION ITEM ONLY

Attachments: [Library Commission Special Meeting Minutes of May 31, 2022](#)
[Parks and Recreation Commission Meeting Minutes of September 26, 2022 \(Rescheduled\)](#)
[Parks and Recreation Commission Meeting Minutes of October 13, 2022](#)
[Cultural Arts Commission Meeting Minutes of October 17, 2022](#)
[Parks and Recreation Commission Meeting Minutes of October 24, 2022](#)
[Library Commission Meeting Minutes of November 14, 2022](#)

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

**Name of Case: Highrose El Porto, LLC. v City of Manhattan Beach
Los Angeles County Superior Court
Case No: 22STCP03962**

This lawsuit challenges the City Council's decision regarding the Highrose El Porto project.

**b) CONFERENCE WITH LEGAL COUNSEL (ANTICIPATED LITIGATION)
(Government Code Section 54956.9(d)(2)(e)(5))**

A point has been reached where, in the opinion of the City Council on the advice of its City Attorney, based on existing facts and circumstances, there is a significant exposure to litigation against the City. Californians for Homeownership, YIMBY Law, and California Renters Legal Advocacy and Education Fund (CaRLA) have submitted two letters indicating that they intend to file litigation against the City if the City Council does not "rehear" the Highrose El Porto project, which is the topic of the litigation identified in Section a) above. In addition, the state Department of Housing and Community Development served the City with a "Notice of Violation" regarding the City Council's decision. The referenced correspondence is included in this agenda packet, and copies are available upon request at the City Clerk's Office at City Hall, 1400 Highland Avenue, Manhattan Beach, CA 90266.

Number of Cases: 2

Attachments: [Letter - November 22, 2022](#)
[Letter - November 23, 2022](#)
[Letter - November 28, 2022](#)
[Correspondence - December 9, 2022](#)

**c) PUBLIC EMPLOYEE PERFORMANCE EVALUATION
(Government Code Section 54957)**

Title: City Manager

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**

January 3, 2023 - Tuesday -- 6:00 PM - City Council Meeting (Cancelled)
January 9, 2023 - Monday -- 6:00 PM - City Council and Parks and Recreation Commission, Cultural Arts Commission, and Library Commission Work Plan Meeting
January 17, 2023 - Tuesday -- 6:00 PM - City Council Meeting
January 18, 2023 - Wednesday -- 6:00 PM - City Council and Planning Commission and Parking and Public Improvements Commission Work Plan Meeting
February 7, 2023 - Tuesday -- 6:00 PM - City Council Meeting
February 21, 2023 - Tuesday -- 6:00 PM - City Council Meeting
March 7, 2023 - Tuesday -- 6:00 PM - City Council Meeting
March 21, 2023 - Tuesday -- 6:00 PM - City Council Meeting (Reorganization)
April 4, 2023 - Tuesday -- 6:00 PM - City Council Meeting
April 18, 2023 - Tuesday -- 6:00 PM - City Council Meeting
April 25, 2023 - Tuesday -- TBD - Boards and Commissions Interviews
May 2, 2023 - Tuesday -- 6:00 PM - City Council Meeting
May 16, 2023 - Tuesday -- 6:00 PM - City Council Meeting
June 6, 2023 - Tuesday -- 6:00 PM - City Council Meeting
June 20, 2023 - Tuesday -- 6:00 PM - City Council Meeting
July 4, 2023 - Tuesday -- 6:00 PM - City Council Meeting (Holiday)
July 18, 2023 - Tuesday -- 6:00 PM - City Council Meeting
August 1, 2023 - Tuesday -- 6:00 PM - City Council Meeting
August 15, 2023 - Tuesday -- 6:00 PM - City Council Meeting
September 5, 2023 - Tuesday -- 6:00 PM - City Council Meeting
September 19, 2023 - Tuesday -- 6:00 PM - City Council Meeting
October 3, 2023 - Tuesday -- 6:00 PM - City Council Meeting
October 17, 2023 - Tuesday -- 6:00 PM - City Council Meeting
November 7, 2023 - Tuesday -- 6:00 PM - City Council Meeting
November 21, 2023 - Tuesday -- 6:00 PM - City Council Meeting
December 5, 2023 - Tuesday -- 6:00 PM - City Council Meeting
December 19, 2023 - Tuesday -- 6:00 PM - City Council Meeting

BOARDS, COMMISSIONS AND COMMITTEE MEETINGS

December 22, 2021 - Thursday - 4:00 PM - Parking and Public Improvements Commission Meeting
December 26, 2022 - Monday - 4:00 PM - Parks and Recreation Commission Meeting
December 28, 2022 - Wednesday - 3:00 PM - Planning Commission Meeting

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

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 9, 2023 – Monday – Columbus Day

November 10, 2023 – Friday – Veterans Day (Observance of November 11, 2023)

November 23-24, 2023 - Thursday & Friday - Thanksgiving Holiday