

## City Council Regular Meeting

### Regular Meeting

**Tuesday, January 17, 2023**

**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

**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

**Acting Community Development Director** Talyn Mirzakhonian

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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 **12:00 PM, January 17, 2023**, (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, January 11, 2023, 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 Recognition Awards for Longstanding Local Businesses (Finance Director Charelian).

[23-0037](#)

**PRESENT**

**Attachments:** [PowerPoint Presentation](#)

**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 **12:00 PM, January 17, 2023**, (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.

2. City Council Minutes: [23-0002](#)  
This Item Contains the City Council Regular Meeting Minutes of January 3, 2023 (Cancelled) (City Clerk Tamura).

**APPROVE**

Attachments: [City Council Regular Meeting Minutes of January 3, 2023 \(Cancelled\)](#)

3. Financial Reports: [23-0003](#)  
a) Schedule of Demands December 8, 2022, December 15, 2022, December 22, 2022, December 29, 2022  
b) Investment Portfolio for the Month Ending November 30, 2022  
c) Month End Report for November 30, 2022  
(Finance Director Charelian).

**ACCEPT REPORTS AND DEMANDS**

Attachments: [Schedule of Demands December 8, December 15, December 22 and December 29, 2022](#)  
[Investment Portfolio for the Month Ending November 30, 2022](#)  
[Month End Report for November 30, 2022](#)

4. Status Update on Fiscal Year 2022 - 2023 Chamber of Commerce Work Plan Contract (City Manager Moe). [23-0004](#)

**RECEIVE REPORT**

Attachments: [Semi Annual Work Plan Progress/Update \(Provided by Chamber of Commerce\)](#)  
[Agreement - Chamber of Commerce \(2022\)](#)

5. a. Second Reading and Adoption of Ordinance No. 23-0002: [23-0054](#)  
An Ordinance of the City of Manhattan Beach Amending Title 1 (General Provisions) of the Manhattan Beach Municipal Code to add Chapter 1.14 Regarding Rehearings  
b. Adoption of Urgency Ordinance No. 23-0003-U:  
An Urgency Ordinance of The City of Manhattan Beach Amending Title 1 (General Provisions) of the Manhattan Beach Municipal Code to add Chapter 1.14 Regarding Rehearings and Declaring the Urgency Thereof  
c. Making a Determination of Exemption under the California Environmental Quality Act (City Manager Moe).

**ADOPT ORDINANCE NOS. 23-0002 AND 23-0003-U**

Attachments: [Urgency Ordinance No. 23-0003-U](#)  
[Ordinance No. 23-0002](#)

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6. Consideration of a Resolution Declaring an Intention to Provide for Annual Levy and Collection of Assessments for the North Manhattan Beach Business Improvement District and Setting February 21, 2023, for a Public Hearing (Finance Director Charelian). [23-0039](#)  
**ADOPT RESOLUTION NO. 23-0011**  
**Attachments:** [Resolution No. 23-0011](#)  
[2023 Annual Budget and Activity Plan](#)  
[Revised North MB BID Bylaws](#)
7. Consider Awarding Bid No. 1290-23 to McGovern Commercial for the Purchase of Seven Patrol Vehicles for the Police Department in the Amount of \$289,691 and Approving an Additional Appropriation of \$178,043 from the Fleet Management Fund (Finance Director Charelian). [23-0042](#)  
**A) APPROVE**  
**B) APPROPRIATE FUNDS**  
**Attachments:** [Bid No. 1290-23 Comparison for Patrol Vehicle](#)
8. Fiscal Year 2021-2022 Annual Comprehensive Financial Report (Finance Director Charelian). [23-0005](#)  
**RECEIVE AND FILE**  
**Attachments:** [Fiscal Year 2021-2022 Annual Comprehensive Financial Report \(ACFR\)](#)  
[Report on Internal Control \(Management Letter\)](#)  
[Audit Communication Letter](#)
9. Consideration of a Resolution Accepting 2021 State Homeland Security Program Grant Funds in the Amount of \$72,000 for the Purchase of Law Enforcement Equipment (Police Chief Johnson). [23-0007](#)  
**A) ADOPT RESOLUTION NO. 23-0002**  
**B) APPROPRIATE FUNDS**  
**Attachments:** [Resolution No. 23-0002](#)  
[Agreement - State Homeland Security Program Grant \(2021\)](#)
10. Approval of a Purchase of "Circles" Sculpture by CJ Rench, and Allocate \$25,000 from the Public Art Trust Fund (Parks and Recreation Director Leyman). [23-0008](#)  
**A) APPROVE**  
**B) ALLOCATE FUNDS FROM PUBLIC ART TRUST FUND**  
**Attachments:** [Agreement - CJ Rench](#)  
[PowerPoint Presentation](#)

11. Consideration of a Resolution Approving Amendment No. 2 to the Professional Services Agreement with Pacific Advanced Civil Engineering, Inc. for \$96,480 for Additional Design Services for the Larsson 2nd Street Booster Pump Station Upgrade Project (Public Works Director Lee). [23-0010](#)  
**ADOPT RESOLUTION NO. 23-0005**  
**Attachments:** [Resolution No. 23-0005](#)  
[Amendment No 2 - Pacific Advanced Civil Engineering, Inc. \(PACE\)](#)  
[Agreement and Amendment No.1 - Pacific Advanced Civil Engineering, Inc. \(PACE\)](#)  
[Budget and Expenditures Summary Report](#)
12. Consideration of a Resolution Approving Amendment No. 2 to the Professional Services Agreement with Butier Engineering, Inc. for Additional Construction Management and Inspection Services in the Amount of \$435,537 for the Peck Reservoir Replacement Project (Public Works Director Lee). [23-0012](#)  
**ADOPT RESOLUTION NO. 23-0006**  
**Attachments:** [Resolution No. 23-0006](#)  
[Amendment 2 - Butier Engineering, Inc.](#)  
[Agreement and Amendment No. 1 - Butier Engineering, Inc.](#)  
[Location Map](#)
13. Consideration of a Resolution Approving an Agreement with HF&H Consultants, LLC to Perform Up to Five Biennial Compliance Audits on the City's Franchise Agreement with Waste Management During the Agreement Term and Appropriate \$100,000 in Mostly-Reimbursable Funds from the General Fund (Public Works Director Lee). [23-0014](#)  
**A) ADOPT RESOLUTION NO. 23-0008**  
**B) APPROPRIATE FUNDS**  
**Attachments:** [Resolution No. 23-0008](#)  
[Agreement - HF&H Consultants, LLC.](#)
14. Consideration of Resolution Approving an Agreement with HF&H Consultants, LLC. in the Amount of \$25,000 to Conduct a Senate Bill (SB) 1383 Grant-Funded Gap Analysis Regarding New Statewide Organic Waste Regulations and Appropriating \$50,347 in Grant-Reimbursable Funds for the Analysis and Other Reimbursable Expenditures (Public Works Director Lee). [23-0015](#)  
**A) ADOPT RESOLUTION NO. 23-0009**  
**B) APPROPRIATE FUNDS**  
**Attachments:** [Resolution No. 23-0009](#)  
[Agreement - HF&H Consultants, LLC.](#)

15. Consideration of Resolutions to Accept Agreements of Easement Dedication and Covenants and Temporary Construction Easement Deeds for Properties at 1100 and 1120 N. Sepulveda Boulevard for the Manhattan Beach Boulevard and Sepulveda Boulevard Intersection Improvement Project (Public Works Director Lee) [23-0016](#)
- A) **ACCEPT**  
B) **AUTHORIZE**  
C) **ADOPT RESOLUTION NOS. 23-0012 AND 23-0013**

**Attachments:** [Resolution No. 23-0012](#)  
[Agreement - Irrevocable Offer of Dedication and Covenants - 1100 N. Sepulveda Boulevard](#)  
[Temporary Construction Easement Deed - 1100 N. Sepulveda Boulevard](#)  
[Resolution No. 23-0013](#)  
[Agreement - Irrevocable Offer of Dedication and Covenants - 1120 N. Sepulveda Boulevard](#)  
[Temporary Construction Easement Deed - 1120 N. Sepulveda Boulevard](#)  
[Resolution No. 6122](#)

## 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.*

16. Urgency Ordinance No. 23-0001-U: [23-0017](#)  
An Interim Ordinance Of The City Of Manhattan Beach Extending Urgency Ordinance No. 22-0002-U, Which Amended The Manhattan Beach Municipal Code To Clarify Provisions For The Preservation Of Historic Resources (Acting Community Development Director Mirzakhani).  
*(Estimated Time: 15 Mins.)*  
A) **CONDUCT PUBLIC HEARING**  
B) **ADOPT URGENCY ORDINANCE NO. 23-0001-U EXTENDING THE INTERIM ZONING ORDINANCE FOR A MAXIMUM OF ONE YEAR**

**Attachments:** [Urgency Ordinance No. 23-0001-U](#)  
[PowerPoint Presentation](#)



**K. GENERAL BUSINESS**

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

17. Consideration of Final Design for Bruce's Beach Plaque Monument Landscaping (City Manager Moe). [23-0048](#)  
(Estimated Time: 30 Mins.)  
**APPROVE**

**Attachments:** [Hardscape and Planting Plans](#)  
[Rough Cost Estimate](#)  
[PowerPoint Presentation](#)

18. Discussion of Options for Temporary Encroachment Permits for Street Dining and Business Uses and Outdoor Facilities Permits for Outdoor Uses on Private Property After Expiration of COVID-19 Emergency Orders (Acting Community Development Director Mirzakhonian). [23-0021](#)  
(Estimated Time: 60 min.)  
**DISCUSS AND PROVIDE DIRECTION**

**Attachments:** [Outdoor Street Dining/Business Use Encroachment Area Chronology](#)  
[PowerPoint Presentation](#)

19. Discussion Regarding Placing Cameras at Public Facilities, Public Areas and Parks (Public Works Director Lee). [23-0019](#)  
(Estimated Time: 45 Mins.)  
**DISCUSS AND PROVIDE DIRECTION**

**Attachments:** [Map Depicting Scope of Current Citywide Security Cameras Project](#)  
[PowerPoint Presentation](#)

20. Consideration of Resolutions Awarding a Construction Agreement to Pavement Coatings Co. for the Slurry Seal Project Encompassing the North Area of the Sand Section (Area 7) for \$1,188,249; Approving a Construction Inspection Professional Services Agreement with Z & K Consultants, Inc. for \$52,224; and Approving an Additional Appropriation of \$177,448 from the Capital Improvements Program (CIP) Fund and a Public Arts Trust Fund Allocation of \$326,822 for the Project (Public Works Director Lee).

[23-0030](#)

(Estimated Time: 15 Mins.)

- A) **ADOPT RESOLUTION NOS. 23-0003 AND 23-0004**  
B) **APPROPRIATE FUNDS**  
C) **DISCUSS AND PROVIDE DIRECTION**

Attachments: [Resolution No. 23-0003](#)  
[Agreement – Pavement Coatings Co.](#)  
[Bid Proposal - Pavement Coatings Co.](#)  
[Resolution No. 23-0004](#)  
[Agreement – Z & K Consultants, Inc.](#)  
[Plans and Specifications \(Web-Link Provided\)](#)  
[Budget and Expenditures Summary Report](#)  
[Location Map](#)  
[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.*

## 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.*

21. Agenda Forecast (City Clerk Tamura).  
**INFORMATION ITEM ONLY**

[23-0022](#)

**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))**

**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.**

**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 18, 2023 - Wednesday -- 6:00 PM - City Council and Planning Commission and Parking and Public Improvements Commission Work Plan Meeting*

*January 19, 2023 - Thursday -- 6:00 PM - Adjourned Regular Meeting (Highrose)*

*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 14, 2023 - Tuesday -- 6:00 PM - Adjourned Regular Meeting (Work Plan 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*

*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*

*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**

January 23, 2023 - Monday - 4:00 PM - Parks and Recreation Commission Meeting  
January 25, 2023 - Wednesday - 3:00 PM - Planning Commission Meeting  
January 26, 2023 - Thursday - 4:00 PM - Parking and Public Improvements Commission Meeting  
January 30, 2023 - Monday - 4:00 PM - Cultural Arts Commission Meeting (Rescheduled from January 16, 2023)  
February 8, 2023 - Wednesday - 3:00 PM - Planning Commission Meeting  
February 13, 2023 - Monday - 4:00 PM - Library Commission Meeting  
February 20, 2023 - Monday - 4:00 PM - Cultural Arts Commission Meeting  
February 22, 2023 - Wednesday - 3:00 PM - Planning Commission Meeting  
February 23, 2023 - Thursday - 4:00 PM - Parking and Public Improvements Commission Meeting  
February 27, 2023 - Monday - 4:00 PM - Parks and Recreation Commission Meeting  
March 8, 2023 - Wednesday - 3:00 PM - Planning Commission Meeting  
March 13, 2023 - Monday - 4:00 PM - Library Commission Meeting  
March 20, 2023 - Monday - 4:00 PM - Cultural Arts Commission Meeting  
March 22, 2023 - Wednesday - 3:00 PM - Planning Commission Meeting  
March 23, 2023 - Thursday - 4:00 PM - Parking and Public Improvements Commission Meeting  
March 27, 2023 - Monday - 4:00 PM - Parks and Recreation Commission Meeting  
April 10, 2023 - Monday - 4:00 PM - Library Commission Meeting  
April 12, 2023 - Wednesday - 3:00 PM - Planning Commission Meeting  
April 17, 2023 - Monday - 4:00 PM - Cultural Arts Commission Meeting  
April 24, 2023 - Monday - 4:00 PM - Parks and Recreation Commission Meeting  
April 26, 2023 - Wednesday - 3:00 PM - Planning Commission Meeting  
April 27, 2023 - Thursday - 4:00 PM - Parking and Public Improvements Commission Meeting

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

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  
December 25, 2023 - Monday - Christmas Day Observed  
January 1, 2024 – Monday – New Years Day Observed  
January 15, 2024 – Monday – Martin Luther King Day