

City Council Regular Meeting

Regular Meeting

Tuesday, April 18, 2023

6:00 PM

City Council Chambers and Zoom



ELECTED OFFICIALS

Mayor Richard Montgomery

Mayor Pro Tem Joe Franklin

Councilmember Amy Howorth

Councilmember David Lesser

Councilmember Steve Napolitano

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

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!

Meetings are broadcast live through Manhattan Beach Local Community Cable, Channel 8 (Spectrum), Channel 35 (Frontier);

Live streaming via the City's website;

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

The City continues to offer an opportunity to participate in City Council meetings via Zoom and in-person. City Council encourages the public to participate by submitting comments in advance of the meeting, no later than **12:00 PM, April 18, 2023** (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.

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.

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, April 12, 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

Tessa Smith, Pennekamp Elementary School

B. PLEDGE TO THE FLAG

C. ROLL CALL

D. CEREMONIAL CALENDAR

1. Presentation of Certificates of Recognition to Local AYSO Teams for Winning the Western States Championship.
PRESENT

[23-0174](#)

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, April 18, 2023** (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.

NOOM 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 at to activate the "raise hand" button 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 website.

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: [23-0173](#)

This Item Contains Minutes of the Following City Council Meeting(s):

a) City Council Adjourned Regular Meeting Minutes of April 4, 2023

b) City Council Regular Meeting Minutes of April 4, 2023

(City Clerk Tamura).

APPROVE

Attachments: [City Council Adjourned Regular Meeting Minutes of April 4, 2023](#)

[City Council Regular Meeting Minutes of April 4, 2023](#)

3. Financial Reports: [23-0095](#)

a) Schedule of Demands March 17, 2023, and March 24, 2023

b) Investment Portfolio for the Month Ending February 28, 2023

c) Month End Report for February 28, 2023

(Finance Director Charelian).

ACCEPT REPORTS AND DEMANDS

Attachments: [Schedule of Demands March 17, 2023 and March 24, 2023](#)

[Investment Portfolio February 2023](#)

[Month End Financial Report February 2023](#)

4. Consideration of a Resolution Opting In and Authorizing Settlement [23-0176](#)

Agreements with Manufacturers Teva and Allergan and Chain Pharmacies CVS, Walgreens, and Walmart and Authorize City Manager to Participate in Future Opioid Settlement Agreements (City Attorney Barrow).

ADOPT RESOLUTION NO. 23-0039

Attachments: [Resolution No. 23-0039](#)

[Executive Summary – National Opioids Settlement](#)

[Staff Report - December 7, 2021](#)

5. Consideration to Award Bid No. 1294-23 to Penske Chevrolet for the [23-0107](#)

Purchase of One Budgeted Chevrolet Silverado for the Police Department in the Amount of \$57,547.81 (Finance Director Charelian).

APPROVE

Attachments: [Bid No. 1294-23 Comparison](#)

6. Consideration to Award Bid No. 1300-23 to Bay City Electric Works for the Purchase of One Budgeted 100 kW Portable Generator for the Public Works Department in the Amount of \$93,211.88 (Finance Director Charelian). [23-0166](#)
APPROVE
Attachments: [Bid No. 1300-23 Comparison](#)
7. Consideration of Authorization to Solicit Bids for Replacement Turf for the Marine Avenue Athletic Field (Parks and Recreation Director Leyman). [23-0163](#)
APPROVE
Attachments: [Marine Avenue Park Vicinity Map](#)
8. Consideration of Resolutions Awarding a Construction Agreement to Hardy and Harper, Inc. for the Cycle 2 Street Resurfacing Project for \$3,732,000; and Approving a Construction Management and Inspection Services Agreement with Z&K Consultants, Inc. for \$141,574; and Determination Pursuant to the California Environmental Quality Act (CEQA) that this Activity is Categorically Exempt Pursuant to the State CEQA Guidelines (Public Works Director Lee). [23-0102](#)
ADOPT RESOLUTION NOS. 23-0040 AND 23-0041
Attachments: [Resolution No. 23-0040](#)
[Agreement - Hardy & Harper Inc.](#)
[Bid Proposal - Hardy and Harper Inc.](#)
[Resolution No. 23-0041](#)
[Agreement - Z&K Consultants Inc.](#)
[Plans and Specifications \(Web-Link Provided\)](#)
[Budget and Expenditures Summary](#)
[Location Map](#)
9. Consideration of a Resolution Approving Amendment No. 1 to the Agreement with Pegasus for Broadcast Professional Services Increasing the Annual Amount to \$90,000 or an Estimated Three-Year Contract Total of up to \$240,000 (Information Technology Director Hackelman). [23-0142](#)
ADOPT RESOLUTION NO. 23-0042
Attachments: [Resolution No. 23-0042](#)
[Amendment No. 1 - PEGasus](#)
[Agreement - PEGasus](#)

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.

10. Consideration of a Resolution Adopting a List of Street Repair Projects for Fiscal Year 2023-2024 Funded by Senate Bill 1: The Road and Accountability Act of 2017; and Authorizing the Public Works Director to Submit the Necessary Project Information to the California Transportation Commission (Public Works Director Lee). [23-0118](#)
- ADOPT RESOLUTION NO. 23-0043**

Attachments: [Resolution No. 23-0043](#)

K. GENERAL BUSINESS

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

11. Consider Taking City Council Positions on a Variety of Pending Legislation in the State Legislature Regarding Homelessness, Public Safety and Housing (City Manager Moe). [23-0167](#)
- (Estimated Time: 20 Min.)**
- AUTHORIZE**

Attachments: [SB 43 \(Eggman\) Behavioral Health](#)
[SB 363 \(Eggman\) Facilities for Inpatient and Residential Mental Health and Substance Use Disorder: Database](#)
[AB 67 \(Muratsuchi\) Homeless Courts Pilot Program](#)
[AB 1708 \(Muratsuchi\) Theft](#)
[AB 23 \(Muratsuchi\) Theft: Shoplifting: Amount](#)
[AB 1532 \(Haney\) Office Conversion Projects](#)
[SB 423 \(Wiener\) Land Use: Streamlined Housing Approvals: Multifamily Housing Developments](#)
[SB 4 \(Wiener\) Planning and Zoning: Housing Development: Higher Education Institutions and Religious Institutions](#)
[AB 1490 \(Lee\) Affordable Housing Development Projects: Adaptive Reuse](#)
[ACA 10 \(Haney\) Fundamental Human Right to Housing](#)

12. Consideration of the City Sponsoring a Juneteenth Celebration Event at Bruce's Beach Park (City Manager Moe). [23-0182](#)
- (Estimated Time: 30 Mins.)**
- 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).
INFORMATION ITEM ONLY

[23-0175](#)

Q. CLOSED SESSION**I. ANNOUNCEMENT IN OPEN SESSION OF ITEMS TO BE DISCUSSED IN CLOSED SESSION****CONFERENCE WITH LABOR NEGOTIATORS
(Government Code Section 54957.6)****Agency Negotiators:**

Bruce Moe, City Manager

Stephanie Swofford, Acting Human Resources Director

Employee Group(s):

Manhattan Beach Firefighters' Association

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

April 25, 2023 - Tuesday -- TBD - Boards and Commissions Interviews
May 2, 2023 - Tuesday -- 6:00 PM - City Council Meeting
May 9, 2023 - Tuesday -- 6:00 PM - Budget Study Session
May 16, 2023 - Tuesday -- 6:00 PM - City Council Meeting
May 23, 2023 - Tuesday -- 6:00 PM - Budget Study Session
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 (Rescheduled to July 5, 2023)
July 5, 2023 - Wednesday -- 6:00 PM - City Council Meeting (Rescheduled from July 4, 2023)
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

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
May 8, 2023 - Monday - 4:00 PM - Library Commission Meeting
May 10, 2023 - Wednesday - 3:00 PM - Planning Commission Meeting
May 15, 2023 - Monday - 4:00 PM - Cultural Arts Commission Meeting
May 22, 2023 - Monday - 4:00 PM - Parks and Recreation Commission Meeting
May 23, 2023 - Wednesday - 3:00 PM - Planning Commission Meeting
May 25, 2023 - Thursday - 4:00 PM - Parking and Public Improvements Commission Meeting
June 12, 2023 - Monday - 4:00 PM - Library Commission Meeting
June 14, 2023 - Wednesday - 3:00 PM - Planning Commission Meeting
June 19, 2023 - Monday - 4:00 PM - Cultural Arts Commission Meeting
June 22, 2023 - Thursday - 4:00 PM - Parking and Public Improvements Commission Meeting
June 26, 2023 - Monday - 4:00 PM - Parks and Recreation Commission Meeting
June 28, 2023 - Wednesday - 3:00 PM - Planning Commission Meeting

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

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

February 19, 2024 - Monday - Presidents Day