

City Council Regular Meeting

Regular Meeting

Tuesday, June 20, 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

Community Development Director Talyn Mirzakhanian

Finance Director Steve Charelian

Fire Chief Michael Lang

Acting Human Resources Director Stephanie Swofford

Interim Information Technology Director Patrick Griffin

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!

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, June 20, 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, June 14, 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 Certificates of Commendation Recognizing Police Detective Seth Hartnell as the 2022 Police Officer of the Year and Fire Captain/Paramedic James Falls as the 2022 Firefighter of the Year. [23-0243](#)
PRESENT
2. Presentation of Certificates of Recognition to the Pacifica District Pinewood Derby Championship Winners: Laird Campbell, Grayson King, and Oliver Terrell. [23-0244](#)
PRESENT

Attachments: [Pacifica District Pinewood Derby Championship 2023](#)

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, June 20, 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.

ZOOM 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.

G. PUBLIC COMMENTS (3 MINUTES PER PERSON) (CONTINUED FROM PAGE 4)

3. Update on the City's Efforts on State Misdemeanor Prosecution and Homeless Court Services (City Manager Moe). [23-0263](#)

(Estimated Time: 30 Mins.)

A) RECEIVE REPORT**B) DISCUSS AND PROVIDE DIRECTION**

Attachments: [Staff Report - June 1, 2021](#)
[Staff Report - July 20, 2021](#)
[Staff Report - September 21, 2021](#)
[Staff Report - January 18, 2022](#)
[Resolution No. 21-0042](#)
[Resolution No. 22-0045](#)

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.

4. City Council Minutes: [23-0238](#)
This Item Contains Minutes of the Following City Council Meeting(s):
a) City Council Special Meeting Minutes of June 6, 2023
b) City Council Regular Meeting Minutes of June 6, 2023
(City Clerk Tamura).

APPROVE

Attachments: [City Council Special Meeting Minutes of June 6, 2023](#)
[City Council Regular Meeting Minutes of June 6, 2023](#)

5. Financial Reports: [23-0202](#)
Schedule of Demands May 12, 2023, May 19, 2023, and May 26, 2023
(Finance Director Charelian).

ACCEPT REPORTS AND DEMANDS

Attachments: [Schedule of Demands May 12, May 19 and May 26, 2023](#)

6. Consideration of a Resolution Declaring Intention to Provide for Annual Levy and Collection of Assessments for the Downtown Business Improvement District and Setting a Public Hearing for July 18, 2023 (Finance Director Charelian). [23-0187](#)
- A) ADOPT RESOLUTION NO. 23-0069**
B) SCHEDULE PUBLIC HEARING DATE TO CONSIDER ASSESSMENTS ON JULY 18, 2023
- Attachments:** [Resolution No. 23-0069](#)
[BID Advisory Board Chairperson Letter from BID Advisory Board to City Council](#)
[Fiscal Year 2023-2024 DMBBID Business Improvement and Activity Plan](#)
7. Consideration of a Resolution Approving a Memorandum of Understanding Between the City of Manhattan Beach and the Manhattan Beach Firefighters' Association (Acting Human Resources Director Swofford). [23-0268](#)
- ADOPT RESOLUTION NO.23-0076**
- Attachments:** [Resolution No. 23-0076](#)
[MBFA MOU \(Final Version\)](#)
[MBFA MOU \(Strikethrough Version\)](#)
8. Consideration of a Resolution Approving Amendment No. 3 to the Professional Services Agreement with Hanson Bridgett, LLP to Conduct Independent Investigations of Confidential Matters at a Cost Not-to-Exceed \$345,000 (Acting Human Resources Director Swofford). [23-0251](#)
- ADOPT RESOLUTION NO. 23-0075**
- Attachments:** [Resolution No. 23-0075](#)
[Amendment No. 3 - Hanson Bridgett, LLP.](#)
[Agreement and Amendment Nos. 1 and 2 - Hanson Bridgett, LLP.](#)
9. Consideration of a Resolution Amending Findings Related to California Building Standards Code Adoption of Appendices F and N of the 2022 California Building Code and Appendices AJ and AK of the 2022 California Residential Code (Community Development Director Mirzakhanian). [23-0240](#)
- ADOPT RESOLUTION NO. 23-0077**
- Attachments:** [Resolution No. 23-0077](#)
[Adopted Ordinance No. 22-0008](#)
[Adopted Resolution No. 22-0143](#)
10. Consideration of the Annual Water Supply and Demand Assessment Pursuant to Water Code Section 10635 (Public Works Director Lee). [23-0225](#)
- RECEIVE AND FILE ASSESSMENT**
- Attachments:** [Annual Water Supply and Demand Assessment](#)

11. Consideration of the Velzy Plaque Proposed by the South Bay Boardriders Club at 117 Manhattan Beach Boulevard (Parks and Recreation Director Leyman). [23-0213](#)
APPROVE
Attachments: [Plaque Rendering](#)
[Surf Professionals Testimonials by Jaqueline May and the SBBC](#)
[Additional Research and Testimonials MBHS](#)
[Gary McAulay Research and Testimonial](#)
12. Consideration of Approving a Purchase Order to South Bay Foundry, Inc. for Tree Grates for the Downtown Manhattan Beach and North Manhattan Beach Business Improvement Districts in the Amount of \$195,911.92. (Public Works Director Lee). [23-0160](#)
APPROVE
Attachments: [Tree Grate Image](#)
[Quote](#)
13. Consideration of a Resolution Approving Amendment No. 6 to the Maintenance Services Agreement with Merchants Landscaping Which Adds \$80,000 for Beautification and Deferred Maintenance Work in the Downtown and North Manhattan Beach Business Improvement Districts and Extends the Agreement Term for One Year (Public Works Director Lee). [23-0121](#)
ADOPT RESOLUTION NO. 23-0062
Attachments: [Resolution No. 23-0062](#)
[Amendment No. 6 - Merchants Landscaping](#)
[Agreement and Amendments No. 1-5 - Merchants Landscaping](#)
14. Consideration of a Resolution Approving a Three-Year Maintenance Services Agreement with McKendry Door Sales, Inc. for Commercial Door Maintenance Services in an Amount Not-to-Exceed \$450,000 (Public Works Director Lee). [23-0063](#)
ADOPT RESOLUTION NO. 23-0058
Attachments: [Resolution No. 23-0058](#)
[Agreement - McKendry Door Sales Agreement](#)
[RFP #1289-23 - Commercial Door Maintenance Services](#)

15. Consideration of a Resolution Approving a \$100,000 Measure R and \$740,000 Measure M Funding Agreement with the Los Angeles County Metropolitan Transportation Authority for the Manhattan Beach Boulevard and Peck Avenue Traffic Signal Improvement Project which Qualifies for a Categorical Exemption Pursuant to Section 15301 (Class 1) of the California Environmental Quality Act (CEQA) Guidelines; and Approving an Adjustment of \$840,000 in the Measure R Fund (Public Works Director Lee). [23-0249](#)
- A) ADOPT RESOLUTION NO. 23-0079**
B) APPROVE ADJUSTMENT

Attachments: [Resolution No 23-0079](#)
[LACMTA \(Measure R and Measure M\)](#)
[Budget and Expenditures Summary](#)
[Location Map](#)

16. Formally Accept as Complete the Sepulveda Bridge Widening Project; Authorize Filing a Notice of Completion with the County Recorder; and Release Contractor's Escrow Account Funds (Public Works Director Lee). [23-0027](#)
- A) ACCEPT**
B) APPROVE

Attachments: [Location Map](#)

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.

17. Conduct Public Hearing and Consideration of Resolutions Approving: A Coastal Development Permit and Temporary Use Permit for the 2023-2025 Manhattan Beach Open Volleyball Tournaments; a Request from the Association of Beach Volleyball Professionals, LLC DBA AVP for a Special Permit for Alcoholic Beverage Use on Public Property; an Agreement with the Association of Beach Volleyball Professionals, LLC DBA AVP to Operate the Manhattan Beach Open for 2023-2025; and Adoption of a Determination of Exemption Pursuant to the California Environmental Quality Act (CEQA) (Parks and Recreation Director Leyman). [23-0229](#)
- (Estimated Time: 30 Mins.)
- A) CONDUCT PUBLIC HEARING
 - B) ADOPT RESOLUTION NO. 23-0063 APPROVING COASTAL DEVELOPMENT PERMIT AND TEMPORARY USE PERMIT
 - C) APPROVE A SPECIAL PERMIT FOR ALCOHOLIC BEVERAGE USE
 - D) ADOPT RESOLUTION NO. 23-0064 APPROVING AN AGREEMENT WITH AVP
 - E) ADOPT A DETERMINATION OF EXEMPTION PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Attachments: [Resolution No. 23-0063](#)
[Resolution No. 23-0064](#)
[Agreement - Association of Volleyball Professionals LLC DBA AVP](#)
[2023 Proposed Schematic](#)

18. Conduct Public Hearing and Consideration of a Resolution Providing for Annual Levy and Collection of Street Lighting and Landscaping District Maintenance Assessments for Fiscal Year 2023-2024 (Finance Director Charelian). [23-0087](#)
- (Estimated Time: 15 Min.)
- A) CONDUCT PUBLIC HEARING
 - B) ADOPT RESOLUTION NO. 23-0080 PROVIDING FOR ANNUAL LEVY AND COLLECTION OF FISCAL YEAR 2023-2024 MAINTENANCE ASSESSMENTS

Attachments: [Resolution No. 23-0080](#)
[Fiscal Year 2023-2024 Engineer's Report \(Including District Map\)](#)

K. GENERAL BUSINESS

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

19. Consideration of the Following Actions Related to the Marine Field Turf Replacement Project: [23-0115](#)

- a) Funding Options in the Amount of \$400,000 for Turf Replacement; and
b) Field Use Side Letters Between the City and Various User Groups
(Parks and Recreation Director Leyman).

(Estimated Time: 30 Mins.)

DISCUSS AND PROVIDE DIRECTION

Attachments: [Draft Side Letter Agreement - American Youth Soccer Organization \(AYSO\)](#)
[Draft Side Letter Agreement - Manhattan Beach Sand & Surf](#)
[Draft Side Letter Agreement - Vistamar School](#)
[Marine Avenue Park Vicinity Map](#)

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.

20. City Council AB 1234 Reports. [23-0248](#)
RECEIVE AND FILE

21. Consider Request by Mayor Montgomery and Mayor Pro Tem Franklin to Discuss Revisiting the Appointment to the Los Angeles County West Vector Control Board (City Manager Moe). [23-0262](#)
(Estimated Time: 10 Mins.)
DISCUSS AND PROVIDE DIRECTION

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.

22. Agenda Forecast (City Clerk Tamura). [23-0242](#)
INFORMATION ITEM ONLY

23. Commission Minutes:[23-0252](#)

This Item Contains Minutes of the following City Commission Meetings:

- a) Parking and Public Improvements Commission Meeting Minutes of January 26, 2023 (Cancelled) (Community Development Director Mirzakhonian)
- b) Parking and Public Improvements Commission Meeting Minutes of February 23, 2023 (Community Development Director Mirzakhonian)
- c) Parking and Public Improvements Commission Meeting Minutes of March 23, 2023 (Community Development Director Mirzakhonian)
- d) Library Commission Meeting Minutes of April 10, 2023 (Parks and Recreation Director Leyman)
- e) Parking and Public Improvements Commission Meeting Minutes of April 27, 2023 (Community Development Director Mirzakhonian)
- f) Library Commission Meeting Minutes of May 8, 2023 (Parks and Recreation Director Leyman).

INFORMATION ITEM ONLY

Attachments: [Parking and Public Improvements Commission Meeting Minutes of January 26, 2023 \(Cancelled\)](#)
[Parking and Public Improvements Commission Meeting Minutes of February 23, 2023](#)
[Parking and Public Improvements Commission Meeting Minutes of March 23, 2023](#)
[Library Commission Meeting Minutes of April 10, 2023](#)
[Parking and Public Improvements Commission Meeting Minutes of April 27, 2023](#)
[Library Commission Meeting Minutes of May 8, 2023](#)

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

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 (Canceled)

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

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
July 10, 2023 - Monday - 4:00 PM - Library Commission Meeting
July 12, 2023 - Wednesday - 3:00 PM - Planning Commission Meeting
July 17, 2023 - Monday - 4:00 PM - Cultural Arts Commission Meeting
July 24, 2023 - Monday - 4:00 PM - Parks and Recreation Commission Meeting
July 26, 2023 - Wednesday - 3:00 PM - Planning Commission Meeting
July 27, 2023 - Thursday - 4:00 PM - Parking and Public Improvements Commission Meeting
August 9, 2023 - Wednesday - 3:00 PM - Planning Commission Meeting
August 14, 2023 - Monday - 4:00 PM - Library Commission Meeting
August 21, 2023 - Monday - 4:00 PM - Cultural Arts Commission Meeting
August 23, 2023 - Wednesday - 3:00 PM - Planning Commission Meeting
August 24, 2023 - Thursday - 4:00 PM - Parking and Public Improvements Commission Meeting
August 28, 2023 - Monday - 4:00 PM - Parks and Recreation Commission Meeting

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

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
May 27, 2024 – Monday – Memorial Day