

## City Council Regular Meeting

### Regular Meeting

**Tuesday, September 5, 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

**Human Resources Director** Lisa Jenkins

**Interim Information Technology Director** Patrick Griffin

**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!**

*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, September 5, 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.*

*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.*

*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, August 30, 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**

*Tessa Smith*

**C. ROLL CALL**

**D. CEREMONIAL CALENDAR**

1. Presentation of Certificates of Recognition to Manhattan Beach's Certified Green Businesses.

[23-0310](#)

**(Estimated Time: 10 Mins.)**

**PRESENT**

**Attachments:** [Certificates](#)  
[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, September 5, 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.*

**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.*

**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: [23-0316](#)**

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

- a) City Council Special Meeting Minutes of August 1, 2023
- b) City Council Regular Meeting Minutes of August 1, 2023  
(City Clerk Tamura).

**APPROVE**

**Attachments:** [City Council Special Meeting Minutes of August 1, 2023](#)  
[City Council Regular Meeting Minutes of August 1, 2023](#)

**3. Financial Reports: [23-0315](#)**

- a) Schedule of Demands July 28, 2023, August 4, 2023, August 11, 2023,  
and August 18, 2023
- b) Investment Portfolio for the Month Ending July 31, 2023
- c) Month End Report for July 31, 2023 (Finance Director Charelian).

**ACCEPT REPORTS AND DEMANDS**

**Attachments:** [Schedule of Demands for July 28, 2023, August 4, 2023, August 11, 2023, and August 18, 2023](#)  
[Investment Portfolio for the Month Ending July 31, 2023](#)  
[Month End Report for July 31, 2023](#)

**4. Declaration Proclaiming September 21, 2023, as National IT Professionals Day. [23-0324](#)****PROCLAIM**

**Attachments:** [Proclamation](#)

**5. Consideration of a Resolution Awarding RFP No. 1308-23 to Smart Source [23-0289](#)**

for a Three-Year Contract for Citywide Printing Services with an Estimated Value Not to Exceed \$255,000 (Finance Director Charelian).

**ADOPT RESOLUTION NO. 23-0109**

**Attachments:** [Resolution No. 23-0109](#)  
[Agreement - Smart Source](#)  
[1308-23 Printing and Mailing Service Cost Comparison](#)

6. Consideration of Ratification of Purchase of One Budgeted Ford F250 Stake Bed for the Public Works Department from Ted Jones Ford Inc. dba Ken Grody Ford and One Budgeted Chevrolet Tahoe for the Fire Department from Camino Real Chevrolet in the Total Amount of \$133,158.57 (Finance Director Charelian). [23-0365](#)
- RATIFY PURCHASE**
- Attachments:** [Quote Comparison - 2022 F250 Stake Bed](#)  
[Quote Comparison - 2023 Chevrolet Tahoe](#)
7. Consideration of a Resolution Approving Amendment No. 1 to the Professional Services Agreement with waterTALENT, LLC to Provide Specialty Technical Temporary Staffing Services at a cost not-to-exceed \$312,800 (Human Resources Director Jenkins). [23-0351](#)
- ADOPT RESOLUTION NO. 23-0110**
- Attachments:** [Resolution No. 23-0110](#)  
[Amendment No. 1 - waterTALENT, LLC](#)  
[Agreement - waterTALENT, LLC](#)
8. Consideration of Accepting as Complete Work Performed by CT&T Concrete Paving, Inc. Regarding the Annual Citywide Concrete Repairs Cycle 1 Project (Public Works Director Lee). [23-0227](#)
- ACCEPT**
- Attachments:** [Location Map](#)
9. Consideration of a Resolution Approving a \$40,000 Highway Safety Improvement Program Funding Agreement with the State of California for the Design Phase of the Highway Safety Improvement Program Cycle 11 Crosswalk Improvement Project; Adoption of a Determination of Exemption Pursuant to Section 15301 Class 1(c) of the State California Environmental Quality Act (CEQA) Guidelines; and Approving an Appropriation of \$40,000 in the Gas Tax Fund (Public Works Director Lee). [23-0339](#)
- A) ADOPT RESOLUTION NO. 23-0107**
- B) APPROVE APPROPRIATION**
- Attachments:** [Resolution No 23-0107](#)  
[Funding Agreement](#)  
[Program Supplement](#)  
[Budget and Expenditures Summary](#)  
[Location Map](#)

10. Consideration of a Resolution Approving Amendment No. 1 to the Design Services Agreement with David Volz Design Landscape Architects, Inc., for Conceptual Design Plans for Sand Dune Park and On-Call Design Services Not-to-Exceed \$193,690 (Public Works Director Lee). [23-0245](#)

**ADOPT RESOLUTION NO. 23-0111**

**Attachments:** [Resolution No. 23-0111](#)  
[Amendment No. 1 – David Volz Design Landscape Architects, Inc.](#)  
[Agreement – David Volz Design Landscape Architects, Inc.](#)  
[IPO No. 2](#)  
[IPO No. 3](#)  
[Sand Dune Revitalization Open House Invitation](#)  
[Sand Dune Community Meeting Invitation](#)

11. Status Update on the Santa Monica Bay Total Maximum Daily Load High Flow Capacity Trash Treatment Control Devices Project; and Adoption of a Determination of Exemption Pursuant to Section 15301 (Class 1) of the State California Environmental Quality Act (CEQA) Guidelines (Public Works Director Lee). [23-0361](#)

**A) RECEIVE REPORT**

**B) ADOPT DETERMINATION OF EXEMPTION**

**Attachments:** [Proposed Design Schematic](#)  
[Location Map](#)

12. Consideration of a Resolution Approving an Agreement with Insight Public Sector for an Additional Storage Area Network System for an Amount Not-to-Exceed \$132,642 (Interim Information Technology Director Griffin). [23-0319](#)

**A) WAIVE FORMAL BIDDING DUE TO COOPERATIVE PURCHASING**

**B) ADOPT RESOLUTION NO. 23-0108**

**Attachments:** [Resolution No. 23-0108](#)  
[Agreement - Insight Public Sector](#)

**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.*

13. Discuss Storm Drain Utility Fee Engineer's Report and Stormwater Fee Survey Results, Approve Storm Drain Utility Fee report, and Consideration of a Resolution to Initiate a Proposition 218 Process, Set Protest Hearing Date to November 7, 2023, and Authorize Mailing of Protest Notices (Finance Director Charelian). [23-0350](#)  
(Estimated Time: 45 Min.)  
**A) DISCUSS AND PROVIDE DIRECTION**  
**B) ADOPT RESOLUTION NO. 23-0118 TO APPROVE STORM DRAIN UTILITY FEE REPORT, INITIATE A PROPOSITION 218 PROCESS, SET PUBLIC HEARING DATE TO NOVEMBER 7, 2023, AND AUTHORIZE MAILING OF PROTEST NOTICES**
- Attachments:** [Resolution No. 23-0118](#)  
[Stormwater Fee Survey Summary Report](#)  
[Storm Drain Utility Fee Engineer's Report](#)  
[Stormwater Capital Projects](#)  
[PowerPoint Presentation](#)
14. Consideration of a Resolution Awarding a Construction Agreement to BlueViolet Networks for the Citywide Security Cameras Project - Phases 1 and 2 for \$523,820.17, Including Contingency and a Maintenance Contract; and Adoption of a Determination of Exemption Pursuant to Sections 15302(b)(3) and 15301 of the State California Environmental Quality Act (CEQA) Guidelines (Public Works Director Lee). [23-0049](#)  
(Estimated Time: 30 Mins.)  
**ADOPT RESOLUTION NO. 23-0113**
- Attachments:** [Resolution No. 23-0113](#)  
[Agreement - BlueViolet Networks](#)  
[Bid Proposal](#)  
[Plans and Specifications](#)  
[Budget Expenditure Summary Report](#)  
[Location Map](#)  
[PowerPoint Presentation](#)
15. Status of the Long-Term Outdoor Dining and Business Use Program Development and Consideration of Recommendations from the Outdoor Dining Task Force (Community Development Director Mirzakhianian). [23-0304](#)  
(Estimated Time: 1 Hr.)  
**A) DISCUSS AND PROVIDE DIRECTION**  
**B) APPROPRIATE FUNDS IF NEEDED**
- Attachments:** [Potential Walk Street Commercial Corner Encroachment Areas](#)  
[PowerPoint Presentation](#)



16. Consideration of a Resolution Approving an Agreement for Prosecutorial Services As-Needed (Continued from the July 18, 2023, City Council Meeting) (City Manager Moe). [23-0313](#)  
(Estimated Time: 30 Mins.)  
**A) DISCUSS AND PROVIDE DIRECTION**  
**B) CONSIDER ADOPTING RESOLUTION NO. 23-0100**

Attachments: [Resolution No. 23-0100](#)  
[Proposal - Dapeer Rosenblit & Litvak LLP](#)  
[Proposal - Law Offices of Kevin Gres](#)

17. Consideration of: [23-0382](#)  
a) an Urgency Ordinance Amending Various Sections of the Manhattan Beach Municipal Code Relating to Bicycles to Clarify and Establish Safety and Operational Requirements for Electric and Motorized Bicycles; and  
b) a Resolution Specifying Fines for Violations of Urgency Ordinance No. 23-0008-U, Starting at \$500 for the First Violation (City Attorney Barrow).  
**A) ADOPT URGENCY ORDINANCE NO. 23-0008-U**  
**B) ADOPT RESOLUTION NO. 23-0120 Specifying Fines for Violations of Urgency Ordinance No. 23-0008-U**

Attachments: [Urgency Ordinance No. 23-0008-U](#)  
[Resolution No. 23-0120](#)

## 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.*

18. Agenda Forecast (City Clerk Tamura). [23-0325](#)  
**INFORMATION ITEM ONLY**

**19. Commission Minutes:** [23-0358](#)

This Item Contains Minutes of the following City Commission Meetings:

- a) Cultural Arts Commission Meeting Minutes of May 15, 2023 (Parks and Recreation Director Leyman)
- b) Planning Commission Meeting Minutes of May 24, 2023 (Community Development Director Mirzakhani)
- c) Planning Commission Meeting Minutes of June 28, 2023 (Cancelled) (Community Development Director Mirzakhani)
- d) Planning Commission Meeting Minutes of July 12, 2023 (Cancelled) (Community Development Director Mirzakhani)
- e) Planning Commission Meeting Minutes of July 26, 2023 (Cancelled) (Community Development Director Mirzakhani)

**INFORMATION ITEM ONLY**

**Attachments:** [Cultural Arts Commission Meeting Minutes of May 15, 2023](#)  
[Planning Commission Meeting Minutes of May 24, 2023](#)  
[Planning Commission Meeting Minutes of June 28, 2023 \(Cancelled\)](#)  
[Planning Commission Meeting Minutes of July 12, 2023 \(Cancelled\)](#)  
[Planning Commission Meeting Minutes of July 26, 2023 \(Cancelled\)](#)

**20. Recent Planning Commission Quasi-Judicial Decision(s):** [23-0390](#)

Demolition of a Community Center (Scout House) and Construction of a New Community Center Located at 1617 North Valley Drive; and Adoption of an Environmental Determination for the Project in accordance with the California Environmental Quality Act (CEQA) (Community Development Director Mirzakhani).

**INFORMATION ITEM ONLY****Q. CLOSED SESSION****R. ADJOURNMENT**

*Adjourning in memory of Manhattan Beach Holiday Fireworks Founder and Producer Pete Moffitt and Manhattan Beach Public Works Inspector Carl Blank, III.*

**S. FUTURE MEETINGS****CITY COUNCIL MEETINGS**

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 (Reorganization)

**BOARDS, COMMISSIONS AND COMMITTEE MEETINGS**

September 11, 2023 - Monday - 4:00 PM - Library Commission Meeting  
September 13, 2023 - Wednesday - 3:00 PM - Planning Commission Meeting  
September 18, 2023 - Monday - 4:00 PM - Cultural Arts Commission Meeting  
September 25, 2023 - Monday - 4:00 PM - Parks and Recreation Commission Meeting  
September 27, 2023 - Wednesday - 3:00 PM - Planning Commission Meeting  
September 28, 2023 - Thursday - 4:00 PM - Parking and Public Improvements Commission Meeting  
October 9, 2023 - Monday - 4:00 PM - Library Commission Meeting  
October 11, 2023 - Wednesday - 3:00 PM - Planning Commission Meeting  
October 16, 2023 - Monday - 4:00 PM - Cultural Arts Commission Meeting  
October 23, 2023 - Monday - 4:00 PM - Parks and Recreation Commission Meeting  
October 25, 2023 - Wednesday - 3:00 PM - Planning Commission Meeting  
October 26, 2023 - Thursday - 4:00 PM - Parking and Public Improvements Commission Meeting  
November 8, 2023 - Wednesday - 3:00 PM - Planning Commission Meeting  
November 13, 2023 - Monday - 4:00 PM - Library Commission Meeting  
November 20, 2023 - Monday - 4:00 PM - Cultural Arts Commission Meeting  
November 22, 2023 - Wednesday - 3:00 PM - Planning Commission Meeting  
November 24, 2023 - Thursday - 4:00 PM - Parking and Public Improvements Commission Meeting (Rescheduled to December 7, 2023)  
November 27, 2023 - Monday - 4:00 PM - Parks and Recreation Commission Meeting  
December 7, 2023 - Thursday - 4:00 PM - Parking and Public Improvements Commission Meeting (Rescheduled from November 24, 2023)  
December 11, 2023 - Monday - 4:00 PM - Library Commission Meeting  
December 13, 2023 - Wednesday - 3:00 PM - Planning Commission Meeting  
December 21, 2023 - Monday - 4:00 PM - Cultural Arts Commission Meeting  
December 27, 2023 - Wednesday - 3:00 PM - Planning Commission Meeting  
December 28, 2023 - Monday - 4:00 PM - Parks and Recreation Commission Meeting

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

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  
July 4, 2024 - Thursday - Independence Day  
September 2, 2024 - Monday - Labor Day