

## City Council Regular Meeting

### Regular Meeting

**Tuesday, April 2, 2024**

**6:00 PM**

**City Council Chambers**

**and**

**Teleconference by Councilmember Napolitano**

**(per Government Code Section 54953(b))**

**704 Marigny Street, New Orleans, LA70117**



#### **ELECTED OFFICIALS**

**Mayor Joe Franklin**

**Mayor Pro Tem Amy Howorth**

**Councilmember David Lesser**

**Councilmember Steve Napolitano**

**Councilmember Richard Montgomery**

**City Treasurer Tim Lilligren**

#### **EXECUTIVE TEAM**

**City Manager Bruce Moe**

**City Attorney Quinn Barrow**

**City Clerk Liza Tamura**

**Finance Director Steve Charelian**

**Human Resources Lisa Jenkins**

**Parks and Recreation Mark Leyman**

**Police Chief Rachel Johnson**

**Fire Chief Michael Lang**

**Community Development Director Talyn Mirzakhianian**

**Public Works Director Erick Lee**

**Information Technology Director Miguel Guardado**

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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.

## **APRIL 2, 2024**

### **CITY COUNCIL MEETING AGENDA PACKET:**

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**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 2, 2024 (the day of the meeting), via:*

- 1) eComment at <http://www.manhattanbeach.gov/ecomment> or*
- 2) Email to [cityclerk@manhattanbeach.gov](mailto:cityclerk@manhattanbeach.gov)*

*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, March 27, 2024, 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**

*James Gill*

**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 12:00 PM, April 2, 2024 (the day of the meeting), via:*

- 1) eComment  
ecomment or
- 2) Email to [cityclerk@manhattanbeach.gov](mailto:cityclerk@manhattanbeach.gov)

*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**

- 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.*

1. City Council Minutes: [24-0133](#)  
This Item Contains Minutes of the Following City Council Meeting(s):
  - a) City Council Adjourned Regular Meeting Minutes of March 19, 2024
  - b) City Council Regular Meeting Minutes of March 19, 2024  
(City Clerk Tamura).**APPROVE**  
  
**Attachments:** [City Council Adjourned Regular Meeting Minutes of March 19, 2024](#)  
[City Council Regular Meeting Minutes of March 19, 2024](#)
  
2. Financial Reports: [24-0135](#)  
Schedule of Demands for February 23, 2024 and March 1, 2024 (Finance Director Charelian).  
**ACCEPT REPORTS AND DEMANDS**  
  
**Attachments:** [Schedule of Demands for February 23, 2024 and March 1, 2024](#)
  
3. Proclaiming the Month of April 2024, as Earth Month. [24-0146](#)  
**PROCLAIM**
  
4. Consideration of a Resolution Approving Amendment No. 6 to the Existing Agreement with Richards, Watson & Gershon to Increase the Monthly Retainer to \$37,500 (City Manager Moe). [24-0127](#)  
**ADOPT RESOLUTION NO. 24-0031**  
  
**Attachments:** [Resolution No. 24-0031](#)  
[Amendment No. 6 - Richards, Watson & Gershon](#)  
[Agreement and Amendment Nos. 1-5 - Richards, Watson & Gershon](#)
  
5. Consideration of a Resolution Ordering Plans, Specifications, Cost Estimates, and Engineer's Report for Annual Street Lighting and Landscaping Assessments (Finance Director Charelian). [24-0059](#)  
**ADOPT RESOLUTION NO. 24-0033**  
  
**Attachments:** [Resolution No. 24-0033](#)

## 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.*

6. Reinstallation of No Parking Signs on Rowell Avenue Between 19th Street and Marine Avenue (Public Works Director Lee). [24-0103](#)  
(Estimated Time: 15 Mins.)  
**PROVIDE DIRECTION**

Attachments: [Petition Map of Rowell Avenue Between 19th Street and Marine Avenue](#)  
[Photos of Poles on Rowell Avenue Between 19th Street and Marine Avenue](#)  
[PowerPoint Presentation](#)

7. Consideration of Actions Related to the North Manhattan Beach Business Improvement District including: 1) Conceptual Approval to Transition Ongoing Management to a Non-Profit and Execute a Future Agreement with the Non-Profit to Provide Services to the Business Improvement District, and 2) Authorizing Expenditures and Appropriating \$10,000 for Managing the North Manhattan Beach Business Improvement District Activities and Initiatives (City Manager Moe). [24-0108](#)  
(Estimated Time: 20 Mins.)

- A) APPROVE**  
**B) AUTHORIZE AND APPROPRIATE**

Attachments: [2024 Annual Report, Budget, and Activity Plan](#)

8. Consideration of: [24-0079](#)  
a) Introduction and First Reading of Ordinance No. 24-0005 to Require a Parking Permit for Oversized Vehicles;  
b) Oversized Vehicle Permit Fee; and  
c) Fines for Violations of Ordinance No. 24-0005  
(City Manager Moe).

- (Estimated Time: 45 Mins.)  
**A) INTRODUCE ORDINANCE NO. 24-0005**  
**B) PROVIDE DIRECTION AS TO OVERSIZED VEHICLE PERMIT FEES**  
**C) PROVIDE DIRECTION AS TO FINES FOR VIOLATIONS**

Attachments: [Ordinance No. 24-0005](#)  
[Resolution No. 24-0035 - Permit Fees](#)  
[Resolution No. 24-0036 - Specifying Fines](#)  
[Map - Oversized Vehicle and Detached Trailer Sign Locations](#)  
[Neighboring Cities Oversized Vehicle Regulations Comparison](#)  
[Staff Report - January 16, 2024](#)  
[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.*

9. Agenda Forecast (City Clerk Tamura). [24-0128](#)  
**INFORMATION ITEM ONLY**
10. Commission Minutes: [24-0145](#)  
This Item Contains the Cultural Arts Commission Meeting Minutes of  
February 21, 2024 (Parks and Recreation Director Leyman).  
**INFORMATION ITEM ONLY**

Attachments: [Cultural Arts Commission Meeting Minutes of February 21,2024](#)

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



**CITY COUNCIL MEETINGS**

April 16, 2024 - Tuesday -- 6:00 PM - City Council Meeting  
April 24, 2024 - Tuesday - TBD - Boards and Commissions Interviews  
May 7, 2024 - Tuesday -- 6:00 PM - City Council Meeting  
May 14, 2024 - Tuesday -- 6:00 PM - Budget and Capital Improvements Program Study Session  
May 21, 2024 - Tuesday -- 6:00 PM - City Council Meeting  
May 28, 2024 - Tuesday -- 6:00 PM - Budget and Capital Improvements Program Study Session  
June 4, 2024 - Tuesday -- 6:00 PM - City Council Meeting  
June 18, 2024 - Tuesday -- 6:00 PM - City Council Meeting  
July 2, 2024 - Tuesday -- 6:00 PM - City Council Meeting  
July 16, 2024 - Tuesday -- 6:00 PM - City Council Meeting  
August 6, 2024 - Tuesday -- 6:00 PM - City Council Meeting  
August 20, 2024 - Tuesday -- 6:00 PM - City Council Meeting  
September 3, 2024 - Tuesday -- 6:00 PM - City Council Meeting  
September 17, 2024 - Tuesday -- 6:00 PM - City Council Meeting  
October 1, 2024 - Tuesday -- 6:00 PM - City Council Meeting  
October 15, 2024 - Tuesday -- 6:00 PM - City Council Meeting (Reorganization)  
November 5, 2024 - Tuesday -- 6:00 PM - City Council Meeting (Rescheduled to November 6, 2024, Due to General Municipal Elections)  
November 6, 2024 - Wednesday -- 6:00 PM - City Council Meeting (Rescheduled From November 5, 2024, Due to General Municipal Elections)  
November 19, 2024 - Tuesday -- 6:00 PM - City Council Meeting  
December 3, 2024 - Tuesday -- 6:00 PM - City Council Meeting  
December 17, 2024 - Tuesday -- 6:00 PM - City Council Meeting (General Municipal Election Results and Reorganization)

**BOARDS, COMMISSIONS AND COMMITTEE MEETINGS**

April 8, 2024 - Monday - 4:00 PM - Library Commission Meeting  
April 10, 2024 - Wednesday - 3:00 PM - Planning Commission Meeting  
April 15, 2024 - Monday - 4:00 PM - Cultural Arts Commission Meeting  
April 22, 2024 - Monday - 4:00 PM - Parks and Recreation Commission Meeting  
April 24, 2024 - Wednesday - 3:00 PM - Planning Commission Meeting  
April 25, 2024 - Thursday - 4:00 PM - Parking and Public Improvements Commission Meeting  
May 8, 2024 - Wednesday - 3:00 PM - Planning Commission Meeting  
May 13, 2024 - Monday - 4:00 PM - Library Commission Meeting  
May 20, 2024 - Monday - 4:00 PM - Cultural Arts Commission Meeting  
May 22, 2024 - Wednesday - 3:00 PM - Planning Commission Meeting  
May 23, 2024 - Thursday - 4:00 PM - Parking and Public Improvements Commission Meeting  
May 27, 2024 - Monday - 4:00 PM - Parks and Recreation Commission Meeting (Rescheduled to May 29, 2024)  
May 29, 2024 - Wednesday - 4:00 PM - Parks and Recreation Commission Meeting (Rescheduled from May 27, 2024)  
June 10, 2024 - Monday - 4:00 PM - Library Commission Meeting  
June 12, 2024 - Wednesday - 3:00 PM - Planning Commission Meeting  
June 17, 2024 - Monday - 4:00 PM - Cultural Arts Commission Meeting  
June 24, 2024 - Monday - 4:00 PM - Parks and Recreation Commission Meeting  
June 26, 2024 - Wednesday - 3:00 PM - Planning Commission Meeting  
June 27, 2024 - Thursday - 4:00 PM - Parking and Public Improvements Commission Meeting

**T. CITY OFFICES CLOSED**

**CITY HOLIDAYS:**

*May 27, 2024 – Monday – Memorial Day*  
*July 4, 2024 - Thursday - Independence Day*  
*September 2, 2024 - Monday - Labor Day*  
*October 14, 2024 – Monday – Columbus Day*  
*November 11, 2024 – Monday – Veterans Day*  
*November 28-29, 2024 - Thursday & Friday - Thanksgiving Holiday*  
*December 25, 2024 - Wednesday - Christmas Day Observed*  
*January 1, 2025 – Wednesday – New Years Day Observed*  
*January 20, 2025 – Monday – Martin Luther King Day*  
*February 17, 2025 - Monday - Presidents Day*



**CITY OF MANHATTAN BEACH**

1400 Highland Avenue Manhattan Beach, CA 90266  
www.manhattanbeach.gov • (310) 802-5000

# STAFF REPORT

**Agenda Date:** 4/2/2024

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**TO:**

Honorable Mayor and Members of the City Council

**THROUGH:**

Bruce Moe, City Manager

**FROM:**

Liza Tamura, City Clerk  
Patricia Matson, Management Analyst  
Jamie Morita, Office Assistant

**SUBJECT:**

City Council Minutes:

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

- a) City Council Adjourned Regular Meeting Minutes of March 19, 2024
- b) City Council Regular Meeting Minutes of March 19, 2024  
(City Clerk Tamura).

**APPROVE**

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**RECOMMENDATION:**

The attached minutes are for City Council approval:

Attachment(s):

- 1. City Council Adjourned Regular Meeting Minutes of March 19, 2024
- 2. City Council Regular Meeting Minutes of March 19, 2024



# City of Manhattan Beach

1400 Highland Avenue  
Manhattan Beach, CA 90266



## Meeting Minutes - Draft

Tuesday, March 19, 2024

5:00 PM

City Council Chambers

## City Council Adjourned Regular Meeting

### *ELECTED OFFICIALS*

*Mayor Joe Franklin*

*Mayor Pro Tem Amy Howorth*

*Councilmember David Lesser*

*Councilmember Steve Napolitano*

*Councilmember Richard Montgomery*

**PLEASE NOTE THAT THE CITY ARCHIVES THE VIDEO RECORDINGS OF ALL REGULAR CITY COUNCIL MEETINGS AND THE VIDEO FOR THIS MEETING IS HEREBY INCORPORATED BY THIS REFERENCE. ALSO IN SUPPORT OF MORE TRANSPARENCY AND THE AMERICANS WITH DISABILITIES ACT (ADA) COMPLIANCE, THE CITY OFFERS CLOSED CAPTIONING FOR REGULAR CITY COUNCIL MEETINGS. FOR A COMPLETE RECORD OF THIS CITY COUNCIL MEETING, GO TO:**

[www.manhattanbeach.gov/departments/city-clerk/city-council-meetings-agendas-and-minutes](http://www.manhattanbeach.gov/departments/city-clerk/city-council-meetings-agendas-and-minutes)

**A. CALL MEETING TO ORDER**

*Mayor Franklin called the meeting to order.*

**B. PLEDGE TO THE FLAG**

*Public Works Director Erick Lee led the Pledge of Allegiance.*

**C. ROLL CALL**

*Roll Call by City Clerk Liza Tamura.*

**Present:** 5 - Mayor Franklin, Mayor Pro Tem Howorth, Councilmember Lesser, Councilmember Napolitano and Councilmember Montgomery

**D. APPROVAL OF THE AGENDA**

**A motion was made by Councilmember Lesser, seconded by Councilmember Montgomery, to approve the agenda. The motion carried by the following vote:**

**Aye:** 5 - Franklin, Howorth, Lesser, Napolitano and Montgomery

**Nay:** 0

**E. PUBLIC COMMENTS (3 MINUTES PER PERSON)**

*Mayor Franklin opened the floor to public comments.*

*Seeing no requests to speak, Mayor Franklin closed the floor to public comments.*

**F. CLOSED SESSION**

*City Attorney Quinn Barrow announced the following Closed Session:*

**I. ANNOUNCEMENT IN OPEN SESSION OF ITEMS TO BE DISCUSSED IN CLOSED SESSION**

**a) CONFERENCE WITH LEGAL COUNSEL (ANTICIPATED LITIGATION)  
(Government Code Section 54956.9(d)(2)(e)(1))**

**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.**

**Number of Cases: 1**

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

**Title: City Manager**

**II. RECESS INTO CLOSED SESSION**

*At 5:02 PM, the City Council recessed into Closed Session.*

**III. RECONVENE INTO OPEN SESSION**

*At 6:00 PM, the City Council reconvened into Open Session with all City Councilmembers present.*

**IV. CLOSED SESSION ANNOUNCEMENT IN OPEN SESSION**

*City Attorney Quinn Barrow announced pursuant to the Brown Act, Government Code Section 54956.9(d)(2)(e)(1) and Government Code Section 54957, the City Council went into Closed Session to discuss the two items identified on the agenda. The City Council gave direction and there was no other reportable action taken.*

**G. ADJOURNMENT**

*At 6:01 PM, Mayor Franklin adjourned the meeting.*

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**Jamie Morita**  
**Recording Secretary**

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**Joe Franklin**  
**Mayor**

**ATTEST:**

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**Liza Tamura**  
**City Clerk**



# City of Manhattan Beach

1400 Highland Avenue  
Manhattan Beach, CA 90266



## Meeting Minutes - Draft

Tuesday, March 19, 2024

6:00 PM

Regular Meeting

City Council Chambers and Zoom

## City Council Regular Meeting

### ***ELECTED OFFICIALS***

***Mayor Joe Franklin***

***Mayor Pro Tem Amy Howorth***

***Councilmember David Lesser***

***Councilmember Steve Napolitano***

***Councilmember Richard Montgomery***

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[www.manhattanbeach.gov/departments/city-clerk/city-council-meetings-agendas-and-minutes](http://www.manhattanbeach.gov/departments/city-clerk/city-council-meetings-agendas-and-minutes)

**A. CALL MEETING TO ORDER**

*Mayor Franklin called the meeting to order.*

**B. PLEDGE TO THE FLAG**

*Andrew Atkinson led the Pledge of Allegiance.*

**C. ROLL CALL**

*Roll call led by City Clerk Liza Tamura.*

**Present:** 5 - Mayor Franklin, Mayor Pro Tem Howorth, Councilmember Lesser, Councilmember Montgomery and Councilmember Napolitano

**D. CEREMONIAL CALENDAR**

- 1. Presentation of a Certificate of Appreciation to Photographer Evelyn Schmitt in Recognition of Her "Pier Photo" That She Gifted to the City Council on February 6, 2024. [24-0082](#)

**PRESENT**

*On behalf of the City Council, Mayor Franklin presented a Certificate of Appreciation to photographer Evelyn Schmitt in recognition of her "Pier Photo," that she gifted to the City Council at the February 6, 2024, City Council Meeting.*

*Mayor Franklin requested that any members of the armed services rise and be recognized for their service.*

**E. APPROVAL OF AGENDA AND WAIVER OF FULL READING OF ORDINANCES**

**A motion was made by Councilmember Montgomery, seconded by Councilmember Napolitano, to approve the agenda. The motion carried by the following vote:**

**Aye:** 5 - Franklin, Howorth, Lesser, Montgomery and Napolitano

**Nay:** 0

**F. CITY COUNCIL AND COMMUNITY ORGANIZATION ANNOUNCEMENTS OF UPCOMING EVENTS (1 MINUTE PER PERSON)**

*Library Manager Josh Murray announced an art activity demonstrating the effect of a solar eclipse on April 3, 2024, from 3:00 PM - 3:30 PM.*

*Three Mira Costa High School students provided updates regarding recent and upcoming events at the school.*

*Board Chair of the Manhattan Beach Chamber of Commerce Latrice McGlothin announced the State of the City Event at the Shade Hotel on March 21, 2024, at 5:00 PM.*

*Mayor Franklin recognized Police Chief Rachel Johnson for receiving the Law Enforcement Achievers Award from the Southern California Chapter of the National Organization of Black Law Enforcement Executives.*

**G. PUBLIC COMMENTS (3 MINUTES PER PERSON)**

*Mayor Franklin announced that other cities had recently had their meetings disrupted by anti-Semitic or racially based comments through Zoom. Such comments are disruptive, interfere with the people's business and are not within the subject matter jurisdiction of the City Council. He instructed the City Clerk's Office to mute any speakers who attempt to disrupt the meeting with anti-Semitic or derogatory comments based upon race, gender, or other protected categories.*

*Mayor Franklin opened the floor to public comments. The following individual(s) spoke:*

- Allen Kirschenbaum*
- John Allen*
- Wayne Powell*
- Tarri Everson*
- Pete Skacan*
- Lida Sandera*
- Lucia La Rosa Ames*
- Peter Somberg*

*Seeing no further requests to speak, Mayor Franklin closed the floor to public comments.*

**H. CONSENT CALENDAR (APPROVE)**

A motion was made by Councilmember Lesser, seconded by Mayor Pro Tem Howorth, to approve the Consent Calendar. The motion carried by the following vote:

**Aye:** 5 - Franklin, Howorth, Lesser, Montgomery and Napolitano

**Nay:** 0

**2. City Council Minutes: [24-0110](#)**

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

a) City Council Adjourned Regular Meeting Minutes of March 5, 2024

b) City Council Regular Meeting Minutes of March 5, 2024

(City Clerk Tamura).

**APPROVE**

The recommendation for this item was approved on the Consent Calendar.

**3. Financial Reports: [24-0124](#)**

a) Schedule of Demands for February 9, 2024, and February 16, 2024

b) Investment Portfolio for the Month Ending January 31, 2024

c) Financial Month End Report for January 31, 2024

(Finance Director Charelian).

**ACCEPT REPORTS AND DEMANDS**

The recommendation for this item was approved on the Consent Calendar.

**4. Consideration of a Resolution Amending the Parking and Public [24-0120](#)**

Improvements Commission Seat No. 4 from a Business Community Seat

to a Member-At-Large Seat (City Clerk Tamura).

**ADOPT RESOLUTION NO. 24-0026**

The recommendation for this item was approved on the Consent Calendar.

**5. Consideration of a Resolution Approving Amendment No. 2 to the [24-0115](#)**

Professional Services Agreement with Lance, Soll & Lunghard, LLP for

One Year and One Optional Year in the Amount of \$137,780 for Financial

Audit Services (Finance Director Charelian).

**ADOPT RESOLUTION NO. 24-0027**

The recommendation for this item was approved on the Consent Calendar.

6. Consideration of a Resolution Approving a Five-Year Agreement with Global Payments Direct, Inc. for Credit Card Processing Services for an Estimated Annual Amount of \$195,000 (Finance Director Charelian). [24-0121](#)

- A) WAIVE FORMAL BIDDING DUE TO SINGLE-SOURCE PURCHASING**  
**B) ADOPT RESOLUTION NO. 24-0028**

The recommendation for this item was approved on the Consent Calendar.

7. Consideration of a Resolution Approving Amendment No. 2 to the Professional Services Agreement with History Associates Incorporated for Expanding Historic Archiving Services and Extending the Agreement Term for One Year (Parks and Recreation Director Leyman). [24-0113](#)

- ADOPT RESOLUTION NO. 24-0029**

The recommendation for this item was approved on the Consent Calendar.

8. Receive and File the 2023 Sixth Cycle Housing Element Annual Progress Report as Required by the California Department of Housing and Community Development (Community Development Director Mirzakhanian). [24-0119](#)

- RECEIVE AND FILE**

The recommendation for this item was approved on the Consent Calendar.

9. Consideration of a Resolution to Accept Agreements of Easement Deed and Temporary Construction Easement Deed for the Property at 1200 North Sepulveda Boulevard for the Manhattan Beach Boulevard and Sepulveda Boulevard Intersection Improvement Project (Public Works Director Lee). [24-0111](#)

- A) ACCEPT**  
**B) AUTHORIZE**  
**C) ADOPT RESOLUTION NO. 24-0030**

The recommendation for this item was approved on the Consent Calendar.

**I. ITEMS REMOVED FROM THE CONSENT CALENDAR**

*None.*

**J. PUBLIC HEARINGS**

*None.*

**K. GENERAL BUSINESS**

10. Consideration of Community Mural Proposed by the Organization, TaskForce, in Partnership with LA vs Hate, a Coalition Led by the LA County Commission on Human Relations, and Potential Location and Budget of \$65,000 to \$80,000 (Parks and Recreation Director Leyman). [24-0030](#)  
(Estimated Time: 30 Mins.)

**DISCUSS AND PROVIDE DIRECTION**

*Parks and Recreation Director Mark Leyman introduced Cultural Arts Manager Eilen Stewart who provided the PowerPoint presentation.*

*Cultural Arts Manager Stewart, City Manager Bruce Moe, and Police Chief Rachel Johnson responded to City Council questions.*

*At 6:56 PM, the City Council recessed in order to troubleshoot an audio problem in City Council Chambers. At 7:09 PM, the City Council reconvened with all City Councilmembers present.*

*Cultural Arts Manager Stewart provided a summary of the responses she provided prior to the audio problem and responded to City Council questions.*

*Mayor Franklin opened the floor to public comments. The following individual(s) spoke:*

*Michael Jenkins*

*City Manager Moe provided that any Zoom users at home should close their browsers and reopen the Zoom session in order to reset the audio.*

*Public comments continued with the following individual(s):*

*Heather Kim*

*Hildy Stern*

*Heather Kim (rejoined the meeting after audio issues to continue her comments)*

*Seeing no further requests to speak, Mayor Franklin closed the floor to public comments.*

*A motion was made by Councilmember Montgomery, seconded by Mayor Franklin, to direct staff to return the item to the Ad Hoc Committee and the Manhattan Beach Unified School District to come up with a location for the community mural on school property. If they are unable to find a location for the mural, they should receive buy-in from the students so they will join the project.*

*Councilmember Montgomery withdrew his motion.*

***The City Council directed staff to have TaskForce and LA vs. Hate ask LA County Supervisor Holly Mitchell's Office if they would pay for and place the community mural on their LA County Lifeguard building.***

11. Consideration of Location and Cost for the Shark Mural by Artist Eric Snyder and Disbursement of up to \$65,000 from the Public Art Trust Fund (Parks and Recreation Director Leyman). [24-0076](#)

**(Estimated Time: 30 Mins.)**

**A) APPROVE LOCATION AND COST**

**B) ALLOCATE FUNDS**

*Parks and Recreation Director Mark Leyman introduced Cultural Arts Manager Eilen Stewart who provided the PowerPoint presentation.*

*Cultural Arts Manager Stewart and Public Works Director Erick Lee responded to City Council questions.*

*Mayor Franklin opened the floor to public comments. The following individual(s) spoke:*

*Gary McAulay  
Ray Joseph  
Heather Kim*

*Seeing no further requests to speak. Mayor Franklin closed the floor to public comments.*

**A motion was made by Mayor Pro Tem Howorth, seconded by Councilmember Montgomery, to install the Shark mural by Eric Snyder on the Civic Plaza parking lot wall (location 1A from the PowerPoint presentation) and allocate up to \$65,000 from the Public Art Trust Fund as part of Phase II of the Mural Project. The motion carried by the following vote:**

**Aye:** 3 - Howorth, Montgomery and Napolitano

**Nay:** 2 - Franklin and Lesser

*At 8:14 PM, the City Council recessed and reconvened at 8:25 PM with all City Councilmembers present.*

12. Consideration of Authorizing Advertisement of the Wayfinding Phase I Vehicle Parking and Pedestrian Sign Improvement Project for Construction Bids, and Discussion Revisiting the Street Sign Color within the Signage and Wayfinding Program (Public Works Director Lee).

[24-0067](#)

*(Estimated Time: 45 Mins.)*

**A) AUTHORIZE**

**B) DISCUSS AND PROVIDE DIRECTION**

*Public Works Director Erick Lee introduced City Engineer Katie Doherty who provided the PowerPoint presentation and responded to City Council questions.*

*Mayor Franklin opened the floor to public comments. The following individual(s) spoke:*

*Ray Joseph  
Heather Kim  
Jim Burton*

*Seeing no further requests to speak, Mayor Franklin closed the floor to public comments.*

*A motion was made by Councilmember Montgomery, seconded by Mayor Pro Tem Howorth, to authorize the advertisement of the Wayfinding Phase I Vehicle Parking and Pedestrian Sign Improvement Project for construction bids.*

*City Engineer Doherty and City Traffic Engineer Erik Zandvliet responded to City Council questions.*

*Mayor Franklin inquired if Councilmember Montgomery would consider directing staff to develop mock-ups of the City's existing street sign with the City logo replacing the sun and to include one example with the wave and one without.*

***The City Council directed staff to utilize the Spartan MB font for the wayfinding signage.***

*Councilmember Montgomery accepted Mayor Franklin's request.*



A motion was made by Councilmember Montgomery, seconded by Mayor Pro Tem Howorth, to authorize the advertisement of the Wayfinding Phase I Vehicle Parking and Pedestrian Sign Improvement Project for construction bids; and direct staff to develop mock-ups of the City's existing street sign with the City logo replacing the sun and to include one example with the wave and one without. The motion carried by the following vote:

**Aye:** 5 - Franklin, Howorth, Lesser, Montgomery and Napolitano

**Nay:** 0

13. Consideration of Fifteen Sculpture Options Recommended by the Cultural Arts Commission to Lease, Purchase, or Commission (Parks and Recreation Director Leyman).

[24-0098](#)

(Estimated Time: 1 Hr.)

**DISCUSS AND PROVIDE DIRECTION**

*Parks and Recreation Director Mark Leyman introduced Cultural Arts Manager Eilen Stewart who provided the PowerPoint presentation and responded to City Council questions.*

*Cultural Arts Manager Stewart responded to City Council questions.*

*Mayor Franklin opened the floor to public comments. The following individual(s) spoke:*

*Ray Joseph  
Gary McAulay  
Heather Kim*

*Seeing no further requests to speak. Mayor Franklin closed the floor to public comments.*

*The City Council reviewed the submitted artwork and provided their preferences.*

*City Attorney Quinn Barrow and Cultural Arts Manager Stewart responded to City Council questions.*

***The City Council directed staff to bring the item back at a future City Council meeting and return with a list of the 15 sculptures in order of the City Council's expressed interest to provide further direction.***

14. Consideration of Library Commission Recommendations, Including Work Plan Updates and Potential Uses of Los Angeles County Library Set Aside Funds (Parks and Recreation Director Leyman). [24-0114](#)

*(Estimated Time: 30 Min.)*

**DISCUSS AND PROVIDE DIRECTION**

*Parks and Recreation Director Mark Leyman introduced Senior Recreation Manager Melissa McCollum who provided the PowerPoint presentation.*

*Senior Recreation Manager McCollum and City Manager Bruce Moe responded to City Council questions.*

*Mayor Franklin opened the floor to public comments.*

*Seeing no requests to speak, Mayor Franklin closed the floor to public comment.*

**A motion was made by Mayor Pro Tem Howorth, seconded by Councilmember Montgomery, to accept the Library Commission's recommendations as identified in the staff report with additional direction to think bigger on some of the projects due to the available Library surplus funds. The motion carried by the following vote:**

**Aye:** 5 - Franklin, Howorth, Lesser, Montgomery and Napolitano

**Nay:** 0

15. Consideration of Recommendations for the Prioritization of Future Underground Utility Assessment Districts and Discussion of the Results from the 2023 Utility Undergrounding Survey (Public Works Director Lee). [24-0096](#)  
(Estimated Time: 30 Mins.)

**DISCUSS AND PROVIDE DIRECTION**

*Councilmember Lesser disclosed that his home is among the homes being considered as a future utility undergrounding district. He reported that after consulting with the City Attorney, it was determined that he can still participate in the discussion.*

*Public Works Director Erick Lee introduced Senior Civil Engineer Jeff Fijalka who provided the PowerPoint presentation and responded to City Council questions.*

*Mayor Franklin opened the floor to public comments. The following individual(s) spoke:*

*Ray Joseph  
John Allen  
Gregory Young  
Joe Touch*

*Seeing no further requests to speak. Mayor Franklin closed the floor to public comments.*

**A motion was made by Councilmember Montgomery, seconded by Mayor Pro Tem Howorth, to receive and file the results of the 2023 UOAD Survey and direct staff to focus new district formation efforts in areas exhibiting the greatest amount of property owner support and allow subsets of potential districts to move forward if the surrounding blocks are not supportive of undergrounding. The motion carried by the following vote:**

**Aye:** 5 - Franklin, Howorth, Lesser, Montgomery and Napolitano

**Nay:** 0

**L. CITY COUNCIL REQUESTS AND REPORTS INCLUDING AB 1234 REPORTS**

*Councilmember Montgomery reported that he attended the National League of Cities Congressional Conference in Washington, D.C., where he brought up municipal airport noise. Councilmember Montgomery also reported that he attended the Civic Planners Association Conference and provided that the State will not be meeting the 2030 deadline for electric cars.*

**M. FUTURE AGENDA ITEMS**

*Mayor Franklin requested to agendize a discussion regarding reservation privileges of no more than six sessions a year for the Sandpipers, as they will be making a \$50,000 donation to the Scout House. Councilmember Montgomery seconded the request to have the item return on a future agenda.*

*City Attorney Quinn Barrow provided that when the item returns, the City Council will have the ability to vote on it rather than going through the three-step process to agendize a discussion.*

**N. CITY MANAGER REPORT**

*None.*

**O. CITY ATTORNEY REPORT**

*None.*

**P. INFORMATIONAL ITEMS**

- 16. Agenda Forecast (City Clerk Tamura). [24-0095](#)  
**INFORMATION ITEM ONLY**

**This item was received and filed by order of the Chair.**

- 17. Commission Minutes: [24-0123](#)  
This Item Contains the Library Commission Meeting Minutes of February 12, 2024 (Parks and Recreation Director Leyman).  
**INFORMATION ITEM ONLY**

**This item was received and filed by order of the Chair.**

**Q. CLOSED SESSION**

*None.*

**R. ADJOURNMENT**

*At 10:30 PM, Mayor Franklin adjourned the meeting to April 2, 2024, at 5:00 PM.*

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**Patricia Matson**  
**Recording Secretary**

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**Joe Franklin**  
**Mayor**

**ATTEST:**

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**Liza Tamura**  
**City Clerk**





**CITY OF MANHATTAN BEACH**

1400 Highland Avenue Manhattan Beach, CA 90266  
www.manhattanbeach.gov • (310) 802-5000

# STAFF REPORT

**Agenda Date:** 4/2/2024

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**TO:**

Honorable Mayor and Members of the City Council

**THROUGH:**

Bruce Moe, City Manager

**FROM:**

Steve S. Charelian, Finance Director  
Julie Bondarchuk, Financial Controller  
Amira Khodari, Accounting Supervisor

**SUBJECT:**

Financial Reports:  
Schedule of Demands for February 23, 2024 and March 1, 2024 (Finance Director Charelian).

**ACCEPT REPORTS AND DEMANDS**

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**RECOMMENDATION:**

Staff recommends that the City Council accept the attached reports and demands.

**FISCAL IMPLICATIONS:**

The financial report included herein is designed to communicate fiscal activity based upon adopted and approved budget appropriations. No further action of a fiscal nature is requested as part of this report.

The total value of the warrant registers for February 23, 2024, and March 1, 2024, is \$3,103,555.56.

**BACKGROUND:**

Finance staff prepares a variety of financial reports for City Council and the Finance Subcommittee. A brief discussion of the attached report follows.

**DISCUSSION:**

Schedule of Demands:

Every week staff prepares a comprehensive listing of all disbursements with staff certification that the expenditure transactions listed have been reviewed and are within budgeted appropriations.

**PUBLIC OUTREACH:**

After analysis, staff determined that public outreach was not required for this issue.

**ENVIRONMENTAL REVIEW:**

The City has reviewed the proposed activity for compliance with the California Environmental Quality Act (CEQA) and has determined that the activity is not a "Project" as defined under Section 15378 of the State CEQA Guidelines; therefore, pursuant to Section 15060(c)(3) of the State CEQA Guidelines the activity is not subject to CEQA. Thus, no environmental review is necessary.

**LEGAL REVIEW:**

The City Attorney has reviewed this report and determined that no additional legal analysis is necessary.

**ATTACHMENTS:**

1. Schedule of Demands for February 23, 2024, and March 1, 2024



# City of Manhattan Beach

## Finance Department



## Schedule of Demands

### February 23, 2024, and March 1, 2024

**CITY OF MANHATTAN BEACH**  
WARRANT REGISTER

WARRANT(S) AP022324; AP030124  
DATED: 02/23/2024; 03/01/2024

I HEREBY CERTIFY THAT THE CLAIMS OR DEMANDS COVERED BY THE ABOVE WARRANT(S) IN THE AMOUNT OF \$3,103,555.56 HAVE BEEN REVIEWED AND THAT SAID CLAIMS OR DEMANDS ARE ACCURATE, ARE IN CONFORMANCE WITH THE ADOPTED BUDGET, AND THAT THE FUNDS ARE AVAILABLE THEREOF.

THIS 2ND DAY OF APRIL

REVIEWED, CERTIFIED AND APPROVED  
BY CITY MANAGER BRUCE MOE AND  
BY FINANCE DIRECTOR STEVE CHARELIAN

WARRANT REGISTER (S )	WARRANT(S)	AP022324	219,376.98
AP022324; AP030124		AP030124	1,354,321.72
	PREPAID WIRES / MANUAL CKS	AP022324	299,127.97
		AP030124	10,592.27
	<b>SUB-TOTAL WARRANTS</b>		1,883,418.94
	VOIDS		(60,933.88)
	PAYROLL	PE 02/23/2024	1,281,070.50
	<b>TOTAL WARRANTS</b>	PY	<b>\$ 3,103,555.56</b>

# CITY OF MANHATTAN BEACH

## WARRANT REGISTER



### WIRES

CHECK #	DATE	TYPE	PAYEE NAME	DESCRIPTION	AMOUNT
90220241	2/20/2024	W	PAYROLL TAXES	PE 2-9-2024 F.I.T., MEDICARE A	288,535.70
90220242	2/20/2024	W	CITY OF MANHATTAN BEACH	FLEX CONTRIBUTIONS	10,592.27
<b>SUB-TOTAL :</b>					<b>299,127.97</b>

### WARRANT #: AP022324

CHECK #	DATE	TYPE	PAYEE NAME	DESCRIPTION	AMOUNT
10138	2/23/2024	T	CA NEWSPAPER PARTNERSHIP	BEACH REPORTER AD 11/1/2023 -	6,552.00
557228	2/23/2024	P	ADMINSURE INC	GENERAL LIABILITY CLAIMS ADMIN	4,822.00
557229	2/23/2024	P	AIR SOURCE INDUSTRIES INC	MEDICAL & INDUSTRIAL GRADE GAS	312.30
557230	2/23/2024	P	ASPEN ENVIRONMENTAL GROUP	CONSTRUCTION MANAGEMENT FOR SK	4,038.80
557231	2/23/2024	P	AT&T	TAX ON 2 NEW IPHONES FOR COMM	119.70
557232	2/23/2024	P	AT&T MOBILITY	CELLULAR SERVICE (DECEMBER 202	9,877.90
557233	2/23/2024	P	BEACH CITIES HEALTH DISTRICT	SUBSTANCE ABUSE AND OPIOID REM	4,430.09
557234	2/23/2024	P	BIG BELLY SOLAR LLC	BIG BELLY SOLAR TRASH/RECYCLIN	8,411.04
557235	2/23/2024	P	BRINKS INCORPORATED	ARMORED CASH TRANSPORT	39.15
557236	2/23/2024	P	BUSINESS RECOVERY SERVICES	REMOTE PAYMENT PROCESSING SERV	630.52
557237	2/23/2024	P	CCS LOS ANGELES JANITORIAL INC	JANITORIAL CONTRACT SERVICES	48,710.29
557238	2/23/2024	P	CHARTER COMMUNICATIONS HOLDING LLC	MONTHLY SERVICE 01/07 TO 02/06	4,016.20
557239	2/23/2024	P	CPS HUMAN RESOURCE SERVICES	CANDIDATE TEST BOOKS AND ANSWE	868.00
557240	2/23/2024	P	CUSTOMER REFUND	AMB REFUND-OVERPAYMENT; DUPLIC	1,270.75
557241	2/23/2024	P	CUSTOMER REFUND	AMB REFUND-OVERPAYMENT; PT PD	2,592.33
557242	2/23/2024	P	CUSTOMER REFUND	2024 REFUND: BL-12916	665.73
557243	2/23/2024	P	CUSTOMER REFUND	2024 REFUND: BL-34806	115.86
557244	2/23/2024	P	CUSTOMER REFUND	UB OVERPAYMENT REFUND - 350199	65.26
557245	2/23/2024	P	CUSTOMER REFUND	TAYLOR; CITE 67018300	53.00

# CITY OF MANHATTAN BEACH

## WARRANT REGISTER



### WARRANT #: AP022324

CHECK #	DATE	TYPE	PAYEE NAME	DESCRIPTION	AMOUNT
557246	2/23/2024	P	CUSTOMER REFUND	ROBLES; CITE 69014609	84.00
557247	2/23/2024	P	CUSTOMER REFUND	AMB REFUND-OVERPYMNT; ACCT CAN	506.92
557248	2/23/2024	P	CUSTOMER REFUND	KOZIOL; CITE 69015850	53.00
557249	2/23/2024	P	CUSTOMER REFUND	PAULA LEEDS - PARKING METER RE	10.25
557250	2/23/2024	P	CUSTOMER REFUND	BROWN; CITE 76008779	84.00
557251	2/23/2024	P	DFM ASSOCIATES	2024 CALIFORNIA ELECTIONS CODE	393.61
557252	2/23/2024	P	EQUINIX INC	DATA CENTER SECURE RACK SERVIC	1,543.50
557253	2/23/2024	P	BARBARA SUE PHILLIPS-MELTZER	ERGONOMIC EVALUATIONS & RELATE	1,350.00
557254	2/23/2024	P	FEDERAL EXPRESS CORPORATION	DELIVERY CHARGES	29.60
557255	2/23/2024	P	ARMENA JEHANIAN	REC PROGRAM CHEF ARM FEBRUARY	600.00
557256	2/23/2024	P	GALLS PARENT HOLDINGS LLC	FIRE DEPT UNIFORM SUPPLIER	330.51
557257	2/23/2024	P	INFOSEND INC	POSTAGE -JANUARY 2024	3,421.90
557258	2/23/2024	P	MCKENDRY DOOR SALES, INC.	COMMERCIAL DOOR MAINTENANCE	20,543.45
557259	2/23/2024	P	MERRIMAC ENERGY GROUP	BULK FUEL	25,418.67
557260	2/23/2024	P	ROBERT SCHWIEGER	BROADCAST SVS FOR LOCAL HAZARD	1,280.00
557261	2/23/2024	P	POSTMASTER	USPS MARKETING MAIL-PERMIT PI6	320.00
557262	2/23/2024	P	RACE TELECOMMUNICATIONS INC	INTERNET SERVICES/SOUTH BAY FI	2,273.25
557263	2/23/2024	P	REGENTS UNIVERSITY OF CALIFORNIA LOS	NURSE EDUCATOR CONTRACT	2,941.89
557264	2/23/2024	P	ROBERT HALF INTERNATIONAL INC	TEMPORARY ACCOUNTING STAFFING	1,163.68
557265	2/23/2024	P	ROBERT MICHAEL SCHWIEGER	BROADCAST SERVICES FOR CITY	5,160.00
557266	2/23/2024	P	ROSEMARY A LACKOW	MINUTES SECRETARY - AMENDMENT	712.00
557267	2/23/2024	P	SELECTIVE GIFT INSTITUTE	EMPLOYEE SERVICE AWARDS	355.88
557268	2/23/2024	P	SOUTH BAY SPROUTS LLC	SOUTH BAY SPROUTS WINTER SESSI	978.25
557269	2/23/2024	P	SOUTHERN CALIFORNIA EDISON	MONTHLY CHARGES 11/30/23 TO 01	6,431.78

# CITY OF MANHATTAN BEACH

## WARRANT REGISTER



### WARRANT #: AP022324

CHECK #	DATE	TYPE	PAYEE NAME	DESCRIPTION	AMOUNT
557270	2/23/2024	P	T MOBILE USA	MONTHLY SERVICE 12/21 TO 1/20	39.80
557271	2/23/2024	P	TOM MALLOY CORPORATION	TRENCH SHORING TRAINING - UTIL	4,500.00
557272	2/23/2024	P	TURBO DATA SYSTEMS INC	ADMINISTRATIVE CITATION PROCES	8,192.38
557273	2/23/2024	P	US BANK	TRUST/CUSTODY CHARGES 12/1/23-	291.67
557274	2/23/2024	P	US BANK NA	FUEL PURCHASES	3,135.34
557275	2/23/2024	P	VECTOR RESOURCES INC	BLOCK OF HOURS (NETWORK & CABL	7,327.50
557276	2/23/2024	P	VEOLIA WTS SERVICES USA INC	WATER SYSTEMS TECHNOLOGIES	230.69
557277	2/23/2024	P	VERIZON CALIFORNIA INC	SHERIFF'S DATA NETWORK - JANUA	1,990.18
557278	2/23/2024	P	VERIZON CALIFORNIA INC	MONTHLY CHARGES DEC 24 - JAN 2	38.01
557279	2/23/2024	P	WALTERS WHOLESALE ELECTRIC CO	LED RECESSED LIGHT TROFFER- CI	3,473.89
557280	2/23/2024	P	WATER REPLENISHMENT DISTRICT	MONTHLY WATER PUMP ASSESSMENT	9,500.58
557281	2/23/2024	P	WECK ANALYTICAL ENVIRONMENTAL SERVICES	ROUTINE FE-MN & GP	1,032.00
557282	2/23/2024	P	WITTMAN ENTERPRISES LLC	AMBULANCE & FIRE INSPECTION CO	4,819.50
557283	2/23/2024	P	ZUMAR INDUSTRIES INC	SHUR-FLEX SURFACE MOUNT, WASHE	1,228.38
<b>SUB-TOTAL WARRANT AP022324:</b>					<b>219,376.98</b>
<b>TOTAL WARRANT(S):</b>					<b>518,504.95</b>

# CITY OF MANHATTAN BEACH

## DISBURSEMENT BY FUND

DATED 02/23/2024



<u>Fund</u>	<u>Fund Description</u>	<u>Amount</u>
100	General Fund	393,876.31
501	Water Fund	12,577.84
502	Stormwater Fund	1,080.00
520	Parking Fund	6,442.03
522	State Pier and Parking Lot Fun	10,234.26
601	Insurance Reserve Fund	6,172.00
605	Information Technology Fund	20,197.06
610	Fleet Management Fund	28,554.01
615	Building Maintenance & Operati	39,371.44
<b>GRAND TOTAL:</b>		<b>\$ 518,504.95</b>

# CITY OF MANHATTAN BEACH

## WARRANT REGISTER



### WIRES

CHECK #	DATE	TYPE	PAYEE NAME	DESCRIPTION	AMOUNT
903042024	2/29/2024	W	CITY OF MANHATTAN BEACH	FLEX CONTRIBUTIONS	10,592.27
<b>SUB-TOTAL :</b>					<b>10,592.27</b>

### WARRANT #: AP030124

CHECK #	DATE	TYPE	PAYEE NAME	DESCRIPTION	AMOUNT
10139	3/1/2024	T	ICMA RC PLAN# 300548	DEFERRED COMP 457 AND LOAN REP	90,749.60
10140	3/1/2024	T	ICMA RC PLAN# 109365	DEFERRED COMP 401A PLAN CONTRI	1,459.56
10141	3/1/2024	T	ICMA RC PLAN# 109766	DEFERRED COMP 401A PLAN & LOAN	17,534.57
10142	3/1/2024	T	ICMA RC PLAN# 803485	RET HEALTH SAVINGS	1,866.80
10143	3/1/2024	T	WEST BASIN MUNICIPAL WATER DIS	JANUARY 2023	584,115.44
557284	3/1/2024	P	ADMINSURE INC	WC CLAIMS ADMINISTRATION	18,513.00
557285	3/1/2024	P	AMBER MOOERS	INSTRUCTOR PAYMENT FOR TEACHIN	8,511.60
557286	3/1/2024	P	CIVIC SOLUTIONS INC	PROF SERV FOR PLANNING DIV - J	7,020.00
557287	3/1/2024	P	CUSTOMER REFUND	RELEASE OF FUNDS PER COURT ORD	43,500.00
557288	3/1/2024	P	CUSTOMER REFUND	2023 REFUND: BL-00391	83.50
557289	3/1/2024	P	CUSTOMER REFUND	AMB REFUND-OVRPYMNT; BOTH PRIM	2,309.00
557290	3/1/2024	P	CWE	HIGH FLOW CAPACITY TRASH CAPTU	74,848.49
557291	3/1/2024	P	DANIEL BONDARCHUK	MW INTERMEDIATE VOLLEYBALL INS	1,466.00
557292	3/1/2024	P	DEWEY SERVICES INC	DEWEY PEST CONTROL_ FEBRUARY S	80.00
557293	3/1/2024	P	EMILY TANAKA	ARTIST PAYMENT #1 FOR MURAL PR	9,000.00
557294	3/1/2024	P	EMPLOYMENT DEVELOPMENT DEPT	EARNINGS WITHHOLDING	371.69
557295	3/1/2024	P	ENVIRONMENTAL SCIENCE ASSOC	ESA - CAAP DOCUMENT JANUARY 20	3,925.50
557296	3/1/2024	P	FRANCHISE TAX BOARD	EARNINGS WITHHOLDING	275.00
557297	3/1/2024	P	FRONTIER CALIFORNIA INC	MONTHLY CHARGES 02/19/24 TO 03	179.66

# CITY OF MANHATTAN BEACH

## WARRANT REGISTER



### WARRANT #: AP030124

CHECK #	DATE	TYPE	PAYEE NAME	DESCRIPTION	AMOUNT
557298	3/1/2024	P	GOLDSTAR PRODUCTS INC	MISSED FREIGHT BALANCE	200.40
557299	3/1/2024	P	GRANICUS LLC	CIVIC ENGAGEMENT SVCS - FY2024	88,692.57
557300	3/1/2024	P	HOT LINE CONSTRUCTION INC	UUAD 12 RETENTION RELEASE: 92	150,582.15
557301	3/1/2024	P	INSIGHT PUBLIC SECTOR INC	STORAGE AREA NETWORK PURCHASE	7,937.31
557302	3/1/2024	P	IPS GROUP INC	PARKING METER FEES, PARTS & LA	17,846.60
557303	3/1/2024	P	JEFFREY MILLER ARCHITECTURE AND DESIGN	23.08E.03 DEC' 23 CITY COUNCIL	4,613.75
557304	3/1/2024	P	JOHN L HUNTER AND ASSOC INC	CBR/FOG AND MS4 NPDES INSPECTI	3,962.50
557305	3/1/2024	P	L A COUNTY DEPARTMENT OF PUBLIC WORKS	SGNL MAINTENANCE MARINE & CEDA	11,822.13
557306	3/1/2024	P	L A COUNTY DEPARTMENT OF PUBLIC WORKS	TRAFFIC SERVICES	530.46
557307	3/1/2024	P	L A COUNTY SHERIFF'S OFFICE	EARNINGS WITHHOLDING	542.05
557308	3/1/2024	P	LIEBERT CASSIDY WHITMORE	LEGAL SERVICES FOR EMPLOYMENT	174.00
557309	3/1/2024	P	M B POLICE MGMT ASSC	MBPMA DUES	525.00
557310	3/1/2024	P	M B POLICE OFFICERS ASSOCIA	MB POA DUES	3,703.79
557311	3/1/2024	P	MAN BCH EDUCATION FOUNDATION	MBEF WINE AUCTION 2024	8,500.00
557312	3/1/2024	P	MOORE IACOFANO GOLTSMAN INC	OUTDOOR DINING PROGRAM DEV. JA	15,418.75
557313	3/1/2024	P	OCCU HEALTH CENTERS OF CA	PROVIDE PROFESSIONAL MEDICAL S	1,026.00
557314	3/1/2024	P	ONWARD ENGINEERING	CYCLE 3 CDBG ADA RAMP PROJECT	1,674.40
557315	3/1/2024	P	PORAC RETIREE MEDICAL TRUST	MED TRUST CONTRIBUTIONS- POLIC	3,750.00
557316	3/1/2024	P	RICHARD BAKER	FS2 CUSTOM DINING TABLE	11,552.25
557317	3/1/2024	P	RICHARD D JONES A PROFESSIONAL LAW	LA COUNTY ZERO BAIL	1,033.32
557318	3/1/2024	P	RICHARDS WATSON & GERSHON	GENERAL LEGAL SERVICES (JANUAR	80,349.14
557319	3/1/2024	P	ROUTEMATCH SOFTWARE LLC	HOSTING FEES: 3/1/2024 TO 3/31	524.27
557320	3/1/2024	P	S2 ENGINEERING INC	CONSTRUCTION MANAGEMENT SERVIC	10,218.34
557321	3/1/2024	P	SELBERT PERKINS DESIGN INC	SIGNAGE & WAYFINDING MASTER PL	6,150.00



# CITY OF MANHATTAN BEACH

## WARRANT REGISTER



### WARRANT #: AP030124

CHECK #	DATE	TYPE	PAYEE NAME	DESCRIPTION	AMOUNT
557322	3/1/2024	P	SELECTIVE GIFT INSTITUTE	EMPLOYEE SERVICE AWARDS	328.50
557323	3/1/2024	P	YUNEX LLC	STREET LIGHT MAINTENANCE 12/01	3,257.42
557324	3/1/2024	P	SMART SOURCE OF CALIFORNIA LLC	BL CERTIFICATE PAPER	1,257.65
557325	3/1/2024	P	STATE DISBURSEMENT UNIT	EARNINGS WITHHOLDING	160.15
557326	3/1/2024	P	STATE DISBURSEMENT UNIT	EARNINGS WITHHOLDING	514.15
557327	3/1/2024	P	STATE DISBURSEMENT UNIT	EARNINGS WITHHOLDING	680.76
557328	3/1/2024	P	SUPERIOR COURT OF CA-CO OF LA	CITATION SURCHARGE - JANUARY 2	48,140.00
557329	3/1/2024	P	TRAPEZE SOFTWARE GROUP INC	MARCH/2024 MONTHLY HOSTING FEE	524.27
557330	3/1/2024	P	U.S. BANK	PARS	921.87
557331	3/1/2024	P	WATERLINE TECHNOLOGIES	WATER TREATMENT DISINFECTION	1,094.36
557332	3/1/2024	P	WECK ANALYTICAL ENVIRONMENTAL SERVICES	TCR – WEEKLY	304.00
<b>SUB-TOTAL WARRANT AP030124:</b>					<b>1,354,321.72</b>
<b>TOTAL WARRANT(S):</b>					<b>1,364,913.99</b>

# CITY OF MANHATTAN BEACH

## DISBURSEMENT BY FUND

DATED 03/01/2024



<b>Fund</b>	<b>Fund Description</b>	<b>Amount</b>
100	General Fund	400,554.82
201	Street Lighting & Landscape Fu	3,257.42
205	Gas Tax Fund	10,944.00
230	Prop. A Fund	1,048.54
231	Prop. C Fund	10,436.14
240	Measure W	66,724.55
401	Capital Improvement Fund	16,166.00
403	Underground Assessment Distric	150,582.15
501	Water Fund	585,513.80
502	Stormwater Fund	10,105.19
503	Wastewater Fund	2,181.65
520	Parking Fund	23,423.80
521	County Parking Lots Fund	377.07
522	State Pier and Parking Lot Fun	195.73
601	Insurance Reserve Fund	18,632.00
605	Information Technology Fund	55,691.13
615	Building Maintenance & Operati	80.00
802	Special Deposits Fund	9,000.00
<b>GRAND TOTAL:</b>		<b>\$ 1,364,913.99</b>

# CITY OF MANHATTAN BEACH

## VOIDED CHECK LISTING



<u>CHECK #</u>	<u>DATE</u>	<u>VENDOR NAME</u>	<u>VOID</u>
551657	02/29/2024	DANIEL BONDARCHUK	1,466.00
554076	02/28/2024	CUSTOMER REFUND	83.50
555081	02/22/2024	REGENTS UNIVERSITY OF CALIFORNIA LOS	2,941.89
556798	02/14/2024	WESTMED AMBULANCE INC	21,164.00
556857	02/15/2024	US BANK NA	3,135.34
556863	02/14/2024	WESTMED AMBULANCE INC	22,385.00
556920	02/23/2024	AT&T MOBILITY	292.46
556958	02/14/2024	LOS ANGELES COUNTY POLICE CANINE	300.00
557074	02/23/2024	INSIGHT PUBLIC SECTOR INC	7,937.31
557110	02/23/2024	ZUMAR INDUSTRIES INC	1,228.38
<b>GRAND TOTAL VOIDS:</b>			<b>\$ 60,933.88</b>

**CITY OF MANHATTAN BEACH PAYROLL**  
**PAY PERIOD: 02/10/24 TO 02/23/24**  
**PAY DATE: 03/01/24**

**NET PAY 1,281,070.50**

# CITY OF MANHATTAN BEACH

## DISBURSEMENT BY FUND

DATED 02/23/2024



<b>Fund</b>	<b>Fund Description</b>	<b>Amount</b>
100	General Fund	1,643,485.82
210	Asset Forfeiture Fund	1,784.32
230	Prop. A Fund	17,872.79
501	Water Fund	52,876.59
502	Stormwater Fund	23,186.43
503	Wastewater Fund	25,923.73
520	Parking Fund	3,036.49
521	County Parking Lots Fund	1,379.60
522	State Pier and Parking Lot Fun	1,379.62
601	Insurance Reserve Fund	11,402.21
605	Information Technology Fund	51,898.92
610	Fleet Management Fund	7,703.20
615	Building Maintenance & Operati	24,063.35
801	Pension Trust Fund	7,573.18
	<b>TOTAL</b>	<b>1,873,566.25</b>
	<b>LESS: DEDUCTIONS</b>	<b>(592,495.75)</b>
		<b>\$ 1,281,070.50</b>





**CITY OF MANHATTAN BEACH**

1400 Highland Avenue Manhattan Beach, CA 90266  
[www.manhattanbeach.gov](http://www.manhattanbeach.gov) • (310) 802-5000

# STAFF REPORT

**Agenda Date:** 4/2/2024

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**TO:**

Members of the City Council

**FROM:**

Mayor Franklin

**SUBJECT:**

Proclaiming the Month of April 2024, as Earth Month.

**PROCLAIM**

---

The City of Manhattan Beach does hereby proclaim the following:

- a) Month of April 2024, as Earth Month







**CITY OF MANHATTAN BEACH**

1400 Highland Avenue Manhattan Beach, CA 90266  
www.manhattanbeach.gov • (310) 802-5000

# STAFF REPORT

**Agenda Date:** 4/2/2024

---

**TO:**

Honorable Mayor and Members of the City Council

**THROUGH:**

Bruce Moe, City Manager

**FROM:**

George Gabriel, Assistant to the City Manager

**SUBJECT:**

Consideration of a Resolution Approving Amendment No. 6 to the Existing Agreement with Richards, Watson & Gershon to Increase the Monthly Retainer to \$37,500 (City Manager Moe).

**ADOPT RESOLUTION NO. 24-0031**

---

**RECOMMENDATION:**

Staff recommends that the City Council adopt Resolution No. 24-0031 approving Amendment No. 6 to the existing agreement with Richards, Watson & Gershon to increase the monthly retainer amount to \$37,500.

**FISCAL IMPLICATIONS:**

If the amendment with Richards, Watson & Gershon (RWG) is approved, legal retainer fees are projected to increase by \$63,689.93 next fiscal year and be incorporated into the Fiscal Year 2024-2025 Operating Budget.

Additionally, future years will be budgeted accordingly as the rates may be adjusted depending on whether there is an increase in the Consumer Price Index ("CPI"), consistent with Amendment No. 4 of the Agreement with RWG.

**BACKGROUND:**

On September 6, 2011, the City entered into an agreement for City Attorney services with RWG. Since that time, the City and RWG have executed several amendments increasing the scope of legal services, with corresponding fee increases. From 2011 to 2014, the monthly retainer was \$19,500. In 2014, the City Council approved Amendment No. 1, which: required RWG personnel to devote 40 hours to office hours and attend Planning Commissions; and increased the monthly retainer to \$24,000. In 2021, the Council increased the monthly retainer to \$30,000, with annual CPI adjustments, commencing in July 2023, not to exceed 4% without City Council approval. Effective July 1, 2023, the CPI-adjusted monthly retainer is \$31,146. For the month of February (latest data available), the Los Angeles-Long Beach-Anaheim CPI is 3.36 % from one year ago.

Thus, without this amendment, the monthly retainer would likely increase to \$32,192.51, effective July 1, 2024. If approved, there would be no CPI increase in the monthly retainer on July 1, 2024.

**DISCUSSION:**

The monthly retainer is a “true” retainer, which means that the City currently pays \$31,146 each month, regardless of how many hours RWG devotes to general services. Due to increased demand, both RWG’s on-site presence and off-site general services have increased. Three RWG partners-City Attorney Quinn Barrow, David Snow and Lolly Enriquez-are in the office on a regular basis. In January 2024, the City Attorney had 66.50 office hours alone. In addition, partner Jennifer Petrusis, and several other RWG attorneys, have been on-site on an as-needed basis. Including the other off-site services, the retainer represents the highest discount received by the City. In January 2024, the time value at RWG standard rates for services included in the retainer account was \$78,848.50.

As noted in the background, consistent with Amendment No. 4 to the agreement with RWG, the monthly retainer shall automatically increase by the percentage change in the Consumer Price Index, with a cap of 4%, which can only be exceeded by a contract amendment approved by the City Council. Should the City Council approve Amendment No. 6, the monthly retainer would not be adjusted due to CPI until July 2025, additional to every year thereafter.

**CONCLUSION:**

Staff recommends that the City Council adopt Resolution No. 24-0031 approving amendment no. 6 to the existing agreement with Richards, Watson & Gershon to require 50 office hours a month and increase the monthly retainer.

**ATTACHMENTS:**

1. Resolution No. 24-0031
2. Amendment No. 6 - Richards, Watson & Gershon
3. Agreement and Amendment Nos. 1-5 - Richards, Watson & Gershon

RESOLUTION NO. 24-0031

A RESOLUTION OF THE MANHATTAN BEACH CITY COUNCIL APPROVING AN AMENDMENT TO THE CERTAIN AGREEMENT BETWEEN THE CITY OF MANHATTAN BEACH AND RICHARDS, WATSON AND GERSHON INCREASING OFFICE HOURS AND THE MONTHLY RETAINER

THE MANHATTAN BEACH CITY COUNCIL HEREBY RESOLVES AS FOLLOWS:

SECTION 1. The City Council hereby approves the Amendment to the Agreement between the City of Manhattan Beach and Richards, Watson and Gershon dated July 1, 2024 to increase required office hours to 50 hours per month and the monthly retainer to \$37,500.

SECTION 2. The Council hereby directs the City Manager to execute the Agreement on behalf of the City.

SECTION 3. The City Clerk shall certify to the passage and adoption of this resolution.

ADOPTED on April 2, 2024.

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

\_\_\_\_\_  
JOE FRANKLIN  
Mayor

ATTEST:

\_\_\_\_\_  
LIZA TAMURA  
City Clerk

**AMENDMENT NO. 6 TO THAT CERTAIN AGREEMENT  
BETWEEN THE CITY OF MANHATTAN BEACH AND  
RICHARDS, WATSON & GERSHON, A PROFESSIONAL  
CORPORATION, FOR PROSECUTION LEGAL SERVICES**

This Amendment No. 6 dated April 2, 2024, amends that certain agreement dated September 6, 2011 (“Initial Agreement”) between the City of Manhattan Beach, a municipal corporation (“City”) and the law firm of Richards, Watson & Gershon, a professional corporation (“RWG”), for City Attorney services.

WHEREAS, City and RWG entered into the Agreement on September 6, 2011, which Agreement was subsequently amended in June 2014, August 2018, July 2020, August 2021 and in November 2023 (collectively, “Agreement”);

WHEREAS, since 2011, the “Monthly Retainer” has been adjusted on a number of occasions to compensate RWG for increased services;

WHEREAS, City and RWG now desire to amend the Agreement to increase the required office hours to 50 hours per month and increase the monthly retainer to \$37,500.

NOW THEREFORE, the parties agree as follows:

Section 1. The first sentence of Section A shall be amended to read as follows:

“A. Monthly Retainer. RWG shall be paid a flat rate of \$37,500 per month for all general services.”

Section 2. Subsection A.12 of the Agreement is hereby amended to read as follows:

“Attend office hours at City Hall for a minimum of 50 hours a month.”

Section 3. All other terms and provisions of the Agreement shall have full force and effect.

[SIGNATURE PAGE FOLLOWS]

IN WITNESS THEREOF, the Parties hereto have executed this Amendment No. 6 on the day and year first shown above.

City:

City of Manhattan Beach,  
a California municipal corporation

RWG:

RICHARDS, WATSON & GERSHON,  
a professional corporation

By: \_\_\_\_\_  
Name: Bruce Moe  
Title: City Manager

By: \_\_\_\_\_  
Name: Kayser O. Sume  
Title: Chairman of the Board

ATTEST:

By: \_\_\_\_\_  
Name: Liza Tamura  
Title: City Clerk

APPROVED AS TO FISCAL IMPACT:

By: \_\_\_\_\_  
Name: Steve S. Charelian  
Title: Finance Director

**AGREEMENT BETWEEN THE CITY OF MANHATTAN  
BEACH AND RICHARDS, WATSON & GERSHON, A  
PROFESSIONAL CORPORATION, FOR CITY ATTORNEY  
SERVICES**

THIS AGREEMENT is entered into between the City of Manhattan Beach, a municipal corporation ("City"), and the law firm of Richards, Watson & Gershon, a professional corporation ("RWG").

WHEREAS, the City wishes to retain RWG to discharge the duties of the office of City Attorney and to designate a member of RWG as City Attorney of the City; and

WHEREAS, RWG wishes to discharge the duties of the office of City Attorney;

NOW THEREFORE, the parties agree as follows:

Section 1.     Legal Services. RWG shall provide the following services to the City:

A.     General City Attorney Services. RWG shall discharge the duties of the office of the City Attorney of City and use its best efforts to provide such services in a professional, thorough, timely and competent manner. Roxanne Diaz shall serve as City Attorney for the City. Larry Wiener shall serve as Senior Counsel to the City and RWG shall use other attorneys as appropriate to serve the City's legal services needs. RWG shall provide to the City all legal services of the type generally provided by a City Attorney's office ("General Services"). General Services shall include, but not be limited to:

1.     Provide legal assistance to the City Council, the City Manager, and staff;
2.     Attend City Council and upon request by the City Manager or his/her designee, commission and committee meetings;
3.     Attend Staff meetings at the request of the City Manager or the City Manager's designee;
4.     Apprise the City of changes in the law that may affect the City;

5. Prepare legal opinions, resolutions, and ordinances;
6. Monitor the handling of litigation and special services by outside legal counsel and prepare a regular status report to the City Council on all pending liability cases;
7. Unless governed by subsection B, below, prepare all legal opinions and written memoranda as needed or requested by the City Manger and/or his/her designee and prepare and/or review all agreements, leases, public works contracts and other documents as needed or requested by the City Manager or his/her designee;
8. Render advice and assistance in the administration of the City's general liability risk management and insurance programs;
9. Provide conflict of interest advice to the City Council and staff;
10. Provide AB 1234, Brown Act, Conflict of Interest, California Public Records Act and other training to Council Members, commissioners and staff, as requested by the City Manager or his/her designee; and
11. Any service of any nature rendered by Roxanne Diaz and/or Larry Wiener.

B. Additional Services. In addition to the General Services provided pursuant to subsection A, RWG shall provide the following additional services (collectively, "Additional Services"):

1. Civil litigation, as assigned by the City, in which the City has been named in a pleading initiating litigation against the City or RWG has filed a pleading on behalf of the City including, without limitation, "Pitchess Motions," as well as any non-judicial adversarial proceedings such as arbitrations and administrative law proceedings and hearings when a pleading or equivalent document has been filed in which the City is a named party ("Litigation Special Services");

2. Employment and Labor Law services, as assigned by the City, including, without limitation, workers' compensation legal services ("Employment Law Special Services");

3. Environmental law services, as assigned by the City, involving hazardous waste issues, the Clean Water Act, the Clean Air Act and similar environmental statutes ("Environmental Special Services"). CEQA advisory services shall be considered General Services and not Environmental Special Services. For purposes of this Agreement "CEQA advisory services" shall mean all services rendered by RWG concerning CEQA not involving Litigation Special Services;

4. Real estate legal services, as assigned by the City ("Real Estate Special Services");

5. Legal services, as assigned by the City, relating to development applications where the developer is reimbursing the City for such services ("Developer Reimbursed Services");

6. Bond counsel, disclosure counsel, issuer's counsel and similar services ("Bond Counsel Services"), as assigned by the City; and

7. Projects not otherwise specified in this subsection B where the City Attorney and the City Manager agree prior to RWG's rendition of services pertinent to the project that the project will take more than twenty five (25) total hours of attorney time to complete ("Major Projects"). In the event that a project which the City Attorney and City Manager agree will take more than twenty five (25) total hours to complete takes less than twenty five (25) hours to complete, then the services rendered by RWG with respect to that project shall be included in General Services.

C. Litigation Special Services shall be provided by members of RWG's litigation department. Employment Law Special Services shall be provided by members of RWG's employment law department. Environmental Special Services shall be provided by members of RWG's environmental law department. Real Estate Special Services shall be provided by members of the RWG's real estate department and Bond Counsel Services shall be



provided by members of RWG's public finance department. Legal services provided by Roxanne Diaz and Larry Wiener in the areas specified in this Subsection C shall be considered General Services, shall not be considered Additional Services and shall not be included in the ten (10) hours of Employment Law, Environmental or Real Estate Special Services which are part of General Services as specified in Exhibit A.

D. RWG must first obtain the City Manager's approval to commence the provision of Additional Services with respect to a matter, project, assignment or case which is reasonably likely to result in RWG incurring more than seven thousand five hundred dollars (\$7,500.00) in fees pursuant to this section 1(B).

E. Notwithstanding anything to the contrary stated above, the City reserves the right to retain separate, outside counsel to perform any Additional Service.

F. Commencing six (6) months after the effective date, and semi-annually thereafter, RWG shall deliver to the City a written report outlining, in summary fashion, the matters, projects, assignments and cases ("matters") with respect to which RWG has provided Additional Services, which said report shall include a description of the nature of said matters handled by RWG during the previous six (6) month period, the status of same and the total fees and costs incurred by RWG in providing the Additional Services with respect to each such matter.

## Section 2. Consideration.

A. Consideration. For General Services as described in subsection A of Section 1, RWG shall be paid a flat rate of \$19,500 per month.

For Additional Services as described in subsection B of Section 1, RWG shall be compensated as provided in Exhibit A.

B. Expenses. RWG shall be reimbursed for actual expenses reasonably incurred in the performance of legal services under this Agreement for long distance telephone calls, court costs, legal research services, service of process, messengers, deliveries, postage, and other similar expenses incidental to the performance of this Agreement. RWG shall not be

reimbursed for word processing and document preparation costs. RWG shall be reimbursed no more than one dollar (\$1.00) per page for facsimiles, with a maximum charge of Twenty-Five Dollars (\$25.00) for any individual facsimile transmission, and no more than five cents (05¢) per page for photocopies; provided that City shall not be charged for facsimile or copying charges in connection with the provision of General Services pursuant to section 1(A) of this Agreement. Mileage, other than routine travel to and from City Hall, will be billed at the standard rate established by the IRS for deducting the operating expenses of an automobile used for business purposes. RWG shall not separately bill nor be paid for attorneys' or other RWG personnel's time spent in traveling to and from City Hall, nor shall RWG separately bill or be paid for Roxanne Diaz's and/or Larry Wiener's time spent in traveling. For all other time RWG's attorneys' or personnel spend in traveling, RWG shall bill and be paid no more than \$250 per hour.

C. Billing. RWG shall send a monthly invoice for services rendered during the previous month and for expenses incurred on the City's account. The monthly invoice shall describe the nature of the work performed, the attorney performing the work and the time spent for each task as well as the nature of any reimbursable expenses incurred. Travel time shall be separately stated and identified in all of RWG's monthly invoices to the City. This level of detail shall be provided in each monthly invoice for both General Services and Additional Services. Upon the request of and as directed by the City Manager or his/her designee, RWG shall generate separate invoices pertaining to specific accounts, matters and/or departments. The City shall process and cause such invoices to be paid promptly, typically within thirty (30) days of receipt.

D. Review of Billings. Jointly, the parties shall periodically review the invoices submitted by RWG to insure that the financial arrangement set forth herein is to the mutual benefit of the parties and is otherwise in the public interest. RWG agrees that it shall not seek to increase the rates, charges or fees set forth herein for at least one calendar year following the effective date of this Agreement.

Section 3. Term. The term of this Agreement shall commence on September 6, 2011 ("effective date") and shall continue until terminated as provided in this Agreement.

Section 4. Indemnification. RWG shall indemnify, defend, and hold harmless the City, and its officers, agents, and employees, from any and all claims, injuries, liabilities of any sort, damages, fees (including costs of defense), expenses or losses resulting or arising from the wrongful or negligent action or inaction of RWG or any person employed by RWG in the performance of this Agreement.

Section 5. Insurance. RWG shall procure and maintain for the duration of this Agreement, insurance against claims for injuries to persons or physical damage to property which may arise from or in connection with the performance of the work by RWG, its agents, representatives, or employees. Additionally, RWG shall procure and maintain for the duration of the Agreement, professional liability insurance. Insurance shall be of the type, in the amounts, and subject to, the provisions described below.

A. Commercial general liability coverage at least as broad as Insurance Services Office Commercial General Liability occurrence coverage ("occurrence" form CG0001, Ed. 11/88) with a minimum limit of one million dollars per occurrence combined single limit.

B. Workers' compensation insurance of at least one million dollars per claim.

C. Professional liability insurance of at least five million dollars per claim and ten million dollars in the aggregate. Such insurance may be subject to reasonable terms, limitations and conditions and a self-insured retention or deductible to be borne entirely by RWG which shall not exceed Two Hundred Fifty Thousand Dollars (\$250,000.00) per claim. RWG shall maintain professional liability insurance or tail coverage, as appropriate, to meet the obligations of this paragraph for a period of four years after the termination of this Agreement.

D. Evidence of Coverage:

1. Within 14 days after approval of this Agreement by the City, RWG shall file with the City Clerk certificates of insurance with original endorsements evidencing coverage in compliance with this Agreement.

2. RWG shall make the insurance policies required by this Agreement, including all endorsements and riders, available to the City for inspection at RWG's office during regular business hours.

3. During the term of this Agreement, RWG shall maintain with the City current valid proof of insurance coverage. Proof of renewals shall be filed prior to expiration of any required coverage.

4. Failure to submit any required evidence of insurance within the required time period shall be cause for termination.

5. In the event RWG does not maintain current, valid, evidence of insurance on file with the City, then the City, may, at its option, defer payment of any moneys owed to RWG, or which are subsequently owed to RWG, until proper proof is filed.

6. All insurance coverage shall be provided by insurers satisfactory to the City and with a rating of B+;VII or better in the most recent edition of Best's Key Rating Guide, Property-Casualty Edition.

7. Each insurance policy shall be endorsed to state that coverage shall not be suspended, voided or canceled and shall not be reduced in coverage or limits except after 30 days prior written notice provided to the City. Upon prior request of the carrier, the notice period may be reduced to 10 days in the event of non-payment of premium.

8. RWG's insurance and any insurance provided in compliance with this Agreement shall be primary with respect to any insurance or self-insurance programs covering the City, the City Council, and any officer, agent or employee of the City.

9. Where available, the insurer shall agree to waive all rights of subrogation against the City, and every officer, agent, and employee of the City.

10. Any deductibles or self-insured retentions shall be declared to and are subject to approval by the City. Provided, however, that RWG's professional liability insurance may be subject to a self-insured retention or deductible to be borne entirely by RWG which shall not exceed Two Hundred Fifty Thousand Dollars (\$250,000.00) per occurrence.

11. In the event that RWG does not provide continuous comprehensive general liability insurance coverage, the City shall have the right, but not the obligation, to obtain the required insurance coverage at RWG's expense, and the City may deduct all such costs from moneys the City owes to RWG or from moneys which it subsequently owes to RWG.

12. All commercial general liability insurance coverage required to be maintained pursuant to this Agreement by RWG shall name the City, the City Council, and every officer, agent, and employee of the City as additional insureds with respect to work under this Agreement.

Section 6. Successors and Assigns. This Agreement may not be assigned by RWG.

Section 7. Facilities and Equipment. RWG shall, at its own cost and expense, provide all facilities and equipment at its offices which may be required for the performance of services required by this Agreement. With the consent of the City, RWG shall also provide at its own expense facilities and equipment in the City Attorney's Office at City Hall to allow RWG attorneys to access the full resources of the law firm.

Section 8. Termination. This Agreement may be terminated by the City, with or without cause, upon thirty (30) days written notice. RWG shall be entitled to the compensation earned by it prior to the date of termination.

RWG may terminate this Agreement with the consent of the City or if RWG reasonably believes that it cannot provide services consistent with its professional and ethical obligations; provided, however, that in those matters in which RWG is providing Litigation Special Services and the City declines to consent to RWG's withdrawal from such matters, then RWG may withdraw from providing such services only upon order of the court or other tribunal controlling the proceedings in question. In such instance, RWG shall provide the City with reasonable notice in order to allow the City to arrange alternative representation.

Section 9. Files. RWG shall maintain one or more client files (the "Client Files") in connection with providing services in accordance with this Agreement. In such Client Files, RWG may place correspondence, pleadings, deposition transcripts, exhibits, physical evidence, expert's reports, and other items reasonably necessary to its representation of the City. The

Client Files shall be and remain the property of the City. RWG shall control the physical location of such legal files during the term of this Agreement. RWG may also place in such Client Files documents containing RWG's attorney work product, mental impressions or notes ("Work Product"). The Work Product shall be and remain RWG's property. Notwithstanding that Work Product shall be RWG's property, upon request by the City; RWG shall provide the City with copies of any and all Work Product prepared in connection with services performed pursuant to this Agreement. In addition, electronic documents such as e-mail and documents prepared on RWG's word processing system, but which have not been printed in hard copy, shall be and remain RWG's property and shall not be considered part of the Client Files, but copies of any such documents or emails prepared in connection with services to the City shall be provided to the City upon request. RWG may enact and implement reasonable retention policies for such electronic documents and RWG has discretion to delete such documents.

At the conclusion of this Agreement, the original Client Files for the City (but not including the Work Product) shall be made available to the City and the City shall have the right to take possession of its Client Files. RWG will be entitled to make copies of the Client Files and the City will be entitled to make copies of the Work Product for the City. At the conclusion of this Agreement, (whether or not the City takes possession of the Client Files) the City shall take possession of any and all original contracts, certificates, and similar documents that may be in the Client Files and RWG shall have no further responsibility with regard to such documents.

If the City does not take possession of the Client Files at the conclusion of the Agreement, RWG shall store such Client Files for a period of at least one (1) year. During the entire time that RWG stores the Client Files, the City shall have the right to take possession of its files at any time. At the conclusion of such one (1) year period, RWG may send to the City a notice, advising of RWG's intention to dispose of the Client Files. The City shall have sixty (60) days from the date of such notice to take possession of the Client Files. If the City does not take possession of the Client Files during that time, then the City agrees that RWG may dispose of the Client Files without further notice. RWG shall have no obligation to abide by the City's document retention schedule or to take any steps except as outlined above or upon written direction from the City.

Section 10. Notice. Whenever it shall be necessary for any party to serve notice on another party respecting this Agreement, such notice shall be served personally, by overnight mail, or by certified mail, return receipt requested, addressed to City at: City Manager of the City of Manhattan Beach, 1400 Highland Avenue, Manhattan Beach, CA 90266; and addressed to RWG at: Roxanne M. Diaz, Richards, Watson & Gershon, 355 S. Grand Ave. 40th Floor, Los Angeles, CA 90071 unless and until a different addresses may be furnished in writing by either party to the other, and such notice shall be deemed to have been served within seventy-two (72) hours after the same has been deposited in the United States Post Office by certified mail. This shall be valid and sufficient service of notice for all purposes.

Section 11. Extent of Agreement. This Agreement represents the entire and integrated Agreement between the City and RWG and supersedes any and all prior negotiations, representations or agreements, either written or oral. This Agreement may be amended only by written instrument signed by the party affected by the amendment.

Section 12. Severability. Invalidation of any provision contained herein or the application thereof to any person or entity by judgment or court order shall in no way affect any of the other covenants, conditions, restrictions, or provisions hereof, or the application thereof to any other person or entity, and the same shall remain in full force and effect.

Section 13. Governing Law. This Agreement shall be interpreted in accordance with the laws of the State of California.

Section 14. Independent Contractor. No employment relationship is created by this Agreement. RWG shall be an independent contractor of City and except as provided herein, shall exercise control over the manner in which it provides the services rendered hereunder. Other than the consideration expressly provided for herein, RWG shall not be entitled to any compensation or benefits, including but not limited to retirement, medical and/or paid leave, for the services RWG renders hereunder.

Section 15. Conflicts of Interest. RWG shall comply with all applicable laws and professional rules and standards relating to any known conflict of interest involving matters upon which RWG is providing services under this Agreement. RWG shall not reveal confidential or

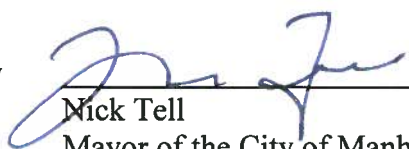
secret information of the City except with the consent of the City or as otherwise required by law.

RWG shall notify City of any known conflict of interest related to matters upon which RWG is providing services under this Agreement. In the event that such conflict is not or cannot be waived, RWG shall assist and cooperate with separate services provided by outside legal counsel retained by the City on the matter for which the conflict arose.


Section 16. Performance Review. Within six (6) months of the effective date, and thereafter annually, the City Council shall conduct an evaluation of the performance of RWG's delivery of legal services and performance under this Agreement.

Executed this 6<sup>th</sup> day of September, 2011, at Manhattan Beach, California.

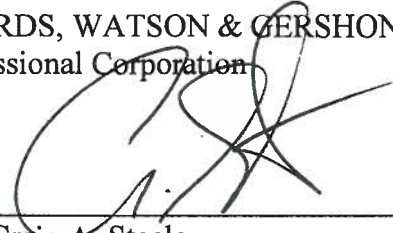
CITY OF MANHATTAN BEACH  
A Municipal Corporation

By   
\_\_\_\_\_  
Nick Tell  
Mayor of the City of Manhattan Beach,  
California

ATTEST:

  
9-11-11 (SEAL)  
\_\_\_\_\_  
Liza Tamura, City Clerk

RICHARDS, WATSON & GERSHON  
A Professional Corporation

By:   
\_\_\_\_\_  
Craig A. Steele  
Vice President



## EXHIBIT A

### Compensation for Additional Services

RWG shall be compensated at the following rates for Additional Services provided pursuant to section 1, subsection B of this Agreement. All time shall be billed in one tenth hour increments.

A. *Litigation Special Services.* RWG shall provide Litigation Special Services at a discount of ten percent from RWG's standard rates with a cap of \$350 per hour, except that RWG will provide Litigation Special Services for Pitchess Motions at the rate of \$195 per hour.

B. *Employment Law Special Services.* RWG shall provide up to ten hours of Employment Law Special Services each month as part of its General Services. Additional Employment Law Special Services shall be provided at the rate of \$195 per hour.

C. *Environmental Special Services.* RWG shall provide up to ten hours of Environmental Special Services each month as part of its General Services. Additional Environmental Special Services shall be provided at the rate of \$225 per hour.

D. *Real Estate Special Services.* RWG shall provide up to ten hours of Real Estate Special Services each month as part of its General Services. Additional Real Estate Special Services shall be provided at the rate of \$225 per hour.

E. *Developer Reimbursed Services.* RWG shall provide Developer Reimbursed Services at a discount of ten percent from RWG's standard rates with a cap of \$350 per hour.

F. *Bond Counsel Services.* Fees for Bond Counsel services would be based on the size of the issuance and as agreed to by RWG and the City prior to the issuance of debt at a rate customary for the industry.

G. *Major Projects.* RWG shall provide legal services for Major Projects at the rate of \$195 per hour.

Additional Services provided by paralegals and legal assistants shall be billed at the rate of \$145 per hour.

**AMENDMENT TO THAT CERTAIN AGREEMENT  
BETWEEN THE CITY OF MANHATTAN BEACH AND  
RICHARDS, WATSON & GERSHON, A PROFESSIONAL  
CORPORATION, FOR CITY ATTORNEY SERVICES**

This Amendment dated June 17, 2014, amends the agreement dated September 6, 2011 ("Agreement") between the City of Manhattan Beach, a municipal corporation ("City") and the law firm of Richards, Watson & Gershon, a professional corporation ("RWG"), for City Attorney services.

WHEREAS, City and RWG entered into the Agreement on September 6, 2011;  
and

WHEREAS, City and RWG now desire to amend the Agreement to expand the scope of services, increase the retainer and to designate Quinn M. Barrow as City Attorney of the City.

NOW THEREFORE, the parties agree as follows:

Section 1. The second sentence of Section 1. Legal Services is hereby amended to read as follows: "Quinn M. Barrow shall serve as City Attorney for the City."

Section 2. Section 1. Legal Services is hereby amended by amending subsection A.2 to read as follows:

"2. Attend City Council and upon request by the City Manager or his/her designee, Planning Commission, commission and committee meetings;"

Section 3. Subsection A. 11 of Section 1. Legal Services is hereby amended to read as follows: "Any service of any nature rendered by Quinn M. Barrow and/or Larry Wiener, with the exception of environmental law services as described in Section B 3, and Major Projects as defined in Section B. 7."

Section 4. Section 1. Legal Services is hereby amended by adding a new subsection A.12 to read as follows:

"12. Attend office hours at City Hall for a minimum of 40 hours a month."

Section 5. Subsection C of Section 1. Legal Services relating to “Environmental Special Services” is hereby amended to read as follows:

“Litigation Special Services shall be provided by members of RWG’s litigation department. Employment Law Special Services shall be provided by members of RWG’s employment law department. Environmental Special Services shall be provided by members of RWG’s environmental law department, Quinn M. Barrow or Larry Wiener. Real Estate Special Services shall be provided by members of the RWG’s real estate department and Bond Counsel Services shall be provided by members of RWG’s public finance department. With the exception of Environmental Special Services, legal services provided by Quinn M. Barrow and Larry Wiener in the areas specified in this Subsection C shall be considered General Services, shall not be considered Additional Services and shall not be included in the ten (10) hours of Employment Law or Real Estate Special Services which are part of General Services as specified in Exhibit A.”

Section 6. Subsection A of Section 2 Consideration shall be amended to read as follows:


“A. Consideration. For General Services as described in subsection A of Section 1, RWG shall be paid a flat rate of \$24,000 per month.”

Section 7. The City Council hereby directs the City Clerk to replace all references to “Roxanne Diaz” with “Quinn M. Barrow.”


Section 8. All other terms and provisions of the Agreement shall have full force and effect.

Executed this 10<sup>th</sup> day of July, 2014, at Manhattan Beach, California.


CITY OF MANHATTAN BEACH  
A Municipal Corporation

By   
Amy Howorth  
Mayor of the City of Manhattan Beach,  
California

ATTEST:

 7-10-14  
\_\_\_\_\_  
Liza Tamura, City Clerk (SEAL)

RICHARDS, WATSON & GERSHON  
A Professional Corporation

By:   
\_\_\_\_\_  
Craig A. Steele, Vice President

**AMENDMENT NO. 2 TO THAT CERTAIN AGREEMENT  
BETWEEN THE CITY OF MANHATTAN BEACH AND  
RICHARDS, WATSON & GERSHON, A PROFESSIONAL  
CORPORATION, FOR CITY ATTORNEY SERVICES**

This Amendment No. 2 dated August 21, 2018, amends that certain agreement dated September 6, 2011 ("Agreement") between the City of Manhattan Beach, a municipal corporation ("City") and the law firm of Richards, Watson & Gershon, a professional corporation ("RWG"), for City Attorney services.

WHEREAS, City and RWG entered into the Agreement on September 6, 2011, which Agreement was subsequently amended on June 17, 2014 ("Amendment No. 1"); and

WHEREAS, City and RWG now desire to revise Exhibit A, Section E (Developer Reimbursed Services).

NOW THEREFORE, the parties agree as follows:

Section 1. Exhibit A, Section E – Developer Reimbursed Services is hereby amended to read as follows:


"RWG shall provide Developer Reimbursed Services at RWG's standard rates."


Section 2. All other terms and provisions of the Agreement, as amended by Amendment No. 1, shall have full force and effect.

Executed this 21st day of August 2018, at Manhattan Beach, California.

CITY OF MANHATTAN BEACH,  
a California municipal corporation

RICHARDS, WATSON & GERSHON,  
a professional corporation

By:   
Bruce Moe, City Manager

By:   
Kayser O. Sume, Chairman of the Board

ATTEST:

  
Liza Tamura, City Clerk

APPROVED BY FINANCE DEPARTMENT:

By:   
Steve S. Charelian  
Interim Finance Director

AMENDMENT NO. 3 TO THE AGREEMENT BETWEEN THE CITY OF  
MANHATTAN BEACH AND RICHARDS, WATSON & GERSHON, A  
PROFESSIONAL CORPORATION, FOR CITY ATTORNEY SERVICES

This Third Amendment (“Amendment No. 3”) dated July \_\_, 2020, amends that certain agreement dated September 6, 2011 (“Agreement”) between the City of Manhattan Beach, a California municipal corporation (“City”) and Richards Watson & Gershon, a professional corporation (“RWG”), for City Attorney services.

RECITALS

A. City and RWG entered into an Agreement for City Attorney Services on September 6, 2011, which Agreement was subsequently amended on June 17, 2014 by Amendment No. 1, and on August 21, 2018 by Amendment No. 2 (as amended, the “Agreement”).

B. The parties now desire to amend the Agreement to include the attached hereto, titled Federal Emergency Management Agency (FEMA) Procurement Clauses.

NOW, THEREFORE, in consideration of the Parties’ performance of the promises, covenants, and conditions stated herein, the Parties hereby agree as follows:

Section 1. The Exhibit entitled Federal Emergency Management Agency (FEMA) Procurement Clauses, attached hereto, is hereby attached and incorporated into the Agreement as Exhibit B.

Section 1. Except as specifically amended by this Amendment No. 1, all other provisions of the Agreement shall remain in full force and effect.

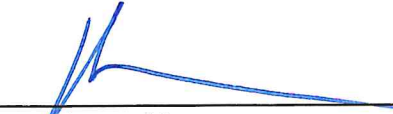
IN WITNESS THEREOF, the Parties hereto have executed this Amendment No. 3 on the day and year first shown above.

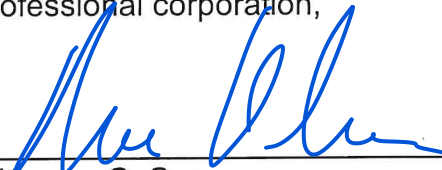
[SIGNATURE PAGE FOLLOWS]

The Parties, through their duly authorized representatives are signing this Agreement on the date stated in the introductory clause.


CITY OF MANHATTAN BEACH,  
a California municipal corporation

RICHARDS WATSON & GERSHON,  
a professional corporation,

By:   
Name: Bruce Moe  
Title: City Manager

By:   
Name: Kayser O. Sume  
Title: Chairman of the Board

ATTEST:

By:  7/9/2020  
Name: Liza Tamura  
Title: City Clerk

## EXHIBIT A

### Federal Emergency Management Agency (FEMA) Procurement Clauses

Under Contract Provisions for Non-Federal Entity Contracts Under Federal Award under 2 C.F.R. § 200.326 and 2 C.F.R. Part 200, Appendix II, the following clauses are applicable to the goods and/or services acquired by the City of Manhattan Beach.

Applicable to all Purchases below \$10,000:

- 1) Suspension and Debarment - Contractor guarantees that it, its employees, contractors, subcontractors or agents (collectively "Contractor") are not suspended, debarred, excluded, or ineligible for participation in Medicare, Medi-Cal or any other federal or state-funded health care program, or from receiving Federal funds as listed in the List of parties Excluded from Federal Procurement or Non-procurement Programs issued by the Federal General Services Administration. Contractor must within 30 calendar days advise the City if, during the term of this Agreement, Contractor becomes suspended, debarred, excluded or ineligible for participation in Medicare, Medi-Cal or any other federal or state-funded health care program, as defined by 42 U.S.C. 1320a-7b(f), U.S.C. 1320a-7b(f), or from receiving Federal funds as listed in the List of Parties Excluded from Federal Procurement or Non-procurement Programs issued by the Federal General Services Administration. Contractor will indemnify, defend and hold the City harmless for any loss or damage resulting from the conviction, debarment, exclusion or ineligibility of the Contractor.
- 2) Byrd Anti-Lobbying Amendment, 31 U.S.C. § 1352 (as amended) - Contractors who apply or bid for an award of \$100,000 or more shall file the required certification. Each tier certifies to the tier above that it will not and has not used Federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, officer or employee of Congress, or an employee of a Member of Congress in connection with obtaining any Federal contract, grant, or any other award covered by 31 U.S.C. § 1352. Each tier shall also disclose any lobbying with non-Federal funds that takes place in connection with obtaining any Federal award. Such disclosures are forwarded from tier to tier up to the recipient who in turn will forward the certification(s) to the awarding agency.
- 3) Procurement of Recovered Materials –
  - (i) In the performance of this contract, the Contractor shall make maximum use of products containing recovered materials that are EPA-designated items unless the product cannot be acquired— • Competitively within a timeframe providing for compliance with the contract performance



- (ii) schedule; • Meeting contract performance requirements; or • At a reasonable price.
  - (iii) Information about this requirement, along with the list of EPA designated items, is available at EPA's Comprehensive Procurement Guidelines web site, <https://www.epa.gov/smm/comprehensive-procurement-guideline-cpg-program>.
  - (iv) The Contractor also agrees to comply with all other applicable requirements of Section 6002 of the Solid Waste Disposal Act."
- 4) Access to Records –
- (a) The Contractor agrees to provide the City of Manhattan Beach, the FEMA Administrator, the Comptroller General of the United States, or any of their authorized representatives access to any books, documents, papers, and records of the Contractor which are directly pertinent to this contract for the purposes of making audits, examinations, excerpts, and transcriptions.
  - (b) The Contractor agrees to permit any of the foregoing parties to reproduce by any means whatsoever or to copy excerpts and transcriptions as reasonably needed.
  - (c) The Contractor agrees to provide the FEMA Administrator or his authorized representatives access to construction or other work sites pertaining to the work being completed under the contract.
  - (d) In compliance with the Disaster Recovery Act of 2018, the City of Manhattan Beach and the Contractor acknowledge and agree that no language in this contract is intended to prohibit audits or internal reviews by the FEMA Administrator or the Comptroller General of the United States.
- 5) Changes – Any change, modification, change order, or constructive change are allowable, to the contract by either party will be documented in writing and agreed to by both parties.
- 6) Department of Homeland Security (DHS) Seal, Logo, and Flags – Contractor shall not use the DHS seal(s), logos, crests, or reproductions of flags or likenesses of DHS agency officials without specific FEMA pre-approval.
- 7) Compliance with Federal Law, Regulations, and Executive Orders - This is an acknowledgement that FEMA financial assistance will be used to fund the contract only. The contractor will comply will all applicable federal law, regulations, executive orders, FEMA policies, procedures, and directives.

- 8) No Obligation by Federal Government - The Federal Government is not a party to this contract and is not subject to any obligations or liabilities to the non-Federal entity, contractor, or any other party pertaining to any matter resulting from the contract.
- 9) Program Fraud and False or Fraudulent Statements or Related Acts - The contractor acknowledges that 31 U.S.C. Chap. 38 (Administrative Remedies for False Claims and Statements) applies to the contractor's actions pertaining to this contract.

Additional Clause for Purchases over \$10,000:

- 1) Termination - The performance of work under this contract may be terminated in whole or from time to time in part by the City of Manhattan Beach representative.

Additional Clause for Purchases over \$150,000:

- 1) Clean Air Act - The contractor agrees to comply with all applicable standards, orders, or regulations issued in pursuant to the Clean Air Act (42 U.S.C. §§ 7401-7671q.) and the Federal Water Pollution Control Act as amended (33 U.S.C. §§ 1251-1387).
- 2) The contractor agrees to report each violation to the City of Manhattan Beach and understands and agrees that the City of Manhattan Beach will, in turn, report each violation as required to Federal Emergency Management Agency, and the appropriate Environmental Protection Agency Regional Office.

**AMENDMENT NO. 4 TO THAT CERTAIN AGREEMENT  
BETWEEN THE CITY OF MANHATTAN BEACH AND  
RICHARDS, WATSON & GERSHON, A PROFESSIONAL  
CORPORATION, FOR CITY ATTORNEY SERVICES**

This Amendment No. 4 dated August 24, 2021, amends that certain agreement dated September 6, 2011 (“Initial Agreement”) between the City of Manhattan Beach, a municipal corporation (“City”) and the law firm of Richards, Watson & Gershon, a professional corporation (“RWG”), for City Attorney services.

WHEREAS, City and RWG entered into the Agreement on September 6, 2011, which Agreement was subsequently amended in June 2014, August 2018 and in 2020 (collectively, “Agreement”); and

WHEREAS, City and RWG now desire to amend the Agreement to increase the retainer, increase the billing rate for certain legal services, and establish a cost of living adjustment process.

NOW THEREFORE, the parties agree as follows:

Section 1. Section A. of Section 2 relating to compensation shall be amended to read as follows:

“A. Monthly Retainer. RWG shall be paid a flat rate of \$30,000 per month for all general services.

For Additional Services listed on Exhibit A, RWG shall be compensated at the rates specified in Exhibit A.”

Section 2. Exhibit A, Section B relating to employment law legal services is hereby amended to read as follows:

“B. *Employment Law Services.* RWG shall provide legal services for Employment Law Services at the rate of \$290 per hour.”

Section 3. Exhibit A, Section G relating to major projects is hereby amended to read as follows:

“G. *Major Projects, Including Public Records Act Services.* RWG shall provide legal services for Major Projects and Public Record Act requests and subpoenas at the rate of \$225 per hour.”

Section 4. Exhibit A shall be amended by adding the following provision authorizing a cost-of-living adjustment to the end of Exhibit A:

“Adjustment in Rates by Change in CPI. Commencing July 1, 2023, and annually thereafter on each successive July 1, the monthly retainer set forth in Section 2 A and the hourly rates set forth in Exhibit A shall

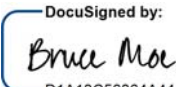
automatically increase by the percentage change in the Consumer Price Index (All Urban Consumers; Los Angeles-Riverside-Orange County). The calculation shall be made using the month of April over the month of April in the prior year. Any such annual adjustment that equals or exceeds four percent (4%), shall require prior written approval of the City Council.”

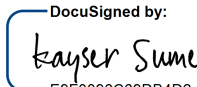
Section 5. All other terms and provisions of the Agreement shall have full force and effect.

Executed August 25, 2021, at Manhattan Beach, California.


CITY OF MANHATTAN BEACH,  
a California municipal corporation

RICHARDS, WATSON & GERSHON,  
a professional corporation

By:  8/26/2021  
Bruce Moe, City Manager

By:  10/11/2021  
Kayser O. Sume, Chairman of the Board

ATTEST:

 8/26/2021  
Liza Tamura, City Clerk

**AMENDMENT NO. 5 TO THAT CERTAIN AGREEMENT  
BETWEEN THE CITY OF MANHATTAN BEACH AND  
RICHARDS, WATSON & GERSHON, A PROFESSIONAL  
CORPORATION, FOR PROSECUTION LEGAL SERVICES**

This Amendment No. 5 dated November 7, 2023, amends that certain agreement dated September 6, 2011 (“Initial Agreement”) between the City of Manhattan Beach, a municipal corporation (“City”) and the law firm of Richards, Watson & Gershon, a professional corporation (“RWG”), for City Attorney services.

WHEREAS, City and RWG entered into the Agreement on September 6, 2011, which Agreement was subsequently amended in June 2014, August 2018, July 2020 and in August 2021 (collectively, “Agreement”);

WHEREAS, City and RWG now desire to amend the Agreement to include additional prosecution services;

WHEREAS, Pursuant to Manhattan Beach Municipal Code Section 2.08.160, “The City Attorney shall also serve as City Prosecutor”; and

WHEREAS, Pursuant to the Agreement, RWG shall use other RWG attorneys as appropriate to serve the City’s legal needs.

NOW THEREFORE, the parties agree as follows:

Section 1. Section 1. Legal Services is hereby amended by adding a new subsection A.13 to read as follows:

“13. *Prosecution Services.* RWG shall provide prosecution services for criminal and municipal code violations, including those addressed through the administrative citation process, as assigned by the City.”

Section 2. Exhibit A, relating to compensation for additional services is hereby amended to reflect the addition of as follows:

“H. *Prosecution Services.* RWG shall provide legal services for Prosecution Services at the rate of \$234 per hour.”

Section 3. All other terms and provisions of the Agreement shall have full force and effect.

[SIGNATURE PAGE FOLLOWS]

IN WITNESS THEREOF, the Parties hereto have executed this Amendment No. 5 on the day and year first shown above.

City:

RWG:

City of Manhattan Beach,  
a California municipal corporation

RICHARDS, WATSON & GERSHON,  
a professional corporation

DocuSigned by:  
By: Bruce Moe  
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Name: Bruce Moe 11/8/2023  
Title: City Manager

DocuSigned by:  
By: Kayser Sume  
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Name: Kayser O. Sume 11/1/2023  
Title: Chairman of the Board

ATTEST:

DocuSigned by:  
By: Liza Tamura  
076D2FF00D0446D...  
Name: Liza Tamura 11/9/2023  
Title: City Clerk

APPROVED AS TO FISCAL IMPACT:

DocuSigned by:  
By: Steve Charelian  
3804E6D7B4124E0...  
Name: Steve S. Charelian 11/1/2023  
Title: Finance Director



**CITY OF MANHATTAN BEACH**

1400 Highland Avenue Manhattan Beach, CA 90266  
www.manhattanbeach.gov • (310) 802-5000

# STAFF REPORT

**Agenda Date:** 4/2/2024

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**TO:**

Honorable Mayor and Members of the City Council

**THROUGH:**

Bruce Moe, City Manager

**FROM:**

Steve S. Charelian, Finance Director  
Julie Bondarchuk, Financial Controller

**SUBJECT:**

Consideration of a Resolution Ordering Plans, Specifications, Cost Estimates, and Engineer's Report for Annual Street Lighting and Landscaping Assessments (Finance Director Charelian).

**ADOPT RESOLUTION NO. 24-0033**

---

**RECOMMENDATION:**

Staff recommends that the City Council adopt Resolution No. 24-0033 ordering the preparation of plans, specifications, cost estimates, and the engineer's report for the annual renewal of the Landscaping and Lighting District for Fiscal Year (FY) 2024-2025, pursuant to the Landscaping and Lighting Act of 1972.

**FISCAL IMPLICATIONS:**

Sufficient funds are budgeted in the Public Works department for the assessment engineering cost of \$7,701 for the Landscaping and Lighting District.

It is important to note that assessments have been fixed since 1996 with most single-family residences paying \$17.03 per year. Costs, however, have continued to rise (notably electricity and gas) and exceed the revenue generated by the assessments. As a result, the Street Lighting and Landscape Fund balance has been depleted and the General Fund continues to subsidize the fund. The preliminary estimate for the subsidy in the upcoming FY 2024-2025 is \$306,232. A Proposition 218 vote is required to raise the assessments; City Council reviewed the options for raising assessments but has deferred such action.

**BACKGROUND:**

The City provides for the operations and maintenance of Street Lighting and the Downtown Streetscape via the Street Lighting and Landscaping Assessment District (District). The

District, which was formed pursuant to the Landscaping and Lighting Act of 1972, is comprised of separate street lighting districts for the majority of the City, and the lighting and landscaping services provided for Downtown.

**DISCUSSION:**

The District must be renewed annually through a series of City Council resolutions, culminating with a public hearing. The public hearing and adoption of a final resolution are scheduled for the City Council meeting of June 18, 2024.

In order to renew the districts, an assessment engineer must review and develop the benefit assessments for each parcel. Those assessments are based on the proposed budget for the upcoming fiscal year commencing July 1, subject to the constraints of Proposition 218. For FY 2024-2025, the preliminary assessment is comprised of \$377,080 from private property owners and a General Fund contribution of \$13,517 for City property located in the Streetscape zone, for a total assessment of \$390,597. Since total assessments (\$390,597) are the only budgeted resources for FY 2024-2025, the projected expenditures of \$696,829 for all zones will result in a shortfall of \$306,232 for all zones. The 2024-2025 fiscal year opening balance will not have available funds requiring a General Fund subsidy to match the shortfall.

The first step in this annual process is for the City Council to pass a Resolution of Initiation on April 2, 2024, which authorizes the preparation of an engineer’s report on the District. During the May 21, 2024, City Council meeting, the engineer’s report will be submitted, along with a Resolution of Intention, which authorizes proceedings for the annual levy and collection of assessments. Finally, on June 18, 2024, the public hearing will be held. At that time, City Council will be asked to adopt a resolution providing for the levy and collection of street lighting assessments for FY 2024-2025.

**PUBLIC INTEREST:**

After analysis, staff determined that public outreach was not required for this issue.

**ENVIRONMENTAL REVIEW:**

The City has reviewed the proposed activity for compliance with the California Environmental Quality Act (CEQA) and has determined that the activity is not a “Project” as defined under Section 15378 of the State CEQA Guidelines; therefore, pursuant to Section 15060(c)(3) of the State CEQA Guidelines the activity is not subject to CEQA. Thus, no environmental review is necessary.

**LEGAL REVIEW:**

The City Attorney has reviewed this report and determined that no additional legal analysis is necessary.

**ATTACHMENT:**

1. Resolution No. 24-0033



RESOLUTION NO. 24-0033

A RESOLUTION OF THE MANHATTAN BEACH CITY COUNCIL INITIATING PROCEEDINGS FOR THE LEVY AND COLLECTION OF ASSESSMENTS WITHIN MANHATTAN BEACH LANDSCAPING AND STREET LIGHTING MAINTENANCE DISTRICT NO. 99 FOR FISCAL YEAR 2024-2025 AND ORDERING THE PREPARATION OF AN ENGINEER'S REPORT PURSUANT TO THE PROVISIONS OF PART 2 OF DIVISION 15 OF THE STREETS AND HIGHWAYS CODE THE MANHATTAN BEACH CITY COUNCIL HEREBY FINDS, RESOLVES AND ORDERS AS FOLLOWS:

SECTION 1. Pursuant to the provisions of the Landscaping and Lighting Act of 1972, Part 2 of Division 15 of the Streets and Highways Code (commencing with Section 22500) (the "Act"), the Manhattan Beach City Council desires to initiate proceedings for the levy and collection of an assessment against parcels of property within an existing assessment district designated "Manhattan Beach Landscaping and Street Lighting Maintenance District No. 99" (the "District"), for fiscal year 2024-2025, commencing July 1, 2024, and ending June 30, 2025, to pay for the costs and expenses of the improvements described below in Section 4.

SECTION 2. The boundaries of the District are coterminous with the boundaries of the City of Manhattan Beach, with the exception of the area commonly known as Manhattan Village.

SECTION 3. The map describing the exterior boundaries of the District is attached as Exhibit A and is open for public inspection in the office of the City Clerk.

SECTION 4. The existing improvements may be briefly described as follows: Landscaping and appurtenant facilities generally include trees shrubs, plants, turf, irrigation systems, and necessary appurtenances including curbs, hardscape, monumentation, fencing, drainage detention facilities drainage structure (including percolation wells) located in public rights-of-way, medians, parkways, and/or easements adjacent to public rights-of-way, in and along major thoroughfares and certain designated primary and secondary arterials as defined in the General Plan's Infrastructure Element. Lighting and appurtenant facilities including poles, lighting fixtures, conduits and the necessary equipment to maintain, operate, service and replace a lighting system at designated intersections, in medians, parkways and adjacent to certain public facilities in and along certain streets, rights-of-way and designated lots.

SECTION 5. The City Council designates Harris and Associates as the engineer (the "Engineer") for the purpose of these proceedings and hereby authorizes and directs the Engineer to prepare and file with the City Clerk a written report in connection with these proceedings in accordance with Article 4

(commencing with Section 22565) of Chapter 1 of the Act, which report shall contain the following:

- A. Plans and specifications for the improvements, which shall indicate the class and type of improvements to be provided for each zone.
- B. An estimate of the costs of the improvements for the 2024-2025 fiscal year, including all of the following:
  - 1. the total cost of the improvements, including all incidental expenses;
  - 2. the amount of any surplus or deficit in the Improvement Fund for the District to be carried over from the 2023-2024 fiscal year;
  - 3. the amount of any contributions to be made from sources other than the assessments levied pursuant to the Act; and
  - 4. the net amount to be assessed upon assessable lands with the District, being the total cost of the improvements, increased or decreased as the case may be, by any surplus, deficit or contributions.
- C. A diagram for the District showing all of the following:
  - 1. the exterior boundaries of the District;
  - 2. the boundaries of any zones within the District; and
  - 3. the lines and dimensions of each lot or parcel of land within the District.

Each lot or parcel shall be identified by a distinctive number or letter. The lines and dimensions of each lot or parcel shown on the diagram shall conform to those shown on the County Assessor's Maps for the 2024-2025 fiscal year. The diagram may refer to the County Assessor's Maps for a detailed description of the lines and dimensions of any lots or parcels, in which case those Maps shall govern for all details concerning the lines and dimensions of those lots or parcels.

- D. An assessment of the estimated costs of the improvements for the 2023-2024 fiscal year, which shall do all of the following:
  - 1. state the net amount to be assessed upon assessable lands within the District;
  - 2. describe each assessable lot or parcel of land within the District; and
  - 3. assess the net amount upon all assessable lots or parcels of land within the District by apportioning the amount among the several lots or parcels in proportion to the estimated benefits to be received by each lot or parcel from the improvements.

The assessment may refer to the County assessment roll for a description of the lots and parcels, in which case the roll shall govern for all details concerning the description of the lots or parcels.

ADOPTED on April 2, 2024.

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

---

JOE FRANKLIN  
Mayor

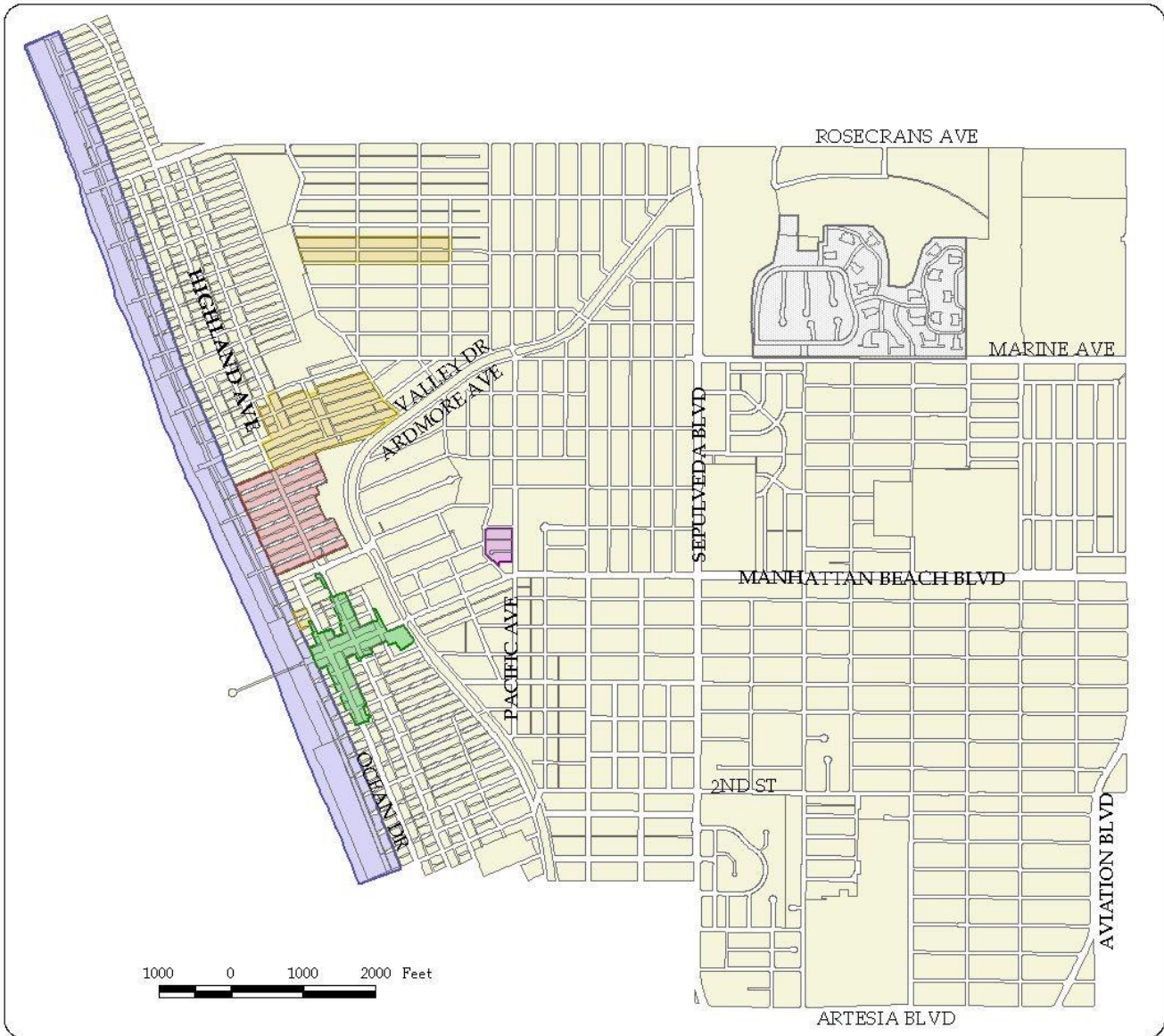
ATTEST:

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LIZA TAMURA  
City Clerk

Exhibit A

# City of Manhattan Beach Lighting and Landscape Assessment Districts



August 2001

		Total Area (Acres)
Zone 1	General	2231.7
Zone 5	Gas Lights	39.0
Zone 6	The Strand	127.5
Zone 7	Walkway Streets	25.7
Zone 9	Arbolado Tract	2.9
Zone 10	Downtown Streetscape	15.4
	Excepted	82.5







**CITY OF MANHATTAN BEACH**

1400 Highland Avenue Manhattan Beach, CA 90266  
www.manhattanbeach.gov • (310) 802-5000

# STAFF REPORT

**Agenda Date:** 4/2/2024

---

**TO:**

Honorable Mayor and Members of the City Council

**THROUGH:**

Bruce Moe, City Manager

**FROM:**

Erick Lee, Public Works Director  
Sean Roberts, Field Operations Manager

**SUBJECT:**

Reinstallation of No Parking Signs on Rowell Avenue Between 19th Street and Marine Avenue  
(Public Works Director Lee).

**(Estimated Time: 15 Mins.)**

**PROVIDE DIRECTION**

---

**RECOMMENDATION:**

Staff recommends that the City Council provide direction on the reinstallation of “no parking” signs on Rowell Avenue between 19th Street and Marine Avenue.

**FISCAL IMPLICATIONS:**

There are no known fiscal implications associated with this item. If the City Council directs staff to re-implement parking restrictions related to street sweeping on this segment of Rowell Avenue, Public Works will purchase and install appropriate “no parking” signs. Sufficient funds are available in the Public Works Department’s budget for this purpose.

**BACKGROUND:**

Under the City’s current approach, Public Works will install or remove “no parking” signs related to street sweeping if 66% (two-thirds) of the property owners of a block sign a petition in favor of the City taking that specific action. For petitioning purposes, properties on both sides of a block between two consecutive intersections are the relevant parties in a petition process. Properties adjacent to more than one street (e.g., corner properties) may sign more than one petition.

For streets in Manhattan Beach that do not have “no parking” signs posted related to street sweeping, it is essential to note that street sweeping still occurs on these streets. The sweeper goes around any parked cars obstructing its route. Since there are no posted parking

restrictions, citations are not issued to those vehicles. However, the curbs and roadway surfaces where cars are parked are not cleaned.

On August 2, 2022, the City Council directed staff to maintain the parking restrictions related to street sweeping on Rowell Avenue and Meadows Avenue according to the existing petition process. The City Council also directed staff to inspect the area and reinstall signs that may have been illegally removed within the last five years. Staff then inspected this area and found that no sites met this criteria for reinstallation.

On February 6, 2024, the City Council requested a report on missing “no parking” signs related to street sweeping, along Rowell Avenue between 19th Street and 23rd Street, where poles are currently in place but have no signage. The City Council also requested a discussion on the possibility of reinstalling missing “no parking” signs related to street sweeping if the signs had been improperly removed.

**DISCUSSION:**

There are three abandoned sign poles in the 2100/2200 block of Rowell Avenue, between 23rd Street and 21st Street. The residents of this block filed a petition to remove the “no parking” signs posted related to street sweeping. On April 19, 2001, following a successful petition process, the signs were removed from this block. At the time of removal, field crews were directed to remove the signs but leave the poles in the public right of way in case re-installation of the signs would be needed in the future.

Because the signs in question were removed as part of a valid petition process, the related poles could also have been removed at the same time, as they do not currently serve a purpose and could lead the public to believe that necessary signage has been improperly removed from the City’s infrastructure. If the City Council does not direct staff to reinstall the signage on these three poles, Public Works will remove them.

**PUBLIC OUTREACH:**

Residents at all properties along Rowell Avenue between 19th Street and Marine Avenue were notified about the City Council’s consideration of this item by mailers and door hangers. Additionally, general information on the City’s street sweeping program can be found on the City’s website under Public Works, Field Operations Division, Street Sweeping.

**ENVIRONMENTAL REVIEW:**

The City has reviewed the proposed activity for compliance with the State of California Environmental Quality Act (CEQA) and has determined that the activity is not a “Project” as defined under Section 15378 of the State CEQA Guidelines; therefore, pursuant to Section 15060(c)(3) of the State CEQA Guidelines the activity is not subject to CEQA. Thus, no environmental review is necessary.

**LEGAL REVIEW:**

The City Attorney has reviewed this report and determined that no additional legal analysis is necessary.



**ATTACHMENT/ATTACHMENTS:**

1. Petition Map of Rowell Avenue Between 19th Street and Marine Avenue
2. Photos of Poles on Rowell Avenue Between 19th Street and Marine Avenue
3. PowerPoint Presentation

Petition Map of Rowell Avenue Between 19th Street and Marine Avenue





2012



2024

# Reinstallation of No Parking Signs on Rowell Avenue Between 19<sup>th</sup> Street and Marine Avenue

April 2, 2024  
City Council Meeting

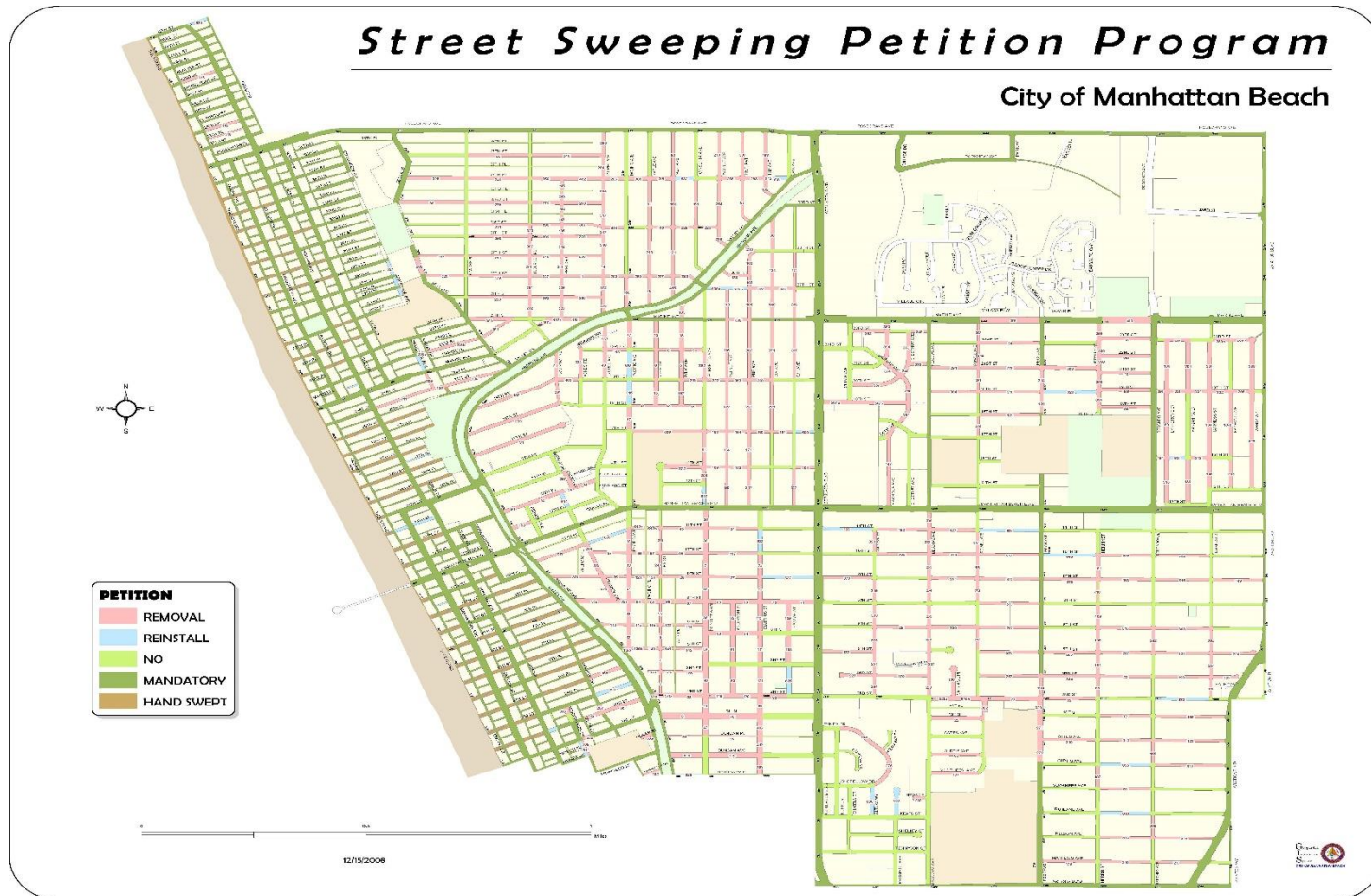
April 2, 2024



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\*Note: This PowerPoint presentation is intended solely as a visual aid to an oral staff presentation of an agenda report topic. In the event of any differences between the presentation and the agenda report, the information in the agenda report prevails.\*

# STREET SWEEPING PETITION MAP



# ABANDONED POLES

ATTACHMENT  
ROWELL AVE  
STREET SWEEPING SIGN LOCATION MAP



# Rowell 2012





# ROWELL CURRENT DAY



# BACKGROUND

- Current approach: Petition process to opt in or out
- 66% (two-thirds) of property owners in favor required
- Street sweeping still occurs on these streets
- Vehicles on streets that are void of “no parking” signs will not be issued a citation
- Rowell Avenue between 19<sup>th</sup> and Marine was inspected in 2022 for improperly removed signs

# DISCUSSION

- Three abandoned poles on Rowell 2100/2200 block
- “No Parking” signs were removed in 2001 with Petitions
- At that time, staff was directed to remove the signs but leave the poles
- If the City Council does not direct staff to reinstall signage, Public Works will remove the poles

# STAFF RECOMMENDATION

- Staff recommends that the City Council provide direction on the reinstallation of “no parking” signs on Rowell Avenue between 19<sup>th</sup> Street and Marine Avenue.









**CITY OF MANHATTAN BEACH**

1400 Highland Avenue Manhattan Beach, CA 90266  
www.manhattanbeach.gov • (310) 802-5000

# STAFF REPORT

**Agenda Date:** 4/2/2024

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**TO:**

Honorable Mayor and Members of the City Council

**THROUGH:**

Bruce Moe, City Manager

**FROM:**

George Gabriel, Assistant to the City Manager

**SUBJECT:**

Consideration of Actions Related to the North Manhattan Beach Business Improvement District including: 1) Conceptual Approval to Transition Ongoing Management to a Non-Profit and Execute a Future Agreement with the Non-Profit to Provide Services to the Business Improvement District, and 2) Authorizing Expenditures and Appropriating \$10,000 for Managing the North Manhattan Beach Business Improvement District Activities and Initiatives (City Manager Moe).

*(Estimated Time: 20 Mins.)*

**A) APPROVE**

**B) AUTHORIZE AND APPROPRIATE**

---

**RECOMMENDATION:**

Staff recommends that the City Council:

1. Approve a conceptual plan of transitioning ongoing management of the North Manhattan Beach Business Improvement District to a non-profit and execute a future agreement with the non-profit to provide services to the business improvement district; and
2. Authorize and appropriate \$10,000 from the Parking Fund for developing or utilizing an existing non-profit to manage the North Manhattan Beach Business Improvement District activities and initiatives.

**FISCAL IMPLICATIONS:**

The North Manhattan Beach Business Improvement District (NMB BID) is funded through an 80% surcharge to the business license tax paid by those businesses located within the district, not to exceed \$500 annually. At the current rate, the assessments total approximately \$25,000 per year and are held separately within the Parking Fund. Should the City Council appropriate and authorize funds, the NMB BID's balance will be deducted by an amount not to exceed \$10,000.

Should the City Council execute an agreement with a non-profit to manage the BID's funds, the City and non-profit will determine how best to disburse the NMB BID's fund balance over time and in accordance with the NMB BID's approved budget.

**BACKGROUND:**

The North Manhattan Beach Business Improvement District was formed in 1969 under the State's Parking and Business Improvement District Act of 1965. The BID was limited in scope and was mainly responsible for addressing parking acquisition and construction. Because the opportunity for acquiring additional parking in the North End is limited, business district members wanted to use the funds for other types of activities, such as physical improvements, beautification, signage, marketing, and promotion. To accommodate this request, in January 2004, the City Council dissolved the 1969 Business Improvement District and created the current Business Improvement District using the broader 1989 BID Act.

Advisory Board

The 1989 Business Improvement District Act requires that the City Council select a BID Advisory Board. Advisory Board duties include recommendations to the City Council on expenditure of revenues derived from the assessments, as well as the method and basis of levying the assessments.

The BID last elected an Advisory Board to two-year terms in 2022 and will have an election later this year for the following two years. The full roster of board members-elect, applicable titles and business representations are as follows (*in alphabetical order*):

- Abbot Lawrence IV - Pancho's
- Harry Ashikian - Salvatore's Shoe Repair
- Justin Maxwell - North End Caffe
- Lorenzo Pitera (Vice Chairperson) - Baja Sharkeez
- Mike Simms (Chairperson) - Nick and Son's Market
- Roxanne Faire (Secretary) - Aesthetics on Highland
- Tim Ryan - El Porto Laundry

Councilmember Napolitano currently serves as the BID's City Council representative with Councilmember Montgomery as the alternate.

**DISCUSSION:**

Since 2004, city staff has taken an active role in managing NMB BID activities by: drafting and publishing agendas/minutes, liaising NMB BID activities between City departments, executing agreements on behalf of the NMB BID, and managing expenditures and revenues of the NMB BID. The City's responsibilities for the NMB BID contrast significantly with those of the City's other BID, the Downtown Business Improvement District (Downtown BID). The Downtown BID is managed by a non-profit, the Downtown Manhattan Beach Business & Professional Association (DMBBPA). Therefore, the City has not had to take on the same responsibilities for the Downtown BID as those for the NMB BID.



Additionally, DMBBPA non-profit status allows the Downtown BID to realize greater efficiencies to expedite decisions, execute contracts and expend funds when necessary. For these reasons, in recent years the NMB BID has sought to explore how to function in a similar manner as the Downtown BID. As identified in the approved 2024 Activity Plan, the NMB BID has decided to explore the feasibility of becoming a professional non-profit association similar to the DMBBPA by utilizing the Chamber of Commerce's non-profit status.

In consideration of this, the City Council adopted Resolution No. 23-0085 approving a pilot agreement with the Chamber of Commerce in the amount of \$67,300 for NMB BID management and executive coordination services. One of the justifications for this agreement was the need for contract staff to be available to shepherd the process of establishing a non-profit corporation or utilizing an existing non-profit corporation.

Following research to determine next steps, it was determined that establishing a non-profit corporation or utilizing an existing non-profit corporation needs an appropriation of \$10,000 to prepare legal documents such as: 1) filing Articles of Incorporation and tax-exempt status, or 2) amending an existing non-profit's Articles of Incorporation to include NMB BID activities.

Should City Council approve the conceptual plan of transitioning ongoing management of the North MB BID to a new or existing non-profit, staff will return to the City Council with an agreement between the City and the non-profit and formulate a plan for managing the NMB BID's fund balance over a period of time.

**CONCLUSION:**

Staff recommends that the City Council:

1. Approve a conceptual plan of transitioning ongoing management of the North Manhattan Beach Business Improvement District to a non-profit and execute a future agreement with the non-profit to provide services to the business improvement district; and
2. Authorize and appropriate \$10,000 for developing or utilizing an existing non-profit to manage the North Manhattan Beach Business Improvement District activities and initiatives.

**LEGAL REVIEW:**

The City Attorney has reviewed this report and determined that no additional legal analysis is necessary.

**ATTACHMENTS:**

1. 2024 Annual Report, Budget, and Activity Plan

NORTH MANHATTAN BEACH  
BUSINESSIMPROVEMENTDISTRICT  
(NORTH MBBID)



2024 Annual Report, Budget and Activity Plan

**Location:** The general area surrounding the Rosecrans Avenue and Highland Avenue intersection (See Attachment B). Specific boundaries are:

- (North to South) the extent of the Highland Avenue Right-Of-Way from the northernmost City line at 45<sup>th</sup> Street to 32<sup>nd</sup> Place on the south.
- (East to West) the extent of Rosecrans Avenue Right-Of-Way from Bell Avenue to the west side of Highland Avenue.

**Stakeholders:** North Manhattan Beach Businesses – All business license holders in the North Manhattan Beach area, with the exception of home-based businesses, residential rental units, commercial property owners and residents.

**Improvements and Activities:**

- A. Capital Improvement Project Design
- B. Marketing, Social Media & Advertising
- C. Project Implementation
- D. Professional Communications

**Method of Financing:** Benefit-based assessments on City Business License Tax.

**Assessment:** An 80% surcharge on the City Business License Tax not to exceed \$500.00.

**Collection:** The fees are collected in March/April of each year with the Business License Tax. The funds shall be retained, including interest earned, in a designated fund and disbursed through the City. Approximately \$25,000 per year.

**Governance:** A City Council-ratified Advisory Board serves to make recommendations to the City Council for the North Manhattan Business Improvement District (BID) on such topics as budget and assessments. The Advisory Board consists of up to seven (7) members composed of area business owners or resident ex-officio members. There must be a quorum to conduct a meeting and adherence to the Brown Act. The City Council ratifies the board members annually once the membership has held its election (typically in December). It is anticipated that the Advisory Board will meet at least once per month, on the 2<sup>nd</sup>

Wednesday at 6:00 PM. In delivering BID improvements and activities, the Advisory Board will strive to meet the following objectives:

- Maximize coordination with the City and other civic organizations to leverage resources.
- Identify streetscape, landscape and other improvements, and create an identity plan for North Manhattan Beach.
- Provide accountability to business owners who pay assessments.

#### Maintaining the

#### District:

The City Council maintains the district by adopting a Resolution of Intention. A Public Hearing shall be held around 30 days after the adoption of the Resolution of Intention. If there is insufficient protest from owners representing over 50% of the assessments to be paid, the BID assessment will continue.

#### Benefits of the

#### District:

The BID allows for streetscape, signage and landscape improvements, and the creation of a North Manhattan Beach identity through integrated marketing efforts such as promotions, branding and advertising.

The BID shall provide key promotional and organizational support through a variety of functions that directly benefit its ratepayers as well as the City; such as:

- Enhancing the appearance of North Manhattan Beach through signage, landscaping, improvements etc.
- Establishing and implementing a North Manhattan vision and image that is in line with the rest of Manhattan Beach and reflects the good health and economic vitality of the entire City; making the City an attractive venue for business.

## ACTIVITY PLAN

The BID activity plan for 2024 includes the following items:

- A. Continue using [www.northmanhattanbeach.org](http://www.northmanhattanbeach.org) and [www.visitnorthmanhattanbeach.com](http://www.visitnorthmanhattanbeach.com) for visitor and community outreach and marketing. Maintain and enhance the digital presence of the North Manhattan Beach district through public engagement (surveys, individual outreach), website, social media (Instagram @visitnorthmanhattanbeach @northmanhattanbeach, Facebook @northmanhattanbeachca @visitnorthmanhattanbeach, twitter @VisitNorthMB) and e-notifications.
- B. Trademark and begin to utilize approved North Manhattan Beach Logo.
- C. Explore the feasibility of becoming a professional non-profit association similar to the Downtown Manhattan Beach Business Professional Association (DBPA) by utilizing the **Chamber of Commerce's non-profit status**.
- D. Continue to develop North Manhattan Beach branding using the new approved logo throughout the district (Pole flags with approval and permits from the City, refurbish the North Manhattan Beach welcome monument on Rosecrans utilizing the new color scheme and logo).
- E. Solicit Bids for Public Art and work with the City Public Arts Commission for installation and placement, specifically the Surfboard Sculpture.
- F. Continue to develop event and partnership opportunities to draw more foot traffic and awareness to North Manhattan Beach.
- G. Continue to establish participation and support for the NMB BID among NMB businesses.
- H. Continue to grow the annual NMB BID Holiday Stroll and establish additional collaborative events.
- I. Promote transportation alternatives that mitigates traffic and greater parking opportunities while increasing foot traffic to the NMB BID Businesses.
- J. Update the community on the status of the crosswalks and other street markings and street repairs north of Rosecrans after the construction done in this area. Collaborate with the City on the replacement of the crosswalks and intersection design at the intersection of Rosecrans & Highland also affected by the construction in the area. Continue to work on

the functionality of the lighting of the crosswalks south of Rosecrans.

- K. Continue the Highland Avenue improvement discussions with Community Development, Traffic Engineering and Public Works to find solutions to improve the safety of Highland Ave. especially north of Rosecrans where there are not enough crosswalks, they need to more visual indicators and implement solutions to reduce the excessive speed in the area.
- L. Continue discussions to find additional parking solutions including contacting Chevron to discuss the parking lot adjacent to the Highrose Project. Continue collaborating with the Downtown Business District and the Manhattan Beach Chamber of Commerce to best serve our NMB BID Businesses.

ATTACHMENT A-1

BUDGET

FY 2022-2023 Actuals	
<i>Beginning Reserve Balance July 1, 2022</i>	\$ 390,866.92
<i>Revenues</i>	23,156.67
<i>Interest</i>	8,203.43
<i>Expenditures</i>	-48,535.50
<i>Ending Reserve Balance as of June 30, 2023</i>	\$ 373,691.52
FY 2023-2024 Budgeted	
<i>Beginning Reserve Balance July 1, 2023</i>	\$ 373,691.52
<i>Revenues (1)</i>	25,000.00
<i>Interest</i>	10,000.00
<i>Expenditures</i>	-96,476.30
<i>Ending Reserve Balance as of June 30, 2024 (2)</i>	\$ 312,215.22

*(1) Budgeted Revenues are projected based on business license tax assessments not to exceed \$500 annually per business.*

*(2) The Projected Ending Reserve Balance is based on actual reserves at the beginning of the fiscal year adjusted for projected revenues with no estimated expenditures*

ATTACHMENT A-2  
BUDGET





# NORTH MB BID BUDGET

	ACTUALS		CURRENT YEAR APPROVED BUDGET		ESTIMATES		FORECAST			
	2022-2023	2023-2024	2023-2024	2023-2024	2023-2024	2023-2024	2024-2025	2025-2026	2026-2027	2027-2028
Beginning Reserve Balance	\$ 390,866.92	\$ 373,691.52	\$ 373,691.52	\$ 373,691.52	\$ 373,691.52	\$ 373,691.52	\$ 343,175.04	\$ 307,771.04	\$ 272,367.04	\$ 236,963.04
<b>REVENUES*</b>										
BID Assessments*	\$ 23,156.67	\$ 25,000.00	\$ 25,000.00	\$ 25,000.00	\$ 25,000.00	\$ 25,000.00	\$ 25,000.00	\$ 25,000.00	\$ 25,000.00	\$ 25,000.00
Interest*	\$ 8,203.43	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 8,000.00	\$ 8,000.00	\$ 8,000.00	\$ 8,000.00
<b>SUBTOTAL</b>	<b>\$ 31,360.10</b>	<b>\$ 35,000.00</b>	<b>\$ 35,000.00</b>	<b>\$ 35,000.00</b>	<b>\$ 35,000.00</b>	<b>\$ 35,000.00</b>	<b>\$ 33,000.00</b>	<b>\$ 33,000.00</b>	<b>\$ 33,000.00</b>	<b>\$ 33,000.00</b>
<b>EXPENDITURES</b>										
<b>ONGOING</b>										
Executive Coordinator	\$ 8,416.77	\$ 36,000.00	\$ 36,000.00	\$ 15,000.00	\$ 15,000.00	\$ 15,000.00	\$ 36,000.00	\$ 36,000.00	\$ 36,000.00	\$ 36,000.00
Management Services		\$ 15,000.00	\$ 15,000.00	\$ 15,000.00	\$ 15,000.00	\$ 15,000.00	\$ 15,000.00	\$ 15,000.00	\$ 15,000.00	\$ 15,000.00
Website & Social Media Services		\$ 6,300.00	\$ 6,300.00	\$ 3,600.00	\$ 3,600.00	\$ 3,600.00	\$ 6,300.00	\$ 6,300.00	\$ 6,300.00	\$ 6,300.00
Misc. Reimbursable Expenses/Holiday Stroll	\$ 10,843.16	\$ 10,000.00	\$ 10,000.00	\$ 6,812.48	\$ 6,812.48	\$ 6,812.48	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00
Chamber of Commerce Membership		\$ 228.00	\$ 228.00	\$ 228.00	\$ 228.00	\$ 228.00	\$ 228.00	\$ 228.00	\$ 228.00	\$ 228.00
Business District Beautification Services**	\$ 18,728.02	\$ 19,000.00	\$ 19,000.00	\$ 15,000.00	\$ 15,000.00	\$ 15,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00
Digital Services (Website, Zoom)	\$ 948.30	\$ 948.30	\$ 948.30	\$ 876.00	\$ 876.00	\$ 876.00	\$ 876.00	\$ 876.00	\$ 876.00	\$ 876.00
Trademark of North MB Logo Project	\$ 5,730.50	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00				
Artwork Evaluation	\$ 218.75									
Directory Board DBPA Reimbursement	\$ 3,650.00	\$ 4,000.00	\$ 4,000.00	\$ 4,000.00	\$ 4,000.00	\$ 4,000.00				
<b>SUBTOTAL</b>	<b>\$ 48,535.50</b>	<b>\$ 96,476.30</b>	<b>\$ 96,476.30</b>	<b>\$ 65,516.48</b>	<b>\$ 65,516.48</b>	<b>\$ 65,516.48</b>	<b>\$ 68,404.00</b>	<b>\$ 68,404.00</b>	<b>\$ 68,404.00</b>	<b>\$ 68,404.00</b>
<b>FISCAL YEAR SURPLUS/DEFICIT</b>	<b>\$ (17,175.40)</b>	<b>\$ (61,476.30)</b>	<b>\$ (61,476.30)</b>	<b>\$ (30,516.48)</b>	<b>\$ (30,516.48)</b>	<b>\$ (30,516.48)</b>	<b>\$ (35,404.00)</b>	<b>\$ (35,404.00)</b>	<b>\$ (35,404.00)</b>	<b>\$ (35,404.00)</b>
<b>PROJECTED ENDING RESERVE BALANCE</b>	<b>\$ 373,691.52</b>	<b>\$ 312,215.22</b>	<b>\$ 312,215.22</b>	<b>\$ 343,175.04</b>	<b>\$ 343,175.04</b>	<b>\$ 343,175.04</b>	<b>\$ 307,771.04</b>	<b>\$ 272,367.04</b>	<b>\$ 236,963.04</b>	<b>\$ 201,559.04</b>
<b>NOTES LEGEND</b>										
* Assumes Assessments and Interest revenue remain consistent										
Historically, both BID's in the City contribute to additional service fees associated with street sweeping and/or pressure washing. Staff is conducting internal assessment of these fees.										
Projection if North MB BID continues to approve Chamber services										
Denotes negative amount										
Denotes positive amount										

ATTACHMENT B

AREA MAP

City of Manhattan Beach  
North Manhattan Beach  
Business Improvement District





**CITY OF MANHATTAN BEACH**

1400 Highland Avenue Manhattan Beach, CA 90266  
www.manhattanbeach.gov • (310) 802-5000

# STAFF REPORT

**Agenda Date:** 4/2/2024

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**TO:**

Honorable Mayor and Members of the City Council

**THROUGH:**

Bruce Moe, City Manager

**FROM:**

George Gabriel, Assistant to the City Manager  
Patricia Matson, Management Analyst

**SUBJECT:**

Consideration of:

- a) Introduction and First Reading of Ordinance No. 24-0005 to Require a Parking Permit for Oversized Vehicles;
- b) Oversized Vehicle Permit Fee; and
- c) Fines for Violations of Ordinance No. 24-0005 (City Manager Moe).

**(Estimated Time: 45 Mins.)**

**A) INTRODUCE ORDINANCE NO. 24-0005**

**B) PROVIDE DIRECTION AS TO OVERSIZED VEHICLE PERMIT FEES**

**C) PROVIDE DIRECTION AS TO FINES FOR VIOLATIONS**

---

**RECOMMENDATION:**

Staff recommends that the City Council discuss and consider a variety of actions related to the parking of oversized vehicles including:

- 1. Introducing Ordinance No. 24-0005 amending Chapter 14.46 of the Manhattan Beach Municipal Code (MBMC) to prohibit the parking of oversized vehicles at any time without a permit;
- 2. Establishing a cost recovery fee for review of oversized vehicle permits; and
- 3. Specifying fines for violations of Ordinance No. 24-0005, starting at \$53 for the first violation.

**FISCAL IMPLICATIONS:**

If City Council chooses to introduce Ordinance No. 24-0005, there will be costs associated with the implementation of the proposed permitting program that is detailed within the draft ordinance.

Signage will need to be placed at the 35 locations around the perimeter of the City prohibiting the parking of oversized vehicles or trailers without a permit. An additional 35 signs are currently in place around the perimeter of the City regarding the prohibition of detached trailers. Staff may have to replace this signage to ensure conformance with the Ordinance being considered by the City Council. The estimated cost to produce 70 signs is \$2,100.00, at approximately \$30 per sign.

An additional fiscal consideration is the cost to manufacture the resident permits themselves, which is estimated at \$5.00 per permit. Staff time dedicated to the review of applications and issuance of permits has been incorporated into the proposed cost of the permit and will be discussed later in the staff report.

**BACKGROUND:**

At the October 3, 2023, meeting, Mayor Pro Tem Franklin and Mayor Montgomery requested to discuss updating the City’s Municipal Code regarding the overnight parking of oversized vehicles. At the October 17, 2023, meeting, City Council directed staff to provide a comprehensive report with options as to whether to update the City’s Municipal Code regarding overnight parking of oversized vehicles.

At the January 16, 2023, meeting, City Council received a report (attached) regarding the City’s current regulations, suggested parameters for a potential permit program in Manhattan Beach, and a reference guide comparing the oversized vehicle parking programs of our neighboring cities. City Council directed staff to return with a draft ordinance for review, which would require a parking permit for oversized vehicles.

Current Regulations

Consistent with state law, the Municipal Code defines an oversized vehicle as any vehicle, or combination of vehicles, which exceeds 22 in length, seven feet in width or eight feet in height, state law.

Chapter 14.46 provides that the stopping, standing, parking or leaving of an oversized vehicle or trailer is prohibited at any time upon any public street, alley or highway in an area designated by the City. Staff identified 35 parking signs prohibiting oversized vehicles along Valley Drive near the areas of the Joslyn Community Center and Live Oak Park (11 signs); around the perimeter of Pacific Elementary School (16 signs); along Bell Avenue near Grand View Elementary School (5 signs); and on 18<sup>th</sup> Street just off of the east side of Sepulveda Blvd (3 signs). While not the subject of this draft ordinance, the City also prohibits the parking of non-motorized vehicles or detached trailers on City streets. The attached map shows the location of the 35 signs regarding oversized vehicles, plus the location of the perimeter signs that could be modified depending on whether the Council requires a permit for oversized vehicles.

It is important to note that if City Council moves forward with the ordinance, all existing signage prohibiting the parking of oversized vehicles and trailers in certain areas will remain in place and in full effect.

The proposed update to the Municipal Code does not change the authority of the Police Chief or

City Traffic Engineer to prohibit the parking of oversized vehicles or trailers in certain areas, if deemed necessary. If new locations are designated, signage would need to be posted prior to the prohibition in new areas going into effect.

**DISCUSSION:**

In response to City Council’s direction, staff has drafted an ordinance that requires a permit for the parking of oversized vehicles within the City, subject to certain exceptions.

As part of the proposed amendment to the City’s Municipal Code, staff has updated the definition of Oversized Vehicle to incorporate trailers rather than having a separate definition of trailer.

The draft ordinance allows residents to obtain: permits for their own oversized vehicles; and a permit for a guest or a resident’s rented oversized vehicle or trailer. All permitted oversized vehicles must be associated with a residence in the City.

**Permit Program**

The following summarizes the parameters of the proposed permit program (see full text of the attached ordinance for complete regulations):

Criteria

A resident or their out-of-town guest with any vehicle or combination of vehicles that exceeds twenty-two feet in length, or seven feet in width, or eight feet in height, must have a valid oversized vehicle permit in order to park on a City street.

Application

The following information would be requested of the resident applying for a permit:

Resident Permit:

- Name, address, phone and e-mail of registered owner of the oversized vehicle.
- Name, address, phone number, and e-mail of the applicant for the permit, if different than the registered owner.
- Proof that the applicant is a Manhattan Beach resident. Acceptable proof of residency must be current and must include either a California driver’s license or California identification card and either a property tax bill, public utility bill, or a current residential rental or lease agreement.
- Proof of current vehicle registration from the California Department of Motor Vehicles, or equivalent agency in another state, for the oversized vehicle. Vehicle license number, license state, make, model, year, color, and vehicle length, width, and height.
- Payment of the permit fee.
- Any other information the City deems necessary for administration of the program.

Guest Permit:

- Name, address, phone number, and e-mail of the Manhattan Beach resident that is hosting the guest (if applicable).
- Name, address, phone number, and e-mail of the applicant for the permit.

- Name, address, phone number, and e-mail of the registered owner or renter of the designated oversized vehicle.
- Proof that the applicant is a Manhattan Beach resident. Acceptable proof of residency must be current and must include either a California driver's license or California identification card and either a property tax bill, public utility bill, or a current residential rental or lease agreement.
- Proof of current vehicle registration from the California Department of Motor Vehicles, or equivalent agency in another state, for the oversized vehicle.
- Vehicle license number, license state, make, model, year, color, and vehicle length, width, and height
- Dates for which permit is requested.
- Payment of permit fee.
- Any other information the City deems necessary for administration of the program.

#### Issuance of Permit

Once the application is reviewed and approved, each type of permit would be issued the following ways:

- Resident Permit: the applicant would receive an email notification that their permit is ready for pick-up.
- Guest Permit: the applicant would receive an email notification that their permit is available for printing. A resident would then be able to proceed with printing their 72-hour permit for the dates requested.

#### Permit Fee

In order to obtain 100% cost recovery for review and issuance of permits, staff has estimated the following cost per permit:

- Resident Permit - \$65.00 (annual)
- Guest Permit - \$45.00

Draft Resolution No. 24-0035 is attached for informational purposes. If City Council proceeds with first reading of Ordinance No. 24-0005, the fees and associated resolution will be considered for adoption concurrently with second reading and adoption of the ordinance. Additionally, the fees will be included as part of the City's upcoming cost recovery and fee study later in the calendar year.

#### Duration of Permit

- Resident Permit - valid for a maximum one year, or a portion thereof, with an annual expiration date of September 30. Residents can reapply annually.
- Guest Permit - valid for 72 hours

#### Permit Limits

As drafted, the ordinance does not limit the number of permits issued to the same household. The Council may want to consider establishing a maximum number. As drafted, a single household may receive a maximum of four guest permits within 12 months, and a single household may not request guest permits for multiple guests at one time. Once again, staff seeks direction on such limit.

Restrictions

- Permit holders may park on any street unless otherwise prohibited by signage, other markings, or if it presents a traffic or safety concern to pedestrians or other drivers, as determined by the Police Department.
- No oversized vehicle shall occupy more than one marked parking space.
- Issuance of a permit does not allow the holder to utilize hook-ups.
- The oversized vehicle must be attached to a motor vehicle that is capable of moving said oversized vehicle at all times.
- Permit holders will need to comply with posted street sweeping restrictions.
- Permit holders will pay any applicable parking meter charges while occupying a metered parking space.

Enforcement

- Permit holders will abide by MBMC Section 14.36.060 and cannot park in the same location for a period exceeding 72 consecutive hours.

Penalties for Violations

Ordinance No. 24-0005 authorizes violations of the ordinance to be treated several ways, depending on the nature of the violation. If City Council proceeds with first reading of Ordinance No. 24-0005, a resolution amending the penalty schedule and specifying fines for parking violations of oversized vehicles will be presented for adoption currently with second reading and adoption of the Ordinance. A draft Resolution No. 24-0036 is attached for information purposes. The draft Resolution's parking fines are:

- Parking of non-motorized vehicles and trailers on City streets (§14.36.180) - \$149.00
- Parking in a restricted oversized vehicle area (§14.46.080) - \$149.00
- Parking of Oversized Vehicle without a Permit (§14.46.020) - \$53.00.

In addition, the draft Ordinance treats the following violations as misdemeanors:

- Any person who displays fraudulent, forged, altered, or counterfeit permit as well as any person who assigns, transfers or uses a permit issued for any consideration.
- Any person who forges, alters, or counterfeits an oversized vehicle or trailer parking permit.
- No person shall assign, transfer or use a permit issued pursuant to this Chapter for any consideration, monetary or otherwise.

Pursuant to the draft Ordinance and existing provisions in the Municipal Code, the City has the discretion to treat such misdemeanors as an infraction, or an administrative violation where an administrative citation is issued.

Finally, oversized vehicles stopped, parked or left standing on a public street, alley or highway in violation of the ordinance may be removed immediately pursuant to Vehicle Code Section 22651.

### **Staff Time and Resources**

Staff intends to utilize the City's existing permitting software, EnerGov, to create an electronic submission/review process for the oversized vehicle permit program. Several departments would be involved in the creation and implementation of the permit program.

#### Creation

Staff from Information Technology, Finance, Community Development, Police Department and Management Services would be involved in the creation of the electronic workflow of the permit program.

#### Maintenance

Information Technology staff would assist with any technical maintenance that may arise with the software.

#### Implementation and Issuance

Staff from Community Development and Finance will review every permit application that is submitted to ensure all application requirements are met. Finance will approve and issue the permit.

#### Enforcement

The Police Department will enforce the program and will issue citations when necessary.

### **CONCLUSION:**

Staff recommends that the City Council discuss and introduce draft Ordinance No. 24-0005.

If Ordinance No. 24-0005 is introduced, it will return for a second reading and adoption with the associated fee and fine resolutions. The ordinance would become effective 31 days after adoption, however, the permit program would not begin until October 1, 2024. This will allow staff ample time to internally create and test the permit program, order and install signage, order the necessary permits, and conduct public outreach to notify the community of the change to the City's Municipal Code. The prescribed permit program regulations would not be fully enforced for an additional 90 to 180 days after the start date of the permit program to allow the Police Department time to provide additional warnings and education to the public while out in the field.

### **PUBLIC OUTREACH:**

If Ordinance No. 24-0005 is adopted, staff will conduct significant outreach to notify the community regarding the new regulations and process for obtaining permits.

### **ENVIRONMENTAL REVIEW:**

The City Council's adoption of a permitting program for oversized vehicles and trailers has been determined to be exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15061(b)(3), the common sense exemption (formerly the "general rule") that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no



possibility that the activity in question can have a significant effect on the environment, the activity is not subject to CEQA, as is the case with the adoption of this permitting program.

**LEGAL REVIEW:**

The City Attorney has reviewed this report and determined that no additional legal analysis is necessary.

**ATTACHMENT**

1. Ordinance No. 24-0005
2. Resolution No. 24-0035 - Permit Fee
3. Resolution No. 24-0036 - Specifying Fines
4. Map - Oversized Vehicle and Detached Trailer Parking Sign Locations
5. Neighboring Cities Oversized Vehicle Comparison
6. Staff Report - January 16, 2024
7. PowerPoint Presentation

ORDINANCE NO. 24-0005

AN ORDINANCE OF THE CITY OF MANHATTAN BEACH  
AMENDING MANHATTAN BEACH MUNICIPAL CODE  
CHAPTER 14.46 REGULATING AND REQUIRING A  
PARKING PERMIT FOR THE PARKING OF OVERSIZED  
VEHICLES AND TRAILERS

THE MANHATTAN BEACH CITY COUNCIL HEREBY ORDAINS AS  
FOLLOWS:

SECTION 1. Findings.

The City Council finds and determines as follows:

- A. A large number of streets in the City of Manhattan Beach are very narrow.
- B. Oversized vehicles, such as recreational vehicles and trailers, create a safety hazard by reducing visibility and travel lane width when parked on City streets.
- C. Oversized vehicles also present a significant burden on limited parking availability on streets since an oversized vehicle uses more curb length than a standard passenger vehicle parking space.
- D. It is therefore necessary and in the interest of the health, safety and welfare to amend the Manhattan Beach Municipal Code to adopt regulations and require a parking permit for oversized vehicles.

Section 2. The City Council hereby amends Manhattan Beach Municipal Code (MBMC") Chapter 14.46 to read as follows:

"Chapter 14.46

ON-STREET PARKING OF OVERSIZED VEHICLES

Sections:

- 14.46.010 Definitions
- 14.46.020 City Permit Required for the Parking of Oversized Vehicles
- 14.46.030 Permit Exceptions
- 14.46.040 Oversized Vehicles - General Requirements
- 14.46.050 Oversized Vehicle Parking Permits for Resident Owned Vehicles
- 14.46.060 Guest Oversized Vehicle Parking Permits
- 14.46.070 Oversized Vehicle Hook-Ups
- 14.46.080 Restricted Oversized Vehicle Parking Areas
- 14.46.090 Permit Denial and Revocation

- 14.46.100 Violation of Chapter
- 14.46.110 Application of Chapter
- 14.46.120 Rules and Regulations

**14.46.010 Definitions.**

As used in this Chapter, the following terms have the following meanings:

**“Oversized Vehicle”**: any vehicle, as defined by California Vehicle Code Section 670, trailer, semitrailer, camp trailer (including tent trailers), unmounted camper, trailer bus, or trailer coach, as defined in California Vehicle Code Sections 242, 243, 550, 630, 635, and 636, respectively, a fifth-wheel travel trailer as defined in Vehicle Code Section 324, which, either on its own or in aggregate with an attachment, exceeds 22 feet in length, seven feet in width, or eight feet in height, exclusive of projecting lights or devices allowed by California Vehicle Code Sections 35109 and 35110.

**“Oversized Vehicle Parking Permit”**: a validly issued permit issued by the City to a resident to park the resident’s Oversized Vehicle.

**“Guest Oversized Vehicle Parking Permit”**: a validly issued permit issued by the City to a resident to permit an Oversized Vehicle to park for up to 72 hours.

**14.46.020 City Permit Required for Parking of Oversized Vehicles.**

No person who owns, leases or has possession, custody or control of any Oversized Vehicle shall stop, stand, park or leave standing an Oversized Vehicle at any time upon any public street, alley or highway, in the City, without a validly issued Oversized Vehicle Parking Permit or Guest Oversized Vehicle Parking Permit pursuant to this Chapter.

**14.46.030 Permit Exceptions.**

The following oversized vehicles may stop, park, or stand without an Oversized Vehicle Permit:

A. Oversized Vehicles for which a street use or temporary encroachment permit has been issued in accordance with MBMC Chapters 7.36 or 7.40.

B. Oversized Vehicles stopped, parked or left standing as a result of a mechanical breakdown but only to allow the performance of emergency repairs on the vehicle or to arrange for emergency repairs to be made, provided that all repairs are completed within eight hours of the mechanical breakdown. Emergency repairs shall be limited to repairs necessitated by sudden unforeseen events, such as a flat tire. Emergency repairs shall not include routine or normal maintenance or extensive mechanical repairs.

C. Commercial vehicles making pickups or delivery of goods, wares or merchandise, or while actively providing residential, commercial or construction services, subject to applicable regulations set forth in MBMC Chapters 7.36 and 7.40.

D. Tow trucks and similar vehicles that are in the course of providing services.

E. Public or utility vehicles and trailers that are in the course of providing services as set forth in MBMC Section 14.08.080.

F. Any public emergency vehicle.

G. Oversized Vehicles belonging to federal, state or local authorities that are temporarily parked within the City while the operator of the vehicle is conducting official business.

H. Any vehicle stopped to avoid immediate conflict with other traffic or to comply with the directions of a police officer or official traffic control device.

**14.46.040 Oversized Vehicles - General Requirements.**

Oversized Vehicles must comply with all federal, state and city regulations, including but not limited to the following requirements and restrictions:

1. Pursuant to MBMC Section 14.36.060, no person shall park an Oversized Vehicle in the same location on a public street, alley or highway for a period exceeding 72 consecutive hours.

2. No person shall stop, stand, park or leave standing an Oversized Vehicle in any location prohibited by signage, other markings, or where it presents a traffic or safety concern to pedestrians or other drivers, as determined by the Police Department.

3. No person shall stop, stand, park or leave standing an Oversized Vehicle in any location designated pursuant to MBMC Section 14.46.080.

4. Operators of Oversized Vehicles shall pay any applicable parking meter charges while occupying a metered parking space.

5. No person shall park an Oversized Vehicle in more than one marked parking space.

6. Permit holders shall comply with any posted street sweeping restrictions.

**14.46.050 Oversized Vehicle Parking Permits for Resident Owned Vehicles.**

A. Any City resident seeking an Oversized Vehicle Parking Permit shall file with the City Manager or designee a completed application, containing the following:

1. The name, address, phone number, and e-mail address of the registered owner of the oversized vehicle.

2. The name, address, phone number, and e-mail address of the applicant for the permit, if different than the registered owner

3. Proof that the applicant is a Manhattan Beach resident. Acceptable proof of residency must be current and must include either a California driver's license or California identification card and either a property tax bill, public utility bill, or a current residential rental or lease agreement.

4. Proof of current vehicle registration from the California Department of Motor Vehicles, or equivalent agency in another state, for the oversized vehicle.

5. The vehicle license number, license state, make, model, year, color, and vehicle length, width, and height.

6. Payment of a permit fee, which shall be established by resolution of the City Council.

7. Such other information as the City deems necessary for the administration or enforcement of this Chapter.

B. The permit shall be displayed as required by the City so that it is clearly visible from the street.

C. Oversized Vehicle Parking Permits issued by the City shall include the license plate number of the designated oversized vehicle, permit start date, permit expiration date and a designation that it is a resident permit.

D. Oversized Vehicle Parking Permits will be valid for a maximum of one year, with an annual expiration date of September 30, and can be renewed annually.

**14.46.060 Guest Oversized Vehicle Parking Permits.**

A. Each resident seeking a Guest Parking Permit shall file with the City Manager or designee a completed application, containing the following:

1. The name, address, phone number, and e-mail address of the Manhattan Beach resident that is hosting the guest (if applicable).

2. The name, address, phone number, and e-mail address of the applicant for the permit.

3. The name, address, phone number, and e-mail address of the registered owner or renter of the designated Oversized Vehicle.

4. Proof that the applicant is a Manhattan Beach resident. Acceptable proof of residency must be current and must include either a California driver's license or California identification card and either a property tax bill, public utility bill, or a current residential rental or lease agreement.

5. Proof of current vehicle registration from the California Department of Motor Vehicles, or equivalent agency in another state, for the oversized vehicle.

6. The vehicle license number, license state, make, model, year, color, and vehicle length, width, and height.

7. The dates for which the permit is requested.

8. Payment of a permit fee, which shall be established by resolution of the City Council.

9. Such other information as the City deems necessary for the administration or enforcement of this Chapter.

B. Guest Oversized Vehicle Parking Permits are valid for 72 hours.

C. In no event will the City issue any household more than four Guest Oversized Vehicle Parking Permits in any 12-month period.

D. Parking permits shall be displayed as required by the City so that it is clearly visible from the street.

E. Guest Oversized Vehicle Parking Permits issued by the City shall include the license plate number of the designated Oversized Vehicle, permit issuance date, permit expiration date, and a designation that it is a guest permit.

#### **14.46.070 Oversized Vehicle Hook-Ups.**

No person shall run electrical cords, extension cords, hoses, cables, or other items across, above or on the public right of way, parkway, pathway, or sidewalk from any residential or commercial property to an Oversized Vehicle parked on a public street, alley or highway.

#### **14.46.080 Restricted Oversized Vehicle Areas.**

A. The Police Chief or designee is authorized to designate areas where the stopping, parking or standing of an Oversized Vehicle is prohibited regardless of whether an Oversized Vehicle Parking Permit or Guest Oversized Vehicle Parking Permit is obtained as follows: (i) on any street, alley or highway adjacent to any private or public school, City park(s), or community center(s); and/or (ii) on

any street, alley or highway where the stopping, parking and/or standing of an Oversized Vehicle would interfere with vehicular or pedestrian traffic or otherwise create a situation hazardous to the public health, safety or welfare.

B. The Traffic Engineer or designee is authorized to designate areas where the stopping, parking or standing of an Oversized Vehicle is prohibited regardless of whether a permit is obtained as follows: (i) that portion of a city street within 25 feet of any intersection; or (ii) wherever the Traffic Engineer has caused lines or markings painted or otherwise designated upon the parkway, curb, sidewalk, roadway, driveway, parking lot, or street in such a manner as to identify individual parking spaces, if the parking of an Oversized Vehicle would cross any such line or marking, or occupy more than the single space designated by said markings.

C. The Police Chief or Traffic Engineer, as applicable, shall place or cause to be placed signs on such streets, alleys or highways giving notice of the parking restriction as set forth in paragraphs A or B of this Section.

D. When signs authorized by the provisions of this section are in place giving notice thereof, no person who owns, leases or has possession, custody or control of any Oversized Vehicle shall stop, stand, park or leave standing an Oversized Vehicle at any time upon any public street, alley or highway designated by the Chief of Police or Traffic Engineer pursuant to paragraphs A and B of this Section regardless of whether a permit has been issued pursuant to Section 14.46.050 or Section 14.46.060 of this Chapter.

#### **14.46.090 Permit Denial and Revocation.**

The City may deny or revoke a permit or registration issued pursuant to this Chapter for any of the following:

- A. The applicant or the person whom the applicant is visiting is not a bona fide city resident;
- B. The out-of-town guest is not a guest of the resident;
- C. The applicant violates any provision of this Chapter; or
- D. The information submitted by the applicant is materially false.

#### **14.46.100 Violation of Chapter**

A. The violation of any of the provisions of this Chapter 14.46 is subject to a civil penalty, pursuant to California Vehicle Code Section 40200 *et seq.*, including exceptions thereunder, or unless otherwise indicated in this Section.

- B. It shall be unlawful for any person to: (1) forge, alter or counterfeit a

permit issued pursuant to this Chapter; (2) display a fraudulent, forged, altered, or counterfeit permit issued pursuant to this Chapter; or (3) assign, transfer or use a permit issued pursuant to this Chapter for any consideration, monetary or otherwise. Violation of this subsection B is a misdemeanor, unless such violation is subsequently prosecuted as an infraction pursuant to MBMC Chapter 1.04.010.

C. Pursuant to MBMC Chapter 1.06 the City may, *inter alia*, exercise the administrative remedy provided in that Chapter and issue an administrative citation for any violation of this Chapter.

D. Oversized Vehicles stopped, parked or left standing on a public street, alley or highway in violation of this Chapter may be removed immediately pursuant to Vehicle Code Section 22651.

#### **14.46.110 Application of Chapter**

The regulations and restrictions on stopping, standing or parking in this Chapter will not relieve any person from the duty to observe other and more restrictive provisions of the California Vehicle Code or the MBMC prohibiting or limiting the stopping, standing or parking of vehicles in specified places or at specified times.

#### **14.46.120 Rules and Regulations**

The City Manager or designee is authorized and empowered to adopt rules and regulations to implement the provisions of this Chapter.”

Section 3. The City Council’s adoption of a permitting program for oversized vehicles and trailers has been determined to be exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15061(b)(3), the common sense exemption (formerly the “general rule”) that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question can have a significant effect on the environment, the activity is not subject to CEQA, as is the case with the adoption of this permitting program.

Section 4. INTERNAL CONSISTENCY. Any provisions of the Municipal Code, or any other resolution or ordinance of the City, to the extent that they are inconsistent with this Ordinance are hereby repealed, and the City Clerk shall make any necessary changes to the Municipal Code for internal consistency.

Section 5. SEVERABILITY. If any part of this Ordinance or its application is deemed invalid by a court of competent jurisdiction, the City Council intends that such invalidity will not affect the effectiveness of the remaining provisions or their application and, to this end, the provisions of this Ordinance are severable.

Section 6. CERTIFICATION. The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause this Ordinance to be published



within 15 days after its passage, in accordance with Section 36933 of the Government Code.

Section 7. The Ordinance shall go into effect and be in full force and effect at 12:01 a.m. on the 31st day after its passage.

ADOPTED on \_\_\_\_\_.

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

\_\_\_\_\_  
JOE FRANKLIN  
Mayor

ATTEST:

\_\_\_\_\_  
LIZA TAMURA  
City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
QUINN BARROW  
City Attorney

RESOLUTION NO. 24-0035

A RESOLUTION OF THE MANHATTAN BEACH CITY COUNCIL ESTABLISHING FEES RELATED TO THE PERMITTING FOR THE PARKING OF OVERSIZED VEHICLES

THE MANHATTAN BEACH CITY COUNCIL HEREBY RESOLVES AS FOLLOWS:

SECTION 1. The City of Manhattan Beach (“City”) is empowered to impose reasonable fees, rates, and charges for municipal services. California Government Code Section 66000 et seq. authorizes the City to adopt fees for municipal services, provided such fees do not exceed the cost to the City for providing the services. Periodically, the City Council determines that fees, rates, and charges should cover the costs reasonably borne or a substantial portion of the actual costs of the good and services provided by the City.

SECTION 2. The City has analyzed the costs associated with the processing of applications for oversized vehicle parking permits as established in Manhattan Beach Municipal Code Chapter 14.46, On-Street Parking of Oversized Vehicles and Trailers. The analysis is set forth in Attachment A.

SECTION 3. Based upon the foregoing, the City Council hereby establishes, the fees and charges identified in Attachment A. The City Council hereby finds that, the fees, rates and charges will not exceed the cost to the City of providing the service to which such fees apply. The fees adopted hereunder are based upon the actual cost to the City of providing the service for which the fee is charged.

SECTION 4. The City Manager shall have the authority to interpret the provisions of this Resolution and Attachment A for purposes of resolving ambiguities.

SECTION 5. The City Clerk shall certify to the passage and adoption of this resolution.

ADOPTED on April 2, 2024.

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

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JOE FRANKLIN  
Mayor

ATTEST:

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LIZA TAMURA  
City Clerk

## ATTACHMENT A

### PERMIT FEES RELATED TO OVERSIZED VEHICLE PARKING

#### Resident Oversized Vehicle Parking Permit

Departments	Permit Process Detail	Anticipated Time
Community Development	Review of parking permit application to verify any potential parking impacts.	10 Minutes
Finance	Review of parking permit application and verify additional documentation.	10 Minutes
Finance	Issue physical parking permit to customer.	5 Minutes

- 10 Minutes at fully-burdened hourly rate for Administrative Analyst (\$150.18) = \$25.03
- 15 Minutes at fully burdened hourly rate for Revenue Services Specialist (\$143.03) = \$35.76
- City's cost to manufacture permit: \$5.00 per permit

**Permit fee: \$65.00**

#### Guest Oversized Vehicle Parking Permit

Departments	Permit Process Detail	Anticipated Time
Community Development	Review of parking permit application to verify any potential parking impacts.	10 Minutes
Finance	Review of parking permit application and verify additional documentation. <i>(Customer would print guest permit from home)</i>	10 Minutes

- 10 Minutes at fully-burdened hourly rate for Administrative Analyst (\$150.18) = \$25.03
- 10 Minutes at fully burdened hourly rate for Revenue Services Specialist (\$143.03) = \$23.84

**Permit fee: \$45.00**

RESOLUTION NO. 24-0036

A RESOLUTION OF THE MANHATTAN BEACH CITY COUNCIL AMENDING THE PENALTY SCHEDULE AND SPECIFYING FINES FOR PARKING VIOLATIONS OF OVERSIZED VEHICLES

Recitals

A. The City Council is authorized pursuant to Section 40203.5(a) of the California Vehicle Code to establish a schedule of parking penalties for parking violations.

B. Manhattan Beach Municipal Code Section 14.36.180, adopted on November 1, 2011, prohibits the parking of detached trailers and non-motorized vehicles on City streets.

C. Ordinance No. 24-0005 amends Chapter 14.46 regulating and requiring a parking permit for oversized vehicles.

NOW THEREFORE, THE MANHATTAN BEACH CITY COUNCIL HEREBY RESOLVES AS FOLLOWS:

SECTION 1. Pursuant to California Vehicle Code Section 40203.5, the City Council hereby establishes the following amount as the base penalty for the following parking violations:

<b>Classification</b>	<b>Description</b>	<b>Amount</b>
Parking Violation	Parking of non-motorized vehicles and trailers on City streets  (§14.36.180)	\$149.00
Parking Violation	Parking in a restricted oversized vehicle area (§14.46.080)	\$149.00
Parking Violation	Parking of Oversized Vehicle without a Permit (§14.46.020)	\$53.00

SECTION 2. The parking citation penalty set forth in Section 1 above shall be subject to previously adopted state mandated surcharges, late fees and other similar charges that are added to the City's parking citations.

SECTION 3. Pursuant to Subsections B and C of MBMC Section 14.46.100, certain violations of Chapter 14.46 may be prosecuted as an infraction, misdemeanor, or administrative citation. The penalties for such violations shall be consistent with the penalties set forth in MBMC Sections

1.04.010 and 1.06.040 and Resolution No. 16-0057, but in no event shall such penalties exceed the maximum penalties permitted under State law.

Resolution No. 6331 amending the penalty schedule for parking violations is hereby repealed.

SECTION 4. This resolution shall take effect immediately upon adoption.

SECTION 5. The City Clerk shall certify to the passage and adoption of this resolution.

ADOPTED on April 2, 2024.

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

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JOE FRANKLIN  
Mayor

ATTEST:

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LIZA TAMURA  
City Clerk

# City of Manhattan Beach

## Oversized Vehicle and Detached Trailer Sign Locations



## Oversized Vehicle Parking Regulations

**Cities With Permit Programs:**

	Permit Program Type	Permit Duration	Permit Limits	Restrictions	Resident Registration Fee	Permit Fee
<b>Hermosa Beach</b>	No oversized vehicle parking at any time without a permit.	Permit allows for parking from 12:00p.m.-11:59a.m. for 1 day (24 hours). No more than 3 consecutive permits can be issued at one time (72 hours).	Applicants cannot be issued more than 24 permits within a 90 day period and no more than 96 permits in a calendar year. Guests of residents may not be issued more than 9 permits in a calendar year.	Must park directly in front of, on the side of, or as close as possible to the residence in which the permit is registered. Permit holders shall pay any applicable parking meter charges for all spaces occupied.	\$51 per year.	Free.
<b>Torrance</b>	No oversized vehicle parking at any time without a permit.	Permit allows for parking from 12:00p.m.-11:59a.m. for 1 day (24 hours). Residents can request up to 3 consecutive permits at one time. Guests can request up to 14 consecutive permits at one time.	Residents cannot be issued more than 24 permits in any 90 day period and not more than 96 in a calendar year. Guests cannot be issued more than 30 permits in a calendar year.	Must park directly in front of the residence in which it is registered (or the side of the property if it is a corner lot).	\$25 one-time fee.	Resident permit fee: \$10 for one day; 24 daily permits for \$20; 48 daily permits for \$40; and 96 daily permits for \$80. Guest permit fee: \$15 per day.
<b>El Segundo</b>	Daytime oversized vehicle parking allowed. Permit required for overnight oversized vehicle parking.	Permit allows for parking from 2:00a.m.-6:00a.m. for 2 days (48 hours). No more than 2 consecutive permits issued at one time (4 days).	Applicants may request no more than 12 2-day permits per quarter.	Must park adjacent to the residence in which the permit is registered.	Free. Valid for life of vehicle.	Free.
<b>Gardena</b>	Daytime oversized vehicle parking allowed. Permit required for overnight oversized vehicle parking.	Permit allows for parking from 10:00p.m.-6:00a.m. Permit valid 2 years for residents and 2 weeks for guests (with the ability to request a one-week extension).	No limitation on the number of successive permits issued, but only one permit can be issued for each residential address; not including a guest permit. No guest permits issued for more than 60 total calendar days in any consecutive 12 month period.	Must park along the curb line within the same block as the residence in which the permit is issued. If residence is on a corner, permit holder may park along the curb line of either of the streets on the block on which the residence is located.	Free.	Free.
<b>Redondo Beach</b>	Daytime oversized vehicle parking allowed. Permit required for overnight oversized vehicle parking.	Permit allows for parking from 2:00a.m.-6:00a.m. for 1 day (24 hours). Residents can be permitted for 3 consecutive weekdays (72 hours) and must be absent from the location for 24 hours in order to be able to park again. Residents are exempt from permit requirements Sat.- Mon. Guest permits are valid for a maximum 7 days including Sat. and Sun.	Residents cannot be issued more than 6 permits per month and no more than 60 in a calendar year. Guests can be issued no more than 3 permits in a calendar year.	Must park adjacent to the residence in which the permit is registered or within 400 feet if parking is not available due to curb configuration or codified parking restrictions. Permit holders need to comply with street sweeping.	\$20 if vehicle is registered in Redondo Beach per the DMV or \$30 if the vehicle is registered to an address outside the City.	Resident permit fee not listed. Guest permit fee: \$15 per permit.



## Oversized Vehicle Parking Regulations

**Cities With Permit Programs:**

	Permit Program Type	Permit Duration	Permit Limits	Restrictions	Resident Registration Fee	Permit Fee
<b>Hawthorne</b>	Parking allowed for up to 48 hours. Permit required beyond that.	Permits issued in 24 hour increments and not to exceed 72 consecutive hours. Applies to guests too.	Residents cannot be issued more than 20 permits to any one resident or any one vehicle within one calendar year and a 72 hour period must elapse between permits.	Permit is only valid within the same block as the resident's address, on either side of the street.	N/A	Free.

**Cities With No Permit Programs:**

	Regulation
<b>Beverly Hills</b>	Parking of oversized vehicles prohibited in residential zones with few exceptions. Notably, any vehicle engaged in loading or unloading adjacent to the residence.
<b>Manhattan Beach</b>	Parking prohibited in restricted oversized vehicle and trailer parking areas as defined by the Police Chief and City Traffic Engineer.





**CITY OF MANHATTAN BEACH**  
1400 Highland Avenue Manhattan Beach, CA 90266  
[www.manhattanbeach.gov](http://www.manhattanbeach.gov) • (310) 802-5000

# STAFF REPORT

**Agenda Date:** 1/16/2024

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**TO:**

Honorable Mayor and Members of the City Council

**THROUGH:**

Bruce Moe, City Manager

**FROM:**

George Gabriel, Assistant to the City Manager  
Patricia Matson, Management Analyst

**SUBJECT:**

Consideration of Options to Address Overnight Parking of Oversized Vehicles (City Manager Moe).

**(Estimated Time: 45 Min.)**

**DISCUSS AND PROVIDE DIRECTION**

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**RECOMMENDATION:**

Staff recommends that the City Council discuss and provide direction whether Council would like to update the City’s current regulations regarding the overnight parking of oversized vehicles.

**FISCAL IMPLICATIONS:**

There are no fiscal implications associated with the recommended action. If City Council chooses to update the regulations to encompass a permit program or additional/removal of signage, staff will review the costs associated and will return to City Council requesting an appropriation.

**BACKGROUND:**

At the October 3, 2023, meeting, Mayor Pro Tem Franklin and Mayor Montgomery requested to discuss updating the City’s Municipal Code regarding the overnight parking of oversized vehicles. At the October 17, 2023, meeting, City Council directed staff to provide a comprehensive report with options as to whether to update the City’s Municipal Code regarding overnight parking of oversized vehicles.

Currently, Manhattan Beach Municipal Code (MBMC) Chapter 14.46 regulates the parking of oversized vehicles pursuant to Ordinance No. 2144 which was adopted by the City Council in 2011. Staff and City Council recognized that the parking of oversized vehicles and trailers presented safety concerns for pedestrians and drivers and impacted streets that were

narrow or already limited by minimal parking.

The City Council and Parking and Public Improvements Commission reviewed the topic in 2010 and 2011 and considered several iterations of an ordinance including a proposed permit program and revised enforcement procedures. Ultimately, when the item returned on October 18, 2011, staff presented the City Council with five potential options to address overnight parking based off of the regulations and practices of other cities.

Following Council discussion and consideration of the five options, City Council chose the option that prohibited oversized vehicle parking in designated areas. This option was considered simple to enforce and required no day to day administration for staff compared to other options that included implementing a permit program. Additionally, at the same meeting, City Council also introduced Ordinance No. 2145 which prohibited the parking of detached trailers in the City.

### ***Current Regulations***

Generally, the City already prohibits the storage of any vehicle on streets for more than 72 hours, per MBMC Section 14.36.060. This regulation is often utilized to discourage any vehicle parking in one location in the public right of way without being moved. However, for the purposes of the report, staff has summarized MBMC regulations regarding oversized vehicles and trailers.

#### **Oversized Vehicles**

MBMC Chapter 14.46, titled “*On-Street Parking of Oversized Vehicles and Trailers*” defines an “Oversized Vehicle” as any vehicle, or combination of vehicles, which exceeds twenty-two feet (22’) in length, seven feet (7’) in width or eight feet (8’) in height, exclusive of projecting lights or devices allowed by Sections 35109 and 35110 of the California Vehicle Code. “Trailer” as used in the chapter means a trailer, semitrailer, camp trailer (including tent trailers), unmounted campers, trailer bus, or trailer coach regardless of trailer length or width, or a fifth-wheel travel trailer regardless of trailer length or width.

Chapter 14.46 provides that the stopping, standing, parking or leaving of an oversized vehicle or trailer is prohibited at any time upon any public street, alley or highway in a restricted oversized vehicle and trailer parking area as designated by the Police Chief and Traffic Engineer, or their designees.

The Police Chief’s authority to prohibit oversized vehicle and trailer parking applies to streets adjacent to private or public schools, city parks, community centers, and on any street where the stopping or parking of an oversized vehicle or trailer would interfere with vehicular or pedestrian traffic or create an otherwise hazardous situation. Signage must be posted before the prohibition is in effect.

The City Traffic Engineer’s authority to prohibit oversized vehicle and trailer parking applies to portions of city streets within 25 feet of any intersection where they believe that parking should be prohibited. It also applies to streets where the Traffic Engineer has designated through markings or other means individual parking spaces and allows the Traffic Engineer to prohibit the parking of an oversized vehicle or trailer to

cross any of the markings or occupy more than a single space. Signage must be posted before the prohibition is in effect.

The prohibition allows for few exceptions including:

- A. Oversized vehicles or trailers that are stopped, parked, or left standing as a result of a mechanical breakdown. All repairs need to be completed within 8 hours of the breakdown.
- B. Commercial vehicles actively making deliveries or providing services.
- C. Tow trucks and similar vehicles providing services.
- D. Public or utility vehicles and trailers providing services as set forth in MBMC Section 14.08.080 Subsections A & C which states:
  - A. "Vehicles operated by the Police or Fire Departments, any public ambulance or any public utility vehicle or any private ambulance, which public utility vehicle or private ambulance has qualified as an authorized emergency vehicle, when any vehicle mentioned in this section is operated in the manner specified by the Vehicle Code in response to an emergency call; or
  - C. Any vehicle of a City department, trash or street sweeping city contractor or public utility while necessary in use for construction, repair work or the conduct of other city business or any vehicle owned or operated by the United States Post Office Department while in use for the collection, transportation or delivery of United States mail."
- E. Public emergency vehicles.
- F. Oversized vehicles or trailers owned by government authorities that are temporarily parked while the operator of the vehicle is conducting official business.
- G. Vehicles stopped to avoid immediate conflicts with other traffic or to comply with directions of a police officer or official traffic control device.

The City also prohibits the use electrical cords, extension cords, hoses, cables, or other items across, above or on the parkway or sidewalk from any residential or commercial property to an oversized vehicle or trailer parked on a public street.

#### Detached Trailers

MBMC Section 14.36.180 titled, "*Parking of non-motorized vehicles and trailers prohibited on City streets,*" prohibits the parking, stopping, or standing of non-motorized vehicles and trailers on City streets and provides that non-motorized vehicles, trailers or semitrailers must be attached to a motor vehicle at all times unless they are being actively loaded or unloaded; disabled and are moved no longer than 8 hours after the breakdown; or are parked, stopped or standing with construction related equipment that is in compliance with a Construction Site Temporary Encroachment Permit.

#### Signage and Enforcement

The City currently has a total of 70 signs throughout the community prohibiting the parking of oversized vehicles and trailers (MBMC 14.46) or detached trailers (MBMC Section 14.36.180). Staff has identified 35 parking signs prohibiting oversized vehicles along Valley Drive near the areas of the Joslyn Community Center and Live Oak Park (11 signs); around

the perimeter of Pacific Elementary School (16 signs); along Bell Avenue near Grand View Elementary School (5 signs); and on 18th Street just off of the east side of Sepulveda Blvd (3 signs). The remaining 35 parking signs regarding the prohibition of detached trailers anywhere in the City are posted around the perimeter of the City (see attached map).

Those in violation of MBMC Chapter 14.46 and Section 14.36.180 are guilty of an infraction and are subject to towing and a citation. The Police Department has not issued any citations in 2023 pertaining to oversized vehicle violations.

### **DISCUSSION:**

In an effort to review how the City's current Municipal Code could be enhanced, staff researched the municipal codes of neighboring cities. The following is a breakdown of each of those cities and their current practices in regard to the parking of oversized vehicles. Currently, the City's code does not prohibit overnight parking of an oversized vehicle, unless it is in an area where oversized vehicle parking is prohibited as indicated by signage.

### **Permit Programs**

The cities listed below do not allow for the parking of oversized vehicles (times vary) unless they are permitted or meet criteria that would qualify them as an exception, much like Manhattan Beach's exceptions as listed above. Each of the cities have an application process to register and receive permits for the parking of oversized vehicles for residents or their guests. The fees, issuance, duration, and limits of all registrations or permits vary. In addition, all of the cities, with the exception of Gardena, have a separate program for oversized vehicle disabled parking permits. The cities consider violations an infraction and vehicles may be towed and are subject to a citation. Use of any fraudulent, forged, altered or counterfeit permits or registrations are a misdemeanor.

The intent of these permit processes is to allow an oversized vehicle to park on a public street for a limited time, generally for the purposes of loading and unloading.

The following list summarizes different types of oversized vehicle programs with corresponding cities that have enacted similar regulations.

### ***No Oversized Vehicle Parking at Any Time Without a Permit (Hermosa Beach and Torrance)***

#### **City of Hermosa Beach:**

- Issued permits for residents and guests are valid for 24 hours and allow for parking from 12:00 p.m.-11:59 a.m. Applicants may request no more than 3 consecutive permits at one time (72 hours).
- **Limits:** Applicants cannot be issued more than 24 permits within a 90 day period and no more than 96 permits in a calendar year. Guests of residents may not be issued more than 9 permits in a calendar year.
- **Restriction:** Permit holders must park directly in front of, on the side of, or as close as possible to the residence in which the permit is registered. Permit holders shall pay any applicable parking meter charges for all spaces occupied.
- **Resident vehicle registration fee:** \$51 per year.
- **Permit fee:** Free.

City of Torrance:

- Issued permits are valid for 24 hours from 12:00 p.m. until 11:59 a.m. Residents can request up to 3 consecutive permits at one time. Guests can request up to 14 consecutive permits at one time.
- **Limits:** Residents can be issued no more than 24 permits in any 90 day period and not more than 96 in a calendar year. Guests can be issued no more than 30 permits in a calendar year.
- **Restriction:** Permit holders must park directly in front of the residence in which is it is registered (or the side of the property if it is a corner lot).
- **Resident vehicle registration fee:** \$25 one-time fee.
- **Resident permit fee:** \$10 for one day; 24 daily permits for \$20; 48 daily permits for \$40; and 96 daily permits for \$80.
- **Guest permit fee:** \$15 per day.

***Daytime Oversized Vehicle Parking Allowed. Permit Required for Overnight Oversized Vehicle Parking (El Segundo, Gardena, Redondo Beach)***City of El Segundo:

- Issued permits for residents and guests are valid for 2 consecutive days and allow for parking from 2:00 a.m. - 6:00 a.m. Applicants may request no more than 2 consecutive permits at one time, which would allow for 4 consecutive days of parking.
- **Limits:** Applicants may request no more than 12 2-day permits per quarter.
- **Restriction:** Permit holders must park adjacent to the residence in which the permit is registered.
- **Resident vehicle registration fee:** Free - valid for life of vehicle.
- **Permit fee:** Free.

City of Gardena:

- Issued permits are valid 2 years for residents and 2 weeks for guests (with the ability to request a one-week extension) and allow for parking from 10:00 p.m.- 6:00 a.m.
- **Limits:** Residents may apply for additional permits without limitation on the number of successive permits issued, but only one permit can be issued for each residential address in the city; not including a guest permit. No RV guest permits will be issued for a residential address for more than 60 total calendar days in any consecutive 12 month period, regardless of the number of out-of-town visitors during that time.
- **Restriction:** Permit holders must park along the curb line within the same block as the as the residence in which the permit it issued. If residence is on a corner, then the permit holder may park along the curb line of either of the streets on the block on which the residence is located.
- Registration and permitting are part of the same process. There is no fee.

City of Redondo Beach:

- Issued permits are valid for one day and allow for parking from 2:00 a.m. - 6:00 a.m. Residents can be permitted for 3 consecutive weekdays (72 hours) and must be absent from the location for 24 hours from the expiration of the permits to be

able to park overnight at the location again. Residents are required to obtain permits to park Tuesday-Friday. Guest permits are valid for a maximum of 7 days including Saturday and Sunday.

- **Limits:** Residents cannot be issued more than 6 overnight parking permits per month and no more than 60 permits in a calendar year on Tuesday-Friday. Guests can be issued no more than 3 permits in a calendar year.
- **Restriction:** Permit holders must park adjacent to the residence in which the permit is registered or within 400 feet if parking is not available due to curb configuration or codified parking restrictions. Permit holders need to comply with street sweeping.
- **Resident vehicle registration fee:** One-time fee. \$20 if registered in Redondo Beach per the DMV or \$30 if the vehicle is registered to an address outside the City.
- Resident permit fee not listed.
- **Guest permit fee:** \$15 per permit.

***Oversized Vehicle Parking Allowed for Limited Period of Time Without Permit, Parking for Longer Period of Time Requires Permit (Hawthorne)***

City of Hawthorne

- Residents or their guests can park up to 48 hours without a permit. Issued permits are valid for 24 hours and are not to exceed 72 consecutive hours.
- **Limits:** Residents cannot be issued more than 20 permits to any resident or any one vehicle in a calendar year and 72 hours must elapse between permits.
- **Restriction:** Permit holders must park within the same block as the residence in which the permit is registered and on either side of the street.
- **No vehicle registration program.**
- **Permit fee:** Free.

***No Permit Program (Beverly Hills)***

The City of Beverly Hills currently does not allow for the parking of oversized vehicles on any street as designated by the director of community development within a residential zone. There are a few exemptions, notably, any vehicle engaged in the loading or unloading adjacent to the residence.

**POLICY ALTERNATIVES:**

***OPTION # 1: Status Quo (Maintain Current Municipal Code Provisions)***

Should City Council express that no changes need to be made to the City's current approach, Council can direct staff to take no additional action on the matter.

***OPTION #2: Status Quo with Additional Prohibited Areas as Designated by the Police Chief and City Traffic Engineer***

This option would require the Police Chief and City Traffic Engineer to evaluate and determine if any new areas would benefit from the prohibition of the parking of oversized vehicles (provided that there is a legitimate health and safety reason to include new areas). If new areas are identified, the City would need to purchase and install signage before enforcing those areas. If necessary, staff would return to City Council for an appropriation of



funds.

**OPTION #3: Revise the City's Municipal Code to Establish a Permitting Process**

Considering the reported research of our neighboring cities, City Council may want to consider establishing a permitting process to supplement some of the current Municipal Code provisions. This option would require additional staff time on a one-time and ongoing basis as the City would need to establish a process to implement and maintain it. If desired, some costs could be recovered through fees, similar to cities surveyed in staff's analysis.

Should City Council select Option #3, staff will return with a draft ordinance that includes recommended parameters based off of best practices, enforcement expectations and to facilitate an uncomplicated resident experience when obtaining permits. The recommended parameters are as follows:

- **Permit Program Type:** No oversized vehicle parking at any time without a permit. If the vehicle of a resident or their guest meets or exceeds the definition of an oversized vehicle, a permit will need to be obtained in order to park on the street.
- **Issuance:** Residents will submit an application in order to receive a permit. Residents may also submit a secondary application in order to receive a guest permit. The guest permit is transferable and does not need to be assigned to a particular oversized vehicle.
- **Application:** Staff would reserve the ability to create an online permitting system. The following information would be requested of the resident:
  - Resident Permit:
    - Name and address
    - Phone and e-mail
    - Vehicle license number and license state
    - Make, model, year, color, vehicle length.
  - Guest Permit:
    - Name and address of resident obtaining permit
    - Phone and email address of resident obtaining permit
- **Fee:** Annually, the first permit will be issued at no cost to the resident. The fee of the guest permit is yet to be determined.
- **Duration:** Permits are valid for one year (July 1 - June 30). Residents will need to reapply for permits annually.
- **Limits:** Oversized vehicle parking permits are limited to two permits per year (one for the resident and one for their guests).
- **Restrictions:**
  - Due to narrow streets and limited parking within the city, permit holders do not have to park directly in front of the associated residence. Permit holders may park on any street unless otherwise prohibited by signage, other markings, or if it presents a traffic or safety concern to pedestrians or other drivers. All other parking restrictions must be observed.
  - Issuance of a permit does not allow the holder to utilize hook-ups (electrical cords, extension cords, hoses, cables, etc.), per MBMC Section 14.46.050.
- **Enforcement:**
  - Permitted oversized vehicles can be parked in the same location for up to 72 hours. Permit holders will abide by MBMC Section 14.36.060: no person who

owns or has possession, custody or control of any vehicle shall park such vehicle upon any street or alley for more than a consecutive period of 72 hours.

- Permit holders will need to comply with any street sweeping.
- If parking in a metered space, permit holders will need to fund the meters for all spaces utilized.
- **Penalties for Violations:**
  - Every person who violates the parking parameters is guilty of an infraction and will be subject to citation, towing, or both. Typically, in lieu of criminal prosecution, an administrative citation would be issued per MBMC Chapter 1.06. The current fine schedule is: \$100 for the first violation, \$200 for a second violation within 12 months, and \$500 for each additional violation within 12 months.
  - Every person who displays fraudulent, forged, altered, or counterfeit oversized vehicle permits or permit numbers is guilty of a misdemeanor.
  - Every person who forges, alters, or counterfeits an oversized vehicle parking permit is guilty of a misdemeanor. Once again, in lieu of criminal prosecution, the City Prosecutor has the discretion to issue an administrative citation in lieu of prosecuting a misdemeanor per MBMC Chapter 1.06. The penalties for this violation is: 1. A fine of not more than One Thousand (\$1,000) Dollars; or 2. Imprisonment in the City Jail or the County Jail for a period not exceeding six (6) months; or 3. Both such fine and imprisonment.
- **Exceptions:** The city's current exceptions will remain in place with the addition of those oversized vehicles displaying a valid permit.

Any additional details will be provided within the draft ordinance and will be available for City Council consideration.

#### **CONCLUSION:**

Staff recommends that City Council discuss and provide direction based off of the options provided and determine if they would like to update the City's regulations regarding the overnight parking of oversized vehicles. If City Council chooses Option 3, staff will return with a report and an updated ordinance for consideration with the parameters mentioned in the report, unless otherwise directed by the City Council.

#### **PUBLIC OUTREACH:**

After analysis, staff determined that public outreach was not required at this time. Dependent upon City Council direction, public outreach and education may be required.

#### **ENVIRONMENTAL REVIEW:**

The City Council's discussion of existing regulations and policy alternatives related to oversized vehicles is not a "project" as defined under Section 15378 of the State California Environmental Quality Act (CEQA) Guidelines; therefore, pursuant to Section 15060(c)(3) of the State CEQA Guidelines, the activity is not subject to CEQA. Thus no environmental review is necessary. In the event that the City Council directs staff to prepare amendments to the Municipal Code, at that time, said activity would be subject to CEQA.

#### **LEGAL REVIEW:**

File Number: 24-0015

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The City Attorney has reviewed this report and determined that no additional legal analysis is necessary.

**ATTACHMENT:**

1. Municipal Code Chapter 14.46 - On-Street Parking of Oversized Vehicles and Trailers
2. Municipal Code Sections 14.36.060 and 14.36.180
3. Map - Oversized Vehicle and Detached Trailer Parking Sign Locations
4. Neighboring Cities Oversized Vehicle Regulations Comparison
5. PowerPoint Presentation

Title 14 - TRAFFIC  
Chapter 14.46 ON-STREET PARKING OF OVERSIZED VEHICLES AND TRAILERS

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## Chapter 14.46 ON-STREET PARKING OF OVERSIZED VEHICLES AND TRAILERS

### Sections:

#### 14.46.010 Definitions.

"Oversized vehicle" as used in this chapter shall mean any vehicle, as defined by Section 670 of the California Vehicle Code, or combination of vehicles, which exceeds twenty-two feet (22') in length, seven feet (7') in width or eight feet (8') in height, exclusive of projecting lights or devices allowed by Sections 35109 and 35110 of the California Vehicle Code.

"Trailer" as used in this chapter shall mean a trailer, semitrailer, camp trailer (including tent trailers), unmounted camper, trailer bus, or trailer coach, as defined in Sections 242, 243, 550, 630, 635, and 636 of the California Vehicle Code regardless of trailer length or width, or a fifth-wheel travel trailer, as defined in Section 324 of the Vehicle Code, regardless of trailer length or width.

(§ 1, Ord. 2144, eff. December 2, 2011)

#### 14.46.020 Prohibition of parking of oversized vehicles and trailers.

No person who owns, leases or has possession, custody or control of any oversized vehicle or trailer shall stop, stand, park or leave standing an oversized vehicle and/or trailer at any time upon any public street, alley or highway in a restricted oversized vehicle and trailer parking area as defined in Section 14.46.040.

(§ 1, Ord. 2144, eff. December 2, 2011)

#### 14.46.030 Exceptions.

The prohibition contained in Section 14.46.020 shall not apply to any of the following:

- A. Oversized vehicles or trailers stopped, parked or left standing as a result of a mechanical breakdown but only to allow the performance of emergency repairs on the vehicle or to arrange for emergency repairs to be made, provided that all repairs are completed within eight (8) hours of the mechanical breakdown. Emergency repairs shall be limited to repairs necessitated by sudden unforeseen events, such as a flat tire. Emergency repairs shall not include routine or normal maintenance or extensive mechanical repairs.
- B. Commercial vehicles making pickups or delivery of goods, wares or merchandise, or while actively providing services, including, but not limited to yard maintenance, pool care and maintenance, repair and construction services. This exception does not supersede the

regulations set forth in Chapter 7.40 of this Code, entitled Construction Site Temporary Encroachment Permit.

- C. Tow trucks and similar vehicles that are in the course of providing services.
- D. Public or utility vehicles and trailers that are in the course of providing services as set forth in Section 14.08.080 of the City's Municipal Code.
- E. Any public emergency vehicle.
- F. Oversized vehicles or trailers belonging to federal, state or local authorities that are temporarily parked within the City while the operator of the vehicle is conducting official business.
- G. Any vehicle stopped to avoid immediate conflict with other traffic or to comply with the directions of a police officer or official traffic control device.

(§ 1, Ord. 2144, eff. December 2, 2011)

**14.46.040 Restricted oversized vehicle and trailer parking areas.**

- A. The Police Chief or his/her designee is authorized to designate areas where the stopping, parking or standing of an oversized vehicle and/or trailer is prohibited as follows: (i) on any street, alley or highway adjacent to any private or public school, City park(s), or community center(s); and/or (ii) on any street, alley or highway where the stopping, parking and/or standing of an Oversized Vehicle and/or Trailer would interfere with vehicular or pedestrian traffic or otherwise create a situation hazardous to the public health, safety or welfare.
- B. The Traffic Engineer or his/her designee is authorized to designate areas where the stopping, parking or standing of an Oversized Vehicle and/or Trailer is prohibited as follows: (i) that portion of a City street within twenty-five feet (25') of any intersection; and/or (ii) wherever the Traffic Engineer has caused lines or markings painted or otherwise designated upon the parkway, curb, sidewalk, roadway, driveway, parking lot, or street in such a manner as to identify individual parking spaces, if the parking of an oversized vehicle or trailer would cross any such line or marking, or occupy more than the single space designated by said markings.
- C. The Police Chief or Traffic Engineer, as applicable, shall place or cause to be placed signs on such streets, alleys or highways giving notice of the parking restriction as set forth in subsection A or B of this section.
- D. When signs authorized by the provisions of this section are in place giving notice thereof, no person who owns, leases or has possession, custody or control of any oversized vehicle or trailer shall stop, stand, park or leave standing an oversized vehicle and/or trailer at any time upon any public street, alley or highway designated by the Chief of Police or Traffic Engineer pursuant to subsections A and B of this section.

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(Supp. No. 39)

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(§ 1, Ord. 2144, eff. December 2, 2011)

**14.46.050 Oversized vehicle hook-ups.**

No person shall run electrical cords, extension cords, hoses, cables, or other items across, above or on the parkway or sidewalk from any residential or commercial property to an oversized vehicle or trailer parked on a public street.

(§ 1, Ord. 2144, eff. December 2, 2011)

**14.46.060 Violation of chapter.**

- A. Any person in violation of any provision in this chapter is guilty of an infraction.
- B. Oversized vehicles and trailers stopped, parked or left standing on a public street, alley or highway in violation of this chapter may be removed immediately pursuant to Vehicle Code Section 22651.
- C. Oversized vehicles and trailers stopped, parked or left standing on a public street, alley or highway in violation of this chapter are subject to a citation.

(§ 1, Ord. 2144, eff. December 2, 2011)

**14.46.070 Application of chapter.**

The time limitations on stopping, standing or parking in this chapter will not relieve any person from the duty to observe other and more restrictive provisions of the California Vehicle Code or the Manhattan Beach Municipal Code prohibiting or limiting the stopping, standing or parking of vehicles in specified places or at specified times.

(§ 1, Ord. 2144, eff. December 2, 2011)

**14.46.080 Rules and regulations.**

The Chief of Police is authorized and empowered to adopt rules and regulations to implement the provisions of this chapter.

(§ 1, Ord. 2144, eff. December 2, 2011)

## Manhattan Beach Municipal Code

Sections from Chapter 14.36 – Stopping, Standing and Parking for Certain Purposes or in Certain Places

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**14.36.060 Use of streets for storage of vehicles prohibited.**

No person who owns or has possession, custody or control of any vehicle shall park such vehicle upon any street or alley for more than a consecutive period of seventy-two (72) hours.

**14.36.180 Parking of non-motorized vehicles and trailers prohibited on City streets.**

- A. No person who owns or has possession, custody or control of any non-motorized vehicle, trailer or semitrailer, shall park, stop or leave standing such non-motorized vehicle, trailer, or semitrailer upon any street, alley, public way or public place, unless such non-motorized vehicle, trailer or semitrailer is at all times attached to a motor vehicle capable of providing the motive power for moving the vehicle, trailer, or semitrailer upon the highway, street, alley, public right of way or public place.
- B. Exceptions. The prohibition contained in subsection A above shall not apply to any of the following:
1. The parking, stopping or standing of a non-motorized vehicle, trailer, or semitrailer in the process of being actively loaded or unloaded.
  2. The parking, stopping or standing of a non-motorized vehicle, trailer or semitrailer which is disabled in such a manner and to such an extent that it requires some vehicle or facility other than its normal means of motivation; provided, however, such disabled non-motorized vehicle, trailer, or semitrailer may remain so parked while unattached only for the time necessary for the provision of a vehicle or facility to remove the disabled non-motorized vehicle, trailer, or semitrailer, and in no event longer than eight (8) hours of the breakdown.
  3. The parking, stopping or standing of any construction-related equipment that is in compliance with Chapter 7.40, Construction Site Temporary Encroachment Permit, of the City's municipal Code.
- C. Any person who violates any provision in this Section is guilty of an infraction and the non-motorized vehicle, trailer or semitrailer may be subject to towing or a citation or both.

(§ 2, Ord. 2145, eff. December 7, 2011)

# City of Manhattan Beach

## Oversized Vehicle and Detached Trailer Sign Locations





## Oversized Vehicle Parking Regulations

## Cities With Permit Programs:

	Permit Program Type	Permit Duration	Permit Limits	Restrictions	Resident Registration Fee	Permit Fee
<b>Hermosa Beach</b>	No oversized vehicle parking at any time without a permit.	Permit allows for parking from 12:00p.m.-11:59a.m. for 1 day (24 hours). No more than 3 consecutive permits can be issued at one time (72 hours).	Applicants cannot be issued more than 24 permits within a 90 day period and no more than 96 permits in a calendar year. Guests of residents may not be issued more than 9 permits in a calendar year.	Must park directly in front of, on the side of, or as close as possible to the residence in which the permit is registered. Permit holders shall pay any applicable parking meter charges for all spaces occupied.	\$51 per year.	Free.
<b>Torrance</b>	No oversized vehicle parking at any time without a permit.	Permit allows for parking from 12:00p.m.-11:59a.m. for 1 day (24 hours). Residents can request up to 3 consecutive permits at one time. Guests can request up to 14 consecutive permits at one time.	Residents cannot be issued more than 24 permits in any 90 day period and not more than 96 in a calendar year. Guests cannot be issued more than 30 permits in a calendar year.	Must park directly in front of the residence in which it is registered (or the side of the property if it is a corner lot).	\$25 one-time fee.	Resident permit fee: \$10 for one day; 24 daily permits for \$20; 48 daily permits for \$40; and 96 daily permits for \$80. Guest permit fee: \$15 per day.
<b>El Segundo</b>	Daytime oversized vehicle parking allowed. Permit required for overnight oversized vehicle parking.	Permit allows for parking from 2:00a.m.-6:00a.m. for 2 days (48 hours). No more than 2 consecutive permits issued at one time (4 days).	Applicants may request no more than 12 2-day permits per quarter.	Must park adjacent to the residence in which the permit is registered.	Free. Valid for life of vehicle.	Free.
<b>Gardena</b>	Daytime oversized vehicle parking allowed. Permit required for overnight oversized vehicle parking.	Permit allows for parking from 10:00p.m.-6:00a.m. Permit valid 2 years for residents and 2 weeks for guests (with the ability to request a one-week extension).	No limitation on the number of successive permits issued, but only one permit can be issued for each residential address; not including a guest permit. No guest permits issued for more than 60 total calendar days in any consecutive 12 month period.	Must park along the curb line within the same block as the residence in which the permit is issued. If residence is on a corner, permit holder may park along the curb line of either of the streets on the block on which the residence is located.	Free.	Free.
<b>Redondo Beach</b>	Daytime oversized vehicle parking allowed. Permit required for overnight oversized vehicle parking.	Permit allows for parking from 2:00a.m.-6:00a.m. for 1 day (24 hours). Residents can be permitted for 3 consecutive weekdays (72 hours) and must be absent from the location for 24 hours in order to be able to park again. Residents are exempt from permit requirements Sat.- Mon. Guest permits are valid for a maximum 7 days including Sat. and Sun.	Residents cannot be issued more than 6 permits per month and no more than 60 in a calendar year. Guests can be issued no more than 3 permits in a calendar year.	Must park adjacent to the residence in which the permit is registered or within 400 feet if parking is not available due to curb configuration or codified parking restrictions. Permit holders need to comply with street sweeping.	\$20 if vehicle is registered in Redondo Beach per the DMV or \$30 if the vehicle is registered to an address outside the City.	Resident permit fee not listed. Guest permit fee: \$15 per permit.

Oversized Vehicle Parking Regulations

Cities With Permit Programs:

	Permit Program Type	Permit Duration	Permit Limits	Restrictions	Resident Registration Fee	Permit Fee
Hawthorne	Parking allowed for up to 48 hours. Permit required beyond that.	Permits issued in 24 hour increments and not to exceed 72 consecutive hours. Applies to guests too.	Residents cannot be issued more than 20 permits to any one resident or any one vehicle within one calendar year and a 72 hour period must elapse between permits.	Permit is only valid within the same block as the resident's address, on either side of the street.	N/A	Free.

Cities With No Permit Programs:

	Regulation
Beverly Hills	Parking of oversized vehicles prohibited in residential zones with few exceptions. Notably, any vehicle engaged in loading or unloading adjacent to the residence.
Manhattan Beach	Parking prohibited in restricted oversized vehicle and trailer parking areas as defined by the Police Chief and City Traffic Engineer.

# CONSIDERATION OF OPTIONS TO ADDRESS OVERNIGHT PARKING OF OVERSIZED VEHICLES

January 16, 2024

City Council Meeting  
City Council Meeting  
January 16, 2024



\*Note: This PowerPoint presentation is intended solely as a visual aid to an oral staff presentation of an agenda report topic. In the event of any differences between the presentation and the agenda report, the information in the agenda report prevails.\*

# BACKGROUND

## 2010 and 2011

- City Council and Parking and Public Improvements Commission reviewed the topic.
- City Council presented with five options to address topic and then approved option that gave Police Chief authority to prohibit parking of oversized vehicles in designated areas (Ordinance No. 2144)
- City Council also prohibited the parking of detached trailers in the City (Ordinance No. 2145).

## October 17, 2023

- City Council directed staff to provide options to update the City's Municipal Code regarding overnight parking of oversized vehicles.

# CURRENT REGULATIONS

- MBMC Section 14.36.180 – the parking of non-motorized vehicles and trailers are prohibited on city streets.
- MBMC Chapter 14.46 – “On-Street Parking of Oversized Vehicles” – the stopping, standing, parking or leaving of an oversized vehicle or trailer is prohibited at any time in areas designated by the Police Chief and Traffic Engineer, or their designees.
- MBMC Section 14.46.050 – running of electrical cords, extension cords, hoses, cables, or other items across, above or on the parkway or sidewalk from any residential or commercial property to an oversized vehicle or trailer parked on a public street is prohibited.

## DEFINITION OF OVERSIZED VEHICLES AND TRAILERS PER MB MUNICIPAL CODE CHAPTER 14.46

- Oversized vehicle - any vehicle, or combination of vehicles, which exceeds twenty-two feet (22') in length, seven feet (7') in width or eight feet (8') in height, exclusive of projecting lights or devices allowed by Sections 35109 and 35110 of the CA Vehicle Code.



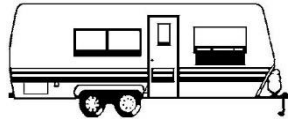
# DEFINITION OF OVERSIZED VEHICLES AND TRAILERS PER MB MUNICIPAL CODE CHAPTER 14.46

- Trailer - a trailer, semitrailer, camp trailer (including tent trailers), unmounted campers, trailer bus, or trailer coach regardless of trailer length or width, or a fifth-wheel travel trailer regardless of trailer length or width.



# ADDITIONAL EXAMPLES

## Conventional Trailer



## Fifth-Wheel Trailer



## Camping Trailer or Folding Camping Trailer



## Motor Home



## Van Camper or Conversion Van-Campers



## Truck Camper/Pickup Camper/Unmounted Camper





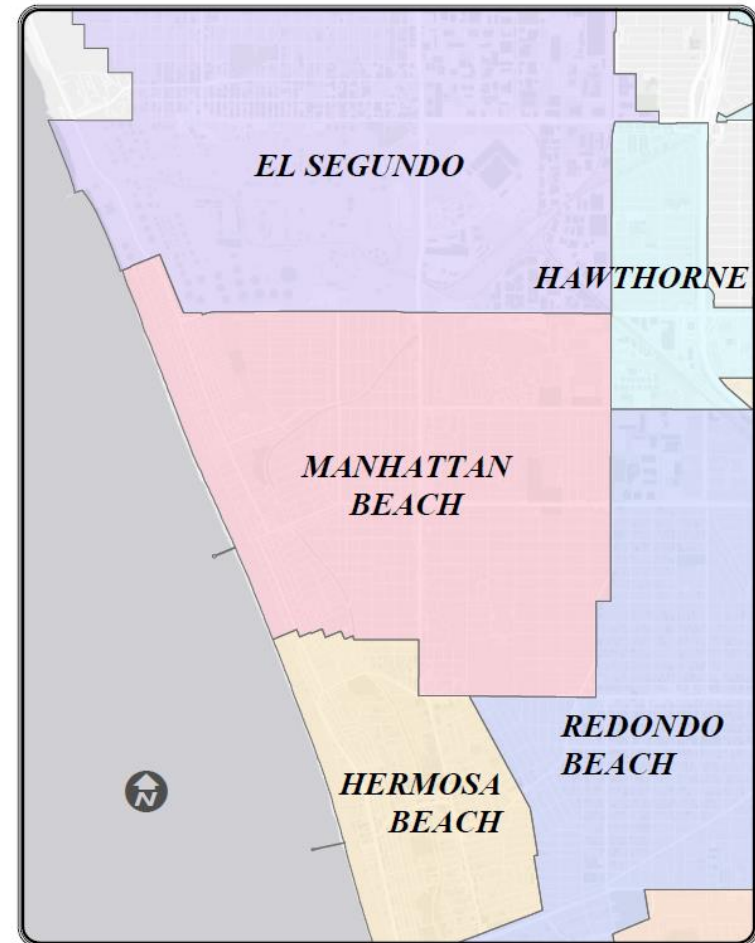
# LOCATIONS OF INSTALLED SIGNAGE

- 70 signs were identified in the city related to the parking of oversized vehicles and trailers.
  - 35 - around the perimeter of the city detailing the citywide prohibition of detached trailers.
  - 35 - various locations within the city prohibiting the parking of oversized vehicle in those areas.
    - Valley Drive near the areas of Joslyn Community Center and Live Oak Park (11 signs)
    - Perimeter of Pacific Elementary School (16 signs)
    - Along Bell Avenue near Grandview Elementary (5 signs)
    - 18<sup>th</sup> Street just off of the east side of Sepulveda Blvd (3 signs)



# PRACTICES OF NEIGHBORING CITIES

- All bordering cities have some type of permit program.
  - El Segundo, Hawthorne, Hermosa Beach, and Redondo Beach.
- Additional surveyed cities with permit programs:
  - Gardena and Torrance



# PRACTICES OF NEIGHBORING CITIES

- Permit programs identified in neighboring cities:
  - No oversized vehicle parking at any time without a permit.
  - Daytime oversized vehicle parking allowed. Permit parking required for overnight oversized vehicle parking.
  - Oversized vehicle parking allowed for a limited period of time without a permit, parking for longer period of time requires a permit.
- Each city has varying parameters such as permit duration, limits, fees, restrictions, issuing department, etc.

# OPTIONS

- **OPTION 1** – Status quo (maintain current Municipal Code provisions).
- **OPTION 2** – Status quo with additional prohibited areas designated by the Police Chief and City Traffic Engineer (after evaluation and determination that there is a legitimate health and safety reason to include new areas).
- **OPTION 3** – Establish a permitting process to supplement some of the current Municipal Code provisions

# OPTION 3 - PARAMETERS

If Option 3 is selected. Staff will return with a draft ordinance that includes the following recommended parameters:

- Permit Program Type: No oversized vehicle parking at any time without a permit. A permit will need to be obtained in order to park on the street.
- Issuance:
  - Residents will submit an application in order to receive a permit for themselves or a guest.
  - Guest permit is transferable and does not need to be assigned to a particular oversized vehicle.

# OPTION 3 - PARAMETERS

- Application: The following information would be requested of the resident:
  - **Resident Permit:**
    - Name and address
    - Phone and e-mail
    - Vehicle license number and license state
    - Make, model, year, color, vehicle length
  - **Guest Permit:**
    - Name and address of resident obtaining permit
    - Phone and email address of resident obtaining permit

# OPTION 3 - PARAMETERS

- Fee: Annually, the first permit will be issued at no cost to the resident. Guest permit fee is yet to be determined.
- Duration: Permits valid for one year (July 1 – June 30). Residents will reapply annually.
- Limits: Oversized vehicle parking permits are limited to two permits per year (one for the resident and one for their guests).

# OPTION 3 - PARAMETERS

- Restrictions:
  - Permit holders may park on any street unless otherwise prohibited. All other parking restrictions must be observed.
  - Issuance of a permit does not allow the holder to utilize hook-ups.



# OPTION 3 - PARAMETERS

- Enforcement:
  - Permit holders will abide by MBMC Section 14.36.060 and cannot park for more than a consecutive period of 72 hours.
  - Permit holders will need to comply with street sweeping.
  - Permit holders will pay any applicable parking meter charges for all spaces utilized.

# OPTION 3 - PARAMETERS

- Penalties for Violations:
  - Violation of the parking parameters is an infraction and will be subject to citation, towing, or both.
  - Display or creation of fraudulent, forged, altered, or counterfeit oversized vehicle permits or permit number is a misdemeanor.
- Exceptions: Current exceptions will remain in place with the addition of those oversized vehicles displaying a valid permit.

# STAFF RECOMMENDATION

Discuss and provide direction whether Council would like to update the City's current regulations regarding the overnight parking of oversized vehicles and trailers.



# CONSIDERATION OF ACTIONS RELATED TO OVERSIZED VEHICLE PARKING

April 2, 2024  
City Council Meeting

April 2, 2024

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# BACKGROUND

## **2010 and 2011**

- City Council and Parking and Public Improvements Commission reviewed the topic.

## **October 18, 2011**

- City Council presented with five options to address topic and then approves option that prohibits parking of oversized vehicles in designated areas.
- City Council introduced Ord. 2145, prohibiting the parking of detached trailers in the City.

## **October 17, 2023**

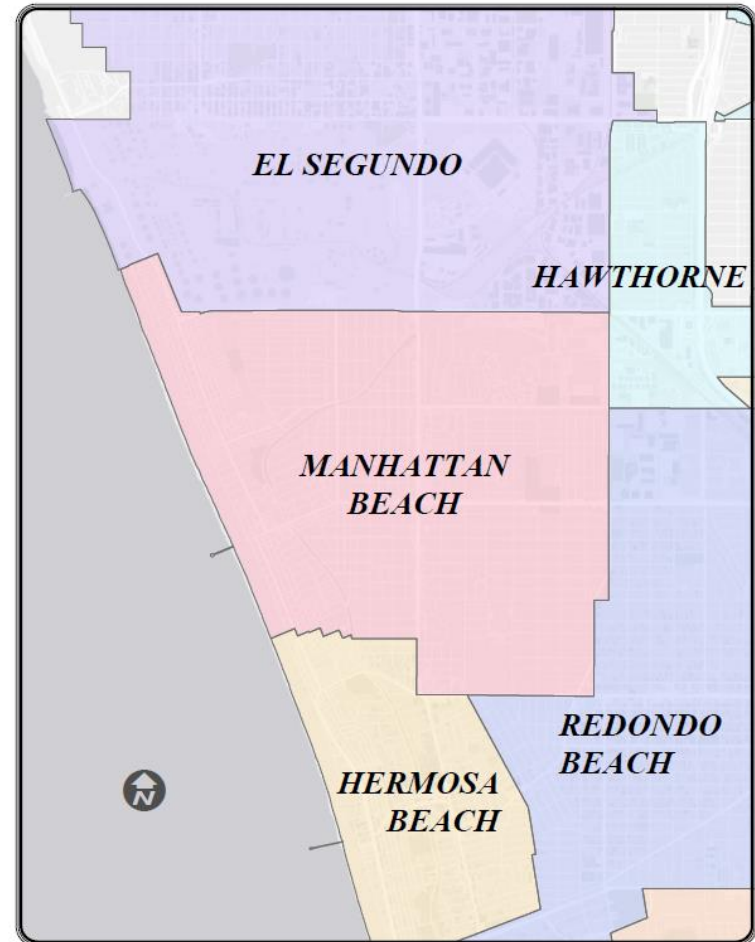
- City Council directed staff to provide options to update the City's ordinance regarding overnight parking of oversized vehicles.

## **January 16, 2024**

- City Council directed staff to return with a draft ordinance that would prohibit the parking of oversized vehicles without a permit.

# PRACTICES OF NEIGHBORING CITIES

- All bordering cities have some type of oversized vehicle permit program with varying parameters.
  - El Segundo, Hawthorne, Hermosa Beach, and Redondo Beach.
- Additional surveyed cities with permit programs:
  - Gardena and Torrance



# CURRENT REGULATIONS

- MBMC Section 14.36.180 – the parking of non-motorized vehicles and trailers are prohibited on city streets.
- MBMC Chapter 14.46 – “On-Street Parking of Oversized Vehicles” – the stopping, standing, parking or leaving of an oversized vehicle or trailer is prohibited at any time in areas designated by the Police Chief and Traffic Engineer, or their designees.



# LOCATIONS OF INSTALLED SIGNAGE

- 70 signs were identified in the city related to the parking of oversized vehicles and trailers.
  - 35 - around the perimeter of the city detailing the citywide prohibition of detached trailers.
  - 35 - various locations within the city prohibiting the parking of oversized vehicle in those areas.

## Effects of Proposed Ordinance

- All existing locations would remain in place.
- Police Chief and City Traffic Engineer would maintain authority to designate new prohibited areas as necessary.





# PROPOSED DRAFT ORDINANCE

## Justifications:

- City streets are very narrow.
- Oversized vehicles create a safety hazard by reducing visibility and travel lane width when parked on City streets.
- Oversized vehicles present a significant burden on limited parking availability on streets

**The following slides will include proposed updates to Chapter 14.46 for City Council consideration.**

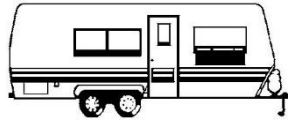
# UPDATED DEFINITION OF OVERSIZED VEHICLE

- Oversized Vehicle - Any vehicle, as defined by California Vehicle Code Section 670, trailer, semitrailer, camp trailer (including tent trailers), unmounted camper, trailer bus, or trailer coach, as defined in California Vehicle Code Sections 242, 243, 550, 630, 635, and 636, respectively, a fifth-wheel travel trailer as defined in Vehicle Code Section 324, or combination of vehicles, which, either on its own or in aggregate, exceeds 22 feet in length, seven feet in width, or eight feet in height, exclusive of projecting lights or devices allowed by California Vehicle Code Sections 35109 and 35110.



# ADDITIONAL EXAMPLES

## Conventional Trailer



## Fifth-Wheel Trailer



## Camping Trailer or Folding Camping Trailer



## Motor Home



## Van Camper or Conversion Van-Campers



## Truck Camper/Pickup Camper/Unmounted Camper



# PERMIT PROGRAM

- The purpose of creating an oversized vehicle permit program is to give permit holders the opportunity to park their oversized vehicle on a public street for a limited period of time.
- All permit holders will abide by MBMC Section 14.36.060 and cannot park in the same location for a period exceeding 72 consecutive hours.

# PERMIT PROGRAM - APPLICATION

- Resident would fill out an online application and provide additional documentation to obtain an **Oversized Vehicle Parking Permit** for their own oversized vehicle.

OR

- Resident would fill out an online application and provide additional documentation for a **Guest Oversized Vehicle Parking Permit** for an out-of-town guest or if the resident is temporarily renting an oversized vehicle.

All permitted vehicles must be associated with a residence in the City.

# PERMIT PROGRAM - PERMIT

## Permit Type: Oversized Vehicle Parking Permit

- Once application is reviewed and approved. Resident would receive a notification to pick-up permit from the City.
- Fee: \$65.00 per permit
- Duration of Permit:
  - Valid for one year (October 1 – September 30)
  - Resident will need to reapply annually
- Suggested Limit: one permit per year from October 1 – September 30.

# PERMIT PROGRAM - PERMIT

## Permit Type: Guest Oversized Vehicle Permit

- Once application is reviewed and approved. Resident would receive a notification to print their permit.
- Fee: \$45.00 per permit
- Duration of Permit:
  - Valid for 72 hours
- Limits:
  - Maximum of 4 guests permits per household in any 12 month period.
  - Resident may not request guest permits for multiple guests at a time.

# PERMIT PROGRAM - RESTRICTIONS

- Permit holders may park on any street unless otherwise prohibited by signage, other markings, or if it presents a traffic or safety concern to pedestrians or other drivers, as determined by the Police Department.
- Permit holder shall not occupy more than one marked parking space.
- Permit does not allow the holder to utilize hook-ups.





# PERMIT PROGRAM – RESTRICTIONS (cont'd)

- The oversized vehicle must be attached to a motor vehicle that is capable of moving said oversized vehicle at all times.
- Permit holder will need to comply with posted street sweeping restrictions.
- Permit holder will pay any applicable parking meter charges while occupying a metered space.



# PERMIT PROGRAM - PENALTIES

VIOLATION	FINE
Parking of non-motorized vehicles and trailers on City streets (§14.36.180)	\$149.00
Parking in a restricted Oversized Vehicle area (§14.46.080)	\$149.00
Parking of Oversized Vehicle without a Permit (§14.46.020)	\$53.00

- Additionally, the following violations can be misdemeanors:
  - Displaying fraudulent, forged, altered, or counterfeit permit as well as any person who assigns or transfers permit.
  - Forging, altering, or counterfeiting an oversized vehicle or trailer parking permit.
  - Assigning, transferring or using a permit issued for any consideration, monetary or otherwise.
- City has the discretion to treat such misdemeanors as an infraction, or an administrative violation where an administrative citation is issued.
- Oversized vehicles in violation of the ordinance may be removed immediately.

# PERMIT PROGRAM – STAFF TIME

If the proposed ordinance moves forward:

- Several departments will be involved in the creation of electronic workflow and testing.
  - IT, Finance, Community Development, Management Services and Police Department.
- IT – Software maintenance
- Community Development and Finance – Review of every application
- Finance – Issuance of permit
- Police Department – Enforcement

# STAFF RECOMMENDATIONS

1. Discuss and consider introducing Ordinance No. 24-0005 prohibit the parking of oversized vehicles at any time without a permit;
2. If directed to introduce Ordinance,
  1. Discuss and provide direction, if any, for establishing a cost recovery fee for review of oversized vehicle permits; and
  2. Discuss and provide direction, if any, specifying fines for violations of Ordinance No. 24-0005.









**CITY OF MANHATTAN BEACH**

1400 Highland Avenue Manhattan Beach, CA 90266  
www.manhattanbeach.gov • (310) 802-5000

# STAFF REPORT

**Agenda Date:** 4/2/2024

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**TO:**

Honorable Mayor and Members of the City Council

**THROUGH:**

Bruce Moe, City Manager

**FROM:**

Liza Tamura, City Clerk

Martha Alvarez, Assistant City Clerk

**SUBJECT:**

Agenda Forecast (City Clerk Tamura).

**INFORMATION ITEM ONLY**

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**DISCUSSION:**

The subject matter below is anticipated to appear on future City Council Agendas. It's important to note that the information being provided is tentative, subject to change and is listed for planning purposes only. Agendas for City Council Meetings are finalized and posted 6 days prior to the meeting date.

**CEREMONIAL**

- Pledge - Pennekamp Elementary School.
- Presentation of Certificates of Recognition to 2024 Circle Award for Excellence in Poetry Composition.
- Pledge - Grand View Elementary School.
- Pledge - Josephine "Fina" and Cooper (2024 Inaugural CT3 Polar Plunge).
- Public Safety Recognition: a) Police Officer and Firefighter of the Year; b) Medal of Valor Recipients.
- Recognition of Outgoing Commissioners.
- Pledge - Pacific Elementary School.
- Pledge - Hawk Dill.

**CONSENT**

- City Council Minutes (City Clerk Tamura).
- Financial Reports (Finance Director Charelian).
- Proclamation: Earth Month.

- Consideration of Accepting as Complete Work Performed by Sprinturf, LLC for the Marine Avenue Park Synthetic Field Turf Replacement Project Funded in Part with County Regional Park and Open Space District Measure A Funding (Public Works Director Lee).
- Consideration of a Second Reading and Adoption of an Ordinance Amending Chapter 14.46 of the Manhattan Beach Municipal Code Requiring Permit for Parking of Oversized Vehicles and Trailers at Any Time Without a Permit (City Manager Moe).
- Consideration of Introducing and First Reading of an Ordinance to Establish Applicable Regulations Regarding Drinking Water System Cross-Connection Controls (Continued from the December 5, 2023, City Council Meeting) (Public Works Director Lee).
- Consideration of a Resolution Approving an Agreement with Yunex, LLC for On-call Emergency Response services for Street Lights and Flashing Lights for an Amount Not-to-Exceed \$XXX,XXX (Public Works Director Lee).
- Proclamation: a) May 15, 2024 as National Peace Officers Memorial Day; b) May 4, 2024 as International Firefighters' Day; c) May 5, 2024 - May 11, 2024 as Public Service Recognition Week; d) May 5, 2024 - May 11, 2024 as the 55th National Municipal Clerk's Week; e) May 12, 2024 - May 18, 2024 as National Police Week; f) May 19, 2024 - May 25, 2024 as National Public Works Week; g) Month of May 2024 as National Building Safety Month; h) Month of May 2024 as Older Americans Month.
- Consideration of a Resolution Awarding an Agreement with \*\*\* for a Citywide Parking Management Study for an Amount Not-to-Exceed \$\*\*\* (Community Development Director Mirzakhanian).
- Consideration of a Second Reading and Adoption of an Ordinance to Establish Applicable Regulations Regarding Drinking Water System Cross-Connection Controls (Public Works Director Lee).
- Consideration of Approval of the Fiscal year 2024-2025 City Council Work Plan (City Manager Moe).
- Consideration of a Resolution Approving the Assessment Engineer's Report for Annual Levy of Street Lighting Assessments for Fiscal Year 2024-2025 (Finance Director Charelian).
- Consideration of a Resolution Regarding the Declaration of Intention to Provide for Annual Levy and Collection of Assessments for Street Lighting Maintenance and Setting of Public Hearing for June 18, 2024 (Finance Director Charelian).
- Consideration of a Resolution Approving a Memorandum of Understanding with Los Angeles County for the Installation of the Catalina Classic (Parks and Recreation Director Leyman).
- Consideration of a Resolution Awarding a Construction Agreement to TBD for the Voorhees Ave Sewer Lift Station Improvement Project for \$TBD Including Contingency and Determining that the Project Qualifies for a Categorical Exemption Pursuant to Sections 15302 Class 2 of the State CEQA Guidelines (Public Works Director Lee).
- Consideration of Resolutions Approving Amendment No. 2 to the Professional Services Agreement with Geosyntec Consultants, Inc. and Amendment No. 2 to the Professional Services Agreement with McGowan Consulting, Inc. for Administration of the Coordinated Integrated Monitoring Plan on Behalf of the Beach Cities Watershed Management Group, Extending These Professional Services for One Year (Public Works Director Lee).



- Proclamation: a) June 2024, as Juneteenth; b) June 2024, as LGBTQ+ (Lesbian, Gay, Bisexual, Transgender & Queer or Questioning) Pride Month; c) June 2024, as National Safety Month.
- Consideration of Adopting Resolutions Calling and Giving Notice of the November 5, 2024, General Municipal Election to be Conducted by the Los Angeles County Registrar - Recorder/County Clerk for Three City Council Seats and One City Treasurer Seat (City Clerk Tamura and City Attorney Barrow).
- 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 \*\*\* (Finance Director Charelian).
- Information on the Board of Building Appeals and Their Utilization within the City (Community Development Director Mirzakhonian).
- Consideration of Introducing and First Reading of an Ordinance to Establish Applicable Regulations Regarding Drinking Water System Cross-Connection Controls (Continued from the December 5, 2023, City Council Meeting) (Public Works Director Lee).
- Proclamation: a) Parks and Recreation Month; b) Salute to the Troops.
- Consideration of a Second Reading and Adoption of an Ordinance to Establish Applicable Regulations Regarding Drinking Water System Cross-Connection Controls (Public Works Director Lee).
- Consideration of a Resolution Awarding a Construction Agreement to XXXXX for the Citywide Security Cameras Project - Phases 3 for \$XXX,XXX, Including Contingency and a Maintenance Contract; 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).

### **PUBLIC HEARING**

- Conduct a Public Hearing for Proposed Fees and Charges Related to Electric Vehicle Charging at City Parking Facilities (Public Works Director Lee).
- Conceptual Approval of the 28th Street Stormwater Infiltration Project, and Adoption of a Mitigated Negative Declaration in Accordance with the California Environmental Quality Act (CEQA) (Public Works Director).
- Conduct Public Hearing Regarding the Proposed 5-Year Capital Improvement Program (CIP) and Consideration of a Resolution for Fiscal Year 2024-2025 Through Fiscal Year 2028-2029 (Public Works Director Lee).
- 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 2024-2025 (Finance Director Charelian).
- Conduct Public Hearing Regarding the Annual Stormdrain Service Fee for Fiscal Year 2024-2025 (Finance Director Charelian).

### **GENERAL BUSINESS**

- Consideration of the Rough Order of Magnitude Estimates for Sidewalk Widening as it Relates to the Long-Term Outdoor Dining Program and Amendment No. 1 to the Professional Services Agreement with Moore Iaconfano Goltzman, Inc. (MIG), and if Approved, Appropriate \$91,727 from the General Fund (Community Development Director Mirzakhonian).

- Consideration of Begg Pool Modernization Study Findings and Conceptual Design (Parks and Recreation Director Leyman).
- Parks and Recreation Commission Recommendations for a Memorial to the Fallen, Memorial Day Event Enhancement and Funding American Flag Installation (Parks and Recreation Director Leyman).
- Consideration of Adopting a Resolution Awarding a Design Services Agreement to TBD for \$TBD for the Manhattan Beach Dominguez Channel Infiltration Project Feasibility Study, and Adoption of a Determination of Exemption Pursuant to Section 15061(b)(3) of the State of California Environmental Quality Act (CEQA) Guidelines (Public Works Director Lee).
- Boards and Commissions Interviews (City Clerk Tamura).
- Annual Appointments to the City Boards and Commissions (City Clerk Tamura).
- Presentation of the Fiscal Year 2024-2025 Proposed Operating Budget (Finance Director Charelian).
- Budget and Capital Improvements Program (CIP) (Finance Director Charelian and Public Works Director Lee).
- Consideration of the Preliminary Design Concepts for the Manhattan Beach Boulevard at Pacific Avenue Improvements Project; and a Determination of Exemption Pursuant to Section 15301 (Class 1) of the California Environmental Quality Act (CEQA) Guidelines (Public Works Director Lee).
- Consideration of Adopting a Resolution Awarding a Design Services Agreement to TBD for \$TBD for the Manhattan Beach Dominguez Channel Infiltration Project Feasibility Study, and Adoption of a Determination of Exemption Pursuant to Section 15061(b)(3) of the State of California Environmental Quality Act (CEQA) Guidelines (Public Works Director Lee).



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# STAFF REPORT

**Agenda Date:** 4/2/2024

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**TO:**

Honorable Mayor and Members of the City Council

**THROUGH:**

Bruce Moe, City Manager

**FROM:**

Mark Leyman, Parks and Recreation Director

**SUBJECT:**

Commission Minutes:

This Item Contains the Cultural Arts Commission Meeting Minutes of February 21, 2024 (Parks and Recreation Director Leyman).

**INFORMATION ITEM ONLY**

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The attached minutes are for information only:

1. Cultural Arts Commission Meeting Minutes of February 21, 2024



**CITY OF MANHATTAN BEACH  
MINUTES OF THE CULTURAL ARTS COMMISSION**

February 21, 2024

Hybrid format: by teleconference (Zoom) and in person in accordance with procedures on agenda  
1400 Highland Avenue  
Manhattan Beach, CA 90266

**A. CALL TO ORDER**

Chair Spackman called the meeting to order at 4:00 p.m.

**B. PLEDGE TO THE FLAG**

**C. ROLL CALL**

Present:, Erlich-Fein, Karger, Patterson, Vice Chair Tokashiki, Chair Spackman

Absent: Dohner

Staff present: Cultural Arts Manager (CAM) Eilen Stewart, Ceramics Supervisor Eric Brinkman,  
Recording Secretary Rosemary Lackow

**D. APPROVAL OF MINUTES – December 18, 2024, January 17, 2024**

It was moved and seconded (Karger/Patterson) to approve December 18<sup>th</sup> minutes as submitted. The motion passed by voice vote: 5-0-1: Ayes:, Erlich-Fein, Karger, Patterson, Vice Chair Tokashiki, Chair Spackman; Absent: Dohner

It was moved and seconded (Tokashiki/Karger) to approve January 17<sup>th</sup> minutes as submitted. The motion passed by voice vote: 5-0-1: Ayes:, Erlich-Fein, Karger, Patterson, Vice Chair Tokashiki, Chair Spackman; Absent: Dohner

**E. CEREMONIAL - None**

**F. AUDIENCE PARTICIPATION (3-Minute Limit) - None**

**G. GENERAL BUSINESS**

1. Work Plan Item Discussion

a. Utility Box Beautification (Phase III):

CAM Stewart updated: Phase II – all wraps are completed, however the installation contractor will be going back and making repairs on some cabinets. Phase III: in progress. After the RFP is closed, staff will vet submittals and bring back a list to the Commission for review for 28 locations (includes those added

downtown/Highland north end).

b. Murals

CAM Stewart updated: Murals are being installed. The first, by Emily Tanaka is in at MBAC; the next one will be by Armelle Vervialle Ngo at Manhattan Heights (facing MBB) to be followed by the Dave Titus piece on Parking Lot 2 near the pier. Following these will be the pier restroom, beach stairs, Marine Avenue fire/police facility, CAM Stewart will report progress at each commission meeting and will be recorded in the minutes. The shark mural will be going back to council tentatively March 19<sup>th</sup>.

Discussion followed as the commission expressed a desire that the great progress being made in installing community art be publicized. It was noted that there is an “Art in Public Places” “Story Map” showing art in the city already on the city website but this needs to be updated. CAM Stewart requested that the Commission inform her of any or all possible locations that they have in mind (including new Fire Station 2).

c. Sculpture Garden.

CAM Sewart updated that on 1/17/24 the CAC finalized the list of sculptures to send on to the council for consideration, which hopefully will be on the 3/19/24 council agenda.

d. New Art Initiatives

- Downtown Art Walk: Commissioner Karger updated that she has met with Jill Lampkin (Downtown BID) and City staff and found there is strong support for a downtown art event. The Commission discussed challenges of a traditional art walk (as experienced in the North End working with that BID a few years ago). CAM Stewart showed slides regarding a Skateboard Art Walk as an alternative to a traditional art walk. There are many advantages. First it would solve a number of challenges as experienced in the North End walk (require a smaller footprint in stores; will involve a standardized artwork (skateboard), would mitigate liability concerns in that a simple installation method would only be needed, provided by the City) and also various decorative methods can be used. To go forward, CAC approval is needed and an ad hoc committee is needed that will develop a plan in coordination with walk (the downtown BID. Timing-wise, staff is looking at the first quarter, 2025 for implementation. City staff will create a “call to artists” coordinating with local artists. The Commission discussed; this may not be a “one-off” event, perhaps becoming an annual event, and the Manhattan Village mall may be included in the future. Commissioner Karger will contact the City of Hermosa Beach for information.

- Staff Report - List of Projects discussion. The Commission discussed the running list of projects that is provided in the staff report. It was agreed that on page 3 of the staff report, under Proactive Research of Additional Arts Opportunities, the project /bullet Surfboard on Parade be combined with the Public Art Tour, as the new skateboard project. Commissioner Tokashiki inquired if the two projects’ Young at Art for Older Adults and Art Therapy should be removed from the list or status updated, if these are now staff items. Commissioner Erlich-Fein has done some research on Art Therapy (has found a person who could teach it) but this is separate from the Young at Art item.

There was a brief discussion on what is “Public Art Tour” with Commissioner Tokashiki stating she feels this could be about putting together a digital brochure promoting the City’s public art and feels

that this is a high priority. CAM Stewart clarified that the origin of the art tour was a suggestion by a former CAC Commissioner to have a physical tour and this is what the Council approved. The concept of a brochure would be a separate work plan item and involves a lot more staff work and would require new council approval. CAM Stewart discouraged personally contacting the Chamber to generate interest in this as it is not a council approved project. CAM Stewart noted that the city has an online component “Story Map” of Art in Public Places is on the city website and this needs to be updated once the current projects are all done. If the Commission wants to develop a work plan item that would develop a brochure (paper) from the existing online Story Map, that could be suggested for the future.

Other work plan items that were discussed as needing further discussion included the Chalk Art Festival and Art Vending Machines; many issues need to be worked out such as location, dated, parking and traffic considerations (Chalk Art Festival). An ad hoc committee will be needed; Commissioner Tokashiki was suggested to lead this effort.

CAM Stewart will update the list for the next meeting.

## **H. STAFF ITEMS**

Cultural Arts Division updates – Ceramics Supervisor Brinkman and/or CAM Stewart reported:

- As previously reported, a new ceramics kiln will be installed in time for the summer, but it now appears that, in order to accommodate the work, a portion of the spring ceramics programming will have to be shut down. The existing kilns will continue to be used. An overview of the ceramics studio and kiln locations was presented.
- Cultural Arts staff is working on Concerts in the Park – almost all booked up and working with other staff on the Juneteenth Event planning (2-day event).
- The mural at Manhattan Heights is currently going up the Dave Tius mural is next, then PD & Fire Departments building (nautilus shell) and then the Strand and Strand stairways.
- Staff with HAI is working with the Historical Society in the historic collection archive project (next step is digitization). Perhaps, on March 19<sup>th</sup> the City Council may consider the future use of the Red House, along with other Cultural Arts items.
- 4/19 will be the community ceramics exhibit, inviting ceramic artists in the LA area.
- On March 7<sup>th</sup> there will be a Bruce’s Beach committee meeting, they will be considering how to best reformat the RFP to get submittals that are desired; Public Works is working on replacing the stolen plaque.
- City Council/City Manager actions: City Manager Moe has directed that the concerts in the park proceed with funding from the arts fund (first time this done).
- Arts Assessment project update: once a report is done by the consultant, it will be brought to the CAC.
- PATF (Public Art Trust Fund) report: no changes since last meeting (total fund balance about \$1.7+ million; of that, +- \$1 million is allocated; and +- \$680k unallocated; projected expirations: 2023 - none; 2024 – about \$241k; 2025: about \$46,00.

## **I. COMMISSION ITEMS – None**

## **J. ADJOURNMENT**

Manhattan Beach Cultural Arts Commission  
February 21, 2024

At 5:37 p.m. Chair Spackman without opposition, adjourned the meeting to 4:00 pm, March 18 (Wednesday) at 4:00 p.m.