

**ROUGHLY EDITED COPY**  
**MANHATTAN BEACH CITY COUNCIL**  
**REGULAR MEETING**  
**REMOTE BROADCAST CAPTIONING**  
**TUESDAY, 6/23/2020 10:00 AM**

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CITY OF MANHATTAN BEACH  
CITY COUNCIL REGULAR MEETING  
TUESDAY SEPTEMBER 5, 2023

ASSISTANT CITY CLERK ALVAREZ: We are live  
Mr. Mayor.

MAYOR MONTGOMERY: We start meetings on  
time around here.

UNIDENTIFIED SPEAKER: [Inaudible].

MAYOR PRO TEM FRANKLIN: Duly noted.

MAYOR MONTGOMERY: As soon as you're ready?

CITY CLERK TAMURA: We're live.

MAYOR MONTGOMERY: All right, everybody.  
We're going to reconvene to open session with the announcement  
from our City Attorney in open session, Quinn Barrow.

CITY ATTORNEY BARROW: Thank you, Mayor.  
Earlier this evening, the City Council went into Closed Session  
to discuss four separate items identified on the agenda. The  
City Council gave direction. There's no reportable action  
taken.

MAYOR MONTGOMERY: Thank you, sir. With  
that we adjourn our Adjourn Regular Meeting and roll into our  
City Council Meeting. Welcome everyone Tuesday, September 5,  
2023 Council Meeting. First, we always start with our City.  
It's the best part of our day, the Pledge to the Flag. Tonight,

we're going to have Tessa Smith come up and lead us in the Pledge. Tessa, where'd she go? There she is. C'mon, Tessa, come up here. [Inaudible]. You've been here before. Hold it close to your mouth and we'll follow you.

MS. SMITH: Please stand for the Pledge of Allegiance. Place your right hand over your heart. Ready? Begin.

GROUP: I pledge allegiance to the flag of the United States of America, and to the Republic for which it stands, one Nation under God, indivisible, with liberty and justice for all.

MAYOR MONTGOMERY: Well done. Now, don't go anywhere. So to be honest, I had to find someone to get before school started to come [inaudible] lead our Pledge, so I asked Angie, her mother, if I could borrow her daughter for our Pledges. I've really been here and done that before. But, now it's special because it's just you. So, Tessa, point out your friends and family that are here.

MS. SMITH: That is my mom.

MAYOR MONTGOMERY: [Inaudible] where do you go to school?

MS. SMITH: I go to M.B.M.S. Middle School.

UNIDENTIFIED SPEAKER: Wow.

MAYOR MONTGOMERY: And what's your favorite subject? What do you want to talk about?

MS. SMITH: I like my first period class the most which is math art.

MAYOR MONTGOMERY: Did you miss summer vacation, or are you happy to be back in school?

MS. SMITH: Yes.

MAYOR MONTGOMERY: Good to be back?

MS. SMITH: Yeah.

MAYOR MONTGOMERY: And because you were so gracious with your time, on behalf of the Council, we're going to give you this. You'll have one of these. It's recognition. The City Council recognizes you, Tessa Smith, for leading the City Council and the community in the Pledge of Allegiance dated today September 5, 2023. Hold that up there. And you get the much wanted, thank you to Mayor Pro Tem Franklin, city pen. You want your mom in this picture or just the Council?

UNIDENTIFIED SPEAKER: Just the Council [inaudible].

MAYOR MONTGOMERY: Just Council? All right, Council, here we go.

UNIDENTIFIED SPEAKER: [Inaudible]. Way to go mom.

MAYOR MONTGOMERY: The Council colleagues.

COUNCILMEMBER HOWORTH: Okay.

MAYOR MONTGOMERY: Let me stand next to you because you're taller.

COUNCILMEMBER HOWORTH: You stand up like that. That's good. Look at that.

COUNCILMEMBER LESSER: But, what does it do for me then?

COUNCILMEMBER HOWORTH: Oh, okay.

UNIDENTIFIED SPEAKER: [Inaudible].

MAYOR MONTGOMERY: Thank you, sir. Ready?

MS. SMITH: Mm-hmm.

UNIDENTIFIED SPEAKER: All right, ready?  
One, two, three [inaudible]--

UNIDENTIFIED SPEAKER: [Inaudible].

UNIDENTIFIED SPEAKER: --got it.

COUNCILMEMBER HOWORTH: Yay!

MAYOR MONTGOMERY: Congratulations.

UNIDENTIFIED SPEAKER: [Inaudible].

MAYOR MONTGOMERY: Normally, we'd have a teacher come and brag about teacher, but because of the school year and organize, we got to Tessa before that actually happened. Thank you, Angie. We appreciate that.

ANGIE SMITH: Always, always, always.

MAYOR MONTGOMERY: With that, let's move to roll call please, Liza.

CITY CLERK TAMURA: Councilmember Howorth?

COUNCILMEMBER HOWORTH: Here.

CITY CLERK TAMURA: Councilmember Lesser?

COUNCILMEMBER LESSER: Here.

CITY CLERK TAMURA: Councilmember  
Napolitano?

COUNCILMEMBER NAPOLITANO: Here.

CITY CLERK TAMURA: Mayor Pro Tem Franklin?

MAYOR PRO TEM FRANKLIN: Here.

CITY CLERK TAMURA: Mayor Montgomery?

MAYOR MONTGOMERY: Here as well. Next up,  
we're going to recognize our Ceremonial Calendar, Presentation  
of Certificates of Recognition to Manhattan Beach certifying  
green businesses.

City Manager Moe: I'm sorry, Mr. Mayor.

MAYOR MONTGOMERY: You want to do  
adjournment now? All right. Folks, we're going to go out of  
order. We're going to do adjournment of one of our long time  
city employees that we lost recently, so bare with us. Usually  
in the evening, we do an adjournment. We're going to go out of  
order and do it now. All right. So, I'm going to ask you all  
to please rise when I read this. The family is here in  
attendance. The picture, you see behind me. The loss of Carl  
Blank III, Public Works Inspector. After a long successful  
career owning his own custom metalwork company and crafting  
custom furniture and cabinetry throughout Los Angeles County,  
Carl Blank III began the next phase of his professional career  
and became a Public Works Inspector. Carl brought his skills as

a craftsman and attention to detail to public works construction. He started with the City of Manhattan Beach Public Works department in 2014 and retired in May of 2023. He passed away on July 28. Carl brought a passion for his work and thoroughly enjoyed working for the City. He was always courteous and professional in his dealings with property owners and contractors working throughout the city and earned their respect as a tough, but fair inspector. Carl always had a smile on his face, an upbeat demeanor, and could always tell you the best place to eat lunch anywhere in Los Angeles County which is true. I'll second that.

UNIDENTIFIED SPEAKER: Mm-hmm.

MAYOR MONTGOMERY: He was a devoted family man and had a fondness for dogs. There's not a dog in Manhattan Beach that he did not remember. Carl left a mark on everyone he came in contact with at City Hall and left his mark on construction throughout the city. Carl worked in many significant development projects including the Manhattan Beach Village Mall expansion, the Sketchers expansion, the new Gelson's Grocery Store, the Kinetka/Dunkin' Development Site, and of course significant contributions working with the various utility companies in the city. Carl can always be remembered every time you go to City Hall as Carl built the receptionist desk. The City thanks Carl Blank III and his family for all his contributions in making Manhattan Beach a better place to live,

work, and visit. Our thoughts are with Carl's family as they go through this difficult time, so a moment of silence, please. Thank you. To his family, our condolences up here behind us on the wall. I'll let you know that we have some paperwork for you and recognition from the City and our condolences going forward, but thank you for being here.

UNIDENTIFIED SPEAKER: [Inaudible]--

MAYOR MONTGOMERY: Oh, yeah, yeah.

COUNCILMEMBER HOWORTH: --sorry.

MAYOR MONTGOMERY: All right, folks. We're back to our normal scheduling with Ceremonial Calendar and we're going to talk about those green businesses we have in our city. And Martha, I'm looking at your list here to make sure I've got the same list you have for green businesses, but a report from Daniel of Staff is going to start me off. Daniel?

ENVIRONMENTAL PROGRAMS ADMINISTRATOR

PANKAU: Good evening, everyone. My name is Daniel Pankau. I'm the new Environmental Programs Administrator. Happy to be here. Tonight, we'll be recognizing 11 businesses that have met the California Green Business Network Certification and/or recertification requirements. The Green Business Certification Program is managed by Waste Management as a part of its Franchise Agreement with the City. These businesses have gone above and beyond to implement programs to conserve our natural resources. Some examples are installing LED lighting,



participating in the city's green waste and recycling programs, installing low flow aerators for faucets, reduced use of disposable products, switching to eco-friendly cleaning products, and use of Energy Star efficient appliances. The following are the list of the 11 businesses. They're up there. I'm not sure if I should read them now or if we want to do it one by one.

MAYOR MONTGOMERY: Read them all and have them come up and stand with me at the podium right behind me.

ENVIRONMENTAL PROGRAMS ADMINISTRATOR

PANKAU: Okay, sounds good. First, we have M.B.S. Media Campus. Second is Pacifica Properties Group. Third is Pure Bean Coffee. Next is Children's Orchard. Hammit. Vanquish Media Group. Gum Tree. Go ahead and come up to the front guys--

UNIDENTIFIED SPEAKER: [Inaudible].

ENVIRONMENTAL PROGRAMS ADMINISTRATOR

PANKAU: --please.

UNIDENTIFIED SPEAKER: [Inaudible].

UNIDENTIFIED SPEAKER: Okay.

MAYOR MONTGOMERY: Don't be shy. You all get one.

ENVIRONMENTAL PROGRAMS ADMINISTRATOR

PANKAU: Audrey Judson Homes. Round Willow Yoga.

UNIDENTIFIED SPEAKER: We don't--

ENVIRONMENTAL PROGRAMS ADMINISTRATOR

PANKAU: Body in Balance. And lastly, Hi-Fi Espresso.

UNIDENTIFIED SPEAKER: [Inaudible].

ENVIRONMENTAL PROGRAMS ADMINISTRATOR

PANKAU: Please come to the front. Thank you.

MAYOR MONTGOMERY: Good job, Daniel. Hold on everybody.

UNIDENTIFIED SPEAKER: [Inaudible].

UNIDENTIFIED SPEAKER: Are we all doing one picture together?

UNIDENTIFIED SPEAKER: Yes.

MAYOR PRO TEM FRANKLIN: Oh, wait a minute. There we go.

MAYOR MONTGOMERY: Audrey?

UNIDENTIFIED SPEAKER: [Inaudible].

UNIDENTIFIED SPEAKER: Hold on, hold on.

MAYOR MONTGOMERY: Who's here for Gum Tree?

UNIDENTIFIED SPEAKER: We'll wait for [inaudible].

UNIDENTIFIED SPEAKER: On their way from the back.

UNIDENTIFIED SPEAKER: [Inaudible].

MAYOR MONTGOMERY: Yes, when we're done.

UNIDENTIFIED SPEAKER: Okay.

UNIDENTIFIED SPEAKER: [Inaudible].

MAYOR MONTGOMERY: Gum Tree is here?

UNIDENTIFIED SPEAKER: Yep.

MAYOR MONTGOMERY: All right. Don't go very far.

UNIDENTIFIED SPEAKER: [Inaudible].

MAYOR MONTGOMERY: Round Willow Yoga? No one here for yoga today? Darn it. Hammit?

UNIDENTIFIED SPEAKER: Yeah.

MAYOR MONTGOMERY: Nice. It's very good to see you. Thank you for being here.

UNIDENTIFIED SPEAKER: Thank you.

UNIDENTIFIED SPEAKER: Yoga is coming right now.

MAYOR MONTGOMERY: Children's Orchard? Children's Orchard?

UNIDENTIFIED SPEAKER: Children's Orchard?

MAYOR MONTGOMERY: I was going to say. How are you?

UNIDENTIFIED SPEAKER: Good. How are you?

UNIDENTIFIED SPEAKER: [Inaudible].

MAYOR MONTGOMERY: Pacifica Properties Group?

UNIDENTIFIED SPEAKER: [Inaudible].

MAYOR MONTGOMERY: Pure Bean Coffee?

UNIDENTIFIED SPEAKER: [Inaudible].

MAYOR MONTGOMERY: He makes great coffee too, by the way.

UNIDENTIFIED SPEAKER: Yep, yeah.

UNIDENTIFIED SPEAKER: [Inaudible].

MAYOR MONTGOMERY: We're not done yet. Body In Balance? There you go. Thank you.

UNIDENTIFIED SPEAKER: [Inaudible].

MAYOR MONTGOMERY: And Hi-Fi Espresso?

UNIDENTIFIED SPEAKER: Okay. Can I get [inaudible]?

MAYOR MONTGOMERY: Where's Hi-Fi Espresso?

ENVIRONMENTAL PROGRAMS ADMINISTRATOR

PANKAU: I don't know if they [inaudible].

MAYOR MONTGOMERY: So, we're missing Yoga and Espresso. Everyone else is here?

UNIDENTIFIED SPEAKER: [Inaudible].

MAYOR MONTGOMERY: Oh, so I know--you want to take a picture? Once Angel is done, I want to take a picture of the group?

UNIDENTIFIED SPEAKER: Okay.

MAYOR MONTGOMERY: Allie will take one of us from the front. Everybody is going to look towards that podium once--

UNIDENTIFIED SPEAKER: Right.

MAYOR MONTGOMERY: --she's doing the picture up here.

UNIDENTIFIED SPEAKER: Yeah.

UNIDENTIFIED SPEAKER: Yeah.

UNIDENTIFIED SPEAKER: Okay. I can put one in the front and the back.

MAYOR MONTGOMERY: Why don't you guys step up on that podium.

MAYOR PRO TEM FRANKLIN: Here, squeeze in.

UNIDENTIFIED SPEAKER: Okay.

COUNCILMEMBER NAPOLITANO: And somebody needs to go in front.

UNIDENTIFIED SPEAKER: I don't want to be in front.

COUNCILMEMBER NAPOLITANO: Tall people in front, short people in the back.

UNIDENTIFIED SPEAKER: Or the opposite.

COUNCILMEMBER NAPOLITANO: Got your attention though.

UNIDENTIFIED SPEAKER: I'm going to get in there too.

UNIDENTIFIED SPEAKER: Okay.

MAYOR MONTGOMERY: So, Allie, from up there. We'll all look up. Look at that second level.

UNIDENTIFIED SPEAKER: Okay. [Inaudible]  
here. Ready one, two, three.

UNIDENTIFIED SPEAKER: Three.

UNIDENTIFIED SPEAKER: Got it.

Congratulations.

UNIDENTIFIED SPEAKER: Thank you.

MAYOR MONTGOMERY: Congratulations.

UNIDENTIFIED SPEAKER: We've got a third.

UNIDENTIFIED SPEAKER: We got a third to  
do.

UNIDENTIFIED SPEAKER: Oh, thank you.

UNIDENTIFIED SPEAKER: [Inaudible].

UNIDENTIFIED SPEAKER: And Lisa, can you  
take a picture with my mom?

UNIDENTIFIED SPEAKER: [Inaudible].

UNIDENTIFIED SPEAKER: I love it.

UNIDENTIFIED SPEAKER: Thank you so much.

UNIDENTIFIED SPEAKER: Thank you.

UNIDENTIFIED SPEAKER: [Inaudible].

UNIDENTIFIED SPEAKER: Thanks.

UNIDENTIFIED SPEAKER: Let me get out of  
your way.

UNIDENTIFIED SPEAKER: All right. Sounds  
good.

UNIDENTIFIED SPEAKER: [Inaudible].

UNIDENTIFIED SPEAKER: Let me get out of  
the way.

UNIDENTIFIED SPEAKER: Thank you very much.

UNIDENTIFIED SPEAKER: Yep. [Inaudible].

UNIDENTIFIED SPEAKER: [Inaudible].

UNIDENTIFIED SPEAKER: Take care.

UNIDENTIFIED SPEAKER: Can you tell  
everybody to sit down?

UNIDENTIFIED SPEAKER: [Inaudible].

UNIDENTIFIED SPEAKER: Yeah, I'm going to  
give him a call when I get home.

UNIDENTIFIED SPEAKER: You want the Mayor?

UNIDENTIFIED SPEAKER: No, they're at the  
podium with me.

UNIDENTIFIED SPEAKER: [Inaudible].

UNIDENTIFIED SPEAKER: Cute, you guys.

UNIDENTIFIED SPEAKER: Thank you.

UNIDENTIFIED SPEAKER: Thank you so much.

UNIDENTIFIED SPEAKER: We really appreciate  
it.

UNIDENTIFIED SPEAKER: You're welcome.

UNIDENTIFIED SPEAKER: Thank you.

UNIDENTIFIED SPEAKER: Thank you for being  
here. It's good to see you.

UNIDENTIFIED SPEAKER: And it's good to see  
you.

UNIDENTIFIED SPEAKER: Oh, she wanted to  
take a picture.

UNIDENTIFIED SPEAKER: [Inaudible].

UNIDENTIFIED SPEAKER: You were so hopeful.

UNIDENTIFIED SPEAKER: [Inaudible] next  
time.

UNIDENTIFIED SPEAKER: I know. We've got  
quite a few of those guys, women.

UNIDENTIFIED SPEAKER: [Inaudible].

UNIDENTIFIED SPEAKER: Sorry.

UNIDENTIFIED SPEAKER: It seems to be the  
best place for the get away cars for the bank robbery.

UNIDENTIFIED SPEAKER: They sit there and  
[inaudible].

UNIDENTIFIED SPEAKER: It is because 27th  
Street is dead across from all the banks and so all the getaway  
cars park right next to our parking meters, so the city was,  
like, can we put a camera there? We're said sure. [Inaudible].

UNIDENTIFIED SPEAKER: [Inaudible].

UNIDENTIFIED SPEAKER: Oh, can you do it  
sideways?

UNIDENTIFIED SPEAKER: Oh, you want to do  
it sideways?



UNIDENTIFIED SPEAKER: Thank you.

UNIDENTIFIED SPEAKER: [Inaudible] that way.

MAYOR PRO TEM FRANKLIN: Is there anything else? You want me to wash your car, wax it?

UNIDENTIFIED SPEAKER: You guys can add cameras to the front of the store too if you want.

MAYOR MONTGOMERY: Thank you ladies.

UNIDENTIFIED SPEAKER: Thanks for the camera.

UNIDENTIFIED SPEAKER: Yes, absolutely.

UNIDENTIFIED SPEAKER: [Inaudible].

UNIDENTIFIED SPEAKER: It was a win-win.

UNIDENTIFIED SPEAKER: She's the third.

UNIDENTIFIED SPEAKER: Third?

UNIDENTIFIED SPEAKER: Only because of my good [inaudible].

UNIDENTIFIED SPEAKER: Who was your [inaudible]?

UNIDENTIFIED SPEAKER: [Inaudible].

UNIDENTIFIED SPEAKER: Yeah and I had never [inaudible].

UNIDENTIFIED SPEAKER: Thank you, brother.

UNIDENTIFIED SPEAKER: Moving that over there and this [inaudible].

UNIDENTIFIED SPEAKER: Yeah.

COUNCILMEMBER HOWORTH: Is that--that's mine, though.

COUNCILMEMBER LESSER: I think that's yours.

COUNCILMEMBER HOWORTH: Oh, yeah. And ask Richard to move it over two inches. I don't know. For me.

UNIDENTIFIED SPEAKER: Do we have anything else, like [inaudible]?

UNIDENTIFIED SPEAKER: [Inaudible].

UNIDENTIFIED SPEAKER: Sure. [Inaudible].

UNIDENTIFIED SPEAKER: I'm trying to get Corin out of the way. There we go. Perfect. Smile. Okay.

UNIDENTIFIED SPEAKER: In case my [inaudible].

UNIDENTIFIED SPEAKER: Thank you. Thank you, so kind.

UNIDENTIFIED SPEAKER: Get one. We want to give her a chance.

UNIDENTIFIED SPEAKER: You got room for one more? Thank you.

UNIDENTIFIED SPEAKER: [Inaudible].

UNIDENTIFIED SPEAKER: I think Corin--wait, was this your phone?

UNIDENTIFIED SPEAKER: Yes.

UNIDENTIFIED SPEAKER: [Inaudible].

UNIDENTIFIED SPEAKER: Now this one.

UNIDENTIFIED SPEAKER: Yeah.

UNIDENTIFIED SPEAKER: Okay. Now, you can  
go back here too.

UNIDENTIFIED SPEAKER: Okay. Okay.

UNIDENTIFIED SPEAKER: Back to our meeting.

UNIDENTIFIED SPEAKER: Yes, it is.

MAYOR MONTGOMERY: All right, folks.

COUNCILMEMBER HOWORTH: Oh, yeah. Sorry.

COUNCILMEMBER LESSER: It's okay.

COUNCILMEMBER HOWORTH: Okay. Do not  
disturb.

MAYOR MONTGOMERY: Oh, yeah. I got that.  
Now that everybody has quieted down a minute. Something we  
started, Mayor Pro Tem Joe Franklin and I started a while ago,  
was it February, March, last year Joe? I forget, maybe March. I  
want to recognize all the veterans that are here. Most of you  
[inaudible]. A lot of veterans are here, so I recognize all  
veterans and currently active military and current military  
reservists. Would you all please stand and be recognized.  
Chief. There's two. Thank you, sir. I appreciate that--

UNIDENTIFIED SPEAKER: [Inaudible].

MAYOR MONTGOMERY: We honor those who make  
it possible for us to be here tonight. Thank you. I know the

Chief, when she's here at least we get one person to recognize while I'm here. It's an automatic one. Thank, Chief. That's good. With that, let's move to item "E," Approval of Agenda and Waiver of Full Reading of Ordinances. Council? Question with City Manager Bruce. Do you have a question or comment for item number nine? Let me just pull up for explanation. Circle number nine for me to be--

COUNCILMEMBER NAPOLITANO: Number--

MAYOR MONTGOMERY: --pulled.

COUNCILMEMBER NAPOLITANO: --ten, your honor.

MAYOR MONTGOMERY: And number 10 for Councilman Napolitano. So, items nine and ten.

COUNCILMEMBER NAPOLITANO: Mine is just a clarification issue.

CITY MANAGER MOE: And, Mr. Mayor, item 14 we'd like to continue to the next meeting.

MAYOR MONTGOMERY: Item 14 continue to next meeting?

CITY MANAGER MOE: Yes.

MAYOR MONTGOMERY: Okay. Nine, ten, and fourteen. Fourteen will be at the future meeting. I need a motion. I see a first by Mayor Pro Tem Franklin and a second by Councilman Howorth. Voting screen, please.

CITY CLERK TAMURA: Motion passes. 5-0.

MAYOR MONTGOMERY: Great. Next item up, City Council and Community Organization Announcements, upcoming events. City Manager, do you want to start this one off?

CITY MANAGER MOE: Yes, I would, actually. I'd like to ask Public Works Director Erick Lee to come down and say a few words about the city response to Hurricane/Tropical Storm Hillary from a couple of weeks ago. I, unfortunately or as some people said fortunately, was out of town the day that storm that came through and Erick was the acting City Manager in my absence and Erick and I were in touch with each other, obviously. But, I am so proud of the response that the city had for that event. It was something we, obviously, haven't experienced here in 80-some odd years with that type of wind and rain event, but I think the response that the city had from our new Emergency Preparedness Coordinator Amanda who you'll hear from, I think, at the next meeting on another topic, but she was instrumental. And thank you again for allowing us to hire that position. As I've said many times in the past, this is a needed area for us and Amanda proved her worth and is setting us up well for emergency response in the future. But, with that, I wanted Erick to talk a little bit about the city's response because one of the things that made me the proud was the staff did not let anything get in the way or impede our progress in serving the community whether it was making sure sand bags were obtained and filled, making sure our employees were taken care

of between shifts so they could be well-rested and continue the response to make sure flooding didn't happen, downed trees were addressed, and so many of those things. I've asked Erick to give this report because he was in charge and, frankly, he did a marvelous job leading the team and I'd like you to hear from him exactly what we all did, so thank you.

MAYOR MONTGOMERY: All right. Director the floor is yours.

PUBLIC WORKS DIRECTOR LEE: Good evening, honorable Mayor and members of the City Council. I'm Erick Lee, your Public Works Director and as Mr. Moe mentioned I was the Acting City Manager when we had tropical storm Hillary come through the south land. Really I'm just going to give you what I'm hoping is a high level blow-by-blow of how the three or four days we were dealing with the storm went and you can see how the City Staff responded. On Wednesday, August 16, we began tracking the storm. I remember calling Chief Lang and saying "What's going on? We heard the hurricane is coming in through Mexico," so that's when we started getting on this. It ended up being a tropical storm once it hit southern California and the first one we had in 84 years. The forecast around Wednesday or Thursday was torrential rains with sustained winds to strike over the weekend. Obviously, that gave us concern not only for the general welfare of the city, but also we had to add the complexity of the A.V.P. event in town that weekend with tens of

thousands of visitors right on the coastline. Immediately, we started working on this. By Thursday, our Emergency Preparedness Administrator Amanda MacLennan and our Community Engagement Manager Allie Latragna were working with Chief Combs, our Division Chief at the Police Department to track the storm and help develop plans. Our response over the weekend was, the work the three of them did was instrumental in making sure the city could respond well and so we are very fortunate to have those talented people on our Staff. One of the opportunities we identified early on was with the volleyball tournament in town, we had over-staffing in the Fire Department and Police Department already scheduled to be in town for the weekend, so we knew we'd have adequate public safety resources. In Public Works, we placed most of our field staff on standby for the weekend to make sure they were able to respond at a moment's notice. On Friday, we continued to track the storm and maintained close contact with the Police, Fire, and Parks and Recreation Departments, especially with the A.V.P. organizers. We had excellent partnership with A.V.P. and they understood the public safety needs of this community and event-goers. They were committed to ending the event early if necessary, frankly, at a potential loss for them because it would be the right thing to do. In the meantime, Public Works crews prepared sandbags, clean catch basins, and cleared roof drains of city facilities. We also brought in teams from home on Friday in the afternoon

and evening to help out with this work. On Saturday, our city leadership team met throughout the day via Zoom to report on the storm preparations and review the latest information that we were getting from the National Weather Service and County Office of Emergency Management. At that point, the refined forecast showed the bulk of the storm would arrive between noon on Sunday and peak late that evening. And so, as City Manager Moe mentioned, he and I consulted and met with our leadership team. We decided to open the E.O.C. officially on Sunday morning and we worked with A.V.P. and they advised that they'd be running their brackets late onto Saturday and then starting early on Sunday to conclude the tournament by noon on Sunday. And then, throughout the day on Saturday, we continued major sandbag operations at the yard, so as most of you know, we ran out of sandbags and we had crews with our heavy equipment getting sand off the beach, bringing it to our parking lot. While we were filling sandbags, if you wanted to build your own you could do that as well. We were trying to make it as accessible to the community as possible and our weekend lead indicated it was like in-and-out, parking lot in the yard that day there were so many people. By Sunday morning at eight o'clock, we opened the E.O.C. with all of our disciplines represented. We had additional staff supporting remotely, some while on vacation from out of state. We had hybrid meetings throughout that day and A.V.P. wrapped up before noon as they promised to us and the



first bit of real storm impact became seen on Sunday. Most notably, at 27th Street and 29th Street in the tree section. We've got active construction over there and some of that was not buttoned up correctly and was causing a mud flooding issue and so that road was closed for about 24 hours. Our contractor responded and ultimately mitigated that work. At about noon, Mayor Montgomery and Mayor Pro Tem Franklin arrived at the E.O.C. to ensure we had all the conditions and resources necessary to respond properly to the community and it was around that time that Staff was realizing, I think it was only on the Public Works side, that we had a lot of people working, helping out, and we were looking at our available resources for the evening when the storm was really going to come in and saw we were going to be in deficit. And so, essentially, we were too heavy in the day and not enough in reserve in the evening. There was more complexity to that because the heavy rains were anticipated to be in the evening and we were concerned if we had crew members trying to come in from outside the city that they may potentially be unable to based on the forecast. We made the decision that we wanted to keep crews in or near the city and made arrangements for about one third of our of our crew that was on staff during that day who had already been working about eight to ten hours already to get eight hours of rest and then resume work at ten o'clock. We began looking for hotel accommodations, locally, for them and Mayor Pro Tem Franklin

became aware of that effort. He has a very close connection with West Drift and was able to get six of our employees in a hotel room on a moment's notice and we were able to pull them off the line, get them some needed rest, and they also came back about eight hours later at about ten o'clock that night.

MAYOR PRO TEM FRANKLIN: Good thing I had a lot of points.

PUBLIC WORKS DIRECTOR LEE: That was really instrumental to make sure Public Works was going to be ready to respond in the late night and early morning hours of Monday. That night, as I mentioned, our Public Works night shift arrived at 10:00 for storm patrol duties. Our Emergency Preparedness Administrator Amanda, kept the E.O.C. operating all night long liaisioning with Police, Fire, and our Public Works crews. And then, come Monday morning, the bulk of our E.O.C. staff resumed at eight o'clock in the morning and we assessed what we were dealing with. Obviously, we were prepared for the worst and, quite frankly, feared the worst and found we had some tree limb failures, but no extensive tree damage. We had some significant power loss, especially on the east side of the city that I think within 12-24 hours, most of that was resolved by Edison. The biggest issue we had with the power outage was we have some vulnerabilities at a storm drain lift station that the Council has heard about in the past at 23rd and Peck, but our staff had proactively prepared for that, so we had a generator already

stationed at the location and when we lost power we had a trained electrician on standby that was in the city that night and was able to skillfully make that transition to generator power and prevented significant flooding in that area. We were very fortunate for the work he did. That was about all we found, so by one o'clock on Monday, we officially closed the incident down from the E.O.C. level and the bottom line is the city fared extremely well. We were fortunate we didn't have the same impact that some inland communities had and it was really a great testament to the inter-dependence and dependability of City Staff. In the emergency management community, there's a saying, "The only thing harder than preparing for disaster is explaining why you didn't," and I think we're a really shining example of that. Were we prepared for this? Yes. Were we over-prepared? Perhaps and a great position to be for the City of Manhattan Beach. We learned a lot from this incident. We have a new Emergency Preparedness Administrator that's going to be quarter-backing an After Action Report to see lessons learned and how we can improve in the future. We really want to thank Council for its support over that long weekend to make sure we had the ability to properly respond. City Manager Moe for his guidance from afar and a special thank to all of our Staff, all of our Department Heads, and really everyone was available and everyone contributed. As I mentioned, a special thanks to Emergency Preparedness Administrator Amanda MacLennon and

Community Engagement Manager Allie Latragna. This was a great team effort.

MAYOR MONTGOMERY: It was.

UNIDENTIFIED SPEAKER: Yeah.

MAYOR MONTGOMERY: And congratulations for doing that. Thank you. Now, Public Comment please.

MS. POWELL: City Council, my name is Margo Powell. I'm a senior at Mira Costa and I'm also serving as the Student Body President. We hope everyone is ready to mark their calendars. We are excited that the Mira Costa Drama Tech Department has announced their fall and spring performances. From November 3-11, students will perform in Peter and the Star Catcher and the department will also present Footloose the Musical on April 26 and 27 and Run May 1-4. Thank you.

MAYOR MONTGOMERY: Well done, Margo. Hi.

MS. DELANO: Hi, my name is Sofia Delano. I'm also a senior at Mira Costa and this year's Student Body Vice President. Our school year has been off to a great start and we're really excited for our future. Mira Costa is hosting a blood drive on September 21 from 8:30 a.m. to 2:30 p.m. in our athletic complex. It is open to all Mira Costa community, including students and adults. We're also looking forward to Homecoming which is October 27. I'm also excited to share that I'll be serving as one of the M.B.U.S.D. Student Board Members.

MAYOR MONTGOMERY: Congratulations, Sofia.

MS. DELANO: Thank you.

MAYOR MONTGOMERY: Way to go.

COUNCILMEMBER HOWORTH: Yeah.

MAYOR MONTGOMERY: Well done. Our next public speaker--oh, come on, there's Josh.

LIBRARY MANAGER MURRAY: Hi, good evening, Mayor and members of the Council. My name is Josh Murray. I'm here on behalf of Manhattan Beach Library. The evening book club will meet on Monday September 11 at 6:30 to discuss the Golden Spoon--

UNIDENTIFIED SPEAKER: [Inaudible].

LIBRARY MANAGER MURRAY: --by Justin Maxwell. In production for the hit cooking competition Bake Week begins at the gothic estate of the show's host celebrity chef Betsy Martin, everything seems normal. The contestants are eager to prove their culinary talents, but when baking competitions get underway, things go awry. At first, it's merely sabotaged sugar replaced with salt or a burner turned on high, but when someone shows up dead suddenly, everyone is a suspect. Again, this adult program will take place on Monday at 6:30 p.m. at Manhattan Beach Library. Did you know September is Library Card Sign-up Month? So, in the month of September while supplies last, anyone who signs up for a card can get this lovely book bag and a pencil case. So, if you're one of the very few people who don't have a library card in Manhattan

Beach, come by the library in September while supplies last.  
Thank you.

MAYOR MONTGOMERY: Awesome, Josh. Thank  
you. Thank you for doing that.

LIBRARY MANAGER MURRAY: Thanks.

MAYOR MONTGOMERY: Our next speaker.

COUNCILMEMBER NAPOLITANO: This is Community  
Announcements right?

MAYOR MONTGOMERY: Public Announcements.  
Yes, Community Announcements. Hey, Chief.

POLICE CHIEF JOHNSON: Hey. Good evening,  
Mayor Montgomery, members of the Council, Rachel Johnson, your  
Police Chief. I just want to invite the community to a rabies  
vaccination event that we're having this Friday in the P.D.'s  
Community Room from 4:00 p.m. to 7:00 p.m. If you have a pet  
that's in need of a vaccination, please join us. There's more  
information and these fliers that you see on the screens are  
available on the City's calendar. If you're in vaccination or  
licensing for your pet, please join us on Friday. Thank you.

MAYOR MONTGOMERY: Thank you, Chief.

POLICE CHIEF JOHNSON: Yep.

MAYOR MONTGOMERY: Anyone else for  
community announcement? Oh, there's one.

PARKS AND RECREATION DIRECTOR LEYMAN: Good  
evening, honorable Mayor, members of the City Council. Mark

Leyman, your Parks and Recreation Director. I just want to invite the community to come out to the Strand Parcourse Ribbon Cutting. It will be next Tuesday, September 12 at 3:00 p.m. and I want to give a special shout out to the M.B.10K. Board for their generous donation of all the equipment and also to the Public Works team that did a spectacular job. They did all the installation in-house and really beautified the area, so please come join us next Tuesday at 3:00. Thank you.

MAYOR MONTGOMERY: Awesome. Thank you, Mark. Our next announcement? Anybody else, community announcement-wise? Council? No? You too? Martha?

ASSISTANT CITY CLERK ALVAREZ: There's nobody on Zoom.

MAYOR MONTGOMERY: Oh, I'm sorry. Karen? All right.

MS. WOOLDRIDGE: All right. Hello?

MAYOR MONTGOMERY: All right, Karen. You're good to go.

MS. WOOLDRIDGE: Okay. Thank you. Hi, I'm Karen Wooldridge and I'm here as a community member, but also as co-founder of Stand for Peace. My co-founding partner, Donna Michaelson is in the audience and she's also a long time member and teacher at Pennekamp. In 2019, we started to bring awareness to our city about International Peace Day and this year we are planning to gather at the M.B. Civics Plaza and this

is going to reinforce what we're doing in the schools this year. We have a whole Teach Peace Week as education and concepts resolution that's happening and it's enforced the No Place for Hate Program. We would ask the community to join us. We're asking our civic leaders and anybody in town since I know some of you are out of town, the community, community organizers, education all to gather, and we're working with Mira Costa very closely. We have a lot of our Model U.N. students involved and the choir is expected to give us a little music that night, so we're making the first announcement tonight and we have a bunch of different speakers from the Manhattan Ed Foundation, from Unified School District, as well as some Community Organization and we will teach a little bit about the Actions for Peace which is the theme this year from the U.N. This is something that's been going on for a long time there since the 1980's. About 20 years ago--

MAYOR MONTGOMERY: Karen. Karen. Karen, I'm going to have to stop you there.

MS. WOOLDRIDGE: --people [inaudible]. I'm sorry. Sorry.

MAYOR MONTGOMERY: But, thank you very much for your comments. Donna, you can speak. Anybody else want to come speak on this item? Anybody else? Anybody else on Zoom?

ASSISTANT CITY CLERK ALVAREZ: No show of raised hands.



MAYOR MONTGOMERY: All right. I'm making sure there's no one else. Martha, while you're organizing, I'm going to follow up with Director Lee. I was talking about during the hurri-quake when we were here [inaudible]. Remember Mayor Pro Tem Franklin and Councilman Napolitano and everybody was there at the M.B. Open we forgot while this all was going on, Director Leyman and his tab was handling the M.B. Open to the downpour and the people in the crowd. That's one people going on. But, you'd think people would stay away due to rain. It's not true. People were there in the sand, right Audrey? They were there on stand the whole time. No one left. I thought for sure they'd run out and they'd come back. That's not what happened. While that's going on, Acting City Manager Lee, while Bruce is on a well-deserved vacation, realized this is all going on. So, Joe and I went and checked it out there to see what they're doing. People don't just show up one day and say, "We're ready to go." They plan in advance for it. Yes, the Emergency Operation Center wasn't up and running three days before, but they were ready to go. When we were there, they were all manning their spots. We all know what was happening. We just didn't know where this storm would go. "Would it come right at us?" we thought, "The first tract, is it going right over Manhattan Beach? Here we go." So, what they didn't tell you is that they actually filled the sandbags here. Some cities go here's the sand, here's the bag and a shovel, you're on your

own. They filled our bags up and was it five per resident? I don't know. Maybe 10,000 plus went through. I was in the In-n-Out line. I saw it and so people asked the second question which was "What do you do with the sand?" And I go, "Take it back--"

COUNCILMEMBER HOWORTH: Yeah.

MAYOR MONTGOMERY: --or it pour it at the sand dune park. Your choice. We have plenty of sand here." The point was our staff and everybody was ready to go and we were lucky, folks, it turned to the right. Our neighbors at Riverside County were not so lucky.

COUNCILMEMBER HOWORTH: Yeah.

MAYOR MONTGOMERY: You saw what Palm Desert--Palm Springs went through. That could've easily been us. We're not built for that much rain that fast, so unlucky for them and we're happy for us. We had some minor damage we talked about, but we could've been a lot worse. But, like you said, prepare for the worst, fingers crossed. The best happened here, but it shows you we're not waiting until the day of to do something. Things happen in advance, you just don't see it all happening, but they did. That's one thing I was going to talk about and I checked out the list. You and I have been through a hurri-quake now and no--

MAYOR PRO TEM FRANKLIN: Yeah we have.

MAYOR MONTGOMERY: --one else has done that on our list. Martha, what do you have there first up? Coffee with the Mayor. The next one is September 26. Most of you have not been to our new Dunkin', do you know where it is? M.B.B. and Pacific Coast Highway. The Kinecta is there's--

UNIDENTIFIED SPEAKER: [Inaudible].

MAYOR MONTGOMERY: --a Dunkin' there. The Dunkin' Donuts--

UNIDENTIFIED SPEAKER: Keep an eye out [inaudible].

MAYOR MONTGOMERY: --is open. Coffee and all that. I know our Police and Fire know where it's at, but those who have not been yet, I encourage you to visit Dunkin'. No more donuts, just the word Dunkin' is there, so I'm trying to handle--some on the east and some on the west. So, Dunkin' is there at 3:30 September 26, all right? Our passports--are we still waking for Director Charelian to show up with his--there he is. Our baby passports. That's right. So, if your baby are born in the city from Covid up to now, we have these passports that I think Martha, Kristin, and Liza put together. I'm not sure if that's one of the Charelian babies in that stock photo or a stock photo, but let Liza or Martha know and they'll set that up--

UNIDENTIFIED SPEAKER: [Inaudible].

MAYOR MONTGOMERY: --for you. So, make that happen. I think we're up to speed and everything else. A big shout out to Director Leyman and his staff too because I think M.B. Open and [inaudible]. And those of you who don't go to concerts in the park on Sunday, you missed one of the good ones. That's still going we just don't tell everybody outside of Manhattan Beach, our concerts in the parks are still going. How many more Sundays do we have?

PARKS AND RECREATION DIRECTOR LEYMAN: Just wrapped--

MAYOR MONTGOMERY: That was it. That was it.

PARKS AND RECREATION DIRECTOR LEYMAN: -- up. [Inaudible] talked about.

MAYOR MONTGOMERY: Fantastic, so thank you for that. We'll move onto public comments now on three minutes on any item. If you're going to talk about an item on the agenda, folks, this is your one chance. Either talk on it now or talk about it when it comes up. You don't get two bites of the apple, so those who want to talk about an item, please come down here and talk about it. That counts Zoom as well. If not, wait for the item to show up. With that, please come down and speak at the podium.

MR. MAKOWSKI: Good evening, Council. Mike Makowski, 30 year tree section resident. I just wanted to

reiterate my concerns and my view that this Council in conjunction with the City Manager and Chief of Police, of course, need to do more to address the continuing and I would say worsening public safety crisis here in Manhattan Beach. I recently documented a number of crime firsts in Manhattan Beach in my newsletter and we recently had another first two weeks ago just 100 feet from my house. The first time, to my knowledge, that thugs coming into our community have tried to loot a U.S. Postal Vehicle in broad daylight and then, while fleeing the scene of the attempted theft, tried to run over the postal carrier. I believe our police are doing all they can and are making some good arrests, including the postal vehicle thugs, by the way, but arrests alone are reactive, not proactive, and they have a limited impact on this zero bail, of criminal-coddling D.A. who won't charge many crimes and state and county legislators who only care about pandering to their political constituencies even if that means making the job of law enforcement harder and the public less safe. Like Senate Bill 50 which was introduced by the knit-wit State Senator from Gardena that, if passed, would make it unlawful for police to make traffic stops for certain low level violations even though those stops have, at times, allowed our police to identify felons with outstanding warrants and unlicensed firearms. Today, we'll be discussing how to get around Gascon's ban on certain State Misdemeanor Prosecutions for so-called quality of

life crimes. I already know the result. I think you do too, which is we will most likely be unable to prosecute all but a few of these crimes locally which means the only option short of becoming a charter city with its own prosecutors hope the voters wise up and vote Gascon out of office next year. We need to go above and beyond in terms of employing every available means to deter crime proactively and in that regard, I'm glad the Council is looking today at more security cameras to increase our Police Departments surveillance capacity. In my view, we also need more mobile surveillance trailers and if it would help, more license plate readers, which I've heard the mayor talk about, but have not seen any discussion by the full Council. We need improved more timely communication regarding criminal instances of interest. As an example, I recommend you look at the recent Facebook postings by Hermosa's P.D. regarding such instances on Pier Avenue in just the past few days. I and many others miss our Police Department's detail from previous years weekly neighborhood watch reports which indicated each crime with the street and block location, a brief description of the crime, and a highlight in red if it was a preventable crime or a crime of opportunity like the burglary of an unlocked vehicle. Lastly, Council must take the lead in communicating with our county and state officials in objecting and writing the types of laws that direct that seem to be emanating from them on a weekly basis that, if passed, would degrade law and order like banning police

dogs. That was being batted around up in Sacramento. And publish those communications on the city's website to help inform and educate the residence as to what our elected non-leaders are doing to compromise public safety. Thank you.

MAYOR MONTGOMERY: Thank you, Mike. Our next speaker? Next speaker? Does anyone else want to talk?

MR. PACKWOOD: Hi, my name is Steve Packwood.

MAYOR MONTGOMERY: Steve.

MR. PACKWOOD: I didn't know Mike was going to be here stealing three-quarters of my speech, but I would just like to add some things. I look back over your past agendas from your guys' meetings and haven't seen a lot of public discussion on public safety as it relates to Police, Fire, et cetera. I know that each one of you sitting up there some time during your public career has indicated that public safety is your number one concern, from that perspective. I've been a resident in Manhattan Beach for 35 years and I've seen crime escalating over the years. First, with a rash of catalytic converters being stolen, then onto increase break-in's in cars and finally into breaking in and robbery at our individual homes. Finally, our own businesses as it relates to deaths. Yet, what I see on the agendas of the City Council Meetings are discussions of a second flower for Manhattan Beach as well as a survey for what we're going to do for Juneteenth

Day. I think our priorities, from my perspective, are a little skewed in that area. As it relates to homeless issues, we've seen an increase of homeless in our area. A couple of weeks ago, Paul and I were downtown and we noticed an individual camped out under a sign that says no camping. We have a law on the books that says no camping overnight or whatever and basically had been there for two days. This was on day three, so basically, we then called our non-emergency hotline and were told we can't do anything about it. Well, we can do something about it. They were violating a law on the books. We also told the gentleman we were concerned about his health. Obviously, something was done because I think he was removed on a 51 50 later on from that perspective. I support our Police Department and their efforts and I know it's very challenging for them. But, I think as a City Council, we need to make sure that the public is aware of everything that we're doing to basically counter this action. Have a written plan from the Police Chief and publicize it or at least discuss it here.

MAYOR MONTGOMERY: Thank you, Steve, for your comments. Our next speaker?

UNIDENTIFIED SPEAKER: Good evening.

MAYOR MONTGOMERY: Good evening.

UNIDENTIFIED SPEAKER: I apologize for the redundancy. I grew up in Manhattan Beach. I raised my children here and I come here tonight to express my concern. As somebody



who grew up here, I know people say it's a different world, but it's still really, really critical that we talk about this. The increasing crime in Manhattan Beach. As I've mentioned, I've watched this city as I've grown up and I see it now just going downhill. I decided to move to another state leaving the memories as well as some family members behind because honestly, it's too hard to watch what's happening here. So much of this decline is preventable. I've lived here long enough to remember when folks running for City Council's slogans were small town, keep a small town vibe and I just don't see that at all anymore. I live in a city now where I don't have to worry about smash and grabs or having my house broken into or worrying about my car being stolen out of my driveway. I have friends and family here. The things that are happening, I just can't believe it to be honest. The criminal acts are just something that are-- obviously there are higher levels. There's Gascon and there's all those rules, but I just feel like we need to actually do something and when I heard about the people on the strand that had guns put to their heads and they were robbed, I thought what more has to happen exactly. What are we waiting for before we're really super proactive and more aggressive about patrolling? The city I live in is larger in size hired private security, not mall cops, but real security officers that were armed and they walk up and down downtown areas as well as our law enforcement which is wonderful. I love the law enforcement

here because they're amazing, but they need more help and our community deserves it. I'm not here just to complain. I wanted to just give that as an example of what's worked in the community that I live in now. Having people walking up and downtown areas is extremely helpful and it's a deterrent. My young adult children here and I worry about them every single day. When they were little, we were able to walk down to the beach and walk on the strand and the crime that's happening, I think that whoever is in charge of making the decisions, they should be given six months and they need to come up with a plan to be more aggressive. I really appreciate your time and, again, I'm sorry for the redundancy, but I came here to speak as a parent and a long-time community member. Thank you.

MAYOR MONTGOMERY: Thank you for your comments. Next speaker?

UNIDENTIFIED SPEAKER: Mr. Mayor, members of the Council, I've got a lot to say. I think this is the first time that we've actually had a meeting since the Lahaina Fires. I think I reached out to Jill directly. A lot of us have family and friends who lost everything. Mr. Mayor thank you and for everybody that's listening in this community that gave something, who sacrificed to whatever organizations that you believe in that you're giving to, the Hawaiians in the island of Maui--my mother lived in Lahaina for a lot of years. It brings tears to my eyes here a second. Mr. Mayor thank you

and for this city, thank you very much. That's not what I meant to say. That plumeria that's sitting on top of my phone came from a plumeria plant from my mom's house in Lahaina. But, that's not why I'm here. I'm concerned about the continued--let me change gears for a second here, sorry. The continued blocking of public streets downtown. I think we have a real issue. It's delivery trucks. It's trucks with uniforms. It's restaurants. It's beer trucks. Parking wherever they want to park and for residents that live down here if I park wherever I want to park, guess what, Chief Johnson and her staff rightly so, there's somehow a State of California vehicular code that I'm violating. Why does it apply to me and not them? Who makes that decision. But, at any point at any part of the day, there is a truck and I don't care whether it's a beer truck, restaurant delivery truck, whether it's one of our big restaurants that support millions of dollars to our community, or whether it's one of the tiny little food establishments, but at some point why do they get to park wherever at any point in the day and we don't. Now, I don't want to. What I want is to correct that action so what's the answer? I'm not sure. We're looking for solutions. What do other communities do? As I've looked out into other communities, other communities are a lot larger than we are. They have than one or two cross sections coming into the community and I'm hopeful that Council can start some action, make a decision to help the downtown community flow

a little better. Thank you for your time. I really appreciate it. Thank you.

MAYOR MONTGOMERY: Thank you Jim. Our next speaker?

UNIDENTIFIED SPEAKER: I am here to speak about crime and I want to state that I fully support agenda items number 14, 16, and 17, especially number 16 and thank you. I also want to thank Mayor Pro Tem Franklin for his dedicated work on addressing the issues of e-bike safety and other serious problems facing Manhattan Beach. Additionally, you always respond to resident concerns about crime and the homeless invasion and I really appreciate and value your heartfelt leadership. Also, thank you Councilmember Napolitano for urging M.B.P.D. to start ticketing e-bike infractions with no more warnings. I was so happy to hear your position on that and it inspired something in me which I'll circle back to in a moment. Now, for the depressing portion of my speech. I had several friends in San Francisco and many fled after a year of living under Gascon's decriminalization of crime policies. I knew full well that was what was going to happen if we got Gascon in L.A. County. I don't know how anyone with half a brain in their head wouldn't know and here we are living it. County and state policies impact us greatly. We now have S.B. 50 on the table trickling through the legislative approval process. Seriously, that's next. A quick scroll through M.B.P.D.'s Instagram feed

gives you a sense of how many guns and dangerous criminals are caught from P.D. issuing tickets for low level violations. With S.B. 50, they won't be able to do that and that's pure insanity. When I first moved to L.A., I lived in the Oakwood area of Venice where the Oakwood gang operated. L.A.P.D. SWAT would come in about once a week and search helicopters would circle several times a week day and night. I'm more concerned about crime and being a victim of crime now because of Gascon's policies than when I lived in gang territory. I thought the violent armed robbery at Pasha would be a turning point for our residents to unite. Now, there have been two. When our local stores started to place products behind locked display cases, I thought people would start to wakeup and then we had our three back-to-back armed robberies. There's still no outrage from the community. What's even worse is that residents are not being accurately informed on the sheer volume of crime happening in Manhattan Beach. So, who's responsible for the watering down on the reporting of crime? Why are we not reporting what's really happening and not informing our residents? I urge Council at a minimum, to please utilize our M.B.P.D. Instagram feed to update residents in real time of crimes that are happening in the city. Lastly, I ask the city to consider establishing a Gascon Hazard Pay Incentive for existing patrol officers and new hires. How about an additional \$10,000 a year? If you all vote yes on agenda 17 number "b," \$500 tickets will add up quickly and we

can use this money for the Gascon Hazard Pay Incentive. We will be the first city in L.A. County doing this and surely it will not only higher quality hires for our Police Department, but will also send a message to criminals that we value law and order in Manhattan Beach and that would go a long way. Thank you.

MAYORMONTGOMERY: Thank you. Our next speaker?

MR. ATKINSON: Hi Council. John Atkinson.

MAYORMONTGOMERY: Hi John.

MR. ATKINSON: Been here since 1967. I love this town. I own a little restaurant. Sidewalk dining has always been something we've been trying to do and I heard we were talking about it tonight. I haven't--

MAYOR MONTGOMERY: What are you talking about?

MR. ATKINSON: --heard anything about it since, but, yeah. I'd just like to say as a small business owner from here, four generations from here, and I live here and my sister and mother live here. I went to school with him.

COUNCILMEMBER NAPOLITANO: Sorry. I didn't think you'd admit to that.

MR. ATKINSON: Every little bit helps us and wobbling ideas about it or different interpretations of the law, especially on a Saturday afternoon and someone comes up and

says, "You have to move these tables," in the middle of the day, I mean this is devastating for a small business. We're all on our knees for the last few years, it's getting harder not easier. A little consistency from the City on the sidewalk dining would be awesome. Small businesses matter. Twenty-five years ago he said, "I don't want to go to El Segundo to pick up my dry cleaning." That means small businesses here. I'm one of them and a local and a property owner. And help us out?

UNIDENTIFIED SPEAKER: Thank you.

MAYOR MONTGOMERY: Thank you, John.

UNIDENTIFIED SPEAKER: [Inaudible].

COUNCILMEMBER HOWORTH: Steve, you get clothes dry cleaned?

COUNCILMEMBER NAPOLITANO: What's that?

COUNCILMEMBER HOWORTH: You get your stuff dry cleaned--

COUNCILMEMBER NAPOLITANO: No.

COUNCILMEMBER HOWORTH: --that's amazing.

MR. ATKINSON: Thanks, guys.

MAYOR MONTGOMERY: Thank you.

COUNCILMEMBER NAPOLITANO: I went to polyester.

MAYOR MONTGOMERY: All right. Our next speaker.

DORI: Good evening. I spoke at the last City Council meeting and one of the subject matters I brought up was the signs that I saw dispersed through the city about hate and how Manhattan Beach stands unified against hate. When I completed my speech at three minutes, Councilman Howorth stated and you can all go back and listen to it, "I just want to make clarification that the speaker spoke about the anti-hate signs M.B. United and they're not affiliated with the Manhattan Beach Unified. I do not believe they are South Bay Coalition Against Hate and the City of Manhattan Beach. It doesn't have anything to do with M.B. Unified. Is that correct, Mister?" I have no idea who mister was. I assume it was the City Attorney, however, you can't see that and I most certainly was not able to because I was walking away when Councilman Howorth said that, so my position is optics matter, words matter, and behaviors matter. Correct me if I'm wrong, but weren't some of the people associated with M.B. Unite were Hildi Stern and people like yourself Councilwoman Howorth who are now on the South Bay Coalition of Hate. I also believe that, as I said, you, Councilwoman Howorth were part of M.B. Unite Group. I repeat optics matter, words matter, and behavior matters, so perhaps you could clarify if I misunderstood some of the connections or lack there of. Since I was told I was wrong and I didn't have an opportunity to rebuttable that I was wrong. The Anti signs say Manhattan Beach Unite if you look at the optics. Let's look



at them. The signs are and it's curious to me how use the usage of point size, the positioning of copy, the graphics, the size, and the colors that were chosen. For example, I posed the question why was the South Bay Coalition done in a faint, barely visible gray copy and very small, however the rest of it was very clear. It states, "Manhattan Beach stands united against hate," and then we have the hashtag and we have mbvshate.org. If any of you have had the opportunity to go look at those websites, I encourage you to do so. What was the average person to think? I consider myself to be average, of average intellect, and I saw those signs and I came up here with concern. I was basically humiliated and I was told I was wrong without an explanation and I would prefer and I will ask for one sometime in the near future. Privately, I don't care, but I deserve an explanation for being told I was wrong and optics do matter. Thank you.

MAYOR MONTGOMERY: Thank you. Our next speaker? No one here in the audience? Martha, anybody on Zoom? No? Making sure anybody else here didn't cover anybody? Well, before I close public comment there are two things I want to say here. Do you want to say anything?

COUNCILMEMBER HOWORTH: First of all, I'm very sorry. Clearly, I offended the speaker and I'm sorry I don't know your name.

DORI: Dori [Inaudible].

COUNCILMEMBER HOWORTH: Dori? Okay. Thank you, Dori.

DORI: You're welcome.

COUNCILMEMBER HOWORTH: Thank you. I really am sorry. Optics do matter and we can parse up the different words, but the organization M.B. United didn't participate in the making of those signs. That's all. There is a difference to me, so maybe we'll have coffee one day and talk about it.

DORI: That'd be great, thank you.

COUNCILMEMBER HOWORTH: Okay?

DORI: [Inaudible], thank you.

COUNCILMEMBER HOWORTH: Yeah, so that's all I've got to say.

DORI: Thank you.

MAYOR MONTGOMERY: A picked up a few of Steve comments and Mike's comments. I'll start with the beginning. Steve, you must've been gone when we talked about public safety three or four times while you were gone. You were out of town. I think we can get by a month without someone having a public safety comment which we welcome. Chief Johnson is great. Her team is great. Communication, I think the Neighborhood Watch is posted there. You'll see them all at work with City Manager Moe and going forward what we're doing to improve things, what's out there. The reason we don't tell

where our A.L.P.R. (Automatic License Plate Readers) are is because Chief Johnson doesn't want everybody to know where they're at and I'm with her on that. I don't publicize that information. It shouldn't be told to you where they're at. That's their deformation only. I don't even ask myself where they're at. They work. There's not a day that goes by they don't spot something because a license plate reader goes off. There's a lot going on behind the scenes they don't tell everybody. Part of that is for your safety and their safety, so that's what's going on. Number two, a lot of meetings happen, our contracts are settled, everybody is back to being team one again, team Manhattan Beach, but I don't want to tell you the policies of Gascon work in our favor. They do not. First one to say it. Fine. That's an election issue. That's not my city issue. I can't control what happens countywide, but I can, all of us, our own back yard. Our focus is and should be our backyard, period. Second to that, I have to repeat this every time it comes up, folks you missed it during the budget session, we hired seven new officers. The reason we haven't gotten all seven on yet is because Chief Johnson does a thorough background on them. We can't hire them on day one. It takes time "a," assuming they've gone through the academy to transfer over and you've got to check them out, right? And number two, if they're at the academy, they still take time to get here. We don't get an instant switch and we get seven new officers here, but she'll

have the flexibility to put them where she wants to put them. That's pro-activity in my mind, doing a lot of things behind the scenes you don't see. We see that. We know they're there. Like people say, "I don't see officers downtown." Sit with me and the mayors for coffee at Pete's today. Tell me the officers you see going by there, so I just sit and wait there for the comments to come by. Okay. We're fair game. You want to criticize something with us, we're fair game, but have your facts straight when you come to us to talk about information. A lot of it goes on there. Some people are saying people are fleeing the city because of their perception of crime, that's funny, if you look at this, we have a billion dollar increase with a "b," in property values in Manhattan Beach in last year's assessed values. If people are fleeing the city, why are property values going up, not down? Have you seen the lack of homes for sale? Where's a realtor around here when I need one? There's not a realtor here, but usually a realtor raises their hand, oh, it's Mike. There's a dearth of homes not for sale, why? If we're so bad and we're to become the next Venice Beach I keep hearing the next Venice Beach, why are people still here? Why are school so prized? That's not it, folks. There's a lot of things I can't tell you because the police do a great job. All of us see emails once, twice a day, Joe?

MAYOR PRO TEM FRANKLIN: Mm-hmm.

MAYOR MONTGOMERY: Things going on, folks. You'd be stunned how much goes through our city and how much they catch. And yeah, that pro-activity works both ways. Not just officer seeing things, but having the computer help doing things for us. So, just know they're busting their butts for us. What happens outside the county, I can't do that. I can't tell you past that. Give us time to get our new people set, what's going on, and we'll go from there. And in the meantime, if you have questions like Michael, call me, Michael text me, and say what about this and this and this. There's great questions in there. Not all of them, but some great questions, but we're accessible and that's the point, so I'll stop with that one. And Jim, to your point about Lahaina. A lot of people, all of you helped out, it wasn't me by myself, it was the Council, it was Staff, it was Sketchers, it was Scott--

COUNCILMEMBER HOWORTH: Rusher.

MAYOR MONTGOMERY: --and Stacy. It was Dave Rusher. They were so inundated with three days of supplies they shut it down. They got overwhelmed in their warehouse over here next door. They couldn't handle anymore supplies. People in our city reached out to Maui Air and got private medicine, baby formula, things set up over there. No one looking for credit, but we know when things happen in the city, we show up. Not just, hurricane related, all over the country when that shows up, we were there. Jim and your family is part of it, so

a lot of things happened, and I'll stop with that one. Anybody else? Colleagues, any comments, questions? All right. Let's move on, then. Item H, Consent Calendar. I know we pulled off nine and ten. Fourteen has been reset, City Manager, for the next meeting?

COUNCILMEMBER HOWORTH: Yeah.

MAYOR MONTGOMERY: Yes, we're all in love with those TV cameras that we had in the past. We want to bring those back all over the city. So, with that, I need a motion. I see a motion with Councilmember Lesser. What is your motion, sir?

COUNCILMEMBER LESSER: The motion is to approve the Consent Calendar less the items of nine, ten. Those are the two items that are on the Consent Calendar.

MAYOR MONTGOMERY: Right. And the second by Councilmember Howorth. Any comments? Seeing none, vote screen, please.

CITY CLERK TAMURA: Motion passes. 5-0.

MAYOR MONTGOMERY: Great. Items pulled from consent items Director Lee, just clarification on item nine. Most of you can read that if you can read number two font, it's the City of California--we're doing improvements for crosswalks and [inaudible] report, you put a map on there. Thank you for putting the map. It showed Flournoy and Valley Drive, so the

question is it's not just along Valley Drive. That's your first one, is that correct?

PUBLIC WORKS DIRECTOR LEE: There are three locations that are tentatively planned in this agreement. One would be Valley Drive and Flourney Road. The other one would be Manhattan Avenue and 36th Street and the other one would be Highland Avenue and 40th Street.

MAYOR MONTGOMERY: And the two remaining cross roads, you expect to come back in the next year or so?

PUBLIC WORKS DIRECTOR LEE: This is the funding agreement. We'll do the design sometime in 2024 we'll come back to the Council before we go out to bid.

MAYOR MONTGOMERY: Are those one at a time crosswalks or two at a time going forward after Valley and Flourney is done?

PUBLIC WORKS DIRECTOR LEE: We have to do the design first and then we'll get an estimate on what the actual construction costs are and then we'll have to make sure we've got a budget to match it. So, we have a few more steps along the way. Does that answer your question?

MAYOR MONTGOMERY: It does. Those were the questions asked to me and I want to make sure that that was it. I have no problem with the numbered item itself, but the detail going forward. Residents always see that and say, "Well, why isn't my street not the next one up? Why isn't my crosswalk not

being done yet?" We've been going in sequence. That was that question.

PUBLIC WORKS DIRECTOR LEE: Yes, sir.

MAYOR MONTGOMERY: Council, questions anyone? Done. Open up public comment on item number nine on the crosswalks, the first one at Valley and Flournoy? Martha, anybody on Zoom?

ASSISTANT CITY CLERK ALVAREZ: No raised hands on Zoom.

MAYOR MONTGOMERY: All right. I'll make the motion to approve item number nine, crosswalk. A second by Mayor Pro Tem Franklin. Voting screen, please.

CITY CLERK TAMURA: Motion passes. 5-0.

MAYOR MONTGOMERY: Thank you. Item number 10 pulled my Councilmember Napolitano. Consider of a resolution approving amendment to number one and the Design Service Agreement with David Volt, Design Landscape Architect. Councilman Napolitano?

Councilmember NAPOLINTANO: Thank you, your honor. My concern with this item is that we hosted a sand dune revitalization open house on November 12, 2022. I know that because I was there and then we had a community meeting on April 30 and the November one is coming up to a year past. April is obviously months passed behind us here and I'm just concerned we're hiring a design consultant here and there's no planned



community meeting regarding his work. I know that we're basing it on the survey and we're basing it on past, but as things change--I guess my number one concern is this consultant--I know they've done other work in the city. That they look at sand dune to polish and not to overhaul it. I don't think anyone wants an entire new schema out there. We've been down this road before with the downtown plan, the Veteran's Park winter thing. Just keep it simple. The other thing is at some point, I know this is going to come back to us or is it going to go back to Parks and Recreation?

PARKS AND RECREATION DIRECTOR LEYMAN:

Correct. Commission and then City Council.

COUNCILMEMBER NAPOLITANO: Okay, so then

Parks and Recreation Commission will be another bite at the apple for the public to take a look--

PARKS AND RECREATION DIRECTOR LEYMAN:

Right.

COUNCILMEMBER NAPOLITANO: --and they're

going to be notified along the way as well--

PARKS AND RECREATION DIRECTOR LEYMAN:

Absolutely.

COUNCILMEMBER NAPOLITANO: --out there?

Can we have a list of people that we're--notify?

PARKS AND RECREATION DIRECTOR LEYMAN: Will

do.

COUNCILMEMBER NAPOLITANO: Okay. I guess I'm comfortable enough to then to proceed. I kind of wish that the consultant would sit in a room with the concerned neighbors out there at the same time that they're coming up with whatever plan they come up with, but if we're not going to have that, I'd assume that would be an additional cost.

PARKS AND RECREATION DIRECTOR LEYMAN: What I will say is David Volt is intimately involved and he was actually one of the engineers when they built sand dune back in the day and so he knows the community really well. And the commission has a done a phenomenal job with outreach and so they've really coalesced along some of these ideas that have resonated throughout and so he will help, with this new contract, package all this information, bring it back to the community, and ask did we hear you correctly, were there any other changes? But, you are correct, it's not significant. They're the minor changes that we're really hearing from the community and they are, again, aligned with very similar priorities that we've heard in over 250 surveys in addition to the two outreach meetings.

COUNCILMEMBER NAPOLITANO: Okay. Thank you. I'm comfortable.

MAYOR MONTGOMERY: Director Leyman, my question is a follow up on that one. Can we pay them or as a part of our fee to hold a community meeting?

PARKS AND RECREATION DIRECTOR LEYMAN: So, that is included in the scope.

MAYOR MONTGOMREY: So, we can do it--

PARKS AND RECREATION DIRECTOR LEYMAN: Additional community meeting--correct.

COUNCILMEMBER NAPOLITANO: So, why don't--

PARKS AND RECREATION DIRECTOR LEYMAN: And-

-

COUNCILMEMBER NAPOLITANO: --we do that, then because it's not proposed here--

PARKS AND RECREATION DIRECTOR LEYMAN: --so, we will. And timing-wise, we were able to use the previous existing contract that was in place with David Volts for other projects to have him come out and facilitate that community meeting, so that's why it's been on pause to have this new contract in place and then they'll ramp right back up and we'll plug in that new community meeting.

COUNCILMEMBER NAPOLITANO: Oh, okay. Because it's not said here in the public outreach that we were going to have another one. Okay.

MAYOR MONTGOMERY: That works for you?

COUNCILMEMBER HOWORTH: Excellent.

MAYOR MONTGOMERY: Steve, do you good with that?

COUNCILMEMBER NAPOLINTANO: I don't know when that is, though. Yeah, that's fine.

MAYOR MONTGOMERY: Councilman Lesser?

COUNCILMEMBER LESSER: I just wanted you to summarize for whoever might be tuning in what is the scope of work? I was one who went to one of the community's meetings but it was just as was mentioned over a year ago and it's a little bit unclear what exactly this consultant is going to be doing and how the public will see the work. What does it entail?

PARKS AND RECREATION DIRECTOR LEYMAN: Absolutely. The initial information that was gathered was strictly from the commission and that initial community outreach meeting. When David Volts came in in the April meeting, it was to have a variety of images, looking at the amenities, and people could put a sticker of this is resonating with me, this is something that may or may not work at this site, but in terms of deliverables--

COUNCILMEMBER LESSER: Mm-hmm.

PARKS AND RECREATION DIRECTOR LEYMAN: -- they with synthesize all of this community input from all the previous--again, over 250 surveys, the two community input meetings. What did we hear? Did we get it right? Again, coming back out to the community, providing conceptual plans that he will prepare with his team, maps, renderings. This will include budget estimates for a variety of plan options, not just

one plan. This will also include grading, drainage, utilities, parking, and then a final concept plan and a rendering including a cost that will be presented to the commission and then brought to Council.

PARKS AND RECREATION DIRECTOR LEYMAN:

Thank you.

COUNCILMEMBER LESSER: Thank you.

COUNCILMEMBER NAPOLITANO: Thank you.

MAYOR MONTGOMERY: Anybody else? Thank you Director Leyman. Standby for any questions. Does anyone have questions on this item number 10? Any in the chambers? I'm seeing none. Anyone on Zoom, Martha?

ASSISTANT CITY CLERK ALVAREZ: Seeing no raised hands on Zoom.

MAYOR MONTGOMERY: Close public comment. Council? I need a motion to move it forward on this one. I see a motion by Councilmember Napolitano. A second from Councilmember Howorth. Voting screen, please.

CITY CLERK TAMURA: Motion passes. 5-0.

MAYOR MONTGOMERY: All right, folks. We are onto public hearings. Item J. General--but no, nothing else on J. We're going to general business Item K. The first one up is item 13, storm drain utility fee lead by Finance Director Charelian. Welcome back Director Charelian.

FINANCE DIRECTOR CHARELIAN: Thank you, your honor. Glad to be back. Good evening, honorable Mayor Montgomery, members of the City Council. Steve Charelian, your Finance Director. Tonight's storm water item is in the City Council work plan that was initiated earlier this year. The storm water fund operates on a deficit and requires General Fund subsidies. The storm water fee has not changed for over 27 years and the single-family resident paying a fixed amount of \$19.12. As part of the work plan item, Council directed staff to work through the finance subcommittee and come back to City Council for consideration to conduct a survey and a new engineering report for the storm drain utility fee. Tonight, you will hear the results of the survey and Engineer's Report with representatives from True North and Harris & Associates who are present on Zoom to answer any questions. During Staff's presentation, Tim MacLarney from True North will go over the survey results. At the end of his presentation, we will pause for Council questions pertaining to the survey. There will be another opportunity at the end of the Staff's presentation to ask Harris & Associates, True North, Legal or any other staff questions. Thank you and at this time, I'll hand it over to Julia Bondarchuk, our Financial Controller to go over the item.

MAYOR MONTGOMERY: She did a great job while you were on vacation, sir. I want you to know that.

FINANCE DIRECTOR CHARELIAN: Yes she did, thank you.

FINANCIAL CONTROLLER BONDARCHUK: Thank you. Good evening, honorable Mayor Montgomery and members of the City Council. It is my pleasure to present the report on the storm water assessments tonight. This is a continuation of the general business item from the May 16, 2023 City Council Meeting. I would like to start out with a short recap of what was discussed during the last meeting. One second. The Storm Water Fund is an enterprise fund which functions similar to a private business in which it provides goods or services to the community for a fee. Ideally, enterprise funds should be self-sustaining. The purpose of the Storm Water Fund is to prevent flooding of streets due to storm water, prevent trash and debris from reaching waterways, and limit bacteria and metals from those same waterways. The City currently maintains seven full-capture systems. The picture on the upper left of the slide shows an example of the debris and trash that has been diverted from waterways due to these systems. Storm water fees have not changed since the program's inception in 1996.

MAYOR MONTGOMERY: Hand that to Bruce.

FINANCIAL CONTROLLER BONDARCHUK: Single-family residents pay a fixed rate of approximately \$19 per year for storm water services. With increased costs and mandates since 1996, the Storm Water Program is severely underfunded,

requiring General Fund subsidies of \$6 million over the last five years and an estimated \$11.6 million over the next six years. On the May 16 meeting, City Council authorized Staff to proceed forward with obtaining an updated survey and an engineer's report. If you're curious, the picture on the slide is of the Public Works crew vacuuming trash that was flushed down the storm drain outfall at the beach.

UNIDENTIFIED SPEAKER: [Inaudible].

FINANCIAL CONTROLLER BONDARCHUK: This chart illustrates the storm water's fund status with the top orange line depicting expenditures and the bottom blue line depicting revenues which has been flat since 1996. The space between the two lines is the General Fund subsidies required to sustain operations and meet basic infrastructure needs. If the storm water subsidies are not addressed, the subsidies will continue to eat away at the unreserved general fund balance. According to recent forecasts, it is anticipated that by fiscal year 2026, the unreserved General Fund balance will be completely depleted and the City will have to dip into economic uncertainty. By Fiscal Year 2027, the continued subsidies will start depleting financial policy reserves. From this chart, it is clear that the City's current practice of funding storm water operations with General Fund subsidies is unsustainable in the long term. This chart highlights the current C.I.P. projects in the Storm Water Fund. Currently, \$8.35 million of projects is



programmed in the C.I.P. for the next six years and accounts for the bulk of the expenditures. Since the annual storm water revenue of approximately \$350,000 is insufficient to fund operations, these projects would be completely funded by General Fund subsidies if no action is taken. An attachment of the C.I.P. projects is also included in the staff report. For the engineer's report, the City contracted with Harris & Associates to develop a reasonable method of calculating storm water fees based on impervious square footage using the L.A. County data for measure "w." With the currently programmed C.I.P.'s and operations, the proposed fee is 4.6 cents per impervious square footage with the averages single-family resident rate at \$129 annually. Since we are using measure "w," data, a resident can file appeals on the safe, clean water website if they think their impervious square footage is incorrect. A link will be provided on the City's website at a later date if appropriate. This chart illustrates the different categories of storm water fees based on fee range. Single-family residential is broken down into three categories to highlight the population in these various fee ranges. Higher fee ranges are due to higher impervious square footages on a property. Looking at the data in another way, the dark blue and the red on this chart accounts for 95% of the residential parcels which will pay an average annual fee of \$129 or less. Commercial properties account for 5% of the parcels with an average annual fee of \$1,036. And on

Zoom with us today is Tim MacLarney of True North who will go over the results of the survey.

MR. MACLARNEY: Good evening, Mayor and members of the Council. Can you hear me?

MAYOR MONTGOMERY: Yes, we can.

MR. MACLARNEY: Okay. Great. [Inaudible] President of True North Research. We're a firm that's had the privilege of working with the City on a variety of different surveys in the past and tonight's presentation will cover the highlights of the storm water fee survey we recently completed. Next slide, please. Before we talk the results, I'll take a quick moment to review the methodology of the study, or how we went about conducting the survey. The methodology in a lot of respects is similar to the other methodology we use for other city surveys. The main difference here is because a storm water fee is actually decided by property owners, the sample for this study was focused on residential property owners in the city. We use a stratified random sample process where we make sure that our sample was balanced in terms of the various fee rates, categories that could be associated with the property depending on how large it was and how the estimated impervious area was, partisanship as well as sub-geographies within the city. Because these storm water fees are also one vote per property, we made sure to structure our sample the same way so it was one complete per residential property. Once we pulled our sample,

we recruited using email, text, and telephone. All the invitations were pin protected, so only the individuals invited to take the survey could do so and they could have one complete per respondent. Ultimately, folks could either take the survey either online with a protected website or by cell phone, landline, or mobile, whichever is the preference. Then, we completed a total of 423 interviews as part of the study and because it's a random sample results in a margin of error due to sampling of about 4.7% at the 95% confidence level. What that means is we can be 95% confident of the results, but we'll be talking with you tonight about or within 4.7% of what we would've found had we spoken with all residential property owners. Next slide, please. Okay. We opened up the survey with a few warmup questions. We did focus in on the group taking the survey. The first of which we simply asked individuals how they'd rate the overall quality of life in the city. Would they say it's excellent, good, fair, poor, or very poor. As you can see here Manhattan Beach residents prize the quality of life in the city, we had 92% who rated the quality of life as either excellent or good and that opinion was really widespread when you look behind this overall result by subgroups based on length of residence, age, gender, et cetera. What we found is at least eight in ten responded to every one of these subgroups rating the overall quality of life as excellent or good. Next slide, please. Another warm up question, but one

that's actually relevant to the storm water fee data as well is the answer to the question: Generally speaking, are you satisfied or dissatisfied with the job the City of Manhattan Beach is doing to provide municipal service? Because we're asking respondents to comment on the city's performance overall, it could be thought of as an overall performance rating for the city. And here you can see nearly nine in ten responded, so 87% indicated they were satisfied with the performance of providing municipal services. This is relevant because what we tend to find--we do a lot of revenue measure research for public agencies around the state, identifying the better job that residents feel that you're doing in providing services to their household, the more likely they are to support a future revenue measure. They're sort of rewarding good performance in the past with the resources you had with a willingness to give you more resources in the future. Next slide, please. So, after those warmup questions, we get right down to business with what we call the initial ballot test and the idea here is before we get any deeper into the interview, start talking in more detail about the possible fee rates that could be assigned to a property, the types of projects and improvements that would be funded by the measure as well as preventing arguments pro and con. We want to present to respondents a mock-up of what we think that ballot statement could look like and get their reaction. The initial ballot test is a really good gauge of

where the community is at on the nature of the perspective on this proposal because the only thing they've seen is the language you seen in front of you here, they don't have any additional information. One thing I will point out is towards the bottom of this language, you'll see this dollar figure and then rate "a," per year. Rate "a," is the recommended rate, fee rate for that particular parcel and so every owner received a figure that was based on their property and based on the engineer's report, and so it's that full rate for that particular property owner. So, that is the language we tested and on the next slide, you'll see the results. At that initial ballot test, we had 62% of residents or property owners say they would support the proposal. We had 30% who were opposed. We had about 8% who were unsure. For a storm water fee to be passed, you need a simple majority of return ballots among property owners, so among your residential property base, we're sitting at about 12 points north of that simple majority that's required for passage. Next slide, please. So, after that initial ballot test, we also want to dig in on the proposed fee threshold. As I mentioned, we're using rate "a," here to represent that full storm water recommended fee for each parcel based on the engineer's analysis, but we also want to test a few lower rates to see how sensitive property owners were to the various rates that were being proposed. So, the way this works, it's called a Dutch auction. You start high and you go low and

we say, okay, if you knew about this measure would cost your property, insert rate "a," for that property, would you vote yes or no? If they're anything but a definitely yes, we would ask about rate "b." Rate "b," was 75% of rate "a," and then if they were anything but definitely yes at rate "b," we'd ask about rate "c," which would be 50% of the rate "a," value. We see that top rate "a," we have about--when you're focusing respondent's attention on the price tag of the measure, you're irrespective of the thing it's going to fund, we see a little bit of slippage, but not much in terms of support for this proposal. We check in 59% support. When you drop that to 75% of rate "a," which is rate "b," support ticks back up to 62%, and when it drops to rate "c," which is, again, 50% of rate "a," support goes up to 68%. This tends to be a pretty conservative read on support for revenue measures because what we're doing is we're kind of focusing their attention on the price tag, irrespective of the things you're going to use the funds for, and it's actually pretty encouraging that when you do that, even at rate "a," we're only losing about three points in terms of support compared to where we were at the initial ballot test. Next slide, please. At this point, we enter the projects and programs section of the survey and here is where we're really trying to do two things. The first is we're going to start educate this respondent more about what this proposal will accomplish. You saw on that initial ballot test we only had so

many words to play with and describe what this measure would do. Here, we have to unpack the measure into all the various projects and programs you see on the slide and then that way we're educating respondents more about the proposal. The other thing it allows us to do is to understand of all the ways in which the city could spend a successful storm water fee, it tells us how voters feel about each one of those individual items and which of these projects and programs sort of ultimately rise to the top of the list in terms of voters' priorities. What you see is that everything that was tested was popular. We had at least 65% of respondents say that they would favor spending some of the money on each one of these items, but as you go up the list, you can see that the favorability ratings increase such at the very top we have the item of reconstructing or replacing storm drains that are identified by engineers at being at risk for collapse or failures. That was the number one project. You had 87% of property owners saying that they would support that particular project followed by installing and maintaining devices and storm drains that catch your trash and the pollution before they enter the waterways. That was at 86% favorability, so all the things that you're thinking about doing with this fund are popular. Next slide, please. So, if Council chooses to place a measure on a ballot in the future or go through a ballot proceeding, there's going to be an election cycle so to speak and during that cycle, you're going to have a

lot of discussion and debate in the community about this proposal. You'll undoubtedly have people stand up and advocate on behalf of this measure, explain to their friends and family why this is needed and why they should vote yes. You might also get some option. People stand up and say it's a bad idea, we shouldn't be doing this, and here's why. For this really to be a reliable gauge and the feasibility of a storm water fee, we need to know not only where are your voters today which was an initial ballot test, but also what happens to support for this proposal once respondents are exposed to arguments both pro and con about this measure like they will be during the election cycle. And so, we do have in the space of the pole by testing both positive and negative arguments. Shown here are the positive we tested. What you find is a lot of these arguments resonate and the one at the top of the list there is the argument that most of the city's storm drain pipes were installed more than 50 years ago and are starting to fail, creating sinkholes, flooding the damaged streets and private properties. This measure provides the funding needed to fix our storm drains. So, you can see here we tested a series of positive arguments and they give traction. At this point, voters have heard more about this proposal than they did at the initial ballot test. We got to talk in more detail about the various fee rates that could be associated with the measure. We talked in more detail about the projects that could be funded.



We've exposed respondents to positive arguments about the measure. On the next slide, we circle back to what we call the interim ballot test. We present that same ballot statement I shared with you earlier and we say now that you've heard a bit more where do you stand? What you see is some stability here. Initially, we had 62%. At this interim ballot test, we're sitting at 60% support, so that's about 10 points north of that simple majority required for passage with about a third who are opposed and the rest unsure. Next slide, please. And then, we get to the negative arguments. The idea about the negative arguments is I'm going to pepper respondents with a type of opposition arguments they may encounter during an election cycle related to this proposal so we have a good understanding of how, should you get opposition and there be folks out there in the community saying this is a bad idea we shouldn't be doing this, we have a realistic understanding how that can impact your property owner's support for this proposal. So, you can see we tested four negative arguments here, the most compelling of which for respondents was the fact that the city already receives \$400,000 a year from the county to fix the storm drain systems, so we don't need another storm drain fee. The real question, though, is what happens afterwards, and that's the next slide. After those negative arguments, we circle back to what we call the final ballot test where we present that same ballot statement I mentioned earlier and ask them where they

stand. You can see some of those negative arguments got traction. Ultimately, it only takes it down in terms of support for this proposal to 59%, so that's one point below where we were at the interim ballot test. Quite of the bit of the stability over the course of this survey. Initial support is at 62. Interim support at 60. Final ballot test at 59%, so that's more stability than we sometimes see when it comes to revenue measure proposals. Next slide, please. So, all of those ballot tests that I just mentioned were testing rate "a," which was the highest rate recommended by the engineering firm in terms of what it's going to take to backfill the funding that you need for the storm water improvements. If any respondent was a no or unsure at the final ballot test at rate "a," we asked them if they would support this if the rate were lowered to rate "c," so about 50% of that. You can see that the white slice of this pie shows about 59% support at the final ballot test at rate "a," if among the rest of the folks we reduce it to rate "c," is what is shows is you pick up about another 10 points in support if the rate were half that proposed as rate "a." Next slide, please. Okay, so what does all of this mean? I'm going to circle back to the first overarching question that motivates this type of research is to understand is a storm water fee feasible. What I mean by that is if you as a Council were to choose to move forward with a storm water measure, does it have a reasonable chance of success? The answer to that is clearly yes. A lot of

things that we want to see in place for a measure to be feasible were seen here. We saw that with just a simple write-up of the description of the measure and what it would accomplish, we had natural support in the community for 62%. That's about 12 points above that simple majority required for passage. All of the projects and services that the funding would go towards were popular. The positive argument resonated with respondents and, importantly, at each point in the survey where we circle back and presented them with that same ballot statement and said now that you've heard a bit more, where do you stand? Support for the measure was well above the simple majority threshold and that's even after we peppered them with negative arguments. And so, taken together, these pieces tell us yes, you've got feasibility here. It's also important, though, to recognize some of the challenges that step out of the pole or if you step outside the pole and just think about the current climate that would be presented to a measure. We saw some theoretical sensitivity, right? As the rate goes higher, the intensity of support is lower and so we want to keep that in mind. It's important to note that the storm water fees are decided by property owners and that's not just residential property owners who make up the vast majority of the property owners in your community, but commercial property owners, industrial property owners, and apartment owners also have the opportunity to vote and based on our experience doing more than 40 of these types of

Prop 218 proceedings, those groups are going to exhibit far less support than your residential property owners. When you factor in what we would expect their support level to be as well as their participation range which tends to be lower than residential properties as well, we net out that we estimate that you're going to lose about 6 points from what your residential property owner support would be over all. So, that's 62% of residential property owners support this once you factor in the support levels or the ballots from commercial, industrial, and apartment owners. It's probably going to drop that about 6 points. You'd be looking at about 56% net, still above the simple majority required. And then, finally, any time you're doing a revenue measure, you want to be thinking about what else is going on in the climate around you. The economy, inflation, those things seem to be trending our way, so that's a good thing, but we also know we're stepping into what's probably going to be a volatile next year politicking nationally as well as statewide. Those can create some sort of crosswinds sometimes for Mayors that you want to be aware of. Next and last slide. I think it appears feasible. I think these numbers suggest you should move forward. At the same time, it's important to keep in mind that a poll like this is a snapshot in time. It's not a crystal ball. It's not looking forward to Election Day saying on Election Day you're going to get 62%. It tells you where your community is at now in the current climate

as well as how they are likely to react to some of the information we would expect to come out during election cycle. Ultimately, what happens on Election Day isn't what your poll says today. It's determined by everything that happens from this point forward. I mention that mainly because it's a reminder that you need to be making smart decisions about the type of measure you put in front of voters so it's well-lined with the time of measure they indicated they're willing to support and you have to put the work in terms of communication and outreach. And so, I have some recommendations here on the slide in respect to that, but let me go ahead and end my presentation here and see if there's any questions from Council at the moment. I will also stick around to the end if it's more convenient for Council to ask questions later.

MAYOR MONTGOMERY: Great. Yes, please standby for questions as we go through it. Council, do you have questions--

MR. MACLARNEY: [Inaudible].

MAYOR MONTGOMERY: --now? Staff, any questions of Staff now before we open it up? Joe, you good.

MAYOR PRO TEM FRANKLIN: Yeah. Good.

FINANCIAL CONTROLLER BONDARCHUK: Yeah, just [inaudible].

MAYOR MONTGOMERY: Anyone need to follow up with Julie or are you good?

FINANCIAL CONTROLLER BONDARCHUK: Just a tiny bit more. This chart depicts the timeline if City Council decides to adopt the resolution to proceed with a prop two eighteen process. In adopting the resolution, City Council will also be approving the engineer's report, setting a public hearing for November 7, and authorizing the mailing of the protest ballots. Assuming no majority protest is received on November 7, City Council can set the next public hearing to January 2 and authorize the mailing of the ballots. On the January 2 public hearing, the ballots will be counted. A majority support of cast ballots of homeowners is required for the new fee to pass. And if the fee passes, then we can set the new fees for Fiscal Year 24'-25'. An alternative to the proposition two eighteen process is to include the fee in the November 2024 election. This route requires two-thirds voter support of cast ballots of the local population. If either measure does not pass, then the General Fund will have to continue to subsidize the Storm Water Fund. To maintain a balanced budget, the city will then have to look into options of increasing revenues, reducing service levels to cut costs, or deferring capital projects. So, this concludes the presentation. For tonight, we are asking City Council to consider adopting resolution 230118 to approve the storm drain utility fee report, initiate a prop two eighteen process, set public hearing for November 7, and authorize the mailing of the

protest notices. We have Tamora Bryant from Harris & Associates to answer any questions regarding the proposed fee and the engineer's report and Tim MacLarney from True North is also available.

MAYOR MONTGOMERY: Great. Thank you. Standby for any questions we might have. No Council questions? Seeing none, open up public comment. Come down to the podium and speak, then we'll go to Zoom next.

MR. BURTON: I'm first. All right. Number one, Director Charelian and thank you very much. I think his Staff has done an absolutely fantastic job. I'm a little bit confused. I know Staff had indicated that there needs to be a two-thirds or majority. This is a prop two eighteen, so doesn't there have to be--if you can't answer this, I understand. Number one, I'm happy to pay whatever we need to pay. I think Director Lee and I have had a lot of conversations about storm water. We need improvements. We're taking it out of the wrong budget, but just for clarification for the public, for residents, is this a two eighteen where if I don't have 51% that vote against it, is it automatically adopted or do we need two-thirds to vote to have it approved. My only questions. Thank you.

MAYOR MONTGOMERY: We'll answer all the questions when we hear them all. Thank you, Jim.

MR. BURTON: Thank you.

UNIDENTIFIED SPEAKER: [Inaudible].

MAYOR MONTGOMERY: Who also has a question on this item? No one in chambers? All right. We'll go to Zoom, Martha?

ASSISTANT CITY CLERK ALVAREZ: There are no raised hands on Zoom.

MAYOR MONTGOMERY: No one on Zoom? No one here? All right. Close public comment. We'll go to Council first. Director Charelian, do you want to answer the question we heard from Mr. Burton.

FINANCIAL CONTROLLER BONDARCHUK: To clarify, if we go with a proposition to a team process, we would only require majority approval of casted ballots for the measure to pass.

MAYOR MONTGOMERY: Majority being what?

FINANCIAL CONTROLLER BONDARCHUK: Majority being 50 plus one.

MAYOR MONTGOMERY: Fifty percent plus one?

FINANCIAL CONTROLLER BONDARCHUK: Mm-hmm.

MAYOR MONTGOMERY: Thank you.

FINANCIAL CONTROLLER BONDARCHUK: And the other alternative is the general election in November 2024. In that election, we would require two-thirds voter approval of the local population whereas a prop two eighteen requires the approval of homeowners.



MAYOR MONTGOMERY: Got it. Thank you, Julie. Standby. Councilman Lesser?

COUNCILMEMBER LESSER: I have a question for the City Attorney with regard to an upcoming ballot initiative in the state that may impact the threshold that's required retroactively related to this city measure and also the opportunity that we may have in the current legislature to maybe have the mayor send a letter within the next week before the next councilmember related to legislation that also relates to an upcoming state measure. Can you come unpack that, please, and confirm that it's relevant to this measure here tonight?

CITY ATTORNEY BARROW: It's already qualified for the November 2024--

COUNCILMEMBER LESSER: It being what?

CITY ATTORNEY BARROW: --I was just about to get there.

COUNCILMEMBER LESSER: Thank you.

CITY ATTORNEY BARROW: It's called the California Business Round Table Tax Measure and mostly and George can elaborate, but it's brought by the groups like the Jarvis groups and other groups that want to require a two-thirds vote for items like this, like for storm drain fees et cetera. What's coming up to counter that is called A.C.A. 13. It's currently pending in the California legislature and the League of California Cities among others have asked Councils to weigh

in on that. Previously, the City Council adopted a resolution opposing the Jarvis Measure and at this time, the Council could actually direct the Mayor to sign a letter because of the urgency and that would be to support A.C.A. 13.

COUNCILMEMBER LESSER: And just to clarify why we're talking about this state measure which is in the future is because it would be retroactive to measures like this, correct?

CITY ATTORNEY BARROW: Correct.

COUNCILMEMBER LESSER: So, the threshold for passage presently we just heard--

CITY ATTORNEY BARROW: Yes.

COUNCILMEMBER LESSER: --was simple majority, but it would go up to two-thirds, correct?

CITY ATTORNEY BARROW: Yes.

COUNCILMEMBER LESSER: Retroactively?

CITY ATTORNEY BARROW: Yeah, that would be the issue and so that's why the cities are opposed to the ballot measure.

COUNCILMEMBER LESSER: Thank you, thank you.

MAYOR MONTGOMERY: Thank you.

Councilmember Napolitano, wait, then Councilmember Napolitano then Mayor Pro Tem Franklin.

COUNCILMEMBER NAPOLITANO: You have a question? I'll defer to a question.

MAYOR PRO TEM FRANKLIN: Oh, yeah, a question. November 2024 Election. Is that put on the ballot or is that sent to homeowners?

CITY ATTORNEY BARROW: If the City Council were to defer action, it would not go through the ballot process. The two-thirds would actually be placed on the 2024 Election.

UNIDENTIFIED SPEAKER: Right, but it's two-thirds of all voters? Because the other one, was property owners, right? The 50% plus one is just property owners.

CITY ATTORNEY BARROW: Yes, it would be the voters.

MAYOR PRO TEM FRANKLIN: So, if there's four voters in the house, they're getting four votes.

CITY ATTORNEY BARROW: I'm pretty sure on that, yes.

MAYOR PRO TEM FRANKLIN: Okay.

CITY ATTORNEY BARROW: Two-thirds of all the voters would be a significant difference. Of course, this 50% plus one, if we follow this prop two eighteen process at this time.

MAYOR PRO TEM FRANKLIN: Right.

MAYOR MONTGOMERY: Are you good?

MAYOR PRO TEM FRANKLIN: Yep. Good.

MAYOR MONTGOMERY: Thank you, Steve.

COUNCILMEMBER NAPOLITANO: Thank you, your honor. I know this Council has always been reluctant to raise fees and taxes on the residents and commercial business owners here. Nobody likes to do it. The economy has been bad the last several years. We've had to deal with Covid. There's all sorts of things. This is a long-standing issue in this community, obviously, since the early mid-90's when, after prop two eighteen, the cost was set in stone, the assessment was set in stone on each property. So, we're paying to the tune of about \$19 on the average homeowner which is ridiculous these days. What is that? Three lattes at Starbucks?

UNIDENTIFIED SPEAKER: Mm-hmm.

COUNCILMEMBER NAPOLITANO: I can't even count. But, the reality is the benefits of this would be huge for this city. It would provide environmental benefits. It would allow us to have the funds necessary to talk about and address the issues with the storm runoff. We were talking about some of those tonight, the centrifugal force catches. There are other things we can do, filtration systems and things like that that we're going to need to do to meet state mandates for water. There's health, safety, and welfare benefits. We can start addressing some of those. Reasons why we needed the sandbags this past hurri-quake as you described and setting even those

things aside, though, this is the biggest threat to the budget outside of Sacramento that there is. Sorry, had to get that in, but it is because all the folks who were down here earlier talking about wanting more police and security and cameras around town. Well, the more that the Storm Water Fund is subsidized by the General Fund, the less money there is to do those things that people want us to do. There are obvious constraints. While Manhattan Beach is an affluent city by the measure of its residents, City Hall is not and we rely on the state and the sales and property taxes. The property tax is obvious capped by prop 13 and there's lots of constraints on what we can do and so if we're going to maintain our reserves. If we're going to maintain our AAA bond rating, if we're going to maintain our public safety, and hire more firefighters and police, have good parks, and clean beaches, we're going to have to do this sooner rather than later. If we put it off, we're just going to have to pay more later, so better to do it now and so that's why I've made a motion to move forward with this. Thank you, Robert.

MAYOR MONTGOMERY: Well said.

Councilmember Lesser?

COUNCILMEMBER LESSER: I'll echo Councilmember Napolitano and say this. None of us like to pay more taxes and fees. None of us do, but we have no choice here. Councilmember Napolitano just described we have to make these

improvements to our storm water system. These are not elective measures. They're not feel good measures. This is infrastructure. We have not raised the fee for paying what our out of pocket costs are since 1996. This is older infrastructure which is failing. We're under obligation, under federal, state, and county law to make these revisions and we have to do it and it's taking an ever larger portion of our city budget to pay for this because there's such a gap between the revenue we take in. If we don't address this growing hole, our basic functions of the city are going to be impacted. We pay for our police, fire, so many basic services from our General Fund of our city which is now propping up this fund, to pay for storm water. We have no choice. I'll be supporting it and I also would suggest--I see the motion has already been made, that we include in that motion authorization for the Mayor to support legislation that would lead to a constitutional amendment, a ballot initiative for all voters to vote on to keep the threshold at a point where local jurisdiction like ours can vote for things like this, can improve their infrastructure. Because otherwise, we're facing a sense of paralysis with necessary infrastructure improvements, so thank you Mr. Mayor.

COUNCILMEMBER NAPOLITANO: Is that a friendly amendment?

COUNCILMEMBER LESSER: That would be a friendly amendment.

COUNCILMEMBER NAPOLITANO: Accepted.

MAYOR MONTGOMERY: Mayor Pro Tem Franklin.

MAYOR PRO TEM FRANKLIN: Yes, thank you. We live at a beautiful place, a beautiful ocean, a beautiful beach, and this is the price that we have to pay to keep it that way. We pay extra for our street sweeping. I think the state mandates, I think, only once a month and we do it once a week. Why? Because we have a responsibility to the beaches and the ocean where if rain comes and it washes what's in the street down into the ocean, that's on us. We have a history of preserving what makes this town very desirable to live in, a great place to play in, and it provides a lot of enjoyment. Go back to 1996, \$19. Not many things that cost \$19 back in 1996 cost that today, so we have to understand the impact of inflation. Some of us it benefits, homeowners, investors, people like that. This is in an investment in our future. It's an investment of being stewards of the environment and for future generations to enjoy what we've enjoyed throughout the years, so I will be supporting this.

MAYOR MONTGOMERY: Thank you, sir. I'll wrap up here. I think my colleagues have made it all clear. My statement to this is just think of one item. We spent \$8 million in the last five years propping this thing up.

UNIDENTIFIED SPEAKER: Mm-hmm.

MAYOR MONTGOMERY: It's funny. It's ironic that those people that speak loudest for public safety disappear when it comes to things like this. It's like, really? This is what you should be fighting for. The first guy in line should be here telling me, Richard you have to do this so we can pay for more police, we can pay for more fire, fix your roads. Disappear, but thank you all for being here and you can hear that. But, this is important for those reasons alone. I don't want to be the guy on Council that says you overspent your budget and didn't pass something to fix all this when you could've fixed it. So, with that, we have a first by Councilmember Napolitano. A second by Councilmember Howorth. Let's see the voting screen, please.

COUNCILMEMBER HOWORTH: The silent council member.

MAYOR MONTGOMERY: Yes. The sixth member.

CITY CLERK TAMURA: The motion passes. 5-0.

MAYOR MONTGOMERY: Great. Now, that's actually 21 lattes over the year--

COUNCILMEMBER NAPOLITANO: Over the year?

MAYOR MONTGOMERY: --\$129. Folks, we're going to take a 10 minute break before we break our next long item, so in 10 minutes be back here. Thank you.



[Break in meeting].

MAYOR MONTGOMERY: Now we're back in session. Item one four, 14, will be continued to the next meeting in September two weeks from today. Item 14, regarding the blue violet network's cameras will be heard two weeks from today here at City Hall. With that, we're going to move onto item 15, one five, status of the long term outdoor dining for business use program development with Director Mirzakhonian. The floor is yours.

COMMUNITY DEVELOPMENT DIRECTOR

MIRZAKHANIAN: Good evening, Council. Director Mirzakhonian here, Community Development Director. In a brief moment, I will turn it over to Jaehee Yoon, our Senior Planner and also the Project Manager for this effort to present this item, but I did want to provide a quick introduction to help guide the Council discussion this evening. Back in June when Council approved the M.I.G. Consultant Contract to help support this effort, the Council authorized Staff to come back as necessary to seek direction from the Council on matters and not necessarily have to wait until the program was fully developed to come back at that time. We took that to heart. We think that was a fantastic suggestion and we're here doing exactly that this evening. As you know, we have a series of very committed task force members who have helped move this effort forward and

they're very eager and want to address everything as much as possible and we're breaking things down because just like any major effort you can't address everything at one time. You have to define your scope and then work from there, understand your baseline, and then understand the impacts that you have now and then, based on that, make changes to the program and then ultimately end up with your final result. We ask Council this evening to focus specifically on the questions presented in our staff report understanding that we will be addressing all other matters as we proceed with our efforts and understanding that not all issues can be address simultaneously. While the task force is diligently working on formulating recommendations on matter related to occupancy, alcohol service, refuse, vehicle loading, et cetera, we are not prepared to present any recommendations to Council and ask for direction on those matters at this time. But, we do hope, however, that the Council can give us direction as specifically presented in this staff report. I will turn it over to Jaehee Yoon at this time to present and then we will both be available for questions following the presentation.

MAYOR MONTGOMERY: Thank you.

COMMUNITY DEVELOPMENT DIRECTOR

MIRZAKHANIAN: Thank you.

MAYOR MONTGOMERY: Jaehee Yoon, welcome.

SENIOR PLANNER YOON: Thank you. Good evening, honorable Mayor and members of the City Council. I'm Jaehee Yoon, Senior Planner, leading this long term outdoor dining effort and the item before you is a status report regarding the long term outdoor dining program development. To provide you with some background, back in August 2021, the City Council provided direction to Staff to pursue studying work plan item for a long term outdoor dining and business uses in the right-of-way and public property. In February of this year, the City's Temporary Outdoor Dining Program came to an end consisting with the end of the state of emergency. And in April, the City Council appointed the remaining outdoor dining task force members with the first meeting kicking off in May and in June of this year, the City Council approved a professional services agreement with M.I.G. to assist the city in specialized areas of the program development to expedite the process as well as supplement the resources that are currently unavailable in-house. Thus far, the City has held five outdoor dining task force meetings covering a variety of topics. At the kickoff meeting on May 1, we started off by discussing the program scope, a visioning exercise, and a SWOT analysis. At the next meeting, we went into informational sessions to review the Living Streets Design Manual, the rescinded downtown specific plan to see if there are elements that we want to replicate and incorporate into our program and we also looked at two permanent

outdoor dining programs that were blessed by the Coastal Commission in which they were City of San Diego and the City of Capitola. At the next meeting, we looked at Codes considerations as it relates to fire, building safety, Public Works, and Traffic Code requirements and on July 25, this is when the task force voted to refine the program's scope and they were provided an overview of the required code amendments moving forward and at our last meeting in August, we started discussing outdoor dining operations as it relates to occupancy, alcohol services, and the like. So, initially, when we first started the task force meeting, they were open to exploring a very broad program scope in that they wanted to include all business uses, citywide, on public and private property. However, after going through a series of these meetings, by learning more and discussing amongst themselves and realizing that a narrow program scope will work best for our city, they concluded that a refined program scope should be recommended and the next few slides will be providing you with those details. First, in terms of the business uses, the task force recommended limiting it to eating and drinking establishments only which you know as restaurants, but also include Culture Brewing and [Inaudible] to name a few, but this does not include grab-and-go style eateries that fall under a different business use category per our Municipal Code which is food and beverage sale. Originally, the task force wanted to consider allowing public use of the private

on-street decks during non-operating hours to balance the privatization of public property with greater public benefits, but from our experience from the temporary outdoor program and looking at other local jurisdictions with similar provisions that require public use of these on-street decks during non-operating hours, it's something very difficult to enforce. As an alternative, the task force suggested that we incorporate public right-of-way improvements as part of this program where we can take advantage of some opportunities in the existing open spaces and bolster them with some uniform streetscape, street furniture, hardscape, and landscape improvements. So, other business uses such as the food and beverage sales that I mentioned earlier can take part as well as being open to the general public. The image that you see on this slide is from the downtown specific plan where it talked about the public realm being activated and we see this as an example of what that could be in the future if we do take this into consideration. Next is locations. The task force is recommending private property outdoor dining be allowed citywide in areas where there are excess parking spaces available beyond the minimum code requirements for each establishment. It also includes taking advantage of under-utilized open spaces that are existing with the establishment or the courtyard space. Lastly, second floor outdoor dining decks that are currently allowed in the city for the most part. In terms of the public right-of-way, the task

force recommended limiting it to downtown and north end only as they were most actively participating in the temporary outdoor program which includes sidewalks, on-street decks, and walk street commercial corridors if the City Council decides to do so. The idea of including walk street commercial corridors is due to the potential merits it has. First, in discussing this concept with the Coastal Commission, they were receptive of the idea because it was the better option of taking advantage of these public spaces that do not take away on-street parking in which case the city must demonstrate how replacement parking will be provided and also since there are only 15 parcels that are eligible to take part in the commercial use of walk streets, it would be the most manageable form of outdoor dining amongst the ones that we are proposing today. Based on Staff's analysis using Uncle Bill's and Ocean View Cafe's walk street dining as an example, if we allow all 15 parcels to participate as eating and drinking establishments, there will be roughly 240 seats being added on these walk street commercial corners. But, if we limit it to the six existing eating and drinking establishments, that number will come down to roughly 96 seats being added. We do want to note that the current Municipal Code Section 7.36.170B current prohibits long term commercial use of walk streets unless there is a valid encroachment permit issued prior to January 2003 which applies to Uncle Bill's and Ocean View Cafe. This is a snapshot of the 15 eligible walk street

commercial corners that we just mentioned and the number you see on the map and the colors correspond with the existing uses, their address, and what kind of establishment they are. These are street views of those eligible walk streets. And another slide showing the walk street views and the last one for downtown. This is a snapshot of the eligible walk street commercial corners for the north end with their corresponding uses as of today. From here, I'd like to briefly walk you through the amendment process in order to implement the program. After amendments to the relevant code sections as well as the policy documents are drafted, it will of course be reviewed by the P.P.I.C. and the Planning Commission for recommendation before the City Council. And once the City Council adopts these amendments, if it is within the coastal zone then, yes, the Coastal Commission will need to review and certify the document before it's implemented. But, outside of the coastal zone, the city can immediately issue permits and allow the outdoor dining to occur. In the case where the Coastal Commission's review is required, there are two options that we can consider. It would be the L.C.P. Amendment that is the traditional path for introducing new programs and amending extensive amendments to the provisions in the L.C.P. or there is another option that we can consider which is the minor L.C.P. Amendment followed by a City-issued Coastal Development Permit. This is a simplified workflow of the two options that we can consider regarding the

L.C.P. Amendment process and the biggest difference between the two is how the Coastal Development Permit is issued. For option one, each business owner within the coastal zone will have to apply for their own C.D.P. while the second option which is the minor L.C.P. Amendment, the city will issue itself a blanket C.D.P. that will cover the entire coastal area. For reference, a minor L.C.P. Amendment involves revising the existing provisions to make more specific which do not change the kind, location, intensity, or density of the land use. So, it usually requires that the L.C.P. Amendment scope is minimal. Due to the advantages of the minor L.C.P. Amendment that I just mentioned, including a relatively streamlined process with the Coastal Commission and the ability of the City to revisit this program in five years to make any changes or modifications as necessary without having to go back to the Coastal Commission and also the fact that individual applicants do not require a separate C.D.P., Staff is working towards this approach given that our program scope is narrow enough that it may qualify for a minor L.C.P. Amendment. But, it is important to note that whether our L.C.P. Amendment process qualifies for a minor or not is really dependent after we submit our application or our L.C.P. Amendment to the Coastal Commission for review. While it cannot be guaranteed that we can definitely go through a minor L.C.P. process, the Coastal Commission Staff has emphasized that continuing to frequently engage in discussions during program



development for their feedback will be helpful in expediting their review process which that has been doing and will continue to do so into the future. During recent months, some members of the task force as well as the public have brought up the question of whether a community survey will be conducted as part of this work plan effort. M.I.G.'s current contract related to community engagement includes three task force meeting facilitations that is also open to the public, several stake holder interviews, and also two robust community workshops that will be held in the near future. But, it does not include a statistically valid community survey. If the City desires to conduct one, we can consider three options. The first being preparing one in-house and circulating it to the public. Second is incorporating tools into the two community workshops, the first of which is planned for Monday October 2 at the Joslyn Center starting from 6:00 p.m. and the last option is revising M.I.G.'s contract to include a statistically valid survey. Another topic that was brought up during one of the task force meetings is analyzing one-way street configurations to see if it would be the best feasible solution in addressing street deficiencies that would result from the Outdoor Dining Program. While this idea was supported by some, it wasn't unanimous amongst the task force members, but we do see that this may benefit us in the long run if it's something we want to consider after first looking at re-configuring parking spaces. It should

be noted that back in 2016, as part of the downtown specific plan workshop, a similar question was posed whether we should reconfigure some street segments for one-way streets to allow for more parking or public amenities and at that time, the public was strongly opposed to this idea and since then, the City has not been studying the possibility of one-way streets or have considered it and it was not included in M.I.G.'s work scope. Recognizing we've covered a lot of information, I'd like to take you back to the focus of today's discussion which is receiving direction from the City Council regarding the task force recommended program scope and whether additional consultant work scope should be included. Specifically, the task force recommended business use which is limited to eating and drinking establishments only with opportunities for the right-of-way improvements on existing open spaces that can be utilized by other business uses and the public. And in terms of location, allowing private property outdoor dining citywide and allowing public property outdoor dining in downtown and north end only with the inclusion of the walk street commercial corners identified. Lastly, providing direction on whether to proceed with a statistically valid community survey and/or a one street analysis. This concludes Staff's presentation and I'm happy to answer any questions that you may have, thank you.

COUNCILMEMBER NAPOLITANO: Can you put that last slide up again?

UNIDENTIFIED SPEAKER: Yeah.

COUNCILMEMBER NAPOLITANO: Thank you.

MAYOR MONTGOMERY: Well said, Senior Planner Yoon. Standby, I'm sure we have more than five questions for you. And I'm going through pie chart withdrawals after seeing that survey earlier. So, let's start with Councilmember Napolitano first then Mayor Pro Tem Franklin.

COUNCILMEMBER NAPOLITANO: Thank you, a couple of questions. Statistically valid community survey, what are we surveying?

SENIOR PLANNER YOON: We are surveying the preferences from the community, whether it--

COUNCILMEMBER NAPOLITANO: Preferences for what?

SENIOR PLANNER YOON: Preferences -it could even go back to our program scope if they agree with the walk street commercial corners. If they want a limited public outdoor dining in downtown and north end only, but also listening to their concerns on what they want to see on this program moving forward.

COUNCILMEMBER NAPOLITANO: Right. There needs to be context, right? If we go out and say, "Do you like to eat outdoors?" is like "Do you like puppies--

SENIOR PLANNER YOON: Mm-hmm.

COUNCILMEMBER NAPOLITANO: --and sunshine?"

I don't need to be a survey and spend \$14,000 to find that out.

SENIOR PLANNER YOON: Mm-hmm.

COUNCILMEMBER NAPOLITANO: It seems to me that's extremely premature to go out and do that because I would ask this, "Have we asked how many restaurants will actually be participating in the program once it's set?" We don't even have the parameters for the program yet.

SENIOR PLANNER YOON: Mm-hmm.

COUNCILMEMBER NAPOLITANO: What are the parameters for the program at what cost--

SENIOR PLANNER YOON: Mm-hmm.

COUNCILMEMBER NAPOLITANO: --will the program be. We've talked about per square foot, per parking space, \$5, \$4, whatever it is? How many parking spaces per business is going to be taken offline? We don't know. How many parking spaces will need to be replaced? We don't know. Will they be replaced and at what cost? Because the Coastal Commission has said we need to replace one for one, right? What's that going to cost? What equity considerations will be made for modestly priced eateries versus more high end eateries? Have we surveyed the walk street residence adjacent to the walk street eateries as to whether or not they would support it? It seems to me there are some micro surveys that we should be doing here and then are we going to have to revise the Conditional Use

Permits of these restaurants anyway to adjust for the increased occupancy and density and intensity of use? I'm not going to name names, but there are places that are operating out there now that are clearly in violation of their conditional use permits, currently. So, before you do a survey, you need to have the right questions otherwise it's garbage in, garbage out. And we're not going to just ask people, "Do you like outdoor dining?"

SENIOR PLANNER YOON: Mm-hmm.

COUNCILMEMBER NAPOLITANO: Because there are going to be implications and consequences to all these things as to who's going to participate, who's not? Is it going to be the haves versus--

SENIOR PLANNER YOON: Mm-hmm.

COUNCILMEMBER NAPOLITANO: --the have not's. North end, downtown, et cetera, so I don't see the value currently of doing a survey until we get answers to these questions. The other question I would have was--I guess I don't understand this part at the bottom of page seven of the staff report. It's page 657 overall of the agenda. It's at the bottom of the page. It says, "on one-way streets, the additional work scope will specifically analyze that the proposed outdoor dining program result in any street deficiencies such as parking space elimination," I mean, duh? We know that if we follow the program that some are advocating

for taking up parking space, we're going to lose parking spaces. Isn't that part of the original scope of the program that we have now and the contract that we have with the consultant now, so I don't even know why that sentence is in there because I just want to be clear that we don't need to analyze one-way streets to then analyze if we're going to lose parking spaces or not because of eateries, right?

COMMUNITY DEVELOPMENT DIRECTOR

MIRZAKHANIAN: That's correct.

COUNCILMEMBER NAPOLITANO: Okay. All right. Thank you, your honor.

MAYOR MONTGOMERY: Thank you. Good points. I'm glad he goes first.

MAYOR PRO TEM FRANKLIN: Yes.

MAYOR MONTGOMERY: Mayor Pro Tem Franklin, you're up.

MAYOR PRO TEM FRANKLIN: Okay. Thank you. Great presentation. Can you go back to slide seven, please? Let's see. Where is it? A little bit more. Yeah, that one. The number is obscured here on my screen, but on that one you gave a figure--

SENIOR PLANNER YOON: Yes.

MAYOR PRO TEM FRANKLIN: --for the number of seats?

SENIOR PLANNER YOON: That may potentially be added--

MAYOR PRO TEM FRANKLIN: At a rest--that would open and how much was that?

SENIOR PLANNER YOON: --if all 15 parcels participated as eating and drinking establishments, it would be roughly 240. If it was limited to the existing six eating and drinking establishments, it would be roughly 96.

MAYOR PRO TEM FRANKLIN: Wow. And if it was limited to the six?

SENIOR PLANNER YOON: The six existing eating and drinking establish four in downtown and two in north end.

MAYOR PRO TEM FRANKLIN: Okay. So, if all 15, it's 240 and if it's existing it's 90--

SENIOR PLANNER YOON: Six.

MAYOR PRO TEM FRANKLIN: --ninety-six?

SENIOR PLANNER YOON: Ninety-six.

MAYOR PRO TEM FRANKLIN: Okay. Now, how many of those seats are already there with sidewalk encroachments, for example? I don't mean to put you on the spot--

SENIOR PLANNER YOON: Yeah.

MAYOR PRO TEM FRANKLIN: --but if we can kind of get that information at some point?

COUNCILMEMBER NAPOLITANO: That's a point of contention for--

MAYOR PRO TEM FRANKLIN: Yeah.

COUNCILMEMBER NAPOLITANO: --one establishment.

COMMUNITY DEVELOPMENT DIRECTOR MIRZAKHANIAN Sidewalk dining is not equal across the board because it's based on your street frontage and then also your street width. So, it differs from one establishment to the other. There's one establishment I can think of off the top of my head that has six two-tops along their frontage, so that's 12 seats, for example.

MAYOR PRO TEM FRANKLIN: Okay.

COMMUNITY DEVELOPMENT DIRECTOR MIRZAKHANIAN: If we were to compare that to Ocean View which is one of the legal non-conforming establish that already has the privilege of the walk street, they have about 16 seats in their encroachment area.

MAYOR PRO TEM FRANKLIN: Okay. I guess what I'm trying to get to is what is the additional number of seats we get if we go and follow this plan? I mean additional beyond what we--I'm trying to get an idea of if you look at this at a business financial standpoint, how many more seats are we going to be giving and then how much is that going to cost and that kind of thing?



COMMUNITY DEVELOPMENT DIRECTOR

MIRZAKHANIAN: So, we initiated the occupancy discussions with the task force as Jaehee mentioned, but it is very convoluted because once you increase occupancy, then you're increasing parking demand. You're going outside the bounds of the Use Permit requirements. You are increasing the amount of refuse that is produced by the establishment and so it triggers a series of things, so it's a very nuanced discussion we're having with the task force right now. The way the Sidewalk Dining Permits are operating right now under our current Municipal Code requirements, we only allow them to take the tables from the inside and move those outside on their sidewalks, so it's a net zero change in the occupancy which is something that is still in discussion with this program.

MAYOR PRO TEM FRANKLIN: Okay.

COUNCILMEMBER NAPOLITANO: Is it, though? Are they taking them from the inside and bringing them outside?

COMMUNITY DEVELOPMENT DIRECTOR

MIRZAKHANIAN: That is what they're supposed to be doing. I should rephrase that.

COUNCILMEMBER NAPOLITANO: Okay. I'll stop.

MAYOR PRO TEM FRANKLIN: I just want to get a gauge, an initial age of the public interests. Can you give

me an idea of how many public--does the task force meet here in the Chambers?

COMMUNITY DEVELOPMENT DIRECTOR

MIRZAKHANIAN: No, the task force meets at various locations depending on the facility availability. We've met in the Joslyn Center--

MAYOR PRO TEM FRANKLIN: Okay.

COMMUNITY DEVELOPMENT DIRECTOR

MIRZAKHANIAN: --in the Police and Fire Community Room. We've met in the Library Community Room.

MAYOR PRO TEM FRANKLIN: Okay.

COMMUNITY DEVELOPMENT DIRECTOR

MIRZAKHANIAN: And typically, we have anywhere from two to ten members of the public in attendance.

MAYOR PRO TEM FRANKLIN: Okay. We did a survey back when for the one-way streets I believe, right? And when was that done?

SENIOR PLANNER YOON: Yes. For the downtown specific plan.

MAYOR PRO TEM FRANKLIN: Okay. And it was 70% opposed or something? Okay. Is there--

MAYOR MONTGOMERY: Wait. Hold on. Let--

COUNCILMEMBER HOWORTH: Sorry, sorry, sorry.

MAYOR MONTGOMERY: --him finish.

MAYOR PRO TEM FRANKLIN: --any indication of how or why that would change?

COMMUNITY DEVELOPMENT DIRECTOR

MIRZAKHANIAN: No, there is no indication of how or why that would change. It is a topic that the task force discussed and there was some interest in potentially pursuing that option if we have to make this program work. Now, we may continue down a path of evaluating other options before we make a decision on this and that's something that's absolutely available to the Council this evening. We could table that and come back to it if we find that the things that we are currently analyzing and evaluating don't end up producing the outcome that we're looking for.

MAYOR PRO TEM FRANKLIN: Okay. I just want to give to the public in case they're not familiar with the term "swot," can you give a definition of the word "swot," S.W.O.T. an acronym for--

SENIOR PLANNER YOON: Yes. It's strengths, weaknesses, opportunities, and threats.

MAYOR PRO TEM FRANKLIN: --okay. This is a general or even specific planning tool, right? To help guide discussions and things?

SENIOR PLANNER YOON: Not just planning, but in general I think it's used in businesses as well.

MAYOR PRO TEM FRANKLIN: Yeah. Okay,  
great, thank you.

MAYOR MONTGOMERY: As opposed to S.W.A.T.

MAYOR PRO TEM FRANKLIN: Right.

MAYOR MONTGOMERY: Councilman Lesser.

UNIDENTIFIED SPEAKER: [Inaudible] myself.

MAYOR PRO TEM FRANKLIN: Well, that's a--I  
just remember I went through it and I said, "I remember what  
that was, but it's not widely known."

COUNCILMEMBER LESSER: I'd like to pick up  
on the question about the street analysis and confirm what type  
of analyses does Staff believe it still needs beyond just one-  
way streets to be able to assess what the opportunities are so  
that it's undertaken in real time so that at the end of this  
process, there can be a recommendation? Do you need any further  
studies to help evaluate how much room there is, for example, if  
there's a potential consideration of use of the public right of  
way?

COMMUNITY DEVELOPMENT DIRECTOR

MIRZAKHANI: So, we are currently looking for the direction on  
scope because with everything scoped then leads us to understand  
how much space we need, right? The exercise of how much space  
we need is what we're ready to undertake at this point. We have  
some resources internally where we're trying to do some design  
configurations and we're working with M.I.G.'s parking

consultant to figure out the best way to be able to incorporate some dining decks and then potentially reconfigure the parking spaces so that we have the least amount of loss possible. Again, beyond that decision, once we start talking about occupancy then we'll need to look for some additional measures considering if you're increasing in occupancy, then you have a higher demand for parking. We do have some resources available to us right now. We're trying to do the work with what we have available. This was one thing we really hadn't considered as a part of the work scope in terms of the one-way traffic. Of course, if you do one-way traffic you can have wider sidewalks, potentially the opportunity to have the dining on the sidewalk closer to the establishment rather than closer to the road. There are a lot of other things that come along with potentially considering one-way streets and I think that's one of the things that triggered the conversation with the task force.

COUNCILMEMBER LESSER: What I'm struggling with is whether Staff needs this analysis of one-way streets now or is this a bit circular because the plan may entail evaluating other street options beyond just one-way streets--

COMMUNITY DEVELOPMENT DIRECTOR

MIRZAKHANIAN: Mm-hmm.

COUNCILMEMBER LESSER: --and maybe this is not necessarily the study you might need. You might need something a little broad, correct?

COMMUNITY DEVELOPMENT DIRECTOR

MIRZAKHANIAN: At this time, we don't need something broader than what we have. We're comfortable moving forwards as-is. If it does turn out that we do need something more broad, of course we're not shy, we will come back. We're asking for direction today. We're happy to do that again. I think we have enough to move forward at this time. We did want to present this as it did come up with the task force and we're trying to be as transparent as possible in passing on any requests or discussion that have arised and that's where we are today.

COUNCILMEMBER LESSER: I have a separate question. I recognize staff is looking for specific direction from Council on these items that were just laid out, but all of us have perceived emails from residents downtown about concerns particularly about loading and unloading of vehicles at various times of day and it's unclear whether more regulations are needed or more staff to enforce existing regulations. But, I'm wondering if there was consensus on Council tonight, could that be something that we could direct Staff to be looking into at the same time on a parallel track with these recommendations for downtown dining to the extent that they might intensify use downtown, we would want to ensure that we at least have adequate protections to enforce restrictions on loading and unloading vehicles at various hours and blocking streets and other impact that residents downtown have complained about.

COMMUNITY DEVELOPMENT DIRECTOR

MIRZAKHANI: Absolutely. I will say that every single task force meeting there has been a common theme that we've been hearing. I want to say this so the residents see that we're hearing them loud and clear. This issue of increased refuse problems, impacted parking issue that the residents and communities dealt with while the Temporary Outdoor Dining Program was in place in addition to the ongoing issue of vehicle loading and unloading and the times of day that the loading vehicles arrive and the traffic jams they're causing, blocking vehicle lanes, et cetera. These are all real issues and as part of our baseline analysis I think it's inherent to the effort. It would be problematic for us to ignore those issues then move forward with the scope of the program that we have in front of you today. We've already started having some of these discussions. We have to be addressing these simultaneously.

COUNCILMEMBER LESSER: Great. Thank you, Mr. Mayor.

MAYOR MONTGOMERY: Councilmember Howorth, it's your turn now.

COUNCILMEMBER HOWORTH: Thank you, Mr. Mayor. It's early in the morning for me. I'm experiencing some jet lag, but I'll use it as an excuse tonight. It's so interesting. Of course, it's obvious when you say--let's say a restaurant has an outdoor dining deck and increase their

occupancy capacity, that would trigger more parking needed. I'm sure to some on the committee that was probably pretty surprising if you're not used to land use and planning issues. I think that's probably something that changes the notion of one-way streets, is that feasible or not? I'm agnostic right now. I don't know until I see a study, right? I was on the Council back in 2016, when we worked on the downtown specific plan.

COUNCILMEMBER NAPOLITANO: Sorry.

COUNCILMEMBER HOWORTH: Yeah, so--hey.

MAYOR PRO TEM FRANKLIN: Was that downtown specific plan?

COUNCILMEMBER HOWORTH: You know what? It turns out that's what we're doing right now.

COUNCILMEMBER NAPOLITANO: What a cough.

COUNCILMEMBER HOWORTH: And there were a lot of thing back then that people just said, let's just shelf it, this and that that we're talking about now, so you guys can laugh all you want, all right?

UNIDENTIFIED SPEAKER: Cough.

COUNCILMEMBER HOWORTH: Or cough. I've got cough drops don't worry.

UNIDENTIFIED SPEAKER: [Inaudible].

COUNCILMEMBER HOWORTH: The question is I don't think there was actually a survey because the sentence in



the Staff report says in 2016, one of the workshops for the aforementioned plan--one of the workshops posed the question: Should Manhattan Beach Boulevard be converted to a one-way street? It was at a workshop. It wasn't a survey that went out. It wasn't--

COMMUNITY DEVELOPMENT DIRECTOR

MIRZAKHANIAN: Poll per say.

COUNCILMEMBER HOWORTH: --right. While it was true that the people who responded in the workshop, 70% were against that. Great. I get that. That's very different than what we're talking about here, though. We're talking about a look at the downtown as a whole and things have changed because we all now--there's this big push and acknowledgment for we want outdoor dining decks. We want some sort of outdoor dining program, so I kind of want to point that out. That is--

COUNCILMEMBER NAPOLITANO: Is that a question?

COUNCILMEMBER HOWORTH: --there was a question and that wasn't a survey.

COUNCILMEMBER NAPOLITANO: Oh.

COUNCILMEMBER HOWORTH: We're all taking like there was a survey--we got an email saying oh there was a survey done. It wasn't a survey, okay? It was a question at a workshop, so it's not the same thing, so that's what I was getting verified. All right. Can I--so, let's see if I have

anything else. When we approved M.I.G., I think I asked at the time does this include a traffic study and I was told that it did, so is there an additional fee for this traffic study?

COMMUNITY DEVELOPMENT DIRECTOR

MIRZAKHANIAN: In the form of parking lane reconfiguration, but the one-way analysis is separate.

COUNCILMEMBER HOWORTH: Okay. All right.  
Thank you for that.

MAYOR MONTGOMERY: Are you good?

COUNCILMEMBER HOWORTH: Yeah, I'm good.  
Despite the disrespect and the teasing, I am good.

MAYOR MONTGOMERY: Just making sure you're awake.

COUNCILMEMBER NAPOLITANO: It's happened--

MAYOR MONTGOMERY: A couple for you both--

UNIDENTIFIED SPEAKER: --[inaudible].

MAYOR MONTGOMERY: --Tina, Jaehee Yoon, and Director Mirzakhonian. I don't know which is first, but let's use the Moffat family and those of you who remember Manhattan Coolers. Jim, I know you remember Manhattan Coolers. All of us used to eat there a little and the Moffat family and Tom here would know that story. Could you go to page eight of the staff report where it talks about direction needed, item "a," sub two, location. "Allow private property outdoor dining citywide utilizing parking spaces," here's the question. Only when

excess parking spaces are available? That's question one. Developing underutilized spaces? That's question two, so I'll stop there for a minute. Where's an example you guys can tell me utilizing parking spaces only when excess parking spaces are available? Can you give me an example of what that is?

SENIOR PLANNER YOON: So, each establishment has a minimum parking requirement depending on the area and the seating and if there is more space beyond what they are required. For instance, if they only require 10, but they have 12 parking spaces, then they can utilize those excess two parking spaces for outdoor dining.

MAYOR MONTGOMERY: Great, but under the heading it says allow private property outdoor dining.

SENIOR PLANNER YOON: Yes.

MAYOR MONTGOMERY: So, if Joe is a property M.B.B. and he wants to have a party on the street, Joe, for your annual Nancy Margarita party, he could use underutilized space. If they're not being used, Joe can take those spaces, a private property owner, correct?

SENIOR PLANNER YOON: If he has an eating and drinking business establishment.

MAYOR MONTGOMERY: Make that happen. And only when excess parking spaces are available which means there has to be someone tracking when they're open, right? How else would you know when they're open? Is it when Joe decides to

have an event on Saturday 4:00-6:00, is it only when Joe blocks them off with an orange cone, don't park here and they're available?

COMMUNITY DEVELOPMENT DIRECTOR

MIRZAKHANIAN: Excess parking spaces in terms of the code requirements. Because eating and drinking establishments are governed by Use Permits, we have a very clear way of tracking what their approved plan shows, how many spaces they are required to have, and how many spaces they provide in-fact. Some establishments historically may have been approved for more parking than they actually need and those would be the scenarios. We would have to go back and look through their use permit, their approved plans, make a determination, and they could potentially utilize that space for--

MAYOR MONTGOMERY: So, the only type of criteria used before the day event or week of the event, here's the criteria to follow. You will know whether there are excess spaces or not before it gets to that point, you'll know and say excess or no excess?

COMMUNITY DEVELOPMENT DIRECTOR

MIRZAKHANIAN: --yes.

MAYOR MONTGOMERY: You can approve the permit, so--

COMMUNITY DEVELOPMENT DIRECTOR

MIRZAKHANIAN: And it's not necessarily for events. This discussion is really focused on permanent outdoor dining.

UNIDENTIFIED SPEAKER: Right.

MAYOR MONTGOMERY: Right. Got it. But, the key there was private property owners. All right. I'm good. I'll stop there and L.C.P. Local Coastal Program.

MAYOR PRO TEM FRANKLIN: Oh no, no. I knew that.

MAYOR MONTGOMERY: So, people who ask what L.C.P. is, government speak, just so we all know. I'll stop there. Mayor Pro Tem Franklin, you have a question again?

MAYOR PRO TEM FRANKLIN: Yes, just one more question if I could, please? Throughout the report, it talks about the coastal axe priority for visitor serving amenities and the like. Just thinking a little bit outside the box right now, we're looking at parking spaces, but could something, for example, a shuttle program to shuttle visitors seeking visitor amenities, a shuttle service from off-site from downtown or even the north end and shuttle beach-goers or downtown visitors to specific drop-off points. Is that something they consider?

COMMUNITY DEVELOPMENT DIRECTOR

MIRZAKHANIAN: That is absolutely something we are considering as a part of this program to compensate for the loss of parking spaces. We are trying to come up with a collection of ideas as

to how to address that deficit. One of those things that's on the table and being considered by the consultant and our team internally is potentially a shuttle program and what that would do is show the Coastal Commission we're preserving coastal access to the general public because if you don't have public parking spaces available for the general public, then you're making it really difficult for them to get to the coast and enjoy and appreciate the coastal amenities that are provided throughout our city.

MAYOR PRO TEM FRANKLIN: Okay.

COMMUNITY DEVELOPMENT DIRECTOR

MIRZAKHANI: And by offering an additional program where they could potentially park elsewhere and then get shuttled to the coast, that is something that would help us compensate for the loss of the parking.

MAYOR PRO TEM FRANKLIN: Are there any concrete examples of that or is it a one to one ratio of lost parking spaces to off-site parking spaces or does it have to be a different ratio?

COMMUNITY DEVELOPMENT DIRECTOR

MIRZAKHANI: Not necessarily a one to one ratio. Again, we have been tasked with providing them a whole, complete package of suggestions as to how to make up for the loss of the publicly available parking spaces. One of the ways we're doing that is by suggesting the street furniture improvements to be able to

make parklet spaces available who can't necessarily afford to dine at the restaurants that have the private dining decks. That way, they can go grab a coffee, sit in the parklets, and the Coastal Commission sees that as part of your package as to how you're compensating the loss of spaces.

MAYOR PRO TEM FRANKLIN: All right. Okay.

MAYOR MONTGOMERY: Thank you. Napolitano--

UNIDENTIFIED SPEAKER: [Inaudible].

MAYOR MONTGOMERY: --your turn.

COUNCILMEMBER NAPOLITANO: I'm just, again, tagging onto what Mayor Pro Tem Franklin was talking about in terms of a shuttle or anything else. Again, context, especially in terms of funding. Is the task force looking at what the funding of these things would be too because we've seen various numbers thrown at us before about shuttles and things like that which have been money pits in the past, so it that one of the considerations? Who's going to pay for it and how it's going to be paid for?

COMMUNITY DEVELOPMENT DIRECTOR

MIRZAKHANI: Absolutely, the consultant scope did include a sub-consultant who will be focusing specifically on fiscal impacts and potentials for how much things are going to cost once we have the program well-defined. What would be the part of the city versus the part of the private property participants?

COUNCILMEMBER NAPOLITANO: Thank you--

MAYOR MONTGOMERY: One final question. I'm sorry. It says in our agreement, M.I.G., that we're paying for two separate community workshops--

COMMUNITY DEVELOPMENT DIRECTOR

MIRZAKHANI: Mm-hmm.

MAYOR MONTGOMERY: --you're going to host those down the road once we get more defined? Okay. Great.

COMMUNITY DEVELOPMENT DIRECTOR

MIRZAKHANI: Yep--

MAYOR MONTGOMERY: Great. I'm good.

Anybody else?

UNIDENTIFIED SPEAKER: Mm-hmm.

MAYOR MONTGOMERY: Open up public comment. Please come down here so you can stump our two experts here.

MR. KAMPE: Good evening, honorable Mayor and--

MAYOR MONTGOMERY: Good evening.

MR. KAMPE: --Councilmen--persons. Stephan Kampe, long-term resident. I was in the consulting industry for 25 years and this whole discussion reminds me of something we went through. We realized during this process that we were doing systems and we were charging them hundreds of millions of dollars to install these things and at the end of the day the executives would go no that's not what I wanted after we spent



all this money. So, what we realized what we had to do upfront was really have a conversation about not the solution, not about all this little detail stuff, but really get into what are the outcomes we want. What do we have today and where do we want you to be? When I think about this one, and I encourage it, and I'm sharing this because I really want us to be successful. I enjoy outdoor dining, but for us, the community, we need to kind of get this nailed. For example, one objective could be is we want to offer our businesses, these restaurants, outdoor dining. How many do we have today? What is our goal? Do we want 15? Do we want 20? We want to be neutral on our parking spaces long-term. Maybe that's what it is. We want to be complaint with all of our rules, the government rules, but let's get those things identified and figure out how we're going to measure them, where are we today, and where we want to be. Okay? Another one is we should be cost neutral, perhaps to the city. We want to generate revenue from sales, but we also want to make that up because we have losses on the parking spots. But, I think if we get those things defined and we understand where those are, your scope definition will be very straight forward to define. But, until we get that, we will have difficulty and challenges in this group and everywhere with getting that scope defined. Thank you for your time.

MAYOR MONTGOMERY: Thank you. Our next speaker.

MR. RANSFORTH: Good evening. Kyle Ransforth. I figured out today I'm a 29 year resident now.

MAYOR MONTGOMERY: Good guy.

MR. RANSFORTH: I happen to be a partner and manager of eight different commercial properties, six of which are in the downtown, so I have 17 tenants. I was founder of Bank of Manhattan. We banked a lot of the establishments downtown, so I have a storied background of the economics and the way that the downtown works as a symbiotic relationship between all the different uses we're talking about. I'm in favor of outdoor dining for sure. I think the residents have spoken to that. I've been one of those two to ten people at the meetings. I think the outdoor task force is off to a good start and very well-intentioned about what they're trying to do. A couple of the concerns that I have going for--it's nuanced. I could talk for 20 minutes, so I'm going to try to stay at the top level of things, but the way that I see the process going and the questions that are getting asked of you tonight suggest an outcome that's going to get studied and then get in front of you for approval or disapproval versus a wider angle lens of what might be possible here. I'm a manager of one of the properties that we're talking about with the public right-of-way. There's a lot of pros and cons to this approach. It's not a bad piece. I'm personally much more in favor, though, that making sure the task force, Council, and City Staff are looking

at what I call open air dining, of having more outdoor dining on-site. There are number of simple things within the code that could be done to accomplish the outdoor dining feel that I think residents are after, but it doesn't have to be in the street and it doesn't have to impair parking and make us go to one-way downtown. There's a lot that can be done with simple changes in the code to encourage the development of on-site outdoor dining.

MAYOR MONTGOMERY: Good to see you, Kyle. I'm glad you made it. Our next speaker.

MS. LERNER: Good evening, everyone. I'm Suzanne Lerner. I'm a downtown resident since 1987 and I live at 124 10th Street directly next to Tabula Rasa. I want to tell you a story. I am on my patio, up and hear a lot of noise, and hear garbage trucks all day. I'm down on my patio and I see tourists, guests, and residents walking down 10th Street to get to the beach. It's kind of the entry to the beach. The owner of the properties that are right on Manhattan and 10th Street has made beautiful gardens for people to enjoy. I have a cactus garden that hasn't been watered in 20 years. People stop and comment on it, little kids. People are tying on their sneakers. They've just gone to the beach. They're coming up with their families. They're dragging the wagon. Do you want to see outdoor dining on those encroachments permanently which end up becoming grandfathered into the owner's property so you lose the value completely as a city? It no longer is public property.

It is commercial. You build beautiful benches that people sit on, eat, but people can't always afford it. I think this is getting to be a town of people can afford it and I don't think the Coastal Commission is looking for that. I think they want to see public seating and the more you get rid of public seating, the less we're going to have the environment of they're going to be wanting. I just want you to think about that. I've got 40 seconds. I just want you to preserve public access. Think about the density. Thank you so much everybody for speaking about that we need to think what we want and just because you want outdoor dining doesn't mean we have to have outdoor dining. We're a small little town and one-way streets don't work. Trucks all over the place don't work. A lot of employees and guests that come to this town need a place to park and I think that's where the intensity has come from. It's wonderful for having our parking back. Thank you for extending that at the end of February. Every space is filled all the time, so I don't know where you're going to get those additional spaces. Thank you so much.

MAYOR MONTGOMERY: Thank you, Suzanne. Our next speaker. Jim? Anybody else? No one in Chambers? Martha, anybody on Zoom?

ASSISTANT CITY CLERK ALVAREZ: Neil Leventhal.

MAYOR MONTGOMERY: All right.

MR. LEVENTHAL: Hi. Can you hear me?

MAYOR MONTGOMERY: All good, Neil.

MR. LEVENTHAL: All right. Thank you, Mayor and Council for attention to this. I know it's a very complex subject and with a lot of the strong feelings on all sides. I want to commend the task force for the effort in trying to address so many different issues, but the reality is that there are a tremendous number of issues and frankly, they probably go well beyond the ability of the task force to address them in the time allotted. Most importantly, the set of recommendations we have right now are so premature in terms of addressing the costs and implications. We have a number of circumstances and they were discussed earlier tonight. I know there are cases in terms of trucks, vermin, and trash that are not adequately address, have not been able to be adequately addressed, enforcement which has never been adequately addressed. It's a burden to the residents rather than being maintained proactively by the city and yet we're talking about-- we understand everybody loves outdoor dining too. The question is at what cost and where does it fit? I'm not saying that it's not possible, but we have to spend far more time and energy focusing on how we address the current impact and the limitations and a lot less energy talking about things that will ultimately, potentially very destructive to the character and nature of this downtown area and irreversible. We will never

move backwards, so while we understand that, the idea of more open air dining if we can mitigate the sound, that's a wonderful idea. Shuttles and things like that have nothing to do with the core issue which is we can't build enough parking to accommodate everyone. Well, should we? Because we will only increase and intensify the impact and that impact we have not been able to manage up until now. I don't really understand how we can talk about dramatically increasing it in the future. Thank you.

MAYOR MONTGOMERY: Thank you, Neil. Hit the post. All right. Anyone else on Zoom?

ASSISTANT CITY CLERK ALVAREZ: No additional raised hands.

MAYOR MONTGOMERY: Anyone else in Chambers? Seeing none. Close public comment. Council, who's our first speaker? Who's up first? Who wants to go first? Don't all push the button at once. It's okay. Anyone?

COUNCILMEMBER NAPOLITANO: I'm--

MAYOR MONTGOMERY: Mr. Napolitano wants to go first up. All right.

COUNCILMEMBER NAPOLITANO: --guess I'll go. Can you throw the slide back up as far as what's being asked to--because all these things come with caveats. I'll wait. As far as direction goes, it was the last slide. Yeah, so as far as the program's scope, it's eating and drinking establishments only. I'm open to others. I agree that we need some more

public spaces. I think public spaces could also address some of the eating and drinking establishment needs, but I'm cooling it with that for now. I reserve the right on all these to change my mind at a future point if things aren't going as I feel they should, but I'm fine with that scope. Citywide on private property, there could be some exceptions to that too if someone comes forward with--I can think of a couple right now. But, if they're not jockeying for them, I don't feel the need to point them out. Downtown north end only for public property, again, if someone brings a case for a different business, I'm open to considering that. Inclusive of walk street commercial corners, I'm not approving that at this point. I'd like to really get a sense of what the adjacent property owners and people who live there because there might be renters really feel about that before we go down that road. I'd like to get that information. Again, that would be a micro survey of sorts. I think it's premature to consider a survey. One-way street analysis, I think it's premature for that as well and having served on the subcommittee that dealt with a lot of these issues during, in fact, resulting in street closure. We tried. We experimented. It was strongly rejected by the community at the end of the day. One-way streets where there are multiple lanes it can make sense. We've all drive downtown L.A. and everything else, but I have significant safety concerns with that, with the evacuation, with the emergency access to meet any of our needs during any of

our special events, M.B. Open being the most recent one. I don't see that as money well-spent. I think it will be rejection and I appreciate that it was a pole during a meeting, but given my experience with the street closure and the discussions there. Two things you don't mess with are people's houses and people's commutes. We've found that out with road diets in the past and so this is a type of road diet. I would love to widen the sidewalks. It would be at the expense of parking possibly. I don't know what the width of every street is down there. If we could squeeze even a couple more feet on either side, I'm for that, but I don't think we need to look at a one-way street analysis to do that. I would rather see what the physical layout of the downtown currently is and see how we can reconfigure something there. Some of the angle parking could be parallel parking. There could be other alternatives, but I believe we know enough from people's past reactions regarding traffic down there that a one-way street while it would be a way to achieve a goal, I think it would cause other negative impacts and possibly the lack of support of this.

Thank you, your honor.

MAYOR MONTGOMERY: Well said. Mayor Pro Tem Franklin?

MAYOR PRO TEM FRANKLIN: Yes, thank you. I'll go through the same list so we can keep that slide there. As far as eating and drinking establishments only, that seems



like a good idea. That's kind of what our experience was during Covid. We didn't have retailers wanting to have outdoor decks, so it's mostly for the eating and drinking establishments. Citywide on private property, I would assume that means something like we saw for Grunions and what we saw for the Big Wok and things like that. One of your favorites I know is the Hangar.

MAYOR MONTGOMERY: Of course.

MAYOR PRO TEM FRANKLIN: Yes.

COUNCILMEMBER NAPOLITANO: World Cup. Great place to watch the World Cup.

MAYOR PRO TEM FRANKLIN: Okay, so that looks good. Downtown in north end, only for public property, I think that's fine. The walk street commercial corners, that's going to be against the status quo that many people have experienced, enjoyed, and maybe even made decisions to live downtown, so that I'm a little less enamored with. The additional consultant work, we were inundated with people who want--I think Councilmember Napolitano, you asked who are you going to ask. Is it going to be for the statistically valid community survey, is it just going to be downtown or whatever, but it's got to be citywide because everybody citywide enjoyed it and wanted it. Not everybody, but a good number enjoyed it and wanted it, so if it comes to such a survey it of course has to include the entire city. The one-way street analysis, I

think that's just a bridge too far for all of us to go to. Your comments about the road diets, messing with commutes, and people's homes I think are valid, so I really would not support that. We need really good data that Mr. Kampe indicated in terms of who's interested in this from those dining and eating establishments. What might the cost be? Where can we put it? How many more seats would be provided by such a program? I also measured when those decks were up. I did a lot of measuring and, in fact, I think I went with you Mr. Burton a couple of times and went out and used my 12 inch long foot as an improper, maybe inaccurate tape measure, but we saw that we could take out the parking meters and extend out for one table-width. It's not going to be two lines of tables out into the street, probably just one, and it's reasonable and you can preserve some of the parking by instead of having diagonal on one portion of Manhattan Beach Boulevard, you could convert that to parallel parking. I know that for the Traffic Engineer, that brings other issues like parallel parking tends to take people longer and can block the street more. That's why we like diagonal. Anyway, all those things can be considered and I would really like to nail down what we could offer as other service amenities to visitors. It's not just keeping the Coastal Commission happy. It's keeping our visitors who want to come here and enjoy it--they can come here for dinner. They can come here and sit on a bench in a park and things like that. Thank you.

MAYOR MONTGOMERY: Did you answer, Joe, about your favor of the survey and/or anything else?

MAYOR PRO TEM FRANKLIN: It would be no at this point. Maybe later on down.

MAYOR MONTGOMERY: Councilmember Howorth.

COUNCILMEMBER HOWORTH: Thank you, Mr. Mayor. First of all, I want to thank Community Director Talyn Mizakharian. Sorry, Mirzakhonian.

MAYOR MONTGOMERY: There you go.

COUNCILMEMBER HOWORTH: Thank you for bringing us to this point. One of the things that we were worried about at the beginning--I wasn't here when it was formed, but you don't want a task force to get too far out ahead and then all of a sudden six months past the time, Council says wait what are you doing. So, I really appreciate how you're managing this process and it's not an easy thing to do, so thank you for that. I also appreciate Kyle and Stefan's independent comments about trying to think about this from a wider angle, from a higher up perspective of the outcome, what might be possible. We're probably too far down a certain path for some of it, but does the city say it has to be cost neutral, I don't know. But, is it neutral in parking probably because of the Coastal Commission, but it got me thinking when Kyle mentioned on-site open air dining because we do have a few restaurants that do have that now, right? It made me think are we trying to

achieve--people say they want outdoor dining. Does that mean outdoor dining decks or to Mayor Pro Tem's comment, do some establishments have one or two extra tables because you've removed the parking meters. I'm not sure yet we've answered that question and I think that's something I hope that you're talking about in the task force. It could be this big thing. It could be a smaller thing. I'm agnostic about one-way. I'm not saying I want one-way streets. I am saying let's do the study so we see what it would do for the question of outdoor dining. Does it actually provide more room for widening those sidewalks? People have talked about widening the sidewalks, but then let's talk about how do we accommodate that then and talk about getting data. You would get data by doing that study. I am in support of the one-way traffic study. I really appreciate what my colleague Steve Napolitano said about how he's not in favor of it because of the commute, public safety, and the events that we have. I want to understand, though. Are those things truly impacted by in the modern traffic study and the new vision that we have? I am in favor of that. While, I do think a statically valid community survey could be useful, I think it's either premature or we're not sure what we're asking, so I'm not really in favor of that at this time. I am in favor of the one-way street analysis. Now, I agree with Councilmember Napolitano on the top bullet point questions. I think you said eating and drinking establishments, only, sure, but it could be

a C.U.P. where somebody comes forward and says what if they're a nail salon and they want to do some outdoor things, that could work. Citywide on private property, I think it was the caller, Neil Leventhal who mentioned this is a really slippery slope, but maybe we make it conditional use or does it have to travel with the owner of that--can I ask that question, actually? I saw you guys shaking your heads, but for those of you at home, let's say you grant to a restaurant the right to put four tables on citywide property. Does that use travel to the next owner of that?

COMMUNITY DEVELOPMENT DIRECTOR

MIRZAKHANI: So, you mean on private property for an establishment that currently has a use permit? That's part of the discussions we're having with the task force right now. Do we require the citywide ones on private property to amend their use permit? That is a very expensive and time-consuming process. Is there an alternative to that? Those are things we're talking about right now.

COUNCILMEMBER HOWORTH: Okay.

COMMUNITY DEVELOPMENT DIRECTOR

MIRZAKHANI: And then, translating that to the public property, typically you don't use permits to govern anything outside of private property. There are other vehicles for that, encroachment permits, for example. That's the type of vehicle that you would use to govern anything on city property and then

you would connect it to the establishment because the City enters into an agreement with that establishment for the use of that public property. Then, the conditions of that use are outlined in an encroachment agreement.

COUNCILMEMBER HOWORTH: And that would change if all of a sudden that restaurant sold. Would the next restaurant have to?

COMMUNITY DEVELOPMENT DIRECTOR

MIRZAKHANIAN: They would have to re-enter--

COUNCILMEMBER HOWORTH: Okay.

COMMUNITY DEVELOPMENT DIRECTOR

MIRZAKHANIAN: --just like we do with private property encroachment agreements, actually, along the walk streets. It's governed similarly where with every new owner, we have to enter into a new encroachment agreement with that property owner.

COUNCILMEMBER HOWORTH: But, I would support the walk street commercial corners that have been identified for what it's worth. I can't put it all together in a motion, but that's where I'm going.

MAYOR MONTGOMERY: Okay. Councilmember Lesser.

COUNCILMEMBER LESSER: I'm going to try and go in a summary fashion because I want to see if we can get a motion and to give staff direction. With the top line items

with regard to eating and drinking establishments, I agree with comments made earlier. I think that would be the presumption. I don't want to proclude someone making an application for some other uses, but I think that one should be the focus of the task force to keep them moving forward. With regards to citywide on private property, I'm receptive, but we need to see what that's going to entail and I appreciate the Community Development Director's comments about how that might be limited, so it's not just something that runs with the land indefinitely to address one of the earlier speaker's comments. With regard to the walk street commercial corners, I have concerns. I'm not going to say no, but when one thinks of the potential impacts on residents close to those corners that have here to for not had outdoor dining experiences right next to their residences, it's going to change the character of their neighborhood. I think we need to have more information. I'll be curious to how the task force proposes to address that and some of the safeguards, but I would be concerned, but I want to hear what they want to say. With regard to a survey, I agree with your comments. I think it's premature and not needed at this time. With regards to the one-way street analysis, I'd like to hear from staff what additional data they need, not just limited to one-way streets, if they need more data. In my exchange earlier with the Community Development Director, she indicated that at present they think they have sufficient resources, but if there's a

realization as they're going through this task force process that more is needed, come back and request it. Finally, I would like to encourage council and whoever is going to make a motion to direct staff to begin looking at some of these impacts. They are already which was indicated of vehicles parked, loading and unloading off hours, does this call out for a need for further restrictions of some kind or is this a staffing issue with regards to enforcement? What can we do because I think we're going to have a lot more buy-in with whatever we produce if we at least can offer some greater assurance to those living downtown? That's all I have to say, thank you.

MAYOR MONTGOMERY: You're welcome. Steve, why don't you go on and wrap up?

COUNCILMEMBER NAPOLITANO: Thank you, your honor. Part of my rhetorical question theme and comment as well Director Mirzakhonian and Mr. Kampe, you brought up the question of goals, right? The issue that we need to set a goal and so outdoor dining has been said to be the goal, but I guess my question is has the task force defined and have we defined what outdoor dining is? And I'll say that in the context of this that some restaurants have remodeled themselves to include an open front. Is that outdoor dining? For some people it is. For some people, they want to see a view of the pier. Unless they have a view of the pier and the sun on their head, they're not outdoor dining, but some of the restaurants have remodeled



and have a flat front with glass on them. They haven't had the patio space in front like Esparanza, like Hennessey's, like some others, right? The base question I think we need to really address is are we interested in outdoor dining or expansion of dining? They're not necessarily mutually exclusive, but let's be honest when we have a discussion about this, are we talking about expansion dining because outdoor dining as we've known it through Covid, was supposed to replace dining lost inside. Now, it's going to be--and what has been sought from some, is an expansion of that dining, an intensification of use as we talked about which brings more people, more use, more trash, more everything. More people, more problems, right?

UNIDENTIFIED SPEAKER: [Inaudible].

COUNCILMEMBER NAPOLITANO: And so, the question I think we need to face is can it be done without a loss of parking space. As we've heard, there are code changes that could be made. We can get rid of the meters. I've brought that up before. May we expand the sidewalk a foot or two and you can fit a four-top out there. Maybe it's not five to six, seven tables, but three or four per restaurant. What is our goal, just outdoor dining as we had it or is it outdoor dining but it's going to be scaled to what we know is within the character of the Manhattan Beach downtown that we've known or north end? Or is it going to be something radically different where we're talking one-way streets, where we're talking about

taking out parking spaces and things like that and having to replace it, shuttle systems and all that? What is outdoor dining for us?

COMMUNITY DEVELOPMENT DIRECTOR

MIRZAKHANIAN: I'd like to address the first part of your question by saying that--

COUNCILMEMBER NAPOLITANO: Good because I can't remember what it was.

MAYOR MONTGOMERY: What is outdoor dining?

COMMUNITY DEVELOPMENT DIRECTOR

MIRZAKHANIAN: --so, we do have opportunities and we've discussed this with the task force. There are currently opportunities that eating and drinking establishments have available if they wanted to invest in major structural changes to be able to incorporate some form of outdoor dining on private property. So, we are going through this process with one establishment right now and the types of challenges that these businesses in downtown and north end face in trying to either try to build a second floor dining deck or open up the downstairs area. More so if they're trying to build the second floor dining deck is that they have very limited spaces and the second that you introduce a second floor, now you have to talk about an elevator to be able to provide A.D.A. access to your second floor and then it potentially could be increasing your parking demand which requires you to demonstrate some form of

addressing that parking discrepancy. For multiple reasons, that becomes financially challenging for private businesses to invest in a second floor. Again, those opportunities are there if the particular eating and drinking establishment owner wants to invest that kind of money into making that available. At first-

COUNCILMEMBER NAPOLITANO: [Inaudible].

So, has it been discussed to waive or change the parking requirement if they go second story rather than taking parking spaces on the street?

COMMUNITY DEVELOPMENT DIRECTOR

MIRZAKHANIAN: --we could absolutely do that. In fact, we have vehicles available for that right now I would say. That's why a lot of these discussions level out because we have parking reductions available you could ask for. We have shared parking you could ask for via use permit. We have a lot of vehicles available for that right now. If someone wanted to pursue that, we do have someone in the process of doing that right now. But, as we discussed at this last meeting with the task force, we generally started talking about occupancy issues. It became clear to us that our initial polling that the interest from the business community is to have increased occupancy, otherwise investing on their end doesn't make sense. That was the general discussion that we had this last meeting and it was clear to us

that if there is no increase in occupancy, then their investment in this doesn't financially balance out.

COUNCILMEMBER NAPOLITANO: Okay.

MAYOR MONTGOMERY: You good.

COUNCILMEMBER NAPOLITANO: Yep. Thank you, your honor.

MAYOR MONTGOMERY: I'll put it together and leave Councilmember Lesser the person tied up in different knots forward going forward.

UNIDENTIFIED SPEAKER: [Inaudible].

MAYOR MONTGOMERY: Leaving your item up there, Director Mirzakhani and Senior Planner Yoon, good job. I think you guys have done the best you could to get it to this point and no one is ready to go full-out one direction or the other. I'll focus on the ones I don't agree with and I'll start with the first one with the includes all walk street commercial corners. Existing? Yes. Future expansion? No. I'm not so focused on Councilmember Napolitano's comments. I think I'm not so focused on the costs as I am that we get it right. I don't care if it takes us six more months. The reason why I say that is during Covid when Steve and I tried this idea of one-way streets, we didn't know how it would work out. We thought hey, let's try it, right? We're all trying for new ideas?

COUNCILMEMBER HOWORTH: Mm-hmm.

MAYOR MONTGOMERY: How do we help a restaurants survive and why not get creative? We're not LA. We don't have thousands of streets to play with, but we tried it, okay? It didn't work out well. We found out later it was a terrible, not the idea, it was the actual production of it wasn't what we thought it would be, so lesson learned. Chalk it up, but it taught me a valuable lesson. I'm not in favor of one-way streets at all and not because of Mike Bonin and Vista La Mar and the road diets which were a total catastrophe--

COUNCILMEMBER HOWORTH: Oh, Lord.

MAYOR MONTGOMERY: --but we fixed that. Seeing that lesson about road diets and watching what happens here, I think will totally change the structure of what we're trying to do. No on the one-way streets. I'm open to the survey part of it for sure. And Kyle, your point about I like the European the open air dining to me is different than dining decks. You go to Europe and you sit outside and you don't look at a deck when you sit out there and you eat. So, I like all of those options. I don't want to handcuff Director Mirzakhanian or Senior Planner Yoon or any of our people. I like to have all options out there, but at the same time, I don't want to transform all of downtown and north end because of it. I think the fact that we're having the downtown business rep here and Kyle here and not the restaurant owners because no one has really set where we're going to go yet. I caution on that

because during Covid, you saw people like Mike Sims and his restaurants, not to pick on Mike or boost Mike. He built a beautiful Arthur Jay--I'm going to call it a deck. I don't. I call it an expansion to someone's house.

COUNCILMEMBER NAPOLITANO: Pavilion.

MAYOR MONTGOMERY: Pavilion.

COUNCILMEMBER HOWORTH: Pavilion.

MAYOR MONTGOMERY: It was beautiful. You would never know how long it was built, though. You'd swear it was built there ten years ago, right? And look at Fishing With Dynamite. They did there. You would never know it was new. You saw others and I won't mention their names, but they used plywood over a weekend at Home Depot and built it. I said, "Man, what a difference." To Steve's point, what does outdoor dining mean to me? Open aired. Yes, you can have decks on a slant so each of you can't make it level. Safety. We saw some people, I won't mention names, who put their propane tanks right next to the other cooking facilities which our Fire Marshal, thank you, kicked them out and said you can't do this. But, they did it for a while until we kicked them out and said you can't do that. Also, consistency, sustainability, [inaudible]. If you go to Park City, Utah as one example, look what they did. Yes, Kinzor designed it. Kinzor held their hand through it, but you meet all the criteria. Open aired, they have decks too. They're safe. They don't slide around. There's no propane

tanks next to your knees and they're consistent and sustainable. You meet all the criteria, then I'll go with you all the way. But, with that, I don't want to change the character in my mind by expanding the walk street corners. That was a bad idea. No one-way streets. But, I would go for the survey itself. I'm curious to see like we saw the True North survey tonight. Forget the pie charts for a second, but all the data they gave us--

COUNCILMEMBER HOWORTH: Right.

MAYOR MONTGOMERY: --gave us a good overview of what people actually telling. Not just calling us, but it's a good overview of what the residents see. I'd rather have that in my pocket than guess what the east side, west side, or downtown are thinking or been thinking. That's kind of an overview, but I would think, Councilman Lesser, if you're going to make a motion, you break out these top four then bottom two.

COUNCILMEMBER LESSER: I'm chuckling, Mr. Mayor because I just wanted to opine on the question of outdoor dining and what it is and pick up on your and Councilmember Napolitano's comments. So, I'll make that and then I'm going to try to make a motion because I'd like to move this forward. When I speak to people about outdoor dining, they're often thinking of using the public right-of-way and having the sun, the air, and the view. The problem why this city has dealt with this issue well before the pandemic and had challenges is what

we're hearing in microcosm this evening because inevitably that increases use, occupancy, noise, and vehicles and it has an impact on the quality of life for residents and it's not what everyone wants for our downtown community. None the less, I think what we're looking for is a balance. Outdoor dining, no question, includes making it easier for private property owners to expand their footprint of their property to allow for outdoor dining, making it easier for them in one way or another as I love the reference to vehicles that was referenced.

Opportunities for private property owners to expand their private property to allow for outdoor dining, but also thinking about the public right-of-way and of course that might involve city funds and that's going to be a more difficult conversation. How do we afford to do expansion of our sidewalk? Who's going to pay for it? There will be winners and losers. Some restaurants will be able to make use of the sidewalks. Others won't. How do we allocate those costs? So, there will be more complicated discussions later, but when I think of outdoor dining, I think it has to do with public right-of-way. A motion. I'd like to make a try unless someone--

COUNCILMEMBER HOWORTH: No, go for it. I was just--

COUNCILMEMBER LESSER: --wants to. I'm not sure there will be a consensus. I've heard some differences of opinion, but I'm going to try. Using the checklist, I would



make a motion that the consensus of Council at this time subject to further information from staff and the outdoor dining task force if they want to come back is presently the recommended program space would be eating and drinking establishments only. Presently, it would be citywide on private property that we would be receptive to some sort of solution that would not necessarily run with the land, but would allow Staff to continue to explore with the task force some sort of opportunity that's limited in its scope and duration. Then, with regard to public property inclusive of walk street commercial corners, I think we need more information before we're able to say yes or no. Let's see if there is any support for that or a friendly amendment, but at this time the task force and staff would need to answer some of these concerns that inevitably residences are going to have adjacent. With regard to the additional consultant scope of work at this time, I'm not prepared to support a survey. I think as was mentioned earlier notwithstanding some of the positive comments about the survey and I'm open to a survey. We don't have enough of a plan yet for what we're asking the community to weigh in on. Finally, with regard to a one-way street analysis, I would not be in support of it because I'm not hearing from Staff that they need the additional data at this time. That would be my motion, subject to amendments.

MAYOR MONTGOMERY: Push your button.

MAYOR PRO TEM FRANKLIN: Could you--

COUNCILMEMBER HOWORTH: I have a question.  
I pushed my button.

MAYOR MONTGOMERY: I'm talking to him.

COUNCILMEMBER HOWORTH: I know.

MAYOR MONTGOMERY: Councilmember Howorth  
first then Mayor Pro Tem Franklin second.

COUNCILMEMBER HOWORTH: Thank you, Mr.  
Mayor, you're doing a wonderful job of running this meeting.

MAYOR MONTGOMERY: It's not midnight.

COUNCILMEMBER HOWORTH: Your motion, I was  
following it. You support the eating and drinking  
establishments only, citywide on private property. Did you  
mention downtown and north end only for the public property? I  
don't think you did.

COUNCILMEMBER LESSER: I don't think I did.  
I think I'm hearing from most, yes.

COUNCILMEMBER HOWORTH: Yeah, okay.

COUNCILMEMBER LESSER: So, the answer to  
that would be yes.

COUNCILMEMBER HOWORTH: Okay. All right.  
Thank you.

MAYOR MONTGOMERY: Mayor Pro Tem Franklin.

MAYOR PRO TEM FRANKLIN: And then, the  
friendly amendment about the delivery trucks.

COUNCILMEMBER LESSER: Yes, thank you. I had even made the comment earlier--

MAYOR PRO TEM FRANKLIN: Right. Yeah.

COUNCILMEMBER LESSER: --trying to reflect-

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COUNCILMEMBER HOWORTH: Right.

COUNCILMEMBER LESSER: --the consensus here. Thank you for that--

COUNCILMEMBER HOWORTH: Right.

COUNCILMEMBER LESSER: --and this would also be direction to Staff, to explore as was mentioned earlier the impacts--

COUNCILMEMBER HOWORTH: Policies.

COUNCILMEMBER LESSER: --of these delivery trucks in parking and what do we need? More restrictions or more enforcement tools in the way of Staff or something else? Thank you for that.

MAYOR MONTGOMERY: There was one I have clarification for. I'm fine with hold for more information inclusive of walk street commercial corners. Just put a big hold, big "h," for that one. As far as a survey, we didn't know when the survey was going to be going out. We thought the question was to have that approval for when you need it. Do you want to bring it back once we're down a farther path? That's a different question.

COMMUNITY DEVELOPMENT DIRECTOR

MIRZAKHANI: That is correct.

MAYOR MONTGOMERY: Okay. [Inaudible] to future use. All right. But, I'm good with the rest of it and I'll take my stuff back. I see a motion by Councilmember Lesser as noted. Second by Mayor Pro Tem Joe Franklin. Any of the Council questions, comments? Seeing none, voting screen, please. There you go. Want us to do it again?

ASSISTANT CITY CLERK ALVAREZ: No. It's 5-0.

MAYOR MONTGOMERY: Okay. It's 5-0?

COUNCILMEMBER LESSER: Well, that was easy.

MAYOR MONTGOMERY: I was waiting. I wanted to make sure it popped up there. It disappeared.

MAYOR PRO TEM FRANKLIN: It went and came up--

CITY CLERK TAMURA: There you go.

MAYOR MONTGOMERY: Well, I--that's great. There it goes.

UNIDENTIFIED SPEAKER:--[inaudible].

MAYOR MONTGOMERY: Thank you very much. Thank you all. I appreciate that.

COUNCILMEMBER HOWORTH: Great job, Staff. Great job.

MAYOR MONTGOMERY: All right, folks, after that one a shot of espresso for Councilmember Howorth. Item number 16--

COUNCILMEMBER HOWORTH: [Inaudible]?

MAYOR MONTGOMERY: --consideration of resolution of proving an agreement for prosecutorial services as needed with a report from City Manager Moe.

COUNCILMEMBER HOWORTH: [Inaudible] now.

CITY MANAGER MOE: George Gabriel will do the honors.

MAYOR MONTGOMERY: All right.

ASSISTANT TO THE CITY MANAGER GABRIEL: Honorable Mayor Montgomery. Members of the City Council. George Gabriel, assistant to the City Manager. This item comes before you tonight by way of request from the June 20, 2023 City Council Meeting. At that meeting, we provided a report summarizing efforts on state misdemeanor prosecution and homeless court services. Following discussion, City Council requested Staff explore reinforcing the city's prosecution services. And so, from time to time the city delegated criminal prosecution and other legal services to special council. As such, Staff identified two proposals for council consideration to address prosecution of crimes to be prosecuted as a misdemeanor. Some of these crimes include trespassing, graffiti, illegal shopping carts, public urination, public

nuisance, and smoking in public. In addition, the following crimes can be prosecuted as an infraction: drinking in public, unlicensed dogs, unvaccinated dogs, unleashed dogs, dogs on the beach. As noted in the attached proposals, each firm's experience in performing prosecutorial services. The proposals will authorize either firm to prosecute criminal violations and perform such services as requested by the City Attorney, City Manager, or their designees. Both proposals provide services related to civil investigations, obtaining warrants, and filing civil actions specifically under the municipal code. Staff recommends that the City Council discuss and provide direction regarding the two proposals and also consider adopting draft resolution 23-0100 authorizing the City Manager to execute an agreement or agreements in accordance with Council direction. That will concludes my report, thank you.

MAYOR MONTGOMERY: Thank you. We'll start out with Councilmember Napolitano first.

COUNCILMEMBER NAPOLITANO: Thank you. I saw the hourly rate, but maybe in the future we can include for fiscal implications what the hourly rate is for these folks. I guess what I'm missing here is the reason why we're doing it. It was provided to us under attorney client privilege as far as what our misdemeanors are now, what have been referred to the District Attorney, what the District Attorney has turned down. I think that would be give the public a better understanding of

what we're looking to do here and I think it would inform the decision here. I also think that one of the things we talked about before and bringing this back was widening some of the definitions of what nuisance is. What public nuisance is under our code would be so we could broaden what we could prosecute. Actually, I'd rather see that before we approve this. I'd rather see what we can include under public nuisance because that would expand the prosecution needs that we have and also I would like to provide the context to the public as to what we've done already with the prosecution serves, what the D.A. has done, what they haven't done. I would hold this off, your honor. I would like this to be a more robust report and something that the public can see as to do we need to do this, do we not based on what is being prosecuted, what isn't, and then can we bring back what an expansion of public nuisance might be so then we can decide if we want to do our own prosecution under that expanded definition of it. So, to me it's premature to do this right now until we know that we're going to be effective in spending this money.

MAYOR MONTGOMERY: Thank you. Mayor Pro Tem Franklin.

MAYOR PRO TEM FRANKLIN: Yes, thank you. My thoughts are along the same way because I spend time with this and just try to correlate--

COUNCILMEMBER NAPOLITANO: Mm-hmm.

MAYOR PRO TEM FRANKLIN: --the spread sheet of the list of what we call quality of life crimes, description of the crime, and I can really only find about three items when you compare it against the County District Attorney's 20-07 directives and it really only covers one or two. All the others that are on the directive are not covered by this type of prosecution. I guess that's what we ask for, what is the overlay? Can we pursue some things on our own? And that goes to your definition Councilmember Napolitano, about the definition of nuisance.

COUNCILMEMBER NAPOLITANO: Mm-hmm.

MAYOR PRO TEM FRANKLIN: I, too, would like to see some more information about this and to fill it out a little bit and maybe this could be a path to controlling more of our own prosecution, but not as it is now because it just doesn't cover enough.

MAYOR MONTGOMERY: Are you good?  
Councilmember Lesser.

COUNCILMEMBER LESSER: I wanted to oppose the emerging comments of my colleagues to Staff and perhaps the City Attorney. I'm not sure who's in the best position to answer this. To what extent can we get a more complete presentation consistent to what was just indicated as to what we're looking for? The way I was going to put it in my questions which were along the same lines was: how are members



of the community going to notice a difference? That's the first thing and I just wondered if there might not be an opportunity to come back and provide a little bit more complete presentation.

CITY ATTORNEY BARROW: Yeah, I'll address that.

MAYOR MONTGOMERY: Microphone?

CITY ATTORNEY BARROW: Up to a point, we've been discussing Gascon now for about two years or maybe longer about the type of crimes that he will not prosecute and the state misdemeanors and we went through an exercise of trying to get consent to do that. If we had gotten that consent, it would be a different Staff report, but we did not get that consent and so the Staff report identifies the type of cases that can be handled by a special council as a prosecution firm. I'm not sure what more we can add other than the nuisance issue. Nuisance in our code is related to basically nuisances that are property related and that was one of the points of the staff report. That's something that we would explore with a special council, but if the Council wants to defer this action that's fine and we can do that research of how we can expand the nuisance section and give you an answer to that.

COUNCILMEMBER LESSER: Let me also ask you Mr. City Attorney. You and I have privately spoken about--

CITY ATTORNEY BARROW: Yes.

COUNCILMEMBER LESSER: --what your firm is capable of doing with regard to prosecutorial services. To what extent are some of the services that are anticipated to be utilized with the potentially at-will contracts with these other firms? Are actions that your firm could potentially do with its existing staff and I believe it does act in prosecutorial functions for some of its cities that it serves?

CITY ATTORNEY BARROW: Yeah, Richards Watson has done prosecution services for a number of cities, but also in a number of our cities, the cities have hired special council to focus on prosecution.

COUNCILMEMBER LESSER: Okay.

CITY ATTORNEY BARROW: So, we've got both.

COUNCILMEMBER LESSER: Thank you.

MAYOR MONTGOMERY: Councilmember Howorth.

COUNCILMEMBER HOWORTH: Thank you. One of the things when you look at the Staff report page two which is page 684 of our binder and it talks about the following crimes-- and this is to Councilmember Napolitano's point that can be prosecuted at the misdemeanor, it's trespassing, graffiti, public urination, public nuisance, smoking in public, which gives us as a city some tools when we have people who continue to do these things over and over again. I would want to be really clear. I'm fine with holding it and coming back as Councilmember Napolitano said, but I also in some ways think a

Staff report should both include Gascon's 20-07 Special Directive as well as the prop 47 language because I think that's something that is affecting our ability to put criminals in jail, get them off our streets for other crimes that are more serious whether it's shoplifting, stealing, et cetera. I think we have an opportunity here to do some education, not that it's going to make people feel safe, but I think we have to do that. I do want to find a way to address these things. I'm a little nervous about the unleashed dogs piece, but that's a little too much self-disclosure there. I think I do appreciate what Councilmember Napolitano said. I'd just like to come back with nuisance fleshed out, but also these other things that make it hard for us as a city to conduct the type of public safety that maybe we'd like to do.

MAYOR MONTGOMERY: You good.

COUNCILMEMBER HOWORTH: Always.

MAYOR MONTGOMERY: I'll take a different tact. I think we've been talking about this, folks, since August 1. That was our last meeting. Nothing changed except for, I think, the City Attorney flushed out with [inaudible] and the firm on what they could do. I think Councilmember Howorth said it right, if you look at page two or 684. All right. Trespassing, graffiti, illegal shopping cart, public urination, public nuisance, smoking in public we do those today. Right now, today, which gives you leverage. I talk to people

who say you're not doing enough, that we're not helping our police get this done when they want to do it. Forget the county. This is ourselves, today. Right now, right? So, there are things that we can't do yet because we haven't written our Ordinance yet which is what we use, the firm or the [inaudible] to do for us. All we're saying is bring back more information, but we could a lot of it ourselves between now and our next meeting. We can almost have all this done, so it's your point of view. Do you want to delay it for more clarification or do you want us to keep reading what we can do at every public meeting and put it on our city website here's what we can do today, here's what we can do a month from now, and here's what we can do if we come back with more information. So, I don't want us to kick the can because we want more information. I understand the information part of it, but we've had a month to get here. I'm not sure what more City Attorney Barrow can give us other than a spread sheet with different colors saying here's what we can do now and here's later on. If you asked for my opinion, I'd say we should start now with things we know we can do without anything in the way. If you want to add stuff to it, that's your option down the road. All we're doing now is delaying getting someone in here who has the expertise to help us get there and when somebody complains we're not doing anything, we'll say look this is what we're doing right now. We are making a difference. Using our own toolbox we're going

after it, but if anybody wants to delay for more information that's up to you four, but I don't want to delay any longer than we have. Councilmember Napolitano?

COUNCILMEMBER NAPOLITANO: Let me pose it in the alternative, though, because to my knowledge we have used Richard Watts and Gershan as our prosecution services to this point and the lack of others that once our prosecutor merged more into a diversion and so, I don't know what they've prosecuted for us. But, while we get more information, we could authorize Richard Watts and Gershan to ask as our prosecutor to prosecute these things and if we want to, then engage one of these other prosecutors to have a separate down the line, we can while we get from them what an expanded nuisance definition could be. We could still prosecute these things in the meantime without having to enter into a contract with a new entity while we look at these other items.

MAYOR MONTGOMERY: Makes sense.

COUNCILMEMBER HOWORTH: Okay with that.

MAYOR MONTGOMERY: Do you want to ask that question for City Attorney Barrow? Go ahead, Mayor Pro Tem Franklin. I knew you were going to ask that question, go ahead. You get to ask it.

MAYOR PRO TEM FRANKLIN: Okay. I also want the public to understand that these are treated as administrative citations. Nobody is going to be placed in jail

or potentially with a regular misdemeanor if it were prosecuted by the County Attorney. It isn't going to get the people off the streets necessarily. It's going to get them a--

COUNCILMEMBER NAPOLITANO: Mm-hmm. The top ones can't.

MAYOR MONTGOMERY: Yes.

COUNCILMEMBER NAPOLITANO: The top ones can be misdemeanors. The others are infractions or the administrative [inaudible]--

MAYOR PRO TEM FRANKLIN: --yes. So, trespassing and the--

COUNCILMEMBER NAPOLITANO: Just so we know.

MAYOR PRO TEM FRANKLIN: --other ones can be--

COUNCILMEMBER NAPOLITANO: Right.

MAYOR PRO TEM FRANKLIN: --administrative.

COUNCILMEMBER NAPOLITANO: Exactly.

MAYOR PRO TEM FRANKLIN: So, it's not all people serving time as the carrot and the--

MAYOR MONTGOMERY: Stick.

MAYOR PRO TEM FRANKLIN: --stick. As the stick.

COUNCILMEMBER NAPOLITANO: You're right. The expectation should be managed here given--

COUNCILMEMBER HOWORTH: Right.

COUNCILMEMBER NAPOLITANO: --what the--

MAYOR PRO TEM FRANKLIN: Right.

COUNCILMEMBER NAPOLITANO: --offenses are here. But, I would pose the question to our City Attorney if that is a possibility here that we can use your firm as prosecution services as we flush this out more.

CITY ATTORNEY BARROW: Yes, definitely. We can provide more information. I like the comments of all the Councilmembers. Next time this comes back, additional information about Prop 47, the directives, and nuisance we'll see what we can do to expand it.

COUNCILMEMBER NAPOLITANO: But, in the--

CITY ATTORNEY BARROW: I'm not certain we can do that, but we can certainly explore it.

COUNCILMEMBER NAPOLITANO: --meantime, we can use--

CITY ATTORNEY BARROW: Yes.

COUNCILMEMBER NAPOLITANO: Yes.

CITY ATTORNEY BARROW: Yes.

COUNCILMEMBER NAPOLITANO: Yep.

MAYOR MONTGOMERY: Just a clarification question. I appreciate that, Steve, thank you. Do we need a motion to make that happen or is that enough direction for you to start this--

CITY ATTORNEY BARROW: Yes, no. That's enough direction for me.

MAYOR MONTGOMERY: --[inaudible].

CITY ATTORNEY BARROW: Under the code, the City Attorney is the City Prosecutor and that's why we were talking about prosecution services as opposed to a City Prosecutor. It sounds like we're just going to continue this item. We've got enough information and direction from the Council to come back with a report.

MAYOR MONTGOMERY: Just one more question. You've got to bring that back in the next two weeks to us?

CITY ATTORNEY BARROW: It's going to take longer than that.

MAYOR MONTGOMERY: I want [inaudible] back. Councilmember Lesser.

COUNCILMEMBER LESSER: I just wanted to confirm. It's been a while since I've looked at your contract Mr. City Attorney. I want to ensure that it includes within its scope prosecutorial services with the supplement that we're talking about tonight.

CITY ATTORNEY BARROW: I think so too.

COUNCILMEMBER LESSER: Thank you.

MAYOR MONTGOMERY: So, no other questions? We'll go to public comment first. Thank you, George. Stand by. Public comment? Yes, please.



MR. GRESS: Good evening. I just want to introduce myself. I'm Kevin Gress with one of the proposals. I think the Council made some excellent points in regards to expanding some of the definitions of the municipal code. That would allow the City to prosecute and expand what it can prosecute. I think one of the key elements the Council should consider as well is not just the substance of the Municipal Code that could be expanded, but also procedurally in court, one thing the Mayor said earlier I think while Steve was talking. The City has to control what it can and what it can't it can't. I think philosophically that's right where I stand with a lot of these issues as well. Zero cash bail, judicial diversion motions, new things that have popped up over the last two years under Gascon you can only change so much, right? There's only so much authorization and jurisdiction this Council has, but there are substantive and very practical, pragmatic solutions not just in expanding the Municipal Code, but in how to prosecute these crimes that get you to where you need to go. I've had conversations with other people about this whether it's cash bail. You can't do cash bail, but you can still apply certain terms as to stay away locations. Stay away from this, can't conduct business like this that get the job done much quicker than civil litigation or having the person have to post a \$10,000 bond. Judicial diversion motions, often time prosecutors from cities just blanketly oppose them. It's silly

to do that because it's a reality we have to deal with, but the prosecutors who impose practical solutions and obligations to judicial diversion motions are the ones that have the best results. I think that's something for the council to consider as well, but I just wanted to thank you for your time and for consideration of my proposal.

MAYOR MONTGOMERY: Thank you, Kevin. Very informative. I appreciate that.

MR. GRESS: Of course.

MAYOR MONTGOMERY: Thank you. Bless you.  
Anybody else public comment?

UNIDENTIFIED SPEAKER: I'm coming. My wife is at home recovering from back surgery and this is a very important issue for her. She works with the homeless and all those folks, right? So, it's very important that we address this. The way I look at this is we're spending a lot of money on our police force who are doing an excellent job. If we don't prosecute them, we're not spending our money wisely. We've got to both ends of this, so to me it's no-brainer that we've got to go down this path. The other item is I like the idea of expanding. I think the broader net we have, the better it is that we're going to be able to do that. I also think the third point here is we have a public relations opportunity here with our community that if we do this we'll be able to communicate that we as a Council are trying to do the right thing, right?

We need to capitalize on that. I hope that Michael who was here earlier is listening to us tonight is taking good notes and trying to put it in his newsletter. I hope somebody else from the Easy Reader, the Beach Report are listening to this and come to our next meeting and listen to it and be able to publish it and inform our community and see what we can do here to try to influence that to be communicated out. Thank you.

MAYOR MONTGOMERY: Thank you. Our next speaker? How about on Zoom, Martha? Anyone on Zoom?

ASSISTANT CITY CLERK ALVAREZ: There's no [Inaudible].

MAYOR MONTGOMERY: None? All right.  
Close public comment. Council?

COUNCILMEMBER NAPOLITANO: You're honor, I think we've got a--

MAYOR MONTGOMERY: I'll go. I'll jump on it.

COUNCILMEMBER NAPOLITANO: --oh, all right.  
Sorry.

MAYOR MONTGOMERY: I'll do it.

COUNCILMEMBER NAPOLITANO: Well, I didn't know I needed a motion. I thought [inaudible]--

MAYOR MONTGOMERY: Oh, that's right. Quinn set it into motion.

MAYOR PRO TEM FRANKLIN: --motion.

MAYOR MONTGOMERY: Never mind, Quinn.

Sorry. I got you all excited for that.

MAYOR PRO TEM FRANKLIN: He's already a City Attorney.

MAYOR MONTGOMERY: I think what--

UNIDENTIFIED SPEAKER: [Inaudible].

MAYOR MONTGOMERY: --I appreciate getting your comments because I think the thing we're trying to teach people. No matter what it is, forget--our police do a great job at catching the bad guy.

COUNCILMEMBER HOWORTH: Mm-hmm.

MAYOR MONTGOMERY: But, people are mad that we can't keep them or keep them in jail. They come back to us. It's here by doing this--and thank you for saying that. Actions have consequences, so we can maybe not keep them away from our city for a whole year, but if I can deter that person coming back here three, six, nine months, I'll do it. That's something we should've been doing, so now we're pushing that envelop all the way forward saying, anyone help us at the county level. We'll do what we can ourselves. This is that motion to make it happen.

COUNCILMEMBER NAPOLITANO: Your honor, I think the headline here is we're going to engage Richard Watts and Gershan in more robust prosecution services and looking to

expand the use of the public nuisance law to get more of the bad folks off the streets.

MAYOR MONTGOMERY: Yes. That's a headline with a subheading that says we'll get you some help on the side there as well.

COUNCILMEMBER NAPOLITANO: I'm sure Mike will incorporate that.

COUNCILMEMBER HOWORTH: Yeah.

CITY ATTORNEY BARROW: We'll come back after doing additional research with another report. At this time, we'll just move onto the next item on the agenda.

MAYOR MONTGOMERY: One more pull to help our P.D. up there. I forgot to give a shout out earlier, Chief, since we're talking about this area bringing the police up. Those of you who don't know this, the Chief kept it quiet all weekend long. There was a famous football club here on the weekend. I won't mention names, but they wore pink jerseys. They were all over the city, but these people kept them safe and kept the thousands of people away from where they were staying although there were players that came down to our round house and aquarium, I found out, on the weekend before their curfew. They were here wearing pink jerseys for the last three days. I want you to know that, so just a little a something. You don't tell everybody until they're gone out of our city, but another good job because that helps us. Besides, Super Bowl, having a

team like that in our city with nothing happening is a good thing. It also helps with T.O.T.

COUNCILMEMBER NAPOLITANO: I thought I saw Councilmember Howorth hanging around west [inaudible]--

COUNCILMEMBER HOWORTH: No, no.

MAYOR MONTGOMERY: The pink jerseys.

COUNCILMEMBER HOWORTH: If they're not L.A.F.C., man, I'm not interested.

MAYOR MONTGOMERY: With that said, we're going to move to item number 17, Emergency Ordinance amending various sections of the Manhattan Beach Municipal Code relating to bicycles to clarify and establish safety and operation requirements for electric and motorized bicycles lead by our very own--who's going to talk about this? There's George Gabriel.

ASSISTANT TO THE CITY MANAGER GABRIEL:  
Honorable Mayor Montgomery and members of the City Council, George Gabriel, assistant to the City Manager. I'll try to make this as brief as I can given the late hour, but basically this item is coming back to you following the August 1, 2023 meeting where City Council requested revisions to the Municipal Code related to electronic bike regulations on an expedited basis coming back on the next possible meeting. In essence, the Urgency Ordinance that has been proposed has three basic revisions. Three categorization revisions within the Staff

Report, but various revision in there because the current regulations regarding bicycles were adopted in 1961 and most recently amended in 1972, so the City Attorney's Office tried to do a comprehensive look at the Municipal Code and make a variety of revisions to that. Keep in mind, this is an Urgency Ordinance and this does require four-fifths vote in order for passage. The key provisions of the Urgency Ordinances are related to safety and operational standards. Most notably within that there is a requirements for all rider under 18 years old, regulations related to bikes, riding in marked bike lanes, streets without bike lanes, stopping for traffic signals, yielding to pedestrians. The second provision within the Urgency Ordinance is location restrictions. The ordinance prohibits e-bikes and motorized bicycles from the following locations: city sidewalks. I should note there is a pending legislation that may impact us there where we're unsure how it would impact us and we would have to come back and give an update to Council on that. City sidewalks, walk streets, plazas, grass areas, lawns, the civic center, L.A. county library, metlox property, the strand, and parking structures or parking lot owned or operated by the city, county, or state. The third provision is related to the beach bicycle path, a.k.a. the county bike path, where a 20 mile per hour speed limit is proposed within the ordinance. That would be the only place on the bike path--let me correct myself. The other place in

addition to Hermosa Beach having a speed limit on the bike path because Hermosa Beach has an eight mile per hour speed limit regulation on a bike path at a place where the pedestrian and bicycle path merges and everywhere else on the county bike path there is no speed limit. Those are the three provisions. Obviously, this is an Urgency Ordinance and the City Attorney is proposing that a regular ordinance would come back at a later date. In addition, [inaudible] Council to consider adopting a resolution specifying fines and so, in essence, all violations would otherwise be a misdemeanor accordingly, but they would be done via the administration citation process and the proposed fines are for the first violation \$500, for the second violation \$750, and then the third violation \$1,000 for each additional violation within one year of the first violation. Therefore, Staff is recommending that the City Council adopt Urgency Ordinance 23-0008U amending various sections of the Municipal Code to clarify and establish safety and operational requirements for electric and motorized bicycles and to adopt resolution 23-0120 specifying specific fines for violations of said Urgency Ordinance. That will conclude my report. Thank you.

MAYOR MONTGOMERY: Well said, George. Well said. Let's--

CITY ATTORNEY BARROW: Mayor--

MAYOR MONTGOMERY: --start off--



CITY ATTORNEY BARROW: --I just want to point out something Bruce had mentioned. If you take a look at the prohibited areas--

MAYOR MONTGOMERY: --yes?

CITY ATTORNEY BARROW: --it talks about plazas, grass areas, lawns. I'd like to add Veterans Parkway just to be very precise.

COUNCILMEMBER HOWORTH: Yep.

MAYOR MONTGOMERY: There goes--

CITY ATTORNEY BARROW: It's already--

MAYOR MONTGOMERY: --my question.

CITY ATTORNEY BARROW: --in there, but I'd rather just keep it as precise as possible.

MAYOR MONTGOMERY: And while you're on there, City Attorney, when you say plazas, do you mean civic plazas or any plaza? Civic plaza?

CITY ATTORNEY BARROW: Yeah.

COUNCILMEMBER HOWORTH: It says civic center in the Metlox.

MAYOR MONTGOMERY: Doesn't it say that--

CITY ATTORNEY BARROW: That's going to be any--

MAYOR MONTGOMERY: --[inaudible] plazas?

CITY ATTORNEY BARROW: --plazas, but we already have the civic center in there.

COUNCILMEMBER HOWORTH: That's Metlox.

CITY ATTORNEY BARROW: It's a good question of whether we have Metlox, we have the civic center. I don't know if there's other plazas in the city. The mall, I don't know if that's considered to be a plaza. I don't know.

MAYOR MONTGOMERY: I'm good--

CITY ATTORNEY BARROW: It's better to be broader. And once again, this is an urgency ordinance and we're waiting to see what the state does, so we'll probably come back perhaps in January with a permanent ordinance.

MAYOR MONTGOMERY: --okay. I'll wait, I'm sorry. Napolitano first then Councilmember Lesser second.

COUNCILMEMBER NAPOLITANO: Thank you, your honor. Two issues. One, did we talk to the school district and try to incorporate school district property except for designated areas where they park their bikes?

ASSISTANT TO THE CITY MANAGER GABRIEL: Not that I am aware of.

COUNCILMEMBER NAPOLITANO: You might want to reach out to them because there's some destruction I've seen. Kids riding around on electric bikes on the field spaces on the weekends. We might want to talk to them--

UNIDENTIFIED SPEAKER: [Inaudible].

COUNCILMEMBER NAPOLITANO: --also, the real name of it is the Marvin Brody Bike Trail--

UNIDENTIFIED SPEAKER: Yes.

COUNCILMEMBER NAPOLITANO: --rather than County Bike Path. I have to question, Hermosa Beach because they own their own beach and Marvin Brody Bike Trail is not part of Hermosa Beach. It stops there. Redondo is on one side. Marvin Brody picks up again. We have it go up to Will Roger's State Beach. But, what is our ability to set a speed limit there or even to allow these at all because by saying there's a speed limit, we're allowing them to be on the bike path when, right now, County Code, I believe, prohibits any motorized bicycle on the bike path and there is no speed limit on the county bike path. So, what is our ability to set it?

CITY ATTORNEY BARROW: It's the same as our streets. We have Sepulveda which is a state highway under the vehicle code. State delegated to the cities--I don't know the word. I think the traffic engineers left, but you do that survey on streets and you can set speed limits. Back to the County, I wasn't aware the County prohibits on the--

COUNCILMEMBER HOWORTH: Motorized.

COUNCILMEMBER NAPOLITANO: There's not motorized--

CITY ATTORNEY BARROW: --mm-hmm.

COUNCILMEMBER NAPOLITANO: --vehicles at all that are supposed to be on the bike path.

CITY ATTORNEY BARROW: Okay. Because we have that in our Code, but they have to be human powered.

COUNCILMEMBER NAPOLITANO: Right.

CITY ATTORNEY BARROW: And the state changed that recently to human powered also include e-bikes up to one of the classes, so we may be preempted on that issue, but I want P.D. to discuss that. Because that's one of the issues that we discussed, should we prohibit it on the bike path?

COUNCILMEMBER NAPOLITANO: Because there are still signs up there saying motorized--

CITY ATTORNEY BARROW: Yeah. So, that's--

COUNCILMEMBER NAPOLITANO: --prohibit--

CITY ATTORNEY BARROW: --we can certainly specify that if that's a direction the Council, but let's hear from P.D.

POLICE CHIEF JOHNSON: Good evening, Councilmember Napolitano. In my research and reading on the county's bike path from L.A. County Public Works, they allow class one and class two electric bicycles on the path, but not class three.

COUNCILMEMBER NAPOLITANO: Class three is the throttle one?

POLICE CHIEF JOHNSON: Yes, sir.

COUNCILMEMBER NAPOLITANO: The only throttle one, so the others are pedal assist?

POLICE CHIEF JOHNSON: Yes, sir.

COUNCILMEMBER NAPOLITANO: That's new.

Okay.

MAYOR MONTGOMERY: Okay. Councilmember Lesser, you're up.

COUNCILMEMBER LESSER: I wanted to follow up on this very issue. We've all gotten an email from a resident--

COUNCILMEMBER HOWORTH: Mm-hmm.

COUNCILMEMBER LESSER: --who questions why we shouldn't be prohibiting e-bikes on the bike path and I guess the first question is why 20 miles per hour? I thought in addition to pedal assist, class three e-bikes are 20 miles and above. Is that right? Let me just ask the question, how did Staff arrive at 20 miles an hour as the speed limit when that can be pretty fast, actually.

POLICE CHIEF JOHNSON: Certainly and it's a great question. When looking at the speeds, we were certainly looking at the types of electric bicycles that are allowed on the path, but also I'm looking for some threshold to determine what's kind of fast, what's too fast, and also looking at what our ability to enforce a speed limit on the bike path is. Part of that calculus is when we're looking at speed limits that are a little bit lower threshold, we might be able to use our radar devices or lidar devices to identify that black bicycle, you

know, is--and rider are speeding, but then our really need to put away that radar/lidar, merge into the bike's physical path track and catch up to that person. It's not necessarily limited, but it's something that is--requires some effort on our officers in terms of making sure of their own safety as well as the safety of the cycling public. We were looking at something that would clearly be faster than most people are traveling on the path and something that would be more unsafe and easier to identify and maybe call out some people who are just traveling with the flow of other traffic that are not passing or engaging in unsafe behavior, that are just riding with the flow of traffic, so finding that balance with what is too fast and what would cause one to weave in and out of traffic and things like that.

COUNCILMEMBER LESSER: It's not going to be an enforcement nightmare for the Police Department. I'm just wondering is there a realistic expectation that by setting speed limit that'll be something that the Police Department will be able to enforce?

POLICE CHIEF JOHNSON: It'll certainly pose some challenges. That's for sure, certainly, just in terms of the things I've outlined just in how we determine the speed of a vehicle or a bicycle and then catching up to it just like it is on the roadway, but now you're on a bike path with bicycle traffic. It'll certainly be different for us.

COUNCILMEMBER LESSER: At a minimum, in Hermosa, I'd imagine an eight mile per hour speed limit is easier to enforce than a 20 or am I imagining that?

POLICE CHIEF JOHNSON: It also will have a shared use path, so I think there's a need for the path to have the speed limit to be a little lower because you have cyclists and pedestrians on the same path together and so something lower to provide for the safety of all the users, I think, is appropriate.

COUNCILMEMBER NAPOLITANO: You know what they have too, though? They've set up a couple of speed readers--

COUNCILMEMBER LESSER: Right.

COUNCILMEMBER NAPOLITANO: --up on the poles there. That's probably our next thing.

COUNCILMEMBER LESSER: So, I'm assuming that this larger subjective standard evaluating how safe a rider is riding their bike is going to give greater discretion to the police to cite on both streets as well as the bike path. Is--

POLICE CHIEF JOHNSON: Right.

COUNCILMEMBER LESSER: --that right?

POLICE CHIEF JOHNSON: Yes, sir.

COUNCILMEMBER LESSER: Okay. Thank you.

MAYOR MONTGOMERY: I'll hold my question now for a second. Mayor Pro Tem Franklin, you can go up there first.

MAYOR PRO TEM FRANKLIN: Thank you. I thought we might add to the list, is the actual beach. I've seen them down on the sand.

COUNCILMEMBER HOWORTH: Yeah.

MAYOR PRO TEM FRANKLIN: The hard sand.

COUNCILMEMBER HOWORTH: That's right.

COUNCILMEMBER LESSER: Is it county beach?

MAYOR PRO TEM FRANKLIN: But, we're responsible--

COUNCILMEMBER LESSER: We could do it.

COUNCILMEMBER HOWORTH: Still.

COUNCILMEMBER LESSER: Yeah.

MAYOR PRO TEM FRANKLIN: --we're responsible--

COUNCILMEMBER LESSER: Of course, law and order.

MAYOR PRO TEM FRANKLIN: Yeah. Good idea--

CITY ATTORNEY BARROW: Yeah. It's included as parks, but I think it's better to specify--

MAYOR PRO TEM FRANKLIN: --yeah.

CITY ATTORNEY BARROW: --each area.



MAYOR PRO TEM FRANKLIN: I'd say the beach.  
Yeah.

CITY ATTORNEY BARROW: Yeah.

COUNCILMEMBER NAPOLITANO: Is the Coastal  
Commission going to say it inhibits the--

MAYOR PRO TEM FRANKLIN: The enjoyment, the  
amenity?

COUNCILMEMBER HOWORTH: Not if we have  
enough bike racks.

CITY ATTORNEY BARROW: They might.

COUNCILMEMBER NAPOLITANO: --public serving  
amenities.

MAYOR PRO TEM FRANKLIN: Well then, let the  
Coastal Commission come down and write citations.

MAYOR MONTGOMERY: [Inaudible] first.

MAYOR PRO TEM FRANKLIN: The other thing  
and I know it's technically splitting hairs, but crosswalks. I  
see a lot of people riding their bikes across the crosswalks and  
they're supposed to be walking them. If they themselves are  
crossing a street with the light or pedestrian sign, they have  
to be walking them. So, I don't know if we want to include  
that. And it's part--

COUNCILMEMBER HOWORTH: It's city sidewalks  
[inaudible].

MAYOR PRO TEM FRANKLIN: --well, I don't know. It's not technically the sidewalk. It's the street. Anyway, just up for--

COUNCILMEMBER HOWORTH: We could add it to that bullet point, is it city sidewalks and crosswalks--

COUNCILMEMBER NAPOLITANO: That's a--

MAYOR PRO TEM FRANKLIN: --yes.

COUNCILMEMBER NAPOLITANO: --common biker maneuver if you're--

MAYOR PRO TEM FRANKLIN: Hit the street.

COUNCILMEMBER NAPOLITANO: --blocked off at one side, then you--

MAYOR PRO TEM FRANKLIN: Yeah.

COUNCILMEMBER NAPOLITANO: --go with the cross walk on the other.

COUNCILMEMBER HOWORTH: I don't go that way, but maybe it's common for you.

MAYOR MONTGOMERY: Anybody else? Joe, you still going?

MAYOR PRO TEM FRANKLIN: Yeah and then there was another line on page 699, item number three about the 20 mile per hour speed limit on Marvin Brody and the Nawako and

it says down in the second paragraph, "as the Council is aware, no pedestrians are allowed on the bike path."

COUNCILMEMBER NAPOLITANO: Mm-hmm.

COUNCILMEMBER HOWORTH: Yeah.

MAYOR PRO TEM FRANKLIN: In which case, can they be cited?

COUNCILMEMBER NAPOLITANO: Yes.

MAYOR PRO TEM FRANKLIN: Yeah. All right. Because that's really a danger when people--

UNIDENTIFIED SPEAKER: [Inaudible].

MAYOR PRO TEM FRANKLIN: --are walking.

COUNCILMEMBER HOWORTH: Yep.

CITY ATTORNEY BARROW: They have been cited.

MAYOR MONTGOMERY: Yes.

MAYOR PRO TEM FRANKLIN: They have been? Okay.

CITY ATTORNEY BARROW: Yes.

MAYOR PRO TEM FRANKLIN: Great.

COUNCILMEMBER NAPOLITANO: Cite roller-skaters too.

MAYOR PRO TEM FRANKLIN: Yep.

COUNCILMEMBER HOWORTH: Makes me mad.

MAYOR PRO TEM FRANKLIN: Yeah, roller-skaters and [inaudible]--

MAYOR MONTGOMERY: Those the questions you have?

MAYOR PRO TEM FRANKLIN: --yep. That's it. Yes.

MAYOR MONTGOMERY: All the questions? All right. We'll open this up to public comment if there's a question about e-bikes, bike safety, the name of the bike path?

COUNCILMEMBER HOWORTH: I was just going to say.

UNIDENTIFIED SPEAKER: My last item.

COUNCILMEMBER HOWORTH: Ours too.

UNIDENTIFIED SPEAKER: Chief Johnson, thank you. My only comment is 20 miles hour in front of the pier seems pretty fast to me and so can you do something to slow people down just right in front of the pier. My only comment.

UNIDENTIFIED SPEAKER: [Inaudible].

COUNCILMEMBER NAPOLITANO: Yes.

UNIDENTIFIED SPEAKER: Yes.

COUNCILMEMBER NAPOLITANO: It's in a separate--it maintains the walk only zone in front of the pier.

UNIDENTIFIED SPEAKER: [Inaudible].

CITY ATTORNEY BARROW: Yes.

UNIDENTIFIED SPEAKER: Yeah.

UNIDENTIFIED SPEAKER: [Inaudible].

MAYOR PRO TEM FRANKLIN: You may have seen the additional fencing that's up there.

SUZANNE LERNER: Did you discuss what happens when they blow through stop signs?

MAYOR MONTGOMERY: Mm-hmm.

SUZANNE LERNER: Was that part of this? I didn't hear properly.

MAYOR MONTGOMERY: You're here. You'll hear our answer--

UNIDENTIFIED SPEAKER: [Inaudible].

SUZANNE LERNER: So, anything that's like that? Okay. That's great. I think this is great and I'm really excited you're doing it. I'm glad the signs are so big.

UNIDENTIFIED SPEAKER: Yeah.

MAYOR MONTGOMERY: Thank you, Suzanne. Anybody else here? Martha, anybody on Zoom that wants to talk about this?

ASSISTANT CITY CLERK ALVAREZ: There are no raised hands via Zoom.

MAYOR MONTGOMERY: So, we'll close public comment. We'll go to Mayor Pro Tem Franklin first, then Councilmember Lesser, then Councilmember Howorth.

MAYOR PRO TEM FRANKLIN: I strongly feel the 20 mile per hour speed limit as a frequent user of the Marvin--

MAYOR MONTGOMERY: Bike trail.

MAYOR PRO TEM FRANKLIN: --County Bicycle Trail from here to there for so many reasons. Number one, you encounter a lot of traffic, particularly on weekends which is just almost about every day now, especially when the weather is nice. Twenty miles an hour zipping in and out is just way too fast. It doesn't give people a chance to react. You're getting close to people who are not on an e-bike and are going slower. It really creates a huge public safety issue. I would recommend 15 miles an hour as being our speed limit. It is a dedicated path as opposed to Hermosa which is at eight miles an hour, but 15 is a lot more reasonable. That way, you can also sometimes just pedal only, regular bicycles, but what they call road bikes. Those riders can get up to 23-25 miles an hour as well and they also become a nuisance. I think if we ratchet it down to 15, it's just going to bring the opportunity for more calm on an ever-growing and crowded bike path. I'm thinking of the kids too because I wouldn't take my smaller children, as a parent, on the bike path at any time because there's just so much traffic and so much is happening. The children are looking at this and looking at that and they wander, so let's so low that down if we could. It's just a small point, but on page two where it says safety and operational standards, it says proposed M.B.M.C. section contains 20 such rules including and requiring helmets for all riders under the age of 18 years old, just to add

properly strapped because they'll wear the helmets, but they won't be properly strapped. As we've seen. I strongly support this, so thank you.

MAYOR MONTGOMERY: Thank you, Councilmember Lesser.

COUNCILMEMBER LESSER: I want to see-- Councilmember Howorth wants to go first. Would you like to?

COUNCILMEMBER HOWORTH: Oh, thank you. Yeah. I don't have to go first, but I'll take you up on it. I was going to thank you, actually, Councilmember Lesser for bringing up some of our ordinances as a way to try to address this in a more robust manner. You are the one with City Attorney discovered some of our bicycle ordinances hadn't been updated since 1971, so I think this is really a great next step after Mayor Pro Tem Franklin's efforts which have been widely and rightly touted towards the education of our youth. But, I'm going to be very proud to support this with the different little additions that we talked about like adding beach to the list of location restrictions as well as the Veterans Parkway. I agree with the 15 miles per hour speed limit. It's not only that you wouldn't take your little kids down there to ride the bikes, it's hard to cross the bike path on a Saturday like down by 5th Street where you're not walking by the pier. I really hope that we will support this motion that I've seconded because we're probably one of the only communities to be doing this and

hopefully, we'll be leading the way. Hopefully, the state will support more bicycle safety, but we've got to do this, so thank you to all who have lead these efforts.

MAYOR MONTGOMERY: Thank you.

Councilmember Lesser.

COUNCILMEMBER LESSER: The first thing I should say is I grew up in west Los Angeles, then Los Angeles City Council member Marvin Brody was my Councilmember.

COUNCILMEMBER HOWORTH: [Inaudible].

COUNCILMEMBER LESSER: And he rode his bike as many places as he could, but it was often very difficult in Los Angeles of that era long ago. But, the point being he was somebody who really wanted make multi-modal transportation real and come up with ways that we all could cycle, so it's wonderful that there is this bike path in his honor. We are all seeing the dangerous condition today with so many kids, particularly, on e-bikes that are a known danger. We just see so many of them who don't have the training or intuition of many adults, although some adults don't have that intuition, to stop at stop signs, to realize the present danger. So, I support what is going to be happening with this ordinances which I suspect all of us are going to support where we need to update our code for the first time I think it was from 1975 from a 1961 era code to reflect e-bikes. I'm an e-bike owner, however I respect those that are deeply concerned about the prevalence of e-bikes of any



kind on the bike path, the Marvin Brody Bike Path. But, for now, I think it's been stated this is a first pass on an urgency basis to revise our codes and then there will be more revisions that can come back later and at that time we can review this, but I support the proposed amendment for 15 miles per hour on the Marvin Brody Bike Path and I support [inaudible]. Thank you.

MAYOR MONTGOMERY: I'll wrap it up here, folks. You heard us all talk about this. I think we're all in favor of this, but before we get to that call vote, the assembly bill 825 by a little shit named Brian. He wants to make a name for himself. He has taken away the original language which restricted e-bikes from all sidewalks in California, snuck it past our own State Senator Ben Allen, snuck it past our Assembly Member Al Muratsuchi that I both spoke with. They had no idea when they came back that language had changed, so imagine a bill passes that our police cannot enforce e-bikes riding down downtown sidewalks going towards the pier. This bill will strip the city's ability to enforce any bikes on sidewalks and every sidewalk in California, so I urge you all to call Senator Ben Allen. I'll give you this handy phone number. It's not his cell, that I promised. I did not hand out your cell Ben. Senator Ben Allen 310-318-6994. He wants people to call. Assembly Member Al Muratsuchi at 310-375-0691. Lead California Cities is also opposed to A58 25, Brian, they're trying to fight

it up there as well, so this is not just our little city. Imagine Carlsbad all the way down to San Diego, they all don't want this bill to pass. They all see what's coming. Promoting bicycles and e-bikes at the risk of pedestrians. Sacramento in its finest hour does this move in the middle of the night and no one sees it, so with that we'll do a vote call, please.

CITY ATTORNEY BARROW: Mayor--

UNIDENTIFIED SPEAKER: [Inaudible].

CITY ATTORNEY BARROW: --we should have motion.

CITY MANAGER MOE: There is one.

MAYOR MONTGOMERY: We have a motion--

CITY ATTORNEY BARROW: [Inaudible].

MAYOR MONTGOMERY: --I'm sorry. We have a first by Mayor Pro Tem Franklin--

CITY ATTORNEY BARROW: Oh, sorry.

MAYOR MONTGOMERY: --and a second by Councilmember Howorth.

CITY ATTORNEY BARROW: I'll read the title and it's going to be Urgency Ordinance Number 23-0008U, an ordinance for the City of Manhattan Beach amending and restating Municipal Code Chapter 3.01 and amending various sections of the Municipal Code relating to bicycles to clarify and establish safety and operational requirements for electric and motorized

bicycles and declaring the urgency thereof with certain amendments and--

MAYOR PRO TEM FRANKLIN: What happened to my--

CITY ATTORNEY BARROW: --if you go to section 3.301 030, T.

UNIDENTIFIED SPEAKER: --yeah.

CITY ATTORNEY BARROW: We'll start with S. We'll add language that the helmet has to be properly strapped. T, we're going to be adding--

COUNCILMEMBER HOWORTH: Fifteen.

CITY ATTORNEY BARROW: Actually, this is S. On the helmets, it's also motorized bicycles. That was just a typo. U, it will be 15 miles per hour on the Marvin Brody Bike Path also known as the beach bicycle path and that's only because in our code that's what they call it.

MAYOR MONTGOMERY: [inaudible]

CITY ATTORNEY BARROW: And so, [inaudible] note, adding the beach--

MAYOR MONTGOMERY: --yes.

CITY ATTORNEY BARROW: As a prohibited area and the Veterans Parkway.

MAYOR MONTGOMERY: City Attorney Barrow, we vote tonight and when does it go into effect?

CITY ATTORNEY BARROW: Tomorrow.

MAYOR MONTGOMERY: Perfect.

COUNCILMEMBER NAPOLITANO: Yeah, I'm having fun with Mayor Pro Tem Franklin--

MAYOR MONTGOMERY: We had a first and a second, voting screen, please.

COUNCILMEMBER NAPOLITANO: --remove [inaudible].

MAYOR PRO TEM FRANKLIN: As long as it gets done.

CITY CLERK TAMURA: Motion passes. 5-0--

COUNCILMEMBER HOWORTH: There you go.

MAYOR MONTGOMERY: Well done, everybody.

CITY ATTORNEY BARROW: The next, is there a motion on the resolution on the fines?

MAYOR MONTGOMERY: Perfect.

CITY ATTORNEY BARROW: \$500 for the first violation.

COUNCILMEMBER LESSER: I have one quick question.

UNIDENTIFIED SPEAKER: [Inaudible].

MAYOR MONTGOMERY: There's a follow up question by Councilman Lesser.

COUNCILMEMBER LESSER: Just one quick question.

CITY ATTORNEY BARROW: Yes.

COUNCILMEMBER LESSER: I want to confirm that the police will have some discretion or what the discretion of the police is with regard to this new [inaudible]?

CITY ATTORNEY BARROW: The present plan is to treat all as administrative citations.

COUNCILMEMBER LESSER: Okay.

CITY ATTORNEY BARROW: If that answers your question and really the misdemeanor aspect, if someone keeps violating the law--

COUNCILMEMBER LESSER: I just want to give the Chief an opportunity to address this if there's any concern or is the Chief--

UNIDENTIFIED SPEAKER: Oh, okay.

COUNCILMEMBER LESSER: --on board with this change.

POLICE CHIEF JOHNSON: I'm sorry, Councilmember Lesser, can you repeat the question?

COUNCILMEMBER LESSER: Is there any concern by you or anyone in your department on this change in the citation structure?

POLICE CHIEF JOHNSON: No concerns. It is going to require some education with our staff just on this new structure and using more of the administrative citation process than we've really used in the past, especially with our police

officers. There will be some process issues and training we will have to go through.

COUNCILMEMBER LESSER: Okay. Thank you.

POLICE CHIEF JOHNSON: Yeah.

COUNCILMEMBER LESSER: Thank you.

MAYOR MONTGOMERY: Anybody else questions?

All right. Good. Item L, City Council requests--

GROUP: [Inaudible].

COUNCILMEMBER NAPOLITANO: We have to vote.

MAYOR MONTGOMERY: --I'm sorry.

CITY ATTORNEY BARROW: We just need that--

MAYOR MONTGOMERY: Let's do it again.

COUNCILMEMBER LESSER: No, no, this is second [inaudible]--

MAYOR MONTGOMERY: Voting screen.

CITY CLERK TAMURA: Motion passes. 5-0.

MAYOR MONTGOMERY: Councilmember Howorth, do you have a question now?

COUNCILMEMBER HOWORTH: On the next item, item 18.

MAYOR MONTGOMERY: Here we go. Now, officially item L, City Council requests and reports to the A.B.12 24 reports--

COUNCILMEMBER HOWORTH: Oh, no. I had something item 18. Are we passed?

COUNCILMEMBER NAPOLITANO: There is no item  
18.

MAYOR MONTGOMERY: --no item 18.

UNIDENTIFIED SPEAKER: It comes later.

MAYOR MONTGOMERY: Are you still in Italy?

COUNCILMEMBER HOWORTH: Yes. It's 7:00 in  
the morning--

UNIDENTIFIED SPEAKER: [Inaudible].

COUNCILMEMBER HOWORTH: --in Italy.

MAYOR MONTGOMERY: So, no City Council  
requests or reports. Nobody went anywhere. That's good. Item  
M, future items. Press the button. Councilmember Howorth.

COUNCILMEMBER HOWORTH: Yes, under  
ceremonial for the next meeting, I wanted to add it's National  
Service Animal Month potentially to--maybe I'm in the wrong  
place, but, no, you're right. See, look, it says 18 here.  
Well, that's what I wanted to do, future items.

MAYOR MONTGOMERY: I think I saw an email  
to that.

COUNCILMEMBER HOWORTH: Yeah--

MAYOR MONTGOMERY: We'll put it in consent  
and--

COUNCILMEMBER HOWORTH: --yeah, just along  
with the other ceremony--or at the end and I just wanted--

MAYOR MONTGOMERY: --I'll be a second.

COUNCILMEMBER HOWORTH: --to say that.

MAYOR MONTGOMERY: We'll put it in consent  
for next meeting.

COUNCILMEMBER NAPOLITANO: Certified  
[inaudible].

COUNCILMEMBER HOWORTH: Service animals.

MAYOR MONTGOMERY: Service. Service.

COUNCILMEMBER HOWORTH: Service animals  
that help people.

MAYOR MONTGOMERY: As opposed to pet  
therapy.

COUNCILMEMBER HOWORTH: We're not judgement  
here. We're not judgement.

MAYOR MONTGOMERY: Okay. You good? We  
have two.

CITY ATTORNEY BARROW: Yeah, that can be  
placed on--we don't have to go through three step process.

COUNCILMEMBER HOWORTH: No. Thank you--

CITY ATTORNEY BARROW: It would be a short-

-

MAYOR MONTGOMERY: Anybody else?

CITY ATTORNEY BARROW: --resolution.

MAYOR MONTGOMERY: You're good? City  
Manager Report. Welcome back, by the way.



CITY MANAGER MOE: Thank you. None tonight, thank you.

MAYOR MONTGOMERY: City Attorney Report.

CITY ATTORNEY BARROW: None tonight.

MAYOR MONTGOMERY: Informational items P18. There's your 18 and 19 none, 20 none. Close session. We're out. And folks, tonight we're going to adjourn in honor of Pete Moffat. Most of you knew Pete Moffat as the man that started besides the Manhattan Cooler Days what we now call the Manhattan Beach Fireworks Event. And his son Thomas is here to represent the Moffat family. I know everybody knows Pete. There's a picture of Pete and Gwen there behind me and I'm just going to read on. I could go on for three pages, but I want to try to get this in. Everybody take a breath here for a second. Pete Moffat on May 16, 2023, the world bid farewell to visionary soul Pete Moffat who touched countless lives with his joyous spirit. Born in Alabama on November 12, 1947, Pete's journey left an indelible mark on all who knew him. Relocating to California in 1984 to chase his dreams, Pete's legacy was profoundly influenced by his wife, Gwen Moffat, who was born and grew up in Manhattan Beach. She stood by his side by an encourager, partner, and unwavering fan, infusing his path with strength and support. A dedicated father, Pete's love shaped his twin boys Tom and Parker. His enthusiasm and support for their pursuits and dreams continues to guide them, inspiring their journeys.

Pete's entrepreneurial drive lead him to launch the iconic Manhattan Cooler's restaurant. His leadership transformed it into a community haven where friendships blossomed. Pete's commitment to quality resonated through every dish turning patrons and employees into family. Yet, Pete's most enduring legacy was co-creating the Manhattan Beach Holiday Fireworks Show with his wife Gwen. For over three decades, his heart and soul went into this cherished event, uniting the community in celebration. His efforts painted the night sky with unity and color, touching generations. Pete embodies professionalism and community commitment, earning respect and admiration. His tenacious nature endeared him to friends, colleagues, and neighbors. His genuine character left a lasting impression. Though Pete's passing leaves a void, his legacy lives on through his sons, his two wonderful daughter-in-law's, eight grandchildren, continued vibrant firework displays, and the spirit of the life he fostered. His impact endures. As we mourn, let's also celebrate the remarkable life Pete lead. A moment of silence, please. Thank you. And for those of you who weren't around for Manhattan Coolers, one of the first place I ate at Manhattan Beach, and I defiantly miss Pete. I think he touched like I said thousands of lives here and my very first or third fireworks show, Pete asked me to become his C.F.O. of the fireworks. I go, "C.F.O.?" and he goes, "No, it means Chief Fundraising Officer. That's your job." So, my volunteer status

changed. I've been going ever since, but it's something that's made this community what it is and we owe it all to the Moffat family, to your dad, Tom, and everybody else. Thank you. Thank you for sharing your dad with us.

TOM: Thank you.

MAYOR MONTGOMERY: It means a lot. All right, everybody. We're going to adjourn the meeting until our next meeting tomorrow.

COUNCILMEMBER HOWORTH: Tomorrow.

MAYOR MONTGOMERY: Yes-- 4:00 P.M. Wednesday 4:00 P.M. our next meeting and we'll see you there. Thank you all and have a good night.