

City of Manhattan Beach

1400 Highland Avenue
Manhattan Beach, CA 90266



Meeting Minutes - Draft

Tuesday, September 5, 2023

6:00 PM

Regular Meeting

City Council Chambers and Zoom

City Council Regular Meeting

ELECTED OFFICIALS

Mayor Richard Montgomery

Mayor Pro Tem Joe Franklin

Councilmember Amy Howorth

Councilmember David Lesser

Councilmember Steve Napolitano

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<https://www.manhattanbeach.gov/government/city-council/city-council-meetings-agendas-and-minutes>

A. CALL MEETING TO ORDER

Mayor Montgomery called the meeting to order.

B. PLEDGE TO THE FLAG

Tessa Smith led the Pledge of Allegiance.

C. ROLL CALL

Roll Call by City Clerk Liza Tamura.

Mayor Montgomery provided a brief statement remembering Manhattan Beach Public Works Inspector Carl Blank, III, and acknowledged his family present at the City Council meeting.

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

D. CEREMONIAL CALENDAR

- 1. Presentation of Certificates of Recognition to Manhattan Beach’s Certified Green Businesses. [23-0310](#)
(Estimated Time: 10 Mins.)

PRESENT

Mayor Montgomery, on behalf of the City Council, along with Community Development Department, Daniel Panku, presented the following businesses with a Certificate of Recognition for attaining certification of a Green Business as part of the California Green Business Network.

- MBS Media Campus*
- Pacifica Properties Group*
- Pure Bean Coffee*
- Children’s Orchard*
- Hammitt*
- Vanquish media Group*
- Gum Tree*
- Audrey Judson Homes*
- Round Willow Yoga*
- Body in Balance*
- Hi Fi Espresso*

Mayor Montgomery requested that all veterans and active military in the audience stand to be recognized.

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

Mayor Montgomery requested to pull Agenda Item No. 9.

Councilmember Napolitano requested to pull Agenda Item No. 10.

City Manager Bruce Moe requested to continue Agenda Item No. 14, to the September 19, 2023, City Council Meeting.

A motion was made by Mayor Pro Tem Franklin, seconded by Councilmember Howorth, to approve the agenda as amended, to pull Agenda Item Nos. 9 and 10, from the Consent Calendar for individual consideration, and waive full reading of ordinances. The motion carried by the following vote:

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

Nay: 0

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

City Manager Bruce Moe provided a brief introduction to the presentation that will be provided by Public Works Director Erick Lee regarding the City's response to Hurricane Hilary that later was categorized as Tropical Storm Hilary and thanked staff for their work.

Public Works Director Lee provided a detailed update on the City's response to Hurricane Hilary.

Margot Powell, Mira Costa High School Student Body President, announced the Mira Costa High School Drama Tech Department has announced their fall and spring productions. From November 3 - 11, 2023, students will perform Peter and the Star Catcher and will also present Footloose the Musical from May 1 - 4, 2023.

Sophia Delino, Mira Costa High School Student Body Vice President, announced a Mira Costa High School Blood Drive on September 21, 2023, from 8:30 AM - 2:30 PM, at the Athletic Complex. Homecoming will take place October 27, 2023, and will be serving as the new MBUSD Boardmembers.

Josh Murray, Manhattan Beach Library, announced the Evening Book Club will meet on Monday, September 11, 2023, at 6:30 PM, to discuss the Golden Spoon by Jessa Maxwell. September is Library Sign-Up month and anyone who signs up for a library card will receive a tote and a pencil case.

Police Chief Rachel Johnson announced pet licenses and rabies clinic on Friday, September 8, 2023, from 4:00 PM - 7:00 PM, at the Manhattan Beach Police and Fire Conference Room.

Parks and Recreation Director Mark Leyman announced the Parks and Recreation Department ribbon cutting for the Strand Parcourse on Tuesday, September 12, 2023, at 3:00 PM.

Karen Wooldridge announced the Actions for Peace from "Stand 4 Peace" on September 21, 2023, from 5:30 PM - 6:15 PM, in the Manhattan Beach Civic Plaza.

Mayor Montgomery thanked staff for a successful AVP MB Open during Hurricane Hilary. Thanked City staff for assisting in bagging sand for residents. Appreciated that staff was ready to assist the community of Manhattan Beach. Also, announced Coffee with the Mayor on September 26, 2023 at Dunkin' and October 3, 2023, at Peet's Coffee from 3:30 PM - 4:30 PM. He also encouraged any interested residents to sign-up to receive a ceremonial Baby Passport at an upcoming City Council meeting. Lastly, thanked Parks and Recreation staff for a successful Concerts at the Park season.

G. PUBLIC COMMENTS (3 MINUTES PER PERSON)

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

- Mike Michalski*
- Steve Packwood*
- Unknown Speaker*
- Jim Burton*
- Unknown Speaker*
- John Atkinson*
- Unknown Speaker*
- Angerine Sberna*
- Dory O'Toole*

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

Councilmember Howorth stated that she would like to speak to Dory O'Toole regarding her public comments.

Mayor Montgomery spoke on the Police Department work for the City of Manhattan Beach and how they keep the City residents safe and spoke on all the assistance provided to Lahaina due to the recent fire.

H. CONSENT CALENDAR (APPROVE)

A motion was made by Councilmember Lesser, seconded by Councilmember Howorth, to approve the Consent Calendar with Agenda Item Nos. 9 and 10 being removed to be heard under Section I - Items Removed From the Consent Calendar. The motion carried by the following vote:

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

Nay: 0

2. City Council Minutes: [23-0316](#)

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

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

APPROVE

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

3. Financial Reports: [23-0315](#)
a) Schedule of Demands July 28, 2023, August 4, 2023, August 11, 2023, and August 18, 2023
b) Investment Portfolio for the Month Ending July 31, 2023
c) Month End Report for July 31, 2023 (Finance Director Charelian).

ACCEPT REPORTS AND DEMANDS

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

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

PROCLAIM

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

5. Consideration of a Resolution Awarding RFP No. 1308-23 to Smart Source for a Three-Year Contract for Citywide Printing Services with an Estimated Value Not to Exceed \$255,000 (Finance Director Charelian). [23-0289](#)

ADOPT RESOLUTION NO. 23-0109

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

6. Consideration of Ratification of Purchase of One Budgeted Ford F250 Stake Bed for the Public Works Department from Ted Jones Ford Inc. dba Ken Grody Ford and One Budgeted Chevrolet Tahoe for the Fire Department from Camino Real Chevrolet in the Total Amount of \$133,158.57 (Finance Director Charelian). [23-0365](#)

RATIFY PURCHASE

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

7. Consideration of a Resolution Approving Amendment No. 1 to the Professional Services Agreement with waterTALENT, LLC to Provide Specialty Technical Temporary Staffing Services at a cost not-to-exceed \$312,800 (Human Resources Director Jenkins). [23-0351](#)

ADOPT RESOLUTION NO. 23-0110

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

8. Consideration of Accepting as Complete Work Performed by CT&T Concrete Paving, Inc. Regarding the Annual Citywide Concrete Repairs Cycle 1 Project (Public Works Director Lee). [23-0227](#)

ACCEPT

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

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9. Consideration of a Resolution Approving a \$40,000 Highway Safety Improvement Program Funding Agreement with the State of California for the Design Phase of the Highway Safety Improvement Program Cycle 11 Crosswalk Improvement Project; Adoption of a Determination of Exemption Pursuant to Section 15301 Class 1(c) of the State California Environmental Quality Act (CEQA) Guidelines; and Approving an Appropriation of \$40,000 in the Gas Tax Fund (Public Works Director Lee). [23-0339](#)
- A) ADOPT RESOLUTION NO. 23-0107**
B) APPROVE APPROPRIATION
- This item was removed from the Consent Calendar and heard under Section I - Items Removed from the Consent Calendar.
10. Consideration of a Resolution Approving Amendment No. 1 to the Design Services Agreement with David Volz Design Landscape Architects, Inc., for Conceptual Design Plans for Sand Dune Park and On-Call Design Services Not-to-Exceed \$193,690 (Public Works Director Lee). [23-0245](#)
- ADOPT RESOLUTION NO. 23-0111**
- This item was removed from the Consent Calendar and heard under Section I - Items Removed from the Consent Calendar.
11. Status Update on the Santa Monica Bay Total Maximum Daily Load High Flow Capacity Trash Treatment Control Devices Project; and Adoption of a Determination of Exemption Pursuant to Section 15301 (Class 1) of the State California Environmental Quality Act (CEQA) Guidelines (Public Works Director Lee). [23-0361](#)
- A) RECEIVE REPORT**
B) ADOPT DETERMINATION OF EXEMPTION
- The recommendation for this item was approved on the Consent Calendar.
12. Consideration of a Resolution Approving an Agreement with Insight Public Sector for an Additional Storage Area Network System for an Amount Not-to-Exceed \$132,642 (Interim Information Technology Director Griffin). [23-0319](#)
- A) WAIVE FORMAL BIDDING DUE TO COOPERATIVE PURCHASING**
B) ADOPT RESOLUTION NO. 23-0108
- The recommendation for this item was approved on the Consent Calendar.

I. ITEMS REMOVED FROM THE CONSENT CALENDAR

9. Consideration of a Resolution Approving a \$40,000 Highway Safety Improvement Program Funding Agreement with the State of California for the Design Phase of the Highway Safety Improvement Program Cycle 11 Crosswalk Improvement Project; Adoption of a Determination of Exemption Pursuant to Section 15301 Class 1(c) of the State California Environmental Quality Act (CEQA) Guidelines; and Approving an Appropriation of \$40,000 in the Gas Tax Fund (Public Works Director Lee). [23-0339](#)

A) ADOPT RESOLUTION NO. 23-0107

B) APPROVE APPROPRIATION

Mayor Montgomery confirmed that the item was pulled from the Consent Calendar for individual consideration to confirm the additional three crosswalks tentatively scheduled.

Public Works Director Erick Lee provided clarification and responded to the City Council questions.

Mayor Montgomery opened the floor to public comments.

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

A motion was made by Mayor Montgomery, seconded by Mayor Pro Tem Franklin, to adopt Resolution No. 23-0107 approving a funding agreement between the State of California and City of Manhattan Beach for a highway safety improvement program grant award for the design phase of the HSIP Cycle 11 crosswalk improvement project for \$40,000 and approve appropriation. The motion carried by the following vote:

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

Nay: 0

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

ADOPT RESOLUTION NO. 23-0111

Councilmember Napolitano confirmed that the item was pulled from the Consent Calendar for individual consideration to inquire about the prior meeting regarding the Sand Dune revitalization project and if the agreement with David Volz Design Landscape Architects would delay the project even further.

Parks and Recreation Director Mark Leyman responded to City Council questions.

Mayor Montgomery opened the floor to public comments.

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

A motion was made by Councilmember Napolitano, seconded by Councilmember Howorth, to adopt Resolution No. 23-0111 approving amendment no. 1 to agreement between the City of Manhattan Beach and David Volz Design Landscape Architects, Inc. for on-call design services. The motion carried by the following vote:

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

Nay: 0

J. PUBLIC HEARINGS

None.

K. GENERAL BUSINESS

13. Discuss Storm Drain Utility Fee Engineer’s Report and Stormwater Fee Survey Results, Approve Storm Drain Utility Fee report, and Consideration of a Resolution to Initiate a Proposition 218 Process, Set Protest Hearing Date to November 7, 2023, and Authorize Mailing of Protest Notices (Finance Director Charelian). [23-0350](#)

(Estimated Time: 45 Min.)

A) DISCUSS AND PROVIDE DIRECTION

B) ADOPT RESOLUTION NO. 23-0118 TO APPROVE STORM DRAIN UTILITY FEE REPORT, INITIATE A PROPOSITION 218 PROCESS, SET PUBLIC HEARING DATE TO NOVEMBER 7, 2023, AND AUTHORIZE MAILING OF PROTEST NOTICES

Finance Director Steve Charlian provided a brief introduction to the item.

Finance Department, Financial Controller Julie Bondarchuk and True North, President Timothy McLarney provided the PowerPoint presentation.

Mayor Montgomery opened the floor to public comments.

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

A motion was made by Councilmember Napolitano, seconded by Councilmember Howorth, to adopt Resolution No. 23-0118 declaring its intention to initiate a Proposition 218 process for increasing the assessment of storm drain fees, approve the storm drain utility fee report, setting a time and place for public hearing thereon, and authorizing the mailing of protest notices. The motion carried by the following vote:

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

Nay: 0

At 7:52 PM the City Council recessed and reconvened at 8:06 PM with all City Councilmembers present.

14. Consideration of a Resolution Awarding a Construction Agreement to BlueViolet Networks for the Citywide Security Cameras Project - Phases 1 and 2 for \$523,820.17, Including Contingency and a Maintenance Contract; and Adoption of a Determination of Exemption Pursuant to Sections 15302(b)(3) and 15301 of the State California Environmental Quality Act (CEQA) Guidelines (Public Works Director Lee). [23-0049](#)

(Estimated Time: 30 Mins.)

ADOPT RESOLUTION NO. 23-0113

By the request of City Manager Bruce Moe, this item was continued to the September 19, 2023, City Council Meeting.

15. Status of the Long-Term Outdoor Dining and Business Use Program Development and Consideration of Recommendations from the Outdoor Dining Task Force (Community Development Director Mirzakhianian). [23-0304](#)

(Estimated Time: 1 Hr.)

A) DISCUSS AND PROVIDE DIRECTION

B) APPROPRIATE FUNDS IF NEEDED

Community Development Director Talyn Mirzakhianian provided a brief introduction.

Community Development Department, Senior Planner Jaehee Yoon provided the PowerPoint presentation.

Senior Planner Yoon and Community Development Director Mirzakhianian responded to City Council questions.

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

*Stephan Kampe
Kyle Ransforth
Suzanne Lerner
Neil Leventhal*

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

Community Development Director Mirzakhianian provided clarification.

A motion was made by Councilmember Lesser, seconded by Mayor Pro Tem Franklin, to direct staff to return with the following recommendations for the recommended program scope; eating and drinking establishments only, citywide on private property to a solution that would allow staff to explore with the task force, and additional information regarding walk street commercial corners. A friendly amendment accepted by the maker of the motion, to explore the impacts of delivery trucks. The motion carried by the following vote:

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

Nay: 0

16. Consideration of a Resolution Approving an Agreement for Prosecutorial Services As-Needed (Continued from the July 18, 2023, City Council Meeting) (City Manager Moe). [23-0313](#)
(Estimated Time: 30 Mins.)

A) DISCUSS AND PROVIDE DIRECTION

B) CONSIDER ADOPTING RESOLUTION NO. 23-0100

Assistant to the City Manager George Gabriel provided the staff presentation.

City Attorney Quinn Barrow responded to City Council questions.

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

*Kevin Gres
Stephen Kampe*

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

City Attorney Barrow responded to City Council questions.

City Council directed staff for Richards, Watson, and Gershon to continue to conduct prosecutorial services for the City, for the near future. City Council also directed for staff to return with additional details regarding prosecution services and expansion of the nuisance provisions in the code.

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

Assistant to the City Manager George Gabriel provided the staff presentation.

City Attorney Quinn Barrow responded to City Council questions.

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

*Jim Burton
Suzanne Lerner*

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

City Attorney Barrow responded to City Council questions.

City Attorney Barrow read the title of Urgency Ordinance No. 23-0008-U:

A motion was made by Mayor Pro Tem Franklin, seconded by Councilmember Howorth, to adopt Urgency Ordinance No. 23-0008-U, amending and restating Municipal 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, as amended. The motion carried by the following vote:

AN ORDINANCE OF 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

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

Nay: 0

City Attorney Barrow and Police Chief Rachel Johnson responded to City Council questions.

A motion was made by Councilmember Howorth, seconded by Councilmember Napolitano, to adopt Resolution No. 23-0120, setting forth fines and penalties for Administrative Citations for violations of bicycle, electric bicycle, and motorized bicycle regulations. The motion carried by the following vote:

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

Nay: 0

L. CITY COUNCIL REQUESTS AND REPORTS INCLUDING AB 1234 REPORTS

None.

M. FUTURE AGENDA ITEMS

Councilmember Howorth requested to agendize a proclamation declaring the month of September as National Service Animal Month. Mayor Montgomery seconded the request.

City Attorney Quinn Barrow confirmed that the item can be agendized for the September 19, 2023, City Council Meeting without a third vote.

N. CITY MANAGER REPORT

None.

O. CITY ATTORNEY REPORT

None.

P. INFORMATIONAL ITEMS

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

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

- 19.** Commission Minutes: [23-0358](#)
- This Item Contains Minutes of the following City Commission Meetings:
- a) Cultural Arts Commission Meeting Minutes of May 15, 2023 (Parks and Recreation Director Leyman)
 - b) Planning Commission Meeting Minutes of May 24, 2023 (Community Development Director Mirzakhonian)
 - c) Planning Commission Meeting Minutes of June 28, 2023 (Cancelled) (Community Development Director Mirzakhonian)
 - d) Planning Commission Meeting Minutes of July 12, 2023 (Cancelled) (Community Development Director Mirzakhonian)
 - e) Planning Commission Meeting Minutes of July 26, 2023 (Cancelled) (Community Development Director Mirzakhonian)
- INFORMATION ITEM ONLY**

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

- 20.** Recent Planning Commission Quasi-Judicial Decision(s): [23-0390](#)
- Demolition of a Community Center (Scout House) and Construction of a New Community Center Located at 1617 North Valley Drive; and Adoption of an Environmental Determination for the Project in accordance with the California Environmental Quality Act (CEQA) (Community Development Director Mirzakhonian).
- INFORMATION ITEM ONLY**

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

Q. CLOSED SESSION

None.

R. ADJOURNMENT

At 10:23 PM, Mayor Montgomery adjourned the meeting in memory of Manhattan Beach Holiday Fireworks and Producer Pete Moffitt and announced to the public that the next Adjourned Regular City Council meeting would take place at 4:00 PM on Wednesday, September 6, 2023..

Martha Alvarez
Recording Secretary

Richard Montgomery
Mayor

ATTEST:

Liza Tamura
City Clerk