

City of Manhattan Beach

*1400 Highland Avenue
Manhattan Beach, CA 90266*



Meeting Minutes - Draft

Tuesday, September 6, 2022

6:00 PM

City Council Chambers and Zoom

City Council Regular Meeting

ELECTED OFFICIALS

Mayor Steve Napolitano

Mayor Pro Tem Richard Montgomery

Councilmember Joe Franklin

Councilmember Suzanne Hadley

Councilmember Hildy Stern

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www.manhattanbeach.gov/departments/city-clerk/city-council-meetings-agendas-and-minutes

A. CALL MEETING TO ORDER

Mayor Napolitano called the meeting to order.

B. PLEDGE TO THE FLAG

Jim Burton led the Pledge of Allegiance.

C. ROLL CALL

Roll Call by City Clerk Liza Tamura.

Present: 5 - Mayor Napolitano, Mayor Pro Tem Montgomery, Councilmember Franklin, Councilmember Hadley and Councilmember Stern

D. CEREMONIAL CALENDAR

1. Presentation of Commendations Recognizing Retired Police Department City Employees: Police Lieutenant Ryan Small (31 Years) and Police Sergeant Tim Zins (29 Years) for their Years of Dedicated Service to the City of Manhattan Beach. [22-0338](#)

PRESENT

On behalf of the City Council, Mayor Napolitano and Police Chief Rachel Johnson presented Certificates of Commendation to Retired Police Lieutenant Ryan Small and Retired Police Sergeant Tim Zins in honor of their years of service to the City of Manhattan Beach.

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

Mayor Napolitano announced that Agenda Item No. 2 was being continued to a future City Council meeting.

A motion was made by Councilmember Hadley, seconded by Councilmember Franklin, to approve the agenda, pull Agenda Item No. 11 from the Consent Calendar for individual consideration, register a “No” vote for Agenda Item No. 13 for Mayor Napolitano, and waive full reading of ordinances. The motion carried by the following vote:

Aye: 5 - Napolitano, Montgomery, Franklin, Hadley and Stern

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

Library Manager Josh Murray announced the virtual Intro to Photo Editing program on September 15, 2022, from 11:00 AM -12:15 PM. Interested parties can register at lacountylibrary.org.

Public Works Management Analyst Nicholle Petroff announced that the Metropolitan Water District outdoor watering ban had begun and runs until September 20, 2022, and mentioned the importance of having all residents participate to help conserve water.

Vice President of the Hometown Fair Association Dana Old announced the 50th annual Hometown Fair from October 1-2, 2022. Further information can be found at www.mbfair.org.

Mayor Napolitano announced the Manhattan Beach 10K Run on October 1, 2022, and that interested parties can sign-up online.

G. GENERAL BUSINESS (CONTINUED)

2. Continued General Business Item to Consider Five Appeals of the Planning Commission’s Decision to Affirm the Community Development Director’s Approval of a Precise Development Plan, Coastal Development Permit, and Tentative Parcel Map for the Development of a 96,217 Square-Foot Multi-Family Residential Building Ranging 37 to 50 Feet in Height and Including 79 Rental Dwelling Units with the Developer Utilizing a Density Bonus Pursuant to State Law, Inclusive of Waivers and Concessions, at 401 Rosecrans Avenue and 3770 Highland Avenue (Continued from the August 16, 2022, City Council Meeting) (Community Development Director Tai).

[22-0380](#)

(Estimated Time: 2 Hrs.)

A) RESUME GENERAL BUSINESS ITEM

B) AFFIRM THE DECISION OF THE PLANNING COMMISSION

The item was continued to a future City Council Meeting.

H. PUBLIC COMMENTS (3 MINUTES PER PERSON)

Assistant City Clerk Martha Alvarez announced that the following public comments were received prior to the September 6, 2022, Regular City Council Meeting:

*Agenda Item No. 1
1 eComment*

*Agenda Item No. 2
1 eComment
91 emails*

*Agenda Item No. 14
1 eComment
9 emails*

*Agenda Item No. 15
1 eComment*

*Agenda Item No. 16
1 eComment
2 emails*

*Agenda Item No. 22
1 eComment*

*Agenda Item No. 23
5 eComments
1 email*

*Other Items Not on the Agenda
1 email*

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

*Frank Chiella
Rita Crabtree-Kampe
Louis Pastor
Phillip Cook
Danielle Matthews*

City Manager Moe responded to City Council questions.

Public comments continued with the following individual(s):

*Will Arvizo
Evan Chuck
Roger Dobson
Matthew Duncan
Angelique*

Randi Feilich
Katie Nolan
Heather Kim
Randal Massaro
Kristin Muller

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

Public Works Director Erick Lee provided an update regarding reports of malfunctioning parking meters and responded to City Council questions.

Information Technology Director Terry Hackelman provided an update regarding an issue with the broadcast on Channel 35 for residents that have Frontier.

I. CONSENT CALENDAR (APPROVE)

A motion was made by Councilmember Hadley, seconded by Councilmember Stern, to approve the Consent Calendar with Agenda Item No. 11 being removed to be heard under Section J – Items Removed from the Consent Calendar, and to register a “No” vote for Agenda Item No. 13 for Mayor Napolitano. The motion carried by the following vote:

Aye: 5 - Napolitano, Montgomery, Franklin, Hadley and Stern

3. City Council Minutes: [22-0235](#)
This Item Contains Minutes of the Following City Council Meeting(s):
a) City Council Adjourned Regular Meeting Minutes of August 15, 2022
b) City Council Regular Meeting Minutes of August 16, 2022
(City Clerk Tamura).

APPROVE

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

4. Financial Reports: [22-0363](#)
Schedule of Demands August 4, 2022, August 11, 2022, and August 18, 2022 (Finance Director Charelian).

ACCEPT REPORTS AND DEMANDS

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

5. City Council Reconsideration of the Circumstances of the Declared COVID-19 Emergency to Facilitate Remote Attendance at Public Meetings by Councilmembers and Other City Legislators Pursuant to AB 361's Special Teleconferencing Requirements (City Attorney Barrow). [22-0327](#)

ACCEPT STAFF RECOMMENDATION

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

6. Consideration of a Resolution Approving Amendment No. 2 to the Professional Services Agreement with Hanson Bridgett, LLP to Conduct Independent Investigations of Confidential Matters for \$100,000; and Appropriate \$50,000 from the General Fund (Human Resources Director Jenkins). [22-0378](#)
- A) ADOPT RESOLUTION NO. 22-0127**
B) APPROPRIATE FUNDS

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

7. Consideration of the Purchase of Three Budgeted Police Motorcycles from Long Beach BMW Motorcycles in the Amount of \$109,535.97 (Finance Director Charelian). [22-0357](#)
- A) WAIVE FORMAL BIDDING DUE TO COOPERATIVE PURCHASING**
B) AUTHORIZE PURCHASE

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

8. Adoption of Annual Investment Policy for Fiscal Year 2022-2023 and Delegation of Responsibility for Investing Funds to the City Treasurer (Finance Director Charelian). [22-0379](#)
- ADOPT**

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

9. Consideration of a Resolution Awarding RFP No. 1278-22 to Code 3 Technology for 29 Patrol Vehicle Mobile Data Computers and Hardware in an Amount Not-to-Exceed \$134,915.11 (Police Chief Johnson). [22-0326](#)
- ADOPT RESOLUTION NO. 22-0115**

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

10. Consideration of a Resolution Adopting the 2017 Updated Greater Los Angeles County Region Integrated Regional Water Management Plan to Enable the City to Apply for Proposition 1 Integrated Regional Water Management Implementation Grant Funding for the Total Maximum Daily Load Trash Treatment Project (Public Works Director Lee). [22-0321](#)
- ADOPT RESOLUTION NO. 22-0123**

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

11. Consideration of a Resolution Approving Amendment No. 1 to the Professional Services Agreement with KOA Corporation for Additional Design Services for the Slurry Seal Project Encompassing the North Area of the Sand Section (Area 7) at a Cost Not-to-Exceed \$31,920 (Public Works Director Lee). [22-0340](#)
ADOPT RESOLUTION NO. 22-0126

This item was removed from the Consent Calendar and heard under Section J - Items Removed from the Consent Calendar.

12. Consideration of Accepting as Complete Work Performed by Pro Finish Painting, Inc., dba Pro Finish Construction Services, Inc., Regarding the Parking Structure Lot 3 Repairs Project (Public Works Director Lee). [22-0329](#)
ACCEPT AND AUTHORIZE

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

13. Consideration of a Resolution Approving Amendment No. 8 for \$160,739 to the Professional Services Agreement with HDR Engineering, Inc. for Continued Engineering Design Support Services for the Sepulveda Bridge Widening Project (Public Works Director Lee). [22-0339](#)
ADOPT RESOLUTION NO. 22-0125

The recommendation for this item was approved on the Consent Calendar with Mayor Napolitano registering a "No" vote.

J. ITEMS REMOVED FROM THE CONSENT CALENDAR

11. Consideration of a Resolution Approving Amendment No. 1 to the Professional Services Agreement with KOA Corporation for Additional Design Services for the Slurry Seal Project Encompassing the North Area of the Sand Section (Area 7) at a Cost Not-to-Exceed \$31,920 (Public Works Director Lee). [22-0340](#)
ADOPT RESOLUTION NO. 22-0126

Councilmember Hadley pulled the item to ask additional questions.

Public Works Director Erick Lee responded to City Council questions.

A motion was made by Mayor Pro Tem Montgomery, seconded by Councilmember Hadley, to adopt Resolution No. 22-0126, approving Amendment No. 1 to the agreement between the City of Manhattan Beach and KOA Corporation for additional design services for the slurry seal areas 6 & 7 project striping. The motion carried by the following vote:

Aye: 5 - Napolitano, Montgomery, Franklin, Hadley and Stern

K. PUBLIC HEARING

None.

L. GENERAL BUSINESS

14. Consideration of Assessment on Coyote Population and Activity [22-0366](#)
(Continued from the August 16, 2022, City Council Meeting) (Police Chief Johnson).

(Estimated Time: 45 Min.)

DISCUSS AND PROVIDE DIRECTION

Assistant to the City Manager George Gabriel and Acting Police Captain Andy Harrod provided the Staff presentation.

Acting Captain Harrod, City Attorney Quinn Barrow, and Assistant to the City Manager Gabriel responded to City Council questions.

Rebecca Dmytryk, consultant from Humane Wildlife Control Inc., provided the PowerPoint presentation

Ms. Dmytryk and Public Works Director Erick Lee responded to City Council questions.

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

*Lisa Turek
Alita Rethmeyer*

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

Assistant to the City Manager Gabriel, Public Works Director Lee, Acting Captain Harrod, Ms. Dmytryk, and City Attorney Barrow responded to City Council questions.

The City Council provided direction to have Staff return with a draft coyote management policy.

City Manager Bruce Moe provided that Staff will return with a draft policy at a future City Council meeting.

City Attorney Barrow responded to City Council questions.

The City Council provided direction to have Staff research allowable options for residents to protect themselves from coyotes if one is located on their property.

At 8:30 PM, the City Council recessed and reconvened at 8:40 PM with all City Councilmembers present.

15. Consideration of Adopting an Urgency Ordinance and Introducing an Ordinance to Amend the Existing Prohibition on the Use of City Resources for Political Activity in and on City Facilities (Continued from the August 16, 2022, City Council Meeting) (City Attorney Barrow).

[22-0367](#)

(Estimated Time: 30 Min.)

A) ADOPT URGENCY ORDINANCE NO. 22-0007-U

B) INTRODUCE ORDINANCE NO. 22-0007

City Attorney Quinn Barrow provided the Staff presentation and responded to City Council questions.

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

*Carol Patterson
Steve De Baets
Heather Kim
Alita Rethmeyer*

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

City Attorney Barrow responded to City Council questions.

A motion was made by Councilmember Montgomery, seconded by Councilmember Hadley, to authorize the City's Senior Advisory Committee to use the Joslyn Community Center for City Council Candidate Forums. The motion carried by the following vote:

Aye: 5 - Napolitano, Montgomery, Franklin, Hadley and Stern

City Attorney Barrow clarified that there would be no change to the ordinance and that staff could return to revise the ordinance after the November 8, 2022 Election, if necessary.

16. Consider Request by Councilmember Franklin and Mayor Napolitano to Discuss the Request of Esperanza to Use their Rooftop Deck for Outdoor Dining During the COVID-19 Emergency (Community Development Director Tai).

[22-0373](#)

(Estimated Time: 15 Min.)

ACCEPT REPORT

Community Development Director Carrie Tai provided the Staff presentation.

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

Greg Newman

Jim Burton

Community Development Director Tai responded to City Council questions.

Public comments continued with the following individual(s):

Rita Crabtree-Kampe

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

Community Development Director Tai responded to City Council questions.

The City Council accepted the report and no additional action was taken.

17. Consider Request by Councilmember Stern and Councilmember Hadley to Discuss the City's Measure on the Ballot for the November 8, 2022, General Municipal Election Maintaining the City's Current Ban on Commercial Cannabis Activity (City Attorney Barrow). [22-0374](#)

(Estimated Time: 10 Min.)

ACCEPT REPORT

Mayor Pro Tem Montgomery announced that he had no current or future financial interests in the agenda item but would continue to recuse himself from participating to avoid any potential conflicts at the recommendation of the City Attorney. Mayor Pro Tem Montgomery left the meeting at 9:34 PM.

City Attorney Quinn Barrow provided information regarding the item and responded to City Council questions.

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

*Heather Kim
Rita Crabtree-Kampe*

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

The City Council provided direction to the City Attorney to research if it is permissible for the City Council to adopt a resolution, post to the City's website, use social media, or publish a press release regarding the City's proposed ballot measure maintaining the City's current ban on commercial cannabis activity.

At 9:46 PM, Mayor Pro Tem Montgomery returned to the meeting.

M. CITY COUNCIL REQUESTS AND REPORTS INCLUDING AB 1234 REPORTS

18. City Council AB 1234 Reports. [22-0028](#)
RECEIVE AND FILE

None.

19. Consider Request by Mayor Pro Tem Montgomery and Councilmember Franklin to Discuss Changing the Name of Sepulveda Boulevard to Pacific Coast Highway (City Manager Moe). [22-0352](#)

(Estimated Time: 5 Min.)

DISCUSS AND PROVIDE DIRECTION

Mayor Pro Tem Montgomery requested to remove the item from further consideration. There were no objections from the City Council.

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20. Consider Request by Mayor Napolitano and Mayor Pro Tem Montgomery to Discuss the Expansion of the Public Parking at Lot 4 on Rosecrans Avenue and Highland Avenue (Public Works Director Lee). [22-0369](#)
(Estimated Time: 5 Min.)
DISCUSS AND PROVIDE DIRECTION
Councilmember Hadley provided that she would be the third vote in order to have the item placed on a future agenda.
21. Consider Request by Mayor Napolitano and Mayor Pro Tem Montgomery to Discuss Bringing All Street Configuration Changes for City Council Consideration and Approval (Public Works Director Lee). [22-0370](#)
(Estimated Time: 5 Min.)
DISCUSS AND PROVIDE DIRECTION
Councilmember Hadley provided that she would be the third vote in order to have the item placed on a future agenda.
22. Consider Request by Mayor Napolitano and Councilmember Hadley to Discuss the Sand Dune Park Redesign (Public Works Director Lee and Parks and Recreation Director Leyman). [22-0371](#)
(Estimated Time: 5 Min.)
DISCUSS AND PROVIDE DIRECTION
Councilmember Hadley requested to change the word "redesign" to "refurbishment" in the title of the discussion item.
Councilmember Stern provided that she would be the third vote in order to have the item placed on a future agenda.
23. Consider Request by Councilmember Hadley and Mayor Pro Tem Montgomery to Discuss Hiring Armed Security to Patrol Downtown (Police Chief Johnson). [22-0372](#)
(Estimated Time: 5 Min.)
DISCUSS AND PROVIDE DIRECTION
Councilmember Franklin provided that he would be the third vote in order to have the item placed on a future agenda.
24. Consider Request by Mayor Napolitano and Mayor Pro Tem Montgomery to Discuss Review Processes for Residential Projects in Commercial Zones (Community Development Director Tai). [22-0368](#)
(Estimated Time: 5 Mins.)
DISCUSS AND PROVIDE DIRECTION
Councilmember Hadley provided that she would be the third vote in order to have the item placed on a future agenda.
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N. FUTURE AGENDA ITEMS

Councilmember Hadley requested to agendize a discussion to potentially stop sending out the COVID-19 reports to save on staff time.

City Manager Bruce Moe responded to City Council questions.

Councilmember Hadley's request failed for lack of a second.

Mayor Pro Tem Montgomery requested an update regarding the American Martyrs fee waiver.

City Manager Moe responded to City Council questions and provided that an update regarding the fees would return at the next meeting.

O. CITY MANAGER REPORT

None.

P. CITY ATTORNEY REPORT

None.

Q. INFORMATIONAL ITEMS**25. Agenda Forecast (City Clerk Tamura).
INFORMATION ITEM ONLY**

[22-0228](#)

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

R. CLOSED SESSION

None.

S. ADJOURNMENT

*At 9:53 PM, Mayor Napolitano adjourned the meeting to the September 20, 2022,
Regular City Council Meeting at 6:00 PM.*

Patricia Matson
Recording Secretary

Steve Napolitano
Mayor

ATTEST:

Liza Tamura
City Clerk