

City of Manhattan Beach

*1400 Highland Avenue
Manhattan Beach, CA 90266*



Meeting Minutes - Draft

Tuesday, July 5, 2022

6:00 PM

Regular Meeting

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

None.

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

A motion was made by Councilmember Hadley, seconded by Councilmember Franklin, to approve the agenda, pull Agenda Item No. 5 from the Consent Calendar for individual consideration, 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 an upcoming children's program on July 14, 2022, from 3:30 to 4:30 PM. Registration opens on July 7, 2022, at 3:30 PM via lacountylibrary.org.

Councilmember Hadley announced that Josh Murray had become the permanent full-time Library Manager.

G. PUBLIC COMMENTS (3 MINUTES PER PERSON)

Acting Police Chief Abell and Police Captain Christian Eichenlaub provided an update regarding efforts to mitigate crime after a recent robbery in the Downtown Area.

Acting Police Captain Andrew Harrod, Acting Police Chief Abell, Human Resources Director Lisa Jenkins, and City Manager Bruce Moe responded to City Council questions.

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

*Diane Wallace
Charlene Harding
Heather Kim
Mike Michalski
Elizabeth Heatherton
Owner of Pasha Fine Jewelry
Heidi Rayden Tobias
Jim Burton
Dennis Fitzgerald
Fred Taylor*

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

Acting Police Chief Abell provided an update regarding a meeting that was held with the Downtown Business and Professional Association and responded to City Council questions.

Public Works Director Erick Lee provided an update regarding graffiti removal efforts.

Mayor Pro Tem Montgomery provided clarification regarding a comment that was previously made by a member of the public about prosecuting crimes.

Public Works Director Lee responded to City Council questions.

H. CONSENT CALENDAR (APPROVE)

A motion was made by Councilmember Hadley, seconded by Councilmember Stern, to approve the Consent Calendar with Agenda Item No. 5 being removed to be heard under Section I – Items Removed from the Consent Calendar. The motion carried by the following vote:

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

1. City Council Minutes: [22-0263](#)

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

a) City Council Adjourned Regular Meeting Minutes of June 20, 2022
(Cancelled)

b) City Council Regular Meeting Minutes of June 21, 2022
(City Clerk Tamura).

APPROVE

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

2. Financial Reports: [22-0246](#)

Schedule of Demands June 2, 2022, June 9, 2022 and June 16, 2022
(Finance Director Charelian).

ACCEPT REPORTS AND DEMANDS

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

3. Declaration Proclaiming the Month of July 2022, as Parks and [22-0245](#)

Recreation Month.

PROCLAIM

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

4. City Council Reconsideration of the Circumstances of the Declared [22-0186](#)

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).

ACCEPT STAFF RECOMMENDATION

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

5. Consideration of a Resolution Approving an Agreement with the Beach [22-0294](#)

Cities Health District to Provide Senior Care Management Services in the Amount of \$227,805 Over a Five-Year Period (Parks and Recreation Director Leyman).

ADOPT RESOLUTION NO. 22-0096

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

6. Consideration of a Resolution Approving a \$1,200,000 Measure M Funding Agreement with the Los Angeles County Metropolitan Transportation Authority and Corresponding Appropriation for the Manhattan Beach Boulevard Eastbound Left-Turn Improvement at Aviation Boulevard Project (Public Works Director Lee). [22-0265](#)
- A) ADOPT RESOLUTION NO. 22-0097**
B) APPROVE APPROPRIATION

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

I. ITEMS REMOVED FROM THE CONSENT CALENDAR

5. Consideration of a Resolution Approving an Agreement with the Beach Cities Health District to Provide Senior Care Management Services in the Amount of \$227,805 Over a Five-Year Period (Parks and Recreation Director Leyman). [22-0294](#)
- ADOPT RESOLUTION NO. 22-0096**

Mayor Napolitano stated that he pulled the item to inquire why taxpayers are having to provide additional funds to the Beach Cities Health District for a service that should already be provided.

Parks and Recreation Director Mark Leyman provided background regarding the services of the Beach Cities Health District.

Beach Cities Health District Representative Ali Steward responded to City Council question.

Mayor Napolitano opened the floor to public comments.

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

A motion was made by Councilmember Stern, seconded by Mayor Pro Tem Montgomery, to adopt Resolution No. 22-0096, approving an agreement between the City of Manhattan Beach and Beach Cities Health District for Senior Care Manager Services. The motion carried by the following vote:

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

J. PUBLIC HEARINGS

None.

K. GENERAL BUSINESS

7. Consideration of Presenting to the Voters Two Ballot Measures [22-0298](#)
Concerning Commercial Cannabis:
a) Maintaining the Existing Prohibition of Commercial Cannabis Activity;
and
b) Establishing Local Regulation and Taxation of Commercial Cannabis
Activity (City Manager Moe).
(Estimated Time: 1 Hr.)

ADOPT RESOLUTION NOS. 22-0098 AND 22-0099

Mayor Pro Tem Montgomery announced that he had a financial interest in the cannabis industry and thus would recuse himself from participating in the agenda item, and left the meeting at 7:07 PM.

City Manager Bruce Moe introduced Policy & Management Analyst Alexandria Latragna who provided the Staff presentation.

Policy & Management Analyst Latragna and City Attorney Quinn Barrow responded to City Council questions.

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

*Amy Howorth
Ali Steward
Jonatan Cvetko
Heather Kim
Charlene Harding
Susanne Bailey
Elliot Lewis*

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

City Attorney Quinn Barrow responded to City Council questions.

The City Council provided direction to continue the item until the July 19, 2022, Regular City Council Meeting and have staff research voter data from other cities that have had competing ballot measures.

Resolution No. 22-0098 would return at the next meeting for further consideration. Resolution No. 22-0099 was not adopted.

At 8:27 PM, the City Council recessed and reconvened at 8:37 PM with all City Councilmembers present.

8. Update on Coyote Management Actions and Activities (City Manager Moe).

[22-0300](#)

(Estimated Time: 30 Min.)

DISCUSS AND PROVIDE DIRECTION

City Manager Bruce Moe introduced Assistant to the City Manager George Gabriel who provided the PowerPoint presentation.

Assistant to the City Manager Gabriel, California Department of Fish and Wildlife Human-Wildlife Conflict Specialist Jessica West, and Wildlife Biologist Rebecca Barboza responded to City Council questions.

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

*Jim Burton
Charlene Harding
Lisa Turek
Heather Kim*

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

A motion was made by Councilmember Hadley to hire a trapper to investigate and inventory the coyote population.

Mayor Napolitano inquired if Councilmember Hadley would consider hiring a trapper to trap and euthanize for a set period of time and then return to City Council to assess progress.

Councilmember Hadley considered the request but did not accept it.

A motion was made by Councilmember Hadley, seconded by Councilmember Stern, to hire a trapper to investigate and inventory the coyote population and to provide a report with findings. The motion carried by the following vote:

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

9. Consideration of a Working Group for Participation in the Long-Term Outdoor Dining and Business Uses on Public and Private Property Work Plan Effort (Community Development Director Tai).

[22-0283](#)

(Estimated Time: 1 Hr.)

DISCUSS AND PROVIDE DIRECTION

Community Development Director Carrie Tai provided the PowerPoint presentation and responded to City Council questions.

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

Jim Burton

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

Community Development Director Tai responded to City Council questions.

A motion was made by Councilmember Stern, seconded by Mayor Pro Tem Montgomery, to accept Alternative No. 3 from the Staff Report which would form a working group that includes representatives from other Commissions, and/or members at large, without City Council representatives with the caveat that the member At-large positions were filled by residents.

Councilmember Hadley inquired if Councilmember Stern would consider reducing the Commission membership of the working group to one Planning Commission member and one Parking and Public Improvements Commission member instead of two.

Community Development Director Tai responded to City Council questions.

A motion was made by Councilmember Stern, seconded by Mayor Pro Tem Montgomery, to accept Alternative No. 3 from the Staff Report which would form a working group that includes representatives from other Commissions, and/or members at large, without City Council representatives with the following modifications: appoint one representative from the Planning Commission and one representative from the Parking and Public Improvements Commission, with one alternate appointed from both Commissions; and increase the At-large membership for residents by two to account for the reduction in Commission representatives. The motion carried by the following vote:

Aye: 3 - Napolitano, Montgomery and Stern

Nay: 2 - Franklin and Hadley

Community Development Director Tai clarified the membership requirements for the 15 member working group: one Planning Commission representative plus one alternate, one Parking and Public Improvements representative plus one alternate, two Chamber of Commerce representatives, one Downtown Business and Professional Association representative, one Downtown resident, one North Manhattan Beach Business Improvement District representative, one North Manhattan Beach resident, one commercial representative from the Manhattan Village Mall, one commercial representative that is not from the Manhattan Village Mall, three At-large representatives that are either residents or from businesses, and two At-large representatives that are residents.

10. Consideration of Proposed Modifications to the City's Current Underground Utility Assessment District (UUAD) Formation Policy; Appropriation of \$250,000 from the General Fund for New UUAD Utility Designs; Acceptance of the Petition Signatures for UUAD08 and Approval of Payment of the Edison Design Fee; and Acceptance of the Petition Signatures for UUAD13 and Approval of Payment of the Edison Design Fee (Public Works Director Lee).

[22-0200](#)

(Estimated Time: 1 Hr.)

A) PROVIDE DIRECTION

B) APPROPRIATE FUNDS

C) ADOPT RESOLUTION NOS. 22-0100 AND 22-0101

Public Works Director Erick Lee introduced Senior Civil Engineer Jeff Fijalka who provided the PowerPoint presentation.

At 10:19 PM, Mayor Napolitano requested a motion to extend the meeting.

A motion was made by Councilmember Hadley, seconded by Councilmember Franklin, to extend the meeting past 11:00 PM, if needed. The motion carried by the following vote:

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

Senior Civil Engineer Fijalka continued the PowerPoint presentation and responded to City Council questions.

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

*Brian Sweeney
Marc Cohen
Diana Turner*

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

A motion was made by Mayor Pro Tem Montgomery, seconded by Councilmember Hadley, to accept the proposed modifications to the City's UUAD Formation Policy as provided in the Staff Report; appropriate \$250,000 from the General Fund for new UUAD utility designs; adopt Resolution No. 22-0100, approving an agreement between the City of Manhattan Beach and Southern California Edison for utility design services for District 8; and adopt Resolution No. 22-0101, approving an agreement between the City of Manhattan Beach and Southern California Edison for utility design services for District 13.

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

L. CITY COUNCIL REQUESTS AND REPORTS INCLUDING AB 1234 REPORTS

11. City Council AB 1234 Reports.

None.

- 12. Consider Request by Councilmember Stern and Mayor Pro Tem Montgomery to Discuss Revisiting the City's Regulations Regarding the Use of City Facilities During Political Campaigns (City Manager Moe).
DISCUSS AND PROVIDE DIRECTION**

[22-0299](#)

Mayor Napolitano provided that he would third the request in order to have the item appear on a future agenda.

M. FUTURE AGENDA ITEMS

Councilmember Franklin requested to agendize a status report regarding the Bruce's Beach land transfer. Councilmember Hadley seconded the request.

City Attorney Quinn Barrow responded to City Council questions and provided that a third vote was not required to have the item appear on a future agenda.

Councilmember Franklin requested to agendize a discussion to revisit the City's request to the District Attorney's Office to handle its own prosecution services. Councilmember Hadley seconded the request.

City Manager Bruce Moe and City Attorney Barrow responded to City Council questions.

Mayor Pro Tem Montgomery and Councilmember Stern provided an update regarding the last meeting they had with the District Attorney's Office.

N. CITY MANAGER REPORT

None.

O. CITY ATTORNEY REPORT

None.

P. INFORMATIONAL ITEMS

13. Agenda Forecast (City Clerk Tamura). [22-0264](#)

INFORMATION ITEM ONLY

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

14. Commission Minutes: [22-0301](#)

This Item Contains Minutes of the following City Commission Meetings:

a) Planning Commission Meeting Minutes of June 22, 2022 (Cancelled)

b) Parking and Public Improvements Commission Meeting Minutes of June 23, 2022 (Cancelled)

(Community Development Director Tai).

INFORMATION ITEM ONLY

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

Q. CLOSED SESSION

City Attorney Quinn Barrow announced the following Closed Session:

**I. ANNOUNCEMENT IN OPEN SESSION OF ITEMS TO BE DISCUSSED
IN CLOSED SESSION****CONFERENCE WITH LEGAL COUNSEL (EXISTING LITIGATION)
(Government Code Section 54956.9(d)(1))**

In the opinion of the City Council on the advice of its City Attorney, based on existing facts and circumstances, there is a significant exposure to litigation against the City.

Name of Case: Wilchis, Mayra v. City of Manhattan Beach

Los Angeles Superior Court

Case No: BC706443

Name of Case: Californians for Homeownership v City of Manhattan Beach

Los Angeles County Superior Court

Case No: 22STCP01417

II. RECESS INTO CLOSED SESSION

At 10:42 PM, Mayor Napolitano announced that the City Council would recess into Closed Session.

III. RECONVENE INTO OPEN SESSION

At 10:57 PM, the City Council reconvened into Open Session with all City Councilmembers present.

IV. CLOSED SESSION ANNOUNCEMENT IN OPEN SESSION

City Attorney Quinn Barrow announced that by a 4-1 vote, with Councilmember Hadley voting no, the City Council gave direction to special counsel regarding the Wilchis litigation; and with respect to the Californians for Housing v. City of Manhattan Beach case identified on the agenda, the City Council gave direction to the City Attorney by a 5-0 vote. There was no other reportable action taken.

R. ADJOURNMENT

*At 10:57 PM, Mayor Napolitano adjourned the meeting to the Tuesday, July 19, 2022,
Regular City Council Meeting at 6:00 PM.*

Patricia Matson
Recording Secretary

Steve Napolitano
Mayor

ATTEST:

Liza Tamura
City Clerk