

City of Manhattan Beach

*1400 Highland Avenue
Manhattan Beach, CA 90266*



Meeting Minutes - Draft

Tuesday, July 19, 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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A. CALL MEETING TO ORDER

Mayor Napolitano called the meeting to order.

B. PLEDGE TO THE FLAG

Councilmember Franklin 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 Stern, seconded by Councilmember Hadley, to approve the agenda, pull Agenda Item No. 4 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 the Smarty Pants Storytime on July 21, 2022, at 10:15 AM. Registration can be completed at lacountylibrary.org.

Manhattan Beach Community Emergency Response Team Program Director Frank Chiella announced that MB CERT members would be working the Grand Prix Bike Race on July 24, 2022, to help support the Fire Department.

Shakespeare by the Sea Boardmember Dency Nelson announced Romeo and Juliet on July 21, 2022, and Much Ado About Nothing on July 22, 2022, at Polliwog Park beginning at 7:00 PM.

Councilmember Franklin announced that there would be a bicycle safety booth provided by Chevron and the South Bay Wheelmen during the Grand Prix Bike Race on July 24, 2022.

G. PUBLIC COMMENTS (3 MINUTES PER PERSON)

Due to the amount of attendees, Councilmember Stern announced that there were face masks available in the lobby for those that preferred to wear one.

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

*Aaron Rosen
Gail Fortis
Rudy Mejia
Tim O'Brien
Tom Desmond
Chris Barra
Megan Neal
Chris Grafton
Tim Viselli
Chris Miller
Patrick Jacobson
John Dulmage
Tom Smith
Dennis Groat
Christian McArthur
Jeff Rice
Gabriel Greenberg
James Falls
Tyler Wade
Patricia Schilling
Kristy Jones
Dave Shenbaum
Lyn Riley
Steve Fairbrother
Pete Heck
Kitty LaDochy
Jenna Shenbaum
Frank Chiella
Unknown Speaker
Fred Taylor
Dan Stern
Lisa Levinson
Randi Feilich
Alita Rethmeyer
Heather Kim
Jessalyn Waldron*

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

Mayor Napolitano shared a collective statement from the City Council regarding the Fire Department negotiations.

At 8:00 PM, the City Council recessed and reconvened at 8:11 PM with all City Councilmembers present.

H. CONSENT CALENDAR (APPROVE)

A motion was made by Mayor Pro Tem Montgomery, seconded by Councilmember Hadley, to approve the Consent Calendar with Agenda Item No. 4 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: [22-0269](#)
This Item Contains the City Council Regular Meeting Minutes of July 5, 2022
(City Clerk Tamura).
APPROVE

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

2. Financial Reports: [22-0259](#)
 - a) Schedule of Demands June 23, 2022 and June 30, 2022
 - b) Investment Portfolio for the Month Ending May 31, 2022
 - c) Month End Report for May 31, 2022(Finance Director Charelian).
ACCEPT REPORTS AND DEMANDS

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

3. Consider Taking City Council Positions on a Variety of Pending Legislation in the State Legislature and Authorizing the City to Write Position Letters: [22-0313](#)
 - a) Opposing Senate Bill 897 which Revises ADU Regulations;
 - b) Opposing Senate Bill 6 which Would Create a New Process Allowing Residential Development on Certain Commercial and Industrial Sites;
 - c) Opposing Senate Bill 932 which Would Require Cities to Adopt Significant Bicycle, Pedestrian, and Traffic Calming Elements; and
 - d) Supporting Senate Bills 929, 970, 1154, 1238, 965, 1035, 1227 and 1416 (Behavior Health Legislation) which Seeks to Improve the Conservatorship Process while also Increasing Access to Statewide Data about the Behavioral Health Care System (City Manager Moe).**AUTHORIZE**

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

4. Consideration of a Resolution Citing the Facts of the June 7, 2022, [22-0296](#)
Special Municipal Election (City Clerk Tamura).

ADOPT RESOLUTION NO. 22-0103

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

5. Consideration of a Resolution Approving Amendment No. 3 to the [22-0306](#)
Professional Services Agreement for Closed Captioning with Quick
Caption, Inc. to Extend the Term of the Agreement for One Year and
Revise the Fee Schedule (Estimated Value \$54,485) (City Clerk
Tamura).

ADOPT RESOLUTION NO. 22-0104

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

6. Consideration of a Resolution Declaring Intention to Provide for Annual [22-0115](#)
Levy and Collection of Assessments for the Downtown Business
Improvement District and Setting a Public Hearing for August 16, 2022
(Finance Director Charelian).

A) ADOPT RESOLUTION NO. 22-0095

**B) SCHEDULE PUBLIC HEARING DATE TO CONSIDER
ASSESSMENTS ON AUGUST 16, 2022**

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

7. Ratification of City Manager's Waiver of Open Market Requirements to [22-0290](#)
Purchase Water Meters and Related Equipment from HydroPro Solutions
in the Amount of \$238,328.28 (Public Works Director Lee).

RATIFY

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

8. Consideration of a Resolution Approving a Three-Year Agreement with [22-0165](#)
Frontier Communications for Internet Services in the Estimated Total
Amount of \$170,550 (Information Technology Director Hackelman).

ADOPT RESOLUTION NO. 22-0105

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

I. ITEMS REMOVED FROM THE CONSENT CALENDAR

4. Consideration of a Resolution Citing the Facts of the June 7, 2022, [22-0296](#)
Special Municipal Election (City Clerk Tamura).

ADOPT RESOLUTION NO. 22-0103

Councilmember Franklin provided that he pulled the item to receive clarification regarding the result's of the Election, costs, and who is responsible for payment.

City Clerk Liza Tamura stated that a clerical error was made within the staff report but that all of the attachments were correct. She also provided that at the March 8, 2022, City Council meeting, \$150,000 was appropriated to conduct the Special Municipal Election and that it is the City's responsibility to pay for the initiative per the California Constitution and Elections Code.

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 Hadley, seconded by Councilmember Stern, to adopt Resolution No. 22-0103, reciting the fact of the Special Municipal Election held on Tuesday, June 7, 2022, declaring the result and statement of the vote. The motion carried by the following vote:

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

J. PUBLIC HEARINGS

9. Conduct Public Hearing Regarding the Annual Stormwater Service Fee [22-0114](#)
for Fiscal Year 2022-2023 (Finance Director Charelian).

(Estimated Time: 15 Min.)

A) CONDUCT PUBLIC HEARING

B) ADOPT RESOLUTION NO. 22-0102

Finance Director Steve Charelian introduced Financial Services Manager Libby Bretthauer who provided the Staff presentation.

Mayor Napolitano opened the public hearing.

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

A motion was made by Councilmember Stern, seconded by Mayor Pro Tem Montgomery, to adopt Resolution No. 22-0102, approving a report in connection with the City's storm water service charge and ordering that such charge be collected on the tax roll. The motion carried by the following vote:

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

10. Consideration of a Historical Designation: [22-0287](#)

- a) Designation as a Local Historic Landmark;
- b) Approval of a Mills Act Contract Between the Property Owner and the City; and
- c) Adoption of the Associated Environmental Determination in Accordance with the California Environmental Quality Act (CEQA) for 1505 Crest Drive, A Residential Property in the Medium-Density Residential (RM) Zoning District (Anderson & Dantzler) (Community Development Director Tai).

(Estimated Time: 45 Min.)

A) CONDUCT PUBLIC HEARING**B) ADOPT RESOLUTION NO. 22-0111, APPROVING THE DESIGNATION OF 1505 CREST DRIVE AS A HISTORIC LANDMARK, APPROVING A MILLS ACT CONTRACT BETWEEN THE CITY AND THE PROPERTY OWNERS, AND ADOPTING A DETERMINATION OF EXEMPTION UNDER CEQA**

Community Development Director Carrie Tai introduced Planning Manager Talyn Mirzakhania and Associate Planner Elaine Yang.

Associate Planner Yang provided the PowerPoint presentation.

Mayor Napolitano opened the public hearing. The following individual(s) spoke:

Amy Dantzler

Jane Guthrie - approached the podium, but did not provide any comments.

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

A motion was made by Councilmember Hadley, seconded by Mayor Pro Tem Montgomery, to adopt Resolution No. 22-0111, approving the designation of 1505 Crest Drive as a local historic landmark and a Mills Act contract between the property owner and the City (Anderson & Dantzler); and adopting a determination of exemption under CEQA. The motion carried by the following vote:

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

K. GENERAL BUSINESS

11. Consideration of Presenting to the Voters Ballot Measures Concerning [22-0322](#)
Commercial Cannabis (City Manager Moe).

(Estimated Time: 1 Hr.)

ADOPT RESOLUTION NOS. 22-0098 AND 22-0109

City Manager Bruce Moe introduced Policy & Management Analyst Alexandria Latragna.

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 8:33 PM.

Policy & Management Analyst Latragna 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:

*Heather Kim
Jacqueline Sun*

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

A motion was made by Councilmember Hadley, seconded by Councilmember Stern, to adopt Resolution No. 22-0098, ordering the submission to the qualified electors of the City of a certain measure re-adopting the City's cannabis sales prohibition at the General Municipal Election to be held on Tuesday, November 8, 2022, as called by Resolution No. 22-0048; and directing the City Attorney to prepare an impartial analysis. The motion carried by the following vote:

Aye: 4 - Napolitano, Franklin, Hadley and Stern

Abstain: 1 - Montgomery

City Attorney Quinn Barrow provided that based off of City Council's direction, he would need to revise the resolution and measure accordingly.

A motion was made by Councilmember Hadley, to accept Staff Recommendation No. 3, which would direct the City Attorney to revise the Council-selected resolution and measure in accordance with Council direction and for internal consistency, if necessary.

City Attorney Barrow responded to City Council questions.

A motion was made by Councilmember Hadley, seconded by Councilmember Franklin, to accept Staff Recommendation No. 3, which would direct the City Attorney to revise the Council-selected resolution and measure in accordance with Council direction and for internal consistency, if necessary. The motion carried by the following vote:

Aye: 4 - Napolitano, Franklin, Hadley and Stern

Abstain: 1 - Montgomery

City Clerk Liza Tamura responded to City Council questions.

City Attorney Barrow provided information regarding submittal of Arguments for the proposed City Council measure prohibiting the sale of commercial cannabis in Manhattan Beach.

At 9:04 PM, Mayor Pro Tem Montgomery returned to the meeting.

12. Consideration of a Resolution Approving an Agreement for Phases I and II of the Action Plan and Funding for Improving the Care and Management of the City of Manhattan Beach's Historic Artwork, Objects and Archives, and Direction to Implement Key Immediate and Short-Term Recommendations (Parks and Recreation Director Leyman).

[22-0307](#)

(Estimated Time: 45 Min.)

A) ADOPT RESOLUTION NO. 22-0107

B) ALLOCATE FUNDS

Parks and Recreation Director Mark Leyman introduced Cultural Arts Manager Eilen Stewart.

Cultural Arts Manager Stewart and History Associates Incorporated (HAI) representatives Christina Conn and Brandon Werts provided the PowerPoint presentation.

Cultural Arts Manager Stewart and HAI representative Conn responded to City Council questions.

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

*Gary McAulay
Jane Guthrie
Martha Andreani
Kristin Long*

Kristin Long responded to City Council questions.

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

A motion was made by Councilmember Hadley, seconded by Councilmember Franklin, to receive the Collections Assessment Report from History Associates Incorporated (HAI); direct staff to implement the immediate short-term recommendations for improving the care and management of the City of Manhattan Beach's historical collection; adopt Resolution No. 22-0107, approving an agreement between the City of Manhattan Beach and History Associates Incorporated for historic archiving services; and allocate up to \$175,000 of surplus Los Angeles County Library funds to pay for Phases I and II of the Action Plan. The motion carried by the following vote:

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

13. Consider Request by Councilmember Franklin and Councilmember Hadley to Discuss Revisiting the Request to the District Attorney's Office to Prosecute State Misdemeanor Crimes (City Manager Moe).

[22-0315](#)

(Estimated Time: 45 Min.)

DISCUSS AND PROVIDE DIRECTION

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

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

*Heidi Rayden-Tobias
Heather Kim*

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

Mayor Napolitano appointed Councilmember Franklin and Councilmember Hadley as liaisons to reengage with the District Attorney's Office in order to revisit the City's request for authority to prosecute state misdemeanor crimes. Mayor Napolitano included that minimal staff time could be used towards the scheduling of meetings, but if more resources were needed, the item would need to return to City Council for approval.

City Attorney Quinn Barrow confirmed that Mayor Napolitano had the authority to provide that direction.

14. Consideration of a Resolution Approving the Proposed Fiscal Year 2022-2023 Chamber of Commerce Work Plan Agreement in the Amount of \$47,585 (City Manager Moe)

[22-0312](#)

(Estimated Time: 30 Min.)

ADOPT RESOLUTION NO. 22-0108

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

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

David Archer

Peter Kim

Jill Dunn

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 adopt Resolution No. 22-0108, approving an agreement between the City of Manhattan Beach and the Manhattan Beach Chamber of Commerce for economic and business development program services. The motion carried by the following vote:

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

15. Consider Submittal of a City Representative to Participate on the South Bay Cities Council of Governments (SBCCOG) Housing Education Advisory Committee (Community Development Director Tai).

[22-0323](#)

(Estimated Time: 15 Min.)

DISCUSS AND PROVIDE DIRECTION

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

Mayor Napolitano opened the floor to public comments.

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

Community Development Director Tai responded to City Council questions.

The City Council directed Staff to submit Planning Commissioner Robert Tokashiki as the representative to participate on the South Bay Cities Council of Governments Housing Advisory Committee.

L. CITY COUNCIL REQUESTS AND REPORTS INCLUDING AB 1234 REPORTS

Mayor Pro Tem Montgomery stated that he attended a California State League Meeting and that they are doing their best to push back on Senate Bill 9.

M. FUTURE AGENDA ITEMS

None.

N. CITY MANAGER REPORT

Assistant to the City Manager George Gabriel provided an update regarding the City's coyote management strategy and a pending assessment.

O. CITY ATTORNEY REPORT

None.

P. INFORMATIONAL ITEMS

**16. Agenda Forecast (City Clerk Tamura).
INFORMATION ITEM ONLY**

[22-0277](#)

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

Q. CLOSED SESSION

None.

R. ADJOURNMENT

The City Council adjourned the meeting in memory of Cheryl Gussman, wife of Manhattan Beach Unified School District Superintendent Bowes.

At 10:10 PM, Mayor Napolitano adjourned the meeting to the August 2, 2022, Regular City Council Meeting at 6:00 PM.

**Patricia Matson
Recording Secretary**

ATTEST:

**Steve Napolitano
Mayor**

**Liza Tamura
City Clerk**