

City of Manhattan Beach

*1400 Highland Avenue
Manhattan Beach, CA 90266*



Meeting Minutes - Draft

Tuesday, December 7, 2021

6:00 PM

Regular Meeting

City Council Chambers and Zoom

City Council Regular Meeting

ELECTED OFFICIALS

Mayor Hildy Stern

Mayor Pro Tem Steve Napolitano

Councilmember Richard Montgomery

Councilmember Joe Franklin

Councilmember Suzanne Hadley

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A. CALL MEETING TO ORDER

Mayor Stern called the meeting to order.

B. PLEDGE TO THE FLAG

Max Yu of Robinson Elementary School, led the Pledge of Allegiance.

C. ROLL CALL

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

D. CEREMONIAL CALENDAR

1. Presentation of a Certificate of Recognition in Honor of Mayor Stern's Kindness Initiative to Christine and Mike Mignola for their Fundraising Efforts and Donation to Chef Jose Andres' World Central Kitchen During the COVID-19 Pandemic. [21-0372](#)

PRESENT

Mayor Stern, on behalf of the City Council, presented a Certificate of Recognition to Christine and Mike Mignola for their fundraising efforts and donation to Chef Jose Andres' World Central Kitchen during the COVID-19 Pandemic.

Additional Ceremonial Comments:

Councilmember Franklin recognized the 80th Anniversary of the attack on Pearl Harbor on December 7, 1941.

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

A motion was made by Councilmember Franklin, seconded by Councilmember Montgomery, to approve the agenda as amended and waive full reading of ordinances with Mayor Pro Tem Napolitano registering a "No" vote for agenda Item No. 12 and pulling Agenda Item No. 14 from the Consent Calendar for individual consideration.

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

Mayor Pro Tem Napolitano recognized that the City was incorporated 109 years ago on December 7, 1912.

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

Police Captain Christian Eichenlaub provided information on the Theft Education Program that was held over Thanksgiving weekend in the El Porto Parking Lot. He encouraged the community to be aware of their surroundings during this holiday season.

Parks and Recreation Director Mark Leyman invited the community to the Holiday Fireworks show this Sunday, December 12, 2021.

Chair of the Senior Advisory Committee, Steve Da Baets, announced the Older Adults Annual Holiday Lunch Drive-Thru event on December 15, 2021, at the Joslyn Community Center.

Library Manager, Josh Murray, announced several upcoming Library events: Virtual Book Club on January 3, 2022 at 6:00 PM; reservations for the December 16, 2021 Smarty Pants Story Time will occur on the library's website on December 9, 2021 at 10:15 AM; and the Virtual Intro to Microsoft Office and Google Docs on December 16, 2021 at 11:00 AM.

G. PUBLIC COMMENTS (2 MINUTES PER PERSON)

Assistant City Clerk, Martha Alvarez, confirmed that the City received the following public comments prior to the start of the December 7, 2021 Regular City Council Meeting:

*Agenda Item No. 8
1 email*

*Agenda Item No. 16
10 emails*

*Agenda Item No. 17
3 eComments
1 emails*

*Agenda Item No. 18
2 emails*

*Agenda Item No. 19
1 emails*

*Agenda Item No. 22
2 emails*

*Other Items Not on the Agenda
2 emails*

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

*Heidi Rayden Tobias
Greg Cicchino
Julie Valentine
Heidi Swan
Susan Paullin
Peter Kim
Nahid Nabavi
Eydie Aldana
Jim Burton
David Archer
Heidi Rayden Tobias*

Councilmember Montgomery announced that the Beach Cities Toy Drive will have a drive through drop off event on December 11, 2021, from 10:00 AM to 12:00 PM at the Hermosa Beach City Hall.

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

Presentations/Updates:**2. Climate Ready Manhattan Beach Update on Sea Level Rise Adaptation Plan and Public Outreach (Community Development Director Tai).**

Environmental Sustainability Manager, Dana Murray, provided the update.

H. COVID-19**3. City Manager Update on COVID-19 Response.**

City Manager Bruce Moe reported on the EOC (Emergency Operations Center) and responded to City Council questions.

The City Council provided direction to hold the December 21, 2021, Regular City Council Meeting in a hybrid format with individuals being able to participate in-person in City Council Chambers or via Zoom.

I. CONSENT CALENDAR (APPROVE)

A motion was made by Councilmember Montgomery, seconded by Mayor Pro Tem Napolitano, to approve the Consent Calendar with the exception of Agenda Item No. 14, which was individually considered under Section J – Items Removed from the Consent Calendar, and with Mayor Pro Tem Napolitano registering a “No” vote on Agenda Item No. 12. The motion carried by the following vote:

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

4. City Council Minutes:[21-0173](#)

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

- a) City Council Regular Meeting Minutes of November 16, 2021
- b) City Council Adjourned Regular Meeting Minutes of November 30, 2021

(City Clerk Tamura).

APPROVE

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

5. Financial Reports:[21-0351](#)

- a) Schedule of Demands November 4, 2021, and November 11, 2021
 - b) Investment Portfolio for the Month Ending October 31, 2021
 - c) Month End Report for October 31, 2021
- (Finance Director Charelian).

ACCEPT REPORTS AND DEMANDS

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

6. 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). [21-0370](#)

ACCEPT STAFF RECOMMENDATION

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

7. Consideration of a Resolution Opting In and Authorizing Settlement Agreements with Distributors of Opioids, AmerisourceBergan, Cardinal Health, and McKesson, and Opioid Manufacturer Janssen, Owned By Johnson & Johnson (City Attorney Barrow). [21-0405](#)

ADOPT RESOLUTION NO. 21-0114

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

8. Fiscal Year 2021-2022 Budget Update, Including Staffing Adjustments and Appropriation of Funds (Finance Director Charelian). [21-0284](#)

A) RECEIVE REPORT

B) APPROPRIATE FUNDS

C) APPROVE STAFFING ADJUSTMENTS

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

9. Consideration of a Resolution Rejecting All Bids Received for the Slurry Seal Project Encompassing the Sand Section (Area 7) and a Portion of the Tree Section (Area 6) (Public Works Director Lee). [21-0323](#)

ADOPT RESOLUTION NO. 21-0108 REJECTING ALL BIDS RECEIVED

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

10. Consideration of a Resolution Approving a Design Services Agreement to TAIT & Associates, Inc. for the Rowell Avenue Sidewalk Gap Closure Between 1st Street and Curtis Avenue for \$145,221; and Authorize the City Manager to Execute the Agreement (Public Works Director Lee). [21-0327](#)

ADOPT RESOLUTION NO. 21-0109

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

11. Consideration of a Resolution Approving a Professional Design Service Agreement with CWE, Inc., for the Santa Monica Bay TMDL High Flow Capacity Trash Treatment Control Devices Project for \$330,604 in Response to RFP No. E1265-21S; and Authorize the City Manager to Execute the Agreement (Public Works Director Lee). [21-0364](#)

ADOPT RESOLUTION NO. 21-0110

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

12. Consideration of a Resolution Approving Amendment No. 1 to the Construction Management Services Agreement With S2 Engineering Inc. for \$590,000.00 for the Sepulveda Bridge Widening Project (Public Works Director Lee). [21-0374](#)

ADOPT RESOLUTION NO. 21-0111

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

13. Accept as Complete the Citywide Concrete Repairs by CT&T Concrete Paving, Inc.; Authorize Filing a Notice of Completion with the County Recorder, and Release the Retention Amount for \$20,858.50 (Public Works Director Lee). [21-0329](#)

APPROVE

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

14. Consideration of a Resolution Approving Amendment No. 2 to the Professional Services Agreement with IDS Group Inc. for Additional Design Services for the Fitness Station at Upper Polliwog Park at a Cost Not-to-Exceed \$15,965.00 (Public Works Director Lee). [21-0379](#)

ADOPT RESOLUTION NO. 21-0112

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

15. Enterprise Project Implementation Quarterly Update of:
a) Munis Enterprise Resource Planning (ERP), and
b) EnerGov Land Management System (LMS) Solutions (Information Technology Director Hackelman). [21-0243](#)

RECEIVE REPORT

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

J. ITEMS REMOVED FROM THE CONSENT CALENDAR

14. Consideration of a Resolution Approving Amendment No. 2 to the Professional Services Agreement with IDS Group Inc. for Additional Design Services for the Fitness Station at Upper Polliwog Park at a Cost Not-to-Exceed \$15,965.00 (Public Works Director Lee).

[21-0379](#)**ADOPT RESOLUTION NO. 21-0112**

Mayor Pro Tem Napolitano provided that he pulled the item because it did not include a photo of what the new fitness station would look like.

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

The City Council gave direction to postpone approval of the item until the City receives input from the community regarding the proposed Fitness Station at Upper Polliwog Park and to have staff provide suggestions to address concerns brought forth by City Council regarding location and design.

K. PUBLIC HEARINGS

None.

L. GENERAL BUSINESS

16. Discussion of January 3, 2022, Expiration Date for Temporary Encroachment Permits (Outdoor Dining and Business Use) Issued Under COVID-19 Emergency Orders (Community Development Director Tai). [21-0369](#)
DISCUSS AND PROVIDE DIRECTION

Community Development Director Carrie Tai introduced City Traffic Engineer, Erik Zandvliet, who provided the PowerPoint presentation and responded to City Council questions.

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

*Donald McPherson
Suzanne Lerner
Michael Zislis
Martha Andreani
Mike Simms
Jim Burton
Jackie May*

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

Community Development Director Tai responded to City Council questions.

The City Council directed staff to maintain the January 3, 2022, expiration date regarding the temporary encroachment permits for outdoor dining and to continue to look into a long-term solution for outdoor dining.

City Manager Bruce Moe responded to City Council questions.

Community Development Director Tai clarified that the City will send out a notice to the restaurants notifying them that the last day of operation for the temporary encroachment permits will be January 3, 2022. They will provide a grace period for removal, which will be approximately three days.

City Traffic Engineer Zandvliet responded to City Council questions.

At 8:18 PM, the City Council recessed and reconvened at 8:29 PM with all City Councilmembers present.

17. Status Update of the Cannabis Initiative (City Attorney Barrow).
RECEIVE UPDATE AND CONSIDER PROVIDING DIRECTION

[21-0381](#)

Councilmember Montgomery announced that after discussing the matter with City Attorney Quinn Barrow, he will be recusing himself from the item since one of his investments is cannabis related.

City Attorney Barrow stated that he doesn't believe there is a conflict since Councilmember Montgomery has no financial interest in the decision being made this evening, but that his recusal is the safest course of action.

Management Services Policy and Management Analyst, Alexandria Latragna, provided the Staff Presentation.

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

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

*Heather
Lee Phillips*

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

City Attorney Barrow responded to City Council questions.

The City Council provided direction to have staff monitor the progress of the initiative but not take any further action at this time.

At 9:09 PM, Councilmember Montgomery returned to the meeting.

18. Consideration of Implementing an Annual Pier Globe Light Schedule
(City Manager Moe).
DISCUSS AND PROVIDE DIRECTION

[21-0373](#)

City Manager Bruce Moe introduced Communications and Civic Engagement Manager, Jessica Vincent, who provided the Staff presentation.

Communications and Civic Engagement Manager Vincent and City Manager Moe responded to City Council questions.

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

Jackie May

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

Public Works Director Erick Lee responded to City Council questions.

A motion was made by Councilmember Hadley to keep the Manhattan Beach Pier lights white. The motion failed for lack of a second.

A motion was made by Councilmember Montgomery, seconded by Mayor Pro Tem Napolitano, to approve the pier globe light schedule as amended: remove Men's Health Awareness Month, Easter, and the City's Birthday; and add St. Patrick's Day.

Councilmember Hadley asked Councilmember Montgomery if he would consider removing Breast Cancer Awareness Month as it is negative and not positive. Councilmember Montgomery accepted the request.

A motion was made by Councilmember Montgomery, seconded by Mayor Pro Tem Napolitano to approve the annual pier globe light schedule as amended: remove Easter Day, Breast Cancer Awareness Month, Men's Health Awareness Month, and the City's Birthday; add St. Patrick's Day and all Federally recognized holidays namely, Juneteenth; and unify all color palettes for National Holidays to red, white, and blue except for Christmas. The motion carried by the following vote:

Aye: 4 - Stern, Napolitano, Montgomery and Hadley

Nay: 1 - Franklin

19. Discussion of Existing Historic Preservation Ordinance (Community Development Director Tai).

[21-0386](#)

DISCUSS AND PROVIDE DIRECTION

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

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

Jane Guthrie

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

Community Development Director Tai responded to City Council questions.

A motion was made by Mayor Pro Tem Napolitano, seconded by Councilmember Franklin, to accept Policy Alternative 2 which concurs that the historic preservation ordinance text differs from intended policy direction; confirm intended policy direction; and direct staff to take action(s) to amend the ordinance. The motion carried by the following vote:

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

20. Consideration of a Resolution Appointing Derrick Abell as Interim Police Chief and Approval of an Employment Agreement with Derrick Abell (Human Resources Director Jenkins). [21-0398](#)

ADOPT RESOLUTION NO. 21-0115

City Manager Moe provided the Staff presentation.

Mayor Stern opened the floor to public comments.

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

A motion was made by Councilmember Hadley, seconded by Mayor Pro Tem Napolitano, to adopt Resolution No. 21-0115, approving an employment agreement with Derrick Abell to serve as Interim Police Chief. The motion carried by the following vote:

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

M. CITY COUNCIL REQUESTS AND REPORTS INCLUDING AB 1234 REPORTS

21. **City Council AB 1234 Reports.**

Councilmember Montgomery reported that he attended the Cal Cities Conference for Boardmembers last week. They discussed issues such as ACA 7, SB 9, and SB 10.

22. Consider Request by Mayor Stern and Mayor Pro Tem Napolitano to Discuss Adding the Camellia Flower as a Second City Flower (City Manager Moe). [21-0390](#)

DISCUSS AND PROVIDE DIRECTION

Mayor Stern explained why she requested to agendize the item.

The item did not receive a third vote in order to place it on a future agenda.

23. Consider Request by Councilmember Hadley and Councilmember Franklin to Discuss Ceremonial Presentations (City Manager Moe). [21-0391](#)

DISCUSS AND PROVIDE DIRECTION

Councilmember Hadley explained why she requested to agendize the item.

Councilmember Montgomery stated that he would be the third to discuss the possibility of an earlier Council meeting start time if there are numerous ceremonials to present.

City Attorney Barrow received clarification regarding Councilmember Montgomery's third vote and that it was only in regard to starting the City Council meetings earlier.

24. Consider Request by Councilmember Franklin and Councilmember Montgomery to Discuss the Long-term Commercial Use of City Property Fee (Finance Director Charelian).

[21-0389](#)

DISCUSS AND PROVIDE DIRECTION

Councilmember Franklin explained why he requested to agendize the item.

City Manager Bruce Moe and Finance Director Steve Charelian responded to City Council questions.

Councilmember Hadley stated that she would be the third for the request in order to have the item placed on a future agenda.

Finance Director Charelian and City Attorney Quinn Barrow responded to City Council questions.

N. FUTURE AGENDA ITEMS

Mayor Stern requested to agendize a discussion regarding SB 9 and SB 10 and how to mitigate their effects. Councilmember Montgomery seconded the request.

City Attorney Quinn Barrow stated that since there is a deadline, the item did not need to go through the three-step approval process and will be brought back on the next agenda.

O. CITY MANAGER REPORT

None.

P. CITY ATTORNEY REPORT

None.

Q. INFORMATIONAL ITEMS

25. Agenda Forecast (City Clerk Tamura).
INFORMATION ITEM ONLY

[21-0320](#)

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

26. Commission Minutes:[21-0382](#)

This Item Contains Minutes of the following City Commission Meetings:

- a) Parks and Recreation Commission Meeting Minutes of August 23, 2021(Parks and Recreation Director Leyman).
- b) Cultural Arts Commission Meeting Minutes of September 20, 2021(Parks and Recreation Director Leyman)
- c) Library Commission Meeting Minutes of October 12, 2021 (Parks and Recreation Director Leyman)
- d) Cultural Arts Commission Meeting Minutes of October 18, 2021(Parks and Recreation Director Leyman)
- e) Parks and Recreation Commission Meeting Minutes of October 25, 2021 (Parks and Recreation Director Leyman).

INFORMATION ITEM ONLY

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

R. CLOSED SESSION

None.

S. ADJOURNMENT

At 10:37 PM, Mayor Stern adjourned the meeting in memory of Councilmember Hadley's Mother, Nancy Glezen Quickel. Councilmember Hadley shared sentiments regarding her mother.

The meeting was adjourned to the 4:30 PM, Adjourned Regular Meeting on December 21, 2021.

Patricia Matson
Recording Secretary

ATTEST:

Hildy Stern
Mayor

Liza Tamura
City Clerk