

# City of Manhattan Beach

1400 Highland Avenue  
Manhattan Beach, CA 90266



## Meeting Minutes - Draft

Tuesday, December 20, 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 Amy Howorth***

***Councilmember David Lesser***

**PLEASE NOTE THAT THE CITY ARCHIVES THE VIDEO RECORDINGS OF ALL REGULAR CITY COUNCIL MEETINGS AND THE VIDEO FOR THIS MEETING IS HEREBY INCORPORATED BY THIS REFERENCE. ALSO IN SUPPORT OF MORE TRANSPARENCY AND THE AMERICANS WITH DISABILITIES ACT (ADA) COMPLIANCE, THE CITY OFFERS CLOSED CAPTIONING FOR REGULAR CITY COUNCIL MEETINGS. FOR A COMPLETE RECORD OF THIS CITY COUNCIL MEETING, GO TO:**

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**A. CALL MEETING TO ORDER**

*Mayor Napolitano called the meeting to order.*

**B. PLEDGE TO THE FLAG**

*Community Development Director Carrie Tai 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 Howorth and Councilmember Lesser

**D. CEREMONIAL CALENDAR**

*None.*

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

**A motion was made by Mayor Pro Tem Montgomery, seconded by Councilmember Lesser, to approve the agenda as amended, to pull Agenda Item No. 5 for individual consideration, and waive full reading of ordinances. The motion carried by the following vote:**

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

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

*Library Manager Josh Murray announced "Author Talk: Kwame Alexander" on January 14, 2023 from 2-3PM.*

*Police Chief Rachel Johnson reminded everyone to be safe while on their bikes and that there would be additional enforcement and education regarding bike safety.*

*President and CEO of the Chamber of Commerce David Archer welcomed Councilmembers Howorth and Lesser and wished everyone a happy holiday and new year.*

*Mayor Pro Tem Montgomery thanked all of those involved with the Holiday Fireworks Festival.*

**G. PUBLIC COMMENTS (3 MINUTES PER PERSON)**

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

*Mike Michalski  
Heidi Rayden Tobias*

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

*Police Chief Rachel Johnson responded to City Council questions and provided information regarding the City's efforts to reduce crime in Manhattan Beach.*

**H. CONSENT CALENDAR (APPROVE)**

**A motion was made by Mayor Pro Tem Montgomery, seconded by Councilmember Lesser, 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, Howorth and Lesser

- 1. City Council Minutes: [22-0285](#)  
This Item Contains the City Council Adjourned Regular Meeting Minutes of December 13, 2022 (City Clerk Tamura).

**APPROVE**

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

2. Financial Reports: [22-0484](#)
- a) Schedule of Demands November 17, 2022, November 23, 2022, and December 1, 2022
  - b) Investment Portfolio for the Month Ending October 31, 2022
  - c) Month End Report for October 31, 2022  
(Finance Director Charelian).

**ACCEPT REPORTS AND DEMANDS**

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

3. Consideration of a Resolution Approving a Five-Year Agreement with Vital Medical Services for On-Call Non-Emergency Medical Services for In-Custody Arrestees in an Amount Not-to-Exceed \$500,000 (Police Chief Johnson). [22-0457](#)

**ADOPT RESOLUTION NO. 22-0167**

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

4. Consideration of a Resolution Approving a Comprehensive Citywide Salary Schedule for all City Positions and Adjustments to Salary Ranges (Human Resources Director Jenkins). [22-0510](#)

**ADOPT RESOLUTION NO. 22-0168**

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

5. Consideration of a Resolution Approving Amendment No. 1 to the Professional Services Agreement with Civic Solutions, Inc. for Professional Planning Services for the Community Development Department at a Cost Not-to-Exceed \$148,950 (Community Development Director Tai). [22-0482](#)

**ADOPT RESOLUTION NO. 22-0169**

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

6. Alleviation Report for Second Extension of Interim Zoning Ordinance to Clarify Provisions for the Preservation of Historic Resources (Community Development Director Tai). [22-0509](#)

**ISSUE ALLEVIATION MEASURES REPORT**

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

7. Consideration of Resolutions Approving Engineering Design Professional Services Agreement with SWA Group for the Polliwog Park Lower Playground Replacement Project for \$59,129; Approving Amendment No. 1 to the Construction Management and Inspection Professional Services Agreement with Ardurra Group for \$152,598; and Approving an Additional Appropriation of \$350,000 from the Capital Improvements Program (CIP) Fund for the Project (Public Works Director Lee). [22-0481](#)

**A) ADOPT RESOLUTION NOS. 22-0170 AND 22-0171**

**B) APPROPRIATE FUNDS**

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

8. Consideration of a Resolution Authorizing a New Memorandum of Understanding Between the City of Manhattan Beach and West Basin Municipal Water District for Department of Water Resources Proposition 1 Round 2 Integrated Regional Water Management Grant Program Application Preparation Fees (Public Works Director Lee). [22-0512](#)

**ADOPT RESOLUTION NO. 22-0172**

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

## I. ITEMS REMOVED FROM THE CONSENT CALENDAR

5. Consideration of a Resolution Approving Amendment No. 1 to the Professional Services Agreement with Civic Solutions, Inc. for Professional Planning Services for the Community Development Department at a Cost Not-to-Exceed \$148,950 (Community Development Director Tai). [22-0482](#)

**ADOPT RESOLUTION NO. 22-0169**

*Councilmember Lesser provided that he pulled the item to receive clarification regarding how the agreement would assist the Community Development Department in processing building permits and other long term policy work.*

*Community Development Director Carrie Tai provided information regarding the item 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.*

**A motion was made by Councilmember Lesser, seconded by Councilmember Howorth, to approve the item and adopt Resolution No. 22-0169, a resolution of the Manhattan Beach City Council approving an agreement between the City of Manhattan Beach and Civic Solutions for Professional Planning Services.**

**The motion carried by the following vote:**

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

## J. PUBLIC HEARINGS

*None.*

## K. GENERAL BUSINESS

9. Consideration of Design for Bruce's Beach Plaque Monument  
Landscaping (City Manager Moe).

[22-0522](#)

**(Estimated Time: 30 Min.)**

### **DISCUSS AND PROVIDE DIRECTION**

*City Manager Bruce Moe introduced Policy & Management Analyst Alexandria Latragna and thanked her for her work on the item.*

*Policy & Management Analyst Latragna provided background regarding the item and introduced Founder of EnviroScape LA Mike Garcia who provided the PowerPoint presentation.*

*Mr. Garcia, Policy & Management Analyst Latragna, and Public Works Director Erick Lee 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.*

*Policy & Management Analyst Latragna responded to City Council questions.*

***The City Council directed staff to return with a revised design of Option 1 focusing on maintaining the view, removing the decomposed granite from the design, and allow for bench seating and low-level landscaping; and to notice the neighbors of Bruce's Beach Park of the new concept prior to it returning to the City Council for discussion.***

10. Discussion Regarding Hiring Outside Law Enforcement Agency for Downtown (Police Chief Johnson).

[22-0469](#)

*(Estimated Time: 20 Mins.)*

**DISCUSS AND PROVIDE DIRECTION**

*Police Chief Rachel Johnson 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.*

*Police Chief Johnson responded to City Council questions.*

***The City Council provided direction to have staff return with a discussion regarding the current incentives being offered to new hires at the Police Department and ways that they could be enhanced based off of the budget.***

11. California's COVID-19 State of Emergency Ending and Impacts on the City's Related Emergency Orders (City Manager Moe).

[22-0455](#)

(Estimated Time: 40 Mins.)

**DISCUSS AND PROVIDE DIRECTION**

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

*Policy & Management Analyst Latragna, City Attorney Quinn Barrow, and Finance Director Steve Charelian 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.*

*A motion was made by Mayor Pro Tem Montgomery to rescind all City Emergency Orders that the City has control over.*

*Policy & Management Analyst Latragna, City Attorney Barrow, and City Manager Moe responded to City Council questions.*

*Mayor Pro Tem Montgomery restated his motion to end the local emergency to coincide with the end of the State Emergency on February 28, 2023, direct staff to return with an urgency ordinance regarding the eviction moratorium, and end the employee vaccination policy.*

*City Attorney Barrow clarified that the discussion regarding outdoor dining would return at the next Regular City Council meeting and responded to City Council questions.*

**A motion was made by Mayor Pro Tem Montgomery, seconded by Councilmember Howorth, to end the local emergency to coincide with the end of the State Emergency on February 28, 2023, direct staff to return with an urgency ordinance regarding the eviction moratorium, and end the employee vaccination policy. The motion carried by the following vote:**

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



12. Review of Pending Agenda Items for City Council Consideration (City Manager Moe).

[22-0519](#)

(Estimated Time: 20 Min.)

**DISCUSS AND PROVIDE DIRECTION**

*Assistant to the City Manager George Gabriel provided the PowerPoint slide and background regarding the items pertaining to Management Services.*

*Assistant to the City Manager Gabriel and City Manager Bruce Moe responded to City Council questions.*

***The City Council gave the following direction regarding the items pertaining to Management Services:***

***1. Analysis of Prosecution Services for the City: The City Council directed staff to remove this pending agenda item.***

***2. Approval Process for Edits to the Bruce's Beach History Report: The City Council directed staff to return to the City Council if updates are required to the history report in the future.***

*Community Development Director Carrie Tai provided the PowerPoint slide and background regarding the items pertaining to Community Development.*

*City Attorney Quinn Barrow and Community Development Director Tai responded to City Council questions.*

***The City Council gave the following direction regarding the items pertaining to Community Development:***

***3. Update on Increased Transparency Efforts of the Sustainability Task Force: The City Council directed staff to come up with an outline for increased transparency efforts.***

***4. Energy Efficiency Measures for Municipal Facilities: The City Council directed staff to keep this request as a pending agenda item.***

***5. Discussion of Potentially Requiring Solar Photovoltaic (PV) Energy for New Non-Residential Construction, Including Municipal Facilities: The City Council directed staff to keep this request as a pending agenda item.***

***6. Guidelines for Overhead String Lights Placed Above Walk Streets: The City Council directed staff to keep the request as a pending agenda item.***

**L. CITY COUNCIL REQUESTS AND REPORTS INCLUDING AB 1234 REPORTS**

*None.*

**M. FUTURE AGENDA ITEMS**

*None.*

**N. CITY MANAGER REPORT**

*None.*

**O. CITY ATTORNEY REPORT**

*None.*

**P. INFORMATIONAL ITEMS**

13. Agenda Forecast (City Clerk Tamura). [22-0344](#)  
**INFORMATION ITEM ONLY**

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

14. Commission Minutes: [22-0521](#)  
This Item Contains Minutes of the following City Commission Meetings:  
a) Library Commission Special Meeting Minutes of May 31, 2022 (Parks and Recreation Director Leyman)  
b) Parks and Recreation Commission Meeting Minutes of September 26, 2022 (Rescheduled) (Parks and Recreation Director Leyman)  
c) Parks and Recreation Commission Meeting Minutes of October 13, 2022 (Parks and Recreation Director Leyman)  
d) Cultural Arts Commission Meeting Minutes of October 17, 2022 (Parks and Recreation Director Leyman)  
e) Parks and Recreation Commission Meeting Minutes of October 24, 2022 (Parks and Recreation Director Leyman)  
f) Library Commission Meeting Minutes of November 14, 2022 (Parks and Recreation Director Leyman).  
**INFORMATION ITEM ONLY**

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

**Q. CLOSED SESSION**

*At 8:53 PM, Mayor Napolitano announced that the City Council would be conducting a Closed Session.*

**I. ANNOUNCEMENT IN OPEN SESSION OF ITEMS TO BE DISCUSSED IN CLOSED SESSION**

*City Attorney Quinn Barrow announced the following Closed Session:*

**a) CONFERENCE WITH LEGAL COUNSEL (EXISTING LITIGATION)  
(Government Code Section 54956.9(d)(1))**

**Name of Case: Highrose El Porto, LLC. v City of Manhattan Beach  
Los Angeles County Superior Court  
Case No: 22STCP03962**

**This lawsuit challenges the City Council’s decision regarding the Highrose El Porto project.**

**b) CONFERENCE WITH LEGAL COUNSEL (ANTICIPATED LITIGATION)  
(Government Code Section 54956.9(d)(2)(e)(5))**

**A point has been reached where, 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. Californians for Homeownership, YIMBY Law, and California Renters Legal Advocacy and Education Fund (CaRLA) have submitted two letters indicating that they intend to file litigation against the City if the City Council does not “rehear” the Highrose El Porto project, which is the topic of the litigation identified in Section a) above. In addition, the state Department of Housing and Community Development served the City with a “Notice of Violation” regarding the City Council’s decision. The referenced correspondence is included in this agenda packet, and copies are available upon request at the City Clerk’s Office at City Hall, 1400 Highland Avenue, Manhattan Beach, CA 90266.**

**Number of Cases: 2**

**c) PUBLIC EMPLOYEE PERFORMANCE EVALUATION  
(Government Code Section 54957)**

**Title: City Manager**

**II. RECESS INTO CLOSED SESSION**

*At 8:53 PM, the City Council recessed into Closed Session.*

**III. RECONVENE INTO OPEN SESSION**

*At 9:41 PM, the City Council reconvened into Open Session with all City Councilmembers present.*

**IV. CLOSED SESSION ANNOUNCEMENT IN OPEN SESSION**

*City Attorney Barrow announced that the City Council recessed into Closed Session to discuss the items identified on the agenda. By a 4-1 vote, with Mayor Napolitano voting No, the City Council gave direction to the City Attorney with respect to the litigation. In addition, the City Council gave direction to the City Attorney with respect to the City Manager. There was no other reportable action taken.*

**R. ADJOURNMENT**

*At 9:42 PM, Mayor Napolitano adjourned the meeting, and announced to the public that the next City Council Meeting would be held on January 9, 2023 at 6:00 PM.*

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**Patricia Matson  
Recording Secretary**

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**Steve Napolitano  
Mayor**

**ATTEST:**

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**Liza Tamura  
City Clerk**