

City of Manhattan Beach

1400 Highland Avenue
Manhattan Beach, CA 90266



Meeting Minutes - Draft

Tuesday, August 16, 2022

6:00 PM

Regular Meeting

City Council Chambers

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

Police Chief Rachel Johnson 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. INTRODUCTION

1. Introduction of Police Chief Rachel Johnson (City Manager Moe). [22-0336](#)
(Estimated Time: 5 Min.)

INTRODUCE

City Manager Bruce Moe introduced Police Chief Rachel Johnson to the City.

Mayor Napolitano, on behalf of the City Council, welcomed Police Chief Johnson and presented her with a City pin.

E. CEREMONIAL CALENDAR

2. Presentation of Certificates of Commendation Recognizing Police Sergeant Michael Lynch as Police Officer of the Year and Fire Engineer/Paramedic Steve Fairbrother as Firefighter of the Year (Continued from the June 21, 2022, City Council Meeting). [22-0304](#)

(Estimated Time: 10 Min.)

PRESENT

On behalf of the City Council, Mayor Napolitano and Fire Chief Mike Lang presented a certificate of commendation to Fire Engineer/Paramedic Steve Fairbrother as Firefighter of the Year.

On behalf of the City Council, Mayor Napolitano and Police Chief Rachel Johnson presented a certificate of commendation to Police Sergeant Michael Lynch as Police Officer of the Year.

3. Presentation of Certificates of Commendation to Manhattan Beach Police Sergeant Michael Trani and Police Officer Arai White for Receiving the 2022 Medal of Valor Distinguished Service Award and Police Sergeant Michael Lynch for Receiving the 2022 Medal of Valor Life Saving Award (Continued from the June 21, 2022, City Council Meeting). [22-0305](#)

(Estimated Time: 10 Min.)

PRESENT

On behalf of the City Council, Mayor Napolitano and Police Chief Rachel Johnson presented certificates of commendation to Sergeant Michael Trani and Police Officer Arai White for receiving the 2022 Medal of Valor Distinguished Service Award and to Police Sergeant Michael Lynch for receiving the 2022 Medal of Valor Life Saving Award.

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

A motion was made by Councilmember Stern, seconded by Mayor Pro Tem Montgomery, to approve the agenda, pull Agenda Item No. 8 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

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

Library Manager Josh Murray announced Intro to Video Editing on August 25, 2022, from 11:00 AM-12:15 PM and Evening Book Club on September 12, 2022, at 6:30 PM. Registration is available at lacountylibrary.org.

Manhattan Beach Community Emergency Response Team Program Director Frank Chiella announced that MB CERT members will be staffing a first aid station on the pier during the MB Open.

Public Works Management Analyst Nicholle Petroff announced a 15-day no outdoor watering ban from the Metropolitan Water District in order to complete an emergency repair to an upper feeder pipeline. The ban will occur from September 6-20, 2022. Management Analyst Petroff responded to City Council questions.

City Manager Bruce Moe announced that a pilot program began last Friday in the Pier parking lots. The lots will be monitored by the Police Department from 9:00 PM to 2:00 AM during the weekends.

Mayor Pro Tem Montgomery thanked Parks and Recreation staff for their efforts during the Surf Festival and the MB Open.

H. PUBLIC COMMENTS (2 MINUTES PER PERSON)

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

*Kimberly Mack
Joan Beck
Dr. Dale Murnane
Dr. Aaron Rosen
Danielle Matthews
Ray Joseph
Patricia Schilling
Doreen Yusufzai
Patricia Ziegler
Dragan Zaric
Burt Fuller
Mark Moulton
Aaron Cardenas
Unknown Speaker
Fred Shaffer
Will Arizo
Katie Martin
Zac Dean
Matthew Adamo
Michael Curran
Kate Hirsch
Unknown Speaker
Randi Feilich
Helena Burke
Teresa Lang
Debbie Van Ness
Eden Sawyers
Larry Teitelbaum
Dennis Jarvis
Lisa Levinson
Ashley Byrne
Mrs. Harding
Jan Karl
Kimberly Lenahan
Nicole
Heather Kim
Rick McNeal
Matthew Duncan
Peter Kim
Evan Chuck
Unknown Speaker
Kristin Muller*

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

At 7:48 PM, the City Council recessed and reconvened at 8:05 PM with all City Councilmembers present.

I. CONSENT CALENDAR (APPROVE)

A motion was made by Councilmember Hadley, seconded by Councilmember Franklin, to approve the Consent Calendar with Agenda Item No. 8 being removed to be heard under Section J - Items Removed from the Consent Calendar. The motion carried by the following vote:

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

Per a 4-1 vote, with Mayor Pro Tem Montgomery voting NO, the City Council requested to reconsider Agenda Item No. 7 and continue it to the September 6, 2022, City Council Meeting. The vote occurred under Section N - Future Agenda Items.

4. City Council Minutes: [22-0325](#)
This Item Contains the City Council Regular Meeting Minutes of August 2, 2022
(City Clerk Tamura).
APPROVE

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

5. Financial Reports: [22-0310](#)
a) Schedule of Demands July 21, 2022 and July 28, 2022
b) Investment Portfolio for the Month Ending June 30, 2022
c) Preliminary Month End Report for June 30, 2022
(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). [22-0334](#)
ACCEPT STAFF RECOMMENDATION

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

7. 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 (City Attorney Barrow). [22-0355](#)
- A) ADOPT URGENCY ORDINANCE NO. 22-0007-U**
B) ADOPT ORDINANCE NO. 22-0007

The recommendation for this item was not approved on the Consent Calendar. A motion was made under Section N - Future Agenda Items, to reconsider the item and continue it to the September 6, 2022, City Council Meeting.

8. Consideration in Designating a Voting Delegate and Alternate to the 2022 League of California Cities Annual Conference; Authorize the Delegate and Alternate Voting Authority on Proposed Resolution(s) Being Considered at the Conference (City Clerk Tamura). [22-0288](#)
- A) APPROVE VOTING DELEGATE AND ALTERNATE**
B) AUTHORIZE VOTING AUTHORITY

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

9. Consideration of: [22-0341](#)
- (1) Adopt a Resolution Nunc Pro Tunc Approving a Three-Year Crossing Guard Services Contract with All City Management Services in an Amount Not-to-Exceed \$1,495,000; and
- (2) As a Contingency, Authorize the City Manager to Enter into a Separate Agreement to Prevent any Gap in Service (City Attorney Barrow).
- ADOPT RESOLUTION NO. 22-0122**

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

10. Consideration of a Resolution Approving Amendment No. 1 to the Professional Services Agreement with Butier Engineering, Inc. for Additional Construction Management and Inspection Services in the Amount of \$321,301 for the Peck Reservoir Replacement Project (Public Works Director Lee). [22-0279](#)
- ADOPT RESOLUTION NO. 22-0116**

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

11. Consideration of a Resolution Approving Amendment No. 5 to the Professional Services Agreement with SA Associates for \$330,000 for Additional Project Management Consulting Services for the Engineering Division (Public Works Director Lee). [22-0324](#)
- ADOPT RESOLUTION NO. 22-0117**

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

12. Consideration of Resolutions Awarding a Construction Agreement to Calpromax Engineering, Inc. for the Manhattan Beach Boulevard and Peck Avenue Traffic Signal Improvement Project for \$734,323; Approving an Inspection Services Agreement with Quantum Quality Consulting, Inc. in the Amount of \$120,250; and Approving an Appropriation of \$250,000 from the Measure R Fund (Public Works Director Lee). [22-0037](#)
- A) ADOPT RESOLUTION NOS. 22-0118 AND 22-0119**
B) APPROPRIATE FUNDS

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

J. ITEMS REMOVED FROM THE CONSENT CALENDAR

8. Consideration in Designating a Voting Delegate and Alternate to the 2022 League of California Cities Annual Conference; Authorize the Delegate and Alternate Voting Authority on Proposed Resolution(s) Being Considered at the Conference (City Clerk Tamura). [22-0288](#)
- A) APPROVE VOTING DELEGATE AND ALTERNATE**
B) AUTHORIZE VOTING AUTHORITY

Mayor Napolitano stated that he pulled the item to inquire if all Councilmembers could be listed as alternates.

City Clerk Liza Tamura responded to City Council questions.

A motion was made by Mayor Napolitano, seconded by Mayor Pro Tem Montgomery, to designate Mayor Napolitano as the Voting Delegate and Mayor Pro Tem Montgomery as the Voting Alternate for the 2022 League of California Cities Annual Conference. The motion carried by the following vote:

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

K. PUBLIC HEARINGS

13. Conduct Public Hearing for Consideration of Adopting Resolutions [22-0247](#)
Regarding Renewal of Downtown Business Improvement District (BID)
for Fiscal Year 2022-2023 Including Authorization to Collect
Assessments; Ratification of the District Advisory Board; Authorization to
Enter Into an Agreement with the Downtown Manhattan Beach Business
and Professional Association; and Authorization to Disburse
Assessments Collected Through June 30, 2022 (Finance Director
Charelion).
(Estimated Time: 10 Min.)
- A) CONDUCT PUBLIC HEARING
 - B) ADOPT RESOLUTION NOS. 22-0120 AND 22-0121
 - C) RATIFY BOARD
 - D) AUTHORIZE THE DISBURSEMENT OF ASSESSMENTS
COLLECTED THROUGH JUNE 30, 2022

*Finance Director Steve Charelion 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 Hadley, seconded by Mayor Pro Tem
Montgomery, to adopt Resolution No. 22-0120, overruling protests and
providing for the annual levy and collection of assessments for the existing
Downtown Manhattan Beach Business Improvement District, pursuant to
California Streets and Highways code section 36500 Et. Seq, (the Parking and
Business Improvement Law of 1989); adopt Resolution No. 22-0121, approving
an agreement between the City of Manhattan Beach and the Downtown
Manhattan Beach Business Improvement District and the Downtown Manhattan
Beach Business and Professional Association; ratify the board; and authorize
the disbursement of assessments collected through June 30, 2022. The motion
carried by the following vote:**

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

14. Conduct Public Hearing Regarding the Triennial Water System Report on Public Health Goals (Public Works Director Lee). [22-0295](#)

(Estimated Time: 10 Min.)

A) CONDUCT PUBLIC HEARING

B) RECEIVE AND FILE REPORT

Public Works Management Analyst Nicholle Petroff 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 Hadley, seconded by Councilmember Franklin, to receive and file the report. The motion carried by the following vote:

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

L. GENERAL BUSINESS

15. Consideration of 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 (Community Development Director Tai).

[22-0333](#)

(Estimated Time: 3 Hrs.)

AFFIRM THE DECISION OF THE PLANNING COMMISSION

City Attorney Quinn Barrow clarified the City Council's ability to provide comments and share opinions regarding City business prior to consideration of a matter on a publicly noticed council meeting. He stated that the City Council will maintain an open mind and that all comments that have been submitted will be considered and will be maintained as part of the public record.

City Attorney Barrow responded to City Council questions.

Councilmember Franklin, Councilmember Hadley, Councilmember Stern, and Mayor Pro Tem Montgomery each provided a disclosure statement.

Community Development Director Carrie Tai introduced Associate Planner Ted Faturos and Planning Manager Talyn Mirzakhanian.

Associate Planner Faturos provided the PowerPoint presentation.

Associate Planner Faturos, Planning Manager Mirzakhanian, City Attorney Quinn Barrow, City Manager Bruce Moe, Public Works Director Erick Lee, and Community Development Director Tai responded to City Council questions.

Applicant for Highrose El Porto, LLC, Frank Buckley and Michael Shonafelt of Newmeyer & Dillion LLP, Land Use Counsel for the Applicant, provided a PowerPoint presentation.

City Attorney Barrow clarified that the PowerPoint that Appellant No. 1 was presenting was not their appeal but comments from the public.

Appellant No. 1, Donald McPherson, provided a PowerPoint presentation.

Appellant No. 2, Ronald Schendel, provided a PowerPoint presentation.

Assistant City Clerk Martha Alvarez announced that Appellant No. 3, George Bordokas, sent an email at 3:15 PM stating that he would not be able to attend the meeting and provided his appeal as part of the public record.

Appellant No. 4, Mark Burton, provided a presentation and photographs.

Appellant No. 5, Andrew Ryan, provided a presentation.

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

Taylor Heininger

Nick Grasu

Frank Chiella

David Masino

Mitchell Chun

Gail Fortis

Audrey Kayna

Julie Masino

Taylor Hammon

Scott Floyd

Paul Moses

Jon David

Lucia La Rosa Ames

At 10:33 PM, Mayor Napolitano requested a motion to extend the meeting.

A motion was made by Councilmember Hadley, seconded by Councilmember Stern, to extend the meeting past 10:30 PM. The motion carried by the following vote:

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

Public comments continued with the following individuals:

*Tony Truyoo
Adam Wood
DeAndre Valencia
James
Heather
Wayne Powell
Rick Ralph*

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

Michael Shonafelt, Land Use Counsel for the Applicant, and Timothy Wood, Vice President & Principal Hydrogeologist from GSI Environmental Inc. provided their rebuttal and a PowerPoint presentation.

Applicant Buckley, City Attorney Barrow, Principal Hydrogeologist Wood, and Associate Planner Faturos responded to City Council questions.

At 11:30 PM, the City Council recessed and reconvened at 11:35 PM with all City Councilmembers present.

A motion was made by Mayor Pro Tem Montgomery, seconded by Councilmember Stern, to continue the item to the September 6, 2022, City Council Meeting. The motion carried by the following vote:

Aye: 3 - Napolitano, Montgomery and Stern

Nay: 2 - Franklin and Hadley

City Attorney Barrow provided that since the item was under General Business, members of the public would be entitled to two minutes each for public comments when the agenda item returns.

- 16.** Consideration of Assessment on Coyote Population and Activity (Police Chief Johnson). [22-0328](#)
(Estimated Time: 45 Min.)
DISCUSS AND PROVIDE DIRECTION

The item was continued to the September 6, 2022, City Council Meeting.

17. Selection of a Ballot Letter Designation for the City's Ballot Measure Maintaining the Existing Prohibition on Commercial Cannabis Activity (City Attorney Barrow).

[22-0350](#)

(Estimated Time: 15 Min.)

SELECT BALLOT LETTER DESIGNATION

City Attorney Quinn Barrow responded to City Council questions.

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 11:57 PM.

City Manager Bruce Moe introduced Policy & Management Analyst Alexandria Latragna who provided that she could provide background on the item if requested by the City Council.

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

*Heather Kim
Charlene Harding*

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

Policy & Management Analyst Latragna, City Clerk Liza Tamura, and City Attorney Barrow responded to City Council question.

The City Council directed staff to submit the letter B as the first choice and letter Y as the second choice when submitting the letter designation request to Los Angeles County regarding the City proposed cannabis measure. The City Council further directed that they did not want the following letters: C, D, J, P, R, S.

At 12:07 AM, Mayor Pro Tem Montgomery returned to the dais.

M. CITY COUNCIL REQUESTS AND REPORTS INCLUDING AB 1234 REPORTS

18. City Council AB 1234 Reports.
RECEIVE AND FILE

[22-0291](#)

Mayor Pro Tem Montgomery stated that he attended the Independent Cities Association Summer Seminar in Coronado.

19. Consider Request by Mayor Napolitano and Councilmember Hadley to Discuss Afterschool REC Program Fees (Parks and Recreation Director Leyman). [22-0351](#)

DISCUSS AND PROVIDE DIRECTION

Councilmember Franklin provided he would third the request in order to have the item appear on a future agenda.

20. Consider Request by Councilmember Franklin and Councilmember Hadley to Discuss the Approval Process for Edits to the Bruce's Beach History Report (City Manager Moe). [22-0354](#)

DISCUSS AND PROVIDE DIRECTION

Mayor Pro Tem Montgomery provided he would third the request in order to have the item appear on a future agenda.

N. FUTURE AGENDA ITEMS

Mayor Napolitano requested to agendize a discussion on ministerial approvals of residential projects in commercial zones. Mayor Pro Tem Montgomery seconded the request.

Mayor Napolitano requested to agendize a discussion regarding the expansion of public parking at Lot 4 at Rosecrans and Highland. Mayor Pro Tem Montgomery seconded the request.

Mayor Napolitano requested to agendize a discussion regarding City Council's approval of street reconfiguration requests. Mayor Pro Tem Montgomery seconded the request.

Mayor Napolitano requested to agendize a discussion regarding the Sand Dune Park redesign. Councilmember Hadley seconded the request.

Councilmember Hadley requested to agendize a discussion regarding the potential use of armed security to patrol the Downtown area that are similar to the services that the City of Beverly Hills utilizes. Mayor Pro Tem Montgomery seconded the request.

Councilmember Hadley requested clarification regarding what the City Council voted for regarding the use of City facilities before an election.

City Attorney Quinn Barrow responded to City Council questions.

A motion was made by Mayor Napolitano, seconded by Councilmember Stern, to reconsider Agenda Item No. 7 and continue it to the September 6, 2022, City Council Meeting. The motion carried by the following vote:

Aye: 4 - Napolitano, Franklin, Hadley and Stern

Nay: 1 - Montgomery

City Attorney Barrow confirmed that Agenda Item No. 7 was not adopted under the Consent Calendar.

Councilmember Franklin requested to agendize a discussion regarding a request by Esperanza to utilize their rooftop deck for outdoor dining during the State of Emergency. Mayor Napolitano seconded the request.

Community Development Director Tai provided that the request would require a use permit amendment.

City Attorney Barrow provided that the request would return on a future City Council agenda.

Councilmember Stern requested to agendize a discussion to better understand the City Council's permissible involvement in the City's proposed cannabis measure. Councilmember Hadley seconded the request.

City Attorney Barrow responded to City Council questions.

Mayor Pro Tem Montgomery requested to review a fee waiver from American Martyrs for a liquor license review for an event that took place on April 30, 2022. Mayor Napolitano seconded the request.

City Attorney Barrow clarified that the request did not need to go through the three-step process to agendize it and that it would be brought back on a future agenda.

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

[22-0342](#)

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

22. Recent Planning Commission Quasi-Judicial Decision: [22-0360](#)
Use Permit Amendment to Allow an Expansion of an Existing 4,180 Square-Foot “Eating and Drinking Establishments” use (Arthur J restaurant) with Full Alcohol Service, Into an Adjacent Vacant 1,141 Square-Foot Tenant Space (Formerly a Dry Cleaner) Within an Existing Commercial Building at 901 and 903 Manhattan Avenue in the Downtown Commercial (CD) Zoning District Per LCP Section A.16.020, a Use Permit is Required for the Establishment of an “Eating and Drinking Establishments” Use and a Use Permit, or Use Permit Amendment, Shall be Required for any New Alcohol License or Modification to an Existing Alcohol License Within the Downtown Commercial (CD) Zoning District The expanded Area Will Serve as a Private Dining Room for the Existing Restaurant (Arthur J) (Community Development Director Tai).

INFORMATION ITEM ONLY

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

O. CITY MANAGER REPORT

None.

P. CITY ATTORNEY REPORT

None.

Q. INFORMATIONAL ITEMS

None.

R. CLOSED SESSION

None.

S. ADJOURNMENT

At 12:17 AM, Mayor Napolitano adjourned the meeting to the September 6, 2022, Regular City Council Meeting at 6:00 PM.

Patricia Matson
Recording Secretary

Steve Napolitano
Mayor

ATTEST:

Liza Tamura
City Clerk