

# City of Manhattan Beach

1400 Highland Avenue  
Manhattan Beach, CA 90266



## Meeting Minutes - Draft

Tuesday, September 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 Suzanne Hadley*

*Councilmember Hildy Stern*

**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:**

<https://www.manhattanbeach.gov/government/city-council/city-council-meetings-agendas-and-minutes>

**A. CALL MEETING TO ORDER**

Mayor Napolitano called the meeting to order.

**B. PLEDGE TO THE FLAG**

City Clerk Liza Tamura 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 Mayor Pro Tem Montgomery, to approve the agenda 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 Thursday, September 29, 2022, at 10:15 AM. Attendance is limited and advanced registration is required.

Public Works Senior Management Analyst Nicky Petroff announced that the Metropolitan Water District had successfully completed their repair one day ahead of schedule. The outdoor watering ban has been lifted. Phase two is two days a week at 15 minutes per zone Wednesday evening to Thursday morning and Saturday evening to Sunday mornings. During the shutdown, residents reduced 18% of the usage. The City relied on approximately 31% less imported water during the shutdown due to increased irrigation and production. The City was able to keep a majority of its parks green by utilizing recycled water. [www.manhattanbeach.gov/recycledwater](http://www.manhattanbeach.gov/recycledwater)

Library Commissioner Janet Jones announced the Elvis Tribute Act on Saturday, September 24, 2022, from 3:00 PM - 4:30 PM, at the Manhattan Beach Library Outdoor Stage. It is a free event. But registration is required. Registration opens on Monday, September 12, 2022.

Police Chief Rachel Johnson announced the Manhattan Beach Police Department K-9 Unit & Downtown Manhattan Beach Business & Professional Association, 4th Annual Downtown Manhattan Beach Car Show, on Sunday, September 25, 2022, from 10:00 AM - 3:00 PM.

Mark Archuletta announced the 22nd Annual Matt Johnson Memorial Blood Drive hosted by the Manhattan Beach Fire Department during the Hometown Fair Weekend (Saturday, October 1, 2022, from 10:30 AM - 4:30 PM and Sunday, October 2, 2022, from 10:00 AM - 4:00 PM). Blood Drive location is the Manhattan Beach Fire Department Station No. 1.

Councilmember Franklin announced that during the Hometown Fair there will be a Bicycle Safety booth located near the Manhattan Beach Police Department's booths. Information regarding traffic safety rules of the road will be provided. Kids that answer a correct ride safe question will get a cookie.

Mayor Pro Tem Montgomery announced that the Public Works staff filled potholes on the Eastside of Sepulveda by Walgreen's.

President and CEO of the Chamber of Commerce David Archer announced the Manhattan Beach City Council Candidates Forum on Tuesday, September 27, 2022 and the Manhattan Beach School District Candidates Forum on Thursday, September 29, 2022. He also announced that the next Chamber Mixer will be at Grunions on September 21, 2022, at 4:30 PM.

Cultural Arts Manager Eilen Stewart announced that the Parks and Recreation Department will be selling Pumpkin Kits during the Hometown Fair. Also, ceramics will be sold at the Ceramics Studio behind the tennis court during the Hometown Fair.

Karen Wooldridge announced that the International Peace Day event will be held at the Manhattan Beach Peace Pole (Veteran's Parkway across from Live Oak Park) on Wednesday, September 21, 2022, from 11:30 AM - 12:15 PM.

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

Mayor Napolitano reminded the public that there are three-minutes per person for public comments. He also stated that Agenda Item No. 8 - Negotiations with the Manhattan Beach Fire Association, is later on the agenda and that the public can speak on the item, now or later, when the item is being considered by the City Council but that a speaker cannot speak twice. After someone provides public comments he asked that the public refrain from applauding, that applauding could intimidate other members of the public on the other side of the item, and asked for everyone to show respect to everyone as they have their time to provide public comments.

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

- Rita Crabtree-Kampe
- Mark Burton
- Frank Chiella
- Doug Solomon
- Alisa Peterson
- Gale Fortus
- Tim O'Brien
- Laurie Desmond
- Percy Jones
- Laurie Barra
- Tom Desmond
- James Falls
- Patricia Schillings
- Unknown Speaker
- Chris McCarthur
- Katherine Martin
- Sheridan
- John Kim

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

**H. CONSENT CALENDAR (APPROVE)**

**A motion was made by Councilmember Hadley, seconded by Councilmember Franklin, to approve the Consent Calendar. The motion carried by the following vote:**

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

1. City Council Minutes: [22-0382](#)

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

- a) City Council Regular Meeting Minutes of September 6, 2022
- b) City Council Special Meeting Minutes of September 12, 2022  
(City Clerk Tamura).

**APPROVE**

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

2. Financial Reports: [22-0364](#)

- a) Schedule of Demands August 25, 2022 and September 1, 2022
- b) Investment Portfolio for the Month Ending July 31, 2022
- c) Preliminary Month End Report for July 31, 2022  
(Finance Director Charelian).

**ACCEPT REPORTS AND DEMANDS**

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

3. Proclamations Declaring the Following: [22-0196](#)

- a) September 20, 2022, as National IT Professionals Day
- b) September 21, 2022, as International Day of Peace

**PROCLAIM**

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

4. Consideration of a Resolution Approving Amendment No. 1 to the [22-0386](#)

Agreement with WestMed Ambulance, Inc., dba McCormick Ambulance, for Emergency Ambulance Transport Services (Fire Chief Lang).

**ADOPT RESOLUTION NO. 22-0128**

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

5. Consideration of a Resolution to Install Stop Signs on Pacific Avenue at [22-0335](#)

18th Street as Recommended by the Parking and Public Improvements Commission (Community Development Director Tai).

**ADOPT RESOLUTION NO. 22-0133**

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

6. Consideration of a Purchase of Programmable Logic Controllers for [22-0293](#)

Various City Water Facilities from Control Automation Design, Inc. in the Amount of \$81,694.30 (Public Works Director Lee).

**A) WAIVE FORMAL BIDDING**

**B) APPROVE**

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

7. Consideration of Accepting as Complete Work Performed by Asplundh Construction, LLC, Regarding the Underground Utility Assessment District 4 Project (Public Works Director Lee).

[22-0358](#)

**A) ACCEPT**

**B) AUTHORIZE**

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

**I. ITEMS REMOVED FROM THE CONSENT CALENDAR**

None.

## J. PUBLIC HEARINGS

8. Conduct Public Hearing Regarding the Impasse Between the City of Manhattan Beach and the Manhattan Beach Firefighters' Association (Human Resources Director Jenkins).

[22-0401](#)

(Estimated Time: 1 Hr.)

### DISCUSS AND PROVIDE DIRECTION

City Manager Bruce Moe provided a brief introduction to the item.

Liebert Cassidy and Whitmore Attorney Peter Brown provided the presentation on behalf of the City of Manhattan Beach as the City's labor negotiator.

Rains Lucia Stern Attorney, Robert Wexler provided the PowerPoint presentation on behalf of the Manhattan Beach Fire Association as the labor group's negotiator.

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

Rudy Mejia  
Palmer  
Dave Shenbaum  
Patrick Jacobson  
Peter Heck  
Bailey Falls  
Chris Maloney  
Mark Burton  
Rita Crabtree-Kampe  
Wil Arvizo

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

Human Resources Director Lisa Jenkins, Attorney Wexler, Attorney Brown, Fire Chief Michael Lang, and City Manager Moe responded to City Council questions.

**Motion by Councilmember Hadley, seconded by Mayor Pro Tem Montgomery, to adopt Resolution No. 22-0126, implementing the terms of its Last, Best and Final Offer to the Manhattan Beach Firefighters' Association. The motion carried by the following vote:**

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



At 8:48 PM, the City Council recessed and reconvened at 9:01 PM with all City Councilmembers present.

## K. GENERAL BUSINESS

9. Discussion of Restaurant Dining Occupancy Limits and Continuation of Temporary Encroachment Permits for Street Dining and Business Uses and Outdoor Facilities Permits for Outdoor Uses on Private Property Issued Under COVID-19 Emergency Orders (Community Development Director Tai). [22-0318](#)

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

### **DISCUSS AND PROVIDE DIRECTION**

Community Development Director Carrie Tai provided a brief introduction to the Agenda Item.

City Traffic Engineer Erik Zandvliet provided the staff presentation.

City Traffic Engineer Zandvliet, Community Development Director Tai, and City Manager Bruce Moe responded to City Council questions.

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

Jim Burton  
Michael Zislis  
Dario Vullo  
Mike Simms  
Jill Lamkin  
Neil Leventhal  
Zac Dean

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

Finance Director Steve Charelian, Community Development Director Tai, and City Manager Moe responded to City Council questions.

At 10:29 PM, Mayor Napolitano requested a motion to extend the meeting.

**A motion was made by Mayor Pro Tem Montgomery, seconded by Councilmember Hadley, to extend the meeting past 10:30 PM. The motion carried by the following vote:**

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

**Motion by Mayor Pro Tem Montgomery, to keep outdoor dining up until December 31, 2022. Motion failed for lack of second.**

**A motion was made by Mayor Napolitano, seconded by Councilmember Franklin, for staff to return in four-months or sooner if the Governor ends the COVID-19 state of emergency. The motion carried by the following vote:**

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

10. Consideration of Resolutions Approving Four Three-Year Professional Service Agreements with Melad and Associates Inc., VCA Code, JAS Pacific and Transtech Engineers Inc. for Building and Fire Services (Amount Expended Determined by Services Provided) (Community Development Director Tai).  
(Estimated Time: 10 Mins.)  
**ADOPT RESOLUTION NOS. 22-0129, 22-0130, 22-0131, AND 22-0132**

[22-0292](#)

Building Official Ryan Heise responded to City Council questions.

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

Michael Zislis  
Mike Simms  
Chandra  
Dario Vullo

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

Building Official Heise and Community Development Director Carrie Tai responded to City Council questions.

A motion was made by Councilmember Hadley, seconded by Mayor Pro Tem Montgomery, to adopt the following: Resolution No. 22-0129 approving an agreement between the City of Manhattan Beach and Melad and Associates, for building plan check, building inspection, and fire plan check services; Resolution No. 22-0130 approving an agreement between the City of Manhattan Beach and the Code Group, DBA VCA Code for building plan check, building inspection, and fire plan check services; Resolution No. 22-0131 approving an agreement between the City of Manhattan Beach and the Jason Addison Smith Consulting Services, Inc. DBA Jas Pacific for building plan check, building inspection, and fire plan check services; and Resolution No. 22-0132 approving an agreement between the City of Manhattan Beach and Transtech Engineers, Inc. for building plan check, building inspection, and fire plan check services. The motion carried by the following vote:

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

11. Consideration of a Resolution in Support of Measure V on the November 8, 2022 General Municipal Election Ballot Readopting the City's Commercial Cannabis Prohibition, and Against Cannabis Industry Measure MB on the Election Ballot (City Manager Moe). [22-0258](#)

(Estimated Time: 10 Min.)

**DISCUSS AND CONSIDER TAKING ACTION**

At the recommendation of the City Attorney, 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. Mayor Pro Tem Montgomery left the meeting at 10:54 PM.

Policy and Management Analyst Alexandria Latragna provided the staff presentation.

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

Rita Crabtree-Kampe  
Heather Kim

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

City Attorney Quinn Barrow clarified that staff would return at the next City Council meeting with a report providing information regarding the two Measures.

**A motion was made by Councilmember Hadley, seconded by Councilmember Franklin, to adopt Resolution No. 22-0135 in support of Measure V on the November 8, 2022, General Municipal Election ballot readopting the City's commercial cannabis prohibition, and against cannabis industry Measure MB on the election ballot. The motion carried by the following vote:**

**Aye:** 4 - Napolitano, Franklin, Hadley and Stern

**Abstain:** 1 - Montgomery

At 11:00 PM, Mayor Pro Tem Montgomery returned to the meeting.

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

Mayor Pro Tem Montgomery and Mayor Napolitano attended the League Cities Conference, Annual Conference and Expo, from September 7 - 9, 2022, in Long Beach, California.

**M. FUTURE AGENDA ITEMS**

Councilmember Hadley requested to agendize a discussion of an ordinance that incorporates provisions of Santa Monica's ordinance that prohibits sitting and lying in entrances to certain buildings, Councilmember Franklin concurred.

Councilmember Hadley requested staff to include a California Environmental Quality Act (CEQA) review within the City's ongoing analysis of the Coyote Management Plan, Councilmember Franklin concurred.

Councilmember Stern requested for City Council to reschedule the October 4, 2022, meeting to Thursday, October 6, 2022, in observance of the Yom Kippur holiday, City Council concurred.

Councilmember Stern requested to agendize a discussion of the International Holocaust Remembrance Alliance's (IHRA) Definition of Antisemitism and steps the City could take to address the topic, Mayor Pro Tem Montgomery, Mayor Napolitano, and Councilmember Hadley concurred.

City Manager Moe and City Attorney provided clarification.

**N. CITY MANAGER REPORT**

None.

**O. CITY ATTORNEY REPORT**

None.

## P. INFORMATIONAL ITEMS

12. Agenda Forecast (City Clerk Tamura). [22-0121](#)  
**INFORMATION ITEM ONLY**

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

13. Commission Minutes: [22-0392](#)

This Item Contains Minutes of the Following Finance Subcommittee Meeting and City Commission Meetings:

- a) Parking and Public Improvements Commission Meeting Minutes of April 28, 2022 (Community Development Director Tai)
- b) Cultural Arts Commission Meeting Minutes of May 16, 2022 (Parks and Recreation Director Leyman)
- c) Parks and Recreation Commission Meeting Minutes of May 23, 2022 (Parks and Recreation Director Leyman)
- d) Planning Commission Meeting Minutes of June 8, 2022 (Community Development Director Tai)
- e) Library Commission Meeting Minutes of June 13, 2022 (Parks and Recreation Director Leyman)
- f) Cultural Arts Commission Meeting Minutes of June 20, 2022 (Parks and Recreation Director Leyman)
- g) Parks and Recreation Commission Meeting Minutes of June 27, 2022 (Parks and Recreation Director Leyman)
- h) Library Commission Meeting Minutes of July 11, 2022 (Parks and Recreation Director Leyman)
- i) Planning Commission Meeting Minutes of July 13, 2022 (Cancelled) (Community Development Director Tai)
- j) Cultural Arts Commission Meeting Minutes of July 18, 2022 (Parks and Recreation Director Leyman)
- k) Parks and Recreation Commission Meeting Minutes of July 25, 2022 (Parks and Recreation Director Leyman)
- l) Planning Commission Meeting Minutes of July 27, 2022 (Cancelled) (Community Development Director Tai)
- m) Parking and Public Improvements Commission Meeting Minutes of July 28, 2022 (Community Development Director Tai)
- n) Finance Subcommittee Meeting Minutes of August 23, 2022 (Finance Director Charelian).

**INFORMATION ITEM ONLY**

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

## Q. CLOSED SESSION

None.

**R. ADJOURNMENT**

At 11:08 PM, Mayor Napolitano adjourned the meeting.

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**Martha Alvarez**  
**Recording Secretary**

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**Steve Napolitano**  
**Mayor**

**ATTEST:**

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**Liza Tamura**  
**City Clerk**