CITY OF MANHATTAN BEACH
1400 Highland Avenue Manhattan Beach, CA 90266
www.manhattanbeach.gov • (310) 802-5000

AGENDA

City Council Special Meeting

Tuesday, December 6, 2022
4:30 PM
Zoom

ELECTED OFFICIALS

Mayor Steve Napolitano
Mayor Pro Tem Richard Montgomery
Councilmember Joe Franklin
Councilmember Suzanne Hadley
Councilmember Hildy Stern
City Treasurer Tim Lilligren

EXECUTIVE TEAM

City Manager Bruce Moe
City Attorney Quinn Barrow

City Clerk Liza Tamura
Community Development Director Carrie Tai
Finance Director Steve Charelian
Fire Chief Michael Lang
Human Resources Director Lisa Jenkins
Information Technology Director Terry Hackelman
Parks and Recreation Director Mark Leyman
Police Chief Rachel Johnson
Public Works Director Erick Lee

MISSION STATEMENT:

Our mission is to provide excellent municipal services,
preserve our small beach town character, and enhance the quality of life for our
residents, businesses and visitors.

CALL AND NOTICE OF A SPECIAL CITY COUNCIL MEETING

TO MANHATTAN BEACH CITY COUNCILMEMBERS:

NOTICE IS HEREBY GIVEN that the Mayor has called a Special Meeting of the City Council of the City of Manhattan Beach, California, to be held virtually via Zoom, at 4:30 PM on Tuesday, December 6, 2022. The agenda for the meeting is set forth below. Pursuant to the California Brown Act, no other business shall be considered or discussed.

Please note, that the City Council will provide an opportunity for members of the public to directly address the City Council concerning the item described in this notice before the City Council considers that item.

/s/ Steve Napolitano
Steve Napolitano, Mayor

/s/ Liza Tamura
Liza Tamura, City Clerk

In compliance with the Americans With Disabilities Act, if you need special assistance to participate in this meeting, you should contact the Office of the City Clerk at (310) 802-5056 (voice) or (310) 546-3501 (TDD). Notification 36 hours prior to the meeting will enable the City to make reasonable arrangements to assure accessibility to this meeting. The City also provides closed captioning of all its Regular City Council Meetings for the hearing impaired.

CERTIFICATION OF MEETING NOTICE AND AGENDA POSTING

I, Liza Tamura, City Clerk of the City of Manhattan Beach, California, state under penalty of perjury that this notice/agenda was posted on Friday, December 2, 2022, on the City's Website and on the bulletin boards of City Hall, Joslyn Community Center and Manhattan Heights.

BELOW ARE THE AGENDA ITEMS TO BE CONSIDERED.

A. CALL MEETING TO ORDER

B. PLEDGE TO THE FLAG

C. ROLL CALL

D. PUBLIC COMMENTS (3 MINUTES PER PERSON)

Please note that members of the public will be provided the opportunity to directly address the City Council concerning the item(s) described below before the City Council considers such item(s). No other business shall be considered.

The City continues to offer an opportunity to participate in Council meetings via Zoom. The City Council encourages the public to participate by submitting comments in advance of the meeting, no later than 4:00 PM, December 6, 2022 (the day of the meeting), via:

1) eComment at http://www.manhattanbeach.gov/ecomment or
2) Email to cityclerk@manhattanbeach.gov or
3) Telephone Message Recorded at (310) 802-5030

All of your comments provided by the deadlines above will be available to the City Council and the public prior to the meeting.

ZOOM PUBLIC PARTICIPATION

If you wish to speak on any item on the agenda, please register in advance by clicking the following link: https://citymb.seamlessdocs.com/f/publiccomment, even when submitting this request you will need to use the "raise hand" feature via Zoom during the presentation of that Agenda Item in order to confirm with the City Clerk's Office that you wish to provide comments.

1) Join Zoom Meeting via the internet:

Direct URL: https://citymb-info.zoom.us/j/93376200363, Meeting ID: 933 7620 0363

During the meeting you will need to use the "raise hand" button through Zoom at the time the Agenda Item is being presented for City Council consideration.

2) Join Zoom Meeting via Phone Conference (Voice Only):

Phone Number: (669) 900-6833, Meeting ID: 933 7620 0363

*During the meeting you will need to enter *9 on the phone's dial pad at to activate the "raise hand" button at the time the Agenda Item is being presented for City Council consideration.*

Please note, the City is not responsible for the public's use of Zoom as it relates to the software, configuration, and setting on a personal device. The public is encouraged to visit the Zoom website for information on use of this software. The City's use of Zoom is consistent with the platform features and functions as described on the Zoom website.

E. CLOSED SESSION

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

II. RECESS INTO CLOSED SESSION

III. RECONVENE INTO OPEN SESSION

IV. CLOSED SESSION ANNOUNCEMENT IN OPEN SESSION

F. ADJOURNMENT