

City of Manhattan Beach

*1400 Highland Avenue
Manhattan Beach, CA 90266*



Meeting Minutes - Draft

Tuesday, May 3, 2022

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

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:

www.manhattanbeach.gov/departments/city-clerk/city-council-meetings-agendas-and-minutes

A. CALL MEETING TO ORDER

Mayor Stern called the meeting to order.

B. PLEDGE TO THE FLAG

Mayor Stern led the Pledge of Allegiance.

C. ROLL CALL

Roll Call by City Clerk Liza Tamura.

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 Lauren Dover for her Efforts to Raise Money for Children's Hospital Los Angeles' Cancer Research. [22-0179](#)

(Estimated Time: 5 Min.)

PRESENT

Mayor Stern, on behalf of the City Council, presented a Certificate of Recognition to Lauren Dover for her efforts to raise money for Children's Hospital Los Angeles' cancer research.

2. Presentation of Certificates of Recognition to Manhattan Beach's Certified Green Businesses.

[22-0210](#)

(Estimated Time: 10 Min.)

PRESENT

Mayor Stern, on behalf of the City Council, along with Community Development Department, Environmental Sustainability Manager Dana Murray and Green Business Program Coordinator Lisa Ryder, presented the following businesses with a Certificate of Recognition for attaining certification as a Green Business as part of the California Green Business Network.

*3 Leaf Realty
Bar Au Chocolat
Bella Beach Kids
Fisker, Inc.
Harris & Associates
Kim Lewand Martin LLC
LixPets
LMarie'Sea Treasures
Lori J. Clark, O.D.
Manhattan Beach E-Bike Rentals
Nikau Kai
Nine 24 Kitchen
Tabula Rasa*

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

A motion was made by Councilmember Montgomery, seconded by Councilmember Franklin, to approve the agenda and waive full reading of ordinances. The motion carried by the following vote:

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

F. ADVANCED GENERAL BUSINESS ITEM(S)

3. Consideration of a South Bay Regional Housing Trust in Coordination with the South Bay Cities Council of Governments (City Manager Moe). [22-0211](#)
(Estimated Time: 45 Min.)

DISCUSS AND PROVIDE DIRECTION

City Manager Bruce Moe introduced Policy & Management Analyst Alexandria Latragna and Hermosa Beach City Councilmember Stacey Armato.

Policy & Management Analyst Latragna provided the Staff presentation.

Policy & Management Analyst Latragna and Hermosa Beach Councilmember Armato responded to City Council questions.

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

Lee Phillips

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

Hermosa Beach Councilmember Armato responded to City Council questions.

A motion was made by Mayor Stern, seconded by Councilmember Montgomery, to support the concept of the South Bay Regional Housing Trust and send a letter in support of it.

Hermosa Beach Councilmember Armato responded to City Council questions.

Mayor Stern withdrew her motion and provided direction that the agenda item would be continued to the May 17, 2022, City Council meeting.

Hermosa Beach Councilmember Armato responded to City Council questions.

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

President and CEO of the Manhattan Beach Chamber of Commerce David Archer announced the Young Entrepreneurs Academy graduation on May 4, 2022, at Manhattan Beach Middle School, at 5:00 PM; a ribbon cutting at All Rise Martial Arts on May 4, 2022, at 5:45 PM; the Chamber Power Hour on May 11, 2022, at Unita at 11:30 AM; and a ribbon cutting at Reborn Coffee on May 7, 2022, at 11:00 AM.

Co-Founder of Culture Club South Bay Justin Verbiest announced that they are seeking volunteers for their upcoming events. Volunteers can register at www.cultureclubsb.com/volunteer-sign-up.

Library Manager Josh Murray announced that May 3, 2022, was the last day to register to attend "Afternoon with an Author," occurring on May 13, 2022, from 2:00 PM-4:00 PM. RSVP's can be sent to traceywindes@gmail.com.

Heather announced that there were 59 days left to sign the petition to recall District Attorney George Gascon. Interested parties can sign the petition at recalldageorgegascon.com.

Mayor Stern announced an educational event regarding the Uyematsu Family and the recent history of the land where Mira Costa High School now stands. The event will be held at Mira Costa High School on May 15, 2022, from 10:00 AM-2:00 PM in the Mustang Mall.

Mayor Stern announced that May is Mental Health Awareness month and that the My Kindness Counts Initiative, the Beach Cities Health District, and the three beach cities have joined together to promote acts of kindness including a "Kindness Counts" poster campaign.

Councilmember Montgomery announced that May is Cystic Fibrosis month and that the annual Glow Ride fundraiser would be returning on August 27, 2022.

Councilmember Franklin provided his thanks to City staff, especially the Public Works staff that have been completing the slurry seal project and who worked to solve a recent transfer pump issue.

H. PUBLIC COMMENTS (3 MINUTES PER PERSON)

Assistant City Clerk Martha Alvarez provided that the City received the following public comments prior to the May 3, 2022, Regular City Council meeting:

*Agenda Item No. 1
1 eComment*

*Agenda Item No. 3
2 eComments*

*Agenda Item No. 14
1 email*

*Agenda Item No. 16
38 eComments
39 emails*

*Agenda Item No. 21
7 emails*

*Other Items Not on the Agenda
2 emails*

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

*Diane Wallace
Frank Angel
Fred Taylor
Sarah Strizzi
Jim Burton
Heather
Rudy Mejia
Madeline Kaplan
Diana Skaar
Laura Kiely
Michael Sinclair
Garret Nose
Brenda O'Leary
Karen Komatinsky
Susy Werre
Lee Phillips
Lucia La Rosa Ames
Dr. Pamela Davidson*

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

City Manager Bruce Moe announced that the plaque dedication for Bruce's Beach will not occur on Juneteenth and that the new date will be announced at a later time.

City Manager Moe introduced Public Works Director Erick Lee who spoke about the accomplishments of the City's Public Works staff during a sewer lift station incident that took place on April 22, 2022.

I. COVID-19

4. City Manager Update on COVID-19 Response.

City Manager Bruce Moe reported on the EOC (Emergency Operations Center).

The City Council provided direction to hold all of the City Council meetings for the month of May in a hybrid format with attendees participating either in-person or via Zoom.

J. CONSENT CALENDAR (APPROVE)

A motion was made by Councilmember Montgomery, seconded by Councilmember Hadley, to approve the Consent Calendar with Agenda Item No. 12 being removed to be heard under Section K – Items Removed from the Consent Calendar. The motion carried by the following vote:

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

5. Declaration of Proclamations for the Following:

[22-0189](#)

- a) May 4, 2022, as International Firefighters' Day
- b) May 1, 2022 - May 7, 2022, as Public Service Recognition Week
- c) May 1, 2022 - May 7, 2022, as Municipal Clerks Week
- d) May 15, 2022 - May 21, 2022, as National Police Week
- e) May 15, 2022 - May 21, 2022, as National Public Works Week
- f) Month of May as Building Safety Month
- g) Month of May as Older Americans Month
- h) Month of May as Asian American and Pacific Islander Heritage Month.

PROCLAIM

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

6. City Council Minutes:

[22-0190](#)

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

- a) City Council Adjourned Regular Meeting Minutes of April 18, 2022
- b) City Council Regular Meeting Minutes of April 19, 2022
- c) City Council Special Meeting Minutes of April 26, 2022
- d) City Council Adjourned Regular Meeting Minutes (Boards and Commissions Interviews) of April 26, 2022 (City Clerk Tamura).

APPROVE

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

7. Financial Reports: Schedule of Demands April 7, 2022, and April 14, 2022 (Finance Director Charelian). [22-0184](#)

ACCEPT REPORTS AND DEMANDS

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

8. 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). [22-0191](#)

ACCEPT STAFF RECOMMENDATION

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

9. Consideration of a Resolution Approving a Five-Year Agreement with Turbo Data Systems, Inc. for Citation Processing for an Estimated Amount of \$135,000 Annually (Finance Director Charelian). [22-0157](#)

A) WAIVE FORMAL BIDDING (COOPERATIVE PURCHASING)

B) ADOPT RESOLUTION NO. 22-0051

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

10. Consideration of a Resolution Approving Amendment No. 2 to the Design Services Agreement with Hazen and Sawyer, D.P.C. for \$81,633 for Additional Design Services for the Cycle 2 Water Infrastructure Improvement Project (Public Works Director Lee). [22-0153](#)

ADOPT RESOLUTION NO. 22-0060

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

11. Formally Accept as Complete the Block 35 Elevated Water Tank Painting Project; Authorize Filing a Notice of Completion with the Los Angeles County Recorder; and Release Retention for \$73,461.31 (Public Works Director Lee). [22-0197](#)

APPROVE

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

12. Consideration of a Resolution to Increase the City Manager's Authority to Approve Additional Work by Contractor All American Asphalt for the Slurry Seal Project Encompassing the Central Area of the Sand Section, if Necessary, by \$33,663 for a Total Amount of \$168,318 Resulting in a Total Not to Exceed Amount of \$841,593 (Public Works Director Lee). [22-0209](#)

ADOPT RESOLUTION NO. 22-0059

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

13. Consideration of a Resolution Nunc Pro Tunc Correcting a Clerical Error in Exhibit A to the Resolution Scheduling a Public Hearing to Consider Proposed Water Rate Increases (Public Works Director Lee) [22-0212](#)
ADOPT RESOLUTION NO. 22-0061

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

K. ITEMS REMOVED FROM THE CONSENT CALENDAR

12. Consideration of a Resolution to Increase the City Manager's Authority to Approve Additional Work by Contractor All American Asphalt for the Slurry Seal Project Encompassing the Central Area of the Sand Section, if Necessary, by \$33,663 for a Total Amount of \$168,318 Resulting in a Total Not to Exceed Amount of \$841,593 (Public Works Director Lee). [22-0209](#)
ADOPT RESOLUTION NO. 22-0059

Councilmember Montgomery provided that he pulled the item to have Public Works Director Erick Lee provide more information on how the item would affect the Downtown area, more specifically, dining decks.

Public Works Director Erick Lee provided background for the agenda item and responded to City Council questions.

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 Montgomery, seconded by Councilmember Franklin, to adopt Resolution No. 22-0059, authorizing the City Manager to approve additional work, if necessary, for the Slurry Seal Project encompassing the central area of the Sand Section (Area 7). The motion carried by the following vote:

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

At 8:20 PM, the City Council recessed and reconvened at 8:30 PM with all Councilmembers present.

L. PUBLIC HEARINGS

14. Conduct Public Hearing and Consider Adopting Resolutions Amending the City's Local Coastal Program To Include A New Coastal Hazards Chapter and Authorizing Staff to Submit a Local Coastal Program Amendment to the California Coastal Commission (Community Development Director Tai). [22-0147](#)

(Estimated Time: 45 Min.)

A) CONDUCT PUBLIC HEARING**B) ADOPT RESOLUTION NOS. 22-0062 AND 22-0063**

Community Development Director Carrie Tai introduced Environmental Sustainability Manager Dana Murray who provided the PowerPoint presentation.

Environmental Sustainability Manager Murray and Community Development Director Tai responded to City Council questions.

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

Craig Cadwallader

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

A motion was made by Councilmember Montgomery, seconded by Councilmember Franklin, to adopt Resolution No. 22-0062, adopting an amendment to the Local Coastal Program to include a new chapter titled Section VI Coastal Hazards; and adopt Resolution No. 22-0063, authorizing submission of Resolution No. 22-0062 to the California Coastal Commission to incorporate an amendment to the Local Coastal Program to include a new chapter titled Section VI Coastal Hazards. The motion carried by the following vote:

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

M. GENERAL BUSINESS

15. Annual Appointments to City Boards and Commissions and [22-0208](#)
Consideration of Extending the Application Period to Obtain Applicants
for the Parking and Public Improvements Business Community Seat No.
4 (City Clerk Tamura).
(Estimated Time: 30 Min.)

APPOINT AND PROVIDE DIRECTION

City Clerk Liza Tamura introduced the item and Management Services, Deputy City Clerk Patricia Matson led the Boards and Commissions appointment process.

The following appointments were unanimously approved:

Parks and Recreation Commission:

Seat No. 1 (Member-At-Large): Russ Allen

Seat No. 6 (Member-At-Large): Tracey Windes

Seat No. 7 (Student Representative): Race Serota

Library Commission:

Seat No. 1 (Member-At-Large): Stefanie Bond

Seat No. 2 (Member-At-Large): Diane Levitt

Seat No. 3 (Member-At-Large): Sadie Newell

Seat No. 6 (Student Representative): Emma Darrow

Cultural Arts Commission:

Seat No. 2 (Member-At-Large): Suzanne Karger

Seat No. 6 (Student Representative): Riya Attam

Los Angeles County West Vector Control Board:

Member-At-Large: Jake Dupree

Deputy City Clerk Matson clarified that the appointee to the Los Angeles County West Vector Control Board would fulfill the remainder of the term left vacant by John Frazee until December 31, 2022, and would then proceed to fulfill their own two-year term beginning on January 1, 2023.

Deputy City Clerk Matson and City Attorney Quinn Barrow responded to City Council questions.

The City Council provided direction to extend the application period for the Parking and Public Improvements Business Community Seat No. 4 until June 9, 2022, at 5:30 PM, and appoint an applicant at the June 21, 2022, City Council Meeting.

16. Consideration of a Resolution Approving a Memorandum of Understanding between the City of Manhattan Beach and Manhattan Beach Unified School District (MBUSD) Concerning the Administration of the "MB Citizens for School Measure Parcel Tax" (City Manager Moe).

[22-0218](#)

(Estimated Time: 30 Min.)

CONSIDER ADOPTING RESOLUTION NO. 22-0064

City Manager Bruce Moe introduced Assistant to the City Manager George Gabriel who provided the Staff presentation.

City Attorney Quinn Barrow, Finance Director Steve Charelian, Assistant to the City Manager Gabriel, and Counsel to the Manhattan Beach Unified School District, Attorney Seth Eckstein, responded to City Council questions.

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

*Will Arvizo
Wysh Weinstein
Tiffany Wright
Debbie Van Ness
MBch Parent (10:18 pm)
Lee Phillips
Carrie Wetsch
Isabella Kim
Hilary Mahan
Garret Nose*

At 10:30 PM, Mayor Stern requested a motion to extend the meeting past 11:00 PM. She stated that the City Council would continue Agenda Item No. 18 to the May 10, 2022, Budget Study Session and Agenda Item No. 19 to the May 17, 2022, Regular City Council Meeting.

City Manager Moe provided that Agenda Item No. 19 would be placed on the Consent Calendar and that the City Council could pull it if there were additional questions.

Councilmember Montgomery stated that Agenda Item No. 21 could be moved to a future date.

City Manager Moe provided that they would place Agenda Item No. 21 on the June 21, 2022, Regular City Council Meeting.

A motion was made by Councilmember Montgomery, seconded by Councilmember Hadley, to extend the meeting to 11:30 PM. The motion carried by the following vote:

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

Public comments for Agenda Item No. 16 continued with the following individual(s):

Tina Shivpuri

Alita Rethmeyer

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

City Manager Moe and City Attorney Barrow responded to City Council questions.

A motion was made by Councilmember Montgomery, seconded by Mayor Stern, to adopt Resolution No. 22-0064, approving a Memorandum of Understanding between the City of Manhattan Beach and the Manhattan Beach Unified School District for administration of the "MB Citizens for School Measure Parcel Tax." The motion carried by the following vote:

Aye: 3 - Stern, Napolitano and Montgomery

Nay: 2 - Franklin and Hadley

17. Consideration of a California Elections Code Section 9212 Report on Impact to the City of a Citizen-Initiated Ballot Measure to Repeal the City's Existing Prohibition of Commercial Cannabis Activity and Allow Three Cannabis Retail Stores in the City (City Manager Moe).

[22-0204](#)

(Estimated Time: 1 Hr.)

A) RECEIVE REPORT

B) SELECT ONE OF THE TWO FOLLOWING OPTIONS:

1. **ADOPT THE INITIATIVE ORDINANCE WITHOUT CHANGE**
2. **CALL THE ELECTION AND PLACE THE INITIATIVE ON THE BALLOT WITH THE REGULAR GENERAL MUNICIPAL ELECTION ON NOVEMBER 8, 2022**

C) DISCUSS AND PROVIDE DIRECTION

Councilmember Montgomery announced that he had a financial interest in the cannabis industry and thus would recuse himself from participating in the agenda item.

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

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

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

Ali Steward

City Attorney Barrow responded to City Council questions.

Public comments for Agenda Item No. 17 continued with the following individual(s):

Heather

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

City Attorney Barrow responded to City Council questions.

A motion was made by Councilmember Hadley, seconded by Councilmember Franklin, to adopt Resolution No. 22-0048, calling for the holding of a General Municipal Election to be held on Tuesday, November 8, 2022, to submit to the voters a measure to (1) repeal the City's existing prohibition of all commercial cannabis activity (2) allow three cannabis retailers within Manhattan Beach (3) allow the City Council discretion to legalize other cannabis uses, and (4) impose operational, design, and location requirements on such businesses; and directing the City Attorney to prepare an impartial analysis. The motion carried by the following vote:

Aye: 4 - Stern, Napolitano, Franklin and Hadley

Abstain: 1 - Montgomery

City Attorney Barrow provided that the City Council would need to adopt Resolution No. 22-0049 requesting to consolidate the Election with Los Angeles County and the Statewide General Election.

A motion was made by Councilmember Hadley, seconded by Mayor Stern, to adopt Resolution No. 22-0049, requesting the Los Angeles County Board of Supervisors to consolidate a General Municipal Election to be held on November 8, 2022, with the Statewide General Election to be held on the date pursuant to California Elections Code Section 10403. The motion carried by the following vote:

Aye: 4 - Stern, Napolitano, Franklin and Hadley

Abstain: 1 - Montgomery

City Attorney Barrow responded to City Council questions.

A motion was made by Mayor Pro Tem Napolitano, seconded by Councilmember Franklin, to direct staff and the City Attorney to draft a counter initiative to present to the voters that would reaffirm the ordinances previously adopted by the City Council that prohibit the retail sale of cannabis. The motion carried by the following vote:

Aye: 4 - Stern, Napolitano, Franklin and Hadley

Abstain: 1 - Montgomery

A motion was made by Mayor Pro Tem Napolitano to direct the City Attorney to draft an alternative counter initiative that would set a tax rate for 25% and would regulate cannabis and the City's authority to the extent possible if the citizens' initiative passes.

City Attorney Barrow responded to City Council questions.

A motion was made by Mayor Stern, seconded by Councilmember Hadley, to direct staff and the City Attorney to draft an additional initiative measure establishing regulations and a tax up to 25% for retail cannabis if voters approve the citizen-initiated ballot measure regarding cannabis. The motion carried by the following vote:

Aye: 4 - Stern, Napolitano, Franklin and Hadley

Abstain: 1 - Montgomery

City Attorney Barrow provided clarification that he will provide more information on the different types of taxes at a future meeting.

- 18.** Presentation of the Fiscal Year 2022-2023 Proposed Operating Budget and Updated Financial Policies (Finance Director Charelian).

[22-0215](#)

(Estimated Time: 45 Min.)

DISCUSS AND PROVIDE DIRECTION

This item was continued to the May 10, 2022, City Council Adjourned Regular Meeting - Budget Study Session.

19. Quarterly Update on the City's Homelessness Initiatives (City Manager Moe). [22-0089](#)
(Estimated Time: 30 Min.)
RECEIVE AND FILE

This item was continued to the May 17, 2022, Regular City Council Meeting and will be placed under the Consent Calendar.

N. CITY COUNCIL REQUESTS AND REPORTS INCLUDING AB 1234 REPORTS

20. **City Council AB 1234 Reports.**

None.

21. Consider Request by Councilmember Montgomery and Mayor Stern to Discuss Street Sweeping Restrictions on Rowell Avenue and Meadows Avenue (City Manager Moe). [22-0217](#)
(Estimated Time: 15 Min.)
DISCUSS AND PROVIDE DIRECTION

This item was continued to the June 21, 2022, Regular City Council Meeting.

O. FUTURE AGENDA ITEMS

None.

P. CITY MANAGER REPORT

City Manager Moe introduced Public Works Director Erick Lee who provided an update on the Metropolitan Water District's water restrictions.

Q. CITY ATTORNEY REPORT

None.

R. INFORMATIONAL ITEMS

22. Agenda Forecast (City Clerk Tamura). [22-0192](#)
INFORMATION ITEM ONLY

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

S. CLOSED SESSION

None.

T. ADJOURNMENT

At 11:30 PM, Mayor Stern adjourned the meeting to the 6:00 PM Budget Study Session on May 10, 2022.

Patricia Matson
Recording Secretary

Hildy Stern
Mayor

ATTEST:

Liza Tamura
City Clerk