

City of Manhattan Beach

*1400 Highland Avenue
Manhattan Beach, CA 90266*



Meeting Minutes - Draft

Tuesday, August 24, 2021

6:00 PM

Regular Meeting

Zoom Meeting

City Council Regular Meeting

ELECTED OFFICIALS

Mayor Suzanne Hadley

Mayor Pro Tem Hildy Stern

Councilmember Steve Napolitano

Councilmember Richard Montgomery

Councilmember Joe Franklin

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.citymb.info/departments/city-clerk/city-council-meetings-agendas-and-minutes

A. CALL MEETING TO ORDER

Mayor Hadley called the meeting to order.

B. PLEDGE TO THE FLAG

Mayor Hadley led the Pledge of Allegiance.

C. ROLL CALL

Present: 5 - Mayor Hadley, Mayor Pro Tem Stern, Councilmember Napolitano, Councilmember Montgomery and Councilmember Franklin

D. CEREMONIAL CALENDAR

1. Presentation of a Certificate of Recognition to Hunter Williams, CEO of Brushed and Finalist at the Young Entrepreneurs Academy 13th Annual Saunders Scholars National Competition.

[21-0247](#)

PRESENT

Mayor Hadley, on behalf of the City Council, presented a certificate of recognition to Hunter Williams as CEO of Brushed and finalist at the Young Entrepreneurs Academy 13th Annual Saunders Scholars National Competition.

Mayor Hadley stated that the Chamber of Commerce is currently accepting applications for the new class of the Young Entrepreneurs Academy which starts in October.

2. Presentation of Certificates of Recognition to the Following Mira Costa High School Sports Teams for Winning Several Championships in the 2020-2021 School Year: Girls Beach Volleyball - Interscholastic Beach Volleyball League (IBVL) Championship and State Championship; Boys Soccer - CIF Division 1 Southern Section Championship and Southern California Regional Championship; and Boys Volleyball - CIF Division 1 Southern Section Championship and Southern California Regional Championship.

[21-0053](#)

PRESENT

Mayor Hadley, on behalf of the City Council, presented certificates of recognition to the following Mira Costa High School sports teams for winning several championships in the 2020-2021 school year: Girls Beach Volleyball - Interscholastic Beach Volleyball League (IBVL) Championship and State Championship; Boys Soccer - CIF Division 1 Southern Section Championship and Southern California Regional Championship; and Boys Volleyball - CIF Division 1 Southern Section Championship and Southern California Regional Championship

3. Presentation of Certificates of Recognition to the Members of MB CERT for Being Awarded "Volunteer of the Year" by the LA County Board of Supervisors.

[21-0188](#)

PRESENT

Mayor Hadley, on behalf of the City Council, presented certificates of recognition to the Members of MB CERT for Being Awarded "Volunteer of the Year" by the LA County Board of Supervisors and for their support of the community during the COVID-19 pandemic. MB CERT member, Vesta Sung and MB CERT Program Manager, Frank Chiella, accepted the certificates on the organization's behalf.

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

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

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

F. PUBLIC COMMENTS (3 MINUTES PER PERSON)

Mayor Hadley thanked Parks and Recreation for their efforts in making the AVP Manhattan Beach Open event a success. She congratulated the winners: Men's Fourth Seed - Tri Bourne and Trevor Crabb and Women's Top Seed - April Ross and Alix Klineman who also won Olympic gold at the Tokyo 2020 Olympics.

Mayor Hadley provided voting information regarding the September 14, 2021 Gubernatorial Recall Election and encouraged voters to vote.

Management Services, Senior Deputy City Clerk Martha Alvarez confirmed that the City received the following public comments prior to the start of the August 24, 2021, City Council Regular Meeting:

*Agenda Item No. 5
2 emails*

*Agenda Item No. 10
1 eComment*

*Agenda Item No. 13
12 emails
3 eComments*

*Agenda Item No. 14
1 email*

*Agenda Item No. 15
6 emails
9 eComments*

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

*Josh Murray
Fred Taylor
Kelly Stroman
John Altamura
Susan Bales*

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

Councilmember Montgomery provided that residents should contact Southern California Edison and the Public Utilities Commission at outreach@cpuc.ca.gov or (855) 421-0400 regarding electricity rate increases.

UPDATES AND PRESENTATIONS:**4. Housing Element Introduction (Community Development Director Tai).**

Community Development Director Carrie Tai introduced Community Development, Planning Manager Talyn Mirzakhanian who provided a PowerPoint presentation regarding the housing element update effort.

Planning Manager Mirzakhanian stated that the first stakeholders workshop is on August 31, 2021 and responded to City Council questions.

City Manager Moe provided information regarding the delay of the project.

G. COVID-19**5. City Manager Report on EOC (Emergency Operations Center) and Update on COVID-19 Response.**

City Manager Bruce Moe reported on the EOC (Emergency Operations Center) and sought direction on how the City Council would like to hold the September 9, 2021 City Council meeting.

The City Council unanimously provided direction that the Thursday, September 9, 2021 City Council Meeting would be held via Zoom.

H. CONSENT CALENDAR (APPROVE)

A motion was made by Councilmember Napolitano, seconded by Councilmember Montgomery, to approve the Consent Calendar with Councilmember Napolitano registering a "No" vote on Agenda Item No. 10: the second reading and adoption of an ordinance amending Manhattan Beach Municipal Code Chapter 9.60 Banners in the Public Right-of-Way and the approval of the amended Banner Policy. The motion carried by the following vote:

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

6. City Council Minutes:[21-0196](#)

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

a) City Council Adjourned Regular Meeting Minutes of August 3, 2021

b) City Council Regular Meeting Minutes of August 3, 2021

(City Clerk Tamura).

APPROVE

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

7. Financial Reports: [21-0255](#)
Schedule of Demands for July 22, 2021, and July 29, 2021 (Finance Director Charelian).

ACCEPT REPORT AND DEMANDS

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

8. Consideration of a Resolution Approving an Amendment to the Existing Agreement with Richards, Watson & Gershon to Increase the Monthly Retainer, Increase Billing Rates on Certain Matters, and Establish a Cost-of-Living Adjustment Procedure (City Manager Moe). [21-0265](#)

ADOPT RESOLUTION NO. 21-0074

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

9. Consideration of a Resolution Awarding RFP No. 1254-21 to Sea Clear Pools Inc. for a Three-Year Contract for Pool Maintenance and Repair Services in an Amount Not-to-Exceed \$30,000 Annually (Parks and Recreation Director Leyman). [21-0231](#)

ADOPT RESOLUTION NO. 21-0069

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

10. Second Reading and Adoption of an Ordinance Amending Manhattan Beach Municipal Code Chapter 9.60 Banners in the Public Right-of-Way and Approval of Amended Banner Policy (Parks and Recreation Director Leyman). [21-0253](#)

a) ADOPT ORDINANCE NO. 21-0007

b) APPROVE AMENDMENTS TO BANNER POLICY

The recommendation for this item was approved on the Consent Calendar with Councilmember Napolitano registering a "No" vote.

11. Consideration of a Resolution Approving a Professional Services Agreement with KOA Corporation for Engineering Design Services in the Amount of \$178,687 for the Marine Avenue at Cedar Avenue Traffic Signal and Intersection Improvements Project, and Authorizing the City Manager to Execute the Professional Services Agreement (Public Works Director Lee). [21-0228](#)

ADOPT RESOLUTION NO. 21-0071

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

12. Consideration of a Resolution Approving a Professional Services Agreement with Iteris, Inc. for Engineering Design Services in the Amount of \$89,775 for the Four Crosswalk Improvements Along Valley Drive and Ardmore Avenue Near Live Oak Park Project; Authorize the City Manager to Execute the Agreement (Public Works Director Lee). [21-0227](#)
APPROVE RESOLUTION NO. 21-0072

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

I. ITEMS REMOVED FROM THE CONSENT CALENDAR

None.

J. PUBLIC HEARINGS

None.

K. GENERAL BUSINESS

13. Outdoor Dining and Business Use in the Public Right-of-Way: [21-0246](#)
- a) Consideration of an Extension of the September 7, 2021 Expiration Date for Temporary Encroachment Permits Issued Under COVID-19 Emergency Orders;
 - b) Discussion of Fees Pertaining to Use of Public Right-of-Way for Street Dining and Business Use Authorized Under COVID-19 Emergency Orders;
 - c) Discussion of a Work Plan Item to Consider Possible Long-Term Use of the Public Right-of-Way for Outdoor Dining and Business Use (Community Development Director Tai).

DISCUSS AND PROVIDE DIRECTION

City Manager Bruce Moe introduced the item and responded to City Council questions.

Councilmember Napolitano proposed adding Agenda Item No.13 c) to the City's Work Plan which would include the consideration of possible long-term use of the public right-of-way for outdoor dining and business use.

City Attorney Quinn Barrow, City Manager Moe, and Community Development Director Carrie Tai responded to City Council questions.

Mayor Hadley opened the floor to public comments for Agenda Item No. 13 c) discussion of a work plan item to consider possible long-term use of the public right-of-way for outdoor dining and business use. The following individual(s) spoke:

*Donald McPherson
Michael Zislis
Kathleen Smith
John Altamura
Mike Simms
Jim Burton
Martha Andreani
Ron Newman
Alexandra Smith*

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

A motion was made by Councilmember Napolitano, seconded by Councilmember Montgomery, to add the consideration of Citywide long-term use of the public right-of-way for outdoor dining and business use to the City's Work Plan. The motion carried by the following vote:

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

Community Development Director Tai introduced Community Development, City Traffic Engineer Erik Zandvliet who provided the PowerPoint presentation for Agenda Item No. 13 a).

City Traffic Engineer Zandvliet and Community Development Director Tai responded to City Council questions.

Mayor Hadley opened the floor to public comments for Agenda Item No. 13 a) consideration of an extension of the September 7, 2021 expiration date for temporary encroachment permits issued under COVID-19 Emergency Orders. The following individual(s) spoke:

Martha Andreani
Susan Bales
Mike Simms

Downtown Business and Professional Association Executive Director Jill Lamkin responded to City Council questions.

Public comments continued with the following individual(s):

Michael Monaghan
Ron Newman
Kelly Stroman

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

A motion was made by Mayor Hadley to extend the temporary outdoor dining decks until March 1, 2022. The motion failed for lack of a second.

A motion was made by Councilmember Napolitano, seconded by Councilmember Montgomery, to extend outdoor dining permits until January 3, 2022 and to reassess any extensions no later than the first meeting in December. The motion carried by the following vote:

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

City Attorney Quinn Barrow clarified the motion.

At 9:00 PM the City Council recessed and reconvened at 9:11 PM with all Councilmembers present.

Community Development Director Tai provided that City Traffic Engineer Zandvliet would continue the PowerPoint presentation for Agenda Item No. 13 b).

City Traffic Engineer Zandvliet and City Attorney Barrow responded to City Council questions.

Mayor Hadley opened the floor to public comments for Agenda Item No. 13 b) discussion of fees pertaining to use of public right-of-way for street dining and business use authorized under COVID-19 Emergency Orders. The following individual(s) spoke:

*Felicia Villarreal
Mike Simms*

City Traffic Engineer Zandvliet responded to City Council questions.

Public comments continued with the following individual(s):

*Andrew Goldstein
Mike Simms*

City Traffic Engineer Zandvliet responded to Mike Simms' and City Council questions.

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

A motion was made by Councilmember Franklin to not charge a monthly fee for the use of public right-of-way for street dining and business use until January 3, 2022. The motion failed for lack of a second.

Finance Director Steve Charelian responded to City Council questions.

Mayor Hadley made a motion to charge a fee of \$1.00 per square foot pertaining to use of public right-of-way for street dining and business use. The motion failed for lack of a second.

Community Development Director Tai provided clarification on the fees for public right-of way usage as they are presented in the Resolution of Fees.

A motion was made by Mayor Hadley, seconded by Councilmember Franklin, to not charge any fees pertaining to use of public right-of-way for street dining and business use authorized under COVID-19 Emergency Orders as long as the State of Emergency exists and the City Attorney maintains that it is not a gift of public funds. The motion failed by the following vote:

Aye: 2 - Hadley and Franklin

Nay: 3 - Stern, Napolitano and Montgomery

A motion was made by Councilmember Montgomery, seconded by Councilmember Napolitano, to charge a fee of \$1.00 per square foot pertaining to the use of the public right-of-way for street dining and business use authorized under COVID-19 Emergency Orders.

Finance Director Charelian provided clarification regarding the fees the businesses would pay.

Councilmember Montgomery clarified his motion and stated that it would be to charge a fee of \$1.00 per square foot per month pertaining to the use of the public right-of-way for street dining and business use authorized under COVID-19 Emergency Orders.

Finance Director Charelian, City Traffic Engineer Zandvliet, and Community Development Director Tai responded to City Council questions.

Councilmember Montgomery restated his motion, seconded by Councilmember Napolitano, to charge a fee of \$1.00 per square foot per month pertaining to the use of the public right-of-way for street dining and business use authorized under COVID-19 Emergency Orders.

Mayor Hadley inquired if Councilmember Montgomery would consider waiving the 100% occupancy limit between indoor and outdoor dining.

City Attorney Barrow stated that due to ABC requirements, that request might not be a possibility and that it should be discussed at a future meeting if the City Council would like to pursue it further.

Community Development Director Tai responded to City Council questions.

Councilmember Montgomery, as the maker of the motion, stated that he would agree to a continuance of the discussion.

Per City Council direction, City Manager Moe provided that Staff would look into options, engage with the stakeholders, and return to the City Council with a metric to calculate a nominal but reasonable fee

14. Consideration of Alternatives Related to Constructing a Temporary Fire Station as Part of the Fire Station No. 2 Replacement Project (Public Works Director Lee).

[21-0241](#)

DISCUSS AND PROVIDE DIRECTION

Public Works Director Erick Lee introduced Public Works, Senior Civil Engineer Mo Estepa, who gave the PowerPoint presentation.

Fire Chief Lang responded to City Council questions.

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

George Cohn

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

A motion was made by Councilmember Napolitano, seconded by Councilmember Montgomery, to extend the City Council meeting past 11:00 PM. The motion carried by the following vote:

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

City Manager Bruce Moe responded to City Council questions.

A motion was made by Councilmember Montgomery, seconded by Councilmember Napolitano, to approve construction alternative no. 2: housing all firefighters at Fire Station No.1 for the duration of construction and declining the additive bid items related to establishing a temporary fire station. The motion carried by the following vote:

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

15. Consideration of Request by Mayor Pro Tem Stern to Place a Peace Pole in the Public Right-of-Way in Recognition of the United Nations International Day of Peace (City Manager Moe).

[21-0266](#)

DISCUSS AND PROVIDE DIRECTION

Mayor Pro Tem Stern provided background on the item and responded to City Council questions.

Mayor Hadley opened the floor to public comments.

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

A motion was made by Mayor Hadley to allow Mayor Pro Tem Stern to put up a temporary structure for two weeks in the Civic Center Plaza with no added lighting. The motion failed for lack of a second.

A motion was made by Mayor Pro Tem Stern and seconded by Councilmember Napolitano to permanently install the Peace Pole in the identified area in the Civic Center Plaza near the chess tables. The motion failed by the following vote:

Aye: 2 - Stern and Napolitano

Nay: 3 - Hadley, Montgomery and Franklin

A motion was made by Councilmember Napolitano, seconded by Mayor Pro Tem Stern, to install the Peace Pole as identified in the Civic Center Plaza for three weeks, and then move it to the Veterans Parkway for permanent installation.

Mayor Hadley asked Councilmember Napolitano if he would accept a three week installation at the Civic Center Plaza without moving the Peace Pole to Veterans Parkway.

Councilmember Napolitano declined.

Councilmember Napolitano restated his motion, seconded by Mayor Pro Tem Stern, to install the Peace Pole as identified in the Civic Center Plaza for three weeks, and then move it to the Veterans Parkway for permanent installation. The motion failed by the following vote:

Aye: 2 - Stern and Napolitano

Nay: 3 - Hadley, Montgomery and Franklin

A motion was made by Mayor Pro Tem Stern, seconded by Councilmember Napolitano, to permanently install the Peace Pole in Veterans Parkway on September 9, 2021. The motion failed by the following vote:

Aye: 2 - Stern and Napolitano

Nay: 3 - Hadley, Montgomery and Franklin

City Manager Moe provided background regarding why the item was placed on the agenda.

A motion was made by Councilmember Montgomery to install the Peace Pole as identified in the Civic Center Plaza for three weeks. The motion failed for lack of a second.

A motion was made by Mayor Pro Tem Stern, seconded by Councilmember Montgomery, to install the Peace Pole as identified in the Civic Center Plaza for one month beginning on September 9, 2021. The motion carried by the following vote:

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

L. CITY COUNCIL REQUESTS AND REPORTS INCLUDING AB 1234 REPORTS

None.

M. FUTURE AGENDA ITEMS

Councilmember Napolitano requested to agendaize a discussion on the City's incentive program for the Manhattan Beach Police Department. Mayor Hadley and Councilmember Montgomery concurred.

City Manager Bruce Moe and City Attorney Quinn Barrow responded to City Council questions and provided that the item would return on the September 9, 2021 agenda.

Councilmember Napolitano requested to bring back a discussion regarding a ban on timeshares. Mayor Hadley seconded the request.

Councilmember Franklin requested that the City conduct more outreach regarding the City's decision to opt-up to 100% renewable energy through the Clean Power Alliance. Councilmember Montgomery seconded the request.

City Attorney Barrow clarified that when the item returns on the agenda, it will be regarding the history of the outreach efforts.

Community Development Director Carrie Tai received clarification regarding the request.

N. CITY MANAGER REPORT

None.

O. CITY ATTORNEY REPORT

None.

P. INFORMATIONAL ITEMS

16. Agenda Forecast (City Clerk Tamura). [21-0234](#)
INFORMATION ITEM ONLY

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

17. Commission Minutes: [21-0262](#)
This Item Contains the Planning Commission Meeting Minutes of August 11, 2021 (Cancelled) (Community Development Director Tai).
INFORMATION ITEM ONLY

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

Q. CLOSED SESSION

None.

R. ADJOURNMENT

At 11:33 PM, Mayor Hadley adjourned the meeting to a 6:00 PM, Regular Meeting on Thursday, September 9, 2021.

Patricia Matson
Recording Secretary

Suzanne Hadley
Mayor

ATTEST:

Liza Tamura
City Clerk