

**CITY OF REDONDO BEACH
CITY COUNCIL AGENDA
Tuesday, April 23, 2024**

415 DIAMOND STREET, REDONDO BEACH

ADJOURNED REGULAR MEETING

THE CITY COUNCIL HAS RESUMED PUBLIC MEETINGS IN THE COUNCIL CHAMBER. MEMBERS OF THE PUBLIC MAY PARTICIPATE IN-PERSON, BY ZOOM, eCOMMENT OR EMAIL.

**4:30 P.M.- CLOSED SESSION- ADJOURNED REGULAR MEETING
6:00 P.M.- OPEN SESSION- ADJOURNED REGULAR MEETING**

City Council meetings are broadcast live through Spectrum Cable, Channel 8, and Frontier Communications, Channel 41 and/or rebroadcast on Wednesday at 3 p.m. and Saturday at 3 p.m. following the date of the meeting. Live streams and indexed archives of meetings are available via internet. Visit the City's official website at www.Redondo.org/rbtv.

TO WATCH MEETING LIVE ON THE CITY'S WEBSITE:

<https://redondo.legistar.com/Calendar.aspx>

*Click "In Progress" hyperlink under Video section of meeting

TO WATCH MEETING LIVE ON YOUTUBE:

<https://www.youtube.com/c/CityofRedondoBeachIT>

TO JOIN THE MEETING VIA ZOOM (FOR PUBLIC INTERESTED IN SPEAKING. OTHERWISE, PLEASE SEE ABOVE TO WATCH/LISTEN TO MEETING):

Register in advance for this meeting:

https://us02web.zoom.us/webinar/register/WN_VFAEeBF7Tyuy8UQ3ZxMmXA

After registering, you will receive a confirmation email containing information about joining the meeting.

If you are participating by phone, be sure to provide your phone # when registering. You will be provided a Toll Free number and a Meeting ID to access the meeting. Note; press # to bypass Participant ID. Attendees will be muted until the public participation period is opened. When you are called on to speak, press *6 to unmute your line. Note, comments from the public are limited to 3 minutes per speaker.

eCOMMENT: COMMENTS MAY BE ENTERED DIRECTLY ON THE WEBSITE AGENDA PAGE:

<https://redondo.granicusideas.com/meetings>

- 1) Public comments can be entered before and during the meeting.
- 2) Select a SPECIFIC AGENDA ITEM to enter your comment;
- 3) Public will be prompted to Sign-Up to create a free personal account (one-time) and then comments may be added to each Agenda item of interest.
- 4) Public comments entered into eComment (up to 2200 characters; equal to approximately 3 minutes of oral comments) will become part of the official meeting record.

EMAIL: TO PARTICIPATE BY WRITTEN COMMUNICATION, EMAILS MUST BE RECEIVED BEFORE 3:00 P.M. THE DAY OF THE MEETING (EMAILS WILL NOT BE READ OUT LOUD): Written materials pertaining to matters listed on the posted agenda received after the agenda has been published will be added as supplemental materials under the relevant agenda item. Public comments may be submitted by email to cityclerk@redondo.org. Emails must be received before 3:00 p.m. on the date of the meeting to ensure Council and staff have the ability to review materials prior to the meeting.

4:30 P.M. - CLOSED SESSION - ADJOURNED REGULAR MEETING

A. CALL MEETING TO ORDER

B. ROLL CALL

C. SALUTE TO FLAG AND INVOCATION

D. BLUE FOLDER ITEMS - ADDITIONAL BACK UP MATERIALS

Blue folder items are additional back up material to administrative reports and/or public comments received after the printing and distribution of the agenda packet for receive and file.

E. PUBLIC COMMUNICATIONS ON CLOSED SESSION ITEMS AND NON-AGENDA ITEMS

This section is intended to provide members of the public with the opportunity to comment on Closed Session Items or any subject that does not appear on this agenda for action. This section is limited to 30 minutes. Each speaker will be afforded three minutes to address the Mayor and Council. Each speaker will be permitted to speak only once. Written requests, if any, will be considered first under this section.

F. RECESS TO CLOSED SESSION

F.1. CONFERENCE WITH REAL PROPERTY NEGOTIATOR - The Closed Session is authorized by the Government Code Section 54956.8.

AGENCY NEGOTIATOR:

Mike Witzansky, City Manager

Cameron Harding, Community Services Director

PROPERTY:

309 Esplanade, Redondo Beach, CA 90277

NEGOTIATING PARTIES:

Made by Meg - Meg Walker

UNDER NEGOTIATION:

Both Price and Terms

F.2. CONFERENCE WITH LEGAL COUNSEL AND LABOR NEGOTIATOR - The Closed Session is authorized by the Government Code Sec. 54957.6.

- AGENCY NEGOTIATOR:

Mike Witzansky, City Manager

Diane Strickfaden, Director of Human Resources

EMPLOYEE ORGANIZATIONS:

Redondo Beach Firefighters Association

- F.3.** CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - The Closed Session is authorized by the attorney-client privilege, Government Code Section 54956.9(d)(1).

Name of case:

New Commune DTLA, LLC and Leonid Pustilnikov v. City of Redondo Beach and City Council of the City of Redondo Beach

Case Number: 22TRCP00203

- F.4.** CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - The Closed Session is authorized by the attorney-client privilege, Government Code Section 54956.9(d)(1).

Name of case:

City of Redondo Beach, et al. v. California State Water Resources Control Board

Case Number: 20STCP03193

- F.5.** CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - The Closed Session is authorized by the attorney-client privilege, Government Code Section 54956.9(d)(1).

Name of case:

New Commune DTLA, LLC v. City of Redondo Beach; City Council of the City of Redondo Beach; City of Redondo Beach Department of Community Development, et al.

Case Number: 23STCP00426

- F.6.** CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - The Closed Session is authorized by the attorney-client privilege, Government Code Section 54956.9(d)(1).

Name of case:

New Commune DTLA LLC v. City of Redondo Beach; City Council of the City of Redondo Beach; and DOES 1 through 100, inclusive

Case Number: 23STCV10146

- F.7.** CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - The Closed Session is authorized by the attorney-client privilege, Government Code Section 54956.9(d)(1).

Name of case:

9300 Wilshire, LLC v. City of Redondo Beach; City Council of the City of Redondo Beach; City of Redondo Beach Department of Community Development; and DOES 1 through 100, inclusive

Case Number: 23STCP02189

- F.8.** CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - The Closed Session is authorized by the attorney-client privilege, Government Code Section 54956.9(d)(1).

Name of case:

- F.9.** CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - The Closed Session is authorized by the attorney-client privilege, Government Code Section 54956.9(d)(1).

Name of case:

Yes in My Back Yard, a California nonprofit corporation; SONJA TRAUSS, an individual v. City of Redondo Beach; City Council of the City of Redondo Beach; City of Redondo Beach Department of Community Development, and DOES 1 through 25 inclusive
Case Number: 23TRCP00325

- G. RECONVENE TO OPEN SESSION**
- H. ROLL CALL**
- I. ANNOUNCEMENT OF CLOSED SESSION ACTIONS**
- J. ADJOURN TO REGULAR MEETING**

6:00 PM - OPEN SESSION - ADJOURNED REGULAR MEETING

- A. CALL TO ORDER**
- B. ROLL CALL**
- C. SALUTE TO THE FLAG AND INVOCATION**
- D. PRESENTATIONS/PROCLAMATIONS/ANNOUNCEMENTS**
- D.1.** PRESENTATION BY CONGRESSMAN TED LIEU'S OFFICE OF PRESIDENT BIDEN'S CONDOLENCE LETTER TO THE LATE MAYOR BILL BRAND'S FAMILY
- E. APPROVE ORDER OF AGENDA**
- F. AGENCY RECESS**
- G. BLUE FOLDER ITEMS - ADDITIONAL BACK UP MATERIALS**

Blue folder items are additional back up material to administrative reports and/or public comments received after the printing and distribution of the agenda packet for receive and file.

- G.1.** For Blue Folder Documents Approved at the City Council Meeting

- H. CONSENT CALENDAR**

Business items, except those formally noticed for public hearing, or those pulled for discussion are assigned to the Consent Calendar. The Mayor or any City Council Member may request that any Consent Calendar item(s) be removed, discussed, and acted upon separately. Items removed from the Consent Calendar will be taken up under the "Excluded Consent Calendar" section below. Those items remaining on the Consent Calendar will be approved in one motion. The Mayor will call on anyone wishing to address the City Council on any Consent Calendar item on the agenda, which has not been pulled by Council for discussion. Each speaker will be permitted to speak only once and comments will be limited to a total of three minutes.

- H.1.** APPROVE AFFIDAVIT OF POSTING FOR THE CITY COUNCIL ADJOURNED AND ADJOURNED REGULAR MEETING OF APRIL 23, 2024

CONTACT: ELEANOR MANZANO, CITY CLERK

- H.2. APPROVE MOTION TO READ BY TITLE ONLY AND WAIVE FURTHER READING OF ALL ORDINANCES AND RESOLUTIONS LISTED ON THE AGENDA

CONTACT: ELEANOR MANZANO, CITY CLERK

- H.3. APPROVE THE FOLLOWING CITY COUNCIL MINUTES:
A. FEBRUARY 6, 2024 ADJOURNED AND REGULAR MEETING
B. FEBRUARY 13, 2024 ADJOURNED AND REGULAR MEETING
C. FEBRUARY 20, 2024 REGULAR MEETING

CONTACT: ELEANOR MANZANO, CITY CLERK

- H.4. EXCUSED ABSENCES FROM VARIOUS COMMISSION AND COMMITTEE MEETINGS

CONTACT: ELEANOR MANZANO, CITY CLERK

- H.5. ADOPT BY TITLE ONLY RESOLUTION NO. CC- 2404-030, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF REDONDO BEACH, CALIFORNIA, AWARDED A PUBLIC WORKS CONTRACT TO CSI SERVICES, A CALIFORNIA CORPORATION, IN THE AMOUNT OF \$1,249,100 FOR THE CONSTRUCTION OF THE INTERNATIONAL BOARDWALK SURFACE REPAIR PROJECT, JOB NO. 70810

ADOPT BY 4/5 VOTE AND TITLE ONLY RESOLUTION NO. CC-2404-029, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF REDONDO BEACH, CALIFORNIA AUTHORIZING A FISCAL YEAR 2023-2024 BUDGET MODIFICATION TO REALLOCATE \$518,600 IN UPLAND FUNDS, FROM THE PIER PARKING STRUCTURE SECURITY ENHANCEMENT PROJECT, JOB NO. 70840 TO THE INTERNATIONAL BOARDWALK SURFACE REPAIR PROJECT, JOB NO. 70810

CONTACT: ANDREW WINJE, PUBLIC WORKS DIRECTOR

- H.6. AUTHORIZE STAFF TO INITIATE THE PROPOSITION 218 PROCESS REQUIRED TO CONSIDER PROPOSED ADJUSTMENTS TO RESIDENTIAL AND COMMERCIAL SOLID WASTE RATES AND FEES BEGINNING IN FY 2024-25; AND FOR FUTURE ANNUAL RATE ADJUSTMENTS USING SPECIFIC FORMULAS LISTED IN THE AGREEMENT WITH ATHENS SERVICES

SET JUNE 18, 2024 AS THE PUBLIC HEARING DATE FOR CONSIDERATION OF THE SOLID WASTE REFUSE COLLECTION RATES AND THE TABULATION OF ALL PROTESTS RECEIVED

CONTACT: ANDREW WINJE, PUBLIC WORKS DIRECTOR

- H.7. RECEIVE AND FILE MEMOS FROM TIERRA WEST ADVISORS REGARDING THEIR ANALYSIS AND RECOMMENDED REVISIONS TO THE CITY'S CANNABIS REGULATORY ORDINANCES AND DRAFT CANNABIS PERMIT APPLICATION PROCESS

CONTACT: ELIZABETH HAUSE, ASSISTANT TO THE CITY MANAGER

H.8. RECEIVE AND FILE THE MONTHLY UPDATE TO THE TWELVE-MONTH STRATEGIC PLAN OBJECTIVES ADOPTED BY CITY COUNCIL ON MAY 30, 2023

CONTACT: MIKE WITZANSKY, CITY MANAGER

I. EXCLUDED CONSENT CALENDAR ITEMS

J. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

This section is intended to provide members of the public with the opportunity to comment on any subject that does not appear on this agenda for action. This section is limited to 30 minutes. Each speaker will be afforded three minutes to address the Mayor and Council. Each speaker will be permitted to speak only once. Written requests, if any, will be considered first under this section.

J.1. For eComments and Emails Received from the Public

K. EX PARTE COMMUNICATIONS

This section is intended to allow all elected officials the opportunity to reveal any disclosure or ex parte communication about the following public hearings

L. PUBLIC HEARINGS

M. ITEMS CONTINUED FROM PREVIOUS AGENDAS

N. ITEMS FOR DISCUSSION PRIOR TO ACTION

N.1. DISCUSSION AND POSSIBLE ACTION ON THE HARBOR COMMISSION'S ROLE AND AREA OF RESPONSIBILITY FOR PLANNING MATTERS

CONTACT: GREG KAPOVICH, WATERFRONT & ECONOMIC DEVELOPMENT DIRECTOR

N.2. DISCUSSION AND POSSIBLE DIRECTION TO STAFF REGARDING THE UNLAWFUL CAMPING PROVISIONS OF TITLE 4, CHAPTER 34 OF THE REDONDO BEACH MUNICIPAL CODE

CONTACT: MICHAEL W. WEBB, CITY ATTORNEY

O. CITY MANAGER ITEMS

P. MAYOR AND COUNCIL ITEMS

P.1. DISCUSSION AND POSSIBLE ACTION REGARDING CONSOLIDATION OF CITY BOARDS AND COMMISSIONS; AND

CONSIDER AMENDMENT OF REDONDO BEACH MUNICIPAL CODE TITLE 2, CHAPTER 9, ARTICLE 1, SECTION 2-9.101 TO IMPLEMENT A PROCESS FOR THE CANCELLATION OF COMMISSION MEETINGS

CONTACT: LUKE SMUDE, ASSISTANT TO THE CITY MANAGER

P.2. DISCUSSION AND POSSIBLE ACTION REGARDING OPTIONS TO CELEBRATE AND COMMEMORATE THE JUNETEENTH HOLIDAY

CONTACT: ELIZABETH HAUSE, ASSISTANT TO THE CITY MANAGER

Q. MAYOR AND COUNCIL REFERRALS TO STAFF

R. RECESS TO CLOSED SESSION

- R.1.** CONFERENCE WITH REAL PROPERTY NEGOTIATOR - The Closed Session is authorized by the Government Code Section 54956.8.

AGENCY NEGOTIATOR:

Mike Witzansky, City Manager

Cameron Harding, Community Services Director

PROPERTY:

309 Esplanade, Redondo Beach, CA 90277

NEGOTIATING PARTIES:

Made by Meg - Meg Walker

UNDER NEGOTIATION:

Both Price and Terms

- R.2.** CONFERENCE WITH LEGAL COUNSEL AND LABOR NEGOTIATOR - The Closed Session is authorized by the Government Code Sec. 54957.6.

AGENCY NEGOTIATOR:

Mike Witzansky, City Manager

Diane Strickfaden, Director of Human Resources

EMPLOYEE ORGANIZATIONS:

Redondo Beach Firefighters Association

- R.3.** CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - The Closed Session is authorized by the attorney-client privilege, Government Code Section 54956.9(d)(1).

Name of case:

New Commune DTLA, LLC and Leonid Pustilnikov v. City of Redondo Beach and City Council of the City of Redondo Beach

Case Number: 22TRCP00203

- R.4.** CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - The Closed Session is authorized by the attorney-client privilege, Government Code Section 54956.9(d)(1).

Name of case:

City of Redondo Beach, et al. v. California State Water Resources Control Board

Case Number: 20STCP03193

- R.5.** CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - The Closed Session is authorized by the attorney-client privilege, Government Code Section 54956.9(d)(1).

Name of case:

New Commune DTLA, LLC v. City of Redondo Beach; City Council of the City of Redondo Beach; City of Redondo Beach Department of Community Development, et al.

Case Number: 23STCP00426

- R.6.** CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - The Closed Session is authorized by the attorney-client privilege, Government Code Section 54956.9(d)(1).

Name of case:

New Commune DTLA LLC v. City of Redondo Beach; City Council of the City of Redondo Beach; and DOES 1 through 100, inclusive

Case Number: 23STCV10146

- R.7.** CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - The Closed Session is authorized by the attorney-client privilege, Government Code Section 54956.9(d)(1).

Name of case:

9300 Wilshire, LLC v. City of Redondo Beach; City Council of the City of Redondo Beach; City of Redondo Beach Department of Community Development; and DOES 1 through 100, inclusive

Case Number: 23STCP02189

- R.8.** CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - The Closed Session is authorized by the attorney-client privilege, Government Code Section 54956.9(d)(1).

Name of case:

In re 9300 Wilshire LLC

Bankruptcy C.D. Cal. Case Number: 2:23-bk-10918-ER

- R.9.** CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - The Closed Session is authorized by the attorney-client privilege, Government Code Section 54956.9(d)(1).

Name of case:

Yes in My Back Yard, a California nonprofit corporation; SONJA TRAUSS, an individual v. City of Redondo Beach; City Council of the City of Redondo Beach; City of Redondo Beach Department of Community Development, and DOES 1 through 25 inclusive

Case Number: 23TRCP00325

S. RECONVENE TO OPEN SESSION

T. ADJOURNMENT

- T.1.** ADJOURN IN MEMORY OF CONSTATINE “TIKE” KARAVAS, LONG-TIME REDONDO BEACH RESIDENT AND CITY HISTORIAN

The next meeting of the City Council of the City of Redondo Beach will be an Adjourned Regular meeting to be held at 4:30 p.m. (Closed Session) and a Regular meeting to be held at 6:00 p.m. (Open Session) on Tuesday, May 7, 2024, in the Redondo Beach City Hall Council Chamber, 415 Diamond Street, Redondo Beach, California.



Administrative Report

F.1., File # 24-0683

Meeting Date: 4/23/2024

TITLE

CONFERENCE WITH REAL PROPERTY NEGOTIATOR - The Closed Session is authorized by the Government Code Section 54956.8.

AGENCY NEGOTIATOR:

Mike Witzansky, City Manager

Cameron Harding, Community Services Director

PROPERTY:

309 Esplanade, Redondo Beach, CA 90277

NEGOTIATING PARTIES:

Made by Meg - Meg Walker

UNDER NEGOTIATION:

Both Price and Terms



Administrative Report

F.2., File # 24-0684

Meeting Date: 4/23/2024

TITLE

CONFERENCE WITH LEGAL COUNSEL AND LABOR NEGOTIATOR - The Closed Session is authorized by the Government Code Sec. 54957.6.

AGENCY NEGOTIATOR:

Mike Witzansky, City Manager

Diane Strickfaden, Director of Human Resources

EMPLOYEE ORGANIZATIONS:

Redondo Beach Firefighters Association



Administrative Report

R.3., File # 24-0690

Meeting Date: 4/23/2024

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - The Closed Session is authorized by the attorney-client privilege, Government Code Section 54956.9(d)(1).

Name of case:

New Commune DTLA, LLC and Leonid Pustilnikov v. City of Redondo Beach and City Council of the City of Redondo Beach

Case Number: 22TRCP00203



Administrative Report

R.4., File # 24-0691

Meeting Date: 4/23/2024

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - The Closed Session is authorized by the attorney-client privilege, Government Code Section 54956.9(d)(1).

Name of case:

City of Redondo Beach, et al. v. California State Water Resources Control Board

Case Number: 20STCP03193



Administrative Report

R.5., **File #** 24-0692

Meeting Date: 4/23/2024

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - The Closed Session is authorized by the attorney-client privilege, Government Code Section 54956.9(d)(1).

Name of case:

New Commune DTLA, LLC v. City of Redondo Beach; City Council of the City of Redondo Beach; City of Redondo Beach Department of Community Development, et al.

Case Number: 23STCP00426



Administrative Report

F.6., File # 24-0693

Meeting Date: 4/23/2024

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - The Closed Session is authorized by the attorney-client privilege, Government Code Section 54956.9(d)(1).

Name of case:

New Commune DTLA LLC v. City of Redondo Beach; City Council of the City of Redondo Beach; and
DOES 1 through 100, inclusive

Case Number: 23STCV10146



Administrative Report

R.7., File # 24-0694

Meeting Date: 4/23/2024

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - The Closed Session is authorized by the attorney-client privilege, Government Code Section 54956.9(d)(1).

Name of case:

9300 Wilshire, LLC v. City of Redondo Beach; City Council of the City of Redondo Beach; City of Redondo Beach Department of Community Development; and DOES 1 through 100, inclusive

Case Number: 23STCP02189



Administrative Report

F.8., File # 24-0695

Meeting Date: 4/23/2024

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - The Closed Session is authorized by the attorney-client privilege, Government Code Section 54956.9(d)(1).

Name of case:

In re 9300 Wilshire LLC

Bankruptcy C.D. Cal. Case Number: 2:23-bk-10918-ER



Administrative Report

F.9., File # 24-0696

Meeting Date: 4/23/2024

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - The Closed Session is authorized by the attorney-client privilege, Government Code Section 54956.9(d)(1).

Name of case:

Yes in My Back Yard, a California nonprofit corporation; SONJA TRAUSS, an individual v. City of Redondo Beach; City Council of the City of Redondo Beach; City of Redondo Beach Department of Community Development, and DOES 1 through 25 inclusive

Case Number: 23TRCP00325



Administrative Report

D.1., File # 24-0697

Meeting Date: 4/23/2024

TITLE

PRESENTATION BY CONGRESSMAN TED LIEU'S OFFICE OF PRESIDENT BIDEN'S
CONDOLENCE LETTER TO THE LATE MAYOR BILL BRAND'S FAMILY



Administrative Report

G.1., File # 24-0665

Meeting Date: 4/23/2024

TITLE

For Blue Folder Documents Approved at the City Council Meeting



Administrative Report

H.1., File # 24-0666

Meeting Date: 4/23/2024

To: MAYOR AND CITY COUNCIL
From: ELEANOR MANZANO, CITY CLERK

TITLE

APPROVE AFFIDAVIT OF POSTING FOR THE CITY COUNCIL ADJOURNED AND ADJOURNED REGULAR MEETING OF APRIL 23, 2024

EXECUTIVE SUMMARY

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS
CITY OF REDONDO BEACH)

AFFIDAVIT OF POSTING

In compliance with the Brown Act, the following materials have been posted at the locations indicated below.

Legislative Body	City Council
Posting Type	Adjourned & Adjourned Regular Agenda
Posting Locations	415 Diamond Street, Redondo Beach, CA 90277 ✓ Adjacent to Council Chambers
Meeting Date & Time	April 23, 2024 4:30 p.m. Closed Session 6:00 p.m. Open Session

As City Clerk of the City of Redondo Beach, I declare, under penalty of perjury, the document noted above was posted at the date displayed below.

Eleanor Manzano, City Clerk

Date: APRIL 18, 2024



Administrative Report

H.2., File # 24-0667

Meeting Date: 4/23/2024

TITLE

APPROVE MOTION TO READ BY TITLE ONLY AND WAIVE FURTHER READING OF ALL ORDINANCES AND RESOLUTIONS LISTED ON THE AGENDA



Administrative Report

H.3., File # 24-0681

Meeting Date: 4/23/2024

To: MAYOR AND CITY COUNCIL

From: ELEANOR MANZANO, CITY CLERK

TITLE

APPROVE THE FOLLOWING CITY COUNCIL MINUTES:

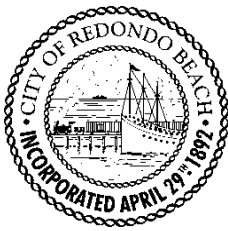
- A. FEBRUARY 6, 2024 ADJOURNED AND REGULAR MEETING
- B. FEBRUARY 13, 2024 ADJOURNED AND REGULAR MEETING
- C. FEBRUARY 20, 2024 REGULAR MEETING

EXECUTIVE SUMMARY

Approval of Council Minutes

APPROVED BY:

Eleanor Manzano, City Clerk



Minutes
Redondo Beach City Council
Tuesday, February 6, 2024
Closed Session - Adjourned Regular Meeting 4:30 p.m.
Open Session - Regular Meeting 6:00 p.m.

4:30 PM - CLOSED SESSION – ADJOURNED REGULAR MEETING

A. CALL MEETING TO ORDER

An Adjourned Regular Meeting of the Redondo Beach City Council was called to order at 4:30 p.m. by Mayor Pro Tem Loewenstein in the City Hall Council Chamber, 415 Diamond Street, Redondo Beach, California.

B. ROLL CALL

Councilmembers Present: Behrendt, Kaluderovic, Nehrenheim, Obagi,
Mayor Pro Tem Loewenstein

Councilmembers Absent: Mayor Brand

Officials Present: Mike Witzansky, City Manager
Melissa Villa, Analyst

C. SALUTE TO THE FLAG AND INVOCATION - None

D. BLUE FOLDER ITEMS – ADDITIONAL BACK UP MATERIALS

Analyst Villa declared there were no Blue Folder Items for Closed Session.

E. PUBLIC COMMUNICATIONS ON CLOSED SESSION ITEMS AND NON-AGENDA ITEMS

Analyst Villa reported receiving one eComment for Item F.3.

There were no other public comments on Closed Session Items and Non-Agenda Items.

F. RECESS TO CLOSED SESSION: 4:34 p.m.

Analyst Villa listed items to be considered in Closed Session.

Motion by Councilmember Obagi, seconded by Councilmember Nehrenheim, and approved by voice vote to recess to Closed Session at 4:34 p.m. to conduct Closed Sessions attended by City Manager Mike Witzansky, City Attorney Mike Webb, Director of Human Resources Diane Strickfaden and Outside Counsel Carolyn Baliso.

Mayor Brand was absent and did not attend Closed Session.

Motion carried, 5-0.

- F.1. CONFERENCE WITH LEGAL COUNSEL - PUBLIC EMPLOYEE PERSONNEL MATTER/EVALUATION - The Closed Session is authorized by the attorney-client privilege, Government Code Section 54957(b).**

Title: City Manager

- F.2. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - The Closed Session is authorized by the attorney-client privilege - Government Code Section 54956.9(d)(1).**

Name of case:

Phillip Ho v. City of Redondo Beach

WCAB No: ADJ15815046; ADJ16250693

- F.3. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - The Closed Session is authorized by the attorney-client privilege - Government Code Section 54956.9(d)(1).**

Name of case:

Traci Davidson v. City of Redondo Beach

WCAB No: ADJ15898431

- F.4. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - The Closed Session is authorized by the attorney-client privilege - Government Code Section 54956.9(d)(1).**

Name of case:

Dawn Berenschot v. City of Redondo Beach

WCAB No: ADJ11175077

- F.5. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - The Closed Session is authorized by the attorney-client privilege, Government Code Section 54956.9(d)(1).**

Name of case:

City of Redondo Beach, et al. v. California State Water Resources Control Board

Case Number: 20STCP03193

- F.6. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - The Closed Session is authorized by the attorney-client privilege, Government Code Section 54956.9(d)(1).**

Name of case:

New Commune DTLA, LLC and Leonid Pustilnikov v. City of Redondo Beach

**and City Council of the City of Redondo Beach
Case Number: 22TRCP00203**

- F.7. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - The Closed Session is authorized by the attorney-client privilege, Government Code Section 54956.9(d)(1).**

Name of case:

New Commune DTLA, LLC v. City of Redondo Beach; City Council of the City of Redondo Beach; City of Redondo Beach Department of Community Development, et al.

Case Number: 23STCP00426

- F.8. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - The Closed Session is authorized by the attorney-client privilege, Government Code Section 54956.9(d)(1).**

Name of case:

9300 Wilshire, LLC v. City of Redondo Beach; City Council of the City of Redondo Beach; City of Redondo Beach Department of Community Development; and DOES 1 through 100, inclusive

Case Number: 23STCP02189

- F.9. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - The Closed Session is authorized by the attorney-client privilege, Government Code Section 54956.9(d)(1).**

Name of case:

Yes in My Back Yard, a California nonprofit corporation; SONJA TRAUSS, an individual v. City of Redondo Beach; City Council of the City of Redondo Beach; City of Redondo Beach Department of Community Development, and DOES 1 through 25 inclusive

Case Number: 23TRCP00325

- F.10. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - The Closed Session is authorized by the attorney-client privilege, Government Code Section 54956.9(d)(1).**

Name of case:

**In re 9300 Wilshire LLC Bankruptcy
C.D. Cal. Case Number: 2:23-bk-10918-ER**

- F.11. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - The Closed Session is authorized by the attorney-client privilege, Government Code Section 54956.9(d)(1).**

Name of case:

New Commune DTLA LLC v. City of Redondo Beach; City Council of the City of Redondo Beach; and DOES 1 through 100, inclusive

Case Number: 23STCV10146

G. RECONVENE TO OPEN SESSION – 6:00 p.m.

H. ROLL CALL

Councilmembers Present: Behrendt, Kaluderovic, Obagi,
Mayor Pro Tem Loewenstein

Councilmembers Absent: Nehrenheim, Mayor Brand

Officials Present: Eleanor Manzano, City Clerk
Mike Webb, City Attorney
Mike Witzansky, City Manager
Lucie Colombo, Chief Deputy City Clerk

I. ANNOUNCEMENT OF CLOSED SESSION ACTIONS

There were no reportable actions taken during Closed Session.

J. ADJOURN TO REGULAR MEETING

Mayor Pro Tem Loewenstein adjourned to the Regular Meeting at 6:02 p.m.

6:00 PM - OPEN SESSION - REGULAR MEETING

A. CALL TO ORDER

A Regular Meeting of the Redondo Beach City Council was called to order at 6:02 p.m. by Mayor Pro Tem Loewenstein in the City Hall Council Chambers, 415 Diamond Street, Redondo Beach, California.

B. ROLL CALL

Councilmembers Present: Behrendt, Kaluderovic, Obagi,
Mayor Pro Tem Loewenstein

Councilmembers Absent: Nehrenheim, Mayor Brand

Officials Present: Eleanor Manzano, City Clerk
Mike Webb, City Attorney
Mike Witzansky, City Manager
Lucie Colombo, Chief Deputy City Clerk

C. SALUTE TO THE FLAG AND INVOCATION

Mayor Pro Tem Loewenstein led in the salute to the flag followed by a moment of silence.

D. PRESENTATIONS/PROCLAMATIONS/ANNOUNCEMENTS

Councilmember Kaluderovic reported attending the Cal Cities Mayor and Councilmember training; spoke about her recent District 3 community meeting; thanked City Manager Witzansky and the hosts of the Morell House and said she is working on her next community meeting with Public Works and Traffic Engineering Team which will be announced later.

Councilmember Obagi thanked Councilmember Nehrenheim for speaking at the SBCCOG regarding the Metro C Line Extension project as well as Mayor Pro Tem Loewenstein and Councilmember Kaluderovic; reported it will support the right-of-way but will not take a position on alignment; thanked the City's Public Works team and workers for their efforts during the recent storms; spoke about attending the Independent Cities Association Conference; referenced a discussion about Fentanyl and its dangers and urged parents to advise their children not to take any pills unless they are from the store or prescribed to them.

Mayor Pro Tem Loewenstein reported attending the Independent Cities Association Conference; commented on the Fentanyl panel and on discussions regarding responding to the homelessness crisis; thanked the Public Works Department for the extra work keeping the City safe during the recent storms and announced the next District 2 community meeting will be on February 26, 2024, 6:00 p.m. to 7:30 p.m., on Zoom.

E. APPROVE ORDER OF AGENDA

Mayor Pro Tem Loewenstein announced that Items H.12 and P.1, will be pulled from the agenda and continued to the next City Council meeting.

Motion by Councilmember Obagi, seconded by Councilmember Kaluderovic, to approve by voice vote, the order of the agenda, as amended to pull and table from Consent Calendar Agenda Items No. H.12 and P.1.

Motion carried, 4-0-1. Councilmember Nehrenheim was absent.

F. AGENCY RECESS – 6:10 p.m.

F.1. REGULAR MEETING OF THE COMMUNITY FINANCING AUTHORITY

CONTACT: WENDY COLLAZO, FINANCE DIRECTOR

RECONVENE TO REGULAR MEETING - 6:12 p.m.

ROLL CALL

Councilmembers Present: Behrendt, Kaluderovic, Obagi,
Mayor Pro Tem Loewenstein

Councilmembers Absent: Nehrenheim, Mayor Brand

G. BLUE FOLDER ITEMS – ADDITIONAL BACK UP MATERIALS

G.1 For Blue Folder Documents Approved at the City Council Meeting

Chief Deputy City Clerk Colombo reported Blue Folder Items includes one item under Item J.1.

Motion by Councilmember Kaluderovic, seconded by Councilmember Obagi, to approve receive and file Blue Folder Items by voice vote.

Motion carried, 4-0-1. Councilmember Nehrenheim was absent.

H. CONSENT CALENDAR

H.1. APPROVE AFFIDAVIT OF POSTING FOR THE CITY COUNCIL ADJOURNED AND REGULAR MEETING OF FEBRUARY 6, 2024

CONTACT: ELEANOR MANZANO, CITY CLERK

H.2. APPROVE MOTION TO READ BY TITLE ONLY AND WAIVE FURTHER READING OF ALL ORDINANCES AND RESOLUTIONS LISTED ON THE AGENDA

CONTACT: ELEANOR MANZANO, CITY CLERK

H.3. APPROVE THE FOLLOWING CITY COUNCIL MINUTES: A. DECEMBER 12, 2023 ADJOURNED REGULAR & REGULAR MEETING

CONTACT: ELEANOR MANZANO, CITY CLERK

H.4. PAYROLL DEMANDS CHECKS 29551-29573 IN THE AMOUNT OF \$29,495.10, PD. 1/19/24 DIRECT DEPOSIT 273545-274139 IN THE AMOUNT OF \$2,196,221.45, PD. 1/19/24

**ACCOUNTS PAYABLE DEMANDS
CHECKS 112454-112667 IN THE AMOUNT OF \$3,575,895.29
EFT CALPERS MEDICAL INSURANCE \$459,331.11
DIRECT DEPOSIT 100007989-100008083 IN THE AMOUNT OF \$99,996.84, PD.2/1/24
REPLACEMENT DEMANDS 112451, 112452, 112453**

CONTACT: WENDY COLLAZO, FINANCE DIRECTOR

H.5. APPROVE CONTRACTS UNDER \$35,000:

1. APPROVE AN AGREEMENT WITH SABLE COMPUTER, INC. DBA KIS, KIS COMPUTER CENTER, KEEP IT SIMPLE FOR ON-CALL PROJECT MANAGEMENT, COMPUTER ARCHITECTURE AND COMPUTER

ENGINEERING SERVICES FOR AN AMOUNT NOT TO EXCEED \$34,400 AND THE TERM FEBRUARY 6, 2024 TO FEBRUARY 5, 2025.

2. APPROVE AN AGREEMENT WITH KAJEET, INC. FOR THE PURCHASE OF OUTDOOR WI-FI EQUIPMENT FOR AN AMOUNT NOT TO EXCEED \$31,125.84. 3. APPROVE AN AGREEMENT WITH LANCE SOLL & LUNGHARD, LLP FOR AUDIT SERVICES RELATED TO SAFE CLEAN WATER (MEASURE W) EXPENDITURES FROM JULY 1, 2020 THROUGH JUNE 30, 2023 FOR AN AMOUNT NOT TO EXCEED \$5,000 AND THE TERM FEBRUARY 6, 2024 TO DECEMBER 31, 2024.

CONTACT: WENDY COLLAZO, FINANCE DIRECTOR

H.6. EXCUSED ABSENCES FROM VARIOUS COMMISSION AND COMMITTEE MEETINGS

CONTACT: ELEANOR MANZANO, CITY CLERK

H.7. This Item was pulled from the Consent Calendar for separate discussion.

H.8. ACCEPT AS COMPLETE THE BASIN 2 SEWER PUMP OUT STATION UPGRADE PROJECT & HARBOR PATROL DOCK REPLACEMENT PROJECT, JOB NOS. 50310 & 70690 RESPECTIVELY, AND AUTHORIZE THE CITY ENGINEER TO FILE A NOTICE OF COMPLETION WITH THE LOS ANGELES COUNTY RECORDER AND

AUTHORIZE THE RELEASE OF RETENTION FUNDS IN THE AMOUNT OF \$157,265.94 TO BELLINGHAM MARINE INDUSTRIES, INC. UPON EXPIRATION OF THE 35-DAY LIEN PERIOD AFTER SAID RECORDATION AND NO CLAIMS BEING FILED UPON THE PROJECTS

CONTACT: TED SEMAAN, PUBLIC WORKS DIRECTOR

H.9. ADOPT BY TITLE ONLY RESOLUTION NO. CC-2402-005, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF REDONDO BEACH, CALIFORNIA, AUTHORIZING SUBMITTAL OF THE FUNDING REQUEST CERTIFICATION TO THE DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY (CALRECYCLE) FOR PAYMENT PROGRAMS AND RELATED AUTHORIZATIONS

CONTACT: TED SEMAAN, PUBLIC WORKS DIRECTOR

H.10. APPROVE A TRANSFER AGREEMENT BETWEEN THE CITY OF REDONDO BEACH AND THE LOS ANGELES COUNTY FLOOD CONTROL DISTRICT TO SECURE \$782,000 OF SAFE CLEAN WATER PROGRAM, REGIONAL FUNDS, FOR THE GLEN ANDERSON PARK REGIONAL STORMWATER CAPTURE GREEN STREETS PROJECT

CONTACT: TED SEMAAN, PUBLIC WORKS DIRECTOR

H.11. APPROVE THE PURCHASE OF TWO POLICE PATROL VEHICLES FROM NATIONAL AUTO FLEET FOR AN AMOUNT NOT TO EXCEED \$168,350.56

CONTACT: TED SEMAAN, PUBLIC WORKS DIRECTOR

H.12. This item was pulled from the agenda and continued to the next City Council meeting.

H.13. ADOPT BY TITLE ONLY RESOLUTION NO. CC-2402-006, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF REDONDO BEACH, CALIFORNIA AMENDING THE OFFICIAL BOOK OF CLASS SPECIFICATIONS TO UPDATE THE POSITION OF INFORMATION SYSTEMS SPECIALIST

CONTACT: MIKE COOK, INFORMATION TECHNOLOGY DIRECTOR

H.14. APPROVE A MULTI-YEAR AGREEMENT WITH TEC-REFRESH, INC FOR NETWORK FIREWALL HARDWARE/SOFTWARE AND INFRASTRUCTURE MANAGED SERVICES FOR AN AMOUNT NOT TO EXCEED \$857,470.89 AND THE TERM FEBRUARY 6, 2024 TO MARCH 5, 2027

CONTACT: MIKE COOK, INFORMATION TECHNOLOGY DIRECTOR

H.15. APPROVE AN AGREEMENT WITH VOX NETWORK SOLUTIONS INC FOR CISCO NETWORK SWITCHES AND CONFIGURATION FOR AN AMOUNT NOT TO EXCEED \$48,057.50 AND THE TERM FEBRUARY 6, 2024 TO FEBRUARY 5, 2025

CONTACT: MIKE COOK, INFORMATION TECHNOLOGY DIRECTOR

H.16. APPROVE A CONTRACT WITH OCCU-MED, LTD., FOR PRE-EMPLOYMENT PHYSICAL EXAMINATION SERVICES FOR A THREE-YEAR TERM BEGINNING JANUARY 23, 2024 THROUGH JANUARY 22, 2027 FOR AN AMOUNT NOT TO EXCEED \$88,000 PER YEAR

CONTACT: DIANE STRICKFADEN, DIRECTOR OF HUMAN RESOURCES

H.17. APPROVE THE FIRST AMENDMENT TO THE AGREEMENT FOR LEGAL SERVICES WITH MANNING & KASS, ELLROD, RAMIREZ, TRESTER LLP.

CONTACT: MICHAEL W. WEBB, CITY ATTORNEY

Mayor Pro Tem Loewenstein pulled Agenda Item No. H.7.

There were no public comments on the Consent Calendar.

Motion by Councilmember Kaluderovic, seconded by Councilmember Obagi, and approved by voice vote, the Consent Calendar, as presented, except for Agenda Item No. H.7 which was pulled for separate discussion and Item H.12 which was continued

to the next City Council meeting.

Motion carried, 4-0-1. Councilmember Nehrenheim was absent.

Chief Deputy City Clerk Colombo read titles to Resolution Nos. CC-2402-005 and CC-2402-006.

I. EXCLUDED CONSENT CALENDAR ITEMS - None

H.7. APPROVE AN AGREEMENT WITH OM ROOFING INC. TO REPLACE THE ROOF AT THE POLICE PIER SUBSTATION FOR A TOTAL COST NOT TO EXCEED \$88,387

ADOPT BY TITLE ONLY RESOLUTION NO. CC-2402-004, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF REDONDO BEACH, CALIFORNIA, DECLARING REPLACEMENT OF THE ROOF AT THE POLICE PIER SUBSTATION AS “REPAIR” AND EXEMPTING IT FROM BIDDING REQUIREMENTS PURSUANT TO SECTIONS 19 AND 19.1(A) OF THE CITY CHARTER OF REDONDO BEACH

CONTACT: TED SEMAAN, PUBLIC WORKS DIRECTOR

Mayor Pro Tem Loewenstein reported he reviewed the quote and asked for additional information including the length of the warranty.

Public Works Director Semaan introduced the item; addressed the scope of work and discussed the warranty.

Deputy Public Works Director Operations Klein discussed details of the project including cap covers, scaffolding, roofing materials, composite sheeting, the parapet area and the timeline for the project.

Discussion followed regarding the cedar shake and possible asbestos remediation.

Deputy Public Works Director Operations Klein reported a test was given for asbestos and there is none present.

There were no public comments on this item.

City Manager Witzansky reported these improvements, and the interior remodel is part of the plan to build out the quality of life unit, particularly police patrol and code enforcement efforts along the pier.

RBPB Chief Hoffman added that the Department has expanded the MSO team and has staffing on the pier, on the weekends to allow for coverage for many quality of life type of issues.

There were no public comments on this item.

Motion by Mayor Pro Tem Loewenstein, seconded by Councilmember Obagi, and approved by voice vote, Agenda Item No. H.7, as presented.

Motion carried, 4-0-1. Councilmember Nehrenheim were absent.

Deputy Chief City Clerk Colombo read title to Resolution No. CC-2402-004.

J. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

J.1 For eComments and Emails Received from the Public

Motion by Mayor Pro Tem Loewenstein, seconded by Councilmember Obagi, to receive and file documents submitted by Austin Carmichael. There being no opposition, Mayor Pro Tem Loewenstein so ordered, with Councilmember Nehrenheim absent.

Austin Carmichael, District 5, Member of the Redondo Beach Public Safety Commission, spoke about his advocacy of public safety and asked that the Human Resources Department, with respect to public safety items, be added to the oversight of the Public Safety Commission.

Motion by Mayor Pro Tem Loewenstein, seconded by Councilmember Kaluderovic, to extend Austin Carmichael's time to comment by a minute. There being no opposition, Mayor Pro Tem Loewenstein so ordered, with Councilmember Nehrenheim and Mayor Brand, absent.

Austin Carmichael spoke about the need to review public safety policies regularly according to the law.

Joan Irvine, District 1, representing Keep the Esplanade Beautiful, spoke about their First Saturday Sweeps events; discussed sponsorships and announced fundraising for a scholarship for a graduating senior from Redondo Union High School who will focus his/her studies on environmental services.

Kevin Mitchell, District 3, spoke about attending the SBCCOG meeting to witness their vote on the Metro C Line Extension project; stated they abdicated their responsibility to take a position on the route alignment and instead only flagged their support to the Metro Board of Director's authority to decide the future of the South Bay; noted their justification was that the project did not affect their city and therefore, did not wish to take a position; felt that perhaps a chemicals and hazardous materials expert should have been hired to convey to them the dangers; discussed existing refineries using MHF (a highly toxic chemical that is used to make high-octane gasoline) in nearby cities and referenced John Oliver's recent exposé on government freight cars.

Niki Negrete-Mitchell, District 3, spoke about the recent SBCCOG meeting where they supported the project but remained neutral in terms of the alignment; reported that Hermosa Beach Mayor Massey stated he would support the ROW because he "claimed" he had not heard the case for the Hawthorne Boulevard alignment despite having attended multiple meetings regarding the subject; listed representatives who attended the meeting; announced March 28, 2024 could be the day Metro announces its

recommendations and urged the City to reach out to Lawndale about buses to provide transportation to the meeting to assure them they will not be “stiffed”.

Lee Coller, District 3, Staff Commodore, King Harbor Yacht Club and Vice Commodore of the Southern California Yachting Association, listed some of the achievements of and awards given to the organizations and their members. In response to Councilmember Obagi’s question, he described the Commodore’s tasks and responsibilities.

Wayne Craig mentioned The Commodores was a singing group; spoke about driving in Torrance where there were potholes everywhere and commended the Public Works Department for their excellent work in keeping the City streets maintained and safe.

Kyle Johnson, District 1, via Zoom, encouraged the City Council and residents to consider using public transit to the Metro meeting on March 28, 2024 and not charter public buses with other cities.

Kim Lu expressed her appreciation to the City for helping those facing difficult times and spoke favorably about the Beach Cities Health District and the resources they offer including training for Mental Health First Aid; discussed helping the youth and each other and hoped the City will promote increased support for education regarding the opioid crisis and consider increasing funding for after school programs and child care.

Motion by Mayor Pro Tem Loewenstein, seconded by Councilmember Kaluderovic, to extend Kim Lu’s time to comment by 30 seconds. There being no opposition, Mayor Pro Tem Loewenstein so ordered, with Councilmember Nehrenheim and Mayor Brand, absent.

Kim Lu continued speaking about the importance of mental health and providing the right resources.

Nancy Skiba, District 4, via Zoom, spoke about the Access Redondo app and how it is a great resource for residents; noted the condition of streets in Torrance compared to Redondo Beach and urged residents to, “Slow Down Redondo”.

City Clerk Manzano reported receiving two eComments on this item.

There were no other public comments.

K. EX PARTE COMMUNICATIONS - None

L. PUBLIC HEARINGS - None

M. ITEMS CONTINUED FROM PREVIOUS AGENDAS – None

N. ITEMS FOR DISCUSSION PRIOR TO ACTION

N.1. DISCUSSION AND POSSIBLE ACTION REGARDING THE APPROVAL OF AN AGREEMENT WITH TIERRA WEST ADVISORS, INC. FOR CONSULTING

SERVICES TO ASSIST WITH REVIEW OF THE CITY'S CANNABIS REGULATORY ORDINANCES AND DEVELOPMENT OF THE PERMIT SELECTION PROCESS FOR AN AMOUNT NOT TO EXCEED \$68,000 FOR THE TERM FEBRUARY 6, 2024 TO FEBRUARY 5, 2025

CONTACT: ELIZABETH HAUSE, ASSISTANT TO THE CITY MANAGER

Assistant to the City Manager Hause presented details of the Administrative Report and the agreement with Tierra West Advisors, Inc., for consulting services to assist with the review of the City's cannabis regulatory ordinances and development of the permit selection process and noted the attendance of the John Yonai, Chairman and Principal of Tierra West Advisors, Inc. and Jane McFarren, Senior Analyst.

Councilmember Obagi presented suggested revisions to Exhibit A to incorporate into the agreement, relative to the scope of services and Mr. Yonai noted no objections.

Councilmember Behrendt recalled that assistance relative to the rate of taxes was already included in the agreement; stated he is not in favor of adding another \$10,000 to the contract; felt the consultant should work within the 20 hours and agreed with the revised language.

Councilmember Kaluderovic clarified the additional \$10,000 was to cover commenting and reviewing delivery tax rates.

City Attorney Webb recalled that a change was made because of the motion that carried, not because of staff recommendations.

Assistant to the City Manager Hause reported she reviewed the prior motion regarding this item, and it included the addition of \$10,000 for research.

City Manager Witzansky noted that if the money is a "not to exceed" and the work is not directed, the City could conceivably save those funds and staff would assign the additional hours if there were concern about the hours or any other elements.

Discussion followed regarding the timeframe for reviewing AB 195 and getting a sales tax in place.

Councilmember Behrendt asked whether the same scope of work was used for the previous consultant, HDL and Tierra West Advisors, Inc. and Assistant to the City Manager Hause stated they were similar and discussed payments made to HDL.

Discussion followed regarding estimated Phase 2 costs, recuperating costs through applicant fees, setting fees, determining how much work will be anticipated, setting limitations regarding the number of dispensaries allowed in the City, moving forward and applying adequate fees for the City to recover its costs.

Councilmember Obagi referenced the Cannabis Taskforce and its recommendations; felt there are certain issues that do not need to be revisited and spoke about the possibility of a future City Council changing directions if this matter is not addressed in a timely fashion.

City Manager Witzansky reported that if the amount reverts to \$58,000, a reduction in the number of hours will be made from 40 hours to 20 hours.

Mayor Pro Tem Loewenstein invited public comments on this item.

Joan Irvine, District 1, expressed support for the item; hoped the process will not be prolonged any more than it already has; discussed the legalization of recreational cannabis in 2016 and her advocacy efforts; felt that legal dispensaries may not operate in Redondo Beach until 2026 with everything that is happening; questioned the City's use of resources when it has taken a decade to approve two cannabis dispensaries; discussed the effects of legal distribution to the illegal market; mentioned lost grant and tax monies caused by the delays and recommended moving forward with clearly defined milestones and delivery dates noting the financial health of the City and the well-being of residents depend on the resolution to this matter.

Jonathan Cvetko, District 1, reported the City can benefit immediately by starting to tax delivery sales coming in; talked about challenges in the industry; discussed AB 195 and related actions by Governor Newsom; spoke about systemic issues that need to be fixed and urged City Council to consider what is best for the City.

Melissa Dechandt, District 1, via Zoom, urged City Council to consider a delivery-only model for the City; spoke about the exposure of youth to high-potency cannabis, increased frequency of use and increased dependency in the progression to higher potencies and listed diseases associated with increased cannabis use.

Motion by Mayor Pro Tem Loewenstein, seconded by Councilmember Obagi, to extend Melissa Dechandt's time to comment by 30 seconds. There being no opposition, Mayor Pro Tem Loewenstein so ordered, with Councilmember Nehrenheim absent.

Melissa Dechandt continued addressing pertinent statistics related to cannabis use; urged the City to support delivery-only access to cannabis and to mitigate exposure to the City's youth.

Devin Wardlow, Vice President of Public Affairs, Embark, via Zoom, thanked the City for bringing retail cannabis to Redondo Beach through a competitive licensing process; spoke about a state level grant program specific for municipal governments which closes in March and urged City Council to move forward with implementing retail cannabis in the City.

City Clerk Manzano reported receiving one eComment in opposition to the item.

There were no other public comments on this item.

Councilmember Obagi commented on cannabis use by the youth in the City; felt the only way to combat it is to produce a legal means for adults to access it and generate revenue for that so some of it can be used towards cannabis education for the youth.

Motion by Councilmember Obagi, seconded by Mayor Pro Tem Loewenstein, and approved as amended by roll call vote, to approve AN AGREEMENT WITH TIERRA

WEST ADVISORS, INC., FOR CONSULTING SERVICES TO ASSIST WITH REVIEW OF THE CITY'S CANNABIS REGULATORY ORDINANCES AND DEVELOPMENT OF THE PERMIT SELECTION PROCESS FOR AN AMOUNT NOT TO EXCEED \$68,000 FOR THE TERM FEBRUARY 6, 2024 TO FEBRUARY 5, 2025, as amended to include the edits suggested in the discussions by Councilmember Obagi, approve the original amount of \$58,000 and revise the Scope of Work (Objective 5) to be reduce from 40 to 20 hours.

The motion carried with the following roll call vote:

AYES: Behrendt, Kaluderovic, Obagi, Mayor Pro Tem Loewenstein
NOES: None
ABSENT: Nehrenheim
ABSTAIN: None

Motion carried, 4-0-1.

N.2. DISCUSSION AND POSSIBLE ACTION REGARDING THE INSTALLATION OF SPEED CUSHIONS ON THE 800 BLOCK OF N LUCIA AVENUE

CONTACT: TED SEMAAN, PUBLIC WORKS DIRECTOR

Traffic Engineer Liu narrated a PowerPoint presentation regarding the installation of speed cushions on the 800 block of N. Lucia Avenue.

Discussion followed regarding increased noise and the use of "cushions" versus "wide humps".

Mayor Pro Tem Loewenstein invited public comments.

Jessica Montesoglu, District 2, commended the City for having a process that is inclusive and allows residents, the Commission and Council to review what is at hand; noted the data shows there is a speed issue; opined speed along Lucia should be at 25 mph and hoped City Council will move the item forward.

Pam Emch, District 2, spoke in support of the item and reported she signed the petition; discussed an increase in the number of cars travelling along Lucia as well as increased speed; listed factors that have exacerbated speeding and felt the speed cushions will help.

Sharon Koay, District 2, discussed her experience living on Lucia; spoke about increased traffic and increased speed, and voiced her support for the installation of speed cushions.

Kyle Johnson, District 1, via Zoom, spoke in support of the item in encouraging people to slow down and drive safely.

City Clerk Manzano reported receiving 26 eComments: 3 opposed, 1 neutral and 22 in support of the item.

David Walner, District 2, via Zoom, voiced his strong opposition to the installation of speed cushions along Lucia; felt that over 400 vehicles going over the street cushions everyday would make life intolerable; stated it would affect their ability to sleep and the general enjoyment of their property; suggested that alternative measures be implemented, including lane narrowing and calming by adding white striping along the roadside and the installation of speed radar signs.

Paul Moses, District 2, via Zoom, spoke in support of the installation of speed cushions and felt it is the only measure that will work, adding that speed signs are not effective.

There were no other public comments on this item.

Councilmember Obagi commended residents who initiated the request and worked with other residents to move it forward; agreed there is a speed problem on that street; mentioned people will find other ways to cut through once the speed cushions are installed and thanked residents for their activism.

Councilmember Kaluderovic spoke about the City's process to qualify these changes; reported she has speed cushions on her street and mentioned she feels safe with them.

Mayor Pro Tem Loewenstein reported he lives down the street; attested that people do not stop and that they speed along Lucia; acknowledged concerns about noise; stated white lines do not work and spoke about the overwhelming support by residents.

Motion by Mayor Pro Tem Loewenstein, seconded by Councilmember Obagi, and approved by roll call vote, to approve the INSTALLATION OF SPEED CUSHIONS ON THE 800 BLOCK OF N LUCIA AVENUE.

The motion carried with the following roll call vote:

AYES: Behrendt, Kaluderovic, Obagi, Mayor Pro Tem Loewenstein
NOES: None
ABSENT: Nehrenheim
ABSTAIN: None

Motion carried, 4-0-1.

N.3. DISCUSSION AND POSSIBLE ACTION REGARDING 2024 FOURTH OF JULY EVENTS INCLUDING A CITY SPONSORED EVENT IN KING HARBOR, A PRIVATELY SPONSORED EVENT AND FIREWORK DISPLAY IN THE RIVIERA VILLAGE, A PRIVATELY SPONSORED 5K RUN, AND A DAYTIME EVENT AT DOMINGUEZ PARK

DIRECTION ON WHETHER THE CITY-SPONSORED EVENT IN KING HARBOR SHOULD INCLUDE A BARGE-BASED FIREWORKS DISPLAY WITH GARDEN STATE FIREWORKS AND PI ENVIRONMENTAL OR A DRONE LIGHT SHOW PROVIDED BY SKY ELEMENTS

CONTACT: CAMERON HARDING, COMMUNITY SERVICES DIRECTOR

Community Services Director Harding introduced the item; provided a brief background and history and deferred to staff for a report.

Deputy Community Services Director Kelly Orta narrated a PowerPoint presentation with details of the proposed plans for 2024 Fourth of July events and noted the attendance of representatives from Garden State Fireworks and Pi Environmental, via Zoom, to respond to questions from City Council.

City Manager Witzansky spoke in support of all the events that have been laid out; asked whether City Council is comfortable with a barge-based fireworks show; noted fireworks this year are far more expensive than in the past; reported Tidelands funding has been used to fund the expense, the event is a benefit to the local area and indicated there is no money in the budget, currently, and that a budget modification will require a 4th/5th vote by City Council. Additionally, he mentioned Councilmember Nehrenheim asked him to relay comments which align with staff's recommendations; offered options relative to permits; discussed Riviera Village events and stipulations for their participation in terms of the covering their share of environmental and permit costs and that they contract with a certified fireworks company (Garden State) that can produce a show in a safe and secure environment. He thanked RBFD Interim Chief Butler and Chief Reagan for their expertise and suggested the City cover the permit application on behalf of both parties and asked the City Council demand that they comply with safety and security requirements, vendor requirements and pay their fair share of environmental associated costs.

In reply to Councilmember Behrendt's question, City Manager Witzansky explained the City would have more liability exposure with respect to the environmental component.

RBFD Interim Chief Butler addressed MPDS permit regulations relative to environmental impacts; spoke about the benefits of using a consultant and discussed possible ways of defraying costs to the City. He added that he would prefer all of the events to be properly coordinated through his office and apply for a permit on behalf of the City and Riviera Village.

Discussion followed regarding the possibility of having Riviera Village apply for a separate permit while requiring them to use the City's vendor, lower costs associated with a shared permit and giving the City control over the events.

City Manager Witzansky reported that Garden State Fireworks is scheduled to host the event in L.A. Harbor on July 3, 2024; noted Garden State would quote two \$65,000 shows (one barge-based and one for Riviera Village) and reported that Riviera Village is interested in hosting a show.

Mayor Pro Tem Loewenstein noted many people stay in hotels during the Fourth of July which increases Harbor revenue.

Mayor Pro Tem Loewenstein invited public comments.

Joan Irvine, Keep the Esplanade Beautiful, reported that Riviera Village does not host the

event, but rather it is Keep the Esplanade Beautiful; hoped Riviera Village becomes a sponsor; spoke about the event tradition and history; announced they are in the process of planning the 2024 event; addressed setting up a GoFundMe campaign to raise funds for the event and their ongoing programs including scholarships and urged residents to contribute and share the information.

Lee Coller, District 3, spoke in favor of a fireworks show in the Harbor, versus a drone show; noted drone shows are only visible from certain locations and that fireworks shows bring people to the area hotels.

Councilmember Kaluderovic noted the permit is good for five years if the City remains in good standing and in reply to her question, City Manager Witzansky reported the City maintains the ultimate discretion when considering future events.

Steve, Garden State Fireworks, via Zoom, provided a brief company history; spoke about the benefits of the environmental permit; noted they are one of the only companies still willing to do a show over the water; addressed the relationship with Pi Environmental and the Water Board and talked about water testing and doing their due diligence.

Wayne Craig agreed with the earlier speaker in support of fireworks shows versus a drone show; spoke about some sort of barge activity off The Avenues; felt that groups hosting fireworks shows should be experienced and opined that if the City partners with any non-profit, there should be some kind of financial disclosure so there is full transparency of where the money is going.

Discussion followed regarding the Dominguez Park celebration and features, ensuring the money is well-spent and the event is well-attended; challenges with staffing, the Seaside Lagoon event, the possibility of holding a City birthday celebration or Shakespeare by the Sea at Dominguez Park, saving the money that was budgeted for the Dominguez Park Fourth of July event for another event in the future.

Councilmember Kaluderovic confirmed that the Dominguez Park Fourth of July event will stretch staff thin and wondered whether it will be well-attended, considering all of the other events in the City on that day.

Mark Hansen, King Harbor Boater, via Zoom, spoke in favor of fireworks versus drones and stated he trusts the City, the Fire Marshall and the vendor to put on a show that is environmentally responsible.

Chief Deputy City Clerk Colombo reported receiving one eComment that was neutral.

There were no other public comments on this item.

Motion by Councilmember Obagi, seconded by Councilmember Kaluderovic, and approved by roll call vote, to approve the following July 4, 2024 events to include the 5K 4th of July Run, Mr. Ginsburg's event on Avenue I and potential fireworks show assuming they pay their pro rata for the environmental permit, and any other cost associated, approve 1 permit being shared under the purview of the City's Fire Department, Fire Chief and Division Chief, subject to the fact that they properly fundraise and are able to procure a

contract with the vendor in order to ultimately provide the show and if those funds do not materialize, then the City will not provide a single contract with Garden State to provide the two shows (that contract would be between the non-profits and Garden State), not have the Dominguez Park daytime community event and direct staff to consider a weekend event in the Summer at Dominguez Park and preserving the funds for future use, and barge-based fireworks show with Garden State at the rates of Fireworks \$65,000 and Barge \$38,171, not including mooring costs, and authorization to contract the services of Pi Environmental for \$7,500 to assist the City in the NPEDS Permit and required reporting for the fireworks display.

Councilmember Kaluderovic clarified that the permit for Mr. Ginsburg's event is only for this year, to which City Manager verified and stated that the City would be applying for a 5-year permit but retain the discretion to administer. Further, even though the City will have a 5-year coverage, the City will probably have subsequent applications with the Board and any appropriations will be brought back to the City Council.

The motion carried with the following roll call vote:

AYES: Behrendt, Kaluderovic, Obagi, Mayor Pro Tem Loewenstein
NOES: None
ABSENT: Nehrenheim
ABSTAIN: None

Motion carried, 4-0-1.

RECESS/RECONVENE

Motion by Councilmember Behrendt, seconded by Councilmember Obagi, to recess at 8:34 p.m. for a short 8-minute break. There being no opposition, Mayor Pro Tem Loewenstein so ordered, with Councilmember Nehrenheim, absent.

Mayor Pro Tem Loewenstein reconvened the meeting at 8:42 p.m.

ROLL CALL

Councilmembers Present: Behrendt, Kaluderovic, Obagi,
Mayor Pro Tem Loewenstein

Councilmembers Absent: Nehrenheim, Mayor Brand

N.4. DISCUSSION AND POSSIBLE ACTION REGARDING THE IMPLEMENTATION OF A FIRE DEPARTMENT EMERGENCY MEDICAL SERVICES FIRST RESPONDER FEE, AND DIRECTION TO INITIATE AN AGREEMENT WITH WITTMAN ENTERPRISES, LLC. FOR BILLING SERVICES

CONTACT: PATRICK BUTLER, INTERIM FIRE CHIEF

RBFD Interim Chief Butler presented details of the Administrative Report; discussed AB 716; listed his recommendations, including the implementation of the fee schedule and

the billing process; addressed potential revenues and an agreement with Wittman Enterprises, LLC for billing services.

Mayor Pro Tem Loewenstein reported speaking with Councilmember Nehrenheim who shared concerns about people receiving a bill from Whitman on behalf of the City and will assume since it is from the City, they will have to pay; hoped to continue this discussion until next week so that Councilmember Nehrenheim can weigh in on the subject and suggested being explicit that people should submit the claims to their insurance companies, first.

Councilmember Obagi stated he would like to see a sample of the bill to be sent out to residents; suggested adding a notation for people to submit it to their insurance company, first and pointed out that residents pay for fire and other services through their taxes.

RBFD Interim Chief Butler stated staff will return with a contract that can be completely discussed again.

Councilmember Kaluderovic asked about including the administration cost of \$17 per customer in the billing for a total of \$330.

City Manager Witzansky responded that staff could do that but would need to revise the Master Fee Schedule and increase the amount and then a portion would be used to offset the per-billing cost, which would need to be done through a budget adjustment in June.

Councilmember Behrendt suggested providing FAQs for customers to have their questions answered online and also provide information for people to contact their insurance company, first.

Discussion followed regarding the number of calls per year.

Mayor Pro Tem Loewenstein invited public comments.

Public Safety Commissioner Austin Carmichael, District 5, spoke about the benefits of automating the system through a portal such as API for online payments. Staff can look into this further.

Holly Osborne, via Zoom, spoke about her experience calling 911 and asked about responsibility for payment.

There were no other public comments.

Councilmember Obagi thanked Interim Fire Chief Butler for his work on this matter of cost recovery and making the City more efficient.

Motion by Councilmember Obagi, seconded by Councilmember Kaluderovic, and approved by roll call vote, to direct the Fire Department and City Attorney's Office to negotiate a contract with Wittman Enterprises, LLC for EMS billing services making clear

in their first letter for residents to turn the bill over to their insurance for payment, provide examples of the draft letters to the City Council, request that an API to have a link for bill to be paid directly to the insurance company or to pay with Tyler technology or portal system as an automated payment option, and include FAQ on the backside and also on their website.

Nancy Skiba, via Zoom, asked about the possibility of the fee being on a sliding scale or a compassion clause for disabled people and those on a fixed income and she asked about the service cost.

Mayor Pro Tem Loewenstein and Fire Chief Butler responded and provide information regarding Speaker Skiba's comments. City Manager will provide follow up information regarding guideline related to compassion clause, such as the one in the Utility Users guide. Additional conversation ensued.

The motion carried with the following roll call vote:

AYES: Behrendt, Kaluderovic, Obagi, Mayor Pro Tem Loewenstein
NOES: None
ABSENT: Nehrenheim
ABSTAIN: None

Motion carried, 4-0-1. Councilmember Nehrenheim was absent.

N.5. DISCUSSION AND POSSIBLE ACTION ON THE COMMUNITY DEVELOPMENT DIRECTOR'S APPROVAL OF A THIRTEENTH EXTENSION TO THE EMERGENCY COASTAL DEVELOPMENT PERMIT ISSUED FOR THE TEMPORARY CLOSURE OF THE LOS ANGELES COUNTY BEACH ACCESS RAMP AT ESPLANADE AND AVENUE A TO PROTECT PUBLIC SAFETY

RECEIVE AND FILE THE THIRTEENTH EXTENSION OF THE EMERGENCY COASTAL DEVELOPMENT PERMIT FOR THE TEMPORARY CLOSURE OF THE BEACH ACCESS RAMP AT ESPLANADE AND AVENUE A TO PROTECT PUBLIC SAFETY

CONTACT: SEAN SCULLY, ACTING COMMUNITY DEVELOPMENT DIRECTOR

Acting Community Development Director Scully presented details of the Administrative Report.

There were no public comments on this item.

Motion by Councilmember Obagi, seconded by Councilmember Kaluderovic, and approved by voice vote, to Receive and File the thirteenth extension of the emergency coastal development permit for the temporary closure of the beach access ramp at Esplanade and Avenue A to protect public safety.

Motion carried, 4-0-1. Councilmember Nehrenheim was absent.

O. CITY MANAGER ITEM

City Manager Witzansky thanked Public Works personnel for keeping the City safe during the recent storms and announced the City has received and installed the last power-coated and treated Redondo Beach Pier sails.

P. MAYOR AND COUNCIL ITEMS

P.1. This item was pulled from the agenda and continued to the next City Council meeting.

Q. MAYOR AND COUNCIL REFERRALS TO STAFF

Councilmember Obagi addressed the need to paint the Artesia Bridge.

Mayor Pro Tem Loewenstein asked about the status of sharing the costs of chartering buses to the Metro meeting with the City of Lawndale and spoke about people parking on Anita Street between Francisca Street and PCH and in the parking lot at the Gateway parkette.

Motion by Mayor Pro Tem Loewenstein, seconded by Councilmember Obagi, and approved by voice vote, to direct staff to return to City Council with a discussion regarding parking on Anita Street between Francisca Street and PCH.

Motion carried, 4-0-1. Councilmember Nehrenheim was absent.

R. RECESS TO CLOSED SESSION - None

R.1. CONFERENCE WITH LEGAL COUNSEL - PUBLIC EMPLOYEE PERSONNEL MATTER/EVALUATION - The Closed Session is authorized by the attorney-client privilege, Government Code Section 54957(b).

Title: City Manager

R.2. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - The Closed Session is authorized by the attorney-client privilege - Government Code Section 54956.9(d)(1).

Name of case:

**Phillip Ho v. City of Redondo Beach
WCAB No: ADJ15815046; ADJ16250693**

R.3. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - The Closed Session is authorized by the attorney-client privilege - Government Code Section 54956.9(d)(1).

Name of case:

Traci Davidson v. City of Redondo Beach

- R.4. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - The Closed Session is authorized by the attorney-client privilege - Government Code Section 54956.9(d)(1).**

Name of case:

Dawn Berenschot v. City of Redondo Beach

WCAB No: ADJ11175077

- R.5. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - The Closed Session is authorized by the attorney-client privilege, Government Code Section 54956.9(d)(1).**

Name of case:

City of Redondo Beach, et al. v. California State Water Resources Control Board

Case Number: 20STCP03193

- R.6. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - The Closed Session is authorized by the attorney-client privilege, Government Code Section 54956.9(d)(1).**

Name of case:

New Commune DTLA, LLC and Leonid Pustilnikov v. City of Redondo Beach and City Council of the City of Redondo Beach

Case Number: 22TRCP00203

- R.7. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - The Closed Session is authorized by the attorney-client privilege, Government Code Section 54956.9(d)(1).**

Name of case:

New Commune DTLA, LLC v. City of Redondo Beach; City Council of the City of Redondo Beach; City of Redondo Beach Department of Community Development, et al.

Case Number: 23STCP00426

- R.8. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - The Closed Session is authorized by the attorney-client privilege, Government Code Section 54956.9(d)(1).**

Name of case:

9300 Wilshire, LLC v. City of Redondo Beach; City Council of the City of Redondo Beach; City of Redondo Beach Department of Community Development; and DOES 1 through 100, inclusive

Case Number: 23STCP02189

- R.9. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - The**

Closed Session is authorized by the attorney-client privilege, Government Code Section 54956.9(d)(1).

Name of case:

Yes in My Back Yard, a California nonprofit corporation; SONJA TRAUSS, an individual v. City of Redondo Beach; City Council of the City of Redondo Beach; City of Redondo Beach Department of Community Development, and DOES 1 through 25 inclusive

Case Number: 23TRCP00325

- R.10. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - The Closed Session is authorized by the attorney-client privilege, Government Code Section 54956.9(d)(1).**

Name of case:

In re 9300 Wilshire LLC Bankruptcy C.D. Cal.

Case Number: 2:23-bk-10918-ER

- R.11. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - The Closed Session is authorized by the attorney-client privilege, Government Code Section 54956.9(d)(1).**

Name of case:

New Commune DTLA LLC v. City of Redondo Beach; City Council of the City of Redondo Beach; and DOES 1 through 100, inclusive

Case Number: 23STCV10146

- S. RECONVENE TO OPEN SESSION ADJOURNMENT**

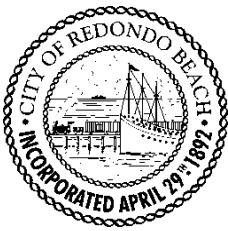
- T. ADJOURNMENT – 9:16 p.m.**

There being no further business to come before the City Council, motion by Councilmember Obagi, seconded by Councilmember Kaluderovic, to adjourn the meeting at 9:16 p.m., to an Adjourned Regular meeting to be held at 4:30 p.m. (Closed Session) and a Regular meeting to be held at 6:00 p.m. (Open Session) on Tuesday, February 13, 2024, in the Redondo Beach City Hall Council Chambers, 415 Diamond Street, Redondo Beach, California. There being no objections, Mayor Pro Tem Loewenstein so ordered.

All written comments submitted via eComment are included in the record and available for public review on the City website.

Respectfully submitted:

Eleanor Manzano, CMC
City Clerk



4:30 PM - CLOSED SESSION – ADJOURNED REGULAR MEETING

A. CALL MEETING TO ORDER

An Adjourned Regular Meeting of the Redondo Beach City Council was called to order at 4:30 p.m. by Mayor Pro Tem Loewenstein in the City Hall Council Chamber, 415 Diamond Street, Redondo Beach, California.

B. ROLL CALL

Councilmembers Present: Behrendt, Kaluderovic, Nehrenheim, Obagi,
Mayor Pro Tem Loewenstein

Officials Present: Mike Witzansky, City Manager
Lucie Colombo, Chief Deputy City Clerk

C. SALUTE TO THE FLAG AND INVOCATION - None

D. BLUE FOLDER ITEMS – ADDITIONAL BACK UP MATERIALS

Chief Deputy City Clerk Colombo declared there were no Blue Folder Items for Closed Session.

E. PUBLIC COMMUNICATIONS ON CLOSED SESSION ITEMS AND NON-AGENDA ITEMS

Chief Deputy City Clerk Colombo reported there were no public comments on Closed Session and Non-Agenda Items.

F. RECESS TO CLOSED SESSION: 4:34 p.m.

Chief Deputy City Clerk Colombo listed items to be considered in Closed Session.

Motion by Councilmember Nehrenheim, seconded by Councilmember Kaluderovic, and approved by voice vote to recess to Closed Session at 4:34 p.m. to conduct Closed Sessions attended by City Manager Mike Witzansky, City Attorney Mike Webb, Assistant City Attorney Cheryl Park and Outside Legal Counsels Jon Welner and Timothy McKeon.

Motion carried, 5-0.

F.1. CONFERENCE WITH LEGAL COUNSEL - PUBLIC EMPLOYEE PERSONNEL MATTER/EVALUATION - The Closed Session is authorized by the attorney-client privilege, Government Code Section 54957(b).

Title: City Manager

F.2. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - The Closed Session is

authorized by the attorney-client privilege, Government Code Section 54956.9(d)(1).

Name of case:

City of Redondo Beach, et al. v. California State Water Resources Control Board

Case Number: 20STCP03193

- F.3. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - The Closed Session is authorized by the attorney-client privilege, Government Code Section 54956.9(d)(1).**

Name of case:

New Commune DTLA, LLC and Leonid Pustilnikov v. City of Redondo Beach and City Council of the City of Redondo Beach

Case Number: 22TRCP00203

- F.4. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - The Closed Session is authorized by the attorney-client privilege, Government Code Section 54956.9(d)(1).**

Name of case:

New Commune DTLA, LLC v. City of Redondo Beach; City Council of the City of Redondo Beach; City of Redondo Beach Department of Community Development, et al.

Case Number: 23STCP00426

- F.5. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - The Closed Session is authorized by the attorney-client privilege, Government Code Section 54956.9(d)(1).**

Name of case:

New Commune DTLA LLC v. City of Redondo Beach; City Council of the City of Redondo Beach; and DOES 1 through 100, inclusive

Case Number: 23STCV10146

- F.6. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - The Closed Session is authorized by the attorney-client privilege, Government Code Section 54956.9(d)(1).**

Name of case:

9300 Wilshire, LLC v. City of Redondo Beach; City Council of the City of Redondo Beach; City of Redondo Beach Department of Community Development; and DOES 1 through 100, inclusive

Case Number: 23STCP02189

- F.7. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - The Closed Session is authorized by the attorney-client privilege, Government Code Section 54956.9(d)(1).**

Name of case:

In re 9300 Wilshire LLC

Bankruptcy C.D. Cal. Case Number: 2:23-bk-10918-ER

- F.8. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - The Closed Session is authorized by the attorney-client privilege, Government Code Section 54956.9(d)(1).**

Name of case:

Yes in My Back Yard, a California nonprofit corporation; SONJA TRAUSS, an individual v. City of Redondo Beach; City Council of the City of Redondo Beach; City of Redondo Beach Department of Community Development, and DOES 1 through 25 inclusive

G. RECONVENE TO OPEN SESSION – 6:00 p.m.

H. ROLL CALL

Councilmembers Present: Behrendt, Kaluderovic, Nehrenheim, Obagi,
Mayor Pro Tem Loewenstein

Officials Present: Mike Webb, City Attorney
Mike Witzansky, City Manager
Lucie Colombo, Chief Deputy City Clerk

I. ANNOUNCEMENT OF CLOSED SESSION ACTIONS

There were no reportable actions taken during Closed Session.

J. ADJOURN TO REGULAR MEETING

Mayor Pro Tem Loewenstein recessed to the Regular Meeting at 6:01 p.m.

6:00 PM - OPEN SESSION - REGULAR MEETING

A. CALL TO ORDER

A Regular Meeting of the Redondo Beach City Council was called to order at 6:02 p.m. by Mayor Pro Tem Loewenstein in the City Hall Council Chambers, 415 Diamond Street, Redondo Beach, California.

B. ROLL CALL

Councilmembers Present: Behrendt, Kaluderovic, Nehrenheim, Obagi,
Mayor Pro Tem Loewenstein

Officials Present: Mike Webb, City Attorney
Mike Witzansky, City Manager
Lucie Colombo, Chief Deputy City Clerk

C. SALUTE TO THE FLAG AND INVOCATION

Mayor Pro Tem Loewenstein led in the salute to the flag followed by a moment of silence in honor of Redondo Beach Mayor Bill Brand.

D. PRESENTATIONS/PROCLAMATIONS/ANNOUNCEMENTS

Councilmember Nehrenheim spoke about attending the ICA's Winter Seminar; reported the District 1 community meeting was rescheduled to February 24, 2024 at the Veterans Park Senior Center and announced the upcoming free dog vaccination and microchipping event by the Friends of the Dog Park. He thanked everyone that has reached out to him in response to the recent passing of Mayor Brand; spoke about his service, work and passion for the City and expressed his appreciation for the outpouring of support from the community.

Councilmember Kaluderovic spoke about knowing Mayor Brand for a short time but noted that during that time, his love for the City was made clear and expressed her condolences to his family, friends and

anyone he inspired.

Councilmember Obagi expressed his sadness at the loss of Mayor Brand and noted he was a strong supporter of District 4 and of him, personally.

Councilmember Behrendt spoke about Mayor Brand's strong activism, great integrity and consistency and noted he will have a lasting influence on him.

Mayor Pro Tem Loewenstein announced the District 2 community meeting will be held February 26, 2024 at 6:00 p.m. on Zoom.

Mayor Pro Tem Loewenstein read a statement from County Supervisor Holly Mitchell regarding Mayor Bill Brand's legacy and lasting impact on his beloved City and expressing her condolences.

Mayor Pro Tem Loewenstein commented on the outpouring of support from the community in response to the passing of Mayor Brand; shared his experience meeting and knowing him; noted the City owes him a debt of gratitude for his activism and work and reported the City hopes to honor him in the coming weeks.

E. APPROVE ORDER OF AGENDA

Councilmember Behrendt requested moving Item No. P.2 to before Item N.

Motion by Councilmember Behrendt, seconded by Councilmember Obagi, and approved by voice vote, to approve the order of the agenda, as amended, moving Agenda Item No. P.2, to immediately before Agenda Item N.

Motion carried, 5-0.

F. AGENCY RECESS – None

G. BLUE FOLDER ITEMS – ADDITIONAL BACK UP MATERIALS

G.1 For Blue Folder Documents Approved at the City Council Meeting

Chief Deputy City Clerk Colombo reported Blue Folder Items include materials for Agenda Items J.1, H.3, and N.1.

Motion by Councilmember Obagi, seconded by Councilmember Nehrenheim, and approved by voice vote to receive and file Blue Folder Items.

Motion carried, 5-0.

H. CONSENT CALENDAR

H.1. APPROVE AFFIDAVIT OF POSTING FOR THE CITY COUNCIL ADJOURNED AND REGULAR MEETING OF FEBRUARY 13, 2024

CONTACT: ELEANOR MANZANO, CITY CLERK

H.2. APPROVE MOTION TO READ BY TITLE ONLY AND WAIVE FURTHER READING OF ALL ORDINANCES AND RESOLUTIONS LISTED ON THE AGENDA

CONTACT: ELEANOR MANZANO, CITY CLERK

H.3. APPROVE THE FOLLOWING CITY COUNCIL MINUTES: NONE

CONTACT: ELEANOR MANZANO, CITY CLERK

H.4. EXCUSED ABSENCES FROM VARIOUS COMMISSION AND COMMITTEE MEETINGS

CONTACT: ELEANOR MANZANO, CITY CLERK

H.5. ADOPT BY TITLE ONLY RESOLUTION NO. CC-2402-007, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF REDONDO BEACH, CALIFORNIA, AMENDING THE OFFICIAL BOOK OF CLASSIFICATIONS TO UPDATE THE POSITION OF COMMUNITY DEVELOPMENT DIRECTOR

CONTACT: DIANE STRICKFADEN, DIRECTOR OF HUMAN RESOURCES

H.6. APPROVE AN ON-CALL AGREEMENT WITH PACIFIC ARCHITECTURE AND ENGINEERING, A CALIFORNIA CORPORATION, FOR PROFESSIONAL ENGINEERING SERVICES FOR AN AMOUNT NOT TO EXCEED \$100,000 AND THE TERM ENDING FEBRUARY 12, 2026

CONTACT: TED SEMAAN, PUBLIC WORKS DIRECTOR

H.7. APPROVE A MODIFIED AGREEMENT WITH PLAYCORE WISCONSIN INC., DBA GAMETIME, FOR DESIGN BUILD SERVICES FOR THE DOMINGUEZ PARK PLAYGROUND EQUIPMENT IMPROVEMENT PROJECT, JOB NO. 30730, FOR AN AMOUNT NOT TO EXCEED \$531,543

CONTACT: TED SEMAAN, PUBLIC WORKS DIRECTOR

There were no public comments on the Consent Calendar.

Motion by Councilmember Kaluderovic, seconded by Councilmember Obagi, and approved by voice vote, the Consent Calendar in its entirety, as presented.

Motion carried, 5-0.

Chief Deputy City Clerk Colombo read title to Resolution No. CC-2402-007.

I. EXCLUDED CONSENT CALENDAR ITEMS - None

J. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

J.1 For eComments and Emails Received from the Public

Niki Negrete-Mitchell, District 3, spoke about how she will remember Mayor Bill Brand; called on Councilmembers to denounce any divisive rhetoric they may hear; addressed how he encouraged her advocacy regarding the Metro C Line Extension project and in Mayor Brand's spirit hoped everyone will work for a more united Redondo.

Kevin Mitchell, District 3, spoke about Mayor Brand's visit to his home to speak with a small group of neighbors; addressed his activism and advocacy regarding the C Line Extension and the AES plant and

talked about being stewards of the ROW.

Wayne Craig spoke about the loss of a great leader, friend and tireless advocate for the City of Redondo Beach; addressed Mayor Brand's love for the City and the community and noted he will be remembered and missed.

Andy, Torrance, expressed his condolences on the passing of Mayor Brand and asked that the City maintain the individual public comment time to 3 minutes and that it continue to allow public comment for Consent Items.

Rita Lloyd, District 2, spoke about calling Mayor Brand a friend; expressed her condolences on his passing; talked about Mayor Brand inspiring her towards activism.

K. EX PARTE COMMUNICATIONS - None

L. PUBLIC HEARINGS - None

M. ITEMS CONTINUED FROM PREVIOUS AGENDAS – None

The City Council discussed Agenda Item No. P.2 as approved under Agenda Item No. E.

N. ITEMS FOR DISCUSSION PRIOR TO ACTION

N.1. DISCUSSION AND POSSIBLE ACTION REGARDING APPROVAL OF A REDESIGNED CITY LOGO

CONTACT: ELIZABETH HAUSE, ASSISTANT TO THE CITY MANAGER

Assistant to the City Manager Hause narrated a PowerPoint presentation with details of the Administrative Report.

Mayor Pro Tem Loewenstein thanked Redesign Committee Members for their work on the project.

Councilmember Obagi commented on the gradient samples as the most attractive.

Councilmember Behrendt commended members of the Committee for their work; spoke about receiving feedback from people wanting a new logo; stated he is in favor of Option 2 and supported getting more feedback from the public.

Councilmember Kaluderovic spoke about feedback she received at the District 3 community meeting and Redondo Union High School; commented on available color options; noted that image is subjective but asserted the function of the logo should be objective and reported many questioned the City spending money on this.

Councilmember Nehrenheim felt people are interested in seeing other options; spoke about the possibility of decreasing costs and agreed with Councilmember Behrendt regarding getting more feedback from the public as they will need to buy into it.

Councilmember Behrendt suggested following the Hermosa Beach model and determining additional costs before proceeding.

City Manager Witzansky spoke about the need to have someone facilitate the process and suggested continuing to have expertise to guide the process.

Councilmember Behrendt spoke in favor of continuing the effort but not spending \$1.5 million to do so.

Discussion followed regarding issues and challenges with the Hermosa Beach model and use of the logo and City seal.

RBPD Chief Hoffman addressed use of the City seal on badges and patches and reported no one else can use the City seal, it cannot be reproduced, and it is a symbol of the Police Department's authority.

Mayor Pro Tem Loewenstein invited public comments on this item.

Brad Waller reported he was on the Redondo Beach Union High School Board when they did a logo redesign; spoke in support of the project; commented favorably on the consultant's presentation; suggested that additional input might complicate the process and agreed to taking a phased approach.

Niki Negrete-Mitchell, District 3, spoke about the examples presented; mentioned she would like to see examples of other elements and agreed with Councilmembers Behrendt and Nehrenheim regarding seeking additional input.

Todd Dorm spoke the sailboat as the City's logo and about Redondo Beach having a harbor, compared to Hermosa Beach and Manhattan Beach; opined the current logo is difficult to see; commented favorably on the consultant's designs and mentioned the City could recuperate costs by selling City merchandise.

Jill Klausen felt that to many residents, the sails look like shark fins; mentioned a poll she issued to measure residents' opinion on the logo designs, including the newly proposed logo, and stated only two people voted for it.

Steve Senner, District 5, thanked Councilmembers Nehrenheim and Behrendt for choosing Option 2; spoke about the pier being a key visual symbol and suggested that it be included in the logo.

Commissioner Carmichael, District 5, believed the logo needs an elevator pitch; spoke about the need for some sort of structure; suggested publishing the new logo on electronic messaging first and then proceeding with printing stationery and merchandise. Additionally, he spoke about the importance of knowing what the City intends to accomplish with the new logo.

Orhan Taner spoke about the timing of a logo change reflecting a vision; discussed internal and external audiences; opined the current design fails to include many of the City's symbols; addressed art, culture and education in the City and spoke in support of continuing the matter to obtain additional input from the community.

Jamie Pagliano, District 1, mentioned there was only one logo presented; felt the designer should provide different options; agreed the sails look like shark fins; stated she preferred the round logo as "Redondo" means round and commented on the need for the logo to look good embroidered and on the need for additional community input.

Carissa Gallardo stated she appreciates the simplicity of the logo and hoped it will stay that way; agreed that more options are needed for review and input; commented on other things that represent the City in addition to sailing; mentioned the horseshoe pier makes the Redondo Beach Harbor unique and suggested adding waves.

Andy, Torrance, agreed with prior comments; spoke about adding waves and a blue sky and felt that \$1.5 million could be better spent on other things.

Wayne Craig, District 1, spoke about the proposed logo getting mixed reviews; felt the final design is not yet there; commented on the horseshoe pier as unique to the City and agreed with the need for additional concepts and community input.

Scott Elliott, District 3, via Zoom, mentioned the work of the Redesign Committee made up of members from each district; spoke about the City's current branding needing to be unified and consistent, across the City and hoped Council will not continue putting this out to open court, where everyone is an expert.

Nancy Skiba, via Zoom, indicated she was glad to see the mustard color gone; felt the waves do not look like waves; opined it does not say much about Redondo Beach and commented on the concepts proposed by residents who responded to Jill Klausen's survey of her neighborhood.

Lanessa Kneff, via Zoom, mentioned the "old" logo does not represent Redondo Beach either; liked the simplicity of the new, proposed logo and felt it does represent the City.

There were no other public comments.

Mayor Pro Tem Loewenstein reported that overall, residents he showed the proposed concepts to were in favor of the logo, except for the mustard color; noted everyone has a different point of view; believed that Council should be united on this topic; expressed concerns regarding this dragging on; specifically favored No. 27; agreed with the need for more community input and recommended continuing this but limiting the time for completion to seven or eight weeks and that City Council return with three or more choices and decide by budget time.

Councilmember Behrendt felt Mayor Pro Tem Loewenstein's suggestion is a good compromise; spoke about consultant Small who has been very professional and has invested a lot of time with the community in this process; suggested generating several examples with various features such as the horseshoe pier, the water, sails, the sun, etcetera.

Mayor Pro Tem Loewenstein cautioned against suggesting specific elements noting it may limit people's creativity.

Councilmember Kaluderovic wondered how the City will get people to participate.

Discussion followed regarding opening it up to artists and other professionals to submit concepts and the need to take into account the Redesign Committee's work.

Jordis Small, Consultant, advised that when judging logos, color should be taken out of the equation to ensure the concept works as a logo; asked that City Council judge it from a professional logo standpoint and mentioned that to ignore the recommendations of the Redesign Committee after it has worked hard and long to generate a logo is disheartening.

Councilmember Obagi provided a brief history of the item; mentioned the branding video helped to convince him to support the proposed logo; talked about logos needing to withstand to the test of time and noted his support for the motion.

Discussion followed regarding the need to open to contest to everyone and allowing City Council the chance to screen the submissions.

Councilmember Nehrenheim noted Council does not know who completed the surveys and whether or not they were residents;

Mayor Pro Tem Loewenstein requested that each Councilmember return with one logo suggestion; felt the

logo should speak for itself and not require watching a presentation and listed the parameters for the design including that it be scalable, simple and reproducible and suggested entrants work together in teams to develop their concepts.

Motion by Mayor Pro Tem Loewenstein, seconded by Councilmember Behrendt, to float a Design Competition, open for six weeks and direct staff to return to City Council the first meeting in May for final design selection.

Councilmember Obagi suggested that each City Councilmember select and bring back one, otherwise there would be too many. Mayor Pro Tem Loewenstein agreed.

Consultant Small commented on the concerns of conducting a logo contest and the process.

Councilmember Obagi left briefly at 7:45 p.m. and returned at 7:48 p.m.

The City Council expressed their concerns and continued discussion regarding engaging the community.

Amended motion by Mayor Pro Tem Loewenstein, seconded by Councilmember Obagi, and approved by roll call vote, to conduct a Design Competition, open for six weeks, direct each Councilmember to present one preferred logo design from either the proposed logo or additional concepts to be provided under Blue Folder Items at a subsequent meeting, staff will present as a Receive and File item at the last meeting in April, and staff to return to City Council for final selection of the logo at the second meeting in May.

The amended motion carried with the following roll call vote:

AYES: Behrendt, Kaluderovic, Nehrenheim, Obagi, Mayor Pro Tem Loewenstein
NOES: None
ABSENT: None
ABSTAIN: None

Motion carried, 5-0.

RECESS/RECONVENE

Councilmember Nehrenheim left at 7:53 p.m.

Motion by Councilmember Behrendt, seconded by Councilmember Obagi, and approved by voice vote, to call for a 6 minute recess at 7:54 p.m.

Motion carried, 5-0.

Mayor Pro Tem Loewenstein reconvened the meeting at 8:02 p.m.

ROLL CALL

Councilmembers Present: Behrendt, Kaluderovic, Nehrenheim, Obagi,
Mayor Pro Tem Loewenstein

N.2. DISCUSSION AND POSSIBLE ACTION REGARDING ENTRYWAY SIGNAGE AT CITY POINTS OF INTEREST

CONTACT: CAMERON HARDING, COMMUNITY SERVICES DIRECTOR

Community Services Director Harding introduced the item; stated it is currently an unfunded project and deferred to staff for a report.

Culture Arts Manager Margolis narrated a PowerPoint presentation regarding the proposed project; addressed consideration by the Public Arts Commission and discussed potential locations for entryway signs.

Discussion followed regarding coordinating other adjacent cities and ownership of existing structures.

City Manager Witzansky reported that staff has been in conversations with Burlington Northern about maintenance strategies and painting the trellises.

Discussion followed regarding using the art fund for monument signs.

Culture Arts Manager Margolis stated they cannot, as monument signs are commercially produced and would not qualify to be funded through the John Parson's Public Art Fund.

Councilmember Obagi felt that small improvements can be made without spending a lot of money, such as cleaning and painting existing monument signs; spoke about the monument sign on Artesia getting a refresh and requested a BRR with information regarding the costs of maintaining/replacing monument signs.

Councilmember Nehrenheim noted the major gateway sign on PCH could use a refresh and spoke about it being reproduceable and customizable to use in areas such as Riviera Village, the Harbor and North Redondo and suggested refreshing the main monument at PCH and the Chevron Station and Palos Verdes Boulevard and Prospect Avenue and Palos Verdes coming into Montana de Oro.

City Manager Witzansky stated staff will expand the BRR to include the proposed concepts and return to Council with information regarding costs.

Mayor Pro Tem Loewenstein invited public comments.

Andy, Torrance, spoke about monument signs in Torrance and suggested Redondo Beach consider their designs and save money.

There were no other public comments on this item.

Motion by Councilmember Nehrenheim, seconded by Councilmember Obagi, and approved by roll call vote, to create a Master Plan for signage that is customizable for individual areas, including items listed on the agenda, as well as the added locations discussed above.

The motion carried with the following roll call vote:

AYES:	Behrendt, Kaluderovic, Nehrenheim, Obagi, Mayor Pro Tem Loewenstein
NOES:	None
ABSENT:	None
ABSTAIN:	None

Motion carried, 5-0.

O. CITY MANAGER ITEM

City Manager Witzansky thanked Public Works and Public Safety personnel and the Chamber of Commerce for a safe and successful Super Bowl 10K event; noted it has been a challenging few weeks, especially with the loss of Mayor Brand; spoke about his relationship with him, his legacy, his fierce advocacy and his love for the City.

P. MAYOR AND COUNCIL ITEMS

P.1. APPROVE AN AGREEMENT FOR CONSULTING SERVICES BETWEEN THE CITY OF REDONDO BEACH AND MUNICIPAL RESOURCE GROUP, LLC

CONTACT: MICHAEL W. WEBB, CITY ATTORNEY

City Attorney Webb presented details of the Administrative Report; discussed the specific revisions and recommendations; mentioned the scope involved a kick off with a call with the Mayor and that Council may want to change it or wait until it selects a new Mayor and noted they offered two additional services to Council to consider.

Discussion followed regarding the City's standard insurance indemnification as determined by Risk Management and addressing references to the Chair and Subcommittee Chair.

Councilmember Nehrenheim suggested that references to the Mayor default to the Mayor Pro Tem; spoke about creating consistency throughout Council changeovers and talked about the agreement with Municipal Resource Group, LLC to review the City's employee review process and create consistency for moving forward.

City Treasurer Eugene Solomon addressed potential liabilities including personal injury, defamation, slander, invasion of privacy, cyber liabilities and employment practices liability including third-party discrimination.

City Attorney Webb noted that the current insurance does not have those additional coverages.

City Treasurer Solomon reported they can be purchased and can be part of a vendor's portfolio.

City Attorney Webb noted that the additional coverage is not required by the City.

Councilmember Obagi suggested no over complicating this and recommended moving forward and designating one person, Mayor Pro Tem Loewenstein, to be the point person on this contract.

City Attorney Webb suggested stating, Councilmember Todd Loewenstein, rather than Mayor Pro Tem Loewenstein.

Mayor Pro Tem Loewenstein invited public comments.

Andy, Torrance, asked about the contract amount.

Commissioner Carmichael, District 5, spoke about capturing the process, memorializing it and carrying it forward year after year.

There were no other public comments on this item.

Motion by Councilmember Obagi, seconded by Councilmember Nehrenheim, and approved by roll call vote, to amend the agreement to replace wording where it says, Mayor and Subcommittee Chair with

“Todd Loewenstein”.

The motion carried with the following roll call vote:

AYES: Behrendt, Kaluderovic, Nehrenheim, Obagi, Mayor Pro Tem Loewenstein
NOES: None
ABSENT: None
ABSTAIN: None

Motion carried, 5-0.

P.2. DISCUSSION AND CONSIDERATION OF THE MAYOR’S APPOINTMENT TO THE PUBLIC ART COMMISSION

The City Council discussed Agenda Item No. P.2, before Agenda Item No. N.

Councilmember Obagi spoke about Orhan Taner applying to the Public Arts Commission numerous times and commended him for his persistence.

Councilmember Behrendt spoke about Mr. Taner continuing to be engaged when Commissioner positions were not available.

Orhan Taner spoke about proposing a project honoring the legacy of Mayor Brand and thanked Council for its support.

Councilmember Obagi talked about being able to work with staff prior to Public Art Commission meetings.

There were no public comments on this item.

Motion by Councilmember Nehrenheim, seconded by Councilmember Behrendt, and approved by voice vote, the Mayor’s appointment of Orhan Taner to the Public Art Commission.

Motion carried, 5-0.

Mayor Pro Tem Lowenstein returned to Agenda Item No. N.1 and followed the remainder of the agenda, as published.

Q. MAYOR AND COUNCIL REFERRALS TO STAFF

Councilmember Nehrenheim had requests and made a motion.

Motion by Councilmember Nehrenheim, seconded by Councilmember Obagi, and approved by voice vote, to agendize a BRR on integrating Pulse Point Technology in the City’s 911 and Police and Fire Dispatch Systems including costs and integration capabilities and to have an Agenda Item for discussion for possible action for next week’s meeting, to deem the Mayor’s position vacant and determine the next steps to fill the vacancy.

Motion carried, 4-1. Councilmember Kaluderovic opposed.

Mayor Pro Tem Loewenstein asked staff to take a look at the light going eastbound on Anita and PCH and signage for parking overnight at Lot 13.

Councilmember Obagi requested adjourning next week's meeting in honor of Late Mayor Bill Brand.

R. RECESS TO CLOSED SESSION - None

- R.1. CONFERENCE WITH LEGAL COUNSEL - PUBLIC EMPLOYEE PERSONNEL MATTER/EVALUATION - The Closed Session is authorized by the attorney-client privilege, Government Code Section 54957(b).**

Title: City Manager

- R.2. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - The Closed Session is authorized by the attorney-client privilege, Government Code Section 54956.9(d)(1).**

Name of case:

City of Redondo Beach, et al. v. California State Water Resources Control Board

Case Number: 20STCP03193

- R.3. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - The Closed Session is authorized by the attorney-client privilege, Government Code Section 54956.9(d)(1).**

Name of case:

New Commune DTLA, LLC and Leonid Pustilnikov v. City of Redondo Beach and City

Council of the City of Redondo Beach

Case Number: 22TRCP00203

- R.4. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - The Closed Session is authorized by the attorney-client privilege, Government Code Section 54956.9(d)(1).**

Name of case:

New Commune DTLA, LLC v. City of Redondo Beach; City Council of the City of Redondo Beach; City of Redondo Beach Department of Community Development, et al.

Case Number: 23STCP00426

- R.5. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - The Closed Session is authorized by the attorney-client privilege, Government Code Section 54956.9(d)(1).**

Name of case:

New Commune DTLA LLC v. City of Redondo Beach; City Council of the City of Redondo Beach; and DOES 1 through 100, inclusive

Case Number: 23STCV10146

- R.6. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - The Closed Session is authorized by the attorney-client privilege, Government Code Section 54956.9(d)(1).**

Name of case:

9300 Wilshire, LLC v. City of Redondo Beach; City Council of the City of Redondo Beach; City of Redondo Beach Department of Community Development; and DOES 1 through 100, inclusive

Case Number: 23STCP02189

- R.7. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - The Closed Session is authorized by the attorney-client privilege, Government Code Section 54956.9(d)(1).**

Name of case:
In re 9300 Wilshire LLC
Bankruptcy C.D. Cal. Case Number: 2:23-bk-10918-ER

- R.8. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - The Closed Session is authorized by the attorney-client privilege, Government Code Section 54956.9(d)(1).**

Name of case:
Yes in My Back Yard, a California nonprofit corporation; SONJA TRAUSS, an individual v. City of Redondo Beach; City Council of the City of Redondo Beach; City of Redondo Beach Department of Community Development, and DOES 1 through 25 inclusive
Case Number: 23TRCP00325

- S. RECONVENE TO OPEN SESSION ADJOURNMENT**

- T. ADJOURNMENT – 9:16 p.m.**

There being no further business to come before the City Council, motion by Councilmember Nehrenheim, seconded by Councilmember Obagi, and was approved by voice vote, to adjourn the meeting at 9:16 p.m., to an Adjourned Regular meeting to be held at 4:30 p.m. (Closed Session) and a Regular meeting to be held at 6:00 p.m. (Open Session) on Tuesday, February 20, 2024, in the Redondo Beach City Hall Council Chambers, 415 Diamond Street, Redondo Beach, California.

All written comments submitted via eComment are included in the record and available for public review on the City website.

Respectfully submitted:

Eleanor Manzano, CMC
City Clerk



Minutes
Redondo Beach City Council
Tuesday, February 20, 2024
Closed Session - Adjourned Regular Meeting 4:30 p.m. - Cancelled
Open Session –Regular Meeting 6:00 p.m.

4:30 PM - CLOSED SESSION – ADJOURNED REGULAR MEETING (CANCELLED)

6:00 PM - OPEN SESSION - REGULAR MEETING

A. CALL TO ORDER

A Regular Meeting of the Redondo Beach City Council was called to order at 6:01 p.m. by Mayor Pro Tem Loewenstein in the City Hall Council Chambers, 415 Diamond Street, Redondo Beach, California.

B. ROLL CALL

Councilmembers Present: Behrendt, Kaluderovic, Nehrenheim, Obagi
Mayor Pro Tem Loewenstein

Officials Present: Eleanor Manzano, City Clerk
Mike Webb, City Attorney
Mike Witzansky, City Manager
Lucie Colombo, Chief Deputy City Clerk

C. SALUTE TO THE FLAG AND INVOCATION

Mayor Pro Tem Loewenstein led in the salute to the flag followed by a moment of silence.

D. PRESENTATIONS/PROCLAMATIONS/ANNOUNCEMENTS

Councilmember Nehrenheim spoke about the upcoming District 1 community meeting at the Veterans Park Senior Center at 9:30 a.m. on Saturday, 2/24/24 and commended the Public Works Department for their work during the recent storms.

Councilmember Kaluderovic reported touring the AltaSea facility in San Pedro and learning about blue economy and wave generated power; noted attending the Crossing Guard Employee Appreciation at the Redondo Unified School District; talked about attending the inaugural meeting for the Executive Committee of the Blue Ribbon Commission on homelessness and announced the upcoming District 3 community meeting.

Councilmember Obagi announced a community cleanup on 2/24/24 at 10:00 a.m. at Artesia Boulevard in the parking lot of the right-of-way, where the powerlines are.

Councilmember Behrendt announced the e-Bike Safety Community Outreach event on

March 7, 2024 at Anderson Park and thanked the City Manager and Public Works for the work related to the bull pens for Redondo Beach Little League.

Mayor Pro Tem Loewenstein thanked Public Works for keeping the City safe during the recent storms and announced the District 2 community meeting on Monday, 6:00 p.m. via Zoom.

E. APPROVE ORDER OF AGENDA

Mayor Pro Tem Loewenstein requested that Agenda Item P.1 be moved up due to many people being present for the item.

Motion by Councilmember Obagi, seconded by Councilmember Nehrenheim, and approved by voice vote, to approve the order of the agenda, as amended, moving Items No. P.1, N.2, N.1 and N.3 up on the agenda immediately after Agenda Item No. J.

Motion carried, 5-0.

F. AGENCY RECESS – None

G. BLUE FOLDER ITEMS – ADDITIONAL BACK UP MATERIALS

G.1 For Blue Folder Documents Approved at the City Council Meeting

City Clerk Manzano reported Blue Folder Items include materials for Agenda Items J.1, N.2, and P.1.

Motion by Councilmember Kaluderovic, seconded by Councilmember Obagi, and approved by voice vote to receive and file Blue Folder Items.

Motion carried, 5-0.

H. CONSENT CALENDAR

H.1. APPROVE AFFIDAVIT OF POSTING FOR THE CITY COUNCIL REGULAR MEETING OF FEBRUARY 20, 2024

CONTACT: ELEANOR MANZANO, CITY CLERK

H.2. APPROVE MOTION TO READ BY TITLE ONLY AND WAIVE FURTHER READING OF ALL ORDINANCES AND RESOLUTIONS LISTED ON THE AGENDA

CONTACT: ELEANOR MANZANO, CITY CLERK

H.3. APPROVE THE FOLLOWING CITY COUNCIL MINUTES:

- A. NOVEMBER 21, 2023 ADJOURNED REGULAR & REGULAR MEETING**
- B. DECEMBER 5, 2023 ADJOURNED REGULAR & REGULAR MEETING**

C. JANUARY 9, 2024 REGULAR MEETING

CONTACT: ELEANOR MANZANO, CITY CLERK

H.4. PAYROLL DEMANDS

**CHECKS 29574-29595 IN THE AMOUNT OF \$27,097.95, PD. 2/2/24
DIRECT DEPOSIT 274140-274750 IN THE AMOUNT OF \$2,659,260.41, PD.
2/2/24**

**CHECKS 29596-29615 IN THE AMOUNT OF \$21,532.77, PD. 2/16/24
DIRECT DEPOSIT 274751-275348 IN THE AMOUNT OF \$2,176,312.84, PD.
2/16/24**

**EFT/ACH \$7,804.34, PD. 12/21/23 (PP2325)
EFT/ACH \$417,147.15, PD. 1/5/24 (PP2325)
EFT/ACH \$7,800.50, PD. 12/21/23 (PP2326)
EFT/ACH \$426,141.41, PD. 1/16/24 (PP2326)
EFT/ACH \$9,061.25, PD. 1/8/24 (PP2401)
EFT/ACH \$417,202.26, PD. 1/30/24 (PP2401)**

ACCOUNTS PAYABLE DEMANDS

CHECKS 112668-112962 IN THE AMOUNT OF \$3,265,708.75

CONTACT: WENDY COLLAZO, FINANCE DIRECTOR

H.5. APPROVE CONTRACTS UNDER \$35,000:

**1. APPROVE A SECOND AMENDMENT TO THE AGREEMENT WITH
SECTRAN SECURITY, INC. TO INCREASE THE FEES BY 10% FOR AMORED
VEHICLE SERVICES TO SECURE PICKUP OF CASH AND CHECKS FROM
VARIOUS CITY FACILITIES AND DELIVER THEM TO THE BANK EFFECTIVE
MARCH 1, 2024 FOR THE EXISTING TERM THROUGH OCTOBER 31, 2025**

CONTACT: WENDY COLLAZO, FINANCE DIRECTOR

H.6. EXCUSED ABSENCES FROM VARIOUS COMMISSION AND COMMITTEE MEETINGS

CONTACT: ELEANOR MANZANO, CITY CLERK

H.7. RECEIVE AND FILE THE CITY TREASURER'S QUARTER 2 FISCAL YEAR 2023-2024 REPORT

CONTACT: EUGUENE SOLOMON, CITY TREASURER

H.8. APPROVE AN AGREEMENT FOR CONSULTING SERVICES BETWEEN THE CITY OF REDONDO BEACH AND FRANCISCO AND ASSOCIATES, INC. TO CONDUCT AND SUBMIT THE CITY'S ANNUAL ASSESSMENTS FOR THE STREET LANDSCAPING AND LIGHTING ASSESSMENT DISTRICT, WASTEWATER FUND, AND SOLID WASTE FUND TO THE LOS ANGELES

COUNTY AUDITOR-CONTROLLER'S OFFICE FOR A TOTAL FIVE-YEAR AMOUNT NOT TO EXCEED \$182,301 AND THE TERM FEBRUARY 20, 2024 TO FEBRUARY 19, 2029

CONTACT: TED SEMAAN, PUBLIC WORKS DIRECTOR

- H.9. APPROVE A THREE-YEAR AGREEMENT WITH EXCELSIOR ELEVATOR, INC. TO PROVIDE ELEVATOR MAINTENANCE SERVICES FOR AN ANNUAL COST NOT TO EXCEED \$55,781**

ADOPT BY TITLE ONLY RESOLUTION NO. CC-2402-008, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF REDONDO BEACH, CALIFORNIA, DECLARING MAINTENANCE AND REPAIR OF THE CITY'S ELEVATORS AS "MAINTENANCE" AND EXEMPTING IT FROM BIDDING REQUIREMENTS PURSUANT TO SECTIONS 19 AND 19.1(A) OF THE CITY CHARTER OF REDONDO BEACH

CONTACT: TED SEMAAN, PUBLIC WORKS DIRECTOR

- H.10. APPROVE INSTALLATION OF ALL-WAY STOP CONTROLS AT THE INTERSECTION OF MACKAY LANE AND GRAHAM AVENUE**

CONTACT: TED SEMAAN, PUBLIC WORKS DIRECTOR

- H.11. Mayor Pro Tem Loewenstein pulled this item for separate discussion.**

- H.12. APPROVE A TEMPORARY PERSONNEL ADJUSTMENT IN THE POLICE DEPARTMENT FOR THE OVER-HIRE OF A POLICE CAPTAIN POSITION FOR SUCCESSION PLANNING PURPOSES AND TO HELP PREPARE FOR UPCOMING POLICE MANAGEMENT RETIREMENTS**

CONTACT: JOE HOFFMAN, CHIEF OF POLICE

- H.13. APPROVE AN AGREEMENT WITH ROCKWEST TECHNOLOGY GROUP, INC. FOR THE INSTALLATION OF AN INFRARED ID CARD READER SYSTEM FOR EMPLOYEE ACCESS TO POLICE DEPARTMENT FACILITY ENTRANCES FOR AN AMOUNT NOT TO EXCEED \$159,661.89 AND THE TERM FEBRUARY 20, 2024 TO FEBRUARY 19, 2025**

CONTACT: JOE HOFFMAN, CHIEF OF POLICE

- H.14. APPROVE THE AGREEMENT FOR LEGAL SERVICES WITH RICHARDS, WATSON & GERSHON**

CONTACT: MICHAEL W. WEBB, CITY ATTORNEY

- H.15. RECEIVE AND FILE THE MONTHLY UPDATE TO THE TWELVE-MONTH STRATEGIC PLAN OBJECTIVES ADOPTED BY CITY COUNCIL ON MAY 30, 2023**

CONTACT: MIKE WITZANSKY, CITY MANAGER

Councilmember Obagi requested to pull Consent Calendar item H.15 for separate discussion. He withdrew his request.

Mayor Pro Tem Loewenstein pulled Agenda Item No. H.11 from the Consent Calendar for separate consideration.

There were no public comments on the Consent Calendar.

Motion by Councilmember Obagi, seconded by Councilmember Kaluderovic, and approved by voice vote, the Consent Calendar, as amended, with Item No. H.11 pulled for separate discussion.

Motion carried, 5-0.

Chief Deputy City Clerk Colombo read title to Resolution No. CC-2402-008.

I. EXCLUDED CONSENT CALENDAR ITEMS - None

H.11. APPROVE PLANS AND SPECIFICATIONS FOR THE CITYWIDE SLURRY SEAL PROJECT, PHASE 4, JOB NO. 41140 AND AUTHORIZE THE CITY CLERK TO ADVERTISE THE PROJECT FOR COMPETITIVE BIDS

CONTACT: TED SEMAAN, PUBLIC WORKS DIRECTOR

Mayor Pro Tem Loewenstein referenced the block on North Juanita between Emerald and Spencer; noted it was supposed to be ground and overlayed, not slurry sealed and noted it is shown as slurry sealed.

Public Works Director Semaan stated he would need to review the matter; mentioned it could be as a result of staff's assessment of the street; noted it could be corrected, accordingly and referenced an upcoming ground and overlay project.

City Manager Witzansky suggested giving staff direction to ensure specific budget direction to incorporate ground and overlay and noted it will be adjusted in the scope of work through the bidding process.

Councilmember Loewenstein noted that one (ground and overlay) lasts approximately 20 years and the other (slurry seal) lasts about five years.

Councilmember Nehrenheim left the Chambers at 6:12 p.m. and returned at 6:13 p.m.

Councilmember Obagi mentioned all slurry seal projects appear to be in District 1 and 2.

City Engineer Winje confirmed that slurry seal projects for this year focused in the southern part of the City and addressed the slurry seal program.

Public Works Director Semaan added that Council will consider a pavement management study which will identify more streets to be ground and overlayed in the north part of the City, in an upcoming meeting.

City Engineer Winje provided a brief history of the City's Street Management Program.

City Manager Witzansky reported there will be more substantive studies in the near future for City Council to consider.

There were no public comments on this item.

Motion by Mayor Pro Tem Loewenstein, seconded by Councilmember Nehrenheim, and approved by voice vote, Item N.11 with direction to staff to ensure the specifications include budget direction to add the ground and overlay to the scope of work and bring back a final contract for City Council's approval.

Motion carried, 5-0.

J. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

Councilmember Obagi left the Chamber at 6:17 p.m. and returned at 6:18 p.m.

J.1 For eComments and Emails Received from the Public

Laura Sola spoke about a Manhattan Beach smoke shop moving to 2205 Artesia Boulevard and wondered about how the City decides who moves into it.

Mayor Pro Tem Loewenstein reported City Council is prohibited from discussing the matter and directed the speaker to contact her Councilmember or the Planning Commission to address the matter.

Dave James spoke about the red light on Kingsdale, in front of the Transit Center is excessively long; reported the popouts on Grand Avenue are hard to see and suggested painting the curbs white or installing some type of reflector; recommended putting a timer on LED Stop signs; opined that questionable businesses end up on Artesia Boulevard and talked about the possibility of a "Wear White at Night" campaign.

Mayor Pro Tem Loewenstein encouraged Mr. James to contact Councilmember Obagi's office.

Zoila Norwood, Owner, Savoir Faire Language Institute, spoke about a recent incident on the bottom floor of the parking area; noted there is loitering and increased graffiti and asked for increased Police patrol in the area.

Holly Osborne, District 5, spoke about Metro being confused about the width of the ROW which is part of the ROW in Lawndale; discussed the trench portion and addressed errors in measurements in the Metro data.

Niki Negrete-Mitchell noted there is a final EIR fight at the Metro Board of Directors;

reported their agenda for the next meeting indicates they are going to delay the project by six months; talked about applying to be a vendor at Beach Life; expressed surprise at the \$12,500 fee to have a 10x10 booth at the festival; stated the elitist policy makes it impossible for a local artist with a micro business to participate in the event and hoped the City will look into the matter.

Joan Irvine, District 1, Help Keep the Esplanade Beautiful, reminded the public of First Saturday Sweep at the Esplanade and talked about sponsorship opportunities for future cleanup events.

Julian Peters, District 5, spoke about a disconnection between north and south Redondo Beach; commented on finding a way to bridge that gap and discussed increased numbers of massage parlors and smoke shops along Artesia Boulevard.

Lara Duke spoke about the vendor fees being charged by Beach Life and suggested that they should consider a reduced rate for local vendors.

Leslie Campeggi wondered if there is an area near the Beach Life Festival that is City property that could provide a small Farmers Market with local vendors at reduced rates.

Andy, Torrance, spoke about liking to attend Council meetings because they are good entertainment and discussed the trash police in the City of Torrance.

There were no other public comments.

The City Council moved to Agenda Item No. P.1.

K. EX PARTE COMMUNICATIONS - None

L. PUBLIC HEARINGS - None

M. ITEMS CONTINUED FROM PREVIOUS AGENDAS – None

N. ITEMS FOR DISCUSSION PRIOR TO ACTION

The City Council discussed Item N.1, after No. N.2 – DISCUSSION AND POSSIBLE ACTION REGARDING ALLOWING USE OF BATTERY-POWERED LEAF BLOWERS

N.1. DISCUSSION AND POSSIBLE ACTION ON THE USE AND OPERATION OF THE VETERANS PARK HISTORIC LIBRARY/COMMUNITY CENTER FACILITY

RECEIVE AND FILE THE PROPOSAL AND SUPPLEMENTAL PROPOSAL SUBMITTED BY “MADE BY MEG” IN RESPONSE TO RFP# 2223-004 – FACILITY MANAGEMENT AND OPERATION OF THE VETERANS PARK HISTORIC LIBRARY/COMMUNITY CENTER

AUTHORIZE STAFF TO BEGIN NEGOTIATIONS WITH MADE BY MEG TO PREPARE A CONCESSIONAIRE AGREEMENT FOR USE AND OPERATION OF THE FACILITY

AUTHORIZE STAFF TO PREPARE A LICENSE AGREEMENT WITH THE FRIENDS OF REDONDO BEACH ARTS GROUP TO HOST A POP-UP ART EXHIBIT AT THE FACILITY IN APRIL

CONTACT: CAMERON HARDING, COMMUNITY SERVICES DIRECTOR

Councilmember Kaluderovic left the Chamber at 10:42 p.m. and returned at 10:43 p.m.

Deputy Community Services Director Kelly Orta narrated a PowerPoint presentation with details of the Administrative Report.

City Manager Witzansky noted the art exhibit will not impact negotiations for concessionaire services and further negotiations can occur in Closed Session.

Discussion followed regarding the terms for the agreement with the Friends of Redondo Beach Arts Group.

Meg Walker, Owner, Made by Meg, offered condolences on the passing of Mayor Brand; addressed elements in their proposal; discussed design highlights and addressed pricing, collaboration with other local groups, supplemental proposal, the café and menu.

Discussion followed regarding working with non-profits, special pricing for Redondo Beach residents, the City holding back times for programming, scheduling, and landscaping.

Councilmember Nehrenheim spoke favorably about the proposal and noted he will be making a motion to move this item into Closed Session.

Councilmember Behrendt asked about the possibility of bringing in more candidates to respond to the Request for Proposals.

City Manager Witzansky reported most of those efforts occurred about a year ago; discussed steps taken at that time to increase responses; stated he is grateful to have the one vendor who has been vetted as a quality vendor and spoke in support of moving forward with negotiations.

Mayor Light invited public comments on this item.

Wayne Craig, District 1, endorsed Made by Meg as the new operator of the Veterans Park/Historic Library/Community Center facility.

Commissioner Chadwick, District 5, endorsed Made by Meg as the new operator of the Veterans Park/Historic Library/Community Center facility.

Andy, Torrance, spoke in support of the project.

There were no other public comments on this item.

Motion by Councilmember Nehrenheim, seconded by Councilmember Obagi, and carried by voice vote, to enter into negotiations for a concessionaire agreement with “Made by Meg” for Veterans Park Library/Community Center and authorize the preparation of the license agreement with the Friends of Redondo Beach Arts Group for the April event and receive and file the supplemental proposal.

The City Council moved to Item No. N.3, as N.2 was previously discussed.

The City Council discussed Item N.2, after No. P.1 - RECOGNITION THAT THE POSITION OF MAYOR IS VACANT AND DISCUSSION AND POSSIBLE ACTION TO FILL BY APPOINTMENT THE VACANCY PURSUANT TO SECTION 6.4 OF THE REDONDO BEACH CHARTER.

N.2. DISCUSSION AND POSSIBLE ACTION REGARDING ALLOWING USE OF BATTERY-POWERED LEAF BLOWERS

CONTACT: TED SEMAAN, PUBLIC WORKS DIRECTOR

Senior Management Analyst Rob Osborne narrated a PowerPoint presentation with details of the administrative report.

RBDP Chief Hoffman addressed enforcement, education, calls for service, citations issued, quality of life issues, ensuring enforcement across all areas, staffing challenges and increasing compliance.

Senior Management Analyst Osborne continued the presentation addressing next steps and recommendations.

Councilmember Obagi spoke about why the City needs an exception for electric leaf blowers; discussed savings to the City including time and labor and recommended excepting from the City’s ban, zero emission hand-powered leaf blowers operated during construction hours.

Councilmember Loewenstein referenced the City’s prior approval of an ordinance banning the use of leaf blowers and the State’s recent action outlawing gas powered leaf blowers; expressed concerns that by making an exception, it will create confusion; noted dust and particulates will still be blown into the air, which the public will breathe in; spoke about raking taking a little longer to complete; asserted that at the end of the day, City Council is here for the residents; felt the ordinance has not been as enforced as it needs to be; talked about increasing the fee for violations of the ordinance and opined the City should take a few steps back.

Councilmember Kaluderovic spoke about the number of times this matter has been discussed; noted that the School District is exempt from the ordinance; mentioned notifying residents there has been a citation given to his/her yard workers and felt that residents need to be part of the solution as well as the City.

Councilmember Nehrenheim voiced support for Councilmember Obagi; suggested that the City be treated equally to residents; talked about including the School District and questioned being able to hold homeowners liable.

City Attorney Webb spoke about how the exemption for the School District falls within the preemption for Operation of Classroom Facilities which is not covered by municipal law.

Councilmember Obagi noted how residents responded to this issue in his poll; spoke about gardeners visiting sites on schedules where they can be “caught” and suggested leaving a note for homeowners when their gardeners are cited.

Discussion followed regarding changing the law and/or the punishment, exploring ways to make homeowners responsible for repeat violations and the landscapers’ responsibility versus the homeowners.

In reply to Mayor Light’s question, City Manager Witzansky reported that Public Works has been consistent in its bid to allow use of the mechanical equipment; noted the benefits in terms of staff hours and efficiency; referenced AB 1346 and spoke about incentivizing the commercial market to develop better battery-powered equipment.

Mayor Light asked about possible evidence including video from doorbell cameras and RCPD Chief Hoffman stated the Police Department would probably not be able to use that as the violation is an infraction.

City Attorney Webb spoke about infractions and cases that can be either infractions or misdemeanors.

Mayor Light invited public comments on this item.

Don Albrecht urged Council to change the ban; stated there is nothing wrong with people breathing in leaves and particles; spoke about harmful emissions from cars; noted he uses a blower and that he and gardeners clean up after themselves; discussed new technology in electric blowers and submitted a list of resident signatures in support of them.

Motion by Councilmember Obagi, seconded by Councilmember Nehrenheim, to receive and file Don Albrecht’s petition. There being no opposition, Mayor Light so ordered.

Doug Seiker, District 5, spoke in opposition to any alteration in the ban; discussed noise and air pollution as a result of using leaf blowers; addressed health risks and the need to be environmentally responsible and urged the City not to compromise on residents’ health for financial gain. He reported other alternatives to leaf blowers exist and suggested that Council continue this item for further assessment.

Motion by Councilmember Loewenstein, seconded by Councilmember Nehrenheim, to receive and file documentation submitted by Doug Seiker. There being no opposition, Mayor Light so ordered.

Elaine Seiker, District 5, asserted that all leaf blowers produce noise and air pollution; urged City Council not to change the ban; noted zero emissions does not mean zero pollution; spoke about her neighborhood complying with the ordinance for the last five years and talked about what Mayor Brand would have done about the matter.

Motion by Councilmember Obagi, seconded by Councilmember Kaluderovic, to receive and file documentation submitted by Elaine Seiker. There being no opposition, Mayor Light so ordered.

Bill Soper spoke about the ordinance; discussed the School District's exemption and questioned why only battery blowers and not corded blowers, gas and propane blowers.

Motion by Councilmember Obagi, seconded by Councilmember Loewenstein, to extend Bill Soper's time for commenting by 30 seconds. There being no opposition, Mayor Light so ordered.

Bill Soper asked about requesting an extension for his townhouse area as the yard is completely closed in.

Ronald Sutherland talked about his use of a blower; mentioned it is not harming anyone and talked about use of gasoline mowers and sweepers.

Julie Young, District 4, spoke in favor of the ordinance; opposed changing the ordinance for inconvenience; felt there is a lot of education that needs to happen around this topic.

Niki Negrete-Mitchell noted that leaf blowers are the bane of her existence and spoke about the resulting noise and debris.

Carissa Galardo spoke about educating the public about the ordinance.

Jim Montgomery, Torrance, noted that quieter is not quiet and that leaf blowers do not blow just dust; felt they are a public health issue; urged City Council not to go backwards and stated the ban was a good thing.

Rolf Strutzenberg, District 1, talked about leaf blowers being an instant gratification; noted gardeners usually blow the dust and debris right into the street; discussed enforcement; opined a partial ban will not work; spoke about the need for educating the public and urged City Council not to change the ordinance.

Wayne Craig, District 1, agreed with Mr. Strutzenberg and urged City Council not to change the ordinance.

Andy, Torrance, talked about the lack of enforcement and urged City Council not to change the ordinance.

Councilmember Obagi briefly left the Chamber at 10:11 p.m. and returned at 10:14 p.m.

Grace Peng, District 5, via Zoom, spoke about increased particulates in her census tract;

reported that the entire City exceeds EPA limit for safe PMs 2.5; noted this is a public health hazard and urged City Council not to change the ban.

David Waldnerf, District 2, via Zoom, urged City Council not to change the ban; talked about pollution and noise and disagreed with claims of increased labor costs.

Farshid Kazi, M.D., District 5, via Zoom, spoke about the ordinance encouraging bullying in some neighborhoods; talked about the importance of enforcement; discussed the need to educate the public and keep the peace.

Craig Cadwallader, via Zoom, reported doing research on this topic and working on ordinance for other beach cities; discussed other toxins such as in bird droppings; noted both gas powered, and electric powered blowers blow debris and toxins into the air; said that expecting people to stay in their houses is unreasonable and unfair and suggested a renewed educational campaign.

Motion by Councilmember Loewenstein, seconded by Councilmember Obagi, to extend Craig Cadwallader's time for commenting by 30 seconds. There being no opposition, Mayor Light so ordered.

Craig Cadwallader, via Zoom, addressed cumulative noise impacts and urged City Council not to change the ordinance.

Nancy Skiba, via Zoom, talked about gardeners blowing debris into the streets and other driveways and addressed health impacts including asthma and other respiratory problems.

City Clerk Manzano reported receiving five eComments: three in support of the item and two opposed.

There were no other public comments.

Councilmember Loewenstein reported he used to be on the Board of the American Heart Association; noted there is science behind the public health risks of leaf blowers and recalled that Mayor Brand was very opposed to leaf blowers.

Councilmember Behrendt spoke about his outreach to District 5 residents; noted they were in favor of zero-emission leaf blowers by 9-1; talked about people finding a lot of utility by using them; talked about the American Lung Association's support of electric technology and felt that allowing battery powered leaf blowers is a more pragmatic solution.

Councilmember Obagi talked about making the collective lives better; displayed images of Perry Park and other areas where sweeping would be challenging; reported that residents are asking for this and spoke about other sources of harmful particulates.

Motion by Councilmember Obagi, seconded by Councilmember Behrendt, to exempt from the Leaf Blower Ban, electric or zero-emission leaf blowers operated during construction hours and direct the City Attorney to bring forward options to warn and

subsequently hold property owners liable for violations of the remaining Leaf Blower Ban and direct the School District Liaison Subcommittee and Mayor to encourage that the School District change to electric leaf blowers.

City Attorney Webb provided options for increasing the fine for violations of the gas leaf blower ban.

Councilmember Loewenstein offered a friendly amendment to increase the fine for a first-time offense from \$100 to \$300 and the second offense from \$300 to \$500.

Councilmember Obagi felt that the City would be disproportionately fining disadvantaged communities and opined that \$100 is sufficient and did not accept the friendly amendment.

Mayor Light talked about equipment other than leaf blowers that collect leaves and commented on the dangers of particulate matter.

There being no further discussion, the City Council conducted a roll call of the motion previously stated.

AYES: Behrendt, Kaluderovic, Nehrenheim, Obagi

NOES: Loewenstein

ABSENT: None

ABSTAIN: None

Motion carried, 4-1.

Mayor Light returned to Agenda Item N.1.

The City Council discussed Item No. N.3, after Item No. N.1 - DISCUSSION AND POSSIBLE ACTION ON THE USE AND OPERATION OF THE VETERANS PARK HISTORIC LIBRARY/COMMUNITY CENTER FACILITY.

N.3. DISCUSSION AND POSSIBLE ACTION ON BROADBAND, WI-FI, AND OTHER COMMUNICATIONS TECHNOLOGIES AVAILABLE FOR RESIDENT AND BUSINESS USE IN THE CITY AND WATERFRONT AREA

CONTACT: MIKE COOK, INFORMATION TECHNOLOGY DIRECTOR

IT Director Cook narrated a PowerPoint presentation with details of the Administrative Report.

Councilmember Nehrenheim reported speaking with Public Works staff about micro-trenching and keeping it in the sidewalk or parkway and mentioned challenges with rear easements and ROW agreements.

IT Director Cook spoke about micro-trenching and rapid connect.

Discussion followed regarding necessary Coast Development Permits, addressing

providers' need for space and the revenue potential of leasing space to them, potential co-locations, smaller providers such as Sonic Internet, promoting competition in the market and the need for coverage at Veterans Park.

Councilmember Loewenstein noted he campaigned on this issue; stated he is glad to see more companies coming into the City for improved coverage and commented on existing infrastructure in the ROW.

Councilmember Obagi commended IT Director Cook on the informative presentation; felt it should be a goal of the City to provide public Wi-Fi in places such as the horseshoe pier and in response to his questions, IT Director Cook spoke about working in one area first and then focusing on others and reported the City already owns the hardware.

Discussion followed regarding expanding the network to different businesses on the International Boardwalk and the status of Sonic Internet.

There were no public comments on this item.

Motion by Councilmember Nehrenheim, seconded by Councilmember Obagi, and carried by voice vote, to receive and file the report.

Motion carried, 5-0.

O. CITY MANAGER ITEM - None

The City Council moved to Item No. Q, as Item No. P.1 was previously discussed.

P. MAYOR AND COUNCIL ITEMS

The City Council discussed Agenda Item No. P.1, after No. J.1 – Public Comments, Non-Agenda Items.

P.1. RECOGNITION THAT THE POSITION OF MAYOR IS VACANT AND DISCUSSION AND POSSIBLE ACTION TO FILL BY APPOINTMENT THE VACANCY PURSUANT TO SECTION 6.4 OF THE REDONDO BEACH CHARTER

City Attorney Webb reported the heartbreaking passing of Mayor Bill Brand has created a vacancy in the position of Mayor; discussed relevant Charter sections; addressed qualifications for serving as Mayor and spoke about past precedents.

Discussion followed regarding the need to act within 30 days of February 9, 2024, when Mayor Brand passed away.

Mayor Pro Tem Loewenstein invited public comments.

Jim Light stated he would rather have his best friend sitting in his Mayor's seat at this time rather than addressing City Council; reported that on his last day of life, Mayor

Brand asked him to take over his term as Mayor; stated he is not intending to run for Mayor in the next election, but that he would like to honor his friend's wish to finish his term as Mayor. He addressed the closing of the AES power plant and other accomplishments by Mayor Brand; spoke about the General Plan and avoiding Builders Remedy; reported he has worked side-by-side with Mayor Brand for 23 years; noted he has been involved in moving the waterfront forward with the Amenities Plan and in formulating the new General Plan and requested that City Council honor the last request of his best friend.

Mayor Pro Tem Loewenstein left the Chamber at 6:58 p.m. and returned at 6:59 p.m.

Jeff Ginsburg reported working with Mayor Brand for many years; felt he will be able to assist City Council well, if he were appointed Mayor and spoke about focusing on what is best for the City.

Niki Negrete-Mitchell spoke in support of Jim Light for Mayor; noted that Mayor Brand had wanted to attend Metro Board meetings but was unable to and asked that City Council appoint someone who will be involved in the Metro meetings and help complete Mayor Brand's legacy.

Lara Duke, District 3, spoke about Mayor Brand's leadership, noting he spoke truth to power; felt it would be best to appoint someone with similar ideals and concerns as Mayor Brand; discussed her relationship with The Brands, Mayor Brand's connection with the community and his love for the City. She expressed her condolences and hoped Council will appoint someone who will honor his spirit and finish his term.

Chadwick Castle, spoke about Mayor Brand inspiring him to get involved with the City; reported he is currently the Chair of the City's Budget and Finance Commission and stated he would like to be considered to fill Mayor Brand's position and honor his legacy.

Julie Young, District 4, expressed condolences on the passing of Mayor Brand; spoke about her involvement in the City and asked that City Council consider her to continue Mayor Brand's legacy and appoint her Mayor.

Joan Irvine, District 1, stated there was precedent when then Mayor Jeff Ginsberg stepped down; felt people should be allowed to apply, interview and be considered for Mayor, as was done then; alleged there would be more people applying as they do not have to go through the expense of an election; suggested that City Council design a process and continue this item to allow more people to participate in it and voiced her interest in being considered as a candidate.

Roger Carlson, District 3 resident and Harbor Commissioner, expressed his condolences on the passing of Mayor Brand; listed many of his accomplishments; hoped City Council will appoint someone who will continue his legacy and spoke in support of Jim Light.

Julian Peters, District 5, listed his participation in civic organizations; discussed issues that he would address including improvements to Artesia Boulevard and asked for City

Council consideration to finish Mayor Brand's term and continue his legacy.

Councilmember Obagi discussed the changes in the Artesia Boulevard FAR; addressed the Artesia Aviation Corridor Area Plan and environmental review and noted once that is approved, major redevelopment can be expected on Artesia Boulevard.

Carissa Galardo spoke about Mayor Brand's leadership and love of the City and suggested that City Council appoint someone who can continue his legacy, carry out his vision and finish his term.

Commissioner Carmichael hoped Council will use tonight's meeting as an advisory moment and will not make a final decision; spoke about other key City issues that need to be addressed and felt the next Mayor should be someone who will consider the City, holistically.

Jamie Pregiamo, District 1, noted that Mayor Brand's shoes are impossible to fill; spoke about the need to have a Mayor that shares Mayor Brand's visions and has the leadership skills to finish his term and suggested establishing vacancy proceedings in the Charter.

Candace Nafissi, District 3, spoke about Mayor Brand being relentless, successful and committed; listed his accomplishments and voiced support for Jim Light.

Gale Hazeltine, District 1, spoke about Mayor Brand and Jim Light being a force in the City; spoke in support of Jim Light to finish Mayor Brand's term.

Carl Leach spoke about meeting Mayor Brand and Jim Light; noted his heartbreak on his passing and requested that City Council consider Jim Light to finish his term.

Jim Montgomery spoke about Mayor Brand's vision, legacy and commitment and urged City Council to honor his final wish and appoint Jim Light to finish Mayor Brand's term.

Councilmember Nehrenheim left the Chamber at 7:28 p.m. and returned at 7:30 p.m. Leslie Chrzan, District 2, spoke about Mayor Brand's track record in the City and felt the City should honor the voters and appoint Jim Light to finish Mayor Brand's term.

Jacob, District 5, reported he was inspired to get involved by Mayor Brand; expressed his heartfelt loss and urged City Council to appoint Jim Light to finish Mayor Brand's term.

Aust Chenchu, District 1, spoke in support of Jim Light to finish Mayor Brand's term.

Wayne Craig, District 1, spoke about Mayor Brand's vision; noted he was the lone voice on Council for many years; talked about how he inspired and motivated people and spoke in support of appointing Jim Light to finish Mayor Brand's term.

Leslie Campeggi spoke about Mayor Brand being a close friend; spoke about his elections; noted the people voted for him because they wanted him; addressed his

accomplishments, vision and love for the City; urged Council to appoint someone who can carry out his vision and finish his term and expressed support for Jim Light.

Councilmember Behrendt left the Chamber at 7:40 p.m. and returned at 7:41 p.m.

Councilmember Kaluderovic left the Chamber at 7:41 p.m. and returned at 7:44 p.m.

Councilmember Loewenstein left the Chamber at 7:42 p.m. and returned at 7:43 p.m.

Dave Wiggins, District 2, urged City Council not to appoint him as Mayor; spoke about efforts to preserve open space in the City and expressed support of Jim Light to carry out Mayor Brand's vision and finish his term.

Tashia Hinehliffee, District 2, via Zoom, spoke about Mayor Brand being a close friend; addressed his ability to work with different people to effect positive changes in the City; discussed keeping the momentum moving forward by appointing someone who can carry out Mayor Brand's vision and spoke in favor of Jim Light as Mayor.

Amy Josefek, via Zoom, shared how she got to know Mayor Brand; spoke about how he was loved by the people and how much he loved the City; noted the need to appoint someone who will follow Mayor Brand's vision and fulfill his legacy and expressed support for Jim Light.

Bob Pinzler, via Zoom, spoke in support of Jim Light to complete Mayor Brand's term; noted he will not run for Mayor afterwards and addressed his experience working by Mayor Brand's side.

Craig Cadwallader, Surfrider Foundation, via Zoom, reported he has known Mayor Brand and Jim Light for a long time and voiced his support for Jim Light as Mayor to carry out Mayor Brand's vision and fulfill his legacy.

Mark Hansen, King Harbor Boater, via Zoom, spoke about getting to know Mayor Brand and Jim Light; addressed how Mayor Brand was always fighting for better recreational facilities in the community and Harbor; noted Jim Light's participation in City government and working closely with Mayor Brand and voiced support for Jim Light as Mayor, to finish Mayor Brand's term.

Nancy Skiba, District 4, via Zoom, spoke about Mayor Brand's character and vision; believed someone should be appointed to finish his term who has similar values and vision and voiced support for Jim Light.

City Clerk Manzano reported receiving five eComments, two in support and two neutral.

There were no other public comments in this item.

Councilmember Obagi left the Chamber at 7:52 p.m. and returned at 7:53 p.m.

Councilmember Behrendt spoke about how Mayor Brand has made a mark on the City;

agreed that whoever fills the position needs to carry forward Mayor Brand's term and priorities; asserted that the City Council will honor the legacy of Bill Brand; referenced Mayor Brand's last wish noting he never mentioned to him about appointing anyone; talked about Mayor Brand being a fierce advocate and a unifier and discussed the qualifications of other residents who have declared their interest.

Councilmember Obagi spoke about needing to change the Charter in terms of having to appoint a Mayor within 30 days, as the City needs time to grieve; noted speaking with Jim Light who suggested appointing someone not running for Mayor and believed he or Bob Pinzler would do a good job; mentioned Julie Young and other qualified residents who have stepped up; reported that in speaking with Mayor Brand, he never spoke about who should follow him as Mayor; asserted that Jim Light impressed upon him that he would dedicate time to advocating with state and federal officials for the restoration of the wetlands at the AES Power Plant site and invited Jim Light to the podium.

Jim Light responded to City Council questions regarding bolstering the Police Department if necessary; stated he would need to look at the budget and that generally, he supports public safety; noted that he sees the role as advocating and moving the ball forward; spoke in support of the Hawthorne Boulevard option for the Metro C Line extension; promised to work with all five Councilmembers; discussed his participation and work on the GPAC; asserted he will not run for Mayor and commented on a prior interaction regarding the Redondo Beach Fire Department and the degradation of the Harbor Patrol.

Mayor Pro Tem Loewenstein voiced his respect for Jim Light, Bob Pinzler and Chadwick Castle; asserted that all Councilmembers care about the City, as a whole; advised Mr. Light that if he is appointed Mayor it would be for the entire City and commented on the importance of experience.

Jim Light felt north Redondo has been neglected from a park land and open space perspective and confirmed he will not run for Mayor again and that he intends on completing Mayor Brand's final term.

Councilmember Nehrenheim commented on the shared bond of Mayor Brand and Jim Light and in response to his question, Jim Light confirmed that he will listen to what each Councilmember has to say.

Councilmember Nehrenheim reported that in the last election, Mayor Brand won every district in the City; noted that he understands the grieving process; stated that one of the last times he spoke with Mayor Brand, he told him what he wanted for the future of Redondo Beach; spoke about Mark McDermott's article in the Easy Reader and reported he asked Mayor Brand about his successor, and he pointed to Jim Light. Councilmember Nehrenheim shared that he learned, from his friend's passing, that after you pass away, you no longer have a voice, but your legacy, family, friends and those you love are those who carry on your voice and confirmed his support of Jim Light for Mayor.

Councilmember Kaluderovic spoke about the importance of making a decision that is

going to represent all of the voices of the City's constituents, by appointment; felt that City Council should take its time to discuss this matter one more time, take community feedback and interview candidates and stated she will not support a motion to make an appointment tonight.

Motion by Councilmember Kaluderovic, to continue this item until the City Council meeting of March 5, 2024, requiring candidates to apply by February 27, 2024 and conducting interviews at the March 5th meeting.

The motion failed for lack of a second.

Councilmember Obagi reported sending out an email to residents of District 4 regarding Mayor Brand's passing and the procedure for appointing an Interim Mayor; stated he solicited their feedback and felt there are fine candidates in attendance and preferred making a decision and moving forward with the City's business.

Eugene Solomon noted this is City Council's decision and it is not about what Council wants but what constituents want; commented on the importance of the Mayor's role and urged Council to appoint someone who will build consensus and bridges.

Paul Hugoboom spoke about his friendship with Mayor Brand and his love of the City and its people and felt that focus should be on what he wanted for the City and his vision.

Motion by Councilmember Nehrenheim, seconded by Councilmember Obagi, to determine the position of Mayor as vacant as of February 20, 2024, and to appoint Jim Light to fulfill the remainder (unexpired) term of the Mayor's term pursuant to the City Charter (Section 6.4).

Substitute Motion by Councilmember Behrendt, to deem the Mayoral seat vacant as of February 20, 2024, and to appoint Chadwick Castle to serve the remaining (unexpired) 13-months of Mayor's term.

The substitute motion failed for lack of a second.

Mayor Pro Tem Loewenstein returned to the motion on the floor.

Councilmember Behrendt explained his opposition; spoke about the need for a unifier; addressed continuing Former Mayor Brand's agenda and discussed Jim Light's experience in the City and his desire to see him continuing to work in the frontlines, advocating for Redondo Beach.

The original motion carried with the following roll call vote:

AYES: Nehrenheim, Obagi, Mayor Pro Tem Loewenstein
NOES: Behrendt, Kaluderovic
ABSENT: None
ABSTAIN: None

Motion carried, 3-2.

City Attorney Webb clarified that as the City Council appointed Jim Light as Mayor, that he could be sworn into office, if is willing and able, he may begin now or he can wait.

City Clerk Manzano administered Jim Light the Oath of Office.

Mayor Light stated he understands the feelings of Council and the doubts expressed; noted he is overwhelmed by the show of support from fellow residents and promised to do his best to continue Mayor Brand's legacy and work.

RECESS/RECOVENE

Motion by Councilmember Behrendt, seconded by Councilmember Nehrenheim, and approved by voice vote to recess at 8:47 p.m.

Motion carried, 5-0.

Mayor Light reconvened the meeting at 9:03 p.m.

ROLL CALL

Councilmembers Present: Behrendt, Kaluderovic, Lowenstein, Nehrenheim, Obagi and Mayor Light

Mayor Light called the meeting back to order at 9:03 p.m.

City Clerk Manzano conducted roll call.

All members present.

Mayor Light continued the meeting and returned to Agenda Item N.2.

Q. MAYOR AND COUNCIL REFERRALS TO STAFF

Councilmember Nehrenheim introduced a motion to direct the City Clerk to post notice regarding the vacancy on the Harbor Commission as vacated by Jim Light.

City Clerk Manzano responded that the item would be presented to the City Council at an upcoming meeting.

Councilmember Loewenstein commented on the issue of parking on Anita.

Councilmember Obagi expressed concerns regarding the red lettering of the Manhattan Beach Smoke Shop and would like to consider the sign ordinance.

Discussion and possible direction regarding a sign ordinance for the A-cap area and PCH. Upon further discussion, City Manager Witzansky spoke about options and templates that were previously researched and offered to return to City Council in the

next few months to explore setting new standards in the future regarding signs.

Councilmember Obagi, with initial input from Councilmember Kaluderovic, also briefly introduced as referral, whether or not the types of businesses to come into the City can be limited. The City Manager provided a brief response and stated that there are limitations and options regarding the Zoning Code.

Motion by Councilmember Obagi, seconded by Councilmember Behrendt, and approved by voice vote, to place Councilmember Obagi's referral requests on a future agenda in about the next 6-months.

Motion carried, 4-1. Councilmember Kaluderovic was opposed.

R. RECESS TO CLOSED SESSION - None

The Closed Session meeting was cancelled.

S. RECONVENE TO OPEN SESSION - None

The Closed Session meeting was cancelled.

T. ADJOURNMENT – 12:05 a.m.

**T.1. ADJOURN IN MEMORY OF BILL BRAND, CITY OF REDONDO BEACH
MAYOR FROM 2017-2024 AND COUNCIL MEMBER FROM 2009-2017**

There being no further business to come before the City Council, motion by Councilmember Obagi, seconded by Councilmember Loewenstein, and was approved by voice vote, to adjourn the meeting at 12:05 a.m., February 21, 2024, to an Adjourned Regular meeting to be held at 4:30 p.m. (Closed Session) and a Regular meeting to be held at 6:00 p.m. (Open Session) on Tuesday, March 5, 2024, in the Redondo Beach City Hall Council Chambers, 415 Diamond Street, Redondo Beach, California in memory of Mayor Bill Brand.

Motion carried, 5-0.

The Meeting was adjourned in MEMORY OF BILL BRAND, CITY OF REDONDO BEACH MAYOR, FROM 2017-2024 AND COUNCIL MEMBER FROM 2009-2017.

All written comments submitted via eComment are included in the record and available for public review on the City website.

Respectfully submitted:

Eleanor Manzano, CMC
City Clerk



Administrative Report

H.4., File # 24-0688

Meeting Date: 4/23/2024

To: MAYOR AND CITY COUNCIL
From: ELEANOR MANZANO, CITY CLERK

TITLE

EXCUSED ABSENCES FROM VARIOUS COMMISSION AND COMMITTEE MEETINGS

EXECUTIVE SUMMARY

<u>Commissioner/Member</u>	<u>Board/Commission/Committee</u>	<u>Meeting Date</u>
Margaret Willers	Library	April 1, 2024
Leslie Chrzan	Harbor	April 8, 2024
Masood Yousufzai	Recreation & Parks	April 10, 2024
Mara Lang	Recreation & Parks	April 10, 2024
Vivek Gupta	Public Safety	April 15, 2024

On April 2, 2024, the City Clerk received notification from Commissioner Willers, requesting an excused absence for the April 1, 2024, Library Commission Meeting for personal reasons.

On April 6, 2024, the City Clerk received notification from Commissioner Chrzan, requesting an excused absence for the April 8, 2024, Harbor Commission Meeting for personal reasons.

On April 8, 2024, the City Clerk received notification from Commissioner Yousufzai, requesting an excused absence for the April 10, 2024, Recreation & Parks Commission Meeting for personal reasons.

On April 8, 2024, the City Clerk received notification from Commissioner Lang, requesting an excused absence for the April 10, 2024, Recreation & Parks Commission Meeting for personal reasons.

On April 15, 2024, the City Clerk received notification from Commissioner Gupta, requesting an excused absence for the April 15, 2024, Public Safety Commission Meeting for personal reasons.

BACKGROUND

As of September 3, 2019, the City Council authorized the City Clerk to revise the policy pertaining to requests for excused absences, whereby Board Members and Commissioners are required to communicate impending absences directly to the City Clerk for processing.

Pursuant to Sec 2-9.107 of Redondo Beach Municipal Code in order for absences from regular meetings of City Commissions to be considered excused absences, permission must be requested from the City Council and approval must be expressed in the official minutes of the Council.

APPROVED BY:

Eleanor Manzano, City Clerk

FISCAL IMPACT

None



Administrative Report

H.5., File # 24-0586

Meeting Date: 4/23/2024

To: MAYOR AND CITY COUNCIL
From: ANDREW WINJE, PUBLIC WORKS DIRECTOR

TITLE

ADOPT BY TITLE ONLY RESOLUTION NO. CC- 2404-030, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF REDONDO BEACH, CALIFORNIA, AWARDING A PUBLIC WORKS CONTRACT TO CSI SERVICES, A CALIFORNIA CORPORATION, IN THE AMOUNT OF \$1,249,100 FOR THE CONSTRUCTION OF THE INTERNATIONAL BOARDWALK SURFACE REPAIR PROJECT, JOB NO. 70810

ADOPT BY 4/5 VOTE AND TITLE ONLY RESOLUTION NO. CC-2404-029, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF REDONDO BEACH, CALIFORNIA AUTHORIZING A FISCAL YEAR 2023-2024 BUDGET MODIFICATION TO REALLOCATE \$518,600 IN UPLAND FUNDS, FROM THE PIER PARKING STRUCTURE SECURITY ENHANCEMENT PROJECT, JOB NO. 70840 TO THE INTERNATIONAL BOARDWALK SURFACE REPAIR PROJECT, JOB NO. 70810

EXECUTIVE SUMMARY

On January 9, 2024, the City Council approved plans and specifications for the International Boardwalk Surface Repair Project, Job No. 70810 (Project). On February 21, 2024, one bid was received and publicly opened. The bid exceeded the engineer's estimate by \$1,118,278 (89%). The bid amount indicated a lack of understanding of the project and the Council rejected the bid and authorized re-advertisement of the Project to provide another bidding opportunity to an expanded list of appropriately licensed contractors. The project was then publicly advertised with a bid opening scheduled for April 4, 2024. The City Clerk's Office received and publicly opened two bids for the Project. CSI Services, with a bid of \$1,249,100, was found to be the lowest responsible bidder.

The Project includes a 10% contingency, which raises the total cost to \$1,374,100, of which \$855,000 is currently appropriated for the Project. The funding gap of \$518,600 will be addressed by reallocating funds from the Pier Parking Structure Security Enhancement Project, Job. No. 70840 to the International Boardwalk Surface Repair Project. The proposed Resolutions authorize the reappropriation of funds from Job No. 70840 to Job No. 70810 and award the Project contract to CSI Services in the amount of the bid.

Staff are working with the International Boardwalk businesses to determine the best time to begin construction of the Project. Initial feedback suggests the preference of the businesses is to complete pre-construction efforts and procure materials during the summer and initiate construction immediately following Labor Day.

BACKGROUND

The Project is included in the City's Capital Improvement Program budget and will replace existing asphalt pavement with an ADA-compliant and more attractive pedestrian surface. The surface will also be traffic-rated to allow for the daily need for service access vehicles. In addition, the Project will also include design for drainage to tie in with the existing quay wall.

On February 17, 2023, Twining, a geotechnical engineering firm was engaged as an on-call contractor to conduct geotechnical explorations and provide design recommendations for the Project. On July 6, 2023, the City's Public Works Department commissioned Elie Farah, Inc. (EFI), an on-call civil engineering design firm, to develop survey base-plan, design, and construction documents for the civil site work of the Project. A comprehensive comparative study of different pavement surfacing options was conducted by EFI in collaboration with City engineering staff. The study was presented to the City Council on November 14, 2023, with pavers being selected as the preferred surfacing material.

January 9, 2024, the City Council approved plans and specifications for the Project, authorized competitive bidding, and appropriated additional funds. The project was publicly advertised with a bid opening scheduled on February 21, 2024. Only one bid was received for the Project, with a bid amount of \$2,36,8,823. The amount exceeded the engineer's estimate by 89%.

On March 5, 2024, the City Council voted to reject the bid and directed staff to conduct a re-bid for the Project that provided an opportunity for additional appropriately licensed contractors to submit. On April 4, 2024, two bids were received and publicly opened. After reviewing the bids, CSI Services, with a bid of \$1,249,100, was determined to have presented the lowest responsive bid.

The consultant engineer's construction cost estimate for the Project is \$1,250,545. The Project, including a 10% contingency, totals \$1,374,100, of which \$855,500 is currently appropriated. As previously identified, staff recommends reallocating \$518,600 from the Pier Parking Structure Security Enhancement Project, Job. No. 70840 from the Harbor Uplands Fund, to cover the additional cost. The reallocation of funds would leave sufficient funding in the Parking Enhancement Project Budget to provide new lighting in critical areas of the parking structure.

Project construction is expected to begin in September 2024 with completion expected in 60 working days.

COORDINATION

Public Works Department staff coordinated the Agreement with the City Attorney's Office.

FISCAL IMPACT

There is currently \$575,000 in the Pier Parking Structure Security Project Budget. \$518,600 of this amount is needed to complete the International Boardwalk Paver Project.

<u>Funding</u>		<u>Estimated Expenditures</u>	
International Boardwalk Paver Project #70810	\$ 855,500	Estimated Cost	\$ 1,249,100

Transfer from Pier Parking Structure Security Project #70840	\$ 518,600	Contingency (10%)	\$ 125,000
Total	\$ 1,374,100	Total	\$ 1,374,100

APPROVED BY:*Mike Witzansky, City Manager***ATTACHMENTS**

- Reso - No. CC- 2404-030 Resolution of Award
- Reso - No. CC-2404-029 Budget Modification
- Preliminary Bid Results - International Boardwalk Surface Repair Project, Job No. 70810, April 4, 2024

RESOLUTION NO. CC-2404-030

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF REDONDO BEACH, CALIFORNIA, AWARDING A CONTRACT TO CSI SERVICES, A CALIFORNIA CORPORATION, IN THE AMOUNT OF \$1,249,100 FOR THE INTERNATIONAL BOARDWALK SURFACE REPAIR PROJECT, JOB NO. 70810

WHEREAS, the International Boardwalk within the City of Redondo Beach needs replacement of the existing asphalt concrete surface; and

WHEREAS, on January 9, 2024, the City Council of the City of Redondo Beach approved the Plans and Specifications for the International Boardwalk Surface Repair Project, Job No. 70810 (the "Project"), and authorized the City Clerk to advertise for competitive bids; and

WHEREAS, on February 21, 2024, bids for this Project were received and publicly opened in the City Clerk's office; and

WHEREAS, on March 5, 2024, the City Council of the City of Redondo Beach rejected all bids for the Project, and directed staff to re-bid the Project to provide an additional opportunity to all the appropriately licensed contractors; and

WHEREAS, on April 4, 2024, bids for this project were received and publicly opened in the City Clerk's office; and

WHEREAS, CSI Services, a California corporation ("CSI"), is the lowest responsible bidder for this Project, as more particularly described in the plans and specification thereof, and incorporated herein by reference, and is awarded the contract for the Project in the amount of \$1,249,100; and

WHEREAS, CSI shall provide all applicable insurance and bonds to the City for approval prior to the execution of the contract; and

WHEREAS, funding for this Project includes \$855,500 of Upland Funds from the Fiscal Year 2023-2024 Capital Improvement Project Budget, with additional funding of \$518,600 to be addressed by a separate resolution.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF REDONDO BEACH, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. The City Council of the City of Redondo Beach, California, awards the contract for the International Boardwalk Surface Repair Project, Job No. 70810 to CSI Services, in the amount of \$1,249,100 on the condition that all applicable insurances and bonds shall be provided to the City for approval prior to the Mayor executing the contract on behalf of the City.

SECTION 2. The City Clerk shall certify to the passage and adoption of this resolution and shall enter the same in the Book of Original Resolutions.

PASSED, APPROVED AND ADOPTED this 23th day of April, 2024.

James A. Light, Mayor

APPROVED AS TO FORM:

ATTEST:

Michael W. Webb, City Attorney

Eleanor Manzano, CMC, City Clerk

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss
CITY OF REDONDO BEACH)

I, Eleanor Manzano, City Clerk of the City of Redondo Beach, California, do hereby certify that Resolution No. CC-2404-030 was passed and adopted by the City Council of the City of Redondo Beach, California, at a regular meeting of said City Council held on the 23rd day of April, 2024, and thereafter signed and approved by the Mayor and attested by the City Clerk, and that said resolution was adopted by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Eleanor Manzano, CMC
City Clerk

RESOLUTION NO. CC-2404-029

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF REDONDO BEACH, CALIFORNIA, AUTHORIZING A FISCAL YEAR 2023-2024 BUDGET MODIFICATION TO REALLOCATE 518,600 IN UPLAND FUNDS, FROM THE PIER PARKING STRUCTURE SECURITY ENHANCEMENT PROJECT, JOB NO. 70840 TO THE INTERNATIONAL BOARDWALK SURFACE REPAIR PROJECT, JOB NO. 70810

WHEREAS, it is the intention of the City Council of the City of Redondo Beach ("City Council") to review the adopted budget from time to time; and

WHEREAS, the City of Redondo Beach's adopted budget needs to be modified to appropriate monies from the City funds to fund necessary expenditures; and

WHEREAS, on January 9, 2024, the City Council of the City of Redondo Beach approved the Plans and Specifications for the International Boardwalk Surface Repair Project, Job No. 70810 (the "Project"), and authorized the City Clerk to advertise for competitive bids; and

WHEREAS, on February 21, 2024, bids for this project were received and publicly opened in the City Clerk's office; and

WHEREAS, on March 5, 2024, the City Council of the City of Redondo Beach rejected all bids for the International Boardwalk Surface Repair Project, Job No. 70810, and directed staff to re-bid the project to provide an additional opportunity to all the appropriately licensed contractors; and

WHEREAS, on April 4, 2024, bids for the Project were received and publicly opened at the City Clerk's Office; and

WHEREAS, the lowest responsible bidder was CSI Services, in the amount of \$1,249,100; and

WHEREAS, pursuant to Administrative Policy/Procedures 14.1, the City may appropriate additional funds to cover a contingency of up to the greater of 10% of the Project contract amount or \$125,000; and

WHEREAS, the amount of \$125,000 needs to be appropriated to the Project to fund any potential contingency; and

WHEREAS, the project, including a contingency allowance, is estimated to cost approximately \$1,374,100, of which \$855,500 has been allocated, and an additional \$518,600 is required to complete the project; and

WHEREAS, the Pier Parking Structure Security Enhancement Project (Job No. 70840) has available funds of \$575,000 that may be reallocated to cover the shortfall and associated contingencies for the International Boardwalk Surface Repair Project; and

WHEREAS, the City desires to use these available funds for this purpose.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF REDONDO BEACH, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. The amounts allocated in the Capital Improvement Project ("CIP") Budget Fiscal Year 2023-2028 and the amounts required to meet conditions which have arisen during the budget year and require a modification in the budget appropriations; and, upon recommendation of the City Manager, the budget appropriation as adopted for the CIP Budget Fiscal Year 2023-2028 is modified as follows:

\$518,600 of available Upland Funds from the Pier Parking Structure Security Enhancement Project, Job. No. 70840 Funds shall be reallocated to the International Boardwalk Surface Repair Project, Job No. 70810.

SECTION 2. Pursuant to Section 11(f) of the City Charter, the City Clerk is hereby directed to correct the budget records of said City for Fiscal Year 2023-2024 in accordance with the above modifications.

SECTION 3. This Resolution shall take effect immediately upon its adoption by the City Council.

SECTION 4. The City Clerk shall certify to the passage and adoption of this resolution and shall enter the same in the Book of Original Resolutions.

PASSED, APPROVED AND ADOPTED this 23rd day of April, 2024.

James A. Light, Mayor

APPROVED AS TO FORM:

ATTEST:

Michael W. Webb, City Attorney

Eleanor Manzano, CMC, City Clerk

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss
CITY OF REDONDO BEACH)

I, Eleanor Manzano, City Clerk of the City of Redondo Beach, California, do hereby certify that Resolution No. CC-2404-029 was passed and adopted by the City Council of the City of Redondo Beach, California, at a regular meeting of said City Council held on the 23rd day of April, 2024, and thereafter signed and approved by the Mayor and attested by the City Clerk, and that said resolution was adopted by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Eleanor Manzano, CMC
City Clerk

CITY OF REDONDO BEACH

PRELIMINARY BID RESULTS

**NAME OF PROJECT: INTERNATIONAL BOARDWALK SURFACE REPAIR PROJECT,
JOB NO. 70810**

DATE: 04/04/2024

TIME: 9:00 A.M.

TO : ASHWINI BHIDE, ASSOCIATE CIVIL ENGINEER

FROM: CITY CLERK'S OFFICE

Disclaimer:

These results are posted for Information only. Bid results are subject to analysis for completeness and accuracy.

The summary below does not represent a notice of award but only of the bids presented to the city.

No.	Name of Company	Bid Bond	Total Base Bid (\$)
1.	CSI Services	√	\$1,249,100.00
2.	Palp, Inc DBA Excel Paving	√	\$2,298,672.00
3.			

Results or Questions: Ashwini Bhide, at (310) 697-3417, or by email

Ashwini.Bhide@redondo.org.

The City reserves the right to reject any or all proposals and to waive technical defects, as the interest of the City may require. Award of contract or rejection of bid proposals will be made by the City within 90 calendar days following the bid opening.



Administrative Report

H.6., File # 24-0622

Meeting Date: 4/23/2024

To: MAYOR AND CITY COUNCIL
From: ANDREW WINJE, PUBLIC WORKS DIRECTOR

TITLE

AUTHORIZE STAFF TO INITIATE THE PROPOSITION 218 PROCESS REQUIRED TO CONSIDER PROPOSED ADJUSTMENTS TO RESIDENTIAL AND COMMERCIAL SOLID WASTE RATES AND FEES BEGINNING IN FY 2024-25; AND FOR FUTURE ANNUAL RATE ADJUSTMENTS USING SPECIFIC FORMULAS LISTED IN THE AGREEMENT WITH ATHENS SERVICES

SET JUNE 18, 2024 AS THE PUBLIC HEARING DATE FOR CONSIDERATION OF THE SOLID WASTE REFUSE COLLECTION RATES AND THE TABULATION OF ALL PROTESTS RECEIVED

EXECUTIVE SUMMARY

The City's refuse collection and hauling service rates for residential, multi-family, and commercial and properties is governed by Proposition 218. Proposition 218 requires a public hearing be held no less than every five years to consider the refuse rates for the next five years. Public hearings may be held more often to make adjustments to the methodology used to determine the refuse rates or to adjust fees. It has been five years since the last Proposition 218 process that established the rates used through FY 2023-24.

At this time, the City is obligated to proceed with a Proposition 218 public hearing prior to implementing fee adjustments for FY 2024-25 and beyond. Staff is recommending the City Council authorize staff to begin the Proposition 218 process, approve the attached Proposition 218 Notice, and set the Public Hearing date for June 18, 2024. Staff is also recommending an increase of a City Administration fee for residents and multi-family units, which was last adjusted in 2012. The current City Administration fee assessed per unit, per month is \$0.86. Staff proposes a 15% increase to the fee, to \$0.99 per month (an additional charge of \$1.56 per year), to help offset inflationary increases to City administrative costs that have occurred over the past 12 years.

BACKGROUND

On June 18, 2019 the City Council approved a First Amendment to the Agreement with Athens Services to extended the term of the Agreement to June 30, 2028, with an option to extend for an additional twenty-four months. At that time, the City Council also adopted (through a Proposition 218 process) a refuse rate structure that implemented the FY 2019-20 refuse rates and established the methodology for future rate adjustments, for the next five fiscal years, which extended through FY 2023-24.

The City is now required to set the refuse rates for FY 2024-25 and the following four years, as per

the rate formulas in the Current Athens Services Agreement. The Proposition 218 process requires that the rate adjustment formula be considered and approved every five years, or whenever there is a proposed change to the rate adjustment methodology. The City is required to initiate the Proposition 218 process at this time due to the expiration of the current five-year period.

Proposition 218 requires that all property owners, or those responsible for paying the refuse bill, receive a notice 45 days prior to the Public Hearing for an opportunity to challenge any proposed fee increases. After the City Council officially sets the Public Hearing date for June 18, 2024, staff will post mailers by May 3, 2024 to all owners. The City Council maintains the right of final approval, but all rate requests are based on a specific formula outlined in the Athens Services Agreement. Also, prior to the June 18, 2024 meeting, staff will file a written report with the City Clerk containing a description of each parcel subject to the Refuse Rates that will be levied annually on the County of Los Angeles secured property tax roll for residential parcels with less than four units, commencing the 2024-25 Fiscal Year.

The base rate of the total trash fee is calculated using the year-to-year changes in published price indices for industry cost components: disposal, labor, equipment, fuel, and "other" costs. The individual components' weighted portion of the rate is prescribed in the Athens Agreement, less the waste-to-energy cost component, which is no longer an option for the City.

Later this year, staff will recommend a 0.9% increase to the base refuse rate for the 2024-2025 Fiscal Year according to the prescribed methodology. The Recycling Service Charge for Multi-Family Residential Parcels (4 or more units) will be adjusted annually through the 2028-29 Fiscal Year according to the change in the All-Urban Consumers Index U.S. City average, all items, less food and energy index, plus 1%. The current multi-family unit (4 or more) Recycling Service Charge is \$3.46 per month, this will increase by 6.09% to \$3.67 per month, according to the prescribed methodology.

The City Council will have the opportunity to consider the annual base rate adjustment (calculated to be an increase of 0.9% per adopted methodology) at the public hearing on June 18, 2024.

It should be noted that staff is also recommending an increase to the City Administration fee for residents and multi-family units that was last adjusted in 2012. This fee can only be adjusted through the Proposition 218 process. The current City Administration fee assessed for residents and multi-family units per month is \$0.86. Staff proposes a 15% increase, to \$0.99 per month (\$11.88 annually), which is an additional charge of \$1.56 per year. This increase is needed to cover increases in administrative costs associated with overseeing the City's solid waste collection programs. The City Administration fee for commercial customers is 9.15% of the base refuse fee. As the base fee has increased, per the approved rate adjustment formula, the City Administration fee has risen as well. Therefore, staff does not recommend an adjustment to the City Administration fee for commercial customers.

Currently, the total refuse rate for residents (single family homes and multi-family less than four units), including City fees, is \$29.40 per month. With the recommended increase to the base rate according to the prescribed methodology, and the \$0.13 increase to the City Administration fee for residential properties, the proposed total refuse rate for FY 2024-25 would be \$29.78 per month, assuming the Council approves the rate and fee adjustments at the June 18, 2024 public hearing.

Staff has prepared the proposed Proposition 218 Notice which identifies the proposed maximum rates for the FY 2024-2025 and the formulas for annual rate increases for the subsequent four years. The format for the public notice is consistent with the style and notice language last used in 2019. Staff has shortened the printed notice to decrease its environmental impact by reducing the amount of paper required in the mailer, while still including all Proposition 218 required elements. The complete Franchise Agreement containing the full-text of all rate-adjustment formulas is available for review in the City Clerk's Office, located at 415 Diamond Street, Redondo Beach, CA 90277 (Door 1). A sample protest form, and additional instructions for members of the public wishing to submit a protest, will also be located at the City Clerk's Office and on the City website.

If the recommendation to modify the solid waste rates for the 2024-2025 Fiscal Year and the formulas for future rate modifications during the term of the Agreement does not receive a majority protest by rate payers, and is approved by the City Council at the June 18, 2024 meeting, staff will update the Los Angeles County Direct Assessment for single family customers and notify Athens Services of the official approval of the refuse rates for direct billing of commercial and multi-family customers.

Staff recommends City Council authorize staff to initiate the Proposition 218 process, approve the attached Notice and approve June 18, 2024 as the Public Hearing date for the consideration of the solid waste refuse collection rates.

COORDINATION

Staff will coordinate the Proposition 218 process with the City Clerk's Office and the City Attorney's Office.

FISCAL IMPACT

The cost to provide advanced mailed notices to all required stakeholders is estimated to be \$40,000 for an estimated 22,000 mailers. Funding for the expense is available in the Public Works, Solid Waste Operating Budget. No additional appropriation is required. If approved, the updated City Administration fee will increase revenues by approximately \$24,945 per year.

APPROVED BY:

Mike Witzansky, City Manager

ATTACHMENTS

- Draft Public Hearing Notice



**NOTICE OF PUBLIC HEARING &
YOUR RIGHT TO FILE A PROTEST REGARDING THE PROPOSED SOLID WASTE REFUSE COLLECTION RATES FOR THE 2024-25
FISCAL YEAR AND THE FORMULAS TO BE USED IN DETERMINING FUTURE SOLID WASTE REFUSE COLLECTION RATE
ADJUSTMENTS FOR THE SUBSEQUENT FOUR FISCAL YEARS THROUGH THE 2028-29 FISCAL YEAR**

On Tuesday, June 18, 2024, 6:00 p.m. at a regularly scheduled meeting of the Redondo Beach City Council, the City Council will be holding a Public Hearing in the City Council Chambers located at 415 Diamond Street, Redondo Beach, CA to consider **1) Solid Waste Refuse Collection Rates (Refuse Rates) for the 2024-25 Fiscal Year and the formulas to be used for determining Refuse Rate adjustments through the 2028-29 Fiscal Year as set forth in the exclusive solid waste handling services franchise agreement between the City of Redondo Beach (City) and Athens Services approved by the City Council on January 4, 2011 (Franchise Agreement), and 2) a written report containing a description of each parcel subject to the Refuse Rates that will be levied annually on the County of Los Angeles secured property tax roll for residential parcels with less than four units, commencing the 2024-25 Fiscal Year.** Commercial parcels and multi-family residential parcels with 4 or more units will be billed directly by Athens Services. If a majority of property owners in the City file written protests with the City Clerk against the proposed Refuse Rates by the end of the Public Hearing, the proposed Refuse Rates for the 2024-25 Fiscal Year and formulas to be used for determining Refuse Rate adjustments through the 2028-29 Fiscal Year will not be adopted.

At its meeting held on Tuesday, April 23, 2024, the City Council approved mailing notices to property owners in the City regarding the proposed Refuse Rates for the 2024-25 Fiscal Year and the future rate adjustments through the 2028-29 Fiscal Year based on specific formulas set forth in the Franchise Agreement. The Franchise Agreement provides for annual rate adjustments based on a weighted cost formula that takes into account changes in labor costs per separate agreements between local haulers and Package and General Utility Drivers Local Union 396 Teamsters, changes in fuel costs based on Producer Price Index (PPI), changes in equipment costs based on PPI, changes in disposal/green waste and organics processing costs based on the Consumer Price Index (CPI) for All Urban Consumers, Los Angeles-Long Beach-Anaheim, CA or 5% whichever is lower (CPI increases over 5% roll to subsequent fiscal years), and changes in other miscellaneous items based on CPI. A description of the Refuse Rate adjustment procedure is described in further detail on the following pages of this notice. **The complete Franchise Agreement containing the full-text of all rate-adjustment formulas is available for review in the City Clerk's Office located at 415 Diamond Street, Redondo Beach, CA 90277 (Door 1).** Full procedures for submitting protests and attending the public hearing are also available in the City Clerk's office and on the City website www.redondo.org.

A fixed City Administrative fee, adopted in 2012, of \$0.86 per month is currently charged to each residential unit in the City. An increase of \$0.13 to the monthly City Administrative fee for a new fixed total of \$0.99 per month is proposed to be included in the Refuse Rates for each residential unit in the City to cover increases in personnel and other costs associated with the administration of the City's Solid Waste Refuse Collection program.

Questions or comments may be directed to the Public Works Department at (310) 697-3245 or via email: andrea.delap@redondo.org.

Refuse Rates per Unit, including City Administrative Fees, for Residential Parcels (less than 4 units)

Existing	\$29.40 per month	Proposed 2024-25 Fiscal Year	\$29.78 per month
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Existing Monthly Refuse Rates for Multi-Family Residential Parcels (four or more units)

BIN SIZE	1X WK	2X WK	3X WK	4X WK	5X WK	6X WK	7X WK	Extra
1 Cubic Yard	\$ 105.88	\$ 206.55	\$ 307.22	\$ 387.37	\$ 482.99	\$ 578.64	\$ 674.24	\$ 120.68
1.5 Cubic Yard	\$ 109.62	\$ 213.78	\$ 317.91	\$ 422.07	\$ 526.16	\$ 630.32	\$ 734.50	\$ 120.68
2 Cubic Yard	\$ 124.85	\$ 243.45	\$ 362.11	\$ 476.72	\$ 581.41	\$ 686.02	\$ 794.69	\$ 120.68
3 Cubic Yard	\$ 143.80	\$ 280.39	\$ 416.93	\$ 537.83	\$ 655.56	\$ 777.78	\$ 927.10	\$ 120.68
4 Cubic Yard	\$ 162.69	\$ 317.24	\$ 460.28	\$ 588.85	\$ 732.83	\$ 867.58	\$ 1,020.06	\$ 120.68
6 Cubic Yard	\$ 200.56	\$ 391.17	\$ 552.57	\$ 717.91	\$ 852.55	\$ 1,017.06	\$ 1,169.65	\$ 120.68
3 Cubic Yard Compactor	\$ 233.60	\$ 457.74	\$ 681.98	\$ 906.17	\$ 1,130.41	\$ 1,354.65	\$ 1,578.85	\$ 249.82
4 Cubic Yard Compactor	\$ 264.33	\$ 515.46	\$ 766.53	\$ 1,017.69	\$ 1,268.80	\$ 1,519.94	\$ 1,771.02	\$ 249.82
35 Gallon Organics Cart	\$ 38.57	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -

Notes: X means collection frequency per week, WK means week

In addition to the base rates per the table above, the following monthly charges are applied:

Recycling Service Charge: \$3.46 per unit.

City Fees: Administration \$0.86 per unit, Household Hazardous Waste \$0.91 per unit, and 4.25% of base rate for AB 939.

Proposed Monthly 2024-25 Fiscal Year Refuse Rates for Multi-Family Residential Parcels (four or more units)

BIN SIZE	1X WK	2X WK	3X WK	4X WK	5X WK	6X WK	7X WK	Extra
1 Cubic Yard	\$ 106.83	\$ 208.41	\$ 309.98	\$ 390.86	\$ 487.34	\$ 583.85	\$ 680.31	\$ 121.77
1.5 Cubic Yard	\$ 110.61	\$ 215.70	\$ 320.77	\$ 425.87	\$ 530.90	\$ 635.99	\$ 741.11	\$ 121.77
2 Cubic Yard	\$ 125.97	\$ 245.64	\$ 365.37	\$ 481.01	\$ 586.64	\$ 692.19	\$ 801.84	\$ 121.77
3 Cubic Yard	\$ 145.09	\$ 282.91	\$ 420.68	\$ 542.67	\$ 661.46	\$ 784.78	\$ 935.44	\$ 121.77
4 Cubic Yard	\$ 164.15	\$ 320.10	\$ 464.42	\$ 594.15	\$ 739.43	\$ 875.39	\$ 1,029.24	\$ 121.77
6 Cubic Yard	\$ 202.37	\$ 394.69	\$ 557.54	\$ 724.37	\$ 860.22	\$ 1,026.21	\$ 1,180.18	\$ 121.77
3 Cubic Yard Compactor	\$ 235.70	\$ 461.86	\$ 688.12	\$ 914.33	\$ 1,140.58	\$ 1,366.84	\$ 1,593.06	\$ 252.07
4 Cubic Yard Compactor	\$ 266.71	\$ 520.10	\$ 773.43	\$ 1,026.85	\$ 1,280.22	\$ 1,533.62	\$ 1,786.96	\$ 252.07
35/64/96 Gallon Organics Cart	\$ 32.07	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -

Notes: X means collection frequency per week, WK means week.

In addition to the base rates per the table above, the following monthly charges will be applied:

Recycling Service Charge: \$3.67 per unit.

City Fees: Administration \$0.99 per unit, Household Hazardous Waste \$0.91 per unit, and 4.25% of base rate for AB 939.

Existing Monthly Refuse Rates for Commercial Parcels

BIN SIZE	1X WK	2X WK	3X WK	4X WK	5X WK	6X WK	7X WK	Extra
Commercial Cart	\$ 128.51	\$ 277.04	\$ 425.74	\$ 574.31	\$ 722.94	\$ 871.52	\$ 1,020.09	\$ 164.55
1 Cubic Yard	\$ 164.59	\$ 321.02	\$ 477.53	\$ 602.18	\$ 750.80	\$ 899.43	\$ 1,048.04	\$ 164.55
1.5 Cubic Yard	\$ 170.36	\$ 332.21	\$ 494.15	\$ 656.02	\$ 817.94	\$ 979.78	\$ 1,141.70	\$ 164.55
2 Cubic Yard	\$ 194.08	\$ 378.46	\$ 562.88	\$ 741.00	\$ 903.71	\$ 1,066.38	\$ 1,235.33	\$ 164.55
3 Cubic Yard	\$ 223.49	\$ 435.81	\$ 648.12	\$ 836.03	\$ 1,018.97	\$ 1,209.03	\$ 1,441.09	\$ 164.55
4 Cubic Yard	\$ 252.93	\$ 493.18	\$ 715.50	\$ 915.37	\$ 1,139.19	\$ 1,348.56	\$ 1,585.60	\$ 164.55
6 Cubic Yard	\$ 311.81	\$ 607.98	\$ 858.97	\$ 1,118.97	\$ 1,325.26	\$ 1,580.97	\$ 1,818.13	\$ 164.55
2 Cubic Yard Compactor	\$ 212.33	\$ 416.11	\$ 619.93	\$ 823.72	\$ 1,027.59	\$ 1,231.40	\$ 1,435.22	\$ 340.63
3 Cubic Yard Compactor	\$ 318.50	\$ 624.17	\$ 929.89	\$ 1,235.58	\$ 1,541.38	\$ 1,847.10	\$ 2,152.82	\$ 340.63
4 Cubic Yard Compactor	\$ 360.43	\$ 702.84	\$ 1,045.21	\$ 1,387.64	\$ 1,730.04	\$ 2,072.48	\$ 2,414.85	\$ 340.63
35 or 64 Gallon Organics Cart	\$ 32.07	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -

Notes: X means collection frequency per week, WK means week.

In addition to the base rates per the table above, the following monthly charges are applied:

City Fees: 9.15% of base rate for Administration and 4.25% of base rate for AB 939.

Proposed Monthly 2024-25 Fiscal Year Refuse Rates for Commercial Parcels

BIN SIZE	1X WK	2X WK	3X WK	4X WK	5X WK	6X WK	7X WK	Extra
Commercial Cart	\$ 127.36	\$ 274.57	\$ 421.94	\$ 569.19	\$ 716.49	\$ 863.75	\$ 1,010.99	\$ 163.08
1 Cubic Yard	\$ 163.12	\$ 318.16	\$ 473.27	\$ 596.81	\$ 744.10	\$ 891.41	\$ 1,038.69	\$ 163.08
1.5 Cubic Yard	\$ 168.84	\$ 329.25	\$ 489.74	\$ 650.17	\$ 810.64	\$ 971.04	\$ 1,131.52	\$ 163.08
2 Cubic Yard	\$ 192.35	\$ 375.08	\$ 557.86	\$ 734.39	\$ 895.65	\$ 1,056.87	\$ 1,224.31	\$ 163.08
3 Cubic Yard	\$ 221.50	\$ 431.92	\$ 642.34	\$ 828.57	\$ 1,009.88	\$ 1,198.25	\$ 1,428.24	\$ 163.08
4 Cubic Yard	\$ 250.67	\$ 488.78	\$ 709.12	\$ 907.21	\$ 1,129.03	\$ 1,336.53	\$ 1,571.46	\$ 163.08
6 Cubic Yard	\$ 309.03	\$ 602.56	\$ 851.31	\$ 1,108.99	\$ 1,313.44	\$ 1,566.87	\$ 1,801.91	\$ 163.08
3 Cubic Yard Compactor	\$ 315.66	\$ 618.60	\$ 921.60	\$ 1,224.56	\$ 1,527.63	\$ 1,830.62	\$ 2,133.62	\$ 337.59
4 Cubic Yard Compactor	\$ 357.22	\$ 696.57	\$ 1,035.89	\$ 1,375.26	\$ 1,714.61	\$ 2,053.99	\$ 2,393.31	\$ 337.59
35 Gallon Organics Cart	\$ 46.26	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -

Notes: X means collection frequency per week, WK means week.

In addition to the base rates per the table above, the following monthly charges will be applied:

City Fees: 9.15% of base rate for Administration and 4.25% of base rate for AB 939.

Future Refuse Rate Adjustment Methodology

The base rates, excluding City fees, for the proposed 2024-25 Fiscal Year Refuse Rates consist of a weighted average of the cost component categories set forth in the table below. In the Fiscal Year starting July 1, 2025 and ending on June 30, 2026, and for all subsequent fiscal years through the 2028-2029 Fiscal Year, the annual change in the Rate Adjustment Factor for each cost component category will be calculated to determine a weighted percentage change. The total annual adjustment in the base rates, excluding City fees, will be calculated as the weighted percentage change plus one (1) percent. The cost component categories will be re-weighted for the ensuing fiscal year to account for the preceding Rate Adjustment Factors. The process for calculating the base rate adjustments of the proposed Refuse Rate through the 2028-29 Fiscal Year is further described below. The Recycling Service Charge for Multi-Family Residential Parcels (4 or more units) will be adjusted annually through the 2028-29 Fiscal Year by the change in the All Urban Consumers (CUUROOOOSAOL 1 E), U.S. City average, all items less food and energy index plus one (1) percent.

<u>Cost Component Category</u>	<u>Weightings (Cart/Bin)</u>	<u>Rate Adjustment Factor</u>
Labor	26.24%	Change in the highest-level rate for the "Driver A/8" Classification to be in effect as of the date the new rates go into effect (July 1st) under the Agreement between local haulers and Package and General Utility Drivers Local Union 396, International (1)
Fuel	7.41%	Producer Price Index WPU 0531, Fuels and related products and power, natural gas
Equipment	8.55%	Producer Price Index, PCU336120336120, Heavy duty truck manufacturing
Transformation	0%*	Waste-to-energy facility closed.
Disposal/Green Waste	54.48%	Consumer Price Index for All Urban Consumers (CUURA421 SAO), Los Angeles -Long Beach-Anaheim, CA, all items, capped at 5% (increases over 5% roll to subsequent years)
All Other	3.31%	Consumer Price Index for All Urban Consumers (CUUROOOOSAOL 1 E), U.S. City average, all items less food and energy index
Total	100%	

*Waste to Energy facility closed and not an option in FY2024-25. All Transformation is subsequently included in Disposal/Green Waste.

Step One - Calculate the percentage increase or decrease for each Rate Adjustment Factor described in the table above. The calculated annual increase or decrease for each Rate Adjustment Factor will be based on the average of the published index between the calendar year ended the October prior to the Fiscal Year anniversary date and prior calendar year. For example, the Rate Adjustment Factor for the 2025-26 Fiscal Year will be based on a comparison between the average annual index figure for November 2022 through October 2023 and the average annual index figure for November 2023 through October 2024. If a labor contract terminates and a subsequent labor contract has not been executed prior to the Refuse Rate adjustment calculation, the percentage change in the labor cost component category used in the prior year's adjustment calculation will be used. In the event that the estimated labor cost component change is different than the actual change after a new labor contract is executed, no correction to the Rate Adjustment Factor shall be made for that year.

Step Two - Multiply the Rate Adjustment Factor for each Cost Component Category by that Cost Component Category's current Weighting and add these resulting percentages together to obtain the total weighted percentage change. Calculate the total percent adjustment to the base rates for the ensuing fiscal year by adding one (1) percent to the total weighted percentage change.

Step Three - Multiply the total percent adjustment to the base rates for the ensuing fiscal year from Step Two by the base rate for the current fiscal year to calculate the increase or decrease to the base rates for the ensuing fiscal year. Add the calculated base rate increase or decrease to the base rates for the current fiscal year to determine the updated base rates for the ensuing fiscal year.

Step Four - Recalculate each Cost Component Category's weighting for the ensuing fiscal year based on Step One.



Administrative Report

H.7., File # 24-0671

Meeting Date: 4/23/2024

To: MAYOR AND CITY COUNCIL

From: ELIZABETH HAUSE, ASSISTANT TO THE CITY MANAGER

TITLE

RECEIVE AND FILE MEMOS FROM TIERRA WEST ADVISORS REGARDING THEIR ANALYSIS AND RECOMMENDED REVISIONS TO THE CITY'S CANNABIS REGULATORY ORDINANCES AND DRAFT CANNABIS PERMIT APPLICATION PROCESS

EXECUTIVE SUMMARY

On September 6, 2022, the City Council adopted cannabis regulatory Ordinances for both inland and coastal areas of Redondo Beach, allowing no more than two storefront commercial cannabis retailers to operate in the City. The inland Ordinance became effective 30 days after adoption, and the coastal ordinance became effective when it was certified by the California Coastal Commission on March 9, 2023.

At the December 19, 2023 meeting, the City Council directed staff to enter into a contract with Tierra West Advisors, Inc. (Tierra West) for review of the City's final cannabis regulatory ordinances and draft permit application guidelines and to provide assistance with application processing. Tierra West has produced two memos, one analyzing and recommending revisions to the City's cannabis regulatory ordinances, and another providing recommendations on the City's draft cannabis permit application process. The final redlines to the Ordinances and draft application process document, as well as the City Attorney's written analysis and report, will be brought back for comprehensive review and discussion at the May 14, 2024 City Council meeting.

BACKGROUND

The analysis and identification of cannabis regulations most appropriate for Redondo Beach began in 2018 with the appointment of a Cannabis Steering Committee. Following review by the Planning Commission, and several City Council meeting discussions, the Council adopted the current Cannabis Regulatory Ordinances on September 6, 2022, which allowed for no more than two storefront commercial cannabis retailers to operate in the City.

At the December 19, 2023 meeting, portions of the regulatory ordinances and the permit application process were identified as needing further review. At that time, the City Council provided direction to engage help from Tierra West and develop a scope of work that includes:

Phase 1: Cannabis Ordinance and Application Process Review Services

Objective 1: Review the City's Draft Cannabis Regulatory Ordinance

Objective 2: Application Process Review

Objective 3: Cost Recovery Fee Analysis

Objective 4: Attendance, Support or Presentations at Meetings or Workshops

Objective 5: Technical Assistance and Subject Matter Expertise

Objective 6: Drafts and Final Work Products

At the February 6, 2024 meeting, the City Council approved the contract with Tierra West and work began immediately on Objectives 1 through 3. Attached to this report are two memos from Tierra West. The first memo provides analysis and recommended modifications to the City's existing cannabis regulatory ordinances. The second memo provides Tierra West's recommendations on the draft cannabis permit application process. The suggested redlines to the documents, as well as the City Attorney's written analysis and report, will be brought back to the City Council for comprehensive review and discussion at the May 14, 2024 Council meeting.

COORDINATION

This report was coordinated by the City Manager's Office.

FISCAL IMPACT

There is no fiscal impact associated with the receipt of this update from Tierra West.

APPROVED BY:

Mike Witzansky, City Manager

ATTACHMENTS

- Tierra West Advisors - Memo on Redondo Beach Cannabis Regulatory Ordinances, April 18, 2024
- Tierra West Advisors - Memo on Redondo Beach Draft Permit Application Guidelines and Process, April 18, 2024

Memorandum

To: Ms. Elizabeth Hause, Assistant to the City Manager, City of Redondo Beach
Mr. Mike Webb, City Attorney, City of Redondo Beach
From: Mr. John Yonai, Mr. Jason Chiang, Ms. Jane McFarren, & Mr. Rob Hoffman, Tierra West Advisors
Date: April 18, 2024

RE: Objective 1 - Review & Recommendations on the City's Draft Cannabis Regulatory Ordinance Documents

Ms. Hause and Mr. Webb:

Tierra West Advisors ("Tierra West") has completed its initial review of the background items provided by City Staff, pursuant to the consultant team's Scope of Services Objective 1 task to review the City's Cannabis Regulatory Ordinance documents. Having previously provided examples of topline items that the consultant team has documented during its review, as well as our initial recommendations, please find below a Summary of the consultant team's redline edits to the City's Chapter 6 Commercial Cannabis Activity ordinance.

Chapter 6 COMMERCIAL CANNABIS ACTIVITY – CONSULTANT REDLINE SUMMARY

§ 6-6.01 Definitions.

- Added Commercial Cannabis Activity definitions from Redondo Beach Municipal Code (RBMC) Section 102.1626 for added clarity
- Additional definitions added by consultant team

§ 6-6.02 Commercial cannabis permit required to engage in commercial cannabis activity.

- Section expanded by consultant team
- Added conditional use permit and zoning language

-
- Added draft language for a Location requirement

§ 6-6.03 Application procedure.

- This section is being completely overhauled by the consultant team
- Limit amount of separate Phases in the application process; goal is for a more concise application process and less liability for City
- Revised rating criteria and point system
- Establish clear scoring rubric for easy and consistent application by review panel; apply fewer total points in Evaluation Criteria so that points are more meaningful, objective, and less subjective (limit applicant appeals and City's overall liability)
 - Sample five (5) point Evaluation Criteria scoring rubric: 0 = no content provided, 1 = limited or below minimum information provided, 2 = minimum information provided, 3 = all information provided and offers additional benefits, 4 = all information provided with additional benefits and quality standards, 5 = information exceeds request and offers highest quality standards.
 - Recommendation of scoring scale of two hundred (200) total points for each application; with five (5) total reviewers, resulting in a Total Score of one thousand (1000) points per application
 - This rubric has been successful and clear in previous municipalities the consultant team has implemented commercial cannabis applications

§ 6-6.04 Fees and charges.

- To include items and recommendations from the consultant team's Cost Recovery Fee Analysis

***Proposed New Section to Require a City Business Tax Certificate before commencing operations**

§ 6-6.05 Development Agreement and operating standards.

- Adds requirements for operator to notify City after inventory discrepancies, theft/loss/criminal activity, loss of records, or any other breach of security

-
- Expanded language on General Operating Requirements
 - Adds language that allows City Manager to develop additional cannabis retailer operational requirements or regulations for the retail sale of cannabis and cannabis products in the City as are determined to be necessary to protect the public health, safety, and welfare

***Proposed New Section adding Operating Requirements for Out-of-City Delivery Services**

***Proposed New Section addressing Permissible Delivery Locations and Customers**

§ 6-6.06 No transfer or change in ownership of location.

- Expanded language regarding transfer/change in ownership of location
- Provides more control/discretion to City Manager

§ 6-6.07 Minimum security requirements.

***Proposed New Section adding Employment and Labor/Peace Agreement for permittee with twenty (20) or more employees**

§ 6-6.08 County Health Permit.

§ 6-6.09 Criminal penalties.

- Expanded language that clarifies fines and other criminal penalties

§ 6-6.10 Violations.

- Expanded language stating that the permittee, owner, and property owner are responsible for violations
- Expanded language regarding violations declared a public nuisance
- Expanded language regarding Each Violation as a Separate Offense

§ 6-6.11 Audits.

§ 6-6.12 Records.

- Expanded section on cannabis retailer records and recordkeeping requirements

§ 6-6.13 Compliance with laws.

- Expanded language on Promulgation of Regulations, Standards, and Other Legal Duties

§ 6-6.14 Interpretation.

§ 6-6.15 Severability.

§ 6-6.16 Limitation of liability.

- Expanded the limitation of the City's liability

§ 6-6.17 Suspension, revocation or modification of permits.

***Proposed New Section to address Abandonment of Permit**

***Proposed New Section to address Reapplying for a Cannabis Business Permit**

***Proposed New Section to address Effect of State License Suspension /Revocation /Termination**

***Proposed New Section to address Change in Location & Updated Application Information**

***Proposed New Section Placing Restriction on Alcohol and Tobacco Sales on premises of the cannabis retailer**

***Proposed New Section that requires each cannabis retailer to provide a Community Relations contact to whom notice of problems associated with the cannabis retailer can be provided**

***Proposed New Section regarding Inspection and Enforcement**

***Proposed New Section regarding Sensitive Uses (day care centers, public parks, schools, and youth centers) and documentation of their County Assessor's Identification Numbers**

Memorandum

To: Ms. Elizabeth Hause, Assistant to the City Manager, City of Redondo Beach
Mr. Mike Webb, City Attorney, City of Redondo Beach
From: Mr. John Yonai, Mr. Jason Chiang, Ms. Jane McFarren, & Mr. Rob Hoffman, Tierra West Advisors
Date: April 18, 2024

RE: Objective 2 – Application Process Review & Objective 3 – Cost Recovery Fee Analysis Status Update

Ms. Hause and Mr. Webb:

Tierra West Advisors (“Tierra West”) would like to provide Redondo Beach City Staff and its esteemed City Council with a Status Update on Objective 2 – Application Process Review and Objective 3 – Cost Recovery Fee Analysis. These Scope of Service work products are being managed concurrently by the Consultant Team, and below is a comprehensive Status Update on the progress that has been made on each item to-date.

Objective 2 – Application Process Review

The consultant team has reviewed the City’s existing draft application process, in parallel with our edits and redlines to the cannabis regulatory ordinance to include industry best practices.

- **Site Selection Requirement:** The consultant team strongly recommends that the City include a Site Selection requirement as part of the application process and guidelines. A site selection requirement typically produces higher quality proposals with more serious applicants that result in a reduced volume of subpar applications (requiring additional City resources to process/review). A viable location is a critical criteria to weigh in the applicant ranking process, and an applicants’ Site Plan and Security Plans must tie to an actual feasible Site to be meaningful to the review process. For all these stated reasons, a Site Selection Requirement is highly recommended.

- **Draft Application Procedures, Guidelines, and Review Criteria Document**

- Tierra West recommends a 45-to-60-day Application Period; 30 days has typically resulted in rushed applications that are not thoughtfully planned
- Provide applicants with a Submittal Checklist to clarify all required application items
- Mandate that all application packets be organized in the same order as the checklist, using the Submittal Checklist as a Cover Page
- Clearly state that any application that is missing any of the required components will be disqualified, and the applicant will be notified within one (1) business day of determination so that the applicant can attempt to cure the application before the submittal deadline
- Include a Local Hiring element
- Include disclosure of any prior criminal convictions of any owners, officers, or managers
- Include proof of liability insurance compliance
- Include Labor Peace Agreement element for applicants with over X employees
- Include Proof of Application Fee payment (i.e. City Clerk receipt) with application submittal
- Generate a specific cannabis@redondo.org email account to facilitate and archive all cannabis correspondence
- Include “Proof of Funds” to application package requirements; financial statement or proof that applicant has \$1MM (or other agreed-upon amount) in readily-available funds.
- Page limit: 125 pages limit is excessive and will increase the City’s review/processing resources without adding meaningful substance. Tierra West recommends a 50-75 page limit for commercial cannabis applications (not including forms etc.)
- Revise the guidelines so that the final selected applicants must apply for and receive all necessary land use permits and other required approvals within 12-18 months, rather than 24 months
- **Overhaul the Draft Proposed Application Phases 1-4 & Scoring System**
 - This section is in the process of being completely overhauled by the consultant team
 - There is currently no rubric or guidance to implement the draft scoring system; the scoring system total points are not internally consistent and do not reconcile to the correct amount of points

-
- Consultant team proposes to limit the amount of separate Phases in the application process; goal is for a more concise application process and less liability for City
 - Revised rating criteria and point system
 - Establish clear scoring rubric for easy and consistent application by review panel; apply fewer total points in Evaluation Criteria so that points are more meaningful, objective, and less subjective (limit applicant appeals and City's overall liability)
 - Qualifications of Ownership/Operators
 - Business Plan & Financial Investment
 - Operations Plan
 - Safety/Security Plan
 - Labor/Employment/Local Sourcing Plan
 - Sample five (5) point Evaluation Criteria scoring rubric:
 - 0 = no content provided
 - 1 = limited or below minimum information provided
 - 2 = minimum information provided
 - 3 = all information provided and offers additional benefits
 - 4 = all information provided with additional benefits and quality standards
 - 5 = information exceeds request and offers highest quality standards
 - Recommendation to implement a scoring scale of two hundred (200) total points for each application; with five (5) total reviewers, resulting in a Total Score of one thousand (1000) points per application
 - This rubric has been successful and clear in previous municipalities the consultant team has implemented commercial cannabis applications
 - **Draft Application Form**
 - Need to ensure that this form can be filled out ELECTRONICALLY (via Adobe Acrobat or digital form)
 - Hand-written responses in the small spaces provided will be very difficult to archive and opens the application facilitator to illegible content and

- **Miscellaneous Items**

- Applicants to submit 3 to 5 hard copies of application + USB Drive with digital files
- Background checks to be performed by City Police Department for all owners on application, regardless of % of ownership
- City Planning/Zoning Verification required with application submittal
- Create Parcel List of all state-certified schools, daycare, etc.

Objective 3 – Cost Recovery Fee Analysis

The consultant team is in the process of producing a detailed fiscal analysis to recommend commercial cannabis application and permitting fees to the City of Redondo Beach. The Cost Recovery Fee Analysis will ensure that all costs incurred during the processing, review, and implementation of the commercial cannabis application process are recouped.

City Staff has recently provided the consultant team with the fully loaded rates for each of the following positions:

City Manager’s Office

- City Manager
- Assistant to the City Manager

Finance Department

- Director
- Admin Analyst

City Clerk’s Office

- City Clerk
- Deputy City Clerk
- Analyst

Police Department

- Police Chief
- Police Captain
- Lieutenant
- Sergeant

City Treasurers Office

- City Treasurer

City Attorney’s Office

- City Attorney

Community Development Department

- Director of Community Development
- Planning Manager
- Planning Analyst

Fire Department

- Fire Chief
- Fire Captain
- Engineer

Upon completion, the Cost Recovery Fee Analysis will anticipate and establish fees in conjunctions with the City’s oversight and implementation of its commercial cannabis program. The consultant team’s objective is to determine costs, develop fee methodology, document city processes associated with commercial cannabis implementation and oversight, and develop appropriate fees to support this endeavor and its associated activities.

- **Fee Methodology Overview**

- Identify all direct staff time spent on the commercial cannabis program
- Collect requested data from City Staff
- Estimate how much time the cannabis staff spend, on average, working on each fee service
- Estimate total time processing applications, interfacing with applicants/permittees, and implementing administrative policies related to the commercial cannabis program
- Estimate direct cost of staff & consultant time for each fee using productive hourly rates (fully loaded)
- Determine other operational costs (i.e. other than personnel costs)
- Determine indirect or overhead costs
 - Departmental
 - Citywide

- **General Fee Study Recommendations**

- The City's commercial cannabis permit program is brand new and therefore staff has not been able to perform time studies, nor is there any historical data to draw from. For this reason, the consultant team recommends that the City reanalyze the fees in approximately three (3) years' time. Once the commitment is made to understand the full cost of providing services, it is important to review and update the analysis in order to keep pace with changes in service delivery, staffing changes, and actual demand levels
- The Fee Study analysis should be analyzed at least every three but not more than five years, with minor adjustments in the non-study years to keep pace with economic impacts
- The consultant team recommends the City apply an inflation adjustment to fees annually, based on the most recent CPI for the Los Angeles area to keep pace with inflation
- The current industry best practice is to apply this index once per year as part of the City's annual budget process

Next Steps

The consultant team will be meeting with City Staff to iteratively discuss, revise, and finalize all work products in anticipation of presentation to City Council during a May 2024 meeting.



Administrative Report

H.8., File # 24-0611

Meeting Date: 4/23/2024

To: MAYOR AND CITY COUNCIL
From: MIKE WITZANSKY, CITY MANAGER

TITLE

RECEIVE AND FILE THE MONTHLY UPDATE TO THE TWELVE-MONTH STRATEGIC PLAN OBJECTIVES ADOPTED BY CITY COUNCIL ON MAY 30, 2023

EXECUTIVE SUMMARY

On April 25, 2023, the City Council held a strategic planning session to discuss and update the City's Strategic Plan. At the session, the City Council considered recent accomplishments, completed a strengths, weaknesses, opportunities, and threats (SWOT) analysis, re-affirmed the previously established three-year goals, and listed specific objectives for the upcoming planning period which was set for the next twelve-months. The objectives were adopted at the May 30, 2023 City Council meeting. The City's strategic planning process also includes periodic updates on the status of the approved objectives to allow for progress monitoring. This report and the attached matrix serve as the tenth update on the current Strategic Plan.

BACKGROUND

The City has been committed to a strategic planning process since 1998, a process that focuses staff resources on achievable policy goals and objectives set by the City Council. A contract with Leading Resources, Inc. for strategic planning consulting services was approved by Council in August of 2022 for the facilitation of two strategic planning sessions/periods. The first occurred shortly after contract approval and the most recent strategic planning session was held on April 25, 2023.

During the session, the City Council discussed the City's prior accomplishments (there were 65 objectives, projects, and initiatives that were recognized as having been completed during the planning period), re-affirmed the previously established three-year goals, and identified the objectives for the new plan.

The Council re-affirmed the previously established three-year goals (2022-2025) which are as follows (not in priority order):

- Modernize the City's Communication Systems
- Vitalize Core Commercial Areas of the City
- Increase Environmental Sustainability
- Invest in the City's Infrastructure
- Maintain a High Level of Public Safety
- Enhance the Delivery of City Services

The Council also listed and discussed twelve-month objectives that focus staff time and resources to help achieve the identified goals. On May 30, 2023, the City Council adopted the objectives after making minor additions.

The City Manager provides periodic updates to the adopted twelve-month objectives to enable the Mayor and Council to monitor the City's progress on the Strategic Plan. The attached matrix includes updates and notations provided by the department(s) responsible for each objective. This is the tenth update on the Plan.

COORDINATION

All Departments participated in the development of the Strategic Plan and assisted with the attached update.

FISCAL IMPACT

The cost for this activity is included in the City's annual operating budget.

APPROVED BY:

Mike Witzansky, City Manager

ATTACHMENTS

- April 23, 2024 Strategic Plan Update

CITY OF REDONDO BEACH STRATEGIC PLAN

THREE YEAR GOALS

12 MONTH OBJECTIVES

June 2023 – May 2024

CM= City Manager ATCM=Assistant to City Manager CD=Community Development CS=Community Services FD=Fire Department FS=Financial Services HR=Human Resources IT=Information Technology LIB=Library
 PD=Police Department PW=Public Works WED=Waterfront and Economic Development CA=City Attorney CC=City Clerk CT=City Treasurer

GOAL 1: <i>Modernize the City's Communication Systems</i>						
WHEN	WHO	OBJECTIVES	STATUS			COMMENTS
			DONE	ON TARGET	REVISED	
1. By August 22, 2023	ATCM, CM	City Branding: Present City logo redesign options to City Council for consideration of approval.			X	The Consultant and Logo Redesign Citizen Committee, with community input, have developed a new City logo. The proposed logo was presented to CC for consideration on 10/17/23 and 02/13/24. Staff was directed to launch a design contest and deliver the submittals to CC on 04/16/24. Preferred logos will be discussed at the 05/07/24 CC meeting.
2. By September 19, 2023	IT & ATCM	City Website: Complete website development and publicly launch the new site.	X			Complete.
3. By July 18, 2023	ATCM & CM working with various departments	City Communications Plan: Complete the updated City Communications Plan, including a new section regarding the production of videos that highlight City services, and present it to City Council for discussion.	X			This item was presented and approved at the 09/05/23 Council meeting.
4. By November 7, 2023	CM, CA & CC	City Charter Review: Provide recommendations to City Council regarding proposed Charter updates.	X			The Review Committee's most recent recommendations were presented to CC on November 7. Council directed follow up actions will be returned over the course of meetings in April/May 2024.
5. By July 18, 2023	CC, CA & CM	Improved Response to PRA Requests: Provide a report to City Council on staff efforts to systematize the process for responding to PRA requests.			X	To be presented to City Council in May 2024.
6. By August 15, 2023	CC & CM	Council Meeting Agenda Item Noticing: Develop a calendar, available to the public, that foreshadows Council Meeting agenda items of significant public interest.			X	Responses to RFP for procurement of new agenda management system will determine best method of

						extracting reliable agenda information to share with Council and the public.
7. By December 19, 2023	CC & IT	Agenda Management System: Begin drafting a Request for Proposals for the procurement of a new agenda management system. Prepare an item for City Council discussion regarding the expectations for a new agenda management system.	X			RFP evaluation team is currently refining scope with highest ranking bidder.

GOAL 2: *Vitalize Core Commercial Areas of the City*

WHEN	WHO	OBJECTIVES	STATUS			COMMENTS
			DONE	ON TARGET	REVISED	
1. By July 18, 2023	WED & CD	FAR Adjustment and AACAP Implementation Study: Introduce an Ordinance and General Plan Amendment and consider the environmental impacts associated with proposed amendments to the General Plan and Municipal Code to identify preferred uses and increase the allowable FAR for properties with frontage along the AACAP corridors.	X			Introduced to City Council on 07/11/23. Second reading and adoption occurred on 07/18/23.
2. By November 21, 2023	WED & CD	AACAP Rooftop Open Deck Restaurant Dining: Report on the feasibility of rooftop open deck dining along the AACAP corridors.			X	WED leading the effort and is working with CD to identify existing development standards and building code regulations that could potentially preclude rooftop dining. Staff plans to present this item concurrently with the AACAP Lot Merger Incentive Program on 05/07/24.
3. By March 19, 2024	CD	Expanded FAR Adjustment: Prepare Environmental Impact Report addressing the impacts of expanding the Artesia/Aviation Corridor FAR from 0.6 to 1.5 in conjunction with the General Plan Update and Zoning Revisions and present the findings to the City Council.			X	Draft EIR with potential impacts and mitigation associated with Expanded FAR Adjustment is scheduled for May/June 2024. FEIR with confirmed impacts/mitigation and public hearings will be presented to CC in September/October 2024.
4. By August 29, 2023	WED & CD	Artesia/Aviation Parking Regulation Updates: Introduce an Ordinance and consider the environmental impacts associated with an amendment to the municipal code to update the Artesia/Aviation Corridor parking regulations.	X			Planning Commission recommended approval on 07/20/23. Introduced to City Council on 08/15/23. Second reading and adoption occurred on 09/05/23.
5. By February 20, 2024	IT & PW	Public Broadband Improvements: Prepare an item for City Council discussion regarding options to provide residents, government, and businesses increased broadband connectivity.	X			Item presented at the 02/20/24 CC meeting.
6. By May 1, 2024	WED & IT	Broadband & Wi-Fi Access in the Harbor: Expand public and business Wi-Fi connectivity in the Harbor.		X		Installation to begin during the week of 4/22/24.
7. On May 16, 2023	CD & CM	Cannabis Permit Selection Process: Present recommendations to the City Council for the implementation of a permit/license application and selection process for Cannabis businesses.			X	Initial draft procedures were presented to CC on 05/16/23. CC provided direction to make amendments. The item was presented to CC on 09/05/23 and on 12/19/23. Additional research was requested, and staff was advised to move forward with a consultant agreement with Tierra West (TWA). TWAs review of

						existing regulations is near completion and a preliminary report on findings will be included as a receive and file item on the 04/23/24 CC agenda. A comprehensive CC discussion on the recommended changes and updates will take place on 05/14/24 and will include the City Attorney's Office written report.
8. By September 19, 2023	WED	Business/Parking Improvement Districts: Provide a report to the City Council on the results of the canvassing/surveying of businesses along Artesia Blvd. regarding the creation of a local Business and/or Parking Improvement District. Prepare a consulting services contract to evaluate the potential benefits of a BID on International Boardwalk.	X			Staff provided a report on the results of the Artesia survey and City Council approved a contract with Civitas to explore a BID on International Boardwalk on 09/19/23.
9. By October 31, 2023	ATCM & PW	EV Charger Expansion: Seek additional federal grant funding for additional EV chargers in appropriate public areas, parks, and/or commercial corridors.			X	Staff has completed engineering site walks of all Council-identified EV sites and is working to provide a range of options for near-term deployments utilizing available CIP funds while still applying for grants to satisfy long-term EV expansion goals. PW personnel are applying for alternative fleet grant opportunities.
10. By October 10, 2023	CS, WED & PW	Public Art on Artesia: Provide a report to City Council on public art procurement efforts on Artesia Blvd.	X			Presented to City Council 01/09/24. Received Council direction on a process to procure art on Artesia
11. By May 14, 2024	WED & ATCM	Artesia Branding: Develop branding options/strategies for Artesia Blvd.		X		
12. By February 1, 2024	CD	General Plan Update: Complete the draft General Plan and zoning update and associated environmental review.			X	Anticipated revised date to complete draft General Plan and zoning update and associated environmental review is September/October 2024. The consultant continues to work on the DEIR. The Sixth Amendment to the Placemarks contract for term extension and additional scope resulting from Article XXVII traffic study requirements was approved by CC on 03/12/24.
13. By March 5, 2024	CD & WED	Artesia/Aviation Property Lot Merger Incentive Program: Provide a report on potential incentives, including the idea of establishing a development opportunity reserve for developers or tying entitlements to specific requirements if they meet specific City goals along Artesia and Aviation Blvd.			X	WED leading the effort. Staff is pairing this item with the AACAP rooftop dining item and plans to appear before CC on 05/07/24.

14. By October 1, 2023	WED & CM	Harbor, Pier Leasing Strategy: Formulate a leasing strategy for critical opportunity sites in the harbor and pier area.	X			City staff received direction from the City Council as part of a Closed Session Item on 4/9/24.
15. By January 1, 2024	CD & PW	Riviera Village Outdoor Dining Parklets: Work with Coastal Commission staff to develop a plan to retain the parklets on a long-term basis and provide a report to the City Council on the plan's feasibility.	X			The item was discussed by Council on 09/05/23. On 10/17/23 Coastal Commission staff emailed a link to AB 1217 (approved 10/08/23) extending outdoor dining allowance in the coastal zone to 07/01/26. Amendment # 12 executed extending Outdoor Dining Parklets to 07/01/26. City also received grant funds to design sidewalk changes to prepare for a long-term solution

GOAL 3: Increase Environmental Sustainability

WHEN	WHO	OBJECTIVES	STATUS			COMMENTS
			DONE	ON TARGET	REVISED	
1. By December 19, 2023	PW, CA & PD	Plastic Waste: Present a report to the City Council on whether the City can prohibit the use of multi-use plastic bags.	X			Presented to CC on 01/16/24. Staff to monitor development of statewide legislation.
2. By September 25, 2023	PW & CD	Native Planting and Pollinator Requirements: Prepare a discussion item for the Public Works and Sustainability Commission (PW&SC) to consider requiring the inclusion of pollinator fountains and native plantings in new developments.	X			The item was presented to the PW&S Commission on 09/25/23, which was attended by Mike Garcia, local landscaping contractor with expertise on native and pollinator plants. The Commission continued the discussion to their 10/23/23 meeting to allow additional presenters an opportunity to provide their perspectives. The item was presented to the PW&S Commission on 10/23/23, which was attended by Jim Light, South Bay Parkland Conservancy (SPBC) and Tracy Drake, Naturalist and certified native plant expert on native and pollinator plants. The Commission appointed a 3-person sub-committee to consider options and return to the PW&S Commission with recommendations. The PW&S sub-committee presented a report at the January 2024 PW&S meeting. Commission directed the subcommittee to work with PW staff to develop Dept Policy and any other recommendations.
3. By January 1, 2024	PW	Bike Path Enhancements: Work with SCE and other regional agencies to enhance amenities along the bike path.	X			City staff received comments from SCE on two ROW enhancement projects regarding what will be allowed. Staff held an onsite meeting in January with SCE for the Herondo project to clarify Edison's maintenance needs. Redesign of the plan is underway. The next submittal is expected in

					February. The Bike Lane extension project design is also being updated to respond to SCE comments. The redesign submittal is due in February. Staff will continue to work with SCE to propose enhancements for beautification of the ROW areas.
4. September 5, 2023	CS & PW	Public Transit EVs: Provide a report to the City Council on the results of the transit operation analysis regarding conversion of the BCT fleet to EV / hydrogen vehicles.	X		Presented to CC on 10/03/23. The Council approved battery-powered electric buses as the conversion target for future transit fleet vehicles.
5. By August 29, 2023	CS	Wilderness Park: Draft an amendment to the MOU with South Bay Parkland Conservancy to collaborate on solutions for the repair and enhancement of the lower pond at Wilderness Park.	X		Approved by CC at 09/19/23 meeting.
6. By May 14, 2024	PW	Alternative Energy: Provide a report to the City Council on the feasibility/potential for tidal energy generation and/or solar energy generation on City controlled infrastructure.		X	Connecting with EcoWave vendor for product information.

GOAL 4: *Invest in the City's Infrastructure*

WHEN	WHO	OBJECTIVES	STATUS			COMMENTS
			DONE	ON TARGET	REVISED	
1. By February 20, 2024	PW	Renovations and/or Replacement of City Buildings: Provide a report to the City Council on options and costs for the renovation or replacement of Civic Center facilities.			X	Staff is working to bring on a consultant to look at options. Council Approved \$250k in the CIP to conduct a Rehabilitation Assessment. PW Engineering & Operations is meeting with an Architect to address the planned relocation of the Community Services Dept to City owned facilities. A report on relocation options is expected to be presented to CC in April. Other facility assessments will follow. Item is now being led by the City Manager's Office with PW support.
2. By December 19, 2023	CM, PW & FS	Identify Potential Capital Resources: Provide a report to the City Council on the use (and cost) of infrastructure bonds and other financing options for the renovation or replacement of civic buildings.			X	Staff has met with two municipal financing firms to help identify financing options and current market rates/costs. A report will be provided to City Council as part of the Mid-Year Budget review.
3. By April 2, 2024	WED, CS & PW	Seaside Lagoon: Present two design concepts for the rehabilitation of Seaside Lagoon (renovation and reconstruction) to the City Council for discussion and direction.			X	Staff will be presenting design options to the Rec and Park Commission in June 2024, the Harbor Commission in July 2024, and City Council in August 2024
4. By July 18, 2023	CS & ATCM	Veterans Park Library Concessionaire: Present to the City Council for consideration of approval proposals from concessionaires for the use of the Veteran's Park Library Building.	X			Presented to CC on 02/20/24. Council directed staff to begin negotiations on an agreement with Made By Meg. Closed session review of the proposed contract terms is expected for 4/23/24.
5. By October 24, 2023	WED	Boat Launch Pre-Design Work: Recommend a consultant to complete pre-design work for the installation of a new public boat launch.			X	The RFP was approved by City Council on 10/03/23. Responses were due to the City in early January. Staff has reviewed the proposals and on 02/15/24 met internally to choose finalists. Staff requested updates to the proposals in March to clearly identify the pre-design work needed to apply for a construction

						design grant from the Department of Boating and Waterways. Revised proposals from the finalists were received in early April. The finalists will be interviewed by staff on April 18. Staff anticipates preparing a draft agreement and appearing before City Council in June 2024.
6. By September 19, 2023	WED & PW	Climate Resiliency Plan: Pursue grant funding and procure an engineering firm to prepare a climate resiliency plan.			X	Submitted a grant application to the Coastal Commission on 8/31/23. As of 4/16/24, the Coastal Commission has not made a decision on the application. Staff will continue to monitor.
7. By July 25, 2023	WED	Waterfront Education Center: Present design options for City Council consideration, including prospective operating partners.	X			Presented the conceptual design to City Council on 07/18/23.
8. By August 29, 2023	WED & PW	Breakwater Repair: Prepare a report for City Council consideration identifying the breakwater's condition and recommended follow-up action items, including any planned repairs by the Army Corps of Engineers and necessary support from state and federal agencies.	X			PW staff and Army Corp personnel presented the assessment to City Council on 12/05/23 and the Harbor Commission on 12/11/23.
9. By September 26, 2023	PW	Train Bridge Rehabilitation in North Redondo: Apply for a permit to repaint the rail bridge located on Artesia Blvd. east of Condon Ave.	X			Agreement approved by CC on 4/2/24 and is effective on 5/1/2024.
10. By August 29, 2023	CS & PW	Parks Assessment: Prepare an item for City Council discussion regarding the scope of work and initiation of a citywide park system study that reviews the City's current park amenities and provides options for alternative and/or supplemental uses that would optimize park utilization and increase maintenance efficiency.			X	Shifting lead department and assessment scope to Community Services with PW providing as needed support. CS is researching this item and reaching out to consultants to assist. Projected completion of this objective is now estimated in May 2024.
11. By December 19, 2023	CS & PW	Aviation Park: Working with potential regional partners, identify options for the City Council to consider installing additional recreational amenities at Aviation Park or other sites, including pickleball and a new aquatics facility.	X			Presented to Council 03/05/24. Council provided direction to staff to designate area southeast of Aviation Gym for pickleball courts and acquire cost estimates to install pickleball courts at Aviation, Del Page, and Alta Vista.

GOAL 5: *Maintain a High Level of Public Safety*

WHEN	WHO	OBJECTIVES	STATUS			COMMENTS
			DONE	ON TARGET	REVISED	
1. By July 25, 2023	PW & PD	Speed Limit Adjustments: Provide a report to the City Council on the results of citywide speed limit surveys and the recommendations for any speed limit adjustments.	X			Presented report to Council on 05/30/23.
2. By November 21, 2023	FD & ATCM working with the RBFA	County Fire Study: Review the proposals provided by Los Angeles County regarding the cost/provision of LA County Fire District Services and the analysis provided by the selected third-party consultant regarding the City and County Fire/EMS operating models.	X			A rough draft of the Citygate cost analysis evaluating the County Fire model was submitted for staff review on 12/22/23. A final draft of the cost analysis will be completed by March. This is only one aspect of Citygate's scope of work. A draft master plan for fire operations prepared by Citygate has been circulated for review. Additionally, follow up questions have been submitted to LA County that await response. The draft master plan is scheduled for discussion on 4/16/24. Citygate presentation is complete with reports and findings. One component of the item will be brought back to CC for continued discussion on 05/21/24.
3. By October 3, 2023	CA & PW	Response to Homelessness: Prepare a report for City Council discussion regarding the feasibility of expanding the City's pallet shelter program.	X			Presented to Council on 11/07/23.
4. By October 3, 2023	FD	Disaster Fund Recovery: Review internal protocols for FEMA compliance and cost recovery.	X			Cost recovery protocols are in place and mirror State OES requirements.
5. By February 6, 2024	FD & ATCM	4th Fire Station Study: Provide a report to City Council on the feasibility of, potential costs, and benefits of a 4 th fire station in north Redondo Beach.	X			BRR#32 provided an overview of this goal. Citygate will provide an analysis of this item following completion of the County Fire study. The Citygate Draft Master Plan will include this information. The draft master plan has been circulated and is scheduled for discussion on 4/16/24. Citygate presented the data on 4/16/24 and a north station is not recommended by the consultant
6. By April 2, 2024	WED	City Harbor Department: Provide a report to the City Council on the different harbor/marine management operating models i.e. the Avalon and Ventura Harbors.			X	Staff is performing extensive outreach to neighboring harbors.

						Staff plans to bring this item to Harbor Commission for review in June and to City Council in July 2024.
7. By August 29, 2023	PD, PW & WED	Pier Skate Park Safety: Provide a report to City Council on safety and operating concerns at the Pier Skate Park and options for enhancing safety regulations.	X			The item was presented at the 09/12/23 Council meeting.
8. By November 7, 2023	CA, FD & PD	Mental Health Response: Provide a report to City Council on possible options (including potential South Bay partners) to provide a more unified response to mental health issues in the community.	X			The LACDMH Alternative Crisis Response: City Summit on 07/20/23 was attended by RB City personnel including PD, Fire, CA, and Councilmember Kaluderovich. DC Issac Yang is meeting regularly on the "Alternative Crisis Response" (ACR) with Council Office. Given that a comprehensive mental health response requires significant funding, report will be provided to Council in May 2024, closer to when the FY 2024-25 Budget will be developed. Chief Yang is developing protocols for alternate transportation. A grant has been identified for possible funding. Council approved acceptance of the the grant on 4/09/24.
9. By June 13, 2023	PD	Traffic Law Enforcement and Safety on Residential Streets: Prepare a BRR to discuss cost/options to enhance traffic enforcement and safety on residential streets.	X			Complete and provided to Council with budget adoption.
10. By June 13, 2023	HR	Risk Management: Prepare a BRR and explore prospective costs/benefits (including claims history) of restoring the risk management position in the HR Dept.	X			Complete and provided to Council with budget adoption.
11. By February 20, 2024	PD	Police Master Fee Schedule: Provide a report to the City Council recommending an updated Master Fee Schedule for the Police Department.			X	The fee comparison is underway, and will be presented as part of the upcoming FY 2024-25 budget process

GOAL 6: Enhance the Delivery of City Services

WHEN	WHO	OBJECTIVES	STATUS			COMMENTS
			DONE	ON TARGET	REVISED	
1. By August 1, 2023	CD	Residential Design Standards: Complete preparation of the recommended residential design standards and present them to City Council for consideration of approval.	X			The item was discussed at the 07/16/23 City Council meeting. A Public Hearing was held on 08/15/23 regarding the adoption of Objective Residential Standards and the associated implementing Ordinance. Second reading and adoption was continued to the 09/19/23 Council meeting. Adoption by the City Council occurred on 09/19/23. Additionally, a number of design standards that were not included in the August/September adoption were identified for follow up study.
2. By September 5, 2023	CD	Inclusionary Housing Ordinance: Present the inclusionary housing ordinance to City Council for consideration of approval.			X	Draft ordinances were presented to City Council on 05/09/23. Council provided direction to amend the ordinances and to conduct additional study. The Consulting services agreement for preparation of the ordinance was amended on 12/12/23 to include additional scope. The ordinance will return to City Council for consideration in 2024.
3. By July 18, 2023	ATCM, CA & CC	Code of Conduct: Update the Code of Conduct Policy for City Council and Commissioners per Council direction and present the revised policy to City Council for consideration of approval.			X	Item submitted to CA Office in July 2023; awaiting CA Office review. Will return to CC for discussion in 2024.
4. By May 7, 2024	CS	Redondo Beach Performing Arts Center: Provide a report to City Council on options to maximize the utility and revenue generating capacity of the PAC.		X		
5. By August 22, 2023	CS	After Schools Program Expansion: Provide a report to City Council on possible policy changes/options to provide continuity of service to existing program participants and to ensure the inclusion of siblings (if interested) of existing participants in future program enrollment.	X			Presented to CC on 08/15/23.
6. By July 18, 2023	CS	Senior Lunch Program: Provide a report to the City Council on the feasibility of reinstating the senior lunch program.			X	Staff is discussing contract proposals with prospective vendors and will develop an agreement to bring back for City Council consideration in May 2024.

7. By March 19, 2024	CS	Memorial Bench/Plaque Program: Explore options to expand the City's memorial bench/plaque program including alternative commemorative opportunities (including plaques and artwork) along the Esplanade.			X	Anticipate bringing to Council in Summer 2024.
8. By December 19, 2023	CS & PW	City Gateway Signage: Collaborate with the Public Art Commission to develop concepts for large horizontal signage at key city points of interest and present a report to the City Council on possible locations and concept options.	X			Presented to Council on 02/13/24. Staff will provide a BRR on Entryway signage as part of the FY 2024-25 budget process.
9. By May 14, 2024	ATCM	Olympics/World Cup Planning: Collaborate with L.A. 2028 Committee to explore event and hosting options for both events.		X		
10. By May 14, 2024	CD & PW	Green Line Advocacy: Continue to advocate for the City's position regarding the Green Line extension on Hawthorne Blvd.		X		City Council Approved a Letter in support of the Hawthorne Option on 10/03/23. A follow-up letter will be brought back to Council for consideration in April.
11. By January 30, 2024	WED & CD	Harbor Commission Purview: Prepare an item for City Council discussion regarding the possible expansion of the Harbor Commission's role and area of responsibility for planning matters.			X	Staff appeared before the Harbor Commission on 02/12/24 and is before the Planning Commission on 03/21/24. The item is scheduled for City Council discussion on 4/23/24.



Administrative Report

J.1., File # 24-0668

Meeting Date: 4/23/2024

TITLE

For eComments and Emails Received from the Public



Administrative Report

N.1., File # 24-0603

Meeting Date: 4/23/2024

To: MAYOR AND CITY COUNCIL

From: GREG KAPOVICH, WATERFRONT & ECONOMIC DEVELOPMENT DIRECTOR

TITLE

DISCUSSION AND POSSIBLE ACTION ON THE HARBOR COMMISSION'S ROLE AND AREA OF RESPONSIBILITY FOR PLANNING MATTERS

EXECUTIVE SUMMARY

As part of the Strategic Plan, the City Council directed staff to prepare an item for discussion regarding the possible expansion of the Harbor Commission's role and area of responsibility for planning matters. Sections 2-9.714 and 10-2.2512 of the Redondo Beach Municipal Code (RBMC), delineate areas of purview between the Harbor Commission and Planning Commission. The Harbor Commission's purview includes properties that are west of Harbor Drive with some small area of exception. If the City Council supports the idea of expanding the Harbor Commission's area of responsibility, City staff would have to prepare text amendments to the Code reflecting the proposed boundary adjustment(s) and schedule public hearings at future City Council meetings to formally consider the change.

BACKGROUND

Pursuant to Sections 2-9.714 and 10-2.2512 of the RBMC, the jurisdiction of the Harbor Commission is currently limited to the harbor area delineated in yellow on the map below. Within this yellow area, the Harbor Commission reviews all development entitlement applications, with the exception of proposed zone changes and general plan amendments, which remain under the purview of the Planning Commission.



On February 12, 2024, staff appeared before the Harbor Commission to discuss the strategic plan item to potentially expand the purview of the Harbor Commission.

The Harbor Commission identified a possible expansion beyond the area delineated in yellow to include properties west of N. Catalina Avenue and N. Pacific Avenue. Some of the major properties are listed below:

- AES Power Plant (1100 N Harbor Dr)
- The Redondo Beach Hotel (400 N Harbor Dr)
- Sonesta Hotel (300 N Harbor Dr)
- Vacant Gold's Gym (200 N Harbor Dr)
- Mini Storage facility (777 N Francisca Ave)
- SCE ROW on Herondo and west of PCH
- United States Postal Service property (1201 N Catalina Ave)
- Salvation Army property (125 Beryl St)

The yellow boundaries in the image below show the current purview that the Harbor Commission holds, while the red boundaries show the possible expanded area, as discussed by the Harbor Commission.



The recommendation by the Harbor Commission would only change the geographical area of Harbor Commission purview. The types of applications reviewed by the Harbor Commission would remain the same and include entitlements for Design Review, Conditional Use Permits, Variances, and Coastal Development Permits. Proposed zone changes and general plan amendments would remain under the purview of the Planning Commission, both within the harbor and the possible expanded area.

The Harbor Commission unanimously supported the expansion based on the following perspective:

Interconnected Impacts on Harbor and Surrounding Areas

Potential new projects in the proposed expansion area are likely to have significant impacts on traffic, circulation, parking, revenue generation, and public access to the harbor. Similarly, the Public Amenities Plan identifies over 40 projects in the harbor with the intent to increase the quality and type of amenities offered to visitors of the Harbor area. The Amenities Plan anticipates increased visitation, which will result in increases to traffic, parking, and circulation impacts that not only will affect the harbor area, but also the area north of Harbor Drive. One of the first projects to be undertaken by the City is the construction of a new public boat launch at Mole D. The boat launch project will require Harbor-wide studies on parking, traffic, and circulation that will provide a basis for potential impacts for all projects moving forward within the Harbor. The Harbor Commission will be tasked with reviewing the entitlements needed for the boat launch project and will be required to understand the various studies in order to render a decision. The Harbor Commission, being well-versed in the dynamics of the harbor area, could holistically assess and adjudicate the diverse uses and impacts that future development will have on the Harbor and vice versa, ensuring a more cohesive approach to development in and around the Harbor area.

Capacity and Development Considerations

In addition to the identified potential development impacts, the Amenities Plan directs the City to further explore potential locations for dry boat storage and a food hall. The increased square-footage associated with a new food hall structure would also trigger additional parking requirements. Meeting the requirements for amenities, such as parking, and accommodating highly desired additions, like boat storage, could necessitate the utilization of properties adjacent to the harbor. If the City acquires additional property in the area, the Harbor Commission would have the authority to integrate necessary additions and manage the increasing demands.

In summary, Harbor Commissioners emphasized that, given the anticipated City-initiated redevelopment projects in the harbor, the potential private redevelopment of properties just east of Harbor Drive, as well as the proximity of the proposed expansion area to the harbor, that the Harbor Commission could support a holistic approach and effectively advise on coastal priorities and amenities in, and near, the harbor.

After reaching unanimous support to identify the expansion area, the Harbor Commission also discussed the possibility of including Czuleger Park and Veterans Park as part of the expanded purview. According to the Harbor Commission, much like the recreational nature of the harbor area, both Czuleger Park and Veterans Park are open space areas and are considered gateways to the harbor area. Inclusion of the parks within the expanded Harbor Commission purview area would provide the Commission with authority over future improvements of these harbor gateways, similar to their authority over Moonstone Park. For these reasons, the Harbor Commission agreed on a second vote to indicate support of a second recommendation that the parks also be included in the expansion area.

Planning Commission Recommendation

On March 21, 2024, the Planning Commission was presented with the recommendations from the Harbor Commission.

Following deliberation, the Planning Commission took several roll-call votes regarding the potential expansion. First, the Commission voted against the inclusion of Czuleger Park and Veterans Park in the expanded purview area, indicating that the parks wouldn't be congruent with the rest of the Harbor Commission geographical purview area, notably skipping over existing residential units that would remain under the purview of the Planning Commission. Then, the Commissioners ultimately agreed with the Harbor Commission regarding the expansion area to include properties west of N. Catalina Avenue and N. Pacific Avenue, as shown in the red area marked on the map. However, the Planning Commission recommended that purview of CUP applications within the newly expanded area remain with the Planning Commission. According to the Planning Commission, review of a CUP is essentially reviewing a change in use, which is a similar review process when deliberating on applications for Zone Changes and General Plan Amendments. Given that applications for zone changes and general plan amendments remain with the Planning Commission City-wide, they felt CUPs should do the same as well.

The Planning Commissioners also discussed the need for a vision or plan for the proposed expansion area similar to the vision that was provided to the harbor with the adoption of the Public Amenities Plan.

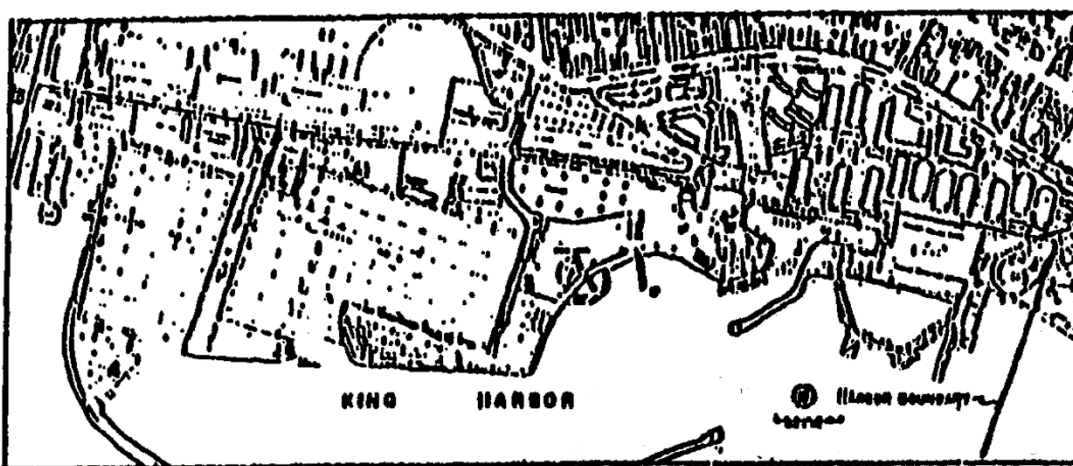
It should be noted that bifurcating review of planning matters in any one area would have financial and administrative impacts. Extending the purview of land area to the Harbor Commission, but requiring CUP's be reviewed by the Planning Commission would make the Harbor Commission a recommending body on all CUP applications, and would require an additional public hearing for applicants. The cost of submitting a public hearing notice ranges from \$150 to \$300. Two public hearing notices would be required, doubling the cost of submittal for applicants to a range of \$300 to \$600. In addition, the entitlement process for CUPs would extend an additional month to accommodate the additional public hearing, increasing the entitlement review process for applicants.

This item provides the City Council with an opportunity to discuss the concept and the related recommendations of the Harbor and Planning Commissions, which are summarized below, and provide direction on next steps, if any.

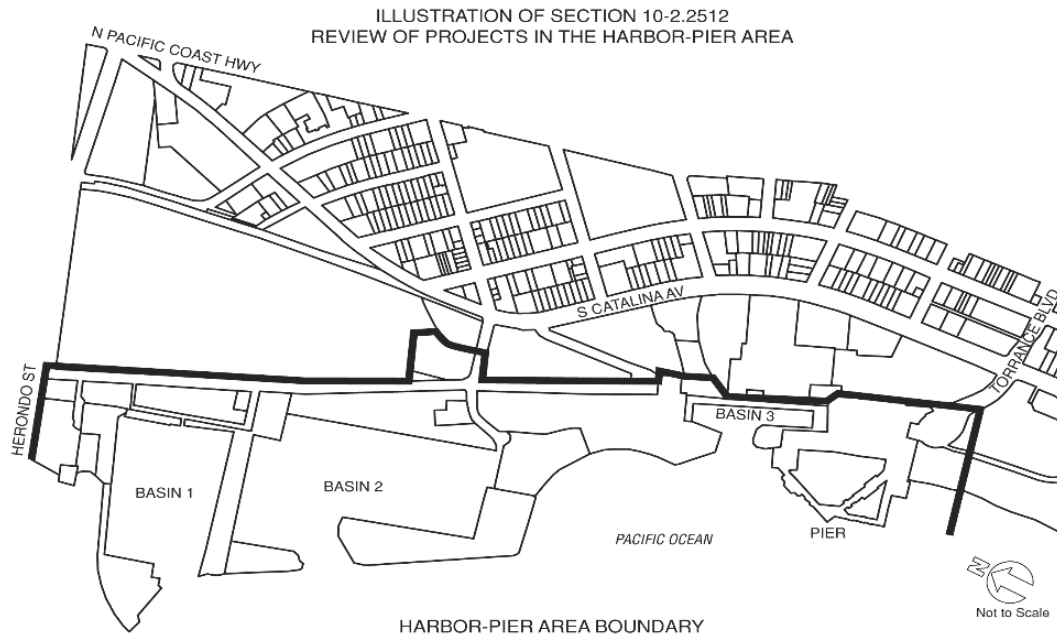
- Consider expanding the Harbor Commission purview to include properties west of N. Catalina Avenue and N. Pacific Avenue (supported by Planning and Harbor Commissions)
- Consider expanding the Harbor Commission purview to also include Czuleger Park and Veterans Park (supported by Harbor Commission but not Planning Commission)
- Consider extending review of CUP's within the expanded area to the Harbor Commission, and mirror the purview that the Harbor Commission has within the current harbor area (supported by Harbor Commission)
- Consider keeping review of CUP's within the expanded area with the Planning Commission (supported by Planning Commission)
- Or, make no changes to the purview of either commission.

Any changes supported by City Council would require staff to prepare text amendments to adjust applicable RBMC sections and maps. Specifically, the jurisdiction of the Harbor Commission is currently limited to the harbor area as delineated on the maps below, set forth in Section 2-9.714 and Section 10-2.2512 of the RBMC. Additional text updates would be required if the City Council supports the Planning Commission's recommendation to keep review of CUPs under its purview.

Section 2-9.714 Map



Section 10-2.2512 Map



COORDINATION

This report was prepared by the Waterfront and Economic Development Department.

FISCAL IMPACT

There is no fiscal impact to receive and file this report.

APPROVED BY:

Mike Witzansky, City Manager



Administrative Report

N.2., File # 24-0670

Meeting Date: 4/23/2024

To: MAYOR AND CITY COUNCIL

From: MICHAEL W. WEBB, CITY ATTORNEY

TITLE

DISCUSSION AND POSSIBLE DIRECTION TO STAFF REGARDING THE UNLAWFUL CAMPING PROVISIONS OF TITLE 4, CHAPTER 34 OF THE REDONDO BEACH MUNICIPAL CODE

BACKGROUND

The City Council directed the City Attorney's Office to explore factual findings that would support adding places, outside of the Coastal Zone, such as Project Homekey or other permanent supportive housing to the anti-camping provisions of section 4-34.03 of the Redondo Beach Municipal Code. However, this direction might be made moot depending upon the US Supreme Court's decision on the case of *Grants Pass v. Johnson*. Oral argument is set for Monday April 22, 2024, the day before this City Council meeting. We may get insight from the argument as to how the Supreme Court might rule which could greatly impact the legality of or even the need for the proposed changes to the City's unlawful camping ordinances. It is entirely possible that the Supreme Court will reverse the Ninth Circuit's rulings in *Grant Pass* and *Martin v. Boise* which severely restricted the ability to enforce unlawful camping ordinances. In that case, the police would once again be able to enforce our unlawful camping ordinances without the need for further amendment or specific time and place limitations.

I will provide an update on the oral argument during our City Council meeting. Attached is the brief I joined in filing with the Supreme Court in support of the City of Grants Pass.

ATTACHMENTS

- 1) *Amici Curiae* brief filed in support of the City of Grants Pass

In the **Supreme Court of the United States**

CITY OF GRANTS PASS, OREGON, *Petitioner*,

v.

GLORIA JOHNSON, ET AL., ON BEHALF OF THEMSELVES
AND ALL OTHERS SIMILARLY SITUATED, *Respondents*.

**On Writ of Certiorari to the United States Court of
Appeals for the Ninth Circuit**

**BRIEF OF LOCAL GOVERNMENT LEGAL CENTER,
THE NATIONAL ASSOCIATION OF COUNTIES,
NATIONAL LEAGUE OF CITIES, INTERNATIONAL
MUNICIPAL LAWYERS ASSOCIATION, NORTH
DAKOTA LEAGUE OF CITIES, CITIES OF
ALBUQUERQUE, ANAHEIM, ANCHORAGE,
COLORADO SPRINGS, HENDERSON, LAKE
OSWEGO, LAS VEGAS, REDONDO BEACH,
SACRAMENTO, SEATTLE, AND TOPEKA, THE CITY
AND COUNTY OF HONOLULU, AND
LOUISVILLE-JEFFERSON COUNTY METRO AS
AMICI CURIAE IN SUPPORT OF PETITIONER**

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INTERESTS OF *AMICI CURIAE*¹

The Local Government Legal Center (“LGLC”) is a coalition of national local government organizations formed in 2023 to educate local governments on pending Supreme Court proceedings and to advocate for local governments in appropriate cases. The National Association of Counties, the National League of Cities, and the International Municipal Lawyers Association are the founding members of the LGLC.

The National Association of Counties (“NACo”) is the only national organization that represents county governments in the United States. Founded in 1935, NACo provides essential services to the nation’s 3,069 counties through advocacy, education, and research.

The National League of Cities (“NLC”) is the country’s largest and oldest organization serving municipal governments and represents more than 19,000 cities and towns in the United States. NLC advocates on behalf of cities on critical issues that affect municipalities and warrant action.

Established in 1935, the International Municipal Lawyers Association (“IMLA”) is the oldest and largest association of attorneys representing United States municipalities, counties, and special districts. IMLA’s mission is to advance the responsible development of municipal law through education and advocacy by providing the collective viewpoints of local

¹ Pursuant to Supreme Court Rule 37.6, Amici Curiae state that no counsel for any party authored this brief in whole or in part, and no outside entity made any monetary contribution to fund the preparation or submission of this brief.

governments around the county on legal issues before state and federal appellate courts.

The North Dakota League of Cities (“NDLC”) is comprised of 355 member cities and was formed in 1912 to support municipal governance throughout the state through information sharing, education, and legal advocacy.

The Cities of Albuquerque, Anaheim, Anchorage, Colorado Springs, Henderson, Lake Oswego, Las Vegas, Redondo Beach, Sacramento, Seattle, and Topeka, the City and County of Honolulu, and Louisville-Jefferson County Metro, are local governments of different sizes from all over the country whose communities are significantly affected by the homelessness crisis. Each of these entities is committed to solutions that appropriately balance compassion with efficacy while also protecting the livelihood of local businesses and residents.

Homelessness is complex at both the societal and individual levels. Effective sustainable solutions will require compromise to meet this increasingly nuanced contemporary challenge. Solutions will be expensive, they will take time, and there will be intense disagreement along the way about what methods work best and which philosophies make the most sense.

The Ninth Circuit’s novel application of the Eighth Amendment is untenable. The holding stations federal courts at the center of every town for the purpose of deciding when and where local authorities may enforce basic regulations against public camping. The rule has no limiting principle, constitutionalizes a policy judgment in a complex social arena, and turns

federal judges into townhall chancellors. Amici support reversing this extraordinary incursion into local autonomy.

SUMMARY OF ARGUMENT

Homelessness is complicated. The constitutional question presented in this case is not. The Ninth Circuit liberated the Eighth Amendment from its text and purpose, setting federal courts free to wander about deciding when local governments may use their police power to enforce basic regulations against living in public spaces. This unilateral judicial action amounts to an ongoing federal audit of how local authorities enforce generally applicable facially valid laws. The Ninth Circuit justified this extraordinary derogation of federalism by relying on the substantive limits on criminal responsibility that have, until now, been slumbering in the Constitution.

This novel interpretation of the Eighth Amendment is legally wrong, and the devised remedy is harmful. Safe parks and functioning arterials are the circulatory system essential to any vibrant locality. Local policymakers have always been tasked with keeping these municipal passageways open. In the context of homelessness this may require compromise, and result in encampments being tolerated for a time before authorities need them to disperse. The Ninth Circuit, however, imposed a constitutional prerequisite to this basic exercise of the police power: local governments must first provide an alternative place to go before telling someone they cannot stay where they are.

That rule is a rigid policy judgment. Imposing a requirement that local governments offer temporary shelter as an antecedent to enforcement has substantial financial implications and encourages jurisdictions to mass produce a form of shelter that most people do not want and that most advocates say does not work. In addition to creating practical problems for local governments, this unprincipled rule is also legally unsupportable. Supervising local enforcement of facially valid public camping regulations runs counter to the notions of comity and respect that underpin our dual sovereign system. The pretense that enforcement is equivalent to punishment has no support in this Court's cases. Subjecting individual jurisdictions to litigation and federal injunctions that effectively mandate the construction of shelter space is practically counterproductive and constitutionally unjustifiable.

Homelessness is a serious social and economic issue impacting communities across the country. Voters in many places prefer compassionate responses and local governments continue to increase investments in housing and other supportive services. At the same time, encampments have devastated surrounding neighborhoods and businesses. Many affected community members are not prepared to accept that kind of social harm indefinitely and turn to their local governments for immediate relief. One tool that governments use to address the imminent health and environmental hazards created by encampments are public order regulations like anti-camping ordinances. Laws like these are neither new nor unusual.

Navigating the situational social friction created by encampments needs to be left in the hands of locally elected representatives who are sensitive to the needs, priorities, and resources of the region. These tough decisions involve philosophical compromises and fiscal tradeoffs; a balancing act the Constitution leaves to local governments to perform.

ARGUMENT

I. LOCAL GOVERNMENTS ARE ON THE FRONT LINES ADDRESSING HOMELESSNESS.

Everyone agrees that “homelessness is a serious issue ‘caused by a complex mix of economic, mental-health, and substance-abuse factors.’” *Johnson v. City of Grants Pass*, 72 F.4th 868, 923 (9th Cir. 2023) (statement regarding denial of reh’g) (quoting M. Smith, J., *id.* at 935, dissenting from denial of reh’g)). The dispute lies in finding an agreeable response.

At the local level, long-term solutions to these underlying issues need to be balanced with responding to the environmental and public health harms that encampments can cause to the surrounding area. These harmful impacts are evident and well-documented. Solid waste, for example, is “an inevitable result of most homeless encampments.”² In a recent removal prompted by community complaints after a shooting, 210,000 pounds of debris were removed from a 38-resident encampment located on

² Wash. State Dep’t of Ecology, *\$4 Million for Homeless Encampments Cleanup*, No. 20-07-002 (Jan. 2020), <https://apps.ecology.wa.gov/publications/documents/2007002.pdf>

land beside the interstate just blocks away from the University of Washington campus.³ Encampments located near places like daycares upset parents who are concerned about exposing their children to these heightened health hazards and potential for violence.⁴ Encampments also present an existential risk to nearby businesses by deterring the formerly reliable stream of customers,⁵ and impede access to sidewalks by disabled persons.

These community members bring their valid concerns to local authorities and demand solutions. Other community members also voice strong opposition to any type of removal action unless each person is immediately placed in housing.⁶ Local

³ Jeremy Harris, *200K pounds of debris removed from encampments along I-5 in Seattle's U-District*, KOMO News (Feb. 22, 2024), <https://komonews.com/news/local/homeless-encampments-interstate-5-univeristy-district-seattle-king-county-homelessness-crisis-treatment-housing-shelter-services-fencing-washington-state-department-of-transportation-funding-governor-jay-inslee-legislators-house-senate-wsdot-proposal-spd>.

⁴ KIRO 7 News Staff, *Mount Baker preschool begs Seattle to remove nearby encampment*, KIRO 7 (Feb. 8, 2024), <https://www.kiro7.com/news/local/mount-baker-preschool-begs-seattle-remove-nearby-encampment/KIDDQBBJGZFUPFPAVARQLPFQM4/>.

⁵ Eli Saslow, *A Once Despairing Sandwich Shop Owner Sees 'a Miracle'*, N.Y. Times (Dec. 26, 2023), <https://www.nytimes.com/2023/12/26/us/phoenix-homeless-encampment-zone.html>.

⁶ Claire Rush, *Cities crack down on homeless encampments. Advocates say that's not the answer*, KGW 8 (Nov. 28, 2023), <https://www.kgw.com/article/news/local/homeless/cities-crack-down-homeless-encampments-advocates-protest/283-a3a40ddb-9d0a-4845-83e5-dd0486d4ee44>.

leaders caught in this tension are tasked with doing the hard work of democracy that requires juggling limited budgets and different views to find the right recipe of compassion, stewardship, safety, and accountability. These political processes often reach different decisions in our diverse nation.

While local governments are tasked with navigating these imminent community health and safety concerns, homelessness is a much larger national issue. The U.S. Department of Housing and Urban Development (“HUD”) conducted its first national point-in-time count in 2007 to estimate how many people were experiencing homelessness on a given night.⁷ That year, HUD estimated that 647,258 people were experiencing homelessness (391,401 sheltered, 255,857 unsheltered). *Id.* at 10. Almost two decades later, the 2023 estimated total was 653,104 people (396,494 sheltered, 256,610 unsheltered). *Id.* Notably, this total population increased by 12% from 2022. *Id.* at 12. Although these total population estimates are similar, the population itself is not static as each year an average of 908,530 people become homeless while 900,895 people exit homelessness to housing.⁸

⁷ U.S. Dep’t of Housing and Urban Dev., *2023 Annual Homelessness Assessment Report to Congress*, 12 (Dec. 2023) [hereinafter “AHAR”], <https://www.huduser.gov/portal/sites/default/files/pdf/2023-AHAR-Part-1.pdf>.

⁸ U.S. Interagency Council on Homelessness, *ALL IN: The Federal Strategic Plan to Prevent and End Homelessness*, 61 (Dec. 2022), [hereinafter “ALL IN”], https://www.usich.gov/sites/default/files/document/All_In.pdf.

In contrast with this relatively flat national trend, some parts of the country have seen homeless populations spike since 2007. California, for example, experienced an increase of 42,413 people (+30.5%) during this period. New York increased by 40,599 (+64.9%) people, with 29,022 added from 2022-23 alone. Washington (+19.9%), Massachusetts (+26.5%), and Oregon (+14.5%) round out the top five states with the largest increases from 2007 to 2023.⁹ Conversely, other states such as Florida and Texas have generally trended downwards over this same this period.

Determining the reasons for these disparate trends is tricky when there are so many factors that can affect whether someone is housed. Tangible issues like low wages, high rent, domestic violence, natural disasters, mental health, and substance abuse can all play a role, but federal agencies also attribute homelessness to deeper problems such as systemic racism and discriminatory housing practices.¹⁰ Further complicating these individual and social factors is the current national shortage of available affordable housing, with some estimates ranging as high as a 7.3M home deficit.¹¹ This housing market is particularly squeezed in metropolitan regions with limited land and high costs of living, and cities everywhere struggle to match supply to demand as

⁹ AHAR, *supra* n. 7, at 17.

¹⁰ ALL IN, *supra* n. 8, at 15-16.

¹¹ National Low Income Housing Coalition, *The Gap: A Shortage of Affordable Homes*, 7 (Mar. 2023), https://nlihc.org/sites/default/files/gap/Gap-Report_2023.pdf.

83% of the nation's population is now concentrated in urban areas.¹²

Although more public housing does not cure this overall deficit in the housing stock, many communities in the country agree that it plays an important role in any compassionate response to homelessness and accordingly have worked hard to create more. At the national level, HUD reports the total number of year-round beds (i.e., emergency shelter, transitional housing, permanent housing) rose from 611,169 in 2007 to 1,112,545 in 2023, with 662,978 of those beds in permanent housing.¹³

In many of the hardest hit cities, however, homeless populations have continued to rise faster than shelter and housing options can be constructed. In Seattle, for example, the estimated homeless population increased from 7,902 in 2007 to 14,149 in 2023,¹⁴ while the total number of year-round beds doubled from 9,668 to 19,809, and the number of

¹² Center for Sustainable Systems, Univ. of Mich., *U.S. Cities Factsheet*, No. CSS09-06 (Aug. 2023), https://css.umich.edu/sites/default/files/2023-10/U.S.%20Cities_CSS09-06_0.pdf.

¹³ See AHAR, *supra* n. 7, at 89-91.

¹⁴ HUD Continuum of Care (“CoC”) Homeless Populations, WA-500 (2007), https://files.hudexchange.info/reports/published/CoC_PopSub_CoC_WA-500-2007_WA_2007.pdf; see also, HUD CoC Homeless Populations, WA-500 (2023), https://files.hudexchange.info/reports/published/CoC_PopSub_CoC_WA-500-2023_WA_2023.pdf. NOTE: The homeless populations estimated by the annual point-in-time count do not include formerly homeless people residing in permanent supportive housing. See AHAR, *supra* n. 7, at 6.

permanent supportive housing beds almost tripled from 2,775 to 7,251.¹⁵ At the other end of the West Coast, the homeless population in Los Angeles increased from 47,862 in 2007 to 71,320 in 2023,¹⁶ while the total number of year-round beds tripled from 19,335 to 59,112, and the number of permanent supportive housing beds almost quadrupled from 6,870 to 24,172.¹⁷

There are many ways to interpret these data and many potential reasons for these trends. No matter the potential explanations, it is indisputable that in some areas homeless populations have increased at much higher rates than the national average even as local governments have multiplied the regional supply of public housing options. This simply illustrates the point that homelessness is behaviorally complex, the product of many different social factors, and probably

¹⁵ HUD CoC Housing Inventory, WA-500 (2007), https://files.hudexchange.info/reports/published/CoC_HIC_CoC_WA-500-2007_WA_2007.pdf; *see also*, HUD CoC Housing Inventory, WA-500 (2023), https://files.hudexchange.info/reports/published/CoC_HIC_CoC_WA-500-2023_WA_2023.pdf.

¹⁶ HUD CoC Homeless Populations, CA-600 (2007), https://files.hudexchange.info/reports/published/CoC_PopSub_CoC_CA-600-2007_CA_2007.pdf; *see also*, HUD CoC Homeless Populations, CA-600 (2023), https://files.hudexchange.info/reports/published/CoC_PopSub_CoC_CA-600-2023_CA_2023.pdf.

¹⁷ HUD CoC Housing Inventory, CA-600 (2007), https://files.hudexchange.info/reports/published/CoC_HIC_CoC_CA-600-2007_CA_2007.pdf; *see also*, HUD CoC Housing Inventory, CA-600 (2023), https://files.hudexchange.info/reports/published/CoC_HIC_CoC_CA-600-2023_CA_2023.pdf.

not amenable to simple one-dimensional solutions. Just building more shelter beds and public housing options is almost certainly not the answer by itself.

Local governments take different approaches to homelessness but regulations like public camping ordinances are common and used in many places. The jurisdictions where most homeless individuals reside do not use this type of police power to criminalize homelessness. Instead, these regulations provide the statutory authority that officials need to clear problematic encampments that pose significant health and safety risks. They are necessary tools for keeping certain areas in the community free from encampments, such as downtown economic zones and areas near schools and children's baseball fields. Citations, whether civil or criminal, can also be used to as way to encourage cited individuals to address underlying factors like substance abuse or mental illness by participating in treatment-based diversion programs.

Navigating these considerations and reaching the right compromises is a difficult task that requires nuance and sensitivity. As the nation looks for the way out of the current housing shortage and homelessness crisis, "we must preserve for our localities the ability to make tough policy choices unobstructed by court-created mandates that lack any sound basis in law." *Johnson* 72 F.4th at 945 (Bress, J.) (dissenting from denial of reh'g). Local jurisdictions welcome federal assistance in addressing homelessness. But that help should come from a political branch of government, not the judiciary.

II. THE EIGHTH AMENDMENT DOES NOT AUTHORIZE FEDERAL COURTS TO AUDIT HOW LOCAL GOVERNMENTS ENFORCE VALID LAWS.

A town's authority to keep its sidewalks clear and parks open is not ordinarily a controversial notion. Without this authority it is not really a town at all, but just a group of people haphazardly living close to each other. This preeminent function of local governance has always been recognized by this Court. As Justice Harlan wrote more than a century ago, "the police power extends, at least, to the protection of the lives, the health, and the property of the community against the injurious exercise by any citizen of his own rights." *Patterson v. State of Kentucky*, 97 U.S. 501, 504 (1878). Thus, "of all the powers of local government, the police power is 'one of the least limitable.'" *Lambert v. California*, 355 U.S. 225, 228 (1957) (quoting *District of Columbia v. Brooke*, 214 U.S. 138, 149 (1909)).

Taking steps to stop people from living in common spaces is at the bedrock of this "least limitable" authority. The Ninth Circuit, however, decided that this fundamental power must yield to the Eighth Amendment's "substantive limits on what can be made criminal" and, to eliminate any potential for a violation, created a prophylactic rule prohibiting enforcement of public camping regulations "when there is no shelter space available." *Johnson*, 72 F.4th at 896. Although obfuscated as amended, "[t]he original majority opinion made clear that the beds-versus population 'formula' is all that matters." *Id.* at 938 (M. Smith, J., dissenting from denial of reh'g). From this approach, whenever the estimated homeless population in a jurisdiction exceeds the

number of shelter beds, federal courts must continuously supervise local governments who try to use the police power to regulate conduct like public camping.

The principal issue with this misinterpretation of the Eighth Amendment is how the rule is applied. Local governments should not need to seek permission from the federal judiciary before enforcing valid laws prohibiting camping in public spaces. The rule lacks any legal or factual basis justifying this sharp departure from federalism principles and stretches the meaning of “punishment” to encompass pre-conviction enforcement actions at the street level. The Eighth Amendment does not provide a basis to prospectively impose substantive limits on state criminal law in this manner.

A. The Ninth Circuit’s Rule Usurps Local Functions and Undermines Federalism.

Regulating behaviors like erecting tents on public land has always been within the scope and substance of the local police power. *See Coal. on Homelessness v. City & Cty. of San Francisco*, 90 F.4th 975, 987-89 (9th Cir. 2024) (Bumatay, J., dissenting). Camping bans and park restrictions are precisely the sort of “regulations [designed] to preserve order, to promote freedom of communication, and to facilitate the transaction of business in crowded communities.” *Chicago, B. & Q. Ry. Co. v. Illinois*, 200 U.S. 561, 593 (1906) (quotation omitted). Local authority is at its highest when used to promote “the safety, health, morals, comfort and welfare” of the people within the jurisdiction. *Knoxville Iron Co. v. Harbison*, 183 U.S. 13, 20 (1901) (quotation omitted).

Whether the ordinance pertains to camping, or to loitering, or to vagrancy, laws regulating these types of public behavior “have been a fixture of Anglo-American law at least since the time of the Norman Conquest.” *Chicago v. Morales*, 527 U.S. 41, 103 (1999) (Thomas, J., dissenting). This custom continues. Local ordinances addressing this type of conduct (and camping specifically) remain commonplace in this country.¹⁸ Traditionally, the limitations this Court has placed on this category of laws have been procedural rather than substantive. *E.g.*, *Papachristou v. Jacksonville*, 405 U.S. 156, 170-71 (1972).

With respect to public camping regulations specifically, this Court highlighted the government interests justifying them in a free speech case. In *Clark v. Community for Creative Non-Violence*, the National Park Service granted an advocacy group’s application to erect a short-term symbolic tent city in Lafayette Park “to call attention to the plight of the homeless,” but denied the group’s request for a special use permit that would have allowed demonstrators to sleep there overnight. 468 U.S. 288, 289 (1984). Agreeing that “sleeping” was conduct and assuming that it was also expressive, this Court had “very little

¹⁸ *E.g.*, Anaheim, Cal., Code § 11.10.30 (camping in public areas prohibited); Colorado Springs, Colo., Code § 9.6.110 (camping); D.C. Code § 24-121 (tents, trailer camps, and other temporary abodes); Denver, Colo., Code § 38-86.2 (camping); Honolulu, Haw., Code § 10-1.2(a)(13) (camping in public parks); Las Vegas, Nev., Code § 10.86.010 (camping, lodging, and similar activities); Sacramento, Cal., Code § 12.52 *et seq.* (camping); Seattle, Wash., Code § 18.12.250 (camping in public parks); Topeka, Kan., Code § 9.45.340-.400 (camping).

trouble concluding that the Park Service may prohibit overnight sleeping in the parks involved here.” *Id.* at 295. The “substantial interest” in maintaining attractive parks was sufficient:

To permit camping – using these areas as living accommodations – would be totally inimical to these purposes, as would be readily understood by those who have frequented the National Parks across the country and observed the unfortunate consequence of the activities of those who refuse to confine their camping to designated areas.

Id. at 296.

This Court has always respected the counterbalanced governance central to our dual sovereign system and has hesitated to place federal courts in a supervisory role over how local authority is exercised. On many occasions this Court has reiterated “the normal principles of equity, comity and federalism that should inform the judgment of federal courts when asked to oversee state law enforcement authorities.” *Los Angeles v. Lyons*, 461 U.S. 95, 112 (1983); *see also, Riverside v. McLaughlin*, 500 U.S. 44, 53 (1991) (acknowledging “proper deference to the demands of federalism”).

The Ninth Circuit displayed no restraint and assumed the reins of local police power by prospectively enforcing the new constitutional rule that “a person cannot be prosecuted for involuntary conduct if it is an unavoidable consequence of one’s status.” *Johnson*, 72 F.4th at 893. For cities like San

Francisco, this becomes a perpetual process of seeking “the permission of a federal judge” and appealing the disagreements that will inevitably arise in the district court. *Coal. on Homelessness*, 90 F.4th at 982 (Bumatay, J., dissenting). Additional appeals will, evidently, be needed to resolve questions like whether encampment resolutions that are “limited [in] geographic scope” or “time-limited [in] nature” violate the district court’s injunction. *Id.* at 977 (panel majority). The San Francisco case clearly illustrates the type of continuing hands-on federal involvement contemplated by the Ninth Circuit.

As this appellate ping pong makes clear, the type of injunction at issue here amounts to “nothing less than an ongoing federal audit” of the enforcement of “seemingly valid state laws.” *See O’Shea v. Littleton*, 414 U.S. 488, 500 (1974). However, other than quick standing analyses, *see Martin v. Boise*, 920 F.3d 584, 608-10 (9th Cir. 2019), *see also, Johnson*, 72 F.4th at 881-83, the Ninth Circuit ignored the imperative for “courts of equity to exercise discretion” when asked to interject “federal courts in the administration of the criminal law.” *Stefanelli v. Minard*, 342 U.S. 117, 120 (1951). The “crude population-level inquiry” used to predict the involuntariness of future conduct, *Johnson*, 72 F.4th at 936 (M. Smith, J., dissenting from denial of reh’g), is incongruent with this Court’s descriptions of the type of “extraordinary circumstance” where a federal court may order “injunctive relief against state criminal prosecutions.” *Younger v. Harris*, 401 U.S. 37, 53 (1971). If abstention principles keep federal courts from interfering with an

ongoing state prosecution, the same should be true for the underlying enforcement action that gave rise to it.

Setting aside capital cases, in the Eighth Amendment context this Court has only ever authorized such sweeping class-wide injunctive relief as a last-resort necessity to redress unconstitutional conditions of confinement. *See, e.g., Brown v. Plata*, 563 U.S. 493 (2011). That post-conviction context is entirely different. The injunction was pursuant to a specific Act of Congress, *see* 18 U.S.C. § 3626, and after conviction the State owes an affirmative duty to prisoners because “[t]o incarcerate, society takes from [them] the means to provide for their own needs.” *Brown*, 563 U.S. at 510. The Ninth Circuit’s rule turns that reasoning inside out: “to incarcerate, society must first offer a person the means to provide for their own needs.”

Even in that post-conviction context, Justice Scalia pointed out that these sorts of structural injunctions are dangerous because they “turn[] judges into long-term administrators of complex social institutions . . . to play a role essentially indistinguishable from the role ordinarily played by executive officials.” *Id.* at 555 (Scalia, J., dissenting). Those words are an apt description of the injunctive regime at issue in this case. The Ninth Circuit’s rule takes control of governance from local authorities and turns federal courts into “homeless policy czars” deciding when basic public camping regulations may be enforced. *Johnson*, 72 F.4th at 943 (M. Smith, J., dissenting from denial of reh’g). This departure from federalism principles is not supported by the Eighth Amendment.

B. The Cruel and Unusual Punishment Clause Does Not Apply to Street Level Enforcement.

According to the Ninth Circuit, “the Cruel and Unusual Punishment Clause bars *enforcement* of the anti-camping ordinances.” *Johnson*, 72 F.4th at 880 (emphasis added). Under this rule, even “threatening to enforce” camping ordinances can constitute unconstitutional punishment. See *Coal. on Homelessness v. City & Cty. of San Francisco*, No. 23-15087, 2024 WL 125340, *1 (9th Cir. Jan. 11, 2024) (mem. op.). That conflicts with this Court’s numerous statements that “the State does not acquire the power to punish with which the Eighth Amendment is concerned until after it has secured a formal adjudication of guilt in accordance with due process.” *E.g., Ingraham v. Wright*, 430 U.S. 651, 671 n. 40 (1977). The Ninth Circuit sidestepped this problem by explaining in a footnote that when “plaintiffs are raising challenges to the ‘substantive limits on what can be made criminal,’ *Ingraham* does not prohibit a challenge before a criminal conviction.” *Johnson*, 72 F.4th at 889 n. 26.

As many of the dissenting judges have noted, extending the Clause “to encompass pre-conviction challenges to substantive criminal law stretches the Eighth Amendment past its breaking point.” *Martin*, 920 F.3d at 603 (Bennet, J., dissenting from denial of reh’g). In the pretrial context, this Court has consistently held that when “there has been no formal adjudication of guilt . . . the Eighth Amendment has no application.” *City of Revere v. Massachusetts General Hospital*, 463 U.S. 239, 244 (1983); *see also*,

e.g., *Bell v. Wolfish*, 441 U.S. 520, 535 n. 16 (1979) (“[t]he Court of Appeals properly relied on the Due Process Clause rather than the Eighth Amendment in considering the claims of pretrial detainees”).

Attaching the Eighth Amendment right to pre-enforcement actions could only ever be justified where the challenged law on its face permitted an unconstitutional punishment. See, e.g., *Coker v. Georgia*, 433 U.S. 584 (1977) (regarding the death penalty for non-homicide offense). That is not the situation for the facially valid ordinances in this case that only contemplate the possibility of a jail sentence after a person is issued two successive civil violations, followed by a park exclusion order, followed by a trespass charge for violating that order. See *Johnson*, 72 F.4th at 890 (“[i]mposing a few extra steps . . . does not cure the anti-camping ordinances’ Eighth Amendment infirmity”); compare, *id.* at 933 (Graber, J., respecting denial of reh’g) (“the Eighth Amendment does not prohibit all civil remedies that could, in theory lead to” criminal prosecution).

In addition to being attenuated from the initial civil violations, a conviction for criminal trespass in the second degree does not carry a mandatory jail sentence under Oregon law. See *Johnson*, 72 F.4th at 890; and see, Or. Rev. Stat. § 161.615(3) (maximum jail sentence for a class C misdemeanor is 30 days with no minimum term). This Court has explained that “[t]here is a clear line between sentences of imprisonment and sentences involving no deprivation of liberty.” *Solem v. Helm*, 463 U.S. 277, 294 n. 18 (1983) (citing *Argersinger v. Hamlin*, 407 U.S. 25 (1972)). It is entirely possible that even the cases that

eventually result in a criminal charge will not also result in a jail sentence. Indeed, many jurisdictions use citations like these as a means of compelling individuals to participate in diversion programs designed to connect participants with supportive services. *See* Andrew I. Lief, *A Prosecutorial Solution to the Criminalization of Homelessness*, 169 U. Pa. L. Rev. 1971, 1989-90 n. 125 (2021).¹⁹

No opinion from this Court supports the theory that facially valid criminal laws may be enjoined because someone *might* eventually receive an unconstitutional sentence. Although they feel punitive in the colloquial sense of the word, arrests, threats to arrest, and pretrial detention on bail are not properly categorized as punishment under this Court’s cases. *See also, United States v. Salerno*, 481 U.S. 739, 746-47 (1987). The Ninth Circuit’s contrary conclusion is a “step too far” and requires a “double leap in logic” that has no legal basis. *Johnson*, 72 F.4th at 933 (Graber, J., respecting denial of reh’g).

C. *Robinson* Should Not Be Interpreted as Imposing Substantive Limits on Local Criminal Laws.

The legal error central to this case is the Ninth Circuit’s interpretation of *Robinson v. California*, 370 U.S. 660 (1962). In *Martin* the court “gleaned from

¹⁹ Some communities have taken innovative approaches in implementing different types of community court, including using “mobile courts” to help reach homeless participants where they are located. *See, e.g.,* City of Boulder, Colo., *Community Court*, <https://bouldercolorado.gov/services/community-court> (last viewed Feb. 28, 2024).

Robinson the principle that the Eighth Amendment prohibits the state from punishing an involuntary act or condition if it is the unavoidable consequences of one's status or being." 920 F.3d at 616 (quotation removed). Reinforcing this questionable premise, the Ninth Circuit placed extraordinary emphasis on dicta from *Ingraham* regarding the "substantive limits on what can be made criminal and punished as such." See *id.* at 613-14. Starting from that narrow view, the court has had no problem concluding that "*Robinson* limits the reach of criminal law." See *Johnson*, 72 F.4th at 921 (statement regarding denial of reh'g).

This Court has, in passing, described the holding of *Robinson* that way. See e.g., *Rhodes v. Chapman*, 452 U.S. 337, 346 n. 12 (1981); *Ingraham*, 430 U.S. at 667. This Court has not, however, ever applied *Robinson* that way. Interpreting *Robinson* as imposing "substantive limits on what can be made criminal" is a ticking time bomb that invites future federal incursions on state law. Amici respectfully suggest that, rather than treating *Robinson* as a one-off outlier case susceptible to permitting substantive limitations on criminal law, a more parsimonious understanding of the opinion is as the extreme example of disproportionate sentencing.

Many members of this Court have described *Robinson* as an excessive sentencing case. Justice Stevens, for example, explained that while the jail sentence in *Robinson* was not cruel or unusual "in the abstract," it was held to "be excessive" when used to penalize the status of narcotic addiction. *Atkins v. Virginia*, 536 U.S. 304, 311 (2002). Justice Powell similarly explained in *Solem, supra*, that the "90-day

sentence [in *Robinson*] was found to be excessive.” 463 U.S. at 287; *see also*, *Harmelin v. Michigan*, 501 U.S. 957, 1012 (1991) (White, J., dissenting) (discussing *Robinson* along with other proportionality cases).

Justice Thurgood Marshall endorsed this interpretation, explaining that in *Powell* and *Robinson* “[t]he analysis in both cases was the same; only the conclusion as to whether or not the punishment was excessive differed.” *Furman v. Georgia*, 408 U.S. 238, 328 (1972) (Thurgood Marshall, J., concurring); *see also*, *Carmona v. Ward*, 439 U.S. 1091, 1094-95 (1979) (Thurgood Marshall, J., dissenting from denial of certiorari) (citing *Robinson* to demonstrate that “this Court has invalidated punishments that were disproportionate to the nature of the offense charged”).

From this perspective, the holdings in *Robinson* and *Powell* are more easily reconciled. The mandatory jail sentence in *Robinson* was unconstitutionally excessive because instead of being imposed for “the use of narcotics” or “antisocial or disorderly behavior” it criminalized “an illness which may be contracted innocently” and permitted a person “to be continuously guilty” of the offense anywhere in the State. 370 U.S. at 666-67. The complete absence of any *actus reus* allowed this Court to hold that any penalty would be disproportionate to statutory elements of the crime.

By contrast, in *Powell v. Texas* a plurality of justices explained that the “primary purpose” of the Clause has always been properly considered “to be directed at the method or kind of punishment imposed.” 392 U.S. 514, 531-32 (1968). Examining “the

nature of the conduct made criminal is ordinarily relevant only to the fitness of the punishment imposed.” *Id.* From that starting place, five justices agreed that the fine imposed for the purportedly involuntary conduct in that case was not unconstitutional. Recognizing the case could present a slippery slope, the plurality explained that *Robinson* did not control the outcome because “there is a substantial definitional distinction between a ‘status’ . . . and a ‘condition,’” and when this line is blurred it becomes “difficult to see any limiting principle” that would prevent the federal judiciary from becoming “the ultimate arbiter of the standards of criminal responsibility.” *Id.* at 533.

Reading *Robinson* as the extreme example of disproportionate sentencing is a cleaner fit within this Court’s jurisprudence than interpreting it to mean that there are “substantive limits” on state criminal laws hibernating within the recesses of the Eighth Amendment. If a penal statute is facially valid, then the constitutionality of a particular penal sentence can only be analyzed by looking at the individual characteristics of the defendant and the factual basis for the conviction. As this Court has explained, the “inherent nature of our federal system and the need for individualized sentencing decisions result in a wide range of constitutional sentences” and “no single criterion can identify when a sentence is so grossly disproportionate that it violates the Eighth Amendment.” *Solem*, 463 U.S. at 290 n. 17.

The Ninth Circuit’s determination that *any* penal sentence for *any* individual within a diverse class would be *per se* unconstitutional is legally

unjustifiable. Homelessness is too impermanent to be considered a status like addiction. *Tobe v. City of Santa Ana*, 892 P.2d 1145, 1166-67 (Cal. 1995). As noted in the previous section, approximately 900,000 people become housed each year. This tends to show “the efficacy of acts of social intervention to change the condition of those currently homeless.” *Joyce v. City & Cty. of San Francisco*, 846 F. Supp. 843, 857 (N.D. Cal. 1994). Additionally, individual facts like whether someone has previously “declined offers of temporary housing” are critical. *Id.* at 938 (M. Smith, J., dissenting from denial of reh’g). “It blinks reality to say that the district court could, ‘in one stroke,’ resolve the constitutionality of the public-camping ban as applied to each of the” class members here. *Id.* at 939 (quoting panel op., *id.* at 811).

By enjoining even threats to enforce the applicable ordinances, the Ninth Circuit’s rule guarantees that no individualized inquiry or sentencing proceeding will occur. This “federal constitutional prohibition on the criminalization of purportedly nonvolitional conduct,” *Johnson*, 72 F.4th at 928 (O’Scannlain, J., respecting denial of reh’g), also displaces common law trial defenses that might otherwise apply to the charged violation. *See, e.g., In re Eichorn*, 69 Cal. App. 4th 382, 391 (1998) (granting writ because petitioner “is entitled to raise a necessity defense to charges he violated the camping ordinance”). New federal rules defining “the purposes of the criminal law [and] the ideas of free will and responsibility” should be rejected because crafting those definitions is “a project for state governance, not constitutional law.” *E.g., Kahler v. Kansas*, 589 U.S. ___, 140 S. Ct. 1021, 1037 (2020).

Instead of interpreting *Robinson* as creating malleable limitations on substantive criminal law, that case should be read simply as the far-end of this Court's proportionality jurisprudence. This view provides an appropriate resting place for *Robinson*, while removing the danger of future courts similarly pushing this corner of the constitutional envelope.

III. THE NINTH CIRCUIT'S RULE IS A POLICY JUDGMENT.

The rule created below dictates that local authorities may only stop people from living in public spaces if the government first provides them with an alternative place to go. That concept is not supported by the Eighth Amendment or any other constitutional principle. Instead, this is a policy judgment that federal courts are not engineered or equipped to administer.

That policy can have substantial financial implications for local governments. It can also incentivize overwhelmed jurisdictions to concentrate public resources on temporary shelter beds even if policymakers would prefer to invest in more permanent solutions. Homelessness is complicated, caused in part by national economic forces, and local leaders struggling to preserve the livelihood of their communities need the authority to impose reasonable regulations designed to further legitimate public interests.

A. Providing Shelter and Other Public Housing Options is Costly.

Building and maintaining shelter space is expensive. Although numbers can vary widely by

region, the national average cost for shelter beds has been estimated to be around \$16,000 per unit per year.²⁰ In small and large jurisdictions alike, finding the funding to provide a multitude of shelter beds can be difficult and can require compromising other parts of the local budget.

Take the City of Grants Pass. Relying on this \$16,000 per unit per year estimate, the annual cost to Grants Pass of providing shelter for the 50 to 600 homeless persons in the jurisdiction might be anywhere from \$800,000 to \$9.6M. When this action was commenced in 2018 Grants Pass had an annual budget of just over \$133M.²¹ Using some quick napkin math, the Ninth Circuit's rule effectively obligates the City to dedicate up to 7.2% of its annual budget to shelter services. Alternatively, of course, Grants Pass might choose to save the money by foregoing enforcement of its camping regulations.

Some jurisdictions simply do not have the fiscal flexibility to accommodate new inroads to the budget like this. And even in areas committed to providing shelter, fluctuations in the local homeless population can strain the social safety net to its breaking point. For example, New York City is a jurisdiction that

²⁰ Dennis P. Culhane & Seongho An, *Estimated Revenue of the Nonprofit Homeless Shelter Industry in the United States: Implications for a More Comprehensive Approach to Unmet Shelter Demand*, 32 Housing Policy Debate 823, 830-33 tbl. 4 (2022) (relying on 2015 HUD Housing Inventory Count data).

²¹ City of Grants Pass, Ore., *Adopted Operating & Capital Budget Fiscal Year 2017-18*, 25, (2018), <https://www.grantspassoregon.gov/DocumentCenter/View/10828/Complete-Adopted-Budget-FY18?bidId=>.

implemented a right-to-shelter policy decades ago, but the recent influx of tens of thousands of unhoused immigrants has pushed the city to the financial brink.²² The cost is estimated to be several billion dollars and counting.²³ Across the country, Denver is confronting a similar situation and reaching similarly dire financial straits.²⁴ Regions that are less affected by this recent trend have still scrambled to match unhoused immigrants with shelter options, and have needed to confront the budgetary realities created by these unplanned expenditures.²⁵

The impulse to provide shelter to those who do not have it is compassionate, and the humanitarian responses taken by these local governments are commendable. It is also likely, however, that some of these places may soon reach financial impasses that

²² Andy Newman, *A Record 100,000 People in New York Homeless Shelters*, N.Y. Times (June 28, 2023), <https://www.nytimes.com/2023/06/28/nyregion/nyc-homeless-shelter-population.html>; see also, Dave Davies, *How NYC is coping with 175,000 migrants from the Southern border*, Fresh Air on NPR (Feb. 15, 2024), <https://www.npr.org/2024/02/15/1231712535/how-nyc-is-coping-with-175-000-migrants-from-the-southern-border>.

²³ Grace Ashford and Claire Fahy, *\$2.4 Billion Is Not Enough for New York's Migrant Crisis, Adams Says*, N.Y. Times (Feb. 6, 2024), <https://www.nytimes.com/2024/02/06/nyregion/adams-albany-migrant-crisis.html>.

²⁴ Miriam Jordan, *Big Burden of Migrant Influx Strains Denver*, N.Y. Times (Feb. 12, 2024 updated Feb. 15, 2024), <https://www.nytimes.com/2024/02/12/us/denver-colorado-migrants.html>.

²⁵ Gustavo Sagrero Álvarez, *Seattle steps in to foot bill for migrants living in hotel*, KUOW: NPR Network (Jan. 31, 2024), <https://www.kuow.org/stories/seattle-steps-in-to-foot-the-bill-for-migrants-living-in-a-hotel>.

necessitate hard choices and re-examination of fiscal priorities. As this Court has recognized, “the intractable economic, social, and even philosophical problems presented by public welfare assistance programs are not the business of this Court.” *See Dandridge v. Williams*, 397 U.S. 471, 487 (1970). Local governments need the breathing room to adapt policies and spending to meet community needs, and sometimes on short notice. Striking a balance between local resources and priorities is inherently a political process. Federal courts should not be putting a thumb on those scales.

B. Not Every Jurisdiction Believes that Temporary Shelter Beds are a Viable Solution to Homelessness.

The Ninth Circuit’s rule is also a *bad* policy judgment because it encourages overwhelmed jurisdictions to narrowly focus on building up a large supply of temporary shelter beds. This incentivizes a race to the bottom denominator of housing options. Temporary shelter beds are generally unappealing, and offers are frequently declined. In cities like Seattle, for example, these offers are accepted less than half of the time.²⁶ San Francisco reports similar

²⁶ See Seattle Human Services, *Quarterly Report* (Dec. 8, 2023), https://clerk.seattle.gov/~cfpics/cf_322689q3.pdf (Q3: 1,830 shelter offers, 587 accepted); *and see*, Seattle Human Services, *Quarterly Report* (Aug. 2, 2023), https://clerk.seattle.gov/~cfpics/cf_322689q2.pdf (Q2: 1,333 shelter offers, 554 accepted); *and see*, Seattle Human Services, *Quarterly Report* (June 29, 2023), https://clerk.seattle.gov/~cfpics/cf_322689q1.pdf (Q1: 1,352 shelter offers, 616 accepted).

numbers.²⁷ Commonly stated reasons include congregate sleeping, past negative experiences, vehicle related issues, and preferring to wait for a more permanent option like a tiny house to become available. In contrast to offers of temporary shelter, offers for more permanent options like prepaid motel rooms or tiny homes are almost always accepted.²⁸

Declining offers of temporary shelter is not a new phenomenon.²⁹ Often times the people who are most likely to refuse an offer are also those who have been homeless the longest. Scholars explain that this may be because chronically homeless individuals are familiar with what the offer entails and know this short-term relief will not be a long-term housing option. *See e.g.*, Sara K. Rankin, *Hiding Homelessness: The Transcarceration of Homelessness*, 109 Cal. L. Rev. 559, 583 (2021). Many commentators therefore suggest that government resources are better used investing in permanent housing options instead. *Id.*

Emphasizing permanent housing over temporary shelter beds is also a key component of the Housing First model. This approach endorses the philosophy

²⁷ See City of San Francisco, *Healthy Streets Data and Information*, <https://sf.gov/data/healthy-streets-data-and-information#-data-and-information>, (last visited Feb. 25, 2024).

²⁸ Daniel Wu, *When a homeless encampment was cleared, no one went to a shelter. The reasons are complicated*, Seattle Times (Aug. 19, 2021), <https://www.seattletimes.com/seattle-news/homeless/when-a-homeless-encampment-was-cleared-no-one-went-to-shelter-the-reasons-why-are-complicated/>

²⁹ *E.g.*, Ari Shapiro, *Why Some Homeless Choose The Streets Over Shelters*, Talk of the Nation on NPR (Dec. 6, 2012), <https://www.npr.org/2012/12/06/166666265/why-some-homeless-choose-the-streets-over-shelters>.

that “[w]hen a person is housed, they have a platform to address all their needs, no matter how complex.”³⁰ Federal agencies encourage Housing First and report that it provides greater long-term housing stability at lower overall costs than treatment first models.³¹

Many states and local governments throughout the country also strongly support the Housing First model. Seattle was one of the first cities to embrace this approach over two decades ago,³² and this remains the model endorsed by the King County Regional Housing Authority today.³³ California passed legislation formally adopting Housing First as the required model for all state housing programs in 2016. *See* 2016 Cal. Stat. c 847. Hawaii did the same in 2010. *See* 2010 Haw. Sess. Laws c 212, §2.

³⁰ ALL IN, *supra* n. 8, at 42.

³¹ *See* HUD Office of Policy Development & Research, *Housing First Works*, Evidence Matters (Spring/Summer 2023), <https://www.huduser.gov/portal/periodicals/em/spring-summer-23/highlight2.html>.

³² *See* Kim Horner, *Seattle’s 1811 Eastlake Project Puts Housing First, Saves Lives & Money*, The Carter Center (Nov. 4, 2009), https://www.cartercenter.org/health/mental_health/fellowships/archive/documents/seattle_horner.html; *see also*, *The South King County Housing First Pilot: Innovations & Lessons Learned*, Building Changes: End Homelessness Together (May 2010), https://www.hud.gov/sites/documents/DOC_10137.PDF.

³³ King County Regional Housing Authority, *Our Approach* <https://kcrha.org/about/our-approach/> (last visited Feb. 25, 2024); *see also*, King County Regional Housing Authority, *Five-Year Plan: 2023-2028*, 27 (2023), <https://kcrha.org/wp-content/uploads/2023/06/FINAL-KCRHA-Five-Year-Plan-6.1.23.pdf>, (explaining approach to creating new housing options).

While these are among the many regions where homelessness has continued to increase, other jurisdictions have realized tremendous success using Housing First. Houston, for example, is often held out as the gold standard,³⁴ successfully reducing overall homelessness by 53% since switching to Housing First in 2011.³⁵ Similarly, in 2005 Utah became the first state to formally adopt Housing First, and reported reducing chronic homelessness by 90% over the next ten years.³⁶ That success has also, however, at times drawn criticism due to fiscal concerns as the annual costs have multiplied. “The problem, according to auditors, is that these communities are costly to build and often become long-term homes for those who stay there.”³⁷

There are many regional differences between these jurisdictions, and many potential reasons for these

³⁴ Michael Kimmelman, *How Houston Moved 25,000 People From the Streets Into Homes of Their Own*, N.Y. Times (June 14, 2022), <https://www.nytimes.com/2022/06/14/headway/houston-homeless-people.html>.

³⁵ City of Houston Housing & Community Development Dep’t, *Supportive Services: Our Role in Ending Homelessness*, <https://houstontx.gov/housing/supportive-services.html>, (last visited Feb. 25, 2024).

³⁶ See HUD Office of Policy Development & Research, *Salt Lake City Housing Authority Serves Residents Experiencing Homelessness*, Edge: An Online Magazine (Sept. 20, 2022), <https://www.huduser.gov/portal/pdredge/pdr-edge-inpractice-092022.html>.

³⁷ Bethany Rodgers, *Utah’s ‘housing first’ model is keeping people off the streets. So why are auditors worried?* Salt Lake Tribune (Nov. 16, 2021), <https://www.sltrib.com/news/politics/2021/11/16/utahs-housing-first-model/>.

disparate outcomes. New permanent housing options are expensive and time consuming to build, particularly in high-density urban areas.³⁸ Local governments that have made substantial investments aligning with Housing First policies should be permitted to continue these policy decisions without sacrificing the authority to enforce the basic regulations that are needed to keep the community functioning as a collective.

The Ninth Circuit's rigid all-or-nothing constitutional formula creates the danger of encouraging overwhelmed jurisdictions to think about shifting resources back to short-term temporary shelter options even if they do not believe this approach will be effective in the long run.

C. Local Policymakers Need to Preserve the Health and Safety of Their Communities.

Many communities throughout the country have made housing and homeless services a top local priority. Local governments have backed up these commitments with funding, and spending in some areas is at levels that would have been unthinkable twenty years ago. In 2024 Seattle will invest \$339M in affordable housing and \$109M in homeless outreach and shelter.³⁹ Los Angeles is set to spend \$1.3B on

³⁸ Joshua McNichols, *Seattle's first affordable housing high-rise tower in 50 years welcomes its first residents*, KUOW: NPR Network (May 5, 2023), <https://www.kuow.org/stories/seattle-s-first-affordable-housing-high-rise-in-50-years-welcomes-its-first-residents>.

³⁹ Callie Craighead, *Mayor Harrell signs City of Seattle's 2024 Budget into Law*, Office of the Mayor (Dec. 1, 2023),

homelessness this year, a tenth of its annual budget.⁴⁰ San Francisco, in line with recent years, has allocated \$713.3M this annum for homelessness and supportive housing.⁴¹ It might seem obvious that, in jurisdictions like these, incarcerating someone for violating local camping regulations is not the ultimate goal.

These jurisdictions do, however, want to remain attractive places to live and do business. Spending in these amounts can be locally controversial even if perfect outcomes are achieved, but when these expenditures are coupled with surrendering public spaces to encampments local friction can become combustible. As summarized recently by a state auditor, communities “are growing more frustrated and concerned as the number of people living on the streets and in encampments continues to grow, even as government spends more on programs to address homelessness.”⁴² These localities need the breathing room to juggle the dynamic complexities and immediate social harms that are often presented with homelessness.

<https://harrell.seattle.gov/2023/12/01/mayor-harrell-signs-city-of-seattles-2024-budget-into-law/>.

⁴⁰ City of Los Angeles, *Budget Summary FY 2023-2024*, 4 (2023),

https://cao.lacity.org/budget23-24/2023-24Budget_Summary.pdf.

⁴¹ City of San Francisco, Dep’t of Homelessness & Supportive Housing, *HSH Budget (FY 2023-24)*,

<https://hsh.sfgov.org/about/budget/>, (last visited Feb. 26, 2024).

⁴² Wash. State Auditor, *Contracted Homeless Services: Improving how local governments prioritize services and manage provider performance*, No. 103130, 3 (Nov. 15, 2022), https://sao.wa.gov/sites/default/files/audit_reports/PA_Contracted_Homeless_Services_ar-1031310.pdf.

The current crisis is also a contemporary iteration of historical cycles. “Homelessness in the United States has surged and receded throughout our nation’s history.”⁴³ There is no doubt that our country is confronting a complicated homelessness crisis that is exacerbated by a national shortage of available affordable housing. Although of course not guaranteed, history indicates that the affordable housing deficit will likely stabilize in time. Indeed, this issue is in the spotlight of townhalls and state legislatures throughout the nation. Moreover, the American economy continues to outperform expectations, and unemployment has been at record lows.⁴⁴ These positive indicators signal some hope that the supply of affordable housing in this country will catch up to the demand.

Resolving the questions presented by homelessness is hard work. Indeed, “[t]he very complexity of the problems suggests that there will be more than one constitutionally permissible method of solving them.” See *Jefferson v. Hackney*, 406 U.S. 535, 546 (1972). Local governments need flexibility and should not be placed in the “constitutional straitjacket” imposed by the Ninth Circuit’s rule. *Id.*

There will be times when even the localities that are the most committed to humanitarian responses will need to make decisions that not everyone will be happy about. Sometimes this will involve telling

⁴³ ALL IN, *supra* n. 8, at 15.

⁴⁴ Samantha Delouya, *2022 had the lowest total unemployment rate ever*, CNN (Dec. 20, 2023), <https://www.cnn.com/2023/12/20/economy/lowest-unemployment-rate-year-2022/>.

people that they may not camp in the park, the planting strip next to a road, or the sidewalk. Sometimes local authorities will be able to provide an alternative place to go. Other times they will not. In either case, the Eighth Amendment does not have anything to say about it.

CONCLUSION

For the foregoing reasons, this Court should reverse the decision below.

Respectfully submitted,

ANN DAVISON

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Administrative Report

P.1., File # 24-0664

Meeting Date: 4/23/2024

To: MAYOR AND CITY COUNCIL

**From: JAMES A. LIGHT, MAYOR
THE CITY MANAGER**

LUKE SMUDE, ASSISTANT TO

TITLE

DISCUSSION AND POSSIBLE ACTION REGARDING CONSOLIDATION OF CITY BOARDS AND COMMISSIONS; AND

CONSIDER AMENDMENT OF REDONDO BEACH MUNICIPAL CODE TITLE 2, CHAPTER 9, ARTICLE 1, SECTION 2-9.101 TO IMPLEMENT A PROCESS FOR THE CANCELLATION OF COMMISSION MEETINGS

EXECUTIVE SUMMARY

In recent years, recruiting and retaining resident volunteers for the City's 15 boards and commissions has become challenging. While the large number of boards and commissions offers a wealth of opportunity for community engagement, it also stretches City resources and reduces the amount of substantive work any one board or commission can complete. Scheduled meetings are frequently cancelled due to lack of business with no formal procedure in place to cancel these meetings.

At this time, the Mayor and Staff recommend that Council consider consolidating select boards and commissions, direct staff to draft any ordinances required to update the applicable Redondo Beach Municipal Code (RBMC) sections pertaining to these boards and commissions, including the means by which a meeting can be cancelled, and implement any desired changes in October, in conjunction with the next round of board and commission appointments. These recommendations include:

Suspension of Board of Appeals and Uniform Code	Assign duties to the City Council
Suspension of the Handicapped Access Appeals Board	Assign duties to the Public Works and Sustainability Commission
Suspension of Suspension Appeals Board	No Reassignment Necessary
Suspension of the Preservation Commission	Assign duties to the Planning Commission/Harbor Commission
Suspension of the Historical Commission, and Library Commission	Assign duties to the Recreation and Parks Commission

BACKGROUND

The City's boards and commissions are designed to offer the public an opportunity to become involved in different aspects of local government and provide input on City projects, services and programs. Each appointed body relies on the volunteer efforts of engaged residents to donate their time to provide their insights and wisdom to the City.

While each board and commission does hold a unique mandate, the sheer number of boards and commissions makes it difficult to provide challenging and meaningful assignments to all board members and commissioners. RBMC Title 2, Chapter 9, Article 1, Section 2-9.101 states that each board and commission must hold a regular meeting at least once a month. With that mandate, there is often a lack of substantive agenda items which has led to frequent absences and lack of quorum. In some cases, boards are partially staffed, or not staffed at all. Several Commissioners have also complained about a lack of meaningful impact in their appointed positions. As such, it is recommended that Council consider an amendment to the RBMC that would allow boards and commissions to cancel upcoming meetings via vote, should there be a lack of business.

As the City transitioned from Mayor Bill Brand to Mayor Jim Light the following boards and commissions had no residents assigned: Board of Appeals & Uniform Code, Handicapped Access Appeals Board, and Suspension Appeals Board. The following boards had unfilled openings: Harbor Commission, Preservation Commission, Library Commission, Public Safety Commission and Youth Commission. The total number of current openings are summarized below:

Board/Commission	Vacancies
Board of Appeals and Uniform Code	3 of 3
Handicapped Access Appeals Board	5 of 5
Historical Commission	1 of 7
Library Commission	1 of 7
Preservation Commission	1 of 7 (1 expired)
Public Safety Commission	1 of 7
Suspension Appeals Board	4 of 4
Youth Commission	13 of 15
TOTAL	29

The Board of Appeals and Uniform Code was first established in May of 1993 and served to adjudicate decisions made by the City's Building Official under the Uniform Building Code. Since that time, the City has moved to using the California Building Code, rendering the provisions in the Uniform Building Code as to the Board's composition moot. The California Building Code does prescribe for an Appeals Board and states, "Where no such appeals boards or agencies have been established, the governing body of the city, county, or city and county shall serve as the local appeals board." As such, it is recommended that the Board of Appeals and Uniform Code be suspended, with the City Council hearing any appeals, as needed.

The Handicapped Access Appeals Board is also unstaffed at this time. Composition of the Handicapped Access Appeals Board is set by California Health and Safety Code Section 19957.5 which states that cities may establish a five-member board, "Two members of the appeals board shall be physically handicapped persons, two members shall be persons experienced in construction, and

one member shall be a public member.” The Mayor and Staff recommend suspending the stand-alone board and assign its responsibilities to the Public Works and Sustainability Commission, which is well-staffed, meets regularly, and deals with public works and construction standards.

The Suspension Appeals Board was established in December of 1973 to assist in the administration of a Civil Service System in the City of Redondo Beach. Since that time, all Labor unions, except the unrepresented Management and Confidential Group, are governed by their negotiated Memorandum of Understandings (MOUs). There is no appeals process dictated in the Management and Confidential Group’s MOU. In order to address any appeals, the City contracts with the County Civil Service Commission. Disbanding the Suspension and Appeals Board will not impact future employee-focused action.

The Preservation Commission could also be disbanded, with its responsibilities absorbed by the Planning Commission and Harbor Commission, where jurisdiction of each applies. Most projects under review are related to the regular business of these commissions and the consolidation could streamline project negotiations and approvals by situating multiple administrative steps in one appointed body. There are specific requirements that Preservation Commissioners have expertise in specific, related professional disciplines, but it is believed existing Commissioners could be trained to maintain compliance with state guidelines related to preservation.

It is also recommended that the Historical Commission, Library Commission and the Recreation and Parks Commission duties be consolidated. Doing so would ensure that the City’s historical resources are treated as a public asset that is actively championed to the community and preserved using modern technology. These goals are complementary to the Recreation and Parks Commission mandate to create a comprehensive recreational system that includes facilities, programming, and entertainment. The proposed consolidation will allow the City’s unique historical and cultural resources to be preserved and featured in programming that can be implemented at the Library branches, the Historical Museum, and other City facilities.

The Youth Commission is, at this time, fully vacant of youth participants. The COVID-19 pandemic put a halt to this vital link that exposes youth to local government, and provides the Mayor and Council with a conduit to the youth of the community. This is a critical factor to ensuring the Council enacts policies that address the concerns from all members of the community. Council Member Kaluderovic has been making great strides in engaging local students through the Youth Pledge of Allegiance Program and is committed to revitalizing the Youth Commission in order to re-establish it as an important link to young people in the community.

The adjustments described above would consolidate 6 of the City’s existing boards and commissions and shift their responsibilities, leaving the City with 13 commissions and no appointed boards. This would save up to 30 board and commission meetings per year, and reduce the number of resident volunteers needed by 33.

The goal of the proposed consolidation is to enhance the experience for community members that apply for appointment to a City board or commission by providing substantive areas of advisement that allow them to delve deeply into evaluating policies and initiatives for the City. Depending on the desired path, the consolidation would save approximately \$13,500 per year in information technology costs to produce and broadcast the meetings across our cable and streaming platforms. The savings in staffing for liaison and clerk staff time could equal up to \$39,600 per year, if all currently mandated

meetings were held.

It is recommended that the Council approve the consolidation of boards and commissions identified in this report and direct staff to prepare the necessary changes to the RBMC to memorialize these changes. It is recommended that the consolidations be implemented in October 2024, concurrent with Commissioner appointments/extensions. We also recommend the Council consider updating the RBMC to implement new language that allows for the cancellation of future meetings via vote of the commission should there be a lack of business.

COORDINATION

This item was coordinated with the Mayor, City Manager's Office, various City Departments, and the City Clerk's Office. Any potential changes to the RBMC would be reviewed by the City Attorney's Office prior to being presented to the City Council for consideration of approval.

FISCAL IMPACT

If consolidation occurs, the City could save up to \$53,100 per year for meeting related information technology and staff support costs.

APPROVED BY:

Mike Witzansky, City Manager

ATTACHMENTS

- RBMC Title 2, Chapter 9, Article 1, Section 2-9.101 (Organization Meetings, Chairperson)
- Proposed Redline - RBMC Title 2, Chapter 9, Article 1, Section 2-9.101 (Organization Meetings, Chairperson)
- California Building Code - Section 1.8.8.1 General (Appeals Board)
- California Health and Safety Code Section 19957.5 (Handicapped Appeals Board)

§ 2-9.101 Organization meetings, chairperson.

Each board or commission shall meet as soon after the first day of October of every year as practical for the purpose of organizing. At such organization meeting, the boards and commissions shall organize themselves by electing one of its members to serve as chairman for the ensuing year and one of its members as secretary. Until September 1, 2022, each board or commission shall hold a regular meeting at least once every other month, except that the Planning Commission, Harbor Commission, Budget and Finance Commission, Public Works Commission and Recreation and Parks Commission shall hold a regular meeting at least once each month. From and after September 1, 2022, each board or commission shall hold a regular meeting at least once each month. In addition to any such regular meetings, each board or commission shall hold whatever special meetings may be necessary or convenient to dispose of business without delay. All proceedings of any board or commission shall be open to the public.

§ 2-9.101 Organization meetings, chairperson.

Each board or commission shall meet as soon after the first day of October of every year as practical for the purpose of organizing. At such organization meeting, the boards and commissions shall organize themselves by electing one of its members to serve as chairman for the ensuing year and one of its members as secretary. Until September 1, 2022, each board or commission shall hold a regular meeting at least once every other month, except that the Planning Commission, Harbor Commission, Budget and Finance Commission, Public Works Commission and Recreation and Parks Commission shall hold a regular meeting at least once each month. From and after September 1, 2022, each board or commission shall hold a regular meeting at least once each month unless a majority of Commissioners on a Commission, at a Commission's regularly scheduled public meeting, publicly vote to cancel the following meeting of that Commission for lack of business. In addition to any such regular meetings, each board or commission shall hold whatever special meetings may be necessary or convenient to dispose of business without delay. All proceedings of any board or commission shall be open to the public.

California Building Code 2022 (Vol 1 & 2)

1.8.8.1 General

Every city, county, or city and county shall establish a process to hear and decide appeals of orders, decisions and determinations made by the enforcing agency relative to the application and interpretation of this code and other regulations governing construction, use, maintenance and change of occupancy. The governing body of any city, county, or city and county may establish a local appeals board and a housing appeals board to serve this purpose. Members of the appeals board(s) shall not be employees of the enforcing agency and shall be knowledgeable in the applicable building codes, regulations and ordinances as determined by the governing body of the city, county, or city and county.

Where no such appeals boards or agencies have been established, the governing body of the city, county, or city and county shall serve as the local appeals board or housing appeals board as specified in California Health and Safety Code Sections 17920.5 and 17920.6.

California Code, Health and Safety Code - HSC

§ 19957.5

Current as of January 01, 2023 | Updated by [FindLaw Staff](#)

(a) Every city, county, or city and county may appoint a local appeals board composed of five members to hear written appeals brought by any person regarding action taken by the building department of the city, county, or city and county in enforcement of the requirements of this part, including the exceptions contained in [Section 19957](#).

(b) Two members of the appeals board shall be physically handicapped persons, two members shall be persons experienced in construction, and one member shall be a public member.

(c) The appeals board shall conduct hearings on written appeals made under subdivision (a) and may approve or disapprove interpretations of this part and enforcement actions taken by the building department of the city, county, or city and county. All such approvals or disapprovals shall be final and conclusive as to the building department in the absence of fraud or prejudicial abuse of discretion. The appeals board shall adopt regulations establishing procedural rules and criteria for the carrying out of its duties under this part.



Administrative Report

P.2., File # 24-0661

Meeting Date: 4/23/2024

To: MAYOR AND CITY COUNCIL

From: ELIZABETH HAUSE, ASSISTANT TO THE CITY MANAGER

TITLE

DISCUSSION AND POSSIBLE ACTION REGARDING OPTIONS TO CELEBRATE AND COMMEMORATE THE JUNETEENTH HOLIDAY

EXECUTIVE SUMMARY

At the March 21, 2023 City Council meeting, the Council adopted a resolution commemorating Juneteenth as an annual celebration in the City of Redondo Beach. On April 2, 2024, staff was directed to return with an item to discuss options on ways to celebrate the Juneteenth holiday. This report provides Council with examples of celebrations programmed or sponsored by other cities, and also shares events or activities already taking place in the City of Redondo Beach. Staff is seeking direction on what types of activities or events the City Council would like staff to further explore and if there are any celebratory actions or activities the Council would like to have occur in 2024.

BACKGROUND

On January 1, 1863, the Emancipation Proclamation legally ended slavery in the United States, but the low presence of Union troops and non-compliance with the Proclamation prolonged slavery in Texas and in other states. On June 19, 1865, U.S. General Gordon Granger and 2,000 federal troops arrived in Galveston, Texas to enforce the emancipation of slaves and inform those still enslaved within the borders of the United States that they were free. Juneteenth (short for June Nineteenth) has since become the oldest nationally celebrated commemoration of the ending of slavery in the United States. On June 17, 2021, Juneteenth became a federal holiday and on September 29, 2022 it became a California state holiday.

At the June 21, 2022 Council meeting, a referral was made to staff to return with an item discussing the possible adoption of a resolution recognizing and celebrating Juneteenth. At the March 21, 2023 meeting, the City Council adopted a resolution commemorating Juneteenth as an annual celebration in the City of Redondo Beach.

At the April 2, 2024 meeting, staff was directed to return with an item to discuss options on ways to celebrate the Juneteenth holiday. Below are examples of events that have taken place in previous years in other cities within or near the Los Angeles County area:

Manhattan Beach

- The City hosted a ceremony at Bruce's Beach Park on June 19th, which included remarks by city leaders, a local historian, and a member of the Mira Costa Black Scholars

Union.

- The City also sponsored a Juneteenth celebration the weekend after Juneteenth at Polliwog Park. The event Included a professional jazz ensemble, DJ, dancing, art, family and educational activities, food trucks, vendors, partnerships with Black business owners, local musicians, and performers
- The City received an anonymous \$45,000 donation facilitated by the MBX Foundation to be spent over three years, \$15,000 per year. The City is planning to match the funds with either city dollars or private donations for an additional total of \$30,000 to be used for future ceremonies and celebrations.

City of Carson

- Held a Juneteenth Rhythm and Blues Celebration. The City sponsored the event in partnership with the Carson Citizens Cultural Arts Foundation. The event took place the weekend prior to Juneteenth at Mills Park, 11AM-6PM and included live entertainment, teen fun zone, arts and crafts, food vendors and display booths.

City of Long Beach

- Hold an annual Long Beach Juneteenth Celebration. Organized by Carl Kemp, with sponsorships from Long Beach businesses and the City of Long Beach. General admission is free, with reserved seating offers at \$50 per seat. Located at Rainbow Lagoon Park from 10:30AM - 7PM. The event included DJ, live music, dancing, and family activities (face painting, arts & crafts).

City of Culver City

- Held a Juneteenth Celebration and Resource Fair. The event was sponsored by the City, Culver City Unified School District and the Wende Museum. It was held on the weekend prior to Juneteenth at Ivy Station from 11AM - 2PM. The event invited local artists, businesses and organizations and featured resource booths, market vendors, kids' activities, and food trucks. It included DJs, live bands, and West African drummers and dancers.

City of Lakewood

- Held a Juneteenth Lunch & Learn event. The City sponsored the event at Mae Boyar Park's community building. It was held the weekend prior to Juneteenth. Families were invited to an author reading of the children's book, "We May Be Different But We Can Come Together" by Lakewood resident and educator Ama Darkwa Holmes. The event included learning activities and locally catered meals and is part of the City's Community Dialogue on Race, Equity, Diversity and Inclusion (REDI).

City of Santa Monica

- The Cit celebrated the 31st year of Juneteenth Celebration in 2023. The City's annual celebration is sponsored by the City and produced in partnership with the Santa Monica Juneteenth Celebration Committee, Inc. The most recent event took place the weekend prior to Juneteenth, at Virginia Avenue Park from 1PM-7PM. The 2023 theme was "Coming Together in Appreciation, Reconciliation, and Commemoration." The free family-friendly event featured music, unique food and craft vendors, a kid's activity area, a community stage, and local resource booths.

Currently, the City's Library Services Department commemorates Juneteenth annually by hosting two special Juneteenth Storytimes (one at each location) and creates a display in recognition of Juneteenth, including relevant book and media titles.

The City's Community Services Department has not yet produced a Juneteenth event, nor have they been approached by any local organizations or groups interested in partnering on an event. That said, Council may wish to direct staff to begin outreach to local and regional organizations to see if there is interest in coproducing or cohosting a Juneteenth celebration in Redondo Beach.

Should the Council choose to fund and host an event this year, the Community Services Department has confirmed that - although June is very busy with several summer events - there is some flexibility to schedule an early evening event at one of the City parks. Community Services staff also confirmed that it may be possible to secure live entertainment and other family-friendly activities, provided that funding is made available and staff is given enough time to identify and secure these vendors.

This report provides the City Council with an opportunity to discuss options to celebrate and commemorate the Juneteenth holiday in Redondo Beach. Staff is seeking direction on what types of activities or events the City Council would like staff to further explore and if there are any celebratory actions or activities the Council would like to have occur in 2024.

COORDINATION

The City Manager's Office coordinated this item with the Community Services Department and the Library Services Department.

FISCAL IMPACT

The fiscal impact of a City-sponsored or City-produced event will be determined by the scope of the desired activities.

APPROVED BY:

Mike Witzansky, City Manager



Administrative Report

T.1., File # 24-0698

Meeting Date: 4/23/2024

TITLE

ADJOURN IN MEMORY OF CONSTATINE "TIKE" KARAVAS, LONG-TIME REDONDO BEACH
RESIDENT AND CITY HISTORIAN