

# **BLUE FOLDER ITEM**

*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.*

## **CITY COUNCIL MEETING September 19, 2023**

### **J.1 PUBLIC PARTICIPATION ON NON-AGENDA ITEMS**

- PUBLIC COMMUNICATIONS

## Lucie Colombo

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**From:** Mark Nelson (Home Gmail) <[REDACTED]>  
**Sent:** Wednesday, September 13, 2023 5:30 PM  
**To:** CityClerk; CityClerk; cityclerk@hermosabeach.gov; citycouncil@manhattanbeach.gov; BoardClerk@metro.net; executiveoffice@bos.lacounty.gov; Jacki Bacharach; gormank@metro.net; info@da.lacounty.gov; info  
**Subject:** Public Comment: Oversight Failure of BCHD and Measure M Funding by Metro and SBCCOG  
**Attachments:** Outlook-SBCCOG.png; 08.08.23\_PRA request\_M.Nelson\_BCHD Bike Project.pdf  
**Follow Up Flag:** Follow up  
**Flag Status:** Flagged  
**Categories:** Lucie

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### **Public Comment to All Agencies, Mayors, City Councils, Planning Commissions Listed on this communication**

It is clear that neither SBCCOG nor Metro is exercising any meaningful oversight over the BCHD spending of Measure M funds on 400-feet of bike path for over \$1.7M.

The attached from SBCCOG shows that it conducted NO ANALYSIS of the reasonableness nor net benefits of the exorbitant spending by BCHD.

Furthermore, the South Bay Bike Master Plan showed an estimated cost (increased by 70% for inflation) of slightly over \$100,000 (in 2023\$) for 400-feet of the most expensive bike path in the entire South Bay Bike Master Plan. Clearly, Metro and SBCCOG have failed in their oversight obligations of both Measure M funding administration and Measure M project review and recommendation.

This must be investigated. We cannot allow Measure M to turn into a \$1B annual sales tax that's little more than a slush fund.

Mark Nelson  
Redondo Beach  
Expert Witness

Excerpted data from Master Plan

The **South Bay Bicycle Master Plan** that was approved by the cities contains relevant costs with which to assess the benefits of the bike paths. In the case of Redondo Beach, Class 1, the estimated 2011 cost is \$800,000 per mile. Following the CA DGS's inflation adjustment for construction in the SF/LA urban areas, that results in a unit cost of \$257 per foot.

**BCHD's current estimated cost** for the 400-foot segment of bike path that is \$1.73M according to CEO Bakaly in the July 21, 2023 BCHD BoD meeting. That is a unit cost of \$4,325 per foot.

BCHD is thereby executing at a cost multiple of the Master Plan of 16.8-to-1. That is, BCHD's cost of execution is nearly 17-times the expectation of the engineers, consultants and cities as they determined each segment's net value (value minus cost).

----- Forwarded message -----

From: **David Leger** <davidl@southbaycities.org>

Date: Tue, Aug 8, 2023 at 12:29 PM

Subject: Response to Public Records Act request

To: Mark Nelson (Home Gmail) [REDACTED]

Cc: Jacki Bacharach <jacki@southbaycities.org>

Good afternoon Mr. Nelson,

Please see below for responses (in red) to your public records requests:

**CPRA Question #1**

Provide all documents with sensitivity analyses or other written discussion that the recommendations in the 2011 South Bay Bicycle Master Plan for the Flagler Alley in Redondo are still valid at a BCHD cost overrun of 1,680%. No responsive records to this inquiry were found.

**CPRA Question #2**

Provide all documents with sensitivity analyses or other written discussion that the approval of the SBCCOG for the Flagler Alley construction by BCHD in Redondo are still valid at a BCHD cost overrun of 1,680%. The attached documents were located. Pages 1-5 of the PDF are a memo to the SBCCOG Board regarding the modifications to the scope of work for the project. Pages 6-9 are an email and letter from BCHD to SBCCOG providing a timeline/project history.

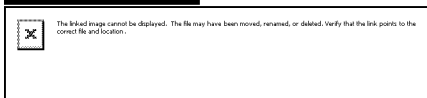
Sincerely,

**David Leger**

*Pronouns: he/him/his*

Senior Project Manager

[REDACTED]



# South Bay Cities Council of Governments

June 22, 2023

To: SBCCOG Board of Directors  
From: David Leger, Senior Project Manager  
Re: Scope Reduction to Measure M Project MM4602.01

## BACKGROUND

In a previous Call for Projects, the SBCCOG Board approved \$1.8M in Measure M MSP funding for a Beach Cities Health District (BCHD) proposal for a bicycle lane connecting Flagler Ln to Diamond St. The funding was approved for project design and construction. The unique location of the project included portions of both Redondo Beach and Torrance. Following completion of the design, the City of Redondo Beach informed BCHD they agreed to move forward with its section of the project. However, Torrance notified BCHD that it could not move forward with its portion. BCHD and Redondo Beach wish to continue that portion of the project and still determine it to provide a mobility benefit.

Due to this reduction in scope, Metro staff is requesting the SBCCOG Board approve the project scope modification. Following SBCCOG Board approval, Metro and BCHD will execute a funding agreement amendment memorializing the reduction in scope. As with all Measure M MSP projects, any unused funds would be returned to the program following completion of the project close out process.

## RECOMMENDATION

The SBCCOG Board of Directors approve the scope of work modification to MM4602.01

Attachment: BCHD Request Letter

Chair John Cruikshank  
South Bay Cities Council of Governments  
2355 Crenshaw Blvd, #125  
Torrance, CA 90501

June 14, 2023

**Re: Measure M Project Scope Reduction**

Dear Chair Cruikshank,

Beach Cities Health District (BCHD) respectfully requests that the South Bay Cities Council of Governments (SBCCOG) Board supports an amendment to our Measure M MSP funding agreement with Metro to reflect a reduction of scope to our bike path project, formerly known as the “Diamond Street to Flagler Lane Bicycle Lane.”

The SBCCOG recommended this project to Metro for funding through the Multi-Year Subregional program, which was approved by the Metro Board in September 2019. The original scope of the project was to take place in both the City of Redondo Beach and the City of Torrance. Though we have worked with both cities to complete this project, the city of Torrance has opted not to move forward with the project at this time and thus we are only completing the Redondo Beach scope starting at Diamond Street/Prosect Avenue heading northeast through the alley to the Redondo Beach city limits (see attachment for project map).

We have received approvals from the city of Redondo Beach and have initiated the bid process. We are expecting to start construction on the Redondo Beach portion of the project in July with project completion targeted by the end of September.

Our original funding amount was for \$1.83 million and we expect the modified project costs to be closer to \$1.73 million. We anticipate returning the balance of about \$100,000 back to the subregional program. The increase project costs are due to project delays, costs to re-design the project, additional retaining wall work, and escalation in construction costs.

While we cannot move forward with the entire scope of the original project, we are pleased to be able to build a portion of this project that aims to close an important gap in bicycle infrastructure identified in the South Bay Bicycle Master Plan. This project will better connect North Redondo Beach and Torrance with South Redondo Beach and provides a safer route to schools, beaches, and the harbor. The project will enhance safety and regional connectivity, adding a bike path, lane markings and signage, lighting, median landscaping, retaining walls, new pavement, and video bike detection.



*Live Well. Health Matters.*

Through our work with the Blue Zones Project® and its “Living Streets” philosophy, we are excited for the opportunity to incorporate people-friendly street design and livability principles to enhance the active transportation network with Measure M subregional funding. We appreciate your consideration and value the support of the South Bay Cities Council of Governments. If you have any questions, please feel free to reach out to me at Tom.Bakaly@bchd.org.

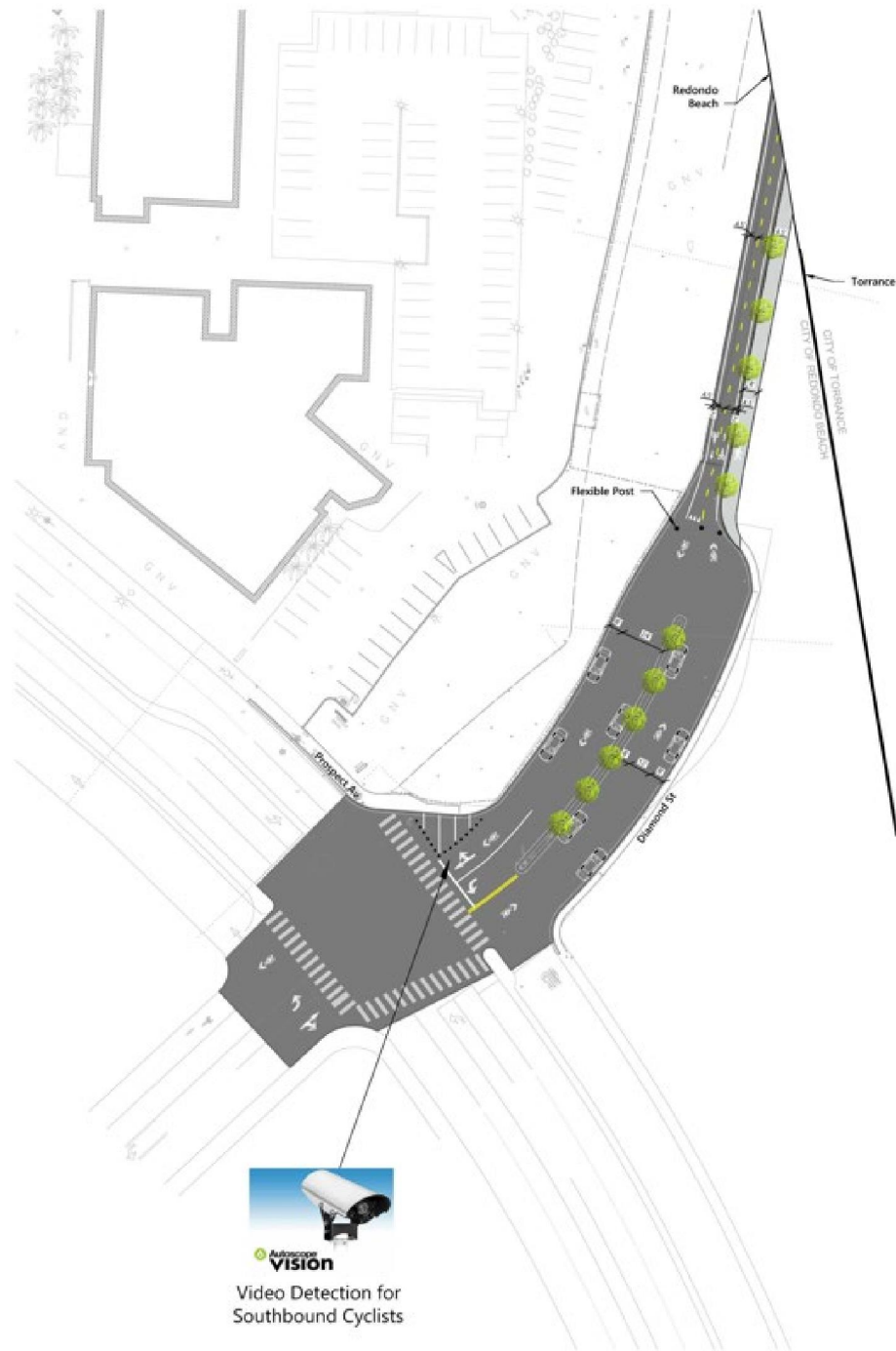
Respectfully,

A handwritten signature in black ink, appearing to read "Tom Bakaly", is positioned below the word "Respectfully,".

Tom Bakaly  
Chief Executive Officer  
Beach Cities Health District

Diamond Street and Flagler Lane Bike & Pedestrian Path

Redondo Phase

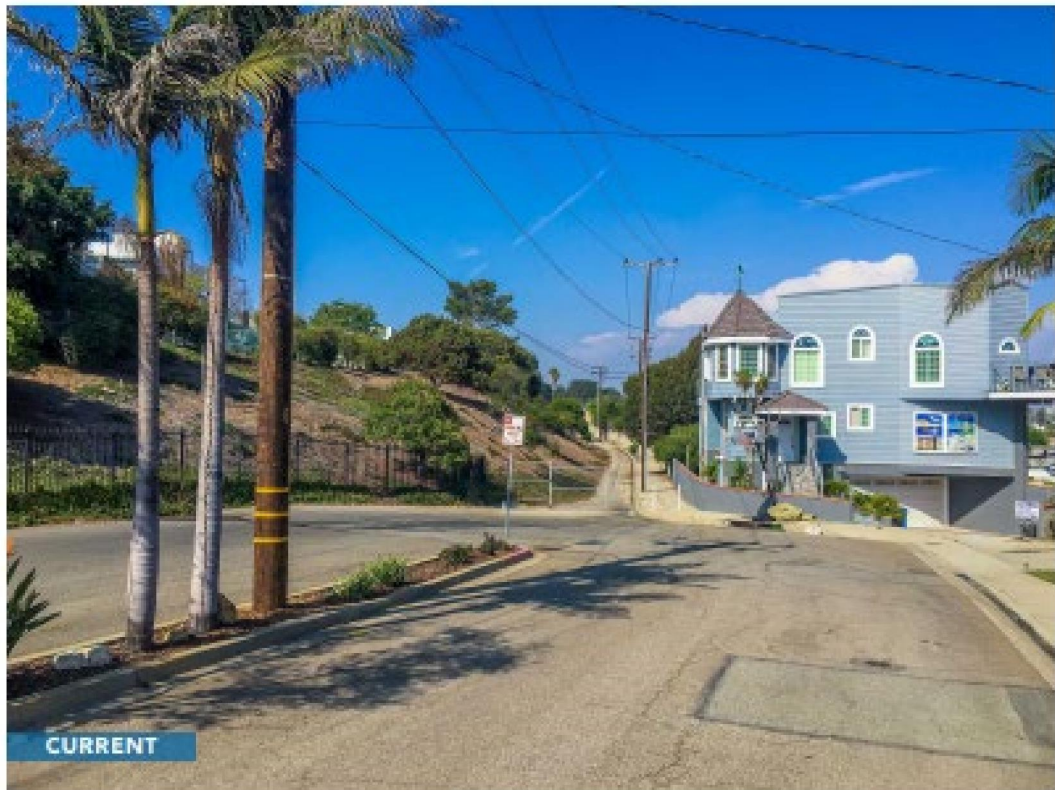


Video Detection for Southbound Cyclists



Diamond Street and Flagler Lane Bike & Pedestrian Path

**Redondo Phase**





## BCHD project timeline overview

Jacqueline Sun

Wed 7/19/2023 7:33 PM

To: Jacki Bacharach <jacki@southbaycities.org>; David Leger <davidl@southbaycities.org>

Cc: Tom Bakaly (he/him/his) <Tom.Bakaly@bchd.org>

1 attachments (192 KB)

BCHD project outline SBCCOG\_7.19.23.pdf;

Hi David and Jacki,

Thanks for your time today and our discussion.

Please see attached for a letter that outlines the timeline for the project and provides additional context to the project history. We indicate that BCHD is committing to cover any costs incurred over the \$1.73 million amount for the new reduced scope of the project.

Please let me know how your discussions go with Metro regarding the subregional program updates to the Board. Feel free to loop me in, if appropriate. We look forward to hearing from them on next steps on getting the funding agreement amended to reflect the scope and cost changes.

Please let me know if you have any questions.

Thanks,  
Jacqueline

**Jacqueline Sun, MPH**

*Pronouns: she/her/hers*

*Director of Well-Being Services*

Beach Cities Health District

Ph: 310-374-3426 x8266

Fax: 310-376-4738

[www.bchd.org](http://www.bchd.org)

[www.facebook.com/beachcitieshealth](https://www.facebook.com/beachcitieshealth)

Creating a healthy beach community.



Beach Cities Health District is celebrating 25 years of preventive health success, and all of those who have worked to make Hermosa Beach, Manhattan Beach and Redondo Beach a healthy beach community.

THE PRECEDING E-MAIL, INCLUDING ANY ATTACHMENTS, CONTAINS INFORMATION THAT MAY BE CONFIDENTIAL, BE PROTECTED BY ATTORNEY CLIENT OR OTHER APPLICABLE PRIVILEGES, OR

CONSTITUTE NON-PUBLIC INFORMATION. IT IS INTENDED TO BE CONVEYED ONLY TO THE DESIGNATED RECIPIENT. IF YOU ARE NOT THE INTENDED RECIPIENT OF THIS MESSAGE, PLEASE NOTIFY THE SENDER BY REPLYING TO THIS MESSAGE AND THEN DELETE IT FROM YOUR SYSTEM. USE, DISSEMINATION, DISTRIBUTION, OR REPRODUCTION OF THIS MESSAGE BY UNINTENDED RECIPIENTS IS NOT AUTHORIZED AND MAY BE UNLAWFUL.

July 19, 2023

Ms. Jacki Bacharach  
South Bay Cities Council of Governments  
2355 Crenshaw Blvd., #125  
Torrance, CA 90501

Dear Ms. Bacharach:

We appreciate the South Bay Cities Council of Government's partnership with BCHD in allocating Measure M subregional funds to construct the Diamond Street Bike Path project. Given that this project was first initiated in 2019, this letter serves to outline the history of the project to provide additional context and clarify the amended project scope and project costs.

The original funding agreement, which was approved by Metro in September 2019, was in the amount was \$1,833,877. The original project proposed bicycle and pedestrian improvements from Beryl Street/Flagler Lane to Prospect Avenue/Diamond Street, stretching across both the City of Redondo Beach and the City of Torrance.

As we went through the design process, we discovered the need for the addition of retaining walls in the alley portion of the project that were not anticipated, but necessary to widen the bike path and secure the hillside. When we amended our funding agreement with Metro in July 2022 for a project extension, the additional scope of the retaining walls was included, which increased the total project cost to \$2.68 million. BCHD had agreed to cover the additional \$850,000, though this was not a commitment to a local match amount, but a commitment to cover any project costs above the \$1.83 million grant amount. We want to note that after the funding agreement was amended, the BCHD team was able to value engineer the project, eliminating the need for one of the two retaining walls and greatly reducing the overall project costs to, at the time, \$2.06 million.

The Redondo Beach Public Works Commission approved the project in April 2022. As conditions for approval, the City requested adding additional scope including the repaving of Diamond Street where the sharrows will be installed, and video scope detection at the intersection to allow for cyclists to trigger the signal without getting off of their bicycles. These additional project components cost \$190,000 that were not initially anticipated.

As Torrance is declined to participate in the project, their portion of the scope of work has been removed. The new scope of work will only take place in Redondo Beach, and is as follows:

- Class III sharrows lane markings and signage starting at intersection of Diamond Street and Prospect Avenue headed northeast, transitioning into a Class I bike path from the beginning of the alley to the Redondo Beach city limits.
- Retaining wall and regrading work adjacent to Class I bike path.
- Street and pedestrian lighting throughout the length of the project.
- Complete re-paving of all of Diamond Street from Prospect Ave to the alley.
- New and expanded asphalt paving at alley.

- New trees and planting in the median at Diamond Street and at the bottom of the hillside at the new retaining wall.
- New irrigation systems.
- Video Scope Vision bike detection sensor added to the existing traffic signalization system at Prospect Ave and Diamond Street.
- Signage and graphics for traffic and pedestrian safety.

BCHD submitted final designs, reflecting the above scope, to the City of Redondo Beach in March 2023 and received approvals in May. At that time the projected cost of the Redondo Beach scope of the project was \$1.56 million. However, bids came in higher than expected, at \$1.73 million, in June 2023. Construction is currently underway, and we are expected to complete the project by the end of September 2023.

Though the overall boundary of the project has been reduced, the increased projects costs for the remaining scope can be attributed to the following:

- **Scope Adjustments to the Remaining Work Area in Redondo Beach**—including the addition of the retaining wall, paving and video bike detection.
- **Post-COVID Market factors**—that have caused higher escalation on construction projects in the region. Original 2019 Budget included an allowance for escalation but not for 5 years and not at the higher rate of inflation that hit post-COVID.
- **Increased Design Costs**—due to project delays from working extensively with the City of Torrance to obtain approvals. The remaining Redondo Beach scope also had to be partially re-designed as a stand-alone project after Torrance’s final decision to not move forward with the project, which incurred additional design costs.
- **Higher than Expected Bids**— due to fewer general contractor bids, prevailing wage requirements which also limited competition for landscaping bids. The smaller scope which excluded City of Torrance areas affected the “economies of scale” for asphalt paving pricing and other materials, causing our bids to come in higher than expected.

We are working with Metro to amend the funding agreement to reflect the new scope of work and project costs. The new project costs are \$1,734,974, and BCHD is committed to complete the project and cover any costs incurred above this new amount.

We are looking forward to being able to complete this important active transportation project and work to close an important gap in the South Bay Bicycle Master Plan that will improve safety, livability and bike connectivity for the region. If you have any questions, please feel free to reach out to me at [Tom.Bakaly@bchd.org](mailto:Tom.Bakaly@bchd.org).

Sincerely,



Tom Bakaly  
Chief Executive Officer  
Beach Cities Health District

**Laura Diaz**

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**From:** Joana Martin [REDACTED]  
**Sent:** Friday, September 15, 2023 10:47 PM  
**To:** CityClerk  
**Subject:** Please consider adopting the same e-bike safety regulations recently adopted by Manhattan Beach.

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**Categories:** Lucie

You don't often get email from [REDACTED]. [Learn why this is important](#)

*CAUTION: Email is from an external source; **Stop, Look, and Think** before opening attachments or links.*

Hello,

I hope you will consider proposing and promoting regulations that will promote the safety of the community when it comes to the use of e-bikes.

Manhattan Beach recently passed a set of rules and regulations that make a lot of sense and that Redondo Beach also needs to ensure everyone's safety.

Thank you.

Joana Martin

## Community News and Updates

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FeedbackPrint

### Manhattan Beach Adopts E-Bike Safety Regulations

New laws limit speed and location where e-bikes may operate and establish fines for violations

**Post Date:**09/07/2023 5:42 PM

PRESS RELEASE: [Manhattan Beach Adopts E-Bike Safety Regulations \(PDF\)](#)

#### FOR IMMEDIATE RELEASE

ALEXANDRIA LATRAGNA, COMMUNICATIONS & CIVIC ENGAGEMENT MANAGER  
[alatragna@manhattanbeach.gov](mailto:alatragna@manhattanbeach.gov) • (310) 802-5063

#### MANHATTAN BEACH ADOPTS E-BIKE SAFETY REGULATIONS

New laws limit speed and location where e-bikes may operate and establish fines for violations

**Manhattan Beach, CA (September 7, 2023)** – At the September 5 meeting, the City Council adopted an urgency ordinance amending the Manhattan Beach Municipal Code (MBMC) establishing a speed limit, safety and



operational standards, and location restrictions for bicycles, e-bikes, and motorized bicycles. The City Council also established fines associated with violations of this ordinance that are increased with each subsequent violation within one year.

With the increased use of e-bikes in Manhattan Beach, the City began partnering with Manhattan Beach Unified School District and local bike shops in order to educate riders about the importance of following the rules of the road while operating a bicycle or e-bike. “While e-bikes have become popular and are a great way to reduce our reliance on cars, pollution, and traffic, they aren’t toys and can be dangerous when not operated properly,” said Mayor Richard Montgomery. “The adoption of this ordinance is an important part of keeping our streets safe for all to enjoy, pedestrians and riders alike. The City has put teeth behind our commitment to safety, and the Manhattan Beach Police Department will be enforcing this ordinance with appropriate penalties for violators.”

The urgency ordinance became effective on September 6 and contains safety rules such as:

- Prohibits riding on City sidewalks, plazas, grass areas, the Strand, parking structures owned or operated by the City, County, or State, and Veterans Parkway.
- Prohibits riding at speeds over 15 miles per hour on the Marvin Braude Bike Trail (i.e. Beach Bike Path), and maintains the current “Walk Only Zone” on both sides of the pier.
- Requires wearing of properly strapped helmets for all riders under 18 years of age;
- Requires riders to use bike lanes where possible, and on streets without bike lanes, to ride close to the right curb or edge of roadway.
- Requires riders to ride in single file and not more than two abreast.
- Prohibits riding on the back of a bicycle or e-bike without a seat.
- Prohibits speeding, racing, or stunt activity.
- Reaffirms requirements to yield to pedestrians at all times.

Violations of this ordinance will result in a misdemeanor and a fine up to \$500 for the first violation, \$750 for the second violation within one year; and \$1,000 for each additional violation within one year of the first violation. If the violation is committed by a minor, the minor’s parents may be cited and fined for violations of the ordinance.

The community is encouraged to visit the [Bicycle and E-Bike Safety](#) webpage to learn more about bike safety and tips to ride safe in Manhattan Beach.



## Laura Diaz

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**From:** Mark Nelson (Home Gmail) <[REDACTED]>  
**Sent:** Sunday, September 17, 2023 8:36 PM  
**To:** CityClerk; cityclerk@hermosabeach.gov; cityclerk@manhattanbeach.gov; Garth Meyer; Tyler Evains; info; City Council  
**Subject:** Public Comment - BCHD's allcove takes land from District taxpayers for a minimum of 30 years for 91% non-resident benefits

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

**Categories:** Lucie

*CAUTION: Email is from an external source; **Stop, Look, and Think** before opening attachments or links.*

Mayors, Councils, Planning Commissions of Hermosa, Manhattan and Redondo Beach:

Plainly, BCHD is condemning the taxpayer/resident/owners of the District to servicing allcove for at least 30 years without any guarantee of funding. BCHD's grant requires the building be maintained and used for continued mental health purposes for a minimum 30 year period.

If allcove were not servicing an area of 91% non-taxpayers, non-residents, non-owners of the District, perhaps this would not be such a reckless encumberment of the assets of the District. As BCHD is well aware, its contract for allcove requires services to a service area of 1.4M people, including the many non-District taxpayers in Long Beach, Torrance, El Segundo, the PV Peninsula, Hawthorne, Inglewood, Avalon, etc. That is a firm obligation for allcove Beach Cities to service ALL OF SPA8.

91% of the allcove area, whether total headcount or 15-25 age groups are NON-RESIDENTS/NON-TAXPAYERS/NON-OWNERS of the District.

This is a malfeasant action by the Board and executive management (\$2.3M annually for 13 executives) of BCHD and as fiduciaries of the taxpayers, the Council's of the three owning cities must condemn this action.

Mark Nelson  
Redondo Beach