

City of Manhattan Beach

1400 Highland Avenue
Manhattan Beach, CA 90266



Meeting Minutes - Draft

Tuesday, September 1, 2020

4:30 PM

City Council Chambers

City Council Adjourned Regular Meeting

ELECTED OFFICIALS

*Mayor Richard Montgomery
Mayor Pro Tem Suzanne Hadley
Councilmember Hildy Stern
Councilmember Steve Napolitano
Councilmember Nancy Hersman*

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A. CALL MEETING TO ORDER

At 4:30 PM, Mayor Montgomery called the meeting to order.

B. ROLL CALL

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

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

D. PUBLIC COMMENTS (3 MINUTES PER PERSON)

Senior Deputy City Clerk Martha Alvarez confirmed that the following public comment(s) were received by the City for the September 1, 2020, City Council Adjourned Regular Meeting.

Cindy Houser

Mayor Montgomery opened the floor to public comment.

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

E. PUBLIC HEARINGS

1. Public Hearing to Consider Peter Gordon's Appeal of the Police Chief's Vicious Animal Determination (Police Chief Abell).

[20-0275](#)

- a) **CONDUCT PUBLIC HEARING**
- b) **DETERMINE THAT DOG IS VICIOUS WITHIN THE MEANING OF MANHATTAN BEACH MUNICIPAL CODE CHAPTER 5.01**

Mayor Montgomery introduced the item and opened the Public Hearing.

Police Captain Tim Hageman provided the staff presentation and presented evidence that the appellant was notified of this hearing in several ways.

Police Captain Hageman and City Attorney Quinn Barrow responded to City Council questions.

Mayor Montgomery opened the floor to public comment. He invited Mr. Gordon to testify.

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

Mayor Montgomery closed the Public Hearing.

Police Captain Hageman and City Attorney Barrow responded to City Council questions.

A motion was made by Mayor Pro Tem Hadley, seconded by Councilmember Hersman, to make the finding and determine that the dog is vicious. The motion carried by the following vote:

Aye: 5 - Mayor Montgomery, Mayor Pro Tem Hadley, Councilmember Stern, Councilmember Napolitano and Councilmember Hersman

F. CLOSED SESSION

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

City Attorney Quinn Barrow announced the following Closed Session.

**a) CONFERENCE WITH LABOR NEGOTIATORS
(Government Code Section 54957.6)**

Agency Negotiators:

**Bruce Moe, City Manager
Lisa Jenkins, Human Resources Director**

Employee Groups:

**Manhattan Beach Firefighters' Association
Manhattan Beach Fire Management Association
Manhattan Beach Police Officers Association
Manhattan Beach Police Management Association
Manhattan Beach Mid-Management Employee Association
Manhattan Beach Part-Time Employees' Association
Unrepresented (Executive, Management and Confidential)
Teamsters Local 911**

**b) CONFERENCE WITH LEGAL COUNSEL (EXISTING LITIGATION)
(Government Code Section 54956.9(d)(1))**

**Name of Case: Darby T. Keen (Trustee) v City of Manhattan Beach
Los Angeles County Superior Court**

Case No: 19STCP02984

**This is the case where a property owner sued the City to be
allowed to rent his residentially zoned property in the Coastal
Zone on a short-term basis.**

II. RECESS INTO CLOSED SESSION

At 4:53 PM, Mayor Montgomery announced that City Council would recess into Closed Session.

III. RECONVENE INTO OPEN SESSION

At 6:05 PM, the City Council reconvened into Open Session with all Councilmembers present.

IV. CLOSED SESSION ANNOUNCEMENT IN OPEN SESSION

City Attorney Quinn Barrow announced the following regarding the Closed Session Agenda Items:

Agenda Item No. a: City Council gave direction to its labor negotiators.

Agenda Item No. b: City Council by a 5-0 vote, authorized an appeal of the trial court's decision in the case of Keen v City of Manhattan Beach.

No other reportable action was taken.

G. ADJOURNMENT

At 6:06 PM Mayor Montgomery adjourned the meeting.

Martha Alvarez
Recording Secretary

Richard Montgomery
Mayor

ATTEST:

Liza Tamura
City Clerk