

City of Manhattan Beach

1400 Highland Avenue
Manhattan Beach, CA 90266



Meeting Minutes - Draft

Tuesday, May 2, 2023

6:00 PM

Regular Meeting

City Council Chambers and Zoom

City Council Regular Meeting

ELECTED OFFICIALS

Mayor Richard Montgomery

Mayor Pro Tem Joe Franklin

Councilmember Amy Howorth

Councilmember David Lesser

Councilmember Steve Napolitano

PLEASE NOTE THAT THE CITY ARCHIVES THE VIDEO RECORDINGS OF ALL REGULAR CITY COUNCIL MEETINGS AND THE VIDEO FOR THIS MEETING IS HEREBY INCORPORATED BY THIS REFERENCE. ALSO IN SUPPORT OF MORE TRANSPARENCY AND THE AMERICANS WITH DISABILITIES ACT (ADA) COMPLIANCE, THE CITY OFFERS CLOSED CAPTIONING FOR REGULAR CITY COUNCIL MEETINGS. FOR A COMPLETE RECORD OF THIS CITY COUNCIL MEETING, GO TO:

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

A. CALL MEETING TO ORDER

Mayor Montgomery called the meeting to order.

B. PLEDGE TO THE FLAG

Maya Rao of Grand View Elementary School led the Pledge of Allegiance.

C. ROLL CALL

Roll Call by City Clerk Liza Tamura.

Present: 5 - Mayor Montgomery, Mayor Pro Tem Franklin, Councilmember Howorth, Councilmember Lesser, and Councilmember Napolitano

D. CEREMONIAL CALENDAR

1. Presentation of Certificates of Recognition to Mira Costa High School Students Ryan Cho, Lizzy Fleming, and Bridie Ward for Receiving the 2023 Circle Award for Excellence in Poetry Composition. [23-0192](#)

PRESENT

Mayor Montgomery, on behalf of the City Council, presented Certificates of Recognition to Mira Costa High School students Ryan Cho, Lizzy Fleming, and Bridie Ward for receiving the 2023 Circle Award for Excellence in Poetry Composition.

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

A motion was made by Councilmember Lesser, seconded by Mayor Pro Tem Franklin, to approve the agenda as amended, to pull Agenda Item No. 8 from the Consent Calendar for individual consideration, and waive full reading of ordinances. The motion carried by the following vote:

Aye: 5 - Montgomery, Franklin, Howorth, Lesser and Napolitano

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

Executive Director of the Manhattan Beach Education Foundation Hilary Mahan announced their 40th Anniversary Celebration including the unveiling of their Donor Appreciation Community Recognition Wall on May 6, 2023, in Metlox Plaza from 10:00 AM - 12:00 PM.

David Archer, member of the Leadership Manhattan Beach Class of 2023, along with his fellow classmate Mike, announced the ribbon cutting for their class project on May 20, 2023, at 10:00 AM, that would assist in building a pantry at the Richstone Family Center as part of the Single Mom Nutrition Pantry Project.

President and CEO of the Chamber of Commerce David Archer announced their Phenomenal Women event on May 11, 2023, from 10:00 AM - 2:00 PM at the Kinecta Campus.

Library Manager Josh Murray invited the adult community to learn how to make a Taiwanese pineapple pastry on May 27, 2023, from 1:00 PM - 2:00 PM in honor of Asian American Pacific Islander Heritage Month.

Police Chief Rachel Johnson announced Cupcake with a Cop at Susie Cakes on May 9, 2023, from 12:00 PM - 3:00 PM.

Councilmember Howorth announced May as Asian American Pacific Islander Heritage Month and Jewish American Heritage Month. She also announced the documentary screening of Grandpa Cherry Blossom on May 18, 2023, from 6:00 PM - 8:00 PM at the Hermosa Beach Museum.

Mayor Montgomery announced Coffee with the Mayor on May 8, 2023, at the Coffee Bean and Tea Leaf in the Manhattan Village Mall at 3:30 PM. He then requested that all those present that have been in the military to stand and be recognized. Lastly, he responded to a few comments from residents about a Juneteenth event that took place in 2020.

2. Introduction of Newly Appointed Community Development Director Talyn Mirzakhani (City Manager Moe). [23-0195](#)

INTRODUCE

City Manager Bruce Moe introduced the City's new Community Development Director Talyn Mirzakhani.

Community Development Director Mirzakhani thanked the City Manager and City Council.

G. PUBLIC COMMENTS (3 MINUTES PER PERSON)

Mayor Montgomery opened the floor to public comments.

*Emery Chen
Jackson Zawacki
Libby Bretthauer*

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

H. CONSENT CALENDAR (APPROVE)

A motion was made by Councilmember Lesser, seconded by Councilmember Howorth, to approve the Consent Calendar with Agenda Item No. 8 being removed to be heard under Section I - Items Removed From the Consent Calendar. The motion carried by the following vote:

Aye: 5 - Montgomery, Franklin, Howorth, Lesser and Napolitano

3. City Council Minutes: [23-0194](#)
This Item Contains Minutes of the Following City Council Meeting(s):
a) City Council Regular Meeting Minutes of April 18, 2023
b) City Council Adjourned Regular Meeting Minutes (Boards and Commissioners Interviews) of April 25, 2023
(City Clerk Tamura).
APPROVE
The recommendation for this item was approved on the Consent Calendar.
4. Financial Reports: [23-0183](#)
Schedule of Demands March 31, 2023, and April 7, 2023 (Finance Director Charelian).
ACCEPT REPORTS AND DEMANDS
The recommendation for this item was approved on the Consent Calendar.
5. Declaration of Proclamations for the Following: [23-0156](#)
a) April 30, 2023 - May 6, 2023, as Municipal Clerks Week
b) May 4, 2023, as International Firefighters' Day
c) May 7, 2023 - May 13, 2023, as Public Service Recognition Week
d) May 15, 2023 - May 21, 2023, as National Police Week
e) May 21, 2023 - May 27, 2023, as National Public Works Week
f) Month of May 2023, as Building Safety Month
g) Month of May 2023, as Older Americans Month
h) Month of May 2023, as Mental Health Awareness Month.
PROCLAIM
The recommendation for this item was approved on the Consent Calendar.

6. Consideration of the Manhattan Beach Police Department 2023-2024 Strategic Plan (Police Chief Johnson). [23-0136](#)

RECEIVE AND FILE

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

7. Consideration of StoryWalk Project Installation Location (Parks and Recreation Director Leyman). [23-0134](#)

APPROVE

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

8. Consideration to Approve the Velzy Plaque Proposed by the South Bay Boardriders Club at 117 Manhattan Beach Boulevard (Parks and Recreation Director Leyman). [23-0190](#)

APPROVE

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

9. Consideration of a Resolution Approving a \$1,200,000 Measure M Funding Agreement with the Los Angeles County Metropolitan Transportation Authority for the Manhattan Beach Boulevard at Pacific Avenue Improvements Project; and a Determination of Exemption Pursuant to Section 15301 (Class 1) of the California Environmental Quality Act (CEQA) Guidelines (Public Works Director Lee). [23-0146](#)

A) ADOPT RESOLUTION NO. 23-0044

B) APPROVE APPROPRIATION

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

10. Consideration of a Resolution Approving an Agreement with Nth Generation Computing for a Backup Failover System for an Amount Not to Exceed \$128,676 (Information Technology Director Hackelman). [23-0138](#)

A) WAIVE FORMAL BIDDING DUE TO COOPERATIVE

PURCHASING

B) ADOPT RESOLUTION NO. 23-0045

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

I. ITEMS REMOVED FROM THE CONSENT CALENDAR

8. Consideration to Approve the Velzy Plaque Proposed by the South Bay Boardriders Club at 117 Manhattan Beach Boulevard (Parks and Recreation Director Leyman). [23-0190](#)

APPROVE

Councilmember Napolitano provided that he pulled the item as information had been received that called the history of the surf shop into question which could affect the previously approved plaque language.

Parks and Recreation Director Mark Leyman responded to City Council questions.

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

Jacquelyne May

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

City Manager Bruce Moe responded to City Council questions.

The City Council continued the item to the next City Council meeting and directed staff to verify the information in the proposed plaque language.

J. PUBLIC HEARINGS

None.

K. GENERAL BUSINESS

11. Annual Appointments to City Boards and Commissions (City Clerk Tamura).

[23-0170](#)

(Estimated Time: 45 Min.)

APPOINT

City Clerk Liza Tamura introduced Deputy City Clerk Patty Matson who provided background regarding the item.

Mayor Montgomery opened the floor to public comments.

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

Deputy City Clerk Matson conducted the annual Boards and Commissions appointment process and responded to City Council questions.

The following appointments were unanimously made:

Planning Commission

Seat No. 5 (Member-At-Large): Rachel Croessman

Seat No. 4 (Member-At-Large): Robert Tokashiki (reappointed)

Seat No. 3 (Member-At-Large): Joseph Ungoco (reappointed)

Parking and Public Improvements Commission

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

Seat No. 2 (Business Community): Kit Becker

Seat No. 3 (Member-At-Large): Joe Marcy

Parks and Recreation Commission

A motion was made by Councilmember Howorth, seconded by Councilmember Lesser, to ratify the appointment of Karen Komatinsky to the Parks and Recreation Commission Seat No. 2 as made by the Manhattan Beach Unified School District Board. The motion carried by the following vote:

Aye: 5 - Montgomery, Franklin, Howorth, Lesser and Napolitano

Seat No. 2 (MBUSD Nominee): Karen Komatinsky

Seat No. 3 (Member-At-Large): Larry Zimbalist

Seat No. 7 (Student Representative): Daniel Greenberg

Library Commission

Seat No. 4 (Member-At-Large): Dina Doll

Seat No. 6 (Student Representative): Katherine Jester

Cultural Arts Commission

Seat No. 1 (Art Experience): Carol Patterson

Seat No. 5 (Member-At-Large): Jen Dohner

Seat No. 6 (Student Representative): Samantha Erlich-Fein

Board of Building Appeals

Seat No. 1 (Member-At-Large): Michael Kling (reappointed)

Seat No. 2 (Member-At-Large): Cyrus Adami

Seat No. 3 (Member-At-Large): Robert Tokashiki

Seat No. 4 (Member-At-Large): Thomas Freitag (reappointed)

Seat No. 5 (Member-At-Large): Jim Yang (reappointed)

The following appointment was made:

Los Angeles County West Vector Control Board

Member-At-Large: Wayne Powell

At 7:17 PM, the City Council recessed and reconvened at 7:27 PM with all City Councilmembers present.

12. Presentation of the Proposed 5-Year Capital Improvement Program (CIP) for Fiscal Year 2023-2024 Through Fiscal Year 2027-2028 (Public Works Director Lee). [23-0124](#)

(Estimated Time: 30 Mins.)

A) DISCUSS AND PROVIDE DIRECTION

B) APPROVE

Public Works Director Erick Lee introduced City Engineer Katie Doherty who provided the PowerPoint presentation.

City Engineer Doherty, Public Works Director Lee, and City Manager Bruce Moe responded to City Council questions.

Mayor Montgomery opened the floor to public comments.

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

City Engineer Doherty and Public Works Director Lee responded to City Council questions.

The City Council directed staff to return with additional information at the May 9, 2023 Budget Study Session including a list of the Capital Improvement Projects by priority. The City Council also directed staff to look into the feasibility of placing solar panels on the new water facility and an economic analysis of utilizing solar panels.

13. Presentation of the Fiscal Year 2023-2024 Proposed Operating Budget (Finance Director Charelian). [23-0178](#)

(Estimated Time: 45 Min.)

DISCUSS AND PROVIDE DIRECTION

Finance Director Steve Charelian provided the PowerPoint presentation.

Finance Director Charelian, Community Development Director Talyn Mirzakhianian, City Traffic Engineer Erik Zandvliet, and City Manager Bruce Moe responded to City Council questions.

Mayor Montgomery opened the floor to public comments.

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

City Manager Moe responded to City Council questions and provided that City Council direction was not required since there will be two upcoming Budget Study Sessions for further discussion.

The report was received and filed.

L. CITY COUNCIL REQUESTS AND REPORTS INCLUDING AB 1234 REPORTS

Councilmember Howorth provided that a survey will be posted to the City's website for residents to respond to regarding the website refresh.

City Manager Bruce Moe provided that the survey was currently available on the website.

M. FUTURE AGENDA ITEMS

Councilmember Howorth requested to agendize a discussion regarding electric bike safety and to include what other City's are doing regarding safety. Councilmember Lesser concurred.

City Manager Moe provided that the City will continue to enforce safety laws in the meantime.

Police Captain Andrew Enriquez provided information regarding what the Police Department had already done regarding e-bike safety.

Councilmember Lesser requested to agendize a discussion regarding potential roles or assignments for the Board of Building Appeals. Councilmember Napolitano concurred.

N. CITY MANAGER REPORT

None.

O. CITY ATTORNEY REPORT

None.

P. INFORMATIONAL ITEMS

14. Agenda Forecast (City Clerk Tamura). [23-0193](#)
INFORMATION ITEM ONLY

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

15. Commission Minutes:[23-0200](#)

This Item Contains Minutes of the following City Commission Meetings:

- a) Parks and Recreation Commission Meeting Minutes of December 21, 2022
- b) Parks and Recreation Commission Meeting Minutes of December 26, 2022 (Rescheduled)
- c) Parks and Recreation Commission Meeting Minutes of January 23, 2023
- d) Parks and Recreation Commission Meeting Minutes of February 27, 2023
- e) Parks and Recreation Commission Meeting Minutes of March 27, 2023

INFORMATION ITEM ONLY

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

Q. CLOSED SESSION

Mayor Montgomery stated that the City Council would be adjourning the meeting in honor of Elizabeth Louise "Bettelu" Beverly before the City Council recessed into Closed Session.

City Attorney Quinn Barrow provided that the meeting would not be officially adjourned until they returned to Open Session.

Councilmember Napolitano provided comments and held a moment of silence for Ms. Beverly.

At 9:05 PM, Mayor Montgomery announced that the City Council would be going into Closed Session.

Councilmember Lesser announced that he would not be participating in the Closed Session item regarding Thompson vs. City of Manhattan Beach. He stated that there is no conflict of interest per the Political Reform Act but would be recusing himself to avoid the perception of a conflict of interest, as the plaintiff is providing her expertise to him and his wife regarding utility undergrounding.

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

**Name of Case: Darby Keen v City of Manhattan Beach
Los Angeles County Superior Court
Case No: 19STcp02984**

**Name of Case: David Shenbaum and Timothy O'Brien v
City of Manhattan Beach
California Central Court
Case No: 2:22-cv-8062**

**Name of Case: Stephanie Thompson v City of Manhattan Beach
Los Angeles County Superior Court
Case No: 23STCV06831**

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

**Agency Negotiators:
Bruce Moe, City Manager
Stephanie Swofford, Acting Human Resources Director**

**Employee Group(s):
Manhattan Beach Firefighters' Association**

II. RECESS INTO CLOSED SESSION

At 9:06 PM, the City Council recessed into Closed Session.

III. RECONVENE INTO OPEN SESSION

At 9:31 PM, the City Council reconvened into Open Session with all City Councilmembers present.

IV. CLOSED SESSION ANNOUNCEMENT IN OPEN SESSION

City Attorney Barrow announced that the City Council went into Closed Session to discuss the items as identified on the agenda. He provided that the City Council gave direction to the City Attorney regarding the Darby Keen Case and gave direction to its agency negotiators with respect to the Manhattan Beach Firefighters Association.

R. ADJOURNMENT

At 9:32 PM, Mayor Montgomery adjourned the meeting to the May 9, 2023 Budget Study Session at 6:00 PM.

Patricia Matson
Recording Secretary

Richard Montgomery
Mayor

ATTEST:

Liza Tamura
City Clerk