

# City of Manhattan Beach

*1400 Highland Avenue  
Manhattan Beach, CA 90266*



## Meeting Minutes - Draft

**Tuesday, May 16, 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***

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#### **A. CALL MEETING TO ORDER**

*Mayor Montgomery called the meeting to order.*

#### **B. PLEDGE TO THE FLAG**

*Library Manager Josh Murray 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 Monica Chun, Lisa Newman, Alex Chun, Justin Newman, Kai O'Neil, Lara Meyer, Luca O'Neil, and Manhattan Beach Police School Resource Officers Donovan Torres and Michael Hamilton, for Their Commitment and Dedication to Promoting Ebike Safety. [23-0222](#)
- PRESENT**

*On behalf of the City Council, Mayor Montgomery and Mayor Pro Tem Franklin presented Certificates of Recognition to the following Ebike Safety Program members as well as a Proclamation declaring the month of May as National Bicycle Safety Month :*

*Alex Chun*

*Justin Newman*

*Gita O'Neil*

*Kai O'Neil*

*Lara Meyer*

*Luca O'Neil*

*Manhattan Beach Police School Resource Officer Donovan Torres*

*Manhattan Beach Police School Resource Officer Michael Hamilton*

## 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 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)

2. Update on Beach Cities Health District (BCHD) Campus Project (City Manager Moe). [23-0209](#)  
(Estimated Time: 10 Mins.)  
**ACCEPT PRESENTATION**

*City Manager Bruce Moe introduced CEO of Beach Cities Health District Tom Bakaly who provided the PowerPoint presentation and responded to City Council questions.*

### Community Announcements

*John Breitman, member of the Leadership Manhattan Beach Class of 2023, announced the ribbon cutting for their Single Mom Nutrition Pantry class project on May 20, 2023, at 10:00 AM at the Richstone Family Center.*

*Library Manager Josh Murray announced an event called "How to Write and Publish a Book" on May 23, 2023, from 6:00 PM - 7:15 PM.*

*Recreation Manager Jan Buike announced the Older Adult Health Fair at the Joslyn Community Center on May 19, 2023, from 8:30 AM to 12:00 PM and responded to City Council questions.*

*Maddox announced the documentary screening of Grandpa Cherry Blossom at the Hermosa Beach Museum on May 18, 2023, at 6:00 PM.*

*Acting Communications and Civic Engagement Manager Alexandria Latragna announced the Website User Experience Survey that is currently available on the City's website until May 25, 2023.*

*Mayor Montgomery announced that his next Coffee with the Mayor would take place on May 23, 2023, at the Coffee Bean and Tea Leaf at the Manhattan Village Mall and June 6, 2023, at Peet's Coffee in the Downtown Area. He also encouraged any interested residents to sign-up to receive a ceremonial Baby Passport at an upcoming City Council meeting.*

## G. PUBLIC COMMENTS (3 MINUTES PER PERSON)

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

*Heather Kim*

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

*Councilmember Howorth provided remarks regarding the public comment that was provided.*

**H. CONSENT CALENDAR (APPROVE)**

A motion was made by Councilmember Napolitano, seconded by Mayor Pro Tem Joe Franklin, to approve the Consent Calendar. The motion carried by the following vote:

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

3. City Council Minutes: [23-0043](#)  
This Item Contains the City Council Regular Meeting Minutes of May 2, 2023 (City Clerk Tamura).

**APPROVE**

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

4. Financial Reports: [23-0184](#)  
a) Schedule of Demands April 14, 2023, and April 21, 2023  
b) Investment Portfolio for the Month Ending March 31, 2023  
c) Month End Report for March 31, 2023  
(Finance Director Charelian).

**ACCEPT REPORTS AND DEMANDS**

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

5. Consideration of Approval of the Fiscal Year 2023-2024 City Council Work Plan (City Manager Moe). [23-0148](#)

**APPROVE**

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

6. Consideration of a Resolution Approving the Assessment Engineer's Report for Annual Levy of Street Lighting Assessments for Fiscal Year 2023-2024 (Finance Director Charelian). [23-0085](#)

**ADOPT RESOLUTION NO. 23-0046**

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

7. Consideration of a Resolution Regarding the Declaration of Intention to Provide for Annual Levy and Collection of Assessments for Street Lighting Maintenance and Setting of Public Hearing for June 20, 2023 (Finance Director Charelian). [23-0086](#)

**A) ADOPT RESOLUTION NO. 23-0047****B) SETTING PUBLIC HEARING DATE TO CONSIDER  
ASSESSMENTS FOR JUNE 20, 2023**

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

8. Consideration of a Resolution for the Donation (Sale) of up to Five Surplus Police Vehicles to the Town of Pickens, Mississippi (Finance Director Charelian). [23-0198](#)

**A) APPROVE SALE OF SURPLUS VEHICLES**

**B) ADOPT RESOLUTION NO. 23-0054, AUTHORIZE CITY  
MANAGER TO EXECUTE AN AGREEMENT**

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

9. Consideration of a Resolution Amending an Agreement with Regents of the University of California for Emergency Medical Technician Continuing Education and Quality Improvement Services (Nurse Educator) for Three Years with Two Automatic Additional One-Year Extensions for \$35,302.64 Per Year (Fire Chief Lang). [23-0164](#)

**ADOPT RESOLUTION NO. 23-0048**

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

10. Consideration of a Resolution Approving an Agreement with Morningstar Productions LLC for a Three-Year Contract for Concerts in the Park Sound and Stage Rental Services with an Estimated Cost Not-to-Exceed \$325,850.90 for Five Years (Parks and Recreation Director Leyman). [23-0191](#)

**ADOPT RESOLUTION NO. 23-0053**

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

11. Consideration of Resolutions Approving Amendment No. 1 to the Professional Services Agreement with Geosyntec Consultants, Inc. and Amendment No. 1 to the Professional Services Agreement with McGowan Consulting, Inc. for Administration of the Coordinated Integrated Monitoring Plan on Behalf of the Beach Cities Watershed Management Group, Extending These Professional Services for One Year (Public Works Director Lee). [23-0162](#)

**ADOPT RESOLUTION NOS. 23-0049 AND 23-0050**

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

**I. ITEMS REMOVED FROM THE CONSENT CALENDAR**

*None.*

## J. PUBLIC HEARINGS

12. Conduct Public Hearing and Consideration of a Resolution Adopting [23-0117](#)  
New Wastewater Rates and Charges Effective November 1, 2023,  
Through November 1, 2027, and All Protests to the Proposed  
Wastewater Rates (Public Works Director Lee).

(Estimated Time: 15 Mins.)

### A) CONDUCT PUBLIC HEARING

### B) ADOPT RESOLUTION NO. 23-0051

*Public Works Director Erick Lee introduced Senior Management Analyst Nicky Petroff who provided the PowerPoint presentation.*

*Mayor Montgomery opened the public hearing.*

*Seeing no requests to speak, Mayor Montgomery closed the public hearing.*

*City Attorney Quinn Barrow provided direction to the City Council regarding the proceedings.*

*City Clerk Liza Tamura announced that the City received 47 protests.*

**A motion was made by Councilmember Howorth, seconded by Councilmember Lesser, to adopt Resolution No. 23-0051, a resolution of the Manhattan Beach City Council Adopting Wastewater Rates and Charges. The motion carried by the following vote:**

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

**K. GENERAL BUSINESS**

13. Consideration of an Increase to Stormwater Assessments (Finance Director Charelian).

[23-0197](#)

(Estimated Time: 30 Mins.)

**APPROVE**

*Finance Director Steve Charelian introduced Financial Controller Julie Bondarchuk who provided the PowerPoint presentation.*

*Financial Controller Bondarchuk, Public Works Director Erick Lee, Finance Director Charelian, and Community Development Director Talyn Mirzakhian 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.*

**A motion was made by Mayor Montgomery, seconded by Councilmember Howorth, to authorize staff to proceed with obtaining an updated Engineer's Report and conducting a survey related to a potential increase in Stormwater assessments. The motion carried by the following vote:**

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

14. Consideration of a Resolution Appointing Patrick Griffin as Interim Information Technology Director and Approval of an Employment Agreement with Patrick Griffin (Acting Human Resources Director Swofford).

[23-0220](#)**ADOPT RESOLUTION NO. 23-0052**

*Acting Human Resources Director Stephanie Swofford 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.*

*Acting Human Resources Director Swofford and City Manager Bruce Moe provided further information and responded to City Council questions.*

**A motion was made by Councilmember Napolitano, seconded by Councilmember Howorth, to adopt Resolution No. 23-0052, a resolution of the Manhattan Beach City Council approving an employment agreement with Patrick Griffin to serve as Interim Information Technology Director. The motion carried by the following vote:**

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



*At 7:20 PM, the City Council recessed and reconvened at 7:31 PM with all City Councilmembers present.*

15. Presentation of the Proposed 5-Year Capital Improvement Program [23-0210](#)  
(Fiscal Years 2023-2024 Through 2027-2028) and Fiscal Year  
2023-2024 Proposed Operating Budget (Public Works Director Lee and  
Finance Director Charelian).  
(Estimated Time: 30 Mins.)

**DISCUSS AND PROVIDE DIRECTION**

*Public Works Director Erick Lee introduced City Engineer Katie Doherty.*

*City Manager Bruce Moe provided the direction that staff was seeking from the City Council regarding the item.*

*City Engineer Doherty 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 and City Attorney Quinn Barrow responded to City Council questions.*

*Finance Director Steve Charelian provided information regarding the proposed increase to the parking citation fee.*

*Mayor Montgomery re-opened the floor to public comments.*

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

**A motion was made by Councilmember Lesser, seconded by Councilmember Napolitano, to receive the report, cancel the Budget Study Session on May 23, 2023, and to deny the raise in parking citation fees. The motion carried by the following vote:**

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

**L. CITY COUNCIL REQUESTS AND REPORTS INCLUDING AB 1234 REPORTS**

- 16.** City Council AB 1234 Reports. [23-0219](#)  
**RECEIVE AND FILE**

*Councilmember Lesser reported that he attended the 2023 Water Issues Forum in El Segundo with the main takeaway being that water supply efficiency needs to be a way of life in California.*

*Mayor Pro Tem Franklin and Mayor Montgomery reported that they attended the Southern California Association of Governments (SCAG) conference in Palm Desert and presented an oral report regarding the conference.*

- 17.** Consider Request by Councilmember Howorth and Councilmember Lesser to Discuss Electric Bike (E-Bike) Safety (City Manager Moe). [23-0216](#)  
**DISCUSS AND PROVIDE DIRECTION**

*Councilmember Napolitano provided that he would be the third vote in order to have the item placed on a future agenda.*

*City Attorney Quinn Barrow responded to City Council questions.*

*Councilmember Howorth provided that she would like more information regarding the programs that other cities have and if there is anything else the City could be doing.*

*Councilmember Franklin provided that he would like to see an examination of increased enforcement.*

*Councilmember Lesser provided that he would like to know what the regulatory environment is in California as it relates to Ebikes, the ability for cities to require registration, and what is within the City's discretion.*

- 18.** Consider Request by Councilmember Lesser and Councilmember Napolitano to Discuss the Board of Building Appeals (City Manager Moe). [23-0217](#)  
**DISCUSS AND PROVIDE DIRECTION**

*Councilmember Lesser provided that he requested to agendize the item as he would like the City Council to provide the Board of Building Appeals with more substantive tasks.*

*Councilmember Napolitano concurred with Councilmember Lesser and requested that staff return with ideas to utilize the expertise of the Board of Building Appeals.*

*Mayor Montgomery provided that he would be the third vote in order to have the item placed on a future agenda.*

## M. FUTURE AGENDA ITEMS

*Mayor Montgomery provided that he would like to agendize a discussion regarding the outstanding loan with the Oceanographic Teaching Station Roundhouse Aquarium.  
Mayor Pro Tem Franklin concurred.*

*City Attorney Quinn Barrow responded to City Council questions.*

## N. CITY MANAGER REPORT

*City Manager Bruce Moe proposed cancelling the August 15, 2023 Regular City Council Meeting and responded to City Council questions.*

***The City Council approved the cancellation of the August 15, 2023 Regular City Council Meeting.***

*City Manager Moe announced that Information Technology Director Terry Hackelman would be leaving the City at the end of the month and provided a few comments regarding his career with the City.*

## O. CITY ATTORNEY REPORT

*None.*

## P. INFORMATIONAL ITEMS

19. Agenda Forecast (City Clerk Tamura). [23-0110](#)  
**INFORMATION ITEM ONLY**

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

20. Commission Minutes: [23-0018](#)  
This Item Contains Minutes of the following City Commissions and Subcommittee Meetings:  
a) Library Commission Meeting Minutes of February 13, 2023 (Parks and Recreation Director Leyman)  
b) Library Commission Meeting Minutes of March 13, 2023 (Parks and Recreation Director Leyman)  
b) Finance Subcommittee Action Meeting Minutes of April 20, 2023 (Finance Director Charelian).  
**INFORMATION ITEM ONLY**

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

**Q. CLOSED SESSION**

*At 8:01 PM, Mayor Montgomery announced that the City Council would be conducting a Closed Session.*

*City Attorney Quinn Barrow announced the following Closed Session:*

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

**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 8:01 PM, the City Council recessed into Closed Session.*

**III. RECONVENE INTO OPEN SESSION**

*At 8:25 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 labor negotiations with the Firefighters Association and that the City Council gave direction to its negotiators.*

## **R. ADJOURNMENT**

*At 8:25 PM, Mayor Montgomery adjourned the meeting and announced to the public that the next Regular City Council Meeting would take place on June 6, 2023, at 6:00 PM.*

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**Patricia Matson**  
**Recording Secretary**

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**Richard Montgomery**  
**Mayor**

## **ATTEST:**

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**Liza Tamura**  
**City Clerk**