

# City of Manhattan Beach

1400 Highland Avenue  
Manhattan Beach, CA 90266



## Meeting Minutes - Draft

Tuesday, October 17, 2023

5:00 PM

City Council Chambers and Zoom

## City Council Adjourned 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**

*Risk Manager Briza Morales 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. APPROVAL OF THE AGENDA**

**A motion was made by Councilmember Lesser, seconded by Mayor Pro Tem Franklin, to approve the agenda. The motion carried by the following vote:**

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

**Nay:** 0

**E. PUBLIC COMMENTS (3 MINUTES PER PERSON)**

*Mayor Montgomery announced that other cities had recently had their meetings disrupted by anti-Semitic or racially based comments through Zoom. Such comments are disruptive, interfere with the people's business and are not within the subject matter jurisdiction of the City Council. He instructed the City Clerk's Office to mute any speakers who attempt to disrupt the meeting with anti-Semitic or derogatory comments based upon race, gender, or other protected categories.*

*Mayor Montgomery opened the floor to public comments.*

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

**F. CLOSED SESSION**

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

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

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

**Name of Case: Alma Delia Hernandez v. City of Manhattan Beach  
Los Angeles Superior Court  
Case No: 20STCV10863**

**Name of Case: David Shenbaum and Timothy O'Brien V. City Of Manhattan Beach  
United States District Court Central District Of California,  
Western Division  
Case No: 2:22-cv-8062-SB (PDx)**

**Number of Cases: 2**

**b. 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 Police Officers Association  
Manhattan Beach Police Management Association  
Manhattan Beach Mid-Management Employee Association  
California Teamsters Local 911  
Unrepresented Full Time Employees**

**II. RECESS INTO CLOSED SESSION**

*At 5:02 PM, the City Council recessed into Closed Session.*

**III. RECONVENE INTO OPEN SESSION**

*At 6:00 PM, the City Council reconvened into Open Session with all City Councilmembers present.*

**IV. CLOSED SESSION ANNOUNCEMENT IN OPEN SESSION**

*City Attorney Quinn Barrow announced that the City Council went into Closed Session to discuss the items identified on the agenda and that by a 3-2 vote, with Councilmember Napolitano and Mayor Montgomery voting no, the City Council gave direction to special counsel regarding the Hernandez case. In addition, the City Council gave direction to its labor negotiators with respect to the items identified on the agenda.*

**G. ADJOURNMENT**

*At 6:02 PM, Mayor Montgomery adjourned the meeting.*

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

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**Richard Montgomery**  
**Mayor**

**ATTEST:**

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