

# City of Manhattan Beach

1400 Highland Avenue  
Manhattan Beach, CA 90266



## Meeting Minutes - Draft

Tuesday, August 1, 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**

*Maci and Caroline Franklin led the Pledge of Allegiance.*

**C. ROLL CALL**

*Roll Call by Assistant City Clerk Martha Alvarez.*

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

*Mayor Montgomery asked all veterans and current military members to stand to be recognized for their service.*

**D. CEREMONIAL CALENDAR**

*None.*

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

**A motion was made by Mayor Pro Tem Franklin, seconded by Councilmember Lesser, 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

**Nay:** 0

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

*Mayor Montgomery reminded the public that the August 15, 2023 City Council Meeting was cancelled.*

*Waste Management Recycling Coach Bobby Bell announced a free shredding event on August 12, 2023, at the Mira Costa High School student parking lot.*

*Library Manager Josh Murray announced Rudy's Radical Science Show for kids on August 2, 2023, at 4:00 PM; and an Anime Drawing Workshop for teens on August 8, 2023, at 3:00 PM.*

*Recreation Supervisor Archie Sherman announced the 60th Anniversary of the International Surf Festival from August 2-6, 2023; and the 67th Manhattan Beach Open Volleyball Tournament beginning on August 17, 2023.*

*Southern California Edison Government Relations Manager Diane Forte announced that they have been coordinating with the Public Works staff after finding some corrosion and will be inspecting covered conductors during the third week of August.*

*Mayor Pro Tem Franklin provided that he had comments regarding Agenda Item No. 6 but determined that he would wait to comment until the Consent Calendar.*

*Mayor Montgomery commented on the selection of the LA County West Vector Control Board appointee Wayne Powell and that he received messages from upset parties regarding his appointment to the board; that while there seems to be a lot of construction at the moment, the City is trying to complete it by the end of the summer; thanked staff for their work during the current Concerts in the Park series; and announced that the next Coffee with the Mayor event would take place on August 8, 2023, at Peet's Coffee in the Downtown Area and August 22, 2023, at Coffee Bean and Tea Leaf at the Manhattan Village Mall. 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:*

*Allen Pachtman  
Unknown Speaker*

*Councilmember Howorth, in response to a public comment, clarified that MB United is not affiliated with anti-hate signs.*

*Public comments continued with the following individual(s):*

*Jim Burton  
Heather Kim*

*Mayor Montgomery provided that Assistant to the City Manager George Gabriel is the City's homeless liaison and that resident's could reach out to him for further assistance.*

*Mayor Montgomery recognized the attendance of a group of Boy Scouts in the audience that were working on their Communications Badge.*

*Public comments continued with the following individual(s):*

*Karen Krouse*

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

1. Discuss Electric Bike (E-Bike) Safety Update (Continued from the July 18, 2023, City Council Meeting) (Police Chief Johnson).

[23-0312](#)

**(Estimated Time: 30 Mins.)**

**DISCUSS AND PROVIDE DIRECTION**

*Police Chief Rachel Johnson introduced Field Operations Captain Andrew Enriquez who provided the PowerPoint presentation.*

*Police Chief Johnson, City Attorney Quinn Barrow, and Field Operations Caption Enriquez responded to City Council questions.*

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

*Jim Burton  
Heather Kim*

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

*City Attorney Barrow responded to City Council questions.*

*A motion was made by Councilmember Lesser, seconded by Councilmember Howorth, to direct the City Attorney to update the Manhattan Beach Municipal Code and return to the City Council with new revisions that reflect the full extent of State law that the City can impose as a local jurisdiction to regulate electronic bikes; to provide information regarding the fees the City Council can adjust; to ensure that the updated code section includes some form of operation of an ebike with a duty of care, which is consistent with the City of Carlsbad's ordinance that provides greater authority to the police; information regarding what areas of the community can be restricted to ebikes and what types of bikes are allowed on the bike path; and more information on the extent that the City can increase enforcement.*

*City Attorney Barrow responded to City Council questions and provided that the item could return on September 5, 2023.*

A motion was made by Councilmember Lesser, seconded by Councilmember Howorth, to direct the City Attorney to update the Manhattan Beach Municipal Code and return to the City Council with new revisions that reflect the full extent of State law that the City can impose as a local jurisdiction to regulate electronic bikes; to provide information regarding the fees the City Council can adjust; to ensure that the updated code section includes some form of operation of an ebike with a duty of care, which is consistent with the City of Carlsbad's ordinance that provides greater authority to the police; information regarding what areas of the community can be restricted to ebikes, including sidewalks, the LA County Bike Path, the Strand, and the Greenbelt; and more information on the extent that the City can increase enforcement including an immediate plan. The motion carried by the following vote:

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

**Nay:** 0

**H. CONSENT CALENDAR (APPROVE)**

*Mayor Pro Tem Franklin commented on Agenda Item No. 6 and thanked staff for their work to come up with a solution to assist the community.*

*City Manager Bruce Moe and Community Development Director Talyn Mirzakharian responded to City Council questions.*

*Mayor Montgomery commented regarding Agenda Item No. 8 and applauded staff for finding buses that fit the City's needs.*

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

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

**Nay:** 0

**2. City Council Minutes:**

[23-0296](#)

This Item Contains Minutes of the Following City Council Meeting(s):

a) City Council Adjourned Regular Meeting Minutes of July 18, 2023

b) City Council Regular Meeting Minutes of July 18, 2023

(City Clerk Tamura).

**APPROVE**

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

3. Financial Reports: [23-0311](#)
- a) Schedule of Demands July 14, 2023, and July 21, 2023
  - b) Investment Portfolio for the Month Ending June 30, 2023
  - c) Preliminary Month End Report for June 30, 2023 (Acting Finance Director Bondarchuk).

**ACCEPT REPORTS AND DEMANDS**

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

4. Consideration in Designating a Voting Delegate and Alternate to the 2023 League of California Cities Annual Conference; Authorize the Delegate and Alternate Voting Authority on Proposed Resolution(s) Being Considered at the Conference (City Clerk Tamura). [23-0278](#)
- A) APPROVE VOTING DELEGATE AND ALTERNATE**  
**B) AUTHORIZE VOTING AUTHORITY**

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

5. Consideration of Awarding Bid No. 1309-23 to South Bay Ford for the Purchase of One Ford F-550 Truck Chassis for the Public Works Department in the Amount of \$84,287.80 and Appropriate \$115,000 from the Fleet Management Fund (Acting Finance Director Bondarchuk). [23-0308](#)
- A) APPROVE**  
**B) APPROPRIATE FUNDS**

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

6. Consideration of Community Development Department Staffing Levels and Authorization to Over-Hire by One Permit Technician (Community Development Director Mirzakhianian and Human Resources Director Jenkins). [23-0347](#)
- A) APPROVE**  
**B) APPROPRIATE FUNDS**

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

7. Consideration of a Resolution Approving a Ten-Year Agreement with Manhattan Beach Hometown Fair Association to Conduct the Manhattan Beach Hometown Fair (Parks and Recreation Director Leyman). [23-0299](#)
- ADOPT RESOLUTION NO. 23-0101**

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

8. Consideration of a Purchase of Two New England Frontrunner Buses from Davey Coach in the Amount of \$407,730.92 with 90% Grant Funds from Los Angeles County Metropolitan Transportation Authority for the Dial-a-Ride Program (Parks and Recreation Director Leyman). [23-0292](#)

**A) APPROPRIATE FUNDS**

**B) WAIVE FORMAL BIDDING DUE TO COOPERATIVE PURCHASING**

**C) AUTHORIZE PURCHASE**

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

9. Consideration of a Resolution for an Agreement with Beach Cities Health District for a \$150,000 Contribution Towards the Senior and Scout Community Center (Parks and Recreation Director Leyman). [23-0258](#)

**ADOPT RESOLUTION NO. 23-0102**

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

10. Consideration of a Resolution Approving a Use and Maintenance Agreement with Los Angeles County for the 28th Street Stormwater Infiltration Project and Determination Pursuant to Section 15061(b)(3) of the State California Environmental Quality Act (CEQA) Guidelines that This Activity is Not Subject to CEQA (Public Works Director Lee). [23-0226](#)

**ADOPT RESOLUTION NO. 23-0103**

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

11. Consideration of a Resolution Approving Amendment No. 1 to the Street Sweeping and Pressure Washing Services Agreement with Arakelian Enterprises, Inc., dba Athens Services, for Street Sweeping Services Only at a Cost Not-to-Exceed \$219,014 and Appropriating \$110,000 from Various Funds to Temporarily Insource Pressure Washing Services (Public Works Director Lee). [23-0246](#)

**A) ADOPT RESOLUTION NO. 23-0104**

**B) APPROPRIATE FUNDS**

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

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

*None.*

**J. PUBLIC HEARINGS**

*None.*



**K. GENERAL BUSINESS**

12. Consideration of a Resolution Awarding a Design Services Agreement to HMC Group for \$244,822 for the Professional Architectural and Aquatic Preliminary Design Services for Begg Pool Facility (Parks and Recreation Director Leyman). [23-0265](#)

*(Estimated Time: 45 Mins.)*

**APPROVE RESOLUTION NO. 23-0099**

*Parks and Recreation Director Mark Leyman introduced Senior Recreation Manager Melissa McCollum who provided the PowerPoint presentation.*

*Senior Recreation Manager McCollum, Managing Principal of HMC Group Brad Glassick, and City Manager 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.*

**A motion was made by Councilmember Howorth, seconded by Councilmember Lesser, to adopt Resolution No. 23-0099, a resolution of the Manhattan Beach City Council approving an agreement between the City of Manhattan Beach and HMC Group for professional architectural and aquatic preliminary design services for the Begg Pool Facility. The motion carried by the following vote:**

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

**Nay:** 0

*At 8:09 PM, the City Council recessed and reconvened at 8:22 PM with all City Councilmembers present.*

13. Consideration of a Request to Waive Repayment of the COVID-19 Loan Provided to the Oceanographic Teaching Station (OTS) Roundhouse Aquarium (Acting Finance Director Bondarchuk). [23-0283](#)  
*(Estimated Time: 10 Mins.)*

**DISCUSS AND PROVIDE DIRECTION**

*Acting Finance Director Julie Bondarchuk introduced Budget and Finance Analyst Marcelo Serrano who provided the staff presentation.*

*Acting Finance Director Bondarchuk, City Attorney Quinn Barrow, City Manager Bruce Moe, and Budget and Finance Analyst Serrano responded to City Council questions.*

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

*Jill Lamkin  
Grace Adams*

*Grace Adams responded to City Council questions.*

*Public comments continued with the following individual(s):*

*Jim Burton  
Heather Kim*

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

**A motion was made by Councilmember Howorth, seconded by Mayor Pro Tem Franklin, to approve the request to waive repayment of the COVID-19 loan provided to the Oceanographic Teaching Station (OTS) Roundhouse Aquarium in the amount of \$10,000.00. The motion carried by the following:**

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

**Nay:** 0

14. Consideration of the Cultural Arts Commission Recommendations for Utility Box Beautification Project Artwork Proposals and Locations, and Disbursement of \$38,400 from the Public Art Trust Fund (Parks and Recreation Director Leyman). [23-0261](#)  
(Estimated Time: 30 Mins.)  
**A) APPROVE ARTISTS AND LOCATIONS**  
**B) DISBURSE FUNDS**

*Parks and Recreation Director Mark Leyman introduced Cultural Arts Manager Eilen Stewart who provided the PowerPoint presentation and 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 Councilmember Napolitano, seconded by Mayor Montgomery, to approve the Cultural Arts Commission recommendations for Utility Box Beautification Project artwork proposals and locations, and disbursement of \$38,400 from the Public Art Trust Fund. The motion carried by the following vote:**

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

**Nay:** 0

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

15. City Council AB 1234 Reports. [23-0298](#)  
**RECEIVE AND FILE**

*Councilmember Napolitano and Mayor Montgomery both reported that they attended the Independent Cities Association Conference in San Diego where they were able to engage with District Attorney George Gascon again, attend sessions, and connect with other cities.*

*Mayor Montgomery reported that he went to Pickens, Mississippi for a ceremony regarding the 5 surplus police vehicles that the City previously donated to their town.*

16. Consider Request by Mayor Montgomery and Councilmember Howorth to [23-0323](#)  
Discuss Sending a Letter Requesting that Senator Ben Allen and  
Assemblymember Al Muratsuchi Sponsor Legislation Regulating  
Electronic Bike Use (City Manager Moe).

*(Estimated Time: 5 Mins.)*

**DISCUSS AND PROVIDE DIRECTION**

*Councilmember Howorth provided that she would like to send a letter asking for support for AB 530.*

*Mayor Montgomery asked that age restrictions, education, licensing, and the ability to impound at the first infraction be included in the letter if it is not already incorporated into AB530.*

*City Manager Bruce Moe provided that staff would draft the letter and send it out since there was a third vote supporting the request.*

*Councilmember Lesser provided that he would be the third vote of support.*

*City Manager Moe responded to City Council questions.*

***The City Council requested that staff create an e-notification for residents to receive in order to provide their support of AB530.***

**M. FUTURE AGENDA ITEMS**

*Councilmember Howorth requested to agendize a discussion regarding having the camellia be named as a second City flower.*

*City Attorney Quinn Barrow provided that the request would need a second in order to appear on a future agenda.*

*Councilmember Lesser concurred with the request.*

*Councilmember Howorth requested to agendize a report regarding the measures the City takes if there is a heat emergency.*

*City Manager Bruce Moe provided that the City has a Local Hazard Mitigation Plan and that the Emergency Services Coordinator could provide a presentation to the City Council at a future date.*

*Councilmember Lesser concurred with the request.*

*City Attorney Barrow provided that the request did not need to go through the three step process in order to agendize the presentation.*

*Mayor Pro Tem Franklin requested to agendize a discussion regarding the Police Department's measures to combat organized retail theft and how they are assisting retailers.*

*Police Chief Rachel Johnson responded to City Council questions.*

*Mayor Pro Tem Franklin withdrew his request.*

**N. CITY MANAGER REPORT**

*None.*

**O. CITY ATTORNEY REPORT**

*None.*

**P. INFORMATIONAL ITEMS**

17. Agenda Forecast (City Clerk Tamura).  
**INFORMATION ITEM ONLY**

[23-0297](#)

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

18. Commission Minutes: [23-0322](#)

This Item Contains Minutes of the following City Commission Meetings:

- a) Cultural Arts Commission Meeting Minutes of April 17, 2023  
(Cancelled)
- b) Cultural Arts Commission Meeting Minutes of June 19, 2023
- c) Parks and Recreation Commission Meeting Minutes of June 26, 2023  
(Parks and Recreation Director Leyman).

**INFORMATION ITEM ONLY**

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

**Q. CLOSED SESSION**

*None.*

**R. ADJOURNMENT**

*At 9:23 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**