

City of Manhattan Beach

1400 Highland Avenue
Manhattan Beach, CA 90266



Meeting Minutes - Draft

Tuesday, March 21, 2023

6:00 PM

Reorganization
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 Napolitano called the meeting to order.

B. PLEDGE TO THE FLAG

City Treasurer Tim Lilligren led the Pledge of Allegiance.

C. ROLL CALL

Roll Call by City Clerk Liza Tamura.

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

Mayor Napolitano acknowledged former Manhattan Beach Mayors in attendance:

*Hildy Stern
Russ Lesser
Tim Lilligren
Bob Holmes
Wayne Powell
Mitch Ward
Linda Wilson*

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

A motion was made by Councilmember Lesser, seconded by Councilmember Howorth, to approve the agenda and waive full reading of ordinances. The motion carried by the following vote:

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

E. REORGANIZATION

1. City Council Reorganization:

[23-0123](#)

- a) Recognition of Outgoing Mayor Napolitano
- b) Selection of Mayor
- c) Selection of Mayor Pro Tem
(City Clerk Tamura).

APPROVE

Mayor Pro Tem Montgomery, Councilmember Franklin, Councilmember Howorth, and Councilmember Lesser recognized outgoing Mayor Napolitano for his service during his tenure as the Mayor of Manhattan Beach.

The following agencies presented certificates:

*Jessalyn Waldron on behalf of Supervisor Holly Mitchell's Office
Vanessa Poster, President of the Board of the Beach Cities Health District
Hermosa Beach Councilmember's Dean Francois and Rob Saemann
Nicole Jones on behalf of State Controller Malia Cohen's Office*

Mayor Napolitano announced that the following agencies sent in certificates:

*City of Rancho Palos Verdes
City of Rolling Hills
District Attorney George Gascon's Office
The US Senate
Congressman Ted Lieu's Office*

Outgoing Mayor Napolitano provided comments regarding his term as Mayor and thanked his family, colleagues, and staff.

A motion was made by Mayor Napolitano, seconded by Councilmember Lesser, to nominate Mayor Pro Tem Montgomery as Mayor. The motion carried by the following vote:

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

Mayor Montgomery provided comments regarding his upcoming term as Mayor.

A motion was made by Councilmember Napolitano, seconded by Councilmember Lesser, to nominate Councilmember Franklin as Mayor Pro Tem. The motion carried by the following vote:

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

Mayor Pro Tem Franklin provided comments regarding his upcoming term as Mayor Pro Tem.

F. RECESS AND RECONVENE

At 6:43 PM, the City Council recessed and reconvened at 7:01 PM with all City Councilmembers present.

G. RECESS CITY COUNCIL MEETING TO A MEETING OF THE MANHATTAN BEACH CAPITAL IMPROVEMENTS CORPORATION

At 7:01 PM, the City Council recessed to the Capital Improvements Corporation Board Meeting.

I. CALL MEETING TO ORDER

At 7:01 PM, the Capital Improvements Board Meeting was called to order.

II. ROLL CALL

Roll call led by Secretary Liza Tamura.

Present: 5 - President Napolitano, Vice President Montgomery, Boardmember Franklin, Boardmember Howorth and Boardmember Lesser

III. PUBLIC COMMENT ON CAPITAL IMPROVEMENT CORPORATION

Vice President Montgomery opened the floor to public comments.

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

IV. GENERAL BUSINESS

- 2. Reorganization of the Manhattan Beach Capital Improvements Corporation (CFO Charelian).

[CIC-13](#)

ELECT A NEW PRESIDENT AND VICE PRESIDENT

A motion was made by Boardmember Lesser, seconded by Boardmember Franklin, to appoint Vice President Montgomery as the new President. The motion carried by the following vote:

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

A motion was made by Boardmember Howorth, seconded by President Montgomery, to appoint Boardmember Franklin as the new Vice President. The motion carried by the following vote:

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

H. ADJOURN THE MANHATTAN BEACH CAPITAL IMPROVEMENTS CORPORATIONS AND RECONVENE CITY COUNCIL MEETING

At 7:03 PM, President Montgomery adjourned the Capital Improvements Corporation Meeting and reconvened the Regular City Council Meeting, with all City Councilmembers present.

I. CEREMONIAL CALENDAR

None.

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

Taylor Ryan, member of the Leadership Manhattan Beach Class of 2023, along with her fellow classmates Tiffany Barbara and Carol Patterson, announced the class project that would assist in building a pantry at the Richstone Family Center as part of the Single Mom's Nutrition Pantry Project.

Library Manager Josh Murray announced an event for Teens Create Month on March 22, 2023, from 4:00 PM - 5:00 PM, and a Book Club event on April 3, 2023, from 6:30 PM - 7:30 PM.

President and CEO of the Chamber of Commerce David Archer thanked all of those involved with assisting with the State of the City event that occurred last week.

Mayor Pro Tem Franklin announced that he was the holder of a Mayor for the Day certificate that he won from a silent auction.

K. PUBLIC COMMENTS (3 MINUTES PER PERSON)

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

*Tiffany Barbara
Jim Burton
Madeline Kaplan
Wayne Powell
Heather Kim
James Franklin*

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

L. CONSENT CALENDAR (APPROVE)

A motion was made by Councilmember Howorth, seconded by Mayor Pro Tem Franklin, to approve the Consent Calendar.

City Attorney Quinn Barrow read the title of Ordinance No. 23-0007 into the record:

AN ORDINANCE OF THE CITY OF MANHATTAN BEACH AMENDING SECTION 8.20.020 OF THE MANHATTAN BEACH MUNICIPAL CODE TO INCREASE THE RATE OF THE CITY'S TRANSIENT OCCUPANCY TAX TO 14% IN ACCORDANCE WITH MEASURE A, ADOPTED BY THE MANHATTAN BEACH ELECTORATE IN 2019

The motion carried by the following vote:

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

3. City Council Minutes: [23-0125](#)

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

a) City Council Adjourned Regular Meeting Minutes of March 6, 2023

b) City Council Regular Meeting Minutes of March 7, 2023

(City Clerk Tamura).

APPROVE

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

4. Financial Reports: [23-0083](#)

a) Schedule of Demands February 17, 2023, and February 24, 2023

b) Investment Portfolio for the Month Ending January 31, 2023

c) Month End Report for January 31, 2023

(Finance Director Charelian).

ACCEPT REPORTS AND DEMANDS

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

5. Consideration of a Resignation from Los Angeles County West Vector [23-0145](#)

Control Board Trustee Dupree; Declare Vacant Los Angeles County

West Vector Control Board Trustee Member-At-Large Seat (Dupree);

and Defer Appointment Until the Annual Boards and Commissions

Interview and Appointment Process (City Clerk Tamura).

A) ACCEPT RESIGNATION

B) DECLARE VACANCY

C) DEFER APPOINTMENT

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

6. Consideration of Introducing an Ordinance Amending Section 8.20.020 of the Manhattan Beach Municipal Code to Increase the Rate of the City's Transient Occupancy Tax to 14% in Accordance with Measure A (Finance Director Charelian). [23-0137](#)

INTRODUCE ORDINANCE NO. 23-0007

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

7. Second Reading and Adoption of Ordinance No. 23-0006 Amending: [23-0133](#)
- a) the Zoning Text in Title 10, Part III of the Manhattan Beach Municipal Code and
 - b) the Zoning Map, to Create a Residential Overlay Zoning District for Certain Commercial Properties (Acting Community Development Director Mirzakhonian).

ADOPT ORDINANCE NO. 23-0006

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

8. Consideration of Accepting as Complete Work Performed by Bon Air Incorporated Regarding the City Hall HVAC Improvements Project (Public Works Director Lee). [23-0011](#)

ACCEPT AND AUTHORIZE

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

M. ITEMS REMOVED FROM THE CONSENT CALENDAR

None.

N. PUBLIC HEARINGS

None.

O. GENERAL BUSINESS

9. Consideration of Resolutions to Initiate the Proposition 218 Process to Consider Increasing Wastewater Rate Fees and Adopt Procedures in Connection with Proposed Wastewater Fee Increases (Public Works Director Lee). [23-0035](#)

ADOPT RESOLUTION NOS. 23-0029 AND 23-0030

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

Public Works Director Erick Lee responded to City Council questions.

A motion was made by Councilmember Howorth, seconded by Mayor Pro Tem Franklin, to adopt the following:

Resolution No. 23-0029, a resolution of the Manhattan Beach City Council adopting procedures in connection with proposed wastewater rate fee increases.

Resolution No. 23-0030, a resolution of the Manhattan Beach City Council initiating proceedings to consider proposed wastewater rate increases and setting a date and time for a Public Hearing to consider protests thereto.

The motion carried by the following vote:

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

10. Consideration of a Resolution Amending the City Manager's Employment Agreement to Extend the Term to February 5, 2027, and Increase Yearly Base Salary to \$308,165.04 (City Attorney Barrow). [23-0130](#)

ADOPT RESOLUTION NO. 23-0031, APPROVING AMENDMENT NO. 3 TO CITY MANAGER EMPLOYMENT AGREEMENT

City Attorney Quinn Barrow provided a brief presentation regarding the item.

Mayor Montgomery provided the term of the agreement as well as the compensation.

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.

A motion was made by Councilmember Napolitano, seconded by Councilmember Howorth, to adopt Resolution No. 23-0031, a resolution of the Manhattan Beach City Council approving Amendment No. 3 to the City Manager's Employment Agreement to extend the term for an additional three years and increase his monthly salary to \$25,680.42. The motion carried by the following vote:

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

City Manager Moe thanked the City Council for their comments.

P. CITY COUNCIL REQUESTS AND REPORTS INCLUDING AB 1234 REPORTS

None.

Q. FUTURE AGENDA ITEMS

Councilmember Lesser requested to agendize a discussion regarding an apology related to Bruce's Beach including the previously submitted resolution of apology by Councilmember Napolitano. Councilmember Howorth seconded the request.

City Attorney Quinn Barrow responded to City Council questions and provided that the previously submitted resolution could be placed on the next agenda.

R. CITY MANAGER REPORT

City Manager Moe thanked Councilmember Napolitano for his term as Mayor and congratulated Mayor Montgomery and Mayor Pro Tem Franklin.

S. CITY ATTORNEY REPORT

City Attorney Quinn Barrow congratulated Mayor Montgomery and Mayor Pro Tem Franklin.

T. INFORMATIONAL ITEMS

11. Agenda Forecast (City Clerk Tamura). [23-0126](#)
INFORMATION ITEM ONLY

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

U. CLOSED SESSION

None.

V. ADJOURNMENT

At 7:53 PM, Mayor Montgomery adjourned the meeting to April 4, 2023 at 5:00 PM.

Patricia Matson
Recording Secretary

Richard Montgomery
Mayor

ATTEST:

Liza Tamura
City Clerk