

# City of Manhattan Beach

1400 Highland Avenue  
Manhattan Beach, CA 90266



## Meeting Minutes - Draft

Tuesday, June 20, 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**

*Cub Scout Laird Campbell 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 Commendation Recognizing Police [23-0243](#)  
Detective Seth Hartnell as the 2022 Police Officer of the Year and Fire  
Captain/Paramedic James Falls as the 2022 Firefighter of the Year.  
**PRESENT**

*On behalf of the City Council, Mayor Montgomery, with the aid of Police Chief Rachel Johnson and Fire Chief Michael Lang, presented the following Certificates of Commendation to:*

*Police Detective Seth Hartnell as the 2022 Police Officer of the Year  
Fire Captain/Paramedic James Falls as the 2022 Firefighter of the Year*

2. Presentation of Certificates of Recognition to the Pacifica District  
Pinewood Derby Championship Winners: Laird Campbell, Grayson King,  
and Oliver Terrell.

[23-0244](#)

**PRESENT**

*On behalf of the City Council, Mayor Montgomery presented Certificates of Recognition to the Pacifica District Pinewood Derby Championship Winners: Laird Campbell, Grayson King, and Oliver Terrell.*

**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 Nos. 11 and 12 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)**

*Library Manager Josh Murray announced "The Science of Bath Fizzies" on June 27, 2023, from 3:00 PM - 4:00 PM; and "Ina the Sunshine Storyteller" on June 28, 2023, from 10:15 AM - 10:45 AM.*

*Manhattan Beach Community Emergency Response Team Boardmember Wayne Powell announced their life saving CPR classes on August 6, 2023, October 12, 2023, and December 2, 2023. Interested parties should visit [mbcerta.org](http://mbcerta.org).*

*Cultural Arts Manager Eilen Stewart announced the current exhibition "Swell" at the Manhattan Beach Art Center, which will be closing on July 2, 2023; and the start of the Concerts in the Park series including the Salute to the Troops on July 2, 2023.*

*A Waste Management representative announced a shred event at the Mira Costa High School parking lot on June 24, 2023, from 9:00 AM - 11:00 AM .*

*Acting Communications and Civic Engagement Manager Alexandria Latragna announced the Donation Ceremony on June 21, 2023, at 11:00 AM, to celebrate the partnership and donation of five decommissioned police vehicles to the town of Pickens, Mississippi.*

*Manhattan Beach Historical Society Member Kristin Long Drew announced their General Membership Meeting on June 24, 2023, at 11:00 AM at the Little Red Cottage in Polliwog Park, where they will have a special presentation regarding the history of the Catalina Classic.*

*CEO and President of the Manhattan Beach Chamber of Commerce David Archer announced a ribbon cutting for Salt and Straw on June 21, 2023, at 4:45 PM, and a mixer at 5:30 PM at Sand Bar 66 immediately following the event.*

*Councilmember Howorth reminded the public to be aware of kids out on the streets now that school is out. She also thanked the Police Department for keeping the public safe during all of the graduation ceremonies.*

*Mayor Pro Tem Franklin asked the public to compliment the children riding their e-bikes safely.*

*Mayor Montgomery announced that his next Coffee With the Mayor event would take place on June 27, 2023, at the Coffee Bean and Tea Leaf at the Manhattan Village Mall and July 11, 2023, at Peet's Coffee in the Downtown Area; encouraged any interested residents to sign-up to receive a ceremonial Baby Passport at an upcoming City Council meeting; and asked that all Veterans in the audience stand up to be recognized for their service.*

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

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

*Julie Profet  
Jerrianne Rousseau  
Dave Jones*

*Public Works Director Lee provided an update regarding the Cycle 2 Street Resurfacing Project and the swale mentioned in Mr. Jones public comment.*

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

*Louis Pastor  
Ray Joseph  
Scott  
Cheryl  
Ruth Davies  
Heather Kim*

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

*Mayor Montgomery stated that Polliwog Park was not on the agenda for the evening and provided information in order to help clarify the public comments made regarding a library at Polliwog Park.*

3. Update on the City's Efforts on State Misdemeanor Prosecution and Homeless Court Services (City Manager Moe).

[23-0263](#)

(Estimated Time: 30 Mins.)

**A) RECEIVE REPORT**

**B) DISCUSS AND PROVIDE DIRECTION**

*City Manager Bruce Moe introduced Assistant to the City Manager George Gabriel who provided the staff presentation.*

*Councilmember Lesser and Mayor Pro Tem Franklin provided that they attended a meeting held by District Attorney Gascon and his senior staff.*

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

*Rita Crabtree-Kampe*

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

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

*A motion was made by Councilmember Lesser to explore the City's options to prosecute misdemeanors under City ordinances; to explore reestablishing the City's own prosecution; and simultaneously pursue conversations with the District Attorney's Office to follow up with the City's concerns.*

*Assistant to the City Manager Gabriel and City Manager Moe responded to City Council questions.*

**A motion was made by Councilmember Lesser, seconded by Mayor Pro Tem Franklin, to explore the City's options to prosecute misdemeanors under City ordinances; to explore reestablishing the City's own prosecution; and to have staff simultaneously pursue conversations with the District Attorney's Office to follow up with the City's concerns. The motion carried by the following vote:**

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

**H. CONSENT CALENDAR (APPROVE)**

*Mayor Pro Tem Franklin provided comments regarding the Memorandum of Understanding under Agenda Item No. 7 and recognized those that were involved in its completion.*

**A motion was made by Councilmember Howorth, seconded by Councilmember Lesser, to approve the Consent Calendar with Agenda Item Nos. 11 and 12 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

**4. City Council Minutes: [23-0238](#)**

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

- a) City Council Special Meeting Minutes of June 6, 2023
- b) City Council Regular Meeting Minutes of June 6, 2023  
(City Clerk Tamura).

**APPROVE**

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

**5. Financial Reports: [23-0202](#)**

Schedule of Demands May 12, 2023, May 19, 2023, and May 26, 2023  
(Finance Director Charelian).

**ACCEPT REPORTS AND DEMANDS**

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

**6. Consideration of a Resolution Declaring Intention to Provide for Annual Levy and Collection of Assessments for the Downtown Business [23-0187](#)**

Improvement District and Setting a Public Hearing for July 18, 2023  
(Finance Director Charelian).

**A) ADOPT RESOLUTION NO. 23-0069****B) SCHEDULE PUBLIC HEARING DATE TO CONSIDER ASSESSMENTS ON JULY 18, 2023**

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

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7. Consideration of a Resolution Approving a Memorandum of Understanding Between the City of Manhattan Beach and the Manhattan Beach Firefighters' Association (Acting Human Resources Director Swofford). [23-0268](#)  
**ADOPT RESOLUTION NO.23-0076**  
The recommendation for this item was approved on the Consent Calendar.
8. Consideration of a Resolution Approving Amendment No. 3 to the Professional Services Agreement with Hanson Bridgett, LLP to Conduct Independent Investigations of Confidential Matters at a Cost Not-to-Exceed \$345,000 (Acting Human Resources Director Swofford). [23-0251](#)  
**ADOPT RESOLUTION NO. 23-0075**  
The recommendation for this item was approved on the Consent Calendar.
9. Consideration of a Resolution Amending Findings Related to California Building Standards Code Adoption of Appendices F and N of the 2022 California Building Code and Appendices AJ and AK of the 2022 California Residential Code (Community Development Director Mirzakhaniyan). [23-0240](#)  
**ADOPT RESOLUTION NO. 23-0077**  
The recommendation for this item was approved on the Consent Calendar.
10. Consideration of the Annual Water Supply and Demand Assessment Pursuant to Water Code Section 10635 (Public Works Director Lee). [23-0225](#)  
**RECEIVE AND FILE ASSESSMENT**  
The recommendation for this item was approved on the Consent Calendar.
11. Consideration of the Velzy Plaque Proposed by the South Bay Boardriders Club at 117 Manhattan Beach Boulevard (Parks and Recreation Director Leyman). [23-0213](#)  
**APPROVE**  
This item was removed from the Consent Calendar and heard under Section I - Items Removed from the Consent Calendar.
12. Consideration of Approving a Purchase Order to South Bay Foundry, Inc. for Tree Grates for the Downtown Manhattan Beach and North Manhattan Beach Business Improvement Districts in the Amount of \$195,911.92. (Public Works Director Lee). [23-0160](#)  
**APPROVE**  
This item was removed from the Consent Calendar and heard under Section I - Items Removed from the Consent Calendar.



13. Consideration of a Resolution Approving Amendment No. 6 to the Maintenance Services Agreement with Merchants Landscaping Which Adds \$80,000 for Beautification and Deferred Maintenance Work in the Downtown and North Manhattan Beach Business Improvement Districts and Extends the Agreement Term for One Year (Public Works Director Lee). [23-0121](#)
- ADOPT RESOLUTION NO. 23-0062**

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

14. Consideration of a Resolution Approving a Three-Year Maintenance Services Agreement with McKendry Door Sales, Inc. for Commercial Door Maintenance Services in an Amount Not-to-Exceed \$450,000 (Public Works Director Lee). [23-0063](#)
- ADOPT RESOLUTION NO. 23-0058**

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

15. Consideration of a Resolution Approving a \$100,000 Measure R and \$740,000 Measure M Funding Agreement with the Los Angeles County Metropolitan Transportation Authority for the Manhattan Beach Boulevard and Peck Avenue Traffic Signal Improvement Project which Qualifies for a Categorical Exemption Pursuant to Section 15301 (Class 1) of the California Environmental Quality Act (CEQA) Guidelines; and Approving an Adjustment of \$840,000 in the Measure R Fund (Public Works Director Lee). [23-0249](#)
- A) ADOPT RESOLUTION NO. 23-0079**  
**B) APPROVE ADJUSTMENT**

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

16. Formally Accept as Complete the Sepulveda Bridge Widening Project; Authorize Filing a Notice of Completion with the County Recorder; and Release Contractor's Escrow Account Funds (Public Works Director Lee). [23-0027](#)
- A) ACCEPT**  
**B) APPROVE**

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

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

11. Consideration of the Velzy Plaque Proposed by the South Bay Boardriders Club at 117 Manhattan Beach Boulevard (Parks and Recreation Director Leyman).

[23-0213](#)

**APPROVE**

*Councilmember Napolitano provided that he pulled the item because he wanted the public to be able to provide comment and that there was language in the plaque that he wanted to review.*

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

*Kristin Long Drew  
Tom Horton  
Gary McAulay  
Jacquelyn May*

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

*Parks and Recreation Director Leyman clarified the plaque language suggested by the City Council.*

**A motion was made by Councilmember Howorth, seconded by Councilmember Napolitano, to approve the plaque with the following language: Dale "Hawk" Velzy opened one of the world's first known surfboard shops at this site in the early 1950s. The motion carried by the following vote:**

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

12. Consideration of Approving a Purchase Order to South Bay Foundry, Inc. for Tree Grates for the Downtown Manhattan Beach and North Manhattan Beach Business Improvement Districts in the Amount of \$195,911.92. (Public Works Director Lee). [23-0160](#)

**APPROVE**

*Councilmember Napolitano provided that he pulled the item to discuss the design of the tree grates.*

*Public Works Director Erick Lee introduced Field Operations Manager Sean Roberts who 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.*

*Public Works Director Lee responded to City Council questions.*

*Mayor Montgomery reopened public comment.*

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

**A motion was made by Mayor Pro Tem Franklin, seconded by Mayor Montgomery, to approve a Purchase Order to South Bay Foundry, Inc. for tree grates for the Downtown Manhattan Beach and North Manhattan Beach Business Improvement Districts in the amount of \$195,911.92. The motion carried by the following vote:**

**Aye:** 4 - Montgomery, Franklin, Howorth and Lesser

**Nay:** 1 - Napolitano

*At 8:01 PM, the City Council recessed and reconvened at 8:13 PM with all City Councilmembers present.*

**J. PUBLIC HEARINGS**

17. Conduct Public Hearing and Consideration of Resolutions Approving: A Coastal Development Permit and Temporary Use Permit for the 2023-2025 Manhattan Beach Open Volleyball Tournaments; a Request from the Association of Beach Volleyball Professionals, LLC DBA AVP for a Special Permit for Alcoholic Beverage Use on Public Property; an Agreement with the Association of Beach Volleyball Professionals, LLC DBA AVP to Operate the Manhattan Beach Open for 2023-2025; and Adoption of a Determination of Exemption Pursuant to the California Environmental Quality Act (CEQA) (Parks and Recreation Director Leyman).

[23-0229](#)

(Estimated Time: 30 Mins.)

- A) CONDUCT PUBLIC HEARING
- B) ADOPT RESOLUTION NO. 23-0063 APPROVING COASTAL DEVELOPMENT PERMIT AND TEMPORARY USE PERMIT
- C) APPROVE A SPECIAL PERMIT FOR ALCOHOLIC BEVERAGE USE
- D) ADOPT RESOLUTION NO. 23-0064 APPROVING AN AGREEMENT WITH AVP
- E) ADOPT A DETERMINATION OF EXEMPTION PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

*Parks and Recreation Director Mark Leyman introduced Senior Recreation Supervisor Archie Sherman who provided the staff presentation and responded to City Council questions.*

*CEO of the AVP Al Lau and Senior Recreation Supervisor Sherman 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 Attorney Quinn Barrow clarified the details of the proposed motion.*

**A motion was made by Councilmember Napolitano, seconded by Mayor Pro Tem Franklin, to approve staff report recommendations B-E as follows:**

**B) Adopt Resolution No. 23-0063 - A resolution of the Manhattan Beach City Council approving a Coastal Development Permit and Temporary Use Permit for the 2023, 2024, and 2025 Manhattan Beach Open on property located at the South Side of the Manhattan Beach Pier, and adjacent parking lots and adopting a determination of exemption under the California Environmental Quality Act;**

**C) Approve a special permit for alcoholic beverage use;**

**D) Adopt Resolution No. 23-0064 - A resolution of the Manhattan Beach City**

Council approving an agreement between Manhattan Beach and Association of Volleyball Professionals, LLC, a Limited Liability Company DBA AVP to host the Manhattan Beach Open Volleyball Tournament; and

E) Adopt a determination of exemption pursuant to the California Environmental Quality Act (CEQA)

The City Council also directed staff to research the feasibility of placing a jumbotron at Polliwog Park during the tournament. The motion carried by the following vote:

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

18. Conduct Public Hearing and Consideration of a Resolution Providing for Annual Levy and Collection of Street Lighting and Landscaping District Maintenance Assessments for Fiscal Year 2023-2024 (Finance Director Charelian). [23-0087](#)

*(Estimated Time: 15 Min.)*

**A) CONDUCT PUBLIC HEARING**

**B) ADOPT RESOLUTION NO. 23-0080 PROVIDING FOR ANNUAL LEVY AND COLLECTION OF FISCAL YEAR 2023-2024 MAINTENANCE ASSESSMENTS**

*Finance Director Steve Charelian introduced Financial Services Manager Libby Bretthauer who provided the staff presentation.*

*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 Lesser, seconded by Councilmember Howorth, to adopt Resolution No. 23-0080, a resolution of the Manhattan Beach City Council confirming a diagram and assessment for the 2023-2024 Fiscal Year, and ordering the improvements in connection with Manhattan Beach Landscaping and Street Lighting Maintenance District No. 99 pursuant to the provisions of Part 2 of Division 15 of the Streets and Highways Code. The motion carried by the following vote:**

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

**K. GENERAL BUSINESS**

19. Consideration of the Following Actions Related to the Marine Field Turf Replacement Project: [23-0115](#)
- a) Funding Options in the Amount of \$400,000 for Turf Replacement; and
  - b) Field Use Side Letters Between the City and Various User Groups (Parks and Recreation Director Leyman).

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

**DISCUSS AND PROVIDE DIRECTION**

*Councilmember Lesser announced that he would recuse himself from participating in the item as his wife serves on the Vistamar School Board.*

*At 8:32 PM, Councilmember Lesser left the dais.*

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

*Senior Recreation Manager McCollum and Senior Recreation Supervisor Archie Sherman 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 Attorney Quinn Barrow clarified the motion.*

**A motion was made by Councilmember Howorth, seconded by Mayor Pro Tem Franklin, to approve Option #1 as identified in the staff report which includes the allocation of \$400,000.00 of available funding through the Los Angeles County Regional Parks and Open Spaces (RPOSD) Measure A grant program for the Marine Field Turf Replacement Project. The motion carried by the following vote:**

**Aye:** 4 - Montgomery, Franklin, Howorth and Napolitano

**Abstain:** 1 - Lesser

*At 8:45 PM, Councilmember Lesser returned to the dais.*

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

20. City Council AB 1234 Reports. [23-0248](#)  
**RECEIVE AND FILE**

*Mayor Pro Tem Franklin and Councilmember Lesser confirmed that they attended the meeting with the District Attorney's Office as previously reported under Agenda Item No. 3.*

*Councilmember Howorth stated that she went to the Mira Costa High School and Manhattan Beach Middle School graduations.*

*Mayor Montgomery congratulated the Manhattan Beach Education Foundation on the success of their wine auction.*

21. Consider Request by Mayor Montgomery and Mayor Pro Tem Franklin to Discuss Revisiting the Appointment to the Los Angeles County West Vector Control Board (City Manager Moe). [23-0262](#)  
*(Estimated Time: 10 Mins.)*  
**DISCUSS AND PROVIDE DIRECTION**

*City Manager Bruce Moe provided that the City Council would be looking for a third vote to move the item forward.*

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

*Mayor Montgomery explained why he was seeking a third vote for the item.*

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

***There was no third vote from the City Council to place the item on a future agenda.***

**M. FUTURE AGENDA ITEMS**

*Mayor Pro Tem Franklin requested to agendize a discussion regarding the size of the logo on the Police vehicles. Councilmember Lesser concurred.*

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

*Councilmember Lesser requested to agendize a discussion regarding trademarking the City's pier. Councilmember Howorth concurred.*

**N. CITY MANAGER REPORT**

*None.*

**O. CITY ATTORNEY REPORT**

*None.*

**P. INFORMATIONAL ITEMS**

- 22.** Agenda Forecast (City Clerk Tamura). [23-0242](#)  
**INFORMATION ITEM ONLY**

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

- 23.** Commission Minutes: [23-0252](#)

This Item Contains Minutes of the following City Commission Meetings:

- a) Parking and Public Improvements Commission Meeting Minutes of January 26, 2023 (Cancelled) (Community Development Director Mirzakhonian)
- b) Parking and Public Improvements Commission Meeting Minutes of February 23, 2023 (Community Development Director Mirzakhonian)
- c) Parking and Public Improvements Commission Meeting Minutes of March 23, 2023 (Community Development Director Mirzakhonian)
- d) Library Commission Meeting Minutes of April 10, 2023 (Parks and Recreation Director Leyman)
- e) Parking and Public Improvements Commission Meeting Minutes of April 27, 2023 (Community Development Director Mirzakhonian)
- f) Library Commission Meeting Minutes of May 8, 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 8:52 PM, Mayor Montgomery adjourned the meeting to the 5:00 PM Adjourned Regular Meeting on Wednesday, July 5, 2023, and announced that the Regular Meeting would follow 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**