

City of Manhattan Beach
City Council
Special Meeting

Tuesday, January 9, 2024 5:00PM

Mayor Montgomery: Welcome everyone to the City Council Special Meeting for Tuesday, January 9, 2024, 5:00 PM. Call the Meeting to Order. And we're gonna Pledge to the Flag. We're gonna ask Michael Jenkins since he's here. Michael Jenkins, please lead us in the Pledge to the Flag.

Michael Jenkins: Please place your hand over your heart. Join in saluting the flag.

All: I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one Nation under God, indivisible, with liberty and justice for all.

Mayor Montgomery: Thank you, Mr. Jenkins. Remind me to give you a City pin when we're all done. Roll Call please Liza.

City Clerk Tamura: Councilmember Howorth

Councilmember Howorth: Here

City Clerk Tamura: Councilmember Lesser

Councilmember Lesser: Here

City Clerk Tamura: Councilmember Napolitano

Councilmember Napolitano: Here

City Clerk Tamura: Mayor Pro Tem Franklin.

Mayor Pro Tem Franklin: Here.

City Clerk Tamura: Mayor Montgomery

Mayor Montgomery: I am here as well. Item A, approve the agenda. Colleagues who wants to approve the agenda? I see a motion by Councilmember Lesser. Second Councilmember Howorth. Roll Call Vote please.

City Clerk Tamura: Motion passes. 5 - 0.

Mayor Montgomery: Fantastic. Next up Item E, Public Comments. Three minutes per person, per item.

Michael Jenkins: Good Afternoon Council. You have on your Closed Session agenda this afternoon, the City of Whittier et al case, the City litigation involving Zero Cash Bail and I am sure you are aware that the Judge handling that case sustained the demur filed by the Superior Court. Finding that the case has no merit. For the reasons I raised in my email to all of you, back in November. The Judge in his ruling expressed skepticism that the plaintiff Cities could possibly amend the complaint to make it meritorious. So bottom line, this case is a loser. And remaining in this case, we're supporting prearrangement detention based solely on an arrestee's ability to pay. That's it. Their ability to pay. Not on their potential for recidivism, not for danger to the public, not for danger to potential victims or witnesses. Just on ability to pay. It's just not constitutional. It's not really, doesn't advance public safety. It makes no sense. And it makes no sense for us to be in this case. The court and the sheriff, thus study, the study indicates that the change to Zero Cash Bail, has had no, has not, excuse me, compromised public safety at all. So basically, this case is not really going anywhere and it's not really going to accomplish anything meaningful. So what I propose is that you direct the City Attorney to withdraw from the litigation and that instead of paying the lawyers that are handling this litigation, not the City Attorney, but the other lawyers who are handling this litigation that you take the balance of the \$10,000 that you budgeted for this case and you give it to the Chief. And you actually let her do something with the money that will actually combat crime in Manhattan Beach, rather than, you know, taking a position that you know just, I think, puts us in a bad light. So I thank you for the opportunity to comment and hope that you'll do that. Thanks.

Mayor Montgomery: Thank you sir.

Christi Hogin: So I just also want to make a comment about the Whittier case. But I want to take it from kind of a completely different angle, and that is, when I saw it on your Closed Session agenda, I was reminded that the Brown Act encourages you to have discussions in open meetings and it's only under very narrow circumstances that you can go into Closed Session. For example, in litigation you need to have your City Attorney advise you that the City's position in the litigation will be prejudiced by a discussion in Open Session generally. That's true. Generally. You don't want opposing counsel sitting in your meetings listening to your strategy. But you don't have any strategy with this case. This is just jumping on the bandwagon to a political agenda. There's nothing else to it. You're not deciding whether to demur whether to bring a different cause to action. None of the claims. You can't hurt the litigation. So there's no reason you shouldn't be having that kind of political discussion out in public for a lot of good reasons. One, you'd give you guys some political cover. You get an idea of what people think of it and you could get some smart ideas like you just heard from Mr. Jenkins to use your money in ways that we think our Chief, who's doing a great job, could

better spend it. So that's all I have to say. Thank you. And I know you work hard. So this is not a criticism of you generally.

Mayor Montgomery: Thank you. Anybody else share in Public Comment? Anyone on Zoom?

Assistant City Clerk Alvarez: There are no request via Zoom.

Mayor Montgomery: In that case, we'll go to Closed Session. I'll ask announcement in Open Session of items to be discussed in Closed Session by our City Attorney Quinn Barrow.

City Attorney Barrow: Thank you Mayor. Pursuant to Government Code Section 54956.9(d)(1). The City Council will now go into Closed Session to discuss the two items identified on the agenda. The first one is eminent domain case and the second one is known as the Zero Bail Case.

Mayor Montgomery: Thank you sir. We will now recess into Closed Session.

*Transcription provided by Jamie Morita, Administrative Clerk, Department of Management Services, City of Manhattan Beach.

MBTV: How

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01:07:22.100 --> 01:07:35.639

MBTV: open session with Announcer from our city attorney, Quinn Barrow. Thank you, Mayor. Previously this afternoon the City Council went into closed session to discuss 2 items of pending litigation

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01:07:35.690 --> 01:07:49.009

MBTV: out of 5 to 0 vote. The City Council gave direction on both items perfect. Well, during that meeting folks go to next meeting. The City Council adjourn regular meeting for Tuesday, January 9, 2,024. Just call the meeting to order

*Transcription provided by VITAC (Granicus). This text is being provided in a rough draft format.