

**CITY OF MANHATTAN BEACH  
MINUTES OF THE CITY COUNCIL  
SPECIAL CLOSED SESSION MEETING  
MARCH 22, 2011**

The Special Closed Session Meeting of the City Council of the City of Manhattan Beach, California, was held on the 22<sup>nd</sup> day of March, 2011, at the hour of 12:15 p.m., in the City Council Chambers Conference Room at Manhattan Beach City Hall, at 1400 Highland Avenue, in said City.

**CALL TO ORDER**

Mayor Richard Montgomery called the meeting to order.

**ROLL CALL**

Present: Councilmembers: Powell, Lesser, Howorth, Tell and Mayor Montgomery.  
Present: City Manager Carmany (arrived at 12:18 p.m.), City Clerk Tamura and Counsel Christi Hogin of Jenkins & Hogin, LLP .  
Absent: None.  
Clerk: Tamura (12:15 p.m. – 12:25 p.m.).  
Tell (12:25 p.m. - 1:53 p.m.).  
Patricia Schilling (1:53 p.m.).

**PUBLIC COMMENT ON CLOSED SESSION AGENDA**

Viet Ngo, No Address Provided, expressed his concern for the lack of notice regarding the approval for the retainment agreement for Christi Hogin and stated examples as to why it could be a conflict of interest.

Steve Filarsky, No Address Provided, reported that he is a resident, a former city employee and a past defendant in a civil court case with the City. He pointed out how City Attorney Wadden misled the Council on his civil court case as well as the subject matters currently pending and requested that the Council exercise termination due to “just cause”, as they should have in regards to former City Manager Geoff Dolan.

Ed Caprielian, No Address Provided, expressed frustration and provided a chronological description of letters submitted to the City Clerk, City Manager, City Attorney and City Council regarding his understanding of the Public Records Act. He further inquired as to when he will receive a response from the City Attorney regarding this matter. He concluded by stating that training is important and that community members, staff, Department Heads and City Council should all be included in the California Public Records Act Training and Brown Act Training.

**ANNOUNCEMENT IN OPEN SESSION OF ITEMS TO BE DISCUSSED IN CLOSED SESSION AS FOLLOWS**

Christi Hogin announced the following items to be discussed in closed session:

1. CONFERENCE WITH LEGAL COUNSEL – Existing Litigation  
Government Code § 54956.9(a)

*McKee v. City of Manhattan Beach, et al.,*  
Los Angeles County Superior Court Case No. BS126038

2. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Significant Exposure to Litigation Pursuant to Subdivision (b) of Government Code Section 54956.9 (one case).

3. PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Government Code § 54957

Title: City Attorney

4. CONFERENCE WITH LABOR NEGOTIATOR

Government Code § 54957.6

Agency Negotiator: Christi Hogin

Unrepresented Employee: City Attorney

5. PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE

6. PUBLIC EMPLOYMENT

Government Code § 54957

Title: City Attorney

**RECESS INTO CLOSED SESSION**

The Council recessed into Closed Session at 12:25 p.m.

**RECESS INTO OPEN SESSION**

The Council reconvened into Open Session at 1:53 p.m.

At 1:53 p.m. Counsel Christi Hogin announced in Open Session that the Council met in Closed Session to discuss the items listed on the posted agenda. She further stated that there was no reportable action taken.

**ADJOURNMENT**

At 1:53 p.m. the meeting was duly adjourned to the 5:30 p.m. Adjourned Regular Meeting to be followed by the 6:30 p.m. Regular City Council Meeting on Tuesday, April 5, 2011, in the City Council Chambers of City Hall, 1400 Highland Avenue, in said City.

Liza Tamura  
Recording Secretary

Richard Montgomery  
Mayor

ATTEST:

Liza Tamura  
City Clerk