

**CITY OF MANHATTAN BEACH  
MINUTES OF THE CITY COUNCIL  
REGULAR MEETING  
APRIL 5, 2011**

The Regular Meeting of the City Council of the City of Manhattan Beach, California, was held on the 5<sup>th</sup> day of April, 2011, at the hour of 6:31 p.m., in the City Council Chambers of City Hall, at 1400 Highland Avenue, in said City. A full video of this City Council meeting can be accessed online at [www.citymb.info](http://www.citymb.info).

**PLEDGE TO FLAG**

Fire Battalion Chief Frank Chiella led the pledge of allegiance.

**ROLL CALL**

Present: Powell, Lesser, Howorth and Mayor Montgomery.

Absent: Tell.

Clerk: Tamura.

**CEREMONIAL CALENDAR**

04/05/11-1. Presentation of a Proclamation Declaring April 10 - 16, 2011, as National Library Week

Mayor Montgomery, on behalf of the Council, presented **Los Angeles County Library Manager Don Gould** with a proclamation declaring April 10-16, 2011 as National Library Week.

04/05/11-2. Introduction of New Employees, Service Awards and Police Officer of the Year

The following Department Heads introduced new hires; promotions; and service awards within their departments and Mayor Montgomery presented certificates and city pins.

Public Works Director Jim Arndt introduced Building Repair Craftsman Pat Campbell (20 years of service) and Maintenance Supervisor Rick Dozal (25 years of service).

Police Chief Rod Uyeda introduced new employee Police Officer Jessica Borello; Police Officer Michael Rosenberger (20 years of service); Police Officer Hodget Crossett III (20 years of service); Police Captain Derrick Abell (20 years of service); and Executive Secretary Cynthia Schaben (20 years of service). Police Chief Uyeda also introduced Police Officer of the Year Andrew Enriquez.

Parks and Recreation Director Richard Gill introduced Executive Secretary Mary Kirchwehm and Transportation Services Operator Francisco Medina (15 years of service).

Interim Fire Chief Ken Schuck introduced Fire Battalion Chief Frank Chiella (30 years of service).

Community Development Director Richard Thompson introduces Building Official Carol Jacobson (30 years of service).

Mayor Montgomery recognized the following employees who were unable to attend: Principal Building Inspector Ron McFarland (20 years of service); Fire Engineer/Paramedic Mike Wills (30 years of service); and Senior Water Plant Operator John Haig (15 years of service).

### **CLOSED SESSION ANNOUNCEMENT**

Counsel Christie Hogin reported, for the record, that tonight's meeting achieved a quorum and convened at 5:30 p.m. at which time the Council recessed into the Closed Session pursuant to Government Code Section 54957.6. The Council discussed the item that was listed in the posted Closed Session Agenda and took no reportable actions.

### **CONSENT CALENDAR**

Prior to voting on the Consent Calendar, City Manager Carmany explained that staff is continuing Items Nos. 3 and 4 to the April 19, 2011 City Council Meeting because the vote requires 3 Councilmembers, who were in attendance at these particular meetings, to be present to vote on them.

The Consent Calendar (Item Nos. 3 through 20), consisting of items under *General Consent* and *Boards and Commissions*, was approved by motion of Councilmember Powell, seconded by Councilmember Howorth and passed by the following roll call vote, with the exception of Item Nos. 9, 10, 11, 13, 19 and 20 which were considered later in the meeting under "*Items Removed from the Consent Calendar.*"

Ayes: Powell, Lesser, Howorth and Mayor Montgomery.  
Noes: None.  
Absent: Tell.  
Abstain: None.

### **GENERAL CONSENT**

04/05/11-3. Approve Minutes of the City Council Meeting:

a) Consideration of Amended Minutes of the Regular City Council Meeting of March 1, 2011

The Council continued the subject minutes to the April 19, 2011 City Council Meeting.

b) Adjourned Regular and Regular City Council Meeting of March 15, 2011

The Council continued the subject minutes to the April 19, 2011 City Council Meeting.

04/05/11-4. Approve Minutes of the Special City Council Closed Session Meeting of March 4, 2011

The Council continued the subject minutes to the April 19, 2011 City Council Meeting.

04/05/11-5. Approve Minutes of the Special City Council Closed Session Meeting of March 11, 2011

This item was continued to the City Council meeting of April 19, 2011.

04/05/11-6. Approve Minutes of the Special City Council Closed Session Meeting of March 22, 2011

The Council approved the subject minutes.

04/05/11-7. Approve Minutes of the Special City Council Closed Session Meeting of March 25, 2011

This item was continued to the City Council meeting of April 19, 2011.

04/05/11-8. Approve Minutes of the Special City Council Closed Session Meeting of March 29, 2011

The Council approved the subject minutes.

04/05/11-9. Consideration to Approve the Request From the Manhattan Beach Education Foundation to Support the 2011 Wine Auction and Appropriate \$5,000 From the City Council Contingency Fund

Item No. 9 was pulled from the "CONSENT CALENDAR". Please refer to "ITEMS REMOVED FROM THE CONSENT CALENDAR."

04/05/11-10. Consideration of a Letter of Support for the Clean Air Act

Item No. 10 was pulled from the "CONSENT CALENDAR". Please refer to "ITEMS REMOVED FROM THE CONSENT CALENDAR."

04/05/11-11. Consideration of Award of Contract Appointing Leland C. Dolley as City Attorney (if Required)

Item No. 11 was pulled from the "CONSENT CALENDAR". Please refer to "ITEMS REMOVED FROM THE CONSENT CALENDAR."

04/05/11-12. Consideration of Ratification of Motor Fuel Purchase from Merrimac Energy Group in the Amount of \$29,839.51

The Council approved ratifying the subject purchase.

04/05/11-13. Consideration of Financial Reports:  
a) Ratification of Demands: March 17, 2011 and March 31, 2011  
b) Investment Portfolio for the Month Ending February 28, 2011  
c) Financial Reports for the Month Ending February 28, 2011

Item No. 13 was pulled from the "CONSENT CALENDAR". Please refer to "ITEMS REMOVED FROM THE CONSENT CALENDAR."

The Council approved with no exception Warrant Register No. 20B & 21B in the amount of \$4,736,542.09 in payment of ratification of demands and claims as prepared by the Director of Finance, together with the original demands and claims as prepared by said Warrant Register and received and filed the Investment Portfolio for the month ending February 28, 2011 and received and filed the Financial Reports for the month ending February 28, 2011.

04/05/11-14. Consideration to Authorize the City Manager to Award a Contract to Geronimo Concrete, Inc. for the Section #6 Sidewalk Project for an Amount Not-to-Exceed \$659,246.12

The Council approved authorizing the City Manager to award a contract in the amount of \$599,314.65 to Geronimo Concrete, Inc. for the Section #6 Sidewalk Project; approved authorizing the City Manager to approve additional work in an amount not-to-exceed \$59,931.47 (10%), if required; and appropriated \$254,775.51 (in addition to the already

appropriated \$450,000.00) from the Proposition 42 Gas Tax Unreserved Fund Balance, which will be reimbursed after project completion.

04/05/11-15. Consideration of Final Payment in the Net Amount of \$117,122.66 to Sully-Miller Contracting Co.; Formally Accept the 17<sup>th</sup> Street and 18<sup>th</sup> Street Resurfacing Project as Complete; and Authorize Filing of the Appropriate Notice of Completion and Release Retention in the Amount of \$13,013.63

The Council approved the issuance of the subject final payment in the amount of \$117,122.66 to Sully-Miller Contracting Co. for the 17<sup>th</sup> Street and 18<sup>th</sup> Street Resurfacing Project; formally accepted the 17<sup>th</sup> Street and 18<sup>th</sup> Street Resurfacing Project as Complete; and authorized filing of the appropriate Notice of Completion and Release of Retention in the amount of \$13,013.63.

04/05/11-16. Consideration of Final Payment in the Net Amount of \$53,702.55 to Western Fencing Supply; Formally Accept the Manhattan Heights and Live Oak Park Fence Reconstruction Project as Complete; and Authorize Filing of the Appropriate Notice of Completion and Release Retention in the Amount of \$10,683.33

The Council approved the issuance of the subject final payment in the amount of \$53,702.55 to Western Fencing Supply for the Manhattan Heights and Live Oak Park Fence Reconstruction Project; formally accepted the Manhattan Heights and Live Oak Park Fence Reconstruction Project as Complete; and authorized filing of the appropriate Notice of Completion and Release of Retention in the amount of \$10,683.33.

04/05/11-17. Consideration to Authorize the City Manager to Approve an Amendment to the Existing Agreement with AAE, Inc. Adding Design Services for the Fiscal Year 2011-2012 Water Main Replacement Project Phase 2 in an Amount Not-to-Exceed \$37,860.00

The Council approved authorizing the City Manager to approve Amendment No. 2 to the existing professional services agreement with AAE, Inc. adding design services for the fiscal year 2011-2012 Water Main Replacement Project – Phase 2 in the amount of \$37,860 increasing the not-to-exceed contract amount to \$147,630.

## **BOARDS AND COMMISSIONS**

### **Planning Commission**

04/05/11-18. Consideration of Action Minutes, Planning Commission Meeting of March 23, 2011

The Council received and filed the subject action minutes.

## **COMMITTEES**

### **Centennial Committee**

04/05/11-19. Consideration of Draft Minutes, Centennial Committee Meeting of February 28, 2011 Meeting

Item No. 19 was pulled from the “CONSENT CALENDAR”. Please refer to “ITEMS REMOVED FROM THE CONSENT CALENDAR.”

### Environmental Task Force

#### 04/05/11-20. Consideration of Minutes, Environmental Task Force Meeting of March 22, 2011

Item No. 20 was pulled from the "CONSENT CALENDAR". Please refer to "ITEMS REMOVED FROM THE CONSENT CALENDAR."

### COMMUNITY ANNOUNCEMENTS

#### 04/05/11-22. James Gill Re Toilet Exchange Program

**Leadership Manhattan Beach (LMB) President James Gill** announced that LMB is helping West Basin Municipal Water District promote their high efficiency toilet exchange program and stated that interested residents must call (866) 861-0784 to register and qualify before Friday, April 8, 2011.

#### 04/05/11-23. Patricia Schilling Re Richstone Pier-to-Pier Walk

**Patricia Schilling, No Address Provided**, encouraged the community to join "Team MB" and participate in the 24<sup>th</sup> Annual Richstone Pier-to-Pier Walk on April 30, 2011 to raise funds to prevent child abuse and help surpass the \$1,000 goal.

#### 04/05/11-24. Don Gould Re Upcoming Library Events

**Los Angeles County Librarian Don Gould** shared information about upcoming events at the Manhattan Beach Library.

#### 04/05/11-25. Lauren Nakano Re Vitality Cities Update

**Lauren Nakano, No Address Provided**, stated that on March 30, 2011 the Beach Cities Health District Board approved the Vitality City Blue Print Plan; that the walking group program has started; and encouraged everyone to participate in the Steppin' Out program.

Councilmember Howorth encouraged her colleagues to challenge the Manhattan Beach School Board to see who can take the most steps during the Steppin' Out Challenge.

#### 04/05/11-26. Police Officer Tim Magdaleno Re Officer Mark Vasquez

Manhattan Beach Police Officer Tim Magdaleno, on behalf of the Manhattan Beach Police Officers Association, asked the community to pray for the Vasquez family as Officer Mark Vasquez is in the hospital again and is fighting harder than ever to stay healthy.

#### 04/05/11-27. Viet Ngo Re City Attorney Wadden Termination

**Viet Ngo, No Address Provided**, announced that City Attorney employment contract was terminated and asked the United States Department of Justice to recover the money that he claims former City Manager Geoff Dolan and former City Attorney Robert Wadden stole. **Mr. Ngo** also asked Mayor Montgomery, Mayor Pro Tem Tell, and Councilmember Powell to resign.

#### 04/05/11-28. Ed Caprielian Re Ethical Awareness Month

**Ed Caprielian, No Address Provided**, announced that March was Ethical Awareness Month and suggested that the City Council should define their mission, vision and organizational values to guide City employees and train employees to further their development in the area of ethics.

04/05/11-29. *Jon Chaykowski, Re Fiscal Responsibility*

**Jon Chaykowski, 200 Block of John Street**, asked the City Council to use as much fiscal responsibility as possible and appreciated Mayor Montgomery's efforts to cut the cost for former City Manager Geoff Dolan's departure.

**AUDIENCE PARTICIPATION**

04/05/11-30. *Morgan Peets Re Questions for Council*

**Morgan Peets, No Address Provided**, asked City Council to answer three questions: what is the status of the City Attorney position in Manhattan Beach; has there been new legal counsel retained; and who voted against terminating former City Manager Geoff Dolan for cause.

04/05/11-31. *Willy Leventhal Re Pearson Classic*

**Willy Leventhal, Hermosa Beach Resident**, thanked Mayor Montgomery and Councilmember Powell for attending the Pearson Classic; expressed concerns about getting the younger kids involved; spoke of the Wyland's water sailing event in Redondo Beach; and suggested that Manhattan Beach challenge Redondo Beach to a water saving contest.

04/05/11-32. *Viet Ngo Re Various Issues*

**Viet Ngo, No Address Provided**, asked City Council to take action; accused the Council of obstructing justice; demanded Community Development Director Thompson and former City Manager Dolan return any money; and asked that the matter be referred to the District Attorney and FBI.

04/05/11-33. *Gerry O'Connor Re Open Letter to Community*

**Gerry O'Connor, No Address Provided**, thanked the past City Council for the "open letter" to residents and asked Councilmembers Lesser and Howorth to express their commitments regarding the matter addressed in the "open letter" to the community.

04/05/11-34. *Ed Caprielian Re Audience Participation*

**Ed Caprielian, No Address Provided**, requested assistance of the Council to promote freedom of speech and freedom of expression by increasing the allotment and quality of time for Audience Participation.

04/05/11-35. *Councilmember Powell Re Earth Day*

Councilmember Powell announced that Earth Day in Manhattan Beach will be celebrated at Polliwog Park on Saturday, April 16, 2011 from 11:00 a.m. until 4:00 p.m. A concert for children will commence at noon and the annual bike ride, to the celebration, will begin at the Marine Avenue and Redondo Avenue intersection.

04/05/11-36. *Councilmember Powell Re Audience Participation*

Councilmember Powell commended **Ed Caprielian** and **Gerry O'Connor** for asking that the time limit on the Audience Participation section of the Agenda be removed and asked that a discussion take place regarding this issue.

04/05/11-37. Councilmember Howorth Re League of Woman Voters Seminar

Councilmember Howorth announced the League of Woman Voters is holding a seminar entitled *How the Feds Impact our Kid's Education* which is to be held April 26, 2011 at 7:00 p.m. in Redondo Beach.

04/05/11-38. Mayor Montgomery Re Election

Mayor Montgomery remarked that the election is over and asked residents who have issues with the candidates to email them directly.

04/05/11-39. Mayor Montgomery Re Solid Waste Rate Increases Proposition 218 Vote

Mayor Montgomery reminded residents to email, mail, or walk-in proposition 218 protest letters before May 2, 2011: [rmontgomery@citymb.info](mailto:rmontgomery@citymb.info) or [ltamura@citymb.info](mailto:ltamura@citymb.info).

04/05/11-40. Mayor Montgomery Re Mayor's Coffee

Mayor Montgomery announced he will hold a Mayor's coffee at Manhattan Bread and Bagel on Sepulveda 10:00 a.m.

**THE FOLLOWING ITEM WAS TAKEN OUT OF ORDER**

04/05/11-11. Consideration of Award of Contract Appointing Leland C. Dolley as City Attorney (if Required)

Stating that, earlier in the day, the City concluded its relationship with City Attorney Robert Wadden leaving the position vacant; City Manager Carmany asked that Item No. 11 be taken out of order so that the vacant seat may be filled before going forward with the scheduled Public Hearings.

**The following individuals spoke on this item:**

- **Jon Chaykowski, No Address Provided**
- **Viet Ngo, No Address Provided**
- **Gerry O'Conner, No Address Provided**
- **Ed Caprielian, No Address Provided**

Special Counsel Christie Hogin stated that the City Council held a Special Meeting at 1:30 p.m. and after that meeting, as required by the Brown Act, did announce in public session, when it reconvened, that City Council had voted unanimously in Closed Session, with Councilmember Nick Tell absent, to terminate its contract with the City Attorney. She confirmed that all employees have privacy rights and that she could not comment any further on a personnel action. She emphasized that there was no separate agreement; that the action was taken pursuant to the Restated Employment Agreement that was approved by the Council in 2006; and that there was no severance paid. She shared that this matter has not come to the Council in terms of how to move forward about a permanent City Attorney; however, the City Manager has taken the necessary, prerequisite, proactive steps of putting out a Request For Proposal that is open as to its architecture, inviting any individual or law firm interested to make a proposal. She reported that, with that, will come some sense as to what services can be provided; at what cost; and that information will come to Council for review in an Open Session. She stressed that the public should not mistake the Request For Proposal that the City Manager issued for anything other than an attempt to gather information in order to prepare an informed staff report for Council's review at an Open Session.

City Manager Carmany explained that the report was prepared perceptively in the event that the position were to become vacant; that staff is recommending that Council approve a contract appointing Leeland Dolley as Interim City Attorney; and reported on the Request for Proposal (RFP) process.

Councilmembers Powell, Lesser and Howorth all agreed that a discussion regarding “Contract” versus “In-House” City Attorney needs to take place.

**MOTION:** Councilmember Lesser moved to approve the subject contract appointing Leeland Dolley as Interim City Attorney. The motion was seconded by Councilmember Powell and passed by the following roll call vote:

Ayes: Powell, Lesser, Howorth and Mayor Montgomery.  
Noes: None.  
Absent: Tell.  
Abstain: None.

Interim City Attorney Dolley stated that he believes that government should be accountable and will serve the City Council in that capacity.

### **RECESS AND RECONVENE**

At 8:05 p.m. the Council recessed and reconvened at 8:20 p.m. with Councilmembers Powell, Lesser, Howorth and Mayor Montgomery present.

### **PUBLIC HEARINGS**

04/05/11-21. Consideration of Two Appeals of the Planning Commission’s Decision to Approve a Use Permit for Strata to Remodel an Existing Restaurant, Provide Outdoor Seating, and Expand Operating and Entertainment Hours and Consideration of an Encroachment Permit for Outdoor Dining Over the Sidewalk at 117 Manhattan Beach Boulevard

Mayor Montgomery introduced the subject item.

Councilmember Lesser recused himself from this hearing stating that while he has no financial interest in this project and no relationship to the applicant, he was a Planning Commissioner at the time this project was approved; therefore, he believes it would be inappropriate for him to vote on this issue. Councilmember Lesser then left the City Council Chambers.

Council held discussion with Interim City Attorney Leeland Dolley regarding whether to go forward with the discussion or continue it to a future City Council Meeting due to the fact that Mayor Pro Tem Tell was absent and Councilmember Lesser recused himself from this item.

Council concurred to move forward with the presentation.

Associate Planner Eric Haaland provided the PowerPoint presentation.

### **The following individuals spoke on this item:**

- **Mike Zislis, Applicant**
- **Beverly Palmer, Representative of the Appellant on the Local Coastal Program**
- **Felix Tinkov, Representative of the Appellant on the CEQA Exemption**



- **Don McPherson, Appellant , 1000 Block of 1<sup>st</sup> Street**
- **Evelyn Frye, Manhattan Beach Resident**
- **Randall Meadows, 400 Block of The Strand**
- **Tom Pieronek, Manhattan Beach Resident**
- **Peggy Curry, Manhattan Beach Resident**
- **David Ferrano, 14<sup>th</sup> Street**
- **Esther Besbris, No Address Provided**
- **Ian Jackson, Manhattan Beach Resident**
- **Chandra Shaw, Manhattan Beach Resident & Business Owner**
- **Joyce Fahey, Manhattan Beach Resident**
- **Kevin Curtis, Manhattan Beach Resident**
- **John Muscoe, Manhattan Beach Business Owner**
- **Chris Macajerico, Manhattan Beach Resident & Business Owner**
- **Susan Sweet, Manhattan Beach Resident**
- **Larry Johnson, Manhattan Beach Resident**
- **Cathy Smith, Manhattan Beach Resident**
- **Dave Muckley, Manhattan Beach Resident & Business Owner**
- **Larry Wolf, Manhattan Beach Resident & Business Owner**
- **Tom Jeffrey, Manhattan Beach Resident & Business Owner**
- **Mitch Ward, Manhattan Beach Resident & Business Owner**
- **Viet Ngo, No Address Provided**

In response to **Mr. Ngo's** comments, Mayor Montgomery stated that no one on the current Council was elected when Metlox was built. He added that he pays each time he visits those establishments.

Councilmembers Howorth and Powell stated, for the record, that neither of them is related to the applicant.

Councilmember Powell reported as an Ex Parte Disclosure that he was invited to look at the premises inside; however, he can be fair and impartial.

- **Richard Walker, No Address Provided**
- **Tony Darico, Manhattan Beach Resident**
- **Larry Grik, Manhattan Beach Resident**
- **Mike Judge, Manhattan Beach Resident**
- **Dr. Alan Selner, 100 Block of The Strand**
- **Michelle Murphy, 4000 Block of The Strand**
- **George Kaufman, Manhattan Beach Resident**
- **Dave Roy, 16<sup>th</sup> Street**
- **Clarence Carter, Manhattan Beach Business Owner**
- **Bill Bloomfield, Co-Partner of Strata**
- **Gary McAulley, Manhattan Beach Resident**
- **Grace Leung, 800 Block of Bayview Drive**

Community Development Director Richard Thompson and Special Counsel Christie Hogin answered Council's questions.

Mayor Montgomery and Councilmembers Powell and Howorth spoke of their support for the project.

**MOTION:** Councilmember Howorth moved to uphold the decision of the Planning Commission approving the request and consider the request for an Encroachment Permit for outdoor dining above the public sidewalk, subject to all the specific conditions. The motion was seconded by Councilmember Powell and passed by the following roll call vote:

Ayes: Powell, Howorth and Mayor Montgomery.  
Noes: None.  
Absent: Tell.  
Abstain: Lesser.

**MOTION:** Councilmember Howorth moved to direct staff to return with a Resolution approving the encroachment and a balcony of five feet. The motion was seconded by Councilmember Powell and passed by the following roll call vote:

Ayes: Powell, Howorth and Mayor Montgomery.  
Noes: None.  
Absent: Tell.  
Abstain: Lesser.

Councilmember Lesser returned to the dais.

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Because the time was after 10:30 p.m. (the cut off for introduction of new agenda items) and due to Resolution No. 6132 stating that “the City Council shall adjourn each regular meeting thereof by 10:30 p.m., unless four-fifths (4/5) of the Council Members present vote to waive or extend the required adjournment time” the following motion was made.

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**MOTION:** At 11:30 p.m. Councilmember Howorth moved to continue the meeting past the 10:30 p.m. cut off. The motion was seconded by Councilmember Powell and passed by the following roll call vote.

Ayes: Powell, Lesser, Howorth, and Mayor Montgomery.  
Noes: None.  
Absent: Tell.  
Abstain: None.

04/05/11-22. Consideration of an Appeal of Staff's Approval with Conditions of Two New Telecommunication Facilities for Next G in the Public Right of Way on the Southeast Corner of Highland and 34<sup>th</sup> Street and on Ocean Drive Between 26<sup>th</sup> and 27<sup>th</sup> Streets

Mayor Montgomery introduced the subject item.

Community Development Director Richard Thompson summarized that the applicant has requested a continuance to a date uncertain.

**MOTION:** Councilmember Lesser moved to continue this item to a future City Council meeting to a date uncertain. The motion was seconded by Councilmember Powell and passed by the following roll call vote:

Ayes: Powell, Lesser, Howorth and Mayor Montgomery.  
Noes: None.  
Absent: Tell.  
Abstain: None.

**GENERAL BUSINESS**

None.

**ITEMS REMOVED FROM THE CONSENT CALENDAR**

04/05/11-9. Consideration to Approve the Request From the Manhattan Beach Education Foundation to Support the 2011 Wine Auction and Appropriate \$5,000 From the City Council Contingency Fund

**A member of the audience pulled this item from the Consent Calendar for Council discussion.**

**The following individuals spoke on this item:**

- **Viet Ngo, No Address Provided**
- **Esther Besbris, No Address Provided**

Councilmember Lesser stated, for the record, that while he fully supports this event and will vote in favor of this subject matter, he will pay for his own ticket.

Interim City Attorney Dolley stated that there is no conflict with Councilmember Howorth voting on this item.

City Manager Carmany responded to Council questions.

Interim City Attorney Dolley stated that the money for this event is for the general welfare and is legally justified.

After discussion, Council concurred that the City has a close partnership with the Manhattan Beach Unified School District and support for the Wine Auction event is important to the Ed Foundation. Council further commented that although this is a charitable event, the City provides support to other non-profit organizations throughout the City.

**MOTION:** Councilmember Powell moved to approve the request to sponsor the Manhattan Beach Education Foundation 2011 Wine Auction and appropriate \$5,000 from the City Council Contingency Fund. The motion was seconded by Councilmember Howorth and passed by the following roll call vote:

Ayes: Powell, Lesser, Howorth and Mayor Montgomery.  
Noes: None.  
Absent: Tell.  
Abstain: None.

04/05/11-10. Consideration of a Letter of Support for the Clean Air Act

Mayor Montgomery introduced the subject item.

Councilmember Lesser questioned what the criteria is for selecting which issues of legislation the City chooses to support.

City Manager Carmany responded to Council questions.

There was no public comment on this item.

**MOTION:** Councilmember Howorth moved to approve a letter of support for the Environmental Protection Agency's ability to regulate clean air standards. The motion was seconded by Councilmember Lesser and passed by the following unanimous roll call vote:

Ayes: Powell, Lesser, Howorth and Mayor Montgomery.  
Noes: None.  
Absent: Tell.  
Abstain: None.

04/05/11-13. Consideration of Financial Reports:

- a) Ratification of Demands: March 17, 2011 and March 31, 2011
- b) Investment Portfolio for the Month Ending February 28, 2011
- c) Financial Reports for the Month Ending February 28, 2011

**A member of the audience pulled this item from the Consent Calendar for Council discussion.**

**The following individuals spoke on this item:**

- **Viet Ngo, No Address Provided**

Finance Director Moe responded to Council questions.

City Manager Carmany responded regarding the employment with Special Counsel.

**MOTION:** Councilmember Powell approved with no exception Warrant Register No. 20B & 21B in the amount of \$4,736,542.09 in payment of ratification of demands and claims as prepared by the Director of Finance, together with the original demands and claims as prepared by said Warrant Register and received and filed the Investment Portfolio for the month ending February 28, 2011 and received and filed the Financial Reports for the month ending February 28, 2011. The motion was seconded by Councilmember Lesser and passed by the following unanimous roll call vote:

Ayes: Powell, Lesser, Howorth and Mayor Montgomery.  
Noes: None.  
Absent: Tell.  
Abstain: None.

**Centennial Committee**

04/05/11-19. Consideration of Draft Minutes, Centennial Committee Meeting of February 28, 2011 Meeting

**A member of the audience pulled this item from the Consent Calendar for Council discussion.**

**The following individuals spoke on this item:**

- **Gerry O'Connor, No Address Provided**
- **Viet Ngo, No Address Provided**

**MOTION:** Mayor Montgomery moved to continue the draft minutes of the February 29, 2011 Centennial Committee Meeting to the City Council meeting of April 19, 2011. The motion was seconded by Councilmember Howorth and passed by the following roll call vote.

Ayes: Powell, Lesser, Howorth and Mayor Montgomery.  
 Noes: None.  
 Absent: None.  
 Abstain: Tell.

Hearing no objection, it was so ordered.

**Environmental Task Force**

*04/05/11-20. Consideration of Minutes, Environmental Task Force Meeting of March 22, 2011*

Councilmember Howorth pulled this item because she wanted the minutes under the solar discussion to reflect that she was concerned about a possible conflict of interest.

Councilmember Lesser also asked that his comments on Page 4 be revised to read as follows:

“Councilmember Lesser wanted to know what the goal of the program was and what role the city needs to play in promoting reduction of city electricity.”

**MOTION:** Councilmember Howorth moved to receive and file the subject minutes as amended. The motion was seconded by Councilmember Lesser and passed by the following roll call vote:

Ayes: Powell, Lesser, Howorth and Mayor Montgomery.  
 Noes: None.  
 Absent: Tell.  
 Abstain: None.

**CITY MANAGER REPORT(S)**

None.

**OTHER COUNCIL BUSINESS, COMMITTEE AND TRAVEL REPORTS**

*04/05/11- Councilmember Howorth Re Committee Report*

Councilmember Howorth reported that she recently attended a South Bay Council of Governments meeting.

**ADJOURNMENT**

At 12:32 a.m. the Regular City Council meeting of April 5, 2011, 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 19, 2011, in the City Council Chambers of City Hall, 1400 Highland Avenue, in said City.

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Liza Tamura  
Recording Secretary

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Richard Montgomery  
Mayor

ATTEST:

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Liza Tamura  
City Clerk

**CITY OF MANHATTAN BEACH  
MINUTES OF THE CITY COUNCIL  
ADJOURNED REGULAR MEETING  
APRIL 5, 2011**

The Adjourned Regular Meeting of the City Council of the City of Manhattan Beach, California, was held on the 15<sup>th</sup> day of March, 2011, at the hour of 5:37 p.m., in the City Council Chambers of City Hall, at 1400 Highland Avenue, in said City.

**CALL TO ORDER**

Mayor Richard Montgomery called the meeting to order.

**ROLL CALL**

Present: Howorth, Lesser, Powell, and Mayor Montgomery.  
Present: City Manager Carmany and  
Counsel Christi Hogin of Jenkins & Hogin, LLP.  
Absent: Mayor Pro Tem Tell.  
Clerk: Carmany (Acting).

**PUBLIC COMMENT ON CLOSED SESSION AGENDA**

None.

**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:

**CONFERENCE WITH LABOR NEGOTIATOR**  
(Government Code Section 54957.6)

Agency Negotiator: David N. Carmany, City Manager  
Employee Groups: Manhattan Beach Firefighters' Association;  
Manhattan Beach Police Officers' Association;  
Management Confidential; and  
Teamsters

**RECESS INTO CLOSED SESSION**

The Council recessed into Closed Session at 5:38 p.m.

**RECESS INTO OPEN SESSION**

The Council convened into Open Session for its regular meeting at 6:00 p.m.

Following the ceremonial presentations, Special Counsel Christi Hogin announced in Open Session that the Council had achieved a quorum and convened the adjourned regular meeting at 5:30 p.m., at which time the Council had recessed into Closed Session to discuss the item listed on the posted agenda. She further stated that the City Council took no reportable action taken.

**ADJOURNMENT**

At 6:26 p.m. the meeting was duly adjourned to 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.

David N. Carmany  
Recording Secretary

ATTEST:

Richard Montgomery  
Mayor

Liza Tamura  
City Clerk