

**Approve Minutes:**

This item contains minutes of City Council meetings which are presented for approval [(a) ] and minutes from City Council subcommittees and from other City commissions and committees [(b) - (d)] which are presented to be received and filed by the Council. Staff recommends that the City Council by motion take action to approve the minutes of the:

- a) Adjourned Regular and Regular City Council Meeting of July 5, 2011
- b) Centennial Committee Meeting of June 27, 2011
- c) Ad Hoc City Attorney Selection Subcommittee June 28, 2011
- d) Ad Hoc City Attorney Selection Subcommittee July 7, 2011

**CITY OF MANHATTAN BEACH  
MINUTES OF THE CITY COUNCIL  
CLOSED SESSION MEETING  
JULY 5, 2011**

The Closed Session Meeting of the City Council of the City of Manhattan Beach, California, was held on the 5<sup>th</sup> day of July, 2011, at the hour of 5:01 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: Powell, Lesser, Howorth and Mayor Montgomery.  
(Lesser arrived at 5:02 p.m.)  
Present: City Manager Carmany and Special Counsel Christi Hogin.  
Absent: Tell.  
Clerk: Aliabadi (Acting).

**PUBLIC COMMENT ON CLOSED SESSION AGENDA**

There was no public comment.

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

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

1. **PUBLIC EMPLOYEE PERFORMANCE EVALUATION**  
(Government Code Section 54957)

Title: City Manager

2. **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

3. **CONFERENCE WITH LEGAL COUNSEL - LIABILITY CLAIM**  
(Government Code Section 54956.95)

Claimant: Steve Lawson  
Agency Claimed Against: City of Manhattan Beach

**RECESS INTO CLOSED SESSION**

The Council recessed into Closed Session at 5:03 p.m.

**RECESS INTO OPEN SESSION**

The Council reconvened into Open Session at 6:28 p.m.

An announcement in open session was made after the “Ceremonial Calendar” at the beginning of the Tuesday, July 5, 2011 Regular City Council meeting.

Special Counsel Christi Hogin announced, in Open Session, that tonight’s Meeting convened at 5:01 p.m. at which time public comment on the Closed Session agenda was invited. Council then recessed into a Closed Session, pursuant to Government Code Section 54957, Government Code Section 54597.6 and Government Code Section 54956.95.

**ADJOURNMENT**

At 6:20 p.m. the meeting was duly adjourned to the 6:30 p.m. Regular City Council Meeting on Tuesday, June 7, 2011, in the City Council Chambers of City Hall, 1400 Highland Avenue, in said City.

Terri Aliabadi  
Recording Secretary

Richard Montgomery  
Mayor

ATTEST:

Liza Tamura  
City Clerk

**CITY OF MANHATTAN BEACH  
MINUTES OF THE CITY COUNCIL  
REGULAR MEETING  
JULY 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 July, 2011, at the hour of 6:33 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**

Parks and Recreation Director Richard Gill led the pledge of allegiance.

**ROLL CALL**

Present: Powell, Lesser, Howorth, Tell and Mayor Montgomery.  
Absent: None.  
Clerk: Kennedy (Acting).

**CLOSED SESSION ANNOUNCEMENT**

Special Counsel Christi Hogin announced that tonight's Meeting convened at 5:01 p.m. at which time public comment on the Closed Session agenda was invited. There being no persons wishing to address the Council, the Mayor recessed the meeting into a Closed Session, pursuant to Government Code Section 54957, Government Code Section 54597.6 and Government Code Section 54956.95 to discuss the items posted on the Closed Session Agenda.

**CEREMONIAL CALENDAR**

07/05/11-1. Presentation of a Proclamation Declaring the Month of July, 2011 as "Parks and Recreation Month"

Mayor Montgomery, on behalf of the Council, presented a proclamation to Parks and Recreation Director Richard Gill declaring July as "Parks and Recreation Month."

**CONSENT CALENDAR**

The Consent Calendar (Item Nos. 2 through 12), consisting of items under *General Consent* and *Boards and Commissions*, was approved by motion of Councilmember Howorth, seconded by Councilmember Powell and passed by unanimous roll call vote, with the exception of Item Nos. 7 and 11 which were considered later in the meeting under "*Items Removed from the Consent Calendar.*"

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

## **GENERAL CONSENT**

### 07/05/11-2. Approve Minutes:

This item contains minutes of City Council meetings which are presented for approval [(a) - (c)] and minutes from City Council subcommittees and from other City commissions and committees [(d) - (j)] which are presented to be received and filed by the Council. Staff recommends that the City Council by motion take action to approve the minutes of the:

- a) June 3, 2011 City Council Work Plan Meeting
- b) June 13, 2011 Joint City Council/Library Commission Meeting
- c) Regular City Council Meeting of June 21, 2011
- d) Cultural Arts Commission Meeting of June 14, 2011
- e) Planning Commission Meeting of May 25, 2011
- f) Planning Commission Meeting of June 22, 2011
- g) Environmental Task Force Meeting of April 21, 2011
- h) Environmental Task Force Meeting June 16, 2011
- i) Centennial Committee Meeting of June 13, 2011
- j) Ad Hoc City Attorney Selection Subcommittee June 21, 2011

The Council approved the subject City Council Meeting minutes and receive and filed the minutes from the City Council Subcommittees, City Commissions and Committees.

### 07/05/11-3. Adoption of Ordinances and a Resolution Regarding the City Council 2009-2010 Work Plan Item on Sustainable Building Measures Amending Various Sections of the Manhattan Beach Municipal Code (Titles 7 and 10) and the City's Local Coastal Program (Chapters 2 and 3)

The Council adopted Ordinance No. 2146 (Titles 7 and 10 amendments), adopted Ordinance No. 2147 (Local Coastal Program amendments), and adopted Resolution No. 6321 (transmittal to California Coastal Commission).

### 07/05/11-4. Adoption of a Resolution Opposing Senate Bill 776 Amending the California Unemployment Insurance Code

The Council adopted Resolution No. 6322 opposing California Senate Bill 776, an amendment to the California Unemployment Insurance Code.

### 07/05/11-5. Consideration of a Joint Powers Agreement with the Orange County Sheriff's Department for Forensic Analysis and Consultation with an Estimated Value of \$3,000, and Allocate \$10,000 from Unreserved Asset Forfeiture Funds for this and Future Joint Powers Agreements

The Council approved authorizing the City Manager to enter into a Joint Powers Agreement with the Orange County Sheriff's Department for Forensic Analysis and Consultation with an estimated value of \$3,000; and approved allocating \$10,000 from unreserved Asset Forfeiture Funds for this and future Joint Powers Agreements.

### 07/05/11-6. Consideration of Approval of Amendment Number Two to Food Services Agreement with Los Angeles County for Prisoner Meals

The Council approved Amendment Number Two to the Food Services Agreement with Los Angeles County for prisoner meals.

07/05/11-7. Consideration of Fiscal Year 2011-2012 Work Plan Item 32 - Smoking Ban on the Strand

Item No. 7 was pulled from the "CONSENT CALENDAR". Please refer to "ITEMS REMOVED FROM THE CONSENT CALENDAR."

07/05/11-8. Consideration of Financial Report: Ratification of Demands - June 23, 2011

The Council approved with no exception Warrant Register No. 27B in the amount of \$2,644,538.24 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.

07/05/11-9. Consideration of Ratification of Motor Fuel Purchase from Merrimac Energy Group in the Amount of \$28,027.24

The Council approved ratifying the subject purchase.

07/05/11-10. Consideration of Advanced Payment of the Employer Portion of the Miscellaneous Group's Pension Costs for Fiscal Year 2011-2012 Which Results in Net Savings of Approximately \$87,000

The Council approved the advanced payment of the City's Fiscal Year 2011-2012 employer pension costs for the Miscellaneous Group to CalPERS totaling \$1,157,969.

07/05/11-11. Consideration of the Award of a Five-Year Street Sweeping and Landscape/Exterior Custodial Maintenance Contract to Athens Services (\$327,270) and CleanStreet (\$233,644)

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

07/05/11-12. Consideration of a Resolution Approving a Use Permit for an Existing Restaurant with an Addition and New Beer and Wine License at 1605 North Sepulveda Boulevard (HotDoggers) as Directed by City Council

The City Council adopted Resolution No. 6322, as amended, approving the subject Use Permit with conditions.

**COMMUNITY ANNOUNCEMENTS**

07/05/11-19. Don Gould Re Upcoming Library Events

**Los Angeles County Librarian Don Gould** announced upcoming Manhattan Beach Library events.

07/05/11-20. Janne Kouri Re Benefit

**Janne Kouri, No Address Provided**, founder of Next Step Fitness (a facility designed specifically for the physically challenged) invited the Council and public to attend the Next Step "Help Make A Difference" benefit at 12th and Highland on July 26, 2011 from 6:00 p.m. until 9:00 p.m. For more information or to purchase tickets please visit [www.nextstepfitnexx.org](http://www.nextstepfitnexx.org).

07/05/11-21. Ed Caprielian Re South Bay City Council of Governments

**Ed Caprielian, No Address Provided**, commented on his attendance at a recent South Bay City Council of Governments meeting and added that there has not been a Manhattan Beach Delegate at a meeting for the last three months.

07/05/11-22. Councilmember Powell Re Art Opening and Exhibit

Councilmember Powell announced that the Creative Arts Center will hold an opening exhibition entitled *Art of the Surf* on Friday, July 8, 2011 from 7:00 – 9:00 p.m. and that it will run through August 11, 2011.

07/05/11-23. Councilmember Powell Re Concerts in the Park

Councilmember Powell reminded the community that Concerts in the Park take place every Sunday from 5:00 – 7:00 p.m. through September 4<sup>th</sup>. Councilmember Powell added that this Sunday's band will be Hollywood U2 and that he will be the Master of Ceremonies.

07/05/11-24. Mayor Montgomery Re The Ultimate Sacrifice

Mayor Montgomery spoke of his 24-year old cousin, a West Point graduate, who was killed in action in Afghanistan over the weekend. He thanked those who have e-mailed him and announced that he will be flying back to West Point for the services.

**AUDIENCE PARTICIPATION**

07/05/11-25. Ed Caprielian Re Classification and Compensation Study

**Ed Caprielian, No Address Provided**, acknowledged that he is picking up concerns from employees in regard to the upcoming Classification and Compensation Study. He offered some suggestions and explained how he has gone about this type of study with his Human Resource Management Program.

07/05/11-26. Esther Besbris Re Consent Calendar Item

**Esther Besbris, No Address Provided**, questioned the process regarding putting the HotDoggers item on the Consent Calendar for approval. She stated that the residents on Oak were not notified and that is why the item was not pulled for discussion.

07/05/11-27. Bill Victor Re Consent Calendar Item

**Bill Victor, No Address Provided**, stated that he would like to pull Item No. 12 (*Consideration of a Resolution Approving a Use Permit for an Existing Restaurant with an Addition and New Beer and Wine License at 1605 North Sepulveda Boulevard (HotDoggers) as Directed by City Council*) because he believes that residents did not have enough time to review it after the long holiday weekend.

07/05/11-28. Steve Alexander Re Consent Calendar Item

**Steve Alexander, Oak Avenue Resident**, concurred with the previous speakers and expressed his disappointment that the HotDoggers item on this evening's agenda will not be open for discussion.

Council held a brief discussion with Special Council Christi Hogin and Planning Manager Laurie Jester confirming that what is on tonight's agenda merely memorializes the changes made at the last Council meeting with the addition of plans illustrating the enclosed room instead of outdoor patio.

07/05/11-29. Mayor Montgomery Re Thanks

Mayor Montgomery thanked former Army Captain Bob Holmes for walking him through the necessary steps in regard to his cousin, Lieutenant Dimitri del Castillo's military burial.

**PUBLIC HEARINGS**

07/05/11-13. Public Hearing and Consideration of Adoption of the Fiscal Year 2012-2016 Capital Improvement Plan

Public Works Director Jim Arndt introduced City Engineer Steve Finton who provided the staff presentation.

Mayor Montgomery opened the Public Hearing at 7:33 p.m.

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

- **Bill Victor, No Address Provided**

Mayor Montgomery closed the Public Hearing at 7:38 p.m.

**MOTION:** Mayor Pro Tem Tell moved to adopt Resolution No 6313 approving the Fiscal Year 2012-2016 Capital Improvement Plan with the exception of the Concrete Pavement Rehabilitation Project on 10<sup>th</sup> Street. The motion was seconded by Councilmember Powell and passed by the following unanimous roll call vote:

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

07/05/11-14. Public Hearing for the Annual Levy and Collection of Street Lighting and Landscaping District Maintenance Assessments for Fiscal Year 2011-2012

Controller Henry Mitzner provided the staff presentation and **Harris & Associates representative Carol Hill** responded to Council questions.

Special Counsel Christi Hogin clarified that the "overruling protests" verbiage in Resolution 6320 is included because it is proper procedure.

Mayor Montgomery opened the Public Hearing at 7:48 p.m.

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

- **Bill Victor, No Address Provided**

Mayor Montgomery closed the Public Hearing at 7:54 p.m.



**MOTION:** Councilmember Howorth moved to adopt Resolution No. 6320 providing for the annual levy and collection of Street Lighting and Landscaping District maintenance assessments for Fiscal Year 2011-2012. The motion was seconded by Mayor Pro Tem Tell and passed by the following unanimous roll call vote:

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

### **GENERAL BUSINESS**

07/05/11-15. Consideration of a Request from American Youth Soccer Organization (AYSO) to Fundraise for the Installation of Synthetic Turf for Marine Avenue Park Soccer Field

Councilmember Lesser shared that while he is a coach and has a child in the AYSO program, he has no financial interest in the organization.

Parks and Recreation Director Richard Gill provided the staff presentation.

Special Counsel Christi Hogin clarified Council concerns regarding other participating organizations. She stated that the City may accept donations from any other organization and offer priority use of the Marine Avenue Park Soccer Field at times other than those reserved by AYSO (as outlined in the MOU).

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

- **Robert Goldberg, Manhattan Beach Sand and Surf Youth Soccer President**
- **Jacque May, 10<sup>th</sup> Street and Highland Avenue**
- **Bill Fahey, AYSO President**
- **Carol Walberg, No Address Provided**

**MOTION:** Councilmember Howorth moved to approve a Memorandum of Understanding (MOU) with the American Youth Soccer Organization (AYSO) regarding the installation of synthetic turf at the Marine Avenue Park soccer field with an added amendment stating that AYSO would maintain their current guidelines as a community-based, all inclusive, non-profit organization for the duration of the agreement. The motion was seconded by Mayor Pro Tem Tell and passed by the following unanimous roll call vote:

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

### **RECESS AND RECONVENE**

At 8:50 p.m. the Council recessed and reconvened at 9:01 p.m. with all Councilmembers present.

07/05/11-16. Discussion of the Financial Status of the International Surf Festival's Charlie Saikley Six-Man Beach Volleyball Tournament

Sports Manager Mark Leyman and Police Chief Eve Irvine provided the staff presentation.

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

- Evelyn Gaingrich, 100 Block of 11<sup>th</sup> Street
- Scott Hubble, Beach Sport Sponsor Representative
- Jay Saikley, Tournament Director
- Brent Grievenow, No Address Provided
- Gene Mick, No Address Provided
- Jeff Mernal, No Address Provided
- William Victor, No Address Provided
- Kevin Cleary, No Address Provided
- Chris Brown, CVBA President
- Denny Smith, 100 Block of 38<sup>th</sup> Street
- Bill Sigler, 14<sup>th</sup> and Ardmore
- Reed Tomasi, No Address Provided
- Carol Walberg, No Address Provided
- Rosalie Saikley, No Address Provided

Mayor Montgomery moved to direct staff to move forward with the 2011 International Surf Festival's Charlie Saikley Six-Man Beach Volleyball Tournament.

Hearing no objection, it was so ordered.

---

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:

---

**MOTION:** At 11:05 p.m. Councilmember Powell moved to continue the meeting past the 10:30 p.m. cut off to hear Item Nos. 17, 18, and the *Items Removed from the Consent Calendar*. The motion was seconded by Councilmember Lesser and passed by the following roll call vote:

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

Mayor Pro Tem Tell insisted that a 4/5ths vote of the Council was needed to continue.

Special Counsel Hogin commented that only a simple majority was needed and at 11:05 p.m. the meeting continued.

07/05/11-17. Update From the Ad Hoc City Attorney Selection Subcommittee and Consideration of the Recommended Evaluation Process

Management Analyst Clay Curtin provided the staff presentation and Councilmember Lesser provided the subcommittee update/report and outlined the recommended evaluation process.

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

- **Ed Caprielian, No Address Provided**
- **Viet Ngo, No Address Provided**
- **William Victor, No Address Provided**

Council directed staff to move forward with the outlined process.

Hearing no objection, it was so ordered.

07/05/11-18. Consideration of Voting Delegate and Alternate Delegate(s) for the League of California Cities' Annual Conference

City Manager David Carmany and Mayor Montgomery provided the presentation.

There was no public comment on this item.

**MOTION:** Councilmember Howorth moved to designate Councilmember Powell as the voting delegate, Councilmember Lesser as the first alternate, and Councilmember Howorth as the second alternate for the League of California Cities Annual Conference. The motion was seconded by Mayor Pro Tem Tell and passed by the following unanimous roll call vote:

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

**CLOSED SESSION**

Special Counsel Christi Hogin asked Council if they wanted to continue Closed Session item number two for another meeting or reconvene Closed Session at the conclusion of the Regular City Council meeting.

Mayor Montgomery directed that item two on the Closed Session agenda be postponed for a future meeting.

**ITEMS REMOVED FROM THE CONSENT CALENDAR**

07/05/11-7. Consideration of Fiscal Year 2011-2012 Work Plan Item 32 - Smoking Ban on the Strand

Councilmember Howorth pulled this item and asked about the prioritization of the Smoking Ban on the Strand. She also asked that a Work Plan meeting be scheduled to prioritize the remaining Work Plan Items.

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

- **Craig Cadwallader, Surf Rider Foundation Member**
- **David Wachtfogel, No Address Provided**
- **William Victor, No Address Provided**
- **Jacque May, No Address Provided**

**MOTION:** Mayor Montgomery moved to receive and file the subject report; directed the City Manager to agendize a discussion at a future meeting regarding changes, if any, to the Municipal Code concerning smoking on the Strand and/or in public places; and directed the City Manager to schedule a Work Plan prioritization meeting.

Hearing no objection it was so ordered.

07/05/11-11. Consideration of the Award of a Five-Year Street Sweeping and Landscape/Exterior Custodial Maintenance Contract to Athens Services (\$327,270) and CleanStreet (\$233,644)

Councilmember Powell pulled this item and expressed his concern regarding splitting the Street Sweeping and Landscape/Exterior Custodial Maintenance Contract between Athens Services and CleanStreet and suggested the item be open for a public discussion.

Public Works Director Jim Arndt and Finance Director Bruce Moe responded to Council questions.

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

- **Bill Victor, No Address Provided**
- **Jerry Costello, CEO of CleanStreet**
- **Robert Obietta, 3300 Block of Crest**
- **Richard Rust, Highland Avenue**
- **Gary Clifford, COO of Athens Services**
- **George Seamann, No Address Provided**
- **Andrew Jacoby, Operations Manager of CleanStreet**

**MOTION:** Mayor Pro Tem Tell moved to approve splitting the award of RFP #833-11 between Athens Services in the amount of \$327,270 for a five-year street sweeping contract, and CleanStreet in the amount of \$233,644 for a five-year landscape/exterior custodial maintenance contract for a total annual cost of \$560,914. The motion was seconded by Councilmember Lesser and passed by the following unanimous roll call vote:

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

#### **CITY MANAGER REPORT(S)**

None.

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

07/05/11-29. Councilmember Lesser Re “Jim Aldinger Rule”

Councilmember Lesser asked staff to agendize a conversation and interpretation of Resolution No. 6132 regarding the four-fifths (4/5) vote to waive or extend the required adjournment time.

07/05/11-29. Mayor Montgomery Re Carmageddon

Mayor Montgomery reminded the public that the 405 Freeway will be closed July 16 and 17, 2011 from the 10 Freeway to the 101 Freeway. He recommended that the public avoid the freeways, if possible.

**ADJOURNMENT**

At 12:27 a.m. the Regular City Council meeting of July 5, 2011, was duly adjourned in memory of Lieutenant Dimitri del Castillo, to the to the 5:30 p.m. Adjourned Regular Meeting to be followed by the 6:30 p.m. Regular City Council Meeting on Tuesday, July 19, 2011, in the City Council Chambers of City Hall, 1400 Highland Avenue, in said City.

---

Ariana Kennedy  
Recording Secretary

---

Richard Montgomery  
Mayor

ATTEST:

---

Liza Tamura  
City Clerk

**Manhattan Beach Centennial Committee**  
**June 27, 2011 – 5:00 p.m. Police and Fire Conference Room**

**Meeting Notes**

Attendees: Mayor, Richard Montgomery; Mayor Pro Tem, Nick Tell; Committee Members Trish Pietrzak, Zack Gill, Jeanna Harkenrider, Larry Lemoine, Irene Cotter, Joe Franklin, Oliver Thomas Schulster, Annie Walker and Jan Dennis; Parks and Recreation Director, Richard Gill; and Recording Secretary, Mary Kirchwehm.

**Audience Participation**

Kris Mackerer D'errico presented a specially designed Centennial recycled bag she would like to sell in her store in an effort to promote the Centennial. The bag has “MB” on one side and “100” on the other side. The Centennial logo can also be placed inside the bag. One hundred bags will be made and numbered. Kris’s store will donate \$25 for each bag that is sold and will advertise it with signs, on their Facebook page, website and an email blast.

Ed Caprielian suggested the Centennial Celebration should focus on the youth and future of Manhattan Beach as well as the past. He also suggested that the Gala celebration be non-alcoholic and entitled “Youth on Future Centennial Choices for Healthy Mind and Body.”

Gary McAulay paid homage to current and previous officers of the Manhattan Beach Historical Society who have labored countless volunteer hours for years to preserve the history of Manhattan Beach. Gary invited everyone to participate in preserving the hometown history by becoming members of the Historical Society.

Steve Meisenholder, President of the Historical Society, reported that they will provide the Centennial Committee with historical high resolution images at a 90% discount--\$3.50 per image.

**Meeting Topics**

**Review Meeting Notes:** The Committee reviewed and adopted the June 13, 2011 Centennial Meeting notes as written.

**Committee Reports:**

**Budget Review:**

Richard Montgomery reviewed Grace’s budget report in her absence and noted that the net income year to date is \$1,623.58.

Jan Dennis inquired if the \$10,000 that the City gave the Committee as seed money was paid back. Richard Montgomery confirmed that it has been paid back.

### **Community Outreach and Sponsorship Update:**

Trish reported that Oliver and Annie have been working on the sponsorship package and they will be done very shortly.

*Action Item:* Trish will continue with Community Outreach when the sponsorship package is complete.

Irene reported postcards are at Trader Joes, Vons, Ralphs, Fresh and Easy and Bristol Farms. Trish put flyers and postcards at coffee shops, public notice boards, the post office, library, retail stores in town, community centers, etc.

Irene and Trish met with Managing Editor, Dawnya Pring, at the Beach Reporter. Dawnya was very accommodating and happy to accept material. However, she wants newsworthy information, not advertisements or announcements. The Beach Reporter will not repeat advertisements.

*Action Item:* Trish is meeting with Paul Silva to discuss the possibility of exchanging ad space for recognition as a sponsor.

*Action Item:* Trish will prepare a letter on behalf of Richard Montgomery to the Neptunians for their help with volunteers.

Committee decided to distribute postcards at Farmers Market on Tuesdays.

*Action Item:* Joe will contact Mary Ann Varni to let her know of the distribution.

### **Events and Chair Assignments Update:**

Nick reported that Annie put together a list of jobs that needs to be filled and is looking towards the Committee in helping to identify people to fill them.

*Action Item:* A list of the jobs will be emailed to the Committee requesting feedback on ideas and names of people who may be able to fill the roles.

Nick reported that Annie has received feedback on the Taste of Manhattan event with interest in possibly holding this event at 13<sup>th</sup> Street (Farmers Market location). There has also been feedback regarding having the cars for the parade displayed in the downtown parking lots by the pier instead of Valley/Ardmore.

The Manhattan Beach Mall is very excited about having an event there.

### **Parade Update:**

Jan reported that 70 letters have been mailed thus far. She has 15 people on her committee. There are currently 10 units committed to participating in the parade. Chevron is sponsoring the queen and her court and will run the competition, judging and make a float. Chevron will work with the schools.

Jan inquired where to submit her expenses.

*Action Item:* Mary will hold the bills until Grace can pick them up.

**Merchandising Update:**

Larry reported that he spoke with Bob Beverly, owner of Shellback, who will post a sign with pricing and where to purchase merchandise. He does not have room store the merchandise on the premises. Shark's Cove is slowly selling merchandise and the feedback is people want grey t-shirts instead of white.

*Action Item:* Trish, Larry and Irene will speak to discuss the wording for the Shellback sign.

Irene reported that they met with IMG and talked about beach towels. IMG thought the beach towel is a good idea and also suggested blankets and baseball caps. The yellow towel in stock can be screened and available to sell in two weeks.

*Action Item:* Oliver will modify the screening for beach towels so it will not be too rough.

*Action Item:* Irene will work with Jim to develop different items that are affordable with a longer lead time.

Irene presented samples of a historical commemorative stamp sheet that would make an affordable souvenir. It could have a historical story with five different images for stamps at face value. The sheets are 4" x 6" and the cost can be as little as \$6.60 each.

Jan Dennis suggested give away items that would help create Centennial awareness and excitement.

Nick reported that there is consideration of doing a 2012 joint MBO/Centennial t-shirt.

**Community Event Registration Update:**

Jeanna spoke about creating certificates of recognition for organizations whose events have been approved by the Centennial Committee.

*Action Item:* Mary will send Oliver a boilerplate certificate.

Jeanna reported that the website has been updated but not with the mall event.

*Action Item:* Jeanna will contact someone for wording of the mall event for the website.

Richard Gill reported that 120 Centennial event letters were sent to various organizations.

Joe suggested a possible event with an organized aerial photo of the community in the form of MB 100. It can be done at the pier. The Committee likes this idea.

**Volunteer Recruitment Update:**

Joe asked the Committee if they would help to provide key contacts and phone numbers at various organizations because he does not have the resources to obtain this information.

*Action Item:* Joe will email his working list to the Committee.



Trish asked for a list of volunteers and phone numbers each weekend. She asked if there could be volunteers to help carry the merchandise containers, help with merchandise sales, and assist with parking and seating.

*Action Item:* Richard Montgomery suggested a CSO to assist with parking.

*Action Item:* David and Trish will communicate regarding the reservations and Joe will coordinate the volunteers.

**High School Efforts Update:**

Zack reported that summer school at Mira Costa has started and the kids who are taking health classes will need to complete 10 hours of community service.

*Action Item:* Zack will draft a letter regarding volunteer opportunities for teachers to post.

**Other Business:**

The Committee agreed that all media inquiries, calls, and letters to the editor be directed to Trish.

**Adjournment:** The meeting was adjourned to the next scheduled meeting, Monday, July 11, 2011 at 5:00 p.m. in the Police and Fire Conference Room.

**CITY OF MANHATTAN BEACH  
MINUTES OF THE  
AD HOC CITY ATTORNEY SELECTION SUBCOMMITTEE MEETING  
JUNE 28, 2011  
7:00 PM**

The Ad Hoc City Attorney Selection Subcommittee Meeting of the City Council of the City of Manhattan Beach, California, was held on the 28<sup>th</sup> day of June, 2011, at the hour of 7:00 p.m., in the Police/Fire Conference Room, at 400/420 15<sup>th</sup> Street, in said City.

**PLEDGE TO THE FLAG**

Patch.com reporter Leo Shaw led the pledge of allegiance.

**ROLL CALL**

Present: Councilmembers Howorth and Lesser  
Absent: None  
Staff: David Carmany, City Manager  
Clay Curtin, Management Analyst  
Ariana Kennedy, Management Analyst

**AUDIENCE PARTICIPATION**

**Gerry O'Connor, No Address Provided**, asked for clarification regarding the follow up items from the last meeting work; suggested not involving the public in the interview process; recommended the subcommittee validate their direction towards a contract attorney through a cost comparison; and highlighted the importance of including the City Manager in the interview process.

**Ed Caprielian, No Address Provided**, asked where in the Work Plan minutes direction was given to pursue a contract City Attorney; highlighted the need for a pro/con list comparing and contrasting an in-house attorney to a contract attorney; proposed establishing a 10-member task force to review and recommend candidates and argued for more meaningful public participation and engagement.

**Bill Victor, No Address Provided**, asked what the subcommittee is looking for in a City Attorney; if there is a document comparing and contrasting an in-house attorney to a contract attorney; recommended quarterly reviews once an attorney is hired; and suggested the subcommittee investigate references from other cities and City Managers.

## **GENERAL BUSINESS**

- 06/28/11-1. *Subcommittee Discussion on the Process for Selection of a City Attorney.*
- a) Follow-up items from the previous meeting*
  - b) Evaluation process for RFP responses: criteria, weighted scoring matrix, interview questions*
  - c) Subcommittee Proposal to City Council: content, format, timeline*
  - d) Direction on further research for legal services cost control: historical data, budget, prospective cost control measures*

Councilmembers Howorth and Lesser led a discussion about the follow-up items from the previous meeting, evaluation process for RFP responses, subcommittee proposal to City Council, and direction for further research.

After a lengthy discussion, the subcommittee agreed upon an initial “paper-screening” of the responses. Any member of the public would be able to provide input and comments during a future subcommittee meeting.

Councilmember Lesser commented that the interviews would be held in closed session by the full City Council, and the subcommittee will develop a list of suggested questions to serve as a starting point for initial discussion with all attorneys and/or law firm representatives.

Individual councilmembers would have an opportunity to suggest any attorney or firm they believe should be added to the list for interviews. It was also discussed that time should be provided for individual councilmembers to ask further questions and conduct follow-up interviews with any candidate, as needed. Each councilmember would be asked to rank interviewees using a “forced choice chart.”

The selected attorney or firm would be invited to negotiate a retainer agreement, including scope of service, retention rates, etc. with staff. The final contract would be discussed and awarded at the next regularly scheduled City Council meeting.

The subcommittee directed staff to prepare a staff report to update and share the City Attorney evaluation process with the full City Council at the regularly scheduled meeting on July 5, 2011.

**ADJOURNMENT**

At 9:01 p.m. the meeting was duly adjourned.

---

Ariana Kennedy  
Recording Secretary

---

David Lesser  
Councilmember

**CITY OF MANHATTAN BEACH  
MINUTES OF THE  
AD HOC CITY ATTORNEY SELECTION SUBCOMMITTEE MEETING  
JULY 7, 2011  
7:00 PM**

The Ad Hoc City Attorney Selection Subcommittee meeting of the City Council of the City of Manhattan Beach, California, was held on the 7<sup>th</sup> day of July 2011, at the hour of 7:00 p.m., in the City of Manhattan Beach City Manager's Conference Room, at 1400 Highland Avenue, in said City.

**PLEDGE TO THE FLAG**

Councilmember Amy Howorth led the pledge of allegiance.

**ROLL CALL**

Present: Councilmembers Howorth and Lesser.  
Absent: None.  
Staff: Clay Curtin, Management Analyst.  
Mary Kirchwehm, Executive Secretary.

**AUDIENCE PARTICIPATION**

**Ed Caprielian, No Address Provided**, inquired about the approval of the May 2, 2011, Study Session minutes by City Council, and the detail of those minutes. He raised concerns about the new way meeting minutes were now being approved together as one agenda item at City Council meetings, stating his belief that this is a violation of the Brown Act. He inquired why the City has not looked at the pros and cons of staff versus a contract attorney. In addition, Mr. Caprielian thought that Interim City Attorney Leland Dolley's handout at the May 2<sup>nd</sup> Study Session should have been reviewed more carefully since it raises issues as to the needs of the department heads when looking for an attorney. He also inquired as to why the City has not looked into the previous City Attorney's performance appraisals in terms of decreasing the use of outside counsel and increasing the number of cases handled inside, and stated he would like more information on the types of cases that were handled by contract attorneys and what was spent. Mr. Caprielian further suggested hiring a full time contract attorney who can work the same amount of hours as the previous attorney for less money, and perhaps identify two or three firms that specialize in the areas that are needed by the department heads and the City as a whole.

**Viet Ngo, No Address Provided**, stated that according to Govt. Code § 54950 all responses to the RFP need to be made available to the public from now until the decision is made by the Councilmembers. He also stated that salary discussion cannot be discussed in closed session and requested that job classification and salary compensation be made public. Mr. Ngo expressed his belief that the Manhattan Beach Municipal Code states that the City Attorney must be a city employee and that an attorney from a private law firm cannot serve as a prosecutor for the City.

The subcommittee responded to Mr. Caprielian's and Mr. Ngo's inquiries:

Regarding Mr. Caprielian's inquiry about the approval of the May 2, 2011 Study Session minutes, Councilmember Lesser reported that the minutes from the May Study Session did not adequately reflect what was accomplished. For this reason, the subcommittee asked for and received confirmation of City Council's direction during the July 5, 2011 meeting.

In regards to the pros and cons of a contract attorney versus staff, Councilmember Lesser commented that with a contract attorney, the relationship can be terminated in a year with greater ease than with an in-house attorney. Councilmember Lesser concurred with Mr. Caprielian that when evaluating proposals, it would be beneficial to review the expertise of the different applicants in connection with the needs of the City's staff.

In reference to the former City Attorney's performance appraisals, Councilmember Lesser suggested that the report was prepared in the context of justifying a salary increase. However, there was discussion of how the in-house attorney reportedly saved the City money, and therefore it is certainly worth considering. Councilmember Lesser stated that many other cities have contract based attorneys. They have one principal attorney designated to a city and then an assistant.

Both Councilmembers Lesser and Howorth repeatedly reported that the responses to the RFPs will be made available to the public and that they will be available for review in the City Clerk's office.

In response to Mr. Ngo's concerns stating that the City Attorney must be a city employee, Councilmember Lesser reported that the City has consulted with the law firm of Liebert Cassidy Whitmore and that this was done with outside counsel, not the current special counsel from Jenkins & Hogin, because there could be a perceived conflict of interest if the subcommittee received advice from a firm who was also a potential candidate for this position. In addition, due to concerns related to attorney client privilege, Liebert Cassidy Whitmore consulted with City staff and the findings of that conversation were reported by City staff—that is why it is not an expressed legal document directly from the law firm. The Staff Report says it is written on the basis of consultation.

Councilmember Lesser stated that Joan Jenkins has long been the City's contract prosecutor under former City Attorney Bob Wadden and presently continues to serve as the City's prosecutor. Many other cities have private attorneys that serve as city prosecutors.

## **GENERAL BUSINESS**

### *07/07/11-1. Subcommittee Review of Responses Received to the Request for Proposal for City Attorney Services*

Due to the previous lengthy public comments and late hour, the subcommittee agreed that there would not be much time left to review the proposals in detail tonight. They went over the proposed timeline again and decided to meet on Friday, July 15, 2011, at 8:30 a.m. and possibly again on Friday, July 22, 2011, at 8:30 a.m.

Councilmember Howorth requested a report that would reflect the previous City Attorney's salary, benefits, pension, cost of all legal cases that were handled in house and with a private attorney, and the types of cases that were handled. Management Analyst Clay Curtin reported that he could possibly provide preliminary data by July 22, 2011.

Mr. Curtin distributed sample questions used during the recent recruitments of the police and fire chiefs. The subcommittee reported that one of their goals is to try to come up with the best possible questions by sharing public input and suggestions with the City Council. Councilmember Lesser brought to attention that the final questions should not be public since this could potentially give some applicants an unfair advantage.

## **ADJOURNMENT**

At 8:56 p.m. the meeting was duly adjourned.

---

Mary Kirchwehm  
Recording Secretary

---

David Lesser  
Councilmember