

### **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)-(h)] 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) City Council Meeting (Closed Session) and Regular City Council Meeting of August 2, 2011.
- b) Planning Commission Meetings of August 10, 2011.
- c) Planning Commission Meetings of August 24, 2011.
- d) Draft Parks & Recreation Commission Minutes July 25, 2011.
- e) Draft Library Commission Minutes August 8, 2011.
- f) Draft Cultural Arts Minutes August 9, 2011.
- g) Draft Cultural Arts Special Minutes of July 27, 2011.
- h) Draft Centennial Committee Minutes July 25, 2011
- i) Ad Hoc City Attorney Selection Subcommittee July 15, 2011.

**CITY OF MANHATTAN BEACH  
MINUTES OF THE CITY COUNCIL  
CLOSED SESSION MEETING  
AUGUST 2, 2011**

The Closed Session Meeting of the City Council of the City of Manhattan Beach, California, was held on the 2<sup>nd</sup> day of August, 2011, at the hour of 4:30 p.m., in the City Council Chambers of City Hall, at 1400 Highland Avenue, in said City.

**CALL TO ORDER**

Mayor Tell called the meeting to order.

**ROLL CALL**

Present: Lesser, Howorth, Montgomery, Powell and Mayor Tell.  
Present: City Manager Carmany and Special Counsel Christi Hogin.  
Absent: None.  
Clerk: Tamura.

**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:

**CONFERENCE WITH LEGAL COUNSEL--ANTICIPATED LITIGATION**

Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9:  
(one case)

**CONFERENCE WITH LABOR NEGOTIATOR**

(Government Code Section 54957.6)

Agency Negotiator: Ad Hoc City Attorney Selection Subcommittee

Unrepresented Employee: City Attorney

**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 4:30 p.m.

**RECESS INTO OPEN SESSION**

The Council reconvened into Open Session at 6:25 p.m.

An announcement in open session was made after the "Ceremonial Calendar" at the beginning of the Tuesday, August 2, 2011 Regular City Council meeting.

Special Counsel Christi Hogin announced, in Open Session, that tonight's Meeting convened at 4:30 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.

**ADJOURNMENT**

At 6:25 p.m. the meeting was duly adjourned to the 6:30 p.m. Regular City Council Meeting on Tuesday, August 2, 2011, in the City Council Chambers of City Hall, 1400 Highland Avenue, in said City.

Liza Tamura  
Recording Secretary

Nicholas W. Tell, Jr.  
Mayor

ATTEST:

Liza Tamura  
City Clerk

**CITY OF MANHATTAN BEACH  
MINUTES OF THE CITY COUNCIL  
REGULAR MEETING  
AUGUST 2, 2011**

The Regular Meeting of the City Council of the City of Manhattan Beach, California, was held on the 2<sup>nd</sup> day of August, 2011, at the hour of 6:35 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**

Steve Napolitano, Francine Nelson and their daughter Nola, led the pledge of allegiance.

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

**CEREMONIAL CALENDAR**

08/02/11-1. Presentation of a Baby Passport to Steve Napolitano and Francine Nelson

Councilmember Montgomery, on behalf of the Council, presented a baby passport to Steve Napolitano and Francine Nelson in recognition of the birth of their daughter, Nola.

**ROLL CALL**

Present: Lesser, Howorth, Montgomery, Powell and Mayor Tell.  
Absent: None.  
Clerk: Tamura.

**CLOSED SESSION ANNOUNCEMENT**

Special Counsel Christi Hogin announced that tonight's Meeting convened at 4:30 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**

08/02/11-2. Presentation of a Proclamation to Nancy Bradford Stewart Wilson on the Occasion of Her 100<sup>th</sup> Birthday

Mayor Tell, on behalf of the Council, presented a commendation to Nancy Bradford Stewart Wilson in recognition of her 100<sup>th</sup> birthday.

**CONSENT CALENDAR**

The Consent Calendar (Item Nos. 3 through 14), consisting of items under *General Consent* and *Boards and Commissions*, was approved by motion of Councilmember Montgomery, seconded by Councilmember Howorth and passed by unanimous roll call vote with the exception of Item Nos. 3, 4, 7 and 11 which were considered later in the meeting under "*Items Removed from the Consent Calendar*".

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

**GENERAL CONSENT**

08/02/11-3. Approve Minutes:

This item contains minutes of City Council meetings which are presented for approval [(a)-(b)] and minutes from City Council subcommittees and from other City commissions and committees [(c)-(h)] 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) Amended Regular City Council Meeting Minutes of June 7, 2011
- b) City Council Meeting (Closed Session) and Regular City Council Meeting of July 19, 2011
- c) Draft Parks & Recreation Commission Minutes of June 27, 2011
- d) Draft Library Commission Minutes of July 11, 2011
- e) Draft Cultural Arts Minutes of July 12, 2011
- f) Planning Commission Meeting of July 27, 2011
- g) Ad Hoc City Attorney Selection Subcommittee July 15, 2011
- h) Environmental Task Force Minutes of July 21, 2011

Item No. 3 was pulled from the "CONSENT CALENDAR". Please refer to "ITEMS REMOVED FROM THE CONSENT CALENDAR."

08/02/11-4. Consideration to Cancel the January 3, 2012 City Council Meeting

Item No. 4 was pulled from the "CONSENT CALENDAR". Please refer to "ITEMS REMOVED FROM THE CONSENT CALENDAR."

08/02/11-5. Consideration of the City's Support for Participation in "Moving Planet," an Event to Promote Healthy Living and Sustainability in the Community

The Council approved the City's participation in the Moving Planet event to include the City of Manhattan Beach in a worldwide effort to increase bikeability, walkability, and healthy living in the community.

08/02/11-6. Consideration of Financial Reports:

- a) Ratification of Demands: July 21, 2011
- b) Investment Portfolio for the Month Ending June 30, 2011
- c) Financial Reports for the Month Ending June 30, 2011

The Council approved with no exception Warrant Register Nos. 3B and 29B in the amount of \$3,440,981.99 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; received and filed the Investment Portfolio for the month ending June 30, 2011; and received and filed the Financial Reports for the month ending June 30, 2011.

08/02/11-7. Consideration of a Professional Services Agreement to Provide Police Management Services in an Amount Not-to-Exceed \$40,000

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

08/02/11-8. Consideration of a Lease of Groundwater Rights from the City of El Segundo

The Council approved authorizing the City Manager to execute an agreement to lease 953 acre feet of water rights at \$106 per acre feet from the City of El Segundo. The total cost of the lease amounts to \$101,018.

08/02/11-9. Consideration to Authorize the Director of Public Works to Award a Design Services Contract to Andresen Architects, Inc. for the Joslyn Center, Manhattan Heights Community Center, and Begg Pool Improvement Project (\$128,900.00)

The Council approved authorizing the Director of Public Works to award a contract in the amount of \$128,900.00 to Andresen Architects, Inc. for the Joslyn Center, Manhattan Heights Community Center, and Begg Pool Improvement Project.

08/02/11-10. Consideration to Authorize the City Manager to Award an Agreement to Moffatt & Nichol for Preparation of Plans and Specifications for Localized Structural Rehabilitation of the Manhattan Beach Pier (\$37,000)

The Council approved authorizing the City Manager to execute an agreement with Moffatt & Nichol in the amount of \$37,000 to prepare plans and specifications for localized structural rehabilitation of the Manhattan Beach Pier.

08/02/11-11. Consideration to Approve the Plans and Specifications for the Fire Station No. 1 Shower Repair Project and Authorize Staff to Solicit Bids

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

08/02/11-12. Consideration to Approve Plans and Specifications and Authorize the City Manager to Seek Bids for a Construction Contract for the Well 11 Rehabilitation Project

The Council approved the plans and specifications for the Rehabilitation of Well No. 11 and authorized the City Manager to solicit construction bids.

08/02/11-13. Consideration of Final Payment in the Net Amount of \$287,050.10 to Geronimo Concrete, Inc.; Formally Accept the Section 6 Concrete Repair Project as Complete; and Authorize Filing of the Appropriate Notice of Completion and Release Retention in the Amount of \$53,745.13

The Council approved the issuance of the subject final payment in the amount of \$287,050.10 to Geronimo Concrete, Inc.; formally accepted the Section 6 Concrete Repair Project as Complete; and authorized filing of the appropriate Notice of Completion and Release of Retention in the amount of \$53,745.13.

08/02/11-14. Consideration to Authorize the City Manager to Award a Professional Engineering Services Contract to KOA Corporation/CBM Consulting, Inc. for Construction Inspection Services on the 2010-2011 and 2011-2012 Sewer Main Rehabilitation (Miscellaneous Spot Repairs and Mainline Replacements) Projects, and the 2011-2012 Water Main Replacement Project, Phase 2 (\$211,720.00)

The Council approved authorizing the City Manager to award a professional engineering services contract in the amount of \$211,720.00 to KOA Corporation/CBM Consulting, Inc. for construction inspection services on the following projects: a) 2010-2011 Sewer Main Rehabilitation Project (miscellaneous spot repairs); b) 2011-2012 Sewer Main Rehabilitation Project (mainline replacements); and c) 2011-2012 Water Main Replacement Project, Phase 2.

#### COMMUNITY ANNOUNCEMENTS

08/02/11-21. Don Gould Re Upcoming Library Events

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

08/02/11-22. Ed Caprielian Re AAA Rating

**Ed Caprielian, No Address Provided**, congratulated City employees for the AAA rating from all three credit rating agencies and especially thanked the Finance Department, the Police and Fire Departments, the Parks and Recreation Department, the City Manager, and the City Council.

08/02/11-23. Councilmember Powell Re Older Adults Excursions

Councilmember Powell announced that the next two Older Adult bus excursions will be to the Del Mar Race Track on August 11, 2011 and the Hollywood Bowl to see the LA Philharmonic concert on August 18, 2011. He asked that interested parties RSVP (310) 802-5447.

08/02/11-24. Councilmember Powell Re U.S. Aircraft Carrier Tour

Councilmember Powell thanked Mayor Tell for inviting him to tour the U.S. Aircraft Carrier Abraham Lincoln, thanked Admiral Greener for the tour and shared his experience.

08/02/11-25. Councilmember Montgomery Re U.S. Aircraft Carrier Tour

Councilmember Montgomery described the awe at visiting an aircraft carrier and thanked all Navy and military personnel.

08/02/11-26. Councilmember Howorth Re South Bay Cities Council of Governments

Councilmember Howorth announced that she attended the South Bay Cities Council of Governments meeting and shared the following information: that there will be a lamp exchange at the Forum on August 27 and 28, 2011 from 8:00 a.m. until 1:00 p.m.; that the construction on the metro express lanes will begin in 2012; and that the Board of Supervisors will be holding another public hearing to discuss the redistricting of the county on August 10, 2011.

08/02/11-27. Mayor Tell Re Mayor's Moai Walk

Mayor Tell stated that the first Mayor's Moai walk took place on the Strand and that the next walk will be held on September 6, 2011 at 9:00 a.m. beginning at Peet's Coffee on Manhattan Beach Boulevard.

**AUDIENCE PARTICIPATION**

08/02/11-28. Martha Andreani Re 6-Man Volleyball Tournament

**Martha Andreani, No Address Provided**, shared her concerns regarding the 6-Man volleyball tournament and the out of control partying. **Ms. Andreani** suggested moving the tournament to the North End.

08/02/11-29. Ed Caprielian Re 6-Man and Alcohol

**Ed Caprielian, No Address Provided**, agreed with **Ms. Andreani's** characterization of the 6-Man tournament; showed various newspaper articles and letters to the editor regarding alcohol in the Beach Cities; and suggested that there is controversy regarding the alcohol related data that was presented to City Council.

08/02/11-30. Gary McAully Re Public Input

**Gary McAully, No Address Provided**, stated that the Police Department and elected officials encourage public input until they hear negative comments; suggested that agendas, staff reports, and minutes be widely publicized; and specified that public input should not be rushed.

08/02/11-31. Laura Davis Re 6-Man Volleyball Tournament

**Laura Davis, 1000 Block of Bayview Drive**, discussed that there were 6-Man parties all over the City; that she was afraid to leave her house; and asked for increased police presence on the side streets and walkstreets.

08/02/11-32. Ginger Sheer Re 6-Man Volleyball Tournament

**Ginger Sheer, 1000 Block of The Strand**, expressed her frustration that while the alcohol is now off the beach, it has moved into the neighborhood; asked why teams are allowed to rent houses to throw parties; and explained that people were changing clothes and urinating on her property.

08/02/11-33. Gerry O'Connor Re 6-Man

**Gerry O'Connor, No Address Provided**, applauded **Mr. McAully's** comments and encouraged the City Council to create a committee to discuss the 6-Man tournament as soon as possible.

Councilmember Montgomery asked if there will be a report on the 6-Man tournament presented to City Council at a future City Council meeting.

City Manager David Carmany stated that staff will bring the 6-Man update to City Council at the second meeting in September.



08/02/11-34. Willy Leventhal Re 6-Man and Walkway to the Sea

Willy Leventhal, No Address Provided, applauded the Police Department for a good job handling the 6-Man tournament; spoke about a cement walk way to the sea and suggested making it look like wood; stated that Santa Monica paid for its own walkways; concluded he would pursue private funding sources; and spoke about parking at 2<sup>nd</sup> Street.

**PUBLIC HEARINGS**

08/02/11-15. Consideration of Adoption of an Extension of an Urgency Ordinance Establishing a Moratorium on Tattoo Studios in Order to Study and Complete New Zoning Code Amendments

Mayor Tell introduced the subject item and Community Development Director Richard Thompson provided the staff presentation.

Mayor Tell opened the Public Hearing at 7:15 p.m.

There was no public comment on this item.

Mayor Tell closed the Public Hearing at 7:16 p.m.

Special Counsel Christi Hugin reported that in Urgency Ordinance No. 2151U, on Page 2, second paragraph of Section 8, "22 months" should now read "10 months" and after "California Government Code Section 65858" the language "and extends Ordinance No. 2148U" should be added. She then read aloud the title of Urgency Ordinance No. 2151U.

**MOTION:** Mayor Pro Tem Powell moved to waive further reading and adopt Urgency Ordinance No. 2151U, as amended above, extending a Moratorium on approval of tattoo studios. The motion was seconded by Councilmember Howorth and passed by the following unanimous roll call vote:

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

08/02/11-16. Consideration of a Determination that the City is in Compliance With the Program Requirements of the 2011 Congestion Management Program (CMP) for Los Angeles County as Prepared by the Metropolitan Transportation Authority (MTA)

Mayor Tell introduced the subject item and Assistant Planner Angelica Ochoa provided the staff presentation.

Mayor Tell opened the Public Hearing at 7:21 p.m.

There was no public comment on this item.

Mayor Tell closed the Public Hearing at 7:22 p.m.

**MOTION:** Councilmember Lesser moved to adopt Resolution No. 6326 demonstrating the City's compliance with the program requirements of the 2011 Congestion Management Program (CMP). The motion was seconded by Councilmember Howorth and passed by the following unanimous roll call vote:

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

**GENERAL BUSINESS**

**08/02/11-17. Status Report and Presentation of the Vitality City Program Initiative Sponsored by Beach Cities Health District**

Mayor Tell introduced the subject item and Community Development Director Richard Thompson provided the staff presentation and introduced the following Vitality City audience members: **Beach Cities Health District (BCHD) Chief Executive Officer Susan Burden, Beach Cities Health District Chief Medical Officer Dr. Lisa Santora and Vitality City Program Manager Veronica Flores.**

**BCHD Chief Medical Officer Dr. Santora** provided the PowerPoint presentation.

**Russ Lesser, President of Body Glove,** explained how his business had benefited from the Vitality Cities program.

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

- **Willy Levanthal, Hermosa Beach**
- **Ed Caprielian, No Address Provided**
- **Charlotte Lesser, 400 Block of Highland Avenue**

The Council accepted the presentation by the Vitality City Manager and received and filed the subject report.

Hearing no objections, it was so ordered.

**RECESS AND RECONVENE**

At 8:13 p.m. the Council recessed and reconvened at 8:21 p.m. with all Councilmembers present.

**08/02/11-18. Consideration of a Professional Services Agreement with Johnson Favaro for Library Reconstruction (\$1,200,000)**

Mayor Tell introduced the subject item and City Manager Dave Carmany provided the PowerPoint presentation.

**Steve Johnson of MDA Johnson/Favaro** responded to Council's questions.

**Los Angeles County Librarian Margaret Donnellan Todd, Los Angeles County Department of Public Works David Howard and Los Angeles County Chief Executive Officer (Finance) Jan Takata** responded to Council's questions.

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

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

**MOTION:** Councilmember Montgomery moved to approve authorizing the City Manager to award a professional services agreement with Johnson/Favaro for the Library Reconstruction Project. The motion was seconded by Councilmember Lesser and passed by the following unanimous roll call vote:

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

08/02/11-19. Consideration of an Ordinance Prohibiting Smoking on the Strand and Veterans Parkway (the Valley Ardmore Greenbelt)

Mayor Tell introduced the subject item and Special Counsel Christi Hogin provided the staff presentation.

Police Chief Eve Irvine responded to Council's questions.

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

- **Dr. Lisa Santora, Beach Cities Health District Chief Medical Officer**
- **Robert Berger, Project Trust, Los Angeles County Department of Public Health**
- **Joan Waddell, National Council on Alcohol and Drug Dependence of the South Bay**
- **Jeannie Jung, American Lung Association of California**
- **Craig Cadwallader, Surfrider Foundation, South Bay Chapter**

Mayor Tell read aloud the title of Urgency Ordinance No. 2152.

**MOTION:** Mayor Pro Tem Powell moved to waive further reading and introduce Ordinance No. 2152 prohibiting smoking on the Strand and along Veterans Parkway (the Valley Ardmore Greenbelt) and establishing penalties for violations thereof. The motion was seconded by Councilmember Howorth and passed by the following unanimous roll call vote:

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

08/02/11-20. Adoption of Ordinance Nos. 2149 or Ordinance No. 2150 to Amend or Repeal Municipal Code Section 2.01.010 Regulating Where City Council Meetings May be Held

Mayor Tell introduced the subject item and City Manager Dave Carmany provided the staff presentation.

Special Counsel Christi Hogin explained the difference between the two proposed ordinances.

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

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

**MOTION:** Mayor Pro Tem Powell move to waive further reading and introduce Ordinance No. 2149 amending the Manhattan Beach Municipal Code Section 2.01.010 to require that all regular meetings of the City Council must be held in the Council Chamber of City Hall unless adjourned to another facility that has reasonable recording and audio capability.

Prior to the second, Councilmember Lesser asked for Special Counsel Hogin's opinion regarding the motion on the floor.

Special Counsel Hogin clarified that there is now legal impediment regarding Mayor Pro Tem Powell's motion and pointed out that Ordinance No. 2149 refers to all "regular" City Council meetings; therefore, it still allows for "special" meetings elsewhere.

Council held a brief discussion regarding the recording capabilities in other facilities where Council meetings may possibly be held.

Councilmember Montgomery called for the motion.

Special Council Christi Hogin read aloud the title of Ordinance No. 2149.

**MOTION:** Mayor Pro Tem Powell move to waive further reading and introduce Ordinance No. 2149 amending the Manhattan Beach Municipal Code Section 2.01.010 to require that all regular meetings of the City Council must be held in the Council Chamber of City Hall, unless adjourned to another facility provided that such location has adequate audio amplification and recording capabilities. The motion was seconded by Councilmember Howorth and passed by the following unanimous roll call vote:

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

### **ITEMS REMOVED FROM THE CONSENT CALENDAR**

#### **08/02/11-3. Approve Minutes:**

*This item contains minutes of City Council meetings which are presented for approval [(a)-(b)] and minutes from City Council subcommittees and from other City commissions and committees [(c)-(h)] 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:*

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- e) Draft Cultural Arts Minutes of July 12, 2011*
- f) Planning Commission Meeting of July 27, 2011*
- g) Ad Hoc City Attorney Selection Subcommittee July 15, 2011*
- h) Environmental Task Force Minutes of July 21, 2011*

**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**
- **Ed Caprielian, No Address Provided**

**MOTION:** Councilmember Montgomery moved to approve the subject City Council Meeting minutes and received and filed the minutes from the City Council Subcommittees, City Commissions and Committees. The motion was seconded by Councilmember Howorth and passed by the following unanimous roll call vote:

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

08/02/11-4. Consideration to Cancel the January 3, 2012 City Council Meeting

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

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

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

**MOTION:** Councilmember Montgomery moved to approve canceling the January 3, 2012 City Council meeting. The motion was seconded by Councilmember Powell and passed by the following unanimous roll call vote:

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

08/02/11-7. Consideration of a Professional Services Agreement to Provide Police Management Services in an Amount Not-to-Exceed \$40,000

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

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

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

Police Chief Eve Irvine clarified the need for a part-time Administrative Lieutenant position.

**MOTION:** Councilmember Montgomery moved to approve authorizing the City Manager to award a professional services agreement for a part-time Administrative Lieutenant position in the Police Department. The motion was seconded by Councilmember Howorth and passed by the following unanimous roll call vote:

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

08/02/11-11. Consideration to Approve the Plans and Specifications for the Fire Station No. 1 Shower Repair Project and Authorize Staff to Solicit Bids

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

The following individual spoke on this item:

- Gerry O'Connor, No Address Provided

City Manager Dave Carmany explained the necessity to go out to bid and to get the work done as soon as possible.

**MOTION:** Councilmember Montgomery moved to approve the plans and specifications for the Fire Station No. 1 Shower Repair Project and authorized staff to solicit bid. The motion was seconded by Councilmember Howorth and passed by the following unanimous roll call vote:

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

**CITY MANAGER REPORT(S)**

None.

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

None.

**ADJOURNMENT**

At 10:10 p.m. the Regular City Council meeting of August 2, 2011, was duly adjourned to the 6:30 p.m. Regular City Council Meeting on Tuesday, September 6, 2011, in the City Council Chambers of City Hall, 1400 Highland Avenue, in said City.

\_\_\_\_\_  
Liza Tamura  
Recording Secretary

\_\_\_\_\_  
Nicholas W. Tell, Jr.  
Mayor

ATTEST:

\_\_\_\_\_  
Liza Tamura  
City Clerk







DRAFT

CITY OF MANHATTAN BEACH  
MINUTES OF THE PARKS & RECREATION COMMISSION

July 25, 2011  
6:00 P.M.

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**ROLL CALL**

Present: Commissioners Murray, Rothans, Hersman and Manna.

Absent: Commissioners Nicholson, Cajka and Taylor.

Others Present: Recreation Services Manager Idris Al-Oboudi

**AGENDA CHANGES**

None.

**APPROVAL OF MINUTES**

The minutes of the June 27, 2011 minutes were approved as amended.

**CEREMONIAL**

The Commission recognized past Commissioners Gill and Schoenfeld for their service on the Parks and Recreation Commission and presented them with certificates of appreciation and commemorative gifts recognizing their service to the community of Manhattan Beach.

**AUDIENCE PARTICIPATION**

None.

**GENERAL BUSINESS**

11/0725.1 – Tour of Sand Dune Park

Recreation Manager, Mr. Idris J. Al-Oboudi lead the Commissioners on a walking tour of Sand Dune Park explaining the history of the park, improvements and additions throughout his 25 years of service to the City. Mr. Al-Oboudi focused his presentation on the current operations at the park, specifically the implementation of the Sand Dune reservation system that began in August 2010. Mr. Al-Oboudi informed the Commissioners that a full one-year review of Sand Dune operations is scheduled to be presented to City Council in October 2011. During the tour, the Commissioners observed the hostile behavior of a male resident who was asked to stop running on the stairs. The resident continued to be confrontational and discourteous, and the

police were notified. The resident vacated the park prior to the police arriving. Information regarding the incident was provided to the police. The Commissioners also received very positive feedback from two residents who were extremely complimentary of the Sand Dune reservation system and the impact it has had on the quality of life in the park and the surrounding neighborhood. They were also highly complimentary to the Parks and Recreation staff in the park.

**COMMISSION ITEMS**

None.

**OTHER**

None.

**ADJOURNMENT**

At 7:30 p.m. the meeting was adjourned to the next Parks and Recreation Commission meeting on Monday, August 22, 2011.

**CITY OF MANHATTAN BEACH  
MINUTES OF THE LIBRARY COMMISSION**

August 8, 2011  
6:30 p.m.  
Manhattan Beach City Hall

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11/0808-1 – Review and Discussion of Library Renovation Project .....	1

**ROLL CALL**

Present: Commissioners Adams, Rhees, Clemons, and Cooperman.

Absent: Commissioner Hook.

Others Present: Councilmember David Lesser and Mayor Pro Tem Wayne Powell, Recreation Services Manager Mark Leyman, Los Angeles County Library Regional Administrator Steven Klein, Manhattan Beach Library Manager Don Gould, and Recording Secretary Mary Kirchwehm.

**APPROVAL OF MINUTES**

The Minutes of the July 11, 2011 Library Commission meeting were approved as written.

**CEREMONIAL**

None.

**AUDIENCE PARTICIPATION**

Gary McAulay, resident of Manhattan Beach and board member of the Historical Society, reported that Jan Dennis, a local historian who has written books on the town's history, has suggested a local history room be incorporated in the library plans. In addition, Mr. McAulay reported that the Historical Society has quite a large collection of newspapers dating back to the town's incorporation. They are single copies and are currently being stored in an old restroom in Polliwog Park.

**GENERAL BUSINESS**

11/0808-1 – Review and Discussion of Library Renovation Project

Councilmember Powell reviewed the conceptual timeline that was presented to City Council in a staff report. The timeline consists of four components:

1. Schematic Design Stage (August – November 2011): Includes a community meeting.
2. Design Development Stage (December 2011 – April 2012): Includes a community presentation.
3. Construction Documents (May – September 2012)

4. Permit and Construction Cost Phase (September – November 2012)
5. Construction Begins (December 2012)

Councilmember Powell also stated that the Subcommittee would like to keep expenses for a temporary library at a minimum during the construction. The Subcommittee is exploring the idea of a bookmobile or a small satellite office in City Hall or the Creative Arts Center. The Library Commission will be involved in each of the phases, and the Cultural Arts Commission will also be involved with respect to the art in the new library.

Councilmember Lesser explained that the first goal is to get the project approved by the Los Angeles County Board of Supervisors. The expectation is that the project will be approved on the consent calendar of the Los Angeles County Board of Supervisors August 9, 2011 meeting. The Subcommittee will also be meeting with the City Manager and senior County staff members to identify what the City will have direct control over in regards to the library project.

Councilmember Lesser reported that at the last City Council meeting, Johnson/Favarró was awarded the architect contract with the expectation that the County of Los Angeles will oversee the project. Although the County will be overseeing the project, entitlements and approvals still need to go through the City.

The Subcommittee would like to solicit the help of the Commission in reaching out to the community for public input in areas that are available for discussion. They would also like to meet with various groups in the community to relay information on the status of the project. The Commission would like to arrange a bus tour for the public to visit various libraries.

Commissioner Adams suggested that the Commissioners be provided with a fact sheet detailing the need for a new library.

#### **COMMISSION ITEMS**

None.

#### **STAFF ITEMS**

None.

#### **ADJOURNMENT**

The meeting was adjourned at 7:55 p.m.

## CULTURAL ARTS COMMISSION

### Minutes

August 9, 2011

Manhattan Beach City Hall  
1400 Highland Avenue  
Manhattan Beach, CA 90266

#### I. CALL TO ORDER

The meeting was called to order at 6:08 p.m.

#### II. ROLL CALL

Present: Peter De Maria, Chair  
Russ Samuels, Vice Chair  
Susan Sweeney  
Susannah Rosenthal  
Juanita Purner, Cultural Arts Manager  
Absent: Nancy Humbarger

#### III. APPROVAL MINUTES

The minutes of the July 12, 2011 Cultural Arts Commission Meeting were approved as written.

#### IV. AUDIENCE PARTICIPATION

None.

#### V. GENERAL BUSINESS

01/0614.32 Sculpture Garden Program 2012

The Cultural Art Commission reviewed the sculptures selected at the July 27th Special Meeting for recommendation to City Council and made the following requests:

- Contact the artists to request a jpeg image of the sculpture.
- Check with Jason Manley to find out if his work, *Believe*, has a self-contained electrical source and get the accurate dimensions.

Currently, the Sculpture Garden Program has three temporary sculptures in the Civic Plaza (*Osprey*, *Imagine if there were Dragons*, and *Fire Goddess*) with *Sweet Music* installed on the Veterans Memorial Parkway and *On Board* at the Metlox 13<sup>th</sup> Street corner.

The sculpture City Council purchased last year, *Remember When...*, is also located in the Civic Plaza in front of the Police/Fire Department facility entrance.

The Cultural Arts Commission discussed the Sculpture Garden Program and evaluated the following issues:

- Consideration of raising the stipend from \$2,500 to \$5,000 - This increase can attract artists who are willing to create new works rather than relying on artists with an inventory of art.

- Change the one-year lease for the rotating Sculpture Garden program to two years and allow sufficient time to find artists for the program.
- The idea of holding a competition for a Sculpture Garden was raised, but the Cultural Arts Commission wondered if the City would be interested in adding another permanent sculpture to the program.
- Artists expressed concern with the two-part approval process that involves the Cultural Art Commission's recommendation to City Council prior to final approval.
- The Cultural Arts Commission recognized that the pot/pole format served to jump start the program. However, it has reached a point where it needs to be revamped.
- The selection process needs to advance in order to generate a new level of art works.

**MOTION:** Commissioner Samuels moved to reschedule the September 13<sup>th</sup> meeting to Tuesday, September 6<sup>th</sup> at 6:00 p.m. Commissioner Sweeney seconded the motion.

Ayes: Samuels, Sweeney, De Maria, Rosenthal.

Noes: None.

Abstain: None.

Absent: Humbarger.

Staff was given the task of finding a meeting room. The Commission would like the Cultural Arts Ad Hoc Committee members to be invited to the next meeting and receive their input on the Sculpture Garden.

#### **IV. REPORTS AND OTHER BUSINESS**

##### **Centennial**

The Cultural Arts Commission expressed their interest in attending a Centennial meeting and the possibility of coordinating a Centennial community art project. The Cultural Arts Commission would like to participate in the 100 year anniversary celebration.

##### **Art Student Support**

Chair De Maria inquired about the possibility of implementing a student scholarship program to support students seeking funds to pursue college art studies.

##### **Strand Architect Benches**

Chair De Maria researched the local business community for sponsorship assistance to manufacture four Strand bench prototypes.

#### **ADJOURNMENT**

The meeting was adjourned at 7:35 p.m.

Note: The Commission will hold a Special Meeting on September 6<sup>th</sup> at 12:00 p.m. in the City Manager's Conference Room.

In addition, on September 13<sup>th</sup> all City Commissions are invited to the Community Meeting held in the PD/FD Conference Room at 6:30 – 8:30 p.m. The plans for the library renovation will be presented.

**CULTURAL ARTS COMMISSION**

**Minutes**

**Special Meeting**

July 27, 2011

Manhattan Beach City Hall  
1400 Highland Avenue  
Manhattan Beach, CA 90266  
Noon

**I. CALL TO ORDER**

The meeting was called to order at 12:34 p.m.

**II. ROLL CALL**

Present: Peter De Maria, Chair  
Russ Samuels, Vice Chair  
Nancy Humbarger  
Juanita Purner, Cultural Arts Manager

Absent: Susannah Rosenthal  
Susan Sweeney

**III. APPROVAL OF MINUTES**

**IV. AUDIENCE PARTICIPATION**

None.

**V. GENERAL BUSINESS**

01/0614.31 Sculpture Garden Program

The following submissions for the 2011 Sculpture Garden Program were reviewed by the Cultural Arts Commission:

<u>Artist</u>	<u>Sculpture Title</u>
Nina Karavasiles	<i>Windwish</i>
Deana Mando	<i>Abbey The Sea Sprite</i>
Frank Mando	<i>Moriah – Spirit of the Wind</i>
Jason Manley	<i>Believe</i>
Christian Tedeschi	<i>Not a Step</i>
David Thefeld	<i>Kisses</i>

Artist

Jim Trask

Sculpture Title

*Tiptoe Through the Two Lips*

Steven L. Rieman

*The Tree Hugger*

*Tropic Birds*

Amos Robinson

*Celestial Sailor*

*The Bicycle*

The Commission discussed the art works that they believed were accessible: *Moriah*, and the three kinetic sculptures *Celestial Sailor*, *Tree Hugger* and *Tropic Birds*

The two sculptures that called for more explanation are *Believe* and *Not a Step*. *Believe* was inspired by the multitude of electric signs and marquees that fill an urban landscape. The open ended word invites the viewer to complete the meaning, and the sculpture's glowing green lights promote awareness to society's focus on green technology and clean energy.

The sculpture titled, *Not a Step*, is a departure from the conventional use of wooden ladders. The artist reinvents this utilitarian object through a new configuration where 13 A-frame ladders form a new symmetrical art piece. This new form implies movement while it remains stationary.

The Cultural Arts Commission selected the following six sculptures for recommendation to City Council for next year's Sculpture Garden:

Frank Mando

*Moriah – Spirit of the Wind*

12' H, Welded Steel, Fiberglass,  
Foam & resin

Jason Manley

*Believe –*

15' Height x 15' wide x 6 depth  
Solar panel generated electrical  
source

Christian Tedeschi

*Not a Step*

13 – A-Frame Ladders  
13' H x 27' W

Steven L. Rieman

*The Tree Hugger*

Stainless Steel,  
9'H x 4.5' W x 2'D



Steven L. Rieman

*Tropic Birds*

Bronze, stainless and weathered  
Steel – 14'H x 6' diameter  
Kinetic sculpture moves from a  
Horizontal to a vertical  
position

Amos Robinson

*Celestial Sailor*

Kinetic sculpture 54" H x 54"H x 29"L  
Stainless steel, polished and painted

**IV. REPORTS AND OTHER BUSINESS**

None.

**ADJOURNMENT**

The meeting was adjourned at 1:45 p.m. The next Cultural Arts Commission's Meeting is scheduled for 6:00 p.m. on Tuesday, August 9, 2011.

**Manhattan Beach Centennial Committee**  
**July 25, 2011 – 5:00 p.m. Police and Fire Conference Room**

**Meeting Notes**

**Attendees:** Mayor, Nicholas Tell; Councilmember Richard Montgomery; Committee Members Joe Franklin, Grace Leung, Jan Dennis, Trish Pietrzak, Annie Walker, Oliver Schulster, Jeanna Harkenrider, Larry Lemoine, and Zack Gill; Parks & Recreation Director, Richard Gill, Recreation Services Manager, Eve Kelso, City Clerk, Liza Tamura and Recording Secretary, Mary Kirchwehm.

**Audience Participation**

Angela Silverman, who represents Friends of Local Artists (FOLA), spoke about the possibility of integrating one or two projects together by having a series of artists at events such as the Metlox event or having art in the various downtown businesses in conjunction with a Centennial event. Richard Montgomery directed Angela to visit the website and fill out an application. Annie Walker will coordinate a discussion with Angela.

Madonna Newburg expressed her hope that the Committee keep the older adults in mind when planning events—especially the parade. She suggested a senior grandstand, handicap spaces for wheelchairs and a way to accommodate those who cannot walk very far. Richard Montgomery suggested Madonna contact Jan Dennis with any questions and concerns for the parade and contact Annie Walker for regarding the other events.

Ed Caprielian had several inquiries and comments regarding the Centennial Ball such as the status of alcohol, ticketing, catering service, and sponsorship. He read his notes from the previous meeting indicating that alcohol would be sold at the Centennial Ball. The Committee members disagreed with his recollection of what was said regarding the status of alcohol for the event. He also informed the Committee that he did not see any financial data in the staff reports or minutes that were transmitted to City Council. In addition, he thinks the profit for ticket sales for Concerts in the Park seating should be reviewed to determine if it is worth the effort involved.

**Meeting Topics**

**Review Meeting Notes:** The Committee reviewed and adopted the July 11, 2011 Centennial Meeting notes as written.

**Comments:** Jan Dennis reported that the offer to donate 100 paintings has been withdrawn.

**Committee Reports:**

**Volunteer Recruitment List Update:**

Joe Franklin reported that he has not received any recommendations from the Committee for additional outreach contacts and is continuing to pursue his own contacts. He also questioned the use of manpower for selling merchandise at the park since sales have been extremely low. Collectively, the concerts scheduled on August 14 and August 21 have 17

reserved seating spaces sold, and therefore it is imperative to have volunteers lined up for those dates. He further added that he will not be there for the Eagles Tribute on August 14.

Eve Kelso reported that the City has approximately 100 active volunteers on their list in addition to enlisting service organizations for special events. Recruitment is based on the size of the event. Eve mentioned that through an organization called Volunteermatch.org she is able to recruit college and high school students for volunteer positions. She also has a few contacts with local colleges and churches for volunteers.

Trish Pietrzak reported that there needs to be some coordination with the merchandise, banner and possible storage for these items.

The Committee decided that it is important to have the presence of volunteers at the concerts to promote awareness of the Centennial. They can wear Centennial t-shirts, and distribute flyers and cards.

**Action Item:** Joe Franklin will work diligently at obtaining volunteers for the concerts on August 14 and August 21.

**Action Item:** Eve Kelso will inform City volunteers of upcoming events and instruct them to contact the Centennial Committee to sign up. Eve will also help with obtaining two to four volunteers for the August 14 and August 21 Concerts in the Park.

**Action Item:** Richard Gill will email the Committee David Ibarra's his cell phone number and confirm that he has keys and access to the storage area.

**Action Item:** Liza Tamura reminded the Committee that volunteers should be instructed not to place Centennial cards on cars since this is a violation of the Municipal Code.

**Budget Report and Purchasing Policy Update:**

Grace Leung reported that the net income year to date is \$3,104.98 and since the last report seven reserved seating spaces have been sold. In addition, a deposit in the amount of \$165 was made from t-shirt sales at Sharks Cove. There was \$17.50 in PayPal expenses.

Richard Montgomery reported that all money the City advanced has been paid off to date and that there is a zero balance owed to the City. He asked Grace Leung to reflect that information on the next budget report.

Richard Gill reported that currently Grace is the only person who can make purchases. This may present a problem going forward as events develop.

**Action Item:** Grace Leung stated that she is working on a purchasing policy with Finance Director, Bruce Moe.

**Parade Effort Update:**

Jan Dennis reported that she has a couple of meetings planned and a unicycle unit lined up. Everything is moving along fine. No other updates.

Richard Gill inquired if this event as well as the other Centennial events will be self-insured.

*Action Item:* Richard Gill will inquire the issue of insurance with the City's Risk Management Department.

**Community Outreach and Sponsorship Update:**

Trish Pietrzak reported that she has contacted almost everyone on her list, and everyone seems very excited to participate in either a monetary or service capacity. She has emailed the brochure to everyone on her list. In addition, Trish has also reached out to South Bay magazines in order to get the events on the calendar for next year.

***Beach Reporter, Easy Reader and Daily Breeze Update:***

Trish Pietrzak reported that she has spoken with Paul Silva regarding the brochure but nothing has been published yet. Otherwise, there is no update with the *Beach Reporter, Easy Reader and Daily Breeze*.

**Manhattan Village Event/Review Chair Assignments Update:**

Annie Walker reported that a meeting is scheduled with Ericka Sanchez, the Assistant Marketing Manager at Manhattan Village on Wednesday afternoon. She will also be meeting with Classic Party regarding the "Taste of Manhattan." Annie also reported a friend of hers is helping with chair assignments for the different events, and she may have someone for the BBQ. Annie still has not been able to get in touch with Mike Zislis and would like to keep in updated. She and Oliver are working on storyboarding.

*Action Item:* Annie Walker and Oliver Schulster are working on storyboarding.

**Final Sponsorship Guide Update:**

Oliver Schulster inquired about the titles for the Honorary Committee Members.

*Action Item:* Annie Walker will provide Oliver Schulster with titles for the Honorary Committee Members.

*Action Item:* Oliver Schulster will update the guide to reflect the current City Council positions. Oliver will also add information to the brochure that includes the tax i.d., where to mail checks and to whom the checks are payable. Oliver will also add the Manhattan Beach Centennial copyright on the bottom of the back cover.

**Letterhead Template Update:**

*Action Item:* Oliver Schulster will update the letterhead template to reflect the current City Council positions.

**Merchandise Sales Update:**

Larry Lemoine reported that the inventory at Sharks Cove has been reconciled, and they need to be restocked. He would like to expand the selling of merchandise to the east side of Sepulveda.

Irene Cotter recommended that the Committee sell the merchandise that remains in stock before putting money into towels since summer is almost over. Irene inquired if the Committee is interested in selling merchandise at the Hometown Fair. The Committee agreed that having an informational booth at the Hometown Fair is enough and not to sell any merchandise. It was also mentioned that Chamber of Commerce inquired if they can use the Centennial logo on merchandise and keep the proceeds. The Centennial Committee was not adverse to the idea.

**Community Event Registration Update:**

Jeanna Harkenrider reported that she received an event request from PierYoga requesting to hold an event on the pier.

*Action Item:* The Committee agreed that all event requests submitted to the Centennial Committee should be forwarded to the City for review by various departments. Although the Committee may approve using the Centennial logo for events, applicants will still need to follow the proper channels for approval of their event. The Committee agreed that there should be some language on the application informing applicants of this.

**High School Volunteer Efforts/List of Mira Costa High School Volunteers:**

Zack Gill reported that there have not been any responses for high school volunteers this summer. The high school students are interested in longer hours and there may be more interest when school starts.

**Other Business:**

Larry Lemoine reported that he spoke with the KTLA producer who indicated that KTLA is interested in covering the Holiday Fireworks Show in 2011.

**Adjournment:** At 6:15 p.m., the meeting was adjourned to the next scheduled meeting, Monday, August 8, 2011 at 5:00 p.m. in the Police and Fire Conference Room.

**CITY OF MANHATTAN BEACH  
MINUTES OF THE CITY COUNCIL  
AD HOC CITY ATTORNEY SELECTION SUBCOMMITTEE MEETING  
July 15, 2011**

The Ad Hoc City Attorney Selection Subcommittee Meeting of the City Council of the City of Manhattan Beach, California, was held on the 15<sup>th</sup> day of July, 2011, at the hour of 8:43 a.m., in the 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: David Carmany, City Manager  
Clay Curtin, Management Analyst  
Patricia Schilling, Recording Secretary

**AUDIENCE PARTICIPATION**

**Ed Caprielian, No Address Provided**, stated that he would like the City Attorney Subcommittee to consider a number of specifics when interviewing candidates for the position of City Attorney. They include the assessment of legal expertise needed by the City; and committee to identify primary expertise we need as an organization, time and money needed to meet this criteria. He suggested that the City look for a firm that would meet the majority of the City's needs. **Mr. Caprielian** also developed a list of questions he felt would be appropriate to ask each of the final candidates when interviewed by City Council.

**Viet Ngo, No Address Provided**, stated that he believes that Ordinance No. 1955 prohibits the City Council from hiring a contract City Attorney. He stated that he was involved in the selection process for a new City Attorney because he wanted to protect the City's money. Mr. Ngo requested that the City Manager rely on the expertise of the Human Resource Director Cathy Hanson regarding the hiring of a firm versus an individual and commented that the City Prosecutor should also be a City employee. **Mr. Ngo** also expressed his concern regarding current legal counsel and stated he had not seen a request for proposal.

**Mr. Ngo** requested a list of salary range for the City Attorney, from each of the 12 RFP's submitted he would like to see an acceptable hourly rate they would charge for each area of expertise they practice in. In addition to these requests he would like a list from the City Prosecutor outlining a cost per case. **Mr. Ngo** asked that information on an acceptable hourly

rate/salary of the selected candidate be made available to the public. He also asked if the potential candidates had prosecution experience.

Councilmember Lesser assured **Mr. Ngo** that they heard his point of view but respectfully disagree, and are relying on the expertise of the City Human Resource Director and other legal counsel.

Councilmembers Lesser and Howorth thanked **Mr. Caprielian** for the work he had done on creating the list of questions and requested a copy of them.

Councilmember Lesser also stated that the Subcommittee met with the City department heads on July 14<sup>th</sup> to get their input on how much they utilize the City Attorney and what specific services they required.

Councilmember Lesser also shared that the reason for redacting the cost data from the RFP's submitted was done in an effort to better negotiate with the final candidates.

Management Analyst Curtin mentioned that the California Supreme Court had ruled in the past few years on a case that affirmed a local agency's right to protect its bargaining power by maintaining confidentiality of the RFP responses prior to selection, but that it also stipulated that the public has the right to see all proposals and final contracts before the final award of contract.

Councilmember Lesser reiterated that there is nothing to hide and the City Council is simply trying to utilize the best possible means of negotiating a contract with the potential candidate for City Attorney.

**Viet Ngo, No Address Provided**, claimed that discussing the compensation package for the City Attorney during Closed Session would violate the Brown Act.

There was some discussion between the Subcommittee and public about how to interview candidates and what type of questions to be asked.

**Viet Ngo, No Address Provided**, said that he wanted a copy of all of the RFP's submitted and that he be allowed to take one home since the copies were made with the use of City funds.

Councilmember Lesser stated that there are three copies available to the public for review, including one at the library.

**Mr. Ngo** stated that the library staff has been insulting to him and asked that he not be subjected to going over there to review the RFP's.

City Manager Carmany offered to give one of the booklets including all of the RFP's to **Mr. Ngo** to take with him on the condition that he return it once he completed his review.

## **GENERAL BUSINESS**

### **07/15/11-1. Subcommittee Review of Response Received to the Request for Proposal for City Attorney Services.**

Councilmembers Howorth and Lesser led a discussion regarding the specific needs and concerns shared by the department heads during a meeting on July 14<sup>th</sup>. Councilmembers Lesser commented that staff was concerned about the location of the contracted firm and they felt it was important that the firm be geographically close and accessible to staff. Other staff requests, questions, and concerns included:

- Timely access to the selected firm
- Firm needs to be aware of our City Municipal Codes as they are more complex than many other cities.
- Need access to a specific attorney within the firm as a point of contact
- Need to know amount of time they will have availability to the firm/attorney
- Need to factor in the cost of a retainer related to the number of hours available
- Need to look at the firm and see how many other cities they represent
- Would like to meet with the lead attorney the City will be working with and the delegate
- Would like to know how well they collaborate with other firms
- Would like to confirm that the lead attorney for the City is available on the evenings of the City Council meetings
- What their billing practices are;
  - Can they bill each department individually
  - What is the smallest increment of time they can bill the City for
- Would like a firm that is pro-active in managing costs
- Would like to give a description of what type of work done per department
- If City Council selects a firm how will they recognize and address that this is a huge organizational change for our City not only for staff but council and residents.

**Viet Ngo, No Address Provided**, interjected that costs should go through the City Manager for approval then approved by City Council before processing payment.

Councilmember Lesser responded that they were looking at ways to track costs that would be efficient for staff.

Councilmembers Lesser and Howorth along with the other participants present discussed the list of questions that Mr. Caprielian had prepared. The group went over each question individually.

**Mr. Caprielian, No Address Provided**, commented that he would like for City Council to think about the list of questions he had provided perhaps divide them up among the



councilmembers and stated that he was interested in maximizing benefits of staff attorney and their areas of expertise.

**ADJOURNMENT**

At 10:08 a.m. the meeting was duly adjourned.

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Patricia Schilling  
Recording Secretary

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David Lesser  
Councilmember