

**CITY OF MANHATTAN BEACH
MINUTES OF THE CITY COUNCIL
REGULAR MEETING
DECEMBER 20, 2011**

The Regular Meeting of the City Council of the City of Manhattan Beach, California, was held on the 20th day of December, 2011, at the hour of 6:32 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.

PLEDGE TO FLAG

Community Development Director Richard Thompson led the pledge of allegiance.

ROLL CALL

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

CLOSED SESSION ANNOUNCEMENT

City Attorney Roxanne Diaz announced that the City Council met in Closed Session and that there were no reportable actions.

CEREMONIAL CALENDAR

12/20/11-1. Annual City Recognition of Longstanding Local Businesses

Mayor Tell, on behalf of the City Council, presented plaques, commendations and city pins to Manhattan Beach businesses that have been providing services to the community for a number of years.

12/20/11-2. Recognition of Gary Stabile, George Butts and Jennifer & Jeff Wallin for their Contributions to the 2011 Shake Out Exercise

Mayor Tell, on behalf of the City Council, introduced Fire Chief Robert Espinoza and Fire Battalion Chief Frank Chiella to present President Obama's Volunteer Service Awards to **Gary Stabile** and **George Butts** and commendations to **Jennifer** and **Jeff Wallin** for their help with the City's 2011 Shake Out Exercise.

12/20/11-3. Presentation of a Commendation to Police Department Executive Secretary Cindy Schaben in Recognition of Her 21 Years of Service to the City of Manhattan Beach

Mayor Tell, on behalf of the City Council, introduced Police Chief Eve Irvine to present a commendation to Cindy Schaben in recognition of her 21 years of service to the City.

CONSENT CALENDAR

Prior to voting on the Consent Calendar, Mayor Pro Tem Powell requested that the minutes of the Regular City Council Meeting of December 6, 2011 be amended to reflect that there were only 10 Consent Calendar items, instead of 11.

In response to Mayor Pro Tem Powell's question regarding whether the contract for Item No. 8 (*Award of a Three-Year Industrial Door and Electronic Gate Maintenance Contract to Vortex Industries (Estimated Value \$43,200)*) was approved as to form, City Attorney Roxanne Diaz responded that, per Finance Director Bruce Moe, the contract is in the form of a purchase order. She also added that she reviews every contract and approves them as to form.

The Consent Calendar (Item Nos. 4 through 17), 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. 4, 5, 7, 10 and 17 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

12/20/11-4. 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) – (g)] which are presented to be received and filed by the Council. Staff recommends that the City Council by motion take action to:

- a) Approve Minutes of the City Council Meeting (Closed Session) and Regular City Council Meeting of December 6, 2011*
- b) Action Minutes of the November 29, 2011, Ad Hoc Open Government Subcommittee Meeting*
- c) Draft Cultural Arts Commission Minutes Special Meeting November 4, 2011*
- d) Draft Cultural Arts Commission Minutes Meeting November 8, 2011*
- e) Draft Centennial Committee Minutes Meeting November 28, 2011*
- f) Action Minutes of the Parking and Public Improvements Commission Meeting of December 1, 2011*
- g) Action Minutes of the Planning Commission Meeting of December 14, 2011*

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

12/20/11-5. Strategic Plan Update

Item No. 5 was pulled from the "CONSENT CALENDAR". Please refer to "ITEMS REMOVED FROM THE CONSENT CALENDAR."

12/20/11-6. Approval of Amendment to Professional Services Agreement Providing Police Management Services in an Amount Not-to-Exceed an Additional \$20,000.

The Council approved the amendment to the professional services agreement and approved authorizing the City Manager to execute the subject amendment.

12/20/11-7. Financial Reports: Ratification of Demands - December 8, 2011.

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

12/20/11-8. Award of a Three-Year Industrial Door and Electronic Gate Maintenance Contract to Vortex Industries (Estimated Value \$43,200)

The Council terminated the existing contract with Precision Door; approved an award of bid #846-12 to Vortex Industries for a three-year industrial door and electronic gate maintenance contract (with two one-year extension options) at City facilities, with an estimated value for three years of \$43,200; and approved authorizing the City Manager to exercise two one-year options at the conclusion of the contract period if deemed in the City's best interest.

12/20/11-9. Ratification of Motor Fuel Purchase from Merrimac Energy Group in the Amount of \$25,624.82

The Council waived formal bidding per Municipal Code Section 2.36.140 (waivers) and approved ratifying the purchase of fuel from Merrimac Energy Group in the amount of \$25,624.82.

12/20/11-10. Approval of Professional Services Agreement with Tierra West Advisors for \$35,100 to Provide Consultant Services to Evaluate Development Proposal and Lease Extension Agreement with the Manhattan Country Club (MCC); Appropriation of \$35,100 from the Unreserved General Fund

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

12/20/11-11. Adoption of a Resolution Upholding an Appeal and Approving a Light-Emitting Diode (LED) Sign for Journey of Faith Church at 1243 Artesia Boulevard

The Council adopted Resolution No. 6335 approving a Sign Exception Appeal for the Journey of Faith Church.

12/20/11-12. Approve Plans and Specifications for the Manhattan Beach Pier Structural Rehabilitation Project and Authorize the City Manager to Solicit Bids

The Council approved the plans and specifications for the Pier Structural Rehabilitation Project and approved authorizing the City Manager to solicit bids.

12/20/11-13. Authorize City Manager to Award a Contract to Control Maintenance and Repair, Inc. for the Block 35 Booster Pump Motor Replacement and Electrical System Improvement Project in the Amount of \$19,982

The Council approved an award of contract in the net amount of \$19,982 to Control Maintenance and Repair, Inc. for the Block 35 Booster Pump Motor Replacement and Electrical System Improvement Project; and approved authorizing the City Manager to approve additional work in the amount not-to-exceed \$2,000 (10% contingency), if required.

12/20/11-14. Approve Plans and Specifications for the 2011-2012 Sewer Main Rehabilitation Project (Phase 1) on Three Streets in the Sand Section North of Marine Avenue and Authorize the City Manager to Solicit Construction Bids.

The Council approved plans and specifications for the 2011-2012 Sewer Main Rehabilitation Project (Phase 1) and authorized the City Manager to solicit construction bids.

12/20/11-15. Approval of Final Payment in the Net Amount of \$28,723.50 to Garcia Juarez Construction, Inc.; Formally Accept the 2010-2011 Sewer Main Rehabilitation (Miscellaneous Spot Repairs) Project as Complete; and Authorize Filing of the Appropriate Notice of Completion and Release Retention in the Amount of \$11,266.65.

The Council approved the issuance of a final payment in the net amount of \$28,723.50 to Garcia Juarez Construction, Inc. for the 2010-2011 Sewer Main Rehabilitation (Miscellaneous Spot Repairs) Project; formally accepted the 2010-2011 Sewer Main Rehabilitation (Miscellaneous Spot Repairs) Project as complete; and, approved authorizing filing of the appropriate Notice of Completion and the release of retention in the amount of \$11,266.65.

12/20/11-16. Approval to Authorize the City Manager to enter into an Amendment to an Existing Contract in the amount of \$52,820 with Matrix Environmental to Prepare the Environmental Impact Report for the Manhattan Village Shopping Center Expansion.

The Council approved authorizing the City Manager to enter into an Amendment to an existing contract with Matrix Environmental to prepare the Environmental Impact Report (EIR) including the traffic impact analysis for the Manhattan Village Shopping Center Expansion Project.

BOARDS AND COMMISSIONS

Parking and Public Improvements Commission

12/20/11-17. Parking and Public Improvements Commission Recommendation for an Encroachment Permit Appeal to Allow Existing Yucca Trees Over 42" in Height on the Public Walkstreet to Remain with Conditions at 228 7th Street

Item No. 17 was pulled from the "CONSENT CALENDAR". Please refer to "ITEMS REMOVED FROM THE CONSENT CALENDAR."

COMMUNITY ANNOUNCEMENTS

12/20/11-23. Steve Snively Re Manhattan Beach Historical Society

Steve Snively, No Address Provided, announced the Manhattan Beach Historical Society's and John Post Photography's activities planned in conjunction with the Manhattan Beach Centennial.

12/20/11-24. George Butts Re Next Community Emergency Response Team Class

George Butts, No Address Provided, announced upcoming Community Emergency Response Team (CERT) classes on January 14, 21 and 28, 2012.

12/20/11-25. Viet Ngo Re Happy Holidays & Anti Public Corruption Advocacy Group

Viet Ngo, No Address Provided, extended best wishes to Manhattan Beach residents and City employees for a healthy and Happy New Year. He also provided brief input on his Anti Public Corruption Advocacy group.

12/20/11-26. Don Gould Re Manhattan Beach Library

Los Angeles County Librarian Don Gould offered information on Manhattan Beach Library hours of operation during the Holidays and on upcoming Library events.

12/20/11-27. Stephone Paige Re Waste Management

New Waste Management Public Sector Solutions Representative Stephone Paige introduced Waste Management's Commercial and Residential Food Waste Pilot Program.

12/20/11-28. Ed Caprielian Re Sand Dune Residents' Meeting

Ed Caprielian, No Address Provided, shared his disappointment that the discussion at the recent Sand Dune residents' meeting had the same outcome as the previous decision.

12/20/11-29. Jan Dennis Re Centennial Parade

Jan Dennis, Centennial Parade Chairperson, No Address Provided, presented updated information about the Centennial Parade plans and the extended deadline of March 15, 2012 to submit an application for a parade entry. Also in recognition of the Centennial, she presented Council with a deck of her playing cards.

12/20/11-30. Richard Montgomery Re Beach Cities Toy Drive

Councilmember Montgomery expressed appreciation for everyone's efforts toward the Beach Cities' Annual Toy Drive.

12/20/11-31. Richard Montgomery Re Fireworks

Councilmember Montgomery thanked sponsors for the outstanding Holiday fireworks' display.

12/20/11-32. Wayne Powell Re Fireworks

Mayor Pro Tem Powell voiced his appreciation of the Holiday fireworks' display.

12/20/11-33. Wayne Powell Re Thanks to Employees, Colleagues & Residents

Mayor Pro Tem Powell extended his thanks to City employees, his fellow Councilmembers and residents for their contributions to the great community of Manhattan Beach.

12/20/11-34. Richard Montgomery Re Employee Breakfast

Councilmember Montgomery thanked City Manager Carmany for the annual Employee Breakfast.

12/20/11-35. David Lesser Re Toy Drive

Councilmember Lesser thanked Councilmember Montgomery for his efforts toward the annual Beach Cities' Toy Drive.

12/20/11-36. Councilmember Howorth Re Mira Costa High School Ground Breaking

Councilmember Howorth mentioned the recent ground breaking for the new math and science building at Mira Costa High School.

12/20/11-37. Nick Tell Re Centennial

Mayor Tell commented on upcoming events planned for the Manhattan Beach Centennial.

AUDIENCE PARTICIPATION

12/20/11-38. Willy Leventhal Thanks to City Clerk's Office

Willy Leventhal, No Address Provided, thanked employees of the Manhattan Beach City Clerk's Office for helping him with his community involvement endeavors.

12/20/11-39. Willy Leventhal Re Eric Wright & Mission Continues

Willy Leventhal, No Address Provided, provided information about Eric Wright and Mission Continues.

12/20/11-40. Freddi Segal-Gidan Re Senior Advisory Committee

Freddi Segal-Gidan, No Address Provided, related the Senior Advisory Committee's concern over a recent Council request for a budget reduction in renovations at the Joslyn Community Center and Manhattan Heights; the Committee's desire to provide input in this regard; and the need for looping technology to be part of the renovations. She also related the Committee's concern over the negative impact that the expansion of City transportation systems could have on Measure R.

12/20/11-41. Viet Ngo Re Sexual Harassment Reporting and the Use of Public Funds

Viet Ngo, No Address Provided, shared information on sexual harassment reporting and requirements and the use of public funds.

12/20/11-42. Ed Caprielian Re Previous Labor Negotiations

Ed Caprielian, No Address Provided, stated his concern over the failure of former Manhattan Beach City Councils with regard to labor negotiations.

PUBLIC HEARINGS

12/20/11-18. Adopt a Resolution Adjusting the 2012-2013 Business License Tax by the Consumer Price Index

Mayor Tell introduced the subject item and Revenue Services Manager Steve Charelian provided the presentation.

Councilmember Lesser disclosed that he has two business licenses in the City; however, stated that he believes that he can consider this matter fairly.

Revenue Services Manager Charelian responded to Council questions.

Mayor Tell opened the Public Hearing at 7:25 p.m.

Seeing no requests to speak, Mayor Tell closed the Public Hearing at 7:26 p.m.

MOTION: Councilmember Howorth moved to adopt Resolution No. 6336 increasing the Business License Tax rate by 3.1% to adjust for the Consumer Price Index (CPI). 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.

12/20/11-19. Public Hearing for the Draft 2010 Urban Water Management and Consideration of Adoption of Resolution No. 6337 for the 2010 Urban Water Management Plan

Mayor Tell introduced the subject item and Utilities Manager Raul Saenz and **Kevin Smead** of **Stetson Engineers** provided the PowerPoint Presentation.

Utilities Manager Saenz responded to Council questions.

Mayor Tell opened the Public Hearing at 7:39 p.m.

Seeing no requests to speak, Mayor Tell closed the Public Hearing at 7:40 p.m.

MOTION: Mayor Pro Tem Powell moved to adopt Method 1, pursuant to Water Code Section 10608.22 (b)(3) as the method for establishing the City's water usage target and adopt Resolution No. 6337 adopting the 2010 Urban Water Management Plan. 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.

GENERAL BUSINESS

12/20/11-20. Approval for Believe, Green and Not A Step Artworks for the 2011/2012 Sculpture Garden Authorizing the City Manager to Execute the Attached Agreement with Each of the Artists

Mayor Tell introduced the subject item and Parks and Recreation Director Richard Gill provided the PowerPoint presentation.

The following individuals spoke on this item:

- **Peter De Maria, Chairman Cultural Arts Commission**
- **Jackie May, Manhattan Beach**

MOTION: Councilmember Howorth moved to approve *Believe, Green and Not A Step* for the 2011-2012 Sculpture Garden and authorize the City Manager to execute the agreements with the artists of the sculptures. The motion was seconded by Councilmember Montgomery and passed by the following roll call vote:

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

12/20/11-21. Status of City Resources to be Utilized for Centennial Events and Disposition of the \$10,000 Centennial Seed Money Provided for Start-Up Funding for the Centennial Celebration

Mayor Tell introduced the subject item and Parks and Recreation Director Richard Gill provided the staff presentation.

City Manager Dave Carmany, Finance Director Bruce Moe and Parks and Recreation Director Gill responded to Council questions.

The following individuals spoke on this item:

- **Jan Dennis, No Address Provided**
- **Ed Caprielian, No Address Provided**
- **Esther Besbris, No Address Provided**

MOTION: Mayor Pro Tem Powell moved to approve that the \$10,000 be categorized as seed money that does not need to be repaid; and approve the allocation of staff time. 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.

RECESS AND RECONVENE

At 9:00 p.m. the Council recessed and reconvened at 9:10 p.m. with all Councilmembers present.

12/20/11-22. Authorize the City Manager to Award Professional Engineering Services Contracts to VA Consulting, Inc. (\$104,000) and Sunbeam Consulting (\$99,840) for Program Management Services Related to Various Capital Improvement Projects

Mayor Tell introduced the subject item and Public Works Director Jim Arndt provided the PowerPoint presentation.

Public Works Director Arndt & City Engineer Steve Finton responded to Council questions.

There were no requests to speak on this item.

MOTION: Councilmember Howorth moved to approve an award for Professional Engineering Services Contracts to: VA Consulting, Inc. in the amount of \$104,000 for program management services as described in the staff and to Sunbeam Consulting in the amount of \$99,840 for program management services for the services described in the staff report. The motion was seconded by Councilmember Montgomery and passed by the following unanimous roll call vote:

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

12/20/11-23. Cultural Arts Commission Recommendation for Commission Members Susan Sweeney and Peter DeMaria to Serve as Expert Advisors with Regard to the County Art Selection Committee for the New Manhattan Beach Library

Mayor Tell introduced the subject item and Councilmember Lesser, acknowledging that both he and Mayor Tem Powell are on the Library Subcommittee, explained why Peter DeMaria and Susan Sweeney were recommended to serve on the Los Angeles County Art Selection Committee.

There were no requests to speak on this item.

MOTION: Councilmember Howorth moved to approve the recommendation from the Cultural Arts Commission for Commission members Susan Sweeney and Peter DeMaria to serve as expert advisors to the City Council with regards to the County Arts Selection Committee for the new Manhattan Beach library. The motion was seconded by Mayor Pro Tem Powell 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

12/20/11-4. 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) – (g)] which are presented to be received and filed by the Council. Staff recommends that the City Council by motion take action to:

- h) Approve Minutes of the City Council Meeting (Closed Session) and Regular City Council Meeting of December 6, 2011
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- j) Draft Cultural Arts Commission Minutes Special Meeting November 4, 2011
- k) Draft Cultural Arts Commission Minutes Meeting November 8, 2011
- l) Draft Centennial Committee Minutes Meeting November 28, 2011
- m) Action Minutes of the Parking and Public Improvements Commission Meeting of December 1, 2011
- n) Action Minutes of the Planning Commission Meeting of December 14, 2011

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

- **Ed Caprielian, No Address Provided**

In response to **Mr. Caprielian's** question regarding Councilmember Montgomery's abstention pertaining to consideration of Item No. 2 (Manhattan Beach Country Club) during discussion of Closed Session items at the Council meeting on December 6, 2011, City Attorney Roxanne Diaz advised that Councilmember Montgomery was not legally required to abstain, but he preferred to do so due because of his concern over possible misperceptions.

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

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

12/20/11-5. Strategic Plan Update

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

- **Ed Caprielian, No Address Provided**

Mayor Pro Tem Powell and Councilmember Montgomery related their appreciation of the strategic planning process and Mayor Pro Tem Powell verified that public input will be accepted during the process.

MOTION: Mayor Pro Tem Powell moved to receive and file the status report. The motion was seconded by Councilmember Howorth and passed by unanimous roll call vote:

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

12/20/11-7. Financial Reports: Ratification of Demands - December 8, 2011

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

- **Ed Caprielian, No Address Provided**

In response to **Mr. Caprielian's** question regarding **Liebert Cassidy**, City Attorney Diaz advised that Liebert Cassidy provides a variety of services and she offered to answer any questions that **Mr. Caprielian** might have.

MOTION: Councilmember Montgomery moved to approve with no exception Warrant Register No. 13B in the amount of \$2,981,319.03 in payment of ratification of demands and claims as prepared by the Director of Finance. The motion was seconded by Mayor Pro Tem Powell and passed by unanimous roll call vote:

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

12/20/11-10. Approval of Professional Services Agreement with Tierra West Advisors for \$35,100 to Provide Consultant Services to Evaluate Development Proposal and Lease Extension Agreement with the Manhattan Country Club (MCC); Appropriation of \$35,100 from the Unreserved General Fund

City Attorney Diaz advised that Mayor Tell will be abstaining from this item because his membership with the Country Club is deemed an investment and Councilmember Montgomery will also be abstaining from this item because he has a use privilege and, under the lease, utilizes a membership on behalf of City business and does not want give anyone the perception of a conflict of interest.

At 9:37 p.m., Mayor Tell and Councilmember Montgomery left the dais and Mayor Pro Tem Powell presided over the meeting.

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

- **Ed Caprielian, No Address Provided**

In response to **Mr. Caprielian's** concerns regarding the scope of the work, City Attorney Diaz advised that the scope of work is on a time and materials' basis and that and that only services requested by the City will be provided by the consultant.

City Manager Carmany offered information on the process for the Country Club's remodeling application and clarified that the item before the Council tonight pertains to the extension of the lease.

MOTION: Councilmember Howorth moved to approve a Professional Services Agreement with Tierra West Advisors for \$35,100, to provide consultant services to evaluate development proposal and lease extension agreement with the Manhattan Country Club; and approved a budget appropriation of \$35,100 from the Unreserved General Fund. The motion was seconded by Councilmember Lesser and passed by the following roll call vote:

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

At 9:45 p.m. Mayor Tell and Councilmember Montgomery returned to the dais.

BOARDS AND COMMISSIONS

Parking and Public Improvements Commission

12/20/11-17. Parking and Public Improvements Commission Recommendation for an Encroachment Permit Appeal to Allow Existing Yucca Trees Over 42" in Height on the Public Walkstreet to Remain with Conditions at 228 7th Street

Councilmember Lesser stated that he pulled this item to understand what the policy issues are regarding walkstreet landscaping.

Community Development Director Richard Thompson and City Attorney Roxanne Diaz responded to Council questions.

There were no requests to speak on this item.

MOTION: Councilmember Howorth moved to uphold the Parking and Public Improvements Commission (PPIC) recommendation to allow existing Yucca trees over 42" in height on the walkstreet to remain at 228 7th Street and requested that this issue be reviewed regarding any potential amendments at a future Work Plan meeting. The motion was seconded by Councilmember Montgomery and passed by unanimous roll call vote:

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

CITY MANAGER REPORT(S)

12/20/11-43. City Manager Carmany Re Commendations to Manhattan Beach Police Officers

City Manager Carmany commended the following three Manhattan Beach Police Officers: Police Officer of the Year Tony Presgraves and Community Service Officers Brian Holtzman and Sal Buenrostro who were recognized as Professional Staff of the Year for their outstanding service.

12/20/11-44. City Manager Carmany Re South Bay Regional Communications Authority Meeting

City Manager Carmany reported on resolutions passed by the South Bay Regional Public Communications Authority's Executive Committee implementing changes to collective bargaining agreements.

OTHER COUNCIL BUSINESS, COMMITTEE AND TRAVEL REPORTS

12/20/11-45. Councilmember Montgomery Re National League of Cities' Conference

Councilmember Montgomery announced that the National League of Cities' Conference will be held in Manhattan Beach from May 17, 2012 to May 20, 2012.

12/20/11-46. Mayor Pro Tem Powell Re Fire Department Badge Pinning Ceremony

Mayor Pro Tem Powell mentioned his attendance at a badge pinning ceremony for two new Manhattan Beach Paramedic/Firefighters.

12/20/11-47. Council Re Happy Holidays

Council extended "Happy Holidays" to all.

ADJOURNMENT

At 10:06 p.m. the Regular City Council meeting of December 20, 2011 was duly adjourned 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, January 3, 2012, 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
CLOSED SESSION MEETING
DECEMBER 20, 2011**

The Closed Session Meeting of the City Council of the City of Manhattan Beach, California, was held on the 20th day of December, 2011, at the hour of 5:32 p.m., in the City Council Chambers of City Hall, at 1400 Highland Avenue, in said City.

CALL TO ORDER

Mayor Pro Tem Powell called the meeting to order.

ROLL CALL

Present: Lesser, Howorth, Montgomery and Mayor Pro Tem Powell.
Present: City Manager Carmany and City Attorney Roxanne Diaz.
Absent: Mayor Tell.
Clerk: Tamura.

PUBLIC COMMENT ON CLOSED SESSION AGENDA

Viet Ngo, No Address Provided, suggested that the Council discuss, in Open Session, on whether they have the authority to spend public money to defend the City and themselves against the two lawsuits listed below.

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

City Attorney Roxanne Diaz read into the record the following Closed Session items:

CONFERENCE WITH LEGAL COUNSEL (EXISTING LITIGATION)
(Government Code Section 54956.9(a))

DFA PVA II Partner, LLC v. IMG Worldwide Inc., USA Volleyball, Leverage Agency LLC, Jose Cuervo International, Inc., U.S. Tequila Cuervo LA Rojena, SA De CV, City of Manhattan Beach, US Federal District Court, CV 11-06851

Geoff Dolan v. City of Manhattan Beach; Robert Wadden, et.al., Los Angeles Superior Court - Case No. BC472421

RECESS INTO CLOSED SESSION

Council recessed into Closed Session at 5:36 p.m.

RECESS INTO OPEN SESSION

Council reconvened into Open Session at 6:31 p.m.

City Attorney Roxanne Diaz announced that the City Council met in Closed Session and that there were no reportable actions.

ADJOURNMENT

At 6:31 p.m. the meeting was recessed to the 6:30 p.m. Regular City Council Meeting on Tuesday, December 20, 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