

# City of Manhattan Beach

1400 Highland Avenue  
Manhattan Beach, CA 90266



## Meeting Minutes - Draft

Monday, February 8, 2016

3:00 PM

Closed Session

City Manager Conference Room, City Hall  
1400 Highland Avenue  
Manhattan Beach, CA 90266

## City Council Adjourned Regular Meeting

*Mayor Mark Burton*  
*Mayor Pro Tem Tony D'Errico*  
*Councilmember David Lesser*  
*Councilmember Amy Howorth*  
*Councilmember Wayne Powell*

## **A. CALL MEETING TO ORDER**

*At 3:00 PM, Mayor Burton called the meeting to order.*

## **B. PLEDGE TO THE FLAG**

*City Attorney Quinn Barrow led the Pledge of Allegiance.*

## **C. ROLL CALL**

**Present** 5 - Mayor Mark Burton, Mayor Pro Tem Tony D'Errico, Councilmember David J. Lesser, Councilmember Amy Howorth, and Councilmember Wayne Powell

*Councilmember Howorth arrived at 3:06 PM.*

## **D. CERTIFICATION OF MEETING NOTICE AND AGENDA POSTING**

*City Clerk Liza Tamura confirmed that the meeting was properly posted.*

## **E. PUBLIC COMMENTS**

*Viet Ngo spoke regarding alleged violations of the Brown Act, requested confirmation of the case number for Armato's case and suggested that the City Council come out of closed session and vote publicly when making decisions on closed session items.*

*City Attorney Quinn Barrow explained to Mr. Ngo that a case is reassigned a new case number when it goes to the Court of Appeal.*

## **F. ANNOUNCEMENT IN OPEN SESSION OF ITEMS TO BE DISCUSSED IN CLOSED SESSION**

*At 3:03 PM, City Attorney Quinn Barrow read into the record the following Closed Session Agenda Items below.*

**1. CONFERENCE WITH LEGAL COUNSEL: SEMI-ANNUAL LITIGATION UPDATE**

The City Council finds, based on advice from legal counsel, that discussion in open session will prejudice the position of the City in the litigation.

**Existing Litigation – Government Code Section 54956.9(d)(1)**

- a) Name of Case: Armato v. Paunovich and City of Manhattan Beach  
California Court of Appeals, Second Appellate District,  
Case Number: B267734
- b) Name of Case: Cardenas, Sr. v. City of Manhattan Beach  
United States District Court, Case Number: 2:15-cv-1469-JPR
- c) Name of Case: Hunt v. Southern California Edison  
and City of Manhattan Beach  
Los Angeles County Superior Court, Case Number: BC593982
- d) Name of Case: James, Charlsa Tina v. City of Manhattan Beach  
United States District Court, Case Number 2:16-cv-00218-CMB (RAOx)
- e) Name of Case: Kayter v. City of Manhattan Beach  
Los Angeles County Superior Court, Case Number: BC539719
- f) Name of Case: McNeely, Dauv and Wendy v. City of Manhattan Beach,  
Officer Kelly Benjamin  
Los Angeles County Superior Court, Case Number: BC 587639
- g) Name of Case: Otobe, Leon v. City of Manhattan Beach  
Los Angeles County Superior Court, Case Number: BC578791
- h) Name of Case: Schilling v. City of Manhattan Beach  
Los Angeles County Superior Court, Case Number: BC540125
- i) Name of Case: Sensible Citizens of Manhattan Beach v. City of  
Manhattan  
Beach, RREEF AMERICA REIT CORP and Sensible Citizens of  
Manhattan Beach v. City of Manhattan Beach  
Los Angeles County Superior Court, Case Number: BS152854
- j) Name of Case: City of Manhattan Beach v. Swinerton  
Los Angeles County Superior Court, Case Number: YC 070562
- k) Name of Case: Veltkamp, Julie v. City of Manhattan Beach  
Los Angeles County Superior Court, Case Number: BC573998
- l) Name of Case: Natural Resources Defense Council, Inc., et al. v. State  
Water  
Resources Control Board, et al.,  
Los Angeles County Superior Court, Case Number: BS156962  
Cities of Duarte and Huntington Park v. State Water Resources Control  
Board

**et al., Los Angeles County Superior Court, Case Number: BS156303  
City of Gardena v. Regional Water Quality Control Board, et al  
Los Angeles County Superior Court, Case Number: BS15634**

**2. CONFERENCE WITH LABOR NEGOTIATOR**

**(Government Code Section 54957.6)**

**Agency Negotiators: City Manager, City Attorney**

**Unrepresented Employees:**

**Management / Confidential**

**G. RECESS INTO CLOSED SESSION**

*At 3:04 PM, Mayor Burton announced that City Council would recess into Closed Session.*

**H. RECONVENE INTO OPEN SESSION**

*At 5:03 PM, the City Council reconvened into Open Session.*

**I. CLOSED SESSION ANNOUNCEMENT IN OPEN SESSION**

*City Attorney Quinn Barrow announced that direction was given to staff but no reportable action was taken.*

**J. ADJOURNMENT**

*At 5:04 PM, Mayor Burton adjourned the February 8, 2016, Adjourned Regular Meeting - Closed Session to the 6:00 PM, February 16, 2016 Regular City Council Meeting in City Council Chambers, in said City.*

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**Martha Alvarez**  
**Recording Secretary**

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**Mark Burton**  
**Mayor**

**ATTEST:**

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**Liza Tamura**  
**City Clerk**