

# City of Manhattan Beach

1400 Highland Avenue  
Manhattan Beach, CA 90266



## Meeting Minutes - Draft

Tuesday, November 6, 2012

5:00 PM

Closed Session Meeting

City Council Chambers

### City Council

*Mayor Wayne Powell*

*Mayor Pro Tem David J. Lesser*

*Councilmember Amy Howorth*

*Councilmember Richard P. Montgomery*

*Councilmember Nicholas W. Tell, Jr.*

## A. CALL MEETING TO ORDER

*The Closed Session Meeting of November 6, 2012 was called to order at 5:05 pm.*

## B. ROLL CALL

**Present:** 4 - Mayor Powell, Mayor Pro Tem Lesser, Councilmember Howorth and Councilmember Tell

**Absent:** 1 - Councilmember Montgomery

## C. PUBLIC COMMENT ON CLOSED SESSION AGENDA

*Viet Ngo alleged that the City Council covered up former City Manager Dolan's actions. He suggested that Mayor Pro Tem Lesser and Councilmember Howorth disassociate themselves with the other 3 Councilmembers. He requested that there be a public announcement regarding the status of this case. He also asked that after any decisions are made in Closed Session to please make them available for public review.*

## D. ANNOUNCEMENT IN OPEN SESSION OF ITEMS TO BE DISCUSSED IN CLOSED SESSION AS FOLLOWS:

*City Attorney Barrow read into the record the following Closed Session items:*

### 1. 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;  
Manhattan Beach Police Management Association;  
Management Confidential;  
Teamsters

### 2. CONFERENCE WITH LEGAL COUNSEL (EXISTING LITIGATION)

(Government Code Section 54956.9(a))

**Geoff Dolan v. City of Manhattan Beach; Los Angeles Superior Court No. BC472421**

### 3. CONFERENCE WITH LEGAL COUNSEL (ANTICIPATED LITIGATION)

(Government Code Section 54956.9(b))

**A point has been reached where, in the opinion of the City Council on the advice of the City Attorney, based upon existing facts and circumstances, there is a significant exposure to litigation against the City.**

**Number of Cases: 1 potential case**

**4. CONFERENCE WITH LEGAL COUNSEL (ANTICIPATED LITIGATION)  
(Government Code Section 54956.9(c))**

**The City Council will consider initiating litigation (1 potential case).**

**E. RECESS INTO CLOSED SESSION**

*The City Council recessed into Closed Session at 5:08 p.m.*

**F. RECONVENE INTO OPEN SESSION**

*The City Council reconvened into Open Session at 6:05 p.m.*

**G. CLOSED SESSION ANNOUNCEMENT**

*City Attorney Quinn Barrow stated that the City Council provided the following directions in regard to the Closed Session items:*

*Item 1. CONFERENCE WITH LABOR NEGOTIATOR*

*The City Council gave direction to the labor negotiator.*

*Item 2. CONFERENCE WITH LEGAL COUNSEL (EXISTING LITIGATION) Geoff Dolan v. City of Manhattan Beach*

*The City Council gave direction to the City Attorney.*

*Item 3. CONFERENCE WITH LEGAL COUNSEL (ANTICIPATED LITIGATION)*

*The City Council gave direction to staff.*

*Item 4. CONFERENCE WITH LEGAL COUNSEL (ANTICIPATED LITIGATION)*

*No action was taken.*

*There were no other reportable actions taken.*

**H. ADJOURNMENT**

*The November 6, 2012, City Council Closed Session Meeting was adjourned to the November 6, 2012, 6:30 p.m. Regular City Council Meeting.*