

# **City of Manhattan Beach**

*1400 Highland Avenue  
Manhattan Beach, CA 90266*



## **Meeting Minutes - Draft**

**Tuesday, December 4, 2012**

**4:00 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 December 4, 2012, was called to order at 4:03 pm.*

**B. ROLL CALL**

*Councilmember Montgomery arrived at 4:05 pm.*

**Present:** 5 - Mayor Powell, Mayor Pro Tem Lesser, Councilmember Howorth, Councilmember Montgomery and Councilmember Tell

**C. PUBLIC COMMENT ON CLOSED SESSION AGENDA**

*Viet Ngo spoke about the Council's alleged misconduct in the Dolan v. City of Manhattan Beach case; stated that the status of the Scruggs v. City of Manhattan Beach case should be announced in Open Session and that the case summary should be made available for the public to review; and questioned when the City Council approved the addition of another attorney to handle the Scruggs v. City of Manhattan Beach case.*

*Mayor Powell stated, for the record, that no cases are pending or have been filed against any current or former Councilmembers.*

**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 (ANTICIPATED LITIGATION)**

**(Government Code Section 54956.9(c))**

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

**3. CONFERENCE WITH LEGAL COUNSEL (EXISTING LITIGATION)**

**(Government Code Section 54956.9(a)) (2 cases)**

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

**BC472421**

**Scruggs v. City of Manhattan Beach; Los Angeles Superior Court No.**

**YC064717**

**4. PUBLIC EMPLOYEE PERFORMANCE EVALUATION**

**(Government Code Section 54957)**

**Title: City Manager**

**E. RECESS INTO CLOSED SESSION**

*The City Council recessed into Closed Session at 4:08 p.m.*

**F. RECONVENE INTO OPEN SESSION**

*The City Council reconvened into Open Session at 5:50 p.m.*

**G. CLOSED SESSION ANNOUNCEMENT IN OPEN SESSION**

*City Attorney Barrow stated that of the items discussed in Closed Session, the City Council received a status report on Item No. 1 (Conference with Labor Negotiator); the City Council gave direction to the City Attorney regarding Item No. 2 (Conference with Legal Counsel - anticipated litigation); that the City Council, by a 4 - 0 vote (Tell being absent) the Council approved a settlement of \$22,000 to Mr. Scruggs regarding Item No. 3 (Conference with Legal Counsel (Existing Litigation); and there was no action taken on Item No. 4 (Public Employee Performance Evaluation - City Manager).*

**H. ADJOURNMENT**

*The December 4, 2012, City Council Closed Session Meeting was adjourned to the December 4, 2012, 6:00 p.m. Regular City Council Meeting.*