

# **City of Manhattan Beach**

*1400 Highland Avenue  
Manhattan Beach, CA 90266*



## **Meeting Minutes - Draft**

**Friday, December 2, 2016**

**8:00 AM**

**CALL AND NOTICE OF A SPECIAL MEETING - CLOSED SESSION**

**City Council Chambers**

## **City Council Special Meeting**

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

**PLEASE NOTE THAT THE CITY ARCHIVES THE VIDEO RECORDINGS OF ALL REGULAR CITY COUNCIL MEETINGS AND THE VIDEO FOR THIS MEETING IS HEREBY INCORPORATED BY THIS REFERENCE. ALSO IN SUPPORT OF MORE TRANSPARENCY AND THE AMERICANS WITH DISABILITIES ACT (ADA) COMPLIANCE, THE CITY OFFERS CLOSED CAPTIONING FOR REGULAR CITY COUNCIL MEETINGS. FOR A COMPLETE RECORD OF THIS CITY COUNCIL MEETING, GO TO: [www.citymb.info/city-officials/city-clerk/city-council-meetings-agendas-and-minutes](http://www.citymb.info/city-officials/city-clerk/city-council-meetings-agendas-and-minutes)**

**A. CALL MEETING TO ORDER**

*At 8:00 AM, Mayor D'Errico called the meeting to order.*

**B. PLEDGE TO THE FLAG**

*Mayor Pro Tem Lesser led the Pledge of Allegiance.*

**C. ROLL CALL**

**Present: 5 - Burton, Powell, Howorth, Lesser and Mayor D'Errico**

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

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

**E. PUBLIC COMMENTS (3 MINUTES PER PERSON)**

*None.*

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

*City Attorney Quinn Barrow announced the following Closed Session.*

**1) CONFERENCE WITH LEGAL COUNSEL (ANTICIPATED LITIGATION)  
(Government Code Section 54956.9(d)(2))**

A point has been reached where, in the opinion of the City Council on the advice of the City Attorney, based upon the following existing facts and circumstances, there is a significant exposure to litigation against the City. SoCalGas has applied for permits to install a gas line project in the City, and the City Council has directed staff not to issue the permits until after such time that SoCalGas provides a presentation about the project to the City.

**2) CONFERENCE WITH LEGAL COUNSEL (EXISTING LITIGATION)  
(Government Code Section 54956.9 (d)(1))**

**a) Name of Case:**

**Sensible Citizens of Manhattan Beach v. City of Manhattan Beach  
Los Angeles County Superior Court  
Case Numbers: BC 570884 and BS 152854**

Sensible Citizens of Manhattan Beach sued the City, alleging that the City did not comply with the California Environmental Quality Act (CEQA) in approving the project. On November 2, 2016, Los Angeles Superior Court (Hon. Amy D. Hogue) ruled that the City fully complied with CEQA in reviewing the project.

**b) Name of Case:**

**The Dentist's Insurance Company v. City of Manhattan Beach  
Los Angeles County Superior Court  
Case Number: BC 636930**

Plaintiff claims that on March 17, 2016, property located at 1213 Manhattan Beach (sic) Avenue was allegedly damaged by sewage from a City-owned sewer line.

*Council member burton - thanked us for following up on the policy. Wanted to do 2a last.*

*Howorth let it be known that she made it to the meeting.*

**G. RECESS INTO CLOSED SESSION**

*At 8:04 AM, Mayor D'Errico announced that City Council would recess into Closed Session.*

## **H. RECONVENE INTO OPEN SESSION**

*At 9:08 AM, the City Council reconvened into Open Session with all Councilmembers present.*

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

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

## **J. ADJOURNMENT**

*At 9:09 AM Mayor D'Errico adjourned the meeting.*

---

**Patricia Matson**  
**Recording Secretary**

---

**Tony D'Errico**  
**Mayor**

## **ATTEST:**

---

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