

**CITY OF MANHATTAN BEACH
MINUTES OF THE CITY COUNCIL
REGULAR MEETING OF
SEPTEMBER 4, 2007**

The Regular Meeting of the City Council of the City of Manhattan Beach, California, was held on the 4th day of September, 2007, at the hour of 6:32 p.m., in the City Council Chambers of City Hall, at 1400 Highland Avenue, in said City.

PLEDGE TO FLAG

Assistant to the City Manager Lindy Coe-Juell led the pledge of allegiance.

ROLL CALL

Present: Cohen, Ward, Tell, Montgomery and Mayor Aldinger.
Absent: None.
Clerk: Tamura.

CEREMONIAL CALENDAR

07/0904.1 Introduction of New Employees, Presentation of Service Awards and Recognition of Assistant Finance Director

The Council and City Manager Geoff Dolan introduced and welcomed Human Resources Director Cathy Hanson.

The Council and Community Development Director Richard Thompson introduced and welcomed Permit Technician Angela Soo.

The Council and Parks and Recreation Director Richard Gill introduced and welcomed Recreation Supervisor Michael Brooke.

The Council and Police Chief Rod Uyeda introduced and welcomed Police Officers Steve Lancaster, Gina Luttenegger, Nicholas Braasch and Michael Lynch.

The Council and Police Chief Uyeda presented employee service awards to Community Services Officer Raymond Dawson for his 25 years of service and Police Officer Timothy Zins for his 15 years of service.

The Council and Finance Director Bruce Moe recognized Assistant Finance Director Russell Morreale for his many accomplishments as he leaves the City for a new position in the City of Ventura.

CONSENT CALENDAR

The Consent Calendar (Item Nos. 2 through 20), consisting of items under *General Consent* and *Boards and Commissions*, was approved by motion of Councilmember Ward, seconded by Councilmember Cohen and passed by unanimous roll call vote with the exception of Item No. 6 which was considered later in the meeting under "*Items Removed from the Consent Calendar.*"

Ayes: Cohen, Ward, Tell, Montgomery and Mayor Aldinger.
Noes: None.
Absent: None.
Abstain: None.

GENERAL CONSENT

07/0904.2 Approve Minutes of the City Council Regular Meeting of August 7, 2007

The Council approved the subject minutes.

07/0904.3 Consideration of Financial Reports:

- a) Ratification of Demands: August 9, 2007 and August 23, 2007
- b) Investment Portfolio for the Month Ending July 31, 2007
- c) Financial Reports for the Month Ending July 31, 2007

The Council approved with no exception Warrant Register Nos. 4B, 5B, 30B and 31B in the amount of \$7,233,844.91 in payment of ratification of demands and claims as prepared by the Director of Finance, together with the original demands and claims as prepared by said Warrant Register; received and filed the Investment Portfolio for the month ending July 31, 2007; and received and filed the Financial Reports for the month ending July 31, 2007

07/0904.4 Consideration of the State Budget and Legislative Update

The Council received and filed the September 2007 Budget and Legislative Update from Tony Rice, the City's legislative advocate.

07/0904.5 Consideration of a Resolution Appointing Representatives to the Independent Cities Risk Management Authority (ICRMA)

The Council adopted Resolution No. 6112.

RESOLUTION NO. 6112

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH, CALIFORNIA, APPOINTING A REPRESENTATIVE AND CONFIRMING THE ALTERNATE AND SUBSTITUTE ALTERNATE REPRESENTATIVES TO THE GOVERNING BOARD OF THE INDEPENDENT CITIES RISK MANAGEMENT AUTHORITY (ICRMA)

07/0904.6 Approve Retainer Agreement with the Law Firms of Kiesel, Boucher & Larson L.L.P. and Baron & Budd, P.C. to Represent the City on a Contingency Basis as a Participant in a Class Action Lawsuit to Collect Unpaid Transient Occupancy Tax from On-Line Hotel Booking Agents

Item No. 6 was pulled from the "CONSENT CALENDAR". Please refer to "ITEMS REMOVED FROM THE CONSENT CALENDAR."

07/0904.7 Ratification of Motor Fuel Purchase from Nickey Petroleum in the Amount of \$21,082.44

The Council approved the purchase of fuel from Nickey Petroleum in the amount of \$21,082.44.

07/09047.8 Consideration of a Request from the Manhattan Beach Chamber of Commerce to Conduct a Business/Health Expo on 13th Street Between Morningside and Valley on October 17, 2007

The Council approved the request from the Manhattan Beach Chamber of Commerce to conduct a Business/Health Expo on October 17, 2007 on 13th Street between Morningside and Valley Drive.

07/0904.9 This Space Intentionally Left Blank

07/0904.10 Award a Contract in the Net Amount of \$93,000.00 for the Lifeguard Storage Room Reconstruction Project to CHI Construction, and Approve Utilizing \$43,530.00 of Unused Funds Budgeted for the Strand Improvement Project

The Council approved the award of a contract in the net amount of \$93,000 for the Lifeguard Storage Room Reconstruction Project to CHI Construction and approved utilizing \$43,530 of budgeted funds not needed for the Strand Improvement Project.

07/0904.11 Award a Contract (\$29,800.00) for the Herrin Street Repair Project to Newtech Engineering & Construction, Inc.; Authorize Staff to Retain Services for Inspection and Material Testing (Not-to-Exceed \$6,000); and Approve an Appropriation of \$38,800 from Gas Tax Fund Reserves

The Council approved the award of a contract for the Herrin Street Repair Project to Newtech Engineering & Construction, Inc. in the net amount of \$29,800; approved authorizing staff to retain services for inspection and material testing for a fee not to exceed \$6,000; approved authorizing the Director of Public Works to approve any necessary change order work up to \$3,000; and approved an appropriation of \$38,000 from Gas Tax Fund Reserves.

07/0904.12 Disbursement of Progress Payments:

- a) Progress Payment No. 2 in the Net Amount of \$188,434.80 to West Valley Construction, Inc. for the 2004-2005 Water Main Replacement Project
- b) Final Payment in the Net Amount of \$218,999.74 to American Asphalt South, Inc.; Change Order No. 1 in the Net Amount of \$3,348.04; Supplemental Appropriation (\$6,363.04) from Gas Tax Reserves; Formally Accept the 2007 Slurry Seal Project as Complete; and Authorize Filing of the Appropriate Notice of Completion
- c) Progress Payment No. 2 in the Net Amount of \$204,709.30 to Environmental Construction Inc. for the Manhattan Village Soccer Park Synthetic Turf Field Project

The Council approved the issuance of the subject progress payments, final payment and change order; formally accepted the 2007 Slurry Seal Project as complete; authorized the filing of the appropriate Notice of Completion; and approved the supplemental appropriation of \$6,363.04 from gas tax reserves.

BOARDS AND COMMISSIONS

Cultural Arts Commission

07/0904.13 Consideration of Draft Minutes, Cultural Arts Commission Special Meeting of July 23, 2007

The Council received and filed the subject draft minutes.

Library Commission

07/0904.14 This Space Intentionally Left Blank.

Planning Commission

07/0904.15 Consideration of Action Minutes, Planning Commission Meeting of August 8, 2007

The Council received and filed the subject action minutes.

07/0904.16 Consideration of Action Minutes, Planning Commission Meeting of August 22, 2007

The Council received and filed the subject action minutes.

07/0904.17 Consideration of the Planning Commission Decision to Approve a Master Use Permit Amendment for Proposed On-Site Wine Tasting Within an Existing Supermarket Located at 2700 Sepulveda Boulevard (Ralph's) and Determine that the Public Necessity Would be Served by the Issuance of a Liquor License

The Council received and filed the decision of the Planning Commission.

07/0904.18 Consideration of Planning Commission Approval of a Coastal Development Permit to Allow Construction of Two Buried Wastewater Force Mains to Replace an Existing Wastewater Force Main With a New Above-Ground Equipment Room Adjacent to Existing Beach Access Stairs at 2601 The Strand

The Council received and filed the decision of the Planning Commission.

07/0904.19 Consideration of a Variance and Coastal Development Permit for a Proposed New Single Family Residence to Project Into a Required Front Yard Setback on a Portion of a Lot at 124 21st Place

The Council received and filed the subject report.

07/0904.20 Consideration of Planning Commission Approval of a Master Use Permit and Coastal Development Permit for a Mixed-Use Commercial Building with Two Restaurants (with Continued Use of Alcoholic Beverage Licenses), Two Retail Suites, and One Office Suite, With Underground Parking at 1001 Manhattan Avenue

The Council received and filed the Planning Commission's approval of the Master Use Permit and Coastal Development Permit for 1001 Manhattan Avenue.

COMMUNITY ANNOUNCEMENTS

07/0904.25 Michele McGarry Re Transient Occupancy Tax

Michele McGarry, No Address Provided, requested clarification on the Transient Occupancy Tax for those that have vacation rental property. It was her opinion that the Code was not designed for vacation rentals and she asked for the definition of "transient". She further related her understanding that other property owners agree with her opinion.

City Attorney Robert Wadden advised that **Ms. McGarry** has filed a formal appeal on the assessment of the 30-day period and that this matter will be scheduled for the Council's consideration at a future meeting.

07/0904.26 Los Angeles County Librarian Don Gould Re Various Library Events

Los Angeles County Librarian Don Gould announced that the Manhattan Beach Library now has WiFi capabilities; that sign-up forms for story time (starting September 25, 2007) are now available; that the "Coffee and Classics" film *All About Eve* will take place on Thursday, September 6, 2007 at 10:00 a.m.; that several "Friends of the Library" will participate in the Manhattan Beach Arts Festival on September 9, 2007; that the Summer Reading Program ends September 7, 2007 and prizes should be collected now; and that coming in October will be a program for making comics with real comic book authors.

In response to Councilmember Ward, he also provided clarification regarding the Library's new WiFi system and the type of sites blocked on Library computers.

07/0904.27 Cathy Clark Re Special Planning Commission Meeting

Cathy Clark, No Address Provided, announced a special Planning Commission meeting on September 5, 2007, at 6:00 p.m. to address mansionization issues such as lot mergers and setbacks.

07/0904.28 Lindsey Shields Re Arts Festival

Lindsey Shields, No Address Provided, called attention to the upcoming Manhattan Beach Arts Festival on September 9, 2007 from 11:00 a.m. to 4:00 p.m. adding that the major sponsors are Target and Chevron.

07/0904.29 Parks and Recreation Director Richard Gill Re 9/11 Memorial

Parks and Recreation Director Richard Gill invited all to the dedication of the Manhattan Beach 9/11 memorial on September 11, 2007 at 10:00 a.m. on the corner of 15th Street and Valley Drive.

07/0904.30 Mayor Aldinger Re Facility Strategic Plan Meetings

Mayor Aldinger called attention to the upcoming Facilities Strategic Plan community meetings on September 8, 2007 at 9:00 a.m. at Manhattan Heights and September 13th at 6:30 p.m. at the Joslyn Center.

07/0904.31 Mayor Aldinger Re Lamp Exchange

Mayor Aldinger noted the free lamp exchange for energy efficient lights on September 15 and 16, 2007 from 9:00 a.m. to 2:00 p.m. at Walmart in Torrance.

07/0904.32 Mayor Aldinger Re Tax Seminar

Mayor Aldinger announced that Assemblyman Ted Lieu and Vice Chair, Board of Equalization Judy Chu will hold a free small business tax seminar on September 6, 2007 from 7:00 to 9:00 p.m. at the Alta Vista Community Center in Redondo Beach.

07/0904.33 Viet Ngo Re Advice to New Director

Viet Ngo, No Address Provided, advised new Human Resources Director Hanson to report any illegal actions by public officials to the FBI.

PUBLIC HEARING

None.

GENERAL BUSINESS

07/0904.21 Presentation by the South Bay Cities Council of Governments and the South Bay Energy Savings Center

Jacki Bacharach, Executive Director of the South Bay Cities Council of Governments (SBCCOG), presented an overview on the SBCCOG's purview and programs, particularly transportation and land use studies. She noted an upcoming meeting of the South Bay Green Task Force on September 10, 2007.

Michelle Swanson, South Bay Energy Savings Center, explained the Center's purpose to assist residents in conserving energy and water and highlighted the Center's upcoming Energy Expo on October 17, 2007 at the George Nakano Theater.

Council accepted the presentation and related their appreciation of the SBCCOG and Energy Savings Center.

07/0904.22 Presentation and Update for the Facilities Strategic Plan and Appropriate \$46,800 for Consulting Work and Project Materials Provided by MDA Johnson Favaro

City Manager Geoff Dolan explained that this item is before the Council as a result of the City's desire to keep the community informed about the Facilities Strategic Plan.

Jim Favaro, MDA Johnson Favaro (MDAJF), provided updated information on the major components of the Facilities Strategic Plan (FSP), the project schedule and the Facilities Strategic Plan Steering Committee's preliminary recommendations. He shared information about recent community input and encouraged the Council and the community to have faith in the Committee's preliminary recommendations.

Prior to receiving input from the public, the Council observed that the concerns over the FSP generally expressed by the community closely resemble those related during past discussions of other major projects in the City. The Council discussed that notification about the FSP should be increased and additional information about it added to the City's website. The Council noted the importance of the City Boards and Commissions becoming educated on the issues associated with the FSP, as well as the Council providing detailed recommendations and clarity on their expectations to the Boards and Commissions. The Council expressed disappointment that the Steering Committee did not make specific recommendations on potential sites for the library and a community theater, and that such recommendations will hopefully be part of the Committee's final proposal.

City Manager Dolan advised that the Council is scheduled to hear the Steering Committee's final recommendations on October 2, 2007 after which the Council will forward recommendations to the City's Boards and Commissions. He further advised that an

Environmental Impact Report must be completed and considered by the Planning Commission before issues related to the FSP could be placed on a ballot and voted upon by property owners.

The following individuals spoke on this item:

- **Cathy Clark, No Address Provided**
- **Viet Ngo, No Address Provided**
- **Martha Andreani, No Address Provided**
- **Patrick McBride, 5th Street and Peck Avenue**
- **Robert Bush, No Address Provided**

Councilmember Cohen pointed out that community desires will be further assessed and that, hopefully, a broader range of people who have not yet engaged in the FSP process will be informed through additional notification and, as a result, will provide input.

Councilmember Ward related his appreciation of the job done thus far by **MDAJF** and the FSP Steering Committee. Noting his previous reservations about this process, Councilmember Ward voiced his support of the FSP which, he said, will be a master template for the future and can be adjusted to take community opinions into account. It was his opinion that it would not make sense to renovate old buildings instead of building new ones.

Councilmember Tell thanked **MDAJF** for their comments and assistance. Serving on the FSP Steering Committee, he explained that this process is not yet complete and that the Committee's preliminary recommendations are just the beginning. He assured that the community will have an opportunity to be very much involved in the ultimate decisions; related his opinion that multi-purpose rather than stand-alone facilities would be appropriate; agreed that it is important for the City's Board and Commissions to become educated about the FSP; and explained that the Council will eventually identify priorities, after which an effort will be made to convince the community to support them.

Mayor Aldinger emphasized the importance of making a great effort to provide additional information to the community about the Facilities Strategic Plan. As a member of the Steering Committee, he mentioned that the opinions of many individuals attending community meetings about the FSP appeared to improve after they became better informed.

Mayor Pro Tem Montgomery stated his support for the Facilities Strategic Plan.

MOTION: Mayor Pro Tem Montgomery moved to receive and file the Facilities Strategic Plan update and appropriate \$46,800 from the Unreserved CIP balance for consulting work and project materials provided by MDA Johnson Favaro. The motion was seconded by Councilmember Tell and passed by the following unanimous roll call vote:

Ayes: Cohen, Ward, Tell, Montgomery and Mayor Aldinger.
Noes: None.
Abstain: None.
Absent: None.

RECESS AND RECONVENE

At 8:47 p.m., the Council recessed and reconvened at 9:00 p.m. with all Councilmembers present.

07/0904.23 Prioritization of Traffic Studies and Neighborhood Traffic Management Plan Areas as Initiated by the City Council Work Plan

City Manager Geoff Dolan advised that, because the City has limited resources to address a variety of traffic issues, the Council asked staff to provide recommendations on prioritizing them.

The staff report provided by Traffic Engineer Erik Zandvliet included: background information; current and completed Neighborhood Traffic Management Plans (NTMPs); future traffic engineering studies; and criteria used in the NTMP priority area evaluation. He also related staff's recommendation to prioritize the El Porto area and the Sepulveda Corridor.

The Council discussed the parking issues on Sepulveda Boulevard and staff's prioritization of El Porto over the Tree Section. The Council also discussed the topic of addressing traffic problems in an entire area versus a portion of an area and the omission of construction-related traffic issues in the NTMPs.

Traffic Engineer Zandvliet explained that El Porto was prioritized over the Tree Section in that the Tree Section was the most recent traffic study prior to beginning the NTMPs. He further relayed that construction-related traffic issues are dealt with on a case-by-case basis and have not been studied as a priority.

City Manager Dolan commented on a traffic modification previously made in the El Porto area that moved traffic from one street to another, thereby creating a new problem in that area.

The following individuals spoke on this item:

- **Bill Lee, 1200 Block of Oak Avenue**
- **Karol Wahlberg, No Address Provided**
- **Ed Skebe, 200 Block of Kelp Street**
- **(Name Inaudible), 1300 Block of Oak Avenue**
- **Bev Morse, 900 Block of 1st Street**
- **Lisa (Last Name Inaudible), 1300 Block of Oak Avenue**
- **Viet Ngo, No Address Provided**

City Manager Dolan shared information about staffing shortages in the City, which have contributed to some delays in addressing traffic issues. He pointed out that parking restrictions on Sepulveda Boulevard significantly affect Oak Avenue and adjacent streets; he recommended that parking on Sepulveda Boulevard be considered separately from the entire Sepulveda Corridor; and that Oak Avenue and adjacent streets be considered separately from the entire Tree Section, both of which should be a priority.

Councilmember Ward supported the recommendation that parking on Sepulveda Boulevard be considered separately from the entire Sepulveda Corridor and that Oak Avenue and adjacent streets be considered separately from the entire Tree Section, with both being a priority. He also supported El Porto being a priority.

Mayor Aldinger agreed that traffic problems in the El Porto area should be examined. However, he recalled that traffic issues in El Porto were previously examined and the layout of streets in that area makes traffic very difficult.

Mayor Pro Tem Montgomery commented on traffic problems in the Tree Section, particularly Oak Avenue and adjacent streets.

MOTION: Councilmember Ward moved to approve including the Sepulveda Corridor and adjacent parallel streets and the secondary priority area of El Porto in the Neighborhood Traffic Management Plans. The motion was seconded by Mayor Pro Tem Montgomery.

Prior to roll call vote, City Manager Dolan advised that construction-related traffic issues are being addressed through the City's construction program and that the pedestrian aspect related to schools and the Downtown area would not be included in the priorities.

Mayor Aldinger felt that, should construction-related traffic not be included in the NTMPs for this year, it should be next year. He related his concern over traffic problems at the intersection of Aviation Boulevard and 12th and 19th Streets.

Traffic Engineer Zandvliet presented additional information concerning the City's efforts to address construction-related traffic. He assured the Council that traffic problems at the intersection of Aviation Boulevard and 12th and 19th Streets will be closely examined and presented for the Parking & Public Improvements Commission's consideration in the near future.

MOTION: Councilmember Ward moved to approve including the Sepulveda Corridor and adjacent parallel streets and the secondary priority area of El Porto in the Neighborhood Traffic Management Plans. The motion was seconded by Mayor Pro Tem Montgomery and passed by the following unanimous roll call vote:

Ayes: Cohen, Ward, Tell, Montgomery and Mayor Aldinger.
Noes: None.
Abstain: None.
Absent: None.

07/0904.24 Discussion of Aerial Advertising

City Manager Geoff Dolan advised that, for many years, the City has received complaints about aerial advertising up and down the beach; that recently, aerial advertising circled over events on the beach and over the City; and that the City received letters and phone calls from residents asking how this problem can be addressed.

City Attorney Robert Wadden offered information about the Federal Aviation Administration's (FAA's) unclear position on flights over beaches and densely populated areas. He advised that the City has opened up dialogue with the FAA in hopes of getting approval to enforce existing rules and, possibly, add some regulations that might be more restrictive.

The following individuals spoke on this item:

- **Steve Johnson, 500 Block of 2nd Street**
- **Patrick McBride, 5th Street and Peck Avenue**
- **Bev Morse, 900 Block of 1st Street**
- **Viet Ngo, No Address Provided**
- **Gary McCauley, 400 Block of 3rd Street**
- **Jon Chaykowski, 200 Block of John Street**
- **Arnold Sachs, Redondo Beach**

Councilmember Cohen entertained the idea of treating aerial advertising as a public nuisance according to State Law or a common nuisance according to Federal Law. It was her opinion that the City should pursue this matter with surrounding beach cities.

Councilmember Tell pointed out the difficulty of identifying the aerial advertising aircraft

numbers. He suggested that the City become more aggressive with the banner companies and let them know that their recent behavior of circling over events on the beach and the City will no longer be tolerated. He supported changing the conditions of the Certificates of Waiver to be more restrictive, noting that the City of Pasadena requires aerial advertising at 3,000 feet instead of 1,000 feet.

Mayor Pro Tem Montgomery commented on the issues of noise, visual impact, repetition and safety associated with aerial advertising. He mentioned that residents could notify advertisers that they will not purchase their products if their aerial advertising airplanes continue to circle the beach and the City. Mayor Pro Tem Montgomery stated his opinion that banning aerial advertising does not violate free speech and entertained the idea of obtaining information on the number of aerial advertising flights and times, etc., from the FAA.

Mayor Aldinger recommended that this matter be discussed with the League of California Cities, the South Bay Cities Council of Governments, the California Coastal Cities Group and surrounding beach cities such as Hermosa Beach, which has used radar in the past to monitor flight patterns of airplanes flying over their City. He said that Manhattan Beach can help the FAA identify the planes and prove that the banner companies are not following their permit requirements and that, even though the number of aerial advertising airplanes flying over Manhattan Beach will be less now that summer is almost over, staff should provide input back to the Council as soon as possible. Mayor Aldinger commented on the difficulty of regulating aerial advertising over the beach, but related his understanding that it should be possible to restrict it over residential areas.

Councilmember Ward agreed with the idea of contacting Congresswoman Jane Harman to request assistance and work with the FAA in hopes of reducing aerial advertising problems. He suggested that the City focus on four areas: Certificates of Waiver; the height at which aerial advertising airplanes are flying over the City; the frequency of the flights; and noise.

City Attorney Wadden detailed some of the case law on aviation public nuisances and verified that an effort will be made to obtain copies of Certificates of Waiver for aerial advertising flights over Manhattan Beach, which will include times, owner's names, etc.

Police Chief Rod Uyeda related his experience on this matter when addressing the issue in Pasadena and explained the complex nature of this issue. He advised that every airplane has a number on it, but they are difficult to see from the ground; that the FAA has sole jurisdiction over aerial advertising; and that the only thing the City has been able to implement are temporary flight restrictions, requiring flights at 3,000 feet, obtained after 9/11 for events attended by at least 30,000 people.

ITEMS REMOVED FROM THE CONSENT CALENDAR

07/0904.6 Approve Retainer Agreement with the Law Firms of Kiesel, Boucher & Larson L.L.P. and Baron & Budd, P.C. to Represent the City on a Contingency Basis as a Participant in a Class Action Lawsuit to Collect Unpaid Transient Occupancy Tax from On-Line Hotel Booking Agents

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

The following individuals spoke on this item:

- **Arnold Sachs, No Address Provided**
- **Viet Ngo, No Address Provided**
- **Patrick McBride, 5th Street & Peck Avenue**
- **Steve Morse, No Address Provided**

City Attorney Robert Wadden advised that the Transient Occupancy Tax applies to the on-line booking of hotels and motels, not to vacation rentals as mentioned earlier in the meeting. He stated that there is no “loophole” in the requirements - the agents booking reservations online are simply not doing what they are legally required to do.

MOTION: Councilmember Ward moved to approve the proposed retainer agreement for representation in the pending Transient Occupancy Tax class action and authorize the City Manager to execute it. The motion was seconded by Mayor Pro Tem Montgomery and passed by the following unanimous roll call vote:

Ayes: Cohen, Ward, Tell, Montgomery and Mayor Aldinger.
 Noes: None.
 Abstain: None.
 Absent: None.

AUDIENCE PARTICIPATION

07/0904.34 Robert Bush Re Audience Rights & Utility Undergrounding

Robert Bush, No Address Provided, discussed citizens’ rights to address the Council and related his continued objection to utility undergrounding.

07/0904.35 Jon Chaykowski Re Utility Undergrounding

John Chaykowski, 200 Block of John Street, asked the Council to be fair and give residents an option in the future to avoid utility undergrounding when a sub-group in a particular district does not want utility undergrounding.

07/0904.36 Bev Morse Re Unavailable Materials

Bev Morse, 900 Block of 1st Street, spoke of a visit she made to City Hall in search of particular plans for Utility Underground Districts and her frustration over them not being available.

After lengthy discussion with **Ms. Morse** and City Manager Dolan, Council informed Ms. Morse that Senior Civil Engineer Stephanie Katsouleas will return on Monday, September 10, 2007 and will contact her regarding her request.

07/0904.37 Patrick McBride Re Transportation for Seniors

Patrick McBride, 5th Street & Peck Avenue, compared the Manhattan Beach Dial-a-Ride transportation service to Hermosa Beach’s Dial-a-Taxi service emphasizing that Dial-a-Ride is much more expensive and less flexible. He further stated that the Manhattan Beach system is not delivering.

07/0904.38 Arnold Sachs Re Various Issues

Arnold Sachs, Redondo Beach resident, commented that the City violated the Brown Act by not posting the adjournment of the August 21, 2007 City Council meeting.

He questioned why representatives from the utility companies were not present at the July, 2006 City Council meeting in which Utility Undergrounding was discussed.

He further questioned why the outcome of the recent South Bay Cities Council of Governments meeting of City Managers was not announced.

Mayor Aldinger pointed out that City Managers are not elected officials and that the Brown Act applies only to elected officials.

City Attorney Wadden clarified that the term used in the Brown Act is "legislative bodies" which would not include staff or City Managers.

07/0904.39 Viet Ngo Re Questionable Payment & Alleged Illegal Gifts

Viet Ngo, No Address Provided, voiced his objection to a payment made to **Erick Strong**, in the amount of \$2,000, for a computer loan, as included in Agenda Item No. 3. He claimed that there is evidence that various Councilmembers and City staff have received illegal gifts from Jonathon Tolkin.

07/0904.40 Steve Morse Re Unavailable Plans and Senior Transportation

Steve Morse, 900 Block of 1st Street, reiterated his wife's frustration over not being able to locate the plans she was looking for at City Hall.

He also concurred with **Mr. McBride** that Hermosa Beach's Dial-a-Taxi program seems superior to Manhattan Beach's Dial-a-Ride senior transportation program.

City Manager Geoff Dolan asserted that this issue is on the Council's Work Plan and will be brought back at a future Council meeting.

07/0904.41 Karol Wahlberg Re Needed Process

Referring back to **Ms. Morse's** problem in trying to obtain Utility Undergrounding plans, **Karol Wahlberg, No Address Provided**, suggested that if the City does not already have a process by which to keep plans, one should be developed.

CITY MANAGER REPORT(S)

07/0904.42 City Manager Dolan Re Number of City Council Meetings

City Manager Dolan commented that he believes that this evening marks at least the 800th City Council meeting that he has attended.

OTHER COUNCIL BUSINESS, COMMITTEE AND TRAVEL REPORTS

07/0904.43 Councilmember Ward Re Gift

Councilmember Ward, in response to **Mr. Ngo's** comment, emphasized that he has never received a gift from **Mr. Zislis**.

07/0904.44 Councilmember Ward Re Agendizing January 1, 2008 Council Meeting

Councilmember Ward brought up the upcoming New Year's holiday (which, because it falls on a regularly scheduled City Council meeting Tuesday, would be moved to Wednesday, January 2, 2008) and questioned whether the Council wanted to agendize the topic for discussion.

City Manager Dolan conveyed that if Council so chooses, he would agendize it and include a schedule of holidays.

The Council concurred.

07/0904.45 Councilmember Cohen Re Lot Merger Moratorium

Councilmember Cohen acknowledged that she would like to agendize and discuss the lifting of the lot merger moratorium.

Following Council discussion, there was no majority support by Council to agendize the matter.

07/0904.46 Mayor Aldinger Re City Newsletter

Mayor Aldinger announced that the City's first quarterly newsletter was recently distributed.

City Manager Geoff Dolan invited interested residents to suggest a name for the Newsletter.

The Council commended the efforts of those involved in compiling the Newsletter.

07/0904.47 Mayor Aldinger Re Study Session

Mayor Aldinger noted the upcoming Council Study Session prior to the next Council meeting on Tuesday, September 18, 2007, 5:00 p.m., which will include discussion of the City's Tree Ordinance.

07/0904.48 Mayor Aldinger Re Green Team

Mayor Aldinger shared information about the efforts of the Manhattan Green Team.

ADJOURNMENT

At 11:28 p.m., the meeting was duly adjourned to the 5:00 p.m. Adjourned Regular Study Session Meeting to be followed by the 6:30 p.m. Regular City Council Meeting on Tuesday, September 18, 2007, in the City Council Chambers of City Hall, 1400 Highland Avenue, in said City.

Wendy Weeks
Recording Secretary

Jim Aldinger
Mayor

ATTEST:

Liza Tamura
City Clerk

**CITY OF MANHATTAN BEACH
MINUTES OF THE CITY COUNCIL
ADJOURNED REGULAR MEETING
SEPTEMBER 4, 2007**

The Adjourned Regular Meeting of the City Council of the City of Manhattan Beach, California, was held on the 4th day of September, 2007, at the hour of 5:42 p.m. in the City Council Chambers of City Hall, at 1400 Highland Avenue, in said City.

ROLL CALL

Present: Cohen, Ward, Tell, Montgomery and Mayor Aldinger.
Absent: None.
Clerk: Wadden (Acting).

CLOSED SESSION

The Council recessed into Closed Session at 5:42 p.m. and moved to open session at 6:24 p.m.

ADJOURNMENT

The meeting was duly adjourned at 6:24 p.m.

Robert V. Wadden, Jr.
Recording Secretary

Jim Aldinger
Mayor

ATTEST:

Liza Tamura
City Clerk