

**CITY OF MANHATTAN BEACH
MINUTES OF THE CITY COUNCIL
REGULAR MEETING OF
SEPTEMBER 18, 2007**

The Regular Meeting of the City Council of the City of Manhattan Beach, California, was held on the 18th day of September, 2007, at the hour of 6:37 p.m., in the City Council Chambers of City Hall, at 1400 Highland Avenue, in said City.

PLEDGE TO FLAG

Human Resources Director Cathy Hanson led the pledge of allegiance.

ROLL CALL

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

CEREMONIAL CALENDAR

None.

CONSENT CALENDAR

The Consent Calendar (Item Nos. 1 through 12), consisting of items under *General Consent* and *Boards and Commissions*, was approved by motion of Councilmember Ward, seconded by Mayor Pro Tem Montgomery and passed by unanimous roll call vote with the exception of Item Nos. 1 and 12 which were 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

07/0918.1 Approve Minutes of the City Council Adjourned Regular and Regular Meeting of September 4, 2007

Item No. 1 was pulled from the "CONSENT CALENDAR". Please refer to "ITEMS REMOVED FROM THE CONSENT CALENDAR."

07/0918.2 Donation of Surplus Dial-A-Ride Bus and Ambulance to Our Sister City, Santa Rosalia, Mexico

The Council approved the donation of a surplus Dial-A-Ride bus and ambulance to the City of Santa Rosalia, Mexico.

07/0918.3 Ratification of Motor Fuel Purchase from Merrimac Energy Group in the Net Amount of \$20,273

The Council approved the purchase of fuel from Merrimac Energy Group in the amount of \$20,273.

07/0918.4 Consideration of Financial Report: Ratification of Demands: September 6, 2007

The Council approved with no exception Warrant Register No. 6B in the amount of \$2,135,569.92 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.

07/0918.5 Consideration of a Proposal to Conduct the City of Manhattan Beach Pumpkin Races in Conjunction with the Downtown Manhattan Beach Business & Professional Association Safe Trick-or-Treating Event on October 28, 2007

The Council approved staff's proposal to conduct the City of Manhattan Beach Pumpkin Races in conjunction with the Downtown Manhattan Beach Business and Professional Association Safe Trick-or-Treating Event on October 28, 2007.

07/0918.6 Disbursement of Progress Payment No. 5 in the Net Amount of \$150,508.63 to Griffith Company and Change Order No. 2 in the Net Amount of \$20,334.61 for the 2002-2005 Street Improvement Project

The Council approved the issuance of the subject progress payment and change order.

07/0918.7 Accept Pedestrian Access Easement Dedication at 3633 North Sepulveda Boulevard (Chevron Service Station)

The Council adopted Resolution No. 6113.

RESOLUTION NO. 6113

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH, CALIFORNIA, ACCEPTING AN EASEMENT DEDICATION FOR PEDESTRIAN ACCESS AT 3633 NORTH SEPULVEDA BOULEVARD

BOARDS AND COMMISSIONS

Parks and Recreation Commission

07/0918.8 Consideration of Draft Minutes, Parks and Recreation Commission Meeting of July 23, 2007

The Council received and filed the subject draft minutes.

Planning Commission

07/0918.9 Consideration of Action Minutes, Planning Commission Meeting of September 5, 2007

The Council received and filed the subject action minutes.

07/0918.10 Consideration of Action Minutes, Planning Commission Meeting of September 12, 2007

The Council received and filed the subject action minutes.

07/0918.11 Consideration of a Use Permit and Vesting Tentative Parcel Map 68336 for

City Council Meeting Minutes of September 18, 2007

Proposed Construction of a Mixed-Use Building With Two Commercial Condominium Units and Two Residential Condominium Units on the Property Located at 930 Manhattan Beach Boulevard

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

07/0918.12 Consideration of Planning Commission Approval of an Amendment to a Previously Approved Use Permit for Removal and Replacement of Existing Pines Which are Impacting Construction at Manhattan Beach Community Church at 303 South Peck Avenue

Item No. 12 was pulled from the "CONSENT CALENDAR". Please refer to "ITEMS REMOVED FROM THE CONSENT CALENDAR."

COMMUNITY ANNOUNCEMENTS

07/0918.20 Los Angeles County Librarian Don Gould Re Library Events

Los Angeles County Librarian Don Gould announced that the Target Corporation is sponsoring 3 events: *Beach Blues* with Craig Newton on October 10, 2007; *Endless Summer in the Land of Imagination* on October 17, 2007; and a marine art activity on October 24, 2007. He also announced that there will be a special DVD showing of *Surfs Up* on October 5, 2007 and that the next "Coffee and Classics" event will take place on October 4, 2007 and the film is *Nosferatu the Vampire*.

07/0918.21 Jan Rhees Re Rotary International Event

Jan Rhees, Manhattan Beach Rotary Club, announced the Manhattan Beach Rotary Club's Wide World of Books Drive which will be launched at the Hometown Fair. She explained that Rotary International is attempting to get into the *Guinness Book of World Records* by collecting the most books ever; that the books should be for children ages kindergarten through third grade; and that the books collected will go to the 2008 Rotary International convention in Los Angeles.

Mayor Pro Tem Montgomery recognized the Manhattan Beach Rotary Club for their volunteer "Rotary Reads" program.

07/0918.22 Matt Burton Re Thanks for Donations

Matt Burton, No Address Provided, thanked the Council on behalf of Sister City Santa Rosalia, Mexico and the Mira Cost Baja Club for the donation of an ambulance and Dial-A-Ride bus.

Mayor Aldinger thanked **Mr. Burton** and the Mira Costa Baja Club for arranging to have high school students from Santa Rosalia visit Manhattan Beach for the first time.

07/0918.23 Bev Morse Re Blue Prints & Photography

Bev Morse, No Address Provided, informed Council and thanked City staff for providing the blue prints she had been inquiring about.

Ms. Morse also encouraged the community to visit the Fowler Museum at UCLA to view former Los Angeles District Attorney Gil Garcetti's award winning photographs.

07/0918.24 Gerry O'Connor Re Fire Captain/Paramedic Tim O'Brien

Gerry O'Connor expressed his personal commendation to Fire Captain/Paramedic Tim O'Brien for the work he has done with the City's Sister City - Santa Rosalia, Mexico.

Mayor Aldinger concurred adding that Fire Captain/Paramedic O'Brien has done an outstanding job working with the City of Santa Rosalia.

07/0918.25 Mayor Aldinger Re Lamp Exchange

Mayor Aldinger commended Southern California Edison and the South Bay Energy Savings Center for their very successful lamp exchange program over the weekend.

07/0918.26 Councilmember Cohen Re Recycling

Councilmember Cohen announced that recycling containers have been installed in the Metlox plaza and that more will be added in the near future.

07/0918.27 Mayor Pro Tem Montgomery Hometown Fair

Mayor Pro Tem Montgomery reminded the community to attend the 35th annual Hometown Fair October 6 – 7, 2007.

07/0918.28 Mayor Aldinger Re Soccer Field

Mayor Aldinger announced that the artificial turf will be installed at the soccer field in early October.

07/0918.29 Councilmember Tell Re Facility Strategic Plan

Councilmember Tell encouraged everyone to attend the Facility Strategic Plan Steering Committee meeting on September 24, 2007 at 6:30 pm.

07/0918.30 Mayor Aldinger Re Power Plant

Mayor Aldinger reported that two of the towers at the El Segundo power plant will be torn down very soon.

PUBLIC HEARINGS

07/0918.13 Consideration of the Required 2006 Water Quality Report on Public Health Goals

Public Works Director Jim Arndt addressed Council explaining that public water systems serving more than 10,000 connections must prepare a report regarding the detection of any contaminants in the water. He stressed that the City does not have any contaminants that exceed established Maximum Contaminant Levels (MCLs), however, lead and copper levels exceed Public Health Goal (PHG) levels, most likely caused by plumbing and fixtures in older homes within the City. Public Works Director Arndt stated that staff's findings and comments by the public will be forwarded to the California Department of Health Services as required.

Following a brief discussion with Public Works Director Arndt and Utilities Manager Clarence Van Corbach, Council suggested sending out letters, including information in the City's newsletter and posting information on the City's web site to raise the public's awareness.

In response to Councilmember Cohen's question regarding the purchase of municipal water with more fluoride, Public Works Director Arndt reported that this water will begin to be

dispensed the first of October.

Mayor Aldinger opened the Public Hearing at 7:04 p.m.

Seeing no requests to speak, Mayor Aldinger closed the Public Hearing at 7:05 p.m.

MOTION: Councilmember Cohen moved to approve the receipt and filing of this report as a requirement of the California Public Safety Code. 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.
Absent: None.
Abstain: None.

GENERAL BUSINESS

07/0918.14 Consideration of a Recommendation from the Parks and Recreation Commission for Additional Access for On-Leash Dogs in Sand Dune, Bruce's Beach and Polliwog Parks

Recreation Services Manager Idris Al-Oboudi reviewed recommendations from the Parks and Recreation Commission regarding additional on-leash access for dogs in Sand Dune, Bruce's Beach and Polliwog Parks on a trial basis.

John Vogel, Community Dog Advisory Committee member, addressed Council with a PowerPoint presentation reviewing the history of the Dog Advisory Committee and how and why the requests for additional access came about. He illustrated the specific areas at Sand Dune and Polliwog Parks where access is being requested and the total fiscal impact (\$1,120) for signage and "Mutt Mitt" dispensers at both locations. He explained that currently dogs are only allowed to pass through Bruce's Beach on the concrete path, but, the Committee believes that because there are no organized activities taking place there, it would be a great place for dog owners to stop, rest and spend a little time with their dogs. **Mr. Vogel** explained the fiscal impact, neighborhood concerns and the Advisory Committee's recommendations for Bruce's Beach Park. He concluded by reiterating the recommendations for expanded walk-through pathways for Sand Dune Park, a new walk-through pathway for Polliwog Park and full on-leash access for Bruce's Beach Park.

Council held discussion regarding Bruce's Beach Park including: the current usage of the Park; why it was recommended for full access as opposed to Polliwog Park; health concerns related to dog waste; and the possibility of a trial period allowing dogs in the Park.

The following individuals spoke on this item:

- **Beth Bjorn, No Address Provided**
- **Jeff Kelber, 2500 Block of Ocean Drive**
- **Bill Caras, 27th Street**
- **George Caras, 27th Street**
- **John Harwell, 200 Block of 27th Street**
- **Sue Vogel, 1200 Block of 6th Street**
- **Craig Fisher, Bayview and 25th Street**
- **Martha Andreani, No Address Provided**
- **Bev Morse, No Address Provided**
- **Christina Caras, 27th Street & Ocean**

- **Mark Greenberg, 24th Street & Highland Avenue**
- **Suzanne Asher, 30th Street & Ocean**
- **Bill Keller, 25th & Bayview**
- **Dave Stoker, 33rd Street**
- **Sue Harragan, 23rd Street & The Strand**
- **Pete (Last Name Inaudible), 200 Block of Manhattan Avenue**
- **Tony Sullivan, 2200 Block of the Strand**
- **Viet Ngo, No Address Provided**
- **Scott Rusher, 400 Block of 29th Street**
- **Gary McCauley, 3rd Street**
- **Steve Morse, No Address Provided**
- **Bernette Holdren, 800 Block of 2nd Street**
- **Mark Bordman, 30th Street**
- **Marina Crockett, No Address Provided**
- **Mary Boding, 27th Street**
- **Larry Grik, 2200 Block of Manhattan Avenue**
- **David Lesser, 200 Block of Anderson Street**
- **Vicky Fleming, No Address Provided**
- **Pat Baraz, 1800 Block of Agnes Road**
- **Elizabeth Meyers, 2800 Block of the Strand**
- **Gary Stabile, 3100 Block of the Strand**
- **Marty Friedman, No Address Provided**
- **Gerry O'Connor, No Address Provided**
- **Patrick McBride, 5th Street & Peck Avenue**
- **Rick Walker, 2200 Block of the Strand**
- **Debbie Axler, 33rd Street & Bayview**
- **Tracy Robinson, No Address Provided**
- **Karol Wahlberg, No Address Provided**

Councilmember Tell agreed with the recommendations to allow walk through areas in Sand Dune and Polliwog Parks and stated that while equal access is important, so is respect for history. He stressed that a compromise is necessary in Bruce's Beach Park and suggested allowing dogs on-leash in a portion of the Park on a trial basis. He also proposed using a portion of Polliwog Park for on-leash access thereby providing park access to dogs on the East and West sides of the City and alleviating the concern that the only park a dog owner could take their dog to is Bruce's Beach.

Acknowledging that because he is a dog owner and socializes with a lot of other dog owners, Councilmember Ward conveyed that he gets lots of calls and letters regarding dog issues. He concurred with the walk-throughs in Sand Dune and Polliwog Parks and recognized that those living on the north end of the City are limited as to where they can walk their dogs. He commented that he is not as concerned about safety as he is about the residual filth that dogs will leave in the Park and urged Council not to open up Bruce's Beach for full access to dogs.

Councilmember Cohen concurred with Councilmembers Tell and Ward to approve the walk-throughs for dogs in Sand Dune and Polliwog Parks. She suggested partitioning Bruce's Beach at Bayview Drive, half for kids and adults and half for dogs, for a trial period and agreed with using a portion of Polliwog Park for additional on-leash dog access.

Mayor Pro Tem Montgomery commented that people are more protective of Bruce's Beach because of its history and fact that it doesn't get the volume of other parks. He stated that he is

also in favor of a trial on-leash access at Polliwog Park along with the pass-throughs; however, he is concerned about partitioning Bruce's Beach Park.

Mayor Aldinger stated that he would support a three to six month trial period at Bruce's Beach Park although voiced his concern that the main issue with allowing dog access there is overuse. He added that Bruce's Beach is one of the few un-programmed open spaces in the City and expressed apprehension over "giving it up to dogs." He reiterated his support for a trial on-leash access period at Bruce's Beach adding that if it is successful, maybe it can become permanent, nonetheless, he stated that he would prefer an on-leash access in Polliwog Park over Bruce's Beach Park.

Referring to the substantial amount of opposition to allowing on-leash access in Bruce's Beach, Councilmember Ward suggested a three-month trial with the option to extend to six months, to which Council concurred.

A brief discussion ensued with the Council and City Manager Geoff Dolan establishing that staff will meet with the neighbors of Bruce's Beach Park to help determine which half of the Park is best to allow on-leash dog access and that staff will contact the family of Chad Keller for input.

MOTION: Mayor Aldinger moved to approve expanded on-leash dog access to the upper trails at Sand Dune Park, excluding the north steps near the dune; approve establishing an on-leash dog access for the western most path at Polliwog Park; approve authorizing staff to designate half of Bruce's Beach Park for on-leash dog access for a three month trial period; and approve authorizing staff to return to Council with a potential site for additional on-leash dog access in Polliwog Park for a three month trial period. The motion was seconded by Councilmember Tell and passed by the following roll call vote:

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

Immediately prior to voting, Councilmember Ward stated that he would have supported the Commission's recommendations if it did not contain the division of Bruce's Beach.

City Manager Dolan clarified with Council that staff should not hold off on the three month trial at Bruce's Beach while they identify a place to hold a trial at Polliwog Park.

RECESS AND RECONVENE

At 9:40 p.m., the Council recessed and reconvened at 9:53 p.m. with all Councilmembers present.

Upon reconvening, Mayor Aldinger proposed that items 17 (*Consideration of a Work Plan Item Regarding Board & Commission Issues*), 18 (*Approve the Manhattan Beach Sewer System Management Plan (SSMP) as Required by the State Water Resources Control Board (SWRCB) Order No. 2006.003*) and 19 (*Consideration to Cancel the January 1, 2008 City Council Meeting*) be continued to the next City Council meeting on October 2, 2007.

Hearing no objection, it was so ordered.

07/0717.19-15 Consideration of an Appeal of the City's Transient Occupancy Tax as it Applies to Vacation Home Rentals

Finance Director Bruce Moe presented background information regarding the City's Transient Occupancy Tax (TOT) which historically has been collected from visitors for the first 30 days of their stay and discontinued on the 31st day. He explained that an appeal was filed by **Michelle McGarry**, a vacation home renter, because her interpretation of "transient" is anyone who stays 30 days or less; therefore she did not collect TOT on a recent renter because they stayed 31 days. He explained the City's logic for taxing just the first 30 days in that a visitor intending on staying 28-30 would actually save money by staying longer and applying the TOT savings, which the City would lose. Finance Director Moe pointed out that approximately 3.5% of all lodging in the City exceeds 31 days and to not collect this tax would add up to approximately \$130,000 a year in lost revenue.

In response to Mayor Aldinger's question regarding regular rentals, Finance Director Moe clarified that if the location is a primary personal residence, the renter would not be subject to the first 30-day hotel bed tax.

City Attorney Robert Wadden added that the definition of hotel refers to rentals that are shorter term in nature and that the 30-day stipulation comes from the State law – the City had no choice. He further explained that adopting the appellant's point of view could set a precedent and the City may be liable to return 3 years of TOTs to other vacation home renters.

Michelle McGarry, No Address Provided, explained that the information she received from the City directing vacation home renters to begin collecting TOT defines a transient as a visitor for 30 days or less. She emphasized that she is not the only person to interpret it that way and that the additional verbiage regarding collecting TOT for the first 30 days was not part of the information she received. She acknowledged speaking at length with both Finance Director Moe and City Attorney Wadden to try and resolve this matter without having to appeal to the Council. She questioned the definition of "transient" and on what length of stay she would have to collect TOT from her renters.

Council held discussion regarding the 30-day or less and primary residence issues.

Communicating that she wants to pay TOT on short term rentals but not on long term, **Ms. McGarry** emphasized that if it is going to be this difficult to pay the TOT, she will switch to month-to-month rentals.

Mayor Aldinger stated that he is convinced that the way the City does business, in regard to TOT, is the way it will continue to do business although he is not sure how to fix the City's Code.

Councilmember Tell stressed that the interpretation of the Code must make sense. He agreed that vacation rentals should pay the TOT; however, questioned whether those here on a temporary basis, but, as their primary residence, should pay TOT.

City Attorney Wadden reiterated that TOT would not apply after the first 30 days.

The following individual spoke on this item:

- **Viet Ngo, No Address Provided**

Council continued discussion regarding the interpretation of the Code and the possibility of having renters indicate in writing whether or not the rental will be their primary residence.

City Manager Dolan shared that currently the collection of TOT from vacation home rentals is

on the honor system and suggested including the primary residence issue in the instructions to renters. He summarized the two issues as how to handle those renters with a “hybrid” situation (mostly short term renters in the high season and longer term renters on the off season) and whether it is necessary to clarify the Code to recognize what the City’s current practice is. He explained that any change to the Code is a Proposition 218 issue; however, staff can “clean-up” the Ordinance and bring it back to Council and notify the “hybrid” operators, through the administrative instructions, of what the City’s expectations are.

MOTION: Councilmember Ward moved to deny the appeal of the City’s Transient Occupancy Tax as presented by the appellant.

Ms. McGarry urged the Council to consider the fact that the information she received regarding the collection of TOT was not clear and that she did the right thing by sending in the paperwork.

City Manager Geoff Dolan cautioned the Council that acknowledging that the City interpreted the Code incorrectly could lead to additional claims from other lodging entities. Furthermore, he emphasized that staff is comfortable that they have interpreted the Code correctly and consistently.

In response to Councils’ question regarding the implication of denying the appeal, City Attorney Wadden stressed that Proposition 218 prohibits the imposition of a new tax without a vote of the people. He added that if Council grants the appeal, it would be equivalent to saying there isn’t a tax and Council may be in a position where it would be difficult to clarify the Code.

Council reviewed the information supplied to vacation home renters by the City and concurred to change the form to match the Municipal Code.

MOTION: Councilmember Ward moved to deny the appeal of the City’s Transient Occupancy Tax as presented by the appellant. The motion was seconded by Mayor Aldinger and passed by the following roll call vote:

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

07/0918.16 Consideration of a Work Plan Item to Discuss Options to Promote Permanent Absent Voters

City Clerk Liza Tamura addressed Council regarding options to promote Permanent Absent Voters (PAVs) in the City. She explained that the PAV application was created by the State and is administered by the Los Angeles County Registrar Recorder/County Clerk’s (County) Office and that the City would need the County’s approval to make any changes to their PAV application. She pointed out that the PAV application is often mistaken for an Absentee Application (AV), which is administered and processed by the City on an individual election basis. She clarified that becoming a PAV would allow a resident to vote by mail on a permanent basis; however, if a PAV misses two State elections in a row, they lose their PAV status and would have to reapply. She summarized the PAV program; provided statistics on the increase in ballots mailed every election; and explained current legislation (AB 1654) which may allow General Law cities, such as Manhattan Beach, to conduct and all mail ballot elections. City Clerk Tamura concluded that by encouraging voters to become PAVs and working with the

County on voter outreach, staff is taking steps to encourage voter participation.

Assistant Registrar Recorder/County Clerk Darlene Bonds offered the County's help to facilitate the City's efforts in order to increase its PAVs and concurred that all of the options presented by City Clerk Tamura are viable. She suggested that if the City wants to build up its "rolls" before the 2008 elections, it may want to send out an aggressive mailing promoting PAVs. She conveyed that Manhattan Beach currently has 4,158 PAVs and that of the 307 mailers sent to frequent AVs encouraging them to become PAVs, 145 were returned, which is a very good yield.

Council held discussion with City Clerk Tamura and **Assistant Registrar Recorder/County Clerk Bonds** regarding different scenarios that voters may inquire about and the three options for voting: vote at the polls; vote by mail; or vote at a "Touch Screen" location.

The following individuals spoke on this item:

- **David Lesser, 200 Block of Anderson Street**
- **Viet Ngo, No Address Provided**

City Manager Geoff Dolan recognized that staff's intention is to proceed with the recommended measures provided by City Clerk Tamura in the staff report and inquired as to whether the Council had any additional suggestions.

Hearing no objections, it was so ordered.

Councilmember Tell suggested, as part of the City's overall campaign to increase voter turnout, a possible challenge with the cities of Hermosa Beach and Redondo Beach to see which City can get the most PAVs.

Councilmember Cohen suggested that possibly the South Bay Cities Council of Governments could initiate that challenge.

Council thanked **Assistant Registrar Recorder/County Clerk Bonds** for taking the time to attend the meeting.

07/0918.17 Consideration of a Work Plan Item Regarding Board & Commission Issues

With Council consensus, this item was continued to the October 2, 2007 City Council meeting.

07/0918.18 Approve the Manhattan Beach Sewer System Management Plan (SSMP) as Required by the State Water Resources Control Board (SWRCB) Order No. 2006.003

With Council consensus, this item was continued to the October 2, 2007 City Council meeting.

07/0918.19 Consideration to Cancel the January 1, 2008 City Council Meeting

With Council consensus, this item was continued to the October 2, 2007 City Council meeting.

ITEMS REMOVED FROM THE CONSENT CALENDAR

07/0918.1 Approve Minutes of the City Council Adjourned Regular and Regular Meeting of September 4, 2007

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

Councilmember Tell explained that **Bev Morse** (who pulled this item) had to leave; however, she explained to him that she pulled the item to clarify a comment attributed to her from the last City Council meeting. Councilmember Tell reiterated that **Ms. Morse** wanted to clarify that Item No. 07/0904.36 from the September 4, 2007 City Council minutes should indicate that, “she made two trips to City Hall plus several e-mails and phone calls in search of the records she was looking for”.

MOTION: Councilmember Ward moved to approve the subject minutes as amended. The motion was seconded by Councilmember Cohen and passed by the following unanimous roll call vote:

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

07/0918.12 Consideration of Planning Commission Approval of an Amendment to a Previously Approved Use Permit for Removal and Replacement of Existing Pines Which are Impacting Construction at Manhattan Beach Community Church at 303 South Peck Avenue

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

The following individual spoke on this item:

- **Gerry O’Connor, No Address Provided**

In response to **Mr. O’Connor’s** concern over the process whereby the applicant was allowed to receive an amendment to a Use Permit, Council concurred with Community Development Director Thompson that this project was a “lesson learned” and that conditions for Use Permits will be written more carefully in the future.

MOTION: Mayor Aldinger moved to receive and file the subject report. 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

07/0918.31 Steve Morse Re Views

Steve Morse, No Address Provided, inquired about the possibility of establishing a “view ordinance” partially due to those residents who have tall trees in their back yards which affect their neighbors’ views.

07/0918.32 Patrick McBride Re Senior Transportation

Patrick McBride, 5th Street & Peck Avenue, compared the senior transportation services of the City of Torrance to the City of Hermosa Beach. He commented that in Manhattan Beach, senior transportation services through Dial-A-Ride are on a first come first serve basis; however, in Torrance and Hermosa Beach seniors can use a taxi service and pay a reduced fair.

Councilmember Tell assured **Mr. McBride** that senior services are on the Council’s Work Plan.

City Manager Dolan added that this item will be discussed in the first quarter of next year.

07/0918.33 Viet Ngo Re Needed Help for Manhattan Beach Residents

Viet Ngo, No Address Provided, called upon the FBI to help the 36,000 residents of Manhattan Beach who have been victimized by Metlox LLC, Jonathan Tolkin and Mike Zislis. He also alleged that City officials have been involved with racketeering and conspiracy and urged the FBI to help.

CITY MANAGER REPORT(S)

07/0918.34 City Manager Dolan Re Recognition of Mayor Aldinger

City Manager Dolan recognized the efforts of Mayor Aldinger to get Senate Bill 886 passed. He spoke of his trips to Sacramento and the importance of gaining an additional seat on the Air Quality Management District Board.

07/0918.35 City Manager Re Clarification on Study Session

City Manager Dolan clarified with Council that the three main outcomes of tonight’s Study Session include: a possible fine schedule; greater resources by staff, such as more use of a professional arborist; and educational efforts to inform residents and developers on the Tree Ordinance.

Councilmember Cohen asked for clarification on the Manhattan Canopy Committee; their relationship with staff; and emphasized the need for expectations for grass roots committees such as theirs.

City Manager Dolan indicated that staff will return to Council with information detailing how the group was created.

In regard to outside committees, Councilmember Ward stressed that staff should present their own independent/objective views aside from those of the committee.

OTHER COUNCIL BUSINESS, COMMITTEE AND TRAVEL REPORTS

07/0918.36 Councilmember Ward Re Signage on Strand

In response to Councilmember Ward’s inquiry regarding whether Council was going to undertake the issue of signage on the Strand, City Manager Dolan recapped that it was Council’s decision to place the Strand signage on garbage cans. He added that the challenge is to separate walkers from bikers and that temporary signs were put up over the summer to try and alleviate this problem.

City Manager Dolan added that signage for the downtown area still needs to be addressed.

07/0918.37 Mayor Aldinger Re Conference

Mayor Aldinger announced that he attended a very productive League of California Cities conference in Sacramento.

07/0918.38 Mayor Aldinger Re “Green Team”

Mayor Aldinger announced that he also attended a very successful “Green Team” meeting with the South Bay Cities Council of Governments (SBCCOG) and Congresswoman Harmon’s office.

07/0918.39 Mayor Aldinger Re Aerial Advertising

Mayor Aldinger commented that he brought up the aerial advertising problem with the Coastal Cities Issues Group; however, it is not on their high priority list.

City Manager Dolan pointed out that he will be meeting with City Managers from Hermosa Beach, Redondo Beach and El Segundo following their regular monthly City Managers meeting tomorrow to discuss the matter.

City Attorney Wadden reported that he has not received a response letter form the FAA; however, they are legally obligated to do so.

ADJOURNMENT

At 11:30 p.m., the meeting was adjourned to the 5:30 p.m. Adjourned Regular Meeting to be followed by the 6:30 p.m. Regular City Council Meeting on Tuesday, October 2, 2007, in the City Council Chambers of City Hall, 1400 Highland Avenue, in said City.

Terri Aliabadi
Recording Secretary

Jim Aldinger
Mayor

ATTEST:

Liza Tamura
City Clerk

**CITY OF MANHATTAN BEACH
MINUTES OF THE CITY COUNCIL
STUDY SESSION MEETING
SEPTEMBER 18, 2007**

The Adjourned Regular Study Session Meeting of the City Council of the City of Manhattan Beach, California, was held on the 18th day of September, 2007, at the hour of 5:10 p.m. in the Police/Fire Conference Room, at 400/420 15th Street, in said City.

ROLL CALL

Present: Ward, Tell, Montgomery and Mayor Aldinger.
Cohen (arrived at 5:30 p.m.).
Staff: City Manager Dolan, City Attorney Wadden, Community Development Director Thompson, Public Works Director Arndt, Senior Planner Jester, Building Official Jacobson and Residential Construction Officer Larson.
Absent: None.
Clerk: Dolan (Acting).

STUDY SESSION

Council held discussions with staff regarding the City's Tree Ordinance.

ADJOURNMENT

At 6:30 p.m. the Adjourned Regular Study Session was duly adjourned to the 6:30 p.m. Regular City Council Meeting on September 18, 2007, in the City Council Chambers of City Hall, 1400 Highland Avenue, in said City.

Richard Thompson
Recording Secretary

Jim Aldinger
Mayor

ATTEST:

Liza Tamura
City Clerk