

**CITY OF MANHATTAN BEACH  
MINUTES OF THE CITY COUNCIL  
REGULAR MEETING OF  
OCTOBER 2, 2007**

The Regular Meeting of the City Council of the City of Manhattan Beach, California, was held on the 2<sup>nd</sup> day of October, 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**

Fire Chief Dennis Groat led the pledge of allegiance.

**ROLL CALL**

Present: Cohen, Ward, Tell and Montgomery.  
Mayor Aldinger arrived at 7:25 p.m.  
Absent: None.  
Clerk: Tamura.

**CEREMONIAL CALENDAR**

None.

**CONSENT CALENDAR**

The Consent Calendar (Item Nos. 1 through 11), consisting of items under *General Consent* and *Boards and Commissions*, was approved by motion of Councilmember Tell, seconded by Councilmember Ward and passed by a unanimous roll call vote with the exception of Item No. 2 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**

07/1002.1 Approve Minutes of the City Council Adjourned Regular and Regular Meeting of September 18, 2007

The Council approved the subject minutes.

07/1002.2 Appropriate \$5,000 from the City Council Contingency Fund to the Downtown Business & Professional Association in Matching Funds for the Development of a Promotional Video

Item No. 2 was pulled from the "CONSENT CALENDAR". Please refer to "ITEMS REMOVED FROM THE CONSENT CALENDAR."

07/1002.3 Consideration of the State Budget and Legislative Update

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

07/1002.4     Consideration of Financial Reports:

- a) Ratification of Demands: September 20, 2007
- b) Investment Portfolio for the Month Ending August 31, 2007
- c) Financial Reports for the Month Ending August 31, 2007

The Council approved with no exception Warrant Register No. 7B in the amount of \$2,785,726.29 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 August 31, 2007; and received and filed the Financial Reports for the month ending August 31, 2007.

07/1002.5     Disbursement of Progress Payments:

- a) Final Payment in the Net Amount of \$42,534.90 to West Coast Netting, Inc.; Formally Accept the Manhattan Heights Park and Dorsey Baseball Field Protective Netting Project as Complete; and Authorize Filing of the Appropriate Notice of Completion
- b) Final Payment in the Net Amount of \$198,805.50 to West Valley Construction Inc.; Formally Accept the 2004-2005 Water Main Replacement Project as Complete; and Authorize Filing of the Appropriate Notice of Completion
- c) Progress Payment No. 1 in the Net Amount of \$103,547.70 to CJ Concrete Construction, Inc. for the 2007 Concrete Repair Project

The Council approved the issuance of the subject progress payment and final payments; formally accepted the Manhattan Heights Park and Dorsey Baseball Field Protective Netting Project and the 2004-2005 Water Main Replacement Project as Complete; and authorized the filing of the appropriate Notices of Completion.

07/1002.6     Approval of Contract Modification with CompuCom Systems for Microsoft Enterprise Agreement Software Licensing in the Amount of \$38,025

The Council approved a modification to the existing contract with CompuCom Systems for Microsoft Enterprise Agreement Software Licensing in the amount of \$38,025.

**BOARDS AND COMMISSIONS**

**Library Commission**

07/1002.7     Consideration of Draft Minutes, Library Commission Meeting of August 13, 2007

The Council received and filed the subject draft minutes.

**Parking and Public Improvements Commission**

07/1002.8     Consideration of Action Minutes, Parking and Public Improvements Commission Meeting of August 23, 2007

The Council received and filed the subject action minutes.

07/1002.9 Consideration of the Parking and Public Improvements Commission Recommendation to Approve Installation of a Red Curb and Deny a Request for Stop Signs at Johnson Street and 6<sup>th</sup> Street

The Council approved the Parking and Public Improvements Commission (PPIC) recommendation to deny the request for installation of stop signs on Johnson Street at 6<sup>th</sup> Street; paint 30 feet of red curb on both sides of Johnson Street north and south of 6<sup>th</sup> Street to improve sight distance at the intersection; and direct the Police Department to increase speed and parking enforcement on Johnson Street.

07/1002.10 Consideration of the Parking and Public Improvements Commission Recommendation to Approve a Disabled Parking Space on Manhattan Avenue North of 10<sup>th</sup> Street

The Council approved the Parking and Public Improvements Commission (PPIC) recommendation to convert one metered diagonal curb space to a disabled street parking space on the west side of Manhattan Avenue just south of 10<sup>th</sup> Place adjacent to 1001 Manhattan Avenue.

**Planning Commission**

07/1002.11 Consideration of Action Minutes, Planning Commission Meeting of September 26, 2007

The Council received and filed the subject action minutes.

**COMMUNITY ANNOUNCEMENTS**

07/1002.17 Los Angeles County Librarian Don Gould Re Library Events

**Los Angeles County Librarian Don Gould** announced the following Manhattan Beach library events: tomorrow morning's Coffee and Classics film will be *Nosferatu the Vampire* and this Friday a special DVD showing of *Surf's Up* will take place at 4:00 p.m. He also announced that the Target Corporation is sponsoring 3 events: beach tunes 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.

07/1002.18 Susan Jones Re Pet Appreciation Day

**Susan Jones, No Address Provided**, thanked the City's Parks and Recreation Department and everyone who participated in the Pet Appreciation Day which was held over the weekend.

07/1002.19 John Vogel Re Pet Appreciation Day

**John Vogel, No Address Provided**, also thanked all those involved with Pet Appreciation Day; announced that over \$6,000 was raised for animal related causes, with \$2,000 of that going to the City's Police Canine Fund; and relayed that over 2,500 people attended the event.

07/1002.20 Viet Ngo Re Hometown Fair

**Viet Ngo, No Address Provided**, reminded the community that this weekend is the Home Town Fair and repeated an accusation which allegedly took place during last year's Hometown Fair with City Manager Dolan.

07/1002.21 Ilene Eskenazi Re Lung Cancer Walk

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**Ilene Eskenazi, No Address Provided**, announced that the Los Angeles Lung Cancer Walk will take place on Sunday, November 18, 2007 with registration in the Von's parking lot and the walk beginning at the Pier and heading north on the Strand. She reported that last year the first walk raised \$85,000 and that all proceeds go to the LUNGeivity Foundation, the leading private provider of research funds for lung cancer research.

### **PUBLIC HEARINGS**

None.

### **GENERAL BUSINESS**

#### *07/1002.12 Presentation of the Steering Committee Recommended Facility Strategic Plan*

City Manager Geoff Dolan introduced **Jim Favaro** of **MDA Johnson Favaro**, the consulting team hired to lead the evaluation of city facilities and open space. Prior to **Mr. Favaro's** presentation, Councilmember Tell gave a brief statement summarizing the past FSP Steering Committee meetings along with the revisions brought about from suggestions made by City Council, the FSP Steering Committee and residents. Councilmember Tell explained that the Plan presented tonight incorporates much more flexibility and includes a site for a community theatre. It also offers a "plan B" in the event that the School District surplus property does not become available to the City. He stated that this was another step forward in what is to be a long process and that the plan will be given to the Boards and Commissions for review and recommendation, and afterwards the plan along with those recommendations will be presented to Council and the community.

**Mr. Favaro** began his PowerPoint presentation with an overview of the history of how the illustrative plans developed over the course of numerous Steering Committee Meetings, community outreach meetings and Public Forums, along with a description of a Regulatory Plan. He explained that the primary function of a regulatory plan is to promote long term planning and develop a "foot print" of where a building could or could not go with the idea of maintaining open space. This "Build to Space" plan is designed to be flexible, preserving and creating open space. He continued with many possible illustrative plans for the five sites under consideration: Live Oak Park; the Civic Center; Marine Avenue Park; Polliwog Park; and Manhattan Heights. He also discussed a Plan "B" for each site as well as a Plan "C" and plans to illustrate use of the sites with or without the acquisition of surplus property from the Manhattan Beach Unified School District (MBUSD). He also stated that the City could provide community and recreational facilities to last through the next generation without the purchase of the MBUSD property. He summarized the final recommendations handed down through the Steering Committee: existing facilities and new facilities; location of sites; outdoor courts, fields and open space; facilities on the east side of town; and indoor recreation. **Mr. Favaro** continued the discussion with program elements he deemed necessary for a successful facility and each of the facilities discussed were accompanied by a Regulatory Plan with the exception of Manhattan Heights.

Council held discussion with **Mr. Favaro** addressing issues such as cost, parking, use of particular sites and facilities, time frame involved in building and design of facilities, research completed by the consultants, recommendations of the Steering Committee and how policy issues will be determined.

#### **The following individuals spoke on this item:**

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- **Robert Bush, No Address Provided**
- **Stephanie Monash, 1800 Block of Herrin Avenue**
- **Dick Macedo, 16<sup>th</sup> Street**
- **Austin Anderson, 300 Block of 17<sup>th</sup> Street**
- **Viet Ngo, No Address Provided**
- **Irma Cohen, No Address Provided**
- **Laura Santos, 18<sup>th</sup> Street**
- **Patrick McBride, 5<sup>th</sup> Street and Peck Avenue**
- **Freda Baker, Herrin Avenue**
- **Steve Morse, 900 Block of 1<sup>st</sup> Street**
- **Gerry O'Connor, No Address Provided**

There was a lengthy discussion among Council about the FSP Master Plan including clarification regarding misinformation about the cost of the project; the time frame; and the number of facilities on each site.

City Manager Geoff Dolan estimated the cost to be \$160 million plus any land cost acquired from MBUSD and emphasized the fact that after the year 2010 the cost to build the same project would increase by 10% annually.

Council stressed the importance of incorporating flexibility into the Master Plan and reminded residents that the decision to build what facility, where, and in what order, all at once or in components, would be decided upon by the direction given to Council by the residents. Council also discussed that they would like some preliminary studies on how traffic, parking and noise would impact each site.

In response to Mayor Aldinger's question regarding how recommendations from Commissions would be presented to the Council, City Manager Dolan explained that the Commissions would be looking specifically at different items: PPIC – parking and traffic studies; Planning Commission – design; Parks & Recreation, Cultural Arts and Library Commissions – programming needs and operational costs. He also stated that the initial EIR study has begun; that the preliminary report would be due in the next couple weeks; and that at the end of the review by the Commissions, a written report would be submitted to Council. City Manager Dolan recommended that the Council accept the plan by motion and refer the Master Plan to the Commissions for review and recommendations along with general guidelines set out in the staff report and discussed in tonight's meeting.

Council thanked the Steering Committee and consultants for the past 13 months that they have dedicated to the project.

**MOTION:** Mayor Aldinger moved to approve and refer the Steering Committee recommended Facilities Strategic Master Plan to the Commission for review and comment. Hearing no objection, the Mayor called for a vote which passed by the following unanimous roll call vote.

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

Councilmember Ward recommended that Mayor Pro Tem Montgomery and Councilmember Cohen be appointed as new FSP sub-committee members. He stated that he believes that it would be a good idea to give Mayor Aldinger and Councilmember Tell a break; to present a new face to the public; and to provide an opportunity for all of Council to get actively involved.

### **RECESS AND RECONVENE**

At 8:25 p.m., the Council recessed and reconvened at 8:40 p.m. with all Councilmembers present.

A lengthy discussion took place regarding Councilmember Ward's suggestion to appoint new subcommittee members with a majority of the Council concurring.

Councilmember Ward added that he didn't think it was necessary that there be a sub committee to act as liaisons between the Council and Commissions and that he would agree to be on a committee having to do with educating residents about the project.

City Manager Dolan explained that the process will take 12 months, allowing plenty of opportunity for Council to get involved. He agreed with Councilmember Ward in that a liaison wasn't necessary; that the focus for the next five or six months is to work with the new consultants; and that he needed some clarification and direction in working with the new consultants, Lew Edwards Group (LEG).

Council voiced their opinions on how the City should work with LEG.

A discussion ensued amongst Council regarding the number of sub committees that may be needed and the time frame for selecting these committees in reference to the progress of the project. They also continued the discussion concerning appointing new Council subcommittee members

Mayor Aldinger thought it was imperative in keeping the continuity of the project to have at least one of the original sub committee members remain and distributed to Council and staff a timeline from LEG highlighting timing and asking for feedback from Council regarding their expectations.

**MOTION:** Councilmember Ward moved to appoint Mayor Pro Tem Montgomery and Councilmember Cohen as the new sub committee members and that Mayor Aldinger act as a liaison. Mayor Pro Tem Montgomery seconded the motion.

Prior to the vote, discussion continued among Council to determine the need for the current sub committee members to remain active in the next phase of the FSP public relations outreach or to continue this phase of the project with a new sub committee.

City Manager Dolan interjected that the primary contact for the consulting team would be himself and Assistant to the City Manager Lindy Coe-Juell and that they will keep the Council informed. He also stated that he felt it was unnecessary to have a Councilmember act as a liaison between the committee and the consultants as there was staff available for that role and it would be awkward for one Councilmember to act on behalf of all of the Council.

Councilmember Ward amended his motion by removing Mayor Aldinger as liaison to the sub committee and consultants.

Councilmember Tell said that he and Mayor Aldinger could act as a resource to the commissions, consultants and sub committee should they have questions regarding how they arrived at certain decisions.

Councilmember Cohen agreed that it would be a good idea but expressed some concerns regarding the Brown Act.

City Attorney Robert Wadden stated that it would not violate the Brown Act as long as the information shared would be limited to a recounting of what had previously occurred and that there is not a discussion about any future decisions.

**MOTION:** Councilmember Ward moved to appoint Mayor Pro Tem Montgomery and Councilmember Cohen as the new sub committee members. Mayor Pro Tem Montgomery seconded the motion.

Mayor Aldinger made the following substitute motion:

**MOTION:** Mayor Aldinger moved to appoint Mayor Pro Tem Montgomery and himself to the FSP sub committee.

**MOTION FAILED DUE TO THE LACK OF A SECOND.**

**MOTION:** Councilmember Ward moved to appoint Mayor Pro Tem Montgomery and Councilmember Cohen as the new sub committee members. Mayor Pro Tem Montgomery seconded the motion and passed by the following roll call vote.

Ayes: Cohen, Ward, Tell and Montgomery.

Noes: Mayor Aldinger.

Absent: None.

Abstain: None.

**The following individuals were allowed to add additional comments:**

- **Gerry O'Connor, No Address Provided**
- **Steve Morse, 900 Block of 1<sup>st</sup> Street**
- **Stephanie Monash, 1800 Block of Herrin Avenue**

07/1002.13 Consideration of an Ordinance Regarding the City Council's Work Plan Item to Amend Manhattan Beach Municipal Code Section 5.48.150, Amplified Sound Permits, to Extend Time Limitations of Amplified Sound Equipment for Specifically Requested Special Events and to Limit the Number of Such Permits to Any Individual or Location to No More than Two in a Calendar Year

Manhattan Beach Police Lieutenant John Dye spoke about the request to amend the Noise Ordinance regarding amplified sound permits, extending the time limit from 10:00 p.m. to 11:00 p.m. on weekends and limiting the number of times a person or location may apply for a permit to two times per year. Lieutenant Dye said that the department doesn't anticipate any additional increase in work load if the amendment is passed or any increase in fiscal responsibilities.

There was a lengthy discussion between Council and Police Chief Rod Uyeda regarding the benefits of pulling a permit; awarding and encouraging favorable behavior (those who take the time to pull a permit); what pulling a permit entails; how the police respond when there is a complaint; and what or how they determine whether or not the noise level violates the City's Code.

**The following individuals spoke on this item:**

- **Bridgette Batkin, 1000 Block of Highview**
- **Al Dickinson, No Address Provided**
- **Mark Missioreck, No Address Provided**

Further discussion ensued between Council, Police Chief Uyeda and City Attorney Robert Wadden.

Councilmember Ward emphasized that the City is not limiting parties, just limiting amplified sound after 11:00 p.m.

Councilmember Tell said that he is in favor of encouraging positive behavior and if the permit process does provide an incentive for this type of behavior, he believes that Council would want this.

Mayor Pro Tem Montgomery concurred.

Councilmember Cohen voiced her opinion that the City would be penalizing those who pull permits because they get only one strike and the party is shut down, but, for those who don't pull a permit, the police generally visit the party three times before shutting it down. She is in favor of the ordinance based on the suggestion that there be some definition of amplified sound and some type of closing of the gap between when a party is shut down if you pull a permit and if you do not.

Mayor Aldinger expressed that the only accomplishment would be to extend the party from 10:00 p.m. to 11:00 p.m. He believes that we are implementing this ordinance to appease one neighbor and that the way to increase residents' use of permits would be to establish an educational campaign.

City Manager Dolan stated that the City will conduct some "PR" to inform the residents.

Mayor Aldinger requested that this Ordinance be reviewed in six months. Council concurred with considering Mayor Aldinger's request.

**MOTION:** Councilmember Tell moved to waive further reading and introduce Ordinance No. 2107 extending the time limit to 11:00 pm. on Friday and Saturday nights for amplified sound permits for specifically requested special events and to limit the number of such permits issued to any individual or location to no more than two in a calendar year. The motion was seconded by Councilmember Cohen and approved by the following roll call vote:

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



07/0918.18-14 Approve the Manhattan Beach Sewer System Management Plan (SSMP) as Required by the State Water Resources Control Board (SWRCB) Order No. 2006.003

Director of Public Works Jim Arndt gave a brief presentation asking Council to approve the Manhattan Beach Sewer System Management Plan (SSMP). He stressed that this was mandated by the State and referred to a report presented to Council listing the 12 Elements and a Gap Analysis. He explained that Elements one and two were required by November 1, 2007; that ongoing Elements will be due through May of 2008; that a Comprehensive Plan Update will be due later in the year; and that the SSMP culminates in 2009. He explained that the last plan it accomplished a great deal and that that this is simply a legislative regulatory effort to see if there is more that can be done to make certain that the City has a sustainable utility.

Councilmember Tell led the discussion regarding the City's sewer system with Council and Public Works Director Arndt inquiring about the possibility of accelerating the inspection of sewer lines, especially those that impact commercial properties such as restaurants. Council also discussed the impact the condition of these lines has on overflows, the age of the pipes, what the specific needs are and how funding will be provided.

There was no public comment on this item.

A lengthy discussion was held among Council, Director of Public Works Arndt and Utilities Manager Clarence Van Corbach regarding their concern over accelerating inspection of commercial pipes and grease stoppages as well as educational programs for the residents.

City Manger Dolan interjected that the City is aware of specific "hot spots" and that these areas are monitored on a regular basis. He also stated that the City will be doing an extensive educational campaign separate from the newsletter.

**MOTION:** Councilmember Cohen moved to approve the Manhattan Beach Sewer System Management Plan (SSMP), Development Plan and Schedule. Councilmember Ward seconded the motion and passed by the following unanimous roll call vote.

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

07/1002.15 Discussion of the City Council Work Plan Item Regarding the Annual Pier Lighting Event

Parks and Recreation Services Manager Idris Al-Oboudi addressed Council with a review of the Annual Pier Lighting Ceremony reporting that the event originated in 1990 and that the size of the crowd varies from 150 – 750 depending on the weather. He explained that the current fiscal impact to the City is approximately \$10,000 with the majority of the funds being appropriated to Public Works for preparation and installation of lights and the balance going to Parks & Recreation for advertising, entertainment and staff costs. He conveyed past discussions regarding incorporating the Pier Lighting with the Holiday Fireworks or the Holiday Open House and the reason for hosting the Pier lighting on the first Saturday of December. He concluded by asking Council for any suggestions or comments they may have about the event.

City Manager Geoff Dolan explained that **Downtown Business and Professional Association (DBPA) Executive Director Carol Rowe** conveyed to him that the downtown businesses seem to like the scale of this event and the fact that it occurs between two other major events - the Holiday Open House and the Holiday Fireworks.

Council seemed to agree that the event could be enhanced, possibly through the use of more lights and more community involvement.

In response to Mayor Aldinger's suggestion that it be combined with the Holiday Open House, **DBPA Executive Director Rowe** responded that it was fine if the City wanted to put on the event at the same time, however, suggested that, if the City wanted to spend more on lights, that they put some over Sepulveda Boulevard.

City Manager Dolan said that the City would do what they can to increase the number of lights and keep the program as is for this year.

The Council received and filed the subject report.

*07/0918.19-16 Consideration to Cancel the January 1, 2008 City Council Meeting*

Mayor Aldinger addressed Council regarding the cancellation of the January 2, 2008 City Council Meeting.

Councilmember Ward stated that it would be a good idea to "go dark" that meeting as it falls right after the holiday and a number of people will be out of town.

Mayor Aldinger suggested that they cancel the December 18, 2007 meeting instead.

Discussion ensued amongst Council and they asked for staff input.

City Manager Dolan suggested that, from staff's perspective, the January 2, 2008 meeting would be the best meeting to cancel because agenda packets are assembled the week prior to the meeting and during the holiday season many members of the City staff are off.

There was no public comment on this item.

**MOTION:** Councilmember Ward moved to cancel the January 2, 2008 City Council meeting. 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.  
Absent: None.  
Abstain: None.

Mayor Aldinger requested that Council keep the date open for a possible special Study Session.

**ITEMS REMOVED FROM THE CONSENT CALENDAR**

07/1002.2     Appropriate \$5,000 from the City Council Contingency Fund to the Downtown Business & Professional Association in Matching Funds for the Development of a Promotional Video

**A member of the audience pulled this item from the Consent Calendar for Council discussion, however was not present when the discussion began.**

In response to Councilmember Ward’s question as to which part of the City the video would promote, **Downtown Business & Professional Association (DBPA) Executive Director Carol Rowe** explained that the video is a coalition between the DBPA, Chamber of Commerce (COC), Manhattan Village Mall and the City and will be available to all web sites. She pointed out that the video will not only target tourism; it will also be a local and regional promotion to encourage the local community to buy in Manhattan Beach which will increase sales tax. She further added that the intent is to capture the “uniqueness” of Manhattan Beach.

Council held discussion with **DBPA Executive Director Rowe** regarding the cost of the video and how it will be divided amongst the coalition members.

Mayor Aldinger suggested that there be more of a concerted effort by the City, if this is something the City wants to do.

Councilmember Cohen reported on a recent Chamber of Commerce Legislative Action Committee meeting regarding a call for action between the City, COC and DBPA for some type of economic development program.

City Manager Geoff Dolan pointed out that “economic development” represents something different in every city and that this topic will be discussed within the next few weeks.

**The following individual spoke on this item:**

- **Viet Ngo, No Address Provided**

**MOTION:** Councilmember Tell moved to approve and appropriate up to \$5,000 from the City Council Contingency Fund to the Downtown Business and Professional Association (DBPA) to be used as matching funds for the development of a promotional video for Manhattan Beach. 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.  
 Absent:       None.  
 Abstain:       None.

**AUDIENCE PARTICIPATION**

07/1002.22     Patrick McBride Re Senior Transportation

**Patrick McBride, No Address Provided**, explained to the Council that after receiving some rough estimates on the City’s Dial-A-Ride services, his original estimate of what it cost the City per rider was a little high. He also spoke of the superior transportation services provided by the City of Los Angeles.

07/1002.23 Robert Bush Re Various Issues

**Robert Bush, No Address Provided**, reiterated his opinion of the inconsistencies associated with Utility Undergrounding and spoke of Mayor Pro Tem Montgomery's comment that only the State can make any changes to Proposition 218.

**Mr. Bush** commented that during the City's last General Municipal Election, Councilmember Cohen listed her occupation as an attorney, yet she is not licensed to practice law in California.

**Mr. Bush** further alleged that it was unethical of Councilmember Cohen to try and help a couple build their dream home on a two lot merger by expediting the Lot Merger moratorium.

In conclusion, **Mr. Bush** thanked Councilmember Ward for keeping his campaign promises.

In response to **Mr. Bush's** allegations, Councilmember Cohen reminded **Mr. Bush** that, throughout her council campaign, she had indicated in both written and verbal form that she is an attorney licensed to practice law in Washington DC, New Jersey and Pennsylvania.

Councilmember Cohen further reminded **Mr. Bush** that she had consistently stated, on the record, that she was in favor of a lot merger moratorium provided that it be of limited time frame so as to minimize the impact on private property rights. She further emphasized that she was uncomfortable impacting private property rights without a schedule to reconcile the residential development code

Mayor Pro Tem Montgomery reaffirmed that Proposition 218 is governed by the Senate and Assembly in Sacramento and the City cannot change it.

07/1002.24 Viet Ngo Re Alleged Wrong Doings

**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)**

07/1002.25 City Manager Dolan Re Clarification

City Manager Dolan explained that Finance Director Bruce Moe, who is currently out of town at a conference, is watching the meeting on streaming video and clarified that in response to Councilmember Cohen's earlier inquiry, that the payments on the warrant register is to the Chamber of Commerce (COC) in accordance with the agreement between the City and the COC and that more will be explained in detail at the next City Council meeting.

07/1002.26 City Manager Dolan Re Watch Commander

City Manager Dolan communicated that if Council is ever in a situation where they can't reach him, they should call the Police Watch Commander as he or she probably knows the most about what is going on in the City.

07/1002.27 City Manager Dolan Re E-mail Protocol

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City Manager Dolan reminded Council of their Work Plan item regarding e-mail protocol and asked that they remember to copy him on e-mails so that he can forward the e-mail to the appropriate person or department in order to minimize the duplication of efforts being taken by staff.

**OTHER COUNCIL BUSINESS, COMMITTEE AND TRAVEL REPORTS**

07/1002.28 Mayor Pro Tem Montgomery Re Home Town Fair

Mayor Pro Tem Montgomery encouraged everyone to attend the 35<sup>th</sup> Annual Hometown Fair this weekend and added that the Chamber of Commerce will be selling cash keys courtesy of the City's Finance Department.

07/1002.29 Mayor Aldinger Re Conference

Mayor Aldinger announced that he had attended a National League of Cities Leadership Conference in Chicago and that there was a lot of discussion about arts and leadership.

**ADJOURNMENT**

At 11:05 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 16, 2007, in the City Council Chambers of City Hall, 1400 Highland Avenue, in said City.

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Patricia Schilling  
Recording Secretary

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Jim Aldinger  
Mayor

ATTEST:

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LIZA TAMURA  
City Clerk