

**CITY OF MANHATTAN BEACH
MINUTES OF THE CITY COUNCIL
REGULAR MEETING OF
OCTOBER 16, 2007**

The Regular Meeting of the City Council of the City of Manhattan Beach, California, was held on the 16th day of October, 2007, at the hour of 6:33 p.m., in the City Council Chambers of City Hall, at 1400 Highland Avenue, in said City.

PLEDGE TO FLAG

Girl Scout Troop 513 led the Pledge of Allegiance.

ROLL CALL

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

CEREMONIAL CALENDAR

07/1016.1 Presentation of Proclamation to Soroptimist International – Camino Real Region, Declaring the Month of October 2007 as “Breast Cancer Awareness Month” and the Month of November 2007 as “End Domestic Violence Month”

Mayor Aldinger, on behalf of the Council, presented a proclamation to **Kelly Fogarty** and **Mandy Richardson of the Camino Real Region of Soroptimist International** declaring the month of October, 2007 as *Breast Cancer Awareness Month* and the month of November, 2007 as *End Domestic Violence Month*.

07/1016.2 Presentation of Proclamation to the Los Angeles Chapter of the American Planning Association Declaring October 2007 as National Community Planning Month

Mayor Aldinger, on behalf of the Council, presented a proclamation to Community Development Director Richard Thompson and **Planning Commissioner Wayne Powell** declaring the month of October, 2007 as National Community Planning Month.

07/1016.21 Presentation of Commendation to the Austrian Educational Travel Program and Mira Costa High School for Sponsoring Exchange Students

Mayor Aldinger explained that although it was too late to agendize this item, he wanted to recognize the **Bildungsreisen.at Austrian Educational Travel Program** and Mira Costa High School on their foreign exchange program. He presented a commendation to **Mira Costa High School Principal Julie Ruisinger** and presented city pins to the Austrian students and teachers.

CONSENT CALENDAR

The Consent Calendar (Item Nos. 3 through 16), consisting of items under *General Consent* and *Boards and Commissions*, was approved by motion of Mayor Pro Tem Montgomery, seconded by Councilmember Tell and passed by unanimous roll call vote with the exception of Item Nos. 5 and 14 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

07/1016.3 Approve Minutes of the City Council Adjourned Regular and Regular Meeting of October 2, 2007

The Council continued the subject minutes to the City Council Meeting of November 6, 2007.

07/1002.13-4 Adoption 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

The Council adopted Ordinance No. 2107.

ORDINANCE NO. 2107

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH, CALIFORNIA, AMENDING SECTION 5.48.150 OF CHAPTER 5.48 OF THE MANHATTAN BEACH MUNICIPAL CODE TO EXTEND THE HOURS OF AMPLIFIED SOUND PERMITS AND TO LIMIT THE NUMER OF AMPLIFIED SOUND PERMITS GRANTED EACH CALENDAR YEAR

07/1016.5 Consideration of Financial Report: Ratification of Demands: October 4, 2007

Item No. 5 was pulled from the "CONSENT CALENDAR". Please refer to "ITEMS REMOVED FROM THE CONSENT CALENDAR."

07/1016.6 Award of Professional Services Contract to Geosyntec Consultants for NPDES Permit and TMDL Consulting

The Council approved an award of contract to Geosyntec in the amount of \$52,861 for assisting the City in meeting the requirements of the NPDES Permit for Municipal Storm Water and Urban Runoff Discharges (MS4 Permit) and undertaking implementation activities to comply with the Santa Monica Bay Beaches Bacteria Wet Weather and Dry Weather TMDLs. The contract will cover work through June, 2008 to align with the City's fiscal year and the reporting year for the MS4 Permit.

07/1016.7 Disbursement of Progress Payments:

- a) Final Payment in the Net Amount of \$88,090.20 to C.J. Concrete Construction, Inc.; Formally Accept the 2007 Concrete Repairs Project as Complete; and Authorize Filing of the Appropriate Notice of Completion
- b) Progress Payment No. 1 in the Net Amount of \$28,620.00 to Everlast Painting Co. for the Facilities Painting Project

The Council approved the issuance of the subject progress payment and final payment; formally accepted the Concrete Repairs Project as complete; and authorized the filing of the appropriate Notice of Completion.

07/1016.8 Award a Contract (\$863,859.45) for the Pervious Pavement Parking Lots Project to Griffith Company and Authorize Staff to Retain the Services of Psomas & Associates for Inspection (Not-to-Exceed \$80,000) and Material Testing (Not-to-Exceed \$10,000)

The Council approved the award of a contract in the net amount of \$863,859.45 for the Pervious Pavement Parking Lots Project to Griffith Company and approved authorizing staff to retain the services of Psomas & Associates for inspection (not-to-exceed \$80,000) and material testing (not-to-exceed \$10,000).

BOARDS AND COMMISSIONS

Cultural Arts Commission

07/1016.9 Consideration of Draft Minutes, Cultural Arts Commission Meeting of September 11, 2007

The Council received and filed the subject draft minutes.

Parks and Recreation Commission

07/1016.10 Consideration of Draft Minutes, Parks and Recreation Commission Meeting of October 1, 2007

The Council received and filed the subject draft minutes.

Parking & Public Improvements Commission

07/1016.11 Consideration of Action Minutes, Parking & Public Improvements Commission Meeting of September 27, 2007

The Council received and filed the subject action minutes.

07/1016.12 Uphold the Parking and Public Improvements Commission Recommendation to Approve Pedestrian Safety Measures at Rowell Avenue at 15th Street

The Council approved the Parking and Public Improvements Commission (PPIC) recommendations regarding pedestrian safety measures at Rowell Avenue and 15th Street.

07/1016.13 Uphold the Parking and Public Improvements Commission Recommendation to Approve a Disabled Street Parking Space at 610 Rosecrans Avenue

The Council approved the Parking and Public Improvements Commission (PPIC) recommendation to install one disabled street parking space adjacent to 610 Rosecrans Avenue.

07/1016.14 Uphold the Parking and Public Improvements Commission Recommendation to Deny an Encroachment Permit Appeal at 133 13th Street

Item No. 14 was pulled from the "CONSENT CALENDAR". Please refer to "ITEMS REMOVED FROM THE CONSENT CALENDAR."

07/1016.15 Uphold the Parking and Public Improvements Commission Recommendation to Approve Overnight Parking Restrictions on Artesia Boulevard Between Peck Avenue and Prospect Avenue

The Council approved the Parking and Public Improvements Commission (PPIC) recommendation to post “NO PARKING 2AM-7:30AM” restrictions on all days along the north side of Artesia Boulevard between Prospect Avenue and Peck Avenue.

Planning Commission

07/1016.16 Consideration of Action Minutes, Planning Commission Meeting of October 10, 2007

The Council received and filed the subject action minutes.

COMMUNITY ANNOUNCEMENTS

07/1016.22 Craig Cadwallader Re Chamber of Commerce Event

Manhattan Beach Chamber of Commerce Boardmember Craig Cadwallader announced the *Healthy Living, Healthy Business Expo* to be held on Wednesday, October 17, 2007 from 4:00 p.m. to 8:00 p.m. on 13th Street and Morningside Drive (where the Farmers Market is held) and encouraged the community to attend.

Melinda Flynn, Co-Chair of the Healthy Living, Healthy Business Expo explained that proceeds from the event will go to the Wellness Community for breast cancer awareness.

07/1016.23 Viet Ngo Re Newspaper Article

Viet Ngo, No Address Provided, voiced his opinion that he has been victimized by Metlox LLC and referred to an article in the newspaper regarding an arrest.

After several warnings by Mayor Aldinger regarding his misconduct, Mayor Aldinger asked **Mr. Ngo** to leave the chambers.

07/1016.24 Mayor Pro Tem Montgomery Re Lung Cancer Walk

Mayor Pro Tem Montgomery reminded the community that the Los Angeles Lung Cancer Walk will take place on Sunday, November 18, 2007 and that those interested in participating should meet in the Von’s parking lot before beginning the walk at the Pier.

07/1016.25 Councilmember Ward Re Verizon’s Term of Service Contract

Acknowledging an article in the business section of the Los Angeles Times, Councilmember Ward requested that City Attorney Robert Wadden send a letter to Verizon asking them to appear before the Council to clarify their “no criticize” clause. He also encouraged the public to review their Terms of Service Agreement with Verizon in order to ask any questions they may have of Verizon at that time.

Mayor Pro Tem Montgomery added that he may have some questions regarding what Verizon does when an outage of several hours occurs and why someone on the east coast answers when customers call for help.

07/1016.26 Councilmember Tell Re Hometown Fair

Councilmember Tell congratulated the organizers of the Hometown Fair remarking that it was a phenomenal event.

Mayor Pro Tem Montgomery and Councilmember Cohen concurred.

07/1016.27 Los Angeles County Librarian Don Gould Re Library Events

Los Angeles County Librarian Don Gould announced that there was a mistake in the Beach Reporter regarding the time for tomorrow's performance of Miss Bits N' Bobs – it will take place at 7:00 p.m. during the Pajamarama event. He also reminded the community of the marine art activity on Wednesday, October 24, 2007 at 3:30 p.m.

07/1016.28 City Manager Dolan Re SB866

City Manager Geoff Dolan applauded the efforts of Mayor Aldinger and others in the South Bay for working so hard to get the governor to sign legislation adding an additional seat to the Air Quality Management District (AQMD).

Mayor Aldinger acknowledged the others who worked with him over the past two years to gain this additional seat.

07/1016.29 Mayor Aldinger Re Lights Out LA

Mayor Aldinger announced that "Lights Out LA", an event whereby all non-essential lights are turned out to raise conservation awareness, will take place on October 20, 2007 from 8:00 p.m. to 9:00 p.m.

07/1016.30 Mayor Aldinger Re Energy and Water Efficiency Seminar

Mayor Aldinger announced that the South Bay Energy Savings Center will be holding an Expo tomorrow from 10:00 a.m. to 1:00 p.m. at the Nakano Center in Torrance.

07/1016.31 Mayor Aldinger Re Election

Mayor Aldinger reminded the community that there will be a school board election next month and encouraged everyone to get out and vote.

07/1016.32 Councilmember Tell Re Various Halloween Events

Councilmember Tell reminded everyone of the Family Halloween Penny Carnival on Saturday, October 27, 2007 from 1:00 p.m. - 4:00 p.m.

City Manager Dolan also stated that the Pumpkin Race is on Sunday, October 28, 2007, at 1:00 p.m.; with the Downtown Trick-or-Treating beginning at 4:00 p.m.; and then the Pumpkin Race Finals starting approximately 5:00 p.m.

07/1016.33 Mayor Pro Tem Montgomery Re Castle of Friends

Mayor Pro Tem Montgomery announced that The 2007 Castle of Friends event supporting the South Bay Youth Project will be held on Sunday, October 21, 2007 from 4:30 to 7:30 p.m. at the Redondo Beach Aviation Gym.

PUBLIC HEARINGS

07/1016.17 Consideration of Proposed Properties to be Designated Culturally Significant Landmarks in the City of Manhattan Beach, in Accordance With Chapter 10.86 of the Zoning Code

Community Development Director Richard Thompson addressed Council explaining that staff is requesting that Council consider certifying the first five homes (1220 North Ardmore Avenue, 133 13th Street, 669 33rd Street, 2500 Pine Avenue and 3004 The Strand), identified by the Landmark Task Force, hoping to be designated as culturally significant landmarks.

Assistant Planner Angelica Ochoa explained that recognition is voluntary, by request of the property owner; that there is no impact on property development; that at the current level, regulations can be managed by staff; however, staff is recommending a minimum fee of \$65 to cover the notification fee. She illustrated each of the five homes explaining what makes them culturally significant and introduced **Jan Dennis**, the head of the Landmark Task Force.

Ms. Dennis emphasized the importance of protecting historical heritage in these “tear down – rebuild” times and expressed her hope that the Council and community will see the value in what the Landmark Task Force is trying to do. She emphasized that landmarks must be unique; that age alone will not qualify a property to be culturally significant; and that it is very important to recognize and preserve history.

Landmark Task Force members **Susanne Bailey, Evelyn Frey, John Scott, Martha Andreani, Robin Kirk, Robin Kirk, David Lesser** and **Joan Mueller** spoke of the attention to detail, wide diversity, uniqueness, rich heritage, historical preservation and pride of ownership with older historical homes. **Mr. Lesser** also briefly touched on the Mills Act which gives property owners economic incentives to preserve their properties.

Mayor Aldinger opened the Public Hearing at 7:35 p.m.

Patrick McBride, 5th Street and Peck Avenue, expressed his full support for the Resolution and concurred with the importance of preserving Manhattan Beach’s great history.

Jacque May, No Address Provided, relayed the memories of her first job and stated that people all over the world envy and admire the Manhattan Beach lifestyle.

Ms. Dennis pointed out that she has received several phone calls from residents wanting to know how the program works and wanting to be put on the list and added that the 100 *Saving Our Living History* flyers that were printed are already gone. In response to Councilmember Cohen’s question regarding contact information, **Ms. Dennis** asked that those interested should call her at (310) 372-8520. She also revealed that the next five properties that the Task Force will be looking into are businesses.

Mayor Aldinger closed the Public Hearing at 7:42 p.m.

In response to Mayor Pro Tem Montgomery’s question regarding a discrepancy between the staff report and a bulleted item on the Task Force’s flyer, Community Development Director Thompson clarified that the Program itself will not protect a property from demolition.

Councilmember Ward stated that the three Program components that stand out to him are: that it does not restrict the uses normally allowed in the property; that it does not require the owner to make any changes to the site or building; and that it preserves a physical link to the past. He voiced his concern; however, over the group’s close association with the City and cautioned that the Program should not be endorsed by the City.

Councilmember Tell recognized these homeowners who have put so much in to the care and preservation of their homes. He stated that it is appropriate to recognize them and hopes that there will be many more.

Concurring with Councilmember Ward on the separation context, Mayor Pro Tem Montgomery conveyed that he is looking forward to what the Task Force will bring forward next.

Councilmember Cohen stated that she is very much in favor of designating these homes as historical and expressed her enthusiasm over the variety of landmarks (homes, businesses, landscaping, interiors, districts, etc.) that can be chosen.

Ms. Dennis stressed that while the Program is voluntary, in order to get a landmark registered in the State of California, they first have to be certified by the City Council.

Referencing **Mr. Lesser's** comments about the Mills Act, Councilmember Cohen explained that she believes that the Council was not only concerned about staff time but also about the potential impacts on marketability.

Mayor Aldinger declared that he believes this is a good first step and hopes that during the next year or so, or through the next budget process, the City should consider adopting guidelines to implement the Mills Act. He thanked the homeowners and stated that it is his hope that the registry will continue to grow.

MOTION: Councilmember Ward moved to adopt Resolution No. 6114 certifying the cultural significance and the designation of the 5 properties, listed on page 6, as culturally significant landmarks in the City of Manhattan Beach, in accordance with Chapter 10.86 of the Zoning Code. 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.

RESOLUTION NO. 6114

A RESOLUTION AND CERTIFICATE OF CULTURAL SIGNIFICANCE OF THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH, CALIFORNIA, DESIGNATING THE PROPOSED PROPERTIES CULTURALLY SIGNIFICANT LANDMARKS IN THE CITY OF MANHATTAN BEACH, IN ACCORDANCE WITH CHAPTER 10.86 OF THE ZONING CODE

GENERAL BUSINESS

07/1016.18 *Discussion of the City Council Work Plan Item Regarding Current Practice of Funding the Chamber of Commerce Through the City's Business License Taxes*

Finance Director Bruce Moe reviewed that the City has provided funding for the Chamber of Commerce (COC) for the past 31 years and that it is based on a percentage of the business license tax, which for 2007-2008 totals approximately \$181,000 in discretionary funds. He explained that subsequent to this, when Proposition 62 was approved, requiring a simple

majority vote in order to pass a general tax, the current 10% surcharge to the COC was grandfathered in. He reported that the effect was that the 10% add on became part of the base tax and a methodology for Council to allocate General Fund monies to the COC. He further explained that in 1989 the City and COC entered into an agreement setting forth the duties of the COC including: active promotion of businesses within the City; sponsor, coordinate and participate in community events; produce promotional items; and provide quarterly and annual reports on activities and expenditures. Finance Director Moe concluded by indicating that staff has included a survey of other California cities regarding their level of support to their Chambers of Commerce.

Council held discussion with Finance Director Moe regarding how other cities fund their Chambers of Commerce and why the matter of supporting the COC was brought forth to begin with.

Finance Director Moe pointed out that Manhattan Beach business license tax customers do not specifically allocate a portion of this tax to the COC (if the Council chooses not to support funding the COC through the business tax license allocation, business license fees would not change).

City Manager Geoff Dolan clarified that the business license tax is what Manhattan Beach has tied it to; however, in reality, it could come out of any General Fund.

The following individuals spoke on this item:

- **Manhattan Beach Chamber of Commerce Executive Director Helen Duncan**
- **Viet Ngo, No Address Provided**

Mayor Aldinger stated that **Mr. Ngo's** outburst earlier in the meeting was unacceptable and asked him to leave the Chambers so that he would not disrupt the meeting any further.

Seeing that **Mr. Ngo** would not leave, a recess was called and Mayor Aldinger requested Police Chief Uyeda to escort **Mr. Ngo** out of the Chambers.

RECESS AND RECONVENE

At 8:15 p.m., the Council recessed and reconvened at 8:25 p.m. with all Councilmembers present.

Additional individuals speaking on this item:

- **Gary Osterhout, No Address Provided**
- **Craig Cadwallader, Manhattan Beach Chamber of Commerce Board Member**

In response to Councilmember Ward's questions as to the COC supporting political issues and their accountability regarding funds coming from the City to the COC, **COC Executive Director Duncan** asserted that the COC may take a stand on federal issues such as health care and the COC's financial statements are open to the public.

Mayor Aldinger clarified that the COC cannot endorse political issues/candidates but may take a position on legislation.

Mayor Pro Tem Montgomery requested that all Manhattan Beach hotels be listed on the COC's website because they all pay Transient Occupancy Taxes (TOT) to which **COC Executive Director Duncan** said she would be happy to with the exception that those not belonging to the COC be designated as non-members.

Councilmember Tell commented that he believes that the money allocated to the COC is well spent.

Stating that he is glad that this discussion took place and that he has determined that the Manhattan Beach COC is a superb organization, Councilmember Ward gave his full support.

Councilmember Cohen suggested that staff follow up on the local South Bay cities that did not respond to the survey; added that while she also believes in accountability, some of the value the City gets back is hard to measure dollar wise; and stressed the importance of utilizing the COC and all of their resources.

Mayor Aldinger suggested that the agreement between the City and the COC be updated and concurred with Councilmember Cohen on the importance of this matter.

Mayor Aldinger received and filed the subject report. Hearing no objection it was so ordered.

THE FOLLOWING ITEM WAS TAKEN OUT OF ORDER.

ITEMS REMOVED FROM THE CONSENT CALENDAR

07/1016.14 Uphold the Parking and Public Improvements Commission Recommendation to Deny an Encroachment Permit Appeal at 133 13th Street

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

The following individual spoke on this item:

- **Susanne Bailey, Property Owner, 133 13th Street**

Community Development Director Richard Thompson shared that he first learned about this issue through a complaint regarding whether the property owner had a permit to build a new trellis over public property. He explained that there was no permit and that besides a building permit, a right-of-way permit would also be required for this type of construction. He reviewed that, per the City's Municipal Code, structures over 42" high are prohibited and that once an existing structure is removed, it is the intention of the guidelines to correct the situation and bring it back into compliance. He further explained that the proper procedure would be to process such a request through the Parking and Public Improvements Commission (PPIC) and the City Council before anything is done. Community Development Director Thompson pointed out that the Council has the ability to approve this matter as an exception.

Council held discussion with Community Development Director Thompson regarding the process for replacing current structures and the possibility of a compromise.

- **Lee Bracht, 1300 Block of Manhattan Avenue**
- **Martha Andreani, No Address Provided**
- **Esther Besbris (via letter), No Address Provided**

- **Jacque May, No Address Provided**
- **Noelle Lucky, 1300 Block of Manhattan Avenue**
- **Loretta Warabow, No Address Provided**
- **Tracy Beck, No Address Provided**
- **Jan Dennis, No Address Provided**

Commenting that he believes that **Ms. Bailey** acted in good faith to replace a deteriorating structure that she had maintained for over 40 years, Councilmember Ward urged the Council to make an exception.

MOTION: Councilmember Ward moved to deny the Parking and Public Improvements Commission recommendation and approve an Encroachment Permit Appeal at 133 13th Street. 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.

COUNCIL RESUMED THE REGULAR ORDER OF THE AGENDA.

GENERAL BUSINESS

07/1016.19 Discussion of the City Council Work Plan Item Regarding the Policy for Over-the-Street Banners

Parks and Recreation Director Richard Gill reviewed Council’s direction to assess the City’s over-the-street banner policy and reported that last fiscal year staff approved 78 banners. He explained the Ordinance related to publicizing non-commercial ventures and events; that staff limits banner hanging to two weeks; that there are eight approved locations in the City for banner hanging; that annual events approved by the Council can be reserved one year in advance; and that all other requests are on a first come first serve basis. Parks and Recreation Director Gill shared that the only complaints that staff can remember in the last nine years were from banners advertising events outside of the City and that staff discontinued approving these.

Council held discussion with Parks and Recreation Director Gill regarding the agencies outside of the City who advertise their events and who determines whether the banner is appropriate.

City Attorney Robert Wadden stressed that the City must maintain a content neutral policy and that if the content falls within the City’s parameters, the City would have to allow it.

Discussion continued regarding how long the current banner hanging locations have been in place; how many residents get information on local events from banners; and how many of the organizations requesting banners are local entities.

The following individuals spoke on this item:

- **Gary Osterhout, 500 Block of 31st Street**
- **Patrick McBride, 5th Street and Peck Avenue**
- **Joan Mueller, 1200 Block of Ardmore Avenue**
- **Jacque May, No Address Provided**

Councilmember Ward spoke of the need for establishing criteria to approve banners and to discontinue using the locations that obstruct scenic views. He added that he would prefer that banners be more decorative as opposed to “floating billboards” and that they be limited to local Manhattan Beach non-profit entities.

Referring to the importance of such events/organizations as the Distinguished Speakers and Richstone, Mayor Aldinger stated that he would hate to deprive them of the opportunity to advertise their events.

Council held discussion with Parks and Recreation Director Gill concerning banner locations, time limitations, removing the banner on Manhattan Beach Boulevard and Manhattan Avenue and disallowing banners advertising people/speakers.

City Attorney Wadden confirmed that the Council could establish the ban of a particular type of event as long as it wasn’t related to the content.

Additional discussion took place regarding criteria and how to allocate the demand for banners from which the following motion was made.

MOTION: Councilmember Cohen moved to approve removing the hanging of banners from Manhattan Beach Boulevard and Manhattan Avenue; to limit banners to events and organizations; and to eliminate listing individuals on banners. The motion was seconded by Councilmember Ward.

A member of the audience pointed out that the Council may want to make an exception for the Chamber of Commerce holiday lights, which he believes are considered banners.

MOTION: Councilmember Cohen moved to approve removing the hanging of banners from Manhattan Beach Boulevard and Manhattan Avenue, with the exception of the Chamber of Commerce holiday lights (aka banners); to limit banners to events and organizations; and eliminate listing individual’s names on banners. The motion was seconded by Councilmember Ward.

Following Mayor Pro Tem Montgomery’s inquiry as to whether there are any banners not falling within this new standard already scheduled, the Council concurred to apply the new criteria to new applications only.

Councilmember Cohen suggested that Parks and Recreation Director Gill could recommend alternative acceptable methods for organizations that wish to promote an individual.

Prior to the vote, Mayor Aldinger and Council expressed their reasons behind why they would or would not support the motion.

MOTION: Councilmember Cohen moved to approve removing the hanging of banners from Manhattan Beach Boulevard and Manhattan Avenue, with the exception of the Chamber of Commerce holiday lights (aka banners); to limit banners to events and organizations; to eliminate listing individual’s names on banners; and to apply these new regulations to new applicants only. The motion was seconded by Councilmember Ward and approved by the following roll call vote:

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

07/1016.20 Consideration of a Work Plan Item Regarding Board & Commission Issues

City Clerk Liza Tamura addressed Council with a review of various Board and Commissions issues. She relayed the current interview and voting process and advised the Council that while it is their prerogative to make changes, modifications in the appointment procedure would require a new ordinance. She explained the issues related to the Board & Commission Handbook, which were the definition of the “Business Representative” seat, absences, the forfeiture of membership and voter registration requirements.

The following individuals spoke on this item:

- **Martha Andreani, Downtown Manhattan Beach**
- **Wayne Powell, 100 Block of 36th Street**
- **Patrick McBride, 5th Street and Peck Avenue**
- **Paul Gross, No Address Provided**

Following Council discussion with City Manager Geoff Dolan regarding the City’s current processes, Council concurred to: leave the interview and voting procedure processes as is; require that the “Business Representative” seat be from a “bricks and mortar” type of business; remove the “Business Representative” seat from the Cultural Arts Commission; include “special meetings” when determining absences; allow a total of 4 absences (2 medical emergencies and 2 regular); allow 10-14 days for a Commissioner to submit a resignation letter before forfeiting their membership; and continue to require that Commissioners be registered voters within the City.

City Manager Dolan conveyed that the Handbook will be carefully reviewed, updated and brought back with the other recommended changes for Council consideration at a future meeting.

ITEMS REMOVED FROM THE CONSENT CALENDAR

07/1016.5 Consideration of Financial Report: Ratification of Demands: October 4, 2007

A member of the audience pulled this item from the Consent Calendar however was not present at this time.

MOTION: Councilmember Tell moved to approve with no exception Warrant Register No. 8B in the amount of \$2,759,976.05 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. 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.

AUDIENCE PARTICIPATION

07/1016.34 Wayne Powell Re Acclamation

Wayne Powell, 100 Block of 26th Street, commended the Mayor and Council for ejecting **Mr. Ngo** from the meeting and Police Chief Uyeda for the professional manner in which he did it.

07/1016.35 Patrick McBride Re Attempt to Acquire Information

Patrick McBride, 5th Street and Peck Avenue, explained his attempt to acquire information regarding the City's Dial-A-Ride Program and that because confidential information is commingled with public information, he was not allowed to look at or get copies of it.

07/1016.36 Robert Bush Re Various Issues

Robert Bush, No Address Provided, voiced his opinion that the Council is not listening to the majority of residents wishes on such issues as utility undergrounding, mansionization, the Public Safety Facility and the Facility Strategic Plan.

In response to **Mr. Bush's** comments, Mayor Pro Tem Montgomery emphasized that it was the savings from the Public Safety Facility which helped to finance such projects as the new soccer fields which just opened today.

CITY MANAGER REPORT(S)

None.

OTHER COUNCIL BUSINESS, COMMITTEE AND TRAVEL REPORTS

07/1016.37 Mayor Pro Tem Montgomery Re Notices

Mayor Pro Tem Montgomery requested that the owner/resident's name be added to the Minor Exception Notices that the Council is copied on.

ADJOURNMENT

At 11:12 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, November 6, 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