

**CITY OF MANHATTAN BEACH
MINUTES OF THE CITY COUNCIL
REGULAR MEETING OF
OCTOBER 17, 2006**

The Regular Meeting of the City Council of the City of Manhattan Beach, California, was held on the 17th day of October 2006, at the hour of 6:34 p.m., in the City Council Chambers of City Hall, at 1400 Highland Avenue, in said City.

PLEDGE TO FLAG

Human Resources Director Marcie Scott led the Pledge of Allegiance.

ROLL CALL

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

CEREMONIAL CALENDAR

06/1017.1 Recognition of the 10-Year Old Girls All Star Softball Team From Manhattan Beach on Winning the State Championship

Mayor Ward, on behalf of the City Council, presented certificates to the Manhattan Beach's 10-Year Old Girls' All Star Softball team on winning the State Championship.

REORGANIZATION

06/1017.2 City Council Reorganization:

a) Approve Minutes of the City Council Regular Meeting of October 3, 2006

MOTION: Councilmember Aldinger moved to approve the subject minutes of the October 3, 2006, City Council Meeting. The motion was seconded by Councilmember Fahey and passed by the following unanimous roll call vote:

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

b) Recognition of Outgoing Mayor Mitch Ward

The Council recognized outgoing Mayor Ward and presented him with various mementos in appreciation of his service to Manhattan Beach.

On behalf of the Manhattan Beach Chamber of Commerce, **Executive Director Helen Duncan and Boardmember Craig Cadwallader** presented Mayor Ward with tokens of appreciation for his support to the Chamber of Commerce during his tenure as Mayor.

State Assemblyman Ted Lieu presented Mayor Ward with a Certificate of Appreciation from the California Legislature in recognition and appreciation of his outstanding service.

c) Selection of Mayor and Mayor Pro Tem

MOTION: Councilmember Aldinger moved to appoint Mayor Pro Tem Tell to serve as Mayor. The motion was seconded by Councilmember Fahey and passed by the following unanimous roll call vote:

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

MOTION: Councilmember Fahey moved to appoint Councilmember Aldinger as Mayor Pro Tem. The motion was seconded by Councilmember Montgomery and passed by the following unanimous roll call vote:

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

d) Ratification of New Council Assignments.

MOTION: Mayor Pro Tem Aldinger moved to approve the Council assignments. The motion was seconded by Councilmember Montgomery and passed by the following unanimous roll call vote:

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

RECESS AND RECONVENE

At 7:17 p.m. the Council recessed and reconvened at 7:40 p.m. with all Councilmembers present.

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 Councilmember Fahey, seconded by Councilmember Montgomery, and passed by the following unanimous roll call vote.

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

GENERAL CONSENT

06/1017.3 Consideration of Financial Reports: Ratification of Demands: October 5, 2006

The Council approved with no exception Warrant Register No. 8B in the amount of \$2,673,252.48 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.

06/1017.4 Award a Contract (\$974,380.00) for the Peck Reservoir Blending Line Project to John T. Malloy, Inc.

The Council approved the subject contract and authorized the Director of Public Works to approve additional work in an amount not-to-exceed \$98,000, if required.

06/1017.5 Disbursement of Progress Payment No. 5 in the Net Amount of \$50,035.38 to Williams Pipeline Contractors, Inc.; Change Order No. 1 in the Net Amount of \$10,603.67; and Supplemental Appropriation (\$10,700) from the Water Fund for the 2002-2003 Water Main and 2003-2004 Sewer Main Replacement Project

The Council approved the issuance of the subject progress payment and change order and approved the supplemental appropriation of \$10,700 from the Water Fund.

06/1017.6 Approve Assessment Ballot for the Proposed Supplemental Street Landscaping and Lighting Assessment District by Redondo Beach for Fiscal Year 2006-2007 for Manhattan Beach Property Located in Redondo Beach

The Council approved to vote in favor of the proposed Supplemental Street Landscaping and Lighting Assessment District for the City of Redondo Beach.

06/1017.7 Consideration of Resolutions to Pay and Report the Value of Employer Paid Member Contributions (EPMC) for the Manhattan Beach Firefighters' Association, the Manhattan Beach Police Officers' Association, the Manhattan Beach Miscellaneous Employees Represented by California Teamsters Local 911 and the Management/Confidential Group

The Council adopted Resolution Nos. 6065, 6066, 6067 & 6068.

RESOLUTION NO. 6065

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH, CALIFORNIA, ADOPTING THE PAYING AND REPORTING OF THE VALUE OF EMPLOYER PAID MEMBER CONTRIBUTIONS FOR THE MANHATTAN BEACH FIREFIGHTERS' ASSOCIATION

RESOLUTION NO. 6066

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH, CALIFORNIA, ADOPTING THE PAYING AND REPORTING OF THE VALUE OF EMPLOYER PAID MEMBER CONTRIBUTIONS FOR THE MANHATTAN BEACH POLICE OFFICERS' ASSOCIATION

RESOLUTION NO. 6067

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH, CALIFORNIA, ADOPTING THE PAYING AND REPORTING OF THE VALUE OF EMPLOYER PAID MEMBER CONTRIBUTIONS FOR THE MANHATTAN BEACH MISCELLANEOUS EMPLOYEES REPRESENTED BY CALIFORNIA TEAMSTERS LOCAL 911

RESOLUTION NO. 6068

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH, CALIFORNIA, ADOPTING THE PAYING AND REPORTING OF THE VALUE OF EMPLOYER PAID MEMBER CONTRIBUTIONS FOR THE MANHATTAN BEACH MANAGEMENT/CONFIDENTIAL GROUP

06/1017.8 Ratification of Motor Fuel Purchase from Merrimac Energy Group in the Amount of \$21,761.25

The Council ratified the subject purchase.

06/1017.9 Consideration of a Resolution Establishing the City's Intention to Participate in the South Bay Cities Council of Governments Energy Efficiency Procurement Program

The Council adopted Resolution No. 6069.

RESOLUTION NO. 6069

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH, CALIFORNIA, ESTABLISHING ITS INTENTION TO PARTICIPATE IN THE SOUTH BAY CITIES COUNCIL OF GOVERNMENTS (SBCCOG) ENERGY EFFICIENCY PROCUREMENT PROGRAM

06.1017.10 Disbursement of Progress Payment No. 30 in the Net Amount of \$578,366 to Swinerton Builders

The Council approved the issuance of the subject progress payment.

BOARDS AND COMMISSIONS

Cultural Arts Commission

06/1017.11 Consideration of Draft Minutes, Cultural Arts Commission Meeting of August 29, 2006

The Council received and filed the subject draft minutes.

Parks and Recreation Commission

06/1017.12 Consideration of Draft Minutes, Parks and Recreation Commission Meeting of October 2, 2006

The Council received and filed the subject draft minutes.

Parking & Public Improvements Commission

06/1017.13 Consideration of Action Minutes, Parking and Public Improvements Commission Meeting of September 28, 2006

The Council received and filed the subject action minutes.

Planning Commission

06/1017.14 Consideration of Action Minutes, Planning Commission Meeting of October 11, 2006

The Council received and filed the subject action minutes.

06/1017.15 Consideration of Planning Commission Approval of a Coastal Development Permit and Vesting Tentative Parcel Map No. 67135 to Allow Construction of Two Attached Condominium Units at 3213 Manhattan Avenue

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

06/1017.16 Consideration of a Use Permit and Vesting Tentative Parcel Map No. 67106 to Allow Construction of a Mixed Use Building With Office Space, 3 Residential Condominium Units and Underground Parking on the Property Located at 838 Manhattan Beach Boulevard

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

COMMUNITY ANNOUNCEMENTS

06/1017.18 Viet Ngo Re Allegations

Viet Ngo, No Address Provided, came forward to make accusations, which allegedly took place during the Old Hometown Fair, against City Manager Dolan.

Mayor Tell advised **Mr. Ngo** that criminal charges should be reported to the Police Department, not the City Council.

06/1017.19 Carol Rowe Re Upcoming Events

Director of the Downtown Business Association, Carol Rowe, thanked former Mayor Ward for his help during his term as Mayor; invited the community to the Downtown Business Association's 9th Annual Trick-or-Treating event in Downtown Manhattan Beach on October 29th, from 4:00 p.m. to 6:00 p.m.; and also announced that the upcoming Holiday Open House is scheduled for November 15th, from 5:00 p.m. to 9:00 p.m.

06/1017.20 Patrick McBride Re Senior Events

Patrick McBride, 5th Street and Peck Avenue, announced various upcoming events for Seniors which will take place at the Joslyn Community Center including: the showing of the movie *Moonstruck* on Wednesday, October 18th at 1:00 p.m.; Scrabble on Thursday, October 19th; and in two weeks, Story Telling at 1:00 p.m. He also extended congratulations to former Mayor Ward and newly appointed Mayor Tell.

06/1017.21 Jon Chaykowski Re Utility Undergrounding

Jon Chaykowski, No Address Provided, related his understanding that residents are begging for information on the basis for the utility undergrounding costs.

Mayor Tell advised that this time is for "Community Announcements" and that **Mr. Chaykowski** is welcome to discuss this topic during "Audience Participation" at the end of the meeting.

06/1017.22 John Sloway Re Synthetic Grass at Manhattan Village Field

John Sloway, No Address Provided, provided a summary on the progress of information obtained about the idea of installing synthetic turf at Manhattan Village Field.

06/1017.23 Councilmember Montgomery Re Friends of the South Bay Youth Project

Councilmember Montgomery reminded everyone about the Friends of the South Bay Youth Project - 4th Annual Castle of Friends event on October 22nd from 4:30 p.m. to 7:30 p.m., at Aviation Gym, in Redondo Beach.

06/1017.24 Mayor Pro Tem Aldinger Re Meeting Dates

Mayor Pro Tem Aldinger called attention to the fact that, because of the election on November 7th, the next City Council meeting will be held on Wednesday, November 8th. He also noted that the next Facilities Strategic Plan meeting will be held on November 4th, 9:30 a.m. to 11:30 a.m., at Manhattan Heights.

06/1017.25 Councilmember Ward Re Manhattan Village's Annual Santa Arrival Parade

Councilmember Ward mentioned that Manhattan Village's Annual Santa Arrival Parade will be on November 24th at 9:30 a.m.

PUBLIC HEARINGS

None.

GENERAL BUSINESS

06/1017.17 Appeal of an Administrative Decision Regarding Maximum Building Height Denied by the Planning Commission for a Proposed Single-Family Residence at 511 Pacific Avenue.

Associate Planner Dan Moreno distributed documents to the Council, including an updated resolution, railroad map and color copies of the staff presentation. He presented the staff report, outlining the following: the location of the subject property and the former structure on the subject property; the background information on the appeal; the City's process for averaging property grades where the street has been cut; the approved height of 123.59', which is 1 ½ below the height of the former structure on the subject property and approximately 12 feet below the appellant's house; the identical results of the recent survey compared to the one done in 2002; the Planning Commission's determination that the building height of 123.59' as determined by the Community Development Director would be completely appropriate; the topographical changes to the subject property over the years; Code Section 10.60.050, which establishes the methodology for determining building heights, gives the Community Development Director administrative discretion in this type of circumstance and allows for an average of topographical heights when the street has been graded. Associate Planner Moreno related staff's conclusion based on Code Section 10.60.050, noting that the proposed structure would be 1 ½' below the former structure on the subject property and approximately 12' below the appellant's house.

Answering questions from Council, Associate Planner Moreno verified the following: that an average of the property elevations of the northwest and southwest corners of the subject property was used to determine the height of a structure that can be constructed on the property; that information provided to the appellant in 2002 is consistent with today's height determination for a structure on the subject property; that amended Resolution No. 6064, #I, includes a change deleting the second sentence; and that the information about the 6.5' was provided to the Planning Commission.

Councilmember Fahey observed that incorrect information regarding the lowering of the westerly property line 6.5' was given to the Planning Commission and that the Council hearing this evening is a *de novo* hearing.

City Attorney Wadden advised that the Council can make an independent decision with new information/new evidence; that it is a *de novo* hearing; that in addition, this is not a State Planning Law type of hearing which requires Planning Commission review; and that it is only the City's local rules which require Planning Commission review. He confirmed for Councilmember Fahey that the purpose of the Planning Commission is to make recommendations with the Council gaining insight into their thinking by reviewing their minutes rather than (the Planning Commission) making a binding recommendation to the City Council.

Community Development Director Richard Thompson explained that, in discussing this particular issue, what is important to determine is that substantial grading occurred along the westerly property line; that during the process, staff was trying to establish what that number is; and that in looking at the numbers and different information, staff found it varied. Therefore, he informed Council that after reviewing the matter with the City Attorney it was determined that it was not necessary to include a number; that there was a lowering of the street at that location; and that the Planning Commission felt it was compelling, thus denying the appeal. He further indicated that the two feet (lowering of the property) is accurate at curb line and that if you take it to the property line, which is further east, it has been determined that it is greater than three feet.

Affirming that the Community Development Director's discretion according to Code Section 10.60.050 includes a determination on substantial grading, City Attorney Wadden advised that, once there is a determination that the evidence points to the fact that there was grading – that triggers his (Director's) ability to use the corner averaging process in order to come up with the height, the Council is the ultimate finder of fact in the hearing; and that the Code gives the Director the authority to make that determination, and now that it's being contested, the Council is the ultimate authority here.

Community Development Director Thompson verified that there is precedent to deem the grading as proposed is substantial and, as Associate Planner Moreno reported, there were a number of projects and examples that staff used where it has been a similar amount and staff used averaging under those circumstances.

Appellant Jerry Jamgotchian congratulated Mayor Tell and the Council on their accomplishments. He questioned if the Community Development Department is favoring the owner of the subject property, or if Code Section 10.60.050 is just being ignored. He voiced his concern over the Community Development Director's lack of communication, as well as the inconsistencies with regard to the supposed cut/grade on the subject property. **Mr. Jamgotchian** contended that he received inaccurate documents from the Community Development Department; that the Community Development Director has absolutely no authority to make the proposed exceptions or adjust the property corners; that there's nothing in the Code that allows for the averaging of the corner elevations; and that, as his consultant will testify this evening, the subject property has been filled, not cut.

Henry A. Ojendyk, Civil Engineer for the Appellant, explained that, after reviewing a number of documents and doing a fair amount of research, he could not come up with the determination the City made with regard to grading on the subject property. He presented plans for the final grading of Ardmore Avenue in 1954 which, he said, indicates: that the majority of Ardmore Avenue is positioned on fill and has not been cut; that the grading that occurred to accomplish Ardmore Avenue was a maximum of 3 feet back at the property line; and that the curb line grading maximum was 1.1 to 1.2 feet, which does not feel to be "substantial." At the Council's request, **Mr. Ojendyk** shared specific information on the procedures he used in making his determinations; explained his viewpoint that up to 3 feet of grading would not be "substantial," noting that anything more than that would necessitate retaining walls; and verified his lack of prior experience working in the City of Manhattan Beach.

Returning to the podium, **Appellant Jerry Jamgotchian** affirmed that the corner elevations of his property were not averaged. He noted a letter from the **Project Architect, Louie Tomaro**, saying that the proper height of the proposed structure would be 120.2 feet, which is what he is asking for, and he said that a letter dated October 26, 2002 from Community Development Director Thompson does not dispute the height of 120.2 feet. Pointing out that the "Ardmore Boost" did not benefit the development of his property, **Mr. Jamgotchian** felt that it should not benefit the development of Pacific Avenue properties because it throws everything out of consistency. He related his understanding that property owners in the subject area are against adjusted maximum building height "boosts" and reviewed his 10 reasons to support his appeal. He asked that he be provided with all the documents (relevant to this matter) that the City Council received this evening.

Mayor Tell clarified that Community Development Director Thompson's letter of October 26, 2002, does not acknowledge the maximum height of 120.2 feet.

In answer to questions from Council, **Mr. Jamgotchian** explained the procedures he used in calculating 120.2 feet as an acceptable height for a structure on the subject property. He also explained that he would be negatively impacted by the proposed structure in that it is not fair for someone in the City to get something that others do not. He reiterated his opinion expressed earlier in this discussion that the Community Development Director has shown favoritism toward the owner of the subject property.

Community Development Director Thompson provided detailed background information on the height of the project, including that the height of a structure that could be built on the subject property was determined long before the current property owners' involvement. He further stated that, contrary to the appellant's implication, he has a professional relationship with the project architect and builder and that he is not associated with them on a friendship level.

City Attorney Wadden advised the following: that, if there has been substantial grading affecting the property, that triggers the ability of the Director to use his discretion to average the corners of the parcel to determine the height and that, if there was not substantial grading, he does not have that authority; that the formula (for determining the averaging) is a straight-forward formula.

Associate Planner Moreno explained that Section 10.60.050 was added to the Code in 1993 to address alternative height elevations adjacent to a street where substantial grading has occurred, such as on portions of Ardmore Avenue, and that the proposed house would be 7,800 square feet.

Responding to inquiries from the Council, Community Development Director Thompson rebutted the appellant's accusations that Community Development Department staff has not been responsive. For the record, Community Development Director Thompson advised that staff always tries to mediate issues with neighbors before going through a lengthy appeal process; that, per a conversation with the appellant some time ago, it was staff's understanding that the appellant would not appeal if there was a 12 foot height difference between his home and the project; and that the appellant declined a number of invitations to meet with City staff about this matter.

Peter Alby, No Address Provided, One Owner of the Subject Property at 511 Pacific Avenue, stated his impression that the decision before the Council is clear. He provided input on the steps taken to construct a home on the subject property, including the height determination. **Mr. Alby** insisted that no favors were called in on the part of the property owners and he expressed his belief that the proposed structure would be reasonable, noting that it would be 1.5 feet lower than the previous structure on the subject property.

Appellant Jerry Jamgotchian came forward again to state his viewpoint that the Code is clear and voiced his continued concern over the fluctuating determinations made by staff. **Mr. Jamgotchian** reiterated his understanding that Ardmore Avenue was not cut, it was filled, and he indicated that, even if it was cut, it was not substantial.

Mayor Tell related his understanding that the appellant's engineer, **Mr. Ojendyk**, acknowledged that there was a 1 foot cut in the street and that the disagreement is centered on the amount of cut.

Mr. Ojendyk verified his opinion that there is a 1 foot cut along the easterly gutter/curb line of the subject property. He noted that the point is whether or not that should be considered substantial.

Mayor Tell explained that, given the nature of this hearing, any ex parte contact must be disclosed for the record.

City Attorney Wadden advised that, to clarify, that would include any e-mail contact with either the applicant or the appellant (receiving e-mails or sending e-mails) or verbal conversations, and telephone conversations.

Councilmember Montgomery related his receipt of e-mails from the appellant, as well as his inspection of the subject property from the street and the appellant's property from the street.

Councilmember Fahey affirmed her receipt of e-mails from the appellant, to which she has not responded, and her visit to the subject property. She explained her personal acquaintance with both the **Sweeneys** (one of the owners of the subject property) and the **Jamgotchians** (the appellants).

Councilmember Ward indicated his lack of receipt of e-mails from the appellant, noting that he might have received, but has not yet read them.

Mayor Pro Tem Aldinger acknowledged that he has received e-mails from the appellant.

Mayor Tell confirmed his receipt of e-mails from the appellant. However, he has not visited the subject property.

Council discussion continued.

Councilmember Ward stated that the appellant's request is unreasonable and, that in a way, it's a chance to deprive a fellow property owner of his rights. He stated that he didn't appreciate the innuendos that the Community Development Director and Community Development Department shows favoritism towards people who present projects for them to make a judgment upon and that he finds them to be highly professional in their decisions. Stating that he does not support the appellant's request, Councilmember Ward indicated that he finds that the appellant's request fails to justify a new methodology for calculating a new height and that the proposed project is consistent with adjacent properties.

Stating that he is in favor of denying the appeal, Mayor Pro Tem Aldinger stated that he concurred with Councilmember Ward on a lot of the points he made, including the fact that Community Development Director Thompson would not do anything to show favoritism to one person or another; that he believes the Community Development Director has been consistent; and pointed out the section of the code referring to Ardmore Avenue.

Councilmember Fahey stated that she thinks that the timeline in this case proves that there has been no favoritism or abuse of discretion because the timeline suggests quite clearly that the Community Development Director's decision as to height was made before there was a development. She further indicated that Community Development Director Thompson has been consistent in his approach and that she does not find any abuse of discretion. She therefore stated that she does not support this appeal due to the fact that she has determined that Community Development Director Thompson's approach has been reasonable based on what the Code allows.

Councilmember Montgomery related that he was more offended by the appellant's comments about the attack on staff, than favoritism. In reviewing the letter dated November 2002 where the appellant writes a letter to Community Development Director Thompson, it states, "...and therefore agree with you that there are no grounds for appeal because there is no dispute in the maximum building height that you have administratively determined. Therefore, I thank you for your timely cooperation Richard (Thompson) and please let me know if anything in this letter does not reflect our agreement..." In watching and reading all of the documentation,

Councilmember Montgomery stated that, "there's nothing here" and said he can not support the appeal. He also pointed out that he was bothered by the fact that staff was being accused of withholding documents when there is a paper trail of 200 plus pages, which shows just the opposite.

Mayor Tell stated that he would make the decision unanimous. He pointed out that one of the issues in his speech tonight was that there would be disagreements over time and that individuals will respectfully disagree. He indicated to the appellants that this is a disagreement regarding the interpretation of the Code and that he agrees that there is sufficient evidence in the record to support the interpretation made by the Community Development Director. He commented that there is no reason for personal attacks; that there is substantial evidence in the record because of what happened on the lot just right next door where it didn't require a retaining wall; that it was substantial grading determined back in 2001 and the same formula was applied; and that there was no abuse of discretion.

MOTION: Mayor Pro Tem Aldinger moved to deny the subject appeal, uphold the Planning Commission's 4-0 ruling to deny the subject appeal and adopt, as amended, Resolution No. 6064. The motion was seconded by Councilmember Fahey and passed by the following unanimous roll call vote:

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

RESOLUTION NO. 6064

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH, CALIFORNIA, DENYING AN APPEAL OF AN ADMINISTRATIVE DECISION REGARDING MAXIMUM BUILDING HEIGHT FOR A SINGLE-FAMILY RESIDENCE AT 511 PACIFIC AVENUE

ITEMS REMOVED FROM THE CONSENT CALENDAR

None.

AUDIENCE PARTICIPATION

06/1017.26 Jon Chaykowski Re Utility Undergrounding

Jon Chaykowski, No Address Provided, extended congratulations to Mayor Tell and thanks to former Mayor Ward. He related his understanding that residents are begging for accountability on utility undergrounding refunds and he asked the Council to address this matter.

Mayor Tell indicated that Council will obtain specific information regarding the utility undergrounding refund formula from staff. He further stated that however, in the meantime, it is his understanding that those who paid in advance received approximately 19% in change reduction as opposed to those who will be financing, which would receive a 22% reduction.

06/1017.27 Patrick McBride Re Council Procedures and Facilities Committee

Patrick McBride, 5th Street and Peck Avenue, commented on Council discussion procedures, including the short amount of time allotted for interested parties to speak. He voiced his hope that the open door policy utilized by Mayor Ward will continue; related his concern that the City did not notify the applicants who were not selected for the Facilities Strategic Plan (FSP) Steering Committee; and confirmed that the Senior Resource Committee recently met with the FSP Committee.

Mayor Tell indicated that the Council will follow-up on this matter and reassured **Mr. McBride** that everyone who was not selected, will be notified.

06/1017.28 Viet Ngo Re City Manager Dolan

With regard to his allegations made earlier in the meeting (See Community Announcements) concerning City Manager Dolan, **Viet Ngo, No Address Provided**, read aloud a California Penal Code regarding lewd conduct.

Mayor Tell advised **Mr. Ngo** to make any charges he might have to the Manhattan Beach Police Department. He cautioned **Mr. Ngo** against making unfounded charges.

06/1017.29 John Sloway Re Synthetic Turf at Manhattan Village Field

John Sloway, No Address Provided, discussed efforts to look into the idea of installing synthetic turf at Manhattan Village Field. He noted the large amounts of contributions received for this purpose (up to this time); asked the Council for direction on how to proceed from this point; clarified that the type of product being considered can be viewed at the old Aviation High School, which cost approximately \$7.25 to \$7.50 per square foot; and cautioned against waiting too long to make a decision since this is a petroleum-based product and the price will likely increase.

City Manager Dolan explained that the entire amount necessary has not yet been raised and that staff anticipates this item will be presented for the Council's consideration in the next few months. He related his understanding that the total cost for the Manhattan Village Field will be approximately \$900,000. City Manager Dolan also pointed out that the Council never made a financial commitment to this project, but did ask staff to raise a substantial amount of the money.

CITY MANAGER REPORT(S)

06/1017.30 City Manager Dolan Re Memorial Benches

At the request of City Manager Dolan, the Council verified that discussion of the two memorial benches should be placed on a future City Council meeting agenda. City Manager Dolan indicated that this item will be placed on one of the agendas in November and that interested parties will be notified of the date.

OTHER COUNCIL BUSINESS, COMMITTEE AND TRAVEL REPORTS

None.

ADJOURNMENT

At 9:25 p.m. the meeting was duly adjourned to the 5:30 p.m. Adjourned Regular Meeting, to be followed by the 6:30 p.m. Regular City Council Meeting, on Wednesday, November 8, 2006, in said City.

WENDY WEEKS
Recording Secretary

NICHOLAS W. TELL, JR.
Mayor

ATTEST:

LIZA TAMURA
City Clerk

**CITY OF MANHATTAN BEACH
MINUTES OF THE CITY COUNCIL
ADJOURNED REGULAR MEETING
OCTOBER 17, 2006**

The Adjourned Regular Meeting of the City Council of the City of Manhattan Beach, California, was held on the 17th day of October, 2006, at the hour of 5:35 p.m., in the City Manager's Conference Room of City Hall, at 1400 Highland Avenue, in said City.

ROLL CALL

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

CLOSED SESSION

The Council recessed into Closed Session at 5:35 p.m. and moved to open session at 6:07 p.m.

ADJOURNMENT

The meeting was duly adjourned at 6:07 p.m.

ROBERT V. WADDEN, JR.
Recording Secretary

MITCH WARD
Mayor

ATTEST:

LIZA TAMURA
City Clerk