



# City of Hermosa Beach

City Hall  
1315 Valley Drive  
Hermosa Beach, CA  
90254

## Regular Meeting Agenda - Final City Council

*Mayor*  
*Mary Campbell*

*Mayor Pro Tem*  
*Justin Massey*

*Councilmembers*  
*Hany S. Fangary*  
*Michael Detoy*  
*Stacey Armato*

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Tuesday, October 13, 2020

5:00 PM

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**Closed Session - 5:00 P.M.**

**Regular Meeting - 6:00 P.M.**

**Duly Posted Online 10/8/20 at 8:20 p.m. By E.S.**

**5:00 P.M. - CLOSED SESSION****CALL TO ORDER****ROLL CALL****PUBLIC COMMENT ON THE CLOSED SESSION AGENDA****JOIN THE VIRTUAL MEETING AT:**

<https://us02web.zoom.us/j/87032785286?pwd=RGVZVZnduNGVlvaFNuYTBIUT09>

**OR PARTICIPATE BY PHONE:**

- Toll Free: 877-853-5257
- Meeting ID: 870 3278 5286, then #
- Participant ID: press # to bypass

**ATTENDEES WILL BE MUTED UNTIL THE PUBLIC PARTICIPATION PERIOD IS OPENED.**

If you are joining by phone, press \* 6 to unmute your line. Comments from the public are limited to 3 minutes per speaker.

**RECESS TO CLOSED SESSION**

- 1. 20-0640 MINUTES:** Approval of minutes of Closed Session held on September 22, 2020, and September 29, 2020.
- 2. 20-0658 CONFERENCE WITH LEGAL COUNSEL: Existing Litigation**  
**Government Code Section 54956.9(d)(1)**  
The City finds, based on advice from legal counsel, that discussion in open session will prejudice the position of the City in the litigation.
  - a) Name of Case (**State**): Hermosa Fitness LLC v. City of Hermosa Beach  
Los Angeles County Superior Court, Case Number: 18STCP02840
  - b) Name of Case (**Federal**): Hermosa Fitness LLC v. City of Hermosa Beach  
United States District Court, Case Number: 2:19-cv-08666-CAS-AFMx

**ADJOURNMENT OF CLOSED SESSION**

**6:00 P.M. - REGULAR AGENDA****PUBLIC PARTICIPATION**

City Hall will be closed to the public until further notice. Virtual Meetings are held pursuant to Executive Order N-29-20 issued by Governor Gavin Newsom on March 17, 2020. Members of the public may email comments to [Esarmiento@hermosabeach.gov](mailto:Esarmiento@hermosabeach.gov) or submit eComments until 3:00 p.m. on the meeting date. Members of the public may also participate by phone.

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**Oral and Written Communication**

Persons who wish to have written materials included in the agenda packet at the time the agenda is published on the City's website must submit the written materials to the City Manager's office by email ([esarmiento@hermosabeach.gov](mailto:esarmiento@hermosabeach.gov)) or in person by noon of the Tuesday, one week before the meeting date.

Written materials pertaining to matters listed on the posted agenda received after the agenda has been posted will be added as supplemental materials under the relevant agenda item on the City's website at the same time as they are distributed to the City Council by email. Supplemental materials may be submitted via eComment (instructions below) or emailed to [esarmiento@hermosabeach.gov](mailto:esarmiento@hermosabeach.gov).

Supplemental materials must be received before 4:00 p.m. on the date of the meeting to ensure Council and staff have the ability to review materials prior to the meeting. Supplemental materials submitted after 4:00 p.m. on the date of the meeting or submitted during the meeting will be posted online the next day.

**Submit Supplemental eComments in three easy steps:**

Note: Your comments will become part of the official meeting record. You must provide your full name, but please do not provide any other personal information (i.e. phone numbers, addresses, etc) that you do not want to be published.

1. Go to the Agendas/Minutes/Video webpage and find the meeting you'd like to submit comments on. Click on the eComment button for your selected meeting.
2. Find the agenda item for which you would like to provide a comment. You can select a specific agenda item/project or provide general comments under the Oral/Written Communications item.
3. Sign in to your SpeakUp Hermosa Account or as a guest, enter your comment in the field provided, provide your name, and if applicable, attach files before submitting your comment.

**I. CALL TO ORDER****II. PLEDGE OF ALLEGIANCE****III. ROLL CALL****IV. CLOSED SESSION REPORT****V. ANNOUNCEMENTS - UPCOMING CITY EVENTS****VI. APPROVAL OF AGENDA****VII. PROCLAMATIONS / PRESENTATIONS**

- a)      20-0663                      **RECOGNIZING TARA SCHULER FOR MAKING AND DONATING  
OVER 200 MASKS TO HERMOSA BEACH RESIDENTS**
  
- b)      20-0641                      **COVID-19 HEALTH UPDATE FROM  
BEACH CITIES HEALTH DISTRICT**

**VIII. CITY MANAGER REPORT - The City Manager and staff may provide brief reports on pending City business. Longer oral reports to be provided are as follows:**

- a)      [20-0642](#)                      **COVID-19 UPDATE**

**IX. PUBLIC PARTICIPATION -- ORAL AND WRITTEN COMMUNICATIONS FROM THE PUBLIC:** This is the time for members of the public to address the City Council on any items within the Council's jurisdiction not on this agenda, on items on this agenda as to which public comment will not be taken (City Manager Reports, City Councilmember Reports and Future Agenda Items), or to request the removal of an item from the consent calendar. Public comments on the agenda items called City Manager Reports, City Councilmember Reports and Future Agenda Items will only be heard at this time. Comments on public hearing items are heard only during the public hearing. Members of the audience may also speak during discussion of items removed from the Consent Calendar; during Public Hearings; and, during discussion of items appearing under Municipal Matters.

All comments from the public under this agenda item are limited to three minutes per speaker, but this time allotment may be reduced due to time constraints. The City Council acknowledges receipt of the oral and written communications listed below. No action will be taken on matters raised in written communications, provided that the Council may take action to schedule issues raised in oral and written communications for a future agenda. Speakers with comments regarding City management or departmental operations are encouraged to submit those comments to the City Manager.

**X. CITY COUNCILMEMBER COMMENTS:** Councilmembers may briefly respond to public comments, may ask a question for clarification or make a brief announcement or report on his or her own activities or meetings attended.

a)      [20-0665](#)                                      **WRITTEN COMMUNICATION FROM COUNCILMEMBERS**

**Recommendation:** Staff recommends that the City Council receive and file the written communication.

b)      [20-0643](#)                                      **UPDATES FROM CITY COUNCIL AD HOC SUBCOMMITTEES  
AND STANDING COMMITTEE DELEGATES/ALTERNATES**

**XI. CONSENT CALENDAR:** The following more routine matters will be acted upon by one vote to approve with the majority consent of the City Council. The title is deemed to be read and further reading waived of any ordinance listed on the consent calendar for introduction or adoption. There will be no separate discussion of these items unless a Council member removes an item from the Consent Calendar. Items removed will be considered under Agenda Item XII (12), with public comment permitted at that time.

a)      [REPORT](#)                                      **CITY COUNCIL MEETING MINUTES**  
         [20-0645](#)                                      (City Clerk Eduardo Sarmiento)

**Recommendation:** Staff recommends that the City Council approve the following minutes:

1. September 22, 2020 Regular Meeting

b)      [REPORT](#)                                      **CHECK REGISTERS**  
         [20-0639](#)                                      (Finance Director Viki Copeland)

**Recommendation:** Staff recommends that the City Council ratify the following check registers.

c)      [REPORT](#)                                      **REVENUE REPORT, EXPENDITURE REPORT,  
         [20-0636](#)                                      AND CIP REPORT BY PROJECT FOR  
   **JUNE, JULY AND AUGUST 2020**  
   (Finance Director Viki Copeland)**

**Recommendation:** Staff recommends that the City Council receive and file the July and August Financial Reports and the updated June 2020 CIP Report.

d) [REPORT](#) **CITY TREASURER'S REPORT AND CASH BALANCE REPORT**  
[20-0655](#) **FOR JULY 2020 AND AUGUST 2020**

(City Treasurer Karen Nowicki)

**Recommendation:** The City Treasurer recommends that the City Council receive and file the July 2020 and August 2020 City Treasurer's Report and Cash Balance Report.

e) [REPORT](#) **REAPPROPRIATION OF FUNDS FROM FY 2019-20 TO FY 2020-21**  
[20-0635](#) **AND REVENUE REVISIONS**

(Finance Director Viki Copeland)

**Recommendation:** Staff recommends that the City Council:

1. Reappropriate amounts in the attached Exhibit A to the Fiscal Year 2020-21 Budget. Totals by fund are highlighted in the attachments. The General Fund amount is \$684,995; and
2. Approve revenue revisions related to the reappropriations as shown in Exhibit B.

f) [REPORT](#) **ACTION MINUTES OF THE PARKS, RECREATION AND**  
[20-0638](#) **COMMUNITY RESOURCES ADVISORY COMMISSION**  
**MEETINGS OF AUGUST 4, 2020 AND SEPTEMBER 1, 2020**

**Recommendation:** Staff recommends that the City Council receive and file the action minutes of the Parks, Recreation and Community Resources Advisory Commission meetings of August 4, 2020 and September 1, 2020.

g) [REPORT](#) **LOS ANGELES COUNTY FIRE DEPARTMENT AND MCCORMICK**  
[20-0567](#) **AMBULANCE MONTHLY REPORT**

(Emergency Management Coordinator Brandy Villanueva)

**Recommendation:** Staff recommends that the City Council receive and file the July and August 2020 Fire and Ambulance monthly report.

**XII. ITEMS REMOVED FROM THE CONSENT CALENDAR FOR SEPARATE DISCUSSION - Items pulled from the Consent Calendar will be handled separately. Public comment will be taken prior to Council deliberation and action on each item pulled from the Consent Calendar.**

**XIII. PUBLIC HEARINGS - TO COMMENCE AT 6:30 P.M.**

a) [REPORT](#)  
[20-0662](#)

**HOLD THE PUBLIC HEARING, TABULATE THE BALLOTS  
AND IF SUFFICIENT BALLOTS ARE RECEIVED, CONSIDER  
APPROVING THE FINAL ENGINEER'S REPORT AND  
CREATING THE GREENWICH VILLAGE NORTH  
UNDERGROUND UTILITIES ASSESSMENT DISTRICT**  
(Public Works Director Marnell Gibson)

- Recommendation:** Staff recommends that the City Council consider the following:
1. Hold public hearing to take testimony from interested persons, as well as parcel owners in the Greenwich Village North Underground Utilities Assessment District ("Assessment District");
  2. Tabulate ballots for the formation of the Assessment District;
  3. If sufficient ballots are received, Adopt Resolution No. 20-7260 approving the Final Engineer's report, forming the Assessment District, and ordering the undergrounding improvements; and
  4. Authorize the City Manager to enter into an agreement with the property owners within the Assessment District for the deposit of funds to pay design costs, should the Assessment District be formed.

b) [REPORT](#)  
[20-0646](#)

**UPDATE ON IMPLEMENTATION OF TEMPORARY BAN OF  
DOCKLESS SCOOTER AND BIKESHARE IN HERMOSA BEACH**  
(Environmental Analyst Leeanne Singleton)

- Recommendation:** Staff recommends that the City Council:
1. Receive an update on the City's implementation efforts related to the temporary ban of shared mobility devices; and
  2. Introduce upon first reading, an ordinance extending the ban on the deployment and operation of scooters/bikeshare within the City of Hermosa Beach for a period of six months or until the City adopts guidelines for shared mobility operations. (Attachment 1)

#### **XIV. MUNICIPAL MATTERS**

a) [REPORT](#)  
[20-0648](#)

**RECEIVE REPORT ON EMERGENCY  
ENFORCEMENT MEASURES TO ENSURE  
COMPLIANCE WITH PANDEMIC-RELATED HEALTH  
ORDERS FROM BOTH THE CITY AND THE COUNTY  
OF LOS ANGELES HEALTH DEPARTMENT**  
(City Manager Suja Lowenthal and Police Chief Paul LeBaron)  
(*This will be a verbal report*)

b) [REPORT](#)  
[20-0634](#)

**APPROVE RESPONSE TO GRAND JURY  
REPORT ENTITLED "A DIET FOR LANDFILLS:  
CUTTING DOWN ON FOOD WASTE**  
(Environmental Programs Manager Douglas Krauss)

- Recommendation:** Staff recommends that Council:
1. Approve the response letter to the Los Angeles County Civil Grand Jury report entitled "A Diet for Landfills: Cutting Down on Food Waste;" and
  2. Authorize the Mayor to sign the letter on behalf of the City of Hermosa Beach.

- c) [REPORT](#)  
[20-0656](#)
- REQUEST FOR APPROVAL TO UNFREEZE THE DEPUTY  
CITY MANAGER POSITION AS APPROVED IN THE 2020-2021  
BUDGET AND FREEZE THE VACANT ASSISTANT TO  
THE CITY MANAGER POSITION**  
(Human Resources Manager Vanessa Godinez)
- Recommendation:** Staff recommends that the City Council:
1. Unfreeze the Deputy City Manager position as approved in the FY 2020-2021 Budget; and
  2. Freeze the recently vacated Assistant to the City Manager position.
- d) [REPORT](#)  
[20-0644](#)
- ESTABLISHMENT OF A POLICY FOR THE SELECTION  
OF THE CITY'S MAYOR AND MAYOR PRO TEMPORE**  
*(Continued from meeting of September 22, 2020)*  
(City Attorney Michael Jenkins)
- Recommendation:** Staff recommends that the City Council consider adoption of a formal policy governing selection of the Mayor and Mayor Pro Tempore.
- e) [REPORT](#)  
[20-0649](#)
- VACANCIES-BOARDS AND COMMISSIONS  
PUBLIC WORKS COMMISSION TERM EXPIRATIONS  
SCHEDULE APPLICANT INTERVIEWS**  
(City Clerk Eduardo Sarmiento)
- Recommendation:** Staff recommends City Council schedule interviews for Tuesday, November 10, 2020 at 4:15 p.m., for the purpose of interviewing Public Works Commission applicants for the three terms due to expire October 31, 2020.
- f) [REPORT](#)  
[20-0659](#)
- CONSIDERATION OF ENDORSING MAYOR PRO TEM  
JUSTIN MASSEY TO FILL THE WEST CITIES SECTOR SEAT ON  
THE SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT  
GOVERNING BOARD**  
(City Clerk Eduardo Sarmiento)
- Recommendation:** Staff recommends that the City Council formally endorse Mayor Pro Tem Justin Massey to fill the West Cities Sector Seat on the South Coast Air Quality Management District (SCAQMD) Governing Board.

**XV. FUTURE AGENDA ITEMS - Requests from Councilmembers for possible future agenda items and questions from Councilmembers regarding the status of future agenda items. No discussion or debate of these requests shall be undertaken; the sole action is whether to schedule the item for consideration on a future agenda. No public comment will be taken. Councilmembers should consider the city's work plan when considering new items.**



- a)      **20-0666**      **IN LIGHT OF THE COURT’S ORDER GRANTING CROSSFIT GYM’S WRIT OF MANDATE, COUNCILMEMBER FANGARY REQUESTS THAT THE CITY COUNCIL PLACE ON THE AGENDA FOR THE NEXT CITY COUNCIL PUBLIC MEETING AN AGENDA ITEM FOR THE CITY COUNCIL TO CONSIDER THE FOLLOWING:**
1.    **POSSIBLE CENSURE OF COUNCILMEMBER ARMATO DUE TO THE FINDINGS INCLUDED IN THE COURT’S RULING THAT (A) “‘CONCRETE FACTS’ IN THE RECORD ESTABLISH AN UNACCEPTABLE PROBABILITY THAT ARMATO WAS BIASED AGAINST [CROSSFIT GYM]”; (B) ARMATO’S “STATEMENT THAT HER COMMUNICATIONS WITH RESIDENTS WERE ‘PART OF THE RECORD’ WAS MISLEADING”; AND (C) “ARMATO COMMUNICATED DIRECTLY WITH CODE ENFORCEMENT OFFICIALS . . . CONTRAVENING [HERMOSA BEACH MUNICIPAL CODE] SECTION 2.12.080.”**
  2.    **EVALUATE IF THE CITY SHOULD CONTINUE TO PAY ARMATO’S DEFENSE COSTS IN THE CROSSFIT GYM LITIGATION, IN LIGHT OF THE COURT’S RULING.**
  3.    **EVALUATE WHETHER THE CITY IS ENTITLED TO REIMBURSEMENT OF THE LEGAL COSTS INCURRED TO DATE IN THE CROSSFIT LITIGATION, IN LIGHT OF THE COURT’S RULING.**

- b)      [20-0660](#)      **TENTATIVE FUTURE AGENDA ITEMS**

## **XVI. ADJOURNMENT**

**FUTURE MEETINGS AND CITY HOLIDAYS****CITY COUNCIL MEETINGS:**

October 27, 2020 - Tuesday - 5:00 PM - Closed Session,  
6:00 PM - City Council Meeting  
November 4, 2020 - Wednesday - Adjourned Regular Meeting:  
6:00 PM - Study Session  
November 10, 2020 - Tuesday - 5:00 PM - Closed Session,  
6:00 PM - City Council Meeting  
November 12, 2020 - Thursday - Adjourned Regular Meeting:  
6:00 PM - Appointment of Mayor & Mayor Pro Tem  
November 24, 2020 - Tuesday - 5:00 PM - Closed Session,  
6:00 PM - City Council Meeting  
December 2, 2020 - Wednesday - Adjourned Regular Meeting:  
6:00 PM - Study Session  
December 8, 2020 - Tuesday - 5:00 PM - Closed Session,  
6:00 PM - City Council Meeting  
December 22, 2020 - Tuesday - No Meeting (Dark)

**BOARDS, COMMISSIONS AND COMMITTEE MEETINGS:**

October 20, 2020 - Tuesday - 7:00 PM - Planning Commission Meeting  
November 2, 2020 - Monday - 6:00 PM - Economic Development Committee  
November 5, 2020 - Thursday - 7:00 PM - Parks and Recreation Advisory Commission Meeting  
November 17, 2020 - Tuesday - 7:00 PM - Planning Commission Meeting  
November 18, 2020 - Wednesday - 7:00 PM - Public Works Commission Meeting  
December 1, 2020 - Tuesday - 7:00 PM - Parks and Recreation Advisory Commission Meeting  
December 7, 2020 - Monday - 6:00 PM - Economic Development Committee  
December 15, 2020 - Tuesday - 7:00 PM - Planning Commission Meeting

**CITY OFFICES CLOSED FRIDAY-SUNDAY AND ON THE FOLLOWING DAYS:**

November 11, 2020 - Wednesday - Veteran's Day  
November 26, 2020 - Thursday - Thanksgiving Day