City of Hermosa Beach

City Hall 1315 Valley Drive Hermosa Beach, CA 90254



Regular Meeting Agenda - Final

Tuesday, June 22, 2021 5:00 PM

Closed Session - 5:00 PM
Regular Meeting - 6:00 PM
Duly Posted on June 18, 2021 at 2:35 a.m. by E.S.

City Council

Mayor Justin Massey

Mayor Pro Tem Michael Detoy

Councilmembers Stacey Armato Mary Campbell Raymond Jackson

City Treasurer City Attorney
Karen Nowicki Patrick Donegan

Executive Team

Suja Lowenthal, City Manager

Angela Crespi, Deputy City Manager Viki Copeland, Finance Director Myra Maravilla, City Clerk Paul LeBaron, Chief of Police Joe SanClemente, Public Works Director Carrie Tai, Community Development Director Vanessa Godinez, Human Resources Manager Lisa Nichols, Community Resources Manager

VIEWING OPTIONS FOR PUBLIC MEETINGS

Public meetings are broadcast live on Spectrum Channel 8 and Frontier Channel 31 in Hermosa Beach. Additional viewing options are provided as a courtesy.

ZOOM: Join the meeting link if available or participate by phone

YOUTUBE CHANNEL: www.youtube.com/channel/UCaiZxw06ue-Tgc8DmXYzh2Q

CITY WEBSITE: www.hermosabeach.gov and visit the Agendas/Minutes/Videos page

PLEASE NOTE: IF YOU EXPERIENCE TECHNICAL DIFFICULTIES WHILE VIEWING THE MEETING ON ONE OF THESE PLATFORMS, PLEASE TRY ONE OF THE OTHER VIEWING OPTIONS

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=RGVVZnduNGVIVGJLOFlvaFNuYTBIUT09

OR PARTICIPATE BY PHONE:

- Toll Free: 877-853-5257
- Meeting ID: 870 3278 5286, then #
- Passcode: 513185

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

- a. 21-0377 MINUTES: Approval of minutes of Closed Session held on June 8, 2021.
- b. 21-0378 CONFERENCE WITH LEGAL COUNSEL: Pending 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.

Dina Fangary v. City of Hermosa Beach, et al. Los Angeles County

Superior Court, Case number: 19STCP05134

ADJOURNMENT OF CLOSED SESSION

6:00 P.M. - REGULAR AGENDA

PUBLIC COMMENT

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 or submit eComments until 3:00 p.m. on the meeting date. Members of the public may also participate by phone.

JOIN THE VIRTUAL MEETING AT:

https://us02web.zoom.us/j/87032785286?pwd=RGVVZnduNGVIVGJLOFlvaFNuYTBIUT09

OR PARTICIPATE BY PHONE:

Toll Free: 877-853-5257Meeting ID: 870 3278 5286Participant ID: 513185

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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) 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. 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: This is the time for the City Council to change the order in which it takes up items on this agenda, remove and/or continue agenda items and pull items from the consent calendar for separate consideration.
- VII. PROCLAMATIONS / PRESENTATIONS
- a. 21-0393

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. 21-0376

b. 21-0375

UPDATE FROM CHIEF LEBARON ON ENFORCEMENT MEASURES

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 Consent Calendar items that are not pulled for separate consideration and Future Agenda Items), on written communications, and to request the removal of an item from the consent calendar. Public comments on the agenda items called City Manager Reports, City Councilmembers Reports, Consent Calendar items that are not pulled for separate consideration and Future Agenda Items will only be heard at this time. Further, 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 for separate consideration; 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 written communications listed below. No action will be taken on matters raised in oral and written communications, except 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 directly 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. 21-0379

UPDATES FROM CITY COUNCIL AD HOC SUBCOMMITTEES
AND STANDING COMMITTEE DELEGATES/ALTERNATES

XI. CONSENT CALENDAR: The following matters will be acted upon collectively with a single motion and vote to approve with the majority consent of the City Council. Councilmembers may orally register a negative vote on any consent calendar item without pulling the item for separate consideration prior to the vote on the consent calendar. There will be no separate discussion of these items unless a Council member removes an item from the Consent Calendar, either under Approval of the Agenda or under this item prior to the vote on the consent calendar. Items removed will be considered under Agenda Item XII (12), with public comment permitted at that time. The title is deemed to be read and further reading waived of any ordinance listed on the consent calendar for introduction or adoption.

a. <u>REPORT</u> 21-0380

CITY COUNCIL MEETING MINUTES

(City Clerk Eduardo Sarmiento)

Recommendation: Staff recommends City Council approve the following minutes:

- 1. June 8, 2021 Special City Council Meeting
- 2. June 8, 2021 Regular City Council Meeting
- 3. June 9, 2020, Regular City Council Meeting
- 4. June 23, 2020 Special City Council Meeting

b. <u>REPORT</u> 21-0369

CHECK REGISTERS

(Finance Director Viki Copeland)

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

c. <u>REPORT</u> 21-0388

MEMORANDUM REGARDING REVENUE REPORT, EXPENDITURE REPORT, COVID-19 REVENUE TRACKING REPORT, AND CIP REPORT BY PROJECT FOR MAY 2021

(Finance Director Viki Copeland)

d. REPORT MEMORANDUM REGARDING CITY TREASURER'S REPORT
21-0389 AND CASH BALANCE REPORTFOR MAY 2021

(City Treasurer Karen Nowicki)

e. <u>REPORT</u> CAPITAL IMPROVEMENT PROGRAM STATUS
21-0384 REPORT AS OF JUNE 15, 2021

(Interim Public Works Director Angela Crespi)

Recommendation: Staff recommends City Council receive and file the Capital Improvement Program Status

Report as of June 15, 2021.

f. REPORT ACTION SHEET OF THE PLANNING COMMISSION
21-0371 MEETING OF JUNE 15, 2021

(Community Development Director Ken Robertson)

<u>Recommendation:</u> Staff recommends City Council receive and file the action sheet of the Planning

Commission meeting of June 15, 2021.

g. REPORT PLANNING COMMISSION TENTATIVE FUTURE AGENDA ITEMS
21-0372 (Community Development Director Ken Robertson)

(Community Development Director Ken Robertson)

Recommendation: Staff recommends City Council receive and file the June 30, 2021 and July 20, 2021

Planning Commission tentative future agenda items.

h. <u>REPORT</u> APPROVE A PROFESSIONAL SERVICES AGREEMENT FOR 21-0363 CONSULTING SERVICES RELATED TO COMPLIANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

(Community Development Director Ken Robertson)

Recommendation: Staff recommends City Council:

1. Approve a Professional Services Agreement with Ed Almanza & Associates for consulting services related to compliance with the California Environmental Quality Act, including on-call services, through June 30, 2022, and a total maximum compensation amount of \$105,400; and

2. Authorize the Mayor to execute and the City Clerk to attest the attached first amendment subject to approval by the City Attorney (Attachment 1).

i. REPORT ORDINANCE 21-1431 OF THE CITY OF HERMOSA BEACH,
21-0382 CALIFORNIA, AMENDING VARIOUS SECTIONS OF CHAPTER 8.12
OF AND ADDING CHAPTER 8.14 TO THE HERMOSA BEACH

MUNICIPAL CODE REGARDING SOLID WASTE

(City Clerk Eduardo Sarmiento)

Recommendation: Staff recommends City Council waive full reading and adopt by title Ordinance No.

21-1431.

REPORT j. 21-0385

APPROVAL OF SECOND AMENDMENT TO AGREEMENT BETWEEN THE CITY OF HERMOSA BEACH AND THE HERMOSA BEACH CHAMBER OF COMMERCE TO **PROVIDE FIESTAS HERMOSA**

(Deputy City Manager Angela Crespi)

Recommendation:

Staff recommends City Council:

- 1. Approve the proposed second amendment to an agreement with the Hermosa Beach Chamber of Commerce to provide Fiesta Hermosa events to allow event activities on Friday evening of Labor Day 2021, on a trial basis, with future Friday evening activities at the sole discretion of the City; and
- 2. Authorize the Mayor to execute and the City Clerk to attest the attached second amendment subject to approval by the City Attorney (Attachment 3).
- k. REPORT 21-0387

APPROVAL OF ROAD REPAIR AND ACCOUNTABILITY **ACT OF 2017 (SENATE BILL 1) PROJECT LIST FOR THE CITY OF HERMOSA BEACH FOR FISCAL YEAR 2021-22**

(Interim Public Works Director Angela Crespi)

Recommendation: Staff recommends City Council:

- 1. Approve a resolution adopting a list of projects for FY 2021-2022 funded by (SB 1) Road Repair and Accountability Act of 2017; and
- 2. Direct staff to submit the project list and supporting documentation to the California Transportation Commission by July 1, 2021.

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 21-0365

ORDINANCE AMENDING CHAPTER 8.60 OF THE HERMOSA BEACH MUNICIPAL CODE TO COMPLY WITH THE DEPARTMENT OF WATER RESOURCES' MODEL WATER EFFICIENT LANDSCAPE ORDINANCE

(Environmental Programs Manager Doug Krauss)

Recommendation:

Staff recommends City Council introduce an Ordinance Amending Chapter 8.60 of the Hermosa Beach Municipal Code to comply with the Department of Water Resources' Model Water Efficient Landscape Ordinance.

b. REPORT 21-0373

ORDINANCE TO REGULATE OUTDOOR LIGHTING

(Building and Code Enforcement Official Robert Rollins)

Recommendation:

Staff recommends City Council introduce on first reading, an Ordinance of the City of Hermosa Beach adding Chapter 8.72 to Title 8 of the Hermosa Beach Municipal Code; amending Chapter 1.10; and finding the action exempt from the California Environmental Quality Act (Attachment 1).

XIV. MUNICIPAL MATTERS

a. <u>REPORT</u> 21-0323

PARTICIPATION IN BEACH CITIES TRANSIT (BCT) LINE 109
AGREEMENT, WITH NO REQUIRED FINANCIAL CONTRIBUTION
FROM THE CITY FOR FISCAL YEAR 2021-2022, WITH THE CITIES
OF EL SEGUNDO, MANHATTAN BEACH AND REDONDO BEACH,
FUNDED FROM PROPOSITION A FUNDS

(Community Development Director Ken Robertson)

Recommendation:

Staff recommends City Council:

- 1. Approve participation for one year along with the other beach cities, with no required financial contribution from the City for Fiscal Year 2021-2022; and
- 2. Direct the Mayor to sign the Agreement on behalf of the City.

b. <u>REPORT</u> 21-0386

FRIENDS OF THE LIBRARY RELOCATION AND LEASE AGREEMENT

(Brandy Villanueva, Emergency Management Coordinator)

Recommendation:

Staff recommends City Council:

- 1. Approve a Lease Agreement between the City of Hermosa Beach and Friends of the Library to facilitate its relocation and future storage requirements; and
- 2. Authorize the Mayor to execute and the City Clerk to attest the agreement subject to approval by the City Attorney (Attachment 4).

REPORT C. 21-0374

STATUS UPDATE AND DISCUSSION OF OPTIONS FOR TEMPORARY EXPANDED OUTDOOR DINING AND RETAIL AND TEMPORARY LANE RECONFIGURATIONS IMPLEMENTED TO HELP BUSINESSES DURING THE COVID-19 PANDEMIC

(Environmental Program Manager, Doug Krauss)

Recommendation: Staff recommends City Council:

- 1. Consider staff's assessment and provide direction on next steps for the temporary expanded outdoor dining and retail pilot program throughout all commercial districts and, if desired, continue program for a specified period (e.g. through the end of 2021) and direct staff to bring back an extended urgency ordinance as necessary to continue the program;
- 2. Consider staff's assessment and provide direction on next steps for the temporary lane reconfigurations in the downtown district on Pier Avenue and Hermosa Avenue and, if desired, continue program for a specified period, and direct staff to prepare a resolution to extend the program;
- 3. Provide staff direction regarding implementation of a reapplication and renewal process for businesses to continue the use of outdoor seating and retail areas, the re-establishment of encroachment fees as applied to dining areas in the public right-of-way prior to the temporary program, and whether to explore other possible fees for use of the public space;
- 4. Consider additional traffic counts of the downtown lane reconfigurations, appropriate \$3,000 from the Capital Improvement Fund to fund the work, and direct staff to implement these counts; and
- 5. Direct staff to conduct a continuing assessment of any pilot programs extended for a specified period for future consideration regarding a possible permanent or longer-term program.

d. REPORT 21-0370

AWARD OF CONSTRUCTION CONTRACT FOR CIP 186 & CIP 190 STREET IMPROVEMENTS VARIOUS LOCATIONS

(Interim Public Works Director Angela Crespi)

Recommendation:

Staff recommends City Council:

- 1. Award the construction contract for CIP 186 and CIP 190 Street Improvements Various Locations to Hardy & Harper, Inc. in the amount of \$815,000;
- 2. Authorize the Interim Director of Public Works to establish a 65 percent project contingency for a total contingency amount of \$529,750;
- 3. Adopt the attached resolution entitled "A Resolution of The City Council of the City of Hermosa Beach Approving the Construction of CIP NO. 186 & CIP NO. 190 Street Improvements Various Locations Pursuant to Government Code Section 830.6 and Establishing A Project Payment Account;"
- 4. Authorize the Mayor to execute the construction contract and the City Clerk to attest, subject to approval by the City Attorney; and
- 5. Authorize the Interim Director of Public Works to file a Notice of Completion following final completion of the project.

REPORT e. 21-0364

AWARD OF CONSTRUCTION CONTRACT FOR CIP 192 ANNUAL STRIPING IMPROVEMENTS AT VARIOUS LOCATIONS

(Interim Public Works Director Angela Crespi)

Recommendation: Staff recommends City Council:

- 1. Reject the low bidder, Chrisp Company for construction contract CIP 192 Annual Striping Improvements at Various Locations in the amount of \$60,947 due to unresponsiveness for failure to include a mandatory component;
- 2. Award the construction contract for CIP 192 Annual Striping Improvements at Various Locations to PCI, the lowest responsible bidder, in the amount of \$96,566;
- 3. Authorize the Interim Director of Public Works to establish a project contingency of \$3,434;
- 4. Adopt the attached resolution entitled, "A Resolution of The City Council of the City of Hermosa Beach Approving the Construction of CIP 192 Annual Striping Improvements at Various Locations Pursuant to Government Code Section 830.6 and Establishing A Project Payment Account;"
- 5. Authorize the Mayor to execute the construction contract and the City Clerk to attest, subject to approval by the City Attorney; and
- 6. Authorize the Interim Director of Public Works to file a Notice of Completion following final completion of the project.

f. **REPORT** 21-0381

A LETTER OF SUPPORT FOR THE HERMOSA BEACH CITY SCHOOL DISTRICT'S EFFORTS TO IMPLEMENT ITS EQUITY & **INCLUSION GOALS**

(Deputy City Manager Angela Crespi)

Recommendation:

Staff recommends City Council authorize a letter to the Hermosa Beach City School District (HBCSD) in support of efforts to implement its Equity and Inclusion goal and authorize the Mayor to sign it on behalf of the City.

REPORT g. 21-0392

COMMERCIAL EVICTION MORATORIUM AND RESIDENTIAL SUBSTANTIAL REMODEL EVICTION PROTECTIONS

(City Attorney Michael Jenkins)

(Assistant City Attorney Monica Castillo)

Recommendation: Staff recommends City Council take the following actions:

- 1. Adopt by four-fifths vote of Council an ordinance titled, "An Urgency Ordinance of the City of Hermosa Beach Extending the Temporary Moratorium on Commercial Evictions During the COVID-19 Pandemic and Setting Forth the Facts Constituting Such Urgency;" 2. Adopt by four-fifths vote of Council, an ordinance titled, "An Urgency Ordinance of the City of Hermosa Beach Adding Chapter 8.69 to Title 8 (Health and Safety) of the Hermosa Beach Municipal Code to Regulate Evictions Based on Intent to Demolish or Substantially Remodel Residential Rental Property and Setting Forth the Facts Constituting Such Urgency;" and
- 3. Introduce and waive first reading of an ordinance titled, "An Ordinance of the City of Hermosa Beach Adding Chapter 8.69 to Title 8 (Health and Safety) of the Hermosa Beach Municipal Code to Regulate Evictions Based on Intent to Demolish or Substantially Remodel Residential Rental Property."

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. The existing list of future agenda items below is for information only.

a. <u>21-0391</u> TENTATIVE FUTURE AGENDA ITEMS

XVI. ADJOURNMENT

FUTURE MEETINGS AND CITY HOLIDAYS

CITY COUNCIL MEETINGS:

June 29, 2021 - Tuesday - Adjourned Regular Meeting:

6:00 PM - Budget Workshop and Public Hearing

July 13, 2021 - Tuesday - 5:00 PM - Closed Session,

6:00 PM - City Council Meeting

July 22, 2021 - Thursday - Adjourned Regular Meeting:

6:00 PM - Joint Meeting with all Boards/Commissions

July 27, 2021 - Tuesday - 5:00 PM - Closed Session,

6:00 PM - City Council Meeting

August 10, 2021 - Tuesday - 5:00 PM - Closed Session,

6:00 PM - City Council Meeting

August 16, 2021 - Monday - Adjourned Regular Meeting:

5:00 PM - Tri-Agency Meeting with HBCSD and BCHD

August 24, 2021 - Tuesday - No Meeting (Dark)

September 14, 2021 - Tuesday - 5:00 PM - Closed Session,

6:00 PM - City Council Meeting

September 28, 2021 - Tuesday - 5:00 PM - Closed Session,

6:00 PM - City Council Meeting

October 12, 2021 - Tuesday - 5:00 PM - Closed Session,

6:00 PM - City Council Meeting

October 23, 2021 - Saturday - Adjourned Regular Meeting:

9:00 AM - City Council Retreat

October 26, 2021 - Tuesday - 5:00 PM - Closed Session,

6:00 PM - City Council Meeting

November 9, 2021 - Tuesday - 5:00 PM - Closed Session,

6:00 PM - City Council Meeting (Mayor Transition)

November 23, 2021 - Tuesday - 5:00 PM - Closed Session,

6:00 PM - City Council Meeting

December 14, 2021 - Tuesday - 5:00 PM - Closed Session,

6:00 PM - City Council Meeting

December 28, 2020 - Tuesday - No Meeting (Dark)

BOARDS, COMMISSIONS AND COMMITTEE MEETINGS:

July 12, 2021 - Monday - 6:00 PM - Economic Development Committee Meeting

July 21, 2021 - Wednesday - 6:00 PM - Public Works Commission Meeting

July 20, 2021 - Tuesday - 6:00 PM - Planning Commission Meeting

August 2, 2021 - Monday - 6:00 PM - Economic Development Committee Meeting

August 3, 2021 - Tuesday - 7:00 PM - Parks and Recreation Advisory Commission Meeting

August 17, 2021 - Tuesday - 6:00 PM - Planning Commission Meeting

September 9, 2021 - Thursday - 7:00 PM - Parks and Recreation Advisory Commission Meeting

September 13, 2021 - Monday - 6:00 PM - Economic Development Committee Meeting

September 21, 2021 - Tuesday - 6:00 PM - Planning Commission Meeting

September 15, 2021 - Wednesday - 6:00 PM - Public Works Commission Meeting

October 4, 2021 - Monday - 6:00 PM - Economic Development Committee Meeting

October 5, 2021 - Tuesday - 7:00 PM - Parks and Recreation Advisory Commission Meeting

October 19, 2021 - Tuesday - 6:00 PM - Planning Commission Meeting

November 1, 2021 - Monday - 6:00 PM - Economic Development Committee Meeting

November 2, 2021 - Tuesday - 7:00 PM - Parks and Recreation Advisory Commission Meeting

November 16, 2021 - Tuesday - 6:00 PM - Planning Commission Meeting

November 17, 2021 - Wednesday - 6:00 PM - Public Works Commission Meeting

December 6, 2021 - Monday - 6:00 PM - Economic Development Committee Meeting

December 7, 2021 - Tuesday - 7:00 PM - Parks and Recreation Advisory Commission Meeting

December 13, 2021 - Monday - 6:00 PM - Planning Commission Meeting

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

July 5, 2021 - Monday - Independence Day Observed

September 6, 2021 - Monday - Labor Day

November 11, 2021 - Thursday - Veteran's Day

November 25, 2021 - Thursday - Thanksgiving Day