

Hermosa Beach

*City Hall
1315 Valley Drive
Hermosa Beach, CA 90254*



Adjourned Regular Meeting Minutes - Final

Tuesday, December 13, 2016

6:00 PM

Closed Session - 6:00 PM

Regular Meeting - 7:00 PM

Council Chambers

City Council

*Mayor
Hany Fangary*

*Mayor Pro Tem
Justin Massey*

*Councilmembers
Jeff Duclos
Stacey Armato
Carolyn Petty*

6:00 P.M. - CLOSED SESSION

(LOCATION: Meetings convene in the Council Chambers and move to the Second Floor Conference Room after Public Comment)

CALL TO ORDER IN COUNCIL CHAMBERS - 6:00 p.m.**ROLL CALL**

Present: Armato, Duclos, Massey, Petty, Mayor Fangary
Absent: None

PUBLIC COMMENT - None

City Attorney Jenkin requested a Council motion to add to the agenda an item of threatened litigation from E&B Natural Resources Management Corporation, noting a 2/3 vote of the Council was required.

Action: *To add as item 4 on the Closed Session agenda a threat of litigation from E&B Natural Resources Management Corporation, as requested by the City Attorney. Motion Massey, second Petty. The motion carried by a unanimous vote.*

RECESS TO CLOSED SESSION IN SECOND FLOOR CONFERENCE ROOM – 6:03 p.m.

1. **16-0747 MINUTES:** Approval of minutes of Closed Session held on December 7, 2016.

2. **16-0748 CONFERENCE WITH LEGAL COUNSEL: Workers Comp Litigation 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: Donald Jones v. City of Hermosa Beach
WCAB Number: ADJ10422852; ADJ10422970
- b) Name of Case: Kevin Averill v. City of Hermosa Beach
WCAB Number: ADJ10426310

**3. 16-0749 CONFERENCE WITH LABOR NEGOTIATOR
Government Code Section 54957.6**

City Negotiators: Labor Attorney Daphne M. Anneet, Finance Director,
and Interim Fire Chief

Employee

Organizations: Hermosa Beach Police Officers' Association
Police Management Bargaining Group
Hermosa Beach Firefighters' Association
Teamsters Union, Local 911
Professional and Administrative Employee Group
Hermosa Beach Management Association
Unrepresented Employees

**4. 16-0759 CONFERENCE WITH LEGAL COUNSEL: Threatened Litigation
Government Code Section 54956.9(d)(2)**

The City Council finds, based on advice from legal counsel, that discussion in open session will prejudice the position of the City in the litigation.

Number of Potential Cases: 1 (threat of litigation from E&B Natural Resources Management Corporation)

ADJOURNMENT OF CLOSED SESSION - 7:15 p.m.

7:00 P.M. - REGULAR AGENDA

CALL TO ORDER - 7:20 p.m.

PLEDGE OF ALLEGIANCE

ROLL CALL

*Present: Armato, Duclos, Massey, Petty, Mayor Fangary
Absent: None*

CLOSED SESSION REPORT

City Attorney Jenkins reported that no public comments were received, one item was added to the Closed Session agenda (Item #4, E&B Natural Resources, Threatened Litigation) by a unanimous vote, and no reportable actions were taken.

ANNOUNCEMENTS**PROCLAMATIONS / PRESENTATIONS**

- a) 16-0735 LOCAL WINNERS OF THE COUNTY OF LOS ANGELES
PUBLIC LIBRARY 2016 CHILDREN'S BOOKMARK CONTEST
- b) 16-0736 RECOGNIZING KIM MACMULLAN FOR HER SERVICE
ON THE PUBLIC WORKS COMMISSION
FROM JANUARY 2008 - OCTOBER 2016
- c) 16-0688 SOUTH BAY WORKFORCE INVESTMENT BOARD
QUARTERLY SUMMARY

MISCELLANEOUS ITEMS AND REPORTS - CITY MANAGER

- a) 16-0737 INTRODUCTION OF NEW FIRE DEPARTMENT EMPLOYEES
BY INTERIM FIRE CHIEF PETE BONANO

PUBLIC PARTICIPATION**1. ORAL AND WRITTEN COMMUNICATIONS:**

- a) REPORT LETTER FROM HOWARD LONGACRE DATED DECEMBER 4, 2016
16-0741 REGARDING STATE-MANDATED CONSOLIDATION OF HERMOSA
BEACH ELECTIONS WITH CALIFORNIA ELECTIONS AND THE
ORDINANCE "INTRODUCED" BY COUNCIL AT ITS NOVEMBER
22ND REGULAR MEETING

Attachments: [Letter from Howard Longacre 12-4-16](#)

Action: *To receive and file the letter.*

Motion Armato, second Massey. The motion carried by a unanimous vote.

- b) REPORT LETTER FROM DAVID GRETHEN DATED NOVEMBER 23, 2016
16-0758 REGARDING CCA PROGRAM DEVELOPMENT

Attachments: [Letter from David Grethen 11-23-16.pdf](#)

Action: *To receive and file the letter.*

Motion Armato, second Massey. The motion carried by a unanimous vote.

2. CONSENT CALENDAR:

Action: To approve Consent Calendar items 2(a) through 2(o), with the exception of item 2(d), which was removed for separate discussion later in the meeting by Councilmember Armato. Motion Petty, second Massey. The motion carried by a unanimous vote.

- a) **REPORT** **CITY COUNCIL MEETING MINUTES**
 16-0754 (City Clerk Elaine Doerfling)

Action: To receive and file the City Clerk's memorandum.

- b) **REPORT** **CHECK REGISTERS**
 16-0750 (Finance Director Viki Copeland)

Attachments: [11-17-16](#)
 [11-23-16](#)
 [12-01-16](#)

Action: To ratify the check registers.

- c) **REPORT** **ACTION MINUTES OF THE PARKS, RECREATION AND**
 16-0733 **COMMUNITY RESOURCES ADVISORY COMMISSION MEETINGS**
 OF OCTOBER 4, 2016 AND NOVEMBER 1, 2016

Attachments: [PR Minutes 10.04.2016.pdf](#)
 [PR Minutes 11.01.2016.pdf](#)

Action: To receive and file the action minutes of the Parks, Recreation and Community Resources Advisory Commission meetings of October 4, 2016 and November 1, 2016.

- d) **REPORT** **ACTION SHEET OF THE PLANNING COMMISSION MEETING OF**
 16-0743 **DECEMBER 12, 2016**

Attachments: [SUPPLEMENTAL Planning Commission Action Sheet of 12-12-16](#)
 [\(added 12-13-16 at 12pm\)](#)

Action: To receive and file the Action Sheet of the Planning Commission meeting of December 12, 2016. Motion Massey, second Fangary. The motion carried by a unanimous vote.

- e) **REPORT** **PLANNING COMMISSION TENTATIVE FUTURE AGENDA ITEMS**
 16-0742 (Community Development Director Ken Robertson)

Attachments: [Planning Commission January 17, 2017 Tentative Agenda](#)
[SUPPLEMENTAL Revised Planning Commission January 17, 2017](#)
[Tentative Agenda \(added 12-13-16 at 12pm\)](#)

Action: To receive and file the Planning Commission Tentative Future Agenda Items.

- f) **REPORT** **SUBJECT: FINAL MAP NO. 73489 (C.U.P. CON NO. 15-6, PDP NO. 15-8)**
16-0740 **LOCATION: 832 LOMA DRIVE**
 APPLICANT(S): TRACY A. SWERDFEGER
 REQUEST: TO ADOPT A RESOLUTION APPROVING FINAL PARCEL
 MAP FOR A 2-UNIT RESIDENTIAL CONDOMINIUM PROJECT
 (Community Development Director Ken Robertson)

Attachments: [Proposed Resolution](#)
[Final Map No. 73489](#)

Action: To adopt Resolution No. 16-7054, entitled "**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HERMOSA BEACH, CALIFORNIA, APPROVING FINAL PARCEL MAP NO. 73489, FOR THE SUBDIVISION OF A TWO-UNIT CONDOMINIUM, LOCATED AT 832 LOMA DRIVE IN THE CITY OF HERMOSA BEACH, CALIFORNIA.**"

- g) **REPORT** **APPROVE AMENDMENT TO THE PROFESSIONAL SERVICES**
16-0739 **AGREEMENT WITH ED ALMANZA & ASSOCIATES TO PROVIDE**
 ENVIRONMENTAL IMPACT REPORT (EIR) ASSISTANCE
 SERVICES FOR THE SKECHERS DESIGN CENTER AND
 EXECUTIVE OFFICES PROJECT
 (Community Development Director Ken Robertson)

Attachments: [Almanza 1st Amendment to PSA Dec 2016](#)
[Almanza 1st Amendment to PSA Dec 2016 - Attachment A](#)
[Ed Almanza \(Skechers\) Original Agreement 2-10-15 EXECUTED](#)

Action: To approve an amendment to the Professional Services Agreement with Ed Almanza & Associates, originally approved on February 10, 2015, to provide Environmental Impact Report (EIR) Assistance Services for the Skechers Design Center and Executive Officers Project.

- h) **REPORT** **RECEIVE AND FILE LIST OF REGULAR AND ONGOING CITY**
16-0746 **BOARD AND COMMISSION APPOINTIVE TERMS THAT WILL**
 EXPIRE DURING THE 2017 CALENDAR YEAR
 (City Clerk Elaine Doerfling)

Attachments: [2017](#)

Action: To receive and file the list, prepared for posting by the City Clerk pursuant to State law, of all regular and ongoing Hermosa Beach board, commission and committee appointive terms which will expire during the 2017 calendar year.

Additional Action: *To extend tonight's meeting until 11:30 p.m.
Motion Armato, second Petty. The motion carried by a unanimous vote.*

3. CONSENT ORDINANCES

- a) **REPORT** **ORDINANCE NO. 16-1373 - "AN ORDINANCE OF THE CITY OF HERMOSA BEACH, CALIFORNIA, MOVING THE DATE OF THE CITY'S GENERAL MUNICIPAL ELECTION FROM THE FIRST TUESDAY AFTER THE FIRST MONDAY IN NOVEMBER OF ODD-NUMBERED YEARS TO THE FIRST TUESDAY AFTER THE FIRST MONDAY IN NOVEMBER OF EVEN-NUMBERED YEARS BEGINNING IN NOVEMBER 2022"**

(City Clerk Elaine Doerfling)

Attachments: [Ord for 2022 election change](#)
[SUPPLEMENTAL Information from City Clerk Elaine Doerfling \(added 12-13-16 at 3:30pm\).pdf](#)

Action: *To waive full reading and adopt Ordinance No. 16-1373, entitled "AN ORDINANCE OF THE CITY OF HERMOSA BEACH, CALIFORNIA, MOVING THE DATE OF THE CITY'S GENERAL MUNICIPAL ELECTION FROM THE FIRST TUESDAY AFTER THE FIRST MONDAY IN NOVEMBER OF ODD NUMBERED YEARS TO THE FIRST TUESDAY AFTER THE FIRST MONDAY IN NOVEMBER OF EVEN NUMBERED YEARS BEGINNING IN NOVEMBER 2022."*

Motion Duclos, second Fangary. The motion carried 3-2, noting the dissenting votes of Petty and Massey.

4. ITEMS REMOVED FROM THE CONSENT CALENDAR FOR SEPARATE DISCUSSION

Item 2(d) was heard at this time but is shown in order for clarity.

5. PUBLIC HEARINGS

- a) **REPORT** **APPEAL TO CITY COUNCIL OF THE PLANNING COMMISSION'S DECISION TO DENY A VARIANCE TO LOCATE A SIGN WITHIN THE PUBLIC RIGHT-OF-WAY AT 1818 MONTEREY BOULEVARD (ST. CROSS EPISCOPAL CHURCH)**

(Community Development Director Ken Robertson)

Attachments: [Attachment 1- Proposed Resolution.pdf](#)
[Attachment 2- P.C. Reso 16-27 \(1818 Monterey Bl, St Cross Church DENIED\).pdf](#)
[Attachment 3- Zoning Map.pdf](#)
[Attachment 4- Poster Verification.pdf](#)

[Attachment 5- Radius Map.pdf](#)
[Attachment 6- Site Photos.pdf](#)
[Attachment 7- P.C. 09-20-16 Action Minutes.pdf](#)
[Attachment 8- Applicant Appeal Letter.pdf](#)
[Attachment 9- Applicant Submittal.pdf](#)
[Sign Variance 09-1 Staff Report and Attachments](#)
[Sign Variance 09-1 Sign Renderings](#)
[Sign Variance 09-1 Supplemental Letter](#)
[Sign Variance 16-2 Staff Report and Attachments](#)
[Sign Variance 16-2 Applicant Submittal](#)
[Sign Variance 16-2 Supplemental Letters](#)
[Sign Variance 16-2 Supplemental Revised Resolutions](#)
[Attachment 17- Email Correspondence with Neighbor of St. Cross Episcopal Church.pdf](#)
[Attachment 18- Letter from St. Cross Episcopal Church to City Council.pdf](#)
[Attachment 19- Photographs of Temporary Mock-Up Sign .pdf](#)
[SUPPLEMENTAL Letter from Carol Gainor Reznichuk \(added 12-13-16 at 12pm\)](#)
[SUPPLEMENTAL Letter from Elka Worner \(added 12-13-16 at 3pm\)](#)
[SUPPLEMENTAL Letter and Attachments from Jim Sullivan \(added 12-13-16 at 3pm\)](#)

The public hearing opened at 8:26 p.m.

The public hearing closed at 8:37 p.m.

Action: To direct staff to prepare a resolution (and to return with it for adoption at the next Regular Council meeting) approving a sign variance to allow the proposed sign to be located in the public right of way at 1818 Monterey Boulevard (St. Cross Episcopal Church).
Motion Petty, second Duclos. The motion carried 3-2, noting the dissenting votes of Fangary and Massey.

6. MUNICIPAL MATTERS

a) **REPORT** **SOUTHERN CALIFORNIA EDISON**
16-0755 **YEAR-END INFRASTRUCTURE UPGRADES UPDATE**
(Assistant to the City Manager Nico De Anda-Scaia)

Attachments: [SCE City Council Update 12-13-16](#)

It was Council consensus to receive and file the update.

**b) REPORT APPROVAL OF AGREEMENT EXTENSION WITH THE CHAMBER
16-0744 OF COMMERCE TO PRODUCE THE WEDNESDAY FARMER'S
MARKET ON PIER PLAZA AND RESCHEDULE OF MARKET
HOURS TO 1:00 - 6:00PM
(Community Resources Manager Kelly Orta)**

Attachments: [Wednesday Farmers' Market Agreement with the Chamber of Commerce](#)
[Amendment I to the Wednesday Farmers' Market Agreement](#)
[Three-month Extension Letter](#)
[2016 Wednesday Market Summary Letter from the Chamber of Commerce](#)
[Chamber of Commerce Power Point Presentation](#)
[Amendment II to Wednesday Farmers' Market Agreement](#)

Action: To approve the Second Amendment to the Agreement, providing an extension through September 13, 2017, with the following additions/changes:

•Eliminate all references to compliance with specific sections of the HBMC (ex: polystyrene, plastic bag ban, A-frame, etc.)

B. The City Manager authorized a 3-month extension to the term of the initial agreement to allow the market to continue, under the same terms, through December 28, 2016. This authorization is attached hereto as Exhibit A.

C. Event Producer has requested a 12-month extension from the original date of execution to allow the market to continue through September 13, 2017 with approval for adjusted market times of 1:00 – 6:00pm.

NOW, THEREFORE, in consideration of the foregoing, the Agreement is amended as follows:

1. Section I of the Agreement entitled “The Event” is amended to read as follows:

During the term of this Agreement, CITY authorizes EVENT PRODUCER to coordinate production of the Event on the portion of Lower Pier Plaza described in Exhibit B and incorporated herein by reference (“the license area”). The EVENT shall consist of vendor booths selling fruits, vegetables and handmade goods produced by area farms. The EVENT may also consist of the following:

a.) A children’s trackless train (as depicted in the image attached hereto as Exhibit C and incorporated herein by reference and limited to the route shown in Exhibit D attached hereto and incorporated herein by reference) during the market hours (1:00 – 6:00 p.m.). If the train is gas powered, the train shall not be refueled on the Plaza and if it is parked for any period of time on the Plaza, a drip pan must be placed under the engine.

b.) Acoustic or amplified music during market hours (1:00. – 6:00 p.m.) at the location on the Plaza shown on the market diagram attached hereto as Exhibit C. No stage is permitted without specific authorization by the City Manager and no generator may be used without permission from the Fire Department.

2. Section II of the Agreement entitled “Term of Agreement” is amended to read as follows:

The Agreement shall take effect upon execution of this Agreement. The EVENT may be produced each Wednesday commencing January 4, 2017 through September 13, 2017.

3. Subsection IV(f) of the Agreement is amended to read as follows:

CITY shall make all parking spaces available in Lot B for use by vendors from 9:00 a.m. to 6:00 p.m. at a rate of \$0.625 per space, per hour, except for the marked disabled parking spaces, which shall remain available for use by eligible motorists. CITY shall post temporary “No Parking” signs 72 hours in advance of each week’s EVENT until permanent signs are installed.

Except as above modified, in all other respects the Agreement is hereby reaffirmed in full to change the hours to 1-6 p.m.; to remove paragraph 3; to delete section 3 and replace it with an amendment to section 4f that states "all but the marked handicapped spaces."
Motion Petty, second Massey. The motion carried by a unanimous vote.

7. MISCELLANEOUS ITEMS AND MEETING ATTENDANCE REPORTS – CITY COUNCIL – None

8. OTHER MATTERS - CITY COUNCIL

a) REPORT TENTATIVE FUTURE AGENDA ITEMS
16-0757

Attachments: [Tentative Future Agenda](#)

2016-2017 STRATEGIC PLAN (For reference when considering Other Matters items)

Attachments: [Plan in Brief](#)
[2015 Performance Report](#)
[2016-2021-2031 Strategic Plan](#)
[Action Agenda](#)
[Leader's Guide](#)
[Decision Making Tool](#)

It was Council consensus to receive and file the Tentative Future Agenda Items.

ADJOURNMENT

At 11:54 p.m., the City Council recessed to a Closed Session in the Second Floor Conference Room, which adjourned at 12:50 a.m., Wednesday, December 14, 2016, to an Adjourned Regular Meeting on Monday, December 19 at 6 p.m. (a Study Session on Future Fire Services), which will adjourn to an Adjourned Regular Meeting (a Closed Session) at 6 p.m., Wednesday, January 4, 2017, which will adjourn to the Regular Meeting of Tuesday, January 10, 2017.

Elaine Doerfling
City Clerk

Linda Abbott
Deputy City Clerk