

Hermosa Beach

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



Adjourned Meeting Minutes - final

Tuesday, April 12, 2016

6:00 PM

Closed Session - 6:00 PM

Regular Meeting - 7:00 PM

Council Chambers

City Council

*Mayor
Carolyn Petty*

*Mayor Pro Tem
Hany Fangary*

*Councilmembers
Jeff Duclos
Justin Massey
Stacey Armato*

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: Duclos, Fangary, Massey, Mayor Petty
Absent: Armato (arrived at 6:07 p.m.)

PUBLIC COMMENT None**RECESS TO CLOSED SESSION IN SECOND FLOOR CONFERENCE ROOM**6:01 p.m.

1. **16-0244** **MINUTES:** Approval of minutes of Closed Session held on March 22, 2016.
2. **16-0243** **CONFERENCE WITH REAL PROPERTY NEGOTIATOR**
 Government Code Section 54956.8

 Property: 11th Street near the beach for cable landing, potential locations throughout the City for routing cable and siting power feed equipment
 City Negotiator: City Manager
 Negotiating Party: Tyco Electronics Subsea Communications LLC (TE SubCom)
 Under Negotiation: Price of Pacific Light Cable Network (PLCN) Project
3. **16-0247** **CONFERENCE WITH LEGAL COUNSEL: Initiation of Litigation**
 Government Code Section 54956.9(d)(4)
 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
4. **16-0242** **CONFERENCE WITH LEGAL COUNSEL: Quarterly Litigation Update**
 The City finds, based on advice from legal counsel, that discussion in open session will prejudice the position of the City in the litigation.

 Existing Litigation - Government Code Section 54956.9(d)(1)
 a)Name of Case: Bertucci v. City of Hermosa Beach
 Los Angeles County Superior Court, Case Number: BC543237
 b)Name of Case: Clair v. City of Hermosa Beach
 Los Angeles County Superior Court, Case Number: BC586695
 c)Name of Case: Gietz v. City of Hermosa Beach

United States District Court, Case Number:
2:15-CV-08984-JAK(FFMx)

- d)Name of Case: Khanlian v. City of Hermosa Beach
Los Angeles Central Court, Case Number: BC570706
e)Name of Case: Roberts et al v. City of Hermosa Beach
Los Angeles County Superior Court, Case Number: BC544495
f)Name of Case: Yrigoyen v. City of Hermosa Beach
Los Angeles Central Court, Case Number: BC561167

ADJOURNMENT OF CLOSED SESSION 7:05 p.m.

7:00 P.M. - REGULAR AGENDA

CALL TO ORDER 7:12 p.m.

PLEDGE OF ALLEGIANCE

ROLL CALL

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

CLOSED SESSION REPORT

City Attorney Jenkins said there was no public comment received prior to Closed Session, and there were no reportable actions except for approving the minutes.

ANNOUNCEMENTS

MISCELLANEOUS ITEMS AND REPORTS - CITY

MANAGER

- a) **REPORT** **ACCELA AUTOMATION UPGRADE - PROJECT UPDATE**
16-0239
Attachments: [SUPPLEMENTAL Contract 6-24-14 to 6-30-16 \(added 4-14-16\)](#)
[SUPPLEMENTAL AA Subscription Agreement 7-1-14 to 6-30-16 \(added 4-14-16\)](#)
- b) **REPORT** **BEFORE/AFTER SCHOOL PROGRAM UPDATE**
16-0236
- c) **REPORT** **HERMOSA BEACH POLICE DEPARTMENT**
16-0237 **BODY WORN CAMERA SYSTEM OUTLINE/UPDATE**

- d) **REPORT** **UPDATE ON SANTA MONICA MOUNTAINS NATIONAL
16-0238 RECREATION AREA BOUNDARY ADJUSTMENT STUDY ACT**
 Attachments: [H.R. 4871 Fact Sheet and Map.pdf](#)

PROCLAMATIONS / PRESENTATIONS

- a) 16-0233 **PROCLAMATION DECLARING APRIL 10-12, 2016 AS
 "NATIONAL LIBRARY WEEK"**
- b) 16-0234 **RECOGNIZING THE 80TH ANNIVERSARY OF
 THE HERMOSA BEACH LAWN BOWLING CLUB**
- c) 16-0235 **PRESENTATION OF GRANT CHECK FROM
 LOS ANGELES COUNTY BOARD OF SUPERVISORS**

PUBLIC PARTICIPATION:

1. ORAL AND WRITTEN COMMUNICATIONS:

- a) **REPORT** **LETTER FROM JIM LISSNER DATED MARCH 21, 2016
16-0240 REGARDING CRIME IN HERMOSA**
 Attachments: [Letter from Jim Lissner](#)

Action: *To receive and file the letter.
Motion Fangary, second Massey. The motion carried by a unanimous vote.*

- b) **REPORT** **LETTER FROM FRED HUEBSCHER DATED APRIL 5, 2016
16-0246 REGARDING RECENT SETTLEMENT**
 Attachments: [Letter from Fred Huebscher](#)

Action: *To receive and file the letter.
Motion Fangary, second Massey. The motion carried by a unanimous vote.*

2. CONSENT CALENDAR:

Action: *To approve Consent Calendar items (a) through (f).
Motion Duclos, second Fangary. The motion carried by a unanimous vote.*

- a) **REPORT** **MEMORANDUM REGARDING CITY COUNCIL MINUTES
16-0255 (City Clerk Elaine Doerfling)**

Attachments: [SUPPLEMENTAL Letter from Fred Huebscher \(added 4-11-16 at 3pm\).pdf](#)

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

- b) **REPORT** **CHECK REGISTERS**
 16-0245 (Finance Director Viki Copeland)

Attachments: [03-17-16](#)
 [03-24-16](#)
 [03-31-16](#)

Action: To ratify the above-listed check registers.

- c) **REPORT** **CITY TREASURER'S REPORT AND CASH BALANCE REPORT**
 16-0250 **JANUARY 2016**
 (City Treasurer Karen Nowicki)

Attachments: [January '16 Treasurer Report.pdf](#)
 [January '16 Cash Balances Report.pdf](#)

Action: To receive and file the January 2016 City Treasurer's Report and Cash Balance Report.

- d) **REPORT** **CITY TREASURER'S REPORT AND CASH BALANCE REPORT**
 16-0254 **FEBRUARY 2016**
 (City Treasurer Karen Nowicki)

Attachments: [February '16 Treasurer Report .pdf](#)
 [February '16 Cash Balances Report.pdf](#)

Action: To receive and file the February 2016 City Treasurer's Report and Cash Balance Report.

- e) **REPORT** **ACTION MINUTES OF THE PARKS, RECREATION AND**
 16-0184 **COMMUNITY RESOURCES ADVISORY COMMISSION MEETINGS**
 OF FEBRUARY 2, 2016 AND FEBRUARY 29, 2016

Attachments: [PR Commission Meeting Minutes 02.02.2016.pdf](#)
 [PR Commission Special Meeting Minutes 02.29.2016.pdf](#)

Action: To receive and file the action minutes of the Parks, Recreation and Community Resources Advisory Commission meetings of February 2, 2016 and February 29, 2016.

- f) **REPORT** **REQUEST FOR APPROVAL OF DONATION TO**
 16-0232 **MIRA COSTA HIGH SCHOOL GRAD NIGHT 2016**

(City Manager Tom Bakaly)

Attachments: [2016 Donation Request and Sponsorship Form.pdf](#)

Action: To approve a donation of \$1000 to the Mira Costa High School G.R.A.D. Booster Club for 2016.

3. CONSENT ORDINANCES None

4. ITEMS REMOVED FROM THE CONSENT CALENDAR FOR SEPARATE DISCUSSION None

5. PUBLIC HEARINGS

- a) **REPORT** **AN ORDINANCE OF THE CITY OF HERMOSA BEACH**
16-0174 **ADDING A NEW CHAPTER 9.38 TO THE HERMOSA**
BEACH MUNICIPAL CODE TO REGULATE DRONES,
UNMANNED AIRCRAFT AND MODEL AIRCRAFT
(City Attorney Mike Jenkins)

Attachments: [1 - FAA Rules re: Small UASs.pdf](#)
[2 - Ordinance No. 16-XXXX.doc](#)
[3 - Western City Article.pdf](#)
[4 - AB 2320 Bill Amended 4-4-16.pdf](#)
[5 - League Letter dated 4-6-16 Oppose Unless Amended.docx](#)
[6 - Sample Opposition Letter AB 2320.docx](#)
[7 - SUPPLEMENTAL Manhattan Beach Drone Ordinance \(added 4-12-16 at 11am\).pdf](#)

The public hearing opened at 9:07 p.m.

The public hearing closed at 9:13 p.m.

Action: To waive full reading and introduce Ordinance No. 16-1363, entitled "**AN ORDINANCE OF THE CITY OF HERMOSA BEACH, CALIFORNIA, ADDING A NEW CHAPTER 9.38 TO THE HERMOSA BEACH MUNICIPAL CODE TO REGULATE DRONES, UNMANNED AIRCRAFT AND MODEL AIRCRAFT,**" with the following direction:

1. To direct the City Attorney to work with staff to revise the Ordinance to reflect feedback from tonight's meeting, including the addition of a provision stating that no one shall operate a drone in a manner so as to stalk, menace, harass or otherwise cause a nuisance;
2. The application for a permit must include certification by the applicant that he/she is familiar with City code regarding drone operation and that he/she is the sole operator;
3. Add provisions that would give the City power to revoke the permit if the operator is in violation of our rules, including giving the City power to seize and impound the drone;

and

4. To direct staff to return with a draft letter opposing AB 2320 to send to the State regarding local governments' ability to regulate drone usage.

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

6. MUNICIPAL MATTERS

- a) **REPORT DISCUSSION AND POSSIBLE DIRECTION TO GET COMMISSION
16-0256 INPUT ON REVISED GOALS 1 AND 2 OF CHAPTER 4 OF THE
DRAFT PLAN HERMOSA, INCLUDING ACCELERATING THE
COMMUNITY-WIDE CARBON NEUTRALITY GOAL FROM 2040 TO
2030 AND PRIORITIZING RETURN ON INVESTMENT IN
DECISION-MAKING TO ACHIEVE THE MUNICIPAL AND
COMMUNITY-WIDE CARBON NEUTRALITY GOALS**
(Community Development Director Ken Robertson)

Attachments: [1 - PLAN Hermosa Chapter 4 Goals 1 & 2](#)
[2 - Revised Ch 4 Goals 1-2 \(2\)](#)
[3 - 3.20.16 Staff Report - Carbon Neutral Goal and Attachments](#)
[4 - Hermosa Beach Carbon Planning Tool](#)
[5 - SUPPLEMENTAL Memo and Attachments from Community Development
Director Ken Robertson \(added 4-11-16 at 3pm\).pdf](#)
[6 - SUPPLEMENTAL Memo and Attachments from Community Development
Director Ken Robertson \(added 4-12-16 at 4pm\).pdf](#)

Public comment

Action: To direct staff to develop and the Planning Commission to consider an alternative within the PLAN Hermosa Environmental Impact Report (EIR) that includes an accelerated community-wide carbon neutrality goal of 2030, prioritizes return on investment, and removes the consideration of carbon offsets.

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

Additional Action: To continue tonight's meeting until midnight.
Motion Armato, second Massey. The motion carried by a unanimous vote.

- b) **REPORT CONSIDERATION OF ENDORSEMENT OF MEASURE S
16-0231 HERMOSA BEACH SCHOOL DISTRICT
SCHOOL FACILITIES BOND**
(City Manager Tom Bakaly)

Attachments: [Measure Q - City Endorsement Press Release 2014.pdf](#)
[Measure S - Bond FAQ and Facts.docx](#)

Public comment

Action: To direct staff to draft a letter (and perhaps a proclamation) endorsing Measure S, to present at the next school board meeting, and to release this official endorsement to the public as quickly as possible.

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

c) **REPORT**
16-0251

**APPROVE AND ADOPT THE UPDATE OF THE
CITY OF HERMOSA BEACH EMERGENCY OPERATIONS
PLAN; APPROVE THE UPDATE OF THE STATE OF
CALIFORNIA, CALIFORNIA OFFICE OF EMERGENCY
SERVICES, DESIGNATION OF APPLICANT'S AGENT
RESOLUTION FORM 130**

(Interim Fire Chief Pete Bonano)

Attachments: [HB EOP Basic Plan 3.30.16
Form 130
SUPPLEMENTAL EOP Resolution \(added 4-12-16 at 3pm\).pdf](#)

Action: To adopt Resolution No. 16-7021, entitled "**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HERMOSA BEACH, CALIFORNIA, AUTHORIZING CERTAIN OFICIALS OF THE CITY TO FILE APPLICATION WITH THE CALIFORNIA OFFICE OF EMERGENCY SERVICES (Cal OES).**"

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

d) **REPORT**
16-0253

**ALTERATIONS TO THE ENCLOSED BRIDGE SPANNING
LORETO PLAZA**

(Community Development Director Ken Robertson)

Attachments: [Lease Agreement
Consent from property owner of 49-53 Pier Avenue
Easement Agreement
Plans and Renderings of overall improvement
Conditional Use Permit](#)

Mayor pro tem Fangary and Councilmembers Armato and Massey disclosed ex parte communications.

Public comment

Action: To consent to the alterations proposed in the air space leased from the City.
Motion Armato, second Fangary. The motion carried by a unanimous vote.

e) **REPORT**

**16-0249 GRANT FUNDING AGREEMENT BETWEEN THE CITY OF
HERMOSA BEACH AND THE LOS ANGELES COUNTY REGIONAL
PARK AND OPEN SPACE DISTRICT FOR CONSTRUCTION OF
SOUTH PARK PHASE II IMPROVEMENTS**

(Public Works Director Andrew Brozyna)

Attachments: [1 - Resolution15-7010 and Youth Employment Plan .pdf](#)
[2 - Approval Letter from Board of Supervisors .pdf](#)
[3 - SP list of Improvements.pdf](#)
[4 - Improvements - schematic plan - grant.pdf](#)
[5 - Grant Agreement.PDF](#)

Public comment

Action: *To:*

1. Approve estimated revenue of \$300,000 from the County of Los Angeles Regional Park Open Space District; and
 2. Appropriate \$300,000 to the Prop A Open Space Fund for South Park Phase II Improvements.
- Motion Massey, second Fangary. The motion carried by a unanimous vote.*

7. MISCELLANEOUS ITEMS AND MEETING ATTENDANCE REPORTS - CITY COUNCIL

- a) **16-0225** **COUNCILMEMBER DUCLOS TO REPORT ON HIS ATTENDANCE AT THE YOSEMITE CONFERENCE FOR LOCAL ELECTED OFFICIALS FROM MARCH 10-13, 2016 IN YOSEMITE NATIONAL PARK**
(Continued from meeting of March 22, 2016)
- b) **REPORT** **UPCOMING VACANCIES - THREE PLANNING COMMISSION**
 16-0252 **TERMS EXPIRE JUNE 30, 2016 - TWO CIVIL SERVICE BOARD**
 TERMS EXPIRE JULY 15, 2016
 (City Clerk Elaine Doerfling)

Action: *To direct the City Clerk to immediately advertise the five upcoming board/commission term expirations and invite applications from all interested parties.*
Motion Massey, second Armato. The motion carried by a unanimous vote.

8. OTHER MATTERS - CITY COUNCIL

- a) **REPORT** **TENTATIVE FUTURE AGENDA ITEMS**
 16-0241

Attachments: [Tentative Future Agenda.doc](#)

Action: *To receive and file the Tentative Future Agenda Items.*
Motion Fangary, second Massey. The motion carried by a unanimous vote.

2015 **STRATEGIC PLAN** *(For reference when considering Other Matters items)*

Attachments: [2015 Plan in Brief](#)

[2014-2015 Performance Report](#)

[2015-2020-2030 Strategic Plan](#)

[2015 Action Agenda](#)

[Governance Guiding Principles and Protocols: Operating Guidelines](#)

[Decision Making Tool](#)

ADJOURNMENT

12:42 a.m., Wednesday, April 13, 2016.

Elaine Doerfling
City Clerk

Linda Abbott
Deputy City Clerk