

Hermosa Beach

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



Adjourned Meeting Minutes-final

Tuesday, July 26, 2016

5:30 PM

Closed Session - 5:30 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***

NOTICE OF SPECIAL MEETING AND AGENDA

PLEASE TAKE NOTICE that the Mayor of the City of Hermosa Beach has called a Special Meeting of the City Council to take place at 5:30 p.m. on July 26, 2016, to consider and take action on only those matters set forth on the agenda below.

5:30 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 5:35 p.m.

ROLL CALL

<i>Present: Armato, Duclos, Massey, Mayor Fangary</i> <i>Absent: Petty (arrived at 5:55 p.m.)</i>
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PUBLIC COMMENT None

RECESS TO CLOSED SESSION IN SECOND FLOOR CONFERENCE ROOM 5:36 p.m.

1. **16-0454** **CONFERENCE WITH LEGAL COUNSEL: Quarterly Litigation Update 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: Gietz v. City of Hermosa Beach
United States District Court, Case Number: 2:15-CV-08984-JAK(FFMx)
 - b) Name of Case: Clair v. City of Hermosa Beach
Los Angeles County Superior Court, Case Number: BC586695
 - c) Name of Case: Khanlian v. City of Hermosa Beach
Los Angeles Central Court, Case Number: BC570706

2. **16-0455** **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: Angela Janulewicz v. City of Hermosa Beach
WCAB Number: ADJ10049797

ADJOURNMENT OF CLOSED SESSION 6:59 p.m.

7:00 P.M. - REGULAR AGENDA

CALL TO ORDER 7:11 p.m.

PLEDGE OF ALLEGIANCE

ROLL CALL

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

CLOSED SESSION REPORT

City Attorney Jenkins said last night's Closed Session centered on short-term rentals, and the City Council received a report on the status on those cases, and word of a notice of denial of a temporary restraining order filed by one of the litigants; and there were no reportable actions this evening.

ANNOUNCEMENTS

MISCELLANEOUS ITEMS AND REPORTS - CITY MANAGER

- a) **REPORT** **FIRE SERVICES UPDATE**
16-0465 (Interim Fire Chief Pete Bonano)
- b) **REPORT** **PLAN HERMOSA UPDATE ON COMMISSION REVIEW,**
16-0456 **COMMUNITY INPUT AND NEXT STEPS**
(Community Development Director Ken Robertson)
Attachments: [Attachment 1- PLAN Hermosa Schedule - 7.20.16](#)
- c) **REPORT** **UPDATE ON ATTENDANCE AT**
16-0459 **SOUTHERN CALIFORNIA EDISON'S**
SUMMER READINESS OUTAGE SEMINAR
Attachments: [SCE BCD 2016 SUMMER READINESS Outage School.pdf](#)
[2016 Summer Readiness Outage School Flyer.pdf](#)
- d) **UPDATE ON SHORT TERM VACATION**
RENTALS AND ENFORCEMENT
- e) **16-0463** **VERBAL UPDATE FROM MAYOR FANGARY**
REGARDING ICA MEMBERSHIP MEETING

PROCLAMATIONS / PRESENTATIONS

- a) 16-0460 **RECOGNIZING HERMOSA BEACH RESIDENT
RICHARD JEFFERSON OF THE CLEVELAND CAVALIERS
FOR HIS NBA CHAMPIONSHIP WIN AND HIS MANY
ACHIEVEMENTS**
- b) 16-0461 **HERMOSA BEACH KIWANIS CLUB
PRESENTS \$15,000 DONATION CHECK
TO THE CITY FOR SOUTH PARK**
- c) **FRIENDS OF THE PARK PRESENTS \$6000 DONATION
CHECK TO THE CITY FOR SOUTH PARK**

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

- a) **REPORT LETTERS FROM GEOFF HIRSCH
16-0462 AND COMMISSIONER RODRIGUEZ
REGARDING ACCESS HERMOSA COMMISSION**

Attachments: [Letter from Geoff Hirsch 7-16-16](#)
[Letter from Commissioner Isabel Rodriguez 7-18-16](#)

Action: *To receive and file both letters.
Motion Petty, second Massey. The motion carried by a unanimous vote.*

2. CONSENT CALENDAR:

Action: *To approve the consent calendar Actions (a) through (p) with the exception of the following items, which were removed for discussion in item 4, but are shown in order for clarity: 2(g) and 2(l), Duclos; 2(h) Fangary.
Motion Petty, second Duclos. The motion carried by a unanimous vote.*

- a) **REPORT CITY COUNCIL MEETING MINUTES
16-0474 (City Clerk Elaine Doerfling)**

Attachments: [072815 mtg min](#)
[081115 mtg min](#)

Action: *To approve the above-listed minutes.*

- b) **REPORT** **CHECK REGISTERS**
16-0443 (Finance Director Viki Copeland)

Attachments: [07-07-16](#)
[07-14-16](#)

Action: To ratify the above-listed check registers.

- c) **REPORT** **REVENUE AND EXPENDITURE REPORTS FOR JUNE 2016**
16-0468 (Finance Director Viki Copeland)

Attachments: [June 2016 Revenue Report](#)
[june 2016 expenditure report](#)

Action: To receive and file the Revenue & Expenditure Reports for June 2016.

- d) **REPORT** **CITY TREASURER'S REPORT AND CASH BALANCE REPORT**
16-0466 (City Treasurer Karen Nowicki)

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

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

- e) **REPORT** **ACCEPTANCE OF DONATIONS**
16-0452 (Finance Director Viki Copeland)

Action: To accept the donations received by the City from May 1, 2016 to June 30, 2016 from the following donors, to be used for the purposes noted:

*Adam & Christina Palmer-South Park CIP 11-537
*Friends of the Park-South Park CIP 11-537
*Hermosa Kiwanis Club-South Park CIP 11-537
*Athens Services-Safety Fair

- f) **REPORT** **ACTION MINUTES OF THE PARKS, RECREATION AND**
16-0440 **COMMUNITY RESOURCES ADVISORY COMMISSION MEETINGS OF**
APRIL 5, 2016 AND JUNE 7, 2016

Attachments: [PR Minutes 04.05.2016.pdf](#)
[PR Minutes 06.07.2016.pdf](#)

Action: To receive and file the action minutes of the Parks, Recreation and Community Resources Advisory Commission meetings of April 5, 2016 and June 7, 2016.

**g) REPORT ACTION SHEET OF THE PLANNING COMMISSION MEETING OF
16-0467 JULY 19, 2016**

Attachments: [Planning Commission Action Sheet July 19, 2016](#)

Action: *To assume Council jurisdiction (in the form of a Review and Reconsideration) of item 8, Hermosa Pub.
Motion Duclos, supported by Armato.*

Additional Action: *To approve the balance of the action sheet items.
Motion Petty, second Massey. The motion carried by a unanimous vote.*

**h) REPORT PLANNING COMMISSION TENTATIVE FUTURE AGENDA ITEMS
16-0458 (Community Development Director Ken Robertson)**

Attachments: [Planning Commission Tentative Agenda August, 2016](#)

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

**i) REPORT ACTION MINUTES OF THE PUBLIC WORKS COMMISSION
16-0450 MEETING OF MAY 18, 2016**

Attachments: [action minutes 5-18-16 Final](#)

Action: *To receive and file the action minutes of the Public Works Commission meeting of May 18, 2016.*

**j) REPORT ACTION MINUTES OF THE EMERGENCY PREPAREDNESS
16-0438 ADVISORY COMMISSION MEETING OF MAY 2, 2016**

Attachments: [050216 MINUTES.docx](#)

Action: *To receive and file the action minutes of the Emergency Preparedness Advisory Commission meeting of May 2, 2016.*

**k) REPORT REQUEST TO APPROVE FIRST AMENDMENT TO EMPLOYMENT
16-0469 AGREEMENT FOR INTERIM FIRE CHIEF, PETE BONANO**

(Human Resources Manager Vanessa Godinez)

Attachments: [Interim Fire Chief Emp.Agmt First Amendment](#)

Action: To:
*1. Increase the Fire Chief Salary top step from \$12,770 monthly (\$73.67 per hour) to \$14,735 monthly (\$85.01 per hour) in order that the range aligns with the market; and
2. Approve a First Amendment to the City's employment agreement with Interim Chief Bonano to*

adjust his compensation to reflect the new range. Under the agreement, Interim Chief Bonano receives no City-paid benefits.

- I) REPORT CIP 15-668**
16-0419 AWARD OF A PROFESSIONAL SERVICES AGREEMENT TO GRIFFIN STRUCTURES, INC. TO PROVIDE LIBRARY NEEDS ASSESSMENT FOR THE HERMOSA BEACH LIBRARY
(Public Works Director Andrew Brozyna)

Attachments: [Draft Professional Services Agreement for Library Needs Assessments 7-26](#)
[Adrian Gaus Proposal Attach 2](#)
[LPA Proposal Attach 3](#)

Action: *To (consistent with the recommendation from the Library Working Group, the City Council):*

- 1. Approve a Professional Services Agreement with Griffin Structures, Inc. of Irvine, California for a not-to-exceed amount of \$38,710 to develop a Library Needs Assessment for the Hermosa Beach Library;*
 - 2. Approve an appropriation of \$8,710, for additional funds from the Capital Improvement Fund account, if the County does not agree to reimburse the additional cost; and*
 - 3. Authorize the Mayor to execute and the City Clerk to attest the attached Professional Services Agreement (PSA) subject to approval by the City Attorney.*
- Motion Duclos, second Massey. The motion carried by a unanimous vote.*

- m) REPORT PROJECT STATUS REPORT AS OF JUNE 30, 2016**
16-0449 (Public Works Director Andrew Brozyna)

Attachments: [CIP Project Status Report June 2016](#)

Action: *To receive and file the Project Status Report as of June 30, 2016.*

- n) REPORT ENGAGEMENT OF SPECIAL LEGAL SERVICES**
16-0471 (City Attorney Mike Jenkins)

Action: *To approve contracts with the law firms of Wolf, Rifkin, Shapiro, Schulman & Rabkin and Baker Hostetler to provide special legal services to the City.*

- o) REPORT RECOMMENDATION TO REJECT CLAIMS**
16-0457 (Human Resources Manager Vanessa Godinez)

Attachments: [Ballejos, Janette](#)
[Miller, Marisa](#)

Action: *To reject the following claims and refer them to the City's Liability Claims Administrator:*

- 1. Claimant: Ballejos, Janette*

Date of Loss: 03/08/2016

Date Filed: 05/03/2016

Allegation: Property damage (auto) and bodily injury due to driving into unmarked construction zone.

2. Claimant: Miller, Marisa

Date of Loss: 12/30/2015

Date Filed: 06/30/2016

Allegation: Unlawful arrest and bodily injury.

- p) **REPORT REQUEST FOR APPROVAL OF CLASSIFICATION SPECIFICATIONS
16-0470 FOR DEPUTY CITY ENGINEER AND EMERGENCY MANAGEMENT
COORDINATOR; ESTABLISHING THE POSITIONS IN THE
PROFESSIONAL & ADMINISTRATIVE UNIT; AND SETTING THE
SALARY RANGE FOR EACH POSITION
(Human Resources Manager Vanessa Godinez)**

Attachments: [DEPUTY CITY ENGINEER](#)
[EMERGENCY MANAGEMENT COORDINATOR](#)

Action: *To approve the class specifications for:*

- 1. Deputy City Engineer; determine that the appropriate unit for this classification is the professional & Administrative Employees' Bargaining Unit and establish the 5-Step salary range for this position as \$9,250 to \$11,250 per month as approved in the 2016-2017 Budget; and*
- 2. Emergency Management Coordinator; determine that the appropriate unit for this classification is the Professional & Administrative Employees' Bargaining Unit and establish the 5-Step salary range for this position as \$6,067 to \$7,374 per month as approved in the 2016-2017 Budget.*

3. **CONSENT ORDINANCES** None

4. **ITEMS REMOVED FROM THE CONSENT CALENDAR FOR SEPARATE DISCUSSION**

Items 2(g), 2(h) and 2(l) were heard at this time but are shown in order for clarity.

5. **PUBLIC HEARINGS**

- a) **REPORT RECOMMENDATION TO AMEND CHAPTER 8.40
16-0473 OF THE HERMOSA BEACH MUNICIPAL CODE
IN ORDER TO ESTABLISH A CITYWIDE BAN
ON SMOKING IN OUTDOOR PUBLIC PLACES
(City Attorney Michael Jenkins)
(Deputy City Attorney Natalie C. Karpeles)**

Attachments: [Citywide Nonsmoking Ordinance-Redline.pdf](#)

The public hearing opened at 8:38 p.m.

The public hearing closed at 8:54 p.m.

Action: To introduce and waive full reading of Ordinance No. 16-1367, entitled “**AN ORDINANCE OF THE CITY OF HERMOSA BEACH, CALIFORNIA, AMENDING CHAPTER 8.40 OF THE HERMOSA BEACH MUNICIPAL CODE TO ESTABLISH A CITYWIDE SMOKING BAN IN OUTDOOR PUBLIC PLACES AND AMENDING SECTION 8.40.010 OF CHAPTER 8.40 OF THE HERMOSA BEACH MUNICIPAL CODE TO INCLUDE EMISSIONS FROM ELECTRONIC SMOKING DEVICES IN THE DEFINITION OF ‘SMOKING.’**”

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

- b) **REPORT ADOPTION OF RESOLUTION APPROVING THE ALLOCATION OF
16-0444 APPROXIMATELY \$120,000 OF FEDERAL COMMUNITY
 DEVELOPMENT BLOCK GRANT (CDBG) FUNDS FOR 25
 IDENTIFIED SIDEWALK CURB RAMPS**
 (Community Development Director Ken Robertson)

Attachments: [Attachment 1- Draft Resolution.docx](#)
[CDBG PROJECT MAP SELECTION.PDF](#)
[CDBG PROJECT LOCATIONS.PDF](#)
[SUPPLEMENTAL Memo and Amended Resolution from Ken Robertson \(added 7-26-16 at 430pm\).pdf](#)

Action: To adopt Resolution No. 16-7039, entitled “**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HERMOSA BEACH, CALIFORNIA, APPROVING THE ALLOCATION OF APPROXIMATELY \$120,000 OF FEDERA COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS FOR APPROXIMATELY 25 SIDEWALK CURB RAMPS.**”

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

6. MUNICIPAL MATTERS

- a) **REPORT COMMUNITY CHOICE AGGREGATION UPDATE
16-0472 (Environmental Analyst Kristy Morris)**

Attachments: [HBCE Implementation Plan Final Draft 7 19 16.docx](#)
[Ordinance Establish CCA.docx](#)
[Response to Questions.pdf](#)
[July 14, 2016 Countywide CCA Task Force Meeting Presentation.pptx](#)
[SUPPLEMENTAL Letter from Traudi Webber \(added 7-25-16 at 7pm\).pdf](#)
[SUPPLEMENTAL Letter from Peggy Barr \(added 7-25-16 at 7pm\).pdf](#)
[SUPPLEMENTAL Letter from Melinda Brown \(added 7-25-16 at 7pm\).pdf](#)
[SUPPLEMENTAL Letter from Pam Tatreau \(added 7-25-16 at 7pm\).pdf](#)
[SUPPLEMENTAL Letter from Tracy Hopkins \(added 7-25-16 at 7pm\).pdf](#)
[SUPPLEMENTAL Memo and Attachments from Kristy Morris \(added 7-25-16 at 7pm\).pdf](#)

[SUPPLEMENTAL Letter from Claudia Berman \(added 7-26-16 at 12pm\).pdf](#)
[SUPPLEMENTAL Information from Mayor Pro Tem Justin Massey \(added 7-26-16 at 12pm\).pdf](#)
[SUPPLEMENTAL Responses to Questions and Attachment from Environmental Analyst Kristy Morris \(added 7-26-16 at 12pm\).pdf](#)
[SUPPLEMENTAL Letters from Ken Hartley and Pam Haile \(added 7-26-16 at 4pm\).pdf](#)
[SUPPLEMENTAL Information from Councilmember Carolyn Petty \(added 7-27-16\).pdf](#)
[SUPPLEMENTAL Letter from Kent Allen \(added 7-27-16\).pdf](#)
[SUPPLEMENTAL Letter from Doug Marrone \(added 7-27-16\).pdf](#)
[SUPPLEMENTAL Letter from Jim Krueger \(added 7-27-16\).pdf](#)

Public comment

Action: To:

1. Introduce the Ordinance at the next Regular Council meeting; and
 2. Hold Town Hall meetings with residents after adoption and once utility bills information is received from Southern California Edison.
- Motion Duclos, second Fangary. The motion carried 4-1, noting the dissenting vote of Petty.

It was Council consensus to continue tonight's meeting until midnight.

b) REPORT STATUS REPORT AND DISCUSSION OF CITY'S INVOLVEMENT
16-0451 ON THE REDONDO BEACH WATERFRONT PROJECT
 (Community Development Director Ken Robertson)

Attachments: [Hermosa Beach Comments on Redondo Beach Waterfront Draft EIR 1-19-16](#)
[Review of Redondo Beach Waterfront Final EIR by City CEQA consultant Ed Almanza 7.10.16](#)
[7-13-16 Mayor Fangary Letter to Chair Bloss - RB Waterfront Project](#)

Public comment

It was Council consensus to provide further input by way of a subcommittee consisting of Mayor Fangary and Councilmember Armato.

c) REPORT JOINT POWERS AGENCY (JPA) AGREEMENT TO FORM THE
16-0441 INTEROPERABILITY NETWORK OF THE SOUTH BAY
 (Police Chief Sharon Papa)

Attachments: [Joint Exercise of Powers Agreement.pdf](#)
[JPA Cost Allocations.pdf](#)

Public comment

Action: To authorize execution of a Joint Powers Agency (JPA) Agreement to form the Interoperability Network of the South Bay.
 Motion Petty, second Massey. The motion carried by a unanimous vote.

7. MISCELLANEOUS ITEMS AND MEETING ATTENDANCE REPORTS - CITY COUNCIL

a) REPORT VACANCIES - BOARDS AND COMMISSION

16-0415

**UPCOMING EXPIRATION OF TERMS ON THE
PUBLIC WORKS COMMISSION**
(City Clerk Elaine Doerfling)

Action: To direct the City Clerk to advertise and request applications for three Public Works Commission terms that expire October 31, 2016.
Motion Duclos, second Armato. The motion carried by a unanimous vote.

- b) **16-0423 MAYOR AND COUNCILMEMBERS TO REPORT ON THEIR
ATTENDANCE AT THE ICA SUMMER SEMINAR IN CARLSBAD
FROM JUNE 23-26, 2016
(Continued from meeting of July 12, 2016)**

This item was continued.

8. OTHER MATTERS - CITY COUNCIL

- a) **REPORT TENTATIVE FUTURE AGENDA ITEMS
16-0464**

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

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](#)

This item was continued.

ADJOURNMENT *1:30 a.m., Wednesday, July 27, 2016.*

Elaine Doerfling
City Clerk

Linda Abbott
Deputy City Clerk