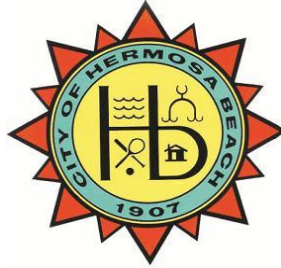


Hermosa Beach

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



Adjourned Meeting Minutes-final

Tuesday, August 23, 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 August 23, 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 5:30 p.m.

ROLL CALL

Present: Armato, Duclos, Massey, Mayor Fangary

*Absent: Petty**

**Councilmember Petty participated in the Closed Session via cell phone until 6:00 p.m., at which time she arrived in-person.*

PUBLIC COMMENT None

RECESS TO CLOSED SESSION IN SECOND FLOOR CONFERENCE ROOM 5:31 p.m.

1. **16-0488** **MINUTES:** Approval of minutes of Closed Sessions held on July 25, 2016 and July 26, 2016.
2. **16-0487** **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
3. **16-0489** **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.
Name of Case: Clair v. City of Hermosa Beach
Los Angeles County Superior Court, Case Number: BC586695
4. **16-0502** **PUBLIC EMPLOYEE APPOINTMENT/EMPLOYMENT**
Government Code Section 54957
Title: Interim City Manager/City Manager

ADJOURNMENT OF CLOSED SESSION 7:15 p.m.

Action: To approve Consent Calendar items 2(a) through 2(n), with the exception of items 2(e) and 2(k), which were pulled for discussion later in the meeting: 2(e) Fangary; 2(k) Massey. Motion Petty, second Duclos. The motion carried by a unanimous vote.

a) REPORT
16-0514

CITY COUNCIL MEETING MINUTES
(City Clerk Elaine Doerfling)

Attachments: [082515 Reg.](#)
[090115 Adj. Reg.](#)

Action: To approve the above-listed minutes.

b) REPORT
16-0486

CHECK REGISTERS
(Finance Director Viki Copeland)

Attachments: [07-21-16](#)
[07-21-16a](#)
[07-28-16](#)
[08-02-16](#)
[8-4-2016](#)
[08-11-16](#)

Action: *To ratify the above-listed check registers.*

c) *REPORT*
16-0503

**MEMORANDUM REGARDING
REVENUE AND EXPENDITURE REPORTS
CITY TREASURER'S AND CASH BALANCE REPORT
JULY 2016**
(Finance Director Viki Copeland)

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

d) REPORT
16-0495

CANCELLATION OF CERTAIN CHECKS
(City Treasurer Karen Nowicki)

Action: To approve cancellation of certain checks as recommended by the City Treasurer.

e) **REPORT**
16-0508

**ACTION SHEET OF THE PLANNING COMMISSION MEETING OF
AUGUST 16, 2016**

Attachments: [Planning Commission Action Sheet 8-16-16](#)

Action: To take Council jurisdiction (in the form of a Review and Reconsideration) of item 7, 513-519 Pier Avenue.

Motion Fangary, supported by Massey.

Additional Action: To receive and file the balance of the Action Sheet.

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

- f) **REPORT PLANNING COMMISSION TENTATIVE FUTURE AGENDA ITEMS**
 16-0509 (Community Development Director Ken Robertson)

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

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

- g) **REPORT AGREEMENT REGARDING MC GLOBAL'S OFFER TO PROVIDE**
 16-0494 SOLAR/RENEWABLE POWER AND USE OF BIODIESEL ENGINES
 TO REDUCE EMISSIONS IN CONNECTION WITH INSTALLATION
 OF THEIR FIBER OPTIC CABLE PROJECT
 (Community Development Director Ken Robertson)

Attachments: [MC Global Side Letter Agreement.FINAL CmB](#)
 [May 18 offer letter and related letter from MC Global \(re- solar and biodiesel\).](#)

Action: *To authorize the City Manager to execute the binding side letter agreement regarding MC Global's offer to reduce emissions that will be generated by their fiber optic cable project.*

- h) **REPORT SUBJECT: FINAL MAP NO. 73452 (C.U.P. CON NO. 15-5, PDP NO. 15-7)**
 16-0482 LOCATION: 121 2ND STREET
 APPLICANT(S): 121 2ND STREET LLC
 REQUEST: TO ADOPT A RESOLUTION APPROVING FINAL PARCEL
 MAP FOR A TWO-UNIT RESIDENTIAL CONDOMINIUM PROJECT
 (Community Development Director Ken Robertson)

Attachments: [Proposed Resolution](#)
 [Final Map No. 73452](#)

Action: *To adopt Resolution No. 16-7040, entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HERMOSA BEACH, CALIFORNIA, APPROVING FINAL PARCEL MAP NO. 73452, FOR THE SUBDIVISION OF A TWO-UNIT CONDOMINIUM, LOCATED AT 121 2ND STREET IN THE CITY OF HERMOSA BEACH, CALIFORNIA."*

- i) **REPORT SUBJECT: FINAL MAP NO. 73475 (C.U.P. CON NO. 15-4, PDP NO. 15-5)**
 16-0484 LOCATION: 1072 7TH STREET
 APPLICANT(S): 1074 7TH STREET LLC
 REQUEST: TO ADOPT A RESOLUTION APPROVING FINAL PARCEL
 MAP FOR A TWO-UNIT RESIDENTIAL CONDOMINIUM PROJECT
 (Community Development Director Ken Robertson)

Attachments: [Proposed Resolution](#)

[Final Map No. 73475](#)

Action: To adopt Resolution No. 16-7041, entitled "**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HERMOSA BEACH, CALIFORNIA, APPROVING FINAL PARCEL MAP NO. 73475, FOR THE SUBDIVISION OF A TWO-UNIT CONDOMINIUM, LOCATED AT 1072 7TH STREET IN THE CITY OF HERMOSA BEACH, CALIFORNIA.**"

- j) **REPORT SUBJECT: FINAL MAP NO. 73041 (C.U.P. CON NO. 15-2, PDP NO. 15-3)**
 16-0485 LOCATION: 615 7TH STREET
 APPLICANT(S): RAYBURN PROPERTIES LLC

 REQUEST: TO ADOPT A RESOLUTION APPROVING FINAL PARCEL
 MAP FOR A TWO-UNIT RESIDENTIAL CONDOMINIUM PROJECT
 (Community Development Director Ken Robertson)

Attachments: [Proposed Resolution](#)
[Final Map No. 73041](#)

Action: To adopt Resolution No. 16-7042, entitled "**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HERMOSA BEACH, CALIFORNIA, APPROVING FINAL PARCEL MAP NO. 73041, FOR THE SUBDIVISION OF A TWO-UNIT CONDOMINIUM, LOCATED AT 615 7TH STREET IN THE CITY OF HERMOSA BEACH, CALIFORNIA.**"

- k) **REPORT AUTHORIZE CITY MANAGER TO SIGN AB 2766/ MSRC LOCAL**
 16-0513 GOVERNMENT MATCH PROGRAM CONTRACT
 (Environmental Analyst Kristy Morris)

Attachments: [MSRC Contract Revised](#)

This item was continued.

- l) **REPORT AWARD CONTRACT TO MCGOWAN CONSULTANTS FOR**
 16-0491 ADMINISTRATION OF THE CITY MUNICIPAL STORM WATER
 MANAGEMENT PROGRAM
 (Environmental Analyst Kristy Morris)

Attachments: [HB-MS4-Proposal-FY1617_Final.pdf](#)
[16.xxx McGowan Consulting FY 16-17 MS4.doc](#)

Action: To approve a Professional Services Agreement with McGowan Consulting (Kathleen McGowan) to administer the city's Municipal Storm Water Management Program in connection with NPDES (National Pollutant Discharge Elimination System) permit requirements for an amount of \$60,900.

- m) **REPORT PROJECT STATUS REPORT AS OF JULY 31, 2016**
 16-0498 (Public Works Director Andrew Brozyna)

4. ITEMS REMOVED FROM THE CONSENT CALENDAR FOR SEPARATE DISCUSSION

Items 2(e) and 2(k) were heard at this time but are shown in order for clarity.

5. PUBLIC HEARINGS

- a) **REPORT** **COMMUNITY CHOICE AGGREGATION ORDINANCE**
16-0511 (Environmental Analyst Kristy Morris)

Attachments: [HBCE Implementation Plan Final Draft 7_19_16 Ordinance to Establish CCA 7-28-16 Staff Report](#)
[LACCE Business Plan](#)
[Letters from Residents](#)
[SUPPLEMENTAL Letter and Attachments from Peggy Barr dated 8-19-16 \(added 8-22-16 at 12pm\).pdf](#)
[SUPPLEMENTAL Letters from Getchel Wilson dated 8-19-16 and 8-20-16 \(added 8-22-16 at 12pm\).pdf](#)
[SUPPLEMENTAL Letter from Warren Barr dated 8-19-16 \(added 8-22-16 at 12pm\).pdf](#)
[SUPPLEMENTAL Letter from Gerald Ketz dated 8-21-16 \(added 8-22-16 at 12pm\).pdf](#)
[SUPPLEMENTAL Letter from David Grethen dated 8-22-16 \(added 8-22-16 at 12pm\).pdf](#)
[SUPPLEMENTAL Response to Questions and Attachment from July 26 Council Meeting \(added 8-23-16 at 1pm\).pdf](#)

The public hearing opened at 9:17 p.m.

The public hearing closed at 9:50 p.m.

It was Council consensus to re-open the public hearing at 10:23 p.m.

The public hearing closed at 10:28 p.m.

Action: To waive full reading and introduce by title Ordinance No. 16-1368, entitled “**AN ORDINANCE OF THE CITY OF HERMOSA BEACH, CALIFORNIA, IMPLEMENTING A COMMUNITY CHOICE AGGREGATION PROGRAM,**” adding wording that this is a non-binding plan.

Motion Massey, second Duclos. The motion carried 4-1, noting the dissenting vote of Petty.

Additional Action: To direct staff to include in all descriptive materials language that clearly states that the final decision will not be made until after public input and public review of data from Southern California Edison as it relates specifically to Hermosa.

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

Final Action: To continue tonight’s meeting until midnight.

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

- b) **REPORT** **SPECIAL EVENT POLICY GUIDE APPROVAL,**
16-0483 **CORRESPONDING ORDINANCE REVISING SPECIAL EVENT**
REGULATIONS AND AMENDING THE HERMOSA BEACH
MUNICIPAL CODE, AND APPROVAL OF MONTHLY MEETINGS
FOR THE PARKS, RECREATION AND COMMUNITY RESOURCES
ADVISORY COMMISSION
(Community Resources Manager Kelly Orta)

Attachments: [Special Event Policy Guide](#)
[Text Amendment to the Municipal Code, Title 12](#)
[City of Long Beach Fee Waiver Policy](#)
[Approved 2016 Special Event Fee Waivers](#)
[City of Hermosa Beach Special Event Fee Waiver Application](#)

Action: *This item was continued.*

- c) **REPORT** **APPEAL TO THE CITY COUNCIL OF A PLANNING COMMISSION**
16-0515 **DECISION TO APPROVE A PARKING PLAN WITH CONDITIONS TO**
ALLOW FOR LIMITED FOOD SERVICE IN THE FIRST FLOOR
COMMON AREA AT AN EXISTING 81 ROOM HOTEL AT 2515
PACIFIC COAST HIGHWAY (HOTEL HERMOSA)
(Community Development Director Ken Robertson)

City Attorney Jenkins suggested opening the public hearing, but limiting comment to addressing logistics only, such as the continuation date.

The public hearing opened at 11:48 p.m.

The public hearing closed at 11:56 p.m.

Action: *To continue this item to the September 27, 2016 Regular Council meeting.*
Motion Armato, second Duclos. The motion carried by a unanimous vote.

- d) **REPORT** **CITY COUNCIL REVIEW OF PLANNING COMMISSION DECISION TO**
16-0496 **APPROVE A CONDITIONAL USE PERMIT TO ALLOW ON-SALE**
BEER AND WINE SERVICE AND CONSUMPTION IN CONJUNCTION
WITH AN EXISTING RESTAURANT, HERMOSA PUB (FORMERLY
BIG MIKE'S PHILLY CHEESE STEAKS) UNTIL 11:00 P.M. DAILY AT
1314 HERMOSA AVENUE; AND DETERMINATION THAT THE
PROJECT IS CATEGORICALLY EXEMPT FROM THE
CALIFORNIA ENVIRONMENTAL QUALITY ACT
(Community Development Director Ken Robertson)

Attachments: [1- Proposed Resolution.pdf](#)
[2- PC Reso 16-20.pdf](#)
[3- PC Minutes and Staff Report.pdf](#)
[4- Ch.17.40.080.pdf](#)
[5- Radius Map.pdf](#)
[6- Legal Posting.pdf](#)
[7- Applicant Submittal.pdf](#)
[8- 1314HermosaAve CUP RUNOWICZ.pdf](#)
[9- Correspondences 8-16-16.pdf](#)
[SUPPLEMENTAL Letter and Attachment from Jim Lissner dated 8-22-16 \(added 8-22-16 at 12pm\).pdf](#)
[SUPPLEMENTAL Letter from Garrett Gustafson dated 8-22-16 \(added 8-23-16 at 1pm\).pdf](#)
[SUPPLEMENTAL Letter from Patrick and Joanne Graham dated 8-22-16 \(added 8-23-16 at 1pm\).pdf](#)
[SUPPLEMENTAL Letter from Vance Mizzi dated 8-23-16 \(added 8-23-16 at 230pm\).pdf](#)

Mayor Fangary and Councilmember Massey disclosed ex parte communications.

The public hearing opened at 11:30 p.m.

The public hearing closed at 11:38 p.m.

Action: To adopt Resolution No. 16-7043, entitled "**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HERMOSA BEACH, CALIFORNIA, SUSTAINING THE PLANNING COMMISSION DECISION, TO APPROVE A PRECISE DEVELOPMENT PLAN FOR THE REMODEL AND EXPANSION OF AN EXISTING ONE-STORY COMMERCIAL BUILDING AT 519 PIER AVENUE (CONVERTING THE EXISTING DRY CLEANER BUSINESS TO OFFICES AND ADDING APPROXIMATELY 170 SQUARE FEET, AND ADDING A ROOF DECK; AND PARKING PLAN TO ALLOW THE PAYMENT OF A FEE IN LIEU OF PROVIDING AN ADDITIONAL PARKING SPACE REQUIRED FOR THE EXPANSION AT 513-519 PIER AVENUE; AND DETERMINATION THAT THE PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.**"

Motion Duclos, second Fangary. The motion carried 4-1, noting the dissenting vote of Massey.

Additional Action: To hear items 6a, 6b and 2e this evening, continuing items 2k, 7a, 7b and 8a. Motion Fangary, second Armato. The motion carried 4-1, noting the dissenting vote of Petty.

6. MUNICIPAL MATTERS

- a) **REPORT ADDITIONAL SERVICES, COST BENEFIT ANALYSIS, DOWNTOWN 16-0475**
 (Finance Director Viki Copeland)

Attachments: [16-0149 Downtown CBA Staff Report, February 2016](#)
[Draft Downtown HB CBA 2-8-16](#)
[SUPPLEMENTAL Public Comments and Responses \(added 2-23-16 at 10am\).pdf](#)
[Kosmont Hermosa Downtown Net Benefit Analysis Additional Analysis 6-17-16](#)

No one came forward to address the Council on this item.

Action: To direct staff to finalize an agreement with Kosmont consistent with the terms of the original agreement; to incorporate task 2 of the June 17, 2016 proposal within the scope of work but to address only comments Kosmont believes need to be addressed; to complete task 3, a comparison City analysis; to complete task 4, a recommendation to the Council, all in the most cost effective way possible; and to authorize the City Manager to sign the agreement. Motion Fangary, second Armato. The motion carried 4-1, noting the dissenting vote of Petty.

- b) **REPORT AN ORDINANCE OF THE CITY OF HERMOSA BEACH PROHIBITING
16-0500 SCAVENGING FROM SOLID WASTE CONTAINERS AND AMENDING
THE HERMOSA BEACH MUNICIPAL CODE**
(Environmental Analyst Kristy Morris)

Attachments: [Attachment 1.pdf](#)
[Scavenging ban.docx](#)
[ScavengFlyer.pdf](#)

As no members of the public were present, public comment was not solicited.

Action: To:

1. Receive and file the update on scavenging from solid waste containers in Hermosa Beach; and
2. Waive full reading and introduce by title Ordinance No. 16-1369, entitled "**AN ORDINANCE OF THE CITY OF HERMOSA BEACH, CALIFORNIA, PROHIBITING SCAVENGING FROM SOLID WASTE CONTAINERS AND AMENDING THE HERMOSA BEACH MUNICIPAL CODE,**" with wording specifying that public refuse containers are included, making all refuse containers in the City subject to the Ordinance. Motion Duclos, second Fangary. The motion carried by a unanimous vote.

7. MISCELLANEOUS ITEMS AND MEETING ATTENDANCE REPORTS - CITY COUNCIL

- a) **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.

- b) **16-0463 VERBAL UPDATE FROM MAYOR FANGARY
REGARDING ICA MEMBERSHIP MEETING
(Continued from meeting of July 26, 2016)**

This item was continued.

8. OTHER MATTERS - CITY COUNCIL

a) REPORT TENTATIVE FUTURE AGENDA ITEMS 16-0510

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 *1:04 a.m., Wednesday, August 24, 2016.*

Elaine Doerfling
City Clerk

Linda Abbott
Deputy City Clerk