# **City of Hermosa Beach**

City Hall 1315 Valley Drive Hermosa Beach, CA 90254



# **Regular Meeting Minutes-final**

Tuesday, October 9, 2018 6:00 PM

Closed Session - 6:00 P.M. Regular Meeting - 7:00 P.M.

**Council Chambers** 

## **City Council**

Mayor Jeff Duclos

Mayor Pro Tem Stacey Armato

Councilmembers Mary Campbell Hany S. Fangary Justin Massey

#### 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, Campbell, Fangary, Massey, Mayor Duclos

Absent: None

#### **PUBLIC COMMENT** None

# RECESS TO CLOSED SESSION IN SECOND FLOOR CONFERENCE ROOM 6:01

- **1. 18-0609 MINUTES**: Approval of minutes of Closed Session held on September 25, 2018.
- 2. 18-0610 CONFERENCE WITH LEGAL COUNSEL: Litigation Quarterly 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: BKK Working Group et al. v. City of Hermosa Beach et al. United States District Court, Case Number: 2:18-cv-5810
- Name of Case: Ronald Estrada and Jacqueline Bullitts v.
   Cities of Hermosa Beach and Manhattan Beach
   Los Angeles County Superior Court, Case Number: BC700497
- 3. 18-0611 CONFERENCE WITH LEGAL COUNSEL: Non-Litigated Claims 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)(2) and (e)(3)

- a) Claimant: Ryan Beck, Claim Number: 18-138015
   Date of Loss: 9/2/2018, Date Filed: 9/27/2018
   Allegation: HBPD vehicle rolled and hit claimant's parked vehicle causing damage
- b) Claimant: Mary Behar, Claim Number: 18-136066
   Date of Loss: 5/9/2018, Date Filed: 6/5/2018
   Allegation: A foul ball from Clark Field (baseball field) broke claimant's skylight
- c) Claimant: Kerry Cartwright, Claim Number: 18-135394

Date of Loss: 12/10/2017, Date Filed: 4/26/2018

Allegation: Broken foot due to trip and fall over an unmarked curb

- d) Claimant: Michael Dang, Claim Number: 18-134303
   Date of Loss: 12/15/2017, Date Filed: 2/13/2018

   Allegation: Damage to claimant's vehicle due to city barrier/gate blocking his driveway
- e) Claimant: Mercury Insurance; Robin O'Reilly, Claim Number: 18-136070 Date of Loss: 4/10/2018, Date Filed: 6/5/2018, Revised Claim: 7/16/2018 Allegation: Damage to claimant's vehicle due to broken tree stump
- f) Claimant: Mark Roth, Claim Numbers: 17-133642 Date of Loss: 11/7/2017, Date Filed: 12/26/2017 Allegation: City granted or will grant Certificate of Occupancy for illegal structure
- g) Claimant: Mark Roth, Claim Numbers: 18-135936
   Date of Loss: 11/26/2017, Date Filed: 5/24/2018
   Allegation: Failure to protect claimant's property from adjacent construction projects
- h) Claimant: Allen Virtue, Claim Numbers: 18-134183
  Date of Loss: 7/15/2017, Date Filed: 1/14/2018
  Allegation: HBPD violated Bane Act and U.S. Constitution
- i) Claimant: John Zamora, Claim Numbers: 18-134743
   Date of Loss: 8/4/2017, Date Filed with Los Angeles County: 2/1/2018
   Allegation: Failure to reasonably own, maintain, supervise beach and shoreline

#### 4. 18-0613 CONFERENCE WITH LEGAL COUNSEL: Workers Comp Litigation

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: Garth Gaines v. City of Hermosa Beach, PSI, Administered by Adminsure WCAB Number: ADJ9241952, Claim Number: HEAJ-001647

D.O.I.: 12/06/2000 - 12/06/2013

#### **ADJOURNMENT OF CLOSED SESSION** 7:00 p.m.

## 7:00 P.M. - REGULAR AGENDA

CALL TO ORDER 7:05 p.m.

PLEDGE OF ALLEGIANCE Dan Inskeep

**ROLL CALL** 

Present: Armato, Campbell, Fangary, Massey, Mayor Duclos

Absent: None

#### **CLOSED SESSION REPORT**

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

#### **ANNOUNCEMENTS**

- ➤ Mayor pro tem Armato thanked the Hermosa Beach Murals Project for the unveiling of their eighth mural; and acknowledged local business, Hammitt, which will be featured on QVS tonight.
- Mayor Duclos (1) invited everyone to participate in tomorrow's International Walk to School Day, in conjunction with Beach Cities Health District; (2) invited everyone to the 12th annual Pumpkins in the Park event, sponsored by Friends of the Park, Saturday, October 13, 2018, at Edith Rodaway Friendship Park; and (3) invited everyone to the Hermosa Beach Fine Arts Festival, Saturday and Sunday, October 20 and 21.

#### **PROCLAMATIONS / PRESENTATIONS**

a) 18-0614 CHAMBER OF COMMERCE PRESENTS DONATION CHECK
TO HERMOSA BEACH NON-PROFITS

Maureen Hunt, Chamber President/CEO, presented the checks to representatives of the non-profit organizations.

b) 18-0625 PRESENTATION FROM LOS ANGELES COUNTY
DEPARTMENT OF PUBLIC WORKS ON MEASURE W

PARCEL TAX FOR SAFE, CLEAN WATER

Pamela Manning, Los Angeles County Government Relations Representative, gave a PowerPoint presentation.

#### MISCELLANEOUS ITEMS AND REPORTS - CITY MANAGER

a) 18-0624 SUMMER BEACH CONCERTS

City Manager Lowenthal presented the report.

#### **PUBLIC PARTICIPATION:**

#### 1. ORAL AND WRITTEN COMMUNICATIONS:

Coming forward to address the Council at this time were:

Kern Herschelman

Anthony Higgins

Emery Owen

Mia Rice

Tara Owen

Osvaldo Pena, SoCalGas

Richard Eastman

Max Riley

Linsey Miller

Julie (last name indistinct)

Brian Hilgers

Jonathan Zaleski

A.J. Wald Fogel

Seth Kovnat

Grant (last name indistinct)

Mike Costello

Krishna O'Brien

Pamela Ashe

Trent Larson

Rhonda Barnes

Matt Rohrer

Matt Matzen

Shawn O'Dell, Cal Water Operations Manager

Betsy Ryan

#### a) 18-0615

# LETTER FROM MATT MCCOOL DATED OCTOBER 2, 2018 REGARDING LEWITT RIDE ALONG

<u>Attachments:</u> <u>Email and Attachment from Matt McCool.pdf</u>

<u>Action</u>: To receive and file the written communication from Matt McCool. Motion Massey, second Armato. The motion carried by a unanimous vote.

#### 2. CONSENT CALENDAR:

**Action**: To approve Consent Calendar items 2(a) through 2(h).

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

## a) REPORT

#### CITY COUNCIL MEETING MINUTES

18-0621

(City Clerk Elaine Doerfling)

Attachments: 1. 101316 Adj Reg

2. 102716 Adj Reg 3. 111016 Adj Reg 4. 112216 Reg mtg 5. 121316 Adj Reg 6. 121916 Adj Reg 7. 100417 Adj Reg

**<u>Action</u>**: To approve the above-listed minutes.

#### b) REPORT

#### CHECK REGISTERS

**18-0604** (Finance Director Viki Copeland)

<u>Attachments:</u> <u>1. 9-20-18</u>

2. 9-27-18

3. SUPPLEMENTAL eComment from Joseph Verbrugge (submitted 10-5-18 at 4:15pm).pdf

**<u>Action</u>**: To ratify the above-listed check registers.

## c) REPORT

#### CANCELLATION OF CERTAIN CHECKS

18-0606

(City Treasurer Karen Nowicki)

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

d) REPORT

ACTION MINUTES OF THE PARKS, RECREATION

18-0617 AND COMMUNITY RESOURCES ADVISORY COMMISSION MEETING OF JUNE 5, 2018 (REVISED), JULY 3, 2018 (REVISED),

AUGUST 7, 2018 (REVISED), AND SEPTEMBER 4, 2018

Attachments: 1. PR Minutes 06.05.2018.pdf

2. PR Minutes 07.03.2018.pdf

3. PR Minutes 08.07.2018.pdf 4. PR Minutes 09.04.2018.pdf

<u>Action</u>: To receive and file the action minutes of the Parks, Recreation and Community Resources Advisory Commission meetings of June 5, 2018 (revised), July 3, 2018 (revised), August 7, 2018 (revised), and September 4, 2018.

{The minutes noted as revised were updated to include the fact that item 2. Pledge of Allegiance did not occur.}

e) REPORT SUBJECT: FINAL MAP NO. 74766 (C.U.P. CON NO. 17-9, PDP NO. 17-9)

18-0602 LOCATION: 1010 MONTEREY BOULEVARD

APPLICANT(S): 1010 MONTEREYHB, LLC BY SCOTT KERWIN,

MANAGER

REQUEST: TO ADOPT A RESOLUTION APPROVING FINAL PARCEL

MAP FOR A 3-UNIT RESIDENTIAL CONDOMINIUM PROJECT

(Community Development Director Ken Robertson)

October 9, 2018

<u>Attachments:</u> 1. Proposed Resolution

2. Final Map No. 74766

Action: To adopt Resolution No. 18-7147, entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HERMOSA BEACH, CALIFORNIA, APPROVING FINAL PARCEL MAP NO. 74766, FOR THE SUBDIVISION OF A THREE-UNIT CONDOMINIUM, LOCATED AT 1010 MONTEREY BOULEVARD IN THE CITY OF HERMOSA BEACH, CALIFORNIA."

f) REPORT SUBJECT: FINAL MAP NO. 74515 (C.U.P. CON NO. 16-12, PDP NO. 16-14)

18-0601 LOCATION: 937 15TH STREET

APPLICANT(S): BEACH CITY CAPITAL FUND, LLC

REQUEST: TO ADOPT A RESOLUTION APPROVING FINAL PARCEL MAP FOR A TWO-UNIT RESIDENTIAL CONDOMINIUM PROJECT

(Community Development Director Ken Robertson)

<u>Attachments:</u> 1. Proposed Resolution

2. Final Map No. 74515

<u>Action</u>: To adopt Resolution No. 18-7148, entitled "<u>A RESOLUTION OF THE CITY COUNCIL</u> <u>OF THE CITY OF HERMOSA BEACH, CALIFORNIA, APPROVING FINAL PARCEL MAP NO. 74515, FOR TWO NEW DETACHED CONDOMINIUM UNITS, LOCATED AT 937 15TH STREET IN THE CITY OF HERMOSA BEACH, CALIFORNIA."</u>

g) REPORT SUBJECT: FINAL MAP NO. 74516 (C.U.P. CON NO. 16-11, PDP NO. 16-13)

18-0600 LOCATION: 935 15TH STREET

APPLICANT(S): BEACH CITY CAPITAL FUND, LLC

REQUEST: TO ADOPT A RESOLUTION APPROVING FINAL PARCEL MAP

FOR A TWO-UNIT RESIDENTIAL CONDOMINIUM PROJECT

(Community Development Director Ken Robertson)

<u>Attachments:</u> 1. Proposed Resolution

2. Final Map No. 74516

<u>Action</u>: To adopt Resolution No. 18-7149, entitled "<u>A RESOLUTION OF THE CITY COUNCIL</u> OF THE CITY OF HERMOSA BEACH, CALIFORNIA, APPROVING FINAL PARCEL

# MAP NO. 74516, FOR TWO NEW DETACHED CONDOMINIUM UNITS, LOCATED AT 935 15TH STREET IN THE CITY OF HERMOSA BEACH, CALIFORNIA."

h) REPORT SUBJECT: FINAL MAP NO. 74754 (C.U.P. CON NO. 16-18, PDP NO. 16-20)

18-0607 LOCATION: 719 1ST PLACE

APPLICANT(S): SUBTEC BY BOB VARGO

REQUEST: TO ADOPT A RESOLUTION APPROVING FINAL PARCEL

MAP FOR A 2-UNIT RESIDENTIAL CONDOMINIUM PROJECT

(Community Development Director Ken Robertson)

<u>Attachments:</u> 1. Proposed Resolution

2. Final Map No. 74754

Action: To adopt Resolution No. 18-7150, entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HERMOSA BEACH, CALIFORNIA, APPROVING FINAL PARCEL MAP NO. 74754, FOR THE SUBDIVISION OF A TWO-UNIT CONDOMINIUM, LOCATED AT 719 1ST PLACE IN THE CITY OF HERMOSA BEACH, CALIFORNIA."

- 3. CONSENT ORDINANCES None
- 4. ITEMS REMOVED FROM THE CONSENT CALENDAR FOR SEPARATE DISCUSSION None
- 5. PUBLIC HEARINGS None
- 6. MUNICIPAL MATTERS
- a) REPORT CONSIDERATION OF ALTERNATIVE LOCATIONS
  18-0616 FOR THE GREENBELT INFILTRATION PROJECT

(Environmental Analyst Kristy Morris)

Attachments: 1. Link to Project Page on City Website

2. Tetra Tech Presentation (06118).pptx

3. Link to Earthquake Zones of Required Investigation Map

4. Greenbelt North of Second Street.pdf

5. Herondo Street.pdf

6. South Park.pdf

7. Link to Santa Monica Los Amigos Park Stormwater Demonstration Project

8. Link to Los Angeles County Parks Stormwater Infiltration Projects 9. Link to City of Los Angeles Garvanza Park Rainwater Capture Project

10. Letter from Moorings HOA- Alternative Sites.pdf

11. Project Location Inquiry (AES).msg 12. Project Location Inquiry (SCE).msg

13. Link to Permit (Enforcement Actions and Penalties for Non-Compliance on pages

41-43)

14. SUPPLEMENTAL eComment from Barbara Sabo (submitted 10-5-18 at 4:25pm).pdf
15. SUPPLEMENTAL eComment from Maritza Alvarado (submitted 10-5-18 at 7:56pm).pdf
16. SUPPLEMENTAL eComment from Laurie Cartwright (submitted 10-6-18 at 4:55am).pdf

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17. SUPPLEMENTAL eComment and Attachments from Maria Haase (submitted 10-7-18 at 10:44pm).pdf
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18. SUPPLEMENTAL Email from Lynn Carroll-Carter (submitted 10-3-18 at 10:41am).pdf
19. SUPPLEMENTAL Emails (7) submitted to City Council from 10-2-18 to 10-8-18 (added 10-8-18 at 3pm).pdf

20. SUPPLEMENTAL Email from Debbie Ross (added 10-8-18 at 3pm).pdf

21. SUPPLEMENTAL eComment and Attachments from Alex Reizman (submitted 10-8-18 at 407pm).pdf

22. SUPPLEMENTAL Letter and Attachment from Carla McCauley (added 10-8-18 at 7pm).pdf

23. SUPPLEMENTAL eComment from Kelly Kress (submitted 10-8-18 at 6:13pm).pdf

24. SUPPLEMENTAL eComment from Xavier Haase (submitted 10-8-18 at 6:27pm).pdf

25. SUPPLEMENTAL Email from Timothy McGill (added 10-8-18 at 7:30pm).pdf

26. SUPPLEMENTAL Email from Julie Christensen (added 10-9-18 at 10am).pdf

27. SUPPLEMENTAL eComment from Gina DeRosa (submitted 10-9-18 at 7:29am).pdf

28. SUPPLEMENTAL eComment from Ryan Davis (submitted 10-9-18 at 8:20am).pdf

29. SUPPLEMENTAL eComment from Brian Hilgers (submitted 10-9-18 at 9:50am).pdf

30. SUPPLEMENTAL eComment from Annelisa Moe (submitted 10-9-18 at 11:13am).pdf

31. SUPPLEMENTAL Email from Rachel Burger (added 10-9-18 at 3pm).pdf

32. SUPPLEMENTAL Email and Attachments from Judith Mango (added 10-9-18 at 3pm).pdf

33. SUPPLEMENTAL Letter from Tracie and Greg Maffei (added 10-9-18 at 3pm).pdf
34. SUPPLEMENTAL Emails (3) submitted to City Council on 10-9-18 (added 10-9-18 at 3pm).pdf

35. SUPPLEMENTAL Email from Betsy Ryan (added 10-9-18 at 3pm).pdf

36. SUPPLEMENTAL Email from Celeste Pearce (added 10-9-18 at 3pm).pdf

37. SUPPLEMENTAL Email from Colin Cooley (added 10-9-18 at 3pm).pdf

38. SUPPLEMENTAL Email from Gregory Powell (added 10-9-18 at 3pm).pdf

39. SUPPLEMENTAL eComment from Barbara Pushman-Kaber (submitted 10-9-18 at 3:37pm).pdf

40. SUPPLEMENTAL Project Site Selection Presentation Slides (added 10-9-18 at 4pm).pdf

41. SUPPLEMENTAL Alternative Site Studies Presentation Slides (added 10-9-18 at 4pm).pdf

42. SUPPLEMENTAL Email from Adam Wald (added 10 9 18 at 9pm).pdf

43. SUPPLEMENTAL Email from Barbara Sabo (added 10 10 18).pdf

The City's Stormwater Consultant, Kathleen McGowan, of McGowan Consulting, gave a PowerPoint presentation and responded to Council questions.

Coming forward to address the Council on this item were:

Kelly Moonan

Kevin Whilden

Jessika Werchick

David Makharadze

Annelisa Moe

Jessica Guheen

Javier Haase

Maria Haase

Nicole Ellison

Judith Mango

Maritza Alvarado

Traci Horowitz

Laura Witten

Carla McCauley

Chuck Henderson

Cammie Herbert

Dan (last name indistinct)

Kathie Stemig

Racheal Wallis

Alex Reizman

Heidi Fernandez

John Marc Cramer

David Grethen

Ira Ellman

Donna Rubelmann

Adam Wald

John Gardner

Rebecca Veltman

Craig Cadwallader, Surfrider Foundation South Bay Chapter

#### Action: To:

- 1. Direct the Redondo Development subcommittee and staff to jointly engage our counterparts in Redondo and perhaps Torrance to site the project in Redondo and/or Torrance, at its current volume, or as divided into multiple projects totaling a similar volume, which division of projects may include a project in Hermosa, and/or an expansion of the Hermosa Infiltration Project, which is in the Enhanced Watershed Management Plan; and
- 2. Direct the Redondo Development subcommittee and staff to report back with progress on that engagement at the first or second meeting (allowing for flexibility) in November, 2018. Motion Massey, second Armato. The motion carried by a unanimous vote.

Additional Action: To continue tonight's meeting until 12:45 a.m.

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

### b) REPORT 18-0618

# MEMORANDUM OF UNDERSTANDING (MOU) WITH RTI INTERNATIONAL FOR USE OF CITY PROPERTY TO INSTALL A 5TH AND 6TH SUBSEA FIBER-OPTIC CABLE SYSTEM

(Community Development Director Ken Robertson)

Attachments: 1. Memorandum of Understanding including Exhibit A.

2. Project Exhibit

Councilmember Fangary recused himself due to his home's proximity to the site. He left the dais and the room for the duration of discussion of this item.

Chris Brungardt, RTI-I Senior Vice President, was invited forward to respond to Council questions.

<u>Action</u>: To approve the attached MOU with RTI Infrastructure Incorporated (RTI-I), setting forth a mutual understanding regarding the basic terms of an offer to amend an easement for use of City property allowing for two additional subsea Fiber-Optic Cable Systems, the 5th and 6th to be installed by RTI-I.

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

#### c) REPORT CONSIDERATION OF A HOLIDAY PARKING PROGRAM

**18-0623** (Assistant to the City Manager Nico De Anda-Scaia)

<u>Attachments:</u> 1. Citywide Silver Post Meter Map

2. Holiday Meter Bag Design Imprint

3. SUPPLEMENTAL Emails (13) submitted to City Council from 10-3-18 to 10-8-18 (added

10-8-18 at 3pm).pdf

4. SUPPLEMENTAL Letter from Chamber of Commerce President Maureen Hunt (added

10-8-18 at 3pm).pdf

5. SUPPLEMENTAL eComment from Bob Wolfe (submitted 10-8-18 at 426pm).pdf

6. SUPPLEMENTAL Email and Attachment from THRIVE Hermosa (added 10-9-18 at

10am).pdf

7. SUPPLEMENTAL Email from Maggie Bove-LaMonica (added 10-9-18 at 4:15pm).pdf

Coming forward to address the Council on this item were:

Kathleen Knoll. Uncorked Co-Founder

Lori Ford, Gum Tree Owner

Sheryl Main

<u>Action</u>: To approve a 4-week holiday parking program on Citywide commercial zone silver-post meters, from November 27-December 25, 2018.

*Motion Campbell, second Armato. The motion carried 4-1, noting the dissenting vote of Massey.* 

Additional Action: To continue tonight's meeting until 1:10 a.m.

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

#### d) REPORT UPDATE ON COMPLETION OF CITY COUNCIL MINUTES

**18-0620** (City Clerk Elaine Doerfling)

Attachments: 1. July 2018 Activity Report

2. August 2018 Activity Report

**Action**: To receive and file the report.

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

# 7. MISCELLANEOUS ITEMS AND MEETING ATTENDANCE REPORTS - CITY COUNCIL

a) REPORT CONSIDERATION OF OPPOSITION TO PROPOSITION 6,

City of Hermosa Beach Approved on 10/23/2018

18-0608

## A MEASURE REPEALING SENATE BILL (SB) 1 AND RECENTLY ENACTED STATEWIDE ROAD REPAIR AND TRANSPORTATION FUNDING

(Assistant to the City Manager Nico De Anda-Scaia)

**Attachments:** 

- 1. Senate Bill 1 Proposed Project List
- 2. Coalition Members of No on Prop 6
- 3. Summary of Impact from the Legislative Analyst's Office 4. Hermosa Beach Draft Letter of Opposition to Prop 6
- 5. SUPPLEMENTAL eComment from Sam Perrotti (submitted 10-9-18 at 11:07am).pdf

#### Action: To:

- 1. Approve and authorize the Mayor to sign a letter of opposition (Attachment 4) to Proposition 6, and direct staff to provide signed copies to the appropriate state and local representatives, revising the letter to reflect \$325,000 annually rather than \$470,000; and
- 2. Authorize the City of Hermosa Beach to sign on as a member of the 'No on Prop 6' Coalition, a diverse coalition of local governments, public safety organizations, transportation advocates and other organizations throughout the state.

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

## b) REPORT

# VACANCIES - BOARDS AND COMMISSIONS - EXPIRATION OF TWO TERMS ON THE PUBLIC WORKS COMMISSION

(City Clerk Elaine Doerfling)

Attachments:

18-0622

**Public Works Commission Applications** 

#### Action: To:

1. Appoint the two applicants (incumbents Kathy Dunbabin and Andrea Giancoli) to the Public Works Commission for four-year terms ending October 31, 2022.

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

#### 8. OTHER MATTERS - CITY COUNCIL

#### a) 18-0619

#### TENTATIVE FUTURE AGENDA ITEMS

<u>Attachments:</u> Tentative Future Agenda.pdf

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

ADJOURNMENT

1:06 a.m., Wednesday, October 10, 2018.

Elaine Doerfling City Clerk Linda Abbott Deputy City Clerk

City of Hermosa Beach

Approved on 10/23/2018