

City of Hermosa Beach

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



Regular Meeting Minutes

Tuesday, December 11, 2018

6:00 PM

Closed Session - 6:00 P.M.

Regular Meeting - 7:00 P.M.

Council Chambers

City Council

*Mayor
Stacey Armato*

*Mayor Pro Tem
Mary Campbell*

*Councilmembers
Hany S. Fangary
Justin Massey
Jeff Duclos*

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: 4 - Mayor Armato, Mayor Pro Tempore Campbell, and Councilmember Massey
Absent: 1 - Councilmember Duclos, Councilmember Fangary*

**Councilmember Fangary arrived at 6:15 p.m.*

PUBLIC COMMENT None

At this time, City Attorney Jenkins requested to add three items to the Closed Session agenda: two matters of pending litigation (Roth and Crossfit Horsepower), and a matter of potential litigation.

Noting approval from all three Councilmembers present, the items were added.

RECESS TO CLOSED SESSION IN SECOND FLOOR CONFERENCE ROOM

6:02 p.m.

1. **18-0745** **MINUTES:** Approval of minutes of Closed Session held on November 27, 2018.

2. **18-0746** **CONFERENCE WITH LABOR NEGOTIATOR**

Government Code Section 54957.6

City Negotiator: City Manager

Employee

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

3. **18-0747** **CONFERENCE WITH REAL PROPERTY NEGOTIATOR**

Government Code Section 54956.8

Property: Airspace at 51 Pier Avenue (Loreto Plaza)

City Negotiator: City Manager

Negotiating Party: Pierside Properties, LLC

Under Negotiation: Price and Terms of Payment for Lease of Airspace

4. CONFERENCE WITH LEGAL COUNSEL: Pending Litigation**Government Code Section 54956.9(d)(1)**

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.

Name of Case: Mark Roth v. City of Hermosa Beach
Los Angeles County Superior Court
Case No. YC072628

5. 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

6. CONFERENCE WITH LEGAL COUNSEL: Pending Litigation**Government Code Section 54956.9(d)(1)**

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.

Name of Case: Hermosa Fitness LLC v. City of Hermosa Beach
Los Angeles County Superior Court
Case No. 18STCP02840

ADJOURNMENT OF CLOSED SESSION 7:10 p.m.**7:00 P.M. - REGULAR AGENDA****CALL TO ORDER** 7:16 p.m.**PLEDGE OF ALLEGIANCE** Peter Tucker**ROLL CALL**

Present: 4 - Mayor Armato, Mayor Pro Tempore Campbell, Councilmember Fangary, and Councilmember Massey
Absent: 1 - Councilmember Duclos

CLOSED SESSION REPORT

City Attorney Jenkins said no public comment was received prior to Closed Session, three items (two of pending litigation and one of potential litigation) were added to the agenda, and there were no reportable actions.

ANNOUNCEMENTS

Mayor Armato invited everyone to the following events:

**Wednesday, December 12 and Tuesday, December 18, 6-9 p.m., Santa Claus will be taking sleigh rides through Hermosa (check the City website for information on his routes);*

**Thursday, December 13, 5-9 p.m., Hermosa Beach Woman's Club will be Caroling for a Cause (for more information visit womansclubofhermosabeach.org);*

**Wednesday, December 19, 3:30-5:00 p.m., the 8th Street Improvements Project walk-through (originally scheduled for December 5), at the intersection of 8th Street and Hermosa Avenue. (Please RSVP your attendance to Public Works Associate Engineer Reed Salan at rsalan@hermosabch.org);*

**Friday, December 21 at 6 p.m., Community Movie Night with a special holiday movie screening of "Home Alone" at the Community Theatre. (Attendees must pre-register at the Community Center or online at www.hermosabch.org);*

**The 26th Annual Beach Cities Toy Drive continues to collect unwrapped new toys at the Hermosa Beach Police Department or L.A. County Fire Department, Station 100. Saturday, December 22 beginning at 10 a.m. the wrapping party will take place at the Manhattan Beach Joslyn Community Center, 1601 N. Valley Drive;*

**Monday, December 31, 8 p.m.-midnight, the annual New Year's Eve Celebration at Pier Plaza, featuring Lou Giovannetti and his Big Band; and*

**Thursday, January 3, 2019, 10 a.m.-4 p.m., the Hermosa Beach Police Department will be hosting their annual Battle of the Badges Blood Drive with the help of the Red Cross at the City Hall Council Chambers. (To sign up, visit www.redcrossblood.org and enter sponsor code: BADGESOCAL.)*

APPROVAL OF AGENDA

City Manager Lowenthal requested to pull item 6a, stating more time is needed to work on the agreement with the Chamber, but since the current agreement expires December 31, 2018, she wished to have approval to extend the current agreement. That request was heard under item 6a.

Aye: 4 - Mayor Armato, Campbell, Fangary, and Massey

Absent: 1 - Duclos

PROCLAMATIONS / PRESENTATIONS

- a) 18-0751 **LOCAL CONTEST WINNERS OF THE COUNTY OF LOS ANGELES
PUBLIC LIBRARY 2018 CHILDREN'S BOOKMARK CONTEST**

Friends of the Library President Howard Seeb introduced the winners as Kelly Hulbert, Acting Hermosa Library Manager, presented them with goodie bags.

Mayor Armato presented each winner with a Certificate of Recognition.

**b) 18-0752 ANNOUNCEMENT OF THE WINNER OF THE
9TH ANNUAL PARKING PERMIT ART CONTEST**

Finance Director Copeland introduced the winner, Matt Brandseth.

MISCELLANEOUS ITEMS AND REPORTS - CITY MANAGER None

PUBLIC PARTICIPATION:

1. ORAL AND WRITTEN COMMUNICATIONS:

*Peter Tucker
Anthony Higgins*

**a) 18-0753 LETTER FROM ANTHONY HIGGINS
DATED NOVEMBER 23, 2018 REGARDING
'GROUNDS FOR PLAN HERMOSA EIR DECERTIFICATION'**

Attachments: [1. 11-13-18 Letter from Anthony Higgins.pdf](#)
[2. SUPPLEMENTAL eComment from Ron Felsing regarding 27th
Street \(submitted 12-11-18 at 358pm\).pdf](#)

Motion Campbell and seconded by Fangary to receive and file the written communication from Anthony Higgins.

Aye: 4 - Mayor Armato, Campbell, Fangary, and Massey

Absent: 1 - Duclos

2. CONSENT CALENDAR:

Motion Campbell and seconded by Fangary to approve the Consent Calendar.

Aye: 4 - Mayor Armato, Campbell, Fangary, and Massey

Absent: 1 - Duclos

**a) REPORT CITY COUNCIL MEETING MINUTES
18-0734 (Deputy City Clerk Linda Abbott)**

Attachments: [1. 072418 draft.docx](#)
[2. 112918 draft.docx](#)
[3. 112718 min draft.docx](#)

**b) REPORT
18-0733**

CHECK REGISTERS
(Finance Director Viki Copeland)

Attachments: [1. 11-19-18](#)
[2. 11-21-18](#)
[3. 11-29-18](#)

**c) REPORT
18-0756**

**ACTION MINUTES OF THE PARKS, RECREATION AND
COMMUNITY RESOURCES ADVISORY COMMISSION
MEETING OF NOVEMBER 6, 2018**

Attachments: [PR Minutes 11.6.2018.pdf](#)

**d) REPORT
18-0740**

RECOMMENDATION TO REJECT CLAIM
(Human Resources Manager Vanessa Godinez)

Attachments: [Carissa De Blasi claim](#)

3. CONSENT ORDINANCES None

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

5. PUBLIC HEARINGS

**a) REPORT
18-0732**

**CONSIDER AMENDMENT OF THE MUNICIPAL CODE ADDING
CHAPTER 5.78 (TOBACCO RETAILERS) REQUIRING LICENSURE
OF TOBACCO RETAILERS AND LIMITING SALE OF ELECTRONIC
SMOKING DEVICES AND FLAVORED TOBACCO PRODUCTS
TO REDUCE THE ILLEGAL SALE OF TOBACCO TO YOUTH
AND AMENDING SECTION 1.10.040 TO MAKE VIOLATIONS
OF CHAPTER 5.78 SUBJECT TO ADMINISTRATIVE
PENALTY PROCEDURES**

(Continued from August 25, 2015 and November 13, 2018)

(Community Development Director Ken Robertson)

The public hearing opened at 8:08 p.m. Coming forward to address the Council were:

Barbara Ellman

Betsy Jacoby, L.A. County Department of Public Health, Program

Analyst - Tobacco

Tarek Jarkas, Hermosa retailer

Jessica Barrington-Trimis, USC Assistant Professor of Preventive Medicine

*Jacqueline Sun, Beach Cities Health District Community Policy Analyst
Jaime Rojas, National Association of Tobacco Outlets
Kristine Ashley, Ashley's Deli
Carol Almeda, retailer
Lana Istwani, Green Store manager
Paul Mance, Mickey's Italian Deli owner
Andre Klaser, Granny's Grocery owner
Craig Cadwallader, Surfrider Foundation South Bay Chapter
Mickey Mance, Mickey's Deli owner
Celina Douglas, Beach Market owner*

The public hearing closed at 8:45 p.m.

*The Council called the following speakers forward to respond to questions:
Jacqueline Sun, Beach Cities Health District Community Policy Analyst
Jessica Barrington-Trimis, USC Assistant Professor of Preventive Medicine
Jaime Rojas, National Association of Tobacco Outlets*

Motion Fangary and seconded by Massey to:

- 1. Introduce an ordinance requiring licensure of tobacco retailers, limiting sale of electronic smoking devices and flavored tobacco products, and making violations subject to administrative penalty procedures, with the following revisions:
*reduce tobacco retailers' minimum age from 21 to 18; and
*make the effective date of the ordinance June 1, 2019; and**
- 2. Adopt the attached resolution establishing a Tobacco Retailer License application fee and annual renewal fee, with the initial application fee waived for existing retailers.**

Aye: 3 - Campbell, Fangary, and Massey

No: 1 - Mayor Armato

Absent: 1 - Duclos

6. MUNICIPAL MATTERS

- a) **REPORT** **APPROVAL OF FOURTH AMENDMENT TO**
18-0749 **THE CHAMBER OF COMMERCE WEDNESDAY FARMERS'**
MARKET AGREEMENT INCLUDING TERM EXTENSION AND
LANGUAGE UPDATES REGARDING MARKET VENDORS
(Community Resources Manager Kelly Orta)

Attachments: [1. Current Wednesday Farmers' Market and Extension Letters](#)
[3. Mark Anderson Presentation](#)
[2. Fourth Amendment to the Farmers Market Agreement](#)

Motion Campbell and seconded by Fangary to grant City Manager Lowenthal the authority to extend the current agreement through February 28, 2019, as more time for negotiations is needed.

Aye: 4 - Mayor Armato, Campbell, Fangary, and Massey

Absent: 1 - Duclos

**b) REPORT RESOLUTION AMENDING THE CITY'S CONFLICT OF
18-0742 INTEREST CODE FOR DESIGNATED POSITIONS**

(City Clerk Elaine Doerfling)

Attachments: [1. 2018-Draft Resolution](#)
[2. Amended Code](#)

Motion Massey and seconded by Campbell to adopt the attached resolution amending the City's Conflict of Interest Code to reflect changes (additions/deletions/renaming) to the list of designated positions and their assigned disclosure categories.

Aye: 4 - Mayor Armato, Campbell, Fangary, and Massey

Absent: 1 - Duclos

7. MISCELLANEOUS ITEMS AND MEETING ATTENDANCE REPORTS - CITY COUNCIL

**a) REPORT LOS ANGELES COUNTY WEST VECTOR AND
18-0744 VECTOR-BORNE CONTROL DISTRICT BOARD RECRUITMENT
STATUS FOR UPCOMING TWO-YEAR TERM**

(City Clerk Elaine Doerfling)

Councilmember Massey suggested Councilmembers each work to recruit an applicant or two and have them apply to the City Clerk's Office; if no applications are received, then Councilmember Duclos will be encouraged to request reappointment.

Motion Massey and seconded by Campbell to receive and file the Los Angeles County West Vector and Vector Borne Control District Board recruitment status report for the upcoming two year term.

Aye: 4 - Mayor Armato, Campbell, Fangary, and Massey

Absent: 1 - Duclos

**b) REPORT CITY COUNCIL COMMITTEE REORGANIZATION - NOVEMBER 2018
18-0743 (Continued from meeting of November 29, 2018)**

(City Clerk Elaine Doerfling)

Attachments: [1. Committee List 112918](#)
[2. SBCCOG Draft Resolution](#)
[3. Committee Information](#)

Motion Fangary and seconded by Campbell to re-affirm current committee delegates/alternates assignments.

Aye: 4 - Mayor Armato, Campbell, Fangary, and Massey

Absent: 1 – Duclos

c) *REPORT* *CITY COUNCIL MEETING SCHEDULE FOR 2019*
18-0755 *(City Manager Suja Lowenthal)*

Attachments: [1. Draft City Council Meeting Schedule for 2019](#)
[2. SUPPLEMENTAL Memo and Revised Draft City Council Meeting Schedule for 2019 \(added 12-11-18 at 1pm\).pdf](#)

Motion Campbell and seconded by Massey to:

- 1. Review and provide direction on the proposed Special Meeting dates;***
- 2. Review and provide direction on the Regular Meeting dates that conflict with Holidays or Conferences; and***
- 3. Approve the City Council meeting schedule for 2019, with revisions made this evening and some to be made as soon as possible after polling the Council.***

Aye: 4 - Mayor Armato, Campbell, Fangary, and Massey

Absent: 1 - Duclos

8. *OTHER MATTERS - CITY COUNCIL*

a) 18-0754 *TENTATIVE FUTURE AGENDA ITEMS*

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

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

ADJOURNMENT

9:59 p.m., to the Regular meeting of Tuesday, January 8, 2019.

Elaine Doerfling
City Clerk

Linda Abbott
Deputy City Clerk