

City of Hermosa Beach

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



Meeting Minutes

Tuesday, February 26, 2019

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 6:01 p.m.**ROLL CALL**

Present: 5 - Mayor Armato, Mayor Pro Tempore Campbell, Councilmember Fangary, Councilmember Massey, and Councilmember Duclos
Absent: 0

PUBLIC COMMENT None**RECESS TO CLOSED SESSION IN SECOND FLOOR CONFERENCE ROOM** 6:02
p.m.

1. **19-0121** **MINUTES:** Approval of minutes of the following Closed Session meetings.
 - a) January 22, 2019
 - b) January 31, 2019
 - c) February 7, 2019
 - d) February 12, 2019

2. **19-0122** **CONFERENCE WITH LEGAL COUNSEL: Initiation of Litigation**
Government Code Section 54956.9(d)(4)
The City 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: 2

3. **19-0123** **CONFERENCE WITH LEGAL COUNSEL: Litigation Quarterly 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: BKK Working Group et al. v. City of Hermosa Beach et al.
United States District Court, Case Number: 2:18-cv-5810
 - b) Name of Case: Kerry Cartwright v. City of Hermosa Beach
Los Angeles County Superior Court, Case Number: 18STCV05692
 - c) Name of Case: Hermosa Fitness LLC v. City of Hermosa Beach
Los Angeles County Superior Court, Case Number: 18STCP02840
 - d) Name of Case: Mark Roth v. City of Hermosa Beach
Los Angeles County Superior Court, Case Number: YC072628

- e) Name of Case: City of Hermosa Beach v. Edward P. Zappia, The Zappia Law Firm
Los Angeles County Superior Court, Case Number: BC709770

4. 19-0128 CONFERENCE WITH LEGAL COUNSEL: Non-Litigated Claims Update

Existing Litigation - Government Code Section 54956.9(d)(2) and (e)(3)

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) Claimant: Brian Anstey, Claim Number: 18-138992
Date of Loss: 6/26/2018, Date Filed: 11/19/2018
Allegation: Suspect in Redondo Police Department Chase damaged Claimant's fence
- b) Claimant: Arlene Buschbach, Claim Number: 19-139883
Date of Loss: 10/27/2018, Date Filed: 1/22/2019
Allegation: Injuries suffered from fall due to broken pathway
- c) Claimant: Nathan Carroll, Claim Number: 19-139480
Date of Loss: 8/26/2018, Date Filed: 12/31/2018
Allegation: Money and property stolen by security guard hired by City
- d) Claimant: Jason Clark, Claim Number: 19-139872
Date of Loss: 7/2018, Date Filed: 1/23/2019
Allegation: Car accident was result of a blind spot that was reported to City
- e) Claimant: Carissa De Blasi, Claim Number: 18-138649
Date of Loss: 6/18/2018, Date Filed: 11/6/2018
Allegation: Damage to Claimant's vehicle caused by an asphalt company truck
- f) Claimant: Stephen Allan Diamond, Claim Number: 19-139484
Date of Loss: 8/22/2018, Date Filed: 12/31/2018, Revised Claim: 1/28/2019
Allegation: Broken ankle due to hole in walkway
- g) Claimant: John Zamora, Claim Number: 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

ADJOURNMENT OF CLOSED SESSION 7:10 p.m.

7:00 P.M. - REGULAR AGENDA**CALL TO ORDER** 7:15 p.m.**PLEDGE OF ALLEGIANCE** Cathy McCurdy**ROLL CALL**

Present: 5 - Mayor Armato, Mayor Pro Tempore Campbell, Councilmember Fangary, Councilmember Massey, and Councilmember Duclos

Absent: 0

CLOSED SESSION REPORT

City Attorney Jenkins said nothing was added to the agenda and there were no reportable actions.

ANNOUNCEMENTS

Mayor pro tem Campbell invited everyone to consider mentoring a young adult in Lenox through the South Bay Workforce Investment Board. For more information, see the attachment under item 2j.

Councilmember Fangary thanked staff for making Chambers available for his Community First meetings, and thanked those residents who provided input at last Saturday's meeting. He invited everyone to the next Community First meeting, which will be held Saturday, March 23 at 2 p.m. He said Beach Cities Health District representatives will be on hand to discuss services offered and to give an update of their Healthy Living Campus Project.

Mayor Armato announced the following upcoming community events:

**The 13th annual fundraiser, Adrienne's Search for Children's Cancer Cure, held by the Woman's Club of Hermosa Beach on Saturday, March 2 from 5 to 9 p.m. at the Hermosa Kiwanis Building at 2515 Valley Drive. This year's fundraiser will benefit Children with Cancer and Research for Osteosarcoma. Come enjoy live music, catered dinner, a silent auction, kids' arts & crafts and a Magic Castle magician. Tickets are on sale at www.womansclubofhermosabeach.org.*

**The Hermosa Police Department is currently accepting applications to join our Community Police Academy which gives a closer look at what law enforcement truly entails. The next session starts Thursday, March 28 and students meet every Thursday evening for eight weeks. If you are over the age of 21, and live or work in Hermosa, please complete and submit the Community Police Academy application available on our website at www.hermosabch.org/communitypoliceacademy.*

**The City will host its second annual community-wide garage sale on Saturday, March 30 from 7 a.m. to 12 noon with dozens of concurrent garage sales. If you are interested in hosting a*

garage sale for your home, building, or neighborhood block, coordinate with your neighbors and sign up on our website today. The City has once again partnered with local and national non-profit organizations to create a place where you can donate any unsold items by dropping them off that same afternoon from 12 noon to 4 p.m. Learn more about the event on our website at www.hermosabch.org/communitygaragesale.

Councilmember Fangary encouraged qualifying non-profits to enter the South Bay Nonprofit Quick Pitch Contest, sponsored by the Hermosa Friends Foundation, on Thursday, March 28 from 5 to 9 p.m. at the 2nd Story Theatre. The winner will receive a grant from the organization. Midnight, March 1 is the deadline to apply. Visit www.hermosafriends.org for more information.

APPROVAL OF AGENDA

Motion Campbell and seconded by Duclos to approve the agenda.

Aye: 5 - Mayor Armato, Campbell, Fangary, Massey, and Duclos

Absent: 0

PROCLAMATIONS / PRESENTATIONS

- a) **19-0126 SOUTH BAY ASSOCIATION OF SCHOOL PSYCHOLOGISTS
PRESENTS OUT OF THE DARKNESS CAMPUS WALK
TO BRING AWARENESS TO SUICIDE PREVENTION**

Angelica Mayanja, School Psychologist, Los Angeles Unified School District, gave the presentation and invited everyone to the Saturday, March 23 event. She said more information may be found at www.afsp.org/southbaycampus.

- b) **19-0127 BEACH CITIES HEALTH DISTRICT UPDATE ON
REDEVELOPMENT OF THE HEALTHY LIVING CAMPUS**

Vish Chatterji, Board member and Tom Bakaly, CEO, gave the PowerPoint presentation and responded to Council questions.

MISCELLANEOUS ITEMS AND REPORTS - CITY MANAGER

City Manager Lowenthal said staff will provide Information Items as a new official communications tool to better inform, update and respond to Council on key topics and issues. Information Items will not be actionable, but Council may request an item be added to a future Council meeting agenda. Information Items will be posted to the City's website. In addition to the Infiltration Project Information Item previously provided at the February 12 Council meeting, upcoming Information Items will include updates on a File Keepers contract amendment for the Citywide document scanning project, the Fire Station remodel, Environmental Impact Report (EIR) contracts for the subsea fiber optic cable system, and plans

for the visual identity and brand for the City.

a) 19-0130

INFILTRATION PROJECT UPDATE

City Manager Lowenthal said since the last update to Council at the February 12 meeting, staff has submitted necessary documentation required by the State Water Resources Control Board (by February 28) for the infiltration project grant to mitigate pollution from regional runoff from entering Santa Monica Bay via the Herondo storm drain, including project director certification, a deviation request form and a time extension request to address project siting and scope issues. Staff will return to Council in March for consideration of next steps and site alternatives, including endorsement of a letter to the Redondo Beach City Council asking for formal permission to investigate Francisca Street as a project site, as requested by Redondo Beach. The report will also provide an analysis from the City Attorney on legal and economic implications if the project Memorandum of Understanding (MOU) were dissolved, including any obligations to our partner agencies including the Cities of Redondo Beach, Manhattan Beach and Torrance, and the Los Angeles County Flood Control District.

PUBLIC PARTICIPATION:

1. ORAL AND WRITTEN COMMUNICATIONS:

Public comment:

Anthony Higgins

Craig Cadwallader

Sarah Mae Harper, Manager, Hermosa Library

Robert Thompson, Operations Manager, Cal Water

Maria Haase

John Gardner

Adrienne Slaughter, Woman's Club of Hermosa

Liz Ramirez, Woman's Club of Hermosa

Chris Cagle, Regional Affairs Manager, South Bay Workforce Investment Board

Traci Horowitz

Scott Davey

At this time, Mayor Armato invited members of Boy Scout Troop 860 forward to comment on items 6c and 6d.

Coming forward:

Dylan Williams

Eric Arentsen, Board member, Greater Los Angeles Area Council of Boy Scouts of America

Steve Staso, Scoutmaster

Corey Huebner

Justin Huebner

Kyle Huebner

David Smith

2. CONSENT CALENDAR:

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

Aye: 5 - Mayor Armato, Campbell, Fangary, Massey, and Duclos

Absent: 0

- a) **REPORT** **CITY COUNCIL MEETING MINUTES**
19-0115 (Deputy City Clerk Linda Abbott)
Attachments: [1. 013119 Closed Session draft min.docx](#)
[2. 020719 Closed Session draft min.docx](#)
[3. 021219 draft min.docx](#)
- b) **REPORT** **CHECK REGISTERS**
19-0100 (Finance Director Viki Copeland)
Attachments: [1. 01-31-19](#)
[2. 02-07-19](#)
- c) **REPORT** **REVENUE REPORT, EXPENDITURE REPORT,**
19-0111 **AND CIP REPORT BY PROJECT FOR DECEMBER 2018**
(Finance Director Viki Copeland)
Attachments: [1. Dec 18 Revenue Report](#)
[2. Dec 18 Expenditure Report](#)
[3. Dec 18 CIP Report by Project](#)
- d) **REPORT** **REVENUE REPORT, EXPENDITURE REPORT,**
19-0112 **AND CIP REPORT BY PROJECT FOR JANUARY 2019**
(Finance Director Viki Copeland)
Attachments: [1. Jan 19 Revenue Report](#)
[2. Jan 19 Expenditure Report](#)
[3. Jan 19 CIP Report by Project.pdf](#)
- e) **REPORT** **CITY TREASURER'S REPORT AND CASH BALANCE REPORT**
19-0110 (City Treasurer Karen Nowicki)
Attachments: [1. January 2019 Treasurer's Report](#)
[2. January 2019 Cash Balance Report](#)
- f) **REPORT** **PROJECT STATUS REPORT AS OF JANUARY 31, 2019**
19-0099 (Acting Public Works Director Lucho Rodriguez)

Attachments: [1. January FY2018-19 - CIP Status](#)
[2. SUPPLEMENTAL Letter from Howard Longacre \(added 2-26-19 at 4pm\).pdf](#)

- g) **REPORT** **PLANNING COMMISSION TENTATIVE FUTURE AGENDA ITEMS**
19-0124 (Community Development Director Ken Robertson)

Attachments: [Planning Commission Tentative Agenda for 3-19-19.pdf](#)

- h) **REPORT** **ACTION SHEET OF THE PLANNING COMMISSION**
19-0125 **MEETING OF FEBRUARY 19, 2019**

Attachments: [Planning Commission Action Sheet 2-19-19.pdf](#)

- i) **REPORT** **RECOMMENDATION TO REJECT CLAIM**
19-0114 (Human Resources Manager Vanessa Godinez)

Attachments: [Arlene Buschbach 10-27-18](#)

- j) **REPORT** **SOUTH BAY WORKFORCE INVESTMENT BOARD**
19-0120 **QUARTERLY SUMMARY**

Attachments: [SBWIB 2nd Quarter Report](#)

3. **CONSENT ORDINANCES** None

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

5. **PUBLIC HEARINGS**

- a) **REPORT** **PUBLIC HEARING TO CONSIDER HOPE CHAPEL'S APPEAL**
19-0105 **OF THE PARKS, RECREATION AND COMMUNITY RESOURCES**
ADVISORY COMMISSION'S DENIAL OF THE EASTER SUNRISE
SERVICE ON SUNDAY, APRIL 21, 2019 ON THE COMMUNITY
CENTER'S EAST LAWN AND APPROVAL OF EVENT FEE
WAIVERS AS REQUESTED BY HOPE CHAPEL
(Community Resources Manager Kelly Orta)

Attachments: [1. Hope Chapel Easter Sunrise Service Special Event Application](#)
[2. Hope Chapel Easter Sunrise Service Fee Waiver Application](#)
[3. SUPPLEMENTAL Email from Tressy Capps \(added 2-26-19 at 12pm\).pdf](#)

Alan Kisaka and Justin Kalama, Associate Pastors, Hope Chapel, were invited forward to speak to their appeal.

The Public Hearing opened at 8:57 p.m. Coming forward to address the Council:

JC Agajanian

Robert Rosenfeld

Cary Bichlmeier

The Public Hearing closed at 9:02 p.m.

Motion Massey and seconded by Fangary to deny Hope Chapel's appeal of the Parks, Recreation and Community Resources Advisory Commission's denial of the Easter Sunrise Service on Sunday, April 21, 2019 on the Community Center's East Lawn.

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

No: 1 - Duclos

Absent: 0

6. MUNICIPAL MATTERS

- a) **REPORT** **MIDYEAR BUDGET REVIEW 2018-19**
19-0101 **(Continued from meeting of February 26, 2019)**
(Finance Director Viki Copeland)

Attachments: [1. Revenue Detail Report](#)
[2. Additional Appropriations Report](#)
[3. Budget Transfers Report](#)
[4. Midyear Budget Summary Report](#)
[5. City Council Travel Summary 2018-19](#)

Public comment:
David Grethen

Motion Massey and seconded by Duclos to continue item 6a to a future meeting.

Aye: 5 - Mayor Armato, Campbell, Fangary, Massey, and Duclos

Absent: 0

- b) **REPORT** **APPROVAL OF A MEMORANDUM OF UNDERSTANDING**
19-0116 **WITH THE HERMOSA BEACH CITY SCHOOL DISTRICT**
FOR THE NORTH ELEMENTARY SCHOOL PROJECT

(City Manager Suja Lowenthal and
Environmental Analyst Leeanne Singleton)

Attachments: [1. City_HBCSD Tolling Agreement.pdf](#)
[2. City_HBCSD Draft MOU Final.pdf](#)
[3. SUPPLEMENTAL Three \(3\) Letters from City to HBCSD \(added 2-26-19 at 12pm\).pdf](#)
[4. SUPPLEMENTAL City_HBCSD Draft MOU Final - formatting changes only \(added 2-26-19 at 4pm\).pdf](#)

Public comment:

Douglas Gardner, President, Hermosa Beach School Board
David Grethen
Dency Nelson

Motion Campbell and seconded by Massey to authorize the Mayor to sign a Memorandum of Understanding (MOU) with the Hermosa Beach City School District setting forth the mutually agreed principles and commitments for resolving traffic and transportation topics to maximize the safety, efficiency, and equity of transportation and traffic related to the North School Project, noting the conforming changes to the document made during tonight's meeting.

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

No: 1 - Fangary

Absent: 0

- c) **REPORT REVIEW OF THE PARKS, RECREATION AND COMMUNITY
19-0109 RESOURCES ADVISORY COMMISSION'S MUNICIPAL LEASE
POLICY SUBCOMMITTEE'S RECOMMENDED POLICY GUIDELINES**
(Community Resources Manager Kelly Orta)

Attachments: [1. Subcommittee Recommended Guidelines](#)
[2. Letter from Rotary.pdf](#)
[3. SUPPLEMENTAL Eleven \(11\) eComments \(submitted 2-25-19 to 2-26-19\).pdf](#)
[4. SUPPLEMENTAL Four \(4\) eComments \(submitted 2-26-19\).pdf](#)

Subcommittee members Lauren Pizer Mains and Robert Rosenfeld were invited forward to address the Council.

Public comment:

Steve Peterson, Rotary Club
Cathy McCurdy, Kiwanis Club
George Barks

*David Grethen
Cary Bichlmeier
Cassandra (no last name given)*

Steve Peterson, Rotary Club, and Cathy McCurdy, Kiwanis Club, were invited forward to respond to Council questions.

Motion Duclos and seconded by Armato to receive and file the Parks, Recreation and Community Resources Advisory Commission's Municipal Lease Policy Subcommittee's recommended policy guidelines.

Aye: 5 - Mayor Armato, Campbell, Fangary, Massey, and Duclos

Absent: 0

Motion Duclos and seconded by Campbell to continue tonight's meeting until midnight.

Aye: 5 - Mayor Armato, Campbell, Fangary, Massey, and Duclos

Absent: 0

- d) **REPORT ONE-YEAR EXTENSION OF THE ROTARY CLUB LEASE
19-0118 AGREEMENT FOR USE OF THE ROTARY FACILITY
 (2521 VALLEY DRIVE); AND AUTHORIZATION TO
 BEGIN NEGOTIATING WITH THE ROTARY CLUB
 FOR FUTURE LEASE AGREEMENTS
 (Community Resources Manager Kelly Orta)**

Attachments: [1. Rotary Club Lease Agreement](#)
[2. First Amendment to the Rotary Club Lease Agreement](#)
[3. Second Amendment to the Rotary Club Lease Agreement](#)
[4. Third Amendment to the Rotary Club Lease Agreement \(DRAFT\)](#)

*Public comment:
Steve Peterson, Rotary Club (he also responded to Council questions)*

Motion Massey and seconded by Duclos to:
1. Approve the one-year extension of the Rotary Club lease agreement, retroactive to July 31, 2018, to expire July 31, 2019; and
2. Authorize staff to negotiate a future lease agreement with the Rotary Club for the Rotary Facility beyond July 31, 2019.

Aye: 5 - Mayor Armato, Campbell, Fangary, Massey, and Duclos

Absent: 0

e) **REPORT**
19-0102

**CONSIDERATION OF DESIGN STANDARDS
FOR WIRELESS COMMUNICATION FACILITIES
IN THE PUBLIC RIGHT OF WAY**

(Assistant City Attorney Lauren Langer,
Community Development Director Ken Robertson,
and Acting Public Works Director Lucho Rodriguez)

- Attachments:** [1. Draft Resolution Establishing Design and Development Standards for Wireless Facilities in the Right of Way](#)
- [2. Ordinance 19-1390 Wireless Facilities in Public Rights of Way](#)
- [3. Photos of Sample Wireless Facility Designs Prohibited and Allowed](#)
- [4. Link to City Council Meeting of January 8, 2019](#)
- [5. SUPPLEMENTAL Letter from Crown Castle \(added 2-26-19 at 1pm\).pdf](#)
- [6. SUPPLEMENTAL Letter from Mackenzie and Albritton LLP \(added 2-26-19 at 5:30pm\).pdf](#)

Assistant City Attorney Lauren Langer gave a PowerPoint presentation.

Public comment:

Daisy Uy Kimpang, Verizon Wireless
Michael Cintron, Crown Castle
Emily Murray, AT&T

Motion Duclos and seconded by Massey to approve the proposed Design Standards for wireless telecommunications facilities in the public right of way by adopting a Resolution of the City of Hermosa Beach, California, Establishing Design and Development Standards for Wireless Facilities in the Public Right of Way, as Authorized by Hermosa Beach Municipal Code (HBMC) Chapter 12.18.

Aye: 5 - Mayor Armato, Campbell, Fangary, Massey, and Duclos

Absent: 0

7. MISCELLANEOUS ITEMS AND MEETING ATTENDANCE REPORTS - CITY COUNCIL

a) **19-0119** **UPDATES FROM CITY COUNCIL AD HOC SUBCOMMITTEES
AND STANDING COMMITTEE DELEGATES/ALTERNATES**

None

8. OTHER MATTERS - CITY COUNCIL

a) 19-0129 **TENTATIVE FUTURE AGENDA ITEMS**

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

Motion Massey and seconded by Campbell to continue tonight's meeting to 12:30 a.m.

Aye: 5 - Mayor Armato, Campbell, Fangary, Massey, and Duclos

Absent: 0

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

ADJOURNMENT

12:18 a.m., Wednesday, February 27, 2019, to an adjourned Regular meeting on Saturday, March 9, 2019 from 9 a.m. to 5 p.m. (a City Council Retreat at the Beach House Hotel, 1300 The Strand, in the Seaside Boardroom), which will adjourn to the Regular meeting of Tuesday, March 12, 2019.

Elaine Doerfling
City Clerk

Linda Abbott
Deputy City Clerk