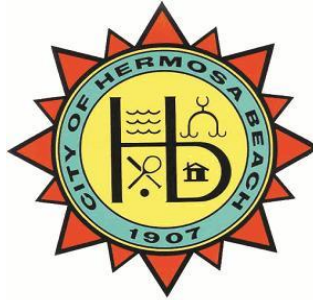


City of Hermosa Beach

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



Regular Meeting Agenda

Tuesday, May 14, 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

CALL TO ORDER IN COUNCIL CHAMBERS 6:01 pm

ROLL CALL

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

Absent: 0

PUBLIC COMMENT

*Coming forward:
Anthony Higgins*

RECESS TO CLOSED SESSION IN SECOND FLOOR CONFERENCE ROOM

1. **19-0297 MINUTES:** Approval of minutes of the following Closed Session meetings.

- a) April 30, 2019
- b) May 9, 2019

2. **19-0298 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 opensession will prejudice the position of the City in the litigation.

Number of Potential Cases: 1

ADJOURNMENT OF CLOSED SESSION 7:08 pm

7:00 P.M. - REGULAR AGENDA

CALL TO ORDER 7:10 pm

PLEDGE OF ALLEGIANCE Led by Julie Nogales

ROLL CALL

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

Absent: 0

CLOSED SESSION REPORT

The City Attorney announced one public comment was received prior to Closed Session. There were no reportable actions for this evening's Closed Session and no reportable action for the Closed Session held on May 9, 2019.

ANNOUNCEMENTS

Councilmember Duclos congratulated the City of Redondo Beach on the success of its music festival over the weekend. He also announced the month of May is Skin Cancer Awareness month and discussed the dangers of skin cancer.

Mayor Armato announced May 15th is Police Officers Memorial Day and the entire week is Peace Officers Awareness Week. She also announced Public Works Week next week and acknowledged the City's Public Works professionals.

APPROVAL OF AGENDA

City Manager Lowenthal moved Agenda Item 6(d) under Municipal Matters to be heard before Item 6(a).

PROCLAMATIONS / PRESENTATIONS

**a) 19-0290 RECOGNIZING GRADES OF GREEN WASTE CAMPAIGN;
OUR LADY OF GUADALUPE "TRASH AT ART" CLASS
PROJECTS; AND ENVIRONMENTAL PROGRESS
AT HERMOSA VIEW & VALLEY SCHOOLS**

*The City Council recognized the following groups:
Shades of Green Waste Campaign; the students from Our Lady of Guadalupe Trash at Art Class; Hermosa View and Valley Schools for environmental progress.*

**b) 19-0291 LEADERSHIP HERMOSA BEACH
EMERGING LEADER AWARD RECIPIENTS**

The City Council recognized Leadership Hermosa Beach Emerging Leader Award Recipients.

The City Council recessed at 7:34 pm and reconvened at 7:41 pm.

c) 19-0292 MENTAL HEALTH AWARENESS MONTH PROCLAMATION

The City Council presented a proclamation to Jacqueline Sun from Beach Cities Health District for Mental Health Awareness Month.

MISCELLANEOUS ITEMS AND REPORTS - CITY MANAGER

City Manager Lowenthal provided a status report on the transition of Access Hermosa; the H20 Hotel project construction; and the upcoming Drug Take Back event.

PUBLIC PARTICIPATION:

Coming forward:
Sarah Harper
Trent Larsen
Heather Longridge
Julie Schultz

a) SUPPLEMENTAL WRITTEN COMMUNICATION

Moved by Councilmember Duclos and seconded by Council Member Fangary to receive and file the supplemental written communication.

Ayes: Councilmembers: Duclos, Fangary, Massey, Mayor Pro Tempore Campbell, and Mayor Armato.
Noes: None

2. CONSENT CALENDAR:

Moved by Councilmember Massey, second by Mayor Pro Tempore Campbell to approve the Consent Calendar.

Ayes: Councilmembers: Duclos, Fangary, Massey, Mayor pro Tempore Campbell, and Mayor Armato
Noes: none.

a) REPORT 19-0271

CITY COUNCIL MEETING MINUTES (Interim Deputy City Clerk Carol Cowley)

Recommendation: Staff recommends that the City Council approve the following minutes:

1. Regular meeting of April 23, 2019
2. Adjourned Regular meeting of April 30, 2019

b) REPORT 19-0279

CHECK REGISTERS (Finance Director Viki Copeland)

Recommendation: Staff recommends that the City Council ratify the following check registers.

c) REPORT 19-0288

ACCEPTANCE OF DONATIONS (Finance Director Viki Copeland)

Recommendation: Staff recommends that the City Council accept the donations received by the City to be used for the purpose noted.

d) REPORT 19-0301

ACTION MINUTES OF THE PARKS, RECREATION AND COMMUNITY RESOURCES ADVISORY COMMISSION

MEETING OF MARCH 5, 2019 AND APRIL 2, 2019

Recommendation: Staff recommends that the City Council receive and file the action minutes of the Parks, Recreation and Community Resources Advisory Commission meeting of March 5, 2019 and April 2, 2019.

- e) **REPORT** **ACTION MINUTES OF THE EMERGENCY PREPAREDNESS**
 19-0296 **ADVISORY COMMISSION MEETING OF MARCH 4, 2019**

Recommendation: Staff recommends that the City Council receive and file the action minutes of the Emergency Preparedness Advisory Commission meeting of March 4, 2019.

- f) **REPORT** **SUBJECT: FINAL MAP NO. 74969 (C.U.P. CON NO. 17-4, PDP**
 19-0278 **NO. 17-4)**
 LOCATION: 1703 MANHATTAN AVENUE
 APPLICANT(S): GREGORY & LEIGH RICHART AND DANIEL &
 LISA NGUYEN
 REQUEST: TO ADOPT A RESOLUTION APPROVING FINAL
 PARCEL MAP FOR A TWO-UNIT RESIDENTIAL CONDOMINIUM
 PROJECT
 (Community Development Director Ken Robertson)

Recommendation: Staff recommends that the City Council:

1. Approve Final Parcel Map No. 74969, which is consistent with the approved Vesting Tentative Parcel Map; and
2. Request the City Clerk to endorse the certificate for said map.

- g) **REPORT** **SUBJECT: FINAL MAP NO. 74236 (C.U.P. CON NO. 16-16, PDP**
 19-0275 **NO. 16-18)**
 LOCATION: 959 5TH STREET
 APPLICANT(S): SBL DEVELOPMENT, LLC C/O ISAAC
 LAUFER
 REQUEST: TO ADOPT A RESOLUTION APPROVING FINAL
 PARCEL MAP FOR A TWO-UNIT RESIDENTIAL CONDOMINIUM
 PROJECT
 (Community Development Director Ken Robertson)

Recommendation: Staff recommends that the City Council:

1. Approve Final Parcel Map No. 74236, which is consistent with the approved Vesting Tentative Parcel Map; and
2. Request the City Clerk to endorse the certificate for said map.

- h) **REPORT** **SUBJECT: FINAL MAP NO. 74237 (C.U.P. CON NO. 16-17, PDP**
 19-0277 **NO. 16-19)**
 LOCATION: 961 5TH STREET
 APPLICANT(S): SBL DEVELOPMENT, LLC C/O ISAAC

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

Recommendation: Staff recommends that the City Council:

- i) REPORT** **REVIEW OF SUBMITTAL OF THE 2018 HERMOSA BEACH**
19-0283 **HOUSING ELEMENT ANNUAL PROGRESS REPORT**
 (Community Development Director Ken Robertson)

Recommendation: Staff recommends that the City Council:

- j) *REPORT RECOMMENDATION TO APPROVE THE FIRST AMENDMENT
19-0281 TO THE PROFESSIONAL SERVICES AGREEMENT WITH
 HARTZOG & CRABILL, INC. TO CONTINUE ON-CALL
 TRAFFIC ENGINEERING SERVICES
 (Acting Public Works Director Lucho Rodriguez)***

Recommendation: Staff recommends that the City Council:

- ### **3. CONSENT ORDINANCES**

4. ITEMS REMOVED FROM THE CONSENT CALENDAR FOR SEPARATE DISCUSSION * *Public comments on items removed from the Consent Calendar.*

a) **REPORT
19-0276** **CONSIDER AMENDMENT TO THE MUNICIPAL CODE CHAPTER 5.78 (TOBACCO RETAILERS) TO INCLUDE PROHIBITIONS ON THE SALE OF FLAVORED TOBACCO PRODUCTS IN ALL TOBACCO**

**RETAIL ESTABLISHMENTS REGARDLESS OF WHETHER THEY
LIMIT ENTRY TO THEIR ESTABLISHMENTS TO ADULTS ONLY
(I.E. PATRONS 21 YEARS OF AGE OR OLDER, OR ACTIVE DUTY
MILITARY PERSONNEL WHO ARE 18 YEARS OF AGE OR OLDER)**
(Community Development Director Ken Robertson)

Recommendation: Staff recommends that the City Council waive full reading and introduce on first reading an ordinance amending Section 5.78.030 (Definitions) and Section 5.78.100 (Operating Requirements) in Chapter 5.78 of the HBMC (Tobacco Retailers) to ban tobacco retailers from selling all flavored tobacco products.

The public hearing was opened at 8:12 pm.

*Coming forward in favor of the ordinance:
Carolyn Palmedo
Primo Castro
Jacqueline Sun
Trent Larson*

The public hearing was closed at 8:22 pm.

Moved by Councilmember Duclos and seconded by Mayor Pro Tempore Campbell to waive full reading and introduce on first reading an ordinance amending Section 5.78.030 (Definitions) and Section 5.78.100 (Operating Requirements) in Chapter 5.78 of the HBMC (Tobacco Retailers) to ban tobacco retailers from selling all flavored tobacco products.

Ayes: Councilmembers: Duclos, Fangary, Massey, Mayor Pro Tempore Campbell, and Mayor Armato.

Noes: None

6. MUNICIPAL MATTERS

- a) *REPORT AWARD OF CONSTRUCTION CONTRACT FOR CIP 14-173,
19-0285 8TH STREET IMPROVEMENTS PROJECT***
(Acting Public Works Director Lucho Rodriguez)

Recommendation: Staff recommends that the City Council:

1. Award a construction contract to the lowest bidder, Concept Consultant, Inc., for CIP14-173 8th Street Improvements Project in the amount of \$561,950.50, unless Council finds the low bid to be unresponsive based on the information in this staff report.
2. If Council determines that the low bidder's bid is unresponsive, award construction contract to 2nd lowest bidder, Gentry General Engineering, Inc. for \$714,000;
3. Authorize the Mayor to execute the construction contract and the City Clerk to attest, subject to approval by the City Attorney;
4. Authorize a 20% project contingency for a total construction budget of \$674,340.60 (Concept) or \$856,800.00 (Gentry); and
5. Authorize the Acting Director of Public Works to file a Notice of Completion following

final completion of the project.

Mayor Pro Tempore Campbell recused herself from taking part in this matter due to a potential conflict of interest.

*Coming forward:
A representative for Concept Consultant, Inc.
Peter Tucker*

Moved by Councilmember Duclos, and second by Councilmember Massey to award the contract for the construction of 8th Street improvements Project CIP 14-173 to Gentry General Engineering for \$714,000. Authorize the Mayor to execute the construction contract and the City Clerk to attest, subject to approval by the City Attorney; authorize a 20% project contingency for a total construction budget of \$856,800.00; and authorize the Acting Director of Public Works to file a Notice of Completion following final completion of the project.

Ayes: Councilmembers Duclos, Massey, and Mayor Armato

Noes: Fangary

Absent: Mayor Pro Tempore Campbell

b) REPORT
19-0270

**AWARD OF CONTRACT FOR LANDSCAPE
MAINTENANCE SERVICES TO MERCHANTS LANDSCAPING**
(Acting Public Works Director Lucho Rodriguez)

Recommendation: Staff recommends that the City Council:

1. Award Merchants Landscaping Inc. the contract to provide landscape maintenance services for the City for three years for a total amount not to exceed \$937,205.00;
2. Authorize the Mayor to execute and the City Clerk to attest the attached Professional Services Agreement subject to approval by the City Attorney; and
3. Authorize the Director of Public Works to make changes to the contract within the project budget.

*Coming forward:
Peter Tucker*

Moved by Mayor pro Tempore Campbell, second by councilmember Duclos to award Merchants Landscaping Inc. the contract to provide landscape maintenance services for the City for three years for a total amount not to exceed \$937,205.00; authorize the Mayor to execute and the City Clerk to attest the attached Professional Services Agreement subject to approval by the City Attorney; and Authorize the Director of Public Works to make changes to the contract within the project budget.

Ayes: Councilmembers Duclos, Fangary, Massey, Mayor Pro Tempore Campbell, and Mayor Armato

Noes: None.

c) REPORT
19-0284

**CONSIDERATION OF AGREEMENT FOR LEASE OF
AIRSPACE WITH PIERSIDE PROPERTIES, LLC FOR
AIRSPACE OVER 51 PIER PLAZA (LORETO PLAZA)**
*(City Manager Suja Lowenthal and
City Attorney Michael Jenkins)*

Recommendation: Staff recommends that the City Council approve an Agreement for Lease of Airspace with Pierside Properties, LLC.

Councilmember Fangary recused himself from participating in this item due to a potential conflict of interest.

Moved by Councilmember Massey, and second by mayor Pro Tempore Campbell, to approve the agreement for lease of airspace with Pierside properties, LLC.

Ayes: Councilmembers Duclos, Massey, Mayor Pro Tempore Campbell, and Mayor Armato

Noes: None

Absent: Councilmember Fangary

**d) REPORT
19-0302**

**CONSIDERATION OF ARAKELIAN ENTERPRISES
(ATHENS SERVICES) REQUEST FOR AN ANNUAL
RATE ADJUSTMENT TO THE MAXIMUM RATES
FOR SOLID WASTE MANAGEMENT SERVICES
(Environmental Analyst Kristy Morris)**

Recommendation: Staff recommends that the City Council endorse the rate adjustments proposed by Athens Services for its services not to exceed the attached rate schedule effective July 1, 2019 for residential and commercial cart and bin rates.

*Coming forward:
Peter Tucker*

Kristy Morris addressed Council regarding the contract with Athens.

Moved by Councilmember Duclos and second by Mayor Pro Tempore Campbell to endorse the rate adjustments proposed by Athens Services for its services not to exceed the attached rate schedule effective July 1, 2019 for residential and commercial cart and bin rates.

Ayes: Councilmembers Duclos, Fangary, Massey, Mayor Pro tempore Campbell, and Mayor Armato

Noes: None

**e) REPORT
19-0295**

**PURCHASE AND INSTALLATION OF
FURNISHINGS FOR HERMOSA BEACH BUS STOPS
(Environmental Analyst Kristy Morris)**

Recommendation: Staff recommends that City Council appropriate \$100,636 of Proposition A funds and authorize the purchase and installation of new benches and trash receptacles to replace existing furnishings at bus stops on Hermosa Avenue, Manhattan Avenue, and Pacific Coast Highway.

Moved by Councilmember Massey and second by Mayor Pro Tempore Campbell to appropriate \$100,636 of Proposition A funds and authorize the purchase and installation of new benches and trash receptacles to replace existing furnishings at bus stops on Hermosa Avenue, Manhattan Avenue, and Pacific Coast Highway.

Ayes: Councilmembers Duclos, Fangary, Massey, Mayor Pro Tempore Campbell, and Mayor Armato
Noes: None

7. MISCELLANEOUS ITEMS AND MEETING ATTENDANCE REPORTS - CITY COUNCIL

- a) **REPORT** **APPOINTMENT OF CITY COUNCIL DELEGATE TO**
 19-0272 **THE SOUTH BAY CITIES COUNCIL OF GOVERNMENTS**
 BOARD OF DIRECTORS
 (Interim Deputy City Clerk Carol Cowley)

Recommendation: Staff recommends that the City Council appoint from among its members, a Delegate to replace Councilmember Fangary as the Delegate to the South Bay Cities Council of Governments Board of Directors.

Moved by Councilmember Duclos, and seconded by Councilmember Fangary to replace Councilmember Fangary as the Delegate to the South Bay Cities Council of Governments Board of Directors.

Ayes: Councilmembers Duclos, Fangary, Massey, Mayor Pro Tempore Campbell, Mayor Armato.
Noes: None.

- b) **REPORT** **RECEIPT OF RESIGNATION LETTER FROM EMERGENCY**
 19-0282 **PREPAREDNESS ADVISORY COMMISSION (EPAC) MEMBER**
 (Interim Deputy City Clerk Carol Cowley)

Recommendation: Staff recommends that the City Council receive and file, with regret, the resignation letter from Rabbi Gila Katz, Chairperson of the Emergency Preparedness Advisory Commission.

Moved by Mayor Pro Tempore Campbell, and second by Councilmember Massey to receive and file, with regret, the resignation letter from Rabbi Gila Katz, Chairperson of the Emergency Preparedness Advisory Commission.

Ayes: Councilmembers Duclos, Fangary, Massey, Mayor Pro Tempore Campbell, Mayor Armato.
Noes: None.

- c) **REPORT** **VACANCIES - BOARDS AND COMMISSIONS**
 19-0294 **UPCOMING EXPIRATION OF TERMS**
 (City Clerk Elaine Doerfling)

Recommendation: The City Clerk recommends that the City Council direct the City Clerk to immediately advertise and request applications from interested parties for two Planning Commission terms that will expire June 30, 2019; two Parks, Recreation and Community Resources Advisory Commission terms that will expire June 30, 2019; and two Civil Service Board terms that will expire July 15, 2019.

Moved by Mayor Pro Tempore Campbell, and second by Councilmember Duclos to immediately advertise and request applications from interested parties for two Planning Commission terms that will expire June 30, 2019; two Parks, Recreation and Community Resources Advisory Commission terms that will expire June 30, 2019; and two Civil Service Board terms that will expire July 15, 2019.

Ayes: Councilmembers Duclos, Fangary, Massey, Mayor Pro Tempore Campbell, Mayor Armato.
Noes: None.

**d) 19-0287 UPDATES FROM CITY COUNCIL AD HOC SUBCOMMITTEES
AND STANDING COMMITTEE DELEGATES/ALTERNATES**

Mayor Armato provided a brief update on the LAX Roundtable discussions.

Councilmember Duclos announced the upcoming 75th anniversary of the Hermosa Beach Lighthouse.

8. OTHER MATTERS - CITY COUNCIL

Requests from Councilmembers for possible future agenda items. No discussion or debate of these requests shall be undertaken; the sole action is whether to schedule the item for consideration on a future agenda. No public comment will be taken. Councilmembers should consider the city's work plan when considering new items.

a) 19-0300 TENTATIVE FUTURE AGENDA ITEMS

Recommendation: Staff recommends that the City Council receive and file the tentative future agenda items.

Received and filed.

ADJOURNMENT

The meeting was adjourned at 10:33 pm., to an Adjourned meeting on Wednesday, May 22, 2019 at 6:00 pm.

**ELAINE DOERFLING
CITY CLERK**