

City of Hermosa Beach



**City of Hermosa Beach
Regular Meeting Minutes**

Tuesday, May 28, 2019

Council Chambers

1315 Valley Drive. Hermosa Beach, CA 90254

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 pm

ROLL CALL

Present: 4 Councilmembers: Campbell, Duclos, Massey, Mayor Armato
Absent: 1 Councilmember Fangary

PUBLIC COMMENT

*Coming forward:
Anthony Higgins*

RECESS TO CLOSED SESSION IN SECOND FLOOR CONFERENCE ROOM

6:06 pm

1. 19-0333 **MINUTES:** Approval of minutes of Closed Session held on May 14, 2019.

2. 19-0334 **CONFERENCE WITH LABOR NEGOTIATOR**

Government Code Section 54957.6

City Negotiator: City Manager

Employee

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

3. 19-0342 **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: 1

4. 19-0350 **CONFERENCE WITH LEGAL COUNSEL: Anticipated Litigation**

Government Code Section 54956.9(d)(2)

The City finds, based on advice from legal counsel, that discussion in open session will prejudice the position of the City in the litigation.

Workers Compensation Claim

AdminSure Claim Number: 18-138433

5. 19-0351 **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.

Claimant: Rosie Johnson, **Claim Number:** 16-127310

Date of Loss: 8/15/2016, **Date Filed:** 8/16/2016,

Date of Amended Claim: 2/14/2017

Allegation: Property damage and bodily injury from car accident involving city vehicle

ADJOURNMENT OF CLOSED SESSION

The meeting was adjourned at 6:15 pm.

**ELAINE DOERFLING
CITY CLERK**

7:00 P.M. - REGULAR AGENDA**CALL TO ORDER** 7:17 pm**PLEDGE OF ALLEGIANCE** *Led by Karen Klink***ROLL CALL**

Present: 5 Councilmembers, Campbell, Duclos, Fangary (arrived at 7:28 pm), Massey, Mayor Armato

Absent: 0

CLOSED SESSION REPORT

City Attorney Jenkins announced there was one person who spoke before Council adjourned to closed session that was not related to the Closed Session items on the agenda. There was no action to report.

ANNOUNCEMENTS

Councilmember Duclos announced there will be a celebratory event on Wednesday, June 26th for the 70th anniversary of the Lighthouse Café on the Plaza beginning at 7:00 pm

Mayor Armato announced that on Wednesday, May 29th from 4:30 pm to 6:00 pm, South Bay residents ages 50 and over are invited to the Hermosa 50 Open House and celebration at the Community Center; on Saturday, June 1st, from 10:30 am to 1:30 pm is the annual Community Safety Fair at the Community Center and celebrate Fire Service Day; on Thursday, June 6th from 5:00 pm to 6:00 pm is the dedication of the Julian Katz Memorial Bikeway at the Bike Corral on Hermosa Avenue and 10th Street; on Saturday, June 8th and Sunday June 9th, the Hermosa Beach Fine Arts Festival will be held at the Community Center Lawn From 10:00 am to 5:00 pm each day.

Mayor Pro Tem Campbell announced that she and Councilmember Duclos attended the Medal of Valor ceremony on Thursday and five Hermosa Beach Police Officers received the Life-Saving Award; Chief Sharon Papa; Acting Chief McKinnon; Officer Christopher Eslinger, Officer Nakamoto, and Officer Aurelio Lopez.

APPROVAL OF AGENDA

City Manager Lowenthal pulled Item 2(J) from the Consent Calendar for presentation of additional information.

PROCLAMATIONS / PRESENTATIONS

- a) **19-0339 RECOGNIZING THE EMERGENCY PREPAREDNESS
 ADVISORY COMMISSION FOR THEIR SERVICE
 TO THE CITY OF HERMOSA BEACH**

Mayor Armato presented members of the Emergency Preparedness Advisory Commission with plaques for their years of service on the Commission.

**b) 19-0340 UPDATE FROM JIM FASOLA - CITY DELEGATE TO THE
LOS ANGELES COUNTY WEST VECTOR & VECTOR-BORNE
DISEASE CONTROL DISTRICT BOARD OF TRUSTEES**

Jim Fasola presented an update on some of the issues the Los Angeles County West Vector and Vector-Borne Disease Control District Board is managing.

**c) 19-0341 SOUTHERN CALIFORNIA EDISON PRESENTS 2019
CIRCUIT RELIABILITY REPORT FOR HERMOSA BEACH**

Ryan Robbins, District Manager of Operations from Southern California Edison presented the City Council with an update on the 2019 Circuit reliability report for the City of Hermosa Beach after which, he responded to questions from councilmembers.

MISCELLANEOUS ITEMS AND REPORTS - CITY MANAGER

a) 19-0356 INFILTRATION PROJECT UPDATE

City Manager Lowenthal updated the City Council on the State Water Resources Control Board and the Infiltration Project.

PUBLIC PARTICIPATION:

*Coming Forward:
Jonathan Cuetko
Dean Francois
Karen Klink
Sarah harper
Trent Larson
Quentin Nelson
Hyrarn Wickland*

**a) WRITTEN COMMUNICATION
19-0352**

Recommendation: Staff recommends that the City Council receive and file the written communication.

Moved by Councilmember Massey; and second by Councilmember Duclos to receive and file written Communications. The motion unanimously carried.

2. CONSENT CALENDAR:

Item 2(f) was pulled from the consent Calendar for discussion and separate action. Items 2(j) and 2(k) remained on Consent; however, Council asked questions regarding Items 2(j) and 2(k)

**a) REPORT
19-0337**

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

Recommendation: Staff recommends that the City Council approve the following minutes:
1. Special Closed Session meeting of May 9, 2019
2. Regular meeting of May 14, 2019

**b) REPORT
19-0319**

CHECK REGISTERS
(Finance Director Viki Copeland)

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

**c) REPORT
19-0318**

**REVENUE REPORT, EXPENDITURE REPORT,
AND CIP REPORT BY PROJECT FOR APRIL 2019**
(Finance Director Viki Copeland)

Recommendation: Staff recommends that the City Council receive and file the April 2019 Financial Reports.

**d) REPORT
19-0320**

CITY TREASURER'S REPORT AND CASH BALANCE REPORT
(City Treasurer Karen Nowicki)

Recommendation: The City Treasurer recommends that the City Council receive and file the April 2019 City Treasurer's Report and Cash Balance Report.

**e) REPORT
19-0321**

PROJECT STATUS REPORT AS OF APRIL 30, 2019
(Acting Public Works Director Lucho Rodriguez)

Recommendation: Staff recommends that the City Council receive and file the Project Status Report as of April 30, 2019.

**g) REPORT
19-0353**

PLANNING COMMISSION TENTATIVE FUTURE AGENDA ITEMS
(Community Development Director Ken Robertson)

Recommendation: Staff recommends that the City Council receive and file the June 18, 2019 Planning Commission tentative future agenda items.

**h) REPORT
19-0324**

**ACTION MINUTES OF THE PUBLIC WORKS COMMISSION
MEETING OF MARCH 20, 2019**

Recommendation: Staff recommends that the City Council receive and file the action minutes of the Public Works Commission meeting of March 20, 2019.

**i) REPORT
19-0330**

**APPROVAL OF A RESOLUTION AUTHORIZING THE PREPARATION
OF A REPORT FOR THE ANNUAL LEVY OF ASSESSMENTS
WITHIN THE HERMOSA BEACH LANDSCAPING AND
STREET LIGHTING DISTRICT DURING FY 2019-2020**
(Acting Public Works Director Lucho Rodriguez)

Recommendation: Staff recommends that the City Council adopt Resolution 19-7177 authorizing the preparation of a report for the annual levy of assessments within the Hermosa Beach Landscaping and Street Lighting District during fiscal year 2019-2020.

**j) REPORT
19-0322** **INSTALLATION OF BICYCLE INFRASTRUCTURE AS
IDENTIFIED IN THE CITY'S ADOPTED GENERAL PLAN
AND BICYCLE MASTER PLAN**

(Acting Director of Public Works Lucho Rodriguez)

Recommendation: Staff recommends that the City Council accept the Public Works Commission recommendation to:

1. Approve the concept designs for the installation of bicycle infrastructure along Pier Avenue, Ardmore Avenue, and Manhattan Avenue based on the adopted Bicycle Master Plan and the General Plan; and
2. Prioritize the implementation of new bicycle facilities at this time based on the available funding for CIP Project 14-168 of \$20,000.

**k) REPORT
19-0338** **RECOMMENDATION TO APPROVE THE SECOND AMENDMENT
TO THE PROFESSIONAL SERVICES AGREEMENT WITH M6
CONSULTING, INC. TO CONTINUE LAND DEVELOPMENT
ENGINEERING SERVICES**

(Acting Public Works Director Lucho Rodriguez)

Recommendation: Staff recommends that the City Council:

1. Approve the Second Amendment to the existing Professional Services Agreement (PSA) with M6 Consulting, Inc. (M6) for land development engineering services, increasing the Professional Services Agreement by \$60,000 to a new not to exceed amount of \$310,000, and extending the term of the agreement by four months; and
2. Authorize the Mayor to execute and the City Clerk to attest the attached second amendment subject to approval by the City Attorney.

**l) REPORT
19-0332** **SOUTH BAY WORKFORCE INVESTMENT BOARD
QUARTERLY SUMMARY**

Recommendation: Staff recommends that the City Council receive and file the Quarterly Summary from the South Bay Workforce Investment Board (SBWIB).

**m) REPORT
19-0327** **RESOLUTION APPOINTING DELEGATE AND ALTERNATE
TO SERVE AS THE CITY'S REPRESENTATIVES ON THE
SOUTH BAY CITIES COUNCIL OF GOVERNMENTS (SBCCOG)**

(City Clerk Elaine Doerfling)

Recommendation: The City Clerk recommends that the City Council adopt Resolution 19-7178 appointing Councilmember Massey to serve as delegate and Mayor Pro Tem Campbell to serve as alternate on the South Bay Cities Council of Governments (SBCCOG).

**n) REPORT
19-0346** **INTRODUCTION OF ORDINANCE MODIFYING THE
HERMOSA BEACH MUNICIPAL CODE TO RETIRE THE
EMERGENCY PREPAREDNESS ADVISORY COMMISSION**

(City Manager Suja Lowenthal)

Recommendation: Staff recommends that the City Council introduce on first reading an ordinance repealing Chapter 2.38 of the Hermosa Beach Municipal Code in its entirety.

**o) REPORT
19-0304**

**AWARD OF CONTRACT FOR INDEPENDENT AUDIT SERVICES
(Finance Director Viki Copeland)**

Recommendation: Staff recommends that the City Council:

1. Approve a contract with the firm, Gruber and Associates, for the audit of financial statements for 2018-19, 2019-20, and 2020-21 and preparation of the corresponding State Controller's Annual Report of Transactions and Annual Street Report at a cost of \$88,138.96, with an option to extend for an additional two years; and
2. Transfer \$5,933 from Prospective Expenditures in 2019-20 for year one services.

**p) REPORT
19-0355**

**APPROVAL OF HOLDING A TRI-AGENCY STUDY SESSION
REGARDING YOUTH HEALTH ISSUES ON JUNE 5, 2019
(City Manager Suja Lowenthal)**

Recommendation: Staff recommends that the City Council approve holding a Tri-Agency Study Session on Wednesday, June 5, 2019 at 6:00 P.M. in the Council Chambers with the Beach Cities Health District and the Hermosa Beach School District to discuss youth health issues.

Councilmember Massey moved to approve the Consent Calendar excluding Item 2(f); second by Councilmember Fangary, the motion unanimously carried.

3. CONSENT ORDINANCES

**a) REPORT
19-0326**

**ORDINANCE NO. 19-1392 - "AN ORDINANCE OF
THE CITY OF HERMOSA BEACH, CALIFORNIA, AMENDING
SECTION 5.78.030 (DEFINITIONS) AND SECTION 5.78.100
(OPERATING REQUIREMENTS) IN CHAPTER 5.78 OF THE
HERMOSA BEACH MUNICIPAL CODE (TOBACCO RETAILERS)
TO BAN TOBACCO RETAILERS FROM SELLING ALL
FLAVORED TOBACCO PRODUCTS"
(City Clerk Elaine Doerfling)**

Recommendation: The City Clerk recommends that the City Council waive full reading and adopt by title Ordinance No. 19-1392.

Moved by mayor Pro Tem Campbell moved to waive reading and adopt Ordinance No. 19-1392 by title only; second by councilmember Duclos. The motion unanimously carried.

4. ITEMS REMOVED FROM THE CONSENT CALENDAR FOR SEPARATE DISCUSSION

**f) REPORT
19-0354**

**ACTION SHEET OF THE PLANNING COMMISSION
MEETING OF MAY 21, 2019**

Recommendation: Staff recommends that the City Council receive and file the action sheet of the Planning Commission meeting of May 21, 2019.

Coming Forward:
Dean Francois

After discussion, the City Council concurred to take jurisdiction over the Planning Commission's action on Conditional Use Permit Amendment 18-3 and Parking Plan Amendment 18-2.

5. PUBLIC HEARINGS - TO COMMENCE AT 7:30 P.M.

a) REPORT 19-0307

PUBLIC HEARING ON THE ANNUAL LEVY FOR THE SEWER CHARGE AND ENGINEER'S REPORT (Acting Public Works Director Lucho Rodriguez)

Recommendation: It is recommended that the City Council hold a public hearing, and:
1. Make a finding that there is no majority protest by property owners within the City of Hermosa Beach; and
2. Adopt Resolution No. 19-7179, with attached Engineer's Report, and place the sewer service charge on the annual County of Los Angeles Tax Roll.

The public hearing was opened at 9:03 pm.

Coming Forward:
Trent Larson
Dean Francois

The public hearing was closed at 9:07 pm.

Moved by Councilmember Massey to approve the Resolution and place the sewer service charge on the annual County of Los Angeles tax roll; second by Councilmember Duclos. The motion unanimously carried.

6. MUNICIPAL MATTERS

a) REPORT 19-0328

CONSIDERATION OF SPECIAL EVENT FEE WAIVER REQUESTS FOR BEST DAY FOUNDATION BEACH DAY FROM SATURDAY, JUNE 15 - SUNDAY, JUNE 16; AND SATURDAY, SEPTEMBER 14 - SUNDAY, SEPTEMBER 15, 2019 (Community Resources Manager Kelly Orta)

Recommendation: Staff recommends that the City Council consider a special event fee waiver request totaling \$140 from the Best Day Foundation for "Best Day Foundation Beach Day" on June 15-16 and September 14-15, 2019.

Moved by Mayor Pro Tem Campbell to approve the Request for a 50% fee waiver total \$140; second by Councilmember Fangary. The motion unanimously carried.

b) REPORT 19-0315

PARTICIPATION IN BEACH CITIES TRANSIT (BCT) LINE 109 AGREEMENT, WITH NO REQUIRED FINANCIAL CONTRIBUTION

**FROM THE CITY FOR FISCAL YEAR 2019-2020, WITH THE CITIES
OF EL SEGUNDO, MANHATTAN BEACH AND REDONDO BEACH,
FUNDED FROM PROPOSITION A FUNDS**
(Community Development Director Ken Robertson)

- Recommendation:** Staff recommends that the City Council:
1. Approve participation for one year along with the other beach cities, with no required financial contribution from the City for Fiscal Year 2019-2020; and
 2. Direct the Mayor to sign the agreement on behalf of the City.

Moved by Councilmember Massey to approve staff's recommendation to participate for one year and direct the Mayor to sign the agreement on behalf of the City; second by Councilmember Fangary. The motion unanimously carried.

**c) REPORT
19-0280**

**RESOLUTION SETTING THE SALARY AND DUTIES FOR THE
ELECTED CITY CLERK SHOULD THE NOVEMBER 5, 2019
BALLOT MEASURE FOR APPOINTED CITY CLERK FAIL**
(Assistant to the City Manager Nico De Anda-Scaia)

- Recommendation:** Staff recommends that the City Council adopt Resolution No. 19-XXXX setting the salary and duties for the Elected City Clerk, should the November 5, 2019 ballot measure seeking approval of the electorate for an Appointed City Clerk fail.

Moved by Mayor Pro Tem Campbell to adopt the resolution 19-7180 setting the salary and duties for the Elected City Clerk; second by Councilmember Fangary. The motion unanimously carried.

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

**a) REPORT
19-0329**

**CONSIDERATION OF A LETTER OF SUPPORT
FOR H.R. 1487 - SANTA MONICA MOUNTAINS NATIONAL
RECREATION AREA BOUNDARY ADJUSTMENT STUDY ACT**
(Assistant to the City Manager Nico De Anda-Scaia)

- Recommendation:** Staff recommends that the City Council:
1. Approve, on behalf of the City, support for H.R. 1487, the Santa Monica Mountains National Recreation Area Boundary Adjustment Study Act, introduced by Congressman Ted Lieu; and
 2. Authorize the Mayor to sign a letter of support for H.R. 1487 on behalf of the City.

Moved by Mayor Pro Tem Campbell to authorize the Mayor to sign a letter of support for H.R. 1487 on behalf of the City; second by Councilmember Fangary. The motion unanimously carried.

b) 19-0331

**UPDATES FROM CITY COUNCIL AD HOC SUBCOMMITTEES
AND STANDING COMMITTEE DELEGATES/ALTERNATES**

Mayor Armato provided an update on the Downtown Enhancement Sub-committee regarding the cost to replace existing landscaping from the median along Hermosa Avenue and to renovate the Valley Park restrooms. The Sub-committee requested funds be added to this year's budget when it is brought back for consideration, or during the mid-year budget.

Councilmember Massey added that the sub-committee walked with staff to look at the newly installed lights and provided input to staff. The downtown lighting improvements are a work in progress.

A brief discussion among Council whether the landscaping along the Hermosa Avenue median would include the planting of trees or drought-tolerant landscaping.

Councilmember Duclos suggested the Fiesta Sub-committee get together with staff for a post Fiesta meeting.

City Manager Lowenthal indicated that once the Community Resources staff puts together an operational analysis and receives input from the Chamber a post Fiesta debriefing will be scheduled.

Councilmember Fangary advised Council that the South Bay Cities COG had this very extensive conversation about cannabis and also that Senate Bill SB 50 has been changed to a new 2-year bill.

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.

Councilmember Duclos requested the City Council consider Hermosa Beach withdrawing from the Contract Cities Association due to an Incident that occurred at the most recent conference. Council supported placing an item on a future agenda for discussion.

Mayor Pro Tem Campbell suggested establishing a sub-committee to look into the Cannabis issues discussed by Mr. Cuetco, so the City will be prepared to address issues when they come up.

Councilmember Massey invited Mayor Pro Tem Campbell to participate with him in conversations he has been having with the police chief.

a) 19-0349

TENTATIVE FUTURE AGENDA ITEMS

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

Mayor Armato and Councilmember Massey asked when the matter of City Branding would be on the future agenda items list. Assistant to the City Manager Nico De Anda-Scaia responded.

ADJOURNMENT

The meeting was adjourned at 10:35 pm to a Study Session on Wednesday, June 5, 2019 at 6:00 pm.

ELAINE DOERFLING
CITY CLERK