

**City of Hermosa Beach**

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



**Regular Meeting Minutes  
Tuesday, September 10, 2019  
6:00 PM  
Closed Session - 6:00 PM  
Regular Meeting - 7:00 PM**

**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***

The meeting was called to order at 6:02 pm

***ROLL CALL***

**Present:** Councilmembers Campbell, Duclos, Massey, Mayor Armato

**Absent:** Councilmember Fangary

Moved by Councilmember Massey, and second by Councilmember Duclos to add an item to the Closed Session Agenda pursuant to 54956.9(b)(4).

**AYES:** Councilmembers, Campbell, Duclos, Massey, Mayor Armato

**ABSENT:** Councilmember Fangary

**PUBLIC COMMENT**

Anthony Higgins addressed the City Council.

**RECESS TO CLOSED SESSION IN SECOND FLOOR CONFERENCE ROOM**

The City Council recessed to Closed Session at 6:06 pm.

1. **MINUTES:** Approval of Minutes of Closed Session held on August 27, 2019.

2. **CONFERENCE WITH LABOR NEGOTIATOR  
Government Code Section 54957.6**

**City Negotiator:** City Manager

**Employee**

**Organizations:** Hermosa Beach Police Officers' Association  
Police Management Bargaining Group  
Hermosa Beach Management Association  
Unrepresented Employees

3. **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: Arlene Buschbach v. City of Hermosa Beach  
Los Angeles County Superior Court, Case Number: 19STCV11390
- c) Name of Case: Kerry Cartwright v. City of Hermosa Beach  
Los Angeles County Superior Court, Case Number: 18STCV05692
- d) Name of Case: Hermosa Fitness LLC v. City of Hermosa Beach  
Los Angeles County Superior Court, Case Number: 18STCP02840
- e) Name of Case: Mark Roth v. City of Hermosa Beach  
Los Angeles County Superior Court, Case Number: YC072628

4. **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: Dona Bauer, Claim Number: 19-140994  
Date of Loss: 10/22/2018, Date Filed: 3/18/2019  
Allegation: Fracture to right foot from fall on brick sidewalk at 6th Street
- b) 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

- c) 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
- d) Claimant: Brandi Duroncelay, Claim Number: 19-141000  
Date of Loss: 2007, Date Filed: 3/18/2019  
allegation: Neglect; Loss occurred at a Domestic Violence Shelter
- e) Claimant: Aanchal Gandhi, Claim Number: 19-141906  
Date of Loss: 2/19/2019, Date Filed: 5/2/2019  
Allegation: Exterior wall, landscaping fixtures and plants damaged by city employees
- f) Claimant: Christopher Haueter, Claim Number: 19-142438  
Date of Loss: 3/7/2019, Date Filed: 6/4/2019  
Allegation: low hanging utility line cable caused damage to his vehicle
- g) 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
- h) Claimant: Amy Levin, Claim Number: 19-143365  
Date of Loss: 7/15/2019, Date Filed: 7/23/2019  
Allegation: City vehicle backed into claimant vehicle
- i) Claimant: Valerie Rhodes, Claim Number: 19-140423  
Date of Loss: 9/1/2018, Date Filed: 2/25/2019  
Allegation: Fractured foot and ankle due to trip/fall in park
- j) Claimant: Chantelle Sinkler, Claim Number: 19-142440  
Date of Loss: 2/20/2019, Date Filed: 6/6/2019  
Allegation: Car accident involving HbPD vehicle at Pier Ave. and Ardmore Ave.
- k) Claimant: Barbara Stafford, Claim Number: 19-143187  
Date of Loss: 12/23/2018, Date Filed: 6/10/2019  
Allegation: Sustained injuries as result of WAVE Dial-A-Ride vehicle operator prematurely retracting the lift

### ***ADJOURNMENT OF CLOSED SESSION***

The Closed Session adjourned at 6:50 pm.

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

### **CALL TO ORDER**

The meeting was called to order at 7:02 pm.

### **PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Jim Lissner

### **ROLL CALL**

**Present:** Councilmembers Campbell, Duclos, Massey, Mayor Armato  
Councilmember Fangary arrived at 7:45 pm

### **CLOSED SESSION REPORT**

The City Attorney provided the Closed Session report advising the Council heard public comment and took no reportable action.

### **ANNOUNCEMENTS**

Councilmember Duclos announced the Week of September 8th through 14<sup>th</sup> has been designated as National Suicide Prevention Awareness Week.

Mayor Armato made the following announcements:

Update on the memorial services for former Hermosa Police Chief Greg Savelli

September is Disaster Preparedness Month

Hermosa Beach 9/11 Memorial Ceremony will be held on September 11<sup>th</sup> at 5 pm next to the 9/11 Memorial on the Greenbelt at Pier Avenue and Valley Drive

Hermosa Heroes Pancake Breakfast on Saturday, September 28<sup>th</sup> from 8:00 am – 12 Noon at the Lifeguard Headquarters at Pier Plaza

Best Day Foundation Beach Day, September 14<sup>th</sup> and 15<sup>th</sup> from 9am to 1pm.

Community Movie Night on Friday, September 20<sup>th</sup> from 6pm to 9pm

Walk to End Alzheimer's on Saturday, September 21<sup>st</sup> beginning at 10:30 am

Coastal Cleanup Day, September 21<sup>st</sup> from 9 am to 12 Noon at the Pier Head.

### **APPROVAL OF AGENDA**

Councilmember Massey requested, and Council concurred, to move Item 5b before Item 5a.

Councilmember Massey moved, and second by Councilmember Duclos to approve the Agenda. The motion carried as follows: **AYES:** Councilmembers Campbell, Duclos, Massey, Mayor Armato

**ABSENT:** Councilmember Fangary

### **PROCLAMATIONS / PRESENTATIONS**

There were none.

## MISCELLANEOUS ITEMS AND REPORTS - CITY MANAGER

### a) UPDATE ON CITY RECRUITMENTS AND NEW HIRES

The City Manager provided a report on the status of recruitments and new hires. She also advised the City Council that the City was recommended to receive a Grant from the California Coastal Conservancy in the amount of approximately \$500,000 to fund the construction of the renovation of Parking Lot D.

## PUBLIC PARTICIPATION:

### 1. ORAL AND WRITTEN COMMUNICATIONS:

The following Individuals addressed the City Council:

Anthony Higgins  
Jim Lissner  
Robert Van Lingen  
Bill Lemmer  
Sheryl Main  
Trent Larson  
Robert Arinof  
John Shearer  
Jon David  
Carol James  
Greg Tylka

Councilmember Fangary arrived at 7:45 pm.

### a) WRITTEN COMMUNICATION

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

Moved by Councilmember Massey, and second by Mayor Pro Tem Campbell to receive and file written communications. The motion carried as follows: **AYES:** Councilmembers Campbell, Duclos, Fangary, Massey, Mayor Armato

### 2. CONSENT CALENDAR:

Item 2(g) was pulled from the Consent Calendar and discussed under Item 4, Items Pulled from Consent

Moved by Councilmember Duclos, and second by Councilmember Campbell to approve the Consent Calendar consisting of Items (a) through (f). The motion carried as follows: **AYES:** *Councilmembers Campbell, Duclos, Fangary, Massey, Mayor Armato*

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

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

1. Special meeting of August 27, 2019
2. Regular meeting of August 27, 2019

**b) CHECK REGISTERS**

*(Finance Director Viki Copeland)*

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

**c) ACTION MINUTES OF THE PARKS, RECREATION AND COMMUNITY RESOURCES ADVISORY COMMISSION MEETING OF AUGUST 6, 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 August 6, 2019.

**d) EXTENSION OF AGREEMENT WITH THE HERMOSA BEACH YOUTH BASKETBALL LEAGUE TO PROVIDE A COED YOUTH BASKETBALL LEAGUE FOR THE UPCOMING 2019/2020 REGULAR AND OPTIONAL SUMMER SEASON**

*(Community Resources Manager Kelly Orta)*

**Recommendation:** Staff recommends that the City Council approve the Second Amendment to the Hermosa Beach Youth Basketball League agreement, authorizing the last of two one-year extensions, to coordinate and manage the 2019-2020 coed youth basketball league and optional summer season.

**e) REQUEST TO CONSENT TO PARTIAL ASSIGNMENT OF FIBER OPTIC CABLE EASEMENT RIGHTS AND OBLIGATIONS BETWEEN RTI INFRASTRUCTURE, INC. AND PACIFIC CARRIAGE LIMITED INC.**

*(City Attorney Mike Jenkins)*

**Recommendation:** Staff recommends that the City Council:

1. Review and approve the partial assignment of the Fiber Optic Cable Easement to Pacific Carriage Limited; and
2. Direct the City Manager to execute and the City Clerk to attest to the partial assignment agreement.

**f) REJECT ALL BIDS AND AUTHORIZE TO RE-ADVERTISE FOR THE CONSTRUCTION AND INSTALLATION OF BUS STOP FURNITURE**

*(Acting Public Work Director Lucho Rodriguez)*

**Recommendation:** Staff recommends that the City Council:

1. Reject all bids received for the Bus Stop Shelter Furniture Installation project; and
2. Authorize Staff to re-advertise the project for competitive bids.

**3. CONSENT ORDINANCES**

**a) ADOPTION OF ORDINANCE NO. 19-1394 AMENDING TITLE 10 (VEHICLES AND TRAFFIC) OF THE HERMOSA BEACH MUNICIPAL CODE TO EXTEND THE TEMPORARY PROHIBITION ON SHARED MOBILITY DEVICES FROM BEING: OFFERED FOR USE ANYWHERE IN THE CITY; PLACED IN ANY PUBLIC RIGHT-OF-WAY OR PUBLIC PROPERTY; OR OPERATED ON ANY PUBLIC PROPERTY OR RIGHT-OF-WAY IN THE CITY**

*(City Clerk Elaine Doerfling)*

**Recommendation:** The City Clerk recommends that the City Council adopt by title only, Ordinance No. 19-1394 Amending Title 10 (Vehicles and Traffic) of the Hermosa Beach Municipal Code to extend the temporary prohibition on shared mobility devices from being: offered for use anywhere in the City; placed in any public right-of-way or public property; or operated on any public property or right-of-way in the City.

Moved by Mayor Pro Tem Campbell, and second by Councilmember Duclos to adopt Ordinance No. 19-1394 Amending Title 10 (Vehicles and Traffic) of the Hermosa Beach Municipal Cod to Extend the Temporary Prohibition on Shared Mobility Devices from Being: Offered for Use Anywhere in the City; Placed in any Public Right-of-Way or Public Property; or Operated on any Public Property or Right-of-Way in the City. The motion carried as follows: **AYES:** Councilmembers Campbell, Duclos, Fangary, Massey, Mayor Armato

**4. ITEMS REMOVED FROM THE CONSENT CALENDAR FOR SEPARATE DISCUSSION**

**g) RECOMMENDATION TO REJECT CLAIMS**  
(Human Resources Manager Vanessa Godinez)

**Recommendation:** Staff recommends that the City Council reject the following claims and refer them to the City's Liability Claims Administrator.

Claimant: Haueter, Christopher (Allstate Insurance Company)

Date of Loss: March 7, 2019

Date Filed Initial Claim: June 4, 2019

Date Filed Revised Claim: June 24, 2019

Allegation: Claimant alleges he was driving behind a delivery box truck when the truck knocked over a utility line cable hanging low from a telephone pole causing the cable to fall and damage his vehicle.

Claimant: Stafford, Barbara

Date of Loss: December 23, 2018

Date Filed: June 10, 2019

Allegation: Claimant alleges the WAVE Dial-A-Ride, City of Redondo Beach, City of Hermosa Beach, and Parking Concepts Inc., violated the Health and Safety Code Section 19955, Civil Code Sections 51, 51.5, 52a, 54, 54.1, 54.3, and Title II of the Americans with Disabilities Act. Claimant indicates she is a partially paralyzed and confined to a wheelchair. On December 23, 2018, she was a passenger in a WAVE Dial-A-Ride vehicle when she sustained serious injuries as a result of the vehicle operator prematurely retracting the lift that caused her to fall over and sustain serious injuries.

Moved by Councilmember Massey, and second by Mayor Pro Tem Campbell, to deny the above claims and refer them to the City's Liability Claims Administrator. The motion carried as follows: **AYES:** Councilmembers Campbell, Duclos, Fangary, Massey, Mayor Armato

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

<i>Item (b) was considered and acted upon before Item (a)</i>
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**b) CONSIDERATION OF A MUNICIPAL CODE AMENDMENT TO ESTABLISH A WO-YEAR PILOT PROGRAM TO ALLOW AND REGULATE SHORT-TERM VACATION RENTALS**

**IN EXISTING NONCONFORMING RESIDENTIAL UNITS THAT ARE LOCATED WITHIN COMMERCIAL ZONES**

(Community Development Director Ken Robertson)

**Recommendation:** Staff recommends that the City Council:

1. Introduce the attached ordinance to amend various sections of Title 17 of the Hermosa Beach Municipal Code, thereby establishing a two-year pilot program to allow and regulate short-term vacation rentals in existing non-conforming residential units that are located within commercial zones; and
2. Approve the amendment to the master fee resolution to establish permit fees for short-term vacation rentals.

The Mayor opened the public hearing. The following Individuals addressed the City Council:

Andrew LaPoint

Ali Navab

Terrill Burnett

Claudia Levine

Peter Baird

Brandi Meyer

Allen James

Trent Larson

Rachel Hayes

Scott Hayes

Lisa Siao

Ezra Choyeke

Nicole Trutanich

Raymond Jackson

Peter Tucker

Michael Schweid

Laura Pena

David Grethen

Moved by Councilmember Duclos, and second by Councilmember Fangary, to introduce Ordinance No. 19-1395 an Ordinance of the City of Hermosa Beach Amending Various Sections of the Hermosa Beach Municipal Code to Establish a Two Year Pilot Program to Regulate the Rental of Existing Nonconforming Residential Properties that are located in Commercial Zoning Districts for fewer than Thirty Days, with the additional language proposed by Councilmember Massey. The motion carried as follows: **AYES:** Councilmembers Campbell, Duclos, Fangary, Massey. **NOES:** Mayor Armato.

Mayor Pro Tem Campbell moved, and second by Councilmember Fangary, to extend the meeting. The Motion carried as follows: **AYES:** Councilmembers Campbell, Duclos, Fangary, Massey, Mayor Armato.

Moved by Councilmember Duclos, and second by Mayor Pro Tem Campbell, to adopt Resolution No.19-7209 amending the Master Fee Resolution. The motion carried as follows: **AYES:** Councilmembers Campbell, Duclos, Fangary, Massey. **NOES:** Mayor Armato.

- a) CERTIFICATE OF APPROPRIATENESS TO ALLOW A TENANT 19-0579  
IMPROVEMENT WITHIN SUITE 101 ON THE FIRST FLOOR OF THE BIJOU BUILDING  
LOCATED AT 1221 HERMOSA AVENUE AND DETERMINE THE REQUEST IS EXEMPT  
FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PURSUANT TO  
CEQA GUIDELINE SECTION 15331 (HISTORICAL RESOURCE RESTORATION/**



***REHABILITATION*** (Community Development Director Ken Robertson)

**Recommendation:** Staff recommends that the City Council continue the public hearing to the September 24, 2019 City Council meeting while City staff and the historic consultant finalize the Historic Resource Report for the Bijou building theatre space located at 1221 Hermosa Avenue, Suite 101.

Moved by Councilmember Massey, and second by Councilmember Duclos, with a friendly amendment by Councilmember Fangary that was accepted, to continue the public hearing to September 24, 2019, or at a later time when staff has the necessary documents. The motion carried as follows: **AYES:** Councilmembers Campbell, Duclos, Fangary, Massey, Mayor Armato.

**c) ZONE CHANGE 18-1- A REQUEST TO REZONE PROPERTY LOCATED AT 820 9TH STREET FROM GENERAL COMMERCIAL (C-3) TO SINGLE-FAMILY RESIDENTIAL (R-1) AND DETERMINE THAT THE REQUEST IS WITHIN THE SCOPE OF THE PROJECT CONSIDERED IN THE PLAN HERMOSA ENVIRONMENTAL IMPACT REPORT (EIR)** (Community Development Director Ken Robertson)

**Recommendation:** Staff recommends that the City Council:

1. Introduce the attached ordinance to approve Zone Change 18-1, thereby rezoning the subject site from C-3 to R-1; and
2. Determine that the request is within the scope of the project considered in the PLAN Hermosa Environmental Impact Report (EIR).

Stacey Strauss addressed the City Council on behalf of the applicant.

Mayor Pro Tem Campbell moved, and second by Councilmember Massey to introduce by title only, Ordinance No. 19-1396 Amending the Zoning Map from General Commercial (C-3) to Single-Family Residential (R-1) to be Consistent with the Plan Hermosa Land Use Designation of Low Density residential (LD) for property Located at 820 – 9<sup>th</sup> Street, Legally Described as Lot 17 of Tract No. 5650, in the City of Hermosa Beach, County of Los Angeles, State of California. The motion carried by the following vote: **AYES:** Councilmembers Campbell, Duclos, Fangary, Massey, Mayor Armato.

**d) ADOPTION AND IMPLEMENTATION OF AN ORGANIC WASTE RECYCLING PROGRAM FOR HERMOSA BEACH BUSINESSES AND RESIDENTS** (Acting Public Works Director Lucho Rodriguez)

**Recommendation:** Staff recommends that the City Council:

1. Adopt Resolution 19-7210 approving an organic waste recycling program to comply with State mandates and authorizing the collection of additional fees related to commercial and residential organic waste recycling services; and
2. Direct staff to coordinate with Athens Services on the implementation of the organic waste recycling and to conduct education and outreach to Hermosa Beach businesses and residents on the new program.

Mayor Armato opened the public hearing. The following individuals addressed the City Council:  
Peter Tucker  
David Grethen

Mayor Armato closed the public hearing.

After confirming there was not a majority protest of the additional fees, Mayor Pro Tem Campbell moved, and second by Councilmember Duclos to adopt Resolution No. 19-7210. The motion carried as

follows: **AYES:** Councilmembers Campbell, Duclos, Fangary, Massey, Mayor Armato.

**6. MUNICIPAL MATTERS**

**a) RECOMMENDATION TO APPROVE THE AMENDMENT TO THE CONTRACT FOR CONSTRUCTION AGREEMENT FOR 8TH STREET REPAVING** (Acting Public Works Director Lucho Rodriguez)

**Recommendation:** Staff recommends that the City Council:

1. Approve the first Amendment to the existing construction agreement with Gentry General Engineering, Inc., to repave 8th street, increasing the agreement by \$199,512.18 to a new not to exceed amount of \$913,512.18;
2. Authorize the transfer of \$100,000 in Gas Tax Funds from CIP 186, Street Improvements Various Locations to CIP 173, 8th Street Improvements for paving of 8th Street; and
3. Authorize the Mayor to execute and the City Clerk to attest the attached amendment, subject to approval by the City Attorney.

Mayor Pro Tem Campbell recused herself due to a potential conflict.

David Grethen addressed the City Council.

Councilmember Massey Moved, and second by Councilmember Duclos, to approve the First Amendment to the existing construction agreement with Gentry General Engineering Inc., to repave 8<sup>th</sup> Street, increasing the agreement by \$199,512. The motion failed as follows: **AYES:** Councilmembers Duclos, Councilmember Massey; **NOES:** Councilmember Fangary, Mayor Armato

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

**a) VACANCIES - BOARDS AND COMMISSIONS - EXPIRATION OF TERMS CIVIL SERVICE BOARD APPOINTMENTS** (City Clerk Elaine Doerfling)

**Recommendation:** The City Clerk recommends that the City Council appoint two of the three Civil Service Board applicants to four-year terms ending July 15, 2023.

The City Council appointed Lynda Castro and Robert Wolfe to the Civil Service Board for a term of four years.

**b) CONSIDERATION OF MEMBERSHIP WITH INDEPENDENT CITIES ASSOCIATION** (City Manager Suja Lowenthal)

**Recommendation:** Staff recommends that the City Council consider and provide direction on membership with Independent Cities Association (ICA).

Moved by Councilmember Duclos and second by Councilmember Fangary to re-establish the City's membership with the Independent City's Association and appoint a councilmember to represent the City. Mayor Armato expressed an interest to be a board member, if possible, or the delegate. The motion carried as follows: **AYES:** Councilmembers Campbell, Duclos, Fangary, Massey and Mayor Armato

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

Mayor Pro Tem Campbell commented on the City Council being kept aware of Access Hermosa Agendas for informational purposes.

**8. OTHER MATTERS - CITY COUNCIL**

Councilmember Fangary requested that the agenda item for the towing and storage services contract (Report 19-0708) be brought back to Council for reconsideration at the September 4, 2019 City Council meeting. There was no support for the request.

Councilmember Fangary requested that staff return to Council with a proposed checklist for review/approval by council of the minimum information to be included in future staff reports regarding responses to requests for bids and/or requests for proposals. There was no support for the request.

Councilmember Duclos asked to have brought back Section 12.20.220 of the Municipal Code, Motorized Electric Wheel Devices, to discuss the language. There was no support for the request.

**a) TENTATIVE FUTURE AGENDA ITEMS**

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

The Tentative Future Agenda Items were received and filed.

**ADJOURNMENT**

Mayor Armato adjourned the meeting at 12:21 am in honor of the Memory of Woodrow Taylor, Jr., the City's Parking Administrative hearing Officer for the past six and a-half years.

ELAINE DOERFLING  
CITY CLERK