

**City of Hermosa Beach**

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



**City Council Meeting Minutes  
Tuesday, November 12, 2019  
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**

The meeting was called to order at 6:01 p.m.

**ROLL CALL**

**Present:** Councilmembers Duclos, Fangary, Mayor Armato

**Late:** Councilmember Massey, Mayor Pro Tem Campbell

**PUBLIC PARTICIPATION:**

1) Anthony Higgins

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

The City Council recessed to Closed Session at 6:05 p.m. to:

1. **MINUTES:** Approval of minutes of Closed Session held on October 22, 2019.
2. **CONFERENCE WITH LEGAL COUNSEL: Pending 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.

**Name of Case:** Hermosa Fitness LLC v. City of Hermosa Beach, et al  
**United States District Court, Case Number:** 2:19-cv-08666

## **ADJOURNMENT OF CLOSED SESSION**

The Closed Session adjourned at 7:05 p.m.

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

### **CALL TO ORDER**

The meeting was called to order at 7:10 p.m.

### **PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Andrea Valcourt.

### **ROLL CALL**

**Present:** Councilmembers Duclos, Fangary, Massey, Mayor Pro Tem Campbell, Mayor Armato

### **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 made the following announcements:

- 1) He represented the City last week in Loreto, Mexico for the 20<sup>th</sup> anniversary of the Hermosa Beach Sister City Association's paramedic program and had a "whale" of a good time.
- 2) A ceremony commemorating the 25<sup>th</sup> anniversary of the City's Veterans Memorial took place on the Community Center east lawn on November 11<sup>th</sup>.

Mayor Pro Tem Campbell made the following announcements:

- 1) She attended the Hermosa Beach Historical Society's Annual Gala Fundraising Event last Saturday.
- 2) The Great Santa Stroll event benefitting Michael's Learning Place which serves children with special needs will take place at the Hermosa Beach Pier starting at 10 a.m. on December 14<sup>th</sup>.

Mayor Armato made the following announcements:

- 1) A community workshop on Hawthorne Airport noise will be held at the Hawthorne Memorial Center

Polaris Room at 3901 West El Segundo Boulevard at 6 p.m. on November 14<sup>th</sup>.

- 2) Hermosa Beach Friends of the Parks and Leadership Hermosa Beach will be hosting a beach cleanup at on the north side of Hermosa Beach Pier at 10 a.m. on November 17<sup>th</sup>.

## **APPROVAL OF AGENDA**

Moved by Councilmember Massey, and second by Mayor Pro Tem Campbell, to approve the agenda as presented. The motion carried as follows:

**AYES:** Councilmembers Duclos, Fangary, Massey, Mayor Pro Tem Campbell, Mayor Armato

## **PROCLAMATIONS / PRESENTATIONS**

- a) **RECOGNIZING CHIEF SHARON PAPA FOR HER SERVICE TO THE CITY OF HERMOSA BEACH AS CHIEF OF POLICE FROM 2013-2019 AND FOR HER 40 YEARS AS A LAW ENFORCEMENT VETERAN**

The City Council recognized Sharon Papa who served as Hermosa Beach's Chief of Police from September 2013 to October 2019. Chief Papa was also recognized by the Los Angeles County Police Chief's Association and representatives from the offices of Los Angeles County Supervisor Janice Hahn, Los Angeles County District Attorney Jackie Lacey, Assemblymember Al Muratsuchi, State Senator Ben Allen, and Congressman Ted Lieu.

Mayor Armato recessed the meeting at 7:46 p.m. for a reception in the lobby.

Mayor Armato reconvened the meeting at 8:00 p.m.

- b) **PROCLAMATION DECLARING NOVEMBER 12, 2019 AS SANDPIPERS FOUNDER'S DAY AND CELEBRATING THEIR 88TH YEAR AS A SOUTH BAY COMMUNITY SERVICE ORGANIZATION**

Mayor Armato presented a proclamation to Sandpipers President Natalie Radtke declaring November 12, 2019 as Sandpipers Founder's Day following a presentation on Hermosa Beach-based Sandpipers' philanthropic efforts benefitting families in need since 1931.

- c) **PROCLAMATION DECLARING NOVEMBER 16, 2019 AS INTERNATIONAL DAY OF TOLERANCE**

Mayor Armato presented a proclamation to Rabbi Yossi Mintz declaring November 16, 2019 as International Day of Tolerance.

## **MISCELLANEOUS ITEMS AND REPORTS - CITY MANAGER**

The City Manager provided updates on the following items:

- a) **UPDATE ON VALLEY PARK RESTROOM RENOVATIONS**

Valley Park restroom renovations started on November 7<sup>th</sup> with painting completed. New plumbing fixtures, partitions and a drinking fountain will be installed with completion expected by November 14<sup>th</sup>.

- b) **LOS ANGELES COUNTY FIRE DEPARTMENT AND MCCORMICK AMBULANCE QUARTERLY UPDATE**

Emergency Management Coordinator Brandy Villanueva reported on Los Angeles County Fire Department and McCormick Ambulance response time and statistics for Hermosa Beach from July to September 2019. Fire Station 100 construction at 540 Pier Avenue is on track for completion by March 2020 with demolition of the 2<sup>nd</sup> floor completed and interior first floor work in progress.

**PUBLIC PARTICIPATION:**

**1. ORAL AND WRITTEN COMMUNICATIONS:**

The following individuals addressed the City Council:

- 1) Anthony Higgins
- 2) Sarah Harper
- 3) Liz Ramirez
- 4) Megg Sulzinger
- 5) Trent Larson

**a) WRITTEN COMMUNICATION**

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

Moved by Mayor Pro Tem Campbell, and second by Councilmember Duclos, to receive and file written communications. The motion carried as follows:

**AYES:** Councilmembers Duclos, Fangary, Massey, Mayor Pro Tem Campbell, Mayor Armato

**2. CONSENT CALENDAR:**

Councilmember Fangary requested Item 2(d) be pulled from the Consent Calendar.

Moved by Councilmember Duclos, and second by Councilmember Massey, to approve the balance of the Consent Calendar consisting of Items (a) through (c), (e) and (f). The motion carried as follows:

**AYES:** Councilmembers Duclos, Fangary, Massey, Mayor Pro Tem Campbell, Mayor Armato

**a) MEMORANDUM REGARDING CITY COUNCIL MEETING MINUTES**

*(City Clerk Elaine Doerfling)*

**Recommendation:** The City Clerk recommends that the City Council receive and file this memorandum.

**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 OCTOBER 1, 2019**

*(Community Resources Manager Kelly Orta)*

**Recommendation:** Staff recommends that the City Council receive and file the action minutes of the Parks, Recreation and Community Resources Advisory Commission meeting of October 1, 2019.

**e) REQUEST FOR APPROVAL OF SPONSORSHIP DONATION TO MIRA COSTA HIGH SCHOOL GRAD NITE 2020**

*(City Manager Suja Lowenthal)*

**Recommendation:** Staff recommends that the City Council approve a donation of \$1,000 to the Mira Costa High School G.R.A.D. Booster Club for 2020.

**f) REQUEST FOR APPROVAL OF SPONSORSHIP DONATION TO THE BEACH CITIES HEALTH DISTRICT'S 21st ANNUAL HOLIDAY GIFT BAG PROJECT**

*(City Manager Suja Lowenthal)*

**Recommendation:** Staff recommends that the City Council approve a donation of \$660 to the Beach Cities Health District's Holiday Gift Bag Project for 2019.

**3. CONSENT ORDINANCES**

None.

Public Hearing Items 5(a) and 5(b) and Municipal Matters Item 6(a) were considered and acted upon prior to Item 4 / 2(d) – Items Removed From the Consent Calendar for Separate Discussion.

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

**a) AN ORDINANCE OF THE CITY OF HERMOSA BEACH, CALIFORNIA, AMENDING CHAPTER 8.64 OF THE HERMOSA BEACH MUNICIPAL CODE TO EXPAND THE BAN ON POLYSTYRENE FOOD SERVICE WARE TO INCLUDE A BAN ON CERTAIN POLYSTYRENE PRODUCTS, SINGLE-USE PLASTIC PRODUCTS, AND SINGLE-USE PRODUCTS AND AMENDING CHAPTER 1.10 TO MAKE VIOLATIONS OF CHAPTER 8.64 AS AMENDED SUBJECT TO ADMINISTRATIVE PENALTY PROCEDURES**

**(Continued from meeting of August 27, 2019)**

*(Environmental Programs Manager Douglas Krauss)*

**Recommendation:** Staff recommends that the City Council introduce an ordinance amending the Municipal Code to expand the ban on polystyrene food service ware to include a ban on certain polystyrene products, single-use plastic products, and single-use products.

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

- 1) Craig Cadwallader
- 2) Carolyn Petty
- 3) Jose Bacallao
- 4) Ralph Spargo

The Mayor closed the public hearing.

Councilmember Fangary proposed adding the word “certain” onto ordinance recital E to read, “A ban on additional polystyrene products, certain single-use plastic products and single-use products will further serve the City’s goal of reducing litter.” The City Attorney recommended moving “certain” prior to the word “additional” to apply to all three types of items listed.

Moved by Councilmember Duclos, and second by Councilmember Massey, to introduce an ordinance of the City of Hermosa Beach, California, amending Chapter 8.64 of the Hermosa Beach Municipal Code to expand the ban on polystyrene food service ware to include a ban on certain polystyrene products, single-use plastic products, and single-use products and amending Chapter 1.10 to make violations of Chapter 8.64 as amended subject to administrative penalty procedures with recital E amended to read, "A ban on certain additional polystyrene products, single-use plastic products, and other single use products will further serve the City's goal of reducing litter." The motion carried as follows:

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

**b) AN ORDINANCE ADOPTING THE 2019 CALIFORNIA BUILDING STANDARDS CODE**  
(Community Development Director Ken Robertson)

**Recommendation:** Staff recommends that the City Council introduce on first reading an ordinance amending Title 15 of the Hermosa Beach Municipal Code to adopt the 2019 Edition of the California Building Standards Code.

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

- 1) Anthony Higgins

The Mayor closed the public hearing and requested staff look at best practices for notifications of permitted construction work to residents and other affected parties.

Moved by Councilmember Duclos, and second by Mayor Pro Tem Campbell. The motion carried as follows:

**AYES:** Councilmembers Duclos, Fangary, Massey, Mayor Pro Tem Campbell, Mayor Armato

**6. MUNICIPAL MATTERS**

**a) CONSIDERATION OF PROHIBITION OF RETAIL SALE OF TOBACCO PRODUCTS**  
(Community Development Director Ken Robertson)

**Recommendation:** Staff recommends that the City Council discuss and provide direction on whether to prohibit the retail sale of all tobacco products in Hermosa Beach.

The following individuals addressed the City Council:

- 1) Craig Cadwallader
- 2) Alice Kuo
- 3) Mark Warshaw
- 4) Celina Douglas

Moved by Councilmember Massey, and second by Mayor Pro Tem Campbell, to direct staff to:

- 1) Bring back a proposed amendment to the Tobacco Retailer License Ordinance to bar any new establishments from obtaining a tobacco retailer license;
- 2) Bring back for discussion a proposed ordinance or agenda item to prohibit the sale of all vaping products in Hermosa Beach; and
- 3) Facilitate a discussion with all tobacco retailer licensees and Beach Cities Health District about a process and time frame for getting Hermosa Beach tobacco free.

The motion carried as follows:

**AYES:** Councilmembers Duclos, Massey, Mayor Pro Tem Campbell, Mayor Armato  
**NO:** Councilmember Fangary

Councilmember Duclos departed the meeting at 11:04 p.m.

Moved by Councilmember Massey, and second by Councilmember Fangary, to extend the meeting until midnight. The motion carried as follows:

**AYES:** Councilmembers Fangary, Massey, Mayor Pro Tem Campbell, Mayor Armato

Councilmember Duclos returned to the meeting at 11:09 p.m.

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

**2(d) DESIGNATION OF CITY NEGOTIATOR**  
*(City Attorney Mike Jenkins)*

**Recommendation:** City Attorney recommends that the City Council designate Stacey Armato as the City's negotiator for purposes of conducting a closed session under Government Code section 54957.6 relative to negotiations with the City Manager concerning a compensation adjustment.

Councilmember Fangary noted a concern that the Closed Session item scheduled during the City Council's previous meeting on October 22, 2019 on designation of a City Negotiator regarding a compensation adjustment for the City Manager was not consistent with the Brown Act, and advised he has reached out to the Public Integrity Division and the California Attorney General's Office for an opinion which would be passed along to the City Council and staff when received. Councilmember Fangary proposed designating Downtown Subcommittee members Mayor Armato and Councilmember Massey as City negotiators.

The City Attorney advised that this Consent Calendar item was placed on tonight's agenda at the direction of the Mayor to be collegial to Councilmember Fangary, but is not required by the Brown Act. The City Attorney advised that if Council wishes a subcommittee to serve as negotiators, a new temporary subcommittee should be created instead of designating the Downtown Subcommittee.

Moved by Mayor Pro Tem Campbell, and second by Councilmember Duclos, to designate Mayor Armato as the City's negotiator for purposes of conducting a closed session under Government Code section 54957.6 relative to negotiations with the City Manager concerning a compensation adjustment. The motion carried as follows:

**AYES:** Councilmembers Duclos, Fangary, Massey, Mayor Pro Tem Campbell, Mayor Armato

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

**a) A RESOLUTION OF THE CITY COUNCIL OF HERMOSA BEACH, CALIFORNIA, FOR THE CITY OF HERMOSA BEACH TO ACHIEVE GENDER EQUITY THROUGH ITS WORKFORCE, OPERATIONS AND SERVICES**  
*(City Manager Suja Lowenthal)*

**Recommendation:** Staff recommends that the City Council adopt a resolution for the City of Hermosa Beach to achieve gender equity through its workforce, operations and services.

Moved by Councilmember Massey, and second by Councilmember Duclos. The motion carried as follows:

**AYES:** Councilmembers Duclos, Fangary, Massey, Mayor Pro Tem Campbell, Mayor Armato

**b) MAYOR ARMATO, COUNCILMEMBER DUCLOS AND COUNCILMEMBER FANGARY  
REPORT ON THEIR ATTENDANCE AT THE LEAGUE OF CALIFORNIA CITIES ANNUAL  
CONFERENCE IN LONG BEACH FROM OCTOBER 16-18, 2019**

Mayor Armato and Councilmembers Duclos and Fangary reported on conference attendance including sessions on affordable housing, civility, Coastal Commission, discrimination/harassment, drone regulation and short term vacation rentals.

**c) COUNCILMEMBER DUCLOS REPORTS ON HIS ATTENDANCE AT THE ANNUAL  
SISTER CITY ASSOCIATION TRIP TO THE CITY OF LORETO IN BAJA CALIFORNIA  
SUR, MEXICO FROM OCTOBER 24-28, 2019**

Councilmember Duclos reported on his trip to Loreto, Mexico for the 20<sup>th</sup> anniversary of the Hermosa Beach Sister City Association's paramedic training program.

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

Mayor Armato advised the Downtown Subcommittee may meet with the Parks & Recreation Commission special events subcommittee on the City's special event approval process with input from local businesses and the Chamber of Commerce. Hermosa and Pier Avenues will have holiday lighting installed by November 23<sup>rd</sup>.

Councilmember Fangary reported a meeting of the South Santa Monica Bay Watershed Area Steering Committee would take place next week in Torrance. Los Angeles County's deadline for submittal of Safe Clean Water Program projects for Measure W funding is December 15<sup>th</sup>.

**8. OTHER MATTERS - CITY COUNCIL**

**a) COUNCILMEMBER FANGARY REQUESTS PLACING ON THE AGENDA FOR THE CITY  
COUNCIL'S NOVEMBER 18, 2019 MEETING AN AGENDA ITEM FOR DISCUSSION AND  
POSSIBLE DIRECTION REGARDING DRAFTING AN URGENCY ORDINANCE TO  
PROHIBIT NO-FAULT EVICTIONS THROUGH DECEMBER 31, 2019 IN HERMOSA  
BEACH FOR RESIDENTIAL REAL PROPERTY BUILT PRIOR TO JANUARY 1, 2005.  
COUNCILMEMBER FANGARY REQUESTS THAT STAFF EVALUATE AND PROVIDE  
INPUT REGARDING THE POSSIBILITY OF HAVING THE ORDINANCE BECOME  
EFFECTIVE IMMEDIATELY IF VOTED ON BY COUNCIL AT THE NOVEMBER 18, 2019  
MEETING, OR MAKING THE ORDINANCE RETROACTIVE TO OCTOBER 8, 2019, IF  
POSSIBLE. THIS ITEM RELATES TO THE RECENT PASSAGE OF AB 1482, THE  
TENANT PROTECTIONS ACT OF 2019, BY THE CALIFORNIA STATE LEGISLATURE  
ON OCTOBER 8, 2019.**



Councilmember Fangary requested, and all Councilmembers supported, placing an urgency ordinance to prohibit no-fault evictions through December 31, 2019 in Hermosa Beach for real property built prior to January 1, 2005, for consideration on the November 18, 2019 City Council agenda.

**b) TENTATIVE FUTURE AGENDA ITEMS**

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

Councilmember Fangary requested the Municipal Lease Policy item be rescheduled from December 17<sup>th</sup>, 2019 to January 2020 and that staff provide notices to non-profit groups. Councilmember Fangary requested the future Update on Strand Safety Initiatives and Enforcement also be provided in writing.

The Tentative Future Agenda Items were received and filed.

Councilmember Duclos announced this would be his last full Council meeting and played a farewell music video.

**ADJOURNMENT**

Mayor Armato adjourned the meeting at 11:55 p.m. to an Adjourned Regular Meeting on Monday, November 18, 2019 for Closed Session at 6:00 p.m., followed by Open Session at 7:00 p.m. in the Council Chambers.



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SUJA LOWENTHAL  
CITY MANAGER