

From: [City Clerk](#)
To: [Eduardo Sarmiento](#)
Cc: [Tanesha Hudson](#)
Subject: FW: Council Meeting 10/13/2020 Comments: REPORT 20-0665 & Future Agenda Items 20-0666
Date: Monday, October 12, 2020 3:48:42 PM

Hi Eddie,
Please see the below.

Tanesha L. Hudson

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[COVID-19 updates: hermosabeach.gov/coronavirus](https://hermosabeach.gov/coronavirus)

As of Monday March 16, 2020, the City of Hermosa Beach has significantly altered City operations to slow the spread of the novel coronavirus (COVID-19). City staff and services will be transitioning to make services available by phone, email or online. A list of City services and department contact information is available on the [City Directory](#) page of the website. Hermosa Beach police and other City staff that provide essential services outside City Hall – such as street repairs and other public works functions – will continue their work in the community, while taking additional precautions to reduce the risk of spread.

From: Claudia Berman <its_42@yahoo.com>
Sent: Monday, October 12, 2020 1:56 PM
To: City Council <citycouncil@hermosabeach.gov>; City Clerk <cityclerk@hermosabeach.gov>
Cc: Suja Lowenthal <suja@hermosabeach.gov>
Subject: Council Meeting 10/13/2020 Comments: REPORT 20-0665 & Future Agenda Items 20-0666

Dear City Council,

This letter is in response to REPORT 20-0665, Hany Fangary's written communication, and Future Agenda Items 20-0666.

Comment on REPORT 20-0665, Hany Fangary's written communication

I have campaigned for Hany Fangary in his last two elections, and it pains me to write my second letter expressing concerns in how he is utilizing his council member position. In this communication he is discrediting a fellow council member, damaging the city's reputation, undermining the city's position in three active lawsuits (one of which is his own), and wasting the city's time and money in doing so.

In making a public statement that sides with the judge's pertaining to Stacey Armato...

1. Hany has publicly signaled that he is representing the interests of the city's adversaries. Since he is not representing the interest of the city, he should recuse himself from closed session discussions pertaining to CrossFit as he has done with his own lawsuit. Does this public announcement infer that he is likely to not support an appeal? Could this be a Brown Act violation? This is also a violation of the Leader's Guide, page 101, "Mayor – Council Desired Image" #9. Advocacy for City.

2. Hany is well aware that the city can appeal this decision, and that appeal could invalidate the findings making his statements moot. In his own lawsuit against the city, three council members, and the city attorney, the judge ruled that acting as his wife's attorney was a conflict of interest. The judge stated, "The court's order is based on Attorney Fangary's dual positions that are in conflict in these circumstances; he cannot act as an advocate for Petitioner while actively sitting on the City Council.". Hany did not accept that ruling, is appealing, and is still representing his wife.

I find Hany's assertion that Stacey is to blame for CrossFit's legal fees ridiculous. CrossFit is responsible for those fees. They decided to close their business and sue, rather than abate the noise and vibration. That is the core of the issue, and Hany even voted for the nuisance finding.

As a reminder, here is a list of legal actions Hany has personally initiated that has cost the city money:

- 2011 - Files lawsuit for "Hermosa Beach Citizens United" against the city to stop tattoo parlors from opening by his home. Judgement in favor of the city.
- 2012 - Appealed but was dismissed.
- 2019 - Initiated a voluminous public records request for the city manager's emails about a parking space perk, her communications with city council, and communications on the removal of the 2016 strategic plan poster boards in the council chamber. Note: The 2016 strategic plan has been superseded by PLAN Hermosa. Many of the items on those poster boards were no longer accurate.
- 2019 - Threatened a lawsuit over an agenda topic he wanted in open session rather than closed. Even though the suit was not brought in the end, as the item was moved to open session per his demand, money was spent by the city to start the preparation of a defense.
- 2019 – 2021 - Using his wife as the plaintiff, Hany continues to sue the city and three council members, since he was upset that he wasn't voted mayor pro tem. As part of this lawsuit:
 - Hany filed a restraining order to stop the city council special meeting to cure and correct the mayor rotation. It was denied, and the meeting was held.
 - As mentioned above, Hany is appealing the judge's ruling that representing his wife is a conflict of interest.
 - The judge has ruled that the city attorney cannot be named in this lawsuit, since he is not under the jurisdiction of the Brown Act.
 - Additionally, in the city's motion to dismiss, the judge ruled in favor of the city on four counts, and only two of Hany's counts can move forward with amendments.
 - This case continues to move forward with courts dates in 2021.
- 2020 - And today's communication will cost additional time and money.

Hany references a lack of adherence to the Leader's Guide. I find his interpretation of the Leader's Guide in this scenario farfetched. Ironically, in a previous email to council I had

pointed out his own lack of adherence to the Leader's Guide. I did not share that letter with the public, hoping that Hany would consider my input. His current statement clearly shows he did not. I am attaching my previous letter below for context.

Comments on Future Agenda Items 20-0666

Lastly, please do not vote to add the requested items to a future agenda. Those items are simply a tool used to gain advantage in lawsuits against the city.

Sincerely,
Claudia Berman

Letter sent to Council, City Manager, City Attorney 6-12-2020

This is a multi-part email in response to the 06-09-2020 city council meeting. After much reflection on the past year, watching most council meetings, and witnessing meeting after meeting behavior that is abusive, ineffective, and wasteful of time, last Tuesday's meeting took things to a whole new level. This occurred during 5. a. ADOPTION OF FISCAL YEAR 2020-21 BUDGET.

Dear Suja,

I watched the budget study session the previous week (06-03-2020). I commend you and your staff for your thoroughness, thoughtfulness, creativity, and strength it took to make the hard decisions to balance the budget in light of COVID-19 revenue shortfalls. Thank you to you and your staff for excellent work. It seemed everything was in order to proceed to the adoption meeting.

Dear Hany,

During the ADOPTION OF FISCAL YEAR 2020-21 BUDGET you went off topic and began a tirade (I do not think I exaggerate in using that word) against the city attorney and three of your fellow council members.

First of all, this was NOT the time for a city attorney performance evaluation. This was a budget agenda item. What really shocked me; however, was when you voted against the budget as you did not want the city attorney funded. It wasn't even that you didn't want legal services defunded. You specifically wanted our city attorney not funded. Since you did not bring up city attorney funding during the previous budget study session, this leads me to interpret your action as using your vote as a tool to once again berate the city attorney, who you are suing in another matter, rather than representing the interests of your constituency. As a reminder, that is the lawsuit in which you are the attorney for your wife, suing not only the city attorney, but also Mary, Stacey and Justin, who you referred to as "those three" in the meeting. You seemed to have forgotten your direct involvement in the litigation when you said it was your wife who was suing, not you

Second, this leads me to your unsubstantiated accusations against Stacey, your dismissive phrasing of "those three", and numerous other insulting, off-topic, and time-wasting comments. Using the budget topic time as a platform to insult, accuse, and lie about unrelated

issues violates numerous policy guidelines in the Hermosa Beach Leader's Guide on the city's website. I have highlighted the items in **RED** (below) that you have repeatedly violated over the last year and most egregiously in last Tuesday's meeting. It ironically all began when you created a hostile work environment for the city manager. If not for your actions then, and your continued actions, we would not be where we are now. I personally have zero tolerance for hostile work environments. I have seen and experienced hostile work environments in my own work history in the aerospace and technology industries. So I know it when I see it.

My recommendation to you is to take a brief leave of absence while you and/or your wife are in active litigation against the city attorney and your fellow council members. It is negatively impacting your ability to serve, and we have real work to do.

Dear Mary, Justin, Stacey, and Mike D.,

It has been over 7 months since the mayor rotation, and I have not seen positive movement in the direction where it makes sense for Hany to enter the next rotation. I ask that you consider skipping him in the next rotation, since numerous principles (below in **RED**) continue to be violated. We need a mayor pro tem who can successfully work with the mayor and city manager and successfully represent Hermosa Beach when the mayor is unavailable.

Hermosa Beach Leader's Guide on the City Council

webpage: <https://www.hermosabeach.gov/home/showdocument?id=8005>

Under the section "City of Hermosa Beach Actions 2016" (page 4) In response Hany Fangary wrote:

1. **Working Team - Respectful**
2. Response to community needs
3. Innovative
4. **Efficiency/Effective**

Under the section "Mayor – Council Desired Image" (page 101)

1. **Working as a Team: City, Mayor – Council**
2. **Respect for Others**
3. Collaborating to Address Issues, to Solve Problems
4. Responsive to Community Needs
5. Open to Community Input
6. **Support for City Staff**
7. Focus on Governing – Apolitical

8. Listening to Ideas/Suggestions from Others
9. Advocacy for City
10. Ambassador for City with Passion
11. **Thoughtful, Open Deliberations**
12. Creative Thinking, Support for Innovative Actions
13. **Effective, Efficient Use of Time**
14. Embodiment of Hermosa Beach: Representing Community Values

Governance Guiding Principles Mayor and City Council City of Hermosa Beach (page 102)

1. **Respect others as we want to be respected: Councilmember, City Staff and Public.**
 2. Listen with an open mind to others and strive to understand, before stating an opinion or judging.
 3. **Work collaboratively as a “City Team”.**
 4. **After a majority vote, agree to disagree move on to the next issue.**
 5. Represent the Council decisions and policy direction.
 6. Negotiate with each other; look for ways to common ground and compromise.
 7. **Focus on the issue, avoid personal attacks and accusations**
 8. **Ok not to talk**
- Sincerely, Claudia Berman