



City of Hermosa Beach

City Hall
1315 Valley Drive
Hermosa Beach, CA
90254

Meeting Minutes - Final

City Council

*Mayor
Justin Massey*

*Mayor Pro Tem
Dean Francois*

*Councilmembers
Rob Saemann
Mike Detoy
Ray Jackson*

Tuesday, February 27, 2024

5:00 PM

**Councilmember Detoy Teleconference Location:
Business Center at the Sheraton Vistana
8800 Vistana Centre Drive, Orlando, FL 32821**

Closed Session at 5:00 p.m. and Open Session at 6:00 p.m.

5:00 PM - CLOSED SESSION

CALL TO ORDER

Mayor Pro Tem Francois called the Closed Session to order 5:10 p.m.

ROLL CALL

Councilmember Detoy joined the meeting from an alternate location listed on the agenda.

Mayor Massey was not present for the Roll Call.

Present: 4 - Mayor Pro Tempore Francois, Councilmember Saemann, Councilmember Detoy, and Councilmember Jackson

Absent: 1 - Mayor Massey

PUBLIC COMMENT ON THE CLOSED SESSION AGENDA

No Public Comment was provided for the Closed Session agenda.

RECESS TO CLOSED SESSION

The City Council recessed to hear the Closed Session items.

a) [24-0094](#) **MINUTES:** Approval of minutes of Closed Session held on January 23, 2024.

b) [24-0093](#) **CONFERENCE WITH LEGAL COUNSEL: 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. (2 cases)

1. Name of Case: Michael Frilot v. City of Hermosa Beach
WCAB No. ADJ15551402;
2. Name of Case: Debra Lynn Faris v. City of Hermosa Beach
Case No. 22STCV26754

6:00 PM - OPEN SESSION

1. CALL TO ORDER

Mayor Massey called the Closed Session to order at 6:08 p.m.

2. PLEDGE OF ALLEGIANCE

Ashley Tull led the Pledge of Allegiance.

3. ROLL CALL

City Clerk Myra Maravilla announced a quorum.

Present: 5 - Mayor Massey, Mayor Pro Tempore Francois, Councilmember Saemann,
Councilmember Detoy, and Councilmember Jackson

Absent: 0

4. CLOSED SESSION REPORT

City Attorney Patrick Donegan provided a Closed Session Report and announced that Mayor Massey joined the City Council during the Closed Session.

5. ANNOUNCEMENTS - UPCOMING CITY EVENTS

Mayor Massey announced the following events:

Hermosa Beach Little League Opening Day will take place on Saturday, March 2, 2024. More information about this event is available on the Hermosa Beach Little League website.

Hermosa Beach Concert Series Talent applications to participate in the 2024 Concert Series are due by Sunday, March 3, 2024. More information is available on the City's website.

The Presidential Primary Election will be held on Tuesday, March 5, 2024. The City will host a Mobile Vote Center at the Civic Center Parking Lot on Monday, March 4, 2024 from 11:00 a.m. to 4:00 p.m. A drop box is

available in front of the Hermosa Beach Library.

6. APPROVAL OF AGENDA

A motion was made by Councilmember Deto, seconded by Mayor Pro Tempore Francois to approve the order of the agenda. The motion carried by the following vote:

Aye: 5 - Mayor Massey, Francois, Saemann, Deto, and Jackson

Absent: 0

7. PROCLAMATIONS / PRESENTATIONS

a) [24-0077](#) **PROCLAMATION DECLARING FEBRUARY AS BLACK HISTORY MONTH**

Mayor Massey proclaimed February as Black History Month.

8. CITY MANAGER REPORT

City Manager Suja Lowenthal provided a City Manager Report and welcomed new City staff: Jonathan Ortiz, Public Works Inspector; Hailey Sandoval and Eric Cuiper, Maintenance Worker I.

Public Works Director Joe SanClemente provided an update on various Capital Improvement Projects.

Mayor Massey asked various questions on a Caltrans project scheduled on Pacific Coast Highway.

Mayor Pro Tem Francois asked various questions on a Caltrans project scheduled on Pacific Coast Highway.

Councilmember Saemann asked various questions on the Bard Trailer renovations.

City Manager Lowenthal celebrated that earlier on February 27, 2024 six out of the eight team members assigned from the Police Department were female, and it was an all female police force earlier in the day which makes it the City's first female shift in the Police Department. The recruitment team was thanked for their ongoing efforts.

a) [24-0078](#) **POLICE CHIEF UPDATE**

Police Chief LeBaron provided a Police Chief Update.

Councilmember Jackson asked a question about the requirements for having a front-facing license plate on vehicles.

Mayor Pro Tem Francois asked about enforcement on the Strand.

Chief LeBaron provided information about enforcement on the Strand.

9. PUBLIC COMMENT

In Person Public Comment:

- Sarah Harper
- Jim Rosenberger
- Jessica Accamando
- Elka Worner
- Trent Bernard Larson
- Jonathan Cruz
- Janet Cruz
- Jennifer Kennedy
- Nick Wilson
- Mike McMalton
- Carolyn Petty
- Adam Malovani
- David Bolog

24-0113

SUPPLEMENTAL ECOMMENTS FOR ITEM 9

10. CITY COUNCILMEMBER COMMENTS

- a) [24-0079](#) **UPDATES FROM CITY COUNCIL AD HOC SUBCOMMITTEES AND STANDING COMMITTEE DELEGATES/ALTERNATES**

Councilmember Saemann provided comments regarding the vaccine mandate and minor special event permits.

Mayor Pro Tem Francois provided comments regarding the vaccine mandate and the sales tax discussion from a previous meeting.

11. CONSENT CALENDAR

Approval of the Consent Calendar

A motion was made by Councilmember Jackson, seconded by Councilmember Saemann, to approve the Consent Calendar. The motion carried by the following vote:

Aye: 5 - Mayor Massey, Francois, Saemann, Deto, and Jackson

Absent: 0

- a) [24-0100](#) **WAIVE READING IN FULL OF ALL ORDINANCES ON THE AGENDA**
(City Clerk Myra Maravilla)

A motion was made to approve the recommendation on the Consent Calendar.

- b) [REPORT](#) **CITY COUNCIL MEETING MINUTES**
[24-0080](#) (City Clerk Myra Maravilla)

A motion was made to approve the recommendation on the Consent Calendar.

- c) [REPORT](#) **CHECK REGISTERS**
[24-0072](#) (Finance Director Viki Copeland)

A motion was made to approve the recommendation on the Consent Calendar.

- d) [REPORT](#) **REVENUE REPORT, EXPENDITURE REPORT, AND CIP REPORT**
[24-0091](#) **BY PROJECT FOR DECEMBER 2023**
(Finance Director Viki Copeland)

A motion was made to approve the recommendation on the Consent Calendar.

- e) [REPORT](#) **2022-23 ANNUAL COMPREHENSIVE FINANCIAL REPORT (ACFR)**
[24-0062](#) **(INCLUDING REPORT FROM INDEPENDENT AUDITOR)**
(Finance Director Viki Copeland)

A motion was made to approve the recommendation on the Consent Calendar.

- f) [REPORT](#) **CITY TREASURER'S REPORT AND CASH BALANCE REPORT**
[24-0073](#) (City Treasurer Karen Nowicki)

A motion was made to approve the recommendation on the Consent Calendar.

- g) [REPORT](#) **CAPITAL IMPROVEMENT PROGRAM STATUS REPORT**
[24-0069](#) **AS OF FEBRUARY 14, 2024**
(Public Works Director Joe SanClemente)

A motion was made to approve the recommendation on the Consent Calendar.

- h) [REPORT](#) **ACTION MINUTES OF THE PARKS, RECREATION, AND**
[24-0089](#) **COMMUNITY RESOURCES ADVISORY COMMISSION MEETING OF**
JANUARY 8, 2024
(Community Resources Manager Lisa Nichols)

A motion was made to approve the recommendation on the Consent Calendar.

- i) [REPORT](#) **ACTION MINUTES OF THE PLANNING COMMISSION**
[24-0088](#) **REGULAR MEETING OF FEBRUARY 20, 2024**
 (Community Development Director Carrie Tai)

A motion was made to approve the recommendation on the Consent Calendar.

- j) [REPORT](#) **PLANNING COMMISSION TENTATIVE FUTURE AGENDA**
[24-0087](#) (Community Development Director Carrie Tai)

A motion was made to approve the recommendation on the Consent Calendar.

- k) [REPORT](#) **LOS ANGELES COUNTY FIRE AND AMBULANCE**
[24-0059](#) **MONTHLY REPORT FOR DECEMBER 2023**
 (Emergency Management Coordinator Maurice Wright)

A motion was made to approve the recommendation on the Consent Calendar.

- l) [REPORT](#) **SOUTH BAY WORKFORCE INVESTMENT BOARD**
[24-0090](#) **QUARTERLY SUMMARY**

A motion was made to approve the recommendation on the Consent Calendar.

12. ITEMS REMOVED FROM THE CONSENT CALENDAR FOR SEPARATE DISCUSSION

There were no items pulled from the Consent Calendar for separate discussion.

13. PUBLIC HEARINGS - TO COMMENCE AT 6:30 P.M.

- a) [REPORT](#) **CONSIDERATION OF APPROVAL OF A NEW IMPACT LEVEL III**
[24-0071](#) **SPECIAL EVENT**
 (Community Resources Manager Lisa Nichols)

Community Resources Manager Lisa Nichols provided an oral report.

Mayor Pro Tem Francois provided comments.

Sarah Schuler, Vice President, Game Presentation & Experimental Marketing at Los Angeles Rams, provided comments.

In Person Public Comment:

Jessica Accamando

Trent Larson

Alexi Waul

Jani Lange

Virtual Public Comment:

Anthony Higgins

Richard Gotthoffer
Laura Pena

Mayor Massey asked various questions.

Councilmember Deto asked various questions.

Councilmember Jackson made comments.

Councilmember Saemann provided comments.

Mayor Pro Tem Francois provided comments and asked about the status of a CIP.

Councilmember Deto provided comments.

Mayor Massey provided comments.

A motion was moved by Councilmember Jackson, seconded by Councilmember Saemann to approve Parks, Recreation, and Community Resources Advisory Commission's recommendation to include a new Impact Level III Special Event, the Rams Draft Experience, Proposal B, on Schumacher Plaza, Pier Plaza, and the beach south of the Pier on Monday, April 22 through Friday, May 3, including load-in and load-out, on the 2024 Special Events Calendar. The motion was carried by the following vote:

Aye: 5 - Mayor Massey, Francois, Saemann, Deto, and Jackson

Absent: 0

14. MUNICIPAL MATTERS

- a) [REPORT 24-0058](#) **REJECT ALL BIDS AND AUTHORIZE THE RE-ADVERTISEMENT OF CIP 689 CLARK BUILDING RENOVATIONS**
(Public Works Director Joe SanClemente)

Director SanClemente provided a presentation.

Councilmember Deto asked various questions.

Councilmember Jackson asked various questions.

John Oskoui, PE., Senior Engineer of Transtech Engineers, Inc., spoke.

Councilmember Saemann asked various questions.

Mayor Pro Tem Francois asked various questions.

In Person Public Comment:

John Burry
Trent Larson
David Grethen

Virtual Public Comment:
Kent Allen
Anthony Higgins
Lauren Pizer Mains
Matt McCool

Councilmember Saemann asked various questions.

Director SanClemente provided information.

Councilmember Deto provided comments.

Councilmember Jackson provided comments.

Mayor Massey provided comments.

Mayor Massey requested to move item 14b after 14e. There was no expressed dissent from the Council on this change.

A motion was moved by Mayor Pro Tem Francois, seconded by Councilmember Deto to reject all bids for CIP 689 Clark Building Renovations; and direct staff to work with the project design team and Council appointed subcommittees to evaluate options to reduce project scope and cost, and refine the project design, subject to Council approval prior to re-advertisement; and direct staff to re-open the Clark Building on an interim, limited use basis subject to completion of the sewer line replacement and other necessary minor maintenance items. The motion was carried by the following vote:

Aye: 5 - Mayor Massey, Francois, Saemann, Deto, and Jackson

Absent: 0

**b) [REPORT](#)
[24-0060](#)**

MIDYEAR BUDGET REVIEW 2023-24

(Finance Director Viki Copeland)

Finance Director Viki Copeland provided a presentation.

Councilmember Saemann asked various questions.

Virtual Public Comment:
Matt McCool

It was moved by Councilmember Deto, seconded by Councilmember Jackson to approve the revisions to estimated revenue, appropriations, budget transfers, and fund balances as shown herein and in the attached Revenue Detail Report, Additional Appropriations Report, Budget Transfers Report, and Budget Summary

Report; and approve the following transactions from the General Fund: Transfer \$137,905 of unspent funds from 2023-24 Midyear to the assigned fund balance for Contingencies in order to maintain the City’s target of 20 percent of appropriations for this fund; Transfer \$6,374 of unspent funds from 2022-23 to the Lighting/Landscaping District Fund to cover the deficit balance; Transfer \$1,419,308 of unspent funds from 2022-23 to the Insurance Fund to bring the fund up to the funding goal of \$3 million; Transfer \$198,866 of unspent funds from 2022-23 to the Equipment Replacement Fund; Transfer \$1,076,441 of unspent funds from 2022-23 for use in the Capital Improvement Fund; Transfer \$729,769 of unspent funds from the Midyear Budget Review 2023-24 from the unassigned fund balance category to the assigned fund balance category; and receive and file the City Council Travel Summary. The motion was carried by the following vote:

Aye: 5 - Mayor Massey, Francois, Saemann, Deto, and Jackson

Absent: 0

d) [REPORT 24-0092](#) **ECONOMIC DEVELOPMENT STRATEGY PROGRESS REPORT**
(Community Development Director Carrie Tai)

Community Development Director Carrie Tai provided a presentation.

Councilmember Deto provided comments.

Councilmember Jackson provided comments.

Councilmember Saemann spoke.

Mayor Pro Tem Francois provided comments.

City Manager Lowenthal provided information.

In Person Public Comment:

Jessica Accamando

Virtual Public Comment:

Matt McCool

Laura Pena

It was moved by Councilmember Jackson, seconded by Councilmember Saemann to receive a staff presentation; and receive and file Economic Development Strategy Progress Report #3. The motion was carried by the following vote:

Aye: 5 - Mayor Massey, Francois, Saemann, Deto, and Jackson

Absent: 0

c) [REPORT 24-0074](#) **ADOPT RESOLUTIONS ESTABLISHING OPERATIONAL AND DESIGN GUIDELINES FOR ON-STREET COMMERCIAL ENCROACHMENT**

**AREAS CITYWIDE AND ESTABLISHING
FEES FOR COMMERCIAL ENCROACHMENT
PERMITS AND ANNUAL PERMIT REAPPLICATION**
(Environmental Programs Manager Doug Krauss)

Environmental Programs Manager Doug Krauss provided a presentation.

Councilmember Jackson asked various questions.

City Attorney Donegan provided information.

Mayor Massey asked various questions.

Councilmember Detoy asked various questions.

Mayor Pro Tem Francois asked various questions.

City Manager Lowenthal provided comments.

In Person Public Comment:

Jessica Accamando

Dana Ireland

Millie Velasco

Virtual Public Comment:

Raymond Dussault

Matt McCool

Laura Pena

Mayor Massey provided various comments.

Councilmember Saemann provided various comments.

Mayor Pro Tem Francois provided various comments.

Councilmember Detoy provided various comments.

Councilmember Jackson provided various comments.

It was moved by Councilmember Detoy, seconded by Councilmember Saemann to adopt a resolution establishing operational and design guidelines for on-street commercial encroachment areas citywide and the determination that the project is Categorically Exempt under the California Environmental Quality Act (CEQA); and and adopt a resolution establishing fees for commercial encroachment permits and annual permit reapplication; and amend Section 22 to read as follows: installation of a bike rack(s) adjacent or affixed to the dining deck are strongly encouraged for both existing and new Off-Street Commercial Outdoor Dining Encroachment decks if space is available. A proposed location for a

bicycle rack or bicycle corral will be considered and evaluated by Public Works staff before approval. The City of Hermosa Beach will provide and install bike racks, where feasible, unless deck permittee chooses to provide and install their own, in which case the rack design, specifications and installation must be reviewed and inspected by Public Works staff. Bike racks are to be placed on the downstream side of decks provided the area is safe, they do not obstruct parking, vehicular or pedestrian traffic and must not encroach into the 2-foot offset between the deck and the adjacent parking stall. To request a review of the bike rack location, it must be shown on the site plan when submitting the application for review. The area dedicated to a bike rack will be deducted from the cost of the encroachment area square footage. The motion was carried by the following vote:

Aye: 5 - Mayor Massey, Francois, Saemann, Deto, and Jackson

Absent: 0

e) [REPORT
24-0084](#)

**AN ORDINANCE OF THE CITY OF HERMOSA BEACH, CALIFORNIA,
AMENDING HERMOSA BEACH MUNICIPAL CODE SECTION
1.10.040 PARAGRAPH (A) TO INCLUDE VIOLATIONS PERTAINING
TO PARTIES ON PRIVATE PROPERTY, SOLID WASTE
COLLECTION, SPECIAL EVENTS, OUTDOOR FITNESS CLASSES
FOR CITY PARKS AND BEACH, AND USE OF CITY SEAL, LOGO,
AND INSIGNIA, IN THE LIST OF VIOLATIONS SUBJECT TO
ADMINISTRATIVE CITATION PROCEDURES AND FINDING THE
SAME EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL
QUALITY ACT**

(Community Development Director Carrie Tai)

Community Development Director Carrie Tai provided a presentation.

Councilmember Jackson asked various questions.

Councilmember Deto asked various questions.

City Attorney Donegan provided information.

Director Tai provided information.

Councilmember Saemann provided information.

Virtual Public Comment:

Raymond Dussault

Kent Allen

Laura Pena

Matt McCool

Mayor Massey provided comments.

Councilmember Detoy provided comments.

City Manager Lowenthal provided information.

Mayor Pro Tem Francois provided information.

Councilmember Jackson asked various questions.

Mayor Pro Tem Francois made a substitute motion to approve staff recommendation with the removal of the solid waste collection. The motion failed for a lack of a second.

A substitute motion was made by Councilmember Saemann, seconded by Mayor Pro Tem Francois to approve staff's recommendation ordinance with the exception of the Solid Waste Collection. The motion failed by a 3-2 vote. Noes: Mayor Massey, Councilmember Detoy and Councilmember Jackson.

A substitute motion was made by Mayor Pro Tem Francois, seconded by Councilmember Saemann to approve staff's recommendation and bring back the fines at 50 percent of the current rates for Solid Waste Collection. The motion failed by a 3-2 vote. Noes: Mayor Massey, Councilmember Detoy and Councilmember Jackson.

It was moved by Councilmember Detoy, seconded by Councilmember Jackson to introduce on first reading an ordinance entitled, "An Ordinance of the City of Hermosa Beach, California, Amending Hermosa Beach Municipal Code Section 1.10.040 Paragraph (A) to Include Violations Pertaining to Parties on Private Property, Solid Waste Collection, Special Events, Outdoor Fitness Classes for City Parks and Beach, and Use of City Seal, Logo and Insignia, in the List of Violations Subject to Administrative Citation Procedures". The motion was carried by the following vote:

Aye: 3 - Mayor Massey, Detoy, and Jackson

No: 2 - Francois, and Saemann

Absent: 0

15. FUTURE AGENDA ITEMS

a) [24-0096](#)

TENTATIVE FUTURE AGENDA ITEMS

Mayor Pro Tem Francois made comments regarding the COVID-19 vaccine mandate on the pending items on the Tentative Future Agenda.

Mayor Pro Tem Francois requested support to review the temporary minor event permit rules. Councilmember Saemann expressed support for this

item.

Mayor Pro Tem Francois requested support to revisit the recruitment and appointment process of the citizens advisory committee for the Civic Center Project. Councilmember Saemann expressed support for this item.

16. PUBLIC PARTICIPATION FROM THE PUBLIC

There was no Public Comment for this item.

17. ADJOURNMENT

Mayor Massey adjourned the Council meeting at 12:56 a.m.