MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL of the City of Hermosa Beach, California, held on Tuesday, June 27, 2006, at the hour of 7:14 p.m.

PLEDGE OF ALLEGIANCE – Rick Koenig

ROLL CALL:
Present: Keegan, Reviczky, Mayor Tucker
Absent: Edgerton

ANNOUNCEMENTS – Councilmember Keegan announced that on June 28 the City would host an event that would be recorded in the Guinness Book of World Records featuring the largest beach towel in the world on the beach at Fourteenth Street near Noble Park, with actor George Hamilton present, noting that the City would receive $10,000 for the use of its beach.

City Manager Burrell added that the beach towel, weighing about 900 pounds, would then be featured on the TV show Good Morning America. He also said a computer gaming championship sponsored by Verizon to highlight their new internet and TV connection would take place on Pier Plaza near the Mermaid, with setup on Thursday, July 27 and the two-day event on Friday and Saturday, July 28 and 29, with the City receiving $10,000 per day in fees. He noted that the fees from Verizon and the beach towel event's sponsors would be used for the Centennial Celebration.

Councilmember Keegan also announced that the first beach concert of the Sunset Concert Series would take place July 23, with Super Diamond performing.

Councilmember Reviczky suggested that Frankie Avalon might be a good choice for one of next year's summer concerts.

Mayor Tucker asked the community to be careful and have a good time on the 4th of July, noting that fireworks are prohibited in the City; also asked drivers to park their cars as close as possible to the curb to allow for emergency access, noting the City's narrow streets and the large size of many of the vehicles people drive.

City Manager Burrell asked that the Council add an item to the consent calendar for adoption of a resolution to allow staff to apply for a used oil grant; said that this opportunity came to the attention of the City yesterday, and that adoption of the resolution was required this evening in order to meet the deadline for applying for the grant.

Action: To add to the agenda, as consent calendar item 2(o), consideration of adopting a resolution to allow staff to submit a grant application for used oil, based on the findings that the issue arose after the posting of the agenda and required immediate action.
Motion Reviczky, second Keegan. The motion carried, noting the absence of Councilmember Edgerton.

CLOSED SESSION REPORT FOR MEETING OF JUNE 13, 2006: No reportable actions.

PUBLIC PARTICIPATION:

1. ORAL AND WRITTEN COMMUNICATIONS

There were no written communications; however, there was a supplemental letter received from Howard Longacre on June 27, 2006.

Coming forward to address the Council at this time was:

Howard Longacre – Hermosa Beach, discussed the letter he submitted to the City today regarding landscaping and lighting, expressed his concerns about the consultant's method of balloting, including the thin return envelope which allowed the votes to be seen; and objected to another tax in addition to the assessment already on property tax bills; discussed a failed attempt at a past election to eliminate the 6% Utility Users' Tax; said the City license fees should be increased rather than placing an additional tax burden on property owners; asked that consent calendar item 2(c) be removed for separate discussion.

2. CONSENT CALENDAR:

Action: To approve the consent calendar recommendations (a) through (n) with the exception of the following items, which were removed for discussion in item 4, but are shown in order for clarity: 2 (c) and (g) Keegan, (e) and (m) Tucker, and (f) Reviczky.
Motion Reviczky, second Keegan. The motion carried, noting the absence of Councilmember Edgerton.

(a) RECOMMENDATION TO APPROVE THE MINUTES OF THE ADJOURNED REGULAR MEETING OF MAY 23, 2006, AND THE MINUTES OF THE SPECIAL MEETING HELD ON JUNE 6, 2006.

Action: To approve the minutes of the Adjourned Regular Meeting of May 23, 2006, and the minutes of the Special Meeting held on June 6, 2006. (Edgerton absent)

(b) RECOMMENDATION TO RATIFY CHECK REGISTER NOS. 44237 THROUGH 44355, AND TO APPROVE THE CANCELLATION OF CHECK NO. 44299, AS RECOMMENDED BY THE CITY TREASURER.

Action: To ratify the check register as presented. (Edgerton absent)

(c) RECOMMENDATION TO RECEIVE AND FILE TENTATIVE FUTURE AGENDA ITEMS.

This item was removed from the consent calendar by Councilmember Keegan, at the request of Howard Longacre, for separate discussion later in the meeting.

Coming forward to address the Council on this issue was:

Howard Longacre – Hermosa Beach, said the August 8 agenda included the topic of large spa operations and asked the definition of a large spa; asked if his previous suggestion to increase the in-lieu parking fee was still being considered (City Manager Burrell said a large spa was a Glen Ivy type operation, and the in-lieu parking report should be finished in a week or so and would be agendized soon).

Action: To receive and file Tentative Future Agenda Items as presented. Motion Keegan, second Reviczky. The motion carried, noting the absence of Councilmember Edgerton

(d) **RECOMMENDATION TO RECEIVE AND FILE THE MAY 2006 FINANCIAL REPORTS:**

1) **Revenue and expenditure report**;
2) **City Treasurer's report**; and
3) **Investment report**.

Action: To receive and file the May 2006 financial reports. (Edgerton absent)

(e) **RECOMMENDATION TO RECEIVE AND FILE THE PROJECT STATUS REPORT**. Memorandum from Public Works Director Richard Morgan dated June 19, 2006.

This item was removed from the consent calendar by Mayor Tucker for separate discussion later in the meeting.

Public Works Director Morgan responded to Council questions.

Action: To receive and file the Status Report of capital improvement projects that are either under design or construction as of May 31, 2006. Motion Tucker, second Reviczky. The motion carried, noting the absence of Councilmember Edgerton

(f) **RECOMMENDATION TO ACCEPT DONATIONS OF $1,600 FROM FRANK AND STACY HOLBOROW TO BE USED FOR A MEMORIAL BENCH ON THE GREENBELT FOR MARTHA WADMAN; $300 FROM CARLA TEJUCO TO BE USED FOR JAZZ MEMORIAL PLAQUES; $250 FROM ELDRIDGE WOOD TO BE USED FOR JAZZ MEMORIAL PLAQUES; AND, $500 FROM ROBERT AND BARBARA BRAGONIER TO BE USED FOR JAZZ MEMORIAL PLAQUES.** Memorandum from Finance Director Viki Copeland dated June 20, 2006.

This item was removed from the consent calendar by Councilmember Reviczky for separate discussion later in the meeting in order to acknowledge and thank the donors.

Action: To accept the following donations:
- $1,600 from Frank and Stacy Holborrow to be used for a memorial bench on the Greenbelt for Martha Wadman;
- $ 300 from Carla Tejuco to be used for Jazz Memorial Plaques;
- $ 250 from Eldridge Wood to be used for Jazz Memorial Plaques; and
- $ 500 from Robert and Barbara Bragonier to be used for Jazz Memorial Plaques.

Motion Reviczky, second Tucker. The motion carried, noting the absence of Councilmember Edgerton

(g) **RECOMMENDATION TO AWARD PURCHASE OF ONE (1) 2006 CHEVROLET SILVERADO TRUCK IN THE AMOUNT OF $28,462.37 (EQUIPMENT SERVICE) AND ONE (1) 2007 FORD F-150 EXTRA CAB TRUCK IN THE AMOUNT OF $17,532.26 (PUBLIC WORKS INSPECTION) FOR THE PUBLIC WORKS DEPARTMENT; AUTHORIZE STAFF TO ISSUE THE APPROPRIATE PURCHASE DOCUMENTS AS REQUIRED; AND, AUTHORIZE STAFF TO NEGOTIATE CHANGES TO THE CONTRACTS WHICH DO NOT EXCEED $1,255.00 IN TOTAL ADDITIONAL COST.** Memorandum from Public Works Director Richard Morgan dated June 19, 2006.

This item was removed from the consent calendar by Councilmember Keegan for separate discussion later in the meeting.

Public Works Director Morgan and City Manager Burrell responded to Council questions.

Action: To continue the item to a future Council meeting to provide time for staff to research the possibility of getting a smaller pickup truck.
Motion Keegan, second Tucker. The motion carried, noting the absence of Councilmember Edgerton

(h) **RECOMMENDATION TO AUTHORIZE THE MAYOR TO EXTEND THE MEMORANDUM OF AGREEMENT (MOA) FOR THE SANTA MONICA BAY BEACHES BACTERIA TMDL IMPLEMENTATION PLAN DEVELOPMENT JURISDICTIONAL GROUPS FIVE AND SIX.** Memorandum from Public Works Director Richard Morgan dated June 20, 2006.

Action: To authorize the Mayor to extend the Memorandum of Agreement (MOA) for the Santa Monica Bay Beaches Bacteria TMDL Implementation Plan Development Jurisdictional Groups Five and Six. (Edgerton absent)

(i) **RECOMMENDATION TO RECEIVE AND FILE NOTICE OF CLOSED CLAIMS.** Memorandum from Personnel Director/Risk Manager Michael Earl dated June 19, 2006.

Action: To receive and file notice of closed claims. (Edgerton absent)

(j) **RECOMMENDATION TO ADOPT RESOLUTION APPROVING FINAL MAP #61567 FOR A TWO-UNIT CONDO AT 652 AND 654 FIFTH STREET.** Memorandum from Community Development Director Sol Blumenfeld dated June 19, 2006.

Action: To approve the staff recommendation to adopt Resolution **No. 06-6475**, entitled **"A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HERMOSA BEACH, CALIFORNIA, APPROVING FINAL PARCEL MAP NO. 61567, FOR THE SUBDIVISION OF A TWO-UNIT CONDOMINIUM, LOCATED AT 652 AND 654 FIFTH STREET IN THE CITY OF HERMOSA BEACH, CALIFORNIA."** (Edgerton absent)

(k) **RECOMMENDATION TO ADOPT RESOLUTION APPROVING FINAL MAP #61623 FOR A FOUR-UNIT CONDO AT 598 FIRST STREET.** Memorandum from Community Development Director Sol Blumenfeld dated June 19, 2006.

Action: To approve the staff recommendation to adopt Resolution **No. 06-6476**, entitled **"A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HERMOSA BEACH, CALIFORNIA, APPROVING FINAL PARCEL MAP NO. 61623, FOR THE SUBDIVISION OF A FOUR-UNIT CONDOMINIUM, LOCATED AT 598 FIRST STREET IN THE CITY OF HERMOSA BEACH, CALIFORNIA."** (Edgerton absent)

(l) **RECOMMENDATION TO ADOPT RESOLUTION APPROVING FINAL MAP #62866 FOR A TWO-UNIT CONDO AT 43 MONTEREY BOULEVARD.** Memorandum from Community Development Director Sol Blumenfeld dated June 19, 2006.

Action: To approve the staff recommendation to adopt Resolution **No. 06-6477**, entitled **"A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HERMOSA BEACH, CALIFORNIA, APPROVING FINAL PARCEL MAP NO. 62866, FOR THE SUBDIVISION OF A TWO-UNIT CONDOMINIUM, LOCATED AT 43 MONTEREY BOULEVARD IN THE CITY OF HERMOSA BEACH, CALIFORNIA."** (Edgerton absent)

(m) **RECOMMENDATION TO RECEIVE AND FILE THE ACTION MINUTES OF THE PLANNING COMMISSION MEETING OF JUNE 20, 2006.**

This item was removed from the consent calendar by Mayor Tucker for separate discussion later in the meeting.

City Manager Burrell responded to Council questions regarding item No. 15 on the Planning Commission agenda.

Action: To receive and file the action minutes of the Planning Commission meeting of June 20, 2006.
Motion Tucker, second Keegan. The motion carried, noting the absence of Councilmember Edgerton

(n) **RECOMMENDATION TO RECEIVE AND FILE THE ACTION MINUTES OF THE PUBLIC WORKS COMMISSION MEETING OF APRIL 19, 2006.**

Action: To receive and file the action minutes of the Public Works Commission meeting of April 19, 2006. (Edgerton absent)

(o) **RECOMMENDATION TO ADOPT RESOLUTION FOR SUBMITTAL OF A USED OIL RECYCLING GRANT.** Memorandum from Public Works Director Richard Morgan dated June 26, 2006. *(Item was added to the agenda earlier this evening by the City Council)*

City Manager Burrell presented the staff report and responded to Council questions.

Action: To approve the staff recommendation to adopt Resolution **No. 06-6478**, entitled **"A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HERMOSA BEACH, CALIFORNIA, AUTHORIZING THE SUBMITTAL OF AN APPLICATION FOR USED OIL RECYCLING GRANT."** (Edgerton absent)

At 7:30 p.m., the order of the agenda was suspended to go to public hearing items 5 (a) and (b).

3. **CONSENT ORDINANCES** - None

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

Items 2(c) (e), (f), (g) and (m) were heard at this time but are shown in order for clarity.

Public comments on items removed from the Consent Calendar are shown under the appropriate item.

5. **PUBLIC HEARINGS**

a. **REVIEW DELINQUENT REFUSE BILLS FOR THE PURPOSE OF ORDERING SAID DELINQUENT CHARGES TO BE PLACED ON THE PROPERTY TAX BILL AS A SPECIAL ASSESSMENT, WHICH WOULD**

AFFECT ONLY THOSE PROPERTIES WITH REFUSE BILLS DELINQUENT AS OF MARCH 31, 2006. Memorandum from City Manager Stephen Burrell dated June 14, 2006. Supplemental Residential Lien List received from the City Manager's Office on June 27, 2006.

City Manager Burrell presented the staff report and responded to Council questions.

The public hearing opened at 7:33 p.m. Coming forward to address the Council on this item was:

Paul Marquez – Hermosa Beach, said he was building a home and had submitted all the paperwork for exemption from paying for trash pickup service during construction since he was not living at the site and did not use the trash service there; also asked if street lights could be powered by solar panels (City Manager Burrell asked him to submit the trash notice and he would clear up the problem, and the Council advised him that the solar panels would have to be extremely large to supply adequate power for the high-wattage bulbs).

The public hearing closed at 7:35 p.m.

Action: To approve the staff recommendation to:

(1) Approve Consolidated Disposal Service's administrative fee in the amount of $25 to be included as part of each property tax assessment; and

(2) Adopt Resolution **No. 06-6479**, entitled **"A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HERMOSA BEACH, CALIFORNIA, AUTHORIZING AND DIRECTING THE COUNTY ASSESSOR TO INCLUDE DELINQUENT REFUSE BILLS FROM CONSOLIDATED DISPOSAL SERVICE AS A SPECIAL ASSESSMENT TO BE COLLECTED AT THE SAME TIME AND IN THE SAME MANNER AS COUNTY TAXES (168.86 – HERMOSA BCH DEL REFUSE CDS)."**

Motion Keegan, second Reviczky. The motion carried, noting the absence of Councilmember Edgerton.

b. **SUBMISSION OF AN APPLICATION FOR COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS FOR AN ASBESTOS REMOVAL PROJECT AS PART OF THE RETROFITTING OF THE CITY'S COMMUNITY CENTER FOR COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT.** Memorandum from Community Development Director Sol Blumenfeld dated June 12, 2006.

Community Director Blumenfeld withdrew the item because the funds would not be available this year due to timing issues.

City Manager Burrell said that if the situation were the same next year, he would look into the possibility of selling the funds to another city.

The public hearing opened at 7:37 p.m. As no one came forward to address the Council on this item, the public hearing closed at 7:37 p.m.

Action: To withdraw the item from the agenda.
Motion Reviczky, second Keegan. The motion carried, noting the absence of Councilmember Edgerton.

6. MUNICIPAL MATTERS

a. PIER AVENUE PILOT STRIPING PROJECT CHANGE ORDER.

Memorandum from Public Works Director Richard Morgan dated June 20, 2006. Supplemental letter from Regency Center (Vons, etc. at Pier and PCH) received on June 27, 2006.

Public Works Director Morgan presented the staff report and responded to Council questions.

Coming forward to address the Council on this item were:

Roger Bacon – Ralph's Shopping Center, Hermosa Beach, concurred with the Regency Center's concern that the re-striping affects customer access into the Von's center; said Ralph's opposes the plan due to concern for its customers as well; presented photographs to illustrate the backup of traffic; said the staff report indicated that the Police and Fire Departments also had some concerns with the current striping; expressed concern about the safety of the City's parking enforcement staff and bicyclists near the diagonal parking; did not think the proposed change order would improve the situation; and

Howard Longacre – Hermosa Beach, said 15 years ago he had tried to get the City Council to consider two lanes with bike lanes on Hermosa Avenue; referred to the Regional Urban Design Assistance Team (RUDAT) plan; suggested that a Specific Plan Area (SPA) be created to define uses and hours of operation for businesses on upper Pier avenue, as well as Pier plaza.

Action: To approve the staff recommendation to:

(1) Approve Change Order No. 1 to PCI in the amount of $8,015 to modify striping of median and travel lanes on Pier Avenue between Hermosa Avenue and Valley Drive; and

(2) Authorize Public Works Director to approve changes in contract not to exceed $2,000; and

(3) Direct staff to determine if cars are being diverted to other streets during this test period.

Motion Reviczky, second Tucker. The motion carried, noting the dissenting vote of Keegan and the absence of Councilmember Edgerton.

b. AMENDMENT TO THE CITY'S BUILDING CODE ADDING NEW PEDESTRIAN PROTECTION REQUIREMENTS FOR CONSTRUCTION

AND DEMOLITION JOB SITES. Memorandum from Community Development Director Sol Blumenfeld dated June 20, 2006. Supplemental revised ordinance received from the Community Development Department on June 27, 2006.

Community Director Blumenfeld presented the staff report and responded to Council questions.

Coming forward to address the Council on this issue was:

Howard Longacre – Hermosa Beach, suggested requiring a pre-demolition inspection to make sure that electricity and gas are turned off and that the sewer is capped; asked if the proposed ordinance required a formal public hearing (City Manager Burrell said the proper procedure had been followed).

Action: To continue the item and direct staff to revise the draft ordinance to change the word "must" to "shall" in the specified requirements and to include a requirement for a pre-demolition inspection before permit issuance.
Motion Keegan, second Reviczky. The motion carried, noting the absence of Councilmember Edgerton.

7. MISCELLANEOUS ITEMS AND REPORTS - CITY MANAGER

a. MUSEUM EXPANSION PROJECT – RELEASE OF FUNDS TO PURCHASE LIGHTING FIXTURES, AIR HANDLING EQUIPMENT AND HVAC SYSTEM; APPROVAL OF USE OF PLANTER ON SOUTHWEST CORNER OF WALKWAY. Memorandum from City Manager Stephen Burrell dated June 21, 2006.

City Manager Burrell presented the staff report and responded to Council questions.

Action: To approve the release of budgeted funds totaling $20,000 to purchase lighting fixtures, air handling equipment and HVAC system and approve the use of planter by the museum, as recommended by staff.
Motion Reviczky, second Keegan. The motion carried, noting the absence of Councilman Edgerton

b. CENTENNIAL CELEBRATION – FUNDRAISING REPORT. Memorandum from City Manager Stephen Burrell dated June 22, 2006.

City Manager Burrell presented the staff report and responded to Council questions.

Action: To receive and file the Centennial Celebration Fund Raising Report.
Motion Reviczky, second Keegan. The motion carried, noting the absence of Councilmember Edgerton

8. **MISCELLANEOUS ITEMS AND REPORTS - CITY COUNCIL**

a. **DESIGNATE A VOTING DELEGATE AND ALTERNATE FOR THE LEAGUE OF CALIFORNIA CITIES ANNUAL CONFERENCE.** Memorandum from City Manager Stephen Burrell dated June 21, 2006.

City Manager Burrell presented the staff report and responded to Council questions.

Action: To appoint Mayor Tucker as voting delegate and Councilmember Reviczky as alternate for the League of California Cities Annual Business Meeting at 8:30 a.m. at the League of California Cities Annual Conference on September 9, 2006.
Motion Keegan, second Reviczky. The motion carried, noting the absence of Councilmember Edgerton

b. **VACANCIES – BOARDS AND COMMISSIONS, EXPIRATION OF TERMS – CIVIL SERVICE BOARD.** Memorandum from City Clerk Elaine Doerfling dated June 22, 2006.

Action: To reappoint John Wisdom, current Civil Service Board member, to fill the expiring term and serve another four-year term ending July 15, 2010.
Motion Keegan, second Reviczky. The motion carried, noting the absence of Councilmember Edgerton

c. **VACANCIES – BOARDS AND COMMISSIONS UNEXPIRED TERM, PUBLIC WORKS COMMISSION – SCHEDULE INTERVIEWS.** Memorandum from City Clerk Elaine Doerfling dated June 22, 2006.

Action: To schedule a meeting at 6:30 p.m. prior to the regular meeting of Tuesday, July 11, 2006 for the purpose of interviewing Public Works Commission applicants (for the unexpired term ending October 31, 2008) with appointment to be made that evening at the regular meeting.
Motion Reviczky, second Mayor Tucker. The motion carried, noting the absence of Councilmember Edgerton.

At 8:50, the order of the agenda returned to item 4, consent calendar items received for separate discussion.

9. **OTHER MATTERS - CITY COUNCIL** - None

ANNOUNCEMENT IN OPEN SESSION OF ITEMS TO BE DISCUSSED IN CLOSED SESSION AS FOLLOWS:

1. **MINUTES: Approval of minutes of Closed Session meeting held on June 13, 2006.**

2. **CONFERENCE WITH LEGAL COUNSEL**

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

Existing Litigation: Government Code Section 54956.9(a)

Name of Case: Philia Five Group, LLC dba The Union Cattle Company
Case Number: YS015070

ADJOURN TO CLOSED SESSION – The Regular Meeting of the City Council of the City of Hermosa Beach adjourned on Tuesday, June 27, 2006, at the hour of 9:02 p.m. to a closed session.

RECONVENE TO OPEN SESSION – The Closed Session convened on Tuesday, June 27, 2006, at the hour of 9:20 p.m. At the hour of 9:30 p.m., the Closed Session adjourned to the Regular Meeting.

ORAL ANNOUNCEMENTS – There were no decisions made requiring a public announcement.

ADJOURNMENT - The Regular Meeting of the City Council of the City of Hermosa Beach adjourned on Tuesday, June 27, 2006, at the hour of 9:31 p.m. to an Adjourned Regular Meeting on July 11, 2006, at 6:30 p.m. for the purpose of conducting Public Works Commission applicant interviews, to be followed by the Regular Meeting of that date at 7:10 p.m.

Elaine Doerfling
City Clerk

Jackie Drasco
Deputy City Clerk