

**MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL** of the City of Hermosa Beach, California, held on Tuesday, September 26, 2006, at the hour of 7:20 p.m.

**PLEDGE OF ALLEGIANCE** – Fire Chief Russell Tingley

**ROLL CALL:**

Present: Bobko, Keegan, Reviczky, Tucker, Mayor Edgerton (by teleconference from Sheraton Hotel & Towers in Chicago, Illinois)

ABSENT: None

**ANNOUNCEMENTS** - Councilmember Tucker announced the annual Beach Cities Toy Drive wrapping party on December 19 at Joslyn Center in Manhattan Beach at 1600 Valley Drive.

Councilmember Reviczky announced a Hermosa Beach Sister City Association fund-raising auction on Sunday, October 1, from 1-4 p.m., at 1800 The Strand, with a variety of auction items to bid on, and a grand prize drawing for one-week in a two-bedroom unit at a choice of world-class luxury hotels in Mexico plus \$600 toward airfare; said there would be delicious food and gave locations selling tickets.

Mayor Pro Tempore Keegan announced that the 2nd Story Theater's first production "The Beast," a play written by local resident Angelo Masino, was running on weekends at 8 p.m.; said Pat Love would be installed as the new president of the Kiwanis Club on Saturday, September 30; and asked the meeting be adjourned in memory of long-time Hermosa resident and business owner Peter Mangurian.

Councilmember Bobko said the Hermosa Beach Education Foundation was having a casino night fundraiser on Saturday evening, September 30, with tickets available on their website at <http://www.hbef.com>.

**PRESENTATIONS**

**INTRODUCTION OF NEW FIREFIGHTERS  
AUSHLEY BAKER-WILHITE & SCOTT DURKIN**

Chief Tingley introduced two new firefighters, both Hermosa Beach residents and both from the reserves program, including Hermosa Beach's first full-time female firefighter, and the City Council welcomed them to the community.

**PRESENTATION OF DONATIONS TO THE  
HERMOSA BEACH HISTORICAL SOCIETY MUSEUM  
\$15,000 FROM THE KIWANIS CLUB OF HERMOSA BEACH  
\$50,000 FROM P.I.N.K. PRESENTED BY BARBARA ROBINSON**

Terry Bose, of the Hermosa Beach Kiwanis Club, said Kiwanians were pleased to present the proceeds of their "Taste at the Beach" event to the Historical Society.

Barbara Robinson, of the retail women's clothing store p.i.n.k., said she was happy to be able to assist her new adopted City with the completion of the museum and thanked the community members who provided support and hard work to make Hermosa Beach a better place to live.

Rick Koenig, representing the Hermosa Beach Historical Society, thanked both women and their organizations for their generous donations, noting that their generosity would enable to the Society to build a museum of which many generations of Hermosans could be proud for years to come.

**CLOSED SESSION REPORT FOR MEETING OF SEPTEMBER 12, 2006: NO REPORTABLE ACTIONS.**

**PUBLIC PARTICIPATION:**

**1. ORAL AND WRITTEN COMMUNICATIONS**

There were no written communications.

Coming forward to address the Council at this time were:

Jim Lissner – Hermosa Beach, said that there had not been compliance with the Brown Act because the notification that Mayor Edgerton would be participating in the meeting by teleconference from his hotel in Chicago was not announced at least 72 hours before the meeting (City Attorney Jenkins said, although Mr. Lissner was correct in the strict interpretation of the Brown Act, the agenda had been posted more than 72 hours before the meeting, the only change to the agenda was the announcement of the Mayor's teleconference participation from the location of his business trip, the Mayor had posted the agenda at the front desk of the hotel and made his room available for anyone wishing to attend, as required by the Brown Act, Mr. Lissner's document submitted at the meeting had been faxed to the Mayor; therefore, he did not feel that the teleconference participation of Mayor Edgerton prejudiced the Council's decision in anyway and still provided the openness and transparency of the proceedings);

Steve Klein – Los Angeles County Library Regional Administrator introduced Elmita Brown, the new librarian for the Hermosa Beach County Library, noting that she been with the County Library system for many years, with the last six years in Lawndale;

Elmita Brown – Hermosa Beach Librarian, thanked her staff, the Friends of the Library, and the community for their warm reception and said she looked forward to many years of service in the beautiful City of Hermosa Beach; and

Dallas Yost – Hermosa Beach, asked that consent calendar item 2(f), award of the construction contract for the Pier Clock Bench Barrier Project, be removed for separate discussion.

2. **CONSENT CALENDAR:**

**Action:** To approve the consent calendar recommendations (a) through (s) with the exception of the following items, which were removed for discussion in item 4, but are shown in order for clarity: 2(f) Tucker, (i) Keegan, (j) Reviczky, and (n) Keegan, Motion Reviczky, second Tucker. The motion carried by the following vote:

AYES: Bobko, Keegan, Reviczky, Tucker, Mayor Edgerton  
NOES: None  
ABSENT: None  
ABSTAIN: None

(a) **RECOMMENDATION TO APPROVE THE MINUTES OF THE REGULAR MEETING OF SEPTEMBER 12, 2006.**

**Action:** To approve as presented the minutes of the Regular Meeting of September 12, 2006.

(b) **RECOMMENDATION TO RATIFY CHECK REGISTER NOS. 44198 THROUGH 45426, AND TO APPROVE THE CANCELLATION OF CHECK NO. 44749, AS RECOMMENDED BY THE CITY TREASURER.**

**Action:** To ratify the check register as presented.

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

**Action:** To receive and file the Tentative Future Agenda Items as presented.

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

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

**Action:** To receive and file the August 2006 financial reports:

(e) **RECOMMENDATION TO RECEIVE AND FILE THE ACTION MINUTES OF THE PARKS, RECREATION AND COMMUNITY RESOURCES ADVISORY COMMISSION MEETING OF SEPTEMBER 5, 2006.** Supplemental letter received from Howard Longacre on September 25, 2006.

**Action:** To receive and file the action minutes of the Parks, Recreation and Community Resources Advisory Commission meeting of September 5, 2006.

- (f) **RECOMMENDATION TO AUTHORIZE THE AWARD OF CONSTRUCTION CONTRACT FOR NON-CIP PROJECT NO. 009-06 PIER CLOCK BENCH BARRIER PROJECT TO DAVE SHAW CONCRETE AND BLOCK, INC., IN THE AMOUNT OF \$48,000.00; AUTHORIZE THE MAYOR TO EXECUTE AND THE CITY CLERK TO ATTEST THE CONTRACT SUBJECT TO APPROVAL OF THE CITY ATTORNEY; AUTHORIZE AN ADDITIONAL APPROPRIATION OF \$29,869.00 FROM THE 109 DOWNTOWN ENHANCEMENT FUND; AND AUTHORIZE THE DIRECTOR OF PUBLIC WORKS TO ISSUE CHANGE ORDERS AS NECESSARY UP TO \$7,000.00.** Memorandum from Public Works Director Richard Morgan dated September 19, 2006.

This item was removed from the consent calendar by Councilmember Tucker at the request of Dallas Yost for separate discussion later in the meeting.

Public Works Director Morgan responded to Council questions.

Coming forward to address the Council on this item was:

Dallas Yost – Hermosa Beach, objected to the division of the Plaza from the community by the proposed wall, said he understood the concern for public safety but that construction of the wall actually created other safety hazards.

**Action:** To direct staff to construct a mockup of the barrier to show its exact size and continue the item to the meeting of October 10 or October 24.  
Motion Keegan, second Edgerton. The motion carried by the following vote:

AYES:	Bobko, Keegan, Reviczky, Tucker, Mayor Edgerton
NOES:	None
ABSENT:	None
ABSTAIN:	None

- (g) **RECOMMENDATION TO DENY THE FOLLOWING CLAIM AND REFER IT TO THE CITY'S LIABILITY CLAIMS ADMINISTRATOR.** Memorandum from Personnel Director/Risk Manager Michael Earl dated September 18, 2006.

Claimant:	Jaco, Brad
Date of Loss:	03/19/06
Date Filed:	08/16/06
Allegation:	Trip & fall

**Action:** To deny the following claim and refer it to the City's Liability Claims Administrator, as recommended by staff.

- (h) **RECOMMENDATION TO RECEIVE AND FILE PROJECT STATUS REPORT.** Memorandum from Public Works Director Richard Morgan dated September 19, 2006.

**Action:** To receive and file the Status Report of capital improvement projects that are either under design or construction as of August 31, 2006.

- (i) **RECOMMENDATION TO APPROPRIATE \$14,731 FROM THE CITIZEN'S OPTION FOR PUBLIC SAFETY (COPS) PROGRAM TO PURCHASE THIRTY-FOUR (34) TASER CAM AUDIO/VIDEO DIGITAL RECORDING DEVICES.** Memorandum from Police Captain Thomas Eckert dated September 19, 2006.

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

Police Chief Savelli responded to Council questions, noting that this is a sole source for these devices.

**Action:** To appropriate \$14,731 from the Citizen's Option for Public Safety (COPS) program to purchase thirty-four (34) TASER Cam Audio/Video digital recording devices, as recommended by staff.

Motion Keegan, second Reviczky. The motion carried by the following vote:

AYES: Bobko, Keegan, Reviczky, Tucker, Mayor Edgerton  
NOES: None  
ABSENT: None  
ABSTAIN: None

- (j) **RECOMMENDATION TO ACCEPT DONATIONS OF \$2,002.11 COLLECTED FROM ANONYMOUS DONORS AT THE SUMMER CONCERT HELD ON JULY 30, 2006 TO BE USED FOR THE CENTENNIAL CONCERT SERIES IN AUGUST 2007; \$1,600 FROM THELMA GREENWALD TO BE USED FOR A MEMORIAL BENCH FOR RICHARD M. GREENWALD; \$422 COLLECTED FROM ANONYMOUS DONORS AT THE FIESTA BEER GARDEN TO BE USED FOR THE CENTENNIAL CELEBRATION; AND TWO NEW "TREK" BICYCLES WITH AN ESTIMATED VALUE OF \$1,500 FROM MIKE SANTOMIERI TO BE USED BY THE PATROL OFFICERS.** Memorandum from Finance Director Viki Copeland dated September 19, 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:

- \$2,002.11 collected from anonymous donors at the July 30, 2006 Summer Concert to be used for the Centennial Concert Series in August 2007;

- \$1,600 from Thelma Greenwald to be used for a memorial bench for Richard M. Greenwald;
- \$422 collected from anonymous donors at the Fiesta Beer Garden to be used for the Centennial Celebration;
- \$1,500 estimated value for two new "Trek" bicycles from Mike Santomieri to be used by the Patrol Officers.

Motion Reviczky, second Edgerton. The motion carried by the following vote:

AYES: Bobko, Keegan, Reviczky, Tucker, Mayor Edgerton  
 NOES: None  
 ABSENT: None  
 ABSTAIN: None

- (k) **RECOMMENDATION TO ADOPT RESOLUTION APPROVING FINAL MAP #60182 FOR A TWO-UNIT CONDOMINIUM PROJECT AT 1600 MONTEREY BOULEVARD.** Memorandum from Community Development Director Sol Blumenfeld dated September 18, 2006.

**Action:** To approve the staff recommendation to adopt Resolution No. 06-6495, entitled "**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HERMOSA BEACH, CALIFORNIA, APPROVING FINAL PARCEL MAP NO. 60182, FOR THE SUBDIVISION OF A TWO-UNIT CONDOMINIUM PROJECT LOCATED AT 1600 MONTEREY BOULEVARD IN THE CITY OF HERMOSA BEACH, CALIFORNIA.**"

- (l) **RECOMMENDATION TO ADOPT RESOLUTION APPROVING FINAL MAP #60263 FOR A TWO-UNIT CONDOMINIUM PROJECT AT 406 OCEAN VIEW AVENUE.** Memorandum from Community Development Director Sol Blumenfeld dated September 18, 2006.

**Action:** To approve the staff recommendation to adopt Resolution No. 06-6496, entitled "**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HERMOSA BEACH, CALIFORNIA, APPROVING FINAL PARCEL MAP NO. 60623, FOR THE SUBDIVISION OF A TWO-UNIT CONDOMINIUM PROJECT LOCATED AT 406 OCEAN VIEW AVENUE IN THE CITY OF HERMOSA BEACH, CALIFORNIA.**"

- (m) **RECOMMENDATION TO ADOPT RESOLUTION APPROVING FINAL MAP #62301 FOR A TWO-UNIT CONDOMINIUM PROJECT AT 58 TWENTIETH STREET.** Memorandum from Community Development Director Sol Blumenfeld dated September 18, 2006.

**Action:** To approve the staff recommendation to adopt Resolution No. 06-6497, entitled "**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HERMOSA BEACH, CALIFORNIA, APPROVING FINAL PARCEL MAP NO. 62301, FOR THE SUBDIVISION OF A TWO-UNIT CONDOMINIUM**"

**PROJECT LOCATED AT 58 TWENTIETH STREET IN THE CITY OF HERMOSA BEACH, CALIFORNIA.”**

- (n) **RECOMMENDATION TO AUTHORIZE THE PURCHASE OF FIFTEEN (15) SECOND CHANCE BALLISTIC VESTS (BODY ARMOR) TO ALL STATE POLICE EQUIPMENT IN THE AMOUNT OF \$9,662.00 (BID AMOUNT OF \$8,925 + 736 TAX).** Memorandum from Police Captain Thomas Eckert dated September 18, 2006.

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

Police Chief Savelli responded to Council questions.

**Action:** To authorize the purchase of fifteen (15) Second Chance ballistic vests (body armor) to All State Police Equipment in the amount of \$9,662 (bid amount of \$8,925 + 736 tax), as recommended by staff.

Motion Keegan, second Reviczky. The motion carried by the following vote:

AYES: Bobko, Keegan, Reviczky, Tucker, Mayor Edgerton  
NOES: None  
ABSENT: None  
ABSTAIN: None

- (o) **RECOMMENDATION TO APPROVE PROPOSAL FOR A CABLE TELEVISION PROGRAM TO FEATURE CITY OF HERMOSA BEACH PARKS AND RECREATION ACTIVITIES AND ALLOCATE \$5,000 TOWARD THE PROJECT FROM PROSPECTIVE EXPENDITURES.** Memorandum from Community Resources Director Lisa Lynn dated September 19, 2006.

**Action:** To approve the proposal for a cable television program to feature City of Hermosa Beach parks and recreation activities and allocate \$5,000 toward the project from prospective expenditures, as recommended by staff.

- (p) **RECOMMENDATION TO RECEIVE AND FILE THE ACTION MINUTES OF THE PLANNING COMMISSION MEETING OF SEPTEMBER 19, 2006.**

**Action:** To receive and file the action minutes of the Planning Commission meeting of September 19, 2006.

- (q) **RECOMMENDATION FOR REAPPROPRIATION OF FUNDS FROM 2005-06 TO 2006-07, ADDITIONAL APPROPRIATIONS FOR 2005-06 AND 2006-07.** Memorandum from Finance Director Viki Copeland dated September 19, 2006.

**Action:** To approve the staff recommendation to reappropriate the amounts listed in the staff report from the FY 2005-06 budget to the FY 2006-07 budget, and approve the additional appropriations listed in the staff report for 2005-06 and 2006-07.

- (r) **RECOMMENDATION TO ACKNOWLEDGE THE DATE FOR THE REQUIRED AB1234 ETHICS TRAINING ON TUESDAY, NOVEMBER 14, 2006 FROM 5:00 P.M. TO 7:00 P.M.** Memorandum from City Manager Stephen Burrell dated September 21, 2006.

**Action:** To acknowledge the date for the required AB1234 ethics training on Tuesday, November 14, 2006 from 5:00 p.m. to 7:00 p.m.

- (s) **RECOMMENDATION TO RECEIVE AND FILE THE ACTION MINUTES OF THE PUBLIC WORKS COMMISSION MEETING OF AUGUST 16, 2006.**

**Action:** To receive and file the action minutes of the Public Works Commission meeting of August 16, 2006.

At 7:40 p.m., the order of the agenda was suspended to go to public hearing item 5 (a).

3. **CONSENT ORDINANCES** – None

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

Items 2(f), (i), (j), and (n) 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.

At 9:23 p.m., the order of the agenda went to public hearing item 5(b).

5. **PUBLIC HEARINGS**

- a. **APPEAL OF THE PLANNING COMMISSION DENIAL, ON SEPTEMBER 20, 2005, OF A CONDITIONAL USE PERMIT AMENDMENT FOR A RESTAURANT WITH ON-SALE ALCOHOL TO CHANGE THE CLOSING TIME FROM 12:00 MIDNIGHT TO 2:00 A.M. DAILY AT 73 PIER AVENUE, MEDITERRANEO RESTAURANT.** Memorandum from Community Development Director Sol Blumenfeld dated August 31, 2006.

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



The public hearing opened at 7:46 p.m. Coming forward to address the Council on this item were:

Tommy Short – restaurant owner, said he had been in this location for 12 years, first Brewski's and, for the last three years, Mediterraneo, noting that neither restaurant had ever been cited for any violations; thanked the Council for providing full representation for this hearing; said they hated having to ask their customers to leave at midnight because many people worked late; said he had no plans to sell his business;

Julio Bobolini – Mercury Air Group at LAX, said he had a 24-hour business and entertained people from overseas who were accustomed to eating much later than most Americans; said his clients appreciate an upscale restaurant like Mediterraneo;

Steve Roberts – Café Bugaloo owner and Hermosa Beach resident, said he was lucky to have had a business in Hermosa Beach for 11 years and knew how expensive it was to operate a restaurant; urged the Council to give Mediterraneo a level playing field with the other establishments on the Plaza by giving them the extra hours;

Matt Houston – Mediterraneo General Manager and Hermosa Beach resident, reiterated that both Brewski's and Mediterraneo had impeccable records; said when the full liquor license was given to Mediterraneo, the Council was concerned that it would become another bar but this had not happened; said all the local newspapers had given the restaurant great reviews for its wonderful appetizers, a great wine list, and a favorite late night dining location;

Thurleen Anderson – Hermosa Beach resident and Leadership Hermosa participant, said that she and her friends did not want to go to the noisy bars on Pier Plaza but wanted an upscale restaurant like Mediterraneo where they could have a conversation; said that Mediterraneo brought a much needed balance to the Plaza; felt there were many people who were interesting in a late-night bite to eat;

Colin Anderson - Hermosa Beach, said he worked until a late hour and wanted a nice place to eat, rather than a loud bar; said he was always sorry to have to leave Mediterraneo at midnight;

Phillip Shaw – Hermosa Beach, said he lived near Pier Plaza because he wanted to be able to walk to the area; said there were few places there for his age group to have a nice meal with conversation;

Dan Hagle – Hermosa Beach, agreed that Mediterraneo was a great place for the older, calmer crowd and a great asset for the community; appreciated a place where he could take his date or clients; said the only other places for a nice late-night dinner were in Manhattan Beach; said Mediterraneo was a well-run business which deserved the extra operating hours;

Robert Resnick – Hermosa Beach, said he had moved from New York two years ago and enjoyed the diversity in Hermosa Beach; said that diversity would be maintained by allowing the extra hours for Mediterraneo;

Todd Hart – said he used to live in Hermosa Beach and was also in the restaurant business; said he enjoyed having a nice place to go when his work day ended at a late hour;

Bill Tierney – Hermosa Beach, said he had seen a dramatic change in Hermosa Beach over his 21 years of residency; said restaurants like Mediterraneo had not always existed; said this type of establishment with its great food made Hermosa Beach a better place to live; said he visited Mediterraneo at least once a week and felt it was unfair that they had to close at midnight;

Carla Merriman – Hermosa Beach Chamber of Commerce and Visitors' Bureau, said Mediterraneo had become a wonderful asset for the City, attracting the right clientele to downtown; hoped the Council would allow the extension of hours, knowing that the fear of Mediterraneo becoming another bar had been dispelled; suggested that the City institute an entertainment permit as the City of Redondo Beach had done to allow fine restaurants like this to close at 2:00 a.m. when they had proven to be deserving of trust;

No name given – said Mediterraneo was the perfect place to take a date to impress her and that he appreciated a nice late-night place to go after an evening movie;

Andrea Vadavick – said she was a teacher in Manhattan Beach and planned the annual end of the year party for her school; said usually the location changed from year to year but everyone had enjoyed Mediterraneo so much, it had been there the last three years; however, they had hoped to be able to linger there longer than midnight;

Peter Quelsch – said Manhattan Beach had improved their late night problems by encouraging more upscale restaurants like Mediterraneo with longer hours; hoped the same would happen in Hermosa Beach;

Donna Cocke – said she and her husband are theater goers which means they often dine late, and also entertain friends who enjoy a nice restaurant which is open late;

Patty Egerer – Hermosa Beach, said that the drinking district on Pier Plaza continues to generate quality of life issues and erode public safety; urged the Council to deny Mediterraneo's request for extended hours;

Rick Levins – Hermosa Beach, said the City needs more establishments like Mediterraneo for the over-30 crowd and urged the Council to grant their request;

Dave Peterson – said it was important to note that the Conditional Use Permit runs with the land, not the business, which meant that the decision regarding Mediterraneo's hours would apply to any business at that location; in the future; said although it was extreme to characterize Pier Plaza as a drinking district, he encouraged the Council to uphold the Planning Commission's decision to deny the request for a closing time of 2:00 a.m.;

Jim Lissner – Hermosa Beach, discussed the handout he provided to the Council (also faxed to Mayor Edgerton at his hotel) regarding operating hours of similar establishments in Manhattan Beach; said that Hermosa Beach was a bedroom community and its neighborhoods were disturbed by late night patrons returning to their cars;

Rhonda Turner – said that the wrong target was being attacked and that establishments on Pier plaza with the long lines of people waiting to

get in should have their restrictions enforced to improve conditions downtown; said she was being forced to go to Manhattan Beach to enjoy late-night dining;

Albro Lundy – attorney for the restaurant owner, Hermosa Beach resident and business owner, said Mediterraneo made the City a better place by encouraging a better clientele for Pier Plaza; said downtown problems could be improved by enforcing CUPs for existing businesses; reiterated Mediterraneo's impeccable record; urged the Council to give them a level playing field with the competition by granting longer hours;

Sharon Paul – Hermosa Beach, said Hermosa is a great city but there are problems; said restaurants like Mediterraneo provide a place for the over-50 crowd to go and to improve conditions on the Plaza.

The public hearing closed at 8:29 p.m.

**Action:** To approve the staff recommendation to adopt Resolution No. 06-6498, entitled "**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HERMOSA BEACH, CALIFORNIA, SUSTAINING THE PLANNING COMMISSION, ON APPEAL, TO DENY A CONDITIONAL USE PERMIT AMENDMENT TO EXTEND OPERATING HOURS FOR A RESTAURANT WITH ON-SALE GENERAL ALCOHOL AND LIVE ENTERTAINMENT AT 73 PIER AVENUE AND LEGALLY DESCRIBED AT LOT 27, BLOCK 13 HERMOSA BEACH TRACT.**"

Motion Keegan, second Reviczky. The motion carried by the following vote:

AYES:	Bobko, Keegan, Reviczky, Tucker, Mayor Edgerton
NOES:	None
ABSENT:	None
ABSTAIN:	None

The meeting recessed at 8:50 p.m.

The meeting reconvened at 9:04 p.m., with item 4, items removed from the consent calendar.

b. **TEXT AMENDMENT TO THE SUBDIVISION ORDINANCE PERTAINING TO MERGER OF PARCELS (CHAPTER 16.20) HERMOSA BEACH MUNICIPAL CODE.**

Community Director Blumenfeld recommended that the item be continued.

**Action:** To continue the hearing to the meeting of November 14, 2006.

Motion Reviczky, second Keegan. The motion carried by the following vote:

AYES:	Bobko, Keegan, Reviczky, Tucker, and Mayor Edgerton
NOES:	None
ABSENT:	None
ABSTAIN:	None

6. **MUNICIPAL MATTERS**

- a. **APPROVAL OF EMERGENCY OPERATIONS PLAN.** Memorandum from Fire Chief Russell Tingley dated September 19, 2006.

Fire Chief Tingley presented the staff report and responded to Council questions, noting that the Emergency Operations Plan would be posted on the City's website and reminding the City Council that, if the plan was adopted, their training associated with this plan was scheduled for 6:00 p.m. on October 10, 2006, prior to their regular meeting.

**Action:** To approve the staff recommendation to adopt Resolution No. 06-6499, entitled "**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HERMOSA BEACH, CALIFORNIA, TO ADOPT THE UPDATED EMERGENCY OPERATIONS PLAN.**"

Motion Reviczky, second Tucker. The motion carried by the following vote:

AYES: Bobko, Keegan, Reviczky, Tucker, Mayor Edgerton  
NOES: None  
ABSENT: None  
ABSTAIN: None

- b. **GRAFFITI REMOVAL ORDINANCE.** Memorandum from City Manager Stephen Burrell dated September 21, 2006.

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

**Action:** To approve the staff recommendation to waive full reading and introduce Ordinance No. 06-1273, entitled "**AN ORDINANCE OF THE CITY OF HERMOSA BEACH, CALIFORNIA, REGARDING GRAFFITI REMOVAL AND AMENDING THE HERMOSA BEACH MUNICIPAL CODE,**" as amended to delete the provision requiring businesses to secure aerosol paint spray cans and wide blade markers in a locked area.

Motion Keegan, second Reviczky. The motion carried by the following vote:

AYES: Bobko, Keegan, Reviczky, Tucker, Mayor Edgerton  
NOES: None  
ABSENT: None  
ABSTAIN: None

- c. **ORDINANCE APPROVING THE AMENDMENTS TO CHAPTER 3.32 OF THE MUNICIPAL CODE, BRINGING IT INTO COMPLIANCE WITH CALIFORNIA'S TRANSIENT OCCUPANCY TAX (TOT) LAWS EFFECTIVE JANUARY 1, 2005; ADOPTION OF A RESOLUTION ESTABLISHING THE FEE FOR ISSUANCE OF A TAX CLEARANCE CERTIFICATE; AND**

**ADOPTION OF A RESOLUTION APPROVING THE REVISED "TRANSIENT OCCUPANCY GOVERNMENT EMPLOYEE EXEMPTION FORM."**

Memorandum from Finance Director Viki Copeland dated September 19, 2006. Supplemental information received from Finance Director Copeland on September 25, 2006.

Finance Director Copeland presented the staff report and responded to Council questions.

**Action:** To approve the staff recommendation to:

- (1) Waive full reading and introduce Ordinance No. 06-1274, entitled "**AN ORDINANCE OF THE CITY OF HERMOSA BEACH, CALIFORNIA, AMENDING PROCEDURAL PROVISIONS OF THE TRANSIENT OCCUPANCY TAX ORDINANCE AND AMENDING CHAPTER 3.32 OF THE HERMOSA BEACH MUNICIPAL CODE.**";
- (2) Adopt Resolution No. 06-6500, entitled "**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HERMOSA BEACH, CALIFORNIA, ESTABLISHING THE FEE FOR ISSUANCE OF A TAX CLEARANCE CERTIFICATE PURSUANT TO HERMOSA BEACH MUNICIPAL CODE SECTION 3.32.125.**"; and
- (3) Adopt Resolution No. 06-6501, entitled "**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HERMOSA BEACH, CALIFORNIA, APPROVING THE USE OF THE "TRANSIENT OCCUPANCY TAX GOVERNMENT EMPLOYEE EXEMPTION FORM" IN CONJUNCTION WITH ITS TRANSIENT OCCUPANCY TAX ORDINANCE.**"

Motion Reviczky, second Tucker. The motion carried by the following vote:

AYES:	Bobko, Keegan, Reviczky, Tucker, Mayor Edgerton
NOES:	None
ABSENT:	None
ABSTAIN:	None

- d. **RESOLUTION REVISING THE CITY'S CONFLICT OF INTEREST CODE FOR DESIGNATED POSITIONS.** Memorandum from City Clerk Elaine Doerfling dated September 21, 2006.

Deputy City Clerk Drasco presented the staff report and responded to Council questions.

**Action:** To approve the staff recommendation to adopt Resolution No. 06-6502, entitled "**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HERMOSA BEACH, CALIFORNIA, RESCINDING RESOLUTION NO. 02-6237, APPROVING AN AMENDED CONFLICT OF INTEREST CODE FOR DESIGNATED POSITIONS (EMPLOYEES, BOARD/COMMISSION MEMBERS), AND DESIGNATING THE CITY'S FILING OFFICER.**"

Motion Reviczky, second Tucker. The motion carried by the following vote:

AYES: Bobko, Keegan, Reviczky, Tucker, Mayor Edgerton  
NOES: None  
ABSENT: None  
ABSTAIN: None

7. **MISCELLANEOUS ITEMS AND REPORTS - CITY MANAGER**

a. **CENTENNIAL CELEBRATION – FUND-RAISING STATUS REPORT.** Memorandum from City Manager Stephen Burrell dated September 20, 2006.

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

**Action:** To receive and file the Centennial Celebration fund-raising status report, as recommended by staff.

Motion Reviczky, second Tucker. The motion carried by the following vote:

AYES: Bobko, Keegan, Reviczky, Tucker, Mayor Edgerton  
NOES: None  
ABSENT: None  
ABSTAIN: None

b. **CENTENNIAL MERCHANDISE PURCHASE.** Memorandum from City Manager Stephen Burrell dated September 21, 2006.

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

**Action:** To authorize the purchase of resale Centennial merchandise as specified in the amount of \$3,175.00 plus taxes and shipping from the Centennial account.

Motion Reviczky, second Keegan. The motion carried by the following vote:

AYES: Bobko, Keegan, Reviczky, Tucker, Mayor Edgerton  
NOES: None  
ABSENT: None  
ABSTAIN: None

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

a. **CITY COUNCIL COMMITTEE ASSIGNMENTS.** Memorandum from City Clerk Elaine Doerfling dated September 14, 2006.

**Action:** It was the consensus of the Council was to continue the item to the next City Council meeting on October 10, 2006.

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 September 12, 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

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

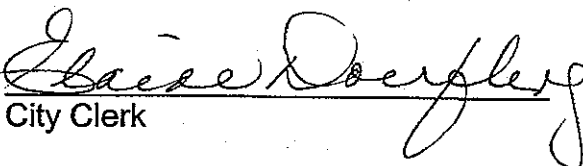
**City Negotiator:** Stephen Burrell  
**Employee Organization:** Hermosa Beach Firefighters' Association

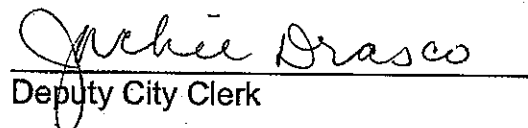
**ADJOURN TO CLOSED SESSION** – The Regular Meeting of the City Council of the City of Hermosa Beach adjourned on Tuesday, September 26, 2006, at the hour of 9:50 p.m. to a closed session.

**RECONVENE TO OPEN SESSION** – The Closed Session convened at the hour of 9:55 p.m. At the hour of 10:25 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 in memory of Peter Mangurian on Tuesday, September 26, 2006, at the hour of 10:26 p.m. to the Regular Meeting of October 10, 2006, at 7:10 p.m.

  
City Clerk

  
Deputy City Clerk

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