

**MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL** of the City of Hermosa Beach, California, held on Tuesday, October 24, 2006, at the hour of 7:12 p.m.

**ROLL CALL:**

Present: Bobko, Keegan, Reviczky, Mayor Edgerton  
Absent: Tucker

**PLEDGE OF ALLEGIANCE** – Larry Peha

**ANNOUNCEMENTS** – Mayor Edgerton noted that the Chamber of Commerce had named J.R. Reviczky and Jean Cullen as Man and Woman of the year.

Mayor Pro Tempore Keegan announced that an art event, Synesthesia, would be held at Sangria on Saturday, October 28, at 2-8 p.m.; congratulated Councilmember Reviczky on being Man of the Year, especially in this Centennial year.

Councilmember Reviczky said he attended the “Pumpkins in the Park” event at Fort Lots O’ Fun on October 21 and applauded Friends of the Park, City staff and everyone who helped with this enjoyable event.

Mayor Edgerton announced the streets scheduled for repair in the near future.

Councilmember Bobko reported on the Woman’s Pancake Breakfast, saying anyone who missed this great event should definitely be there next year; announced one last chance to participate in the Centennial fundraiser to put handprints on the wall near the skate park on Saturday, November 4 from 9 a.m. to noon.

**CLOSED SESSION REPORT FOR MEETING OF SEPTEMBER 26, 2006:** Meeting cancelled.

**PUBLIC PARTICIPATION:**

1. **ORAL AND WRITTEN COMMUNICATIONS**

There were no written communications.

Coming forward to address the Council at this time were:

Roy Casey – Hermosa Beach, asked that consent calendar item 2(e) be removed for separate discussion;

Ron Miller – Hermosa Beach, thanked City Manager Burrell and Police Chief Savelli for meeting with him regarding issues on 16th Street; said it was a good discussion and established some guidelines as to how to proceed to solve problems; asked the Council to defer approval of any projects at the Pavilion until parking and traffic issues are resolved; said he was not opposed to the car wash in the garage but thought a closing time of 11 p.m. was too late;

Carla Merriman – Executive Director of the Hermosa Beach Chamber of Commerce and Visitors' Bureau, said there were still tickets available for the Chamber luncheon on Friday, October 27, at which the new Board of Directors would be installed and the Man and Woman of the Year would be honored; outlined the community service of honorees J. R. Reviczky and Jean Cullin;

Steven Landau – said that, as directed by the City under the nuisance abatement, he had demolished one structure on his property and was rehabilitating another but would not be able to meet the deadline and hoped he could obtain an extension (City Manager Burrell asked that Mr. Landau come to his office at 8 a.m. the next day to discuss the issue, with Building Department staff present as well); and

Arnold Sax – Lennox, asked the meaning of a resolution versus an ordinance (City Attorney Jenkins explained that resolutions usually adopted fees and policies, documented action by the City Council on quasi judicial and land use issues such as Conditional Use Permits and Variances, and made findings to support conclusions).

## **2. CONSENT CALENDAR:**

**Action:** To approve the consent calendar recommendations (a) through (p) with the exception of item 2(o) which was deleted from the agenda by City Manager Burrell, and the following items which were removed for discussion in item 4, but are shown in order for clarity: 2(e) and (h) Reviczky. Motion Reviczky, second Keegan. The motion carried, noting the absence of Councilman Tucker.

### **(a) RECOMMENDATION TO APPROVE THE MINUTES OF THE ADJOURNED REGULAR MEETING OF OCTOBER 10, 2006.**

**Action:** To approve as presented the minutes of the Adjourned Regular Meeting of October 10, 2006. (Tucker absent)

### **(b) RECOMMENDATION TO RATIFY CHECK REGISTER NOS. 45593 THROUGH 45767, INCLUSIVE, AND ELECTRONIC VOUCHER NO. 1921382, AND TO APPROVE THE CANCELLATION OF CHECK NO. 45484, AS RECOMMENDED BY THE CITY TREASURER.**

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

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

**Action:** To receive and file Tentative Future Agenda Items as presented. (Tucker absent)

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

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

**Action:** To receive and file the September 2006 financial reports. (Tucker absent)

(e) **RECOMMENDATION TO RECEIVE AND FILE THE ACTION MINUTES OF THE PLANNING COMMISSION MEETING OF OCTOBER 17, 2006.**

Supplemental email received from Ron Miller on October 23, 2006.

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

Community Development Director Blumenfeld, City Manager Burrell and City Attorney Jenkins responded to Council questions.

Coming forward to address the Council on this item were:

**Roy Casey** – Hermosa Beach, questioned the Planning Commission decision on item 7 – approval of the commercial condominium project at 1429 Hermosa Avenue; said he supported the office condominium concept but not the restaurant because of impacts to the adjacent residential neighborhood (Councilmember Reviczky clarified that a restaurant had not been approved and there will be another noticed public hearing to discuss further details of the project);

**Patty Egerer** – Hermosa Beach, requested that the City Council rescind the Planning Commission's approval of the car wash in the Pavilion parking garage (item 9), saying there were no provisions to minimize impacts to the surrounding neighborhood.

**Action:** To review and reconsider the Planning Commission's approval of agenda item 9 – a conditional use permit to operate a car wash (auto detailing) within the Hermosa Pavilion Parking Structure – setting the hearing for December 12, 2006, but authorizing the City Manager with the power to move the hearing to the January 9, 2007 Council meeting if more time is needed for completion of the parking study report.

Motion Mayor Edgerton, second Keegan. The motion carried, noting the absence of Councilman Tucker.

**Further Action:** To receive and file the remainder of the action minutes of the Planning Commission meeting of October 17, 2006.

Motion Keegan, second Reviczky. The motion carried, noting the absence of Councilman Tucker

(f) **RECOMMENDATION TO RECEIVE AND FILE THE ACTION MINUTES OF THE PARKS, RECREATION AND COMMUNITY RESOURCES ADVISORY COMMISSION MEETING OF OCTOBER 3, 2006.**

**Action:** To receive and file the action minutes of the Parks, Recreation and Community Resources Advisory Commission meeting of October 3, 2006. (Tucker absent)

(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 October 16, 2006.

Claimant: Branam, Kary  
Date of Loss: 09-03-06  
Date Filed: 10-03-06  
Allegation: Property Damage

**Action:** To deny the above claim and refer it to the City's Liability Claims Administrator, as recommended by staff. (Tucker absent)

(h) **RECOMMENDATION TO ACCEPT DONATIONS OF \$500 FROM JANICE BRITTAIN TO BE USED FOR THE CENTENNIAL CELEBRATION AND \$3,000 IN PROCEEDS FROM THE SEPTEMBER 2006 FIESTA BEER GARDEN FROM THE HERMOSA BEACH CHAMBER OF COMMERCE TO BE USED FOR THE CENTENNIAL CELEBRATION.** Memorandum from Finance Director Viki Copeland dated October 16, 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:

- \$ 500 from Janice Brittain for the Centennial Celebration; and
- \$3,000 from the Hermosa Beach Chamber of Commerce September 2006 Fiesta Beer Garden for the Centennial Celebration.

Motion Reviczky, second Keegan. The motion carried, noting the absence of Councilman Tucker.

(i) **RECOMMENDATION TO APPROPRIATE \$11,262.60 FROM THE CITIZEN'S OPTION FOR PUBLIC SAFETY (COPS) PROGRAM TO PURCHASE A BASE STATION RADIO UNIT WITH SIX (6) REMOTE DESK TOP UNITS FROM THE SOUTH BAY REGIONAL PUBLIC COMMUNICATIONS AUTHORITY; APPROPRIATE \$3,028.83 FROM THE CALIFORNIA LAW ENFORCEMENT EQUIPMENT PROGRAM FUND (CLEEP) FOR THE PURCHASE OF EQUIPMENT NECESSARY TO SUPPORT A BLACKBERRY COMMUNICATION SYSTEM FROM CDW-GOVERNMENT INC. (CMAS PRICING); AND, APPROPRIATE \$1,181**

**FROM THE CALIFORNIA LAW ENFORCEMENT EQUIPMENT PROGRAM FUND (CLEEP) FOR THE PURCHASE OF AN ADDITIONAL COMPUTER AND MONITOR FROM DELL FOR THE TRAFFIC OFFICE TO FACILITATE THE NEW ARS (AUTOMATED REPORT WRITING AND AUTOMATED TICKET WRITING) PROGRAMS FROM THAT LOCATION.** Memorandum from Police Chief Greg Savelli dated October 10, 2006.

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

- (1) Appropriate \$11,262.60 from the Citizen's Option for Public Safety (COPS) program to purchase a base station radio unit with six (6) remote desk top units from the South Bay Regional Public Communications Authority;
- (2) Appropriate \$3,028.83 from the California Law Enforcement Equipment Program Fund (CLEEP) for the purchase of equipment necessary to support a Blackberry communication system from CDW-Government Inc. (CMAS pricing); and
- (3) Appropriate \$1,181 from the California Law Enforcement Equipment Program Fund (CLEEP) for the purchase of an additional computer and monitor from Dell for the traffic office to facilitate the new ARS (automated report writing and automated ticket writing) programs from that location. (Tucker absent)

- (j) **RECOMMENDATION TO APPROVE THE REVISED LEASE WITH KIWANIS CLUB OF HERMOSA BEACH FOR USE OF PREMISES AT 2515 VALLEY DRIVE FOR ANOTHER 25 YEARS AND AUTHORIZE THE MAYOR TO EXECUTE IT ON BEHALF OF THE CITY.** Memorandum from City Manager Stephen Burrell dated October 9, 2006.

**Action:** To approve the revised lease with Kiwanis Club of Hermosa Beach for use of premises at 2515 Valley Drive for another 25 years and authorize the Mayor to execute it on behalf of the City, as recommended by staff. (Tucker absent)

- (k) **RECOMMENDATION TO RECEIVE AND FILE THE PROJECT STATUS REPORT.** Memorandum from Public Works Director Richard Morgan dated October 16, 2006.

**Action:** To approve the staff recommendation to receive and file the Status Report of capital improvement projects that are either under design or construction as of September 30, 2006. (Tucker absent)

- (l) **RECOMMENDATION TO ADOPT RESOLUTION APPROVING FINAL MAP #61457 FOR A THREE-UNIT CONDO AT 1309 CYPRESS AVENUE.** Memorandum from Community Development Director Sol Blumenfeld dated October 18, 2006.

**Action:** To approve the staff recommendation to adopt Resolution No. 06-6505, entitled “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HERMOSA BEACH, CALIFORNIA, APPROVING FINAL PARCEL MAP NO. 61457, FOR THE SUBDIVISION OF A THREE-UNIT CONDOMINIUM LOCATED AT 1309 CYPRESS AVENUE IN THE CITY OF HERMOSA BEACH, CALIFORNIA.” (Tucker absent)

- (m) RECOMMENDATION TO ADOPT RESOLUTION APPROVING FINAL MAP #62834 FOR A TWO-UNIT CONDO AT 927 AND 929 FIFTEENTH STREET. Memorandum from Community Development Director Sol Blumenfeld dated October 18, 2006

**Action:** To approve the staff recommendation to adopt Resolution No. 06-6506, entitled “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HERMOSA BEACH, CALIFORNIA, APPROVING FINAL PARCEL MAP NO. 62834, FOR THE SUBDIVISION OF A TWO-UNIT CONDOMINIUM LOCATED AT 927 AND 929 FIFTEENTH STREET IN THE CITY OF HERMOSA BEACH, CALIFORNIA.” (Tucker absent)

- (n) RECOMMENDATION TO ADOPT RESOLUTION APPROVING FINAL MAP #62914 FOR A TWO-UNIT CONDO AT 848 AND 850 BARD STREET. Memorandum from Community Development Director Sol Blumenfeld dated October 18, 2006.

**Action:** To approve the staff recommendation to adopt Resolution No. 06-6507, entitled “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HERMOSA BEACH, CALIFORNIA, APPROVING FINAL PARCEL MAP NO. 62914, FOR THE SUBDIVISION OF A TWO-UNIT CONDOMINIUM LOCATED AT 848 AND 850 BARD STREET IN THE CITY OF HERMOSA BEACH, CALIFORNIA.”

- (o) RECOMMENDATION TO AUTHORIZE THE AWARD OF CONSTRUCTION CONTRACT FOR THE CIP NOS. 05-110 AND 04-112 CRACK SEAL/SLURRY SEALING OF AVIATION BOULEVARD AND PROSPECT AVENUE TO PAVEMENT COATINGS COMPANY, OF CYPRESS, CALIFORNIA, IN THE AMOUNT OF \$148,287.75; AUTHORIZE THE MAYOR TO EXECUTE AND THE CITY CLERK TO ATTEST THE CONTRACT SUBJECT TO APPROVAL OF THE CITY ATTORNEY; AND, AUTHORIZE THE DIRECTOR OF PUBLIC WORKS TO ISSUE CHANGE ORDERS AS NECESSARY WITHIN THE APPROVED BUDGET. Memorandum from Public Works Director Richard Morgan dated October 17, 2006.

City Manager Burrell asked that this item be removed from the agenda so that the work can be done in sequence with other work being performed in the same part of the City.

**Action:** To continue the item, by Council consensus, to the next City Council meeting on November 14, 2006, as requested by staff. (Tucker absent)

- (p) **RECOMMENDATION TO APPROVE THE APPROPRIATION OF \$51,245 FOR CIP NO. 05-109 STREET IMPROVEMENTS FROM 301 CAPITAL IMPROVEMENT FUND FOR FY 06-07; APPROVE CHANGE ORDER TO SEQUEL CONTRACTORS, INC. OF SANTA FE SPRINGS TO INCLUDE CIP NO. 02-106 BEACH DRIVE UNDERGROUNDING STREET IMPROVEMENTS; AND, AUTHORIZE THE DIRECTOR OF PUBLIC WORKS TO APPROVE CHANGES WITHIN THE APPROVED BUDGET.** Memorandum from Public Works Director Richard Morgan dated October 17, 2006.

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

- (1) Approve the appropriation of \$51,245 for CIP No. 05-109 Street Improvements from 301 Capital Improvement Fund for FY 06-07; approve Change Order to Sequel Contractors, Inc. of Santa Fe Springs to include CIP No. 02-106 Beach Drive Undergrounding Street Improvements; and
- (2) Authorize the Director of Public Works to approve changes within the approved budget. (Tucker absent)

### 3. **CONSENT ORDINANCES**

- a. **ORDINANCE NO. 06-1275 – “AN ORDINANCE OF THE CITY OF HERMOSA BEACH, CALIFORNIA, ADJUSTING COMPENSATION FOR CITY COUNCIL MEMBERS AND AMENDING THE HERMOSA BEACH MUNICIPAL CODE.”** *For adoption.* Memorandum from City Clerk Elaine Doerfling dated October 24, 2006. Supplemental letter from Howard Longacre received on October 23, 2006.

**Action:** To waive full reading and adopt Ordinance No. 06-1275. Motion Keegan, second Reviczky. The motion carried by the following vote:

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

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

Items 2(e) and (h) Reviczky 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** - None
6. **MUNICIPAL MATTERS** – None
7. **MISCELLANEOUS ITEMS AND REPORTS - CITY MANAGER**
- a. **HOLIDAY PARKING REGULATIONS.** Memorandum from City Manager Stephen Burrell dated October 18, 2006.

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

**Action:** To acknowledge the holiday parking program providing three hours of free parking at all silver meters from Wednesday, November 22 through December 25, 2006, to encourage shopping in the commercial areas, noting that the program does not apply to the City's parking structure or attended lots.

Motion Keegan, second Reviczky. The motion carried, noting the absence of Councilman Tucker.

8. **MISCELLANEOUS ITEMS AND REPORTS - CITY COUNCIL** - None
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 26, 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

**Name of Case:** Johnny Anderson v. City of Hermosa Beach  
**Case Number:** CV06-5078



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

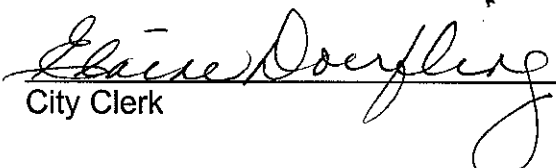
**City Negotiator:** Stephen Burrell  
**Employee Organization:** Hermosa Beach Firefighters' Association

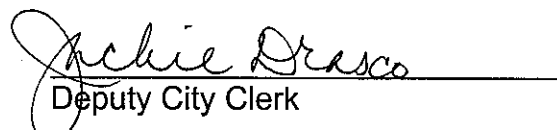
**ADJOURN TO CLOSED SESSION** – The Regular Meeting of the City Council of the City of Hermosa Beach adjourned on Tuesday, October 24, 2006, at the hour of 8:00 p.m. to a closed session.

**RECONVENE TO OPEN SESSION** – The Closed Session convened at the hour of 8:15 p.m. At the hour of 8:55 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, October 24, 2006, at the hour of 8:56 p.m. to the Adjourned Regular Meeting of November 14, 2006, at 5:00 p.m. for Ethics Training to be provided by the law firm of Jenkins & Hugin, LLP, prior to the Regular Meeting of the same date scheduled to begin at 7:10 p.m.

  
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City Clerk

  
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Deputy City Clerk