

MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL of the City of Hermosa Beach, California, held on Tuesday, December 12, 2006, at the hour of 7:00 p.m.

ROLL CALL:

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

Absent: None

PLEDGE OF ALLEGIANCE – Nick Garcia

ANNOUNCEMENTS – Councilmember Bobko reminded everyone to purchase their Christmas trees at the Kiwanis lot in front of the Community Center at Pacific Coast Highway and Pier Avenue.

Councilmember Tucker wished all residents and staff a Merry Christmas and Happy New Year; suggested a Centennial brick (ordered on the City's website or at the Community Center) as a great Christmas gift to have someone immortalized on Fourteenth Street; said the Beach Cities Toy Drive wrapping party would take place Saturday, December 16 at 11 a.m. at the Joslyn Center on Valley Drive in Manhattan Beach; said the poinsettias decorating the dais would be given to City staff after the meeting in appreciation for their work all year long.

Councilmember Reviczky said a submarine, the USS Los Angeles, was in the L.A. Harbor in San Pedro over the past weekend, the first time this submarine had visited its namesake; said he and the Mayor each attended some of the festivities and the sailors were treated Friday night to the generosity of Patrick Malloy's.

Mayor Edgerton said he had dinner on the submarine and the captain, who was not yet 40 years of age, was a graduate of Annapolis and had some great stories to tell. He then read a list of streets currently being repaired; said the City's Centennial celebration was only a month and 2 days away; and announced that once again Big Band 2000 would be playing on Pier Plaza on New Year's Eve.

City Clerk Doerfling reported that the previous week she had attended the League of California Cities City Clerk's conference, that she learned a lot about new election laws and that the City had reimbursed her for her expenses.

PRESENTATIONS

Police Chief Savelli introduced new police officers Nick Garcia and Everett Faulk, both South Bay residents, gave background on their education, family, hobbies, special talents, etc. He said they would be riding with experienced officers for a while and would be ready to be on their own by mid-year.

The presentation by Los Angeles Councilwoman/Air Quality Management District Governing Board Member Jan Perry will be rescheduled for a future meeting.

CLOSED SESSION REPORT FOR MEETING OF NOVEMBER 28, 2006: Meeting canceled.

PUBLIC PARTICIPATION:

1. ORAL AND WRITTEN COMMUNICATIONS

There were no written communications.

Coming forward to address the Council at this time were:

Ron Miller – Hermosa Beach, thanked City Manager Burrell and Police Chief Savelli for arranging to have a speed limit painted on Sixteenth Street and also thanked the City Clerk and staff for their assistance;

Carla Merriman – Hermosa Beach Chamber of Commerce and Visitors' Bureau Executive Director, presented each Council member with a "Hermosa Means Beautiful" license plate frame, noting that they would make a great gift and were available for \$10 at the Chamber office, along with Project Touch calendars;

Jim Lissner – Hermosa Beach, said the City of Santa Cruz provides parking permits for people who had been drinking and should not drive so they can leave their cars behind without getting a parking ticket; requested the removal of items 2k and 2j from the consent calendar for separate discussion; said the Upper Pier Avenue Committee meetings should be televised; said a Planning Commission agenda item had been continued after citizens complained that it should have been noticed more accurately and thoroughly; and

Patty Egerer – Hermosa Beach, described congested traffic on Sixteenth Street which can be aggravated by trash trucks moving through the neighborhoods.

2. CONSENT CALENDAR:

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

At 8:38 p.m., the order of the agenda was suspended to go to public hearing items 5(a) and (b).

(a) RECOMMENDATION TO APPROVE THE MINUTES OF THE REGULAR MEETING OF NOVEMBER 14, 2006, AND THE ADJOURNED REGULAR MEETING OF NOVEMBER 28, 2006.

Action: To approve as presented the minutes of the Regular Meeting of November 14, 2006, and Adjourned Regular Meeting of November 28, 2006.

- (b) RECOMMENDATION TO RATIFY CHECK REGISTER NOS. 46122 THROUGH 46278, INCLUSIVE, AND TO APPROVE THE CANCELLATION OF CHECK NOS. 44638, 45646 AND 46263, AS RECOMMENDED BY THE CITY TREASURER.

Action: To ratify the check register as presented.

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

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

- (d) RECOMMENDATION TO ACCEPT DONATIONS OF \$1,000 FROM SASINE TO BE USED FOR THE CENTENNIAL CELEBRATION, \$1,000 FROM JENKINS & HOGIN, LLP, TO BE USED FOR THE CENTENNIAL CELEBRATION, AND \$500 FROM THE WOMAN'S CLUB OF HERMOSA BEACH TO BE USED FOR REPAIR AND MAINTENANCE OF THE VETERANS' MEMORIAL. Memorandum from Finance Director Viki Copeland dated December 4, 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:

- \$1,000 from Sasine to be used for the Centennial Celebration.
- \$1,000 from Jenkins & Hogin, LLP, for the Centennial Celebration.
- \$ 500 from the Woman's Club of Hermosa Beach for the repair and maintenance of the Veterans' Memorial.

Motion Reviczky, second Mayor Edgerton. The motion carried by a unanimous vote.

- (e) RECOMMENDATION TO APPROVE PROPOSAL FROM DOOLEY ENTERPRISES FOR THE PURCHASE OF AMMUNITION FOR THE POLICE DEPARTMENT IN THE AMOUNT OF \$8,699.68. Memorandum from Police Chief Greg Savelli.

Action: To approve the proposal from Dooley Enterprises for the purchase of ammunition for the Police Department in the amount of \$8,699.68, as recommended by staff.

- (f) RECOMMENDATION TO AUTHORIZE THE AWARD OF CONSTRUCTION CONTRACT FOR CIP NO. 06-641 CLARK BUILDING REFURBISHMENT TO EVERLAST PAINTING COMPANY OF NORTH HILLS, CALIFORNIA, IN THE AMOUNT OF \$17,056.00; 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 December 5, 2006.

This item was removed from the consent calendar by Councilmember Tucker for separate discussion later in the meeting due to his concerns about refurbishing the floor before repairing the doors which leaked.

City Manager Burrell said the doors would be repaired first.

Action: To approve the staff recommendation to:

- (1) Authorize the award of construction contract for CIP No. 06-641 Clark Building Refurbishment to Everlast Painting Company of North Hills, California, in the amount of \$17,056;
- (2) Authorize the Mayor to execute and the City Clerk to attest the contract subject to approval of the City Attorney; and
- (3) Authorize the Director of Public Works to issue change orders as necessary within the approved budget.

Motion Tucker, second Reviczky. The motion carried by unanimous vote.

- (g) **RECOMMENDATION TO RECEIVE AND FILE STATUS REPORT FOR PROPOSED PACIFIC COAST HIGHWAY RELINQUISHMENT FROM CALTRANS.** Memorandum from Public Works Director Richard Morgan dated December 4, 2006.

Action: To receive and file status report for proposed Pacific Coast Highway relinquishment from Caltrans, as recommended by staff.

- (h) **RECOMMENDATION TO RECEIVE AND FILE LIST OF REGULAR AND ONGOING CITY BOARD AND COMMISSION APPOINTIVE TERMS THAT WILL EXPIRE DURING THE 2007 CALENDAR YEAR.** Memorandum from City Clerk Elaine Doerfling dated December 4, 2006.

Action: To receive and file list of regular and ongoing City Board and Commission appointive terms that will expire during the 2007 calendar year, as recommended.

- (i) **RECOMMENDATION TO RECEIVE AND FILE REPORT OF CUSTOMER SERVICE SURVEYS/COMPLAINTS.** Memorandum from City Clerk Elaine Doerfling dated December 4, 2006.

Action: To receive and file report of Customer Service Surveys/Complaints.

- (j) **RECOMMENDATION TO APPROVE CHANGE ORDER FOR CIP PROJECT NOS. 05-110 & 04-112 TO ADD SLURRY SEALING THE ENTIRE REACHES OF HERMOSA AVENUE AND MONTEREY AVENUE; AND, APPROPRIATE \$233,987 OF PROP 42 FUNDS, RECEIVED IN THE 115**

STATE GAS TAX FUND, FOR THIS PURPOSE. Memorandum from Public Works Director Richard Morgan dated December 7, 2006.

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

Coming forward to address the Council on this item was:

Jim Lissner – Hermosa Beach, said it seemed that some of the targeted streets were not the ones most in need of repair and asked if this money needed to be spent quickly or if more thought could be given to the street choices;

City Manager Burrell responded to Council questions, stating that the money had to be spent right now and that the potholes on Hermosa Avenue between Eighth Street and Pier Avenue mentioned by the Council would be repaired along with the slurry seal.

Action: To approve the staff recommendation to:

- (1) Approve change order for CIP Project Nos. 05-110 & 04-112 to add slurry sealing the entire reaches of Hermosa Avenue and Monterey Avenue; and
- (2) Appropriate \$233,987 of Prop 42 funds, received in the 115 State Gas Tax Fund, for this purpose.

Motion Tucker, second Keegan. The motion carried by a unanimous vote.

- (k) **RECOMMENDATION TO RECEIVE AND FILE THE 2005-06 COMPREHENSIVE ANNUAL FINANCIAL REPORT (CAFR), WHICH INCLUDES THE REPORT FROM CAPORICCI AND LARSON, THE CITY'S INDEPENDENT AUDITORS.** Memorandum from Finance Director Viki Copeland dated November 22, 2006.

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

Coming forward to address the Council on this item was:

Jim Lissner – Hermosa Beach, discussed surplus funds in the last two fiscal years and different ways of describing how those funds are calculated and displayed in the CAFR; said it would be good to change auditors every now and then, even though there seemed to be no problem with the current auditor;

Action: To receive and file the 2005-06 Comprehensive Annual Financial Report (CAFR), which includes the report from Caporicci and Larson, the City's independent auditors.

Motion Tucker, second Reviczky. The motion carried by a unanimous vote.

- (l) **RECOMMENDATION TO APPROVE CHANGE ORDER NO. 2 FOR PROJECT CIP 03-418 SEWER IMPROVEMENTS – UPGRADE OF SEWER LIFT STATIONS FOR EXTRA WORK ENCOUNTERED DURING THE CONSTRUCTION OF THE SEWER LIFT STATION AT 35TH STREET AND THE STRAND AND THE ABANDONMENT OF THE SEWER LIFT AT INGLESIDE DRIVE AND 31ST STREET; AUTHORIZE ADDITIONAL APPROPRIATION OF \$63,462 FROM THE 301 CAPITAL IMPROVEMENT FUND.** Memorandum from Public Works Director Richard Morgan dated November 29, 2006.

Action: To approve the staff recommendation to:

- (1) Approve Change Order No. 2 for Project CIP 03-418 Sewer Improvements – Upgrade of Sewer Lift Stations for extra work encountered during the construction of the Sewer Lift Station at 35th Street and The Strand and the abandonment of the Sewer Lift at Ingleside Drive and 31st Street; and
- (2) Authorize additional appropriation of \$63,462 from the 301 Capital Improvement Fund.

- (m) **RECOMMENDATION TO SET A SCHEDULE FOR CITY COUNCIL MEETINGS IN 2007.** Memorandum from City Manager Stephen Burrell dated December 5, 2006.

Action: To set, as proposed, the 2007 City Council meeting schedule.

- (n) **RECOMMENDATION TO AUTHORIZE THE MAYOR TO EXECUTE THE ATTACHED AGREEMENT WITH THE COUNTY OF LOS ANGELES TO ASSUME RESPONSIBILITY FOR MAINTENANCE OF 34 TRASH EXCLUDERS TO BE INSTALLED ON CATCH BASIN OPENINGS ALONG HERMOSA AVENUE.** Memorandum from Public Works Director Richard Morgan dated December 5, 2006.

Action: To authorize the Mayor to execute the attached agreement with the County of Los Angeles to assume responsibility for maintenance of 34 Trash Excluders to be installed on catch basin openings along Hermosa Avenue, as recommended by staff.

- (o) **RECOMMENDATION TO AUTHORIZE THE MAYOR TO EXECUTE AN AMENDMENT TO THE MEMORANDUM OF AGREEMENT FOR THE SANTA MONICA BAY BEACHES BACTERIA TMDL IMPLEMENTATION PLAN IN ORDER TO JOINTLY FUND A TECHNICAL REPORT REQUIRED BY THE REGIONAL WATER QUALITY CONTROL BOARD.** Memorandum from Public Works Director Richard Morgan dated December 5, 2006.

Action: To authorize the Mayor to execute an amendment to the Memorandum of Agreement for the Santa Monica Bay Beaches Bacteria TMDL Implementation Plan in order to jointly fund a technical report required

by the Regional Water Quality Control Board, thereby allowing the City to contribute its \$4,897 share of the jointly funded technical report, as recommended by staff.

(p) **RECOMMENDATION TO RECEIVE AND FILE THE ACTION MINUTES OF THE PLANNING COMMISSION MEETING OF DECEMBER 6, 2006.**

Action: To receive and file the action minutes of the Planning Commission meeting of December 6, 2006.

3. **CONSENT ORDINANCES**

- a. **ORDINANCE NO. 06-1276: "AN ORDINANCE OF THE CITY OF HERMOSA BEACH, CALIFORNIA, AMENDING THE HERMOSA BEACH MUNICIPAL CODE, TITLE 17 - ZONING, PERTAINING TO RECONSTRUCTION OF NONCONFORMING BUILDINGS. For adoption.** Memorandum from City Clerk Elaine Doerfling dated December 4, 2006.

Action: To waive full reading and adopt Ordinance No. 06-1276. Motion Tucker, second Reviczky. The motion carried by the following vote:

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

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

Items 2(d), (f), (j) and (k) 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 AND RECONSIDERATION OF THE PLANNING COMMISSION DECISION, ON AUGUST 15, 2006, TO APPROVE, WITH MODIFICATIONS, A CONDITIONAL USE PERMIT FOR ON-SALE GENERAL ALCOHOL IN CONJUNCTION WITH A RESTAURANT, STILL WATER CONTEMPORARY AMERICAN BISTRO, AND PARKING PLAN AMENDMENT TO MODIFY THE ALLOCATION OF USES WITHIN THE HERMOSA PAVILION AT 1601 PACIFIC COAST HIGHWAY. (Continued from meeting of October 10, 2006).** Supplemental written communication from Sandy Saemann, Mike Miller, Colleen Berg, Larry Daniels, Ron & Linda Miller, Lee Grant, Alan Benson, and Maureen Ferguson received December 12, 2006.

- b. **REVIEW AND RECONSIDERATION OF A PLANNING COMMISSION DECISION ON OCTOBER 17, 2006, TO APPROVE A CONDITIONAL USE PERMIT TO ALLOW A CAR WASH (AUTOMOBILE DETAILING) WITHIN THE HERMOSA PAVILION PARKING STRUCTURE – AUTO SPA – AT 1601 PACIFIC COAST HIGHWAY.** Memorandum from Community Development Director Sol Blumenfeld dated December 4, 2006.

Community Director Blumenfeld presented the staff reports and responded to Council questions. City Manager Burrell and City Attorney Jenkins also responded to Council questions.

The public hearing opened at 8:12 p.m. Coming forward to address the Council on this item were:

Bob Hindle – Vice President, Parking Concepts, referred to other clients his business has served during the last 32 years; in response to Council questions, said the ticket dispenser could be moved further into the garage, but the designer would have to comment on how that would affect the number of parking spaces; said he would operate whatever was provided in the structure;

Ron Miller – Hermosa Beach, said he was the closest neighbor to the parking structure and was familiar with the parking and traffic flow problems that still existed; expressed concern about the effects that the steam and chemicals emanating from the car wash would have on the neighborhood; suggested closing the car wash at 10:00 p.m. rather than 11:00 p.m.;

Gene Shook – The Hermosa Pavilion, discussed queuing issues and said Walker Parking is an experienced company, familiar with everything associated with parking; said there would be security on the premises when the restaurant is open; said the car wash produced very little noise and almost no water or residue and was agreeable to close the car wash earlier than 11:00 p.m.; asked if the restaurant could be kept open later on New Year's Eve; said he separated the wine tasting shop from the restaurant because he thought that was the City's preference; said he hoped to have one TV in the bar area so people could check sports scores, and another in meeting rooms for presentations; said the table and chairs on the exterior private patio were intended for smoking rather than serving food or drinks; said the venting equipment had been inspected and was in good working order, but noted that the sensors do start the fan if a car with more than the average emission travels through the structure; said the car wash had originally been planned for the lower level and was moved to accommodate the wishes of the City, but that he was willing to relocate it;

Ezra Cramer – Walker Parking, said moving the ticket dispenser farther into the structure would sacrifice 10 to 11 parking spaces; said there were many empty parking spaces on Pacific Coast Highway and on the side streets near The Pavilion, so it appeared that the overflow parking

problems in the residential area had been resolved; said he observed some cars parked in the residential areas from midnight to 6:00 a.m., which would not be 24-Hour Fitness customers; said the speed at which cars moved past the ticket dispenser depended on how quickly a driver rolled down the window, took a ticket, and moved forward, noting that the equipment worked quickly when drivers activated it;

Linda Miller – Hermosa Beach, expressed concern about pedestrian traffic in the parking structure and urged the Council not to approve any more Pavilion businesses which generate traffic until the parking problems are completely resolved;

Gary Bouchard – project architect, said a certain turning radius was required, and that moving the equipment further inside could create problems with ingress and egress; asked if the closing time of the restaurant was the time the last guest would be seated;

Patty Egerer – Hermosa Beach, said vehicles should pull in further off the street when entering the parking structure; said high-end restaurant customers would not want to eat on an outdoor patio area nor would they want to watch TV; said the restaurant and the wine tasting shop should be separate; said traffic, parking and roof equipment issues still needed to be mitigated before these projects are approved;

Jim Lissner – Hermosa Beach, distributed information to the Council regarding the operating hours of Manhattan Beach restaurants; said this restaurant should not be open until midnight; said "hours of operation" should be clearly defined in the City code and clarified in the conditional use permit;

Marilyn Pierce – Hermosa Beach, said she had lived in her home near The Pavilion since before the building was initially constructed and recalled no problems with the roof equipment until recently; wondered if the equipment was simply wearing out and asked if the equipment could be vented in another direction;

Nathan Coors – employee of Gene Shook, said the report from Walker Parking addressed the queuing specifications;

Carla Merriman – Hermosa Beach Chamber of Commerce and Visitors' Bureau Executive Director, representing the 350 member businesses and Board of Directors, spoke in support of the proposed Stillwater Contemporary American Bistro and the need for fine dining for Hermosa residents and upscale visitors staying in hotels; based on the number of diners and the small size of the bar area, did not believe that the restaurant posed a threat to neighborhood residents; and

Alan Benson – Hermosa Beach, discussed criteria the Alcoholic Beverage Control Department (ABC) uses in reporting crime; said there were too many bars in the city; said the proposed restaurant with full liquor abuts a residential neighborhood, was too close to a school per the ABC's guidelines, and was also located along a "safe route to school" guaranteed for children.

The public hearing closed at 9:12 p.m.

The following actions were taken with regard to the car wash:

Proposed Action: To deny the car wash application.
Motion Tucker. The motion died for lack of a second.

Action: To approve the car wash with operating hours of 9 a.m. to 9 p.m.
Motion Reviczky, second Keegan. The motion carried, noting the dissenting vote of Tucker.

Further Action: To require a 90-day review of the car wash, with staff to report back to the Council on waste discharge, including documented evidence that there is no residual discharge.
Motion Mayor Edgerton, second Reviczky. The motion carried by a unanimous vote.

The following actions were taken with regard to the restaurant:

Proposed Action: To approve the restaurant with additional conditions requiring (1) that the queuing of cars be moved into the garage, off the street, (2) a review of the roof equipment for screening, etc., and (3) having the retail wine tasting area remain separate from the restaurant.
Motion Tucker. The motion died for lack of a second.

Proposed Action: To divide the restaurant and wine-tasting area into two businesses, with separate conditional use permits.
Motion Bobko, second Reviczky. The motion was subsequently withdrawn.

Action: To limit the size of each wine-taste pour to two ounces and require a six-month review of the wine-tasting operation.
Motion Reviczky, second Bobko. The motion carried unanimously.

Further Action: To amend the draft resolution to: (1) add to condition 9 a 60-day time limit for the conduct of a Planning Commission public hearing if the Community Development Director is notified by the Police Chief that action was required due to a disproportionate number of police calls to the business; (2) allow one television no larger than 60 inches in the bar and another television in the conference room for presentations; (3) add to condition 15 that the required six-month Planning Commission review shall take place six months "after the commencement of business"; and (4) allow the restaurant to remain open past midnight on New Year's Eve.
Motion Bobko, second Keegan. The motion carried unanimously.

Further Action: To allow the use of the patio by restaurant patrons until 10 p.m., but not for food or drink service.
Motion Edgerton, second Keegan. The motion carried unanimously.

Further Action: It was the consensus of the Council that the roof equipment for the restaurant be low profile, below the parapet.

The following actions were taken with regard to parking issues:

Proposed Action: To move ticket dispenser farther into parking structure to get cars off the street.

Motion Tucker, second Mayor Edgerton. The motion failed, with the dissenting votes of Bobko, Keegan and Reviczky.

Action: To require the applicant to submit an engineering plan for Public Works approval for the re-striping of 16th Street, at the applicant's expense, in order to accommodate the queuing of vehicles waiting to enter the parking structure.

Motion Keegan, second Reviczky. The motion carried by a unanimous vote.

Following are the final actions taken on the Hermosa Pavilion proposals:

Action: To approve the staff recommendation to adopt Resolution No. 06-6513, entitled "**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HERMOSA BEACH, CALIFORNIA, SUSTAINING THE DECISION OF THE PLANNING COMMISSION APPROVING A CONDITIONAL USE PERMIT TO ALLOW ON-SALE GENERAL ALCOHOL IN CONJUNCTION WITH A RESTAURANT AND APPROVING A PARKING PLAN AMENDMENT MODIFYING THE ALLOCATION OF USES WITHIN THE "HERMOSA PAVILION" INCLUDING 8,000 SQUARE FEET OF RESTAURANT AT 1601 PACIFIC COAST HIGHWAY #170 AKA 1605 PACIFIC COAST HIGHWAY,**" as modified by the previous actions.

Motion Keegan, second Bobko. The motion carried by a unanimous vote.

Action: To approve the staff recommendation to adopt Resolution No. 06-6514, entitled "**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HERMOSA BEACH, CALIFORNIA, SUSTAINING THE DECISION OF THE PLANNING COMMISSION TO APPROVE A CONDITIONAL USE PERMIT FOR A CAR WASH 'AUTO SPA' WITHIN THE PARKING STRUCTURE OF THE HERMOSA PAVILION AT 1601 PACIFIC COAST HIGHWAY, LEGALLY DESCRIBED AS A PORTION OF LOT 13 AND 14, BLOCK 81, SECOND ADDITION TO HERMOSA BEACH,**" as modified by the previous actions.

Motion Reviczky, second Keegan. The motion carried by a unanimous vote.

6. **MUNICIPAL MATTERS**

- a. **INTRODUCTION ON FIRST READING OF ENTERTAINMENT PERMIT ORDINANCE.** Memorandum from City Manager Stephen Burrell dated December 5, 2006.

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

Coming forward to address the Council on this item were:

Jim Lissner – Hermosa Beach, spoke in opposition to the proposal, saying it would not be enforced; said no fee was listed for the proposed permit; said the ABC investigates owners of establishments serving liquor, making this redundant; asked what cities other than Redondo Beach have similar ordinances and how the cities without this type of ordinance handle problems with entertainment businesses;

Ron Newman – Hermosa Beach businessman, said laws are already in place to enforce problems, and suggested a provision that entertainment businesses cannot use promoters; said businesses could be fined when their names appear on handbills no matter who puts them up; said Santa Barbara has a similar permit, which is automatically renewed every year unless there have been problems;

Mike Lacey – Comedy and Magic Club, said he learned only today that this ordinance was being discussed this evening and was upset by the lack of notice; spoke in opposition to the proposal, saying that when a business applies for a bank loan, a copy of the lease and CUP must be provided, and this permit, which must be re-issued every year, would make banks uneasy about granting loans; said enforcement of current CUPs would take care of the problems; said he would refuse to get such a permit;

Linda Miller – Hermosa Beach, said CUP requirements have not been enforced in a timely fashion, and businesses that cause problems should pay for the extra police protection;

Ron Miller – Hermosa Beach, said the handbills and Internet images degrade the City's image and were hard to deal with, but thought perhaps the promoter issue could be dealt with separately;

Patty Egerer – Hermosa Beach, said she would like to see promoters prohibited from portraying Hermosa Beach as a sleazy community;

Gary Vincent – Fat Face Fenner's Fishack, said he had no prior notice of this hearing and left his employees' Christmas party to attend; said he had never relied on a promoter, agreed that handbills are often offensive and cause litter; said he was tired of defending himself against wrongs he did not commit and that the City should simply enforce the CUP requirements so that those who don't comply pay the price;

Yanni Lang – Hermosa Beach, said he was a lifelong resident who worked at local businesses and currently for AMI, event promoters for fundraisers and Centennial events; said they were not the typical promoters but focused on the unique Hermosa Beach culture of surfing, volleyball, skateboard, art shows, etc.; said he objects to flyers on cars and does not staple notices on trees; said he puts posters on windows with scotch tape, not spray adhesive, and takes them down after the event;

Steve Roberts – Café Bugaloo, said CUP enforcement would be effective if actions were taken quickly; said many businesses do comply with their CUP requirements as he does;

Chris Pike – Hermosa Beach, said the entertainment district on Pier Avenue had existed for years, including the Lighthouse in the 1950's; said the promoter problem should be dealt with separately; urged the Council to consider that the well-run businesses are not the ones creating the problems; and,

Al Benson – Hermosa Beach, said this ordinance might help with some of the issues in the City, but that the business owners who are present at tonight's meeting were not the ones causing the problems.

Action: To direct staff to return with an agenda item that requires live entertainment permits for promoters only.

Motion Edgerton, second Reviczky. The motion carried by a unanimous vote.

Further Action: To schedule a workshop meeting in February 2007 with local businesses and the Chamber of Commerce to discuss methods to expedite enforcement of CUP's for businesses with entertainment.

Motion Keegan, second Bobko. The motion carried by a unanimous vote.

7. MISCELLANEOUS ITEMS AND REPORTS - CITY MANAGER

- a. **DISPUTE RESOLUTION SERVICES.** Memorandum from City Manager Stephen Burrell dated December 5, 2006.

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

Coming forward to address the Council on this item were:

Earl Keegan – Hermosa Beach, questioned the ethics of Mr. Widman and noted his removal of political signs during a recent election; asked if Mr. Widman had employees, a business license, workers compensation insurance and if he paid payroll taxes; said other people could provide this service and should have been considered;

Barbara Dellerson – Hermosa Beach, described the steps a mediator should take and suggested that the City hire a professional mediator, who is not a resident of the City; said you get what you pay for; and

Lance Widman – Executive Director of the South Bay Center for Dispute Resolution, said his company was a private, non-profit corporation, a 501C3; said he had been doing mediation for almost 20 years for a number of cities in the South Bay, including Hermosa Beach, and that his experience had been positive and productive.

Action: To continue the item to January 23 and direct staff to provide information on the other mediators who responded to the request for proposal and to substantiate complaints about Mr. Widman's work as a mediator by providing written statements.

Motion Keegan, second Tucker. The motion carried, noting the dissenting vote of Mayor Edgerton.

At 12:17 a.m., the order of the agenda returned to item 3 (consent ordinances) and 4 (items pulled from the consent calendar)

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

9. **OTHER MATTERS - CITY COUNCIL**

- a. **Request from Councilmember Tucker to suspend street sweeping parking enforcement on December 26, 27 & 28, 2006.**

Councilmember Tucker spoke to his request.

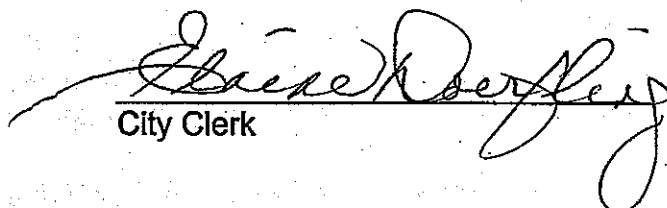
Proposed Action: To suspend street sweeping parking enforcement December 26 – 28 to accommodate residents who are on vacation or who have guests over the holidays.

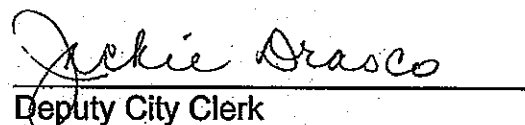
Motion Tucker. The motion failed for lack of a second.

THE CLOSED SESSION WAS CANCELED, SCHEDULED ITEMS WERE:

1. **APPROVAL OF MINUTES OF CLOSED SESSION MEETINGS OF NOVEMBER 14 AND NOVEMBER 28, 2006.**
2. **CONFERENCE WITH LEGAL COUNSEL**
 - a. **Existing Litigation: Government Code Section 54956.9(a)**
Name of Case: Johnny Anderson v. City of Hermosa Beach
Case Number: CV06-5078
 - b. **Anticipated Litigation: Government Code Section 54956.9(b)**
Number of potential cases: 1
3. **PUBLIC EMPLOYEE PERFORMANCE EVALUATION**
Government Code Section 54957
Title: City Manager

ADJOURNMENT - The Regular Meeting of the City Council of the City of Hermosa Beach adjourned on Wednesday, December 13, 2006, at the hour of 12:30 a.m. to the Regular Meeting of January 9, 2007, at 7:10 p.m.


City Clerk


Deputy City Clerk