

MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL of the City of Hermosa Beach, California, held on Tuesday, March 13, 2007, at the hour of 7:20 p.m.

ROLL CALL:

Present: Bobko, Keegan, Reviczky, Tucker, Mayor Edgerton
Absent: None

PLEDGE OF ALLEGIANCE – Dency Nelson.

ANNOUNCEMENTS – Councilmember Bobko announced an Upper Pier Avenue Community Workshop to take place Saturday, March 24, at 10:00 a.m. in the Council Chambers, with refreshments.

Councilmember Tucker said he attended the League of California Cities meeting, with over 64 coastal cities in attendance, and learned that a subcommittee has been formed to encourage the Coastal Commission to return to the original goals established when the commission was founded in 1973.

Mayor Pro Tempore Keegan reminded everyone of the St. Patrick's Day Parade on Saturday, March 17 at 11:00 a.m., beginning at the corner of Pier and Valley and then south on Hermosa Avenue.

Councilmember Reviczky read a letter of appreciation from Sister Anne of the Good Shepherd Shelter, one of the recipients of the Beach Cities Toy Drive.

Mayor Edgerton said he attended a meeting last Wednesday with the mayors of Manhattan Beach and Redondo Beach; said Manhattan Beach has now signed the cool cities program and Redondo Beach is planning to as well; said both mayors of the other beach cities are in agreement about a loop bus using alternative fuel, and that other topics discussed were solar panels and reducing electricity usage. He then commented on the very successful Education Foundation fundraiser which also provided an enjoyable evening for all who attended.

COMMENDATIONS:

**PRESENTATION OF COMMENDATION TO ISAIAS ALVIRA,
OUTSTANDING SCHOOL CROSSING GUARD OF THE YEAR FOR 2006-2007**

Mayor Edgerton presented the commendation to Mr. Alvira who expressed his appreciation and said he enjoyed contributing to the safety of the school children.

PRESENTATIONS:

**PRESENTATION BY THE KENNY NICHOLSON FOUNDATION
FOR THE BEACH CITIES TOY DRIVE**

Doris Nicholson presented framed certifications of recognition to Mayor Edgerton, Councilmember Reviczky, and Councilmember Tucker for their support of the Beach Cities Toy Drive over the years. Ms. Nicholson described the activities of their foundation assisting veterans and their children, along with other needy children who benefited from the Toy Drive.

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 if the consent ordinance, agenda item 3(a), is adopted this evening by the Council, he would begin the referendum process in the morning; expressed interest in Council member Tucker's comments regarding the Coastal Commission and hoped he could discuss with him further details;

Dency Nelson – Hermosa Beach, said this year's Shakespeare by the Sea at Valley Park was not currently on the organization's schedule although the City's calendar showed a date of July 25; said there seemed to be a disconnect between the organizers and the City over funding and hoped that the City would donate more than the usual \$500 in order to make this performance possible (City Manager Burrell was directed to investigate the problem and report back to the Council); and

Linda Miller – Hermosa Beach, said the notice for the February 20 Public Works Commission meeting indicated that issues regarding Sixteenth Street, both east and west of Pacific Coast Highway, would be discussed, but her husband was told he could not discuss west side issues; asked if both sections would be discussed again at future Commission meetings since the west side of the street was the source of problems on the east side (City Manager Burrell said investigation was underway to determine if there was a Brown Act violation, but did not believe there was; said the Commission, an advisory body only, would discuss the west side of Sixteenth Street at their next meeting with their findings being submitted to the City Council for a discussion of Sixteenth Street issues on both sides of Pacific Coast Highway);

2. CONSENT CALENDAR:

Action: To approve the consent calendar recommendations (a) through (f) with the exception of the following item, which was removed for discussion in item 4, but is shown in order for clarity: 2(d) Keegan.

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

At 7:45 p.m., the order of the agenda was suspended to go to public hearing items 5(a) and (b).

- (a) **RECOMMENDATION TO RECEIVE AND FILE THE MEMORANDUM REGARDING THE MINUTES OF THE REGULAR MEETING OF FEBRUARY 27, 2007.**

Action: To receive and file the memorandum regarding the minutes of the regular meeting of February 27, 2007.

- (b) **RECOMMENDATION TO RATIFY CHECK REGISTER NOS. 47035 THROUGH 47180, INCLUSIVE, AND TO APPROVE THE CANCELLATION OF CHECK NO. 46941, 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 APPROVE THE FIRST AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF HERMOSA BEACH AND DAVID MOMENI FOR AN INCREASE IN SCOPE OF SERVICES AND CONTRACT AMOUNT OF \$17,240 FOR PROJECT NO. CIP NOS. 05-110 AND 04-112 CRACK SEAL/SLURRY SEALING OF AVIATION BOULEVARD AND PROSPECT AVENUE; AUTHORIZE THE MAYOR TO EXECUTE AND THE CITY CLERK TO ATTEST SAID AMENDMENTS, UPON APPROVAL AS TO FORM BY THE CITY ATTORNEY; AUTHORIZE CHANGE IN SCOPE OF WORK; SLURRY SEAL VALLEY DRIVE BETWEEN GOULD AVENUE AND HERONDO AVENUE IN PLACE OF MONTEREY BOULEVARD; AND, AUTHORIZE THE DIRECTOR OF PUBLIC WORKS TO APPROVE CHANGES WITHIN THE APPROVED BUDGET.**

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

Public Works Director Morgan responded to Council questions.

Action: To approve the staff recommendation to:

- (1) Approve the first amendment to the professional services agreement between the City of Hermosa Beach and David Momeni for an increase in scope of services and contract amount of \$17,240 for project No. CIP NOS. 05-110 and 04-112 crack seal/slurry sealing of Aviation Boulevard and Prospect Avenue;
- (2) Authorize the Mayor to execute and the City Clerk to attest said amendments, upon approval as to form by the City Attorney;

- (3) Authorize a change in scope of work; slurry seal Valley Drive between Gould Avenue and Herondo Avenue in place of Monterey Boulevard;
- (4) Authorize the Director of Public Works to approve changes within the approved budget.

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

(e) **RECOMMENDATION TO RECEIVE AND FILE THE ACTION MINUTES OF THE UPPER PIER AVENUE COMMITTEE MEETING OF FEBRUARY 15, 2007.**

Action: To receive and file the Action Minutes of the Upper Pier Avenue Committee Meeting of February 15, 2007.

(f) **RECOMMENDATION TO DENY THE FOLLOWING CLAIM AND REFER IT TO THE CITY'S LIABILITY CLAIMS ADMINISTRATOR.**

Claimant:	Mark J. Pompano
Date of Loss:	08-11-06
Date Filed:	02-08-07
Allegation:	Violation of civil rights

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

3. **CONSENT ORDINANCES**

- a. **ORDINANCE NO. 07-1278 – "AN ORDINANCE OF THE CITY OF HERMOSA BEACH, CALIFORNIA, AMENDING THE ZONING ORDINANCE SECTION 17.44.040 TO EXEMPT PIER PLAZA BUILDING SITES FROM PROVIDING A PERCENTAGE OF PARKING SPACES ON SITE WHEN IN-LIEU PARKING FEES ARE PAID."** *For adoption.* Memorandum from City Clerk Elaine Doerfling dated March 6, 2007.

At the Council's request, Community Director Blumenfeld provided details of the ordinance and responded to Council questions. City Manager Burrell and City Attorney Jenkins also responded to Council questions.

Coming forward to address the Council on this item were:

Jim Lissner – Hermosa Beach, said it would be impossible to differentiate between bars and restaurants by determining the percentage of alcohol versus food being served; said any parking advantage should apply to only retail and offices; reiterated that he would begin the referendum process if this ordinance is adopted; and

Sandy Seman – Hermosa Beach, spoke in opposition to the ordinance, noting that residences rebuilt under similar circumstances would not enjoy the same relaxation of parking requirements; said that Sharkeez, really a

bar, not a restaurant, should have to supply parking since they would now have part of their business expanded to the second floor.

Action: To waive full reading and adopt Ordinance No. 07-1278.
Motion Mayor Edgerton, second Keegan. The motion carried by the following vote:

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

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

Item 2(d) was heard at this time but is shown in order for clarity.

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

At 11:01 p.m., the order of the agenda went to item 3(a), consent ordinance.

5. **PUBLIC HEARINGS**

- a. **TEXT AMENDMENT REGARDING LOT MERGERS TO CONSIDER CLARIFICATIONS AND/OR MODIFICATIONS TO THE SUBDIVISION ORDINANCE TEXT (CHAPTER 16.20 MERGER OF PARCELS) AND DEFINITION OF "BLOCK" IN THE ZONING ORDINANCE (CHAPTER 17) PERTAINING TO THE REQUIREMENT TO MERGE ADJACENT PARCELS UNDER COMMON OWNERSHIP THAT INCLUDE SUBSTANDARD LOT SIZES, WHEN AN EXISTING BUILDING STRADDLES THE PROPERTY LINE. THE MAJORITY OF PARCELS SUBJECT TO THIS MERGER REQUIREMENT HAVE ALREADY BEEN MERGED (IN THE YEARS 1987 - 1990), HOWEVER, A LIMITED NUMBER REMAIN. THE PURPOSE OF THE AMENDMENT IS TO CLARIFY THE CIRCUMSTANCES WHERE A LOT MERGER MAY BE REQUIRED; CONSIDER NEIGHBORHOOD CONSISTENCY RELATIVE TO LOT SIZE AND WIDTH; TO EXPAND NOTICING REQUIREMENTS; AND TO CONSIDER LIMITING THE MERGERS TO R-1 ZONED PROPERTIES. THE GENERAL PURPOSE OF THE LOT MERGER ORDINANCE IS TO PREVENT THE FUTURE DEVELOPMENT OF SUBSTANDARD SIZED PARCELS THAT ARE NOT CONSISTENT WITH EXISTING PARCELS ON THE SAME BLOCK.**
(Continued from meeting of 2/27/07) Memorandum from City Manager Stephen Burrell dated March 8, 2007.

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

The public hearing opened at 7:55 p.m. As no one came forward to address the Council on this item, the public hearing closed at 7:55 p.m.

Action: To approve the staff recommendation to waive full reading and introduce Ordinance No. 07-1280, entitled "AN ORDINANCE OF THE CITY OF HERMOSA BEACH, CALIFORNIA, AMENDING THE SUBDIVISION ORDINANCE PERTAINING TO MERGER OF PARCELS (CHAPTER 16.20) AND AMENDING THE HERMOSA BEACH MUNICIPAL CODE," amended at the meeting as follows: (1) Section 5, paragraph 2, at the end of the definition of "block," add "not including an alley." and (2) Section 5, paragraph 3, 16.20.030.D. after the word "larger" in the second to last line, add "and fewer in number."

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

- b. **RESOLUTION AMENDING THE CITY'S FEE RESOLUTION TO INCREASE PARK FEES.** Memorandum from Community Development Director Sol Blumenfeld dated March 1, 2007.

The public hearing opened at 8:03 p.m. As no one came forward to address the Council on this item, the public hearing closed at 8:03 p.m.

Action: To approve the staff recommendation to adopt Resolution No. 07-6519, entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HERMOSA BEACH, CALIFORNIA, SETTING A REVISED FEE IN LIEU OF PROVIDING REQUIRED PARK LAND IN ACCORDANCE WITH THE HERMOSA BEACH MUNICIPAL CODE."

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

6. **MUNICIPAL MATTERS**

Councilmember Reviczky left the dais at 8:04 p.m., because he is the current "Man of the Year."

- a. **REQUEST BY THE HERMOSA BEACH CHAMBER OF COMMERCE AND VISITORS BUREAU TO INSTALL A PERMANENT "MAN & WOMAN OF THE YEAR" PLAQUE AND STATUE ON THE NORTH SIDE OF THE COMMUNITY CENTER BUILDING WHERE THE HISTORICAL MUSEUM IS LOCATED.** Memorandum from City Manager Stephen Burrell dated March 6, 2007.

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

Coming forward to address the Council on this item was:

Carla Merriman – Hermosa Beach Chamber of Commerce and Visitors' Bureau, submitted a list of recipients since the program was initiated in

1961, and discussed the criteria and composition of the selection committee; discussed the reasons for the proposed location which was supported by the Historical Society, the Arts Foundation and the Public Works Commission as long as the use of water is not included with the bronze statue; described the plaque and planter and noted that all features would be funded by the Chamber of Commerce and all the proper permits would be obtained; said the unveiling would be part of the 100 Acts of Beautification of the Centennial Year.

Action: To approve the request to place the proposed plaque, statue and planter honoring the recipients of the Man and Woman of the Year at the specified location without the use of water.

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

Councilmember Reviczky returned to the dais at 8:10 p.m.

- b. **REQUEST FOR TAXICAB RATE INCREASE FROM \$2.20 TO \$2.65 DROP AND \$2.45 AS THE BASE RATE.** Memorandum from Police Chief Greg Savelli.

Police Chief Savelli presented the staff report and responded to Council questions.

Coming forward to address the Council on this item were:

Ennis Jackson – City Staff member, said for five years he was involved with bandit cab enforcement in Beverly Hills; said stickers on the cabs indicate they are licensed to do business in Hermosa Beach and the City can cite those without stickers; suggested the fine be increased to \$1100, the cost of a license for a franchised taxicab to discourage bandit cabs, which consider the current fine the cost of doing business;

William Rous – South Bay Yellow Co-Op, said all expenses for the operation of a cab (gasoline, insurance, maintenance) are borne by the drivers and the increase will help offset those expenses; said they investigate any complaint brought to their attention; said statistics indicate a 92% record of their cabs arriving within 15 minutes of a request; said the dispatch center in St. George, Utah uses efficient technology that is very effective and always being improved; said Hermosa's high franchise fee of \$1100 per cab, double that of Torrance and Redondo Beach, should be sufficient to cover bandit cab enforcement; and

Michael Kalin – Bell Cab, said there is a hot line posted in their cabs to report complaints which they will investigate; said it was impossible to compare Los Angeles with Hermosa Beach because there are many more cabs licensed in Los Angeles with many more fares and that the cabs licensed in Hermosa Beach are licensed in surrounding communities as well; said the franchise fee in Hermosa Beach is

higher than any other city in Los Angeles County and should be enough to protect their drivers from bandit cabs.

Proposed Action: To approve staff recommended rate increase.
Motion Keegan, second Tucker.

Substitute Motion: To continue the item to the next meeting in order to obtain more information.
Motion Mayor Edgerton, second Reviczky. The motion failed, noting the dissenting votes of Bobko, Tucker, and Keegan.

Action: To approve the staff recommendation to adopt Resolution No. 07-6520, entitled "**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HERMOSA BEACH, CALIFORNIA, AUTHORIZING AN INCREASE IN TAXIMETER RATES AND LINKING/INDEXING THESE RATES TO THOSE ESTABLISHED BY THE CITY OF LOS ANGELES' DEPARTMENT OF TRANSPORTATION.**"

Motion Keegan, second Tucker. The motion carried, noting the dissenting votes of Reviczky and Mayor Edgerton.

Council consensus was to direct staff to develop a bandit enforcement program and report back in six to seven months.

The meeting recessed at 9:05 p.m.

The meeting reconvened at 9:25 p.m., with item 6(c).

c. **PROPOSED INCREASES IN EMPLOYEE PERMIT FEES AND CHANGE IN THE AREAS WHERE CONTRACTORS PARKING PERMITS ARE VALID.**

Memorandum from City Manager Stephen Burrell dated March 6, 2007. Supplemental information received March 13, 2007: a draft resolution, a list of employee permits issued in permit year 2006/07, and a packet of letters from Kevin Cody, Erin McCoy, Cris North, Monica Owen Vergara, Julia Fretschl, Molly Dessert, Mary Jane Schoenheider, and Marc Radin.

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

Proposed Action: To double the current rate for this year to \$132 and to prohibit newly constructed buildings from obtaining these permits.
Motion Keegan, second Mayor Edgerton. The motion was withdrawn.

Action: To set the fee at \$132, require a W-2 or certified 1099 to prove employment, and limit the maximum number of permits per business to 13 and direct staff to prepare a resolution for adoption at a future Council meeting incorporating these changes.
Motion Keegan, second Edgerton. The motion carried by a unanimous vote.

Further Action: To direct staff to perform a study of daytime/nighttime usage within the impacted zone and its effect on residents; how to encourage nighttime parking in the parking structure; a different cost for a permit during the day versus night time hours, and limiting the number of permits for those businesses that meet the current parking requirements.

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

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

City Manager Burrell said there would be two public hearings regarding Planning Commission decisions at the next meeting of March 27, and recommended continuing the 705 Pier Avenue appeal to April 10 because Mayor Edgerton would be absent from the March 27 meeting; said he would speak to their attorney about the continuance on the condition that they close at midnight between March 27 and April 10 or having the item heard on March 27 without Mayor Edgerton present.

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

9. **OTHER MATTERS - CITY COUNCIL**

- a. **Request from Councilmember Tucker to replace existing trees and ice plant in the median planters on Hermosa Avenue with date palms and other ground cover as one of the 100 Acts of Beautification.**

City Manager Burrell said he would obtain prices for consideration at the budget meeting.

ADJOURNMENT - The Regular Meeting of the City Council of the City of Hermosa Beach adjourned on Tuesday, March 13, 2007, at the hour of 11:32 p.m. to the Regular Meeting of March 27, 2007, at 7:10 p.m.


City Clerk


Deputy City Clerk