

MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL of the City of Hermosa Beach, California, held on Tuesday, March 27, 2007, at the hour of 7:17 p.m.

ROLL CALL:

Present: Bobko, Reviczky, Tucker, Mayor Pro Tempore Keegan

Absent: Mayor Edgerton

PLEDGE OF ALLEGIANCE – Rick Koenig

ANNOUNCEMENTS – Mayor Pro Tempore Keegan called Police Chief Greg Savelli forward to announce the promotion of Tim Turek to Sergeant, and to welcome back Officer Brian Smyth. Chief Savelli went on to describe their previous experience, family, education, and hobbies.

Roger Bacon acknowledged Rick Koenig's contribution to the Historical Society, thanked Councilmember Reviczky for his electrical work at the Museum and Mayor Pro Tempore Keegan for his assistance, and showed the plaque which will hang in the Historical Museum – a replica of the plaque on the pier describing the Surfer's Walk of Fame and acknowledging Hermosa's contribution to the sport; he then invited the community to the next Walk of Fame ceremony at 5:00 p.m. on Sunday, July 29, and presented Surfer's Walk of Fame T-shirts to the Councilmembers.

Councilmember Bobko thanked everyone involved with the St. Patrick's Day Parade; said the Upper Pier Avenue Town Hall meeting the previous Saturday was well attended and garnered much public input, all of which will be discussed at the next meeting of the Upper Pier Avenue Committee meeting on April 4.

Councilmember Tucker said the St. Patrick's Day parade was the best ever, and the Town Hall meeting had provided many good ideas; asked the status of airplanes flying over the beach pulling banners (City Manager Burrell said the court rendered a decision last week regarding this practice and that he would submit a report to the Council soon; said the other beach cities are watching to see what Hermosa does and then they may want to join in).

Mayor Pro Tempore Keegan announced two upcoming events regarding global warming and energy conservation: (1) "Responding to 'An Inconvenient Truth' What Can We Do About Climate Change," an event hosted by Toyota Motor Sales and Representative Jane Harman on the Toyota site in Torrance on April 3 from 10 am to 2 pm, free to the public, with lunch provided; (2) a landlord workshop at the Torrance Energy Center on April 19 from 9am to Noon, with Southern California Edison, The Gas Company and water providers supplying energy saving information and distributing free toilets and light bulbs. He said further information may be obtained by calling 310-543-3022 or the City Manager's Department.

PUBLIC PARTICIPATION:

1. ORAL AND WRITTEN COMMUNICATIONS

There were no written communications.

Coming forward to address the Council at this time were:

Patty Egerer – Hermosa Beach, expressed concern about safety on 15th Place near Mira Street; said Mira Street should be made one-way, northbound only, because of the speeding drivers who whip around the corner, endangering everyone in their path;

Pat Love – Hermosa Beach, Kiwanis Club president, said Public Works Director Morgan told her that the clock donated by the Kiwanis Club would be installed at Pier Plaza in April and asked for a definite date in order to avoid conflicts with other events and to allow them to publicize the installation (City Manager Burrell said they did not have a date yet but would advise her as soon as they did);

Michael DiVirgilio – Hermosa Beach, spoke in support of the upcoming video streaming of City meetings, which he said would make the government more transparent and encourage public participation, particularly for residents without cable TV;

Jim Lissner – Hermosa Beach, agreed that video streaming of meetings will be good for the City and hoped previous meetings could be viewed as well; requested the removal of consent calendar item 2(m) for separate discussion re the Planning Commission's approval of Sharkeez' CUP; said he was circulating a referendum petition opposing the recently adopted ordinance regarding in-lieu parking for businesses at Pier Plaza; encouraged people to sign the petition and go to his website for more information: www.vivahermosa.com;

Greg Robinette – Manhattan Beach, representing the Mira Costa High School Marching Band, presented Councilmembers with coupon booklets for discounts at local businesses and provided contact information for members of the community who would like to purchase the \$20 coupon booklets to help fund the purchase of new band uniforms;

Carla Merriman – Executive Director of the Chamber of Commerce and Visitors' Bureau, on behalf of the Aviation merchants, thanked the City for the palm trees now lining the commercial corridor, specifically citing Councilmember Tucker, City Manager Burrell, Public Works Director Morgan and staff member Mike Flaherty for their assistance and their attendance at many meetings with the business owners to complete this project; and

Dave Williams – AVP, discussed the Hermosa Beach Centennial Open to be held May 17-20, 2007, at which they will charge for 25% of the seating, in the center court stadium only; asked that the City of Hermosa Beach support the California Coastal Cities group to maintain local control of special events like this.

2. **CONSENT CALENDAR:**

Action: To approve the consent calendar recommendations (a) through (o) with the exception of the following items, which were removed for discussion in item 4, but are shown in order for clarity: 2(f) Reviczky, (h) Keegan, (m) Reviczky, and (o) Tucker.

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

(a) **RECOMMENDATION TO APPROVE THE MINUTES OF THE REGULAR MEETING OF FEBRUARY 27, 2007.**

Action: To approve, as presented, the minutes of the Regular Meeting of February 27, 2007. (Edgerton absent)

(b) **RECOMMENDATION TO RATIFY CHECK REGISTER NOS. 47181 THROUGH 47328, INCLUSIVE, AND TO APPROVE THE CANCELLATION OF CHECK NO. 47182, AS RECOMMENDED BY THE CITY TREASURER.**

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

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

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

(d) **RECOMMENDATION TO RECEIVE AND FILE THE FEBRUARY 2007 FINANCIAL REPORTS:**

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

Action: To receive and file the February 2007 financial reports. (Edgerton absent)

(e) **RECOMMENDATION TO DENY THE FOLLOWING CLAIMS AND REFER THEM TO THE CITY'S LIABILITY CLAIMS ADMINISTRATOR.**

Memorandum from Personnel Director/Risk Manager Michael Earl dated March 5, 2007.

Claimant:	Cummings, Richard
Date of Loss:	10-14-06
Date Filed:	02-13-07
Allegation:	Personal Injury

Claimant: Price, Helen
Date of Loss: 03-12-07
Date Filed: 03-15-07
Allegation: Personal Injury

Action: To deny the above claims and refer them to the City's liability claims administrator, as recommended by staff. (Edgerton absent)

- (f) **RECOMMENDATION TO ACCEPT A DONATION OF \$1,600 FROM PATRICIA A. MAHONEY TO BE USED FOR THE PURCHASE OF A MEMORIAL BENCH FOR TERE FERRACONE.** Memorandum from Finance Director Viki Copeland dated March 19, 2007.

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 donor.

Action: To accept the donation of \$1,600 from Patricia A. Mahoney to be used for the purchase of a memorial bench for Tere Ferracone. Motion Reviczky, second Tucker. The motion carried, noting the absence of Councilman Edgerton

- (g) **RECOMMENDATION TO ADOPT RESOLUTION APPROVING FINAL MAP #60945 FOR A TWO-UNIT CONDOMINIUM PROJECT AT 1106 PALM DRIVE.** Memorandum from Community Development Director Sol Blumenfeld dated March 19, 2007.

Action: To approve the staff recommendation to adopt Resolution No. 07-6521, entitled "**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HERMOSA BEACH, CALIFORNIA, APPROVING FINAL PARCEL MAP NO. 60945, FOR THE SUBDIVISION OF A TWO-UNIT CONDOMINIUM, LOCATED AT 1106 PALM DRIVE IN THE CITY OF HERMOSA BEACH, CALIFORNIA.**" (Edgerton absent)

- (h) **RECOMMENDATION TO ADOPT A RESOLUTION RESCINDING RESOLUTION NO. 05-6389 CONCERNING THE UNION CATTLE COMPANY LOCATED AT 1301 MANHATTAN AVENUE.** Memorandum from City Manager Stephen Burrell dated March 20, 2007.

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

City Attorney Jenkins responded to Council questions.

Action: To approve the staff recommendation to adopt Resolution No. 07-6523, entitled "**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF**

HERMOSA BEACH, CALIFORNIA, RESCINDING RESOLUTION NO. 05-6389.”

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

- (i) **RECOMMENDATION TO APPROVE APPROPRIATION IN THE AMOUNT OF \$3,000 FROM THE CENTENNIAL FUND FOR THE PURCHASE AND INSTALLATION OF A CONCRETE MONUMENT SIGN TO BE PLACED ADJACENT TO 14TH STREET WHERE THE BRICKS WILL BE PLACED.**

Memorandum from City Manager Stephen Burrell dated March 20, 2007. Supplemental information from staff received on March 26, 2007.

Action: To approve, as recommended by staff, an appropriation in the amount of \$3,000 from the Centennial fund for the purchase and installation of a concrete monument sign to be placed adjacent to 14th Street where the bricks will be placed. (Edgerton absent)

- (j) **RECOMMENDATION TO RECEIVE AND FILE THE ACTION MINUTES OF THE PARKS, RECREATION AND COMMUNITY RESOURCES ADVISORY COMMISSION MEETING OF MARCH 6, 2007.**

Action: To receive and file the action minutes of the Parks, Recreation and Community Resources Advisory Commission meeting of March 6, 2007. (Edgerton absent)

- (k) **RECOMMENDATION TO RECEIVE AND FILE THE PROJECT STATUS REPORT.** Memorandum from Public Works Director Richard Morgan dated March 20, 2007.

Action: To receive and file the Status Report of capital improvement projects that are either under design or construction as of February 28, 2007. (Edgerton absent)

- (l) **RECOMMENDATION TO ADOPT A RESOLUTION ORDERING THE PREPARATION OF A REPORT FOR THE ANNUAL LEVY OF ASSESSMENTS WITHIN THE HERMOSA BEACH LANDSCAPING AND STREET LIGHTING DISTRICT DURING FISCAL YEAR 2007-08.**

Memorandum from Public Works Director Richard Morgan dated March 13, 2007.

Action: To approve the staff recommendation to adopt Resolution No. 07-6522, entitled **“A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HERMOSA BEACH, CALIFORNIA, ORDERING THE DIRECTOR OF PUBLIC WORKS TO PREPARE A REPORT IN ACCORDANCE WITH ARTICLE 4 OF CHAPTER 1 OF THE “LANDSCAPING AND LIGHTING ACT OF 1972”, BEING DIVISION 15, PART 2 OF THE STREETS AND HIGHWAYS CODE OF THE STATE OF CALIFORNIA, FOR THE**

MAINTENANCE, OPERATION AND SERVICING OF STREET AND SIDEWALK LANDSCAPING, LIGHTING AND APPURTENANT WORK IN THE CITY OF HERMOSA BEACH, CALIFORNIA, FOR THE FISCAL YEAR COMMENCING JULY 1, 2007 AND ENDING JUNE 30, 2008. (Edgerton absent)

- (m) **RECOMMENDATION TO RECEIVE AND FILE THE ACTION MINUTES OF THE PLANNING COMMISSION MEETING OF MARCH 20, 2007.** Supplemental letter from Howard Longacre received March 27, 2007.

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

Coming forward to address the Council at this time were:

Jim Lissner – Hermosa Beach, said it was inconsistent to deny longer hours for Mediterraneo, with its pristine record, and allow an expansion of Sharkeez, which lacks a pristine record, because of the payment of in-lieu fees to fund the future construction of a parking structure; said the City could never build enough parking to meet the demand;

Nina Sutton – Hermosa Beach, said she and her husband previously lived for ten years in Manhattan Beach, saw their downtown area become more family oriented, and wanted the same for Hermosa Beach; said the upper story proposed for Sharkeez would be perfect for special events such as birthday parties, wedding and baby showers;

Ann Sullivan – Hermosa Beach, said in-lieu parking fees should not be collected unless the City has a plan and location for a parking structure (Mayor Pro Tempore Keegan said that was a topic for this year's budget workshop);

Julie Good – Bank of America, Hermosa Beach, said she missed taking clients to Sharkeez for lunch and attending mixers there since the closing; said re-opening would contribute to City revenue; and

Bill Sigler – Hermosa Beach Parks and Recreation Commissioner and volleyball instructor; spoke in favor of the expansion; said after the volleyball classes that he taught, he and his students used to go to Sharkeez and supported the proposed expansion; said Sharkeez was like the "Cheers" of Hermosa Beach.

Action: To receive and file the action minutes of the Planning Commission meeting of March 20, 2007.

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

- (n) **RECOMMENDATION TO APPROVE AMENDMENT #4 TO AGREEMENT NO. 83.100 RELATING TO THE WORKFORCE INVESTMENT ACT JOINT EXERCISE OF POWERS AGREEMENT.** Memorandum from City Manager

Stephen Burrell dated March 21, 2007. Supplemental information (revised amendment) received from City Manager Burrell on March 27, 2007.

Action: To approve Amendment #4 to Agreement No. 83.100 relating to the Workforce Investment Act Joint Exercise of Powers Agreement. (Edgerton absent)

(o) **RECOMMENDATION TO RECEIVE AND FILE THE ACTION MINUTES OF THE PUBLIC WORKS COMMISSION MEETING OF FEBRUARY 21, 2007.**

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

City Manager Burrell responded to Council questions.

Action: To receive and file the action minutes of the Public Works Commission meeting of February 21, 2007.

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

At 7:48 p.m., the order of the agenda was suspended to go to public hearing items 5 (a) and (b).

3. **CONSENT ORDINANCES**

- a. **ORDINANCE NO. 07-1280 – “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.”** *For adoption.* Memorandum from City Clerk Elaine Doerfling dated March 20, 2007.

Action: To waive full reading and adopt Ordinance No. 07-1280.
Motion Keegan, second Tucker. The motion carried by the following vote:

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

At 8:48 p.m., the order of agenda went to item 7(a).

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

Items 2(f), (h), (m) and (o) 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 8:52 p.m., the order of the agenda went to item 7(b).

5. PUBLIC HEARINGS

- a. **APPEAL OF A PLANNING COMMISSION DECISION MODIFICATION OF CONDITIONAL USE PERMIT FOR ON-SALE ALCOHOL IN CONJUNCTION WITH A RESTAURANT, AND REVOCATION OF THE CONDITIONAL USE PERMIT FOR LIVE ENTERTAINMENT AND OUTSIDE DINING FOR CLUB 705, 705 PIER AVENUE.** Memorandum from Community Development Director Sol Blumenfeld dated March 20, 2007. Supplemental information (acoustical analysis) received from Davy & Associates, Inc. on March 27, 2007.

City Manager Burrell said the business owner had asked for a continuance to the next Council meeting of April 10, 2007, and that his attorney was present to make the request. City Attorney Jenkins responded to Council questions.

Coming forward to address the Council on this item was:

Joseph Hoffman – attorney for the business owner, said he was retained late in the evening yesterday and had not yet had the time to adequately review the situation; asked that the matter be continued to the next Council meeting on April 10.

Proposed Action: To conduct the hearing this evening, as planned.
Motion Tucker. The motion died for lack of a second.

Proposed Action: To continue the public hearing to the meeting of April 10 if the business owner agrees to voluntarily close at midnight until the hearing is conducted.

Motion Tucker. The motion was withdrawn because Mr. Hoffman said his client (the business owner) would not agree to closing at midnight for the next two weeks.

Action: It was the consensus of the City Council to continue the public hearing to the meeting of April 10, 2007, when a full Council is present. (Edgerton absent)

- b. **REVIEW AND RECONSIDERATION OF THE PLANNING COMMISSION DECISION TO DENY THE EXPANSION OF AN EXISTING GARAGE WITH A 2.7 FOOT SIDE YARD RATHER THAN THE REQUIRED THREE FEET AND A 4.7-FOOT GARAGE SETBACK RATHER THAN THE REQUIRED 17 FEET AT 1144 SECOND STREET.** Memorandum from Community Development Director Sol Blumenfeld dated March 20, 2007.

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

The public hearing opened at 8:17 p.m. Coming forward to address the Council on this item were:

Gary Lane – Redondo Beach, project architect, reviewed the design proposal and discussed the difficulty of meeting the homeowners' need for expansion while maintaining cost effectiveness and adhering to City Codes; said the basement has been eliminated to make the project more compatible with the Code;

Kelly Trudgen – Hermosa Beach, property owner, said the additional space was needed to raise their family; otherwise, they would have to move, which they did not want to do; said they had worked hard to ensure that their neighbors did not lose all of their views; said their project had the support of their neighbors;

Gary Lane – returned to the podium at the Council's request to clarify the modified plan which eliminated the basement.

The public hearing was closed at 8:25 p.m.

Action: To direct staff to prepare findings to grant a variance for the modified plan, which eliminates the basement, and to present a resolution describing the reduced scope of the project for Council consideration at the meeting of April 10, 2007.

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

At 8:30 p.m., the order of the agenda went to item 4(a) consent calendar items removed for separate discussion.

6. **MUNICIPAL MATTERS** – None

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

a. **HOUSING ELEMENT LAW – SB303 (DUCHENY)**. Memorandum from City Manager Stephen Burrell dated March 20, 2007.

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

Action: To direct staff to prepare a letter of opposition to SB303 and to track the bill.

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

- b. **LETTER OF SUPPORT – SOUTH BAY CITIES COUNCIL OF GOVERNMENTS FOR PROPOSITION 50 GRANT TO ENCOURAGE WATER CONSERVATION.** Memorandum from City Manager Stephen Burrell dated March 21, 2007.

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

Action: To direct staff to prepare support for the SBCCOG grant. Motion Keegan, second Tucker. The motion carried, noting the absence of Councilman Edgerton

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

9. **OTHER MATTERS - CITY COUNCIL**

- a. **Request from Mayor Pro Tem Keegan to create a specific plan for a portion of the downtown area depicted on the map included in the Council's agenda packet.**

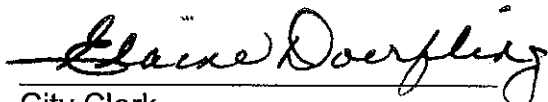
City Manager Burrell responded to Council questions.

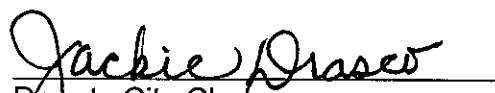
Coming forward to address the Council on this issue was:

Jim Lissner - Hermosa Beach, supported the concept and suggested that, during the process of developing the specific plan area, a moratorium be placed on additional restaurants or any other type of business of concern in the downtown area.

Action: It was the consensus of the City Council to direct staff to report back on the issue at a future meeting to begin the process of creating a specific plan, with possibly a slightly modified area in the downtown.

ADJOURNMENT - The Regular Meeting of the City Council of the City of Hermosa Beach adjourned on Tuesday, March 27, 2007, at the hour of 9:00 p.m. to the Regular Meeting of April 10, 2007, at 7:10 p.m.


City Clerk


Deputy City Clerk