

MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL of the City of Hermosa Beach, California, held on Tuesday, April 10, 2007, at the hour of 7:15 p.m.

ROLL CALL:

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

PLEDGE OF ALLEGIANCE – Joanne Edgerton

ANNOUNCEMENTS – Mayor Edgerton said the meeting would be adjourned in memory of Tom Martin, whose public service in the South Bay community included 26 years as Field Representative to former State Senator Bob Beverly and nine years as Field Deputy to Los Angeles County Supervisor Don Knabe. He expressed condolences to the entire Martin family.

Councilmember Reviczky announced that yesterday was “National POW Recognition Day.”

Councilmember Bobko said the Upper Pier Avenue Committee had a very productive meeting last week, and broke up into subcommittees that will report back at the May 2 meeting.

Mayor Edgerton announced a fundraising pier-to-pier walk on Saturday, April 28, to benefit the Richstone Center. He reported on the Cool Cities program, stated he would be attending the Board of Directors meeting of the King Harbor Yacht Club on April 20 to learn more about bio diesel for boats.

City Manager Burrell said the City was working with the ICLEI computer software to establish a base usage and then monitor usage as changes are implemented in households and throughout the community.

Mayor Pro Tempore Keegan said he was serving on a South Bay Cities Council of Government joint sub-committee to try to change the building code to make installation of solar panels more economically feasible; said anyone interested in working on the Cool Cities project could contact Mayor Edgerton, City Manager Burrell, or Nicky Tenpas.

PRESENTATIONS

**WINNERS OF THE
ART SHOW OF HERMOSA BEACH
SPONSORED BY THE
WOMAN’S CLUB OF HERMOSA BEACH**

Woman’s Club members Sienna Tucker and Dorothy Yost said the winning artwork would be on display April 10-18, 2007 at the Community Center. Mayor Edgerton

shook hands with the winning students as they were called forward and presented each with a City pin and commendation.

**PROCLAMATION FOR
NATIONAL LIBRARY WEEK
APRIL 15-21, 2007**

Mayor Edgerton proclaimed the week of April 15-21, 2007 as "National Library Week" in Hermosa Beach and presented the proclamation to Hermosa Beach Library Manager Elmita Brown, who thanked the Mayor for the proclamation and also announced a special program to encourage children to read being held after school on Wednesday, April 25 from 3:30 to 4:30 p.m.

PUBLIC PARTICIPATION:

1. ORAL AND WRITTEN COMMUNICATIONS

Coming forward to address the Council at this time were:

Betty Ryan – Hermosa Beach, announced the dates of the upcoming Friends of the Library book sales at the Book Warehouse on Bard Street: the members-only book sale from 6:00 to 7:30 p.m. Wednesday, April 11, and the general public book sale from 9:00 a.m. to 12:30 p.m. Saturday, April 14; and said volunteers were being sought to stuff additional Envelopes of Life on Saturday, April 28 from 9-11 a.m. in the City Council Chambers foyer;

Joanne Edgerton – Beach Cities Health District, presented the Council with pedometers and challenged them to walk 10,000 steps per day for seven days during the week of April 23 – 29 as a fundraiser to fight childhood obesity;

Maria Warner – Beach Cities Health District, said there were 733 walkers last year and hoped to increase participation this year; said children today will not live as long as their parents due to obesity;

Julian Katz – president of the Hermosa Beach Lawn Bowling group, announced an Open House from 1 to 4 p.m. on Sunday, April 22, noting they would be giving lawn bowling lessons and the Beach Cities Health District would be there distributing pedometers for anyone wishing to participate in their 10,000 steps a day challenge; and

Olivier Denizot – owner of Lappert's Ice Cream on Pier Plaza, requested the city work with him to decrease his cost for an encroachment permit for his outdoor tables (City Manager Burrell said staff had prepared a letter for him making several suggestions, noting he would forward copies of the letter to the Councilmembers).

- a. Letter from Dan Inskeep requesting City consideration of incentives for energy efficient modernization efforts.

Coming forward to address the Council on his letter was:

Dan Inskeep – Hermosa Beach, thanked the City Council for participating in the Cool Cities Program and requested they continue to take actions to provide incentives to individuals installing ecologically friendly improvements such as solar panels in an effort to further the City's position as a trend-setter in environmental efforts.

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: (j) Tucker, and (n) Reviczky. Motion Reviczky, second Tucker. The motion carried by a unanimous vote.

(a) **RECOMMENDATION TO APPROVE THE MINUTES OF THE REGULAR MEETING OF MARCH 13, 2007.**

Action: To approve, as presented, the minutes of the Regular Meeting of March 13, 2007.

(b) **RECOMMENDATION TO RATIFY CHECK REGISTER NOS. 47329 THROUGH 47484, INCLUSIVE, AND TO APPROVE THE CANCELLATION OF CHECK NOS. 47335 and 47401, 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 APPROPRIATE FUNDS FOR, AND AUTHORIZE THE PURCHASE OF, TEN (10) SONY DIGITAL RECORDERS WITH AUGMENTED MEMORY FOR THE TRAFFIC AND PATROL OFFICERS AT A TOTAL COST OF \$3,953.** Memorandum from Police Chief Greg Savelli dated March 28, 2007.

Action: To appropriate funds for, and authorize the purchase of, ten (10) Sony digital recorders with augmented memory for the traffic and patrol officers at a total cost of \$3,953, as recommended by staff.

(e) **RECOMMENDATION TO RECEIVE AND FILE REPORT OF CUSTOMER SERVICE SURVEYS/COMPLAINTS.** Memorandum from City Clerk Elaine Doerfling dated April 4, 2007.

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

- (f) **RECOMMENDATION TO ACCEPT THE WORK BY FLEMING ENVIRONMENTAL, INC. FOR PROJECT NO. CIP 03-418 SEWER IMPROVEMENTS - UPGRADE OF SEWAGE LIFT STATIONS; AUTHORIZE THE MAYOR TO SIGN THE NOTICE OF COMPLETION; AND, AUTHORIZE STAFF TO RELEASE PAYMENT TO FLEMING ENVIRONMENTAL, INC. (10% RETAINED; 35 DAYS FOLLOWING FILING OF NOTICE OF COMPLETION).** Memorandum from Public Works Director Richard Morgan dated April 3, 2007.

Action: To approve the staff recommendation to:

- (1) Accept the work by Fleming Environmental, Inc. for Project No. CIP 03-418 Sewer Improvements - Upgrade of Sewage Lift stations;
- (2) Authorize the Mayor to sign the Notice of Completion; and
- (3) Authorize Staff to release payment to Fleming Environmental, Inc. (10% retained; 35 days following filing of Notice of Completion).

- (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 April 3, 2007.

Claimant: Pompano, Mark
Date of Loss: 03-13-07
Date Filed: 03-29-07
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.

- (h) **RECOMMENDATION TO APPROVE AMENDMENT TO THE CONTRACT FOR JAS FOR ON-GOING STAFF SERVICES.** Memorandum from Community Development Director Sol Blumenfeld dated April 4, 2007.

Action: To approve the amendment to the contract for JAS for on-going staff services, as recommended by staff.

- (i) **RECOMMENDATION TO RECEIVE AND FILE THE ACTION MINUTES OF THE UPPER PIER AVENUE COMMITTEE MEETING OF MARCH 7, 2007.**

Action: To receive and file the action minutes of the Upper Pier Avenue Committee meeting of March 7, 2007.

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

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

Action: To receive and file the action minutes of the Public Works Commission meeting of March 21, 2007.
Motion Tucker, second Reviczky. The motion carried by a unanimous vote.

- (k) **RECOMMENDATION TO APPROVE A CHANGE ORDER TO TRUELINE SURFACING, CURRENT CONTRACTOR FOR THE COMMUNITY CENTER TENNIS COURTS RESURFACING PROJECT, FOR THE INSTALLATION OF TWO BASKETBALL COURTS AND BACKBOARDS AT EDITH RODAWAY PARK IN THE AMOUNT OF \$18,813.00; AND, AUTHORIZE THE DIRECTOR OF PUBLIC WORKS TO MAKE CHANGES AS NECESSARY WITHIN THE PROJECT BUDGET.** Memorandum from Public Works Director Richard Morgan dated April 3, 2007.

Action: To approve the staff recommendation to:

- (1) Approve a Change Order to TrueLine Surfacing, current Contractor for the Community Center Tennis Courts Resurfacing Project, for the installation of two basketball courts and backboards at Edith Rodaway Park in the amount of \$18,813.00; and
- (2) Authorize the Director of Public Works to make changes as necessary within the project budget.

- (l) **RECOMMENDATION TO ADOPT A RESOLUTION OVERTURNING THE DECISION OF THE PLANNING COMMISSION AND APPROVE THE PROPOSED VARIANCES TO ALLOW A 2.7-FOOT SIDE YARD SETBACK AND A 4.7-FOOT GARAGE SETBACK AT THE PROPERTY ADDRESSED AS 1144 2ND STREET AND LEGALLY DESCRIBED AS LOT 91, TRACT NO. 733.** Memorandum from Community Development Director Sol Blumenfeld dated April 10, 2007.

Action: To approve the staff recommendation to adopt Resolution No. 07-6524, entitled "**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HERMOSA BEACH, CALIFORNIA, TO OVERTURN THE DECISION OF THE PLANNING COMMISSION AND APPROVE THE PROPOSED VARIANCES TO ALLOW A 2.7-FOOT SIDE YARD SETBACK AND A 4.7-FOOT GARAGE SETBACK AT THE PROPERTY ADDRESSED AS 1144 SECOND STREET AND LEGALLY DESCRIBED AS LOT 91, TRACT NO. 733.**"

- (m) **RECOMMENDATION TO AUTHORIZE THE PURCHASE OF ONE (1) FORD RANGER 4X4 PICKUP TRUCK AND AUTHORIZE THE PURCHASE OF ONE (1) ANIMAL TRANSPORT UNIT TO BE INSTALLED ON AFOREMENTIONED FORD RANGER 4X4 PICKUP TRUCK.** Memorandum from Police Chief Greg Savelli dated March 26, 2007.

Action: To approve the staff recommendation to:

- (1) Authorize the purchase of one (1) Ford Ranger 4x4 pickup truck; and
- (2) Authorize the purchase of one (1) Animal Transport Unit to be installed on aforementioned Ford Ranger 4x4 pickup truck.

- (n) **RECOMMENDATION TO ADOPT A RESOLUTION INCREASING THE FEE FOR EMPLOYEE PARKING PERMITS, LIMITING THE NUMBER TO BE ISSUED TO EACH BUSINESS AND PROHIBITING THE USE OF CONTRACTOR'S PERMITS AT SILVER METERS.** Memorandum from City Manager Stephen Burrell dated April 5, 2007.

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

City Manager Burrell responded to Council questions.

Action: To approve the staff recommendation to adopt Resolution No. 07-6526, entitled "**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HERMOSA BEACH, CALIFORNIA, INCREASING THE FEE FOR EMPLOYEE PARKING PERMITS AND LIMITING THE NUMBER TO BE ISSUED TO EACH BUSINESS AND PROHIBITING THE USE OF CONTRACTOR'S PERMITS AT SILVER METERS.**"

Motion Reviczky, second Mayor Edgerton. The motion carried, noting the dissenting vote by Tucker.

- (o) **RECOMMENDATION TO ADOPT A RESOLUTION AMENDING THE MASTER FEE RESOLUTION TO ADD A FEE FOR PASSPORT PHOTOS.** Memorandum from City Clerk Elaine Doerfling dated April 3, 2007.

Action: To approve the staff recommendation to adopt Resolution No. 07-6525, entitled "**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HERMOSA BEACH, CALIFORNIA, AMENDING RESOLUTION 90-5422 (MASTER FEE RESOLUTION) TO ADD A FEE RELATING TO PASSPORT PHOTOGRAPHS.**"

3. **CONSENT ORDINANCES** - None

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

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

Items 2(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.

5. **PUBLIC HEARINGS**

- a. **APPEAL OF THE PLANNING COMMISSION MODIFICATION OF A 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, HERMOSA BEACH.**
Continued from meeting of March 27, 2007. Memorandum from Community Development Director Sol Blumenfeld dated April 3, 2007. Supplemental letters from Eric McCall, J. Roethigin, Julia K. Cibes, Cliff Danziger, and Robert Miller were submitted at the meeting.

Community Director Blumenfeld presented the staff report and responded to Council questions. Police Chief Savelli and City Attorney Jenkins also responded to Council questions.

The public hearing opened at 8:05 p.m. Coming forward to address the Council on this item were:

Teresa Gordon – requested the Planning Commission’s action be reconsidered; said she has been salsa dancing for eight years and activities offered at Club 705 such as salsa dancing provide a positive activity for Hermosa Beach;

Ron Miller – Hermosa Beach, said the club was an event venue, not a restaurant, said the noise, parking, garage, and promoter issues need to be addressed; asked the Council to consider the neighbors;

Robert Miller – Rancho Palos Verdes, said he purchased the business known as Point 705 in November 2004 and renovated it thinking Hermosa Beach was a business friendly environment; learned the former owner filed suit against the Police Department which was settled in February 2006; felt he was the victim of retaliation, discrimination and harassment and was denied civil rights and due process by the Police Department even though there had been very few complaints; said he sought restitution for financial loss and health problems because of stress; urged the Council to restore the CUP to its original conditions;

Jess Merresum – Manhattan Beach, said it appeared this business was being singled out for scrutiny even though the owner was willing to comply with the conditions of the CUP;

Linda Miller – Hermosa Beach, said this business was approved as a restaurant and it had turned into a night club; said there had been complaints and a knifing in the parking lot although maybe not when the current owner was operating the business; said it was easy to declare discrimination when one did not have any explanation for problems;

Richard Premac – Hermosa Beach, said he moved here from Florida six months ago and Club 705's karaoke had helped him get to know people; said he had not seen any of the problems mentioned and preferred this establishment to ones on Pier Plaza which had the atmosphere of drunken people of just barely legal drinking age; said Club 705 deserved equitable treatment and it seemed other businesses were not scrutinized as carefully;

Ginger Lewis – Hermosa Beach, said she was a country music artist and would be pleased to perform in a beautiful and classy place as Club 705; said she was proud to bring industry people from Los Angeles to this club; said she enjoys Pier Plaza but there is a need in Hermosa Beach for good entertainment offered at Club 705 and they needed to have the later closing time;

Ann Sullivan – Hermosa Beach, said she understood the Planning Commission decision permitted no dancing, live entertainment, DJ's or promoters and she had read in the Beach Reporter the business was originally approved as a restaurant; said it should close at 10 or 11:00 p.m. as most restaurants do;

Charlotte Hochtschmidt – said she was responsible for one of the special events held at 705, her 30th birthday party which was also a fundraiser for Rover Rescue; said when she first visited 705 she did find it to her liking but things had changed to make it appealing to a more sophisticated crowd; said she preferred it to the "whirlwind" atmosphere on Pier Plaza; urged the Council to allow longer hours for this nice restaurant where someone could listen to jazz or dance;

John Schwartz – South Bay resident, said there should have been a City Attorney present when the Planning Commission made its decision to restrict certain activities for this business because the City could face a potential lawsuit by the owner; said he had worked at many similar establishments for many years and saw no problems at Club 705 and felt there were problems at Sharkeez;

Ron Newman – Sharkeez, said the businesses on Pier Plaza are run as local businesses whereas this establishment was run by outside organizers; said this business should mention its good points instead of criticizing other businesses;

Nadia Wright – said she worked for Starlight Karaoke and set up this activity at many establishments, where Karaoke was most popular after midnight; said complaints of squealing tires in the parking structure did not necessarily come from patrons of Club 705 because many others used that structure; said she had not seen any problems at the club; asked the Council to please grant their requests;

Turig Shalong – Hermosa Beach, said at the request of the owner he had collected 1200 signatures of support with an additional 400 signatures collected by a young woman whose parents had become engaged at Club 705; said people of all ages loved the club;

Ron Tansky – said he had been one of the jazz piano players at Club 705 as well as a music teacher at American Martyrs School; said this is an

upscale club with sophisticated music which allows patrons to hold conversations;

Eric Warner – said he had known Robert Miller for over 25 years and could vouch for his character; said he had been to the club many times and had never seen a disturbance;

Tony D'Fazio – owner of Starlight Karaoke, said he had been associated with the club for almost two years; said it was a nice establishment offering a variety of entertainment and said the owners take their responsibility seriously, had stepped up security and were escorting customers to the parking lot; said they would comply with City requirements;

Dan Elf – Hermosa Beach, said he had been to 705 a couple of times would like to see it stay open but it should be looked at as a bar instead of a restaurant;

John Bowler – Hermosa Beach, said the group of new owners had taken a troubled institution and worked diligently to address the problems; said the one call this past New Year's Eve was a fight at the skate rink and one of the 705 managers called the Police to report it; said they are addressing security in the garage and walking customers out so they do not disturb the residential neighbors; said he enjoys the piano bar in the nice restaurant where you could enjoy conversation;

Jennifer Gossman – Hermosa Beach, said she lived nearby in Marineland Mobile Home Park and had no complaints about noise, loved 705 as a great place for the over 25 crowd to dance;

Ann Acondo – Hermosa Beach, said she was a Marineland resident also and had no noise complaints; thought the club was beautiful; was concerned if the club was forced to close at midnight, the Police Department would no longer patrol that area after midnight;

Patty Egerer – Hermosa Beach, said this club has had a flagrant disregard for the terms of the CUP and it had been turned into a bar; said the City Council needed to safeguard the interests of the residents; said the noise could be heard in the 800 block of 15th Place; said this was becoming a favorite party zone organized by promoters; said she had hoped the Council was going to establish an entertainment permit but discussions had ended eight months ago;

Xavier Flamenco – Club 705, apologized to Mr. Newman and said they did not intend to compare themselves to any other establishment; read a letter of support from Shane McColgan which stated it was very expensive to operate a sophisticated entertainment venue where people could enjoy upscale entertainment and dining and a business could survive at that location if it was limited to dining only; said the business was located away from Pier Plaza and needed the entertainment and later hours to attract customers; said as the City was contemplating a plan for Upper Pier Avenue, it would not be good to have a vacancy in this location;

Dan Miller – said he was general manager of 705 and he had been pleased to hear stories of how the club had been a part of so many patrons' lives; said 705 was operating responsibly;

Eric Samore – said he was one of the Club 705 partners and serious changes had been made to create an environment for people 25 to 55 to dine, have a glass of wine, and enjoy classic entertainment; said an acoustical study had been performed as the City requested and any issue raised by the City or the Police Department was addressed; said they deserved a chance to prove they were responsible business owners in the community; and,

Joseph Hoffman – attorney for the business owner, said the 1600 signatures indicating support would be submitted to the City; said the business owners had spent much time and money to transform a troubled business into an elegant establishment; said many people who criticized the establishment had never actually been there; said there had been no noise complaints and the one Police call in January involved an incident at the skate park and the manager of the club was being a good Samaritan to call the Police; said the owners deserve a chance to continue their responsible operation.

The public hearing closed at 9:05 p.m.

Proposed Action: To sustain the action by the Planning Commission. Motion Tucker. The motion died for lack of a second.

Proposed Action: To sustain the Planning Commission decision, with a midnight closing, but to allow dance music and live entertainment, with a six-month review. The motion was then amended to have an 11:30 p.m. closing Sunday through Thursday and a 12:30 a.m. closing Friday and Saturday. Motion Keegan, second Mayor Edgerton.

Substitute Motion/Proposed Action: To allow Club 705 to continue operating under the old conditional use permit (which identifies the primary use of the business as a restaurant, with ancillary dancing and live entertainment), with a City Council review in six months (at the October 23 meeting), or sooner (with a 10-day hearing notice) if any major infraction occurs anytime during the six-month period.

Motion Reviczky, second Bobko.

Substitute Motion/Final Action: To continue the item for two weeks to allow staff's (1) review of an acoustical study expected to be completed before the next meeting, and (2) modification of the conditions to include: a midnight closing of the restaurant Sunday through Thursday, usage of the patio until 11:00 p.m. every night, a grounds maintenance program, locking the gates each night after closing, and to address the parking and promoter issue, with the understanding the business will operate in the interim under the current conditional use permit as it has for the past two weeks.

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

City Attorney Jenkins noted the public hearing was closed but the item was being continued to the next Council meeting on April 24, 2007

The meeting recessed at 10:08 p.m.
The meeting reconvened at 10:22 p.m.

6. **MUNICIPAL MATTERS**

a. **CENTENNIAL CELEBRATION – FUND RAISING STATUS REPORT.**
Memorandum from City Manager Stephen Burrell dated April 5, 2007.

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

Action: To receive and file Centennial Celebration Fundraising Status Report, as recommended.

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

b. **CENTENNIAL CELEBRATION – TASTE OF HERMOSA EVENT PROPOSAL.** Memorandum from Community Resources Director Lisa Lynn dated April 3, 2007.

Community Resources Director Lynn presented the staff report and responded to Council questions

Action: To appropriate \$20,000 of Centennial Celebration sponsorship funds toward the culminating Centennial event.

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

c. **CENTENNIAL SUMMER CONCERT SERIES – SUMMER 2007 PROPOSAL.** Memorandum from Community Resources Director Lisa Lynn dated April 3, 2007.

Community Resources Director Lynn presented the staff report and responded to Council questions

Proposed Action: To approve the concert dates and select entertainment option C.

Motion Keegan, second Bobko. The motion was subsequently withdrawn.

Proposed Action: To replace one of the groups with local talent.

Motion Keegan. The motion died for lack of a second.

Action: To approve the concert dates and select entertainment option A.

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

7. **MISCELLANEOUS ITEMS AND REPORTS - CITY MANAGER** - None

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

- a. **SCHEDULE APPLICANT INTERVIEWS FOR NEWLY FORMED EMERGENCY PREPAREDNESS ADVISORY COMMISSION.** Memorandum from City Clerk Elaine Doerfling dated April 3, 2007.

City Clerk Doerfling presented the staff report and responded to Council questions, noting that one of the applicants would be out of the country and unavailable for interviews April 19 – May 20.

Action: To schedule applicant interviews for 6 p.m. prior to the regular meeting of May 22, 2007, when appointments would be made, with direction to re-advertise for additional applicants in the interim.

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

- b. **VACANCIES - BOARDS AND COMMISSIONS - UPCOMING EXPIRATION OF TERMS.** Memorandum from City Clerk Elaine Doerfling dated April 4, 2007.

City Clerk Doerfling presented the staff report and responded to Council questions

Action: To direct the City Clerk to immediately advertise and request applications from interested parties for two Parks, Recreation and Community Resources Advisory Commission terms that will expire June 30, 2007, two Planning Commission terms that will expire June 30, 2007, and two Civil Service Board terms that will expire July 15, 2007.

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

9. **OTHER MATTERS - CITY COUNCIL**

- a. **Request from Mayor Edgerton to consider a change in the Municipal Code to allow permits for Private Residential events to be hosted at their homes twice a year.**

Action: It was the consensus of the Council to direct staff to research the issue and report back with a draft ordinance to the Council at a future meeting for Council consideration.

- b. **Request from Councilmember Bobko to have the Planning Commission amend the Municipal Code to include definitions for bar, restaurant, and nightclub.**

Action: To refer the matter to the planning Commission to examine the issue.

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

- c. **Request from Councilmember Tucker to enforce the fire code drafting a substantial fee per person for the exceeded maximum number of occupancy.**

City Manager Burrell and City Attorney Jenkins responded to Council questions. City Attorney Jenkins stated the fees were dictated by State law but he would investigate further and report back.

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 January 30, 2007.**
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.

- a. **Anticipated Litigation: Government Code Section 54956.9(b)**

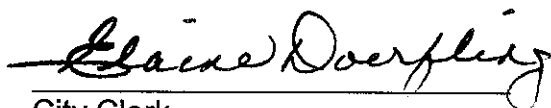
Number of potential cases: 1

ADJOURN TO CLOSED SESSION – The Regular Meeting of the City Council of the City of Hermosa Beach adjourned on Tuesday, April 10, 2007, at the hour of 11:00 p.m. to a closed session.

RECONVENE TO OPEN SESSION – The Closed Session convened at the hour of 11:12 p.m. At the hour of 11:30 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 Tom Martin on Tuesday, April 10, 2007, at the hour of 11:31 p.m. to the Regular Meeting of April 24, 2007, at 7:10 p.m.



City Clerk