

MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL of the City of Hermosa Beach, California, held on Tuesday, May 22, 2007, at the hour of 7:15 p.m.

ROLL CALL:

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

PLEDGE OF ALLEGIANCE – Anne Sullivan

PRESENTATIONS:

**COMMENDATIONS TO
LARRY MURAKAMI AND
MANUEL VALENZUELA**

Mayor Edgerton and Public Works Director Morgan presented commendations to Larry Murakami and Manuel Valenzuela for their demolition and disposal, free of charge, of the old lifeguard tower at Fourteenth Street, which beautified the beach and provided a better site for the AVP tournament.

**PROCLAMATION FOR
PUBLIC WORKS WEEK**

Mayor Edgerton presented to Public Works Director Rick Morgan a proclamation recognizing the efforts of the Public Works Department and proclaiming May 21 through May 26, 2007 as Public Works Week in the City of Hermosa Beach.

Public Works Director Morgan said he was proud to be a part of the Public Works Department, which strived every day to improve the quality of life for residents; said the parade of Public Works vehicles through the town had been fun, with people waving as they passed, and he hoped it would become an annual event.

Councilmember Reviczky agreed that the Public Works employees were the unsung heroes of the City, their good work usually taken for granted.

**COMMENDATION TO
STEVE COLLINS OF
HERMOSA CYCLERY**

Mayor Edgerton presented a commendation to Steve Collins of Hermosa Cyclery for donating 30 new high quality bicycles to the Beach Cities Toy Drive.

ANNOUNCEMENTS – Mayor Edgerton commended the Public Works staff for installing the new clock at the Plaza and said the Centennial time capsule will be buried at the base of the clock, noting that packets were still on sale for placing items inside the time capsule.

Councilmember Bobko expressed thanks to the Public Works Department, noting that theirs is the type of work that is not appreciated unless it is not performed, and also thanked the Police Department for their presence during the AVP Tournament.

Councilmember Tucker said he met with Assemblyman Ted Lieu in Sacramento during the recent League of California Cities Legislation Days, at which money for cities was discussed, and a committee of coastal cities was formed to encourage the Coastal Commission to return to its original goals and discuss actions needed to streamline the Commission.

Councilmember Reviczky announced the Hermosa Beach Garden Club's annual plant sale on Saturday, June 9, at the Clark Building from 9 a.m. to 1 p.m., calling it a great event with homemade cookies, a flea market, crafts, and a raffle.

Mayor Edgerton reminded everyone of the Fiesta Hermosa over the Memorial Day weekend (Saturday through Monday), noting that Congresswoman Jane Harman would attend the event with him on Monday. He invited Carla Merriman to come forward to comment on the upcoming Fiesta.

Carla Merriman – Executive Director of the Hermosa Beach Chamber of Commerce and Visitors' Bureau, said there would be 250 artists and crafters at this 34th annual Fiesta, along with fundraiser booths and live music; said on Saturday, the Pet Care Company would hold its second annual dog costume contest, a popular event judged by the veterinarians; said that Chamber of Commerce donates about \$24,000 from both Fiestas to non-profit groups working the Beer Garden so that they can do continue to do their good community work; reminded everyone that the free shuttles would again be running from Mira Costa High School and Northrop Grumman.

PUBLIC PARTICIPATION:

1. ORAL AND WRITTEN COMMUNICATIONS

There were no written communications.

Coming forward to address the Council at this time were:

Scott McBride – Hermosa Beach, said he lived behind the Comedy and Magic Club and noted serious confrontational and violent problems Thursday through Sunday from 1-3 am; said his area has joined the Neighborhood Watch program but wondered if the Council could provide other assistance such as signage or additional street lighting; said also taxi cabs turn left from Hermosa Avenue onto Eighth or Tenth Street, speeding dangerously through his neighborhood without stopping (City Manager Burrell said they could work on those problems at their next Neighborhood Watch meeting);

Jim Lissner – Hermosa Beach, presented a handout about recent Planning Commission actions and asked the Council to extend the filing period for accepting applications since the incumbents were the only ones to apply; asked that item 2(i) on consent calendar be removed for separate discussion; questioned the budget proposal concerning a Civic Center project; suggested that instead of budgeting \$51,000 for 8,000 watts of solar collectors, the City take advantage of free offers that may be available to increase the number of watts; encouraged the Council to approve expenditures for improvements in rest rooms and the theater; and

Roger Bacon – Hermosa Beach businessman, congratulated the Police Department on parking enforcement in the Ralph's Shopping Center; thanked City Manager Burrell and Public Works Director Morgan for working with CalTrans to extend the banner program because of commitments that benefit the Hermosa Beach Education Foundation; noted a tripping hazard because of a plaque at a tree near Bank of American on Pier Plaza; asked if he could, at his own cost replace shrubs at the boundary of Greenwood Park and the Ralph's Shopping Center that were destroyed by a car accident; asked for removal of the Christmas tree lights on the windmill that are destroying the paint; (he was asked by Mayor Edgerton to discuss that with the City Manager).

2. CONSENT CALENDAR:

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

(a) **RECOMMENDATION TO APPROVE MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL HELD ON APRIL 24, 2007.**

Action: To approve, as presented, the minutes of the Regular Meeting of April 24, 2007.

(b) **RECOMMENDATION TO RATIFY CHECK REGISTER NOS. 47810 THROUGH 47972, AND TO APPROVE THE CANCELLATION OF CHECK NO. 47853, 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 RECEIVE AND FILE THE APRIL 2007 FINANCIAL REPORTS:**

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

Action: To receive and file the April 2007 Financial Reports.

(e) **RECOMMENDATION TO RECEIVE AND FILE THE ACTION MINUTES OF THE PARKS, RECREATION AND COMMUNITY RESOURCES ADVISORY COMMISSION MEETING OF MAY 1, 2007.**

Action: To receive and file the action minutes of the Parks, Recreation and Community Resources Advisory Commission meeting of May 1, 2007.

(f) **RECOMMENDATION TO RECEIVE AND FILE THE ACTION MINUTES OF THE UPPER PIER AVENUE COMMITTEE MEETING OF MAY 2, 2007.**

Action: To receive and file the action minutes of the Upper Pier Avenue Committee meeting of May 2, 2007.

(g) **RECOMMENDATION TO RECEIVE AND FILE PROJECT STATUS REPORT.** Memorandum from Public Works Director Richard Morgan dated May 14, 2007.

Action: To receive and file the Status Report of capital improvement projects that are either under design or construction as of April 30, 2007.

(h) **RECOMMENDATION TO ADOPT RESOLUTION AMENDING THE MASTER FEE RESOLUTION TO UPDATE PERMIT AND INSPECTION FEES FOR GREASE CONTROL DEVICES.** Memorandum from Interim Community Development Director Ken Robertson dated May 8, 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. 07-6534, entitled "**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HERMOSA BEACH, CALIFORNIA, AMENDING RESOLUTION NO. 90-5422 (MASTER FEE RESOLUTION) TO AMEND THE FEE RELATING TO INSPECTION OF GREASE CONTROL DEVICES.**"

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

(i) **RECOMMENDATION TO RECEIVE AND FILE THE ACTION MINUTES OF THE PLANNING COMMISSION MEETING OF MAY 15, 2007.**

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

This item was pulled at the request of Jim Lissner but he had left the meeting.

Action: To receive and file the action minutes of the Planning Commission meeting of May 15, 2007.

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

- (j) **RECOMMENDATION TO AUTHORIZE THE PURCHASE/REPLACEMENT OF ONE (1) GO-4 MODEL INTERCEPTOR III PARKING ENFORCEMENT VEHICLE.** Memorandum from Police Chief Greg Savelli.

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

City Manager Burrell responded to Council questions.

Action: To authorize the purchase/replacement of one (1) GO-4 Model Interceptor III parking enforcement vehicle.

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

- (k) **RECOMMENDATION TO ADOPT RESOLUTION APPROVING FINAL MAP #65881 FOR A TWO-UNIT CONDO AT 635 MANHATTAN AVENUE.** Memorandum from Interim Community Development Director Ken Robertson dated May 14, 2007.

Action: To approve the staff recommendation to adopt Resolution No. 07-6533, entitled "**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HERMOSA BEACH, CALIFORNIA, APPROVING FINAL PARCEL MAP NO. 65881, FOR THE SUBDIVISION OF A TWO-UNIT CONDOMINIUM, LOCATED AT 635 MANHATTAN AVENUE IN THE CITY OF HERMOSA BEACH, CALIFORNIA.**"

At 7:46 p.m., the order of the agenda was suspended to move to public hearing items 5(a) and (b).

3. **CONSENT ORDINANCES - None**

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

Items 2(h), (i) and (j) 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. **TEXT AMENDMENT TO THE CITY'S MUNICIPAL CODE REGARDING ADMINISTRATIVE PENALTIES FOR CODE VIOLATIONS.** Memorandum from Interim Community Development Director Ken Robertson dated May 14, 2007.

Interim Community Development Director Robertson presented the staff report and responded to Council questions. City Manager Burrell and City Attorney Jenkins also responded to Council questions.

The public hearing opened at 8:04 p.m. Coming forward to address the Council on this item was:

Richard Stapp – Hermosa Beach, said if something is intended to be a misdemeanor, the Code must specifically state it, otherwise it would automatically be considered an infraction.

The public hearing closed at 8:05 p.m.

Action: To approve the staff recommendation to waive full reading and introduce Ordinance No. 07-1281, entitled "**AN ORDINANCE OF THE CITY OF HERMOSA BEACH, CALIFORNIA, AMENDING THE GENERAL AND ENFORCEMENT PROVISIONS OF THE MUNICIPAL CODE,**" as amended by the Council this evening to eliminate references to dates in Section 1.02.040 (E) and (H) and instead specify current code. Motion Reviczky, second Edgerton. The motion carried by a unanimous vote.

- b. **REVIEW AND RECONSIDERATION OF A PLANNING COMMISSION DECISION TO AMEND THE ALLOWED CLOSING TIME OF AN EXISTING RESTAURANT WITH ON-SALE BEER AND WINE FROM 11:00 P.M. TO 12:00 MIDNIGHT AT 53 PIER AVENUE, PARADISE SUSHI.** Memorandum from Interim Community Development Director Ken Robertson dated May 15, 2007

Interim Community Development Director Robertson presented the staff report and responded to Council questions. City Manager Burrell also responded to Council questions.

The public hearing opened at 8:09 p.m. Coming forward to address the Council on this item were:

Jim Lissner – Hermosa Beach, provided a handout of details of Manhattan Beach restaurants; said the restaurant comparison chart in the staff report was not accurate because the other restaurants have full liquor; said if this extension of hours is approved, all of the other restaurants now closing at 11:00 p.m. will want the extension as well; and

Suchi Yamaguchi – speaking on behalf of Paradise Sushi business owner Mr. Takahashi, said the information about restaurants in Manhattan Beach were not relative to this restaurant in Hermosa Beach; said all other restaurants with a beer/wine license in downtown Hermosa Beach are allowed longer hours and Mr. Takahashi wanted to be competitive and not discriminated against.

The public hearing closed at 8:16 p.m.

Proposed Action: To maintain the 11 p.m. closing time but keep all the other new conditions in the proposed resolution.

Motion Reviczky, second Tucker. The motion was subsequently withdrawn

Action: To direct staff to bring back a resolution of denial with appropriate findings.

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

Further Action: To direct staff to prepare a consistent policy regarding restaurant hours for discussion by Council at a future meeting.

Motion Edgerton, second Bobko. The motion carried by consensus.

6. **MUNICIPAL MATTERS**

a. **CERTIFICATION OF RESULTS OF SIGNATURE VERIFICATION OF REFERENDUM PETITION AGAINST ORDINANCE NO. 07-1278.**

Memorandum from City Clerk Elaine Doerfling dated May 16, 2007.
Supplemental letter from Howard Longacre received on May 22, 2007.

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

Coming forward to address the Council on this item were:

Jim Lissner – Hermosa Beach, thanked all the people who helped with the referendum; suggested that Mr. Newman rearrange the usage of his property with retail on the first story and a bar on the second story or the reverse, perhaps renting out retail or office space, noting that he would support that type of arrangement if the Council chose to adopt an ordinance to make this possible;

Jim Patterson – Hermosa Beach, urged the Council to rescind the ordinance in the interest of balancing the needs of business to make a profit and the quality of life of residents in the impacted area; said the community could live with the current situation but opposed upsetting the delicate balance; said he had spent \$10,000 to install double paned windows and they kept the sound out well except when the windows were opened in the summer;

Anne Sullivan – Hermosa Beach, said she talked to neighbors who were so happy to sign the petition they wanted to take it around themselves; said they were adamant that they be heard and appreciated having the opportunity; said adopting a similar ordinance would make the people feel as if they were being double crossed by the Council;

Ron Newman – Hermosa Beach businessman, said he would agree with Jim Lissner's proposal if a person had a need for more storage and wanted an office; said he lost storage space in the rebuilding because of ADA requirements; said whatever the Council decided on this issue was fine with him;

Sandy Seaman – Hermosa Beach, said he spoke against the ordinance the night it was adopted and believed that it should be rescinded;

Richard Stapp – Hermosa Beach, asked that the Council vote to place this ordinance on the ballot so that people could truly understand its meaning; and

Elise Kirchner – Hermosa Beach, said she believed that the people did understand the meaning of the ordinance and, by signing the referendum petition, were sending a message to the City Council that there should be less alcohol in the City.

Proposed Action: To continue the item to June 12 with direction to the City Attorney to research cases to indicate how different a new ordinance would have to be for adoption before the one-year restriction periods ends.

Motion Reviczky, second Edgerton. A substitute motion replaced this motion.

Proposed Action: To repeal the ordinance.

Motion Tucker, second Keegan. Mayor Pro Tempore Keegan withdrew his second and the motion subsequently died.

Action: To direct the City Clerk to prepare the appropriate resolutions to place the ordinance on the ballot for the General Municipal Election of November 6, 2007.

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

The meeting recessed at 9:42 p.m.

The meeting reconvened at 10:05 p.m., with item 6(b).

- b. **PROPOSED AMENDMENTS TO NOISE ORDINANCE AND ADDING A PERMIT SYSTEM FOR PARTIES ON PRIVATE PROPERTY.** Memorandum from City Manager Stephen Burrell dated May 15, 2007. Supplemental letter from Brad Adams received on May 17, 2007.

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:

Sandy Seaman – Hermosa Beach, said he had mixed feelings about the proposed amendment, was concerned that this permit would be a license to make noise; and

James Scott – Hermosa Beach, said he liked the intent because noise is a concern but worried that this would criminalize people because they don't know the law.

Proposed Action: To approve the staff recommendation to waive full reading and introduce an Ordinance entitled "**AN ORDINANCE OF THE CITY OF HERMOSA BEACH, CALIFORNIA, AMENDING THE NOISE ORDINANCE, AND FURTHER ESTABLISHING A PERMIT SYSTEM FOR PARTIES ON PRIVATE PROPERTY AND AMENDING THE HERMOSA BEACH MUNICIPAL CODE,**" rewording the title to read "special events on private property," and amending the ordinance to exclude several holidays from being eligible for a permit, namely Fourth of July, New Year's Eve, St. Patrick's Day, and Cinco de Mayo.

Motion Edgerton, second Reviczky. The motion was replaced by a substitute motion.

Action: To direct staff to submit the ordinance with revisions suggested by the Council and to present a permit application with the staff report.

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

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

- a. **APPOINTMENT TO SOUTH BAY WORKFORCE INVESTMENT BOARD – MR. JOE TERRY OF ALL CITY COMPUTERS.** Memorandum from City Manager Stephen Burrell dated May 10, 2007.

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

Action: To accept the nomination of Joe Terry of All City Computers to be appointed to serve on the South Bay Workforce Investment Board as the representative of the Hermosa Beach private sector for a 4-year term from July 1, 2007 through June 30, 2011.

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

- b. **PAST MAYORS' COMMUNITY CENTENNIAL DINNER - APPOINTMENT OF CITY COUNCIL SUB-COMMITTEE TO OVERSEE THE EVENT AND APPROPRIATE \$56,000 FROM THE GENERAL FUND.** Memorandum from City Manager Stephen Burrell dated May 15, 2007.

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

Action: To appoint Mayor Pro Tempore Keegan and Councilmember Bobko to the event sub-committee, and approve an appropriation of \$56,000 from the City's General Fund.

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

- c. **SOUTH PARK PARKING – REMOVE OVERNIGHT PARKING PROHIBITION.** Memorandum from City Manager Stephen Burrell dated May 15, 2007.

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

Action: To remove the overnight parking prohibition on the lower parking lot Motion Reviczky, second Tucker. The motion carried by a unanimous vote.

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

- a. **APPOINT MEMBERS TO THE NEWLY FORMED EMERGENCY PREPAREDNESS ADVISORY COMMISSION.** Memorandum from City Clerk Elaine Doerfling dated May 16, 2007.

Deputy City Clerk Drasco presented the staff report and responded to Council questions.

Action: Council consensus was to appoint George Schmeltzer, William Hallett, Tracy Hopkins, Kelly Kovak-Reedy, and Art Rutherford from among the applicants interviewed earlier this evening to the newly formed five-member Emergency Preparedness Advisory Commission, with three members serving four-year terms (ending May 31, 2011) and two members serving two-year terms (ending May 31, 2009) for the initial appointments. Thereafter, as terms expire, all appointments shall be for four years. The term length for each of the appointees will be chosen by the Commissioners themselves at their first meeting.

Further Action: Council consensus was to direct staff to prepare an amended ordinance increasing the number of Commissioners from five to seven and appointing two additional members from the three applicants not chosen for the five-member newly-formed Commission.

- b. **VACANCIES - BOARDS AND COMMISSIONS EXPIRATION OF TERMS.** Memorandum from City Clerk Elaine Doerfling dated May 16, 2007.

Deputy City Clerk Drasco presented the staff report and responded to Council questions.

Coming forward to address the Council on this item was:

Jim Lissner – Hermosa Beach, urged the Council to re-advertise for additional Planning Commission applicants; provided a handout to the Council to illustrate why he thought there should be new Planning Commissioners.

Action: To approve the staff recommendation to:

- (1) Reappoint the incumbents (the only applicants) to both the Civil Service Board and the Planning Commission for four-year terms; and
- (2) Schedule Parks Recreation and Community Resources Commission applicant interviews for 6:15 p.m. prior to the June 12, 2007 meeting, with appointments to follow at the regular meeting.

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

9. **OTHER MATTERS - CITY COUNCIL**

- a. **Request from Councilmember Keegan to review and limit the number of inductees to the Surfers' Walk of Fame to one per year.** A supplemental letter was received from Roger Bacon on May 22, 2007.

Councilmember Keegan spoke to his request

Coming forward at this time to address the Council was:

Roger Bacon – Hermosa Beach businessman, spoke in opposition to limiting the number of inductees to the Surfers' Walk of Fame per year.

Action: Council consensus was to agendize the issue for a future Council meeting.

At 11:18, the order of the agenda returned to item 4(a), items removed from the consent calendar for separate discussion,

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 April 10, 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

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. Existing Litigation: Government Code Section 54956.9(a)

Name of Case: Ralph Villani v. City of Hermosa Beach
Case Number: YCO53631

Name of Case: Brad Jaco v. City of Hermosa Beach
Case Number: YCO054277

b. Anticipated Litigation: Government Code Section 54956.9(b)

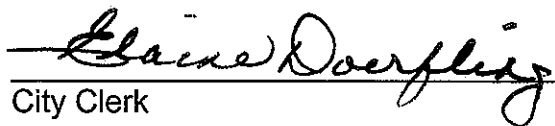
Number of potential cases: 2

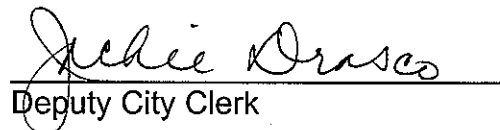
ADJOURN TO CLOSED SESSION – The Regular Meeting of the City Council of the City of Hermosa Beach adjourned on Tuesday, May 22, 2007, at the hour of 11:24 p.m. to a closed session.

RECONVENE TO OPEN SESSION – The Closed Session convened at the hour of 11:25 p.m. At the hour of 12:01 a.m., on Wednesday, May 23, the Closed Session adjourned to the Regular Meeting.

ORAL ANNOUNCEMENTS – There were no decisions made requiring a public announcement.

ADJOURNMENT – The Regular Meeting of the City Council of the City of Hermosa Beach adjourned on Wednesday, May 23, 2007, at the hour of 12:02 a.m. to Tuesday, June 12, 2007, at 6:15 p.m. for Council interviews of Parks, Recreations and Community Resources Advisory Commission applicants, to be followed by the Regular Meeting of the same date scheduled to begin at 7:10 p.m.


City Clerk


Deputy City Clerk