

MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL of the City of Hermosa Beach, California, held on Tuesday, July 24, 2007, at the hour of 7:15 p.m.

PLEDGE OF ALLEGIANCE – Jacki Bacharach

ROLL CALL:

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

ANNOUNCEMENTS – Councilmember Bobko thanked Councilmember Tucker and his wife Sienna who were instrumental in the success of the Art Walk fundraiser the previous Saturday; urged the community to attend the Upper Avenue Commission meeting at 7 p.m. Wednesday, August 1, in the Council Chambers, at which time the online survey results about the development of Upper Pier Avenue would be analyzed; discussed two seminars he attended at the recent ICA Conference regarding graffiti removal and the collection of DNA for certain crimes, and asked Police Chief Savelli to comment on those topics.

Chief Savelli said police departments were currently collecting DNA samples from parolees and certain felons and forwarding them to the County through the computerized DOT system; said the law would change in 2009 to include all felons; encouraged residents who spot graffiti offenders to call 911, noting that the recent arrest of offenders who were responsible for an excessive amount of graffiti in town was made possible by the quick action of a witness.

Councilmember Bobko requested that the subject of offering rewards for reporting graffiti be placed on a future agenda.

Mayor Pro Tempore Reviczky thanked everyone involved with the Sister City fiesta fundraiser the previous weekend, which featured wonderful Folklorico dancing, good food and drinks, and a large delegation of students and adults from Loreto.

Councilmember Edgerton said a large crowd had enjoyed the band “The Animals” at the July 22 free concert on the beach, and said the next concert on Sunday, July 29, would feature Tommy James and the Shondells.

Councilmember Tucker thanked all who worked on the Art Walk fundraiser as well as those who attended; encouraged everyone to support three new businesses on Pacific Coast Highway – a marine hardware shop, an old-fashioned barbershop/hair salon, and a furniture store; said he serves on the Board of the County Sanitation District and learned of SB 1020, currently going through the Senate, which could increase the percentage of solid waste that must be diverted to recycling from 50% to 60% in 2012 and to 75% by 2020, noting that the City would have to work hard to meet these percentages or be fined; thanked the Hermosa Beach Little League for putting his picture on the cover of their roster this year, noting that he and his sons spent about 14 years going through this fine program which produced major league

third baseman Morgan Ensberg; encouraged all residents to buy a personalized Centennial brick which could be purchased from the City's website.

Mayor Keegan announced a fundraiser for the Hermosa Beach Arts Foundation called "The New Bijou," a series of eight classic movies on Friday nights beginning August 24 at the Community Center Theater, with a special program on Halloween.

PRESENTATIONS

SOUTH BAY CITIES COUNCIL OF GOVERNMENTS SOUTH BAY ENERGY SAVINGS CENTER

Jacki Bacharach, representing South Bay Council of Governments and South Bay Energy Center, thanked the City for its support; described activity highlights for the year and the benefits of sharing ideas between the member cities; pointed out the many opportunities for financial and educational assistance, such as a lending library, training room, and offers to make presentations; said the Energy Center is at 3868 Carson Street, Suite 110, in Torrance, across from the Del Amo Shopping Center, (310) 543-3022, www.sbesc.com; and, noted the public service charge on utility bills provides this type of funding for conservation.

CLOSED SESSION REPORT FOR MEETING OF JULY 10, 2007: No reportable actions.

PUBLIC PARTICIPATION:

1. ORAL AND WRITTEN COMMUNICATIONS

There were no written communications.

Coming forward to address the City Council at this time were:

George Barks – Hermosa Beach Sister City Association, said along with the City's 100th anniversary, they were celebrating 40 years of friendship with Loreto and in recognition of the two milestones, he presented a living portion of a 300-year old ficus tree from Loreto and a plaque from Loreto's Mayor and City Council to accompany the tree, which could be planted in one of Hermosa's parks or on the Greenbelt;

Michael DiVirgilio – Hermosa Beach, distributed to the Council copies of an article in the August edition of Los Angeles Magazine describing Hermosa Beach as a seaside village with a small town feel and recognizing nine businesses in the City;

Jim Lissner – Hermosa Beach, asked that the Council remove consent calendar items 2(k) and (m) for separate discussion; suggested that the Public Works Commission try to decrease the proliferation of wires on poles in the City and also investigate the possibility of removing unsightly teardrop-shaped devices, one foot in diameter, apparently allowing a gentle bend in a fiber optic cable making a U-turn;

Roger Bacon – Hermosa Beach businessman, invited everyone to the fifth annual Surfer's Walk of Fame ceremony at 4:30 p.m. Sunday, July 29, at the pier; said \$5 pins and \$20 T-shirts would be sold to benefit the Walk of Fame; said there would be a 1 p.m. press conference with refreshments at The Beach House; and,

Unidentified woman – read a letter from a Hermosa Beach resident who could not be present this evening opposing the proposed permit for special events on private property, saying it gave party givers the right to cause trouble and implied that the City condoned wild parties.

2. CONSENT CALENDAR:

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

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

Coming forward to address the Council at this time was:

Jim Vaught – representative of the South Bay Parkland Conservancy, spoke on behalf of the other board members also present and thanked the City Council for their support in adopting the resolution of support for their organization, item 2(n) on the consent calendar.

(a) RECOMMENDATION TO APPROVE THE FOLLOWING MINUTES:

Supplemental amendment to page 12201 of the June 12, 2007 minutes received July 23, 2007 from City Clerk Elaine Doerfling.

- 1) **Regular meeting held on June 12, 2007;** and
- 2) **Special meeting held on June 26, 2007.**

Action: To approve the minutes of the Regular Meeting of June 12, 2007 as amended in the supplemental document, and to approve the minutes of the Special Meeting of June 26, 2007 as presented.

(b) RECOMMENDATION TO RATIFY CHECK REGISTER NOS. 48531 THROUGH 48677 AND TO APPROVE CANCELLATION OF CHECK NOS. 45113 AND 48567 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 the Tentative Future Agenda Items.

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

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

Action: To receive and file the June 2007 financial reports.

(e) **RECOMMENDATION TO RECEIVE AND FILE PROJECT STATUS REPORT.** Memorandum from Public Works Director Richard Morgan dated July 16, 2007.

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

(f) **RECOMMENDATION TO RECEIVE AND FILE THE ACTION MINUTES OF THE PLANNING COMMISSION MEETING OF JULY 17, 2007.**

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

Action: To review and reconsider Item 7 of the Planning Commission minutes, an approved CUP to allow a wireless telecommunications facility on the roof of an existing hotel building, Quality Inn, at 901 Aviation Boulevard. Motion Tucker, second Edgerton.

Further Action: To receive and file the remaining action minutes of the Planning Commission meeting of July 17, 2007.

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

(g) **RECOMMENDATION TO AUTHORIZE THE AWARD OF CONSTRUCTION CONTRACT FOR COMMUNITY CENTER HEAT PUMP REPLACEMENT PROJECT TO THE LOWEST RESPONSIVE BIDDER, IN THE AMOUNT OF THE LOWEST RESPONSIVE BID; AUTHORIZE THE MAYOR TO EXECUTE AND THE CITY CLERK TO ATTEST THE CONTRACT SUBJECT TO APPROVAL OF THE CITY ATTORNEY; AUTHORIZE THE DIRECTOR OF PUBLIC WORKS TO ISSUE CHANGE ORDERS AS NECESSARY WITHIN THE APPROVED BUDGET; AND, APPROPRIATE FUNDS TO THE BUILDING MAINTENANCE DIVISION IN THE 125 PARKS & RECREATION FACILITY TAX FUND.** Memorandum from Public Works Director Richard Morgan dated July 16, 2007. Supplemental information was received on July 24 from the Public Works Department regarding the July 23 bid opening.

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

Public Works Director Morgan responded to Council questions.

Action: To approve the staff recommendation to:

- (1) Award the construction contract for the Community Center Heat Pump Replacement Project to Rusher Air, Inc., in the amount of \$44,429;
- (2) Authorize the award of construction contract for the Community Center Heat Pump Electrical Project to Joe Silva & Son Electric, Inc. in the amount of \$4,921;
- (3) Authorize the Mayor to execute and the City Clerk to attest the contracts subject to approval of the City Attorney;
- (4) Authorize the Director of Public Works to issue change orders as necessary within the approved budget; and
- (5) Appropriate \$59,220 to the Building Maintenance Division in the 125 Parks & Recreation Facility Tax Fund.

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

- (h) **RECOMMENDATION TO APPROVE AMENDMENT TO THE CONTRACT FOR JAS FOR ON-GOING STAFF SERVICES FOR INTERIM SENIOR BUILDING INSPECTOR/DEPUTY BUILDING OFFICIAL.** Memorandum from Acting Community Development Director Ken Robertson dated July 16, 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 approve the amendment to the contract for JAS for on-going staff services for Interim Senior Building Inspector/Deputy Building Official, as recommended by staff.

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

- (i) **RECOMMENDATION TO WAIVE BANNER FEE FOR HERMOSA BEACH ART WALK TO BE HELD ON AUGUST 18, 2007.** Memorandum from City Manager Stephen Burrell dated July 11, 2007.

Action: To waive the banner fee for Hermosa Beach Art Walk to be held on August 18, 2007.

- (j) **RECOMMENDATION TO ACCEPT A DONATION OF \$1,000 FROM THE HERMOSA KIWANIS FOUNDATION TO BE USED FOR VETERANS' MEMORIAL MAINTENANCE.** Memorandum from Finance Director Viki Copeland dated July 16, 2007.

This item was removed from the consent calendar by Mayor Pro Tempore Reviczky for separate discussion later in the meeting in order to acknowledge and thank the donor.

Action: To accept the following donation:

- \$1,000 from the Hermosa Kiwanis Foundation to be used for Veterans' Memorial maintenance.

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

(k) **RECOMMENDATION TO RECEIVE AND FILE THE ACTION MINUTES OF THE UPPER PIER AVENUE COMMITTEE MEETING OF JULY 11, 2007.**

Supplemental correction to minutes received on July 23, 2007.

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

Coming forward to address the Council on this item were:

Jim Lissner – Hermosa Beach, expressed concern that the committee was not in compliance with the Brown Act because it operates differently than other boards and commissions; said the agendas did not always have linked reports and the action minutes gave little indication of what was discussed; said the survey was non-scientific because the Easy Reader said only 485 of the surveys returned were useable and the results seemed to indicate inconsistencies; said there should be full disclosure agendas and minutes and a scientific survey (City Manager Burrell: said this committee is a work in progress and the survey will be discussed at their next meeting); and

Howard Longacre – Hermosa Beach, said that the Planning Commission minutes on the Council agenda are truly action minutes with no comments to show how the action was decided; said the Public Works Commission and Upper Pier Avenue Advisory Committee (UPAC) minutes should be the same instead of unapproved minutes that include public testimony without the speakers having the opportunity to dispute incorrect recordings of their comments, and said the UPAC minutes often don't accurately report the committee's action.

In response to a Council question regarding video streaming of all meetings, City Manager Burrell said it would be available soon and, in the meantime, the meetings are televised and tapes and DVD's are available for viewing or purchase; said this committee is advisory only, has taken no action, and is having discussions leading up to a report to the Council in about six months.

Councilmember Bobko, as Chairman of the Upper Pier Avenue Advisory Committee, said everyone attending the meetings is given an opportunity to speak and there is nothing going on in secret.

Action: To receive and file the action minutes of the Upper Pier Avenue Committee meeting of July 11, 2007, as amended in the supplemental document presented this evening.

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

- (l) **RECOMMENDATION TO APPROVE AN AGREEMENT AMONG SOUTH BAY CITIES FOR THE JOINT USE OF THE ARMORED RESPONSE AND RESCUE VEHICLE OBTAINED USING STATE HOMELAND SECURITY GRANT PROGRAM FUNDS AND AUTHORIZE THE MAYOR TO SIGN ALL APPROPRIATE DOCUMENTS.** Memorandum from Police Chief Greg Savelli.

Action: To approve an agreement among South Bay cities for the joint use of the Armored Response and Rescue Vehicle obtained using State Homeland Security Grant Program funds, and authorize the Mayor to sign all appropriate documents, as recommended by staff.

- (m) **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 July 18, 2007.

Claimant: Mary C. Apodaca
Date of Loss: 07-08-07
Date Filed: 07-16-07
Allegation: Personal Injury

This item was removed from the consent calendar by Mayor Keegan for separate discussion later in the meeting, at the request of Jim Lissner, who left the meeting before the item was heard.

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

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

- (n) **RECOMMENDATION TO ADOPT RESOLUTION SUPPORTING THE EFFORTS OF THE STATE COASTAL CONSERVANCY, THE SOUTH BAY PARKLAND CONSERVANCY AND THE CITY OF REDONDO BEACH TO PURCHASE AND RESTORE COASTAL LAND FOR PUBLIC USE.** Memorandum from City Manager Stephen Burrell dated July 19, 2007.

Action: To approve the staff recommendation to adopt Resolution No. 07-6555, entitled "**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HERMOSA BEACH, CALIFORNIA, SUPPORTING THE EFFORTS OF THE STATE COASTAL CONSERVANCY, THE SOUTH BAY PARKLAND CONSERVANCY AND THE CITY OF REDONDO BEACH TO PURCHASE AND RESTORE COASTAL LAND FOR PUBLIC USE AND TO REQUEST THE ASSISTANCE OF LOS ANGELES COUNTY SUPERVISOR OF THE FOURTH DISTRICT (CURRENTLY DON KNABE), U.S. HOUSE OF REPRESENTATIVE 37TH DISTRICT (CURRENTLY JANE HARMAN), CALIFORNIA STATE SENATOR DISTRICT 28, (CURRENTLY JENNY OROPEZA), CALIFORNIA STATE ASSEMBLYMEMBER 53RD DISTRICT (CURRENTLY TED LIEU), TO ASSIST AND SUPPORT THEIR EFFORTS.**"

3. **CONSENT ORDINANCES**

- a. **ORDINANCE NO. 07-1284 – “AN ORDINANCE OF THE CITY OF HERMOSA BEACH, CALIFORNIA, AMENDING PROCEDURAL PROVISIONS PERTAINING TO THE FILING OF CLAIMS AGAINST THE CITY AND AMENDING THE MUNICIPAL CODE.** *For adoption.*
Memorandum from City Clerk Elaine Doerfling dated July 16, 2007.

Coming forward to address the Council on this item was:

Jim Lissner – Hermosa Beach, requested that claims listed on the agenda include more detail because someone may have input to help the City resolve the claim (City Attorney Jenkins and City Manager Burrell said if the Council desires, the description could be expanded to include more detail from the claim form).

Action: To waive full reading and adopt Ordinance No. **07-1284**.

Motion Reviczky, second Edgerton. The motion carried by the following vote:

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

At 7:59 p.m., the order of the agenda went to item 6(a)

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

Items 2(f), (g), (h), (j) and (m) 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 10:55 p.m., the order of the agenda went to item 7(a).

5. **PUBLIC HEARINGS** – None

6. **MUNICIPAL MATTERS**

- a. **ADOPTION OF RESOLUTION SUBMITTING A MEASURE TO THE VOTERS ON THE NOVEMBER MUNICIPAL ELECTION BALLOT TO INCREASE THE BUSINESS LICENSE TAX ON SPECIFIC BUSINESSES.**
Memorandum from Finance Director Viki Copeland dated July 16, 2007. Supplement revised ballot language received from Director Copeland on July 24, 2007

Finance Director Copeland presented the staff report 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:

Carla Merriman – Executive Director, Hermosa Beach Chamber of Commerce and Visitors' Bureau, said she was representing Hermosa restaurants opposed to the proposed ballot measure to increase business license tax; compared the proposed increased fees to other South Bay cities and said the higher taxes might provide additional revenue but would not help retain current businesses or attract new ones; said with upcoming changes on Upper Pier Avenue, the Council should consider business incentives; said commercial property owners did not support the new tax for them because they would have to pass on their increased expenses to their tenants;

George Barks – Hermosa Beach property owner, opposed increasing business license fees; said the easy way to balance a City budget was to raise taxes but a better way would be to cut programs supported by tax dollars or consider whether there could be fewer City employees; urged the Council to support current businesses and create incentives for new businesses and reminded them of the automobile dealerships that moved out of town because the City was not business friendly; also opposed the proposed new tax on commercial property owners;

Roger Bacon – Hermosa Beach businessman, spoke in opposition to taxing commercial landlords and the business license fee increase; said his gross was not that much but he would be paying \$4,000 as owner of the property in addition to Ralph's being charged \$22,500, an increase of \$7500; said he brings in good tenants who generate sales tax; said the ballot question is misleading because it makes it sound like a vote against this measure will result in a loss of public safety services; and

Howard Longacre – Hermosa Beach, said he supported this measure at the last Council meeting but no longer did, as it hurts businesses that are not a problem; said the City pays almost \$50,000 per day for public safety and 10-30% of that cost is for problems between midnight and 2:00 a.m.; said the ballot question is worded to scare residents into thinking they will lose 911 service and street paving if they vote no.

Proposed Action: To place the measure on the ballot with revised wording of the ballot question.

Motion Reviczky, second Keegan. The motion was replaced by the following substitute motion.

Action: To continue this item to an Adjourned Regular Council meeting scheduled for Tuesday, July 31, 2007, with direction to staff to provide other options for adjusting the business license tax, including the Manhattan Beach policy of charging higher license fees for downtown businesses.

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

The meeting recessed at 9:00 p.m.
The meeting reconvened at 9:24 p.m.

- b. **ADOPTION OF RESOLUTION SUBMITTING A MEASURE TO THE VOTERS ON THE NOVEMBER MUNICIPAL ELECTION BALLOT TO REDUCE THE UTILITY USER TAX (UUT) ON TELEPHONE AND CABLE SERVICES AND ADOPT A MODERN ORDINANCE.** Memorandum from Finance Director Viki Copeland dated July 16, 2007. Supplemental revised ordinance received from City Attorney on July 24, 2007.

Finance Director Copeland presented the staff report and responded to Council questions. Also responding to Council questions were City Manager Burrell and City Attorney Jenkins, who specified the changes made in the supplemental ordinance and said the ballot question was changed to better reflect the Council discussion at the previous meeting.

Coming forward to address the Council on this item were:

- Jim Lissner – Hermosa Beach, not necessarily against the tax change but opposed to the ballot question; said since the last meeting, a word or two changed and some statements were put in different order but the ballot language was deceptive, sounding like a utility user tax reduction was being offered when it is really a new tax on certain items at a lower rate with the original items being taxed at the same rate; and
Howard Longacre – Hermosa Beach, said the taxes should be lowered to 5.5% for all utilities; said this is not a tax reduction but only a lower rate on the new items now being taxed; opposed putting this on the ballot.

City Attorney Jenkins clarified that the revised language of the ballot question specifically states that the tax rate reduction is for telephone and cable TV only, with no mention of the phrase "utility user tax," and that the impartial analysis would make the issue even more clear.

Action: To approve the staff recommendation to adopt Resolution No. 07-6556, entitled "**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HERMOSA BEACH, CALIFORNIA, CALLING AND GIVING NOTICE OF THE HOLDING OF A GENERAL MUNICIPAL ELECTION ON TUESDAY, NOVEMBER 6, 2007, FOR THE SUBMISSION TO THE VOTERS OF A QUESTION RELATING TO REDUCING THE EXISTING TAX ON TELEPHONE AND CABLE TELEVISION SERVICES AND REPLACING THE TELEPHONE AND CABLE TAX ORDINANCE WITH A MODERN COMMUNICATION SERVICES TAX ORDINANCE,**" with the ballot question language amended to change the order of the statements contained therein. Motion Reviczky, second Keegan. The motion carried by a unanimous vote.

- c. **ADOPTION OF A RESOLUTION TO PLACE A MEASURE EXEMPTING PIER PLAZA PROPERTIES FROM ON-SITE PARKING REQUIREMENTS**

ON THE BALLOT OF THE GENERAL MUNICIPAL ELECTION OF NOVEMBER 6, 2007. Memorandum from City Clerk Elaine Doerfling dated July 16, 2007.

City Clerk Doerfling presented the staff report and responded to Council questions, indicating that the revised ballot question to say"adopted to exclude...." rather than "adopted excluding....." a subtle but clarifying change which had been discussed with City Attorney Jenkins. City Manager Burrell and City Attorney Jenkins also responded to Council questions.

Coming forward to address the Council on this item were:

Howard Longacre – Hermosa Beach, suggested, as he had done at previous meetings, that the ordinance be repealed and not placed on the ballot because it would be defeated and a waste of money that would be better spent paving streets; and

Jim Lissner – Hermosa Beach, said he is the one who had circulated the referendum petition; submitted his suggested wording for the ballot question, which included placing "be adopted" at the end.

Action: To approve the staff recommendation to adopt Resolution No. 07-6557, entitled "**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HERMOSA BEACH, CALIFORNIA, CALLING AND GIVING NOTICE OF THE HOLDING OF A GENERAL MUNICIPAL ELECTION ON TUESDAY, NOVEMBER 6, 2007, FOR THE SUBMISSION TO THE QUALIFIED VOTERS OF AN ORDINANCE RELATING TO PIER PLAZA ON-SITE PARKING REQUIREMENTS.**"

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

- d. **ADOPTION OF RESOLUTIONS REGARDING CONSOLIDATED WITH THE COUNTY, ARGUMENTS AND IMPARTIAL ANALYSIS, AND REBUTTAL ARGUMENTS FOR ALL MEASURES ON THE BALLOT OF THE GENERAL MUNICIPAL ELECTION OF NOVEMBER 6, 2007.** Memorandum from City Clerk Elaine Doerfling dated July 16, 2007.

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

Action: To approve the staff recommendation to:

- (1) Adopt Resolution No. 07-6558, entitled "**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HERMOSA BEACH, CALIFORNIA, REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF LOS ANGELES TO CONSOLIDATE A GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 6, 2007, WITH THE UDEL AND SCHOOL ELECTION TO BE HELD ON THAT DATE PURSUANT TO SECTION 10403 OF THE ELECTIONS CODE, FOR THE SUBMISSION OF TWO MEASURES TO THE VOTERS**";

- (2) Adopt Resolution No. 07-6559, entitled "**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HERMOSA BEACH, CALIFORNIA, SETTING PRIORITIES FOR FILING WRITTEN ARGUMENTS REGARDING TWO MEASURES TO BE SUBMITTED AT THE GENERAL MUNICIPAL ELECTION TO BE HELD TUESDAY, NOVEMBER 6, 2007, AND DIRECTING THE CITY ATTORNEY TO PREPARE THE IMPARTIAL ANALYSIS,**" authorizing Councilmember Edgerton to write the ballot argument for Pier Plaza parking and Councilmember Reviczky to write the argument for the telephone/cable television tax measure; and
- (3) Adopt Resolution No. 07-6560, entitled "**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HERMOSA BEACH, CALIFORNIA, PROVIDING FOR THE FILING OF REBUTTAL ARGUMENTS FOR MEASURES TO BE SUBMITTED AT THE GENERAL MUNICIPAL ELECTION TO BE HELD TUESDAY, NOVEMBER 6, 2007.**"

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

- e. **SPECIAL EVENTS ON PRIVATE PROPERTY.** *(Continued from meeting of 6/12/07)* Memorandum from City Manager Stephen Burrell dated July 19, 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 was:

Howard Longacre – Hermosa Beach, questioned the establishment of this permit simply because one person had a problem; said this intruded on residents' business on their own private property; said there were already laws governing parties and this ordinance was not needed.

Action: To approve the staff recommendation to waive full reading and introduce Ordinance No. 07-1285, entitled "**AN ORDINANCE OF THE CITY OF HERMOSA BEACH, CALIFORNIA, AMENDING THE NOISE ORDINANCE AND FURTHER ESTABLISHING A PERMIT SYSTEM FOR SPECIAL EVENTS ON PRIVATE PROPERTY AND AMENDING THE HERMOSA BEACH MUNICIPAL CODE,**" amended to limit amplified music and live entertainment to a maximum duration of four hours (start to finish) and to restrict the noise emanating at any time from the event to a maximum of 95 dBA at the property line, and with direction to staff to amend the application to clearly state that a guest list is required and that the list will be destroyed within five days of the event.

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

At 10:35 p.m., the order of the agenda went to item 4, the items removed from the consent calendar for separate discussion.

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

- a. **AGREEMENT WITH COCA-COLA BOTTLING COMPANY OF LOS ANGELES.** Memorandum from City Manager Stephen Burrell dated July 19, 2007.

City Manager Burrell presented the staff report and responded to Council questions, saying the contract with Coca Cola was negotiated after Council's approval at the meeting of November 14, 2006, that the locations have not changed but some locations may have two machines instead of one.

Coming forward to address the Council on this item was:

Howard Longacre – Hermosa Beach, said the Council approved six machines and the contract was to come back to the Council before it was signed two months ago; said the contract should have come to the Council for amendment and now should be rescinded and rewritten to reflect the Council's approval of six machines.

Action: To ratify the agreement with Coca Cola Bottling Company of Los Angeles, as recommended by staff.
Motion Edgerton, second Reviczky. The motion carried by a unanimous vote, noting the dissenting vote of Tucker.

Councilmember Reviczky offered to check on the exact installation sites at the approved locations.

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

- a. **DESIGNATE A VOTING DELEGATE AND ALTERNATE FOR THE LEAGUE OF CALIFORNIA CITIES ANNUAL CONFERENCE.** Memorandum from City Manager Stephen Burrell dated July 19, 2007.

Action: To designate Mayor Keegan as the voting delegate and Mayor Pro Tempore Reviczky as the alternate for the League of California Cities Annual Conference.
Motion Edgerton, second Bobko. The motion carried by a unanimous vote.

9. **OTHER MATTERS - CITY COUNCIL**

- a. **Request from Councilmember Tucker to provide benches in the vestibule of the Council Chambers for use when the meetings have overflow crowds.**

City Manager Burrell said he will look into it.

- b. **Request form Councilmember Edgerton to provide art work in the Council Chambers.**

Council consensus was to form a committee consisting of Councilmember Edgerton and City Clerk Elaine Doerfling to investigate the possibility of obtaining items from the Historical Museum.

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 July 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.

Existing Litigation: Government Code Section 54956.9(a)

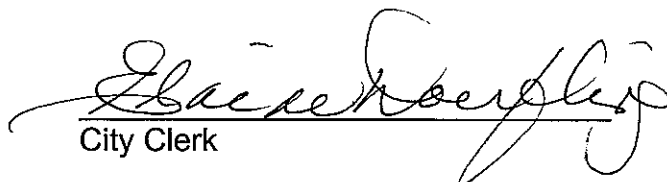
Name of Case: Jaco v. City of Hermosa Beach
Case Number: YC054277

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

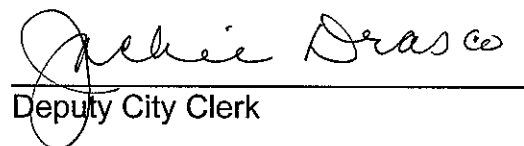
RECONVENE TO OPEN SESSION – The Closed Session convened at the hour of 11:15 p.m. At the hour of 11:35 p.m., the Closed Session adjourned to the Regular Meeting.

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 Daniel Karl Frank – a young resident who died in a recent skateboarding accident – on Tuesday, July 24, 2007, at the hour of 11:36 p.m. to an Adjourned Regular Meeting on Tuesday, July 31, 2007, at 7:10 p.m., for final consideration of a ballot measure to revise the City's business license tax.



City Clerk



Deputy City Clerk