

City  
Clerk:

S-1

please place on next council agenda  
as communication from the public

April 14, 2006

Thank  
you

When the taxpayers bought the playground at Prospect School from the city school system to hold the playground in title via the city, the taxpayer spent money on the following:

1. \$14,000.00 for design and engineering
2. Neighborhood as well as citywide public hearings
3. Tens of thousands more for improvements

The design company wanted to redo the retaining walls along Prospect so they would not have the starkness of a plain concrete wall. At the public meetings the taxpayers said they wanted no money spent redoing the wall. Instead they said plant wondering figs to cover the wall because flora is the best design of nature to hide the unsightly.

Friday March 24, 2006 the sidewalk was torn out, the flora destroyed, and the planter locations concreted over.

Questions:

1. Was there a permit issued by the city for said sidewalk construction?
2. Who was the permit issued to?
3. I saw no signage on Prospect notifying drivers of road construction ahead.
4. I saw no sign saying lane closed.
5. I saw no signs in the hands of construction workers stopping vehicle traffic.



6. I saw the entire north lane closed, causing vehicles to travel on the wrong side of the street.
7. I saw no signage, arrows, construction zone ahead, detour, or delays, nothing, not even the required hand held slow/stop sign paddles in anybody's hands that were directing traffic.
8. The contractor operated a jackhammer in the parking lane after dark with traffic flowing in both directions.

The only person who answered their phone was J.R. He called me after he reviewed the construction site. I understood him to say the following:

1. The company was version
2. There was no permit requesting to pour concrete on Friday.
3. J.R. said the contractor told the inspector they would not pour concrete on Friday.
4. The flora would be replaced

When I consider the failure during the 2<sup>nd</sup> Street repave project to have the construction site be legally signed, the omission of specifications for the barricades on the plaza, the failure to properly measure building setbacks to require sidewalk canopies, I fear someone may conclude that there may appear to be gross negligence in the enforcement of the required traffic safety laws that demand devices be properly installed and maintained. Are soil tests being done for compaction on sidewalks that could settle, injuring pedestrians after being installed improperly? Does having fire hydrants blocked by flora, concrete walls, wire fences, trash, inaccessible valves at fire hydrant risers, and improper or no traffic controls at construction sites give the opportunity for someone to

make a claim based on gross negligence against the council members personally? My understanding is that Hedges v. Victor stated that the City of Hermosa Beach and the city's contractors would be the parties to pursue for responsibility if improper signage, barricades, and other delineating of street conditions in a construction zone were a cause of the accident that cut off the women's legs. It is my understanding that in Hedges v. Victor, Judge Epstein held that a sidewalk is for pedestrians travel and is not to be blocked in any way or any degree whatsoever. The lady who lost her legs when a van went out of control on Hermosa Ave. and struck the lady when she was examining a CD player in the rear of a vehicle parked on the sidewalk had no action on the driver of the illegally parked car because, (1) she was not a pedestrian, (2) the driver did not own the property, and (3) the driver was not operating a business where he was parked illegally blocking the sidewalk. How many disasters, and or written notices such as this one, need to occur before city council members become personally liable because the city council does not cause the placing and maintenance of required signage, barricades, and other safety devises mandated by law be in place on street improvement in Hermosa Beach?

I saw the faces of the parents of a child who was forced to walk in the street because a parked car blocked the sidewalk. I saw the face of the truck driver who hit the child. I saw the faces of the firemen, policemen, and many hundreds of Hermosa Beach residents when 3 children burned to death who may have possibly been saved if the public officer who smelled the fire had called the fire department to locate the fire. Such faces show a weight that should never be seen anywhere again by anybody.

Is the City Council on notice that their legal duty is to get the city staff to properly sign and barricade street improvements including the plaza and all construction sites

forthwith? Will council members be the ones who may be viewed as allowing the evil to exist, when one is injured who may not be aware of the peril that exists that they were not aware of because they believed they were protected by non-specified barricades or were not placed on notice of a peril because there were not the legally required barricades and or signage at a construction site?

At the last council meeting the city manager stated materials were being chosen with both safety and aesthetics in mind for the pier plaza. 8" chrome bollards past that very test until it was learned the ones the city bought had no specifications. Why not 8" chrome pipe filled with concrete that people can get behind to keep from being hit by an out of control vehicle?

To place a planter that people can be pinned against cannot provide the safety of properly chosen chrome bollards, which have been aesthetic enough for years. Will the city council be the ones responsible for the injuries to someone injured when they are pinned between a planter and a run away vehicle?

Is the city council receiving and filling these notices without mandating orders to follow the law in regards to signage and barricades at construction sites a lack of due care?

Does the sidewalk job at the Ethel Roadway Park site demonstrate, with crystal clarity, that the city council's failure to have proper signage and barricades in place on the 2<sup>nd</sup> Street repave job is being continued by not having legally required signage and barricades properly in place at the sidewalk job at the Ethel Roadway Park site?