

July 3, 2007

City Council Meeting  
July 10, 2007

Mayor and Members  
of the City Council

**ADOPTION OF A RESOLUTION TO PLACE ON THE BALLOT OF THE  
GENERAL MUNICIPAL ELECTION OF NOVEMBER 6, 2007 A  
MEASURE EXEMPTING PIER PLAZA PROPERTIES FROM ON-SITE  
PARKING REQUIREMENTS, AND OTHER PERTINENT RESOLUTIONS  
CONCERNING THE PLACEMENT OF MEASURES ON THE BALLOT**

**Recommendation:**

It is recommended that the City Council take the following actions:

- Decide on the filing of written arguments by Council in favor of the ordinance regarding Pier Plaza on-site parking requirements as well as any other measures placed on the ballot by the Council this evening; and
- Adopt the attached four resolutions to:
  - (1) Place the Pier Plaza measure (per referendum) on the ballot for the General Municipal Election of November 6, 2007;
  - (2) Request election consolidation with the County for the measure(s);
  - (3) Set priorities for written arguments and direct the City Attorney to prepare an impartial analysis for each of the measures to be placed on the ballot; and
  - (4) Provide for the filing of rebuttal arguments for the measure(s).

**Background:**

At its meeting of June 12, 2007, the City Council adopted the resolutions required to call the November 6, 2007 General Municipal Election for the election of certain officers. It was noted at that meeting that the resolutions to place the ordinance pertaining to Pier Plaza on-site parking (referendum petition certified May 22, 2007) as well as any City-initiated measures would be presented for adoption at the July 10 meeting.

Please note that, pursuant to Elections Code Section 9217, if a majority of the votes cast at the November 6 election are in favor of the Pier Plaza ordinance (No. 07-1278), the ordinance shall be considered adopted upon the Council's declaration of the election results, and shall go into effect 10 days after that date. Also, any ordinance adopted by the voters may not be repealed or amended except by another vote of the people.

Earlier on this evening's agenda, the Council considered the placement of two additional measures on the November 6 ballot – one to increase the business license tax and the other to reduce the utility user tax on telephone and cable services. If the Council approved the submittal of one or both of the proposed measures to the voters, resolutions 2 and 3 listed below in this report would need to be amended to include the additional measure(s).

Prior to adopting the attached resolutions, the City Council must:

- Decide on the filing by Council of a written argument in favor of the Pier Plaza ordinance and authorize which Councilmember, if any, will prepare the argument (the referendum proponent has priority to file an argument against the ordinance) as well as written arguments for or against any City measures added to the ballot this evening. PLEASE NOTE: The City Clerk has fixed the date of **Monday, July 30, 2007 at 6 p.m. as the deadline for direct arguments**.
- Decide whether or not to allow for rebuttal arguments (optional but, if desired, the resolution must be adopted at tonight's meeting, and it has been traditional in the past to allow for rebuttal arguments). PLEASE NOTE: If authorized, **Thursday, August 9, 2007 at 6 p.m. is the deadline for filing rebuttal arguments** (must be within ten days of the deadline for direct arguments, as required).

**Resolutions (attached) for consideration, amendment if necessary, and adoption:**

1. **RESOLUTION NO. 07-**

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 TO BE HELD ON TUESDAY, NOVEMBER 6, 2007, FOR THE SUBMISSION TO THE QUALIFIED VOTERS OF AN ORDINANCE RELATING TO PIER PLAZA ON-SITE PARKING REQUIREMENTS

2. **RESOLUTION NO. 07-**

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 TO THE VOTERS OF A MEASURE

**This resolution must be amended to include any ballot measures added this evening.**

3. **RESOLUTION NO. 07-**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HERMOSA BEACH, CALIFORNIA, SETTING PRIORITIES FOR FILING A WRITTEN ARGUMENT FOR A MEASURE TO BE SUBMITTED AT THE GENERAL MUNICIPAL ELECTION TO BE HELD TUESDAY, NOVEMBER 6, 2007, AND DIRECTING THE CITY ATTORNEY TO PREPARE AN IMPARTIAL ANALYSIS

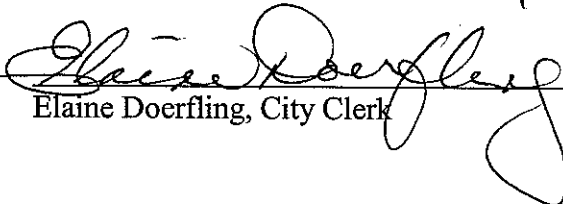
**This resolution must be amended to include any ballot measures added this evening.**

Optional with regard to Council arguments, but if adopted, must be adopted tonight (the same meeting at which the resolution calling the election for a measure is adopted). If there is no Council authorization for argument preparation, the resolution will be amended to merely direct the preparation the City Attorney of an impartial analysis for each measure, and the City Clerk will select from among the arguments that may be submitted for inclusion in the sample ballot, based on the priorities established in Elections Code Section 9287.

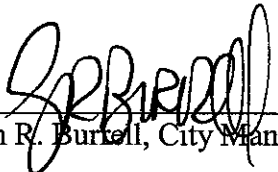
4. **RESOLUTION NO. 07-**

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 ON TUESDAY, NOVEMBER 6, 2007.

Optional, but if adopted, must be adopted tonight (the same meeting that the resolution(s) calling the election for the measure is adopted).

  
Elaine Doerfling, City Clerk

Noted:

  
Stephen R. Burtell, City Manager

Attachments: Election Calendar  
Four Resolutions for adoption



1           **SECTION 1.** That pursuant to the requirements of the laws of the State of California  
2 relating to General Law Cities, there is called and ordered to be held in the City of Hermosa  
3 Beach, California, on Tuesday, November 6, 2007, a General Municipal Election for the purpose  
4 of submitting the following question, which requires the approval of a majority of those casting  
5 votes:  
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Shall Ordinance No. 07-1278 [which exempts Pier Plaza properties from the requirement to provide a percentage of required parking spaces on-site] be adopted?	YES	
	NO	

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11           **SECTION 2.** That the text of the ordinance submitted to the voters is attached as  
12 Exhibit "A."

13           **SECTION 3.** That the ballots to be used at the election shall be in the form and content  
14 as required by law.

15           **SECTION 4.** That the City Clerk is authorized, instructed and directed to procure and  
16 furnish any and all official ballots, notices, printed matter and all supplies, equipment and  
17 paraphernalia that may be necessary in order to properly and lawfully conduct the election.

18           **SECTION 5.** That the polls for the election shall be open at seven o'clock a.m. of the  
19 day of the election and shall remain open continuously from that time until eight o'clock p.m. of  
20 the same day when the polls shall be closed, except as provided in Section 14401 of the  
21 Elections Code of the State of California.

22           **SECTION 6.** That in all particulars not recited in this resolution, the election shall be  
23 held and conducted as provided by law for holding municipal elections.

24           **SECTION 7.** That notice of the time and place of holding the election is given and the  
25 City Clerk is authorized, instructed and directed to give further or additional notice of the  
26 election, in time, form and manner as required by law.

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**SECTION 8.** That the City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.

**PASSED, APPROVED and ADOPTED** this 12th day of July, 2007.

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**PRESIDENT** of the City Council, and **MAYOR** of the City of Hermosa Beach, California

**ATTEST:**

**APPROVED AS TO FORM:**

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**City Clerk**

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**City Attorney**

## Exhibit "A"

### ORDINANCE NO. 07-1278

#### AN ORDINANCE OF THE CITY OF HERMOSA BEACH, CALIFORNIA, TO AMEND THE ZONING ORDINANCE SECTION 17.44.040 TO EXEMPT PIER PLAZA BUILDING SITES FROM PROVIDING A PERCENTAGE OF PARKING SPACES ON SITE WHEN IN-LIEU PARKING FEES ARE PAID

The People of the City of Hermosa Beach, California, do ordain as follows:

**SECTION 1.** Subsection 17.44.040-E of Title 17 of the Hermosa Beach Municipal Code, pertaining to parking in-lieu fees in the downtown district, is amended as follows:

"E. Parking in-lieu fees. When the City Council provides for contributions to an improvement fund for a vehicle parking district in-lieu of parking spaces so required, said in-lieu fee contributions shall be considered to satisfy the requirements of this chapter.

1. The Director of the Community Development Department shall be responsible for the calculations required under this chapter and shall calculate and collect the in-lieu contribution.
2. The following allowances through in-lieu fee contributions for parking may be allowed with a parking plan as approved by the Planning Commission and as prescribed in Section 17.44.210:
  - a. Building sites with a ratio of building floor area to building site of one-to-one or less may pay an "in-lieu" fee for all required spaces.
  - b. Building sites where buildings will exceed a one-to-one gross floor area to building site area ratio shall be required to provide a minimum of twenty-five (25) percent of the required parking on-site, except for sites on Pier Plaza west of Hermosa Avenue."

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**RESOLUTION NO. 07-**

**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 A MEASURE TO THE VOTERS**

**WHEREAS**, on June 12, 2007, the City Council of the City of Hermosa Beach adopted Resolution No. 07-6544 calling a General Municipal Election to be held Tuesday, November 6, 2007, for the purpose of electing two Members of the City Council, a City Clerk and a City Treasurer, and Resolution No. 07-6545 requesting consolidation with the UDEL and School Election; and

**WHEREAS**, the City Council is also submitting to the voters an ordinance (per referendum petition) regarding Pier Plaza on-site parking requirements; and

**WHEREAS**, it is desirable that the General Municipal Election be consolidated with the UDEL and School Election to be held on the same date and that within the city the precincts, polling places and election officers of the two elections be the same, and that the County Election Department of the County of Los Angeles canvass the returns of the General Municipal Election and that the election be held in all respects as if there were only one election;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF HERMOSA BEACH, CALIFORNIA, DOES HEREBY RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:**

**SECTION 1.** That pursuant to the requirements of Section 10403 of the Elections Code, the Board of Supervisors of the County of Los Angeles is hereby requested to consent and agree to the consolidation of a General Municipal Election with the UDEL and School Election on Tuesday, November 6, 2007, for the purpose of electing certain officers and for the submittal of a measure. The question to appear on the ballot is as follows:



Shall Ordinance No. 17-1278 [which exempts Pier Plaza properties from the requirement to provide a percentage of required parking spaces on-site] be adopted?	YES	
	NO	

**SECTION 2.** That the county election department is authorized to canvass the returns of the General Municipal Election. The election shall be held in all respects as if there were only one election, and only one form of ballot shall be used.

**SECTION 3.** That the Board of Supervisors is requested to issue instructions to the county election department to take any and all steps necessary for the holding of the consolidated election.

**SECTION 4.** That the City of Hermosa Beach recognizes that additional costs will be incurred by the County by reason of this consolidation and agrees to reimburse the County for any costs.

**SECTION 5.** That the City Clerk is hereby directed to file a certified copy of this Resolution with the Board of Supervisors and the county election department of the County of Los Angeles.

**SECTION 6.** That the City Clerk shall certify to the passage and adoption of this Resolution; shall enter the same in the book of original Resolutions of said City; and shall make a minute of the passage and adoption thereof in the minutes of the meeting at which the Resolution is adopted.

**PASSED, APPROVED, and ADOPTED** this 10th day of July, 2007.

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**PRESIDENT** of the City Council and **MAYOR** of the City of Hermosa Beach, California

**ATTEST:**

**APPROVED AS TO FORM:**

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City Clerk

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City Attorney

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**RESOLUTION NO. 07-**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HERMOSA BEACH, CALIFORNIA, SETTING PRIORITIES FOR FILING A WRITTEN ARGUMENT REGARDING A MEASURE 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**

**WHEREAS**, a General Municipal Election is to be held in the City of Hermosa Beach, California, on Tuesday, November 6, 2007, at which there will be submitted to the voters the following measure:

Shall Ordinance No. 07-1278 [which exempts Pier Plaza properties from the requirement to provide a percentage of required parking spaces on-site] be adopted?	YES	
	NO	

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF HERMOSA BEACH, CALIFORNIA, DOES HEREBY RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:**

**SECTION 1.** That the Hermosa Beach City Council hereby authorizes Councilmember \_\_\_\_\_ to file a written argument in favor of the measure specified above, accompanied by the printed name(s) and signature(s) of the author(s) submitting it, in accordance with Article 4, Chapter 3, Division 9 of the Elections Code of the State of California, and to change the argument until and including the date fixed by the City Clerk (Monday, July 30, 2007 at 6 p.m.), after which no arguments for or against the City measures may be submitted to the City Clerk.

Each argument shall be filed with the City Clerk, signed, with the printed name(s) and signature(s) of the author(s) submitting it or, if submitted on behalf of an organization, the name of the organization, and the printed name and signature of at least one of its principal officers who is the author of the argument. All arguments shall be accompanied by the Form of Statement To Be Filed By Author(s) of Arguments.

1            **SECTION 2.** That the City Council directs the City Clerk to transmit a copy of the  
2 measure to the City Attorney, unless the organization or salaries of the office of the City  
3 Attorney are affected. The City Attorney shall prepare an impartial analysis of the measure  
4 showing the effect of the measure on the existing law and the operation of the measure. If the  
5 measure affects the organization or salaries of the office of the City Attorney, the City Clerk  
6 shall prepare the impartial analyses. The impartial analyses shall be filed by the date set by the  
7 City Clerk for the filing of primary arguments (Monday, July 30, 2007, at 6 p.m.).

8            **SECTION 4.** That the City Clerk shall certify to the passage and adoption of this  
9 Resolution; shall enter it into the book of original Resolutions, and shall make a minute of the  
10 passage and adoption thereof in the minutes of the meeting at which the Resolution is adopted.

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12                            **PASSED, APPROVED and ADOPTED** on this 10th day of July, 2007.  
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15                            \_\_\_\_\_  
16                            **PRESIDENT** of the City Council and **MAYOR** of the City of Hermosa Beach, California

17 ATTEST:

APPROVED AS TO FORM:

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19 \_\_\_\_\_  
20 City Clerk

\_\_\_\_\_  
City Attorney

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**RESOLUTION NO. 07-**

**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**

WHEREAS, Section 9220 and 9285 of the Elections Code of the State of California authorizes the City Council, by majority vote, to adopt provisions to provide for the filing of rebuttal arguments for City measures submitted at municipal elections;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF HERMOSA BEACH, CALIFORNIA, DOES HEREBY RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

**SECTION 1.** That pursuant to Sections 9220 and 9285 of the Elections Code of the State of California, when the City Clerk has selected the arguments for and against the measure which will be printed and distributed to the voters, the City Clerk shall immediately send a copy of the argument in favor of the measure to the author of the argument against the measure, and a copy of the argument against the measure to the author of the argument in favor of the measure. The author or a majority of the authors of an argument may prepare and submit a rebuttal argument not exceeding 250 words, or may authorize in writing any other person or persons to prepare, submit, or sign the rebuttal argument. A rebuttal argument may not be signed by more than five people. Rebuttal arguments shall be accompanied by the Form of Statement To Be Filed By Author(s) of Argument.

The rebuttal arguments shall be filed with the City Clerk, signed, with the printed name(s) and signature(s) of the author(s) submitting it or, if submitted on behalf of an organization, the name of the organization and the printed name and signature of at least one of its principal officers, not more than 10 days after the final date for filing direct arguments. The deadline for submitting rebuttal arguments will be 6 p.m. Thursday, August 9, 2007. Rebuttal arguments shall be printed in the same manner as the direct arguments. Each rebuttal argument shall immediately follow the direct argument which it seeks to rebut.

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**SECTION 2.** That all previous resolutions providing for the filing of rebuttal arguments for City measures are repealed.

**SECTION 3.** That the provisions of Section 1 shall apply only to the election to be held on November 6, 2007, and shall then be repealed.

**SECTION 4.** That the City Clerk shall certify to the passage and adoption of this Resolution, shall enter the same into the book of original Resolutions of said City, and shall make a minute of passage and adoption thereof in the minutes of the meeting at which the Resolution is adopted.

**PASSED, APPROVED and ADOPTED** on this 10th day of July, 2007.

\_\_\_\_\_  
**PRESIDENT** of the City Council and **MAYOR** of the City of Hermosa Beach, California

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
City Attorney

## ELECTION CALENDAR FOR NOVEMBER 6, 2007 GENERAL MUNICIPAL ELECTION

- |                               |   |
|-------------------------------|---|
| June 12 (Tu)                  | - Council to adopt resolutions prepared by City Clerk establishing regulations for candidate statements, calling the election, etc. |
| July 10 (Tu)                  | - Council to adopt all resolutions regarding ballot measure(s)  |
| July 12 (Th)                  | - Clerk to publish notice of election for candidates<br>- Clerk to post notice of deadline for filing measure arguments             |
| July 16 - Aug. 10 (M-F)       | - Filing period for nomination papers (unless extended)<br>(Candidates may pull nomination papers <u>only</u> during this time)     |
| July 19 (Th)                  | - Clerk to publish notice of election for ballot measure(s)   |
| July 30 (M)                   | - Last day to file direct arguments for ballot measure(s)<br>- Deadline for campaign committees to file semi-annual statements      |
| Aug. 9 (Th)                   | - Last day to file rebuttal arguments for ballot measures   |
| Aug. 10 (F) [5 p.m.]          | - Deadline for filing nomination papers (unless extended)   |
| Aug. 15 (W) [5 p.m.]          | - Extended deadline for filing nomination papers (if incumbent does not file by Aug. 10 deadline)                                   |
| Aug. 16 (Th)                  | - Secretary of State does randomized alphabet drawing to determine order of names on ballot   |
| Sept. 13 & 20 (Th)            | - Clerk to publish notice of nominees   |
| Sept. 10 - Oct. 23 (M-Tu)     | - Filing period for write-in candidates   |
| Sept. 27 (Th)                 | - Deadline for 1 <sup>st</sup> pre-election campaign expenditure statements   |
| Oct. 9 - Oct. 30 (Tu-Tu)      | - Voters may request absentee ballots from County   |
| Oct. 22 (M)                   | - Last day to register to vote  |
| Oct. 25 (Th)                  | - Deadline for 2 <sup>nd</sup> pre-election campaign expenditure statements   |
| Nov. 6 (Tu) [7 a.m. - 8 p.m.] | - Election Day  |
| Nov. 27 (Tu)                  | - Adopt resolution declaring election results<br>- Elected officials sworn in and seated  |
| Jan. 31, 2008 (Th)            | - Deadline for year-end campaign expenditure statements   |