

MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL of the City of Hermosa Beach, California, held on Tuesday, July 11, 2006, at the hour of 7:15 p.m.

PLEDGE OF ALLEGIANCE – Kathy Dunbabin

ROLL CALL:

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

CANVASS OF VOTES AND INSTALLATION OF OFFICERS. Memorandum from City Clerk Elaine Doerfling dated July 5, 2006.

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

Action: To adopt Resolution No. 06-6480, entitled "**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HERMOSA BEACH, CALIFORNIA, RECITING THE FACT OF THE SPECIAL MUNICIPAL ELECTION HELD TUESDAY, JUNE 6, 2006, DECLARING THE RESULT AND SUCH OTHER MATTERS AS PROVIDED BY LAW.**"

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

City Clerk Doerfling administered the oath of office to newly elected Councilmember Bobko and presented him with a certificate of election.

Councilmember Bobko thanked those who supported him during his campaign and his parents, who were in attendance; said that he had been raised to take very seriously things like the oath he had just taken and that he would do his best to use his skills and talents for the City.

Councilmember Reviczky congratulated Councilmember Bobko; said the people of Hermosa Beach had spoken and he was happy to have him as part of the Council.

Councilmember Keegan said that Councilmember Bobko was very capable and welcomed him to the Council.

Mayor Pro Tempore Edgerton echoed his colleague's sentiments and said welcome.

Mayor Tucker said that Mr. Bobko would bring a lot to the City and he welcomed the opportunity to work with him on the many projects ahead to improve the City.

The meeting recessed at 7:22 p.m. for refreshments.
The meeting reconvened at 7:35 p.m.

ANNOUNCEMENTS – Councilmember Reviczky thanked the Police Department for helping make the Fourth of July a safe holiday; said he had spent the day with them; said there had been no serious incidents and there had been a smaller crowd than last year.

Mayor Tucker said that the last Hermosa Beach Art Walk for the summer would be held on Thursday, July 13 and invited all residents to attend if they have not taken advantage of this wonderful event.

Councilmember Reviczky said on Wednesday, July 12, Loreto students and the Loreto Mayor and his wife would be arriving and a week of activities have been planned for their visit; urged the community to visit our Sister City link on the City's website for details.

PROCLAMATIONS / PRESENTATIONS

NATIONAL PARKS & RECREATION MONTH JULY 2006

Mayor Tucker read and presented a proclamation proclaiming July as National Parks & Recreation Month and thanked them for all their work.

Commissioner Christine Hollander and Steve Francis accepted the proclamation and thanked the Council for the honor.

CLOSED SESSION REPORT FOR MEETING OF JUNE 27, 2006: No reportable actions.

PUBLIC PARTICIPATION:

1. ORAL AND WRITTEN COMMUNICATIONS

- a. Letter from Mr. Roy Judd regarding his property at 2416 Hermosa Avenue.

Coming forward to address the Council on this letter was:

Roy Judd – Hermosa Beach, described a situation in which a woman who was a stranger to him stated that she owned his house; said he spent years and a large amount of money trying to clear the title on his home; warned the community to be wary of such threats; said he did not feel the Police Department adequately investigated the situation;

Councilmember Reviczky indicated that the Police Department did investigate the situation and the woman was in jail for 18 months.

Action: To direct the Chief of Police to address Mr. Judd's concerns.
Motion Reviczky, second Keegan. The motion carried by a unanimous vote.

Coming forward to address the Council at this time were:

Terry Bose – Hermosa Beach, President of the Kiwanis Club, provided written invitations to the Council for the Sister City Association's Picnic on Wednesday, July 19, at Valley Park; urged the Council and the

community to attend Taste at the Beach, with participation by local restaurants, on Sunday, August 20, from 2-6 p.m. at the Community Center, with tickets for sale at \$50 per person and all proceeds to benefit the Historical Society Museum expansion.

Howard Longacre ~ Hermosa Beach, discussed the Pedestrian Protection Ordinance being introduced as item 6(a) on tonight's agenda and suggested to the Council that porta potties should be in place at the site at the time of pre-demolition inspection and the staff report says that merely the location of the porta potty must be determined at the time of the pre-demolition inspection.

2. **CONSENT CALENDAR:**

Action: To approve the consent calendar recommendations (a) through (f) with the exception of the following item, 2(d) Reviczky, which was removed for discussion in item 4, but is shown in order for clarity:
Motion Reviczky, second Keegan. The motion carried by a unanimous vote.

(a) **RECOMMENDATION TO APPROVE THE MINUTES OF THE REGULAR MEETING OF JUNE 13, 2006.**

Action: To approve the minutes of the Adjourned Regular Meeting of June 13, 2006.

(b) **RECOMMENDATION TO RATIFY CHECK REGISTER NOS. 44356 THROUGH 44513, INCLUSIVE, AND TO APPROVE THE CANCELLATION OF CHECK NOS. 43681 AND 44501, 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 ACCEPT DONATIONS OF \$10,000 FROM UPSTAGE RIGHT PRODUCTIONS TO BE USED FOR THE CENTENNIAL CONCERT SERIES TO BE HELD IN 2007-08; AND, \$3,744 FROM AYSO REGION 18 TO BE USED FOR COMMUNITY RESOURCES PROGRAM MATERIALS IN 2006-07.** Memorandum from Finance Director Viki Copeland dated July 5, 2006.

This item was removed from the consent calendar by Councilmember Reviczky for separate discussion later in the meeting in order to acknowledge and thank the donors.

Action: To accept the following donations:

- \$10,000 from Upstage Right Productions to be used for the Centennial Concert Series to be held in 2007-2008; and,
- \$ 3,744 from AYSO Region 18 to be used for Community Resources program materials in 2006-2007.

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

- (e) **RECOMMENDATION TO APPROVE A PROPOSAL FOR THIRD PARTY ADMINISTRATION OF THE CITY'S WORKERS' COMPENSATION CLAIMS SUBMITTED BY SOUTHERN CALIFORNIA RISK MANAGEMENT ASSOCIATES AND AUTHORIZE THE CITY MANAGER TO NEGOTIATE AND EXECUTE A CONTRACT FOR AN APPROXIMATE THREE (3) YEAR TERM COMMENCING AUGUST 1, 2006, WITH AN OPTION FOR EXTENDING UP TO AN ADDITIONAL TWO YEARS.** Memorandum from Personnel Director/Risk Manager Michael Earl dated July 6, 2006.

Action: To approve the staff recommendation to:

- (1) Approve a proposal for third party administration of the City's workers compensation claims submitted by Southern California Risk Management Associates; and,
- (2) Authorize the City Manager to negotiate and execute a contract for an approximate three (3) year term commencing August 1, 2006 with an option for extending up to an additional two years.

- (f) **RECOMMENDATION TO RECEIVE AND FILE THE STATUS REPORT ON THE IMPLEMENTATION OF NONCONFORMING ORDINANCE.** Memorandum from Community Development Director Sol Blumenfeld dated June 27, 2006.

Action: To receive and file the Status Report on the implementation of Nonconforming Ordinance.

At 7:59 p.m., the order of the agenda was suspended to go to public hearing items 5 (a) and (b).

3. **CONSENT ORDINANCES** - None

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

Item 2(d) was heard at this time but is shown in order for clarity.

Public comments on items removed from the Consent Calendar are shown under the appropriate item.

5. **PUBLIC HEARINGS**

- a. **ADOPTION OF METROPOLITAN TRANSIT AUTHORITY (MTA) LOCAL DEVELOPMENT REPORT AND SELF CERTIFICATION RESOLUTION CERTIFYING COMPLIANCE WITH THE CONGESTION MANAGEMENT PROGRAM (CMP) PURSUANT TO GOVERNMENT CODE SECTION 65089.** Memorandum from Community Development Director Sol Blumenfeld dated June 27, 2006.

Community Director Blumenfeld presented the staff report and responded to Council questions.

The public hearing opened at 8:00 p.m.. As no one came forward to address the Council on this item, the public hearing closed at 8:00 p.m.

Action: To adopt Resolution No. 06-6481, entitled "**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HERMOSA BEACH, CALIFORNIA, FINDING THE CITY TO BE IN CONFORMANCE WITH THE CONGESTION MANAGEMENT PROGRAM (CMP) AND ADOPTING THE CMP LOCAL DEVELOPMENT REPORT, IN ACCORDANCE WITH CALIFORNIA GOVERNMENT CODE SECTION 65089.**"

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

- b. **APPEAL OF PLANNING COMMISSION DECISION, ON APRIL 18, 2006, REGARDING THE PRECISE DEVELOPMENT PLAN AND PARKING PLAN, RELATED TO PARKING OPERATIONS AT THE HERMOSA PAVILION AT 1601 PACIFIC COAST HIGHWAY.** Memorandum from Community Development Director Sol Blumenfeld dated July 3, 2006. Supplemental emails received from Alan Strusser & Kammi Howlett and from Fred Huebscher on July 10, 2006.

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

The public hearing opened at 8:29 p.m. Coming forward to address the Council on this item were:

Gene Shook – Hermosa Pavilion, said he had appealed the Planning Commission's decision because he did not feel it was fair he was obligated to provide two hours of free parking to customers of all the businesses at the Pavilion since the parking problem was caused by the customers of 24-Hour Fitness; explained that employees of 24-Hour Fitness were required to provide their license plate numbers and were restricted to parking on the first level; said a number of parking passes had been sold; explained the tandem parking spaces on the second and third levels, the use of which required car owners to leave their keys with an attendant;

Sean O'Connor – Hermosa Beach, attorney for the appellant, said he believed the Planning Commission was unlawful in addition to being unfair; said there was no evidence to indicate free parking would solve

the problem of customers parking on the residential streets; said the City had no authority to deprive Mr. Shook of profit from his parking structure, said Mr. Shook had suggested other plans which provided a better solution; said if the Planning Commission decision was upheld, they would have to move on to other options;

Lee Grant – Hermosa Beach, said he lived two blocks from the facility, up a hill; had asked people why they would prefer to walk up a hill and cross Pacific Coast Highway rather than park in the structure and had been told they did not wish to pay the \$1 parking fee; said that one solution Mr. Shook suggested was a parking district, which would incur cost for the City and inconvenience for the residents;

Don Haggerty – Hermosa Beach, said that it appears to him that customers of 24-Hour Fitness were not told there would be a parking fee in the parking structure and want to park for free in other locations; said he thought it was important for the City to review the parking conditions in the lease between Mr. Shook and 24-Hour Fitness;

Alan Thomen – Hermosa Beach, said he had a list of vehicles which continuously park near his home; has spoken to some of the owners of these vehicles and they said they are gym customers who want to park for free; said people make u-turns at breakneck speed to grab a parking space; said one driver backed into a stop sign, bending it down, and simply drove away; felt that if free parking were provided, the gym customers would park in the structure;

Rosalyn Thomen – Hermosa Beach, said that safety and noise were problems in addition to the parking, with drivers parking and walking on the streets at 1:00 or 2:00 a.m.; said that providing free parking might not alleviate the problems completely but it would be a good beginning;

Carl Linden – Hermosa Beach, said that noise from the patrons of 24-Hour Fitness is affecting the quality of life in his neighborhood; feels that gym patrons are trying to reduce their costs, since paying to park more than two to three times a week could equal their membership fee; said that offering free parking is a big first step toward solving the noise and parking problems in his neighborhood;

Stan Levine – Hermosa Beach, asked the occupancy of the Pavilion project at the current time (Community Director Blumenfeld replied that it was 60% occupied); said that the problem is going to get worse as the building is completely occupied; said that 24-Hour Fitness provides 24 hours of noise and was a public nuisance; urged the Council to require free parking for three months and see the effect;

Howard Longacre – Hermosa Beach, said that gym patrons could be paying up to \$100 per month now just for parking in the structure; suggested three hours of free parking should be provided with a six-month trial period;

David Adler – Hermosa Beach, said the Pavilion should be an asset but it is a frustration for the neighboring residents; agreed that three hours free parking was preferable to two; said he had asked people parking near his home why they did not park in the structure and they said they did

not want to pay the fee; urged the Council to think of the families and make the neighborhood safe;

Patty Egerer – Hermosa Beach, provided a letter to the Council making reference to Municipal Code section 17.44.050(A) which referred to off-street parking; said that the current Precise Development Plan does not provide free parking in the structure but this should be required;

Greg Sampson – Hermosa Beach, said that a bigger problem than parking was the increase of traffic and speed; urged the Council to require free parking in the structure;

Eric Riley – Hermosa Beach, said a gym patron made a u-turn and destroyed his rose bush and when his wife confronted him, he said he did not want to pay the dollar to park; said the free parking should be for three hours, not two;

Fred Huebscher – Hermosa Beach, agreed there should be three hours of free parking; said that Mr. Shook has never contacted his residential neighbors;

Nathan Core – Hermosa Beach, said the problem could be solved by requiring parking permits on the streets near the Pavilion; and,

Gene Shook – Hermosa Pavilion, in rebuttal, said that his current occupancy is 80%, that the top floor is fully occupied and the bottom floor would be occupied if the restaurant project is approved by the Planning Commission at its July 18 meeting; said that they have had 400 cars in the structure at one time and in excess of 2,000 in a single day; said many people take advantage of valet parking and are happy with the arrangement; said there are other similar projects which charge for parking, including the Metlox project in Manhattan Beach Union Cattle Company in Hermosa Beach, and Gold's Gym in Redondo Beach.

The public hearing closed at 9:45 p.m.

Action: To approve the staff recommendation to:

- (1) Adopt Resolution No. 06-6482, entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HERMOSA BEACH, CALIFORNIA, SUSTAINING THE DECISION OF THE PLANNING COMMISSION TO MODIFY CONDITIONS OF APPROVAL OF A PREVIOUSLY APPROVED PRECISE DEVELOPMENT PLAN AND PARKING PLAN FOR AN EXPANSION AND REMODEL TO AN EXISTING COMMERCIAL BUILDING AND SHARED PARKING TO ACCOMMODATE A NEW ALLOCATION OF USES WITHIN THE "THE HERMOSA PAVILION" INCLUDING A NEW HEALTH AND FITNESS FACILITY, OFFICES, RETAIL AND RESTAURANT USES AT 1601 PACIFIC COAST HIGHWAY AKA 1605 PACIFIC COAST HIGHWAY."
- (2) Re-evaluate the effectiveness of the validation program in six months to determine whether it is necessary to impose new conditions on the Parking Plan or repeal the mandatory validation program and initiate public parking measures to mitigate spill over neighborhood parking.

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

6. **MUNICIPAL MATTERS**

- a. **REVISED AMENDMENTS TO PEDESTRIAN PROTECTION ORDINANCE.**
(Continued from meeting of 6/27/06) Memorandum from Community Development Director Sol Blumenfeld dated July 6, 2006. Revised draft Ordinance received from Community Director Blumenfeld on July 11, 2006.

Community Director Blumenfeld presented the staff report and responded to Council questions.

Action: To approve the staff recommendation to waive full reading and introduce Ordinance No. 06-1269, entitled "**AN ORDINANCE OF THE CITY OF HERMOSA BEACH, CALIFORNIA, AMENDING THE BUILDING CODE (CHAPTER 15.04) TO REQUIRE THE INSTALLATION OF FENCING AND PEDESTRIAN PROTECTION ON CONSTRUCTION AND DEMOLITION SITES AND AMENDING THE HERMOSA BEACH MUNICIPAL CODE.**" Motion Reviczky, second Bobko. The motion carried by a unanimous vote.

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

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

- a. **APPOINTMENT TO PUBLIC WORKS COMMISSION TO FILL UNEXPIRED TERM DUE TO UNSCHEDULED VACANCY.** Memorandum from City Clerk Elaine Doerfling dated July 5, 2006.

Action: Appoint Janice Brittain to fill the unexpired term ending October 31, 2008.

Motion Keegan, second Edgerton. The motion carried.

At 8:58 p.m., the order of the agenda went to Item 4, consent calendar items removed for separate discussion.

9. **OTHER MATTERS - CITY COUNCIL**

1. **Request from Pete Tucker regarding agendaizing discussion of hookah lounges opening in nearby cities**

City Attorney Jenkins responded to Council questions.

Council consensus was that City Attorney Jenkins research the topic and report back at a future meeting.

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 June 27, 2006.**

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: Macpherson v. City of Hermosa Beach
Case Number: BC172546

3. **CONFERENCE WITH LABOR NEGOTIATOR**

Government Code Section 54957.6

City Negotiator: Stephen Burrell
Employee Organizations: Hermosa Beach Firefighters' Association
Hermosa Beach Management Association

ADJOURN TO CLOSED SESSION – The Regular Meeting of the City Council of the City of Hermosa Beach adjourned on Tuesday, July 11, 2006, at the hour of 10:02 p.m. to a closed session

RECONVENE TO OPEN SESSION – The Closed Session convened on Tuesday, July 11, 2006, at the hour of 10:10 p.m. At the hour of 10:38 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 on Tuesday, June 11, 2006, at the hour of 10:39 p.m. to the Regular Meeting of July 25, 2006, at 7:10 p.m.

City Clerk

Deputy City Clerk

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