

City of Hermosa Beach

City Hall
1315 Valley Drive
Hermosa Beach, CA 90254



Regular Meeting Agenda

Tuesday, January 14, 2020

7:00 PM

Location: Council Chambers

City Council

Mayor

Mary Campbell

Mayor Pro Tem

Justin Massey

Councilmembers

Hany S. Fangary

Michael Detoy

Stacey Armato

City Treasurer

Karen Nowicki

City Attorney

Michael Jenkins

Executive Team

Suja Lowenthal, City Manager

Nico De Anda-Scaia, Assistant to the City Manager

Viki Copeland, Finance Director

Marnell Gibson, Public Works Director

Michael McCrary, Interim Police Chief

Ken Robertson, Community Development Director

Vanessa Godinez, Human Resources Manager

Kelly Orta, Community Resources Manager

PLEASE NOTE:

This is a full Packet including all pages and sub-pages, of all staff-reports and other materials of each agenda item as if physically stacked together and represents the complete agenda Packet as a single PDF file as of the date and time the agenda was initially posted (unless otherwise indicated here). It is meant to be an aid, but not intended as a replacement for the 'Living' agenda.

This full Packet does not contain additions, modifications, or supplementals that have been added after the first posting of the 'Living' agenda unless indicated here.

To prevent time downloading, and re-downloading, you might download this single PDF to your computer to have available for multiple reference, or to re-reference, to avoid the necessity of needing to be connected to the Internet or being held up by a slow-connection or slow server.

For a particular item(s), you may desire to ensure that you are viewing all additions, modifications, or supplementals posted after the original agenda packet's posting by utilizing the link to the 'Living' agenda as displayed on the city's website Agenda/Minutes page which for this agenda is: [01-14-20 Agenda](#)

Note again, that the agenda appearing below the following items' page number table may have changed and represents the page numbers to the agenda and materials contained in this full agenda packet only.

The agenda-items page number table below provides the starting page of each item in this full contiguous packet PDF file. To better utilize these page numbers, note that the *Adobe Acrobat* reader has a feature to display page thumb-nails down the left edge of your screen. With the page-thumbnails displayed you may click on a page's thumb-nail to immediately move to the item's starting page directly.

Be aware, that as this full packet may include MINUTES of prior meetings, if searching the entire Packet for particular text, understand that when you find such text, that if it is within a MINUTES page of minutes, that are included in this agenda for approval, that it may appear to you that you are at an agenda item within the current agenda. Avoid such confusion by noting that pages that contain MINUTES included for approval are so identified at the top of each such page within this full packet.

January 14, 2020

City Council Regular Meeting Agenda Packet

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7:00 P.M. - REGULAR AGENDA

All council meetings are open to the public. PLEASE ATTEND.

The Council receives a packet with detailed information and recommendations on nearly every agenda item. City Council agenda packets are available for your review on the City's website located at www.hermosabeach.gov. Complete agenda packets are also available for public inspection in the City Clerk's office.

During the meeting, a packet is also available in the Council Chambers foyer or you can access the packet at our website, www.hermosabch.org, on your laptop, tablet or smartphone through the wireless signal available in the City Council chambers - Network ID: CHB-Guest, Password: chbguest

To comply with the Americans with Disabilities Act of 1990, Assistive Listening Devices (ALD) will be available for check out at the meeting. If you require special assistance to participate in this meeting, you must call or submit your request in writing to the Office of the City Clerk at (310) 318-0203 at least 48 hours prior to the meeting.

Oral and Written Communication

Persons who wish to have written materials included in the agenda packet at the time the agenda is published on the City's website must submit the written materials to the City Manager's office by email (anny@hermosabeach.gov) or in person by noon of the Tuesday, one week before the meeting date.

Written materials pertaining to matters listed on the posted agenda received after the agenda has been posted will be added as supplemental materials under the relevant agenda item on the City's website at the same time as they are distributed to the City Council by email. Supplemental materials may be submitted via eComment (instructions below) or emailed to anny@hermosabeach.gov. Supplemental materials must be received before 4:00 p.m. on the date of the meeting to ensure Council and staff have the ability to review materials prior to the meeting. Supplemental materials submitted after 4:00 p.m. on the date of the meeting or submitted during the meeting will be posted online the next day.

Submit Supplemental eComments in three easy steps:

Note: Your comments will become part of the official meeting record. You must provide your full name, but please do not provide any other personal information (i.e. phone numbers, addresses, etc) that you do not want to be published.

1. Go to the Agendas/Minutes/Video webpage and find the meeting you'd like to submit comments on. Click on the eComment button for your selected meeting.
2. Find the agenda item for which you would like to provide a comment. You can select a specific agenda item/project or provide general comments under the Oral/Written Communications item.
3. Sign in to your SpeakUp Hermosa Account or as a guest, enter your comment in the field provided, provide your name, and if applicable, attach files before submitting your comment.

Public Participation Speaker Cards:

If you wish to speak during Public Participation, please fill out a speaker card at the meeting. The purpose of the speaker card is to streamline and better organize our public comment process to ensure names of speakers are correctly recorded in the minutes and where appropriate, to provide contact information for staff follow-up.

CALL TO ORDER**PLEDGE OF ALLEGIANCE****ROLL CALL****CLOSED SESSION REPORT****ANNOUNCEMENTS****APPROVAL OF AGENDA****PROCLAMATIONS / PRESENTATIONS**

- a) 20-0019 LOCAL CONTEST WINNERS OF THE LOS ANGELES COUNTY
PUBLIC LIBRARY 2019 CHILDREN'S BOOKMARK CONTEST

- b) 20-0018 ANNOUNCEMENT OF THE 10TH ANNUAL
PARKING PERMIT ART CONTEST WINNER

- c) 20-0007 RECOGNIZING MIKE FLAHERTY AND STEVE CRECY FOR
THEIR SERVICE ON THE VETERANS MEMORIAL COMMITTEE

MISCELLANEOUS ITEMS AND REPORTS - CITY MANAGER

PUBLIC PARTICIPATION: Although the City Council values your comments, the Brown Act generally prohibits the Council from taking action on any matter not listed on the posted agenda as a business item.

1. ORAL AND WRITTEN COMMUNICATIONS: If you wish to provide public comment, please fill out a speaker card to ensure names of speakers are correctly recorded in the minutes and where appropriate, to provide contact information for staff follow-up. This is the time for members of the public to address the City Council on any items within the Council's jurisdiction not on this agenda, on items on this agenda as to which public comment will not be taken (Miscellaneous Items and Reports – City Council and Other Matters), or to request the removal of an item from the consent calendar. Public comments on the agenda items called Miscellaneous Reports and Other Matters will only be heard at this time. Comments on public hearing items are heard only during the public hearing. Members of the audience may also speak:

1) during discussion of items removed from the Consent Calendar;

2) during Public Hearings; and,

3) during discussion of items appearing under Municipal Matters. Comments from the public are limited to three minutes per speaker. The City Council acknowledges receipt of the written communications listed below. No action will be taken on matters raised in written communications. The Council may take action to schedule issues raised in oral and written communications for a future agenda. Citizens with comments regarding City management or departmental operations are requested to submit those comments to the City Manager.

a) [20-0020](#)

WRITTEN COMMUNICATION

Recommendation: Staff recommends that the City Council receive and file the written communication.

Attachments: [Email from Anthony Higgins regarding "No Parking" cones everywhere](#)

2. CONSENT CALENDAR: The following more routine matters will be acted upon by one vote to approve with the majority consent of the City Council. There will be no separate discussion of these items unless a Council member removes an item from the Consent Calendar. Items removed will be considered under Agenda Item 4, with public comment permitted at that time.

a) [REPORT](#)
[20-0021](#)

CITY COUNCIL MEETING MINUTES

Recommendation: Staff recommends that the City Council approve the following minutes:

1. September 24, 2019 Regular Meeting
2. October 2, 2019 Adjourned Regular Meeting (Study Session)
3. October 2, 2019 Special Meeting (Closed Session)
4. October 8, 2019 Regular Meeting (Cancelled)
5. October 10, 2019 Adjourned Regular Meeting
6. October 22, 2019 Adjourned Regular Meeting (Hermosa Unplugged Event)
7. October 22, 2019 Regular Meeting
8. November 12, 2019 Regular Meeting
9. November 18, 2019 Adjourned Regular Meeting
10. November 21, 2019 Adjourned Regular Meeting
11. November 26, 2019 (Cancelled)
12. December 4, 2019 Special Meeting
13. December 10, 2019 Regular Meeting (Cancelled)
14. December 17, 2019 Adjourned Regular Meeting
15. January 8, 2020 Special Meeting (Closed Session)

- Attachments:**
- [1. 2019-09-24 Reg Min.pdf](#)
 - [2. 2019-10-02 Adj Reg Min.pdf](#)
 - [3. 2019-10-02 Spc Min.pdf](#)
 - [4. 2019-10-08 Reg Min Cancelled.pdf](#)
 - [5. 2019-10-10 Adj Reg Min.pdf](#)
 - [6. 2019-10-22 Adj Reg Min.pdf](#)
 - [7. 2019-10-22 Reg Min.pdf](#)
 - [8. 2019-11-12 Reg Min.pdf](#)
 - [9. 2019-11-18 Adj Reg Min.pdf](#)
 - [10. 2019-11-21 Adj Reg Min.pdf](#)
 - [11. 2019-11-26 Reg Min Cancelled.pdf](#)
 - [12. 2019-12-04 Spc Min.pdf](#)
 - [13. 2019-12-10 Reg Min Cancelled.pdf](#)
 - [14. 2019-12-17 Adj Reg Min.pdf](#)
 - [15. 2020-01-08 Spc Min.pdf](#)

b) [REPORT](#)
[20-0002](#)

CHECK REGISTERS

(Finance Director Viki Copeland)

Recommendation: Staff recommends that the City Council ratify the following check registers.

- Attachments:**
- [1. 12-03-19](#)
 - [2. 12-05-19](#)
 - [3. 12-17-19](#)
 - [4. 12-19-19](#)
 - [5. 12-26-19](#)
 - [6. 01-02-20](#)

c) [REPORT](#)
[20-0028](#)

**ACTION MINUTES OF THE PARKS, RECREATION AND
COMMUNITY RESOURCES ADVISORY COMMISSION
MEETING OF TUESDAY, DECEMBER 3, 2019**

Recommendation: Staff recommends that the City Council receive and file the action minutes of the Parks, Recreation and Community Resources Advisory Commission meeting of Tuesday, December 3, 2019.

Attachments: [P&R Action Minutes of December 3 2019.pdf](#)

d) [REPORT](#)
[20-0001](#)

PLANNING COMMISSION TENTATIVE FUTURE AGENDA ITEMS

(Community Development Director Ken Robertson)

Recommendation: Staff recommends that the City Council receive and file the January 21, 2020 Planning Commission tentative future agenda items.

Attachments: [Planning Commission January 21, 2020 Tentative Future Agenda](#)

- e) [REPORT](#)
[20-0012](#)
- REQUEST TO APPROVE TEMPORARY EMPLOYMENT AGREEMENT FOR INTERIM POLICE CHIEF SERVICES**
(Human Resources Manager Vanessa Godinez)

Recommendation: Staff recommends that the City Council:

1. Adopt the attached resolution approving a temporary employment agreement to Michael McCrary for Interim Police Chief services; and
2. Authorize the Mayor to execute the temporary employment agreement.

Attachments: [Temporary Employment Agreement for Interim Police Chief Services](#)

3. CONSENT ORDINANCES

- a) [REPORT](#)
[20-0029](#)
- ORDINANCE NO. 20-1402**
AN ORDINANCE OF THE CITY OF HERMOSA BEACH ESTABLISHING THE POSITION OF APPOINTED CITY CLERK IN LIGHT OF THE PASSAGE OF CITY MEASURE CC AND ESTABLISHING THE CITY MANAGER AS APPOINTING AUTHORITY FOR THE CITY CLERK
(City Manager Suja Lowenthal)

Recommendation: Staff recommends that the City Council waive full reading and adopt by title Ordinance No. 20-1402.

Attachments: [Appointed City Clerk Ordinance No. 20-1402](#)

4. ITEMS REMOVED FROM THE CONSENT CALENDAR FOR SEPARATE DISCUSSION * Public comments on items removed from the Consent Calendar.

5. PUBLIC HEARINGS - TO COMMENCE AT 7:30 P.M.

- a) [REPORT](#)
[20-0006](#)
- CONSIDERATION OF A MUNICIPAL CODE AMENDMENT RELATED TO REGULATIONS FOR ACCESSORY DWELLING UNITS (ADU) AND JUNIOR ACCESSORY DWELLING UNITS (JADU), AS MANDATED BY STATE LAW, AND DETERMINATION THAT THE AMENDMENT IS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**
(Community Development Director Ken Robertson)

Recommendation: Staff recommends that the City Council hold a public hearing and:

1. Adopt the attached urgency ordinance to amend the Hermosa Beach Municipal Code, thereby immediately establishing regulations for Accessory Dwelling Units (ADU) and Junior Accessory Dwelling Units (JADU) and determine the urgency ordinance is exempt from the California Environmental Quality Act; and
2. Introduce on first reading the attached identical non-urgency ordinance to amend the Hermosa Beach Municipal Code, thereby establishing regulations for Accessory Dwelling Units (ADU) and Junior Accessory Dwelling Units (JADU) and determine the ordinance is exempt from the California Environmental Quality Act.

- Attachments:**
- [1. Draft Urgency Ordinance](#)
 - [2. Draft Ordinance](#)
 - [3. Planning Commission Resolution 19-30](#)
 - [4. Planning Commission Staff Report, dated December 19, 2019](#)
 - [5. Existing HBMC Chapter 17.21](#)
 - [6. SB 13 \(Chapter 653, Statutes of 2019\) - External Website](#)
 - [7. AB 68 \(Chapter 655, Statutes of 2019\) - External Website](#)
 - [8. AB 881 \(Chapter 659, Statutes of 2019\) - External Website](#)

- b) [REPORT
20-0005](#)
- TEXT AMENDMENT 20-1, CONSIDERATION OF AN AMENDMENT TO CHAPTER 5.78 "TOBACCO RETAILERS" OF TITLE 5 OF THE HERMOSA BEACH MUNICIPAL CODE TO PROHIBIT ISSUANCE OF NEW TOBACCO RETAILER LICENSES AND THE SALE OF ELECTRONIC SMOKING DEVICES AND DETERMINATION THAT THE AMENDMENT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT**
(Community Development Director Ken Robertson)

Recommendation: Staff recommends that the City Council continue the public hearing to the January 28 meeting in order to provide staff additional time to reach out to all tobacco retailers and discuss with them Council's direction.

6. MUNICIPAL MATTERS

- a) [REPORT
20-0011](#)
- APPROVAL OF THE PARKS, RECREATION AND COMMUNITY RESOURCES ADVISORY COMMISSION'S RECOMMENDED SPECIAL EVENT LONG-TERM AGREEMENT POLICY FOR A THREE-YEAR PILOT PROGRAM; AND AFFIRM THE COMMISSION'S REVIEW OF THE POLICY IN TWO YEARS**
(Community Resources Manager Kelly Orta)

Recommendation: Staff recommends that the City Council:

1. Approve the Parks, Recreation and Community Resources Advisory Commission's recommended Special Event Long-term Agreement Policy for a three-year pilot program; and
2. Direct the Parks, Recreation and Community Resources Advisory Commission to review and provide an update to Council on the policy in two years' time, in advance of entering into the Pilot Program's third and final year.

Attachments: [Long-term Agreement Policy](#)

- b) [REPORT
20-0024](#)
- BROWN ACT DEMANDS FILED BY KEN HARTLEY AND JUSTIN LEDDEN PERTAINING TO SELECTION OF MAYOR AND MAYOR PRO TEMPORE**
(City Attorney Michael Jenkins)

Recommendation: Staff recommends that the City Council consider allegations in the two attached letters and take action as Council deems appropriate.

Attachments: [1. Ken Hartley Letter - December 18, 2019](#)
[2. Justin Ledden Letter - December 19, 2019](#)

7. MISCELLANEOUS ITEMS AND MEETING ATTENDANCE REPORTS - CITY COUNCIL

- a) [20-0030](#) **COUNCILMEMBER FANGARY REPORTS ON HIS ATTENDANCE AT THE CALIFORNIA CONTRACT CITIES ASSOCIATION (CCCA) SACRAMENTO LEGISLATIVE TOUR FROM JANUARY 6-8, 2020**

Attachments: [SB 50 New Amendments January 2020.pdf](#)

- b) **20-0022 UPDATES FROM CITY COUNCIL AD HOC SUBCOMMITTEES AND STANDING COMMITTEE DELEGATES/ALTERNATES**

8. OTHER MATTERS - CITY COUNCIL

Requests from Councilmembers for possible future agenda items. No discussion or debate of these requests shall be undertaken; the sole action is whether to schedule the item for consideration on a future agenda. No public comment will be taken. Councilmembers should consider the city's work plan when considering new items.

- a) [20-0023](#) **TENTATIVE FUTURE AGENDA ITEMS**

Recommendation: Staff recommends that the City Council receive and file the tentative future agenda items.

Attachments: [Tentative Future Agenda.pdf](#)

ADJOURNMENT



Staff Report

Staff Report

REPORT 20-0005

**Honorable Mayor and Members of the Hermosa Beach City Council
Regular Meeting of January 14, 2020**

**TEXT AMENDMENT 20-1, CONSIDERATION OF AN AMENDMENT
TO CHAPTER 5.78 "TOBACCO RETAILERS" OF TITLE 5 OF THE
HERMOSA BEACH MUNICIPAL CODE TO PROHIBIT ISSUANCE
OF NEW TOBACCO RETAILER LICENSES AND THE SALE OF
ELECTRONIC SMOKING DEVICES AND DETERMINATION THAT
THE AMENDMENT IS CATEGORICALLY EXEMPT FROM
THE CALIFORNIA ENVIRONMENTAL QUALITY ACT
(Community Development Director Ken Robertson)**

Recommended Action:

Staff recommends that the City Council continue the public hearing to the January 28 meeting in order to provide staff additional time to reach out to all tobacco retailers and discuss with them Council's direction.

Background:

On November 12, 2019, the City Council directed staff to return with an ordinance to ban any new tobacco retailer licenses and to ban the sale of electronic smoking devices in existing business. The Council also requested staff, with the assistance of BCHD, to reach out to tobacco retailers in taking further steps to make the City completely tobacco-free.

Analysis:

Staff has engaged with the Beach Cities Health District and initiated outreach to local businesses. However, staff needs additional time to reach out to all businesses individually as part of an overall strategy on making the City tobacco-free.

Respectfully Submitted by: Ken Robertson, Community Development Director

Noted for Fiscal Impact: Viki Copeland, Finance Director

Legal Review: Mike Jenkins, City Attorney

Approved: Suja Lowenthal, City Manager