

**City Council Meeting
February 3, 2026**

Agenda Item	Name	Comment	Position	Attachment URL
PUBLIC COMMENT	Cure & Correct Demand Letter	<p>Dear City Council Subject: Brown Act Cure & Correct Demand Letter DESCRIPTION OF VIOLATION: The notification on the face-page of the 1/27/26 City Council Agenda for the Chamber of Commerce Special Events agenda item (17b) was wholly inadequate & misleading in that it only mentioned the St. Patty's Day parade but did not mention the equally impactful Labor Day Fiesta event. THE CURE SOUGHT The cure sought is to rescind the 2026-2028 Labor Day Fiesta approval and hold a new public hearing. LEGAL BASIS: The Brown Act, Government Code § 54960.1 and 54952.2 et seq. Thank you, Tony Higgins</p>	For	
Item 17. f	th	<p>First things First. Its been 11 years since the city did a detailed /expense study that considered all direct and indirect city related business district costs and compared that to revenue. In 2015 a detailrd study concluded the city expenses likely exceeded revenue, and at best was breakeven. Many people think the downtown businesses make significant money for the city but there is no evidence. Before thr city implements any revitalization strategy it need a detailed evaluation of the bottom line to inform any economic development strategy.</p>	No Position	

**City Council Meeting
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Item 17. c	Laura Pena	<p>Dear Mayor, City Council, and Staff - I am writing in support of creating a new commercial encroachment category for dining and retail establishments that do not offer table service or alcohol, and to respectfully encourage the Council to set the fee for this category at \$1.00 per square foot.</p> <p>I appreciate that several Council Members have already acknowledged the need to reduce these fees and suggested a \$2.00 rate. That recognition is meaningful. However, I believe a \$1.00 per square foot rate is more appropriate given the City's repeated goal of encouraging retail and neighborhood serving uses in our downtown commercial districts. Council has consistently discussed the importance of attracting and retaining retail spaces downtown, yet these uses often face the greatest challenges: thinner margins, higher turnover risk, and fewer tools to offset operating costs compared to full service restaurants. A \$1.00 encroachment rate would function as a targeted incentive, one that directly supports the types of businesses the City says it wants more of. These encroachment areas are not high revenue, full service dining operations. They are informal, community oriented gathering spaces, places where neighbors connect, families linger, and downtown feels active throughout the day. In many ways, they function as small scale public spaces that enhance walkability and street life. Several City Economic Development Strategies reference placemaking and retail as a priority, yet we have not made significant public investment in that area. These businesses are already helping to activate sidewalks and streets without requiring City capital investment. Setting the fee at \$1.00 per square foot recognizes that shared public benefit and helps keep these spaces viable. From a fiscal perspective, staff has noted that reducing the fee for these businesses would result in approximately \$4,000 annually in reduced revenue, a modest amount when weighed against: Supporting downtown retail vitality. Encouraging the types of uses Council has prioritized. Advancing placemaking goals already adopted by the City. Keeping sidewalks active, welcoming, and people focused. Creating this new category and setting the rate at \$1.00 per square foot sends a clear signal that our City is serious about supporting retail, strengthening downtown, and aligning policy with stated economic development goals.</p> <p>Thank you for your thoughtful consideration and for continuing to refine City policy in a way that balances fiscal responsibility with long term community vitality.</p> <p>Laura Pena</p>	For	
PUBLIC COMMENT	Howard Lee Re Last Meeting Chamber Item Complaint	<p>Please click/tap this eComment and then click/tap the BLUE attachment that shows. That is my eComment as a PDF.</p> <p>Thank you.</p>	-	https://pub-hermosabeach.escribe-meetings.com/FileStream.ashx?DocumentId=54025

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Item 17. d	Howard Lee Re the Beach Deed Restriction Banning Sales	Respectfully, why is there not a copy of the Deed to Hermosas Beach mentioned and attached to this item? >>> Unlike Redondo and Manhattan Beach, Hermosa Beach owns its Beach. There is a Deed Restriction to Hermosas owned beach that states that there is to be no selling on the Beach, and that the Beach is given to the city for the free use by the people, and that there are also to be no wheeled vehicles on the beach, notwithstanding safety and maintenance wheeled-vehicles are often present on the beach. Can governments just approve anything they like now?	Against	
Item 17. e	tony agains	Dear City Council The LVR program is an ill-conceived & failed "carrot-and-stick" designed to meet state housing requirements (RHNA). It charges developers fees of \$76 to \$104 per square foot for market-rate housing built on land that gained value from rezoning. These fees are waived if affordable housing is included. Manhattan Beach has an approved RHNA Housing Element and they didnt need a convoluted & now failed Land Value Recapture program to avoid Builders Remedy nor did any other densely packed California coastal community. Poorly conceived failed RHNA programs LVR will not save Hermosa from Builders Remedy, they will insure it. But to the best of my knowledge the city staff has yet to submit an alternative to LVR and the council needs to deal with this. Bogus RHNA allocation programs like LVR or fully allocating the entire 2.2 acres at St. Cross low and very low income housing were a hallmark of the previous city manager. On a different track the council needs to consider developer fees that recover the true utility, sewer, and road costs associated with all higher density housing projects AND staff needs to propose options. Moreover, Manhattan has recently transitioned from a nominal fee structure to a comprehensive Development Impact Fee (DIF) program. This initiative is designed to shift the burden of infrastructure costs such as utility, sewer, and road improvements from existing taxpayers to the developers of new, high-density project. Thank You for considering. tonyhiggins	Against	
PUBLIC COMMENT	Howard Lee Re Lack of Response To Email To City	Please click/tap this eComment and then click/tap the BLUE attachment that shows. That is my eComment as a PDF. Thank you.	-	https://pub-hermosabeach.escribe meetings.com/FileStream.ashx?DocumentId=54026

SUPPLEMENTAL eComment testimony to the Tuesday, Feb-03-2026, 6-PM Hermosa Beach Regular City Council Meeting's Item-12 'Public Comments'.

To: Hermosa Beach City Council, City Treasurer, City Manager, BB&K Contract City Attorney, City Clerk, and others:

From: Howard Lee, Hermosa Beach Resident

Posted to these eComments and advance-copied to HB city officials February 1, 2026

Re: Serious concerns regarding the essentially non-existent noticing to the stakeholders of Hermosa Beach, i.e., the businesses, and the people of Hermosa Beach, of what appears (while perhaps not intentional) has been a cynical de-facto conspiracy between City officials and the '*HB Chamber of Commerce Business Lobby*' to insert with no valid public notice whatsoever, a second full major 'Hermosa Fiesta' 3-day, high-impact event during this year-2026's Labor Day Weekend and MORE via a 3-year contract approved during the January 27, 2026 HB City Council meeting just five (5) evenings ago.

Direct Link to the current full 2-3-2026 HB CC Meeting Agenda:

<https://pub-hermosabeach.escribemeetings.com/Meeting.aspx?Id=035265e6-cbc2-4980-a86b-f670890b1351&lang=English>

Honorable Council Members, City Treasurer, City Manager, BB&K Contract City Attorney, City Clerk, and others:

All comments, suggestions, and other material herein, as not indicated from other(s), are my views, understandings, and opinions, given at no cost for the benefit of all.

I note that resident Mr. Tony Higgins has already previously posted to these eComments for this Item-12 'Public Comments' a "**Cure and Correct**" Demand Letter (by him) to the City. Thus first off, following for immediate reference is a copy of Mr. Higgins' eComment (his '**Demand Letter**') as it is relevant to the same complaint this (my) eComment is regarding.

Btw, unfortunately the eScribe Agenda management system does not display eComments in chronological order, but instead in reverse chronological order.

Please continue to next page to view Mr. Higgins 'Cure and Correct' Demand letter.

***SUPPLEMENTAL testimony from Howard Lee
to the 02-03-2026, 6-PM Regular HB City Council
Meeting's Item 12, 'Public Comments'.***

Dear City Council

Subject: Brown Act Cure & Correct Demand Letter

DESCRIPTION OF VIOLATION:

The notification on the face-page of the 1/27/26 City Council Agenda for the Chamber of Commerce Special Events agenda item (17b) was wholly inadequate & misleading in that it only mentioned the St. Patty's Day parade but did not mention the equally impactful Labor Day Fiesta event.

THE CURE SOUGHT

The cure sought is to rescind the 2026-2028 Labor Day Fiesta approval and hold a new public hearing.

LEGAL BASIS:

The Brown Act, Government Code § 54960.1 and 54952.2 et seq.

Thank you,
Tony Higgins

Some Review:

Five evenings ago, on Tuesday, January 27, 2026, a Regular Hermosa Beach City Council meeting took place. Its agenda is available at the following direct link.

<https://pub-hermosabeach.escribemeetings.com/Meeting.aspx?Id=5ddba7fb-76bb-454b-83b0-54feb73aa05d&lang=English>

As an aside: During that Jan-27 meeting's initial council announcements time, it would have been useful for someone to have announced clearly, that the Council's agreed schedule of regular City Council meetings for year 2026 calls for the very next-following meeting, i.e. the first meeting in February to be in just 7 days after this 2nd meeting in January; and that the then-following 2nd meeting in February would not occur for 3 weeks after Feb-3 until February 24.

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Further the Mayor, while not required to, for regular meetings, would best have stated during the adjournment of that January 27th meeting that “the Council is adjourning to next Tuesday, in just 7 days, February 3”.

As I understand Council procedures, that date was in fact likely-available for the Mayor at adjournment, in his actual Mayor’s custom script that he’s provided for the running of each and every meeting. This also would have been good for all to know during the meeting wherein some items were not processed but were continued to the next meeting and there had been significant discussion even during the Chamber item of bringing back information at the very next meeting.

The reason for the odd meeting dates as I understand, for the February-2026-Council-meetings-schedule, as decided by the Council (back in December 2025) was that Councilmember Deto would not be available to attend on Feb 10 due to state-government commitments he perhaps made since being re-elected to Hermosa’s Council last November. Bottom line, this strangely scheduled Feb 3 meeting, in the normal slot for the Parks & Rec Commission monthly meeting, is occurring a mere 7 days after the prior January 27 meeting. Kind of odd.

OK, understanding all that, following is the real problem of the Jan 27 meeting; i.e. **the defective noticing and agendizing by the City for the Chamber of Commerce Item 17.b of the prior Jan-27 meeting.**

Following here for additional clarity is a snagged image from that January 27, 2026 Council meeting agenda of precisely how the Chamber item-17.b was agendized/noticed for that meeting.

17. MUNICIPAL MATTERS

17.b APPROVAL OF AN AGREEMENT WITH THE HERMOSA BEACH CHAMBER OF COMMERCE AND VISITORS BUREAU AND HERMOSA BEACH CHAMBER FOUNDATION FOR ITS SPECIAL EVENTS IN 2026 THROUGH 2028 - 26-CR-012

(Community Resources Director Lisa Nichols)

Recommended Action:

Staff recommends City Council:

1. Consider approval of an agreement with the Hermosa Beach Chamber of Commerce and Visitors Bureau and the Hermosa Beach Chamber Foundation for its special events in 2026 through 2028 **(Attachment 1)**;
2. Determine whether to provide an additional level of financial support for the St. Patrick’s Day Parade beginning in 2026, and, if so, select a parade route to move forward with; and
3. Authorize the City Manager to execute and the City Clerk to attest to the agreement subject to approval by the City Attorney.

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It can be clearly noted in the above image that the Chamber item's wording indicates absolutely nothing regarding the Chamber's solicitation (hidden in the staff reports/attachments) to add a 2nd Hermosa Fiesta event (an extremely high impact event for the entire City vis-à-vis traffic disruptions, parking, and more) during the 2026 3-Day Labor Day Holiday weekend, and to delete the present Oktoberfest event later in October, nor were such event change proposals discussed or noticed for discussion in any recent Parks & Rec Commission meetings. This was clearly all evidently a backroom, and privately worked up scam process. This imv is outrageous that the Parks & Rec Department would be a part of such a clearly, SCAM process.

Thusly there appears to be a slick new process in town. Word the agenda any which-way you desire, and just throw into the staff reports what you really want to pull off.

It's stuff precisely like that - that caused California's '**Ralph M. Brown (Open-Meeting) Act**' to come into existence way back when? 1948? and with all the amendments to same since then in the last 75 years? I.e., cavalier governments doing any damn thing they want to do and hiding as much as they desire. Was this Chamber item intentionally, and craftily worded like this, or was this just plain sloppy, but maybe kind of intentional City work? Why didn't any on Council clearly bring this up?

Council and Staff, in my view you ABSOLUTELY gave away the store to the Chamber Business Lobby, a Chamber that has become in recent years, basically very, very failed, and thus you gave away the store with no proof that the Chamber has gotten its act back together.

But when discussed ad nauseam, i.e., the St. Patrick's Day parade and Council gave away perhaps \$51 Thousand of the people's money, not to mention so many always present, indirect dollars, and then even discussed adding ad hoc, a beer garden, ALSO NOT ON THE AGENDA nor a Future Agenda Item. Well that was par for the night, Jan-27.

Even the expected cost of \$51 Thousand, not simply a drop in the bucket, was not shown on the agenda face explicitly as it should have been, or at least a range of dollars.

And then to sneak in a complete 2nd Fiesta, a MAJOR, MAJOR, MAJOR, HIGH IMPACT (impacting Streets, Parking, many businesses, and residents lives, actually citywide) on a weekend residents and families have as their last holiday, full summer weekend to have their own guests visit, all for the benefit of a Chamber Business Lobby, all without any NOTICE to the stakeholders, well that's just about as

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FILTHY, ROTTEN, DISGUSTING, UNTHINKING THAT IT GETS. A Total GIVEAWAY, with barely a mention during all the smoke and mirrors of the Patrick's Day parade routes, barricades, beer-garden, and on and on DRIVEL by the Council.

In Fact the Chamber Item-17.b of the financial support for the parade should have been a 100% complete and separate item. How simple would that have been? But NO! The real and hidden item of the 2nd Fiesta Hermosa was the whole ENCHILADA, well designed to be completely lost imv, **AND PURPOSELY** in all the smoke and mirrors of the item. NOT AT ALL HONORABLE, STAFF AND COUNCIL.

What should have occurred was;

#1- an item for the St. Patrick's Parade share of financing consideration with dollar amounts and range indicated on the Agenda Face.

#2- an Item for a contract for the present approved Chamber events with those events line-item listed on the Agenda Face.

#3- a letter item from the Chamber submittal on Public Comments requesting the consideration of a 2nd Fiesta Hermosa and removal of the Oktoberfest event be a future agenda item for the Parks and Rec Commission & Council Public Hearing(s) as essentially a new major event addition to the annual calendar of City events.

Instead as what had to a degree became the norm during the Suja Lowenthal disastrous Suja-City Manager era, and which evidently may still be with us, all kinds of stuff slips through the cracks by simply putting too much stuff in a particular agenda item, and of course all the stuff that is rubber-stamped by now-appearing on the Suja- and prior-Councils created monster Consent Calendar, of matters that are no longer merely routine.

I reviewed the last two Parks and Recreation Commission meetings and could find not a mention that the Council would be receiving a buried, backdoor request for a 2nd FIESTA HERMOSA to be in this new 2026 year on the next Labor Day 3-day weekend, closing down the downtown streets, which essentially means perhaps up to 5-days of impact to many businesses, and especially the residents. Sure some businesses may love it. But the process has been totally to scam it through for approval. It needs to be approved (if at all) the correct way.

Btw, former decades-long Contract City Attorney Michael Jenkins (last with BB&K) stated more than once that YES; the agenda face must describe what's to be considered for approval to a sufficient degree that one reading the agenda, isn't forced to read all the reports of the full packet to determine if there's other significant stuff in the item for approval. Mr. Jenkins was a Brown Act specialist, and at one time the

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editor I believe of the Brown Act Pamphlet that the League of California Cities uses as their bible.

Imv, the Brown Act allows for City Attorneys to twist things 'a dozen ways from Sunday', and the Pamphlet itself as I recall used to say something like the following near its beginning. "Why do we have or care-about the Brown Act? Afterall, no one has ever been convicted of violating the Brown Act." Bottom line there is the 'Cure and Correct'.

So a local government can always, especially dishonorable governments, stretch things a lot and if they get away with it, so be it. But if some noisy resident catches them they can always just re-do the item and scam it through on a different day.

I would expect the city's present BB&K contract city attorney to interpret the wording on the agenda to be sufficient, but nonetheless to suggest in his view to Council, "well I see nothing wrong, but you on council have the prerogative to re-hear the whole item, or parts of the item. It's up to you."

But if Mr. Higgins, or anyone else should decide to go to court and obtain a 'Writ of Mandate' within a certain time period, The city might then be forced to take action and likely be responsible for court costs of the challenge. See the following.

[https://en.wikipedia.org/wiki/Writ_of_mandate_\(California\)](https://en.wikipedia.org/wiki/Writ_of_mandate_(California))

The City Attorney is present to keep the Council and City government from making costly and illegal mistakes and will review and give his view on Mr. Higgins Demand Letter. Bottom line the entire matter of the 2nd Fiesta Hermosa, needs to have a noticed public hearing in the Parks & Recreation Commission and then likely the Council too. It should not be rushed so as to take place this year but should be considered for year 2027, at the earliest, and only after it can be determined how the Chamber is running its affairs more successfully.

Michael Bell, I believe the Chamber's event operator, supposedly desires phasing down his work load. He seemed to want no part of changing/dealing with a changed St. Patrick's parade route at this late date.

I get the feeling that three members of the council may believe a 2nd Fiesta Hermosa may be good in this campaign fall year for their re-election. In my view that could backfire for those supporting such, given all the hidden indirect costs to the city, not to mention that this town has changed from its once virtually all party town.

Bottom line, staff, and Council messed up big time on this backroom de facto give-away of a 2nd annual Fiesta Hermosa being approved willy-nilly when imv the Chamber isn't yet fully back on its feet. It was not noticed AT ALL.

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The Chamber Business Lobby is certainly not at all crying in their beer after the Council gave them everything and more five nights ago, Jan 27.

Most Respectfully,
Howard Lee (resident)

***SUPPLEMENTAL testimony from Howard Lee
to the 02-03-2026, 6-PM Regular HB City Council
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For everyone having interest:

Following on pages 2 and 3 is a copy of a RESEND of an email set of questions I sent to Hermosa Beach Administrative Services Director Brandon Walker Monday afternoon, Feb 2, 2026 after not receiving any kind of reply for six days.

I'm trying to obtain information for future discussion regarding "In Lieu" parking spaces/fees. Whatever the present 'In Lieu' fees are, they no doubt will apply to the "***901 Hermosa Avenue project***", as presently approved by the HB City Council at their last Council meeting, Jan 27, 2026.

Notwithstanding, it's long overdue for a review of the "In Lieu fee ordinance" prior to future grants of use.

Additionally: There is a fundamental problem with email to some HB City Officials. When such official receives an email, there should at least be a reply indicating their receipt of the email question or otherwise, even if the official is not able to reply immediately, with some indication of when a reply would be forthcoming. This especially given that phoning in to HB city offices is more often than not answered but by voice mail, or when answered the person being sought is unavailable or "**is in a meeting**". This problem became egregious under the former City Manager Suja Lowenthal's reign of absence. Nonetheless all emails should be answered in some manner when first received. I, to this moment, still have no indication that my email, first sent Jan 27, has even reached anyone in city, and it's been six days now.

--- Please continue to the next page to review the copy of email which I have not received any reply at this point for some six days ---

Most Respectfully,
Howard Lee (Resident)

Subject: RESEND Re: in-lieu parking fee questions (AND RECEIVING NO REPLY)
Date: Mon, 2 Feb 2026 15:05:52 -0800
From: HBresident
To: Administrative Services Director Brandon Walker <bwalker@hermosabeach.gov>
CC: HB City Manager Steve Napolitano <snapolitano@hermosabeach.gov>, HB Council <citycouncil@hermosabeach.gov>, HB City Treasurer David Pedersen <dpedersen@hermosabeach.gov>, City Clerk <cityclerk@hermosabeach.gov>, HB Community Development Director Allison Becker <abecker@hermosabeach.gov>

Mr. Walker,

This is a resend after receiving no reply of any kind since sending same to you the evening of January 27, 2026. I've made a minor correction to the original email. Moved "*I sort of recall the number being 100?*" to the correct item it was meant to be on below.

Kindly reply. Thank you.

Howard Lee

On 1/27/2026 11:11 PM, HBresident wrote:

Tuesday evening, Jan 27, 2026

Hello Brandon,

I asked "Sunny" and once again found the city-website A.I. bot useless, except it said to ask you about the following? I ask these questions in light of the approval Council made a earlier this evening re: the ***901 Hermosa Avenue*** application, where-then the applicant may have to pay for some in-lieu (non-existent) parking spaces.

Please furnish me the answers to the following as best you can. Questions/Answers probably of interest to all on the CC list of this email. Maybe thread your answers.

- 1- What is the current in-lieu parking fee per space (the fee rarely used) that developers use as an option to meet parking requirements?
- 2- What is the current total amount in the HB city-treasury's in-lieu parking fund?
- 3- What is the point (the number of fees in the fund) when the city is required to build something to provide parking? I sort of recall the number being 100?
- 4- Is proportional interest, as made on the city's cash balances, presently being added to the in-lieu parking fund, as appropriate annually?

eComment from Howard Lee (resident) to Item 12. 'Public Comments' of the Feb 3, 2026 6-PM Regular Hermosa Beach City Council Meeting.

5- When was the in-lieu fee first established, and has the in-lieu fee been raised since first established? Is there a plan to raise the in-lieu parking fee to be going to the City Council anytime soon given I believe it's been decades since it was first set or increased. If not, why not?

Btw, as an aside, I and others have found the CITIBOT provided Sunny "Chatty" thing to be useless. Please let me and others on this email list know what the cost of this BOT costs the city annually. In my view it would best be eliminated as it clutters up the pages of the city's website and for me has proved utterly useless.

Also, are there any BLOCKS in the HTML or JAVA of the City's ***HermosaBeach.gov*** website, i.e., telling Google and other Search engines not to search the city's website? I.e., such as "No Robots" HTML commands, or others. I have found that Google often can not find things in the city website that it should easily be able to. Furthermore the search engine in the website itself is all but poorly designed and essentially useless as it lists way more links, mostly useless for virtually any search.

Thank You,
Howard Lee (Resident)

Screenshot attached, if not in view.

