



# City of Hermosa Beach

City Hall  
1315 Valley Drive  
Hermosa Beach, CA  
90254

## Meeting Minutes - Draft

### City Council

*Mayor  
Justin Massey*

*Mayor Pro Tem  
Dean Francois*

*Councilmembers  
Rob Saemann  
Mike Detoy  
Ray Jackson*

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Tuesday, November 28, 2023

5:00 PM

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**DRAFT**

### 5:00 PM - CLOSED SESSION

#### **CALL TO ORDER**

Mayor Massey called the Closed Session to order at 5:00 p.m.

#### **ROLL CALL**

City Clerk Myra Maravilla announced a quorum.

**Present:** 5 - Mayor Massey, Mayor Pro Tempore Francois, Councilmember Saemann,  
Councilmember Detoy, and Councilmember Jackson

**Absent:** 0

#### **PUBLIC COMMENT ON THE CLOSED SESSION AGENDA**

No Public Comment for Closed Session was provided.

#### **RECESS TO CLOSED SESSION**

Mayor Massey recessed to Closed Session at 5:01 p.m.

- a) **23-0721** **MINUTES:** Approval of minutes of Closed Session held on November 14, 2023.
- b) **23-0722** **CONFERENCE WITH LABOR NEGOTIATOR:**  
**Government Code Section 54957.6**  
**City Negotiator:** Mayor Massey  
**Unrepresented**

employee: City Manager

c) 23-0727

**CONFERENCE WITH LEGAL COUNSEL:**

**Existing Litigation - Government Code Section 54956.9(d)(1)**

The City finds, based on advice from legal counsel, that discussion in open session will prejudice the position of the City in the litigation.

**Name of Case:** EBS General Engineering v. City of Hermosa Beach

**LASC Case Number:** 23TRCV02119

**Date of Filing:** 06/30/2023

**6:00 PM - OPEN SESSION**

**I. CALL TO ORDER**

Mayor Massey called the Open Session to order at 6:37 pm.

**II. PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Ben Padnos.

**III. ROLL CALL**

City Clerk Maravilla announced a quorum.

**Present:** 5 - Mayor Massey, Mayor Pro Tempore Francois, Councilmember Saemann, Councilmember Detoy, and Councilmember Jackson

**Absent:** 0

**IV. CLOSED SESSION REPORT**

City Attorney Patrick Donegan provided a Closed Session Report. No reportable action was taken.

**V. ANNOUNCEMENTS - UPCOMING CITY EVENTS**

Councilmember Saemann invited the public to visit the Kiwanis Club Hermosa Beach Christmas Tree Lot through December 22, 2023 and announced pictures with Santa Claus are free to visitors.

Mayor Massey invited the community to the following events: the 31st Annual Beach Cities Toy Drive on Saturday, December 2nd from 10:00 a.m. to 2:00 p.m. at the City Hall Parking Lot; the Sand Snowman Contest on Saturday, December 9th; and to the Jeff Duclos Community Garden Dedication on December 9th at South Park at 1:00 p.m.

**VI. APPROVAL OF AGENDA**

**A motion was made by Councilmember Detoy, seconded by Councilmember Saemann to approve the agenda.**

Mayor Pro Tem Francois made a substitute motion to remove Consent Calendar item "i" for separate discussion. Mayor Massey seconded the motion. The substitute motion carried by the following vote:

Aye: 5 - Mayor Massey, Francois, Saemann, Deto, and Jackson

Absent: 0

**VII. PROCLAMATIONS / PRESENTATIONS**

**a) 23-0715 PRESENTATION FROM ANTHONY PADNOS ON OPEN DIALOGUE**

Police Chief LeBaron introduced Anthony Padnos.

Anthony Padnos provided a presentation on open dialogue.

Mayor Massey provided comments.

Councilmember Saemann provided comments.

**b) 23-0706 PRESENTATION FROM MARINE MAMMAL CARE CENTER**

John Warner, CEO from Marine Mammal Care Center, provided a presentation.

Mayor Pro Tem Francois provided comments.

John Warner asked the public to call 1-800-39-WHALE if a marine mammal is found on the beach.

Mayor Massey provided comments.

**VIII. CITY MANAGER REPORT**

City Manager Suja Lowenthal provided a City Manager Report.

Mayor Pro Tem Francois asked various questions.

City Manager Lowenthal provided additional information.

**IX. PUBLIC PARTICIPATION: ORAL AND WRITTEN COMMUNICATIONS FROM THE PUBLIC**

In Person Public Comment:  
Sarah Harper  
Jonathan Cruz  
Nick Wilson

Michael Sribney

Virtual Public Comment:  
Matt McCool

a) [23-0728](#) **WRITTEN COMMUNICATION**

A motion was made by Councilmember Deto, seconded by Councilmember Jackson to receive and file the written communication. The motion carried by the following vote:

**Aye:** 5 - Mayor Massey, Francois, Saemann, Deto, and Jackson

**Absent:** 0

**X. CITY COUNCILMEMBER COMMENTS**

a) **23-0712** **UPDATES FROM CITY COUNCIL AD HOC SUBCOMMITTEES AND STANDING COMMITTEE DELEGATES/ALTERNATES**

Mayor Pro Tem Francois announced his attendance to the Sanitation District Board of Directors Meeting on November 15, 2023.

Councilmember Saemann provided comments.

Mayor Pro Tem Francois provided comments.

**XI. CONSENT CALENDAR**

***Approval of the Consent Calendar***

A motion was made by Councilmember Deto, seconded by Mayor Pro Tempore Francois to move Consent Calendar item "i" for separate discussion and approve the remainder of the Consent Calendar. The motion carried by the following vote:

**Aye:** 5 - Mayor Massey, Francois, Saemann, Deto, and Jackson

**Absent:** 0

a) **23-0716** **WAIVE READING IN FULL OF ALL ORDINANCES ON THE AGENDA**  
(City Clerk Myra Maravilla)

A motion was made to approve the recommendation on the Consent Calendar.

b) [REPORT](#) **CITY COUNCIL MEETING MINUTES**  
[23-0713](#) (City Clerk Myra Maravilla)

A motion was made to approve the recommendation on the Consent Calendar.

c) [REPORT](#)  
[23-0702](#)

**CHECK REGISTERS**

(Finance Director Viki Copeland)

A motion was made to approve the recommendation on the Consent Calendar.

d) [REPORT](#)  
[23-0704](#)

**REVENUE REPORT, EXPENDITURE REPORT, AND CIP REPORT  
BY PROJECT**

**FOR SEPTEMBER AND OCTOBER 2023**

(Finance Director Viki Copeland)

A motion was made to approve the recommendation on the Consent Calendar.

e) [REPORT](#)  
[23-0701](#)

**CITY TREASURER'S REPORT AND CASH BALANCE REPORT**

(City Treasurer Karen Nowicki)

A motion was made to approve the recommendation on the Consent Calendar.

f) [REPORT](#)  
[23-0695](#)

**CAPITAL IMPROVEMENT PROGRAM STATUS REPORT**

**AS OF NOVEMBER 22, 2023**

(Public Works Director Joe SanClemente)

A motion was made to approve the recommendation on the Consent Calendar.

g) [REPORT](#)  
[23-0699](#)

**ACTION MINUTES OF THE PUBLIC WORKS COMMISSION  
MEETING OF SEPTEMBER 20, 2023 AND THE PUBLIC WORKS  
COMMISSION SPECIAL MEETING OF OCTOBER 18, 2023**

(Public Works Director Joe SanClemente)

A motion was made to approve the recommendation on the Consent Calendar.

h) [REPORT](#)  
[23-0705](#)

**ADOPTION OF AN ORDINANCE ADDING CHAPTER 12.09 TO THE  
HERMOSA BEACH MUNICIPAL CODE TO ESTABLISH A CITYWIDE  
PAVEMENT MORATORIUM AND TO MODIFY CHAPTER 1.10 OF  
HBMC TO INCLUDE VIOLATION OF THE PAVEMENT MORATORIUM  
AS A CODE VIOLATION SUBJECT TO ADMINISTRATIVE PENALTY  
PROCEDURES AND DETERMINE THE ORDINANCE TO BE  
EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT**

(Public Works Director Joe SanClemente)

A motion was made to approve the recommendation on the Consent Calendar.

j) [REPORT](#)  
[23-0718](#)

**PLANNING COMMISSION TENTATIVE FUTURE AGENDA**

(Community Development Director Carrie Tai)

A motion was made to approve the recommendation on the Consent Calendar.



Councilmember Saemann and Mayor Pro Tem Francois expressed support to pull item 6.b from the November 13, 2232 Planning Commission minutes for City Council consideration at a future Public Hearing.

City Manager Lowenthal provided comments.

Virtual Public Comment:

Laura Pena

**It was moved by Councilmember Saemann, seconded by Mayor Pro Tem Francois to bring Planning Commission item 6.b. before the City Council for a Public Hearing. The motion was carried by the following vote:**

**Aye:** 3 - Francois, Saemann, and Jackson

**No:** 1 - Mayor Massey

**Absent:** 0

**Abstain:** 1 - Detoy

**A motion was made by Councilmember Detoy, seconded by Councilmember Jackson to receive and file the remainder of the action minutes of the Planning Commission regular meeting of November 13, 2023. The motion carried by the following vote:**

**Aye:** 5 - Mayor Massey, Francois, Saemann, Detoy, and Jackson

**Absent:** 0

**XIII. PUBLIC HEARINGS - TO COMMENCE AT 6:30 P.M.**

- a) [REPORT](#) **RESOLUTION APPROVING THE ALLOCATION OF \$147,148 OF COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS TO CONSTRUCT AMERICANS WITH DISABILITIES ACT (ADA) COMPLIANT SIDEWALK PANELS AND CURB RAMPS**  
(Public Works Director Joe SanClemente)

Public Works Director Joe SanClemente provided a staff presentation.

Councilmember Detoy provided comments.

Councilmember Jackson provided comments.

Mayor Pro Tem Francois provided comments.

No Public Comment was provided.

**A motion was made by Councilmember Detoy, seconded by Councilmember Saemann to adopt a resolution approving the Fiscal Year 2023-24 Community Development Block Grant (CDBG) program allocating and authorizing the use of \$147,148 of funds to construct Americans with Disabilities Act (ADA) compliant**

sidewalk panels and curb ramps; and approve an appropriation of \$13,831 from the CDBG funds to CIP 624-CDBG Improvements. The motion carried by the following vote:

**Aye:** 5 - Mayor Massey, Francois, Saemann, Deto, and Jackson

**Absent:** 0

**XIV. MUNICIPAL MATTERS**

a) [REPORT](#) **PURCHASE OF VEHICLES FOR POLICE DEPARTMENT**  
[23-0700](#) (Public Works Director Joe SanClemente)

Director SanClemente provided a staff presentation.

Councilmember Saemann provided comments.

Police Chief LeBaron provided information.

Director SanClemente provided information.

Mayor Pro Tem Francois provided comments.

Mayor Massey provided comments.

Councilmember Jackson provided comments.

City Manager Lowenthal provided comments.

Councilmember Deto provided comments.

Virtual Public Comment:

Matt McCool

Dency Nelson

The City Council continued to deliberate on this item.

**A motion was made by Councilmember Deto, seconded by Councilmember Jackson to authorize the purchase of four patrol pursuit vehicles in an amount not to exceed \$312,000 from National Auto Fleet Group, the State of California's General Services Department Statewide Contract for Fleet Vehicles, or sole source from a dealership as the vehicle becomes available; and authorize the outfitting of each of the vehicles, not to exceed \$108,000 for all four vehicles, through National Auto Fleet Group; and approve an additional appropriation of \$195,000 to the Equipment Replacement Fund's fund balance to the Police Department Equipment Replacement Fund to fund the purchase and outfitting of the vehicles.that this Action Item be adopted. The motion carried by the following vote:**

**Aye:** 5 - Mayor Massey, Francois, Saemann, Deto, and Jackson

Absent: 0

b) [REPORT](#)  
[23-0709](#)

**CITY COUNCIL MEETING SCHEDULE FOR 2024**  
(Executive Assistant Ann Yang)

Executive Assistant Ann Yang provided a staff presentation.

Virtual Public Comment:  
Matt McCool

Councilmember Detoy provided comments.

Mayor Pro Tem Francois provided comments.

Mayor Massey provided comments.

City Manager Lowenthal provided comments.

Executive Assistant Yang provided information.

City Attorney Donegan provided comments.

City Clerk Maravilla provided comments.

Councilmember Jackson provided comments.

**A motion was made by Mayor Massey, seconded by Councilmember Jackson to approve the City Council meeting schedule for 2024 with modifications, and approve the resolution establishing the meeting dates and times of the City Council for calendar year 2024 with the modifications as follows: establish the standard start time of 5:00 p.m. for Closed Session and 6:00 p.m. for Open Session with the exception of July 11, 2024 meeting to begin at 5:00 p.m; and add the following meeting dates to the 2024 City Council meeting dates: June 11, 2024, July 15, 2024, October 22, 2024, and December 5, 2024; and remove the following meeting dates: June 19, 2024, July 18, 2024, November 26, 2024, and December 10, 2024. The motion carried by the following vote:**

**There was a substitute motion by Mayor Pro Tem Francois to change the standard start time for the 2024 City Council meetings to 6:00 p.m. for Closed Session and 7:00 p.m. for Open Session. The motion failed for a lack of a second.**

**The original motion was carried by the following vote:**

**Aye:** 5 - Mayor Massey, Francois, Saemann, Detoy, and Jackson

Absent: 0

**XV. FUTURE AGENDA ITEMS**

a) [23-0723](#)

**TENTATIVE FUTURE AGENDA ITEMS**

Councilmember Saemann requested to bring back the City's COVID-19 requirements for employment and update the City's position at a future meeting. Mayor Pro Tem Francois provided support for an informational item only.

Mayor Pro Tem Francois requested to bring forth a private citizen issue related to the cost of a tree removal. No support was provided for this item.

Public Works Director SanClemente provided comments.

Mayor Massey provided comments.

City Manager Lowenthal provided comments.

City Attorney Donegan provided comments.

**XVI. ADJOURNMENT**

Mayor Massey adjourned the meeting at 10:06 p.m.