

January 11, 2012  
7:30 P.M.  
Council Chambers of City Hall  
340 Palos Verdes Dr. West  
Palos Verdes Estates

**AGENDA  
OF A REGULAR MEETING  
OF THE CITY COUNCIL OF THE CITY OF  
PALOS VERDES ESTATES, CALIFORNIA**

Copies of the staff reports or other written documentation relating to each item of business referred to on the agenda are on file in the office of the City Clerk and are available for public inspection. If applicable, materials related to an item on this agenda submitted to the Council after distribution of the agenda packet are available for public inspection in the City Clerk's office during normal business hours. Any person having any question concerning any agenda item may call the City Clerk to make inquiry concerning the item. Upon request, the agenda and documents in the agenda packet can be made available in appropriate alternative formats to persons with a disability in compliance with the Americans with Disabilities Act. Please contact the City Clerk at 310-378-0383, at least 48 hours prior to the meeting to request a disability-related modification or accommodation.

The City Council welcomes and encourages public participation at the Council meetings; however, to allow for the orderly progression of business, each person wishing to comment or make a presentation shall be limited to three (3) minutes. Anyone wishing to address the City Council shall fill out a green speaker's card available at the end of each row in the Chambers. The card permits the City to identify persons for purposes of City Council minute preparation. Please see specific agenda sections below for any other requirements related to meeting participation. The City Council, at the direction of the Mayor with concurrence of the Council, may modify the order of items shown on the agenda.

**NEXT RESOLUTION NO. R12-02  
NEXT ORDINANCE NO. 12-701**

**CALL TO ORDER**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL (7:30 p.m.)**

**CLOSED SESSION ANNOUNCEMENT**

**CITY COUNCIL AGENDA  
JANUARY 11, 2012**

## MAYOR'S REPORT – Matters of Community Interest

### CONSENT AGENDA (Items #1 - 8)

All items under this heading are considered to be routine and will be enacted by one motion, unless a Councilmember, staff, or member of the public requests that an item be removed for separate discussion. An applicant or interested citizen who wishes to appeal any Planning Commission decision (Item #8a-g) may file an appeal with the City Clerk's office within 15 days after the date of the Planning Commission's decision.

Any item removed from the Consent Agenda will be considered immediately following the motion to approve the Consent Agenda.

1. Waive Further Reading

**Recommendation: After the City Attorney has read the title, waive full reading of ordinances considered on this agenda for introduction on first reading or adoption on second reading.**

2. City Council Minutes of December 13, 2011

**Recommendation: Review and Approve.**

3. Adoption of Ordinance 12-700; an Ordinance of the City Council of the City of Palos Verdes Estates, California, Amending Titles 16, 17, and 18 of the Palos Verdes Estates Municipal Code

**Recommendation: It is recommended that the City Council adopt Ordinance 12-700; amending Titles 16, 17, and 18 of the Palos Verdes Estates Municipal Code.**

4. City Treasurer's Report – December 2011

**Recommendation: Receive and File.**

5. Monthly Financial Report – December 2011

**Recommendation: Receive and File.**

6. Encroachment Agreement for Private Improvements on City Parklands Adjacent to 225 Rocky Point Road

**Recommendation: It is recommended that the City Council enter into an encroachment agreement with the owner of 225 Rocky Point Road for private improvements on adjacent City parklands.**

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7. Special Event Application for Palos Verdes Community Art Association Affiliates Summer Art Shows: April 21-22, May 19-20, June 16-17, July 21-22, August 18-19, and September 22-23, 2012 from 10:00 a.m. to 5:00 p.m. on the Malaga Cove Plaza Green

**Recommendation: It is recommended that the City Council approve the Special Event Application for the PVAC Art Shows scheduled one weekend per month from April – September, 2012.**

8. Planning Commission Actions of December 20, 2011

**Recommendation: Receive and File.**

- a. **CDP-85/NC-1430/M-844-11;** Consideration of Coastal Development Permit, Neighborhood Compatibility and Miscellaneous Applications for additions and remodeling to the single family residence located at 515 Paseo Del Mar. Lot 1 & portion of B, Block 1500, Tract 6886.

Applicant: Tomaro Architecture, Inc.  
2617 N. Sepulveda Blvd., #100  
Manhattan Beach, CA 90266  
Owner: James Vandever & Kimberly Hall

**Action: Approved (4-0, Vandever recused) with standard conditions and the following additional conditions: 1) A licensed survey of the building coverage shall be completed and submitted to the City to verify compliance with the coverage for the subject lot; 2) A license and indemnification is to be provided to the City for the nonstandard work within the City right-of-way; 3) A standard urban stormwater mitigation plan, approved by the City Engineer shall be prepared and implemented for the project.**

- b. **M-823-11;** Consideration of a Miscellaneous Application for various non-standard structures at the new single family residence located at 1729 Via Coronel. Lot 2, Block 4, Tract 7334.

Applicant: Richie-Bray, Inc.  
2432 Via Amador  
Palos Verdes Estates, CA 90274  
Owner: Rich & Liz Umbrell  
1612 Granvia Altamira  
Palos Verdes Estates, CA 90274

**Action: Approved (5-0) with standard conditions and the following additional conditions: 1) The water slide is to be operated no earlier than 9 a.m. and no later than 10 p.m.; 2) There is to be landscape screening in the form of a ficus hedge between 12 and 15 ft. in height at the property line bordering the residences on Via Fernandez.**

- c. **NC-1353R-11;** Revised Neighborhood Compatibility Application for the new single family residence located at 2004 Paseo Del Mar. Lot 28, Block 1190, Tract 7331.

Applicant: S.K. Architects  
4040 Palos Verdes Drive North, #201  
Rolling Hills Estates, CA 90274  
Owner: Ben & Denise Nguyen

**Action: Approved (5-0) with standard conditions and the following additional conditions: 1) A licensed survey of the floor area shall be completed and submitted to the city to verify compliance with the approved floor area for the subject lot; 2) All nonstandard encroachments, including but not limited to the nonstandard walkway, shall be removed.**

- d. **NC-1304RII-11**; Revised Neighborhood Compatibility Application for the new single family residence located at 376 Via Almar. Lot 5, Block 1514, Tract 6886.

Applicant: Cauthen Design Inc.  
17072 Tiffany Cr.  
Huntington Beach, CA 92649  
Owner: Mr. & Mrs. Kocarlan  
368 Via Almar  
Palos Verdes Estates, CA 90274

**Action: Denied (3-2, Thomas and Evans dissenting).**

- e. **M-838-11**; Consideration of a Miscellaneous Application for a new detached garage at the single family residence located at 1804 Dalton Road. Lot 2, Block 1276, Tract 7140.

Applicant: Boettcher Engineering & Contracting  
111 N. Gaffey St.  
San Pedro, CA 90731  
Owner: Al & Gitte Martinez

**Action: Approved (5-0) with standard conditions.**

- f. **M-839-11**; Consideration of a Miscellaneous Application requesting after-the-fact approval for structures exceeding the maximum allowable height at the new single family residence located at 2005 Palos Verdes Drive West. Lot 2, Block 1290, Tract 7331.

Applicant/Owner: Yu-Mei & Sandy Lin

**Action: Approved (5-0) with standard conditions and the following additional condition: 1) The south fence between the houses on Palos Verdes Drive West is to be cut down to the height of the existing block wall.**

- g. **M-842-11**; Consideration of a Miscellaneous Application for a structure exceeding the maximum allowable height at the single family residence located at 1141 Via Zumaya. Lot 12, Block 2326, Tract 6890.

Applicant: Envirotechno Architecture  
27010 Springcreek Rd.  
Rancho Palos Verdes, CA 90275  
Owner: Joseph & Janice Bies

**Action: Approved (5-0) with standard conditions.**

## COMMUNICATIONS FROM THE PUBLIC

**This portion of the agenda is reserved for comments from the public on items which are NOT on the agenda. Due to state law, no action can be taken by the Council this evening on matters presented under this section. If the Council determines action is warranted, the item may be referred to staff or placed on a future Council agenda.**

## OLD BUSINESS

## NEW BUSINESS

9. Proposed Expenditure of Citizens Option for Public Safety (COPS) Funds for Fiscal Year 2011-12 and Adoption of Resolution R12-01

**Recommendation: It is recommended that the City Council approve a budget adjustment for FY 11-12 in the amount of \$30,293 and adopt Resolution R12-01, approving the use of COPS funds.**

## STAFF REPORTS

10. City Manager's Report

## DEMANDS

11. a. Authorize Payment of Motion #1 – Payroll Warrant of December 23, 2011  
b. Authorize Payment of Motion #1a – Payroll Warrant of January 6, 2012  
c. Authorize Payment of Motion #2 – Warrant Register of December 27, 2011  
d. Authorize Payment of Motion #2a – Warrant Register of January 11, 2012

**Recommendation: Authorize Payment of Motions #1, #1a, #2, and #2a.**

## CITY COUNCIL AGENDA JANUARY 11, 2012

**MAYOR & CITY COUNCILMEMBERS' REPORTS**

**ADJOURNMENT TO TUESDAY, JANUARY 24, 2012, IN COUNCIL CHAMBERS OF CITY HALL FOR THE PURPOSE OF A REGULAR MEETING.**

- *This City Council meeting can be viewed on Cox Cable, Channel 35, Thursday, January 12, 2012 at 7:30 p.m., and Wednesday, January 18, 2012, at 7:30 p.m.*

**TO: JUDY SMITH, CITY MANAGER**

**FROM: ALLAN RIGG, PLANNING DIRECTOR**

**SUBJECT: ADOPTION OF ORDINANCE NO. 12-700, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALOS VERDES ESTATES, CALIFORNIA, AMENDING TITLES 16, 17, AND 18 OF THE PALOS VERDES ESTATES MUNICIPAL CODE**

**DATE: JANUARY 11, 2012**

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**The Issue**

Should the City Council Adopt Ordinance No. 12-700, an Ordinance of the City Council of the City of Palos Verdes Estates, California, Amending Titles 16, 17 and 18 of the Palos Verdes Estates Municipal Code?

**Background and Analysis**

The City of Palos Verdes Estates is performing a comprehensive update of its Municipal Code, including the titles related to subdivisions (Title 16), zoning procedures (Title 17), and zoning regulations (Title 18). The intent of the process is to update City regulations to comply with changes in state law and to eliminate confusing or contradictory language.

The proposed changes were reviewed by the Planning Commission on September 20, 2011 and October 18, 2011. The approved titles were then introduced by the City Council on December 13, 2011. All suggestions made by the Planning Commission and City Council have been incorporated into the final code sections. Ordinance 12-700 is attached.

**Alternatives Available to the City Council**

The following are alternatives available to the City Council:

1. Adopt Ordinance No. 12-700, an Ordinance of the City Council of the City of Palos Verdes Estates, California, Amending Titles 16, 17 and 18 of the Palos Verdes Estates Municipal Code.
2. Direct staff to modify the Ordinance 12-700 and bring back the ordinance to the City Council for reintroduction.
3. Decline to act.

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**Recommendation from Staff**

Staff recommends that the City Council adopt Ordinance 12-700, an Ordinance of the City Council of the City of Palos Verdes Estates, California, Amending Titles 16, 17 and 18 of the Palos Verdes Estates Municipal Code.

Staff report prepared by:  
Stacey Kinsella  
Planning Department



TO: MAYOR AND CITY COUNCIL  
FROM: JUDY SMITH, CITY MANAGER  
SUBJECT: MONTHLY FINANCIAL REPORT – DECEMBER 2011

Revenues

Total operating revenues are currently 1% less than expected, while the general fund is 2% below expected. This is also the same overall actual to expected performance reported last year at this time and there are currently no specific areas of concern. December reflects the receipt of initial property tax and special assessment (fire parcel tax) revenue from Los Angeles County and gives us a good idea of how the rest of the fiscal year will unfold on the revenue side. Development fees are currently 14% higher than expected, while Club concession revenue is 1% ahead of expected. Although a small dollar amount, \$135,000 or 1.2% of total general fund budget, the property transfer tax continues to lag, 42% below expected for the year to date. This bell weather revenue continues to reflect the stagnant residential real estate market. Property taxes are highlighted further in the Spot Report below.

Expenditures

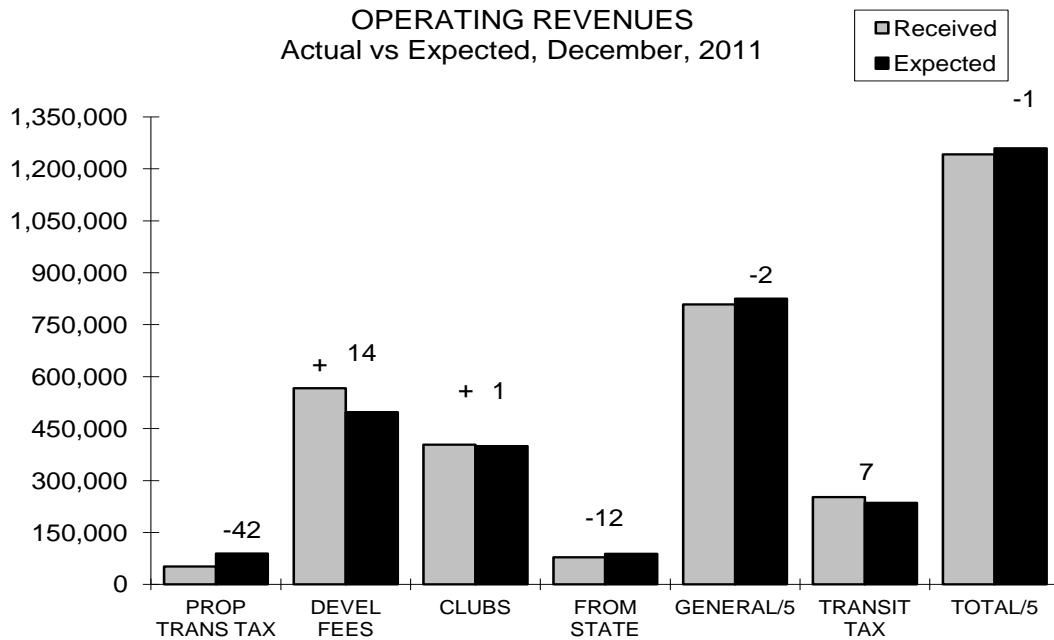
Total operating expenditures are currently 3% below expected for the year-to-date. As has been the trend this fiscal year, Public Works related costs currently exceed expected by 5%, while the Insurance/ Attorney departments are 13% ahead of expected. This is mainly due to insurance payments which are made in July and then offset by charges to the operating departments on a monthly basis throughout the fiscal year. General government (-5%) and Police Department(-6%) reflect savings in personnel costs due to the administrative reorganization and vacancies. We expect both these departments will track more closely to expected during the final quarter of the fiscal year.

Spot Reports

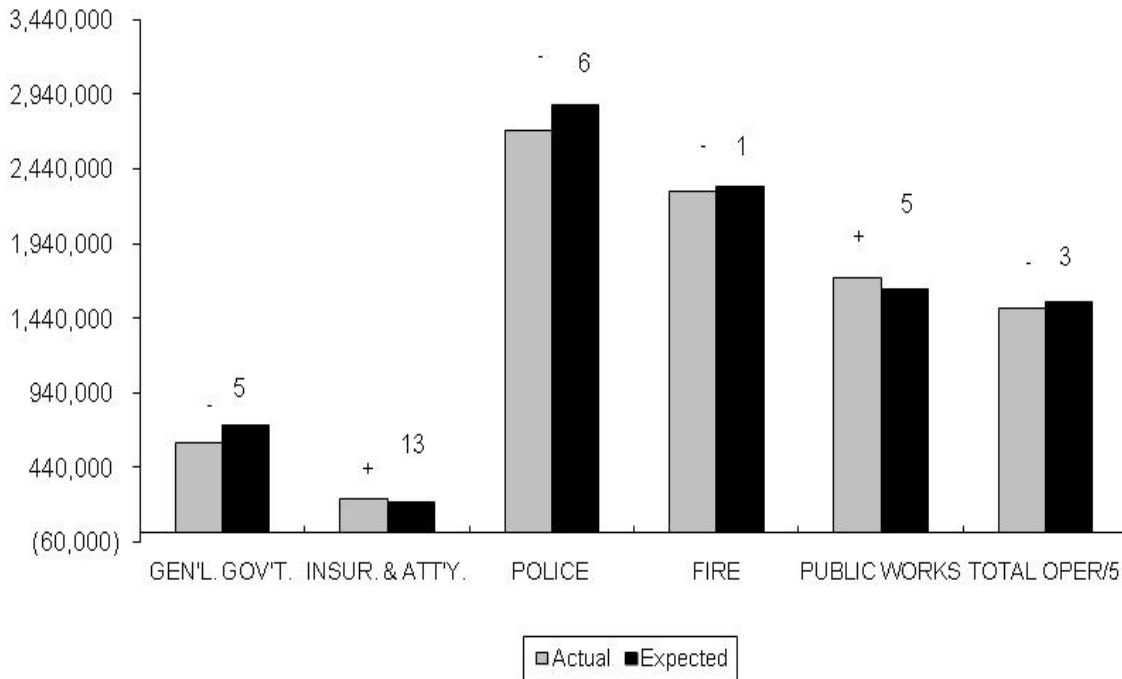
As indicated above, December represents the initial distribution of property tax from Los Angeles County. The December payment represents 40% of secured collections. For budget purposes, the City assumed a 1.5% increase in assessed values (AV) for this fiscal year. The City's FY 11-12 actual AV increase totaled 2.37%. Countywide, values were up 1.4%. As stated last year, with the assistance of our property tax consulting firm, HDL, we are closely tracking the impact of assessor ordered changes in value and other assessment appeals. During calendar 2011, 34 more properties received Proposition 8 adjustments (lowered assessed value) as ordered by LA County Assessor. The City's median home price, reflecting sales activity January through September 2011, was approximately \$80,000 lower (-5.4%) than the median price in 2010.

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**OPERATING REVENUES**  
Actual vs Expected, December, 2011



**OPERATING EXPENDITURES**  
Actual vs Expected, December 2011



**TO: JUDY SMITH, CITY MANAGER**

**FROM: ALLAN RIGG, PUBLIC WORKS DIRECTOR**

**SUBJECT: ENCROACHMENT AGREEMENT FOR PRIVATE IMPROVEMENTS ON CITY PARKLANDS ADJACENT TO 225 ROCKY POINT ROAD**

**DATE: JANUARY 11, 2012**

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**The Issue**

Should the City Council enter into an encroachment agreement with the owner of 225 Rocky Point Road for private improvements on adjacent City parklands?

**Background and Analysis**

Many of the privately owned properties in Palos Verdes Estates border property that is owned by the City and called parklands. The land is fee-owned and was given to the City by the Palos Verdes Homes Association. As evidenced by the deed restrictions on all these properties, the intent is for this land to remain as open space and available for the public at large.

Unfortunately, over the years many property owners bordering this land built encroachments upon the parklands and in many cases enclosed it for their own use. Encroachments consist of the placement of any permanent feature by a private property owner onto the publicly-owned land, including: fences, walls, and hardscape. PVEMC section 12.04.010 states that permits are required prior to the placement of any permanent feature on city property. However, because such encroachments would violate the deed restrictions which the City must legally comply with, encroachments cannot be, and are not, permitted on parklands.

We have undergone an extensive process over the past six years to eliminate most of the major illegal encroachments. The only two that remain are the encroachments adjacent to 900 Via Panorama and 225 Rocky Point Road. As an item of information, the owners of the property at 900 Via Panorama have removed many of the encroachments and have an application in to the Planning Commission that asks to keep some encroachments for fire access and slope stability.

The encroachments adjacent to 225 Rocky Point Road consist of a stairway, walls, and landings that allow access from the top of the bluffs to the shoreline below. The only access to the encroachment and associated structures is through private property. There is no general public access to the bluff

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top in this location. The stairway at 225 Rocky Point Road is used periodically by Police, Fire Department, and Lifeguard personnel for emergency response. Each group has a key to the stairway and it provides them easy access to the beach at Lunada Bay.

At the September 27, 2011 City Council meeting, the Council discussed that this is a unique situation in that the encroachment serves a public purpose by providing access for our public safety personnel and should be allowed to remain. The Council directed staff to create a license agreement with the property owner of 225 Rocky Point Road to retain the stairway for Council review and approval. Staff has worked with the City Attorney's office to create the attached agreement which has been reviewed and approved by the owner of 225 Rocky Point Road. We are bringing the agreement to the Council for your review and approval.

### **Alternatives Available to the City Council**

1. Enter into an encroachment agreement with the owner of 225 Rocky Point Road for private improvements on adjacent City parklands.
2. Direct staff to modify the encroachment agreement and return to the Council at a later date.
3. Do not enter into an encroachment agreement and direct that the private improvements be removed.

### **Recommendation from Staff**

Staff recommends that the City Council enter into an encroachment agreement with the owner of 225 Rocky Point Road for private improvements on adjacent City parklands.

Staff report prepared by:

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Allan Rigg  
Public Works Department

TO: JUDY SMITH, CITY MANAGER

FROM: JOE MENDOZA, ADMINISTRATIVE ANALYST

SUBJECT: SPECIAL EVENT APPLICATION FOR PALOS VERDES COMMUNITY ART ASSOCIATION AFFILIATES SUMMER ART SHOWS: APRIL 21-22, MAY 19-20, JUNE 16-17, JULY 21-22, AUGUST 18-19, SEPTEMBER 22-23, 2012 FROM 10AM TO 5PM ON THE MALAGA COVE PLAZA GREEN

DATE: JANUARY 11, 2012

**ISSUE**

Shall a Special Event Application be approved for the Palos Verdes Community Art Association Affiliates to hold six (6) art exhibitions and sales beginning in April and ending in September on the Malaga Cove Plaza Green?

**BACKGROUND**

The Palos Verdes Community Art Association has submitted a Special Event Application to hold six (6) art exhibitions and sales on the Malaga Cove Plaza Green from April – September. These annual exhibitions have been held by the Association for more than twenty years. The PVCAA is an artists' group affiliated with the Palos Verdes Art Center that displays and sells art.

To receive City approval for use of the green, the PVCAA must comply with the procedures set forth in the Special Event Application. Special Events are activities that occur within the City that may impact streets, services, public safety, citizen welfare, and/or disrupt traffic and community activities. The City therefore imposes specific conditions upon the sponsors of such events and assesses fees to cover City costs associated with the event. Requirements include but are not restricted to the following:

1. Pay a deposit fee \$75 (refundable) and a Special Event Application fee of \$150 for each event.
2. Obtain approval by individual City departments establishing special conditions where necessary to mitigate any impact the event may have on City streets, services, and public safety. The Police Department, Streets and Parks, Finance Department, Fire Department (as needed) and City Manager's Department all sign off to approve an event.
3. Provide a *certificate of liability* insurance.
4. Provide an *Indemnification Agreement*.

The PVCAA's Special Event is subject to additional specific requirements which were approved by the City Council in 1991. The extra conditions attached to the PVCAA shows were prompted by the increasing number art shows and other activities on the Malaga Cove Green. The following four requirements have been added.

1. Special Event applications for Art Shows on the Malaga Cove Plaza Green will be issued to juried art groups who are members of the Palos Verdes Peninsula Arts Association;
2. No more than five (5) shows may be held in one calendar year. Events may be scheduled no more than one a month. (Since 1999 this provision has been modified to allow six (6) shows from April – September).
3. Provisions must be made for the City's current waste disposal franchisee to pick-up trash early Monday morning immediately following the Sunday art show. Provisions must also be made for sanitary facilities on the day of the show. The cost of these services will be borne by the art group utilizing the Plaza Green.
4. The Palos Verdes Community Arts Association is encouraged to select one representative to work with the City in scheduling art shows.

Since these guidelines were adopted in November, 1991, the PVCAA exhibitions have been well organized and managed without disruption. The dates requested for this year's art shows are: April 21-22; May 19-20; June 16-17; July 21-22; August 18-19; and September 22-23, 2012 from 7am to 5pm (including set-up and tear down). Affiliates have complied with the requirements set forth by the City Council as listed above.

### **CONCLUSION**

The Application has been reviewed and preliminarily approved by all municipal departments. Fees have been paid for all six separate weekend events and the Certificate of Insurance and Indemnity Agreement have been received. This event has taken place in the City for over twenty years without incident.

### **RECOMMENDATION**

It is recommended that the City Council approve the Special Event Application for PVCAA Art Shows scheduled one weekend per month from April – September, 2012.

CC: Ann Willens, PVAC Administrative Director  
Mark Hart, Maintenance Foreman  
John Eberhard, Police Captain  
Los Angeles County Fire Department

Attachments

**CITY COUNCIL AGENDA  
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**TO: JUDY SMITH, CITY MANAGER**  
**FROM: ALLAN RIGG, PLANNING DIRECTOR**  
**DATE: JANUARY 11, 2012**  
**SUBJECT: PLANNING COMMISSION ACTIONS OF DECEMBER 20, 2011**

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The items attached were acted upon by the Planning Commission on December 20, 2011.

The Council may, within fifteen days after the date of the decision on or before the first day following the first Council meeting after the date of the Planning Commission decision, whichever occurs last:

1. Confirm the action of the Planning Commission and grant or deny the application;
2. Set the matter for public hearing and dispose of it in the same manner as on an appeal; or
3. Amend, modify, delete, or add any condition of approval which the Council finds is not substantial under the circumstances relative to or affecting the property subject to the application for a development entitlement. Any determination of the Council pursuant to this paragraph shall be conclusive and final.

In the event the Council does not take one of the actions specified above within the period of time required, the decision of the Planning Commission shall be final.

Recommendation:

Receive and file.

**TO: JUDY SMITH, CITY MANAGER**  
**FROM: DANIEL DREILING, POLICE CHIEF**  
**SUBJECT: CITIZEN'S OPTION FOR PUBLIC SAFETY (COPS) EXPENDITURE**  
**DATE: JANUARY 11, 2012**

The Issue

Shall the City Council adopt Resolution R12-01, approving the use of COPS funds and adjusting the FY 2011-12 budget to procure facilities upgrades in the police department including new carpeting throughout the station and new furniture and cabinets in Executive Assistant to the Police Chief / Custodian of Records and Watch Commander offices?

Background Analysis

Citizen's Option for Public Safety (COPS) funds are provided by the State to cities to support front line police functions. Palos Verdes Estates receives the State provided minimum allocation of \$100,000 per year which is paid in periodic remittances. These funds are regulated by the California State Department of Finance. The guidelines limit the funds to law enforcement services upon a recommendation of the Police Chief and the adoption of a resolution confirming the same. In addition, the funds must be spent within two years of receipt.

Of the \$100,000 the City received for FY 10-11 COPS funds, there remains a balance of \$30,239 which must be used by fiscal year end (6/30/12). If we fail to use these funds within the time limitation, we jeopardize the funds being remanded by the State. Insofar as the funds must be expended by this fiscal year end, we are requesting the funds be made available to effect a police facility facelift. Specifically, we hope to use these funds to procure carpeting throughout the entire station (including the trailer and lobby), and furniture & cabinets for the offices of the Executive Assistant to the Police Chief / Custodian of Records and the Watch Commander.

Regards carpeting: the carpeting in the police department is badly worn with frayed seams and permanent stains. Furthermore, it was installed in piecemeal with different carpet patterns installed in various offices at various times, giving an unprofessional appearance. In researching floor covering alternatives, we have learned that heavily trafficked offices commonly opt for carpet squares rather than rolled carpeting as they are much more efficient. With carpet squares, a badly worn or stained spot can be peeled up and replaced, without having to replace the entire carpet. Floor covering experts recommend purchasing 5% extra for replacement squares. The cost of purchase and labor to replace the carpet with carpet squares (including 5% extra) is \$18,000.

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With respect to the 2 offices needing furnishing: These offices were last remodeled more than 20 years ago. Over the years, nuances and increased demands have been placed upon the employees of these offices. In addition to these offices becoming haggard looking, they are inefficient, being originally outfitted for other tasks. We would like to make these offices more workable, efficient, and professional looking by using the remaining balance of nearly \$12,239 to purchase and install cabinetry, shelving, file drawers, as other furniture as needed.

As of this date, the City has received a remittance in the amount of \$42,085 of the \$100,000 COPS funds for FY 11-12. We would like to leave these funds unencumbered at this time.

#### Recommendation

It is recommended that City Council approve a budget adjustment for FY 11-12 in the amount of \$30,239 and adopt Resolution R12-01, approving the remainder of FY 10-11 COPS funds (\$30,239) to be used to effect facilities upgrades in the police department including new carpeting throughout the station, and new furniture and cabinets in the Executive Assistant to the Police Chief / Custodian of Records and Watch Commander offices.