

February 28, 2012
6:30 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. R12-04
NEXT ORDINANCE NO. 12-702**

CALL TO ORDER

PUBLIC COMMENT ON CLOSED SESSION ITEM(S)

CLOSED SESSION (6:30 p.m. – 7:30 p.m.)

This time has been set aside for the City Council to meet in a closed session to discuss the matters listed below pursuant to Government Code § 54957. The Mayor or City Attorney will give an additional oral report regarding the closed session.

**CITY COUNCIL AGENDA
FEBRUARY 28, 2012**

- **PUBLIC EMPLOYMENT**
Government Code § 54957
Title: Interim Police Chief

At the conclusion of the Closed Session, the Council may continue any item listed on the closed session to the Open Session agenda for discussion or to take formal action as it may deem appropriate.

PLEDGE OF ALLEGIANCE

ROLL CALL (7:30 p.m.)

MAYOR'S REPORT – Matters of Community Interest

CONSENT AGENDA (Items #1 - 12)

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 #12a-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 February 14, 2012

Recommendation: Review and Approve.

3. City Treasurer's Report – January 2012

Recommendation: Receive and File.

4. Monthly Financial Report – January 2012

CITY COUNCIL AGENDA FEBRUARY 28, 2012

Recommendation: Receive and File.

5. Adoption of Ordinance 12-701; an Ordinance of the City Council of the City of Palos Verdes Estates, California, Amending and Readopting Titles 1, 2, 3, 5, 6, 8, 9, 10, 12, 13, 15 and 19 of the Palos Verdes Estates Municipal Code

Recommendation: It is recommended that the City Council adopt Ordinance 12-701; amending and readopting Titles 1, 2, 3, 5, 6, 8, 9, 10, 12, 13, 15 and 19 of the Palos Verdes Estates Municipal Code.

6. Approval of Revised Joint Powers Agreement – Palos Verdes Peninsula Transit Authority (PVPTA)

Recommendation: It is recommended that the City Council approve the revised Joint Powers Agreement for the Palos Verdes Peninsula Transit Authority.

7. PW-581-11; Completion of Contract for the Fiscal Year 11-12 Slurry Seal Project

Recommendation: It is recommended that the City Council accept as complete the construction contract PW-581-11, FY11-12 Slurry Seal Project in the amount of \$386,711.27 and direct the City Clerk to file the Notice of Completion, and release the 10% retention 30 days after the County Recorder's office records the Notice of Completion, if no stop notices are filed.

8. Special Event Application for the American Diabetes Association to Hold its "Tour De Cure" Cycling Event Scheduled Sunday, April 29, 2012 from 7:00 a.m. to 12:00 p.m.

Recommendation: It is recommended that the City Council approve the Special Event Application allowing the American Diabetes Association's "Tour De Cure" cycling event to travel through Palos Verdes Estates on April 29, 2012.

9. Special Event Application for the Palos Verdes Half Marathon Scheduled Saturday, May 19, 2012 from 7:00 a.m. to 12:00 p.m.

Recommendation: It is recommended that the City Council approve the Special Event Application allowing the Palos Verdes Half Marathon to travel through Palos Verdes Estates on May 19, 2012.

10. Traffic Safety Committee Meeting Item of February 8, 2012

Recommendation: Review and Approve.

- a. Stop Sign Warrant Analysis for Via Del Monte at Via Pinale, Via Somonte, Paseo Del Sol, and Via Rincon

Action: Recommended that staff 1) install stop signs in both directions on Via Del Monte at Via Pinale (Approved 5-0) and 2) install stop signs in both directions on Via Del Monte at Via Somonte. (Approved 3-2, Beall and Kao Dissenting)

11. Parklands Committee Meeting Item of February 13, 2012

Recommendation: Review and Approve.

- a. PC-339-12; Application to remove 1 Silver Dollar Eucalyptus tree located in the city pathway between 1824 and 1900 Via Estudillo

Applicant: Christine McNamara
1228 Via Coronel
Palos Verdes Estates, CA 90274

Action: Denied (3-1, Peterson recused, Shaffer dissenting).

12. Planning Commission Actions of February 21, 2012

Recommendation: Receive and File.

- a. **Planning Commission Resolution No. 2012-0573;** Confirming the Planning Commission's denial of **CDP-86-11;** Consideration of a Coastal Development Permit Application requesting after-the-fact approval of two rear yard decks at the single family residence located at 605 Paseo Del Mar. Lots 2, 3 & portion of B & C, Block 1414, Tract 6886.

Applicant/Owner: Desire Meli Kocarlan

Action: Approved (3-0, Chang & Thomas absent).

- b. **CDP-88/WT-118-10;** Consideration of Coastal Development Permit and Wireless Telecommunication Applications for structures proposed within the City right-of-way adjacent to the single family residence located at 1105 Palos Verdes Drive West. Lot 7, Block 1450, Tract 7536.

Applicant: Cable Engineering Services/
Prescott Communications Inc.
10640 Sepulveda Blvd., #1
Mission Hills, CA 91345

Action: Denied (3-0).

- c. **V-85/M-848-12;** Consideration of Variance and Miscellaneous Applications for non-standard structures at the single family residence located at 1504 Via Lazo. Lot 29, Block 1534, Tract 6884.

Applicant/Owner: Adam & Margaret Bartkowski

Action: Approved (3-0) with standard conditions.

- d. **M-847-11;** Consideration of a Miscellaneous Application requesting after-the-fact approval for structures exceeding the maximum allowable height at the single family residence located at 1433 Via Zumaya. Lot 65, Tract 27438.

Applicant: Frank Bostrom
205 Avenue I, #6
Redondo Beach, CA 90277
Owner: Charles & Lenny Toups

Action: Approved (3-0) with standard conditions.

- e. **M-849-12;** Consideration of a Miscellaneous Application for a structure exceeding the maximum allowable height at the single family residence located at 801 Paseo Del Mar. Lot 3, Block 1432, Tract 6886.

Applicant: Criss Gunderson
2024 Via Pacheco
Palos Verdes Estates, CA 90274
Owner: Mark & Beth Saroyan

Action: Approved (3-0) with standard conditions.

- f. **M-851-12;** Consideration of a Miscellaneous Application for a structure exceeding the maximum allowable height at the single family residence located at 1725 Pablo Place. Lot 3, Block 1531, Tract 8045.

Applicant: Waters Construction & Design
616 El Redondo
Redondo Beach, CA 90277
Owner: Bill & Jennifer Adams

Action: Approved (3-0) with standard conditions.

- g. **M-856-12;** Consideration of a Miscellaneous Application for a non-standard encroachment within the City right-of-way across from 2201 Palos Verdes Drive West. Lot 1, Block 2205, Tract 6888.

Applicant: Adolph Ziemba AIA & Associates
601 S. Glenoaks Blvd., #400
Burbank, CA 91502

Action: Approved (3-0) with standard conditions and the following additional conditions: 1) Screening vegetation at the minimum height of 4 ft. is to be provided around the equipment at the time of installation; 2) Bollards are to be painted green provided that Edison grants approval.

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.

PUBLIC HEARINGS – 7:30 p.m.

All persons addressing the City Council during public hearings shall be limited to three (3) minutes for comment, except for an Appellant/Applicant, which shall be provided five (5) minutes for presentation and rebuttal.

13. Appeal of Planning Commission Denial of CDP-86-11; Consideration of a Coastal Development Permit Application Requesting After-the-Fact Approval of Two Rear Yard Decks at the Single Family Residence Located at 605 Paseo Del Mar. Lots 2, 3, and a Portion of B & C, Block 1414, Tract 17606

Appellant/Applicant/Owner: Desire Meli Kocarlan

Recommendation: It is recommended the City Council open the public hearing, receive public input, close the public hearing and make a decision on the application.

14. Protest Hearings of the City Council of the City of Palos Verdes Estates Declaring that Weeds Growing Upon or in Front of, and Brush, Rubbish, Refuse, and Dirt Upon and in Front of Certain Improved and Unimproved Private Properties in the City are a Public Nuisance, and Declaring its Intention to Provide for the Abatement Thereof

Recommendation: It is recommended the City Council open the protest hearing in accordance with Resolution R12-02 for unimproved properties, and at the conclusion of the hearing, adjust the list according to the protests heard and adopt a minute resolution directing the County Agricultural Commissioner's Office (CACO) to inspect and abate weeds, brush, rubbish, and refuse as necessary on unimproved lots contained in the adjusted list.

It is also recommended that the City Council open the protest hearing in accordance with Resolution R12-03 for improved properties, and direct the Los Angeles County Fire Department to inspect all improved properties before affirmation of the final list.

OLD BUSINESS

15. PW-585B-11; Award of Contract for Construction for the FY 11-12 Pedestrian Pathway Improvement Project

Recommendation: It is recommended that the City Council award a construction contract in the amount of \$109,400 to Allied Building Contractors, Inc. for the completion of the FY 11-12 Pedestrian Pathway Improvements; and direct staff to prepare the required budget adjustment resolution for future Council approval.

NEW BUSINESS

16. Review of Proposed Policy: Private Landscaping of Parklands

Recommendation: This is a matter of Council discretion.

STAFF REPORTS

17. City Manager's Report

DEMANDS

18.
 - a. Authorize Payment of Motion #1 – Payroll Warrant of February 17, 2012
 - b. Authorize Payment of Motion #2 – Warrant Register of February 28, 2012

Recommendation: Authorize Payment of Motions #1 and #2.

MAYOR & CITY COUNCILMEMBERS' REPORTS

ADJOURNMENT TO TUESDAY, MARCH 13, 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, Wednesday, February 29, 2012 at 7:30 p.m., and Wednesday, March 7, 2012, at 7:30 p.m.*

**CITY COUNCIL AGENDA
FEBRUARY 28, 2012**

TO: MAYOR AND CITY COUNCIL
FROM: JUDY SMITH, CITY MANAGER
SUBJECT: MONTHLY FINANCIAL REPORT – JANUARY 2012

Analysis of Graphs

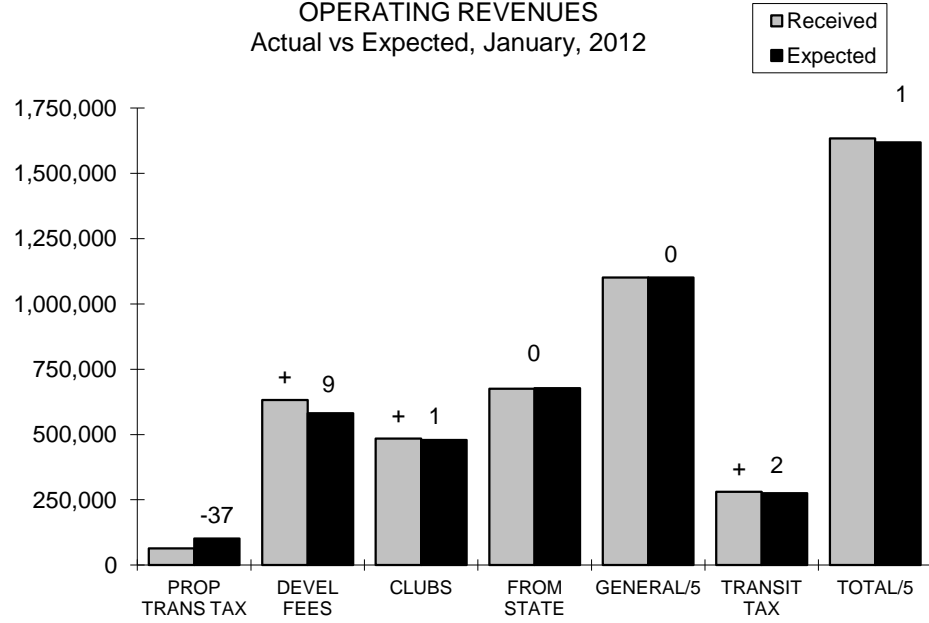
Total operating revenues are currently 1% ahead of expected. Total general fund revenues reflect an exact match to expected with 0% deviation. Development fees, which cover the cost of providing development services, remain ahead of expected (+9%). As mentioned in the recent February budget workshop, there are no major areas of concern with respect to revenues, but it will likely be our pattern this year that actual results will match more closely to budget, rather than outperform budget, which has been our recent historical experience.

Total operating expenditures are currently 5% less than expected. All department expenditures are below expected for the year to date, with the exception of Insurance, which reflects premium payments made at the start of the fiscal year. The City will incur three payroll payments during March, at which time operating department expenditures will track more closely to budget. Because of the administrative staff reorganization; however, general government expenditures (-16%) will continue to reflect savings compared to budget/expected through the fiscal year-end.

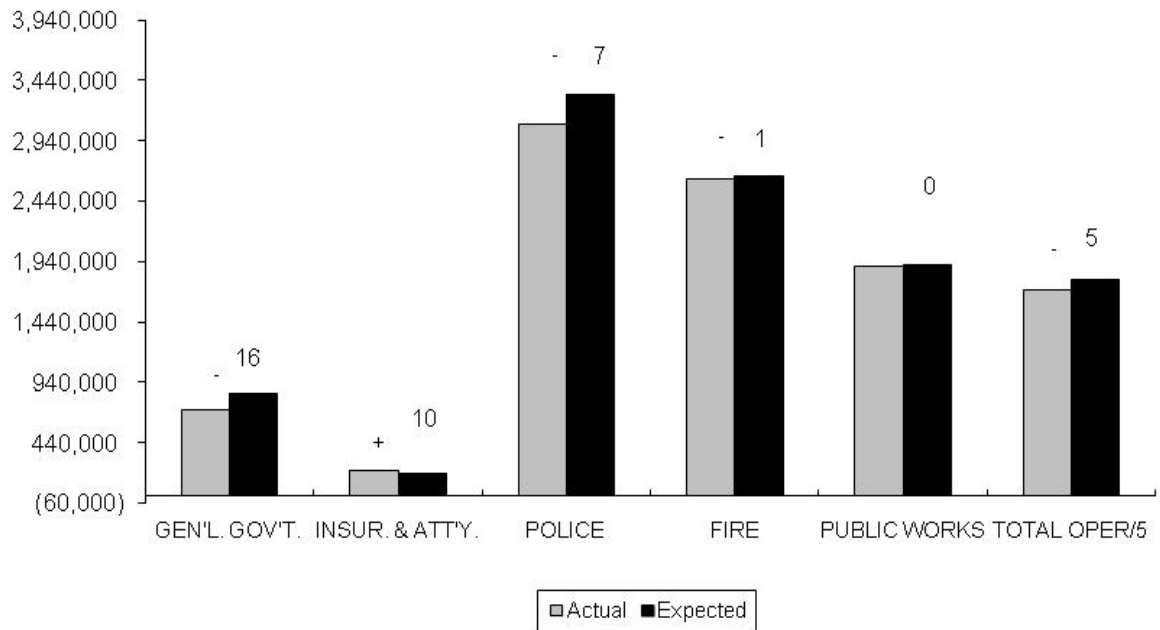
Spot Reports

None.

OPERATING REVENUES
Actual vs Expected, January, 2012



OPERATING EXPENDITURES
Actual vs Expected, January 2012



TO: MAYOR AND CITY COUNCIL

FROM: JUDY SMITH, CITY MANAGER

SUBJECT: ADOPTION OF ORDINANCE 12-701; AMENDING AND READOPTING TITLES 1, 2, 3, 5, 6, 8, 9, 10, 12, 13, 15 AND 19 OF THE PALOS VERDES ESTATES MUNICIPAL CODE

The Issue

Shall the City Council adopt Ordinance 12-701, amending and readopting the Palos Verdes Estates Municipal Code Titles as noted above?

Background and Analysis

The history of this project was recounted in the staff report provided with the introduction of Ordinance 12-701, which occurred at the February 14, 2012 Council meeting at which time a public hearing was conducted as part of the review. No comments were received from the public and no changes were made to the proposed Ordinance by the Council or staff. The ordinance was subsequently introduced as presented. To restate, the purpose of the recodification project was to perform a comprehensive update to ensure that the code: 1) Reflects current City practices and procedures; 2) Reflects consistency with current state and federal law and current statutory references, and 3) Is internally consistent and contains clear, unambiguous language. Ordinance 12-701 and companion Ordinance 12-700, adopted January 11, 2012 covering Titles 16, 17 and 18, become the amended Palos Verdes Estates Municipal Code.

Environmental Review

This ordinance is exempt from review under the California Environmental Quality Act (California Public Resources Code §§ 21000, *et seq.*, “CEQA”) and CEQA regulations (14 California Code of Regulations §§ 15000, *et seq.*) because it establishes rules and procedures to permit operation of existing facilities; consists only of minor revisions and clarifications to existing regulations and specification of procedures related thereto; and consists of actions taken to assure the maintenance, protection and enhancement of the environment. Therefore, this ordinance does not have the potential to cause significant effects on the environment and is categorically exempt from further CEQA review under 14 Cal. Code Regs. §§ 15301, 15305, and 15308.

Recommendation

It is recommended that the City Council adopt Ordinance 12-701 amending and readopting Titles 1, 2, 3, 5, 6, 8, 9, 10, 12, 13 15 and 19 of the Palos Verdes Estates Municipal Code.

TO: MAYOR AND CITY COUNCIL
FROM: JUDY SMITH, CITY MANAGER
**SUBJECT: APPROVAL OF REVISED JOINT POWERS AGREEMENT –
PALOS VERDES PENINSULA TRANSIT AUTHORITY (PVPTA)**

The Issue

Shall the City Council approve the revised Joint Powers Agreement (JPA) for the Palos Verdes Peninsula Transit Authority (PVPTA)?

Background and Findings

Without going into the history of the origins of the PV Transit Authority, suffice it to say in 1992 the Authority was created under a JPA with the cities of Rancho Palos Verdes, Rolling Hills Estates and Palos Verdes Estates as members. In 1996, a revised JPA was prepared and while approved, a document with original signatures cannot be located either within the Authority's files, or among the member agencies.

As a result, and upon recommendation of the Authority's attorney, each city is being asked to reapprove the revised JPA, which reflects only the changes originally proposed as part of the 1996 revision. The redline version attached is the 1992 JPA with strikethrough/bold indicating the 1996 changes. The substance of the 1996 changes is outlined in the letter from Transit Administrator Martin Gombert, attached and includes: Board composition; Board election of a Secretary Treasurer, allow for non-voting, ex-officio member (PVPUSD representative) and other minor items.

No other changes to the JPA are proposed as a result of this action, which is essentially housekeeping in nature. The agreement will reflect an effective date within 2012, once approved and signed by all the parties.

Recommendation

It is recommended that the City Council approve the revised Joint Powers Agreement for the Palos Verdes Peninsula Transit Authority.

TO: JUDY SMITH, CITY MANAGER
FROM: ALLAN RIGG, PUBLIC WORKS DIRECTOR
SUBJECT: PW 581-11; COMPLETION OF CONTRACT FOR THE FY 11/12 SLURRY SEAL PROJECT
DATE: FEBRUARY 28, 2012

The Issue

Should the City Council:

- 1) Accept as complete the construction contract PW 581-11; FY 11/12 Slurry Seal Project in the amount of \$386,711.27; and
- 2) Direct the City Clerk to file the Notice of Completion, and release the 10% retention 30 days after the County Recorder's office records the Notice of Completion, if no stop notices are filed?

Background and Analysis

On May 24, 2011, the City Council awarded a Contract in the amount of \$411,780.60 to American Asphalt South, Inc. for the completion of the FY 11/12 Slurry Seal Project. The project consisted of street repairs, crack sealing, applying the liquid asphalt emulsion slurry seal to extend the useful life of the streets, and then re-striping as necessary.

The following streets were slurry sealed as part of the FY 11/12 program:

Street Name	From	To
Avenida Mirola	PVDW	Via Amador
La Costa Pl	Paseo Lunado (N)	End
Paseo Del Mar	Via Alvarado	Via Caleta
Paseo Lunado (N)	PVDW	Via Rivera
PVDW (NB)	Via Coronel	Via Carrillo

Street Name	From	To
PVDW (NB)	Avenida Mirola	City Boundary
PVDW (SB)	Cloyden Rd	Yarmouth Rd
PVDW (SB)	Avenida Mirola	City Boundary
Rivera Pl	End	Via Rivera
Tyburn Rd	PVDW	Via Rivera
Via Alvarado	Paseo Lunado (S)	End
Via Amador	Via Rivera (N)	Via Rivera (S)
Via Barri	Paseo Del Mar	Via Alvarado
Via Caleta	Via Alvarado	Paseo Del Mar
Via Carrillo	PVDW	Via Mirola
Via Carrillo	Via Zumaya	2641 Via Carrillo
Via Fortuna	Via Carrillo	End
Via Miguel	Via Victoria	End
Via Neve	Paseo Del Mar	Via Barri
Via Oleadas	Paseo Del Mar	End
Via Pacheco	Paseo Lunado (S)	PVDW
Via Palestra	Via Carrillo	End
Via Rivera	PVDW	Via Carrillo
Via Rivera	Paseo Lunado (S)	End
Via Segovia	Paseo Del Mar (S)	Paseo Del Mar (N)
Via Sola	Via Neve	Via Anacapa
Via Victoria	Via Rivera	Cul-de-sac
Via Victoria	Via Rivera	End
Victoria Pl	Via Victoria	End
Cloyden/Coronel crossing	PVDW(SB)	PVDW(NB)
Via Zumaya crossing	PVDW(SB)	PVDW(NB)
Paseo Lunado N crossing	PVDW(SB)	PVDW(NB)
Paseo Lunado S crossing	PVDW(SB)	PVDW(NB)
Via Anacapa crossing	PVDW(SB)	PVDW(NB)

Street Name	From	To
Alley next to 2896 Via Victoria	Via Victoria	Via Buena
Alley next to 708 Paseo Lunado	Paseo Lunado	Via Anacapa
Alley next to 2901 Via Anacapa	Via Anacapa	Via Pacheco
Alley next to 2945 Via Pacheco	Via Pacheco	Via Alvarado
Alley next to 2201 Via Carrillo	Via Carrillo	Via Amador

An extensive punch list was finally completed in December. Two change orders were issued, the first in the amount of \$5,284.85 for 6-inch-deep asphalt repairs and additional striping. A second change order for tree root removal on La Costa Place and adjustment to the final slurry seal square footage was issued in December in the amount of (\$30,354.18) and it has taken some time for the change order to be returned. The change orders decreased the project cost to \$386,711.27 (-6.09%).

Alternatives Available to Council

The following alternatives are available to the City Council:

1. Accept as complete the construction contract PW 581-11; FY 11/12 Slurry Seal Project in the amount of \$386,711.27, direct the City Clerk to file the Notice of Completion, and release the 10% retention 30 days after the County Recorder's office records the Notice of Completion, if no stop notices are filed.
2. Decline to accept the project as complete.

Recommendation from Staff

Staff recommends that the Council:

- 1) Accept as complete the construction contract PW 581-11; FY 11/12 Slurry Seal Project in the amount of \$386,711.27; and
- 2) Direct the City Clerk to file the Notice of Completion, and release the 10% retention 30 days after the County Recorder's office records the Notice of Completion, if no stop notices are filed.

Fiscal Impact

These are the project costs:

Construction Costs	\$386,711.27
Inspection/Administration	\$26,786.00
<hr/> Total	<hr/> \$413,497.27

The original project budget was \$600,000 and is sufficient to cover the total construction cost of \$413,497.27 shown above.

Staff report prepared by:
Floriza Rivera
Public Works Department

TO: JUDY SMITH, CITY MANAGER

FROM: JOE MENDOZA, ADMINISTRATIVE ANALYST

SUBJECT: SPECIAL EVENT APPLICATION FOR THE AMERICAN DIABETES ASSOCIATION TO HOLD ITS "TOUR DE CURE" CYCLING EVENT SCHEDULED FOR SUNDAY, APRIL 29, 2012 FROM 7:00 A.M. TO 12:00 P.M.

DATE: FEBRUARY 28, 2012

ISSUE

Shall the City Council approve a Special Event Application allowing the American Diabetes Association's "Tour de Cure" cycling event to travel through Palos Verdes Estates on April 29, 2012?

BACKGROUND

The American Diabetes Association is requesting permission to hold a portion of their "Tour de Cure" ride through Palos Verdes Estates. This event raises funds for the American Diabetes Association's diabetes research, education and advocacy programs. It has previously been held successfully in the City with minimal disruption.

The "Tour de Cure" will begin and end in Long Beach. The Palos Verdes leg enters through Via Campesina to Via Corta. The route continues south on Palos Verdes Drive West exiting right onto Paseo del Mar beyond Bluff Cove and continuing south until exiting east on Paseo Lunado and south onto Palos Verdes Drive West. Tour maps are attached for your review.

An estimated 500 riders are expected to enter and exit the City in a staggered manner over a two and a half hour period. The Police Department requires that the cyclists obey all traffic laws. Safety and monitoring of riders' progress is also provided by the American Diabetes Association staff and volunteers. In addition, the Public Works Director has directed that no directional signs are to be placed in the City's right-of-way. Small directional arrows will be placed on the street and removed immediately after the conclusion of the event. Based on the success of prior events by this organization, the traffic impact should be minor.

The Special Event Application has been preliminarily approved by all departments. All fees have been paid and the Certificate of Insurance and Indemnification Agreement have been received.

ALTERNATIVES AVAILABLE TO THE CITY COUNCIL

1. Council may approve the Special Event Application for the American Diabetes Association's "Tour de Cure" Cycling Event.
2. Council may choose not to approve the Special Event Application.
3. Council may impose additional conditions or restrictions on the sponsors of the event.

RECOMMENDATION

It is recommended that the City Council approve the Special Event Application allowing the American Diabetes Association's "Tour de Cure" cycling event to travel through Palos Verdes Estates on April 29, 2012.

Attachments

*Cc: Streets and Parks Department
Police Department
LAC Fire Department
Donna Trujillo, American Diabetes Association*

TO: JUDY SMITH, CITY MANAGER

FROM: JOE MENDOZA, ADMINISTRATIVE ANALYST

SUBJECT: SPECIAL EVENT APPLICATION FOR THE PALOS VERDES HALF MARATHON SCHEDULED SATURDAY, MAY 19, 2012 FROM 7:00 A.M. TO 12:00 P.M.

DATE: FEBRUARY 28, 2012

ISSUE

Shall a Special Event Application be approved allowing the Palos Verdes Half Marathon to travel through Palos Verdes Estates on May 19, 2012?

BACKGROUND

For the first time in its forty-five year history, the Palos Verdes Marathon has been reduced to a Half Marathon. Due to the cost of extended street closures and logistics involved in staging a full 26.2 mile marathon, event sponsors found it economically challenging to continue the historic event.

This year the Palos Verdes Half Marathon is proposed to be held on Saturday, May 19, 2012, from 7:00 a.m. to 12:00 p.m. on the Palos Verdes Peninsula. The Kiwanis Club of Rolling Hills Estates sponsors the race, with logistics coordinated by W2 Promotions. The event is a fundraiser for the community and benefits several local programs including the San Pedro/Peninsula YMCA, The Key Club of Palos Verdes and Peninsula High Schools, the Boys and Girls Club, the REACH Program, the Toberman Settlement House, and Harbor Interfaith Shelter.

This year's Half Marathon will start and finish at Pelican Cove adjacent to Terranea Resort in Rancho Palos Verdes. Similar to last year, this event will be held entirely in the cities of Rancho Palos Verdes and Palos Verdes Estates. The proposed running route traveling through Palos Verdes Estates is the same route that was approved in 2011 by City Council. There were no adverse impacts or complaints regarding this route. Runners will enter Palos Verdes Estates on the west portion of Palos Verdes Drive West turning left onto Via Pacheco. The course continues onto Paseo del Mar where runners will remain until they make a brief left onto Via Anacapa and left again onto Paseo Lunado. Runners will proceed onto Paseo del Mar where they remain until reaching Palos Verdes Drive West. Once they reach Palos Verdes Drive West, runners will travel south in the west-most portion of the road exiting the City. Event organizers are anticipating approximately 1,500 half marathon runners to come through the City in a staggered fashion. The attached map

**CITY COUNCIL AGENDA
FEBRUARY 28, 2012**

show the proposed route runners would follow.

Event organizers have submitted a Traffic Review Plan and the event has been preliminarily approved by the City's Police, Fire, and Public Works Departments. The route presented to Council does not require street closures in Palos Verdes Estates. Runners would run along the side of the road in a coned-off section. There would be no parking allowed along those areas during the event. The Police Department will have Reserve Officers managing traffic throughout the route as has been done in previous years.

The Indemnification Agreement and all fees have been received. At this time, an updated Certificate of Insurance has not been obtained, but the City has informed sponsors it must be received prior to the event date.

ALTERNATIVES AVAILABLE TO COUNCIL

1. The City Council may approve the application.
2. The City Council may approve the application, but impose restrictions or additional conditions on the sponsors of the event.
3. The City Council may choose not to approve the application.

RECOMMENDATION

It is recommended that the City Council approve the Special Event Application allowing the Palos Verdes Half Marathon to travel through Palos Verdes Estates on May 19, 2012.

Attachments

*Cc: Police Department
LAC Fire Department
Streets and Parks Department
Walt Walston, W2 Promotions/PV Half Marathon*

TO: JUDY SMITH, CITY MANAGER
FROM: ALLAN RIGG, PLANNING DIRECTOR
DATE: FEBRUARY 28, 2012
SUBJECT: PLANNING COMMISSION ACTIONS OF FEBRUARY 21, 2012

The items attached were acted upon by the Planning Commission on February 21, 2012.

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: ALLAN RIGG, PLANNING DIRECTOR

SUBJECT: REQUEST TO APPEAL PLANNING COMMISSION DENIAL OF CDP-86-11; COASTAL DEVELOPMENT PERMIT APPLICATION REQUESTING AFTER-THE-FACT APPROVAL OF TWO REAR YARD DECKS AT THE SINGLE FAMILY RESIDENCE LOCATED AT 605 PASEO DEL MAR. LOTS 2, 3, & POR OF B & C, BLOCK 1414, TRACT 6886.

**APPELLANT/
OWNER: DESIRE MELI KOCARSLAN
605 PASEO DEL MAR
PALOS VERDES ESTATES, CA 90274**

DATE: FEBRUARY 28, 2012

The Issue

Should the City Council confirm the Planning Commission’s decision to deny CDP-86-11; Coastal Development Permit application requesting after-the-fact approval of two rear yard decks at the single family residence located at 605 Paseo Del Mar?

Background and Analysis

This is a Coastal Development Permit application requesting after-the-fact approval of two rear yard decks at the single family residence located at 605 Paseo Del Mar. The application proposes a 425 sq. ft. deck towards the south side of the rear yard and a 408 sq. ft. deck towards the north side of the rear yard. Both decks exceed the maximum allowable height of 6.5 ft. The southern deck is approximately 6.8 ft. in height and the northern deck is approximately 7.6 ft. in height. No grading is proposed.

History

Applications for this site were reviewed by the Planning Commission on January 17, 2012. Concerns were raised regarding the location of the decks in relationship to the bluff’s edge, the incompatibility of the decks with the natural surroundings, and the visual intrusiveness from public viewpoints. In general, the proposals were found to be inconsistent with the interpretation of the Local Coastal Plan and Coastal Commission policies. The application was ultimately denied.

**CITY COUNCIL AGENDA
FEBRUARY 28, 2012**

Appeal

The Planning Commission's decision has now been appealed by the homeowner. The appeal purports that the development is an allowable land use and if the goal is to keep the bluff in a natural state, then all development along the bluff would be a visual intrusion. The appellant also states that the decision to deny the application is inconsistent with surrounding developments.

The appeal includes the appeal documents, the denial resolution, the staff reports with all supporting documents as presented to Planning Commission, letters of correspondence, and minutes from the January Planning Commission meeting.

Findings Required to Approve

A coastal development permit shall be approved by the issuing body only upon affirmative findings that:

1. The plans for the proposed development and the coastal development permit comply with all of the requirements of this chapter and other relevant city ordinances and development standards; and
2. The proposed use is consistent with the certified local coastal program, the general plan, any applicable specific plan, and the applicable zoning ordinance or ordinances; and
3. The proposed use will not be visually intrusive from public view points; and
4. The required reports and plans demonstrate to the satisfaction of the city, in its sole discretion, that the proposed use can be supported by the bluff and the proponent has demonstrated that the proposed use will not increase any existing geologic hazards; and
5. The proposed development, when located between the sea and the first public road inland from the sea, is in conformance with the public access and recreation policies of the California Coastal Act as contained in Chapter 3, sections 30200 through 30224, of the California Public Resources Code, the applicable sections of the California Code of Regulations, and the local coastal program.

CEQA Status

This project is exempt from the California Environmental Quality Act (CEQA) pursuant to California Administrative Code Title 14, Chapter 3, Section 15303.

Alternatives Available to Council

The following alternatives are available to the City Council:

**CITY COUNCIL AGENDA
FEBRUARY 28, 2012**

1. Confirm the Planning Commission's decision to deny CDP-86-11; Coastal Development Permit application requesting after-the-fact approval of two rear yard decks at the single family residence located at 605 Paseo Del Mar.
2. Overturn the Planning Commission's decision and approve CDP-86-11; Coastal Development Permit application requesting after-the-fact approval of two rear yard decks at the single family residence located at 605 Paseo Del Mar.
3. Overturn the Planning Commission's decision and approve CDP-86-11; Coastal Development Permit application requesting after-the-fact approval of two rear yard decks at the single family residence located at 605 Paseo Del Mar, with modifications.

Once a decision is made by the City Council, a final Resolution will be prepared and presented at the following meeting to confirm the City Council's decision.

Recommendation from Staff

Staff recommends that the City Council open the public hearing, receive public input, close the public hearing, and make a decision on the application.

Staff report prepared by:
Stacey Kinsella
Planning Department

TO: JUDY SMITH, CITY MANAGER

FROM: ALLAN RIGG, PUBLIC WORKS DIRECTOR

SUBJECT: PROTEST HEARINGS OF THE CITY COUNCIL OF THE CITY OF PALOS VERDES ESTATES DECLARING THAT WEEDS GROWING UPON OR IN FRONT OF, AND BRUSH, RUBBISH, REFUSE, AND DIRT UPON AND IN FRONT OF CERTAIN IMPROVED AND UNIMPROVED PROPERTIES IN THE CITY ARE A PUBLIC NUISANCE, AND DECLARING ITS INTENTION TO PROVIDE FOR THE ABATEMENT THEREOF.

DATE: FEBRUARY 28, 2012

The Issue

Should the City Council open:

- a) The public hearing in accordance with R12-02 for unimproved properties, and at the conclusion of the hearing, adjust the list according to the protests heard and adopt a minute resolution directing the County Agricultural Commissioner's Office (CACO) to inspect and abate weeds, brush, rubbish, and refuse as necessary on unimproved lots contained in the adjusted list; and
- b) The public hearing in accordance with R12-03 for improved properties, and direct the Los Angeles County Fire Department (LACFD) to inspect all improved properties before affirmation of the final list?

Background and Analysis

Unimproved Lots

At the City Council meeting of February 14, 2012, the CACO provided the City with their annual lists for weed abatement proceedings. The City Council reviewed this list and declared that these properties are a public nuisance and have weed growth, brush, rubbish, refuse and flammable vegetation within and around the property. These unimproved properties were inspected by the County and weed abatement services will be provided, as needed. By law, each City is required to hold a public hearing, allowing unimproved-property owners the opportunity to protest the County's assessment of their respective properties, showing that their property has been improved and the nuisance abated.

**CITY COUNCIL AGENDA
FEBRUARY 28, 2012**

Improved Lots

On February 14, 2012, per the LACFD's request, the Council also reviewed a list of improved properties. The Los Angeles County Fire Department provided the City with its annual list of improved properties for the weed abatement service. Those properties listed represent a potential fire hazard. The LACFD notifies all property owners on the list of the potential hazard prior to making a final determination of which properties are a definite fire hazard. The hope is that owners, once alerted to the danger, will clear vegetation before the fire season begins. The process for improved parcels calls for the LACFD to inspect listed properties in June and return to the City for authorization to fine for any violations found.

Alternatives Available to Council

The following alternatives are available to Council:

1. a) Open the protest hearing in accordance with Resolution R12-02 for unimproved properties, and at the conclusion of the hearing, adjust the list according to the protests heard and adopt a minute resolution directing the County Agricultural Commissioner's Office to inspect and abate weeds, brush, rubbish, and refuse as necessary on unimproved lots contained in the adjusted list.
- b) Open the protest hearing in accordance with Resolution R12-03 for improved properties, and direct the LACFD to inspect all improved properties before affirmation of the final list.
2. Open only one protest hearing in accordance with the appropriate resolution.
3. Decline to authorize the County to proceed with weed abatement services.

Conclusions and Recommendations

Staff recommends the Council:

- a) Open the protest hearing in accordance with Resolution R12-02 for unimproved properties, and at the conclusion of the hearing, adjust the list according to the protests heard and adopt a minute resolution directing the County Agricultural Commissioner Office (CACO) to inspect and abate weeds, brush, rubbish, and refuse as necessary on unimproved lots contained in the adjusted list.
- b) Open the protest hearing in hearing in accordance with Resolution R12-03 for improved properties, and direct the LACFD to inspect all improved properties before affirmation of the final list.

Budget Impacts

There will be no budget impact to the City. Charges for inspection and weed abatement procedures within the city are assessed by the County Agricultural Commissioner and the LACFD and directly billed to respective property owners.

Staff report prepared by:
Floriza Rivera
Public Works Department

TO: JUDY SMITH, CITY MANAGER
FROM: ALLAN RIGG, PUBLIC WORKS DIRECTOR
SUBJECT: PW 585B-11; AWARD OF CONTRACT FOR FY 11/12 PEDESTRIAN PATHWAY IMPROVEMENTS
DATE: FEBRUARY 28, 2012

The Issue

Should the City Council award a construction contract in the amount of \$109,400 to Allied Building Contractors Inc., for the completion of PW-585B-11, FY 11/12 Pedestrian Pathway Improvements?

Background and Analysis

The Parklands Committee reviewed a list of projects with cost estimates and the available funding in their meeting on September 12, 2011. The list of projects was a combination of requests and observations from the Malaga Cove Homeowners Association, Lunada Bay Homeowner's Association, Palos Verdes Estates residents and staff. The Committee was asked to prioritize and budget these projects, funded by the Los Angeles Regional Park and Open Space District Grant of \$150,000. Two of the items recommended for approval on the list were:

- Refurbishment to Via Victoria Path (\$28,900)
- Trail Re-establishment at various locations (\$68,000).

This contract is exclusively for the construction of cement staircases with an anodized aluminum handrail on one side at 4 locations.

- Via Victoria Path (Via Buena cul-de-sac to Paseo Lunado-170 Ln. ft.)
- Via Arriba Path (Via Arriba to the Via Tejon Access road-190 Ln. ft.)
- Chino Path (Via Almar uphill 40 Ln. ft.)
- Chico Path (Via Ramon downhill 40 Ln. ft.)

Staff initially advertised with Bid America, F. W. Dodge, and Reed Construction Services. Construction bids were received on December 16, 2011, at 11 am. The low bid of \$84,600 from

CITY COUNCIL AGENDA
FEBRUARY 28, 2012

Southland Construction and the next low bid of \$91,640 from JDC, Inc. were both withdrawn at the request of each of these two companies due to their clerical errors on the bid sheet. The next three bids are listed below.

G Coast Construction, Inc.	A.J. Fistes Corporation	Palp. Inc. DBA Excel Paving Company
\$138,320.00	\$155,800.00	\$272,613.00

On January 24, 2012 the City Council reviewed the proposed low bid and expressed concerns that the low bid was significantly above the original cost estimate for the project and the available funding from the grant, which is \$96,900. The City Council decided to reject all bids and directed staff to rebid the project.

Staff again advertised with Bid America, F. W. Dodge, and Reed Construction Services. Construction bids were received on February 21, 2012, at 10 am. Five bids were received ranging up to \$266,994 (Palp, Inc.). The three lowest bids are listed below.

Allied Building Contractors Inc.	G Coast Construction Inc.	Garcia Juarez Construction Inc.
\$109,400	\$126,440	\$168,000

Allied Building Contractors Inc. submitted the lowest qualifying bid for the project. They have completed a number of staircase construction projects and comments were positive concerning quality, service and responsiveness. This firm previously completed the City’s 1997 project for reconstruction of the Malaga Canyon /Beach Club outfall structure. That work was completed with some issues regarding request for change orders, but no issues regarding the quality of their work. In reviewing references, Allied Building Contractors and their three listed sub-contractors, Martin Excavation, Nelson Surveying and Catalina Pacific Ready Mix Construction, all have licenses that are active and currently in good standing with the State Contractors License Board. After issuing a ‘Notice to Proceed’, the contract is required to be started two weeks later and completed in 25 working days.

Immediately after the bid opening, the contractor contacted staff with a request to rescind their bid based on their concern that the spread of the bids was significant and that he underbid the contract. Staff contacted the City Attorney regarding the request and was advised that the contractor could not simply rescind his bid based on his testimony. The two available options would be:

- The contractor could proceed with the work as bid after award by the Council.
- The contractor could forfeit his bid bond. The contract would then be awarded to the contractor with the next lowest bid that was found to be responsive and responsible.

On February 23, 2012, City Forester Carl Moritz met with the contractor and visited each of the stairway locations. The contractor better understood the project and indicated he will be proceeding with the project at his proposed cost.

**CITY COUNCIL AGENDA
FEBRUARY 28, 2012**

The following schedule is anticipated if the contract is awarded on February 28th:

- February 28 Contract awarded.
- April 1 Contract, insurance certificates signed by contractor & City.
- April 5 Issue 'Notice to Proceed'.
- April 23 Work expected to begin.
- May 25 Work expected to be complete

In order to accomplish the entire project, the Council would need to allocate \$12,500 in funding from our Unobligated Capital Improvement balance. If the Council wanted to more closely match the grant funding with the project costs, we could eliminate the Via Chico Stairway which is proposed at a cost of \$11,500 (please note there is an existing functional, yet dilapidated, wooden stairway at this location). With this change the total project cost would be \$97,900. The change in costs/quantities is below the 25% limit that would trigger a change in unit prices.

As the expected completion date of May 25th is near the County's required completion date of June 30th for use of the grant funds, staff contacted the County to determine if there were any options to extend. Perlita Flores of the County Regional Parks and Open Space District indicated that if we anticipate a problem the City could request an extension for project performance once we are within one month of the deadline.

Fiscal Impact

There is not any specified budget for this project in the adopted FY 11-12 budget since we received notification of grant after budget was prepared. Staff will bring back the required budget adjustment resolution for the approved project at the Council's next meeting.

Alternatives Available to Council

The following alternatives are available to the City Council:

3. Award a construction contract in the amount of \$109,400 for the completion of PW-585B-FY11/12 Pedestrian Pathway Improvements Rebid
4. Reduce the scope of the contract and award the contract at a different amount.
5. Decline to Act.

Recommendation from Staff

Staff recommends that the Council:

**CITY COUNCIL AGENDA
FEBRUARY 28, 2012**

Award a construction contract in the amount of \$ 109,400 to Allied Building Contractors, Inc., for the completion of FY11/12 Pedestrian Pathway Improvements Rebid.

Staff report prepared by:
Carl Moritz
Public Works Department

TO: JUDY SMITH, CITY MANAGER
FROM: ALLAN RIGG, DIRECTOR OF PUBLIC WORKS
SUBJECT: POLICY FOR THE PRIVATE LANDSCAPING OF PARKLANDS
DATE: FEBRUARY 28, 2012

Background and Analysis

The City was recently approached with a proposal from a resident to retain turf and a statue within the City's parklands. Staff was unable to provide any documentation that clearly provided for direction as to how to review applications of this nature. The City Council ultimately approved the turf and denied the statue. In order to avoid this difficulty in the future, the City Council directed that a policy be developed to guide future applications such as this.

City Forester Carl Moritz and I met with the Chair of the Parklands Committee to discuss the main elements that might be contained within the policy. These main elements were presented to the Parklands Committee and were reviewed on September 12, 2011. The main elements are as follows:

- The starting point for any discussion of a request to landscape parkland should be that the parkland is not privately owned, but is property owned by the city.
- Requests for placement in the parklands of items such as benches, statues, hardscape, or other man-made items should be reviewed separately from requests for landscaping. In general, such requests should be denied.
- Parklands shall not be fenced or otherwise enclosed for private use.
- Discussion of a request to landscape parkland should be guided by the following considerations which are similar to the findings required for approving a Variance within the Zoning section of the Code:
 1. Would granting the Application result in material damage or prejudice, substantial injustice, practical difficulty or unnecessary hardship to other property in the vicinity or be detrimental to the public safety or welfare broadly construed.

2. Is granting the application necessary to do substantial justice, or avoid practical difficulty or avoid unnecessary hardship to the applicant;
 3. Are there any special circumstances attached to the parkland referred to in the Application which do not apply generally to other properties in the same district;
- Any landscaping that is allowed should be limited to “native” varieties as determined by the City.
 - Any irrigation should be temporary in nature and placed on the ground, not buried.
 - Any landscaping that is allowed should not limit public access.

Staff has created the attached Parklands Landscaping Policy which was reviewed at the Parklands Committee meeting on February 13, 2012. The Parklands Committee recommended approval of the Policy. At this time, the policy is presented to the Council for review and discussion. Upon approval by the Council, staff will prepare a formal resolution for adoption in order to document and track the policy for future reference. The resolution will be presented at the next regular Council meeting.

Alternatives Available to the City Council

1. Approve the attached Parklands Landscaping Policy as presented.
2. Approve the attached Parklands Landscaping Policy with modifications.
3. Direct staff to perform further research on this matter and bring a modified policy back to the Parklands Committee at a later date.

Recommendation

Staff recommends that the City Council approve the attached Parklands Landscaping Policy as presented.