

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

February 28, 2012

A regular meeting of the City Council of the City of Palos Verdes Estates was called to order this day at 6:30 p.m. in the Council Chambers of City Hall by Mayor Rea.

Council Members Perkins, Goodhart, Humphrey, and Mayor Pro Tem Bird were also present.

ALSO PRESENT: City Manager Smith, City Attorney Hogin

PUBLIC COMMENT ON CLOSED SESSION ITEM(S) – No one came forward to speak.

CLOSED SESSION: Council recessed to Closed Session at 6:33 p.m.

• PUBLIC EMPLOYMENT

Government Code § 54957

Title: Interim Police Chief

Council reconvened to Open Session at 7:35 p.m.

City Attorney Hogin announced that the Council took no reportable actions in Closed Session.

The Pledge of Allegiance followed.

ALSO PRESENT: Police Chief Dreiling, Public Works Director Rigg, City Treasurer Sherwood, Assistant to the City Manager Davis, Executive Asst./Deputy City Clerk Kroneberger

MAYOR'S REPORT – Matters of Community Interest

Mayor Rea announced that the City Council Mayoral Rotation is scheduled Wednesday, March 21st at 7:00 p.m. in Council Chambers of City Hall. Members of the public are invited.

CONSENT AGENDA (Items #1 - 12)

Mayor Rea removed Consent Calendar Items #10 (Traffic Safety Committee Item of February 8, 2012) and #11 (Parklands Committee Item of February 13, 2012) from the Consent Agenda pursuant to requests from the public. It was moved by Councilmember Humphrey, seconded by Councilmember Goodhart, and unanimously approved that the following Consent Agenda items be approved:

- WAIVE FURTHER READING OF ORDINANCES CONSIDERED FOR INTRODUCTION ON FIRST READING OR ADOPTION ON SECOND READING
- CITY COUNCIL MINUTES OF FEBRUARY 14, 2012
- CITY TREASURER'S REPORT – JANUARY 2012
- MONTHLY FINANCIAL REPORT – JANUARY 2012
- 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

**CITY COUNCIL
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- APPROVAL OF REVISED JOINT POWERS AGREEMENT – PALOS VERDES PENINSULA TRANSIT AUTHORITY (PVPTA)
- PW-581-11; COMPLETION OF CONTRACT FOR THE FISCAL YEAR 11-12 SLURRY SEAL PROJECT
- 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.
- SPECIAL EVENT APPLICATION FOR THE PALOS VERDES HALF MARATHON SCHEDULED SATURDAY, MAY 19, 2012 FROM 7:00 A.M. TO 12:00 P.M.
- PLANNING COMMISSION ACTIONS OF FEBRUARY 21, 2012

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.
 Owner: Desire Meli Kocarslan
 Received and filed.

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

Denied.

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.
 Owner: Adam & Margaret Bartkowski
 Approved with conditions.

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.
 Owner: Charles & Lenny Toups
 Approved with conditions.

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.
 Owner: Mark & Beth Saroyan
 Approved with conditions.

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.
 Owner: Bill & Jennifer Adams
 Approved with conditions.

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
 Approved with conditions.

TRAFFIC SAFETY COMMITTEE MEETING ITEM OF FEBRUARY 8, 2012

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

Traffic Safety Committee Recommended 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)

Mayor Rea announced correspondence and a petition were received responding to this item, which have not been reviewed by staff or Council. With Council's concurrence, Mayor Rea requested preparation of minutes and continued the matter to March 13, 2012.

PARKLANDS COMMITTEE MEETING ITEM OF FEBRUARY 13, 2012

- 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

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

Mayor Rea announced correspondence and photographs were received responding to this item, which have not been reviewed by staff or Council. With Council's concurrence, Mayor Rea requested preparation of minutes and continued the matter to March 13, 2012.

COMMUNICATIONS FROM THE PUBLIC

Norman Eagle, [Resident], said in his analysis of the stop sign issue on Via Del Monte he concluded that none of the stop signs are justified. Since 2009, he stated there have been 202 collisions; 14 of which were on Via Del Monte; or 6.9%. Based on daily usage volume, it seems that the Police and Public Works Dept. are doing an outstanding job. He said there was no finding for a sign on Via Somonte and that he studied Via Pinale and asked Council to consider his letter, which included suggestions for changes that would increase safety.

PUBLIC HEARINGS

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 KOCARSLAN

Deputy City Clerk Kroneberger confirmed public notice was given.

Director Rigg reported this application seeks approval for 2 rear yard decks--a 425 sq. ft. deck towards the south side of the rear yard, and a 408 sq. ft. deck towards the north side that are built. He said the northerly deck includes a barbecue; the southerly deck includes a Jacuzzi. On January 17, 2012, concerns were raised at the Planning Commission meeting 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 view points. He showed PowerPoint images illustrating before (c. 2004) and after (2010) the decks were built, noting that the vegetation has grown up from the bluff's edge which creates a bit of a false sense that there is flat area at the edge. The decks were found to be

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inconsistent with the interpretation of the Local Coastal Plan (“LCP”) and Coastal Commission policies; the application was denied by the Planning Commission. He said a finding within the Code requires that proposals for structures within the first 25 ft. from the bluff are to be made as visually unobtrusive as possible, and that they are located on the property where they will create the least amount of impact. The Planning Commission could not make either of these findings. This appeal purports 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 purports denial is inconsistent with surrounding developments. Staff researched various properties and he reported that there have been no approvals, within the past 12 years, of anything close to the bluff’s edge; 25 ft. is to remain free of intrusions, which is consistent with the Coastal Act and the LCP.

Councilmember Humphrey indicated a neighbor’s correspondence stated that the decks had been pre-approved by the California Coastal Commission. Director Rigg said this was surmised, but not evidenced. Explaining the LCP, he stated that applications for development within the Coastal Zone (public and private land seaward of the first major roadway in the City) needs to go through the Planning Commission for any type of significant development. In other cities, they are reviewed by the State; in PVE, we have the control and obligation to make sure that we implement the regulations that are consistent with the Coastal Commission’s direction.

Mayor Rea stated, per PVEMC, structures can be permitted within 25 ft. of the bluff edge under limited circumstances. He asked Director Rigg if any geological study had been done. Director Rigg responded affirmatively; the applicant’s geologist submitted a report to the City geologist and the finding was made that geologic standards are met by both structures.

Mayor Rea said another Code finding states that the proposed structure will minimize the alteration of natural land forms and shall not be visibly intrusive from public view points in the coastal zone. The Planning Commission found that the decks were built approximately 7-8 ft. from the bluff top and therefore not located in the least visible portion of the site as seen from public viewpoints. He said he could not see these structures from the street or from any bluff tops; however, it is obviously visible from the air and can be seen from the ocean. Director Rigg confirmed that the view from the ocean is part of the coastal zone in their interpretation; it is a very important view per the Coastal Commission to make sure that obtrusiveness is avoided within and on top of the bluffs.

Mayor Rea said to make the finding that the development not be visibly intrusive--or defined that it should be on the least visible portion of the site as seen from public view points--he asked if that means to allow construction within 25 ft. of the bluff top that it would have to be pushed back farther than it is from the bluff’s edge. Director Rigg confirmed this would be a way to dramatically reduce the visible obtrusiveness. Mayor Rea asked if these structures were constructed at least 25 ft. from the bluff edge then what issues would remain. Depending on the size of the walls, Director Rigg responded what remains may be either a Coastal Development Permit or a coastal waiver that is allowed by the Coastal Commission. He said the Planning Commission did not favor or negatively view the application because of the fact that [the decks] were already constructed; it was reviewed as a proposal and the findings were made regardless of the state of construction.

Mayor Rea opened the public hearing.

Roger Arroyo, Corona, appellant representative, said he had an hour meeting with Coastal Commission in Long Beach and was told that their concern was about erosion. He said there was no consideration to aesthetics; he tried to discuss mitigation and to ask for a continuance [at the Planning Commission hearing] to turn in a new rendition. [The owner,] Meli, was very open to a very big modification. He said there was almost no discussion on the aesthetics, but mostly regarding the Coastal Commission’s appeal and denial if approved. Regarding the [Planning Commission] action being consistent with the LCP, and prior actions taken under the LCP, since it was certified in 1993; the finding was that it was consistent with other actions. He found that at 601 Paseo Del Mar, a new deck was approved between 2000 and 2003, under CDP-35,42 and 42R, that is within 25 ft. of the bluff tops; it is located two houses down from [this property]. If that’s consistent in terms of the setback, the impacts, and the aesthetics then this [application] could [also] be with some revisions to make it consistent, but this was not considered he said. CDP-41 and 46-02 for 509 Paseo Del Mar has a new stone deck right at the bluff’s edge, next to the church parking lot approved in 2001-2003 (denied then approved by Council). He said that it is a clear indication that a deck like this is consistent with the development patterns and also consistent with the approvals about 12 years ago.

Meli Kocarslan, [resident], owner, said she was concerned to have nothing on the bluff. She felt safer for her kids and household to have the decks for people who want to see the view. She said she saw a couple houses built right on the bluffs since 1993. She said the contractor building the decks was told by the City that permit was not needed as long as it's not exceeding the lot heights. She said she does not have a public beach right below her; she did not think she was disturbing anybody's public view; no one can see the decks. If boats are the issue, she said she could raise the bushes higher so that no one will see the decks. She commented on prior [legal] representation by MPT Bird.

Mr. Arroyo said this is really about consistency with the 25 ft. hardline setback; the Coastal Commission does not allow any development outside of LCP; the Zoning code is clear; at the very least, he asked to be allowed to resubmit to get some type of aesthetic considerations.

Shepherd Clark, [Resident and of] Boylston, MA, stated he's working here on a project and loves living in Palos Verdes; he supported Meli's well being; they work together. He said the decks look great on the property and inhibits children and people from getting near the edge. He said the houses on either side have structures much heavier right on the edge, as well as one at the church and nearby areas. He said a lot of people who come to this house depend on their well being and the success they have in entertainment, retail and technology. He said this provides an unnecessary hardship.

Councilmember Humphrey asked if Mr. Arroyo is the constructor of the deck. Mr. Arroyo said he is an urban planner; he does entitlement services; a hired consultant.

Mayor Rea asked MPT Bird to respond to Ms. Kocarslan's comment. MPT Bird said to the extent that the applicant has raised a theoretical issue, he was unaware of any conflict of interest under California law since he's had no dealings with the applicant for 7-8 years, which Ms. Kocarslan confirmed. Except for his attempt to visit the property while doing due diligence for this application this past Sunday, he reported that he's had no contact with Ms. Kocarslan. He confirmed with City Attorney Hogin that there is no conflict under the Political Reform Act. He asked Ms. Kocarslan if she felt he had a conflict of interest and should not consider this item. Ms. Kocarslan commented that she just wanted to be sure that it was known.

Mayor Rea closed the public hearing.

Councilmember Perkins said in order to approve a CDP they would have to make all the findings, including that the proposed use would not be visibly intrusive from public view points. She visited the property; the decks are a beautiful place to view the Santa Bay, but she wrestled with whether or not the decks were visually intrusive. As others have observed, you can't really see them from any other place along Paseo Del Mar; it is a very private property. They are only visible from boats along the ocean and she realized the extent to which the existing decks are visually intrusive. Per Code, they are not intrusive if they are cited on the least visible portion of the site, if they conform to the scale of the existing development, if it incorporates landscaping to soften and screen structures; and materials, colors and designs are compatible with the natural surroundings. She said the decks do cause some concern and she was unsure if she could make the finding that they are not visually intrusive under the language of the Code.

Councilmember Humphrey concurred with Councilmember Perkins. She said it was very important to the City that we have a Local Coastal Plan, so the City could control our bluffs from safety and aesthetic view points. She said there's a reason for the 25 ft. requirement, and other required findings to approve plans. She said she could not make the finding that it does not intrude on the aesthetic view point. In addition, part of the reason for an appeal process is to consider if the Planning Commission did their due diligence; she believed that they had, and she supported confirming the Planning Commission's decision.

Councilmember Goodhart visited the property and said one remedy would be to allow the hedges to grow taller. He said when it becomes known that contractors do work without permits action must be taken; these structures were constructed without permits and noted, per Planning Commission minutes, there was no knowledge that a permit was required. He confirmed with Planning Director Rigg that maximum height requirements and utility company requirements had to be considered as part of a permit process. He said there has been occasion when the coastline had to be fortified because of erosion and some bluff failure has occurred nearby, although he accepted the geologist is satisfied this area is acceptable. He remained concerned about the Coastal Commission; he was almost inclined to deny the application and let them be the final judge.

MPT Bird said the photos characterize a pronounced visual obtrusiveness from these two structures. He said the good character of the applicant is not relevant to them as they evaluate these issues. He agreed with Councilmember Perkins, this is visually obtrusive and he agreed with the Planning Commission's decision.

Mayor Rea referenced PVEMC Section 19.02.020 (d) and read the four findings they must consider. He said there is an aesthetic element involved here, but there is also the possibility of screening, and queried if a screening hedge along the seaward facing edge of the structures would screen it from the ocean, where upon it is no longer visible from public viewpoints. He said Councilmember Goodhart pointed out that the walls may be too tall problems related to utilities. He shared his concern that the Planning Commission considered the Coastal Commission's viewpoint, but we are obliged to follow our own Code. He remained on the fence; he could see with mitigation the structures could be made unobtrusive, querying if they can't be seen from anywhere, then who has been damaged.

Councilmember Humphrey said she would probably not have approved these structures if they were part of a new application.

Councilmember Perkins agreed she probably would not have approved this design having reviewed the Code sections for aesthetics findings – using materials, colors, designs that are more compatible with the natural surroundings. She said part of what is so striking is the starkness of the decks; there are some inherent problems with this particular design almost more so than the fact that they are within 25 ft. of the bluff. She agreed that she would not want to let how the Coastal Commission might rule shape their decision tonight. She said she could picture this in a way that could meet Code standards, but didn't think so with these particular decks.

Councilmember Goodhart said they have reviewed and approved after-the-fact applications with some mitigating techniques applied. He said he could support some mitigation, such as raising the hedge; allowing it to grow to the height of the balustrade so it would not be visible from a boat. If the utilities construction was found to meet Code, then that requirement would be satisfied.

City Attorney Hogin said they could take new evidence and look at the record as a whole, make a decision, or they could remand it back to the Planning Commission if Council feels there is new information and further deliberations on their part would be appropriate.

Mayor Rea asked staff to address the comments made about structures at 601 and 509 Paseo Del Mar. Director Rigg responded that there was an existing deck at 509 Paseo Del Mar that was refurbished; built prior to the Coastal Act.

Planner Kinsella said there was a pre-existing wood deck at 509 Paseo Del Mar per a 2001 survey on file. She could not ascertain when the deck was originally constructed; it was approved to be replaced in a similar location in 2003. At 601 Paseo Del Mar, a deck is shown on a 1999 survey. She could not ascertain what permit that deck had actually been built upon; the original single family residence was built in 1963.

Director Rigg said the possibility of hiding these structures with vegetation has merit; the consideration they always encourage, though, is to minimize erosion of the bluffs and not to water the bluffs. He was concerned that irrigating the honeysuckle at this location in order to hide the decks may destabilize the geology; then that finding would not be able to be made.

Councilmember Humphrey agreed. She recalled a similar occurrence on Via Segovia relative to erosion and guidance was not to water bluff top properties. Director Rigg said they annually publish a related newsletter article about this.

Mayor Rea said this is a good point, and reverted back to the Code regarding findings relative visual intrusiveness. He said requiring thick screening material at the edge of the cliff that requires watering may not constitute a material or design which is most compatible with the natural surroundings.

MPT Bird said he would have wanted to see the decks pushed closer to the home, away from the bluff, with different materials to avoid all the issues discussed this evening.

Councilmember Humphrey said she would not support requiring more plantings and irrigation along the bluffs.

Councilmember Goodhart said the honeysuckle hedge is already irrigated. He said there is a lawn and hedge much like this one at the house next door. He said he does not water a honeysuckle bush adjacent to his property and it's grown 30 ft.; but if more watering was required then he agreed it would be counterproductive to what they are trying to achieve.

Councilmember Perkins said these decks do not incorporate to the maximum extent feasible those characteristics that are in our Code. If presented as a new application today, they would want to see the decks further back, with natural materials, and plantings that wouldn't have any impacts on destabilizing the fragile geology of the bluffs. She was struck with how close the decks are to the edge of the bluff, and she got the sense that they could destabilize and erode fairly easily. She said they have to be cautious of doing anything that would encourage watering. She didn't feel they should redesign these decks tonight and supported affirming the Planning Commission's decision.

Mayor Rea said good points have been made when they consider this as a new application, rather than considering it after-the-fact; it is not a good idea to build these structures right on the edge of the cliff. He would support the 25 ft. mark as the least distance he'd want these decks pushed away from the cliffside. He was concerned that screen planting requirements, which run with the land, would provide a difficult enforcement issue. He said they've talked through all the possibilities and he concluded that the recommendation of the Planning Commission should be upheld.

Councilmember Goodhart said we have our own Local Coastal Plan because the coastal zone is very important to the City and if this were to come to him as a new application for placement of these decks, he would not have approved them. He supported denial of the application.

On motion of Councilmember Humphrey, seconded by Councilmember Goodhart, the City Council confirmed the Planning Commission's decision to deny CDP-86-11 for 605 Paseo Del Mar, and directed staff to return with a resolution of denial with the appropriate findings for adoption on the next consent calendar unanimously by the following roll call vote:

AYES:	Goodhart, Perkins, Humphrey, MPT Bird, Mayor Rea
NOES:	None
ABSENT:	None

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

Deputy City Clerk Kroneberger confirmed that public notice was given.

Planning Director Rigg reported that at the February 14th Council meeting, the County Agricultural Commissioner's Office provided the City with their annual list for weed abatement proceedings. The Council reviewed the list and declared the properties a public nuisance. This public hearing allows unimproved property owners the opportunity to protest the assessment on their property. At the same meeting the Council also reviewed a list of improved properties with potential fire hazards. Property owners have been notified and asked to achieve the required clearance standards. The process calls for the Fire Department to visit the listed properties in June and return to the City for authorization to fine for any violations found.

Mayor Rea opened the public hearing; no one came forward to speak. Mayor Rea closed the public hearing.

On motion of MPT Bird, seconded by Councilmember Goodhart, in accordance with Resolution R12-02, Council adopted 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 on the list. Concurrently, in accordance with Resolution R12-03 for improved properties, Council directed the Los Angeles County Fire Department to inspect all improved properties before affirmation of the final list, unanimously, by the following roll call vote:

AYES: Goodhart, Perkins, Humphrey, MPT Bird, Mayor Rea
NOES: None
ABSENT: None

OLD BUSINESS

PW-585B-11; AWARD OF CONTRACT FOR CONSTRUCTION FOR THE FY 11-12 PEDESTRIAN PATHWAY IMPROVEMENT PROJECT

Director Rigg reported that the City became aware of an unanticipated \$150,000 grant from Supervisor Knabe's office; these funds were to be used for park and open space projects. The Parklands Committee and various community groups were engaged to produce a list of projects to be funded with this grant. Two projects recommended were refurbishment to the Via Victoria Path and trail re-establishment at various locations in Malaga Cove; allocation of which was a combined \$96,900. They went out to bid for refurbishment of the Via Victoria, Via Arriba, Chino and Chico paths, which included the construction of concrete stairways with handrails to connect different trails within the City. Unfortunately, the low bid was \$138,320, significantly more than what was thought the project should cost and what had been budgeted. Per Council direction, the bids were rejected, the project was re-bid and the low bid this time was from Allied Building Contractors in the amount of \$109,400; still more than the budgeted amount; a \$12,500 difference. Allied has completed a number of similar projects and they completed another project for the City years ago. If awarded, the work would be expected to begin no later than April 23rd, to be completed by May 25. The County has indicated a continuation may be allowed if advised additional time is needed within 30 days of the expiration of the grant funds. He said if Council opts to eliminate the Chico Stairway from the award, the total cost would be reduced by \$11,500.

Mayor Rea asked if the companies that bid were aware of the bids made in the first round. Director Rigg said he did not know; however, at least two companies bid both times.

Councilmember Humphrey supported award of the project as bid and not to eliminate the Chico Stairway.

Councilmember Perkins thanked staff for taking the time to rebid the project; it was interesting that the lowest bidder managed to come in with a bid \$12,000 less, and overall we are able to save a tremendous amount and reduce the gap that would be taken from the unobligated capital improvements fund. She said it is a great project and appreciated the opportunity to extend the grant if needed. She supported approval.

Councilmember Goodhart confirmed with staff the stairways will be constructed of colored concrete with a metal anodized handrail on one side.

MPT Bird was in concurrence and supported moving forward with this award.

On motion of MPT Bird, seconded by Councilmember Perkins, Council awarded 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 Project and directed staff to prepare the required budget adjustment resolution for future Council approval by unanimous oral vote.

NEW BUSINESS

REVIEW OF PROPOSED POLICY: PRIVATE LANDSCAPING OF PARKLANDS

Director Rigg said the City was recently approached with a proposal from a private property owner to retain turf within parklands adjacent to their property. With no firm guidelines or policy, the Parklands Committee struggled with how to view the application, as did Council. Council directed the Parklands Committee to work with staff to develop a policy. The City Forester, he, and the Parklands Chair met and determined the main elements of the policy. Chair Peterson suggested hardship findings be very similar to those considered for a variance. The policy also includes any landscaping that is allowed should be limited to "native" varieties; that would preclude turf or other items that make it appear to be

private property. The Parklands Committee reviewed the policy and recommended approval by Council.

Councilmember Goodhart asked Director Rigg to elaborate on aboveground irrigation. Director Rigg said the intent of any sprinklers is to establish the landscaping and then for it to be removed by the property owner, which he suggested should be specified within the policy.

Councilmember Goodhart said the policy relies on residents to apply to the City for permission. Director Rigg agreed that they may see more after-the-fact applications, but explained the policy would guide the Parklands Committee decision making process.

A brief discussion regarding public outreach of the policy ensued and clarification of “native” varieties. Director Rigg said the policy could guide residents that have tiny strips of parklands adjacent to their homes that may appear as right-of-way.

Councilmember Humphrey said she was concerned with the language regarding landscaping that does not limit public access, noting an example on Via Del Monte at Lower Paseo Del Sol that did not limit access, but was landscaped was such that it gave the impression that it was private property.

Mayor Rea said he was concerned with two issues: native vs. non-native plantings and how the policy would be applied; and areas that are planted that looks like private property. He also noted there is a public path near his home that provides the feeling of a virtual fence, providing a feeling one is trespassing, because a beautiful lawn is planted and landscaped. He opined that the point regarding ‘landscaping to not appear as private property’ should be emphasized. It should be included under findings for approval rather than stated as an objective. Council consensus was to agree with added language “landscaped to the extent reasonably practicable” as suggested by MPT Bird.

MPT Bird said the Parklands Committee did a great job; Councilmember Humphrey concurred.

Councilmember Perkins asked about the intent of irrigation being temporary in nature, and queried if it should be clarified to mean non-permanent (removable), or just for a short period of time.

Councilmember Perkins said the language regarding ‘special circumstances’ is good because no one should be able to come forward citing an existing precedent; each application would be specifically tied to the individual property.

Director Rigg confirmed that lighting and structures would not be allowed in this process; that would have to be processed before the Planning Commission. This policy is only for landscaping; lighting, even temporary in nature, is not considered landscaping.

Director Rigg confirmed with Council that the modification of the policy would be to add a finding (#4) similar to the language “that the application will not create a situation so that it will be perceived as privately owned or is a barrier to the public;” and responsive to Councilmember Humphrey’s query, they will address types of irrigation and its removal under Item #7 of the policy.

On motion of Councilmember Humphrey, seconded by Councilmember Goodhart, Council approved the Private Landscaping of Parklands Policy, with modifications, and directed staff to prepare a resolution adopting the policy for future Council approval, by unanimous oral vote.

STAFF REPORTS

CITY MANAGER’S REPORT

DEMANDS

It was moved by Councilmember Perkins and seconded by Councilmember Humphrey that the demands, as approved by a majority of the City Council, totaling \$220,493.37 be allowed and it was unanimously approved.

It was moved by Councilmember Perkins and seconded by Councilmember Humphrey that the demands, as approved by a majority of the City Council No. 521113 to 521167 totaling \$504,001.90 be allowed and it was unanimously approved.

MAYOR & CITY COUNCILMEMBERS' REPORTS

- Council Members Goodhart and Perkins reported on their attendance at the South Bay Cities COG General Assembly Meeting held in the City of Carson on Friday, February 24th, with focused presentations on emergency and earthquake preparedness.
- Councilmember Perkins also reported on her attendance at the Santa Monica Bay Restoration Commission Watershed Advisory Council meeting on February 22nd in Los Angeles; the first meeting held in approximately 6 years.

ADJOURNMENT

There being no further business before Council this evening, Mayor Rea adjourned the meeting at 9:15 p.m. to Tuesday, March 13, 2012 in Council Chambers for the purpose of a Regular Meeting.

RESPECTFULLY SUBMITTED,

**VICKIE KRONEBERGER,
EXECUTIVE ASSISTANT/DEPUTY CITY CLERK**

APPROVED BY:

WILLIAM JOHN REA, MAYOR