

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

**October 13, 2009**

**A regular meeting of the City Council of the City of Palos Verdes Estates was called to order this day at 6:00 p.m. in the City Council Chambers of City Hall by Mayor Perkins.**

**ROLL CALL:** Councilmembers Bird, Rea, Goodhart, Mayor Pro Tem Humphrey, Mayor Perkins

**ABSENT:** None

**CLOSED SESSION:** Council recessed to Closed Session at 6:03 p.m.

- **PUBLIC EMPLOYEE PERFORMANCE EVALUATION**  
Pursuant to Government Code Section 54957  
Title: City Manager

**RECONVENE:** Council reconvened at 7:30 p.m.

**ALSO PRESENT:** City Manager Hoefgen, City Attorney Pannone, Assistant City Manager Smith, Police Chief Dreiling, Public Works Director Rigg, Administrative Analyst Davis, Minutes Secretary Monson

Mayor Perkins announced there was no reportable action from the Closed Session.

**PLEDGE OF ALLEGIANCE**

**MAYOR'S REPORT – Matters of Community Interest**

Mayor Perkins informed the public that the next Community Forum will be held on November 2<sup>nd</sup> at 6:30 p.m. in the Council Chambers with Councilmember Rea, Mayor Perkins, and City Manager Hoefgen in attendance.

Mayor Perkins asked residents to contact the Council if they had any interest in being nominated to serve on the Los Angeles County Grand Jury.

**CONSENT AGENDA**

It was moved by Mayor Pro Tem Humphrey, seconded by Councilmember Rea and unanimously approved that the following Consent Agenda items be approved:

- MINUTES OF CITY COUNCIL MEETING OF SEPTEMBER 22, 2009

**PUBLIC HEARINGS**

**MAP-109-08; APPLICATION REQUESTING APPROVAL OF VESTING TENTATIVE PARCEL MAP NO. 70848 FOR THE DIVISION OF THE VACANT LOT LOCATED AT 3000 PASEO DEL MAR AND ASSOCIATED MITIGATED NEGATIVE DECLARATION FOR THE DIVISION OF THE VACANT LOT LOCATED AT 3000 PASEO DEL MAR**

Planning Director Allan Rigg reported that the existing single family lot is 36,280 sq. ft. The applicant proposed a lot split that would result in the creation of two lots. The west lot would be 21,097 sq. ft and the lot to the east would be 15,183 sq. ft. On the lower lot there is a significant area that is unbuildable. The Planning Commission will assess and review the compatibility of new home designs as they are submitted. The vesting map was approved at the August 18, 2009 Planning Commission meeting. Per City Code, a Parklands in-lieu fee of \$28,407 would be paid to

the City. The map was reviewed by the City geotechnical engineer and the City surveyor. The Planning Commission was concerned with setting precedence for splitting lots in the City. Previously, lot splits have been denied due to building site requirements from the PV Homes Association. This is one of two lots within the City where the PV Homes Association requirements allow two building sites. The project is not exempt from CEQA. The City performed an environmental initial study and associated mitigated negative declaration.

Jeff Dahl, architect for Brian Choi, commented that Allan Rigg had given all the pertinent information.

Councilmember Rea asked if a silhouette that had been constructed four years prior was ever presented to the Planning Commission. Director Rigg said that the previous silhouette had gone to Planning Commission but the project died.

Councilmember Rea commented that the Planning Commission chair had been troubled that the Neighborhood Compatibility ordinance would not suffice to mitigate the impacts caused by the division of the property. Councilmember Rea believes that since the City does have hillside lots with a small buildable pad this division does comply with the statutes.

Councilmember Goodhart was concerned about drainage on the lot, but he had spoken to Director Rigg and found that the drainage can be managed with below grade drains.

Councilmember Bird agreed with the previous comments.

Mayor Perkins was confident that the lot split criteria were met.

It was moved by Councilmember Goodhart, seconded by Councilmember Bird, and unanimously approved to approve Vesting Tentative Map Parcel No. 70848 for the division of the vacant lot located at 3000 Paseo Del Mar and associated Mitigated Negative Declaration, and adopt Resolutions R09-31 and R09-32 confirming the approval.

## **COMMUNICATIONS FROM PUBLIC – none**

## **OLD BUSINESS**

### **PC-304-09; APPLICATION TO REMOVE ONE CAMPHOR TREE IN THE CITY PARKWAY LOCATED ADJACENT TO 4125 VIA NIVEL TO REPAIR AND WIDEN THE DRIVEWAY**

Director Rigg reported that on Monday, September 14<sup>th</sup>, 2009, the Parklands Committee reviewed a request from the owners of 4125 Via Nivel to remove one Camphor tree in the City right-of-way adjacent to their property and the request was denied. The Parklands Committee typically reviews tree removal and tree topping applications as outlined in the Tree Management Policy. The applicants would like the tree removed due to the impacts on their existing driveway, limitations on the construction of a new driveway, and the sight limitation when backing out of the driveway. The Parklands Committee was concerned with setting precedence in the neighborhood and believed the driveway could be widened on the other side fairly easily. Director Rigg clarified from the Parklands meeting minutes that the City Forester's opinion is that the existing driveway could not be moved closer to the existing tree without compromising the tree roots and if the driveway were removed and the roots were so invasive that the driveway could not be replaced without removing the tree, staff would allow removal of the tree.

Councilmember Goodhart asked if design approval was required for the driveway if the driveway were to be moved closer to the center of the lot. Director Rigg responded that the owners would only need to pull a Public Works permit as long as the driveway complies with standards.

Mayor Perkins asked if the owners were to replace the driveway in the same location would they be allowed to prune the roots of the tree. Director Rigg responded that they could. She asked if the tree was significantly damaged as a result of root pruning, they owners would then be allowed to remove the tree. Director Rigg said they would. Mayor Perkins asked who would be allowed to

perform the pruning. Director Rigg said a private contractor would perform the pruning under the direction of the City Forester.

There was discussion regarding the standard distance of a tree from the asphalt. Director Rigg said this tree is much closer to the asphalt and the driveway than is allowed for new trees today.

Councilmember Bird asked if the owners concern for safety when backing out of their driveway is a legitimate concern. Director Rigg replied that it is likely the tree could obscure the view of traffic when exiting the driveway.

Jack Hollis, [owner], said the issue with the tree is a safety issue. He said that all but one of his neighbors support the application to remove the tree. He said the apron is too small and the curb is buckling which poses a risk to pedestrians.

Jayne Hollis, [owner] , said they had an additional arborist check the tree and he recommended the removal of the tree with no replacement tree due to the lack of room with the close proximity of other trees. Ms. Hollis would like to plant another tree on the other side of the driveway if appropriate.

Richard Matteson, [PVE Resident], lives next door to the applicants and does not want the tree removed. He gave suggestions as to how the Hollis' can park their cars on their property to safely exit the property.

Mayor Pro Tem Humphrey visited the property on two occasions. She appreciates Mr. Matteson's love for trees, but will support the applicant's appeal. She believes there is an issue with the driveway and bricks buckling.

Councilmember Goodhart was in attendance at the Parklands meeting where this tree was discussed. He believes this type of tree should not have been planted here. He does not want to set precedence with removing trees on this street. He said safety trumps the tree in this case and would support the removal of the tree.

Councilmember Bird said he had the same thought. He visited the site and said it is clear that there is a safety issue. He would like to give better direction to the Parklands Committee on how they should proceed with these types of issues. He supported the appeal.

Councilmember Rea agreed with the other Councilmember's comments. This tree is creating a safety issue and is also competing for sunlight with the amount of trees around it. He supported the appeal and would like to see a tree planted on the other side of the driveway if appropriate.

Mayor Perkins asked if there is room for a replacement tree on the other side of the driveway. Director Rigg said if the Council approved the removal the standard conditions would allow for either planting a replacement tree or a donation to the tree bank.

Mayor Perkins appreciated the struggle the Parkland Committee had with their decision. She visited the site and was concerned with safety issues as well. She believes this issue is being seen more frequently at the Parklands Committee meetings. With the City's aging urban forest, the Parklands Committee criteria that are in place for guidance need to be looked at by the Council. She also supported the appeal.

It was moved by Councilmember Bird, seconded by Mayor Pro Tem Humphrey, and unanimously approved to approve PC-304-09; Application to remove one Camphor tree in the City parkway located adjacent to 4125 Via Nivel to repair and widen the driveway with standard conditions.

## **NEW BUSINESS**

### **APPROVAL OF PROFESSIONAL SERVICES AGREEMENT WITH VISION INTERNET PROVIDERS, INC. FOR CITY WEBSITE SERVICES**

Assistant City Manager Judy Smith reported that a redesign of the City's website including graphics, layout, and enhanced functional features was identified by the Council and staff as a top priority for this year's Work Program. Five responses were received from the Request for Proposals. All proposals were reviewed by a staff committee consisting of the three Department Heads and the City Manager. The rating process took place prior to opening the sealed cost proposals. From the review process they focused on three vendors; all of which were experienced in local government website design. Staff recommends awarding the contract to Vision Internet Providers of Santa Monica based on their design approach, functional features, a review of their client sites, and client references. The most significant factor in the selection of Vision is the use of non-proprietary software. The project is expected to take six months to complete. Design and content decisions will be guided by a City staff committee. Staff will be responsible for developing, managing, and updating the site content once implemented. The cost of the project includes the training of City staff. The 2010 budget includes a \$10,000 placeholder which was expected to be supplemented once the final project cost was known. The professional services agreement covers design and implementation of the site at a cost of \$35,515. A budget adjustment resolution will be prepared as part of the year-end process. For the first year, annual hosting and upgrades will be performed by Vision Internet through a purchase order that is not part of the professional services agreement at an expected cost of \$2,400.

Mayor Perkins complimented staff on the in-depth process undertaken to sort through the five detailed proposals. She believes Vision Internet will serve the City well now and into the future with the ability to integrate upcoming technology.

Tom Johnson of Vision Internet said they have the most advanced content management system for local governments which will save the City money over time as the City will maintain the site.

Councilmember Goodhart observed that the proposal was well outlined and said there will be a great deal of collaboration with staff and he suggested setting up a 'web team' with participation from the Council.

Councilmember Rea commented that it makes sense that the City will own the source code. He checked some of Vision Internets other websites and was very impressed with their designs.

It was moved by Councilmember Goodhart, seconded by Mayor Pro Tem Humphrey, and unanimously approved to approve a professional services agreement with Vision Internet Providers, Inc. in the amount of \$35,515 for design, programming and training services for a new City website.

## **INFORMATIONAL REPORT ON THE IMPLEMENTATION OF MARINE PROTECTED AREAS ALONG THE PALOS VERDES PENINSULA PER THE MARINE LIFE PROTECTION ACT**

City Manager Hoefgen reported that in 1999 the State of California enacted the Marine Life Protection Act with a goal of establishing a network of Marine Protected Areas along the California Coast. It is now becoming of interest to Southern California cities because the planning process divided the State into five separate regions and PVE is in the south coast region. During the last few months the State Department of Fish and Game has been overseeing a process to involve a sixty member Stakeholder Committee as well as a Science Advisory Team in the review of the south coast area. The staff report includes information from the Science Advisory Team, the Blue Ribbon Task Force, and the Stakeholder Committee. The State's process will culminate in a Blue Ribbon Task Force meeting being held during October 20-22, 2009 in Long Beach. At this meeting, they will review and choose one of three alternatives which will be recommended to the Fish and Game Commission. The Fish and Game Commission is scheduled to make their final decision in December. There is an opportunity to communicate to the Blue Ribbon Task Force PVE's position on the three alternatives but the deadline for submittal to the Blue Ribbon Task Force is this week.

Director Rigg said there are three competing proposals for the Marine Protected Areas (MPA) from a variety of pro-fish and environmental groups. Through their meetings, the Stakeholder Committee has tried to develop MPA's that balance the interests of all groups. Director Rigg said a Marine Reserve does not allow fishing or taking, damaging, possessing, or injuring of anything natural from the area. Proposal 1 would create a State MPA starting in PVE on the south shore near Rocky Point Road and would extend west and south into the ocean. Proposal 2 would create a State MPA starting in Rancho

Palos Verdes on the shore near Point Vicente and extending west and south from this point. In Proposal 2, a State Marine Conservation Area is also created along the shore of Abalone Cove and extends into the ocean. Proposal 3 would create a State MPA starting in PVE on the shore near Rocky Point Road and would extend along the coast to Point Vicente and would extend west and northwest from this area into the ocean. Director Rigg commented that in Proposals 1 and 3 there is an area within PVE that would be included in the MPA. With a Marine Conservation Area the restrictions are not as severe as within a Reserve and may allow for the harvesting of certain sustainable marine resources. Once the area is approved, the State process will determine exactly what the regulations will be. This may include what type of species can be taken that are found to be sustainable; it may include potential restrictions in the Marine reserves that could prohibit swimming, boating, surfing, and other water related activities - the State Attorney General's position says this is not likely, but it is still within the purview of the regulations. The City of PVE is unique in the area due to the Police Department operating a patrol boat to routinely enforce Fish and Game regulations off of the coast.

Chief Dan Dreiling reported that the Police Department does actively enforce Fish and Game regulations on land and sea. The PD Union purchased and donated to the City a 22' Boston Whaler in 1989. About 8 years ago, through a block grant, the City was able to install a new engine, Police marine band radio, GPS and radar. The boat is staffed entirely with Reserve police officers. They board boats, inspect fishing licenses, inspect fish species, check catch limits, and enforce lobster season regulations.

Director Rigg said the exact consequences of each Proposal are unknown. Staff has heard from local residents regarding their concerns with the implementation of an MPA in PVE.

Councilmember Rea asked how far out to sea the police boat travels to enforce the laws. Chief Dreiling said the boat stays within about 500 yards of the shore, but does go out of the City boundaries for poaching, safety, and rescue operations. Councilmember Rea asked if the City receives and compensation for enforcing State laws. Chief Dreiling responded that the City does not receive compensation. He added that the fines for poaching are very steep, about \$1,000 for an undersized lobster.

Councilmember Goodhart asked how far the MPA boundary goes out from the coastline. Director Rigg believed it was three miles.

Councilmember Bird asked which of the three proposals would cost the City of PVE more money to enforce. City Manager Hoefgen responded that a conclusion has not been reached.

Mayor Pro Tem Humphrey asked what the other three Peninsula cities had decided in terms of supporting any of the proposals. Director Rigg said that RPV has taken a wait and monitor stance, and Rolling Hills and Rolling Hills Estates have not had a formal presentation to their Councils. Mayor Perkins added that the SBCCOG had not taken a position either.

Mayor Perkins said there is nothing to preclude the Council from watching where the Blue Ribbon Task Force process goes and then submitting an opinion to the Fish and Game directly.

Mayor Perkins wondered what the effects of Proposal 2 would have on the people that usually fish at Point Vicente – would they now come to Rocky Point and have an impact on PVE traffic.

Councilmember Bill Brand of Redondo Beach said he attended the Council meeting to promote Proposal 2. He encouraged the Council to act immediately. He informed the Council that the Department of Fish and Game has followed the recommendation of the Blue Ribbon Task Force on both of their previous recommendations. He said that Assembly member Ted Lieu and County Supervisor Don Knabe were both in support of Proposal 2.

Douglas Gaxiola, [San Diego Resident], said he is a kayak fisherman and a conservationist. He believes there are ways to have a sustainable fishery. MPA's are law now, but the impacts can be mitigated. He supports Proposal 2 that has the least socio-economic impact for the area.

Rourke Trivell, [PVE Resident], said he is a boat owner, diver, and fisherman and believes that the public should have access to the coast. He supports Proposal 2.

Amy Hill, a marine biology teacher at Chadwick, asked the Council to support the creation of a State Marine Reserve off of the PVE coast and to specifically strengthen Proposal 3. Her students have conducted research in the local tide pools for the past five years and she believes there have been drops in species diversity during that time. She would like to see the size of the Reserve increased.

Brian Head, [RPV Resident], believes that Proposal 3 is the best of the three proposals. He said that key habitat is not fully protected in any of the three proposals. He asked that the Council support increasing the size of the Reserve in Proposal 3.

Channing Press, [PVE Resident], said MPA's are needed to preserve the area for the next generation. This area has unique ecological habitats that will not continue if not protected by legislation. She asked the Council to support increasing the size of the Reserve in Proposal 3 to include Rocky Point in PVE.

Bob Bertelli, of Seal Beach, is the Chairman of the California Sea Urchin Commission which is an official state body. He said Proposal 2 was originally started by a group of fisherman trying to figure out a compromise between serving science, the fishing community, and all the other complicated interests in Southern California. He said this area is the most complicated piece of geography in the world to put MPA's into. One of the key pieces of geography is located in this area. He believes that Proposal 2 has minimal socio-economic impact and absolutely has some unique habitats that will be a benefit to the future of fishing and the environmental community in California. He said California's fisheries are not over-fished which is backed by two of the most respected marine biologists in the world. Fisheries on the west-coast are the best managed fisheries in the world.

Craig Quinn, [PVE Resident], asked the Council to act quickly on Proposal 2 which would open access to Rocky Point and Lunada Bay for the long-term. He said he was appearing on behalf of the children of the Y Guides, Cub Scouts, Indian Princesses, and Y Guide Princesses that would like continued access to the coast in their own community. He believes that many PVE homeowners moved to the area specifically for access to the trails, the bay, and the fishing.

Hank Harper, [PVE Resident], a 25 year resident of PVE said he fell in love with the lifestyle of the area with the proximity to ocean and the King Harbor Marina. He has been diving and fishing for 40 years off of Palos Verdes. He fished with his father and now fishes with his small children. If the use of Lunada Bay is lost it would be a tremendous loss for everyone. The MLPA process is very confusing and many residents don't realize what is happening. If this area is designated as a Marine Reserve the State of California will have the right to further limit uses beyond fishing. Regulations are very clear that walking, swimming, boating, and diving may be restricted to protect marine species. This would be unacceptable. The City of PVE already enforces the Fish and Game regulations and a Marine Reserve is not necessary to further protect marine species off of PVE shores. Lunada Bay is an important asset and there are other options that meet the requirements of a Marine Reserve and have much less impacts on the public's enjoyment. He supports Proposal 2.

Sean Guthrie, King Harbor Marina in Redondo Beach, said his family has owned and operated the King Harbor Marina for over 40 years. He said his family has been strong supporters of environmental improvements and as a surfer he believes the waters in the South Bay are as healthy as ever. He believes that some of the proposed regulations will be too restrictive and have tremendous socio-economic impacts. He supports Proposal 2 as the most balanced and it has the most support. He handed in a letter from the Southern California Yachting Association Board of Directors who represent over 90 boating organizations and over 50,000 boaters who unanimously support Proposal 2.

Brian Meux, of Santa Monica, attended to represent Santa Monica Baykeeper a non-profit environmental organization which has a kelp forest restoration and monitoring project. He and fellow divers are trying to restore the kelp forest by removing sea urchins that are dominating the reefs and moving down the kelp. They have been successful in restoring three acres of kelp in the Long Point area. He said the oceans are in trouble and the local fish are in decline. He said Marine Reserves have been shown to be successful on a global scale. Palos Verdes has a lot of unique habitats which allows for some areas to be protected and others to be left open. Baykeepers support the protection by Marine Reserve of Long Point, Point Vicente, Rocky Point, and Flat Rock Point. They support Proposal 3.

Miguel Tolosa, 1313 Beryl Street in Redondo Beach, said the California fisheries are some of the best managed in the world and there is no scientific evidence showing otherwise. He said the storm drain

pipe located in PVE would be located in an MPA if Proposal 1 is implemented. The regulations regarding protection and pollution standards for an MPA would make PVE fully liable for any damage caused to wildlife from pesticides, contaminants, and waste that are typically found in run-off waters. If any of the Proposals other than Proposal 2 pass, it would cost PVE a fortune. He supports Proposal 2.

James Gillen, [Torrance resident], said his mom was the biology teacher at Chadwick school 30 years ago. He has been a diver, surfer, and fisherman for the last 30 years. He believes that the efforts to maintain the area have helped increase the black sea bass, abalone, etc. in this area. He helped to formulate what is now Proposal 2 which stays out of the way of most people and is the best compromise.

Michael Morgan, [Long Beach Resident], appeared in support of Proposal 2. He is a diver, surfer, fisherman, and conservationist. He said the PV Peninsula is the only rocky headland that can support many diverse marine ecosystems within this area to fulfill the network requirements of the MLPA. The Peninsula contains three areas that can meet marine ecosystem science guidelines: Rocky Point, White's Point, and Point Vicente. Of greatest importance to Redondo Beach and South Bay fisherman is the Rocky Point area. The other main ocean user of the Peninsula is the L.A. County Sanitation District with a \$2 billion outfall off of White's Point. The Fisherman's Information Network has developed Proposal 2 as a compromise for all interested parties which would develop a Reserve off of Point Vicente. A petition was created and to date there are over 3,200 signees (61 from PVE) in support of keeping the Rocky Point area open and placing the Reserve at Point Vicente. He said the reason why mussels are disappearing from the tide pools is pollution not from fisherman removing them. He urged the Council to support Proposal 2.

Edward Ramirez [Manhattan Beach Resident], said the MPA will be implemented which he supports as a father, kayaker, an angler, and conservationist. He said a "wait and see" attitude is not the best option. The fisheries are not overfished. He supports Proposal 2 which allows for an MPA and allows accessible ocean activities. If Proposal 3 is chosen we will essentially lock ourselves out of the oceans next to where we live.

Joe Farlo, of Manhattan Beach, has over 5,000 hours of exposure to the underwater environment. He said Proposal 1 was supposed to have the smallest amount of coastal land/access. It allows extraction of adult animals and does not achieve the intended goals. Proposal 2 is located in a area that has a dramatic amount of upwelling. This proposal has cross interest support and took one year of negotiations to get the L.A. County Sanitation District users on board. Fish caught and consumed from the Whites Point area are toxic to the nervous system of children. He supports Proposal 2 as best for all concerned.

Lia Protopapadakis, representing the Santa Monica Bay Restoration Commission, said this commission is authorized by the State to redistribute Proposition funding to implement water quality improvement projects. She is a member of the South Coast Regional Stakeholder Group and is in the working group that has worked on Proposal 1. She urged the Council to read the AG report carefully. She supports Proposal 1.

Greg Tsujiuchi, [Torrance Resident], said he just learned that the City of Hermosa Beach has approved a Resolution in support of Proposal 2. He is surprised that in this process the socio-economic impacts have not been properly studied. He is a kayak angler and conservationist and he hopes the Council does not overlook the kayaker's safety.

Greg Hill, [PVE Resident], supports Proposal 2 and believes it has the least impact to the children. He has lived on the Peninsula most of his life and asked the Council not to shut down access to the coast.

Don Bell, [RPV Resident], is a kayak angler and has been involved in the MLPA process for a couple of years. He is thinking about the children and their future and believes Proposal 2 will impact kayakers the least.

Mayor Pro Tem Humphrey was concerned that the Council has not heard from all the interested groups. She does not know which Proposal is the best and she is inclined to take no position due to the lack of information.

Councilmember Bird asked Attorney Pannone if it was true that the State could pass a law that makes it illegal for PVE residents to swim in the ocean off the beaches of PVE. Attorney Pannone said it is true that the State can pass a law that attempts to protect marine habitat. If one way to protect the habitat is to not allow people in the water, that may happen. Councilmember Bird believed that two of the proposals would ban swimming in beaches along PVE's coast. Attorney Pannone said that is a possibility. Councilmember Bird asked if PVE would be liable for storm run-off as part of Proposals 1 and 3. Attorney Pannone said that would be a possibility in today's environment. The City has a degree of responsibility to make sure any pollutants that get into the storm drain do not make it to the ocean water. Councilmember Bird said that two of the proposals will be more restrictive than the current in regards to storm drain run-off. City Attorney Pannone said that may be. Councilmember Bird asked if Proposal 2 would give the City greater liability in terms of storm drain run-off than Proposals 1 and 3. City Attorney Pannone responded that run-off can drift and run-off caused in the City that makes it into the ocean could still makes its way to the areas protected by Proposal 2.

Councilmember Bird asked what the anticipated cost would be to the City in terms of filtering or altering the storm drain system to comply with the increased scrutiny of the MPA. Director Rigg said the City has no estimates and it would need to be researched, but it would be very expensive. Councilmember Bird asked if the City is currently treating storm drain run-off. Director Rigg said it is not.

Councilmember Rea said he didn't believe the Council would ever get to the point where they are fully educated on all the science behind the MPA's or which proposal would be best. He did believe that Proposal 2 had the least impact on PVE. He commented that he had gone on the Sanitation District's research boat with the marine biologist. The Sanitation District explained what is going on with run-off and DDT near Whites Point and how much cleaner the area is today. He also wondered if the MPA banned fishing what other activities would be banned. He would like the Council's position to be that, whichever Proposal is implemented, PVE supports allowing all other recreational type activities to be allowed including but not limited to surfing, swimming, kayaking, boating, sailing, etc. He thinks the Council should take a position and support Proposal 2.

Councilmember Goodhart said he had heard similar presentations on the MLPA at the SBCCOG meeting. He said he is not capable of determining which area is best from a marine biological standpoint or otherwise, but he does understand that the issue is whether Rocky Point is the best location for a Marine Reserve. He believes citizens would be giving up a lot in not allowing access to the coastline in PVE. He believes that preventing kayaking, boating, and swimming could have a significant impact – it clearly has an economical impact to Redondo Beach. He wanted to see the Council take a position by sending a letter and also have someone representing the City be present at the October 20-22 Blue Ribbon Task Force meetings. He would support Proposal 2.

Mayor Perkins first heard about the MLPA in August. She has done research learning as much as possible about the MLPA and the various proponent groups. Her interpretation of the Attorney General's letter is that swimming and diving, non-extractive, type activities will generally be permitted. The Fish and Game website looks at this issue from a regional perspective not just from PVE's perspective. She doesn't know what the spillover effect would be from implementing any of the three proposals. She said there are a lot of unanswered issues at this point. She doesn't know if it will cost the City more or less money depending on which proposal is adopted. She doesn't feel that she has the information that is needed to take a stance right now.

Councilmember Bird agreed with the Mayor. He said the Council has been studying the MLPA on their own as concerned citizens. He is concerned about liability for the City when we are not doing anything wrong. To learn that the City could have additional liability for maintaining storm drains without spending millions of dollars to clean them up – Proposals 1 and 3 - bothers him. He is concerned about the loss of jobs and the economic impact to neighboring cities. He does not believe the Council has enough information to take a position at this time.

Mayor Perkins would like the issue to be closely monitored to see how the regulations develop and have the City weigh in at the appropriate time.

Councilmember Goodhart said the whole notion (for MPA's) started 10 years ago to establish a network of reserves and to bring the different groups together – the environmentalists, the conservationists – to discuss what is best for all of this. He finds it worrisome that nowhere in the



process are the cities included. It is the cities coastlines that are affected. He fears the City not taking a position as the issue is bigger than PVE.

Mayor Pro Tem Humphrey would like to hear more from different groups such as those that support Proposal 1 or 3. She prides herself in making informed decisions and does not feel at this point that she has enough information to do so.

Council received and filed the report.

## **STAFF REPORTS**

### **City Manager's Report**

City Manager Hoefgen informed the Council that at the next meeting there will be a report related to securitization of monies borrowed by the State of California as part of the State's budget process.

## **DEMANDS**

It was moved by Councilmember Rea and seconded by Mayor Pro Tem Humphrey that the demands, as approved by a majority of the City Council, totaling \$61,699.23 be allowed and it was unanimously approved.

It was moved by Councilmember Rea and seconded by Mayor Pro Tem Humphrey that the demands, as approved by a majority of the City Council, totaling \$232,775.06 be allowed and it was unanimously approved.

It was moved by Councilmember Rea and seconded by Mayor Pro Tem Humphrey that the demands, as approved by a majority of the City Council, No. 516214H to 516217H, 516228 to 516316 totaling \$293,731.63 be allowed and it was unanimously approved.

## **MAYOR & CITY COUNCILMEMBERS' REPORTS**

Mayor Perkins reported that she had the pleasure of representing the City at the Citizen of the Year Awards recognizing Bob and Suzi Gulcher.

Mayor Perkins also attended the L.A. Division meeting of the League of California Cities where Assembly member Lieu spoke.

Mayor Perkins also attended the SBCCOG meeting where plans are underway for the transition from contract employees to full-time employees effective January 2010. There was also discussion regarding Measure R (County Transportation Bond) where the first project to be implemented in the South Bay will not take place until 2028. There was also an assumption of a 3% match by the local cities which the COG is arguing was not in the language of the Measure R.

Councilmember Goodhart attended a meeting at the Lomita Sheriff's Station with Sheriff Baca regarding a new process for collecting old prescription drugs and illegal drugs. Old mailboxes will be painted white and placed in front of the Sheriff's station in Lomita for citizens to drop-off old drugs so that they can be disposed of properly. He suggested PVE discuss implementing a similar program.

Councilmember Goodhart said the Institute for Local Government had a presentation on "Dealing with Emotional Audiences" which he found useful and he wanted to share printed copies with the Council.

Councilmember Bird attended the Lunada Bay Homes Association Harvest Festival and said they put on a wonderful community event.

Councilmember Bird also attended L.A. District Attorney's forum on the Brown Act put on by the Public Integrity Unit. It was well attended by city attorneys and elected officials and was very informative.

Councilmember Rea took a field trip on the L.A. County Sanitation Research Vessel which was very educational and he encouraged staff and Council to make the trip. He said it was a very informative trip and it is open to the public also. They explain what has taken place over the past 50 years off of the Peninsula coastline.

**ADJOURNMENT**

There being no further business before Council the meeting was adjourned at 10:25 p.m. to Tuesday, October 27th, 2009 in the City Council Chambers of City Hall.

RESPECTFULLY SUBMITTED,

MICHÉLE D. MONSON, MINUTES SECRETARY

APPROVED:

ELLEN PERKINS, MAYOR