

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

**July 28, 2009**

**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 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 6:33 p.m.

- **CONFERENCE WITH LABOR NEGOTIATORS**  
Pursuant to Government Code Section 54957.6  
Agency Negotiators: Joe Hoefgen, Judy Smith, Alexa Davis, Scott Tiedemann  
Employee Organizations: Palos Verdes Estates Police Officers' Association
- **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**  
Pursuant to Government Code Section 54956.9(a)  
Young v. City of Palos Verdes Estates, Case No. YC057845

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

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

**PLEDGE OF ALLEGIANCE**

**CEREMONIAL MATTERS**

Mayor Perkins recognized retiring Traffic Safety Committee Chairman Blake Lamar. Mr. Lamar served on the committee for eight years during some challenging times with the reopening of PV High School and the moving of PV Intermediate School to the Margate school site. Mr. Lamar will continue serving on the LAX Noise Roundtable for the city. She presented Mr. Lamar with a certificate and crystal paperweight.

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

Mayor Perkins designated Lisa Levine as Chair and Charles Peterson as Vice-Chair of the Parklands Committee.

Mayor Perkins acknowledged the passing of Councilmember Peter Gardiner of Rancho Palos Verdes.

## **CONSENT AGENDA**

Lori Benveniste, [resident], asked that Item #11D be removed from the 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 JULY 14, 2009
- CITY TREASURER'S REPORT – JUNE 2009
- CITY TREASURER'S REPORT – QUARTERLY INTEREST REPORT APRIL/JUNE 2009
- ADOPT ORDINANCES 09-690 AND 09-691; ORDINANCES OF THE CITY COUNCIL OF THE CITY OF PALOS VERDES ESTATES, CALIFORNIA, ADDING SECTIONS 18.36.047 AND 17.04.110 TO PALOS VERDES ESTATES MUNICIPAL CODE RELATING TO AFTER-THE-FACT APPLICATIONS FOR NEIGHBORHOOD COMPATIBILITY AND LAND USE ENTITLEMENTS
- ADOPT RESOLUTION R09-24; APPROVING THE EMPLOYMENT AGREEMENT BETWEEN THE CITY AND THE MANAGEMENT AND CONFIDENTIAL EMPLOYEE GROUP
- PW-558-09; AWARD A CONSTRUCTION CONTRACT IN THE AMOUNT OF \$171,465.91 TO AMERICAN ASPHALT SOUTH, INC. FOR THE COMPLETION OF THE FY09-10 SLURRY SEAL PROJECT
- APPROVE THE AMENDMENT TO THE SBCCOG JOINT POWERS AUTHORITY AGREEMENT, WHICH WILL ALLOW THE COUNTY OF LOS ANGELES TO FORMALLY JOIN THE SOUTH BAY CITIES COUNCIL OF GOVERNMENTS AS A MEMBER
- DESIGNATE MAYOR PERKINS AS THE VOTING DELEGATE AND COUNCILMEMBER GOODHART AND CITY MANAGER HOEFGEN AS AN ALTERNATE TO REPRESENT THE CITY AT THE ANNUAL BUSINESS MEETING OF THE LEAGUE OF CALIFORNIA CITIES AND AUTHORIZE THE CITY CLERK TO SIGN THE VOTING DELEGATE FORM
- APPROVE AN AGREEMENT WITH LIEBERT, CASSIDY, WHITMORE FOR SPECIALIZED LEGAL SERVICES DURING FY 2009-10
- APPROVE THE REQUEST BY THE LUNADA BAY HOMEOWNERS ASSOCIATION TO HOLD ITS ANNUAL HARVEST FESTIVAL ON SUNDAY, OCTOBER 11, 2009, AT

LUNADA BAY PARK AND APPROVE THE POSTING OF PROMOTIONAL SIGNS AT BOTH PERMITTED LOCATIONS FOR THE ALLOWABLE TIME

- ADOPT RESOLUTION R09-26; UNILATERALLY RESOLVING THE FY 2009-10 MEET AND CONFER IMPASSE BETWEEN THE CITY AND THE PALOS VERDES ESTATES POLICE OFFICERS ASSOCIATION
- PARKLANDS COMMITTEE MEETING ITEMS OF JULY 13, 2009 WITH THE EXCEPTION OF PC-305-09 (ITEM 11D)

PC-289-09; Application to install a bench in Farnham Martin Park

Applicant: Jewel Scallon

Action: Approved

Review of additional tree planting and landscape on the NE corner of Palos Verdes Boulevard at Via Anita

Action: Approved

Review of the Lunada Bay Fountain Landscape Project

Action: Denied

- PLANNING COMMISSION ACTIONS OF JULY 21, 2009

**Planning Commission Resolution No. 2009-0380;** Confirming the Planning Commission's denial of NC-1351/GA-1450/M-718-09; Neighborhood Compatibility, Grading and Miscellaneous applications for a new single family residence located at 504 Paseo Del Mar. Lot 2, Block 1510, Tract 6886.

Owner: Mark & Barbara Paullin

Action: Approved

**WT-111-09;** Consideration of a Wireless Telecommunication Facilities Application for structures within the right-of-way adjacent to Montemalaga Plaza. Lot D, Tract 8652.

Applicant: T-Mobile West Corp.

Action: Approved with conditions

**M-714-09;** Consideration of a Miscellaneous Application for structures exceeding the maximum allowable height at the single family residence located at 4057 Via Valmonte. Lot 31, Block 6319, Tract 7143.

Applicant/Owner: Mike Nekoui

Action: Approved with conditions

**M-717-09;** Consideration of a Miscellaneous Application for non-standard structures within the City right-of-way at the single family residence located at 1809 Palos Verdes Drive West. Lot 18, Block 1276, Tract 7140.

Applicant/Owner: Dave & Carolyn Armitage

Action: Denied

**M-721-09;** Consideration of a Miscellaneous Application for a new accessory structure at the single family residence located at 2516 Novato Place. Lot 10, Block 1750, Tract 8652 & portion of Lot A, Block 1, Tract 7538

Owner: Charles Tsai

Action: Approved with conditions

**PC-305-09; APPLICATION TO REMOVE ONE PINE TREE IN THE CITY PARKWAY LOCATED ADJACENT AND BELOW 1364 VIA CORONEL ON VIA ROMERO FOR VIEW RESTORATION**

Director Allan Rigg reported that the application was for one pine tree to be removed within the City owned right-of-way. The item was heard and reviewed by the Parklands Committee and they voted to approve the application with modifications which were to allow the tree to be trimmed and not removed. The resident was not present at that meeting.

Mayor Pro Tem Humphrey suggested that the item be remanded back to the Parklands Committee. Director Rigg said that since there was a misunderstanding of meeting dates on the applicant's part, traditionally the Council does remand the applicant back to the Parklands Committee.

Lori Benveniste, [resident], said the tree has grown large and is impacting their view.

There was discussion on proper procedure since the City Forester was not present and the Council did not have a current staff report on the matter.

Mayor Pro Tem Humphrey moved, it was seconded by Councilmember Goodhart, and unanimously approved to refer the matter (Agenda Item #11D) back to the Parklands Committee with no additional fees.

**COMMUNICATIONS FROM THE PUBLIC - none**

**PUBLIC HEARINGS**

**COUNTY WEED ABATEMENT CHARGES FOR FISCAL YEAR 2008-09**

Mayor Perkins asked if proper notice had been given. Assistant City Manager Smith responded that it had been.

Director Rigg reported that at the February 10, 2009 Council meeting the County of Los Angeles Agricultural Commissioner/Weights and Measures provided the City with their annual lists for weed abatement proceedings. At that meeting the Council reviewed this list and declared that these properties are a public nuisance. The Council reviewed the list and held a public hearing to allow private property owners to protest the County's assessment of their properties. No residents protested the fees. The County has submitted a list of charges which, once approved by the

Council, will be passed on to individual property owners who received these services. For FY 2008-09 the County inspected and/or abated weeds on 52 parcels with total charges amounting to \$19,266.62.

Mayor Perkins opened and then closed the public hearing seeing no one wishing to speak on the matter.

Councilmember Rea moved, it was seconded by Councilmember Bird, and unanimously approved to confirm the charges as contained in the report prepared by the County of Los Angeles Agricultural Commissioner/Weights and Measures for providing weed abatement services during Fiscal Year 2008-09.

### **INTRODUCE AND ADOPT 2009 CONFORMANCE SELF-CERTIFICATION RESOLUTION R09-23 FOR THE CONGESTION MANAGEMENT PROGRAM**

Mayor Perkins asked if proper notice had been given. Assistant City Manager Smith responded that it had been.

Director Rigg reported that the Traffic Congestion Relief and Spending Act of 1990 was passed by voters with the stipulation that urbanized counties with populations greater than 50,000 develop a Congestion Management Plan (CMP). The MTA requires each participating agency to submit a resolution of compliance and implement certain actions. One of the actions is to develop a Local Development Report (LDR) on an annual basis which shows the net development in the City during the previous year. This includes residential development and the development of classrooms. It has been confirmed with the school district that no new classrooms have been built this year. Director Rigg said that the CMP has changed over the years and he expects that next year there will be construction mitigation fees for each new net development in the City. This year the City's net development activity consisted of zero dwelling units. There were 12 new homes built and 12 older homes demolished.

Councilmember Bird asked if the City of Rancho Palos Verdes (RPV) would have a similar CMP to PVE with their new Terrene project being completed. Director Rigg said it would not – the net development activity consists of residential units and commercial space. Councilmember Bird asked if RPV would be levying a congestion mitigation fee to be shared with other cities impacted by the traffic congestion. Director Rigg said the current program is just a recordkeeping activity, but under the fee that is being proposed for next year they would have to pay.

There was discussion regarding conversion of office space to original classroom use at the Valmonte Administration Center and the applicability of the mitigation fee to public agencies. Mr. Rigg indicated the program is not yet final, but that public entities would likely be exempt from the fee.

Mayor Perkins open and then closed the public hearing seeing no one wishing to speak to the matter.

It was moved by Councilmember Bird, seconded by Councilmember Rea, and unanimously approved to adopt the Self-Certification Resolution R09-23; adopting the Local Development Report for the Congestion Management Program.

## **OLD BUSINESS**

### **PW-557-09; AWARD OF CONTRACT FOR THE FY2009-10 OVERLAY PROJECT AND ADOPTION OF RESOLUTION R09-22; ADJUSTING THE FY 2009-10 BUDGET**

Director Rigg stated that for the City's annual Capital Improvement Program various streets receive an overlay treatment to prevent deterioration of the roadways. This award of contract was originally presented to the Council at the July 14, 2009 meeting and was tabled in order to obtain additional information. Since that meeting there were some changes to the State budget which affect the City's funds with the City possibly losing approximately \$800,000 in funds. The City will also be accepting bids for the Bluff Cove Stabilization Project the first week of August. As the cost for the Bluff Cove Stabilization Project is not known and being the City's number one priority, staff is recommending that Council not award the overlay project at this time and wait to see what the bids are for the Bluff Cove project before committing City funds to the overlay contract. When the financial situation is clearer in a couple of months the City can re-bid the overlay project.

Councilmember Rea was concerned about completion of the overlay before the rainy season. Director Rigg said the weather is not as critical for an overlay as it is for slurry seal.

City Manager Hoefgen said the State budget is an evolving situation. The City estimates the funding shortfall for the Bluff Cove Stabilization Project to be approximately \$300,000 and is seeking funds from outside sources. Within the next 30 days staff should have a better idea of the cost of the project and the amount of outside funds the City may receive. Staff believes the best course is to reject the overlay bids and re-bid in a couple of months.

It was moved by Councilmember Bird, seconded by Councilmember Rea, and unanimously approved to reject all the current bids for the completion of the FY 2009-10 Overlay Project.

### **ESTABLISHMENT OF A CITY COUNCIL LIAISON COMMITTEE TO ASSIST WITH IMPLEMENTATION OF THE PALOS VERDES ESTATES DISASTER DISTRICT PLAN**

City Manager Hoefgen explained that this item is in follow-up to the June 23, 2009 Council meeting where an overview of the Disaster District Plan was given. As part of the Council discussion, it was noted that it would be helpful to have Council liaisons to the DDP. It is a duty and function of the Mayor to decide who is appointed as Council liaison. The decision to establish a committee or not is a function of the Council.

Councilmember Goodhart stated that the City has liaisons for all the City concessions and various community or governmental entities. He believes the establishment of liaisons to the DDP has a slightly different objective in that the DDP has been formed to improve the outcome of any significant

event/disaster in the City. The Council believes it would be a good idea to have representation on the committee to assist with the implementation of this important plan and to help obtain resources.

Mayor Perkins believed it would be prudent to make sure the liaisons are rotated each year in order that every Council member during their tenure would have the opportunity to become familiar with the DDP.

It was moved by Councilmember Rea, seconded by Mayor Pro Tem Humphrey, and unanimously approved to establish the Disaster District Plan Liaison Committee and approve the addition to the list of Council Liaisons.

## **NEW BUSINESS**

### **ADOPTION OF RESOLUTION R09-25; APPROVING A SEWER SYSTEM MANAGEMENT PLAN**

Director Rigg reported that on May 2, 2006 the State Water Resources Control Board (SWRCB) adopted Statewide General Waste Discharge Requirements (GWDR) for publicly owned sanitary sewer systems. These regulations require agencies that own or operate a sanitary sewer system comprised of one mile or more to develop and implement a sewer system management plan (SSMP) that documents a comprehensive program for sewer system operation, maintenance, and repair. As a collection system, the City must institute programs to properly manage, operate and maintain all parts of its wastewater collection system in order to reduce and prevent Sanitary Sewer Overflows (SSO). In PVE there are three different sewer systems: the County Sanitation District owned trunk lines and pump stations, the local sewers owned by the City and maintained by the L.A. County Department of Public Works, and the private sewer laterals that run to the individual homes and properties. This report covers the local sewers and two pump stations owned by the City and maintained by LACDWP. The sanitary sewer programs required by the discharge requirements already exist within the City. PVE has been proactive in implementing a Sewer Master Plan, implementing a Capital Improvement Fee and using those funds to refurbish the sewer system. The regulations also include the provision that the agency's governing body approve, by resolution, the SSMP by August 2, 2009. Director Rigg credited LACDPW for providing the template for the report. As required by the State, the plan has eleven sections. Development of this SSMP was performed to ensure an accurate, comprehensive document that not only meets the State regulations, but serves as a useful guide that will complement existing procedures and policies for the ongoing maintenance and operation of the City's wastewater collection system.

Director Rigg pointed out that PVE had a higher incidence of SSOs, 27, in 2007 than most cities due to the fact that a lot of the City's sewers are in backyards and there was a large amount of root intrusion. special tax funds have been used to line the sewers and the number of SSOs has dropped to three (3) so far for 2009. The reduction can be attributed to the City's lining program and the County's foaming program, which disintegrates the roots, and the Counties enhanced maintenance program.

Director Rigg believes a continued threat to the City are the roots that invade the privately-owned sewer laterals. Per code, the sanitary sewer lateral from the home to the main sewer line is owned and maintained by private property owner. These laterals are not actively maintained by the residents. The

typical remedy is to have a plumber grind the roots and push them into the City sewer which then can cause blockages and SSOs. The best maintenance is to have the lateral lined. As the County completes their video tape maintenance they can see where roots are protruding into the main line. They notify the City and we notify the property owner to have their lateral cleaned. It costs between \$6,000 and \$12,000 to have a sewer lateral lined and the City is researching ways to make this more cost effective for residents.

Councilmember Goodhart wondered if the City could start some sort of assessment district to help residents defer payments over time to have their sewers lined. Director Rigg said for \$250 residents can have a video of their sewer lateral.

Mayor Pro Tem Humphrey said the City should be careful when forming an assessment district due to previous districts (undergrounding) that failed and the City ended up bearing the cost.

Councilmember Rea said he would be in favor of looking at assessment districts.

City Manager Hoefgen offered to put out a query on the League of California Cities list serve and see if other cities have had a similar situation.

Mayor Perkins suggested an article in the City newsletter regarding sewer laterals and resident responsibilities.

Councilmember Goodhart commented that the report shows PVE has had an 80% reduction in SSOs and asked what is being done to mitigate the other 20%. Director Rigg suspects the remaining 20% to be caused mainly by 1) the sewer laterals, and 2) additional city sewers that need to be lined.

It was moved by Councilmember Goodhart, seconded by Mayor Pro Tem Humphrey, and unanimously approved to adopt Resolution R09-25 approving a Sewer System Management Plan.

## **STAFF REPORTS**

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

City Manager Hoefgen presented the 2009-10 Work Program which highlights major work activities anticipated over the next 12 months. The purpose of the program is to serve as a tool for department heads and the City Manager to help manage the workload over the year. It identifies milestones and target dates for completion of the outlined work. It also highlights for the public, the Council, and the departments the work that is projected over the next year. The Work Program is not a comprehensive list; it is the highlights and the items where a significant amount of staff time is allocated. Mr. Hoefgen reported some of these highlights as: additional customer service training, a follow-up on the carbon footprint analysis, a re-design of the City's website, an update to the Municipal Code, review of pension obligations, implementation of Disaster District Plan, additional emergency training for City Hall staff, update Police Department personnel files, update Police Policy Manual, an evaluation of the Reserve Officer program, soundproofing of the shooting range, continuation of the PVE CARES program, the replacement of two sewer pump stations, the Bluff Cove Stabilization Project, researching a road impact fee, a report on water conservation



options, possible improvements to the Planning meet and confer process, a backyard composting program, and a review of the leaf blower regulation.

Mayor Perkins commented that the report is ambitious and reflects the conversations during the budgeting process and the Council Retreat.

Councilmember Goodhart asked the City Manager and Police Chief to consider applying for the Helen Putnam Award of Excellence in the area of public safety for the PVE CARES program and suggested adding the award application to their list of goals for the year. Mayor Pro Tem Humphrey suggested using the City's League of California Cities representative Teresa Acosta as a resource. Mayor Perkins thought it an interesting idea and would like to first check what the time commitment would be.

Police Chief Dreiling commented that the Police Department submitted applications for this award several years ago. The response from the League was that the program was too new to be evaluated. It was later resubmitted and they were told it was too late. Chief Dreiling would like to submit the application and will evaluate the time commitments for a joint Disaster District Plan/ PVE CARES award submittal.

## **DEMANDS**

It was moved by Councilmember Goodhart and seconded by Councilmember Bird that the demands, as approved by a majority of the City Council, totaling \$236,655.58 be allowed and it was unanimously approved.

It was moved by Councilmember Goodhart and seconded by Councilmember Bird that the demands, as approved by a majority of the City Council, No 515802H to 515803H, 515816 to 515845 totaling \$249,696.52 be allowed and it was unanimously approved.

It was moved by Councilmember Goodhart and seconded by Councilmember Bird that the demands, as approved by a majority of the City Council, No. 515846 to 515902 totaling \$390,607.16 be allowed and it was unanimously approved.

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

Mayor Perkins reported the second Mayor's Community Forum was held on July 27<sup>th</sup> with Councilmember Goodhart, City Manager Hoefgen and 16 people in attendance. She said some of the issues discussed were the SCE response to a power outage in Malaga Cove, ground water in Malaga Cove, the Lunada Bay Fountain landscaping, and trees, views and property values.

Councilmember Goodhart said the Community Forum gave residents the proper forum to ask questions about how to navigate some of the City processes

Councilmember Bird reported that he and Mayor Pro Tem Humphrey attended the Tennis Liaison meeting held July 21<sup>st</sup>. The membership stands at 385 members. The Club is operating at a surplus. The Club sends new residents a letter inviting interest in membership by offering gift certificates. There have been recent upgrades to the Clubhouse and locker room which has created new interest in the Tennis Club. There is no wait list at this time.

Councilmember Rea reported that he and City Manager Hoefgen attended the California Joint Powers Insurance Authority Annual Meeting. The CJPIA will start offering their training seminars on the internet as webinars. Councilmember Rea announced his election to a two-year term on the Executive Committee of the CJPIA.

Councilmember Goodhart reported his attendance at the South Bay Cities Council of Governments Board of Directors meeting and announced the election of Mayor Perkins as 2<sup>nd</sup> Vice-President of the SBCCOG. He and Mayor Pro Tem Humphrey attended at the July 23<sup>rd</sup> PV Transit Authority Board meeting. He said ridership has increased. PV Transit is conducting a marketing analysis on how to improve and advertise their service. They are also working with the School District to optimize school hours to utilize the minimum number of vehicles.

**CLOSED SESSION:** Council recessed to Closed Session at 9:12 p.m.

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

**RECONVENE:** Council reconvened and adjourned at 10:50 p.m.

There being no further business before Council the meeting was adjourned at 10:50 p.m. to Tuesday, September 8, 2009, at 7:30 p.m. in the City Council Chambers of City Hall.

RESPECTFULLY SUBMITTED,

MICHÉLE D. MONSON, MINUTES SECRETARY

APPROVED:

ELLEN PERKINS, MAYOR