

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

May 12, 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 Perkins

ABSENT: Mayor Pro Tem Humphrey

ALSO PRESENT: City Manager Hoefgen, Assistant City Manager Smith

CLOSED SESSION: Council recessed to Closed Session at 6:35 p.m.

- **CONFERENCE WITH LABOR NEGOTIATORS**
Pursuant to Government Code Section 54957.6
Agency Negotiators: Joe Hoefgen and Judy Smith
Employee Organizations: Public Service Employees Association

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

PLEDGE OF ALLEGIANCE

ROLL CALL: Councilmembers Bird, Rea, Goodhart, Mayor Perkins

ABSENT: Mayor Pro Tem Humphrey

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

MAYOR'S REPORT – Matters of Community Interest

Mayor Perkins reported Council is accepting applications for City Commission and Committees and has extended the deadline for applications to May 15.

Mayor Perkins alerted City property owners that there is currently no waiting list for the Associate Golf Membership (AGM) and that the waiting list for full membership is very short.

CONSENT AGENDA

Councilmember Rea recused himself from voting on Item #1, Minutes of the April 28, 2009 Council meeting.

It was moved by Councilmember Goodhart, seconded by Councilmember Bird and unanimously approved that the following Consent Agenda items be approved (Rea recused from Item #1, Humphrey absent):

- MINUTES OF CITY COUNCIL MEETING OF APRIL 28, 2009
- PW-544-08; ACCEPT AS COMPLETE THE CONSTRUCTION OF THE FY 08-09 CURB AND GUTTER REPLACEMENT PROJECT IN THE AMOUNT OF \$19,595.00; AND DIRECT THE CITY CLERK TO FILE THE NOTICE OF COMPLETION, AND RELEASE THE 10% RETENTION 30 DAYS AFTER THE COUNTY RECORDER'S OFFICE RECORDS THE NOTICE OF COMPLETION IF NO STOP NOTICES ARE FILED.

- PW-552-08; ACCEPT AS COMPLETE THE CONSTRUCTION OF THE VIA CAMPESINA, VIA VALMONTE, PALOS VERDES DRIVE NORTH PAVING – LACMTA FLEXIBLE FUNDING PROJECT IN THE AMOUNT OF \$204,211.68; AND DIRECT THE CITY CLERK TO FILE THE NOTICE OF COMPLETION, AND RELEASE THE 10% RETENTION 30 DAYS AFTER THE COUNTY RECORDER’S OFFICE RECORDS THE NOTICE OF COMPLETION, IF NO STOP NOTICES ARE FILED.
- PW-553-08; ACCEPT AS COMPLETE THE CONSTRUCTION OF THE EVR II TANK UPGRADE PROJECT IN THE AMOUNT OF \$41,825.00; AND DIRECT THE CITY CLERK TO FILE THE NOTICE OF COMPLETION, AND RELEASE THE 10% RETENTION 30 DAYS AFTER THE COUNTY RECORDER’S OFFICE RECORDS THE NOTICE OF COMPLETION, IF NO STOP NOTICES ARE FILED.

COMMUNICATIONS FROM THE PUBLIC - none

PUBLIC HEARINGS

INTRODUCTION OF ORDINANCE 09-689; AMENDING SECTION 18.32.010 OF THE PALOS VERDES ESTATES MUNICIPAL CODE RELATING TO HEIGHTS OF WALLS, FENCES, AND ACCESSORY STRUCTURES IN THE R-1 AND R-M ZONES

Mayor Perkins asked if Public Notice was properly given. Assistant City Manager Smith responded that notice had been given.

Public Works Director Rigg said that Chapter 18.32 of the Municipal Code includes restrictions to the heights of walls and fences on private property. However, there are many items that fall outside the definition of walls and fences that can create significant impacts if above the maximum allowed heights. These include trellises, gazebos, playhouses, decorations, fireplaces, and fountains. It is necessary to expand the scope of structures required to comply with the established heights so that impacts can be properly assessed and monitored. This topic was originally discussed at the joint dinner meeting with the Planning Commission in January. At that meeting, after discussion, it was decided that staff was to work with the City Attorney to revise the walls and fences section of the code to include trellises, gazebos, playhouses, decorations, detached fireplaces, fountains, and other structures as deemed appropriate by the Planning Department. The ordinance was reviewed and approved by the Planning Commission on April 21, 2009. The main modification to this chapter is the addition of the term “accessory structure.” Sections D and E have been added to define the term “accessory structure” and to note that a silhouette may be required at the discretion of the Planning Director and/or Planning Commission.

Councilmember Rea asked about the wording in the ordinance regarding the definition of an accessory structure. City Attorney Pannone said it is helpful to the public to give specific examples in the ordinance.

Mayor Perkins asked that the example of “gazebo” be added to the list of examples of accessory structures in the ordinance.

Councilmember Rea suggested that wording be changed to read “accessory structure means any structure other than a single family residence including by way of example and not by way of limitation, an outdoor fireplace, trellis, pergola”...etc. The City Attorney concurred.

Mayor Perkins declared the Public Hearing open and seeing no one wishing to speak, closed the Public Hearing.

It was moved by Councilmember Goodhart, seconded by Councilmember Bird, and unanimously approved to introduce Ordinance 09-689; an Ordinance of the City Council of Palos Verdes Estates amending Section 18.32.010 of the Palos Verdes Estates Municipal Code relating to heights of walls, fences, and accessory structures in the R-1 and R-M zones, as amended. (Humphrey absent)

NEW BUSINESS

PW-555-09; AWARD OF STREET SWEEPING CONTRACT FOR FISCAL YEARS 2009-10 AND 2010-11

Director Rigg reported that the existing street sweeping contract is due to expire in June. Staff completed the re-bid process with a contract length of two years with an option for two one-year extensions to take advantage of possible reductions in cost that may occur. There are 21 miles of commercial routes and 146 miles of other streets and alleys within the City. The City received three bids and the low bidder for the current level of service was R.F. Dickson at \$85,320.00 per year. Director Rigg noted that the current contract with R.F. Dickson for the same service was \$61,900.00 which is a significant increase, but they were the low bidder. The budget will need to be adjusted by the amount of \$23,420.00. Director Rigg feels that R.F. Dickson significantly underbid the previous contract not realizing the amount of work involved.

Councilmember Goodhart said R.F. Dickson has the lowest bid, but the highest hourly rate for additional services. He wondered what the cost in additional hours has been for the past year. Director Rigg said about 10 hours for the year.

Councilmember Rea asked how much debris is collected on commercial streets versus non-commercial streets. Director Rigg did not have that information available for the meeting, but he said he could gather the information.

Mayor Perkins asked about the timing of the sweeping around school and rush hour traffic. Director Rigg said the City only asks the contractor to sweep the plazas in the early morning to avoid business hours. He would be glad to give the contractor further direction on timing of the sweeping if Council desires.

It was moved by Councilmember Rea, seconded by Councilmember Goodhart, and unanimously approved to award the FY 2009-10 and 2010-11 Street Sweeping Contract to R.F. Dickson Co., Inc., in the amount of \$85,320 annually. (Humphrey absent)

STAFF REPORTS

City Manager's Report

City Manager Hoefgen reported the State Department of Finance has recommended the borrowing of local property tax money (8%) from local government, which represents a loss of approximately \$500,000 for PVE. He also announced the next Budget Workshop will be held on May 29th at 2:00 p.m.

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 \$219,229.40 be allowed and it was unanimously approved. (Humphrey absent)

It was moved by Councilmember Goodhart and seconded by Councilmember Bird that the demands, as approved by a majority of the City Council, No. 515171V, 515382 to 515451 totaling \$361,938.02 be allowed and it was unanimously approved. (Humphrey absent)

MAYOR & CITY COUNCILMEMBERS' REPORTS

Mayor Perkins thanked the Council and City Manager for supporting the idea of holding a series of Community Forums over the next year. The first was held on May 5 with the Mayor, Mayor Pro Tem Humphrey and City Manager Hoefgen attending along with approximately 20 audience members. There was an update on PV Drive West remediation project and the City budget and then the

community shared comments concerning traffic and parking at PV High School, the Safe Routes to Schools grant proposal, and a request for the City's advocacy in consideration for a dog park. The next Forums with the Mayor will be held on July 27th with Councilmember Goodhart, November 2 with Councilmember Rea, and February 2nd with Councilmember Bird.

Mayor Perkins was honored to attend the Medal of Valor luncheon along with Chief Dreiling. She was struck by the fact that two of the honorees were receiving the Medal of Valor for the second time. She thanked all of the men and women serving the community in public safety.

Councilmember Rea spoke at the Malaga Cove Homeowners' Association Annual Meeting. He discussed the Bluff Cove project, the City's budget, and the groundwater situation in Malaga Cove Plaza. Most questions were directed to school personnel regarding the construction at Malaga Cove School.

Councilmember Rea attended a fundraiser for Home Ownership for Personal Empowerment (HOPE) where Councilmember Bird was the Master of Ceremonies. The most popular item in the live auction was the dinner prepared by George Bird and his two sons.

Councilmember Goodhart reminded residents about the current mail scam for property tax reassessment. He wanted residents to know that reassessment service is free through the County.

Councilmember Bird applauded the Mayor for holding the Mayor's Community Forums. He feels it serves the community well. He wondered if future forums could be held at the various elementary schools which may be more convenient for the citizens.

CLOSED SESSION: Council recessed to Closed Session at 8:05 p.m.

Councilmember Goodhart recused himself from the Closed Session based on the location of his home.

- **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION (2 cases)**
Pursuant to Government Code Section 54956.9 (a)
Young v. City of Palos Verdes Estates, Case No. YC057845
Iannitti v. City of Palos Verdes Estates, Case No. BS117627

ADJOURNMENT

There being no further business before Council the meeting was adjourned at 8:35 p.m. to Tuesday, May 26th, at 7:30 p.m. in the City Council Chambers of City Hall.

RESPECTFULLY SUBMITTED,

MICHÉLE D. MONSON, MINUTES SECRETARY

APPROVED:

ELLEN PERKINS, MAYOR