

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

APRIL 28, 2009

A regular meeting of the City Council of the City of Palos Verdes Estates was called to order this day at 7:30 p.m. in the City Council Chambers of City Hall by Mayor Perkins.

PLEDGE OF ALLEGIANCE

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

ABSENT: Councilmember Rea

**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 said that applications for the City's Committees and Commission are available online with a deadline of May 1st.

Mayor Perkins invited residents to attend the Community Forum on May 5th at 6:30 p.m. in the Council Chambers.

Mayor Perkins asked residents to fill out the CERT skills and equipment survey that was included in the April City Newsletter. This information will be helpful to the CERT teams and block captains during an emergency.

CONSENT AGENDA

Tom Bechler, [PVE Resident], asked that Parklands Committee item PC-301-09 be removed from the Consent Agenda.

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

- MINUTES OF CITY COUNCIL MEETING OF APRIL 14, 2009
- CITY TREASURER'S REPORT MARCH 2009
- CITY TREASURER'S QUARTERLY INTEREST REPORT JAN-MAR 2009
- MONTHLY FINANCIAL REPORT MARCH 2009
- ACCEPT AS COMPLETE THE CONSTRUCTION CONTRACT PW-536-08; CONSTRUCTION OF THE CITY ENTRANCE AT PALOS VERDES BOULEVARD LANDSCAPE IMPROVEMENTS IN THE AMOUNT OF \$398,760.46; 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
- SPECIAL EVENT APPLICATION TO ALLOW THE LUNADA BAY HOMEOWNERS ASSOCIATION TO HOLD ITS "SUMMER SERIES IN THE PARK" AT LUNADA BAY PARK ON MAY 31ST, "LUNADA BAY JAMS"; JULY 9TH AND 23RD, "CONCERTS IN THE PARK"; AND "MOVIE NIGHT" ON SEPTEMBER 12, 2009; AND APPROVE THE POSTING OF PROMOTIONAL SIGNS FOR LUNADA BAY JAMS AND THE TWO JULY

CONCERTS AT BOTH PERMITTED LOCATIONS ONE WEEK PRIOR TO THE ACTIVITY

- SPECIAL EVENT APPLICATION FOR COMPASSIONATE FRIENDS TO HOLD THEIR LOCAL EVENT OF THE WORLDWIDE CHILDREN'S MEMORIAL CANDLE LIGHTING ON DECEMBER 13, 2009, FROM 6:00PM TO 8:00PM AT THE FOUNTAIN IN MALAGA COVE PLAZA
- PLANNING COMMISSION ACTIONS OF APRIL 21, 2009

Ordinance 09-689; An ordinance of the City Council of the City of Palos Verdes Estates amending section 18.32.010 of the Palos Verdes Estates Municipal Code relating to heights of walls, fences & accessory structures in the R-1 & R-M zones.

Action: Approved

NC-1334/GA-1438/M-708-08; Consideration of Neighborhood Compatibility, Grading and Miscellaneous Applications for a new single family residence located at 1916 Via Coronel. Lot 1, Block 3, Tract 8043.

Owner: Salvador Munoz

Action: Approved

NC-1350/GA-1449/M-705-09; Consideration of Neighborhood Compatibility, Grading and Miscellaneous Applications for a new single family residence located at 2228 Via Guadalana. Lot 13, Block 1632, Tract 7330

Owner: Mr. & Mrs. Rattan Lalchandani

Action: Approved

NC-1353/M-707-09; Consideration of Neighborhood Compatibility and Miscellaneous Applications for additions to the single family residence located at 2004 Paseo Del Mar. Lot 28, Block 1190, Tract 7331.

Owner: Ben & Denise Nguyen

Action: Approved

M-700-09; Consideration of a Miscellaneous Application for a structure exceeding the maximum allowable height at the single family residence located at 2500 Via Pinale. Lot 22, Block 1713, Tract 6885.

Owner: Marilyn Cohen & Chris Malburg

Action: Approved

M-703-09; Consideration of a Miscellaneous Application for a new detached structure at the single family residence located at 3932 Palos Verdes Drive North. Lot 1, Block 6230, Tract 6887.

Owner: Russell Gill

Action: Approved

M-704-09; Consideration of a Miscellaneous Application for a non-standard encroachment at the single family residence located at 1509 Via Coronel. Lot 85, Tract 30905.

Owner: Ashok & Manisha Raheja

Action: Approved

PC-301-09; APPLICATION TO REMOVE 3 CAROB TREES LOCATED IN THE CITY PARKWAY ADJACENT TO 2221, 2224, AND 2228 VIA ACALONES FOR VIEW RESTORATION

Director Rigg explained that the Parklands Application requests to remove three Carob trees in the City parkway located adjacent to 2221, 2224, and 2228 Via Acalones for view restoration. The application was reviewed by the Parklands Committee under the Tree Management Policy and was subsequently denied. The Tree Management Policy allows residents to petition the City to remove or reduce view encroaching vegetation within the public right-of-way or the public Parklands. There has been a significant history of applications for tree removal on Via Acalones primarily from

one resident on Via La Brea. The Carob trees are trimmed on a bi-annual schedule. A resident can get a No Fee Permit to have trees trimmed. The three subject trees are safe and healthy, but the canopies do have potential for failure due to the old topping cuts.

Mayor Pro Tem Humphrey confirmed that there had been about 12 tree removals already approved for this street. Director Rigg agreed and said some of the approved trees had not been removed.

Tom Bechler, [PVE Resident], believes that his view is being unreasonably impaired by City trees. He said it is his only primary white water and beach view. He said that last year the Parklands Committee recommended several Carob trees be removed and replaced on Via Acalones without any objections and he could not understand why his request was denied. He believes the Parklands recommendation is unfair and ill-informed.

Machael Vernick, [PVE Resident], said he has two Carob trees on his property and one of these is the subject of the application. If this tree is removed, he would have a 25 foot Carob trees next to a new baby tree which would look unacceptable.

Debbie Steffe, [PVE Resident], was opposed to the removal of the three Carob trees. The applicant had requested permission to remove nine trees on Via Acalones in 2005 – he was approved to remove five of which two were removed and replaced. The removal of trees would adversely affect the look and charm of the tree-lined street. She asked if the applicant did obtain a No Fee Permit would he be required to use a City approved tree trimmer to complete the trimming.

Perky Waterman, [PVE Resident], said one of the trees on the application is located on her property. She has been told by the City Forester that the tree is healthy. She said that Mr. Bechler has asked for nine trees to be removed on Via Acalones and he does not live on the street. He also was successful in having two trees removed from the property directly behind his home by the new owners. She feels that enough is enough. She suggests that City maintain its trimming schedule to keep the trees in check. There have been eight trees removed in six years.

Nancy Mosier, [PVE Resident], opposed the application to remove the trees. The trees are an integral part of property value. When she bought her home it was on a beautiful, lush, tree-lined street which was a significant part of the appeal of the home. The neighborhood will lose property value and aesthetic value if the trees are removed.

Louese Spera, [PVE Resident], lived on street for 51 years and the trees were there before Mr. Bechler bought his house. It costs her \$280 a year to keep her trees trimmed and she wants the trees to stay.

Randy Morris, [PVE Resident], was opposed to the tree removal. He used to enjoy the drive home through the canopy of trees on Via Acalones which has been decimated by the removal of eight trees. He believes the property values have been significantly affected by the tree removals.

Director Rigg responded that it is often mistaken why trees are trimmed – it is for safety. If trees look good and have no issues they are not trimmed. A resident can obtain a No Fee Permit to have public trees laced or trimmed under the direction of the City Forester.

Mayor Perkins asked if the trees on the application are healthy or not healthy. Director Rigg said they are healthy, but the City Forester said they are all compromised due to significant trimming or topping.

Mayor Pro Tem Humphrey said she concurred with the Parklands Committee recommendation.

Councilmember Bird supports trimming the trees, but not removing the trees.

Councilmember Goodhart said each argument made had merit. He said he also has Carob trees on his street, Via la Selva, and he likes the trees but they are dying. The City of Glendale has removed about 1,200 Carob trees recently due to the trees rotting and limbs falling. He believes trees are part of the view and can't justify removing trees. He said that Mr. Bechler does still have an ocean view. He felt the Parklands Committee followed the process correctly and he supports their

findings. He would like recommend the City trim the trees annually, but in this budget climate realizes this is counterproductive. He suggested Mr. Bechler have the trees trimmed annually.

Mayor Perkins said she attended the Parklands Committee meeting and she did not see an abuse of the process. She is concerned about the shorter life span of the Carob trees and would like to possibly approach replacing street trees all at the same time by neighborhood.

Mayor Pro Tem Humphrey said part of the verbiage of the Tree Management Policy states that when a tree is removed it is replaced by an approved street tree. The idea was that eventually all the streets would have approved street trees.

It was moved by Mayor Pro Tem Humphrey, seconded by Councilmember Bird, and unanimously approved that the City Council uphold the recommendation of the Parklands Committee on application PC-301-09 an application to remove 3 Carob trees located in the city parkway adjacent to 2221, 2224, and 2228 Via Acalones for view restoration. (Rea absent)

COMMUNICATIONS FROM THE PUBLIC - none

NEW BUSINESS

PALOS VERDES PENINSULA UNIFIED SCHOOL DISTRICT PARCEL TAX MEASURE V

Kate Cocke of the Yes on Measure V Committee said that due to the State budget crisis the Palos Verdes Peninsula Unified School District is facing at least a \$6 million budget deficit for the 2009-10 school year. There are still many unknowns that could further impact the budget. To partially bridge the funding gap the School District is proposing a parcel tax to provide a possible \$3.3 million in supplemental funding to the District. This is a kind of add-on to the existing parcel tax, Parcel Tax P. Measure V would be an additional \$165 per parcel per year which would be in addition to the \$209 currently paid per parcel. The mail-in ballot must be received by June 23rd. Without the additional funds the outlook is dire and cuts will be significant – counselors, librarians, physical education aides would be eliminated. The District has already issued lay-off notices to over 100 certificated teachers and classified employees. They are working on plans to establish 3 to 5 day furloughs. Librarians, tech and physical education aides will be leaving the schools in May. They have reduced District office staff and eliminated the health requirement for high school students. She asked that the Council support the measure through a resolution.

Mayor Perkins asked Ms. Cocke to clarify the deadline date of June 23rd. Ms. Cocke said the ballots must be received by the County by June 23rd so it should be mailed no later than June 19th.

Councilmember Bird asked where individuals could make donations to the Measure V campaign. Ms. Cocke said they can check the website yesonmeasurev.com.

Councilmember Goodhart explained that there were a few critical things related to this measure. The most significant thing to affect property values in PVE is the school district. He said the cost is less than \$1 a day when Measure P and Measure V are combined and it is tax deductible. Residents over age 65 can apply for an exemption. Also, there is an independent oversight committee that will monitor how the funds are expended.

Mayor Perkins said that people are most interested in the quality of schools when moving to this community. She said that even with the parcel tax funds the school district is not well funded compared to many in Los Angeles County. It is in everyone's best interest that Measure V passes.

Ms. Cocke said the County would have charged the District over \$600,000 to run a regular poll vote so the District decided to go with the mail-in ballot at a cost of \$120,000.

Mayor Pro Tem Humphrey abstained from the discussion and vote due to her employment with the Palos Verdes Unified School District.

It was moved by Councilmember Goodhart, seconded by Councilmember Bird, and unanimously approved to adopt a resolution of support for Measure V; R09-12. (Rea absent and Humphrey abstained)

REVIEW OF CONSTRUCTION PLANS AND COST ESTIMATES FOR THE ROAD STABILIZATION PROJECT FOR PALOS VERDES DRIVE WEST

Director Rigg reported that a landslide in the 1980's destroyed two homes and led to the ongoing maintenance activities of the PV Drive West. Further erosion of the landslide may eventually cause closure of the roadway. The City surveyed Bluff Cove for three years and hired Moffitt Nichol, a consulting coastal engineering firm, to investigate the causes of the movement and erosion. The City geologist performed borings in the area of the landslide to determine its extent and to consider potential remedies. The City hired GMU Geotechnical, a structural engineering firm, to develop designs to fix the roadway. They developed two distinct options to remedy the issue. One involved pushing the roadway into the hillside and the other was to preserve the width of the roadway. Council instructed GMU to complete construction documents to preserve the width of the roadway. Staff, the consulting structural engineer, and the City geologist have now reviewed and approved the construction documents. The City is now waiting for Caltrans and the MTA for federal stimulus package approval. Staff is expecting possible approval by June or July. The project cannot be put out to bid without compromising possible funding from the federal economic stimulus funding. Staff is asking Council to review and approve the construction plans so that the project is ready to go to bid as soon as the City is notified by Caltrans.

Director Rigg has heard from concerned residents regarding traffic delays during construction of the 50 foot caisson wall on the side of the roadway. Traffic will be maintained in one direction on PVDW at all times; however, there will be temporary lane closures. Staff will work diligently to minimize the closures and the impact on Via Montemar.

Director Rigg said the Planning Commission has reviewed the plans and have issued a Coastal Development Permit. Director Rigg said the contractor will excavate the dirt, drill the caissons, drill the tiebacks, a steel cage will be installed that the concrete is poured into to create the wall, and in between the caissons wood lagging will be installed to hold the dirt up between the caissons. Over time, if the dirt recedes, the individual caissons with wood in between them will appear. The estimated cost of the project from GMU is \$1,050,000 including the 10% contingency factor. The total cost of the project with administration and inspection is estimated to be \$1,160,000. Staff has discussed the fact that the federal economic stimulus money will create a simultaneous demand on labor and materials – the impacts of this are unknown and cannot be anticipated. The City has \$439,000 of Proposition 1B funds designated to the project, \$500,000 is anticipated in federal stimulus funds, and approximately \$54,000 in flexible funding. Staff anticipates a shortfall of approximately \$280,000. The City is pursuing additional funding from the County. Once the project is approved by Caltrans for funding it will be put out for bid. Once bids are received, staff will come back to the Council for guidance on putting together the final funding of the project.

Councilmember Goodhart asked if all of the soil removed from the drilling and excavation will be used as compacted fill or will dirt need to be imported. Director Rigg said all of the suitable soil from the excavation will be used to backfill and to hide the caisson wall. Rocks will be removed from the site. Staff is weighing the hiding of the wall versus the additional weight on the landslide. The geologist has looked at the project and believes the amount of grading is insignificant.

Councilmember Goodhart asked if there is any sense of when Caltrans will be approving projects. Director Rigg said staff is estimating June. Director Rigg credited Floriza Rivera for the timely compliance with all of the paperwork deadlines required by Caltrans.

Councilmember Goodhart asked what percentage of the project costs are labor and what is materials. Director Rigg said \$600,000 of the cost is for the soldier piles and the tiebacks which is approximately 2/3rds of the project. The cost of asphalt is anticipated to increase.

Councilmember Goodhart asked if the contractor will be responsible for the traffic flow during the project. Director Rigg said the specifications do include traffic control with clear expectations of

implementation. Councilmember Goodhart asked that the Police Department increase patrol in the area during construction.

Mayor Pro Tem Humphrey has spoken to concerned residents on Montemar and explained that the project is a long-term fix to Palos Verdes Drive West that will temporarily divert traffic to Montemar and is a necessary evil. The City knew this project would be expensive and Council wanted to provide a long-term fix instead of a band-aid.

Mayor Perkins asked how long it would be from the time the bid is awarded to the start of construction. Director Rigg said it would be a 30 day bid period, and then the Council would award the bid and then approximately 30 days from award of bid to construction. Mayor Perkins said by that time the City will have a better understanding of the impacts of the State budgeting also. She asked about what happens with the dirt that will be used to cover the wall – would it eventually wash down the slope with the rain. Director Rigg responded the slope is a stable slope and will be compacted appropriately and will not tend to erode.

Mayor Pro Tem Humphrey asked how long the construction phase would be. Director Rigg said it would be about 90 days and he is hopeful that the drilling will be conducted down the slope with much less impact on the roadway traffic.

Mayor Perkins suggested the City contact the schools and suggest alternate traffic patterns during construction. Director Rigg said there will be message boards on the roadway suggesting alternative routes.

Mayor Pro Tem Humphrey commented that the City can hold a special Council meeting in August for approval if needed. City Manager Hoefgen said the timing of the stimulus funds approval is out of the City's hands.

Councilmember Goodhart asked if there are alternatives if PVE is not awarded the stimulus funds or would the project go ahead regardless. Director Rigg said the preference would be not to use the City's reserve funds. If PVE does not receive the stimulus funds, the City could set the timeline for shopping for other sources of funding.

Mayor Pro Tem Humphrey said if the stimulus funds are not received she would prefer not to take the money from other needed City projects or the reserves.

City Manager Hoefgen said the formula for the distribution of the stimulus funds has been memorialized in State law and is not just Federal policy. The staff is confident that the funds will be forthcoming. Staff is also having discussions with the County to try to close the \$280,000 funding gap for the project.

Councilmember Bird asked if a mailer will be sent to residents who will be affected during construction giving details of the project so they can plan accordingly. Director Rigg said with the nature of the project it will be difficult to give specific information, but general information will be sent 48 hours in advance.

It was moved by Councilmember Goodhart, seconded by Mayor Pro Tem Humphrey, and unanimously approved to approve the construction plans and cost estimates for the roadway stabilization project for the Palos Verdes Drive West. (Rea absent)

STAFF REPORTS

City Manager's Report

City Manager Hoefgen reported that the budget will be released to the Council on May 15th and the Budget Workshop will be held May 29th in the Council Chambers at 2:00pm

DEMANDS

It was moved by Mayor Pro Tem Humphrey and seconded by Councilmember Bird that the demands, as approved by a majority of the City Council, totaling \$219,237 be allowed and it was unanimously approved.

It was moved by Mayor Pro Tem Humphrey and seconded by Councilmember Bird that the demands, as approved by a majority of the City Council, No. 515299 to 515371 totaling \$581,735.36 be allowed and it was unanimously approved.

MAYOR & CITY COUNCILMEMBERS' REPORTS

Mayor Perkins enjoyed attending the dedication of Palos Verdes High School's new sand volleyball court.

Councilmember Bird attended Neighborhood Watch Block Captain event. He commended the Police Department on a terrific program – specifically Chief Dan Dreiling and Community Relations Officer Laurie Slawson.

Councilmember Goodhart reported he attended the dedication of the PV Beach Club adult Jacuzzi. He complimented the BAC staff and Board Members who were instrumental in this accomplishment. He also attended the recognition event for outgoing Contract Cities President Frank Zerunyan of Rolling Hills Estates where people who attended donated books to the Palos Verdes Library District. He attended the Las Candalistas "Walk on the Wild Side" event. He reported that he has donated the excess funds from his election campaign to PVE CARES and PV Beautiful.

ADJOURNMENT

There being no further business before Council the meeting was adjourned at 9:08 p.m. to Tuesday, May 12, at 7:30 p.m. in the City Council Chambers of City Hall.

RESPECTFULLY SUBMITTED,

MICHÉLE D. MONSON, MINUTES SECRETARY

APPROVED:

ELLEN PERKINS, MAYOR