

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

February 24, 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 Joseph C. Sherwood.

PLEDGE OF ALLEGIANCE

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

ABSENT: None

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

CEREMONIAL MATTERS

Mayor Sherwood presented Robert and Christine Gaudenti with a Proclamation for their professional management of the Palos Verdes Stables from 2000 to 2009.

Councilmember Humphrey presented the Gaudenti's with a photo album of pictures of the stables showing the improvements that were made over the past eight years.

MAYOR'S REPORT – Matters of Community Interest

Mayor Sherwood recognized Dr. Dianna Chooljian as a Council appointee to the Parklands Committee.

Mayor Sherwood reported that on February 16th at a PVE CARES meeting, John Douglass introduced the city's newly formed Disaster District Plan (DDP) program. The DDP will increase the community's readiness, survivability, and ability to recover from a disaster. The DDP will also provide information and training, leadership and coordination during and after a disaster, identify special needs and resources available in the neighborhoods, how to pre-position disaster equipment and supplies in strategic locations in the six disaster districts. Mayor Sherwood urged residents to have 10 days of supplies ready to sustain their family during a disaster.

CONSENT AGENDA

It was moved by Councilmember Humphrey, seconded by Councilmember Goodhart and unanimously approved that the following Consent Agenda items be approved:

- MINUTES OF CITY COUNCIL MEETING OF FEBRUARY 10, 2009
- CITY TREASURER'S REPORT – JANUARY 2009
- MONTHLY FINANCIAL REPORT – JANUARY 2009
- PW-544-08; AWARD OF CONSTRUCTION CONTRACT IN THE AMOUNT OF \$18,885 TO GRIGOLLA & SONS CONSTRUCTION COMPANY, INC., FOR THE CONSTRUCTION OF THE FISCAL YEAR 2008-09 CURB AND GUTTER REPLACEMENT PROJECT
- PARKLANDS COMMITTEE MEETING ITEMS OF FEBRUARY 9, 2009

PC-296-08; Application to remove 2 Coral trees, 1 New Zealand Christmas tree and 1 Leylandii cypress hedge in the City right-of-way located adjacent to 1801 Paseo Del Mar for neighborhood view restoration

Applicant: Scott Martin

Action: Approved

PC-297-09; Application to landscape the parklands adjacent to 1517 Via Coronel

Applicant: A.C. Abbasi

Action: Approved

- PLANNING COMMISSION ACTIONS OF FEBRUARY 17, 2009

M-695-08; Consideration of a Miscellaneous Application for a non-standard walkway within the right-of-way adjacent to the single family residence located at 3820 Via La Selva. Lot 6, Block 6213, Tract 6887.

Applicant/Owner: Joe Maguire

Action: Approved (5-0)

M-699-09; Consideration of a Miscellaneous Application requesting after-the-fact approval of a structure exceeding the maximum allowable height at the single family residence located at 400 Via Almar. Lot 8, Block 1514, Tract 6886.

Applicant/Owner: George & Annette Morris

Action: Denied

COMMUNICATIONS FROM THE PUBLIC - none

PUBLIC HEARINGS

PROTEST HEARINGS OF THE CITY COUNCIL OF THE CITY OF PALOS VERDES ESTATES DECLARING THAT WEEDS GROWING UPON OR IN FRONT OF, AND BRUSH, RUBBISH, REFUSE, AND DIRT UPON AND IN FRONT OF CERTAIN

IMPROVED AND UNIMPROVED PRIVATE PROPERTIES IN THE CITY ARE A PUBLIC NUISANCE, AND DECLARING ITS INTENTION TO PROVIDE FOR THE ABATEMENT THEREOF

Director Allan Rigg reported that at the City Council meeting of February 19, 2009 the County Agricultural Commissioner's Office provided the City with their annual list for weed abatement proceedings. The Council declared these properties a public nuisance. These unimproved properties were inspected by the County and weed abatement services will be provided as needed. The City is required to hold a public hearing allowing unimproved property owners the opportunity to protest the assessment of their property and showing their property has been improved and the nuisance abated. On February 10, 2009 the Council also reviewed a list of improved properties with potential weed/fire clearance issues. The Fire Department will inspect these properties in June and return to the Council for authorization to fine for any violations found.

Councilmember Goodhart said there are three types of property within the City: 1) built upon residential lots, 2) residential lots not built upon, and 3) parklands. He asked how the City ensures that all parklands are cleared. Director Rigg responded that the Fire Department does an annual inspection of the properties and the City has an annual weed abatement contract that directs the contractor to clear parklands per the Fire Department's 130 foot clearance from buildings specifications. Last year the Council doubled the budget for this annual clearance.

Councilmember Goodhart wanted to know who checks to make sure everything is cleared and completed correctly. Director Rigg responded that, in regards to parklands, the specifications for the weed abatement clearance contract were specifically developed to comply with the Fire Department's requirements for clearances from buildings. The City Forester and the Street and Parks Foreman personally inspect each one of these areas to be sure they are cleared per the contract and Fire Department's requirements.

Mayor Sherwood said a resident asked him about low growing trees and brush that is very flammable, especially Eucalyptus trees, and are in the City right-of-way. Director Rigg said that the trees and brush are cleared to the Fire Department's specifications which include removing ladder fuels around trees and removing low hanging branches. If a resident has a concern they can call the City Forester or Streets and Parks Foreman and they will visit the property.

Mayor Sherwood opened the public hearing, hearing no one wishing to speak, the public hearing was closed.

It was moved by Councilmember Rea, seconded by Councilmember Goodhart, and unanimously approved to direct the County Agricultural Commissioner's Office (CACO) to inspect and abate weeds, brush, rubbish, and refuse as necessary on unimproved lots contained in the list and also, in accordance with Resolution R09-05 for improved properties, direct the Los Angeles County Fire Department to inspect all improved properties before affirmation of the final list.

NEW BUSINESS

PROCEDURES TO RESOLVE A TIE VOTE AT THE MARCH 3, 2009 GENERAL MUNICIPAL ELECTION; RESOLUTION R09-07, PROVIDING FOR THE CONDUCT OF A SPECIAL RUN-OFF ELECTION

Assistant City Manager Judy Smith reported that there are two means provided by law to resolve a tie vote. One is to hold a special run-off election which must be adopted by resolution prior to the election taking place. The second choice is to do nothing and a tie vote would be resolved by the draw of a lot. It is rare for a tie vote to occur, but PVE did experience a tie vote in 1988 and both candidates agreed to approach the court and request that absentee ballots in the possession of the Post Office on Election Day, but not delivered, be counted in order to break the tie. There would be a cost to the City to hold a special election. However, voters do not feel they have a say in the election when it is decided by a draw of a lot. Ms. Smith checked with other cities that are having an election on March 3rd as to whether they do have a resolution in place or are adopting a resolution or are going to resolve a tie by draw of a lot. She received 12 responses. Four of those cities are adopting resolutions or have resolutions in place, eight are not adopting resolutions. Temple City is adopting a resolution due to a tie vote in 2007 which was broken by a draw of a lot. Manhattan Beach has always adopted a resolution to have a special election and they are choosing not to this year due to the cost.

Mayor Sherwood asked Ms. Smith what her recommendation would be for the Council. Ms. Smith said since the tie vote in 1988 the Council has always chosen to adopt the resolution.

Mayor Pro Tem Perkins asked if the funds are available in the event that a runoff was necessary and the City would need to expend \$25,000. Ms. Smith responded that there were funds and the Council would have to allocate those funds.

Ms. Smith added that the dates that a runoff election would occur are dictated by the State Election Code. There is a possibility of consolidation with a potential State special election scheduled for May which would reduce the cost to the City.

Councilmember Rea asked how much the City could possibly save if there were a consolidation of the elections. Ms. Smith believed that at least half of the cost would be saved.

Councilmember Rea said that the runoff election would have to occur at least 40 days and no more than 125 days after the Declaration of Results. He asked what the earliest date the City would have a Declaration of Results. Ms. Smith said she could not answer the question. The City is required to conduct a manual recount of one of the precincts which will occur on Thursday, March 5th. There are other procedures that would occur prior to a tie being officially declared.

Councilmember Goodhart asked if the City would be allowed to follow the same procedure used in 1988 of going to the Post Office and counting the absentee ballots. Ms. Smith said that under current election law, the City Clerk must be in possession of the absentee ballots by the close of the polls on Election Day in order for them to be counted.

Councilmember Humphrey would like the City to go to a runoff election to have the voters decide.

Mayor Sherwood asked if anyone checks with the Post Office the day before the election to verify all the ballots have been delivered. Ms. Smith was uncertain whether the City is permitted to make that

request. She did clarify that in 1988 the City had a post office box for the mail. The city no longer maintains a post office box and the mail is delivered directly to City Hall.

It was moved by Councilmember Humphrey, seconded by Councilmember Rea, and unanimously approved to adopt Resolution R09-07 a resolution to provide for the conduct of a special election for elective offices in the event of a tie vote at the General Municipal Election to be held March 3, 2009.

STAFF REPORTS

City Manager's Report

City Manager Hoefgen said President Obama signed a stimulus bill into law last week. The City has received many emails and letters related to how the funds will be distributed throughout the nation. The City has two 'shovel ready' projects that are on every list that has been presented to the City. The first project is the restoration of the 900 block of Palos Verdes Drive West, the Bluff Cove project, which is a \$1 million project. The City also has a significant street overlay project for Palos Verdes Drive West that is also on all the lists. The League of California Cities has put together a guide for local government explaining how the stimulus plan will work.

DEMANDS

It was moved by Councilmember Humphrey and seconded by Mayor Pro Tem Perkins that the demands, as approved by a majority of the City Council, totaling \$226,493.75 be allowed and it was unanimously approved.

It was moved by Councilmember Humphrey and seconded by Mayor Pro Tem Perkins that the demands, as approved by a majority of the City Council, No. 514890V, 514946 to 515006 totaling \$564,304.70 be allowed and it was unanimously approved.

MAYOR & CITY COUNCILMEMBERS' REPORTS

Mayor Sherwood asked residents to perform their civic duty and vote on March 3rd. He said the candidate forum was videotaped and will be aired on several occasions on channel 35 during the next week.

Councilmember Goodhart reported that the South Bay Energy Savings Center Lamp Exchange was very successful with over 7,000 lamps exchanged.

Councilmember Humphrey reported that she, Mayor Pro Tem Perkins, and City Manager Hoefgen attended the installation of Judy Mitchell as the League of California Cities President on February 18th. Judy Mitchell is the current Mayor of Rolling Hills Estates.

Councilmember Humphrey said that on February 24th she, Mayor Pro Tem Perkins, City Manager Hoefgen, and Assistant City Manager Smith attended a meeting at the Stables to introduce the new Stables Concessionaire to the boarders.

ADJOURNMENT

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

RESPECTFULLY SUBMITTED,

MICHÉLE D. MONSON, MINUTES SECRETARY

APPROVED:

JOSEPH C. SHERWOOD, JR., MAYOR