

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

July 22, 2008

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 Humphrey, Goodhart, Mayor Pro Tem Perkins,
Mayor Sherwood

ABSENT: Councilmember Rea

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

CEREMONIAL MATTERS –

Chief Dreiling introduced new Police Officer Russell Venegas and noted that Russell put himself through the Rio Hondo Police Academy where he graduated 22nd in his class. Chief Dreiling swore in Officer Venegas. Officer Venegas' family was in attendance and his mother pinned on his badge.

MAYOR'S REPORT – Matters of Community Interest

Mayor Sherwood thanked PVE CARES for sponsoring the concert in Lunada Bay Park on July 17th. There were over 200 people there enjoying the music of the 40's and 50's.

CONSENT AGENDA

Councilmember Humphrey removed Item 12a an item regarding a proposed bench in Farnham Martin Park.

Stanley Lamport, attorney for Diana Gdowski, spoke to Item 7 the Resolution R08-23 confirming the Planning Commission's approval of NC-1151/GA-1346-04. Mr. Lamport stated that he submitted a letter to the City today requesting the Council modify the Conditions of Approval and address a finding that says the house as designed and conditioned will preserve views, but, he feels, the conditions approved will block views through the view corridor. He asked that Condition 15 regarding the chimney and cap height be reduced to preserve the view. He asked that the Council eliminate the street tree requirement and add a condition that assures the height and locations of trees will not impact the view corridor. He also asked that an apparent square footage survey be added to the conditions. Mr. Lamport said Finding 9d is not supported by the evidence in the record. He would like the conditions revised to assure view preservation.

City Attorney Pannone said the letter was reviewed in conjunction with the staff report that has been given to the Council as part of the packet for the Resolution on this item. He did not see anything in the letter that would prevent the Council from adopting the Resolution as proposed. He commented the Council has the authority to make changes to the Resolution and, if they so choose, he would recommend that the Council continue the Item since the property owner should be present if the Resolution were going to be modified.

City Manager Hoefgen added that any of the attorney's comments could have been made during the Public Hearing on the item at the last Council meeting. He does not recommend continuing the item.

Mayor Sherwood asked if Item 7 could be included in the consent agenda voting. Mr. Pannone said that was correct.

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Mayor Pro Tem Perkins said that Condition 10 on Item 7 specifies that the planting of trees in the parkway would be in accordance with the recommendation of the Public Works Director. She asked if this would give the Director the discretion to ensure the landscaping was appropriate. Director Rigg responded that the condition was for one to three street trees and they would be placed to minimize any view impacts.

Councilmember Goodhart said the City has had residents challenging the view impacts of street trees and these generally go to the Parklands Committee.

Councilmember Humphrey said the street trees were chosen specifically to minimize view impacts. She also asked for clarification on the chimney cap code. Director Rigg said the previous condition had no specification for the height of the cap. Now it is codified at chimney stack plus 30 inches.

Councilmember Goodhart asked what the maximum chimney height allowed is. Director Rigg responded there are two components of a chimney. The code states that the top of the main stack opening must be at least two feet higher than any point on the roof 10 feet away, then you have the cap on top of it. The cap is usually decorative but must also be functional to allow air flow and draw. So the height of the chimney depends on where it is located on the roof.

Mayor Pro Tem Perkins asked how this had changed from when it was heard by the Planning Commission. Mr. Pannone responded that the previous code did not have a restriction on the cap, now it is restricted to 30 inches.

It was moved by Councilmember Goodhart, seconded by Mayor Pro Tem Perkins and unanimously approved that the following Consent Agenda items, except Parklands Item 12a (bench in Farnham Martin Park) be approved:

- MINUTES OF CITY COUNCIL MEETING OF JULY 8, 2008
- CITY TREASURER'S REPORT – JUNE, 2008
- CITY TREASURER'S QUARTERLY INTEREST REPORT – APRIL-JUNE, 2008
- ADOPT ORDINANCE 08-684; AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALOS VERDES ESTATES, AMENDING SECTION 18.36.043 OF THE PALOS VERDES ESTATES MUNICIPAL CODE REGARDING THE REQUIREMENTS TO MEET AND CONFER
- ADOPT ORDINANCE 08-685; AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALOS VERDES ESTATES, ADDING SECTION 18.36.060 RELATING TO CHANGES TO NEIGHBORHOOD COMPATIBILITY PERMITS AND AMENDING SECTIONS 18.40.010 AND 18.40.030 OF THE PALOS VERDES ESTATES MUNICIPAL CODE
- ADOPT ORDINANCE 08-686, ADDING CHAPTER 10.42 TO, AND REPEALING SECTION 10.40.050, OF THE PALOS VERDES ESTATES MUNICIPAL CODE RELATING TO VENDING FROM VEHICLES
- ADOPT RESOLUTION R08-23; DENYING THE APPEAL AND CONFIRMING THE PLANNING COMMISSION'S APPROVAL OF NC-1151/GA-1346-04; NEIGHBORHOOD COMPATIBILITY AND GRADING APPLICATIONS FOR A NEW SINGLE FAMILY RESIDENCE LOCATED AT 2317 VIA ACALONES, WITH CONDITIONS.
- DESIGNATE MAYOR SHERWOOD AS THE VOTING DELEGATE AND COUNCILMEMBER GOODHART AND CITY MANAGER HOEFGEN AS ALTERNATES 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
- ADOPT RESOLUTION R08-24; AUTHORIZING THE DESTRUCTION OF SPECIFIC OBSOLETE RECORDS OF THE POLICE DEPARTMENT AND CITY CLERK

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- APPROVE THE REQUEST OF THE LUNADA BAY HOMEOWNERS ASSOCIATION TO HOLD ITS ANNUAL HARVEST FESTIVAL ON SUNDAY, SEPTEMBER 28, 2008, FROM 11:00 A.M. TO 4:00 P.M. AT LUNADA BAY PARK AND VIA ANACAPA AND APPROVE THE POSTING OF PROMOTIONAL SIGNS AT BOTH PERMITTED LOCATIONS SEPTEMBER 20-28, 2008

- TRAFFIC SAFETY COMMITTEE ITEMS OF JULY 9, 2008

1. Restricted Parking Signage and Edgeline Striping on Cloyden Road from Palos Verdes Drive West to Dalton Road

Action: Recommended that staff 1) implement restricted parking signage and edgeline striping on the south side of Cloyden Road from Palos Verdes Drive West to Dalton Road. Restricted parking hours shall be 7:30 A.M. to 8:30 A.M. M-F and 2:00 P.M. to 3:30 P.M. M-F and 2) bring the issue back to the Committee in six months for review.

2. Request for Installation of Stop Signs on Via Nivel at Via Azalea

Action: Denied

3. Request for Installation of a Restricted No Right turn Sign next to 1709 Palos Verdes Drive West

Action: Recommended that staff 1) install a No Right Turn 7-9 A.M. School Days sign next to 1709 Palos Verdes Drive West and 2) bring the issue back to the Committee in six months for review.

4. Request for a Stop Sign at the Via Palomino/Via Colusa Intersection

Action: Recommended that staff 1) prepare a warrant analysis for this issue and 2) have the shrubbery trimmed back in the right-of-way at this intersection.

- PARKLANDS COMMITTEE MEETING ITEMS OF JULY 14, 2008

1. Application to re-landscape Via Montemar Circle

Action: Approved. The applicant is responsible to submit a cost estimate to the Parklands Committee and secure adequate funding before the project can begin.

- PLANNING COMMISSION ACTIONS OF JULY 15, 2008

NC-1322/GA-1431-08; Consideration of Neighborhood Compatibility and Grading Applications for a new single family residence located at 1400 Via Arco. Lot 1, Tract 29082.

Applicant: Cauthen Design

Action: Approved with conditions

NC-1327/GA-1433-08; Consideration of Neighborhood Compatibility and Grading Applications for a new single family residence located at 2120 Via Rivera. Lot 6, Block 2204, Tract 7141.

Applicant: Jeffrey Dahl

Action: Approved with conditions

PC-289-08; APPLICATION TO INSTALL A BENCH IN FARNHAM MARTIN PARK

Applicant: Jewel C. Scallon

Parklands Committee Action: Approved (4-0). The applicant is responsible to submit a design, cost estimate, construction schedule and location for the bench to the Parklands Committee.

Councilmember Humphrey was concerned with a bench being installed in Farnham Martin Park. The City has gone through many machinations of installing benches in parks. The City has an adopted memorial policy. She wanted to be sure the applicant understood it would not be a memorial bench. She would also like to see the applicant be responsible for maintenance and liability.

Mayor Pro Tem Perkins said the Parklands Committee and Art Jury would be responsible for approving the concept, design, and location of the bench. Director Rigg said that the park is under

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scrutiny from a number of groups so adding anything to the park is quite an obstacle. He said the Friends of the Library would also be approached for approval.

Councilmember Humphrey said the City has had requests in the past to place benches along the bluffs which the City did not do. She does not want to see other people decide to start asking to place benches within City. She wanted everyone to realize adding a bench is not a simple thing.

Councilmember Goodhart said this is the same situation as applicants to the Planning Commission; the applicant must go through the Art Jury also to have designs approved. Director Rigg said the difference is the Parklands Committee does have significant input regarding the aesthetics.

Councilmember Goodhart said the City has an agreement to maintain the park and the structures on the park. He feels that if the Parklands Committee and the Council confirm the decision for a bench that the bench would fall under the maintenance agreement.

City Manager Hoefgen said as the City goes through the review process of the materials, type of bench, and maintenance the City should be cognizant of what it will add to the City's work load and also the replacement costs in the future.

It was moved by Councilmember Goodhart, seconded by Mayor Pro Tem Perkins and approved to approve Parklands Committee Item 12a, PC-289-08; an application to install a bench in Farnham Martin Park. (3-1, Humphrey dissenting)

COMMUNICATIONS FROM THE PUBLIC - none

PUBLIC HEARINGS

COUNTY WEED ABATEMENT CHARGES FOR FISCAL YEAR 2007-08

Mayor Sherwood asked if Public Notice had been properly given. City Clerk Smith responded that it had.

Director Rigg reported that at the City Council meeting of February 26, 2008 the County of Los Angeles Department of Agricultural Commissioner Weights and Measures provided the City with their annual lists for weed abatement proceedings for unimproved properties in the City. The Council reviewed the list and declared the properties a public nuisance. A Public Hearing was held for private property owners to protest the County's assessment of their respective properties. No residents protested these fees. The County has submitted a list of weed abatement charges which were incurred by the County in performing the weed abatement services. Once approved by the City Council, the charges will be passed on to the individual property owners who received the service via their property tax bill. For FY 2007-08 the County inspected and/or abated weeds on 51 parcels with total charges amounting to just over \$21,000. Due to the significant rainfall this past year, there were more charges for abatement compared to the previous year.

Mayor Sherwood opened the Public Hearing and, seeing no one wishing to speak, closed the Public Hearing.

After Council discussion, it was moved by Mayor Pro Tem Perkins, seconded by Councilmember Goodhart 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 the Fiscal Year 2007-08.

INTRODUCE AND ADOPT 2008 CONFORMANCE SELF-CERTIFICATION RESOLUTION R08-22 FOR THE CONGESTION MANAGEMENT PROGRAM

Mayor Sherwood asked if Public Notice has been properly given. City Clerk Smith responded that it had.

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Director Rigg reported that the Traffic Congestion Relief and Spending Act (Proposition 111) was passed by voters in 1990. One stipulation of Proposition 111 requires counties with urbanized populations greater than 50,000 to develop a Congestion Management Plan. Los Angeles County does exceed this population so a CMP was developed. To verify the City is in conformance with the CMP, the Metropolitan Transportation Authority requires each participating agency to submit a Resolution of Compliance and adopt a local development report (LDR) on an annual basis. The LDR reports the net development within the City within the last year. Director Rigg noted that a change needed to be made to the LDR since the City has historically used the building permits as a way to track the development and school sites have not been included in these reports. It has been confirmed that the changes at PV High School do need to be added to the report. The net development at PVHS is 5,000 sq. feet. The MTA is looking at how to better track points of net development in a City. The MTA is in the process of developing a congestion mitigation fee for net new development activity.

Mayor Pro Tem Perkins understands that the City will be able to pass on a mitigation fee to new residences, but what about institutions like the School District. Director Rigg said we have no regulatory control over the School District. Mayor Pro Tem Perkins said she feels there should be some way for the City to recover the cost of development on school property.

Councilmember Goodhart asked why an institution would not be responsible to the MTA instead of the City. Director Rigg said at the meetings he attended the focus was on economic sustainability not schools. Director Rigg said he would bring up that point during future meetings. Mayor Pro Tem Perkins suggested the MTA give the schools an exemption.

Mayor Sherwood asked if the Council could act on the Resolution and attach a memo asking how the schools will be assessed for development. Mr. Pannone recommended adopting the Resolution as is and have the staff prepare a letter to the MTA.

Mayor Sherwood opened the Public Hearing and, seeing no one wishing to speak, closed the Public Hearing.

It was moved by Councilmember Humphrey, seconded by Mayor Pro Tem Perkins and unanimously approved to adopt the Self-Certification Resolution R08-22; adopting the Local Development Report for the Congestion Management Program and directing staff to prepare a letter to the MTA outlining the City's concerns regarding the responsibility to pay for new School District developments.

OLD BUSINESS

RESOLUTION R08-21; COMMITMENT TO CLIMATE PROTECTION AND TO JOIN THE INTERNATIONAL COUNCIL OF LOCAL ENVIRONMENTAL INITIATIVES (ICLEI)

City Manager Hoefgen said this item relates to cities locally and across the State to reduce their carbon footprint as a result of municipal operations. At the League of California Cities Conference in 2007 there was a significant amount of coverage of this issue. The City has participated in a number of Green Task Force meetings through the South Bay City Council of Governments to try to be apprised of what is happening at a more regional level.

Administrative Analyst Alexa Davis reported that she and Associate Planner Stacey Kinsella have been attending the South Bay Green Task Force meetings which include many South Bay cities. These meetings have shown them what the State is doing with policies and mandates toward climate protection particularly Assembly Bill 32 the Global Warming Solutions Act of 2006. Due to AB32, many cities are taking a proactive role at the prospect of mandates in the future. A first step to establish a green program is to create the City's carbon emissions data. The best way to do this is to use the International Council for Local Environmental Initiatives (ICLEI). This is an organization created to assist local government in climate protection and sustainable development. They provide software for local governments to utilize which will identify data for input, analyzes the data, and then provide reports showing whether the City requires a local climate action plan. ICLEI membership is voluntary and the annual fee is \$600 for Palos Verdes Estates. ICLEI recommends five milestones for reducing emissions that are contained in the staff report. In order to join ICLEI Council must adopt a Resolution which commits to climate protection and authorizes the City to submit an application to ICLEI. ICLEI asks that each City designate an elected official liaison which for PVE will be the

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Mayor. The liaison will monitor progress, assist in creation of a local climate action plan, and participate in the South Bay Green Task Force Meetings as well as periodic ICLEI seminars. For the first step, the City is only looking to collect data for City facilities. This is a time intensive project and the SBCCOG has hired a coordinator to assist Cities in gathering data. The PVE contribution to the SBCCOG for the coordinator is a one-time payment of \$3,000.

Mayor Sherwood feels that the largest problem in PVE, as far as carbon dioxide, is the number of vehicles traveling through the City. He asked where the other emissions are coming from. Ms. Davis responded that the first step is only for City facilities and the study will look at emissions energy use as well.

Mayor Pro Tem Perkins said she attended the SBCCOG meetings and she felt the main purpose for a city to join ICLEI is to have access to the software in order to determine what your city's carbon footprint is. She said there is legislation moving slowly through the legislature that will require cities to reduce emissions. Cities are trying to determine their footprint now to have the data on record when this goes into effect.

Mayor Pro Tem Perkins asked if in the future the State will require cities to determine the footprint for the entire City. Ms. Davis said she was not sure if that would be mandated. She said ICLEI already has the potential to measure private homes, but a lot of AB32 is targeted to industry.

Councilmember Goodhart said this program is a good thing. He is impressed with ICLEI. He is happy to see many South Bay cities have joined ICLEI. Part of ICLEI's activities is a plan called Local Action 21 which talks about sustainable cities. In Local Action 21 it talks about a campaign called Cities for Climate Protection which lists the items listed in the Staff Report, but expands to ask for: 1) a base year of measurement established, 2) a target year for reducing emissions, 3) adoption of an emissions reduction target, 4) develop a local action plan, 5) public awareness and education efforts, 6) implement policies and measures, and 7) monitor and verify results. He was concerned with some of the policies asking for things that do not apply to PVE such as improvements to water treatment facilities or street lights. He does not want to commit to reducing emissions more than the city is capable of doing. He is in favor of the program, but feels the City is limited in what it can do to reduce emissions.

Mayor Sherwood stated that he can see PVE regulating future construction projects; we are not an industrial city. He also wants to be careful on what PVE commits to.

Ms. Davis clarified that the program is completely individualized to each city. PVE would establish its own data to identify where our energy is being consumed.

Mayor Pro Tem Perkins said the members of SBCCOG decided to hire the consultant and assess the cost based on the size of each city. She thinks the City should find out what the carbon footprint is and decide whether or not there is something to be done to reduce emissions. She feels the City is not bound to keep membership in ICLEI if the purposes go in a different direction.

Mayor Sherwood feels it is important to be part of the program at the beginning to have influence regarding what the City can and can't do to reduce emissions. He agrees with the concept.

It was moved by Mayor Pro Tem Perkins, seconded by Councilmember Goodhart, and unanimously approved to adopt Resolution R08-21; committing to climate protection and direct staff to submit an application for City membership of the International Council for Local Environmental Initiatives (ICLEI).

STAFF REPORTS

City Manager's Report

City Manager Hoefgen reported that as part of the 2008-09 budget process he indicated that he would be returning with a Work Program, a forecast of major work activities to occur over the next 12 months. This will serve as a tool for Department Heads and the City Manager in managing the work over the course of the next year, identify milestones and target dates for completing tasks, and highlight items for the Council, public, and staff. This is not a comprehensive list of everything the departments do on a day to day basis. The highlights in the City Manager's office are to complete the RFP for the operation of the Stables, follow-up action on the carbon footprint for the City

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facilities, and employee negotiations. For City Clerk/Finance Departments the highlights are the election in March, computer system upgrades, and review of the Municipal Code. The Police Department has a number of important items in their program including completion of the Disaster District Plan, participation in a statewide disaster exercise in the Fall, updating and reformatting the Disaster Checklists, distributing tasers, a new motorcycle program, a team-building workshop, emotional survivability for officers, and continuation of the PVE CARES program. The Planning and Public Works Department program is more a matter of managing capital improvement projects. There are milestones that include design, bidding, construction, and completion of the projects which include slurry sealing and overlay of the streets, landscape projects, fire clearance, two sewer pump stations, and the stabilization of PV Drive West. The plan is to bring back periodic update reports to the Council in January and July each year.

Councilmember Goodhart said this is an extensive list and thanked the City Manger for putting it together. He said he is a fan of PVE CARES and the recent concert in Lunada Bay Park and would like to see the PVE CARES program support a concert in at Farnham Martin Park next year.

DEMANDS

It was moved by Councilmember Goodhart and seconded by Councilmember Humphrey that the demands, as approved by a majority of the City Council, totaling \$224,575.93 be allowed and it was unanimously approved.

It was moved by Councilmember Goodhart and seconded by Councilmember Humphrey that the demands, as approved by a majority of the City Council, No. 513703H to 513706H, 513708 to 513748 totaling \$171,905.16 be allowed and it was unanimously approved.

It was moved by Councilmember Goodhart and seconded by Councilmember Humphrey that the demands, as approved by a majority of the City Council, No. 513707H, 513749 to 513795 totaling \$371,582.57 be allowed and it was unanimously approved.

MAYOR & CITY COUNCILMEMBERS' REPORTS

Councilmember Humphrey said the League of California Cities LA Division Installation Dinner will be held on August 7th in Monrovia and that she and the City Manager would be attending. She asked if any of the other Council members would like to attend. City Manager Hoefgen offered to send out invitation materials again to the City Council.

ADJOURNMENT

There being no further business before Council the meeting was adjourned at 8:50 p.m. to Wednesday, July 23rd, at 6:00 p.m. in the City Council Chambers of City Hall for the purpose of Brown Act/Ethics Training.

RESPECTFULLY SUBMITTED,

MICHÉLE D. MONSON, MINUTES SECRETARY

APPROVED:

JOSEPH C. SHERWOOD, JR., MAYOR

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