

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

**February 23, 2010**

**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  
Mayor Pro Tem Humphrey (Humphrey arrived 6:45pm)**

**ABSENT: None**

**ALSO PRESENT: City Manager Hoefgen, Scott Tiedemann**

**CLOSED SESSION: Council recessed to Closed Session at 6:33 p.m.**

- **PUBLIC EMPLOYMENT**  
**Title: City Attorney**  
Pursuant to Government Code Section 54957

**RECONVENE: Council reconvened at 7:40 p.m.**

**PLEDGE OF ALLEGIANCE**

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

**ALSO PRESENT: City Manager Hoefgen, City Attorney Pannone, Assistant City  
Manager Smith, Police Chief Dreiling, City Treasurer Sherwood,  
Minutes Secretary Monson**

**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 FEBRUARY 9, 2010
- CITY TREASURER'S REPORT – JANUARY 2010
- MONTHLY FINANCIAL REPORT – JANUARY 2010
- APPROVAL OF EXTENSION OF BANKING AND CUSTODIAL SERVICES AGREEMENTS WITH UNION BANK
- PW-566-09; COMPLETION OF CONTRACT FOR THE THORLEY PLACE STREET IMPROVEMENTS AND FY 2009-10 CURB AND GUTTER REPLACEMENT PROJECT
- PLANNING COMMISSION ACTIONS OF FEBRUARY 16, 2010

**CDP-76/NC-1368/GA-1460/M-737-09;** Consideration of Coastal Development, Neighborhood Compatibility, Grading and Miscellaneous Applications for a new single family residence located at 721 Paseo Del Mar. Lot 4, Block 1432, Tract 6886.  
Owner: Robert & Michele Feller  
**Action: Approved with conditions**

**CDP-77 -09;** Consideration of a Coastal Development Application for a new trellis at the single family residence located at 217 Rocky Point Road. Lot 23, Tract 17606.

Owner: Mr. & Mrs. Peter Kelly  
**Action: Approved with conditions**

**CUP-85-09;** Consideration of a Conditional Use Permit Application for a new café/bakery/flower shop at 430 Via Corta. Lot 14, Block 1617, Tract 6885.  
Owner: Nancy Barnett  
**Action: Approved with conditions**

**NC-1376/GA-1465/M-753-09;** Consideration of Neighborhood Compatibility, Grading, Sports Court and Miscellaneous Applications for a new single family residence located at 1701 Via Arriba. Lot 8, Block 1530, Tract 6884.  
Owner: Albro & Catherine Lundy  
**Action: Approved with conditions**

**M-747-09;** Consideration of a Miscellaneous Application for a wall exceeding the maximum allowable height within the required setback at the single family residence located at 1201 Via Descanso. Lot 9, Block 2306, Tract 7537.  
Applicant/Owner: Richard & Selene Fuchs  
**Action: Denied**

**M-755-10;** Consideration of a Miscellaneous Application for nonstandard parking pads within the City right-of-way at the single family residence located at 1825 Paseo Del Sol. Lot 7, Block 1541, Tract 6884.  
Owner: Suren & Kala Jain  
**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**

City Manager Hoefgen reported that on February 9<sup>th</sup> Council adopted Resolutions setting this meeting as the Public Hearing for the County Agricultural Commissioner’s Office weed abatement program (unimproved parcels) County and Fire Department process (improved parcels). All property owners listed in the Resolution have received notice of the need to clean and make improvements on their properties dealing with potentially hazardous conditions. There are 158 unimproved properties that received notice. There are 465 improved properties that received notice. The County departments incur all the costs related to the clean-up which are then passed on to the property owner if they choose not take action to complete the clean-up. The clean-up must be completed before June 2010.

Councilmember Goodhart believed there will be a substantial fire season this year and asked the Fire Department representatives about the possibility of the Fire Department rating homes on brush fire survivability.

Robert Walton of LAC Fire Brush Clearance Section said the risk conditions are noted and taken into consideration when the inspections are made for corrections.

Councilmember Goodhart would like potentially “at risk” properties on the edge of canyons to be forewarned by the City or the County.

Chief Barry Nugent said fire personnel do look at the surrounding conditions during inspections and take them into consideration when they make recommendations to the homeowners to help prevent fires that start in a brush area from escalating (to a home).

Councilmember Goodhart would like to make sure the property owners are informed of their risk.

Chief Nugent said he will make sure that the homeowners are informed of any potential fire dangers as part of issuing the clearance notices.

The Mayor opened the Public Hearing 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 adopt a minute resolution directing the County Agricultural Commissioner's Office (CACO) to inspect and abate weeds, brush, rubbish, and refuse as necessary on unimproved lots contained in the adjusted list and to direct the Los Angeles County Fire Department to inspect all improved properties before affirmation of the final list.

## **ORDINANCE**

### **INTRODUCTION OF ORDINANCE 10-696; AMENDING CHAPTER 9 OF THE PALOS VERDES ESTATES MUNICIPAL CODE PERTAINING TO PICKETING**

Chief Dreiling reported that on several occasions each year the police department is called upon to protect the homes of some residents from unwanted picketers. PVE's current Municipal Code is overly broad and unenforceable. The picketing demonstrators push their disruptive conduct to the limit of the laws and the demonstrations can last for many hours including after dark. Chief Dreiling and City Attorney Pannone developed the proposed amendment to the Municipal Code taking into account what has worked in other jurisdictions. The new ordinance would prohibit targeted picketing: 1) within two hundred (200) feet from the property line upon which the targeted residential dwelling is located, 2) except during daylight hours, and, 3) for more than one hour during any twenty-four (24) hour period. Additionally, the ordinance includes a prohibition against "dangerous sticks and poles."

There was Council discussion on the proper distance that picketers should be restricted from the property line of the targeted home which would provide the proper space required to allow the Police Officers to do their job safely and also preserve the tranquility of the neighborhood.

It was moved by Mayor Pro Tem Humphrey, seconded by Councilmember Rea, and unanimously approved, by a roll call vote, to introduce Ordinance 10-696; titled "An Ordinance of the City Council of the City of Palos Verdes Estates Amending Chapter 9.05 of the Palos Verdes Estates Municipal Code Relating to Picketing."

## **STAFF REPORTS**

**City Manager's Report - none**

## **DEMANDS**

It was moved by Councilmember Rea and seconded by Mayor Pro Tem Humphrey that the demands, as approved by a majority of the City Council, totaling \$224,894.32 be allowed and it was unanimously approved.

It was moved by Councilmember Rea and seconded by Mayor Pro Tem Humphrey that the demands, as approved by a majority of the City Council No. 516992 to 517060 totaling \$836,535.20 be allowed and it was unanimously approved.

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

Mayor Perkins reported that the sewage spill in Lunada Bay a few weeks ago (County Sanitation District broken sewer line) was contained within one hour of the spill being reported.

Mayor Perkins reporting on the County Sanitation District Board Meeting, said that the Marine Life Protection Act, that has a proposed preservation area near Pt. Vicente, may create new clean water regulations could cause the Sanitation District to be fined due to one of their outfalls being adjacent to the preservation area. As a result, the Sanitation District intends to oppose the inclusion of this location as a protected area.

Mayor Perkins attended a reception for Congresswoman Jane Harman and Congressman Peter Defazio regarding transportation issues. They are trying to accelerate federal funding for some South Bay transportation projects.

Mayor Pro Tem Humphrey announced that Judy Mitchell, Councilmember from RHE, was elected as the AQMD representative for South Bay Cities.

Mayor Pro Tem Humphrey reported that she, the City Manager, and Councilmember Goodhart attend the PV Transit Budget Workshop on February 18<sup>th</sup>. She also attended the Chamber of Commerce's "Salute to Business" where Malaga Bank was recognized as "Best Business 2010."

Councilmember Rea reported that the CJPIA may be moving from a rolling retrospective formula to a prospective formula.

Councilmember Goodhart attended the Metropolitan Transportation Authority quarterly meeting of the Service Sector Councils. The MTA is facing a \$100 million to \$150 million deficit and they are reorganizing.

Councilmember Bird announced that CERT training will be held in March for anyone interested.

## **ADJOURNMENT**

There being no further business before Council the meeting was adjourned at 8:40 p.m. to Tuesday, March 9, 2010 at 7:30 p.m. in the City Council Chambers of City Hall.

RESPECTFULLY SUBMITTED,

MICHÉLE D. MONSON, MINUTES SECRETARY

APPROVED:

ELLEN PERKINS, MAYOR