

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

**June 22, 2010**

**A regular meeting of the City Council of the City of Palos Verdes Estates was called to order this day at 7:35 p.m. in the City Council Chambers of City Hall by Mayor Humphrey.**

**PLEDGE OF ALLEGIANCE**

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

**ABSENT: None**

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

**CEREMONIAL MATTERS**

**MAYOR'S REPORT – none**

**CONSENT AGENDA**

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

- MINUTES OF CITY COUNCIL MEETING OF JUNE 8, 2010
- RESOLUTION R10-07; APPROVING FINAL ADJUSTMENTS TO THE FY 2009-10 BUDGET
- RESOLUTION R10-08; APPROVING THE AUDITOR'S REPORT AND SETTING THE FIRE AND PARAMEDIC SERVICES SPECIAL TAX RATE FOR FY2010-11
- PW-554-09; COMPLETION OF CONTRACT FOR PALOS VERDES DRIVE WEST ROADWAY STABILIZATION PROJECT
- PLANNING COMMISSION ACTIONS OF JUNE 15, 2010
  - CDP-79-10;** Consideration of a Coastal Development Permit Application for the repair of an existing gunite wall along the bluff adjacent to the Neighborhood Church located at 415 Paseo Del Mar. Lots 3, 4, 5, 6 & 7, Block 1500, Tract 6886.  
Owner: Neighborhood Church  
**Action: Approved with conditions**
  - NC-1389-10;** Consideration of a Neighborhood Compatibility Application for additions to the single family residence located at 504 Via Gorrion. Lot 16, Block 6320, Tract 7143.  
Owner: Dane & Jenny McKay  
**Action: Approved with conditions**
  - M-769-10;** Consideration of a Miscellaneous Application requesting after-the-fact approval for a structure exceeding the maximum allowable height at the single family residence located at 1436 Via Arco. Lot 10, Block 3, Tract 29082.  
Owner: Dr. Frederick Price  
**Action: Approved with conditions**

**WT-114-09;** Consideration of a Wireless Telecommunication Facilities Application for equipment proposed within the City right-of-way adjacent to 4010 Palos Verdes Drive North. Lot B, Tract 9822.

Applicant: AT&T Mobility

**Action: Denied**

**NC-1380/GA-1469-10;** Consideration of Neighborhood Compatibility and Grading Applications for additions to the single family residence located at 3000 Via La Selva. Lot 27, Block 1800, Tract 7589.

Owner: Mr. & Mrs. Robert Fazio

**Action: Approved with conditions**

**NC-1386/M-771-10;** Consideration of Neighborhood Compatibility and Miscellaneous Applications for a new single family residence located at 1533 Via Lopez. Lot 10, Block 8, Tract 7334.

Owner: Osamu Irie & Julie Tai

**Action: Approved in part and Continued in part. The Neighborhood Compatibility application was approved with standard conditions and the Miscellaneous application was continued.**

**NC-1390-10;** Consideration of a Neighborhood Compatibility Application for additions to the single family residence located at 4400 Via Pinzon. Lot 1, Block 6333, Tract 7143.

Owner: Scot & Erin Steenolsen

**Action: Approved with conditions**

#### **COMMUNICATIONS FROM THE PUBLIC - none**

#### **NEW BUSINESS**

#### **ADOPTION OF CITY'S FY2010-11 BUDGET: RESOLUTION R10-09; ESTABLISHING THE FY 2010-11 APPROPRIATIONS LIMIT, AND R10-10; ADOPTING THE ANNUAL BUDGET AND FIXING THE LIMITATION OF EXPENDITURES**

Assistant City Manager Smith noted the two Resolutions represent the final step in adopting the FY 2010-11 Budget. Resolution R10-09 establishes the FY 2010-11 appropriations limit. This limit may be modified each year by certain permitted factors and the factors for this year are the California Per Capita Income which declined 2.54% and the population growth for Los Angeles County as a whole. The resulting appropriations limit for the City is \$16.895 million. The budget anticipates the proceeds from taxes subject to the limit of \$12,069,000 or 71% of what the City is allowed. Resolution R10-10 adopts the consolidated budget, operating and capital, for FY 2010-11 which totals \$18,323,090. The operating budget portion is \$14.7 million and represents a 1.7% increase compared to the current year. The capital budget portion is \$3.6 million.

It was moved by Councilmember Bird, seconded by Councilmember Perkins, and unanimously approved by roll call vote to adopt Resolution R10-09 establishing the FY 2010-11 Appropriations Limit, and R10-10 adopting the Annual Budget for FY 2010-11.

#### **TRAFFIC SAFETY COMMITTEE MEETING ITEMS OF JUNE 9, 2010**

#### **INSTALLATION OF A CROSSWALK WITH PROGRAMMABLE YELLOW BEACONS AND ASSOCIATED SIGNAGE ON THE NORTH SIDE OF THE VIA OLIVERA/VIA ESTUDILLO INTERSECTION**

Public Works Director Rigg reported that in 2006 the Traffic Safety Committee (TSC) reviewed a letter from Principal Frank Califano of Palos Verdes Intermediate School that requested the City to provide a crosswalk at the Via Olivera/Via Estudillo intersection. Attached to the letter was a petition

from several parents. Director Rigg stated that the City has worked with the traffic and pedestrian flow around the school for many years. This intersection is the only significant remaining issue that has not been resolved. The TSC recommended that a traffic study be completed to determine the various alternatives for the intersection. The intersection is not a fully controlled intersection so crosswalks are not a given. The traffic study was presented at the TSC's March 10 meeting. There are eight different recommendations included in the report. Recommendation Number 1 would be to install a high visibility crosswalk on the north leg of the Via Olivera/Via Estudillo. This intersection is heavily used during peak drop-off and pick-up times. Recommendation Number 3 would be to install programmable yellow beacons and associated signage at the same intersection on either side of the crosswalk. The TSC raised concerns with the aesthetics of these installations as the City currently has no traffic signal installations of any type. After review, the TSC endorsed both Recommendation Number 1 and 3. They then looked at whether the crosswalk lights should be push-button activated or programmable to flash during certain time periods. The Traffic Consultant preferred the programmable flashing lights primarily due to students likely not activating the lights prior to crossing the intersection. The TSC also asked the consultant to compare the pro/cons of the above ground set-up versus the in-ground flashing lights along the crosswalk. The consultant referenced studies showing the above ground flashers are significantly more effective than the in-ground flashers. The TSC recommends the City Council approve the installation of the crosswalk with programmable yellow beacons and the associated signage at the Via Oliver/Via Estudillo intersection as well as the remaining recommendations in the report.

Mayor Humphrey clarified that the remaining six recommendations in the report are to bring the area into compliance and to increase compliance of existing traffic regulations.

Councilmember Bird asked if there were any maintenance issues with the in-ground flashers that are installed on PV Drive West. Director Rigg responded that there are significant and on-going issues with the in-ground lights which tend to break at about 1.5 years and they are difficult to replace. Councilmember Bird asked if there were any discussion of installing a mock-up of the above ground lights and signage in order for residents to assess the impacts to the neighborhood. Director Rigg said there was not. Councilmember Bird asked if a mock-up could be set-up. Director Rigg responded that would be easy and inexpensive to create the mock-up, but to have the mock-up actually flashing would be difficult.

Mayor Pro Tem Rea asked what the ballpark cost difference would be between the in-ground flashers and the above-ground flashers. Director Rigg believed they would be similar in cost. Councilmember Rea asked how the neighborhood had been notified that this issue was being considered. Director Rigg said notification was made by street signage.

Councilmember Perkins asked if the in-ground flashers could be programmed or do then require the pedestrian to trigger them. Director Rigg said they are triggered by the pedestrian. He said it was the observation of several TSC members regarding the crosswalk flashers on PVDW that about 50% of the pedestrians don't bother triggering the lights. Councilmember Perkins asked if any of the proposed solutions would address the issue of the student loading area traffic. Director Rigg said these recommendations would not address those issues.

Mayor Humphrey asked what the time frame is for these traffic issues. Director Rigg said it is about a 20 minute time period.

Councilmember Goodhart asked if the TSC had discussed the different color/look of each of the crosswalks around the school. Director Rigg said he believed the importance of the visibility of the Via Olivera/Via Estudillo crosswalk is heightened above the others due to the others being at controlled intersections and drivers are already required to stop. Councilmember Goodhart asked how the speed check data was obtained. Director Rigg said the consultant conducted the speed survey himself. Councilmember Goodhart believed that enforcement of curb markings and signs would be critical. Director Rigg said that residents are in a rush and they have said they don't mind paying the fee for the violation. Councilmember Goodhart asked where the crosswalk signs would be located on the sidewalk. Director Rigg said they would be located immediately adjacent to the crosswalk within the public right-of-way.

Councilmember Perkins commented that the TSC has done a great job with the Traffic Consultant in trying to solve a problem that has increased over time. She believes some of the solutions suggested the Council needs to take a serious look at. She agrees that the residents of the neighborhood may not be aware that this is the solution being proposed and she would like additional steps taken to make the residents aware. She would like the student loading issue to be addressed as well. She is frustrated that the apparent solution required to this problem is so extensive for a problem that exists for a 20 minute period. She finds the parents' illegal driving behavior unacceptable and would like the solution to include increased police presence to help modify behavior.

Mayor Pro Tem Rea agreed with Councilmember Perkins comments. He said the solution being presented is an engineering solution, but he believes there are other solutions available such as a school crossing guard. He said this is done (traffic control) with a Police Officer in the mornings in front of City Hall. He would prefer a crossing guard over spending hard dollars on an engineering solution. He also likes the idea of installing a mock-up for the neighborhood residents to see what is proposed.

Councilmember Goodhart agrees that this is a very strong engineering solution. He is mystified that the parents are aware that this is a school zone, but continue to drive unsafely. This has been a problem since the school re-opened and the School District opened the back gate of the school to get more students flowing out of the back side of the school down to PVDW. He said the PTA has been very functional in keeping parents informed of the issues. He said this would add an awful lot of signs and the City has a strict sign policy. He believes this is overkill.

Councilmember Bird stated that student safety is so important which is why the Council is considering a proposal to install lighted, flashing signs to correct a problem which exists because parents don't want to wait 15-20 minutes when school is dismissed. He wants to be receptive to the school's request for help in correcting the problem. The problem is the parents driving behavior which creates a dangerous situation. He is in favor of a crosswalk, but not in favor of the signage and flashing lights. He believes the problem can be easily rectified by parents following the rules. He doesn't believe the school would desire to supply the crossing guard due to liability and union issues. He believes it is in the City's lap and it is a police issue to cite drivers. He would be in favor of a mock-up of the lights and signage for the neighborhood to be aware of what the City is contemplating.

Mayor Humphrey said this is a long standing problem. She said teachers used to handle the crossing guard duty, but that became an adjunct duty and no one wanted to do it. In some districts the PTSA funds the crossing guard. She has no problem with most of the recommendations of the TSC like repainting the curbs. She does not like the flashing yellow lights or the crosswalk lights being programmed due to the perception of safety. She would be in favor of a mock-up especially for the immediate neighbors. She said there are others schools in the City that would like to have a crossing guard also so she believes the TSC is incorrect in stating that this would be the only school that has the problem. She agrees that student safety is primary, but this may not be the best way to address it.

Mayor Pro Tem Rea asked if the City is prohibited from installing stop signs. Director Rigg said the intersection does not meet State criteria for a stop sign.

Mayor Humphrey suggested that a staggered dismissal for the students may help.

Councilmember Goodhart suggested a staged process starting with a meeting with the Principal and the PTA President to explain the City's frustration in trying to solve the problem with engineering solutions when the problem lies with the behavior of the parents. He would prefer to see if the school can come up with a way to modify behavior first and if that does not work then go ahead with the crosswalk. The crosswalk would require a crossing guard.

Mayor Pro Tem Rea agreed with Councilmember Goodhart's suggestion. He believes an adult carrying a stop sign would be more effective than flashing yellow lights.

Councilmember Perkins asked who funds the crossing guard on Paseo Lunado near the school, not the one on PV Drive West, in the morning. Mayor Humphrey said the PTA funds that crossing guard.

Mayor Humphrey asked Chief Dreiling what locations the City provides a crossing guard. Chief Dreiling said that it is provided at the intersection of PVDW and Paseo Lunado both in the morning

and afternoon. The Mayor said the City agreed to continue that since this is a major thoroughfare in the City as opposed to Via Olivera or Via Nogales.

Councilmember Perkins said the Minutes reference that the CJPIA said that it is not safe to have a crosswalk at an uncontrolled intersection. She asked if the City would have a liability issue with CJPIA even though the State system allows for a crosswalk. Mayor Pro Tem Rea said he would ask at the CJPIA Executive Board meeting to be held the following evening (June 24).

Mayor Humphrey asked Director Rigg to clarify which of the eight recommendations are related to the crosswalk and the flashing lights and which are related to complying with current laws. Director Rigg said all the recommendations except Number 1 and 3 are related to complying with current laws.

Councilmember Bird commented that there are three elementary schools, one middle school and one high school located in the City. He said the City is providing a crossing guard (Traffic Control Officer – non-sworn) at Paseo Lunado and PV Drive West. Councilmember Bird wondered if it were possible, in the future, for the City to provide crossing guards during pick-up at the two elementary schools.

Mayor Humphrey clarified - if the City had funding and was so inclined, would the schools welcome having the City provide crossing guards? She said the schools absolutely would want to have crossing guards.

Councilmember Bird asked since there are only a few schools, could the City provide someone with a uniform during peak hours. Chief Dreiling responded that the issue is money and personnel. He said that the schools are all on the same time schedule and the Police Department resources are very thin during peak times. He said the Police Department will set up extra enforcement at a school for a week, but the problems recur soon after the extra enforcement is stopped.

Mayor Humphrey said each PTSA decides what is a good allocation of their funds and PV Intermediate School could decide to fund a crossing guard if they so desired.

Mayor Humphrey preferred to have the Council approve all the recommendations except Number 1 and 3 and see if that improves the situation. She asked Director Rigg about the traffic flow pattern in and out of the school parking lot. He said various methods have been tried and remote pick-up/drop-off locations were implemented with the intent to disperse traffic.

Councilmember Goodhart said the City has the responsibility to ensure the roads are safe and it is the School District's responsibility to make sure the parents and children are safe. He believes the City should implement traffic rules to allow the children to be safe. The School District should deal with the parents. It should be a collaborative effort. He would prefer to exhaust all other efforts before deciding to install a crosswalk. If a crosswalk is installed, he would want a commitment from the school or PTSA that there will be an adult controlling the crosswalk.

Mayor Humphrey asked if the letter from Principal Califano asked only for a crosswalk. Director Rigg said the City spent a tremendous amount of time with the previous Principal, Diawn Stanley, and Principal Frank Califano may have been influenced by one individual that believes a crosswalk will solve the issue. Director Rigg believes the City could spend additional time with Mr. Califano going over the three E's of Traffic Safety: Engineering, Enforcement and Education. Mayor Humphrey said there can be loads of flashing lights; but when intermediate students are dismissed they will run across the street anywhere they can anyway.

Councilmember Goodhart moved, it was seconded by Councilmember Bird, and unanimously approved to approve the following Traffic Safety Committee recommendations:

- #2) Install school area signage per Figure 1 in the study;
- #4) Install stopping prohibition signage on the south side of Via Estudillo between Via Olivera and a location approximately 190 feet easterly, per Figure 2 in the study during the following periods: Monday thru Friday 7:30 – 8:30 a.m. and Monday thru Friday 1:30 – 3:30 p.m.;
- #5) Install 20 feet of red curb on the west side of Via Olivera from the existing curb ramp northerly per Figure 2 in the study;

- #6) Install “Keep Clear” pavement markings and limit lines in the southbound lane within and south of the Via Olivera/Via Estudillo intersection and the visitor parking lot entrance driveway per Figure 2 in the study;
- #7) Replace the existing “No Left Turn” sign for northbound traffic at the visitor parking lot entrance-only driveway with an R3-2 (symbol) sign per Figure 2 in the study; and
- #8) Repaint the existing red curb on Via Olivera and Via Estudillo in the vicinity of the school per Figure 2 in the study.

Mayor Humphrey commented that the City should see how these recommendations work out before the issue of a crosswalk is taken up again.

### **INSTALLATION OF ADDITIONAL LIGHTING AT THE TRIANGLE INTERSECTION (PALOS VERDES BOULEVARD, PALOS VERDES DRIVE WEST, AND PALOS VERDES DRIVE NORTH INTERSECTION)**

Director Rigg said the existing lighting at the triangle is quite old and replacements are unavailable. The Traffic Safety Committee would like to install six additional lights for safety purposes. The lights are primarily decorative but do identify the edge of the roadway for drivers. The Traffic Safety Committee recommends installing the six additional lights, but wonder if also replacing the existing 10 lights would be more cost effective.

Mayor Pro Tem Rea asked if all ten existing lights were currently functioning. Director Rigg said they were.

Councilmember Perkins commented that the Traffic Safety Committee is bringing this forward as a safety issue, but it was mentioned that the City probably could not obtain grant money due to the decorative nature of the lights. Director Rigg said these lights provide limited light and the grant funding is usually for the giant high powered lights.

Councilmember Goodhart said he drove the area the night before and felt there was a black void when approaching the triangle. He believes adding the lights would be a good idea safety wise for drivers on the road and pedestrians on the walking path. From a cost standpoint, the dilemma is having six new lights that do not match the existing lights and maybe it would be a good idea to replace all of the lights. He said that this is the only area in the City that has lights and he would not mind having six more to enhance the area if the money can be found to do it.

Councilmember Perkins said she travels this stretch of roadway most days and she has been aware for years of how dark this stretch of road is and the drop-off in the triangle. She believes there is a safety issue during the rainy season. Given the cost and the fact that the lights were not budgeted for, she would support adding the new lights, but not replacing the old ones at this time and only if a source of funding can be identified within the budget.

Mayor Pro Tem Rea always considered the lights as decorative and they look nice upon entering the City. He struggled with this issue since there is no science to back up the recommendation. There is no engineering study showing a lighted intersection would be safer or a track record of traffic accidents in the area. He commented this item is not budgeted and wondered if this item would be the priority for spending money that we don't have. If there were funds he would vote for it.

Councilmember Bird said that in financially better times this item would be easy to support. He also thinks the lights would look nice and enhance the aesthetics of the area, but not in the current budget times. He would be in favor of adding the six new lights next year if there are funds. It would not be fiscally prudent to spend money on lights right now.

Mayor Humphrey agrees that installing the lights would be nice, but there are no funds to do it at this time. She suggested the Council revisit this issue with a Budget Issue Paper next year.

Mayor Pro Tem Rea moved, it was seconded by Councilmember Bird, and unanimously approved to decline the Traffic Safety Committee recommendation to install six additional lights at the triangle

intersection (Palos Verdes Boulevard, Palos Verdes Drive West, and Palos Verdes Drive North) at an approximate cost of \$11,500.

**RESOLUTION R10-11; AUTHORIZING PARTICIPATION IN THE LOS ANGELES COUNTY ENERGY PROGRAM RELATED TO THE INSTALLATION AND FINANCING OF ENERGY AND WATER EFFICIENCY IMPROVEMENTS FOR QUALIFYING PROPERTY OWNERS IN PALOS VERDES ESTATES**

City Manager Hoefgen reported that the Los Angeles County Board of Supervisors took action to implement the Los Angeles County Energy Program which is a multi-purpose program to achieve three goals: 1) to promote energy efficient retro-fits on existing buildings, 2) to create construction jobs, and 3) to reduce green house gas emissions. The County research to date indicates an investment by a property owner of \$5,000-\$15,000 in their homes can achieve a 20% savings in energy. The concept of the program is to have the County front the money for eligible retro-fits. The repayment would be a repayable loan attached to the property tax bills. The types of installations that are financeable through the program include insulation, duct sealing, weather stripping, fans, HVAC systems, pool pumps, thermostats, light fixtures, windows, doors, skylights, hot water heaters, irrigations systems, and the like. The goal is to launch the program to residents in the fall with a County marketing outreach campaign. This program does not create an on-going financial obligation for the City. This City would need to adopt the resolution in order for PVE residents to participate in the County program.

Mayor Humphrey asked if anyone in the audience had a question. There were none.

Councilmember Goodhart said that he and Councilmember Perkins have been involved with the South Bay Cities Council of Government (SBCCOG) which oversees the South Bay Energy Services Center (SBESC). The SBESC is leading the effort on this program. He said it is important to understand that certain guidelines must be followed in this program – i.e. you must install insulation in order to install solar power panels. Also, the contractors who do the retrofit installations must be licensed by the City. There are rebates available for qualified purchases.

Councilmember Perkins said SBESC is one of the groups working with the County on how to implement the program throughout the County. Part of the benefit of the program is the use of Federal Stimulus dollars; these funds will be used for education and training for certification in energy saving technologies.

Councilmember Goodhart moved, it was seconded by Councilmember Perkins, and unanimously approved to receive the report and adopt Resolution R10-11 authorizing participation in the Los Angeles County Energy Program.

**STAFF REPORTS**

**City Manager's Report -none**

**DEMANDS**

It was moved by Councilmember Goodhart and seconded by Councilmember Perkins that the demands, as approved by a majority of the City Council, totaling \$223,404.17 be allowed and it was unanimously approved.

It was moved by Councilmember Goodhart and seconded by Councilmember Perkins that the demands, as approved by a majority of the City Council, No. 517606V, 517659H to 517662H, 517663 to 517745 totaling \$1,004,787.36 be allowed and it was unanimously approved.

**MAYOR & CITY COUNCILMEMBERS' REPORTS**

Councilmember Goodhart reported on his attendance at the League of California Cities Policy Sub-Committee meetings for Environmental Quality and Public Safety.

**RECESS TO CLOSED SESSION: Council recessed to Closed Session at 8:55 p.m.**

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

**RECONVENE: Council reconvened at 9:50 p.m.**

#### **ADJOURNMENT**

There being no further business before Council the meeting was adjourned at 9:50 p.m. to Saturday, July 10, 2010, at 8:30 a.m. in the Community Room of Malaga Cove Library 2400 Via Campesina, for the purpose of a Council Policy Retreat.

RESPECTFULLY SUBMITTED,

MICHÉLE D. MONSON, MINUTES SECRETARY

APPROVED:

ROSEMARY HUMPHREY, MAYOR