

October 12, 2010
6:30 P.M.
Council Chambers of City Hall
340 Palos Verdes Dr. West
Palos Verdes Estates

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

Copies of the staff reports or other written documentation relating to each item of business referred to on the agenda are on file in the office of the City Clerk and are available for public inspection. If applicable, materials related to an item on this agenda submitted to the Council after distribution of the agenda packet are available for public inspection in the City Clerk's office during normal business hours. Any person having any question concerning any agenda item may call the City Clerk to make inquiry concerning the item. Upon request, the agenda and documents in the agenda packet can be made available in appropriate alternative formats to persons with a disability in compliance with the Americans with Disabilities Act. Please contact the City Clerk at 310-378-0383, at least 48 hours prior to the meeting to request a disability-related modification or accommodation.

The City Council welcomes and encourages public participation at the Council meetings; however, to allow for the orderly progression of business, each person wishing to comment or make a presentation shall be limited to three (3) minutes. Anyone wishing to address the City Council must fill out a green speaker's card available at the end of each row in the Chambers. The card permits the City to identify persons for purposes of City Council minute preparation. Please see specific agenda sections below for any other requirements related to meeting participation. The City Council, at the direction of the Mayor with concurrence of the Council, may modify the order of items shown on the agenda.

**NEXT RESOLUTION NO. R10-25
NEXT ORDINANCE NO. 10-698**

CALL TO ORDER

PUBLIC COMMENT ON CLOSED SESSION ITEM

CLOSED SESSION (6:30 p.m. – 7:30 p.m.)

This time has been set aside for the City Council to meet in a closed session to discuss the matter listed below pursuant to Government Code Section 54957.6. The Mayor or City Attorney will

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give an additional oral report regarding the closed session at the beginning of the regular City Council meeting.

- **CONFERENCE WITH LABOR NEGOTIATOR**

Pursuant to Government Code Section 54957.6

Agency designated representative: City Manager Hoefgen

Employee Organization: Management and Confidential Employees

At the conclusion of the Closed Session, the Council may continue any item listed on the closed session to the Open Session agenda for discussion or to take formal action as it may deem appropriate.

PLEDGE OF ALLEGIANCE (7:30 p.m.)

ROLL CALL

MAYOR'S REPORT – Matters of Community Interest

CONSENT AGENDA (Items 1-6)

All items under this heading are considered to be routine and will be enacted by one motion, unless a Councilmember, staff, or member of the public requests that an item be removed for separate discussion. An applicant or interested citizen who wishes to appeal any Planning Commission decision may file an appeal with the City Clerk's office within 15 days after the date of the Planning Commission's decision.

Any item removed from the Consent Agenda will be considered immediately following the motion to approve the Consent Agenda.

1. City Council Minutes of September 28, 2010

Recommendation: Review and File.

2. Monthly Financial Report - September 2010

Recommendation: Receive and File.

3. Actions of Joint City Council, Planning Commission, and Homes Association Meeting of October 6, 2010

Recommendation: Receive and File.

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4. Establishing a Fee for Candidate Statements Consistent with the Requirements of Resolution No. R96-47

Recommendation: It is recommended that the City Council confirm Resolution R96-47 and establish the candidate statement deposit fee in the amount of \$275 for the March 8, 2011 General Municipal Election.

5. Approve an Easement Agreement with the South Bay Cities Sanitation District of Los Angeles County for Purposes of Constructing and Maintaining a Retaining Wall Within Paseo Lunado Canyon

Recommendation: It is recommended that the City Council adopt Resolution No. R10-24 approving an easement agreement with the South Bay Cities Sanitation District of Los Angeles County granting a non-exclusive easement for purposes of constructing and maintaining a retaining wall within the Paseo Lunado Canyon east of the intersection of Via Carrillo and Paseo Lunado to protect against slope failure and potential damage to the District's trunk sewer line that traverses the area and authorize Mayor to execute the agreement on behalf of the City.

6. Special Event Application for the Compassionate Friends Organization to Hold a Local Event of the Worldwide Children's Memorial Candle Lighting at the Fountain in Malaga Cove Plaza

Recommendation: It is recommended that the City Council approve the Special Event Application for Compassionate Friends to hold their local event of the Worldwide Children's Memorial Candle Lighting on December 12, 2010 from 6:00 p.m. to 9:00 p.m. at Neptune Fountain in Malaga Cove Plaza.

COMMUNICATIONS FROM THE PUBLIC

This portion of the agenda is reserved for comments from the public on items which are NOT on the agenda. Due to state law, no action can be taken by the Council this evening on matters presented under this section. If the Council determines action is warranted, the item may be referred to staff or placed on a future Council agenda.

PUBLIC HEARING

Persons addressing the City Council during public hearings shall be limited to three (3) minutes for comment.

OLD BUSINESS

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NEW BUSINESS

7. Resolution Supporting Proposition 22 – The Local Taxpayer, Public Safety and Transportation Act of 2010

Recommendation: It is recommended that the City Council adopt Resolution R10-23 supporting Proposition 22 – The Local Taxpayer, Public Safety and Transportation Act of 2010 on the November 2, 2010 California General Election ballot.

8. Resolution R10-20 Calling for the Election of Certain City Officers and Resolution R10-21; Requesting the County Registrar Provide Certain Services Relating to the City’s General Municipal Election – March 8, 2011

Recommendation: It is recommended that the City Council adopt Resolution R10-20 calling for the election of City officers, and Resolution R10-21 requesting the Los Angeles County Board of Supervisors to have the County Registrar/Recorder provide certain election services.

9. Consideration of a Request by the City of Los Angeles to Consolidate the Primary Nominating Election for Members of the Community College District Board of Trustees with the General Municipal Election of the City of Palos Verdes Estates to be Held March 8, 2011 and Adoption of Resolution R10-22

Recommendation: It is recommended that the City Council accept the request to consolidate the City of Los Angeles Primary Nominating Election for the Los Angeles Community College District Board of Trustees with the City of Palos Verdes Estates General Municipal Election of March 8, 2011, and adopt Resolution R10-22.

10. Special Event Application for Palos Verdes Art Center’s “Homes Tour Extraordinaire” and Boutique to be Held April 15 and 16, 2011

Recommendation: It is recommended that the City Council review the Special Event Application for Palos Verdes Art Center’s home tour at four residential properties within the City limits and provide direction on the location of the Art Center’s boutique to be held April 15 and 16, 2011 from 10:00 a.m. to 4:00 p.m.

STAFF REPORTS

11. City Manager’s Report

DEMANDS

12. a. Authorize Payment of Motion #1 – Payroll Warrant of October 1, 2010
b. Authorize Payment of Motion #2 – Warrant Register of October 12, 2010

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Recommendation: Authorize Payment of Motions #1 and #2.

MAYOR & CITY COUNCILMEMBERS' REPORTS

ADJOURNMENT TO TUESDAY, OCTOBER 26, 2010, IN COUNCIL CHAMBERS OF CITY HALL FOR THE PURPOSE OF A REGULAR MEETING.

- *This City Council meeting can be viewed on Cox Cable, Channel 35, Wednesday, October 13, 2010 at 7:30 p.m., and Wednesday, October 20, 2010, at 7:30 p.m.*

TO: JOSEPH M. HOEFGEN, CITY MANAGER
FROM: JUDY SMITH, ASSISTANT CITY MANAGER
SUBJECT: MONTHLY FINANCIAL REPORT - SEPTEMBER 2010

Status Report

What is the status of the City's budget at the end of the first quarter of fiscal year 2010-11?

We are still in the early stages of the fiscal year and both the revenue and expenditure activity is consistent with historical year to date. Club concession (+13%) and development fees (+2%) are running better than expected, but may also reflect seasonal variation for these items. All other revenues are less than expected with total general fund revenue at -3% and all revenues, including restricted special revenue, at 18% less than expected. These numbers will improve as we move through the balance of the year.

Total operating expenditures are currently 4% less than expected for year to date, and all departments, except insurance/attorney are below expected. The reason the insurance/attorney expenditures are higher is solely due to insurance activity, as the City Attorney's costs reflect only one month's billing. All insurance premium deposits for CJPIA programs (general liability, workers compensation, property and pollution liability) are due July 1st of the fiscal year. As operating departments are "charged" for the cost of insurance throughout the year through our monthly allocation, revenue from the charges flows back to the insurance fund and offsets the initial cost. In addition, the City staff took advantage of a one-time, pre-payment option from the CJPIA and realized a \$10,000 savings (6%) on the outstanding retro-deposit that was due, as the Authority moved from the retro-deposit process to prefunding of the liability and workers compensation programs. We will be bringing a budget adjustment to Council at fiscal year-end to reflect this discounted payment.

Spot Reports

None

TO: JOSEPH HOEFGEN, CITY MANAGER
FROM: ALLAN RIGG, PLANNING DIRECTOR
DATE: OCTOBER 12, 2010
SUBJECT: ACTIONS OF JOINT CITY COUNCIL/PLANNING COMMISSION/PALOS VERDES HOMES ASSOCIATION MEETING

The Issue

Should the City Council receive and file the actions from the joint City Council/Planning Commission/Palos Verdes Home Association meeting held on October 6, 2010?

Summary of Meeting

The following is a summary of the comments made regarding each of the items discussed at the joint City Council/Planning Commission/Palos Verdes Homes Association meeting held on October 6, 2010:

Commercial Signage

- Staff is to create an Ad Hoc committee comprised of Art Jury members, Planning Commissioners, and staff to advise the City Council on a signage program.
- The committee is to consider signage for the commercial areas with the goal to enhance the look, color and design for signage.

Property Maintenance Standards

- Staff is to place this item on a Planning Commission agenda to discuss the various options for ground cover, vegetation, and other materials that will address the concern for sites with weeds and dirt yards.
- Staff is to include matters of policy such as the prohibition of hedges within the public right-of-way.
- Staff is to also codify the existing policies utilized by the City.

High vegetation within the setback adjacent to the street

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- Following discussion, it was found that the current standards are appropriate and no changes are necessary at this time.

After-the-fact Applications

- Staff is to place this item on a Planning Commission agenda to discuss the option of a Planning fee for after-the-fact applications. The fee will reflect the amount of additional work required by staff to process these applications. Other after-the-fact penalties will also be explored.
- The existing after-the-fact ordinance will subsequently be revised to reflect the new penalties.

Alternatives Available to Council

The following alternatives are available to the City Council:

1. Receive and file the actions from the joint City Council/Planning Commission/Palos Verdes Homes Association meeting held on October 6, 2010.
2. Decline to act.

Recommendation from Staff

Staff recommends that the City Council receive and file the actions from the joint City Council/Planning Commission/Palos Verdes Homes Association meeting held on October 6, 2010.

TO: JOSEPH HOEFGEN, CITY MANAGER
FROM: JUDY SMITH, ASSISTANT CITY MANAGER
SUBJECT: ESTABLISH A FEE FOR CANDIDATE STATEMENTS CONSISTENT WITH THE REQUIREMENTS OF RESOLUTION NO. R96-47

The Issue

Shall the City Council confirm the provisions of Resolution R96-47 regarding foreign language translation and printing of Candidate Statements and establish a fee for the Candidate Statements consistent with the resolution?

Background and Analysis

1. Section 13307 of the Election Code of the State of California provides that each candidate for local elective office may prepare a candidate's statement on a form provided by the City Clerk.
2. Candidate statements are optional, but must be filed at the same time nomination papers are filed with the City Clerk. The candidate statement is printed in the sample ballot mailed to all registered voters.
3. The City Clerk may estimate the cost of printing the candidate statement and establish a required deposit to be paid at the time nomination papers are filed.

If a candidate files a candidate statement, that statement is printed in English in the sample ballot that is mailed to all voters. In accordance with state law, a candidate may request that the statement be translated and printed in Spanish. In addition, as a result of the Federal Voting Rights Act of 1992 and due to the composition of the resident population, candidate statements are required to be translated and printed in Chinese. We have fulfilled this foreign language requirement by: 1.) Providing a statement on the sample ballot that a Chinese translation is available and will be mailed to any voter upon request by contacting City Hall; 2.) Duplicating and mailing to each voter who has indicated to the County Registrar that they wish to receive a Chinese language voting materials (22 mailed in 2009) and, 3.) Providing a copy of the Chinese language materials (voter pamphlet and ballot) for review at each precinct on election day.

Since the implementation of foreign language translation requirements, the City Council determined that candidates should not bear the cost of the federally mandated Chinese translation and printing. During the 2009 election, the cost for the candidate information in the Chinese sample ballot (which was photocopied and distributed upon request) totaled ~\$1,350. The City's position in the past, and as contained in Resolution R96-47, is to require candidates to pay for the Spanish translation

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(~\$200), since this is performed at the candidate's option, but not for the cost of the printing. No candidate during the tenure of the current City Clerk has requested a Spanish translation.

The deposit in 2009 for printing of the candidate statement in English was set at \$275 staff is recommending a deposit of \$275 for 2011. If the cost exceeds this amount, the City Clerk may bill the candidates a pro-rata share. If the cost is less, a refund can be issued.

Fiscal Impact

The City has budgeted a total of \$28,800 for the 2011 election services, which assumes the city would bear the cost of the Chinese translation and all foreign language printing. A revenue offset for candidate statement fees in the amount of \$1,350 is included in the FY 10-11 budget.

Alternatives Available to the City Council

1. Revise the City's policy with respect to foreign translations and printing as required by the federal voting rights act and require candidates to bear these costs and direct staff to prepare a new resolution and deposit fee.
2. Confirm Resolution R96-47 regarding foreign translations and costs associated with candidate statements. Staff recommends a deposit fee of \$275, which would cover the anticipated cost of printing the candidate statements in English in the sample ballot. If a candidate wishes their statement translated and printed in Spanish, the City Clerk will bill the candidate directly based on actual cost for the Spanish translation.

Recommendation

It is recommended that the City Council confirm Resolution R96-47 and establish the candidate statement deposit fee in the amount of \$275 for the March 8, 2011 General Municipal Election.

TO: MAYOR HUMPHREY AND HONORABLE CITY COUNCILMEMBERS

FROM: CHRISTI HOGIN, CITY ATTORNEY

SUBJECT: Easement agreement with the South Bay Cities Sanitation District of Los Angeles County granting a non-exclusive easement for purposes of constructing and maintaining a retaining wall within the Paseo Lunado Canyon east of the intersection of Via Carrillo and Paseo Lunado to protect against slope failure and potential damage to the District's trunk sewer line that traverses the area.

The Issue

Whether to enter into an easement agreement with the South Bay Cities Sanitation District of Los Angeles County granting a non-exclusive easement for purposes of constructing and maintaining a retaining wall within the Paseo Lunado Canyon east of the intersection of Via Carrillo and Paseo Lunado to protect against slope failure and potential damage to the District's trunk sewer line that traverses the area.

Fiscal Impact: None.

Analysis and Discussion

The South Bay Cities Sanitation District of Los Angeles County is a public entity that owns and maintains large-diameter trunk sewers throughout Los Angeles County, including a trunk sewer line within the Paseo Lunado Canyon east of the intersection of Via Carrillo and Paseo Lunado. In or around February 2010, a portion of the slope in Paseo Lunado Canyon above the trunk sewer failed and caused the trunk sewer to break, leading to a sewage spill. The slope failure also damaged a pedestrian access path. The slope failure prevents ready pedestrian access to the area and continues to pose a threat of additional damage to the trunk sewer. The District proposes to construct a retaining wall in the area to guard against additional slope failures and to protect its sewer line. On May 18, 2010, the Planning Commission approved the construction of the retaining wall subject to the condition that the District enter into a license agreement with the City to authorize access to the City property necessary for the construction and maintenance of the wall. After discussion between the District's counsel and the City Attorney's Office, it was determined that an easement agreement would be the most appropriate instrument. The non-exclusive easement agreement attached provides the District with the property rights necessary to construct and maintain the retaining wall on City-owned property. This agreement is the functional equivalent of a license agreement and satisfies the condition imposed by the Planning Commission. Should the trunk sewer line ever be abandoned by the District or otherwise taken out of service, the easement granted by the agreement will automatically extinguish. The easement agreement also requires the District to maintain liability insurance and to indemnify the City for any claims that may arise as a result of the District's construction, maintenance or repair of the wall.

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Recommendation

Adopt Resolution No. 10-24 approving and easement agreement with the South Bay Cities Sanitation District of Los Angeles County granting a non-exclusive easement for purposes of constructing and maintaining a retaining wall within the Paseo Lunado Canyon east of the intersection of Via Carrillo and Paseo Lunado to protect against slope failure and potential damage to the District's trunk sewer line that traverses the area and authorize Mayor to execute the agreement on behalf of the City.

TO: JOSEPH M. HOEFGEN, CITY MANAGER

FROM: ALEXA D. DAVIS, ADMINISTRATIVE ANALYST

SUBJECT: SPECIAL EVENT APPLICATION FOR THE COMPASSIONATE FRIENDS ORGANIZATION TO HOLD A LOCAL EVENT OF THE WORLDWIDE CHILDREN'S MEMORIAL CANDLE LIGHTING AT THE FOUNTAIN IN MALAGA COVE PLAZA

DATE: OCTOBER 12, 2010

ISSUE

Shall a Special Event Application be approved for the Compassionate Friends organization to hold a local event of the Worldwide Children's Memorial Candle Lighting on Sunday, December 12, 2010 from 6:00 p.m. to 9:00 p.m. at Neptune Fountain in Malaga Cove Plaza?

BACKGROUND AND ANALYSIS

Compassionate Friends is a worldwide organization with a local chapter meeting in Palos Verdes Estates for approximately 17 years. The organization assists and supports families that have had their child pass away at any age or of any cause. Every year, on the second Sunday of December, the Compassionate Friends sponsors a Worldwide Candle Lighting to honor and remember those children of families that have died.

This is the third year that sponsors have requested the event be held within City limits. Since the event has been held successfully and without incident in the past, sponsors are requesting the event be held again in Palos Verdes Estates. The event will have music, an inspirational message and the reading of local children's names that are being remembered. It is expected that there will be between 150-250 people in attendance.

Event sponsors have secured a comprehensive Special Event Application. The Application has been reviewed and preliminarily approved by all municipal departments. All fees have been paid and the Indemnity Agreement have been received. An updated Certificate of Insurance will be received prior to the event. Notice will be provided to business owners that may be affected.

Event organizers are aware of the necessity to have a safe event with a proper clean-up afterward.

RECOMMENDATION

It is recommended that the City Council approve the Special Event Application for Compassionate Friends to hold their local event of the Worldwide Children's Memorial Candle Lighting on December 12, 2010 from 6:00 p.m. to 9:00 p.m. at Neptune Fountain in Malaga Cove Plaza.

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: JOSEPH M. HOEFGEN, CITY MANAGER

SUBJECT: RESOLUTION SUPPORTING PROPOSITION 22 – THE LOCAL TAXPAYER, PUBLIC SAFETY AND TRANSPORTATION ACT OF 2010

The Issue

Shall the City Council approve a Resolution Supporting Proposition 22 – The Local Taxpayer Public Safety and Transportation Act of 2010?

Background and Analysis

Council will recall that in November 2004, California voters overwhelmingly passed Proposition 1A with 84% of votes cast in support of this measure. Proposition 1A was intended to protect revenues collected by cities, counties, and special districts from being transferred to the State of California for statewide use. The measure included a provision (beginning in 2006) enabling the State to suspend the protections of Proposition 1A if the Governor declares a fiscal necessity and two-thirds of the California State Legislature approves the suspension. While the State subsequently exercised the option to “borrow” local government property taxes funds per the provisions of Proposition 1A, local government revenues continue to be at risk.

Over the years, California voters have passed separate ballot measures to dedicate local funding sources to essential local services and to prevent the State from shifting or raiding local government, transit and transportation funds. Despite the safeguards of Proposition 1A and other measures, in 2009-10, the State passed a budget that borrowed and redirected approximately \$5 billion in city, county, transit, redevelopment and special district funds on a statewide basis.

Based on the repeated “takes” of local government revenue by the State of California, there is cause for significant concern that the State will take billions more in local government funding in future years unless additional safeguards are implemented. In Palos Verdes Estates, the largest single threat to our city’s financial stability has been adverse action by the State of California. Without question, the State’s continuing efforts to borrow and redirect traditional local government funding has jeopardized local government services on a statewide basis.

Based on these continuing concerns, a broad coalition has been developed by the League of California Cities to qualify Proposition 22 for the November 2, 2010 statewide ballot. As described in more detail in the attached background materials, Proposition 22, the Local Taxpayer, Public Safety and Transportation Protection Act, would:

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- Prohibit the State from taking, borrowing or redirecting local taxpayer funds dedicated to public safety, emergency response and other vital local government services. Prop 22 would close loopholes to prevent taking local taxpayer funds currently dedicated to cities, counties, and special districts. It would also revoke the State's authority to borrow local government property tax funds.
- Protect vital, dedicated transportation and public transit funds from State raids. Prop 22 would prohibit the State from redirecting, borrowing or taking the gasoline excise tax (HUTA) allocated to cities and counties for local street and road maintenance and improvements. Prop 22 also prohibits the State from taking or redirecting public transportation account revenues dedicated to public transit.
- Protect local taxpayers by keeping more of our local tax dollars local where there's more accountability to voters, and by ensuring once and for all that our gas taxes go to fund road improvements. Prop 22 also reduces pressure for local tax and fee increases that become necessary when the State redirects local funds.

While a State budget is in the final states of adoption at the writing of this staff report, the State budget appears to rely on the receipt of billions of dollars in federal assistance which is far from certain. As a result, the State budget will remain only very tenuously balanced, and there is little doubt that the \$19 billion dollar deficit that has loomed over the State budget will resurface shortly.

Based on the past practice of the State to redirect local government funding, staff has prepared the attached Resolution supporting the passage of Proposition 22 for Council review and recommended adoption. A listing of the 288 cities that have taken a position of support for the passage of Proposition 22 is the final attachment to this report.

Alternatives Available to City Council

1. Adopt Resolution R10-23 supporting Proposition 22 – The Local Taxpayer, Public Safety and Transportation Act of 2010 on the November 2, 2010 California General Election ballot.
2. Adopt Resolution R10-23 supporting Proposition 22 – The Local Taxpayer, Public Safety and Transportation Act of 2010 on the November 2, 2010 California General Election ballot with modifications
3. Decline to Act

Recommendation

It is recommended that the City Council adopt Resolution R10-23 supporting Proposition 22 – The Local Taxpayer, Public Safety and Transportation Act of 2010 on the November 2, 2010 California General Election ballot.

TO: JOSEPH HOEFGEN, CITY MANAGER

FROM: JUDY SMITH, ASSISTANT CITY MANAGER

SUBJECT: RESOLUTION R10-20; CALLING FOR THE ELECTION OF CERTAIN CITY OFFICERS AND RESOLUTION R10-21; REQUESTING THE COUNTY REGISTRAR PROVIDE CERTAIN SERVICES RELATING TO THE CITY'S GENERAL MUNICIPAL ELECTION - MARCH 8, 2011

The Issue

Shall the City Council adopt Resolutions R10-20 and R10-21 relating to the City's General Municipal Election to be held on March 8, 2011?

Background and Analysis

The City's General Municipal Election will be held on Tuesday, March 8, 2011. In order to comply with the Elections Calendar, the process must begin with the adoption of certain resolutions as follows:

1. Resolution R10-20 calling for the election of three members of the City Council, and
2. Resolution R10-21 requesting the Los Angeles County Board of Supervisors to have the County Registrar/Recorder provide certain election services.

The Elections Code governs the dates of the election calendar. The period Monday, November 15, 2010 through Friday, December 10, 2010 at 5:00 PM is established as the dates for filing of nomination papers with the City Clerk. If an incumbent fails to file by the December 10th deadline, the filing period will be extended five days to 5:00 PM on Wednesday, December 15th.

Nomination papers may be taken out and returned during normal city business hours, 8:00 AM to 5:00 PM, Monday through Friday. During the filing period, City Hall will be closed Thursday, November 24th, and Friday November 25th in observance of Thanksgiving.

The Los Angeles County Registrar/Recorder provides data processing, voter registration information, consolidation of precincts, verification of signatures and miscellaneous voter services to the City and our elections consultants, Martin & Chapman. The City must adopt a resolution requesting that the County provide these services. Costs for the County services during the 2009 municipal election, excluding reimbursement of costs from the City of Los Angeles for consolidation, totaled \$2,017.

Fiscal Impact

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The City has budgeted \$28,800 for services related to conducting the 2011 General Municipal Election, which includes the services of Martin & Chapman, printing and mailing of a sample ballot to each registered voter, processing of absentee ballots, County services and Election Day services. This budget assumes cost sharing with the City of Los Angeles for conducting their consolidated election for the Community College District Board of Trustees.

The costs associated with the 2009 Municipal Election totaled \$39,595, excluding the purchase of a ballot counter. The net cost to the City, after reimbursement from the City of Los Angeles for conducting the consolidated election, totaled \$22,380 (\$1.94/registered voter).

Recommendation

It is recommended that the City Council adopt:

1. Resolution R10-20 calling for the election of City officers, and
2. Resolution R10-21 requesting the Los Angeles County Board of Supervisors to have the County Registrar/Recorder provide certain election services.

TO: JOSEPH HOEFGEN, CITY MANAGER

FROM: JUDY SMITH, ASSISTANT CITY MANAGER

SUBJECT: CONSIDERATION OF A REQUEST BY THE CITY OF LOS ANGELES TO CONSOLIDATE THE PRIMARY NOMINATING ELECTION FOR MEMBERS OF THE COMMUNITY COLLEGE DISTRICT BOARD OF TRUSTEES, WITH THE GENERAL MUNICIPAL ELECTION OF THE CITY OF PALOS VERDES ESTATES TO BE HELD MARCH 8, 2011 AND ADOPTION OF RESOLUTION R10-22

The Issue

Shall the City Council agree to a request to consolidate the Primary Nominating Election of the City of Los Angeles with the City of Palos Verdes Estates' General Municipal Election to be held on March 8, 2011 and adopt Resolution R10-22?

Background and Analysis

The City of Los Angeles primary election falls on the same day as other general municipal elections within Los Angeles County conducted in March of odd-numbered years. The City of Los Angeles also conducts elections on behalf of the Los Angeles Unified School District and the Los Angeles Community College District.

Since 2003, the City of Palos Verdes Estates has agreed to a request from the City of Los Angeles to consolidate the LA Community College District Board election with our municipal election. The Community College District encompasses 100% of the jurisdictional boundaries of Palos Verdes Estates and once again, the City of Los Angeles requests that their election, which involves a nomination election for four members of the Community College District Board of Trustees (Districts 1, 3, 5 & 7) be consolidated with the City's March 8, 2011 election. A copy of the resolution from the City of Los Angeles requesting the consolidation is attached.

The City has not experienced any difficulties in conducting a consolidated election and the City has reaped significant benefit in that we are able to share costs for conducting the election with the City of Los Angeles. A consolidated election, in which all candidate names appear on the same ballot, is also less confusing to voter who otherwise would cast two separate ballots at their same polling location.

City of Los Angeles election regulations do not permit candidate statements for the Community College District Board. The only information that will appear in the City's Sample Ballot, which is election information mailed to all voters, is the listing of the candidates' names by district for the

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Community College election. Thus, it is not likely that Palos Verdes Estates offices would be “lost” or diminished by information related to the Community College District election.

In the event the City cancels its election due to insufficient candidates, meaning the number of certified candidates filing equals the number of available offices, the City will notify the City of Los Angeles, which will then conduct their own election within Palos Verdes Estates for the Community College District Board.

Alternatives Available to the City Council

1. Consent to consolidation with the City of Los Angeles for purposes of conducting a consolidated election and adopt R10-22.
2. Decline to agree to the request to consolidate. Under this scenario, the City of Los Angeles will run a concurrent election using the same polling locations as the City’s election, but with shared poll workers, separate ballots and separate absentee ballot process for all voters within the City of Palos Verdes Estates. In addition, the City of Palos Verdes Estates will bear the full cost of conducting the municipal election.

Recommendation

It is recommended that the City Council accept the request to consolidate the City of Los Angeles Primary Nominating Election for the Los Angeles Community College District Board of Trustees with the City of Palos Verdes Estates General Municipal Election of March 8, 2011 and adopt Resolution R10-22.

Budget Impact

If the City Council agrees to consolidation, the City of Palos Verdes Estates will be able to charge the City of Los Angeles for related election costs. The City has budgeted \$28,800 to cover the cost of this election and the budget assumed consolidation with Los Angeles and cost sharing for the election. As a result of the consolidation in 2009, the City received a reimbursement of \$17,215 from the City of Los Angeles and a net election cost of \$22,380 to Palos Verdes Estates.

TO: JOSEPH M. HOEFGEN, CITY MANAGER
FROM: ALEXA D. DAVIS, ADMINISTRATIVE ANALYST
SUBJECT: SPECIAL EVENT APPLICATION FOR PALOS VERDES ART CENTER'S
"HOMES TOUR EXTRAORDINAIRE" AND BOUTIQUE TO BE HELD ON
APRIL 15-16, 2011
DATE: OCTOBER 12, 2010

ISSUE

Shall the City approve a Special Event Application for the Palos Verdes Art Center to host its annual "Homes Tour Extraordinaire" and Boutique on Friday and Saturday, April 15-16, 2011 from 10:00 a.m. – 4:00 p.m.?

BACKGROUND

The Circle, a major support group of the Palos Verdes Art Center, is requesting permission to sponsor a home tour and boutique highlighting the history of Malaga Cove Plaza. Proceeds will benefit the Palos Verdes Art Center by supporting the Center's art education, exhibition and outreach programs. To date, the Circle has raised over \$1 million to support the Art Center and its efforts. The "Homes Tour Extraordinaire," held for over twenty years, is a successful fundraiser for the Palos Verdes Art Center with more than 600 patrons.

The tour is proposed to be held on Friday and Saturday, April 15-16, 2011 and involves four homes and a boutique sale, all in the City of Palos Verdes Estates. The homes include the following locations:

2433 Via Campesina (apartment building)
637 Via Horquilla
748 Via Somante
424 Paseo del Mar

Residents within 300' of the location will be notified that a home tour will be conducted in their neighborhood. A sample notification letter is attached.

In addition to the homes being toured, the Palos Verdes Art Center is proposing a Boutique Sale as one stop on the tour. The Boutique Sale has been a component to previous Palos Verdes Art Center Homes Tours; however, it was always held at the Center located at 5504 W. Crestridge Road in Rancho Palos Verdes. Due to the anticipated renovation at the Center, this year only, the Art Center

is proposing that the Boutique Sale be held on a portion of Olmsted Place in Palos Verdes Estates (Palos Verdes Drive West / Via Tejon) for both days of the event.

The Boutique Sale would include up to 12 vendors in uniform 10 x 10 spaces with a tent/tents covering the area. Vendors would be selling upscale items like clothing, crafts, jewelry, etc. Additionally, as part of the Boutique stop on the tour, lunch is planned to be provided by The Yellow Vase (a restaurant scheduled to be opened in Malaga Cove Plaza by the event dates). Event organizers have sought Malaga Cove Plaza business approval and have included letters of support with their application (see attached).

Additionally, the traditional Palos Verdes Art Center Malaga Cove Lawn Art Shows located on the green space between the Malaga Cove Plaza parking lot and Palos Verdes Drive West (Malaga Cove Lawn), would normally fall on the same weekend as this event. For this weekend only, both groups are interested in the two events coinciding on the same days (Friday and Saturday) in order to maximize exposure for their respective events. The Art Show will come to Council for consideration and approval in a separate Special Event Application early next year.

Parking for the Home Tour would be at the First Church of Christian Science at Palos Verdes Drive North and Via Campesina. A shuttle bus would take participants to the homes and boutique as described below.

The Special Event Application has been reviewed by all municipal departments. Although the homes tour portion of the event is a standard and traditional event held within the City, staff has noted some concerns regarding the use of Olmsted Place for the boutique portion of the tour.

1. Vehicular Safety –The location at Olmsted Place will likely cause a distraction to motorists at an already complex intersection. Staff has concerns about the difficulty to navigate through traffic resulting in potential collisions.

Art Center Response: Event organizers are willing to pay for a Police Officer for the duration of the event in order to mitigate traffic impacts.

2. Pedestrian Safety – This event will increase the amount of pedestrians in and around the Plaza area. With Olmsted Place surrounded by streets on three sides, and an entrance to the Plaza on the fourth side, many pedestrians, not already a part of the tour, would have to cross streets in order to reach the Boutique.

Art Center Response: Several volunteers will be stationed with safety vests to direct pedestrian traffic through designated crosswalks to and from Olmsted Place as necessary.

3. Parking – The first day of the event is proposed on a business day, thus potentially limiting parking for businesses in the Plaza.

Art Center Response: Boutique customers that are not part of the Homes Tour will be directed to observe all parking limitations. Individuals interested in joining the tour will be

directed to purchase a ticket and then park at the designated parking lot at the First Church of Christian Science.

4. Setting a Precedent – Olmsted Place has never been used for an event since its dedication on February 8, 2000 as a tribute to Frederick Law Olmsted, Jr. Staff has concerns that if the City were to allow one event to occur there, it would open the door to future events. The City has had a strict policy on what parks can be used for events, thus have limited park use to Farnham Martin Park and Lunada Bay Park, and artists on Malaga Cove Lawn.

Art Center Response: This is a one-time use of Olmsted Place due to the scheduled renovation of the Center and event organizers will not make future requests.

Due to the concerns listed above, City staff has reviewed the following alternatives for where/when the Boutique could be held with less impact.

1. The use of a portion of the Malaga Cove Lawn to be shared with the Art Show artists on the dates proposed.

Impacts: Reduced vehicular and pedestrian traffic resulting in safer surroundings. However, this option must be coordinated with the artists of the Art Shows.

2. The use of Farnham Martin Park, adjacent to the Malaga Cove Library, on the dates proposed.

Impacts: Farnham Martin Park has a slope in the grassy area that would be difficult to set-up equipment. Additionally, there are concerns of suitable catering facilities in order for lunch to be served to patrons.

3. Different dates only on weekend days in order to not impact businesses in the Plaza, as well as the use of Malaga Cove Lawn in lieu of Olmsted Place, similar to the Art Shows held on Saturdays and Sundays on the Malaga Cove Lawn.

Impacts: The “Home Tour Extraordinaire” has historically always fallen on the same Friday and Saturday in April. Additionally, the group has experimented in past years with hosting the event on a Saturday and Sunday. This resulted in a decrease of volunteers and participants of the tour.

All fees have been paid and the Indemnity Agreement has been received. The Certificate of Insurance will be obtained upon City Council approval of the Special Event Application. The Palos Verdes Art Center and its Circle group is well aware of the City’s concerns and are willing to abide by and pay for any conditions set by the City in order to secure approval.

ALTERNATIVES AVAILABLE TO COUNCIL

1. Council may approve the Special Event Application to conduct the Homes Tour and Boutique at Olmsted Place.

**CITY COUNCIL AGENDA
OCTOBER 12, 2010**

2. Council may approve the Special Event Application for the Home Tour with the Boutique Sale held at the Malaga Cove Lawn.
3. Council may choose not to approve the Special Event Application.
4. Council may impose additional conditions or restrictions on the sponsors of the tour.

RECOMMENDATION

It is recommended that the City Council review the Special Event Application for Palos Verdes Art Center's home tour at four residential properties within the City limits and provide direction on the location of the Art Center's boutique to be held April 15 and 16, 2011 from 10:00 a.m. to 4:00 p.m.