

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

September 14, 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 Humphrey.

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, Administrative Analyst Davis,
Attorney Scott Tiedemann

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

• CONFERENCE WITH LABOR NEGOTIATORS

Pursuant to Government Code Section 54957.6

Agency Designated Representatives: City Manager Hoefgen, Administrative Analyst Davis,
Attorney Scott Tiedemann

Employee Organization: Palos Verdes Estates Police Officers Association

RECONVENE: Council reconvened at 7:30 p.m.

PLEDGE OF ALLEGIANCE

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

Chief Dan Dreiling announced John Eberhard as the new police captain as the result of the recent promotional exam. Captain Eberhard started working as a police officer for PVE Police Department in 1984 and was promoted to Sergeant in 1994. He has been the coordinator of the PVE CARES program since its inception. Chief Dreiling conducted Captain Eberhard's swearing-in ceremony.

Ruth Gralow congratulated Captain Eberhard on behalf of all of the PVE CARES volunteers.

Captain Eberhard introduced and thanked his family for their support, he thanked the PVE CARES volunteers for their support and hard work, and Chief Dreiling for his commitment to the Police

Department and the community. He said he knows what the expectations of the community and the Council are of the Police Department and he will give 100% to meet those expectations.

Mayor Humphrey presented Arlo Sorensen, Chairman of the Whittier Trust Company, with a Certificate of Recognition for the generous donation from the Confidence Foundation supporting the K-9 program. She also introduced his wife Carol Sorensen and thanked the Sorensens for their generous donations to the City over the years which have supported many programs.

CONSENT AGENDA

Councilmember Perkins recused herself from Item #1 (July 27, 2010 Minutes). It was moved by Mayor Pro Tem Rea, seconded by Councilmember Bird and unanimously approved that the following Consent Agenda items be approved:

- MINUTES OF CITY COUNCIL MEETING OF JULY 27, 2010
- CITY TREASURER'S REPORT – JULY 2010
- ADOPT RESOLUTION R10-16 APPROVING A TRANSFER OF PROPOSITION 1B FUNDS IN THE AMOUNT OF \$243,457 FROM GAS TAX FUND TO THE CAPITAL FUND FOR ELIGIBLE COSTS RELATED TO THE PVDW REMEDIATION PROJECT AND RE-DESIGNATE THE BALANCE OF AVAILABLE PROPOSITION 1B FUNDS IN THE AMOUNT \$83,256 FOR USE ON THE CITY'S FY 2010-11 OVERLAY PROJECT.
- APPROVE AN AMENDMENT TO THE PVBAC FY 10-11 CAPITAL BUDGET IN THE AMOUNT OF \$6,000 FOR EMERGENCY REPAIRS TO THE SEWER LIFT SYSTEM.
- APPROVE THE REQUEST TO ALLOW THE LUNADA BAY HOMEOWNERS ASSOCIATION TO HOST A "MEET & GREET" AT LUNADA BAY PARK ON MONDAY, SEPTEMBER 27, 2010 FROM 6:00 P.M. TO 7:30 P.M.
- PLANNING COMMISSION ACTIONS OF AUGUST 17, 2010

NC-1392-10; Consideration of a Neighborhood Compatibility Application for additions to the single family residence located at 2713 Via Elevado. Lot 4, Block 1730, Tract 7540.
Owner: Ted & Margaret Chen
Action: Approved with conditions.

M-781-10; Consideration of a Miscellaneous Application for a structure exceeding the maximum allowable height at the single family residence located at 2240 Via Acalones. Lot 9, Block 1635, Tract 7330.
Applicant/Owner: Anton & Eva Wijenayake
Action: Approved with conditions.

CDP-78/NC-1375/GA-1463/M-744-09; Consideration of Coastal Development Permit, Neighborhood Compatibility, Grading and Miscellaneous Applications for a new single family residence located at 2717 Paseo Del Mar. Lot 6, Tract 19787.

Owner: Masih Hakimpour & Marzieh Daneshvar

Action: Approved with conditions.

M-776-10; Consideration of a Miscellaneous Application for a structure exceeding the maximum allowable height at the single family residence located at 2508 Via Pinale. Lot 20, Block 1713, Tract 6885.

Owner: John & Daphnie DeLangre

Action: Approved with conditions.

M-767-10; Consideration of a Miscellaneous Application for structures exceeding the maximum allowable height at the single family residence located at 1549 Via Lopez. Lot 5, Block 8, Tract 7334.

Owner: Vinod & Jaya Jivrajka

Action: Approved with conditions.

M-778-10; Consideration of a Miscellaneous Application for structure exceeding the maximum allowable height at the single family residence located at 1509 Granvia Altamira. Lot 8, Block 11, Tract 7538.

Applicant/Owner: Albert Solbes

Action: Approved with conditions.

M-779-10; Consideration of a Miscellaneous Application for structures exceeding the maximum allowable height at the single family residence located at 1324 Palos Verdes Drive West. Lot 7, Block 1353, Tract 7536.

Owner: Michele & Dennis Dalhausen

Action: Approved with conditions.

COMMUNICATIONS FROM THE PUBLIC - None

ORDINANCE

INTRODUCTION OF ORDINANCE 10-697; AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALOS VERDES ESTATES AMENDING CHAPTER 12.32 OF THE PALOS VERDES ESTATES MUNICIPAL CODE GOVERNING THE PROVISION OF VIDEO SERVICES IN THE CITY

Mayor Humphrey asked if public notice had been given. Assistant City Manager Smith responded that it had been.

Assistant City Manager reported that in 2006 the State of California enacted the Digital Infrastructure and Video Competition Act (DIVCA) which implemented a State video franchise

process which replaces the traditional local city authority governing cable television franchises. As local cable television franchises expire they are replaced by the State process. PVE's franchise with COX Cable expires at the end of this October and COX will then apply for the State video franchise for the City of PVE. No other provider has sought a State franchise for PVE since DIVCA was enacted. The ordinance amends the Municipal Code provisions governing video franchises and addresses the three areas where cities retain some local control in the new State process. The three areas are: 1) Customer Service Standards, 2) Franchise Fees, and 3) Public Educational and Governmental Programming (PEG) Programming Fees. COX currently operates Channel 35 as the local government channel. State franchisees are also required to provide channel capacity for PEG programming. COX has provided the equipment and personnel to tape and air PVE's City Council meetings at no cost to the City. COX will continue this service through December. The City will likely contract with either a person or company to tape the Council meetings to be aired on Channel 35. The City has budgeted for this cost. The City currently pays a contractor \$300 per meeting to video tape the Planning Commission meetings. It is projected the City may spend up to \$9,000 per year to tape and air the Council and Planning Commission meetings on Channel 35. Some cities have imposed a separate PEG fee paid by each subscriber. The City does not currently have a PEG fee in place. Under DIVCA a 1% PEG rate is permitted. The PEG fee may be implemented by ordinance at any time in the future.

No one in the audience wished to speak on the item.

Mayor Pro Tem Rea moved, it was seconded by Councilmember Perkins, and unanimously approved by a roll call vote to introduce Ordinance 10-697; an Ordinance of the City Council of the City of Palos Verdes Estates amending Chapter 12.32 of the Palos Verdes Estates Municipal Code governing the provision of video services in the City.

PUBLIC HEARING

RESOLUTION R10-17; CONSIDERATION OF THE REVISED UPDATE TO THE HOUSING ELEMENT OF THE GENERAL PLAN

Mayor Humphrey asked if public notice had been given. Assistant City Manager Smith responded that it had been.

Director Rigg reported that the State of California requires that every local jurisdiction maintain a comprehensive long-term general plan for physical development. The plan requires the minimum inclusion of land use, circulation, housing, conservation, open space, noise and safety. PVE employed a consultant who is familiar with preparing housing elements. The Southern California Association of Governments (SCAG) has prepared a regional housing needs assessment which assigns housing needs quantities to each municipality in their jurisdiction. PVE has been assigned 72 additional units. Section 6 of the Housing Element Update Report states goals established by the City and summarizes policies and programs proposed to implement the goals. Director Rigg said the new provisions suggested are 1) provide for mixed commercial/residential use in the commercial areas – specifically in Lunada Bay, 2) develop an ordinance that implements a density

bonus for projects that designate a percentage of units for lower income or senior housing, 3) to encourage shared housing by posting flyers at City Hall, 4) provide means of addressing housing discrimination by posting state regulations at City Hall, 5) to encourage energy conservation by posting pamphlets at City Hall, and 6) to waive fees for the installation of energy facilities (i.e solar panels). These suggested provisions are the best solutions to accommodate or try to meet the goals of the Housing Element as dictated by SCAG without impacting the residential character of the City and within the limited opportunities available in PVE. If this Housing Element is approved by Council it is then forwarded to the State for their review, comments and adoption. Cities that do not receive State approval for their Housing Element face the potential loss of redevelopment revenue; however, Palos Verdes Estates does not receive redevelopment funds. Many cities that are built out like PVE will self-certify and adopt their Housing Element with the understanding that the State would like them to do a lot more that they may not be able to do.

There was discussion about the due date of the Housing Element and whether it would make sense to wait until after the 2010 Census to submit PVE's proposal to the State.

Mayor Pro Tem Rea asked if there is a way to track the number of group homes within the City. Director Rigg said that State law prohibits regulation of group homes of six or less people so PVE has no way of knowing how many are in the City.

Mayor Humphrey said she has visited several of the group homes in the City in her capacity with PV Transit. Director Rigg believes that most of the group homes within the City are for the elderly.

Councilmember Perkins said that these group homes could help the City satisfy the States requirements for housing and she hoped that the 2010 Census would help the City identify where these group homes are located. Mayor Humphrey suggested checking with PV Transit to identify homes that are registered for service through Dial-A-Ride.

No one from the audience wished to speak to this item.

Councilmember Goodhart is satisfied with the City's comprehensive response to the States questions regarding housing.

Councilmember Goodhart moved, it was seconded by Councilmember Bird, and unanimously approved by roll call vote to adopt Resolution R10-17; adopting the revised update to the Housing Element of the General Plan, responding to comments received from the State of California Department of Housing and Community Development.

OLD BUSINESS

PW-567B-09; AWARD OF CONTRACT FOR CONSTRUCTION OF THE PASEO DEL MAR SEWER PUMP STATION PROJECT IN THE AMOUNT OF \$1,388,880 TO TAMANG ELECTRIC, INC.

Director Rigg reported that PVE retained AKM Consulting Engineers to design the upgrades and improvements to the two City sewer pump stations – one at Paseo del Mar/Via Barri and the second at 225 Rocky Point Road. These two projects were identified in the Sewer Master Plan (SMP) and are the two largest projects in the SMP. These pumps do not have adequate storage capacity, they have poor access to the dry well portions, there is no emergency power source, and they do not meet current safety standards. AKM worked with Los Angeles County (LAC) to develop the design guidelines. LAC Department of Public Works will operate the Paseo del Mar/Via Barri pump station for PVE. The low bidder is Tamang Electric, Inc. The City researched this firm and received very positive references for them. The contract will be for seven months. Pumping trucks will be used as the existing pump is taken out of service. There will be no interruptions to customers for use of the sewer system although this is a complex project. At a previous meeting regarding the design of the station, Council had determined to try to eliminate the above ground portion of the structure for aesthetic reasons. The pump station portion will be minimally above ground and the electrical meter and control panels will be relocated to the north behind bushes to have minimal visual impact. The City budgeted \$2.2 million for the project including all inspection, contingency and administration costs. Staff estimates the total project cost to be about \$1.65 million.

Councilmember Perkins was concerned with impacts of the construction taking place during the rainy season. Director Rigg said there would be additional impacts from larger bypass flows which will triple during rain pour. He said it would be hard to avoid with a seven month construction schedule.

Councilmember Goodhart asked how much the above ground pump structure had been reduced with the new design. Director Rigg said about seven feet – it needs to be just above grade so water does not flow into it.

Councilmember Bird said the project came in far below budget and wondered if the savings could be applied to improving the pump station. Director Rigg said the sewage flows down gravity lines to the pump station and then is pumped out one discharge line. A second discharge line is an enhancement that would allow one line to be taken out for servicing while the second line continues to pump sewage. Director Rigg said the Paseo del Mar pump station is designed with two discharge valves already so it can accommodate the second line in the future, but there is no significant cost or functional savings to add/complete the second line during this construction. He would like to wait until after the Rocky Point station is complete to look at any improvements as that station is a more difficult design in the middle of Rocky Point Road with more constraints and may end up costing more than anticipated. He had already spoken to the City Manager about having the consultant look at the entire SMP and see if there are additional improvements that could be implemented.

No one from the audience wished to speak to this item.

Councilmember Bird moved, it was seconded by Mayor Pro Tem Rea, and unanimously approved by a roll call vote to award a construction contract for the completion of the Paseo del Mar Sewer Pump Station Project in the amount of \$1,388,880 to Tamang Electric, Inc.

NEW BUSINESS

STATUS REPORT ON PROPOSED CHANGES TO THE FAA REGULATIONS AFFECTING THE AIR SPACE SURROUNDING LONG BEACH AIRPORT AND THE POTENTIAL IMPACT ON THE PALOS VERDES PENINSULA

City Manager Hoefgen reported that the Federal Aviation Administration (FAA) is considering making the airspace surrounding Long Beach Airport (LGB) more restrictive. The City of Rancho Palos Verdes is taking the lead on this issue for the locally impacted cities. PVE residents Blake Lamar and Dwight Abbott contributed to the staff report. The current Class D airspace restrictions around LGB extend for a five-mile radius. The proposed Class C airspace would be approximately three times larger and would require pilots to ask flight controllers for permission to enter the airspace. Currently, pilots can fly over this airspace without radio contact above 2,600 feet and below 5,000 feet. The Los Angeles area airspace is one of the most complicated in the world.

PVE resident Blake Lamar is the City's liaison to the LAX Roundtable Noise Committee whose purpose is to reduce the impacts of noise from aircraft at LAX – he is also an experienced pilot. Mr. Lamar explained that the configuration of the airspace surrounding LAX looks like an upside-down wedding cake which is a series of cylinders that get higher and wider as they go out. Via a PowerPoint presentation he showed the various overlapping airspace and flight corridors that would change dramatically with the new Class C designation. Under the proposed changes, aircraft, particularly flight instructional aircraft, based at Hawthorne, Compton, Torrance and Long Beach airports would likely move from the LA/Long Beach practice area to overfly the entire Palos Verdes coastline for practice and instruction at the Palos Verdes flight training area.

City Manager Hoefgen said the City of Rancho Palos Verdes has retained an aviation consultant, Williams Aviation Consultants, to analyze the potential impacts of the proposed airspace changes. One of the major concerns is that it does not appear as though the FAA has conducted an environmental review for noise and air pollution. The FAA has not published any reports or information supporting the need for the proposed changes. The analysis shows that there is the potential for some very real impacts for the entire South Bay area – unintended consequences. The most significant concern is increased safety risks with compressing more general aviation aircraft into a much smaller area. Another concern is the increased workload of the traffic controllers. With the current Class D airspace pilots merely advise the LGB tower when they are entering the airspace; the Class C airspace would require pilots to obtain authorization prior to entering the airspace which may not be obtained in a timely manner and cause pilots to fly in circles until permission is granted.

Mr. Lamar said the entire Los Angeles aerospace basin area is up for a study for complete re-design of the airspace, but it has been stalled in Washington for 18 months. He doesn't understand why the LGB airspace would be changed with the overall LAX airspace possibly being re-designed.

City Manager Hoefgen said all the Peninsula cities are concerned with the proposed airspace change and they do not believe it has been well thought through. PVE and many surrounding cities are drafting letters to the FAA in opposition of the proposed change and the unintended consequences it may cause.

Charles Spurrell, [PVE Resident], spoke against the proposed FAA regulation changes to the LGB airspace. He has flown single and multi-engine aircraft from a 1929 biplane through a 747. He has flown hundreds of hours in the Los Angeles airspace and he earned his pilot's license at LGB. This change should not be taken lightly as the Los Angeles basin is one of the most complex areas in the country. He believes the change compares to placing a 7-11 mini-mart in the middle of the 405 freeway. He opposes the change for many reasons: 1) increased aircraft congestion over the Peninsula, 2) decreased separation between aircraft which increases the chances for a collision, 3) the changes are self-serving, and 4) pilots will now have to request permission to enter the area with the flight controllers based out of San Diego which will increase the number of aircraft circling waiting for permission to enter which, in turn, increases the chances for a collision. He believes the solution is to re-implement climb and descent corridors.

Dwight Abbott, [PVE Resident], is a former Mayor of PVE and has been an area pilot for 50 years. He attended a meeting in June at Torrance airport with other pilots and air traffic controllers regarding this subject. He said the attendees were unanimous against this proposed change. He sent a letter to the FAA objecting to the changes. He believes the main concern of Peninsula residents would be the increased noise and congestion created by flyovers of the Peninsula. This is an environmental impact and the FAA is interested in safety. He said the first step is for PVE to send the recommended letter of objection and ultimately to complete some technical analysis as this will be a long term process.

Councilmember Bird asked if it is anticipated that the air traffic would be greater in the PV flight training area due to the proposed change. Mr. Lamar said if the LA/Long Beach training area is closed, there will be more aircraft training and practicing at the PV flight training area. The altitude would be below 4,500 feet. He could not see any possible reason for PVE not to oppose the proposed changes.

Mayor Humphrey agrees that the changes are a bad idea. She agrees with Mr. Abbott that we should send the letter to the FAA, but PVE needs to stay focused on this for the long haul.

Councilmember Perkins said she became aware of the issue at the August Council of Governments meeting. She complimented staff, Mr. Lamar and Mr. Abbott for putting together a comprehensive report which creates a very clear picture of the impacts that would be created. She believes the entire process has been terrible with the FAA not undertaking any environmental studies. She would be in favor of helping RPV with the consultant's fees.

Councilmember Goodhart believes it would be important to have a concerted effort from all of the affected cities which would make the FAA pay attention.

Mayor Humphrey asked who else should the City's letter of opposition be sent to. Mayor Pro Tem Rea suggested it go to the Los Angeles Board of Supervisors, our congressional representatives and all the affected cities in the Los Angeles basin. Councilmember Perkins asked that the letter be added to the city's website.

Councilmember Goodhart wanted all the Mayors and City Managers in the area to be encouraged to send their opposition letters to our local and federal representatives.

Councilmember Bird suggested the letter be sent to Congresswomen Harman, Boxer and Feinstein as well.

Mayor Humphrey agreed that PVE should help with the cost of the aviation consultant and wondered how PVE's portion was determined. City Manager Hoefgen the fixed fee was divided by six cities based upon overall population.

It was moved by Councilmember Goodhart, seconded by Councilmember Bird and unanimously approved by a roll call vote to send a letter to the Federal Aviation Administration opposing the implementation of more restrictive airspace regulations at the Long Beach Airport, modified with respect to recipients of copies.

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 \$218,624.27 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, totaling \$224,886.81 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, totaling \$230,700.00 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. 517969 to 517979 totaling \$34,095.66 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. 517980 to 518025 totaling \$65,596.87 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. 518036 to 518040 totaling \$10,608.25 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. 515273V, 517952V, 517988V, 518041 to 518114 totaling \$698,362.46 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. 518115H, 518130 to 518219 totaling \$310,588.32 be allowed and it was unanimously approved.

MAYOR & CITY COUNCILMEMBERS' REPORTS

Mayor Humphrey asked boy scout, Quentin Thelen, from PV Intermediate School to approach the podium. He is from Palm Springs and has just moved to PVE. He is working on his Citizenship in the Community merit badge.

Councilmember Goodhart announced the dates and subjects of various meetings of general public interest.

Councilmember Rea complimented staff on the new City website and commended City Manager Hoefgen for setting a high standard of disclosure by posting on the website complete documentation on the manager's compensation package and eligible expense reimbursement in light of the current scandal in the City of Bell.

ADJOURNMENT

There being no further business before Council the meeting was adjourned at 9:20 p.m. to Tuesday, September 28, 2010 at 7:30 p.m. in the City Council Chambers of City Hall.

RESPECTFULLY SUBMITTED,

MICHÉLE D. MONSON, MINUTES SECRETARY

APPROVED:

ROSEMARY HUMPHREY, MAYOR