



City of Palos Verdes Estates City Council Agenda & Staff Reports

DISCLAIMER

The following City Council agenda includes text only version of the - reports associated with the business matters to be brought before for the City Council at its Regular Meeting of this date. Changes to the - reports may be necessary prior to the actual City Council meeting. The City Council may elect to delete or continue business matters at the beginning of the City Council Meeting. Additionally, - reports attachments, including but not limited to, pictures, plans, drawings, spreadsheet presentations, financial statements and correspondences are not included. The attachments are available for review with the official agenda package at the Reception area at City Hall as well as the Malaga Cove Public Library.

...end of disclaimer..

****CLICK HERE FOR CITY COUNCIL AGENDA**

****CLICK HERE FOR CITY COUNCIL AGENDA & REPORTS**

June 23, 2009
7:30 P.M.
City Hall
Council Chambers

**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. R09-21
NEXT ORDINANCE NO. 09-693**

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

MAYOR'S REPORT – Matters of Community Interest

**CITY COUNCIL AGENDA
JUNE 23, 2009**

- Appointments to Planning Commission, Parklands Committee, and Traffic Safety Committee
- Designation of Officers - Planning Commission, Parklands Committee, and Traffic Safety Committee

CONSENT AGENDA (Items 1 -11)

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, with the exception of Planning Commission Actions – Item #11a-d. 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. Minutes of City Council Meeting of June 9, 2009

Recommendation: Review and File.

2. Treasurer’s Report – May 2009

Recommendation: Review and Approve.

3. PW-559-09; Award of Construction Contract in the Amount of \$19,050 to California Paving and Grading Company, Inc. for the Construction of the FY 08-09 Curb and Gutter Replacement Project 2

Recommendation: It is recommended that the City Council award a construction contract in the amount of \$19,050 to California Paving and Grading Company, Inc. for the construction of the FY08-09 Curb and Gutter Replacement Project 2.

4. Resolution R09-15; Approving the Auditor’s Report and Setting the Fire and Paramedic Services Special Tax Rate for FY 2009-10

Recommendation: It is recommended that the City Council adopt Resolution R09-15; approving the Auditor’s Report and establishing the FY 2009-10 Fire and Paramedic Services special tax rate in conformance with Ordinance 07-677.

5. Resolution R09-16; Approving Final Adjustments to the FY 2008-09 Budget

Recommendation: It is recommended that the City Council adopt Resolution R09-16 to make final adjustments to the FY 2008-09 budget.

6. Resolution R09-19; Confirming the Planning Commission's Approval of NC-1334/GA-1438/M-708-08; Neighborhood Compatibility, Grading and Miscellaneous Applications for a New Single Family Residence Located at 1916 Via Coronel. Lot 1, Block 3, Tract 8043

Recommendation: It is recommended that the City Council adopt Resolution R09-19, denying an appeal of the Planning Commission's approval of NC-1334/GA-1438/M-708-08 for 1916 Via Coronel, with modified additional conditions.

7. Resolution R09-20; Confirming the Planning Commission's Approval of NC-1350/GA-1449/M-705-09; Neighborhood Compatibility, Grading and Miscellaneous Applications for a New Single Family Residence Located at 2228 Via Guadalana. Lot 13, Block 1632, Tract 7330

Recommendation: It is recommended that the City Council adopt Resolution R09-20, denying an appeal of the Planning Commission's approval of NC-1350/GA-1449/M-705-09 for 2228 Via Guadalana.

8. Special Event Application for the Malaga Cove Library to Hold a *Sound of Music* Sing-A-Long Event at Farnham Martin Park on Saturday, July 25, 2009

Recommendation: It is recommended that the City Council approve the request of Palos Verdes Library District's Malaga Cove Branch to hold a *Sound of Music* Sing-A-Long event at Farnham Martin Park on Saturday, July 25, 2009.

9. Parklands Committee Meeting Items of June 8, 2009

Recommendation: Review and Approve.

- a. PC-303-09; Application to top and restructure 6 pine trees and one oak tree in the city parklands located adjacent to 1824 Via Olivera and below 1921 Via Estudillo for view restoration

Applicant: James Lim
1921 Via Estudillo
Palos Verdes Estates, CA. 90274

Action: Approved (5-0). The applicant is approved to lower 4 Pine trees and 1 Oak tree at the City Forester's direction. Trimming of the trees must retain a green canopy and the Pine trees will only be permitted to be trimmed in late Fall or Winter.

- b. PC-302-09; Application to remove 1 Olive tree and one palm tree adjacent to 1400 Via Arco, 1 pine tree adjacent to 1825 Via Coronel and 1 pine tree adjacent to 1401 Via Arco, all located in the city parkway for view restoration

Applicant: Hossein Moalej
1405 Via Castilla
Palos Verdes Estates, CA 90274

Action: Approved (5-0). The applicant is approved to remove 1 Olive tree and 1 palm tree adjacent to 1400 Via Arco according to the ‘Standard Conditions for Tree Removal Approvals’. The applicant is responsible to pay \$500 per tree to the ‘Tree Bank’ prior to removing either tree.

- c. Review of Tree Replacement Deposits

Action: Approved (5-0). The applicant is required to pay \$500 per tree to the ‘Tree Bank’ for any tree removed but not required to be replaced. For each tree required to be replaced, the applicant is required to post a \$1,000 deposit for each tree approved for removal prior to issuing a permit to do such work. The deposit is refundable for any replacement tree after the tree has been planted and has passed the one-year maintenance period and has been found to be healthy and vigorous.

- 10. Traffic Safety Committee Meeting Items of June 10, 2009

Recommendation: Review and Approve.

- a. Review of Yield Sign on Via Palomino at Via Colusa

Action: Recommended that staff leave the yield sign in place (5-0).

- b. Review of New Stop Signs and Crosswalk on Cloyd Rd. at Chelsea Road

Action: Recommended that 1) staff leave the stop signs and crosswalk in place and 2) the Police Department look into the possibility of more enforcement on Chelsea Road (5-0).

- c. Request for Review of Edgeline Striping on Via Anacapa between Paseo Lunado and Via Sola

Action: Recommended that staff 1) bring the issue back before the Committee for six-month review in October and 2) introduce a request for No Parking on the east side of Via Anacapa between Paseo Lunado and Via Sola in October (5-0).

- 11. Planning Commission Actions of June 16, 2009

Recommendation: Receive and File.

- a. **Ordinance 09-690 & Ordinance 09-691;** Ordinances of the City Council of the City of Palos Verdes Estates adding sections 18.36.047 & 17.04.110 to the Palos Verdes Estates Municipal Code relating to after-the-fact applications.

Action: Approved (4-0; King absent). Chair Vandever opened the public hearing, closed the public hearing, and Planning Commission approved Ordinances 09-690 and 09-691 for submittal to City Council for review and adoption.

- b. **WT-113-09;** Consideration of a Wireless Telecommunication Facilities Application for structures within the right-of-way adjacent to 3301 Via Campesina. Lot A, Tract 9822.

Applicant: Justin Robinson
1750 E. Ocean Blvd., #906
Long Beach, CA 90802

Action: Approved (3-1, Chang dissenting) with standard conditions and the following additional condition: 1) All structures are to be painted to match the natural surroundings.

- c. **NC-1354-09;** Consideration of a Neighborhood Compatibility Application for additions to the single family residence located at 2213 Thorley Place. Lot 24, Block 2211, Tract 6888.

Applicant: Chester Smith Associates
1106 Hanover
New Braunfels, TX 78132
Owner: Kirk & Joanne Nygren

Action: Approved (4-0) with standard conditions and the following additional conditions: 1) The windows on the upper floor of the north and south elevations are to be translucent glass; 2) All structures within the setback adjacent to the street are to be 3.5 ft. in height or less; 3) All non-standard encroachments within the City right-of-way are to be removed; 4) City standard curb and gutter shall be installed per construction plans prepared by a registered Civil Engineer and approved by the City Engineer.

- d. **NC-1351/GA-1450/M-718-09;** Consideration of Neighborhood Compatibility, Grading and Miscellaneous Applications for a new single family residence located at 504 Paseo Del Mar. Lot 2, Block 1510, Tract 6886.

Applicant: Edward Carson Beall
23727 Hawthorne Blvd.

Torrance, CA 90505
Owner: Mark & Barbara Paullin

Action: Denied (3-0, Vandever recused).

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.

OLD BUSINESS

12. Report on Palos Verdes Estates Facilities Baseline Emissions Inventory and Carbon Footprint Analysis

Recommendation: It is recommended that the City Council accept and receive the Municipal Greenhouse Gas Emissions Inventory Report and direct staff to establish an internal Environmental Advisory Committee comprised of staff members to set a carbon emission reduction goal and to evaluate a climate action plan to achieve this goal.

13. Status Report Concerning the City of Palos Verdes Estates Disaster District Plan

Recommendation: Receive and File.

NEW BUSINESS

14. Adoption of the City's Fiscal Year 2009-10 Budget: Resolutions R09-17; Establishing the FY 09-10 Appropriations Limit, and R09-18; Adopting the Annual Budget and Fixing the Limitation of Expenditures

Recommendation: It is recommended that the City Council adopt Resolution R09-17; establishing the FY 2009-10 Appropriations Limits, and R09-18; adopting the Annual Budget for FY 2009-10.

STAFF REPORTS

15. City Manager's Report

**CITY COUNCIL AGENDA
JUNE 23, 2009**

DEMANDS

16. a. Authorize Payment of Motion #1 – Payroll Warrant of June 12, 2009
- b. Authorize Payment of Motion #2 – Warrant Register of June 23, 2009

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

MAYOR & CITY COUNCILMEMBERS' REPORTS

ADJOURNMENT TO TUESDAY, JUNE 30, 2009, AT PALOS VERDES GOLF CLUB AT 2:00 P.M. FOR THE PURPOSE OF A CITY COUNCIL POLICY RETREAT.

- *This City Council meeting can be viewed on Cox Cable, Channel 35, Wednesday, June 24, 2009, at 7:30 p.m., and Wednesday, July 1, 2009, at 7:30 p.m.*

TO: JOSEPH M. HOEFGEN, CITY MANAGER

FROM: ALLAN RIGG, PUBLIC WORKS DIRECTOR

SUBJECT: PW 559-09; AWARD A CONSTRUCTION CONTRACT IN THE AMOUNT OF \$19,050 TO CALIFORNIA PAVING AND GRADING COMPANY, INC. FOR THE CONSTRUCTION OF FY 08/09 CURB AND GUTTER REPLACEMENT PROJECT 2

DATE: JUNE 23, 2009

Introduction

Should the City Council award a construction contract in the amount of \$19,050 to California Paving and Grading Company, Inc. for the construction of FY 08/09 Curb and Gutter Replacement Project 2?

Background and Analysis

As part of the annual Capital Improvement Program, curb and gutter is replaced in order to promote safety or eliminate drainage concerns. On February 24, 2009, the first project under this program was awarded to Grigolla and Sons Construction, and was accepted as complete on May 12, 2009. This second project will take place in locations throughout the City where complaints have been received, and also in areas selected by staff. Please see the attached list of project locations.

Staff advertised in F.W. Dodge, Bid America, and Reed Construction Data. The following construction bids were opened May 27, at 10:30 am:

California Paving and Grading	\$19,050.00
FS Construction	\$20,320.00
Ruiz Engineering	\$22,752.05
BSN Construction	\$22,860.00
J. RDMMAC, Inc.	\$23,495.00
Pacific Construction	\$26,035.00
Civil Works Corporation	\$27,305.00

California Paving and Grading Company, Inc. submitted the low bid for the project. They have successfully completed concrete construction of similar scope for the Pasadena Unified School District, the Pleasant Valley School District in Camarillo, and the San Marino Unified School District. Warner Brothers Studios has indicated that California Paving and Grading has worked

with them for the last ten years to do asphalt and concrete work as necessary, and still continue to have an ongoing contract with them to do so. The City of Pasadena recently awarded California Paving and Grading a concrete curb and gutter project and they report no issues with the company's work and methods during the first few weeks of construction. The company's work history indicates that they are equipped to construct this project.

The following construction schedule is anticipated:

- June 23 Contract awarded.
- July 24 Contract documents completed.
- August 4 Work expected to begin.
- September 7 Work expected to be complete.

Alternatives Available to Council

The following alternatives are available to Council:

1. Award a construction contract in the amount of \$19,050 to California Paving and Grading Company, Inc. for the construction of FY 08/09 Curb and Gutter Replacement Project 2.
2. Decline to Act.

Conclusions and Recommendations

Staff recommends that the City Council award a construction contract in the amount of \$19,050 to California Paving and Grading Company, Inc. for the construction of FY 08/09 Curb and Gutter Replacement Project 2.

Fiscal Impact

The Fiscal Year 08/09 budget contains \$42,634 for curb and gutter improvements. The City spent \$19,595 in construction costs and \$4,200 in inspection costs for the first FY 08/09 Curb and Gutter project. Staff estimates the following costs for this second project:

Construction Costs	\$19,050
Inspection/Administration	\$3,200
<hr/> Total	<hr/> \$22,250

Therefore, sufficient funds are available for the project.

Staff report prepared by:
Floriza Rivera
Public Works Department

CITY COUNCIL AGENDA
JUNE 23, 2009

TO: JOSEPH HOEFGEN, CITY MANAGER
FROM: JUDY SMITH, ASSISTANT CITY MANAGER
SUBJECT: RESOLUTION R09-15; APPROVING THE AUDITOR'S REPORT AND SETTING THE FIRE AND PARAMEDIC SERVICES SPECIAL TAX RATE FOR FY 2009-10

The Issue

Shall the City Council approve Resolution R09-15, which adopts the Auditor's Report and sets the Fire and Paramedic Services special tax rate for FY 2009-10?

Background

In March, 2007, Palos Verdes Estates voters overwhelming approved (87+%) Measure A (Ordinance 677), which re-authorized for a ten-year period (June 30, 2017) a special tax to finance contract fire/paramedic services provided by the Los Angeles County Fire Department. The measure allows a maximum annual tax rate increase of 4.2% or the actual increase in the fire service contract cost, whichever is less. Revenues and fire contract costs are accounted for in a separate fund, Special Fire Tax (fund 22).

The City's current contract with Los Angeles County Fire Department for fire and paramedic services expires June 30, 2016. During the first five years, the maximum annual contract cost increase is capped at 4.2% compared to the prior year's cost. Costs in excess of the cap may be recouped in the following year or future years, but only to the extent that the total contract cost does not exceed that year's fee cap.

Analysis and Findings

On May 15, 2009, the City received fire contract cost information from Los Angeles County Fire, which included the final actual costs for FY 08-09 and the estimated costs for FY 09-10. The maximum permitted cost for FY 08-09 totaled \$3,852,034. With final costs for FY 08-09, there was \$132,479 in cumulative costs in excess of the cap, which had not been assessed to the City. A recap of the history of the fire contract cost is included as Attachment 1.

County Fire's estimated cost for FY 09-10 reflects a 3.06% increase for a contract cost of \$3,898,913. In March 2009, the Board of Supervisors extended to December 31, 2009, the terms

and conditions of existing labor agreements with County fire personnel. No salary increases were included in the extension, so the cost reflected above represents the projected increase for benefits only. Since the projected cost is below the contract cap (+4.2%), the County will assess \$43,059 of the \$132,479 unbilled costs noted above to arrive at a total contract cost of \$3,941,975.

The City’s assessment engineers, Bureau Veritas, have prepared the Auditor’s Report (attached) using a 4.2% increase in the tax rate as authorized by the City Council. There are two components to the tax – a flat cost per parcel, including vacant parcels, and a cost per square foot of building improvement. Applying the 4.2% increase results in the following rates:

	<u>FY 2008-09</u>	<u>FY 2009-10</u>	<u>Change</u>
Per Parcel	\$260.93	\$271.89	\$ 10.52
Cost/building sq. ft.	\$0.149446	\$0.155723	\$ 0.006024
Median home (2,595 sq. ft.)	\$648.74	\$675.99	\$27.25 (\$0.075/day)

A history of the annual tax rate increase and cost for a median home is shown in Attachment 2.

The Auditor’s Report shows the tax rate, the estimated revenues to be derived from the special tax (\$3,821,857) and the projected cost for fire and paramedic service. The tax proceeds fall short of covering the costs and an estimated \$127,638 contribution from the fire tax fund balance is necessary. The ending fund balance for the fire tax fund as of June 30, 2010 is projected at \$221,150.

Alternatives Available to the City Council

1. Adopt Resolution R09-15, which approves the Auditor’s Report and sets the Fire and Paramedic services special tax rate for FY 2009-10.
2. Decline to adopt Resolution R09-15. Without approval of the special tax, the budget would be out of balance by the amount of the tax or \$3.8 million.

Recommendation

It is recommended that the City Council adopt Resolution R09-15; approving the Auditor’s Report and establishing the FY 2009-10 Fire and Paramedic Services special tax rate in conformance with Ordinance 677.

Budget Impact

Before adoption by the City Council on June 23, the final FY 2009-10 budget will be adjusted to reflect the new cost estimates from Los Angeles County Fire and the projected revenue for the Fire and Paramedic Services special tax as contained in the Auditor's Report. Currently, tax proceeds fall short (\$127,638) of meeting the contract cost, which is shown in the Auditor's Report as contribution from fund balance, and results in an ending fund balance (6-30-2010) estimated at \$221,150.

TO: JOSEPH HOEFGEN, CITY MANAGER
FROM: JUDY SMITH, ASSISTANT CITY MANAGER
SUBJECT: RESOLUTION R09-16 APPROVING FINAL
ADJUSTMENTS TO THE FY 2008-09 BUDGET

The Issue

Shall the City Council make final adjustments to the FY 2008-09 budget and adopt Resolution R09-16?

Background

This resolution provides for adjustments to certain revenue and expenditure accounts in order to more closely reflect anticipated budget results for the current Fiscal Year 08-09. These changes have previously been reflected in estimates provided to the City Council for FY 08-09 and thus have no adverse effect on fund balances for FY 09-10.

Analysis and Findings

The budget was reviewed at the fund, department and line item level for major variations from the currently adopted budget. The level of budgetary control is at the fund level, which means actual expenditures may not exceed the legally adopted budget as approved by the City Council. Several of the items outlined in the attached resolution are to account for minor expenditure deviations at the fund level, involving certain special restricted funds (e.g. Gas Tax, COPS, and Corrections Training).

General fund revenues are decreased a total of \$540,000; however, even with the reductions, the City anticipates achieving a modest general fund surplus. Revenue reductions, reflecting current economic impacts, are as follows: sales tax (-\$30,000); Property transfer tax (-\$40,000); interest earnings (-\$140,000) and development fees (-\$330,000). The budget for gas tax revenue is increased to reflect receipt of the City's Proposition 1B (infrastructure bond revenue) in the amount of \$439,960, which has been allocated for the Palos Verdes Drive West remediation project.

In addition to minor expenditure adjustments in certain special funds mentioned above (total \$38,500), the general fund budget for professional services within the Police Department is increased \$30,000, reflecting special legal counsel services related to personnel matters.

The resolution also includes authorization for certain inter-fund transfers, which require Council approval. The transfers all involve restricted funds, transferred to the general and capital improvement funds to reimburse for previously incurred expenditures.

Alternatives Available to the City Council

1. Adopt Resolution R09-16 to adjust the FY 2008-09 budget.
2. Do not approve the adjustments, in which case, certain funds and departments will exceed the adopted budget. Failure to adjust the budget will violate the City's policy of not exceeding legally appropriated limits and resulting in a negative audit comment from the City's independent auditors.

Recommendation

It is recommended that City Council adopt Resolution R09-16 to make final adjustments to the FY 2008-09 budget.

TO: JOSEPH M. HOEFGEN, CITY MANAGER

FROM: ALLAN RIGG, PLANNING DIRECTOR

SUBJECT: RESOLUTION R09-19; CONFIRMING THE PLANNING COMMISSION'S APPROVAL OF NC-1334/GA-1438/M-708-08; NEIGHBORHOOD COMPATIBILITY, GRADING, AND MISCELLANEOUS APPLICATIONS FOR A NEW SINGLE FAMILY RESIDENCE AT 1916 VIA CORONEL. LOT 1, BLOCK 3, TRACT 8043.

DATE: JUNE 23, 2009

The Issue

Should the City Council adopt Resolution 09-19 denying an appeal of the Planning Commission's Approval of NC-1334/GA-1438/M-708-08; Neighborhood Compatibility, Grading and Miscellaneous Applications for a New Single Family Residence located at 1916 Via Coronel, adding one condition?

Background and Analysis

On June 9, 2009 the City Council conducted a public hearing to consider an appeal of the approval of NC-1334/GA-1438/M-708-08; Neighborhood Compatibility, Grading, and Miscellaneous applications for a new single family residence located at 1916 Via Coronel.

After considering the facts and testimony, the City Council voted 5-0 to deny the appeal and confirm the Planning Commission's approval of NC-1334/GA-1438/M-708-08; Neighborhood Compatibility, Grading and Miscellaneous Applications for a New Single Family Residence located at 1916 Via Coronel, adding one condition.

This resolution confirms that decision.

Alternatives Available to Council

The following alternatives are available to the City Council:

1. Adopt resolution R09-19; denying an appeal of the Planning Commission's Approval of NC-1334/GA-1438/M-708-08; Neighborhood Compatibility, Grading and Miscellaneous Applications for a New Single Family Residence located at 1916 Via Coronel, adding one condition.
2. Decline to act.

Recommendation from Staff

It is recommended that the City Council adopt Resolution R09-19, denying an appeal of the Planning Commission's approval of NC-1334/GA-1438/M-708-08; Neighborhood Compatibility, Grading and Miscellaneous Applications for a New Single Family Residence located at 1916 Via Coronel, adding one condition.

Staff report prepared by:
Stacey Kinsella
Planning Department

TO: JOSEPH M. HOEFGEN, CITY MANAGER

FROM: ALLAN RIGG, PLANNING DIRECTOR

SUBJECT: RESOLUTION R09-20; CONFIRMING THE PLANNING COMMISSION'S APPROVAL OF NC-1350/GA-1449/M-705-09; NEIGHBORHOOD COMPATIBILITY, GRADING, AND MISCELLANEOUS APPLICATIONS FOR A NEW SINGLE FAMILY RESIDENCE AT 2228 VIA GUADALANA. LOT 13, BLOCK 1632, TRACT 7330.

DATE: JUNE 23, 2009

The Issue

Should the City Council adopt Resolution 09-20 denying an appeal of the Planning Commission's approval of NC-1350/GA-1449/M-705-09; Neighborhood Compatibility, Grading and Miscellaneous Applications for a New Single Family Residence Located at 2228 Via Guadalana?

Background and Analysis

On June 9, 2009 the City Council conducted a public hearing to consider an appeal of the approval of NC-1350/GA-1449/M-705-09; Neighborhood Compatibility, Grading, and Miscellaneous applications for a new single family residence located at 2228 Via Guadalana.

After considering the facts and testimony, the City Council voted 5-0 to deny the appeal and confirm the Planning Commission's approval of NC-1350/GA-1449/M-705-09; Neighborhood Compatibility, Grading and Miscellaneous Applications for a New Single Family Residence Located at 2228 Via Guadalana, as conditioned.

This resolution confirms that decision.

Alternatives Available to Council

The following alternatives are available to the City Council:

1. Adopt resolution R09-20; denying an appeal of the Planning Commission's Approval of NC-1350/GA-1449/M-705-09; Neighborhood Compatibility, Grading and Miscellaneous Applications for a New Single Family Residence Located at 2228 Via Guadalana.

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2. Decline to act.

Recommendation from Staff

It is recommended that the City Council adopt Resolution R09-20; denying an appeal of the Planning Commission's approval of NC-1350/GA-1449/M-705-09; Neighborhood Compatibility, Grading and Miscellaneous Applications for a New Single Family Residence Located at 2228 Via Guadalana.

Staff report prepared by:
Stacey Kinsella
Planning Department

TO: JOSEPH M. HOEFGEN, CITY MANAGER

FROM: ALEXA D. DAVIS, ADMINISTRATIVE ANALYST

SUBJECT: SPECIAL EVENT APPLICATION FOR THE MALAGA COVE LIBRARY TO HOLD A *SOUND OF MUSIC* SING-A-LONG EVENT AT FARNHAM MARTIN PARK ON SATURDAY, JULY 25, 2009

DATE: JUNE 23, 2009

ISSUE

Shall the City Council approve a Special Event Application for the Palos Verdes Library District to hold a Sound of Music Sing-A-Long Event at Farnham Martin Park on Saturday, July 25, 2009 from 5 p.m. to 11 p.m. including set-up and removal?

BACKGROUND AND ANALYSIS

The PV Library District would like to hold its first sing-a-long event at Malaga Cove Library on the grounds of Farnham Martin Park. This family event would include playing the movie *The Sound of Music* on an inflatable screen at the park. Attendees would be encouraged to sing along with the songs by a hired emcee with seating on the grass (no chairs) similar to the Malaga Cove Concert Series. The event will begin at 7 p.m. with the three-hour movie concluding by 10:30 p.m.. The library plans to remain open during the event to provide restrooms and staffing.

Library representatives worked diligently to secure a comprehensive Special Event Application. The Application has been reviewed and preliminarily approved by all municipal departments. It is recommended that all fees be waived since the Library District is a public agency. The City has received a Certificate of Insurance and Indemnity Agreement and notice will be provided to residents within the area affected.

ALTERNATIVES AVAILABLE TO COUNCIL

1. The Council may choose to approve the request of Palos Verdes Library District's Malaga Cove Branch to hold a *Sound of Music* Sing-A-Long event at Farnham Martin Park on Saturday, July 25, 2009.
2. The Council may modify or impose further requirements on the Palos Verdes Library District.

**CITY COUNCIL AGENDA
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3. The Council may decline to approve the Special Event Application as presented.

RECOMMENDATION

It is recommended that the City Council approve the request of Palos Verdes Library District's Malaga Cove Branch to hold a *Sound of Music* Sing-A-Long event at Farnham Martin Park on Saturday, July 25, 2009.

TO: JOSEPH HOEFGEN, CITY MANAGER
FROM: ALLAN RIGG, PLANNING DIRECTOR
DATE: JUNE 23, 2009
SUBJECT: PLANNING COMMISSION ACTIONS OF JUNE 16, 2009

The items attached were acted upon by the Planning Commission on June 16, 2009.

The Council may, within fifteen days after the date of the decision on or before the first day following the first Council meeting after the date of the Planning Commission decision, whichever occurs last:

1. Confirm the action of the Planning Commission and grant or deny the application;
2. Set the matter for public hearing and dispose of it in the same manner as on an appeal; or
3. Amend, modify, delete, or add any condition of approval which the Council finds is not substantial under the circumstances relative to or affecting the property subject to the application for a development entitlement. Any determination of the Council pursuant to this paragraph shall be conclusive and final.

In the event the Council does not take one of the actions specified above within the period of time required, the decision of the Planning Commission shall be final.

Recommendation:

Receive and file.

TO: JOSEPH M. HOEFGEN, CITY MANAGER

FROM: ALEXA D. DAVIS, ADMINISTRATIVE ANALYST
STACEY KINSELLA, ASSOCIATE PLANNER

SUBJECT: REPORT ON PALOS VERDES ESTATES FACILITIES BASELINE EMISSIONS
INVENTORY AND CARBON FOOTPRINT ANALYSIS

DATE: JUNE 23, 2009

ISSUE

Should the City Council accept and receive the Municipal Greenhouse Gas Emissions Inventory Report and direct staff to establish an internal Environmental Advisory Committee comprised of City staff members to set a carbon emission reduction goal and to evaluate a climate action plan to achieve this goal?

BACKGROUND

In July 2008, City Council adopted Resolution R08-21, committing to climate protection and directed staff to submit an application for City membership of the International Council on Local Environment Initiatives (ICLEI). This was prompted by the State's adoption of Assembly Bill (AB) 32, which is designed to reduce greenhouse gases by 2020 using 1990 levels as a baseline. AB 32 will require a further reduction of 80% of greenhouse gases by 2050.

To respond to the demands of AB 32, the South Bay Cities Council of Governments (SBCCOG) through the South Bay Environmental Services Center (SBESC) is assisting South Bay cities by conducting carbon emission inventories. The City began gathering data on city facility greenhouse gas emissions in August 2008 after adoption of R08-21.

Upon Council approval in July, the City joined ICLEI, which provided the Clean Air Climate Protection (CACP) software used to quantify emissions data gathered. Additionally, ICLEI set forth five milestones to guide the member cities towards a reduction in emissions. These milestones include:

1. Conducting a local emissions inventory and forecast of greenhouse gas emissions
2. Adopt an emissions reduction target
3. Draft an action plan to achieve the target
4. Implement the action plan
5. Evaluate, report on progress and update plans

ANALYSIS

The Municipal Greenhouse Gas Emissions Inventory Report (as attached) has been prepared by Heidi Aten, Management Analyst of the SBCCOG and SBESC. The report accomplishes the first milestone for the City as set forth by ICLEI. The report includes data on City facilities from years 1990, 2005 and 2007. Per the Local Government Operations Protocol, it is advised that cities focus their inventory efforts on years for which there is complete and accurate data. While the year 1990 is the baseline year for previous protocols including AB 32, those records are not available and therefore are mostly estimated. ICLEI recommends that the year 2005 be utilized as a more accurate baseline. In the interest of being consistent throughout the region, South Bay cities have collectively chosen 2005 as the baseline year. This baseline year will ultimately be used to set a reduction target and data from 2007 is used to document any progress made. The data is organized as direct and indirect emissions defined by Scopes 1-3 (a 3-tiered system).

The key findings of the report are as follows:

- The City of Palos Verdes Estates' municipal facilities generated approximately 576 metric tons of CO₂e in the baseline year, 2005.
- There was an overall 12.5% increase in GHG emissions between the baseline year 2005 and the interim year 2007. This was mainly due to scope 1 fuel use (gasoline) and scope 2 (electricity use in buildings).
- While there was no use of mass transit, results from the employee commute survey indicate 10% of respondents carpooled to the worksite in both 2005 and 2007.
- Under a business-as-usual forecast, the City can expect emissions to rise to 982 metric tons of CO₂e by 2012 that is equivalent to the annual GHG emissions from 180 passenger vehicles; and 1,247 metric tons of CO₂e by 2015, equivalent to the annual GHG emissions from 228 passenger vehicles if the city does nothing to reduce its emissions.

Current Programs

There are a variety of ways in which the City of Palos Verdes Estates is already moving towards becoming a more sustainable city. Prior to the City's involvement with ICLEI, the City Council approved a project to retrofit City Hall in 2005. An assessment was performed by a consulting firm, which provided feedback on various opportunities for City Hall to become more energy efficient. Among other modifications, the City upgraded lighting fixtures, installed sensors on exhaust fans, and installed vending machine controllers. Our limited streetlights and a few decorative lights were also replaced with LEDs. Staff has been educated to turn off lights, computers, and any other equipment when not in use. The City also plans to obtain an updated energy audit so as to take advantage of the newest products and information on the market today.

Beyond the City Hall retrofit program, each Department contributes to the goal of becoming more sustainable. As an example, a solar crosswalk was recently installed on Palos Verdes Drive West

near Lunada Bay Park. Additionally, more than 75% of the landscaping utilized by the City Forester is low water use or drought-tolerant planting. The Police Department has 3 hybrid vehicles and a CNG (Compressed Natural Gas) parking enforcement vehicle. Another CNG vehicle is utilized for daily city inspections. Most City Hall office supplies are comprised of recycled content. The City publishes a newsletter six times per year and each issue includes a section to educate the public on sustainable, energy-saving practices. The newsletter itself is also printed on recycled paper. Free recycling, free green waste, and free e-waste disposal is also offered to P.V.E. residents through our current refuse-hauler contract. The most recent effort includes the City awarding janitorial services to a company that utilizes environmentally-friendly cleaning products.

In general, City staff has attended and assisted in the coordination of various green workshops to better understand the different approaches to green building and sustainable practices. We have been in discussion with the other three Peninsula cities (Rancho Palos Verdes, Rolling Hills, and Palos Verdes Estates) regarding a consistent green building program. Furthermore, we have two staff members that are actively involved in the South Bay Green Task Force. Through the Task Force, staff has its pulse on any new grant or rebate programs with the utility companies.

Future Steps

With the City facilities inventory complete, the next milestone per ICLEI's recommendation is to identify an emissions reduction target. It is suggested that the City create an internal Environmental Advisory Committee (EAC), which would be comprised of staff members from the following suggested departments:

- Administration and Finance
- Planning and Building
- Streets and Parks
- Police Department

Once the EAC is formed, a reduction target will be identified and presented to the Council. After the reduction target is formalized, the EAC will begin milestone 3 by developing a climate action plan.

While the City moves forward in reducing a reduction in municipal operation's carbon emissions, the SBESC is planning to gather data to create an additional inventory for community-wide carbon emissions. City staff plans to work closely with SBESC representatives to achieve this goal in 2009-10.

RECOMMENDATION

It is recommended that the City Council accept and receive the Municipal Greenhouse Gas Emissions Inventory Report and direct staff to establish an internal Environmental Advisory Committee to set a carbon emission reduction goal and to evaluate a climate action plan to achieve this goal.

TO: JOSEPH HOEFGEN, CITY MANAGER
FROM: DANIEL DREILING, POLICE CHIEF
DATE: JUNE 23, 2009
SUBJECT: STATUS REPORT CONCERNING THE PALOS VERDES ESTATES DISASTER DISTRICT PLAN

ISSUE

In the latter part of 2007, the City began exploring the idea of taking the incident command structure to the neighborhood level, as a means for mitigating a disaster. Over the next 18 months, the concept has been refined and developed into what is now known as the Palos Verdes Estates-Disaster District Plan (PVEDDP). This report chronicles the effort and is informational in nature. No action is required of the City Council other than to receive and file this report.

BACKGROUND AND ANALYSIS

A disaster is an incident or series of incidents the size of which exceed all available mitigating resources. In dealing with major disasters prior to the 1980's, it was common practice for each public safety agency to establish their own Command Post (CP). Communication between the CP's was done via "runner" (messenger). In the 1980's, an event occurred in California that transformed how disasters are handled. The Ventura Wildfires broke out. It was a major disaster involving 3 counties and dozens of municipalities. Fortunately, an innovative Fire Chief made the early decision to form one main CP where the decision makers from each of the involved fire and police agencies would work. This was the first application of the military's Incident Command Structure (ICS) for public safety. It worked superbly. As a result of this, California established a standard model for all municipalities to follow utilizing the Incident Command Structure, known as SEMS (Standardized Emergency Management System). SEMS was adopted by resolution in the City of Palos Verdes Estates in 1997.

The United States Government followed California with their own version after the September 11, 2001 attack on the World Trade Center. The federal government established NIMS (National Incident Management System). A federal mandate requires all states and local governments to adopt NIMS (patterned after SEMS). The City of Palos Verdes Estates adopted NIMS in September of 2005.

PVE-Disaster District Plan

Early mitigation measures largely determine the magnitude and pace recovery of a disaster. This is merely one of a host of lessons we were able to learn from the Katrina disaster. Another lesson was the inadequacy of the old 3-day rule. The prior school of thought that *3 days of provisions were adequate to survive any disaster long enough for help to arrive* was found to be incorrect. The new standard is 10 days. Other hard lessons learned were in the areas of communication and organization. All things considered, I am of the opinion the greatest lesson learned was the importance of good leadership.

In recognizing that early measures taken at the on-set of a disaster profoundly determine the outcome, the City contrived to develop a plan of empowerment to its citizen leaders who will likely be imbedded in the disaster. Thus, the DDP was conceived with the intent to divide the City into smaller more manageable zones, each with an identified and trained hierarchy of leadership within the neighborhood; to provide training in the Incident Command Structure; to identify resources, personnel, and designate regions within each zone for evacuation, staging, and congregation. We began with a mission statement, and with the assistance of Palos Verdes Estates Reserve Police Officer John Douglass, a nationally recognized expert in disaster readiness, Community Relations Officer Laurie Slawson, a \$15,000 donation from a philanthropic resident and a group of 6 local community leaders (one from each zone):

Valmonte—Julie Paterson
Malaga Cove—Steve Friedrich
Montemalaga—Howard Thomas
West Lunada Bay—Camille Feldman
East Lunada Bay—Dwight Abbott
South Lunada Bay—Hal Lazar

One of the first steps in the creation of the PVEDDP was to draft a mission statement to guide the development of this important plan. The mission statement reads as follows:

Mission Statement

To assist the citizens of the City of Palos Verdes Estates in the development of pragmatic, easy to follow, detailed, disaster mitigation plans, to be shared by the community and the responding disaster relief officials to help increase the community's survivability in a disaster. It is our intent to create the most efficient and expedient plans and tools possible by utilizing City and private funds and resources. It is also our intent to preserve the integrity of this plan through a cost effective maintenance program.

Over the course of the past 18 months, staff and representatives of the DDP have completed significant milestones as described below.

Accomplishments

- **Identified Disaster Districts**
Working with the City Engineer, City Geologist, Fire Department, 6 separate districts were established. This was done taking into account geological and geographical considerations as well as resources. In a worst case earthquake scenario, these zones potentially could be islands unto themselves. With this in mind the districts were carefully carved out, delegating open space fields and a school in each district.
- **Selected District leaders**
Rather than to seek volunteers, we actively recruited highly reputed leaders from within the community. The aforementioned 6 district leaders have met with us monthly as we have worked toward the establishment of the program. At each meeting we have introduced guest experts in various related fields including legal, geological, water purification, leadership, fire science, medical, counter terrorism, and Palos Verdes School District. Other future topics include, utilities, amateur radio operation, and incident command training.
- **Designed Detailed DPS Map**
A detailed map was created which not only depicts the individual districts but offers overlays with pertinent information like: the location of public safety personnel, medically trained citizens and CERT certified neighbors. Other overlays include areas of liquefaction, slide zones, and underground utilities. Finally, the map offers the ability to pre-designate staging, evacuation and other sites.
- **Established Manual**
A disaster manual was created for each of the six districts. The manual is a practical guide to managing a disaster. Each manual identifies the hierarchy of leadership within the district including individual duties and responsibilities. The manual is also specific to the region with respect to concerns and resources.
- **Developed Detailed Communication Plan**
The Neighborhood Amateur Radio Team (NART) was incorporated into the DDP as an augmentation to local police and fire communication. Prior to this, NART operated as an independent volunteer radio club. This new application is a natural marriage of the two which has re-energized the team while providing a needed element to the plan.
- **Certified Ready Program**
The team developed a detailed, pragmatic, easy to follow disaster mitigation plan for each resident's individual preparedness and self-certification. Local designer Garrett Burke donated his time and talent to create a logo and overall design for the program, which will be released to the public soon.
- **Equine Response Plan**
As part of our community response plans, DDP Leaders brought together the LA County Equine Response Team, PVE Police Dept., LA Co Fire Dept. and tenants of the PVE Stables

to develop a wildfire protection plan for the evacuation or safe sheltering of approximately 80 horses housed at the city facility. The PD's dispatch office now has a roster of volunteers trained to assist with horse evacuation or sheltering.

- CERT, NART, and Backpacks
Through our active Community Relations Officer over the past year, and in cooperation with LA County Fire Dept. CERT instructors, we have increased Palos Verdes Estates' CERT trained residents from 80 to 140, sold 433 Emergency backpacks to aware residents, and increased our NART radio team from 5 to 16 members.

Future Goals

- Acquisition a Cache of Emergency Supplies
Plans are underway to purchase and locate caches of emergency equipment in each of the 6 districts in the City of Palos Verdes Estates. The supplies would be things necessary to manage a disaster in accordance with the incident command system for up to 10 days. We are presently finalizing a license agreement with the Palos Verdes Unified School District.
- Practicum
To apply skills and disciplines learned through training programs, and to get to know your neighbors and District Teams, the 6 Disaster Districts, with the help of the Police and Fire Departments, will hold periodic practice drills within each of the 6 Districts. Getting to know your neighbors and the strengths and weaknesses of your neighborhood is a key element in disaster preparedness, response and recovery. These events will allow us to learn, practice and get to know each other better.
- Training
Training in Situation Awareness, Incident Management and EOC operation will continue for DDP Leaders and our volunteer district management teams.
- Get Ready
Our goal is to release the City's new Disaster Preparedness Program, Get Ready - Get Certified by fall of 2009, subject to funding. This will provide a simple-to-follow, no strings community training program that can be completed at home or work and will make it easy for all PVE residents to attain a reasonable level of preparedness.
- Funding
We estimate \$56,500 will be needed for containers w/ shelving, equipment caches, communications gear, community training programs (printing, postage, mobile command post equipment, etc.). We have submitted a County grant request and are attempting to raise as much as possible from private sources.
- Disaster Service Worker Program
In 1976 the City passed Ordinance #323 establishing a Disaster Council. The PVE Disaster

Council is accredited by the Governor's Office of Emergency Services, and is empowered to implement a Disaster Service Worker program to register and direct the activities of Disaster Service Workers (volunteer and city staff) within the area of the city and county. A Registered Disaster Service Worker program protects volunteers engaging in disaster service or prescribed training programs with worker's compensation, limited liability and accident insurance, while providing the City with an avenue for state reimbursement for volunteer deployments during a disaster. It will also provide protection for unregistered persons impressed into service during a state of war, a state of emergency, or a local emergency by any person having authority to command the aid of citizens. As the City implements its Disaster District Plan to improve overall citizen readiness, disaster mitigation plans and leadership in time of disaster, we believe that a Registered Disaster Service Worker program will provide vital protection for disaster workers and for the City. This item will be brought to the City Council for review and approval shortly.

- **Recruiting and Public Awareness**
City staff and DDP Leaders will begin making presentations to residents and community organizations to recruit 6 District Response Teams. Our goal is to establish a high level of awareness of this program and build redundancy into our District management and response team positions to ensure available leadership and coverage for long duration deployments.
- **Linguistics Team**
Develop a linguistics team to work with DDP and the public information office to translate important preparedness and emergency information for those in our community for whom English is not the first language.
- **Neighborhood Meetings**
To introduce the plan by visiting individual neighborhoods by members of city staff, including City Manager Joe Hoefgen and Police Chief Dan Dreiling.

CONCLUSION:

With the support of City Council, the efforts of Reserve Officer John Douglass and Community Relations Officer Laurie Slawson and the dedication, commitment and efforts of our local citizen leaders Julie Paterson, Steve Friedrich, Hayward Thomas, Camille Feldman, Dwight Abbott, Hal Lazar, and Bryant Winchell (NART), the City of Palos Verdes Estates is now in a much better position to survive a major disaster.

As a final note, the PVEDDP adopted the following motto: *The will to survive is not nearly as important as the will to prepare to survive—Bear Bryant.* While much remains to do, we remain optimistic with a capable and enthusiastic team.

TO: JOSEPH HOEFGEN, CITY MANAGER

FROM: JUDY SMITH, ASSISTANT CITY MANAGER

SUBJECT: ADOPTION OF THE CITY'S FY 2009-2010 BUDGET: RESOLUTIONS R09-17; ESTABLISHING THE FY 09-10 APPROPRIATIONS LIMIT, AND R09-18 ADOPTING THE ANNUAL BUDGET AND FIXING THE LIMITATION OF EXPENDITURES

The Issue

Shall the City Council adopt the required resolutions to approve the City's Fiscal Year 2009-2010 budget?

Appropriations Limit FY 2009-10

Article XIII B of the State Constitution requires the adoption of an annual appropriations limit related to certain tax proceeds. Resolution R09-17 is attached for this purpose.

The City's annual appropriations limit, also known as the "Gann" limit, may be adjusted by certain factors that the City Council, at its option, selects. The most favorable factors for the City in calculating the limit for FY 09-10 are as follows:

California per capita personal income +0.62% as reported by the State Department of Finance, and

Population increase for Los Angeles County +0.90%, as reported by the State.

Using these factors, the City's FY 2009-10 appropriations limit is \$17,193,280 of which the City's actual appropriations subject to the limitation (tax proceeds) totals \$12,126,085 or 71.6% of what is allowed.

Budget Process

On March 30, 2009, the City Council held a budget study session. The purpose of the meeting was to provide an overview of projected results for FY 08-09 and budget issue papers for FY 09-10. On May 29, 2009, the City Council held a budget study session to review the City Manager's proposed budget for FY 09-10, including new contract cost information from Los Angeles County Fire. On the evening of June 9, 2009, the City Council held a public hearing on the proposed budget. Each

of these dates was a publicly noticed meeting of the City Council with the opportunity for input by residents and other interested parties.

The following changes were made to the City Manager's recommended budget either as a result of Council direction or new information received after preparation of the budget document:

- A net change in gas tax expenditures (fund 02) of \$20,870 reflecting adjustments to finance the FY 2009-10 street sweeping contract which was awarded by Council on May 12th and retain a positive fund balance at fiscal year end.
- Additional revenue of \$18,605 related to the fire/paramedic services special tax (fund 22) as contained in the Auditor's Report approved earlier this evening and a reduction of \$47,185 for the fire and paramedic services contract estimate from L.A. County Fire.

With these changes, the City's consolidated budget (operating and capital) for FY 2009-2010 is \$20,857,110. The operating budget totals \$14,347,610. This represents a reduction of 3.35% compared to the original FY 09-10 budget and a reduction of 1.68% compared to adjusted budget for FY 08-09. The capital budget, including sewer and non-sewer projects, totals \$6,509,500.

Alternatives Available to the City Council

1. Approve Resolutions R09-17 and R09-18
2. Approve additional changes to the budget and adopt the required Resolutions.
3. Defer adopting the budget.

Recommendation

It is recommended that the City Council adopt Resolution R09-17 establishing the FY 2009-10 Appropriations Limit and R09-18 adopting the Annual Budget for FY 2009-10.