

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

March 8, 2011

A regular meeting of the City Council of the City of Palos Verdes Estates was called to order this day at 7:30 p.m. in the City Council Chambers of City Hall by Mayor Humphrey.

PLEDGE OF ALLEGIANCE

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

ABSENT: None

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

MAYOR'S REPORT – Matters of Community Interest

Mayor Humphrey reminded residents that the Disaster District Program (DDP) ribbon cutting for the final two emergency supply containers will take place on March 12th. One ceremony will be at PVHS and the second at Montemalaga School.

CONSENT AGENDA

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

- MINUTES OF THE ADJOURNED CITY COUNCIL MEETING OF FEBRUARY 15, 2011
- MINUTES OF THE REGULAR CITY COUNCIL MEETING OF FEBRUARY 22, 2011
- ADOPT RESOLUTION R11-07; AFFIRMING THE PLANNING COMMISSION APPROVAL OF NC-1400/GA-1479/M-791-10; NEIGHBORHOOD COMPATIBILITY, GRADING, AND MISCELLANEOUS APPLICATIONS FOR A NEW SINGLE FAMILY RESIDENCE LOCATED AT 700 VIA HORCADA WITH ADDITIONAL CONDITIONS.
- APPROVE THE SPECIAL EVENT APPLICATION FOR THE AMERICAN DIABETES ASSOCIATION "TOUR DE CURE" TO BE HELD ON SUNDAY, MAY 1, 2011.

COMMUNICATIONS FROM THE PUBLIC - none

NEW BUSINESS

REVIEW OF CITY POLICY REGARDING POSTING OF PROMOTIONAL AND DIRECTIONAL SIGNS ON PUBLIC PROPERTY

City Manager Hoefgen said that the report includes a significant amount of background information to help the Council understand how the current (2006) policy came to be. The policy allows for the placement of signs at two locations: 1) on the median strip on PVDW at Via Corta and 2) on the median strip on PVDW across from the Lunada Bay Fountain. Currently the City receives approximately 30 requests for posting of signs each year. There are approximately 20 signs approved for posting annually. The current policy allows for City sponsored events and City recreational club events. The current policy also allows for events conducted by a public entity or entities sponsored by the Palos Verdes Peninsula School District or the Palos Verdes Library District.

City Manager Hoefgen said there is significant case law that provides guidance on the interpretation of the first amendment's protection of freedom of speech with regard to the City's sign policy. The City Attorney's office has provided City staff guidance during this review process. Case law indicates that the City can delineate between commercial versus non-commercial signs regarding their placement on public property. The City can prohibit private advertising type signs. The City can also regulate the time, place and manner of the installation of signs. The current policy identifies two locations that signs are allowed, the size of these signs, the length of time the signs are allowed to be displayed (currently one week) and who can install the signs (currently City staff). Staff has been receiving an increasing number of sign requests and is having difficulty interpreting the current policy with regards to the entities that are asking for permission to display their signs. The City has administratively placed a hold on the installation of promotional signage while staff seeks direction from the Council. The City is not allowed to regulate the content of the signs. Another alternative would be to end the display of signs on public property within the City for outside or City sponsored events. The City Manager wondered how effective these signs are in today's electronic world.

Councilmember Goodhart said the policy was discussed in great length in 2006 and asked what specifically is causing the problem. City Manager Hoefgen said there are additional requests that do not fit nicely into the specified approved categories. Councilmember Goodhart asked if the worst case scenario is that there will be a sign displayed every week of the year and if there are more than 52 requests which group has priority. City Manager Hoefgen said that is one concern – the past practice has been that the Council would like a limited number of signs displayed which will get increasingly more difficult with each approval as the City cannot regulate the content or number of signs.

Councilmember Bird said the current policy is on a "first come, first served" basis. He asked if staff's issue is that the Council will be unhappy due to the number of signs being approved and unhappiness from the citizenry due to a sign being displayed every week. City Manager Hoefgen said that is an issue. Councilmember Bird asked if any complaints had been received from residents regarding the number of signs displayed by the City. City Manager Hoefgen responded that he was not aware of any complaints. Councilmember Bird asked, again, what is causing the problem.

City Attorney Hogin interjected that the staff believes the reason the policy has specific allowable categories was to limit the number of signs displayed in the City. As more applications are being

submitted the policy is being more and more broadly interpreted as different sub-groups of the allowable groups are approved. The staff is asking for direction from the Council.

Mayor Humphrey said years ago there were no signs allowed within the City, then Council implemented a sign policy sometime around 1993 and the policy has grown from that point. The biggest concern was not to have a proliferation of signs and also to try to allow community based organizations.

Councilmember Perkins asked if the Council could limit the number of weeks that signs are allowed to be displayed. Attorney Hogin said that would be allowed. Councilmember Perkins said in allocating those weeks, would it be permissible to have standing weeks for certain recurring events. Attorney Hogin said if it is just five or six events, that would be permissible. Councilmember Perkins asked that if such a policy was adopted and later the Council decided that, for whatever reason, the signs were making residents unhappy, could the policy be abolished and a no-sign policy implemented. Attorney Hogin said the Council could change the policy at any time – as long as there are other ways for groups to get their message to residents.

Mayor Humphrey said that there could be a student group that could have a message that may be offensive to some residents and they would be allowed to display their sign.

Mayor Pro Tem Rea said the staff recommendation is to move away from the existing policy due to pragmatic issues in interpreting the policy and how to apply it and also due to the inadvertent impact the current policy has on choice of speakers.

Attorney Hogin said a new policy could limit the signs to only allow City events.

Mayor Pro Tem Rea asked if this included the City concessions. Attorney Hogin said the first amendment is a murky world – since the City owns the properties she believed this would be allowed to a certain extent. Mayor Pro Tem Rea wondered how the City would distinguish this from commercial speech. Attorney Hogin said commercial speech invites a commercial transaction or has a predominately economic motivation.

Mayor Pro Tem Rea said the City cannot pick and choose which entities are allowed access.

Mayor Humphrey said this would include any organization from anywhere whether it benefits the community or not. Attorney Hogin said any non-commercial organization.

Councilmember Bird asked if the City had received any applications in the last few years from an organization that did not benefit the community in some way that was not from the School District or Library and the City did not approve it. Mayor Humphrey recalled a medical marijuana group wanted to advertise. Administrative Analyst Alexa Davis said the types of signs that are not approved are usually from non-profit organizations promoting some type of fundraiser.

Debby Stegura from the Athletic Booster Club from Peninsula High School said she had submitted an application to post a sign advertising the Black and Gold Affair to be held at the PV Golf Club. The Athletic Booster Club has provided over \$200,000 per year to all levels of athletics at Peninsula High School for the past five years. The annual Black and Gold event raises about \$75,000. She urged the

Council not to ban the signs altogether in PVE. She has been told by the City that the Black and Gold Affair was not within the policy parameters. She had a letter from the School District Superintendent that the Booster Club is a school related organization and should be considered within the sign policy. She believes their application should have been approved.

Kathy Pape the Director of the Peninsula Education Foundation (PEF) said that utilizing the signage in PVE is a way to make the community aware of these types of events. The PEF hopes to raise \$2.5 million this year with a very small marketing budget. With the bad economy, now is not the time to pull a valuable resource from community organizations. She understands the Council needs to draw a line - but asked the Council not to cut signage. She reminded the Council that the PEF supports all kids at all Peninsula schools. She asked the Council to keep a sign policy in place.

Mayor Pro Tem Rea said Ms. Pape made a good point in that the issue is where to draw the line. He has not had anyone complain to him about the signs so he would support modification of the policy – time, place and manner.

Councilmember Goodhart supported limiting the number of signs and reserving specific weeks for annual events of specific organizations. He believed the only organizations that were being denied were organizations such as the PTA and Las Candalistas.

City Manager Hoefgen said there are various non-profits that are not school, library or City related – such as Las Candalistas, Peninsula Chamber of Commerce, etc.

Councilmember Goodhart said it may turn into people camping out a year in advance to be sure to reserve their desired week.

Councilmember Perkins would like to keep the signs but was not sure how to get around the first come, first served problem and groups camping out to obtain their desired week.

Councilmember Bird was in favor of modifying the policy to reflect current legal practice. He thinks the policy would need to continue to have a first come, first served basis or it would be too difficult on the staff to manage. He had concerns regarding limiting the number of weeks signs would be allowed. He supported helping community organizations that have a public purpose and benefit.

Mayor Pro Tem Rea asked if reserving certain weeks for specific organizations would be allowable. Attorney Hogin said it is allowable if the organization is a real subset – but only six or seven or it may seem like all weeks are pre-reserved.

Mayor Humphrey said, historically, PVE wants to support the local community and the sign policy was put in place to make sure that the events that were promoted were local community events. The City has been approached, in the past, by organizations that may be somewhat offensive to the community. She wanted to make it clear that any organization anywhere could post a sign with any language they wanted.

Councilmember Goodhart asked if the Council were to amend the policy to include only community-based non-profit organizations – would that be permissible. Attorney Hogin said it would not as it would be picking the speaker.

Mayor Humphrey said one of the problems staff has run into in the last year is the policy only allows organizations that are part of the School District or Library District and there are different clubs asking the Superintendent to be sponsored by the School District in order to skirt the policy limitations.

Councilmember Goodhart suggested the Council create a sub-committee to work with staff to modify the policy.

Mayor Pro Tem Rea was concerned with the idea of picking and choosing organizations that are allowed to have signs reserved for particular weeks. Councilmember Perkins shared Mayor Pro Tem Rea's concerns - why should one group that supports schools be allowed a reserved week over another group that also supports schools. Councilmember Bird agreed.

Councilmember Perkins would like to open the policy up to all non-profits and reserve weeks only for City events.

There was discussion on what is considered a City events such as National Night Out and the PVE CARES Health Fair, but Lunada Bay and Malaga Cove Homeowners' Association are not City events.

Mayor Humphrey said if too many outside organizations were submitting applications to post signs then the Council could revisit the policy and decide against allowing non-profit organizations to post signs.

Councilmember Bird asked to what extent political signage would be allowed. Attorney Hogin said political signs would be allowed.

Councilmember Perkins asked if the City could have sign-free weeks designated. Attorney Hogin said that would be allowed.

Councilmember Perkins asked if the City charged a fee for posting signs. Analyst Davis said there is no fee from the City.

Mayor Pro Tem Rea suspected that the City would not need to have reserved weeks for particular organizations as they will submit their applications way in advance.

Councilmember Goodhart asked if it made sense to have a Council sub-committee. City Manager Hoefgen said it would be helpful to have Council's input on a revised policy.

There was discussion about organizations that have pending applications. Council gave staff direction to allow the Black and Gold Affair to post a sign if it they still desired to do so.

Mayor Humphrey said there was a consensus to modify the current policy to allow signage in the City with the caveats of limiting the number of weeks in a year or assigning particular groups certain weeks, keeping "first come, first served" and keeping the six months in advance and no later than two weeks prior to an event timeline. The Council was not in support of charging a fee.

Mayor Humphrey said the Peninsula Education Foundation has a Fall campaign, the Black and Gold event is usually in the Spring and those may be two groups that could have reserved weeks.

Mayor Pro Tem Rea asked if Council was giving direction to staff to give priority to certain groups. Councilmember Goodhart believed it was not allowed. Mayor Humphrey believed certain weeks could be assigned to specific groups. Attorney Hogin said that the Council could have a policy that is “first come, first served” but certain designated weeks be set aside for some annual events.

Mayor Humphrey asked City Manager Hoefgen if he would prefer to put together a draft policy with the City Attorney or would he prefer a Council sub-committee also. City Manager Hoefgen said he would prefer to work with a sub-committee.

There was discussion regarding revisiting the policy if the tone and tenor of the signs became overwhelmingly negative or controversial.

City Manager asked the Council for volunteers to serve on the sub-committee. Mayor Humphrey and Mayor Pro Tem Rea will serve on the Council ad-hoc committee to review the sign policy.

It was moved by Councilmember Goodhart, seconded by Mayor Pro Tem Rea and unanimously approved to continue the review of the existing policy regarding posting of promotional and directional signs on public property and to have Mayor Humphrey and Mayor Pro Tem Rea serve as the ad-hoc committee to assist staff in drafting a revised sign policy for future consideration by the Council.

STAFF REPORTS

City Manager’s Report

City Manger Hoefgen reported on a power outage affecting approximately 16,000 customers due to a fire at an Edison substation.

DEMANDS

It was moved by Mayor Pro Tem Rea and seconded by Councilmember Bird that the demands, as approved by a majority of the City Council, totaling \$215,670.96 be allowed and it was unanimously approved.

It was moved by Mayor Pro Tem Rea and seconded by Councilmember Bird that the demands, as approved by a majority of the City Council No. 519112 to 519174 totaling \$84,025.47 be allowed and it was unanimously approved.

MAYOR & CITY COUNCILMEMBERS’ REPORTS

Several members of the Council attended the SBCCOG General Assembly on February 25th.

Several members of the Council attended the SBESC presentation on Water Reliability and Energy Upgrades held at the PVE City Hall. The information from the presentation was also available on the PVE website.

Mayor Pro Tem Rea and Councilmember Bird attended a PV Beach and Athletic Club Liaison meeting held on February 28th. The PVBAC has tentatively agreed to expand the summer youth swim lesson program available to non-members. The waitlist discussion was also tabled at the meeting.

Mayor Humphrey announced that Councilmember Goodhart was elected to be Chair of PV Transit Board.

Mayor Humphrey reported that at the PV Golf Club Liaison meeting held on March 8th it was reported that the Golf Club has had success with the recent marketing effort to find new members.

ADJOURNMENT

There being no further business before Council the meeting was adjourned at 9:10 p.m. to Wednesday, March 16th, at 7:00 p.m. in the City Council Chambers of City Hall.

RESPECTFULLY SUBMITTED,

MICHÉLE D. MONSON, MINUTES SECRETARY

APPROVED:

ROSEMARY HUMPHREY, MAYOR