



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.

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

April 14, 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. R09-12
NEXT ORDINANCE NO. 09-689

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

MAYOR'S REPORT – Matters of Community Interest

- Announcement of Appointment of Planning Commission Chair and Vice-Chair (Mayor Perkins)

CITY COUNCIL AGENDA
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CONSENT AGENDA (Items 1-5)

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. 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 March 24, 2009

Recommendation: Review and File.

2. Resolution R09-10; Authorizing City Officials to Conduct Transfers with the Local Agency Investment Fund

Recommendation: It is recommended that the City Council adopt Resolution R09-10 authorizing specific City officials to initiate the deposit and withdrawal of City funds with LAIF.

3. Resolution R09-11; Adjusting Parking Citation Fines to Accommodate an Increase in the State Courthouse Construction Surcharge

Recommendation: It is recommended that the City Council adopt Resolution R09-11 amending the bail schedule to increase parking citation fines by \$5.00 to accommodate an increase in the State Courthouse Construction Fee surcharge placed on parking citations.

4. Special Event Application for the Palos Verdes Marathon on Saturday, May 2, 2009

Recommendation: It is recommended that City Council approve the Special Event Application for the PV Marathon, May 2, 2009, from 7:00AM to 2:00 PM.

5. Special Event Application for the American Diabetes Association to Hold Cycling Event "Tour De Cure" on Sunday, May 31, 2009

Recommendation: It is recommended that City Council approve the Special Event Application for the "Tour De Cure" Cycling Event on May 31, 2009, from 8:00AM to 12:00PM.

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

NEW BUSINESS

6. Palos Verdes Tennis Club Request for Changes Related to Guest Fees and Guest Play

Recommendation: It is recommended that the City Council approve the proposed changes to the Tennis Club guest (non-member) fees establishing \$15 for residents and \$20 for non-residents and limiting guest play to two times per month.

7. Award of a Professional Services Agreement to Hilton, Farnkopf, and Hobson Consultants for Development of a Road Impact Fee to Recover Maintenance Costs Associated with Private Construction Projects and Refuse Vehicles

Recommendation: It is recommended that the City Council award a professional services agreement to Hilton, Farnkopf, and Hobson Consultants for development of a road impact fee to recover maintenance costs associated with private construction projects and refuse vehicles.

STAFF REPORTS

8. City Manager's Report

DEMANDS

9.
 - a. Authorize Payment of Motion #1 – Payroll Warrant of April 3, 2009
 - b. Authorize Payment of Motion #2 – Warrant Register of April 14, 2009

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

MAYOR & CITY COUNCILMEMBERS' REPORTS

ADJOURNMENT TO TUESDAY, APRIL 28, 2009, IN COUNCIL CHAMBERS OF CITY HALL AT 7:30 PM FOR THE PURPOSE OF A REGULAR MEETING.

- *This City Council meeting can be viewed on Cox Cable, Channel 35, Wednesday, April 15, 2009, at 7:30 p.m., and Wednesday, April 22, 2009, at 7:30 p.m.*

CITY COUNCIL AGENDA
APRIL 14, 2009

TO: JOSEPH HOEFGEN, CITY MANAGER
FROM: JUDY SMITH, ASSISTANT CITY MANAGER
SUBJECT: RESOLUTION R09-10; AUTHORIZING CITY OFFICIALS TO
CONDUCT TRANSFERS WITH THE LOCAL AGENCY INVESTMENT FUND

The Issue

Shall the City Council adopt Resolution R09-10 authorizing specific City officials to initiate deposit and withdrawal of City funds with LAIF?

Analysis and Findings

The City has a standing resolution, which authorizes the use of the State Local Agency Investment Fund (LAIF) through the California State Treasurer's Office for the periodic deposit and investment of City money.

Because of changes in City personnel, most notably the election of a new City Treasurer, it is necessary to adopt a resolution specifically authorizing by name and title, those individuals permitted to initiate City transactions with LAIF. Resolution R09-10 is attached for this purpose and once approved, a copy must be transmitted to the State Treasurer's Office.

The resolution need only address the subject of those persons authorized to conduct business on behalf of the City. The names and titles included in the resolution are: Joseph C. Sherwood, Jr., City Treasurer; Judy Smith, Assistant City Manager and Lori Yamasaka, Financial Services Manager. Personnel no longer authorized to conduct business on behalf of the City have been deleted through another form provided by LAIF, which was signed by the Assistant City Manager and former Treasurer Ritscher, before his departure. Two signatures are required to make any changes to the above designations and with the departure of Treasurer Ritscher; the City no longer has two individuals as authorized by resolution.

Recommendation

It is recommended that the City Council adopt Resolution R09-10 authorizing specific City officials to initiate the deposit and withdrawal of City funds with LAIF.

TO: JOE HOEFGEN, CITY MANAGER
FROM: DANIEL DREILING, POLICE CHIEF
SUBJECT: RESOLUTION R09-11 ADJUSTING PARKING CITATION FINES TO ACCOMMODATE AN INCREASE IN THE STATE COURTHOUSE CONSTRUCTION SURCHARGE
DATE: April 14, 2009

Issue:

Should City Council adopt Resolution R09-11 increasing parking citation fines by \$5 to accommodate a \$4.50 increase in the State Courthouse Construction Fee surcharge placed on all paid parking citations?

Background and Analysis:

During calendar year 2008, the State Legislature passed Senate Bill 1407. This bill had two impacts on the City: it increased courthouse construction fund fee by \$3, and reestablished a prior fee of \$1.50 for a similar courthouse purpose (the latter fee was originally collected by the County, but lapsed at the end of 2007 – SB1407 re-established the charge). The two fees have the cumulative effect of adding \$4.50 in new surcharges to our parking citations. Note: this is in addition to the existing surcharge for County Facilities and Courthouse Construction fees of \$5.00 per citation bringing the total surcharge to \$9.50 (refer to table below). This added surcharge, if not recovered, would directly result in reduced revenue to the City.

DESCRIPTION	AMOUNT	CODE SECTIONS
County/State Courthouse Construction Fund	\$2.50	G.C. 76100, G.C. 76000(b)
County/State Criminal Justice Facilities Construction Fund	\$2.50	G.C. 76101, G.C. 76000(b)
State Court Facilities Construction Fund (SB 1407)	\$1.50	G.C. 70372(b)
State Critical Needs Facilities Construction Fund (SB 1407)	\$3.00	G.C. 70372(b)
Total	\$9.50	

In calendar year 2008 the Police Department issued 3,525 parking citations, generating \$124,138 in revenue. Using like numbers in 2009, this increase in surcharge if not incorporated in our bail schedule, will result in a loss of revenue to the City of approximately \$16,000 (to approximately \$108,000). While it is important to revisit our bail schedule periodically, the last adjustment to it was done in 1992. It is appropriate at this time to amend our bail schedule to meet the increased surcharge and avoid a reduction in revenue. The following chart is a reflection of our current bail schedule with respect to parking violations; included is a column with the proposed increase of \$5.

California Vehicle Code Violations			Current	Proposed
2113a	Public grounds or school trespass		\$40	\$45
22500E	In or blocking driveway		\$25	\$30
22500h	Double parking		\$25	\$30
22502A	Wrong side of road		\$25	\$30
22507.8	Parking or blocking handicap space		\$330	\$335
22514	By fire hydrant		\$30	\$35
5200	One plate only		\$30	\$35
5204	No current tabs		\$30	\$35
PVE Municipal Code Violations				
10.44.030	Prohibited parking area		\$30	\$35
10.44.040	Parking space markings		\$30	\$35
10.44.150	City property posted		\$30	\$35
10.44.160	Private property		\$30	\$35
10.44.010	Ten minute zone		\$30	\$35
10.48.020	Thirty minute zone		\$30	\$35
10.48.030	One hour zone		\$30	\$35
10.48.040	Two hour zone		\$30	\$35
10.48.060	Commercial vehicle		\$30	\$35
10.52.020	Red, Yellow or White zone		\$30	\$35
10.52.070	No parking in alley		\$30	\$35

Although the new surcharge will add an additional \$4.50 per violation, we are recommending a \$5 increase in the bail schedule for each violation. For the vast majority of citations issued by the Palos Verdes Estates Police Department, the bail schedule will increase from the current rate of \$30 to the new amount of \$35. Having checked with some of the other agencies we find that the \$35 amount is not out of the ordinary. For simplicity, I have chosen the municipal code violation for a Red Curb parking violation for each of the below municipalities and the corresponding bail amount:

City	Red Curb Violation
Torrance	\$35
Redondo Beach	\$35
Hermosa Beach	\$45
Manhattan Beach	\$40
El Segundo	\$35

Alternatives Available To Council:

- Adopt Resolution R09-11, adjusting the bail schedule to increase parking violations by \$5.
- Amend Resolution R09-11 to increase the bail schedule to a higher amount.
- Deny Resolution, thus taking no action at this time.

Recommendations:

It is recommended that the City Council adopt Resolution R09-11 amending the bail schedule to increase parking citation fines by \$5.00 to accommodate an increase in the State Courthouse Construction Fee surcharge placed on parking citations.

Budget Impact:

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If adopted, this Resolution will result in a nominal increase in revenue from parking citations of approximate \$1700 annually.

Attachments:

Resolution R09-11

TO: JOSEPH M. HOEFGEN, CITY MANAGER
FROM: ALEXA D. DAVIS, ADMINISTRATIVE ANALYST
SUBJECT: SPECIAL EVENT APPLICATION FOR THE PALOS VERDES MARATHON
ON SATURDAY, MAY 2, 2009
DATE: APRIL 14, 2009

ISSUE

Shall a Special Event Application be approved for the 43rd Annual Palos Verdes Marathon to run a portion of its course through Palos Verdes Estates?

BACKGROUND

The 43rd Annual Palos Verdes Marathon will be held on Saturday, May 2, 2009 from 7:00 a.m. to 2:00 p.m. on the Palos Verdes Peninsula. While the Kiwanis Club of Rolling Hills Estates sponsors the race, it is professionally organized by W2 Promotions and is widely supported by our residents and the Peninsula Community. The event is publicized using local and national print media, as well as through a published brochure available locally. Runners participate from all over the United States. The event benefits several community programs such as the REACH Program, Toberman Settlement House, High School Graduate Scholarships, Peninsula Education Foundation, Harbor Interfaith Shelter, and the Boys and Girls Club.

This is the fourteenth year the course has traveled this route through the City. Although the entire marathon, which includes a 5k run/walk portion, has over 2000 participants, only 400-500 participants complete the course that includes Palos Verdes Estates. The race will commence in San Pedro at Point Fermin Park and run north along Palos Verdes Drive South through Rancho Palos Verdes, entering Palos Verdes Estates via Palos Verdes Drive West. The race continues north to Paseo Lunado and turns west to Via Anacapa, on to Via Pacheco. The route continues south on Via Pacheco and back to Via Anacapa; to Paseo del Mar; north on Paseo del Mar to Yarmouth; west on Yarmouth to Rocky Point Road. Runners will then travel south on Rocky Point Road around the circle to Paseo del Mar north on Paseo del Mar to Chiswick; east on Chiswick to Dalton Road, south on Dalton Road to Yarmouth Road; west on Yarmouth to Paseo del Mar; south on Paseo del Mar as it becomes Paseo Lunado; east on Paseo Lunado to Anacapa and south on Anacapa to Palos Verdes Drive West. Maps are attached for further explanation.

All municipal departments have preliminarily reviewed and approved the Special Event Application. As has been traditionally done, our Police Department successfully handles traffic control within City limits. Historically, there have never been any street closures as runners run at varied paces and only use the side of the street. All fees have been paid and the Certificate of Insurance and Indemnification Agreement have been received.

ALTERNATIVES AVAILABLE TO COUNCIL

1. The City Council may approve the application.
2. The City Council may approve the application, but impose restrictions or additional conditions on the sponsors of the event.
3. The City Council may not approve the application.

RECOMMENDATION

It is recommended that the City Council approve the Special Event Application for the 43rd Annual Palos Verdes Marathon to be held on Saturday, May 2, 2009 from 7:00 a.m. to 2:00 p.m.

Attachments

TO: JOSEPH M. HOEFGEN, CITY MANAGER

FROM: ALEXA D. DAVIS, ADMINISTRATIVE ANALYST

SUBJECT: SPECIAL EVENT APPLICATION FOR AMERICAN DIABETES ASSOCIATION TO HOLD CYCLING EVENT, "TOUR DE CURE," SUNDAY, MAY 31, 2009

DATE: APRIL 14, 2009

THE ISSUE

Shall the City Council approve a Special Event Application by the American Diabetes Association to hold its "Tour de Cure" Ship to Shore Cycling Event on Sunday, May 31, 2009?

BACKGROUND AND ANALYSIS

The American Diabetes Association is requesting permission to run a portion of their fundraising bike ride through Palos Verdes Estates. The last requested and Council approved special event permit for the cycling event benefiting the American Diabetes Association was in 2006. They have held a total of two successful events in the City.

The "Tour de Cure" will begin and end in Long Beach. The Palos Verdes leg enters through Via Campesina to Via Corta. The route continues south on Palos Verdes Drive West, exiting right onto Paseo del Mar beyond Bluff Cove, and continuing south until exiting east on Paseo Lunado and then south onto Palos Verdes Drive West.

An estimated 400 riders are expected to enter and exit the city in a staggered manner over a four-hour period. The Police Department requires that the cyclists obey all traffic laws. Safety and monitoring of riders' progress is also provided by the American Diabetes Association staff and volunteers. Based on the success of prior events by this organization, the traffic impact should be minor.

The Special Event Application has been preliminarily approved by all departments. All fees have been paid and the Certificate of Insurance and Indemnification Agreement have been received.

ALTERNATIVES AVAILABLE TO THE CITY COUNCIL

1. Council may approve the Special Event Application for the American Diabetes Association's "Tour de Cure" Cycling Event.
2. Council may choose not to approve the Special Event Application.

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3. Council may impose additional conditions or restrictions on the sponsors of the event.

RECOMMENDATION

It is recommended that City Council approve the Special Event Application for the “Tour de Cure” Cycling Event on May 31, 2009, from 8:00 a.m. to 12:00 p.m.

Attachments

TO: JOSEPH M. HOEFGEN, CITY MANAGER
FROM: JUDY SMITH, ASSISTANT CITY MANAGER
SUBJECT: PALOS VERDES TENNIS REQUEST FOR CHANGES RELATED TO GUEST FEES AND GUEST PLAY

The Issue

Shall the City Council approve a request from the Palos Verdes Tennis Club (PVTC) for an increase in guest fees and implementation of restrictions on guest play?

Analysis and Findings

On March 10, 2009 as part of a comprehensive review of membership and recruitment, the PVTC Board of Directors reviewed and approved changes related to guest fees and guest play. The Board, in conformance with the concession agreement, is requesting City Council approval of the proposed changes.

The Tennis Club defines “guest” as a non-member, either resident or non-resident. The Club does not distinguish between day use (drop in play) by non-members and those individuals playing with a Club member. In either circumstance, the person is considered a guest. There is no limit on the number of times a non-member may play during a month; though limiting non-member play is standard practice among other tennis facilities in the South Bay. Currently, non-members pay \$10 before 12 noon whether they are residents or non-residents. The afternoon/evening rate is \$7 for residents and \$8 for non-residents.

The Club has noted an increase in non-member play and a corresponding increase in the demand for evening play. At the same time, the Club is experiencing a decline in memberships, which, as indicated in the attached letter, now stands at 380. The proposed changes, to increase the guest (non-member) fee to \$15 for resident and \$20 for non-resident, regardless the time of day, and limit play to two times per month, are intended to make memberships more attractive. With monthly resident dues at \$65, a resident non-member can play nine times per month at the afternoon/evening rate, before exceeding the dues.

Several years ago, the Council considered and approved a similar request from the Beach and Athletic Club regarding day rates and restrictions on guests during the summer months. While that

Club was not experiencing a decline in membership, the rationale was similar in that there was a desire to improve the economic advantage of membership.

The Tennis Club has a generous payment plan for the initiation fee, currently \$2,000 for residents, which is restricted to financing capital improvements. The Club does not believe the initiation fee is an impediment to full membership. In addition, the Club relies on the predictable revenue stream generated by member monthly dues as a means to finance daily operations and maintaining membership between 385 and 400 is critical to its fiscal condition.

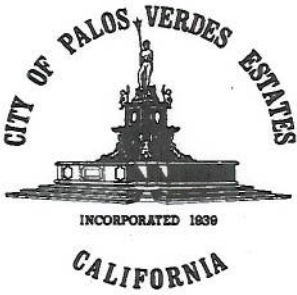
The Council liaisons, Humphrey and Bird, were contacted individually by staff and did not express any objection to the proposed changes. Representatives of the Club will be in attendance at the Council meeting to answer any questions.

Alternatives Available to the City Council

1. Approve the proposed changes to guest (non-member) fees and play.
2. Decline to approve the changes.

Recommendation

It is recommended that the City Council approve the proposed changes to the Tennis Club guest (non-member) fees establishing \$15 for residents and \$20 for non-residents and limiting guest play to two times per month.



MEMORANDUM

Agenda Item #: 7
Meeting Date: 4/14/09

TO: *JMH* JOSEPH M. HOEFGEN, CITY MANAGER
FROM: ALLAN RIGG, PUBLIC WORKS DIRECTOR *AR*
SUBJECT: AWARD OF A PROFESSIONAL SERVICES AGREEMENT TO HILTON, FARNKOPF, AND HOBSON CONSULTANTS FOR DEVELOPMENT OF A ROAD IMPACT FEE TO RECOVER MAINTENANCE COSTS ASSOCIATED WITH PRIVATE CONSTRUCTION PROJECTS AND REFUSE VEHICLES
DATE: APRIL 14, 2009

The Issue

Should the City Council award a Professional Services Agreement to Hilton, Farnkopf, and Hobson Consultants for Development of a Road Impact Fee to Recover Maintenance Costs associated with Private Construction Projects and Refuse Vehicles?

Background and Analysis

The City has experienced a shortfall in funding for roadway maintenance and rehabilitation since the expiration of the utility users tax in 2003. Our current funding for roadways is a combination of state funding, special discretionary funds, and transfers from the general fund. We have recently exhausted most of the accumulated funding within our AB939 Fund, our STPL funds, and Proposition C funds, each of which took approximately five years to accumulate.

The future is rather bleak for future funding of our roadways as we have depleted much of our reserves and there is limited potential for receiving street rehabilitation funds from the Economic Stimulus Funds. As we know from our Pavement Management System and from various studies, if we allow our roadways to deteriorate we will end up paying exponentially higher costs, so we must make sure to spend the necessary funds before falling behind.

It has been a common perception for years that construction traffic causes great damage to our streets. In fact, the Planning Commission charged a "road impact fee" on projects with large export amounts up until year 2000. At that time we reviewed the policy and found that we could not find a solid formula or means to compute the fee for damage to the roadway based on the size

of a particular project. We researched many other cities and found that they could not find the nexus either and did not charge any such type of fee.

In early 2008 we became aware of a survey performed by the California League of Cities that listed various cities who responded to a survey regarding Roadway Impact Fees. Out of the seven cities that responded, three cities have recently implemented fees that charge a construction project for the damage caused to the roadways by the construction vehicles (as opposed to fees collected for road widenings and to mitigate other impacts caused by permanently increased volumes). One of the cities in the survey is Hillsborough, and due to our similar community size and character, we chose to research their process further.

The fee they established is based upon a study done by a consultant that determines the amount of traffic on the city streets due to construction vehicles, refuse vehicles, and also total traffic on city streets. The traffic is measured as equivalent single axle loads. Equivalent single axle loads are used to account for the increased weight and damage caused by construction and refuse vehicles. Using the axle load calculations, the percentage of construction and refuse vehicle traffic compared to total traffic is applied to the costs of the City's road rehabilitation program, which produces the cost of the road program to be funded by construction projects and by the refuse company. These costs are then spread out to all construction permits and to residents receiving refuse collection services.

In our City, the total average budget for roadways is \$550,000 per year and there is no ongoing funding source except for \$100,000 per year of gas tax funds, so the unfunded annual balance is \$450,000. Assuming 50% of the traffic, as measured in equivalent single axle loads, in the City is due to construction and refuse vehicle traffic, there would be a total impact fee of \$225,000.

The consultant that prepared the analysis for Hillsborough was HF&H Consultants. In 2008 they provided us with a cost of \$22,500 to perform a formal analysis from which we could set a rate. Based on this estimate, the City Council added the analysis as part of the City's fiscal year 2008/2009 budget.

Staff developed a scope of work and advertised for consultants to propose to perform the study. Requests for Proposal were sent directly to several firms and to Integrated Marketing Systems, a firm that advertises professional services for cities to consultants. As we were aware of the specialized nature of this work, we were not surprised when we only received one proposal which was from HF&H consultants. What did surprise us was that the price had dropped to \$20,000.

HF&H has performed similar services for 35 jurisdictions within California and they are highly experienced in this type of work. They have an excellent reputation within the public sector and staff feels confident we will receive a high-quality analysis.

Alternatives Available to Council

The following alternatives are available to the City Council:

1. Award a Professional Services Agreement to Hilton, Farnkopf, and Hobson Consultants for Development of a Road Impact Fee to Recover Maintenance Costs associated with Private Construction Projects and Refuse Vehicles.
2. Decline to act.

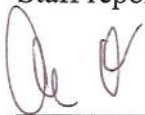
Recommendation from Staff

Staff recommends that the Council award a Professional Services Agreement to Hilton, Farnkopf, and Hobson Consultants for Development of a Road Impact Fee to Recover Maintenance Costs associated with Private Construction Projects and Refuse Vehicles.

Fiscal Impact

The current budget has \$25,000 allocated for this analysis, so there are sufficient funds budgeted.

Staff report prepared by:



Allan Rigg, Public Works Department