

July 12, 2011
6:30 P.M.
Council Chambers of City Hall
340 Palos Verdes Dr. West
Palos Verdes Estates

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

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

The City Council welcomes and encourages public participation at the Council meetings; however, to allow for the orderly progression of business, each person wishing to comment or make a presentation shall be limited to three (3) minutes. Anyone wishing to address the City Council shall 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. R11-18
NEXT ORDINANCE NO. 11-699**

CALL TO ORDER

PUBLIC COMMENT ON CLOSED SESSION ITEM(S)

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

This time has been set aside for the City Council to meet in a closed session to discuss the matters listed below pursuant to Government Code § 54957 and § 54957.6. The Mayor or City Attorney

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

- **CONFERENCE WITH LABOR NEGOTIATORS**

Pursuant to Government Code § 54957.6

Agency designated representatives: Assistant City Manager Smith, Administrative Analyst Davis, Attorney Scott Tiedemann

Employee Organizations: Palos Verdes Estates Public Service Employees, Palos Verdes Estates Police Officers Association

- **PUBLIC EMPLOYMENT**

Government Code § 54957

Title: City Manager

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

PLEDGE OF ALLEGIANCE

ROLL CALL

MAYOR'S REPORT – Matters of Community Interest

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. City Council Minutes of June 28, 2011

Recommendation: Review and Approve.

2. Treasurer's Monthly Report – June 2011

Recommendation: Receive and File.

3. Resolution R11-17; Affirming the Planning Commission Denial of WT-115-10; Wireless Telecommunication Facilities Application for Equipment Proposed within the City Right-of-Way Adjacent to 2827 Via Victoria

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Recommendation: It is recommended that the City Council adopt Resolution R11-17; affirming the Planning Commission denial of WT-115-10; Wireless Telecommunication Facilities application for equipment proposed within the City Right-of-Way adjacent to 2827 Via Victoria; Lot 7, Tract 30393.

4. Designation of Voting Delegate – League of California Cities Annual Business Meeting

Recommendation: It is recommended that the City Council designate Council member Goodhart as the voting delegate to represent the City at the Annual Business Meeting of the League of California Cities and authorize the City Clerk to sign the voting delegate form.

5. Claim Rejection – Coy, Elliott

Recommendation: It is recommended that the City Council reject the claim of Elliott Coy.

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

6. Parklands Committee Meeting Item of June 13, 2011: PC-330-11; Application to Retain and Maintain Non-Standard Items Located in the Parklands Adjacent to the Rear of 1602 Espinosa Circle

Applicant: Steven and Susan Andelson
1602 Espinosa Circle
Palos Verdes Estates, CA 90274

Recommendation: It is recommended that the City Council concur with the Parklands Committee and allow the resident of 1602 Espinosa Circle to maintain an area of turf within the parklands adjacent to 1602 Espinosa Circle, but deny the resident to maintain the statue in the parklands.

NEW BUSINESS

7. Review and Engineering Design Proposal for Traffic Calming Improvements on Via Del Monte from KOA Corporation

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Recommendation: It is recommended that the City Council approve a professional services agreement in the amount of \$9,800 with KOA Corporation for the review and engineering design of traffic calming improvements on Via Del Monte.

STAFF REPORTS

8. City Manager's Report
 - Presentation of FY 2011-12 Work Program

DEMANDS

9.
 - a. Authorize Payment of Motion #1 – Payroll Warrant of July 8, 2011
 - b. Authorize Payment of Motion #2 – Warrant Register of July 12, 2011 (FY 10-11)
 - c. Authorize Payment of Motion #2a – Warrant Register of July 12, 2011 (FY 11-12)

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

MAYOR & CITY COUNCILMEMBERS' REPORTS

- **Report of Council Subcommittee – Organizational Analysis RFP**
(Mayor Rea/Mayor Pro Tem Bird)
- **City Council Policy Retreat** (Mayor Rea) - Solicit Council input on possible meeting date and topics of discussion.

ADJOURNMENT TO TUESDAY, JULY 26, 2011, IN COUNCIL CHAMBERS OF CITY HALL FOR THE PURPOSE OF A REGULAR MEETING.

- *This City Council meeting can be viewed on Cox Cable, Channel 35, Wednesday, July 13, 2011 at 7:30 p.m., and Wednesday, July 20, 2011, at 7:30 p.m.*

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TO: JUDY SMITH, ASSISTANT CITY MANAGER

FROM: ALLAN RIGG, PLANNING DIRECTOR

SUBJECT: RESOLUTION R11-17; AFFIRMING THE PLANNING COMMISSION DENIAL OF WT-115-10; WIRELESS TELECOMMUNICATION FACILITIES APPLICATION FOR EQUIPMENT PROPOSED WITHIN THE CITY RIGHT-OF-WAY ADJACENT TO 2827 VIA VICTORIA. LOT 7, TRACT 30393

DATE: JULY 12, 2011

The Issue

Should the City Council adopt Resolution R11-17 affirming the Planning Commission denial of WT-115-10; Wireless Telecommunication Facilities application for equipment proposed within the City right-of-way adjacent to 2827 Via Victoria?

Background and Analysis

On June 28, 2011, the City Council conducted a public hearing to consider the appeal of the Planning Commission's denial of WT-115-10; Wireless Telecommunication Facilities application for equipment proposed within the City right-of-way adjacent to 2827 Via Victoria.

After considering the facts and testimony, the City Council voted (4-0) to affirm the Planning Commission denial of WT-115-10; Wireless Telecommunication Facilities application for equipment proposed within the City right-of-way adjacent to 2827 Via Victoria.

This resolution confirms that decision.

Alternatives Available to Council

The following alternatives are available to the City Council:

1. Adopt Resolution R11-17; affirming the Planning Commission denial of WT-115-10; Wireless Telecommunication Facilities application for equipment proposed within the City right-of-way adjacent to 2827 Via Victoria.
2. Decline to act.

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Recommendation from Staff

It is recommended that the City Council adopt Resolution R11-17; a Resolution of the City Council of the City of Palos Verdes Estates, California, affirming the Planning Commission denial of WT-115-10; Wireless Telecommunication Facilities application for equipment proposed within the City right-of-way adjacent to 2827 Via Victoria.

Staff report prepared by:
Stacey Kinsella
Planning Department

TO: MAYOR AND CITY COUNCIL
FROM: JUDY SMITH, ASSISTANT CITY MANAGER
SUBJECT: DESIGNATION OF VOTING DELEGATE - LEAGUE
OF CALIFORNIA CITIES ANNUAL BUSINESS MEETING

The Issue

Shall the City Council designate the voting delegate to represent the City at the annual business meeting of the League of California Cities?

Analysis and Findings

The League California Cities will hold their annual business meeting as part of the annual conference to be held September 21-23, 2011 in San Francisco. At this meeting, the League, as an organization and through its voting members, may take a formal position on various League-prepared resolutions. These resolutions generally deal with policy issues of interest to cities. The League requires that all City Councils take formal action to designate the voting delegate and alternate(s) for the business meeting.

Given anticipated attendance at the conference, it is requested that the City Council designate Council member Jim Goodhart as the voting delegate. An alternate will not be designated.

Recommendation

It is recommended that the City Council designate Council member Goodhart as the voting delegate to represent the City at the Annual Business Meeting of the League of California Cities and authorize the City Clerk to sign the voting delegate form.

TO: MAYOR AND CITY COUNCIL
FROM: JUDY SMITH, ASSISTANT CITY MANAGER
SUBJECT: CLAIM REJECTION – COY, ELLIOTT

The Issue

Shall the City Council reject the claim of Elliott Coy?

Analysis and Findings

Claimant Coy, represented by Attorney David S. Brown, seeks damages as a result of injuries suffered in a vehicle accident that occurred on May 23, 2011. The claim alleges in part that the City maintained an unsafe roadway, which is referred to in the claim as the “Lunada Canyon Fire Trail”.

The City presented the claim to California Joint Powers Insurance Authority’s (CJPIA) claims adjusters, Carl Warren and Company. The adjusters recommend that the City reject the claim.

Recommendation

It is recommended that the City Council reject the claim of Elliott Coy.

TO: JUDY SMITH, ASSISTANT CITY MANAGER

FROM: ALLAN RIGG, PUBLIC WORKS DIRECTOR

SUBJECT: PC-330-11; APPLICATION TO RETAIN AND MAINTAIN NON-STANDARD ITEMS LOCATED IN THE PARKLANDS ADJACENT TO 1602 ESPINOSA CIRCLE

DATE: JULY 12, 2011

The Issue

Should the City Council concur with the Parklands Committee's recommendation to allow an area of turf and a statue to remain within the parklands adjacent to 1602 Espinosa Circle?

Background

The Parklands Committee reviewed and approved (5-0) an application to retain turf and a statue in the parklands adjacent to 1602 Espinosa Circle at their meeting of June 13, 2011. At the City Council meeting on June 28, 2011, the City Council directed that this item be removed from the Council's agenda for review at a later date. Attached to this memo is the report that was reviewed by the Parklands Committee and the relevant portions of the minutes from their meeting.

Please note that there is a letter attached to the report that argues that the Parklands Committee is the wrong venue to review this application. Prior to scheduling this for the Parklands Committee review, staff confirmed with the City Attorney's office that neither the turf nor the statue were either a "structure" or a "facility" which would require review by the Planning Commission.

Staff was contacted by the resident of 1602 Espinosa Circle after the June 28, 2011 Council meeting. The resident indicated that he would immediately remove the statue from the parklands and to reduce the application to only include the turf. Please note this does not change the recommendation from the Parklands Committee, but effectively removes the statue from the application.

Alternatives Available to Council

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The following alternatives are available to the City Council:

1. Concur with the Parklands Committee and allow the resident of 1602 Espinosa Circle to maintain an area of turf and a statue within the parklands adjacent to 1602 Espinosa Circle.
2. Concur with the Parklands Committee and allow the resident of 1602 Espinosa Circle to maintain an area of turf within the parklands adjacent to 1602 Espinosa Circle, but deny the resident to maintain the statue in the parklands.
3. Deny the resident of 1602 Espinosa Circle to maintain an area of turf and a statue within the parklands adjacent to 1602 Espinosa Circle and direct that both be removed.

Recommendation from Staff

Staff recommends that the City Council concur with the Parklands Committee and allow the resident of 1602 Espinosa Circle to maintain an area of turf within the parklands adjacent to 1602 Espinosa Circle, but deny the resident to maintain the statue in the parklands.

Attachments: Staff report to Parklands Committee
Draft minutes from Parklands Committee meeting

TO: JUDY SMITH, ASSISTANT CITY MANAGER

FROM: ALLAN RIGG, PUBLIC WORKS DIRECTOR

SUBJECT: REVIEW AND ENGINEERING DESIGN PROPOSAL FOR TRAFFIC CALMING IMPROVEMENTS ON VIA DEL MONTE FROM KOA CORPORATION

DATE: JULY 12, 2011

The Issue

Should the City Council approve a professional services agreement in the amount of \$9,800 to the KOA Corporation for review and engineering design of traffic calming improvements on Via Del Monte?

Background

Traffic concerns on Via del Monte have been raised by residents of the street many times over the years. Based on a significant number of concerns raised in June of 2004, the City retained an outside consultant, KOA Corporation (KOA), to complete a traffic study on Via Del Monte at a cost of \$7,000. The completed study proposed a “toolbox” of potential traffic calming measures that a group of residents could choose from for their portion of the street. A resident-initiated application would still need to be reviewed through the City’s traffic calming process to assure the measures were truly desired by the impacted residents. Until late in 2010 we had not received a traffic calming application from the residents.

In August of 2010, residents on Via Del Monte, along with the Malaga Cove Homeowners Association, submitted a Traffic Calming application based on measures within the KOA study. Staff developed a plan of proposed measures, which did not include two sets of speed cushions at 561 and 573 Via Del Monte, due to the grade of the road and objections of the resident adjacent to the proposed location, in accordance with the Traffic Calming Policy that provides no device will be installed when opposed by the affected property owner. The application/plan was then reviewed and recommended for approval by the Traffic Safety Committee with a subsequent review and approval by the City Council. The measures consisted of stenciling, signage, which were implemented immediately and two sets of speed cushions, which were installed in February of 2011. The City Council reviewed the effectiveness of all measures in May of 2011 and approved them all to remain.

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At the May meeting, the City Council additionally directed staff to determine additional measures for traffic calming on Via Del Monte. As KOA was previously selected to provide traffic calming services for Via Del Monte, staff contacted them to provide additional traffic calming services. As the previous study had been performed six years ago, we felt that it would be wise to determine if new measures might be more effective than those proposed before, especially as the science of traffic calming continues to evolve.

Staff additionally heard from the Council that the City should take a different approach to traffic calming measures on Via Del Monte than the citizen-initiated process as dictated in our Traffic Calming Policy. The need for traffic calming on Via Del Monte is very well defined and Council expressed the desire that the City should take the lead in this process. As such, we have asked KOA to take the next step and propose to provide preliminary engineering drawings and cost estimates based on their updated review of potential measures. These can easily be modified to become construction documents.

The proposal from KOA indicates that they will provide two tiers of traffic calming recommendations. The first tier measures include those which do not include major roadway reconstruction, such as striping, stenciling, and electronic signage. The second tier measures require major roadway reconstruction and/or involve corridor-wide improvements, such as median islands, chicanes, and roundabouts. Please note that the study completed in 2005 by KOA primarily included these second tier type improvements which can create significant negative impacts such as the elimination of parking along the street and restricted access to driveways. Although there were individual, rough cost estimates for each measure identified in the 2005 study, there was no overall plan and these estimates need to be updated to reflect current costs.

The first step in the process will be the “Traffic Calming Review and Recommendations” portion of the KOA proposal. They will identify measures they believe would be best suited for Via Del Monte in a similar format to what they performed in 2004. The existing speed cushions will not be reviewed, unless Council directs that an alternate to the existing cushions be considered. The report will be reviewed by the Traffic Safety Committee at their September meeting and then by the City Council. Based on the approved measures, KOA will then proceed with the second step in their proposal which is “Preliminary Engineer Design and Estimates”. They will create a preliminary construction document and estimates so that the Traffic Safety Committee and City Council can make a final decision on a comprehensive plan for Via Del Monte.

Depending on the measures proposed, this may be a complete enough document for bidding purposes. If measures such as chicanes or median islands are selected, there may be additional design work needed, which would then require additional fees. It is too early to determine if this additional design work will be needed.

The City Council has previously raised the issue of updating the City’s adopted Traffic Calming Program. It would seem that new measures and methodologies identified as a result of this KOA study could be included in an update to the Policy. As such we would work with the Traffic Safety Committee to review the new KOA study/design, its applicability city-wide and to then revise our Traffic Calming Program.

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Alternatives Available to Council

The following alternatives are available to the City Council:

1. Approve a professional services agreement in the amount of \$9,800 to the KOA Corporation for review and engineering design of traffic calming improvements on Via Del Monte. Although the City Manager has authority to approve professional services agreements up to \$15,000, given the interest in and importance of this subject, staff wanted to be certain this agreement is consistent with the direction provided to staff by the City Council at the May 24, 2011 meeting.
2. Provide alternate direction to staff.
3. Decline to act.

Recommendation from Staff

Staff recommends the City Council approve a professional services agreement in the amount of \$9,800 to the KOA Corporation for the review and engineering design of traffic calming improvements on Via Del Monte.

Attachments: Professional Services Agreement and KOA proposal dated July 6, 2011

TO: MAYOR AND CITY COUNCIL
FROM: JUDY SMITH, ASSISTANT CITY MANAGER
SUBJECT: PRESENTATION OF FY 2011-12 WORK PROGRAM

Background and Overview

With the adoption of the FY 2011-12 budget, which represents the City's financial plan, this report outlines the departments' operational plans for the fiscal year. FY 2011-12 represents the third year the work program is being presented to the City Council and the public. It is posted and available on the City's website.

The purpose of the work program is to highlight major department activities. It is a planning tool for the departments and one of the means by which the Council may evaluate progress as we move through the year. A mid-year update will be provided indicating completed items, revised target dates and any new, unanticipated projects that arise during the course of the first six months. Staff is aware there is City Council interest to hold a policy retreat. It is possible items identified as a result of such a meeting will be added to this year's work program. In that event, an update prior to mid-year may be appropriate.

Highlights of Work Program

The departments continue to focus on major initiatives intended to ensure the City is operating under best governmental/business practices and current legal requirements. Tasks included as part of this effort are the review and revisions to the Municipal Code; Personnel Rules; Administrative Regulations Manual, Police Department Manual, Risk Management Safety Programs and our standard contracts templates. Another major focus is quality of life/safety efforts, which include emergency preparedness (DDP); PVE Cares; new refuse contract specifications and award; capital improvement projects and the City's green program. Lastly, tasks ensuring the City's continued fiscal health comprise the balance of the work program.

Recommendation

This report is informational only. No Council action is required.

Attachment FY 2011-12 Work Program