

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

**July 12, 2011**

**A regular meeting of the City Council of the City of Palos Verdes Estates was called to order this day at 6:30 p.m. in the City Council Chambers of City Hall by Mayor Rea.**

**Councilmembers Perkins, Goodhart, Humphrey, and Mayor Pro Tem Bird were also present.**

**ALSO PRESENT: Assistant City Manager Smith, City Attorney Hogin, Administrative Analyst Davis**

**PUBLIC COMMENT ON CLOSED SESSION ITEM(S) – No one came forward to speak.**

**CLOSED SESSION: Council recessed to Closed Session at 6:31 p.m.**

**• 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

**RECONVENE: Council reconvened at 7:38 p.m.**

City Attorney Hogin reported that the Council took no reportable actions.

**PLEDGE OF ALLEGIANCE**

**ALSO PRESENT: Police Chief Dreiling, Public Works Director Rigg, City Treasurer Sherwood, Executive Asst./Deputy City Clerk Kroneberger**

**MAYOR'S REPORT – Matters of Community Interest**

**CITY COUNCIL  
JULY 12, 2011**

Mayor Rea introduced and welcomed Irina Popova, a university student visiting from Russia, who will be serving as an intern through July. Ms. Popova just completed her freshman year at the Moscow Institute of Foreign Relations and Economics.

Mayor Rea announced two events will occur at 6:00 p.m. on Thursday, 7/14:

- The Annual Dog/Cat Vaccination Clinic at City Hall parking deck until 7:30 p.m.; ID microchips are available for dogs at no charge.
- The Lunada Bay Homeowners Association is hosting “Summer Concerts in the Park” at Lunada Bay Park.

## **CONSENT AGENDA**

It was moved by Councilmember Humphrey, seconded by Councilmember Perkins and unanimously approved that the following Consent Agenda items (except for recusal by Mayor Pro Tem Bird on Agenda Item #1; Minutes of June 28, and #5; Rejection of Claim – Coy) be approved:

## **CONSENT AGENDA**

- CITY COUNCIL MINUTES OF JUNE 28, 2011
- TREASURER’S MONTHLY REPORT – JUNE 2011
- 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
- DESIGNATION OF VOTING DELEGATE (COUNCILMEMBER GOODHART) – LEAGUE OF CALIFORNIA CITIES ANNUAL BUSINESS MEETING
- CLAIM REJECTION – COY, ELLIOTT

**COMMUNICATIONS FROM THE PUBLIC** – No one came forward to speak.

## **OLD BUSINESS**

Councilmember Humphrey recused herself from discussion on the next item and departed the Chamber.

**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**

**CITY COUNCIL  
JULY 12, 2011**

**APPLICANT: STEVEN AND SUSAN ANDELSON**

Public Works Director Rigg reported that the Parklands Committee unanimously (5-0) approved an application to retain turf and a statue (on pedestal) in the parklands adjacent to 1602 Espinosa Circle on June 13, 2011. City Council directed this item be removed from the City Council Agenda on June 28, 2011, for further review. Photographs were reviewed. Existing stairs, rails, and small retaining walls in the parklands are long standing encroachments and were not part of the application and not part of the City's enforcement action on the property. He said the statue has since been moved out of the parklands. He said there are no applicable findings for applications of this nature within the Code; the few applications that have been approved by the Parklands Committee have been small and unique in nature.

Mayor Rea confirmed with Director Rigg that there is an underground watering system and it is part of this application.

Mayor Pro Tem Bird asked if it's relevant to consider public access. Director Rigg said the Parklands Committee, when denying a similar application, has considered if it's a large piece of land that would look like private property that would preclude the public from using the parkland that it is their right to use. MPT Bird confirmed that the subject lawn area is 235 sq. ft. in area.

Councilmember Perkins asked about past applicable criteria regarding parkland not appearing as an extension of private property. Director Rigg said ground cover that looks more natural has been approved by the Parklands Committee; concerns have been expressed that they not have an appearance of private property on the parklands.

Councilmember Goodhart said the lawn appears to be a natural extension of the turf on private property. He asked if there's been some effort to distinguish the property line. Director Rigg responded that there was no demarcation between parklands and private property.

Councilmember Perkins confirmed with Director Rigg that grass had not been considered as natural groundcover for most of the previously approved similar applications. Mayor Rea commented that there is non-native vegetation all over parklands, e.g. eucalyptus trees. Director Rigg agreed; he said Parklands and Council have looked for precedence on similar applications, but the applications received over the years have been unique. This evening's decision may set policy for future consideration. There have not been previous applications that are significantly similar to this one.

Susan Andelson, 1602 Espinosa Circle, said the prior owners cultivated the property including the adjacent parkland, installing irrigation, concrete paths and stairways. Grass, groundcover, shrubs and trees were planted on their property and adjacent parkland. The property was subsequently subdivided. The stacked stones on the right side of the lawn were pre-existing. She stated they determined to harmonize the existing parkland with their property, which included grass and groundcover to enhance the beauty of the area. An objective was to create a defensive space for fire protection against a canyon fire; this area is considered a high fire risk. She said prevailing winds flow through the canyon (a natural chimney) toward their house. She concluded that they maintain the vegetation to mitigate the risk of fire by creating a natural fire break, harmonizing their property with the pre-existing conditions of the parkland to create a pleasing environment.

**CITY COUNCIL  
JULY 12, 2011**

Steve Andelson, 1602 Espinosa Circle, said the Parklands Committee unanimously approved their application, stating City regulations permits citizens to plant vegetation on parkland immediately adjacent to their property for fire prevention or the enhancement of parkland beauty, so long as the encroachment does not restrict public access and is not a permanent structure. He said there are no rules that prohibit parkland improvements that may appear to be an extension of private property and that the parklands shall not be fenced or otherwise enclosed for private use. He said their efforts were to harmonize their property with the pre-existing landscape; there are no structures or barriers that will limit public access. [This area of] parkland is completely isolated without available access, except through private property. He said their application is supported by existing precedent. He spoke of City boundary properties that were allowed to retain existing vegetation. Their application creates and aids fire prevention; the adjacent canyon is considered a high fire hazard and fire protection is a major issue for them. He said their application is unique; the same parkland area was already cultivated by the prior owner for 50+ years; they have continued to develop and maintain this vegetation because it compliments and harmonizes both theirs and parkland property and is a natural fire break.

Councilmember Goodhart asked about a letter received that asserts landscaping of City property could result in ownership. City Attorney Hogin said there is no way to acquire private interest in public land by adverse possession.

Councilmember Goodhart supported approval; points made for fire safety are reasonable.

MPT Bird agreed. He visited the property; the area (canyon/deep ravine) is not accessible by the public, just by the adjacent property owners. Unlike the Torrance boundary area where members of the public have access, this area does not result in the denial of access. He said it is also a very small non-material size of land and could support this as an exception to the rule to not allow improvements/use of the parkland. He spoke of the vegetation/planting and its fire retardant nature, and appreciated that the statue was voluntarily removed. He said the Parklands Committee did a fine job in their review and appreciated public comment; he favored approval of the application.

Councilmember Perkins said she visited the property and was troubled that their decision may not provide clear direction to the Parklands Committee. The City Forester said that criteria is for parkland not to appear as an extension of private property; it is not a written policy, but it was also a very clear understanding when she served on the committee. She said she has unfinished parkland behind her house as well and didn't feel she could plant it, incorporating it as part of her backyard. Reviewing minutes, it appeared the Parklands Committee cited that the house and yard is beautiful, tastefully done, and tending to look at aesthetics where there are no clear criteria; she agreed it is a lovely extension. Another criteria, when reviewing after-the-fact applications, is to consider if they would have approved this had it come before them before it was planted. She said grass is not fire retardant groundcover. She would have felt more comfortable if the grass would have stopped at the property line and there was other natural groundcover instead; she was concerned approval would be read into in a way they might not intend. If approved, she supported clarification as to how it would also relate to plantings that would be allowed at the Torrance boundary strip when fences come down. She said the grass makes it appear as their personal property; although beautiful, she could not support approval.

Mayor Rea shared Councilmember Perkins' concern; it does look an extension of private property, although not fenced. There have been no public access complaints about this part of the canyon because of this grass lawn. He was also concerned that the area is being irrigated. He commented on the available criteria provided for their review and had trouble discerning applicable standards. He did not think approval would set a precedent because it is such an unusual situation given the history provided in testimony. He said the equities favor approval of the application, although the statue could not be approved. He supported review of the current rules and regulations by the Parklands Committee, and providing them recommendations with the standards that ought to be applied in similar situations.

Councilmember Goodhart agreed aesthetics shouldn't be criteria they consider with an after-the-fact application.

Councilmember Perkins confirmed with Director Rigg that the Parklands Committee will work on policy/guidelines for this type of application.

MPT Bird agreed with Councilmember Perkins; it is bothersome that the encroachment appears as an extension of the property owner's lawn. Since this encroachment is inaccessible to members of the public and on such a relatively small area, it is unique. He didn't think they are setting a precedent that would allow residents to extend their yards into parkland; he would not support such applications. He asked the City Attorney about precedential value if litigated in the future. Attorney Hogin responded that it has limited precedential value, because it appears the rules may be clarified and changed soon. She said Council has found that this is an inaccessible area of parklands, its primary value to the system of parkland is aesthetic, it's well kept, and it may provide some fire break. They are accepting it based on its unique characteristics.

MPT Bird said it is also unique because this particular encroachment can't be seen or accessed by members of the public unless they go onto private property to see it.

Councilmember Perkins said this is true of a number of canyon-facing properties.

Councilmember Goodhart moved concurrence with the Parklands Committee and allow resident of 1602 Espinosa Circle to maintain an area of turf, as currently exists today, within the parklands adjacent to 1602 Espinosa Circle, and deny the request to retain the statue in the parklands. The motion was seconded by MPT Bird and carried by majority oral vote; Perkins dissenting.

Councilmember Humphrey returned to the Chamber.

## **NEW BUSINESS**

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

Director Rigg reported KOA completed a traffic study on Via Del Monte in 2004, at a cost of \$7000. Different ideas to calm traffic on the street were presented. No applications were made until the

**CITY COUNCIL  
JULY 12, 2011**

request, with specific suggestions, of Malaga Cove Homeowners Association in August 2010, Installation occurred, effectiveness was reviewed and staff was directed to determine additional measures for traffic calming on Via Del Monte. As previously selected through a prior competitive process, staff contacted KOA, acknowledging new state of the art techniques may be more effective than what was previously proposed. Modifying the process for traffic calming was also directed; our adopted policy is essentially by resident-led initiative. KOA's proposal indicates two tiers of traffic calming recommendations within a 2-step proposal. First, traffic calming review and recommendations would be provided; the first tier would not include engineered solutions but things such as signage, striping, etc.--items that are low on impact, but effective. The second tier would be similar to some of the measures proposed in [KOA's] first study, focusing on things such as chicanes, islands, and speed cushions. The Traffic Safety Committee would review the options and would recommend a preliminary design that could be bid for contract. If more engineering is indicated, additional monies for complete contract documents may be needed. The KOA proposal is for \$9800.

Councilmember Goodhart said many options were provided to them with the previous study; he asked if KOA's proposal highlights different techniques. Director Rigg said the items proposed with the first study were more two-tiered items – high result, high impact recommendations such as speed cushions and median islands. He believed they were not embraced by residents due to the high impacts. With this proposal, they would also look at lesser impactful recommendations, such as striping and signage. Discussion with KOA included further narrowing of lanes, providing larger striping within the parking lane, and precluding cars from cutting over the edgeline striping. Tier-one (less impactful) and tier-two recommendations would be made.

Councilmember Goodhart asked what the new expectation from the proposed work would be. Director Rigg responded that it would include tier-one recommendations that may be more embraced by the residents, and new current state-of-the-art techniques. He said they are limited as to what they can do with traffic calming; he believed KOA would provide all the options available.

Councilmember Goodhart asked about a report on the speed cushions and the Fire Department's concerns. City Attorney Hogin said this is forthcoming; ultimately, they will work with the Fire Department.

MPT Bird said many residents came forward to address this issue; they did not support severe measures, such chicanes and islands, nor did Council. He said information about upper Via Del Monte had not been included in the previous study. Director Rigg confirmed that this proposal would only include recommendations up to Via Rincon, as was done previously. MPT Bird said the problem includes all of Via Del Monte. Planning Director Rigg said they could return with a proposal that includes all of VDM, from Via Corta to Granvia Altamira.

Mayor Rea asked about plans for review of the Traffic Calming policy. Director Rigg said if they move forward with KOA, their recommendations would be included with a revised traffic calming program.

Councilmember Perkins agreed that all of Via Del Monte should be included in a study. Focus on the lower area was addressed due to the response to the neighborhood's application. It is clear that the entire street has a problem and input of all the residents of upper Via Del Monte should be included.

**CITY COUNCIL**  
**JULY 12, 2011**

Councilmember Humphrey supported receiving recommendations from experts and recognized the concentration on lower Via Del Monte was due to concerns raised by Malaga Cove Homeowners Association (MCHA); the upper area of VDM was not represented. She supported notification of all Via Del Monte residents to provide for their input. She favored approval of the proposal, extending it to encompass the entire street.

Mayor Rea confirmed with Director Rigg that staff would have to return with a new proposal to include upper (Via Rincon to Granvia Altamira) and lower (Via Rincon to Via Corta) Via Del Monte. Director Rigg said they could return with a revised proposal.

MPT Bird said he wished to table discussions on the speed cushions because he supported study of all of Via Del Monte; speeding occurs on the entire street. He didn't believe there was any support for chicanes or islands, and queried whether it was appropriate to include these severe traffic calming measures with the expert evaluation. He felt added direction could be provided to the firm to evaluate where speed humps might be beneficial to install. Director Rigg suggested not limiting the study, but could direct that chicanes and islands are off the table. MPT Bird did not support any further recommendations that included speed cushions.

Councilmember Goodhart said testimony indicates this problem has been ongoing on Via Del Monte; policy for traffic calming for this street needs to be clarified. He said defining the problem, such as speeding, is important in developing the specifications of the study. He supported a comprehensive study of the entire street with defined expectations so they can receive a proposal they can implement.

Director Rigg said the difficulty of traffic calming is people like the results, they don't like the impacts. Traffic calming works because of their impacts--the greater the impact, the greater the decrease in speed.

Mayor Rea said consensus of the Council is that the traffic study of the entire street, Via Del Monte, is desired and should include alternatives to the speed cushions, while limiting costs by not including undesired elements, such as chicanes and islands.

Councilmember Humphrey suggested they should not limit the study; all options should be examined. Council was in concurrence.

Assistant City Manager Smith suggested, based on Council direction and focus provided this evening, that staff be given authority to obtain a modified proposal for review and engineering design of traffic calming improvements to include all of Via Del Monte from Katz Okitsu and award a professional services agreement within the limits of the City Manager's authorization. Council concurred in their support of this suggestion and declined to act on the proposal as presented.

## **STAFF REPORTS**

**CITY COUNCIL  
JULY 12, 2011**

## **CITY MANAGER'S REPORT**

- Presentation of FY 2011-12 Work Program

Assistant City Manager Smith reported that the departments will focus on policies and practices. One major initiative is to make sure business is conducted in the best manner and under current legal requirements. Life/safety issues will also be focused upon, as well as ensuring the City's continual fiscal health.

## **DEMANDS**

It was moved by Councilmember Goodhart and seconded by MPT Bird that the demands, as approved by a majority of the City Council, totaling \$237,530.17 be allowed and it was unanimously approved.

It was moved by Councilmember Goodhart and seconded by MPT Bird that the demands, as approved by a majority of the City Council, No. 519483V, 519623V, 519721V, 519810V, 519817H to 519819H, 519829 to 519873 totaling \$133,188.90 be allowed and it was unanimously approved.

It was moved by Councilmember Goodhart and seconded by MPT Bird that the demands, as approved by a majority of the City Council, No. 519874 to 519895 totaling \$33,663.21 be allowed and it was unanimously approved.

## **MAYOR & CITY COUNCILMEMBERS' REPORTS**

- **REPORT OF COUNCIL SUBCOMMITTEE – ORGANIZATIONAL ANALYSIS RFP (MAYOR REA/MAYOR PRO TEM BIRD)**

Mayor Rea reported that the subcommittee met with City Management to work on the parameters of Organizational Analysis RFP. It was determined to include seeking general consultation regarding the organization of our City Government – general operations and the Police Department; and, to have an outside consultant re-examine the ownership and use of the Bluff Cove homes currently owned by the City. The Assistant City Manager will prepare written specifications for the Request for Proposal(s).

- **CITY COUNCIL POLICY RETREAT**

Council confirmed August 9, 2011 at 5:00 p.m. for the City Council Policy Retreat and suggested topics for discussion which may include expectations for the City Manager position, upgrading technology, examination of minutes taking policy, sustainable communities, development of volunteer training, and presentation of disaster preparedness/readiness.

Councilmember Perkins announced she and Councilmember Goodhart attended the groundbreaking of the 110 Freeway Toll Lanes, scheduled for completion in 2012. MTA representative Wiggins will be

**CITY COUNCIL  
JULY 12, 2011**



speaking at the South Bay COG meeting Thursday, July 28th at PVGC to provide more information about the ongoing construction.

**ADJOURNMENT**

There being no further business before Council, the meeting was adjourned at 9:07 p.m. to Tuesday, July 26, 2011 for the purpose of a Regular Meeting.

**RESPECTFULLY SUBMITTED,**

**VICKIE KRONEBERGER,  
EXECUTIVE ASSISTANT/DEPUTY CITY CLERK**

**APPROVED:**

**WILLIAM JOHN REA, MAYOR**

**CITY COUNCIL  
JULY 12, 2011**