

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

**June 28, 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 Rea, which was followed by the Pledge of Allegiance.**

**ROLL CALL: Councilmembers Perkins, Goodhart, Humphrey, and Mayor Rea**

**ABSENT: Mayor Pro Tem Bird**

**ALSO PRESENT: Assistant City Manager Smith, City Attorney Hogin, Assistant City Attorney Smith, City Treasurer Sherwood, Administrative Analyst Davis, Executive Assistant/Deputy City Clerk Kroneberger**

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

Mayor Rea announced the following upcoming events:

- The 4<sup>th</sup> of July Celebration at Malaga Cove School grounds. The program begins at 9:30 a.m. and Lt. Colonel Jason Morris is the featured speaker.
- L.A. County Sheriff Police Academy Memorial “Colors Run”, Friday, July 1<sup>st</sup> 8:00 a.m. at Memorial Garden.

Police Chief Dreiling said this year’s police academy graduating class chose Palos Verdes Estates to honor Officers Mike Tracy and Tom Vanderpool, killed in the line of duty in 1994. Part of the ceremony will include the laying of a memorial wreath; the widow of Captain Tracy and other dignitaries will be present.

- Annual Dog/Cat Vaccination Clinic Thursday, July 14<sup>th</sup>, 6:00-7:30 p.m. at City Hall. Microchips are offered as well as the opportunity to renew City licenses.

**CONSENT AGENDA**

The following items were removed from the Consent Agenda for separate discussion:

5b - Traffic Safety Committee item regarding turn restrictions at Via Fernandez/Via Lopez, at the request of Councilmember Goodhart.

5c - Traffic Safety Committee item regarding parking restrictions/stop signs at Gatos Place/Via Del Monte intersection, at a member of the public’s request.

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6c - Parklands Committee item regarding application to retain and maintain non-standard items located in the parklands adjacent to the rear of 1602 Espinosa Circle (PC-330-11), at the request of Councilmember Perkins.

It was moved by Councilmember Humphrey, seconded by Councilmember Goodhart and unanimously approved (except for Agenda Item 7c; Planning Commission action for M-804-11 for 1704 Via Boronada; Councilmember Perkins recused, citing potential conflict of interest) that the following Consent Agenda items be approved:

- CITY COUNCIL MINUTES OF REGULAR MEETING JUNE 14, 2011 AND SPECIAL MEETING OF JUNE 18, 2011
- RESOLUTION R11-11 APPROVING FINAL ADJUSTMENTS TO THE FY 2010-11 BUDGET
- RESOLUTION R11-12 APPROVING THE AUDITOR'S REPORT AND SETTING THE FIRE AND PARAMEDIC SERVICES SPECIAL TAX RATE FOR FY 2011-12
- ADOPTION OF THE FY 2011-2012 BUDGET: RESOLUTION R11-14; ESTABLISHING THE FY 2011-12 APPROPRIATIONS LIMIT, AND R11-15 ADOPTING THE ANNUAL BUDGET AND FIXING THE LIMITATION OF EXPENDITURES
- TRAFFIC SAFETY COMMITTEE MEETING ITEMS OF JUNE 8, 2011

Review of No Parking Restrictions in the Alley next to 711 Yarmouth Road  
Action: Approved for current restrictions to remain in place.

- PARKLANDS COMMITTEE MEETING ITEMS JUNE 13, 2011

**PC-328-11**; Application to remove 1 Weeping Fig tree located in the city parkway adjacent to 2400 Via Carrillo

Applicant: Sigi Caron

Action: Approved with conditions

**PC-329-11**; Application to trim 1 Oleander hedge, 1 Pepper tree and 1 Avocado tree located in the city parklands adjacent to 704 Mexico Place

Applicant: Steven Underberger

Action: Approved with conditions

**PC-331-11**; Application to remove two trees located in the parkway adjacent to 2132 Chelsea Road

Applicant: Sarah Kaupp Boyle

Action: Approved with conditions

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- **PLANNING COMMISSION ACTIONS OF JUNE 21, 2011**

**M-812-11;** Consideration of a Miscellaneous Application for a structure exceeding the maximum allowable height at the single family residence located at 3120 Via La Selva. Lot 6, Block 1802, Tract 6883.

Owner: Kevin & Jennifer Ferreyra

Action: Approved with conditions

**CDP-83/NC-1418-11;** Consideration of Coastal Development Permit and Neighborhood Compatibility Applications for a new single family residence located at 312 Rocky Point Road. Lot 39, Tract 17606.

Owner: Kevin & Elizabeth McBride

Action: Approved with conditions

**M-804-11;** Consideration of a Miscellaneous Application for a structure exceeding the maximum allowable height at the single family residence located at 1704 Via Boronada. Lot 8, Block 1373, Tract 6889.

Owner: Ali Reza

Action: Approved with conditions

**GA-1485/M-807-11;** Consideration of revised Grading and Miscellaneous Applications for the new single family residence located at 1820 Paseo Del Sol. Lot 8, Block 1550, Tract 7333.

Owner: Yulong Huang

Action: Approved with conditions

**M-809-11;** Consideration of a Miscellaneous Applications for a non-standard driveway and a structure exceeding the maximum allowable height at the single family residence located at 2717 Paseo Del Mar. Lot 6, Tract 19787.

Owner: Marzieh Daneshvar

Action: Approved with conditions

**NC-1411/GA-1484-11;** Consideration of Neighborhood Compatibility and Grading Applications for a new single family residence located at 2316 Via Acalones. Lot 1, Block 1651, Tract 7330.

Owner: Wayne Tsang & Bonnie Ying

Action: Approved with conditions

**NC-1271R-11;** Revised Neighborhood Compatibility Application for the new single family residence located at 452 Via Almar. Lot 21, Block 1514, Tract 6886.

Owner: Brian & Dominique Pheiffer

Action: Approved with conditions

**NC-1304R-11;** Revised Neighborhood Compatibility Application for the new single family residence located at 376 Via Almar. Lot 5, Block 1514, Tract 6886.

Owner: Mr. & Mrs. Kocarslan

Action: Approved with conditions

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**M-810-11;** Consideration of a Miscellaneous Application for a structure exceeding the maximum allowable height at the single family residence located at 2601 Pinale Lane. Lot 5, Block 1712, Tract 6885.

Owner: Yuka Arellano-Kruse

Action: Approved with conditions

**TRAFFIC SAFETY COMMITTEE ITEM OF JUNE 8, 2011 (Agenda Item 5b):  
REQUEST FOR RIGHT-TURN RESTRICTION FROM VIA FERNANDEZ ONTO VIA LOPEZ, AND FOR A WARRANT ANALYSIS FOR STOP SIGNS ON VIA LOPEZ AT VIA MARTINEZ**

Director Rigg reported that the Traffic Safety Committee reviewed a traffic calming request for Via Zurita from Via Fernandez to Via Lopez several months ago. A turn restriction from Via Fernandez onto Via Lopez to reduce the amount of westbound school traffic was suggested by the Committee, along with a warrant analysis for a stop sign at the intersection of Via Lopez and Via Martinez. Currently, there is only a stop sign for northbound traffic at Via Martinez. There was no community support for right turn restrictions onto Via Lopez; however, there was support for the stop sign at Via Martinez. TSC recommended all-ways stop signs at the Via Lopez/Via Martinez intersection and not to install turn restrictions onto Via Lopez.

Councilmember Goodhart questioned calming measures suggested for Via Lopez/Via Martinez to address speeding issues on Via Zurita. Director Rigg said concerns regarding cut-through traffic on Via Lopez were raised and agreed it could exacerbate the problem if there are significant traffic calming measures on Via Zurita. The need for a stop sign is regulated by the State and not to be used as a traffic calming device, but TSC determined it was appropriate in their analysis. Councilmember Goodhart confirmed with Director Rigg that the intent is to help designate the proper rights-of-way for turn movements and movements through the Via Lopez/Via Martinez intersection. The stop signs will return to TSC in 6 months for review to make sure there are no unintended consequences.

Councilmember Humphrey supported approval with review in 6 months by the Traffic Safety Committee.

Councilmember Goodhart moved to approve the recommendation of the Traffic Safety Committee; stop signs shall be installed in both directions on Via Lopez at Via Martinez. The motion was seconded by Councilmember Humphrey and was carried by unanimous oral vote.

**TRAFFIC SAFETY COMMITTEE ITEM OF JUNE 8, 2011 (Agenda Item 5c):  
REQUEST FOR RED CURB PARKING RESTRICTIONS, SIGNAGE, AND STRIPING NEAR THE GATOS PLACE/VIA DEL MONTE INTERSECTION:**

- RED CURB ON EASTBOUND VIA DEL MONTE FOR 96 FEET FROM GATOS PLACE
- RED CURB ON WESTBOUND VIA DEL MONTE FOR 109 FEET FROM GATOS PLACE

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- **RED CURB ON BOTH SIDES OF GATOS PLACE FOR 29 FEET FROM THE INTERSECTION**
- **STOP SIGNS ON VIA DEL MONTE, BOTH DIRECTIONS, NEAR THE GATOS PLACE/VIA DEL MONTE INTERSECTION**
- **SLOW PREPARE TO STOP PAVEMENT MARKINGS PAINTED ONTO VIA DEL MONTE, BOTH DIRECTIONS**

Director Rigg reported that Gatos Place residents requested a stop sign in both directions on Via Del Monte at Gatos Place as well as for red curb on Via Del Monte to help sight visibility. Stop signs were determined to be appropriate and TSC supported red curb on both sides of the street to enhance visibility from La Venta Inn and [from traffic] leaving from Gatos Place. He said it's a complicated intersection and final engineering would need to be worked out to determine what it would look like, albeit similar to the Conejo/Montemar intersection.

Councilmember Goodhart confirmed with Director Rigg that the location of the stop signs are yet to be determined. As proposed, Director Rigg explained that the red curb would be on both sides of Via Del Monte and on each side of the intersection of the side street with Via Del Monte.

Jim Wharton, [Torrance resident], of LaVenta Inn, was concerned about the red curb because it may create more danger than what it tries to solve. Also, if they lose parking on Via Del Monte, primarily for staff during events, he was unsure where else they would park other than throughout the neighborhood. They were also concerned about creating hazards for La Venta guests.

Director Rigg said the TSC was more in support of the red curb on the south side of the street adjacent to Gatos Place, as opposed to adjacent to La Venta. Concerns were raised for employees and guests having to park elsewhere, providing a need to cross the street by displacing them onto Gatos Place. However, this would be reviewed again in 6 months.

Mayor Rea said they could affirm the TSC recommendation or they could modify it to remove the red curb on the north side around La Venta Inn. Director Rigg said they typically try to use the least amount of force necessary in any kind of safety or traffic calming issue, so this would be adequate along with vegetation removal.

Councilmember Humphrey said she was concerned about having so much red striping and hazards this may cause, particularly with pedestrians at night trying to get to their cars. She supported minimizing striping.

Councilmember Perkins concurred. They could add more striping later if determined it's needed at the 6 month review. Director Rigg said 'no parking' adjacent to Gatos Place on the south side of the street would be highly needed and effective.

Councilmember Goodhart said Gatos Place residents face a dilemma; having a stop sign there is going to solve that problem. He understood La Venta's concerns, but as long as they maintain no parking on the south side, there should be adequate visibility for both auto and pedestrian traffic. He supported approval as stated in the staff report with the modification.

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Councilmember Goodhart moved to approve the recommendation of the Traffic Safety Committee, modified to delete striping of “red curb on westbound Via Del Monte for 109 feet from Gatos Place.” The motion was seconded by Councilmember Humphrey and carried by unanimous oral vote.

Director Rigg confirmed this matter would return to the Traffic Safety Committee for review in 6 months.

**PARKLANDS COMMITTEE ITEM OF JUNE 13, 2011 (Agenda Item 6c):  
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**

Director Rigg reported that turf and a pedestal with statue within City parklands are proposed. He said the turf was in place when the current residents moved in; they added the pedestal with statue. Complaints from a neighbor initiated a Code Enforcement action; options provided were to either remove those items or to bring them before the Parklands Committee and Council for approval. Parklands has reviewed and approved five or six similar applications over time when it was found that ground cover provided no significant negative findings. They also found it was appropriate to approve the statue at this time. Director Rigg clarified that the existing stairs and rails at the rear have been in place for 40-50 years; they run behind several of the area homes and over time it was determined it’s not the burden of the adjacent property owners to bear. They could determine to remove these structures on City property at any time, but they are not part of this application.

Mayor Rea asked what criteria for retention was applied for this approval. Director Rigg said there is no specific policy or criteria; the Parklands Committee looks to see if there is significant benefit for the adjacent property owner and if it makes functional and practical sense to allow it to remain, and to determine if it has significant impact to the public at large. He said the Parklands Committee is very much against any parkland improvements, such as vegetation that are visible to the public, which makes it appear as private property. The fact that this is at the rear and there is a connection to the long standing pipe/rail system in the stairway gained their support.

Mayor Rea asked if the director, historically, would approve this type of groundcover as cited under current rules and regulations. Director Rigg said he would never approve any landscaping of the parklands and would always defer these decisions to the Parklands Committee.

Councilmember Perkins said she was concerned about the criteria for approval and how Council applies it consistently when it comes to parklands encroachments, being particularly aware of ongoing discussions about the Valmonte boundary strip. It has been Council’s position not to encourage or permit anything that allows someone to make use of parklands or right-of-way in a way that looks like it’s part of private property. She asked staff how they would ensure this doesn’t set a precedent. Director Rigg said an encroachment would specifically need Planning Commission approval, by definition it includes a structure or facility. Neither one of these – grass or free standing statue/pedestal – are classified as such. He said the City Attorney’s office concurred that the statue is not a structure; it is movable. The precedent setting nature is a concern; however,

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research shows that 6 of these have been approved over the past 12 years. They are of an unusual and site-specific need. The last one approved was on the corner of Campesina and Via La Cuesta; landscaping of a sliver of parkland between the property and public right-of-way were allowed.

Councilmember Humphrey said allowing the statue to remain concerned her because it makes it appear that it is on private property. They could require the applicant move the statue onto their private property.

Councilmember Perkins said her concern is more extensive; she does not think of turf and grass as a fire prevention measure. It looks as if it is part of [the applicant's] back yard. Councilmember Humphrey was in concurrence; they supported returning the area to a more natural state contiguous with the hillside without the statue.

Councilmember Goodhart asked if the existing PV stone structure serves to prevent land slippage and if the stairs provides safety for pedestrians in the parkland. Director Rigg said many years ago the owner of the lot next door owned this and another vacant lot and built these rock wall structures; it is not tied to this application. They could be removed and would not destabilize the slopes.

Steve Andelson, 1602 Espinosa Circle, applicant, said the regulations approved by Council allow citizens to plant vegetation on parkland immediately adjacent to their property for reasons which include fire prevention and the enhancement of parkland beauty provided the encroachment does not restrict public access, and is not a permanent structure. He said they live next to a very large open canyon and the parkland improvement is green; this buffer zone aids in fire prevention. He said the parkland canyon is not openly accessible to the Fire Dept. and is potentially a fire hazard. He said the weeds, as on the other side of the rocks, would result. He said the rock wall was there for over 40 years, built by prior owners. He said there was existing grass and ground cover, which they've continued to maintain. If not maintained, he said the City Forester said the area would revert to weeds and pine needles – it would create a fire hazard immediately adjacent to their property. Mr. Andelson said this does not impose any adverse impact on public health or safety, no additional maintenance responsibility to the City, no barriers or permanent structures. They would remove the statue if required. He requested support of the Parklands Committee decision.

Mayor Rea said the statue should be removed and brought back across the property line. He was inclined to defer to the Parklands Committee's decision to allow the turf to remain.

Councilmember Perkins noted they did not have the full benefit of minutes review. She supported continuance to fully understand the Parklands Committee discussion.

Unanimous consensus of Council was to continue this matter to the July 12<sup>th</sup> or 26<sup>th</sup> Council meeting with the applicant present.

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

**PUBLIC HEARINGS**

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**APPEAL OF PLANNING COMMISSION DENIAL OF WT-115-10; WIRELESS TELECOMMUNICATION FACILITIES APPLICATION FOR EQUIPMENT PROPOSED WITHIN THE CITY RIGHT-OF-WAY ADJACENT TO 2827 VIC VICTORIA. LOT 7, TRACT 30393**

**APPELLANT/APPLICANT:           NEXTG NETWORKS OF CALIFORNIA, INC.  
890 TASMAN DRIVE  
MILPITAS, CA 95035**

City Clerk Judy Smith confirmed public notice was given.

Planning Director Rigg reviewed the history of this application (originally submitted June 2010) ultimately denied by the Planning Commission. An 11 ft. steel pole 22 ft. from the edge of pavement was proposed within the City's public ROW, 120 ft. south of the driveway located at 2827 Via Victoria, 7 in. diameter, and set into the hillside requiring a 4 ft. retaining wall and pad (20 sq. ft. hardscape). He noted that utilities are currently undergrounded in this area making for a visually rural residential neighborhood. The City's wireless consultant, Jonathon Kramer, reviewed the project in January and reported there was not a significant gap in service; there was virtually uninterrupted coverage in the area. Significant coverage was also confirmed by staff multiple times. This is a Verizon site as proposed by NextG. From aesthetics standpoint, Mr. Kramer concluded that the site could be redesigned to be less intrusive. February 2011, the revised project raised significant aesthetic concerns of the proposed pole in their existing views and property values. In March, two proposals were provided: 1) 23 ft. high pole 4 ft. from the edge of pavement, close to an adjacent tree, and 2) the application before Council this evening as reviewed by the Planning Commission. Visual impact concerns were again raised with both proposals. The Planning Commission reviewed and denied the application in May 2011, pursuant to significant discussion regarding lack of gap of coverage, and aesthetics, which fall into the time, place, and manner findings that are within the wireless telecommunications ordinance within the Code. He deferred to the City Attorney to discuss the 'no gap in coverage' finding.

Assistant City Attorney Smith said the Planning Commission found that there wasn't a significant need for coverage in the area and had significant aesthetics concerns; both of which could be considered. Under the Telecommunications Act, he stated, a City can deny an application if, 1) it doesn't meet City ordinances, and 2) it doesn't result in effectively prohibiting telecommunications service, or whether or not there is a significant gap in coverage. Therefore, the Planning Commission's questioning as to whether or not there is a need for coverage in the area is completely relevant. Under City Ordinance, it provides that the Planning Commission and Director can consider aesthetics, but also other impacts that relate to the health, safety or welfare of the community that could relate to the time, place and manner restrictions for wireless telecommunications services. The Planning Commission made the finding that there wasn't a significant need for coverage based on both the expert testimony of Mr. Kramer and by staff's determination that there wasn't a need for additional coverage in the area.

Director Rigg said the appeal purports that the Planning Commission denial was in error due to the fact that the need for coverage is irrelevant to the findings for approval. The appellant also indicates that the Planning Commission should not rely on Mr. Kramer's expert opinion that there is no gap in

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service. He said the Planning Commission also specifically discussed one of the findings per our Code is that time, place, and manner includes aesthetics.

Councilmember Goodhart confirmed with Asst. City Attorney Smith that the basis for the appeal was that need for coverage wasn't specifically outlined. Attorney Smith read from the Code and interpreted that we are not limited to considering only aesthetics; clearly other things could be considered that are related to the health, safety, or welfare of the community. Therefore, they do not agree with the appeal which purports only aesthetics and not other bases could be considered, such as the need for coverage.

Councilmember Goodhart asked if Mr. Kramer had reviewed the NextG drive-by test data provided pursuant to his study of Verizon's marketing data. Director Rigg said he did not know; however, the Planning Commission considered Verizon's coverage data which showed that service was appropriate.

Councilmember Goodhart said the Art Jury approved the design, and confirmed with Director Rigg that their purview includes both public and private improvement projects.

Councilmember Goodhart asked if police radio coverage in this area was affected. Police Chief Dreiling said he didn't know, but didn't think there was a problem with coverage in that area.

Councilmember Perkins said NextG stated Verizon's coverage would be improved or enhanced by this addition, but never stated that there was a significant gap in current coverage. Attorney Smith said this is correct; NextG said the facility was needed to improve data coverage and to help them upgrade their facilities for new platforms and the like, but there wasn't any analysis, to his knowledge, indicating there were significant gaps in terms of people not being able to receive phone calls, which is the relevant standard on telecommunications sites.

Mayor Rea confirmed with Attorney Smith that he believed *SprintPCS v. Palos Verdes Estates* was the most relevant case law applicable to this situation. Mayor Rea read a portion of the Court's opinion relative to service coverage and locations. Attorney Smith added that the court noted that if the wireless communications facility provider is not able to establish that there's a significant gap in coverage (aren't able to field calls in a particular area) then the City is not prohibited from enforcing their authority under governing what happens in the ROW--if there isn't an effective prohibition in coverage then the City has its normal police powers to regulate that area.

Joe Milone, 2125 Wright Ave., LaVerne, Director of Government Relations for NextG Networks, said they are a DAS provider – lower powered, smaller sites that provide wireless capacity and coverage for the wireless industry. They have an extensive network on the peninsula that provides services to other carriers; this is an expansion network for Verizon Wireless. He said at first there was nobody who spoke in opposition from an aesthetics standpoint, but acknowledged that the Planning Commission had such concerns. He said they still feel aesthetics is the only component in the Code that the City can review and has discretion for this item. He said they believed the denial was only based on the gap in coverage, not aesthetics. He said they took the Planning Commission's direction, redesigned the sites, and provided an alternative analysis. The Art Jury selected the plan before them today—an 11 ft. pole tucked back into the hill. He said when built it would be surrounded by landscaping at the base and not visible. He said there is nothing in the Code about gap in coverage or proof of gap in coverage. He

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said they provided specific data and didn't think Jonathon Kramer looked at it; the consultant based his opinion on marketing maps which contain a caveat that says they are not to be used for guarantee of coverage or availability of signal. He said this has been tested in the courts (T-Mobile v. Village of East Hills) that marketing maps are not an appropriate or scientific valid reason to deny based on gap in coverage. He said the City can't rely on staff's field testing as a valid scientific proof of, or lack of, coverage citing other case law; they provided actual drive test data. He said an RF engineer explained to the Planning Commission that a capacity issue also needs to be treated as equally as a gap in coverage. He said they accepted multiple continuances to minimize the visual impact and felt they truly meet the standards and intent of the Code in terms of the visual. He showed two other sites he said were approved in the public ROW or parkland; their DAS nodes are much less visually impacting, and there are others.

*The following residents voiced their concerns:*

Cordell Chang Shimizu, [resident] (unsightly, property value impacts, petition, precedent)

Dwight Abbott, [resident] (unsightly, alternative cube light radio technology)

Jeanne Atamdede, [resident] (no lack of coverage, aesthetics, rural atmosphere impacts, property values, neighborhood not desirous)

Harold Jesse, [resident] (aesthetics, property values, existing good coverage)

Misty Jesse, [resident] (aesthetics, coverage not an issue)

Mr. Milone said alternative light radio is still conceptual technology, they're involved, but it's a few years out. This is smallest least obtrusive technology right now. He said they've used existing above ground utility infrastructure to the extent possible and they have ~120 sites on the peninsula; the coverage this site provides goes much beyond this one neighborhood. He said they are a state regulated public utility and have to provide services their customers want; they are having trouble meeting the capacity and demand, especially in PVE. He said they do not have or plan 400 nodes throughout the peninsula as purported; the Verizon project is a 65-node project among the 4 peninsula jurisdictions; about 70% of those nodes are built and on air. He said only two of them are in PVE. He commented on the ROW use agreement with the City, where previous nodes were deployed on existing utility poles. He asked the City to uphold their appeal and grant approval for this site; this balances technology and community aesthetics to provide solid consistent coverage for all carriers.

Councilmember Goodhart asked about a discussion noted in the packet at a 2010 League of California Cities conference. Mr. Milone said he may have spoken with the council member and Joe Hoefgen at their exhibit booth; it was expressed there was a need for coverage in various parts of the City. Councilmember Goodhart said there are many vendors at these conferences and any discussion was generic and not specific to this application.

Mayor Rea asked about micro cell towers which plug into personal modems as an alternative. Mr. Milone said this is one solution that certain carriers are utilizing; they do not have this technology. This is for broader use and reach.

Mayor Rea asked for confirmation that there is not so much a current gap in coverage, but they are looking to address future significant demand. Mr. Milone said the amount of significance is subject to

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interpretation, but this site is filling in some holes/gaps in coverage. It is also intended in design to meet the demand of expanded services and higher use of smart phones and data consumption.

Director Rigg clarified that a site referenced by the applicant as a cell site is for public safety requirements only; it is a repeater-type tower reconstructed by the South Bay Regional Communication Authority through a CUP on parklands; an entirely different process and doesn't serve the same functions. This antenna remedied a public safety/police communications gap.

Councilmember Humphrey asked for clarification about NextG plans. Director Rigg said we've worked on a variety of different applications with NextG; they are the sole provider in the City that has an agreement that obviates review for installations on existing poles. They are limited to pole-mounted small boxes to put additional antennas on a pole; they've done a number of them quite successfully.

Councilmember Perkins said what makes this different is there are no existing power poles in this neighborhood. Director Rigg confirmed utilities in this area are undergrounded; testimony included commentary that there are very large power poles that run along the border between PVE and RPV and those could be explored.

Councilmember Perkins asked if the existing agreement allows NextG to place any of these small boxes on the top of the street signs. Director Rigg said it does not, but that would be a logical extension of it sometime in the future. Mayor Rea asked if the Art Jury had turned that option down. Director Rigg said he thought what was proposed was a 4-ft. vertical extension of the post which did not go forward with the Planning Commission.

Councilmember Perkins appreciated the involvement of our residents in coming forward to ensure the Planning Commission had their input. She was struck by the amount of time and care that the Planning Commission gave to this application; they really tried to work with the applicant to find a good solution. Originally, a 27 ft. high steel pole, then minimized, they've still wound up with something not aesthetically pleasing and not in keeping with the rural nature of this particular neighborhood in our City. After review of all the materials, she visited the site and was struck by its aesthetics. NextG should be commended for listening to the Planning Commission trying to take steps to reduce the negative aesthetic impact and she thought the PC indicated that they were close, but wasn't quite there yet. She said it was clear from the testimony and the data that's been provided to them by our consultant that such a significant gap would not result; the Planning Commission has spent a lot of time and have done a good job and supported upholding their decision based on both aesthetics and their being no significant gap in the coverage.

Councilmember Humphrey agreed. The Planning Commission did their due diligence and she did not hear any testimony or receive any new evidence that would support overturning the Planning Commission's decision.

Councilmember Goodhart said the dilemma here is the location. The Planning Commission and NextG should be commended for the time and effort; and the residents for providing their opinions. Everything is undergrounded in this area; there are no utility poles or other types of devices where this kind of antenna can be installed to mitigate its obtrusiveness to the environment. His sense was that the facility is needed to improve the strength of the signal for high speed data and future product offerings.

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NextG is trying to prepare for this onslaught, but he had not heard the neighborhood's desire for improvement in service. This may change in the future, but for now the residents are happy with the current service and there is ample evidence that they are displeased with this installation. He supported upholding the Planning Commission's decision.

Mayor Rea said he also supported upholding the Planning Commission's decision on all points. He was in concurrence with what's been said and noted that the Planning Commission was very careful with this application. They were willing to offer an additional continuance to allow the applicant to come up with a different solution and the applicant opted for a vote to provide opportunity to come to the Council. He said there is no basis to reverse anything the Planning Commission has done.

Councilmember Perkins moved to confirm the Planning Commission's decision to deny WT-115-10; wireless telecommunication facilities application for equipment proposed within the City Right-of-Way adjacent to 2827 Via Victoria. The motion was seconded by Commissioner Humphrey and was carried by the following roll call vote:

AYES:	Goodhart, Perkins, Humphrey, Rea
NOES:	None
ABSENT:	Bird

**RESOLUTION R11-13 APPROVING THE ANNUAL REPORT AND SETTING THE RATE FOR THE SEWER USER FEE TO FINANCE THE FY 2011-12 PROGRAM OF SANITARY SEWER IMPROVEMENTS**

City Clerk Smith confirmed public notice was given.

Assistant City Manager Smith said the public hearing is required to adopt the Sewer User Fee Report that establishes the fee rate for the FY11-12 sanitary sewer program. This is the 9<sup>th</sup> of a 10 year authorization for the sewer user fee approved in June 2003. Estimated sewer use for each eligible property based on water consumption is considered to determine the rate, using the 3 lowest months of water use in the City as a whole to provide a factor for landscape water that does not enter the sewer system. February, March, and November 2010 were used to calculate the fee proposed this evening for FY 11-12. \$1.00 per unit remains unchanged from FY10-11 and is lower than the original unit rate of \$1.02 authorized in 2003. Less water use in CY 2010; a 16% reduction compared to the prior year results in lower generated fee revenue projected at \$1,051,000. The average fee for a single family residence is \$208; costs for individual properties will vary based on their water use. The average fee for FY10-11 was \$250. 74% of all properties will experience a fee increase or decrease within \$100; consistent with last year. The sewer program for FY11-12 totals \$2.96 million and includes the replacement of the Rocky Point Sewer Pump Station; the sewer fund balance will finance the difference in cost.

Mayor Rea asked why some will experience an increase, while others will realize a decrease. Assistant Manager Smith explained that it's strictly based on the water consumption of each individual property for the 3 months determined. The unit rate of \$1.00 remains unchanged.

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Mayor Rea opened the public hearing, in absence of anyone wishing to speak, closed the public hearing.

Councilmember Goodhart moved adoption of Resolution R11-13, approving the Sewer User Fee Annual Report establishing the sewer user fee rate for the FY 11-12 sanitary sewer improvement program. The motion was seconded by Commissioner Humphrey and was carried by the following roll call vote:

AYES:	Goodhart, Perkins, Humphrey, Rea
NOES:	None
ABSENT:	Bird

## **OLD BUSINESS**

## **NEW BUSINESS**

### **REQUEST FROM ATHENS SERVICES FOR SEVEN-YEAR CONTRACT EXTENSION FOR RESIDENTIAL REFUSE HAULING**

Director Rigg said the City's current contact with Athens Services for single family residential refuse and recycling services is scheduled to expire June 30, 2012. They request a 7-year extension to the contract to expire July 30, 2019, with no change in services or the refuse rate structure. He reviewed the history of the current contract. Athens offers to provide alternative fuel vehicles that are cleaner running which ties the extension to their need to amortize the purchase cost of these trucks. He said extensions have only been extended to contractors at the same costs as obtained from the original bidding process. The City loses the potential of lowering the cost of the services if bid out, but an extension could be perceived as a less transparent process. A positive would be that costs would be capped by the existing contract provisions, while residents could potentially pay more for these services if the bids in an open bidding process come in higher, as they did in 2005; costs went up 20%. No disruption in services and cost savings in the bidding process is a positive aspect of an extension. He said staff has been satisfied with Athens' responsiveness and believe the residents have been provided excellent service. If Council grants an extension to the contract awarded under the open and competitive bidding processes in 2005, the term of the contract would simply be modified. If the request is denied, staff would return to Council in September for review of specifications to determine if modifications are appropriate, such as a 2-barrel system v. the current 3-barrel system and frequency of recyclables collection before going out to bid.

Mayor Rea confirmed with staff that 1 barrel would be for green waste, and the other would be for all other refuse in a 2-barrel system. Director Rigg said it is an evolving technology; the refuse and recyclables go into one container and get separated and sorted at a material recovery facility.

Mayor Rea said concerns were raised regarding capacity of the blue recyclables bins. Director Rigg said additional blue (or green waste) containers can be requested from Athens to assist with capacity

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issues. When bid in 2005, an extra recyclables collection per week would have resulted in an additional \$4/month and that option was not exercised.

Councilmember Perkins confirmed with Director Rigg it is appropriate to rebid the contract if the desire was to go to a 2-barrel system; it is a significant modification.

Gary Clifford, 14048 Valley Blvd., City of Industry, COO and Executive Vice President of Athens Services, said they offer the best possible waste collection and recycling services for residents; they have very few complaints and are good partners in the community. He said the new CNG alternate fuel vehicles would be ordered if the extension is granted, and it would take ~3 months to start their use. He said they offer the extension with no change to the current rate structure. He noted that residents do an outstanding job of recycling; over 60% in diversion compared to other cities. Free recycling barrels, however many needed, are provided upon request. He said they focus on education and work with their drivers to add value and have been good partners to the City. He said rates are the same now, if not lower, than competitors' rates when bid many years ago. This fixed term extension is for amortizing \$2.5 million of new vehicles. He said they are committed to enhancing the quality of life in the City.

Mayor Rea confirmed additional blue recyclables bins can be requested and confirmed with Mr. Clifford that additional trucks would not be required to handle additional blue recyclables bin pick-up. Mayor Rea confirmed with Mr. Clifford that they have 2-barrel handling capability; Athens has a high diverting MRF (material recovery facility).

Vickie Wippel, Waste Management, 1970 E. 213<sup>th</sup> St., Long Beach, asked Council to consider all options and opportunities in the next contract, noting changes in technology and new legislative mandates are in place since the inception of the current contract. They have a fleet of LNG alternative fuel vehicles.

Greg Spiker, [resident] and Athens consultant, supported the extension and noted that Athens was low bidder at neighboring cities Redondo Beach and Manhattan Beach.

Councilmember Goodhart commended Athens for their fine service. Service improved when Athens took over Norcal. He said he could not approve the 7 year extension in good conscience because the residents benefit from having competitive bid. Fourteen years without a competition would be excessive. He would support a shorter term extension, suggesting Council would be in a better position to understand new technologies to address greenhouse gasses and use of alternative fuel vehicles.

Councilmember Humphrey said a competitive bid process took place in 2005; Director Rigg said 14 years referenced includes the original 7-year award combined with the 2005. Director Rigg clarified that the CNG trucks are tied to the 7 year extension for amortization.

Councilmember Humphrey said they want the best service at the lowest price for the residents as queried if we would gain anything by the competitive basis. She would like to extend the contract, but was not sure if the timing is right; she supported CNG vehicles and consideration of alternative services.

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Councilmember Perkins said Council appreciates the good effective service with few complaints. She was concerned to committing another 7 years to the 3-barrel system we now have. She said diversion amounts will be enforced even more over the coming years and didn't want to see us tied into this contract until 2019, without having the option to consider a 2-barrel system, which may be a better system. She supported cleaner vehicles, but was not sure that it creates the appropriate balance. She likes what Athens has done for us and keeping the same rate, but the 7 year extension is a big commitment.

Mayor Rea has not heard any complaints about Athens; they've been doing a great job. He was intrigued by going to a 2-barrel system. He commented that they've achieved cost savings when going through the bid process in recent years. He was not convinced a seven year extension is in the best interest of the City and supported exploring the RFP process and consideration of 2-barrel technology; he respectfully declined extension.

Councilmember Perkins agreed, adding that the City has been more than satisfied with Athens' service, but supported review of a 2-barrel system.

Councilmember Humphrey asked staff for timing on the RFP process. Director Rigg said January 2012 would be appropriate once specifications are developed. Changes to the contract specifications, including alternative fuel vehicles, would be brought to Council for discussion in September.

Councilmember Humphrey moved to decline to act on the extension request, and directed staff to return to the Council to review the specifications for a residential refuse contract and to subsequently bid for the services. The motion was seconded by Councilmember Perkins and carried by unanimous oral vote.

## **REVIEW AND APPROVAL OF THE FY 2011-12 PALOS VERDES STABLE BUDGET AND ADOPTION OF RESOLUTION R11-16 APPROVING INCREASES IN MONTHLY BOARDING RATES EFFECTIVE JULY 1, 2011**

Assistant City Manager Smith reported that FY11-12 PV Stable budget includes revenue of \$587,850 and expenditures of ~\$500,000, including a concession fee to the City of ~\$29,000. It provides a projected net operating profit to the concessionaire of \$88,694. The current year budget is holding true to form with a projected net profit of \$83,941. FY10-11 budget benefited from almost full board occupancy, which resulted in \$27,000 additional board income that helped offset operating increased costs of \$51,600. She noted that trainer income was \$20,000 higher than budgeted. The new budget includes a proposed board increase that would be effective July 1<sup>st</sup> ranging from \$15 for a pipe stall to \$40/month for residents' box stalls; non-resident rates are to increase by similar amounts. She said the proposed board structure also includes a difference in the cost between box and pipe stalls. Surveys indicate that the PV Stable, excluding Portuguese Bend, is the lowest cost stable in the survey. The new proposed rates would still be lower than the current rates at RHE stable. The last increase occurred in July 2009 and is driven by the operating costs related to the components involving boarding—feed, bedding, and labor. \$25,000 in stable improvements is part of this budget. Councilmembers Humphrey and Bird met with the concessionaire to review the proposed budget

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before being forwarded to Council, and she concluded that all boarders were advised by letter of the increase and date of Council consideration, along with posted notice at the stable.

Mayor Rea asked if trail rides are part of the stable's operation.

David Mclewee, concessionaire, said trail riding was introduced because it was asked for a lot and it was incorporated into their business plans; it's been very successful. The trailers are unsightly but they have plans to make the area look nicer.

Mayor Rea asked if there are charitable events at the stable. Mr. Mclewee responded "Ride to Fly" as well as an autism school, with some other charitable institutions working with trailing riding because of ease of handling, and various camps.

Councilmember Humphrey said trail rides are back by popular request and with good response; she was glad that area will be improved. She reported that they spent a significant amount of time talking about stables operations, including review of boarders and turnover, training, use of rings; an intense and thorough discussion.

Councilmember Perkins asked if discussion about types of training offered was included.

Mr. Mclewee said there was western training available when they first took over; they offer it now through a trainer that is available and provide her contact information upon request. They do have another trainer that is available for western training, but there is not a massive following for western training. He confirmed the information is posted on the stable's notice board. He said they have a plan to enhance availability of western training.

Councilmember Humphrey said she was glad to see the stable operating in the black. Mayor Rea said this is an interesting example of what happens when privatized; this is a for-profit company trying to figure out how to best serve its clientele. The balance sheet is impressive.

Councilmember Goodhart says this gives him confidence that this will continue; it needs to be run like a business to be successful and he commended the concessionaire.

Councilmember Goodhart moved to approve FY 2011-12 Palos Verdes Stable budget and adopt Resolution R11-16 approving increases in monthly boarding rates effective July 1, 2011. The motion was seconded by Councilmember Perkins and carried by unanimous oral vote.

## **STAFF REPORTS**

**CITY MANAGER'S REPORT** - Acting Manager Smith highlighted, as part of the FY 2011-12 budget adoption approved this evening, that the rates for the fire parcel tax and sewer user fee remain unchanged from FY 2010-11. She also reported on the state budget agreement, and indicated there are no direct negative impacts to the City associated with our adopted budget for the new fiscal year.

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## **DEMANDS**

It was moved by Councilmember Humphrey and seconded by Councilmember Perkins that the demands of June 28, 2011, as approved by a majority of the City Council, totaling \$382,725.10 be allowed and it was unanimously approved.

It was moved by Councilmember Humphrey and seconded by Councilmember Perkins that the demands, as approved by a majority of the City Council, No. 519726 to 519816 totaling \$1,085,868.09 be allowed and it was unanimously approved.

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

- Appointments to Planning Commission, Parklands Committee, and Traffic Safety Committee

Mayor Rea announced the following appointments:

Planning Commission – Winston Chang, Michael Thomas

Parklands Committee – Dianna Chooljian, Mary Jane Schoenheider

Traffic Safety Committee – Ron Buss, Kenneth Kao, Blake LaMar

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

Mayor Rea announced the following officer designations:

Planning Commission – James Vandever, Chair; Winston Chang, Vice-Chair

Parklands Committee – Charles Peterson, Chair; Ruth Shaffer, Vice-Chair

Traffic Safety Committee – Myron Friedman, Chair; Ron Buss, Vice-Chair

Councilmember Perkins reported she and Councilmember Goodhart attended the SBCCOG meeting Thursday, June 23. The Executive Director of the AQMD was the guest speaker and provided information on new proposed clean air standards.

Councilmember Goodhart reported on his attendance at the League of California Cities Environmental Quality Policy Committee meeting on June 17th and he provided a legislative update.

Councilmember Goodhart announced that Councilmember Perkins will assume the duties of Chair of the South Bay Cities Council of Governments (SBCCOG) in July. Monthly meetings will be held at Palos Verdes Golf Club. Mrs. Perkins was congratulated by the Council.

## **ADJOURNMENT**

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There being no further business before Council the meeting was adjourned at 10:17 p.m. to Tuesday, July 12, 2011 in the City Council Chambers of City Hall.

**RESPECTFULLY SUBMITTED,**

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

**APPROVED:**

**WILLIAM JOHN REA, MAYOR**