

**MINUTES OF AN ADJOURNED AND REGULAR MEETING
OF THE CITY COUNCIL OF THE CITY OF
PALOS VERDES ESTATES, CALIFORNIA**

September 27, 2011

An adjourned meeting of the City Council of the City of Palos Verdes Estates was called to order this day at 7:15 p.m. in the Council Chambers of City Hall by Mayor Rea.

Council Members Humphrey, Perkins and Mayor Pro Tem Bird were also present. Council member Goodhart was absent.

ALSO PRESENT: City Manager Smith, City Attorney Hogin

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

NEW BUSINESS

- **TRAFFIC SAFETY COMMITTEE MEMBER INTERVIEW**

City Council interviewed resident Mr. David King for the open seat on the Traffic Safety Committee. Upon completion of their discussion, Council voted unanimously to appoint Mr. King to the Traffic Safety Committee.

ADJOURNMENT

Mayor Rea adjourned to Regular session at 7:35 p.m., the meeting was called to order, and the Pledge of Allegiance followed.

**ROLL CALL: Council members Perkins, Humphrey Mayor Pro Tem Bird,
Mayor Rea**

ABSENT: Council member Goodhart

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

MAYOR'S REPORT – Matters of Community Interest

Mayor Rea announced the appointment of 40-year resident David King to the Traffic Safety Committee, effective immediately.

**CITY COUNCIL
SEPTEMBER 27, 2011**

Mayor Rea reported that the Palos Verdes Peninsula Chamber of Commerce is hosting its annual “Local First” Extravaganza on Saturday, October 1, from noon to 4:00 p.m. at the Promenade on the Peninsula in Rolling Hills Estates. He encouraged residents to attend, shop locally, and to visit www.pvpcoupons.com for details on the campaign.

Mayor Rea reported that Police Chief Dan Dreiling will be the featured speaker at the PVP Coordinating Council’s monthly meeting on Thursday, October 27th at noon at the Peninsula Library; Chief Dreiling will be a co-presenter on the topic of identity theft—“Don’t Be a Victim; Knowledge is Power.”

CONSENT AGENDA

It was moved by Councilmember Humphrey, seconded by Mayor Pro Tem (MPT) Bird and unanimously approved that the following Consent Agenda items be approved:

- CITY COUNCIL MINUTES OF SEPTEMBER 13, 2011
- TREASURER’S MONTHLY REPORT – AUGUST 2011
- RESOLUTION R11-27; APPROVING THE AGREEMENT BETWEEN THE CITY AND THE MANAGEMENT AND CONFIDENTIAL EMPLOYEE GROUP
- ADMINISTRATIVE STAFF REORGANIZATION AND RESOLUTIONS (R11-28, R11-29, R11-30, R11-31) REQUIRED TO ESTABLISH AND/OR MODIFY: POSITION CLASSIFICATIONS, JOB DESCRIPTIONS, SALARY RANGES
- CLAIM REJECTION – STAUB, WERNER
- PW-570-10, STPL-5283(007); COMPLETION OF CONTRACT FOR THE PASEO LUNADO OVERLAY PROJECT
- PARKLANDS COMMITTEE MEETING ITEMS OF SEPTEMBER 12, 2011

PC-332-11; Application to remove 1 Brazilian pepper tree located in the city parkway adjacent to 2205 Chelsea Road

Applicant: Marcella Nagelvoort

Action: Approved

PC-333-11; Application to remove 1 Aleppo pine tree located in the city parkway adjacent to 416 Via Almar

Applicant: Greg Baetge

Action: Approved

PC-334-11; Application to remove 1 Italian stone pine tree located in the parkway

**CITY COUNCIL
SEPTEMBER 27, 2011**

adjacent to 1433 Via Zumaya
Applicant: Roberta Mitzenmacher
Action: Approved

PC-328-11; Los Angeles Regional Park and Open Space District Grant
Action: Approved

- **TRAFFIC SAFETY COMMITTEE MEETING ITEMS OF SEPTEMBER 14, 2011**

Review of Edgeline Striping on Via Zurita

Action: Recommended that staff 1) leave the edgeline striping in place, and 2) research options for the Committee for other signage that can be used in the area, and bring those options back to the Committee at the October meeting.

Request for Turn Restrictions on Via Anita at the 100 Block of Palos Verdes Drive West

Action: Recommended that only the issue of a Left Turn Restriction from Via Anita onto Palos Verdes Drive West be brought back before the Committee in October.

- **PLANNING COMMISSION ACTIONS OF SEPTEMBER 20, 2011**

NC-1426-11; Neighborhood Compatibility Application for additions to the single family residence located at 1640 Paseo Del Mar. Lot 11, Block 1270, Tract 7140.

Owner: Steve & Julia Prado

Action: Approved with conditions.

NC-1427/GA-1487/M-830-11; Consideration of Neighborhood Compatibility, Grading and Miscellaneous Applications for a new single family residence located at 768 Via Somonte. Lot 1, Block 1540, Tract 6884.

Owner: John & Serena Padian

Action: Approved with conditions.

M-824-11; Consideration of a Miscellaneous Application for a structure exceeding the maximum allowable height at the single family residence located at 2529 Via La Selva. Lot 10, Block 1700, Tract 6882.

Owner: Frank Hayes & Louise Connolly

Action: Approved with conditions.

M-828-11; Consideration of a Miscellaneous Application for a non-standard encroachment at the single family residence located at 432 Via Almar. Lot 16, Block 1514, Tract 6888.

Owner: Mr. & Mrs. Chang

Action: Approved with conditions.

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

**CITY COUNCIL
SEPTEMBER 27, 2011**

PUBLIC HEARINGS - None

ORDINANCE

- **INTRODUCTION OF ORDINANCE 11-699; AMENDING CHAPTER 2.36 OF TITLE 2 OF THE PALOS VERDES ESTATES MUNICIPAL CODE**

Analyst Davis reported that revision of the civil service rules has been a collaborative effort with Council, City Manager, Department Heads, City Attorney, labor law attorney, and the employee associations. As part of the City’s civil service system, the Rules were instituted in 1951 by ordinance, and were designed to serve as the City’s Personnel Rules and to serve as the city personnel administrative guidelines. She stated significant modifications are needed in order to bring these rules up to date with State and Federal regulations and to accurately reflect the City’s own policies and procedures. The City must first amend Chapter 2.36 of the Municipal Code, which retitles the Chapter as Personnel and Employment; notably, it removes reference to Los Angeles County Civil Service Commission and its processes. It also allows for the adoption of a new set of personnel rules, which will be presented to Council for formal action on October 11. Other modifications include deletion of language that no longer applies, or would ultimately be addressed by the updated Personnel Rules, and related references.

Mayor Rea asked why the list of appointive offices in Section 2.36.020 of the ordinance includes the office of “fire chief.” Ms. Davis responded that the intent was the leave positions listed, even though not currently included as City staff, in the event such positions/titles are re-established in the future without requiring further revision to the Code.

On motion of Council member Humphrey, the City Council introduced Ordinance 11-699 amending Chapter 2.36 of Title 2 of the Palos Verdes Estates Municipal Code relating to the civil service system. The motion was seconded by Council member Perkins and carried unanimously by the following roll call vote:

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

OLD BUSINESS

- **RESOLUTION R11-26, APPROVING THE APPLICATION FOR GRANT FUNDS FROM THE LOS ANGELES COUNTY REGIONAL PARK AND OPEN SPACE DISTRICT EXCESS FUNDS GRANT PROGRAM**

Public Works Director Rigg reported Supervisor Knabe’s office awarded a \$150,000 grant to the City in excess park funds, which are required to be used for recreational capital project needs. The Parklands Committee, Malaga Cove and Lunada Bay Homeowners Associations, and interested residents provided input for the use of the grant funds. Worthy projects were investigated and

CITY COUNCIL

SEPTEMBER 27, 2011

prioritized; cost estimates, and eligibility were confirmed and presented to the Parklands Committee for further review. Projects identified were: Donation to the City's 'Tree Bank' Account; Installation of Pergola Lights in Lunada Bay Park; Refurbishment to Via Victoria Path (from end of Paseo Lunado); Trail Reestablishment at various locations, as requested by Malaga Cove Homeowners Association; and installation of new George Allen Field Bleachers with side rails and safer backings. Staff will pursue all projects (Parklands PC-328-11 previously approved this evening) with the Los Angeles Regional Park and Open Space District Grant as soon as the agreement with the County has been finalized.

Mayor Rea confirmed with Public Works Director Rigg the balance available in the Tree Bank is \$6000; the typical source of which are compensation for illegal tree removals, or required amounts that go the fund when trees are authorized for removal by the Parklands Committee. Typically, the balance is ~\$30-40,000.

The following residents voiced their support of the resolution as recommended:

Susan Chang, 2501 Via Pinale

Bruce Geernaert, 605 Palos Verdes Drive West, MCHOA representative

Jill Shoemaker, 2621 Via Ramon

Margaret McCarthy, 1609 Via Arriba, MCHOA President

Council member Perkins complimented staff on the process for developing the suggested projects. With today's emphasis on sustainability, she said our trails could be used as alternatives to vehicular transportation; a good, safe trail system will help. She said suggestions that went beyond this \$150,000 grant sets the stage for future projects in the event other grant funds become available. She supported approval and appreciated the community's input.

Councilmember Humphrey agreed, supporting the development of other improvement projects beyond the scope of this grant, such as the Paseo La Cresta median pathway and roadway adjacent to the PV Beach and Athletic Club, to be ready when other funds become available. She acknowledged all the input received from City residents.

Mayor Pro Tem Bird complimented the process, and thanked the Malaga Cove and Lunada Bay Homeowners Associations for their input. He commented on the importance of prioritizing public safety and other core municipal functions, and supported establishment of a mechanism to maintain and improve our parklands as a municipal core function. He said we should be committed to doing a better job in funding these parklands projects, and developing all of the paths as envisioned by City founders.

Mayor Rea concurred, and was pleased staff could act promptly given the deadline associated with the grant, including community involvement. He said the parklands are part of the City's capital, and without the involvement of the homeowners associations, these particular projects may not have had the opportunity to be funded. He supported further consideration for what else can be done to develop our trail system and parklands with water-wise planning.

On motion of Mayor Pro Tem Bird, seconded by Councilmember Humphrey, Council unanimously adopted Resolution R11-26 approving the application for grant funds from the Los Angeles County Regional Park and Open Space District Excess Funds Grant Program.

NEW BUSINESS

- **AWARD OF PROFESSIONAL SERVICES AGREEMENT TO IDS GROUP FOR THE DESIGN OF SEISMIC RETROFITS TO CITY HALL AND ADOPTION OF RESOLUTION R11-32, ADJUSTING THE FISCAL YEAR 2011-12 BUDGET**

Public Works Director Rigg reported staff investigated structural adequacy of City Hall, which also functions as the City's Emergency Operations Center, in the event of earthquakes. Melvyn Green & Associates was contracted, conducted the analysis, and identified eight recommended retrofits. Six proposals were received from structural engineering firms for the creation of construction documents based on the preliminary recommendations. The qualifications and approaches were reviewed by he and staff (Floriza Rivera, capital projects engineer; Juliet DeMoss, structural engineer) and IDS Group provided the best approach; references were checked and the firm was highly recommended. The total for their design services is \$52,512.50 (within the estimate per Melvyn Green). Funds are available from the Haag Estate proceeds. He said staff will return to Council with formal cost estimates before the construction project is bid.

Councilmember Humphrey confirmed with Director Rigg that the \$361,891 budget within the staff report represents a total cost estimate for architectural, engineering, inspection, and construction of the first seven of eight recommended elements. The difference/balance needed would be taken from the unobligated capital fund. Director Rigg said once projects are "shovel ready" they can research additional funding opportunities if needed.

On motion of Councilmember Humphrey, seconded by Councilmember Perkins, City Council unanimously awarded a Professional Services Agreement to IDS Group in the amount of \$52,512.50 for the design of seismic retrofits to City Hall, and adopted Resolution R11-32, adjusting the FY11-12 Budget.

- **UPDATE ON THE IMPLEMENTATION OF THE POLICY FOR THE REMOVAL OF UNAUTHORIZED ENCROACHMENTS ON CITY PARKLANDS**

Public Works Director Rigg reported many privately owned properties in the City border City parklands; land that is to remain as open space and available for the public at large. Over the years many property owners bordering this land have built encroachments, such as fences, without knowledge to the City. Since 1993, Council adopted several policies to address the problem over time. By 2005, Council determined additional action was warranted and adopted a policy that would cause removal of all significant encroachments. A surveyor was employed to identify all the encroachments in the parklands that run along the City's northerly border – limiting the survey to encroachments of 10 ft. or more. Thirty-one encroachments were identified. Another 3 large encroachments were later identified through City GIS and walking the trails. Annual letters were sent to the property owners. Over the past 5 years, there has been significant success with the

CITY COUNCIL

SEPTEMBER 27, 2011

removal. Over the last 6 weeks, approaching the 5-year deadline imposed by Council, response has been exponential. Of the 34 identified encroachments, 29 have been completely removed (28 along the boundary strips), and 3 are currently in the process of being removed, with verbal commitments from the property owners that they would be completed within a month. There is extensive encroachment at 900 Via Panorama; a representative is filing an application to go before the Planning Commission.

Director Rigg said the other extensive encroachment is located at 225 Rocky Point Road, which is comprised of a stairway which is secured by a drawbridge built many years ago that extends from the top of the bluffs to the bottom . It is used periodically by Police, Fire Department, and Lifeguard personnel for emergency beach access. Each group has a key to the stairway and it provides them easy access to the beach at Lunada Bay. We would be concerned that the removal of the stairway may impact these groups and would be impossible to replace with current Coastal Act requirements. It may be preferable to enter into a license agreement with the property owner to retain the stairway with the condition that public safety personnel have access as needed. This is a unique situation in that the encroachment serves a public purpose.

He said Council has the option of utilizing the nuisance abatement procedure for the remaining noncompliant property owners. He asked Council to support delay of sending letters to start the [nuisance abatement] process until all other remedies are exhausted.

He said staff has reviewed all of the locations on the City boundary strip where the encroachments have been removed; some areas need some additional work. Trees will be trimmed as well and a comprehensive clean-up of the boundary strip will occur.

Councilmember Humphrey confirmed with Director Rigg that the 3 remaining properties [out of compliance] have provided verbal commitment that they will begin soon.

City Manager Smith confirmed if Council authorizes staff to send a letter, staff will have the discretion of the amount of time allowed to elapse before sending the letter which provides 30-day notice of the City's intent to remove the encroachments.

Mayor Pro Tem Bird confirmed the history of Council's review and direction on this issue, and confirmed with Director Rigg that Council had originally determined March 2011 would be the deadline for compliance; however, it was extended due to the rainy season. Director Rigg reviewed the assistance measures provided to assist the property owners to comply. MPT Bird confirmed with Director Rigg that the locked drawbridge gate on Rocky Point, which is vertical going down the bluff, is inaccessible to the public, but because public safety uses it on occasion the recommendation is to allow the encroachment to remain [with a license agreement]. MPT Bird was concerned about its precedent setting nature, and Director Rigg responded that he did not see how it could ever be used to legitimize another encroachment in the City. MPT Bird confirmed with staff that this is public safety's only means of getting down to the beach. Director Rigg said public would have to cross private property to get to the gate/drawbridge to access the beach. MPT Bird asked if this land is inaccessible to members of the public. Director Rigg responded that it is inaccessible at the top of the bluff, but completely accessible to the public from the bottom from the

beach. MPT Bird was concerned about liability/indemnity issues associated with a license agreement. Director Rigg said it is a safer way for public safety personnel to access the beach.

Council member Perkins supported allowing staff discretion as to when to start the nuisance abatement proceeding; however, the owners have had plenty of time to comply. She said it was stunning to see that some people have just started taking action in the last 60 days. She did not favor prolonging this process any longer than a few weeks.

Mayor Rea asked if the locked gate on Rocky Point is on public or private land. Police Chief Dreiling responded that it is on personal property.

Mayor Rea asked for a detailed description of the Via Panorama encroachments. Director Rigg said they cover ~1.4 acres – a paved roadway, a large graded grass area with retaining walls around it up to 12 ft. in height, large stone gazebos, multiple retaining walls, trees, and walkways. Director Rigg said Council reviewed and allowed the encroachments to remain in the late 1990's, but required the gate to be locked so that it would only be utilized by Fire Dept. personnel. He said the property owner has looked at a variety of options and are in the process of an extensive surveying to determine the magnitude of the costs involved to remove the encroachments.

Councilmember Perkins warned that the Planning Commission should not interpret inaction regarding this property this evening as affirmation for the encroachments to remain.

Mayor Rea confirmed with Director Rigg that the encroachments on the Torrance side of the City boundary strips were all less than the 10 ft. threshold they had established. Mayor Rea suggested this might be revisited. Council member Humphrey concurred.

MPT Bird confirmed that the safety personnel must cross private property to access the beach from the Rocky Point property. He said there is a stairway with drawbridge; which is lowered when people are going down to access the beach.

MPT Bird asked if the license agreement would essentially provide the City an easement for police and fire personnel access. Director Rigg responded yes. City Attorney Hogin said as long as the City has the license to cross the private property, the property owner would have the ability to maintain the encroachment; if they wanted to cancel the license, the encroachment would have to be removed. MPT Bird confirmed that they would not be approving the encroachment, but are allowing it to exist through the term of the license. City Attorney Hogin said they would return to Council with pictures of the encroachment and terms so Council may weigh how much of an imposition this is on the public property versus the benefits derived from the license.

Council was in concurrence that consideration of a license agreement is only because of public safety access benefits. Director Rigg said all these structures predate Coastal Commission consideration; if removed, it would be very difficult for anything like this to be built ever again.

After clarification that the property at Via Panorama is included and that as long as City staff is persuaded they are headed toward compliance, the timing of [a nuisance abatement letter] could be determined by the City;

**CITY COUNCIL
SEPTEMBER 27, 2011**

On motion of Councilmember Humphrey, seconded by Council member Perkins, City Council directed staff to begin the process of abatement of nuisances on public property by sending the notices as required by the Code, with the exception of 225 Rocky Point Road; and directed staff to create and record a license agreement with the property owner of 225 Rocky Point Road to retain the stairway for Council review and approval, which was carried by unanimous oral vote.

STAFF REPORTS

CITY MANAGER'S REPORT -

- **JOINT CITY COUNCIL AND PLANNING COMMISSION MEETING – PROVIDE INPUT TO STAFF ON DESIRED TOPICS AND ESTABLISH DATE FOR THE MEETING.**

The joint meeting was set by Council for 6:30 p.m. Tuesday, November 1 at the Palos Verdes Golf Club. Suggested agenda items, such as exploring clarification of Neighborhood Compatibility guidelines, interaction with the Art Jury, and the meet-and-confer process, were provided to staff.

DEMANDS

It was moved by Councilmember Humphrey and seconded by Councilmember Perkins that the demands, as approved by a majority of the City Council, totaling \$243,195.13 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. 520258 to 520332 totaling \$638,838.73 be allowed and it was unanimously approved.

MAYOR & CITY COUNCILMEMBERS' REPORTS

Mayor Rea reported on his attendance at the PVP Coordinating Council's monthly lunch meeting at the Peninsula Library on Thursday, 9/22, along with the other Peninsula-city mayors. They each made State-of-the-City presentations. Council members Humphrey and Bird acknowledged Mayor Rea's informative presentation.

ADJOURNMENT

There being no further business before Council, Mayor Rea adjourned this evening's meeting at 8:50 p.m. to Tuesday, October 11, 2011 at 6:30 p.m. in the City Council Chambers of City Hall for the purpose of Regular Meeting.

RESPECTFULLY SUBMITTED:

**CITY COUNCIL
SEPTEMBER 27, 2011**

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

APPROVED:

WILLIAM JOHN REA, MAYOR

**CITY COUNCIL
SEPTEMBER 27, 2011**