



## City of Palos Verdes Estates City Council Agenda & Staff Reports

### DISCLAIMER

The following City Council agenda includes text only version of the - reports associated with the business matters to be brought before for the City Council at its Regular Meeting of this date. Changes to the - reports may be necessary prior to the actual City Council meeting. The City Council may elect to delete or continue business matters at the beginning of the City Council Meeting. Additionally, - reports attachments, including but not limited to, pictures, plans, drawings, spreadsheet presentations, financial statements and correspondences are not included. The attachments are available for review with the official agenda package at the Reception area at City Hall as well as the Malaga Cove Public Library.

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

February 12, 2008  
6:30 P.M.  
City Hall  
Council Chambers

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

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

The City Council welcomes and encourages public participation at the Council meetings; however, to allow for the orderly progression of business, each person wishing to comment or make a  
CITY COUNCIL AGENDA  
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presentation shall be limited to three (3) minutes. Anyone wishing to address the City Council must fill out a green speaker's card available at the end of each row in the Chambers. The card permits the City to identify persons for purposes of City Council minute preparation. Please see specific agenda sections below for any other requirements related to meeting participation. The City Council, at the direction of the Mayor with concurrence of the Council, may modify the order of items shown on the agenda.

**NEXT RESOLUTION NO. R08-05**  
**NEXT ORDINANCE NO. 08-683**

**CALL TO ORDER**

**CLOSED SESSION (6:30 – 7:30 p.m.)**

- **Conference with Legal Counsel - Matters of Litigation**

Existing Litigation Pursuant to Government Code Section 54956.9(a)  
Gdowski v. City of Palos Verdes Estates LASC Case No. BS096771  
Court of Appeal Case No. B193709

**At the conclusion of the Closed Session, the Council may reconvene to Open Session to take formal action on any item discussed, as it may deem appropriate.**

**PLEDGE OF ALLEGIANCE (7:30 p.m.)**

**ROLL CALL**

**CEREMONIAL MATTERS**

- **Proclamation to Ruth and Richard Gralow on the Event of their 50<sup>th</sup> Wedding Anniversary**

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

**CONSENT AGENDA (Items #1 – 7)**

**All items under this heading are considered to be routine and will be enacted by one motion, unless a Councilmember, staff, or member of the public requests that an item be removed for**

**separate discussion. Any item removed from the Consent Agenda will be considered immediately following the motion to approve the Consent Agenda.**

1. Minutes of City Council Meeting of January 22, 2008

**Recommendation: Review and File.**

2. Treasurer's Quarterly Interest Report – October 1 - December 31, 2007

**Recommendation: Receive and File.**

3. Resolution R08-03; Confirming the Planning Commission's Approval of NC-1306-07; Neighborhood Compatibility Application for Additions to the Single Family Residence Located at 2421 Via Pinale, as Conditioned. Lot 9, Block 1621, Tract 6885

**Recommendation: Recommendation: It is recommended that the City Council adopt Resolution R08-03, confirming the Planning Commission's approval of NC-1306-07; Neighborhood Compatibility application for additions to the single family residence located at 2421 Via Pinale.**

4. Amendment to Lease Agreement with Palos Verdes Homes Association to Incorporate a Waiver of Claims for Insured Losses

**Recommendation: It is recommended that the City Council approve the amendment to the lease agreement with the Palos Verdes Homes Association to incorporate a waiver of claims for insured losses and authorize the City Manager to sign the amendment.**

5. Resolution R08-04, Declaring that the City Public Works Director is Authorized to Execute Federal Master Agreement No. 07-5283R

**Recommendation: It is recommended that the City Council adopt Resolution R08-04; declaring that the City Public Works Director is authorized to execute Federal Master Agreement No. 07-5283R.**

6. Resolutions of the City Council Declaring that Weeds Growing upon and in Front of, and Brush, Rubbish, Refuse, and Dirt Upon and in Front of Certain Private Properties in the City are a Public Nuisance, and Declaring its Intention to Provide Abatement Thereof

**Recommendation: It is recommended that the City Council adopt Resolutions R08-01 and R08-02, setting protest hearings for February 26, 2008.**

7. Actions from the Joint City Council/Planning Commission Meeting of January 30, 2008

**Recommendation: It is recommended that the City Council receive and file the actions from the joint City Council/Planning Commission meeting held on January 30, 2008.**

## COMMUNICATIONS FROM THE PUBLIC

**This portion of the agenda is reserved for comments from the public on items which are NOT on the agenda. Due to state law, no action can be taken by the Council this evening on matters presented under this section. If the Council determines action is warranted, the item may be referred to staff or placed on a future Council agenda.**

## NEW BUSINESS

8. Comprehensive Annual Financial Report for the Period Ending June 30, 2007 and Fiscal Health Report 1997-2007

**Recommendation: It is recommended that the City Council receive and file the Comprehensive Annual Financial Report for the period ending June 30, 2007, and the Fiscal Health Report 1997-2007.**

## STAFF REPORTS

9. **City Manager's Report**

## DEMANDS

10.
  - a. Authorize Payment of Motion #1 – Payroll Warrant of January 25, 2008
  - b. Authorize Payment of Motion #1a – Payroll Warrant of February 8, 2008
  - c. Authorize Payment of Motion #2 – Warrant Register of February 12, 2008

**Recommendation: Authorize Payment of Motions #1, #1a and #2.**

## MAYOR & CITY COUNCILMEMBERS' REPORTS

**ADJOURNMENT TO TUESDAY, FEBRUARY 26, 2008, AT 7:30 P.M. IN COUNCIL CHAMBERS OF CITY HALL FOR THE PURPOSE OF A REGULAR MEETING.**

- *This City Council meeting can be viewed on Cox Cable, Channel 35, Wednesday, February 13, 2008 at 7:30 p.m., and Wednesday, February 20, 2008, at 7:30 p.m.*

**TO: JOSEPH M. HOEFGEN, CITY MANAGER**

**FROM: ALLAN RIGG, PLANNING DIRECTOR**

**SUBJECT: RESOLUTION R08-03; CONFIRMING THE PLANNING COMMISSION'S APPROVAL OF NC-1306-07; NEIGHBORHOOD COMPATIBILITY APPLICATION FOR ADDITIONS TO THE SINGLE FAMILY RESIDENCE LOCATED AT 2421 VIA PINALE. LOT 9, BLOCK 1621, TRACT 6885.**

**APPLICANT: RUSS BARTO  
3 MALAGA COVE PLAZA, SUITE 202  
PALOS VERDES ESTATES, CA 90274**

**OWNER: DR. & MRS. ALLEN ROSEN  
2421 VIA PINALE  
PALOS VERDES ESTATES, CA 90274**

**APPELLANT: MR. & MRS. PHILIP H. HUFF  
2425 VIA PINALE  
PALOS VERDES ESTATES, CA 90274**

**DATE: FEBRUARY 12, 2008**

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**The Issue**

Should the City Council approve Resolution 08-03 confirming the Planning Commission's approval (4-1) of NC-1306-07; Neighborhood Compatibility application for additions to the Single Family Residence located at 2421 Via Pinale, as conditioned?

**Background and Analysis**

On January 22, 2008 the City Council conducted a public hearing to consider an appeal of the Planning Commission's approval of NC-1306-07; Neighborhood Compatibility application for additions to the Single Family Residence located at 2421 Via Pinale, as conditioned.

After considering the facts and testimony, the City Council voted 5-0 to deny the appeal and uphold the Planning Commission's approval of NC-1306-07; Neighborhood Compatibility application for additions to the Single Family Residence located at 2421 Via Pinale, as conditioned.

This resolution confirms that decision.

### **Alternatives Available to Council**

The following alternatives are available to the City Council:

1. Approve resolution R08-03 confirming the Planning Commission's approval of NC-1306-07; Neighborhood Compatibility application for additions to the Single Family Residence located at 2421 Via Pinale, as conditioned.
2. Decline to act.

### **Recommendation from Staff**

Staff recommends that the City Council approve resolution R08-03 confirming the Planning Commission's approval for NC-1306-07; Neighborhood Compatibility application for additions to the Single Family Residence located at 2421 Via Pinale.

Staff report prepared by:  
Stacey Kinsella  
Planning Department

**TO: JOSEPH HOEFGEN, CITY MANAGER**

**FROM: JUDY SMITH, ASSISTANT CITY MANAGER**

**SUBJECT: AMENDMENT TO LEASE AGREEMENT WITH PALOS VERDES HOMES ASSOCIATION TO INCORPORATE A WAIVER OF CLAIMS FOR INSURED LOSSES**

The Issue

Shall the City Council approve an amendment to the lease agreement between the City and the Palos Verdes Homes Association to incorporate a waiver of claims for insured losses?

Analysis and Findings

The Palos Verdes Homes Association for many years has occupied the office area at the north end of City Hall under various lease agreements with the City. The current lease has been in place since 1995 and has worked well for both parties over the past 13 years. A copy of the lease is attached to this report. The lease has an evergreen provision, which provides for on-going renewals and annual CPI adjustments to the lease amount.

The Homes Association recently conducted a comprehensive review of their insurance matters. As a result, it was recommended that the City and Association consider modification to the lease agreement to include a waiver in the event of an insured loss. The City insures the City Hall complex through purchased coverage offered by the California Joint Powers Insurance Authority. All of the City's recreational concession properties are also insured under the City's property program. At their option, some of the clubs also purchase additional specialized coverages (e.g. flood, earthquake). The Homes Association also maintains insurance related to their use and occupancy of the premises.

The property coverage through the CJPIA permits agreements made by the Insured member releasing or waiving right to recovery against third parties. With the recommended change to Homes Association lease, if there were a "loss" (fire, water damage, etc.) the proposed modification to the lease means that neither the City nor the Homes Association could make a claim against the other party if the loss was paid for via an insurance policy. We recommend this proposed modification as the City and Golf Club have in place a similar, longstanding waiver with respect to the property insurance coverage.

The City Attorney has drafted the attached amendment and can answer any specific questions regarding the language or applicability of the waiver. The Homes Association Board of Directors has approved the amendment.

### Alternatives Available to the City Council

1. Approve the lease amendment.
2. Decline to approve the lease amendment.

### Recommendation

It is recommended that the City Council approve the amendment to the lease agreement with the Palos Verdes Homes Association to incorporate a waiver of claims for insured losses and authorize the City Manager to sign the amendment.



**TO: JOSEPH M. HOEFGEN, CITY MANAGER**

**FROM: ALLAN RIGG, PUBLIC WORKS DIRECTOR**

**SUBJECT: ADOPTION OF RESOLUTION NO. R08-04, DECLARING THAT THE CITY PUBLIC WORKS DIRECTOR IS AUTHORIZED TO EXECUTE FEDERAL MASTER AGREEMENT NO. 07-5283R**

**DATE: FEBRUARY 12, 2008**

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**The Issue**

Should the City Council:

Adopt Resolution No. R08-04 to declare that the City Public Works Director is authorized to execute Federal Master Agreement No. 07-5283R?

**Background and Analysis**

Each year limited amounts of federal funding is available to California local agencies for transportation-related projects. In Los Angeles County the pool of funding is allocated by population to the 89 local agencies within the County. If a local agency has projects it would like to construct with federal funds, it applies for funding with both the Metropolitan Transit Authority and the State of California Department of Transportation (Caltrans) to see if a project is eligible. If the amount of funding is granted the funds become "obligated."

Federal funding is typically transferred to an agency on a reimbursement basis, and "obligation" is a way of ensuring that actual federal cash is available to reimburse a local agency for project costs they have already paid. In the case of Federal Highway Administration (FHWA) related projects on highways and streets, the authority to approve fund obligation is passed on to Caltrans. Caltrans has specific processes that must be followed for an agency to get to a point where funds can be obligated. These vary depending on the program but generally include submitting a "project authorization request" and/or entering into an agreement with Caltrans. Any work performed on the project before receiving authorization to proceed is not eligible for reimbursement.

An agency must ensure it has adequate cash flow to cover planned project expenditures. Generally, once expenditures are incurred on an authorized project, the agency can request reimbursement for those costs. If the agency is required to provide matching monies to the federal funds, those must be

spent first. Once the project is complete Caltrans may have to conduct an audit to ensure funds were spent in accordance with the grant or funding program guidelines.

In early 2007 staff applied for federal aid with Caltrans to construct an overlay street improvement project and a slurry seal street improvement project. The overlay project would occur on Via Campesina from Palos Verdes Drive North to the edge of the new pavement at the east golf course entrance, as well as in front of Via Zumaya next to 2564 Palos Verdes Drive West. The slurry seal project would occur on Palos Verdes Drive North from the triangle intersection to Paseo Del Campo as well as on Via Valmonte from Palos Verdes Drive North to Via Azalea.

In November, 2007, Caltrans informed staff that federal aid was approved for the overlay project. On January 12 staff received two copies of Master Agreement No. 07-5283R and two copies of Program Supplement No. N002 for this project. Caltrans requests that the signed agreements and program supplements be returned to them along with a certified resolution identifying the official authorized to execute the agreements. To expedite the federal funding process, because a majority of the federally required documentation will be generated in the Public Works Department, staff recommends that the City Director of Public Works be identified as the official authorized to execute the agreements and any other documents or instruments pertaining to this federal project.

### **Alternatives Available to Council**

The following alternatives are available to the City Council:

1. Adopt Resolution No. R08-04 to declare that the City Public Works Director is authorized to execute Federal Master Agreement No. 07-5283R.
2. Adopt Resolution No. R08-04 with modifications.
3. Decline to adopt Resolution No. R08-04.

### **Recommendation from Staff**

Staff recommends that the Council:

Adopt Resolution No. R08-04 to declare that the City Public Works Director is authorized to execute Federal Master Agreement No. 07-5283R.

### **Fiscal Impact**

The cost estimate for this project is \$94,503 and staff requested \$67,000 of federal aid reimbursement. The City will have to ensure that adequate funding will be available to pay for project costs as they occur and must match at least 11.5% of the total funding spent; however, future fiscal savings would result from the City being reimbursed for a significant portion of those costs.

Staff report prepared by:  
Floriza Rivera  
Public Works Department

CITY COUNCIL AGENDA  
FEBRUARY 12, 2008

**TO: JOSEPH M. HOEFGEN, CITY MANAGER**

**FROM: ALLAN RIGG, PUBLIC WORKS DIRECTOR**

**SUBJECT: RESOLUTIONS OF THE CITY COUNCIL OF THE CITY OF PALOS VERDES ESTATES, CALIFORNIA, DECLARING THAT WEEDS GROWING UPON AND IN FRONT OF, AND BRUSH, RUBBISH, REFUSE, AND DIRT UPON AND IN FRONT OF CERTAIN PRIVATE PROPERTIES IN THE CITY ARE A PUBLIC NUISANCE, AND DECLARING ITS INTENTION TO PROVIDE ABATEMENT THEREOF.**

**DATE: FEBRUARY 12, 2008**

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**The Issue**

Should the City Council adopt:

- a) Resolution R08-01, declaring that weeds growing upon and in front of, and brush, rubbish, refuse, and dirt upon and in front of certain unimproved private properties in the City are a public nuisance and declaring its intention to provide for the abatement thereof, and setting a protest hearing on February 26, 2008; and
- b) Resolution R08-02, declaring that weeds growing upon and in front of, and brush, rubbish, refuse, and dirt upon and in front of certain improved private properties in the City are a public nuisance and declaring its intention to provide for the abatement thereof, and setting a protest hearing on February 26, 2008?

**Background and Analysis**

**Unimproved Lots**

The Los Angeles County Department of Agricultural Commissioner and Weights and Measures has provided the City with its annual list of properties for the weed abatement service. Each year, vacant private lots are inspected by the County with a notice provided for property owners to reduce the amount of nuisance vegetation. By law, each City is required to hold a public hearing, allowing property owners to protest the County's assessment of their property prior to the County's tilling and removal of the vegetation/rubbish.

The County annually requests the City to approve a weed abatement resolution, declaring that hazardous conditions upon or in front of the parcels identified by the County are a public nuisance. The County has sent each property owner identified on the attached 'Weed Abatement Declaration List' a notice of the scheduled dates of the resolution adoption and the following protest public hearing.

The County begins the weed abatement process by tilling accessible areas with a tractor disc. Areas that a tractor disc cannot reach are then tilled by hand. Nearly all lots in the City are cleared by machine; only a few require hand work. The work occurs in mid to late spring. When completed, the County requests the City Council to confirm the fees that have been assessed for the weed abatement work, and individual property owners are billed for the fees associated with their properties.

### **Improved Lots**

The Los Angeles County Fire Department has provided the City with its annual list of improved properties for the weed abatement service. These properties listed represent a potential fire hazard. The LACFD notifies all property owners on the list of this potential prior to making a final determination of which properties are a definite fire hazard. The hope is that owners, once alerted to the danger, will clear vegetation before the fire season begins. The process for improved parcels calls for the LACFD to inspect those properties on the list in June and return to the City for authorization to fine for any violations found. The standards that the LACFD uses are different from those used for unimproved lots (see the attached notices from each department). In the past, all problem areas have been resolved and the County has not had to come back to request further punitive action.

### **Alternatives Available to Council**

The following alternatives are available to Council:

1. a) Approve Resolution R08-01 declaring that weeds growing upon and in front of, and brush, rubbish, refuse, and dirt upon and in front of certain unimproved private properties in the City are a public nuisance and declaring its intention to provide for the abatement thereof, and setting a protest hearing on February 26, 2008;
- b) Approve Resolution R08-02 declaring that weeds growing upon and front of, and brush, rubbish, refuse, and dirt upon and in front of certain improved private properties in the City are a public nuisance and declaring its intention to provide for the abatement thereof, and setting a protest hearing on February 26, 2008.
2. Decline to act at this time.

## **Conclusions and Recommendations**

Staff recommends the City Council approve Resolutions R08-01 and R08-02, setting protest hearings for February 26, 2008.

## **Budget Impacts**

There will be no budget impact to the City. Charges for inspection and weed abatement procedures within the city are assessed by the County Agricultural Commissioner and the LACFD and directly billed to respective property owners.

The number of improved and unimproved parcels are shown below and compared to earlier years' results.

	<b>2003/2004</b>	<b>2004/2005</b>	<b>2005/2006</b>	<b>2006/2007</b>	<b>2007/2008</b>
<b>LACDAC (Unimproved)</b>	157	153	153	146	139
<b>LACFD (Improved)</b>	469	469	471	470	479

Staff report prepared by:  
Floriza Rivera  
Public Works Department

**TO: JOSEPH HOEFGEN, CITY MANAGER**

**FROM: ALLAN RIGG, PLANNING DIRECTOR**

**DATE: FEBRUARY 12, 2008**

**SUBJECT: ACTIONS OF JOINT CITY COUNCIL/PLANNING COMMISSION MEETING**

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**The Issue**

Should the City Council receive and file the actions from the joint City Council/ Planning Commission meeting held on January 30, 2008?

**Summary of Meeting**

The following is a summary of the comments made regarding each of the items discussed at the joint City Council/ Planning Commission meeting held on January 30, 2008.

**Increase in revised applications to the Planning Commission**

- Staff will work with the Planning Commission to identify changes that do not require Planning review and to modify processes to reduce the current City procedures.

**Removal of major private trees**

- Staff is to continue to require that all existing and proposed trees be noted clearly on the plans.

**Silhouette policy regarding chimneys**

- Staff will revise the silhouette policy to require that all chimneys be silhouetted for projects being reviewed by the Planning Commission.

**The impacts of basements on grading**

- Grading for a basement is considered approvable for the sake of reduction in height, massing, and visual impact. However, the impact to the natural contours around the building is to be considered. The natural contours outside of the proposed structure are to be respected to the greatest extent practicable.

**The requirement to Meet and Confer**

- Staff is to develop a suggested agenda for architects to utilize that will clarify the purpose of the neighborhood meeting.
- Staff is to work with the Planning Commission to further define a reasonable time and place for the neighborhood meeting.

**Alternatives Available to Council**

The following alternatives are available to the City Council:

1. Receive and file the actions from the joint City Council/ Planning Commission meeting held on January 30, 2008.
2. Decline to act.

**Recommendation from Staff**

Staff recommends that the City Council receive and file the actions from the joint City Council/ Planning Commission meeting held on January 30, 2008.

Staff report prepared by:  
Stacey Kinsella

**TO: JOSEPH HOEFGEN, CITY MANAGER**

**FROM: JUDY SMITH, ASSISTANT CITY MANAGER**

**SUBJECT: COMPREHENSIVE ANNUAL FINANCIAL REPORT FOR THE PERIOD  
ENDING JUNE 30, 2007 AND FISCAL HEALTH REPORT 1997-2007**

The Issue

Shall the City Council receive and file the City's Comprehensive Annual Financial Report (CAFR) for the period ending June 30, 2007 and the City's Fiscal Health Report 1997-2007?

Analysis and Findings

This annual financial report, prepared by the City's Finance Department with assistance of our auditors, Mayer, Hoffman McCann, P.C., covers the results of City operations for Fiscal Year 2006-07. The financial report was transmitted for the Council's preliminary review on December 14<sup>th</sup>. The Fiscal Health Report is transmitted at this time.

On February 5, 2008, Mr. Ken Al-Imam, partner of the audit firm, and staff met with Mayor Pro Tem Sherwood, representing the Audit Committee, to review the financial report; the auditor's conduct of the audit and their findings. The auditors provided an unqualified (clean) opinion and based on the scope of their review, no deficiencies in internal controls were noted.

The Fiscal Health Report graphs selected financial factors and rates the factors based on an established trend. This report contains the results of operation for FY 2006-07, as confirmed by the auditors. A reading of the audit's transmittal letter, Management Discussion and Analysis (page 3 of audit) and the Fiscal Health Report transmittal letter provides an interested reader the most comprehensive information.

As part of this agenda item, staff will verbally present highlights from the audit and the Fiscal Health Report.

Recommendation

It is recommended that the City Council receive and file the Comprehensive Annual Financial Report for the period ending June 30, 2007 and the Fiscal Health Report 1997-2007.