

February 14, 2012
7:30 P.M.
Council Chambers of City Hall
340 Palos Verdes Dr. West
Palos Verdes Estates

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

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

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

**NEXT RESOLUTION NO. R12-04
NEXT ORDINANCE NO. 12-702**

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL (7:30 p.m.)

MAYOR'S REPORT – Matters of Community Interest

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CONSENT AGENDA (Items #1 - 5)

All items under this heading are considered to be routine and will be enacted by one motion, unless a Councilmember, staff, or member of the public requests that an item be removed for separate discussion. Any item removed from the Consent Agenda will be considered immediately following the motion to approve the Consent Agenda.

1. Waive Further Reading

Recommendation: After the City Attorney has read the title, waive full reading of ordinances considered on this agenda for introduction on first reading or adoption on second reading.

2. City Council Minutes of January 24, 2012

Recommendation: Review and Approve.

3. 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 R12-02 and R12-03, setting protest hearings for February 28, 2012.

4. Letter of Support – H.R. 2677 “Los Angeles Helicopter Noise Relief Act of 2011”

Recommendation: It is recommended that the City Council direct staff to prepare a letter for the Mayor’s signature in support of H.R. 2677, the Los Angeles Residential Helicopter Noise Relief Act of 2011, with the condition that a mandatory exemption for emergency, law enforcement and military activities be added to the proposed legislation.

5. Special Event Application for American Honda and Pediatric Brain Tumor Foundation’s “Ride for Kids” Scheduled Sunday, May 6, 2012 from 8:00 a.m. to 2:00 p.m.

Recommendation: It is recommended that the City Council approve the Special Event Application allowing the American Honda and Pediatric Brain Tumor Foundation’s “Ride for Kids” to travel through Palos Verdes Estates on May 6, 2012.

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.

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PUBLIC HEARING/ORDINANCE (7:30 p.m.)

6. Introduction of Ordinance 12-701; an Ordinance of the City Council of the City of Palos Verdes Estates, California, Amending and Readopting Titles 1, 2, 3, 5, 6, 8, 9, 10, 12, 13, 15 and 19 of the Palos Verdes Estates Municipal Code

Recommendation: It is recommended that the City Council open the public hearing, receive public input, close the public hearing and, after the City Attorney reads the title, introduce Ordinance 12-701; amending and readopting Titles 1, 2, 3, 5, 6, 8, 9, 10, 12, 13, 15 and 19 of the Palos Verdes Estates Municipal Code.

OLD BUSINESS

NEW BUSINESS

STAFF REPORTS

7. City Manager's Report

DEMANDS

8.
 - a. Authorize Payment of Motion #1 – Payroll Warrant of February 3, 2012
 - b. Authorize Payment of Motion #2 – Warrant Register of February 14, 2012

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

MAYOR & CITY COUNCILMEMBERS' REPORTS

ADJOURNMENT TO MONDAY, FEBRUARY 20, 2012, 8:00 A.M., IN COUNCIL CHAMBERS OF CITY HALL FOR THE PURPOSE OF CONDUCTING A BUDGET STUDY WORKSHOP.

- *This City Council meeting can be viewed on Cox Cable, Channel 35, Wednesday, February 15, 2012 at 7:30 p.m., and Wednesday, February 22, 2012, at 7:30 p.m.*

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TO: JUDY SMITH, 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 14, 2012

The Issue

Should the City Council adopt:

- a) Resolution R12-02, 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 28, 2012; and
- b) Resolution R12-03, 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 28, 2012?

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 and 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 while only a few require hand work. The work occurs in mid to late spring. When completed, the County requests that City Council confirm the fees that have been assessed for the weed abatement work, and individual property owners are then 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 listed properties 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 R12-02 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 28, 2012;
- b) Approve Resolution R12-03 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 28, 2012.
2. Decline to act at this time.

Conclusions and Recommendations

Staff recommends the City Council approve Resolutions R12-02 and R12-03, setting protest hearings for February 28, 2012.

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

	2007/2008	2008/2009	2009/2010	2010/2011	2011/2012
LACDAC (Unimproved)	139	139	158	158	157
LACFD (Improved)	479	479	465	478	484

Staff report prepared by:
Floriza Rivera
Public Works Department

TO: JUDY SMITH, CITY MANAGER

FROM: ALEXA DAVIS, ASSISTANT TO THE CITY MANAGER

SUBJECT: LETTER OF SUPPORT - H.R. 2677 “LOS ANGELES HELICOPTER NOISE RELIEF ACT OF 2011”

DATE: FEBRUARY 14, 2012

ISSUE

Should the City Council consider sending a letter of support for H.R. 2677, the Los Angeles Residential Helicopter Noise Relief Act of 2011, with the condition that a mandatory exemption for emergency, law enforcement and military activities be added to the proposed legislation?

BACKGROUND AND ANALYSIS

House of Representative Bill 2677, the Los Angeles Residential Helicopter Noise Relief Act of 2011 (H.R. 2677), is a bill introduced by Congressman Howard Berman (D-Van Nuys) on July 28, 2011 and co-sponsored by Representatives Janice Hahn, Adam Schiff, Brad Sherman and Henry Waxman. The Bill would require the Federal Aviation Administration (FAA) to set helicopter flight paths and minimum altitudes in Los Angeles County within 12 months in order to reduce noise pollution in residential areas. Additionally, in December 2011, U.S. Senators Feinstein and Boxer introduced S. 2019, a companion measure in the Senate of the same title. To date, H.R. 2677 was presented to the House Transportation and Infrastructure Committee and is currently under review with the Aviation subcommittee; however, no action has been taken or is scheduled at this time.

There is wide support for H.R. 2677. In October 2011, nine California Assembly members and two California State Senators co-signed a letter to Senators Feinstein and Boxer requesting that H.R. 2677 be included in the pending FAA reauthorization funding bill. In November 2011, the County Board of Supervisors submitted a letter of support for H.R. 2677. Our neighboring cities of Rancho Palos Verdes, Rolling Hills Estates and nearby Lomita have all submitted letters or resolutions in support of H.R. 2677. Additionally, the LAX Community Noise Roundtable, of which former City Traffic Committee member, Blake LaMar, is a member, has sent letters to congressional and senatorial representatives to express support for H.R. 2677.

The proposed bill does not appropriately direct the FAA to exempt helicopter operations related to emergency, law enforcement or military activities from the requirements. The Los Angeles County Fire Department and the Los Angeles County Sheriff’s Department have expressed support for H.R.

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2677 as long as there is a clear determination that it provides a mandatory exemption for emergency, law enforcement and military activities. As such, supporters are requesting that this proviso be added.

Although helicopter noise is a more prevalent problem in neighboring cities, such as Rancho Palos Verdes, Palos Verdes Estates receives complaints and contact from concerned residents. Most Peninsula helicopter air traffic originates from Torrance Airport. As such, it is expected that H.R. 2677 will be very effective in reducing noise pollution on the Peninsula by providing enforceable flight paths and altitude levels.

If approved, a letter indicating the City Council's support of H.R. 2677, with requested modification, would be addressed to the Chair and Ranking member of the Aviation subcommittee to the House Transportation and Infrastructure Committee. Copies would be sent to the House sponsor and our two U.S. Senators.

RECOMMENDATION

It is recommended that City Council direct staff to prepare a letter for the Mayor's signature in support of H.R. 2677, the Los Angeles Residential Helicopter Noise Relief Act of 2011, with the condition that a mandatory exemption for emergency, law enforcement and military activities be added to the proposed legislation.

FISCAL IMPACT

No impact anticipated.

TO: JUDY SMITH, CITY MANAGER

FROM: JOE MENDOZA, ADMINISTRATIVE ANALYST

SUBJECT: SPECIAL EVENT APPLICATION FOR AMERICAN HONDA AND PEDIATRIC BRAIN TUMOR FOUNDATION'S "RIDE FOR KIDS" SCHEDULED SUNDAY MAY 6, 2012 FROM 8:00AM TO 2:00PM

DATE: FEBRUARY 14, 2012

ISSUE

Shall the City approve the Special Event Application allowing the American Honda and Pediatric Brain Tumor Foundation's "Ride for Kids" to travel through Palos Verdes Estates on May 6, 2012?

BACKGROUND AND ANALYSIS

American Honda and the Pediatric Brain Tumor Foundation are applying for a special event application for a "Ride for Kids" fundraiser for pediatric brain tumor research. For several years, hundreds of motorcycle participants have paraded along the coastline from American Honda headquartered in Torrance. Although in years past, they have coordinated efforts with the police department ensuring a safe event, this is the first year they have sought formal City Council approval from the City of Palos Verdes Estates.

This year, the ride will enter into Palos Verdes Estates through Palos Verdes Blvd and continue west on Palos Verdes Drive West. Motorcyclists will then turn right onto Paseo del Mar and follow the street onto Paseo Lunado. They would then turn right onto Palos Verdes Drive West from Paseo Lunado and exit the City. There is no return loop proposed.

The Special Event Application for the "Ride for Kids" has been preliminarily approved by all departments. The Police Department requires that the motorcyclists obey all traffic laws and have planned for Reserve Officers to escort the ride while within city limits. The Indemnification Agreement and all fees have been received. At this time, an updated Certificate of Insurance has not been obtained, but the City has informed sponsors it must be received prior to the event date.

This event has been held in the City for several years without incident. From this point forward, event sponsors are aware they must complete the formal Special Event Application process.

RECOMMENDATION

It is recommended that the City Council approve the Special Event Application allowing the American Honda and Pediatric Brain Tumor Foundation's "Ride for Kids" to travel through Palos Verdes Estates on May 6, 2012.

Attachments

TO: MAYOR AND CITY COUNCIL
FROM: JUDY SMITH, CITY MANAGER
SUBJECT: INTRODUCTION OF ORDINANCE 12-701; AMENDING AND READOPTING TITLES 1, 2, 3, 5, 6, 8, 9, 10, 12, 13, 15 AND 19 OF THE PALOS VERDES ESTATES MUNICIPAL CODE

The Issue

Shall the City Council introduce Ordinance 12-701, amending and readopting the Palos Verdes Estates Municipal Code Titles as noted above?

Background and Analysis

The City Clerk’s Office has been engaged in a multi-year project to update and recodify the Palos Verdes Estates Municipal Code. The last complete code recodification occurred in November 1988 (Ordinance #471). There have been changes to the Code since 1988, as indicated by the fact the City is now considering Ordinance #701. Municipal code provisions were added, deleted or modified as circumstances and legal requirements dictated. The purpose of the recodification project; however, was to perform a comprehensive update to ensure that the code: 1) Reflects current City practices and procedures; 2) Reflects consistency with current state and federal law and current statutory references, and 3) Is internally consistent and contains clear, unambiguous language.

The code review project has involved the City Council, Planning Commission, City Attorney’s Office, each department head and other City staff members. Steps undertaken as part of the process included:

- Legal reviews conducted by both the prior and current City Attorneys and the City’s municipal code vendor, Code Publishing Company.
- Adjourned City Council Meetings for the purpose of detailed review of each Title:
November 23, 2010 Titles 1 – 6
February 8, 2011 Titles 8 – 13
November 8, 2011 Titles 15 – 18, after review by the Planning Commission
January 11, 2012 Comprehensive review of all titles covered by Ordinance 12-701

All Titles, except Title 19 - Coastal Regulations, involved revisions/amendments. Some titles contain more changes than others, but all changes were made in light of the purpose of the recodification, as stated above.

On January 11, 2012, the Council adopted Ordinance 12-700, which amended Title 16 Subdivisions, Title 17 Zoning Procedures and Title 18 Zoning Regulations of the Palos Verdes

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Estates Municipal Code. Ordinance 12-700 and Ordinance 12-701, once adopted, become the recodified Palos Verdes Estates Municipal Code. The ordinances will be sent to Code Publishing for formatting and publishing the Code, which will then be available via the City's website. A limited number of hard copy versions of the Code will also be published.

A public hearing is a required part of the process to adopt Ordinance 12-701 (attached). Section 3 of the ordinance enumerates provisions related to other State and County codes or titles of codes readopted by reference (e.g. Ordinance 698 adopting by reference the California Building Code). The City Clerk's Office is in possession of the current versions of the titles or codes as cited in Section 3.

Environmental Review

This ordinance is exempt from review under the California Environmental Quality Act (California Public Resources Code §§ 21000, *et seq.*, "CEQA") and CEQA regulations (14 California Code of Regulations §§ 15000, *et seq.*) because it establishes rules and procedures to permit operation of existing facilities; consists only of minor revisions and clarifications to existing regulations and specification of procedures related thereto; and consists of actions taken to assure the maintenance, protection and enhancement of the environment. This ordinance, therefore, does not have the potential to cause significant effects on the environment. Consequently, it is categorically exempt from further CEQA review under 14 Cal. Code Regs. §§ 15301, 15305, and 15308.

Alternatives Available to the City Council

Alternatives available to the City Council are:

1. Introduce Ordinance 12-701 and the associated Municipal Code Titles, as presented;
2. Request additional modifications to one or more of the Municipal Code Titles and decline to introduce the Ordinance at this time.

Recommendation

It is recommended that the City Council open the public hearing, receive public input, close the public hearing and introduce Ordinance 12-701 amending and readopting Titles 1, 2, 3, 5, 6, 8, 9, 10, 12, 13 15 and 19 of the Palos Verdes Estates Municipal Code.

Fiscal Impact

The FY 2011-12 City Clerk's budget includes funds for work to be performed by Code Publishing Company to reformat and publish the Municipal Code. Depending upon the number of hard copy code books printed, it is expected the project will be completed at a cost of ~\$6,500.