

July 26, 2011  
6:30 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. R11-23  
NEXT ORDINANCE NO. 11-699**

**CALL TO ORDER**

**PUBLIC COMMENT ON CLOSED SESSION ITEM(S)**

**CLOSED SESSION (6:30 p.m. – 7:30 p.m.)**

**This time has been set aside for the City Council to meet in a closed session to discuss the matters listed below pursuant to Government Code § 54957 and § 54957.6 . The Mayor or City Attorney will give an additional oral report regarding the closed session at the beginning of the regular City Council meeting.**

**CITY COUNCIL AGENDA  
JULY 26, 2011**

PUBLIC EMPLOYMENT –  
Pursuant to Government Code §54957  
Title: City Manager

CONFERENCE WITH LABOR NEGOTIATORS –  
Pursuant to Government Code §54957.6  
Agency designated representatives: City Attorney Christi Hogin  
Unrepresented employee: Acting City Manager/Assistant City Manager

## **PLEDGE OF ALLEGIANCE**

## **ROLL CALL (7:30 p.m.)**

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

## **CONSENT AGENDA (Items 1-8)**

**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. An applicant or interested citizen who wishes to appeal any Planning Commission decision (Item # 8a-e) may file an appeal with the City Clerk's office within 15 days after the date of the Planning Commission's decision.**

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

1. City Council Minutes of July 12, 2011

**Recommendation: Review and Approve.**

2. Resolution R11-20; Approving the Los Angeles Interagency Metropolitan Police Apprehension Crime Task Force Joint Powers Agreement (LA-IMPACT JPA) Authorizing the City's Membership in the LA IMPACT Authority; and Authorizing the City Manager to Execute the JPA Agreement

**Recommendation: It is recommended that the City Council adopt Resolution R11-20 approving the LA IMPACT JPA agreement, authorizing the City's membership and authorizing the City Manager to execute the agreement.**

3. Resolution R11-22; Approving the Memorandum of Understanding Between the City and the Public Service Employees Association

## **CITY COUNCIL AGENDA JULY 26, 2011**

**Recommendation: It is recommended that the City Council adopt Resolution R11-22 approving the Memorandum of Understanding amending the terms and conditions of employment for the Public Services Employees' Association effective July 1, 2011.**

4. Resolution R11-21; Authorizing the Destruction of Obsolete Records of the Police Department

**Recommendation: It is recommended that the City Council adopt Resolution R11-21; authorizing the destruction of specific obsolete records of the Police Department.**

5. Special Event Application for the South Bay Sunrise Rotary to Hold Cycling Event "Rat Beach Bike Tour" on Saturday, September 24, 2011

**Recommendation: It is recommended that the City Council approve the special event application for the South Bay Sunrise Rotary to hold its cycling event, "Rat Beach Bike Tour" on Saturday, September 24, 2011 and deny the request to post directional signs.**

6. Parklands Committee Meeting Item of July 11, 2011

**Recommendation: Review and Approve.**

- a. Los Angeles County Regional Park and Open Space District (RPOSD) Grant

**Action: Approved (5-0). Staff is directed to submit the following list of projects for formal approval to the Los Angeles County Board of Supervisors:**

- **Donation to 'Tree Bank' Account**
- **Refurbishment of Bluff Top Trails**
- **Installation of Lunada Bay Plaza Entry Gateway**
- **Installation of Pergola Lights in Lunada Bay Park**
- **Installation of Palos Verdes Drive West Median Planting/Geranium Island Completion**
- **Refurbishment to Via Victoria Path**
- **Trail Re-establishment at various locations**
- **Installation of George Allan Field Bleachers**
- **Installation of a Community Garden in Valmonte**

7. Traffic Safety Committee Meeting Item of July 13, 2011

**Recommendation: Review and Approve.**

- a. Review of Via Pinzon/Via Gorrion Stop Sign

**Action: Recommended that staff leave the stop sign in place. (Approved 5-0)**

8. Planning Commission Actions of July 21, 2011

**Recommendation: Receive and File.**

- a. **NC-1377R/GA-1466R/M-816-11;** Consideration of revised Neighborhood Compatibility, revised Grading and Miscellaneous Applications for the new single family residence located at 789 Via Del Monte. Lot 13, Block 1534, Tract 6884.

Applicant: Peha & Associates  
67 14<sup>th</sup> St.  
Hermosa Beach, CA 90254  
Owner: Glen & Machiko Teshirogi  
28913 Covecrest Dr.  
Rancho Palos Verdes, CA 90275

**Action: Approved (2-1; Vandever dissenting, Evans recused, Chang absent) with standard conditions and the following additional conditions: 1) The fence adjacent to Via Del Monte shall be of open design; 2) The vegetation adjacent to the service patio is to remain; 3) The Pine tree is to remain.**

- b. **NC-1421-11;** Neighborhood Compatibility Application for additions to the single family residence located at 2204 Via Guadalana. Lot 7, Block 1632, Tract 7330.

Applicant: Tim Barber Limited  
8455 Beverly Blvd., Suite 409  
Los Angeles, CA 90048  
Owner: Lynn Aster

**Action: Approved (3-0, Thomas recused) with standard conditions.**

- c. **NC-1424-11;** Neighborhood Compatibility Application for additions to the single family residence located at 2401 Via Sobrante. Lot 11, Block 5, Tract 7538.

Applicant: Denton Developments  
1715 Via El Prado, Suite 811  
Redondo Beach, CA 90277  
Owner: Kathleen Scanlon & Marten Andersson

**Action: Approved (4-0) with standard conditions and the following additional condition: 1) The vegetation as indicated on the plan along 2405 Via Sobrante is to remain.**

- d. **NC-1322R/GA-1431R/M-818-11;** Consideration of revised Neighborhood Compatibility, Grading and Miscellaneous Applications for the new single family residence located at 1400 Via Arco. Lot 1, Tract 29082.

Applicant: Cauthen Design Inc.  
17072 Tiffany Cr.  
Huntington Beach, CA 92649  
Owner: Mr. & Mrs. Moalej

**Action: Denied (3-1, Thomas dissenting).**

- e. **GA-1436R/M-817-11;** Consideration of revised Grading and Miscellaneous Applications for the new single family residence located at 856 Via Somonte. Lot 3, Block 1539, Tract 6884.

Applicant: Thomas G. Dobos  
50 Santa Monica St.  
Aliso Viejo, CA 92656  
Owner: Hsintah Lin  
3232 Carolwood Ln.  
Torrance, CA 90505

**Action: Approved (4-0) with standard conditions and the following additional conditions: 1) No structures are to exceed 42 inches in height within the setback adjacent to Via Del Monte; 2) The landscape screening as was shown in the original drawings between the applicant and 808 Via Del Monte are to remain intact.**

## 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.**

## PUBLIC HEARINGS

**Appellant/Applicant shall be provided five (5) minutes for presentation and rebuttal. All other persons addressing the City Council during public hearings shall be limited to three (3) minutes for comment.**

9. Adoption of Resolution R11-19 Establishing 2011-12 Residential Refuse Collection Rates with Athens Services Effective July 1, 2011

**Recommendation: It is recommended that the City Council open the public hearing, receive public input, close the public hearing, and adopt Resolution R11-19, approving a \$2.32 monthly rate increase, per single family residence, to the solid waste and recycling collection services to be effective July 1, 2011, to bring the total new monthly rate to \$35.50.**

**CITY COUNCIL AGENDA  
JULY 26, 2011**

10. Appeal of Planning Commission Approval of NC-1411/GA-1484-11; Neighborhood Compatibility and Grading Applications for a New Single Family Residence Located at 2316 Via Acalones. Lot 1, Block 1651, Tract 7330

Appellant: Diana Gdowski  
2320 Via Acalones  
Palos Verdes Estates, CA 90274  
Applicant: Tomaro Architecture, Inc.  
2617 N. Sepulveda Blvd., #100  
Manhattan Beach, CA 90266  
Owner: Wayne Tsang & Bonnie Ying

**Recommendation: It is recommended that the City Council open the public hearing, receive public input, and make a decision on the application.**

11. County Weed Abatement Charges for Fiscal Year 2010-11

**Recommendation: It is recommended that the City Council open the public hearing, receive public input, close the public hearing and confirm the charges as contained in the report prepared by the County of Los Angeles Agricultural Commissioner/Weights and Measures for providing weed abatement services during FY 2010-11.**

12. Introduce and Adopt 2011 Conformance Self-Certification Resolution R11-18; Adopting the Local Development Report for the Congestion Management Program

**Recommendation: It is recommended that the City Council open the public hearing, receive public input, close the public hearing and adopt the Self-Certification Resolution R11-18; adopting the Local Development Report for the Congestion Management Program.**

## **OLD BUSINESS**

## **NEW BUSINESS**

## **STAFF REPORTS**

13. City Manager's Report

## **DEMANDS**

14. a. Authorize Payment of Motion #1 – Payroll Warrant of July 22, 2011

**CITY COUNCIL AGENDA  
JULY 26, 2011**

- b. Authorize Payment of Motion #2 – Warrant Register of July 26, 2011 (FY10-11)
- c. Authorize Payment of Motion #2a – Warrant Register of July 26, 2011 (FY11-12)

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

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

**ADJOURNMENT TO TUESDAY, AUGUST 9, 2011, 5:00 P.M. IN THE COMMUNITY ROOM OF MALAGA COVE LIBRARY, 2400 VIA CAMPESINA, FOR THE PURPOSE OF A COUNCIL POLICY MEETING.**

- *This City Council meeting can be viewed on Cox Cable, Channel 35, Wednesday, July 27, 2011 at 7:30 p.m., and Wednesday, August 3, 2011, at 7:30 p.m.*

TO: JUDY SMITH, ASSISTANT CITY MANAGER

FROM: DAN DREILING, POLICE CHIEF

SUBJECT: ADOPT RESOLUTION R11-20 APPROVING THE LOS ANGELES INTERAGENCY METROPOLITAN POLICE APPREHENSION CRIME TASK FORCE JOINT POWERS AGREEMENT (LA-IMPACT JPA) AUTHROIZING THE CITY'S MEMBERSHIP IN THE LA IMPACT AUTHORITY; AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE JPA AGREEMENT

DATE: JULY 26, 2011

### **ISSUE**

Should City Council approve resolution R11-20 approving the City's membership in the LA-IMPACT Joint powers Authority, and granting authority to the City Manager to execute the agreement?

### **BACKGROUND AND ANALYSIS**

Inaugurated on July 1, 1991, the Los Angeles Interagency Metropolitan Police Apprehension Crime Task Force (LA IMPACT) is a compilation of numerous Federal, State and local Law Enforcement agencies in Los Angeles County whose primary focus is to investigate major crimes, with an emphasis on dismantling mid to major level drug trafficking organizations. The task force was founded by the Los Angeles County Police Chiefs' Association, who currently act as the Board of Directors.

LA IMPACT is one of the most prolific, innovative and progressive crime task forces in the country through its wide range of abilities and expertise. Many of the task force members are seasoned investigators from a myriad of different disciplines who possess expertise outside the realm of narcotic enforcement. This enables LA IMPACT to provide a diverse range of investigative services in the areas of property crimes, financial crimes and crimes against persons, in addition to narcotic enforcement during times of mutual aid by requesting entities.

LA IMPACT's primary area of expertise is narcotic enforcement. The task force is known for its surveillance capabilities and possesses the most extensive surveillance resources in California. LA Impact has specialized proficiency in the following areas: major drug trafficking organizations, money laundering, clandestine laboratory investigations, transportation and parcel interdiction, and gang enforcement. LA IMPACT is the primary clandestine laboratory response team for Los Angeles County.

Although the mission of LA IMPACT is to address drug trafficking, Los Angeles County is considered by many to be the epicenter of street gang activity and has been plagued by the threat

**CITY COUNCIL AGENDA**  
**JULY 26, 2011**



of gang violence and illegal drug activity for many years. As gang memberships have multiplied and crossed jurisdictional lines, rivalries have developed resulting in an escalation of violence. Gangs and drugs are two words that are synonymous. Control of the drug sales in a specific geographic area is very critical to a gang.

Therefore, LA IMPACT has taken an aggressive enforcement approach and investigates gangs as a Criminal Organization by identifying the gang leaders and its hierarchy in an attempt to disrupt and ultimately dismantle the criminal organization.

Operating under a Memorandum of Understanding (MOU) the City of Palos Verdes Estates has been a member of LA IMPACT since its inception (including its predecessor organization, West Side Narcotics Enforcement Team WSNET, originating in 1989). Over the years we have assigned eight police officers to LA IMPACT including: Officers Campbell, Mitchell, Doherty, Strahan, Stewart, Barber, Gonzalez and finally, Kasten. Presently no member of this police department is assigned, however, when staffing levels permit, it is our desire to assign another officer. Due to a court ruling, it has become necessary to form a JPA rather than operate under an MOU.

#### Decision to Form a Joint Powers Authority

In 2005, the California Court of Appeal issued a decision stating that LA IMPACT, though not intended by member agencies to be a separate public entity, was, in fact, a local public agency whose Board of Directors meetings are subject to the open meeting requirements of the Ralph M. Brown Act.

Additionally, LA IMPACT was sued in two civil lawsuits involving claims by former non-sworn contract employees. While both lawsuits were settled in the summer of 2009, the current MOU does not provide a formal mechanism to address the question of, when litigation is commenced against LA IMPACT, whether LA IMPACT or member agencies are required to fund the defense of the litigation and any settlement or judgment that may result.

In light of the Court of Appeal's 2005 decision and the two lawsuits against the task force, the Board of Directors believes that operating under the informal arrangement of an MOU is no longer prudent, and that it would be in LA IMPACT's and its members' best interests to formally organize itself as a Joint Powers Authority governed by an Agreement that explicitly addresses these and other issues of legal concern. The JPA is now in effect and 25 cities have signed the agreement.

#### JPA Key Points

Under the JPA, LA Impact will possess the following powers:

1. To make and enter into contracts, including but not limited to, agreements for the purpose of purchasing/leasing and or disposing of supplies and equipment;
2. To make and enter into contracts with public entities as Associate Members;

3. To receive compensation, gifts, contributions and donations of property, funds, services and other forms of financial assistance;
4. To acquire, construct, manage, maintain or operate any building, works or improvements;
5. To sue and be sued in its own name;
6. To apply for, receive and utilize appropriate grants under any Federal, state or local programs for assistance;
7. To issue bonds and to otherwise incur debts, liabilities and obligations, provided that no such bond, debt, liability or obligation shall constitute a debt, liability or obligation to the individual respective Members;
8. To appoint/hire officers, employees, agents or consultants, and adopt personnel rules and policies governing officers and employees;
9. To reimburse Member's overtime expenditures for their personnel as set forth by the Executive Director of the Authority;
10. To distribute proceeds from asset forfeiture seizures to Members and Associate Members as specified by the Agreement in accordance with rules and formula developed by the Board of Directors;
11. To obtain all types of insurance as may be necessary to cover the liabilities of the Authority or its Members as determined by the Board of Directors;
12. To promulgate, adopt, and enforce any rules and regulations, as may be necessary and proper to implement and effectuate the terms, provisions, and purposes of this Agreement.

### Governance

LA Impact will be governed by a Board of Directors, which shall be comprised of the President of the Los Angeles County Police Chief's Association, the Police Chief of the law enforcement agency of each member City, the Los Angeles County Sheriff or Undersheriff, and a representative of any Federal or State agency which is a Member. The Board will also establish a thirteen (13) member Executive Committee, which shall include the President of the Los Angeles County Police Chief's Association and the Chair of the Authority. An Executive Director will administer the daily business and activities of the Authority, subject to the general supervision and policy direction of the Board of Directors and the Executive Committee. The Executive Director will provide for the appointment of support staff as may be necessary.

Currently, the LA IMPACT budget is approximately \$4.6 million per year with the majority of the funding coming from Federal and State grants, in addition to asset forfeitures. Each agency

is currently responsible for the member's salary and benefit package, and this arrangement will remain in place. LA IMPACT will also continue to reimburse each agency with a certain number of hours per month of overtime.

In order to encourage maximum participation, the JPA is set up so that Members may withdraw without cost or penalty for a period of up to 180 days after Bylaws are adopted by the Authority. Palos Verdes Estates is a prior member of LA Impact and we anticipate future membership participation. In light of the benefits and opportunities to help shape the policies of LA Impact going forward, coupled with the fact that there is a minimum of a 180 days period after Bylaws are adopted to withdraw from LA Impact with no penalty or cost, there is no "downside" to becoming an LA-Impact Member City at this time.

**ALTERNATIVES AVAILABLE TO COUNCIL**

1. Adopt Resolution R11-20 approving the L.A. IMPACT JPA authorizing the City's membership and authorizing the City Manager to execute the JPA agreement.
2. Deny approval of Resolution R11-20 at this time.

**RECOMMENDATION**

Staff recommends that City Council adopt Resolution R11-20 approving the LA IMPACT JPA agreement, authorizing the City's membership and authorizing the City Manager to execute the JPA agreement.

**BUDGETARY IMPACT**

None at this time

**ATTACHMENTS**

TO: JUDY SMITH, ASSISTANT CITY MANAGER  
FROM: ALEXA D. DAVIS, ADMINISTRATIVE ANALYST  
SUBJECT: ADOPTION OF RESOLUTION R11-22; APPROVING THE MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY AND THE PUBLIC SERVICE EMPLOYEES ASSOCIATION  
DATE: JULY 26, 2011

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**ISSUE**

Shall the City adopt Resolution R11-22 approving the Memorandum of Understanding between the City and the Public Service Employees Association to be effective July 1, 2011 through June 30, 2014?

**BACKGROUND**

The City has been engaged in negotiations with the Public Service Employees' Association for the last month. The Public Service Employees' group consists of 10 full-time employees and 4 part-time employees performing administrative, clerical, maintenance and other support work for the City.

Negotiations were concluded with an agreement mutually approved by representatives of the Association and the City. The Agreement is the result of a positive and fair negotiation conducted in a professional and straightforward manner. The new contract covers a three-year term (July 1, 2011 – June 30, 2014) and provides the following:

1. Across the board salary increases, scheduled as follows:
  - July 1, 2011: 2.50%
  - July 1, 2012: 2.50%
  - July 1, 2013: 3.00%
  
2. An increase in the medical insurance cap, scheduled as follows:
  - July 1, 2011: Increase cap by \$45.00/month  
(total cap = \$1,150.00/month)
  - July 2, 2012: Increase cap by \$35.00/month  
(total cap = \$1,185.00/month)
  - July 1, 2013: Increase cap by \$25.00/month  
(total cap = \$1,210.00/month)

3. One additional day of vacation leave per year for part-time employees who have completed of three (3) years of service (*from 6 paid days of vacation proportional to hours worked to 7 paid days of vacation proportional to hours worked*).
4. An increase to boot allowance by \$25 per year (*from \$125 per year to \$150 per year*).

### **ALTERNATIVES AVAILABLE TO COUNCIL**

1. The City Council may choose to adopt Resolution R11-22.
2. The City Council may choose not to adopt Resolution R11-22.
3. The City Council may postpone adoption of Resolution R11-22.

### **CONCLUSIONS AND RECOMMENDATION**

It is recommended that the City Council adopt Resolution R11-22 approving the Memorandum of Understanding amending the terms and conditions of employment for the Public Service Employees' Association effective July 1, 2011.

### **BUDGET IMPACT**

The terms of this agreement represent an increase of 9.11% in total compensation for employees within this unit over the three-year period of the contract. The first year dollar cost for the contract totals \$19,968.

Attachments

**TO: HONORABLE MAYOR REA AND CITY COUNCIL**  
**FROM: JUDY SMITH, ASSISTANT CITY MANAGER**  
**SUBJECT: RESOLUTION R11-21; AUTHORIZING THE DESTRUCTION OF OBSOLETE RECORDS OF THE POLICE DEPARTMENT**

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The Issue

Shall the City Council adopt Resolution R11-21, which authorizes destruction of specific obsolete records of the Police Department?

Analysis and Findings

The City has a formal records management program which allows for the orderly transfer, maintenance and/or destruction of City records. The retention period for specific records is outlined in the policy in accordance with state regulations and City policy. With storage space at a premium, it is important for the staff to keep current with the records program.

The City Attorney has reviewed and approved the request for destruction as being in conformance with the City's records management program and retention schedule.

Alternatives Available to the City Council

1. Adopt Resolution R11-21.
2. Decline to adopt the Resolution.

Recommendation

It is recommended that the City Council adopt Resolution R11-21; authorizing the destruction of specific obsolete records of the Police Department.

TO: JUDY SMITH, ASSISTANT CITY MANAGER

FROM: ALEXA D. DAVIS, ADMINISTRATIVE ANALYST

SUBJECT: SPECIAL EVENT APPLICATION FOR THE SOUTH BAY SUNRISE ROTARY TO HOLD CYCLING EVENT, "RAT BEACH BIKE TOUR," ON SATURDAY, SEPTEMBER 24, 2011

DATE: JULY 26, 2011

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**THE ISSUE**

Shall the City approve a Special Event Application for the South Bay Sunrise Rotary Club to hold its second annual cycling event, "Rat Beach Bike Tour," on Saturday, September 24, 2011 from 7:00 a.m. to 2:00 p.m.?

**BACKGROUND AND ANALYSIS**

The South Bay Sunrise Rotary, a local chapter of the worldwide Rotary organization, has organized their second charity bike ride called the "Rat Beach Bike Tour." Last year, in its first year, organizers did not make the City aware until the week of the event that participants would travel through the City. This year, upon staff direction, they are seeking formal approval by the City Council through the complete Special Event Application process. The Tour not only promotes a healthy lifestyle, but also raises funds for the Pediatric Therapy Network, the Scott Newman Center, and the ARC of South Bay among other charities already supported by the South Bay Sunrise Rotary Club.

The Tour includes three routes: a 62 mile, a 31 mile and a 15 mile. All routes begin at the parking lot of Rat Beach off Paseo de la Playa in Redondo Beach. The 62 mile ride is the only route that will enter the City of Palos Verdes Estates. Riders will enter the City towards the end of the route by travelling northbound on Palos Verdes Drive West ultimately exiting the City at its north exit on Palos Verdes Boulevard. The route is included in the attached Special Event Application as a reference. Last year, in its first year of the event, there were approximately 465 riders for the entire Bike Tour with approximately 550 expected this year. There are approximately 330 anticipated riders for the route that travels through Palos Verdes Estates.

There have been several similar cycling events held in the City, all with minor impacts and none requiring street closures nor City staff assistance. As such, the Special Event Application for the Bike Tour has been preliminarily approved by all departments. The Police Department requires that the cyclists obey all traffic laws. Based on the success of prior events similar to this activity, the traffic impact is expected to be minor. The Certificate of Insurance will be received according to the Risk

**CITY COUNCIL AGENDA**  
**JULY 26, 2011**

Manager's specifications prior to the event. The Indemnification Agreement has been received and all fees have been paid.

Additionally, event organizers have also requested that directional signs be posted to assist riders through the route. The City rarely approves directional signage for events, therefore after further review from staff, approval of directional signs is not recommended for this cycling event. Moreover, directional signs often cause confused motorists and cyclists and slowed traffic all creating the potential of significant traffic impacts. Also, because this is a small scale event and the route through the City is very straightforward, staff believes that the event organizers can clearly communicate the route beforehand to participants and as such, directional signs are not needed.

### **RECOMMENDATION**

It is recommended that the City Council approve the Special Event Application for the South Bay Sunrise Rotary to hold its cycling event, "Rat Beach Bike Tour," on Saturday, September 24, 2011 and deny the request to post directional signs.

Attachments



**TO: JUDY SMITH, ACTING CITY MANAGER**  
**FROM: ALLAN RIGG, PLANNING DIRECTOR**  
**DATE: JULY 26, 2011**  
**SUBJECT: PLANNING COMMISSION ACTIONS OF JULY 19, 2011**

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The items attached were acted upon by the Planning Commission on July 19, 2011.

The Council may, within fifteen days after the date of the decision on or before the first day following the first Council meeting after the date of the Planning Commission decision, whichever occurs last:

1. Confirm the action of the Planning Commission and grant or deny the application;
2. Set the matter for public hearing and dispose of it in the same manner as on an appeal; or
3. Amend, modify, delete, or add any condition of approval which the Council finds is not substantial under the circumstances relative to or affecting the property subject to the application for a development entitlement. Any determination of the Council pursuant to this paragraph shall be conclusive and final.

In the event the Council does not take one of the actions specified above within the period of time required, the decision of the Planning Commission shall be final.

Recommendation:

Receive and file.

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

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

**SUBJECT: ADOPTION OF RESOLUTION R11-19 ESTABLISHING 2011/2012 RESIDENTIAL REFUSE COLLECTION RATES WITH ATHENS SERVICES, EFFECTIVE JULY 1, 2011**

**DATE: JULY 26, 2011**

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**The Issues**

Should the City Council adopt Resolution R11-19 establishing 2011/2012 residential refuse collection rates with Athens Services, effective July 1, 2011?

**Background and Analysis**

The Solid Waste and Recycling Collection Agreement (Agreement) allows Athens Services (Athens) to approach the City on an annual basis to request a rate adjustment. The adjustment is based on a specific formula, governed by the change in the Consumer Price Index and the changes in solid waste and green waste landfill disposal costs. The contract allows the monthly rate charged to residents to be increased by 86% of the CPI Modification, by 6% of the percent increase in generated refuse, and by 8% of the percent increase in generated greenwaste.

Currently, residents are charged \$33.18 per month. According to both staff and Athens' calculations, applying the adjustment formula results in an increase over 10%, which exceeds the annual 7% increase allowed by the waste hauling contract. To comply with the contract requirements, a \$2.32 increase would bring the total monthly resident rate for waste hauling up to \$35.50, a 7% increase to the Resident Rate.

The proposed rate adjustment would be effective July 1, 2011, but would be invoiced to residents during the next billing cycle in October. Athens would bill the customers for three months, October through December, at the new rate, and would include a retroactive amount for the three months covered by the increase, but which were already billed July 1, 2011. Pursuant to the Agreement, Athens must include an explanation with the invoice including the increase and retroactive amounts.

Using the same formula, the cost for services was increased last year from \$30.53 to \$33.18 per month. The history of yearly rates and rate increases during the current contract, from when it began on July 1, 2005, is shown in the table on the following page. The contract is due to expire June 30, 2012.

	Increase/Decrease and Rate on July 1						
Year	2005	2006	2007	2008	2009	2010	2011
% Increase/Decrease	N/A	+3.07	+3.19	+6.75	-8.74	+7.00	+7.00
\$ Increase/Decrease	N/A	\$0.90	\$0.97	\$2.15	-\$2.97	\$2.17	\$2.29
Final Monthly Rate	\$29.96	\$30.86	\$31.83	\$33.98	\$31.01	\$33.18	\$35.50

**Proposition 218 Public Hearing Requirement:**

The intent of Proposition 218 is to ensure that all taxes and most charges on property owners are subject to voter approval. In *Bighorn-Desert View Water Agency v. Verjil* (2006) 39 Cal.4th 205, the Supreme Court concluded that Proposition 218 was applicable to metered rates for consumption of water. Although no court has considered refuse fees specifically, it is possible that Proposition 218 may also apply to such fees. Fees subject to Proposition 218 may not be imposed or increased unless a local government conducts a majority-protest proceeding 45 days after mailing notice to all fee payers. Art. 13D, § 6(a).

The City is following the majority protest procedures as set forth in the California Constitution Article XIII in an abundance of caution in order to ratify the rate methodology for this proposed refuse rate adjustment. On June 10, 2011, a notice of public hearing and the proposed rate adjustment and methodology was mailed to all residential refuse customers served by Athens in our City. Affected ratepayers are required to be given a minimum of 45 days from the date of the mailing to submit a protest to the rate adjustment.

The City cannot modify the residential refuse rate if a majority, defined as 50 percent plus 1, of affected ratepayers protest the proposed adjustment. According to Athens’ billing records, there are 4,787 residential refuse customers. Thus the City must receive 2,395 protests to constitute a majority protest. As of July 11, 2011 the City had received 145 written protests. A final tally of protests will be reported by staff at the public hearing. If a majority protest is received, invalidating the proposed residential rate increase, then the rate increase will be rejected and will not be allowed.

**Alternatives Available to Council**

The following alternatives are available to the City Council:

1. Open the public hearing, receive public input, close the public hearing and approve a \$2.32 monthly rate increase, per single family residence, to the solid waste and recycling

collection services, to be effective July 1, 2011, to bring the total new monthly rate, including the AB 939 fee, to \$35.50.

2. Deny the request for rate adjustments to solid waste and recycling collection services.
3. Decline to act.

**Recommendation from Staff**

Staff recommends that the Council open the public hearing, receive public input, close the public hearing, and adopt Resolution R11-19, approving a \$2.32 monthly rate increase, per single family residence, to the solid waste and recycling collection services to be effective July 1, 2011, to bring the total new monthly rate to \$35.50.

Staff report prepared by  
Allan Rigg  
Public Works Department

Attachments

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

**FROM: ALLAN RIGG, PLANNING DIRECTOR**

**SUBJECT: REQUEST TO APPEAL PLANNING COMMISSION APPROVAL OF NC-1411/GA-1484-11; NEIGHBORHOOD COMPATIBILITY AND GRADING APPLICATIONS FOR A NEW SINGLE FAMILY RESIDENCE LOCATED AT 2316 VIA ACALONES. LOT 1, BLOCK 1651, TRACT 7330.**

**APPELLANT: DIANA GDOWSKI  
2320 VIA ACALONES  
PALOS VERDES ESTATES, CA 90274**

**APPLICANT: TOMARO ARCHITECTURE, INC.  
1001 6<sup>TH</sup> STREET, STE. 100  
MANHATTAN BEACH, CA 90266**

**OWNER: WAYNE TSANG & BONNIE YING  
2316 VIA ACALONES  
PALOS VERDES ESTATES, CA 90274**

**DATE: JULY 26, 2011**

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### **The Issue**

Should the City Council confirm the Planning Commission's decision to approve NC-1411/GA-1484-11; Neighborhood Compatibility and Grading applications for a new single family residence located at 2316 Via Acalones?

### **Background and Analysis**

This project includes Neighborhood Compatibility and Grading applications for a new single family residence located at 2316 Via Acalones. The application proposes a 2,360 sq. ft. first floor, a 1,815 sq. ft. second floor, and a 649 sq. ft. garage. Total proposed floor area is 4,824 sq. ft. which is 97% of the 4,966 sq. ft. maximum allowed floor area on this 10,720 sq. ft. lot. Total proposed gross floor area is 4,918 sq. ft., including the stairways/elevators (94 sq. ft.). The maximum building height is 27.3 ft. Total grading proposed is 334 cu. yds. with a maximum cut depth of 10.5 ft.

### ***History***

**CITY COUNCIL AGENDA  
JULY 26, 2011**

This project was originally on the April 19, 2011 Planning Commission agenda. There were concerns expressed by the neighbor at 2320 Via Acalones and the applicant requested that the item be pulled from the agenda so that those concerns could be properly addressed. Modifications were made to the plans and the project was formally reviewed by the Planning Commission on June 21, 2011. The project was unanimously approved with standard conditions and the following additional conditions:

1. City standard curb and gutter shall be installed along the Via Acalones frontage per construction plans prepared by a registered Civil Engineer and approved by the City Engineer.
2. The existing pilasters and lights are to be removed from the City right-of-way.
3. Both chimneys are to be the size of the smaller chimney design.
4. Any modifications to the balconies or the openings to the balconies adjacent to 2320 Via Acalones must be processed with the Planning Commission.

Please note that the fourth condition was in direct response to the concerns expressed by the neighbor at 2320 Via Acalones.

### ***Appeal***

The Planning Commission's decision has now been appealed by the neighbor at 2320 Via Acalones, Diana Gdowski. The appeal purports that the project does not preserve the natural features of the site to the greatest extent practicable, it does not preserve privacy to the greatest extent practicable, that there are discrepancies in the architectural drawings provided by the applicant, that there are drainage concerns around the utility vaults in the rear yard, and that the proposal is out of scale with the surrounding neighborhood.

The appellant indicates a concern that the balconies were not represented in the silhouette. Please note that balconies and decks are not required to be silhouetted.

The appeal includes the appeal documents, the staff report with all supporting documents as presented to Planning Commission, letters of correspondence, and minutes from the Planning Commission meeting. The applicant has also provided a response to the appellant's concerns regarding discrepancies in the architectural drawings.

### **Correspondence Received**

Letters of correspondence received for both Planning Commission meetings are included for review. Additional letters were also received and are attached for review.

### ***Findings Required to Approve***

PVEMC Section 18.36.045 states that in order to approve a Neighborhood Compatibility application, the following findings must be made by the City Council:

**CITY COUNCIL AGENDA  
JULY 26, 2011**

- A. That the proposed development is designed and will be developed to preserve the greatest extent practicable the natural features of the land, including the existing topography and landscaping;
- B. That the proposed development is designed and will be developed in a manner which will be reasonably compatible with the existing neighborhood character in terms of scale of development in relation to surrounding residences and other structures;
- C. That the proposed development is designed and will be developed in a manner which will preserve to the greatest extent practicable the privacy of persons residing on adjacent properties; and
- D. That the proposed development is designed and will be developed in a manner to the extent reasonably practicable so that it does not unreasonably interfere with neighbor's existing views.

PVEMC Section 18.24.065 states that a grading permit shall not be granted if the following findings are made:

- 1. The proposed grading will unreasonably change the natural contours of the land;
- 2. The proposed grading will create a hazard to the immediate or adjacent property; or
- 3. The proposed grading will unreasonably interfere with the use and enjoyment of property by other persons in the city.

*CEQA Status*

This project is exempt from the California Environmental Quality Act (CEQA) pursuant to California Administrative Code Title 14, Chapter 3, Section 15303.

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

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

**SUBJECT: COUNTY WEED ABATEMENT CHARGES FOR FISCAL YEAR 2010/11**

**DATE: JULY 26, 2011**

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**The Issue**

Should the City Council approve the charges for performing weed abatement services on 46 private properties within the City as determined by the County of Los Angeles Department of Agricultural Commissioner/Weights and Measures?

**Background and Analysis**

At the City Council meeting of February 22, 2011, the County of Los Angeles Department of Agricultural Commissioner/Weights and Measures (County) provided the City with their annual lists for weed abatement proceedings. The City Council reviewed this list and declared that these properties are a public nuisance and have weeds growing, and brush, rubbish, refuse, and flammable vegetation within and around the property. The City held a public hearing to allow private property owners to protest the County's assessment of their respective properties. Any resident who wished to protest the fee could show that weed abatement services were provided as required and that the property was subsequently inspected by the County. No residents protested the fees.

The County has now submitted a list of charges they incurred in performing the weed abatement services. Once approved by the City Council, the weed abatement charges will be passed on to the individual property owners who have received the service. These charges will appear as a direct assessment on the property tax bill.

For Fiscal Year 2010/11, the County inspected and/or abated weeds on 46 parcels with total charges amounting to \$15,118.94. In Fiscal Year 2009/10, weed abatement charges were assessed for 47 properties, totaling \$19,359.18.

**Alternatives Available to Council**

The following alternatives are available to the City Council:

1. Confirm the charges as contained in the attached report prepared by the County of Los Angeles Department of Agricultural Commissioner/Weights and Measures for providing weed abatement services during Fiscal Year 2010/11.
2. Confirm the charges as contained in the attached report prepared by the County of Los Angeles Department of Agricultural Commissioner/Weights and Measures for providing weed abatement services during Fiscal Year 2010/11, with modifications.



3. Deny the charges as contained in the attached report prepared by the County of Los Angeles Department of Agricultural Commissioner/Weights and Measures for providing weed abatement services during Fiscal Year 2010/11.

**Recommendation from Staff**

Staff recommends that the Council open the public hearing, receive public input, close the public hearing, and confirm the charges as contained in the attached report prepared by the County of Los Angeles Department of Agricultural Commissioner/Weights and Measures for providing weed abatement services during Fiscal Year 2010/11.

**Fiscal Impact**

There will be no budget impact to the City. Charges for performing weed abatement services on the 46 private properties within the City, as determined by the County of Los Angeles Agricultural Commissioner during Fiscal Year 2010/11, amount to \$15,118.94. These costs are paid for entirely by the respective property owners.

Staff report prepared by  
Floriza Rivera  
Public Works Department