



## 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**

June 24, 2008  
7:30 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. 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 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. R08-18  
NEXT ORDINANCE NO. 08-684**

**CALL TO ORDER**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

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

CITY COUNCIL AGENDA  
JUNE 24, 2008

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

**CONSENT AGENDA (Items 1 - 6)**

**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, with the exception of Planning Commission Actions – Item #6a-d. An applicant or interested citizen who wishes to appeal any Planning Commission decision 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. Minutes of City Council Meeting of June 10, 2008

**Recommendation: Review and File.**

2. City Treasurer’s Report – May, 2008

**Recommendation: Receive and File.**

3. Adoption of Ordinance 08-683; an Ordinance of the City Council of the City of Palos Verdes Estates Adopting a Fire Hazard Severity Zone Map

**Recommendation: It is recommended that the City Council adopt Ordinance 08-683, adopting a Fire Hazard Severity Zone Map.**

4. Resolution R08-13; Approving Final Adjustments to the FY 2007-08 Budget

**Recommendation: It is recommended that the City Council adopt Resolution R08-13 to make final adjustments to the FY 2007-08 budget.**

5. Traffic Safety Committee Meeting Items of June 11, 2008

**Recommendation: Review and Approve.**

- a. Request for Installation of Curb Markings in the Malaga Cove Plaza Area:

- i. A Red Curb at the Parking Space Closest to Via Chico on the South Side of Palos Verdes Drive West

**Action: Denied (5-0)**

- ii. A Red Curb next to 416 Malaga Lane

**Action: Recommended that staff implement No Parking next to 416 Malaga Lane (5-0)**

- iii. A Yellow Loading Zone at 2545 Via Campesina

**Action: Recommended that staff 1) implement a yellow loading zone at 2545 Via Campesina which will replace one existing parking space next to the existing red curb on the east side of the property and 2) repaint all existing yellow loading zones on Via Campesina (5-0).**

- b. Request for Installation of Stop Signs at the Cloyden Rd/Chelsea Rd Intersection

**Action: Recommended that the issue be brought back in October so that staff can have traffic counts done at the intersection while school is in session (5-0).**

- c. Measures to Increase Pedestrian Safety between Palos Verdes Intermediate School and Palos Verdes High School

**Action: Recommended that staff 1) install signage to deter pedestrians from making mid-block crossings, 2) install a lighted crosswalk on the south side of the Palos Verdes Drive West/Cloyden/Colonel intersection, 3) bring back the issue of restricted parking signage and edgeline striping on Cloyden Rd. from Palos Verdes Drive West to Dalton Rd. after the best times to implement the restrictions have been determined (5-0).**

- 6. Planning Commission Actions of June 17, 2008

**Recommendation: Receive and File.**

- a. **NC-1315/GA-1428-07**; Consideration of Neighborhood Compatibility and Grading Applications for a new single family residence located at 4000 Via Picaposte. Lot 1, Block 6315, Tract 7143.

Applicant: Brian Donnelly  
3638 Del Amo Blvd., Unit C  
Torrance, CA 90503  
Owner: Carey Martz  
111 N. Sepulveda Blvd., Suite 230  
Manhattan Beach, CA 90266

**Action: Approved (4-1, Bird dissenting) with standard conditions and the following additional conditions: 1) The maximum ridge height is to be reduced one foot by whatever means the architect chooses; 2) The south-facing window at the master bedroom, the south-facing window in the master toilet compartment, and the east-**

**facing window in the wardrobe are to be translucent glass; 3) All structures within the setbacks adjacent to the right-of-way are not to exceed 42” in height.**

- b. **NC-1326/M-675-08**; Consideration of Neighborhood Compatibility and Miscellaneous Applications for additions to the existing single family residence located at 4057 Via Valmonte. Lot 31, Block 6319, Tract 7143.

Applicant/     Mike Nekoui  
Owner:         P.O. Box 3471  
                     Torrance, CA 90510

**Action: Approved (3-2, Chang and Vandever dissenting) with standard conditions and the following additional conditions: 1) The ridge line is to be reduced one foot; 2) The eaves are to be removed from the front setback; 3) A licensed survey of the lot coverage shall be completed and submitted to the City to verify compliance with the approved lot coverage for the subject lot.**

- c. **NC-1132RII-08**; Consideration of a revised Neighborhood Compatibility Application for revisions to the new single family residence located at 841 Via Somonte. Lot 7 & a portion of 8, Block 1537, Tract 6884.

Applicant:     Blake Stephens  
                     23974 Aliso Creek Road #100  
                     Laguna Niguel, CA 92677  
Owner:         Esmail Soltani  
                     1037 Avenue B  
                     Redondo Beach, CA 90277

**Action: Approved (5-0) with standard conditions and the following additional conditions: 1) The non-standard changes in the right-of-way are not approved; 2) All previous conditions still apply.**

- d. **M-674-08**; Consideration of a Miscellaneous Application for structures exceeding the maximum allowable height at the single family residence located at 561 Via Media. Lot 2, Block 1410, Tract 6886.

Applicant:     George Sweeney  
                     3 Malaga Cove Plaza, Suite 201  
                     Palos Verdes Estates, CA 90274  
Owner:         Patrick Theodora

**Action: Approved (4-0, Vandever recused) with standard conditions and the following additional conditions: 1) The fence and pilasters shall be of open metal construction as opposed to a solid wall; 2) All previous conditions still apply.**

## 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 HEARING – 7:30 p.m.

All persons addressing the City Council shall be limited to three (3) minutes for comment.

7. Resolution R08-14; Approving the Annual Report and Setting the Rate for the Sewer User Fee to Finance the FY 08-09 Program of Sanitary Sewer Improvements

**Recommendation:** It is recommended that the City Council open the public hearing in accordance with the Health & Safety Code Section 5470, receive public input, close the public hearing, and adopt Resolution R08-14; approving the Sewer User Fee Annual Report, prepared in accordance with Ordinance 03-649, establishing the sewer user fee rate for the FY 08-09 sanitary sewer improvement program.

### OLD BUSINESS

8. Banner Towing Aircraft; Update on Discussions with Airline Operators, Affected South Bay Coastal Cities, and the Federal Aviation Administration

**Recommendation:** Receive and File.

9. Implementation of Parking Restrictions on Paseo Del Mar from Chiswick to Yarmouth Road (Traffic Safety Committee Item of June 11, 2008)

**Action:** Recommended that staff implement a restricted parking plan immediately for Paseo Del Mar from Chiswick Rd. to Yarmouth Rd including adjacent parkland areas. Restricted parking hours shall be 8:00 AM to 11:00 AM Monday-Friday school days on the west side of Paseo Del Mar, and 11:00 AM to 2:00 PM Monday - Friday school days on the east side of Paseo Del Mar (5-0).

**Recommendation:** It is recommended that the City Council continue the item to a future meeting of the City Council. Staff would place signs on Paseo del Mar and report back on additional actions by the Palos Verdes Peninsula School District to alleviate parking on the streets surrounding Palos Verdes High School. Council review anticipated on July 8, 2008.

## NEW BUSINESS

10. Status Report Concerning the Malaga Cove Playground Park and Installation and Maintenance Agreement with the Palos Verdes Peninsula Unified School District

**Recommendation: Review and take appropriate action.**

11. Resolution R08-15; Approving the Auditor's Report and Setting the Fire and Paramedic Services Special Tax Rate for FY 2008-09

**Recommendation: It is recommended that the City Council adopt Resolution R08-15; approving the Auditor's Report and establishing the FY 2008-09 Fire and Paramedic Services special tax rate in conformance with Ordinance 07-677.**

12. Adoption of the City's FY 2008-09 Budget: Resolutions R08-16; Establishing the FY 08-09 Appropriations Limit, and R08-17; Adopting the Annual Budget and Fixing the Limitation of Expenditures

**Recommendation: It is recommended that the City Council adopt Resolution R08-16; establishing the FY 2008-09 Appropriations Limits, and R08-17; adopting the Annual Budget for FY 2008-09.**

## STAFF REPORTS

13. City Manager's Report

## DEMANDS

14.
  - a. Authorize Payment of Motion #1 – Payroll Warrant of June 13, 2008
  - b. Authorize Payment of Motion #2 – Warrant Register of June 24, 2008

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

## MAYOR & CITY COUNCILMEMBERS' REPORTS

**ADJOURNMENT TO TUESDAY, JULY 8, 2008, 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, June 25, 2008 at 7:30 p.m., and Wednesday, July 2, 2008, at 7:30 p.m.*

CITY COUNCIL AGENDA  
JUNE 24, 2008

**TO: JOSEPH HOEFGEN, CITY MANAGER**

**FROM: ALLAN RIGG, PLANNING DIRECTOR**

**SUBJECT: ADOPTION OF ORDINANCE NO. 08-683 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALOS VERDES ESTATES ADOPTING A FIRE HAZARD SEVERITY ZONE MAP**

**DATE: JUNE 24, 2008**

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**The Issue**

Should the City Council adopt Ordinance 08-683 adopting a Fire Hazard Severity Zone Map?

**Background and Analysis**

On June 10, 2008 the City Council approved the introduction of Ordinance 08-683 adopting a Fire Hazard Severity Zone Map. The Map is a mandate of the State that designates the entire City as a Very-High Fire Hazard Severity Zone. The main impact to the City's residents will be that certain building materials will be banned and construction methods modified.

The attached Ordinance implements these changes into the City's Code.

**Alternatives Available to the City Council**

1. Adopt Ordinance 08-683 adopting a Fire Hazard Severity Zone Map.
2. Decline to adopt Ordinance 08-683 adopting a Fire Hazard Severity Zone Map.

**Recommendation from Staff**

Staff recommends that the City Council adopt Ordinance 08-683 adopting a Fire Hazard Severity Zone Map.

Staff report prepared by:  
Allan Rigg  
Planning Department



**TO: JOSEPH HOEFGEN, CITY MANAGER**

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

**SUBJECT: RESOLUTION R08-13 APPROVING FINAL  
ADJUSTMENTS TO THE FY 2007-08 BUDGET**

The Issue

Shall the City Council make final adjustments to the FY 2007-08 budget and adopt Resolution R08-13?

Background

This resolution provides for adjustments to certain revenue and expenditure accounts in order to more closely reflect anticipated budget results for the current Fiscal Year 07-08. The budget was reviewed at the fund, department and line item level for major variations from the currently adopted budget. The need for the adjustments reflected in the attached resolution were identified as part of preparation of the FY 08-09 budget and are included as part of the year-end estimates contained in the budget document. Thus, adoption of the resolution has no impact on the FY 2008-09 budget or projected beginning fund balances.

Analysis and Findings

General fund revenues are increased a total of \$267,770. Adjustment include - golf concession (+\$90,000); miscellaneous revenue (+\$65,000) related in part to reimbursement of Assessment District 21 administrative expenses (\$44,000) which the City incurred during the 15-year life of the district and a new revenue category for re-issued building permits (\$50,000). Increases for ERAF return, electric franchise fees and business licenses comprise the balance of the adjustments.

Restricted fund revenues for gas tax (02), special revenue (06) sewer (62) and insurance (65) reflect a net reduction of \$100,400. The gas tax reduction is a result of the state suspension of three months of gas tax revenue applicable to FY 07-08. To provide for a cleaner year-end audit, which will be completed by the City's auditors the first week of September, we have chosen to show the suspended gas tax revenue as a receipt for FY 08-09. Likewise, state park bond money (-\$135,000 in fund 06), anticipated to be received in FY 07-08, will be recorded as revenue for FY 08-09. Adjustment for the sewer fund (+\$49,500) reflects sewer user fees anticipated as a result of the

actual fee levy for FY 07-08 and the insurance fund (+\$71,200) reflects a refund due to the City as a result of the CJPIA retro-deposit calculation process.

General fund expenditure adjustments total \$67,000 and are the result of a few different expenditure modifications. Increase in the animal control budget (+\$14,000) is due in part to an increase in contracted service hours for enforcement patrol within the City. The adjustment for Planning fee services (+\$20,000) is needed to more accurately reflect the portion of the development services budget related to Planning. There is an adjustment to correctly allocate the budget between the fire clearance contract and regular landscape maintenance contract, which Council will recall were split into two separate contracts for the first time during FY 07-08. Another minor adjustment is made for Police Department corrections training. This revenue (\$5,000 in FY 07-08 budget) is provided by the State on a reimbursement basis. Because their status was uncertain, we reflected the training costs as a general fund expense. Now that the funding is certain, the revenue budget is accurate, but the expense needs to be shifted from general fund to corrections (fund 07). Again, the resolution is necessary to show the Council's formal appropriation of the corrections money.

Restricted fund adjustments total \$24,520 and include the training item noted above. Again, these appropriations are necessary to ensure that expenditures at the fund level do not exceed the legally adopted budget. Adjustments are provided in gas tax for street maintenance (+\$10,000) mostly related to asphalt patching in various areas of the City including the Bluff Cove slide area; COPs funds (+\$10,000) for overtime and a minor adjustment (\$20) in Prop C transit expenses.

Also included in the resolution is authorization for transfer of surplus general funds to the capital fund. This transfer is not made until all results of operations for FY 07-08 are accounted for and the City's audit is completed, confirming the total of available funds.

#### Alternatives Available to the City Council

1. Adopt Resolution R08-13 to adjust the FY 2007-08 budget.
2. Do not approve the adjustments, in which case, certain funds and departments will exceed the adopted budget. Failure to adjust the budget will violate the City's policy of not exceeding legally appropriated limits and resulting in a negative audit comment from the City's independent auditors.

#### Recommendation

It is recommended that City Council adopt Resolution R08-13 to make final adjustments to the FY 2007-08 budget.

**TO: JOSEPH HOEFGEN, CITY MANAGER**  
**FROM: ALLAN RIGG, PLANNING DIRECTOR**  
**DATE: JUNE 24, 2008**  
**SUBJECT: PLANNING COMMISSION ACTIONS OF JUNE 17, 2008**

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The items attached were acted upon by the Planning Commission on June 17, 2008.

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: JOSEPH HOEFGEN, CITY MANAGER**

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

**SUBJECT: RESOLUTION R08-14 APPROVING THE ANNUAL REPORT AND SETTING THE RATE FOR THE SEWER USER FEE TO FINANCE THE FY 08-09 PROGRAM OF SANITARY SEWER IMPROVEMENTS**

### **The Issue**

Shall the City Council adopt Resolution 08-14, which approves the Sewer User Fee Annual Report and sets the rate for the sewer user fee to finance the FY 08-09 program of sanitary sewer improvements?

### **Background**

In June 2003, after a public process as dictated by law, the City Council approved a sewer user fee to finance the upgrade and refurbishment of the City's sanitary sewer facilities based on an initial 10 year program of improvements as identified in the Sewer Master Plan. The sewer user fee is levied under authority of Section 5471 of the Health and Safety Code, appears on the property tax bill and is collected at the same time as payment for property taxes. The fee calculation involves the following factors: estimated sewer use, maximum/actual sewer unit rate and the program budget.

### **Analysis and Findings**

Each parcel's estimated sewer use is based on water consumption using the three lowest months water use in the City as a whole, which provides a factor for landscape water that does not enter the sewer system (three lowest months equal the wettest months, thereby minimizing for landscape use). Each parcel's water use, based on the City's three lowest months, is averaged and multiplied by 12 months to determine that parcel's annual estimated sewer use. The total of all properties use equals the estimated total sewer units.

The history of the sewer fee calculation since inception in FY 03-04 is attached to this report. For the FY 08-09 fee calculation, the three lowest months water use were January, February and March 2007. Using these three months to calculate the average annual water use for each eligible property connected to the sewer system results in 1,539,421 units of estimated sewer use. This is an increase of 21% compared to FY 2007-08 when 1,272,602 sewer units were recorded.

The sewer fee unit rate is determined by dividing the annual improvement budget (minus interest earnings, plus administration) by the total estimated sewer use (total sewer units). In addition, the sewer unit rate may not exceed the maximum allowable rate as provided by ordinance. The maximum unit rate for FY 08-09 totals \$1.23 (FY 07-08 maximum unit rate of \$1.19 times the inflation factor of 3.5% - Engineering News Record (ENR) Construction Cost Index for Los Angeles County).

Even though a maximum unit rate of \$1.23 is permitted for FY 08-09, because of the increase in sewer use, as reflected by the recorded increase in water use, the City is able to lower the unit cost from the current \$1.15 to \$0.97 and still generate sufficient fee revenue to finance the FY 08-09 sewer program. With the \$0.97 unit rate, the average sewer fee for a single-family residence totals \$298, an increase of \$7 from the average of \$291 last year. The data shows that 3,502 properties will have an increase (68%), while 1,477 properties (29%) will experience a fee decrease. One hundred thirteen properties (113) show no change. Of the properties with an increase, 49% went up less than \$100 compared to the prior year. Of all properties, 71% have a fee increase or decrease within \$100. These figures are very comparable to last year's results when 69.5% of all properties had a change (+ or -) within \$100 of their prior year fee.

The program of sewer improvements for FY 08-09, as presented in the City's budget, totals \$2,630,000 and includes design, administration and construction for one of two city-owned sewer pump stations. In accordance with the fee ordinance, interest earnings (\$275,000) are applied toward the budget and reduce the required sewer fee. Administrative costs (\$10,500) reflect the assessment engineer's preparation of the attached report and the cost to levy the fee. The fee budget, representing costs that need to be funded by the current year sewer fee, totals \$1,493,238, which are supplemented by fund balance to finance the total FY 08-09 sewer program.

### **Alternatives Available to the City Council**

1. Adopt Resolution R08-14, which approves the Sewer User Fee Annual Report and sets the sewer user fee rate for FY 2008-09, prepared in accordance with Ordinance No. 03-649.
2. Decline to adopt Resolution R08-14. Without approval of the annual report and sewer user fee rate, the sewer fund balance would be required to fund the proposed \$2. 630 million budget.

### **Recommendation**

It is recommended that the City Council open the public hearing in accordance with Health & Safety Code Section 5470, receive public input, close the public hearing and adopt Resolution R08-14; approving the Sewer User Fee Annual Report, prepared in accordance with Ordinance No. 03-649, establishing the sewer user fee rate for the FY 08-09 sanitary sewer improvement program.

**TO: HONORABLE MAYOR AND CITY COUNCIL**

**FROM: JOSEPH HOEFGEN, CITY MANAGER**

**SUBJECT: BANNER TOWING AIRCRAFT; UPDATE ON DISCUSSIONS WITH AIRLINES OPERATORS, AFFECTED SOUTH BAY COSTAL CITIES, AND THE FEDERAL AVIATION ADMINISTRATION**

**Issue**

Status report on discussions concerning the impacts of banner towing aircraft.

**Background**

The subject of aerial advertisements surfaced last fall after a seemingly busy summer season of banner towing aircraft activity in the South Bay. Based on shared concerns by a number of South Bay cities, the City of Hermosa Beach hosted meetings attended by airline operators, affected South Bay Coastal Cities, and representatives of the Federal Aviation Administration. The purpose of these meetings was to open up a dialogue between the various parties and to see if a coordinated approach could be developed among the cities to reduce the noise and safety concerns from aerial advertisers.

The meetings included a frank discussion of the concerns that the cities had including the aircraft flying too low and too close to the beach – generating excessive noise impacts for residents. In the case of Hermosa Beach and Manhattan Beach in particular, there were additional concerns about the cumulative impact of repeated “circling” of special events at the beach by the same advertisers.

FAA representatives explained the federal regulations and enforcement procedures they follow. The basic rules are that over populated areas (land in our case), the aircraft must maintain an altitude of 1,000 feet and the regulations allow flying at an altitude of 500 feet over the ocean. Additionally, FAA regulations specify that banner advertising over the ocean should be at least 500 feet in horizontal distance from the shoreline. To put this in perspective, 500 feet is approximately the length of two football fields in distance.

One of the meetings included an aerial demonstration that was quite helpful and, in my opinion, showed that some of the aircraft last summer did fly below 500 feet and closer to the shoreline than FAA regulations allow. Since the FAA maintains jurisdiction for licensing and regulating banner towing aircraft, the approach taken by the cities was to communicate our concerns to aircraft operators and to demand their compliance with FAA regulations. In the course of our meetings, the airline operators drafted guidelines incorporating FAA regulations entitled an “Aerial Media Code of Conduct” – a copy of which is attached to this report. As long as cities are pre-empted from adding our own regulations, this is the best we will be able to achieve.

One of the aerial advertisers committed through these discussions to install improved mufflers on their aircraft. It is our hope that adherence to altitude and distance requirements along with the muffler installation will improve conditions at the coastline this summer.

In terms of enforcement, the public may report violations to the Federal Aviation Administration Flight Standards District Office in Long Beach at (562) 420 1755 (ask for the FAA Duty Officer). At tonight's Council meeting, we will have a representative of the FAA in attendance to answer any specific questions the Council may have on this subject.

This was a good joint effort by the South Bay cities concerned about aerial advertising. It is our hope that continued monitoring will achieve a higher degree of compliance this year and beyond.

**Alternatives Available to Council**

Recommendation: Receive and File.

**TO: JOSEPH HOEGEN, CITY MANAGER**

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

**SUBJECT: IMPLEMENTATION OF PARKING RESTRICTIONS ON PASEO DEL MAR FROM CHISWICK TO YARMOUTH ROAD**

**DATE: JUNE 24, 2008**

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**The Issue**

Should the City Council concur with the Traffic Safety Committee's recommendations to immediately implement parking restrictions on Paseo Del Mar from Chiswick to Yarmouth Road?

**Background**

The Residential Parking Permit Zone (RPZ) on the streets near the Palos Verdes High School (PVHS) campus went into effect on Monday April 7, 2008. At the Traffic Safety Committee's meeting on May 14, 2008, the Committee heard concerns from residents on Paseo Del Mar that parking had been relocated to Paseo Del Mar. The residents requested parking restrictions to minimize the parking related to the school and the Committee directed staff to "prepare a restricted parking plan for Paseo Del Mar to possibly be implemented in September". The hope was that School efforts, motivated by the possibility of further street parking constraints, could greatly reduce the relocated parking and potentially obviate the need for restrictions on Paseo del Mar. The City Council approved this recommendation at their meeting on May 27<sup>th</sup>, 2008.

At the June 11, 2008 meeting of the Traffic Safety Committee, the Committee reviewed a staff report that proposed the details of potential future parking restrictions along Paseo Del Mar. Staff proposed that the restrictions be: No Parking on the West side of Paseo Del Mar 8 am -11 am School Days and on the East side of Paseo Del Mar No Parking 11 am – 2 pm School Days. The limits proposed by staff were from Chiswick to Epping, and that the restrictions not be placed adjacent to City-owned parklands.

The Committee heard comments and concerns from residents of Paseo Del Mar. Many asked for the restrictions to be expanded south to either Yarmouth or to Rocky Point Road. Also, many asked the Committee to include the areas adjacent to City-owned parklands, and to implement the restrictions prior to September. The following is the final recommended action by the Traffic Safety Committee to the Council:



**Recommended that staff implement a restricted parking plan immediately for Paseo Del Mar from Chiswick Rd to Yarmouth Rd including adjacent Parkland areas. Restricted parking hours shall be 8:00 AM to 11:00 AM M-F School Days on the west side of Paseo Del Mar and 11:00 AM to 2:00 PM M-F School Days on the east side of Paseo Del Mar.**

### Analysis

Staff is concerned that this latest recommendation does not follow the previous direction of the Committee, the subsequent approval by the Council, and is not consistent with what staff presented in the staff report and represented to interested parties. There are three specific components of the proposed parking restrictions on Paseo del Mar which we believe warrant further public notice prior to a final decision by the City Council. These three components are described below along with a recommended course of action for each one.

### **Boundaries of Parking Restrictions**

In anticipation of the June 11, 2008 Traffic Safety Committee meeting, staff posted signs on Paseo del Mar indicating a proposal would be considered to restrict parking between Chiswick to Epping Road. While it is within the Traffic Safety Committee's purview to recommend restrictions further on Paseo del Mar to Yarmouth Road, staff is concerned that the residents on Paseo del Mar from Epping to Yarmouth have not received adequate notice of these pending parking restrictions. Staff recommends that prior to a final decision on implementing parking restrictions for the boundaries as proposed by the Traffic Safety Committee, that signs be posted on Paseo del Mar advising that the City will be considering this item at a future meeting. In this way, we can rest assured that affected residents were provided adequate notice of the specific parking restrictions under consideration.

### **Parking Restrictions Adjacent to Parklands**

While it is within the City's authority to limit parking adjacent to the parklands on Paseo del Mar, it is important to note that the parklands are a resource of the entire community and are used by local residents and those who wish to access the coastline. Paseo del Mar residents have expressed a concern that not including the area adjacent to parklands in parking restrictions will simply move parking from in front of homes on Paseo del Mar to in front of the Parkland area. It is a policy decision of the City Council on whether to limit the parking on the street in front of Paseo del Mar Parklands identical to the way parking would be restricted in front of Paseo del Mar residences. Additionally, whatever decision the City takes with regard to the parking adjacent to Parklands is appealable to the California Coastal Commission. The Traffic Safety Committee has recommended inclusion of the affected Parklands area in the parking restrictions. As with the question of the boundaries, additional public noticing with signs is recommended prior to Council's final determination on this item.

## **Timing of Parking Restrictions**

As previously discussed, the most significant policy decision of the City Council is deciding whether to implement parking restrictions on Paseo del Mar immediately, to implement parking restrictions in September 2008, or to implement parking restrictions only if parking problems continue on Paseo del Mar after the start of the next school year. From a strictly legal standpoint, the City Council could decide to implement restrictions immediately. The title of this Agenda item is broad enough to cover either the immediate or the future implementation of the restrictions.

However, staff previously spoke with many members of the public, including residents on Paseo del Mar and PVPUSD Officials as well, informing them that the City was only designing a plan to restrict parking on Paseo del Mar to be implemented in September if needed. This was also reflected in the specific language approved by the Traffic Safety Committee meeting at their May 14, 2008 meeting. We feel that a decision to implement parking restrictions now is such a significant different approach that all interested parties should have further notice before the City makes a final decision on this item.

If Council is inclined to provide additional noticing in the neighborhood on the question of the boundaries of the parking restrictions and the impact on Parklands, a decision on the timing for implementation should also be deferred until the July 8<sup>th</sup> City Council meeting. This seems more consistent with the City's past practice of making the public aware of pending decisions that could affect their lives, whether it is a new home next door, a public tree removal, or parking restrictions.

Additionally, Council is aware that the Superintendent is continuing to hold meetings to attempt to minimize the parking concerns surrounding the High School. A meeting is scheduled for Wednesday June 25, 2008. We would like to explore whether additional efforts by the School District could obviate the need for the restrictions on Paseo del Mar. Unfortunately, we will not have the meeting until after the Council meeting on the 24<sup>th</sup>.

## **Alternatives Available the Committee**

The following alternatives are available to the City Council:

1. Approve the implementation of a restricted parking plan immediately for Paseo Del Mar from Chiswick Road to Yarmouth Road including adjacent Parkland areas. Restricted parking hours shall be 8:00 AM to 11:00 AM M-F School Days on the west side of Paseo Del Mar and 11:00 AM to 2:00 PM M-F School Days on the east side of Paseo Del Mar. (Traffic Safety Committee Recommendation)
2. Approve the design of a restricted parking plan for Paseo Del Mar from Chiswick Road to Yarmouth Road. Restricted parking hours shall be 8:00 AM to 11:00 AM M-F School Days on the west side of Paseo Del Mar and 11:00 AM to 2:00 PM M-F School Days on

the east side of Paseo Del Mar. Implementation to occur after further review by the Traffic Safety Committee only if parking impacts persist on Paseo Del Mar.

3. Continue the item to a future meeting of the City Council. Staff would place signs on Paseo del Mar and report back on additional actions by the Palos Verdes Peninsula School District to alleviate parking on the streets surrounding Palos Verdes High School. Council review anticipated on July 8, 2008.

**Recommendation from Staff**

Staff recommends that the City Council continue the item to a future meeting of the City Council. Staff would place signs on Paseo del Mar and report back on additional actions by the Palos Verdes Peninsula School District to alleviate parking on the streets surrounding Palos Verdes High School. Council review anticipated on July 8, 2008.

Staff report prepared by  
Allan Rigg

**TO:** JOSEPH HOEGEN, CITY MANAGER

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

**SUBJECT:** STATUS REPORT CONCERNING THE MALAGA COVE  
PLAYGROUND PARK AND OF THE INSTALLATION AND  
MAINTENANCE AGREEMENT WITH THE PALOS VERDES  
PENINSULA UNIFIED SCHOOL DISTRICT

**DATE:** JUNE 24, 2008

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**Issue**

Should the City Council proceed with the implementation of the Malaga Cove Playground Park in light of current needs and after taking into account the proposed agreement for installation and maintenance with the Palos Verdes Peninsula Unified School District?

**Background**

The City has been working towards the construction of a playground park for the past three years. The goal as put forth by a former City Council member is to provide a high-quality playground that can be used by children in the community, especially at times when the playground equipment at the schools is unavailable due to the school being in session. Currently, all playgrounds in the City are on school property and have the duty to serve the school children first. Children not in school, primarily those under 5 years of age, cannot use the playgrounds during the school day. The proposed playground would be open to the public at all times.

When the City Council initially discussed the matter, they directed staff to work with the Palos Verdes Unified School District (PVPUSD) to find an appropriate location(s) for a park on PVPUSD property. After extensive review of each school property in the City, the Malaga Cove School was chosen due to a number of factors. The best location on the Malaga Cove School campus is on the existing basketball courts near the easterly terminus of Paseo Del Mar.

The picture shows the proposed area:



The Art Jury and the Parklands Committee have reviewed and recommended approval of the project. The design elements were decided to include:

- The park will be designed for 2-12 year olds.
- The playground equipment will be similar in size to the equipment at Town and Country Nursery School.
- The surface shall be engineered wood/wood chips similar to that under the swings at Ryan Park in Rancho Palos Verdes.
- An option for swings similar to those at Valmonte Administration Center's Sunrise facility shall be included.
- The equipment would be from Little Tikes and staff would work with them to create a design concept and preliminary cost estimates (for which there is no charge by Little Tikes). Their products are installed at both Ryan Park and Town and Country.

Staff worked with Little Tikes and they created the attached plans. The cost estimate is \$100,132.57. The type of equipment has been selected by the Little Tikes based on their experience with the subject age ranges of children and the exposure of the equipment to the marine environment. The materials are a combination of plastic and metal, includes four slides and four swings. We would anticipate an additional cost of approximately \$20,000 for a path leading to the playground and staff time.

Please note this is not a budgeted project and has not been budgeted in the past. We do not have any restricted funds for the project, and would expect that we would need to transfer funding from the Capital Improvement Fund for the project.

We have worked with the City Attorney and the School District's attorney to develop the attached Playground Equipment Installation and Maintenance Agreement. The Agreement allows the City to locate the equipment on the School District's property, while the City remains responsible for all costs, maintenance, and liability associated with the equipment. Although the School District has been amicable to work with, the issues we remain responsible for are very significant.

Originally the intent of locating the equipment on the School District's property was to obviate the liability and maintenance issues for the City as the School District personnel are familiar with the myriad issues associated with this type of equipment. Our staff has limited expertise with playground equipment.

At a recent meeting of the Malaga Cove Homeowners Association, the City Manager received mixed feedback regarding the project. The major question was regarding 'who was asking for the project' and 'who would it be serving'. There appears to be minimal interest in the project from the community as the School District allows their playground facilities to be used outside of school hours by the general public. There is very little demand for playground equipment during school hours other than by the children already in school.

In addition, there have been historical concerns regarding structures and items in the viewshed of the homes on Via Almar adjacent to the school. These concerns were raised at the same meeting.

Staff has significant concerns that although the project has the right intent, the need/desire for the project is minimal, the initial costs are high and take away from other projects such as street paving, the ongoing liability remains with the City, and we are not experienced in the maintenance of this type of equipment. We believe that the project has enough negatives that it would be appropriate to discontinue it.

#### Available Alternatives

1. Approve the design of the Malaga Cove Playground Park and of the maintenance/liability agreement with the Palos Verdes Unified School District.
2. Discontinue the process of designing and constructing the Malaga Cove Playground Park.
3. Decline to act.

#### Recommendation

Review and take appropriate action.

**TO: JOSEPH HOEFGEN, CITY MANAGER**

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

**SUBJECT: RESOLUTION R08-15; APPROVING THE AUDITOR'S REPORT AND SETTING THE FIRE AND PARAMEDIC SERVICES SPECIAL TAX RATE FOR FY 2008-09**

### **The Issue**

Shall the City Council approve Resolution R08-15, which adopts the Auditor's Report and sets the Fire and Paramedic Services special tax rate for FY 2008-09?

### **Background**

In March, 2007, Palos Verdes Estates voters overwhelming approved (87+%) Measure A (Ordinance 677), which re-authorized for a ten-year period (June 30, 2017) a special tax to finance contract fire/paramedic services provided by the Los Angeles County Fire Department. The measure allows a maximum annual tax rate increase of 4.2% or the actual increase in the fire service contract cost, whichever is less. Revenues and fire contract costs are accounted for in a separate fund, Special Fire Tax (fund 22).

The City's current contract with Los Angeles County Fire Department for fire and paramedic services expires June 30, 2016. During the first five years, the maximum annual contract cost increase is capped at 4.2% compared to the prior year's actual cost. Costs in excess of the cap may be recouped in the following year or future years, but only to the extent that the total contract cost does not exceed that year's fee cap.

### **Analysis and Findings**

On May 16, 2008, the City received fire contract cost information from Los Angeles County Fire, which included the final actual costs for FY 07-08 and the estimated costs for FY 08-09. The maximum permitted cost for FY 07-08 totaled \$3,598,690. With final costs for FY 07-08, there was \$201,430 in cumulative costs in excess of the cap, which had not been assessed to the City. A recap of the history of the fire contract cost is included as Attachment 1.

The estimated cost for FY 08-09 per County Fire indicates a 1.7% increase in the contract for a cost of \$3,759,210. County wage agreement with fire/paramedic personnel provide for a 3%

salary increase effective August 1, 2008; however, projected benefit savings offset part of the labor increase to generate the overall increase of 1.7%. Since this is below the 4.2% cap allowed, the County will assess \$92,824 of the \$201,430 noted above to arrive at a total contract cost of \$3,852,035, which equals a 4.2% increase compared to the FY 07-08 final actual cost.

With the 4.2% increase in the fire contract cost, the City’s assessment engineers, Bureau Veritas, have prepared the Auditor’s Report (attached) using a 4.2% increase in the tax rate as authorized by the City Council. There are two components to the tax – a flat cost per parcel, including vacant parcels, and a cost per square foot of building improvement. Applying the 4.2% increase results in the following rates:

|                             | <u>FY 2008-09</u> | <u>FY 2007-08</u> | <u>Change</u>  |
|-----------------------------|-------------------|-------------------|----------------|
| Per Parcel                  | \$260.93          | \$250.41          | \$ 10.52       |
| Cost/building sq. ft.       | \$0.149446        | \$0.143422        | \$ 0.006024    |
| Median home (2,595 sq. ft.) | \$648.74          | \$622.59          | <b>\$26.15</b> |

A history of the annual tax rate increase and cost for a median home is shown in Attachment 2.

The Auditor’s Report shows the tax rate, the estimated revenues to be derived from the special tax (\$3,649,955) and the projected cost for fire and paramedic service. The tax proceeds fall short of covering the costs and a projected \$209,380 contribution from the fire tax fund balance is necessary. The ending fund balance for the fire tax fund as of June 30, 2009 is projected at \$316,364.

**Alternatives Available to the City Council**

1. Adopt Resolution R08-15, which approves the Auditor’s Report and sets the Fire and Paramedic services special tax rate for FY 2008-09.
2. Decline to adopt Resolution R08-15. Without approval of the special tax, the budget would be out of balance by the amount of the tax or almost \$3.65 million.

**Recommendation**

It is recommended that the City Council adopt Resolution R08-15; approving the Auditor’s Report and establishing the FY 2008-09 Fire and Paramedic Services special tax rate in conformance with Ordinance 677.

**Budget Impact**



The final FY 2008-09 budget before the Council for adoption this evening has been adjusted to reflect the new cost estimates from Los Angeles County Fire and the projected revenue for the Fire and Paramedic Services special tax as contained in the Auditor's Report. Currently, tax proceeds fall short (\$209,380) of meeting the contract cost, which is shown in the Auditor's Report as contribution from fund balance, and results in an ending fund balance (6-30-2009) estimated at \$316,364.

**TO: JOSEPH HOEFGEN, CITY MANAGER**

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

**SUBJECT: ADOPTION OF THE CITY'S FY 2008-2009 BUDGET: RESOLUTIONS R08-16; ESTABLISHING THE FY 08-09 APPROPRIATIONS LIMIT, AND R08-17 ADOPTING THE ANNUAL BUDGET AND FIXING THE LIMITATION OF EXPENDITURES**

The Issue

Shall the City Council adopt the required resolutions to approve the City's Fiscal Year 2008-2009 budget?

Appropriations Limit FY 2008-09

Article XIII B of the State Constitution requires the adoption of an annual appropriations limit related to certain tax proceeds. Resolution R08-16 is attached for this purpose.

The City's annual appropriations limit, also known as the "Gann" limit, may be adjusted by certain factors that the City Council, at its option, selects. The most favorable factors for the City in calculating the limit for FY 08-09 are as follows:

California per capita personal income +4.29% as reported by the State Department of Finance, and

Population increase for Los Angeles County +0.86%, as reported by the State.

Using these factors, the City's FY 2008-09 appropriations limit is \$16,934,925 of which the City's actual appropriations subject to the limitation (tax proceeds) totals \$12,256,705 or 72.38% of what is allowed.

Budget Process

On March 24, 2008, the City Council held a budget study session. The purpose of the meeting was to provide an overview of projected results for FY 07-08 and major budget issue papers for FY 08-09. On June 3, 2008, the City Council held a budget study session to review the City Manager's proposed budget for FY 08-09, including new contract cost information from Los Angeles County Fire. On the evening of June 10, 2008, the City Council held a public hearing

on the proposed budget. Each of these dates was a publicly noticed meeting of the City Council with the opportunity for input by residents and other interested parties.

The following changes were made to the City Manager's recommended budget either as a result of Council direction or new information received after preparation of the budget document:

- An addition of \$11,825 to fully fund the FY 2008-09-weed abatement/fire clearance program and an addition of \$25,895 to fully fund the annual landscape maintenance program as a result of contracts for these services awarded at the May 27<sup>th</sup> Council meeting.
- Additional revenue of \$86,845 related to the fire/paramedic services special tax (fund 22) as contained in the approved Auditor's Report and addition of \$23,670 for the fire and paramedic services contract based on costs estimates from L.A. County Fire.

With these changes, the City's consolidated budget (operating and capital) for FY 2008-2009 is \$18,603,220. The operating budget totals \$14,571,220. This represents an increase of 5.5% compared to adjusted budget for FY 07-08. The capital budget, including sewer and non-sewer projects, totals \$4,032,000. Additionally, the City will carry over funding for previously approved capital projects in the amount of \$1,893,495.

#### Alternatives Available to the City Council

1. Approve Resolutions R08-16 and R08-17
2. Approve additional changes to the budget and adopt the required Resolutions.
3. Defer adopting the budget.

#### Recommendation

It is recommended that the City Council adopt Resolution R08-16 establishing the FY 2008-09 Appropriations Limit and R08-17 adopting the Annual Budget for FY 2008-09.