

July 23, 2013  
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. R13-25  
NEXT ORDINANCE NO. 13-703**

**CALL TO ORDER**

CITY COUNCIL AGENDA  
July 23, 2013

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

**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 §54956.9 and §54956.9 (d)(2). The Mayor or City Attorney will give an additional oral report regarding the closed session.**

- **THREATENED OR ANTICIPATED LITIGATION**  
Government Code 54956.9 (d) (2)  
1 Case
- **CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION**  
Government Code §54956.9  
Citizens for Enforcement of Parkland Covenants v. City of Palos Verdes Estates et al  
LACSC Case No. BS142768

## **CLOSED SESSION ANNOUNCEMENT**

**At the conclusion of the Closed Session, the Council may continue any item listed on the closed session agenda to the Open Session agenda for discussion or to take formal action as it may deem appropriate.**

## **PLEDGE OF ALLEGIANCE**

## **ROLL CALL (7:30 PM)**

## **CEREMONIAL MATTERS**

- Certificate of Recognition to Outgoing Parklands Committee Member  
Mary Jane Schoenheider
- Acknowledgement of Government Finance Officers Association (GFOA) Award for Financial Reporting of the City's Comprehensive Annual Financial Report (CAFR) for Fiscal Year 11-12

## **MAYOR'S REPORT - MATTERS OF COMMUNITY INTEREST**

## **CONSENT AGENDA (ITEMS 1 - 8a-d)**

**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-d) may file an appeal with the City Clerk's office within 15 days after the date of the Planning Commission's decision.**

**CITY COUNCIL AGENDA**  
**July 23, 2013**

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

1. Waive Further Reading

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

2. City Council Minutes of June 25, 2013

**Recommendation: Review and Approve.**

3. City Treasurer's Reports

**Recommendation: Receive and File.**

- a. Monthly Report - June 2013
- b. Quarterly Interest Report - April-June, 2013

4. Resolution R13-22; Affirming Planning Commission Approval of CDP-78R/GA-1463R-12; Revised Coastal Development Permit and Grading Applications for the New Single Family Residence Located at 2717 Paseo Del Mar. Lot 6, Tract 19787

**Recommendation: It is recommended that the City Council adopt Resolution R13-22; affirming the Planning Commission approval of CDP-78R/GA-1463R-12; Revised Coastal Development Permit and Grading Applications for the new single family residence located at 2717 Paseo Del Mar.**

5. Resolution R13-24; Revised Personnel Rules for the City of Palos Verdes Estates

**Recommendation: It is recommended that the City Council adopt Resolution R13-24; Revised Personnel Rules for the City of Palos Verdes Estates.**

6. Parklands Committee Meeting Items of July 8, 2013

**Recommendation: Review and Approve.**

- a. PC-362-13; Application to remove 1 Eucalyptus tree located in the parkway adjacent to 2013 Via Cerritos

Applicant: Mariko Shimoyama  
2013 Via Cerritos  
Palos Verdes Estates, CA 90274

Recommended Action: Approved (3-2, Rubincam & Wade dissenting). The applicant is approved to remove 1 Eucalyptus tree located in the parkway adjacent to 2013 Via Cerritos according to the 'Standard Conditions for Tree Removal Approvals'. The applicant is required to pay \$500 to the 'Tree Bank'.

- b. PC-364-13; Application to remove or top 4 Aleppo pine trees and re-structure 2 Canary Island pine trees located in the parkway from 1225 to 1248 Via Romero

Applicant: Nina Harlan Smith  
2325 Via Olivera  
Palos Verdes Estates, CA 90274

Recommended Action: Approved (5-0) with modification. The applicant is approved to top Aleppo pine tree 1 and 2. The applicant is approved to remove Aleppo pine trees 3 and 4 according to the 'Standard Conditions for Tree Removal Approvals'. The applicant is required to pay \$1000 to the 'Tree Bank'. The applicant cannot re-structure the two Canary Island pine trees.

- c. PC-365-13; Application to remove 1 American elm tree located in the parkway adjacent to 421 Via Almar

Applicant: John Marushin  
424 Via Almar  
Palos Verdes Estates, CA 90274

Recommended Action: Approved (5-0). The applicant is approved to remove 1 American elm tree located in the parkway adjacent to 421 Via Almar according to the 'Standard Conditions for Tree Removal approvals'. The applicant is required to pay \$500 to the 'Tree Bank'.

- d. PC-366-13; Application to remove 1 Leylandii Cypress and hedge located in the parkway adjacent to 1417 Via Castilla

Applicant: Kevin Farr  
1420 Via Castilla  
Palos Verdes Estates, CA 90274

Recommended Action: Approved (5-0). The applicant is approved to remove 1 Leylandii cypress tree and hedge according to the 'Standard Conditions for Tree Removal Approvals'. The applicant is required to pay \$500 to the 'Tree Bank'.

- e. PC-367-13; Application to remove 1 Brazilian Pepper tree located adjacent to 2509 Via Anacapa

Applicant: John B. Waterson



2509 Via Anacapa  
Palos Verdes Estates, CA 90274

Recommended Action: Approved (5-0). The applicant is approved to remove 1 Brazilian pepper tree located in the parkway adjacent to 2509 Via Anacapa according to the 'Standard Conditions for Tree Removal Approvals'. The requirement to pay to the 'Tree Bank' is waived on the condition that at least 1 Little Gem Magnolia tree is planted on public parkway adjacent to 2509 Via Anacapa.

7. Traffic Safety Committee Meeting Item of July 10, 2013

**Recommendation: Review and Approve.**

- a. All-way stop control study at Via Coronel and Noya Place.

Recommended that Staff: Install all-way stop controls on all legs at the intersection of Via Coronel and Noya Place. Approved (4-0, Beall Absent).

- b. Engineering and Traffic Studies for Via Almar and Palos Verdes Drive West.

Recommended that Staff: 1) Raise the speed limit on Palos Verdes Drive West between the South City Limit and Paseo Lunado from 30 mph to 35 mph; and, 2) direct staff to install the necessary signage to establish a 25 mph speed limit when children are present per California Vehicle Code Section 22352 on Via Almar between Via Del Puente and Via Arroyo. Approved (4-0, Beall Absent).

8. Planning Commission Actions of July 16, 2013

**Recommendation: Receive and File.**

- a. NC-943RII-13; Consideration of a revised Neighborhood Compatibility application for additions to the single family residence located at 1341 Via Cataluna. Lot 11, Block 9, Tract 7538.

Applicant: Envirotechno Architecture  
27010 Springcreek Rd.  
Rancho Palos Verdes, CA 90275  
Owner: Mr. & Mrs. Mitsanas

Action: Approved (5-0) with standard conditions.

- b. M-922-13; Consideration of a Miscellaneous Application requesting an increase in wall height at the single family residence located at 504 Paseo Del Mar. Lot 2, Block 1510, Tract 6886.

Applicant: Edward Carson Beall  
23727 Hawthorne Blvd.  
Torrance, CA 90505  
Owner: Mark Paullin  
16100 S. Figueroa  
Gardena, CA 90248

Action: Approved (4-0, Vandever recused) with standard conditions and the following additional condition: 1) The applicant is required to plant landscape screening and provide irrigation to support that on the east side of the wall.

- c. M-923-13; Consideration of a Miscellaneous Application for a new structure within the City right-of-way adjacent to the single family residence located at 2525 Palos Verdes Drive North.

Applicant: California Water Service Co.  
5837 Crest Road West  
Rancho Palos Verdes, CA 90275

Action: Approved (5-0) with standard conditions and the following additional conditions: 1) The exact location of the air valve structure shall be determined by Director Rigg; 2) The structure is to be painted to match the natural surroundings; and 3) The applicant is to provide screening vegetation around the structure at the height of the structure to be reviewed and approved by the City Forester.

- d. M-925-13; Consideration of a Miscellaneous Application for structures exceeding the maximum allowable height at the new single family residence located at 1820 Paseo Del Sol. Lot 8, Block 1550, Tract 7333.

Applicant: Tomaro Architecture  
2617 N. Sepulveda Blvd.  
Manhattan Beach, CA 90266  
Owner: Yulong Huang  
6309 Ridgemar Ct.  
Rancho Palos Verdes, CA 90275

Action: Approved (5-0) with standard conditions.

## 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 - 7:30 PM**

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

9. Introduce and Adopt 2013 Self-Certification Resolution No. R13-23; 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 2013 Self-Certification Resolution No. R13-23, adopting the Local Development Report for the Congestion Management Program.**

10. County Weed Abatement Charges for Fiscal Year 12-13

**Recommendation: It is recommended 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 12-13.**

## **ORDINANCES**

11. Introduction of Ordinance 13-702; Amending Section 10.56.010 of the Palos Verdes Estates Municipal Code Establishing Prima Facie Speed Limits and Approving the Posting of Speed Limit Signs on Local Streets Within the City

**Recommendation: It is recommended that the City Council introduce and waive the first reading of Ordinance 13-702 amending PVEMC Section 10.56.010 establishing prima facie speed limits and approve the posting of speed limit signs on local streets within the City.**

## **OLD BUSINESS**

## **NEW BUSINESS**

12. Determination of the Scope and Process to Develop a Parklands and Trails Policy

**Recommendation: It is recommended that the City Council direct staff to proceed in developing a Parklands and Trails Policy with the designated body per a scope identified by the City Council.**

13. City of Palos Verdes Estates 75th Anniversary

**CITY COUNCIL AGENDA**  
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**Recommendation:** It is recommended that the City Council establish a steering committee to plan and organize the City's 75th Anniversary Celebration, set objectives to guide the committee, direct staff to solicit volunteers, and appoint the Mayor and Mayor Pro Tem to serve as Council liaisons.

## **STAFF REPORTS**

14. City Manager's Report

## **DEMANDS**

15. Demands of July 23, 2013

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

- a. Motion #1 - Payroll Warrant of July 19, 2013
- b. Motion #2 - Warrant Register of July 23, 2013 (FY 12-13)
- c. Motion #2a - Warrant Register of July 23, 2013 (FY 13-14)

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

**ADJOURNMENT TO AUGUST 7, 2013, 5:30 P.M., AT PALOS VERDES GOLF CLUB, 3301 VIA CAMPESINA, PALOS VERDES ESTATES, FOR THE PURPOSE OF A COUNCIL/CITY MANAGER RETREAT; AN ADJOURNED REGULAR MEETING.**

- *This City Council meeting can be viewed on Cox Cable, Channel 35, Wednesday, July 24, 2013 at 7:30 p.m., and Wednesday, July 31, 2013, at 7:30 p.m.*

I hereby certify under penalty of perjury under the laws of the State of California, that the foregoing agenda was posted on the City Hall Bulletin Boards located by front door and inside adjacent to Council Chambers located at 340 Palos Verdes Drive West, Palos Verdes Estates, CA 90274, Palos Verdes Golf Club, and Malaga Cove Library not less than 72 hours prior to the meeting in accordance with Government Code Section 54954.2. Dated this 19th day of July, 2013.

Vickie Kroneberger, CMC  
Executive Assistant/Deputy City Clerk

Agenda Item #: 2  
Meeting Date: July 23, 2013

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

June 25, 2013

**A regular meeting of the City Council of the City of Palos Verdes Estates was called to order this day at 7:30 PM in the Council Chambers of City Hall by Mayor Goodhart.**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

**PRESENT:** Mayor Goodhart, Mayor Pro Tem Perkins, Councilmember Humphrey, Councilmember Rea

**ABSENT:** Councilmember Bird

**ALSO PRESENT:** City Manager Dahlerbruch, Chief Eberhard, Public Works Director Rigg, City Treasurer Sherwood, City Attorney Hogin, Asst. to City Manager Davis, Exec. Asst./Deputy City Clerk Kroneberger

**MAYOR'S REPORT - MATTERS OF COMMUNITY INTEREST**

Mayor Goodhart reported on the City's Disaster District Program (DDP) drill conducted on Saturday, June 22<sup>nd</sup>, which simulated mobilization efforts in the event of a 7.5 (Richter scale) San Andreas fault earthquake. The six DDP sites (6 public school sites) were opened with radio communications established.

**CONSENT AGENDA (ITEMS 1 - 7a-e)**

On motion of Councilmember Rea, seconded by Councilmember Humphrey, Council approved CONSENT AGENDA (Items 1 – 7a-e) by unanimous oral vote; Bird absent, except for Item #2; Perkins recused.

1. WAIVE FURTHER READING
2. CITY COUNCIL MINUTES OF MAY 28, 2013
3. RESOLUTION R13-17; APPROVING FINAL ADJUSTMENTS TO THE FY 2012-13 BUDGET

4. RESOLUTION R13-18; APPROVING THE AUDITOR'S REPORT AND SETTING THE FIRE AND PARAMEDIC SERVICES SPECIAL TAX RATE FOR FY 2013-14
5. RATIFYING THE MAYOR'S APPOINTMENT OF PLANNING COMMISSION, PARKLANDS AND TRAFFIC SAFETY COMMITTEE MEMBERS
6. SPECIAL EVENT APPLICATION FOR THE LUNADA BAY HOMEOWNERS ASSOCIATION'S "SUMMER CONCERTS IN THE PARK" AT LUNADA BAY PARK
7. PLANNING COMMISSION ACTIONS OF JUNE 18, 2013
  - a. NC-1459/GA-1501-12; Consideration of Neighborhood Compatibility & Grading applications for a new single family residence located at 933 Via Rincon. Lot 16, Block 1634, Tract 7142.  
Owner: Daniel & Susan Booker  
Action: Approved with conditions.
  - b. NC-1464/GA-1505/M-906-13; Consideration of Neighborhood Compatibility, Grading and Miscellaneous Applications for a new single family residence located at 844 Via Del Monte. Lot 10, Block 1540, Tract 6884.  
Owner: Mr. & Mrs. Memet Kocarslan  
Action: Denied
  - c. NC-1465/GA-1506-13; Consideration of Neighborhood Compatibility & Grading applications for a new single family residence located at 804 Via Del Monte. Lot 5, Block 1539, Tract 6884.  
Owner: Michael McNamara  
Action: Approved with conditions.
  - d. NC-1466-13; Consideration of a Neighborhood Compatibility application for a new single family residence located at 2212 Via La Brea. Lot 2, Block 1651, Tract 7330.  
Owner: Satomi Takeshita  
Action: Approved with conditions.
  - e. NC-1472/GA-1510/M-921-13; Consideration of Neighborhood Compatibility, Grading and Miscellaneous applications for a new single family residence located at 2854 Via Victoria. Lot 6, Block 2343, Tract 7332.  
Owner: Anderson & Dayane Da Silva  
Action: Approved with conditions.

#### **COMMUNICATIONS FROM THE PUBLIC -**

No one came forward to speak.

#### **PUBLIC HEARINGS**

#### **NEW BUSINESS**

8. ADOPTION OF THE FY 2013-14 BUDGET: RESOLUTION R13-19; ESTABLISHING THE FY 2013-14 APPROPRIATIONS LIMIT, AND R13-20 ADOPTING THE ANNUAL BUDGET AND FIXING THE LIMITATION OF EXPENDITURES

Finance Director Smith reported said the adoption of two resolutions is required to finalize the FY13-14 budget process. [R13-19] sets the appropriations (Gann) limit, which is the amount of expenditures that can be financed by tax proceeds; each year this limit is adjusted annually by Council. The California per capita income increased 5.12% and the population increase for L.A. County was 0.69% last year; adjusting last year's appropriations limit by these factors, the appropriations limit for the next fiscal year is \$19,168,095 and our actual tax proceeds that will finance expenditures next year totals \$12,801,220 (we are at 66% of allowable limit). [R13-20] adopts the FY13-14 budget, pursuant to two publicly held meetings providing opportunity for the public to comment on the proposed budget. Changes were made pursuant to discussions at the budget hearings. The City's consolidated budget (operating and capital) for FY13-14 totals \$21,117,005, of which \$15,632,505 is for the operating budget, or a 6.1% increase compared to the current year. The capital budget (sewer and non-sewer projects) totals \$5,484,500, which includes \$2 million placeholder, per Council's request, for potential additional sanitary sewer lining projects to be defined during the upcoming fiscal year.

On motion of MPT Perkins, seconded by Councilmember Humphrey, Council approved adoption of the FY 2013-14 Budget: Resolution R13-19; Establishing the FY 2013-14 Appropriations Limit, and R13-20 Adopting the Annual Budget and Fixing the Limitation of Expenditures by unanimous oral vote, Bird absent.

9. RESOLUTION R13-16; OPPOSING THE METRO RECOMMENDED FUNDING PLAN FOR THE CRENSHAW/LAX TRANSIT PROJECT AND SUPPORTING THE DIRECTORS KNABE AND O'CONNOR ALTERNATIVE MOTION

Director Rigg reported that the Crenshaw/LAX Transit corridor project was put out to bid; costs are significantly more than what was expected. Metro plans to take Measure R funds from the South Bay that were for vehicular transportation as opposed to the rail system they are proposing. The South Bay Cities Council of Governments (COG) asked that the City prepare a resolution in opposition. L.A. County Board Supervisors Knabe and O'Connor drafted an alternative to fund the project; adoption of the resolutions supports this measure.

Councilmember Rea asked if this is a standardized resolution. Director Rigg said the City of Torrance took lead and crafted the resolution with minor modifications suggested by the City Manager.

Councilmember Perkins confirmed with Mayor Goodhart that he assisted in the drafting of the resolution with the COG. Mayor Goodhart said Metro has a policy for cost overruns, the balance for funding has to come out of existing project which are limited to this region. The Crenshaw project originates outside of the region, but ends in our region. It questions the fairness of our region taking the hit for this projected cost overrun to fund. What complicates this is the intention of Metro to accelerate these projects. We will all benefit from highway projects, but these can't be

accelerated, but the rail lines can be accelerated.

Councilmember Humphrey said the alternative was drafted by the directors we voted for to represent us; she supported adoption. MPT Perkins confirmed she and Mayor Goodhart will participate at the Metro Board meeting on June 27<sup>th</sup> supporting the alternative measure.

On motion of Councilmember Humphrey, seconded by Councilmember Rea, Council approved Resolution R13-16; Opposing the Metro Recommended Funding Plan for the Crenshaw/LAX Transit Project and Supporting the Directors Knabe and O' Connor Alternative Motion by unanimous oral vote, Bird absent.

#### 10. MATRIX REPORT - ANALYSIS OF SERVICE DELIVERY OPTIONS FOR BUILDING, PLANNING AND PUBLIC WORKS ADMINISTRATION

City Manager Dahlerbruch reported that Matrix Consulting Group was awarded a contract in February to develop a scope of work to develop a profile of Planning, Building and Public Works administration; to develop planning assumptions for the delivery of these services; to evaluate opportunities to enhance the structure of the contract, and to prepare a report to provide plans for implementing those recommendations.

Gary Goelitz, VP Matrix, summarized his credentials and experience. The Scope of Analysis was described, a baseline comparison was developed, including job duties and salary ranges, and concludes with recommendations for the ideal configuration of services with three options for delivery: all contract; all in-house, or a hybrid of both to include contract and in-house staff. He said we are getting a good return on our investment but there are opportunities for improvement. He said the 5 yr. cycle of thinning and raising the City's urban forest reduces losses and this is not common. He said our public works street system is effective for slurry and overlays. The 49-day average for processing of planning permits is a good level of service, and the Planning Division delivery schedule is rare; he's found this in less than 5 organizations during his entire tenure. The City's zoning ordinance is up to date, and there is good service level for completion of plan checks.

In consideration of Charles Abbott Associates (CAA) as an independent contractor, he reported that CAA does not meet all, but does meet a preponderance, of the 20 common law factors. Examples include how CAA completes tasks, uses their own methods, selects, hires, pays and supervises their workers; they are completely responsible for the results of their work. He said [Matrix] believes all indicators show that CAA is an independent contractor.

Outsourcing for these services is not uncommon; examples include Santee, Del Mar, Encinitas, Lemon Grove, Solano Beach, and Dublin; these don't reflect a preponderance, but there are other examples that do use this approach.

He said they developed job duties and salary ranges with a 3-step approach utilized; using the 7 benchmark cities that the City historically uses for salary comparisons. He noted that not every city delivers services the same way, i.e. Pasadena, Rolling Hills Estates, and LaCanada-Flintridge as examples; all have similar but not the same processes. Rolling Hills Estates, for example, does not have a Public Works Director, or any engineers. Hermosa Beach employs a Public Works Director, but not a senior civil engineer; they employ a contract capital improvement project



engineer. They found variations among all the cities in the comparison.

Costs and benefits were analyzed for the three delivery options, e.g. the City would have been able to deliver the same services for potentially \$91K less (8.3% of the contract ) in FY11-12 if positions were converted to 6 full-time in-house positions (Public Works Director, Senior Planner, Chief Building Official, associate civil engineer, Building & Planning Director, and Arborist). For some positions it is not cost efficient to bring some positions in-house, e.g. structural plan checker who works ~400/yr. Suggesting an automated permitting system, it would cost ~\$30K annually and the City would incur start-up (one time) costs, including training of in-house employees. To replicate the same services CAA provides, start up is estimated at ~\$1 million. He said the transition would take ~4 years to recoup these costs and city's costs are likely to increase due to CalPERS.

Mr. Goelitz suggested the decision to out-source or in-source should not be made on cost alone, but noted the cost of converting in-house to contract 1/2 Code Enforcement, and 2 permit technicians would increase the cost by ~30% and is not recommended.

Mr. Goelitz said the hybrid alternative is currently being used by the City, with 7.5 City employees (including maintenance workers) and 6 FT employees from CAA, providing a 55/45 mix. He suggested mixing or changing the mix as a consideration, such as hiring an in-house public works director; however, this not a cost savings measure. He said the City's existing PW Director has unusual qualifications with PE and AICP certifications; this is unique. He said the managerial depth of the City's work force should be a consideration as well as core competency. Hiring a senior planner is not uncommon, e.g. South Pasadena, San Marino, Hermosa, RPV, Malibu, and RHE. Cities with median income exceeding \$100K employ an average of 3.8 land use planners; the City is already operating a lean work force and he questioned if this could be done with one land use planner. Some redundancy may occur if brought in-house, but core competency like land using planning should be considered. Hiring a building inspector is not uncommon, but other cities do contract. He said there is a clear cost advantage to in-source this position, however, the current workload cannot be done by one person; there is flexibility contractor staffing provides. He did not recommend in-sourcing the City Forester position.

Mr. Goelitz said if the City continued to contract for these services, [Matrix] looked at how they could enhance the cost effectiveness of contract service delivery; it is suggested the City modifies work methods and levels of service. He suggested the City issue an annual RFP for the design and construction of capital projects and not try to accomplish that through CAA. CAA uses a senior engineer ~1 day/week to manage projects and ~1 day/week for traffic engineering; this is an ideal mix, but could modify the approach for permit plan check and service delivery. It is suggested that encroachment/ROW permits should be assigned to city's maintenance foreman and personnel, that the City's permit technicians should issue public works permits, do plan checking and issue minor building permit plans (~20% of plans are minor/do not require a PE or ICC registered plan checker) but they would need to be ICC registered; there are training requirements. Reduction to 16/hours a week of City Forester rather than 32 hours is suggested; other functions that this position provides can be outsourced. He said the 1/2 time mechanic [staff position] can be eliminated by using a local service shop.

Mr. Goelitz concluded that they looked at contract content and suggested a new RFP for Building & Safety, Planning and Public Works for the next fiscal year; they expected any city to do this on a

3-5 year contract cycle. Revised content of contract recommendations include a purpose statement, decision making, defining services delivered by the contractor, roles and responsibilities and who answers to them, and different approaches to compensation. Current approaches aren't unusual but it is suggested these be formalized, and require annual submittals of the contract to include costs of services that shall not exceed cost of fees collected. Also included in [the Matrix] report is a Best Practices assessment.

Finance Director Smith reiterated that the recommendation to contract for construction design and inspection separately for major capital projects is currently being done in many cases. These contracts are not held by the CAA. Contract management for capital projects has been reduced as of this year; the City has recently completed a 10 year sewer master plan that was very labor intensive; that workload was reduced this year. Requiring permit technicians to issue Public Works permits and minor building plan requires additional certification, which would take about a year to accomplish, and how it affects current workload [should be considered]; these staff members also have highly functioning clerical responsibilities. There are potential compensation issues. She clarified that the equipment mechanic position was a previously contracted, but brought back in-house on a part time basis (.5); this employee is currently on medical leave, but the position is not unfilled at this point. On page 114 and 118, items #47 & 73 within the best practices and analysis section regarding development fees for planning and building services, she said our past practice reviewed these services in the aggregate. If viewed as discrete cost centers, there would be a very substantial increase required, at the current service level, to recover the costs for planning. Matrix recommends looking at our methodology for fees and the San Luis Obispo [example report] provides a fee schedule analysis.

Mayor Goodhart asked about covering our development costs; fees are not used as a revenue source. He asked if development fees would increase. Director Smith said planning, on its own, is not a cost recovery/cost supporting effort at this point. They have viewed development in the aggregate (planning and building together) are considered. Director Smith said currently finance and fund planning applications as a discrete cost center would need to adjust upward; building fees may reduce as a result. Humphrey a tie to development and revenue.

Director Smith said [the report] provides a comparison of Building, Planning and PW costs which includes both contract and City staff. The total cost for those departments within our City budget is compared to development fee revenue and indicates the revenue exceeded expenditures. She clarified that the direct department costs in the budget do not include the indirect department costs, e.g. a portion of the City Attorney's time, or City Clerk. Public Works activities are not a cost recovery center. Regarding hourly rates (pg. 37), there were no increases for a four year period (2008 -2012), but in FY 12-13 there was an increase of 2.5%, which is consistent with general City employees in conformance with the contract. The Matrix report looks at FY 11-12 in their final year of analysis because they had complete year data. On pg. 40, table 10, it shows the total number of building inspections and hours charged. Building inspectors equal 1.66 FTE of contract staff, but the hours reflected are for all work done by those individuals and includes public counter hours (8a-10a daily) and some plan check services to be considered.

City Manager Dahlerbruch said it is a good idea to conduct analysis of fees every few year; a stand alone project that should be considered. The report presented this evening covers a variety of topics and should be taken into consideration for developing and implementing the optimal organizational structure. It raises a number of points, but doesn't provide specific direction to the

City. Combined with the Anderson report from 1995, there is now a number of options described that we should be considering for the designing the optimal organizational structure. He said the intent of this study was not to consider CAA's competency. An RFP should go out, as suggested, but the components/scope is to be determined. He suggested the City Manager should return with a recommended organization and implementation plan and recommendation as to how we move forward for Council's consideration.

MPT Perkins thanked staff for working with Matrix. On October 9, 2012 Council supported the idea to move forward with an RFP for these services, but would benefit from this analysis to define its components. She said the report indicates the City hiring its own Public Works Director is not uncommon with the hybrid approach, and asked Mr. Goelitz to elaborate. Mr. Goelitz said he has not seen a contract Director of Public Works, except in incredibly small cities. MPT Perkins said the report indicates the City may be hard pressed to attract the necessary talent for a PW Director, given its small size and scope of operations and asked what formed this observation. Mr. Goelitz responded that this is a national problem, but also a local problem regarding [a good candidate] finding affordable housing in close proximity to the City; it is a problem that the American Public Works Association has noted. MPT Perkins asked about the recommendation and cost savings for bringing a senior planner in-house. He suggested bringing in a planning consulting firm on-call to provide bench depth to work on ad hoc projects, e.g. zoning ordinance updates or land use elements.

MPT Perkins asked about the suggestion made for maintenance foreman/workers issuing encroachment and public works permits, and the extra duties suggested for the City's permit technicians. City Manager Dahlerbruch said these need to be further evaluated. Mr. Goelitz said these are not large or work intensive tasks. MPT Perkins asked if a part-time full contracts administrator is advisable. Mr. Goelitz said this could be an issue if there are problematic contractors.

Councilmember Rea asked how a city goes about monitoring and overseeing an out-sourced contract if the Public Works Director position is brought in-house. Mr. Goelitz said the City Manager is the contract manager for the existing contract with Charles Abbott; effective supervision of the contract is of concern; service level data is not provided. He said other information indicates that the contractor is doing good work, e.g. quality of the City streets and stormwater and sewer collection system work. He said management staff can do it or push it down to a subordinate level.

Councilmember Rea asked if it would be easier or more difficult for the City to get responses to an RFP for these services if it did not include the department head position. Mr. Goelitz said we would get good responses under any scenario. Potential conflict of interest may be a consideration.

Councilmember Humphrey said she wants to make sure it is understood that they look at this report that provides information for their interpretation and consideration; she was loathe to consider how to organize the City at this time. The next step should be considered.

Mayor Goodhart confirmed with Mr. Goelitz that leaves (time away from the City) was factored into the 8.3% savings using the in-house delivery option vs. contract option, e.g. hiring one in-house planner. Mr. Goelitz said he assumed redundancy is critical with the building inspector and

senior planner positions.

Mr. Goelitz said he assumed that there would be two inspectors with in-house scenario; replication of what we have exactly is assumed. He said there are opportunities to reduce the cost by eliminating the associate civil engineer position.

Mayor Goodhart said capital projects can be multi-year projects. Mr. Goelitz recommended bidding these separately.

City Manager Dahlerbruch said he would like to return to Council with recommendations based on the presentation and questions addressed this evening. Finance Director Smith said appropriate oversight would be achieved if there are more detailed specifications within the contract.

MPT Perkins appreciated the information and said the next step is for the City Manager to meet with staff and return with observations and recommendations.

Councilmember Rea agreed; this report provides a helpful tool to City staff and it dovetails nicely with the Anderson Report. It is a matter of good governance to consider if the Public Works Director position should be an employee and consideration of conflict of interest issues. He concurred that this should be referred to the City Manager for further study and recommendations.

Mayor Goodhart said as cities are trying to find cost effective ways to deliver services, and noted the report indicates some cities are sharing services. He thanked Matrix for considering all variables within the report to help Council and City staff understand the current environment so they can obtain the best services for our residents. He said the report indicates there are a lot of things our City is doing well through CAA; there are other opportunities with other competing firms that do the same job. Individual skill sets are hard to predict. The report provides the right questions to ask and the organizational component is to be recommended by the City Manager.

City Manager Dahlerbruch, with Council's concurrence, confirmed he would report back to Council at the first meeting in September.

On motion of Councilmember Humphrey, seconded by Councilmember Rea, Council received and filed the Matrix Report - Analysis of Service Delivery Option. by unanimous oral vote, Bird absent

## **STAFF REPORTS**

### **11. CITY MANAGER'S REPORT**

None.

## **DEMANDS**

### **12. DEMANDS OF JUNE 25, 2013**

On motion of Councilmember Humphrey, seconded by MPT Perkins, Council approved payment

of Motion #1 – Payroll Warrant of June 21, 2013, totaling \$332,795.32 and Motion #2 – Warrant Register of June 25, 2013, totaling \$1,510,245.22, by unanimous oral vote, Bird absent.

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

### **13. UPDATE OF CITY COUNCIL COMMITTEE AND LIAISON ASSIGNMENTS (MAYOR GOODHART)**

The City's liaison assignments were amended pursuant to the start of the new City Manager who made staff assignments. Also, MPT Perkins reported that the COG Board has nominated Mayor Goodhart as 1<sup>st</sup> Vice-Chair of the COG; thus, he will be acting director representing the City, he will become Chair in 2014. MPT Perkins shall serve as the alternate delegate to the COG.

### **14. DESIGNATION OF OFFICERS - PLANNING COMMISSION, PARKLANDS COMMITTEE, AND TRAFFIC SAFETY COMMITTEE (MAYOR GOODHART)**

Mayor Goodhart announced the following officer designations:

Planning Commission – James Vandever, Chair; Winston Chang, Vice-Chair

Parklands Committee – Charles Peterson, Chair; Paul Rubincam, Vice-Chair

Traffic Safety Committee – Ron Buss, Chair; David King, Vice-Chair

Mayor Goodhart thanked Mary Jane Schoenheider for her two terms of service on the Parklands Committee; Mr. Robert Wade was appointed to the Parklands Committee.

Councilmember Rea reported that he and Councilmember Humphrey (Council liaisons) reviewed the proposed FY13-14 Stables budget and toured the facility on June 20, 2013. An option to exercise an extension to the concession agreement was also requested by the concessionaire, Mr. Mclewee. Councilmember Humphrey said the Stables upkeep is good.

Councilmember Humphrey reported on her participation in the DDP (Disaster District Program) drill of Saturday, 6/22; Council visited all 6 sites; the drill served to heighten the public's awareness of the program. Chief Eberhard thanked CRO Marcelle McCullough for her community outreach efforts to make the drill a success. MPT Perkins reported that the City's NART (National Amateur Radio Team) system was well represented.

MPT Perkins reported on her attendance on behalf of COG at the Santa Monica Bay Restoration Commission meeting on Thursday, June 20; updating the bay restoration plan with best practices was discussed.

Mayor Goodhart agreed the DDP drill was a success and said the processes need to be understood; DDP volunteer service workers should take care of family and mobilize to help others. Preparedness is the key to the program's success.

Mayor Goodhart reported on the Mayor's Trimester meeting on Thursday, June 20 to discuss issues that arise with the Chairs and Vice-Chairs of the City's commission and committees. A change of start time of the City's Traffic Safety Committee meetings to 7:30 p.m. on the second Wednesday



of each month (from 4:00 p.m.) was discussed, which has evolved from City personnel to community volunteers. Staff will return to Council with a resolution to confirm this change.

Mayor Goodhart acknowledged Finance Director, and former City Manager and City Clerk Judy Smith and thanked her for her service.

## **ADJOURNMENT**

There being no further business before Council this evening, Mayor Goodhart adjourned the meeting at 9:17 p.m. to Tuesday, July 9, 2013, in Council Chambers of City Hall for the purpose of a regular meeting.

**RESPECTFULLY SUBMITTED,**

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

**APPROVED BY:**

**JAMES F. GOODHART, MAYOR**



# MEMORANDUM

Agenda Item: 3  
Meeting Date: July 23, 2013

TO: ANTON DAHLERBRUCH, CITY MANAGER *AD*  
FROM: JOSEPH C. SHERWOOD, JR., CITY TREASURER *JCS 7/2/13*  
SUBJECT: TREASURER'S REPORT ON CASH BALANCES JUNE 2013

Conclusion and Recommendation:

It is recommended that the City Council receive and file the report.

**CITY OF PALOS VERDES ESTATES  
TREASURER'S REPORT ON CASH BALANCES - JUNE 2013**

**GENERAL LEDGER - CASH BALANCES:**

GENERAL	9,563,608.71
GAS	200,256.42
DRUG	81,030.99
CLEEP	-
SLEEF	121,760.98
SPECIAL PROJECTS	654,964.98
CORRECTIONS	4,325.30
FIRE ASSESSMENT DISTRICT	76,866.21
TRANSIT PROP A	517,140.71
MEASURE R	173,380.34
TRANSIT PROP C	168,473.09
CAPITAL IMPROVEMENT	9,119,631.91
STABLE OPERATING	167,792.69
EQUIPMENT REPLACEMENT	2,731,260.38
INSURANCE	131,089.56
DEPOSITS	157,986.55
A D 21 BOND RES	-
ENT F/A STABLE	(169,191.00)
SEWER FUND	5,745,964.46
POLICE PROPERTY/EVIDENCE	12,949.46
TOTAL PER G/L	<u>\$ 29,462,289.74</u>

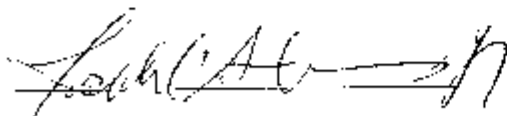
ADJ BOOK BALANCE

\$ 29,462,289.74

BANK BALANCES AS OF JUNE 30, 2013

LAIF	22,679,797.62
INVESTMENTS (AT COST)	5,972,500.00
MONEY MARKET	621,795.68
AFLAC - FSA	3,000.00
GENERAL CHECKING	181,996.44
PVE PARKING	200.00
	<u><u>\$ 29,462,289.74</u></u>

I certify that this report accurately reflects all City investments and complies with the investment policy of the City of Palos Verdes Estates as approved by the City Council. Furthermore, I certify that sufficient investment liquidity and anticipated revenues are available to meet the City's expenditure requirements for the next six months. Respectfully submitted,



Treasurer, Joseph C. Sherwood Jr.

7/2/13

Dated



Local Agency Investment Fund  
P.O. Box 942809  
Sacramento, CA 94209-0001  
(916) 653-3001  
CITY OF PALOS VERDES ESTATES

[www.treasurer.ca.gov/linia](http://www.treasurer.ca.gov/linia)  
-jaif  
July 01, 2013

TRFASLRRR  
340 PALOS VERDES DRIVE WEST  
PALOS VERDES ESTATES, CA 90274

PMIA Average Monthly Yields

Account Number:  
98 19 639

Trans Type Definitions

June 2013 Statement

Effective Date	Transaction Date	Tran Type	Confirm Number	Authorized Caller	Amount
6/7/2013	6/7/2013	RD	1399470	LORI YAMASAKA	1,000,000.00
6/13/2013	6/13/2013	RW	1399875	LORI YAMASAKA	-730,000.00
6/20/2013	6/20/2013	RW	1400374	LORI YAMASAKA	-350,000.00
6/26/2013	6/26/2013	RW	1400834	LORI YAMASAKA	-2,000,000.00

Account Summary

Total Deposit:	1,000,000.00	Beginning Balance:	24,659,797.62
Total Withdrawal:	-2,980,000.00	Ending Balance:	22,679,797.62



Account Number  
6736305330

Account Name  
CITY PALOS VERDES ESTATES

## Account Statement

### Statement Period

June 1, 2013 through June 30, 2013

## Asset Detail - Principal Portfolio

### Government Obligations

Asset Name	CUSIP	Shares/ Units Held	Cost Basis	Market Value	Price/ Date Priced	Percentage of Portfolio	Current Yield	Estimated Annual Income
Federal Govt Agency								
FEDERAL NATL NTGE ASSN NOTES 1.000% 7/21/2017	3135G0SH7	1,000,000.000	1,000,000.00	978,020.00	97.8020 06/28/2013	10.05%	4.32%	40,000.00
FEDERAL HOV F IN MTG CORP 1.000% 11/1/2018	3134G33B4	1,000,000.000	995,500.00	978,010.00	97.8010 06/28/2013	10.05%	4.02%	40,000.00
FED NATL NTG ASSN NOTES DTD 05/30/2013 1.05% 05/25/18	3135G0KH4	1,000,000.000	1,000,000.00	971,030.00	97.1030 06/28/2013	10.58%	4.06%	40,500.00
FEDERAL HOME LN MTG CORP 1.400% 5/27/2013	3134G44E8	1,000,000.000	1,000,000.00	953,110.00	95.3110 06/28/2012	10.77%	4.42%	44,500.00
<b>Total Government Obligations</b>			<b>\$1,992,500.00</b>	<b>\$3,908,830.00</b>		<b>86.68%</b>	<b>4.14%</b>	<b>\$144,500.00</b>

### Corporate Obligations

Asset Name	CUSIP	Shares/ Units Held	Cost Basis	Market Value	Price/ Date Priced	Percentage of Portfolio	Current Yield	Estimated Annual Income
Certificate of Dep-Negotiable								
BE CAP BK INC RETAIL 1.0500% 9/2/2015	06161TFG5	247,000.000	247,000.00	247,039.52	100.0160 06/28/2013	4.21%	1.05%	2,583.50
A-LY BK MIDVALE UTAH 1.1000% 10/1/2015	20205Q887	247,000.000	247,000.00	248,351.09	100.5470 06/28/2013	4.24%	1.09%	2,777.00
DISCOVER BK 1.2000% 9/26/2015	254071GQ7	246,000.000	246,000.00	246,866.96	100.3710 06/28/2013	4.21%	1.20%	2,952.00
CIT BK SAL LAME CITY CT 1.0000% 5/29/2017	17284CFF8	247,000.000	247,000.00	243,556.70	98.5100 06/28/2013	4.15%	1.01%	2,470.00



Account Number  
6736305330

Account Name  
CITY PALOS VERDES ESTATES

## Account Statement

### Statement Period

June 1, 2013 through June 30, 2013

## Asset Detail - Principal Portfolio (continued)

### Corporate Obligations

Asset Name	CUSIP	Shares/ Units Held	Cost Basis	Market Value	Price/ Date Priced	Percentage of Portfolio	Current Yield	Estimated Annual Income
Certificate of Dep-Negotiable								
GOLDMAN SACHS BK USA NY 1.000%	38745AG356	246,000.000	246,000.00	245,257.38	99.6958 06/28/2013	4.18%	1.30%	3,535.00
1STSTBANK PR SANTURCE 1.100%	33764JVM4	247,000.000	247,000.00	240,837.55	97.5050 05/28/2013	4.11%	1.43%	2,777.00
5/24/2018								
BEAL BK PLANO TEX 1.000%	07135TY31	247,000.000	247,000.00	240,074.40	97.5200 05/28/2013	4.11%	1.03%	2,470.00
5/30/2018								
BEAL BK USA LAS VEGAS NEW 1.000%	07573VLR4	247,000.000	247,000.00	240,871.40	97.5200 05/28/2013	4.11%	1.03%	2,470.00
5/30/2018								
<b>Total Corporate Obligations</b>			<b>\$1,974,000.00</b>	<b>\$1,863,467.20</b>		<b>33.32%</b>	<b>1.44%</b>	<b>\$22,325.50</b>
<b>Total Principal Portfolio</b>			<b>\$5,872,500.00</b>	<b>\$5,862,297.20</b>		<b>100.00%</b>	<b>1.44%</b>	<b>\$66,825.50</b>
<b>Total Account Values</b>			<b>\$5,872,500.00</b>	<b>\$5,862,297.20</b>		<b>100.00%</b>	<b>1.44%</b>	<b>\$66,825.50</b>



# MEMORANDUM

Agenda Item: 3b  
Meeting Date: July 23, 2013

TO: ANTON DAHLERBRUCH, CITY MANAGER *AD*  
FROM: JOSEPH C. SHERWOOD, JR., CITY TREASURER *JCS*  
SUBJECT: TREASURER'S QUARTERLY INTEREST REPORT FOR THE  
PERIOD ENDING JUNE 30, 2013

Conclusion and Recommendation:

It is recommended that the City Council receive and file the report.

TO: Honorable Mayor and City Council

FROM: Joseph C. Sherwood, City Treasurer

SUBJECT: Quarterly Interest Report

The following is a summary of the interest earned from the investment program for the period of April 1, 2013 through June 30, 2013. This amounts to an average cash yield of 0.496%.

The portfolio is in compliance with the Investment Policy. There are sufficient funds for the next six months expenditures. The attached Custodial Account Statements provide detailed security information for the end of this period. Also attached is the LAIF Quarterly Interest Statement.

<u>FUND</u>	<u>INTEREST ALLOCATION</u>
GENERAL FUND	\$11,731.38
GAS TAX	\$237.91
DRUG INTERVENTION	\$100.44
CLEP	\$0.00
C.O.P.S.	\$151.84
SPECIAL PROJECTS	\$805.97
CORRECTIONS TRAINING	\$0.00
FIRE SUPPRESSION DISTRICT	\$445.62
TRANSIT TAX PROP A	\$616.25
MEASURE R	\$195.57
TRANSIT TAX PROP C	\$188.28
CAPITAL IMPROVEMENTS	\$11,316.10
STABLE OPERATIONS	(\$5.23)
EQUIPMENT REPLACEMENT	\$3,356.23
LIABILITY INSURANCE	\$1,001.89
SPECIAL DEPOSITS	\$194.79
SEWER FUND	\$7,172.26
ASSESSMENT DISTRICT REFUND	\$0.00
POLICE PROPERTY/EVIDENCE	\$16.05
BOND RESERVE	\$0.00
GL CASH VS BOOK ADJUSTMENT	\$0.00
<b>TOTAL:</b>	<b>\$37,525.35</b>

<u>TREASURY INVENTORY BY TYPE</u>	<u>TOTAL DOLLARS</u>	<u>PERCENT OF TOTAL</u>
ACTIVE DEPOSIT	\$60,566.52	0.22%
MONEY MARKET	\$583,771.93	2.08%
AFLAC	\$3,000.00	0.01%
PVC PARKING	\$300.00	0.00%
STATE INVESTMENT POOL (LAIF)	\$21,404,426.51	76.34%
GOVERNMENT AGENCIES (Cost Value)	\$5,984,500.00	21.35%
<b>TOTAL:</b>	<b>\$28,036,564.96</b>	<b>100.00%</b>

<u>INTEREST EARNED BY TYPE</u>		
STATE INVESTMENT POOL (LAIF)	\$14,471.32	38.56%
GOVERNMENT AGENCIES	\$22,750.00	60.63%
CORPORATE OBLIGATION (CD)	\$230.76	0.61%
MONEY MARKET	\$73.27	0.20%
<b>TOTAL:</b>	<b>\$37,525.35</b>	<b>100.00%</b>

Local Agency Investment Fund  
P.O. Box 942809  
Sacramento, CA 94209-0001  
(916) 653-3001  
CITY OF PALOS VERDES ESTATES

[www.treasurer.ca.gov/pmia](http://www.treasurer.ca.gov/pmia)  
-1611  
July 01, 2013

TREASURER  
340 PALOS VERDES DRIVE WEST  
PALOS VERDES ESTATES, CA 90274

PMIA Average Monthly Yield:

Account Number:  
98-19-629

Trans Type: Definitions

June 2013 Statement

Effective Date	Transaction Date	Trans Type	Confirm Number	Authorized Caller	Amount
6/7/2013	6/7/2013	RD	1399470	LORI YAMASAKA	1,000,000.00
6/13/2013	6/13/2013	RW	1399875	LORI YAMASAKA	-250,000.00
6/20/2013	6/20/2013	RW	1400374	LORI YAMASAKA	-350,000.00
6/26/2013	6/26/2013	RW	1400834	LORI YAMASAKA	2,400,000.00

Account Summary

Total Deposit:	1,000,000.00	Beginning Balance:	24,659,797.62
Total Withdrawal:	-2,980,000.00	Ending Balance:	22,679,797.62



3TC, INSTITUTIONAL CUSTODY  
350 CALIFORNIA STREET, 8TH FLOOR  
SAN FRANCISCO CA 94104

----- Detailed Line -----

CITY PALOS VERDES ESTATES  
ATTN: JOSEPH SHERWOOD, JR.  
340 PALOS VERDES DR., W.  
PALOS VERDES ESTATES, CA 90274

## Account Statement

### Statement Period

June 1, 2013 through June 30, 2013

#### Account Number

0730006330

#### Account Name

CITY PALOS VERDES ESTATES

#### Relationship Manager

JEANETTE SIMMONS

415-705-7770

#### Online Access

unionbank.com/justannouncements

#### Investment Manager

DIRECTED

## Overview of Total Account Value

Closing Value on 12/31/2012

\$2,958,014.36

Opening Value on 06/01/2013

\$2,946,630.40

Closing Value on 06/30/2013

\$3,862,297.20

Net Change For Period

(\$84,332.90)

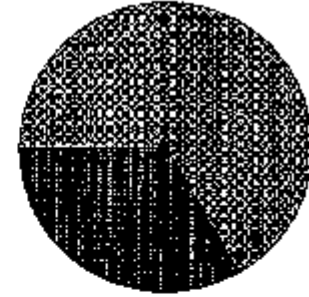
## Important Information

Reminder: Union Bank's cut-off time for all mutual fund trades is 30 minutes prior to funds' published cut-off times. Reich & Lang published cut-off time for money market funds is 4:00 pm ET (1:00 pm PT). See each fund's prospectus for published cut-off time.

## Overview of Account by Investment Category

Your Current Portfolio Mix

% of Total Account	Market Value	Description
65.68%	3,028,330.00	Government Obligations
33.32%	1,553,467.20	Corporate Obligations
100.00%	\$5,862,297.20	Total Account Value





Account Number  
6736305330

Account Name  
CITY PALOS VERDES ESTATES

## Account Statement

### Statement Period

June 1, 2013 through June 30, 2013

## Contents

- Account Summary
- Principal Portfolio Summary
- Unrealized Gain/Loss Summary
- Cash Transactions Summary
- Asset Detail
- Maturity Summary
- Transaction Detail

## Principal Portfolio Summary

Description	Market Value	Percentage of Portfolio	Current Yield
Government Obligations	3,908,330.00	66.68%	1.14%
Corporate Obligations	1,953,457.20	33.32%	1.14%
Total Principal Portfolio	\$5,862,287.20	100.00%	1.14%

## Unrealized Gain/Loss Summary

Description	Cost Basis	Market Value	Gain/Loss
Government Obligations	3,938,590.00	3,908,330.00	(30,260.00)
Corporate Obligations	1,974,000.00	1,953,457.20	(20,542.80)
Total Gain/Loss	\$5,972,590.00	\$5,862,287.20	(\$110,202.80)

## Cash Transactions Summary

Receipts	Principal Cash
Checking/Savings Withdrawal	1,000,000.00
Interest	15,730.76
Sales	1,000,000.00
Total Receipts	\$2,011,730.76

## Cash Transactions Summary (continued)

Disbursements	Principal Cash
Purchases	(1,000,000.00)
Checking / Savings Deposit	(1,011,730.76)
Total Disbursements	(\$2,011,730.76)
Total Net Transactions	\$0.00





Account Number  
6736303330

Account Name  
CITY PALOS VERDES ESTATES

## Account Statement

### Statement Period

June 1, 2013 through June 30, 2013

## Asset Detail - Principal Portfolio

### Government Obligations

Asset Name	CUSIP	Shares/ Units Held	Cost Basis	Market Value	Price/ Date Priced	Percentage of Portfolio	Current Yield	Estimated Annual Income
Federal Govt Agency								
FEDERAL NATL MTGE ASSN NOTES 1.000% 12/12/2017	311560SH7	1,000,000.000	1,000,000.00	973,020.00	97.3020 06/26/2013	16.38%	4.32%	10,000.00
FEDERAL HOME LN MTG CORP 1.3000% 11/1/2015	3134G3334	1,000,000.000	988,500.00	976,010.00	97.6010 06/28/2013	16.35%	4.02%	10,000.00
FEDL NATL MTG ASSN NOTES BTD 1.0500% 05/28/2016	313560XK4	1,000,000.000	1,000,000.00	971,630.00	97.1630 06/28/2013	16.58%	4.05%	10,500.00
FEDERAL HOME LN MTG CORP 1.4000% 6/27/2012	3134G34H8	1,000,000.000	1,000,000.00	983,110.00	98.3110 06/23/2013	16.77%	4.42%	14,000.00
<b>Total Government Obligations</b>			<b>\$3,998,500.00</b>	<b>\$3,928,630.00</b>		<b>66.68%</b>	<b>4.14%</b>	<b>\$44,500.00</b>

### Corporate Obligations

Asset Name	CUSIP	Shares/ Units Held	Cost Basis	Market Value	Price/ Date Priced	Percentage of Portfolio	Current Yield	Estimated Annual Income
Certificate of Dep-Negotiable								
GE CAP BK INC REFIN 1.0500% 9/21/2015	36761TF65	247,000.000	247,000.00	247,033.52	103.6160 06/28/2013	4.21%	1.55%	2,592.50
ALLY BK M UVALE UTAH 1.1000% 10/1/2015	02065Q587	247,000.000	247,000.00	248,351.05	100.5470 06/28/2013	4.24%	1.00%	2,717.20
DISCOVER BK 1.2000% 9/20/2016	254671GQ7	246,000.000	246,000.00	246,656.66	100.2710 06/28/2013	4.21%	1.20%	2,952.00
CIT BK SALT LAKE CITY UT 1.0000% 5/30/2017	17244CFF5	247,000.000	247,000.00	243,561.70	98.6100 06/28/2013	4.15%	1.21%	2,470.00



Account Number  
673636333

Account Name  
CITY PALOS VERDES ESTATES

## Account Statement

### Statement Period

June 1, 2013 through June 30, 2013

## Asset Detail - Principal Portfolio (continued)

### Corporate Obligations

Asset Name	CUSIP	Shares/ Units Held	Cost Basis	Market Value	Price/ Data Price	Percentage of Portfolio	Current Yield	Estimated Annual Income
Certificate of Dep-Negotiable								
GOLDMAN SACHS BK USA NY 1.0000%	26143ACG66	246,000.000	246,000.00	245,257.08	93.6890 06/25/2013	4.12%	1.00%	3,936.00
FIRSTBANK PRSANTURCE 1.1000%	33764YY4	247,000.000	247,000.00	240,837.35	97.5050 06/28/2013	4.11%	1.03%	2,717.00
BEAL BK PLANO TEX 1.0000% 3/30/2018	07370TYU1	247,000.000	247,000.00	240,874.48	97.5200 06/28/2013	4.11%	1.03%	2,470.00
BEAL BK USA LAS VEGAS NEW 1.0000%	07370VLE89	247,000.000	247,000.00	240,874.48	97.5200 06/28/2013	4.11%	1.03%	2,470.00
Total Corporate Obligations								
				\$1,974,000.00	\$1,953,467.20	33.32%	1.14%	\$22,925.50
Total Principal Portfolio								
				\$5,972,500.00	\$5,862,237.20	100.00%	1.14%	\$66,825.50
Total Account Values								
				\$5,972,500.00	\$5,862,237.20	100.00%	1.14%	\$66,825.50



Account Number  
673630330

Account Name  
CITY PALOS VERDES ESTATES

## Account Statement

### Statement Period

June 1, 2013 through June 30, 2013

### Maturity Summary

	Face Value	Par Value	Cost Basis	Market Value	Percentage of Market Value
2013					
2014					
2015		454,000.00	454,000.00	435,390.61	9.45%
2016		246,000.00	246,000.00	246,656.65	4.21%
2017		1,493,000.00	1,493,000.00	1,486,843.72	25.02%
2018		3,721,000.00	3,733,500.00	3,652,336.15	62.32%
2019					
2020					
2021					
2022					
Ten-to-Fourteen Years					
Fifteen-to-Nineteen Years					
Twenty Years and Over					
Total	\$0.00	5,974,000.00	\$5,972,500.00	\$5,862,297.20	100.00%

### Transaction Detail

Date	Activity	Description	CUSIP	Principal Cash	Cost Basis
Beginning Balance					
06/07/13	DEPOSIT	Sales FULL CALL 1,000,000 PAR VALUE OF FIVE MONTHS 1.300% ER0717 TRADE DATE 06/07/13 FULL CALL	313403WB2	1,000,000.00	1,000,000.00
06/07/13	Interest	CASH RECEIPT OF INTEREST EARNED ON FIVE MONTHS 1.300% ER0717 0.00625 PV ON 1,000,000 PAR VALUE DUE 06/30/13	313403WB2	6,500.00	
06/07/13	Checking / Savings Deposit	CASH DISBURSEMENT TRANSFER TO UB CHECKING/SAVING ACCOUNT NUMBER: 2740913031		(1,006,500.00)	



Account Number  
6730305330

Account Name  
CITY PALOS VERDES ESTATES

## Account Statement

### Statement Period

June 1, 2013 through June 30, 2013

### Transaction Detail (continued)

Date	Activity	Description	CUSIP	Principal Cash	Cost Basis
06/12/13	Interest	CASH RECEIPT OF INTEREST EARNED ON FIMBANKS 1.000% 12/12/17 0.03551 PER ON 1,000,000 PAR VALUE DUE 6/12/2013	313E0GSH7	5,000.00	
06/12/13	Checking + Savings Deposit	CASH DISBURSEMENT TRANSFER TO UIC CHECKING/SAVING ACCOUNT NUMBER: 2740013931		15,000.00	
06/24/13	Interest	CASH RECEIPT OF INTEREST EARNED ON FIRST BANK PRSANT C/D 1.102% 3/24/13 3,300,000 DOLLARS DUE 6/24/201	33764JWM2	230.76	
06/24/13	Checking + Savings Deposit	CASH DISBURSEMENT TRANSFER TO UIC CHECKING/SAVING ACCOUNT NUMBER: 2740013931		(230.76)	
06/27/13	Purchases	PURCHASED 1,000,000 PAR VALUE OF FHLB VTS 1.400% 6/27/13 TRADE DATE 6/26/13 PURCHASED THROUGH PERSHING 1,000,000 PAR VALUE AT 100 %	3134G4AEB	(1,000,000.00)	1,000,500.00
06/27/13	Checking + Savings Withdrawal	CASH RECEIPT W/D FROM UIC CHECKING/SAVINGS ACCOUNT NUMBER: 2740013931		1,000,000.00	
<b>Net Activity</b>				\$0.00	\$0.00
<b>Ending Balance</b>				\$0.00	\$5,972,500.00



Transaction History - Reporting as of Trade Date  
Account: 6736305330 - CITY PALOS VERDES ESTATES

From: 01-Apr-2013 To: 30-Jun-2013

Pending Transactions included

[illegible]

2016-03-24 2:22 PM



From: 01-Apr-2013 To: 30-Jun-2013

Transaction History - Reporting as of Trade Date  
Account: 6736305330 - CITY PALOS VERDES ESTATES

Pending Transactions included

Transaction Date	Owning Account Number	Owning Account Name	Transaction Type	Description	Asset Name	CUSIP	ISIN	Trade Date	Shares/Units	Price \$	Prepared Amount	Integrate Cal	Integrate Amount
<b>Subtotals</b>													
<b>Deposits to Account</b>													
<b>Interest</b>													
<b>Other Disbursements</b>													
<b>Dividends</b>													
<b>Capital Gains</b>													
<b>Total</b>													
<b>Ending Cash Balance for Period</b>													
											\$2,741,000.00 USD		\$2.00 USD
											\$72,580.76 USD		\$2.00 USD
											\$2,775,600.76 USD		\$2.00 USD
											\$3,098,000.00 USD		\$2.00 USD
											\$3,000,000.00 USD		\$2.00 USD
											(\$1,000,000.00) USD		\$0.00 USD
											(\$1,000,000.00) USD		\$0.00 USD





# MEMORANDUM

Agenda Item #: 4  
Meeting Date: 7/23/13

**TO:** HONORABLE MAYOR AND CITY COUNCIL

**THRU:** ANTON DAHLERBRUCH, CITY MANAGER *AD*

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

**SUBJECT:** RESOLUTION R13-22; AFFIRMING PLANNING COMMISSION APPROVAL OF CDP-78R/GA-1463R-12; REVISED COASTAL DEVELOPMENT PERMIT AND GRADING APPLICATIONS FOR THE NEW SINGLE FAMILY RESIDENCE LOCATED AT 2717 PASEO DEL MAR. LOT 6, TRACT 19787.

**DATE:** JULY 23, 2013

## The Issue

Should the City Council adopt Resolution R13-22; affirming Planning Commission approval of CDP -78R/GA-1463R-12; Revised Coastal Development Permit and Grading Applications for the New Single Family Residence located at 2717 Paseo Del Mar?

## Background and Analysis

On July 9, 2013, the City Council conducted a public hearing to consider the appeal of the Planning Commission approval of CDP -78R/GA-1463R-12; Revised Coastal Development Permit and Grading Applications for the New Single Family Residence located at 2717 Paseo Del Mar.

After considering the facts and testimony, the City Council voted (3-1, Bird dissenting and Perkins recused) to deny the appeal and affirm the Planning Commission decision. The attached resolution confirms the City Council determination.

## Alternatives Available to Council

The following alternatives are available to the City Council:

- I. Adopt Resolution R13-22; affirming Planning Commission approval of CDP -78R/GA-1463R-12; Revised Coastal Development Permit and Grading



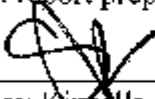
Applications for the New Single Family Residence located at 2717 Paseo Del Mar.

2. Decline to act.

**Recommendation from Staff**

Staff recommends that the City Council adopt Resolution R13-22; affirming the Planning Commission approval of CDP -78R/GA-1463R-12; Revised Coastal Development Permit and Grading Applications for the New Single Family Residence located at 2717 Paseo Del Mar.

Staff report prepared by:

  
\_\_\_\_\_  
Stacey Kissella  
Senior Planner

Attachments:

A: Resolution R13-22

**RESOLUTION NO. R13-22****A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALOS VERDES ESTATES, CALIFORNIA, AFFIRMING PLANNING COMMISSION APPROVAL OF CDP-78R/GA-1463R-12, REVISED COASTAL DEVELOPMENT PERMIT AND GRADING APPLICATIONS FOR THE NEW SINGLE FAMILY RESIDENCE LOCATED AT 2717 PASEO DEL MAR.**

The City Council of the City of Palos Verdes Estates does find, order and resolve as follows:

Section 1. On October 16, 2012, applications for Revised Coastal Development Permit and Grading were submitted for the property located at Lot 6 of Tract 19787 in the City of Palos Verdes Estates, County of Los Angeles, State of California, commonly known as 2717 Paseo Del Mar, Palos Verdes Estates, California ("the Property"). The applications sought approval of hardscape improvements to the rear yard including a new barbecue, new fountain, a new planter wall, and a new central stairway resulting in 416 cu. yds. of grading.

Section 2. On January 15, 2013, the Planning Commission conducted a public hearing on the matter, which hearing was duly and properly noticed. At such hearing the Commission received and considered documentary evidence including, but not limited to, a staff report, site plans and received and considered oral testimony from the applicant and others. Concerns were raised regarding the lack of silhouetting and it was requested that the structures be moved out of the building setbacks, and that the outline of the adjacent homes be shown on the site plan. The project was continued.

Section 3. On March 19, 2013, the Planning Commission conducted another public hearing on the matter, which hearing was duly and properly noticed. At such hearing the Commission received and considered documentary evidence including, but not limited to, a staff report, site plans and received and considered oral testimony from the applicant and others. Concerns were raised regarding the view impacts, having proposed structures within the building setbacks, and the amount of grading. The project was continued.

Section 4. On April 16, 2013, the Planning Commission conducted another public hearing on the matter, which hearing was duly and properly noticed. At such hearing the Commission received and considered documentary evidence including, but not limited to, a staff report, site plans and received and considered oral testimony from the applicant and others. Concerns were raised were raised regarding the barbecue element and the hardscape located within the building setback areas. The project was continued.

Section 5. On May 21, 2013, Since the April review, the barbecue had been eliminated, the lower retaining wall had been moved out of the southern side yard setback, the amount of hardscape had been reduced, and some of the proposed trees had been eliminated. The overall grading had also been reduced by 14 cu. yds. The Planning Commission accepted the various modifications made to reduce impacts and voted (4-0) to approve the project as revised and subject to certain conditions.

Section 6. On June 5, 2013, an appeal was filed by the Neighbor at 2721 Pasco Del Mar ("Appeal"). The Appeal indicates that the proposed revisions do not meet the findings required for approval set forth by the Coastal Development Permit and Grading Permit sections of the Municipal Code.

Section 7. On July 9, 2013, the City Council opened a public hearing on the Appeal, which was duly and properly noticed. At the public hearing, the City Council received and considered the written staff report which included the appeal, plans, and visual presentations; written and oral testimony of the applicant/appellant; and documentary evidence, including the minutes of the Planning Commission hearing. The City Council received and considered information regarding environmental review of the Project and the determination that the Project is categorically exempt from CEQA.

Section 8. Based on the evidence presented, the City Council finds and determines as follows:

- a. The development is sited on the least visible portion of the site as seen from public view points;
- b. The development conforms to the scale of existing surrounding development as similar grading has been done on adjacent lots, lowering these lots to a similar elevation as proposed on the Property;
- c. The development incorporates landscaping to soften and screen structures as the majority of the development will be landscaped, including vegetation in front of the new walls;
- d. The development incorporates materials, colors, and/or designs which are compatible with natural surroundings, specifically the materials utilizing earth tones and screening vegetation, as detailed in the plan dated May 9, 2013.
- e. The proposed grading will not unreasonably change the natural contours of the land as similar grading has been done on adjacent lots, lowering these lots to a similar elevation as proposed on the Property, such that the amount of grading is reasonable in order to develop the lot compatibly with the neighborhood in which it is situated;
- f. The proposed grading will not create a hazard to the immediate or adjacent property as the project has received preliminary approval from the City's Geologist.
- g. The proposed grading will not unreasonably interfere with the use and enjoyment of property by other persons in the city.

Section 9. Based on the findings and determinations set forth herein, as supported in connection therewith, the City Council finds and determines that the Project is categorically exempt

from CEQA pursuant to California Administrative Code Title 14, Chapter 3, Section 15303 and complies with the requirements of PVEMC § 19.02. The City Council denies the appeal of the Planning Commission's determination and determines that the Project shall be approved.

Section 10. The City Clerk shall certify as to the passage and adoption of this Resolution and enter it into the book of original Resolutions.

APPROVED AND ADOPTED this 23<sup>rd</sup> day of July, 2013.

\_\_\_\_\_  
JAMES F. GOODHART, Mayor

ATTEST:

\_\_\_\_\_  
VICKIE KRONEBERGER, Deputy City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
CHRISTI HOGIN, City Attorney

Any action challenging the final decision of the City made as a result of the public hearing on this application must be filed within the applicable time limits set forth in the Palos Verdes Estates Municipal Code and Code of Civil Procedure.



# MEMORANDUM

Agenda Item #: 3  
Meeting Date: 07/23/2013

**TO:** HONORABLE MAYOR AND CITY COUNCIL MEMBERS

**THRU:** ANTON DAHLERBRUCH, CITY MANAGER

**FROM:** ALEXA D. DAVIS, ASSISTANT TO THE CITY MANAGER *AD Davis*

**SUBJECT:** RESOLUTION R13-24, REVISING PERSONNEL RULES FOR THE CITY OF PALOS VERDES ESTATES

**DATE:** JULY 23, 2013

## ISSUE

Shall the City adopt Resolution R13-24 revising the Personnel Rules for the City as they apply to all regular full and regular part-time City employees?

## BACKGROUND

The City's current Personnel Rules were adopted by City Council in October 2011. It is expected that every couple years there may be updates to State and Federal laws that may require a revision to the Rules. When a revision is warranted due to new or updated laws, it is prudent to review other provisions within the Rules to determine if any other modifications should be considered. As a result, the City is recommending an update to the following sections:

1. Rule XII: Leaves of Absence, Section 2- Pregnancy Leave (pages 22 and 24)  
Revisions to this section are due to updates under State and Federal regulation, such as Pregnancy Disability, Family Medical Leave Act and Fair Employment and Housing Act.
2. Rule XIV: Corrective and Disciplinary Action, Section 6 – Appeal Process (page 37)  
The originally negotiated provision allows appeals to be filed with the City Manager within 10 days. A separate sentence erroneously alludes to five days to file an appeal. The intent of the provision is allow for the 10 days; thus, this section needs to be modified to reflect the actual intention of 10 days.

3. Rule XVI: Equal Employment Opportunity, Section 1 – Harassment/Discrimination/Retaliation (page 41)  
Revisions are due to updates under State and Federal laws.
4. Rule XXI: Vehicle Usage Policy, Section 8: Insurance Requirements and Section 10 –Review of Driving Record (pages 63 and 64)  
The California Joint Powers Insurance Authority (CJPIA), the City's risk management insurer recently produced an updated version of their Vehicle Usage Policy. The update includes language consistent with State law that requires the City to insure a peace officer's personal vehicle when used on duty (Section 8).

In addition, the CJPIA has strongly urged the City to enroll all employees into the DMV Pull Program. Therefore, the City is proposing a revision to the policy to apply to all employees in both bargaining groups (Section 10).

The City Council discussed and reviewed the proposed modifications in closed session on May 14, 2013 and May 28, 2013. On June 1, 2013, a draft of the proposed revisions was provided to both the Public Service Employees group and the Police Officers Association, with the opportunity to meet and confer. On or before July 3, 2013, both groups affirmed their approval on all revisions proposed. As the last step, the Personnel Rules require that the City Council provide final approval of any modification or revision to the Personnel Rules through the adoption of a Resolution.

#### **ALTERNATIVES AVAILABLE TO COUNCIL**

1. The City Council may choose to adopt Resolution R13-24
2. The City Council may choose not to adopt Resolution R13-24.
3. The City Council may direct staff to modify the Personnel Rules and adoption of Resolution R13-24.

#### **CONCLUSIONS AND RECOMMENDATION**

It is recommended that the City Council adopt Resolution R13-24 revising the Personnel Rules for the City as they apply to all regular full and regular part-time employees.

*Attachment:*

*A-Resolution R13-24*

*B-Revised Personnel Rules – redline*

## RESOLUTION R13-24

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALOS VERDES  
ESTATES, CALIFORNIA REVISING THE "PERSONNEL RULES" WHICH SET  
FORTH RULES AND REGULATIONS OF EMPLOYMENT WITHIN  
THE PALOS VERDES ESTATES CITY SERVICE**

THE CITY COUNCIL OF THE CITY OF PALOS VERDES ESTATES, CALIFORNIA, DOES  
HEREBY FIND, ORDER AND RESOLVE AS FOLLOWS:

SECTION 1. Amendments.

The Personnel Rules adopted and approved by the City Council and dated October 11, 2011, are hereby amended as follows:

A. The first paragraph of RULE XII, Section 2 is amended to read as follows:

**Sec. 2. Pregnancy Leave.** An employee who is disabled because of pregnancy, childbirth, or a related medical condition is entitled to an unpaid pregnancy disability leave for up to four months per pregnancy.

At the end of the employee's period(s) of pregnancy disability, or at the end of four months of pregnancy disability leave, whichever occurs first, a California Family Rights Act-eligible employee may request to take CFRA leave of up to 12 workweeks for reason of birth of her child, if the child has been born by this date. There is no requirement that either the employee or child have a serious health condition in order for the employee to take CFRA leave for the birth of her child. There is also no requirement that the employee no longer be disabled by her pregnancy before taking CFRA leave for the birth of her child.

B. Subparagraph (d)(2) of Section 2 of RULE XII is amended to read as follows:

- (2) If the employee's original position is no longer available, the employee will be assigned to an open position that is substantially similar in job content, status, pay, promotional opportunities, and geographic location as the employee's original position. The employer will provide the employee notification of available positions that the employee is qualified for within 60 calendar days.

C. Subparagraph (d)(4) of section 2 of RULE XII is amended to read as follows:

- (4) An employee who fails to return to work after the termination of her leave loses her reinstatement rights, unless the employee decides to take additional time under California Family Rights Act, which does not run concurrent with Pregnancy Disability Leave.

D. The first paragraph of RULE XIV, Section 6 is amended to read as follows:

**Sec. 6. Appeal Process.** Regular, not at-will, employees may appeal the imposition of discipline by filing a written request for appeal with the City Manager. This written request must be presented to the City Manager within ten (10) days following service of the notice of discipline. Failure to appeal by the employee or his or her representative within ten (10) working days will make the disciplinary action final and conclusive.

E. Subparagraphs (a) of section 1 of RULE XVI is amended to read as follows:

(a) **Policy.** The City is committed to providing a work environment free of discrimination, harassment and retaliation. The City's philosophy is that every employee has the right to work in a safe and supportive environment and is to be treated with courtesy, dignity and respect. Every City employee, official, officer, independent contractor, agent and nonemployee who have contact with City employees is expected to adhere to a standard of conduct that is respectful to all persons within the work environment. The City strictly prohibits discrimination and harassment on the basis of actual or perceived race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, marital status, sex, age, sexual orientation, sexual identity, pregnancy, perceived pregnancy, childbirth, pregnancy or childbirth related medical conditions, veteran status, or any other legally protected category. The City also prohibits retaliation against any individual for making a complaint of discrimination and/or harassment or for participating in an investigation or disciplinary action involving such a complaint. This Policy applies to all terms and conditions of employment, including, but not limited to, hiring, placement, promotion, disciplinary action, layoff, reinstatement, transfer, leave of absence, training opportunities and compensation. This Policy further applies to all employees, including but not limited to, City employees, officials, officers, independent contractors, agents and nonemployees who have contact with employees during work hours or City premises. It is the responsibility of each and every City employee, official, officer, independent contractor, agent and nonemployee who has contact with City employees to report discrimination, harassment and retaliation.

F. Subparagraphs (g) and (h) of section 8 of RULE XXI are amended to read as follows:

(g) With the exception of sworn police, should an employee using a privately owned vehicle on City business be involved in an accident resulting in injury or property damage, the employee's own insurance carrier shall respond to defend the employee. Should a claim exceed the limits of the employee's own insurance, the California JPIA liability protection program would respond in an excess capacity if the accident qualifies as a covered occurrence.

(h) Sworn police operating their privately owned vehicles at the direction of the City in the performance of their duties must report the accident to their private



automobile insurer, but the City shall be considered the owner of the vehicle for the purpose of liability and defense of the claim. If it is later determined that the City did not direct or request the employee to sue their private vehicle when the loss occurred, the City and employee will provide notice to the insurance company so the City may be reimbursed.

G. Subparagraph (a) of Section 10 of RULE XXI is amended to add a sentence at the end of that subparagraph and to read in its entirety as follows:

(a) The City shall enroll employees that operate City owned or privately owned vehicles on City business in the Department of Motor Vehicles (DMV) Pull Notice Program. When a vehicle operator has received a violation, the DMV assigns points according to the type of violation, and automatically sends notification to the City. The Personnel Officer maintains a list of violation point counts.

H. Subparagraph (c) of Section 10 of RULE XXI is amended to delete the last sentence of that subparagraph so that it reads in its entirety as follows:

(c) Employees accumulating four or more points in a 12 month period or six in a 24 month period or eight in a 36 month period may have City driving privileges suspended.

I. Subparagraph (k) of Section 10 of RULE XXI is deleted and repealed.

## SECTION 2. Limited Amendment.

All provisions of the Personnel Rules dated October 11, 2011, not affected by the revisions approved and adopted by this Resolution remain in full force and effect.

## SECTION 3.

The City Clerk's Department shall certify to the passage and adoption of Resolution 13-24 and enter it into the book of original resolutions. The City Clerk shall further maintain a revised copy of the Personnel Rules consistent with this Resolution and note in the footer of every page of the revised document the following: Adopted October 11, 2011 rev. July 23, 2013.

PASSED, APPROVED AND ADOPTED on this 23rd day of July, 2013.

\_\_\_\_\_  
James F. Goodhart, Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Vickie Kroneberger, Deputy City Clerk

\_\_\_\_\_  
Christi Hogan, City Attorney

# **CITY OF PALOS VERDES ESTATES**

## **PERSONNEL RULES**

Adopted October 11, 2011

Revised July 27, 2011

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# PERSONNEL RULES

## RULE 1

### DEFINITIONS

For the purpose of these Personnel Rules and Regulations, unless it is plainly evident from the context that a different meaning is intended, certain terms used herein shall have the definitions ascribed to them as set forth below.

**“Applicant”** a person who has applied for employment or promotion.

**“Appointing Authority”**: The position authorized to hire and/or promote an applicant to a position. Except as otherwise provided in the Palos Verdes Estates Municipal Code, the City Manager shall be the Appointing Authority for Department Head and staff positions in the City Manager’s office, and Department Heads shall be the Appointing Authority for personnel within their respective departments.

**“At-will”**: The employment status of City employees who: (1) do not hold “regular” status, (2) serve at the pleasure of the Council or City Manager, and/or (3) can be terminated at any time, without cause, and without the right of appeal. Employees who have their “regular” employment status changed to an at-will employment status as a result of a change in position must sign a notification and acknowledgment form accepting their at-will employment as a condition of employment.

**“City”**: The City of Palos Verdes Estates.

**“City Council”**: The City Council of Palos Verdes Estates.

**“City Manager”**: The administrative head of the government of the City as defined by Chapter 2.08 of the Palos Verdes Estates Municipal Code.

**“Class”** shall mean the inclusion under one common designation of a number of units of employment, all of which involve the same general line and character of work.

**“Classification Plan”**: An orderly arrangement of City positions by separate and distinct classes.

**“Department Head”**: The person responsible to oversee a particular City Department’s operations and budget, identified here as: Police Chief and Director of Public Works/Planning. A Department Head who is an independent contractor shall not enjoy any rights or benefits under these Rules, but shall have the same authority conferred upon any Department Head under these Rules, including but not limited to the authority to impose disciplinary action.

**“Eligible List”**: A record of the persons qualified for employment in a specific class or position, arranged in the order of their standing in examination.

**“Emergency Appointment”:** An appointment to fill a position without regard to these rules, on a temporary basis because of an emergency, and only until an appointment from the appropriate eligible list can be made.

**“Employee”** A person holding a position described in the City’s classification plan.

**“Examination”:** The process, procedure, rating, interview, test, evaluation or assessment, whether scored or unscored, formal or informal, which affects a person’s eligibility for, or consideration for appointment to selection to a position.

**“Personnel Officer”:** The City Manager or the person designated by the City Manager to fulfill human resource functions for the City pursuant to California Government Code section 45004.

**“Permanent Appointment”:** The appointment to a permanent position within a class, after the successful completion of the probationary period, subject to Rule IX.

**“Permanent Position”:** A budgeted position, the duties of which are not expected to terminate at any stated time.

**“Position”** Any office or employment contained in the City’s classification plan

**“Probationary Period”:** The one-year period of paid service established to review an employee’s job performance as an extension of the examination process required before an employee gains regular status.

**“Regular Full-Time Employee”:** An employee who successfully completes the probationary period, who regularly works forty (40) hours per week, or the maximum number of hours scheduled by a department or division.

**“Regular Part-Time Employee”:** An employee who regularly works twenty (20) hours or more per week, but less than forty (40) hours per week, and who are subject to and successfully completes the probationary period. Employees working less than 20 hours per week do not acquire regular status, are not entitled to benefits, and serve at the pleasure of the appointing authority.

**“Temporary Appointment”:** The appointment to a permanent position temporarily vacant by reason of leave of absence or illness of a regular employee, and/or pending examination, and/or when the needs of the service make it necessary to employ persons for a temporary period.

**“Temporary/Seasonal Employee”:** An employee who is hired on a temporary/seasonal basis to perform duties of which are not permanent in nature, and are expected to terminate. Temporary/seasonal employees do not acquire regular status, are not entitled to benefits, and serve at the pleasure of the appointing authority.

**“Termination”:** A voluntary or involuntary separation of an employee from City employment.

## RULE II

### GENERAL PROVISIONS RULES AND REGULATIONS

**Sec. 1. Personnel System Established.** These rules establish the City's personnel system. These rules apply to all regular full and regular part-time City employees, except those employees or employee groups where the rules specifically provide otherwise. These rules do not confer any rights or benefits upon persons employed as independent contractors. Effective the date of adoption, these Personnel Rules supersede any and all prior personnel policies except for departmental standard operating procedures.

**Sec. 2. Conflict with Memorandum of Understandings.** If a provision of these rules conflicts with any provision of an applicable memorandum of understanding between the City and a recognized employee organization, to the extent of such conflict, the memorandum of understanding's provision shall control.

**Sec. 3. Amendments.** Any future amendments or modifications to these rules are subject to approval by the City Council after completion of the meet and confer process with recognized employee organizations as may be required by the Meyers Milias Brown Act.

**Sec. 4. No contract of employment.** These rules do not create any contract of employment, express or implied, or any rights in the nature of a contract.

**Sec. 5. Equal Employment Opportunity.** The City prohibits discrimination against employees or applicants for employment on the basis of race, color, religion, sex, gender identity, national origin, ancestry, citizenship status, age (40 and above), marital status, physical or mental disability, medical condition, sexual orientation, ethnicity, or any other basis protected by law. The City will afford equal employment opportunity to all qualified employees and applicants as to all terms and conditions of employment, including compensation, hiring, training, promotion, transfer, discipline, and termination. Employees who believe they have experienced any form of employment discrimination are encouraged to report this immediately, using the complaint procedure provided in Rule XVI, subsection (f) of these Personnel Rules.

## RULE III

### CLASSIFICATION AND PERSONNEL SYSTEM

**Sec. 1 Classification Plan.** The City Manager shall be responsible for preparing and maintaining a classification plan of all classes within the City, including class specifications. The classification plan shall consist of classifications of employees defined by specifications, including title, description of typical duties and responsibilities of each classification, and a statement of the desirable training, experience and other qualifications of applicants for positions in each classification. The classification plan shall be developed and maintained so that all positions substantially similar with respect to duties, authority, and character of work are included within the same classification. The allocation or reallocation of any position to any existing class shall not be

considered a revision of the plan. The Classification Plan will not include persons employed as independent contractors.

**Sec. 2 Revisions to Classification Plan.** The classification plan shall be revised from time to time as changing conditions require. The revisions may consist of the addition, abolishment, consolidation, division or amendment of existing classes.

## RULE IV

### APPLICANTS AND APPLICATIONS

**Sec. 1. Competitive Examination.** Whenever an open competitive examination is to be given for a position, the Personnel Officer shall, at least 10 calendar days prior to the final filing date, issue an appropriate advertisement regarding the position. At the written request of the appointing authority, the Personnel Officer may limit recruitment to current employees.

Application for any position must be submitted on forms provided by the Personnel Officer. All applications must be completed in full and signed by the applicant. The Personnel Officer will not process any application, which is not fully completed, signed, and dated.

These rules shall not apply to the manner of recruitment and hiring of individuals to serve as Department Heads or City Manager.

**Sec. 2. Disqualification of Applicants.** The applicant may be disqualified if the applicant:

- (a) Has made false statements of any material fact, or practiced any deception or fraud on the application or declarations;
- (b) Is found to lack any of the requirements, certifications, or qualifications for the position involved;
- (c) Is physically or mentally unable to perform the essential functions of the job, with or without reasonable accommodation if disabled;
- (d) Is a current user of illegal drugs;
- (e) Is a relative of an employee, and is subject to the Employment of Relatives Policy as set forth in Rule V of these Personnel Rules.
- (f) Has been convicted of a crime, either a felony or misdemeanor, that relates to the position duties that the applicant would perform;
- (g) Used or attempted to use political pressure or bribery to secure an advantage in the examination process;
- (h) Directly or indirectly obtained confidential information regarding examinations;

- (i) Failed to submit the employment application correctly or within the prescribed time limits;
- (j) Has had his or her privilege to operate a motor vehicle in the State of California suspended or revoked, if driving is job-related.
- (k) For any material cause which would render the applicant unsuitable for the position, including a prior resignation from the City, termination from the City, or a significant disciplinary action.

**Sec. 3. Time of Filing Applications.** Applications shall not be accepted unless the application fully complies with the provisions of these rules and regulations and the City is accepting applications for the position. Applications shall be marked with the date and time filed.

**Sec. 4. Persons Excluded.** Individuals involved in receiving applications or in preparing, conducting, or holding an examination for a position shall be precluded from applying for that position at the time of such examination.

## RULE V

### EMPLOYMENT OF RELATIVES POLICY

The City restricts the hiring and/or employment of relatives of City employees based on the following criteria:

**Sec. 1. Definitions.** For the purposes of this policy the following definitions shall apply:

- (a) A "relative" is defined as a spouse, domestic partner, child, step-child, parent, step-parent, parent-in-law, legal guardian, brother, sister, brother-in-law, sister-in-law, step-sister, step-brother, aunt, uncle, niece, nephew, grandchild, grandparent, regardless of their place of residence, individuals related to a domestic partner, or any other individual related by blood or marriage living within the same household as the City employee.
- (b) An "employee" is defined as any person who receives a City payroll check for services, full or part-time, rendered to the City.

**Sec. 2. General Provisions.** The employment of relatives of City employees is limited to the following situations:

- (a) Any relative of a City Council member or the City Manager shall not be considered for employment with the City in any capacity, either full time or part-time.
- (b) Any relative of a Department Head may not be considered for employment within the department or area of responsibility of such Department Head.
- (c) Any relative of a City employee shall not be considered for employment if, at the time of such employment, a direct supervisor-subordinate relationship would exist.

- (d) Relatives of City employees, except for relatives of Council members, the City Manager, or Department Heads, may be hired for temporary assignments as long as the temporary assignment does not otherwise conflict with this Section (2).

**Sec. 3. Conflict of Interest.** If two existing City employees become married, related or become domestic partners and their employment conflicts with the policy stated in paragraph (2) above they may continue employment provided that such employment does not present a substantial and tangible detriment to the supervision, safety, or security of the particular work unit. The Department Head will consult with City Manager to determine whether such detriment or undue hardship exists.

**Sec. 4. Limitations on Hiring.** In no case may an employee participate directly or indirectly in the recruitment or selection process for a position for which an employee's relative may have filed an official employment application.

**Sec. 5. City Manager Authority.** In all situations where the City Manager determines a conflict exists between present or future related employees, the City Manager shall attempt to resolve such conflict in the following manner:

- (a) Attempt to redefine the job responsibilities of the related employees within the department to minimize the conflict.
- (b) If such redefinition of job status is not feasible, attempt to transfer one of the employees to a similar position that would not be in violation of this policy.
- (c) If transfer is not feasible or acceptable, request the voluntary resignation of one of the employees.
- (d) If one of the employees does not resign voluntarily, the employee with the least cumulative City service may be discharged by the City Manager.

**Sec. 6. Exception:** This policy shall not apply to any full-time employees who, as of July 1, 2011, are working in the City's Police Department and are relatives with each other as defined in Section 1(a) above.

## RULE VI EXAMINATIONS

**Sec. 1. General.** After the time limit for receiving applications for a particular position has expired, the Personnel Officer, and the Appointing Authority will determine the total number of applicants who meet the minimum qualifications for the position. The chosen applicants will then be given further examination in order to place them on the eligible list. The examination shall test fairly the relative capacities of the persons examined to discharge the duties of the position.

**Sec. 2. Scoring and Qualifying.** The failure to meet established standards described in the job announcement, may be grounds for declaring such applicant as failing in the entire examination or as disqualified for subsequent parts of an examination. A candidate's final score in a given



examination will be the average of the scores on each competitive part of the examination on which the applicant qualified, weighted as shown in the examination announcement.

**Sec. 3. Notice of Results.** Each applicant will be notified of his or her pass/fail status of examinations. Actual scores are provided upon request.

**Sec. 4. Inspection of Papers.** Any candidate has the right to inspect his or her own examination paper during normal working hours within 14 calendar days after the notices of examination results are mailed. Any error in computation, or incorrectly scored written test answers brought to the attention of and confirmed by the Personnel Officer or designee will be corrected, and the final score will be adjusted accordingly. Such corrections will not, however, invalidate appointments previously made. Examination papers are not subject to inspection by the public or by other candidates or applicants, except as required by law.

**Sec. 5. Veterans' Preference.** Pursuant to Government Code section 50088, preference shall be given to a veteran over other identically qualified applicants, with the exclusion of promotional opportunities. The term "Veteran" as used in this rule shall mean: (1) any person who has served full time for 30 days or more in the armed forces in time of war or in time of peace in a campaign or expedition for service in which a medal has been authorized by the government of the United States, or (2) during the period September 16, 1940, to January 31, 1955, or (3) who has served at least 181 consecutive days since January 31, 1955, and who has been discharged or released under conditions other than dishonorable, but does not include any person who served only in auxiliary or reserve components of the armed forces whose service therein did not exempt him or her from the operation of the Selective Training and Service Act of 1940.

**Sec. 6. New Employee Examination.** Regular city employees shall be hired through a competitive examination process conducted by the Personnel Officer. Examinations may include one or all of the following: a written examination, an oral panel examination and a physical fitness examination. The score of each examination conducted may be weighted to establish an eligibility-for-hire list for each class of a position.

**Sec. 7. Promotional Examination.** Promotion shall be based upon a competitive examination that evaluates records to determine efficiency, character, and seniority, and upon such other objective and subjective tests and measures as may be necessary. The Personnel Officer shall then create an eligible list and the Appointing Authority will make appointments from that list in the same manner as prescribed in Rule VIII Sec. 7. Whenever practicable, vacancies shall be filled by promotion. The Appointing Authority, however, shall have the discretion to determine whether a position should be filled through an open to the public, or closed competitive examination process.

## RULE VII

### ELIGIBLE LISTS

**Sec. 1. General Provisions.** After completion of an open or promotional examination, the Personnel Officer will prepare an eligible list consisting of the names of applicants who passed the examination, arranged alphabetically. Notwithstanding any other provision of these rules, if there are less than three names on an eligible list, the Appointing Authority may declare such list void, in



which case a new examination shall be given. Eligible lists will become effective upon certification by the Appointing Authority.

**Sec. 2. Duration of List.** Eligible lists for classes for which there is continuous recruitment remain in effect indefinitely. All other eligible lists remain in effect for 12 months, unless the Appointing Authority abolishes the list or the list is exhausted or extended by the Appointing Authority. The Appointing Authority with consultation of the City Manager, may extend the list at any time prior to the expiration of the list if he or she determines that it is in the best interest of the City to do so.

**Sec. 3. Removal from List.** The name of any person appearing on an eligible list will be removed by the Personnel Officer upon the applicant's written request to be removed from the list, or failure to respond to a notification of an opening from the Personnel Officer. It is the applicant's responsibility to keep the Personnel Officer informed of his or her current address and telephone number.

## RULE VIII

### CERTIFICATION AND APPOINTMENT

**Sec. 1. Requisition for Certification.** Whenever a vacant position is to be filled, the Appointing Authority shall ask the Personnel Officer for certification of names of persons eligible for the position. The Appointing Authority also shall state whether the position to be filled is temporary or permanent and when service must begin. Except where an emergency appointment is necessary, vacancies may be filled by promotion, transfer or reinstatement, within the provision of these rules and with the approval of the Appointing Authority or by new appointment from an eligible list by the Appointing Authority.

**Sec. 2. Certification of Eligibles.** Upon receipt of requisition for certification of names to fill a vacancy, the Personnel Officer shall certify to the Appointing Authority from the appropriate eligible list, the names of three top scoring persons.

**Sec. 3. Objections and Substitutions.** If, for reasons stated in Section 2 of Rule IV, the Appointing Authority objects to any of the persons certified, the Personnel Officer may investigate the charges, and if the objection is sustained, shall remove the name of such person from the eligible list.

**Sec. 4. Background Screening.** Prior to an appointment, the Appointing Authority, his or her designee, or the Personnel Officer, shall perform a thorough and complete background investigation on the eligible applicant, which may include, but is not limited to, work experience, education, competency, moral character, and/or criminal history. Upon completion of this process and at the discretion of the Appointing Authority or the Personnel Officer, the applicant may be disqualified from the process.

**Sec. 5. Medical Examinations.** At the Appointing Authority's discretion or as otherwise required by law, all applicants for a position may be required to undergo a medical examination which may include testing for controlled substances and/or psychological examination which shall be job related and consistent with a business necessity. Any such examination shall be conducted for

the purpose of verifying an applicant's ability to safely perform the essential functions of a particular position, either with or without a reasonable accommodation.

**Sec. 6. Rule of Three.** In the case of a promotion, the Appointing Authority may utilize the "rule of 3" in making an appointment by choosing among the top three names on the eligibility list.

**Sec. 7. Temporary Appointment.** At the Appointing Authority's discretion, when it is impractical to make an appointment from an eligibility list because of the short duration of the work or project to be performed or because there is no eligibility list, then a person may be employed in that position in an acting capacity or as a temporary or seasonal employee.

## RULE IX

### PROBATIONARY STATUS

**Sec. 1. Policy.** Except for persons who are otherwise employed in an at-will status or who are not covered by these rules, all persons hired by the City to fill a position shall be required to successfully complete a probationary period. The probationary period is part of the selection process; a time during which the City determines whether work performance or work-related behavior meets the required standards of the position.

**Sec. 2. Length of Probation.** Unless otherwise specified by memorandum of understanding or these Personnel Rules, the probationary period generally is 12 months of actual and continuous service. The Appointing Authority may at its discretion extend the probationary period provided that the probationary employee is notified in writing prior to the expiration of the probationary period that the probationary period has been extended, and the length of that extended probationary period.

**Sec. 3. Separation Without Cause.** At any time during the probationary period or extended probationary period, the employment relationship may be terminated without cause and without right of appeal, grievance or hearing, except for legally required liberty interest hearings pursuant to *Lubey v. City and County of San Francisco*. The probationary employee will be notified prior to the expiration of the probationary period that he or she has been rejected for regular appointment.

**Sec. 4. Probation After Promotion.** On accepting a promotion, an employee serves a new probationary period of twelve (12) months of actual and continuous service. At the Department Head's discretion, the probationary period may also be extended provided that the employee is notified in writing of the extension and the length of time of the extension. An employee does not acquire regular status in the promotional position until the successful completion of the probationary period. If the employee fails to satisfactorily complete the probationary period in the promotional position, the employee will be entitled to return to the position held prior to promotion at the range and step previously held if not subject to termination for disciplinary reasons. The employee is not entitled to notice or a hearing if rejected during probation.

## RULE X

### TRANSFERS, RESIGNATIONS, LAYOFFS, JOB ABANDONMENT AND REINSTATEMENT

**Sec. 1. Voluntary Transfer.** A regular employee may initiate a request to transfer to another position in the same or lower classification for which the employee is qualified in the opinion of the Appointing Authority by submitting a letter of "Request to Transfer" to the Personnel Officer. The "Request" will be kept on file for one year from the date received. With the approval of the Department Head for whom the employee now works and the Department Head for whom the employee wishes to work, the employee will be transferred to the new position when the first vacancy becomes available.

**Sec. 2. Involuntary Transfer.** The City may involuntarily transfer an employee at any time from one position to another in the same or comparable classification without loss of compensation or benefits. Whenever possible, an employee being involuntarily transferred will receive ten working days notice. Nothing herein shall abridge the right of a peace officer to administratively appeal a transfer for the purposes of punishment under the Public Safety Officers Procedural Bill of Rights.

**Sec. 3. Appeal of Involuntary Transfer.** If an employee objects to the involuntary transfer, the employee may, within ten working days of the Notice of Transfer, file a written appeal with the City Manager setting forth the reasons therefore. Any appeal filed must be based upon the alleged violation of the requirements for transfer and/or procedure followed. The City Manager's decision shall be the final administrative action.

**Sec. 4. Resignation.** An employee who wishes to resign from City employment in good standing must submit the resignation to his or her Department Head two weeks prior to the planned separation date. A resignation becomes final when accepted by the Appointing Authority. Once a resignation has been accepted by the Appointing Authority, it cannot be withdrawn.

**Sec. 5. Unexcused Absence.** The unexcused absence of an employee shall be cause for the imposition of appropriate disciplinary action, which may include termination.

**Sec. 6. Layoffs.** The City Council may in its discretion implement layoff due to lack of work or funds or because the need for a position no longer exists. Should such position or employment or any position involving all or any of the same duties be reinstated or created within two years, the employee laid off shall be eligible to be appointed thereto in preference to any other qualified persons on the eligible list for such position.

- (a) **Notice of Layoff.** Layoff shall take effect thirty (30) days after the employee is in receipt of a notice in writing of the proposed layoff action. An employee proposed for layoff will have the opportunity to respond to the City Manager within five (5) days of receipt of notice to provide any information the employee may have that relates to the decision to layoff.
- (b) **Order of Layoff.** The order of layoff shall be by inverse seniority. Seniority is defined as length of service with the City of Palos Verdes Estates in a classification within a designated department. If there are two or more employees to be laid off

who have identical seniority in a group, the order of layoff shall be total length of continuous service with the City of Palos Verdes Estates. If the length of service with the City of Palos Verdes Estates is also identical, layoff shall be based upon evaluation of performance determined by the City Manager in consultation with the Department Head.

- (c) **Displacement Rights (Bumping).** Regular employees who are designated to be laid off and have held regular status in a lower classification within the classification series in the same department, may displace employees in the lower classification provided that the employee exercising the displacement privilege has greater length of service in the class to which the employee seeks to bump, including any time in a higher paid classification, than the incumbent he or she is seeking to displace. If the employee in the higher classification has not held status in a lower classification, then no displacement rights accrue to that individual. Conditions which affect displacement rights are as follows:
  - (1) The employee exercising the displacement privilege will displace employees in the lower classifications as prescribed in the Notice of Layoff.
  - (2) All employees must exercise displacement privileges within five (5) working days after receipt of the Notice of Layoff, by written notice to the City Manager. If these privileges are not exercised within the specified time period, they are automatically forfeited.
- (d) **Demotions and Transfers.** Upon request of the employee subject to layoff, and with the approval of the Appointing Authority, an employee who has not held status in a lower classification may be allowed to demote to a vacant authorized position in the same department if he/she meets all requirements of the lower position as determined by the Appointing Authority. All employees who are demoted will be paid at the same rate of pay as prior to demotion, if, and only if, the rate of pay is within the range of the lower position. If this is not the case, the rate of pay shall be within the salary range of the lower position which is closest to the rate of pay prior to demotion. An employee who is transferred in lieu of layoff shall still have their name placed on the reemployment list.
- (e) **Reemployment List.** The eligibility of the individual on the Reemployment Lists shall extend for a period of two (2) years from the date of demotion or layoff. Eligible employees not responding to written notification of an opening within five (5) working days shall have their names removed from the Reemployment List.
  - (1) **Demoted and Transferred Employees.** Employees who are demoted or transferred as a result of a layoff shall have their names placed on a classification reemployment list, in the order of their classification seniority. Vacant positions within a classification series shall be first offered to employees on this list.
  - (2) **Laid Off Employees.** Employees who are laid off and held regular status at the time of the layoff shall have their names placed on the Reemployment

List for classification in which they previously held status and for classifications at the same or lower salary range for which they qualify in the order of their classification seniority. Vacant positions will be offered to eligible persons on the Reemployment List who qualify for such vacancies after those demoted as a result of layoff but prior to an open or promotional recruitment.

- (f) **Reinstatement.** Notice of recall from layoff shall be provided to the laid off, demoted or transferred employee and shall specify the date for reporting to work, which shall not be more than fourteen (14) working days from the date the notice is received. Notice shall be deemed to have been received when sent to the last known address on file with the city.

## **RULE XI**

### **PERFORMANCE EVALUATIONS**

**Sec. 1. Frequency.** Employees shall receive performance evaluations at least once per year. Supervisors may, however, evaluate a subordinate's performance as often as the supervisor deems appropriate, and for legitimate business reasons.

**Sec. 2. Process.** The evaluation of an employee's performance is an ongoing process. Evaluations must be documented in writing on forms, which may be prescribed by the City. The supervisor(s) will review the evaluation in a private meeting with the employee. The employee shall sign the performance evaluation to acknowledge that the employee is aware of its contents and has discussed the evaluation with his or her supervisor. The employee's signature on the evaluation does not necessarily indicate agreement with its contents. The employee will receive a copy of the evaluation after the meeting with the supervisor(s) and a copy of the evaluation will be placed in the employee's personnel file.

**Sec. 3. No Appeal.** An employee does not have the right to appeal any matter relating to a performance evaluation. Instead, the employee may comment on the evaluation in a written statement which will then be placed with the evaluation in the employee's personnel file. The written statement must be submitted within 30 calendar days after the employee receives the evaluation.

## **RULE XII**

### **LEAVES OF ABSENCE**

**Sec. 1. Family Care Leave.** To the extent not already provided for under current leave policies and provisions, the City will provide family and medical care leave for eligible employees as required by state and federal law. The following provisions set forth certain rights and obligations with respect to such leave. Rights and obligations which are not specifically set forth below are set forth in the Department of Labor regulations implementing the Federal Family and Medical Leave Act of 1993 ("FMLA"), and the regulations of the California Family Rights Act ("CFRA"). Unless otherwise provided by this policy, "leave" under this policy shall mean leave pursuant to both the FMLA and the CFRA.



## (a) Definitions

- (1) "12-Month Period" means a rolling 12-month period measured backward from the date leave is taken and continuous with each additional leave day taken.
- (2) "Single 12-month period" means a 12-month period which begins on the first day the eligible employee takes FMLA leave to take care of a covered servicemember and ends 12 months after that date.
- (3) "Child" means a child under 18 years of age, or 18 years of age or older who is incapable of self care because of a mental or physical disability. An employee's child is one for whom the employee has actual day-to-day responsibility for care and includes, a biological, adopted, foster or stepchild.
- (4) A child is "incapable of self care" if he or she requires active assistance or supervision to provide daily self care in three or more of the activities of daily living or instrumental activities of daily living — such as, caring for self, grooming and hygiene, bathing, dressing, eating, cooking, cleaning, shopping, taking public transportation, paying bills, maintaining a residence, using telephones and directories, etc.
- (5) "Parent" as defined by FMLA and CFRA means the biological, adoptive, step or foster parent of an employee, or an individual who stands or stood in loco parentis (in place of a parent) to an employee when the employee was a child. The City also defines "parent" to include in-laws.
- (6) "Spouse" means a husband or wife as defined or recognized under California State law for purposes of marriage.
- (7) "Domestic Partner," as defined by Family Code §§ 297 and 299.2, shall have the same meaning as "Spouse" for purposes of CFRA Leave.
- (8) "Sibling" as defined by City policy means the biological, adoptive, in-law, step or foster sister or brother of an employee.
- (9) "Serious health condition" means an illness, injury impairment, or physical or mental condition that involves:
  - (i) Inpatient Care (i.e., an overnight stay) in a hospital, hospice, or residential medical care facility, including any period of incapacity (i.e., inability to work, or perform other regular daily activities due to the serious health condition, treatment involved, or recovery therefrom); or
  - (ii) Continuing treatment by a health care provider: A serious health condition involving continuing treatment by a health care provider includes any one or more of the following:

- a) A period of incapacity (i.e., inability to work, or perform other regular daily activities) due to serious health condition of more than three full consecutive calendar days, and any subsequent treatment or period of incapacity relating to the same condition, that also involves:
  - 1) Treatment two or more times within 30 days of the first day of incapacity, unless extenuating circumstances exist, by a health care provider, by a nurse, or by a provider of health care services (e.g., a physical therapist) under orders of, or on referral by a health care provider. The first in-person treatment visit must take place within seven days of the first day of incapacity; or
  - 2) Treatment by a health care provider on at least one occasion which must take place within seven days of the first day of incapacity and results in a regimen of continuing treatment under the supervision of the health care provider. This includes for example, a course of prescription medication or therapy requiring special equipment to resolve or alleviate the health condition. If the medication is over the counter, and can be initiated without a visit to a health care provider, it does not constitute a regimen of continuing treatment.
- b) Any period of incapacity due to pregnancy or for prenatal care. (This entitles the employee to FMLA leave, but not CFRA leave. Under California law, an employee disabled by pregnancy is entitled to pregnancy disability leave.)
- c) Any period of incapacity or treatment for such incapacity due to a chronic serious health condition. A chronic serious health condition is one which:
  - 1) Requires periodic visits (defined as at least twice a year) for treatment by a health care provider or by a nurse;
  - 2) Continues over an extended period of time (including recurring episodes of a single underlying condition); and
  - 3) May cause episodic rather than a continuing period of incapacity (e.g., asthma, diabetes, epilepsy, etc.). Absences for such incapacity qualify for leave even if the absence lasts only one day.

- d) A period of incapacity, which is permanent or long term due to a condition for which treatment may not be effective. The employee or family member must be under the continuing supervision of, but need not be receiving active treatment by, a health care provider.
  - e) Any period of absence to receive multiple treatments (including any period of recovery therefrom) by a health care provider or by a provider of health care services under orders of, or on referral by, a health care provider, either for restorative surgery after an accident or other injury, or for a condition that would likely result in a period of incapacity of more than three consecutive calendar days in the absence of medical intervention or treatment.
- (10) "Health Care Provider" means:
- (i) A doctor of medicine or osteopathy who is authorized to practice medicine or surgery by the State of California;
  - (ii) Individuals duly licensed as a physician, surgeon, or osteopathic physician or surgeon in another state or jurisdiction, including another country, who directly treat or supervise treatment of a serious health condition;
  - (iii) Podiatrists, dentists, clinical psychologists, optometrists, and chiropractors (limited to treatment consisting of manual manipulation of the spine to correct a subluxation as demonstrated by X-ray to exist) authorized to practice in California and performing within the scope of their practice as defined under California State law;
  - (iv) Nurse practitioners and nurse-midwives, clinical social workers, and physician assistants who are authorized to practice under California State law and who are performing within the scope of their practice as defined under California State law;
  - (v) Christian Science practitioners listed with the First Church of Christ, Scientist in Boston, Massachusetts; and
  - (vi) Any health care provider from whom an employer or group health plan's benefits manager will accept certification of the existence of a serious health condition to substantiate a claim for benefits.
- (11) "Active Duty or Call to Active Duty Status" means a duty under a call or order to active duty (or notification of an impending call or order to active duty) in support of a contingency operation for members of the Reserve components, the National Guard, and certain retired members of the Regular



Armed Forces and retired Reserve while serving on active duty status during a war or national emergency declared by the President or Congress.

- (12) "Contingency Operation" means a military operation that is (1) designated by the Secretary of Defense as an operation in which members of the United States Armed Forces are or may become involved in military actions, operations, or hostilities against an enemy of the United States or against an opposing military force; or (2) that results in the call to order to, or retention on, active duty members of the United States Armed Forces by law or any other provision of law during a war or national emergency declared by the President or Congress.
  - (13) "Covered Servicemember" means a current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness incurred in the line of duty on active duty.
  - (14) "Outpatient Status" means, with respect to a covered servicemember, the status of a member of the Armed Forces assigned to either: (1) a military medical treatment facility as an outpatient; or (2) a unit established for the purpose of providing command and control of members of the Armed Forces receiving medical care as outpatients.
  - (15) "Next of Kin of a Covered Servicemember" means the nearest blood relative other than the covered servicemember's spouse, parent, son, or daughter, in the following order of priority: Blood relatives who have been granted legal custody of the covered servicemember by court decree or statutory provisions, brothers and sisters, grandparents, aunts and uncles, and first cousins, unless the covered servicemember has specifically designated in writing another blood relative as his or her nearest blood relative for purposes of military caregiver leave under the FMLA.
  - (16) "Serious Injury or Illness" means an injury or illness incurred by a covered servicemember in the line of duty on active duty that may render the servicemember medically unfit to perform the duties of the member's office, grade, rank, or rating.
- (b) **Reasons for Leave.** Leave is only permitted for the following reasons:
- (1) The birth of a child or to care for a newborn of an employee;
  - (2) The placement of a child with an employee in connection with the adoption or foster care of a child;
  - (3) As defined by FMLA and CFRA, leave to care for a child, parent, spouse, or domestic partner who has a serious health condition.

- (4) Leave because of a serious health condition that makes the employee unable to perform the functions of his or her position;
  - (5) Leave for a "qualifying exigency" may be taken arising out of the fact that an employee's spouse, son, daughter, or parent is on active duty or call to active duty status in the National Guard or Reserves in support of a contingency operation (under the FMLA only, not the CIRA); or
  - (6) Leave to care for a spouse, son, daughter, parent, or "next of kin" servicemember of the United States Armed Forces who has a serious injury or illness incurred in the line of duty while on active military duty (this leave can run up to 26 weeks of unpaid leave during a single 12-month period) (under the FMLA only, not the CIRA).
- (c) **Employees Eligible For Leave.** An employee is eligible for leave if the employee:
- (1) Has been employed for at least 12 months; and
  - (2) Has been employed for at least 1,250 hours during the 12-month period immediately preceding the commencement of the leave.
- (d) **Amount of Leave.** Eligible employees are entitled to a total of 12 workweeks (or 26 weeks to care for a covered servicemember) of leave during any 12-month period. Where FMLA leave qualifies as both military caregiver leave and care for a family member with a serious health condition, the leave will be designated as military caregiver leave first.
- (1) **Minimum Duration of Leave.** If leave is requested for the birth, adoption or foster care placement of a child of the employee, leave must be concluded within one year of the birth or placement of the child. In addition, the basic minimum duration of such leave is two weeks. However, an employee is entitled to leave for one of these purposes (e.g., bonding with a newborn) for at least one day, but less than two weeks duration on any two occasions.  
  
If leave is requested to care for a child, parent, spouse or the employee him/herself with a serious health condition, there is no minimum amount of leave that must be taken. However, there must be compliance with the notice and medical certification provisions of this policy.
  - (2) **Spouses Both Employed By the City.** In any case in which a husband and wife both employed by the City are entitled to leave, the aggregate number of workweeks of leave to which both may be entitled may be limited to 12 workweeks during any 12-month period if leave is taken for the birth or placement for adoption or foster care of the employees' child (i.e., bonding leave).  
  
In any case in which a husband and wife both employed by the City are entitled to leave, the aggregate number of workweeks of leave to which both

may be entitled may be limited to 26 workweeks during any 12-month period if leave is taken to care for a covered servicemember.

Except as noted above, this limitation does not apply to any other type of leave under this policy.

- (e) **Employee Benefits While on Leave.** Leave under this policy is unpaid. While on leave, employees will continue to be covered by the City's group health insurance to the same extent that coverage is provided while the employee is on the job. However, employees will not continue to be covered under the City's other non-health benefits.

Employees may make the appropriate contributions for continued coverage under the preceding non-health benefit plans by payroll deductions or direct payments made to these plans. Depending on the particular plan, the Personnel Officer will inform the employee whether the premiums should be paid to the carrier or to the City. An eligible employee's coverage on a particular plan may be dropped if the employee is more than 30 days late in making a premium payment. However, an eligible employee will receive a notice at least 15 days before coverage is to cease, advising that coverage will be dropped if the premium payment is not paid by a certain date. Employee contribution rates are subject to any change in rates that occurs while the employee is on leave.

If an employee fails to return to work after his or her leave entitlement has been exhausted or expires, the City shall have the right to recover its share of health plan premiums for the entire leave period, unless the employee does not return because of the continuation, recurrence, or onset of a serious health condition of the employee or his or her family member which would entitle the employee to leave, or because of circumstances beyond the employee's control. The City shall have the right to take legal action to recover premiums due the City.

- (f) **Substitution of Paid Accrued Leaves.** While on leave under this policy, as set forth herein, an employee may elect to concurrently use paid accrued leaves. Similarly, the City may require an employee to concurrently use paid accrued leaves after requesting FMLA and/or CFRA leave, and may also require an employee to use family and medical care leave concurrently with a non-FMLA/CFRA leave which is FMLA/CFRA-qualifying.

- (1) **Employee's Right To Use Paid Accrued Leaves Concurrently With Family Leave.** Where an employee has earned or accrued paid vacation, administrative leave, or compensatory time, that paid leave may be substituted for all or part of any (otherwise) unpaid leave under this policy.

An employee must use sick leave concurrently with leave under this policy if:

- (i) The leave is for the employee's own serious health condition; or

- (ii) The leave is needed to care for a parent, spouse, child, or domestic partner with a serious health condition, and would be permitted as sick leave under the City's sick leave policy.
- (2) **City's Right To Require An Employee To Use Paid Leave When Using FMLA/CFRA Leave.** Employees must exhaust their accrued leaves concurrently with FMLA/CFRA leave to the same extent that employees have the right to use their accrued leaves concurrently with FMLA/CFRA leave, with two exceptions:
  - (i) Employees are required to use accrued compensatory time earned in lieu of overtime earned pursuant to the Fair Labor Standards Act; and
  - (ii) Employees will only be required to use sick leave concurrently with FMLA/CFRA leave if the leave is for the employee's own serious health condition or a family member's serious health condition.
  - (iii) The order in which leave banks are used shall be in the employee's discretion.
- (3) **City's Right To Require An Employee To Exhaust FMLA/CFRA Leave Concurrently With Other Leaves.** If an employee takes a leave of absence for any reason which is FMLA/CFRA-qualifying, the City may designate that non-FMLA/CFRA leave as running concurrently with the employee's 12-week FMLA/CFRA leave entitlement. The only exception is for peace officers on leave pursuant to Labor Code § 4850.
- (4) **City's and Employee's Rights If An Employee Requests Accrued Leave Without Mentioning Either the FMLA or CFRA.** If an employee requests to utilize accrued vacation leave or other accrued paid time off, with the exception of sick leave, without reference to a FMLA/CFRA-qualifying purpose, the City may not ask the employee if the leave is for a FMLA/CFRA-qualifying purpose. However, if the City denies the employee's request and the employee provides information that the requested time off is for a FMLA/CFRA-qualifying purpose, the City may inquire further into the reason for the absence. If the reason is FMLA/CFRA-qualifying, the City may require the employee to exhaust accrued leave as described above.
- (g) **Medical Certification.** Employees who request leave for their own serious health condition or to care for a child, parent or a spouse who has a serious health condition must provide written certification from the health care provider of the individual requiring care if requested by the City.

If the leave is requested because of the employee's own serious health condition, the certification must include a statement that the employee is unable to work at all or is unable to perform the essential functions of his or her position.

Employees who request leave to care for a covered servicemember who is a child, spouse, parent, or "next of kin" of the employee must provide written certification from a health care provider regarding the injured servicemember's serious injury or illness.

The first time an employee requests leave because of a qualifying exigency, an employer may require the employee to provide a copy of the covered servicemember's active duty orders or other documentation issued by the military which indicates that the covered servicemember is on active duty or call to active duty status in support of a contingency operation, and the dates of the covered servicemember's active duty service. A copy of new active duty orders or similar documentation shall be provided to the City if the need for leave because of a qualifying exigency arises out of a different active duty or call to active duty status of the same or a different covered servicemember.

- (1) Time to Provide a Certification. When an employee's leave is foreseeable and at least 30 days notice has been provided, if a medical certification is requested, the employee must provide it before the leave begins. When this is not possible, the employee must provide the requested certification to the Department Head within the time frame requested by the Department Head (which must allow at least 15 calendar days after the employer's request), unless it is not practicable under the particular circumstances to do so despite the employee's diligent, good faith efforts.
  - (i) Consequences for Failure to Provide an Adequate or Timely Certification. If an employee provides an incomplete medical certification the employee will be given a reasonable opportunity to cure any such deficiency.
  - (ii) However, if an employee fails to provide a medical certification within the time frame established by this policy, the City may delay the taking of FMLA/CFRA leave until the required certification is provided.
  - (iii) Second and Third Medical Opinions. If the City has reason to doubt the validity of a certification, the City may require a medical opinion of a second health care provider chosen and paid for by the City. If the second opinion is different from the first, the City may require the opinion of a third provider jointly approved by the City and the employee, but paid for by the City. The opinion of the third provider will be binding. An employee may request a copy of the health care provider's opinions when there is a second or third medical opinion sought.
- (h) Intermittent Leave or Leave on a Reduced Leave Schedule. If an employee requests leave intermittently (a few days or hours at a time) or on a reduced leave schedule to care for an immediate family member with a serious health condition or for the employee's own serious health condition, the employee must provide medical

certification that such leave is medically necessary. "Medically necessary" means there must be a medical need for the leave and that the leave can best be accomplished through an intermittent or reduced leave schedule.

- (i) **Employee Notice of Leave.** Although the City recognizes that emergencies arise which may require employees to request immediate leave, employees are required to give as much notice as possible of their need for leave. Except for qualifying exigency leave, if leave is foreseeable, at least 30 days' notice is required. In addition, if an employee knows that he or she will need leave in the future, but does not know the exact date(s) (e.g. for the birth of a child or to take care of a newborn), the employee shall inform his or her supervisor as soon as possible that such leave will be needed. Such notice may be orally given. If the City determines that an employee's notice is inadequate or that the employee knew about the need for leave well in advance of the request, the City may delay the granting of the leave until it can, in its discretion, adequately cover the position with a substitute.

For foreseeable leave due to a qualifying exigency, an employee must provide notice of the need for leave as soon as practicable, regardless of how far in advance such leave is foreseeable.

- (j) **Reinstatement Upon Return From Leave**

- (I) **Right to Reinstatement.** Upon expiration of leave, an employee is entitled to be reinstated to the position of employment held when the leave commenced, or to an equivalent position with equivalent employment benefits, pay, and other terms and conditions of employment. Employees have no greater rights to reinstatement, benefits and other conditions of employment than if the employee had been continuously employed during the FMLA/CFLRA period.

- (i) If a definite date of reinstatement has been agreed upon at the beginning of the leave, the employee will be reinstated on the date agreed upon. If the reinstatement date differs from the original agreement of the employee and the City, the employee will be reinstated within two business days, where feasible, after the employee notifies the employer of his or her readiness to return.

- (ii) **Employee's Obligation To Periodically Report On His or Her Status.** Employees may be required to periodically report on their status and intent to return to work. This will avoid any delays to reinstatement when the employee is ready to return.

- (iii) **Fitness-for-Duty Certification.** As a condition of reinstatement of an employee whose leave was due to the employee's own serious health condition, which made the employee unable to perform his or her job, the employee must obtain and present a fitness-for-duty certification from the health care provider that the employee is able to resume work. Failure to provide such certification will result in denial of reinstatement.



- (iv) Reinstatement of "Key Employees". The City may deny reinstatement to a "key" employee (i.e., an employee who is among the highest paid 10 percent of all employed by the City within 75 miles of the work site) if such denial is necessary to prevent substantial and grievous economic injury to the City's operations, and the employee is notified of the City's intent to deny reinstatement on such basis at the time the employer determines that such injury would occur.
- (2) Required Forms. Employees must fill out the following applicable forms (which the Personnel Officer will provide) in connection with leave under this policy:
- (i) "Notice of Family or Medical Leave Form";
  - (ii) Medical certification—either for the employee's own serious health condition or for the serious health condition of a child, parent, spouse or domestic partner;
  - (iii) Authorization for payroll deductions for benefit plan coverage continuation; and
  - (iv) Fitness-for-duty to return from leave form.

**Sec. 2. Pregnancy Leave.** An employee who is disabled because of pregnancy, childbirth, or a related medical condition is entitled to an unpaid pregnancy disability leave for up to four months per pregnancy.

At the end of the employee's period of pregnancy disability or at the end of four months of pregnancy disability leave, whichever occurs first, a California family rights Act-eligible employee may request to take CFRA leave of up to 12 workweeks for reason of birth of her child, if the child has been born by this date. There is no requirement that either the employee or child have a serious health condition in order for the employee to take CFRA leave for the birth of her child. There is also no requirement that the employee be no longer be disabled by her pregnancy before taking CFRA leave for the birth of her child.

(a) Notice and Certification Requirements.

- (1) Requests for pregnancy disability leave must be submitted in writing and must be approved by the employee's Department Head before the leave begins. The Department Head may request supported written certification from the attending physician stating that the employee is disabled from working by pregnancy, childbirth or a related medical condition. The certification must state the expected duration of the disability and the expected date of return to work. If it is not possible to provide advance notice

of the need for pregnancy disability leave, such as during an emergency or unforeseen complication, then notice must be provided as soon as practicable.

- (2) All leaves must be confirmed in writing, have an agreed-upon specific date of return, and be submitted to the Department Head prior to the leave being taken, except, as noted above, where it is not possible to provide advance notice because of an emergency or unforeseen complication. Requests for an extension of leave must be submitted in writing to the Department Head prior to the agreed date of return and must be supported by a written certification of the attending physician that the employee continues to be disabled by pregnancy, childbirth, or a related medical condition. The maximum pregnancy disability leave is four months.
- (b) **Compensation During Leave.** Pregnancy disability leaves are without pay. However, the employee may first use accrued sick leave, vacation leave, and then any other accrued paid time off during the leave.
  - (c) **Benefits During Leave**
    - (1) An employee on pregnancy disability leave may receive any group health insurance coverage that was provided before the leave on the same terms as provided to other employees who become disabled off-duty, if: 1) the employee is eligible for concurrent family medical leave; and 2) the employee has not already exhausted this 12-week group health insurance coverage benefit in the current family medical leave eligibility period. The City may recover premiums it paid to maintain health coverage, as provided by the family and medical leave laws, if an employee does not return to work following pregnancy disability leave.
    - (2) An employee on pregnancy disability leave who is not eligible to receive group health insurance coverage as described above, may receive health insurance coverage in conjunction with COBRA guidelines by making monthly premium payments to the City.
    - (3) **Sick and Vacation Leave Accrual:** Sick leave and vacation leave do not accrue while an employee is on unpaid pregnancy disability leave.
  - (d) **Reinstatement.** No later than 15 calendar days after a child's birth or placement, the employee must notify her Department Head of the date of her anticipated return to work.
    - (1) Upon the expiration of pregnancy leave and the City's receipt of a written statement from the health care provider that the employee is fit to return to duty, the employee will be reinstated to her original or an equivalent position, so long as it was not eliminated for a legitimate business reason during the leave.



- (2) If the employee's original position is no longer available, the employee will be assigned to an open position that is substantially similar in job content, status, pay, promotional opportunities, and geographic location as the employee's original position. The employer will provide the employee notification of available positions that the employee is qualified for within 60 calendar days.
- (3) If upon return from leave an employee is unable to perform the essential functions of her job because of a physical or mental disability, the Personnel Officer in cooperation with the Department Head will initiate an interactive process with the employee in order to identify a potential reasonable accommodation.
- (4) An employee who fails to return to work after the termination of her leave loses her reinstatement rights, unless the employee decides to take additional time under California Family Rights Act, which does not run concurrent with Pregnancy Disability Leave.

**Sec. 3. Sick Leave.** Sick leave is leave from duty which is granted by the City to an employee because of illness, injury, exposure to contagious disease, illness or injury of a member of the employee's immediate family requiring the employee's attendance, and medical, dental and optical appointments to the extent that such appointments cannot be scheduled outside the work day.

An employee's immediate family shall consist of the employee's: spouse; domestic partner; children; step-children, or the mother, father, brother, sister, grandchildren or grandparents of the employee, Mothers-in-Law, Fathers-in-Law, Brothers-in-Law, Sisters-in-Law or other members of the employee's family residing in the employee's home; or other members of the employee's family primarily dependent upon the employee.

- (a) Usage. An employee may be granted sick leave only in case of actual sickness as defined above. In the event that an employee or a member of the employee's immediate family recovers from any such sickness after being granted sick leave, and during the regularly scheduled hours of work, then such employee shall notify the appropriate immediate supervisor and be available to return to duty.

In order to apply for sick leave use, an employee shall notify the appropriate immediate supervisor within one (1) hour after the time established as the beginning of the employee's work day for all non-Police Department employees and at least three (3) hours before the employee's scheduled shift for all Police Department employees, unless the City determines that the employee's duties require more restrictive reporting unless such notice is not reasonably possible. Failure to do so without good reason shall result in that day of absence being treated as leave of absence without pay. If the employee is absent on sick leave for more than one (1) day the employee will keep the immediate supervisor informed as to the date the employee expects to return to work.

- (b) **Accrual.** Employees will accrue sick leave according to the terms specified by the applicable memorandum of understanding. Sick leave will not accrue during leaves of absence without pay unless required by law.
- (c) **Impermissible Uses.**
  - (1) Sick leave will not be granted to any employee absent from duty after separation from City service, or during a City authorized leave of absence without pay, or any other absence from duty not authorized by the City.
  - (2) Sick leave will not be granted to any employee to permit an extension of the employee's vacation.
  - (3) Sick leave will not be granted to any employee during the first six full calendar months of the employee's employment. However, on the successful completion of six months of employment, the employee will be credited with sick leave that would otherwise have been accrued during the probationary period as provided in this policy.
- (d) **Certification of need for sick leave.** The City may require a physician's certification at any time regarding the sickness or injury of the employee or their immediate family member and the date of the employee's intended return to work. For police employees, requests for certification must be made within three (3) hours of the employee calling in sick.
- (e) **Use of vacation in lieu of sick leave.** Employees will not be permitted to use vacation in lieu of sick leave unless approved by the Department Head.
- (f) **Placement on sick leave by supervisor.** Supervisors have the discretion to place employees on sick leave when, in the supervisor's judgment, the employee's presence at work would endanger the health and welfare of other employees or where the employee's illness or injury interferes with the performance of that employee's duties.
- (g) **Abuse of sick leave.** An employee is subject to disciplinary action for excessive use of sick leave and/or abuse of sick leave. Abuse of sick leave is a claim of entitlement to sick leave when the employee does not meet the requirements of sick leave as defined in Section 1.
- (h) **Evaluation of usage.** Abuse of sick leave will be considered in establishing the performance rating.
- (i) **Inability to return to work.** Unless otherwise prohibited by statute, e.g. Labor Code section 4850, and only after completion of a good-faith interactive process meeting between the employee and the Personnel Officer in coordination with the Department Head, where it is determined that an employee is unable to perform the essential functions of his or her position, with or without reasonable accommodation, as a

result of a physical or psychological illness or injury for a period of six (6) months from the first date of the absence shall:

- (1) Be terminated from employment. Regular employees who are separated pursuant to this section shall be accorded procedural due process (i.e., notice and an opportunity to respond to the intended separation) in accordance with the appeal procedures for disciplinary actions outlined in these rules and procedures, or,
  - (2) If eligible for disability retirement, be retired under the Public Employees Retirement System.
- (j) Peace officers. Peace officer employees are entitled to regular pay for temporary disability caused by an injury or disease arising out of or during the course of employment pursuant to state law.

**Sec. 4. Holiday Leave.** City Hall observes the following holidays:

- New Year's Day
- President's Day
- Memorial Day
- Independence Day
- Labor Day
- Veteran's Day
- Thanksgiving Day
- Day after Thanksgiving
- Christmas Day

Except for employees in the Police Officers Association bargaining unit, if any of these holidays falls on a Sunday, the Monday following will be treated as the holiday. If the holiday falls on a Saturday, the Friday preceding will be treated as the holiday.

Unless an applicable Memorandum of Understanding or Police Department policy provides otherwise, employees must have been employed by the City on the day preceding and the day following a holiday to qualify for holiday pay. For the purposes of this paragraph, an employee who is absent on authorized vacation with pay or on accrued sick leave shall be deemed to be employed at such time.

City Hall observes the following holidays as “working holidays” where employees still report, however City services are closed to the public (with the exception of the Police Department).

Martin Luther King Day

Columbus Day

Employees will accrue Holidays according to the terms specified by the applicable memorandum of understanding. Holidays will not be allowed during leaves of absence without pay unless required by law.

**Sec. 5. Vacation Leave.** The purpose of annual vacation leave is to enable each eligible employee to return to his or her work mentally and physically refreshed. Except as otherwise provided in a memorandum of understanding, all employees are entitled to take annual vacation leave with pay as follows:

- (a) **Accrual.** Employees will accrue vacation according to the terms specified by the applicable memorandum of understanding. Vacation leave will not accrue during leaves of absence without pay unless required by law (e.g., military leave).
- (b) **Cap on accrual.** At no time may an employee have a total balance of vacation days in excess of two times his or her current annual accrual rate or the amount set forth in the applicable MOU. When the employee reaches the maximum accrual he or she shall cease earning vacation leave until the balance falls below the maximum accrual.
- (c) **Scheduling.** The Department Head and employee shall schedule the times at which vacation leave is to be taken with due consideration being given to the desires of the employee and operational needs of the department. Use of vacation leave in less than one-day increments is discouraged.
- (d) **Holidays falling during vacation leave.** Where a paid holiday falls during an employee's vacation leave, that day will not be charged as vacation hours. Where an illness or injury necessitates hospitalization of an employee during his or her vacation leave, the days of hospitalization will not be charged as vacation hours.

**Sec. 6. Administrative Leave.** The City has the right to place an employee on leave at any time with full pay. An employee may be placed on administrative leave pending investigation of misconduct, potential disciplinary action, or other reasons that the Appointing Authority in consultation with the City Manager, in his or her discretion, believes warrant such leave. Employees shall not be placed on administrative leave as harassment, discrimination or for other improper motive.

**Sec. 7. Bereavement Leave.** In the event of a death in an employee's immediate family, bereavement leave shall be granted to an employee in accordance with the applicable memorandum of understanding or upon the recommendation of the Department Head and approval of the City Manager. “Immediate family” consists of the following: Employee's spouse, domestic partner, child, stepchild, parent, grandparent, grandchild, brother, sister, mother/father-in-law, son or

daughter-in-law, brother or sister-in-law, legal guardian, or custodial child, or the same relatives of a domestic partner. .

**Sec. 8. Compassionate Leave.** In the event of a bona fide illness in an employee's immediate family, compassionate leave may be granted to an employee in accordance with the applicable memorandum of understanding or upon the recommendation of the Department Head and approval of the City Manager. "Immediate family" consists of the following: Employee's spouse, domestic partner, child, stepchild, parent, grandparent, grandchild, brother, sister, mother/father-in-law, son or daughter-in-law, brother or sister-in-law, legal guardian, or custodial child, or the same relatives of a domestic partner.

**Sec. 9. Jury Duty and Court Appearances.** Unless an applicable Memorandum of Understanding or Police Department policy provides otherwise, an employee shall be permitted leave under the following circumstances:

- (a) **Jury Duty.** An employee who is summoned to serve on a jury must notify his or her immediate supervisor or Department Head as soon as possible after receiving notice of both possible and actual jury service in order to receive time off for the period of actual service required on such jury. A non-sworn regular full-time employee shall be paid up to 10 work days of jury service, and must sign-over to the City the court pay received for jury service, but not for mileage. Non-sworn regular part-time employee employees shall receive pay for jury service in an amount that is proportional to the hours worked. The time spent on jury duty is not work time for purposes of calculating overtime compensation.
- (b) **Subpoena.** An employee who is subpoenaed to appear in court in a matter regarding an event or transaction which he or she perceived or investigated in the course of his or her City job duties will do so without loss of compensation. The time spent will be considered work time. However, an employee subpoenaed to appear in court in a matter unrelated to his or her City job duties or because of civil or administrative proceedings that he or she initiated does not receive compensation for time spent related to those proceedings. An employee may request to receive time off without pay, or may use accrued vacation for time spent related to those proceedings. The time spent in these proceedings is not considered work time and City vehicles may not be used to attend such proceedings.
- (c) **Victims.** An employee who has been a victim of a violent crime or domestic violence has the right to take time off to: 1) appear in court to comply with a subpoena or other court order as a witness in any judicial proceeding; 2) seek medical or psychological assistance; or 3) participate in safety planning to protect against further assaults. An affected employee must give the City reasonable notice that he or she is required to be absent for a purpose stated above. In cases of unscheduled or emergency court appearances or other emergency circumstances, the affected employee must, within a reasonable time after the appearance, provide the City with written proof that the absence was required for any of the above reasons. Leave under this section is unpaid unless the employee uses vacation or accrued time off.

**Sec. 10. Military and National Emergency Leaves.** Military leave shall be granted in accordance with the provisions of state and federal law. An employee requesting leave for this purpose shall provide the Department Head, whenever possible, with a copy of the military orders specifying the dates, site and purpose of the activity or mission. Within the limits of such orders, the Department Head may determine when the leave is to be taken and may modify the employee's work schedule to accommodate the request for leave.

**Sec. 11. Voting.** If an employee does not have sufficient time outside of working hours to vote at a statewide election, the employee may take up to two hours off without loss of pay at the beginning or end of the day. An employee wishing to take this time off must obtain prior approval from his or her immediate supervisor at least 48 hours prior to the leave.

**Sec. 12. Leave without Pay.** Upon the request of the employee and the recommendation of the Department Head, a leave of absence without pay may be granted by the City Manager to an employee who has completed at least one year of continuous service prior to the effective date of the leave. An employee is not entitled to a leave of absence as a matter of right.

- (a) **Request.** Request for leave of absence without pay shall state specifically the reason for the request, the date when the employee desires to begin the leave, and the probable date of return.
- (b) **Failure to return from leave.** An employee's failure to return to his or her employment upon the termination of any authorized leave of absence, except under extraordinary circumstances, is cause for the employee's separation from City service.
- (c) **Conditions of leave.** Leave of absence without pay is not a break in service or employment, and rights accrued at the time the leave is granted are retained by the employee; however, vacation credits, sick leave credits, increases in salary, all other paid leaves, holidays and fringe benefits and other similar benefits shall not accrue to a person granted such leave during the period of absence. Nor is the City required to maintain contributions toward group insurance or retirement coverage except as required by law. An employee may maintain his or her health insurance benefits (including for eligible dependents) by timely paying the appropriate premiums. During the period of such leaves, all service and leave credits shall be retained at the levels existing as of the effective date of the leave. The employee shall be reinstated to his or her former position upon the timely return from the authorized leave, or to a comparable position if the former position is abolished during the period of leave.

**Sec. 13. School Leave.** Any City employee who is a parent, guardian or grandparent having custody of one or more children in kindergarten or grades 1 through 12 or attending a licensed day care facility shall be allowed up to forty (40) hours each school year, not to exceed eight (8) hours in any calendar month of the school year, without pay, to participate in activities of the school of his or her child. The employee must provide reasonable advance notice of the planned absence. The employee may be required to use vacation and/or compensatory time off to cover the absence. The City may require the employee to provide documentation from the school as verification that the employee participated in school activities on a specific date and at a particular time. If both parents,



guardians or grandparents having custody work for the agency at the same work site, only the first parent requesting will be entitled to leave under this provision.

**Sec. 14. Student Suspension Leave.** Any City employee who is a parent, guardian or grandparent having custody of one or more children in kindergarten or grades 1 through 12 shall be allowed to leave work to attend a school meeting after the child has been suspended. The employee must provide reasonable advance notice of the need for the absence, and may be required to use vacation and/or compensating time off to cover the absence. The City may also require the employee to provide documentation from the school as verification of his or her attendance at a school meeting regarding the child's suspension.

**Sec. 15. Compensatory Time.** Regular employees accrue Compensatory Time Off (CTO) at the rate of 1.5 hours for each hour worked over 40 hours of actual work in the employee's work week. CTO limits are established by the applicable memorandum of understanding. During employment, CTO is cashed out at the employee's current FLSA regular rate of pay (including all FLSA-applicable salary differentials). Terminating employees shall be compensated for all accrued, unused compensatory hours at the current FLSA regular rate of pay, or the average regular rate for the prior three years, whichever is higher.

- (a) **Supervisor Approval Required Before Work.** An employee may opt to accrue compensatory time-off ("CTO") in lieu of cash payment for overtime worked.
- (b) **Employee Requests to Use CTO.** The City will grant an employee's request to use accumulated CTO provided that: 1) the department can accommodate the use of CTO on the day requested; and 2) the employee makes the request no later than five days prior to the date requested. If the employee does not provide five days' notice, or if the department cannot accommodate the time off, the City will provide the employee the opportunity to cash out the CTO requested at the end of the current pay period. The requirement to hire behind an employee on an overtime basis shall be a basis to deny the use of CTO.

## RULE XIII

### COMPENSATION AND PAYROLL PRACTICES

**Sec. 1. Workweek.** The workweek begins at 12:00 a.m. on Monday and ends at 11:59 p.m. on Sunday, except as otherwise designated by an applicable memorandum of understanding, or as otherwise designated for employees on a flexible schedule, or as designated pursuant to 29 USC § 207(k) for safety employees.

**Sec. 2. Overtime.** Unless otherwise stated in a memorandum of understanding, "overtime" is all hours an overtime-eligible employee actually works over 40 hours in his or her work week. Overtime is compensated at 1.5 times the Fair Labor Standards Act (FLSA) regular rate of pay. Only actual hours worked will be counted toward the 40-hour threshold for purposes of calculating FLSA overtime pay. No overtime shall be recorded or reported for less than 10 minutes of work. Overtime-eligible employees are not permitted to work overtime except as the Department Head

authorizes or directs. No employee may work overtime without receiving the approval of the appropriate supervisor prior to performing the work. Working overtime without advance approval is grounds for discipline.

### **Sec. 3. Travel.**

- (a) **Commute Time.** Travel time to and from work is commute time, which is not compensable, even if the employee is asked to report to different work locations on different days. Travel from home to the first work site of the day or from the last work site of the day to home is considered commute time. In addition, travel from home to a work site other than an employee's regular work location on an emergency basis (such as a call-out in the middle of the night) will not be compensated unless the employee must travel a substantial distance (i.e., significantly more than the normal home to work commute) to address the emergency.
- (b) **Travel During the Workday.** Travel during the workday (after the employee has reported to work), is considered hours worked for the City. However, travel from the employee's last work location to home is not compensable.
- (c) **Overnight Travel.** Overnight travel is considered hours worked by the employee if it occurs:
  - (1) During regular work hours; or
  - (2) On an off day during the employee's normal work hours; or
  - (3) Outside of work hours, if the employee has to drive to the location.

If the employee travels on public transportation or as a passenger in an automobile, the time spent traveling is non-compensable. Supervisors should schedule overnight travel for employees on public transportation outside of their normal work hours if possible. If the employee is offered public transportation for travel outside of normal work hours and declines the offer, the travel time is non-compensable.

- (d) **Special One Day Assignment Outside the City.** If an employee is required to travel out of the City for a special assignment, and the time spent traveling is significantly longer than the employee's normal commute, a portion of the travel time should be counted as hours worked. If the employee is driving to the location, only the time in excess of the employee's normal commute shall be considered as hours worked. If the employee is taking public transportation to the City, the travel time shall be counted as hours worked, except for travel between the employee's home and the public transportation facility, such as an airport or train station. Travel to attend a training program that is a regular and contemplated part of an employee's position shall not be considered a special assignment.

**Sec. 4. Training.** Compensation for training will be either paid or unpaid, in accordance with this policy.



- (a) **Attendance at Training Programs.** An employee will not be compensated for attendance at a training program if each of the following four conditions exist: (1) attendance is voluntary, (2) the training program occurs outside of normal working hours, (3) the employee does not perform productive work, and (4) the training is not directly related to the employee's current job.
- (b) **Voluntary training.** Attendance is considered voluntary only if the employee's working conditions are not adversely affected if he or she does not attend the training. If a supervisor within the employee's chain of command suggests that an employee's future advancement or performance evaluation will be affected if the employee does not attend the training, attendance would not be voluntary.
- (c) **Classes Offered At A School Or College.** If an employee voluntarily enrolls in a class outside of work hours that is offered at a school, college or vocational institute, the training is not considered hours worked as long as the employee does not perform any productive work for the City. Additionally, if the City offers such a class to its employees outside of normal work hours, or pays for employees to attend such a class, it will not be considered hours worked.
- (d) **State-Mandated Certifications.** If state law requires that an employee obtain a certification for his or her job, and the employee voluntarily attends the necessary training to obtain such certification outside of normal work hours, the time spent at that training is not counted as hours worked.
- (e) **Coming Back to Work After Training Day.** All employees who attend training are required to return to their regular work location if, at the end of the training day, after traveling back to their regular City work location, there would be at least one half hour left in their work day.

**Sec. 5. Out-of-class Pay.** An employee who is temporarily directed by his or her supervisor in writing to serve in a regular higher position will be compensated at a higher rate of pay in accordance with the following:

- (a) Except as provided in the applicable MOU, to be eligible for the additional compensation, the employee must first work a minimum of three (3) consecutive workweeks in the higher class within any 12-month period. The days of out-of-class assignment need not be consecutive. Once this qualification is satisfied, no additional requalification will be required.
- (b) Temporary assignments out-of-class shall be recorded only in full-shift units. An employee working out-of-class for less than one full shift will not be credited with working out-of-class service time.
- (c) To qualify for out-of-class pay, an employee must be assuming substantially the full range of duties and responsibilities of the higher-level position. Out-of-class pay is not authorized, for example, if the organization of a work unit is such that each unit employee carries on his normal duties during the temporary absence of a supervisor,

without a need for the direction which the supervisor would provide on a longer-term basis.

- (d) Time worked in a higher class shall not earn credits toward the completion of probationary requirements in the higher class.
- (e) Except as provided in the applicable Memorandum of Understanding, an employee who has qualified under these provisions will be compensated at the minimum rate established for the higher class for each completed work shift served in the higher class after three (3) consecutive workweeks have been completed. In the event of overlapping salary ranges, a 5% increase to the base pay, shall be paid for out-of-class assignments. The higher rate of pay shall be used in computing overtime when authorized overtime is served in a non-exempt, out-of-class work assignment. The overtime rate shall be the rate established by the overtime regulations that apply to the higher class.

**Sec. 6. Acting Pay.** Except as provided in the applicable Memorandum of Understanding, employees who by written assignment perform the duties of a position with a higher salary classification than that in which they are regularly employed will receive the compensation specified for the position to which assigned, if performing the duties thereof, for a period of three (3) workweeks. The increased compensation will be at such step within the higher classification as will accord such employee an increase of at least five percent over his or her current regular compensation.

## RULE XIV

### CORRECTIVE AND DISCIPLINARY ACTION

**Sec. 1. General.** The City will administer corrective and disciplinary actions fairly, reasonably, and impartially. All Regular employees shall be subject to the imposition of discipline if just cause exists therefore, under the sole discretion of their respective Appointing Authority, up to and including termination. These rules do not confer any rights or benefits upon persons who are at-will, including but not limited to independent contractors.

Corrective action shall mean oral or written reprimands, except that in the case of peace officers, written reprimands shall be considered "punitive action" from which an officer is entitled to an administrative appeal under the Public Safety Officers Procedural Bill of Rights. Except in cases of disciplinary action as defined herein, appeals by peace officers from punitive actions as defined in Government Code section 3303 shall not be conducted pursuant to this Rule but shall be conducted pursuant to a procedure to be adopted by the City under Government Code section 3304.5.

Disciplinary action shall mean demotion, suspension without pay, reduction in pay (temporary or permanent), or termination. For peace officers, disciplinary action shall also include transfer for purposes of punishment within the meaning of Government Code section 3303. The degree of discipline shall depend on the severity of the infraction or misconduct, as well as any prior related disciplinary actions taken, and shall be in accordance with any applicable labor contract, City policies and procedures, as well as local, state, or federal laws and regulations. An employee who is represented by an employee organization has the right to have a representative present in any

meeting in which the employee reasonably believes may result in disciplinary action against him or her. Except in the case of employees covered by the Public Safety Officers Procedural Bill of Rights Act, the City shall not be responsible for advising the employee of the right of representation, if any.

**Sec. 2. Causes for Corrective and/or Disciplinary Action.** While the following is not a list of all possible grounds for which an employee may be subject to corrective or disciplinary action, the following are examples of the type of misconduct that could result in corrective or disciplinary action, up to and including termination, being taken. This list is not exhaustive. The City retains the right to impose discipline whenever it deems appropriate.

- (a) Violation of any department rule, City policy, rule, regulation, ordinance or resolution;
- (b) Absence without authorized leave;
- (c) Excessive absenteeism and/or tardiness as defined by the employee's Department Head, these rules, or Memorandum of Understanding;
- (d) Use of disability leave in a manner not authorized or provided for pursuant to the disability leave policy or other policies of the City;
- (e) Making any intentional or negligent false statement, omission or misrepresentation of a material fact;
- (f) Providing wrong or misleading information or other fraud in securing appointment, promotion or maintaining employment;
- (g) Unsatisfactory job performance;
- (h) Inefficiency;
- (i) Malfeasance or misconduct, which shall be deemed to include, but shall not be limited to the following acts or omissions:
  - (1) Conviction of a felony. "Conviction" shall be construed to be a determination of guilt of the accused by a court, including a plea of guilty or nolo contendere, regardless of sentence, grant of probation, or otherwise.
  - (2) Commission of any criminal act as defined under California Penal Code § 15.
  - (3) The damaging of City property, equipment, or vehicles, or the waste of City supplies through negligence or misconduct.
  - (4) Insubordination; or insulting or demeaning the authority of a supervisor or manager;
  - (5) Dishonesty;
  - (6) Theft;

- (7) Violation of the City's or a department's confidentiality policies, or disclosure of confidential City information to any unauthorized person or entity;
- (8) Misuse of any City property, including, but not limited to: physical property, tools, equipment, City communication systems, or Intellectual Property;
- (9) Mishandling of public funds;
- (10) Falsifying any City record;
- (11) Discourteous treatment of the public or other employees;
- (12) Failure to cooperate with a supervisor or fellow employees;
- (13) Unapproved outside employment or activity that violates the City's policy governing outside employment, or other enterprise that constitutes a conflict of interest with service to the City;
- (14) Any conduct that impairs, disrupts or causes discredit to the City, the employee's City employment, to the public service, or other employee's employment
- (15) Failure to comply with OSHA Safety Standards and City safety policies;
- (16) Altering, falsifying, and tampering with time records, or recording time on another employee's time record; or
- (17) Working overtime without prior authorization.

### **Sec. 3. Types of Corrective Action**

- (a) Oral Warning – this type of corrective action is appropriate for infractions of a relatively minor degree or in situations where the employee's performance needs to be discussed. Supervisors shall inform the employee that he or she is issuing an oral warning, that the employee is being given an opportunity to correct the condition, and if the condition is not corrected, the employee shall be subject to more severe corrective or disciplinary action. A conference summary of the oral warning shall be maintained in the departmental file and shall be removed from that file after one year from the date of the oral warning if the condition is corrected and there are no further occurrences of that same condition.

Oral warnings are not grievable. There is no right to an administrative appeal of an oral warning.

- (b) Written Warning/Reprimand – This type of corrective action shall be issued in the event the employee continues to disregard an oral warning, or if the infraction is severe enough to warrant a written warning/reprimand being placed in the employee's personnel file. The written warning/reprimand shall state the nature of the infraction or misconduct, identify the facts supporting the written

warning/reprimand, and describe the corrective action that must be taken by the employee to avoid disciplinary action being imposed.

Written warnings/reprimands are not appealable, except that sworn personnel shall have the right to an administrative appeal pursuant to Government Code section 3304(b). Employees shall have the right to submit a written response to the written warning/reprimand within 30 days of receipt. The employee's response will be attached to the written warning/reprimand in the employee's personnel file.

**Sec. 4. Types of Disciplinary Action** The disciplinary actions described below are guidelines only. The City reserves the right to impose whatever level of discipline it deems appropriate based on the nature and severity of the employee's actions.

- (a) **Suspension Without Pay** This type of disciplinary action is appropriate for policy violations, unacceptable conduct, or for repeated acts of misconduct. A suspension without pay may also be given for minor policy violations where the employee has previously received a written warning/reprimand, but has not demonstrated appropriate behavioral changes.
- (b) **Demotion/Reduction in Pay** –Demotion may be used when warranted by the nature of the employee's actions or when other corrective or disciplinary actions have been ineffective. Demotion may also be justified when the employee is unable or unwilling to perform his or duties at an acceptable level. The demotion can be to a lower range or a lower step, and may be either temporary or permanent. A Reduction in Pay shall be deemed a demotion within the meaning of this section unless such reduction is a part of a general plan to reduce all salaries and wages as a part of an economic or general curtailment program in which case the disciplinary action procedures do not apply.
- (c) **Termination** –Termination may be warranted when deemed appropriate by the Appointing Authority and/or the City Manager due to the nature and severity of the employee's actions. An employee may also be terminated after repeated offenses of a less serious nature when other corrective or disciplinary actions have been ineffective in having the employee correct his or her behavior or conduct.
- (d) [For peace officers only] A transfer for purposes of punishment within the meaning of Government Code section 3303.

**Sec. 5. Disciplinary Action Procedures.** In any disciplinary action taken against a regular employee that is not at-will, the employee shall be entitled to written notice of the proposed discipline in accordance with *Skelly v. State Personnel Board* (1975) 15 Cal. 3d 194, 215, 124 Cal. Rptr. 14. For any proposed suspension, demotion, or termination, the City shall adhere to the following procedures:

- (a) **Notice of Proposed Discipline.** The City will provide the employee with written notice of proposed discipline from the Appointing Authority of the proposed discipline. The Notice of Proposed Discipline will include:

- (1) The date the proposed discipline would be effective;
  - (2) The specific ground(s) and particular facts upon which the action will be taken.
  - (3) Copies of the materials upon which the proposed action is based
  - (4) The right to request, within 10, days a pre-disciplinary meeting with the Appointing Authority, who shall serve as the *Skelly* officer. Additional time to respond may be approved by the Appointing Authority in writing. In lieu of requesting a pre-disciplinary meeting, within the same 10 day period, the employee may submit a written response the Appointing Authority.
  - (5) The right to have a representative of his or her own choosing at the pre-disciplinary meeting.
- (b) Pre-Disciplinary Meeting. The pre-disciplinary, or *Skelly* meeting, is the employee's opportunity to respond to the proposed discipline, rebut the charges, and/or identify mitigating circumstances. It is not an evidentiary hearing, and the employee will not be allowed to call or cross-examine witnesses, or interrogate the *Skelly* officer.
- (c) Notice of Discipline. If, after the pre-disciplinary meeting, the Appointing Authority decides to impose the discipline or a lower form of discipline, or corrective action, he or she shall provide the employee with a written notice of discipline or corrective action. The Appointing Authority must also provide the Personnel Officer with a copy of the notice of discipline. The written notice of discipline must advise the employee of the right to appeal the imposition of discipline in the manner set forth below. If the proposed discipline is reduced to a corrective action, the employee's right to appeal the corrective action is limited to the procedures set forth for corrective actions.

**Sec. 6. Appeal Process.** Regular, not at-will, employees may appeal the imposition of discipline by filing a written request for appeal with the City Manager. This written request must be presented to the City Manager within ten (10) days following service of the notice of discipline. Failure to appeal by the employee or his or her representative within ~~ten (10)~~ five (5) working days will make the disciplinary action final and conclusive.

- (a) Hearing Officer. A hearing officer will be mutually selected by the parties by strike-out from a list of seven neutral hearing officers to be provided by the California State Mediation and Conciliation Service.
- (b) Subpoenas. The Hearing Officer has authority to issue subpoenas; each party is responsible for serving his, her, or its own subpoena(s).
- (c) Conduct of Hearing. The formal rules of evidence shall not apply, although the Hearing Officer shall have discretion to exclude evidence, which is incompetent, irrelevant or cumulative, or the presentation of which will otherwise consume undue



time. At the hearing, the employee and the Appointing Authority shall have the right to present documentary evidence and oral testimony under oath and to cross-examine witnesses. A recording of the hearing shall be prepared.

- (d) **Costs of Hearing.** The costs/fees of the Hearing Officer shall be borne by the City. The City and the employee shall each bear their own expenses in presenting the appeal. If the employee wishes a copy of the hearing transcript, he or she must share the costs of the preparation of the transcript.
- (e) **Burden of Proof.** The Appointing Authority bears the burden of proof at the hearing as to the basis for the discipline. The standard of proof shall be by preponderance of the evidence. The level of discipline is subject to review under an abuse of discretion standard.
- (f) **Recommended Decision.** At the completion of the hearing, and after reviewing and considering any closing briefs submitted by the parties, the Hearing Officer shall render a recommended decision which shall i) state whether the discipline should be upheld, modified, or reversed, and ii) set forth which charges, if any, the Hearing Officer believes are sustained and the reasons therefore.
- (g) **Final Decision-** Except as provided below, the Hearing Officer's recommended decision shall be submitted to the City Manager for a final decision. The City Manager may adopt, modify, or reject the Hearing Officer's recommended decision. If the City Manager intends to modify or reverse the Hearing Officer's recommended decision, the City Manager shall review the hearing transcripts, exhibits, and any briefs. The City Manager shall send his or her final decision of written findings and conclusions, along with a proof of service of mailing, to each of the parties and each of the parties' representatives.

In cases involving peace officer termination, demotion or suspension of three weeks or more, the Hearing Officer's recommended decision shall be submitted to the City Manager for review. The City Manager may adopt, modify, or reject the Hearing Officer's recommended decision. If the City Manager intends to modify or reverse the Hearing Officer's recommended decision, the City Manager shall review the hearing transcripts, exhibits, and any briefs. The City Manager shall send his or her decision of written findings and conclusions to the City Council for a final decision. The City Council may adopt, modify, or reject the City Manager's decision. If the City Council intends to modify or reject the City Manager's decision, its members must review the exhibits, the hearing transcripts, and any briefs prior to reaching a final decision to modify or reject the recommended decision. The City Council shall issue its final decision of written findings and conclusions, along with a proof of service of mailing, to each of the parties and each of their representatives.

In cases involving discipline imposed by the City Manager on a non at-will employee who reports to the City Manager, the Hearing Officer's recommended decision shall be submitted to the City Council for a final decision. The City Council may adopt, modify, or reject the Hearing Officer's recommended decision. If the City Council

intends to modify or reject the recommended decision, its members must review the exhibits, the hearing transcripts, and any briefs prior to reaching a final decision to modify or reject the recommended decision. The City Council shall issue its final decision of written findings and conclusions, along with a proof of service of mailing, to each of the parties and each of their representatives

- (h) **Judicial Review.** The final decision of the City Manager or the City Council is reviewable by administrative writ of mandamus under Code of Civil Procedure Section 1094.5.

## RULE XV

### PERSONNEL FILES

**Sec. 1. General.** The City maintains a personnel file on each employee. An employee's personnel file will contain only material that is necessary and relevant to the administration of the City's personnel program. Personnel files are the property of the City, and access to the information they contain is restricted.

**Sec. 2. Changes in Personal Information.** Each employee is responsible to promptly notify the Personnel Officer of any changes in relevant personal information, including: 1) Mailing address, 2) Telephone number, 3) Persons to contact in emergency, 4) Number and names of dependents. The Personnel Officer will then notify the department to update the information on all necessary files.

**Sec. 3. Location of Personnel Files.** Unless otherwise permitted by the City Manager, personnel files shall be maintained by the City Manager's Office with a duplicate file for all police personnel maintained by the Police Chief in the Police Department.

**Sec. 4. Medical Information.** All medical information about an employee or applicant is kept separately and is treated as confidential, in accordance with applicable state or federal law. The City will not obtain medical information about an employee or applicant except in compliance with the California Confidentiality of Medical Information Act. To enable the City to obtain certain medical information, the employee or applicant may need to sign an authorization that complies with the requirements of the Confidentiality of Medical Information Act.

- (a) **Access to Medical Information.** Access to employee or applicant medical information shall be strictly limited to only those with a legitimate need to have such information for City business reasons, or if access is required by law, subpoena or court order. In the case of an employee with a disability, managers and supervisors may be informed regarding necessary restrictions on the work or duties of the employee and necessary accommodations.

The City will not provide employee or applicant medical information to a third party (except as permitted under the California Confidentiality of Medical Information Act)



unless the employee signs an authorization form prescribed by the Personnel Officer in conformity with the Confidentiality of Medical Information Act.

- (b) Release of medical information. The City will release only the medical information that is identified in the employee's authorization. If the employee's authorization indicates any limitations regarding the use of the medical information, the City will communicate those limitations to the person or entity to which it discloses the medical information.

#### **Sec. 5. References and Release of Information in Personnel File**

- (a) Public Information. Upon request, the City will release information about its employees only to the extent required by law. The City will not disclose personnel information if it believes doing so would constitute an unwarranted invasion of personal privacy or jeopardize the safety of law enforcement personnel.
- (b) Reference Checks. All requests from outside the City for reference checks or verification of employment concerning any current or former employee must be referred to the Personnel Officer. Information will be released only if the employee signs an authorization approved by the Personnel Officer, except that without such authorization, the following limited information will be provided: dates of employment, and title upon departure. Supervisors should not provide information in response to requests for reference checks or verification of employment, unless specifically approved by the Department Head on a case-by-case basis.
- (c) Peace officers. Peace officer personnel records are confidential pursuant to Penal Code section 832.7 Peace officer personnel records shall only be disclosed as permitted by and in accordance with state law. Access of Peace officer personnel records must be coordinated with the Personnel Officer, or the Chief of Police.

#### **Sec. 6. Employee Access to Personnel File.**

- (a) Inspection of File. An employee may inspect his or her own personnel file, at reasonable times and at reasonable intervals. An employee who wishes to review his or her file should contact the Personnel Officer to arrange an appointment. The review must be done in the presence of the Personnel Officer.
- (b) Copies. On request, an employee is entitled to receive a copy of any employment-related document he or she has signed or that is contained in his or her personnel file. An employee who wishes to receive such a copy should contact the Personnel Officer.
- (c) Inspection by third persons. In the event the employee wishes to have another person/representative inspect his or her personnel file, the employee must provide the person/representative with written authorization. The Personnel Officer will notify the employee of the date, time and place of the inspection in writing. It is the employee's responsibility to notify the person to whom the employee has given written authorization of the date, time and place of the inspection.

- (d) No addition or removal. Under no circumstances is the employee and/or the employee's designee permitted to add or remove any document or other item from the employee's personnel file during the inspection.
- (e) Peace Officers. Employees who are peace officers covered by the Public Safety Officers Procedural Bill of Rights Act shall be afforded such additional rights regarding their personnel files/records as may be provided by the Act.

## RULE XVI

### EQUAL EMPLOYMENT OPPORTUNITY

**Sec. 1. Harassment/Discrimination/Retaliation Prohibited.** The purpose of this rule is to establish a Discrimination, Harassment, and Retaliation Prohibition and Remedial Action Policy which defines and prohibits discriminatory, harassing and retaliatory conduct and provides a written procedure for the proper reporting, investigation and resolution of complaints of discrimination, harassment and retaliation in violation of the City's policy.

- (a) Policy. The City is committed to providing a work environment free of discrimination, harassment and retaliation. The City's philosophy is that every employee has the right to work in a safe and supportive environment and is to be treated with courtesy, dignity and respect. Every City employee, official, officer, independent contractor, agent and nonemployee who have contact with City employees is expected to adhere to a standard of conduct that is respectful to all persons within the work environment. The City strictly prohibits discrimination and harassment on the basis of actual or perceived race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, marital status, sex, age, sexual orientation, sexual identity, pregnancy, perceived pregnancy, childbirth, pregnancy or childbirth related medical conditions, veteran status, or any other legally protected category. The City also prohibits retaliation against any individual for making a complaint of discrimination and/or harassment or for participating in an investigation or disciplinary action involving such a complaint. This Policy applies to all terms and conditions of employment, including, but not limited to, hiring, placement, promotion, disciplinary action, layoff, reinstatement, transfer, leave of absence, training opportunities and compensation. This Policy further applies to all employees, including but not limited to, City employees, officials, officers, independent contractors, agents and nonemployees who have contact with employees during work hours or City premises. It is the responsibility of each and every City employee, official, officer, independent contractor, agent and nonemployee who has contact with City employees to report discrimination, harassment and retaliation.

The City considers discrimination, harassment and retaliation to be a serious offense of misconduct. Employees who violate this Policy may be subject to disciplinary action up to and including termination. If it is determined that a City official, officer, agent, independent contractor, or nonemployee has engaged in such misconduct, then

the City will take immediate and corrective action legally available to it to remedy the misconduct and deter future occurrence.

This Policy shall be reviewed and discussed by each supervisor or manager with his or her personnel on an annual basis during each employee's annual performance evaluation to remind each employee of its contents, protections, and penalties.

(b) Definitions

- (1) **Discrimination.** Discrimination is any form, or combination, of verbal, physical, or visual conduct by which an employee is treated differently or less favorably than other similarly situated employees for the sole reason that the employee is a member of a legally protected category. For example, it would be a violation of this Policy for an individual to be denied employment or terminated from employment solely because that individual has a disability which does not affect work performance or is 40 years of age or older.
- (2) **Harassment.** Harassment is any form, or combination, of verbal, physical, or visual conduct based on an employee's membership in a legally protected category, that is sufficiently severe or pervasive so as to negatively affect an employee's work performance and/or alter the conditions of employment and create an intimidating, hostile or otherwise offensive working environment, whether or not the conduct is intended to harass, and whether made in general, directed to the employee or directed to a group of which the employee is a part.
- (3) **Retaliation.** Retaliation is any form, or combination, of verbal, physical, or visual or environmental conduct against any person who advises that they may in the future, or who already has, reported such alleged discrimination and/or harassment to any local, state or federal authority, or who has participated in the investigation of such report and/or any resulting remedial actions.
- (4) **Legally Protected Category.** A legally protected category is any group or characteristic which has been determined by or identified as such in any law, statute, ordinance, regulation, or court decision applicable in the City, including, but not limited to, actual or perceived race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, marital status, sex, age, sexual orientation, sexual identity, ethnicity, pregnancy, childbirth, pregnancy or childbirth related medical conditions, veteran status, or any other legally protected category.
- (5) **Sexual Harassment.** Sexual harassment is a form of harassment defined as follows: Any action that constitutes an unwelcome sexual advance or request for sexual favors, or any verbal or physical conduct of a sexual nature that is (i) related to or conditional to the receipt of employee benefits, including, but not limited to, hiring and advancement, (ii) related to or forms the basis for employment decisions affecting the employee, or (iii) sufficiently severe or

pervasive so as to affect an employee's work performance negatively and/or alter the conditions of employment and create an intimidating, hostile or otherwise offensive working environment.

(c) **Examples of Prohibited Conduct**

- (1) **Verbal Misconduct.** Verbal misconduct includes inappropriate, offensive and/or unwelcome conversations, comments, statements, speeches, stories, remarks, epithets, slurs, jokes, whistling, noisemaking or verbal innuendos made to someone or said out loud or in manner that others can hear regarding a legally protected category of people or personal characteristic as defined above. This may include, but is not limited to, inappropriate, offensive and/or unwelcome verbal communication regarding a person's physical appearance, body, attire, sexual prowess or lack thereof, marital status, pregnancy, sexual orientation or gender or identity, unwelcome flirting or advances or propositions, requests or demands for sexual favors, unlawful verbal abuse, improper threats or intimidation, and/or patronizing or ridiculing statements that convey derogatory attitudes about a particular category of people or a particular personal characteristic.
- (2) **Physical Misconduct.** Physical misconduct includes inappropriate, offensive and/or unwelcome assault, touching, or physical interference with free movement when directed at a legally protected category of people on the basis of protected personal characteristics as defined above. This may include, but is not limited to, inappropriate, offensive and/or unwelcome touching, patting, unnecessary brushing against, lingering, hand holding, grabbing, poking, pinching, stroking, massaging, hugging, kissing, staring, leering, gesturing and/or blocking of a person's movement.
- (3) **Visual Misconduct.** Visual misconduct includes inappropriate, offensive and/or unwelcome demonstrations, displays or circulation of inappropriate, offensive and/or unwelcome visual or written material when directed at a legally protected category of people on the basis of protected personal characteristics as defined above. This may include, but is not limited to, inappropriate, offensive and/or unwelcome posters, notices, bulletins, cartoons, drawings, graffiti, reading materials, computer graphics, display of internet websites, emails, faxes or other depictions based upon a legally protected category, whether posted on City property or personal property in the workplace.
- (d) **Outside scope of employment.** By definition, unlawful discrimination, harassment and/or retaliation are not part of any employee's job functions or duties and is not within the course and scope of an individual's employment with the City.
- (e) **Questions.** Employees who have questions about what conduct is prohibited or how to file a complaint may contact their supervisor, Department Head, the Personnel Officer, the City Manager or other management official.

- (f) **Reporting Discrimination, Harassment and/or Retaliation.** If an employee believes he or she has witnessed or experienced any discriminatory, harassing or retaliatory conduct by a City employee, official, officer, independent contractor, agent or nonemployee who has contact with employees during work hours or on City premises, then he or she should immediately communicate to that person that such behavior is unwelcome. However, failure to do so does not prevent an employee from filing a complaint, nor does it in any way exonerate the person engaging in such alleged misconduct.

City management is readily available and receptive to complaints of discrimination, harassment and/or retaliation. If an employee feels that he or she has witnessed, or has been the subject of, discrimination, harassment, and/or retaliation by another City employee, official, officer, independent contractor, agent or nonemployee who has contact with employees during work hours or on City premises, then the employee should immediately report the facts of the incident or incidents and the name(s) of the individual(s) involved to the employee's immediate supervisor. If an employee does not feel that the matter can be discussed with his or her immediate supervisor, then the employee should contact the employee's Department Head and arrange for a meeting to discuss the complaint. If an employee does not feel that the matter can be discussed with either the supervisor or Department Head, then the employee should contact the Personnel Officer and arrange for a meeting to discuss his or her complaint. If an employee believes that he or she can not discuss the issue with the Personnel Officer, then the employee should schedule a meeting to discuss the complaint with the City Manager. An anonymous written complaint also can be delivered to the Personnel Officer or City Manager. It is recommended that complaints be made no later than fifteen (15) calendar days after the incident, but complaints may be made at any time. In addition, a written and signed statement of the complaint should be submitted to a supervisor, Department Head, the Personnel Officer or the City Manager within ten (10) calendar days of the initial report. But employees may also make verbal complaints. Employees in need of assistance in filing a written complaint will be provided assistance.

- (1) **Information to be included in a written complaint.** A written complaint should include the following information:
- (i) The affected employee's name, department and position title.
  - (ii) The name of the person or persons violating the City's Policy on discrimination, harassment, and/or retaliation, including their title(s) if known.
  - (iii) The specific nature of the discrimination, harassment, and/or retaliation, how long it has gone on, and any employment action (demotion, failure to promote, dismissal, refusal to hire, transfer, etc.) taken against the affected employee as a result of the discrimination, harassment and/or retaliation (if applicable).



- (iv) Witnesses to the violation of the City's Policy on discrimination, harassment and/or retaliation.
  - (v) Whether the affected employee previously has reported discrimination, harassment and/or retaliation, and if so, when and to whom.
- (2) Notification to the City is essential. Employees will not be penalized in any way for reporting discrimination, harassment and/or retaliation. This would be considered another form of retaliation and an employer may not retaliate against employees who oppose practices prohibited by local, state and federal law, file complaints, or otherwise participate in an investigation, proceeding or hearing conducted by local, state and federal agencies, including but not limited to the Department of Fair Employment and Housing or the Equal Employment Opportunity Commission. Similarly, the City will discipline employees who interfere with its own internal investigations and its own internal complaint procedure. Was error in formatting
- (3) Anonymous complaints. Any employee who wishes to report a violation of the City's Policy on discrimination, harassment and/or retaliation but is uncomfortable disclosing his or her identity may do so by following the above complaint procedure and filing the complaint anonymously with the Personnel Officer or City Manager. Employees should know, however, that anonymity in the complaint procedure may compromise the City's ability to complete a thorough investigation and/or the anonymity may eventually be lost as part of the investigative and/or disciplinary process.

The City cannot resolve violations of its policy prohibiting discrimination, harassment or retaliation unless it knows about it. Therefore, it is the responsibility of every employee to bring these kinds of problems to the attention of the City so that the necessary steps can be taken to correct the problem.

- (g) City's Response to Complaints. If a complaint is filed with a supervisor, the supervisor shall file a copy of the complaint with the Department Head. All complaints of discrimination, harassment and/or retaliation that are reported to management will be investigated promptly, thoroughly, objectively, completely and as confidentially as possible. The City, as part of its investigation, will make every attempt to interview all individuals with information relative to the complaint.

Any investigation which involves the interview of a sworn Police Officer will comply with the Public Safety Officers Procedural Bill of Rights (Government Code Sections 3300-3313). Any investigation related to a complaint under this Policy will be conducted with as much confidentiality as possible and with respect for the rights of all individuals involved. Information related to the investigation will be provided on a "need to know" basis only.

The purpose of this provision is to protect the confidentiality of the employee who files a complaint, to encourage the reporting of any incidents of discrimination, harassment, and/or retaliation, and to protect the reputation of any employee wrongfully charged.

It is important for the complainant and the accused to understand that it is a violation of this Policy to discuss any investigation with other employees or to conduct his or her own investigation at any time except as allowed by law or contract with an employee organization. If an employee has any information that could assist the City in its investigation, that employee shall contact the person conducting the investigation. Failure to follow this Policy may subject an employee to discipline, as the confidential nature of the complaint and the investigation is vital in protecting the privacy rights of all parties involved.

At the end of the investigation, the City will make its determination and communicate that determination to the complainant and to the accused. Complainants are not entitled to copies of any notes or other written materials regarding the investigation, as the City considers those written materials to be confidential documents. If it is determined that the accused has violated City policies, appropriate corrective action will be taken in accordance with established City disciplinary procedures, up to and including discharge. If the accused is not a City employee, the City will seek to impose other appropriate action.

Employees who believe that they have been the subject of discrimination, harassment or retaliation may, within one year of such misconduct, may also file a complaint with the California Department of Fair Employment and Housing ("DFEH"). The DFEH may also investigate and process the complaint. Violators are subject to penalties that may include sanctions, fines, and/or injunctions, and may be personally liable for back pay and damages. The address of the local DFEH office is as follows:

Department of Fair Employment and Housing  
Los Angeles District Office  
611 West Sixth Street, Suite 1500  
Los Angeles, CA 90017  
Contact Info:  
Telephone: (213) 439-6799  
Toll-free: (800) 884-1684

While the City vigorously defends its employees' right to work in an environment free of discrimination, harassment and/or retaliation, it also recognizes that intentionally false accusations of such misconduct can have serious consequences. Accordingly, any employee who is found, through the City's investigation, to have intentionally, falsely accused another person of discrimination, harassment, or retaliation will be subject to appropriate disciplinary action, up to and including discharge.

## **Sec. 2. Reasonable Accommodation.**

- (a) **Policy.** The City provides employment-related reasonable accommodations to qualified individuals with disabilities within the meaning of the California Fair Employment and Housing Act and the Americans with Disabilities Act.
- (b) **Procedure.**
  - (1) **Request for Accommodation.** An employee who desires a reasonable accommodation in order to perform essential job functions should make such a request in writing to the Personnel Officer or Department Head. The request must identify: a) the job-related functions at issue; and b) the desired accommodation(s).
  - (2) **Reasonable Documentation of Disability.** Following receipt of the request, the Personnel Officer or Department Head may require additional information, such as reasonable documentation of the existence of a disability.
  - (3) **Fitness-for-Duty Examination.** The City may require an employee to undergo a fitness-for-duty examination to determine whether the employee can perform the essential functions of the job with or without reasonable accommodation. The City may also require that a City-approved physician conduct the examination.
  - (4) **Interactive Process Discussion.** After receipt of reasonable documentation of disability and/or a fitness for duty report, the City will arrange for a discussion, in person or via telephone conference call, with the employee, and his or her representative(s) of choice, if any. The purpose of the discussion is for the City and the employee to work in good faith to fully discuss all feasible potential reasonable accommodations.
  - (5) **Case-by-Case Determination.** The City determines, in its sole discretion, whether reasonable accommodation(s) can be made, and the type of accommodation(s) to provide. The City will not provide accommodation(s) that would pose an undue hardship upon City finances or operations, or that would endanger the health or safety of the employee or others. The City will inform the employee of its decision as to reasonable accommodation(s) in writing.

## RULE XVII

### FITNESS-FOR-DUTY EXAMINATIONS

**Sec. 1. Applicants.** After a conditional offer of employment has been extended to an applicant, the City may, in compliance with all applicable laws, require the applicant to submit to a fitness-for-duty examination prior to conferring appointment.

**Sec. 2. Current Employees.** The Department Head, in consultation with the City Manager, may require an employee to submit to a fitness-for-duty examination to determine if the employee is



able to perform the essential functions of his or her job when: 1) the employee appears to be unable to perform or has difficulty performing one or more essential functions of his or her job; and 2) there is reason to question the employee's ability to safely or efficiently complete work duties.

**Sec. 3. Role of Health Care Provider.** A City-selected health care provider will examine the employee at City expense and while the employee is in a paid capacity. The City will provide the health care provider with a letter requesting a fitness-for-duty examination and a written description of the essential functions of the employee's job. The health care provider will examine the employee and provide the City with non-confidential information regarding whether: 1) the employee is fit to perform the essential job functions of his or her position; 2) there are any reasonable accommodations that would enable the employee to perform the essential job functions; and 3) the employee's continued employment poses a threat to the health and safety of him or herself or others. Should the health care provider exceed the scope of the City's request and provide confidential health information, the City will promptly inform the employee and return the report to the health care provider and request another report that includes only the non-confidential fitness-for-duty information that the City has requested.

**Sec. 4. Medical Information.** During the course of a fitness-for-duty examination, the City will not seek or use information regarding an employee's medical history, diagnoses, or course of treatment without an employee's written authorization. No employee shall be discriminated against in terms and conditions of employment due to the employee's refusal to sign such a waiver. However, nothing shall prohibit the City from taking such action as is necessary in the absence of medical information due to the employee's refusal to sign the waiver.

**Sec. 5. Medical Information from the Employee's Health Care Provider.** An employee may submit confidential medical information to the City from his or her personal health care provider. If the employee provides written authorization, the Personnel Officer will submit the information that the employee provides to the City-paid health care provider who conducted the examination. The Personnel Officer will request the City-paid health care provider to determine whether the information alters the original fitness for duty assessment.

## RULE XVIII

### SUBSTANCE ABUSE POLICY

**Sec. 1. Policy.** City policy prohibits the unauthorized or unlawful use of alcohol by employees while on City property, in City vehicles, engaged in City paid activities, or during work hours. City policy also prohibits employees from possessing, selling, purchasing, distributing, or reporting to work while under the influence of alcohol or controlled substances.

Consistent with its EEO policy, the City maintains a policy of non-discrimination and reasonable accommodation with respect to recovering addicts or alcoholics, those who are perceived as having such a dependency and those having a medical history reflecting treatment for this condition. Employees are encouraged to seek assistance before their dependency renders them unable to perform their essential job functions and/or jeopardizes the safety and health of themselves or others.

All employees are advised that full compliance with these policies shall be a condition of employment with the City.

**Sec. 2. Conditions.**

- (a) **Prohibition Against Unlawful or Unauthorized Presence of Controlled Substance, Drug and Alcohol in the Workplace.** The unlawful or unauthorized manufacture, distribution, dispensation, possession, or use of a controlled substance, drug or alcohol is absolutely prohibited on City property, in City vehicles, on City paid time, or while engaged in City activities. This includes field work sites, where applicable.
- (b) **Prohibition Against Working or Reporting to Work "Under the Influence".** No employee shall work, report to work, or be present on City property, in City vehicles, on City paid time, or be engaged in City activities while under the influence of a controlled substance, alcohol, drug or any other substance that could impair their ability to safely perform his or her duties.
- (c) **Reporting the Use of Any Controlled Substances Which Significantly Affect Safety or Performance.** An employee under the influence of a substance which could impair job performance or safety has an obligation to inquire and determine whether the legal substance he or she is taking may/will affect his or her ability to safely and efficiently perform his or her duties. If the employee is using such a substance, the employee must obtain a written statement of any work restrictions from his or her physician. Any such information must be reported to the employee's immediate supervisor prior to commencing work under the influence of any such substance, without disclosing the identity of the substance. Employees possessing or taking any substance prescribed by a licensed physician must have the controlled substance in its original container, which identifies the date of prescription and authorizing physician.

**Sec. 3. Sanctions for Violation of Substance Abuse Policy.** Any employee who violates the Substance Abuse Policy described above shall be subject to disciplinary action up to, and including, immediate discharge.

**Sec. 4. Drug and Alcohol Abuse Awareness & Treatment Program.** All employees who believe they have a problem with drugs, controlled substances, or alcohol are encouraged to use various medical, psychological, self-help, or community services available to help such individuals. The City will attempt to make reasonable accommodations for any employee who, before he or she is reasonably suspected of violating the City's Substance Abuse Policy, voluntarily seeks assistance through such programs and/or the City's Employee Assistance Program.

Any employee who voluntarily seeks help before he or she is reasonably suspected of violating this Policy will be assisted by the City in the following manner:

- (a) The employee and covered family members will be assisted in locating an appropriate treatment or counseling program and will be informed as to the medical benefits which may be available under the City's medical health benefits program.

- (b) The employee and covered family members will be encouraged to seek confidential assessment and counseling from the City's Employee Assistance Plan provider.
- (c) The employee who is identified as having a problem with drugs, controlled substances, or alcohol as a result of a drug test based upon reasonable suspicion, or a physical examination, will be subject to the following:
  - (1) The employee will be assisted in locating an appropriate treatment or counseling program through the Employee Assistance Program (EAP). Continued employment will be dependent upon the employee's satisfactory work performance. The EAP will provide feedback to the City indicating compliance with a treatment program.
  - (2) The employee will be assisted in applying for short-term disability benefits which may be available under the City's benefit program.
- (d) If drug or alcohol abuse is reasonably suspected as a result of an accident or other activity on the job, an evaluation on a case-by-case basis will be made on the severity of the incident. Appropriate disciplinary action up to and including termination will be taken. If employment is continued, treatment as described above, must be followed as a condition of employment.

**Sec. 5. Enforcement Procedures:**

- (a) Peace officers. The Public Safety Officers Procedural Bill of Rights Act will continue to apply to all sworn personnel.
- (b) Controlled Substance and Alcohol Testing
  - (1) Reasonable suspicion testing of current employees
    - (i) Where there is reasonable suspicion to believe that an employee is using, or is under the influence of controlled substances or alcohol, the City will require that the individual undergo a urinalysis or blood alcohol test to determine the presence of any of these substances.
    - (ii) The suspicious conduct must be witnessed by two (2) supervisors or City officials, if feasible. If not feasible, only one supervisor or City official need witness the conduct. If possible, the witness or witnesses should have received training in the identification of actions, appearance, or conduct that would indicate whether an individual is using or is under the influence of a controlled substance or alcohol.
    - (iii) The decision to test must be based upon reasonable suspicion that an employee is under the influence of controlled substances, a drug, or alcohol.

- (iv) The circumstances that might trigger reasonable suspicion testing include, for example, evidence of repeated errors on the job, regulatory or City rule violations, attendance problems, if coupled with a specific event that indicates reasonable suspicion of substance, drug, or alcohol abuse.
  - (v) The City will immediately provide for transporting the individual to a collection site for the collection of a urine or blood sample.
  - (vi) The individual must submit to testing, upon reasonable suspicion, for the use of controlled substances or alcohol when requested to do so by the City. Refusal to submit to testing will be considered as a positive test.
- (2) **Post-Accident Testing.** Where there is reasonable suspicion that an employee is under the influence of controlled substances, a drug, or alcohol, or reasonable suspicion to believe the employee was at fault in the accident and controlled substance or alcohol use may have been a factor, the employee must be taken to the laboratory testing facility to provide a urine specimen to be tested for the use of controlled substances and alcohol as soon as possible after an accident, but in no case later than three hours after the accident. An employee who is seriously injured and cannot provide a specimen at the time of the accident must provide the necessary authorization for obtaining hospital records and other documents that would indicate whether there were any controlled substances or alcohol in his or her system.
  - (3) **Follow-up Testing.** If an employee in the course of employment enters an employee assistance program for controlled substance related problems, or an alcohol and controlled substance rehabilitation program, the City will require the employee to submit to a controlled substance and alcohol test as a follow-up to such program on a quarterly, semi-annual or annual basis for one year.
  - (4) **Written Notice.** All applicants and employees subject to this policy shall be given written notification of the City's controlled substance and alcohol testing requirements prior to administration of the test.
  - (5) **Confirmation of Test Results.** Any employee testing positive for a controlled substance or alcohol will be given a reliable confirmatory urinalysis test separate and independent from the initial test. The confirmatory test will utilize a gas chromatography and mass spectrometry (GC/MS) methodology. If necessary, additional tests will be performed to distinguish between lawful and unlawful substances. Confirmed positive test results shall be reported to the Personnel Officer.
  - (6) **Review of Test Results.** All confirmed positive test results will be reviewed by the Department Head who may consult with a Medical Doctor to determine whether there is any legitimate explanation for the positive test result. Individuals testing positive will be given the opportunity to review

with the Department Head and/or consulting Medical Doctor any legitimate reasons for testing positive. If it is determined there is a legitimate medical explanation for the confirmed positive test result, the report will show the test result as negative, and all records relating to the test will be expunged.

If the individual is unable to establish that the substance was legally obtained or cannot obtain a physician's certificate, and if the consulting Medical Doctor determines that there are no other legitimate medical explanations for the confirmed positive test result, the report will show the test to be a verified positive test result. In such cases, applicants will be considered ineligible for employment with the City for six months. Employees will be subject to disciplinary action up to, and including, immediate discharge as set forth above.

- (7) **Quality Control and Privacy Concerns.** Procedures have been developed in an attempt to insure the integrity, confidentiality and reliability of controlled substance and alcohol tests and to minimize the impact upon the privacy and dignity of persons undergoing such tests to every extent feasible. The City has established a chain-of-custody procedure for both sample collection and testing that will verify the identity of each sample and test result. The City representative, agent or designee engaged in a urinalysis controlled substance and alcohol testing program shall directly observe any individual in the process of producing a urine specimen. See Attachment A for "Sample Collection Procedures" to be followed.

**Sec. 6. Inspection.** The City may conduct random inspections for controlled substances, drugs or alcohol on City facilities and property such as, but not limited to, City vehicles, desks, file cabinets, and city-issued employee lockers. The City will maintain a duplicate key or the combinations to all desks, cabinets and lockers. Employees should be present during the inspection of their property and are expected to cooperate in the conduct of such inspections. A specific time may be set for the inspection and to insure the employee's compliance. Inspections of City facilities and property may be conducted at any time and do not have to be based on reasonable suspicion.

**Sec. 7. Consent of Applicants and Employees.** All employees are required to consent to controlled substance and alcohol testing pursuant to these policies as a condition of continued employment. Consent to controlled substance and alcohol testing include an employee's obligation to fully cooperate. Upon request, such person must promptly complete any required forms and releases and promptly provide a sample for testing. A refusal to sign the consent and acknowledgement forms will result in disqualification for such a position or disciplinary action up to, and including, termination, as the case may be. Prior to any testing under this Policy, the individual will be required to sign an Acknowledgement Form (Release and Consent).

## RULE XIX

### WORKPLACE VIOLENCE

**Sec. 1. Policy.** It is the City's policy that every employee is entitled to work in a safe environment. To this end, violence, or the threat of violence in the workplace will not be tolerated in any form. Employees are expected to conduct themselves in accordance with the City's Personnel Rules and Regulations. The City recognizes that individuals may experience difficulties related to their work, their relationships with co-workers, supervisors, managers, or members of the public. The City offers an Employee Assistance Program (EAP) for employees to receive support in handling any difficulties that may arise. When such difficulties are known, departments should inform affected employee(s) of the services provided by the EAP.

All individuals have the right to self-expression. However, the City has a zero tolerance policy towards all expressions of violence or potential violence, except when the expression is legitimately required by the employee's job responsibilities as a peace officer.

The following policy will clarify the roles and responsibilities of all parties involved with handling the act or threat of violence.

## **Sec. 2. Definitions**

- (a) "Workplace violence" violence in which an individual inflicts, or threatens to inflict, on others at the place of work: 1) damage of property, 2) serious bodily harm, 3) bodily injury, or 4) death.
- (b) "Violence": an intense and extreme behavior used to frighten, intimidate, injure, damage, or destroy another person or property. It is usually an expression of anger, and can take the following forms: 1) gestures, 2) innuendo, 3) intimidation, 4) physical force, 5) retaliation 6) rough action, 7) self-prediction of loss of control, 8) stalking, 9) threats.
- (c) "Threat": a direct or implied expression of intent to inflict physical harm and/or actions that a reasonable person would perceive as a threat to physical safety or property. Because intent may not always be discerned by co-workers, jokes about physical acts of violence will not be tolerated. The following are some examples of behaviors that may be considered threats.
  - (1) Verbal threats which include descriptions of what the violent person plans to do.
  - (2) Threatening conduct, such as intimidating others, displaying or brandishing a weapon.
  - (3) Bizarre statements or actions threatening physical harm.
  - (4) Obsessions, such as apparently nursing a grudge against a co-worker or supervisor or from frustrated romantic interests.

## **Sec. 3. General Requirements**



- (a) No employee of the City shall threaten or conduct an act of violence towards another employee or City property during their course of employment. The City has zero-tolerance for workplace violence.
- (b) All acts or threats of violence will be reported as soon as possible to a supervisor, Department Head, Assistant City Manager (Risk Management) and Personnel Officer (Personnel).
- (c) All reported acts or threats of violence will be investigated by the department in which the act occurred or, if more than one department is involved, by the Personnel Officer and/or other departments qualified to undertake an investigation.
- (d) No employee shall bring to the work site, on his or her person, or in his or her belongings or vehicle, any non-job related weapon or dangerous material of any type: for example, firearms, knives, or firecrackers.
- (e) Individuals who commit acts of violence not otherwise authorized by law are subject to disciplinary action up to and including termination. Even in the absence of prior progressive disciplinary actions, violations of this policy may be cause for appropriate discipline, which may include dismissal from employment.
- (f) All employees are responsible for using safe work practices, for following written procedures and policies, and for assisting in maintaining a safe and secure work environment.

#### **Sec. 4. Responsibility**

- (a) **Management/Supervisor.** It is the responsibility of all managers and supervisors within the City to make every effort to ensure that a safe and violence-free workplace exists by providing appropriate training and supervision. Potential exposure to workplace violence can be reduced with strong commitment, and the day-to-day involvement of managers, supervisors, and employees. In the event of a direct or implied threat, or an act of violence, the immediate supervisor or responsible person shall:
  - (1) Inform the employee who was threatened that threats or acts of violence will not be tolerated, and that an investigation will take place,
  - (2) Inform the accused employee that threats or acts of violence will not be tolerated and disciplinary action may follow. Employee would be strongly encouraged to access the services of the EAP,
  - (3) Avoid escalating the situation by making counter-threats to or humiliating the employee who is allegedly threatening violence,
  - (4) Evaluate the need to remove the employee who allegedly made the threat or committed the act of violence from the workplace,

- (5) With the concurrence of the City Manager, determine the pay status of the employee who has been removed from the workplace as a result of an alleged threatened or committed act of violence.
- (6) Take reasonable steps to prevent escalation of threats or acts of violence.
- (7) Conduct or arrange for a full investigation by gathering information from individuals who were at the scene where the alleged threat or act was committed.
- (8) Make every effort to take measures appropriate for the situation, to prevent harm to persons or property.
- (9) When appropriate, contact the Police Department for assistance. In the event of an emergency, call 911 or use the intercom system.

Supervisors or Department Heads will, as soon as practicable, contact the Assistant City Manager and Personnel Officer for assistance on appropriate action to take before the employee can return to work, or to seek guidance for the conduct of the investigation.

- (b) **Employees.** Every employee is responsible for compliance with this policy, and to report any and all threats of violence as soon as possible to their supervisor or Department Head without fear of reprisal. The report of an act of threat of violence should include at the minimum the information described below. In addition, employees will adhere to the following:

- (1) All threats need to be reported and taken seriously. Employees who become aware that a threat may have been made will promptly notify department management of the details of the alleged threat.
- (2) In the event an employee obtains a restraining order against another person (who may not be an employee), the employee is required to report this information to the Department Head to ensure a safe workplace. A description of the individual (including a photograph if available) whom the restraining order is filed against should be provided to the Department Head. Under certain circumstances, the City can offer assistance in obtaining a restraining order against persons who are harassing, threatening or stalking employees.
- (3) If an individual who has allegedly made a threat unexpectedly arrives at the workplace, call the police for assistance, if needed.

**Sec. 5. Investigations.** An investigation, as may be appropriate, shall follow a report of an act or threat of violence. The investigation shall be conducted by the Department Head, or City Manager or designee. Guidance on the conduct of the investigation can be obtained from the City Manager's office or the Police Department.



- (a) Prior to beginning any investigation, the investigative officer shall contact the City Attorney or the Police Department to establish the rights of the accused employee. This shall be done prior to interviewing any witnesses or the accused employee.

**Sec. 6. Reports.** The Risk Management and Personnel Department shall maintain the files and records of the City relating to reports of workplace violence.

## RULE XX

### USE OF CITY PROPERTY AND EQUIPMENT

**Sec. 1. Policy.** City property is to be used for conducting City business, unless otherwise authorized. City property includes, but is not limited to: telephones, cell phones, desks, computers (including hardware and software), file cabinets, lockers, communications stored or transmitted on City property (such as e- and voice-mails), vehicles and any other City property used by City employees in their work. Employees do not have a reasonable expectation of privacy in City property or equipment.

City property may be monitored and searched at any time and for any reason, subject to the requirements of the Public Safety Officers Procedural Bill of Rights Act. Messages sent or received on City equipment including cell phones may be saved and reviewed by others. As a result, City employees have no expectation of privacy in the messages sent or received on City property or equipment.

Every City employee is required to adhere to all City rules and policies while on City property or using City property or equipment.

### **Sec. 2. Use of Communications Equipment.**

- (a) **Minimal Personal Use of Communications Equipment Permitted.** City employees may use City telephones, cell phones, computers and e-mail for personal use provided that the use:
  - (1) is kept to a reasonable minimum;
  - (2) does not have any impact upon other City employees or operations;
  - (3) allows the employee to efficiently perform City work; and
  - (4) is not abusive, illegal, or inappropriate.
- (b) **Inappropriate Use of Communications Equipment Prohibited.** The following are examples of inappropriate and prohibited uses of the City's communications systems:
  - (1) Exposing others, either intentionally or unintentionally, to material which is offensive, obscene or in poor taste;

- (2) Any use that would be offensive to a reasonable person because it involves an individual's race, religion, color, sex, gender identity, sexual orientation (including heterosexuality, homosexuality and bisexuality), ethnic or national origin, ancestry, citizenship status, uniformed service member status, marital status, family relationship, pregnancy, age, medical condition (cancer or HIV/AIDS related), genetic characteristics, and physical or mental disability (whether perceived or actual);
- (3) Communication of confidential City information to unauthorized individuals within or outside the City;
- (4) Sending messages with content that conflicts with any City policies, rules or other applicable laws;
- (5) Unauthorized attempts to access City data or systems;
- (6) Theft or unauthorized copying of electronic files or data;
- (7) Initiating or sustaining chain letters, and
- (8) Intentionally misrepresenting one's identity for improper or illegal acts.

## RULE XXI

### VEHICLE USAGE

**Sec. 1 Policy.** This policy establishes procedures regarding the use of City owned and employee owned vehicles operated during the course of City business. Use of City owned vehicles shall be relied upon as the primary means of vehicle usage, as it provides the greatest control over operating costs, usage, maintenance, inspection, and insurance.

- (a) **Authority.** This policy has been approved by the City in matters regarding the use of vehicles operated during the course of City business. This policy does not apply to commercial motor vehicles.
- (b) **Definitions**
  - (1) "Accident Kit" an information packet that should be kept in the vehicle's glove box to include a pen, Driver's Report of Accident, Information Exchange cards, Witness cards, and first response instructions after an accident. An Accident Kit is available from the California JPLA and distributed to attendees of Driver Awareness workshops.
  - (2) "City Business" activities that require the use of a vehicle and are authorized by the employee's supervisor. In the use of personal vehicles, City business

also means that the operator is being reimbursed for mileage expenses according to Internal Revenue Service guidelines.

- (3) "City-Owned Vehicle" a vehicle owned by the City, and assigned on a shared, designated, or permanent basis.
  - (4) "Commercial Motor Vehicle" a motor vehicle or combination of vehicles designed or used for the transportation of persons or property for compensation.
  - (5) "Non-Preventable Accident" the vehicle operator did everything reasonably possible to prevent the accident.
  - (6) "Preventable Accident" the vehicle operator failed to do everything reasonably possible to prevent the accident.
  - (7) "Privately Owned Vehicle" a personally owned vehicle used by an employee, whether owned by the employee or not.
  - (8) "Vehicle Operator" an employee who is operating a City owned vehicle or a personally owned vehicle on City business.
- (c) The City shall maintain a list of employees required to drive City owned or privately owned vehicles on City business, and shall be responsible for overseeing the implementation of driver training programs and ensuring that employees attend required training.
  - (d) The Personnel Officer shall coordinate driver training programs and maintain attendance records. The Personnel Officer shall ensure that evidence of insurance and driver's license information are maintained in each employee's file. The Personnel Officer shall receive and record Department of Motor Vehicles Pull Notice reports and notify supervisors when necessary.
  - (e) Department Heads shall review all accidents of their respective employees to determine whether an accident was preventable or non-preventable, and make disciplinary recommendations.
  - (f) Supervisors shall routinely monitor the driving of each employee while performing the job-related driving responsibilities. Supervisors shall review driving records as part of employee performance evaluations. Supervisors shall report accidents as indicated in Section 7.
  - (g) City employees shall promptly provide insurance and driver license information when notified that their job duties include driving an City owned or privately owned vehicle. Employees will comply with the requirements of this policy. Failure to comply may result in disciplinary action, up to and including termination.

## **Sec. 2. Vehicle Types and Use.**

### **a) Use of City owned vehicles**

- (1) City owned vehicles are categorized and restricted based upon type and use:
  - (i) Vehicles kept overnight at City facilities, assigned for use on a shared or designated basis for daily City business. Personal use is expressly prohibited.
  - (ii) Vehicle assigned to the City Manager in accordance with his/her Employment Agreement.
  - (iii) Vehicles for emergency or on-call use, authorized for use to and from work to respond on a 24-hour basis. Employees authorized to operate emergency or on-call vehicles may make reasonable, but limited stops before and after work shifts for traveling to and from work.
- (2) Only City employees are authorized to operate City owned vehicles.
- (3) City owned vehicles are for transporting employees whose duties require a motor vehicle, and other persons to conduct business activities important to City interests.
- (4) Under no circumstances shall family members or friends be transported in City owned vehicles. This shall also apply to employees authorized to commute to and from the City or for emergency on-call use.

### **(b) Use of Privately Owned Vehicles**

The use of an employee's personal vehicle may be preferable and more efficient for use if a City owned vehicle is not available. Under those circumstances, the following policy will apply:

- (1) An employee may use his or her privately owned vehicle for City business as requested by the employee's supervisor. The employee will obtain an Accident Kit from the Risk Manager to be kept with the privately owned vehicle while conducting City business. Employees in the Police Officers' Association bargaining unit may not be required to use their personal vehicles.
- (2) Each employee is responsible for maintaining their vehicle in a safe operable condition, and maintaining accurate maintenance records.

- (3) Employees using a privately owned vehicle shall maintain accurate records of the purpose and extent of travel, and submit reimbursement claims per the City's reimbursement policy. The mileage allowance is intended to cover the employee's cost of operating and insuring the vehicle on City business. The employee is responsible for all operating expenses of the privately owned vehicles including but not limited to: gasoline, oil, maintenance, wear and tear, depreciation and insurance.
- (4) The City is not liable for any damage to an employee's privately owned vehicle, unless caused by the City's negligence (employee's negligence excepted). Employees are responsible for notifying his/her supervisor, the Department of Motor Vehicles, and the employee's insurance company in case of an accident. If an employee is responsible for an accident while driving a City owned or personally owned vehicle, he is responsible for any increase in his or her personal automobile insurance premium.

### **Sec. 3. Driver Training.**

- (a) Employees who drive City owned vehicles shall complete a defensive driver training course. Consideration should be given to other employees who regularly use privately owned vehicles for their essential job functions.
- (b) New employees shall complete a defensive driver training at the first available course date after the commencement of employment.
- (c) Employees who change assignments to include driving a City owned vehicle are required to complete a defensive driver training program.
- (d) Employees required to participate in defensive driver training shall repeat training at least once every three years.

### **Sec. 4. General Guidelines.**

- (a) Employees shall obey all Federal, State and local laws while operating City owned or privately owned vehicles on official City business.
- (b) Employees (except police officers to the extent exempt under the Vehicle Code) operating a City owned or privately owned vehicle shall ensure that all persons in the vehicle use seat belts and are properly adjusted before starting the engine.
- (c) When transporting cargo, materials or tools, the vehicle operator is responsible for securing such items.
- (d) No person shall be allowed to ride on running boards, fenders, hoods, tailgates, beds or other locations on a vehicle not designed or approved by the vehicle manufacturer for passenger seating. An exception to this shall be vehicles designed and equipped for passengers outside the cab area.

- (c) Any injuries sustained by the vehicle operator or other employees while operating a vehicle on City business shall be covered by workers' compensation.
- (f) A vehicle operator involved in a preventable accident is subject to disciplinary action.
- (g) Except for official police business, alcoholic beverages and drugs shall not be transported or placed in any City owned vehicle, nor a privately owned vehicle while it is used for city business.
- (h) Any employee operating a City owned vehicle, regardless of frequency, is responsible for the proper care and operation of that vehicle while under the employee's control.
- (i) Before operating the vehicle and at least once a day, the employee shall check to make certain that all vehicle safety equipment including headlights, turn signals, brake lights and windshield washers are functioning properly.
- (j) Any vehicle damage beyond normal wear and tear or that includes defects affecting the safe operation of the vehicle must be documented and reported to the employee's supervisor.
- (k) No employee shall operate a City owned vehicle found to be in an unsafe condition.

**Sec. 5. Use of Electronic Devices.** Employees shall not use any device, including but not limited to any computer, navigational equipment, and/or cell phone that may cause driver distraction. Police officers are exempt from this provision when driving an authorized emergency vehicle within the course and scope of their duties.

**Sec. 6. Rental Vehicles.** When it is necessary for a City employee to use a rental vehicle for City business, the employee shall use a City approved rental City. Optional loss damage coverage should be purchased from the rental City at the time of rental.

**Sec. 7. Accident Reporting Requirements.** Any accident involving a City owned vehicle, rented or leased vehicle or privately owned vehicle used in the performance of City duties shall be reported as follows:

- (a) The vehicle operator shall summon medical care for any injured parties.
- (b) The vehicle operator shall notify appropriate law enforcement agencies.
- (c) The vehicle operator shall collect information about the other parties involved by completing the "Accident Kit" located in the City owned vehicle's glove box.
- (d) The vehicle operator shall notify his/her supervisor. The supervisor shall be responsible for initiating the departmental investigation of the accident and completing all required City reports. In the event of serious bodily injury, an Incident

Report form shall be completed by the supervisor and submitted to the California JPIA.

- (e) The supervisor shall notify the City's risk manager.
- (f) The vehicle operator must report the accident to the DMV if more than \$750 in property damage, or anyone was injured (no matter how slight) or killed. The report must be filed, whether the vehicle operator caused the accident or not and even if the accident occurred on private property. The report must be made on the California Traffic Accident Report, form SR 1, and must be made within ten days of the accident. If the report is not filed with the DMV, the vehicle operator's driving privilege will be suspended. The police or California Highway Patrol will not file this report.

**Sec. 8. Insurance Requirements.** Proof of insurance is required before any privately owned vehicle can be authorized for City business, and shall be provided annually to the Personnel Officer and no later than January 31 of each year.

- (a) Employees who are authorized to use privately owned vehicles on City business shall maintain coverage in an amount not less than \$100,000 per person/ \$300,000 per occurrence (or a combined single limit of \$300,000) and property damage coverage in an amount not less than \$25,000 per occurrence.
- (b) California Insurance Code §11580.9 states that where two or more policies affording valid and collectible liability insurance apply to the same motor vehicle in an occurrence out of which a liability loss shall arise, it shall be conclusively presumed that the insurance afforded by that policy in which the motor vehicle is described or rated as an owned vehicle is primary and the insurance afforded by any other policy shall be excess.
- (c) The City shall not be responsible for any increase in the employee's automobile insurance premium as a result of an accident.
- (d) In the event of an accident, the employee is responsible for paying any deductible required by the insurance company.
- (e) If insurance coverage is canceled, terminated, lapsed, or curtailed for any reason, the employee must notify the immediate supervisor and the vehicle shall not be used for City service.



- (1) When an employee operating a City owned vehicle is involved in an accident, defense and settlement of any claim shall be the responsibility of the California JPIA, to the maximum protection limit (the California JPIA Memorandum of Coverage provides automobile liability coverage to all member entities, their City councils, commissions, committees, and employees). If an employee operating a City owned vehicle is sued independently as a result of an at-fault accident, the California JPIA may provide coverage to that employee if the accident qualifies as a covered occurrence.

- ~~(g) With the exception of sworn police, should an employee using a privately owned vehicle on City business be involved in an accident resulting in injury or property damage, the employee's own insurance carrier shall respond to defend the employee. Should a claim exceed the limits of the employee's own insurance, the California JPIA liability protection program would respond in an excess capacity if the accident qualifies as a covered occurrence.~~

- ~~(h) Sworn police operating their privately owned vehicles at the request or direction of the City in the performance of their duties must report to accident to their private automobile insurer, but the City shall be considered the owner of the vehicle for the purpose of liability and defense of the claim. If it is later determined that the City did not direct or request the employee to sue their private vehicle when the loss occurred, the City and employee will provide notice to the insurance company so the City may be reimbursed.~~

#### **Sec. 9            Driver's License.**

- (a) City employees authorized to use City owned or privately owned vehicles on City business must possess a valid California driver's license and provide proof of licensing upon hire.
- (b) City employees must maintain a driver's license for the class of vehicle to be driven.
- (c) An employee whose driver's license is suspended or revoked for any reason must notify their supervisor no later than the first workday following suspension or revocation of their driver's license. Such employee shall not be allowed to operate any City owned or privately owned vehicles on City business.
- (d) Employees who possess temporary driving permits or hardship licenses shall not be permitted to operate City or privately owned vehicles in the performance of official City duties.

#### **Sec. 10.        Review of Driving Record.**

- (a) The City shall enroll employees that operate City owned or privately owned vehicles on City business in the Department of Motor Vehicles (DMV) Pull Notice Program. When a vehicle operator has received a violation, the DMV assigns points according to the type of violation, and automatically sends notification to the City. ~~the Personnel Officer maintains a list of violation point counts.~~



- (b) In compliance with Vehicle Code Section 1808.47, information received from the DMV shall be used solely for the intended purpose, and kept in locked storage. Under no circumstances shall addresses or other information be given to a third party.
- (c) Employees accumulating four or more points in a 12 month period or six in a 24 month period or eight in a 36 month period may have City driving privileges suspended, at the discretion of the Department Head. ~~The Department Officer shall notify the Department Head when a driving record exceeds this threshold.~~
- (d) Employees involved in a preventable collision or demonstrating questionable driving capabilities shall be required to attend remedial training in defensive driving. An employee may be regarded as having questionable capabilities based on a review of points assigned by the DMV for citations or vehicular accidents.
- (e) Employees involved in preventable accidents or have a disqualifying action taken against their driver's license shall be subject to disciplinary action, the severity determined by the nature of the offense and the employee's past driving and disciplinary action records.
- (f) Employees involved in two or more preventable accidents within a 36 month period while operating a City owned or privately owned vehicle in the performance of official City business shall be subject to disciplinary action up to and including suspension of City driving privileges.
- (g) Employees convicted of driving while under the influence of drugs or alcohol (DUI) or refusing to submit to a lawful roadside sobriety test are subject to disciplinary action up to and including suspension of City driving privileges.
- (h) Intentional abuse, moving violations, reckless operation, or negligent actions while operating any vehicle may result in the suspension of employee driving privileges and further disciplinary action.
- (i) Temporary or permanent suspension of City driving privileges for employees whose position requires operation of a vehicle shall be considered a loss of the ability to perform an essential job function.
- (j) If an employee has City driving privileges suspended, the City shall attempt to arrange for the employee to perform the essential functions of the job. If such accommodation is not possible or creates an unreasonable hardship for the City or coworkers, loss of City driving privileges shall be considered just cause for reassignment to a position that does not require operation of a vehicle at a pay rate commensurate with that position. If no such position is open, the employee may be terminated.
- (k) ~~This policy decision (C) does not apply to employees in the Police Officer Association bargaining unit.~~



# MEMORANDUM

Agenda Item #: 1  
Meeting Date: 7-8-13

**TO: MEMBERS OF THE PARKLANDS COMMITTEE**

**FROM: CARL MORITZ, CITY FORESTER**

**SUBJECT: PC-362-13; APPLICATION TO REMOVE 1 EUCALYPTUS TREE LOCATED IN THE PARKWAY ADJACENT TO 2013 VIA CERRITOS**

**APPLICANT: MARIKO SHIMOYAMA**  
**2013 VIA CERRITOS**  
**PALOS VERDES ESTATES, CA 90274**

**DATE: JULY 8, 2013**

This application requests removal of one Eucalyptus tree located in the parkway adjacent to 2013 Via Cerritos. The reason for the application is to stop the adjacent pilaster from further damage. This application was denied by the Parklands Committee in the May meeting without the applicant attending. The applicants appealed the decision and the City Council remanded the item back to the Parklands Committee for another review with the opportunity for the applicant to attend.

## Tree Characteristics

<b>Name</b>	Spotted Gum Eucalyptus ( <i>Corymbia maculata</i> )
<b>Native to</b>	Southeastern Australia
<b>Habit</b>	Erect and spreading canopy covering an extensive area with evergreen foliage
<b>Average Height</b>	65-feet
<b>Growth rate</b>	3-feet per year
<b>Longevity</b>	150 years
<b>Branch strength</b>	Medium strong
<b>Litter issue</b>	Dry Fruit pine cones and needles
<b>Root damage potential</b>	Moderate
<b>Health hazard</b>	None
<b>Current estimated size</b>	40-feet tall and 20-feet wide
<b>Current condition</b>	Safe and healthy

*Actions taken by this Committee are advisory. The City Council will take action on all appropriate items on Tuesday, July 23, 2013.*

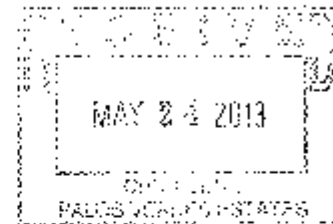
- Available Alternatives**
1. Approve PC-362-13. Approve the applicant to remove 1 Spotted Gum eucalyptus tree located adjacent to 2013 Via Cerritos according to the 'Standard Conditions for Tree Removal Approvals'. A \$500 payment to the 'Tree Bank' is required.
  2. Approve PC-362-13 with modification.
  3. Deny PC-362-13.
- Recommendation**
- This is a matter of Committee discretion.

*Actions taken by this Committee are advisory. The City Council will take action on all appropriate items on Tuesday, July 23, 2013.*

2013 Via Cerritos  
Palos Verdes Estates, CA 90274

May 23, 2013

City of Palos Verdes Estates  
Council Chambers of City Hall  
340 Palos Verdes Drive West  
Palos Verdes Estates, California 90274



Dear Palos Verdes Estates Council Members,  
We are recent (2 year) homeowners in the City of Palos Verdes Estates, who applied to the Parklands Committee to request a tree removal. The meeting was held on May 15, 2013, and we were notified that our request was rejected. We are appealing this decision.

We feel that the Parklands Committee did not give our situation the appropriate analysis and consideration that it truly deserves. We have a Eucalyptus tree in front of our home that has grown so large that the trunk is hitting our pilaster. Also, we do not think that the Committee realized that the ROOTS are traversing even a GREATER circumference and are lifting the pilaster from below, and making the pilaster lean backwards. On windy days (and there are many!), the pilaster and the attached iron fence/gates sway, ready to give way at anytime.

Because of this, the tree and its roots are affecting our iron gates which are secured by the pilaster. Very shortly, the whole gate complex will be tilting so severely that the electric entry and exit gates will not be able to open and close, due to the inclination of tilt. Removal of this pilaster will render our iron gates devoid of support. We have two elementary age children who need to be secure from the street and we also need security for our home. Having the iron gates in front of the house was a major factor in our decision to buy this home.

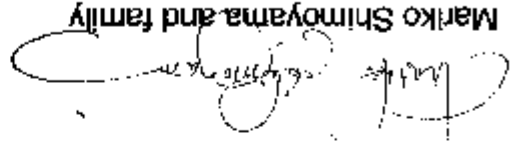
By rejecting our request for the tree removal, our pilaster will eventually lean so far that it will damage the gates and render the entry/exit gates inoperable. We have been told by a contractor that the gates have been altered to the max previously, to accommodate the tree. It is to a point that if the tree stays, we will lose our gates and security. We hope to save our pilaster and iron gates before irreparable severe damage is done. This is a PREVENTABLE tragedy happening in slow motion before our very eyes. We need to take action as soon as possible. Doing nothing is not an option. The tree and its roots will only grow larger every day, as has been demonstrated. The whole complex could blow over with the next windy day.

Please review our request and grant us the approval of removing this tree. We would be fine with the City planting another "smaller" tree in it's place so as long as it will not grow so large and damage the gates in the future. The Committee blamed the original home builders for not having the foresight to predict this problem when they installed the

pilaster and iron gates 30 years ago. Regardless, we need to go forward from here and rectify the situation. After much professional analysis, removing/replacing the tree is the least invasive way to fix the situation. It will also give the best cosmetic result, rather than having asymmetry and no gate support when removing the pilaster. Also, the pilaster and iron fences cannot be moved away from the tree without removing a stucco retaining wall, which traverses the entire front of our yard, and also excavating the hillside grass-laden slope behind the retaining wall.

We understand that there is a Council Meeting on May 28, 2013 at 7:30pm at the City Hall. We would ask that you discuss this matter and grant our request. Feel free to call us with any questions at 310-733-6204. We appreciate the time that you have taken to read our appeal.

Sincerely,



Mariko Shimoyama and family



# MEMORANDUM

Agenda Item #: 3  
Meeting Date: 5-13-13

**TO: MEMBERS OF THE PARKLANDS COMMITTEE**

**FROM: CARL MORITZ, CITY FORESTER**

**SUBJECT: PC-362-13; APPLICATION TO REMOVE 1 EUCALYPTUS TREE LOCATED IN THE PARKWAY ADJACENT TO 2013 VIA CERRITOS**

**APPLICANT: MARIKO SHIMOYAMA**  
**2013 VIA CERRITOS**  
**PALOS VERDES ESTATES, CA 90274**

**DATE: MAY 13, 2013**

This application requests removal of one Eucalyptus tree located in the parkway adjacent to 2013 Via Cerritos. The reason for the application is to stop the adjacent pilaster from further damage.

## Tree Characteristics

<b>Name</b>	Spotted Gum Eucalyptus ( <i>Corymbia maculata</i> )
<b>Native to</b>	Southeastern Australia
<b>Habit</b>	Erect and spreading canopy covering an extensive area with evergreen foliage
<b>Average Height</b>	65-feet
<b>Growth rate</b>	3-feet per year
<b>Longevity</b>	150 years
<b>Branch strength</b>	Medium strong
<b>Litter issue</b>	Dry Fruit pine cones and needles
<b>Root damage potential</b>	Moderate
<b>Health hazard</b>	None
<b>Current estimated size</b>	40-feet tall and 20-feet wide
<b>Current condition</b>	Safe and healthy

*Actions taken by this Committee are advisory. The City Council will take action on all appropriate items on Tuesday, May 28, 2013.*

**Available Alternatives**

1. Approve PC-362-13. Approve the applicant to remove 1 Spotted Gum eucalyptus tree located adjacent to 2013 Via Certios according to the 'Standard Conditions For Tree Removal Approvals'. A \$500 payment to the 'Tree Bank' is required.

2. Approve PC-362-13 with modification.

3. Deny PC-362-13.

**Recommendation**

This is a matter of Committee discretion.

*Actions taken by this Committee are advisory. The City Council will take action on all appropriate items on Tuesday, May 28, 2013.*





Applicant  
TREE IN  
APPLICATION



N

55 ft

CityGIS

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**CITY OF PALOS VERDES ESTATES  
PARKLANDS COMMITTEE APPLICATION**

Date Received: 4-9-13 Receipt# 10069 Fee \$ 162.<sup>00</sup>

Parklands Committee Application# PC-362-13

Address of project 2013 VIA CERITOS, P.V.E. 90234

Applicant/Contact Name MARIKO SHIMIZU

Applicant Phone # 310 733-6204 Applicant Fax# \_\_\_\_\_

Applicant Mailing Address 2013 VIA CERITOS, P.V.E. 90234

Applicant E-mail shimis4@yahoo.com

Proposed project: REMOVAL OF EUCALYPTUS TREE IN FRONT OF HOUSE.

**Submittal Requirements**

1. Completed application form.
2. Letter explaining reason for application.
3. Plans/pictures, if needed to determine the applicable tree(s).
4. Fee.
5. One applicant/contact person only, is allowed per application.

**Submittal Recommendations**

1. The number of trees should be less than ten (10).
2. In the event the property lines cannot be clearly established, it is recommended the applicant provide a legal survey to verify the location of each tree in question.
3. It is recommended that the applicant attempt to communicate with the residents affected or adjacent to the proposed work. Submit any responses from neighborhood to provide a consensus before the application is heard by the Committee.

2013 Via Cerritos  
Palos Verdes Estates, CA 90274

Cell 310-733-6204  
H 424-206-9277

shimos4@yahoo.com

April 17, 2013

City of Palos Verdes Estates  
Parklands Committee

Dear Parklands Committee,

I am submitting an application for the removal of one Eucalyptus tree located in front of my home at 2013 Via Cerritos. According to the Art Jury, the tree is the property of the City. This tree is located about 5 feet from the curb in the front of the house. It's vast size is hitting one of the pilasters on my property, and the pilaster is leaning back. The leaning pilaster is starting to hit the iron gate. We are requesting the removal of the tree to stop the damage to the already leaning pilaster and to the eventual breakage of the iron gates.

Sincerely yours,

  
Mariko Shimoyama



PHOTOS





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# MEMORANDUM

Agenda Item #: 2

Meeting Date: 7-8-13

**TO: MEMBERS OF THE PARKLANDS COMMITTEE**

**FROM: CARL MORITZ, CITY FORESTER**

**SUBJECT: PC-364-13; APPLICATION TO REMOVE OR TOP 4 ALEPPO PINE TREES AND RE-STRUCTURE 2 CANARY ISLAND PINE TREES LOCATED IN THE PARKWAY ADJACENT TO 1225 THROUGH 1248 VIA ROMERO**

**APPLICANT: NINA HARLAN SMITH**  
**2325 VIA OLIVERA**  
**PALOS VERDES ESTATES, CA 90274**

**DATE: JULY 8, 2013**

This application requests removal or topping of 4 Aleppo pine trees and re-structuring of 2 Canary Island pines located in the parkway adjacent to 1225 through 1248 Via Romero. The reason for the application is view restoration. Tree 1 and 2 may be responsibly lowered without causing death and may still be attractive. Tree 3 and 4's health will be damaged and the trees will be unattractive. Future financial responsibility for removal of dead trees due to sever pruning and a payment to the 'Tree Bank' should be part of any discussion concerning tree 3 and 4.

## Tree Characteristics

<b>Name</b>	Aleppo pine ( <i>Pinus Halepensis</i> )
<b>Native to</b>	Mediterranean Region
<b>Habit</b>	Upright and spreading canopy covering an extensive area with evergreen foliage
<b>Average Height</b>	65-feet
<b>Growth rate</b>	Moderate to fast
<b>Longevity</b>	Greater than 150 years
<b>Branch strength</b>	Strong
<b>Litter issue</b>	Dry Fruit pine cones and needles
<b>Root damage potential</b>	Moderate
<b>Health hazard</b>	Allergy
<b>Current estimated size and reduction</b>	#1 - 40 to 37      #2 - 40.6 to 30. #3 - 36 to 27      #4 - 34 to 22
<b>Current condition</b>	All safe and healthy

*Actions taken by this Committee are advisory. The City Council will take action on all appropriate items on Tuesday, July 23, 2013.*

The Canary Island pine trees are requested to be elevated to 36 feet by removing all of the scaffold branches from the lower trunk that are below 36 feet. This will not cause health problems but will expose a dead tree on private property. Additionally, elevating or removing low branches on a tree can concentrate wind forces on the top of the tree creating a lever. This will increase any potential for wind throw in most trees. Fortunately on these trees, the low branches are growing into the top canopy and will reduce some of the density in the canopy top. There is also very little separation of where the lower branches connect with the trunk which is where the force is absorbed by the tree. All trees are safer if branches are distributed in a uniform fashion starting low on the trunk, have proper separation between each other and fifty percent of the branches originate from the lower two-thirds of the trunk.

Canary Island Pine ( <i>Pinus canariensis</i> )	
Native to	Canary Islands of Spain
Liabi	Erect and weeping canopy covering an extensive area with evergreen foliage
Average Height	65-foot
Growth rate	Fast
Longevity	150 years
Branch strength	Moderate
Litter issue	Dry Fruit pine cones and needles
Root damage potential	Moderate
Health hazard	Allergy
Current estimated size	#5 - 65 #6 - 65
Current condition	Both safe and healthy

Available Alternatives

1. Approve PC-364-13. Approve the applicant to remove or top 4 Aleppo pine trees and re-structure 2 Canary Island pine trees located in the parkway adjacent to 1225 to 1248 Via Romero according to the 'Standard Conditions For Tree Removal Approvals'. A \$500 payment to the 'Tree Bank' is required for each tree approved for removal.

2. Approve PC-364-13 with modification.

3. Deny PC-364-13.

Recommendation

This is a matter of Committee discretion.

*Actions taken by this Committee are advisory. The City Council will take action on all appropriate items on Tuesday, July 23, 2013.*



Applicant

4 - Aleppo pines

~2 Canary Island  
Pines



86 ft  
**CityGIS**

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CITY OF PALOS VERDES ESTATES

PARKLANDS COMMITTEE APPLICATION

Date Received: 5/9/13

Receipt# 16109

Fee \$ 102

Parklands Committee Application# PC- 364-13

Address of project Trees between 1225-1248 Via Romero, PVE.

Applicant/Contact Name Mrs. Harlan Smith

Applicant Phone # 310 947-7665 Applicant Fax# \_\_\_\_\_

Applicant Mailing Address 2325 Via Divera, PVE, CA 90271

Applicant E-mail Alma@SteveCA@yahoo.com

Proposed project: Remove height of 4 Calabur pines (?) on east side of

Thin tops of canopy (?) Pines on west side of Romero to restore

view approval of neighbors.

Submittal Requirements

1. Completed application form.

2. Letter explaining reason for application.

3. Plans/pictures, if needed to determine the applicable tree(s).

4. Fee.

5. One applicant/contact person only, is allowed per application.

Submittal Recommendations

1.

The number of trees should be less than ten (10).

2.

In the event the property lines cannot be clearly established, it is recommended the applicant provide a legal survey to verify the location of each tree in question.

3.

It is recommended that the applicant attempt to communicate with the residents affected or adjacent to the proposed work. Submit any responses from neighborhood to provide a consensus before the application is heard by the Committee.

City of Palos Verdes Estates  
Parklands Committee

8 May 2013

Dear Committee,

I request the City arborist top the four Calabrian (?) pine trees and thin the Canary (?) pine identified in my application and photographs. When our home was built there were no trees in our view area. The five trees in question now substantially block our view of the ocean, as can be observed from the photos I have provided.

We note that several of the trees located lower on Romero have been topped, some with a flat cut and some with a rounded cut. I prefer the look of the rounded cut, and expect that the flat top is probably not as good for the trees' health.

I understand it is possible you could determine it is my family's responsibility to maintain the four trees on the easement that abuts our property. If you so determine, then I request permission to have them removed and replaced with a shorter tree or shrub.

I have talked to my adjoining neighbors (the Murphy and Hovsepian families) and they support this request. Thank you for your consideration.

Nina Harlan Smith  
310-347-7865

St. Agatha  
 Church



St. Agatha  
 Church

View of  
 trees from Via Remore  
 towards  
 house (above path)





Trees on  
Lower Rogers  
(that have been topped)  
(X-street)  
that have  
the natural round  
we like the  
curves of this  
encourage lateral growth

Rather than the  
flat top of  
this





↙ This is  
MADRIDIA that used to  
be called C. C. C. C. C. C.



Can't find  
the place

← Pine  
← Pine  
← Pine

View from Balcony of  
2325 Via Olivera  
Olivera

City  
of  
New  
York  
County  
of  
New  
York  
State  
of  
New  
York





# MEMORANDUM

Agenda Item #: 3

Meeting Date: 7-8-13

**TO: MEMBERS OF THE PARKLANDS COMMITTEE**

**FROM: CARL MORITZ, CITY FORESTER**

**SUBJECT: PC-365-13; APPLICATION TO REMOVE 1 AMERICAN ELM  
LOCATED IN THE PARKWAY ADJACENT TO 421 VIA  
ALMAR**

**APPLICANT: JOHN MARUSHIN  
424 VIA ALMAR  
PALOS VERDES ESTATES, CA 90274**

**DATE: JULY 8, 2013**

This application requests removal of 1 American elm tree. This American elm, as with most of the remaining American elm trees on Via Almar, was topped severely in the past and has been maintained in this fashion for the past 25 years. This produces many safety structural issues that can only be maintained by re-topping. If allowed to grow and branch as a normal tree, the water sprouts become hazardous.

## Tree Characteristics

<b>Name</b>	American Elm ( <i>Ulmus Americana</i> )
<b>Native to</b>	Eastern North America
<b>Habit</b>	Erect or spreading canopy covering an extensive area with deciduous foliage
<b>Average Height</b>	100-feet x 100-feet
<b>Growth rate</b>	Fast
<b>Longevity</b>	Greater than 150 years
<b>Branch strength</b>	Medium weak
<b>Litter issue</b>	Winter leaves
<b>Root damage potential</b>	High
<b>Health hazard</b>	Allergy
<b>Current measured size</b>	33.6-feet
<b>Current condition</b>	All safe and healthy

*Actions taken by this Committee are advisory. The City Council will take action on all appropriate items on Tuesday, July 23, 2013.*

Available Alternatives

1. Approve PC-365-13. Approve the applicant to remove 1 American elm located in the parkway adjacent to 421 Via Almar according to the "Standard Conditions For Tree Removal Approvals". A \$500 payment to the "Tree Bank" is required for each tree approved for removal.

2. Approve PC-365-13 with modification.

3. Deny PC-365-13.

Recommendation

This is a matter of Committee discretion.

*Actions taken by this Committee are advisory. The City Council will take action on all appropriate items on Tuesday, July 23, 2013.*



1 Am Elm



CityGIS

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## CITY OF PALOS VERDES ESTATES

## PARKLANDS COMMITTEE APPLICATION

Date Received: 6/21/13 Receipt# 16/95 Fee \$ 100

Parklands Committee Application# PC- 365-13

Address of project 421 Via Almar

\* Applicant/Contact Name John & Liz Mykushin (contact - John Mykushin)

Applicant Phone # 310-418-8302 Applicant Fax# 310-375-8424

Applicant Mailing Address 424 Via Almar, PVE, CA 90214

Applicant E-mail John.Mykushin@gmail.com

Proposed project: Replacement of one tree removed from

424 Via Almar. Address of tree is 421 Via Almar.

Mykushin has agreed to the tree replacement with

a City approved tree (smaller of 2 trees)

Substantial Requirements

1. Completed application form.

2. Letter explaining reason for application.

3. Plans/pictures, if needed to determine the applicable tree(s).

4. Fee.

5. One applicant/contact person only, is allowed per application.

Substantial Recommendations

1. The number of trees should be less than ten (10).

2. In the event the property lines cannot be clearly established, it is recommended the applicant provide a legal survey to verify the location of each tree in question.

3. It is recommended that the applicant attempt to communicate with the residents affected or adjacent to the proposed work. Submit any responses from neighborhood to provide a consensus before the application is heard by the Committee.



June 7, 2013

Dear Parklands Committee:

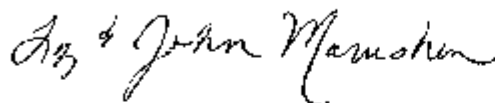
We have been living in Palos Verdes Estates for almost 10 years now and truly appreciate the city's natural beauty. Unfortunately, we have 3 trees that block our view. We are requesting that one of these trees be replaced.

The tree in question, has through the years been trimmed and cut by previous owners, and lost its original shape and luster. In addition, it has no leaves 6 months of the year. Our neighbor across the street, whose land it sits near, has agreed it should be replaced. We are willing to pay, of course for the replacement with an approved city tree.

The picture included was taken on June 7<sup>th</sup> 2013. The leaves have just returned as of May 10<sup>th</sup>. The tree had been bare since early November.

Thank you for your consideration of this matter.

Sincerely,



Liz and John Marushin

424 Via Almar

PVE





# MEMORANDUM

Agenda Item #: 4

Meeting Date: 7-8-13

**TO: MEMBERS OF THE PARKLANDS COMMITTEE**

**FROM: CARL MORITZ, CITY FORESTER**

**SUBJECT: PC-366-13; APPLICATION TO REMOVE 1 LEYLANDII CYPRESS AND HEDGE LOCATED IN THE PARKWAY ADJACENT TO 1417 VIA CASTILLA**

**APPLICANT: KEVIN FARR**  
**1420 VIA CASTILLA**  
**PALOS VERDES ESTATES, CA 90274**

**DATE: JULY 8, 2013**

This application requests removal of 1 Leylandii cypress tree and hedge located in the parkway adjacent to 1417 Via Castilla. The reason for the application is view enhancement.

## Tree Characteristics

<b>Name</b>	Leylandii Cypress ( <i>Cupressocyparis leylandii</i> )
<b>Native to</b>	Wales
<b>Habit</b>	Direct canopy covering with evergreen foliage
<b>Average Height</b>	50-feet
<b>Growth rate</b>	Fast
<b>Longevity</b>	Short to Average (disease related)
<b>Branch strength</b>	Weak to medium
<b>Litter issue</b>	None
<b>Root damage potential</b>	Moderate
<b>Health hazard</b>	None
<b>Current measured size</b>	30-feet
<b>Current condition</b>	All safe and healthy

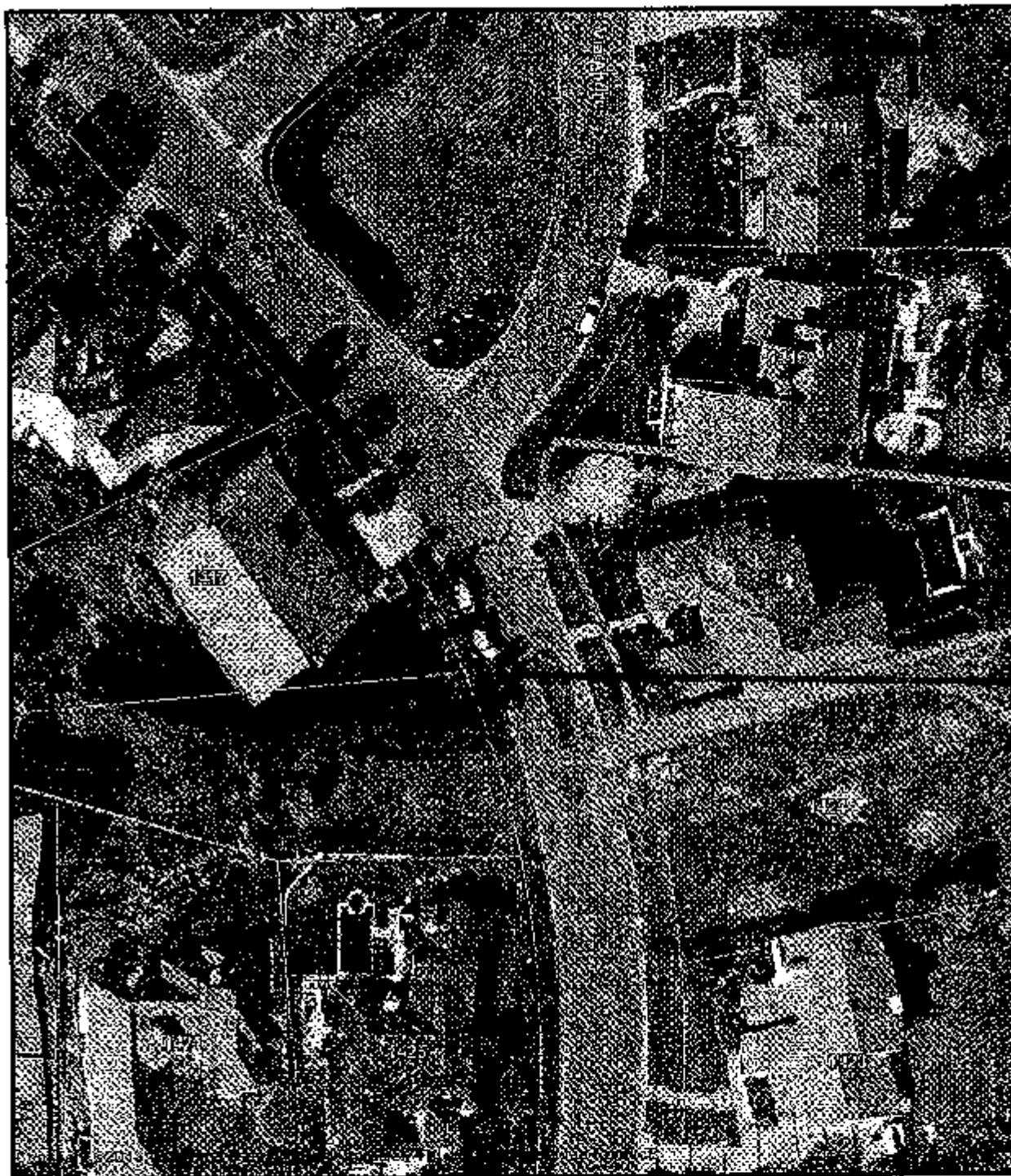
The hedge is Ligustrum japonicum or Wax-leaf Privet. It can attain 10 to 12-feet in height and is approximately 4-feet in height now. It starts in the public parkway and continues onto private property.

*Actions taken by this Committee are advisory. The City Council will take action on all appropriate items on Tuesday, July 23, 2013.*

- Available Alternatives**
1. Approve PC-366-13. Approve the applicant to remove 1 Leylandii cypress and hedge located in the parkway adjacent to 1417 Via Castilla according to the 'Standard Conditions For Tree Removal Approvals'. A \$500 payment to the 'Tree Bank' is required.
  2. Approve PC-366-13 with modification.
  3. Deny PC-366-13.
- Recommendation**
- This is a matter of Committee discretion.

*Actions taken by this Committee are advisory. The City Council will take action on all appropriate items on Tuesday, July 23, 2013.*





Applicant

Leylandii  
CYPRESS



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Carl Moritz

From: Mario Oliver <m.oliveresq@gmail.com>  
Sent: Wednesday, July 03, 2013 10:01 AM  
To: Carl Moritz  
Subject: Farr Request for Removal of Leylandi Cypress and Hedge

As we understand it from the City posting, the Fatts have requested removal of the "Leylandi Cypress and hedge".

Please convey to the Parklands Committee that we support the Fatts removal of the single Leylandi Cypress, planted by someone else at the Committee's direction several years ago.

We also would be happy to trim and maintain the privit to the standards for the parkway.

Thank you,

Mario and Richard Oliver  
1417 Via Castilla  
Palos Verdes Estates CA 90274

Date of Revision April 2010

## CITY OF PALOS VERDES ESTATES PARKLANDS COMMITTEE APPLICATION

Date Received: 6-24-13 Receipt# 16198 Fee \$ 162.<sup>00</sup>Parklands Committee Application# PC- 366-13Address of project PARKLAND Adjacent to 1417 Via CastillaApplicant/Contact Name KEVIN + KRISTINA FARERApplicant Phone # 310-613-4000 Applicant Fax# 310-252-3671Applicant Mailing Address 1420 Via Castilla, Palos Verdes Estates, CA 90274Applicant E-mail Kevin.Farer@Mattel.comProposed project: Application For Removal of 1 Lelandi Cypress Tree And Hedge in Parkland Adjacent to 1417 Via CastillaSubmittal Requirements

1. Completed application form.
2. Letter explaining reason for application.
3. Plans/pictures, if needed to determine the applicable tree(s).
4. Fee.
5. One applicant/contact person only, is allowed per application.

Submittal Recommendations

1. The number of trees should be less than ten (10).
2. In the event the property lines cannot be clearly established, it is recommended the applicant provide a legal survey to verify the location of each tree in question.
3. It is recommended that the applicant attempt to communicate with the residents affected or adjacent to the proposed work. Submit any responses from neighborhood to provide a consensus before the application is heard by the Committee.



Application to remove one Lelandii Cypress tree ("Cypress tree") and hedge located in the Parkland adjacent to 1417 Via Castilla that is blocking our scenic views of the parkland canyon and ocean from the primary living areas of our home including our living room as well as from our upstairs master bedroom, including the balcony.

This application requests approval to remove one Cypress tree and hedge located in the Parklands adjacent to 1417 Via Castilla. The reason for the application is to enhance the scenic views of the parkland canyon and ocean from our living room and upstairs master bedroom, including the balcony, of 1420 Via Castilla that is currently blocked by the one Cypress tree and hedge. The applicants are the owners of 1420 Via Castilla, Kristina and Kevin Farr.

**Current Application**

This application requests the removal of the one Cypress tree and hedge located in the Parkland adjacent to 1417 Via Castilla as they block our potential magnificent scenic views of the parkland canyon and ocean from our living room as well as from our upstairs master bedroom, including the balcony. Please note that the Cypress tree and hedge will not provide any privacy to neighbors or adequate screening of structures and yards from the sight of the neighbors. We also believe that the removal of the Cypress tree and the hedge will not significantly alter the unique feeling of the neighborhood or effect public safety.

We regularly entertain in our living room and our view is greatly impacted by this tree and hedge. We also spend many of our mornings and evenings on our upstairs balcony enjoying the partial views that we presently have of the parkland canyon and ocean. In addition, Kristina works from our home and her desk is positioned right next to the window in the master bedroom in order to enjoy our limited scenic view. We spend a majority of our time in these two rooms, and on our balcony, and the removal of the tree and hedge, which are presently view obstructions, would restore, enhance and preserve our beautiful scenic views of the parkland canyon and ocean.

Please see the photos of existing conditions which indicated that the tree and hedge is blocking our scenic views from the main viewing areas of our home (the living room as well as the upstairs master bedroom, including the balcony). We would be pleased to pay for the planting of a new tree elsewhere in the City.

The current owners of 1424 Via Castilla have reviewed our proposal and support the proposed removal of the one Cypress tree and hedge. See the attached letter from the current owners of 1424 Via Castilla which support the proposed removal of the one Cypress tree and hedge.

We respectfully request the consideration of our proposal by the Parklands Committee.

June 19, 2013

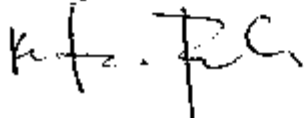
City of Palos Verdes Estates  
Parklands Committee  
340 Palos Verdes Drive West  
Palos Verdes Estates, CA 90274

Dear Sir/Madame:

**Parklands Adjacent to 1417 Via Castilla – Removal of Cypress Tree and Hedge**

We have reviewed the proposal by the Farris and support the proposed removal of the one Cypress tree and hedge in the Parkland adjacent to 1417 Via Castilla.

Sincerely,

A handwritten signature in black ink, appearing to read "Art & Kathy Feles". The signature is stylized with a large "A" and "K" and a cursive "Feles".

Art and Kathy Feles  
1424 Via Castilla  
Palos Verdes Estates, CA 90274



LIVING ROOM



VIEW FROM KRISTINA'S DESK  
MASTER BEDROOM

#6.



VIEW FROM KRISTINA'S DESK IN MASTER BEDROOM

40







# MEMORANDUM

Agenda Item #: 5

Meeting Date: 7-8-13

**TO: MEMBERS OF THE PARKLANDS COMMITTEE**

**FROM: CARL MORITZ, CITY FORESTER**

**SUBJECT: PC-367-13; APPLICATION TO REMOVE 1 BRAZILIAN PEPPER TREE LOCATED IN THE PARKWAY ADJACENT TO 2509 VIA ANACAPA**

**APPLICANT: JOHN B. WATERSON**  
**2509 VIA ANACAPA**  
**PALOS VERDES ESTATES, CA 90274**

**DATE: JULY 8, 2013**

This application requests removal of 1 Brazilian pepper tree located in the parkway adjacent to 2509 Via Anacapa. The reason for the application is to install a new wider driveway. The driveway is indicated to be 26-feet wide which requires inside wings and is the maximum width a driveway can be. The applicant submitted a previous application and was denied. The committee did not have much information relating to the driveway installation and the impacts to the tree were not clear.

## Tree Characteristics

<b>Name</b>	Brazilian pepper ( <i>Schinus terebinthifolius</i> )
<b>Native to</b>	South America
<b>Habit</b>	Erect or spreading canopy with evergreen foliage
<b>Average Height</b>	35-feet
<b>Growth rate</b>	Moderate
<b>Longevity</b>	150 years
<b>Branch strength</b>	Weak to medium
<b>Litter issue</b>	Dry fruit and berries
<b>Root damage potential</b>	Moderate
<b>Health hazard</b>	Allergy or irritant
<b>Current measured size</b>	30-feet
<b>Current condition</b>	All safe and healthy

*Actions taken by this Committee are advisory. The City Council will take action on all appropriate items on Tuesday, July 23, 2013.*



Available Alternatives

1. Approve PC-367-13. Approve the applicant to remove 1 Brazilian pepper located in the parkway adjacent to 2509 Via Anacapa according to the 'Standard Conditions For Tree Removal Approvals'. A \$500 payment to the 'Tree Bank' is required.

2. Approve PC-367-13 with modification.

3. Deny PC-367-13.

Recommendation

This is a matter of Committee discretion.

*Actions taken by this Committee are advisory. The City Council will take action on all appropriate items on Tuesday, July 23, 2013.*



Brazilian  
Pepper



38 ft  
**CityGIS**

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# CITY OF PALOS VERDES ESTATES PARKLANDS COMMITTEE APPLICATION

Date Received: 6/28/13 Receipt# 16209 Fee \$ 142

Parklands Committee Application# PC- 367-13

Address of project 2509 Via Anacapa

Applicant/Contact Name Melinda Brown

Applicant Phone # (910) 625-1618 Applicant Fax#

Applicant Mailing Address 2325 PVDW # 212 PVE

Applicant E mail martinebrown@juno.com

Proposed project: Removal of trees to facilitate

New driveway on approved plan, client will

install little trees along driveway. Please note the

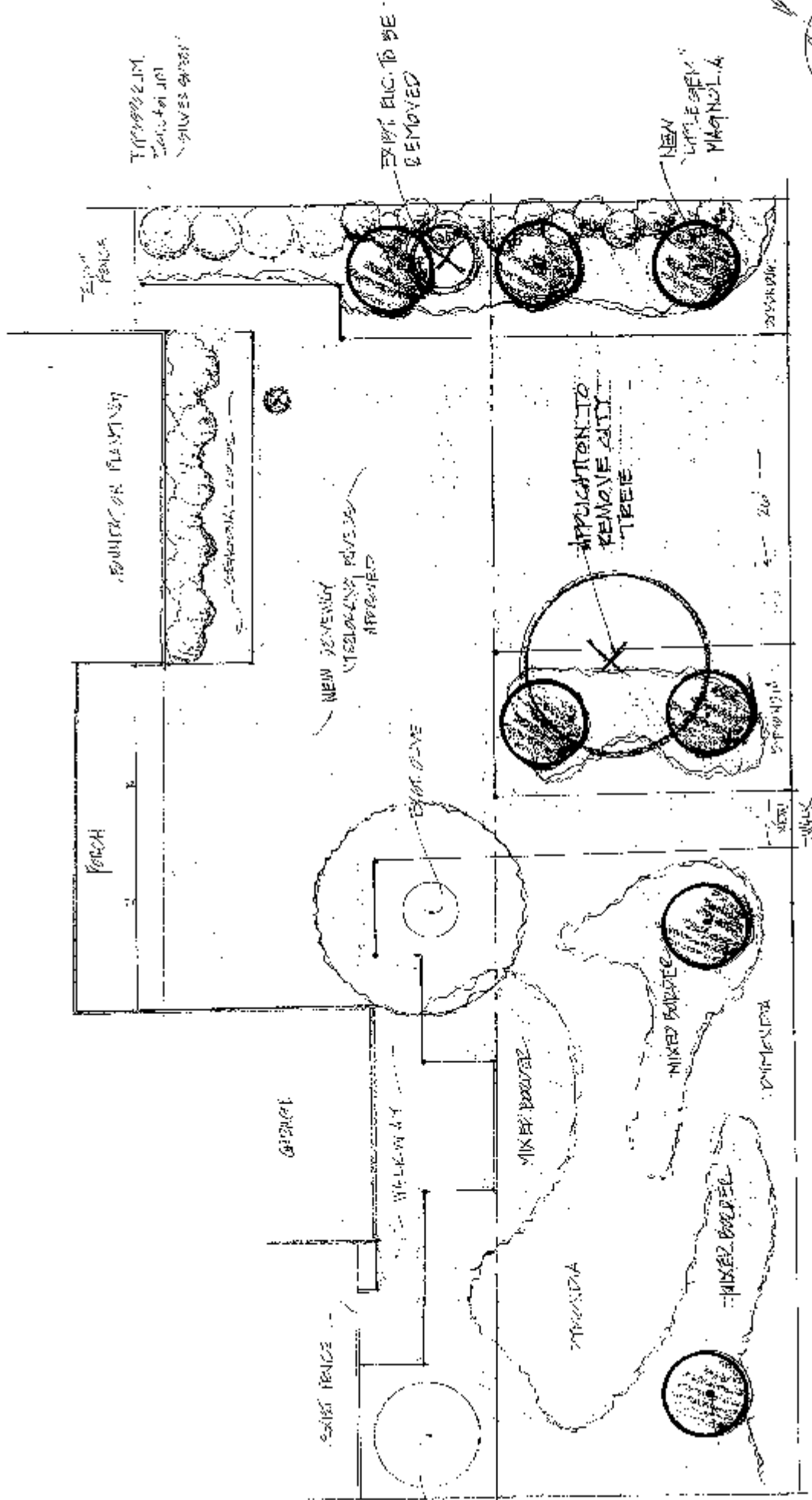
photos of cracked driveway/hazard.

## Submittal Requirements

1. Completed application form.
2. Letter explaining reason for application.
3. Plans/pictures, if needed to determine the applicable tree(s).
4. Fee.
5. One applicant/contact person only, is allowed per application.

## Submittal Recommendations

1. The number of trees should be less than ten (10).
2. In the event the property lines cannot be clearly established, it is recommended the applicant provide a legal survey to verify the location of each tree in question.
3. It is recommended that the applicant attempt to communicate with the residents affected or adjacent to the proposed work. Submit any responses from neighborhood to provide a consensus before the application is heard by the Committee.



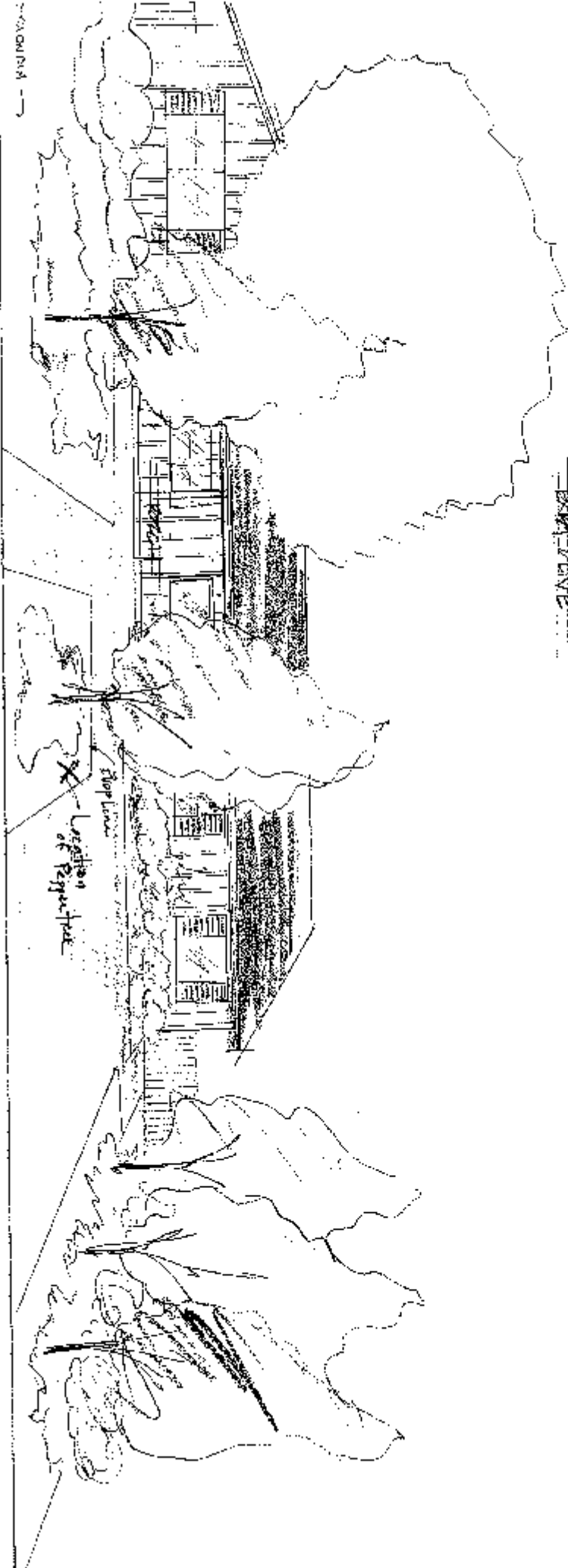
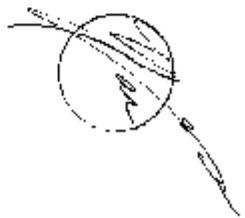
CONCEPT PLAN 1/8 3/4 3/4

2509 VIA ANGLICA

NAME PAGE TOTAL

RESCAPE FOR 2579 VIA ANKARA

BARBOLIVE



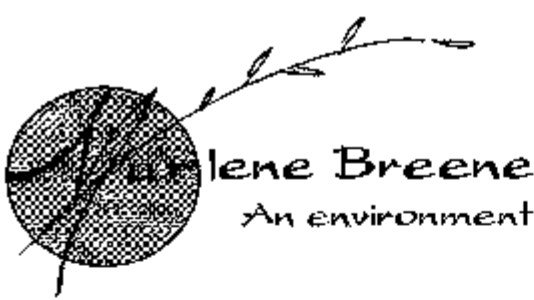
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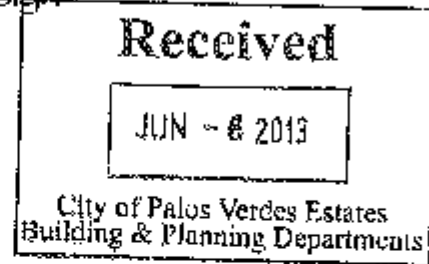
OFFICE GEN  
RELATION

APPROVED  
PAPER

OFFICE GEN  
RELATION



An environmental approach to design



Dear Members of the Parklands Committee,

We are re-submitting the application for tree removal at 2509 Via Anacapa.

Additional information requested at the previous meeting has been included:

1. Conceptual landscape plan
2. Treescape rendering
3. ADA guidelines for walking surfaces
4. Photo A (tree in question), B (driveway cracks adjacent to tree) C (close up of cracking, please note scale with hand comparison)

Please also note that the homeowner plans to remove eucalyptus trees on private property adjacent to the driveway. 'Little Gem' magnolias are specified for the streetscape. Green space is enhanced by removal of out of compliance hardscape and wide planting beds.

Thank you for re-considering this application.

Sincerely,



**PAGE INTENTIONALLY BLANK**

## ADA

## Trotter Residence Via Pacheco

**4.4.14 Maintenance**

Sidewalks are prone to damage caused by environmental conditions. Maintaining sidewalk elements in good condition is an essential part of providing access to public rights of way. Sidewalks in poor repair can limit access and threaten the health and safety of pedestrians. If sidewalks are in poor condition or nonexistent, pedestrians are forced to travel in the street.

A public information program by the Campaign to Make America Walkable indicated that 3 of the top 10 most frequently cited roadway safety and sidewalk design problems were the following maintenance issues (The Campaign to Make America Walkable, 1997):

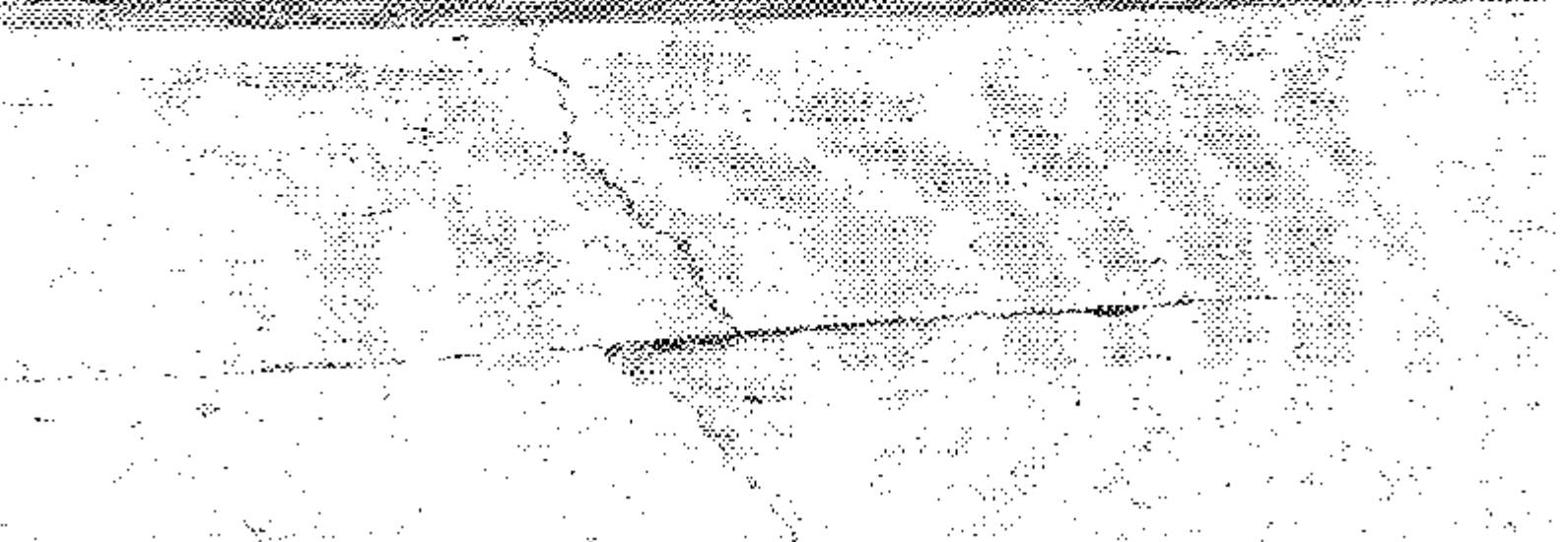
1. Missing sections of sidewalk, especially on key walking routes
2. Bad sidewalk surfaces, i.e., uneven or broken concrete or uplifted slabs over tree roots
3. Bad sidewalk maintenance, i.e., overhanging bushes or trees or unshoveled snow on sidewalks

Maintenance problems are usually identified by pedestrians who report the location to the municipal authorities. Identification of locations requiring maintenance may be done in conjunction with a city's accessibility improvement program. Effective maintenance programs are quick to identify conditions that can impede access and respond with repairs. Some cities survey and repair all sidewalks in regular cycles. Other cities make or enforce repairs only if a complaint is filed. Cities also might have pavement management programs and personnel devoted entirely to inspecting and repairing damaged access routes. Assessing sidewalks for accessibility should be an integral part of maintenance survey programs.

Sidewalk inspectors typically look for conditions that are likely to inhibit access or cause pedestrians to injure themselves. The following list of common sidewalk maintenance problems was generated from promotional material created for home owners by the Bureau of Maintenance in the City of Portland, Oregon (1996) and the Division of Engineering for the Lexington-Fayette County Urban Government (1993):

- Step separation -- a vertical displacement of 13 mm (0.5 in) or greater at any point on the walkway that could cause pedestrians to trip, lock up the wheels of a wheelchair, or prevent the wheels of a wheelchair from rolling smoothly
- Badly cracked concrete -- holes and rough spots ranging from hairline cracks to indentations wider than 25 mm (1 in)
- Spalled areas -- fragments of concrete or other building material detached from larger structures; also losses of aggregate and cement leaving holes or depressions greater than 50 mm x 50 mm (2 in x 2 in) in the sidewalk
- Settled areas that trap water -- sidewalk panels with depressions, reverse cross slopes, or other indentations that cause the sidewalk path to be lower than the curb; these depressions cause silt and water to settle on the walkway path and might require replacement.
- Tree root damage -- roots from trees growing in adjacent landscaping that cause the walkway surface to buckle and crack, impeding access
- Vegetation overgrowth -- ground cover, trees, or shrubs on properties or setbacks adjacent to the sidewalk that have not been pruned. Overgrown vegetation can encroach onto the walkway and pose obstacles, inhibiting pedestrian access.
- Obstacles -- objects located on the sidewalk, in setbacks, or on properties adjacent to the sidewalk that obstruct passage space. Obstacles commonly include trash receptacles, parked cars, and private mailboxes.











# MEMORANDUM

Agenda Item #: 1  
Meeting Date: 07/10/13

**TO: MEMBERS OF THE TRAFFIC AND SAFETY COMMITTEE**

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

**SUBJECT: ALL-WAY STOP CONTROL STUDY AT VIA CORONEL AND NOYA PLACE**

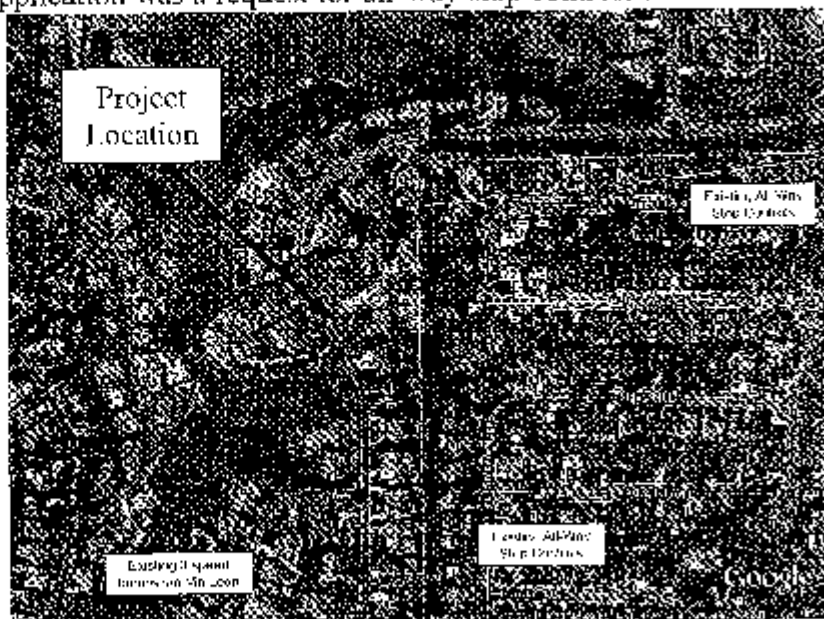
**DATE: JULY 10, 2013**

## The Issue:

Roger Wiederkehr of 1505 Via Coronel previously submitted a traffic calming application for the 1500 block of Via Coronel, citing excessive speeding, high traffic volume and the distance between stop signs. Mr. Wiederkehr states that these issues create a danger to pedestrians and bicyclists who utilize the roadway in this area. The Traffic Safety Committee recommended, and the City Council approved, the following traffic calming actions:

- Modification of the existing edgeline striping to narrow the travel lanes to 10-feet and install diagonal hatch striping in the parking lane; and,
- Placement of a radar speed feedback sign for southbound traffic, west of Via Fernandez.

Included in the traffic calming application was a request for all way stop controls at Via Coronel and Noya Place. As discussed at the May 8 Traffic Safety Committee meeting, all-way stop controls cannot be addressed in conjunction with the rest of the traffic calming application and must instead go through a separate warrant analysis, as is the Committee's regular process. The residents on Noya Place have submitted a written request for consideration of all-way stop controls (copy attached).





## Background

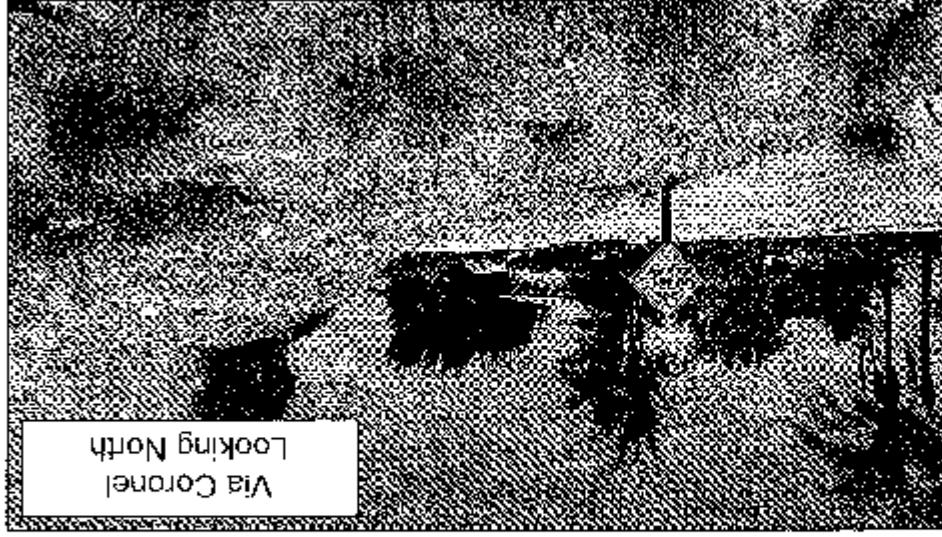
Via Coronel and Noya Place create a T-intersection with Noya Place forming the stem from the east. There are no posted stop controls on any of the approaches. Via Coronel has one travel lane and one parking lane in each direction, separated by double yellow centerline striping. As discussed above, the striping will be modified to reduce the travel lanes to 10-feet in width and visually enhance the parking lane with diagonal striping in an attempt to reduce speeds. This roadway has a 25 mph speed limit and speed limit signs are posted in the area. There are curb and gutter improvements in the vicinity but no sidewalk. Fronting development is single family residential except for the northeast corner of Via Coronel and Noya Place, which is an undeveloped lot.

The nearest stop control on Via Coronel to the south is approximately 550 feet away at Via Leon.



The nearest stop control to the north is control to the north is approximately 1,400 feet away at Via Fernandez. There is a downgrade from Via Fernandez to Noya Place, with a relatively flat vertical alignment from Noya Place to Via Leon. There is a sharp horizontal curve north of Noya Place that limits visibility.

The minimum stopping sight distance per the California Highway Design Manual is 150 feet for 25 mph (the legal speed limit at this location) and 250 feet for 35 mph (the prevailing or 85<sup>th</sup> percentile speed of traffic was measured in January/February, 2013 at 34 mph). Field



measurements revealed that visibility for motorists on Noya Place viewing vehicles to the left (south) on Via Coronel is available to the stop sign at Via Leon, approximately 550 feet. This exceeds the minimum stopping sight distance for both the legal speed limit and the prevailing speed of traffic, therefore visibility for this direction is adequate. Visibility to the right (north) was

measured at approximately 185 feet, due to the horizontal curve. Vegetation on the undeveloped lot on the northeast corner can further restrict visibility, so prior to this evaluation Public Works staff trimmed the vegetation. Based on the field measurements, visibility is adequate for the legal speed limit but provides only 75% of the minimum stopping sight distance for the prevailing speed of traffic.

The volume of traffic on Via Coronel was measured on Thursday January 31, 2013 as part of the initial traffic calming study. The data revealed a 24-hour volume of 1,709 vehicles and a peak hour volume of 172 vehicles between 8:00-9:00 a.m. Volume on Noya Place was not counted since it is a cul-de-sac serving only four (4) single family residences. The traffic volume is nominal, with an expected 24-hour volume of 40 vehicles per day based on widely accepted Institute of Transportation Engineers (ITE) trip generation rates for this type of development.

A review of the available SWFTRS accident history at this location revealed no reported intersection type accidents since 2002.

The California Manual of Uniform Traffic Control Devices (CA MUTCD) provides guidance for the installation of all-way stop controls. It suggests that all-way stop controls may be considered when:

- There is a crash problem, as indicated by 5 or more reported crashes in a 12-month period that are susceptible to correction by all-way stop installation. Such crashes include right- and left-turn collisions as well as right-angle collisions.
- Where minimum traffic volumes are observed that include an average of at least 300 vehicles per hour entering the intersection from the major street for any 8 hours of an average day, and a combined vehicular, pedestrian, and bicycle volume entering the intersection from the minor street of at least 200 units per hour for the same 8 hours.

Based on these criteria and the data identified above, the collision and volume guidelines are not satisfied and do not support all-way stop control installation. However the CA MUTCD also provides other criteria that may be considered, including:

- The need to control left-turn conflicts;
- The need to control vehicle/pedestrian conflicts near locations that generate high pedestrian volumes;
- Locations where a road user, after stopping, cannot see conflicting traffic and is not able to negotiate the intersection unless conflicting cross traffic is also required to stop; and,
- An intersection of two residential neighborhood collector (through) streets of similar design and operating characteristics where all-way stop control would improve traffic operational characteristics of the intersection.

One of the criteria listed above may be applicable to this location:

**Locations where a road user, after stopping, cannot see conflicting traffic and is not able to negotiate the intersection unless conflicting cross traffic is also required to stop** – Visibility measurements do not satisfy the Caltrans Highway Design Manual minimum stopping sight

distance for the north approach of the intersection. Since the visibility restriction is due to grade and roadway curvature, there are no feasible modifications to improve sight distance. Additional factors to be considered in determining the appropriateness of all-way stop control at this location should include:

- It is typically desirable for approach volumes to be relatively equal. This helps to maintain compliance with the stop regulation by providing more conflict from cross traffic. When motorists seldom encounter cross traffic, they may feel there is little need to stop. Since the volume on Noya Place is nominal compared to Via Coronel, it is possible that motorists on Via Coronel may frequently disregard the command to stop.
- Installing new stop controls will increase noise and air pollution, as well as motorist delay due to motorists on Via Coronel being required to stop whereas they did not have to previously. It should be noted however that there are already all-way stop controls on Via Coronel nearby at Via Leon.

### Costs

The estimated cost to install stop signs and pavement markings is approximately \$1,000.

### CEOA Status

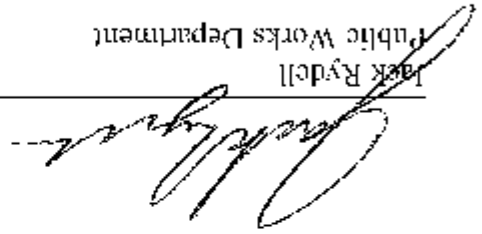
This project is categorically exempt from the environmental review process under Section 15301 Class 1 (c) of Title 14 of the California Code of Regulations.

### Recommendation

The traffic volumes and reported accident history at this location do not satisfy CA MUTCD warrants for the installation of all-way stop controls. However the limited visibility to the north of the intersection justifies the consideration of all-way stop controls.

Staff recommends that the Traffic and Safety Committee evaluate this all-way stop control study, consider public input and then determine whether all-way stop controls should be installed at Via Coronel and Noya Place.

Staff report prepared by:

  
 Jack Rydell  
 Public Works Department

Attach.

March 4, 2013

Traffic Safety Committee

Attn: Allan Rigg

City Hall, 340 Palos Verdes Dr. West,  
Palos Verdes Estates, CA 90274

Committee Members and Mr. Rigg:

We, the undersigned residents of Noya Place and residents of Via Coronel who are directly impacted, are requesting the installation of a three-way stop at the intersection of Via Coronel and Noya Place. We continue to support the pending traffic calming application for the 1500 block of Via Coronel, but we deal on a daily basis with a separate traffic safety issue that could best be addressed by a three-way stop.

Recent speed and volume data obtained in the 1500 block of Via Coronel by the Public Works Department confirms what those of us who live on Noya already know: making a blind left turn from Noya onto Via Coronel puts everyone in the car at risk. Drivers stopping at the bottom of Noya Place cannot see conflicting traffic and are unable to safely proceed through the intersection. Roadway curvature and terrain elevation on the east side of Via Coronel are such that drivers cannot slow or stop when encountering unexpected traffic merging in and out of Noya Place. The data obtained by Public Works also indicates that the majority of drivers on Via Coronel exceed the posted, 25-mile-per-hour speed limit by at least five miles per hour, which means they do not have time to react to unexpected traffic.

Several of us who reside on Via Coronel in close proximity to Noya face similar issues when exiting our driveways. Again, roadway curvature and terrain elevation are such that we are forced to enter Via Coronel with limited ability to see oncoming traffic. We believe that a three-way stop would slow traffic and allow us to safely exit our driveways and enter Via Coronel.

In addition to addressing the issues outlined above, a three-way stop at Noya Place and Via Coronel would also provide a safe crossing for the numerous walkers and joggers on Via Coronel. Currently, those on foot must utilize the edge of the roadway in close proximity to vehicles traveling at a high rate of speed. The residents of the 1500 block of Via Coronel have indicated that they support the installation of a three-way stop for all of the above reasons.

Those of us directly impacted by this safety issue have shared our near-miss stories with one another; we would be more than happy to share them with you as well. We hope this request will merit your full consideration, and we look forward to discussing it with you at the Traffic Safety Committee meeting on April 10th.

Name	Address	Phone
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JORDAN LUND MEBDEL	2001 NOVA PLACE	310-544-0234
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Auto	2005 NOVA PK.	310/541-9103
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Ishtak & Manisha Rahang	4529 W. CORONA	310-521-7014
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Y-Kai (W.C.)	1526 W. CORONA	
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310 541-7376		
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Robert & Barbara Williams	2805 W. CORONA	310-521-7014
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James & James	2805 W. CORONA	310-544-8784
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Thomas & STEPHAN ALTHOFF	1517 W. CORONA	310-544-8784
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Scott MICHAEL KAMM	2005 NOVA PK.	310/541-9103
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# MEMORANDUM

Agenda Item #: 2  
Meeting Date: 07/10/13

**TO: MEMBERS OF THE TRAFFIC AND SAFETY COMMITTEE**

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

**SUBJECT: INCREASE SPEED LIMIT ON VIA ALMAR BETWEEN VIA DEL PUENTE AND VIA ARROYO AND ON PALOS VERDES DRIVE WEST BETWEEN THE SOUTH CITY LIMIT AND PASEO LUNADO**

**DATE: JULY 10, 2013**

## The Issue:

Engineering and Traffic Surveys are required by the State of California to establish speed limits on roadways that are not subject to statutory speed limits, such as the state maximum limit, 25 mph school speed limit when children are present, etc. Without valid Engineering and Traffic Surveys, police cannot enforce those limits using radar or other electronic speed measuring devices. These surveys must be updated periodically (every 5, 7 or 10 years, depending upon specific criteria) to ensure the speeds reflect current conditions as dictated by the California Vehicle Code.

Engineering and Traffic Surveys on roadways within the City were last performed primarily in 2008 with a few performed in 2009. Due to changes in the California Manual of Uniform Traffic Control Devices (CA MUTCD) in January 2012 with respect to how speed limits are to be set, all of the existing speed limits required new Engineering and Traffic Surveys since the 5 year period will expire shortly. 15 roadway segments were surveyed and the following 13 did not require changes to their current speed limits.

<u>Street</u>	<u>Segment Limits</u>	<u>Speed Limit</u>
Granvia Altamira	South City Limit – North City Limit	30 mph
Palos Verdes Blvd	North City Limit – Palos Verdes Dr N	35 mph
Palos Verdes Dr N	East City Limit – Paseo Del Campo	35 mph
Palos Verdes Dr N	Paseo Del Campo – Palos Verdes Blvd	35 mph
Palos Verdes Dr W	Palos Verdes Dr N – Paseo Del Mar (S)	35 mph
Palos Verdes Dr W	Paseo Del Mar (S) – Paseo Lunado	35 mph
Paseo Del Campo	Via Campesina – Palos Verdes Dr N	25 mph
Paseo Del Mar	Via Arroyo – Palos Verdes Dr W	30 mph
Paseo Del Mar	Palos Verdes Dr W – Paseo Lunado	30 mph



○ Option 1 - The posted speed may be reduced by 5 mph from the nearest 5 mph increment of the 85th-percentile speed, in compliance with CVC Sections 627 and 22358.5. If the speed limit to be posted has had the 5 mph reduction applied, then an Engineering and Traffic Survey shall document in writing the conditions and justification for the lower speed limit and be approved by a registered Civil or Traffic Engineer. The reasons for the lower speed limit shall be in compliance with CVC Sections 627 and 22358.5.

- When a speed limit is to be posted, it shall be established at the nearest 5 mph increment of the 85th-percentile speed of free-flowing traffic, except as shown in the two Options below.
- Speed zones (other than statutory speed limits) shall only be established on the basis of an Engineering and Traffic Survey that has been performed in accordance with traffic engineering practices. The engineering study shall include an analysis of the current speed distribution of free-flowing vehicles.

The authority for setting speed limits is regulated by the California Vehicle Code (CVC), and the procedure for setting speed limits is contained in the CA MUTCD. Both the CVC and the CA MUTCD were revised in 2012 to reflect new requirements for setting speed limits. The basic requirements are as follows:

**Background**

The Engineering and Traffic Surveys for these two roadways are being presented to the Traffic Safety Committee for your consideration and, if approved, will be presented in the form of an ordinance to City Council for adoption of the new speed limits.

Street	Limits	Existing Speed Limit	Proposed Speed Limit
Palos Verdes Dr W	South City Limit - Paseo Lunado	30 mph	35 mph
Via Almar	Via Del Puente – Via Arroyo	25mph	30 mph

The Engineering and Traffic Surveys for the following two roadways indicated that an increase in the speed limit is appropriate:

Since the existing speed limits as adopted by the City Council remain valid, the Engineering and Traffic Surveys were signed by approved by our City Traffic Engineer and these speed limits continue to be enforced by the Police Department through electronic means.

Street	Segment Limits	Speed Limit
Via Campesina	Palos Verdes Dr N	30 mph
Via Campesina	Via Elevado – Via Corta	25 mph
Via Del Monte	Via Campesina – Granvia Altamira	25 mph
Via Zurita	Via Fernandez – Via Coronel	25 mph

- Option 2 - For cases in which the nearest 5 mph increment of the 85th-percentile speed would require a rounding up, then the speed limit may be rounded down to the nearest 5 mph increment below the 85th percentile speed, if no further reduction is used.

The Engineering and Traffic Surveys (copies attached) for Via Almar between Via Del Puente and Via Arroyo and for Palos Verdes Drive West between the South City Limit (north of Paseo Lunada) and Paseo Lunado were conducted by our City Traffic Engineer. The speed data obtained revealed that the speed limits for both roadway segments would need to be increased to comply with the CVC and CA MUTCD. As included in the Engineering and Traffic Surveys, the 5 mph reduction from the nearest 5 mph increment was applied to both roadways per Option 1; however an increase from the existing speed limit is still required.

The setting of speed limits can be controversial and requires a rational and defensible determination to maintain public confidence. Speed limits are normally set near the 85th-percentile speed that statistically represents one standard deviation above the average speed and establishes the upper limit of what is considered reasonable and prudent. As with most laws, speed limits need to depend on the voluntary compliance of the greater majority of motorists. Speed limits cannot be set arbitrarily low, as this would create violators of the majority of drivers and would not command the respect of the public. This is the reason why State law, as specified in the CVC and CA MUTCD, does not allow speed limits to be set in an arbitrary manner.

### **Recommendations**

Staff recommends that the Traffic and Safety Committee evaluate this report and the attached Engineering and Traffic Surveys, and direct Staff to submit an ordinance to the City Council to establish the following speed limits:

1. 30 mph speed zone on Via Almar between Via Del Puente and Via Arroyo. There will also be a 25 mph school speed limit established when children are present for Via Almar between and Via Del Puente and Via Arroyo, however this is a statutory limit prescribed by the CVC and it is not under the purview of the Traffic Safety Committee to determine.
2. 35 mph speed zone on Palos Verdes Drive West between the South City Limit (north of Lunada Vista) and Paseo Lunado.

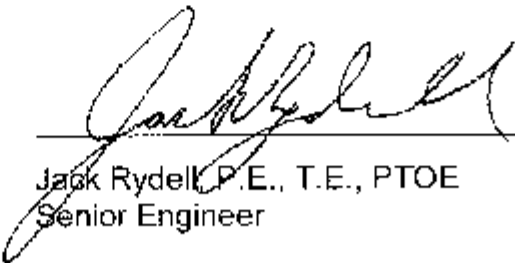
Staff report prepared by:

  
 Jack Rydell  
 Public Works Department

Attach.

**AFFIDAVIT OF COMPLIANCE**

I certify that the attached Engineering and Traffic Survey for the City of Palos Verdes Estates, California meet the criteria of California Vehicle Code Section 627 which defines an engineering and traffic survey and also the methodology established in the California Manual on Uniform Traffic Control Devices, January 13, 2012 edition. I certify all measurements and calculations were under my direction.

  
\_\_\_\_\_  
Jack Rydell, P.E., T.E., PTOE  
Senior Engineer



<p><b>PART IV: ADDITIONAL REMARKS</b></p> <p>Via Almar between Via Del Puente and Via Arroyo within the City of Palos Verdes Estates is classified as a major collector roadway on the current California Road System Functional Classification System maps (CRS map 13V52) submitted to the Federal Highway Administration for the City of Palos Verdes Estates. Due to its classification and functional usage, the California Vehicle Code requires that an Engineering and Traffic Survey be conducted based on the methodology mandated by the California Department of Transportation to establish a legal speed limit that can be enforced by radar or other electronic means.</p>	
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<p><b>DATE OBSERVATIONS MADE</b></p> <p>3-27-13</p>	
<p><b>HIGHWAY: Geometric, access</b> (driveways, intersections, other):</p> <ul style="list-style-type: none"> <li>- Sharp horizontal curve at east end, then relatively straight downgrade from east to west.</li> <li>- Segment length = 0.34 mi.; ADT = 3,144 (2008).</li> <li>- One lane in each direction, separated by centerline striping.</li> <li>- Parking lane striped on the north side.</li> <li>- All-way stop controls at Via Del Puente and Via Arroyo.</li> <li>- 25 mph speed limit sign posted for w/b traffic near 324 Via Almar.</li> <li>- Street lighting on the s/s at Via Arroyo.</li> <li>- Residential driveways on s/s; school/park access driveway on n/s.</li> </ul>	<p><b>TRAFFIC: Pedestrians, parking</b> turnover, school crossings:</p> <ul style="list-style-type: none"> <li>- Parking allowed on the n/s, prohibited on the s/s.</li> <li>- Substantial bicycle activity in roadway.</li> <li>- Heavy pedestrian activity in the area due to school and park.</li> </ul>
<p><b>ROADSIDE: Land uses not appropriate</b> (park, school, etc.) other conditions:</p> <ul style="list-style-type: none"> <li>- Malaga Cove School and administrative offices on n/s.</li> <li>- Sidewalk on n/s; curb and gutter improvements on b/s.</li> <li>- Residential frontage on south side throughout segment.</li> <li>- Provides access to Palos Verdes Beach and Athletic Club.</li> </ul>	

**PART III: HIGHWAY, TRAFFIC, AND ROADSIDE CHARACTERISTICS NOT READILY APPARENT**

<p><b>ACCIDENT RECORDS</b></p>	
<p><b>Time Period Covered</b> 1/1/10 to 12/31/11</p>	<p><b>Number of Mid-block Accidents</b> 0</p>
<p><b>Mid-Block Accident Rate per Million Vehicle Miles</b> 0.00 acc/mvm</p>	<p><b>Expected Mid-Block Accident Rate</b> 1.68 acc/mvm (District 7, Urban, 2009 Rates)</p>

<p><b>PREVAILING SPEED MEASUREMENT</b></p>	
<p><b>Location of Survey</b> near 352 Via Almar</p>	<p><b>Date of Survey</b> 3/27/13</p>
<p><b>50%ile</b> 32 mph</p>	<p><b>85%ile</b> 36 mph</p>
<p><b>10 mph pace (% of vehicle)</b> 27 - 36 mph (84%)</p>	<p><b>Posted Speed Limit</b> 25 mph</p>

<p><b>Year of Survey</b> 2013</p>	
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**Via Almar – Via Del Puente to Via Arroyo**

Via Almar – Via Del Puente to Via Arroyo**ART IV: ADDITIONAL REMARKS (CONTINUED – PAGE 2 of 4)**

Via Almar between Via Del Puente and Via Arroyo within Palos Verdes Estates is characterized by one lane in each direction separated by centerline striping, with a parking lane striped on the north side. Parking is prohibited on the south side. Via Almar is approximately 0.34 miles in length. The existing speed limit is 25 mph; however the only sign is posted for the westbound direction near 324 Via Almar. Fronting development on the south side is single family residential while the north side has Malaga Cove School and administrative offices and a park with ball fields. These facilities are used for numerous activities and generate a substantial amount of parking turnover and pedestrian activity. Within the study segment, Via Almar has stop controls at Via Del Puente and Via Arroyo. There are marked school crosswalks at Via Arroyo, and sidewalk along the north side throughout the segment.

A review of the reported accident history on Via Almar between Via Del Puente and Via Arroyo revealed no midblock accidents during the two-year period ending December 31, 2011. The expected accident rate is 1.68 acc/mvm for similar type urban roadways within Caltrans District 7.

The California Manual of Uniform Traffic Control Devices (CA MUTCD), which is authorized by the California Vehicle Code (CVC) as the legal procedure for establishing speed zones, provides the following guidance on obtaining prevailing speeds (Section 2B.13, page 144):

*"A location should be selected where prevailing speeds are representative of the entire speed zone section. If speeds vary on a given route, more than one speed zone section may be required, with separate measurements for each section. Locations for measurements should be chosen so as to minimize the effects of traffic signals or stop signs."*

Based on the location of existing traffic controls at Via Del Puente and Via Arroyo, fronting development, the location of the park/ball field and roadway characteristics, the speed data collected near 352 Via Almar is adequate to produce an appropriate speed zone for the entire segment.

The speed measurements resulted in an 85th percentile speed of 36 mph and a 10 mph pace of 27-36 mph (84% of the vehicles within that pace). The CA MUTCD states the following on page 142:

*"When a speed limit is to be posted, it shall be established at the nearest 5 mph increment of the 85th-percentile speed of free-flowing traffic, except as shown in the two Options below."*

*Option 1: The posted speed may be reduced by 5 mph from the nearest 5 mph increment of the 85th-percentile speed, in compliance with CVC Sections 627 and 22358.5. See Standard below for documentation requirements.*

*Option 2: For cases in which the nearest 5 mph increment of the 85th-percentile speed would require a rounding up, then the speed limit may be rounded down to the nearest 5 mph increment below the 85th percentile speed, if no further reduction is used."*

## PART IV: ADDITIONAL REMARKS (CONTINUED -- PAGE 3 of 4)

## Via Almar – Via Del Puente to Via Arroyo

City of PVE

ENGINEERING AND TRAFFIC SURVEY (CVC SEC. 627)

The "standard" identified in Option 1 above is as follows on page 142:

"If the speed limit to be posted has had the 5 mph reduction applied, then an E&I S shall document in writing the conditions and justification for the lower speed limit and be approved by a registered Civil or Traffic Engineer. The reasons for the lower speed limit shall be in compliance with CVC Sections 627 and 22350.5."

Factors that may justify application of a 5 mph reduction from the nearest 5 mph increment of the 85<sup>th</sup> percentile speed are discussed in the CA MUTCD and include:

- Road characteristics, shoulder condition, grade, alignment, and sight distance not readily apparent to motorists;
- The pace;
- Roadside development and environment;
- Parking practices and pedestrian activity;
- Reported crash experience for at least a 12-month period;
- Residential density; and
- Pedestrian and bicyclist safety.

The speed measurements indicate that the closest 5 mph increment to the 85<sup>th</sup> percentile speed is 35 mph. However the following conditions suggest that a 5 mph reduction would be appropriate:

- The attraction of the adjacent park and ball field and lack of sidewalk results in a substantial number of pedestrians and bicyclists within the roadway, bringing them into close proximity with motorized vehicles and creating the potential for conflict. This situation is exacerbated by the substantial parking activity in this area, resulting in frequent unexpected entries by vehicles into the travel lanes.

- The 10-mile pace is 27-36 mph. Maintaining the speed limit at 30 mph would be within the speed range where the majority of motorists are travelling, thus making it a reasonable speed limit.
- The residential fronting development and numerous driveways create significant parking movements, resulting in frequent entries and exits to the through traffic flow on Via Almar. These movements, combined with the significant pedestrian and bicycle activity requires greater attention from motorists and increased reaction time to avoid collisions.

- The sharp curve contains a scenic view that can be distracting to motorists, especially those unfamiliar with the area. Maintaining the speed limit at 30 mph would provide motorists additional time to correct their course of travel in the event that they are focused on the view instead of the roadway, thus reducing the potential for accidents.

- Via Almar has single-family residential frontage with a density in excess of the 13 dwelling units within a 0.25 mile length of roadway threshold as specified in the CA MUTCD (pages 144-145). This density threshold, which is used to define a residence district, indicates that a lower speed limit would be beneficial to be consistent with the nature and needs of the community.



Via Almar – Via Del Puente to Via Arroyo**ART IV: ADDITIONAL REMARKS (CONTINUED – PAGE 4 of 4)**

Considering the previously discussed CA MUTCD guidelines for establishing speed limits based on the prevailing speed of traffic and the justifications outlined above, it is appropriate to apply a 5 mph reduction to the nearest 5 mph increment of the 85th percentile speed. Therefore, it is recommended that a 30 mph speed zone be established on Via Almar between Via Del Puente and Via Arroyo to provide a reasonable and safe speed limit.

As noted, Malaga Cove School and the associated park are located on the north side of Via Almar with boundaries at Via Arroyo and a point approximately 300 feet west of Via Del Puente. California Vehicle Code Section 22352 establishes a 25 mph speed limit when children are present as follows:

*"...When approaching or passing a school building or the grounds thereof, contiguous to a highway and posted with a standard "SCHOOL" warning sign, while children are going to or leaving the school either during school hours or during the noon recess period. The prima facie limit shall also apply when approaching or passing any school grounds which are not separated from the highway by a fence, gate, or other physical barrier while the grounds are in use by children and the highway is posted with a standard "SCHOOL" warning sign. For purposes of this subparagraph, standard "SCHOOL" warning signs may be placed at any distance up to 500 feet away from school grounds..."*

Based on the limits of the school and park, it is appropriate to post 25 mph school speed limit signs "when children are present" for both directions of travel on Via Almar between Via Arroyo and Via Del Puente.

**RECOMMENDATION**

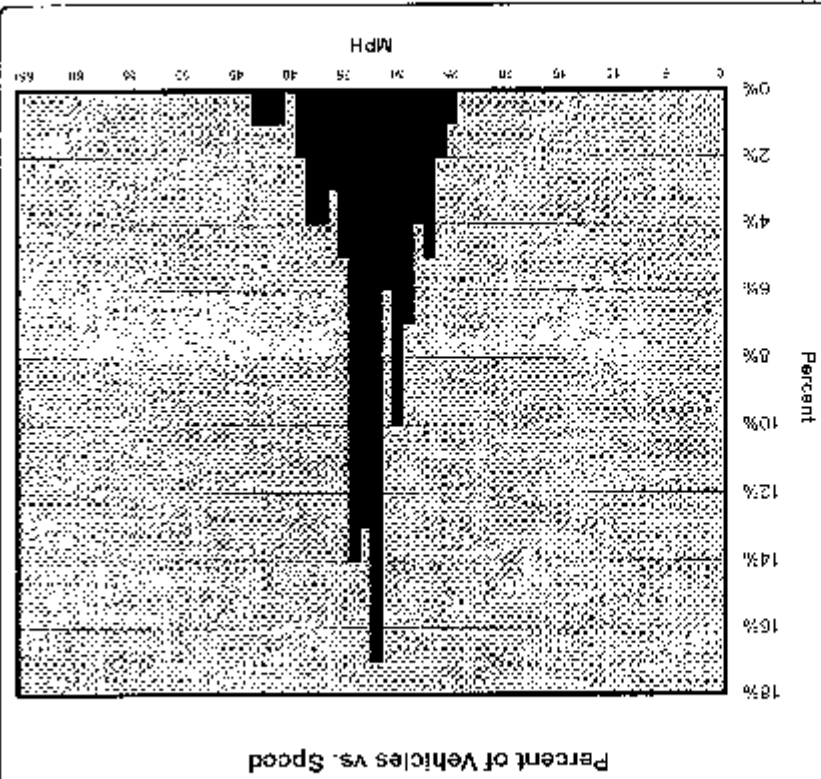
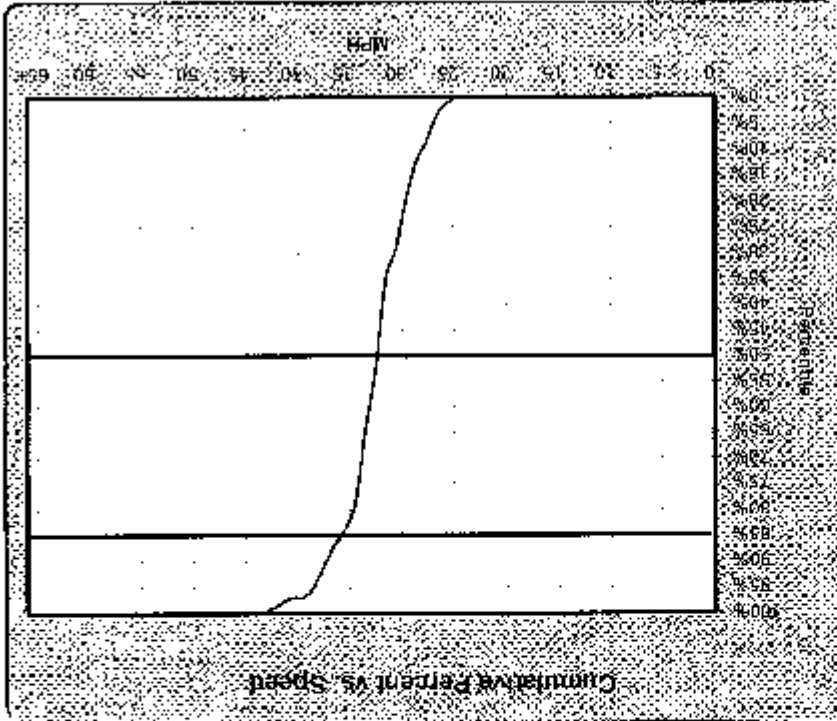
- 1) Establish a general 30 mph speed limit
- 2) Establish a 25 mph speed limit when children are present speed limit per CVC Section 22352 between Via Arroyo and Via Del Puente

# City of Palos Verdes Estates Speed Zone Survey

Count Location: Via Almar near 352

50th Percentile Speed: 32 mph  
 65th Percentile Speed: 36 mph  
 Average Speed: 32.5 mph  
 Range of Speeds Observed: 25 - 43 mph  
 Number of Vehicles Observed: 109

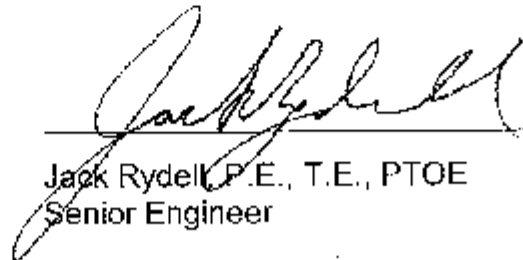
10 MPH Pace: 27 - 36 mph  
 Percent Within Pace: 84.0%  
 Percent Over Pace Speed: 15.0%  
 Percent Within Pace Speed: 3.0%



Date of Count	Beginning Time	Direction Counted	Posted Speed Limit	Observer
3/27/2019	8:20 a.m.	both	25 mph	JR
Count of Vehicles	Percent of Count	Count	Percent of Count	Count
0	0.0%	0	0.0%	0
1	0.0%	0	0.0%	0
2	0.0%	0	0.0%	0
3	0.0%	0	0.0%	0
4	0.0%	0	0.0%	0
5	0.0%	0	0.0%	0
6	0.0%	0	0.0%	0
7	0.0%	0	0.0%	0
8	0.0%	0	0.0%	0
9	0.0%	0	0.0%	0
10	0.0%	0	0.0%	0
11	0.0%	0	0.0%	0
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41	0.0%	0	0.0%	0
42	0.0%	0	0.0%	0
43	0.0%	0	0.0%	0
44	0.0%	0	0.0%	0
45	0.0%	0	0.0%	0
46	0.0%	0	0.0%	0
47	0.0%	0	0.0%	0
48	0.0%	0	0.0%	0
49	0.0%	0	0.0%	0
50	0.0%	0	0.0%	0
51	0.0%	0	0.0%	0
52	0.0%	0	0.0%	0
53	0.0%	0	0.0%	0
54	0.0%	0	0.0%	0
55	0.0%	0	0.0%	0
56	0.0%	0	0.0%	0
57	0.0%	0	0.0%	0
58	0.0%	0	0.0%	0
59	0.0%	0	0.0%	0
60	0.0%	0	0.0%	0
61	0.0%	0	0.0%	0
62	0.0%	0	0.0%	0
63	0.0%	0	0.0%	0
64	0.0%	0	0.0%	0
65	0.0%	0	0.0%	0

## AFFIDAVIT OF COMPLIANCE

I certify that the attached Engineering and Traffic Survey for the City of Palos Verdes Estates, California meet the criteria of California Vehicle Code Section 627 which defines an engineering and traffic survey and also the methodology established in the California Manual on Uniform Traffic Control Devices, January 13, 2012 edition. I certify all measurements and calculations were under my direction.

  
\_\_\_\_\_  
Jack Rydell, P.E., T.E., PTOE  
Senior Engineer



**Palos Verdes Drive West – Paseo Lunado to South City Limit**

**ENGINEERING AND TRAFFIC SURVEY (CVC SEC. 627)**

City of PVE

Year of Survey

2013

**PART I: PREVAILING SPEED MEASUREMENT**

Location of Survey		near 2840 PVDW	
Date of Survey		3/28/13	
50%ile	85%ile	36 mph	39 mph
10 mph pace (% of vehicle)		31 - 40 mph (85%)	
Posted Speed Limit		30 mph	

**PART II: ACCIDENT RECORDS**

Time Period Covered	1/1/10 to 12/31/11
Number of Mid-block Accidents	1
Mid-Block Accident Rate per Million Vehicle Miles	0.34 acc/mvm
Expected Mid-Block Accident Rate	1.18 acc/mvm (District 7, Urban, 2009 Rates)

**PART III: HIGHWAY, TRAFFIC, AND ROADSIDE CHARACTERISTICS NOT READILY APPARENT**

Date Observations Made	3-28-13
HIGHWAY: Geometric, access (driveways, intersections, other).	<ul style="list-style-type: none"> <li>- Straight horizontal alignment with relatively flat vertical alignment.</li> <li>- Segment length = 0.42 mi.</li> <li>- ADT = 9,496 (2008).</li> <li>- Two lanes in each direction, separated by a parkway median; striped parking lane on the outside of each barrel.</li> <li>- Stop controls at Paseo Lunado (south barrel).</li> <li>- Speed limit signs posted within segment.</li> <li>- South City Limit n/o Lunada Vista.</li> <li>- No street lighting within segment.</li> <li>- Residential driveways on outside of each barrel; few intersections within segment.</li> </ul>
TRAFFIC: Pedestrians, parking turnover, school crossings.	<ul style="list-style-type: none"> <li>- Pedestrian trail within parkway median.</li> <li>- Parking allowed on outside of each barrel.</li> <li>- Substantial bicycle activity in roadway.</li> <li>- Crosswalk on the north leg of Paseo Lunado (north barrel).</li> </ul>
ROADSIDE: Land uses not appropriate (park, school, etc.) other conditions.	<ul style="list-style-type: none"> <li>- Single-family residential frontage.</li> <li>- Lunada Bay Elementary School e/o PVDW, s/o Paseo Lunado.</li> </ul>

**PART IV: ADDITIONAL REMARKS**

Palos Verdes Drive West between Paseo Lunado and the South City Limit (north of Lunada Vista) within the City of Palos Verdes Estates is classified as a Principal Arterial roadway on the current California Road System Functional Classification System maps (CRS map 13V51) submitted to the Federal Highway Administration for the City of Palos Verdes Estates. Due to its classification and functional usage, the California Vehicle Code requires that an Engineering and Traffic Survey be conducted based on the methodology mandated by the California Department of Transportation to establish a legal speed limit that can be enforced by radar or other electronic means.

Palos Verdes Drive West – Paseo Lunado to South City Limit**PART IV: ADDITIONAL REMARKS (CONTINUED – PAGE 2 of 3)**

Palos Verdes Drive West (PVDW) between Paseo Lunado and the South City Limit (north of Lunada Vista) within Palos Verdes Estates is characterized by two lanes in each direction separated by a parkway median. The existing posted speed limit is 30 mph. The remainder of PVDW within Palos Verdes Estates (between Paseo Lunado and Palos Verdes Drive North/Palos Verdes Boulevard) has a posted speed limit of 35 mph. The portion of PVDW to the south of the City Limit, within the City of Rancho Palos Verdes has a posted speed limit of 45 mph. The portion of PVDW evaluated in this Engineering and Traffic Survey is approximately 0.42 miles in length. Fronting development is single family residential. Access to Lunada Bay Elementary School is provided by Via Anacapa and Paseo Lunado. There are posted stop controls at Paseo Lunado. Edgeline striping on outside of each barrel provides parking lanes. A marked yellow crosswalk is located on the north leg of Paseo Lunado (north barrel). The parkway median has a pedestrian trail.

The California Manual of Uniform Traffic Control Devices (CA MUTCD), which is authorized by the California Vehicle Code (CVC) as the legal procedure for establishing speed zones, provides the following guidance on obtaining prevailing speeds (Section 2B.13, page 144):

*"A location should be selected where prevailing speeds are representative of the entire speed zone section. If speeds vary on a given route, more than one speed zone section may be required, with separate measurements for each section. Locations for measurements should be chosen so as to minimize the effects of traffic signals or stop signs."*



Based on fronting development, the location of existing traffic controls at Paseo Lunado and the City Limit north of Lunada Vista, and roadway characteristics, the speed data collected near 2840 PVDW is adequate to produce an appropriate speed zone for the entire segment.

The speed measurements resulted in an 85th percentile speed of 39 mph and a 10 mph pace of 31-40 mph (85% of the vehicles within that pace). The CA MUTCD states the following on page 142:

*"When a speed limit is to be posted, it shall be established at the nearest 5 mph increment of the 85th-percentile speed of free-flowing traffic, except as shown in the two Options below."*

*Option 2: For cases in which the nearest 5 mph increment of the 85<sup>th</sup>-percentile speed would require a rounding up, then the speed limit may be rounded down to the nearest 5 mph increment below the 85<sup>th</sup> percentile speed, if no further reduction is used."*

The speed measurements and above guidelines contained within the CA MUTCD suggest that a speed zone of 35 mph would be appropriate.

RECOMMENDATION	Establish a 35 mph speed limit
<p>A review of the reported accident history on PVDW between Paseo Lunado and the South City Limit revealed one (1) midblock accident during the two-year period ending December 31, 2011, resulting in a midblock accident rate of 0.34 accidents per million vehicle miles (acc/mvm). The expected accident rate is 1.18 acc/mvm for similar type urban roadways within Caltrans District 7.</p> <p>Considering the previously discussed CA MUTCD guidelines for establishing speed limits based on the prevailing speed of traffic, favorable midblock accident rate and the adjacent speed zones of 45 mph to the south and 35 mph to the north, it is appropriate to round down to the nearest 5 mph increment below the 85th percentile speed. Therefore, it is recommended that a 35 mph speed zone be established on Palos Verdes Drive West between Paseo Lunado and the South City Limit (north of Lunada Vista) to provide a reasonable and safe speed limit.</p> <div style="display: flex; justify-content: space-around; align-items: center;">   </div>	

PART IV: ADDITIONAL REMARKS (CONTINUED - PAGE 3 of 3)

Palos Verdes Drive West – Paseo Lunado to South City Limit

ENGINEERING AND TRAFFIC SURVEY (CVC SEC. 627)

City of PVE



## City of Palos Verdes Estates Speed Zone Survey

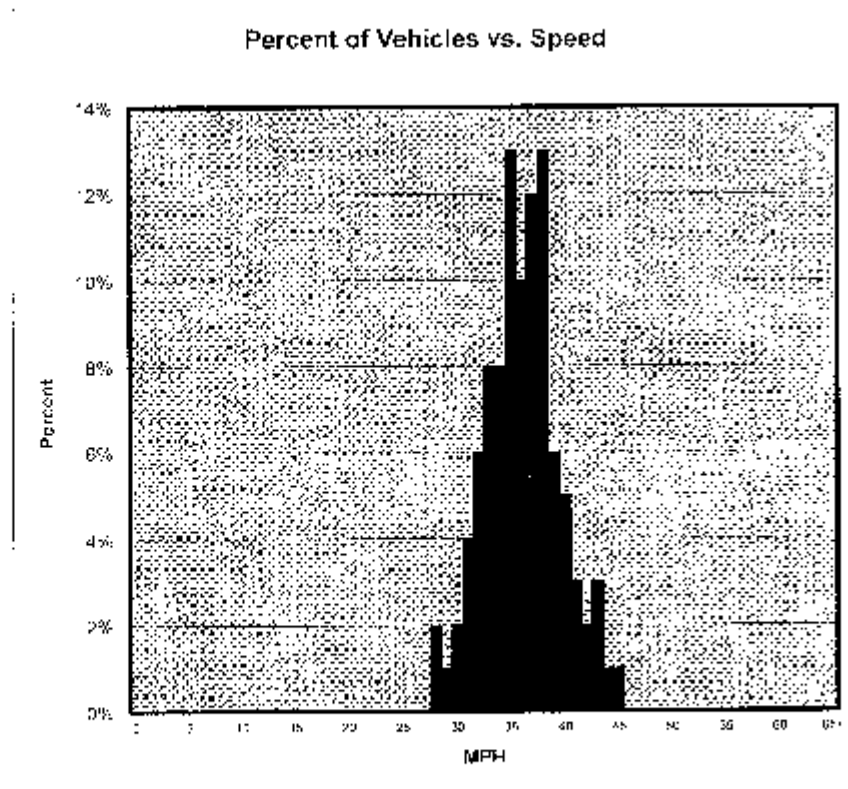
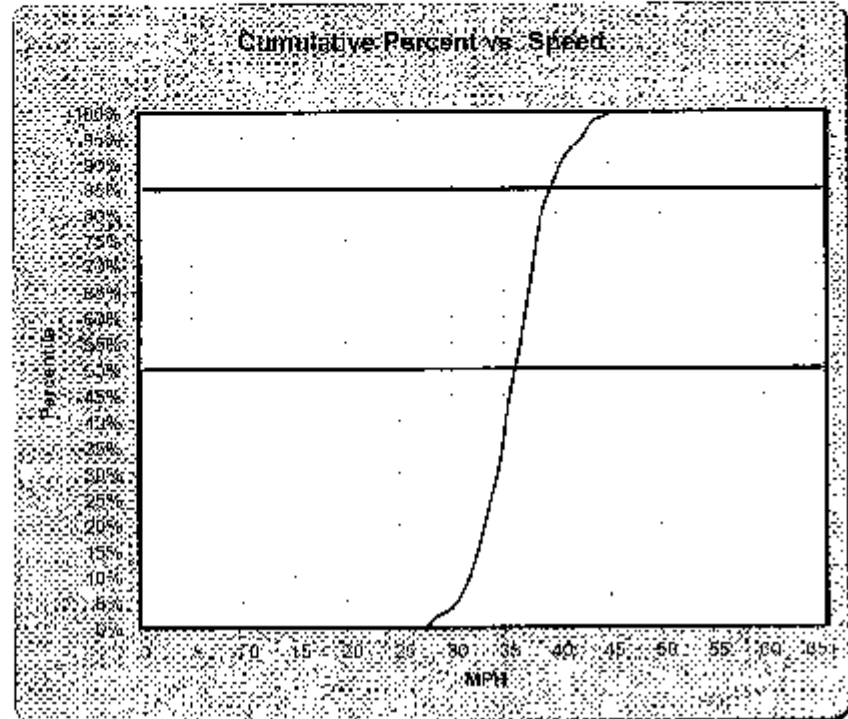
Count Location: Palos Verdes Drive West near 2840

Date of Count: 3/26/2013  
 Beginning Time: 12:30 p.m.  
 Direction Counted: both  
 Posted Speed Limit: 30 mph  
 Observer: JR

50th Percentile Speed: 36 mph  
 85th Percentile Speed: 39 mph  
 Average Speed: 36.1 mph  
 Range of Speeds Observed: 28 - 45 mph  
 Number of Vehicles Observed: 100

10 MPH Pace: 31 - 40 mph  
 Percent Within Pace: 85.0%  
 Percent Over Pace Speed: 15.0%  
 Percent Under Pace Speed: 5.0%

MPH	Number of Vehicles	Percent of Count	Cumulative Percent of Count
2	0	0.0%	0.0%
3	0	0.0%	0.0%
4	0	0.0%	0.0%
5	0	0.0%	0.0%
6	0	0.0%	0.0%
7	0	0.0%	0.0%
8	0	0.0%	0.0%
9	0	0.0%	0.0%
10	0	0.0%	0.0%
11	0	0.0%	0.0%
12	0	0.0%	0.0%
13	0	0.0%	0.0%
14	0	0.0%	0.0%
15	0	0.0%	0.0%
16	0	0.0%	0.0%
17	0	0.0%	0.0%
18	0	0.0%	0.0%
19	0	0.0%	0.0%
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21	0	0.0%	0.0%
22	0	0.0%	0.0%
23	0	0.0%	0.0%
24	0	0.0%	0.0%
25	0	0.0%	0.0%
26	0	0.0%	0.0%
27	0	0.0%	0.0%
28	2	2.0%	2.0%
29	1	1.0%	3.0%
30	2	2.0%	5.0%
31	4	4.0%	9.0%
32	6	6.0%	15.0%
33	8	8.0%	23.0%
34	8	8.0%	31.0%
35	10	10.0%	41.0%
36	10	10.0%	51.0%
37	12	12.0%	63.0%
38	13	13.0%	76.0%
39	6	6.0%	82.0%
40	5	5.0%	87.0%
41	3	3.0%	90.0%
42	2	2.0%	92.0%
43	1	1.0%	93.0%
44	1	1.0%	94.0%
45	0	0.0%	94.0%
46	0	0.0%	94.0%
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65	0	0.0%	94.0%





# MEMORANDUM

Agenda Item # 8

Mtg. Date 7/23/13

**TO:** ANTON DAHLERBRUCH, CITY MANAGER *AD*  
**FROM:** ALLAN RIGG, PLANNING DIRECTOR *AR*  
**DATE:** JULY 23, 2013  
**SUBJECT:** PLANNING COMMISSION ACTIONS OF JULY 16, 2013

The following items were acted upon by the Planning Commission on July 16, 2013.

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.

**ACTION MEMO  
PLANNING COMMISSION  
JULY 16, 2013**

- a. **NC-943RII-13**; Consideration of a revised Neighborhood Compatibility application for additions to the single family residence located at 1341 Via Catahuna. Lot 11, Block 9, Tract 7538.

Applicant: Envirotechno Architecture  
27010 Springcreek Rd.  
Rancho Palos Verdes, CA 90275  
Owner: Mr. & Mrs. Mitsanas

**Action: Approved (5-0) with standard conditions.**

- b. **M-922-13**; Consideration of a Miscellaneous Application requesting an increase in wall height at the single family residence located at 504 Paseo Del Mar, Lot 2, Block 1510, Tract 6886.

Applicant: Edward Carson Beall  
23727 Hawthorne Blvd.  
Torrance, CA 90505  
Owner: Mark Paullin  
16100 S. Figueroa  
Gardena, CA 90248

**Action: Approved (4-0, Vandever recused) with standard conditions and the following additional condition: 1) The applicant is required to plant landscape screening and provide irrigation to support that on the east side of the wall.**

- c. **M-923-13**; Consideration of a Miscellaneous Application for a new structure within the City right-of-way adjacent to the single family residence located at 2525 Palos Verdes Drive North.

Applicant: California Water Service Co.  
5837 Crest Road West  
Rancho Palos Verdes, CA 90275

**Action: Approved (5-0) with standard conditions and the following additional conditions: 1) The exact location of the air valve structure shall be determined by Director Rigg; 2) The structure is to be painted to match the natural surroundings; and 3) The applicant is to provide screening vegetation around the structure at the height of the structure to be reviewed and approved by the City Forester.**

- d. **M-925-13**; Consideration of a Miscellaneous Application for structures exceeding the maximum allowable height at the new single family residence located at 1820 Pasco Del Sol. Lot 8, Block 1550, Tract 7333.

Applicant: Tomaro Architecture  
2617 N. Sepulveda Blvd.  
Manhattan Beach, CA 90266  
Owner: Yulong Huang  
6309 Ridgemar Ct.  
Rancho Palos Verdes, CA 90275

**Action: Approved (5-0) with standard conditions.**



# MEMORANDUM

Agenda Item #: 9  
Meeting Date: 7/23/13

**TO: HONORABLE MAYOR AND CITY COUNCIL**

**THRU: ANTON DAHLERBRUCH, CITY MANAGER** *AD*

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

**SUBJECT: INTRODUCE AND ADOPT THE 2013 SELF-CERTIFICATION  
RESOLUTION NO. R13-23; ADOPTING THE LOCAL DEVELOPMENT  
REPORT FOR THE CONGESTION MANAGEMENT PROGRAM**

**DATE: JULY 23, 2013**

## The Issue

Should the City Council introduce and adopt the 2013 Self-Certification Resolution R13-23, adopting the Local Development Report for the Congestion Management Program?

## Background and Analysis

The Traffic Congestion Relief and Spending Act of 1990 (Proposition 111) was passed by voters in November of 1990. One of the stipulations of Proposition 111 requires counties with urbanized populations greater than 50,000 to develop a Congestion Management Plan (CMP). Because Los Angeles County exceeds this population, a CMP was developed.

In order to verify that the City has taken the necessary actions and is in conformance with the CMP, the Metropolitan Transit Authority (MTA) requires each participating agency to submit the attached resolution of compliance and implement the following three actions:

- 1) The City must adopt and continue to implement a transportation demand management (TDM) ordinance. On January 26, 1993, the City adopted a TDM ordinance, which shows evidence of promoting alternative transportation methods and fulfills this requirement.
- 2) The City must adopt and continue to implement a land use analysis ordinance that is intended to consider the regional transportation impact of new development. All development projects, which are required to prepare an Environmental Impact Report (EIR) based on local determination, shall be subject to the Land Use Analysis Program and shall incorporate into the EIR a CMP Transportation Impact Analysis (TIA). This ordinance was passed by the City Council on March 9, 1993.

- 3) The City must adopt a Local Development Report (LDR) on an annual basis. The LDR is a report on the net development in the City, within the last year.

In the past, the Congestion Management Program required the City to report both the quantity of local growth, as well as transportation improvements intended to offset local growth. The MTA kept track of "points" for each jurisdiction, subtracting points for increased development and adding points for transportation projects, requiring cities to maintain a positive point balance. In recent years, the MTA has received feedback from cities with concerns regarding the effectiveness of this approach. In response to these concerns, the MTA is currently conducting a study on the feasibility of modifying their existing process and implementing a congestion mitigation fee. While this study is underway, the CMP requirements for maintaining a positive credit balance are suspended. At this time, the City is required only to report development activity and not transportation improvement strategies.

This year the City's net development activity consisted of one dwelling unit. The net is derived from the number of new homes (14) minus the number of homes demolished (13). These quantities are reflected in the attached LDR.

#### **Alternatives Available to Council**

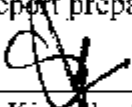
The following alternatives are available to the City Council:

1. Introduce and adopt the 2013 Self-Certification Resolution R13-23, adopting the Local Development Report for the Congestion Management Program.
2. Decline to act.

#### **Recommendation from Staff**

Staff recommends that the City Council open the public hearing, receive public input, close the public hearing and adopt the 2013 Self-Certification Resolution R13-23, adopting the Local Development Report for the Congestion Management Program.

Staff report prepared by:

  
 Stacy Kinsella, Senior Planner

Attachments:

- A: Resolution R13-23  
 B: Local Development Report



**CITY OF PALOS VERDES ESTATES****RESOLUTION NO. R13-23**

A RESOLUTION OF THE CITY OF PALOS VERDES ESTATES, CALIFORNIA, FINDING THE CITY TO BE IN CONFORMANCE WITH THE CONGESTION MANAGEMENT PROGRAM (CMP) AND ADOPTING THE CMP LOCAL DEVELOPMENT REPORT, IN ACCORDANCE WITH CALIFORNIA GOVERNMENT CODE SECTION 65089

WHEREAS, CMP statute requires the Los Angeles County Metropolitan Transportation Authority ("LACMTA"), acting as the Congestion Management Agency for Los Angeles County, to annually determine that the County and cities within the County are conforming to all CMP requirements; and

WHEREAS, LACMTA requires submittal of the CMP Local Development Report by September 1 of each year; and

WHEREAS, the City Council held a noticed public hearing on July 23, 2013.

NOW, THEREFORE, THE CITY COUNCIL FOR THE CITY PALOS VERDES ESTATES DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. That the City has taken all of the following actions, and that the City is in conformance with all applicable requirements of the 2010 CMP adopted by the LACMTA Board on October 28, 2010.

The City has locally adopted and continues to implement a transportation demand management ordinance, consistent with the minimum requirements identified in the CMP Transportation Demand Management chapter.

The City has locally adopted and continues to implement a land use analysis program, consistent with the minimum requirements identified in the CMP Land Use Analysis Program chapter.

The City has adopted a Local Development Report, attached hereto and made a part hereof, consistent with the requirements identified in the 2010 CMP. This report balances traffic congestion impacts due to growth within the City with transportation improvements, and demonstrates that the City is meeting its responsibilities under the Countywide Deficiency Plan consistent with the LACMTA Board adopted 2003 Short Range Transportation Plan.

SECTION 2. That the City Clerk shall certify to the adoption of this Resolution and shall forward a copy of this Resolution to the Los Angeles County Metropolitan Transportation

Authority.

ADOPTED this 23<sup>rd</sup> day of July, 2013.

\_\_\_\_\_  
James F. Goodhart, Mayor

ATTEST:

\_\_\_\_\_  
Vickie Kroneberger, Deputy City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Christi Hogan, City Attorney

**City of Palos Verdes Estates**  
**2013 CMP Local Development Report**  
**Reporting Period: JUNE 1, 2012 - MAY 31, 2013**

Date Prepared: July 11, 2013

Contact: Allan Rigg  
 Phone Number: (310) 378-0383

**CONGESTION MANAGEMENT PROGRAM  
 FOR LOS ANGELES COUNTY**

**2011 DEFICIENCY PLAN SUMMARY**

\* IMPORTANT: All "#value!" cells on this page are automatically calculated.  
 Please do not enter data in these cells.

**DEVELOPMENT TOTALS**

**RESIDENTIAL DEVELOPMENT ACTIVITY**

**Dwelling Units**

Single Family Residential  
 Multi-Family Residential  
 Group Quarters

1.00
0.00
0.00

**COMMERCIAL DEVELOPMENT ACTIVITY**

**1,000 Net Sq.Ft.<sup>2</sup>**

Commercial (less than 300,000 sq.ft.)  
 Commercial (300,000 sq.ft. or more)  
 Freestanding Eating & Drinking

0.00
0.00
0.00

**NON-RETAIL DEVELOPMENT ACTIVITY**

**1,000 Net Sq.Ft.<sup>2</sup>**

Lodging  
 Industrial  
 Office (less than 50,000 sq.ft.)  
 Office (50,000-299,999 sq.ft.)  
 Office (300,000 sq.ft. or more)  
 Medical  
 Government  
 Institutional/Educational  
 University (# of students)

0.00
0.00
0.00
0.00
0.00
0.00
0.00
0.00
0.00

**OTHER DEVELOPMENT ACTIVITY**

**Daily Trips**

ENTER IF APPLICABLE  
 ENTER IF APPLICABLE

0.00
0.00

**EXEMPTED DEVELOPMENT TOTALS**

Exempted Dwelling Units  
 Exempted Non-residential sq. ft. (in 1,000s)

0
0

Page 1

2. Net square feet is the difference between new development and adjustments entered on pages 2 and 3.

**City of Palos Verdes Estates**  
**2013 CMP Local Development Report**  
**Reporting Period: JUNE 1, 2012 - MAY 31, 2013**

Date Prepared: July 11, 2013

Enter data for all cells labeled "Enter." If there are no data for that category, enter "0."

**PART 1: NEW DEVELOPMENT ACTIVITY**

**RESIDENTIAL DEVELOPMENT ACTIVITY**

Category	Dwelling Units
Single Family Residential	14.00
Multi-Family Residential	0.00
Group Quarters	0.00

**COMMERCIAL DEVELOPMENT ACTIVITY**

Category	1,000 Gross Square Feet
Commercial (less than 300,000 sq.ft.)	0.00
Commercial (300,000 sq.ft. or more)	0.00
Freestanding Eating & Drinking	0.00

**NON-RETAIL DEVELOPMENT ACTIVITY**

Category	1,000 Gross Square Feet
Lodging	0.00
Industrial	0.00
Office (less than 50,000 sq.ft.)	0.00
Office (50,000-299,999 sq.ft.)	0.00
Office (300,000 sq.ft. or more)	0.00
Medical	0.00
Government	0.00
Institutional/Educational	0.00
University (# of students)	0.00

**OTHER DEVELOPMENT ACTIVITY**

Description (Attach additional sheets if necessary)	Daily Trips (Enter "0" if none)
ENTER IF APPLICABLE	0.00
ENTER IF APPLICABLE	0.00

Page 2

**City of Palos Verdes Estates**  
**2013 CMP Local Development Report**  
**Reporting Period: JUNE 1, 2012 - MAY 31, 2013**

Date Prepared: July 11, 2013

Enter data for all cells labeled "Enter." If there are no data for that category, enter "0."

**PART 2: NEW DEVELOPMENT ADJUSTMENTS**

IMPORTANT: Adjustments may be claimed only for 1) development permits that were both issued and revoked, expired or withdrawn during the reporting period, and 2) demolition of any structure with the reporting period.

**RESIDENTIAL DEVELOPMENT ADJUSTMENTS**

Category	Dwelling Units
Single Family Residential	13.00
Multi-Family Residential	0.00
Group Quarters	0.00

**COMMERCIAL DEVELOPMENT ACTIVITY**

Category	1,000 Gross Square Feet
Commercial (less than 300,000 sq.ft.)	0.00
Commercial (300,000 sq.ft. or more)	0.00
Freestanding Eating & Drinking	0.00

**NON-RETAIL DEVELOPMENT ACTIVITY**

Category	1,000 Gross Square Feet
Lodging	0.00
Industrial	0.00
Office (less than 50,000 sq.ft.)	0.00
Office (50,000-299,999 sq.ft.)	0.00
Office (300,000 sq.ft. or more)	0.00
Medical	0.00
Government	0.00
Institutional/Educational	0.00
University (# of students)	0.00

**OTHER DEVELOPMENT ACTIVITY**

Description (Attach additional sheets if necessary)	Daily Trips (Enter "0" if none)
ENTER IF APPLICABLE	0.00
ENTER IF APPLICABLE	0.00

Page 3

**City of Palos Verdes Estates** **Date Prepared:** July 11, 2013  
**2013 CMP Local Development Report**  
**Reporting Period: JUNE 1, 2012 - MAY 31, 2013**

Enter data for all cells labeled "Enter." If there are no data for that category, enter "0."

**PART 3: EXEMPTED DEVELOPMENT ACTIVITY**  
**(NOT INCLUDED IN NEW DEVELOPMENT ACTIVITY TOTALS)**

Low/Very Low Income Housing	<input type="text" value="0"/>	Dwelling Units
High Density Residential Near Rail Stations	<input type="text" value="0"/>	Dwelling Units
Mixed Use Developments Near Rail Stations	<input type="text" value="0"/>	1,000 Gross Square Feet
	<input type="text" value="0"/>	Dwelling Units
Development Agreements Entered into Prior to July 10, 1989	<input type="text" value="0"/>	1,000 Gross Square Feet
	<input type="text" value="0"/>	Dwelling Units
Reconstruction of Buildings Damaged due to "calamity"	<input type="text" value="0"/>	1,000 Gross Square Feet
	<input type="text" value="0"/>	Dwelling Units
Reconstruction of Buildings Damaged in Jan. 1994 Earthquake	<input type="text" value="0"/>	1,000 Gross Square Feet
	<input type="text" value="0"/>	Dwelling Units
<b>Total Dwelling Units</b>	<input type="text" value="0"/>	
<b>Total Non-residential sq. ft. (in 1,000s)</b>	<input type="text" value="0"/>	

Page 4

**Exempted Development Definitions:**

1. Low/Very Low Income Housing: As defined by the California Department of Housing and Community Development as follows:
  - Low-Income: equal to or less than 80% of the County median income, with adjustments for family size.
  - Very Low-Income: equal to or less than 50% of the County median income, with adjustments for family size.
2. High Density Residential Near Rail Stations: Development located within 1/4 mile of a fixed rail passenger station and that is equal to or greater than 120 percent of the maximum residential density allowed under the local general plan and zoning ordinance. A project providing a minimum of 75 dwelling units per acre is automatically considered high density.
3. Mixed Uses Near Rail Stations: Mixed-use development located within 1/4 mile of a fixed rail passenger station, if more than half of the land area, or floor area, of the mixed use development is used for high density residential housing.
4. Development Agreements: Projects that entered into a development agreement (as specified under Section 65864 of the California Government Code) with a local jurisdiction prior to July 10, 1989.
5. Reconstruction or replacement of any residential or non-residential structure which is damaged or destroyed, to the extent of > or = to 50% of its reasonable value, by fire, flood, earthquake or other similar calamity.
6. Any project of a federal, state or county agency that is exempt from local jurisdiction zoning regulations and where the local jurisdiction is precluded from exercising any approval/disapproval authority. These locally precluded projects do not have to be reported in the LDR.





# MEMORANDUM

Agenda Item #: 10  
Meeting Date: 7/23/13

**TO: HONORABLE MAYOR AND CITY COUNCIL**  
**THRU: ANTON DAILLERBRUCH, CITY MANAGER**  
**FROM: ALLAN RIGG, PLANNING AND PUBLIC WORKS DIRECTOR**  
**SUBJECT: COUNTY WEED ABATEMENT CHARGES FOR FISCAL YEAR 12/13**  
**DATE: JULY 23, 2013**

## The Issue

Should the City Council approve the charges for performing weed abatement services on 44 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 12, 2013, 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 12/13, the County inspected and/or abated weeds on 44 parcels with total charges amounting to \$16,001.67. In Fiscal Year 11/12, weed abatement charges were assessed for 45 properties, totaling \$16,550.80.

**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 12/13.
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 12/13, 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 12/13.

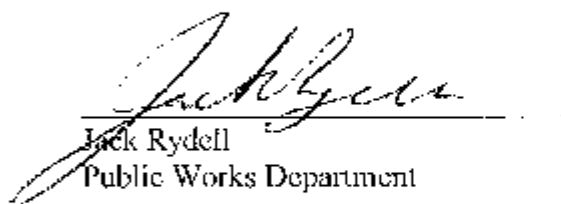
**Recommendation from Staff**

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 12/13.

**Fiscal Impact**

There will be no budget impact to the City. Charges for performing weed abatement services on the 44 private properties within the City, as determined by the County of Los Angeles Agricultural Commissioner during Fiscal Year 12/13, amount to \$16,001.67. These costs are paid for entirely by the respective property owners.

Staff report prepared by

  
 Jack Rydell  
 Public Works Department

Attachment A: LACDAC/WM 2012-2013 Report on the Cost of Weed Abatement



**Kurt E. Floren**  
Agricultural Commissioner  
Director of Weights and Measures

## COUNTY OF LOS ANGELES

### Department of Agricultural Commissioner/ Weights and Measures

12300 Lower Azusa Road  
Arcadia, California 91006-5872  
<http://arcem.lacounty.gov>



**Richard K. Iizuka**  
Chief Deputy

July 9, 2013

The Honorable City Council  
City of Palos Verdes Estates  
340 Palos Verdes Dr. West  
Palos Verdes Estates, CA 90274

Council Members:

#### 2012-2013 REPORT ON THE COST OF WEED ABATEMENT

Pursuant to State law, a report on the cost of weed abatement (enclosed) is being submitted to your Honorable Body for confirmation, by motion or resolution, on the 23rd day of July, 2013 at the hour of 7:30 p.m. A copy of the report must be posted on or near the chamber door of the City Council at least three days prior to its submission to your Honorable Body, with a notice of the time of submission.

It is my recommendation that your Honorable Body confirm these charges.

After your Honorable Body confirms the weed abatement charges, please send a copy of the confirmation to our Weed Abatement Division at the above address.

Respectfully yours,

KURT E. FLOREN  
Agricultural Commissioner  
Director of Weights and Measures

RAYMOND B. SMITH  
Deputy Director/Bureau Chief  
Weed Hazard and Pest Management Bureau

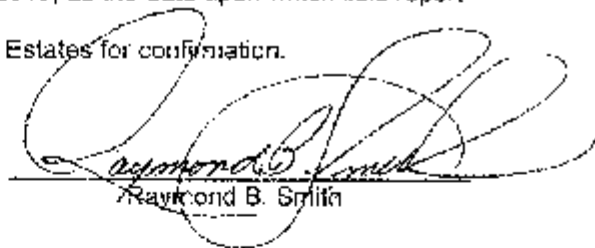
KEF:RK;RBS:fm

Enclosures

STATE OF CALIFORNIA                    )  
   )  
 COUNTY OF LOS ANGELES            ) SS  
   )  
 CITY OF PALOS VERDES ESTATES    )

Raymond B. Smith, Deputy Director, Agricultural Commissioner/Weights and Measures, Weed Abatement Division of the Agricultural Commissioner/Weights and Measures office, of the County of Los Angeles, first being sworn, on oath states:

That on or before the 17th day of July, 2013, he posted or caused to be posted, on or near the chamber door of the City Council of the City of Palos Verdes Estates, a copy of his report of the cost of noxious weed abatement on each and all of the properties described in the list hereto attached, of which the annexed is a true copy thereof, setting the 23rd day of July, 2013, as the date upon which said report is to be submitted to the City Council of the City of Palos Verdes Estates for confirmation.



Raymond B. Smith

SUBSCRIBED AND SWORN TO BEFORE ME

17th day of July, 2013

\_\_\_\_\_  
 City Clerk of City of Palos Verdes Estates  
 State of California

REPORT ON THE COST OF WEED ABATEMENT

TO THE CITY COUNCIL OF  
THE CITY OF PALOS VERDES ESTATES

Council Member:

Pursuant to an order heretofore made by your Honorable Body instructing this Department to abate noxious or dangerous weeds and rubbish under the provisions of the Government Code, we respectfully submit the following report on the cost of abating such noxious weeds on each separate lot or parcel of land, showing the cost of removing such weeds on each separate lot or parcel of land, or in front thereof, or both, to-wit:

(see attached)

July 23, 2013

The foregoing report was submitted to the City Council of the City of Palos Verdes Estates on the 23rd day of July, 2013, for confirmation and was with all objections thereto duly received and considered, and was by said City Council confirmed, and the County Auditor is hereby ordered and instructed to enter the amounts of the respective assessment against the respective parcels of land as they appear on the current assessment roll.

CITY COUNCIL OF THE  
CITY OF PALOS VERDES ESTATES

By \_\_\_\_\_  
Mayor

ATTEST:

By \_\_\_\_\_  
City Clerk



July 9, 2013

CITY OF PALOS VERDES ESTATES  
WEED ABATEMENT CHARGES

KEY	MAPBOOK	PAGE	PARCEL	ZONE	CITY CODE	TOTAL CHARGES
5	7539	029	008	05	505	\$39.81
5	7539	032	006	05	505	\$743.15
5	7540	012	011	05	505	\$39.81
5	7540	026	011	05	505	\$39.81
5	7540	026	027	05	505	\$39.81
5	7541	005	025	05	505	\$39.81
5	7541	013	022	05	505	\$39.81
5	7541	017	015	05	505	\$39.81
5	7541	017	016	05	505	\$39.81
5	7541	028	006	05	505	\$462.66
5	7542	007	024	05	505	\$39.81
5	7542	019	001	05	505	\$662.81
5	7542	028	010	05	505	\$39.81
5	7543	004	004	05	505	\$39.81
5	7543	004	015	05	505	\$39.81
5	7543	006	033	05	505	\$749.93
5	7543	006	007	05	505	\$39.81
5	7543	013	005	05	505	\$685.04
5	7543	016	020	05	505	\$39.81
5	7543	016	028	05	505	\$662.81
5	7543	035	003	05	505	\$39.81
5	7543	036	032	05	505	\$749.93
5	7543	042	003	05	505	\$39.81
5	7543	043	006	05	505	\$662.81
5	7543	043	024	05	505	\$39.81
5	7543	044	003	05	505	\$39.81
5	7543	045	024	05	505	\$39.81
5	7543	047	013	05	505	\$39.81
5	7544	015	009	05	505	\$862.97
5	7544	015	011	05	505	\$39.81
5	7544	016	006	05	505	\$662.81
5	7544	017	006	05	505	\$756.41
5	7544	017	007	05	505	\$749.00
5	7544	019	009	05	505	\$856.56
5	7544	021	003	05	505	\$1,106.05
5	7544	022	002	05	505	\$39.81
5	7544	022	012	05	505	\$662.97
5	7544	022	014	05	505	\$656.40
5	7544	022	015	05	505	\$662.81
5	7545	002	012	05	505	\$39.81
5	7545	002	013	05	505	\$39.81
5	7545	006	013	05	505	\$1,168.49

July 9, 2013

CITY OF PALOS VERDES ESTATES  
WEED ABATEMENT CHARGES

KEY	MAPBOOK	PAGE	PARCEL	ZONE	CITY CODE	TOTAL CHARGES
5	7545	010	017	05	505	\$662.81
5	7545	010	018	05	505	\$662.81
TOTAL IMPROVED PARCELS =			0	TOTAL CHARGES		\$0.00
TOTAL UNIMPROVED PARCELS =			20	TOTAL CHARGES		\$15,046.23
TOTAL INSPECTION FEE ONLY PCLS =			24	TOTAL CHARGES		\$955.44
TOTAL PARCELS			44	TOTAL CHARGES		\$16,001.67



**Kurt E. Floren**  
Agricultural Commissioner  
Director of Weights and Measures

## COUNTY OF LOS ANGELES

### Department of Agricultural Commissioner/ Weights and Measures

12300 Lower Azusa Road  
Arcadia, California 91006-5872  
<http://aacom.lacounty.gov>



**Richard K. Lizuka**  
Chief Deputy

July 9, 2013

The Honorable City Council  
City of Palos Verdes Estates  
340 Palos Verdes Dr. West  
Palos Verdes Estates, CA 90274

Council Members:

#### 2012-2013 REPORT ON THE COST OF WEED ABATEMENT

Pursuant to State law, a report on the cost of weed abatement (enclosed) is being submitted to your Honorable Body for confirmation, by motion or resolution, on the 23rd day of July, 2013 at the hour of 7:30 p.m. A copy of the report must be posted on or near the chamber door of the City Council at least three days prior to its submission to your Honorable Body, with a notice of the time of submission.

It is my recommendation that your Honorable Body confirm these charges.

After your Honorable Body confirms the weed abatement charges, please send a copy of the confirmation to our Weed Abatement Division at the above address.

Respectfully yours,

**KURT E. FLOREN**  
Agricultural Commissioner  
Director of Weights and Measures

**RAYMOND B. SMITH**  
Deputy Director/Bureau Chief  
Weed Hazard and Pest Management Bureau

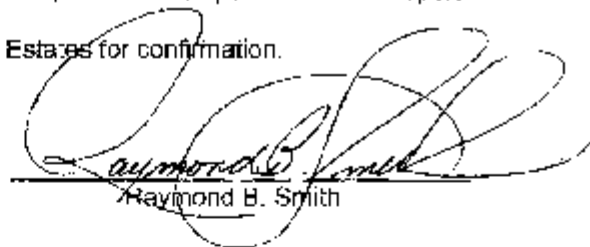
KEF:RKI:RBS:fm

Enclosures

STATE OF CALIFORNIA                    )  
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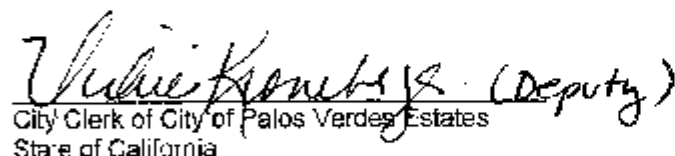
Raymond B. Smith, Deputy Director, Agricultural Commissioner/Weights and Measures, Weed Abatement Division of the Agricultural Commissioner/Weights and Measures office, of the County of Los Angeles, first being sworn, on oath states:

That on or before the 17th day of July, 2013, he posted or caused to be posted, on or near the chamber door of the City Council of the City of Palos Verdes Estates, a copy of his report of the cost of noxious weed abatement on each and all of the properties described in the list hereto attached, of which the annexed is a true copy thereof, setting the 23rd day of July, 2013, as the date upon which said report is to be submitted to the City Council of the City of Palos Verdes Estates for confirmation.

  
 Raymond B. Smith

SUBSCRIBED AND SWORN TO BEFORE ME

17th day of July, 2013

 (Deputy)  
 City Clerk of City of Palos Verdes Estates  
 State of California

REPORT ON THE COST OF WEED ABATEMENT

TO THE CITY COUNCIL OF  
THE CITY OF PALOS VERDES ESTATES

Council Member:

Pursuant to an order heretofore made by your Honorable Body instructing this Department to abate noxious or dangerous weeds and rubbish under the provisions of the Government Code, we respectfully submit the following report on the cost of abating such noxious weeds on each separate lot or parcel of land, showing the cost of removing such weeds on each separate lot or parcel of land, or in front thereof, or both, to-wit:

(see attached)

July 9, 2013

CITY OF PALOS VERDES ESTATES  
WEED ABATEMENT CHARGES

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July 9, 2013

CITY OF PALOS VERDES ESTATES  
WEED ABATEMENT CHARGES

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5	7545	010	018	05	505	\$662.81
TOTAL IMPROVED PARCELS =				0	TOTAL CHARGES	\$0.00
TOTAL UNIMPROVED PARCELS =				20	TOTAL CHARGES	\$15,028.08
TOTAL INSPECTION FEE ONLY PCLS =				24	TOTAL CHARGES	\$955.44
TOTAL PARCELS				44	TOTAL CHARGES	\$15,983.52

July 23, 2013

The foregoing report was submitted to the City Council of the City of Palos Verdes Estates on the 23<sup>rd</sup> day of July, 2013, for confirmation and was with all objections thereto duly received and considered, and was by said City Council confirmed, and the County Auditor is hereby ordered and instructed to enter the amounts of the respective assessment against the respective parcels of land as they appear on the current assessment roll.

CITY COUNCIL OF THE  
CITY OF PALOS VERDES ESTATES

By \_\_\_\_\_  
Mayor

ATTEST:

By \_\_\_\_\_  
City Clerk



# MEMORANDUM

Agenda Item #: 11  
Meeting Date: 7/23/13

**TO:** HONORABLE MAYOR AND CITY COUNCIL

**THRU:** ANTON DAHLERBRUCH, CITY MANAGER *AD*

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

**SUBJECT:** INTRODUCTION OF ORDINANCE NO. 13-702 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALOS VERDES ESTATES AMENDING SECTION 10.56.010 OF THE PALOS VERDES ESTATES MUNICIPAL CODE ESTABLISHING PRIMA FACIE SPEED LIMITS AND APPROVING THE POSTING OF SPEED LIMIT SIGNS ON LOCAL STREETS WITHIN THE CITY

**DATE:** JULY 23, 2013

## The Issue

Should the City Council introduce Ordinance 13-702 amending Section 10.56.010 of the Palos Verdes Estates Municipal Code establishing prima facie speed limits and approving the posting of speed limit signs on local streets within the City?

## Background and Analysis

Engineering and Traffic Surveys are required by the State of California to establish speed limits on roadways that are not subject to statutory speed limits, such as the state maximum limit, 25 mph school speed limit when children are present, etc. Without valid Engineering and Traffic Surveys, police cannot enforce those limits using radar or other electronic speed measuring devices. These surveys must be updated periodically (every 5, 7 or 10 years, depending upon specific criteria) to ensure the speeds reflect current conditions as dictated by the California Vehicle Code (CVC).

Engineering and Traffic Surveys on roadways within the City were last performed primarily in 2008 with a few performed in 2009. Due to changes in the CVC and California Manual of Uniform Traffic Control Devices (CA MUTCD) in January 2012 with respect to how speed limits are to be set, all of the existing speed limits required new Engineering and Traffic Surveys since the 5 year period will expire shortly. The 15 roadway segments contained within the

current Palos Verdes Estates Municipal Code were surveyed and the following 13 did not require changes to their current speed limits.

<u>Street</u>	<u>Segment Limits</u>	<u>Speed Limit</u>
Granvia Altamira	South City Limit – North City Limit	30 mph
Palos Verdes Blvd	North City Limit – Palos Verdes Dr N	35 mph
Palos Verdes Dr N	East City Limit – Pasco Del Campo	35 mph
Palos Verdes Dr N	Paseo Del Campo – Palos Verdes Blvd	35 mph
Palos Verdes Dr W	Palos Verdes Dr N – Pasco Del Mar (S)	35 mph
Palos Verdes Dr W	Paseo Del Mar (S) – Paseo Lunado	35 mph
Paseo Del Campo	Via Campesina – Palos Verdes Dr N	25 mph
Paseo Del Mar	Via Arroyo – Palos Verdes Dr W	30 mph
Paseo Del Mar	Palos Verdes Dr W – Pasco Lunado	30 mph
Via Campesina	Palos Verdes Dr N – Via Elevado	30 mph
Via Campesina	Via Elevado – Via Corta	25 mph
Via Del Monte	Via Campesina – Granvia Altamira	25 mph
Via Zurita	Via Fernandez – Via Coronel	25 mph

Since the existing speed limits as adopted by the City Council remain valid, the Engineering and Traffic Surveys were signed by the City Traffic Engineer and these speed limits continue to be enforced by the Police Department through electronic means.

The Engineering and Traffic Surveys for the following two roadways indicated that an increase in the speed limit would be necessary to allow enforcement through electronic means:

<u>Street</u>	<u>Limits</u>	<u>Existing Speed Limit</u>	<u>Updated Speed Limit</u>
Palos Verdes Dr W	South City Limit - Paseo Lunado	30 mph	35 mph
Via Almar	Via Del Puente – Via Arroyo	25mph	30 mph

The Engineering and Traffic Surveys for these two roadways were presented to the Traffic Safety Committee on July 10, 2013 for their consideration and they recommended increasing the speed on Palos Verdes Drive West to 35 mph. The Survey for Palos Verdes Drive West is attached. With regards to Via Almar, Staff presented the following alternative to raising the speed limit to 30 mph and the Traffic Safety Committee recommended, after hearing Staff's report and public testimony, to proceed in this manner:

Via Almar between Via Del Puente and Via Arroyo qualifies under CVC Section 22352 for a prima facie speed limit of 25 mph when children are present. This speed limit can be enforced by electronic means and is not based upon the results of an Engineering and Traffic Survey. Furthermore, the CVC specifies that the speed limit may be enforced while children are going to or from school, during the noon recess period and at any time when the grounds are in use by children. The only requirement to enforcing this limit is that appropriate school warning be

installed. Staff intends to promptly install the necessary signage to permit enforcement of this 25 mph speed limit, which will include the signs illustrated below.



The existing 25 mph speed limit currently identified in the Municipal Code, which was based on a 2008 Engineering and Traffic Survey, will be retained and will be in effect when children are not in the area; however it can only be enforced by non-electronic methods. The Police Department concurs that this is an appropriate approach. Per the Traffic Safety Committee meeting, the Police Department has confirmed that they will schedule placement of the City's radar speed feedback trailer on Via Almar and will also increase enforcement activities in response to resident concerns over the speed of traffic.

Engineering and Traffic Surveys were conducted on two additional streets, Via Coronel between Palos Verdes Drive West and Lower Paseo La Cresta and Via Fernandez between Via Zurita and Granvia Altamira. Neither street is currently listed in Section 10.56.010 of the Palos Verdes Estates Municipal Code establishing prima facie speed limits. However their functional classifications and requirements of the CVC and CA MUTCD require that valid Engineering and Traffic Surveys exist to allow enforcement by electronic means. Both of the streets have existing 25 mph speed limits and the Engineering and Traffic Surveys (copies attached) support retaining those speed limits. Therefore, Ordinance 13-702 includes these streets in the list of prima facie speed limits.

If the City Council approves the introduction of Ordinance 13-702, the next step is to schedule the second reading for adoption of the ordinance amending Section 10.56.010 of the Palos Verdes Estates Municipal Code at your next meeting, scheduled for September 10, 2013. If adopted, new speed limit signs for Palos Verdes Drive West between the South City Limit and Paseo Lunado would be changed 30 days after the adoption of the ordinance.

**Notification**

Due to the significant amount of neighborhood interest in the Via Almar speed limit issue, a copy of this report was sent to the Malaga Cove Homeowners Association President on July 19. In addition, the City Traffic Engineer has spoken with a number of residents both prior to and after the Traffic Safety Committee meeting to explain the reasons for the Engineering and Traffic Surveys as well as the actions that are being proposed.

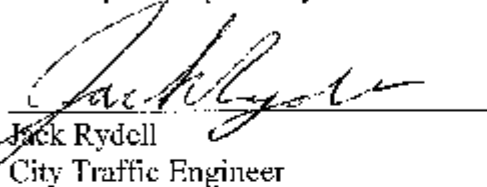
**Alternatives Available to the City Council**

1. Introduce Ordinance 13-702 amending Section 10.56.010 of the Palos Verdes Estates Municipal Code establishing prima facie speed limits and approve the posting of speed limit signs on local streets within the City.
2. Decline to introduce Ordinance 13-702 amending Section 10.56.010 of the Palos Verdes Estates Municipal Code establishing prima facie speed limits and approve the posting of speed limit signs on local streets within the City. This would result in the existing speed limits remaining in effect, without the ability to enforce by electronic means, pending further action.

**Recommendation from Staff**

Staff recommends that the City Council introduce and waive the first reading of Ordinance 13-702 amending Section 10.56.010 of the Palos Verdes Estates Municipal Code establishing prima facie speed limits and approve the posting of speed limit signs on local streets within the City.

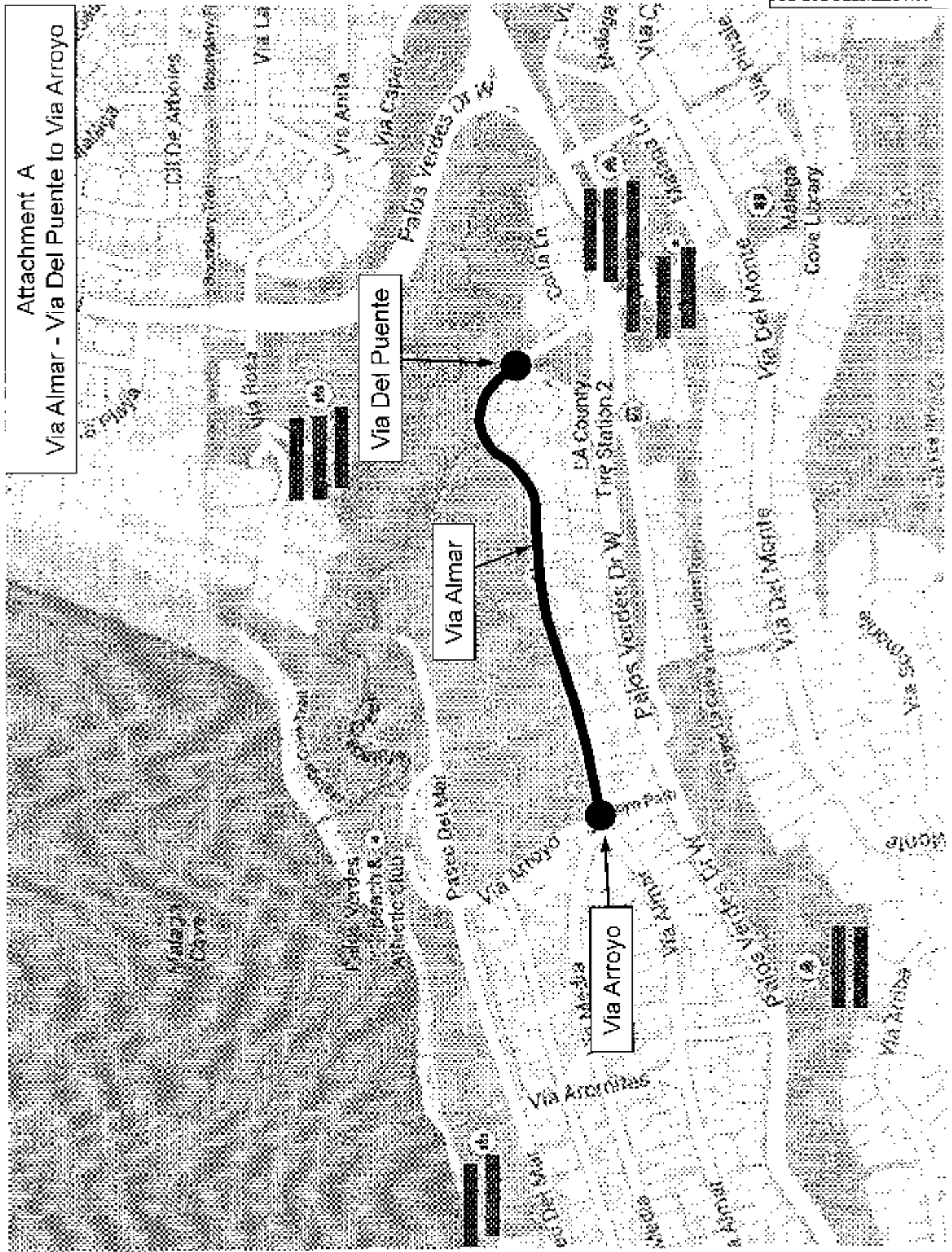
Staff report prepared by:

  
 Jack Rydell  
 City Traffic Engineer

Attachments: A – Via Almar Engineering and Traffic Survey Limits  
 B – PVDW Engineering and Traffic Survey Limits  
 C – Via Coronel Engineering and Traffic Survey Limits  
 D – Via Fernandez Engineering and Traffic Survey Limits  
 E – Engineering and Traffic Surveys (PVDW, Via Coronel, Via Fernandez)  
 F – Ordinance No. 13-702



Attachment A  
Via Almar - Via Del Puento to Via Arroyo







## Attachment C

Via Coronel - PVDW to Lower Paseo La Cresta

Lower Paseo  
La Cresta

Via Coronel

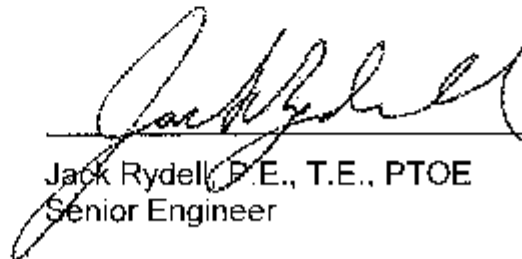
Palos Verdes  
Drive West

Via Castilla



**AFFIDAVIT OF COMPLIANCE**

I certify that the attached Engineering and Traffic Surveys for the City of Palos Verdes Estates, California meet the criteria of California Vehicle Code Section 627 which defines an engineering and traffic survey and also the methodology established in the California Manual on Uniform Traffic Control Devices, January 13, 2012 edition. I certify all measurements and calculations were under my direction.

  
\_\_\_\_\_  
Jack Rydell, P.E., T.E., PTOE  
Senior Engineer



**ENGINEERING AND TRAFFIC SURVEY (CVC SEC. 627)**

City of PVE

**Palos Verdes Drive West – Paseo Lunado to South City Limit**

Year of Survey

2013

**PART I: PREVAILING SPEED MEASUREMENT**

Location of Survey	near 2840 PVDW		
Date of Survey	3/28/13		
50%ile	85%ile	36 mph	39 mph
10 mph pace (% of vehicle)	31 - 40 mph (85%)		
Posted Speed Limit	30 mph		

**PART II: ACCIDENT RECORDS**

Time Period Covered	1/1/10 to 12/31/11
Number of Mid-block Accidents	1
Mid-Block Accident Rate per Million Vehicle Miles	0.34 acc/mvm
Expected Mid-Block Accident Rate	1.18 acc/mvm (District 7, Urban, 2009 Rates)

**PART III: HIGHWAY, TRAFFIC, AND ROADSIDE CHARACTERISTICS NOT READILY APPARENT**

Date Observations Made	3-28-13
HIGHWAY: Geometric, access (driveways, intersections, other).	<ul style="list-style-type: none"> <li>- Straight horizontal alignment with relatively flat vertical alignment.</li> <li>- Segment length = 0.42 mi.</li> <li>- ADT = 9,496 (2008).</li> <li>- Two lanes in each direction, separated by a parkway median; striped parking lane on the outside of each barrel.</li> <li>- Stop controls at Paseo Lunado (south barrel).</li> <li>- Speed limit signs posted within segment.</li> <li>- South City Limit n/o Lunada Vista.</li> <li>- No street lighting within segment.</li> <li>- Residential driveways on outside of each barrel; few intersections within segment.</li> </ul>
TRAFFIC: Pedestrians, parking turnover, school crossings.	<ul style="list-style-type: none"> <li>- Pedestrian trail within parkway median.</li> <li>- Parking allowed on outside of each barrel.</li> <li>- Substantial bicycle activity in roadway.</li> <li>- Crosswalk on the north leg of Paseo Lunado (north barrel).</li> </ul>
ROADSIDE: Land uses not apparent (park, school, etc.) other conditions.	<ul style="list-style-type: none"> <li>- Curb and gutter on both sides, no sidewalk.</li> <li>- Lunada Bay Elementary School e/o PVDW, s/o Paseo Lunado.</li> <li>- Single-family residential frontage.</li> </ul>

**PART IV: ADDITIONAL REMARKS**

<p>Palos Verdes Drive West between Paseo Lunado and the South City Limit (north of Lunada Vista) within the City of Palos Verdes Estates is classified as a Principal Arterial roadway on the current California Road System Functional Classification System maps (CRS map 13V51) submitted to the Federal Highway Administration for the City of Palos Verdes Estates. Due to its classification and functional usage, the California Vehicle Code requires that an Engineering and Traffic Survey be conducted based on the methodology mandated by the California Department of Transportation to establish a legal speed limit that can be enforced by radar or other electronic means.</p>	



Palos Verdes Drive West – Paseo Lunado to South City Limit**PART IV: ADDITIONAL REMARKS (CONTINUED – PAGE 2 of 3)**

Palos Verdes Drive West (PVDW) between Paseo Lunado and the South City Limit (north of Lunada Vista) within Palos Verdes Estates is characterized by two lanes in each direction separated by a parkway median. The existing posted speed limit is 30 mph. The remainder of PVDW within Palos Verdes Estates (between Paseo Lunado and Palos Verdes Drive North/Palos Verdes Boulevard) has a posted speed limit of 35 mph. The portion of PVDW to the south of the City Limit, within the City of Rancho Palos Verdes has a posted speed limit of 45 mph. The portion of PVDW evaluated in this Engineering and Traffic Survey is approximately 0.42 miles in length. Fronting development is single family residential. Access to Lunada Bay Elementary School is provided by Via Anacapa and Paseo Lunado. There are posted stop controls at Paseo Lunado. Edgeline striping on outside of each barrel provides parking lanes. A marked yellow crosswalk is located on the north leg of Paseo Lunado (north barrel). The parkway median has a pedestrian trail.

The California Manual of Uniform Traffic Control Devices (CA MUTCD), which is authorized by the California Vehicle Code (CVC) as the legal procedure for establishing speed zones, provides the following guidance on obtaining prevailing speeds (Section 2B.13, page 144):

*"A location should be selected where prevailing speeds are representative of the entire speed zone section. If speeds vary on a given route, more than one speed zone section may be required, with separate measurements for each section. Locations for measurements should be chosen so as to minimize the effects of traffic signals or stop signs."*

Based on fronting development, the location of existing traffic controls at Paseo Lunado and the City Limit north of Lunada Vista, and roadway characteristics, the speed data collected near 2840 PVDW is adequate to produce an appropriate speed zone for the entire segment.

The speed measurements resulted in an 85<sup>th</sup> percentile speed of 39 mph and a 10 mph pace of 31-40 mph (85% of the vehicles within that pace). The CA MUTCD states the following on page 142:

*"When a speed limit is to be posted, it shall be established at the nearest 5 mph increment of the 85<sup>th</sup>-percentile speed of free-flowing traffic, except as shown in the two Options below."*

*Option 2: For cases in which the nearest 5 mph increment of the 85<sup>th</sup>-percentile speed would require a rounding up, then the speed limit may be rounded down to the nearest 5 mph increment below the 85<sup>th</sup> percentile speed, if no further reduction is used."*

The speed measurements and above guidelines contained within the CA MUTCD suggest that a speed zone of 35 mph would be appropriate.

ENGINEERING AND TRAFFIC SURVEY (CVC SEC. 627)

City of PVE

Palos Verdes Drive West – Paseo Lunado to South City Limit**PART IV: ADDITIONAL REMARKS (CONTINUED – PAGE 3 of 3)**

A review of the reported accident history on PVDW between Paseo Lunado and the South City Limit revealed one (1) midblock accident during the two-year period ending December 31, 2011, resulting in a midblock accident rate of 0.34 accidents per million vehicle miles (acc/mvm). The expected accident rate is 1.18 acc/mvm for similar type urban roadways within Caltrans District 7.

Considering the previously discussed CA MUTCD guidelines for establishing speed limits based on the prevailing speed of traffic, favorable midblock accident rate and the adjacent speed zones of 45 mph to the south and 35 mph to the north, it is appropriate to round down to the nearest 5 mph increment below the 85th percentile speed. Therefore, it is recommended that a 35 mph speed zone be established on Palos Verdes Drive West between Paseo Lunado and the South City Limit (north of Lunada Vista) to provide a reasonable and safe speed limit.

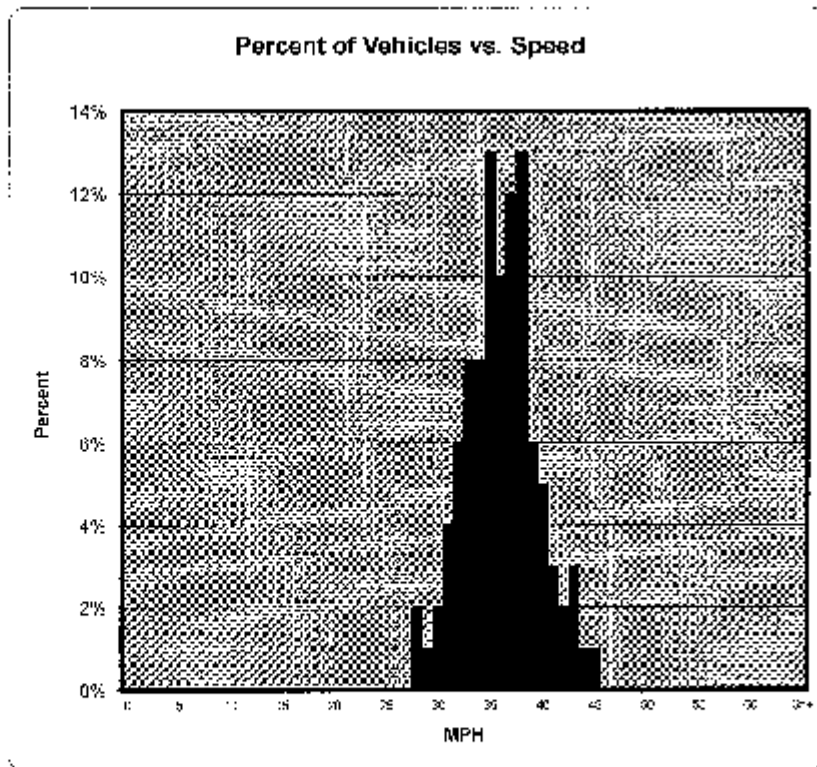
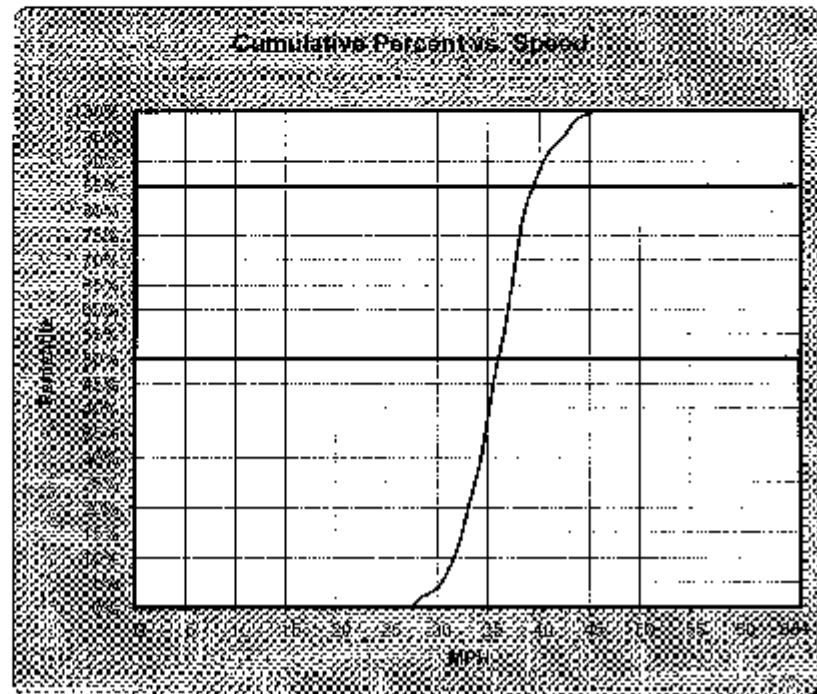
**RECOMMENDATION****Establish a 35 mph speed limit**

## City of Palos Verdes Estates Speed Zone Survey

Count Location: Palos Verdes Drive West near 2840

Date of Count:	3/28/2013	50th Percentile Speed:	36 mph	10 MPH Pace:	31 - 40 mph
Beginning Time:	12:30 p.m.	85th Percentile Speed:	36 mph	Percent Within Pace:	65.0%
Direction Counted:	both	Average Speed:	36.1 mph	Percent Over Pace Speed:	10.0%
Posted Speed Limit:	30 mph	Range of Speeds Observed:	28 - 45 mph	Percent Under Pace Speed:	5.0%
Observer:	JR	Number of Vehicles Observed:	100		

MPH	Number of Vehicles	Percent of Count	Cumulative Percent of Count
0	0	0.0%	0.0%
1	0	0.0%	0.0%
2	0	0.0%	0.0%
3	0	0.0%	0.0%
4	0	0.0%	0.0%
5	0	0.0%	0.0%
6	0	0.0%	0.0%
7	0	0.0%	0.0%
8	0	0.0%	0.0%
9	0	0.0%	0.0%
10	0	0.0%	0.0%
11	0	0.0%	0.0%
12	0	0.0%	0.0%
13	0	0.0%	0.0%
14	0	0.0%	0.0%
15	0	0.0%	0.0%
16	0	0.0%	0.0%
17	0	0.0%	0.0%
18	0	0.0%	0.0%
19	0	0.0%	0.0%
20	0	0.0%	0.0%
21	0	0.0%	0.0%
22	0	0.0%	0.0%
23	0	0.0%	0.0%
24	0	0.0%	0.0%
25	0	0.0%	0.0%
26	0	0.0%	0.0%
27	0	0.0%	0.0%
28	2	2.0%	2.0%
29	1	1.0%	3.0%
30	2	2.0%	5.0%
31	4	4.0%	9.0%
32	6	6.0%	15.0%
33	8	8.0%	23.0%
34	8	8.0%	31.0%
35	13	13.0%	44.0%
36	12	12.0%	56.0%
37	12	12.0%	68.0%
38	13	13.0%	81.0%
39	6	6.0%	87.0%
40	5	5.0%	92.0%
41	3	3.0%	95.0%
42	2	2.0%	97.0%
43	1	1.0%	98.0%
44	1	1.0%	99.0%
45	1	1.0%	100.0%
46	0	0.0%	100.0%
47	0	0.0%	100.0%
48	0	0.0%	100.0%
49	0	0.0%	100.0%
50	0	0.0%	100.0%
51	0	0.0%	100.0%
52	0	0.0%	100.0%
53	0	0.0%	100.0%
54	0	0.0%	100.0%
55	0	0.0%	100.0%
56	0	0.0%	100.0%
57	0	0.0%	100.0%
58	0	0.0%	100.0%
59	0	0.0%	100.0%
60	0	0.0%	100.0%
61	0	0.0%	100.0%
62	0	0.0%	100.0%
63	0	0.0%	100.0%
64	0	0.0%	100.0%
65+	0	0.0%	100.0%



Via Coronel – Palos Verdes Drive West to Via Castilla

Year of Survey

2013

**PART I: PREVAILING SPEED MEASUREMENT**

Location of Survey	at Via Davalos		
Date of Survey	5/20/13 – 5/21/13		
50%ile	85%ile	26 mph	39 mph
10 mph pace (% of vehicle)	22 - 31 mph (77%)		
Posted Speed Limit	25 mph		

**PART II: ACCIDENT RECORDS**

Time Period Covered	1/1/10 to 12/31/11
Number of Mid-block Accidents	0
Mid-Block Accident Rate per Million Vehicle Miles	0.00 acc/mvm
Expected Mid-Block Accident Rate	1.68 acc/mvm (District 7, Urban, 2009 Rates)

**PART III: HIGHWAY, TRAFFIC, AND ROADSIDE CHARACTERISTICS NOT READILY APPARENT**

Date Observations Made	5-20-13
HIGHWAY: Geometric, access (driveways, intersections, other).	<ul style="list-style-type: none"> <li>- Series of relatively sharp horizontal curves; Downgrade from Via Castilla to PVDW.</li> <li>- Segment length = 1.18 mi.; ADT = 2,000 (est.).</li> <li>- One lane in each direction, separated by centerline striping.</li> <li>- All-way stop controls at PVDW, Via Estudillo and Via Castilla; Westbound stop control at Via Zunita.</li> <li>- 25 mph speed limit sign for e/b direction e/o PVDW.</li> <li>- No street lighting within segment.</li> <li>- Residential driveways and intersections on both sides.</li> </ul>
TRAFFIC: Pedestrians, parking turnover, school crossings.	<ul style="list-style-type: none"> <li>- Edgeline striping and stopping restrictions on the s/s b/t Via Olivera and Dolores Plaza to create a pedestrian path within the roadway.</li> <li>- Parking allowed within segment.</li> <li>- Substantial pedestrian and bicycle activity in roadway.</li> <li>- Marked crosswalk at Via Estudillo.</li> </ul>
ROADSIDE: Land uses not apparent (park, school, etc.) other conditions.	<ul style="list-style-type: none"> <li>- Park on s/s, e/o PVDW; PVIS on Via Olivera, s/o Via Coronel.</li> <li>- Sidewalk on s/s b/t PVDW and Via Olivera, curb and gutter improvements throughout segment.</li> <li>- Residential frontage on both sides throughout segment: Park on s/s near PVDW and undeveloped at various locations.</li> </ul>

**PART IV: ADDITIONAL REMARKS**

Via Coronel between Palos Verdes Drive West and Via Castilla within the City of Palos Verdes Estates is classified as a major collector roadway on the current California Road System Functional Classification System maps (CRS maps 13V51 and 13V52) submitted to the Federal Highway Administration for the City of Palos Verdes Estates. Due to its classification and functional usage, the California Vehicle Code requires that an Engineering and Traffic Survey be conducted based on the methodology mandated by the California Department of Transportation to establish a legal speed limit that can be enforced by radar or other electronic means.

Via Coronel – Palos Verdes Drive West to Via Castilla**PART IV: ADDITIONAL REMARKS (CONTINUED – PAGE 2 of 3)**

Via Coronel between Palos Verdes Drive West (PVDW) and Via Castilla within the City of Palos Verdes Estates is characterized by one lane in each direction, separated by double yellow centerline striping. There is edgeline striping that in conjunction with school arrival and dismissal period stopping restrictions on the south side between Via Olivera and Dolores Plaza creates a pedestrian path within the paved portion of the roadway. Parking is allowed within the segment. There is one existing 25 mph speed limit sign posted for the eastbound direction of travel, east of PVDW. There are posted all-way stop controls at PVDW, Via Estudillo and Via Castilla, and posted stop control for the westbound direction at Via Zurita. This segment of Via Coronel is approximately 1.18 miles in length. There is single-family residential along much of the segment, with intermittent undeveloped frontage. On the southeast corner of Via Coronel and PVDW is a park. Palos Verdes Intermediate School is located south of Via Coronel on Via Olivera.

The California Manual of Uniform Traffic Control Devices (CA MUTCD), which is authorized by the California Vehicle Code (CVC) as the legal procedure for establishing speed zones, provides the following guidance on obtaining prevailing speeds (Section 2B.13, page 144):

*"A location should be selected where prevailing speeds are representative of the entire speed zone section. If speeds vary on a given route, more than one speed zone section may be required, with separate measurements for each section. Locations for measurements should be chosen so as to minimize the effects of traffic signals or stop signs."*

Based on fronting development, the location of existing traffic controls and roadway characteristics, the speed data collected at Via Davalos is adequate to produce an appropriate speed zone for the entire segment. Due to light traffic volumes during free flow conditions, radar speed measurements were taken over several days to obtain the minimum sample size of 100 vehicles as indicated on CA MUTCD page 144.

The speed measurements resulted in an 85th percentile speed of 29 mph and a 10 mph pace of 22-31 mph (77% of the vehicles within that pace). The CA MUTCD states the following on page 142:

*"When a speed limit is to be posted, it shall be established at the nearest 5 mph increment of the 85th-percentile speed of free-flowing traffic, except as shown in the two Options below."*

*... Option 2: For cases in which the nearest 5 mph increment of the 85th-percentile speed would require a rounding up, then the speed limit may be rounded down to the nearest 5 mph increment below the 85th percentile speed, if no further reduction is used."*

The speed measurements and above guidelines contained within the CA MUTCD suggest that a speed zone of 25 mph would be appropriate.

A review of the reported accident history on Via Coronel between PVDW and Via Castilla revealed no midblock accidents during the two-year period ending December 31, 2011. The expected accident rate is 1.68 acc/mvm for similar type urban roadways within Caltrans District 7.

**ENGINEERING AND TRAFFIC SURVEY (CVC SEC. 627)**

City of PVE

**Via Coronel – Palos Verdes Drive West to Via Castilla****PART IV: ADDITIONAL REMARKS (CONTINUED – PAGE 3 of 3)**

Considering the previously discussed CA MUTCD guidelines for establishing speed limits based on the prevailing speed of traffic and the favorable midblock accident rate, it is appropriate to round down to the nearest 5 mph increment below the 85th percentile speed. Therefore, it is recommended that the existing 25 mph speed zone on Via Coronel between Palos Verdes Drive West and Via Castilla be retained to provide a reasonable and safe speed limit.

**RECOMMENDATION****Retain the existing 25 mph speed limit**



## City of Palos Verdes Estates Speed Zone Survey

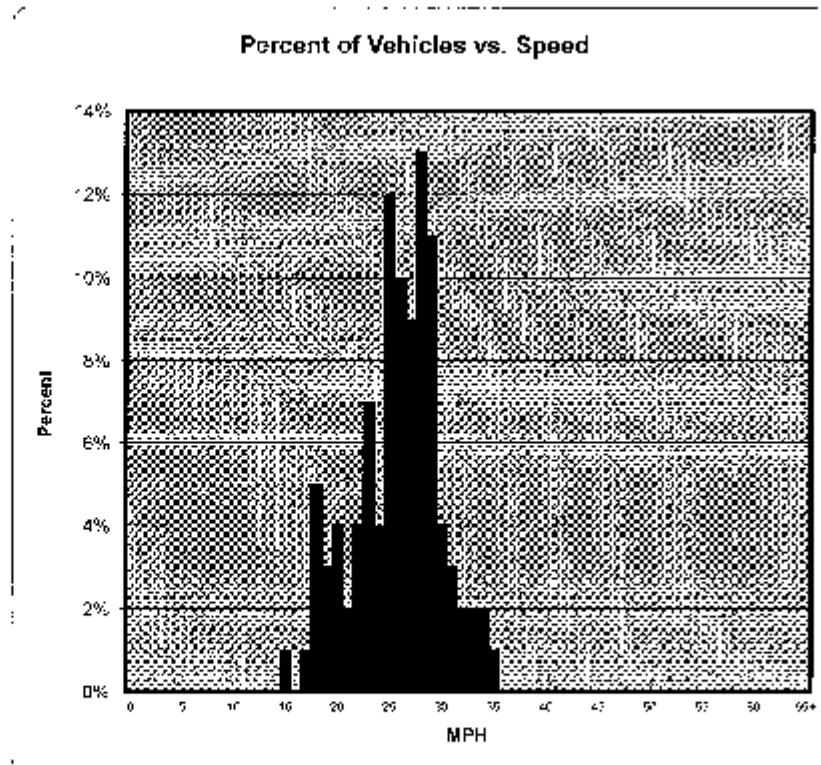
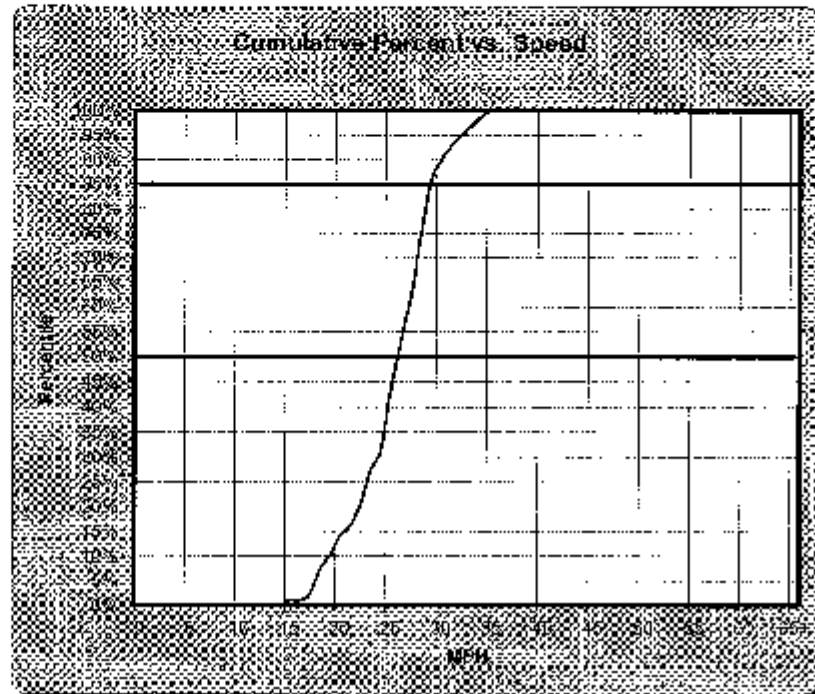
Count Location: Via Coronel at Via Davalos

Date of Count: 5/20/13 - 5/21/13  
 Beginning Time: various  
 Direction Counted: both  
 Posted Speed Limit: 25 mph  
 Observer: JR

50th Percentile Speed: 26 mph  
 85th Percentile Speed: 29 mph  
 Average Speed: 25.8 mph  
 Range of Speeds Observed: 15 - 35 mph  
 Number of Vehicles Observed: 100

10 MPH Pace: 22 - 31 mph  
 Percent Within Pace: 77.0%  
 Percent Over Pace Speed: 7.0%  
 Percent Under Pace Speed: 16.0%

MPH	Number of Vehicles	Percent of Count	Cumulative Percent of Count
0	0	0.0%	0.0%
1	0	0.0%	0.0%
2	0	0.0%	0.0%
3	0	0.0%	0.0%
4	0	0.0%	0.0%
5	0	0.0%	0.0%
6	0	0.0%	0.0%
7	0	0.0%	0.0%
8	0	0.0%	0.0%
9	0	0.0%	0.0%
10	0	0.0%	0.0%
11	0	0.0%	0.0%
12	0	0.0%	0.0%
13	0	0.0%	0.0%
14	0	0.0%	0.0%
15	1	1.0%	1.0%
16	0	0.0%	1.0%
17	1	1.0%	2.0%
18	5	5.0%	7.0%
19	3	3.0%	10.0%
20	4	4.0%	14.0%
21	2	2.0%	16.0%
22	4	4.0%	20.0%
23	7	7.0%	27.0%
24	4	4.0%	31.0%
25	12	12.0%	43.0%
26	10	10.0%	53.0%
27	9	9.0%	62.0%
28	13	13.0%	75.0%
29	11	11.0%	86.0%
30	7	7.0%	93.0%
31	3	3.0%	96.0%
32	2	2.0%	98.0%
33	2	2.0%	100.0%
34	0	0.0%	100.0%
35	1	1.0%	100.0%
36	0	0.0%	100.0%
37	0	0.0%	100.0%
38	0	0.0%	100.0%
39	0	0.0%	100.0%
40	0	0.0%	100.0%
41	0	0.0%	100.0%
42	0	0.0%	100.0%
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49	0	0.0%	100.0%
50	0	0.0%	100.0%
51	0	0.0%	100.0%
52	0	0.0%	100.0%
53	0	0.0%	100.0%
54	0	0.0%	100.0%
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60	0	0.0%	100.0%
61	0	0.0%	100.0%
62	0	0.0%	100.0%
63	0	0.0%	100.0%
64	0	0.0%	100.0%
65+	0	0.0%	100.0%



**ENGINEERING AND TRAFFIC SURVEY (CVC SEC. 627)**

City of PV

**Via Coronel – Via Castilla to Lower Paseo La Cresta**

Year of Survey

2013

**PART I: PREVAILING SPEED MEASUREMENT**

Location of Survey		south of Noya Place	
Date of Survey		5/22/13	
50%ile	85%ile	30 mph	32 mph
10 mph pace (% of vehicle)		24 - 33 mph (93%)	
Posted Speed Limit		25 mph	

**PART II: ACCIDENT RECORDS**

Time Period Covered	1/1/10 to 12/31/11
Number of Mid-block Accidents	3
Mid-Block Accident Rate per Million Vehicle Miles	2.12 acc/mvm
Expected Mid-Block Accident Rate	1.68 acc/mvm (District 7, Urban, 2009 Rates)

**PART III: HIGHWAY, TRAFFIC, AND ROADSIDE CHARACTERISTICS NOT READILY APPARENT**

Date Observations Made	5-22-13
HIGHWAY: Geometric, access (driveways, intersections, other).	<ul style="list-style-type: none"> <li>- Segments of straight horizontal alignment separated by sharp horizontal curves; General downgrade from Lower Paseo La Cresta to Via Castilla.</li> <li>- Segment length = 1.18 mi.; ADT = 1,748 (2013).</li> <li>- One lane in each direction, separated by centerline striping; striped parking lanes on both sides b/t Via Castilla and Via Fernandez.</li> <li>- All-way stop controls at Via Castilla Via Leon, Via Fernandez and Lower Paseo La Cresta.</li> <li>- 25 mph speed limit signs and pavement markings for both directions within segment.</li> <li>- No street lighting within segment.</li> <li>- 3 speed humps b/t Via Castilla and Via Leon.</li> <li>- Residential driveways and intersections on both sides.</li> </ul>
TRAFFIC: Pedestrians, parking turnover, school crossings.	<ul style="list-style-type: none"> <li>- Parking allowed within segment.</li> <li>- Substantial pedestrian and bicycle activity in roadway.</li> </ul>
ROADSIDE: Land uses not apparent (park, school, etc.) other conditions.	<ul style="list-style-type: none"> <li>- Pocket park (Plaza Blanca) on the e/s in 1400 block.</li> <li>- No sidewalk in segment; curb and gutter improvements throughout.</li> <li>- Primarily single-family residential frontage on both sides with some undeveloped and backup residential.</li> </ul>

**PART IV: ADDITIONAL REMARKS**

Via Coronel between Via Castillo and Lower Paseo La Cresta within the City of Palos Verdes Estates is classified as a major collector roadway on the current California Road System Functional Classification System maps (CRS maps 13V51 and 13V52) submitted to the Federal Highway Administration for the City of Palos Verdes Estates. Due to its classification and functional usage, the California Vehicle Code requires that an Engineering and Traffic Survey be conducted based on the methodology mandated by the California Department of Transportation to establish a legal speed limit that can be enforced by radar or other electronic means.	

Via Coronel – Via Castilla to Lower Paseo La Cresta**PART IV: ADDITIONAL REMARKS (CONTINUED – PAGE 2 of 4)**

Via Coronel between Via Castilla and Lower Paseo La Cresta within Palos Verdes Estates is characterized by one lane in each direction separated by centerline striping. The existing posted speed limit is 25 mph. This segment of Via Coronel is approximately 1.11 miles in length and has primarily single-family residential development on both sides. Between Via Castilla and Via Leon are a series of three (3) speed humps. Within the study segment, Via Coronel has stop controls at Via Castilla, Via Leon, Via Fernandez and Lower Paseo La Cresta. There is edgeline striping on both sides between Via Castilla and Via Fernandez. Parking is allowed throughout the segment. There is a substantial number of pedestrians and bicyclists using Via Coronel in this area.

A review of the reported accident history on Via Coronel between Via Castilla and Lower Paseo La Cresta revealed three (3) one midblock accidents during the two-year period ending December 31, 2011, resulting in a midblock accident rate of 2.12 accidents per million vehicle miles (acc/mvm). The expected accident rate is 1.68 acc/mvm for similar type urban roadways within Caltrans District 7.

The California Manual of Uniform Traffic Control Devices (CA MUTCD), which is authorized by the California Vehicle Code (CVC) as the legal procedure for establishing speed zones, provides the following guidance on obtaining prevailing speeds (Section 2B.13, page 144):

*"A location should be selected where prevailing speeds are representative of the entire speed zone section. If speeds vary on a given route, more than one speed zone section may be required, with separate measurements for each section. Locations for measurements should be chosen so as to minimize the effects of traffic signals or stop signs."*

Based on the location of existing traffic controls at Via Castilla, Via Leon Via Fernandez and Lower Paseo La Cresta, fronting development, the location of the speed humps and roadway characteristics, the speed data collected near south of Noya Place is adequate to produce an appropriate speed zone for the entire segment.

The speed measurements resulted in an 85th percentile speed of 32 mph and a 10 mph pace of 24-33 mph (93% of the vehicles within that pace). The CA MUTCD states the following on page 142:

*"When a speed limit is to be posted, it shall be established at the nearest 5 mph increment of the 85th-percentile speed of free-flowing traffic, except as shown in the two Options below."*

*Option 1: The posted speed may be reduced by 5 mph from the nearest 5 mph increment of the 85th-percentile speed, in compliance with CVC Sections 627 and 22358.5. See Standard below for documentation requirements.*

*Option 2: For cases in which the nearest 5 mph increment of the 85th-percentile speed would require a rounding up, then the speed limit may be rounded down to the nearest 5 mph increment below the 85th percentile speed, if no further reduction is used."*

Via Coronel – Via Castilla to Lower Paseo La Cresta**PART IV: ADDITIONAL REMARKS (CONTINUED – PAGE 3 of 4)**

The "standard" identified in Option 1 above is as follows on page 142:

*"If the speed limit to be posted has had the 5 mph reduction applied, then an E&TS shall document in writing the conditions and justification for the lower speed limit and be approved by a registered Civil or Traffic Engineer. The reasons for the lower speed limit shall be in compliance with CVC Sections 627 and 22358.5."*

Factors that may justify application of a 5 mph reduction from the nearest 5 mph increment of the 85<sup>th</sup> percentile speed are discussed in the CA MUTCD and include:

- Road characteristics, shoulder condition, grade, alignment, and sight distance not readily apparent to motorists;
- The pace;
- Roadside development and environment;
- Parking practices and pedestrian activity;
- Reported crash experience for at least a 12-month period;
- Residential density; and,
- Pedestrian and bicyclist safety.

The speed measurements indicate that the closest 5 mph increment to the 85<sup>th</sup> percentile speed is 30 mph. However the following conditions suggest that a 5 mph reduction would be appropriate:

- The midblock accident rate is 2.12 acc/mvm, which is substantially higher than the expected midblock accident rate of 1.68 acc/mvm for similar type urban roadways within Caltrans District 7. Page 145 of the CA MUTCD states that: *"Generally, the most decisive evidence of conditions not readily apparent to the driver surface in collision histories."*
- The lack of sidewalk results in a substantial number of pedestrians and bicyclists within the roadway, bringing them into close proximity with motorized vehicles and creating the potential for conflict. This situation is exacerbated by the pocket park and substantial parking activity in this area, resulting in frequent unexpected entries by vehicles into the travel lanes.
- The 10-mile pace is 24-33 mph. Maintaining the speed limit at 25 mph would be within the speed range where the majority of motorists are travelling, thus making it a reasonable speed limit.
- The residential fronting development and numerous driveways create significant parking movements, resulting in frequent entries and exits to the through traffic flow on Via Coronel. These movements, combined with the significant pedestrian and bicycle activity requires greater attention from motorists and increased reaction time to avoid collisions.
- Via Coronel has single-family residential frontage with a density in excess of the 13 dwelling units within a 0.25 mile length of roadway threshold as specified in the CA MUTCD (pages 144-145). This density threshold, which is used to define a residence district, indicates that a lower speed limit would be beneficial to be consistent with the nature and needs of the community.

Via Coronel – Via Castilla to Lower Paseo La Cresta

**PART IV:    ADDITIONAL REMARKS (CONTINUED – PAGE 4 of 4)**

Considering the previously discussed CA MUTCD guidelines for establishing speed limits based on the prevailing speed of traffic and the justifications outlined above, it is appropriate to apply a 5 mph reduction to the nearest 5 mph increment of the 85th percentile speed.    Therefore, it is recommended that the existing 25 mph speed zone on Via Coronel between Via Castilla and Lower Paseo La Cresta be retained to provide a reasonable and safe speed limit.



**RECOMMENDATION**

**Retain the existing 25 mph speed limit**



## City of Palos Verdes Estates Speed Zone Survey

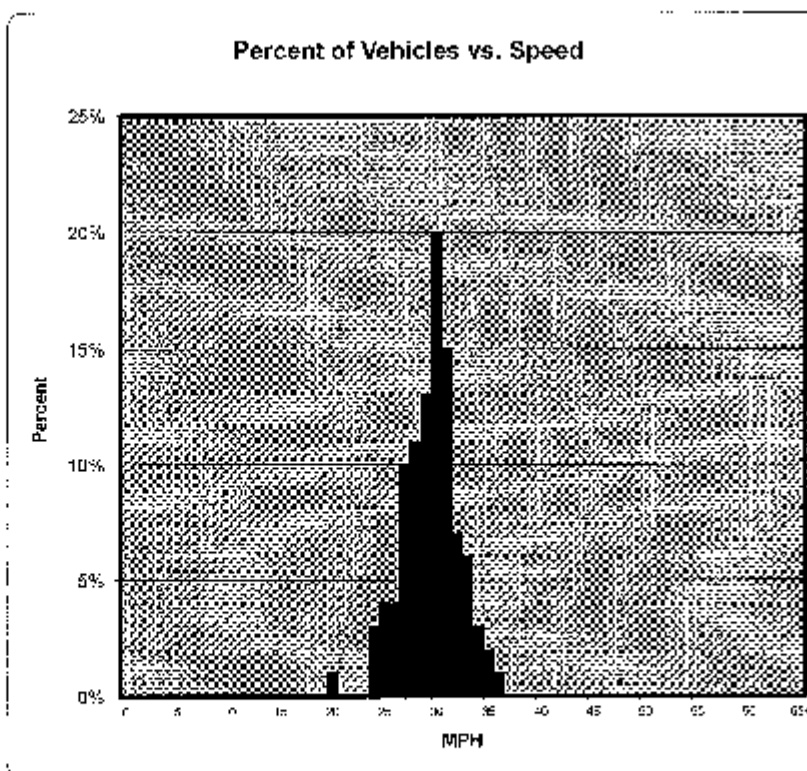
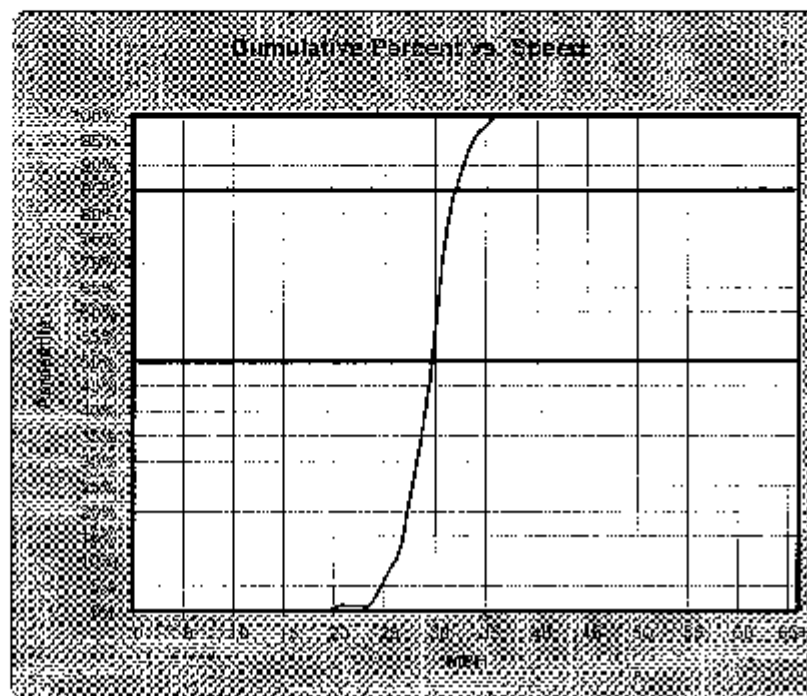
Count Location: Via Coronet s/o Noya Pl

Date of Count: 5/22/2013  
 Beginning Time: 7:45 a.m.  
 Direction Counted: both  
 Posted Speed Limit: 25 mph  
 Observer: JR

50th Percentile Speed: 30 mph  
 85th Percentile Speed: 32 mph  
 Average Speed: 29.5 mph  
 Range of Speeds Observed: 20 - 33 mph  
 Number of Vehicles Observed: 100

10 MPH Pace: 24 - 33 mph  
 Percent Within Pace: 93.0%  
 Percent Over Pace Speed: 6.0%  
 Percent Under Pace Speed: 1.0%

MPH	Number of Vehicles	Percent of Count	Cumulative Percent of Count
0	0	0.0%	0.0%
1	0	0.0%	0.0%
2	0	0.0%	0.0%
3	0	0.0%	0.0%
4	0	0.0%	0.0%
5	0	0.0%	0.0%
6	0	0.0%	0.0%
7	0	0.0%	0.0%
8	0	0.0%	0.0%
9	0	0.0%	0.0%
10	0	0.0%	0.0%
11	0	0.0%	0.0%
12	0	0.0%	0.0%
13	0	0.0%	0.0%
14	0	0.0%	0.0%
15	0	0.0%	0.0%
16	0	0.0%	0.0%
17	0	0.0%	0.0%
18	0	0.0%	0.0%
19	0	0.0%	0.0%
20	1	1.0%	1.0%
21	0	0.0%	1.0%
22	0	0.0%	1.0%
23	0	0.0%	1.0%
24	0	0.0%	1.0%
25	4	4.0%	5.0%
26	4	4.0%	9.0%
27	10	10.0%	19.0%
28	11	11.0%	30.0%
29	10	10.0%	40.0%
30	20	20.0%	60.0%
31	15	15.0%	75.0%
32	7	7.0%	82.0%
33	6	6.0%	88.0%
34	3	3.0%	91.0%
35	2	2.0%	93.0%
36	1	1.0%	94.0%
37	0	0.0%	94.0%
38	0	0.0%	94.0%
39	0	0.0%	94.0%
40	0	0.0%	94.0%
41	0	0.0%	94.0%
42	0	0.0%	94.0%
43	0	0.0%	94.0%
44	0	0.0%	94.0%
45	0	0.0%	94.0%
46	0	0.0%	94.0%
47	0	0.0%	94.0%
48	0	0.0%	94.0%
49	0	0.0%	94.0%
50	0	0.0%	94.0%
51	0	0.0%	94.0%
52	0	0.0%	94.0%
53	0	0.0%	94.0%
54	0	0.0%	94.0%
55	0	0.0%	94.0%
56	0	0.0%	94.0%
57	0	0.0%	94.0%
58	0	0.0%	94.0%
59	0	0.0%	94.0%
60	0	0.0%	94.0%
61	0	0.0%	94.0%
62	0	0.0%	94.0%
63	0	0.0%	94.0%
64	0	0.0%	94.0%
65+	0	0.0%	94.0%





**Via Fernandez – Via Zurita to Granvia Altamira**

Year of Survey

2013

**PART I: PREVAILING SPEED MEASUREMENT**

Location of Survey	south of Via Lopez		
Date of Survey	5/20/13 thru 5/22/13		
50%ile	85%ile	30 mph	32 mph
10 mph pace (% of vehicle)	24 - 33 mph (87%)		
Posted Speed Limit	25 mph		

**PART II: ACCIDENT RECORDS**

Time Period Covered	1/1/10 to 12/31/11
Number of Mid-block Accidents	1
Mid-Block Accident Rate per Million Vehicle Miles	0.67 acc/mvm
Expected Mid-Block Accident Rate	1.68 acc/mvm (District 7, Urban, 2009 Rates)

**PART III: HIGHWAY, TRAFFIC, AND ROADSIDE CHARACTERISTICS NOT READILY APPARENT**

Date Observations Made	5-20-13
HIGHWAY: Geometric, access (driveways, intersections, other).	<ul style="list-style-type: none"> <li>- Several horizontal curves separated by relatively long stretches of straight alignment; rolling vertical alignment with general downgrade from east to west.</li> <li>- Segment length = 1.02 mi.; ADT = 2,000 (est.).</li> <li>- One lane in each direction, separated by centerline striping.</li> <li>- Edgeline striping on both sides b/t Via Zurita and Via Visalia.</li> <li>- All-way stop controls at Via Zurita, Via Lopez, Via Visalia, Via Balboa, Via Gabriel and Granvia Altamira.</li> <li>- 25 mph speed limit signs and pavement markings for both directions within segment.</li> <li>- No street lighting within segment.</li> <li>- Residential driveways and intersections on both sides.</li> </ul>
TRAFFIC: Pedestrians, parking turnover, school crossings.	<ul style="list-style-type: none"> <li>- Parking allowed - several locations have insufficient width.</li> <li>- Substantial pedestrian and bicycle activity in roadway.</li> <li>- Marked school crosswalks at Via Balboa and at Via Visalia.</li> </ul>
ROADSIDE: Land uses not apparent (park, school, etc.) other conditions.	<ul style="list-style-type: none"> <li>- Pocket park on n/s, b/t Via Visalia and Paseo La Cresta.</li> <li>- Montemalaga Plaza on n/s, w/o Granvia Altamira.</li> <li>- No sidewalk; pedestrian pathway on n/s b/t Via Visalia and Paseo La Cresta; curb and gutter improvements throughout segment.</li> <li>- Montemalaga School n/o Via Fernandez at Via Visalia.</li> <li>- Residential frontage with some undeveloped on b/s.</li> </ul>

**PART IV: ADDITIONAL REMARKS**

Via Fernandez between Via Zurita and Granvia Altamira within the City of Palos Verdes Estates is classified as a major collector roadway on the current California Road System Functional Classification System maps (CRS maps 13V51 and 13V52) submitted to the Federal Highway Administration for the City of Palos Verdes Estates. Due to its classification and functional usage, the California Vehicle Code requires that an Engineering and Traffic Survey be conducted based on the methodology mandated by the California Department of Transportation to establish a legal speed limit that can be enforced by radar or other electronic means.

Via Fernandez – Via Zurita to Granvia Altamira**PART IV: ADDITIONAL REMARKS (CONTINUED – PAGE 2 of 4)**

Via Fernandez between Via Zurita and Granvia Altamira within Palos Verdes Estates is characterized by one lane in each direction separated by centerline striping. The existing posted speed limit is 25 mph. Via Fernandez is approximately 1.02 miles in length and has a mixture of residential and undeveloped frontage on both sides. On the north side between Via Visalia and Paseo La Cresta is a pocket park with a pedestrian pathway. Montemalaga Plaza is located on the north side, west of Granvia Altamira. Within the study segment, there are stop controls at Via Zurita, Via Lopez, Via Visalia, Via Balboa, Via Gabriel and Granvia Altamira. Marked school crosswalks are located at Via Balboa and at Via Visalia. Montemalaga Elementary School is located north of Via Fernandez at Via Visalia. There is edgeline striping on both sides between Via Zurita and Via Visalia.

A review of the reported accident history on Via Fernandez between Via Zurita and Granvia Altamira revealed one midblock accident during the two-year period ending December 31, 2011, resulting in an estimated midblock accident rate of 0.67 accidents per million vehicle miles (acc/mvm). The expected accident rate is 1.68 acc/mvm for similar type urban roadways within Caltrans District 7.

The California Manual of Uniform Traffic Control Devices (CA MUTCD), which is authorized by the California Vehicle Code (CVC) as the legal procedure for establishing speed zones, provides the following guidance on obtaining prevailing speeds (Section 2B.13, page 144):

*"A location should be selected where prevailing speeds are representative of the entire speed zone section. If speeds vary on a given route, more than one speed zone section may be required, with separate measurements for each section. Locations for measurements should be chosen so as to minimize the effects of traffic signals or stop signs."*

Based on the location of existing stop controls, fronting development, the location of the two pocket parks, Montemalaga Elementary School and roadway characteristics, the speed data collected near south of Via Lopez is adequate to produce an appropriate speed zone for the entire segment. Due to light traffic volumes during free flow conditions, radar speed measurements were taken over several days to obtain the minimum sample size of 100 vehicles as indicated on CA MUTCD page 144.

The speed measurements resulted in an 85th percentile speed of 32 mph and a 10 mph pace of 24-33 mph (87% of the vehicles within that pace). The CA MUTCD states the following on page 142:

*"When a speed limit is to be posted, it shall be established at the nearest 5 mph increment of the 85th-percentile speed of free-flowing traffic, except as shown in the two Options below."*

*Option 1: The posted speed may be reduced by 5 mph from the nearest 5 mph increment of the 85th-percentile speed, in compliance with CVC Sections 627 and 22358.5. See Standard below for documentation requirements.*

*Option 2: For cases in which the nearest 5 mph increment of the 85th-percentile speed would require a rounding up, then the speed limit may be rounded down to the nearest 5 mph increment below the 85th percentile speed, if no further reduction is used."*

Via Fernandez – Via Zurita to Granvia Altamira**PART IV: ADDITIONAL REMARKS (CONTINUED – PAGE 3 of 4)**

The "standard" identified in Option 1 above is as follows on page 142:

*"If the speed limit to be posted has had the 5 mph reduction applied, then an E&TS shall document in writing the conditions and justification for the lower speed limit and be approved by a registered Civil or Traffic Engineer. The reasons for the lower speed limit shall be in compliance with CVC Sections 627 and 22358.5."*

Factors that may justify application of a 5 mph reduction from the nearest 5 mph increment of the 85<sup>th</sup> percentile speed are discussed in the CA MUTCD and include:

- Road characteristics, shoulder condition, grade, alignment, and sight distance not readily apparent to motorists;
- The pace;
- Roadside development and environment;
- Parking practices and pedestrian activity;
- Reported crash experience for at least a 12-month period;
- Residential density; and,
- Pedestrian and bicyclist safety.

The speed measurements indicate that the closest 5 mph increment to the 85<sup>th</sup> percentile speed is 30 mph. However the following conditions suggest that a 5 mph reduction would be appropriate:

- The attraction of the adjacent two pocket parks results in a substantial number of pedestrians and bicyclists within the roadway, bringing them into close proximity with motorized vehicles and creating the potential for conflict. This situation is exacerbated by the substantial residential parking activity in this area, resulting in frequent unexpected entries by vehicles into the travel lanes.
- The 10-mile pace is 24-33 mph. Maintaining the speed limit at 25 mph would be within the speed range where the majority of motorists are travelling, thus making it a reasonable speed limit.
- The residential fronting development and numerous driveways create significant parking movements, resulting in frequent entries and exits to the through traffic flow on Via Fernandez. These movements, combined with the significant pedestrian and bicycle activity requires greater attention from motorists and increased reaction time to avoid collisions.
- The proximity of Montemalaga Elementary School results in substantial pedestrian and vehicle traffic during school arrival and dismissal periods as well as other times when activities are underway at the school. Maintaining the speed limit at 25 mph would provide motorists additional time to address the numerous pedestrian-vehicle and vehicle-vehicle conflicts, thus reducing the potential for accidents.
- The substantial number of bicyclists within the roadway creates the potential for regular conflict with motorists.

Via Fernandez – Via Zurita to Granvia Altamira

**PART IV: ADDITIONAL REMARKS (CONTINUED – PAGE 4 of 4)**

Considering the previously discussed CA MUTCD guidelines for establishing speed limits based on the prevailing speed of traffic and the justifications outlined above, it is appropriate to apply a 5 mph reduction to the nearest 5 mph increment of the 85th percentile speed. Therefore, it is recommended that the existing 25 mph speed zone on Via Fernandez between Via Zurita and Granvia Altamira be retained to provide a reasonable and safe speed limit.



RECOMMENDATION

Retain the existing 25 mph speed limit

## City of Palos Verdes Estates Speed Zone Survey

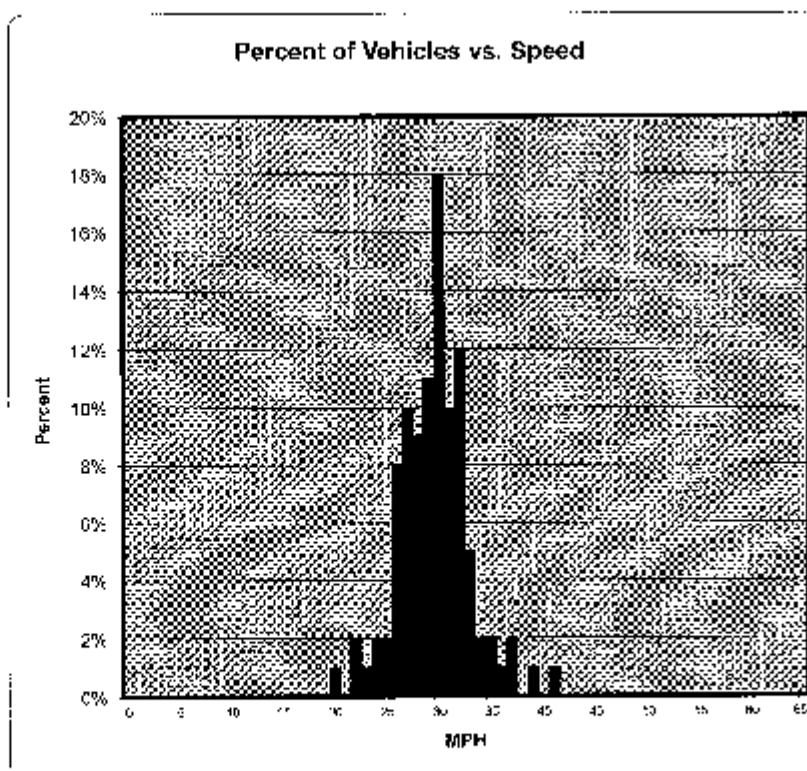
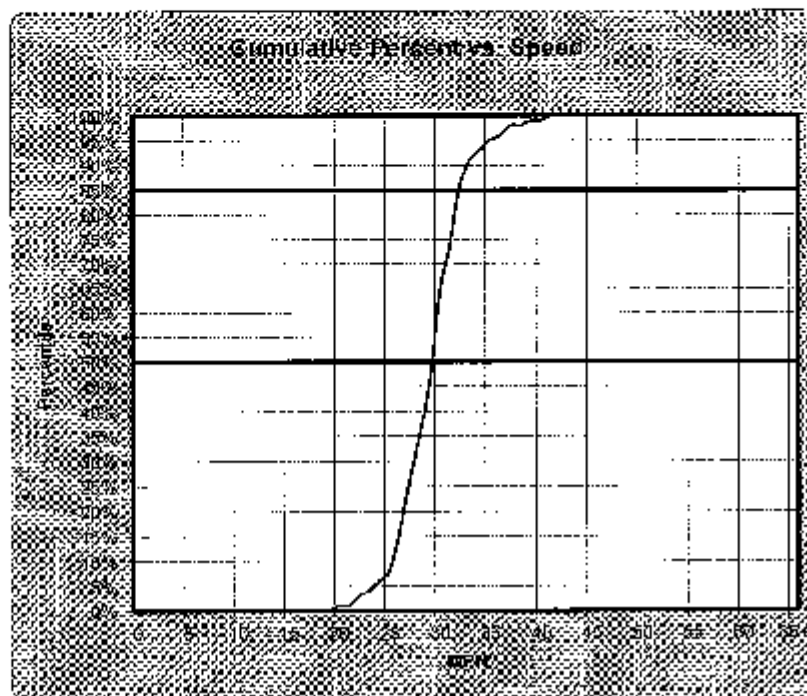
Count Location: Via Fernandez s/o Via Lopez

Date of Count: 5/20/13 - 5/22/13  
 Beginning Time: various  
 Direction Counted: both  
 Posted Speed Limit: 26 mph  
 Observer: JR

50th Percentile Speed: 30 mph  
 85th Percentile Speed: 32 mph  
 Average Speed: 29.6 mph  
 Range of Speeds Observed: 20 - 41 mph  
 Number of Vehicles Observed: 100

10 MPH+ Pace: 24 - 32 mph  
 Percent Within Pace: 87.0%  
 Percent Over Pace Speed: 9.0%  
 Percent Under Pace Speed: 4.0%

MPH	Number of Vehicles	Percent of Count	Cumulative Percent of Count
2	0	0.0%	0.0%
4	0	0.0%	0.0%
6	0	0.0%	0.0%
8	0	0.0%	0.0%
10	0	0.0%	0.0%
12	0	0.0%	0.0%
14	0	0.0%	0.0%
16	0	0.0%	0.0%
18	0	0.0%	0.0%
20	1	1.0%	1.0%
21	0	0.0%	1.0%
22	2	2.0%	3.0%
23	1	1.0%	4.0%
24	2	2.0%	6.0%
25	2	2.0%	8.0%
26	8	8.0%	16.0%
27	10	10.0%	26.0%
28	9	9.0%	35.0%
29	11	11.0%	46.0%
30	15	15.0%	61.0%
31	10	10.0%	71.0%
32	12	12.0%	83.0%
33	5	5.0%	88.0%
34	2	2.0%	90.0%
35	2	2.0%	92.0%
36	1	1.0%	93.0%
37	2	2.0%	95.0%
38	0	0.0%	95.0%
39	1	1.0%	96.0%
40	0	0.0%	96.0%
41	1	1.0%	97.0%
42	0	0.0%	97.0%
43	0	0.0%	97.0%
44	0	0.0%	97.0%
45	0	0.0%	97.0%
46	0	0.0%	97.0%
47	0	0.0%	97.0%
48	0	0.0%	97.0%
49	0	0.0%	97.0%
50	0	0.0%	97.0%
51	0	0.0%	97.0%
52	0	0.0%	97.0%
53	0	0.0%	97.0%
54	0	0.0%	97.0%
55	0	0.0%	97.0%
56	0	0.0%	97.0%
57	0	0.0%	97.0%
58	0	0.0%	97.0%
59	0	0.0%	97.0%
60	0	0.0%	97.0%
61	0	0.0%	97.0%
62	0	0.0%	97.0%
63	0	0.0%	97.0%
64	0	0.0%	97.0%
65+	0	0.0%	97.0%



## ORDINANCE NO. 13-702

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY  
OF PALOS VERDES ESTATES, CALIFORNIA, AMENDING  
SECTION 10.56.010 OF THE PALOS VERDES ESTATES MUNICIPAL  
CODE REGARDING SPEED LIMITS

WHEREAS, the California Vehicle Code requires that speed limits on streets where radar will be used for speed limit enforcement be reviewed and re-adopted periodically;

WHEREAS, the City has conducted an engineering and traffic survey of streets for which the City Council had previously established speed limits different from the prima facie speeds limits authorized by state law; and

WHEREAS, on the basis of the engineering and traffic survey, the Public Works Director has recommended that certain of the speed limits previously established should be changed;

NOW, THEREFORE, the City Council of the City of Palos Verdes Estates hereby ordains as follows:

SECTION 1. Section 10.56.010 of the Palos Verdes Estates Municipal Code is hereby amended to read as follows:

**10.56.010      Designated for certain streets.**

It is hereby determined upon the basis of an engineering and traffic survey that a speed greater than twenty-five miles per hour would facilitate the orderly movement of vehicular traffic and would be reasonable and safe upon such portions of the following streets within business or residence districts, and it is hereby declared that the prima facie speed limit shall be as set forth in this section on those streets or parts of streets designated in this section when signs are erected giving notice thereof:

<b>Street/Location</b>	<b>Recommended Speed Limits (mph)</b>
Granvia Altamira, city limits to Via Fernandez	30
Palos Verdes Drive North, southeast city limits to Paseo Del Campo	35



Palos Verdes Drive North, Pasco Del Campo to Palos Verdes Boulevard	35
Palos Verdes Boulevard, north city limits to Palos Verdes Drive North	30
Palos Verdes Drive West, Palos Verdes Drive North to Pasco Del Mar	35
Palos Verdes Drive West, Pasco Del Mar to Paseo Lunado	35
Palos Verdes Drive West, Paseo Lunado to south city limits	35
Paseo Del Campo, Via Campesina to Palos Verdes Drive North	25
Pasco Del Mar, Via Arroyo to Palos Verdes Drive West	30
Paseo Del Mar, Palos Verdes Drive West to Paseo Lunado	30
Via Almar, Via Del Puente to Via Arroyo	25
Via Campesina, Palos Verdes Drive North to Via Elevado	30
Via Campesina, Via Elevado to Via Corta	25
Via Coronel, Palos Verdes Drive West to Via Castilla	25
Via Coronel, Via Castilla to Lower Pasco La Cresta	25
Via Del Monte, Via Campesina to Granvia Altamira	25
Via Fernandez, Via Zurita to Granvia Altamira	25
Via Zurita, Via Fernandez to Via Coronel	25

SECTION 2. The City Clerk shall certify to the passage of this ordinance and shall cause the same to be published as required by law.

PASSED, APPROVED and ADOPTED this       day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
James F. Goodhart, Mayor

ATTEST:

Vickie Kroneberger, Deputy City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Christi Hogin, City Attorney




# MEMORANDUM

Agenda Item #: 12

Meeting Date: 7/23/13

**TO: HONORABLE MAYOR AND CITY COUNCIL**

**THRU: ANTON DAHLERBRUCH, CITY MANAGER** 

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

**SUBJECT: DETERMINATION OF THE SCOPE AND PROCESS TO DEVELOP A PARKLANDS AND TRAILS POLICY**

**DATE: JULY 23, 2013**

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## The Issue

The City has recently heard testimony from the public concerning a variety of issues regarding the City's trails and parklands. Some residents have expressed a desire to improve the existing trails as well as develop additional pathways. Other residents have indicated that there are significant negative issues involving the existing trails and the general use of parklands. Moreover, there appears to be people developing trails in the parklands without the authority to do so. The City does not have policies addressing the improvement, development, and general use of trails and parklands. Therefore, the City Council has directed that a policy be developed. This report seeks further direction from the City Council for the process of developing a policy.

## Background

The Parklands Committee recently worked to develop a list of projects to be pursued in the City with specific funding from the City Council for "Enhancement Projects". The top-rated project was the maintenance and development of trails within the City. The Parklands Committee discussed this topic at their January and February meetings this year.

At these meetings, one trail that was a focus of the discussion was the "Backbone Trail". This is an existing trail that begins near Apsley Road and Palos Verdes Drive West in

Lunada Bay. The trail concludes at the easterly end of Via Tejon. Please note that the majority of this trail was created illegally by person(s) unknown.

The recommendation of the Parklands Committee to the City Council at their February meeting was to hire a consultant to help develop a scope of work for the "Backbone Trail". However, when reviewed by the City Council, there was significant testimony regarding the numerous existing problems along this trail. The topics are as follows:

- Excessive parking on Via Tejon and Paseo Del Sol
- Privacy impacts along the trail, including rear yards on Via Elevado and lower Paseo Del Sol
- Security issues due to the usage of trail
- Illegal activities such as drug use and drinking in the parklands, especially at the easterly end of Via Tejon and at the end of lower Paseo Del Sol
- Liability for the City
- Trash along the trails
- Issues with dog walkers and bicyclists
- Public Information

The City Council determined that the appropriate course of action was to not pursue the recommendation of hiring a trails consultant, but to instead develop a Policy for Parklands and Trails. In this way, the concerns may be addressed while also creating a framework for maintenance and development.

Attached for your reference is a memorandum that indirectly addresses some trails within the City.

### **Discussion**

Staff researched other cities and did not locate any current trail policies that were wholly applicable to Palos Verdes Estates. The cities researched include, but are not limited to, Rolling Hills, Rancho Palos Verdes, Santa Clarita, Fairfield, Roseville, Hidden Hills, Malibu, and Carmel. Staff will continue to explore existing parklands and trails policies with the goal of locating a policy that can be molded for the City's needs.

One document that may be useful is the Public Use Master Plan (PUMP) developed for the Palos Verdes Nature Preserve. This was adopted by the City of Rancho Palos Verdes in April of this year. Some of the elements of the PUMP are as follows:

- Trail Implementation, Maintenance and Repair
- Trail Routes (including maps of existing and future trails)
- Trail Guidelines
- Trail Surfaces
- Trail Names
- Trail Uses

The elements listed seem to be appropriate for discussion during the development of the City's Parklands and Trails Policy, including policing. As an addition to this list, staff suggests also exploring trail safety including public safety and fire safety. Likewise, it is important to consider liability and risk.

Another way to approach the policy would be to answer the "Five W's". The following questions may help determine the scope and essential elements of the policy:

**Who** – Who should be allowed to use the trails – pedestrian, equestrian, and/or bicyclists?

**What** – What is a trail? Should a trail simply be a foot-worn path or should it be built/maintained to some standard? Should signage be installed?

**Where** – The location of trails along rear yards and between homes from street to street can cause significant privacy impacts. Should new trails be opened near existing homes, or should problematic ones be closed/reviewed?

**When** – Many of the problems with the trails relate to their use at night. Should some or all of the trails be closed at night?

**Why** – What is the overall purpose of the trails as it will define if/where additional trails are created? Should they be developed to connect the two commercial centers to residents, or simply for recreation?

One option is for the City Council to first determine the scope and essential elements of the policy. Then, the Parklands Committee would develop the specifics for the actual policy. The drafted policy would then be reviewed by Council and, when ready, the policy would be adopted by resolution. Another option is for the City Council to develop the goals and objectives of a policy and to task a committee to develop the specifics.

Please note that it is possible that the policy discussion could lead to new regulations requiring formal codification. If so, the new regulations would be reviewed by the City Council as Code amendments.

Staff has discussed the development of the policy with the Palos Verdes Homes Association. Per the CC&R's, parkland is considered Class F which requires open space be maintained for public use. There do not appear to be further restrictions on parklands and trails; however, staff is continuing to work with their legal counsel to confirm this understanding.

Work has been done to try to address a variety of previously identified trail issues. On the easterly end of Via Pejon, parking is now restricted to residents only from 9 pm to 5 am. On lower Paseo Del Sol, parking is now restricted to only residents at all times. Signage was added to identify curfew hours to help the Police Department in the

enforcement of the City's curfew regulations (in general no persons under the age of 18 may loiter in public places after 10 pm). Signage has been installed at Apsley Road stating: "It is prohibited to cut, remove, or injure vegetation on public property. Palos Verdes Estates Municipal Code Section 12.24.150. It is prohibited to dig/grade within any public place in the City without obtaining a permit from the public works director. Palos Verdes Estates Municipal Code Section 12.12.020. Violation of either provision of the City Code is a misdemeanor. PVE Police Department (310) 378-4211"

The City Council authorized a turn-around area at the end of lower Pasco Del Sol. This will provide an area for fire trucks to turn around as well as members of the public who have no other alternative than to utilize a resident's driveway. The project has been designed and construction bids will soon be requested for review.

### **Summary**

The following issues may want to be addressed by the City Council regarding the development of a Parklands and Trails Policy:

- What are the goals and objectives of a parklands and trails policy for outlining the task?
- Who should be tasked with developing a Parklands and Trails Policy?
- How should the policy preparation involve the interdisciplinary interests of the Parklands and Traffic Safety Committees?

Please note that the purpose of this discussion is not to create the policy, but to outline the process for developing a policy.

### **Notification**

The following groups have been notified of this agenda item: the Planning Commission, the Parklands Committee, the Traffic Safety Committee, the Palos Verdes Homes Association, the Valmonte Homeowners Association, the Malaga Cove Homeowners Association, and the Lunada Bay Homeowners Associations.

All speaker cards from this evening's discussion will be compiled into a mailing list. Those interested individuals will be notified of future policy discussions.

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

- 1) Direct staff to work with the Parklands Committee to develop a Parklands and Trails Policy per a scope identified by the City Council.
- 2) Direct staff to work with the City Council to develop a Parklands and Trails Policy.



- 3) Direct that a committee comprised of the Chairmen and Vice-Chairs of the Planning Commission, Parklands Committee, and Traffic Safety Committee be tasked with developing a Parklands and Trails Policy.
- 4) Direct staff to proceed in a different direction such as creating a committee to develop a Parklands and Trails Policy.
- 5) Decline to act.

**Staff Recommendation**

Staff recommends the City Council direct staff to proceed in developing a Parklands and Trails Policy with the designated body per a scope identified by the City Council


Staff Report Prepared by:


 FOR A. RIGG  
Allan Rigg  
Public Works Director

Attachment A: Memorandum Regarding Allowable Horse Riding Locations



# MEMORANDUM

**TO:**  JOSEPH HOEFGEN, CITY MANAGER

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

**SUBJECT:** ALLOWABLE HORSE RIDING LOCATIONS

**DATE:** MAY 25, 2010

The issue of where horses are allowed to be ridden in the City has been raised recently. Horses are addressed within the City's Municipal Code primarily in two sections. The first reference is regarding where horses can be kept in the City:

6.04.020 Animals other than household pets restricted – Exceptions.

It is unlawful for any person to keep, maintain, or permit upon any lot or parcel of land occupied by or under the control of that person any wild animal or any livestock, provided, however, that it is lawful to keep and maintain any of the following, provided such keeping and maintenance is in conformance with the requirements of Section

6.04.030:

A. Horses on Lots 1, 2, 3 and 4 of Block 6231 of Tract 6887, on Lot O of Tract 6887, and on Lot H of Tract 7143; or...

Lot O and Lot H are the two lots where the Palos Verdes Stables are located. The other four lots are at the northeast corner of Paseo Del Campo and Via Campesina and have street addresses of 3849 Paseo Del Campo (two lots), 3905 Paseo Del Campo, and 3900 Via Campesina. We do not know why the privately-owned lots were originally excepted, and have no knowledge of horses ever being kept at these three locations.

The second reference is regarding where horses can be ridden within the public areas of the City:

12.24.060 Horses and vehicles.

No person shall ride or drive any horse or other animal, or drive or propel any vehicle within any park, square, avenue, grounds or recreation center, except upon the roads, driveways, bridle paths and highways provided and designated by the park commission for such use, and must ride or drive such horse or other animal or drive or propel such vehicle in a careful manner, at a lawful rate of speed, and in accordance with the rules and regulations made by the park commission. (Ord. 23 § 9, 1940)

We are not aware of the prior establishment of areas within the City where horses can be ridden. It would seem that the Parklands Committee would be the body that would take the place of the "park commission" referenced within the Code. Until such time as any public locations are designated, by default it would seem that horses are prohibited within all publicly owned properties within the City (with the exception of the two publicly-owned lots where the Stables are located).

Historically, horses have been ridden primarily on the two lots where the Stables are located, and then into Rolling Hills Estates through a trail at the east end of the property. We are also aware of a few horses that are ridden on the median of Palos Verdes Drive North. We are not sure how these horses reach the median, but it seems likely that they either come in from the trail through the Stables' property, or along Palos Verdes Drive North from Rolling Hills Estates.

Over the years signs have been erected regarding horses along Palos Verdes Drive North. The following sign is posted along westbound Palos Verdes Drive North near Via Opata:



We do not know when this sign was originally installed, but it warns that horses may be crossing from Via Opata and from the parklands onto the Palos Verdes Drive North median.

Another sign is at the westerly end of the Stables property near Palos Verdes Drive North near the previous sign and reads as follows



This was placed at the request of the Stables personnel years ago to try to keep dogs off the trail that runs through the Stables property and is heavily used by horses. It was in response to incidents where dogs on the path scared horses being ridden.

There are also a series of signs along the Palos Verdes Drive North that were installed after we reconstructed the decomposed granite pedestrian pathway within the medians. We found that horses were using the pathway and were causing significant damage to it. One of the signs is as follows:



Lastly, we also checked with the City Attorney to determine whether the California Vehicle Code includes any regulations which limit where individuals are allowed to ride horses. As described below, horses are specifically allowed by the vehicle code to make use of public streets.

Pursuant to Vehicle Code Section 21050, "every person riding or driving an animal upon a highway has all of the rights and is subject to all of the duties applicable to the driver of a vehicle by this division and Division 10 (commencing with Section 20000), except those provisions which by their very nature can have no application."

"Highway" is defined as a way or place of whatever nature, publicly maintained and open to the use of the public for purposes of vehicular travel. Highway includes street. Vehicle Code 360.

The City cannot enact measures which prevent horses on public streets as local regulation is preempted by the California Vehicle Code which states: "Except as otherwise expressly provided, the provisions of this code are applicable and uniform throughout the State and in all counties and municipalities therein, and no local authority shall enact or enforce any ordinance on the matters covered by this code unless expressly authorized herein." VC section 21.

The outcome of all this is that the City cannot legally cite for riding a horse on a public street, but could issue a citation for riding in the parklands.

It would be preferable to have the Parklands Committee officially designate publicly owned properties within the City where horses may be ridden (if any), but it could open a potentially difficult discussion.





# MEMORANDUM

Agenda Item #: 13  
Meeting Date: 7/23/13

TO: HONORABLE MAYOR AND CITY COUNCIL MEMBERS

THRU: ANTON DAHLERBRUCH, CITY MANAGER

FROM: ALEXA DAVIS, ASSISTANT TO THE CITY MANAGER  
JOE MENDOZA, ADMINISTRATIVE ANALYST

SUBJECT: PALOS VERDES ESTATES 75<sup>th</sup> ANNIVERSARY

DATE: JULY 23, 2013

## ISSUE

Shall the City Council establish a steering committee to plan and organize the City's 75<sup>th</sup> Anniversary Celebration, set objectives to guide the committee, direct staff to solicit volunteers and appoint the Mayor and Mayor Pro Tem to serve as Council liaisons?

## BACKGROUND

The City of Palos Verdes Estates has successfully celebrated 50<sup>th</sup> and 60<sup>th</sup> anniversary events through the collaboration of the City and its many vested and loyal community members.

### 50<sup>th</sup> Anniversary Celebration

The City's 50<sup>th</sup> anniversary theme was known as a "Golden Jubilee" celebration. During a period of 50 days, from September 17 to November 4, 1989, several events were held throughout the City, including: an Opening Ceremony Gala at Malaga Cove Plaza; a Sports Day at Lunada Bay School; a Cultural Heritage Day at Malaga Cove Library/Farnham Martin Park; and a Parade to Palos Verdes High School followed by a City Birthday Party and Closing Ceremony at Malaga Cove Plaza.

The 50<sup>th</sup> celebrations were coordinated by two co-chairpersons and approximately 55 committee members. In order to become a committee member, PVE residency and a onetime \$50 membership fee were required. Over 70 additional volunteers assisted in the production of the various events.

The 50<sup>th</sup> celebration committee established the following objectives:

1. Fund and promote a celebration of the City of Palos Verdes Estates' 50<sup>th</sup> Anniversary.

2. Imbue the residents of PVE with knowledge of the City's heritage and history.
3. Re-invigorate the residents with a sense of pride in the community.
4. Encourage resident participation in the community.
5. Beautify the Malaga Cove Plaza.

### 60<sup>th</sup> Anniversary Celebration

The City's 60<sup>th</sup> year anniversary events focused on bringing neighborhoods together and building a sense of pride in the community. Beginning on September 23 and concluding on October 17, 1999, several celebratory events were held including: Sports Days at the Palos Verdes Golf Club, the Beach and Athletic Club, and Tennis Club; a gala dinner/dance at Malaga Cove Plaza; a Family Fun Day at Malaga Cove Plaza; and as a closing event, a Founder's Day Tea at Malaga Cove Library.

The 60<sup>th</sup> was also coordinated by two co-chairpersons and over 50 additional volunteers. No membership fee was charged, although PVE residency still applied.

### Funding for Events

The 50<sup>th</sup> celebration was fully supported by donations. The volunteers who organized the events were responsible for fundraising to underwrite all the planned activities. The necessity to be both volunteer and fundraiser appeared to create a strain and burden. Therefore, in the planning of the 60<sup>th</sup> celebration, the City provided seed money (\$13,500). These funds were primarily used for Police and Streets & Parks Department personnel to be available as needed for staffing, setting up and clean-up events. City funds were also used for the rental of equipment, printing of flyers/logos, and publicity. Even though the City contributed a portion of funds, all events were still largely underwritten by donations from businesses and individuals in the City.

## ANALYSIS

In December 2014, the City will celebrate its 75<sup>th</sup> Anniversary, an important milestone in the City's history and an opportunity to revitalize the spirit of the community. Consistent with past events, the 75<sup>th</sup> celebration should focus on all aspects of the community including its historical and cultural heritage, architecture, iconic structures, and concessions/recreational facilities. Events held should educate residents and help foster civic pride in the community. The celebration should also highlight long-term residents and attract all ages, including school-aged children, young adults and the seniors' community.

It is recommended that the City Council establish a steering committee, led by two co-chairpersons, to plan and organize the celebration and appoint the Mayor and Mayor Pro Tem to serve as liaisons to the committee. Council may wish to set goals to guide the committee. The committee, under the leadership of the co-chairs, will be tasked with the following objectives:

- Marketing, Advertising, Branding, and Public Relations
- Sponsorships and Fundraising
- Identify a theme
- Concession/Recreations facility involvement

- Coordinate with community organizations
- Community Events with consideration given to art, history, youth, sustainability
- Solicit volunteers (subcommittees), as needed

The steering committee should provide a good representation of the Palos Verdes Estates community. The committee may be open to anyone interested, of all ages, or Council may wish to designate certain "seats" to ensure there is a representation from community groups and organizations, businesses, youth and seniors. Once a list of volunteers is available, Council may wish to review and interview interested individuals and appoint the steering committee and co-chairs.

Upon Council direction, City staff will implement an outreach effort notifying the community of the upcoming anniversary and the need for volunteers. The outreach will include a flyer distributed at the August 6<sup>th</sup> National Night Out event, a news item on the City's website, bulletins posted in and around the City, and an article in the September newsletter. Those interested in serving on the steering committee will be asked to provide a statement of qualifications to include previous event experience, interests, ideas, resources, etc. An email address will be created specifically for this purpose.

It is recommended that a steering committee be established by the end of October 2013, so planning and organizing may commence a full year in advance of the 75<sup>th</sup> anniversary.

### **NOTIFICATIONS**

The following groups will be provided this report as notification of this item:

- Palos Verdes Homes Association
- The City's Concessionaires
- The City's Homeowners' Associations

### **RECOMMENDATION**

It is recommended that the City Council establish a steering committee to plan and organize the City's 75<sup>th</sup> Anniversary Celebration, set objectives to guide the committee, direct staff to solicit volunteers, and appoint the Mayor and Mayor Pro Tem to serve as Council liaisons.

### **ALTERNATIVES**

1. Decline to act.
2. Modify staff recommendation.
3. Provide staff with a different course of action on the planning and organizing of the 75<sup>th</sup> Anniversary celebration.

### **FISCAL IMPACT**

Fiscal Year 2013-14 has a budgeted amount of \$5,000 as seed money to support the initial planning phase for 75<sup>th</sup> Anniversary.

MOTION NO. 1

July 19, 2013

It was moved by \_\_\_\_\_  
 and seconded by \_\_\_\_\_  
 that the demands, as approved by a majority of the City Council, totaling \$ 277,268.58 be  
 allowed; The amounts expended by fund are as follows:

(01)	GENERAL FUND .....	\$	268,863.51
(02)	GAS TAX FUND .....	\$	7,993.30
(05)	COPS SLESF .....	\$	411.77

TOTAL		\$	<u>277,268.58</u>
-------	--	----	-------------------

THIS MOTION WAS CARRIED BY THE FOLLOWING VOTES:

AYES:

NOES:

ABSENT:

ABSTAIN:

SUNSHINE PENITENTIARY  
DATE: 07/13/2013  
TIME: 13:02:31

PALM SPRINGS ASSOCIATES  
ORGANIZATION CHANGE SUMMARY BY FUND  
FAY JAN 07 AND PR JULY 12

FUND	AMOUNT
01	102,550.76
02	5,237.44
05	382.50
TOTAL REPORT	108,170.70

PAGE NUMBER: 1  
MODULE RUN: PAYCAR63  
CHECK DATE 07/19/2013

SUNSHAD PENTAKALION  
DATE: 07/27/2012  
TIME: 0:02:38

PAYCOS VERDES ESTATES  
BENEFIT SUMMARY BY FUND  
PAY RUN 52, 2ND PR JULY 13

PAGE NUMBER: 1  
MODIFY NTR: PAYCHK03  
CHECK DATE 07/18/2012

FUND	BENEFIT AMOUNT
01	75,203.75
02	2,655.86
05	29.27
TOTAL REPORT	78,888.88



**MOTION NO. 2****July 23, 2013**

It was moved by \_\_\_\_\_  
 and seconded by \_\_\_\_\_  
 that the demands, as approved by a majority of the City Council No. 523863 TO 523894  
 totaling \$136,318.86 The amounts expended by fund are as follows:

(01) GENERAL FUND	\$ 35,050.12
(02) GAS TAX	\$ 277.96
(06) SPECIAL PROJECTS FUND	\$ 110.93
(30) CAPITAL IMPROVEMENT	\$ 4,073.72
(60) EQUIPMENT REPLACEMENT	\$ 3,751.20
(62) SEWER FUND	\$ 92,727.11
(70) SPECIAL DEPOSIT FUND	\$ 327.82
TOTAL	<u>\$ 136,318.86</u>

THIS MOTION WAS CARRIED BY THE FOLLOWING VOTES:

AYES:

NOES:

ABSENT:

ABSTAIN:

SUBMITTER IDENTIFICATION  
 DATE: 07/26/2013  
 TIME: 05:23:46

PAGE NUMBER: 1  
 VOUCHER# 1  
 ACCOUNTING PERIOD: 1/14

DEPOS VERBES STATUTES  
 CHECK REGISTER FUND TOTALS

FUND	FUND TITLE	AMOUNT
C1	GENERAL FUND	35,050.12
C2	GAS TAX	277.86
C6	SPECIAL PROJECTS FUND	110.93
30	CAPITAL IMPROVEMENT	4,073.72
60	EQUIPMENT REPLACEMENT	3,752.29
62	SEWER FUND	92,927.11
70	SPECIAL DEPOSIT FUND	529.82
	TOTAL REPORT	136,618.86

**Start Date: 7/10/13**  
**End Date: 7/23/13**

Date: 7/19/13

## CHECK REGISTER

Check Date	Check Number	Vendor Name	Budget Unit	Account	Invoice Number	Transaction Description	Transaction Amount	Void
07/23/13	523863	LEXISNEXIS RISK DATA MTG #1033659	014000	64430	-----	06/01-06/30 MIN COMMT	50.00	-----
							<b>50.00</b>	
07/23/13	523864	AKM CONSULTING ENGINEERS, INC	627200	64425	0007409	ROCKY PT PUMP STATION	10365.00	-----
07/23/13	523865	AMERICAN CITY PEST CONTROL INC	013080	64430	67349	06/13 SERVICES	71.50	-----
			013080	64437	69141	1015 PVDW-PEST CONTRO	50.00	-----
			013080	64437	69144	1101 PVDW-PEST CONTRO	50.00	-----
			013080	64437	69149	1105 PVDW-PEST CONTRO	50.00	-----
			013080	64437	69155	1117 PVDW-PEST CONTRO	50.00	-----
			013080	64437	69156	1009 PVDW-PEST CONTRO	50.00	-----
			013080	64437	69157	1121 PVDW-PEST CONTRO	50.00	-----
			013080	64437	69160	1017 PVDW-PEST CONTRO	50.00	-----
			016000	64430	67442	06/13 SERVICES	24.00	-----
							<b>445.50</b>	
07/23/13	523866	AQUA-FLO SUPPLY, INC	307500	81501	465361	LB FOUNTAIN	162.47	-----
07/23/13	523867	BLEE ROBERT J	013160	50096	130710	01/13-06/13 REIM HLTH	1650.00	-----
07/23/13	523868	CALIFORNIA WATER SERVICE COMPANY	013080	62255	130703	05/08-06/07 SERVICES	160.69	-----
			016000	62255	130703	05/08-06/07 SERVICES	15303.32	-----
			016000	64415	130703	05/08-06/07 SERVICES	89.35	-----
			066000	63353	130703	05/08-06/07 SERVICES	110.93	-----

**Start Date: 7/10/13**  
**End Date: 7/23/13**

## CHECK REGISTER

Check Date	Check Number	Vendor Name	Budget Unit	Account	Invoice Number	Transaction Description	Transaction Amount	Void
							<b>15664.29</b>	
07/23/13	523869	JOHN M CRUIKSHANK CONSULTANTS INC	307500	81501	000011965	06/13 SERVICES	3911.25	
07/23/13	523870	DENVER SIGNS	607000	70750	221564	#8 TRUCK LETTERING	150.00	
07/23/13	523871	JERRY GILLMAN	70	22100	130715	REIMB PAR COURSE	327.82	
07/23/13	523872	GRAINGER, INC	014000	61140	9180382765	CLEANER FOR LIVE SCAN	80.55	
07/23/13	523873	HAINES & COMPANY INC	014000	61125	14978V4B	06/13 CRISS CROSS	187.92	
07/23/13	523874	JOSEPH A HALL	013160	50096	130709	01/13-06/13 REIB HLTH	1650.00	
07/23/13	523875	HI STANDARD AUTOMOTIVE	607000	70750	21246	#8 INSTAL EQUIPMENT	3533.71	
07/23/13	523876	HOLLYWOOD RIVIERA CAR WASH	014000	63305	130701	06/13 SERVICES	382.70	
07/23/13	523877	HOME DEPOT CREDIT SERVICES	015100	64460	6281405	SPEED MONITORS	-42.90	
			015100	64460	8281341	SPEED MONITORS	150.00	
							<b>107.10</b>	

Start Date: 7/10/13  
End Date: 7/23/13

## CHECK REGISTER

Check Date	Check Number	Vendor Name	Budget Unit	Account	Invoice Number	Transaction Description	Transaction Amount	Void
07/23/13	523878	CITY OF INGLEWOOD	014000	64430	711306	06/13 PROCESSING CHGS	713.43	-----
07/23/13	523879	KLING CONSULTING GROUP, INC	014200	64530	33484-33490	06/13 GEO TECH REVIEW	2545.00	-----
07/23/13	523880	LIEBERT CASSIDY WHITMORE	012000	61120	130709A	06/06 TNG DAVIS, A	55.00	-----
07/23/13	523881	LUNADA HARDWARE	013080	63325	130621	06/02-06/21 BUILD SUP	123.76	-----
			016000	64415	130701A	06/11-07/01 IRRAG SUP	73.55	-----
							<b>197.31</b>	
07/23/13	523882	LUNADA BAY AUTOMOTIVE	014000	63305	9286	6/22-6/28 UNLEAD FUEL	497.10	-----
07/23/13	523883	MANERI SIGN COMPANY INC	025100	63360	86604	12CT NO PARK SIGNS	277.96	-----
07/23/13	523884	MATRIX CONSULTING GROUP	013160	64425	4	PROF SERVICES	1116.00	-----
07/23/13	523885	MEDICO-PROFESSIONAL LINEN SERVICE	014000	61140	1254302	TOWELS/BLANKETS	86.45	-----
			014000	61140	1257745	TOWELS/BLANKETS	80.75	-----
			014000	61140	1261178	TOWELS/BLANKETS	80.75	-----
			014000	61140	1266355	TOWELS/BLANKETS	80.74	-----
							<b>328.69</b>	
07/23/13	523886	METRO BUILDERS & ENGINEERS GROUP	627200	87000	10	ROCKY PT PUMP STATION	82362.11	-----

**Start Date: 7/10/13**  
**End Date: 7/23/13**

## CHECK REGISTER

Check Date	Check Number	Vendor Name	Budget Unit	Account	Invoice Number	Transaction Description	Transaction Amount	Void
07/23/13	523887	PETTY CASH/LINDA WILLIAMS	014000	61105	130710A	REPLENISH PETTY CASH	40.00	----
			014000	61110	130710A	REPLENISH PETTY CASH	18.63	----
			014000	61120	130710A	REPLENISH PETTY CASH	32.75	----
			014000	61130	130710A	REPLENISH PETTY CASH	90.00	----
			014000	61140	130710A	REPLENISH PETTY CASH	167.26	----
			014000	62290	130710A	REPLENISH PETTY CASH	64.16	----
			014000	62292	130710A	REPLENISH PETTY CASH	9.20	----
			014000	63305	130710A	REPLENISH PETTY CASH	14.14	----
			014000	63345	130710A	REPLENISH PETTY CASH	20.95	----
			014000	64641	130710A	REPLENISH PETTY CASH	36.41	----
							<b>493.50</b>	
07/23/13	523888	PROSUM	607000	70770	146609	SSL CERT GO-DADDY.COM	67.49	----
07/23/13	523889	REDMOND'S LOCK & SECURITY	013080	63325	28059	REPR CC CHAMBER DOOR	120.00	----
07/23/13	523890	SOUTHERN CALIFORNIA EDISON	013080	62255	130706	06/04-07/03 SERVICES	6125.42	----
			014000	62255	130706	06/04-07/03 SERVICES	112.54	----
			015100	62255	130706	06/04-07/03 SERVICES	108.83	----
			016000	62255	130706	06/04-07/03 SERVICES	835.45	----
							<b>7182.24</b>	
07/23/13	523891	STAPLES BUSINESS ADVANTAGE	013160	62290	3203041061	OFFICE SUPPLIES CH	85.22	----
			013160	62290	3203101651	OFFICE SUPPLIES CH	106.28	----



**Start Date: 7/10/13**  
**End Date: 7/23/13**

## CHECK REGISTER

Check Date	Check Number	Vendor Name	Budget Unit	Account	Invoice Number	Transaction Description	Transaction Amount	Void
07/23/13...	523891...	STAPLES BUSINESS ADVANTAGE...	013160	62290	3203101652	OFFICE SUPPLIES CH	31.69	-----
			014000	62290	3203041064	OFFICES SUPPLIES PD	504.83	-----
			014000	62290	3203101650	OFFICE SUPPLIES PD	80.27	-----
							<b>808.29</b>	
07/23/13	523892	SCOTT STUCKMAN	01	37260	130703	REFND PERMIT #16179	118.00	-----
07/23/13	523893	VERIZON WIRELESS	014000	62255	9707246996	05/26-06/25 SERVICES	453.54	-----
			014000	62255	9707246997	05/26-06/25 SERVICES	241.35	-----
			014000	65000	9707246996	05/26-06/25 SERVICES	8.54	-----
							<b>703.43</b>	
07/23/13	523894	VERIZON BUSINESS/MCI	013080	62255	06311261	06/01-6/30 SERVICES	41.77	-----
			014000	62255	06311261	06/01-6/30 SERVICES	23.23	-----
							<b>65.00</b>	
							<b>136318.86</b>	

**MOTION NO. 2a****July 23, 2013**

It was moved by \_\_\_\_\_  
and seconded by \_\_\_\_\_  
that the demands, as approved by a majority of the City Council No. 523895 TO 523926  
totaling \$427,371.00 The amounts expended by fund are as follows:

(01) GENERAL FUND	\$ 45,667.99
(22) FIRE PARCEL TAX	\$ 352,828.00
(30) CAPITAL IMPROVEMENT	\$ 127.62
(60) EQUIPMENT REPLACEMENT	\$ 10,159.39
(65) INSURANCE FUND	\$ <u>18,588.00</u>
TOTAL	\$ <u>427,371.00</u>

THIS MOTION WAS CARRIED BY THE FOLLOWING VOTES:

AYES:

NOES:

ABSENT:

ABSTAIN:

SUNSHINE PERMANENT  
 DATE: 07/19/2013  
 TIME: 10:11:57

PAGE NUMBER: 1  
 VOUCHER:  
 ACCOUNTING PERIOD: 1/14

VALLEY VIEWER ESTATES  
 CHECK REGISTER - FUND TOTALS

FUND	FUND TITLE	AMOUNT
01	GENERAL FUND	45,657.99
22	FIRE PARCEL TAX	352,828.00
30	CAPITAL IMPROVEMENT	177.62
60	EQUIPMENT REPLACEMENT	10,159.49
85	INSURANCE FUND	18,538.06
TOTAL	GRAND	487,371.00

**Start Date: 7/10/13**  
**End Date: 7/23/13**

## CHECK REGISTER

Check Date	Check Number	Vendor Name	Budget Unit	Account	Invoice Number	Transaction Description	Transaction Amount	Void
07/23/13	523895	ADVANCED ELECTRONICS, INC	014000	64430	0127005-IN	07/13 MAINT AGREEMENT	2929.13	
07/23/13	523896	AMERIPRIDE SERVICES, INC	015100	61110	1400605145	UNIFORM RENTAL	46.91	
			015100	61110	1400610044	UNIFORM RENTAL	46.91	
			016000	61110	1400605145	UNIFORM RENTAL	46.91	
			016000	61110	1400610044	UNIFORM RENTAL	46.91	
							<b>187.64</b>	
07/23/13	523897	ANTHEM BLUE CROSS	012000	50090	130718A	0813 ADDTL PREMIUM	2815.27	
			013160	50090	130718A	0813 ADDTL PREMIUM	2654.92	
			014000	50090	130718A	0813 ADDTL PREMIUM	-774.41	
							<b>4695.78</b>	
07/23/13	523898	BROWNELLS INC	014000	62290	08970563.01	SHOOTING RANGE BOX	40.78	
07/23/13	523899	CALIFORNIA JPIA	656900	65020	96000	FY13/14 RISK PROP INS	18588.00	
07/23/13	523900	JACQUELINE CHAUSSEE	014000	62292	130715A	07/22 PVECARES EVENT	75.00	
07/23/13	523901	COPOWER - (GP# 150078)	012000	50090	130718B	08/13 ADDTL PREMIUM	152.10	
			013160	50090	130718B	08/13 ADDTL PREMIUM	359.08	
			014000	50090	130718B	08/13 ADDTL PREMIUM	49.63	
							<b>560.81</b>	
07/23/13	523902	COX COMMUNICATIONS	013080	62255	130706A	07/05-08/04 SERVICES	292.00	

Start Date: 7/10/13  
End Date: 7/23/13

## CHECK REGISTER

Check Date	Check Number	Vendor Name	Budget Unit	Account	Invoice Number	Transaction Description	Transaction Amount	Void
07/23/13	523903	JOHN DEERE LANDSCAPES, INC	016000	64415	65271320	LUNADA BAY PLAZA	44.49	-----
07/23/13	523904	DISCOUNT POOL & SPA SUPPLY	013080	63325	13260701	FOUNTAIN MAINT SUPPLY	247.35	-----
07/23/13	523905	DTSC C/O ACCTG UNIT EPA 1D	013080	63325	130717	FY07/12-06/13 EPA FEE	172.50	-----
07/23/13	523906	DAVID FAIRCHILD STUDIO	013160	62290	103A	CITY MANAGER PORTRAIT	54.00	-----
07/23/13	523907	GALLS RETAIL CA LOCK BOX	014000	61110	331319	UNIFORM-GUANT E	20.70	-----
			014000	61140	335030	FLEX CUFF	35.31	-----
			014000	62290	331319	POLICE BARRIER TAPE	152.45	-----
							<b>208.46</b>	
07/23/13	523908	GRAINGER, INC	014000	61140	9181406506	HYGIENE ADMISSION KIT	199.48	-----
07/23/13	523909	HOME DEPOT CREDIT SERVICES	013080	63325	5077163	BUILDING SUPPLIES	634.53	-----
			307500	80047	1561064	BUILDING SUPPLIES	82.62	-----
							<b>717.15</b>	
07/23/13	523910	INSIGHT PUBLIC SECTOR, INC	607000	70770	1100325267	41CT MS OFFICE LICENS	10159.39	-----
07/23/13	523911	LLOYD'S WELDING, INC	307500	80047	646197	INSTAL FEEDBK MONITOR	45.00	-----

Start Date: 7/10/13  
End Date: 7/23/13

## CHECK REGISTER

Check Date	Check Number	Vendor Name	Budget Unit	Account	Invoice Number	Transaction Description	Transaction Amount	Void
07/23/13	523912	LOS ANGELES COUNTY AUDITOR	013160	61105	130628	FY13/14 LAFCO DUES	386.63	
07/23/13	523913	LOS ANGELES COUNTY FIRE DEPT	224100	64430	C0006126	08/13 FIRE SERVICES	355082.00	
			224100	64430	C0006126	08/13 PARAMEDIC PASS	-2254.00	
							<b>352828.00</b>	
07/23/13	523914	LUNADA BAY AUTOMOTIVE	014000	63305	9291	#748 REPAIRS	245.17	
			014000	63305	9300	#725 REPAIRS	309.79	
			014000	63305	9324	#722 REPAIRS	53.37	
			014000	63305	9331	#724 REPAIRS	71.83	
			014000	63305	9337	#723 REPAIRS	46.83	
			014000	63305	9415	7/01-7/11 UNLEAD FUEL	2676.36	
			015100	63305	9410	#1 REPAIRS	25.60	
			015100	63305	9416	7/3-7/11 UNLEAD FUEL	223.71	
			016000	63305	9410	#1 REPAIRS	25.59	
			016000	63305	9416	7/3-7/11 UNLEAD FUEL	223.71	
							<b>3901.96</b>	
07/23/13	523915	M & N TROPHIES	013160	62290	130708	NAME PLATE-WADE, R	16.35	
07/23/13	523916	CANON SOLUTIONS AMERICA, INC	013160	65090	988035532	07/13 MT	378.91	
07/23/13	523917	RESERVE ACCOUNT	013160	62290	130718	RECHARGE POSTAGE	1500.00	



**Start Date: 7/10/13**  
**End Date: 7/23/13**

## CHECK REGISTER

Check Date	Check Number	Vendor Name	Budget Unit	Account	Invoice Number	Transaction Description	Transaction Amount	Void
07/23/13	523918	RICOH AMERICAS CORPORATION	014000	65090	16757089	07/15-08/14 LEASE	474.41	----
07/23/13	523919	STAPLES BUSINESS ADVANTAGE	013160	62290	3203604079	OFFICE SUPPLIES CH	673.55	----
			013160	62290	3204325113	OFFICE SUPPLIES	195.00	----
			014000	62290	3203663044	OFFICE SUPPLIES PD	150.44	----
						<b>1018.99</b>		
07/23/13	523920	THE JUNGLE	016000	64435	1-2013	13/14 WEED ABATEMENT	2614.00	----
07/23/13	523921	TORRANCE AUTO PARTS INC	014000	63305	992581	#748 BATTERY	124.23	----
07/23/13	523922	TORRANCE PLUMBING, HEATING	013080	63325	639983	HYDRO-JET GARAGE	890.00	----
07/23/13	523923	TRAVERS TREE SERVICE	016000	64440	19003	07/01-07/11 PMT 7A	11920.00	----
			016000	64440	19004	07/01-07/11 TRIM/REMO	10165.00	----
			016000	64440	19005	07/01-07/11 EMERG SVC	1310.00	----
						<b>23395.00</b>		
07/23/13	523924	UNITED RENTALS	014000	62290	112333382001	07/04 TRAFFIC CONTROL	106.32	----
07/23/13	523925	VERIZON CALIFORNIA	013080	62255	03830713	07/04-08/03 SERVICES	512.01	----

Start Date: 7/10/13  
End Date: 7/23/13

## CHECK REGISTER

Check Date	Check Number	Vendor Name	Budget Unit	Account	Invoice Number	Transaction Description	Transaction Amount	Void
07/23/13	523926	MAGELLAN BEHAVIORAL HEALTH	013160	50090	130718C	08/13 ADDTL PREMIUM	7.74	-----
			014000	50090	130718C	08/13 ADDTL PREMIUM	-0.51	-----
							7.23	
							427371.00	