

MINUTES

CITY COUNCIL MEETING

JANUARY 27, 2009

A regular meeting of the City Council of the City of Rolling Hills Estates was called to order at 7:05 p.m. in the City Council Chambers, 4045 Palos Verdes Drive North, by MAYOR MITCHELL. With all Members present, COUNCIL immediately adjourned to Closed Session.

14. CLOSED SESSION

- A. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
(Pursuant to Government Code Section 54956.9 (b) potential and threatened litigation in connection with dispute over right-of-way, easements, and structures on or adjacent to 37 and 38 Aurora Drive and 4 Bridlewood Circle.)

DIRECTED STAFF TO IMPLEMENT THE CURRENT SETTLEMENT AGREEMENT.

- B. DISCUSSION WITH RESPECT TO PERSONNEL MATTERS
(Pursuant to Government Code Section 54957)

1. QUARTERLY CITY MANAGER PERFORMANCE EVALUATION

DEFERRED TO NEXT MEETING.

At 7:30 p.m., the COUNCIL reconvened with MAYOR MITCHELL, MAYOR PRO TEM ADDLEMAN, COUNCILWOMAN SEAMANS, COUNCILMAN ZERUNYAN and COUNCILMAN ZUCKERMAN present.

PLEDGE OF ALLEGIANCE

Press Friends led the assembly in the Pledge of Allegiance to the Flag. MAYOR MITCHELL was pleased to note that this is a community service group created by former Dapplegray Times editors who are now in the 7th grade at Dapplegray School.

ROLL CALL

City Council Members Present: Addleman, Mitchell, Seamans, Zerunyan, Zuckerman

City Staff Present: City Manager Doug Prichard
City Attorney Kristin Pelletier
Assistant City Manager Sam Wise
Community Services Directory Andy Clark
Planning Director David Wahba
Administrative Services Director Michael Whitehead
Assistant to the City Manager Greg Grammer
Associate Planner Kelley Thom

Others Present: Judy Bayer, Planning Commission

4. CEREMONIAL ITEMS

NONE

5. ROUTINE MATTERS

A. CITY COUNCIL MINUTES OF JANUARY 13, 2009

COUNCILMAN ZERUNYAN moved, seconded by COUNCILMAN ZUCKERMAN

TO APPROVE THE CITY COUNCIL MINUTES OF JANUARY 13, 2009 AS PRESENTED.

THERE BEING NO OBJECTION, MAYOR MITCHELL SO ORDERED.

B. DEMANDS AND WARRANTS – JANUARY

MAYOR PRO TEM ADDLEMAN moved, seconded by COUNCILWOMAN SEAMANS

TO APPROVE WARRANTS 45184 THROUGH 45245 FOR A GRAND TOTAL AMOUNT OF \$357,781.87 WITH PROPER AUDIT.

AYES: Addleman, Mitchell, Seamans, Zerunyan, Zuckerman

6. CONSENT CALENDAR

MAYOR PRO TEM ADDLEMAN moved, seconded by COUNCILWOMAN SEAMANS

TO APPROVE ITEMS A-D.

A. READING OF ORDINANCES AND RESOLUTIONS

Reading in full of all ordinances and resolutions presented for consideration to the City Council will be waived and all such ordinances and resolutions will be read by title only.

APPROVED.

B. DECEMBER 2008 SCHEDULE OF INVESTMENTS

Recommendation: That the City Council receive and file the Schedule of Investments report for the month.

RECEIVED AND FILED.

C. DECEMBER MONTHLY EXPENDITURE AND REVENUE REPORT

Recommendation: That the City Council receive and file the report for the month.

RECEIVED AND FILED.

D. QUARTERLY CODE ENFORCEMENT REPORT

Recommendation: That the City Council receive and file this report.

RECEIVED AND FILED.

THERE BEING NO OBJECTION, MAYOR MITCHELL SO ORDERED.

7. AUDIENCE ITEMS NOT ON THE AGENDA/WRITTEN AND ORAL COMMUNICATIONS

NONE

9. NEW BUSINESS

A. PLANNING COMMISSION MINUTES OF JANUARY 20, 2009

COUNCILMAN ZERUNYAN moved, seconded by MAYOR PRO TEM ADDLEMAN

TO RECEIVE AND FILE THE PLANNING COMMISSION MINUTES OF JANUARY 20, 2009.

THERE BEING NO OBJECTION, MAYOR MITCHELL SO ORDERED.

B. PARK AND ACTIVITIES COMMISSION MINUTES OF JANUARY 20, 2009

MAYOR PRO TEM ADDLEMAN moved, seconded by COUNCILWOMAN SEAMANS

TO RECEIVE AND FILE THE PARK AND ACTIVITIES COMMISSION MINUTES OF JANUARY 20, 2009.

THERE BEING NO OBJECTION, MAYOR MITCHELL SO ORDERED.

ADJOURNED TO PEPPER TREE BOARD OF DIRECTORS MEETING AT 7:39 P.M.

C. PEPPER TREE FOUNDATION ADVISORY BOARD ACTION ITEM FROM MEETING OF JANUARY 20, 2009 – THE HILLS ARE ALIVE RACE AGREEMENT

Recommendation: That the Pepper Tree Foundation Board of Directors enter into an agreement with Michael Hogue Productions to provide fundraising, promotional, and consulting services for the 2009 Hills are Alive Race.

Community Services Director Clark provided a staff report (as per agenda material).

COUNCILMAN ZUCKERMAN moved, seconded by MAYOR PRO TEM ADDLEMAN

TO APPROVE ENTERING INTO AN AGREEMENT WITH MICHAEL HOGUE PRODUCTIONS TO PROVIDE FUNDRAISING, PROMOTIONAL, AND CONSULTING SERVICES FOR THE 2009 HILLS ARE ALIVE RACE.

AYES: Addleman, Mitchell, Seamans, Zerunyan, Zuckerman

RECONVENED CITY COUNCIL MEETING AT 7:41 P.M.

10. OLD BUSINESS (Taken out of order)

A. PRIVATE LANDSCAPING VIEW RESTORATION DRAFT ORDINANCE

Recommendation: That the City Council: 1) Modify the draft View Restoration Ordinance as necessary; and 2) Determine whether to schedule a public meeting(s) requesting community feedback prior to considering taking the required steps to adopt a View Restoration Ordinance.

Community Services Director Clark provided a staff report (as per agenda material).

Judy Bayer, Chair, Planning Commission, commented that she is a longtime resident and brought in pictures of a view she used to have. She noted that she is in favor of a view ordinance as the trees in her area are overgrown and have impaired her view for many years. Ideally, she would like to have neighbors talk to each other to resolve a problem prior to going through arbitration, but if that were to occur, the parties should share in the cost.

Patricia Robinson commented that parkway trees are blocking her view.

Community Services Director Clark responded that the parkway trees are City-owned trees and are on a three-year trimming cycle. He noted that any resident may call City Hall to check which cycle may be upcoming on their street. He also stated that this information is included in the City newsletter.

Audrey Murray noted that she is attempting to work with her neighbors over her lost view, but is having a difficult time obtaining cooperation.

COUNCILWOMAN SEAMANS inquired if the City is responding to individual requests to trim trees when the City's trees are being trimmed. City Manager Prichard indicated that to be true, but in off years, the City will respond to requests only at the homeowner's expense.

It was noted that this information should be placed in the newsletter for clarification regarding public versus private trees.

City Manager Prichard noted that the City oftentimes receives requests for removal of public trees and that this item was referred to the Park and Activities Commission for direction. He then noted that this will be brought back to the COUNCIL in the near future.

Bruce Walker commented that he is struggling with his neighbor over his view and does not know where else to turn. He noted that he is also in favor of a view ordinance.

COUNCILMAN ZUCKERMAN noted his belief that the mediator process is open-ended and would not solve anything. He noted that there has to be more of an incentive for the affected parties to reach an agreement.

City Attorney Pelletier noted that she will investigate further on including binding arbitration into an ordinance.

MAYOR MITCHELL commented that if the COUNCIL were to act as the arbitrating body, it would place them in a difficult position.

COUNCILMAN ZERUNYAN noted that there has to be some "teeth" in the ordinance that provides an incentive to settle.

COUNCILWOMAN SEAMANS noted she is not in favor of an ordinance as the resident owns the property, not the view. She noted that the other Peninsula cities have enacted a view ordinance and they are having problems at great expense. She stated that the City's guidelines have worked very well and should be continued. She then suggested including an arbitration clause in those guidelines.

COUNCILMAN ZUCKERMAN noted that he has spoken with several members of the Rancho Palos Verdes City Council, and they prefer this process for those cases where residents cannot reach a conclusion themselves. He further made several observations about the draft ordinance, including 10% view blockage being too low, consideration of the original view being unrealistic, the need for a reasonable standard, etc.

Charlie Peterson, Attorney, Palos Verdes Estates, noted that he is a professional mediator and arbitrator and confirmed that the COUNCIL was correct in their discussions. He noted that in the past four years they have had many cases with only two that were unresolved and stated that this process works.

Edward Mohr distributed a letter to the COUNCIL regarding Section 17.55.030 D.

It was the consensus of the COUNCIL

TO DIRECT THE CITY ATTORNEY TO RESEARCH THE POSSIBILITY OF INCLUDING A BINDING ARBITRATION CLAUSE FOR INCORPORATION INTO AN ORDINANCE, AND DIRECTED STAFF TO INCORPORATE OTHER CHANGES BEFORE BRINGING ANOTHER DRAFT OF THE ORDINANCE BACK TO COUNCIL FOR REVIEW.

8. PUBLIC HEARINGS/MEETINGS

8:00 P.M.

A. ORDINANCE NO. 650 – WATER CONSERVATION AND WATER SHORTAGE MANAGEMENT PLAN

Recommendation: That the City Council: 1) Open the public hearing; 2) Receive any public testimony; 3) Close the public hearing; and 4) Introduce for first reading Ordinance No. 650 establishing a Water Conservation and Water Management Plan for the City of Rolling Hills Estates.

Assistant to the City Manager Grammer provided a staff report (as per agenda material).

COUNCILMAN ZUCKERMAN moved, seconded by COUNCILWOMAN SEAMANS

TO OPEN THE PUBLIC HEARING.

THERE BEING NO OBJECTION, MAYOR MITCHELL SO ORDERED.

Bill Larson noted his extensive experience in environmental engineering. He noted that the Environmental Advisory Committee is diligent in paying attention to the needs of the homeowners. He noted that this ordinance is modeled after the City of Los Angeles and is a typical one that is uniform across the state.

1. ORDINANCE NO. 650 FOR INTRODUCTION AND FIRST READING

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROLLING HILLS ESTATES ESTABLISHING A WATER CONSERVATION AND WATER SHORTAGE MANAGEMENT PLAN AND AMENDING THE ROLLING HILLS ESTATES MUNICIPAL CODE BY REPEALING CODE SECTION 13.04 AND REPLACING IT WITH NEW CODE SECTIONS 13.04.010 TO 13.04.130.

COUNCILWOMAN SEAMANS moved, seconded by MAYOR PRO TEM ADDLEMAN

TO INTRODUCE FOR FIRST READING AND CONTINUE TO THE FEBRUARY 10, 2009 MEETING.

City Manager Prichard read Ordinance No. 650 by title only.

THERE BEING NO OBJECTION, MAYOR MITCHELL SO ORDERED.

C. PLANNING APPLICATION NO. 34-08; APPLICANT: PENINSULA CENTER; LOCATION: 4B PENINSULA CENTER ***(Taken out of order)***

Recommendation: That the City Council: 1) Open the public hearing; 2) Take public testimony; 3) Discuss the issues; 4) Close the public hearing; and 5) Affirm the Planning Commission Resolution No. PA-34-08 supporting the project's denial.

Associate Planner Thom provided a staff report (as per agenda material).

COUNCILMAN ZUCKERMAN recommended that all future signs in the commercial district be LED.

MAYOR PRO TEM ADDLEMAN moved, seconded by COUNCILWOMAN SEAMANS

TO OPEN THE PUBLIC HEARING.

THERE BEING NO OBJECTION, MAYOR MITCHELL SO ORDERED.

Sunny Nam, Peninsula Shopping Center, 44B Peninsula Center, supported this request stating that it would attract tenants to the center in these difficult times.

A representative of Bay Cities National Bank provided a brief history of her experience with street signage. She commented that the tenants can use whatever assistance they can get to bring in business.

Steve Bowen, Applicant, PV Bicycle Center, noted he is a long-time business owner. He noted that with the initial proposal, he was able to negotiate three signs and was not aware of the prior tenant's history with signage at that location. He noted that he placed two signs in the most logical places and was advised that Peninsula Center needed to revise their master sign plan. He provided pictures of his signs for COUNCIL'S review.

COUNCILMAN ZERUNYAN moved, seconded by COUNCILWOMAN SEAMANS

TO CLOSE THE PUBLIC HEARING.

THERE BEING NO OBJECTION, MAYOR MITCHELL SO ORDERED.

COUNCILMAN ZERUNYAN noted that for the four pad buildings, it is important to have signage facing the interior of the shopping center as well as the street. He noted that this is a regional specialty store and recommended that this item be overturned and approved by the COUNCIL.

COUNCILWOMAN SEAMANS noted that she concurred with COUNCILMAN ZERUNYAN, but was not in favor of the larger logo.

COUNCILMAN ZERUNYAN moved, seconded by COUNCILWOMAN SEAMANS

TO DIRECT STAFF TO BRING BACK A RESOLUTION OVERTURNING THE PLANNING COMMISSION DECISION AND AMENDING THE PENINSULA CENTER MASTER SIGN PLAN.

AYES: Addleman, Mitchell, Seamans, Zerunyan, Zuckerman

- B. PLANNING APPLICATION NO. 27-06 (REQUEST FOR VACATION OF PORTIONS OF 262ND STREET AND CYPRESS STREET IN CONNECTION WITH THE LOMITA/CYPRESS STREET RESERVOIR PROJECT)

Recommendation: That the City Council send this item to the Planning Commission for their input and recommendation on General Plan conformity of the proposed street vacation (Government Code Section 65402) prior to adopting the requested street vacation for said portions of 262nd Street and Cypress Street.

Planning Director Wahba provided a staff report (as per agenda material).

MAYOR PRO TEM ADDLEMAN moved, seconded by COUNCILWOMAN SEAMANS

TO OPEN THE PUBLIC HEARING.

THERE BEING NO OBJECTION, MAYOR MITCHELL SO ORDERED.

COUNCILWOMAN SEAMANS moved, seconded by MAYOR PRO TEM ADDLEMAN

TO DIRECT THIS REQUEST TO BE SENT TO THE PLANNING COMMISSION AND CONTINUED THE PUBLIC HEARING TO THE MARCH 10, 2009 MEETING.

THERE BEING NO OBJECTION, MAYOR MITCHELL SO ORDERED.

11. CITY ATTORNEY ITEMS

NONE

12. CITY COUNCIL/REGIONAL COMMITTEE REPORTS: This item provides the opportunity for Members of the City Council to provide information and reports to other Members of the City Council and/or the public on any issues or activities of currently active Council Committees, ad hoc committees, regional or state-wide governmental associations, special districts and/or joint powers authorities and their various committees on which Members of the City Council might serve or have an interest, which are not otherwise agendaized.

A. MAYOR MITCHELL

1. ENVIRONMENTAL ADVISORY COMMITTEE MINUTES OF DECEMBER 8, 2008

COUNCILMAN ZERUNYAN moved, seconded by COUNCILMAN ZUCKERMAN

TO RECEIVE AND FILE THE ENVIRONMENTAL ADVISORY COMMITTEE MINUTES OF DECEMBER 8, 2008.

THERE BEING NO OBJECTION, MAYOR MITCHELL SO ORDERED.

(a) ENVIRONMENTAL ADVISORY COMMITTEE ACTION ITEM OF DECEMBER 8, 2008 – WAIVER OF SOLAR PANEL FEES

Recommendation: That the City Council waive the administrative planning fees and Los Angeles County Building and Safety Department overhead charges for the installation of solar equipment on all single-family residential properties.

Associate Planner Thom provided a staff report (as per agenda material).

MAYOR MITCHELL suggested, and COUNCIL concurred, that a sunset provision of one year would be appropriate to assess the success of the fee waiver.

(1) RESOLUTION NO. 2183 FOR ADOPTION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROLLING HILLS ESTATES WAIVING THE PLANNING FEES AND THE BUILDING AND SAFETY DEPARTMENT OVERHEAD CHARGES FOR SINGLE-FAMILY RESIDENTIAL SOLAR EQUIPMENT INSTALLATION.

COUNCILMAN ZUCKERMAN moved, seconded by MAYOR PRO TEM ADDLEMAN

TO ADOPT RESOLUTION NO. 2183 AS AMENDED.

City Manager Prichard read Resolution No. 2183 by title only.

AYES: Addleman, Mitchell, Seamans, Zerunyan, Zuckerman

B. CITY COUNCIL, COMMISSION AND COMMITTEE ASSIGNMENTS 2009

MAYOR PRO TEM ADDLEMAN moved, seconded by COUNCILMAN ZUCKERMAN

TO APPROVE THE CITY COUNCIL, COMMISSION AND COMMITTEE ASSIGNMENTS 2009 AS PRESENTED.

AYES: Addleman, Mitchell, Seamans, Zerunyan, Zuckerman

C. UPCOMING MEETINGS

MAYOR MITCHELL ANNOUNCED THE FOLLOWING:

1. Joint Meeting of the California Contract Cities Association, Independent Cities Association and League of California Cities – Wednesday, February 18, 2009
2. South Bay Cities Council of Governments (SBCCOG) “Funding City Services in the Future: House of Cards?” – Friday, February 27, 2009
3. City/County/Schools Cooperative Meeting – Thursday, April 30, 2009

13. MAYOR AND COUNCIL ITEMS: This item provides the opportunity for Members of the City Council to request information on currently pending projects and/or issues of public concern, direct that an item be agendaized for future consideration and/or make announcements of interest to the public.

A. AUTHORIZATION TO ATTEND THE "BUILDING LIVABLE COMMUNITIES MEETING THE CHALLENGES OF TODAY" CONFERENCE FOR LOCAL ELECTED OFFICIALS

MAYOR PRO TEM ADDLEMAN moved, seconded by MAYOR MITCHELL

TO AUTHORIZE COUNCILWOMAN SEAMANS TO ATTEND THE LOCAL GOVERNMENT COMMISSION CONFERENCE.

THERE BEING NO OBJECTION, MAYOR MITCHELL SO ORDERED.

- B. MAYOR PRO TEM ADDLEMAN noted that he attended the Sanitation Districts meeting. He reported that the Mesquite Canyon Landfill has now been certified to accept refuse.
- C. MAYOR PRO TEM ADDLEMAN reported that the Household Hazardous Waste pick up will be at Hawthorne City Hall on February 14.
- D. MAYOR PRO TEM ADDLEMAN reported that he attended a recent PV Transit meeting. He was pleased to note that ridership has increased on Routes 225 and 226 and that they are attempting to obtain federal grants for extra buses. Additionally, he stated that he had written a letter thanking Supervisor Knabe for the funds he has contributed to PV Transit.
- E. COUNCILMAN ZERUNYAN thanked the Daily Breeze for their article recognizing MAYOR MITCHELL and himself serving as Presidents of the League of California Cities and California Contract Cities Association, respectively.
- F. COUNCILMAN ZERUNYAN reported that he and City Manager Prichard will be requesting authorization to attend a California Contract Cities Executive Board meeting in Hercules at the next COUNCIL meeting.
- G. COUNCILMAN ZERUNYAN reported that a ceremony is scheduled in memory of John Sanford Todd, Father of the Lakewood Plan, to dedicate a portion of the 605 freeway on Friday, January 30 at 3:00 p.m. at Lakewood City Hall.
- H. MAYOR MITCHELL reported that she was in Sacramento recently and spoke at the Mayors and City Council Members Academy that was well attended by many new elected officials.

15. ADJOURNMENT

At 9:58 p.m., MAYOR MITCHELL formally adjourned the City Council meeting to Tuesday, February 10, 2009 at 6:00 p.m. for the purpose of conducting a Community Outreach meeting.

Submitted by,

Approved by,

Hope J. Nolan
Deputy City Clerk

Douglas R. Prichard
City Manager