

MINUTES

CITY COUNCIL MEETING

FEBRUARY 10, 2009

A regular meeting of the City Council of the City of Rolling Hills Estates was called to order at 7:00 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 – THREATENED LITIGATION
(Pursuant to Government Code Section 54956.9(b)(1) and (b)(3)(C)). Threatened litigation regarding landfill contamination at the BKK Landfill.

STAFF WAS DIRECTED TO EXECUTE THE TOLLING AGREEMENT.

- B. 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.)

STAFF WAS DIRECTED TO CONTINUE TO IMPLEMENT THE CONDITIONS OF THE SETTLEMENT.

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

1. QUARTERLY CITY MANAGER PERFORMANCE EVALUATION

NO ACTION WAS TAKEN.

At 7:36 p.m., the COUNCIL reconvened with MAYOR MITCHELL, MAYOR PRO TEM ADDLEMAN, COUNCILWOMAN SEAMANS, COUNCILMAN ZERUNYAN and COUNCILMAN ZUCKERMAN present.

PLEDGE OF ALLEGIANCE

Ted Paulson, President, Friends of the Library, led the assembly in the Pledge of Allegiance to the Flag. He noted that they serve as a bridge between the community and the Peninsula Library District. He gave a brief history of the many services they provide and thanked the COUNCIL for their continued support of advertising banners as well as The Annex program.

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
Niki Cutler, Principal Planner

Others Present: John Pagliano, Park and Activities Commission

4. CEREMONIAL ITEMS

A. WASTE MANAGEMENT DRAWING FOR ONE YEAR’S FREE RESIDENTIAL REFUSE SERVICE

Vickie Wippel, Waste Management, asked former Council Member Nell Mirels to draw the name of the resident. She was pleased to announce that C. Wang, Horseshoe Lane was chosen as the recipient of one year’s free disposal service.

5. ROUTINE MATTERS

A. CITY COUNCIL MINUTES OF JANUARY 27, 2009

MAYOR PRO TEM ADDLEMAN moved, seconded by COUNCILWOMAN SEAMANS

TO APPROVE THE CITY COUNCIL MINUTES OF JANUARY 27, 2009 AS PRESENTED.

THERE BEING NO OBJECTION, MAYOR MITCHELL SO ORDERED.

B. DEMANDS AND WARRANTS – JANUARY AND FEBRUARY

MAYOR PRO TEM ADDLEMAN moved, seconded by COUNCILWOMAN SEAMANS

TO APPROVE WARRANTS 45263 THROUGH 45316 IN THE AMOUNT OF \$237,535.94; SUPPLEMENTAL WARRANTS 010109 THROUGH 010209; 44994 (VOID); 45116 THROUGH 45125; 45161 THROUGH 45183; 45224 (VOID); 45246 THROUGH 45253 IN THE AMOUNT OF \$311,389.34 FOR A GRAND TOTAL AMOUNT OF \$548,925.28 WITH PROPER AUDIT.

AYES: Addleman, Mitchell, Seamans, Zerunyan, Zuckerman

6. CONSENT CALENDAR

COUNCILWOMAN SEAMANS moved, seconded by COUNCILMAN ZUCKERMAN

TO APPROVE ITEM A.

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.

THERE BEING NO OBJECTION, MAYOR MITCHELL SO ORDERED.

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

A. TEMPORARY USE PERMIT (TUP) FEE WAIVER REQUEST; APPLICANT: PENINSULA SHOPPING CENTER; LOCATION: 44B PENINSULA CENTER

AT THE REQUEST OF THE APPLICANT, THIS ITEM WAS WITHDRAWN FROM CONSIDERATION.

9. NEW BUSINESS *(Taken out of order)*

A. PLANNING COMMISSION MINUTES OF FEBRUARY 2, 2009

COUNCILMAN ZUCKERMAN moved, seconded by COUNCILMAN ZERUNYAN

TO RECEIVE AND FILE THE PLANNING COMMISSION MINUTES OF FEBRUARY 2, 2009.

THERE BEING NO OBJECTION, MAYOR MITCHELL SO ORDERED.

1. PLANNING COMMISSION ACTION ITEM – PLANNING APPLICATION NO. 35-08; SPECIAL USE PERMIT (SUP) REQUIREMENTS FOR COMMERCIAL HORSE USES ON RESIDENTIAL LOTS

Recommendation: That the City Council direct the Planning Commission and Equestrian Committee to hold a public workshop at the next available Equestrian meeting which is scheduled for 7:00 p.m., February 23, 2009.

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

COUNCILWOMAN SEAMANS moved, seconded by MAYOR PRO TEM ADDLEMAN

TO DIRECT THE PLANNING COMMISSION AND EQUESTRIAN COMMITTEE TO HOLD A PUBLIC WORKSHOP AT THE NEXT AVAILABLE EQUESTRIAN MEETING WHICH IS SCHEDULED FOR 7:00 P.M., FEBRUARY 23, 2009.

AYES: Addleman, Mitchell, Seamans, Zerunyan, Zuckerman

B. PARK AND ACTIVITIES COMMISSION MINUTES OF FEBRUARY 3, 2009

MAYOR PRO TEM ADDLEMAN moved, seconded by COUNCILWOMAN SEAMANS

TO RECEIVE AND FILE THE PARK AND ACTIVITIES COMMISSION MINUTES OF FEBRUARY 3, 2009.

THERE BEING NO OBJECTION, MAYOR MITCHELL SO ORDERED.

C. BUDGET ADJUSTMENTS

Recommendation: That the City Council approve the budget amendments to increase revenue estimates in accounts numbered 10-3180, 01-3322, 01-3326 and 21-3328 totaling \$41,367.51 for Fiscal Year 2008-2009.

Administrative Services Director Whitehead provided a staff report (as per agenda material).

MAYOR PRO TEM ADDLEMAN moved, seconded by COUNCILMAN ZERUNYAN

TO APPROVE THE BUDGET AMENDMENT TO INCREASE REVENUE ESTIMATES IN ACCOUNTS NUMBERED 10-3180, 01-3322, 01-3326 AND 21-3328 TOTALING \$41,367.51 FOR FISCAL YEAR 2008-2009.

AYES: Addleman, Mitchell, Seamans, Zerunyan, Zuckerman

10. OLD BUSINESS

A. RESOLUTION NO. 2184 FOR ADOPTION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROLLING HILLS ESTATES GRANTING AN AMENDMENT TO THE EXISTING MASTER SIGN PLAN FOR THE PAD TENANT BUILDINGS AT THE PENINSULA SHOPPING CENTER; APPLICANT: PENINSULA CENTER; LOCATION: 44B PENINSULA CENTER.

MAYOR MITCHELL noted that the resolution does not refer to all the building pads. Planning Director Wahba noted that it is mentioned in Exhibit A as an attachment. After brief discussion, it was the consensus of the COUNCIL to include this reference into the resolution itself.

COUNCILWOMAN SEAMANS moved, seconded by MAYOR PRO TEM ADDLEMAN

TO ADOPT RESOLUTION NO. 2184 AS AMENDED.

City Manager Prichard read Resolution No. 2184 by title only.

AYES: Addleman, Mitchell, Seamans, Zerunyan, Zuckerman

8. PUBLIC HEARINGS/MEETINGS

8:00 P.M.

A. CONTINUED PUBLIC HEARING - ORDINANCE NO. 650 - WATER CONSERVATION AND WATER SHORTAGE MANAGEMENT PLAN

Recommendation: That the City Council: 1) Receive any public testimony; 2) Introduce for first reading as amended Ordinance No. 650 establishing a Water Conservation and Water Management Plan for the City of Rolling Hills Estates; and 3) Continue the public hearing to February 24, 2009.

MAYOR MITCHELL invited the public to speak on this item.

No public testimony was offered.

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

E.J. Caldwell, West Basin Municipal Water District, noted that this is an excellent first step as the City is one of the first to enact a “get serious” water ordinance.

1. ORDINANCE NO. 650 FOR INTRODUCTION AND FIRST READING AS AMENDED

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 AS AMENDED AND CONTINUE TO THE MEETING OF FEBRUARY 24, 2009.

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

THERE BEING NO OBJECTION, MAYOR MITCHELL SO ORDERED.

B. PLANNING APPLICATION NO. 24-07 (SILVERDES); APPLICANT: MR. RICHARD EDLER; LOCATION: 828 SILVER SPUR ROAD

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) Direct staff to prepare a resolution approving the proposed project and certifying the associated Environmental Impact Report.

Principal Planner Cutler provided a staff report (as per agenda material).

COUNCILWOMAN SEAMANS moved, seconded by MAYOR PRO TEM ADDLEMAN

TO OPEN THE PUBLIC HEARING.

THERE BEING NO OBJECTION, MAYOR MITCHELL SO ORDERED.

Rick Edler, Applicant, provided a brief history of the project. He noted that everyone involved in this project is a part of the community and it was their intent to keep the community character. He noted that there are people who want to come and work on the hill.

MAYOR PRO TEM ADDLEMAN asked how many cubic yards will be hauled out and transported to which site.

Brian Winkelspecht noted that they do not have the haul route established as yet because they would have to check the soil for contamination. In regards to the non-contaminated soil, he noted that it would depend on what might be needed for other projects in the community.

A Rancho Palos Verdes resident noted concerns with the size of the project, traffic, landslide, and tower height. She inquired as to what mitigation measures had been taken.

Mr. Edler noted that numerous traffic studies were undertaken to alleviate traffic. He then stated that the building exit is set further back and would not pose a problem. He addressed the landslide by noting that a geologist did extensive work to verify the shoring. Additionally, he provided a view simulation of the tower.

MAYOR MITCHELL noted that this is a beautiful project which can accommodate multiple uses if necessary.

COUNCILMAN ZUCKERMAN inquired if a problem were to arise mid-stream, would a grading and performance bond be in place to remediate the subterranean parking and bring the grade back to street level. Planning Director Wahba noted that the City Attorney and Willdan would need to determine the best way to incorporate that issue into the resolution if not for this particular project, then for future ones. He noted his agreement with MAYOR MITCHELL on the architecture and use of this project.

COUNCILMAN ZUCKERMAN inquired about extensive traffic concerns with Traffic Engineer Zandvliet at various intersections.

COUNCILMAN ZUCKERMAN referred to the "scenic corridor" as mentioned in the General Plan. It was his opinion that the hillside on the north side of Silver Spur Road would be considered such a corridor and that the buildings in front are actually obstructing the view. He then referred to "land forms" that are also mentioned in the General Plan. He noted that he would like to approve this project on the basis of overriding consideration with a finding of significant impact that cannot be mitigated.

COUNCILWOMAN SEAMANS noted that existing buildings in the area are close to the sidewalk and that this project would not exacerbate the situation.

COUNCILMAN ZUCKERMAN countered that this is an obstruction of the hillside and that the need for medical offices would be an overriding consideration allowing COUNCIL to approve the project based on that fact.

MAYOR MITCHELL noted that she does not concur with COUNCILMAN ZUCKERMAN'S opinion and asked Ms. Precilio to speak.

Deborah Precilio, LSA, explained the process of making findings for a statement of overriding consideration. She noted that the EIR would have to be recirculated because the view corridor issue had not been previously identified as a significant impact.

COUNCILMAN ZUCKERMAN noted that perhaps for future projects there should be silhouettes in place to assist in reviewing a project. It was noted that this item will be placed on the Policy Development Session list for discussion.

MAYOR MITCHELL inquired as to how the disposal of medical waste will be handled. Planning Director Wahba noted that this can be made a condition of approval.

MAYOR MITCHELL referred to the water feature and suggested that it should be required to use recirculated water.

COUNCILWOMAN SEAMANS thanked the Applicant for the care and concern they have shown in bringing this project forward to the City.

It was the consensus of the COUNCIL that this is a beneficial project for the community.

MAYOR PRO TEM ADDLEMAN moved, seconded by COUNCILWOMAN SEAMANS

TO CLOSE THE PUBLIC HEARING.

THERE BEING NO OBJECTION, MAYOR MITCHELL SO ORDERED.

COUNCILWOMAN SEAMANS moved, seconded by MAYOR PRO TEM ADDLEMAN

TO DIRECT STAFF TO PREPARE A RESOLUTION APPROVING THE PROPOSED PROJECT AND CERTIFYING THE ASSOCIATED ENVIRONMENTAL IMPACT REPORT AND BRING BACK LANGUAGE TO INCLUDE GRADING AND PERFORMANCE BONDS IF NECESSARY.

AYES: Addleman, Mitchell, Seamans, Zuckerman
ABSTAIN: Zerunyan

10. OLD BUSINESS

B. PETER WEBER EQUESTRIAN CENTER CARETAKER'S UNIT REQUEST FOR PROPOSALS

Recommendation: That the City Council: 1) Make any modifications necessary to the Request for Proposals for the "turn-key" installation of a manufactured home to replace the Peter Weber Equestrian Center's caretaker's unit; and 2) Direct staff to solicit proposals through the City's formal bid process.

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

COUNCILMAN ZUCKERMAN suggested including pre-owned homes and a warranty clause into the Request for Proposal.

MAYOR PRO TEM ADDLEMAN moved, seconded by COUNCILMAN ZERUNYAN

TO DIRECT STAFF TO AMEND THE RFP AND SOLICIT PROPOSALS THROUGH THE CITY'S BID PROCESS.

THERE BEING NO OBJECTION, MAYOR MITCHELL SO ORDERED.

C. HOWLETT PARK BARN PAINTING REQUEST FOR PROPOSALS

Recommendation: That the City Council: 1) Re-designate the Proposition 12 Block Grant funding and matching Pepper Tree Foundation funds from the Community Center restroom renovation project to the proposed Howlett Park Equestrian Center barn and electrical upgrades project; and 2) Approve the Request for Proposals for the painting of the Howlett Park Equestrian Center barn project and direct staff to solicit proposals through the formal bid process.

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

MAYOR MITCHELL suggested contacting the South Bay Environmental Services Center for work on any of these projects.

City Manager Prichard also suggested that upgrading wheelchair ramps might be an idea for an ADA project.

COUNCILWOMAN SEAMANS moved, seconded by MAYOR PRO TEM ADDLEMAN

TO DIRECT STAFF TO: 1) RE-DESIGNATE THE PROPOSITION 12 BLOCK GRANT FUNDING AND MATCHING PEPPER TREE FOUNDATION FUNDS FROM THE COMMUNITY CENTER RESTROOM RENOVATION PROJECT TO THE PROPOSED HOWLETT PARK EQUESTRIAN CENTER BARN AND ELECTRICAL UPGRADES PROJECT; 2) MOVE FORWARD WITH THE REQUEST FOR PROPOSALS FOR THE PAINTING OF THE HOWLETT PARK EQUESTRIAN CENTER BARN PROJECT; AND 3) SOLICIT PROPOSALS THROUGH THE FORMAL BID PROCESS.

AYES: Addleman, Mitchell, Seamans, Zerunyan, Zuckerman

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 agendized.

A. COUNCILMAN ZERUNYAN

1. CALIFORNIA CONTRACT CITIES ASSOCIATION BOARD OF DIRECTORS MEETING VENUE

Recommendation: That the City Council approve the Peninsula Center Library parking deck as the venue for the April 15, 2009 California Contract Cities Association's Board of Directors meeting provided that appropriate sponsors can be secured to defray a substantial portion of the cost.

COUNCILMAN ZERUNYAN provided a brief report on this item noting that he will be able to secure sponsors to fund most of this event with the City sponsoring an amount not to exceed \$10,000.

After some discussion, COUNCILWOMAN SEAMANS moved, seconded by MAYOR PRO TEM ADDLEMAN

TO APPROVE THE PENINSULA CENTER LIBRARY PARKING DECK AS THE VENUE FOR THE APRIL 15, 2009 CALIFORNIA CONTRACT CITIES ASSOCIATION'S BOARD OF DIRECTORS MEETING PROVIDED THAT APPROPRIATE SPONSORS CAN BE SECURED TO DEFRAY A SUBSTANTIAL PORTION OF THE COST NOT TO EXCEED \$10,000.

AYES: Addleman, Mitchell, Seamans, Zerunyan, Zuckerman

B. MAYOR MITCHELL

1. ENVIRONMENTAL ADVISORY COMMITTEE MINUTES OF JANUARY 26, 2009

MAYOR PRO TEM ADDLEMAN moved, seconded by COUNCILWOMAN SEAMANS

TO RECEIVE AND FILE THE ENVIRONMENTAL ADVISORY COMMITTEE MINUTES OF JANUARY 26, 2009.

THERE BEING NO OBJECTION, MAYOR MITCHELL SO ORDERED.

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 agendized for future consideration and/or make announcements of interest to the public.

A. AUTHORIZATION TO ATTEND CALIFORNIA CONTRACT CITIES EXECUTIVE BOARD MEETING IN HERCULES ON FEBRUARY 20-21, 2009

COUNCILMAN ZERUNYAN noted that there may be a question of this meeting taking place, but it if should, COUNCILWOMAN SEAMANS moved, seconded by MAYOR PRO TEM ADDLEMAN

TO AUTHORIZE ATTENDANCE OF COUNCILMAN ZERUNYAN AND CITY MANAGER PRICHARD IF THIS MEETING SHOULD TAKE PLACE.

AYES: Addleman, Mitchell, Seamans, Zerunyan, Zuckerman

B. VERBAL UPDATE ON FEDERAL STIMULUS PACKAGE

REPORTED ON AT THE PREVIOUSLY ADJOURNED CITY COUNCIL COMMUNITY OUTREACH MEETING.

- C. COUNCILWOMAN SEAMANS was pleased to report that the South Bay Environmental Services Center (SBESC), in conjunction with SCE, will be holding a free lamp exchange at the South Bay Galleria on February 21-22 from 8:30 a.m.-1:00 p.m. or check the website at scelampexchange.com.

15. ADJOURNMENT

At 9:47 p.m., MAYOR MITCHELL formally adjourned the City Council meeting to Tuesday, February 24, 2009 at 7:30 p.m.

Submitted by,

Approved by,

Hope J. Nolan
Deputy City Clerk

Douglas R. Prichard
City Manager