

MINUTES

CITY COUNCIL MEETING

AUGUST 12, 2008

A regular meeting of the City Council of the City of Rolling Hills Estates was called to order at 7:37 p.m. in the City Council Chambers, 4045 Palos Verdes Drive North, by MAYOR ZERUNYAN.

PLEDGE OF ALLEGIANCE

The PV Football and Cheer led the assembly in the Pledge of Allegiance to the Flag.

ROLL CALL

City Council Members Present: Addleman, Mitchell, Seamans, Zerunyan, Zuckerman*
*COUNCILMAN ZUCKERMAN arrived at 7:50 p.m.

City Staff Present: City Manager Doug Prichard
City Attorney Kristin Pelletier
Community Services Director Andy Clark
Planning Director David Wahba
Assistant to the City Manager Greg Grammer
Principal Planner Niki Cutler

Others Present: Jay Golida, Planning Commission

4. CEREMONIAL ITEMS

A. WASTE MANAGEMENT DRAWINGS FOR ONE YEAR'S FREE RESIDENTIAL REFUSE SERVICE

Vickie Wippel, Waste Management, was pleased to announce that S. Mori, Country Lane, was chosen as the recipient of one year's free disposal service.

Ms. Wippel reported that they are offering residents a new by-mail service to discard "sharps" materials and that kits are available at Rite Aid located at Peninsula Center.

In response to MAYOR ZERUNYAN, Ms. Wippel noted that Waste Management is looking at implementing a program in conjunction with the City to collect household batteries and CFL light bulbs at public facilities for proper disposal.

5. ROUTINE MATTERS

A. CITY COUNCIL MINUTES OF JULY 22, 2008

COUNCILMAN ADDLEMAN moved, seconded by COUNCILWOMAN SEAMANS

TO APPROVE THE CITY COUNCIL MINUTES OF JULY 22, 2008 AS PRESENTED.

THERE BEING NO OBJECTION, MAYOR ZERUNYAN SO ORDERED.

B. DEMANDS AND WARRANTS – JULY AND AUGUST

COUNCILMAN ADDLEMAN moved, seconded by MAYOR PRO TEM MITCHELL

TO APPROVE WARRANTS 44337 THROUGH 44391 IN THE AMOUNT OF \$61,572.91; WARRANTS 44392 THROUGH 44420 IN THE AMOUNT OF \$174,397.52; SUPPLEMENTAL WARRANTS 070108 AND 070208; 44128 THROUGH 44129; 44202 THROUGH 44214; 44292 THROUGH 44305; 44306 THROUGH 44318; 44185 VOID; 44199 VOID; 44244 VOID; 44257 VOID; 44266 VOID; 44268 VOID; 44281 VOID IN THE AMOUNT OF \$261,448.88 FOR A GRAND TOTAL AMOUNT OF \$497,419.31 WITH PROPER AUDIT.

AYES: Addleman, Mitchell, Seamans, Zerunyan

ABSENT: Zuckerman

6. **CONSENT CALENDAR**

MAYOR PRO TEM MITCHELL moved, seconded by COUNCILMAN ADDLEMAN

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 ZERUNYAN SO ORDERED.

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

- A. Dale Allen, Stable Redesign Committee, reported that, after attending this meeting, it is his belief there will be a significant shortfall of at least \$400,000. He requested that the COUNCIL review this item at their next meeting as well as revisit the stable site.

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

A. **PARK AND ACTIVITIES COMMISSION MINUTES OF AUGUST 5, 2008**

COUNCILMAN ADDLEMAN moved, seconded by MAYOR PRO TEM MITCHELL

TO RECEIVE AND FILE THE PARK AND ACTIVITIES COMMISSION MINUTES OF AUGUST 5, 2008.

THERE BEING NO OBJECTION, MAYOR ZERUNYAN SO ORDERED.

- B. PLANNING APPLICATION NO. 27-06; APPLICANT: CITY OF LOMITA; LOCATION: LOMITA CYPRESS RESERVOIR PROPERTY CONTIGUOUS TO THE NORTHERN BOUNDARY OF CHANDLER'S AND WEST OF THE NORTHERLY INTERSECTION OF PALOS VERDES DRIVE EAST AND NARBONNE AVENUE; 2275 – 262nd STREET

Recommendation: That the City Council adopt the Joint Resolution (2008-03) accepting the negotiated exchange of property tax revenue resulting from the Cypress Street Reservoir property reorganization.

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

MAYOR PRO TEM MITCHELL moved, seconded by COUNCILMAN ADDLEMAN

TO ADOPT THE JOINT RESOLUTION (2008-03) ACCEPTING THE NEGOTIATED EXCHANGE OF PROPERTY TAX REVENUE RESULTING FROM THE CYPRESS STREET RESERVOIR PROPERTY REORGANIZATION.

AYES: Addleman, Mitchell, Seamans, Zerunyan, Zuckerman

- C. POLITICAL REFORM ACT REPORTING REQUIREMENTS/CITY CONFLICT OF INTEREST CODE

Recommendation: That the City Council adopt Resolution No. 2169 which will adopt by reference the current Fair Political Practices Commission Standard Model Conflict of Interest Code and designate positions required to submit Statements of Economic Interest.

City Manager Prichard provided a staff report (as per agenda material).

1. RESOLUTION NO. 2169 FOR ADOPTION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROLLING HILLS ESTATES ADOPTING A CONFLICT OF INTEREST CODE WHICH INCORPORATES BY REFERENCE THE FAIR POLITICAL PRACTICES COMMISSION'S STANDARD MODEL CONFLICT OF INTEREST CODE.

MAYOR PRO TEM MITCHELL moved, seconded by COUNCILMAN ADDLEMAN

TO ADOPT RESOLUTION NO. 2169.

City Manager Prichard read Resolution No. 2169 by title only.

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 ADDLEMAN

1. TRAFFIC AND SAFETY COMMITTEE MINUTES OF JULY 29, 2008

MAYOR PRO TEM MITCHELL moved, seconded by COUNCILWOMAN SEAMANS

TO RECEIVE AND FILE THE TRAFFIC AND SAFETY MINUTES OF JULY 29, 2008.

THERE BEING NO OBJECTION, MAYOR ZERUNYAN SO ORDERED.

B. MAYOR PRO TEM MITCHELL noted that the League of California Board of Directors voted to support SB 375 (Steinberg), the implementing legislation for AB 32.

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. MAYOR PRO TEM MITCHELL

1. RESOLUTION NO. 2170 FOR ADOPTION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROLLING HILLS ESTATES OPPOSING FISCALLY IRRESPONSIBLE STATE BUDGET DECISIONS THAT WOULD "BORROW" LOCAL GOVERNMENT, REDEVELOPMENT AND TRANSPORTATION FUNDS.

COUNCILMAN ADDLEMAN moved, seconded by MAYOR PRO TEM MITCHELL

TO ADOPT RESOLUTION NO. 2170.

City Manager Prichard read Resolution No. 2170 by title only.

AYES: Addleman, Mitchell, Seamans, Zerunyan, Zuckerman

B. COUNCILMAN ZUCKERMAN encouraged anyone who is interested to apply for the Park and Activities Commission.

C. MAYOR ZERUNYAN was pleased to report that the Hills are Alive 5K and 10K Cross Country Runs were a great success and thanked the staff and sponsors for their support.

14. CLOSED SESSION

NONE

8. PUBLIC HEARINGS/MEETINGS

8:00 P.M.

A. CMP CONFORMANCE SELF-CERTIFICATION

Recommendation: That the City Council: 1) Open the public hearing; 2) Receive any public testimony; 3) Close the public hearing; 4) Adopt Resolution No. 2168 and the 2008 CMP Local Development Report.

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

1. RESOLUTION NO. 2168 FOR ADOPTION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROLLING HILLS ESTATES 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.

COUNCILMAN ZUCKERMAN moved, seconded by COUNCILMAN ADDLEMAN

TO ADOPT RESOLUTION NO. 2168.

City Manager Prichard read Resolution No. 2168 by title only.

AYES: Addleman, Mitchell, Seamans, Zerunyan, Zuckerman

B. PLANNING APPLICATION NO. 19-08 (ORDINANCE NO. 646); APPLICANT: CITY OF ROLLING HILLS ESTATES; LOCATION: COMMERCIAL-GENERAL AND SITE-SPECIFIC COMMERCIAL-LIMITED PROPERTIES IN THE MIXED-USE OVERLAY

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) Introduce Ordinance No. 646 for first reading, revising Chapter 17.37 of the City of Rolling Hills Estates Municipal Code.

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

COUNCILMAN ADDLEMAN moved, seconded by COUNCILWOMAN SEAMANS

TO OPEN THE PUBLIC HEARING.

THERE BEING NO OBJECTION, MAYOR ZERUNYAN SO ORDERED.

Kirk Retz referred to the various levels of LEED certification and inquired if the COUNCIL is taking into consideration the rural element as it is his concern this may be lost in the future.

COUNCILMAN ADDLEMAN moved, seconded by COUNCILWOMAN SEAMANS

TO CLOSE THE PUBLIC HEARING.

THERE BEING NO OBJECTION, MAYOR ZERUNYAN SO ORDERED.

MAYOR PRO TEM MITCHELL noted that she would like to see developers strive for LEED certification. She stated that the COUNCIL recognizes that the rest of the city is different from the commercial zone and would like to incorporate rural features throughout the commercial district.

COUNCILMAN ZUCKERMAN stated his opinion that this discussion is appropriate, but added that he does not know what basis would be used to determine the number of affordable housing units required for a development.

Discussion ensued on whether or not to institute LEED requirements at this time. MAYOR PRO TEM MITCHELL noted that the Environmental Advisory Committee will deal with this issue at their upcoming meetings.

1. ORDINANCE NO. 646 FOR INTRODUCTION AND FIRST READING

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROLLING HILLS ESTATES AMENDING CHAPTER 17.37 (MIXED-USE OVERLAY) OF THE ROLLING HILLS ESTATES MUNICIPAL CODE TO MODIFY REQUIRED FINDINGS FOR THE DEVELOPMENT OF RESIDENTIAL AND MIXED-USE DEVELOPMENT PROJECTS.

MAYOR PRO TEM MITCHELL moved, seconded by COUNCILWOMAN SEAMANS

TO INTRODUCE ORDINANCE NO. 646 FOR FIRST READING AS AMENDED.

City Manager Prichard read Ordinance No. 646 by title only.

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

C. PLANNING APPLICATION NO. 17-08; APPLICANT: MR. AND MRS. SHERWIN WYNTER; LOCATION: 38 AURORA DRIVE

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) Adopt Resolution No. 2172 and the License Agreement.

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

MAYOR PRO TEM MITCHELL moved, seconded by COUNCILMAN ADDLEMAN

TO OPEN THE PUBLIC HEARING.

THERE BEING NO OBJECTION, MAYOR ZERUNYAN SO ORDERED.

Mike Russo, Bridlewood HOA, President, concurred with the concept, but had some concerns regarding SCE access and the proposed block wall. He noted that it was not clear where the 6' wall would be built as opposed to where the fence is right now and asked if consideration was given to installing a three-rail white fence. He requested to see detailed plans. He then inquired if the PVP Horsemens' Association had reviewed the horse trail believing that 6' wide was not enough access for a horse to pass through. Finally, he requested clarification on who will maintain the trail and fence and/or wall.

Planning Director Wahba noted that the property owners will maintain their respective properties. He noted that the horse trail was not reviewed by the Horsemens' Association.

City Manager Prichard noted that the intent of mediation was to re-establish existing pedestrian-access conditions and the trail as it has been impractical for horse access.

Scott Gobble, SCE, noted that 6' would not be adequate to access their equipment as they would need at least 8' with at least one side open. Mrs. Wynter strongly stated that whatever access is there now will be the same in the future.

After discussion took place between Mrs. Wynter and Mr. Gobble, it was noted by Mr. Gobble that an arrangement could be reached for SCE to access their equipment.

At 9:25 p.m., MAYOR ZERUNYAN called for a brief recess.

At 9:29 p.m., the CITY COUNCIL reconvened with MAYOR ZERUNYAN, MAYOR PRO TEM MITCHELL, COUNCILMAN ADDLEMAN, COUNCILWOMAN SEAMANS, and COUNCILMAN ZUCKERMAN present.

Kal Fekete wanted to know if this particular plan is not approved, whether there would be another plan to access Aurora Drive. He noted that a plan must be provided to the public.

Dave Bruenemeyer, Montecillo HOA, stated his concern regarding the 6' wall and three-rail fence and requested clarification on maintenance responsibilities.

Dale Allen, President, PVP Horsemens' Association, noted his opinion that he should have been notified when this application came before the City.

Joseph Ivan requested that COUNCIL enforce the full 10' easement.

Mr. Allen commented that 6'-8' is acceptable for the horse trail if it is done correctly and safely. He noted his concern for the future ability to provide equestrian access.

City Manager Prichard noted that nothing in the plan would preclude this trail from being utilized for equestrian access in the future.

MAYOR ZERUNYAN suggested continuing the public hearing and having a set of plans submitted that would detail the aforementioned concerns.

MAYOR PRO TEM MITCHELL noted that the plans should be subject to approval by SCE.

It was the consensus of the COUNCIL to direct staff to submit a comprehensive plan for review.

Mr. and Mrs. Wynter noted that when they bought their home two years ago, it was not their desire to own horses. After Mrs. Wynter explained her understanding of how the wall and/or fencing would be installed, she stated she believes she should only be obligated to provide information on the variance. She noted that the primary issue is SCE access and now it appears it has been worked out with Mr. Gobble. Additionally, she stated that she does not feel it is their obligation to submit a plot plan.

Mr. Wynter reiterated that they do not care to have horses, but know they must provide a pedestrian trail.

After his discussion with Mrs. Wynter, Mr. Gobble noted that he is comfortable access can be worked out.

Mr. Russo once again requested clarification on the fence as far as maintenance.

MAYOR ZERUNYAN reiterated that whatever structure is on a certain portion of a property will be maintained by the property owner.

1. RESOLUTION NO. 2172 FOR ADOPTION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROLLING HILLS ESTATES APPROVING A NEIGHBORHOOD COMPATIBILITY DETERMINATION AND A VARIANCE FOR A 6' HIGH WALL IN THE FRONT YARD (2' HIGH MAXIMUM ALLOWED BY CODE) AND AN ENCROACHMENT PERMIT FOR THE SAME WALL TO CONTINUE WITHIN THE PUBLIC RIGHT-OF-WAY AND WITHIN A PORTION OF THE CITY'S BRIDLE TRAIL EASEMENT.

After additional discussion, MAYOR PRO TEM MITCHELL moved, seconded by COUNCILWOMAN SEAMANS

TO DIRECT STAFF TO WORK WITH THE APPLICANT AND SCE ON A DETAILED PLAN THAT CLARIFIES EVERY ASPECT OF THE SETTLEMENT AGREEMENT AND CONTINUE THE PUBLIC HEARING TO THE NEXT MEETING.

THERE BEING NO OBJECTION, MAYOR ZERUNYAN SO ORDERED.

10. OLD BUSINESS (Taken in conjunction with Item 8C)

A. ENCROACHMENT LICENSE AGREEMENT – MICHAEL AND WENDY WALDMAN

Recommendation: That the City Council: approve the License Agreement with Michael and Wendy Waldman for encroachment into the public right-of-way adjacent 37 Aurora Drive in Rolling Hills Estates, CA 90274.

MAYOR PRO TEM MITCHELL moved, seconded by COUNCILWOMAN SEAMANS

TO CONTINUE THIS ITEM TO THE NEXT CITY COUNCIL MEETING.

THERE BEING NO OBJECTION, MAYOR ZERUNYAN SO ORDERED.

D. PLANNING APPLICATION NO. 20-08 (ORDINANCE NO. 647); APPLICANT: CITY OF ROLLING HILLS ESTATES; LOCATION: CITY-WIDE

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) Introduce Ordinance No. 647 for first reading, adding Chapter 17.74 to the Rolling Hills Estates Municipal Code imposing facilities fees for parks and recreation facilities, library facilities, traffic facilities, and General Plan maintenance.

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

MAYOR PRO TEM MITCHELL moved, seconded by COUNCILWOMAN SEAMANS

TO OPEN THE PUBLIC HEARING.

THERE BEING NO OBJECTION, MAYOR ZERUNYAN SO ORDERED.

Alex Rose, The Village, Continental Development, commented that although he acknowledges the subject of fees is important and critical to the City, he does not agree with many of the underlying assumptions in the MuniFinancial study. He noted that it does not take into account the existing general plan, the existing zoning or overlay and believed that many existing community improvement needs are being put on the back of new development.

Kirk Retz, referred to specific exemptions referring to 17.74.04-05 – Open spaces, i.e. golf courses.

Kathy Gould, Palos Verdes Library District Director, requested COUNCIL'S consideration in making funds available for optimizing library services on the entire Peninsula.

MAYOR PRO TEM MITCHELL inquired if the other Peninsula cities have been approached. Ms. Gould noted that it is her intent to request these services Peninsula-wide.

MAYOR PRO TEM MITCHELL moved, seconded by COUNCILWOMAN SEAMANS

TO CLOSE THE PUBLIC HEARING.

THERE BEING NO OBJECTION, MAYOR ZERUNYAN SO ORDERED.

COUNCILMAN ZUCKERMAN referred to MuniFinancial study and noted that the course of action taken has made him comfortable that not all projects are being borne by developers in the commercial district as they are spread throughout the City.

1. ORDINANCE NO. 647 FOR INTRODUCTION AND FIRST READING

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROLLING HILLS ESTATES AMENDING THE ROLLING HILLS ESTATES MUNICIPAL CODE BY ADDING CHAPTER 17.74 IMPOSING PUBLIC FACILITIES FEES FOR PARKS AND RECREATION FACILITIES, LIBRARY FACILITIES, TRAFFIC FACILITIES, AND GENERAL PLAN MAINTENANCE.

After further discussion, COUNCILMAN ZUCKERMAN moved, seconded by COUNCILMAN ADDLEMAN

TO INTRODUCE ORDINANCE NO. 647 FOR FIRST READING.

City Manager Prichard read Ordinance No. 647 by title only.

THERE BEING NO OBJECTION, MAYOR ZERUNYAN SO ORDERED.

15. ADJOURNMENT IN MEMORY OF EDWARD NIZAMIAN, FRIEND OF MAYOR ZERUNYAN

At 11:02 p.m., MAYOR ZERUNYAN formally adjourned the City Council meeting to Tuesday, August 26, 2008 at 7:30 p.m.

Submitted by,

Approved by,

Hope J. Nolan
Deputy City Clerk

Douglas R. Prichard
City Clerk