

MINUTES

CITY COUNCIL MEETING

NOVEMBER 25, 2008

A regular meeting of the City Council of the City of Rolling Hills Estates was called to order at 7:10 p.m. in the City Council Chambers, 4045 Palos Verdes Drive North, by MAYOR ZERUNYAN. 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.)

COUNCIL RECEIVED A REPORT FROM THE CITY ATTORNEY.

- B. CONFERENCE WITH REAL PROPERTY NEGOTIATORS
(Pursuant to Government Code Section 54956.8)

Property: Real property adjacent Municipal Stables

City Negotiators: City Attorney

Negotiating Parties: City and Oxbow Corporation

Under Negotiation: Acquisition of property

COUNCIL DIRECTED STAFF TO CONTINUE TO ATTEMPT ACQUISITION OF THE PROPERTY.

At 7:40 p.m., the COUNCIL reconvened with MAYOR ZERUNYAN, MAYOR PRO TEM MITCHELL, COUNCILMAN ADDLEMAN, COUNCILWOMAN SEAMANS and COUNCILMAN ZUCKERMAN present.

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PLEDGE OF ALLEGIANCE

Eagle Scout Russ Morgan and Troop 191 led the assembly in the Pledge of Allegiance to the Flag.

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

Others Present: Velveth Schmitz, Park and Activities Commission

4. CEREMONIAL ITEMS

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

Vickie Wippel, Waste Management, encouraged everyone to think "green" when celebrating the holidays. She was pleased to announce that Janet Sharpe on Empty Saddle Road was chosen as the recipient of one year's free disposal service.

5. ROUTINE MATTERS

A. ADJOURNED FIRST QUARTER BUDGET STUDY SESSION COUNCIL MINUTES OF OCTOBER 28, 2008

COUNCILMAN ADDLEMAN moved, seconded by MAYOR PRO TEM MITCHELL

TO APPROVE THE ADJOURNED FIRST QUARTER BUDGET STUDY SESSION COUNCIL MINUTES OF OCTOBER 28, 2008 AS PRESENTED.

THERE BEING NO OBJECTION, MAYOR ZERUNYAN SO ORDERED.

B. CITY COUNCIL MINUTES OF OCTOBER 28, 2008

MAYOR PRO TEM MITCHELL moved, seconded by COUNCILMAN ADDLEMAN

TO APPROVE THE CITY COUNCIL MINUTES OF OCTOBER 28, 2008 AS PRESENTED.

THERE BEING NO OBJECTION, MAYOR ZERUNYAN SO ORDERED.

C. DEMANDS AND WARRANTS – OCTOBER AND NOVEMBER

COUNCILMAN ADDLEMAN moved, seconded by COUNCILWOMAN SEAMANS

TO APPROVE WARRANTS 44884 THROUGH 44948 IN THE AMOUNT OF \$234,508.34; SUPPLEMENTAL WARRANTS 100108 THROUGH 100308; 44671 THROUGH 44690; 44682 VOID; 44763 THROUGH 44786; 44839 THROUGH 44852 IN THE AMOUNT OF \$382,718.20 FOR A GRAND TOTAL AMOUNT OF \$617,226.54 WITH PROPER AUDIT.

AYES: Addleman, Mitchell, Seamans, Zerunyan, Zuckerman

6. CONSENT CALENDAR

COUNCILMAN ADDLEMAN moved, seconded by COUNCILMAN ZUCKERMAN

TO APPROVE ITEMS A AND B.

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. OCTOBER 2008 SCHEDULE OF INVESTMENTS

RECEIVED AND FILED THE SCHEDULE OF INVESTMENTS REPORT FOR THE MONTH.

THERE BEING NO OBJECTION, MAYOR ZERUNYAN SO ORDERED.

10. OLD BUSINESS (*Taken out of order*)

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

Recommendation: That the City Council adopt Resolution No. 2172 and the Encroachment License Agreement.

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

City Attorney Pelletier clarified Standard Condition No. 1 regarding the construction and maintenance responsibilities of the City and the Applicant with respect to the new wall. With regards to Standard Condition No. 2, she stated that it would be her recommendation to eliminate the requirement to maintain the existing wall, and deal with this issue in a separate agreement by the City and Applicant whereby the Applicant would be offered \$2,000 toward the cost of the construction of the new wall in exchange for leaving the existing wall in place.

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/FENCE 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.

COUNCILMAN ADDLEMAN moved, seconded by COUNCILWOMAN SEAMANS

TO ADOPT RESOLUTION NO. 2172 WITH SUGGESTED AMENDMENTS AND DIRECT STAFF TO MAKE THE APPROPRIATE OFFER TO THE APPLICANTS, NOT TO EXCEED \$2,000, TO LEAVE THE EXISTING WALL, INCLUDING THE EXISTING WROUGHT IRON, IN PLACE, ALL SUBJECT TO THE CITY ATTORNEY'S REVIEW AND APPROVAL.

City Manager Prichard read Resolution No. 2172 by title only.

AYES: Addleman, Mitchell, Seamans, Zerunyan, Zuckerman

B. ENCROACHMENT LICENSE AGREEMENT

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.

This item was taken in conjunction with 10A.

COUNCILWOMAN SEAMANS moved, seconded by COUNCILMAN ADDLEMAN

TO APPROVE THE LICENSE AGREEMENT WITH MICHAEL AND WENDY WALDMAN FOR ENCROACHMENT INTO THE PUBLIC RIGHT-OF-WAY ADJACENT 37 AURORA DRIVE.

AYES: Addleman, Mitchell, Seamans, Zerunyan, Zuckerman

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

A. Gary Goo commented that he and Pinfun Tsai wish to present a solution to an issue regarding a fence facing Bridlewood Circle.

Pinfun Tsai requested an “adjustment” to satisfy the City’s trail plan requirements. She suggested continuing a non-conforming wall to improve the aesthetics on Bridlewood Circle. She stated her opinion that the responsibility belongs to the City as it involves a City trail easement. She further stated that the current condition will negatively affect her property value if the requested continuance of the wall is not constructed.

Mike Russo thanked the COUNCIL and staff for their cooperation in adopting the previous agenda item, but was uncertain as to the effect of the amendments. He stated he would like to see the final documents as soon as they are available. He further noted that he agreed with the Goos with respect to the wall in question.

8. PUBLIC HEARINGS/MEETINGS 8:00 P.M.

A. PA-29-08; LANDSCAPING AND FENCING REQUIREMENTS FOR VACANT COMMERCIAL PROPERTIES (ORDINANCE NO. 649); LOCATION: COMMERCIAL LIMITED (C-L), COMMERCIAL OFFICE (C-O), AND COMMERCIAL GENERAL (C-G) ZONES

Recommendation: That the City Council: 1) Open the public hearing; 2) Take public testimony; 3) Close the public hearing; 4) Discuss the issues; 5) Introduce Ordinance No. 649 for first reading.

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

After brief discussion, it was the consensus of the COUNCIL to incorporate the dark green mesh screening into the gates and fencing.

COUNCILMAN ADDLEMAN moved, seconded by COUNCILWOMAN SEAMANS

TO OPEN THE PUBLIC HEARING.

THERE BEING NO OBJECTION, MAYOR ZERUNYAN SO ORDERED.

No public testimony was offered.

MAYOR PRO TEM MITCHELL moved, seconded by COUNCILMAN ADDLEMAN

TO CONTINUE THE PUBLIC HEARING.

THERE BEING NO OBJECTION, MAYOR ZERUNYAN SO ORDERED.

1. ORDINANCE NO. 649 FOR INTRODUCTION AND FIRST READING

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROLLING HILLS ESTATES AMENDING CHAPTERS 17.26 (COMMERCIAL-OFFICE DISTRICT (C-O)), 17.28 (COMMERCIAL-LIMITED DISTRICT (C-L)), AND 17.30 (COMMERCIAL-GENERAL DISTRICT (C-G)) OF THE ROLLING HILLS ESTATES MUNICIPAL CODE TO ADOPT TEMPORARY FENCING AND LANDSCAPING REQUIREMENTS FOR VACANT COMMERCIAL PROPERTIES.

COUNCILMAN ADDLEMAN moved, seconded by COUNCILWOMAN SEAMANS

TO INTRODUCE ORDINANCE NO. 649 FOR FIRST READING AS AMENDED.

AYES: Addleman, Mitchell, Seamans, Zerunyan, Zuckerman

9. NEW BUSINESS

A. PLANNING COMMISSION MINUTES OF NOVEMBER 3, 2008

COUNCILWOMAN SEAMANS moved, seconded by COUNCILMAN ADDLEMAN

TO RECEIVE AND FILE THE PLANNING COMMISSION MINUTES OF NOVEMBER 3, 2008.

THERE BEING NO OBJECTION, MAYOR ZERUNYAN SO ORDERED.

B. PLANNING COMMISSION MINUTES OF NOVEMBER 17, 2008

MAYOR PRO TEM MITCHELL moved, seconded by COUNCILMAN ADDLEMAN

TO RECEIVE AND FILE THE PLANNING COMMISSION MINUTES OF NOVEMBER 17, 2008.

THERE BEING NO OBJECTION, MAYOR ZERUNYAN SO ORDERED.

C. ADJOURNED CITY COUNCIL AND REGULAR PARK AND ACTIVITIES COMMISSION MINUTES OF NOVEMBER 4, 2008

MAYOR PRO TEM MITCHELL moved, seconded by COUNCILMAN ADDLEMAN

TO APPROVE THE JOINT ADJOURNED CITY COUNCIL AND REGULAR PARK AND ACTIVITIES COMMISSION MINUTES OF NOVEMBER 4, 2008.

THERE BEING NO OBJECTION, MAYOR ZERUNYAN SO ORDERED.

D. THREE-RAIL FENCING REPLACEMENT PROJECT

Recommendation: That the City Council direct staff to solicit cost quotes through the formal bid process for the replacement of approximately 1,685 linear feet of three-rail fencing within the City's rights-of-way with vinyl fencing materials made by Kroy Building Products, Inc., at a cost not to exceed \$33,000.

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

MAYOR PRO TEM MITCHELL moved, seconded by COUNCILMAN ADDLEMAN

TO DIRECT STAFF TO SOLICIT COST QUOTES THROUGH THE FORMAL BID PROCESS FOR THE REPLACEMENT OF APPROXIMATELY 1,685 LINEAR FEET OF THREE-RAIL FENCING WITHIN THE CITY'S RIGHTS-OF-WAY WITH VINYL FENCING MATERIALS MADE BY KROY BUILDING PRODUCTS, INC., AT A COST NOT TO EXCEED \$33,000.

THERE BEING NO OBJECTION, MAYOR ZERUNYAN SO ORDERED.

10. OLD BUSINESS (Continued)

D. BRUSH CLEARANCE VIOLATION IN GEORGE F CANYON

Recommendation: That the City Council direct staff in a response to the Final Notice of Violation from the Los Angeles County Department of Agricultural Commissioner/Weights and Measures to remove brush from the George F Canyon Nature Preserve.

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

MAYOR ZERUNYAN noted that he will attempt to meet with the Agricultural Commissioner at an event he and MAYOR PRO TEM MITCHELL will be attending and explain to him that the City is putting forth a good faith effort to find a solution to this brush problem.

MAYOR PRO TEM MITCHELL moved, seconded by COUNCILMAN ADDLEMAN

TO CONTINUE THIS ITEM TO A DATE UNCERTAIN.

THERE BEING NO OBJECTION, MAYOR ZERUNYAN SO ORDERED.

E. ARTERIAL STREET MEDIANS AND PARKWAYS IMPROVEMENT PROJECT UPDATE

Recommendation: That the City Council: 1) Determine whether to direct Blue Door Gardens to continue developing construction plans and bid documents for the Hawthorne Boulevard medians improvement project; 2) Authorize a budget adjustment for the \$10,377.63 in project consulting services completed thus far and an additional amount for any additional services determined necessary for the remainder of this fiscal year; and 3) Determine whether a budget adjustment should be authorized for the five (5) Hawthorne Boulevard medians improvements project, or any portion thereof.

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

MAYOR PRO TEM MITCHELL moved, seconded by COUNCILMAN ADDLEMAN

TO AUTHORIZE A BUDGET ADJUSTMENT IN THE AMOUNT OF \$10,377.63 FOR SERVICES RENDERED THUS FAR, WITH AN ADDITIONAL \$7,000 TO FIANLIZE PLANS, AND ALLOW STAFF TO DETERMINE WHETHER OR NOT ANY FURTHER SERVICES WILL BE NECESSARY AT A LATER DATE.

AYES: Addleman, Mitchell, Seamans, Zerunyan, Zuckerman

G. LETTER OF AGREEMENT FOR FEDERAL GRANT FUNDS *(Out of order)*

Recommendation: That the City Council authorize the Letter of Agreement with the Los Angeles County Metropolitan Transportation Authority for the receipt of \$2,059,000 in Federal Grant funds for the PVDN Bike Lane Project.

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

COUNCILMAN ADDLEMAN moved, seconded by MAYOR PRO TEM MITCHELL

TO AUTHORIZE THE LETTER OF AGREEMENT WITH THE LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY FOR THE RECEIPT OF \$2,059,000 IN FEDERAL GRANT FUNDS FOR THE PVDN BIKE LANE PROJECT.

AYES: Addleman, Mitchell, Seamans, Zerunyan, Zuckerman

F. WEBSITE REDESIGN, MAINTENANCE AND HOSTING

Recommendation: That the City Council approve the agreement between the City and Vision Internet Providers, Inc., for the website redesign and hosting services.

Administrative Services Director Whitehead provided a staff report (as per agenda material) as well as a presentation of the recommended firm's proposal.

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

TO APPROVE THE AGREEMENT BETWEEN THE CITY AND VISION INTERNET PROVIDERS, INC., FOR THE WEBSITE REDESIGN AND HOSTING SERVICES.

AYES: Addleman, Mitchell, Seamans, Zerunyan, Zuckerman

C. BUDGET ADJUSTMENTS

Recommendation: That the City Council approve the Budget Amendments for Revenues, Expenditures and Capital Improvements for Fiscal Year 2008-2009.

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

COUNCILMAN ADDLEMAN moved, seconded by COUNCILWOMAN SEAMANS

TO APPROVE THE BUDGET AMENDMENTS FOR REVENUES, EXPENDITURES AND CAPITAL IMPROVEMENTS FOR FISCAL YEAR 2008-2009.

AYES: Addleman, Mitchell, Seamans, Zerunyan, Zuckerman

MAYOR ZERUNYAN noted that there will be serious discussions in Sacramento on how to close the budget deficit gap. He was pleased to note that the City has representatives such as MAYOR PRO TEM MITCHELL, who serves as President of the League of California Cities, and himself as President of the California Contract Cities Association, who will lobby the legislature to vigorously protect local funds. He strongly urged residents to shop and dine on the hill to help keep sales tax dollars in the City.

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. COUNCILWOMAN SEAMANS

1. PENINSULA HOLIDAY PARADE SUBCOMMITTEE MINUTES OF NOVEMBER 18, 2008

COUNCILWOMAN SEAMANS invited everyone to attend the Peninsula Holiday Parade scheduled for Saturday, December 6 at 6:00 p.m. beginning at the Peninsula Center.

MAYOR PRO TEM MITCHELL moved, seconded by
COUNCILMAN ADDLEMAN

TO RECEIVE AND FILE THE PENINSULA HOLIDAY
PARADE SUBCOMMITTEE MINUTES OF
NOVEMBER 18, 2008.

THERE BEING NO OBJECTION, MAYOR ZERUNYAN SO
ORDERED.

B. MAYOR PRO TEM MITCHELL

1. ENVIRONMENTAL ADVISORY COMMITTEE MINUTES OF
OCTOBER 27, 2008

MAYOR PRO TEM MITCHELL moved, seconded by
COUNCILMAN ADDLEMAN

TO RECEIVE AND FILE THE ENVIRONMENTAL
ADVISORY COMMITTEE MINUTES OF OCTOBER 27,
2008.

THERE BEING NO OBJECTION, MAYOR ZERUNYAN SO
ORDERED.

- C. MAYOR PRO TEM MITCHELL reported that she attended the National League of Cities Congress of Cities and Exposition. She noted that discussion included the following items: 1) CDBG funds; 2) Economic Stimulus package; 3) Funding for cities to purchase foreclosures.
- D. MAYOR PRO TEM MITCHELL reported that she was sworn in as President of the League of California Cities on Saturday, November 22.
- E. MAYOR PRO TEM MITCHELL announced that the Sanitation Districts' Christmas Tree Recycling Program will begin December 26 through January 17.
- F. MAYOR PRO TEM MITCHELL announced the Household Hazardous Waste Round-Up scheduled for Saturday, December 13 at Lomita City Hall.
- G. MAYOR PRO TEM MITCHELL noted that any comments regarding the California Air Resources Board (CARB) Scoping Plan (AB 32) should be turned into the League of California Cities as soon as possible.
- H. COUNCILMAN ADDLEMAN reported that he attended the JPIA Risk Management Conference. He noted that discussion included general liability lawsuits, workers' compensation, etc.
- I. COUNCILMAN ADDLEMAN reported that he continues to serve as Vice Chairman of the MTA South Bay Governance Council.
- J. COUNCILMAN ADDLEMAN reported on the Traffic and Safety Committee meeting that took place recently. He noted that minutes will be presented at the next COUNCIL meeting.

K. COUNCILMAN ZUCKERMAN noted that Vector Control has announced that tick season is here from November through May and urged everyone to wear protective clothing.

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. MAYOR ZERUNYAN

MAYOR ZERUNYAN congratulated MAYOR PRO TEM MITCHELL on her elevation to President of the League of California Cities.

1. CALIFORNIA CONTRACT CITIES ASSOCIATION LEGISLATIVE ORIENTATION TOUR – JANUARY 12-14, 2009

After brief discussion, COUNCILMAN ADDLEMAN moved, seconded by MAYOR PRO TEM MITCHELL

TO SEND MAYOR ZERUNYAN AND CITY MANAGER PRICHARD TO THE CALIFORNIA CONTRACT CITIES ASSOCIATION LEGISLATIVE ORIENTATION TOUR IN SACRAMENTO.

AYES: Addleman, Mitchell, Seamans, Zerunyan, Zuckerman

15. ADJOURNMENT

At 9:18 p.m., MAYOR ZERUNYAN formally adjourned the City Council meeting to Tuesday, December 9, 2008 at 7:30 p.m.

Submitted by,

Approved by,

Hope J. Nolan
Deputy City Clerk

Douglas R. Prichard
City Manager