

MINUTES
CITY COUNCIL MEETING
NOVEMBER 28, 2006

A regular meeting of the City Council of the City of Rolling Hills Estates was called to order at 7:31 p.m. in the City Council Chambers, 4045 Palos Verdes Drive North, by MAYOR ZUCKERMAN.

PLEDGE OF ALLEGIANCE

MAYOR ZUCKERMAN 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
Community Services Director Andy Clark
Planning Director David Wahba
Administrative Services Director Michael Whitehead

Others Present: John Pagliano, Park and Activities Commission
Andrew Rein, Planning Commission

4. CEREMONIAL ITEMS

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

MAYOR ZUCKERMAN drew the name of Charles Coulbourn, 4535 Marloma Drive, as the recipient of one year's free disposal service.

Isabel Rios, Waste Management, was pleased to report that the recycling diversion rate at this time is 65%.

5. ROUTINE MATTERS

A. CITY COUNCIL MINUTES OF NOVEMBER 14, 2006

COUNCILWOMAN MITCHELL moved, seconded by MAYOR PRO TEM SEAMANS

TO APPROVE THE CITY COUNCIL MINUTES OF NOVEMBER 14, 2006 AS PRESENTED.

THERE BEING NO OBJECTION, MAYOR ZUCKERMAN SO ORDERED.

B. DEMANDS AND WARRANTS – NOVEMBER

COUNCILMAN ADDLEMAN moved, seconded by MAYOR PRO TEM SEAMANS

TO APPROVE WARRANTS 40847 THROUGH 40905 FOR A GRAND TOTAL AMOUNT OF \$345,884.61 WITH PROPER AUDIT.

AYES: Addleman, Mitchell, Seamans, Zerunyan, Zuckerman

6. CONSENT CALENDAR

COUNCILMAN ADDLEMAN moved, seconded by COUNCILMAN ZERUNYAN

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.

B. OCTOBER 2006 SCHEDULE OF INVESTMENTS

RECEIVED AND FILED.

C. LEAGUE OF CALIFORNIA CITIES PRIORITY FOCUS DATED NOVEMBER 9, 2006

RECEIVED AND FILED.

D. LEAGUE OF CALIFORNIA CITIES PRIORITY FOCUS DATED NOVEMBER 17, 2006

RECEIVED AND FILED.

THERE BEING NO OBJECTION, MAYOR ZUCKERMAN SO ORDERED.

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

A. REQUEST FOR EXTENSION OF TIME FOR PUBLIC COMMENT ON THE DRAFT PEIR FOR PENINSULA VILLAGE MASTER PLAN

Recommendation: That the City Council extend the public review period for the Peninsula Village Draft Program Environmental Report until 4:30 p.m. on Friday, January 9, 2006.

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

After extensive discussion, COUNCILMAN ADDLEMAN moved, seconded by COUNCILWOMAN MITCHELL

TO APPROVE EXTENDING THE COMMENT PERIOD TO WEDNESDAY, JANUARY 31, 2007 AND DIRECTED STAFF TO SUBMIT A REPORT PRIOR TO THE DEADLINE TO RECOMMEND WAYS IN WHICH THE CITY MIGHT PROCEED.

AYES: Addleman, Mitchell, Seamans, Zerunyan, Zuckerman

9. NEW BUSINESS (Taken out of order)

A. PLANNING COMMISSION MINUTES OF NOVEMBER 20, 2006

MAYOR PRO TEM SEAMANS moved, seconded by COUNCILMAN ADDLEMAN

TO RECEIVE AND FILE THE PLANNING COMMISSION MINUTES OF NOVEMBER 20, 2006.

THERE BEING NO OBJECTION, MAYOR ZUCKERMAN SO ORDERED.

B. PARK AND ACTIVITIES COMMISSION MINUTES OF NOVEMBER 21, 2006

MAYOR PRO TEM SEAMANS moved, seconded by COUNCILMAN ZERUNYAN

TO RECEIVE AND FILE THE PARK AND ACTIVITIES COMMISSION MINUTES OF NOVEMBER 21, 2006.

THERE BEING NO OBJECTION, MAYOR ZUCKERMAN SO ORDERED.

1. PARK AND ACTIVITIES COMMISSION ACTION ITEM – HOWLETT PARK RESTROOM BUILDINGS RENOVATION PROJECT

Recommendation: That the City Council approve the plans and specifications to bring two restroom buildings in Ernie Howlett Park into ADA compliance and direct staff to solicit bids through the formal bidding process.

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

MAYOR PRO TEM SEAMANS moved, seconded by COUNCILMAN ADDLEMAN

TO DIRECT STAFF TO PROCEED TO SOLICIT BIDS THROUGH THE FORMAL BIDDING PROCESS.

AYES: Addleman, Mitchell, Seamans, Zerunyan, Zuckerman

2. PARK AND ACTIVITIES COMMISSION ACTION ITEM – PVP 4-H COUNCIL CHAMBERS USE REQUEST

Recommendation: That the City Council allow one Council Chambers use by only Rolling Hills Estates homeowners' associations for their annual meeting, if more than 30 members are expected, increase the use fee to \$30 per hour and require a \$50 refundable cleaning deposit with all other guidelines to remain in effect.

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

After some discussion, COUNCILMAN ADDLEMAN moved, seconded by COUNCILWOMAN MITCHELL

TO REFER THIS ITEM TO THE PARK AND ACTIVITIES COMMISSION IN ORDER TO FORMULATE COUNCIL CHAMBER GUIDELINES FOR LARGER GROUPS.

AYES: Addleman, Mitchell, Seamans, Zerunyan, Zuckerman

8. PUBLIC HEARINGS/MEETINGS (Taken out of order)

B. PLANNING APPLICATION NO. 17-06; APPLICANT: MR. AND MRS. KEN SAUNDERS; LOCATION: 5 FERNCREEK 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) Uphold the Planning Commission's decision affirming the approval of PA-17-06 as conditioned.

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

COUNCILMAN ADDLEMAN moved, seconded by MAYOR PRO TEM SEAMANS

TO OPEN THE PUBLIC HEARING.

THERE BEING NO OBJECTION, MAYOR ZUCKERMAN SO ORDERED.

Doug Leach provided a brief history of the Applicant's project.

Ken Saunders provided an additional overview of the condition of the house when it was purchased. He noted his desire to enlarge the home and requested COUNCIL approval of their design as submitted.

Ron Barker supported this project as he believed it would enhance the neighborhood.

Larry Migliazzo also spoke in support of the renovation and urged COUNCIL to approve the application.

Mark Blackman noted that he is not concerned about being surrounded by two-story homes. It was his opinion that younger families are moving into the City need additional room for their children.

Bill White stated that he is most affected by the project and added his support since this project would improve surrounding property values. He commented that he is happy to have the Applicant living in his neighborhood and urged the COUNCIL to uphold the Planning Commission recommendation and approve the project.

Rick Kamrath commented that he moved into the area several years ago and indicated that there are many two-story homes in the neighborhood and supported the project as well.

Gary Bocchino stated that the Applicant is a great neighbor and that he needs space to accommodate his family. He believed that if this project was denied, it would be detrimental to larger families wishing to move into the City.

Diane Bailey spoke in support of the Planning Commission's decision to approve the application. She believed that focusing on the two-story aspect of the home was misleading and stated her opinion that the design is compatible.

Marlene Washko distributed photographs to the COUNCIL and spoke in opposition to the project. She noted that she is the most impacted by the two-story feature as it is above street level and not compatible with the other homes on lower Ferncreek. She also feared losing some privacy as the project does not satisfy the issue of scale. Additionally, she stated that she was speaking on behalf of her neighbor Jim Berg.

Joe Washko referred to the neighborhood compatibility ordinance where it states “the property shall be compatible” in terms of scale and believed that this project violates the ordinance. It was his opinion that a one-story home would meet all the requirements of the City and requested COUNCIL deny this application.

COUNCILMAN ADDLEMAN moved, seconded by COUNCILWOMAN MITCHELL

TO CLOSE THE PUBLIC HEARING.

THERE BEING NO OBJECTION, MAYOR ZUCKERMAN SO ORDERED.

COUNCILMAN ADDLEMAN noted that he inspected the site along with COUNCILWOMAN MITCHELL. He believed the project to be too massive for the neighborhood, and as such, would be incompatible. He noted that if it was approved, it may set a precedent for the Ferncreek area.

COUNCILWOMAN MITCHELL stated that most two-story homes on the street give the appearance of a one-story and believed the proposal to be out of scale with the rest of the neighborhood. She concurred with COUNCILMAN ADDLEMAN that this might set a precedent.

COUNCILMAN ZERUNYAN commented that it is not for the COUNCIL to decide how much room a property owner may need, but rather to discuss the policy aspects of what the home brings to the community on a case-by-case basis. He also stated that since the neighborhood is an older one, it could perhaps be rejuvenated with younger families moving into the area. Additionally, he noted his disagreement that this would set a precedent and stated that the home would enhance the character of the neighborhood.

MAYOR PRO TEM SEAMANS noted that this project is somewhat large and stated her concern with the side views as depicted by the photographs on the east and west sides. She also noted other concerns she had with the project.

MAYOR ZUCKERMAN noted there are two issues of neighborhood compatibility with respect to the whole neighborhood and immediate neighbors. He noted that after visiting the site, he found the home to be compatible.

Planning Director Wahba noted that these same arguments were discussed at the Planning Commission level.

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

TO REOPEN THE PUBLIC HEARING.

THERE BEING NO OBJECTION, MAYOR ZUCKERMAN SO ORDERED.

Mr. Leach made several suggestions on how to modify this project.

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

TO CONTINUE THE PUBLIC HEARING TO THE NEXT MEETING IN ORDER TO ALLOW THE APPLICANTS AMPLE TIME TO MODIFY THEIR PROJECT FOR COUNCIL CONSIDERATION.

THERE BEING NO OBJECTION, MAYOR ZUCKERMAN SO ORDERED.

A. PROPOSED BICYCLE ORDINANCE DELETION AND ADDITION OF NEW ORDINANCE CHAPTER AND SECTION – NON-HORSE DRAWN WHEELED VEHICLES AND DEVICES PROHIBITED ON EQUESTRIAN TRAILS

1. ORDINANCE NO. 634 FOR INTRODUCTION AND FIRST READING

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROLLING HILLS ESTATES DELETING SECTION 10.44.080 OF THE ROLLING HILLS ESTATES MUNICIPAL CODE AND ADDING CHAPTER 10.46 AND SECTION 10.46.010—NON-HORSE DRAWN WHEELED VEHICLES AND DEVICES PROHIBITED ON EQUESTRIAN TRAILS.

COUNCILMAN ADDLEMAN moved, seconded by MAYOR PRO TEM SEAMANS

TO CLOSE THE PUBLIC HEARING AND ADOPT ORDINANCE NO. 634.

City Manager Prichard read Ordinance No. 634 by title only.

AYES: Addleman, Mitchell, Seamans, Zerunyan, Zuckerman

10. OLD BUSINESS

NONE

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. MAYOR PRO TEM SEAMANS

1. 50TH ANNIVERSARY CITY CELEBRATION COMMITTEE

MAYOR PRO TEM SEAMANS was pleased to report that plans are progressing beginning with the kick-off at the Holiday Parade scheduled for Saturday, December 2 at 6:00 p.m. Additionally, she noted that planning is underway for a rooftop event at the Peninsula Center Library and will be presented to their board on December 14.

B. COUNCILWOMAN MITCHELL suggested utilizing the Norris Theatre for holding public workshops for the Peninsula Village Master Plan concept.

C. COUNCILMAN ZERUNYAN thanked the law enforcement agencies for their quick response to the Peninsula High School bomb scare. He also thanked Principal Kelly Johnson on how well the evacuation procedures were carried out without incident. Additionally, he commended P.V. Transit staff and Assistant City Manager Sam Wise for assistance in securing P.V. Transit buses for the evacuation.

COUNCILWOMAN MITCHELL noted that public safety agency response to this type of incident is very expensive and admonished those individuals who may be inclined to carry out this activity.

- 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 ZUCKERMAN

1. APPOINTMENT OF CALIFORNIA WATER SERVICE RESERVOIR COMMITTEE

City Manager Prichard provided a brief background of the proposed project that was under consideration several months ago. He noted that the alignment has since been changed and that they are now approaching the COUNCIL for placement of a reservoir at the corner of Silver Spur Road and Crenshaw Boulevard underneath the Levitt property.

After brief discussion, it was the consensus of the COUNCIL

TO DIRECT STAFF TO CONDUCT A WORKSHOP WITH THE COUNCIL AS A COMMITTEE OF THE WHOLE AFTER THE FIRST OF THE YEAR.

At 10:32 p.m., the CITY COUNCIL convened into closed session.

14. CLOSED SESSION

- A. CONFERENCE WITH LEGAL COUNSEL – THREATENED LITIGATION
(Pursuant to Government Code Section 54956.9(b)(1) there is a significant exposure to litigation regarding the City's right-of-way and easement rights in property located at 37 and 38 Aurora Drive.

COUNCIL RECEIVED A STATUS REPORT AND DIRECTED STAFF TO CONTINUE TO SEEK A RESOLUTION TO THE ISSUE.

At 10:55 p.m., the COUNCIL reconvened with MAYOR ZUCKERMAN, MAYOR PRO TEM SEAMANS, COUNCILMAN ADDLEMAN, COUNCILWOMAN MITCHELL and COUNCILMAN ZERUNYAN present.

15. ADJOURNMENT

At 10:55 p.m., MAYOR ZUCKERMAN formally adjourned the City Council meeting to Tuesday, December 12, 2006 at 7:30 p.m.

Submitted by,

Approved by,

Hope J. Nolan
Deputy City Clerk

Douglas R. Prichard
City Clerk