



MINUTES

CITY COUNCIL MEETING

APRIL 26, 2005

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 ADDLEMAN.

PLEDGE OF ALLEGIANCE

MAYOR ADDLEMAN led the assembly in the Pledge of Allegiance to the Flag.

ROLL CALL

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

City Staff Present: City Manager Doug Prichard
Assistant City Attorney: Stephen Pfahler
Assistant City Manager Sam Wise
Planning Director: David Wahba
Community Services Director: Andy Clark
Assistant Planner; Wyman Wong

Others Present: Erik Zandvliet, Traffic Engineer
Sheri Clewis, Park and Activities Commission
Andy Rein, Planning Commission

CEREMONIAL ITEMS

NONE

ROUTINE MATTERS

A. CITY COUNCIL MINUTES OF APRIL 12, 2005

COUNCILWOMAN MITCHELL requested the following correction on Page 7, Paragraph 10:

"COUNCILWOMAN MITCHELL noted her opposition to SB 926.....She then noted that the League Board will consider their position on this bill."

COUNCILWOMAN MITCHELL requested the following correction on Page 8, Paragraph 3:

"COUNCILWOMAN MITCHELL noted that the League will continue to negotiate in the hopes of reaching a compromise as the abuse by some safety employees...."

MAYOR ADDLEMAN requested the following correction on Page 4, Paragraph 9:

".....I would like to thank commend the staff for their hard work in helping to address the questions and

problems that arose last week....We have tonight with us Susan Moulton and staff from Waste Management to address remediation measures to be taken on Wednesday and any questions or concerns that the Council may have at this time.”

COUNCILWOMAN SEAMANS moved, seconded by COUNCILWOMAN MITCHELL

TO APPROVE THE CITY COUNCIL MINUTES OF APRIL 12, 2005 AS AMENDED.

THERE BEING NO OBJECTION, MAYOR ADDLEMAN SO ORDERED.

B. DEMANDS AND WARRANTS – APRIL

COUNCILWOMAN MITCHELL moved, seconded by COUNCILWOMAN SEAMANS

TO APPROVE WARRANTS 37289 THROUGH 37343 FOR A GRAND TOTAL AMOUNT OF \$222,564.64 WITH PROPER AUDIT.

AYES: Addleman, Mitchell, Seamans, Zerunyan

ABSENT: Zuckerman

CONSENT CALENDAR

COUNCILWOMAN SEAMANS moved, seconded by COUNCILWOMAN MITCHELL

TO APPROVE ITEMS A-E.

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. CLAIM AGAINST THE CITY - WOODS

REJECTED.

C. CLAIM AGAINST THE CITY - ALDEN

REJECTED.

D. LEAGUE OF CALIFORNIA CITIES PRIORITY FOCUS DATED APRIL 8, 2005

RECEIVED AND FILED.

E. LEAGUE OF CALIFORNIA CITIES PRIORITY FOCUS DATED APRIL 15, 2005

RECEIVED AND FILED.

AUDIENCE ITEMS NOT ON THE AGENDA/WRITTEN AND ORAL COMMUNICATIONS

A. WASTE MANAGEMENT UPDATE

Susan Moulton, West Region, Waste Management, provided an update on how the refuse collection is progressing. She was pleased to note that the phone calls received have been significantly reduced. She then provided an overall summary as well as an explanation of proper cart placement at the curb.

After brief discussion regarding residents placing bulky items on the street, it was the consensus of the COUNCIL to request Waste Management begin tagging those unscheduled items explaining why they were not picked up.

In response to COUNCILWOMAN SEAMANS, Ms. Moulton explained that proper cart placement and information on ordering additional carts was provided in the material sent out to all residents, but that they will place another article in their next publication.

Ms. Moulton clarified that backyard pick-up is available to seniors and disabled residents at no charge, otherwise, there is a charge for this service.

NEW BUSINESS

A. PLANNING COMMISSION MINUTES OF APRIL 18, 2005

COUNCILWOMAN SEAMANS moved, seconded by COUNCILWOMAN MITCHELL

TO RECEIVE AND FILE THE PLANNING COMMISSION MINUTES OF APRIL 18, 2005.

THERE BEING NO OBJECTION, MAYOR ADDLEMAN SO ORDERED.

B. PARK AND ACTIVITIES COMMISSION MINUTES OF APRIL 19, 2005

COUNCILWOMAN MITCHELL moved, seconded by COUNCILWOMAN SEAMANS

TO RECEIVE AND FILE THE PARK AND ACTIVITIES COMMISSION MINUTES OF APRIL 19, 2005.

THERE BEING NO OBJECTION, MAYOR ADDLEMAN SO ORDERED.

C. STREET RESURFACING PROJECT AUTHORIZATION TO SOLICIT BIDS

Recommendation: That the City Council authorize the solicitation of bids for the Fiscal Year 2005-06 Street Resurfacing Project.

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

In response to COUNCILMAN ZERUNYAN, Assistant City Manager Wise noted that the streets stated in the staff report are next in line on the Pavement Management System list.

COUNCILWOMAN SEAMANS moved, seconded by COUNCILWOMAN MITCHELL

TO AUTHORIZE THE SOLICITATION OF BIDS FOR THE FISCAL YEAR 2005-06 STREET RESURFACING PROJECT.

AYES: Addleman, Mitchell, Seamans, Zerunyan

ABSENT: Zuckerman

OLD BUSINESS (Taken out of order)

A. SILVER SPUR ROAD AT KINGSPINE ROAD REQUEST FOR CENTER LEFT-TURN LANE

Recommendation: That the City Council approve replacement of the existing painted center median on Silver Spur Road between Kingspine Road and the frontage road for Ironwood Street with a two-way, left-turn lane and midpoint separator line with delineators.

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

COUNCILWOMAN SEAMANS inquired as to the accident history at that location. Assistant City Manager Wise noted that a City-wide study was undertaken approximately two years ago which did not show any unusual activity.

Traffic Engineer Zandvliet noted that complaints received from the Rollingwood residents are basically

due to accessibility and visibility.

In response to MAYOR ADDLEMAN, Traffic Engineer Zandvliet recommended channelizers and separators on Silver Spur Road.

COUNCILWOMAN SEAMANS inquired how the work will be done. Traffic Engineer Zandvliet noted that, while the striping alignment will not change, the entire area will be repainted along with the addition of reflectors.

COUNCILWOMAN MITCHELL expressed her hesitation with delineators due to their appearance, but believed it to be a better managed intersection and would be in favor of the committee's recommendation.

COUNCILWOMAN SEAMANS noted that the reflector dots would be helpful at night, but was not in favor of installing delineators at that location.

COUNCILWOMAN MITCHELL moved, seconded by COUNCILMAN ZERUNYAN

TO APPROVE REPLACEMENT OF THE EXISTING PAINTED CENTER MEDIAN ON SILVER SPUR ROAD BETWEEN KINGSPINE ROAD AND THE FRONTAGE ROAD FOR IRONWOOD STREET WITH A TWO-WAY, LEFT-TURN LANE AND MIDPOINT SEPARATOR LINE WITH DELINEATORS AND REFLECTORIZED PAVEMENT MARKERS ALONG THE YELLOW LINES IN THE VICINITY OF THE CURVE.

AYES: Addleman, Mitchell, Zerunyan

NOES: Seamans

ABSENT: Zuckerman

PUBLIC HEARINGS/MEETINGS

A. PLANNING APPLICATION NO. 04-05; APPLICANT: MR. AND MRS. IVAN BENAVIDEZ; LOCATION: 5030 RANGEHORSE LANE

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 to deny PA-04-05.

Assistant Planner Wong provided a staff report (as per agenda material).

COUNCILWOMAN MITCHELL moved, seconded by COUNCILWOMAN SEAMANS

TO OPEN THE PUBLIC HEARING.

THERE BEING NO OBJECTION, MAYOR ADDLEMAN SO ORDERED.

Louis Skelton, Architect, distributed photographs to the COUNCIL as well as provided an extensive history of this project. He noted that it was his belief this plan was revised enough to warrant approval and requested the COUNCIL overturn the Planning Commission's denial.

Ivan Benavidez, Applicant, distributed additional material as well as photographs of homes throughout the City and read a memorandum regarding his concerns on how his case was handled. He noted his belief that his project meets the definition of ranch-style architecture and disagreed with staff's opinion. It was his opinion that his rights have been denied and believed there to be prejudicial language in the staff reports when his application was considered as compared to other like situated applications. Additionally, he stated his neighbors were in support of his plan and requested the same consideration be placed on his application as other properties throughout the City.

COUNCILWOMAN MITCHELL moved, seconded by COUNCILMAN ZERUNYAN

TO CLOSE THE PUBLIC HEARING.

THERE BEING NO OBJECTION, MAYOR ADDLEMAN SO ORDERED.

COUNCILWOMAN MITCHELL moved, seconded by COUNCILWOMAN SEAMANS

TO REOPEN THE PUBLIC HEARING.

THERE BEING NO OBJECTION, MAYOR ADDLEMAN SO ORDERED.

Mr. Benavidez referred to his picture taken of City Hall and that his home is reminiscent of this ranch-style building.

COUNCILWOMAN MITCHELL moved, seconded by COUNCILMAN ZERUNYAN

TO CLOSE THE PUBLIC HEARING.

THERE BEING NO OBJECTION, MAYOR ADDLEMAN SO ORDERED.

COUNCILWOMAN MITCHELL noted that a neighborhood compatibility study is taken within its own neighborhood and not homes throughout the City. She noted that houses on Rangehorse have their own special character as true ranch-style houses which give the appearance of a single story with no subterranean garages. She noted her concern that the proposed remodel gives the appearance of a three-story home even though she was not bothered about the architectural style. In regards to the look of the rendering, she noted that it appears very massive compared to other homes on that street and she had concerns about the west elevation having a stark unbroken look. She commended the Applicant in discussing his proposal with the neighbors, but the main issue was the massiveness of the proposed structure.

COUNCILMAN ZERUNYAN concurred with COUNCILWOMAN MITCHELL'S comments and agreed with the Applicant regarding the ranch-style question, but was troubled by comments made by the Applicant where he stated that there was prejudice in reviewing his plan. He noted that his primary concern was the garage. He went on to explain that this is not a denial of rights, but rather, he noted, the homes in the surrounding neighborhood do not appear to be three-stories. He stated that if this application was approved, this decision would prejudice other residents coming before the City who may want to expand to three-stories, and opposed this application.

COUNCILWOMAN SEAMANS commended the architect for his design and was not as concerned with the three-story issue. She noted that, from street level, the flags seem to be very low from the right side of the street and did not think it would be as massive as this is set back quite a distance from the street. She noted that adjustments could be made to make the second story smaller and that a rendering of the house showing the angles would have assisted greatly in making a decision to support the project, as would different roof material.

MAYOR ADDLEMAN noted that most of the COUNCIL has served on the Planning Commission and have reviewed many plans like this one. He also stated he would have preferred to have seen a computer assisted design (CAD) to clearly illustrate the appearance of the home.

COUNCILWOMAN MITCHELL moved, seconded by COUNCILMAN ZERUNYAN

TO UPHOLD THE PLANNING COMMISSION'S DECISION TO DENY PA-04-05.

AYES: Addleman, Mitchell, Seamans, Zerunyan

ABSENT: Zuckerman

B. PLANNING APPLICATION NO. 18-05 – AMENDMENT TO THE ROOFING ORDINANCE (SECTIONS 15.04.050 AND 15.04.080 OF THE ROLLING HILLS ESTATES MUNICIPAL CODE); LOCATION: CITY-WIDE

Recommendation: That the City Council: 1) Open the public hearing; 2) Take public testimony; 3) Discuss the issues; 4) Continue the public hearing; and 5) Introduce Ordinance No. 630.

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

After brief discussion, COUNCILMAN ZERUNYAN suggested that permission to utilize asphalt shingles be included in a neighborhood's CC&Rs rather than just the homeowners' association.

Planning Director Wahba indicated that the zone clearance would depend upon the homeowners' association advisory review to determine if a request would be deemed compatible for City approval

COUNCILWOMAN MITCHELL moved, seconded by COUNCILWOMAN SEAMANS

TO OPEN THE PUBLIC HEARING.

THERE BEING NO OBJECTION, MAYOR ADDLEMAN SO ORDERED.

No public testimony was offered.

COUNCILMAN ZERUNYAN moved, seconded by COUNCILWOMAN SEAMANS

TO CONTINUE THE PUBLIC HEARING.

THERE BEING NO OBJECTION, MAYOR ADDLEMAN SO ORDERED.

1. ORDINANCE NO. 630 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 SECTIONS 15.04.050 AND 15.04.080 REGULATING THE USE OF ASPHALT SHINGLES CITY-WIDE.

COUNCILWOMAN SEAMANS moved, seconded by COUNCILWOMAN MITCHELL

TO INTRODUCE ORDINANCE NO. 630 FOR FIRST READING.

City Manager Prichard read Ordinance No. 630 by title only.

THERE BEING NO OBJECTION, MAYOR ADDLEMAN SO ORDERED.

C. APPEAL OF PARK AND ACTIVITIES COMMISSION'S DECISION TO REQUIRE TREES REMOVED FROM CITY'S RIGHT-OF-WAY

Recommendation: That the City Council deny Francisco Linares' request to maintain 11 California Pepper Trees and an irrigation system in the City's right-of-way in front of 4609 Palos Verdes Drive North and direct Mr. Linares to remove eight trees and irrigation system under the listed conditions.

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

COUNCILMAN ZERUNYAN inquired if the trees being removed can be replanted. Community Services Director Clark stated that the arborist did state that this could be done if they were properly removed.

Community Services Director Clark explained the reasons the trees could be endangered as they are planted too close together.

In response to COUNCILWOMAN SEAMANS, Assistant City Attorney Pfahler noted that technically Mr. Linares' trees are on the right-of-way which constitutes trespassing and encroachment on City property.

Francisco Linares, Appellant, pointed out what he believed to be various inconsistencies in the report. He provided an extensive history of his property and distributed before and after photographs of his trees. He then noted his belief that these trees did not pose any problems.

MAYOR ADDLEMAN noted he was on the Palos Verdes Drive North Pepper Tree Examination Committee when the arborist told the City that many trees have to be removed due to age and/or disease. He noted that there were several trees scheduled for removal because of this problem.

COUNCILWOMAN MITCHELL explained the reason behind Mr. Linares' prior condition of issuing a bond was to protect a neighbor's view at the rear of the property and not the pepper trees at the front in the

City's right-of-way.

In response to a question from City Manager Prichard, Mr. Linares noted that when former Assistant Planner Espiritu inspected the property, the trees had already been planted in the City's right-of-way.

Community Services Director Clark noted that when the City requested Mr. Linares to remove the trees in 2000, Ms. Espiritu explained to him that they must be removed. Mr. Linares denied this conversation ever took place.

Planning Director Wahba noted that the bond was brought back to COUNCIL which established a sightline from the rear of the property to protect those neighbors at 8 and 10 Pleasant Hill and showed exactly what was planted at that time.

MAYOR ADDLEMAN noted that staff and the Park and Activities Commission requested Mr. Linares to remove the trees, but that he had failed to do so.

Assistant City Attorney Pfahler stated the City's position as follows: 1) State law applies to encroachment on City property regardless of City ordinances; 2) RHEMC Section 2.32.030 cites that no person shall use any real property belonging to the City without authorization; and 3) RHEMC Section 12.20.060 cites that no person shall plant or place shrubs, low-growing trees, etc., or any other objects on City property. He then noted that Mr. Linares' case would fall into any one of these categories.

COUNCILMAN ZERUNYAN noted his disappointment that these trees are now "condemned to death." He stated that he was not in favor of removing those trees and had no choice but to see Mr. Linares' prosecuted to the fullest extent of the law for violation of the various code sections. It was his opinion that Mr. Linares' comments were disingenuous and he resented him placing the COUNCIL in this position.

COUNCILWOMAN SEAMANS suggested Mr. Linares' remove the trees and donate them to the City.

COUNCILWOMAN MITCHELL concurred with this suggestion as Mr. Linares has violated both the Municipal Code and State law as stated by Assistant City Attorney Pfahler. She noted that the Pepper Tree Foundation would be an ideal source for donation of those trees as it benefits parks, recreational use, etc., and would be a generous gesture on the part of Mr. Linares.

Community Services Director Clark noted that the arborist suggested using a tree spade as it would be necessary to remove the trees at a cost of \$500 per tree as compared to purchasing new trees at approximately \$110 each.

COUNCILWOMAN SEAMANS noted that it would be Mr. Linares' responsibility to remove these trees at his expense as the City has a history of saving trees.

MAYOR ADDLEMAN summarized the discussion by stating that three trees would remain with eight being removed and that he would like to see Mr. Linares work with the City and an arborist in deciding where to relocate the trees and donate them to the Pepper Tree Foundation which would provide a tax deduction for his contribution.

Mr. Linares believed it would be less expensive to cut down the trees rather than replant them as it would not make sense to relocate the trees at a higher cost at \$500 each when a new tree would be approximately \$150 each. He noted his preference not to spend \$4,000 as these trees were planted for his privacy and wanted to know of other cases in the City where approvals were granted.

COUNCILMAN ZERUNYAN noted that Mr. Linares created this situation and emphatically stated his opposition to destroying these trees.

COUNCILWOMAN MITCHELL inquired as to what type of fines could be levied upon Mr. Linares. Assistant City Attorney Pfahler noted that this would probably be a misdemeanor with fines not to exceed \$1,000 or six months in prison.

COUNCILWOMAN SEAMANS suggesting tabling this item to the next meeting pending further information on relocation of the trees.

COUNCILWOMAN MITCHELL noted that perhaps the cost could be negotiated with both parties reaching a compromise and suggested exploring this further at the next meeting.

City Manager Prichard noted that staff will attempt to work with Linares to resolve this matter.

In response to COUNCILMAN ZERUNYAN'S comments to move forward with prosecution, Mr. Linares threatened possible litigation and stated he might like to take his chances in court.

COUNCILWOMAN SEAMANS moved, seconded by COUNCILWOMAN MITCHELL

TO TABLE THIS ITEM TO THE NEXT MEETING PENDING FURTHER INFORMATION.

AYES: Addleman, Mitchell, Seamans, Zerunyan

ABSENT: Zuckerman

NEW BUSINESS (Continued)

D. LANDSCAPE DESIGN SERVICES FOR COMMUNITY CENTER'S NATIVE PLANT GARDENS

Recommendation: That the City Council: 1) Approve the selection of Blue Door Gardens to enter into the Professional Service Agreement to provide landscape design services for the fees outlined in the Agreement's Exhibit A; 2) Direct the General Maintenance Division to construct the Community Center's native plant gardens; and 3) Designate a secondary source, should the City's competitive MWD grant application not be approved, to fund the Community Center native gardens project.

In response to an inquiry, Julie Heinshimer, Blue Door Gardens, noted that she will supervise the plant material, work performed, etc., which should only take a full day at most.

COUNCILWOMAN MITCHELL inquired into what the fixed fee includes. Ms. Heinshimer noted that this would include the plant plan, size of plant materials, location, design/location of plant materials, irrigation layout, etc.

COUNCILWOMAN MITCHELL moved, seconded by COUNCILWOMAN SEAMANS

TO APPROVE THE SELECTION OF BLUE DOOR GARDENS TO ENTER INTO THE PROFESSIONAL SERVICE AGREEMENT TO PROVIDE LANDSCAPE DESIGN SERVICES FOR THE FEES OUTLINED IN THE AGREEMENT'S EXHIBIT A; 2) DIRECT THE GENERAL MAINTENANCE DIVISION TO CONSTRUCT THE COMMUNITY CENTER'S NATIVE PLANT GARDENS; AND 3) DESIGNATE A SECONDARY SOURCE, SHOULD THE CITY'S COMPETITIVE MWD GRANT APPLICATION NOT BE APPROVED, TO FUND THE COMMUNITY CENTER NATIVE GARDENS PROJECT.

AYES: Addleman, Mitchell, Seamans, Zerunyan

ABSENT: Zuckerman

CITY ATTORNEY ITEMS

NONE

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 reported that he attended two California Contract Cities meetings; one for the Legislative Committee and the other for outgoing President Margaret Finley (City of Duarte) in which she was presented with books donated to Duarte elementary schools in lieu of a gift at her request.

B. COUNCILWOMAN SEAMANS noted she testified before the California Public Utilities Commission (CPUC) regarding support of AB 1380 (Area Code Conservation and Consumer Protection Act).

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.

NONE

CLOSED SESSION

A. QUARTERLY CITY MANAGER PERFORMANCE EVALUATION
(Pursuant to Government Code Section 54957)

DEFERRED DISCUSSION TO NEXT COUNCIL MEETING.

ADJOURNMENT IN MEMORY OF FORMER LOS ANGELES COUNTY SUPERVISOR DEANE DANA
At 10:25 p.m., MAYOR ADDLEMAN formally adjourned the City Council meeting to May 10, 2005 at 7:30 p.m. in the City Hall Council Chambers.

Submitted by, Approved by,

Hope J. Nolan Douglas R. Prichard
Deputy City Clerk City Clerk

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