

MINUTES

CITY COUNCIL MEETING

MARCH 9, 2004

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 MITCHELL.

PLEDGE OF ALLEGIANCE

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

ROLL CALL

City Council Members Present: Addleman, Mitchell, Zerunyan, Zuckerman

City Council Member Absent: Seamans

City Staff Present: Acting City Manager Sam Wise

City Attorney Richard Terzian

Planning Director David Wahba

Community Services Director Andy Clark

Others Present: Lou Persichina, Park and Activities Commissioner

CEREMONIAL ITEMS

NONE

ROUTINE MATTERS

A. CITY COUNCIL MINUTES OF FEBRUARY 24, 2004

MAYOR PRO TEM ADDLEMAN moved, seconded by COUNCILMAN ZERUNYAN

TO APPROVE THE CITY COUNCIL MINUTES OF FEBRUARY 24, 2004 AS PRESENTED.

THERE BEING NO OBJECTION, MAYOR MITCHELL SO ORDERED.

B. ADJOURNED JOINT CITY COUNCIL AND PLANNING COMMISSION MINUTES OF FEBRUARY 25, 2004

MAYOR PRO TEM ADDLEMAN moved, seconded by COUNCILMAN ZUCKERMAN

TO APPROVE THE ADJOURNED JOINT CITY COUNCIL AND PLANNING COMMISSION MINUTES OF FEBRUARY 25, 2004 AS PRESENTED.

THERE BEING NO OBJECTION, MAYOR MITCHELL SO ORDERED.

C. SPECIAL JOINT CITY COUNCIL AND PLANNING COMMISSION MINUTES OF FEBRUARY 25, 2004

MAYOR PRO TEM ADDLEMAN moved, seconded by COUNCILMAN ZUCKERMAN

TO APPROVE THE SPECIAL JOINT CITY COUNCIL AND PLANNING COMMISSION MINUTES OF FEBRUARY 25, 2004 AS PRESENTED.

THERE BEING NO OBJECTION, MAYOR MITCHELL SO ORDERED.

D. SPECIAL MEETING – POLICY DEVELOPMENT SESSION MINUTES OF FEBRUARY 25, 2004

MAYOR PRO TEM ADDLEMAN requested the following corrections:

Page 3, Paragraph 3:

*"COUNCILMAN **MAYOR PRO TEM** ADDLEMAN and MAYOR MITCHELL suggested continuing any item with a view impact...."*

Page 6, Paragraph 8:

*"Additionally, COUNCILMAN **MAYOR PRO TEM** ADDLEMAN addressed....."*

MAYOR MITCHELL requested the following correction on Page 1, Paragraph 7:

*"City Manager Prichard noted that it would be appropriate that, if the neighborhood has an active homeowners' association.....Assistant City Managed **Manager Wise** noted that this type of inquiry would then be referred to the Traffic and Safety Committee for review and recommendation.."*

MAYOR PRO TEM ADDLEMAN moved, seconded by COUNCILMAN ZUCKERMAN

TO APPROVE THE SPECIAL MEETING – POLICY DEVELOPMENT SESSION MINUTES OF FEBRUARY 25, 2004 AS AMENDED.

THERE BEING NO OBJECTION, MAYOR MITCHELL SO ORDERED.

E. DEMANDS AND WARRANTS – MONTHS OF FEBRUARY AND MARCH

MAYOR PRO TEM ADDLEMAN moved, seconded by COUNCILMAN ZUCKERMAN

TO APPROVE WARRANTS 35113 THROUGH 35159 IN THE AMOUNT OF \$97,411.98; SUPPLEMENTAL WARRANTS 020401 THROUGH 020402; 34671 VOID; 34980 THROUGH 34985; 35027 THROUGH 35041; 35097 THROUGH 35106 IN THE AMOUNT OF \$178,290.87 FOR A GRAND TOTAL AMOUNT OF \$275,702.85 WITH PROPER AUDIT.

AYES: Addleman, Mitchell, Zerunyan, Zuckerman

ABSENT: Seamans

CONSENT CALENDAR

MAYOR PRO TEM ADDLEMAN moved, seconded by COUNCILMAN ZUCKERMAN

TO APPROVE ITEMS A-C.

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.

RECEIVED AND FILED.

B. LEAGUE OF CALIFORNIA CITIES PRIORITY FOCUS DATED FEBRUARY 20, 2004

RECEIVED AND FILED.

C. LEAGUE OF CALIFORNIA CITIES PRIORITY FOCUS DATED FEBRUARY 27, 2004

RECEIVED AND FILED.

THERE BEING NO OBJECTION, MAYOR MITCHELL SO ORDERED.

AUDIENCE ITEMS NOT ON THE AGENDA/WRITTEN AND ORAL COMMUNICATIONS

NONE

PUBLIC HEARINGS/MEETINGS

NONE

NEW BUSINESS

A. PLANNING COMMISSION MINUTES OF MARCH 1, 2004

MAYOR PRO TEM ADDLEMAN moved, seconded by COUNCILMAN ZERUNYAN

TO RECEIVE AND FILE THE PLANNING COMMISSION MINUTES OF MARCH 1, 2004.

THERE BEING NO OBJECTION, MAYOR MITCHELL SO ORDERED.

B. PARK AND ACTIVITIES COMMISSION MINUTES OF MARCH 2, 2004

MAYOR PRO TEM ADDLEMAN moved, seconded by COUNCILMAN ZERUNYAN

TO RECEIVE AND FILE THE PARK AND ACTIVITIES COMMISSION MINUTES OF MARCH 2, 2004.

THERE BEING NO OBJECTION, MAYOR MITCHELL SO ORDERED.

1) PARK AND ACTIVITIES COMMISSION ACTION ITEM FROM MEETING OF MARCH 2, 2004 –
PROPOSED STREET ENTRYWAY BEAUTIFICATION PROGRAM GUIDELINES REVISIONS

Recommendation: That the City Council approve the proposed revisions to the Street Entryway Beautification Program Guidelines.

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

MAYOR MITCHELL inquired if an amount was set aside for this program. Community Services Director Clark stated that funds had been designated in the past, but the last two fiscal years had a budgeted amount of \$5,000. He noted that there have been many requests for right-of-way improvements on Palos Verdes Drive North.

Community Services Director Clark noted that a deadline for submissions will now be set and then referred to the Park and Activities Commission for evaluation.

COUNCILMAN ZUCKERMAN referred to the guidelines under No. 6 and requested the following language be inserted: *"The City will pay for the cost of watering the street entryway landscaping, where appropriate, in the City's right-of-way....."*

COUNCILMAN ZERUNYAN inquired as to when the deadline would be set. It was noted that once the budget is adopted, it should go into effect on approximately September 1.

COUNCILMAN ZUCKERMAN moved, seconded by MAYOR PRO TEM ADDLEMAN

TO APPROVE THE PROPOSED REVISIONS TO THE STREET ENTRYWAY BEAUTIFICATION PROGRAM GUIDELINES WITH THE FOLLOWING AMENDMENTS: 1) INCLUDE A DEADLINE DATE FOR SUBMITTAL OF ENTRYWAY REQUESTS; AND 2) INCLUDE THE FOLLOWING LANGUAGE INTO THE STREET ENTRYWAY BEAUTIFICATION PROGRAM GUIDELINES UNDER ITEM NO. 6: **"THE CITY WILL PAY FOR THE COST OF WATERING THE STREET ENTRYWAY LANDSCAPING, WHERE APPROPRIATE, IN THE CITY'S RIGHT-OF-WAY...."**

THERE BEING NO OBJECTION, MAYOR MITCHELL SO ORDERED.

2) PARK AND ACTIVITIES COMMISSION ACTION ITEM FROM MEETING OF MARCH 2, 2004 – PROPOSED SPORTS FIELD USAGE FEE REVISIONS

Recommendation: That the City Council adopt the proposed sports fields use fee revisions for Fiscal Year 2004-05.

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

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

TO ADOPT THE PROPOSED SPORTS FIELDS USE FEE REVISIONS FOR FISCAL YEAR 2004-05.

THERE BEING NO OBJECTION, MAYOR MITCHELL SO ORDERED.

3) HIGH-LIFT TRUCK PURCHASE

Recommendation: That the City Council: 1) Make a determination to dispense with the City's regular purchasing procedures; 2) Authorize the purchase of the used 1992 Ford F-250 high-lift truck for \$14,072.50; 3) Declare the inoperable aerial lift attached to the 1990 Ford Econoline-350 high-lift van as surplus City property, direct staff to remove the aerial lift, and authorize its sale for approximately \$1,000; and 4) Retain the 1990 Ford Econoline van for summer maintenance crew transportation and to support a variety of routine Maintenance Division tasks.

Community Services Director Clark provided a staff report (as per agenda material). He noted that two actions are needed to move forward with the recommendation.

Discussion ensued with COUNCILMAN ZERUNYAN inquiring as to the lengthy amount of time it has taken before this item was brought to the COUNCIL. Community Services Director Clark stated that this type of equipment is not easily accessible, and therefore, took awhile to locate. He then explained that staff has been searching for this part for 90 days and only became available in the last 30.

COUNCILMAN ZUCKERMAN moved, seconded by MAYOR PRO TEM ADDLEMAN

TO AUTHORIZE AN EXCEPTION TO THE CITY'S REGULAR PURCHASE PROCEDURES BASED "UPON A FINDING BY THE COUNCIL THAT IT WOULD BE IMPRACTICAL, USELESS OR UNECONOMICAL IN SUCH INSTANCE TO FOLLOW THE PROCEDURES; AND THAT THE WELFARE OF THE PUBLIC WOULD BE PROMOTED BY DISPENSING WITH SAME (RHE MUNICIPAL CODE SECTION 3.32.050 (c))."

AYES: Addleman, Mitchell, Zerunyan, Zuckerman

ABSENT: Seamans

MAYOR PRO TEM ADDLEMAN moved, seconded by COUNCILMAN ZUCKERMAN

TO AUTHORIZE THE PURCHASE OF THE USED 1992 FORD F-250 HIGH-LIFT TRUCK FOR \$14,027.50, DECLARED THE INOPERABLE AERIAL LIFT ATTACHED TO THE 1990 FORD ECONOLINE-350 HIGH-LIFT VAN AS SURPLUS CITY PROPERTY, DIRECTED STAFF TO REMOVE

THE AERIAL LIFE AND AUTHORIZED ITS SALE FOR APPROXIMATELY \$1,000, AND RETAINED THE 1990 FORD ECONOLINE VAN FOR SUMMER MAINTENANCE CREW TRANSPORTATION AND TO SUPPORT A VARIETY OF ROUTINE MAINTENANCE DIVISION TASKS.

AYES: Addleman, Mitchell, Zerunyan, Zuckerman

ABSENT: Seamans

C. CONSULTING SERVICES FOR SOLID WASTE COLLECTION AND RECYCLING PROCUREMENT PROCESS

Recommendation: That the City Council direct staff to enter into the professional services agreement with R3 Consulting Group to assist the City in the administration of a competitive proposal process to procure solid waste and recycling services, and authorize the Refuse Franchise Committee to finalize the work plan within the context of the consultant's scope of services.

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

MAYOR PRO TEM ADDLEMAN commented that he was impressed by the top three companies as they responded to all concerns as specified.

COUNCILMAN ZERUNYAN concurred and commended staff in bringing to the COUNCIL valuable resources that the City could utilize in interviewing the companies in a timely manner.

COUNCILMAN ZERUNYAN inquired as to the optional tasks and noted that this would not take effect until January. He suggested the City move forward extending the length of time on the existing contract for at least three to six months as a precautionary measure to work out a time schedule that would not pose any additional cost. Additionally, it was noted to meet with the current hauler and subcommittee to finalize the work plan.

MAYOR PRO TEM ADDLEMAN moved, seconded by COUNCILMAN ZERUNYAN

TO DIRECT STAFF TO ENTER INTO THE PROFESSIONAL SERVICES AGREEMENT WITH R3 CONSULTING GROUP AS AMENDED TO ASSIST THE CITY IN THE ADMINISTRATION OF A COMPETITIVE PROPOSAL PROCESS TO PROCURE SOLID WASTE AND RECYCLING SERVICES AND AUTHORIZE THE REFUSE FRANCHISE COMMITTEE TO FINALIZE THE WORK PLAN WITHIN THE CONTEXT OF THE CONSULTANT'S SCOPE OF SERVICES.

AYES: Addleman, Mitchell, Zerunyan, Zuckerman

ABSENT: Seamans

OLD BUSINESS

NONE

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. MAYOR PRO TEM ADDLEMAN reported that he, along with MAYOR MITCHELL, attended the League of California Cities meeting where discussion took place regarding the proposed 2004 Local

Taxpayers and Public Safety Protection Act. He noted that passage of this measure is vital for local government's financial stability. Additionally, he provided details of what this measure would accomplish if passed without raising taxes.

B. MAYOR MITCHELL reported that she attended the South Bay Cities Council of Governments General Assembly. She noted that the City partnered with the Palos Verdes Peninsula Land Conservancy in sponsoring a booth which was very well attended.

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 ADDLEMAN recommended the City include a disclaimer on agendas to comply with ADA requirements.

B. COUNCILMAN ZERUNYAN referred to the League Priority Focus in regards to the ERAF shift proposal. He noted that he will send a letter to Assemblyman Todd Spitzer, Assembly Local Government Coalition, thanking him for his participation, as well as other Coalition Members, and encouraged the COUNCIL to do the same.

C. MAYOR MITCHELL suggested the City work with other Peninsula cities in an effort to work on emergency preparedness issues which would include applying for joint federal grants, etc. She requested two COUNCIL MEMBERS to serve on this subcommittee. MAYOR PRO TEM ADDLEMAN and COUNCILMAN ZERUNYAN volunteered to meet with Administrative Analyst Grammer to examine what should be done at this time.

D. MAYOR MITCHELL noted the COUNCIL received a letter from Senator Karnette requesting nominations for Woman of the Year of the 27th District. She suggested submitting former Mayor Barbara Rauch for this honor. It was the consensus of the COUNCIL to follow this recommendation.

At 8:17 p.m. the CITY COUNCIL convened in closed session. At 9:40 p.m., the CITY COUNCIL reconvened in open session with MAYOR MITCHELL, MAYOR PRO TEM ADDLEMAN, COUNCILMAN ZERUNYAN and COUNCILMAN ZUCKERMAN in attendance.

CLOSED SESSION

A. CONFERENCE WITH REAL PROPERTY NEGOTIATORS

(Government Code Section 54956.8)

Property: 550 Deep Valley Drive

City Negotiator: City Manager Prichard

City Attorney Terzian

Planning Director Wahba

Negotiating Parties: City and Cousins Marketcenters

Under Negotiation: Consideration of letter of credit pursuant to property development agreement dated March 17, 1998

NO ACTION WAS TAKEN.

B. CONFERENCE WITH LEGAL COUNSEL – THREATENED LITIGATION

Pursuant to Government Code Section 54956.9(b)(11), there is a significant exposure to litigation based upon a written communication from a potential plaintiff threatening litigation.

NO ACTION WAS TAKEN.

ADJOURNMENT

At 9:40 p.m., MAYOR MITCHELL formally adjourned the City Council meeting to Tuesday, March 23, 2004 at 7:30 p.m.

Submitted by, Approved by,

Hope J. Nolan Samuel R. Wise

Deputy City Clerk Acting City Manager