

MINUTES

SPECIAL

CITY COUNCIL MEETING

APRIL 7, 2009

A special meeting of the City Council of the City of Rolling Hills Estates was called to order at 7:33 p.m. in the City Council Chambers, 4045 Palos Verdes Drive North, by MAYOR MITCHELL.

PLEDGE OF ALLEGIANCE

After leading the Pledge, Susan Moulton, Director of Public Sector Services, Waste Management, announced that Earth Day will be celebrated at The Promenade and invited the public to attend.

ROLL CALL

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

City Staff Present: City Manager Doug Prichard
City Attorney Richard Terzian
Assistant City Manager Sam Wise
Community Services Director Andy Clark
Administrative Services Director Michael Whitehead
Assistant to the City Manager Greg Grammer
Principal Planner, AICP, Niki Cutler

Others Present: Sheri Clewis, Park and Activities Commission
Britt Vanden-Eykel Huff, Planning Commission

4. CEREMONIAL ITEMS

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

Planning Commissioner Britt Vanden Eykel-Huff drew the name of M. Talcott, Cypress Way as the recipient of one year's free disposal service.

B. PROCLAMATION

MAYOR MITCHELL proclaimed the week of April 19-25, 2009 as "SAFETY SEAT CHECKUP WEEK."

5. ROUTINE MATTERS

A. ADJOURNED CITY COUNCIL MEETING - POLICY DEVELOPMENT SESSION MINUTES OF MARCH 7, 2009

COUNCILWOMAN SEAMANS moved, seconded by COUNCILMAN ZERUNYAN

TO APPROVE THE ADJOURNED CITY COUNCIL POLICY DEVELOPMENT MINUTES OF MARCH 7, 2009 AS PRESENTED.

THERE BEING NO OBJECTION, MAYOR MITCHELL SO ORDERED.

B. REGULAR CITY COUNCIL MEETING MINUTES OF MARCH 10, 2009

COUNCILWOMAN SEAMANS moved, seconded by COUNCILMAN ZERUNYAN

TO APPROVE THE REGULAR CITY COUNCIL MINUTES OF MARCH 10, 2009 AS PRESENTED.

THERE BEING NO OBJECTION, MAYOR MITCHELL SO ORDERED.

C. DEMANDS AND WARRANTS – MARCH AND APRIL

COUNCILMAN ZUCKERMAN moved, seconded by COUNCILMAN ZERUNYAN

TO APPROVE SUPPLEMENTAL WARRANTS 030109 THROUGH 030209; 45406 (VOID); 45407 THROUGH 45418; 45431 (VOID); 45460 THROUGH 45478; 45479 THROUGH 45539; 45534 (VOID); 45540 THROUGH 45550; 45551 (VOID), FOR A GRAND TOTAL OF \$554,063.62, WITH PROPER AUDIT.

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

6. CONSENT CALENDAR

COUNCILWOMAN SEAMANS 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. FEBRUARY 2009 SCHEDULE OF INVESTMENTS

RECEIVED AND FILED.

C. FEBRUARY MONTHLY REVENUE AND EXPENDITURE REPORT

RECEIVED AND FILED.

D. REQUEST FOR AUTHORITY TO DESTROY OBSOLETE RECORDS

APPROVED.

THERE BEING NO OBJECTION, MAYOR MITCHELL SO ORDERED.

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

NONE

8. PUBLIC HEARINGS/MEETINGS

8:00 P.M.

NONE

9. NEW BUSINESS

A. SALE OF COMMUNITY DEVELOPMENT BLOCK GRANT

Recommendation: That City Council adopt Resolution 2190 and enter into the agreement with the City of Hawaiian Gardens for authorizing the exchange of Community Development Block Grant funds for FY 2009-10.

Administrative Services Director Whitehead provided a staff report (as per agenda material).

1. RESOLUTION NO. 2190 FOR ADOPTION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROLLING HILLS ESTATES, CALIFORNIA AUTHORIZING THE EXCHANGE OF UNEXPENDED COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS.

COUNCILWOMAN SEAMANS moved, seconded by MAYOR MITCHELL

TO ADOPT RESOLUTION NO. 2190.

City Manager Prichard read Resolution No. 2190 by title only.

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

B. AGREEMENT WITH WILLDAN – PVDN BIKE LANE

Recommendation: That City Council authorize the attached Agreement and Scope of Services with Willdan for the PVDN Bike Lane Project.

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

COUNCILMAN ZERUNYAN moved, seconded by COUNCILWOMAN SEAMANS

TO AUTHORIZE THE AGREEMENT AND SCOPE OF SERVICES WITH WILLDAN FOR THE PVDN BIKE LANE PROJECT.

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

C. PROPOSAL FROM WILLDAN ENGINEERING TO PREPARE AN INITIAL STUDY/MITIGATED NEGATIVE DECLARATION (IS/MND) FOR A 3-LOT SUBDIVISION AT 2901 PALOS VERDES DRIVE NORTH

Recommendation: That the City Council authorize the contract with Willdan Engineering in the amount of \$29,202.00 to prepare an Initial Study for the 3-lot subdivision project at 2901 Palos Verdes Drive North.

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

COUNCILWOMAN SEAMANS moved, seconded by MAYOR MITCHELL

TO AUTHORIZE THE CONTRACT WITH WILLDAN ENGINEERING IN THE AMOUNT OF \$29,202 TO PREPARE AN INITIAL STUDY FOR THE 3-LOT SUBDIVISION PROJECT AT 2901 PALOS VERDES DRIVE NORTH.

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

D. WATER CONSERVATION

Recommendation: That the City Council approve Resolution No. 2189, implementing the Response Level 1 Water Restrictions.

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

After brief discussion, it was noted that the City will work with California Water Company to notify residents of the water restrictions.

1. RESOLUTION NO. 2189 FOR ADOPTION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROLLING HILLS ESTATES IMPLEMENTING WATER SHORTAGE RESPONSE LEVEL 1 WATER RESTRICTIONS.

COUNCILMAN ZERUNYAN moved, seconded by COUNCILMAN ZUCKERMAN

TO ADOPT RESOLUTION NO. 2189.

City Manager Prichard read Resolution No. 2189 by title only.

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

E. RESULTS OF COMMERCIAL RATE SURVEY AND ADOPTION OF COMMERCIAL COLLECTION RATES

Recommendation: That the City Council adopt Waste Management's rates as proposed in the 2005 Franchise Agreement, and adjusted with approved rate increases through FY 2009-10, as the City's commercial rates, effective August 1, 2009.

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

COUNCILMAN ZERUNYAN thanked Waste Management for a job well done. He noted that the City has an excellent refuse system and has one of the highest diversion rates in the state.

COUNCILMAN ZERUNYAN moved, seconded by COUNCILWOMAN SEAMANS

TO ADOPT WASTE MANAGEMENT'S RATES AS PROPOSED IN THE 2005 FRANCHISE AGREEMENT, AND ADJUSTED WITH APPROVED RATE INCREASES THROUGH FY 2009-10, AS THE CITY'S COMMERCIAL RATES, EFFECTIVE AUGUST 1, 2009.

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

F. WASTE MANAGEMENT REQUEST FOR RATE ADJUSTMENT

Recommendation: That the City Council approve Waste Management's request for a rate adjustment on all levels of service for the fiscal year 2009-10.

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

COUNCILWOMAN SEAMANS moved, seconded by MAYOR MITCHELL

TO APPROVE WASTE MANAGEMENT'S REQUEST FOR A RATE ADJUSTMENT ON ALL LEVELS OF SERVICE FOR THE FISCAL YEAR 2009-10.

AYES: Mitchell, Seamans, Zerunyan, Zuckerman

ABSENT: Addleman

G. FINAL MAP FOR SILVER SPUR COURT (PA-14-04); APPLICANT: SILVER SPUR ASSOCIATES, LLC; LOCATION: 981 SILVER SPUR ROAD (FORMER MCDONALD'S SITE)

Recommendation: The City Council: 1) Find that this project will not violate any provisions of Section 66474, 66474.1, and 66474.6 of the subdivision Map Act; 2) Find that the proposed subdivision, together with the provisions for its design and improvement, is consistent with the general plan required by Article 5 (commencing with Section 65300) of Chapter 3 of Division 1 of the Government Code or any specific plan adopted, pursuant to Article 8 (commencing with Section 65450) of Chapter 3 of Division 1 of the Government Code; 3) Find that the development of the property in the manner set forth on the subject division of land will not unreasonably interfere with the free and complete exercise of any public entity and/or public utility rights-of-way and/or easements within the subject division of and, pursuant to Section 66436(a) 3A (i-vii) of the Subdivision Map Act; 4) Accept the CC&R's; 5) Approve final map for Tract No. 61539; and 6) Instruct the City Clerk to endorse on the face of Tract No. 61539 the certificate that embodies the approval of said map.

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

In response to COUNCILMAN ZERUNYAN as to why this project has taken such a long time, Robert Brown, the Applicant, explained that the engineering and construction delays took up most of the time. He then indicated that the certificate of occupancy should be completed in the next three weeks. He also noted his appreciation to Ms. Cutler for her assistance.

COUNCILMAN ZERUNYAN moved, seconded by COUNCILWOMAN SEAMANS

TO APPROVE: 1) FINDING THAT THIS PROJECT WILL NOT VIOLATE ANY PROVISIONS OF SECTION 66474, 66474.1, AND 66474.6 OF THE SUBDIVISION MAP ACT; 2) FINDING THAT THE PROPOSED SUBDIVISION, TOGETHER WITH THE PROVISIONS FOR ITS DESIGN AND IMPROVEMENT, IS CONSISTENT WITH THE GENERAL PLAN REQUIRED BY ARTICLE 5 (COMMENCING WITH SECTION 65300) OF CHAPTER 3 OF DIVISION 1 OF THE GOVERNMENT CODE OR ANY SPECIFIC PLAN ADOPTED, PURSUANT TO ARTICLE 8 (COMMENCING WITH SECTION 65450) OF CHAPTER 3 OF DIVISION 1 OF THE GOVERNMENT CODE; 3) FINDING THAT THE DEVELOPMENT OF THE PROPERTY IN THE MANNER SET FORTH ON THE SUBJECT

DIVISION OF LAND WILL NOT UNREASONABLY INTERFERE WITH THE FREE AND COMPLETE EXERCISE OF ANY PUBLIC ENTITY AND/OR PUBLIC UTILITY RIGHTS-OF-WAY AND/OR EASEMENTS WITHIN THE SUBJECT DIVISION OF AND, PURSUANT TO SECTION 66436(A) 3A (I-VII) OF THE SUBDIVISION MAP ACT; 4) ACCEPTING THE CC&R'S; 5) APPROVING FINAL MAP FOR TRACT NO. 61539; AND 6) INSTRUCTING THE CITY CLERK TO ENDORSE ON THE FACE OF TRACT NO. 61539 THE CERTIFICATE THAT EMBODIES THE APPROVAL OF SAID MAP.

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

H. REQUEST FOR PROPOSALS FOR THE CONSTRUCTION OF HORSE ARENAS IN DAPPLEGRAY AND HOWLETT PARKS

Recommendation: That City Council direct staff to solicit proposal cost quotes through the formal bid process.

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

COUNCILMAN ZERUNYAN moved, seconded by COUNCILMAN ZUCKERMAN

TO DIRECT STAFF TO SOLICIT PROPOSAL COST QUOTES THROUGH THE FORMAL BIDDING PROCESS.

THERE BEING NO OBJECTION, MAYOR MITCHELL SO ORDERED.

I. LANDSCAPE MAINTENANCE SERVICES REQUEST FOR PROPOSALS AND AGREEMENT

Recommendation: That City Council provide direction to staff for the contracting of landscape maintenance services beginning July 1, 2009.

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

COUNCILWOMAN SEAMANS moved, seconded by MAYOR MITCHELL

TO DIRECT STAFF TO SOLICIT REQUEST FOR PROPOSALS THROUGH THE FORMAL BIDDING PROCESS.

THERE BEING NO OBJECTION, MAYOR MITCHELL SO ORDERED.

10. OLD BUSINESS

A. MIG REQUEST FOR ADDITIONAL SERVICES

Recommendation: That City Council approve MIG's attached request for additional consulting services for Phase 1 of the Peter Weber Equestrian Center renovation project totaling \$13,700.00.

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

COUNCILMAN ZERUNYAN asked a representative from MIG as to why the additional costs were necessary. She explained that the various site adjustments, i.e. grade changes, were warranted.

COUNCILMAN ZERUNYAN noted that he appreciated the explanation, but found it unacceptable, and if this request should be approved, he will not support any additional cost adjustments.

COUNCILWOMAN SEAMANS inquired when this project will begin. It was noted that Willdan should have all the environmental documents completed by June.

COUNCILWOMAN SEAMANS moved, seconded by COUNCILMAN ZUCKERMAN

TO APPROVE MIG'S REQUEST FOR ADDITIONAL CONSULTING SERVICES FOR PHASE 1 OF THE PETER WEBER EQUESTRIAN CENTER RENOVATION PROJECT TOTALING \$13,700.00.

AYES: Mitchell, Seamans, Zerunyan, Zuckerman

ABSENT: Addleman

City Manager Prichard noted that the City is also in conversations with the County regarding the lease and met with Curt Pedersen, Chief of Staff, and Mike Gin, Field Deputy, from Supervisor Knabe's Office and will follow up with the CEO Real Estate Division for further details with the lease agreement. He noted that this item will come before the COUNCIL after the DTSC five-year review comment report is completed. City Manager Prichard also reported on the proposals received regarding the caretaker's unit from approximately six manufactured housing providers. He noted that staff met last week and decided to send out a supplemental questionnaire to resolve some of the discrepancies and once those are finalized, they will be brought before the COUNCIL.

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 MITCHELL

1. ENVIRONMENTAL ADVISORY COMMITTEE MINUTES OF FEBRUARY 23, 2009

COUNCILWOMAN SEAMANS moved, seconded by COUNCILMAN ZUCKERMAN

TO RECEIVE AND FILE THE ENVIRONMENTAL ADVISORY COMMITTEE MINUTES OF FEBRUARY 23, 2009.

THERE BEING NO OBJECTION, MAYOR MITCHELL SO ORDERED.

2. MAYOR MITCHELL announced that the City is joining with Waste Management and the South Bay Energy Services Center in having a booth at The Promenade celebrating Earth Day on Saturday, April 18 at noon. She invited everyone to come by and join in the activities.

B. COUNCILMAN ZUCKERMAN informed everyone to be aware of mosquitoes and to particularly watch out for the very young and elderly. He reiterated the use of repellants, staying away from standing water, and covering up when going outside. He also requested that the storm drain on Crenshaw Boulevard be looked at in case any water might be pooling at that site.

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. COUNCILMAN ZERUNYAN thanked Assistant City Manager Wise for the efficient manner in which he handled the repair of potholes on his street. Additionally, he thanked Assistant to the City Manager Grammer and Community Services Director Clark for their assistance in coordinating his last dinner event as President of the California Contract Cities Association that will take place on April 22 at the Peninsula Center Library.

B. MAYOR MITCHELL reported that she attended the National League of Cities Conference and met with several representatives. She noted that items of discussion included transportation, climate change, healthcare reform, etc., and if anyone was interested in the latter, to go online at healthcarereform.gov.

C. COUNCILMAN ZERUNYAN noted that there is a new bank in the commercial district, the "Bank of Palos Verdes" and wished them success.

At 9:36 p.m., the CITY COUNCIL convened into 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.

DIRECTED STAFF TO CONTINUE TO TRY TO RESOLVE THE MATTER.

At 8:59 p.m., the COUNCIL reconvened with MAYOR MITCHELL, MAYOR PRO TEM ADDLEMAN, COUNCILWOMAN SEAMANS, COUNCILMAN ZERUNYAN and COUNCILMAN ZUCKERMAN present.

15. ADJOURNMENT IN MEMORY OF MAYOR MITCHELL'S MOTHER, MARJORIE GOLDSBERRY AND FORMER PLANNING COMMISSIONER DON LANDAUER

At 9:15 p.m., MAYOR MITCHELL formally adjourned the City Council meeting to Tuesday, April 28, 2009 at 7:30 p.m.

Submitted by,

Approved by,

Hope J. Nolan
Deputy City Clerk

Douglas R. Prichard
City Manager