

MINUTES

CITY COUNCIL MEETING

AUGUST 26, 2008

A regular meeting of the City Council of the City of Rolling Hills Estates was called to order at 7:36 p.m. in the City Council Chambers, 4045 Palos Verdes Drive North, by MAYOR ZERUNYAN.

PLEDGE OF ALLEGIANCE

Eagle Scout Kevin Chu and Troop 783 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: Acting City Manager Sam Wise
City Attorney Kristin Pelletier
Community Services Director Andy Clark
Planning Director David Wahba
Assistant to the City Manager Greg Grammer

Others Present: John Pagliano, Park and Activities Commission
Carl Southwell, Planning Commission

4. CEREMONIAL ITEMS

NONE

5. ROUTINE MATTERS

A. CITY COUNCIL MINUTES OF AUGUST 12, 2008

COUNCILMAN ZUCKERMAN moved, seconded by COUNCILWOMAN SEAMANS

TO APPROVE THE CITY COUNCIL MINUTES OF AUGUST 12, 2008 AS PRESENTED.

THERE BEING NO OBJECTION, MAYOR ZERUNYAN SO ORDERED.

B. DEMANDS AND WARRANTS – AUGUST

COUNCILMAN ADDLEMAN moved, seconded by COUNCILWOMAN SEAMANS

TO APPROVE WARRANTS 44503 THROUGH 44507 IN THE AMOUNT OF \$19,582.36; WARRANTS 44459 THROUGH 44502 IN THE AMOUNT OF \$99,867.83; 440502; 440502 (VOID); (\$639.56); 44508 IN THE AMOUNT OF \$639.56 FOR A GRAND TOTAL AMOUNT OF \$119,450.19 WITH PROPER AUDIT.

AYES: Addleman, Mitchell, Seamans, Zerunyan, Zuckerman

6. CONSENT CALENDAR

COUNCILWOMAN SEAMANS moved, seconded by COUNCILMAN ADDLEMAN

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. JULY 2008 SCHEDULE OF INVESTMENTS

Recommendation: That the City Council receive and file the Schedule of Investments report for the month.

RECEIVED AND FILED.

THERE BEING NO OBJECTION, MAYOR ZERUNYAN SO ORDERED.

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

- A. Art Yoon, Cox Communication, reported on the upcoming mandatory cable box conversion to digital from analog by February 17, 2009. He reported that an educational campaign is set to begin that will include brochures and town hall meetings to inform the community of this transition.

9. NEW BUSINESS *(Taken out of order)*

A. PARK AND ACTIVITIES COMMISSION MINUTES OF AUGUST 19, 2008

COUNCILWOMAN SEAMANS moved, seconded by COUNCILMAN ADDLEMAN

TO RECEIVE AND FILE THE PARK AND ACTIVITIES COMMISSION MINUTES OF AUGUST 19, 2008.

THERE BEING NO OBJECTION, MAYOR ZERUNYAN SO ORDERED.

B. REPLACEMENT PENINSULA CENTER SIGN

Recommendation: That the City Council approve the proposed location and conceptual Peninsula Center replacement sign.

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

Brief discussion ensued regarding the type of illumination desired for the sign. COUNCILMAN ZUCKERMAN suggested staff investigate "reverse halo" lighting.

COUNCILWOMAN SEAMANS moved, seconded by MAYOR PRO TEM MITCHELL

TO APPROVE THE PROPOSED LOCATION AND CONCEPTUAL PENINSULA CENTER REPLACEMENT SIGN.

THERE BEING NO OBJECTION, MAYOR ZERUNYAN SO ORDERED.

C. BRUSH CLEARANCE NOTICE IN GEORGE F CANYON

Recommendation: That the City Council direct staff in a response to the Notice from the Los Angeles County Department of Agricultural Commissioner/Weights and Measures.

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

After brief discussion, COUNCILMAN ADDLEMAN suggested continuing this item with MAYOR ZERUNYAN volunteering to contact the Los Angeles County Supervisor's Office in an effort to discuss the exorbitant expense of proceeding with this brush clearance.

COUNCILMAN ADDLEMAN moved, seconded by MAYOR PRO TEM MITCHELL

TO CONTINUE THIS ITEM UNTIL SUCH TIME AS MAYOR ZERUNYAN CONTACTS THE LOS ANGELES COUNTY SUPERVISOR'S OFFICE IN AN EFFORT TO DISCUSS FUNDING SOURCES FOR THE EXORBITANT EXPENSE OF CLEARING AND MAINTAINING THE GEORGE F CANYON PRESERVE.

THERE BEING NO OBJECTION, MAYOR ZERUNYAN SO ORDERED.

D. FY 2008-09 STREET RESURFACING PROJECT – AUTHORIZATION TO SOLICIT BIDS

Recommendation: That the City Council approve the specifications and authorize the solicitation of bids for Sunnyfield Drive, Dobbin Lane, Branding Iron Lane and Rawhide Lane, as part of the Fiscal Year 2008-09 Street Resurfacing Project.

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

COUNCILWOMAN SEAMANS suggested that staff provide a street resurfacing schedule of the next several years' cycles for the COUNCIL'S information.

COUNCILMAN ADDLEMAN moved, seconded by COUNCILWOMAN SEAMANS

TO APPROVE THE SPECIFICATIONS AND AUTHORIZE THE SOLICITATION OF BIDS FOR SUNNYFIELD DRIVE, DOBBIN LANE, BRANDING IRON LANE AND RAWHIDE LANE, AS PART OF THE FISCAL YEAR 2008-09 STREET RESURFACING PROJECT.

AYES: Addleman, Mitchell, Seamans, Zerunyan, Zuckerman

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

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

Recommendation: That the City Council: 1) Continue to take public testimony; 2) Discuss the issues; 3) Close the public hearing; and 4) Adopt Resolution No. 2172 and the Encroachment License Agreement.

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

Brief discussion ensued regarding the definition of a structure to include plants and/or trees and maintenance thereof.

Esther Wynter, Applicant, referred to a report that she believed brought up a new issue about the existing wall. She stated that the City agreed the wall was to remain and had no right to the properties at 4 Bridlewood and 38 Aurora. In regards to the planter boxes, she noted that they match her home, and they have no desire to remove them. Mrs. Wynter noted that they have not received any communication about the wall from her neighbor at 4 Bridlewood. After further comments, she asked the COUNCIL to honor Sections 6, 7, 8 and 9 of the Settlement Agreement and noted that the COUNCIL has the right to approve the agreement, not the community.

Pinfun Tsai noted that the wall matches the planters which are compatible with her front yard landscaping. She noted that a survey was performed and that the wall was a boundary fence with 50% of it being in the City's easement and the other half shared by 4 Bridlewood and 38 Aurora. She stated that the City nor 38 Aurora have the right to remove the wall that is sitting on her property, and if that wall was removed, she would pursue this matter in court if necessary. She reiterated her desire not to have the City remove this wall.

MAYOR PRO TEM MITCHELL inquired if the trail could be constructed regardless of the wall. Planning Director Wahba noted that this could be undertaken.

Discussion ensued with MAYOR ZERUNYAN recommending that all affected parties meet with their legal counsels in an effort to bring this matter to a conclusion for final COUNCIL approval. He noted his desire not to involve the COUNCIL in a dispute between homeowners.

Discussion continued with MAYOR ZERUNYAN also recommending that City Attorney Pelletier provide the COUNCIL with further information with regards to the City's legal rights in this case.

COUNCILMAN ZUCKERMAN suggested reviewing Bridlewood Circle's side of the wall to be determined by a survey and then advise the COUNCIL.

It was noted that City Attorney Pelletier will also give her opinion in the event a settlement agreement is not agreed upon.

Mike Russo commented that the Bridlewood HOA and Mr. and Mrs. Goo were left out of the Settlement Agreement, and it was their wish to be involved in an effort to be compatible with the rest of the neighborhood.

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 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.

MAYOR PRO TEM MITCHELL moved, seconded by COUNCILMAN ZUCKERMAN

TO DIRECT THE CITY ATTORNEY TO PROVIDE ADDITIONAL INFORMATION REGARDING THE CITY'S LEGAL RIGHTS AND CONTINUE THE PUBLIC HEARING TO A DATE UNCERTAIN.

THERE BEING NO OBJECTION, MAYOR ZERUNYAN SO ORDERED.

10. **OLD BUSINESS** *(Taken in conjunction with 8A. PLANNING APPLICATION 17-08)*

A. ENCROACHMENT LICENSE AGREEMENT - WALDMAN

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

CONTINUED TO A DATE UNCERTAIN.

8. **PUBLIC HEARINGS/MEETINGS** *(Continued)*

B. PLANNING APPLICATION NO. 35-07 (AMENDING ORDINANCE NO. 642 – FIRE CODE); APPLICANT: CITY OF ROLLING HILLS ESTATES; LOCATION: CITY-WIDE

Recommendation: That the City Council: 1) Open the public hearing; 2) Take public testimony; 3) Close the public hearing; 4) Discuss the issues; and 5) Introduce Ordinance No. 648 for first reading.

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

COUNCILMAN ADDLEMAN moved, seconded by COUNCILWOMAN SEAMANS

TO OPEN THE PUBLIC HEARING.

THERE BEING NO OBJECTION, MAYOR ZERUNYAN SO ORDERED.

Kirk Retz noted his concerns with regards to placing the entire City in a very high fire hazard zone as it could pose a problem for obtaining fire insurance. Planning Director Wahba indicated that this question was asked of the Insurance Commissioner and was reassured that no increase in premiums would occur. Additionally, he noted that more and more homes are utilizing fire retardant building materials.

Carl Southwell commented that, although he concurred with the amendment, there are four drawbacks he wished to point out: 1) There is a new disclosure in the very high severity zone regarding transfer of property; 2) Wildfire incidents in California have been accelerating and are impacting firefighters in high danger areas; 3) The real drive of the insurance industry is the Cal Fire severity zones being used as tools for pushing the property insurance rates upward; and 4) Brush fire violations. He asked that the COUNCIL consider all these points carefully.

In response to MAYOR ZERUNYAN, Mr. Southwell suggested contacting Cal Fire and ask them how to mitigate or reduce certain high severity zones. He suggested bringing in a fire expert to assess the situation that would have more impact on changing the mapping and possibly separate building standards from the fire hazard designations.

In regards to Mr. Southwell's comments, Planning Director Wahba noted that this map already shows that one-third of the City is already under the fire severity zone and could pose a problem from one property to the next if a different set of rules are followed between various properties.

MAYOR PRO TEM MITCHELL noted that it may be useful to consider Mr. Southwell's suggestions and whether or not it would be valuable to retain a consultant for this purpose in an attempt to reduce the scope.

Planning Director Wahba noted that the fire hazard zone area on the map cannot be reduced. He noted he would investigate this further and bring back an amended ordinance.

COUNCILMAN ZUCKERMAN moved, seconded by COUNCILMAN ADDLEMAN

TO CLOSE THE PUBLIC HEARING.

THERE BEING NO OBJECTION, MAYOR ZERUNYAN SO ORDERED.

1. ORDINANCE NO. 648 FOR INTRODUCTION AND FIRST READING

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROLLING HILLS ESTATES AMENDING A PORTION OF ORDINANCE NO. 642 (CHAPTER 8.16 OF THE ROLLING HILLS ESTATES MUNICIPAL CODE) DESIGNATING THE ENTIRE CITY OF ROLLING HILLS ESTATES IN THE VERY HIGH FIRE HAZARD SEVERITY ZONE (VHFHSZ).

COUNCILMAN ZUCKERMAN moved, seconded by COUNCILMAN ADDLEMAN

TO NOT ADOPT THIS ORDINANCE. UPON FURTHER DISCUSSION, IT WAS THE CONSENSUS OF THE COUNCIL TO ADOPT THE APPLICABLE BUILDING CODE REGULATION REGARDING FIRE SAFETY FOR ALL PROPERTIES IN THE CITY AND NOT AMEND THE CAL FIRE MAP.

AYES: Addleman, Mitchell, Seamans, Zerunyan, Zuckerman

10. OLD BUSINESS

B. USE OF WOOD CHIPS IN STREET MEDIANS

Recommendation: That the City Council direct staff in the improvements planned for the Hawthorne Boulevard medians.

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

COUNCILMAN ZUCKERMAN moved, seconded by MAYOR PRO TEM MITCHELL

TO DIRECT STAFF TO PLACE NON-WOOD MULCH IN THE HAWTHORNE BOULEVARD MEDIANS.

THERE BEING NO OBJECTION, MAYOR ZERUNYAN SO ORDERED.

C. ORDINANCE NO. 646 FOR SECOND READING AND ADOPTION

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROLLING HILLS ESTATES AMENDING CHAPTER 17.37 (MIXED-USE OVERLAY) OF THE ROLLING HILLS ESTATES MUNICIPAL CODE TO MODIFY REQUIRED FINDINGS FOR THE DEVELOPMENT OF RESIDENTIAL AND MIXED-USE DEVELOPMENT PROJECTS.

MAYOR PRO TEM MITCHELL moved, seconded by COUNCILWOMAN SEAMANS

TO ADOPT ORDINANCE NO. 646.

Acting City Manager Wise read Ordinance No. 646 by title only.

AYES: Addleman, Mitchell, Seamans, Zerunyan, Zuckerman

D. ORDINANCE NO. 647 FOR SECOND READING AND ADOPTION

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROLLING HILLS ESTATES AMENDING THE ROLLING HILLS ESTATES MUNICIPAL CODE BY ADDING CHAPTER 17.74 IMPOSING PUBLIC FACILITIES FEES FOR PARKS AND RECREATION FACILITIES, LIBRARY FACILITIES, TRAFFIC FACILITIES, AND GENERAL PLAN MAINTENANCE.

COUNCILWOMAN SEAMANS moved, seconded by MAYOR PRO TEM MITCHELL

TO ADOPT ORDINANCE NO. 647

Acting City Manager Wise read Ordinance No. 647 by title only.

AYES: Addleman, Mitchell, Seamans, Zerunyan, Zuckerman

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. PETER WEBER EQUESTRIAN CENTER PHASE 1 PROJECT

Recommendation: That the City Council: 1) Determine a funding source(s) for the estimated \$310,920 project funding shortfall for Phase 1 of the Peter Weber Equestrian Center renovation project, which includes an estimated \$90,000 of non-reimbursable consulting fees from the Proposition A Specified Grant; and 2) Enter into an agreement on a form approved by the City Attorney with MIG to provide design development, construction drawings, staff reviews, opinions of probable costs, bidding assistance, construction, observation support, post construction services, supplemental ground surveying services, a standard urban storm water mitigation plan, and a storm water pollution prevention plan for an estimated \$140,243.

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

COUNCILMAN ADDLEMAN noted that he had written a letter to Supervisor Knabe regarding the shortfall for this project. He was pleased to report that the Supervisor would be willing to work with staff on this venture.

COUNCILMAN ZUCKERMAN suggested that it might be appropriate if the equestrian community wrote letters of gratitude to Supervisor Knabe thanking him for his continuous support of the Peter Weber Equestrian Center project.

MAYOR PRO TEM MITCHELL inquired if Quimby funds coming in from the mixed-used developments or Proposition 40 funds could be utilized for the Equestrian Center's use.

COUNCILMAN ZUCKERMAN noted that David Pierson is looking to step down from the Park and Activities Commission. He spoke on behalf of the COUNCIL in terms of their appreciation for his many many years of dedicated service to the City. MAYOR PRO TEM MITCHELL also commented that it was her pleasure serving with him on the Park and Activities Commission.

COUNCILWOMAN SEAMANS moved, seconded by
COUNCILMAN ADDLEMAN

TO APPROVE ENTERING INTO AN AGREEMENT WITH
MIG TO PROVIDE DESIGN DEVELOPMENT,
CONSTRUCTION DRAWINGS, STAFF REVIEWS,
OPINIONS OF PROBABLE COSTS, BIDDING
ASSISTANCE, CONSTRUCTION, OBSERVATION
SUPPORT, POST CONSTRUCTION SERVICES,
SUPPLEMENTAL GROUND SURVEYING SERVICES, A
STANDARD URBAN STORM WATER MITIGATION
PLAN, AND A STORM WATER POLLUTION
PREVENTION PLAN NOT TO EXCEED \$140,243.

AYES: Addleman, Mitchell, Seamans, Zerunyan, Zuckerman

- B. COUNCILMAN ADDLEMAN reported that he attended a Metro meeting and their budget showed a \$3.2 billion shortfall.
- C. MAYOR PRO TEM MITCHELL reported that the South Bay Cities Council of Governments will have their Fifth Anniversary celebration on Tuesday, September 23 from Noon to 1:30 p.m. at the South Bay Environmental Services Center.
- D. MAYOR PRO TEM MITCHELL reported that the Environmental Advisory Committee (EAC) met on Monday night and will be meeting monthly. She noted that they will be prioritizing environmental projects as well as work on a model ordinance for water conservation.
- E. COUNCILMAN ZUCKERMAN announced that the City Celebration will take place on Saturday, September 20.

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. COUNCILWOMAN SEAMANS requested that the City Hall and Council Chambers air conditioning be set at 78°.
- B. COUNCILWOMAN SEAMANS requested that styrofoam cups be eliminated from City Hall.
- C. After relaying a brief story about electricity being out in her neighborhood for several days, COUNCILWOMAN SEAMANS requested SCE submit a quarterly report to the COUNCIL of outages in the City. It was noted that staff will make that request.
- D. MAYOR ZERUNYAN announced that the California Contract Cities Association, in conjunction with the Independent Cities Association, will introduce Governor Arnold Schwarzenegger at a press conference on Wednesday at the Hall of Justice. It was noted that he will address local government and transportation funding in regards to the state budget.

14. CLOSED SESSION

NONE

15. ADJOURNMENT

At 10:37 p.m., MAYOR ZERUNYAN formally adjourned the City Council meeting to Tuesday, September 9, 2008 at 6:00 p.m. for the purpose of a joint City Council and Planning Commission First Look meeting regarding the Silver Center Project at 449 Silver Spur Road; Applicant: Amir Ohebsian.

Submitted by,

Approved by,

Hope J. Nolan
Deputy City Clerk

Samuel R. Wise
Acting City Manager