

**MINUTES**

**CITY COUNCIL MEETING**

**NOVEMBER 27, 2007**

A regular meeting of the City Council of the City of Rolling Hills Estates was called to order at 7:39 p.m. in the City Council Chambers, 4045 Palos Verdes Drive North, by MAYOR SEAMANS.

**PLEDGE OF ALLEGIANCE**

MAYOR SEAMANS 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  
                                  Assistant City Manager Sam Wise  
                                  Planning Director David Wahba  
                                  Community Services Director Andy Clark  
                                  Administrative Services Director Mike Whitehead

Others Present:             Dale Allen, Park and Activities Commission

**4.    CEREMONIAL ITEMS**

NONE

**5.    ROUTINE MATTERS**

A.    CITY COUNCIL MINUTES OF NOVEMBER 13, 2007

COUNCILWOMAN MITCHELL moved, seconded by COUNCILMAN ADDLEMAN

TO APPROVE THE CITY COUNCIL MINUTES OF NOVEMBER 13, 2007 AS PRESENTED.

THERE BEING NO OBJECTION, MAYOR SEAMANS SO ORDERED.

B.    DEMANDS AND WARRANTS – NOVEMBER

COUNCILMAN ADDLEMAN moved, seconded by COUNCILMAN ZUCKERMAN

TO APPROVE WARRANTS 42955 THROUGH 43006 FOR A GRAND TOTAL AMOUNT OF \$132,784.66 WITH PROPER AUDIT.

AYES:           Addleman, Mitchell, Seamans, Zerunyan, Zuckerman

**6. CONSENT CALENDAR**

COUNCILMAN ZUCKERMAN moved, seconded by COUNCILMAN ADDLEMAN

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 2007 SCHEDULE OF INVESTMENTS

RECEIVED AND FILED.

C. LEAGUE OF CALIFORNIA CITIES PRIORITY FOCUS DATED  
NOVEMBER 9, 2007

RECEIVED AND FILED.

D. LEAGUE OF CALIFORNIA CITIES PRIORITY FOCUS DATED  
NOVEMBER 16, 2007

RECEIVED AND FILED.

THERE BEING NO OBJECTION, MAYOR SEAMANS SO ORDERED.

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

A. Tom Judge, explained that he had a dispute with a neighbor regarding a drain above his property. He commended Assistant City Manager Sam Wise for his persistence and responsiveness in dealing with this issue stating that he is a tremendous asset to the City.

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

A. RESOLUTION NO. 2148 FOR ADOPTION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROLLING HILLS ESTATES IN SUPPORT OF ISSUING A POSTAL STAMP IN HONOR OF MAYOR TOM BRADLEY.

COUNCILWOMAN MITCHELL moved, seconded by COUNCILMAN ADDLEMAN

TO ADOPT RESOLUTION NO. 2148.

*City Manager Prichard read Resolution No. 2148 by title only.*

AYES: Addleman, Mitchell, Seamans, Zerunyan, Zuckerman

**10. OLD BUSINESS (Taken out of order)**

- A. PLANNING APPLICATION NO. 31-07; A ZONE CHANGE TO AMEND THE SPECIAL USE PERMIT (SUP) CODE REQUIREMENTS FOR EXCESS HORSES; APPLICANT: CITY OF ROLLING HILLS ESTATES; LOCATION: CITY-WIDE
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Recommendation: That the City Council adopt the proposed policy statement for the consideration of excess code-permitted horses under a Special Use Permit (SUP).

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

Jim Moore, Equestrian Committee, requested that this matter be tabled until a later date. He noted that in speaking with other residents, there are fewer horses in the community than in previous years as elderly residents are now renting out their stables. Additionally, he stated that equestrians should not be targeted because of parking concerns as there is no impact on other residents.

Steve Shinn, noted his wife is on the Equestrian Committee and concurred with Planning Director Wahba regarding this matter as this should be a policy decision rather than a code amendment.

Sheryl Steckel, noted her opinion that each property should be reviewed on case-by-case basis as many equestrians want to preserve the equestrian lifestyle on the hill. She stated that she would not be in favor of having further regulations placed on horsekeeping.

Jerry Glikzman, noted he concurred with the aforementioned comments, but disagreed with the parking issue. He stated that it is a nuisance to have horses boarded by non-residents on neighboring properties as people park close to the property where their horse(s) are located. Additionally, he noted that he receives many calls regarding parking, traffic, safety, etc. and that ordinances are in place to protect the neighborhoods.

Melody Colbert, noted her belief that the current code requirements addressing horsekeeping are adequate. She noted her concern that the proposed 30,000 square feet requirement would cause property owners with less land to be excluded from qualifying for a SUP. She then stated that her property falls into this category even though she does not have any intention of applying for more horses in the future.

Dale Allen, noted that they have not had a lot of problems with the ordinances as they currently exist and questioned whether there really needs to be a change. He noted his belief that this should be a guideline for the Planning Commission rather than an ordinance.

COUNCILWOMAN MITCHELL noted her concern regarding possible commercial enterprises and that a policy guideline would be helpful in this area. She stated that topography makes a difference as well.

City Manager Prichard noted that most cases involve four to six horses and that a guideline should be sufficient as it would provide enough discretion to allow an additional horse or two on the property.

MAYOR PRO TEM ZERUNYAN noted that policy issues are triggered when a SUP is requested. He noted that he is comfortable with this approach and that time will tell if this is working.

COUNCILMAN ADDLEMAN moved, seconded by MAYOR SEAMANS

TO ADOPT THE PROPOSED POLICY STATEMENT/GUIDELINE FOR THE CONSIDERATION OF EXCESS CODE-PERMITTED HORSES UNDER A SPECIAL USE PERMIT (SUP).

AYES: Addleman, Mitchell, Seamans, Zerunyan, Zuckerman

**8. PUBLIC HEARINGS/MEETINGS**

- A. CONTINUED PUBLIC HEARING - PLANNING APPLICATION NO. 35-07; ADOPTION OF LOS ANGELES COUNTY 2007 BUILDING, ELECTRICAL, MECHANICAL, PLUMBING, AND FIRE CODES, WITH AMENDMENTS AND APPENDICES; APPLICANT: CITY OF ROLLING HILLS ESTATES; LOCATION: CITY-WIDE
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Recommendation: That the City Council: 1) Discuss the issues; 2) Close the public hearing; 3) Adopt Ordinance Nos. 638 (Building), 639 (Electrical), 640 (Mechanical), 641 (Plumbing) and 642 (Fire).

Planning Director Wahba provided a staff report (as per agenda material). He reported that the Fire Department amended their maps to show that much of the City is in a very high fire hazard zone, while other areas are not. With this information, he noted that staff's recommendation is that additional fire restrictions would be placed in the code even for those properties not in the very high fire hazard zone. He noted that minor changes have been made to the new Fire and Building Codes which would include all parcels be subject to these requirements.

City Attorney Pelletier noted the following options on how to deal with these ordinances: 1) Introduce the Fire and Building Ordinances for first reading and meet five days later meet to adopt them which would become effective 31 days later on January 2, 2008; and 2) Adopt the other three ordinances and introduce the Fire and Building Ordinances for first reading and adopt them as urgency ordinances and/or introduce them for second reading and adoption.

City Manager Prichard noted that he and Planning Director Wahba agreed to treat the City as if it is in the highest fire zone given the topographical area of the hill as a fire could pose a safety threat from surrounding properties and chose to err on the side of caution and include the entire City in this zone.

COUNCILWOMAN MITCHELL inquired if this would increase residents' homeowners' insurance. Planning Director Wahba noted his understanding that rates would not increase.

COUNCILMAN ZUCKERMAN requested that Planning Director Wahba explain the new roofing requirement.

Planning Director Wahba noted that the existing code says the woodshake roof can be replaced up to 25% within a 12 month period with a Class B fire retardant. He stated that the new code does not allow repair of a woodshake roof.

The COUNCIL expressed their concern about replacing an entire roof rather than repairing a patch.

City Manager Prichard noted that City ordinances prohibit new woodshake roofs, COUNCIL policy discourages repair of woodshake roofs and most residents choose to replace rather than patch 40 year old roofs.

Planning Director Wahba noted that very few people apply for a permit for woodshake as residents do not want this type of roof anymore.

2. ORDINANCE NO. 639 FOR SECOND READING AND ADOPTION

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROLLING HILLS ESTATES AMENDING CHAPTER 15.08 THE ROLLING HILLS ESTATES MUNICIPAL CODE TO ADOPT BY REFERENCE THE 2008 LOS ANGELES COUNTY ELECTRICAL CODE (TITLE 27) AS AMENDED AND MAKE CERTAIN CHANGES.

MAYOR PRO TEM ZERUNYAN moved, seconded by COUNCILMAN ADDLEMAN

TO ADOPT ORDINANCE NO. 639

*City Manager Prichard read Ordinance No. 639 by title only.*

AYES: Addleman, Mitchell, Seamans, Zerunyan, Zuckerman

3. ORDINANCE NO. 640 FOR SECOND READING AND ADOPTION

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROLLING HILLS ESTATES AMENDING CHAPTER 15.12 OF THE ROLLING HILLS ESTATES MUNICIPAL CODE TO ADOPT BY REFERENCE THE 2008 LOS ANGELES COUNTY MECHANICAL CODE (TITLE 29) AS AMENDED AND MAKE CERTAIN CHANGES.

MAYOR PRO TEM ZERUNYAN moved, seconded by COUNCILMAN ADDLEMAN

TO ADOPT ORDINANCE NO. 640.

*City Manager Prichard read Ordinance No. 640 by title only.*

AYES: Addleman, Mitchell, Seamans, Zerunyan, Zuckerman

4. ORDINANCE NO. 641 FOR SECOND READING AND ADOPTION

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROLLING HILLS ESTATES AMENDING CHAPTER 15.16 OF THE ROLLING HILLS ESTATES MUNICIPAL CODE TO ADOPT BY REFERENCE THE 2008 LOS ANGELES COUNTY PLUMBING CODE (TITLE 28) AS AMENDED AND MAKE CERTAIN CHANGES.

MAYOR PRO TEM ZERUNYAN moved, seconded by COUNCILMAN ADDLEMAN

TO ADOPT ORDINANCE NO. 641.

*City Manager Prichard read Ordinance No. 641 by title only.*

AYES: Addleman, Mitchell, Seamans, Zerunyan, Zuckerman

1. ORDINANCE NO. 638 FOR SECOND READING AND ADOPTION

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROLLING HILLS ESTATES AMENDING CHAPTER 15.04 OF THE ROLLING HILLS ESTATES MUNICIPAL CODE TO ADOPT BY REFERENCE THE 2008 LOS ANGELES COUNTY BUILDING CODE (TITLE 26) AS AMENDED AND MAKE CERTAIN CHANGES.

MAYOR PRO TEM ZERUNYAN moved, seconded by COUNCILMAN ADDLEMAN

TO INTRODUCE ORDINANCE NO. 638 FOR FIRST READING AS AMENDED, DIRECT STAFF TO PREPARE AN URGENCY ORDINANCE, IF NECESSARY, AND CONTINUE THE PUBLIC HEARING TO THE NEXT COUNCIL MEETING.

*City Manager Prichard read Ordinance No. 638 by title only.*

THERE BEING NO OBJECTION, MAYOR SEAMANS SO ORDERED.

5. ORDINANCE NO. 642 FOR SECOND READING AND ADOPTION

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROLLING HILLS ESTATES AMENDING CHAPTER 8.16 OF THE ROLLING HILLS ESTATES MUNICIPAL CODE TO ADOPT BY REFERENCE THE 2008 LOS ANGELES COUNTY FIRE CODE (TITLE 32) AS AMENDED AND MAKE CERTAIN CHANGES.

MAYOR PRO TEM ZERUNYAN moved, seconded by COUNCILMAN ADDLEMAN

TO INTRODUCE ORDINANCE NO. 642 FOR FIRST READING AS AMENDED, DIRECT STAFF TO PREPARE AN URGENCY ORDINANCE, IF NECESSARY, AND CONTINUE THE PUBLIC HEARING TO THE NEXT COUNCIL MEETING.

*City Manager Prichard read Ordinance No. 642 by title only.*

THERE BEING NO OBJECTION, MAYOR SEAMANS SO ORDERED.

**OLD BUSINESS (Continued)**

B. GREENHOUSE GAS EMISSIONS REDUCTION STRATEGIES AND MITIGATION MEASURES

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Recommendation: That the City Council direct staff to consider the mitigation measures discussed in the report to reduce greenhouse gas emissions in conjunction with project review and recommend those that are most appropriate.

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

COUNCILWOMAN MITCHELL suggested looking into the California Air Resources Board (CARB) regarding off-road diesel equipment.

After some discussion, it was the consensus of the COUNCIL to look into utilizing electric leaf blowers and lawn mowers. Planning Director Wahba suggested that the new Greenhouse Committee could review this item.

Planning Director Wahba referred to the leaf blower ordinance that the COUNCIL adopted which states the hours of operation from 8:00 a.m.-5:00 p.m. Monday through Friday and 9:00 a.m.-5:00 p.m. on Saturday.

MAYOR PRO TEM ZERUNYAN suggested encouraging Edison and the Gas Company to take a balanced approach and cooperate with local government to have these types of policies changed. He noted his concern that gardeners may go out of business or charge residents excessive fees if this ordinance was amended.

Toni Raina, Continental Development, noted that a letter was submitted to the COUNCIL asking them to continue this item to allow for additional time to review the proposed list. MAYOR SEAMANS explained that there is a LEED certification that would be beneficial in the long run.

COUNCILMAN ZUCKERMAN referred to solar technology as it is advancing significantly.

MAYOR PRO TEM ZERUNYAN noted that developers are looking to consider LEED standards.

COUNCILMAN ZUCKERMAN moved, seconded by COUNCILWOMAN MITCHELL

TO TABLE THIS ITEM UNTIL JANUARY, 2008 WITH COUNCIL COMMENTS TO BE GIVEN TO PLANNING DIRECTOR WAHBA.

THERE BEING NO OBJECTION, MAYOR SEAMANS SO ORDERED.

COUNCILMAN ZUCKERMAN encouraged the public to apply for the Greenbuilding Committee.

#### **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. COUNCILMAN ADDLEMAN**

1. COMPREHENSIVE ANNUAL FINANCIAL REPORT AND RELATED DOCUMENTS FOR FISCAL YEAR ENDED JUNE 30, 2007

Recommendation: That the City Council receive and file the Comprehensive Annual Financial Report (CAFR), Communication with Governing Body Letter, Report on Compliance and on Internal Control Over Financial Reporting, and Appropriations Limit Report.

COUNCILMAN ADDLEMAN reported that he and COUNCILMAN ZUCKERMAN met with Moreland and Associates and noted some minor changes to the report.

City Manager Prichard noted that the next Audit Subcommittee will review this information earlier than in previous years.

COUNCILMAN ADDLEMAN suggested reviewing the City's Investment Policy and bringing that information back to the COUNCIL at the Policy Development Session. He then noted that he would like the City to solicit request for qualifications when the present auditor's contract expires.

MAYOR PRO TEM ZERUNYAN moved, seconded by COUNCILMAN ADDLEMAN

TO RECEIVE AND FILE THE COMPREHENSIVE ANNUAL FINANCIAL REPORT (CAFR), COMMUNICATION WITH GOVERNING BODY LETTER, REPORT ON COMPLIANCE AND ON INTERNAL CONTROL OVER FINANCIAL REPORTING, AND APPROPRIATIONS LIMIT REPORT.

THERE BEING NO OBJECTION, MAYOR SEAMANS SO ORDERED.

- B. COUNCILWOMAN MITCHELL reported that she attended the National League of Cities Conference. She brought back brochures for the COUNCIL'S review. She was pleased to note that Mayor Ron Loveridge, City of Riverside, is now 2<sup>nd</sup> Vice President of the National League of Cities.

**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 agendized for future consideration and/or make announcements of interest to the public.

A. MAYOR SEAMANS

1. PROCESS FOR APPOINTING COMMISSION/COMMITTEE MEMBERS

After brief discussion, it was the consensus of the COUNCIL

TO DIRECT STAFF TO SEND A LETTER TO THE PARK AND ACTIVITIES COMMISSIONERS, PLANNING COMMISSIONERS, EQUESTRIAN COMMITTEE MEMBERS AND TRAFFIC AND SAFETY COMMITTEE MEMBERS WHOSE TERMS HAVE EXPIRED TO INQUIRE IF THEY ARE INTERESTED IN SERVING ANOTHER TERM AND BRING BACK TO COUNCIL FOR REVIEW.

- B. MAYOR SEAMANS congratulated Jacki Bacharach, Executive Director, South Bay Cities Council of Governments, upon receiving the MTA Citizen Advisory Committee Person of the Year Award.
- C. Discussion ensued regarding a medfly that was spotted in the City of Lomita and how they are being trapped.

- D. MAYOR SEAMANS announced that a Household Hazardous Waste Pick-Up will be held on December 6 at the Lomita City Hall.
- E. MAYOR SEAMANS announced that December 1 is the Annual Holiday Parade of Lights and invited everyone to attend at 6:00 p.m.

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At 9:58 p.m. the COUNCIL convened into closed session.

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**14. CLOSED SESSION**

- A. CONFERENCE WITH LEGAL COUNSEL – PENDING LITIGATION  
(Pursuant to Government Code Section 54956.9(a)) update report on pending litigation: City of Rolling Hills Estates v. Linares status

NO ACTION WAS TAKEN

- B. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION  
(Pursuant to Government Code Section 54956.9 (c)) consideration of initiation of litigation regarding damages to bridle trail trees by residents at 4846 Ferncreek (Bocchino) and 4822 Ferncreek (Griggs)

DIRECTED STAFF TO CONTINUE TO WORK TO RESOLVE THE MATTER.

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At 10:25 p.m., the COUNCIL reconvened with MAYOR SEAMANS, MAYOR PRO TEM ZERUNYAN, COUNCILMAN ADDLEMAN, COUNCILWOMAN MITCHELL and COUNCILMAN ZUCKERMAN present.

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**15. ADJOURNMENT IN MEMORY OF MAINTENANCE WORKER II KENT GRIFFITHS' FATHER, EVAN GRIFFITHS**

At 9:58 p.m., MAYOR SEAMANS formally adjourned the City Council meeting to Tuesday, December 11, 2007 at 7:30 p.m.

Submitted by,

Approved by,

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Hope J. Nolan  
Deputy City Clerk

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Douglas R. Prichard  
City Clerk