

**MINUTES**  
**CITY COUNCIL MEETING**  
**JUNE 28, 2005**

A regular meeting of the City Council of the City of Rolling Hills Estates was called to order at 7:34 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, Zuckerman  
\*COUNCILWOMAN SEAMANS arrived at 7:35 p.m.

City Staff Present:           Acting City Manager Sam Wise  
                                  City Attorney Stephen Pfahler  
                                  Planning Director David Wahba  
                                  Community Services Director Andy Clark  
                                  Administrative Analyst Greg Grammer  
                                  Interim Finance Director Mike Whitehead

**CEREMONIAL ITEMS**

NONE

**ROUTINE MATTERS**

A.    CITY COUNCIL MINUTES OF JUNE 14, 2005

COUNCILWOMAN MITCHELL moved, seconded by COUNCILMAN ZERUNYAN

TO APPROVE THE CITY COUNCIL MINUTES OF JUNE 14, 2005 AS PRESENTED.

THERE BEING NO OBJECTION, MAYOR ADDLEMAN SO ORDERED.

B.    DEMANDS AND WARRANTS – JUNE

COUNCILMAN ZERUNYAN moved, seconded by COUNCILWOMAN MITCHELL

TO APPROVE WARRANTS 37564 THROUGH 37619 FOR A GRAND TOTAL AMOUNT OF \$258,916.28 WITH PROPER AUDIT.

AYES:           Addleman, Mitchell, Seamans, Zerunyan, Zuckerman

**CONSENT CALENDAR**

*MAYOR PRO TEM ZUCKERMAN pulled Item 6B. to be discussed under New Business.*

*COUNCILWOMAN MITCHELL pulled item 6C. to be discussed under New Business.*

COUNCILMAN ZERUNYAN moved, seconded by COUNCILWOMAN MITCHELL

TO APPROVE ITEMS A AND 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.

D. LEAGUE OF CALIFORNIA CITIES PRIORITY FOCUS DATED JUNE 17, 2005

RECEIVED AND FILED.

THERE BEING NO OBJECTION, MAYOR ADDLEMAN SO ORDERED.

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

NONE

**NEW BUSINESS**

*The following items were pulled from the Consent Calendar and considered under New Business:*

6B. MAY 2005 SCHEDULE OF INVESTMENTS

Recommendation: That the City Council receive and file the Schedule of Investments report for the month of May 2005.

After responding to inquiries by MAYOR PRO TEM ZUCKERMAN, it was the consensus of the COUNCIL to receive and file this report.

6C. LEAGUE OF CALIFORNIA CITIES PRIORITY FOCUS DATED MAY 20, 2005

COUNCILWOMAN MITCHELL requested that a letter of opposition be sent to the appropriate officials regarding SB 1059.

After brief discussion, it was the consensus of the COUNCIL to send this letter.

A. PLANNING COMMISSION MINUTES OF JUNE 20, 2005

COUNCILWOMAN MITCHELL moved, seconded by COUNCILWOMAN SEAMANS

TO RECEIVE AND FILE THE PLANNING COMMISSION MINUTES OF JUNE 20, 2005.

THERE BEING NO OBJECTION, MAYOR ADDLEMAN SO ORDERED.

B. PARK AND ACTIVITIES COMMISSION MINUTES OF JUNE 21, 2005

COUNCILWOMAN MITCHELL moved, seconded by MAYOR PRO TEM ZUCKERMAN

TO RECEIVE AND FILE THE PARK AND ACTIVITIES COMMISSION MINUTES OF JUNE 21, 2005.

THERE BEING NO OBJECTION, MAYOR ADDLEMAN SO ORDERED.

COUNCILWOMAN SEAMANS inquired if the Trump National Golf Course was participating as a sponsor in the Hills Are Alive Cross Country Run. Community Services Director Clark confirmed their participation while acknowledging that Power is the primary sponsor.

C. ENCROACHMENT LICENSE AGREEMENT

Recommendation: That the City Council approve the License Agreement and grading permit application with Daniel and Alicia DeGowan for encroachment into the public right-of-way adjacent 26722 Eastvale Road, Palos Verdes Peninsula, CA 90274.

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

MAYOR PRO TEM ZUCKERMAN suggested revisiting this general issue as these type of requests are a substantial grant of property rights and may be antiquated.

Acting City Manager Wise noted that this agreement is revocable after 30 days. He then suggested reviewing the current fee at a later time as it is very low.

It was the consensus of the COUNCIL to direct staff to investigate this further should another situation should arise with respect to using public land for private use.

MAYOR PRO TEM ZUCKERMAN suggested reviewing the appropriate value versus existing value of the land as well how the existing fee was determined.

It was the consensus of the COUNCIL to follow this approach.

COUNCILMAN ZERUNYAN questioned the insurance requirement believing it to be very low and suggested raising the minimum from \$500,000 to \$1,000,000.

Kisu Shin, Attorney for the Applicant, thanked the COUNCIL for supporting this application as well as Acting City Manager, Planning Director Wahba and Zoning and Code Administrator Roy Beall for their cooperation throughout this process. She indicated that Mr. and Mrs. DeGowan concurred with the insurance increase.

COUNCILWOMAN MITCHELL moved, seconded by COUNCILWOMAN SEAMANS

TO APPROVE THE LICENSE AGREEMENT AND GRADING PERMIT APPLICATION WITH DANIEL AND ALICIA DEGOWAN FOR ENCROACHMENT INTO THE PUBLIC RIGHT-OF-WAY ADJACENT 26722 EASTVALE ROAD, PALOS VERDES PENINSULA, CA 90274 AND INCREASE THE INSURANCE LIMIT TO \$1,000,000 AS AMENDED.

AYES: Addleman, Mitchell, Seamans, Zerunyan, Zuckerman

**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 ZUCKERMAN**

1. **EQUESTRIAN COMMITTEE MINUTES OF MAY 23, 2005**

MAYOR PRO TEM ZUCKERMAN reported that the proposed Chandler Ring survey results have been counted which showed the surrounding residents opposed to this project. He noted that the Equestrian Committee has been advised and they concur with the decision not to move forward.

COUNCILWOMAN MITCHELL moved, seconded by COUNCILMAN ZERUNYAN

TO RECEIVED AND FILE THE EQUESTRIAN COMMITTEE MINUTES OF MAY 23, 2005.

THERE BEING NO OBJECTION, MAYOR ADDLEMAN SO ORDERED.

COUNCILWOMAN SEAMANS brought up the matter of appointing potential members to the Equestrian Committee.

MAYOR PRO TEM ZUCKERMAN noted that a resident applied for the position of Western Riding representative and inquired as how the COUNCIL wished to proceed with this application.

COUNCILWOMAN MITCHELL noted that a policy was implemented whereby the COUNCIL would interview potential committee members.

MAYOR PRO TEM ZUCKERMAN requested that staff be directed to set up an interview for this individual.

After brief discussion, COUNCILWOMAN MITCHELL moved, seconded by COUNCILWOMAN SEAMANS

TO APPOINT JIM MOORE AS THE WESTERN RIDING REPRESENTATIVE TO THE EQUESTRIAN COMMITTEE BY ACCLIMATION.

THERE BEING NO OBJECTION, MAYOR ADDLEMAN SO ORDERED.

### **PUBLIC HEARINGS/MEETINGS**

#### **A. CONTINUED PUBLIC HEARING - PROPOSED PEAFOWL REMOVAL POLICY AND ORDINANCE AMENDMENT**

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Recommendation: That the City Council: 1) Take public testimony; 2) Close the public hearing; and 3) Adopt Ordinance No. 631 amending the Rolling Hills Estates Municipal Code Section 9.04.060 entitled Wild Birds – Protection.

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

COUNCILWOMAN SEAMANS noted that it is conceivable a resident could eliminate the entire peafowl population if left to trap them on their own.

Community Services Director Clark noted that residents would only be able to trap a bird if it was on their property.

MAYOR PRO TEM ZUCKERMAN noted that residents should be allowed to enjoy their quality of life without interruption in an area where they are non-established.

MAYOR ADDLEMAN noted that a resident should be able to humanely trap a peacock for relocation so as to protect the quiet enjoyment of their property. Additionally, he opposed having a homeowners' association impose their will on an individual property owner excluding the Dapplegray and Strawberry areas.

COUNCILWOMAN MITCHELL noted that the ordinance is being introduced does not affect the Dapplegray and Strawberry neighborhoods as those particular neighborhoods are controversial in nature and could be amended at a later time if desired.

City Attorney Pfahler noted that there is a number of legal arguments and has done some research, but will investigate further and report back.

COUNCILWOMAN ZERUNYAN noted he would prefer to wait for legal advice prior to adopting an ordinance. He also noted his opinion that whatever happens should apply to the Dapplegray area as it affects the entire community.

COUNCILWOMAN MITCHELL noted that City Attorney Pfahler can research this information and suggested deferring discussion to a future meeting.

Kirk Retz, 18 Dapplegray Lane, commented that he was in favor of keeping the peafowl in their neighborhood as they have been there for many years and are unique to the community. It was his suggestion to have realtors inform potential homebuyers that peafowl are in the area.

In response to COUNCILMAN ZERUNYAN, Linda Retz, 18 Dapplegray Lane, provided a brief history of the peacocks and commented on her experience in speaking with a certified avian specialist. She noted her concern that these delicate birds must be treated humanely.

Neil Reuben, 78 Buckskin, noted his support of controlling the peafowl and informed the COUNCIL of his experience in seeing how the population has expanded over the last several years through a video camera. He believed the City should accept responsibility and manage them at a reasonable level and not the responsibility of the homeowners' association or individual property owner and saw no reason why Dapplegray or Strawberry should be treated differently.

Barney Watts, 49 Buckskin, noted he is a long-time resident and provided a brief history of his experience with peafowl. He noted his feeling not to eradicate them, but provide a controlled program. He suggested the COUNCIL retain professional assistance.

Kathleen Gliksman, 87 Dapplegray, noted she, too, is a long-time resident and preferred the peafowl in her neighborhood. She noted that there is a natural cycling of peacocks although she did concede that the population seems larger this year, but believed individual trapping could become a major problem.

David Johnston, 51 Dapplegray, commented that the birds are beautiful, but do cause a mess and would like to see them relocated.

Jerry Gliksman, 87 Dapplegray, noted that, while this is a homeowner's issue, their HOA receives the first calls prior to contacting the City. He noted that the primary issue is noise, but stated that the benefits outweigh some discomfort as part of living in a rural community. He cautioned that if an ordinance is proposed for the Dapplegray area, it must be fair and based on facts.

Dale Allen, 39 Buckskin, noted that there has always been a problem with residents not wanting the peacocks. He believed that turning the trapping over to the homeowner was not appropriate and any ordinance that allows trapping should be controlled by the City, not the individual. He suggested that the City designate a portion of the Chandler Preserve as a peafowl feeding station and also cautioned that adopting an ordinance for trapping and relocating could wind up being eradication. Lastly, he suggested implementing a peacock neutering program.

Bette Burke, 42 Dapplegray, inquired as to where these birds would be relocated. Community Services Director Clark indicated that the City of Palos Verdes Estates has a list of organizations as well as individuals where these birds could be transferred. It was her suggestion to make it

uncomfortable for the peacocks to stay around the homes, i.e. utilizing motion sensor sprinklers.

Carol Reuben, 78 Buckskin, cited a "poultry project" report from UC Davis that was utilized by the City of Palos Verdes Estates for their program.

COUNCILWOMAN MITCHELL expressed her belief that a compromise could be reached in controlling the flock based on scientific fact, but individual trapping may not work in the case of Dapplegray and Strawberry. She suggested sending out a questionnaire to those two neighborhoods inquiring if residents are in favor of controlling the population where they are established and continue the public hearing until such time as the City Attorney is prepared to investigate further.

MAYOR ADDLEMAN also suggested asking residents if they are in favor of controlling the peacock population.

COUNCILMAN ZERUNYAN concurred and supported deferring action on this ordinance. He noted that he would not be in favor of holding up a decision for the Dapplegray and Strawberry areas, but rather move ahead with what the City Attorney deems to be appropriate.

COUNCILWOMAN SEAMANS commented that it is important to take as much time as needed to make the right decision. She then suggested having the City take on the responsibility for trapping, but first review the policies of the Cities of Palos Verdes Estates and Rancho Palos Verdes on their management programs.

It was the consensus of the COUNCIL to send out a questionnaire to assist in discussion of a policy.

MAYOR ADDLEMAN then recommended this item be carried over to the second meeting in July to consider a legal opinion by City Attorney Pfahler.

MAYOR PRO TEM ZUCKERMAN noted that all peacock trapping information should be at hand prior to making a decision.

COUNCILWOMAN MITCHELL asked if anyone was in favor of retaining professional assistance on how to control the population if the residents are interested in moving in this direction.

COUNCILWOMAN SEAMANS suggested retaining an avian expert to take a count of the peafowl in the Dapplegray and Strawberry neighborhoods.

COUNCILWOMAN MITCHELL moved, seconded by COUNCILWOMAN SEAMANS

TO DIRECT STAFF TO: 1) SEND OUT A QUESTIONNAIRE TO RESIDENTS ON BUCKSKIN, DAPPLEGRAY, SORRELL, AND STRAWBERRY LANES ASKING THE FOLLOWING QUESTION: "ARE YOU IN FAVOR OF CONTROLLING THE NUMBER OF PEAFOWL IN YOUR NEIGHBORHOOD?"; 2) DIRECT THE CITY ATTORNEY TO FURTHER INVESTIGATE LEGAL ISSUES WITH RESPECT TO ORDINANCE NO. 631; 3) DIRECT STAFF TO RESEARCH HOW THE CITIES OF PALOS VERDES ESTATES AND RANCHO PALOS VERDES ARE HANDLING THEIR PEAFOWL PROGRAMS; AND 4) CONTINUE THE PUBLIC HEARING TO THE MEETING OF JULY 26, 2005.

AYES: Addleman, Mitchell, Seamans, Zerunyan, Zuckerman

1. ORDINANCE NO. 631 FOR SECOND READING AND ADOPTION

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROLLING HILLS ESTATES AMENDING CHAPTER 9.04 CONCERNING OFFENSES AGAINST PUBLIC PEACE AND DECENCY.

CONTINUED TO THE MEETING OF JANUARY 26, 2005

B. FISCAL YEAR 2005-06 BUDGET PUBLIC HEARING AND ADOPTION

Recommendation: That the City Council: 1) Open the public hearing and take any public testimony related to the budget adoption, including fees and charges, fund balance policy, and investment policy; 2) Close the public hearing; and 3) Review and adopt Resolution Nos. 2076, 2077 and 2078, the Equipment Replacement Funding Schedule, the Statement of Fund Balance, and the Statement of Investment Policy.

COUNCILWOMAN SEAMANS moved, seconded by COUNCILWOMAN MITCHELL

TO OPEN THE PUBLIC HEARING.

THERE BEING NO OBJECTION, MAYOR ADDLEMAN SO ORDERED.

*No public testimony was offered.*

Discussion ensued regarding how the tennis fees should be addressed.

COUNCILWOMAN SEAMANS suggested implementing the staff recommendation and review how the fees are working at a later time if desired.

MAYOR PRO TEM ZUCKERMAN brought up the question of trainer fees. Community Services Director Clark noted that a \$30 increase per month per trainer was suggested by the Equestrian Committee.

COUNCILMAN ZERUNYAN inquired into park permit fees and suggested instituting a charge for 31-50 at \$30 per request and adjust the fees and charges booklet accordingly.

MAYOR ADDLEMAN commended Interim Finance Director Whitehead on a comprehensive and easy-to-read budget.

COUNCILWOMAN SEAMANS moved, seconded by MAYOR PRO TEM ZUCKERMAN

TO CLOSE THE PUBLIC HEARING.

THERE BEING NO OBJECTION, MAYOR ADDLEMAN SO ORDERED.

1. RESOLUTION NO. 2076 FOR ADOPTION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROLLING HILLS ESTATES ESTABLISHING THE 2005-06 FISCAL YEAR APPROPRIATION LIMIT FOR THE CITY.

COUNCILWOMAN MITCHELL moved, seconded by MAYOR PRO TEM ZUCKERMAN

TO ADOPT RESOLUTION NO. 2076.

*Acting City Manager Wise read Resolution No. 2076 by title only.*

AYES: Addleman, Mitchell, Seamans, Zerunyan, Zuckerman

2. RESOLUTION NO. 2077 FOR ADOPTION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROLLING HILLS ESTATES ADOPTING THE CONSOLIDATED BUDGET FOR THE FISCAL YEAR 2005-06, MAKING APPROPRIATIONS THERETO AND AUTHORIZING EXPENDITURES THEREFROM.

COUNCILWOMAN SEAMANS moved, seconded by COUNCILWOMAN MITCHELL

TO ADOPT RESOLUTION NO. 2077.

*Acting City Manager Wise read Resolution No. 2077 by title only.*

AYES: Addleman, Mitchell, Seamans, Zerunyan, Zuckerman

3. RESOLUTION NO. 2078 FOR ADOPTION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROLLING HILLS ESTATES ESTABLISHING A COMPREHENSIVE SCHEDULE OF MUNICIPAL FEES AND CHARGES FOR THE FISCAL YEAR 2005-06 AS AMENDED.

COUNCILMAN ZERUNYAN moved, seconded by COUNCILWOMAN MITCHELL

TO ADOPT RESOLUTION NO. 2078.

*Acting City Manager Wise read Resolution No. 2078 by title only.*

AYES: Addleman, Mitchell, Seamans, Zerunyan, Zuckerman

COUNCILWOMAN MITCHELL moved, seconded by COUNCILWOMAN SEAMANS

TO APPROVE THE EQUIPMENT REPLACEMENT FUNDING SCHEDULE, THE STATEMENT OF FUND BALANCE, AND THE STATEMENT OF INVESTMENT POLICY.

AYES: Addleman, Mitchell, Seamans, Zerunyan, Zuckerman

**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. MAYOR ADDLEMAN reported that some residents are still leaving their trash carts out after the time allotted and that staff has begun issuing citations. He noted that this situation will continue to be monitored in

order to work with those residents who fail to comply with this code requirement.

MAYOR ADDLEMAN then inquired as to the City's residential diversion rate. Administrative Analyst Grammer noted his pleasure at reporting preliminary numbers for the month of May at a diversion rate of 59.58%, increasing to 64% with manure collection.

- B. COUNCILWOMAN MITCHELL announced that the Tracy Austin Tennis Tournament is scheduled for the weekend of July 15-17 at Ernie Howlett Park and invited the public to participate.
- C. It was also announced that the City's Cross Country Run is scheduled for August 6 and invited everyone to attend.
- D. After brief discussion, it was the consensus of the COUNCIL to cancel the meeting of July 12 unless any unforeseen items come up that need immediate attention.
- E. MAYOR ADDLEMAN was pleased to report that the Peter Weber Equestrian Center dedication was well attended and thanked staff for organizing this event.

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At 10:19 p.m., the CITY COUNCIL convened into closed session.

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**CLOSED SESSION**

- A. CONFERENCE WITH LEGAL COUNSEL – PENDING LITIGATION  
(Pursuant to Government Code Section 54956.9(a))

WALLACE V. CITY OF ROLLING HILLS ESTATES

DIRECTED STAFF TO FOLLOW UP WITH THE ROLLING HILLS COUNTRY CLUB.

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At 10:07 p.m., the COUNCIL reconvened with MAYOR ADDLEMAN, MAYOR PRO TEM ZUCKERMAN, COUNCILWOMAN MITCHELL, COUNCILWOMAN SEAMANS, and COUNCILMAN ZERUNYAN present.

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**ADJOURNMENT**

At 10:27 p.m., MAYOR ADDLEMAN formally adjourned the City Council meeting to the Tuesday, July 26, 2005 at 7:30 p.m.

Submitted by,

Approved by,

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Hope J. Nolan  
Deputy City Clerk

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Samuel R. Wise  
Acting City Clerk