

MINUTES

CITY COUNCIL MEETING

OCTOBER 12, 2004

A regular meeting of the City Council of the City of Rolling Hills Estates was called to order at 7:35 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, Seamans, Zerunyan, Zuckerman

City Staff Present: City Manager Doug Prichard

City Attorney Richard Terzian

Assistant City Manager Sam Wise

Planning Director David Wahba

Administrative Analyst Greg Grammer

Zoning and Code Administrator Roy Beall

Equestrian Services Supervisor Linda Fitton

Others Present: Dale Allen, Park and Activities Commission

CEREMONIAL ITEMS

A. PROCLAMATION

MAYOR MITCHELL proclaimed the week of October 17-24, 2004 AS "NATIONAL HEALTH EDUCATION WEEK."

B. SUMMER PONY CAMP

Equestrian Services Supervisor Fitton was pleased to report that the Summer Pony Camp was a resounding success. She noted these classes are the largest of the City's recreation programs.

C. BFI DRAWING FOR ONE YEAR'S FREE RESIDENTIAL REFUSE SERVICE

Neal MacEachern, Site Manager, BFI drew the name of Howard Paul, Rollando Drive, as the recipient of one year's free disposal service.

ROUTINE MATTERS

A. ADJOURNED CITY COUNCIL/PLANNING COMMISSION MINUTES OF SEPTEMBER 7, 2004

COUNCILMAN ZUCKERMAN requested the following corrections on Page 6, Paragraph 8:

".....He suggested exploring ~~and~~ **third** party indemnification for homeowners in the future. He noted his support of sidewalks and possibly utilizing Quimby funds for a parks."

MAYOR PRO TEM ADDLEMAN moved, seconded by COUNCILWOMAN SEAMANS

TO APPROVE THE ADJOURNED JOINT CITY COUNCL/PLANNING COMMISSION MINUTES OF SEPTEMBER 7, 2004 AS AMENDED.

THERE BEING NO OBJECTION, MAYOR MITCHELL SO ORDERED.

B. CITY COUNCIL MINUTES OF SEPTEMBER 28, 2004

MAYOR PRO TEM ADDLEMAN requested the following addition on Page 4, Paragraph 5:

*"MAYOR PRO TEM ADDLEMAN stated that the subcommittee added **20 additional mitigation measures** to the plan and will coordinate them with the Sanitation Districts."*

MAYOR PRO TEM ADDLEMAN moved, seconded by COUNCILWOMAN SEAMANS

TO APPROVE THE CITY COUNCIL MINUTES OF SEPTEMBER 28, 2004.

THERE BEING NO OBJECTION, MAYOR MITCHELL SO ORDERED.

C. DEMANDS AND WARRANTS – SEPTEMBER AND OCTOBER

MAYOR PRO TEM ADDLEMAN moved, seconded by COUNCILMAN ZUCKERMAN

TO Approve Warrants 36303 through 36354 in the amount of \$58,998.39; Supplemental Warrants 090401 through 090402; 36123 through 36134; 36189 Void; 36212 through 36221; 36286 Void; 36287 through 36291 in the amount of \$182,078.15 for a grand total amount of \$241,076.54 with proper audit.

AYES: Addleman, Mitchell, Seamans, Zerunyan, Zuckerman

CONSENT CALENDAR

COUNCILWOMAN SEAMANS moved, seconded by MAYOR PRO TEM 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. QUARTERLY CODE ENFORCEMENT REPORT

RECEIVED AND FILED.

C. LEAGUE OF CALIFORNIA CITIES PRIORITY FOCUS DATED SEPTEMBER 24, 2004

RECEIVED AND FILED.

D. LEAGUE OF CALIFORNIA CITIES PRIORITY FOCUS DATED OCTOBER 1, 2004

RECEIVED AND FILED.

AUDIENCE ITEMS NOT ON THE AGENDA/WRITTEN AND ORAL COMMUNICATIONS

A. Melody Colbert, 4604 Rockbluff, spoke in regards to the Palos Verdes Landfill. She reported that the Department of Toxic Substances Control Five-Year Review Report should be nearing completion.

Ms. Colbert noted her concern with ongoing problems at the landfill. She then read a letter from Joan Davidson to the editor of the Daily Breeze regarding her concerns about the proposed golf course developer being a candidate for the board of the Water Replenishment District.

NEW BUSINESS

A. PLANNING COMMISSION MINUTES OF OCTOBER 4, 2004

MAYOR PRO TEM ADDLEMAN moved, seconded by COUNCILMAN ZERUNYAN

TO RECEIVE AND FILE THE PLANNING COMMISSION MINUTES OF OCTOBER 4, 2004.

THERE BEING NO OBJECTION, MAYOR MITCHELL SO ORDERED.

OLD BUSINESS

A. RESOLUTION NO. 2062 FOR ADOPTION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROLLING HILLS ESTATES OPPOSING THE LOS ANGELES INTERNATIONAL AIRPORT (LAX) MASTER PLAN AND ENVIRONMENTLA IMPACT REPORT/ENVIRONMENTAL IMPACT STATEMENT (EIR/EIS) AND RECOMMEND A CAP OF 78 MILLION ANNUAL PASSENGERS (MAP) IN ACCORDANCE WITH THE RECOMMENDATIONS OF THE SOUTHERN CALIFORNIA ASSOCIATION OF Governments (SCAG) REGIONAL AVIATION PLAN.

MAYOR PRO TEM ADDLEMAN moved, seconded by COUNCILWOMAN SEAMANS

TO ADOPT RESOLUTION NO. 2062.

City Manager Prichard read Resolution No. 2062 by title only.

AYES: Addleman, Mitchell, Seamans, Zuckerman

ABSTAIN: Zerunyan

B. RHE MUNICIPAL STABLE MAINTENANCE UPDATE

Recommendation: That the City Council direct staff as to the future maintenance level desired for the Municipal Stables.

Equestrian Services Supervisor Fitton provided a staff report (as per agenda material).

Extensive discussion ensued with COUNCILMAN ZERUNYAN reporting that he toured the Stables to investigate concerns expressed to him by individuals on what improvements need to be undertaken.

Equestrian Services Supervisor Fitton noted that parts of the metal fences are repaired on an as-needed basis.

COUNCILMAN ZERUNYAN inquired as to trash receptacles continually being full and suggested providing them with lids throughout the site. Equestrian Services Supervisor Fitton noted they have been provided in the past, but unfortunately, the public tends not to utilize them if the lids are on or continually leaves the cans open. He urged enforcement to keep the trash lids down.

COUNCILMAN ZERUNYAN inquired as to the hotwalker and when that will be repaired. Equestrian Services Supervisor Fitton responded that they are currently looking into whether a scout troop would like to undertake this project as well as other improvements and combine them into one.

City Manager Prichard noted that the COUNCIL may wish to discuss the policy which was set a year ago regarding making only those repairs needed for the health and safety of the public due to the proposed golf course being in an indeterminate state.

It was COUNCILMAN ZERUNYAN preference to at least make the Municipal Stables presentable as it looks weathered.

Discussion continued with MAYOR PRO TEM ADDLEMAN stated that because the EIR has yet to be released, only routine maintenance and health and safety improvements should be provided at this time.

COUNCILMAN ZUCKERMAN noted that the policy set by COUNCIL is correct although he did concur with COUNCILMAN ZERUNYAN'S comments in regards to the trash bins.

Both MAYOR MITCHELL and COUNCILWOMAN SEAMANS suggested having the fences painted.

MAYOR PRO TEM ADDLEMAN moved, seconded by COUNCILWOMAN SEAMANS

TO RECEIVE AND FILE THE RHE MUNICIPAL STABLE MAINTENANCE UPDATE AND DIRECT STAFF TO CONTINUE TO UNDERTAKE ROUTINE MAINTENANCE AND LOW COST PROJECTS TO IMPROVE THE APPEARANCE OF THE FACILITIES, BUT MAINTAIN THE CURRENT CITY COUNCIL POLICY OF UNDERTAKING ONLY THOSE LARGER OR MORE COSTLY IMPROVEMENTS MADE NECESSARY FOR THE HEALTH AND SAFETY OF THE PUBLIC.

THERE BEING NO OBJECTION, MAYOR MITCHELL SO ORDERED.

PUBLIC HEARINGS/MEETINGS

A. MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE CITY OF ROLLING HILLS ESTATES AND THE REGIONAL WATER QUALITY CONTROL BOARD (RWQCB) FOR THE REGULATION OF ON-SITE WASTEWATER TREATMENT SYSTEMS

Recommendation: That the City Council approve the Memorandum of Understanding (MOU) between the City of Rolling Hills Estates and the Regional Water Quality Control Board (RWQCB) regarding On-Site Wastewater Treatment Systems.

Administrative Analyst Grammer provided a staff report (as per agenda material).

COUNCILMAN ZUCKERMAN stated that by adopting the MOU, residents would not have to obtain a permit for their septic tanks.

Administrative Analyst Grammer noted that under the MOU, the City, through Los Angeles County Health Services and Building and Safety Department, would regulate the septic system rather than the RWQCB.

COUNCILMAN ZUCKERMAN inquired if there were any areas in the City where septic tanks are allowed for new construction.

Kathleen McGowan, P.E., Consultant, provided an extensive explanation of the proposed waste discharge requirements. She noted that, without the MOU, residents with septic tanks within 200 feet of an existing sewer line would have to connect to the system if a major repair is needed or remodel of the house is undertaken.

Ms. McGowan indicated that the Regional Board is awaiting adoption of new state regulations which is expected to be promulgated in the next two years.

COUNCILMAN ZUCKERMAN noted he is in favor of inspection of new systems, but that old systems would really be more in need of inspection. He encouraged residents to hook up to the nearest sewer line. Another issue of concern is slope stability on certain parts of the hill.

COUNCILWOMAN SEAMANS inquired if state regulations will require the review of older septic systems. Ms. McGowan noted that the early draft of proposed state regulations will require operating permits for all systems.

COUNCILWOMAN SEAMANS moved, seconded by MAYOR PRO TEM ADDLEMAN

TO OPEN THE PUBLIC HEARING.

THERE BEING NO OBJECTION, MAYOR MITCHELL SO ORDERED.

William Larson, 6 Sweetgrass Lane, Harbor Sight Homeowners' Association, Engineer, Environmental Remediation Management, noted his experience with slope stabilization and the potential health impacts from septic tanks. He stated that he is currently not in a position to connect to the sewer line due to elevation changes. As a representative of their homeowners' association, he reported that the consensus of his neighborhood is to support the MOU. He then thanked staff and Ms. McGowan for their communication efforts.

Dan Muggerridge, 5 Sunnyfield Drive, provided a brief background on his experience utilizing a septic tank for over 30 years in the City. He noted there are individual cases that work very well, including himself. He inquired if the state would require him to hook up to a sewer line.

Ms. McGowan stated that unless there is a high risk system that is immediately adjacent to an environmental sensitive area or water body, compulsory hook up would not be likely, unless the direction the State is headed changes. She noted that the system would be monitored to make sure it is functioning properly.

Dale St. John, 25914 Chalmette Lane, noted he has requested an exemption for the last ten years, but is still being assessed every year. He noted he is 122 feet from the sewer on a 30° slope which would make it extremely difficult to hook up to the sewer. He noted his support of the MOU as it would give the homeowners some relief from onerous requirements.

MAYOR PRO TEM ADDLEMAN moved, seconded by COUNCILWOMAN SEAMANS

TO CLOSE THE PUBLIC HEARING.

THERE BEING NO OBJECTION, MAYOR MITCHELL SO ORDERED.

MAYOR PRO TEM ADDLEMAN moved, seconded by COUNCILWOMAN SEAMANS

TO APPROVE THE MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE CITY OF ROLLING HILLS ESTATES AND THE REGIONAL WATER QUALITY CONTROL BOARD (RWQCB) REGARDING ON-SITE WASTEWATER TREATMENT SYSTEMS.

AYES: Addleman, Mitchell, Seamans, Zerunyan, Zuckerman

B. PLANNING APPLICATION NO. 31-04; APPLICANT: THE EDLER GROUP; LOCATION: 608 SILVER SPUR ROAD (FORMER CAL-FED BUILDING)

Recommendation: That the City Council: 1) Open the public hearing; 2) Take public testimony; 3) Discuss the issues; 4) Close the public hearing; and 5) Approve PA-31-04 (upholding the Planning Commission's decision) with listed conditions.

Assistant Planner Wyman provided a staff report (as per agenda material).

MAYOR MITCHELL inquired if the Planning Commission approved the zinc or copper treatment for the panel cladding. Assistant Planner Wyman noted it would be the choice of the developer.

MAYOR PRO TEM ADDLEMAN moved, seconded by COUNCILMAN ZUCKERMAN

TO OPEN THE PUBLIC HEARING.

THERE BEING NO OBJECTION, MAYOR MITCHELL SO ORDERED.

Austin Kelly, XTEN Architecture, provided a brief history and presentation illustrated through models of the project. In regards to the cladding, he indicated that they have yet to determine whether to apply the cooper or zinc treatment.

Discussion ensued regarding the aesthetics of the material proposed for the shading. Mr. Kelly provided samples of the high quality material he will utilize on the building. He referred to several projects in Europe that incorporate historic as well as modern buildings side-by-side.

Mr. Kelly then informed the COUNCIL that the landscaping will be integrated down Silver Spur Road as well as providing a "trellis" feel along that street.

MAYOR PRO TEM ADDLEMAN noted his concern about how this building will fit in with the commercial district and would have liked to have seen a computer-generated picture to assist him in envisioning both the cooper and the zinc screening.

COUNCILMAN ZERUNYAN noted that his concern with the modern appearance. He inquired if any other styles had been considered.

Mr. Kelly responded by noting that Mediterranean styles were reviewed, but were not practical as the building itself is modern.

COUNCILMAN ZUCKERMAN commented that while he concurs with COUNCILMAN ZERUNYAN'S remarks, he also believed in the need to be true to the building as it could be considered a landmark. Additionally, he thanked Mr. Kelly for providing models of the site. He then inquired if an asbestos test was conducted where Mr. Kelly responded that it was tested and taken care of.

COUNCILWOMAN SEAMANS inquired as to the interior with Mr. Kelly stating that the building has been painted, carpeted, retrofitted with low-energy ballast lights and upgraded power systems.

COUNCILMAN ZUCKERMAN inquired if a residential use was considered for the upper stories. It was noted that it would be cost-prohibitive to convert the commercial building to residential.

MAYOR PRO TEM ADDLEMAN again noted his hesitation with regards to how the building would fit in with surrounding properties as he believed it would stand out.

Mr. Kelly responded by stating that the building has the integrity as well as historical significance to stand alone.

COUNCILWOMAN SEAMANS commented that this building could be special and noted her preference for the copper treatment.

COUNCILMAN ZUCKERMAN commended the Planning Commission as well staff on their discussions regarding this project.

Ted De Roos, 27641 Longhill, Rancho Palos Verdes, concurred that this building will improve the street. He noted that he lives above this site and was concerned about the equipment on the roof as he noted at least 20-30 homes would be affected. He then requested some type of mitigation measure to alleviate the neighborhood's concerns.

Mr. Kelly indicated that the screening material will not be as transparent as it shows on the model.

Rick Edler, Applicant, noted that most of the equipment on the roof will be relocated, removed or properly screened. Mr. Kelly commented that there may be a possibility of utilizing river rock for the roof which would provide a garden effect.

COUNCILWOMAN SEAMANS moved, seconded by MAYOR PRO TEM ADDLEMAN

TO CLOSE THE PUBLIC HEARING.

THERE BEING NO OBJECTION, MAYOR MITCHELL SO ORDERED.

COUNCILMAN ZERUNYAN reiterated that any improvement to this site is an improvement, but wished to remind the COUNCIL of the approved project at the former McDonald's site and how it blends in with the master plan concept, whereas this project does not. He then suggested toning down the look utilizing earth tones rather than a "space-age" appearance and preferred the copper treatment, but once again asked the COUNCIL to bear in mind the compatibility of the surrounding buildings.

COUNCILWOMAN SEAMANS noted that Mr. Polyzoides provided a downtown concept for a livable community specifically stating it was not his intent to design the buildings, but rather have them exist with their own character. She commented that the building as it stands does not fit in with today's look. She noted that the materials suggested are innovative and true to the architecture. Additionally, she referred to the Peninsula Center Library and how it has a contemporary look as do the Post Office, The Avenue and various other office buildings.

COUNCILMAN ZUCKERMAN concurred with the aforementioned remarks stating that this is a successful attempt to be authentic as it is a difficult job to change from one building style to another.

MAYOR PRO TEM ADDLEMAN indicated that a good job was done with what they had to work and supported utilizing copper for the wall. Additionally, he noted that the landscaping and energy savings is a plus.

MAYOR MITCHELL concurred with the copper look as well. She noted her pleasure to see a variety of architectural styles in the commercial district.

COUNCILMAN ZUCKERMAN noted he was reluctant to require the use of copper as the cost may become prohibitive and recommended that this decision be left to the Applicant.

COUNCILMAN ZUCKERMAN moved, seconded by COUNCILWOMAN SEAMANS

TO REOPEN THE PUBLIC HEARING.

THERE BEING NO OBJECTION, MAYOR MITCHELL SO ORDERED.

Mr. Edler noted that the price of the copper has increased since the beginning of the project.

Mr. Kelly noted that the cost of copper changes daily, and they are waiting for approval of this building to evaluate which direction they wish to pursue.

COUNCILWOMAN SEAMANS moved, seconded by MAYOR PRO TEM ADDLEMAN

TO CLOSE THE PUBLIC HEARING.

THERE BEING NO OBJECTION, MAYOR MITCHELL SO ORDERED.

COUNCILWOMAN SEAMANS moved, seconded by MAYOR PRO TEM ADDLEMAN

TO APPROVE PA-31-04 (UPHOLDING THE PLANNING COMMISSION'S DECISION) WITH THE FOLLOWING AMENDMENT UNDER RECOMMENDATION NO. 5d. AS FOLLOWS: *"THAT THE APPLICANT UTILIZE COPPER METAL CLADDING FOR THE TOWER."*

AYES: Addleman, Mitchell, Seamans, Zerunyan

NOES: Zuckerman*

COUNCILMAN ZUCKERMAN noted for the record he approves the building, but does not support requiring the Applicant to utilize copper metal cladding for the tower.

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.

NONE

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. PETER WEBER MEMORIAL RECOGNITION

After brief discussion, it was the consensus of the COUNCIL

TO REFER THIS ITEM TO THE PARK AND ACTIVITIES COMMISSION FOR RECOMMENDATION.

At 9:47 p.m. the CITY COUNCIL convened in closed session. At 11:30 p.m. the CITY COUNCIL reconvened in open session with MAYOR MITCHELL, MAYOR PRO TEM ADDLEMAN, COUNCILWOMAN SEAMANS, COUNCILMAN ZERUNYAN and COUNCILMAN ZUCKERMAN in attendance.

CLOSED SESSION

A. DISCUSSION WITH RESPECT TO PERSONNEL MATTERS

1. ANNUAL CITY MANAGER PERFORMANCE EVALUATION

(Government Code Section 54957)

MAYOR AND COUNCIL ITEMS (continued)

B. SECOND AMENDMENT TO CITY MANAGER'S EMPLOYMENT AGREEMENT

Following Closed Session, MAYOR PRO TEM ADDLEMAN moved, seconded by COUNCILWOMAN SEAMANS

TO APPROVE THE SECOND AMENDMENT TO THE CITY MANAGER'S EMPLOYMENT AGREEMENT.

AYES: Addleman, Mitchell, Rauch, Seamans, Zuckerman

C. REQUEST FOR REPORT ON OPERATIONS STUDY

City Manager Prichard provided a brief report. Following discussion, it was the consensus of the COUNCIL

TO DIRECT STAFF TO PREPARE A REQUEST FOR QUALIFICATIONS FOR COUNCIL CONSIDERATION FOR THE CONDUCT OF A SALARY AND BENEFITS SURVEY AND OPERATIONS STUDY.

MAYOR MITCHELL appointed MAYOR PRO TEM ADDLEMAN and COUNCILWOMAN SEAMANS to act as the COUNCIL committee for this project.

ADJOURNMENT IN MEMORY OF MARCIE SAHN, BELOVED WIFE OF VICTOR SAHN, PARTNER IN THE LAW FIRM OF SULMEYER-KUPETZ, AND DEAR FRIEND OF COUNCILMAN FRANK ZERUNYAN.

At 11:45 p.m., MAYOR MITCHELL formally adjourned the City Council meeting to a Tuesday, October 26, 2004 at 7:30 p.m.

Submitted by, Approved by,

Hope J. Nolan Douglas R. Prichard

Deputy City Clerk City Clerk