

**DRAFT**  
**MINUTES**  
**RANCHO PALOS VERDES CITY COUNCIL**  
**REGULAR MEETING**  
**JULY 20, 2010**

The meeting was called to order at 6:00 P.M. by Mayor Wolowicz at Fred Hesse Community Park, 29301 Hawthorne Boulevard, and was immediately recessed into Closed Session. The meeting reconvened at 7:04 P.M.

City Council roll call was answered as follows:

**PRESENT:** Campbell, Long, Misetich, Stern, and Mayor Wolowicz  
**ABSENT:** None

Also present were Carolyn Lehr, City Manager; Carolynn Petru, Deputy City Manager; Carol Lynch, City Attorney; Joel Rojas, Community Development Director; Tom Odom, Interim Director of Recreation and Parks; Kathryn Downs, Deputy Director of Finance/Information Technology; Ara Mihranian, Principal Planner; John Alvarez, Senior Planner; Kit Fox, Associate Planner; Amy Trester, Associate Planner; and, Carla Morreale, City Clerk.

**FLAG SALUTE:**

The Flag Salute was led by Mayor Pro Tem Long.

**MAYOR'S ANNOUNCEMENTS:**

Mayor Wolowicz announced that the City of Rancho Palos Verdes had received the 2010 American Planning Association Los Angeles Section Special Award of Merit for Planning Excellence in Implementation – Small Jurisdiction for the recently completed Terranea Resort and Spa Project.

Community Development Director Rojas recognized Principal Planner Mihranian for his years of work on the Terranea Resort and Spa Project.

Principal Planner Mihranian provided an overview of the application and review process for which the City was selected to receive the Special Award of Merit.

Todd Majcher, Vice-President of Development, Terranea Resort and Spa, stated that the Terranea Resort and Spa would not be the success it is without the thorough process that the organization engaged in with the many different departments of the City. He stated that all of the accolades for the award rest on the shoulders of the staff that did a phenomenal job on the project.

Draft City Council Minutes  
July 20, 2010  
Page 1 of 17

Mayor Wolowicz and the Council Members congratulated Mr. Majcher for the success of the Terranea Resort and Spa Project and excellence of the Lowe Enterprises organization, and congratulated staff for the receipt of the Special Award of Merit.

Mayor Wolowicz announced that the City recently completed the Hawthorne Blvd. and Palos Verdes Drive West roadway resurfacing project which was funded by ARRA Funds, Proposition 1B and C Funds, and grant funding. He congratulated Associate Engineer Bindu Vaish and Senior Engineer Nicole Jules for the recent completion of the arterial roadway improvement project.

#### **RECYCLE DRAWING:**

Mayor Wolowicz announced Recyclers of the Month from the July 6, 2010 City Council meeting: Cdr. Edmund A. Vierzba and Anne H. Jones. He indicated that all winners receive a check for \$250 representing a year of free refuse service and urged everyone to participate in the City's Recycling Program.

#### **APPROVAL OF THE AGENDA:**

Mayor Pro Tem Long moved, seconded by Councilman Stern, to approve the agenda, with Item No. 10 (Proposed Stadium Lighting at Palos Verdes Peninsula High School) to follow immediately after the Consent Calendar due to the large number of speakers on the item.

Without objection, Mayor Wolowicz so ordered.

#### **PUBLIC COMMENTS:**

Sharon Yarber, Rancho Palos Verdes, stated that she was present at the most recent community meeting regarding the development of Lower Hesse and Grandview Parks. She reported that she owns three dogs and attended the meeting to enthusiastically support a dog park. She stated that the format of the meeting was such that those present were divided into small groups to discuss different topics. She noted that over the course of the day her opinions changed and she left with the idea that there should not be a dog park component at either Lower Hesse or Grandview Parks. She stated that the September 25<sup>th</sup> Community Meeting should be an open forum and there should be a survey conducted of all of the residents. She inquired as to the range of estimated costs for the construction as well as the maintenance of the sites.

Ginger Clark, Rancho Palos Verdes, stated that she was not in favor of the development of Grandview Park and that the City broke a promise to Mr. Deepak Chopra regarding not developing Grandview Park if he kept his foliage low along the back of his home. She stated that she disagreed with bulldozing the habitat at Grandview Park.

Mayor Pro Tem Long stated that the notion that the Council promised that public land would not be used for public purposes was incorrect, and he noted he was not aware of any Council Members making such an agreement.

Candy Fletcher, Rancho Palos Verdes, stated that at the first community outreach meeting the majority of the people present demonstrated by a show of hands that they were not in favor of any development at either Lower Hesse or Grandview Parks. She continued that at the second community outreach meeting the public was divided into groups to discuss programs, characteristics, and traffic, noting that the participation decreased as the program continued. She reported that the City Council Meetings are broadcast on Channel 38 for those who have Verizon as their cable provider.

Thomas Wang, Rancho Palos Verdes, opined that the City does not want input from the residents, since the plans that were presented at the most recent community meeting were essentially the same plans as those originally presented in November 2009 at the Grandview Homeowners (HOA) meeting. He reported that the components that the public objected to, including the dog park and parking lot, still remain on the current plans and questions regarding maintenance costs, traffic, and nighttime park security have not been addressed. He noted that he was disappointed in the community outreach workshops and the process that has been utilized regarding the development of the parks.

#### **CITY MANAGER REPORT:**

City Manager Lehr reported on an upcoming informational meeting to be held on Wednesday, July 21, 2010 at Miraleste Intermediate School regarding the Pre-design of the San Ramon Stabilization Project.

Interim Director of Recreation and Parks Odom provided an update on the enhanced Recreation Program and highlighted upcoming summer and fall events, hikes and tours.

#### **NEW BUSINESS:**

#### **APPROVAL OF CONSENT CALENDAR:**

Councilman Stern moved, seconded by Councilman Misetich, to approve the Consent Calendar, as presented.

The motion passed on the following roll call vote:

**AYES:** Campbell, Long, Misetich, Stern, and Mayor Wolowicz  
**NOES:** None  
**ABSENT:** None

### **Motion to Waive Full Reading**

Adopted a motion to waive reading in full of all ordinances presented at this meeting with consent of the waiver of reading deemed to be given by all Council Members after the reading of the title.

### **Approval of the Minutes**

Approved the Minutes of the May 22, 2010 Adjourned Regular Meeting/Budget Workshop.

### **Notice of Completion for the Residential Street Overlay and Slurry Seal (Area 6 and a Portion of Area 8), Median Modification and Median Landscape Improvement Projects**

1) Accepted the work as complete; 2) Authorized the City Clerk to file a Notice of Completion with the LA County Registrar-Recorder Office; and if no claims are filed within 35 days after recordation, and upon the contractor posting an acceptable warranty bond, notice the surety company to exonerate the Payment and Performance bonds; and, 3) Authorized the Director of Public Works to release the 10% retention payment, in the amount of \$144,793.51 to All American Asphalt, Inc., 35 days after recordation of the Notice of Completion by the County Recorder contingent upon no claims being filed on the project and the contractor posting an acceptable warranty bond.

### **Notice of Completion for the Arterial Street Resurfacing Project: ESPL-5413(010)**

1) Accepted the work as complete; 2) Authorized the City Clerk to file a Notice of Completion with the LA County Registrar-Recorder Office and if no claims are filed within 35 days after recordation, and upon the contractor posting an acceptable warranty bond, notice the surety company to exonerate the Payment and Performance bonds; and, 3) Authorized the Director of Public Works to release the 10% retention payment in the amount of \$203,683.95 to All American Asphalt, Inc., 35 days after recordation of the Notice of Completion by the County Recorder contingent upon no claims being filed on the project, and the contractor posting an acceptable warranty bond.

### **Notice of Completion for City Hall Campus Generator System Installation Project**

1) Accepted the work as complete; 2) Authorized the City Clerk to file a Notice of Completion with the County Recorder; and if no claims are filed within 35 days after recordation, and upon the contractor posting an acceptable warranty bond, notice the surety company to exonerate the Payment and Performance bonds; and, 3) Authorized the Director of Public Works to release the 10% retention payment in the amount of \$23,824.80 to Unique Performance Construction Inc. 35 days after recordation of the

Notice of Completion by the County Recorder contingent upon no claims being filed on the project, and the contractor posting an acceptable warranty bond.

**City of Rancho Palos Verdes Accessibility Self-Evaluation and Transition Plan**

1) Awarded contract to BOA Architecture to provide a Citywide Accessibility Self-Evaluation and Transition Plan in the amount not to exceed \$73,812 with an allowance of \$15,000 for unforeseen items of work which may be added to the scope of work, for a total of \$88,812; and, 2) Authorized the Mayor and the City Clerk to execute the contract with BOA Architecture.

**Register of Demands**

ADOPTED RESOLUTION NO. 2010-60, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO PALOS VERDES, ALLOWING CERTAIN CLAIMS AND DEMANDS AND SPECIFYING FUNDS FROM WHICH THE SAME ARE TO BE PAID.

**Used Oil Payment Program**

ADOPTED RESOLUTION NO. 2010-61, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO PALOS VERDES, AUTHORIZING THE SUBMITTAL OF A USED OIL PAYMENT PROGRAM APPLICATION TO THE CALIFORNIA DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY, AND AUTHORIZING THE DIRECTOR OF PUBLIC WORKS TO EXECUTE ANY AGREEMENTS, CONTRACTS, AND REQUESTS FOR PAYMENT AS NECESSARY TO IMPLEMENT THE PROGRAM, UNTIL RESCINDED.

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**REGULAR NEW BUSINESS:**

**Proposed Stadium Lighting at Palos Verdes Peninsula High School**

City Clerk Morreale reported that late correspondence was distributed prior to the meeting and there were 27 requests to speak on the item.

Mayor Wolowicz reported that the item before Council is in the jurisdiction of the Palos Verdes Peninsula Unified School District (PVPUSD) in the City of Rolling Hills Estates and that the decision-making meeting will be held on July 22, 2010 by the PVPUSD School Board.

Councilman Misetich disclosed that he met with one of his relatives recently who serves as a Board Member on the Peninsula Stadium Lights Steering Committee and noted that he spoke with City Attorney Lynch regarding the matter and did not need to recuse himself from the discussion of the item.

Mayor Pro Tem Wolowicz disclosed that he recently met with Peninsula High School Football Coach Kevin Moen who provided a presentation of the proposed project.

Mayor Pro Tem Long moved, seconded by Mayor Wolowicz, to receive a very brief staff report regarding this item, so that the speakers will have the opportunity to be speak early in the evening.

Without objection, Mayor Wolowicz so ordered.

Associate Planner Fox provided a brief staff report and PowerPoint presentation regarding the item.

Council and staff discussion ensued.

Nina MacLeay, Peninsula Stadium Lights Steering Committee, Rancho Palos Verdes, introduced Mr. Moen, Mr. Nikolakopulos, and herself and stated that there was support and opposition to the proposed stadium light project. She noted that the concerns that have been raised are regarding the noise, traffic, and parking and the Committee has considered the manner in which those concerns can be mitigated. She stated that the project was proposed to bring the community together to enjoy safe activities, to provide use of the school facilities, and to provide revenue to the Rolling Hills Estates businesses.

Alex Nikolakopulos, electrical engineer, Peninsula Stadium Lights Steering Committee, Rancho Palos Verdes, stated that the location of the existing field is ideal based on the topography and distance from the curb lines. He noted that there are some houses that have a view corridor towards the field, but that there will be a minimal amount of impact from the lights as outdoor lighting has been dramatically improved over the years. He noted that there are four proposed light poles and lighting will be focused onto the field, with the least amount of fixtures and glare.

Kevin Moen, Head Football Coach, Peninsula High School Football and Peninsula Stadium Lights Steering Committee, Rancho Palos Verdes, stated that as a resident of Rancho Palos Verdes, he was pleased to hear about the City Council's support of youth programs and utilization of the parks, as he is an advocate for those uses. He stated that the purpose of this project was in support of the needs of the city and schools, providing opportunities for youth and the community to get together.

Ronna Nelsen, Rancho Palos Verdes, stated that she lives near Peninsula High School and she and her family are in support of the Stadium Lighting Project, as it will continue to grow the community, help create memories for all, and help foster spirit and a sense of togetherness in the community.

Keith Nelsen, Rancho Palos Verdes, stated that he signed what he thought was a form to discuss the proposed lighting at the high school and the need for an impact study, but that the form has been submitted as a petition signed by those against the lights, which was not his intent. He noted he was in support of the lighting project.

Kel Rhoads, Rancho Palos Verdes, stated that his family comes first before recreation and football, and noted that he is entitled to the quiet enjoyment of his home. He noted concerns regarding the noise levels that currently occur during the daytime football games and anticipated noise levels that will be generated as a result of the nighttime football activities. He raised concerns regarding vandalism, fans blocking driveways, litter after games, lights, noise, views, monetary devaluation of property, and late notification regarding the project. He requested that the school should be a good neighbor and abide by the rules that apply to the residents. He stated that there are concerns that the promised five to seven night games a year may grow into more nighttime activity as the school becomes dependent upon the revenue.

Tory Hazard, Rancho Palos Verdes, stated that Friday night football games provide an electric atmosphere that really brings together the entire student body and community. He stated that when he was in high school and played football in the daytime games, the crowd was smaller and parents could not attend since the games were held during the workday.

Kris Rhoads, Rancho Palos Verdes, stated that she has concerns regarding the short notice period that the community has received regarding the Stadium Lighting Project. She stated that there are issues regarding lighting, noise, parking, trash, increased crime, impact on property values, and the possibility of the lights being used more frequently than currently proposed with other nighttime events.

Richard Swendsen, Rancho Palos Verdes, reported that the Palos Verdes Peninsula Unified School District states that they have a \$4 million shortfall in the 2010-11 budget. He noted that the estimate for the project may be a little low, since the project now has been expanded to include a new sound system. He raised concerns regarding noise, including that from the renting of the property to Pop Warner Football and other organizations. He reported that he moved to Rancho Palos Verdes from Redondo Beach for the community environment and quiet atmosphere.

Laura De Jesus, Rancho Palos Verdes, stated that she is opposed to the project for the reasons that have been mentioned and specifically because she currently lives in and enjoys the rural-like atmosphere of the area. She stated that she has concerns regarding the visual impact of the 80-foot tall light poles; the lack of ample community notification regarding this project; the increase in the energy footprint of the facility; parking at the Peninsula Center, with the qualification that such an arrangement can be removed at any time; and the effect on property values.

Suzanne Charles, Rancho Palos Verdes, stated that she and her family are in favor of the proposal to install lights at the football stadium, and the opportunity to experience nighttime football games at the local high school. She noted that stadium lighting for night games is very important for many students.

Milt Norsworthy, Rancho Palos Verdes, stated that he has a concern for the environment, and noted that he moved to the Peninsula to escape the busy city environment and values the peace and quiet and non-congested environment of the area. He stated that his children played in games during the daytime and he opined that it did not lessen their school experience. He expressed concerns with the noise impacts, traffic, crime, and crowds coming from other areas.

Bill Webster, Rancho Palos Verdes, stated that he is a resident and member of the Peninsula Stadium Lights Steering Committee. He opined that for the last 50 years the school has not been allowed to have evening football games and that the school's facilities are without adequate bathrooms, no snack facilities or hot food. He stated that the Peninsula has a world-class high school with third-world facilities. He reiterated that the new lighting technology will not increase the current levels of ambient light; the Peninsula Center has offered parking; the revenue will be able to pay for crowd control, parking control and security; and there will be a significant reduction in noise levels with the new sound system.

Terry Monahan, Rancho Palos Verdes, reviewed the many awards and accolades that Peninsula High School has received including recognition for state and national awards for its school yearbook and as a California Distinguished School. He stated that he supported the project for school spirit and the added revenue that it could generate to continue the academic and athletic excellence that the school has enjoyed over the years.

Mary Shaal, Upper Basswood Association, Rancho Palos Verdes, stated that she has concerns with the project regarding the lights, traffic, parking, and crowd noise. She stated that during the economic recession, the focus should be on education of the students, not on stadium lights, and that she was opposed to the project.

Joseph Fierstein, South Bay Astronomical Society and International Dark Sky Association, Rancho Palos Verdes, stated that the organizations he is a member of are concerned regarding lights and light pollution, since any lighting adds to the already light-polluted night sky. He stated that while the organizations are not opposed to the lighting of the school, he encouraged the necessary steps to be taken to mitigate the impact of the lights on the night sky.

Robert Gibson, Rancho Palos Verdes, stated that there were efforts in 1983 and 1993 to have night lighting approved at the high school. He stated that there are resident concerns regarding cut-through traffic and parking near the high school. He requested that if the night lighting is approved the Sheriff's Department have cars positioned on

the streets adjacent to the high school for enforcement and that the PVPUSD be billed for that cost.

Beverly Ackerson, Rancho Palos Verdes, provided a historical background regarding the previous requests for lighting for nighttime events and the approval of a bulletin board at Peninsula High School. She stated that the noise issue could be a significant factor and noted that there are many experts available who have experience with noise levels.

Larry Meyers, Rancho Palos Verdes, stated that he has pride for the community and has experienced the excitement of the evening football games. He stated that he was in favor of the Peninsula Stadium Lights project, noting that he believes there are reasonable mitigation measures available to address the concerns that have been raised by the residents.

Ying Sai, Rancho Palos Verdes, stated that she has concerns regarding the noise, security, lighting, parking, audience noise, and band noise. She expressed concern with the lack of notice to the community regarding the Peninsula Stadium Lights project.

Henry Bremer, Rancho Palos Verdes, stated that his home is located across from the football field. He stated that he was opposed to the Peninsula Stadium Lights project because of his concerns regarding the traffic during high school events, parking, and the possible renting of the facility for revenue generation.

Jean-Paul Menard, Rancho Palos Verdes, stated that he and his family and many students are in support in the night lighting for the football games. He noted that he has not been able to attend the games since they are currently held during the day, and opined that many family and friends are missing an opportunity to experience a full high school experience.

Lisa Castillo, Rancho Palos Verdes, stated that she is in favor of night lighting for the football games which bring together current high school students, families, alumni, and friends to share school pride and spirit. She stated that the funding for the Peninsula Stadium Lights project would come from private fund-raising by the Peninsula Education Foundation and will generate revenue from ticket and food sales. She noted that local area businesses will also benefit from additional commerce based on their adjacency to the high school.

Kelly Duffy Baranick, Rancho Palos Verdes, stated that she lives near the high school and is currently a Counselor and a coach at Peninsula High School. She noted that she was a Varsity Cheerleader when she attended high school and believed she missed out on a great deal by not having night games. She stated that she is unable to currently attend the Varsity games since they are during her daytime working hours. She noted that students who participate in athletics occasionally have to miss afternoon classes, which creates problems with teachers. She opined that the students have

done so much for the school and community and that it is time to give back to the students.

William MacLeay, Rancho Palos Verdes, stated that he delights in the joyous sound of children playing and is in favor of night lighting for the football games. He noted that more than the players will benefit from night football games including cheerleaders, band members, and students who come to watch the games; and night games do not bring more crime to the area.

Colleen Teles, Rancho Palos Verdes, stated that she lives near the high school and will have three students at the high school next year and is in favor of the night lights for the opportunity to bring the community together. She stated that many people move to the Peninsula for the school system and noted that any improvement to the schools would only enhance property values.

Darrin Dee, Rancho Palos Verdes, stated that his property is within earshot of the high school and expressed concern that he has just recently heard of the proposal for the night lighting of the football stadium. He stated that he has concerns regarding the noise, crowd size, and quiet and peaceful atmosphere of the community. He suggested that some of the revenue raised at the football games could be put towards building a wall around the school to block the noise.

#### **RECESS AND RECONVENE:**

Mayor Wolowicz called a brief recess from 9:27 P.M. to 9:38 P.M.

Council and staff discussion ensued regarding the Proposed Stadium Lighting at Palos Verdes Peninsula High School.

Councilman Stern moved, seconded by Councilman Misetich, to approve the staff recommendation to: 1) Prepare a letter to PVPUSD, asking the District to mitigate all impacts related to stadium lighting and nighttime use to less-than-significant levels; 2) Prepare a letter to PVPUSD, asking the District to submit this proposal to full zoning and environmental review through the City of Rolling Hills Estates' discretionary permit process; and, 3) Attend the upcoming PVPUSD Board meeting and continue to monitor this proposal as a part of the City's regular bi-monthly Border Issues Status Report.

Mayor Pro Tem Long moved an amendment to add to point 2 the following phrase: "and to abide by the outcome."

The maker and seconder of the motion accepted the amendment to the motion.

The motion passed on the following roll call vote:

**AYES:** Campbell, Long, Misetich, Stern, and Mayor Wolowicz

**NOES:** None  
**ABSENT:** None

**PUBLIC HEARINGS:**

**Proposed View Restoration and Preservation Guideline Revisions**

City Clerk Morreale reported that notice of the public hearing was duly published, no written protests received, late correspondence was distributed prior to the meeting, and there were two requests to speak regarding the item.

Community Development Director Rojas provided a brief overview of the item.

Mayor Wolowicz declared the public hearing open.

Council and staff discussion ensued.

Michael O'Sullivan, Rancho Palos Verdes, stated that he submitted a number of suggestions regarding this topic to allow for a greater time for evaluation of if a tree should be allowed to survive. He stated that the trimming of a tree is not a taking according to the courts, but opined that it is a taking from the view of a foliage owner. He urged the Council to adopt Alternative No. 2, which states "Identify any issues that require additional Staff review and input and continue this item to a future meeting to allow Staff time to prepare such review and input" to accomplish the following three objectives: 1) limit the view restoration period to ten years; 2) the language limiting the conditions under which a tree can be replaced be deleted; and, 3) the language limiting the size of the replacement tree be deleted.

Ken Dyda, Rancho Palos Verdes, stated that the View Restoration Ordinance by-right-height of 16 feet should be applied only to the building and not the vegetation. He noted that he is seeing a trend that is allowing sixteen foot high vegetation to be planted anywhere on residential properties, including in the setback areas. He opined that it would be appropriate to clarify this point in the revisions to the View Restoration Ordinance.

Community Development Director Rojas and City Attorney Lynch explained that there is no ordinance or prohibition preventing the planting of vegetation in the setback areas, unless there is a tract condition prohibiting this action.

Mayor Wolowicz declared the public hearing closed.

Councilman Stern moved, seconded by Mayor Wolowicz, to ADOPT RESOLUTION NO. 2010-62, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO PALOS VERDES, THEREBY APPROVING A NUMBER OF MINOR AMENDMENTS

TO CLARIFY THE CITY'S VIEW RESTORATION AND PRESERVATION GUIDELINES AND PROCEDURES.

Mayor Pro Tem Long moved an amendment to the motion, seconded by Mayor Wolowicz, to leave in the reference to an approved list of foliage types provided by the City.

Council and staff discussion continued.

Mayor Pro Tem Long withdrew his amendment and made a substitute amendment to the motion, seconded by Councilman Stern, to modify the language in the last sentence of Suggested Guideline Amendment No. 8 to read "The selection of the type of replacement foliage shall be made by the foliage owner subject to approval of the Community Development Director."

The maker and seconder of the motion accepted the amendment.

Councilman Stern moved, seconded by Mayor Wolowicz, to adopt the staff recommendation to: ADOPT RESOLUTION NO. 2010-62, AS AMENDED, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO PALOS VERDES, THEREBY APPROVING A NUMBER OF MINOR AMENDMENTS TO CLARIFY THE CITY'S VIEW RESTORATION AND PRESERVATION GUIDELINES AND PROCEDURES.

The motion passed on the following roll call vote:

**AYES:** Campbell, Long, Misetich, Stern, and Mayor Wolowicz  
**NOES:** None  
**ABSENT:** None

**Conformance with the 2010 Annual Los Angeles County Congestion Management Program**

City Clerk Morreale reported that notice of the public hearing was duly published, no written protests received, and there were no requests to speak regarding the item.

Mayor Wolowicz declared the public hearing open.

As there were no public speakers, Mayor Wolowicz declared the public hearing closed.

Mayor Pro Tem Long moved, seconded by Councilman Stern, to waive the staff report and adopt the staff recommendation to: ADOPT RESOLUTION NO. 2010-63, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO PALOS VERDES, THEREBY ADOPTING THE CITY'S 2010 LOCAL DEVELOPMENT REPORT (LDR) AND SELF-CERTIFYING THE CITY'S CONFORMANCE WITH THE 2004

CONGESTION MANAGEMENT PROGRAM (CMP) FOR LOS ANGELES COUNTY.

The motion passed on the following roll call vote:

**AYES:** Campbell, Long, Misetich, Stern, and Mayor Wolowicz  
**NOES:** None  
**ABSENT:** None

**PAUSE TO CONSIDER THE REMAINDER OF THE AGENDA:**

**REGULAR NEW BUSINESS: (Continued)**

**Planning Case No. ZON2010-00223 (Code Amendment Initiation Request): A Request to Consider Initiating a Clean-Up Code Amendment to Correct the Omission of Specific Plan District VII from Chapter 17.38 (Specific Plan Districts) of the Development Code**

Mayor Pro Tem Long moved, seconded by Councilman Misetich, to waive the staff report and adopt the staff recommendation to: Direct Staff to initiate a Code Amendment to clean up an omission in Chapter 17.38 (Specific Plan Districts) of the Rancho Palos Verdes Development Code (RPVDC).

The motion passed on the following roll call vote:

**AYES:** Campbell, Long, Misetich, Stern, and Mayor Wolowicz  
**NOES:** None  
**ABSENT:** None

**Initiation Request to Amend Conditional Use Permit No. 68 (Lunada Point – Tract No. 40640) (ZON2010-00185)**

City Clerk Morreale reported that late correspondence was distributed prior to the meeting and there were three requests to speak on the item.

Mayor Pro Tem Long moved, seconded by Councilman Stern, to waive the staff report and hear the speakers.

Irv Levine, Lunada Pointe Homeowners Association (HOA), Rancho Palos Verdes, stated that he would like to see the final language for the View Restoration and Preservation Guidelines, since it will determine what can and cannot be done. He noted that currently the CC&Rs for the Lunada Pointe HOA assign a certain responsibility, but the City has the final say in the matter.

City Attorney Lynch reported that the purpose of considering the initiation of an amendment was to make the inconsistent conditions in the Lunada Pointe tract

consistent with other properties in the City, while extracting the City from having to enforce any part of the CC&Rs. She noted that the amendment would make this tract consistent with other properties in the City, so that individuals could simply file View Restoration or Preservation applications, as would any other property owner.

Mina Dahya, Rancho Palos Verdes, stated that she is a Board Member of the Lunada Pointe HOA and as such has submitted a package regarding the restoration of views and landscaping in the Lunada Pointe tract.

Mayor Pro Tem Long moved, seconded by Councilman Stern, to approve the staff recommendation to authorize Staff to process an amendment to Conditional Use Permit (CUP) No. 68 that would modify the existing conditions in the CUP regarding foliage height to be consistent with the provisions of the City's View Restoration process.

The motion passed on the following roll call vote:

**AYES:** Campbell, Long, Misetich, Stern, and Mayor Wolowicz  
**NOES:** None  
**ABSENT:** None

**RECESS AND RECONVENE:**

Mayor Wolowicz called a brief recess from 10:54 P.M. to 10:59 P.M.

**Resolution Opposing Marymount College Initiative**

City Clerk Morreale reported that late correspondence was distributed prior to the meeting and there were three requests to speak on the item.

Councilman Stern provided a brief staff report regarding the Resolution Opposing the Marymount College Initiative that Councilman Misetich and he prepared.

Councilman Misetich expressed his appreciation for Councilman Stern's assistance and his experience in generating the document and providing the staff report.

Council and staff discussion ensued.

Mark Wells, Rancho Palos Verdes, stated that the Marymount College Facilities Expansion Project as approved by the City Council provides the college with the necessary construction to build a successful program, and stated that the Council should oppose the Marymount Initiative for the following four reasons: 1) safety concerns regarding college students living in high density residential housing; 2) the City of Rancho Palos Verdes was created because land use benefiting the majority of the residents was far better than the situation of the past; 3) the law that would be enacted to allow a single private entity to have its goals and guidelines supersede

current Municipal Codes and guidelines; and, 4) Marymount College supporters seek to take away the rights of the residents to elect representatives who create and enforce standards that are representative of the voters; and, 5) s and seeks to control the neighborhood.

Kelly Curtis Intagliata, Director of Communications, Marymount College, Rancho Palos Verdes, stated that Marymount College has been a positive force in the community for 50 years, noting that the Marymount Plan Initiative would allow the College to continue to serve the community while thriving as an educational institution. She stated that the Marymount Plan would allow the school to: build a state-of-the-art library and recreational center available to every Palos Verdes resident; and build a 255 student dormitory while maintaining an enrollment cap of 793 students. She added that the Marymount Plan would: reduce student traffic which currently exists due to off-campus housing locations; create more on-campus student and faculty parking; require no tax payer funds; and benefit the local economy through additional utility, sales and property taxes from the College. She noted that Marymount College would be required to obtain building permits; two-thirds of the campus would remain as open space; residents' views would not be blocked; and extra steps would be taken to build a safety-conscious athletic field, with Marymount College providing \$200,000 to build a new traffic median to ensure safety.

Steve Kuykendall, Marymount College, Rancho Palos Verdes, stated that Dr. Brophy wished he could be present. Mr. Kuykendall noted that Marymount College had the following concerns regarding the resolution: the use of the phrase "special district"; Marymount College is subject to over 170 conditions as part of the Initiative, including 22 relating to safety, 14 relating to aesthetic issues, and 14 relating to geologic issues; the density of the project is no different than the current density, since the student enrollment will not change, although 255 students will live on the campus; there will be additional benefits to the community as the College will generate economic activity and employment; and the timeline for the project will not be changed by the Initiative.

#### **RECESS AND RECONVENE:**

Mayor Wolowicz called a brief recess from 11:43 P.M. to 11:52 P.M.

Council and staff discussion ensued regarding possible modifications to the resolution to address the concerns of all Council Members.

Mayor Pro Tem Long moved, seconded by Councilman Stern, to ADOPT RESOLUTION NO. 2010-64, AS AMENDED AND STATED BY THE CITY ATTORNEY, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO PALOS VERDES, TAKING A POSITION IN OPPOSITION TO THE MARYMOUNT INITIATIVE CERTIFIED FOR THE NOVEMBER 2, 2010 BALLOT.

The motion passed on the following roll call vote:

**AYES:** Campbell, Long, Missetich, Stern, and Mayor Wolowicz  
**NOES:** None  
**ABSENT:** None

**Amendments to Administrative Penalty Ordinance and Resolution Establishing the Administrative Penalty Citation Schedule**

Councilman Stern moved, seconded by Mayor Pro Tem Long, to waive the staff report.

Without objection, Mayor Wolowicz so ordered.

Councilman Stern moved, seconded by Councilman Campbell, to: 1) INTRODUCE ORDINANCE NO. 512, AN ORDINANCE OF THE CITY OF RANCHO PALOS VERDES, AMENDING CHAPTER 1.08 (GENERAL PENALTY) AND CHAPTER 1.16 (ADMINISTRATIVE PENALTIES) OF TITLE 1 (GENERAL PROVISIONS) OF THE RANCHO PALOS VERDES MUNICIPAL CODE RELATING TO THE ADMINISTRATIVE CITATION ORDINANCE; and, 2) ADOPT RESOLUTION NO. 2010-65, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO PALOS VERDES, ESTABLISHING ADMINISTRATIVE PENALTIES AND AMENDING THE ADMINISTRATIVE CITATION PENALTY SCHEDULE FOR CERTAIN VIOLATIONS OF THE RANCHO PALOS VERDES MUNICIPAL CODE.

The motion passed on the following roll call vote:

**AYES:** Campbell, Long, Missetich, Stern, and Mayor Wolowicz  
**NOES:** None  
**ABSENT:** None

**CITY COUNCIL ORAL REPORTS:**

Mayor Pro Tem Long moved to defer the City Council Oral Reports to the next regular meeting.

Mayor Wolowicz submitted his written report for the record.

**CLOSED SESSION REPORT:**

City Attorney Lynch reported on the following Closed Session items: 1) With respect to the VH Property Corp. and VHPS LLC v. City of Rancho Palos Verdes lawsuit, a report was provided and unanimous direction was given to the City Attorney to proceed with further discussions with the attorneys for the plaintiffs; 2) With respect to the Potential Litigation based on a threat of litigation received from Andrea Joannou and her attorney, a report was provided and unanimous direction given for the City Attorney to proceed with a letter to Ms. Joannou and her attorney; and, 3) With respect to the Potential

Litigation item based on a threat of litigation in a letter dated January 19, 2010, to City Attorney Carol Lynch from Richard C. Greenberg of Greenberg, Whitcombe & Takeuchi, LLP, a report was provided and no action was taken.

**ADJOURNMENT:**

At 12:21 A.M., Mayor Wolowicz adjourned the meeting.

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Mayor

Attest:

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City Clerk

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