

DRAFT
MINUTES
RANCHO PALOS VERDES CITY COUNCIL
REGULAR MEETING
AUGUST 3, 2010

The meeting was called to order at 6:15 P.M. by Mayor Wolowicz at Fred Hesse Community Park, 29301 Hawthorne Boulevard.

City Attorney Lynch reported that it was necessary to add an item to the Closed Session agenda due to the immediate need to take action regarding correspondence that has been received over the last 24 hours after the posting of the agenda, and meetings that were being requested regarding the VH Property Corp. and VHPS LLC v. City of Rancho Palos Verdes lawsuit.

Councilman Stern moved, seconded by Councilman Campbell, to add an item to the Closed Session agenda regarding the VH Property Corp. and VHPS LLC v. City of Rancho Palos Verdes case.

The motion passed on the following roll call vote:

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

The meeting was recessed into Closed Session at 6:17 P.M.

The meeting was reconvened into Open Session at 7:11 P.M.

City Council roll call for the Open Session 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; Dennis McLean, Director of Finance/Information Technology; Joel Rojas, Community Development Director; Tom Odom, Interim Director of Recreation and Parks; Ara Mihranian, Principal Planner; and Carla Morreale, City Clerk.

Also present was Alan Braatvedt, consultant, Public Works Department.

FLAG SALUTE:

The Flag Salute was led by Mayor Pro Tem Long.

MAYOR'S ANNOUNCEMENTS:

Mayor Wolowicz announced that Jonathan Hanson, a participant in the City of Rancho Palos Verdes' "Pitch, Hit and Run" event, qualified for the National Competition and presented him with a Certificate of Recognition.

Mayor Wolowicz invited Councilman Stern to provide an overview and PowerPoint presentation featuring Barbara and John Dye's activities on the Peninsula. He highlighted the many contributions that Barbara and John made to the Peninsula and announced that they will be joining the Peace Corps for two years.

Mayor Wolowicz announced the recent passing of Angela Hollingsworth, wife of former Councilman and Mayor Tom Hollingsworth.

RECYCLE DRAWING:

Mayor Wolowicz announced Recyclers of the Month from the July 20, 2010 City Council meeting: Robert Chapkis and Kichul Lee. 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:

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

Without objection, Mayor Wolowicz so ordered.

PUBLIC COMMENTS:

Ken Dydá, Rancho Palos Verdes, suggested that Item No. 12 (Adopting the City Charter) should be placed before Item No. 11 (Appointment of Charter City Committee Members) on the agenda.

Michael Brophy, President, Marymount College, Rancho Palos Verdes, commented on the City Council and Planning Commission actions over the last 10 years resulting in the placement of the Marymount College Master Plan on the upcoming November 2, 2010 ballot. He stated that the Master Plan has no hidden agendas and that if the Master Plan is approved by the voters, there will be more certainty about the future of the Marymount College property than any other property in the City. He stated that Marymount College and City Hall need to work together to advance the quality of life in Rancho Palos Verdes, noting that the College makes a commitment that there will be no personal attacks made by the College on the Council Members, City, or citizens of the City of Rancho Palos Verdes.

CITY MANAGER REPORT:

City Manager Lehr announced that the new trash and recycling carts have been distributed by EDCO throughout the City, and provided a review of the regulations regarding storage of the carts and placement of trash carts at the curbside for pick-up.

City Manager Lehr introduced Alan Braatvedt, consultant for the Public Works Department, who provided an update report and PowerPoint presentation regarding the San Ramon Canyon Stabilization Project.

Director of Finance and Information Technology McLean announced that the City of Rancho Palos Verdes has enhanced its website so that residents can obtain Emergency Notification via Text Messaging and Twitter.

NEW BUSINESS:

APPROVAL OF CONSENT CALENDAR:

City Clerk Morreale reported that late correspondence was distributed regarding Item Nos. 5 and 6 prior to the meeting and there were no requests to speak on the Consent Calendar items.

Councilman Misetich requested that Item No. 8 (Professional Services Agreement for Grant Management) be removed from the Consent Calendar for separate consideration.

Councilman Campbell requested that Item No. 4 (Approve a One-Year Contract Extension with Bennett Enterprises, Inc. dba Bennett Landscape for City Right-of-Way and Median Landscape Maintenance) be removed from the Consent Calendar for separate consideration.

Mayor Pro Tem Long moved, seconded by Councilman Stern, to approve the Consent Calendar, as amended, with Item Nos. 4 and 8 to be placed after the conclusion of Regular Business items.

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 June 29, 2010 Adjourned Regular Meeting and July 6, 2010 Regular Meeting.

Adoption of Ordinance - Amendments to Administrative Penalty Ordinance

ADOPTED 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.

Approve a One-Year Contract Extension with Bennett Enterprises, Inc. dba Bennett Landscape for City Right-of-Way and Median Landscape Maintenance

This item was removed from the Consent Calendar for separate consideration.

Palos Verdes Landfill Dog Park Proposal

Supported efforts to locate a dog park at the former Palos Verdes Landfill site, and directed staff to send a letter to the Los Angeles County Board of Supervisors' Office demonstrating the City Council's support.

Construction Contract for Residential Streets Resurfacing Project (Area 4 and a Portion of Area 8)

1) Approved the project construction plans and specifications; 2) Awarded a \$1,218,105.31 construction contract, as amended, to Sully-Miller Contracting Company for the Residential Streets Resurfacing Project (Area 4 and a portion of Area 8) and authorize an additional 10% or \$121,810.53 for possible extra work and contingencies; thereby approving a \$1,339,915.84 construction budget; and, 3) Authorized the Mayor and City Clerk to execute a construction contract with Sully-Miller Contracting Company.

Budget Appropriation and Extension of Contract for Multi-Family Beverage Recycling Grant

1) ADOPTED RESOLUTION NO. 2010-66, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO PALOS VERDES, AMENDING RESOLUTION 2010-55, THE BUDGET APPROPRIATION FOR FISCAL YEAR 2010-11, FOR A BUDGET ADJUSTMENT TO THE CITY'S WASTE REDUCTION FUND; 2) Authorized

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amendment of the Professional Services Agreement with SCS Engineers to extend the scope of services and increase its existing FY 10-11 contract in the amount not to exceed \$30,000 for implementation of the City's AB 939 programs and mandates, Used Oil Payment Program and other support services by a maximum additional amount of \$3,500 for a total contract amount of \$33,500; and, 3) Authorized the Mayor to execute the Third Amendment to Professional Services Agreement between SCS Engineers and the City of Rancho Palos Verdes.

Professional Services Agreement for Grant Management

This item was removed from the Consent Calendar for separate consideration.

June 2010 Monthly Report of Cash Balances

Received and filed the June 2010 Monthly Report of Cash Balances for the City of Rancho Palos Verdes.

Register of Demands

ADOPTED RESOLUTION NO. 2010-67, 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.

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PAUSE TO CONSIDER THE REMAINDER OF THE AGENDA:

REGULAR NEW BUSINESS:

Appointment of Charter City Committee

City Manager Lehr provided a brief staff report regarding this item.

Council and staff discussion ensued.

Mayor Pro Tem Long moved, seconded by Councilman Stern, to appoint the 7 residents as noted in the staff report to serve with the Council Subcommittee of Mayor Wolowicz and Mayor Pro Tem Long to facilitate a public outreach program that will educate residents on a ballot initiative to change Rancho Palos Verdes from a General Law City to a Charter City.

Councilman Misetich moved a substitute motion, seconded by Councilman Campbell, to appoint all residents suggested by all Council Members, as long as they are willing to serve.

Council and staff discussion continued.

Councilman Misetich withdrew his substitute motion.

Mayor Pro Tem Long moved a substitute motion, seconded by Councilman Stern, to:
1) Appoint the 7 residents as noted in the staff report to serve with the Council Subcommittee of Mayor Wolowicz and Mayor Pro Tem Long to facilitate a public outreach program that will educate residents on a ballot initiative to change Rancho Palos Verdes from a General Law City to a Charter City; and, 2) Direct the Council Subcommittee to vet the additional four names suggested by Council Members that are not on the list to see if they are willing to serve and if they meet the criteria, with the complete list to be brought back for Council consideration at the next meeting.

Without objection, Mayor Wolowicz so ordered.

Councilman Stern moved, seconded by Mayor Pro Tem Long, to appoint Mayor Wolowicz as the Chair of the Committee and Mayor Pro Tem Long as the Vice Chair of the Committee.

Without objection, Mayor Wolowicz so ordered.

RECESS AND RECONVENE:

Mayor Wolowicz called a brief recess from 8:48 P.M. to 8:56 P.M.

Adopting the City Charter

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

City Attorney Lynch provided a brief staff report regarding this item.

Council and staff discussion ensued.

Ken Dydá, Rancho Palos Verdes, stated that he was confused on a couple of points, noting that the Committee's charge is not as an advisory committee but instead an outreach committee. He stated that transparency is a major issue which requires extraordinary action; there are benefits of a Charter City; a Charter should be structured very carefully; he did not understand the urgency of placing the Charter City on a ballot; and agreed that the suggestion to start the Charter work after the November 2010 Election was a good strategy.

Mark Wells, Rancho Palos Verdes, stated that he was not aware of public support or opposition to the City becoming a Charter City; the Committee is being constructed to affirm the Council's assertions regarding a Charter City, noting that the City was

creating a Committee of volunteer lobbyists; and opined that with the upcoming costly future projects, the removal of the prevailing wage requirements could cause questions regarding the quality, oversight and control of those projects. He noted that the City is a quality community that should demonstrate leadership and expect the best from those who provide the City with goods and services.

Bob Nelson, Rancho Palos Verdes, stated that he was opposed to the City becoming a Charter City. He stated that the City of Rancho Palos Verdes has functioned well as a General Law City for 35 years. He noted that salaries and prevailing wages had been discussed by Council, and referenced a comparison chart from the League of California Cities which highlighted the differences between Charter and General Law Cities including the following topics: municipal elections; procedures for an initiative; procedures for adopting ordinances; compensation for City officers and employees; processes associated with City contracts; financing public improvements; making charitable gifts of public funds for public purposes; term limits of Council Members; land use; and zoning decisions.

Mayor Pro Tem Long moved, seconded by Councilman Stern, to: 1) Review and approve the attached draft of the City Charter of the City of Rancho Palos Verdes to propose to the City's voters for adoption at an upcoming election; and 2) Instruct the Charter Committee and staff to formulate language regarding the concept of transparency and memorializing existing practices pertaining to employee compensation.

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 10:11 P.M. to 10:19 P.M.

Marine Life Protection Act Update

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

City Clerk Morreale reported that there were two requests to speak on the item.

Councilman Misetich requested a brief staff report.

Mayor Pro Tem Long withdrew his motion.

Deputy City Manager Petru provided a brief staff report and PowerPoint presentation regarding the item.

Council and staff discussion ensued.

Dr. Joe Farlo, Watermens Alliance, Manhattan Beach, stated that he has been involved in the implementation of the Marine Life Protection Act Initiative which was a privately run process funded by environmentalists. He noted that he started a petition to keep Rocky Point open for fishing and provided background information regarding the process to date. He noted that the fisherman in the Palos Verdes area and San Pedro are in support of the Integrated Preferred Alternative highlighted by staff to keep Rocky Point open for fishing.

Council and staff discussion continued.

Mayor Pro Tem Long moved, seconded by Councilman Campbell, to adopt the staff recommendation to: 1) Receive and file the Marine Life Protection Act Update report; and, 2) Direct staff to analyze the Draft Environmental Impact Report once it is released and provide a report to the City Council with recommended comments on the document, including the possibility of allowing shore-based fishing to continue at the Point Vicente Fishing Access.

The motion passed on the following roll call vote:

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

Noise Ordinance Alternatives

City Attorney Lynch provided a brief staff report regarding the item.

Council and staff discussion ensued.

Mayor Pro Tem Long moved, seconded by Mayor Wolowicz, to direct the City Attorney to bring back to Council for consideration a general noise ordinance based on objective standards such as unreasonable, loud, unusual, disturbing, raucous, and/or excessive noise.

The motion passed on the following roll call vote:

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

ITEMS REMOVED FROM THE CONSENT CALENDAR:

Approve a One-Year Contract Extension with Bennett Enterprises, Inc. dba Bennett Landscape for City Right-of-Way and Median Landscape Maintenance

City Clerk Morreale reported that Councilman Campbell requested that this item be removed from the Consent Calendar for separate consideration.

Councilman Campbell stated that he had a quick question regarding this item which he discussed with Deputy Director of Public Works Odom during the break, noting that he was satisfied with the item.

Mayor Pro Tem Long moved, seconded by Councilman Stern, to adopt the staff recommendation to approve and execute the First Amendment to the Weed Abatement/Control & Landscape Maintenance for City Street Rights-of-Way and Medians, which extends the original contract for the period of August 7, 2010 to June 30, 2011.

The motion passed on the following roll call vote:

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

Professional Services Agreement for Grant Management

City Clerk Morreale reported that Councilman Misetich requested that this item be removed from the Consent Calendar for separate consideration.

Councilman Misetich inquired as to the benefits being provided by Blais & Associates in the area of grant management.

City Manager Lehr provided a brief update on the services that have been provided and those grants currently being pursued with the assistance of Blais & Associates.

Councilman Misetich moved, seconded by Councilman Stern, to authorize the Mayor and City Clerk to sign the proposed FY10-11 Professional Services Agreement with Blais & Associates to provide grant management services to the City.

The motion passed on the following roll call vote:

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

CITY COUNCIL ORAL REPORTS:

Each Council Member reported on his attendance at various organization and association meetings since the last City Council Oral Reports were provided on July 20, 2010.

CLOSED SESSION REPORT:

City Attorney Lynch reported that the Council added an item to the Closed Session agenda, with a 4-0 vote, Councilman Long not yet present, due to the immediate need to take action regarding correspondence that has been received over the last 24 hours after the posting of the agenda, and meetings that were being requested regarding the VH Property Corp. and VHPS LLC v. City of Rancho Palos Verdes lawsuit. She stated that with respect to that item, a report was provided and the Council gave unanimous direction to direct all communications regarding the case to the City Attorney’s Office, and Council Members were directed not to meet individually with representatives of the VH Property Corp.

City Attorney Lynch reported on the remaining Closed Session items: 1) With respect to the Existing Litigation regarding the State of California Department of Finance, State Water Resources Control Board, and California Regional Water Quality Control Board, Los Angeles Region, Petitioners, v. Commission on State Mandates, Respondent, County of Los Angeles and the Cities of Artesia, Azusa, Bellflower, Beverly Hills, Carson, Commerce, Covina, Downey, Monterey Park, Norwalk, Rancho Palos Verdes, Signal Hill, Vernon, and Westlake Village, Real Parties in Interest, a report was provided and no action taken; and, 2) With respect to the Potential Initiation of Litigation regarding a slope failure, a report was provided and unanimous direction given to staff to continue to conduct further investigation of the slope failure (5-0).

ADJOURNMENT:

At 11:20 P.M., Mayor Wolowicz adjourned the meeting in the memory of Angela Hollingsworth.

Mayor

Attest:

City Clerk