CITY OF RANCHO PALOS VERDES

FOLLOW-UP AGENDA
RANCHO PALOS VERDES CITY COUNCIL
REGULAR MEETING
OCTOBER 7, 2008
FRED HESSE COMMUNITY PARK, 29301 HAWTHORNE BOULEVARD

<u>Time Estimates</u>: The time noted next to an agenda item is only an estimate of the amount of time that will be spent during the meeting on that particular item. Accordingly, these estimates should not be relied on in determining when a matter will be heard, especially since agenda items are often re-ordered during a meeting and may be discussed at any time.

6:00 P.M. CLOSED SESSION: SEE ATTACHED BROWN ACT CHECK LIST FOR DETAILS.

7:00 P.M. REGULAR SESSION

(15 mins) CALL TO ORDER:

ROLL CALL:

FLAG SALUTE: Led by Jessica Kwan of the Palos Verdes Peninsula 4-H Club

MAYOR'S ANNOUNCEMENTS: Mayor Stern made the following announcements: 1) the last day to register to vote is October 20, 2008; 2) the upcoming 35th Anniversary Celebration of the City of Rancho Palos Verdes is to be held on October 11, 2008 at Pt. Vicente Interpretive Center; 3) the City held a successful Abalone Cove Beach Clean-Up on September 20, 2008; 4) the enforcement of new Rules of Procedure on the Council and public to assist in the more efficient handling of City Council meetings; and, 5) the new free annual neighborhood bulk/excess green waste collection offered by Waste Management in October or November.

Mayor Pro Tem Clark reported on his attendance at a recent meeting with Mayor Stern, staff, and owner of the Golden Cove Center which resulted in the redesign and resubmittal of the Trader Joe's project.

Councilman Gardiner commended the LA County Fire Department and LA County Sheriff's Department for their successful response in extinguishing a fire in the vicinity of Martingale Drive last week.

RECYCLE DRAWING:

APPROVAL OF AGENDA:

PUBLIC COMMENTS: (This section of the agenda is for audience comments for items **NOT** on the agenda.)

CITY MANAGER REPORT: City Manager Lehr reported on the following: 1) the LA County Beach Report Card, where all of the beaches of the City of Rancho Palos Verdes received the highest grade of A+; and, 2) a brush fire on the City's property at Crenshaw Blvd. and Crestridge Road earlier that day.

NEW BUSINESS:

(5 mins) **APPROVAL OF CONSENT CALENDAR:**

1. Motion to Waive Full Reading
   Action Taken: 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.

2. Approval of the Minutes (Morreale)
   Action Taken: Approved the Minutes of the May 6, 2008 Regular Meeting and May 20, 2008 Adjourned Regular Meeting (Interviews).

3. Notification of Resignation of a Member of the Traffic Safety Commission (Morreale)
   Action Taken: Received and filed.

4. Acquisition of Vehicle for the Public Works Department (Huey)
   Action Taken: Authorized the Director of Public Works to execute a purchase contract for a new vehicle in the amount of $20,845.73.

5. Temporary Penalty Fee Waiver Program (Peterson)
   Action Taken: ADOPTED RESOLUTION NO. 2008-91, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO PALOS VERDES, THEREBY ESTABLISHING A TEMPORARY PROGRAM TO WAIVE PENALTY FEES FOR CERTAIN CONSTRUCTION PERFORMED WITHOUT THE APPROPRIATE PLANNING APPROVALS AND/OR BUILDING PERMITS.

6. Reckless Use of Trails within the Palos Verdes Nature Preserve Violation Fee Schedule (Mihranian)

Action Taken: ADOPTED RESOLUTION NO. 2008-92, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO PALOS VERDES, AMENDING RESOLUTION NO. 2008-44, WHICH ESTABLISHES ADMINISTRATIVE PENALTIES FOR VIOLATIONS OF THE RANCHO PALOS VERDES MUNICIPAL CODE TO ESTABLISH AMENDED PENALTIES FOR VIOLATIONS OF THE ORDINANCE THAT PROHIBITS RECKLESS USE OF TRAILS WITHIN THE PALOS VERDES NATURE PRESERVE.

7. Annual Holiday Reception (Petru)
Action Taken: Selected Monday, December 1, 2008 at the Point Vicente Interpretive Center for the 2008 City Holiday Reception.

8. Consultant for Solid Waste Procurement Process (Ramezani)
Action Taken: 1) Awarded a professional services contract to HF&H Consultants, LLC to assist the City in the residential solid waste procurement process; and, 2) Authorized the Mayor and City Clerk to execute a professional services agreement with HF&H Consultants, LLC, with the amount not to exceed $137,500.

9. July 2008 Monthly Report of Cash Balances (McLean)
Action Taken: Received and filed the July 2008 Monthly Report of Cash Balances for the City of Rancho Palos Verdes.

10. Register of Demands (McLean)
Action Taken: ADOPTED RESOLUTION NO. 2008-93, 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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PUBLIC HEARINGS:

(10 mins) 11. Proposed Special Assessment to Recover Expenses Incurred by the City in the Abatement of a Nuisance on the Property Owned by Mr. and Mrs. Semelka at 26105 Barkstone Drive (Alvarez)
Action Taken: ADOPTED RESOLUTION NO. 2008-94, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO PALOS VERDES, THEREBY CONFIRMING THE PROPOSED SPECIAL ASSESSMENT OF $6,151.99 TO RECOVER CITY INCURRED EXPENSES IN BRINGING THE PROPERTY AT 26105 BARKSTONE DRIVE INTO COMPLIANCE WITH THE DECISION OF VIEW PRESERVATION PERMIT NO. 64 AND DIRECTING STAFF TO PROCEED WITH THE RECORDATION OF A LIEN AGAINST THE PROPERTY AT 26105 BARKSTONE DRIVE FOR SAID EXPENSES.

(20 mins) 12. Terranea Resort and Spa - ZON2008-00322 (Revision 'I' to Conditional Use Permit No. 215, et. al) (Mihranian)
Action Taken: ADOPTED RESOLUTION NO. 2008-95, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO PALOS VERDES, APPROVING REVISION 'I' TO CONDITIONAL USE PERMIT NO. 215, ET. AL., BY AMENDING THE COUNCIL ADOPTED CONDITIONS OF APPROVAL TO ALLOW SPECIFIC IMPROVEMENTS TO THE LOWER BEACH AREA CONSISTING OF IMPORTING SAND TO THE AREA LANDWARD OF THE EXTREME-HIGH TIDE LINE, INSTALLING SECURITY FENCING ADJACENT TO THE TOE OF THE BLUFF EDGE, CONSTRUCTING A VEGETATED DRAINAGE CHANNEL WITH NATIVE PLANTINGS TO DIVERT STORM WATER, AND CONSTRUCTING A PEDESTRIAN BRIDGE OVER THE PROPOSED DRAINAGE CHANNEL.

(2 mins) 13. An Ordinance of the City of Rancho Palos Verdes Adopting by Reference Title 10, Animals, of the Los Angeles County Code, and Amending Chapter 6.04 of the Rancho Palos Verdes Municipal Code (Lynch)
Action Taken: 1) Conducted the public hearing on the adoption of the Ordinance, which proposes to incorporate into the Rancho Palos Verdes Municipal Code certain changes that were made previously to the Los Angeles County Animal Control Ordinance; and, 2) ADOPTED ORDINANCE NO. 479, AN ORDINANCE OF THE CITY OF RANCHO PALOS VERDES, ADOPTING BY REFERENCE TITLE 10, ANIMALS, OF THE LOS ANGELES COUNTY CODE, AND AMENDING CHAPTER 6.04 OF THE RANCHO PALOS VERDES MUNICIPAL CODE.

PAUSE TO CONSIDER THE REMAINDER OF THE AGENDA:

REGULAR NEW BUSINESS:

(10 mins) 14. Border Issues Status Report (Fox)
Action Taken: 1) Received and filed the current report on the status of border issues; and, 2) Directed the City's Traffic Engineer and the City Geologist to review the Draft Environmental Impact Report for the *Silverdes* project in Rolling Hills Estates.

(12 mins) 15. Request for Waiver of the Application Fee for a Fence, Wall and Hedge Permit on a Property Located at 2018 Jaybrook Drive (Planning Case No. ZON2007-00589) (Mikhail)
Action Taken: Denied the requested fee waiver.

(20 mins) 16. Advisory Board Membership Composition Process (Gyves)
Action Taken: 1) Authorized Staff to start the recruitment process for Advisory Board appointments to the Emergency Preparedness Committee, Equestrian Committee, Finance Advisory Committee and Traffic Safety Commission; and,

2) Set Saturday, December 6, 2008 to interview and appoint the new Advisory Board Members and Thursday, December 4, 2008 as an alternative date for candidates who cannot make the Saturday interview.

(10 mins) 17. Consider Council Position on Proposition No. 11 – Redistricting Constitutional Amendment (Lehr)
Action Taken: Decided to support Proposition 11 Redistricting Initiative Constitutional Amendment and Statute on the statewide ballot measure scheduled for the November 4, 2008 General Election.

(30 mins) 18. Conduct of Council Meetings: Proposed Rules Changes (Lehr)
Action Taken: 1) Decided the start time for the Closed Session meeting to remain at 6:00 p.m. or 6:30 p.m., depending on the number of items to be discussed, and the Regular Session to begin at 7:00 p.m.; 2) Decided the hard stop end time should be at 11:30 p.m., with no new business to be taken up after 10:30 p.m.; 3) Added a step permitting Council to ask further questions of staff based upon the public input; 4) Council Members may be permitted to engage in dialogue or ask questions to clarify each others' positions; and, 5) Staff will return with a resolution commemorating Council's decision at the next meeting.

(5 mins) 19. City Council Meeting Schedule (Petru)
Action Taken: Rescheduled the regular City Council meeting of Tuesday, November 4, 2008 to Thursday, November 6, 2008.

(15 mins) **CITY COUNCIL ORAL REPORTS:** (This section of the agenda is designated for oral reports from Council Members to report action taken at outside committee and association meetings.)

(5 mins) **COUNCIL DISCUSSION & SUGGESTION OF FUTURE AGENDA ITEMS:**

Consideration of Council position regarding Proposition 1 and Measure R.

(1 min) **CLOSED SESSION REPORT:** City Attorney Lynch reported on the discussion of the following two items in Closed Session: 1) the decision that just came down from the Court of Appeals regarding the Monks vs. the City of Rancho Palos Verdes case, where the Court reversed the decision of the Trial Court that had been in favor of the City and the City Council voted unanimously, with all members present, to authorize the filing of a Motion for Reconsideration with the Court of Appeal and a Petition for Review with the California Supreme Court; and, 2) the City Council voted unanimously, with all members present, to direct the City Attorney to send a letter to Ms. Andrea Joannou advising that there would be no further negotiations regarding an easement on the Redevelopment Agency property at this time due to the decision on the Monks case.

ADJOURNMENT: Adjourned at 9:52 p.m.

CLOSED SESSION AGENDA CHECKLIST
Based on Government Code Section 54954.5

(All Statutory References are to California Government Code Sections)

Conference with Legal Counsel

The City Council/Agency finds, based on advice from legal counsel, that discussion in open session will prejudice the position of the local agency in the litigation:

Existing Litigation:
G.C. 54956.9(a)

Name of Case: Monks v. City of Rancho Palos Verdes, Los Angeles County Superior Court. *Case No. YS010425*.

Added the following items to the City Council Agenda:

6:00 P.M. JOINT CLOSED SESSION WITH THE REDEVELOPMENT AGENCY: SEE ATTACHED BROWN ACT CHECK LIST FOR DETAILS.

Potential Litigation:
G.C. 54956.9(b)

A point has been reached where, in the opinion of the City Council/Agency on the advice of its legal counsel, based on the below-described facts and circumstances, there is a significant exposure to litigation against the City/Agency:

Based on a threat of litigation received from Andrea Joannou on January 9, 2008 regarding 40 Cherry Hill in a meeting with City Manager Lehr, City Attorney Lynch and Director of Planning, Building and Code Enforcement Rojas. A copy of the memorandum from the City Attorney documenting the threat of litigation that was made is on file in the City Clerk's Office.

(Number of Potential Cases – 1)

American with Disabilities Act: In compliance with the Americans with Disabilities Act of 1990, if you require a disability-related modification or accommodation to attend or participate in this meeting, including auxiliary aids or services, please call the City Clerk's Office at 310 544-5208 at least 48 hours prior to the meeting.

NOTE: Staff reports are available for inspection at City Hall, 30940 Hawthorne Boulevard during regular business hours, 7:30 A.M. to 5:30 P.M. Monday – Thursday and 7:30 A.M. to 4:30 P.M. on Friday. The agenda and staff reports can also be viewed at Hesse Community Park, 29301 Hawthorne Boulevard during regular business hours: Monday – Friday from 9:00 A.M. until dusk; Saturday and Sunday from 10:00 A.M. until dusk.

Materials related to an item on this Agenda submitted to the City Council after distribution of the agenda packet are available for public inspection at the front counter of the lobby of the City Hall Administration Building at 30940 Hawthorne Boulevard, Rancho Palos Verdes during normal business hours.

You can also view the agenda and staff reports at the City's website www.palosverdes.com/RPV.

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