

# FOLLOW-UP AGENDA RANCHO PALOS VERDES CITY COUNCIL REGULAR MEETING MAY 19, 2009 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

(10 mins) CALL TO ORDER:

**ROLL CALL:** 

FLAG SALUTE:

MAYOR'S ANNOUNCEMENTS: Mayor Clark presented Jacki Bacharach with the Mayor's RPV Heroes award. He reviewed a PowerPoint presentation regarding Emergency Preparedness for Earthquakes and other disasters. Councilman Stern encouraged residents to get out and vote in the State Special Election if they had not already done so. Mayor Pro Tem Wolowicz announced the re-appointment of Mayor Clark to the California Coastal Commission.

**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:** 

#### **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 April 7, 2009 Regular Meeting.

- 3. Western Avenue Frontage Road Name Change (Jules) Action Taken: 1) ADOPTED RESOLUTION NO. 2009-28, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO PALOS VERDES, THEREBY CHANGING THE STREET NAME OF THAT PORTION OF WESTERN AVENUE FRONTAGE ROAD CUL-DE-SAC AND THE PORTION BETWEEN AVENIDA APRENDA AND REDONDELA DRIVE FROM WESTERN AVENUE FRONTAGE ROAD TO PALMERAS PLACE; and, 2) Authorized the City Clerk to forward an official copy of the executed resolution to the Clerk of the Board of Supervisor's of Los Angeles County.
- 4. Street Sweeping Maintenance Services (Maintenance Contract for FY09-10, FY10-11, and FY11-12) (Murphy/Dragoo)
  Action Taken: 1) Approved plans and specifications and awarded a Street Sweeping Services Maintenance Contract to Nationwide Environmental Services div. of Joe's Sweeping, Inc. for three years and the possibility of three 1-year extensions by mutual agreement; and, 2) Authorized the Mayor and City Clerk to execute a contract with Nationwide Environmental Services div. of Joe's Sweeping, Inc.
- 5. Award Contract for Roadway Maintenance (Dragoo)

  Action Taken: 1) Approved the Plans and Specifications for the Roadway Maintenance contract for FY 2009-10 through FY 2013-14; 2) Awarded a multi-year contract to Hardy & Harper, Inc., for the maintenance of roadways throughout the City of Rancho Palos Verdes; 3) Awarded a contract for professional services to Charles Abbott Associates for Inspection Services; and, 4) Authorized the Mayor and City Clerk to execute contracts with Hardy & Harper, Inc. and Charles Abbott Associates, respectively.
- 6. Citywide Landscaping and Lighting Maintenance District (Huey)

  Action Taken: 1) ADOPTED RESOLUTION NO. 2009-29, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO PALOS VERDES, INITIATING PROCEEDINGS FOR THE LEVY AND COLLECTION OF ASSESSMENTS WITHIN THE CITYWIDE LANDSCAPING AND LIGHTING MAINTENANCE

DISTRICT FOR FISCAL YEAR 2009-2010 AND ORDERING THE PREPARATION OF AN ENGINEER'S REPORT PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972, PART 2 OF DIVISION 15 OF THE CALIFORNIA STREETS & HIGHWAYS CODE; 2) ADOPTED RESOLUTION NO. 2009-30, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO PALOS VERDES, APPROVING THE ENGINEER'S REPORT IN CONNECTION WITH THE LEVY AND COLLECTION OF ASSESSMENTS WITHIN THE CITYWIDE LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT FOR FISCAL YEAR 2009-2010; and, 3) ADOPTED RESOLUTION NO. 2009-31, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO PALOS VERDES, DECLARING THE CITY COUNCIL'S INTENTION TO LEVY AND COLLECT ASSESSMENTS WITHIN THE CITYWIDE LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT FOR FISCAL YEAR 2009-2010 PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972, PART 2 OF DIVISION 15 OF THE CALIFORNIA STREETS & HIGHWAYS CODE, AND APPOINTING A TIME AND PLACE FOR HEARING OBJECTIONS THERETO.

- 7. Notice of Completion Storm Drain Lining Project (Dragoo)

  Action Taken: 1) Accepted the work as complete; 2) Authorized the City Clerk to file a Notice of Completion with the County Recorder; and, 3) Authorized the Director of Public Works to release the 10% retention payment to Wesco Infrastructure Technologies, L.P. 35 days after recordation of the Notice of Completion by the County Recorder contingent upon no claims being filed on the project bond.
- 8. Water Quality and Flood Protection Program- Public Hearing for Annual User Fee Rate FY09-10 (Singer)
  Action Taken: ADOPTED RESOLUTION NO. 2009-32, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO PALOS VERDES, DESIGNATING A TIME AND PLACE FOR HEARING PROTESTS IN CONNECTION WITH THE PROPOSED LEVY OF THE ANNUAL STORM DRAIN USER FEE FOR FY 2009-10.
- 9. Cost Status of Terranea Transient Occupancy Tax (TOT) Advisors (Lehr)

  Action Taken: Authorized the City Manager to approve expenses for the continued use of consulting services in the preparation of due diligence on the request from Lowe Enterprises for TOT assistance for the Terranea Resort.
- 10. Register of Demands (McLean) Action Taken: ADOPTED RESOLUTION NO. 2009-33, 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:**

- (10 mins) 11. Interference with Trapping and Relocation of Peafowl (Lynch)

  Action Taken: INTRODUCED ORDINANCE NO. 488, AS AMENDED, AN ORDINANCE OF THE CITY OF RANCHO PALOS VERDES, ADOPTING BY REFERENCE TITLE 10, ANIMALS, OF THE LOS ANGELES COUNTY CODE, AMENDING CERTAIN SECTIONS THEREOF AND AMENDING CHAPTER 6.04 OF THE RANCHO PALOS VERDES MUNICIPAL CODE.
- (McLean)

  Action Taken: 1) Directed staff to develop a written policy based on a non-accountable plan for City-owned electronic equipment assigned to employees and City Council Members, as well as equipment allowances paid to employees for employee-owned electronic equipment; and, 2) Directed staff to prepare a written user policy and a revision of the salary range Resolution to include electronic equipment allowance to certain employees.
- (5 mins) 13. Tree Trimming Maintenance Project (Bell) **Action Taken:** Rejected all bids.
- (10 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:

**CLOSED SESSION REPORT:** City Attorney Lynch reported on the following items: 1) Regarding the potential purchase of open space, unanimous direction was given regarding the purchase of a portion of Upper Filiorum property; and, 2) Regarding the potential litigation, a report was provided and no action taken, with Councilman Gardiner and Councilman Long absent for both items.

**ADJOURNMENT:** Adjourned at 8:03 to Tuesday, May 26, 2009 at 7:00 P.M. at Pt. Vicente Interpretive Center for an Adjourned Regular Meeting.

## **CLOSED SESSION AGENDA CHECKLIST**Based on Government Code Section 54954.5

(All Statutory References are to California Government Code Sections)

Conference with Real Property Negotiators G.C. 54956.8

Potential purchase of open space:

Property: Filiorum: APN 7572-012-024, 7572-012-028, 7572-012-029, 7573-

003-016, 7581-023-031, 7581-023-029, 7572-002-022

City Negotiators: City Manager; City Attorney; Councilman Long; Councilman Stern;

Director of Planning, Building and Code Enforcement Rojas; Mike

Kilroy; Bill Swank; and Henry Jurgens

Negotiating Parties: York Long Point Associates

Under Negotiation: Price and Terms of Payment

## 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 Donald Trump on Wednesday, May 6, 2009, in a telephone conversation with Mayor Larry Clark; and based on a threat of litigation received in a letter from Scott W. Wellman and Stuart Miller dated May 7, 2009. A copy of the memorandum from Mayor Clark documenting the threat of litigation and a copy of the letter from Scott W. Wellman and Stuart Miller are on file in the City Clerk's Office.

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.

Written materials, including emails, submitted to the City are public records and may be posted on the City's website. In addition, City meetings may be televised and may be accessed through the City's website. Accordingly, you may wish to omit personal information from your oral presentation or written materials as it may become part of the public record regarding an agendized item.

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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