

FOLLOW-UP AGENDA RANCHO PALOS VERDES CITY COUNCIL REGULAR MEETING JUNE 2, 2009 FRED HESSE COMMUNITY PARK, 29301 HAWTHORNE BOULEVARD

REMOTE SITE: GRANGE CITY HOTEL 8-14 Cooper's Row London EC3N 2BQ, England

<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: 1) Mayor Clark announced the passing of Founding Councilmember David "Cisco" Ruth and asked everyone to observe a moment of silence in his memory; 2) Mayor Clark announced the restaurants in the City of Rancho Palos Verdes who have received recognition as part of the Clean Bay Program Recognition for Businesses; 3) Mayor Clark announced the upcoming SCE Free Solar Information Session to be held on Thursday, June 25, 2009, between 6:30-8:00 P.M. at Southern California Edison Service Center in Torrance.

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 May 5, 2009 Regular Meeting, as amended.

3. Border Issues Status Report (Fox)

Action Taken: Received and filed the current report on the status of border issues.

- 4. Extension of Professional Services Agreement for Community Development Block Grant Program Administration FY09-10 (Huey)
 - **Action Taken:** Approved the option to renew a professional services agreement with Diana Cho and Associates to continue providing Community Development Block Grant Program administration services for the period July 1, 2009 to June 30, 2010 for a not-to-exceed amount of \$17,500.
- 5. Extension of Professional Services Agreement for FY09-10 Home Improvement Program Administration (HIP) (Huey)
 - **Action Taken:** Approved the option to renew a professional services agreement with MDG and Associates to continue providing Home Improvement Program administration services through the Community Development Block Grant Program for the period July 1, 2009 to June 30, 2010 for a not-to-exceed amount of \$30,000.
- 6. Proposed Changes to the Home Improvement Program Guidelines (Huey) **Action Taken:** Amended the Program Guidelines of the Home Improvement

 Program (HIP) to provide grants of up to \$7,000 and deferred loans, at zero (0%)

 percent interest up to a maximum of \$13,000, with a minimum of \$5,000 per household.

- 7. Crossing Guard Services for 2009-2010 School Year: Amendment to Contract with All City Management Services (Petru)
 - **Action Taken:** Authorized the Mayor and the City Clerk to execute an amendment to the agreement with All City Management Services, Inc. (ACMS), for an amount not to exceed \$17,767.00 to provide crossing guard services at Miraleste Intermediate School and Silver Spur Elementary School for the 2009-2010 School Year.
- 8. Adoption of Ordinance No. 488, 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 (Gyves)

Action Taken: ADOPTED ORDINANCE NO. 488; 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.

- 9. Approval of Agreement between the City and the Portuguese Bend Cooperative Nursery School (Waters)
 - **Action Taken:** Approved and authorized the Mayor to execute the agreement between the City and Portuguese Bend Cooperative Nursery School.
- Annenberg Foundation Grant for Point Vicente Interpretive Center Phase II Exhibits (Waters)

Action Taken: Accepted matching in-kind service grant up to \$300,000 from the Annenberg Foundation to be used for the design, creation, and installation of Point Vicente Interpretive Center Phase II indoor exhibits. Approved exception to formal bid process to utilize the services of Storyline Studios, an exhibit design firm.

- 11. Traffic Signal Maintenance Services (Jules)
 - **Action Taken:** 1) Awarded a contract for Traffic Signal Maintenance Services for Fiscal Years 09-10, 10-11, and 11-12 to Econolite Traffic Engineering and Maintenance, Inc. and authorized the Mayor and City Clerk to execute a contract; and, 2) Authorized the expenditure of \$48,188.60 for traffic signal maintenance services for FY 09-10.
- Air Quality Management District (AQMD) Contract for a Mobile Source Air Pollution Reduction Review Committee (MSRC) Local Government Match Program Grant (Huey)

Action Taken: Authorized the Mayor and City Clerk to execute the contract with the Air Quality Management District (AQMD) on behalf of the Mobile Source Air Pollution Reduction Review Committee (MSRC) for a Local Government Match

Program grant in the amount of \$50,000.

13. Support Letter Regarding the Los Angeles Metro Harbor Subdivision Transit Corridor (Petru)

Action Taken: Authorized the Mayor to sign a letter to Los Angeles Metro supporting the Harbor Subdivision Transit Corridor.

14. Contract Renewal for View Restoration Mediator and View Restoration Arborist Professional Services (Trester)

Action Taken: Authorized the Mayor and City Clerk to execute an extension of the professional services agreements with the City's View Restoration Mediator, Ms. Coleen Berg; and the City's View Restoration Arborist, Mr. David Hayes, to provide mediation and arboriculture services, respectively, on an as-needed basis to the City for an additional two years.

- 15. Contract Renewal for Biological Consulting Services (Harwell) Action Taken: Authorized the Mayor and City Clerk to execute an extension of the professional service agreement with David Magney Environmental Consulting to provide on-call biological consulting services on an as-needed basis to the City for an additional two-year period.
- 16. Contract Renewal for Geotechnical Consulting Services (Kim)

 Action Taken: Authorized the Mayor and City Clerk to execute the proposed agreement with Zeiser Kling Consultants, Inc. to provide geology and geotechnical engineering consulting services on an as-needed basis to the City for an additional two years.
- 17. Extension of Contracts for as Needed Building and Safety Consultant Services (Christman)

Action Taken: Authorized the Mayor and City Clerk to execute a professional service agreement with Charles Abbott Associates (CAA) Inc. to continue to provide building inspection and plan check services to the City on an as-needed basis through June 30, 2011, and 2) Authorized the Mayor and City Clerk to execute a professional services agreement with Scott Fazekas Associates (SFA) Inc. to continue to provide building inspection services to the City on an as-needed basis through June 30, 2011.

- March 2009 Monthly Report of Cash Balances (McLean)
 Action Taken: 1) Received and filed the March 2009 Monthly Report of Cash Balances for the City of Rancho Palos Verdes.
- 19. April 2009 Monthly Report of Cash Balances (McLean)

 Action Taken: 1) Received and filed the April 2009 Monthly Report of Cash Balances for the City of Rancho Palos Verdes.

20. Register of Demands (McLean)

Action Taken: ADOPTED RESOLUTION NO. 2009-34, 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:

- (15 mins) 21. Residential Solid Waste and Recycling Rate Adjustments for USA Waste of California DBA Waste Management of Los Angeles for FY09-10 (Ramezani)

 Action Taken: 1) Approved the maximum rates that USA Waste of California dba Waste Management of Los Angeles can charge single-family and multi-family customers in FY 09-10; and 2) Increased the City's FY09-10 Collector Fee by \$40,925.
- (60 mins) 22. Appeal of the Planning Commission's Approval of Case No. ZON2007-00046 (Variance and Coastal Permit) for property located at 24 Sea Cove Drive (Schonborn)

Action Taken: Upheld the appeal and overturned the Planning Commission's decision and thereby denying approval of Case No. ZON2007-00046 for a Variance and Coastal Permit to Allow an After-the-Fact Pool, Spa, and Outdoor Chimney Barbecue within the Coastal Structure Setback Zone on Property Located at 24 Sea Cove Drive. Staff was directed to return with a resolution to commemorate the Council's decision.

(5 mins) 23. Water Quality and Flood Protection Program—Annual User Fee Rate—FY09-10 (Singer)

Action Taken: 1) Received, reviewed and filed the independent Water Quality and Flood Protection Program Annual Report, dated May 13, 2009, prepared by the Oversight Committee for the storm drain program; 2) Conducted a public hearing pursuant to Health and Safety Code Section 5473.2 and Section 3.44.40 of the Rancho Palos Verdes Municipal Code on June 2, 2009 on the Annual Report prepared by Harris & Associates, the Annual Report prepared by the Oversight Committee and information provided by Staff, and determined to collect the Storm Drain User Fee (the "Fee") for FY 09-10, and if so, the rate per Equivalent Residential Unit ("ERU") for FY 09-10; 3) At the conclusion of the Public Hearing determined the existence or absence of a majority protest; 4) In the absence of a majority protest, Council determined that the rate per ERU for FY 09-10 shall be \$89.47 as set forth in the Annual Report; and, 5) ADOPTED RESOLUTION NO. 2009-35, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO PALOS VERDES, FINALLY ADOPTING A REPORT, AS FILED, IN CONNECTION WITH THE STORM DRAIN USER FEE ESTABLISHED PURSUANT TO CHAPTER 3.44 OF THE RANCHO PALOS

VERDES MUNICIPAL CODE; DETERMINING THE AMOUNT OF SUCH FEE FOR FY 09-10; AND ORDERING THAT SUCH FEE BE COLLECTED ON THE COUNTY OF LOS ANGELES TAX ROLL FOR FY 09-10.

(60 mins) 24. Draft City Budget for Fiscal Year 2009-2010 (Petru)

Action Taken: Continued to the June 16, 2009 City Council meeting.

PAUSE TO CONSIDER THE REMAINDER OF THE AGENDA:

REGULAR NEW BUSINESS:

- (10 mins) 25. Recreation Facilities Tactical Goal Update (Rosenfeld)

 Action Taken: Received and filed the update on the Recreation Facilities Tactical Goal.
- (30 mins) 26. Planning Case No. ZON2009-00007 (Code Amendment and Environmental Assessment): Revisions to the Landslide Moratorium Ordinance (Chapter 15.20 of the Rancho Palos Verdes Municipal Code) to Establish an Exception Category to Allow the Development of Undeveloped Lots in Zone 2 (Fox)

 Action Taken: 1) Received a status update from Staff regarding the revisions to the Landslide Moratorium Ordinance mandated by the *Monks* decision; and, 2) Directed staff to proceed to prepare a Mitigated Negative Declaration for the 16 lots under the *Monks* decision; and to prepare an Environmental Impact Report for the 47 lots in Zone 2, as deemed appropriate by City experts.
- (15 mins) 27. 2009 Five-Year Financial Model (Downs)

 Action Taken: Continued to the June 16, 2009 City Council meeting.
- (5 min) 28. Five-Year Capital Improvement Plan (Singer)

 Action Taken: Continued to the June 16, 2009 City Council meeting.
- (20 mins) 29. Introduce an Ordinance of the City of Rancho Palos Verdes Creating Chapter 10.36 (On-Street Parking of Oversized Vehicles) of Title 10 of the Rancho Palos Verdes Municipal Code (Dragoo)

 Action Taken: Continued to the June 16, 2009 City Council meeting.
- (15 mins) 30. Neighborhood Permit Parking Educational Outreach (Jules)

 Action Taken: Continued to the June 16, 2009 City Council meeting.
- (10 mins) 31. One-Year Extension to the Current Five-Year Contract with Los Angeles County for Law Enforcement Services (Petru)

 Action Taken: 1) Authorized the Mayor and the City Clerk to execute a one-year extension to the 2004 Five-Year City-County Law Enforcement Services Agreement on behalf of the City; and, 2) Authorized the Mayor to sign a letter to the Los Angeles County Board of Supervisors urging the Board to approve the

one-year extension to the existing contract.

- Ordinance Amending Chapter 5.24 of the Rancho Palos Verdes Municipal Code (15 mins) 32. (Massage Establishments and Technicians) (Lynch) Action Taken: INTRODUCED ORDINANCE NO. 489, AN ORDINANCE OF THE CITY OF RANCHO PALOS VERDES AMENDING CHAPTER 5.24 (MASSAGE ESTABLISHMENTS AND TECHNICIANS) OF THE CITY'S MUNICIPAL CODE.
- (30 mins) 33. Terranea Resort – Request for Financial Assistance Using Future Transient Occupancy Tax Revenue (McLean) Action Taken: Continued to the June 5, 2009 City Council meeting.
- (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 that the Council voted unanimously with those Council Members present and Councilman Long participating via teleconference, with Councilman Gardiner absent, to add the Monks Litigation to the Closed Session based on a letter received on June 1, 2009, after the agenda was posted, from Mr. Miller with a threat of additional litigation in that letter and the immediate need to take action to address the matter in light of the fact that an item was on the Council agenda that evening. City Attorney Lynch reported on the following: 1) With respect to the Monks Litigation item, a report was provided and not action taken; and 2) Regarding the potential litigation by the City against the County, regarding the County's use of the Contract Cities' Liability Trust Fund, the Council voted unanimously to authorize the City, along with the other Contract Cities, to engage the services of Mr. Litvak's firm and to approve the tolling agreement for an additional one year period. She reported that the vote was unanimous, with those Council Members present and Councilman Long participating via teleconference, with Councilman Gardiner absent.

ADJOURNMENT: Adjourned at 11:25 P.M., to Friday, June 5, 2009, for an Adjourned Regular Meeting to be held at 3:00 P.M. at Pt. Vicente Interpretive Center. The meeting was adjourned in the memory of Founding Councilmember David "Cisco" Ruth.

CLOSED SESSION AGENDA CHECKLIST

Based on Government Code Section 54954.5

(All Statutory References are to California Government Code Sections)

Potential Litigation: G.C. 54956.9(c) The City Council will be meeting in Closed Session to determine whether to file a lawsuit against the County pertaining to the County's use of a portion of the Contract Cites' Liability Trust Fund.

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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