CITY OF RANCHO PALOS VERDES

FOLLOW-UP AGENDA
RANCHO PALOS VERDES CITY COUNCIL
REGULAR MEETING
JUNE 16, 2009
FRED HESSE COMMUNITY PARK, 29301 HAWTHORNE BOULEVARD

REMOTE SITE:
3115 Martingale Drive
Rancho Palos Verdes, California 90275

<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:

CEREMONIAL: Mayor Clark announced the retirement of Maintenance Superintendent Larry Still and presented him with a City tile.

MAYOR'S ANNOUNCEMENTS: Mayor Clark presented Aviation Survival Technician 2nd Class Mitch Latta; Aviation Survival Technician 3rd Class Gabe Humphrey; and, Avionics Electrical Technician Brad Young with the Mayor's RPV Heroes awards; and, he introduced Los Angeles County Sheriff Chief Cecil Rhambo, the new Chief of the Los Angeles County Sheriff's Department, who oversees seven patrol stations, three bureaus, and the Community Law Enforcement Program.

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 7, 2009 Regular Meeting.

3. Contract for Citywide Fuel Modification FY08-09 (Motahari)
   Action Taken: Approved amendment to the contract with Ranchito Tivo Boer Goats to perform brush clearance for fuel modification.

4. Notice of Completion for the FY 2008-2009 Sidewalk Repair Program (Vaish)
   Action Taken: 1) Accepted the work as complete; 2) Authorized the City Clerk to file a Notice of Completion with the County Recorder's Office and, if no claims are filed 35 days after recordation, notify 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 $32,743.20 to CJ Construction, Inc. 35 days after recordation of the Notice of Completion by the County Recorder's Office contingent upon no claims being filed on the project and the contractor posting an acceptable warranty bond.

5. Amendment to the Community Development Block Grant (CDBG) Program Pursuant to the American Recovery and Reinvestment Act (ARRA) of 2009 (Huey)
   Action Taken: 1) Approved the proposed Community Development Block Grant-Recovery Act (CDBG-R) project and budget; and, 2) ADOPTED RESOLUTION NO. 2009-36, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO PALOS VERDES, TO AMEND THE CITY'S COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM PURSUANT TO THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009.

6. Memorandum of Understanding with the City of Los Angeles related to the Justice Assistance Grant (JAG) for Law Enforcement Services (Petru)

Action Taken: Authorized the Mayor and City Clerk to execute the Memorandum of Understanding with the City of Los Angeles for the Justice Assistance Grant.

7. Extension to Lease Agreements with Verizon Wireless and New Cingular Wireless Associated with the Monopole at City Hall (Petru)
Action Taken: 1) Approved the Fourth Amendment to the Lease Agreement with Verizon Wireless to extend the term of the agreement to June 30, 2014; and, 2) Continued the consideration of the Approval of the Second Amendment to the Lease Agreement with New Cingular Wireless to the June 30, 2009 City Council Meeting.

8. Award of Contracts for On-Call Professional Services (Dragoo)
Action Taken: 1) Authorized the award of a three-year contract for on-call professional services to the following firms: Adams Consulting Engineers; AEI Consultants; AMEC Earth & Environmental, Inc.; BOA Architecture; Bureau Veritas; CBM Consulting, Inc.; Charles Abbott Associates, Inc.; DMc Engineering; Dudek & Associates; Group Delta Consultants; Harris & Associates; Helix Environmental, Inc.; Huitt-Zollars; Hunter Kennedy & Associates; John David Cicchetti; John M. Cruikshank Consultants, Inc.; John L. Hunter & Associates; KDM Meridian; Kleinfelder Consultants, Inc.; Lenocker & Associates; Merit Municipal Engineering Services; Nobel Systems; PBS&J; PVPLC; RBF Consulting; SA Associates; The Traffic Solution; Tran Systems; Willdan; and Zieser Kling; and, 2) Authorized the expenditure of funds with each of these firms within budget limitations, with a not to exceed amount of up to $25,000 for any single project.

9. Palos Verdes Drive East Interim Safety Improvements Grant Application Update (Jules)
Action Taken: Received and filed the 2008 Highway Safety Improvements Program (HSIP) Grant Application update for the Palos Verdes Drive East Interim Safety Improvements project.

10. Adoption of 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 (Gyves)
Action Taken: ADOPTED 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.

11. City Investment Policy - FY09-10 (Singer)
Action Taken: Adopted and filed the FY09-10 Investment Policy for the City of Rancho Palos Verdes.

12. 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: Continued to the June 30, 2009 City Council Meeting.

13. Register of Demands (McLean)
Action Taken: ADOPTED RESOLUTION NO. 2009-37, 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:

(5 mins) 14. Citywide Landscaping and Lighting Maintenance District (Huey)
Action Taken: 1) Conducted a public hearing on the proposed levy and collection of assessments within the Citywide Landscaping and Lighting Maintenance District for Fiscal Year 2009-10 and the Engineer's Report prepared in connection therewith; and, 2) ADOPTED RESOLUTION NO. 2009-38, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO PALOS VERDES, MAKING CERTAIN FINDINGS AND CONFIRMING A DIAGRAM AND ASSESSMENT FOR THE 2009-10 FISCAL YEAR IN CONNECTION WITH THE CITYWIDE LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972, PART 2 OF DIVISION 15 OF THE CALIFORNIA STREETS AND HIGHWAYS CODE.

(30 mins) 15. Zone Text Amendment to the Commercial Limited (CL) Zoning District (Case No. ZON2009-00034) [Continued from May 5, 2009] (Schonborn)
Action Taken: INTRODUCED ORDINANCE NO. 491, AS AMENDED, AN ORDINANCE OF THE CITY OF RANCHO PALOS VERDES, AMENDING SECTION 17.14.030 OF CHAPTER 17.14 (COMMERCIAL LIMITED ZONE DISTRICT) OF TITLE 17 OF THE CITY'S MUNICIPAL CODE.

(60 mins) 16. Appeal of the Planning Commission's Denial of Case No. ZON2008-00091 for a General Plan Amendment and Zone Change for Property Located at 28103 Hawthorne Boulevard (Valero Gas Station Site) [Continued from May 5, 2009] (Schonborn)
Action Taken: Adopted the Staff recommendation, without prejudice, by minute action only with no findings made.

(60 mins) 17. Draft City Budget for Fiscal Year 2009-2010 [Continued from June 2, 2009] (Petru)
Action Taken: Continued to June 18, 2009.

PAUSE TO CONSIDER THE REMAINDER OF THE AGENDA:

REGULAR NEW BUSINESS:

(5 mins) 18. Terranea Resort - Request for Financial Assistance Using Future Transient Occupancy Tax Revenue – Ordinance No. 490 (McLean)
Action Taken: REINTRODUCED ORDINANCE NO. 490, AN ORDINANCE OF THE CITY OF RANCHO PALOS VERDES, ESTABLISHING A HOTEL INCENTIVE PROGRAM AND AMENDING THE RANCHO PALOS VERDES MUNICIPAL CODE.

(15 mins) 19. Increase of Transient Occupancy Tax Rate (Lynch)
Action Taken: Decided to place an increase of the City's Transient Occupancy Tax on the November ballot so that the ordinance and appropriate resolutions will be prepared and presented for adoption at the June 30, 2009 Council meeting.

(10 mins) 20. 2009 Five-Year Financial Model (Downs)
Action Taken: Continued to June 18, 2009.

(30 min) 21. Five-Year Capital Improvement Plan (Singer)
Action Taken: Continued to June 18, 2009.

(20 mins) 22. 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 June 18, 2009.

(15 mins) 23. Neighborhood Permit Parking Educational Outreach (Jules)
Action Taken: Continued to June 18, 2009.

(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) With respect to the conference with Real Property Negotiators regarding the Potential Purchase of Open Space, a report was provided and no action taken; 2) With respect to the existing litigation with Rancho Palos Verdes Neighbors for Community Compatibility v. City of Rancho Palos Verdes, a report was provided and no action taken; 3) With respect to the existing litigation with the VH Property Corp. and VHPS LLC v City of Rancho Palos Verdes, a report was provided and no action taken; 4) With respect to the potential litigation based on a threat of litigation received in a letter from Mr. Brant H. Dveirin, attorney for Mr. Conroy, a report was provided and no action taken; 5) With

respect to the potential litigation based on a threat of litigation received in a letter from Mr. Richard Knickerbocker, attorney for Mr. and Mrs. Trowbridge, the City Council gave unanimous direction (3-0) with Councilman Long abstaining, to not proceed to file an action at this time; and, 6) With respect to the potential litigation regarding a lawsuit against the County pertaining to the County's use of a portion of the Contract Cites' Liability Trust Fund, a report and no action taken. Councilman Gardiner was absent for the entirety of the Closed Session.

ADJOURNMENT: Adjourned at 11:40 P.M. to Thursday, June 18, 2009 at 7:00 P.M. at Hesse Park 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

Negotiating Parties: York Long Point Associates

Under Negotiation: Price and Terms of Payment

Existing Litigation:
G.C. 54956.9(a)

Name of Case: Rancho Palos Verdes Neighbors for Community Compatibility v. City of Rancho Palos Verdes, et al., Los Angeles Superior Court. *Case No. BS119893.*

Name of Case: VH Property Corp. and VHPS LLC v. City of Rancho Palos Verdes, et al., Los Angeles County Superior Court. *Case No. BC404048.*

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 in a letter from Brant H. Dveirin dated June 10,

2009. A copy of the letter from Brant H. Dveirin documenting the threat of litigation is on file in the City Clerk's Office.

Based on a threat of litigation received from Mr. Richard Knickerbocker, attorney for Mr. and Mrs. Trowbridge, in telephone conversations on May 27, 2009 and May 28, 2009 between Mr. Richard Knickerbocker and Veronica S. Gunderson, Associate for Richards, Watson and Gershon.

(Number of Potential Cases – 2)

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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