

# FOLLOW-UP AGENDA (<u>AMENDED</u>)\* RANCHO PALOS VERDES CITY COUNCIL REGULAR MEETING JULY 21, 2009 FRED HESSE COMMUNITY PARK, 29301 HAWTHORNE BOULEVARD

\*Amended Agenda: One additional item was added to the Closed Session under Existing Litigation.

<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. JOINT CLOSED SESSION WITH THE REDEVELOPMENT AGENCY: 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 Melvin Hughes with the RPV Heroes Award; and, Councilman Stern provided a report on a recent event at which the US Attorney General presented a Department of Justice grant to the non-profit organization, the SHAWL House.

**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:** Director of Finance/Information Technology provided an update report on the future resident discounts at the Terranea Resort.

#### **NEW BUSINESS:**

## (5 mins) APPROVAL OF CONSENT CALENDAR:

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 June 5, 2009 Special Meeting.

3. Request for Waiver of the Application Fee for a Special Use Permit on Property located at 6001 Palos Verdes Drive South – Point View Property (Case No. ZON2009-00260) (Schonborn)

**Action Taken:** Granted the requested fee waiver.

- 4. Used Oil Recycling Block Grant for FY 2009-10 (Ramezani) Action Taken: 1) Authorized the application of the FY 2009-10 (15<sup>th</sup> Cycle) Used Oil Block Grant to continue the Used Oil and Filter Recycling Program for the City of Rancho Palos Verdes residents; and, 2) ADOPTED RESOLUTION NO. 2009-48, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO PALOS VERDES, AUTHORIZING THE DIRECTOR OF PUBLIC WORKS TO EXECUTE ANY AGREEMENTS, CONTRACTS, AND REQUESTS FOR PAYMENT AS NECESSARY TO IMPLEMENT THE PROGRAM.
- 5. Contract Addendum No. 5 for the Marymount College Facilities Expansion Project Environmental Impact Report (Mihranian) Action Taken: Approved Contract Addendum No. 5 to the Agreement for Consulting Services between the City of Rancho Palos Verdes and Robert Bein, William Frost & Associates (RBF) for the preparation of an Environmental Impact Report for the Marymount College Facilities Expansion Project, in the amount of \$23.146.
- Adopt the Sewer System Management Plan (SSMP) in Compliance with the State Water Resources Control Board (Dragoo)
   Action Taken: ADOPTED RESOLUTION NO. 2009-49, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO PALOS VERDES, ADOPTING THE SEWER SYSTEM MANAGEMENT PLAN.
- 7. 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 the item to the October 20, 2009 City Council meeting.

- Amendment to the South Bay Cities Council of Governments' Joint Powers
   Authority (JPA) Agreement (Gyves)
   Action Taken: Approved the amendment to the South Bay Cities Council of
   Governments' (SBCCOG) Joint Powers Authority (JPA) Agreement.
- 9. Annenberg Project at Lower Point Vicente Service Agreements with Rincon and Linscott, Law and Greenspan (Mihranian)
  Action Taken: 1) Authorized the Mayor and City Clerk to sign a professional services agreement in an amount not to exceed \$38,553 with Rincon Consultants, Inc. to prepare a Mitigated Negative Declaration (MND) for site improvements at Lower Point Vicente in connection to the 1998 improvements to the Point Vicente Interpretive Center; and, 2) Authorized the Mayor and City Clerk to sign a professional service agreement in an amount not to exceed \$16,500 with Linscott, Law, and Greenspan Engineers for the preparation of a traffic engineering design study for the entry driveway to Lower Point Vicente in connection to the 1998 improvements to the Point Vicente Interpretive Center.
- 10. FY 09-10 Los Angeles County Sheriff's Contract (Petru)

  Action Taken: 1) Authorized the Mayor to sign the FY 09-10 Services for the Peninsula Region (Rancho Palos Verdes, Rolling Hills, and Rolling Hills Estates); and, 2) Authorized the City Manager to sign the FY 09-10 Rancho Palos Verdes Deployment Survey with the Los Angeles County Sheriff's Department.
- 11. Update on Status of Recycling Revenues and Budget Appropriation for SCS Engineers (Ramezani)

Action Taken: 1) Received and filed the update on Status of Recycling Revenues report; and, 2) ADOPTED RESOLUTION NO. 2009-54, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO PALOS VERDES, AMENDING RESOLUTION NO. 2009-40, THE BUDGET APPROPRIATION FOR FISCAL YEAR 2009-10, FOR A BUDGET ADJUSTMENT TO THE CITY'S WASTE REDUCTION FUND; 3) Amended the professional services contract with SCS Engineers to extend the scope of services for work performed regarding the reduction of the City's California Refund Value revenues, and increased their existing FY09-10 contract in the amount not to exceed \$28,000 by a maximum additional amount of \$7,800, for a total contract not to exceed \$35,800; 4) Authorized the Mayor and City Clerk to sign Amendment No. 2 to the professional services contract with SCS Engineers; and, 5) Directed staff to continue to explore additional ways to encourage curbside recycling.

- 12. Pavement Management System Update (Jules)

  Action Taken: Received and filed the Pavement Management System Update.
- 13. Approval of License Agreements between the City and the Owners of Six Private Properties to Allow City Contractors and Employees to Cross their Properties to Access City-Owned Properties for the Purposes of Performing Weed Abatement

and Authorize the Mayor to Sign the License Agreements on Behalf of the City (Bell)

**Action Taken:** 1) Approved the form of the attached License Agreement, so that the City and its contractors and employees can cross six privately owned properties and gain access to City-owned properties to perform weed abatement work; and, 2) Authorized the Mayor to sign the agreements on behalf of the City.

14. Register of Demands (McLean)

**Action Taken:** ADOPTED RESOLUTION NO. 2009-50, 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.

# # # # # #

#### **PUBLIC HEARINGS:**

(5 mins) 15. Abalone Cove Sewer Maintenance Fee (Dragoo)

**Action Taken:** 1) Conducted the public hearing on the proposed levy of the annual sewer service charge for the Abalone Cove Sewer System for Fiscal Year 2009/10; and, 2) ADOPTED RESOLUTION NO. 2009-51, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO PALOS VERDES, APPROVING A REPORT IN CONNECTION WITH THE SEWER SERVICE CHARGE ESTABLISHED PURSUANT TO CHAPTER 13.06 OF THE RANCHO PALOS VERDES MUNICIPAL CODE, DETERMINING THE AMOUNT OF SUCH CHARGE FOR FISCAL YEAR 2009/10, AND ORDERING THAT SUCH CHARGE BE COLLECTED ON THE TAX ROLL.

(10 mins) 16. Conformance with the 2009 Los Angeles County Congestion Management Program (CMP) (Kim)

Action Taken: ADOPTED RESOLUTION NO. 2009-52, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO PALOS VERDES, THEREBY ADOPTING THE CITY'S 2009 LOCAL DEVELOPMENT REPORT (LDR) AND SELF-CERTIFYING THE CITY'S CONFORMANCE WITH THE 2004 CONGESTION MANAGEMENT PROGRAM (CMP) FOR LOS ANGELES COUNTY.

(5 mins) 17. Code Amendment to Chapter 17.11 "Affordable Housing" and Chapter 17.96 "Definitions" (Case No. ZON2009-00125) (Schonborn)

Action Taken: 1) ADOPTED RESOLUTION NO. 2009-53, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO PALOS VERDES, CERTIFYING A NEGATIVE DECLARATION; and, 2) INTRODUCED ORDINANCE NO. 495, AN ORDINANCE OF THE CITY OF RANCHO PALOS VERDES, AMENDING CHAPTER 17.11 (AFFORDABLE HOUSING) AND CHAPTER 17.96 (DEFINITIONS) OF THE CITY'S MUNICIPAL CODE TO CONFORM TO STATE DENSITY BONUS LAW.

(5 mins) 18. Revision "SS" to the Trump National Golf Course Project (Pfost)

Action Taken: Approved a two-month extension of the Development Agreement and use of the Temporary Driving Range to September 16, 2009, via Minute Order, and continued the review of Revision "SS" to the September 15, 2009 City Council Meeting.

#### PAUSE TO CONSIDER THE REMAINDER OF THE AGENDA:

#### **REGULAR NEW BUSINESS:**

- (10 mins) 19. Form of Staff Recommendations to the City Council on Planning Commission Appeals and Recommendations (Councilman Long)

  Action Taken: Directed staff to return with a policy consistent with that expressed in the staff report requiring that, in preparing staff reports, staff will clearly present its independent and professional recommendation to the Council under the customary "Recommendation" section, in addition to presenting the Planning Commission's or other Advisory Board's decision or recommendation on the matter in question.
- (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:

None.

**CLOSED SESSION REPORT:** City Attorney Lynch reported on the following Closed Session items: 1) With respect to the Public Employee Performance Evaluation of the City Manager, the Council and City Manager discussed the Tactical Goals and concluded the review; 2) With respect to the existing litigation with Rancho Palos Verdes Neighbors for Community Compatibility v. City of Ranchos Palos Verdes, the City Council unanimously approved a Tolling Agreement to authorize additional time to explore an alternative plan in light of the pending litigation; 3) With respect to the existing litigation with VH Property Corp. and VHPS LLC v. City of Rancho Palos Verdes, a report was provided and no action taken; and, 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. and Mrs. Conroy, a report was provided and no action taken. The Redevelopment Agency (RDA) Meeting was reconvened so that City Attorney Lynch could report on the following Joint CC/RDA Closed Session item: 5) With respect to the potential litigation based on a threat of litigation received from Andrea Joannou and based on a threat of litigation received in a letter from Douglas W. Beck, Esq., unanimous direction was provided not to grant an easement, nor to allow a house to be placed seaward of PVDS on the RDA property, and to authorize the removal of the existing structure on the site. Councilman Gardiner was absent for all items discussed in Closed Session.

**ADJOURNMENT:** Adjourned at 8:46 p.m.

#### **CLOSED SESSION AGENDA CHECKLIST**

Based on Government Code Section 54954.5

(All Statutory References are to California Government Code Sections)

# Public Employee Performance Evaluation G.C. 54957

Personnel

Title: City Manager

Specify Position/Title of Employee Being Reviewed

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 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:

Based on a threat of litigation received in a letter from Brant H. Dveirin, attorney for Mr. and Mrs. Conroy, 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.

### **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; and based on a threat of

litigation received in a letter from Douglas W. Beck, Esq. dated February 25, 2009. A copy of the memorandum from the City Attorney documenting the threat of litigation and a copy of the letter from Douglas W. Beck, Esq. are on file in the City Clerk's Office.

# Number of Potential Cases (2)

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 <a href="www.palosverdes.com/RPV">www.palosverdes.com/RPV</a>.

W:\Temporary Follow-Up Agendas\20090721 CC Follow-Up AGENDA AMENDED (Closed Session).doc