FOLLOW-UP AGENDA
RANCHO PALOS VERDES CITY COUNCIL
REGULAR MEETING
DECEMBER 15, 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

(15 mins) CALL TO ORDER:

ROLL CALL:

FLAG SALUTE:

MAYOR'S ANNOUNCEMENTS: Mayor Wolowicz announced the recent REACH fundraising event "Breakfast with Santa" held at Hesse Park; upcoming visits by Santa Claus to Rancho Palos Verdes neighborhoods sponsored by the Lomita Sheriff's Station; an upcoming presentation by the Los Angeles County Fire and Public Works regarding preparations for the storm season; an invitation to Boy and Girl Scout troops to lead the flag salute at future Council Meetings; the presentation of shirts and hats to Council Members; and, the City's receipt of the American Public Works Association Award for the McCarrell Canyon Drainage Project.

RECYCLE DRAWING:

APPROVAL OF AGENDA:

City Attorney Lynch requested that the Council add an item to the agenda regarding the Amendment to the Purchase and Sale Agreement to Purchase Open Space Land to clarify that certain rocks and cacti can remain on the property and that there was an immediate need to take action since escrow was to close by the end of the year.

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

CITY MANAGER REPORT: City Manager Lehr requested that Director of Finance/Information Technology give a brief update regarding the audio system improvements that have been made in the Council Chambers; and, Senior Engineer Dragoo provided an update report regarding the components of the public education for the Neighborhood Parking and Oversized Vehicle Parking programs approved earlier in the year.

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 November 4, 2009 Regular Meeting Minutes.

3. Crestridge (Mirandela) Affordable Housing Project - Final Parcel Map No. 70957 (Pfost)
   Action Taken: 1) Approved, via minute order, Final Parcel Map No. 70957, and authorized the Mayor, City Clerk and City Attorney to execute and file the related Subdivision Improvement Agreement; and, 2) Authorized the City Manager and City Clerk to sign a Certificate of Acceptance, thereby allowing the City to accept Parcel No. 2 of Parcel Map No. 70957 from the Redevelopment Agency.

4. Measure R Agreement (Huey)
   Action Taken: Authorized the Mayor to execute the Assurances and Understandings Regarding Receipt and Use of Measure R Local Return Funds agreement.

5. Withdrawal of Appeal by Las Candalistas of the Planning Commission's Decision to Uphold the Director's Interpretation that a Conditional Use Permit (CUP) cannot be submitted to allow Residentially Zoned Properties to be used for Commercial Purposes (Case No. ZON2009-00146) (Rojas)
   Action Taken: Received and filed this report.

6. Register of Demands (McLean)
Action Taken: ADOPTED RESOLUTION NO. 2009-92, 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) 7. Proposed 2010-2011 Community Development Block Grant (CDBG) Program (Huey)
Action Taken: 1) Conducted a public hearing to receive citizen input on the proposed 2010-2011 Community Development Block Grant (CDBG) Program; 2) Approved the proposed CDBG projects and budget; 3) Authorized the Interim Director of Public Works to execute agreements for CDBG projects with the Los Angeles County Community Development Commission; and, 4) Authorized the Interim Director of Public Works to adjust the program budget as necessary to take into account the final CDBG allocation and any amounts unexpended at the close of the fiscal year.

***Note - The next three items (8, 9, and 10) were conducted as joint public hearings.**

(1 hour) 8. Code Amendment to Clarify which Existing Maps to use to Establish the Location of the Coastal Setback Line on Individual Properties (Case No. ZON2009-00416) (Schonborn)
Action Taken: Denied approval of a Code Amendment to add language that specifies use of the Earth Sciences Associates Maps to determine the location of the Coastal Setback Line on individual properties.

(30 mins) 9. Appeal of the Planning Commission's Approval of Case No. ZON2007-00253, a Revised Interpretation regarding the Coastal Setback Line on Properties in the City's Coastal Zone [Continued from October 20, 2009] (Schonborn)
Action Taken: Determined to continue to use the Official Zoning Map as the map to be used in determining the location of the Coastal Setback Line.

(1 hour) 10. Appeal of the Planning Commission's Approval of Case No. ZON2007-00046 (Variance and Coastal Permit) for Property Located at 24 Sea Cove Drive [Continued from October 20, 2009 and Re-noticed as a Public Hearing item for this agenda] (Schonborn)
Action Taken: Denied the appeal and ADOPTED RESOLUTION NO. 2009-93, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO PALOS VERDES, DENYING MS. SIMES' APPEAL AND UPHOLDING THE PLANNING COMMISSION'S DECISION TO CONDITIONALLY APPROVE 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.

PAUSE TO CONSIDER THE REMAINDER OF THE AGENDA:

REGULAR NEW BUSINESS:

(20 mins) 11. Selection of Automated Carts (Ramezani)
Action Taken: 1) Approved the following automated cart colors: Carts with grey body and grey lid for trash, blue body and blue lid for recycling, and green body and green lid for green waste; 2) Approved a "granite" style exterior finish for the automated cart bodies; 3) Selected Rehrig Pacific Company to provide automated carts; and, 4) Directed EDCO Disposal Corporation to order the approved carts for residential single-family solid waste customers.

(1 hour) 12. Revision to Planning Case No. ZON2009-00007 (Code Amendment and Environmental Assessment): Further Revisions to the Landslide Moratorium Ordinance (Chapter 15.20 of the Rancho Palos Verdes Municipal Code) to Establish an Exception Category to Allow for the Future Development of the Sixteen (16) *Monks* Plaintiffs' Lots in Zone 2 to Increase the Maximum Permitted Quantity of Grading per Lot from Less than 50 Cubic Yards to Less than 1,000 Cubic Yards (Fox)
Action Taken: 1) ADOPTED URGENCY ORDINANCE NO. 501U, AN ORDINANCE OF THE CITY OF RANCHO PALOS VERDES, ADOPTING FURTHER REVISIONS TO THE LANDSLIDE MORATORIUM ORDINANCE (CHAPTER 15.20 OF THE RANCHO PALOS VERDES MUNICIPAL CODE) TO ESTABLISH AN EXCEPTION CATEGORY TO ALLOW FOR THE FUTURE DEVELOPMENT OF THE SIXTEEN (16) *MONKS* PLAINTIFFS' LOTS IN ZONE 2 TO INCREASE THE MAXIMUM PERMITTED QUANTITY OF GRADING PER LOT FROM LESS THAN 50 CUBIC YARDS TO LESS THAN 1,000 CUBIC YARDS, AND DECLARING THE URGENCY THEREOF; and, 2) INTRODUCED ORDINANCE NO. 502, AN ORDINANCE OF THE CITY OF RANCHO PALOS VERDES, ADOPTING FURTHER REVISIONS TO THE LANDSLIDE MORATORIUM ORDINANCE (CHAPTER 15.20 OF THE RANCHO PALOS VERDES MUNICIPAL CODE) TO ESTABLISH AN EXCEPTION CATEGORY TO ALLOW FOR THE FUTURE DEVELOPMENT OF THE SIXTEEN (16) *MONKS* PLAINTIFFS' LOTS IN ZONE 2 TO INCREASE THE MAXIMUM PERMITTED QUANTITY OF GRADING PER LOT FROM LESS THAN 50 CUBIC YARDS TO LESS THAN 1,000 CUBIC YARDS; and, 3) Continued this matter to January 5, 2010.

(10 mins) 13. Budget Adjustment for Geotechnical Review of *Monks* Plaintiffs' Landslide Moratorium Exception Applications (Fox)
Action Taken: ADOPTED RESOLUTION NO. 2009-94, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO PALOS VERDES, AMENDING RESOLUTION NO. 2009-40, THE BUDGET APPROPRIATION

FOR FY 2009-10, TO INCREASE THE BUDGET IN THE GENERAL FUND.

(10 mins) 14. Code Amendment, a Request to Amend Chapter 15.34 of Title 15 (Building and Construction Code) of the City's Municipal Code to Implement a New Water Efficient Landscape Ordinance (Mikhail)
Action Taken: 1) ADOPTED URGENCY ORDINANCE NO. 503U, AN ORDINANCE OF THE CITY OF RANCHO PALOS VERDES, TO AMEND MUNICIPAL CODE CHAPTER 15.34 TO IMPLEMENT THE STATE'S REQUIREMENTS FOR WATER EFFICIENT LANDSCAPING ON SPECIFIC PUBLIC AND PRIVATE DEVELOPMENT PROJECTS, AND DECLARING THE URGENCY THEREOF; and, 2) INTRODUCED ORDINANCE NO. 504, AN ORDINANCE OF THE CITY OF RANCHO PALOS VERDES, TO AMEND MUNICIPAL CODE CHAPTER 15.34 TO IMPLEMENT THE STATE'S REQUIREMENTS FOR WATER EFFICIENT LANDSCAPING ON SPECIFIC PUBLIC AND PRIVATE DEVELOPMENT PROJECTS.

(10 mins) 15. Council Meeting Schedule (Petru)
Action Taken: 1) Confirmed the City Council Team Building Workshop at 9:30 A.M. on Saturday, January 9, 2010 at Hesse Park; 2) Scheduled Candidate Interviews for the Oversight Committee at 6:00 P.M. on Tuesday, January 19, 2010; and for the Planning Commission at 5:00 P.M. on Tuesday, February 2, 2010, at Hesse Park; 3) Selected Saturday, January 23, 2010 at 9:30 A.M. at PVIC for the Tactical Planning Workshop; 4) Selected April 24, 2010 at 9:00 A.M. at Hesse Park for the Spring Community Leaders' Breakfast meeting; 5) Selected Saturday, May 22, 2010 at 9:30 A.M. at Hesse Park for the Budget Work Session; and, 6) Reserved the fifth Tuesdays in 2010 for potential City Council Workshops.

(10 mins) 16. Mayor's Appointment of City Council Members to Intergovernmental Organizations and Associations and City Subcommittees (Morreale)
Action Taken: Appointed the members of Council to the various intergovernmental organizations and associations and City Subcommittees.

(5 mins) 17. Amended Conservation Easement with the Palos Verdes Peninsula Land Conservancy (Lynch)
Action Taken: Approved the Amended Conservation Easement.

18. Amendment to the Agreement to Purchase Additional Acreage to be Included in the Palos Verdes Nature Preserve (Lynch)
Action Taken: Approved the Amendment to the Amended and Restated Purchase, Sale, and Donation Agreement and Joint Escrow Instructions and Authorized the Mayor to Execute the Amendment on Behalf of the City.

(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 no action was taken on any of the four items in Closed Session.

ADJOURNMENT: Adjourned at 12:58 A.M.

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; Mayor Pro Tem Long; Councilman Stern; Director of Planning, Building and Code Enforcement Rojas

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 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.

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*.

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.*

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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