

FOLLOW-UP AGENDA RANCHO PALOS VERDES CITY COUNCIL REGULAR MEETING MAY 4, 2010 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 following upcoming meetings: San Ramon Canyon Stabilization Project Community Meeting – May 12, 2010 at 6:00 P.M. at Miraleste Intermediate School located at 29323 Palos Verdes Drive East – Meeting to be held in the Theater Arts Building/Auditorium (TAB); and, Teen Driver Awareness Presentation by the Lomita Sheriff's Station – May 12, 2010 at 7:00-9:00 P.M. at Mira Catalina Elementary School located at 30511 Lucania Drive – Meeting to be held in the Multipurpose Room. Mayor Wolowicz announced the recent passing of former Torrance Police Chief Donald Nash

RECYCLE DRAWING:

APPROVAL OF AGENDA:

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

CITY MANAGER'S REPORT: City Manager Lehr introduced Recreation Program Supervisor Nancie Silver and Administrative Analyst II Katie Howe, who announced three upcoming Community Workshops regarding the Lower Hesse and Grandview Parks Designs to be held on May 15, 2010; July 17, 2010; and Sept. 25, 2010. City Manager Lehr announced that the City's first Emergency Preparedness Newsletter was recently mailed to all of the City's residents.

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.
- Approval of the Minutes (Morreale)
 Action Taken: Approved the Minutes of the Adjourned Regular Meeting of March 30, 2010; Adjourned Regular Meeting of March 31, 2010; and Regular Meeting of April 6, 2010.
- Border Issues Status Report (Fox)
 Action Taken: Received and filed the current report on the status of border issues.
- 4. Adoption of Ordinance No. 508 Zone Text Amendment Appeal Hearing Time Frame (ZON2009-00375)/Citywide (Mikhail) Action Taken: ADOPTED ORDINANCE NO. 508, AN ORDINANCE OF THE CITY OF RANCHO PALOS VERDES, AMENDING SECTION 17.80.050(C) AND SECTION 17.80.070(C) OF CHAPTER 17.80 (HEARING NOTICE AND APPEAL PROCEDURES) TO ESTABLISH A 90-DAY DEADLINE TO SCHEDULE A PUBLIC HEARING FOR APPEALS (CASE NO. ZON2009-00375).
- 5. Adoption of Ordinance No. 509 Authorizing Certain City Officers to Approve and Execute Particular Contracts (Lynch)
 Action Taken: ADOPTED ORDINANCE NO. 509, AN ORDINANCE OF THE CITY OF RANCHO PALOS VERDES, ADDING CHAPTER 2.14 TO TITLE 2 OF THE CITY'S MUNICIPAL CODE TO ALLOW CERTAIN CITY OFFICERS TO APPROVE AND EXECUTE PARTICULAR CONTRACTS.
- Notice of Completion for Hesse Park Playground Improvements Project (Motahari)
 Action Taken: 1) Accepted the work as complete; 2) Authorized the City Clerk to file a Notice of Completion with the County Recorder; and if no claims are

filed within 35 days after recordation, and upon the contractor posting an acceptable warranty bond, notice 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 \$18,691.35 to Green Giant Landscape, Inc. 35 days after recordation of the Notice of Completion by the County Recorder contingent upon no claims being filed on the project, and the contractor posting an acceptable warranty bond.

7. 2009 Annual Report on the Implementation of the Rancho Palos Verdes General Plan (Mikhail)

Action Taken: Directed Staff to forward the City's Annual Progress Report on the Implementation of the Rancho Palos Verdes General Plan in calendar year 2009 to the State Governor's Office of Planning and Research and to the Department of Housing and Community Development.

8. 2009 Annual Report on the Implementation of the Rancho Palos Verdes Housing Element (Mikhail)

Action Taken: Directed Staff to forward the City's Annual Progress Report on the Implementation of the Rancho Palos Verdes Housing Element for the 2009 calendar year to the Department of Housing and Community Development (HCD).

- March 2010 Monthly Report of Cash Balances (McLean)
 Action Taken: Received and filed the March 2010 Monthly Report of Cash Balances for the City of Rancho Palos Verdes.
- 10. Register of Demands (McLean)

Action Taken: ADOPTED RESOLUTION NO. 2010-30, 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) 11. Planning Case No. ZON2003-00377 (Code Amendment, Zone Change and Environmental Assessment): Residential Development Standards Steering Committee Code Amendment and Zone Change [Citywide] (Fox) Action Taken: Continued the public hearing to May 18, 2010.
- (45 mins) 12. Interpretation of Condition of Approval No. 45 of Resolution No. 2010-09, regarding the Structure Sizes of the Residences Approved under Case Nos. SUB2008-00001 and ZON2008-00074 through ZON2008-00078; Address 32639 Nantasket Drive, a Vacant Lot located on the West Side of Nantasket

Drive between Beachview Drive and Seacove Drive (Schonborn) **Action Taken:** Clarified that the intent of Condition of Approval No. 45 was to require a 10 percent average reduction in the square footage among the four homes allowing the developer some design flexibility.

(2 hrs) 13. Appeal of the Marymount College Facilities Expansion Project (Case No. ZON2003-00317) / 30800 Palos Verdes Drive East (Mihranian)

Action Taken: 1) Approved Alternative D-2 with split tennis courts; 30-foot high netting on the north, south, and entire length of the west side of the athletic field; tennis courts fencing at the 20-foot height all the way around; wrought iron fencing along the curvature of PVDE nearest to the athletic field at the height of six feet; directed staff to return with the design and development plans for a center median barrier along PVDE and accepted the \$200,000 contribution offered by Marymount College for the construction of a center median; and, 2) Directed Staff to prepare the appropriate resolutions memorializing the Council's action, including action taken on the project from its March 31, 2010 meeting, for adoption at the May 18, 2010 meeting.

PAUSE TO CONSIDER THE REMAINDER OF THE AGENDA:

REGULAR NEW BUSINESS:

- (10 mins) 14. Pension Liability Payoff (Downs)

 Action Taken: 1) ADOPTED RESOLUTION NO. 2010-31, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO PALOS VERDES, AMENDING RESOLUTION NO. 2009-40, THE BUDGET APPROPRIATION FOR FY09-10, TO ADJUST THE BUDGET IN THE GENERAL FUND AND THE EMPLOYEE BENEFITS FUND; and, 2) Directed Staff to pay off the City's pension side-fund liability prior to June 30, 2010.
- (15 mins) 15. Improved Method for Bringing Forth Council Member Initiated Agenda Items (Stern)
 Action Taken: Amended the City Council Rules of Procedure 5.1 to delete from the Agenda that item described as "12. Council Discussion & Suggestion of Future Agenda Items."
- (5 mins) 16. Opposition of SBX6 2 Transient Occupancy Taxes: Collection (Petru)

 Action Taken: Authorized the Mayor to sign a letter opposing SBX6 2 and direct Staff to transmit the letter to Senator Calderon and Senator Wright.
- (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 Closed Session items: 1) With respect to the Marymount College item that was added to the agenda pursuant to an Addendum, Council discussion occurred and no action was taken; 2) With respect to one of the View Restoration proceedings that was discussed under potential litigation the Council voted (4-0), with Councilman Campbell absent, to direct staff to take no action with respect to the trimming of an individual's trees until the next trimming cycle; and, 3) With respect to the second View Restoration item the Council directed staff not to enforce certain landscape plans that have been approved for only four properties and not to get involved with the enforcement of the CC & R's, but to bring back for future Council discussion and consideration an amendment of the Conditional Use Permit for that particular tract, in order to delete references to enforcing CC & R's. She reported the Council vote was (4-0-1), with Councilman Campbell abstaining since he arrived after the discussion had begun.

ADJOURNMENT: Adjourned at 12:21 A.M. on May 5, 2010, in the memory of Rancho Palos Verdes resident and former Torrance Police Chief Donald Nash.

CLOSED SESSION AGENDA CHECKLIST

Based on Government Code Section 54954.5

(All Statutory References are to California Government Code Sections)

Initiation of Litigation:

G.C. 54956.9 (c)

The City Council is deciding whether to initiate litigation to enforce the View Restoration Ordinance.

Number of Potential Cases (2)

Added the following item to the Closed Session of the City Council Agenda to discuss the following:

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 made by Marymount College Attorney Don Davis at the March 30, 2010 City Council Meeting.

Number of Potential Cases (1)

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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