



**FOLLOW-UP AGENDA
RANCHO PALOS VERDES CITY COUNCIL
REGULAR MEETING
JULY 20, 2010
FRED HESSE COMMUNITY PARK, 29301 HAWTHORNE BOULEVARD**

Time Estimates: 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 that the Community Development Department and Principal Planner Ara Mihranian recently received the APA Special Award of Merit for Planning Excellence in Implementation – Small Jurisdiction for the Terranea Resort Project. He also congratulated Associate Engineer Bindu Vaish and Senior Engineer Nicole Jules for the recent completion of the arterial roadway improvement project along Hawthorne Blvd. and Palos Verdes Drive West.

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: City Manager Lehr reported on the July 17, 2010 Community Workshop regarding the Lower Hesse Park and Grandview Park

Improvement Projects. She reported on the Community Meeting to be held on July 21, 2010 at Miraleste Intermediate School regarding the San Ramon Canyon Stabilization Project. Interim Director of Recreation and Parks Odom provided an overview of the enhanced Recreation Programming and upcoming events for community participation.

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 22, 2010 Adjourned Regular Meeting/Budget Workshop.
3. Notice of Completion for the Residential Street Overlay and Slurry Seal (Area 6 and a Portion of Area 8), Median Modification and Median Landscape Improvement Projects (Vaish)
Action Taken: 1) Accepted the work as complete; 2) Authorized the City Clerk to file a Notice of Completion with the LA County Registrar-Recorder Office; 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 \$144,793.51 to All American Asphalt, 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.
4. Notice of Completion for the Arterial Street Resurfacing Project: ESPL-5413(010) (Vaish)
Action Taken: 1) Accepted the work as complete; 2) Authorized the City Clerk to file a Notice of Completion with the LA County Registrar-Recorder Office 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 \$203,683.95 to All American Asphalt, 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.
5. Notice of Completion for City Hall Campus Generator System Installation 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 \$23,824.80 to Unique Performance Construction 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.

- 6. City of Rancho Palos Verdes Accessibility Self-Evaluation and Transition Plan (Motahari)

Action Taken: 1) Awarded contract to BOA Architecture to provide a Citywide Accessibility Self-Evaluation and Transition Plan in the amount not to exceed \$73,812 with an allowance of \$15,000 for unforeseen items of work which may be added to the scope of work, for a total of \$88,812; and, 2) Authorized the Mayor and the City Clerk to execute the contract with BOA Architecture.

- 7. Register of Demands (McLean)

Action Taken: ADOPTED RESOLUTION NO. 2010-60, 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.

- 7A. Used Oil Payment Program (Holland)

Action Taken: ADOPTED RESOLUTION NO. 2010-61, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO PALOS VERDES, AUTHORIZING THE SUBMITTAL OF A USED OIL PAYMENT PROGRAM APPLICATION TO THE CALIFORNIA DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY, AND AUTHORIZING THE DIRECTOR OF PUBLIC WORKS TO EXECUTE ANY AGREEMENTS, CONTRACTS, AND REQUESTS FOR PAYMENT AS NECESSARY TO IMPLEMENT THE PROGRAM, UNTIL RESCINDED.

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PUBLIC HEARINGS:

- (30 mins) 8. Proposed View Restoration and Preservation Guideline Revisions (Alvarez)
Action Taken: ADOPTED RESOLUTION NO. 2010-62, AS AMENDED, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO PALOS VERDES, THEREBY APPROVING A NUMBER OF MINOR AMENDMENTS TO CLARIFY THE CITY'S VIEW RESTORATION AND PRESERVATION GUIDELINES AND PROCEDURES.

- (5 mins) 9. Conformance with the 2010 Annual Los Angeles County Congestion Management Program (CMP) (Kim)
Action Taken: ADOPTED RESOLUTION NO. 2010-63, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO PALOS VERDES, THEREBY ADOPTING THE CITY'S 2010 LOCAL DEVELOPMENT REPORT (LDR) AND SELF-CERTIFYING THE CITY'S CONFORMANCE WITH THE 2004 CONGESTION MANAGEMENT PROGRAM (CMP) FOR LOS ANGELES COUNTY.

PAUSE TO CONSIDER THE REMAINDER OF THE AGENDA:

REGULAR NEW BUSINESS:

- (30 mins) 10. Proposed Stadium Lighting at Palos Verdes Peninsula High School (Fox)
Action Taken: Directed Staff to take the following actions as specified in the staff report: 1) Prepare a letter to Palos Verdes Peninsula Unified School District (PVPUSD) asking the District to mitigate all impacts related to stadium lighting and nighttime use to less-than-significant levels; 2) Prepare a letter to PVPUSD requesting the District to submit the proposal to full zoning and environmental review through the City of Rolling Hills Estates' discretionary permit process, and to abide by the outcomes; and, 3) Attend the upcoming PVPUSD Board meeting and continue to monitor this proposal as a part of the City's regular bi-monthly Border Issues Status Report.
- (10 mins) 11. Planning Case No. ZON2010-00223 (Code Amendment Initiation Request): A Request to Consider Initiating a Clean-Up Code Amendment to Correct the Omission of Specific Plan District VII from Chapter 17.38 (Specific Plan Districts) of the Development Code (Fox)
Action Taken: Directed Staff to initiate a Code Amendment to clean up an omission in Chapter 17.38 (Specific Plan Districts) of the Rancho Palos Verdes Development Code (RPVDC).
- (20 mins) 12. Initiation Request to Amend Conditional Use Permit No. 68 (Lunada Point – Tract No. 40640) (ZON2010-00185) (Trester)
Action Taken: Authorized Staff to process an amendment to Conditional Use Permit (CUP) No. 68 that would modify the existing conditions in the CUP regarding foliage height to be consistent with the provisions of the City's View Restoration process.
- (45 mins) 13. Resolution Opposing Marymount College Initiative (Stern/Misetich)
Action Taken: ADOPTED RESOLUTION NO. 2010-64, AS AMENDED, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO PALOS VERDES, TAKING A POSITION IN OPPOSITION TO THE MARYMOUNT INITIATIVE CERTIFIED FOR THE NOVEMBER 2, 2010 BALLOT.

(10 mins) 14. Amendments to Administrative Penalty Ordinance and Resolution Establishing the Administrative Penalty Citation Schedule (Odom/Lynch)
Action Taken: 1) INTRODUCED ORDINANCE NO. 512, AN ORDINANCE OF THE CITY OF RANCHO PALOS VERDES, AMENDING CHAPTER 1.08 (GENERAL PENALTY) AND CHAPTER 1.16 (ADMINISTRATIVE PENALTIES) OF TITLE 1 (GENERAL PROVISIONS) OF THE RANCHO PALOS VERDES MUNICIPAL CODE RELATING TO THE ADMINISTRATIVE CITATION ORDINANCE; and, 2) ADOPTED RESOLUTION NO. 2010-65, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO PALOS VERDES, ESTABLISHING ADMINISTRATIVE PENALTIES AND AMENDING THE ADMINISTRATIVE CITATION PENALTY SCHEDULE FOR CERTAIN VIOLATIONS OF THE RANCHO PALOS VERDES MUNICIPAL CODE.

(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.)

CLOSED SESSION REPORT: City Attorney Lynch reported on the following Closed Session items: 1) With respect to the VH Property Corp. and VHPS LLC v. City of Rancho Palos Verdes lawsuit, a report was provided and unanimous direction was given to the City Attorney to proceed with further discussions with the attorneys for the plaintiffs; 2) With respect to the Potential Litigation based on a threat of litigation received from Andrea Joannou and her attorney, a report was provided and unanimous direction given for the City Attorney to proceed with a letter to Ms. Joannou and her attorney; and, 3) With respect to the Potential Litigation item based on a threat of litigation in a letter dated January 19, 2010, to City Attorney Carol Lynch from Richard C. Greenberg of Greenberg, Whicombe & Takeuchi, LLP, a report was provided and no action was taken.

ADJOURNMENT: Adjourned at 12:21 A.M.

CLOSED SESSION AGENDA CHECKLIST
Based on Government Code Section 54954.5

(All Statutory References are to California Government Code Sections)

Existing Litigation:
G.C. 54956.9(a)

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 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 (1)

**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 in a letter dated January 19, 2010, to City Attorney Carol Lynch from Richard C. Greenberg of Greenberg, Whicombe & Takeuchi, LLP, a copy of which is 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 agenda 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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