

# FOLLOW-UP AGENDA RANCHO PALOS VERDES CITY COUNCIL REGULAR MEETING SEPTEMBER 6, 2011 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 Long congratulated the members of the First Graduating Class of Junior Rangers and presented each participant with a graduation card commemorating his/her accomplishments; Mayor Long announced that September 2011 is Prostate Cancer Awareness Month.

### 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 that the Employee Compensation section of the City's website has recently been updated in accordance with the format used by the State Controller's Office. Director of Finance/IT McLean provided a detailed overview of Employee Compensation and Benefits as highlighted on the City's website.

### **NEW BUSINESS:**

# (5 mins) APPROVAL OF CONSENT CALENDAR:

A. 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.

B. Approval of Minutes (Morreale)

**Action Taken:** Approved the Minutes of the August 16, 2011 Regular Meeting and August 24, 2011 Special Meeting.

- C. Notice of Completion San Ramon Canyon Sewer Relocation (Dragoo)

  Action Taken: 1) Accepted the work as complete and authorized the City
  Clerk to file a Notice of Completion with the County Recorder; 2) Authorized the
  Director of Public Works to release the 10% retention payment in the amount of
  \$19,991.50 to Garcia Juarez 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 maintenance
  bond; and, 3) Authorized staff to notice the surety company to exonerate the
  Payment and Performance bonds following release of the retention.
- D. One-Year Extension of the Contract with Blais & Associates, Inc. for Grant Management and Support Services (Fox)
   Action Taken: Authorized the Mayor and City Clerk to sign the agreement with Blais & Associates, Inc. for a 1-year extension to the existing Professional Services Agreement through FY 2011-12.
- E. July 2011 Monthly Report of Cash Balances (McLean)
  Action Taken: Received and filed the July 2011 Monthly Report of Cash Balances for the City of Rancho Palos Verdes.
- F. Agreement for Skate Park and Dog Park Site Community Outreach and Site Analysis (Howe)

**Action Taken:** This item was continued to a future Council Meeting.

G. Award Contracts – Via Canada Storm Drain PD-478 Inlet Improvements Project (Winje)

Action Taken: 1) Approved the plans and specifications for the Via Canada Storm Drain PD-478 Inlet Improvements Project; 2) Awarded a construction contract to HYM Engineering, Inc. and authorized the Mayor and City Clerk to execute a construction contract to HYM Engineering, Inc. in the amount of \$41,048. Authorized a construction contingency of \$8,000 for a total construction authorization of \$49,048; and, 3) Awarded a professional services contract to Merit Civil Engineering, Inc. and authorized the Mayor and City Clerk

to execute a professional services agreement to Merit Civil Engineering, Inc. in an amount not to exceed \$15,000 for inspection services.

- H. Register of Demands (McLean)
  Action Taken: ADOPTED RESOLUTION NO. 2011-65, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO PALOS VERDES, ALLOWING CERTAIN CLAIMS AND DEMANDS AND SPECIFYING FUNDS FROM WHICH
- I. Election for the City to Serve as the Successor Agency to the Rancho Palos Verdes Redevelopment Agency (Lynch)
  Action Taken: ADOPTED RESOLUTION NO. 2011-66, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO PALOS VERDES, MAKING AN ELECTION FOR THE CITY TO SERVE AS A SUCCESSOR AGENCY UNDER PART 1.85 IN THE EVENT THE REDEVELOPMENT AGENCY IS DISSOLVED.
- J. Oversized Vehicle Parking Penalties (Petru)

  Action Taken: ADOPTED RESOLUTION NO. 2011-67, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO PALOS VERDES, ESTABLISHING A PENALTY FOR PARKING VIOLATIONS ASSOCIATED WITH OVERSIZED VEHICLES WITHIN THE CITY OF RANCHO PALOS VERDES.

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### **REGULAR NEW BUSINESS:**

THE SAME ARE TO BE PAID.

- (1 hr)

  1. Pension Revision (Mayor Long/Councilman Wolowicz)

  Action Taken: This item continued to the September 20, 2011 Council meeting with the ability for any Council Member to ask questions of the consultants.
- League of California Cities 2011 Annual Conference Resolutions (Fox) (10 mins) 2. Action Taken: 1) Authorized the City Council's Voting Delegate to support the adoption of League of California Cities General Assembly Resolution No. 2 (Tort Reform) and Resolution No. 3 (Raising Public Awareness about the Imminent Health and Safety Concerns for Bullied Children); 2) Directed the City Council's Voting Delegate to oppose the adoption of League of California Cities General Assembly Resolution No. 6 (City of Bell); and, 3) Continued the following resolutions to the September 20, 2011 Council meeting after staff has researched further and clarified the topics: Resolution No. 1 (Alternative Methods of Meeting Public Notice Requirements and to Advocate for Revisions to the Government Code Recognizing Alternative Methods as a Means to Meet Noticing Requirements); Resolution No. 4 (Prison Rape Elimination Act of 2003) and Resolution No. 5 (Replacement of the Death Penalty with the Sentence of Life Imprisonment without the Possibility of Parole).

- 3. Palos Verdes Peninsula Robotics Team Sponsorship Cover Letter (Petru) (10 mins) **Action Taken:** Authorized the Mayor to sign a cover letter to potential sponsors of the Palos Verdes Peninsula Robotics Team.
- (10 mins) 4. Right of Way Use Agreement with NextG Networks (Lynch) Action Taken: Approved the Right of Way Use Agreement with NextG Networks of California, Inc. (NextG), for the installation of radio and antenna equipment within public rights-of-way within the City of Rancho Palos Verdes.
- (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 Donald Sipple, John Simon, Karl Simonsen, and Christopher Jacobs, Settlement Class Representatives; New Cingular Wireless PCS LLC, a Delaware limited liability company v. City of Alameda, California, et al., Councilman Stern and Mayor Pro Tem Misetich were disgualified from voting on the item since they are AT&T customers. The remainder of the City Council voted (3-0) to give staff direction to negotiate a potential settlement with the AT&T class representatives, and also authorized a conflict of interest waiver; and, 2) With respect to the Potential Litigation item in Closed Session, staff was unable to get all of the information that was necessary to present the item to the City Council, therefore, that item would be coming back on a future agenda, potentially on September 20, 2011.

**ADJOURNMENT:** Adjourned at 11:38 P.M. to Friday, September 9, 2011 at 2:00 P.M. for an Adjourned Regular Meeting/Campaign Leadership for Public Trust Workshop to be held at City Hall Community Room.

# 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: Donald Sipple, John Simon, Karl Simonsen, and Christopher

Jacobs, Settlement Class Representatives; New Cingular

Wireless PCS LLC, a Delaware limited liability company v. City of Alameda, California, et al., and DOES 1 to 50, inclusive, Los Angeles County Superior Court, Central Division. Case No. BC462270.

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:

During a telephone conversation on August 24, 2011, between the Montessori School's Attorney Phil Toomey and City Attorney Carol Lynch, Mr. Toomey implied that litigation may result if the School and the City are not able to reach an agreement concerning the School's ability to remove certain items from the Ladera Linda site.

A copy of the report from the City Attorney is on file with the City Clerk's Office.

## 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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