FOLLOW-UP AGENDA RANCHO PALOS VERDES CITY COUNCIL REGULAR MEETING OCTOBER 1, 2013

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

(30 mins) CALL TO ORDER:

ROLL CALL:

FLAG SALUTE:

MAYOR'S ANNOUNCEMENTS:

Mayor Brooks reported on the following: the recent Coastal Clean-Up Day event at Abalone Cove; 6th Annual SoCal Environmental Excellence Development (SEED) Awards Program; City Council Candidate Forum held on September 25th for the November 5th General Municipal Election, and two upcoming Candidate Forums on October 2, 2013 and October 9, 2013 at Hesse Park; October is National Family History Month, noting that the South Bay Genealogical Society is launching a project to preserve the early history of families in the South Bay.

Mayor Brooks announced that the Red Onion Restaurant recently celebrated its 50th Anniversary and presented Jeff Earle, the owner, with a proclamation commemorating the event.

RECYCLE AND EMERGENCY PERSONAL PREPAREDNESS KIT DRAWING:

APPROVAL OF AGENDA:

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

CITY MANAGER REPORT:

Deputy Director of Finance/IT Downs provided a brief report regarding the effects of the recent Federal government shut-down.

City Manager Lehr provided brief comments regarding misinformation in a local newsletter regarding staff's plan to bring forward a multimillion dollar bond issuance to fund projects in the City's Capital Improvement Plan, and reassured the public that the information in the recent newsletter was false.

Marvin Jackmon, Southern California Edison (SCE), provided a PowerPoint and report regarding the infrastructure replacements underway as part of the Rancho Palos Verdes Reliability Project Update.

NEW BUSINESS:

(15 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.
- Approval of Minutes (Morreale)
 Action Taken: Approved the Minutes of the September 17, 2013 Regular Council Meeting.
- C. Border Issues Status Report (Fox)Action Taken: Received and filed the current report on the status of Border Issues.
- D. Notice of Completion for Storm Drain Rehabilitation Project Lines 35, 36 & 37 (Supports City Council Goal Public Infrastructure) (Winje) Action Taken: 1) Accepted the work as complete; 2) Authorized the City Clerk to file a Notice of Completion with the L.A. County Registrar-Recorder Office and if no claims are filed within 35 days after recordation, notice the surety company to exonerate the Performance bond; and, 3) Authorized the Director of Public Works to release the 5% retention payment in the amount of \$17,712.91 to Sancon Engineering, Inc. 35 days after recordation of the Notice of Completion by the L.A. County Recorder contingent upon no claims being filed on the project.
- E. Notice of Completion for 2012 Storm Drain Lining and Rehabilitation Project (Supports City Council Goal Public Infrastructure) (Winje)

 Action Taken: 1) Accepted the work as complete; 2) Authorized the City Clerk to file a Notice of Completion with the L.A. 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 Performance

bond; and, 3) Authorized the Director of Public Works to release the 5% retention payment in the amount of \$44,667.37 to Sancon Engineering, Inc. 35 days after recordation of the Notice of Completion by the L.A. County Recorder contingent upon no claims being filed on the project and the contractor posting an acceptable warranty bond.

- F. Award Professional Services Contract for Master Plan of Drainage to RBF Consulting, Inc. (Supports 2013 City Council Goal Public Infrastructure) (Winje)
 - **Action Taken:** 1) Awarded a professional services contract to RBF Consulting, Inc. (RBF) for development of a GIS-based master plan of drainage, for a not to exceed amount of \$551,030 over the duration of the contract; and, 2) Authorized the Mayor and City Clerk to execute a professional services contract with RBF Consulting, Inc.
- G. Award Professional Services Contract for Drainage Improvement Feasibility Studies to KPFF, Inc. (Supports 2013 City Council Goal Public Infrastructure) (Winje) Action Taken: 1) Awarded a professional services contract to KPFF, Inc. for development of drainage improvement feasibility studies for the Marguerite Open Channel and PVDS East of Barkentine sites, for a not to exceed amount of \$72,480 over the duration of the contract; and, 2) Authorized the Mayor and City Clerk to execute a professional services contract with KPFF, Inc.
- H. Award Professional Services Contract for Enhanced Watershed Management Plan to John L. Hunter and Associates (Supports 2013 City Council Goal Public Infrastructure) (Winje)
 - Action Taken: 1) Awarded a professional services contract to John L. Hunter and Associates, Inc. (JLHA) for development of the Peninsula Agencies Enhanced Watershed Management Plan (EWMP), in conjunction with the EWMP and Coordinated Integrated Monitoring Program (CIMP) Memoranda of Understanding approved at the August 6, 2013 meeting of the City Council to comply with requirements of the MS4 Permit, for a not to exceed amount of \$476,063 over the duration of the contract; 2) Authorized Staff to invoice and receive payments from the other Peninsula Agencies for their allocated share for these services in accordance with the provisions of the approved EWMP and CIMP Memoranda of Understanding; and, 3) Authorized the Mayor and City Clerk to execute a professional services contract with John L. Hunter and Associates, Inc.
- Adoption of Ordinance No. 547 Code Amendment to Rancho Palos Verdes Municipal Code Section 17.76.100 (City Tree Review Permit) to Expand the Public Notification Procedures for Permit Decisions (Case No. ZON2013-00239) (Supports 2013 City Council Goals - Transparency, Evaluating City Tree Review Process) (Alvarez)
 - Action Taken: ADOPTED ORDINANCE NO. 547, AN ORDINANCE OF THE CITY OF RANCHO PALOS VERDES, AMENDING RPV MUNICIPAL CODE SECTION 17.76.100(G)(1) TO INCREASE PUBLIC NOTIFICATION OF A CITY TREE REVIEW PERMIT DECISION TO THE 20 CLOSEST PROPERTIES;

AMENDING RANCHO PALOS VERDES MUNICIPAL CODE SECTION 17.76.100(G)(1) TO CLARIFY THAT THE NOTIFIED PROPERTIES ARE TO BE PROPERTIES LOCATED WITHIN THE CITY OF RANCHO PALOS VERDES; AND AMENDING RANCHO PALOS VERDES MUNICIPAL CODE SECTION 17.76.100(G)(3) TO REQUIRE THE CITY TO POST A NOTICE OF DECISION ON EACH TREE SUBJECT TO PERMIT APPROVAL, WITH THE EXCEPTION OF POSTING NOTICES ON TREES LOCATED IN AREAS THAT ARE TOO DIFFICULT OR HAZARDOUS TO ACCESS (CASE NO. ZON2013-00239).

J. Award Professional Services Agreement for Improvements at Abalone Cove Shoreline Park and Cable TV Building (Supports 2013 City Council Goal - Public Infrastructure) (Motahari)

Action Taken: 1) Awarded contract to Black, O'Dowd and Associates, Inc., which is doing business as BOA Architecture, to provide plans, specifications and cost estimate for the improvement of Abalone Cove Shoreline Park Staff Building and Parking lot; and Cable TV Building Restroom ADA Compliance, in the amount not to exceed \$49,135 and authorized staff to spend up to a maximum of \$4,913 (10% allowance) for possible additional design work, for a total authorization of \$54,048; and, 2) Authorized the Mayor and the City Clerk to execute the contract with Black, O'Dowd and Associates, Inc., doing business as BOA Architecture.

- K. August 2013 Monthly Report of Cash Balances (McLean)
 Action Taken: Received and filed the August 2013 Monthly Report of Cash Balances for the City of Rancho Palos Verdes.
- L. Third Amendment of Professional Services Agreement for RPV TV Station Manager (Robinson)

Action Taken: Authorized the Mayor and City Clerk to sign the third amendment to the Professional Services Agreement with Mark Doddy to provide Station Manager duties for RPV TV.

M. Register of Demands (McLean)

Action Taken: ADOPTED RESOLUTION NO. 2013-65, 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 HEARING:

(30 mins) 1. Preliminary Review of the Draft General Plan Housing Element [Continued from September 17, 2013] (Pfost)

Action Taken: Received public comments at the public hearing, which was continued from the September 17, 2013 meeting, on the Preliminary Draft Housing Element, provided Staff with feedback on the document, and directed Staff to forward the Preliminary Draft Housing Element to the Department of Housing and Community Development (HCD) for review and feedback.

REGULAR BUSINESS:

(30 mins) 2. Scope of Services for Review of Employee Compensation (Supports 2013 City Council Goal – Government Efficiency, Fiscal Control & Transparency)
(Downs)

Recommendation of the City Council Ad-Hoc Subcommittee for 2013 Employee Compensation: 1) Directed Staff and the auditor to complete Agreed Upon Procedures for one additional calendar year (2009) of the City Manager's salary and benefits for an additional out-of-pocket cost of \$2,250; 2) Directed Staff and the auditor to complete Phase 2 procedures, as defined in the Engagement Letter from the independent auditor, at a cost of \$5,000, plus an estimated \$2,500 one-time custom payroll system report cost (out-of-pocket costs totaling about \$7,500); 3) Directed Staff to return with a proposed budget adjustment for FY13-14 in the amount of about \$9,750; 4) Directed Staff to exclude employee names from the template; and, 5) Directed Staff to provide a notation in bold text on the table stating that the data contained therein should not be compared with the State Controller's Report.

(30 mins) 3. Adoption of an Urgency Ordinance and Introduction of a Non-Urgency Ordinance to Establish Certain Permit Restrictions on Construction Projects that Have Been Ongoing for 4 Years or More (Rojas)

Action Taken: 1) ADOPTED URGENCY ORDINANCE NO. 548U, AS AMENDED, AN ORDINANCE OF THE CITY OF RANCHO PALOS VERDES, REGARDING PROLONGED CONSTRUCTION PROJECTS THAT ARE ADVERSELY AFFECTING NEIGHBORING PROPERTIES AND DECLARING THE URGENCY THEREOF; and, 2) INTRODUCED ORDINANCE NO. 549, AS AMENDED, AN ORDINANCE OF THE CITY OF RANCHO PALOS VERDES, REGARDING PROLONGED CONSTRUCTION PROJECTS THAT ARE ADVERSELY AFFECTING NEIGHBORING PROPERTIES.

Approval of Two Purchase and Sale Agreements to Purchase Private Properties in Malaga Canyon for the Purpose of Open Space Conservation (Rojas)

Action Taken: 1) Referred the issue of consistency of these purchases with the City's General Plan to the Planning Commission; 2) Approved the purchase of approximately 42 acres of open space in Malaga Canyon from Angeles LLC, as amended, with 100% of the acquisition cost funded by federal grant monies and, following the Planning Commission's determination regarding General Plan consistency, authorized the Mayor to execute the Purchase and Sale Agreement; and, 3) Approved the purchase of approximately 16 acres of open space in Malaga Canyon from Ya Yi May with 100% of the acquisition cost funded by federal grant monies and, following the Planning Commission's determination regarding General Plan consistency, authorized the Mayor to execute the Purchase and Sale Agreement.

(5 mins) **FUTURE AGENDA ITEMS:** (This section of the agenda is designated for individual Council Members to request that an item be placed on a future City Council meeting agenda.)

City Manager Performance Evaluation (Brooks)

Code Amendment regarding non-remedial grading in the Landslide Moratorium area (Duhovic) Consideration of waiving the permit fee for emergency gas shut-off valves (Brooks)

(10 mins) CITY COUNCIL ORAL REPORTS: (This section of the agenda is designated for oral reports from Council Members, as elected officials of the City, to report action taken at intergovernmental organizations, committee, or association meetings. Council Members are required to provide a brief oral report on their attendance at any meetings where City funds have been expended. Detailed reports should be made in writing and will be posted on the City's website.)

CLOSED SESSION REPORT:

Assistant City Attorney Snow reported on the following Closed Session items: With respect to the Potential Litigation Against the City arising from receipt of two claims against the City of Rancho Palos Verdes that were filed by Kevin and Sandra Heffernan pursuant to the Government Tort Claims Act on July 12, 2013, which are on file in the City Clerk's Office, the Council rejected the two claims; 2) With respect to the existing litigation of the City of Agoura Hills et. al. v. County of Los Angeles et. al., Superior Court of California-County of Los Angeles case, a report was provided and no action was taken; and, 3) With respect to the Potential Initiation of Litigation of the State of California, et al., ex rel. David Sherwin v. Office Depot, Inc. case, a report was provided no action was taken, with all Council Members present.

ADJOURNMENT: Adjourned at 10:46 P.M. to an Adjourned Regular Meeting/Council Workshop to be held on Saturday, October 5, 2013 at 9:00 A.M. at Fred Hesse Park.

CLOSED SESSION AGENDA CHECKLISTBased on Government Code Section 54954.5

(All Statutory References are to California Government Code Sections)

Conference with Legal Counsel

Potential Litigation Against the City: GC 54956.9(b)(3)(C)

Conference with Legal Council-Anticipated Litigation pursuant to Government Code Section 54956.9 arising from receipt of two claims against the City of Rancho Palos Verdes that were filed by Kevin and Sandra Heffernan pursuant to the Government Tort Claims Act on July 12, 2013, which are on file in the City Clerk's Office.

Existing Litigation: G.C. 54956.9(a)

Name of Case: City of Agoura Hills et. al. v. County of Los Angeles et. al.,

Superior Court of California-County of Los Angeles. *Case Number BS140871.*

Potential Initiation of Litigation: G.C. 54956.9(c)

The City Council will be meeting with Legal Counsel to determine whether to intervene in the following case:

Name of Case: State of California, et al., ex rel. David Sherwin v. Office Depot, Inc.,

Case No. 2:12-cv-09952-FMO-CW (C.D. Cal. Nov. 20, 2012)

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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