

MINUTES
CITY COUNCIL MEETING
JULY 8, 2003

A regular meeting of the City Council of the City of Rolling Hills Estates was called to order at 7:32 p.m. in the City Council Chambers, 4045 Palos Verdes Drive North, by MAYOR RAUCH.

PLEDGE OF ALLEGIANCE

MAYOR RAUCH led the assembly in the Pledge of Allegiance to the Flag.

ROLL CALL

City Council Members Present: Addleman, Rauch, Seamans, Zuckerman

City Council Member Absent: Mitchell

City Staff Present: Acting City Manager Sam Wise

City Attorney Richard Terzian

Planning Director David Wahba

Community Services Director Andy Clark

Administrative Analyst Greg Grammer

Other Present: Sheri Clewis, Park and Activities Commission

Dan O'Day, Planning Commission

CEREMONIAL ITEMS

A. **BFI DRAWING FOR ONE YEAR'S FREE RESIDENTIAL REFUSE SERVICE**

Barbara Zwart, Recycling Coordinator, BFI, drew the name of William Atwood, 3410 Tanglewood Lane, as the recipient of one year's free disposal service.

B. **PRESENTATION TO CITY ATTORNEY RICHARD TERZIAN IN RECOGNITION FOR HIS 35 YEARS OF DEDICATED SERVICE TO THE CITY**

MAYOR RAUCH was pleased to present a plaque exclusively designed by Zen Del Rio to City Attorney Richard Terzian and thanked him for his invaluable service to the City. She expressed her appreciation on behalf of the COUNCIL to Mr. Terzian for his legal advice and guidance over the past 35 years.

Mr. Terzian commented that it has been both an honor and pleasure to serve the City and will continue to work with the COUNCIL on a limited basis. He then thanked the COUNCIL for their unwavering support.

ROUTINE MATTERS

A. DEMANDS AND WARRANTS – MONTHS OF JUNE AND JULY

COUNCILMAN ADDLEMAN moved, seconded by COUNCILWOMAN SEAMANS TO APPROVE WARRANTS 33887 THROUGH 33951 IN THE AMOUNT OF \$155,041.61; SUPPLEMENTAL WARRANTS 060301 THROUGH 060302; 33539 VOID; 33744 THROUGH 33757; 33799 THROUGH 33807; 33867 THROUGH 33872 IN THE AMOUNT OF \$195,960.82 FOR A GRAND TOTAL AMOUNT OF \$351,002.51 WITH PROPER AUDIT.

AYES: Addleman, Rauch, Seamans, Zuckerman

ABSENT: Mitchell

CONSENT CALENDAR

A. READING OF ORDINANCES AND RESOLUTIONS

Reading in full of all ordinances and resolutions presented for consideration to the City Council will be waived and all such ordinances and resolutions will be read by title only.

B. CLAIM AGAINST THE CITY – GALEA

REJECTED.

C. LEAGUE OF CALIFORNIA CITIES PRIORITY FOCUS DATED JUNE 20, 2003

RECEIVED AND FILED.

THERE BEING NO OBJECTION, MAYOR RAUCH SO ORDERED.

AUDIENCE ITEMS NOT ON THE AGENDA/WRITTEN AND ORAL COMMUNICATIONS

NONE

NEW BUSINESS

C. CHAMBER OF COMMERCE COOPERATIVE AGREEMENT (*Taken out of order*)

Recommendation: That the City Council review and approve the agreement between the City and the Chamber of Commerce for Fiscal Year 2003-04.

Administrative Analyst provided a staff report (as per agenda material).

Barbara Dye, presenting the Chamber of Commerce, reported on the many activities the Chamber is sponsoring. She expressed her appreciation to the COUNCIL for their many years of support.

COUNCILWOMAN SEAMANS stated that the Chamber's activities have increased a great deal and has taken on a new role of lobbying the League of California Cities to work with cities, counties and special districts to ensure adequate funding for local governments. She thanked them for their involvement and support of the City's events as

well.

COUNCILMAN ZUCKERMAN remarked on the sense of community the Chamber has provided in terms of individuals who live and work in the City.

COUNCILMAN ADDLEMAN moved, seconded by COUNCILWOMAN SEAMANS

TO APPROVE THE AGREEMENT BETWEEN THE CITY AND THE CHAMBER OF COMMERCE FOR FISCAL YEAR 2003-04.

AYES: Addleman, Rauch, Seamans, Zuckerman

ABSENT: Mitchell

A. PARK AND ACTIVITIES COMMISSION ACTION ITEM FROM MEETING OF JUNE 17, 2003

Recommendation: That the City Council accept BMC Landscape, Inc.'s proposal to plant Matsui Gazanias in the nine (9) commercial district medians for a one-time cost of \$1,000.

Community Services Clark provided a staff report (as per agenda material).

COUNCILWOMAN SEAMANS provided a brief history of the landscape design of the medians over the last few years noting that the COUNCIL took into consideration what type of foliage would be planted at the entrances to the City. She noted her preference to have the existing flowers remain as she believed it was not necessary at this time to incorporate the proposed plants since it was already included in the budget. If it was determined that the City must reduce costs associated with the maintenance of these flowers, she noted she would consider the issue at that time.

COUNCILMAN ZUCKERMAN noted the proposal indicated the flowers would stay on the median noses.

After brief discussion, COUNCILMAN ADDLEMAN moved, seconded by COUNCILWOMAN SEAMANS

TO DIRECT STAFF TO BRING BACK LANDSCAPE ALTERNATIVES ALONG WITH PHOTOGRAPHS FOR COUNCIL REVIEW AT THE NEXT MEETING.

THERE BEING NO OBJECTION, MAYOR RAUCH SO ORDERED.

B. CITY ATTORNEY AGREEMENT

Recommendation: That the City Council approve the agreement between the City and Bannan, Green, Frank & Terzian LLP for the provision of City Attorney services for Fiscal Year 2003-04.

Acting City Manager Wise provided a staff report (as per agenda material).

COUNCILMAN ADDLEMAN referred to Section B. under "Conflicts of Interest" where it states, "The provisions of this paragraph may be waived by the written consent of the City Manager." He suggested eliminating this sentence as he believed it was unnecessary.

It was noted that the City will be working with Deputy Attorney Stephen Pfahler who will be attending Planning Commission meetings.

COUNCILMAN ZUCKERMAN moved, seconded by COUNCILMAN ADDLEMAN

TO APPROVE THE AGREEMENT BETWEEN THE CITY AND BANNAN, GREEN, FRANK & TERZIAN LLP FOR THE PROVISION OF CITY ATTORNEY SERVICES FOR FISCAL YEAR 2003-04 AS AMENDED.

AYES: Addleman, Rauch, Seamans, Zuckerman

ABSENT: Mitchell

C. NPDES PERMIT CONSULTING SERVICES

Recommendation: That the City Council authorize staff to enter into an agreement with Kathleen McGowan to provide environmental consulting services to assist with the administration of the requirements of the National Pollutant Discharge Elimination System (NPDES) Permit as listed in the proposal.

Administrative Analyst Grammer provided a staff report (as per agenda material).

After brief discussion, COUNCILMAN ADDLEMAN moved, seconded by COUNCILWOMAN SEAMANS

TO AUTHORIZE STAFF TO ENTER INTO AN AGREEMENT WITH KATHLEEN MC GOWAN TO PROVIDE ENVIRONMENTAL CONSULTING SERVICES TO ASSIST WITH THE ADMINISTRATION OF THE REQUIREMENTS OF THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT.

AYES: Addleman, Rauch, Seamans, Zuckerman

ABSENT: Mitchell

PUBLIC HEARINGS/MEETINGS

A. PLANNING APPLICATION NO. 29-01; APPLICANT: ROLLING HILLS COVENANT CHURCH (RHCC); LOCATION: 2221 AND 2222 PALOS VERDES DRIVE NORTH

Recommendation: That the City Council: 1) Take no public testimony on the merits of the project; 2) Take public testimony specific to the process of conducting a facilitated workshop; 3) Discuss the issues; 4) Appoint a subcommittee of two Council Members to interview and select a facilitator; and 5) Close the public hearing.

Planning Director Wahba provided a staff report (as per agenda material). He noted the recommendation has been amended to read: 1) Conduct a workshop at City Hall or other location for a round table discussion with staff, the Applicant and other interested parties in an effort to reach a consensus on the issues; 2) Allow COUNCIL to provide meaningful discussion at the beginning of the process rather than having the facilitator report back to COUNCIL; 3) Accept public testimony relevant to the workshop process; 4) Discuss the issues; 5) Decide whether to continue or close the public hearing; and 6) Hold a new public hearing to address the revised project at that time

COUNCILMAN ADDLEMAN inquired as to how large a group would be preferred.

Brief discussion ensued regarding who would be participating in the workshop. Suggestions included the Applicant, two Coalition Members, possibly two Planning Commissioners, and staff consisting of City Manager Prichard, City Attorney Terzian, Assistant City Manager Wise, and Planning Director Wahba.

Vergil Best, Applicant, thanked the COUNCIL for the opportunity to speak and noted their willingness to work through this process. He noted their desire not to delay this project.

Craig Knickerbocker, representing the Applicant, presented their version of how they envision this process to proceed. He noted their concern on having a facilitator not being familiar with the project. Additionally, he noted their concurrence of having opponents attend the workshop, but reiterated that the COUNCIL has heard the neighbors and expressed his opinion that is room for compromise. He noted their desire to have all five MEMBERS of the COUNCIL attend the workshop and have the opportunity to present at least four to five options at the workshop. He felt it would be necessary to include their architect and traffic engineer for technical support as well.

Eric Chen, 18 Encanto, Coalition Member, thanked the COUNCIL on behalf of their group. He noted that the Coalition discussed their position and would be willing to participate in the workshop. He noted they have not considered the new format previously mentioned, but that this would be acceptable. He noted that, as long as the material presented is accurate, the COUNCIL should be able to make an informed decision. Additionally, he noted that deficiencies in the EIR must be addressed to ensure the project is considered very carefully.

Tim Scott, 19 Aurora, President, Montecillo Homeowners' Association, expressed his concern that their neighborhood was being portrayed as uncooperative. He attempted to provide an extensive history of the Applicant's project and countered that it was the Applicant who has been reluctant to cooperate. He then recommended that the COUNCIL not participate in this type of workshop as it would place them in the position of redesigning the project. It was his opinion that in the mediator scenario, the opponents should be able to bring an equal amount of representatives that the Applicant brings to the table. He noted that it would be doubtful whether this option would bring about a mutual conclusion.

COUNCILMAN ZUCKERMAN inquired as to why it was believed to be unwise to assist in designing this project stating that issues would surface in need of being addressed as the COUNCIL is the decision-maker.

Mr. Scott noted that if a workshop is decided upon, the COUNCIL places itself in a position of committing to approval of the project. He suggested two COUNCIL MEMBERS observe rather than be active participants.

COUNCILWOMAN SEAMANS responded that singling out two COUNCIL MEMBERS would be unfair as various MEMBERS have different issues to address. She reiterated that no decision would be made at that time.

Mr. Scott restated his concern with the Applicant repeatedly threatening litigation and that any statements made by the COUNCIL could be used against the City in whatever

proceedings might occur in this matter.

COUNCILMAN ADDLEMAN commented that the workshop is only an examination of options. He noted that each COUNCIL MEMBER would have the opportunity to present their thoughts with no conclusions being drawn. Additionally, he stated that the Applicant can then decide how they will continue.

Mr. Scott admonished the COUNCIL that it could be a risky move when specific remarks are made in the workshop as they would then be reflected as part of the record.

COUNCILMAN ADDLEMAN noted that the same amount of representatives should be present on both sides.

Bridgett Carman, 2225 Carriage Drive, President, Larga Vista Homeowners' Association, noted she would be pleased to participate. She believed they could contribute greatly to the workshop regarding underlying land use philosophies.

Mike Russo, 9 Bridlewood, President, Bridlewood Circle Homeowners' Association, noted he is looking forward to participating as well, although his concern is directly related to the potential of litigation and suggested the Applicant agree not to use comments made in the workshop against the City and believed that would show a good faith effort.

MAYOR RAUCH then requested City Attorney Terzian's opinion on retaining a mediator. It was City Attorney Terzian's belief that the mediator must be willing to spend an extensive amount of time on this case and be well versed in land use issues.

Planning Director Wahba noted that the mediator would be a neutral party that keeps track of the issues and must have a basic knowledge of zoning, entitlements, etc. He went on to suggest that a COUNCIL subcommittee might be considered to interview applicants. He noted that he, City Manager Prichard and Assistant City Manager Wise met with two prospective applicants thus far. Additionally, he reiterated the Applicant's desire to have all five COUNCIL MEMBERS participate at the workshop.

Extensive discussion ensued regarding the timeframe of when a mediator could come on board. Planning Director Wahba noted that a Request for Qualifications would be sent out giving at least two to four weeks notice to allow individuals to respond.

Acting City Manager Wise stated that if the right person is not selected, these meetings would be rendered useless as it is vital to move this process along in order to achieve the ultimate goal of compromise.

City Attorney Terzian noted there are many mediators in the field very knowledgeable in land use matters.

Discussion continued with how to bring together both sides in order to ensure a sense of fairness.

COUNCILMAN ZUCKERMAN inquired as to when comments are made during the mediation proceedings if those remarks would be open to legal exposure.

City Attorney Terzian stated that no statute prohibits comments being made in a workshop under the potential threat of litigation, but noted if the Applicant and Coalition would stipulate that these comments not be entered into the record, it still may not be

enforceable.

Acting City Manager Wise noted that while this process takes place, the City will move forward with interviewing facilitators.

Extensive discussion continued regarding establishing parameters of the workshop. COUNCILMAN ZUCKERMAN noted that the facilitator would determine who actually participates with a recommendation to come before the COUNCIL. He suggested providing a list of policy issues and begin the RFQ process immediately for COUNCIL determination on whether or not to utilize a facilitator at that point.

COUNCILMAN ADDLEMAN suggested appointing MAYOR PRO TEM MITCHELL and COUNCILMAN ZUCKERMAN to serve on the interview subcommittee.

Planning Director Wahba then inquired if the COUNCIL would like input from the public as well. It was the consensus of the COUNCIL that both parties submit their list in a timely manner for COUNCIL review.

COUNCILMAN ZUCKERMAN moved, seconded by COUNCILMAN ADDLEMAN

TO DIRECT STAFF TO: 1) PREPARE A LIST OF CORE POLICY ISSUES WITH INPUT FROM THE APPLICANT/COALITION DENOTING THEIR CONCERNS FOR DISCUSSION AT THE NEXT CITY COUNCIL MEETING; 2) SEND OUT A REQUEST FOR QUALIFICATIONS SOLICITING FACILITATORS TO MEDIATE AT THE WORKSHOP; 3) APPOINT MAYOR PRO TEM MITCHELL AND COUNCILMAN ZUCKERMAN TO SERVE ON THE INTERVIEW SUBCOMMITTEE FOR THE PURPOSE OF SELECTING A FACILITATOR; AND 4) CONTINUE THE PUBLIC HEARING TO JULY 22, 2003.

THERE BEING NO OBJECTION, MAYOR RAUCH SO ORDERED.

Acting City Manager Wise strongly urged individuals to submit their input to Planning Director Wahba immediately.

NEW BUSINESS (Continued)

D. AMENDMENT TO VOLUNTARY CAMPAIGN LIMITATIONS TO REFLECT CHANGES IN APPLICABLE STATE GOVERNMENT CODE SECTIONS

Recommendation: That the City Council introduce for first reading Ordinance No. 627.

1. ORDINANCE NO. 627 FOR INTRODUCTION AND FIRST READING

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROLLING HILLS ESTATES AMENDING PROVISIONS OF THE ROLLING HILLS ESTATES MUNICIPAL CODE PERTAINING TO VOLUNTARY CAMPAIGN LIMITATIONS.

COUNCILMAN ADDLEMAN moved, seconded by COUNCILWOMAN SEAMANS

TO INTRODUCE ORDINANCE NO. 627 FOR FIRST READING.

Acting City Manager Wise introduced Ordinance No. 627 for first reading.

THERE BEING NO OBJECTION, MAYOR RAUCH SO ORDERED.

E. LEGISLATIVE UPDATE

Recommendation: That the City Council receive and file this report.

Acting City Manager Wise provided a staff report (as per agenda material).

COUNCILMAN ZUCKERMAN moved, seconded by COUNCILMAN ADDLEMAN
TO RECEIVE AND FILE THE LEGISLATIVE REPORT.

THERE BEING NO OBJECTION, MAYOR RAUCH SO ORDERED.

F. REQUEST FOR PROPOSALS TO REPAIR AND RESURFACE TENNIS AND
BASKETBALL COURTS

Recommendation: That the City Council: 1) Approve the Request for Proposals for the repair and resurfacing of tennis and basketball courts utilizing Pepper Tree Foundation funding; and 2) Direct staff to solicit proposals through the City's formal bid process.

MAYOR RAUCH noted her preference to have the recommended work completed prior to September.

COUNCILMAN ZUCKERMAN inquired if inspection was necessary to ensure the work was performed correctly. MAYOR RAUCH responded by stating this should not be a problem as this type of contractor does very reputable work.

COUNCILMAN ADDLEMAN moved, seconded by COUNCILWOMAN SEAMANS

TO APPROVE THE REQUEST FOR PROPOSALS FOR THE REPAIR AND RESURFACING
OF TENNIS AND BASKETBALL COURTS UTILIZING PEPPER TREE FOUNDATION
FUNDING AND DIRECT STAFF TO SOLICIT PROPOSALS THROUGH THE CITY'S
FORMAL BID PROCESS.

AYES: Addleman, Rauch, Seamans, Zuckerman

ABSENT: Mitchell

OLD BUSINESS

NONE

CITY ATTORNEY ITEMS

A. City Attorney Terzian thanked each Member of the Council for the gift and being a part of the City family.

COUNCILMAN ZUCKERMAN noted it was the COUNCIL'S pleasure to work with him as well.

CITY COUNCIL/REGIONAL COMMITTEE REPORTS: This item provides the opportunity for Members of the City Council to provide information and reports to other Members of the City Council and/or the public on any issues or activities of currently active

Council Committees, ad hoc committees, regional or state-wide governmental associations, special districts and/or joint powers authorities and their various committees on which Members of the City Council might serve or have an interest, which are not otherwise agendized.

A. COUNCILWOMAN SEAMANS reported she attended, along with MAYOR PRO TEM MITCHELL, the South Bay Cities Council of Governments meeting with nothing to report at this time.

B. COUNCILWOMAN SEAMANS referred to a letter submitted by John Andrews regarding traffic issues at the Post Office and Silver Spur Road/Hawthorne Boulevard. She inquired if any progress had been made on his request for information. Acting City Manager Wise indicated that this inquiry has been forwarded to the Traffic Engineer and a report should be received shortly. Additionally, he noted that Mr. Andrews will be advised accordingly.

C. COUNCILWOMAN SEAMANS noted that pole removal from the undergrounding project along Crenshaw Boulevard is set for March, 2004. Conversely, a total of nine wireless telecommunication poles will be installed sometime in the fall.

MAYOR AND COUNCIL ITEMS: This item provides the opportunity for Members of the City Council to request information on currently pending projects and/or issues of public concern, direct that an item be agendized for future consideration and/or make announcements of interest to the public.

A. DESIGNATION OF VOTING DELEGATE FOR 2003 LEAGUE ANNUAL CONFERENCE

COUNCILWOMAN SEAMANS noted she should be able to attend this conference.

After brief discussion, it was the consensus of the COUNCIL

TO APPOINT COUNCILWOMAN SEAMANS AS DELEGATE AND MAYOR PRO TEM MITCHELL AS ALTERNATE VOTING DELEGATE.

B. MAYOR RAUCH was pleased to report that there was an enormous turnout of approximately 1,510 participants in the Household Hazardous and E-Waste Round-Up in Torrance.

COUNCILMAN ZUCKERMAN suggested that the COUNCIL may wish to consider installing a standard banner announcing various hazardous waste round-up sites on available intersections.

C. COUNCILWOMAN SEAMANS announced that the Tracy Austin Tennis Tournament is scheduled for the weekend of July 18-20 at Ernie Howlett Park and encouraged the public to participate.

D. community Services Director announced that the City's Cross Country Run is scheduled for August 2 and invited everyone to attend.

CLOSED SESSION

NONE

ADJOURNMENT

At 9:56 p.m., MAYOR RAUCH formally adjourned the City Council meeting to July 22, 2003 at

7:30 p.m. in the City Hall Council Chambers.

Submitted by,
Hope J. Nolan
Deputy City Clerk

Approved by,
Samuel R. Wise
Acting City Manager