

MINUTES

CITY COUNCIL MEETING

FEBRUARY 24, 2009

A regular meeting of the City Council of the City of Rolling Hills Estates was called to order at 7:31 p.m. in the City Council Chambers, 4045 Palos Verdes Drive North, by MAYOR MITCHELL.

PLEDGE OF ALLEGIANCE

Randy Bowers, Chairman, Palos Verdes Peninsula Chamber of Commerce led the assembly in the Pledge of Allegiance to the Flag.

Kay Finer, President, highlighted many of the services they provide for the business community.

ROLL CALL

City Council Members Present: Addleman, Mitchell, Seamans, Zerunyan, Zuckerman

City Staff Present: City Manager Doug Prichard
City Attorney Kristin Pelletier
Assistant City Manager Sam Wise
Planning Director David Wahba
Administrative Services Director Michael Whitehead
Assistant to the City Manager Greg Grammer

Others Present: Lou Persichina, Park and Activities Commission
Carl Southwell, Planning Commission

4. CEREMONIAL ITEMS

NONE

5. ROUTINE MATTERS

A. ADJOURNED CITY COUNCIL COMMUNITY OUTREACH MINUTES OF FEBRUARY 10, 2009

COUNCILMAN ADDLEMAN moved, seconded by COUNCILWOMAN SEAMANS

TO APPROVE THE ADJOURNED CITY COUNCIL COMMUNITY OUTREACH MINUTES OF FEBRUARY 10, 2009 AS PRESENTED.

THERE BEING NO OBJECTION, MAYOR MITCHELL SO ORDERED.

B. CITY COUNCIL MINUTES OF FEBRUARY 10, 2009

MAYOR MITCHELL requested a correction on Page 3, Paragraph 7:

*“MAYOR MITCHELL referred to the water feature and suggested that it should be required to use ~~recycled~~ **recirculated** water.”*

COUNCILMAN ADDLEMAN moved, seconded by COUNCILWOMAN SEAMANS

TO APPROVE THE CITY COUNCIL MINUTES OF FEBRUARY 10, 2009 AS AMENDED.

THERE BEING NO OBJECTION, MAYOR MITCHELL SO ORDERED.

C. DEMANDS AND WARRANTS – FEBRUARY

COUNCILMAN ADDLEMAN moved, seconded by COUNCILMAN ZERUNYAN

TO APPROVE WARRANTS 45338 THROUGH 45396 FOR A GRAND TOTAL AMOUNT OF \$224,967.28 WITH PROPER AUDIT.

AYES: Addleman, Mitchell, Seamans, Zerunyan, Zuckerman

6. CONSENT CALENDAR

COUNCILWOMAN SEAMANS moved, seconded by COUNCILMAN ADDLEMAN

TO APPROVE ITEM A.

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.

APPROVED.

THERE BEING NO OBJECTION, MAYOR MITCHELL SO ORDERED.

7. AUDIENCE ITEMS NOT ON THE AGENDA/WRITTEN AND ORAL COMMUNICATIONS

A. STATE OF UTILITY SYSTEM PRESENTED BY SCOTT GOBBLE, SCE

Scott Gobble, SCE, provided an update on various improvements, programs and projects.

Discussion ensued regarding the recent lamp exchange, solar power, the City's Environmental Advisory Committee, outage reporting and maintenance budgets.

B. CHAMBER OF COMMERCE REQUEST FOR SPONSORSHIP OF THE PALOS VERDES STREET FAIR AND FOR PERMISSION TO OPEN THE CARNIVAL AREA ON FRIDAY NIGHT

Recommendation: That the City Council: 1) Approve the Chamber's request to open the carnival area of the Palos Verdes Street Fair on Friday, June 5 from 6:00-10:00 p.m.; and 2) Approve the Chamber's request for funding in the amount of \$10,000 for City sponsorship of the Main Stage Entertainment at the Palos Verdes Street Fair.

Assistant to the City Manager Grammer provided a staff report (as per agenda material).

Kay Finer, President, PVP Chamber of Commerce, provided an extensive presentation of their event.

Chuck Smyth, Past Chair, provided a map illustrating the layout of the carnival expansion. He noted that they are hiring additional security to coincide with the beginning of the carnival who will remain through Monday morning as well as forming a committee to work on alternative parking.

Discussion ensued regarding temporary business license applications being distributed to those vendors who will be participating. COUNCILMAN ZERUNYAN urged the Chamber to include these applications into the vendor packets and not allow them to participate unless they have paid at least 15 days before the event.

Mr. Smyth indicated that they have already sent out the packets with the applications, but asked if there was a way to simplify the City's application process. Administrative Services Director Whitehead noted that the application had been modified for a temporary one-day use. Additionally, he stated that the City will provide the Chamber with a list of those vendors who have not paid.

Extensive discussion continued regarding sales tax collection. Administrative Services Director Whitehead stated that the vendors are responsible for reporting their portion of the taxes. He also noted that there has been a loss of sales tax in past years due to this event.

Administrative Services Director Whitehead stated that code enforcement personnel will be on site monitoring business licenses at the Street Fair. COUNCILWOMAN SEAMANS suggested that Michelle Steele from the State Board of Equalization be notified as well.

City Manager Prichard suggested having the Chamber mail a letter to each of the vendors notifying them that a one day sales tax site form is required by the State Board of Equalization and that this requirement will be enforced.

COUNCILWOMAN SEAMANS moved, seconded by COUNCILMAN ZERUNYAN

TO APPROVE THE CHAMBER'S REQUEST TO OPEN THE CARNIVAL AREA OF THE PALOS VERDES STREET FAIR ON FRIDAY, JUNE 5 FROM 6:00 P.M.-10:00 P.M.

AYES: Addleman, Mitchell, Seamans, Zerunyan, Zuckerman

Extensive discussion ensued regarding the justification of an additional \$3,000 requested for the funding of paper goods with the RHE logo.

COUNCILMAN ADDLEMAN noted he would not be in favor of supporting this request.

City Manager Prichard asked Ms. Finer if the Street Fair generates revenue for the Chamber. Ms. Finer responded that they generate approximately \$50,000 which is 20% of their budget.

COUNCILMAN ZERUNYAN noted that the City will recoup some money from this event.

City Manager Prichard reminded COUNCIL of the first quarter budget review which eliminated items throughout the budget due to the economic downturn and stressed that the \$13,000 request from the Chamber exceeds the \$10,000 budget allocation.

COUNCILMAN ZERUNYAN commented that the business community needs assistance, but if this approach does not work this year, he will not support this request for next year.

MAYOR MITCHELL noted that she could justify approving \$13,000 because of the income the City receives from the Street Fair.

City Manager Prichard noted that there are fund balance reserves available which the COUNCIL may utilize for this purpose if so desired.

COUNCILWOMAN SEAMANS moved, seconded by COUNCILMAN ZERUNYAN

TO APPROVE THE CHAMBER'S REQUEST FOR FUNDING IN THE AMOUNT OF \$13,000 FOR CITY SPONSORSHIP OF THE MAIN STAGE ENTERTAINMENT AND FOOD COURT AT THE PALOS VERDES STREET FAIR.

AYES: Mitchell, Seamans, Zerunyan

NOES: Addleman, Zuckerman

- C. Gary Goo spoke regarding the trail connecting Montecillo and Bridlewood, inquiring as to when the 90-day deadline expires. Additionally, he stated that he would like to know how the City plans to deal with the trail.

Mike Russo, Bridlewood HOA, commented that he would also like to know when the 90-day deadline ends for the aforementioned case. He noted that he had asked to be involved as well, particularly in the aesthetics of the trail and its connection to Bridlewood.

In response to Pinfun Tsai regarding the existing wall, Planning Director Wahba noted that this is a private matter between the two property owners and that a meeting will take place between himself and Mr. and Mrs. Wynter on February 25.

City Attorney Pelletier clarified that the City has no interest in the existing wall/fence, and therefore, the matter is now between private parties (Wynter and Goo).

8. PUBLIC HEARINGS/MEETINGS

8:00 P.M.

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- A. ORDINANCE NO. 650 FOR SECOND READING AND ADOPTION

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROLLING HILLS ESTATES ESTABLISHING A WATER CONSERVATION AND WATER SHORTAGE MANAGEMENT PLAN AND AMENDING THE ROLLING HILLS ESTATES MUNICIPAL CODE BY REPEALING CODE SECTION 13.04 AND REPLACING IT WITH NEW CODE SECTIONS 13.04.010 TO 13.04.130.

COUNCILMAN ZERUNYAN moved, seconded by COUNCILMAN ZUCKERMAN

TO CLOSE THE PUBLIC HEARING AND ADOPT ORDINANCE NO. 650.

City Manager Prichard read Ordinance No. 650 by title only.

AYES: Addleman, Mitchell, Seamans, Zerunyan, Zuckerman

B. PLANNING APPLICATION NO. 37-08 (SKINNER'S PHARMACY); APPLICANT: MR. TED WYNNE; LOCATION: 905 DEEP VALLEY DRIVE

Recommendation: That the City Council: 1) Open the public hearing; 2) Take public testimony; 3) Discuss the issues; 4) Close the public hearing; and 5) Direct staff to prepare a Resolution amending Condition of Approval No. 56 of City Council Resolution No. 2054 to permit Skinner's Pharmacy to be relocated from its current location at 927 Deep Valley Drive to previously-permitted flex space located on the ground-floor of the Rolling Hills Villas condominium building at 901 Deep Valley Drive.

Planning Director Wahba provided a staff report (as per agenda material).

COUNCILMAN ZUCKERMAN noted that it would be helpful to have a site plan. He suggested that a mutual indemnification agreement between the property owners might be useful.

COUNCILMAN ADDLEMAN moved, seconded by COUNCILWOMAN SEAMANS

TO OPEN THE PUBLIC HEARING.

THERE BEING NO OBJECTION, MAYOR MITCHELL SO ORDERED.

Brian Wynne, Applicant, commented on the project and answered questions from the COUNCIL.

Rick Edler noted his support of this project.

COUNCILMAN ADDLEMAN moved, seconded by COUNCILWOMAN SEAMANS

TO CLOSE THE PUBLIC HEARING.

THERE BEING NO OBJECTION, MAYOR MITCHELL SO ORDERED.

COUNCILWOMAN SEAMANS moved, seconded by COUNCILMAN ZERUNYAN

TO DIRECT STAFF TO PREPARE A RESOLUTION AMENDING CONDITION OF APPROVAL NO. 56 OF CITY COUNCIL RESOLUTION NO. 2054 TO PERMIT SKINNER'S PHARMACY TO BE RELOCATED FROM ITS CURRENT LOCATION AT 927 DEEP VALLEY DRIVE TO PREVIOUSLY-PERMITTED FLEX SPACE LOCATED ON THE GROUND-FLOOR OF THE ROLLING HILLS VILLAS CONDOMINIUM BUILDING AT 901 DEEP VALLEY DRIVE.

AYES: Addleman, Mitchell, Seamans, Zerunyan, Zuckerman

9. NEW BUSINESS

A. PLANNING COMMISSION MINUTES OF FEBRUARY 17, 2009

COUNCILWOMAN SEAMANS moved, seconded by COUNCILMAN ADDLEMAN

TO RECEIVE AND FILE THE PLANNING COMMISSION MINUTES OF FEBRUARY 17, 2009.

THERE BEING NO OBJECTION, MAYOR MITCHELL SO ORDERED.

10. OLD BUSINESS (*Taken out of order*)

A. PLANNING APPLICATION NO. 24-07 (SILVERDES); APPLICANT: MR. RICHARD EDLER; LOCATION: 828 SILVER SPUR ROAD

Recommendation: That the City Council adopt Resolution No. 2185 certifying an Environmental Impact Report for and approving Planning Application No. 24-07.

Planning Director Wahba provided a staff report (as per agenda material).

COUNCILMAN ZUCKERMAN noted that disposal of medical waste is state law and recommended that Special Condition No. 117 be eliminated.

COUNCILMAN ZERUNYAN noted his concern with imposing irrigation on the Applicant. Planning Director Wahba indicated that there must be a drought tolerant landscaping plan in place to screen the vacant site.

1. RESOLUTION NO. 2185 FOR ADOPTION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROLLING HILLS ESTATES CERTIFYING AN ENVIRONMENTAL IMPACT REPORT UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDING THAT THE PROJECT, WITH MITIGATION MEASURES, WILL NOT HAVE A SIGNIFICANT IMPACT ON THE ENVIRONMENT AND APPROVING A CONDITIONAL USE PERMIT, A PRECISE PLAN OF DESIGN, VESTING TENTATIVE TRACT MAP NO. 67997, A GRADING PLAN, A VARIANCE TO EXCEED THE MAXIMUM PERMITTED BUILDING HEIGHT FOR AN ARCHITECTURAL TOWER FOR A 29,642 SQUARE FOOT MEDICAL OFFICE CONDOMINIUM BUILDING AND ASSOCIATED SITE AND BUILDING IMPROVEMENTS ON A .66-ACRE PARCEL.

COUNCILMAN ZUCKERMAN moved, seconded by COUNCILMAN ADDLEMAN

TO ADOPT RESOLUTION NO. 2185.

City Manager Prichard read Resolution No. 2185 by title only.

AYES: Addleman, Mitchell, Seamans, Zuckerman
ABSTAIN: Zerunyan

9. NEW BUSINESS (Continued)

B. FY 2008-09 MID-YEAR BUDGET REVIEW

Recommendation: That the City Council receive and file the report and continue discussion of the FY 2008-09 Mid-Year Budget Report to the Policy Development Session.

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

COUNCILMAN ADDLEMAN moved, seconded by COUNCILWOMAN SEAMANS

TO RECEIVE AND FILE AND CONTINUE DISCUSSION TO THE POLICY DEVELOPMENT SESSION.

THERE BEING NO OBJECTION, MAYOR MITCHELL SO ORDERED.

C. FISCAL HEALTH REPORT, FY 1998-99 THROUGH FY 2007-08

After brief discussion, COUNCILMAN ZUCKERMAN requested a few amendments to the report.

COUNCILMAN ADDLEMAN moved, seconded by COUNCILWOMAN SEAMANS

TO RECEIVE AND FILE THE FISCAL HEALTH REPORT FY 1998-99 THROUGH FY 2007-08 AS AMENDED.

THERE BEING NO OBJECTION, MAYOR MITCHELL SO ORDERED.

COUNCILMAN ZERUNYAN noted that there may be some money available for a bike lane renovation project from Supervisor Knabe. It was noted that staff will follow up on this item.

11. CITY ATTORNEY ITEMS

NONE

12. 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. MAYOR MITCHELL reported that she attended the League board meeting where they decided to aggressively seek funding to implement SB 375.

B. MAYOR MITCHELL noted that the federal stimulus package had passed and forwarded that information to City Manager Prichard.

C. MAYOR MITCHELL announced the SBCCOG General Assembly will take place on Friday, February 27.

D. MAYOR MITCHELL announced the Household Hazardous Waste Exchange on Saturday, May 9 at Rancho Palos Verdes City Hall.

- 13. 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.

NONE

- 14. CLOSED SESSION**

NONE

- 15. ADJOURNMENT**

At 10:32 p.m., MAYOR MITCHELL formally adjourned the City Council meeting to the Policy Development Session scheduled for Saturday, March 7, 2009 at 8:00 a.m. at Rolling Hills Estates City Hall

Submitted by,

Approved by,

Hope J. Nolan
Deputy City Clerk

Douglas R. Prichard
City Manager