

**MINUTES**

**CITY COUNCIL MEETING**

**JANUARY 22, 2008**

A regular meeting of the City Council of the City of Rolling Hills Estates was called to order at 7:33 p.m. in the City Council Chambers, 4045 Palos Verdes Drive North, by MAYOR ZERUNYAN.

**PLEDGE OF ALLEGIANCE**

Girl Scout Troop 442 led the assembly in the Pledge of Allegiance to the Flag.

**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  
Community Services Director Andy Clark  
Administrative Services Director Mike Whitehead  
Assistant Planner Jason Masters

Others Present: John Pagliano, Park and Activities Commission  
Judy Bayer, Planning Commission

**4. CEREMONIAL ITEMS**

**A. WASTE MANAGEMENT DRAWINGS FOR ONE YEAR'S FREE RESIDENTIAL REFUSE SERVICE**

Juan Rodruquez was chosen as the recipient of one year's free disposal service.

Susan Moulton, Waste Management, commended the City on selecting a program that resulted in a 65% diversion rate. She distributed community sustainable booklets to the COUNCIL for review.

**5. ROUTINE MATTERS**

**A. CITY COUNCIL MINUTES OF JANUARY 8, 2008**

COUNCILMAN ADDLEMAN moved, seconded by MAYOR PRO TEM MITCHELL

TO APPROVE THE CITY COUNCIL MINUTES OF JANUARY 8, 2008 AS PRESENTED.

THERE BEING NO OBJECTION, MAYOR ZERUNYAN SO ORDERED.

B. DEMANDS AND WARRANTS – DECEMBER

COUNCILMAN ADDLEMAN moved, seconded by COUNCILWOMAN SEAMANS

TO APPROVE WARRANTS 43243 THROUGH 43312 IN THE AMOUNT OF \$281,672.74; WARRANTS 43189 THROUGH 43223 IN THE AMOUNT OF \$90,458.28 FOR A GRAND TOTAL AMOUNT OF \$372,131.02 WITH PROPER AUDIT.

AYES: Addleman, Mitchell, Seamans, Zerunyan, Zuckerman

6. **CONSENT CALENDAR:** The following routine matters will be acted upon by one vote to approve with the majority consent of the City Council. There will be no separate discussion of these items unless good cause is shown by a member prior to the roll call vote. (Items removed will be considered under New Business.)

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. DECEMBER 2007 SCHEDULE OF INVESTMENTS

RECEIVED AND FILED THE SCHEDULE OF INVESTMENTS REPORT FOR THE MONTH.

C. LEAGUE OF CALIFORNIA CITIES PRIORITY FOCUS DATED JANUARY 4, 2008

RECEIVED AND FILED.

D. LEAGUE OF CALIFORNIA CITIES PRIORITY FOCUS DATED JANUARY 11, 2008

RECEIVED AND FILED.

THERE BEING NO OBJECTION, MAYOR ZERUNYAN SO ORDERED.

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

- A. Brian Wynne, Rolling Hills Villas, stated that he was pleased to know that the COUNCIL is discussing greenbuilding policies. He shared his experience on instituting several green resources and environmental designs into his project on Deep Valley Drive. He then noted his appreciation to the COUNCIL for moving in this direction.

**9. NEW BUSINESS (Taken out of order)**

**A. PLANNING COMMISSION MINUTES OF JANUARY 14, 2008**

COUNCILWOMAN SEAMANS moved, seconded by COUNCILMAN ADDLEMAN

TO RECEIVE AND FILE THE PLANNING COMMISSION MINUTES OF JANUARY 14, 2008.

THERE BEING NO OBJECTION, MAYOR ZERUNYAN SO ORDERED.

**B. PARK AND ACTIVITIES COMMISSION MINUTES OF JANUARY 15, 2008**

MAYOR PRO TEM MITCHELL moved, seconded by COUNCILWOMAN SEAMANS

TO RECEIVE AND FILE THE PARK AND ACTIVITIES COMMISSION MINUTES OF JANUARY 15, 2008.

THERE BEING NO OBJECTION, MAYOR ZERUNYAN SO ORDERED.

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ADJOURNED TO PEPPER TREE FOUNDATION BOARD OF DIRECTORS AT 7:49 P.M.  
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**C. REGULAR ANNUAL BOARD OF DIRECTORS MEETING**

Recommendation: That the Pepper Tree Board of Directors: 1) Conduct any necessary Foundation business; and 2) Receive and file this report.

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

COUNCILMAN ADDLEMAN moved, seconded by MAYOR PRO TEM MITCHELL

TO RECEIVE AND FILE THIS REPORT.

THERE BEING NO OBJECTION, MAYOR ZERUNYAN SO ORDERED.

**D. 2008 HILLS ARE ALIVE RACE CONSULTANT AGREEMENT**

Recommendation: That the Pepper Tree Board of Directors approve the agreement with Educational Sponsorship Partners to provide fundraising, promotional, and consulting services for the 2008 Hills are Alive Race.

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

COUNCILMAN ADDLEMAN moved, seconded by MAYOR PRO TEM MITCHELL

TO APPROVE THE AGREEMENT WITH EDUCATIONAL SPONSORSHIP PARTNERS TO PROVIDE FUNDRAISING, PROMOTIONAL, AND CONSULTING SERVICES FOR THE 2008 HILLS ARE ALIVE RACE.

AYES: Addleman, Mitchell, Seamans, Zerunyan, Zuckerman

E. NATURE CENTER RFQ INTERVIEW PANEL

Recommendation: That the Pepper Tree Board of Directors provide one or two members of the Board to serve on the interview panel for the Nature Center RFQ.

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

After brief discussion,

MAYOR PRO TEM MITCHELL AND COUNCILWOMAN SEAMANS WERE APPOINTED TO SERVE ON THE NATURE CENTER RFQ INTERVIEW PANEL.

THERE BEING NO OBJECTION, MAYOR ZERUNYAN SO ORDERED.

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RECONVENED TO CITY COUNCIL MEETING AT 7:55 P.M.  
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F. TREE MAINTENANCE SERVICES AGREEMENT RE-NEGOTIATION

Recommendation: That the City Council: 1) Accept West Coast Arborists, Inc.'s requested \$2.00 per tree pruning fee increase; and 2) Direct staff to revise the agreement with West Coast Arborists, Inc., per the City Attorney's review.

COUNCILMAN ADDLEMAN moved, seconded by COUNCILWOMAN SEAMANS

TO APPROVE THE REVISED AGREEMENT WITH WEST COAST ARBORISTS, INC., PER THE CITY ATTORNEY'S REVIEW.

AYES: Addleman, Mitchell, Seamans, Zerunyan, Zuckerman

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**8. PUBLIC HEARINGS/MEETINGS 8:00 P.M.**

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A. PLANNING APPLICATION NO. PA-10-07; APPLICANT: MR. AND MRS. KREAG; LOCATION: 2715 PALOS VERDES DRIVE NORTH

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) Affirm Planning Commission Resolution No. PA-10-07 supporting the project's denial.

Assistant Planner Masters provided a staff report (as per agenda material).

COUNCILMAN ADDLEMAN moved, seconded by MAYOR PRO TEM MITCHELL

TO OPEN THE PUBLIC HEARING.

THERE BEING NO OBJECTION, MAYOR ZERUNYAN SO ORDERED.

Debra Kreag, Applicant, provided a brief history of her unique property. She noted her belief that they have met all the conditions required for approval. She then distributed photos to the COUNCIL depicting the surrounding neighbors' homes and stated that she received 11 signatures in support of the project from her immediate neighbors and letters of opposition from those residents who live further away.

Daniel Weedon, Landscape Architect representing the Applicant, noted that the Applicant has spent a significant amount of time attempting to accommodate many of the items identified by the City. He noted their intent to plant trees and hedges around the proposed tennis court so that it would not be visible to the neighbors.

Dan Bolton, Civil Engineer, argued in favor of the variances that would have moved back the tennis court back as far as possible. He noted that the Planning Commission stated it was still considered a front yard setback.

COUNCILWOMAN SEAMANS inquired as to how the drainage and tennis court would be mitigated.

Mr. Bolton noted it would be directed northwest towards the existing horse path flow with state-of-the art erosion measures and would improve the current conditions as it now stands.

Bob Beck, spoke on behalf of Lou Aguilar and Kerri Welch, stating that he reviewed the Planning Commission material. He emphasized that the findings could not be made for approval and asked the COUNCIL to revisit Section 17.06.150 where the COUNCIL must make findings for all five conditions as listed and reiterated that those findings cannot be met. He then noted that tennis courts throughout the City are located in the rear yards. He urged the COUNCIL to uphold the Planning Commission's decision to deny this project.

Kerri Welch, commented on the voting record of the Planning Commission. She noted that Mr. Beck referred to balancing the rights of residents who want to improve their property and the rights of residents who did not and that the Applicant does not have an under-utilized property. She noted that many of the residents who supported this project live across Palos Verdes Drive North.

MAYOR PRO TEM MITCHELL moved, seconded by COUNCILMAN ADDLEMAN

TO CLOSE THE PUBLIC HEARING.

THERE BEING NO OBJECTION, MAYOR ZERUNYAN SO ORDERED.

After extensive discussion, it was the consensus of the COUNCIL that this is a neighborhood compatibility issue and that findings could not be made to approve the variances and to uphold the Planning Commission's denial of this project.

MAYOR PRO TEM MITCHELL moved, seconded by COUNCILMAN ADDLEMAN

TO DIRECT STAFF TO MAKE THE APPROPRIATE FINDINGS AND BRING BACK A RESOLUTION AFFIRMING THE PLANNING COMMISSION'S DECISION TO DENY PA-10-07.

AYES: Addleman, Mitchell, Seamans, Zerunyan, Zuckerman

## **10. OLD BUSINESS**

### **A. GREENHOUSE GAS EMISSIONS REDUCTION STRATEGIES AND MITIGATION MEASURES**

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Recommendation: That the City Council adopt the Greenhouse Emission Mitigation Measures with the revisions indicated in Attachment 2 herein to be utilized in environmental documents for consideration of the Planning Commission and/or City Council during project review.

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

COUNCILWOMAN SEAMANS inquired as to the energy audits and if the utility companies could assist in providing this information particularly in relationship to the larger proposed project.

Planning Director Wahba noted that the City is at the forefront on this issue, but that greenbuilding is still fairly new.

COUNCILMAN ZUCKERMAN asked what would happen if one were to fail an audit. He noted that the City needs to require energy savings measures up front with a certification prior to occupancy rather than an audit.

MAYOR ZERUNYAN asked if the City could incentivize developers to pursue silver or gold LEED certificate.

COUNCILMAN ZUCKERMAN noted that language should be added to exempt cement trucks from the idling condition.

COUNCILWOMAN SEAMANS commended the staff and LSA Associates for taking the first step in formulating guidelines.

MAYOR PRO TEM MITCHELL suggested contacting someone from the US Greenbuilding Council to attend a COUNCIL meeting.

Discussion also included directing staff to consider review of each project with the guidelines as outlined, but not to be bound by that document.

It was the consensus of the COUNCIL to direct staff to contact a representative from the U.S. Greenbuilding Council to attend the Policy Development Session.

COUNCILWOMAN SEAMANS moved, seconded by MAYOR PRO TEM MITCHELL

TO RECEIVE AND FILE THIS REPORT.

THERE BEING NO OBJECTION, MAYOR ZERUNYAN SO ORDERED.

Toni Reina, Continental Development, thanked the COUNCIL for continuing discussion of this item. She noted that one of her assistants has a name of a representative from the U.S. Greenbuilding Council.

Nathan Carlson, Continental Development, noted he has several projects to be LEED certified in Southern California and could provide a contact to Planning Director Wahba as well.

**11. CITY ATTORNEY ITEMS**

- A. City Attorney Pelletier noted that Assistant City Attorney, Rob Tyson, was in the audience.

**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. COUNCILMAN ADDLEMAN reported that he attended the South Bay Governance Council where discussion included the possibility of several cities picking up Metro routes slated for discontinuance.
- B. COUNCILMAN ADDLEMAN reported that he attended the PV Transit meeting. He noted that an audit committee meeting will take place soon. Additionally, he stated that other items of discussion included the purchase of new buses and a possible adjustment in funding due to high fuel costs.
- C. MAYOR PRO TEM MITCHELL reported that she attended the League of California Cities' Environmental Quality Committee.
- D. MAYOR ZERUNYAN reported that he attended, along with other COUNCIL MEMBERS, the California Contract Cities Association Legislative Orientation Tour and participated in lobbying activities on behalf of the City.

COUNCILWOMAN SEAMANS commended Assemblywoman Karnette on her assistance in contacting DTSC requesting their response to the five-year review of the PV Landfill.

**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 agendaized for future consideration and/or make announcements of interest to the public.

A. MAYOR ZERUNYAN noted that he received an email from Clark Davis requesting that he continue to serve on the Traffic and Safety Committee. After brief discussion, it was the consensus of the COUNCIL to include Mr. Davis on this committee and bring back a resolution expanding its membership to eight.

B. MAYOR ZERUNYAN noted that he met with representatives from the Sanitation Districts and City Manager Prichard. He reported that they have taken all the public comments very seriously and will post that information as soon as it is available. He then stated that they have agreed to take out a full page ad in both the Daily Breeze and PV News explaining the project in detail for the public. Additionally, he noted that he will continue to have an open dialogue with the Sanitation Districts.

City Manager Prichard commended MAYOR ZERUNYAN on his attempt to insist that an EIR be undertaken for the PV Landfill for the benefit of the public even though the Sanitation Districts declined to proceed in this direction.

C. MAYOR ZERUNYAN invited everyone to attend the Community Goal-Setting meeting scheduled for Tuesday, January 29.

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At 9:49 p.m., the CITY COUNCIL convened into closed session.

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**14. CLOSED SESSION**

A. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION  
(Pursuant to Government Code Section 54956.9 (c)) consideration of initiation of litigation regarding damages to bridle trail trees by residents at 4846 Ferncreek (Bocchino) and 4822 Ferncreek (Griggs)

DIRECTED STAFF TO CONTINUE TO WORK TO RESOLVE THE ISSUES.

B. DISCUSSION WITH RESPECT TO PERSONNEL MATTERS  
(Pursuant to Government Code Section 54957)

1. QUARTERLY CITY MANAGEMENT PERFORMANCE EVALUATION

NO ACTION WAS TAKEN.

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At 10:58 p.m., the COUNCIL reconvened with MAYOR ZERUNYAN, MAYOR PRO TEM ZERUNYAN, COUNCILWOMAN MITCHELL and COUNCILMAN ZUCKERMAN present.

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**15. ADJOURNMENT**

At 10:58 p.m., MAYOR ZERUNYAN formally adjourned the City Council meeting to the Community Goal-Setting Workshop scheduled for Tuesday, January 29, 2008 at 7:00 p.m. in the City Council Chambers

Submitted by,

Approved by,

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Hope J. Nolan  
Deputy City Clerk

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Douglas R. Prichard  
City Clerk