

MINUTES
CITY COUNCIL MEETING
DECEMBER 9, 2008

A regular meeting of the City Council of the City of Rolling Hills Estates was called to order at 7:00 p.m. in the City Council Chambers, 4045 Palos Verdes Drive North, by MAYOR ZERUNYAN. With all Members present, COUNCIL immediately adjourned to Closed Session.

14. CLOSED SESSION

- A. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
(Pursuant to Government Code Section 54956.9 (b) potential and threatened litigation in connection with dispute over right-of-way, easements, and structures on or adjacent to 37 and 38 Aurora Drive and 4 Bridlewood Circle.)

STAFF WAS DIRECTED TO CONTINUE TO PURSUE SETTLEMENT
OF THE MATTER.

At 7:32 p.m., the COUNCIL reconvened with MAYOR ZERUNYAN, MAYOR PRO TEM MITCHELL, COUNCILMAN ADDLEMAN, COUNCILWOMAN SEAMANS and COUNCILMAN ZUCKERMAN present.

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PLEDGE OF ALLEGIANCE

Lomita Sheriff's Deputy Tami Bouse 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
Community Services Directory Andy Clark
Planning Director David Wahba
Administrative Services Director Michael Whitehead
Assistant to the City Manager Greg Grammer

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

4. CEREMONIAL ITEMS

A. RESOLUTION NO. 2180 FOR ADOPTION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROLLING HILLS ESTATES RECOGNIZING DECEMBER 18, 2008 AS "A DAY WITHOUT A BAG."

MAYOR PRO TEM MITCHELL moved, seconded by COUNCILWOMAN SEAMANS

TO ADOPT RESOLUTION NO. 2180.

City Manager Prichard read Resolution No. 2180 by title only.

AYES: Addleman, Mitchell, Seamans, Zerunyan, Zuckerman

B. PRESENTATION TO OUTGOING MAYOR FRANK ZERUNYAN

MAYOR PRO TEM MITCHELL commended MAYOR ZERUNYAN on his dedication to the City and community. After a video presentation made especially for him, MAYOR PRO TEM MITCHELL presented MAYOR ZERUNYAN with a gavel plaque and collage recognizing his term as Mayor.

Jim Moore, Equestrian Committee Member, presented MAYOR ZERUNYAN with a horseshoe.

MAYOR ZERUNYAN noted that it has been a delight to serve and represent the community. He was pleased to note several accomplishments over the year that included continued efforts to make the City "green," retention of open space and quality of life, preserving the City's responsible financial status, continued trash diversion rate now close to 70%, commercial district and streetscape improvements, and several street resurfacing projects. He stated that the City has received several finance awards and is looking forward to updating the City's website to make it more user-friendly. Additionally, he noted that he would like to see the next generation become more involved in government and thanked everyone for giving him the opportunity to serve as Mayor.

5. ROUTINE MATTERS

A. CITY COUNCIL MINUTES OF NOVEMBER 25, 2008

COUNCILMAN ADDLEMAN moved, seconded by COUNCILWOMAN SEAMANS

TO APPROVE THE CITY COUNCIL MINUTES OF NOVEMBER 25, 2008 AS PRESENTED.

THERE BEING NO OBJECTION, MAYOR ZERUNYAN SO ORDERED.

B. DEMANDS AND WARRANTS – NOVEMBER

COUNCILMAN ADDLEMAN moved, seconded by COUNCILWOMAN SEAMANS

TO APPROVE WARRANTS 44790 THROUGH 45005 IN THE AMOUNT OF \$96,722.58; SUPPLEMENTAL WARRANTS 110108 THROUGH 110208; 44855 THROUGH 44883; 44856 VOID; 44883 VOID; 44949 THROUGH 44961 IN THE AMOUNT OF \$270,477.27 FOR A GRAND TOTAL AMOUNT OF \$367,199.85 WITH PROPER AUDIT.

AYES: Addleman, Mitchell, Seamans, Zerunyan, Zuckerman

6. COUNCIL REORGANIZATION

MAYOR ZERUNYAN moved, seconded by COUNCILWOMAN SEAMANS

TO APPOINT MAYOR PRO TEM MITCHELL AS THE CITY'S NEW MAYOR BY ACCLAMATION.

THERE BEING NO OBJECTION, IT WAS SO ORDERED.

MAYOR MITCHELL moved, seconded by COUNCILMAN ZERUNYAN

TO APPOINT COUNCILMAN JOHN ADDLEMAN AS THE CITY'S NEW MAYOR PRO TEM BY ACCLAMATION.

THERE BEING NO OBJECTION, MAYOR MITCHELL SO ORDERED.

MAYOR MITCHELL commented that goals she would like to pursue in the coming year include environmental programs, continued preservation of open space, fostering a sense of community spirit, revitalizing the commercial district, etc. Additionally, she reiterated the need to protect local land use decisions and City revenues from the state.

RECESS

At 8:32 p.m., the COUNCIL reconvened with MAYOR MITCHELL, MAYOR PRO TEM ADDLEMAN, COUNCILWOMAN SEAMANS, COUNCILMAN ZERUNYAN and COUNCILMAN ZUCKERMAN present.

7. CONSENT CALENDAR

MAYOR PRO TEM ADDLEMAN moved, seconded by COUNCILMAN ZERUNYAN

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.

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

- A. Bill Orton, Field Representative for Senator Roderick Wright, thanked MAYOR MITCHELL for attending the swearing in ceremony for Senator Wright. He also thanked Community Services Director Clark for his assistance with the Holiday Parade.

9. PUBLIC HEARINGS/MEETINGS

8:00 P.M.

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- A. CONTINUED PUBLIC HEARING - PA-29-08; LANDSCAPING AND FENCING REQUIREMENTS FOR VACANT COMMERCIAL PROPERTIES (ORDINANCE NO. 649); LOCATION: COMMERCIAL LIMITED (C-L), COMMERCIAL OFFICE (C-O), AND COMMERCIAL GENERAL (C-G) ZONES

Recommendation: That the City Council: 1) Continue to take public testimony; 2) Close the public hearing; 3) Discuss the issues; and 4) Adopt Ordinance No. 649.

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

MAYOR MITCHELL invited the public to speak on this item.

No public testimony was offered.

COUNCILMAN ZERUNYAN moved, seconded by MAYOR PRO TEM ADDLEMAN

TO CLOSE THE PUBLIC HEARING.

THERE BEING NO OBJECTION, MAYOR MITCHELL SO ORDERED.

1. ORDINANCE NO. 649 FOR SECOND READING AND ADOPTION

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROLLING HILLS ESTATES AMENDING CHAPTERS 17.26 (COMMERCIAL-OFFICE DISTRICT (C-O)), 17.28 (COMMERCIAL-LIMITED DISTRICT (C-L)), AND 17.30 (COMMERCIAL-GENERAL DISTRICT (C-G)) OF THE ROLLING HILLS ESTATES MUNICIPAL CODE TO ADOPT TEMPORARY FENCING AND LANDSCAPING REQUIREMENTS FOR VACANT COMMERCIAL PROPERTIES.

COUNCILWOMAN SEAMANS moved, seconded by MAYOR PRO TEM ADDLEMAN

TO ADOPT ORDINANCE NO. 649.

City Manager Prichard read Ordinance No. 649 by title only.

AYES: Addleman, Mitchell, Seamans, Zerunyan, Zuckerman

10. NEW BUSINESS

A. PARK AND ACTIVITIES COMMISSION MINUTES OF DECEMBER 2, 2008

COUNCILWOMAN SEAMANS moved, seconded by MAYOR PRO TEM ADDLEMAN

TO RECEIVE AND FILE THE PARK AND ACTIVITIES COMMISSION MINUTES OF DECEMBER 2, 2008.

THERE BEING NO OBJECTION, MAYOR MITCHELL SO ORDERED.

B. SOUTH BAY CITIES COUNCIL OF GOVERNMENTS REQUEST FOR RESOLUTION OF SUPPORT OF ENERGY PARTNERSHIP

Recommendation: That the City Council approve Resolution No. 2181 declaring the City's support of an energy partnership between Southern California Edison and The Gas Company and the South Bay Cities Council of Governments.

1. RESOLUTION NO. 2181 FOR ADOPTION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROLLING HILLS ESTATES DECLARING THE CITY'S SUPPORT FOR AN ENERGY PARTNERSHIP BETWEEN SOUTHERN CALIFORNIA EDISON AND THE GAS COMPANY AND THE SOUTH BAY CITIES COUNCIL OF GOVERNMENTS.

COUNCILMAN ZERUNYAN moved, seconded by MAYOR PRO TEM ADDLEMAN

TO ADOPT RESOLUTION NO. 2181.

City Manager Prichard read Resolution No. 2181 by title only.

AYES: Addleman, Mitchell, Seamans, Zerunyan, Zuckerman

C. PA-30-08 (28220 HIGHRIDGE ROAD); RESOLUTION REQUESTING THAT THE LOCAL AGENCY FORMATION COMMISSION INITIATE PROCEEDINGS FOR THE REORGANIZATION OF TERRITORY RELATED TO THE HIGHRIDGE CONDOMINIUMS PROJECT LOCATED AT 28220 HIGHRIDGE ROAD IN THE CITY OF RANCHO PALOS VERDES

Recommendation: That the City Council adopt Resolution No. 2179 requesting that the Local Agency Formation Commission initiate proceedings for the reorganization of territory related to the Highridge Condominiums project.

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

1. RESOLUTION NO. 2179 FOR ADOPTION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROLLING HILLS ESTATES REQUESTING THE LOS ANGELES COUNTY LOCAL AGENCY FORMATION COMMISSION (LAFCO) TO INITIATE PROCEEDINGS FOR THE REORGANIZATION OF TERRITORY.

MAYOR PRO TEM ADDLEMAN moved, seconded by MAYOR MITCHELL

TO ADOPT RESOLUTION NO. 2179.

City Manager Prichard read Resolution No. 2179 by title only.

AYES: Addleman, Mitchell, Seamans, Zerunyan, Zuckerman

11. OLD BUSINESS

A. COMMERCIAL BUSINESS GUIDELINES FOR EQUESTRIAN BOARDING ON RESIDENTIAL PROPERTIES

Recommendation: That the City Council direct staff to prepare guidelines for equestrian businesses that would be made part of a Business License Information packet, rather than creating an ordinance.

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

Extensive discussion ensued regarding how to deal with obtaining compliance and enforcement.

COUNCILWOMAN SEAMANS strongly supported the need to create an ordinance.

Planning Director Wahba clarified the issue of homeowners who can legally board horses to private individuals versus others who have businesses utilizing their private rings or boarding for trail riding business. He noted that while they may be legally renting out the stalls, their customers sometimes create problems such as parking and commercial activity within a residential zone. He went on to state that the Planning Commission reviewed the commercial operations and found that the code enforcement department has had to devote considerable time to this matter.

Jack Epstein spoke on behalf of his wife, Barbara, and thanked the COUNCIL for addressing this issue. He noted that they believed the recommendation to be a good compromise, but had concerns regarding liability.

Lionel Perera stated that there is an ongoing business at 9 Moccasin that is being advertised online. He noted that oftentimes people who come to this individual's house do not know where the property is and knock on their door trying to find this business. He then noted that a member of the Planning staff did go out and inform them not to operate at that location. After continued activity, he stated that he was told by staff to take pictures, but ended up having an altercation. He urged the COUNCIL to review this matter.

Dale Allen, President, PVPFA, and Equestrian Committee Member, noted that there have been several meetings with the Equestrian Committee, but they were not ready to move forward with an ordinance at that time. He noted that guidelines were preferred, and if necessary, an ordinance could be created later. It was his opinion that enforcement has not been a problem as Mr. Beall has been able to gain cooperation. Additionally, he commented that this is an equestrian community and living with dust near a bridle trail is part of the lifestyle. He encouraged the COUNCIL to institute guidelines and revisit this issue in another year.

City Manager Prichard noted that given the fact business licenses are a revenue generator rather than a regulatory mechanism, it may be best to create an ordinance section that requires a Special Use Permit for the property owner to rent stalls for commercial business. In that way a Special Use Permit would be created to go before the Planning Commission to place conditions on each of the properties where a business is operating for approval.

COUNCILMAN ZERUNYAN noted that it is not his desire to place a burden on residents who own horses, but did state that an individual is violating the City's law by conducting business in a residential zone.

COUNCILMAN ZERUNYAN suggested creating a code section that deals with property owners. City Manager Prichard noted that while the City wants to tread lightly in this area, there are issues which need to be addressed that can only be enforced if an ordinance is adopted.

After continued discussion, MAYOR MITCHELL moved, seconded by COUNCILMAN ZUCKERMAN

TO REFER THIS MATTER BACK TO STAFF FOR REVIEW OF THE SPECIAL USE PERMIT (SUP) PROCESS AND BRING BACK A RECOMMENDATION TO THE COUNCIL.

AYES: Addleman, Mitchell, Seamans, Zerunyan, Zuckerman

B. DEEP VALLEY DRIVE STREETScape

Recommendation: That the City Council review the various funding scenarios and provide staff direction regarding this project including: 1) Identifying preferred funding strategies; 2) Requesting MTA and CTC to reduce the City's Matching Fund requirements and/or allowing the City to use the private property (developer) streetscape improvements as an *in kind* contribution toward a portion of the City's match, and approve an amendment to reduce the project scope to the preferred alternative; and 3) Requesting an extension of the funding for the project to a time when economic conditions are more favorable to construct the project.

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

In response to an inquiry from MAYOR PRO TEM ADDLEMAN, Brian Hannegan, RRM, noted that there are three options for review that can have design elements added, subtracted or phased into the project. He stated that this is a preliminary design and can be flexible at this point.

MAYOR MITCHELL noted that if this project is done in phases, some aspects should be done at immediately. Mr. Hannegan noted that if this project is completed in phases, additional money will be spent.

COUNCILMAN ZUCKERMAN suggested asking the Metropolitan Transportation Authority to accept a reduced scope of the project.

COUNCILWOMAN SEAMANS noted that she was concerned with the inconsistent design throughout the street and suggested that some guidelines be provided for businesses and property owners who want to enhance their buildings.

COUNCILMAN ZUCKERMAN stated that while he understands the frustration, the City can only encourage and not force property owners to do what they want with their property.

MAYOR MITCHELL suggested informing the property owner when they want to make improvements to follow a conceptual plan.

COUNCILMAN ZUCKERMAN moved, seconded by MAYOR PRO TEM ADDLEMAN

TO APPROVE REQUESTING MTA AND THE CALIFORNIA TRANSPORTATION COMMISSION (CTC) TO APPROVE A REDUCTION IN THE SCOPE OF THE PROJECT.

AYES: Addleman, Mitchell, Seamans, Zerunyan, Zuckerman

12. CITY ATTORNEY ITEMS

NONE

13. 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. AUDIT COMMITTEE REPORT ON COMPREHENSIVE ANNUAL FINANCIAL REPORT FOR YEAR ENDED JUNE 30, 2008

Recommendation: That the City Council receive and file, with the recommendations by the Audit Subcommittee for the Fiscal Year ended June 30, 2008, the Comprehensive Annual Financial Report (CAFR), Management Letter, Internal Control Letter, SAS 114 Letter, and Appropriations Limit Article XIII B Letter.

MAYOR PRO TEM ADDLEMAN was pleased to note that he and COUNCILMAN ZUCKERMAN met with the auditor and that any policy issues will be brought to the COUNCIL at the Policy Development Session. He then commended Administrative Services Director Whitehead for an excellent job.

COUNCILMAN ZUCKERMAN noted that he concurred with MAYOR PRO TEM ADDLEMAN'S comments. He stated that despite the City's efforts to be frugal, there may be some policy options to explore to avoid future problems.

COUNCILWOMAN SEAMANS moved, seconded by MAYOR PRO TEM ADDLEMAN

TO RECEIVE AND FILE THE COMPREHENSIVE ANNUAL FINANCIAL REPORT (CAFR), MANAGEMENT LETTER, INTERNAL CONTROL LETTER, SAS 114 LETTER, AND APPROPRIATIONS LIMIT ARTICLE XIII B LETTER.

THERE BEING NO OBJECTION, MAYOR MITCHELL SO ORDERED.

B. COUNCILMAN ADDLEMAN

1. TRAFFIC AND SAFETY COMMITTEE MINUTES OF NOVEMBER 20, 2008

MAYOR PRO TEM ADDLEMAN moved, seconded by COUNCILWOMAN SEAMANS

TO RECEIVE AND FILE THE TRAFFIC AND SAFETY COMMITTEE MINUTES OF NOVEMBER 20, 2008.

THERE BEING NO OBJECTION, MAYOR MITCHELL SO ORDERED.

(a) TRAFFIC AND SAFETY COMMITTEE ACTION ITEMS FROM NOVEMBER 20, 2008 MEETING

Recommendation: That the City Council: 1) Approve installation of a “Keep Clear” marking for eastbound Indian Peak Road at Crossfield Drive, one in front of the eastbound left turn pocket and one in front of the eastbound lanes; 2) Install “Stop” signs in the eastbound and westbound directions of Gaucho Drive at Saddle Road; install a “Stop Ahead” sign on Gaucho Drive in the eastbound direction approximately 250 feet west of Saddle Road; and request the homeowner adjacent to the proposed “Stop” signs to prune their overgrown vegetation in the right-of-way; and 3) Install a northbound right-turn pocket on Silver Spur Road at Willow Wood Road, based on the available width of the existing roadway and request the homeowner adjacent to the proposed turn pocket to prune the vegetation extending into the right-of-way.

MAYOR PRO TEM ADDLEMAN moved, seconded by MAYOR MITCHELL

TO APPROVE: 1) THE INSTALLATION OF A “KEEP CLEAR” MARKING FOR EASTBOUND INDIAN PEAK ROAD AT CROSSFIELD DRIVE, ONE IN FRONT OF THE EASTBOUND LEFT TURN POCKET AND ONE IN FRONT OF THE EASTBOUND LANES; 2) INSTALL “STOP” SIGNS IN THE EASTBOUND AND WESTBOUND DIRECTIONS OF GAUCHO DRIVE AT SADDLE ROAD; INSTALL A “STOP AHEAD” SIGN ON GAUCHO DRIVE IN THE EASTBOUND DIRECTION APPROXIMATELY 250 FEET WEST OF SADDLE ROAD; AND REQUEST THE HOMEOWNER ADJACENT TO THE PROPOSED “STOP” SIGNS TO PRUNE THEIR OVERGROWN

VEGETATION IN THE RIGHT-OF-WAY; AND 3) INSTALL A NORTHBOUND RIGHT-TURN POCKET ON SILVER SPUR ROAD AT WILLOW WOOD ROAD, BASED ON THE AVAILABLE WIDTH OF THE EXISTING ROADWAY AND REQUEST THE HOMEOWNER ADJACENT TO THE PROPOSED TURN POCKET TO PRUNE THE VEGETATION EXTENDING INTO THE RIGHT-OF-WAY.

AYES: Addleman, Mitchell, Seamans, Zerunyan, Zuckerman

C. COUNCILWOMAN SEAMANS

1. EQUESTRIAN COMMITTEE MINUTES OF NOVEMBER 24, 2008

COUNCILWOMAN SEAMANS moved, seconded by MAYOR PRO TEM ADDLEMAN

TO RECEIVE AND FILE THE EQUESTRIAN COMMITTEE MINUTES OF NOVEMBER 24, 2008.

THERE BEING NO OBJECTION, MAYOR MITCHELL SO ORDERED.

15. 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. NATIONAL LEAGUE OF CITIES 2009 CONGRESSIONAL CITY CONFERENCE – MARCH 14-18, 2009

COUNCILWOMAN SEAMANS moved, seconded by MAYOR PRO TEM ADDLEMAN

TO APPROVE MAYOR MITCHELL'S ATTENDANCE TO THE CONFERENCE WITH EXPENSES TO BE PAID BY THE LEAGUE OF CALIFORNIA CITIES.

THERE BEING NO OBJECTION, MAYOR MITCHELL SO ORDERED.

B. COUNCILWOMAN SEAMANS was pleased to report that the Holiday Parade was a huge success. She thanked all the sponsors as well as Community Services Director Clark for his hard work and Administrative Services Director Whitehead for announcing the parade.

16. ADJOURNMENT

At 10:00 p.m., MAYOR MITCHELL formally adjourned the City Council meeting in memory of Irma Hovsepyan, COUNCILMAN ZERUNYAN'S aunt, to Tuesday, December 15, 2008 at 5:30 p.m. for the purpose of conducting a joint City Council and Planning Commission First Look Meeting regarding The Promenade at 550 Deep Valley Drive; Applicant: Stoltz Management

Submitted by,

Approved by,

Hope J. Nolan
Deputy City Clerk

Douglas R. Prichard
City Manager