

**MINUTES**

**CITY COUNCIL MEETING**

**MAY 22, 2007**

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 SEAMANS.

**PLEDGE OF ALLEGIANCE**

MAYOR SEAMANS 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 Michael Whitehead

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

**4. CEREMONIAL ITEMS**

NONE

**5. ROUTINE MATTERS**

**A. CITY COUNCIL MINUTES OF MAY 8, 2007**

COUNCILWOMAN MITCHELL moved, seconded by MAYOR PRO TEM ZERUNYAN

TO APPROVE THE CITY COUNCIL MINUTES OF MAY 8, 2007 AS PRESENTED.

THERE BEING NO OBJECTION, MAYOR SEAMANS SO ORDERED.

**B. DEMANDS AND WARRANTS – MAY**

COUNCILMAN ADDLEMAN moved, seconded by COUNCILMAN ZUCKERMAN

TO APPROVE WARRANTS 41875 THROUGH 41939 IN THE AMOUNT OF \$304,063.38; SUPPLEMENTAL WARRANTS 41588 THROUGH 41598; 41594 (VOID); 41609 (VOID); 41699 (VOID); 41672 (VOID); 41680 THROUGH 41695; 41763 THROUGH 41773; 040107 THROUGH 040207 IN THE AMOUNT OF \$218,040.85 FOR A GRAND TOTAL AMOUNT OF \$522,104.23 WITH PROPER AUDIT.

AYES: Addleman, Mitchell, Seamans, Zerunyan, Zuckerman

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**6. CONSENT CALENDAR**

COUNCILWOMAN MITCHELL moved, seconded by MAYOR PRO TEM ZERUNYAN  
TO APPROVE ITEMS A-D.

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. APRIL 2007 SCHEDULE OF INVESTMENTS

RECEIVED AND FILED.

C. LEAGUE OF CALIFORNIA CITIES PRIORITY FOCUS DATED MAY 4, 2007

RECEIVED AND FILED.

D. LEAGUE OF CALIFORNIA CITIES PRIORITY FOCUS DATED MAY 11, 2007

RECEIVED AND FILED.

THERE BEING NO OBJECTION, MAYOR SEAMANS SO ORDERED.

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

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A. On behalf of the City of Rolling Hills, Mayor Jim Black presented MAYOR SEAMANS with a commendation congratulating the City on its 50<sup>th</sup> anniversary of incorporation.

MAYOR SEAMANS noted her appreciation to the City of Rolling Hills for always being a good neighbor. She, in turn, congratulated them on their 50<sup>th</sup> anniversary as well.

**8. PUBLIC HEARINGS/MEETINGS**

NONE

**9. NEW BUSINESS**

A. PARK AND ACTIVITIES COMMISSION MINUTES OF MAY 1, 2007

COUNCILWOMAN MITCHELL moved, seconded by COUNCILMAN ADDLEMAN

TO RECEIVE AND FILE THE PARK AND ACTIVITIES COMMISSION  
MINUTES OF MAY 1, 2007.

THERE BEING NO OBJECTION, MAYOR SEAMANS SO ORDERED.

1. PARK AND ACTIVITIES COMMISSION ACTION ITEM FROM MEETING OF MAY 1, 2007 – LOS ANGELES COUNTY REGIONAL PARK AND OPEN SPACE DISTRICT COMPETITIVE GRANT PROGRAM PROJECT APPLICATION

Recommendation: That the City Council accept the prioritized list of potential projects for submittal of a grant fund application as listed in the staff report.

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

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

TO DIRECT STAFF TO SUBMIT AN APPLICATION FOR THE GEORGE F CANYON NATURE PRESERVE RIPARIAN HABITAT RESTORATION PROJECT TO THE LOS ANGELES COUNTY REGIONAL PARK AND OPEN SPACE DISTRICT COMPETITIVE GRANT PROGRAM.

THERE BEING NO OBJECTION, MAYOR SEAMANS SO ORDERED.

B. PARK AND ACTIVITIES COMMISSION MINUTES OF MAY 15, 2007

COUNCILWOMAN MITCHELL moved, seconded by MAYOR PRO TEM ZERUNYAN

TO RECEIVE AND FILE THE PARK AND ACTIVITIES COMMISSION MINUTES OF MAY 15, 2007.

THERE BEING NO OBJECTION, MAYOR SEAMANS SO ORDERED.

C. STREET SWEEPING AWARD OF BID

Recommendation: That the City Council award the bid for Street Sweeping Services for FY 2007-2008 through FY 2013-2014 to Nationwide Environmental Services and authorize the appropriate City Official to execute the agreement.

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

MAYOR PRO TEM ZERUNYAN moved, seconded by COUNCILMAN ADDLEMAN

TO AWARD THE BID FOR STREET SWEEPING SERVICES FOR FY 2007-2008 THROUGH FY 2013-2014 TO NATIONWIDE ENVIRONMENTAL SERVICES AND AUTHORIZE THE APPROPRIATE CITY OFFICIAL TO EXECUTE THE AGREEMENT.

AYES: Addleman, Mitchell, Seamans, Zerunyan, Zuckerman

D. SIXTH AMENDMENT TO AGREEMENT WITH PETER WEBER EQUESTRIAN CENTER MANURE REMOVAL SERVICES CONTRACTOR

Recommendation: That the City Council approve the Sixth Amendment to the Agreement for Services with Scott Hill, doing business as Seahorse Riding Club, to extend manure removal services for the Peter Weber Equestrian Center from July 1, 2007 through June 30, 2008 at a monthly service fee of \$2,645.76.

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

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

TO APPROVE THE SIXTH AMENDMENT TO THE AGREEMENT FOR SERVICES WITH SCOTT HILL, DOING BUSINESS AS SEAHORSE RIDING CLUB, TO EXTEND MANURE REMOVAL SERVICES FOR THE PETER WEBER EQUESTRIAN CENTER FROM JULY 1, 2007 THROUGH JUNE 30, 2008 AT A MONTHLY SERVICE FEE OF \$2,645.76.

AYES: Addleman, Mitchell, Seamans, Zerunyan, Zuckerman

## **10. OLD BUSINESS**

### **A. PENINSULA VILLAGE – STATUS UPDATE**

Recommendation: That the City Council review the issues discussed in the staff report and provide staff with appropriate direction as listed.

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

COUNCILMAN ADDLEMAN informed the audience that over \$400,000 has been spent on the Deep Valley Drive project since 1999, but that amount was covered by developers' fees with no City funds being expended.

Discussion ensued regarding what will be presented to the COUNCIL with regards to various analyses, i.e. traffic, at the next meeting.

Assistant City Manager Wise noted that a proposal was requested by the COUNCIL to review traffic drawings to scale and identify some of the intersections regarding widths of medians.

COUNCILMAN ADDLEMAN noted that he would like to have as much information as possible prior to making a decision.

MAYOR PRO TEM ZERUNYAN noted that he does not anticipate this matter being resolved until the end of the year as the City is taking a methodic approach and any preliminary information submitted at that time will determine if these items are feasible.

COUNCILMAN ZUCKERMAN noted that the City will be better off if it conducts some "reality-testing" with respect to air quality and engineering measures.

COUNCILWOMAN MITCHELL suggested looking into utilizing transportation bonds for traffic mitigation measures as the City may be eligible for some funding.

COUNCILWOMAN MITCHELL noted that, for clarification purposes, the COUNCIL has been discussing two zones; the Peninsula Village Overlay Zone and the existing overlay zone.

COUNCILMAN ZUCKERMAN suggested calling both zones the "existing overlay zone" and the "proposed overlay zone." He noted that it was never contemplated to approve residential development throughout the district under the existing zone, but because of state housing requirements, this had to be done.

MAYOR SEAMANS noted her recollection that the City believed there was a reasonable need for housing in the commercial district in 1993. COUNCILMAN ZUCKERMAN noted that he disagreed with that assessment.

City Manager Prichard noted that at the next COUNCIL meeting, part of the discussion should include developer impact fees.

MAYOR SEAMANS suggested setting up a committee to interview the economic analysis firms. After some discussion, MAYOR SEAMANS and COUNCILMAN ZUCKERMAN volunteered to serve on this committee.

MAYOR PRO TEM ZERUNYAN requested that COUNCILMAN ZUCKERMAN not generalize when discussing the air quality impact until such time as there is an actual finding that determines the outcome. Additionally, he asked COUNCILMAN ZUCKERMAN to also not generalize about businesses moving off the hill as many personal services are consolidating their practices in Torrance.

COUNCILMAN ADDLEMAN asked that COUNCIL MEMBERS take care to respect each other's point of view.

City Manager Prichard summarized that the committee appointees will meet with the proposed economic analysis firm, bring back a recommendation with a cost estimate and scope of service to the COUNCIL for consideration.

Extensive discussion ensued regarding the need for a moratorium. MAYOR PRO TEM ZERUNYAN noted that there is no need for a moratorium as the necessary findings cannot be made.

COUNCILMAN ZUCKERMAN strongly stated that the City does not yet know the following: 1) The scope of traffic mitigations; 2) The effect of those measures; 3) The cost of these mitigations, 4) The outcome of the air quality study; 5) The economic impacts on existing businesses and residents; 6) The establishment of fees for parks and unit assessments; and 7) The final project description.

City Attorney Pelletier explained that the law states the City cannot prevent applications from being submitted or processed. She noted that the EIR certification process would still continue to move forward even if a moratorium was in place.

COUNCILMAN ZUCKERMAN noted that the COUNCIL had already told the public that the City would be very careful in keeping everyone apprised of any discussions taking place. It was his opinion that a moratorium should be adopted because if a developer spends money for his project, he may feel entitled to have that project approved.

COUNCILMAN ADDLEMAN reiterated that the City needs to stop and take a step back as there is no rush to move forward.

City Attorney Pelletier commented that findings are required to establish a moratorium. Additionally, she noted that a moratorium has to be incorporated into a study that links it to the General Plan.

MAYOR PRO TEM ZERUNYAN noted that he would prefer to look at the least restrictive means for controlling a project. He then stated that he had confidence in City Attorney Pelletier's opinion if a finding could be made. He stated his belief that the reasons COUNCILMAN ZUCKERMAN cited to approve a moratorium are not sufficient as legal findings.

City Manager Prichard noted that it is a difficult hurdle to make findings with regards to health, safety and welfare. He concurred with MAYOR PRO TEM ZERUNYAN in that the City has the tools to go through the individual EIRs and stop development if so desired. He also concurred with COUNCILMAN ZUCKERMAN that a moratorium might be good for reassuring the public as the COUNCIL has received substantial public input expressing concern over the project and has at least six months worth of studies to undertake to reach a

thoughtful conclusion. He reminded the COUNCIL that staff suggested limiting the number of units to 459 and the south side of Deep Valley Drive and that he believes the area of disagreement is really whether or not to include the north side of Deep Valley Drive in the project area. He then stated that if there was a time to seriously consider a moratorium, it is now. Additionally, he also reminded the COUNCIL that the Laing Urban project is forthcoming and it has been their expressed desire to move forward with this project due to the potential to remediate the landslide.

After continued discussion, MAYOR PRO TEM ZERUNYAN noted that he would consider supporting a moratorium if the findings could be made since the study would take six months to complete regardless of whether or not one was in place.

City Attorney Pelletier noted that this has to be supportable and may be difficult if there is a challenge, particularly with the multi-family housing component. She pointed out that the statute requires a study be conducted and a report issued to continue a moratorium past the initial 45 day period. Once that period has passed, then it would either have to be terminated or extended with findings.

City Manager Prichard noted that two applications may be submitted beyond Laing Urban and the Wynne projects currently pending. He noted that Continental Development may be submitting their plans during this time and that The Avenue has submitted conceptual drawings.

COUNCILWOMAN MITCHELL inquired if a moratorium can be terminated. City Attorney Pelletier noted that she will further investigate this question.

MAYOR SEAMANS noted that she believes a moratorium is not necessary as the COUNCIL has heard very few negative comments from the community.

COUNCILMAN ZUCKERMAN took exception to this remark stating that it is the responsibility of the COUNCIL to make decisions based upon what the staff, consultants and community say even though many citizens have not spoken out and that it is dangerous to take a "we know better" attitude. He then stated that the public needs to educate the COUNCIL and that the COUNCIL in turn needs to do everything they can to reassure the public.

Alex Rose, Continental Development, noted that the COUNCIL received a letter from him earlier in the day illustrating their proposed project. He commented on his frustration with the COUNCIL and was uncertain about the direction they were headed. He then reported that they have selected an architectural firm. He also believed it would be unfortunate to restart the EIR process and noted that the audience in the public workshop held on March 19 consisted of approximately 90% non-residents. Additionally, he commented that he was not convinced Rolling Hills Estates residents objected to the Peninsula Village Overlay Plan.

COUNCILMAN ZUCKERMAN responded that he believes the existing EIR is defective and needs to be amended. He noted that he is not in favor of more units at this time, but did state that non-residents do have their own concerns and that the COUNCIL plays an important role for the entire Peninsula.

Mr. Rose noted that, while Continental does not have an application pending at this time, they have expressed their support for what the community wants.

Deborah Rosenthal, Bingham McCutchen, attorney representing The Avenue of the Peninsula, stated that they are also looking at a proposal for residential development and have begun the discussion process. She noted her experience with moratoriums and that the COUNCIL would still have the discretion to review each project. She then stated that based upon her review of the EIR, it would be impossible for the City to meet the multi-family standard and that they also object

to the existing project description that excludes The Avenue from the Peninsula Village Overlay Zone.

Tom Judge, commented that he does not have a strong opinion of what should be done in the commercial district, but rather objected to what has been approved. He noted that he is wondering why these projects have been approved when there are still traffic concerns.

COUNCILWOMAN MITCHELL inquired as to the length of time needed to complete a new EIR. Planning Director Wahba noted that a revised project description could take up to six months.

COUNCILMAN ADDLEMAN moved, seconded by COUNCILMAN ZUCKERMAN

TO DIRECT STAFF TO BRING BACK A DRAFT MORATORIUM ORDINANCE WITH APPROPRIATE FINDINGS AND OTHER INFORMATION FOR COUNCIL CONSIDERATION AT THE NEXT MEETING.

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

Discussion continued regarding public information with COUNCILMAN ADDLEMAN noting that he would prefer a specific written timeline of what has been approved, what is now being proposed, etc.

Planning Director Wahba noted that the current projects are listed on the City's website.

MAYOR PRO TEM ZERUNYAN suggested providing to the residents on what has been done since 1998 up to now.

COUNCILWOMAN MITCHELL believed that the primary concern is to settle on a project description. She suggested asking MIG Consultants to return and schedule another public workshop.

COUNCILWOMAN MITCHELL moved, seconded by COUNCILMAN ADDLEMAN

TO DIRECT STAFF TO CONTACT DANIEL IACOFANO, MIG CONSULTANTS, TO SCHEDULE ANOTHER PUBLIC WORKSHOP AT THE NORRIS PAVILION IN ORDER TO PROVIDE AN UPDATE TO THE COMMUNITY ON THE PROPOSED PENINSULA VILLAGE MASTER PLAN.

THERE BEING NO OBJECTION, MAYOR SEAMANS SO ORDERED.

City Manager Prichard reiterated that staff will submit information and recommendations to the COUNCIL at the next meeting.

**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 SEAMANS reported that she attended the Sanitation Districts meeting. She was pleased to note that the Environmental Protection Agency has recognized the Sanitation Districts as an effective corporate green power purchaser.
- B. MAYOR SEAMANS noted that the Mesquite Regional Landfill has broken ground with the purpose of taking care of the solid waste needs of Los Angeles County for the next 100 years.
- C. MAYOR SEAMANS announced that the next Household Hazardous Waste Round-Up will take place on June 9 at American Honda in Torrance.
- D. COUNCILWOMAN MITCHELL reported that she and City Manager Prichard attended League of California Cities' Legislative Action Days in Sacramento. She noted that there are competitive grants available through the state for infrastructure and parks and requested letters be sent to legislators requesting those monies.
- E. COUNCILMAN ADDLEMAN was pleased to note that MAYOR PRO TEM ZERUNYAN will be installed as President of the California Contract Cities Association next year. He noted that the funds needed to host this event will be discussed at the Budget Study Session.
- F. COUNCILMAN ZUCKERMAN reported that he attended the West Vector Control meeting. He was pleased to announce that there have been no incidents reported for West Nile Virus.

**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 10:24 p.m., MAYOR SEAMANS formally adjourned the City Council meeting to Tuesday, June 5, 2007 at 6:00 p.m. for the purpose of conducting the Budget Study Session

Submitted by,

Approved by,

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Hope J. Nolan  
Deputy City Clerk

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Douglas R. Prichard  
City Clerk