



**City of Rancho Palos Verdes  
City Council Agenda  
& Staff Reports**

***DISCLAIMER***

The following City Council agenda includes text only version of the staff reports associated with the business matters to be brought before for the City Council at its Regular Meeting of this date. Changes to the staff reports may be necessary prior to the actual City Council meeting. The City Council may elect to delete or continue business matters at the beginning of the City Council Meeting. Additionally, staff reports attachments, including but not limited to, pictures, plans, drawings, spreadsheet presentations, financial statements and correspondences are not included. The attachments are available for review with the official agenda package at the Reception area at City Hall.

*...end of disclaimer...*

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**\*\* [IMPROVEMENT AUTHORITY AGENDA](#)**

**\*\* [REDEVELOPMENT AGENCY AGENDA](#)**

***\*\*PLEASE NOTE: THIS AGENDA IS THE CURRENT AGENDA FOR THE JUNE 18, 2009 CITY COUNCIL MEETING, AS ITEM NOS. 17, 20, 21, 22, AND 23 HAVE BEEN CONTINUED TO THAT DATE.***

**AGENDA**

**RANCHO PALOS VERDES CITY COUNCIL  
REGULAR MEETING**

**JUNE 16, 2009**

**FRED HESSE COMMUNITY PARK, 29301 HAWTHORNE BOULEVARD**

**REMOTE SITE:**

**3115 Martingale Drive**

**Rancho Palos Verdes, California 90275**

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**Time Estimates:** The time noted next to an agenda item is only an estimate of the amount of time that will be spent during the meeting on that particular item. Accordingly, these estimates should not be relied on in determining when a matter will be heard, especially since agenda items are often re-ordered during a meeting and may be discussed at any time.

**6:00 P.M. CLOSED SESSION: SEE ATTACHED BROWN ACT CHECK LIST FOR DETAILS.**

**7:00 P.M. REGULAR SESSION**

**(10 mins) CALL TO ORDER:**

**ROLL CALL:**

**NEXT RESOL. NO. 2009-36  
NEXT ORDINANCE NO. 491**

**FLAG SALUTE:**

**CEREMONIAL:** Retirement Announcement – Maintenance Superintendent Larry Still

**MAYOR'S ANNOUNCEMENTS:** Mayor's RPV Heroes Program – Aviation Survival Technician 2nd Class Mitch Latta; Aviation Survival Technician 3rd Class Gabe Humphrey; and, Avionics Electrical Technician Brad Young; Introduction of Los Angeles County Sheriff Chief Rhambo

**RECYCLE DRAWING:**

**APPROVAL OF AGENDA:**

**PUBLIC COMMENTS:** (This section of the agenda is for audience comments for items NOT on the agenda.)

**CITY MANAGER REPORT:**

**NEW BUSINESS:**

**(5 mins) APPROVAL OF CONSENT CALENDAR:**

1. [Motion to Waive Full Reading](#)

Recommendation: Adopt a motion to waive reading in full of all ordinances presented at this meeting with consent of the waiver of reading deemed to be given by all Council Members after the reading of the title.

2. Approval of the Minutes (Morreale)

Recommendation: Approve the Minutes of the [May 7, 2009](#) Regular Meeting.

3. [Contract for Citywide Fuel Modification FY08-09 \(Motahari\)](#)

Recommendation: Approve amendment to the contract with Ranchito Tivo Boer Goats to perform brush clearance for fuel modification.

4. [Notice of Completion for the FY 2008-2009 Sidewalk Repair Program \(Vaish\)](#)

Recommendation: 1) Accept the work as complete; 2) Authorize the City Clerk to file a Notice of Completion with the County Recorder's Office and, if no claims are filed 35 days after recordation, notify the surety company to exonerate the Payment and Performance Bonds; and, 3) Authorize the Director of Public Works to release the 10% retention payment in the amount of \$32,743.20 to CJ Construction, Inc. 35 days

after recordation of the Notice of Completion by the County Recorder's Office contingent upon no claims being filed on the project and the contractor posting an acceptable warranty bond.

5. [Amendment to the Community Development Block Grant \(CDBG\) Program Pursuant to the American Recovery and Reinvestment Act \(ARRA\) of 2009 \(Huey\)](#)

Recommendation: 1) Approve the proposed Community Development Block Grant-Recovery Act (CDBG-R) project and budget; and, 2) ADOPT RESOLUTION NO. 2009-\_\_\_, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO PALOS VERDES, TO AMEND THE CITY'S COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM PURSUANT TO THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009.

6. [Memorandum of Understanding with the City of Los Angeles related to the Justice Assistance Grant \(JAG\) for Law Enforcement Services \(Petru\)](#)

Recommendation: Authorize the Mayor and City Clerk to execute the Memorandum of Understanding with the City of Los Angeles for the Justice Assistance Grant.

7. [Extension to Lease Agreements with Verizon Wireless and New Cingular Wireless Associated with the Monopole at City Hall \(Petru\)](#)

Recommendation: 1) Approve the Fourth Amendment to the Lease Agreement with Verizon Wireless to extend the term of the agreement to June 30, 2014; and, 2) Approve the Second Amendment to the Lease Agreement with New Cingular Wireless to extend the term of the agreement to June 30, 2014.

8. [Award of Contracts for On-Call Professional Services \(Dragoo\)](#)

Recommendation: 1) Authorize awarding a three-year contract for on-call professional services to: Adams Consulting Engineers; AEI Consultants; AMEC Earth & Environmental, Inc.; BOA Architecture; Bureau Veritas; CBM Consulting, Inc.; Charles Abbott Associates, Inc.; DMc Engineering; Dudek & Associates; Group Delta Consultants; Harris & Associates; Helix Environmental, Inc.; Huitt-Zollars; Hunter Kennedy & Associates; John David Cicchetti; John M. Cruikshank Consultants, Inc.; John L. Hunter & Associates; KDM Meridian; Kleinfelder Consultants, Inc.; Lenocker & Associates; Merit Municipal Engineering Services; Nobel Systems; PBS&J; PVPLC; RBF Consulting; SA Associates; The Traffic Solution; Tran Systems; Willdan; and Zieser Kling; and, 2) Authorize the expenditure of funds with each of these firms within budget limitations, with a not to exceed amount of up to \$25,000 for any single project.

9. [Palos Verdes Drive East Interim Safety Improvements Grant Application Update \(Jules\)](#)

Recommendation: Receive and file the 2008 Highway Safety Improvements Program (HSIP) Grant Application update for the Palos Verdes Drive East Interim Safety Improvements project.

10. [Adoption of Ordinance No. 489, an Ordinance of the City of Rancho Palos Verdes, Amending Chapter 5.24 \(Massage Establishments and Technicians\) of the City's Municipal Code \(Gyves\)](#)

Recommendation: ADOPT ORDINANCE NO. 489, AN ORDINANCE OF THE CITY OF

RANCHO PALOS VERDES, AMENDING CHAPTER 5.24 (MASSAGE ESTABLISHMENTS AND TECHNICIANS) OF THE CITY'S MUNICIPAL CODE.

11. [City Investment Policy - FY09-10 \(Singer\)](#)

Recommendation: Adopt and file the FY09-10 Investment Policy for the City of Rancho Palos Verdes.

12. [Appeal of the Planning Commission's Approval of Case No. ZON2007-00046, \(Variance and Coastal Permit\) for Property Located at 24 Sea Cove Drive \(Schonborn\)](#)

Recommendation: ADOPT RESOLUTION NO. 2009-\_\_\_, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO PALOS VERDES, UPHOLDING THE APPEAL AND OVERTURNING THE Planning Commission's conditional approval OF Case No. ZON2007-00046, THEREBY DENYING CASE NO. ZON2007-00046 FOR A Coastal Permit AND VARIANCE.

13. [Register of Demands \(McLean\)](#)

Recommendation: ADOPT RESOLUTION NO. 2009-\_\_\_, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO PALOS VERDES, ALLOWING CERTAIN CLAIMS AND DEMANDS AND SPECIFYING FUNDS FROM WHICH THE SAME ARE TO BE PAID.

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**PUBLIC HEARINGS:**

(5 mins) 14. [Citywide Landscaping and Lighting Maintenance District \(Huey\)](#)

Recommendation: 1) Conduct a public hearing on the proposed levy and collection of assessments within the Citywide Landscaping and Lighting Maintenance District for Fiscal Year 2009-10 and the Engineer's Report prepared in connection therewith; and, 2) ADOPT RESOLUTION NO. 2009-\_\_\_, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO PALOS VERDES, MAKING CERTAIN FINDINGS AND CONFIRMING A DIAGRAM AND ASSESSMENT FOR THE 2009-10 FISCAL YEAR IN CONNECTION WITH THE CITYWIDE LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972, PART 2 OF DIVISION 15 OF THE CALIFORNIA STREETS AND HIGHWAYS CODE.

(30 mins) 15. [Zone Text Amendment to the Commercial Limited \(CL\) Zoning District \(Case No. ZON2009-00034\) \[Continued from May 5, 2009\] \(Schonborn\)](#)

Recommendation: Consider the Planning Commission's recommendation to not make all uses in the CL Zone conditional uses, and instead amend Chapter 17.14 of Title 17 to delete certain conditionally permitted uses listed in Section 17.14.030 of the City's Municipal Code.

(60 mins) 16. [Appeal of the Planning Commission's Denial of Case No. ZON2008-00091 for a General Plan Amendment and Zone Change for Property Located at 28103 Hawthorne Boulevard \(Valero Gas Station Site\) \[Continued from May 5, 2009\] \(Schonborn\)](#)

Recommendation: ADOPT RESOLUTION NO. 2009-\_\_\_, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO PALOS VERDES, DENYING THE APPEAL

AND AFFIRMING THE PLANNING COMMISSION'S DENIAL OF CASE NO. ZON2008-00091 FOR A GENERAL PLAN AMENDMENT AND ZONE CHANGE FOR PROPERTY LOCATED AT 28103 HAWTHORNE BOULEVARD (VALERO GAS STATION SITE).

(60 mins) 17. [Draft City Budget for Fiscal Year 2009-2010 \[Continued from June 2, 2009\] \(Petru\)](#)

Recommendation: 1) Provide staff with direction regarding the General Fund Decision Matrix, with the goal of establishing a "balanced" or "near-balanced" budget for FY 09-10; and, 2) Select a date in late July 2009 to conduct a Core City Services Workshop to enable City Council and staff to re-assess City programs, projects and services in light of expected reduced revenues.

**PAUSE TO CONSIDER THE REMAINDER OF THE AGENDA:**

**REGULAR NEW BUSINESS:**

(5 mins) 18. [Terranea Resort - Request for Financial Assistance Using Future Transient Occupancy Tax Revenue – Ordinance No. 490 \(McLean\)](#)

Recommendation: REINTRODUCE ORDINANCE NO. 490, AN ORDINANCE OF THE CITY OF RANCHO PALOS VERDES, ESTABLISHING A HOTEL INCENTIVE PROGRAM AND AMENDING THE RANCHO PALOS VERDES MUNICIPAL CODE.

(15 mins) 19. [Increase of Transient Occupancy Tax Rate \(Lynch\)](#)

Recommendation: Provide direction to Staff regarding whether the City Council would like to place an increase of the City's Transient Occupancy Tax on the November ballot so that the ordinance and appropriate resolutions will be prepared and presented for adoption at the June 30, 2009 Council meeting.

(10 mins) 20. [2009 Five-Year Financial Model \(Downs\)](#)

Recommendation: 1) Review the Draft 2009 Five-Year Financial Model (2009 Model), and provide direction regarding the assumptions and content; 2) Based on the needs of the City and the analysis of revenues derived from the Utility Users Tax required by Municipal Code Section 3.30.190 annually, determine that the current Utility Users Tax rate of 3% continues to be a necessary General fund revenue source and the current rate of 3% should be maintained; 3) Based on the needs of the City and the analysis of revenues derived from the Golf Tax required by Municipal Code Section 3.40.140 every four years, determine that the current Golf Tax rate of 10% continues to be a necessary General fund revenue source and the current rate of 10% should be maintained.

(30 min) 21. [Five-Year Capital Improvement Plan \(Singer\)](#)

Recommendation: Adopt and file the 2009 Five-Year Capital Improvement Plan.

(20 mins) 22. [Introduce an Ordinance of the City of Rancho Palos Verdes Creating Chapter 10.36 \(On-Street Parking of Oversized Vehicles\) of Title 10 of the Rancho Palos Verdes Municipal Code \(Dragoo\)](#)

Recommendation: 1) INTRODUCE ORDINANCE NO. \_\_\_\_, AN ORDINANCE OF THE CITY OF RANCHO PALOS VERDES, CREATING CHAPTER 10.36 (ON-STREET

PARKING OF OVERSIZED VEHICLES) OF TITLE 10 OF THE RANCHO PALOS VERDES MUNICIPAL CODE, by title only, waive further reading, and introduce the ordinance; 2) Authorize the implementation of the Oversized Vehicle Permit Parking Program during the 2009/10 Fiscal Year; and, 3) Direct Staff to add \$82,540 to the draft FY2009-10 budget.

(15 mins) 23. [Neighborhood Permit Parking Educational Outreach \(Jules\)](#)  
Recommendation: 1) Approve the Neighborhood Permit Parking and Overnight Parking Restriction Outreach Plan as recommended by the Traffic Safety Commission and authorize \$2,278 to be added to the Draft FY09-10 budget for program implementation and include an additional \$20,000 for public outreach consulting services if the Oversized Vehicle Program is not approved; and, 2) INTRODUCE ORDINANCE NO.\_\_\_\_, AN ORDINANCE OF THE CITY OF RANCHO PALOS VERDES, MODIFYING THE PARKING PERMIT PROCEDURES AND AMENDING THE RANCHO PALOS VERDES MUNICIPAL CODE.

(10 mins) **CITY COUNCIL ORAL REPORTS:** (This section of the agenda is designated for oral reports from Council Members to report action taken at outside committee and association meetings.)

(5 mins) **COUNCIL DISCUSSION & SUGGESTION OF FUTURE AGENDA ITEMS:**

**CLOSED SESSION REPORT:**

**ADJOURNMENT:** Adjourn to Tuesday, June 30, 2009 at 7:00 P.M. at Hesse Park for an Adjourned Regular Meeting.

## **CLOSED SESSION AGENDA CHECKLIST**

### **Based on Government Code Section 54954.5**

**(All Statutory References are to California Government Code Sections)**

#### **Conference with Real Property Negotiators**

**G.C. 54956.8**

**Potential purchase of open space:**

**Property:** Filiorum: APN 7572-012-024,  
7572-012-028, 7572-012-029, 7573-003-016, 7581-023-031,  
7581-023-029, 7572-002-022

**City Negotiators: City Manager; City Attorney; Councilman**

**Long; Councilman Stern; Director of Planning, Building and Code Enforcement Rojas**

**Negotiating Parties: York Long Point Associates**

**Under Negotiation: Price and Terms of Payment**

**Existing Litigation:**

**G.C. 54956.9(a)**

**Name of Case: Rancho Palos Verdes Neighbors for Community Compatibility v. City of Rancho Palos Verdes, et al., Los Angeles Superior Court. Case No. BS119893.**

**Name of Case: VH Property Corp. and VHPS LLC v. City of Rancho Palos Verdes, et al., Los Angeles County Superior Court. Case No. BC404048.**

**Potential Litigation:**

**G.C. 54956.9(b)**

**A point has been reached where, in the opinion of the City Council/Agency on the advice of its legal counsel, based on the below-described facts and circumstances, there is a significant exposure to litigation against the City/Agency:**

**Based on a threat of litigation received in a letter from Brant H. Dveirin dated June 10, 2009. A copy of the letter from Brant H. Dveirin documenting the threat of litigation is on file in the City Clerk's Office.**

**Based on a threat of litigation received from Mr. Richard Knickerbocker, attorney for Mr. and Mrs. Trowbridge, in telephone conversations on May 27, 2009 and May 28, 2009 between Mr. Richard Knickerbocker and Veronica S. Gunderson, Associate for Richards, Watson and Gershon.**

**(Number of Potential Cases – 2)**

**Potential Litigation:**

**G.C. 54956.9(c)**

**The City Council will be meeting in Closed Session to determine whether to file a lawsuit against the County pertaining to the County's use of a portion of the Contract Cites' Liability Trust**



## **Fund.**

**American with Disabilities Act:** In compliance with the Americans with Disabilities Act of 1990, if you require a disability-related modification or accommodation to attend or participate in this meeting, including auxiliary aids or services, please call the City Clerk's Office at 310 544-5208 at least 48 hours prior to the meeting.

**NOTE:** Staff reports are available for inspection at City Hall, 30940 Hawthorne Boulevard during regular business hours, 7:30 A.M. to 5:30 P.M. Monday – Thursday and 7:30 A.M. to 4:30 P.M. on Friday.

The agenda and staff reports can also be viewed at Hesse Community Park, 29301 Hawthorne Boulevard during regular business hours: Monday – Friday from 9:00 A.M. until dusk; Saturday and Sunday from 10:00 A.M. until dusk.

Written materials, including emails, submitted to the City are public records and may be posted on the City's website. In addition, City meetings may be televised and may be accessed through the City's website. Accordingly, you may wish to omit personal information from your oral presentation or written materials as it may become part of the public record regarding an agenda item.

Materials related to an item on this Agenda submitted to the City Council after distribution of the agenda packet are available for public inspection at the front counter of the lobby of the City Hall Administration Building at 30940 Hawthorne Boulevard, Rancho Palos Verdes during normal business hours.

You can also view the agenda and staff reports at the City's website [www.palosverdes.com/RPV](http://www.palosverdes.com/RPV).