



City of Palos Verdes Estates City Council Agenda & Staff Reports

DISCLAIMER

The following City Council agenda includes text only version of the - reports associated with the business matters to be brought before for the City Council at its Regular Meeting of this date. Changes to the - 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, - 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 as well as the Malaga Cove Public Library.

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****CLICK HERE FOR CITY COUNCIL AGENDA & REPORTS**

July 14, 2009
6:30 P.M.
City Hall
Council Chambers

**AGENDA
OF A REGULAR MEETING
OF THE CITY COUNCIL OF THE CITY OF
PALOS VERDES ESTATES, CALIFORNIA**

Copies of the staff reports or other written documentation relating to each item of business referred to on the agenda are on file in the office of the City Clerk and are available for public inspection. If applicable, materials related to an item on this agenda submitted to the Council after distribution of the agenda packet are available for public inspection in the City Clerk's office during normal business hours. Any person having any question concerning any agenda item may call the City Clerk to make inquiry concerning the item. Upon request, the agenda and documents in the agenda packet can be made available in appropriate alternative formats to persons with a disability in compliance with the Americans with Disabilities Act. Please contact the City Clerk at 310-378-0383, at least 48 hours prior to the meeting to request a disability-related modification or accommodation.

The City Council welcomes and encourages public participation at the Council meetings; however, to allow for the orderly progression of business, each person wishing to comment or make a presentation shall be limited to three (3) minutes. Anyone wishing to address the City Council must fill out a green speaker's card available at the end of each row in the Chambers. The card permits the City to identify persons for purposes of City Council minute preparation. Please see specific agenda sections below for any other requirements related to meeting participation. The City Council, at the direction of the Mayor with concurrence of the Council, may modify the order of items shown on the agenda.

NEXT RESOLUTION NO. R09-23
NEXT ORDINANCE NO. 09-693

CALL TO ORDER

CLOSED SESSION (6:30 p.m. – 7:30 p.m.)

• **CONFERENCE WITH LABOR NEGOTIATORS**

Pursuant to Government Code Section 54957.6

Agency Negotiators: Joe Hoefgen, Judy Smith, and Scott Tiedemann

Employee Organization: Palos Verdes Estates Police Officers' Association

Agency Negotiator: Joe Hoefgen

Employee Organization: Management and Confidential Unit

**CITY COUNCIL AGENDA
JULY 14, 2009**

At the conclusion of the Closed Session, the Council may reconvene to Open Session to take formal action on any item discussed, as it may deem appropriate.

PLEDGE OF ALLEGIANCE

ROLL CALL

MAYOR'S REPORT – Matters of Community Interest

CONSENT AGENDA (Items 1 & 2)

All items under this heading are considered to be routine and will be enacted by one motion, unless a Councilmember, staff, or member of the public requests that an item be removed for separate discussion. Any item removed from the Consent Agenda will be considered immediately following the motion to approve the Consent Agenda.

1. Minutes of City Council Meeting of June 23, 2009

Recommendation: Review and File.

2. Adoption of Resolution R09-21; Approving the Memorandum of Understanding Between the City and the Public Service Employees' Association

Recommendation: It is recommended that the City Council adopt Resolution R09-21 approving the Memorandum of Understanding amending the terms and conditions of employment for the Public Service Employees' Association effective July 1, 2009.

COMMUNICATIONS FROM THE PUBLIC

This portion of the agenda is reserved for comments from the public on items which are NOT on the agenda. Due to state law, no action can be taken by the Council this evening on matters presented under this section. If the Council determines action is warranted, the item may be referred to staff or placed on a future Council agenda.

PUBLIC HEARING/ORDINANCE (7:30 p.m.)

All persons addressing the City Council during the public hearing shall be limited to three (3) minutes for comment. Actions to introduce or adopt an ordinance shall be deemed to have the title read and further reading waived.

3. Introduction of Ordinances 09-690 and 09-691; Ordinances of the City Council of the City of Palos Verdes Estates, California, Adding Sections 18.36.047 and 17.04.110 to Palos Verdes Estates Municipal Code Relating to After-the-Fact Applications for Neighborhood Compatibility and Land Use Entitlements

Recommendation: It is recommended that the City Council open the public hearing, receive public input, close the public hearing, and introduce Ordinances 09-690 and 09-691, adding Sections 18.36.047 and 17.04.110 to the Palos Verdes Estates Municipal Code relating to After-the-Fact applications for Neighborhood Compatibility and land use entitlements.

OLD BUSINESS

4. Status Report on Palos Verdes Stable Concession Agreement and Stable Liaisons Report (Mayor Perkins and Mayor Pro Tem Humphrey)

Recommendation: Receive and File.

NEW BUSINESS

5. PW-557-09; Award of Contract for the FY09-10 Overlay Project and Adoption of Resolution R09-22; Adjusting the FY 09-10 Budget

Recommendation: It is recommended that the City Council award a construction contract in the amount of \$342,503.50 to All American Asphalt for the completion of the FY 09-10 Overlay Project , and adopt Resolution R09-22, adjusting the FY 09-10 budget.

STAFF REPORTS

6. City Manager's Report

DEMANDS

7.
 - a. Authorize Payment of Motion #1 – Payroll Warrant of June 26, 2009
 - b. Authorize Payment of Motion #1a – Payroll Warrant of July 10, 2009
 - c. Authorize Payment of Motion #2 – Warrant Register of July 14, 2009 (FY08-09)
 - d. Authorize Payment of Motion #2a – Warrant Register of July 14, 2009 (FY09-10)

Recommendation: Authorize Payment of Motions #1, #1a, #2, and #2a.

MAYOR & CITY COUNCILMEMBERS' REPORTS

ADJOURNMENT TO TUESDAY, JULY 28, 2009, IN COUNCIL CHAMBERS OF CITY HALL AT 6:30 PM FOR THE PURPOSE OF A REGULAR MEETING.

- *This City Council meeting can be viewed on Cox Cable, Channel 35, Wednesday, July 15, 2009, at 7:30 p.m., and Wednesday, July 22, 2009, at 7:30 p.m.*

TO: JOSEPH M. HOEFGEN, CITY MANAGER

FROM: JUDY SMITH, ASSISTANT CITY MANAGER
ALEXA D. DAVIS, ADMINISTRATIVE ANALYST

SUBJECT: ADOPTION OF RESOLUTION R09-21; APPROVING THE MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY AND THE PUBLIC SERVICE EMPLOYEES ASSOCIATION

DATE: JULY 14, 2009

ISSUE

Shall the City adopt Resolution R09-21 approving the Memorandum of Understanding between the City and the Public Service Employees Association to be effective July 1, 2009?

BACKGROUND

Since April 2009, the City has been engaged in negotiations with the Public Service Employees' Association. The Public Service Employees' group consists of 10 full-time employees and 3 part-time employees performing maintenance and other support work for the City. Negotiations have been concluded with an agreement mutually approved by representatives of the Association and the City. The Agreement is the result of a positive and fair negotiation conducted in a professional and straightforward manner.

Although the City and Association have achieved multi-year agreements in the past, given the current economic uncertainty, this agreement (attached) is for a one-year period (July 1, 2009 – June 30, 2010) and provides the following:

1. A one-time stipend of \$1,000 per full-time employee and \$500 per part-time employee, in-lieu of salary increase, to be paid on Friday, September 25, 2009.
2. An increase of \$110 to \$1,030 in City's monthly contribution to the medical insurance cap effective July 1, 2009.
3. An increase of \$75 to \$275 in the City's monthly contribution toward a medical insurance premium for Association members who achieve a service retirement from the City and complete a minimum of twenty (20) years of City service.
4. Salary range adjustment for the Deputy City Clerk classification based on the salary range of this position being significantly below market.

ALTERNATIVES AVAILABLE TO COUNCIL

1. The City Council may choose to adopt Resolution R09-21.
2. The City Council may choose not to adopt Resolution R09-21.
3. The City Council may postpone adoption of Resolution R09-21.

CONCLUSIONS AND RECOMMENDATION

It is recommended that the City Council adopt Resolution R09-21 approving the Memorandum of Understanding amending the terms and conditions of employment for the Public Service Employees' Association effective July 1, 2009.

BUDGET IMPACT

The one-year contract is \$20,078, which represents an aggregate 2.5% increase in total compensation for employees within this unit.

Agenda Item #: 3

Meeting Date: 7/14/09

TO: JOSEPH M. HOEFGEN, CITY MANAGER

FROM: ALLAN RIGG, PLANNING DIRECTOR

SUBJECT: INTRODUCTION OF ORDINANCES 09-690 AND 09-691; ORDINANCES OF THE CITY COUNCIL OF THE CITY OF PALOS VERDES ESTATES, CALIFORNIA ADDING SECTIONS 18.36.047 AND 17.04.110 TO THE PALOS VERDES ESTATES MUNICIPAL CODE RELATING TO AFTER-THE-FACT APPLICATIONS FOR NEIGHBORHOOD COMPATIBILITY AND LAND USE ENTITLEMENTS

DATE: JULY 14, 2009

The Issue

Should the City Council introduce Ordinances 09-690 and 09-691, ordinances of the City Council of the City of Palos Verdes Estates, California, adding Sections 18.36.047 and 17.04.110 to Palos Verdes Estates Municipal Code relating to after-the-fact applications for Neighborhood Compatibility and land use entitlements?

Background and Analysis

The Planning Commission and the City Council have recently reviewed applications requesting “after the fact” approval. Both groups expressed extreme frustration to the projects’ applicants as the proposal should have been brought before them prior to construction. They also expressed frustration that there were no significant punitive measures that could be levied upon the applicant. Currently, the findings for an “after the fact” approval are the same as for a project that has not yet been built. Therefore, the consequences for approval after construction are limited: the project may be denied and thus required to be removed, and/or the City can impose three times the normal building permit fee. The person doing the work can also be found guilty of a misdemeanor or infraction, however, we have traditionally not cited owners either due to the fact that the work is found after completion or the individual is not actively building. Moreover, there is a further incentive for the property owner in that the new construction may not be discovered by the City and he/she can avoid any review.

**CITY COUNCIL AGENDA
JULY 14, 2009**

This item was originally discussed at the joint dinner meeting on January 28, 2009. After much discussion, it was decided that a different set of findings were to be created to review after-the-fact applications. Ordinance 09-690 pertains to after-the-fact approvals for Neighborhood Compatibility applications and Ordinance 09-691 pertains to after-the-fact approvals for all land use entitlements. Both ordinances include the option to delay work or occupancy for up to six months. Staff may also report the licensed individual involved in the non-compliant work to the appropriate licensing body. The main difference between the two ordinances is that Ordinance 09-690 includes the additional requirements to perform a neighborhood meeting and construct a silhouette at the site in accordance with the Neighborhood Compatibility process.

The proposed ordinances were reviewed and approved by the Planning Commission at their meeting on June 16, 2009.

Attached are copies of each of the proposed ordinances.

Alternatives Available to the City Council

1. Open the public hearing, receive public input, close the public hearing and introduce Ordinances 09-690 and 09-691, adding Sections 18.36.047 and 17.04.110 to the Palos Verdes Estates Municipal Code relating to after-the-fact applications for Neighborhood Compatibility and land use entitlements.
2. Open the public hearing, receive public input, close the public hearing and introduce Ordinances 09-690 and 09-691, adding Sections 18.36.047 and 17.04.110 to the Palos Verdes Estates Municipal Code relating to after-the-fact applications for Neighborhood Compatibility and land use entitlements, with modifications.
3. Decline to act.

Recommendation from Staff

Staff recommends that the City Council open the public hearing, receive public input, close the public hearing, and introduce Ordinances 09-690 and 09-691, adding Sections 18.36.047 and 17.04.110 to the Palos Verdes Estates Municipal Code relating to after-the-fact applications for Neighborhood Compatibility and land use entitlements.

Staff report prepared by:
Stacey Kinsella
Planning Department

TO: MAYOR AND CITY COUNCIL

FROM: JOSEPH M. HOEFGEN, CITY MANAGER

SUBJECT: STATUS REPORT ON PALOS VERDES STABLE CONCESSION AGREEMENT AND REPORT FROM THE JULY 7, 2009 MEETING OF STABLE LIAISONS (MAYOR PERKINS AND MAYOR PRO TEM HUMPHREY)

On July 7, 2009, the City Council's liaisons held a meeting and received reports related to the operation of the Palos Verdes Stables. Copies of the reports from the Stables Liaison meeting are attached for Council review.

The Concessionaire, HGS Management LLC, has completed four months of continuous operation of the Palos Verdes Stables. As outlined in the attached reports, the Concessionaire is in substantial compliance with the requirements of the Concession Agreement. The final attachment is a copy of minutes from the July 7th Stable Liaison meeting with observations and action items listed.

The recommendation is that the City Council receive and file this report of the Stable Liaisons.

TO: JOSEPH M. HOEFGEN, CITY MANAGER

FROM: ALLAN RIGG, PUBLIC WORKS DIRECTOR

SUBJECT: PW 557-09; AWARD OF CONTRACT FOR THE FISCAL YEAR 09/10 OVERLAY PROJECT AND ADOPTION OF RESOLUTION R09-22, ADJUSTING THE FISCAL YEAR 09/10 BUDGET

DATE: JULY 14, 2009

Introduction

Should the City Council award a construction contract in the amount of \$342,503.50 to All American Asphalt for the completion of the FY 09/10 Overlay Project, and adopt Resolution R09-22, adjusting the Fiscal Year 09/10 Budget?

Background and Analysis

As part of the annual Capital Improvement Program, various streets receive an overlay treatment. The work consists of removing and replacing deteriorated asphalt, edge grinding, and overlaying the surface with new asphalt. The purpose of the work is to prevent any further deterioration of the roadway and restore the road to its original condition.

In April of 1996, the City Council approved a Pavement Management System report that inventoried the conditions of all the City streets. The PMS was updated in 2003 and streets were ranked and prioritized based on their conditions and need for repair. Using the rankings designated for each street as well as recent field observations, staff identified the following streets for this year's overlay project:

Street Name	From	To
Granvia Altamira	City limit near Via Panorama	City limit near Via Cerritos
Via Mirabel	Via Visalia	Cul-de-sac

In an effort to receive a number of competitive construction bids, staff advertised with Bid America, F. W. Dodge, and Reed Construction Data. Construction bids were received on June 25, at 10:30 a.m. The base bid results are shown below, and a bid table comparing the base bids and seven alternate bids for the three lowest bidders is attached to this staff report.

	Base Bid
All American Asphalt	\$286,539.50
Sequel Contractors	\$304,016.85
Hardy & Harper	\$305,103.85
Imperial Paving Co.	\$309,178.40
Excel Paving Co.	\$313,292.75
Sully-Miller Contracting	\$317,573.20
EBS Inc.	\$335,149.80

The Alternate bids are for the following work:

- A1: asphalt repairs and overlay of Cataluna Place from Granvia Altamira to the end of the cul-de-sac, requested by staff. A1 also includes asphalt repairs and overlay of Cataluna Square from Cataluna Place to Granvia Altamira.
- A2: the repair of the existing flowline in front of 4028 and 4036 Via Opata, requested by the homeowners.
- A3: the repair of the existing flowline area in front of 2416, 2424, and 2432 Chelsea Road, requested by the homeowner at 2424 Chelsea Road.
- A4: the installation of an asphalt berm in front of 1641 Espinosa Circle, requested by the homeowner.
- A5: tree root removals requested by staff for various locations, shown on the attached list.
- A6: asphalt repair requested by staff for various locations, shown on the attached list.
- A7: overlay of Via Mirada from Via Panorama to the end of the cul-de-sac, requested by staff.

Staff recommends that the Alternate bids A2 through A6 be awarded with the base bid on this project, for a total construction cost of \$342,503.50. Staff bases this recommendation on our perception of the relative need for each of the Alternates, as well as the price for each. Please see the “Bid Comparison Table” for a comparison of the prices for each Alternate for the three lowest bidders.

All American Asphalt submitted the qualifying low bid for the project. They have completed many projects of similar or greater size and scope with the Cities of Irvine, Anaheim, Newport Beach, Westminster, Lake Forest, and Santa Ana. The company owns their own asphalt plant and staff believes they are well equipped to satisfactorily complete the City’s project.

The following schedule is anticipated:

- July 14 Contract awarded.
- August 17 Contract, insurance certificates signed by contractor & City.
- August 31 Work expected to begin.
- October 26 Work expected to be complete.

Alternatives Available to Council

The following alternatives are available to Council:

1. Award a construction contract in the amount of \$342,503.50 to All American Asphalt for the completion of the FY 09/10 Overlay Project, and adopt Resolution R09-22, adjusting the Fiscal Year 09/10 Budget.
2. Award a construction contract in the amount of \$286,539.50 to All American Asphalt for the completion of the FY 09/10 Overlay Project with no alternative work, and adopt a Resolution to adjust the Fiscal Year 09/10 Budget.
3. Award a construction contract to All American Asphalt for the completion of the FY 09/10 Overlay Project with some alternative work, to be chosen by Council, and adopt a Resolution to adjust the Fiscal Year 09/10 Budget.
4. Decline to Act.

Conclusions and Recommendations

Staff recommends that the City Council award a construction contract in the amount of \$342,503.50 to All American Asphalt for the completion of the FY 09/10 Overlay Project, and adopt Resolution R09-22, adjusting the Fiscal Year 09/10 Budget.

Fiscal Impact

The FY 09/10 budget contains \$275,000 for the overlay of City streets. Staff estimates the following costs for the Overlay Project:

Construction Subtotal	\$342,503.50
Contingency cost (10% of construction cost)	\$34,250.35
Inspection and Administration	\$33,000.00
<u>Total</u>	<u>\$409,753.85</u>

As a result, an additional \$134,755 is needed to cover the total project budget. Slurry Seal Project bids have come in under the project budget, so excess funding in the amount of \$75,000 can be transferred to the Overlay Project budget. An additional \$59,755 is available from the Unobligated Capital Fund Balance. Resolution R09-22, which provides for the transfers, is attached.

Staff report prepared by:
Floriza Rivera
Public Works Department

