



## 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 28, 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. R09-27**  
**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
- **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**  
Pursuant to Government Code Section 54956.9 (a)

**CITY COUNCIL AGENDA  
JULY 28, 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**

**CEREMONIAL MATTERS**

- Recognition of Retiring Traffic Safety Committee Chairman Blake LaMar and Parklands Committee Member Jim Kinney

**MAYOR'S REPORT – Matters of Community Interest**

- Designation of Parklands Committee Officers

**CONSENT AGENDA (Items 1- 12)**

**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, with the exception of Planning Commission Actions – Item #12a-e. An applicant or interested citizen who wishes to appeal any Planning Commission decision may file an appeal with the City Clerk's office within 15 days after the date of the Planning Commission's decision.**

**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 July 14, 2009

**Recommendation: Review and File.**

2. Treasurer's Reports
  - a. Monthly Report – June 2009
  - b. Quarterly Interest Report – April-June 2009

**Recommendation: Receive and File.**

**CITY COUNCIL AGENDA  
JULY 28, 2009**

3. Adoption 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 adopt 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.**

4. Adoption of Resolution R09-24; Approving the Employment Agreement Between the City and the Management and Confidential Employee Group

**Recommendation: It is recommended that the City Council adopt Resolution R09-24 approving the Employment Agreement between the City and the Management and Confidential Employee Group.**

5. PW-558-09; Award of Contract for the FY09-10 Slurry Seal Project

**Recommendation: It is recommended that the City Council award a construction contract in the amount of \$171,465.91 to American Asphalt South, Inc. for the completion of the FY 09-10 Slurry Seal Project.**

6. Approval of Amendment to South Bay Cities Council of Governments (SBCCOG) Joint Powers Authority Agreement Allowing the County of Los Angeles to Formally Join as a Member

**Recommendation: it is recommended that the City Council approve the Amendment to the SBCCOG Joint Powers Authority Agreement, which will allow the County of Los Angeles to formally join the South Bay Cities Council of Governments as a Member.**

7. Designation of Voting Delegate – League of California Cities Annual Business Meeting

**Recommendation: It is recommended that the City Council designate Mayor Perkins as the voting delegate and Councilmember Goodhart and City Manager Hoefgen as an alternate to represent the City at the Annual Business Meeting of the League of California Cities and authorize the City Clerk to sign the voting delegate form.**

8. Agreement for Special Legal Services – Liebert, Cassidy, Whitmore

**Recommendation: It is recommended that the City Council approve an agreement with Liebert, Cassidy, Whitmore for specialized legal services during FY 2009-10.**

9. Special Event Application for Lunada Bay Homeowners Association's Annual Harvest Festival to be Held Sunday, October 11, 2009, at Lunada Bay Park and Request to Post Promotional Signs as a City-Sponsored Event

**Recommendation:** It is recommended that the City Council approve the request by the Lunada Bay Homeowners Association to hold its annual Harvest Festival on Sunday, October 11, 2009, at Lunada Bay Park and approve the posting of promotional signs at both permitted locations for the allowable time.

10. Adoption of Resolution R09-26; Unilaterally Resolving the Fiscal Year 2009-10 Meet and Confer Impasse Between the City and the Palos Verdes Estates Police Officers' Association

**Recommendation:** It is recommended that the City Council adopt Resolution R09-26; unilaterally resolving the FY 2009-10 Meet and Confer Impasse between the City and the Palos Verdes Estates Police Officers Association.

11. Parklands Committee Meeting Items of July 13, 2009

**Recommendation:** Review and Approve.

- a. PC-289-09; Application to install a bench in Farnham Martin Park

Applicant: Jewel Scallon  
2612 Via Campesina  
Palos Verdes Estates, CA 90274

**Action:** Approved (5-0). The applicant is approved to install a bench in Farnham Martin Park. The contractor is required to obtain a current city business license and public works permit before proceeding with the project.

- b. Review of additional tree planting and landscape on the NE corner of Palos Verdes Boulevard at Via Anita

**Action:** Approved (5-0). Staff is directed to plant the north-east corner of Via Anita and Palos Verdes Boulevard as presented.

- c. Review of the Lunada Bay Fountain Landscape Project

**Action:** Approved (5-0). The Lunada Bay Fountain Project Committee is required to submit an irrigation plan and construction schedule to staff prior to initiation of the project. Only qualified professionals with proper insurance will be allowed to perform the work.

- d. PC-305-09; Application to remove one pine tree in the city parkway located adjacent and below 1364 Via Coronel on Via Romero for view restoration

Applicant: Barbara Benveniste  
1364 Via Coronel  
Palos Verdes Estates, CA 90274

**Action: Approved (5-0) with modification. The applicant is allowed to trim the tree by annual crown reduction at the applicant's cost and at the City Forester's direction.**

- e. PC-306-09; Application to remove one pine tree in the city parkway located adjacent to 939 Paseo La Cresta for view restoration

Applicant: Brian H. Itagaki  
939 Paseo La Cresta  
Palos Verdes Estates, CA 90274

**Action: Denied (3-2, Chooljian and Shaffer dissenting).**

12. Planning Commission Actions of July 21, 2009

**Recommendation: Receive and File.**

- a. **Planning Commission resolution No. 2009-0380;** Confirming the Planning Commission's denial of NC-1351/GA-1450/M-718-09; Neighborhood Compatibility, Grading and Miscellaneous applications for a new single family residence located at 504 Paseo Del Mar. Lot 2, Block 1510, Tract 6886.

Applicant: Edward Carson Beall  
23727 Hawthorne Blvd.  
Torrance, CA 90505  
Owner: Mark & Barbara Paullin

**Action: Approved (4-0, Vandever recused).**

- b. **WT-111-09;** Consideration of a Wireless Telecommunication Facilities Application for structures within the right-of-way adjacent to Montemalaga Plaza. Lot D, Tract 8652.

Applicant: T-Mobile West Corp.  
5912 Bolsa Ave. #202  
Huntington Beach, CA 92649

**Action: Approved (5-0) with standard conditions and the following additional conditions: 1) All structures are to be painted to match the natural surroundings; 2) The pole foundation is to be built to allow for co-location at a later time; 3) The tree adjacent to the equipment is to be preserved.**

- c. **M-714-09**; Consideration of a Miscellaneous Application for structures exceeding the maximum allowable height at the single family residence located at 4057 Via Valmonte. Lot 31, Block 6319, Tract 7143.

Applicant/Owner: Mike Nekoui  
P.O. Box 3471  
Torrance, CA 90510

**Action: Approved (5-0) with standard conditions.**

- d. **M-717-09**; Consideration of a Miscellaneous Application for non-standard structures within the City right-of-way at the single family residence located at 1809 Palos Verdes Drive West. Lot 18, Block 1276, Tract 7140.

Applicant/Owner: Dave & Carolyn Armitage

**Action: Denied (4-1, Chang dissenting).**

- e. **M-721-09**; Consideration of a Miscellaneous Application for a new accessory structure at the single family residence located at 2516 Novato Place. Lot 10, Block 1750, Tract 8652 & portion of Lot A, Block 1, Tract 7538.

Applicant: Tomaro Architecture  
1001 6th St., Suite 100  
Manhattan Beach, CA 90266  
Owner: Charles Tsai  
1315 Granvia Altamira  
Palos Verdes Estates, CA 90274

**Action: Approved (5-0) with standard conditions.**

## 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 HEARINGS – 7:30 p.m.

**Persons addressing the City Council during public hearings shall be limited to three (3) minutes for comment.**

**CITY COUNCIL AGENDA  
JULY 28, 2009**

13. County Weed Abatement Charges for Fiscal Year 2008-09

**Recommendation: It is recommended that the City Council open the public hearing, receive public input, close the public hearing and confirm the charges as contained in the report prepared by the County of Los Angeles Agricultural Commissioner/Weights and Measures for providing weed abatement services during Fiscal Year 2008-09.**

14. Introduce and Adopt 2009 Conformance Self-Certification Resolution R09-23 for the Congestion Management Program

**Recommendation: It is recommended that the City Council open the public hearing, receive public input, close the public hearing and adopt the Self-Certification Resolution R09-23; adopting the Local Development Report for the Congestion Management Program.**

## **OLD BUSINESS**

15. 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.**

16. Establishment of a City Council Liaison Committee to Assist with Implementation of the Palos Verdes Estates Disaster District Plan

**Recommendation: It is recommended that the City Council establish a DDP Liaison Committee and approve the addition to the list of Council Liaisons.**

## **NEW BUSINESS**

17. Adoption of Resolution R09-25; Approving a Sewer System Management Plan

**Recommendation: It is recommended that the City Council adopt Resolution R09-025 approving a Sewer System Management Plan.**

## **STAFF REPORTS**

18. City Manager's Report
  - Presentation of FY 2009-10 Work Program

## **CITY COUNCIL AGENDA JULY 28, 2009**



## DEMANDS

19.
  - a. Authorize Payment of Motion #1 – Payroll Warrant of July 24, 2009
  - b. Authorize Payment of Motion #2 – Warrant Register of July 28, 2009 (FY08-09)
  - c. Authorize Payment of Motion #2a – Warrant Register of July 28, 2009 (FY09-10)

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

## MAYOR & CITY COUNCILMEMBERS' REPORTS

### CLOSED SESSION

- **PUBLIC EMPLOYEE PERFORMANCE EVALUATION**  
Pursuant to Government Code Section 54957  
Title: City Manager

**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.**

**ADJOURNMENT TO TUESDAY, SEPTEMBER 8, 2009, IN COUNCIL CHAMBERS OF CITY HALL AT 7:30 PM FOR THE PURPOSE OF A REGULAR MEETING.**

- *This City Council meeting can be viewed on Cox Cable, Channel 35, Wednesday, July 29, 2009, at 7:30 p.m., and Wednesday, August 5, 2009, at 7:30 p.m.*

Agenda Item #: 3

Meeting Date: 7/28/09

**TO: JOSEPH M. HOEFGEN, CITY MANAGER**

**FROM: ALLAN RIGG, PLANNING DIRECTOR**

**SUBJECT: ADOPTION 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 28, 2009**

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### **The Issue**

Should the City Council adopt 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?

### **Background and Analysis**

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 City Council introduced Ordinances 09-690 and 09-691 at their meeting on July 14, 2009. The phrase "the planning commission or city council, as the case may be, determines that" was added to section C3 of each ordinance for better clarity.

**CITY COUNCIL AGENDA  
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### **Alternatives Available to the City Council**

1. Adopt 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.
2. Direct staff to modify Ordinances 09-690 and 09-691 and bring back the ordinance to the City Council for reintroduction.
3. Decline to act.

### **Recommendation from Staff**

Staff recommends that the City Council adopt 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.

Staff report prepared by:  
Stacey Kinsella  
Planning Department

TO: HONORABLE MAYOR AND CITY COUNCIL  
FROM: JOSEPH M. HOEFGEN, CITY MANAGER  
SUBJECT: ADOPTION OF RESOLUTION R09-24; APPROVING THE AGREEMENT BETWEEN THE CITY AND THE MANAGEMENT AND CONFIDENTIAL EMPLOYEE GROUP  
DATE: JULY 28, 2009

**ISSUE**

Shall the City adopt Resolution R09-24 approving the Employment Agreement between the City and the Management and Confidential Employee Group to be effective July 1, 2009?

**BACKGROUND**

Upon the City's approval of the Public Service Employees' (PSE) Group, it is recommended that the City Council take action on formalizing an agreement with the Management and Confidential Group. This group consists of the following positions:

- Assistant City Manager
- Chief of Police
- Police Captains
- Financial Services Manager
- Administrative Analyst
- Executive Assistant to the City Manager
- Secretary to the Police Chief

Traditionally, Management and Confidential Employees' benefit adjustments mirror those of Public Service Employees. It is proposed that the Management and Confidential Employee Group be afforded the same provisions as those recently approved for the PSE group:

1. A one-time stipend of \$1,000 per full-time employee to be paid on Friday, September 25, 2009.
2. An increase by \$110 to the City's monthly contribution toward the medical insurance cap effective July 1, 2009 (\$1030 monthly).

**CITY COUNCIL AGENDA  
JULY 28, 2009**

### **ALTERNATIVES AVAILABLE TO COUNCIL**

1. The City Council may choose to adopt Resolution R09-24.
2. The City Council may choose not to adopt Resolution R09-24.
3. The City Council may postpone adoption of Resolution R09-24.

### **CONCLUSIONS AND RECOMMENDATION**

It is recommended that the City Council adopt Resolution R09-24 approving the Employment Agreement between the City and the Management and Confidential Employee Group effective July 1, 2009.

### **BUDGET IMPACT**

This one-year contract is \$13,280, which represents an aggregate 1.2% increase in total compensation for employees within this group.

**TO: JOSEPH M. HOEFGEN, CITY MANAGER**

**FROM: ALLAN RIGG, PUBLIC WORKS DIRECTOR**

**SUBJECT: PW 558-09; AWARD OF CONTRACT FOR THE FY 09/10 SLURRY SEAL PROJECT**

**DATE: JULY 28, 2009**

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**Introduction**

Should the City Council award a construction contract in the amount of \$171,465.91 to American Asphalt South, Inc., for the completion of the FY 09/10 Slurry Seal Project?

**Background and Analysis**

As part of the annual Capital Improvement Program, various streets receive a slurry seal treatment. Slurry seal is a liquid asphalt emulsion designed as a sealant to extend the useful life of a street. The seal will last approximately 5 to 7 years.

In April of 1996, the City Council approved a Pavement Management System (PMS) report that inventoried the conditions of all the City streets. Streets were ranked and prioritized based on their conditions and need for repair. The PMS was updated in 2003.

Using these rankings as well as recent field observations, staff chose the following streets to be slurry sealed for FY 09/10:

<b>Street Name</b>	<b>From</b>	<b>To</b>
Paseo La Cresta	Via Coronel	Via Fernandez
Via Boronada	PVDW	Via Margate
Via Boronada	Via Margate	Via Coronel
Via Coronel	Paseo La Cresta	Via Arco (N)
Via Coronel	Via Arco (N)	Via Arco (S)
Via Coronel	Via Arco (S)	Coronel Plaza
Via Fernandez	Via Coronel	Via Zurita
Via Fernandez	Via Zurita	Via Lopez

<b>Street Name</b>	<b>From</b>	<b>To</b>
Via Fernandez	Lower Paseo La Cresta	Paseo La Cresta
Via Fernandez	Paseo La Cresta	Via Visalia
Via Fernandez	Via Visalia	El Portal
Via Fernandez	El Portal	Via Cataluna
Via Fernandez	Via Cataluna	Via Balboa
Via Fernandez	Via Balboa	Via Gabriel
Via Fernandez	Via Gabriel	Granvia Altamira
Via Margarita	Via Cerritos	Coronel Plaza (W)
Via Margarita	Coronel Plaza (E)	Via Visalia
Via Rafael	Granvia Altamira	City Boundary

This year's slurry seal project will use regular Type II slurry seal emulsion instead of the rubberized slurry seal (REAS) that has been used for past projects. Several problems occurred with the rubberized slurry seal project last year and areas on certain streets have continued to ravel, the term used to describe individual aggregate particles dislodging from the pavement surface. The quality of the product has diminished over the years and staff has elected to use the conventional Type II slurry seal to minimize the quality issues that occurred last year. The city of Torrance has made the same decision to return to conventional slurry seal. Another benefit of conventional slurry seal is that it is less expensive than REAS. Via Boronada is being re-done as it is the street where raveling problems continue to occur.

Staff advertised the FY 09/10 Slurry Seal Project with Bid America, F. W. Dodge, and Reed Construction Data. Construction bids were received on July 6, at 10:30 a.m. The base bid results are shown below, and a bid table comparing the base bids and five alternate bids for the three lowest bidders is attached to this staff report.

American Asphalt South	\$160,162.91
Pavement Coatings Co.	\$169,781.61
American Asphalt South, Inc.	\$190,534.00
Copp Contracting, Inc.	\$253,607.06

The Alternate bids are for the following work:

- A1: asphalt patching, crack sealing, and slurry sealing of a 95-foot-long portion of alley behind 409 Via Media and 1094 Via Arroyo, requested by the homeowner at 409 Via Media; and the asphalt patching, crack sealing, and slurry sealing of an approximately 150-foot-long portion of the alley directly behind 400 and part of 404 Paseo Del Mar, requested by staff. A1 also includes asphalt repair of a 16 s.f. section of street in front of 545 Via Media, requested by the homeowner at 545 Via Media.
- A2: crack sealing only in front of 1120 Palos Verdes Drive West, requested by the homeowner at 1120 Palos Verdes Drive West.

- A3: approximately 1,358 s.f. of slurry seal patching, at two locations on Palos Verdes Drive West and one location on Via Coronel, where a noticeable amount of slurry seal from past projects has washed or eroded away, requested by staff.
- A4: a unit cost for asphalt skin patching in case it is necessary on this project.
- A5: a unit cost for removal and replacement of asphalt berm in case it is necessary.

Staff recommends that Alternate bids A1 through A3 be awarded with the base bid on this project, for a total construction cost of \$171,465.91. 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.

American Asphalt South, Inc., submitted the qualifying low bid for the project. City staff has worked with this company before, on the last four annual slurry seal projects . Staff believes they are equipped to satisfactorily complete this year’s project.

The following schedule is anticipated:

- July 28                      Contract awarded.
- August 28                 Contract, insurance certificates signed by contractor & City.
- September 14            Work expected to begin.
- October 31                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 \$171,465.91 to American Asphalt South, Inc. for the completion of the FY 09/10 Slurry Seal Project.
2. Award a construction contract in the amount of \$160,162.91 to American Asphalt South, Inc. for the completion of the FY 09/10 Slurry Seal Project with no alternative work.
3. Award a construction contract to American Asphalt South, Inc. for the completion of the FY 09/10 Slurry Seal Project with some alternative work, to be chosen by Council.
4. Decline to Act.

### **Conclusions and Recommendations**

Staff recommends that the City Council award a construction contract in the amount of \$171,465.91 to American Asphalt South, Inc., for the completion of the FY 09/10 Slurry Seal Project.



**Fiscal Impact**

The FY 09/10 budget contains \$275,000 for the slurry sealing of City streets, \$75,000 of which will be transferred to the FY 09/10 Overlay Project budget. Staff estimates the following costs for the Slurry Seal Project:

Construction Subtotal	\$171,465.91
Contingency cost (5% of construction cost)	\$8,573.30
Inspection and Administration	\$17,146.59
<hr/> Total	<hr/> \$197,185.80

There are sufficient funds to cover the total construction cost of \$197,186 shown above.

Staff report prepared by:  
Floriza Rivera  
Public Works Department

TO: JOSEPH M. HOEFGEN, CITY MANAGER

FROM: ALEXA D. DAVIS, ADMINISTRATIVE ANALYST

SUBJECT: APPROVAL OF AMENDMENT TO SOUTH BAY CITIES COUNCIL OF GOVERNMENTS (SBCCOG) JOINT POWERS AUTHORITY AGREEMENT ALLOWING THE COUNTY OF LOS ANGELES TO FORMALLY JOIN AS A MEMBER

DATE: JULY 28, 2009

**ISSUE**

Shall the City Council approve the Amendment to South Bay Cities Council of Governments (SBCCOG) Joint Powers Authority Agreement allowing the County of Los Angeles to formally join as a Member?

**BACKGROUND AND ANALYSIS**

In 1972, a group of cities came together to underwrite a Transportation Study in response to the State's plan to build freeways in the South Bay Area. In 1994, this group, now named the South Bay Cities Council of Governments (SBCCOG), began in order to promote the cooperation between its members in a wide-array of mutual interests. The SBCCOG is comprised of 16 member cities.

Recently, the SBCCOG was informed that the County of Los Angeles had formally joined the San Gabriel Valley Cities, Gateway Cities and Westside Cities Councils of Government as a voting member. These COGs were in agreement that having their County supervisors (and Metro Board members) represented with a vote was very helpful. Upon this information, the SBCCOG extended an invitation of membership to the County. Under the current Joint Powers Authority (JPA), the County is already listed as an eligible member to join the SBCCOG; however, other modifications within the agreement are needed in order to comply with the arrangements agreed upon by the SBCCOG Board.

The amended JPA is attached for your review. Changes are reflected in new sections (Section 1 – part 1 and Section 5 – parts 1, 2, & 3). The amendments essentially allow the County Supervisors from Districts 2 and 4 to each have a vote (for a total of 2 votes of the County), with a non-elected voting alternate (preferably the Chief of Staff). This decision was based upon the large size of the County's unincorporated area in the South Bay (Harbor City and San Pedro areas). Based upon the new membership provision, the County will pay \$30,000 per year, which was formulated using the SBCCOG's current dues formula.

**CITY COUNCIL AGENDA  
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In order for the proposed revisions to the Joint Powers Authority to be in effect, it must obtain 2/3 approval (11 cities) from the SBCCOG's current member cities. At present, 6 cities have already approved the agreement, including Rolling Hills and Rancho Palos Verdes. Rolling Hills Estates will decide at their July 28<sup>th</sup> City Council meeting. The goal of the SBCCOG is to have unanimous approval by all its member cities.

**RECOMMENDATION**

It is recommended that the City Council approve the Amendment to the SBCCOG Joint Powers Authority Agreement, which will allow the County of Los Angeles to formally join the South Bay Cities Council of Governments as a Member.

TO: JOSEPH HOEFGEN, CITY MANAGER  
FROM: JUDY SMITH, ASSISTANT CITY MANAGER  
SUBJECT: DESIGNATION OF VOTING DELEGATE - LEAGUE  
OF CALIFORNIA CITIES ANNUAL BUSINESS MEETING

The Issue

Shall the City Council designate the voting delegate to represent the City at the annual business meeting of the League of California Cities?

Analysis and Findings

The League California Cities will hold their annual business meeting as part of the annual conference to be held September 16-18 in San Jose. At this meeting, the League, as an organization and through its voting members, may take a formal position on various League-prepared resolutions. These resolutions generally deal with policy issues of interest to cities. The League requires that all City Councils take formal action to designate the voting delegate and alternate(s) for the business meeting.

Given anticipated attendance at the conference, it is requested that the City Council designate Mayor Perkins as the voting delegate and designate as alternates Council member Jim Goodhart (1) and City Manager Joe Hoefgen (2).

Recommendation

It is recommended that the City Council designate Mayor Perkins as the voting delegate and Councilmember Goodhart and City Manager Hoefgen as an alternate to represent the City at the Annual Business Meeting of the League of California Cities and authorize the City Clerk to sign the voting delegate form.

TO: JOSEPH M. HOEFGEN, CITY MANAGER  
FROM: JUDY SMITH, ASSISTANT CITY MANAGER  
SUBJECT: AGREEMENT FOR SPECIAL LEGAL SERVICES –  
LIEBERT, CASSIDY, WHITMORE

The Issue

Shall the City Council approve an agreement with Liebert Cassidy Whitmore, PLC for special legal services?

Background

The City has a long standing relationship with the firm of Liebert Cassidy Whitmore dating back many years. The firm specializes in personnel matters and has represented the City in negotiations with the Police Officers Association, including this year's discussions which are being handled by Attorney Scott Tiedemann. In addition, the firm has provided the City assistance and advice, as needed, on Police personnel matters, which represent an area of personnel specialization because of additional legal protections afforded public safety officers.

Liebert, Cassidy, Whitmore also provides an important service by operating the South Bay Employment Relations Consortium of which Palos Verdes Estates is a member with an annual membership fee (\$2,729 - 2009). The Consortium services are separate from the agreement before the Council. It offers on-going training for Human Resources staff and municipal supervisors, as well as a telephone service that we use frequently. Staff may call and speak directly with an attorney for advice. This does not include formal written opinions or representation, but represents a resource so that staff has quick access to personnel information. The Consortium is mentioned so the Council is aware of the distinction of services offered by the Consortium compared to services offered under direct agreement and also to highlight the full scope of the firm's services to cities and the standing of the firm in the area of personnel law.

Analysis and Findings

The current agreement between the parties dates from March 2004. The agreement was executed by the City Manager under his contract authority to enter into professional service agreements that do not exceed \$15,000. This was a standing agreement in which the City could call upon the firm as needed for consultation in areas affecting the police department. At the time the agreement was executed, the City did not require services in excess of the \$15,000 threshold. Because the current

agreement dates from 2004, the firm is requesting the City approve a new agreement. In all respects, except rates, the agreements' terms and conditions are the same.

The 2004 agreement was modified twice in the past four years to reflect a change in certain hourly rates based upon attorney experience. Attachment 1 shows the current effective rates, which have been in place since 2007 and which the firm has advised will not increase for FY 09-10. The proposed agreement, which includes services provided during FY 09-10, includes a range of hourly rates for each position and will allow the firm to review and possibly revise rates in July 2010 (FY 2010-11) without the need to execute a new contract.

#### Alternatives Available to the City Council

1. Approve the special legal services agreement with Liebert Cassidy Whitmore.
2. Decline to approve the special legal services agreement.

#### Recommendation

It is recommended that the City Council approve a professional services agreement with Liebert Cassidy Whitmore for specialized legal services during FY 2009-10.

#### Budgetary Impact

The agreement for FY 09-10 reflects no change in the hourly rates for attorney services. The cost of special legal services depends upon the nature of issues, personnel or other that arises during the year which requires the City to consult with the firm. In addition, it is anticipated, the City will again require special services related to negotiations between the City and the Palos Verdes Police Officers' Association. These services are included as part of the proposed agreement.

TO: JOSEPH M. HOEFGEN, CITY MANAGER

FROM: ALEXA D. DAVIS, ADMINISTRATIVE ANALYST

SUBJECT: SPECIAL EVENT APPLICATION BY THE LUNADA BAY HOMEOWNERS ASSOCIATION TO HOLD ANNUAL HARVEST FESTIVAL AND POST SIGNS PROMOTING THE EVENT

DATE: JULY 28, 2009

**ISSUE**

Shall the City approve a Special Event Application by the Lunada Bay Homeowners Association to hold a Harvest Festival at the Lunada Bay Park and adjacent streets of Via Anacapa and Yarmouth Rd. on Sunday October 11, 2009 between the hours of 11:00 a. m. - 4:00 p.m. and permit promotional signs to be posted in accordance with the City's Sign Policy?

**BACKGROUND**

The Lunada Bay Homeowners Association (LBHOA) has submitted a Special Event Application to hold their annual Harvest Festival on Sunday, October 11, 2009 from 11:00 a.m. – 4:00 p.m. at the Lunada Bay Park and the area adjacent to the Park on Via Anacapa and Yarmouth Rd.

In order to celebrate the Festival's 10<sup>th</sup> year, the LBHOA would like to expand the event to include the Park and both Via Anacapa and Yarmouth Rd. Since 2006, the Harvest Festival has been held at the park and the adjacent streetway of Via Anacapa. Prior to the event being held at the Park, the event was conducted on Yarmouth Rd.; Via Anacapa remained open to through traffic. City Staff has reviewed the request and has found that, with full cooperation between the event organizers and City Departments, the event can safely be conducted at the Park utilizing both Via Anacapa and Yarmouth Rd. Event organizers should be aware that emergency vehicle access must be available at all times on both Via Anacapa and Yarmouth Rd.

The Harvest Festival Committee has always enlisted the support of businesses in Lunada Bay and the response by the local business owners has traditionally been enthusiastic. Since this is a Sunday activity, there should be minimal disruption in the commercial area; however, due to the closure of both Via Anacapa and Yarmouth Rd., event organizers should gain consent from affected business owners.

**CITY COUNCIL AGENDA  
JULY 28, 2009**

The Harvest Festival includes activities such as live music, an art show, and children's games, such as a moon bounce, cakewalk, craft booths for face painting, a pumpkin patch, and puppet show. Local merchants will sell food and merchandise to promote their individual business.

The event organizers are aware of the necessity to have a safe event with proper clean-up afterward. The Harvest Festival runs smoothly because of the experience from previous, successful Harvest Festivals. The LBHOA is making an effort to generate community involvement in the Lunada Bay area and revitalize homeowner activity in the neighborhood.

Additionally, the LBHOA is requesting permission to post signs promoting their event. Under the City's Sign Policy, the LBHOA is eligible to receive City-sponsorship in order to gain approval to post signs promoting the Harvest Festival. This is the last sign permitted for the LBHOA in this calendar year based upon the City's Sign Policy and LBHOA's previous sign approvals. They may post only at the two permitted locations: Palos Verdes Drive West / Via Corta and Palos Verdes Drive West / Yarmouth Road. If approved, signs will be displayed for one week from October 5-11, 2009.

The Special Event Application has been reviewed and preliminarily approved by all municipal departments.

#### **CONCLUSION AND RECOMMENDATION**

The members of the Lunada Bay Homeowners Association Harvest Festival Committee work hard to plan a well-organized community event. This neighborhood activity generates a positive experience for Lunada Bay.

It is recommended that City Council approve the request by the Lunada Bay Homeowners Association to hold its annual Harvest Festival on Sunday, October 11, 2009 from 11 a.m. to 4 p.m. at Lunada Bay Park and the area adjacent to the Park on Via Anacapa and Yarmouth Rd. and approve the posting of promotional signs at both permitted locations for the allowable time.



TO: JOSEPH M. HOEFGEN, CITY MANAGER

FROM: ALEXA D. DAVIS, ADMINISTRATIVE ANALYST

SUBJECT: ADOPTION OF RESOLUTION R09-26 UNILATERALLY RESOLVING THE  
FISCAL YEAR 2009-2010 MEET AND CONFER  
IMPASSE BETWEEN THE CITY AND THE PALOS VERDES ESTATES  
POLICE OFFICERS' ASSOCIATION

DATE: JULY 28, 2009

**ISSUE**

Shall the City adopt Resolution R09-26 unilaterally resolving the Fiscal Year 2009-2010 Meet and Confer Impasse between the City and the Palos Verdes Estates Police Officers' Association?

**BACKGROUND AND ANALYSIS**

The City has been engaged in negotiations with the Palos Verdes Estates Police Officers' Association (POA) since April 27, 2009. Since that meeting, there have been 5 subsequent meetings discussing proposed changes to wages, hours and other terms and conditions of employment on behalf of the unit. Pursuant to Government Code sections 3500 through 3511, the City has met and conferred in good faith with the representatives of the POA.

On June 19, 2009, the City received the POA's Last, Best and Final offer. The City rejected the POA's proposal and offered its own Last, Best and Final offer dated June 29, 2009. The POA responded with a subsequent offer on June 30, 2009. To date, parties have not yet reached an agreement for Fiscal Year 2009-2010.

To resolve the Meet and Confer Impasse between the City and the POA, staff recommends that the City Council unilaterally impose its Last, Best and Final offer. This would ensure prompt resolution and still provide a benefit to POA members. The POA has been informed that staff would forward this recommendation to Council at its July 28, 2009 open meeting.

The City's Last, Best and Final offer (as seen attached) includes the following provisions:

- 1) On September 25, 2009, a one-time stipend in the amount of \$1,000 will be paid to full-time members of the unit and a one-time stipend in the amount of \$500 will be paid to part-time members of the unit.
- 2) The City's contribution toward health insurance will be increased from \$920 to \$1,030 per month effective July 1, 2009.
- 3) Uniform Allowance will be paid to new members upon the successful completion of one full year of service.

Upon the unilateral imposition of these terms, there will no longer be a Memorandum of Understanding between the City and the POA. Wages, hours and other terms and conditions will remain as is from the prior agreement (R05-27), unless otherwise determined by Resolution.

#### **ALTERNATIVES AVAILABLE TO COUNCIL**

1. The City Council may choose to adopt Resolution R09-26.
2. The City Council may choose not to adopt Resolution R09-26.
3. The City Council may postpone adoption of Resolution R09-26.

#### **CONCLUSIONS AND RECOMMENDATION**

It is recommended that the City Council adopt Resolution R09-26 unilaterally resolving the Fiscal Year 2009-2010 Meet and Confer Impasse between the City and the Palos Verdes Estates Police Officers' Association.

#### **BUDGET IMPACT**

The cost of unilaterally imposing the City's Last, Best and Final offer is \$50,660, which represents a 1.4% increase in pay for employees in this unit.

**TO: JOSEPH HOEFGEN, CITY MANAGER**  
**FROM: ALLAN RIGG, PLANNING DIRECTOR**  
**DATE: JULY 28, 2009**  
**SUBJECT: PLANNING COMMISSION ACTIONS OF JULY 21, 2009**

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The items attached were acted upon by the Planning Commission on July 21, 2009.

The Council may, within fifteen days after the date of the decision on or before the first day following the first Council meeting after the date of the Planning Commission decision, whichever occurs last:

1. Confirm the action of the Planning Commission and grant or deny the application;
2. Set the matter for public hearing and dispose of it in the same manner as on an appeal; or
3. Amend, modify, delete, or add any condition of approval which the Council finds is not substantial under the circumstances relative to or affecting the property subject to the application for a development entitlement. Any determination of the Council pursuant to this paragraph shall be conclusive and final.

In the event the Council does not take one of the actions specified above within the period of time required, the decision of the Planning Commission shall be final.

Recommendation:

Receive and file.

**TO: JOSEPH M. HOEFGEN, CITY MANAGER**  
**FROM: ALLAN RIGG, PUBLIC WORKS DIRECTOR**  
**SUBJECT: COUNTY WEED ABATEMENT CHARGES FOR FISCAL YEAR 2008-09**  
**DATE: JULY 28, 2009**

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**The Issue**

Should the City Council approve the charges for performing weed abatement services on 52 private properties within the City as determined by the County of Los Angeles Department of Agricultural Commissioner/Weights and Measures?

**Background and Analysis**

At the City Council meeting of February 10, 2009, the County of Los Angeles Department of Agricultural Commissioner/Weights and Measures (County) provided the City with their annual lists for weed abatement proceedings. The City Council reviewed this list and declared that these properties are a public nuisance and have weeds growing, and brush, rubbish, refuse, and flammable vegetation within and around the property. The City held a public hearing to allow private property owners to protest the County's assessment of their respective properties. Any resident who wished to protest the fee could show that weed abatement services were provided as required and that the property was subsequently inspected by the County. No residents protested the fees.

The County has now submitted a list of charges they incurred in performing the weed abatement services. Once approved by the City Council, the weed abatement charges will be passed on to the individual property owners who have received the service. These charges will appear as a direct assessment on the property tax bill.

For Fiscal Year 2008-09, the County inspected and/or abated weeds on 52 parcels with total charges amounting to \$19,266.62. In Fiscal Year 2007-08, weed abatement charges were assessed for 51 properties, totaling \$21,152.18.

### **Alternatives Available to Council**

The following alternatives are available to the City Council:

1. Confirm the charges as contained in the attached report prepared by the County of Los Angeles Department of Agricultural Commissioner/Weights and Measures for providing weed abatement services during Fiscal Year 2008-09.
2. Confirm the charges as contained in the attached report prepared by the County of Los Angeles Department of Agricultural Commissioner/Weights and Measures for providing weed abatement services during Fiscal Year 2008-09, with modifications.
3. Deny the charges as contained in the attached report prepared by the County of Los Angeles Department of Agricultural Commissioner/Weights and Measures for providing weed abatement services during Fiscal Year 2008-09.

### **Recommendation from Staff**

Staff recommends that the Council open the public hearing, receive public input, close the public hearing, and confirm the charges as contained in the attached report prepared by the County of Los Angeles Department of Agricultural Commissioner/Weights and Measures for providing weed abatement services during Fiscal Year 2008-09.

### **Fiscal Impact**

There will be no budget impact to the City. Charges for performing weed abatement services on the 52 private properties within the City, as determined by the County of Los Angeles Agricultural Commissioner during Fiscal Year 2008-09, amount to \$19,266.62. These costs are paid for entirely by the respective property owners.

Staff report prepared by  
Floriza Rivera  
Public Works Department

**TO: JOSEPH M. HOEFGEN, CITY MANAGER**

**FROM: ALLAN RIGG, PLANNING DIRECTOR**

**SUBJECT: INTRODUCE AND ADOPT THE 2009 SELF-CERTIFICATION  
RESOLUTION NO. R09-23; ADOPTING THE LOCAL DEVELOPMENT  
REPORT FOR THE CONGESTION MANAGEMENT PROGRAM**

**DATE: JULY 28, 2009**

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**The Issue**

Should the City Council introduce and adopt the 2009 Self-Certification Resolution R09-23, adopting the Local Development Report for the Congestion Management Program?

**Background and Analysis**

The Traffic Congestion Relief and Spending Act of 1990 (Proposition 111) was passed by voters in November of 1990. One of the stipulations of Proposition 111 requires counties with urbanized populations greater than 50,000 to develop a Congestion Management Plan (CMP). Because Los Angeles County exceeds this population, a CMP was developed.

In order to verify that the City has taken the necessary actions and is in conformance with the CMP, the Metropolitan Transit Authority (MTA) requires each participating agency to submit the attached resolution of compliance and implement the following three actions:

- 1) The City must adopt and continue to implement a transportation demand management (TDM) ordinance. On January 26, 1993, the City adopted a TDM ordinance, which shows evidence of promoting alternative transportation methods and fulfills this requirement.
- 2) The City must adopt and continue to implement a land use analysis ordinance that is intended to consider the regional transportation impact of new development. All development projects, which are required to prepare an Environmental Impact Report (EIR) based on local determination, shall be subject to the Land Use Analysis Program and shall incorporate into the EIR a CMP Transportation Impact Analysis (TIA). This ordinance was passed by the City Council on March 9, 1993.
- 3) The City must adopt a Local Development Report (LDR) on an annual basis. The LDR is a report on the net development in the City, within the last year. This year's LDR is attached.

In the past, the Congestion Management Program required the City to report both the quantity of local growth, as well as transportation improvements intended to offset local growth. The MTA kept track of “points” for each jurisdiction, subtracting points for increased development and adding points for transportation projects, requiring cities to maintain a positive point balance. In recent years, the MTA has received feedback from cities with concerns regarding the effectiveness of this approach. In response to these concerns, the MTA is currently conducting a study on the feasibility of modifying their existing process and implementing a congestion mitigation fee. While this study is underway, the CMP requirements for maintaining a positive credit balance are suspended. At this time, the City is required only to report development activity and not transportation improvement strategies. A new reporting format has been devised to account for these changes. The previously used “Local Implementation Report” (LIR) has been changed to the “Local Development Report” (LDR), which is very similar to the LIR, without the transportation mitigation sections.

This year the City’s net development activity consisted of 0 dwelling units. These quantities are reflected in the attached LDR. The net is derived from the number of new homes (12) minus the number of homes demolished (12).

### **Alternatives Available to Council**

The following alternatives are available to the City Council:

1. Introduce and adopt the 2009 Self-Certification Resolution, R09-23, adopting the Local Development Report for the Congestion Management Program.
2. Decline to act.

### **Recommendation from Staff**

Staff recommends that the City Council open the public hearing, receive public input, close the public hearing and adopt the 2009 Self-Certification Resolution, R09-23, adopting the Local Development Report for the Congestion Management Program.

Staff report prepared by:  
Stacey Kinsella, Planning Department

**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 28, 2009**

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**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 (PMS) 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:

<b>Street Name</b>	<b>From</b>	<b>To</b>
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.

	<b>Base Bid</b>
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 Oyata, 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.

This item was presented to the City Council at their meeting on July 14, 2009. The Council expressed the desire to more fully understand the needs for the paving per Alternates A1 and A7 as they were concerned about delaying the paving to a later date with potentially higher costs.

In regards to A1, please note that Cataluna Place is the street south of the median island, and Cataluna Square is the short section of roadway north of the island. The street has had a number of failures apparently caused by tree roots and old poorly compacted utility trenches (maybe even from sewers built in the 1960s). The pavement has failed significantly, especially within Cataluna Place near the median island. Staff has had many resident complaints regarding this area over the past few years.

In regards to A7, Via Mirada, staff has observed deterioration of the street and the alligator cracking over time, and anticipate the alligator cracking will soon turn into potholes requiring more expensive repairs. We have no complaints from the residents regarding the condition of the asphalt.

When our PMS was updated in 2003, Cataluna Place, Cataluna Square, and Via Mirada were in such good condition that they were excluded from the report for needing any maintenance. The fact that they have both deteriorated to this extent raises the issue of whether the PMS needs to be updated with the current condition of all the streets in the City and updated projections of needed repairs/maintenance. We will bring this forth as a budget issue paper during the next budget cycle.

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 28                      Contract awarded.
- August 28                 Contract, insurance certificates signed by contractor & City.
- September 7              Work expected to begin.
- October 23                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
<hr/>	
Total	\$409,753.85

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

TO: MAYOR AND CITY COUNCIL

FROM: JOSEPH M. HOEFGEN, CITY MANAGER

SUBJECT: ESTABLISHING A CITY COUNCIL LIAISON COMMITTEE TO ASSIST WITH IMPLEMENTATION OF THE PVE DISASTER DISTRICT PLAN

**The Issue**

Shall the City Council create a City Council Liaison Committee to assist with implementation of the PVE Disaster District Plan?

**Background**

On June 23, 2009, the City Council received a status report concerning the Palos Verdes Estates Disaster District Plan which, upon successful implementation, will significantly improve the community's level of emergency preparedness.

In the City Council discussion at the June 23<sup>rd</sup> meeting, the City Council expressed interest in appointing two of its members to serve as Council liaisons to assist with implementation of the PVE Disaster District Plan. As with other Council liaisons, the role of the DDP Liaisons will be to work with staff and represent the City Council on policy issues that arise as this plan moves forward. Subsequent to the June 23<sup>rd</sup> meeting, Councilmembers Goodhart and Bird expressed interest in serving as DDP liaisons.

As a result, we prepared the attached description which is recommended for addition to the Council Liaison roster as follows:

**Disaster District Plan Council Representatives**

The City Council representatives meet periodically with the Police Chief and City Manager to review matters related to the implementation of the Palos Verdes Estates Disaster District Plan and the work of the Disaster District Committee in order to (1) help improve the community's survivability in a disaster; (2) create the most efficient and expedient emergency plans and tools possible; and (3) create a cost effective maintenance program to preserve the integrity of the Disaster District Program.

Frequency of Meetings: Approximately once every 3-4 months

Time Commitment ~ 12 hours per year

Jim Goodhart Representative  
George Bird Representative

Staff Liaisons Dan Dreiling  
Joe Hoefgen

The recommended action is for the City Council to establish the DDP Liaison Committee and approve the above addition to the list of Council Liaisons.

**TO: JOSEPH M. HOEFGEN, CITY MANAGER**

**FROM: ALLAN RIGG, PUBLIC WORKS DIRECTOR**

**SUBJECT: ADOPTION OF RESOLUTION R09-25 APPROVING A SEWER SYSTEM MANAGEMENT PLAN**

**DATE: JULY 28, 2009**

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**Background**

On May 2, 2006, the State Water Resources Control Board (SWRCB) adopted Statewide General Waste Discharge Requirements (GWDR) for publicly owned sanitary sewer systems. The GWDR requires agencies that own or operate a sanitary sewer system comprised of one mile or more to develop and implement a Sewer System Management Plan (SSMP) that documents a comprehensive program for sewer system operation, maintenance and repair. As a collection system, the City must institute programs to properly manage, operate and maintain all parts of its wastewater collection system in order to reduce and prevent Sanitary Sewer Overflows (SSOs).

The sanitary sewer programs required by the discharge requirements already exist within the City. Our City has been very proactive in procuring a Sewer Master Plan, implementing a capital improvement fee, and using these funds to refurbish our sewer system. The County has used our City as an example of proactive sewer system management, even prior to the requirement for a SSMP.

The regulations also include a provision that the agency's governing body approve, by resolution (Attachment A), the SSMP (Attachment B) by August 2, 2009.

**Discussion**

Sanitary sewer overflows (SSOs) are overflows from sanitary sewer systems that may be of domestic, industrial and/or commercial wastewater. SSOs contain high levels of suspended solids, toxic pollutants, pathogenic organisms, oils and grease and other pollutants. SSOs may cause a public nuisance, particularly when raw untreated wastewater is discharged to areas with high public exposure.

Throughout the state, agencies report sewer overflows that result in the discharge of untreated wastewater. The majority of these overflows are caused by peak flows that exceed system capacity, blockages caused by excess grease, root blockage, vandalism, sewer system age, construction material failures and mechanical problems. In our City, the main problem is root intrusion. Because of the risk to the public from SSOs, the state is requiring a zero tolerance for SSOs. Agencies must therefore work toward preventing SSOs by implementing a comprehensive set of measures that demonstrate a proactive approach to system wide operation, maintenance, and management plans. This includes the development of the SSMP.

The backbone of the sewer system for the City of Palos Verdes Estates is comprised of trunk sewer pipes and six associated sewage pump stations. These trunk sewer pipes and sewage pump stations are owned and maintained by the Los Angeles County Sanitation District. Rehabilitations, repairs, and replacements performed to the trunk sewers or to the pump stations are the responsibility of the Los Angeles County Sanitation District, and are funded through sewer fees paid to the District. These trunk sewers and pump stations are not a part of City's SSMP.

The pipe connections between the private sewer laterals and this backbone system are the local sewers. The local sewer pipes are owned by the City, plus two associated pump stations, and are maintained by the Los Angeles County Department of Public Works (LACDPW). Major rehabilitations and replacements performed to the local sewers are the responsibility of the City, and are funded with City funds (although there is some minor funding from the LACDPW for some repairs). These local sewers are the subject of the SSMP.

The SSMP compiles the City's and LACDPW's existing and planned programs to provide proper and efficient management, operation, and maintenance of its sanitary sewer system, including a spill response plan to ensure a standard and effective response to SSOs. The LACDPW provided us with a template for the preparation of the SSMP.

The plan has eleven sections described below.

1. Goals: The City's SSMP includes goals in order to reduce and prevent sanitary sewer overflows and mitigate any overflows that may occur.
2. Organization: This section identifies the responsible City representatives for implementing specific measures in the SSMP including the chain of communication for reporting sanitary sewer overflows.
3. Legal Authority: This section describes the authority the City has to implement the provisions of the SSMP from the Municipal Code.
4. Operations and Maintenance: This section summarizes the City's preventive and area maintenance programs, maintenance equipment, replacement part inventories and ongoing training required for the Wastewater Collection staff.
5. Design and Performance Provisions: This section describes the City's standards for installation, rehabilitation and repair of the collection system and inspection and testing requirements for new and rehabilitated facilities.
6. Overflow Emergency Response Plan: This section describes procedures and measures on how wastewater collection staff responds to overflow emergencies.

7. Fats, Oils and Grease Control Program: This section describes the City's FOG program including requirements for grease removal devices and efforts to educate food service establishments on the disposal of fats, oils and grease.

8. System Evaluation and Capacity Assurance Program: This section describes past and planned efforts related to capacity assessment and enhancement, and identifies future wastewater collection system capital projects.

9. Monitoring, Measurement, and Plan Modifications: This section describes how the City will monitor and measure its performance through the implementation of the Plan and make necessary modifications to improve the management of the City's collection system.

10. Program Audits: This section outlines the process that the City will follow to evaluate the effectiveness of the SSMP to identify updates that may be needed for a more effective program.

11. Communication Program: This section describes how the City will communicate on the performance of the SSMP.

Development of this SSMP was performed to ensure an accurate, comprehensive document that not only meets State Regulations, but served as a useful guide that will complement existing procedures and policies for the ongoing maintenance and operation of the City's wastewater collection system.

We would like to recognize that as reported in the report for 2007 our City had more SSOs than other cities within the cities which have their sewers maintained by the LACDPW. The good news is that through a variety of measures the number of overflows since 2007 have been greatly reduced. In 2007 there were 27 SSOs in the City, but year to date in 2009 we have had only 3, which is roughly an 80% decrease. We believe the decrease is due to the City's aggressive lining of the sewers in poor condition and the LACDPW's enhanced maintenance program.

The biggest continued threat to the City regarding future SSOs is the roots that invade the privately-owned sewer laterals. During videotaping of the insides of the sewers we have seen large roots within many laterals, and protruding into the City's sewer. Once these roots become extremely large and clog the lateral, the typical remedy is for a plumber to grind the roots and push them down into the City sewer. These large masses of roots can then cause blockages and SSOs. We have previously created a flier to educate residents regarding the need for regular sewer lateral maintenance which would help avoid this issue, but we believe more will need to be done in the future. We will continue our dialogue with the LACDPW and try to develop solutions.

### **Conclusion**

Adopting the attached SSMP will satisfy the statutory requirements of SSMP adoption by the required date of August 2, 2009.

### **Alternatives Available to Council**

The following alternatives are available to the City Council:

**CITY COUNCIL AGENDA  
JULY 28, 2009**



1. Adopt Resolution R09-25 approving a Sewer System Management Plan.
2. Adopt Resolution R09-25 approving a Sewer System Management Plan with modifications.
3. Decline to act.

**Recommendation from Staff**

Staff recommends that the Council adopt Resolution R09-25 approving a Sewer System Management Plan.

**Fiscal Impact**

The adoption of the SSMP will cause no direct impact to the City at this time. However, future costs will include additional staff time reviewing and updating the SSMP when appropriate.

Staff report prepared by:  
Allan Rigg, Public Works Department

**TO:** MAYOR AND CITY COUNCILMEMBERS  
**FROM:** JOSEPH HOEFGEN, CITY MANAGER  
**SUBJECT:** PRESENTATION OF FY 2009-10 WORK PROGRAM

**Issue**

Presentation of FY 2009-10 Work Program for the City of Palos Verdes Estates

**Background and Analysis**

Last year, following adoption of the FY 2008-09 Budget, Council reviewed a new report entitled the City of Palos Verdes Estates Work Program. The purpose of the Work Program is to identify work milestones and projected target dates as part of an overall strategy to manage the workload of each of the Departments. The Work Program was reviewed and updated in January.

As indicated as part of the recent presentation and Council adoption of the FY 2009-10 Budget and as discussed at the June 30, 2009 City Council retreat, we have developed a Work Program for FY 2009-10 for major work activities occurring over the next 12 months. While the Work Program captures many of the department's work activities, it is not a complete list of all of our duties and responsibilities. The Work Program is intended to highlight some of the more notable work projects and/or items that are new for the coming year, or in some instances, carried forward from the prior year.

In terms of the FY 2009-10 Work Program, I would like to highlight a few projects and activities as described below:

In the **City Manager's Office**, one of our major work activities will be focusing on customer service training and implementation of customer service surveys to ensure that we are as responsive as possible in our dealings with the public. On a different note, as last year's Work Program resulted in the transition of stable operations to a new concessionaire, in 2009-10 we include some additional milestones for attending quarterly Stable Committee meetings to assist the Concessionaire and boarders on issues that arise. Additionally, 2009-10 will include employee negotiations as we come to the end of a one year agreement with employee negotiations anticipated in the spring of 2010.

The Work Program for the **City Clerk/Finance Department** includes milestones for a comprehensive review of the PVE Municipal Code involving all City Departments as carried forward from FY 2008-09. The Work Program also identifies milestones for a redesign of the City's web site which has remained unchanged since its launch more than 10 years ago. An RFP was issued on June 30, 2009 with responses due by the end of this month. We are also performing an actuarial analysis of the City's pension obligations to examine possible alternatives for addressing future pension liabilities.

In the **Planning and Public Works Department**, the most significant projects will be the construction of the two sewage pump station replacements and the Bluff Cove roadway stabilization. Each of these projects addresses an existing condition that is continuing to deteriorate, and if not fixed, could fail and cause significant hardships to our residents, as well as severe financial consequences for the City. Additionally, there are reports scheduled over the next year involving some previously discussed items including water conservation, back yard composting, and the possibility of additional leaf blower regulations in PVE.

There are a number of significant projects and programs included in the **Police Department** Work Program. Most notably is the implementation of the Disaster District Plan and additional staff training for emergency preparedness involving both EOC (Emergency Operations Center) training as well as NIMS (National Incident Management Systems) classes. In 2009-10, the Police Department will review traffic volume and speed counts for PV Drive West and Via Corta traffic as well as cost recovery for booking fees. Lastly, the Police Department will continue to address the needs of seniors via the PVE CARES Program with a number of events and outreach over the next year.

The Work Program is organized by Department and includes a summary table of the City's Capital Improvement projects as well with project milestones for design, bidding and construction for each project.

As unforeseen events occur throughout the year, circumstances may affect the priority of projects and/or new unanticipated projects may be added as necessary. My intention is to bring the Work Program to the City Council in January with updates and changes as become necessary.

### **Recommendation from Staff**

As this report is informational in nature, there is no formal action required of the City Council

### **Attachment**

FY 2009-10 Work Program