



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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March 10, 2009
7:30 P.M.
City Hall
Council Chambers

**CITY COUNCIL 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. R09-09
NEXT ORDINANCE NO. 09-689**

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

MAYOR'S REPORT – Matters of Community Interest

CITY COUNCIL AGENDA
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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 February 24, 2009

Recommendation: Review and File.

2. PW-553-08; Award of Construction Contract in the Amount of \$41,825 to Fleming Environmental, Inc. for Construction of the EVR II Tank Upgrade Project

Recommendation: It is recommended that the City Council award a construction contract in the amount of \$41,825 to Fleming Environmental, Inc. for the construction of the EVR II Tank Upgrade Project.

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.

OLD BUSINESS

NEW BUSINESS

3. R09-08; A Resolution of the City Council Approving the Los Angeles Regional Interoperable Communications System (LA-RICS) Joint Powers Agreement

Recommendation: It is recommended that the City Council adopt Resolution R09-08; approving the Los Angeles Regional Interoperable Communications System (LA-RICS) Joint Powers Agreement.

STAFF REPORTS

4. City Manager's Report

CITY COUNCIL AGENDA
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DEMANDS

5.
 - a. Authorize Payment of Motion #1 – Payroll Warrant of March 6, 2009
 - b. Authorize Payment of Motion #2 – Warrant Register of March 10, 2009

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

MAYOR & CITY COUNCILMEMBERS' REPORTS

ADJOURNMENT TO WEDNESDAY, MARCH 18, 2009, IN COUNCIL CHAMBERS OF CITY HALL AT 7:00 P.M FOR THE PURPOSE OF AN ADJOURNED REGULAR MEETING.

- *This City Council meeting can be viewed on Cox Cable, Channel 35, Wednesday, March 11, 2009, at 7:30 p.m., and Wednesday, March 18, 2009, at 7:30 p.m.*

TO: JOSEPH M. HOEFGEN, CITY MANAGER

FROM: ALLAN RIGG, PUBLIC WORKS DIRECTOR

SUBJECT: PW 553-08; AWARD OF CONSTRUCTION CONTRACT IN THE AMOUNT OF \$41,825 TO FLEMING ENVIRONMENTAL, INC. FOR THE CONSTRUCTION OF THE EVR II UPGRADE PROJECT

DATE: MARCH 10, 2009

Introduction

Should the City Council award a construction contract in the amount of \$41,825 to Fleming Environmental, Inc. for the construction of the EVR II Upgrade Project?

Background and Analysis

Vapor recovery systems collect gasoline vapors that would otherwise escape into the atmosphere during bulk fuel delivery (Phase I) or vehicle refueling (Phase II). These vapors contribute highly to the formation of smog. California's Enhanced Vapor Recovery Program, administered by the California Air Resources Board (C.A.R.B.), provides a ten-year phase-in of multiple standards to reduce gasoline vapor emissions from the storage and dispensing of gasoline. By April 1, 2009, most owners of gasoline dispensing facilities (GDFs) with underground storage tanks in California must install enhanced vapor recovery (EVR) Phase II systems.

The South Coast Air Quality Management District (SCAQMD), with jurisdiction for about forty percent of the GDFs in the state including the City of Palos Verdes Estates, required GDF owners to submit compliance plans by October 1, 2008, and to install EVR II upgrades by April 1, 2009. SCAQMD approved the City's compliance plans and permit application on February 26, 2009. Another permit will be required by the Los Angeles County Department of Public Works (County), but can only be obtained when the name and information of the contractor doing the EVR installation can be provided. The successful contractor will obtain the County permit as part of the project scope.

Project activities will include applying for all necessary permits, installing a Veeder-Root vapor recovery canister onto the existing ventilation line, installing an electrical circuit to power the vapor recovery canister, upgrading the City's existing Veeder-Root alarm console, and installing new dispensing unit equipment to comply with C.A.R.B. and SCAQMD requirements. The contractor will also ensure certification of the entire system, including meeting with SCAQMD and County inspectors and implementing any corrections as required by those and any other agencies with jurisdiction over the project.

Staff advertised in F.W. Dodge, Bid America, and Reed Construction Data. Fleming Environmental, Inc. submitted the only bid for the project on February 18, 2009, at 10:30 am in the amount of \$41,825. They have completed underground storage tank projects for the Cities of Santa Monica, Glendale, Anaheim, and Monterey Park. The company's work history indicates that they are well equipped to construct this project.

The following construction schedule is anticipated:

- March 10 Contract awarded.
- March 27 Contract documents completed, County permit application begun.
- April 13 Work expected to begin if all County permits are approved.
- May 1 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 \$41,825 to Fleming Environmental, Inc. for the construction of the EVR II Upgrade Project.
2. Decline to Act.

Conclusions and Recommendations

Staff recommends that the City Council award a construction contract in the amount of \$41,825 to Fleming Environmental, Inc. for the construction of the EVR II Upgrade Project.

Fiscal Impact

The Fiscal Year 09/10 budget contains \$47,614 for City safety improvements. Staff estimates the following costs for the project:

Construction Costs	\$41,825
Inspection/Administration	\$2,500
<hr/> Total	<hr/> \$44,325

Therefore, sufficient funds are available for the project.

Staff report prepared by:
Floriza Rivera
Public Works Department
CITY COUNCIL AGENDA
MARCH 10, 2009

TO: JOE HOEFGEN, CITY MANAGER

FROM: DANIEL DREILING, POLICE CHIEF

**SUBJECT: RESOLUTION R09-08 APPROVING THE LOS ANGELES
 REGIONAL INTEROPERABLE COMMUNICATIONS SYSTEM (LA-
 RICS) JOINT POWERS AGREEMENT**

DATE: MARCH 5, 2009

Issue:

Should the City Council adopt resolution R09-08 that: (1) approves the Los Angeles Regional Interoperable Communications System Joint Powers Agreement thus authorizing the City’s membership in the LA-RICS Authority; and (2) authorizes the Mayor to execute the JPA Agreement. In addition, it is recommended that staff be directed to report back on the status of the LA-RICS Authority prior to the adoption of the funding plan with a recommendation on whether to continue the City’s membership in the JPA at that time.

Background and Analysis:

Following the events of September 11, 2001, the National 9-11 Commission, in its report to Congress and the President, identified a serious weakness in our various metropolitan areas’ ability to respond to regional crises and disaster-type events: the lack of interoperable communications. As a result, a steering committee was created to further the creation of a “Los Angeles Regional Interoperable Communication System” (LA-RICS) for the purpose of developing and implementing a modern, integrated wireless voice and data communications system that will support the communication needs of the more than 34,000 first responders and local mission-critical personnel within the Los Angeles county region.

The LA-RICS JPA seeks to establish a public safety radio network to meet or enhance the current public safety radio communications needs and to provide architecture capable of expanding to meet future needs. The vision of LA-RICS is to create a communications system that will support all 88 cities and 34,000 first responders (police, fire, and public health within LA County). While there are other interoperable systems within the county on a smaller scale such as the South Bay Regional Public Communication Authority (SBRPCA), the LA-RICS is intended to become the all-inclusive county wide communication mechanism.

Joint Powers Agreement: For the past two and one-half years, the LA-RICS Steering Committee, consisting of county-wide principal stakeholders, including city manager and public safety representatives, has been meeting to review the technical and governance issues associated with

maintaining and operating such a system for the benefit of all communities in Los Angeles County. Recently, the LA-RICS Steering Committee drafted a Joint Powers Agreement (JPA) that will form the LA-RICS Authority that will include the establishment of a Board of Directors to oversee LA-RICS operations. On August 19, 2008, the Los Angeles County Board of Supervisors approved the JPA. The City of Los Angeles approved the Joint Powers Agreement on February 4, 2009. The JPA approval process requires that cities wishing to become "Member Cities" must approve the JPA document within 45 of days both the County's and City of Los Angeles' execution. The end of the 45 day window is March 21, 2009.

Under the JPA, the authority will possess the following powers related to LA-RICS:

1. To make and enter into contracts, including but not limited to, agreements for the purpose of acquiring real and/or personal property, equipment, employment contracts and professional services agreements;
2. To make and enter into contracts with subscribing agencies who desire to utilize the System for their primary radio communications or affiliates who desire to utilize the System only for mutual and/or automatic aid;
3. To Acquire, construct, maintain, and operate a telecommunications systems or service and to provide the equipment necessary to deliver public services thereby;
4. To acquire, construct, manage, and operate any building, works or improvements;
5. To acquire, hold, lease, or dispose of property;
6. To sue or be sued in its own name;
7. To apply for, receive and utilize grants and loans from federal, state or local governments or from any other available source in order to pursue the purpose of the Authority;
8. To issue bonds and to otherwise incur debts, liabilities and obligations, provided that no such bond, debt, liability or obligation shall constitute a debt, liability or obligation to the individual respective Members;
9. To invest any money in the treasury, which is not required for the immediate necessities of the Authority, as the Authority determines is advisable, in the same manner and upon the same conditions as local agencies, pursuant to Section 53601 of the California Government Code; and
10. To promulgate, adopt, and enforce any rules and regulations, as may be necessary and proper to implement and effectuate the terms, provisions, and purpose of this Agreement.

Funding Plan: In order to encourage maximum participation by all cities in Los Angeles county, the JPA is set up so that no financial commitments will be required of participating Member Cities until such time that the newly established Board of Directors adopts a funding plan identifying short and long term capital and operations & maintenance requirements. It is anticipated that the funding plan will be developed within nine months following the Authority's establishment. All of the Authority's members will have the opportunity to participate in the development of the funding plan and to identify and assess members' various abilities to contribute resources, including financial, staffing, equipment, infrastructure or wither contributions. If, at any time prior to the adoption of the funding plan, a Member agency feels that it cannot contribute the identified resources or that it would not be in its best interest to continue participating in the system, that agency may terminate its membership without financial contribution or penalty.

While initial estimates indicate that LA-RICS will cost upwards of \$700 million dollars, the actual cost to implement LA-RICS will not be known until an RFP for the build-out of the system is released and bids are received. To the fullest extent possible, grant funding will be sought to fund this project; in fact, the regional stakeholders have agreed that 60 percent of all Urban Area Security Initiative (UASI) grant funding for the region will be dedicated to LA-RICS system. Thus far, the Steering Committee has spent over \$9 million in City and County funds toward the development of the LA-RICS system. Nonetheless, despite the expected availability of future UASI and other grants, undoubtedly, additional financial resources will be needed to complete funding of LA-RICS. Member agencies will be able to take part in the development of the funding plan, which will give them the opportunity, as stated above, to terminate its membership without financial contribution or penalty if such Member agency feels that it cannot contribute the identified resources.

Governance Structure: As per the JPA, the composition of the Governing Board of Directors, none of whom shall be elected officials (other than the Sheriff) shall be as follows:

1. The City of Los Angeles City Administrative Officer
2. The City of Los Angeles Fire Chief
3. The City of Los Angeles Police Chief
4. The City of Los Angeles Legislative Analyst
5. The County of Los Angeles Chief Executive Officer
6. The County of Los Angeles Fire Chief
7. The Sheriff of Los Angeles County
8. The County of Los Angeles Department of Health Services Director
9. The Los Angeles Unified School District Police Chief
10. The City of Long Beach
11. The Los Angeles Area Fire Chiefs' Association
12. The Los Angeles County Police Chiefs' Association
13. The California Contract Cities Association
14. At-Large Member City – described below
15. At-Large Member City – described below
16. At-Large Member City – described below
17. At-Large Member City – described below

Within fifteen days of the effective date of the JPA, At-Large Directors and Alternate Directors shall be selected by a majority vote of the Member Cities (excluding the cities of Los Angeles and Long Beach) at a special “selection meeting” to be convened. The At-Large Directors shall be selected as follows:

- One At-Large Director (and one Alternate Director) must represent a Member City that operates both independent police and fire departments;
- Two At-Large Directors (and two Alternate Directors) must represent Member Cities that operate independent police and/or an independent fire departments; and
- One At-Large Director (and one Alternate Director) must represent a Member City not otherwise represented on the Board.

It is important to note that the Los Angeles County Sheriff's and Fire Departments have been significantly involved in the creation of the LA-RICS system and that Sheriff Baca and Fire Chief Freeman have both, personally, participated on the Steering Committee engaged in the technical and governance aspects of the LA-RICS' formation. Notwithstanding these Departments' roles as law enforcement and fire protection service providers, we see value in Palos Verdes Estates' involvement in the LA-RICS at least during these early stages.

Alternatives Available To Council:

- Adopt Resolution R09-08, approving the LA-RICS Joint Powers Agreement
- Defer membership by directing staff to monitor LA-RICS progress and provide a detailed report at a later date
- Deny Membership

Recommendations:

In light of the benefits and opportunities to help shape the policies and financial/resources planning of the LA-RICS Authority, it is recommended that the City Council adopt the Resolution at this time. There is no financial commitment or obligation from the City until such time as a "funding plan" has been adopted by the Authority, thus giving the City ample opportunity to evaluate and assess the Authority's financial structure and the City's potential future resource liability. Because the City retains the ability to "opt-out" of the Authority at any time up to the adoption of the funding plan, it would seem that there is no "down-side" to becoming a LA-RICS Member City at this time. In fact, with the upcoming establishment and selection process of the Board of Directors, it is important that the City have a voice in determining who will represent our city's interests.

Therefore, it is recommended that City Council adopt Resolution R-09-08 that: (1) approves the Los Angeles Regional Interoperable Communications System Joint Powers Agreement thus authorizing the City's membership in the LA-RICS Authority; and (2) authorizes the Mayor to execute the JPA Agreement. In addition, it is recommended that the staff be directed to report back on the status of the LA-RICS Authority prior to the adoption of the funding plan with a recommendation whether to continue the City's membership in the JPA at the time.

Budget Impact:

None, at this time