



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**

May 13, 2008
7:30 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. R08-10
NEXT ORDINANCE NO. 08-683**

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

CEREMONIAL MATTERS

- Swearing-in of Police Officer Marc Butler (Chief Dreiling)

CITY COUNCIL AGENDA
MAY 13, 2008

MAYOR'S REPORT – Matters of Community Interest

CONSENT AGENDA (Items 1 - 3)

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 April 22, 2008

Recommendation: Review and File.

2. Treasurer's Quarterly Interest Report – January - March 2008

Recommendation: Receive and File.

3. Monthly Finance Report – April 2008

Recommendation: Receive and File.

COMMUNICATIONS FROM THE PUBLIC

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

PUBLIC HEARING - 7:30 P.M.

Appellants and/or applicants shall be provided five (5) minutes for presentation and rebuttal. All other persons addressing the City Council during public hearing shall be limited to three (3) minutes for comment.

4. Request to Appeal Planning Commission Approval of NC-1304/GA-1422/M-658-07; Consideration of Neighborhood Compatibility, Grading, and Miscellaneous Applications for a New Single Family Residence Located at 376 Via Almar. Lot 5, Block 1514, Tract 6886

APPELLANT/
APPLICANT:

David Alptekin
A & A Group Architects
20341 S.W. Birch St., Ste. 230
Newport Beach, CA 92660

OWNER: Mehmet and Muge Kocarslan

Recommendation: It is recommended that the City Council open the public hearing, receive public input, close the public hearing and make a decision on the application.

NEW BUSINESS

5. PW-536-08; Award of Contract for the City Entrance Improvements at Palos Verdes Boulevard

Recommendation: It is recommended that the City Council award a construction contract in the amount of \$394,259.72 to Bennett Enterprises, Inc. for the completion of the City Entrance Improvements at Palos Verdes Boulevard.

STAFF REPORTS

6. **City Manager's Report**

DEMANDS

7. a. Authorize Payment of Motion #1 – Payroll Warrant of May 2, 2008
b. Authorize Payment of Motion #2 – Warrant Register of May 13, 2008

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

MAYOR & CITY COUNCILMEMBERS' REPORTS

8. Appointment of City Council Liaisons to Committees (Mayor Sherwood)

ADJOURNMENT TO TUESDAY, MAY 27, 2008, AT 6:30 P.M. IN COUNCIL CHAMBERS OF CITY HALL FOR THE PURPOSE OF A REGULAR MEETING.

- *This City Council meeting can be viewed on Cox Cable, Channel 35, Wednesday, May 14, 2008 at 7:30 p.m., and Wednesday, May 21, 2008, at 7:30 p.m.*

TO: JOSEPH HOEFGEN, CITY MANAGER
FROM: JUDY SMITH, ASSISTANT CITY MANAGER
SUBJECT: FINANCIAL REPORT FOR APRIL 2008

The Issue

What is the status of the FY 2007-08 budget after 10 months of the fiscal year?

Analysis of Graphs

With receipt of April property tax and special fire tax, both general fund revenue (+7%) and total operating revenue (-1%) are tracking more closely to expected performance. On the expenditure side, total operating costs are currently 6% below expected. This performance will more closely match budget with our May results, since as stated in last month's report, we will experience three pay periods during May.

Total revenues are slightly below expected due to decline in anticipated interest earnings because of current market rates on our investments, compared with our budget assumptions and earning during the first half of the fiscal year. Total revenue may run slightly under or just at budget because gas tax revenue will be suspended beginning with May (April receipts) for a five month period to help increase resources available to the State. All deferred revenue is supposed to be paid back to cities in September (without interest).

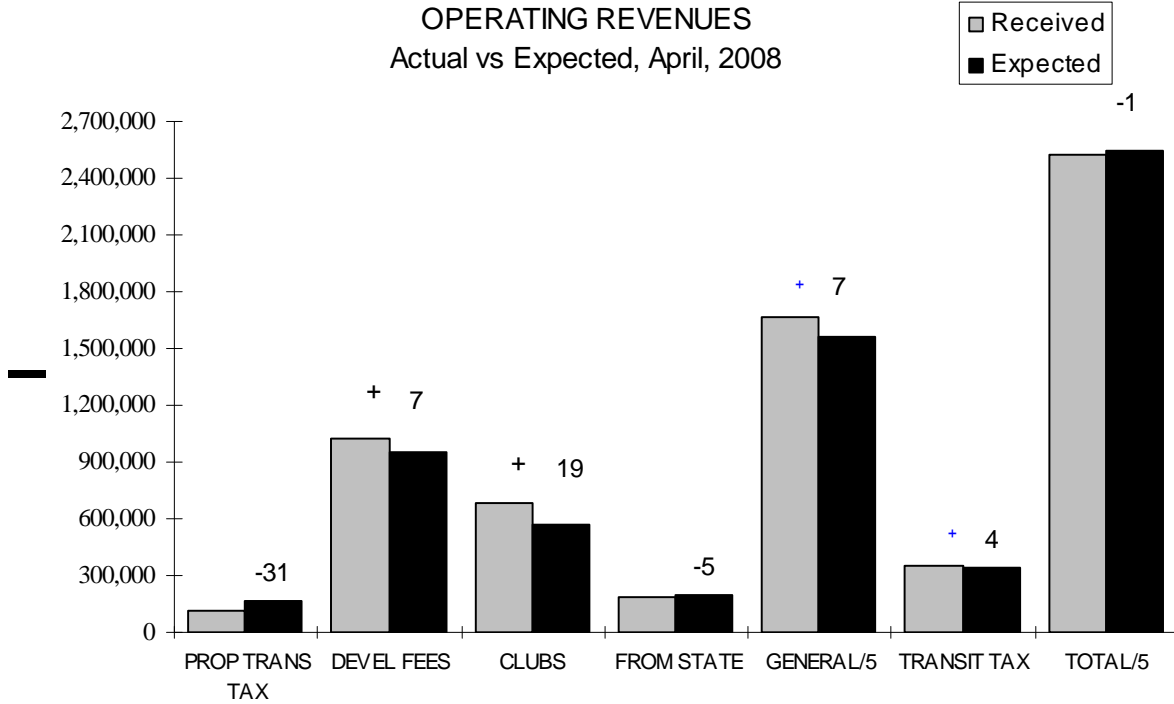
Concession fees (+19%) and development fees (+7%) continue to perform well. Revenue from the state deposited to the general fund (-5%) should rebound in May with receipt of the second allocation of VLF property tax (+\$494,000) and sales tax triple flip (+\$43,000).

Individual operating departments, excluding capital equipment, are below budget, ranging from (-11%) for Police Department to (-1%) for fire services.

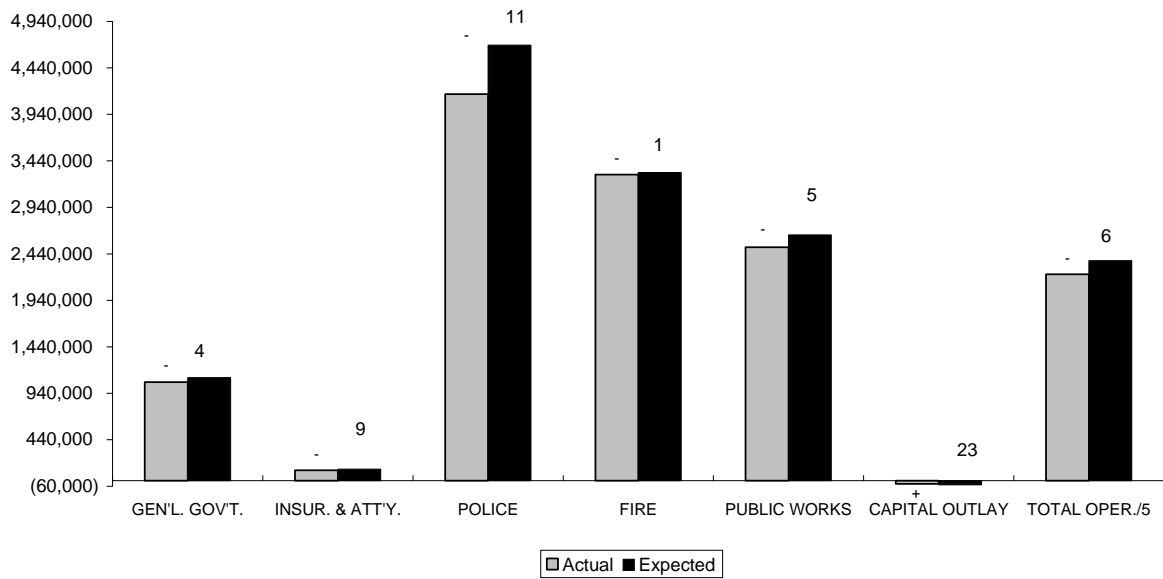
Spot Reports

None.

OPERATING REVENUES
Actual vs Expected, April, 2008



OPERATING EXPENDITURES
Actual vs Expected April, 2008



TO: JOSEPH M. HOEFGEN, CITY MANAGER

FROM: ALLAN RIGG, PLANNING DIRECTOR

SUBJECT: REQUEST TO APPEAL THE PLANNING COMMISSION'S APPROVAL OF NC-1304/GA-1422/M-658-07; NEIGHBORHOOD COMPATIBILITY, GRADING, AND MISCELLANEOUS APPLICATIONS FOR A NEW SINGLE FAMILY RESIDENCE LOCATED AT 376 VIA ALMAR. LOT 5, BLOCK 1514, TRACT 6886.

**APPELLANT/
APPLICANT: DAVID ALPTEKIN
A & A GROUP ARCHITECTS
20341 S. W. BIRCH STREET STE. 320
NEWPORT BEACH, CA 92660**

**OWNER: MEHMET & MUGE KOCARSLAN
376 VIA ALMAR
PALOS VERDES ESTATES, CA 90274**

DATE: MAY 13, 2008

The Issue

Should the City Council confirm the Planning Commission's approval (4-1, Coffey dissenting) of NC-1304/GA-1422/M-658-07; Neighborhood Compatibility, Grading, and Miscellaneous applications for a new Single Family Residence located at 376 Via Almar, as conditioned?

Background and Analysis

This project includes Neighborhood Compatibility, Grading, and Miscellaneous applications for a new single family residence located at 376 Via Almar. The application proposes a 2760 sq. ft. first floor, a 1349 sq. ft. second floor, a 268 sq. ft. basement, and a 572 sq. ft. garage. This project also proposes new hardscape including the driveway, walkways, retaining walls, and patios. The proposed retaining walls in the rear yard exceed the maximum allowable height with a proposed height of 10 ft. Total grading proposed is 8,200 cu. yds. with a maximum cut depth of 20 ft. Please note that the majority of the grading (approximately 7,000 cu. yds.) is for overexcavation and recompaction within the lot. Total proposed floor area is 4,949 sq. ft. Total gross floor area is 6,183.75 sq. ft. including the stairwell (365.5 sq.

ft. cumulatively), the storage on the first floor (393.5 sq. ft.), the storage at the basement (275.25 sq. ft.), the covered balcony at the great room (138.5 sq. ft.), and the elevator shaft (62 sq. ft. cumulatively). Maximum allowable floor area is 5,343 sq. ft. on this 11,977 sq. ft. lot. Building coverage proposed is 29.9% (30% maximum allowed) and total lot coverage proposed is 57.4% (65% maximum allowed). Maximum building height proposed is 28.6 ft. (30 ft. maximum allowed).

History

This project originally had a Preliminary Review with the Planning Commission on October 16, 2007. Concerns at that time were regarding the grading, the height of walls, the three-story element at the front elevation, and view impacts. The project was formally submitted and reviewed at the March 18, 2008 Planning Commission meeting. Concerns were raised regarding the gross floor area, the grading quantities, and the overall size of the structure. It was suggested that the massing be reduced, the grading be reduced, and the plate heights be reduced.

Following revisions, the project was reviewed again by the Planning Commission on April 15, 2008. Concerns were raised regarding the grading quantities and the total gross floor area. The project was ultimately approved with standard conditions and the following additional conditions:

1. The applicant is to eliminate the two rear storage areas on the first floor.
2. A licensed survey of the building coverage shall be completed and submitted to the City to verify compliance with the approved building coverage for the subject lot.
3. All non-standard encroachments shall be removed.
4. A standard urban stormwater mitigation plan, approved by the City Engineer shall be prepared and implemented for the project.

The two storage areas on the first floor comprise a total of 393.5 sq. ft. of gross floor area. The remaining gross floor area of the building is 5,790.25 sq. ft.

Appeal

The Planning Commission's decision has now been appealed by the applicant, David Alptekin, of A & A Group Architects. The appeal purports that the two rear storage areas on the first floor will not be visible from the street or create view impacts for the neighboring properties. The appeal also notes that the elimination of these storage areas will result in a loss of privacy at the central courtyard and additional construction costs due to the loss of the retaining wall.

The appeal includes the appeal documents, the staff report, all supporting documents as presented to Planning Commission, and minutes from the April 15, 2008 Planning Commission meeting.

Correspondence Received

Letters of concern received prior to the April 15, 2008 Planning Commission meeting are included for your review.

Findings Required to Approve

PVEMC Section 18.36.045 states that in order to approve a Neighborhood Compatibility application, the following findings must be made by the City Council:

- A. That the proposed development is designed and will be developed to preserve the greatest extent practicable the natural features of the land, including the existing topography and landscaping;
- B. That the proposed development is designed and will be developed in a manner which will be reasonably compatible with the existing neighborhood character in terms of scale of development in relation to surrounding residences and other structures;
- C. That the proposed development is designed and will be developed in a manner which will preserve to the greatest extent practicable the privacy of persons residing on adjacent properties; and
- D. That the proposed development is designed and will be developed in a manner to the extent reasonably practicable so that it does not unreasonably interfere with neighbor's existing views.

CEQA Status

This project is exempt from the California Environmental Quality Act (CEQA) pursuant to California Administrative Code Title 14, Chapter 3, Section 15303.

Alternatives Available to Council

The following alternatives are available to the City Council:

1. Confirm the Planning Commission's decision to approve NC-1304/GA-1422/M-658-07; Neighborhood Compatibility, Grading, and Miscellaneous applications for a new Single Family Residence located at 376 Via Almar, as conditioned.
2. Confirm the Planning Commission's decision to approve NC-1304/GA-1422/M-658-07; Neighborhood Compatibility, Grading, and Miscellaneous applications for a new Single Family Residence located at 376 Via Almar, with modifications.
3. Deny the Planning Commission's decision to approve NC-1304/GA-1422/M-658-07; Neighborhood Compatibility, Grading, and Miscellaneous applications for a new Single Family Residence located at 376 Via Almar, as conditioned.

Recommendation from Staff

Staff recommends that the City Council open the public hearing, receive public input, close the public hearing, and confirm the Planning Commission's decision to approve NC-1304/GA-1422/M-658-07; Neighborhood Compatibility, Grading, and Miscellaneous applications for a new Single Family Residence located at 376 Via Almar, as conditioned.

Staff report prepared by:
Stacey Kinsella
Planning Department

TO: JOSEPH M. HOEFGEN, CITY MANAGER

FROM: ALLAN RIGG, PUBLIC WORKS DIRECTOR

SUBJECT: PW 536-08; AWARD OF CONTRACT FOR THE CITY ENTRANCE IMPROVEMENTS AT PALOS VERDES BOULEVARD

DATE: MAY 13, 2008

The Issue

Should the City Council award a construction contract in the amount of \$394,259.72 to Bennett Enterprises, Inc. for the completion of the City Entrance Improvements at Palos Verdes Boulevard?

Background and Analysis

In 2001, the Parklands Committee reviewed a list of projects with cost estimates and the available funding for landscape improvements. In their meeting on January 8, 2001, the Committee was asked to prioritize these projects and submit the list for review at the following meeting. The City Entrance at Palos Verdes Boulevard was identified as the second most important project that needed to be accomplished. The highest priority project was signage at the Rolling Hills Estates entrance which was completed in 2003.

Later in 2001, an Ad Hoc Committee was formed comprised of two member of the Parklands Committee to review the needs at the City Entry at Palos Verdes Boulevard to develop a conceptual plan. The Ad Hoc Committee reported the following recommendations to the Parklands Committee:

- Design a plan that highlights the 'Forest' and frames the entry
- Unify the two sides at Via Anita and Via Rosa
- Maintain safety of the center median through the design
- Install groundcover plants to eliminate erosion on the center median
- Trim the trees to expose the trunks
- Grade the slope at Via Anita
- Add color in the median and planter adjacent to the asphalt path
- Design to keep triangle free of obstructions for traffic safety
- Add more plants and trees

- Maintain privacy for the residents at the corners

The Parklands Committee received the Ad Hoc Committee report and asked that the design of the entryway improvements incorporate these recommendations.

The scope of this project was large and not within the current budget, so the Parklands Committee decided to pursue smaller and less expensive projects. In 2001 and 2002, some of the projects which were completed included the South City Entrance, City Center Park, and Farnham Martin Park. A copy of a 2001 memorandum to the Parklands Committee indentifying potential projects is included as additional background information.

2003 brought more discussions concerning the City Entrance at Palos Verdes Boulevard. Due to the scope, phasing the areas was considered. Additionally, a storm drain across the entry was scheduled to be installed under the western pathway and would destroy much of the proposed vegetation. It appeared prudent to wait until this project was complete and not risk damage to the newly landscaped area.

2004 continued discussions about the City Entrance at Palos Verdes Boulevard. The Parklands Committee identified the Crib Wall as the area most in need of improvement. The Crib Wall was approved and landscaped as a separate contract.

In July of 2006 the Via Rosa Storm Drain was completed. The City Entrance Improvements at Palos Verdes Boulevard were again discussed at the October 2006 Parklands Committee meeting. Staff was directed to contract with a Landscape Architect to produce construction plans and an estimate for the project. Staff estimated the construction cost for the project at \$ 400,000. The three areas for landscape improvements included were:

- The area adjacent to Via Anita. The north limit is Via Anita where the city sign is located, the east limit is the walking path behind the Eucalyptus trees, the west limit is the curb on Palos Verdes Boulevard, and the south limit is the beginning of the crib wall.
- The center median. The north limit is the end of the median, the south limit is the grass lawn, and the east/west limits are curb to curb.
- The area adjacent to Via Rosa and Malaga Canyon. The north limit is the corner where the church sign is located, the south limit is the end of the asphalt path across from Via Chico, the west limit varies but follows the tree line adjacent to the asphalt path and includes five feet around the canyon mouth, and the east limit is the curb adjacent to Palos Verdes Boulevard /Palos Verdes Drive West.

Please note that the only trees to be removed are the trees along the median and one eucalyptus along the walking path that need to be removed due to structural issues. We reviewed the possibility of adding additional trees along the median instead of removing the existing ones, but there is simply not enough room in the planter area for trees. The existing

trees have filled the median with their roots and we would kill many of the trees to plant new ones.

The base bid includes clearing and grubbing; center median tree removals, grading, irrigation and plant material. In preparing the plan, a number of additive bid items were discussed with the Landscape Architect that would enhance the project and protect the investment. The additive bid items include:

1. Replacement of the rotted telephone pole sections in the railroad tie wall adjacent to the asphalt path. These sections are proposed to be replaced with walls faced with P. V. stone using the same design as the City Entrance sign at Via Anita.
2. Saw cutting the edge of the asphalt path and installing railroad ties. This is intended to provide an edge that matches the curve of Palos Verdes Boulevard and repairs the broken and chipped asphalt edge. This retains the edge and soil on the top slope keeping the path free of eroding soil with the timbers set at 6 inches above grade on the side adjacent to the Boulevard. The timbers are to be set flush with the level of the asphalt path on the canyon side to stop more asphalt path from being broken and chipped away. This will reduce the rate of erosion of the asphalt path. The County Sanitation Department must service man holes on this path and the trucks need the full asphalt width. Also, without this protection, the new landscape and irrigation system adjacent to the asphalt path will be vulnerable to damage from encroaching tires. The timbers will also match the existing timbers and provide a pleasing and unifying element to the landscape improvements.
3. Remove and replace asphalt pathway. This replaces two sections of the asphalt path that are in poor condition and avoids future damage to the landscape if the paths were to be repaired later.
4. Slope repair. This repairs an area that was washed out when a main irrigation line under pressure was damaged by a car accident. Additionally, the new irrigation system has 'flow sensors' that will shut the water flow off when abnormal flows of water are detected.
5. Concrete catch basin and drain. This is intended to remove rain water at the lowest point on the asphalt path and reduce erosion on the canyon side. The design calls for a vault with a grate in the path. A pipe to transport water to the bottom of the canyon is included.
6. Saw cut asphalt pathway edge and replace with timber borders. This item is only appropriate if number 2 is not approved. This will enable selective repair and protection in the worst areas of erosion. As described below, we are not recommending this option, but are recommending the much preferred option 2 above.
7. Remove and replace concrete sidewalk. This removes and replaces 20 feet of the deteriorated concrete sidewalk across from Via Chico at the asphalt path entrance.

Staff advertised with Bid America, F. W. Dodge, and Reed Construction Services. Construction bids were received on April 23, at 10:30 a.m. The results are as follows:

	America West Landscape	Bennett Landscape	Cedars Engineering Construction
Base Bid	\$251,490.89	\$317,564.72	\$378,975.00
A1	\$21,373.20	\$10,000	\$24,000
A2	\$22,572	\$39,625	\$114,000
A3	\$7,269	\$19,200	\$24,000
A4	\$1,985.67	\$3,000	\$70,000
A5	\$2,598.91	\$2,870	\$35,000
A6	\$2,518	\$2,780.60	\$8,000
A7	\$898	\$2,000	\$2,000

America West Landscape did not submit all required Addendums with their bid proposal, and, therefore, was disqualified for submitting an incomplete bid. Bennett Enterprises, Inc. submitted the lowest qualifying bid for the project. They have completed many projects of similar size and scope for the Cities of Rolling Hills Estates, Long Beach Unified School District, ABC Unified School District and El Segundo Unified School District. In reviewing their references with these entities, comments were positive concerning quality, service and responsiveness. Bennett Landscape has completed a number of landscape projects in P.V.E including City Center Park and the Valmonte Entrance. These landscape projects were completed without any problems. Staff believes they are well equipped to satisfactorily complete the City's project.

The total of the base bid plus all the additive bid items is \$394,259.72. Please note A6 is excluded as we propose A2 is implemented. We would like to include all the additive bid items as these will complete the job appropriately, and are within the original construction estimate reviewed by the Parklands Committee. A copy of Bennett's bid submittal and the City's standard contract are attached to this report.

The following schedule is anticipated:

- May 13 Contract awarded.
- June 16 Contract, insurance certificates signed by contractor & City.
- June 30 Work expected to begin.
- September 30 Work expected to be complete.

We would anticipate lane closures during the construction, but will require that one lane of travel be open in each direction at all times.

Alternatives Available to Council

The following alternatives are available to the City Council:

1. Award a construction contract in the amount of \$394,259.72 to Bennett Enterprises, Inc., for the completion of the City Entrance Improvements at Palos Verdes Boulevard. Include in the award Base Bid, Additive 1-5 and Additive 7.

2. Award a construction contract in the amount of \$394,259.72 to Bennett Enterprises, Inc., for the completion of the City Entrance Improvements at Palos Verdes Boulevard. Include Additive Items as the Council directs.
3. Decline to Act.

Recommendation from Staff

Staff recommends that the Council:

Award a construction contract in the amount of \$ 394,259.72 to Bennett Enterprises, Inc., for the completion of the City Entrance Improvements at Palos Verdes Boulevard.

Fiscal Impact

The FY 2007/08 budget appropriates \$ 445,225 for this project. During the design phase, staff has expended \$17,338.50 of the budget, leaving \$427,836.50 available.

Staff estimates the following costs for this project:

Construction	\$394,259.72
Inspection and Administration	\$30,000
<u>Total</u>	<u>424,259.72</u>

Thus, sufficient funding is available for the completion of the project.

Please note that \$237,000 of the project’s funding is restricted funding from Proposition 40 (2002 State Resources Bond Act) and other past ballot measures. We have contacted the State, and verified that the funds are available in the amount of \$237,000 and will be provided to the City upon completion of this project.

Staff report prepared by:
 Carl Moritz
 Public Works Department