



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**

April 8, 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. 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. R08-08
NEXT ORDINANCE NO. 08-683**

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

CEREMONIAL MATTERS

- Swearing-in of Captain Kevin Scroggins and Sergeant Steve Barber (Chief Dreiling)

CITY COUNCIL AGENDA
APRIL 8, 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 March 25, 2008

Recommendation: Review and File.

2. PW-535-08; Award of Contract for the 6-Inch Sanitary Sewer Pipe Cleaning Project to Advanced Sewer Technologies in the Amount of \$43,676 and Adoption of Resolution R08-07 Adjusting the Fiscal Year 2007-08 Budget

Recommendation: It is recommended that the City Council award the public works contract for the 6-Inch Sanitary Sewer Pipe Cleaning Project to Advanced Sewer Technologies in the amount of \$43,676.00, and adopt Resolution R08-07, adjusting the FY07-08 budget.

3. Parklands Committee Meeting Items of March 10, 2008

Recommendation: Review and Approve.

- a. PC-282-08; Application to reduce six eucalyptus trees in the City parkland located adjacent to Saint Francis Church for view restoration.

Applicant: Stanley and Maureen Moore
2416 Via Anita
Palos Verdes Estates, CA 90274

Action: Approved (5-0). The applicant is approved to reduce six eucalyptus trees by 15 % (7-8 feet) as directed by the City Forester. This trimming is to be performed at the appropriate time of the year and all costs of the trimming is the responsibility of the applicant. If any of the trees should die within one year of the trimming, the applicant is responsible to plant a replacement eucalyptus tree for each dead tree and maintain the new tree(s) for one year. The applicant is approved to perform this trimming annually at the appropriate time of the year with a no-fee permit.

- b. PC-286-08; Application to remove two pine trees at 1825 Paseo Del Sol

Applicant: Dr. and Mrs. Jain

924 Via Mirada
Palos Verdes Estates, CA 90274

Action: Approved (4-1, Levine dissenting). The applicant is approved to remove two pine trees according to the ‘Standard Conditions for Tree Removal Approvals’ and to plant three new designated street trees.

c. PC-287-08; Removal of Via Arroyo/Via Almar Street Light

Applicant: The City of Palos Verdes Estates

Action: Denied (5-0).

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

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 Denial of NC-1314-07; Consideration of a Neighborhood Compatibility Application for a New Single Family Residence Located at 3929 Via Solano. Lot 8, Block 6201, Tract 6887

Appellant/Owner: Henry Hymes
3929 Via Solano
Palos Verdes Estates

Applicant: Peter Audelo
4612 Allende Avenue
Oceanside, CA 92057

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

NEW BUSINESS

5. Authorization to Seek Construction Bids for the Renovation of the Lunada Bay Fountain

Recommendation: It is recommended that City Council authorize staff to seek construction bids for both Phase 1 and Phase 2 for the renovation of the Lunada Bay Fountain.

STAFF REPORTS

6. **City Manager's Report**

DEMANDS

7.
 - a. Authorize Payment of Motion #1 – Payroll Warrant of April 4, 2008
 - b. Authorize Payment of Motion #2 – Warrant Register of April 8, 2008

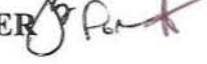
Recommendation: Authorize Payment of Motions #1 and #2.

MAYOR & CITY COUNCILMEMBERS' REPORTS

ADJOURNMENT TO TUESDAY, APRIL 22, 2008, AT 7:30 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, April 9, 2008 at 7:30 p.m., and Wednesday, April 16, 2008, at 7:30 p.m.*

Agenda Item #: 2
Meeting Date: 04/08/08

TO: JOSEPH M. HOEFGEN, CITY MANAGER 

FROM: ALLAN RIGG, PUBLIC WORKS DIRECTOR

SUBJECT: PW-535-08; AWARD CONTRACT FOR THE 6-INCH SANITARY SEWER PIPE CLEANING PROJECT TO ADVANCED SEWER TECHNOLOGIES IN THE AMOUNT OF \$43,676 AND ADOPT RESOLUTION R08-07, ADJUSTING THE FISCAL YEAR 2007-08 BUDGET

DATE: APRIL 8, 2008

Introduction

Should the City Council award a contract in the amount of \$43,676 to Russell Warner Inc. DBA Advanced Sewer Technologies, for PW-535-08; 6-Inch Sanitary Sewer Pipe Cleaning Project, and adopt Resolution R08-07, adjusting the Fiscal Year 2007-08 Budget?

Background and Analysis

This project will clean out and televise 6-inch diameter sewer pipes in various street and easement locations throughout the City. Because of their smaller size, six-inch sewer pipes are not maintained by the Los Angeles County Department of Public Works (LACDPW). Although one program in the City's Sewer Master Plan calls for the upgrade of 6-inch sewer pipes to 8 inches in diameter, it will not begin until Fiscal Year 2010/11 and addresses only 5,000 feet of the City's 9,667 feet of 6-inch sewer mains, many of which are located in backyard easements. A project undertaken now to thoroughly clean the lines using water jets and a mechanical root cutter will in the short term be less destructive to private property as well as less expensive, and will allow televising of the mains to determine which might need immediate removal and upgrade, if any, at which time they would be upgraded to 8-inch-diameter lines with maintenance assumed by LACDPW.

Until the upgrade program begins, this cleaning project will allow the City to comply with new State regulations for stringent maintenance of sewer pipes and reporting of overflows. In the past the City has only cleaned these mains periodically, and usually only when there have been reported problems with specific mains. This is a maintenance project that is sorely needed as most of the 6-inch lines have never been cleaned. The video footage resulting from this project will help identify and prioritize the later upgrades.

In preparing for this bid, staff found that approximately 1,287 linear feet of 6-inch pipe identified in the Sewer Master Plan might have been identified incorrectly, and may instead be either private house laterals or 8-inch-diameter pipes. These lines will be further evaluated in the field during the project, to determine if they are indeed City 6-inch sewer mains. If so, those pipes will be cleaned along with the approximately 8,499 linear feet of City 6-inch pipes which are definitely part of the project scope.

Staff advertised in Bid America, F. W. Dodge, and Reed Construction Data. During the bidding process a mandatory job walk was held by staff on February 19, 2008. Two bids were received on March 12, 2008, at 10:30 a.m. The results were as follows:

Russell Warner Inc. DBA Advanced Sewer Technologies	\$43,676
National Plant Services, Inc.	\$310,687

Staff investigated the bid proposal and work history for Russell Warner Inc. DBA Advanced Sewer Technologies, and found them to be the lowest responsive and responsible bidder. They have completed projects of similar size and scope and are well equipped to undertake the current project. The Cities of Hermosa Beach, San Marino, Pasadena, and Maywood have used them for sewer projects and are satisfied with their work.

Staff feels the difference in the two bid amounts owes to National Plant Services' unwillingness to undertake the project unless compensated to their satisfaction. While very high bids are usually associated with capital improvement projects greater than \$50,000, the disparity here is not necessarily an indication that Russell Warner Inc. DBA Advanced Sewer Technologies has underbid the project. Staff's original budget estimate for the project was \$31,000 so the actual bid amount is close to the available budget.

The mandatory pre-bid job walk held February 19, 2008, revealed to potential bidders that some sewer easements would be located in sloped and probably landscaped areas. At the job walk National Plant Services expressed concern over whether the contractor would be held responsible for finding and uncovering buried access manholes, and whether the City would compensate the contractor if this process took more than several days' time. Staff replied that this indeed would be the contractor's responsibility and additional compensation for it should not be considered. National Plant Services' bid, then, may simply reflect their assumption of how much additional time and effort it might take for sewer cleaning within private easements, and the compensation they feel would allow them to pursue this contract instead of other, less potentially time-consuming projects.

The following schedule is anticipated:

- April 8 Contract awarded.
- May 12 Contract, insurance certificates signed by contractor & City.
- June 16 Project begins.
- October 6 Project completed.

Alternatives Available to Council

The following alternatives are available to Council:

1. Award a contract in the amount of \$43,676 to Russell Warner Inc. DBA Advanced Sewer Technologies, for PW-535-08; 6-Inch Sanitary Sewer Pipe Cleaning Project, and adopt Resolution R08-07, adjusting the Fiscal Year 2007-08 Budget.
2. Decline to Act.

Conclusions and Recommendations

Staff recommends that the City Council award a contract in the amount of \$43,676 to Russell Warner Inc. DBA Advanced Sewer Technologies, for PW-535-08; 6-Inch Sanitary Sewer Pipe Cleaning Project, and adopt Resolution R08-07, adjusting the Fiscal Year 2007-08 Budget.

Fiscal Impact

Because this project is maintenance in nature and not part of the rehabilitation and replacement projects called for in the Sewer Master Plan, it is budgeted in the general capital budget (Fund 30). The Fiscal Year 2007-08 capital budget shows \$30,500 available. Staff estimates the following project costs:

Construction Costs	\$43,676
Inspection/Administration	\$4,300
<hr/> Total	<hr/> \$47,976

In order to cover the total project cost, \$17,480 is needed to increase the available budget to \$47,980.

Budget Resolution R08-07 has been prepared and is attached. The resolution transfers \$17,480 from the Unobligated Capital Fund Balance to the Sewer Cleaning Project.

Staff report prepared by:



Floriza Rivera
Public Works Department

TO: JOSEPH M. HOEFGEN, CITY MANAGER

FROM: ALLAN RIGG, PLANNING DIRECTOR

SUBJECT: REQUEST TO APPEAL THE PLANNING COMMISSION'S DENIAL OF NC-1314-07; NEIGHBORHOOD COMPATIBILITY APPLICATION FOR A NEW SINGLE FAMILY RESIDENCE LOCATED AT 3929 VIA SOLANO. LOT 8, BLOCK 6201, TRACT 6887.

**APPLICANT: PETER AUDELO
4612 ALLENDE AVENUE
OCEANSIDE, CA 92057**

**OWNER/
APPELLANT: HENRY HYMES
3929 VIA SOLANO
PALOS VERDES ESTATES, CA 90274**

DATE: APRIL 8, 2008

The Issue

Should the City Council confirm the Planning Commission's denial (4-0, Coffey absent) of NC-1314-07; Neighborhood Compatibility application for a new Single Family Residence located at 3929 Via Solano?

Background and Analysis

This is a Neighborhood Compatibility application for a new single family residence located at 3929 Via Solano. The application proposes a 1432 sq. ft. first floor, a 1532 sq. ft. second floor, a 238 sq. ft. mezzanine, and a 429 sq. ft. garage. The project also proposes new hardscape including a walkway and a driveway. Total proposed floor area is 3,631 sq. ft. Total gross floor area proposed is 3,828.15 sq. ft. including the two-story volume at the foyer (61.25 sq. ft.), the stairwells (58.15 sq. ft. cumulatively), the elevator shaft (25 sq. ft.) and the two-story volume at the mezzanine (52.75 sq. ft.). Maximum allowable floor area is 3,631 sq. ft. on this 7,262 sq. ft. lot. Building coverage proposed is 25.62% (30% maximum allowed) and total lot coverage proposed is 34.26% (65% maximum allowed). Maximum building height proposed is 29.8 ft. (30 ft. maximum allowed).

History

This project was originally reviewed by the Planning Commission on February 19, 2008. Concerns were raised regarding the height and overall massing of the project. There were concerns with the view impacts and the possible impacts to privacy. It was suggested by one commissioner that the roof be redesigned, the plate heights be lowered, and that the mezzanine be eliminated. There were also concerns regarding the applicant's efforts to mitigate the impacts to the neighbors. The project was ultimately denied.

Appeal

The Planning Commission's decision has now been appealed by the owner, Henry Hymes. The appeal purports that the project was designed per the code requirements. Prior to the purchase of the property, the owner researched the code requirements to verify that the plans he wished to propose would be possible. The owner also indicates that he followed protocol in processing his plans with the Art Jury and with the Planning Commission. While there was opposition from some of his neighbors, the owner feels that there is no way to address their concerns.

Please note that Staff has not spoken to Mr. Hymes directly. It is the opinion of Staff that when the owner notes that he spoke with "City Planners", he is referring to the Palos Verdes Homes Association and/or the Art Jury. All processing with the Planning Department has been coordinated by the applicant, Peter Audelo. Mr. Audelo received all the appropriate application materials explaining the Planning Commission process. Staff is intimately aware of the Neighborhood Compatibility process and at no time would Staff indicate that the maximum quantities noted in the code are considered an entitlement.

The appeal includes the appeal documents, the staff report, all supporting documents as presented to Planning Commission, and minutes from the February 19, 2008 Planning Commission meeting.

Correspondence Received

Letters of concern received prior to the February 19, 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 deny NC-1314-07; Neighborhood Compatibility application for a new Single Family Residence located at 3929 Via Solano.
- 2. Deny the Planning Commission's decision to deny NC-1314-07; Neighborhood Compatibility application for a new Single Family Residence located at 3929 Via Solano.

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 deny NC-1314-07; Neighborhood Compatibility application for a new Single Family Residence located at 3929 Via Solano.

Staff report prepared by:

Stacey Kinsella, Planning Department

TO: JOSEPH HOEFGEN, CITY MANAGER

FROM: ALLAN RIGG, PUBLIC WORKS DIRECTOR

**SUBJECT: AUTHORIZATION TO SEEK CONSTRUCTION BIDS FOR THE
RENOVATION OF THE LUNADA BAY FOUNTAIN**

DATE: APRIL 8, 2008

The Issue

Should the City Council authorize staff to seek construction bids for the renovation of the Lunada Bay Fountain?

Background and Analysis

The City Council approved the design for the renovations to the Lunada Bay Fountain at their meeting on September 25, 2007. The design had previously been approved by the Parklands Committee, the Art Jury, and the Lunada Bay Homeowners Association. The renovations include both improvements to the fountain walls and interior (Phase 1), as well as to the concrete steps surrounding the fountain (Phase 2).

The City had previously budgeted funds this year for repairs to the fountain. The following is from the staff report which went to Council requesting the funds:

DESCRIPTION This item is to address the deteriorating condition of Lunada Bay Fountain. Currently, tiles no longer adhere and are falling out, the grout is desiccated and cracked, and the basin surface, particularly below the water line, has eroded and is subject to water intrusion.

The following work is proposed:

- Strip plaster and epoxy paint gunite
- Bead blast exposed waterline throughout, reset missing tiles and re-grout with white tile.
- Pebble Tec basin floor and sides to the waterline (10 year adhesion warranty).

Rather than just repairing the internal workings and missing tiles/grout of the fountain as the originally envisioned maintenance work, the Lunada Bay Homeowners Association and community, with the approval of the City of Palos Verdes Estates, have undertaken a plan to restore the fountain's facade to its originally intended design. Peter Bena, a local architect and Lunada Bay resident, donated his services to create the renderings and construction documents for the restoration.

The renovations have been divided into two phases that can either be done together or separately. There are some cost savings if done together, but there are not any significant logistical difficulties if done separately.

Phase 1 Scope

- Remove existing tiles and fountain centerpiece
- Supply and affix new concrete panels to outside of fountain walls
- Supply and mount new "bowl" centerpiece
- Upgrade electrical service
- Waterproof inside of fountain bowls
- Supply and install new lighting within main fountain bowl

Phase 2 Scope

- Supply and install new lighting in steps around fountain
- Supply and install PV Stone or similar stone on steps surrounding fountain

These renovations go significantly beyond the original scope of repairs that the City had planned for this year, and accordingly require additional funds. In order to bridge this gap in funding, the Lunada Bay Homeowners Association has been on a campaign to raise the additional funds. Although they have worked diligently to raise \$38,075 for the renovations, there is still a funding shortfall, and thus their efforts continue. A request has been made by the group to the Palos Verdes Homes Association which will be reviewed this month.

Additionally, the City had been holding a donation made for the construction of the Lunada Bay Park after the project was already fully-funded. We have spoken to the donor and she has authorized the City to apply this donation to the fountain project.

Current funds available for project:

City budget	\$24,600
LBHOA	\$38,075
Donation for LB Park	\$20,000
Total	\$82,675

The following are the cost estimates for the Lunada Bay Fountain:

Phase 1

Main fountain construction	\$51,850	Per preliminary bid
Fountain lights	\$4,000	
Electrical for main fountain	\$10,500	Per preliminary bid
Admin	\$5,000	
Contingency	\$6,000	
Total	\$77,350	

Phase 2

PV Stone work	\$27,750	Per preliminary bid
Lights	\$2,000	
Contingency	\$2,000	
Administration	\$2,000	
Total	\$33,750	

Grand total: \$111,100

There is currently funding available to complete Phase 1, but not for Phase 2. Typically we only request bids for projects after complete funding has been secured. However in this case it may be appropriate to look at other options.

If we were to obtain authorization tonight to proceed to request construction bids for the fountain, the following is the schedule we would anticipate:

- April 21 – Begin advertising for project
- May 19th – Closing date for bids
- May 27th – City Council awards bid
- June 9th – Construction begins

Alternatives Available to the City Council

In light of the current funding and schedule, the following are the three courses of action that the City Council could take:

- Authorize staff to bid Phase 1. We have the funds for Phase 1, and once funds are available for Phase 2, staff would seek Council approval to bid for Phase 2 construction.
- Authorize staff to bid Phase 1 and Phase 2. As there is six weeks between tonight and the earliest date to award the contract, the Lunada Bay Homeowners would have time to raise the additional funds during this period to be able to award the entire contract. We would bid Phase 1 as the main contract, with the option to add Phase 2 as an “add alternate”.

This would allow the Council to award only Phase 1 if the funding goals are not met. The award could even be delayed an additional four weeks, until the June 24th City Council meeting, if it appeared that fundraising efforts could achieve full funding by delaying the award. (This is the staff's recommendation).

- Delay the authorization to bid until all funding for both phases has been secured.

Please note that the start date for the construction of the fountain may be delayed as the concrete side panels and the fountain bowl are custom pieces and need to be ordered and constructed.

Recommendation from Staff

Staff recommends that the City Council authorize staff to seek construction bids for both Phase 1 and Phase 2.

Staff report prepared by:

Allan Rigg
Public Works Department