



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**

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

November 24, 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. R09-37
NEXT ORDINANCE NO. 09-695**

CALL TO ORDER

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

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

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 be deemed appropriate.

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PLEDGE OF ALLEGIANCE

ROLL CALL

MAYOR'S REPORT – Matters of Community Interest

CONSENT AGENDA

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 #5a-g. 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 November 10, 2009

Recommendation: Review and File.

2. Treasurer's Report – October 2009

Recommendation: Receive and File.

3. Parklands Committee Meeting Item of November 9, 2009

Recommendation: Review and Approve.

- a. PC-308-09; Application to remove one Carob tree in the city parkway located adjacent to 501 Via Media for view restoration

Applicant: Janine and John Nendick
508 Via Media
Palos Verdes Estates, CA 90274

Action: Denied (4-1, Shaffer dissenting).

4. Traffic Safety Committee Meeting Items of November 11, 2009

Recommendation: Review and Approve.

- a. Review of Edgeline Striping on Via Anacapa between Paseo Lunado and Via Sola and Request for No Parking on East Side of Via Anacapa between Paseo Lunado and Via Sola

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Action: Recommended that staff 1) leave the edgeline striping and revised centerline striping in place and 2) install No Parking restrictions on the east side of Via Anacapa between Paseo Lunado and Via Sola. The No Parking restrictions shall match existing restrictions on Via Alvarado. Approved (4-0; Kennedy absent).

b. Via Nivel Traffic Calming Application

Action: Recommended that staff 1) bring the issue of STOP signs on Via Nivel at Via Solano back before the committee, 2) bring the issue of STOP signs on Via Nivel at Via Azalea back before the committee, 3) introduce the issue of moving the No Parking restriction on the north side of Via Nivel to the south side between Via Azalea and Via Valmonte only, and 4) research the alternatives for edgeline striping on Via Nivel from Palos Verdes Drive North to Via Valmonte and bring the issue before the committee. Approved (4-0).

5. Planning Commission Actions of November 17, 2009

Recommendation: Receive and File.

a. **WT-112-09;** Consideration of a Wireless Telecommunication Facilities Application for structures within the right-of-way adjacent to the open space zone on Punta Place. Lot D, Block 1555, Tract 7333.

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

Action: Denied (5-0).

b. **NC-1366/V-81-09;** Consideration of Neighborhood Compatibility and Variance Applications for additions to the single family residence located at 613 Via Del Monte. Lot 4 & a portion of Lot 5, Block 1615, Tract 6884.

Applicant: Russell E. Barto
3 Malaga Cove Plaza #202
Palos Verdes Estates, CA 90274
Owner: Mr. & Mrs. James Sanders

Action: Approved (5-0) with standard conditions and the following additional condition: 1) All existing non-standard encroachments including, but not limited to the bricks adjacent to the mailbox and the wall around the tree shall be removed.

c. **NC-1369/GA-1459/SC-129-09;** Consideration of Neighborhood Compatibility, Grading and Sports Court Applications for a new single family residence located at 1820 Paseo Del Sol. Lot 8, Block 1550, Tract 7333.

Applicant: Tomaro Architecture
1001 6th St., Suite 100

Manhattan Beach, CA 90266
Owner: Kimie Kanazawa
1708 Via Coronel
Palos Verdes Estates, CA 90274

Action: Approved (5-0) with standard conditions and the following additional conditions: 1) City standard curb and gutter shall be installed per construction plans prepared by a registered Civil Engineer and approved by the City Engineer; 2) All existing non-standard encroachments shall be removed.

d. **NC-1372/M-743-09;** Consideration of Neighborhood Compatibility and Miscellaneous Applications for a new single family residence located at 4417 Via Pinzon. Lots 27 & 28, Block 6334, Tract 7143.

Applicant: Assembledge +
6363 Wilshire Blvd., #401
Los Angeles, CA 90048
Owner: Kei & Takeo Ogami

Action: Approved (5-0) with standard conditions and the following additional conditions: 1) There shall be no grass-crete in the City right-of-way; 2) City standard Hollywood berm to be installed along the edge of the roadway per construction plans prepared by a registered Civil Engineer and approved by the City Engineer; 3) All existing non-standard encroachments shall be removed.

e. **NC-1338R-09;** Consideration of a revised Neighborhood Compatibility Application for additions to the single family residence located at 749 Via Del Monte. Lot 3, Block 1534, Tract 6884.

Applicant/Owner: Jinshu Zhang

Action: Approved (4-0, Evans recused) with standard conditions.

f. **NC-1261R/M-739-09;** Consideration of revised Neighborhood Compatibility and Miscellaneous Applications for the new single family residence located at 1415 Via Arco. Lot 8, Block 4, Tract 8043.

Applicant: Sid Kajavi
4040 Palos Verdes Drive North
Rolling Hills Estates, CA 90274
Owner: Patrick De La Torre
1500 Paseo La Cresta
Palos Verdes Estates, CA 90274

Action: Approved (5-0) with standard conditions and the following additional conditions: 1) Staff is to report the architect of record to the appropriate licensing board; 2) Miscellaneous application M-739-09 is denied.

- g. **M-736-09**; Consideration of a Miscellaneous Application for structures exceeding the maximum allowable height at the single family residence located at 2224 Via Guadalana. Lot 12, Block 1632, Tract 7330.

Applicant: Peveler's Custom Interiors
4203 Spencer St.
Torrance, CA 90503
Owner: Susan Gilbert

Action: Approved (5-0) with standard conditions and the following additional conditions: 1) The deck is approved; 2) The fence exceeding 42" in height within the setback adjacent to the street is denied; 3) The non-standard driveway is to be repaired and replaced.

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.

ORDINANCE

Actions to introduce or adopt an ordinance shall be deemed to have the title read and further reading waived.

6. Introduction of Ordinance 09-694; Amending Section 18.05.040 of the Palos Verdes Estates Municipal Code Relating to the Procedure for Processing Applications for Sports Court Permits

Recommendation: It is recommended that the City Council introduce Ordinance 09-694; an Ordinance of the City Council of the City of Palos Verdes Estates amending Section 18.05.040 of the Palos Verdes Estates Municipal Code relating to the procedure for processing applications for sports court permits.

OLD BUSINESS

7. Review of Disaster Service Worker Policy

Recommendation: It is recommended that the City Council review and comment on the proposed Disaster Service Worker Policy, and forward it to the Accredited Disaster Council for action.

NEW BUSINESS

8. Palos Verdes Tennis Club FY 2010 Operating and Capital Budgets

Recommendation: It is recommended that the City Council approve the FY 2010 Palos Verdes Tennis Club operating and capital budgets.

9. PW-557B-09; Award of the FY 2009-10 Overlay Project and Adoption of Resolution R09-36 to Adjust the Fiscal Year 09-10 Budget

Recommendation: It is recommended that the City Council award a construction contract in the amount of \$411,895 to Hardy and Harper, Inc. for the completion of the FY 09-10 Overlay Project, including alternates A2 through A6, and adopt Resolution R09-36 to adjust the FY 09-10 budget.

10. Resolution R09-35; Authorizing the Submittal of a Funding Application to the California Energy Commission to Implement Energy Efficiency Improvements at Palos Verdes Estates City Hall

Recommendation: It is recommended that the City Council receive the report and adopt Resolution R09-35.

STAFF REPORTS

11. City Manager's Report

DEMANDS

12. a. Authorize Payment of Motion #1 - Payroll Warrant of November 13, 2009
b. Authorize Payment of Motion #2 - Warrant Register of November 24, 2009

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

MAYOR & CITY COUNCILMEMBERS' REPORTS

ADJOURNMENT TO TUESDAY, DECEMBER 8, 2009, 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, November 25, 2009, at 7:30 p.m., and Wednesday, December 2, 2009, at 7:30 p.m.*

**CITY COUNCIL AGENDA
NOVEMBER 24, 2009**

Agenda Item #: 5a-g
Meeting Date: 11/24/09

TO: JOSEPH HOEFGEN, CITY MANAGER
FROM: ALLAN RIGG, PLANNING DIRECTOR
DATE: NOVEMBER 24, 2009
SUBJECT: PLANNING COMMISSION ACTIONS OF NOVEMBER 17, 2009

The items attached were acted upon by the Planning Commission on November 17, 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.

Agenda Item #: 6

Meeting Date: 11/24/09

TO: JOSEPH M. HOEFGEN, CITY MANAGER

FROM: ALLAN RIGG, PLANNING DIRECTOR

SUBJECT: INTRODUCTION OF ORDINANCE 09-694; AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALOS VERDES ESTATES, CALIFORNIA AMENDING SECTION 18.05.040 TO THE PALOS VERDES ESTATES MUNICIPAL CODE RELATING TO THE PROCEDURE FOR PROCESSING APPLICATIONS FOR SPORTS COURT PERMITS

DATE: NOVEMBER 24, 2009

The Issue

Should the City Council introduce Ordinance 09-694; an ordinance of the City Council of the City of Palos Verdes Estates, California, amending Section 18.05.040 of the Palos Verdes Estates Municipal Code Relating to the Procedure for Processing Applications for Sports Court Permits?

Background and Analysis

Currently, the municipal code states that the Planning Commission is to make a recommendation on Sports Court Permit applications to the City Council. Then, the City Council is to review the recommendation and make a final determination.

Procedurally, however, the Planning Commission reviews Sports Court Permit applications the same way it would review all other land use entitlements. Per Section 17.04.100, the Planning Commission is to make a determination at the Planning Commission meeting and then that decision is forwarded to the City Council. It is considered unnecessary for the City Council to review each Sports Court Permit application individually. Moreover, Sports Court Permit applications are often times submitted along with Neighborhood Compatibility or Grading Permit applications, thus it is considered more efficient to process these applications concurrently and under the same guidelines.

Ordinance 09-694 modifies Section 18.05.040 to require that Sports Court Permit applications be processed in compliance with the procedures outlined in Section 17.04.100. This ordinance will

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ultimately make the municipal code consistent with the procedures historically utilized by the City to process Sports Court Permit applications.

Attached are copies of the proposed ordinance as well as the procedures currently outlined in Sections 18.05.040 and 17.04.100.

Alternatives Available to the City Council

1. Introduce Ordinance 09-694; an Ordinance of the City Council of the City of Palos Verdes Estates amending Section 18.05.040 of the Palos Verdes Estates Municipal Code relating to the procedure for processing applications for sports court permits.
2. Decline to act.

Recommendation from Staff

Staff recommends that the City Council introduce Ordinance 09-694; an Ordinance of the City Council of the City of Palos Verdes Estates amending Section 18.05.040 of the Palos Verdes Estates Municipal Code relating to the procedure for processing applications for sports court permits.

Staff report prepared by:
Stacey Kinsella
Planning Department

TO: JOE HOEFGEN, CITY MANAGER
FROM: DANIEL DREILING, POLICE CHIEF
SUBJECT: REVIEW OF DISASTER SERVICE WORKER POLICY
DATE: NOVEMBER 10, 2009

Issue:

City Council review and comment on the proposed Disaster Service Worker policy.

Background and Analysis:

By definition, a disaster is an event or series of events the magnitude of which exceeds all available mitigating resources. Considering that our total strength of sworn police officers (regular and reserve) firefighters, members of public works and miscellaneous employees approximates 60, in time of a disaster we will necessarily rely heavily on volunteers to provide for our community of nearly 15,000 in population.

Through legislation, the State has provided a mechanism granting workers compensation limited liability indemnification for citizen volunteers of a disaster (Disaster Service Workers). California Code of Regulations, Title 19, 2570.2 (3)(b)(1) requires participating cities to adopt a DSW (Disaster Service Worker) policy by an Accredited Disaster Council to register Disaster Service Workers. In 1957, the City of Palos Verdes Estates Disaster Council was accredited, giving it the authority to develop policy for the establishment of a DSW program. Per Chapter 2.28 of the Palos Verdes Estates Municipal Code the City's Disaster Council is comprised of the Mayor, City Manager and other individuals who will assist in the coordination of PVE's emergency functions. It is that Disaster Council that must adopt the subject policy. A copy of Section 2.28 of the PVE Municipal Code is attached to this report.

The attached policy was created by staff with review and input by the City Attorney and the City council designated DDP Liaisons (Councilmembers Bird and Goodhart). The intent of this policy is multi-fold:

- 1). Provide greater protection to citizen volunteers during a disaster than that afforded by the Good Samaritan Law. This will also encourage the cooperation of citizen volunteers in a disaster.
- 2). Clearly outline a procedure for the recordation of DSW's including responsibilities for registration and maintenance of records.

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- 3). Pre-designate volunteers who have demonstrated a desire and ability to be of assistance in a disaster. This will include CERT trained residents, members of NART, and of the DDP. The intent is to streamline the process rather than waiting until a disaster strikes before making the necessary registration. This would be accomplished preferably in a large group setting where the Mayor would administer the Oath and police department personnel would complete the recordation process.
- 4). Extend authority to the citizen district leaders to administer the Oath of Loyalty to perspective volunteers, at time of a disaster. This will afford them discretion to enlist the service of neighborhood experts. Without this provision, only elected officials and executive officers are authorized to administer that required oath.

From a process standpoint, it is appropriate for the entire City Council to review and provide input concerning the attached DSW Policy. Because of the unique decision making structure of the Disaster Council, the policy will need to be officially adopted by the Disaster Council as the final step in this process.

Alternatives Available To Council:

1. To review and comment on the attached DSW policy and forward it to the Accredited Disaster Council to take a formal action.
2. To suggest alterations to the DSW policy.
3. To chose not to review or comment on the DSW policy

Recommendations:

Staff recommends the City Council review and comment on the attached Disaster Service Worker Policy, and forward it to the Accredited Disaster Council for action.

Budget Impact:

None, at this time.

Agenda Item #: 8
Meeting Date: 11/24/09

TO: JOSEPH M. HOEFGEN, CITY MANAGER
FROM: JUDY SMITH, ASSISTANT CITY MANAGER
SUBJECT: PALOS VERDES TENNIS CLUB FY 2010 OPERATING
AND CAPITAL BUDGETS

The Issue

Shall the City Council approve the FY 2010 Palos Verdes Tennis Club (PVTC) operating and capital budgets?

Analysis and Findings

The Palos Verdes Tennis Club concession agreement with the City requires that the Club's proposed operating and capital budget be reviewed and approved by the City Council. The Club uses the calendar year (January-December) as its fiscal year. The Club's Board of Directors approved the 2010 budget at its October meeting. On November 12, 2009, City Council liaisons Humphrey and Bird met with Club representatives, President Dave Kleinman, Treasurer Bruce Merchant and Manager John Hall, to review the budget.

The Club's 2009 adopted budget included an estimated profit of \$3,900. Based on results through the third quarter, the Club is projecting a very slight operating loss of less than \$300. Revenues for 2009 are projected at \$549,565 compared to the budget of \$595,500, or a decline of 7.7% (-\$45,935). While member dues and guest fees are slightly under budget (~-\$9,700), most of the decline is related to program and lesson revenue, which translate into direct savings on the expenditure side, as these revenues are paid in and then paid out in fees. Expenditures are projected at \$549,800 which represents savings of \$41,800 compared to the adopted budget (\$591,600).

The Club is monitoring revenues and expenditures very closely and made great effort to boost new memberships. The 2009 budget was based on 391 memberships and at one point during the year, the Club dropped to 378. At the Council liaisons' suggestion, the Club permitted a limited, one-time exception to the bylaws and allowed inactive members to reactive membership by paying 50% of one year's dues. Normally, payment of a full year dues is required. The Club had 8 inactive members rejoin as a result of the offer.

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The current membership stands at 390, which forms the basis for the 2010 proposed budget. No dues increase is proposed for 2010. Monthly resident dues are \$65 and non-resident dues are \$85. Dues were last increased in 2006 (+\$10/month). There is no waiting list for Palos Verdes Estates residents.

The 2010 budget reflects a net profit of \$2,960 on revenue of \$555,450 and expenditures of \$552,490. Revenue represents a 1% increase compared to 2009 projected, while expenses reflect a 0.5% increase. Dues and guest fees equal 59% of total operating revenue. The junior program is budgeted at a profit of \$4,800, which is the same amount projected for the current year. The operating expenditures appear reasonable. Personnel costs for FY 2010 will remain unchanged from 2009. The challenge to the Club will be in meeting these slim margins and to maintain a slight operating surplus for FY 2010.

The 2009 capital program totaled \$35,500 and year-end expenditures, including replacement of clubhouse furniture, is expected to total \$33,400. Initiation fees from new memberships and installment payments on existing memberships are restricted for capital uses. Through September 2009, the Club realized new member fees of \$25,180 and projects total fees of \$30,500 for FY 2009. The projected ending capital balance for year-end is \$71,165.

The FY 2010 capital budget proposes only two items totaling \$27,000: \$12,000 for court resurfacing and windscreens, and \$15,000 as a contingency for emergency/infrastructure repairs. Initiation fee income for 2010 is projected at \$30,000 and the ending capital fund balance (12-31-10) is estimated at \$74,165.

The City Council liaisons will report on the meeting and endorse the proposed budgets.

Alternatives Available to the City Council

1. Approve the FY 2010 Palos Verdes Tennis Club operating and capital budgets.
2. Decline to approve the FY 2010 operating and capital budgets. This would require the Club and Board of Directors to change the budgets to address City Council concerns.

Recommendation

It is recommended that the City Council approve the FY 2010 Palos Verdes Tennis Club operating and capital budgets.

Budget Impact

The PVTC is a non-profit entity whose budget is separate from the City's. The PVTC pays a 10% concession fee on gross revenues (dues, guest fees, and food and beverage sales) to the City. The Club's budget includes a cost of \$33,650 for payment of these fees to the City.

TO: JOSEPH M. HOEFGEN, CITY MANAGER

FROM: ALLAN RIGG, PUBLIC WORKS DIRECTOR

SUBJECT: PW 557B-09; AWARD OF CONTRACT FOR THE FISCAL YEAR 09/10 OVERLAY PROJECT, AND ADOPTION OF RESOLUTION R09-36 TO ADJUST THE FISCAL YEAR 09/10 BUDGET

DATE: NOVEMBER 24, 2009

Introduction

Should the City Council award a construction contract in the amount of \$322,000 to Hardy and Harper, Inc. for the completion of the FY 09/10 Overlay Project, and adopt Resolution R09-36 to adjust 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:

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

In an effort to receive a number of competitive construction bids, staff advertised with Bid America, F. W. Dodge, and Reed Construction Data in June. Construction bids were received on June 25, at 10:30 a.m. City Council rejected all bids at the July 28 meeting to allow time for the County Board of Supervisors' office to respond to a request for additional project funding.

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Staff bid the project again in October, with bids received on October 29, at 10:30 am. The base bid results are shown below, and a table comparing the base bids and eight alternate bids for the three lowest bidders is attached to this staff report.

	Base Bid
Hardy and Harper, Inc.	\$322,000.00
Palp dba Excel Paving Co.	\$326,510.66
Sequel Contractors	\$347,139.85
Ortiz Asphalt Paving	\$353,561.22
All American Asphalt	\$360,317.50
Sully-Miller Contracting	\$362,405.48
E.C. Construction Co.	\$412,494.37
Elite Bobcat Service, Inc.	\$402,122.80

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: repair of the existing flowline in front of 4028 and 4036 Via Opata, requested by the homeowners.
- A3: repair of the existing flowline area in front of 2416, 2424, and 2432 Chelsea Road, requested by the homeowner at 2424 Chelsea Road.
- A4: 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.
- A8: tree root removal and asphalt patching at 3644 Via Palomino, requested by the homeowner.

With 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.

With regards to A7, Via Mirada, staff has observed deterioration of the street and the alligator cracking over time, and anticipates 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

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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.

With regards to A8, the homeowner submitted a request recently to have the street in front of their driveway resurfaced because of improper drainage. According to the homeowner, the issue is related to the City slurry seal project that occurred there several years ago. Upon investigation staff found that roots from a City tree had uplifted several of the nonstandard driveway approach bricks in the right-of-way and subsequently a portion of approach is missing that would have directed runoff toward the catch basin in front of their home. Since the owner did not want to put in a standard approach or repair that section of approach, the alternative option is for the City to remove more of the uplifted nonstandard bricks, perform tree root removal while minimizing damage to the tree, grind asphalt and concrete where necessary, and patch portions of the concrete driveway and street with asphalt.

Hardy and Harper, Inc. submitted the qualifying low bid for the project. They have completed many projects of similar size and scope, and City staff has also worked with them before, on the FY 04/05, FY 06/07, and FY 07/08 Overlay Projects, as well as on the May 2009 LACMTA Flexible Funding paving project. Staff believes they are well equipped to satisfactorily complete the City's project.

The following schedule is anticipated:

- November 24 Contract awarded.
- December 18 Contract, insurance certificates signed by contractor & City.
- December 28 Work expected to begin.
- January 29 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 \$322,000 to Hardy and Harper, Inc. for the completion of the FY 09/10 Overlay Project, with no alternative work, and adopt Resolution R09-36 to adjust the Fiscal Year 09/10 Budget.
2. Award a construction contract in the amount of \$411,895 to Hardy and Harper, Inc. for the completion of the FY 09/10 Overlay Project including alternates A2 through A6, and adopt a Resolution to adjust the Fiscal Year 09/10 Budget.
3. Award a construction contract to Hardy and Harper, Inc. 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 at least Alternate bids A2 through A6 be awarded with the base bid on this project, for a total construction cost of \$411,895. Staff bases this recommendation on our perception of the relative need for each of the Alternates, as well as the price for each.

Therefore, staff recommends that the City Council award a construction contract in the amount of \$411,895 to Hardy and Harper, Inc. for the completion of the FY 09/10 Overlay Project including alternates A2 through A6, and adopt a Resolution to adjust the Fiscal Year 09/10 Budget.

Fiscal Impact

The FY 09/10 budget contains \$275,000 for the overlay of City streets. Should Alternatives A2 through A6 be included in the contract, estimated project costs would be:

Construction Subtotal	\$411,895.00
Contingency cost (10% of construction cost)	\$41,189.50
<u>Inspection and Administration</u>	<u>\$45,000.00</u>
Total	\$498,084.50

An additional \$223,085 would be needed to cover the total project budget. Slurry Seal Project remaining funding is available in the amount of \$99,800. An additional \$54,425 is available from remaining LACMTA funding that can be applied to work on Granvia Altamira, leaving a balance of \$68,860 that would require additional funding. Resolution R09-36 providing for the transfer of funding to this project is attached.

Staff report prepared by:
Floriza Rivera
Public Works Department

TO: JOSEPH M. HOEFGEN, CITY MANAGER

FROM: ALLAN RIGG, PLANNING AND PUBLIC WORKS DIRECTOR

SUBJECT: RESOLUTION R09-35 AUTHORIZING THE SUBMITTAL OF A FUNDING APPLICATION TO THE CALIFORNIA ENERGY COMMISSION TO IMPLEMENT ENERGY EFFICIENCY IMPROVEMENTS AT PALOS VERDES ESTATES CITY HALL

DATE: NOVEMBER 24, 2009

The Issue

Should the City Council approve Resolution R09-35 authorizing the submittal of a funding application to the California Energy Commission to implement energy efficiency improvements at Palos Verdes Estates City Hall?

Background and Analysis

As part of the American Recovery and Reinvestment Act, the Department of Energy has implemented the Energy Efficiency and Conservation Block Grant Program (EECBG), which provides non-competitive formula grants and competitive grants to U.S. local governments, states, territories, and Indian tribes to fund programs and projects that improve energy efficiency and reduces energy use and fossil fuel emissions.

The City of Palos Verdes Estates has been allocated \$75,858 as part of this non-competitive formula grant process. Additional EECBG funding will also be available competitively to local governments through the California Energy Commission. However, the criteria for competitive funding have yet to be released.

Energy Innovation Group, LLC (EIG) is under contract with the South Bay City of Governments to assist cities in applying for funding from the EECBG. A number of other cities in the South Bay (Rolling Hills Estates, Lawndale, Hermosa Beach, Lomita, and El Segundo) are using these services to complete energy audits and determine projects for funding through the EECBG.

EIG's report for City Hall recommends the following:

**CITY COUNCIL AGENDA
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Replace Older Heat Pumps with High-Efficiency Heat Pumps:

Replace the existing 1991 2.5-ton split system at 911 Room, (2) 1993 3-ton split system at Police Department, (1) 1993 5-ton split system at City Hall Council Chambers and (2) 1993 7.5-ton split system heat pump units at City Hall and split-systems with high-efficiency units and systems. The plan would be to replace the systems with new Energy Star systems and replace or repair ducting and add components as needed. The goal is to achieve maximum energy conservation while reducing the Palos Verdes Estates Carbon Footprint, and increasing reliability and efficiency.

Upgrade HVAC Units with CMUs:

Upgrade six existing 2.5-ton and larger single-package units, heat pumps and split-system air conditioning systems at the 911 Room, City Hall, City Hall Council Chambers and Police Department with CMUs (Compressor Management Units) to provide microprocessor based control over compressor cycle run time and time between cycles in direct response to monitored actual conditioned space cooling load requirements. The goal is to achieve maximum efficiency of each unit.

Upgrade HVAC Cooling Coils with UVC Emitters:

Upgrade 14 existing and proposed heat pump cooling coils located at City Hall, Police Department and City Hall with UVC (ultraviolet C-Band) emitters to destroy microorganism and prevent growth and fouling on cooling coils and interior air handler and duct surfaces. The continuously cleaned coils reduce airflow fan motor energy use, improve coil efficiency lowering DX system compressor energy use, reduce operations and maintenance cost by eliminating coil cleaning and improve air quality. The goal is to achieve maximum efficiency of each unit.

Based on EIG's preliminary \$75,858 cost estimate for the above projects, and taking into account the available stimulus funding and Edison rebates (which total \$81,643 in available funding), it appears that the City will be able to complete these improvements without a financial contribution from our budget. Again, the \$75,858 is an estimate; EIG will solicit bids to determine exact costs. As outlined in the report, the above projects will achieve annual energy savings of approximately \$7,139 for the City of Palos Verdes Estates.

The recommendation is to adopt the attached resolution which authorizes PVE's submittal of a funding application to the California Energy Commission. The next step in the process will be for EIG to seek bids from HVAC contractors to complete this work. Assuming the bids are within the estimates as outlined in the report, the City and EIG will submit the funding application to the California Energy Commission. The final deadline for the submittal of the funding application to the California Energy Commission is January 12, 2010.

Alternatives Available to Council

The following alternatives are available to the City Council:

**CITY COUNCIL AGENDA
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1. Approve Resolution R09-35 authorizing the submittal of a funding application to the California Energy Commission to implement energy efficiency improvements at Palos Verdes Estates City Hall
2. Approve Resolution R09-35 authorizing the submittal of a funding application to the California Energy Commission to implement energy efficiency improvements at Palos Verdes Estates City Hall, with modifications.
3. Decline to Act.

Recommendation from Staff

Staff recommends that the Council:

Approve Resolution R09-35 authorizing the submittal of a funding application to the California Energy Commission to implement energy efficiency improvements at Palos Verdes Estates City Hall.

Staff report prepared by:
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