



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.

...end of disclaimer..

****CLICK HERE FOR CITY COUNCIL AGENDA**

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

November 10, 2009
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. R09-35
NEXT ORDINANCE NO. 09-694**

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

MAYOR'S REPORT – Matters of Community Interest

**CITY COUNCIL AGENDA
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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. 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 October 27, 2009

Recommendation: Review and File.

2. Treasurer's Reports
 - a. Monthly Report – September 2009
 - b. Quarterly Interest Report – July-September 2009

Recommendation: Receive and File.

3. Monthly Financial Report – October 2009

Recommendation: Receive and File.

4. R09-34; Amending the FY 2009-10 Authorized Positions for a Part-Time Equipment Mechanic

Recommendation: It is recommended that the City Council adopt Resolution R09-34 which establishes a part-time equipment mechanic as an authorized position for FY 2009-10.

5. Approval of an Agreement with City of Torrance for the Exchange of Proposition A Transit Funds

Recommendation: It is recommended that the City Council approve an agreement with the City of Torrance to permit the exchange of \$100,000 of Proposition A Transit Funds in return for unrestricted general fund revenue at 70 cents on the dollar.

6. PW-558-09; Completion of Contract for the FY 09-10 Slurry Seal Project

Recommendation: It is recommended that the City Council accept as complete the construction contract PW-558-09; FY 2009-10 Slurry Seal Project in the amount of \$156,045.46; and direct the City Clerk to file the Notice of Completion, and release the 10% retention 30 days after the County Recorder's office records the Notice of Completion, if no stop notices are filed.

7. PW-559-09; Completion of Contract for the FY 08-09 Curb and Gutter Replacement Project
2

**CITY COUNCIL AGENDA
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Recommendation: It is recommended that the City Council accept as complete the construction contract PW-559-09; FY 2008-09 Curb and Gutter Replacement Project 2 in the amount of \$19,500; and direct the City Clerk to file the Notice of Completion, and release the 10% retention 30 days after the County Recorder's office records the Notice of Completion, if no stop notices are filed.

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

8. PW-566-09; Award of Construction Contract in the Amount of \$26,476.50 to FS Construction for the Construction of the Thorley Place Street Improvements and FY 09-10 Curb and Gutter Replacement Project

Recommendation: It is recommended that the City Council award a construction contract in the amount of \$26,476.50 to FS Construction for the construction of the Thorley Place Street Improvements and FY 2009-10 Curb and Gutter Replacement Project.

9. 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.

STAFF REPORTS

10. City Manager's Report

DEMANDS

11. a. Authorize Payment of Motion #1 - Payroll Warrant of October 30, 2009
- b. Authorize Payment of Motion #2 - Warrant Register of November 10, 2009

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

MAYOR & CITY COUNCILMEMBERS' REPORTS

ADJOURNMENT TO TUESDAY, NOVEMBER 24, 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 11, 2009, at 7:30 p.m., and Wednesday, November 18, 2009, at 7:30 p.m.*

TO: JOSEPH HOEFGEN, CITY MANAGER
FROM: JUDY SMITH, ASSISTANT CITY MANAGER
SUBJECT: MONTHLY FINANCIAL REPORT – OCTOBER 2009

Status Report

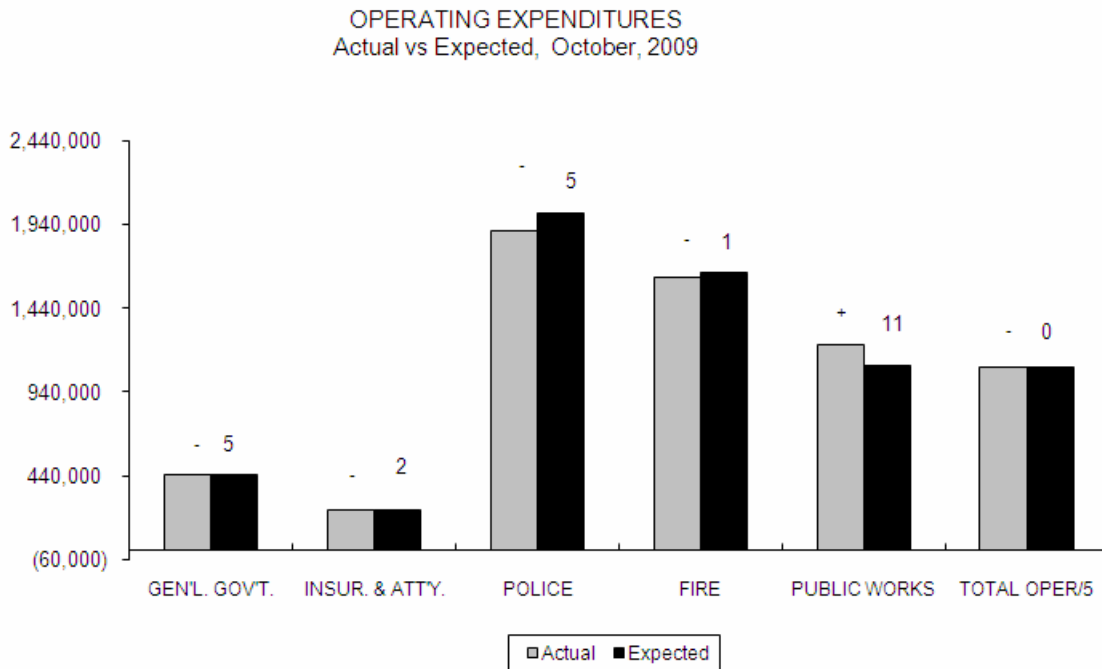
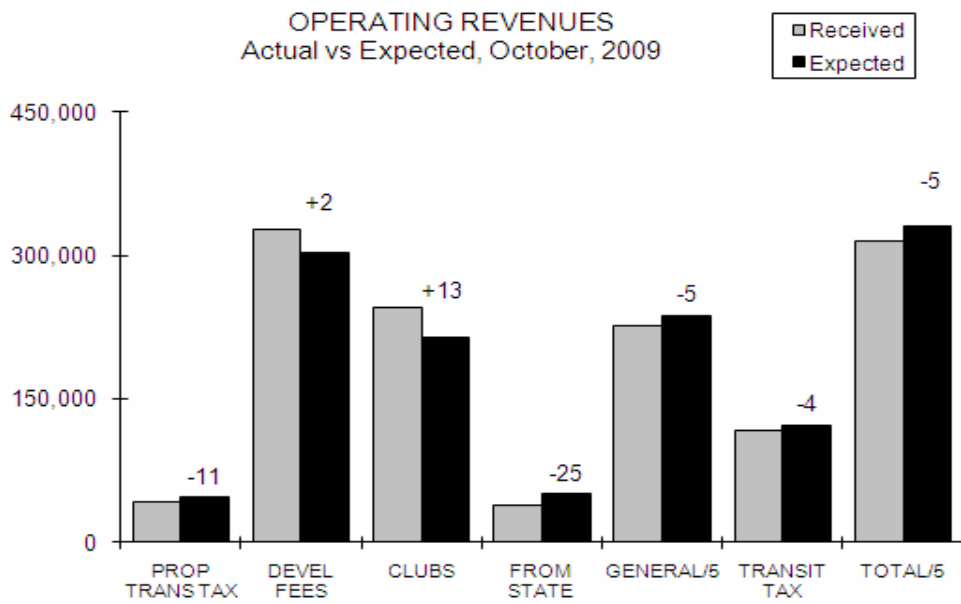
This report reflects the status for FY 2009-10 through the first four months of the fiscal year.

Total operating revenues and total general fund revenues are currently running 5% less than expected. This is well within an acceptable range given this point in the fiscal year. Please recall that the first distribution for the major operating revenue sources, property tax and fire parcel tax, occurs in December. Until that time, the revenue activity is generally minimal. Reflecting adjustments made to the adopted FY 2009-10 budget for anticipated lower revenues, development fees are 2% ahead of projected, while the club concession fees (golf, tennis, beach) are running 13% ahead of expected. The Club activity reflects the summer season receipts, which tend to be higher for all clubs.

Total operating expenditures reflect no deviation from expected (0%). Public works is running 11% ahead of expected, but most of this is due to timing and payment of our annual PV Transit obligation (50%) within the first month of the fiscal year, as well as the seasonal activity associated with warm weather for the Streets and Parklands departments. The Police Department is currently running at 5% less than expected.

Spot Report

During the month of October, the City received payment of the full four months of deferred gas tax receipts. Payments for July – October (~\$82,500) were received in full from the State by October 31, in conformance with the budget clean-up legislation. Pursuant to the legislation, gas tax receipts for November – March will now be deferred and paid to cities in April 2010. Payments for April through June will be made according to the normal disbursement schedule. The City now has sufficient funds in hand to finance gas tax financed activities. The fund will not go into deficit while the City waits for payment of the second deferrals in April.



TO: JOSEPH HOEFGEN, CITY MANAGER

FROM: JUDY SMITH, ASSISTANT CITY MANAGER

SUBJECT: RESOLUTION R09-34; AMENDING THE FY 2009-10 AUTHORIZED POSITIONS FOR A PART TIME EQUIPMENT MECHANIC

The Issue

Shall the City Council adopt R09-34, which amends the FY 2009-10 authorized positions to provide for a part-time Equipment Mechanic?

Analysis and Findings

The FY 09-10 Work Program for the Public Works, Planning and Building and Safety Departments includes a task to review the contract fleet mechanic services. Since February 2003, these services have been provided by contract with Fred's Mobile Truck Repair. The contract was initiated upon the sudden passing of the City's then fulltime employee who occupied the Equipment Mechanic position. The initial contract was 20 hours / week at \$60 / hour. On July 1, 2007, the hourly contract rate was increased to \$65/hour for 20 hours/week service.

Staff met recently to discuss fleet services, the contract and the currently assigned personnel. Representatives of the Police and Streets/Parks Departments participated since they comprise the bulk of the City fleet. At the time the contract began, Mike Lamb, the sole owner of Fred's Mobile, was the City's on site mechanic. During the most recent term of the contract, Mr. Lamb retired to Bakersfield and hired an individual to provide the services to Palos Verdes Estates. While this person has provided excellent service, staff questioned the continued cost effectiveness of a contract arrangement compared to a part-time in-house position.

The City has more than six years experience in managing the fleet needs on a 20 hour per week basis. There is a need for fixed service hours (e.g. 7AM-11AM) so the departments know when vehicle needs can be addressed. Staff did not believe an "on-call" mechanic would adequately fulfill the required needs of the City. In addition to providing specified hours of service, moving to an in-house position would also permit the City more flexibility in using the employee to assist with other functions on an as needed basis. Overall, it was determined the 20 hours could be used more effectively and the cost per hour greatly reduced, without compromising the mechanic function or fleet safety.

The Equipment Mechanic is a classification of the Public Services Employees Association. Although vacant since 2003, the position remains on all MOUs and resolutions establishing the salary ranges of the represented positions of the Association. The FY 2009-10 starting range for the position converts to \$22.17 / hour. With benefits (PERS, medicare and STD/LTD) the total hourly cost is \$24.75. A 20-hour/week part-time employee would not be eligible for any other City benefits (medical, vacation, etc). Step increases for this position are provided at an initial six-month performance review and annually thereafter. A calculation of the annual cost for the part time employee, assuming 20 hrs/week and no time off, is shown below (assuming a fiscal year basis). Because of vacation / illness, etc, it is expected the actual cost would be less. The in-house position cost is compared below to a projected contracted cost based on an average of the prior three year's actual paid to Fred's Mobile Truck with estimated savings.

Contract Mechanic Fred's Mobile Truck	In-house Mechanic Part-time employee	Estimated Savings
FY 06-07 = \$60,175	NA	NA
FY 07-08 = \$64,045	NA	NA
FY 08-09 = \$61,045	NA	NA
FY 09-10 = \$61,755 (3 yr avg.)	\$25,735	\$36,020
FY 10-11 = \$61,755	\$27,030	\$34,725
FY 11-12 = \$61,755	\$29,800	\$31,955

The resolution adopting the City's 2009-10 fiscal year budget includes as an exhibit the list of authorized fulltime equivalent (FTE) positions and the associated salary range for each. Resolution R09-34, attached, amends the list of authorized positions to provide for a part-time (0.5 FTE) Equipment Mechanic and associated salary range.

Recommendation

It is recommended that the City Council adopt R09-34 which establishes a part-time equipment mechanic as an authorized position for FY 2009-10.

Budget Impact

Using a part-time employee to provide these services as opposed to the current contract will provide cost savings to the City of approximately \$30,000 - \$35,000 on a fiscal year basis. Projected savings for the remainder of this fiscal year end (6-30-10) are estimated at approximately \$20,500. In addition to the Equipment Mechanic, the City uses permanent part-time employees in the City Clerk (receptionist), Building and Safety (Permit Technician) and Police (Data Entry Clerk) Departments.

Agenda Item #: 5
Meeting Date: 11/10/09

TO: JOSEPH HOEFGEN, CITY MANAGER
FROM: JUDY SMITH, ASSISTANT CITY MANAGER
**SUBJECT: APPROVAL OF AN AGREEMENT WITH CITY OF TORRANCE
FOR THE EXCHANGE OF PROPOSITION A TRANSIT FUNDS**

The Issue

Shall the City Council approve a FY 2009-10 supplemental agreement with the City of Torrance to permit the exchange of \$100,000 in excess Proposition A Transit funds?

Background and Analysis

For several years, the City has exchanged excess Proposition A Transit funds with the City of Torrance in return for unrestricted general fund money. A two-year agreement for the exchange of Proposition A funds was approved for FY 2008-09 and 09-10, in the amounts of \$100,000 and \$200,000 respectively at a rate of 70 cents on the dollar. The resulting exchange provided \$70,000 and \$140,000 for the general fund in these respective years. The exchange with Torrance for FY 2009-10 was concluded in September and at that time; Torrance asked if the City would consider an agreement for an additional exchange during FY 09-10.

The exchange of the Proposition A transit funds (1/2 cent restricted L.A. County sales tax) is possible because our total transit obligations to the Palos Verdes Peninsula Transit Authority (PVPTA) are paid with Proposition C Transit funds. Therefore, we have an accumulation of Proposition A money. LACMTA program guidelines permit the exchange of Proposition A transit money between cities, while Proposition C guidelines do not permit an exchange.

The June 30, 2010 Proposition A fund balance is estimated at ~\$525,000, before considering a supplemental agreement. As a result, staff feels comfortable in recommending to the Council a supplemental exchange agreement for an additional \$100,000 that would provide \$70,000 in general fund monies. This would leave an estimated Proposition A fund balance at June 30, 2010 of ~\$425,000, which staff believes provides a prudent cushion for future transit-related obligations.

Alternatives Available to the City Council

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1. Authorize the Mayor to execute the agreement.
2. Decline to approve the agreement.

Recommendation

It is recommended that the City Council approve an agreement with the City of Torrance to permit the exchange of \$100,000 of Proposition A Transit funds in return for unrestricted general fund revenue at 70 cents on the dollar.

Budgetary Impact

The FY 2009-10 budget assumed the transfer of \$200,000 in transit funds to provide \$140,000 in unrestricted general fund money. This transfer was concluded in September. The Proposition A fund balance will permit a supplemental transfer for FY 2009-10, which will provide an additional \$70,000 in unrestricted general fund money. This money could be used to help offset additional general fund expenditure, such as the City website project.

TO: JOSEPH M. HOEFGEN, CITY MANAGER
FROM: ALLAN RIGG, PUBLIC WORKS DIRECTOR
SUBJECT: PW 558-09; COMPLETION OF CONTRACT FOR THE FY 09/10 SLURRY SEAL PROJECT
DATE: NOVEMBER 10, 2009

The Issue

Should the City Council:

- 1) Accept as complete the construction contract PW 558-09; FY 09/10 Slurry Seal Project in the amount of \$156,045.46; and
- 2) Direct the City Clerk to file the Notice of Completion, and release the 10% retention 30 days after the County Recorder's office records the Notice of Completion, if no stop notices are filed?

Background and Analysis

On July 28, 2009, the City Council awarded a Contract in the amount of \$171,465.91 to American Asphalt South, Inc. for the completion of the FY 09/10 Slurry Seal Project. The project consisted of street repairs, crack sealing, applying the liquid asphalt emulsion slurry seal to extend the useful life of the streets, and then re-striping as necessary.

The following streets were slurry sealed as part of the FY 09/10 program:

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

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

After all streets had been slurry sealed in August and striping had occurred in September, staff compiled an extensive punch list of items for American Asphalt South to correct before the project could be considered complete. Punch list items included slurry patching where necessary, removal/cleanup of slurry oil from concrete gutters, and correction of striping/pavement markings. Staff checked the streets and discussed incomplete items with the contractor periodically, before all issues were satisfactorily addressed on October 23.

One change order was issued for the adjustment of major and minor asphalt repair quantities on the project, and also allowed for the deletion of the Via Boronada slurry seal and the deletion of the Via Media alley slurry seal. The Via Boronada slurry seal was originally constructed by American Asphalt South in FY 08/09 and was deleted because it was still a maintenance item for that project. The portion of the Via Media alley to be slurried was originally paved by a private homeowner, and was coated with a material that proved to be incompatible with slurry sealing. The final change order was issued for (\$15,420.45), which decreased the project cost to \$156,045.46 (-8.99%).

Alternatives Available to Council

The following alternatives are available to the City Council:

1. Accept as complete the construction contract PW 558-09; FY 09/10 Slurry Seal Project in the amount of \$156,045.46, direct the City Clerk to file the Notice of Completion, and release the 10% retention 30 days after the County Recorder's office records the Notice of Completion, if no stop notices are filed.
2. Decline to accept the project as complete.

Recommendation from Staff

Staff recommends that the Council:

- 1) Accept as complete the construction contract PW 558-09; FY 09/10 Slurry Seal Project in the amount of \$156,045.46; and
- 2) Direct the City Clerk to file the Notice of Completion, and release the 10% retention 30 days after the County Recorder's office records the Notice of Completion, if no stop notices are filed.

Fiscal Impact

The FY 09/10 budget allotted \$275,000 for the slurry seal of City streets, with \$75,000 to be used for the FY 09/10 Overlay Project. These are the project costs:

Construction Costs	\$156,045.46
Inspection/Administration	\$19,151.00
<hr/> Total	<hr/> \$175,196.46

There are sufficient funds budgeted to cover the total construction cost of \$175,196.46 shown above.

Staff report prepared by:
Floriza Rivera, Public Works Department

TO: JOSEPH M. HOEFGEN, CITY MANAGER

FROM: ALLAN RIGG, PUBLIC WORKS DIRECTOR

SUBJECT: PW 559-09; COMPLETION OF FY 08/09 CURB AND GUTTER REPLACEMENT PROJECT 2

DATE: NOVEMBER 10, 2009

The Issue

Should the City Council:

- 1) Accept as complete the construction contract PW 559-09; FY 08/09 Curb and Gutter Replacement Project 2 in the amount of \$19,500; and
- 2) Direct the City Clerk to file the Notice of Completion, and release the 10% retention 30 days after the County Recorder's office records the Notice of Completion, if no stop notices are filed?

Background and Analysis

On June 23, 2009, City Council awarded a contract in the amount of \$19,050 to California Paving and Grading for the completion of the FY 08/09 Curb and Gutter Replacement Project 2. The project repaired curb, curb and gutter, or sidewalk in various locations throughout the City as requested by residents and deemed necessary by staff.

One change order was issued for the project, for \$450 to add curb and gutter on Palos Verdes Blvd, and on Via Campesina. The project has now been satisfactorily constructed for the amount of \$19,500 (+2.36%).

Alternatives Available to Council

The following alternatives are available to the City Council:

- 3. Accept as complete the construction contract PW 559-09; FY 08/09 Curb and Gutter Replacement Project 2 in the amount of \$19,500, direct the City Clerk to file the Notice of Completion, and release the 10% retention 30 days after the County Recorder's office records the Notice of Completion, if no stop notices are filed.
- 4. Decline to accept the project as complete.

Recommendation from Staff

Staff recommends that the Council:

- 1) Accept as complete the construction contract PW 559-09; FY 08/09 Curb and Gutter Replacement Project 2 in the amount of \$19,500; and
- 2) Direct the City Clerk to file the Notice of Completion, and release the 10% retention 30 days after the County Recorder's office records the Notice of Completion, if no stop notices are filed.

Fiscal Impact

The FY 08/09 Curb and Gutter budget had \$20,384 and the FY 09/10 Curb and Gutter budget has \$85,000 available for this project. The project costs were:

Construction Costs	\$19,500
Inspection/Administration	\$4,100
<hr/>	
Total	\$23,600

The project budget is therefore sufficient to cover the total project cost shown above.

Staff report prepared by:
Floriza Rivera
Public Works Department

TO: JOSEPH M. HOEFGEN, CITY MANAGER

FROM: ALLAN RIGG, PUBLIC WORKS DIRECTOR

SUBJECT: PW 566-09; AWARD A CONSTRUCTION CONTRACT IN THE AMOUNT OF \$26,476.50 TO FS CONSTRUCTION FOR THE CONSTRUCTION OF THE THORLEY PLACE STREET IMPROVEMENTS AND FY 09/10 CURB AND GUTTER REPLACEMENT PROJECT

DATE: NOVEMBER 10, 2009

Introduction

Should the City Council award a construction contract in the amount of \$26,476.50 to FS Construction for the construction of the Thorley Place Street Improvements and the FY 09/10 Curb and Gutter Replacement Project?

Background and Analysis

The property owners at 2241 Thorley Place have experienced significant flooding on their properties during rainy season in the last few years. Before expected rainfall sandbags have had to be placed in front of one of the driveway approaches in order to prevent water damage to the home. A catch basin currently exists at this address downstream of the problem area, and a City consultant has designed improvements to the catch basin local depression, to the south driveway approach, and to nearby curb and gutter. These changes will redirect storm runoff and allow the catch basin to more efficiently remove the excess runoff before a ponding condition can occur.

To take advantage of cost savings from constructing large projects that generate lower unit costs, and because the concrete work involved is similar, the Thorley Place Project has been combined with the FY 09/10 Curb and Gutter Replacement Project. As part of the annual Capital Improvement Program, curb and gutter is replaced in order to promote safety or eliminate drainage concerns. Some curb and gutter replacements are the result of resident complaints, and residents must be placed on a waiting list until enough locations are compiled for a project large enough to elicit competitive bids. Two such resident requests, at 1417 Via Cataluna and 3105 Palos Verdes Drive North, are part of the bid to prevent these residents from going through an excessive waiting period.

A crossgutter on Paseo Del Mar, the extension of the crossgutter along the Avenida Mirola centerline, has been added to this project. The existing 3-foot-wide crossgutter is too small and

ponding occurs frequently at the location. The ponding has eroded the surrounding asphalt and as a result, the flowline has changed and occurs at the edge and not the center of the crossgutter. Streets and Parks crews are also constantly patching the asphalt in the area. While not technically curb and gutter, the crossgutter is also part of the storm drain system, and the construction methods and materials used to maintain it are the same.

Staff advertised with F.W. Dodge, Bid America, and Reed Construction Data. The following construction bids were opened September 23, at 10:30 am:

Company	Base Bid	Alternate Bid A1
FS Construction	\$19,476.50	\$7,000.00
Civil Works Corp.	\$26,750.50	\$7,575.00
Unique Performance Const.	\$26,978.00	\$20,000.00
Pave West	\$30,815.00	\$26,364.00
S. Parker Engineering	\$32,353.00	\$14,000.00
Simich Engineering	\$33,002.00	\$9,530.00
Palp DBA Excel Paving	\$33,404.00	\$9,965.00
Garcia Juarez Construction	\$22,000.00	\$15,000.00
Doty Bros. Equipment Co	\$38,240.75	\$12,090.00

The alternate bid is for concrete work at the 2112 Via Fernandez catchbasin, requested by a resident who does not live at the address but walks by the location daily. Staff has noticed the following items needing removal and replacement to correct the flowline.

- 34 feet of curb and gutter
- 4 feet of 1-foot-high curb next to the local depression, north of grate
- 27 feet of 1-foot-high curb tapering to 8 inches high, next to the local depression, south of grate
- 122 square feet of local depression
- 117 square feet of driveway approach, including curb portion
- 22 feet of gutter at driveway approach
- 90 square feet of 1-foot-wide asphalt slot paving next to new concrete

As with the Paseo Del Mar crossgutter, the majority of the concrete items, except for the driveway approach, are part of the storm drain system and the construction methods and materials used to repair it are the same. To undertake this construction separately would cost more than if it were constructed with other concrete projects.

FS Construction submitted the low bid for the project. They have successfully completed two similar concrete rehabilitation projects in the City of Santa Clarita. They have also successfully completed concrete sidewalk and paver projects for the cities of San Bernardino, Lawndale, Vernon, Lancaster, West Covina, and the County of Los Angeles. The company's work history indicates that they are equipped to construct this project.

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The following construction schedule is anticipated:

- November 10 Contract awarded.
- November 30 Contract documents completed.
- December 14 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 \$26,746.50 to FS Construction for the construction of the Thorley Place Street Improvements and the FY 09/10 Curb and Gutter Replacement Project, including Alternate A1.
2. Award a construction contract in the amount of \$19,476.50 to FS Construction for the construction of the Thorley Place Street Improvements and the FY 09/10 Curb and Gutter Replacement Project, base bid items only.
3. Decline to Act.

Conclusions and Recommendations

Staff recommends that the City Council award a construction contract in the amount of \$26,746.50 to FS Construction for the construction of the Thorley Place Street Improvements and the FY 09/10 Curb and Gutter Replacement Project.

Fiscal Impact

The Fiscal Year budget contains \$70,000 for both the Via Coronel catchbasin project and the Thorley Place drainage improvements. The Via Coronel project was awarded recently and will encumber \$26,000, leaving a budget of \$44,000 for the Thorley Place project. There is \$90,000 in the available budget for FY 09/10 Curb and Gutter Replacement.

Staff estimates the following costs for this project:

Construction Costs	\$26,746.50
Inspection/Administration	\$6,000.00
<hr/>	
Total	\$32,476.50

Therefore, sufficient funds are available for the project.

Staff report prepared by: Floriza Rivera, Public Works 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.

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- 2). Clearly outline a procedure for the recordation of DSW's including responsibilities for registration and maintenance of records.
- 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 choose 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.

Attachments:

Chapter 2.28 of PVE Municipal Code
Disaster Service Worker Policy