



## 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**

October 27, 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. R09-34  
NEXT ORDINANCE NO. 09-694**

**CALL TO ORDER**

**STUDY SESSION (6:30 p.m. – 7:30 p.m.)**

- Overview of CalPERS (California Public Employees' Retirement System) and the City of Palos Verdes Estates' Current and Future Pension Obligations

**PLEDGE OF ALLEGIANCE**

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## 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 #3a-f. 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 October 13, 2009

**Recommendation: Review and File.**

2. PW-565-09; Award of Construction Contract in the Amount of \$21,500 to Simich Construction, Inc. for the Construction of the Via Coronel Catchbasins

**Recommendation: It is recommended that City Council award a construction contract in the amount of \$21,500 to Simich Construction, Inc. for the construction of the Via Coronel Catchbasins.**

3. Planning Commission Actions of October 20, 2009

**Recommendation: Receive and File.**

- a. **CDP-74/NC-1357-09;** Consideration of Coastal Development & Neighborhood Compatibility Applications for additions to the single family residence located at 273 Rocky Point Road. Lot 9, Tract 17606.

Applicant: O + L Building Projects  
3611 Kelton Ave.  
Los Angeles, CA 90034

Owner: Hosein Sadri & Souzan Ardalan  
2554 Ardmore Ave.  
Hermosa Beach, CA 90254

**Action: Approved (4-0, Evans absent) with standard conditions and the following additional condition: 1) All non-standard encroachments shall be removed.**

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- b. **NC-719RIII/GA-1454/M-723-09**; Consideration of revised Neighborhood Compatibility, Grading and Miscellaneous Applications for additions to the single family residence located at 1509 Lower Paseo La Cresta. Lot 8, Block 7, Tract 8043.

Applicant: Bizhan Khaleeli  
27823 Montereina Drive  
Rancho Palos Verdes, CA 90275  
Owner: Mr. & Mrs. Hom

**Action: Approved (4-0) with standard conditions.**

- c. **M-731-09**; Consideration of a Miscellaneous Application for structures exceeding the maximum allowable height at the single family residence located at 2113 Via Alamitos. Lot 15 & a portion of Lot 9, Block 1652, Tract 7330.

Applicant: Waters Construction & Design  
616 El Redondo  
Redondo Beach, CA 90277  
Owner: Jon Wren

**Action: Approved (4-0) with standard conditions.**

- d. **M-732-09**; Consideration of a Miscellaneous Application for a structure exceeding the maximum allowable height at the single family residence located at 3636 Via Palomino. Lot 10 & a portion of Lot 9, Block 6216, Tract 6887.

Applicant/Owner: Kory & Rory Hunter

**Action: Denied (4-0).**

- e. **M-733-09**; Consideration of a Miscellaneous Application for structures exceeding the maximum allowable height at the single family residence located at 2928 Paseo Del Mar. Lot 7, Block 2236, Tract 7144.

Applicant/Owner: Ildiko Rosen

**Action: Approved (4-0) with standard conditions.**

- f. **M-734-09**; Consideration of a Miscellaneous Application for a structure exceeding the maximum allowable height at the single family residence located at 2804 Paseo Del Mar. Lot 2, Block 2235, Tract 7144.

Applicant: Alan McGregor  
16332 Bradbury Lane  
Huntington Beach, CA 92647  
Owner: Charles Parks  
1600 Espinosa Cr.

**Action: Approved (4-0) with standard conditions.**

## **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**

4. Resolution R09-33; Approving the Form of and Authorizing the Execution and Delivery of a Purchase and Sale Agreement and Related Documents with Respect to the Sale of the City's Proposition 1A Receivable from the State

**Recommendation: It is recommended that City Council approve the City's participation in the Proposition 1A Securitization Program; adopt Resolution R09-33 and authorize the appropriate City Officials to execute the required program documents.**

## **STAFF REPORTS**

5. City Manager's Report

## **DEMANDS**

6.
  - a. Authorize Payment of Motion #1 - Payroll Warrant of October 16, 2009
  - b. Authorize Payment of Motion #2 - Warrant Register of October 27, 2009

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

## **MAYOR & CITY COUNCILMEMBERS' REPORTS**

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**ADJOURNMENT TO TUESDAY, NOVEMBER 10, 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, October 28, 2009, at 7:30 p.m., and Wednesday, November 4, 2009, at 7:30 p.m.*

**TO: JOSEPH M. HOEFGEN, CITY MANAGER**

**FROM: ALLAN RIGG, PUBLIC WORKS DIRECTOR**

**SUBJECT: PW 565-09; AWARD A CONSTRUCTION CONTRACT IN THE AMOUNT OF \$21,500 TO SIMICH CONSTRUCTION, INC. FOR THE CONSTRUCTION OF THE VIA CORONEL CATCHBASINS**

**DATE: OCTOBER 27, 2009**

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**Introduction**

Should the City Council award a construction contract in the amount of \$21,500 to Simich Construction, Inc. for the construction of the Via Coronel Catchbasins?

**Background and Analysis**

The property owners at 1252 Via Coronel and at 1248 Via Coronel have experienced significant flooding on their properties during and after steady rainstorms in the last few years, resulting in extensive private property damage on several occasions. Currently two existing Los Angeles County Department of Public Works (LACDPW) catch basins, part of LACDPW Municipal Transfer Drain 52, are being used to remove excess storm runoff approximately 320 feet uphill of 1252 Via Coronel. Since these catch basins should be diverting runoff before it reaches these homes, we believe that the catch basin capacities or configurations are no longer adequate to accommodate current rainfall conditions.

Staff had sent a written request to LACDPW asking them to construct additional catch basins on Via Coronel to supplement the capacity of the existing ones. LACDPW was unable to offer any funding for the project but did allow the City to undertake the design and construction of any improvements to the storm drain, provided the plans met LACDPW approval.

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

Simich Engineering	\$21,500.00
O'Duffy Construction	\$22,000.00
Garcia Juarez Construction	\$22,000.00
HYM Engineering, Inc.	\$24,200.00
SRD Engineering, Inc.	\$28,570.00
E&R Construction, Inc.	\$37,000.00

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J&C Underground	\$39,683.09
Civil Works Corp.	\$41,576.36
Bena Co.	\$78,100.00

Simich Construction, Inc. submitted the low bid for the project. They have successfully completed concrete construction projects of similar and also varying scope for Palos Verdes Estates in the past. The company’s work history indicates that they are equipped to construct this project.

The following construction schedule is anticipated:

- October 27            Contract awarded.
- November 23        Contract documents completed.
- November 30        Work expected to begin.
- December 23        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 \$21,500 to Simich Construction, Inc. for the construction of the Via Coronel Catchbasins.
2. Decline to Act.

**Conclusions and Recommendations**

Staff recommends that the City Council award a construction contract in the amount of \$21,500 to Simich Construction, Inc. for the construction of the Via Coronel Catchbasins.

**Fiscal Impact**

The Fiscal Year budget contains \$70,000 for both the Via Coronel catchbasin and Thorley Place drainage improvements. Staff estimates the following costs for this project:

Construction Costs	\$21,500
Inspection/Administration	\$4,500
<hr/> Total	<hr/> \$26,000

Therefore, sufficient funds are available for the project.

Staff report prepared by:  
Floriza Rivera



Public Works Department

TO: JOSEPH M. HOEFGEN, CITY MANAGER

FROM: JUDY SMITH, ASSISTANT CITY MANAGER  
JOSEPH C. SHERWOOD, JR., CITY TREASURER

SUBJECT: RESOLUTION R09-33; APPROVING THE FORM OF AND AUTHORIZING THE EXECUTION AND DELIVERY OF A PURCHASE AND SALE AGREEMENT AND RELATED DOCUMENTS WITH RESPECT TO THE SALE OF THE CITY'S PROPOSITION 1A RECEIVABLE FROM THE STATE

The Issue

Shall the City Council approve the City's participation in the Proposition 1A securitization program by approving Resolution R09-33 and authorizing City officials to execute the related documents?

Background and Analysis

Proposition 1A was passed by California voters in 2004 to ensure local property tax and sales tax revenues remain with local government thereby safeguarding funding for local services, including public safety. Provisions of Prop 1A can only be suspended if the Governor declares a fiscal necessity and two-thirds of the Legislature concurs.

The emergency suspension of Proposition 1A was passed by the Legislature and signed by the Governor in late July as part of the 2009-10 budget. As a result, the State will borrow 8% of the amount of property tax revenue apportioned to cities, counties and special districts. The impact the City of Palos Verdes Estates is approximately \$525,000. The state will be required to repay the borrowed funds, plus interest (2%) by June 30, 2013.

The Proposition 1A Securitization Program, authorized under ABX4 14 and ABX4 15, was instituted by the California Statewide Communities Development Authority ("California Communities"), a joint powers authority sponsored by the California State Association of Counties and the League of California Cities. The securitization program will enable Local Agencies to sell their respective Proposition 1A Receivables to California Communities, which will simultaneously purchase the Proposition 1A Receivables, issue bonds ("Prop 1A Bonds") and provide local agency with the cash proceeds. Major provisions and benefits of program participation include:

- Cash relief – the sale of the City’s Proposition 1A Receivable will provide the City with 100% of its Proposition 1A Receivable in two equal installments, on January 15, 2010 and May 3, 2010, which coincides with the dates that the State will be shifting property tax from local agencies. Funds may be used for any lawful purpose. There are no further restrictions on use of the funds as a result of participating in the program.
- All costs of financing borne by the State of California. The City will not have to pay any interest cost or costs of issuance in connection with its participation.
- No obligation on Bonds. The City has no obligation with respect to the payment of the bonds, nor any reporting, disclosure or other compliance obligations associated with the bonds.

All program documents necessary to enroll in the Prop 1A Securitization Program have been reviewed and approved by the City Attorney. The City Treasurer and City Manager are the City officials designated to execute the required documents. All documents must be approved and executed before November 6, 2009 in order to participate in the program.

Clean-up legislation, SB67, was passed by the State Senate on October 14 by a vote of 37-0. It is expected the Governor will sign the legislation. With this issue resolved, CSCDA will proceed to have bonds issued and sold prior to December 31, 2009.

Recommended Action:

It is recommended that City Council approve the City’s participation in the Proposition 1A Securitization Program; adopt Resolution R09-33 and authorize the appropriate City Officials to execute the required program documents.