



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**

September 8, 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. R09-30
NEXT ORDINANCE NO. 09-694

CALL TO ORDER

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

- **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**
Pursuant to Government Code Section 54956.9 (a)
Iannitti v. City of Palos Verdes Estates, Case No. BS117627
- **CONFERENCE WITH LEGAL COUNSEL – INITIATION OF LITIGATION**
Pursuant to Government Code Section 54956.9 (c) – One (1) Potential Case

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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 deem appropriate.

PLEDGE OF ALLEGIANCE

ROLL CALL

MAYOR'S REPORT – Matters of Community Interest

CONSENT AGENDA (Items 1- 9)

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 #9a-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 July 28, 2009

Recommendation: Review and File.

2. Treasurer's Report – July 2009

Recommendation: Receive and File.

3. Adoption of Resolution R09-27; Adjusting the Budget to Reflect Fiscal Year 2009-10 MOU Provisions

Recommendation: It is recommended that the City Council adopt Resolution R09-27; adjusting the FY 2009-10 budget to reflect recently approved/implemented wage and benefit provisions with the City's employee associations.

4. Adoption of Resolution R09-28; Authorizing the Destruction of Obsolete Records of the City Manager, City Clerk, Police Department, and Public Works Department

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Recommendation: It is recommended that the City Council adopt Resolution R09-28; authorizing the destruction of specific obsolete records of the City Manager, City Clerk, Police Department and Public Works Department.

5. Adoption of Resolution R09-29, Declaring that the City Public Works Director is Authorized to Execute Federal Master Agreement No. 07-5283R and Supplement Agreement No. 004-N

Recommendation: It is recommended that the City Council adopt Resolution R09-29; declaring that the City Public Works Director is authorized to execute Federal Master Agreement No. 07-5283R and Supplement Agreement No. 004-N, and all instruments and documents for said project as is necessary.

6. Award of Professional Engineering and Inspection Services Contract in the Amount of \$89,915 to Huitt-Zollars for the Palos Verdes Drive West Roadway Stabilization Project

Recommendation: It is recommended that the City Council award a professional engineering and inspection services contract in the amount of \$89,915 to Huitt-Zollars, Inc. for the Palos Verdes Drive West Roadway Stabilization Project.

7. Approval of License Agreement with Palos Verdes Peninsula Unified School District Permitting City Use of School Premises (Six Palos Verdes Estates Sites) for Placement of Containers to Store Emergency Supplies and Materials

Recommendation: It is recommended that the City Council approve a License Agreement with PVPUSD permitting use of school premises to place containers to store emergency supplies and materials to be used by City-designated disaster workers in the event of an emergency.

8. MAP-109-08; Application Requesting Approval of Vesting Tentative Parcel Map No. 70848 for the Division of the Vacant Lot Located at 3000 Paseo Del Mar and Associated Mitigated Negative Declaration for the Division of the Vacant Lot Located at 3000 Paseo Del Mar

Recommendation: It is recommended that the City Council set the date of the public hearing for September 22, 2009, to consider Vesting Tentative Parcel Map No. 70848 for the division of 3000 Paseo Del Mar and associated Mitigated Negative Declaration for the division of the vacant lot located at 3000 Paseo Del Mar.

9. Planning Commission Actions of August 18, 2009

Recommendation: Receive and File.

- a. **MAP-104-08;** Consideration of Vesting Tentative Parcel Map No. 70848 for the division of the vacant lot located at 3000 Paseo Del Mar and Associated Mitigated Negative Declaration for the Division of the Vacant Lot Located at 3000 Paseo Del Mar. Lot 1, Block 2252, Tract 7144.

Applicant: Jeffrey A. Dahl
18681 Amalia Lane
Huntington Beach, CA 92648
Owner: Brian Choi
1300 W. 36th Ave.
Anchorage, AK 99503

Action: Recommended approval (3-1, Vandever dissenting, Chang absent) with standard conditions and the following additional conditions: 1) All conditions provided by the City Geotechnical Engineer and City Surveyor are to be addressed prior to final approval; 2) Individual water and sewer services shall be constructed for each lot; 3) A Parklands in-lieu fee of \$28,407 be paid to the City.

- b. **CDP-75/NC-1363-09;** Consideration of Coastal Development and Neighborhood Compatibility Applications for additions to the single family residence located at 209 Rocky Point Road. Lot 25, Tract 17606.

Applicant: Criss Gunderson
2024 Via Pacheco
Palos Verdes Estates, CA 90274
Owner: Eric & Lisa Nakkim

Action: Approved (4-0) with standard conditions and the following additional condition: 1) All existing nonstandard encroachments are to be removed.

- c. **NC-1355/GA-1451/M-719-09;** Consideration of Neighborhood Compatibility, Grading and Miscellaneous Applications for a new single family residence located at 3429 La Selva Place. Lot 7, Block 6102, Tract 6887.

Applicant: Tomaro Architecture
1001 6th St., Suite 100
Manhattan Beach, CA 90266
Owner: Bo & Dawn Kaplan

Action: Approved (4-0) 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 nonstandard encroachments shall be removed.

- d. **NC-1358/GA-1453-09;** Consideration of Neighborhood Compatibility and Grading Applications for a new single family residence located at 4017 Via Solano. Lot 17, Block 6201, Tract 6887.

Applicant: Douglas Leach
119 W. Torrance Blvd., Suite 24
Redondo Beach, CA 90277

Owner: Royal & Linda Park

Action: Approved (4-0) with standard conditions and the following additional conditions: 1) City standard curb shall be installed per construction plans prepared by a registered Civil Engineer and approved by the City Engineer; 2) All existing nonstandard encroachments are to be removed.

- e. **NC-1352 -09;** Consideration of a Neighborhood Compatibility Application for additions to the single family residence located at 2209 Via Guadalana. Lot 17, Block 1636, Tract 7330.

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

Action: Approved (3-0, Thomas recused) with standard conditions.

- f. **M-725-09;** Consideration of a Miscellaneous Application for non-standard walls and fences within the setback adjacent to the street at the single family residence located at 364 Palos Verdes Drive West. Lot 8, Block 1614, Tract 6885.

Applicant: Luis De Moraes, Envirotechno
6101 W. Centinela Ave. #160
Culver City, CA 90230
Owner: Jeff Stoner
4100 Via Cardelina
Palos Verdes Estates, CA 90274

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.

PUBLIC HEARING – 7:30 p.m.

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

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10. Request to Appeal Planning Commission Denial of M-717-09; Miscellaneous Application for Non-Standard Structures within the City Right-of-Way at the Single Family Residence Located at 1809 Palos Verdes Drive West. Lot. 18, Block 1276, Tract 7140

Appellant/Applicant/Owner: Dave Armitage

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

ORDINANCES

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

11. Introduction of Ordinance 09-693; an Ordinance of the City Council of the City of Palos Verdes Estates Repealing Obsolete Chapters of the Palos Verdes Estates Municipal Code

Recommendation: It is recommended that the City Council introduce Ordinance 09-693; an Ordinance of the City Council of the City of Palos Verdes Estates repealing Chapters 1.08, 2.20, 3.16, 3.20 and 5.16 of the Palos Verdes Estates Municipal Code.

OLD BUSINESS

NEW BUSINESS

12. PW-554-09; Award of Contract for the Palos Verdes Drive West Roadway Stabilization Project in the Amount of \$566,695 to Calex Engineering Company

Recommendation: It is recommended that the City Council award a construction contract in the amount of \$566,595 to Calex Engineering Company for the completion of the Palos Verdes Drive West Roadway Stabilization Project.

STAFF REPORTS

13. City Manager's Report

DEMANDS

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14.
 - a. Authorize Payment of Motion #1 - Payroll Warrant of August 7, 2009
 - b. Authorize Payment of Motion #1a - Payroll Warrant of August 21, 2009
 - c. Authorize Payment of Motion #1b - Payroll Warrant of September 4, 2009
 - d. Authorize Payment of Motion #2 - Warrant Register of August 11, 2009 (FY08-09)
 - e. Authorize Payment of Motion #2a - Warrant Register of August 11, 2009 (FY09-10)
 - f. Authorize Payment of Motion #2b - Warrant Register of August 25, 2009
 - g. Authorize Payment of Motion #2c - Warrant Register of September 8, 2009

Recommendation: Authorize Payment of Motions #1 - 1b, and #2 – 2c.

MAYOR & CITY COUNCILMEMBERS' REPORTS

ADJOURNMENT TO TUESDAY, SEPTEMBER 22, 2009, IN COUNCIL CHAMBERS OF CITY HALL AT 7:30 PM FOR THE PURPOSE OF A REGULAR MEETING.

- *This City Council meeting can be viewed on Cox Cable, Channel 35, Wednesday, September 9, 2009, at 7:30 p.m., and Wednesday, September 16, 2009, at 7:30 p.m.*

TO: JOSEPH HOEFGEN, CITY MANAGER
FROM: JUDY SMITH, ASSISTANT CITY MANAGER
SUBJECT: RESOLUTION R09-27; ADJUSTING THE BUDGET TO
REFLECT FY 09-10 MOU PROVISIONS

The Issue

Shall the City Council adopt R09-27, which adjusts the FY 09-10 budget to reflect the recently approved / implemented wage and benefit provisions with the City's employee associations?

Analysis and Findings

The City recently concluded discussions with the City's three employee associations. In part, due to the extreme economic uncertainty, the wage and benefit provisions agreed to or implemented are effective for one year only and the parties will again enter negotiations during the spring of 2010.

The FY 09-10 budget did not include explicit assumptions about the cost for new labor agreements, except to the extent that the City had budgeted a 15% increase in medical insurance costs for those employees under the City's monthly insurance cap. A budget adjustment resolution (attached) is presented for Council approval to reflect the cost of the approved and implemented wage/benefit provisions based on current personnel configurations, which reflects some salary savings from when the FY 09-10 budget was presented. The provisions include a stipend of \$1,000 for fulltime and \$500 for part time employees, in-lieu of cost of living or salary increases, except for one position (Deputy City Clerk) which survey data indicated that a market rate adjustment was warranted. The stipend is payable in September and does not attach to salary nor is it considered wages for purposes of retirement contributions. The provisions also include a \$110 increase per month in the City's maximum contribution toward health insurance costs, bringing the new cap to \$1,030.

Recommendation

It is recommended that the City Council adopt R09-27 adjusting the FY 2009-10 budget to reflect recently approved/implemented wage and benefit provisions with the City's employee associations.

Budget Impact

The cost of the one-year wage and benefit provisions totals \$74,220, based on the current personnel configuration and medical insurance enrollment.

TO: JOSEPH M. HOEFGEN, CITY MANAGER
FROM: JUDY SMITH, ASSISTANT CITY MANAGER
SUBJECT: RESOLUTION R09-28; AUTHORIZING THE DESTRUCTION OF OBSOLETE RECORDS OF THE CITY MANAGER, CITY CLERK, POLICE DEPARTMENT, AND PUBLIC WORKS DEPARTMENT

The Issue

Shall the City Council adopt Resolution R09-28, which authorizes destruction of specific obsolete records of the City Manager, City Clerk, Police Department, and Public Works Department?

Analysis and Findings

The City has a formal records management program which allows for the orderly transfer, maintenance and/or destruction of City records. The retention period for specific records is outlined in the program in accordance with state regulations and City policy. Upon thorough review of older records transferred to storage, additional files of the Public Works Department have been identified as obsolete. With storage space at a premium, it is important for the staff to keep current with the records program, and the exhibits of the attached resolution is in keeping with that effort.

The City Attorney has reviewed and approved the requests for destruction as being in conformance with the City's records management program and retention schedule.

Alternatives Available to the City Council

- 1. Adopt Resolution R09-28.
2. Decline to adopt the Resolution.

Recommendation

It is recommended that the City Council adopt Resolution R09-28; authorizing the destruction of specific obsolete records of the City Manager, City Clerk, Police Department, and Public Works Department.

TO: JOSEPH M. HOEFGEN, CITY MANAGER

FROM: ALLAN RIGG, PUBLIC WORKS DIRECTOR

SUBJECT: ADOPTION OF RESOLUTION NO. R09-29, DECLARING THAT THE CITY PUBLIC WORKS DIRECTOR IS AUTHORIZED TO EXECUTE FEDERAL MASTER AGREEMENT NO. 07-5283R AND SUPPLEMENT AGREEMENT NO. 004-N.

DATE: SEPTEMBER 8, 2009

The Issue

Should the City Council:

Adopt Resolution No. R09-29 to declare that the City Public Works Director is authorized to execute Federal Master Agreement No. 07-5283R, Supplement Agreement No. 004-N, and all instruments and documents for said project as is necessary?

Background and Analysis

If a local agency has projects it would like to construct with federal funds, it applies for funding with the State of California Department of Transportation (Caltrans) to see if a project is eligible. In order to formally obligate or reserve the funding, an agency must enter into a Master Agreement with Caltrans. Then, for each specific project, an agency must enter into a Supplement Agreement with Caltrans. With each agreement to be executed, Caltrans requests a certified resolution that clearly identifies the project and the official authorized to execute the agreement.

On February 12, 2008, Council adopted Resolution 08-04, declaring the City Public Works Director as the official authorized to sign and execute Master Agreement No. 07-5283R and Supplement Agreement No. N002 for an overlay project. On July 8, 2008, Council adopted Resolution 08-18, declaring the City Public Works Director as the official authorized to sign and execute Supplement Agreement No. N003 for a slurry seal project.

Two copies of Supplement Agreement No. 004-N have now been received for the Palos Verdes Drive West at Bluff Cove Roadway Stabilization Project, sometimes also referred to as the Bluff Cove Soldier Pile Wall project. Since a majority of the federally required documentation will be

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generated in the Public Works Department, staff recommends that the City Director of Public Works be identified as the official authorized to execute the agreements and any other documents or instruments pertaining to this federal project. Resolution 09-29 is attached.

Alternatives Available to Council

The following alternatives are available to the City Council:

1. Adopt Resolution No. R09-29 to declare that the City Public Works Director is authorized to execute Federal Master Agreement No. 07-5283R, Supplement Agreement No. 004-N, and all instruments and documents for said project as is necessary.
2. Adopt Resolution No. R09-29 with modifications.
3. Decline to adopt Resolution No. R09-29.

Recommendation from Staff

Staff recommends that the Council:

Adopt Resolution No. R09-29 to declare that the City Public Works Director is authorized to execute Federal Master Agreement No. 07-5283R and Supplement Agreement No. 004-N, and all instruments and documents for said project as is necessary.

Fiscal Impact

Staff requested \$500,000 of federal aid reimbursement. The City will have to ensure that adequate funding will be available to pay for project costs as they occur; however, significant fiscal savings would result from the City being reimbursed for a majority of those costs.

Staff report prepared by:
Floriza Rivera
Public Works Department

TO: JOSEPH M. HOEFGEN, CITY MANAGER

FROM: ALLAN RIGG, PUBLIC WORKS DIRECTOR

SUBJECT: AWARD OF A PROFESSIONAL ENGINEERING AND INSPECTION SERVICES CONTRACT IN THE AMOUNT OF \$89,915 TO HUITT-ZOLLARS FOR THE PALOS VERDES DRIVE WEST ROADWAY STABILIZATION PROJECT

DATE: SEPTEMBER 8, 2009

The Issue

Should the City Council award a professional engineering and inspection contract in the amount of \$89,915 to Huitt-Zollars for the Palos Verdes Drive West Roadway Stabilization Project?

Background and Analysis

The City Council will be reviewing the potential award of a construction contract for the Palos Verdes Drive West Roadway Stabilization Project on September 8, 2009. In order to provide the extremely detailed inspection services required for this type of construction, which is also a federally-funded project, we require the services of a specialized consulting firm. The following scope of work was identified in a Request for Proposal that was developed for these services:

Provide assistance during the construction process in accordance with Caltrans and federal project requirements including but not limited to the following activities:

- Attending pre-construction and progress meetings, reviewing contractor submittals as required, ensuring DBE regulation compliance, assisting in responses to requests for information (RFI's).
- Providing certified inspection services, material certifications, ensuring proper construction methods and traffic control, ensuring field conformance with federal guidelines and the City's Quality Assurance Program for construction.
- Providing daily logs of all construction and inspection activities. Providing any other

required federal documentation related to the project construction and inspection, materials used, DBE firms on the project, etc. Working with City staff to ensure that federal documentation is provided to Caltrans in a timely manner and within any prescribed deadlines.

- Ensuring that any construction changes that occur in the field are brought to the City's attention and documented to allow the City's design consultant to update the final as-built project plans.
- Providing services to ensure and document that federal labor compliance requirements are met by the contractors and subcontractors on the project.

Staff received two proposals for the work from Huitt-Zollars and Psomas. Staff reviewed each of the proposals for previous experience in the specialized areas required for this project. After careful review staff felt strongly that Huitt-Zollars had the best previous experience, both as a firm and as the individuals to be assigned to the job. Staff also believes they are better suited to perform the services as they were part of the original design team. They know the plans and the challenges in performing the design, and will be better prepared to address construction difficulties and unexpected issues.

After selecting Huitt-Zollars as the best-qualified firm, staff opened the cost proposals. The total cost for Huitt-Zollars' services was \$109,210. Staff was concerned with the overall cost and worked with them to determine if there were areas where the cost could be reduced. After reviewing the number of working days and determining where City staff would already be performing some of the functions they had anticipated performing, they provided a revised cost estimate of \$89,915. Please note the cost is based on an estimated number of working days and is an hourly contract. Also, please note in comparison, the cost proposal from Psomas was \$140,245.

We are aware that as a percentage of construction cost, these services in addition to City staff costs are well above our standard average of 10%. However we do not know of a means to reduce costs and still comply with the Federal funding requirements and specialized construction inspection. We need to assure our Economic Stimulus Funding is protected and that the construction of the wall is well done, and thus believe the services and the costs are warranted.

Alternatives Available to Council

The following alternatives are available to the City Council:

1. Award a professional engineering and inspection contract in the amount of \$89,915 to Huitt-Zollars for the Palos Verdes Drive West Roadway Stabilization Project.
2. Award a professional engineering and inspection contract to a different firm for the Palos Verdes Drive West Roadway Stabilization Project.

3. Decline to act.

Recommendation from Staff

Staff recommends that the Council Award a professional engineering and inspection contract in the amount of \$89,915 to Huitt-Zollars for the Palos Verdes Drive West Roadway Stabilization Project.

Staff report prepared by:

Allan Rigg

TO: JOSEPH HOEFGEN, CITY MANAGER

FROM: DANIEL DREILING, POLICE CHIEF

DATE: SEPTEMBER 8, 2009

SUBJECT: APPROVAL OF LICENSE AGREEMENT WITH THE PALOS VERDES PENINSULA UNIFIED SCHOOL DISTRICT PERMITTING CITY USE OF SCHOOL PREMISES (SIX PALOS VERDES ESTATES SITES) FOR PLACEMENT OF CONTAINERS TO STORE EMERGENCY SUPPLIES AND MATERIALS

ISSUE

Shall the City Council approve a License Agreement with the Palos Verdes Peninsula Unified School District permitting City use of school premises (six Palos Verdes Estates sites) for placement of containers to store emergency supplies and materials?

BACKGROUND AND ANALYSIS

Members of City staff have been working on the establishment of the Disaster District Plan (DDP), along with select residents, for the past 20 months. On June 23, 2009, a staff report was presented to Council describing the progress thus far, as well as a list of the future objectives to that end.

The DDP (Disaster District Plan) was conceived with the intent to divide the City into smaller more manageable zones, each with an identified and trained hierarchy of leadership within the neighborhood; to provide training in the Incident Command Structure; to identify resources, personnel, and designate regions within each zone for evacuation, staging, and assembly. The goal of the program has been to develop and implement an easy to follow detailed mitigation plan to be shared by the Palos Verdes Estates community and responding relief officials to increase the community's survivability in a disaster. The program divides the City into six districts, each having one of the PVPUSD schools within its boundaries. The school grounds—and not the buildings—will serve as residential assembly points following a disaster.

One important goal has been to position a cache of equipment and supplies, to assist in disaster management, in a container at each school. In the event of a disaster, the imbedded district leaders themselves will be able to manage their own disaster utilizing the tools and skills imparted to them, from the school (pre-designated assembly place). The container will store communications devices (Ham radios) and provisions necessary for DDP leaders to manage a disaster for up to 10 days.

Over the course of the past several weeks, City staff has held discussions with PVPUSD personnel related to the placement of DDP storage containers on PVPUSD property. To this end, we have crafted the attached License Agreement which is recommended for adoption at this time. The PVPUSD Board of Trustees is anticipated to adopt the agreement at their meeting of September 10, 2009.

Highlights of the License Agreement are as follows:

- The six locations for placement of containers are – Montemalaga Elementary School; Lunada Bay Elementary School; PV Intermediate School; PV High School; current Valmonte Administrative Center; and the Malaga Cove School site.
- Each container will be locked and access will be limited to City employees, disaster workers, and others with a specific need for access.
- The specific location of each container on site will be determined jointly by PVPUSD and the City
- There is no license fee for placement of these containers on PVPUSD property and the license is of an ongoing term.
- Either party may terminate the lease with 60 days written notice.

BUDGET:

There is no cost associated with the License Agreement in and of itself. However, the total cost to purchase and equip six twenty-foot containers is estimated at \$60,000. Funds for this project have already been solicited with the County Supervisors Office and other outside funding sources are under investigation as well.

ALTERNATIVES AVAILABLE TO COUNCIL

The following alternatives are available to the City Council:

1. Approve a License Agreement with the PVPUSD permitting use of school premises to place containers to store emergency supplies and materials to be used by City–designated disaster workers in the event of an emergency.
2. Approve a License Agreement with the PVPUSD permitting use of school premises to place containers to store emergency supplies and materials to be used by City–designated disaster workers in the event of an emergency with modifications.
3. Not approve the License Agreement

RECOMMENDATION:

It is recommended that the City Council approve a License Agreement with the PVPUSD permitting use of school premises to place containers to store emergency supplies and materials to be used by City-designated disaster workers in the event of an emergency.

Agenda Item #: 8

Meeting Date: 9/08/09

TO: JOSEPH M. HOEFGEN, CITY MANAGER

FROM: ALLAN RIGG, PLANNING DIRECTOR

SUBJECT: MAP-104-08; APPLICATION REQUESTING APPROVAL OF VESTING TENTATIVE PARCEL MAP NO. 70848 FOR THE DIVISION OF THE VACANT LOT LOCATED AT 3000 PASEO DEL MAR AND ASSOCIATED MITIGATED NEGATIVE DECLARATION FOR THE DIVISION OF THE VACANT LOT LOCATED AT 3000 PASEO DEL MAR. LOT 1, BLOCK 2252, TRACT 7144.

DATE: SEPTEMBER 8, 2009

The Issue

Should the City Council set the date of the public hearing for September 22, 2009, to consider Vesting Tentative Parcel Map No. 70848 for the division of the vacant lot at 3000 Paseo Del Mar and associated Mitigated Negative Declaration for the division of the vacant lot at 3000 Paseo Del Mar?

Background and Analysis

This application is for the approval of Tentative Parcel Map No. 70848. The Vesting Tentative Parcel Map for the division of 3000 Paseo Del Mar was originally reviewed by the Planning Commission on August 18, 2009. The map was reviewed and approved (3-1, Vandever dissenting) with standard conditions and the following additional conditions:

1. All conditions provided by the City Geotechnical Engineer and City Surveyor are to be addressed prior to final approval.
2. Individual water and sewer services shall be constructed for each lot.
3. A Parklands in-lieu fee of \$28,407 be paid to the City.

Per Chapter 16.08 of the Palos Verdes Estates Municipal Code, once the map has been approved by the Planning Commission, at the next regular meeting the City Council must set a date for a public hearing to review the map, which must be 30 days thereafter. Thus, the public hearing must be set for September 22, 2009.

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Alternatives Available to the City Council

The following are alternatives available to the City Council:

1. Set the date of the public hearing for September 22, 2009 to consider Vesting Tentative Parcel Map No. 70848 for the division of 3000 Paseo Del Mar and associated Mitigated Negative Declaration for the division of the vacant lot located at 3000 Paseo Del Mar.
2. Decline to act.

Recommendation from Staff

Staff recommends that the City Council set the date of the public hearing for September 22, 2009 to consider Vesting Tentative Parcel Map No. 70848 for the division of 3000 Paseo Del Mar and associated Mitigated Negative Declaration for the division of the vacant lot located at 3000 Paseo Del Mar.

Staff report prepared by:
Stacey Kinsella
Planning Department

TO: JOSEPH HOEFGEN, CITY MANAGER
FROM: ALLAN RIGG, PLANNING DIRECTOR
DATE: SEPTEMBER 8, 2009
SUBJECT: PLANNING COMMISSION ACTIONS OF AUGUST 18, 2009

The items attached were acted upon by the Planning Commission on August 18, 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.

TO: JOSEPH M. HOEFGEN, CITY MANAGER

FROM: ALLAN RIGG, PLANNING DIRECTOR

SUBJECT: REQUEST TO APPEAL PLANNING COMMISSION DENIAL OF M-717-09; MISCELLANEOUS APPLICATION FOR NONSTANDARD STRUCTURES WITHIN THE CITY RIGHT-OF-WAY AT THE SINGLE FAMILY RESIDENCE LOCATED AT 1809 PALOS VERDES DRIVE WEST. LOT 18, BLOCK 1276, TRACT 7140.

**APPELLANT/
OWNER: DAVE & CAROLYN ARMITAGE
1809 PALOS VERDES DRIVE WEST
PALOS VERDES ESTATES, CA 90274**

DATE: SEPTEMBER 8, 2009

The Issue

Should the City Council confirm the Planning Commission's decision to deny M-717-09; Miscellaneous application for nonstandard structures within the City right-of-way at the single family residence located at 1809 Palos Verdes Drive West?

Background and Analysis

This is a Miscellaneous application for nonstandard structures within the City right-of-way at the single family residence located at 1809 Palos Verdes Drive West. The application requests after-the-fact approval for stone borders 2 inches to 4 inches in height within the existing 18 ft. right-of-way. Outdoor lighting was also installed within the right-of-way; however, the applicant indicates that the lighting existed prior to purchasing the lot.

History

Applications for this site were originally reviewed by the Planning Commission on August 15, 2000. The new Single Family Residence was approved with standard conditions and the additional

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condition that the adjacent alley be improved. Applications were again reviewed by the Planning Commission on March 20, 2007. The Revised Neighborhood Compatibility and Miscellaneous applications for new hardscape and a new trellis were approved with standard conditions.

The City first became aware of the nonstandard construction in May 2009. The applicant was informed that the nonstandard work could either be removed or an application could be submitted for review by the Planning Commission. The nonstandard work was reviewed by the Planning Commission on July 21, 2009. Following discussion, the Planning Commission denied (4-1, Chang dissenting) the application.

Appeal

The Planning Commission's decision has now been appealed by the applicant and owner, Dave Armitage. The appeal purports that the nonstandard stone borders mitigate the soil erosion that usually occurs at the front of the property. Thus, the borders keep the soil from accumulating along the edge of the pavement.

Staff would like to point out several facts that may be pertinent to the evaluation of this item. The City is very specific in what is approved in the public right-of-way in order to maximize the safety for all people using the right-of-way. People do not expect to need to navigate stones with sharp edges along the back of a curb or along the edge of a walkway, and the stones as installed could cause someone to trip and injure themselves. We try to keep the right-of-way as flat as possible to minimize any trip and fall injuries and thus do not allow any curbs or walls except for the curb along the street's edge. If someone were to be injured, it would be expected that we and the property owner would then be sued for damages. As the stones are not a typical improvement used in the right-of-way, we would not be able to use any kind of industry standard or other standard in our defense.

We would also want to point out that many walkways are installed in the City without walls to keep dirt off of them. Typically, the grading of the dirt and the vegetation near the walkway is done in such a manner to minimize dirt coming onto the walkway. As such, there is nothing exceptional about this location that would seem to warrant an exception.

In regards to the concerns that the City inspected this walkway and created this situation, we have done an exhaustive search of our records to review the permit for the walkway. Our records show permits for a water lateral (4/10/2001), a driveway (7/11/2001), and a sewer lateral (7/31/2001), but nothing regarding the walkway. Even if the City did permit and inspect the walkway, we would not have required any change to the dirt alongside the walkway or to the elevation of the walkway. Please note it would be contrary to our standards to permit a varying-width walkway as was originally constructed and would have warranted a correction. As the lighting in the right of way is unpermitted and illegal, it is possible these were constructed at the same time.

The appeal includes the appeal documents, the staff report with all supporting documents as presented to Planning Commission on July 21, 2009, and the minutes from the July Planning Commission meeting.

Correspondence Received

Letters of correspondence received regarding the project are included for review.

Findings Required to Approve

Reference City of Palos Verdes Estates Municipal Code Chapter 15.

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 M-717-09; Miscellaneous application for nonstandard structures within the City right-of-way at the single family residence located at 1809 Palos Verdes Drive West.
2. Overturn the Planning Commission's decision and approve M-717-09; Miscellaneous application for nonstandard structures within the City right-of-way at the single family residence located at 1809 Palos Verdes Drive West.
3. Overturn the Planning Commission's decision and approve M-717-09; Miscellaneous application for nonstandard structures within the City right-of-way at the single family residence located at 1809 Palos Verdes Drive West, with modifications.

Once a decision is made by the City Council, a final Resolution will be prepared and presented at the following meeting to confirm the City Council's decision.

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 M-717-09; Miscellaneous

application for nonstandard structures within the City right-of-way at the Single Family Residence located at 1809 Palos Verdes Drive West.

Staff report prepared by:
Stacey Kinsella
Planning Department

TO: JOSEPH HOEFGEN, CITY MANAGER
FROM: JUDY SMITH, ASSISTANT CITY MANAGER
SUBJECT: INTRODUCTION OF ORDINANCE 09-693; REPEALING OBSOLETE CHAPTERS OF THE PALOS VERDES ESTATES MUNICIPAL CODE

The Issue

Shall the City Council introduce Ordinance 09-693 to repeal obsolete Chapters of the Palos Verdes Estates Municipal Code as outlined below?

Analysis and Findings

The City has begun the process of revision and recodification of the Palos Verdes Estates Municipal Code. As a first step in this process, staff proposes that the Council repeal certain obsolete chapters of the code. The chapters to be repealed were identified by the City Attorney and staff and include the following:

Chapter 1.08 – “City Hall” Consists solely of Section 1.08.010 – designating the front entrance and address of City Hall. In the City Attorney’s opinion, it is not necessary to codify this information and the chapter may be repealed.

Chapter 2.20 – “Fire Reserve Corp” Consisting of Sections 2.20.010 through 2.20.110 regarding a volunteer Fire Corp in service with the City operated Fire Department. The City Fire Department ceased operation in 1986 when responsibility was transferred by contract to Los Angeles County Fire. This chapter vests authority for corps activities (hiring, training, etc) with the City’s Fire Chief, a position which does not exist. All other provisions regarding the Fire Corp are obsolete and no longer in use. There is no comparable volunteer component at L.A. County Fire. If future volunteer services are deemed necessary, it is likely the charge and composition would be very different from those currently enumerated in the code. Rather than retain any language for future use, this chapter should be repealed.

Chapter 3.16 “Utility Users’ Tax” and 3.20 “Telephone Users’ Tax” - The City’s utility users’ tax expired in June 2003. These chapters are obsolete and cause confusion among utilities, especially telephone companies, which continue to contact the City to inquire about status. If, in the future, the City seeks to reenact a utility users’ tax, then a new ordinance reflecting updated provisions and technology would be prepared for voter approval. Again, there is no benefit in retaining the language currently reflected in the Code.

Chapter 5.16 “Taxicabs” – This chapter (ordinance dating from 1974) outlines a regulatory process for the operation of taxicabs within the City including an operator’s permit issued by the City’s “traffic authority;” filing of evidence of insurance and other operating requirements. The staff is unaware of the last time a taxicab operator permit was requested or issued. As an alternative to that chapter, the City intends to rely on the regulations of the County and City of Los Angeles governing taxicabs operating within the City. Because Government Code section 53075.5 requires the City to adopt certain regulations for taxi cab operations, the City Attorney recommends incorporating the pertinent County and City of Los Angeles regulations in Chapter 5.16 – Business License, as part of the overall code revision project. In any event, when a taxicab operator seeks a business license to operate in the City, staff will be sure such operator is in current compliance with those pertinent County and City of Los Angeles regulations.

Alternatives Available to the City Council

1. Introduce Ordinance 09-693 as presented.
2. Modify and introduce Ordinance 09-693.
3. Decline to introduce Ordinance 09-693.

Recommendation

It is recommended that the City Council introduce Ordinance 09-693 repealing Chapters 1.08, 2.20, 3.16, 3.20 and 5.16. of the Palos Verdes Estates Municipal Code.

Budget Impact

None

TO: JOSEPH M. HOEFGEN, CITY MANAGER

FROM: ALLAN RIGG, PUBLIC WORKS DIRECTOR

SUBJECT: PW 554-09; AWARD OF CONTRACT FOR THE PALOS VERDES DRIVE WEST ROADWAY STABILIZATION PROJECT, IN THE AMOUNT OF \$566,695 TO CALEX ENGINEERING COMPANY

DATE: SEPTEMBER 8, 2009

Introduction

Should the City Council award a construction contract in the amount of \$566,695 to Calex Engineering Company for the completion of the Palos Verdes Drive West Roadway Stabilization Project?

Background and Analysis

Palos Verdes Drive West serves as a major arterial and utility corridor through the City of Palos Verdes Estates that, unfortunately, has been subject to erosion and landslides over the years. Towards the north end of Bluff Cove just north of Via Montemar, a landslide in the 1980s destroyed two homes and led to ongoing maintenance activities where the City continually patches the street due to subsidence. The edge of the landslide has slowly moved towards the east, and now extends into the southbound travel lane of Palos Verdes Drive West. In the early 1990s, the City moved the striping for Palos Verdes Drive West east because the top of the landslide was causing subsidence across the entire southbound lane. It is likely that the top of the landslide will continue to move east across the travel lanes. Additional movement/erosion could eventually cause the closure of Palos Verdes Drive West, and severely impact traffic and utilities, including water, electrical, and sewer lines. There is no easy way to reroute the road or the utilities in either location due to the topography in the area.

The City commissioned two reports to investigate the extent of landslide and to determine potential mitigation measures. The most recent report was developed by the City's Geologist, Zeiser Kling Consultants, Inc. and included the results of six borings in the landslide area and potential mitigation measures. City staff reviewed this report and decided to pursue either Alternate 4, soldier pile wall with seismic design, or Alternate 5, soldier pile wall with tiebacks and seismic design. In either case, the wall would allow slope movement along that portion of the road adjacent to the landslide, exposing more of the wall over time as the landslide moves downhill.

Staff sent out Requests for Proposals in June, 2008, for design of a soldier pile wall either seismically or with tiebacks. The designer would make the final determination as to which type of wall should be built. In October, 2008, the City and GMU Geotechnical, Inc. entered into a Professional Services Agreement for design of the soldier pile wall. Designs were substantially complete in 2009 and staff submitted a request to the State Department of Transportation (Caltrans) to have a portion of the estimated \$1,056,000 construction costs reimbursed using Economic Stimulus Funding. Caltrans E-76 authorization for \$500,000 of construction reimbursement was granted in June, 2009.

Staff advertised the Palos Verdes Drive West Roadway Stabilization Project with Palos Verdes Peninsula News, Bid America, F. W. Dodge, and Reed Construction Data. Construction bids were opened on August 3, at 10:30 a.m. The bid results are shown below, and a table comparing the three lowest bids accompanies this staff report.

Calex Engineering Co.	\$566,695
Malcolm Drilling Co., Inc.	\$797,250
John S. Meek Co., Inc.	\$823,655
Garcia Juarez Construction	\$867,800
Peterson-Chase General Engineering Const.	\$896,855
DBM Contractors, Inc.	\$984,000
Condon-Johnson & Associates	\$1,090,263
Y&M Construction, Inc.	\$1,132,400
Minako America Corp. DBA Minco Const.	\$1,141,050

Calex Engineering Company submitted the low bid for the project. They have completed soldier pile wall projects of similar size for the City of Los Angeles Bureau of Engineering, the City of Los Angeles Public Works Department, the City of La Habra Heights, the County of Los Angeles Department of Public Works, and the County of Santa Barbara. They have also recently completed a soldier-pile-wall-with-tieback-anchors project for the County of Los Angeles Department of Public Works. Agency references were all overwhelmingly positive in their assessment of the company. Staff believes they are well equipped to satisfactorily complete the City's project.

The following schedule is anticipated:

- September 8 Contract awarded.
- October 9 Contract, insurance certificates signed by contractor & City.
- October 26 Work expected to begin.
- December 18 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 \$566,695 to Calex Engineering Company, for the completion of the Palos Verdes Drive West Roadway Stabilization Project.
2. Decline to Act.

Conclusions and Recommendations

Staff recommends that the City Council award a construction contract in the amount of \$566,695 to Calex Engineering Company, for the completion of the Palos Verdes Drive West Roadway Stabilization Project.

Fiscal Impact

The FY 09/10 budget currently has \$1,176,000 available for this project. Staff estimates the following project costs:

Construction	\$566,695.00
Contingency cost (10% of construction cost)	\$56,669.50
Administration	\$28,334.75
<hr/> Total	<hr/> \$651,699.25

A 10% contingency has been added to the estimated costs above. Although we do not expect to use that amount of additional funding on this project, we would like to allocate the money now to avoid a later budget adjustment if any changes in the project scope occur due to unforeseen field conditions.

The current budget is sufficient to cover the \$651,699 cost, and Caltrans has authorized \$500,000 of Economic Stimulus federal funding reimbursements for construction costs, on the condition that federal administrative and inspection requirements are met before, during, and after the construction. We also have designated \$329,000 of State Proposition 1B funding allocated for this project. Even with the \$90,000 in inspection and construction services proposed by Huitt-Zollars Inc. in a separate staff report, we have more than enough funding being provided by outside sources to complete the project. We can redirect a portion of the Proposition 1B funding for a different project.

Staff report prepared by:
Floriza Rivera
Public Works Department

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