



City of Palos Verdes Estates City Council Agenda & Staff Reports

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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**

May 12, 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. R09-13
NEXT ORDINANCE NO. 09-690**

CALL TO ORDER

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

- **CONFERENCE WITH LABOR NEGOTIATORS**
Pursuant to Government Code Section 54957.6
Agency Negotiators: Joe Hoefgen and Judy Smith
Employee Organizations: Public Service Employees Association

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- **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION (2 cases)**
 Pursuant to Government Code Section 54956.9 (a)
 Young v. City of Palos Verdes Estates, Case No. YC057845
 Iannitti v. City of Palos Verdes Estates, Case No. BS117627

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 1-4)

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 April 28, 2009

Recommendation: Review and File.

2. PW-544-08; Completion of Contract for the Fiscal Year 2008-09 Curb and Gutter Replacement Project

Recommendation: It is recommended that the City Council accept as complete the construction contract PW-544-08; construction of the FY08-09 Curb and Gutter Replacement Project in the amount of \$19,595.00; 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.

3. PW-552-08; Completion of Contract for the Via Campesina, Via Valmonte, Palos Verdes Drive North Paving – LACMTA Flexible Funding Project

Recommendation: It is recommended that the City Council accept as complete the construction contract PW-552-08; construction of the Via Campesina, Via Valmonte, Palos Verdes Drive North Paving – LACMTA Flexible Funding Project in the amount of

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\$204,211.68; 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.

4. PW-553-08; Completion of Contract for the EVR II Tank Upgrade Project

Recommendation: It is recommended that the City Council accept as complete the construction contract PW-553-08; construction of the EVR II Tank Upgrade Project in the amount of \$41,825.00; 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.

PUBLIC HEARING/ORDINANCE (7:30 p.m.)

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

5. Introduction of Ordinance 09-689; Amending Section 18.32.010 of the Palos Verdes Estates Municipal Code Relating to Heights of Walls, Fences, and Accessory Structures in the R-1 and R-M Zones

Recommendation: It is recommended that the City Council open the public hearing, receive public input, close the public hearing, and introduce Ordinance 09-689; an Ordinance of the City Council of the City of Palos Verdes Estates amending Section 18.32.010 of the Palos Verdes Estates Municipal Code relating to heights of walls, fences, and accessory structures in the R-1 and R-M zones.

OLD BUSINESS

NEW BUSINESS

6. PW-555-09; Award of Street Sweeping Contract for Fiscal Years 2009-10 and 2010-11

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Recommendation: It is recommended that the City Council award the FY 2009-10 and 2010-11 Street Sweeping Contract to R.F. Dickson Co., Inc., in the amount of \$85,320 annually.

STAFF REPORTS

7. City Manager's Report

DEMANDS

8.
 - a. Authorize Payment of Motion #1 – Payroll Warrant of May 1, 2009
 - b. Authorize Payment of Motion #2 – Warrant Register of May 12, 2009

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

MAYOR & CITY COUNCILMEMBERS' REPORTS

ADJOURNMENT TO TUESDAY, MAY 26, 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, May 13, 2009, at 7:30 p.m., and Wednesday, May 20, 2009, at 7:30 p.m.*



MEMORANDUM

Agenda Item #: 2

Meeting Date: 5/12/09

TO: *Jett* JOSEPH M. HOEFGEN, CITY MANAGER
FROM: ALLAN RIGG, PUBLIC WORKS DIRECTOR *AR*
SUBJECT: PW 544-08; COMPLETION OF FY 08/09 CURB AND GUTTER REPLACEMENT PROJECT
DATE: MAY 12, 2009

The Issue

Should the City Council:

- 1) Accept as complete the construction contract PW 544-08; FY 08/09 Curb and Gutter Replacement Project in the amount of \$19,595; 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 February 24, 2009, City Council awarded a Contract in the amount of \$18,885 to Grigolla and Sons Construction Company for the completion of the FY 08/09 Curb and Gutter Replacement Project. 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 \$710 to add curb and gutter on Palos Verdes Blvd and sidewalk on Via Corta, and to delete curb and gutter in other areas. The project has now been satisfactorily constructed for the amount of \$19,595 (+3.8%).

Alternatives Available to Council

The following alternatives are available to the City Council:

1. Accept as complete the construction contract PW 544-08; FY 08/09 Curb and Gutter Replacement Project in the amount of \$19,595, 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 544-08; FY 08/09 Curb and Gutter Replacement Project in the amount of \$19,595; 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 2008-09 Curb and Gutter budget has \$69,488.50 available for this project. The project costs were:

Construction Costs	\$19,595
Inspection/Administration	\$4,200
Total	\$23,795

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

Staff report prepared by:



Floriza Rivera
Public Works Department



MEMORANDUM

Agenda Item #: 3
Meeting Date: 5/12/09

TO: *Jet* JOSEPH M. HOEFGEN, CITY MANAGER
FROM: ALLAN RIGG, PUBLIC WORKS DIRECTOR *A*
SUBJECT: PW 552-08; COMPLETION OF CONTRACT FOR THE VIA
CAMPESSINA, VIA VALMONTE, PALOS VERDES DRIVE NORTH
PAVING—LACMTA FLEXIBLE FUNDING PROJECT
DATE: MAY 12, 2009

The Issue

Should the City Council:

- 1) Accept as complete the construction contract PW 552-08; Via Campesina, Via Valmonte, Palos Verdes Drive North Paving—LACMTA Flexible Funding Project in the amount of \$204,211.68; 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 February 10, 2009, the City Council awarded a Contract in the amount of \$194,758.88 to Palp Inc. DBA Excel Paving Company for the completion of the Via Campesina, Via Valmonte, Palos Verdes Drive North Paving—LACMTA Flexible Funding Project. The project was a combined overlay and slurry seal street improvement project. The overlay portion occurred on Via Campesina from Palos Verdes Drive North to the edge of the new pavement at the east golf course entrance, on Palos Verdes Drive North from the triangle intersection to Paseo Del Campo, and on a very small portion of Via Zumaya next to 2564 Palos Verdes Drive West. The slurry seal project occurred on Via Valmonte from Palos Verdes Drive North to Via Azalea.

The project has now been satisfactorily completed in the amount of \$204,211.68. Additional pavement repairs were needed on Via Campesina, Palos Verdes Drive West, and Via Valmonte and added to the project cost. The slurry seal resurfacing was also changed to Type II slurry seal from rubberized emulsion aggregate slurry seal (REAS), because the spring cool weather conditions would have extended the drying time for REAS beyond acceptable limits. Regular Type II slurry seal does not have crumb rubber from recycled tires as does REAS, so it does not

retain its black coloring as long, but does dry much more rapidly and provided a slight cost savings that was applied to pavement repairs. The minimum drying time for REAS is four hours on a fairly hot day and the optimum season to install it is during the summer. In cooler weather and in shaded areas, the conditions occurring during the construction, drying times can extend to overnight and longer.

One change order was issued for \$9,452.80, which increased the total construction cost to \$204,211.68 (+4.9%). The 10% contingency budget, approved by Council when the project was awarded, provided the funding for the change order.

Alternatives Available to Council

The following alternatives are available to the City Council:

1. Accept as complete the construction contract PW 552-08; Via Campesina, Via Valmonte, Palos Verdes Drive North Paving—LACMTA Flexible Funding Project in the amount of \$204,211.68, 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 552-08; Via Campesina, Via Valmonte, Palos Verdes Drive North Paving—LACMTA Flexible Funding Project in the amount of \$204,211.68; 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 City recently received \$287,659 of funding from LACMTA for the resurfacing of City streets. The project costs were:

	Estimated Cost at Award	Actual Cost at Completion
Construction	\$194,758.88	\$194,758.88
Contingency cost (10% of construction cost)	\$19,475.89	\$9,452.80
Inspection and Administration	\$19,500.00	\$19,000.00
Total	\$233,734.77	\$223,211.68

LACMTA funding is therefore sufficient to cover the total project cost of \$223,211.68 shown above.

Staff report prepared by:



Floriza Rivera
Public Works Department



MEMORANDUM

Agenda Item #: 4

Meeting Date: 5/12/09

TO: *Jet* JOSEPH M. HOEFGEN, CITY MANAGER
FROM: ALLAN RIGG, PUBLIC WORKS DIRECTOR *AR*
SUBJECT: PW 553-08; COMPLETION OF CONTRACT FOR THE EVR II UPGRADE PROJECT
DATE: MAY 12, 2009

The Issue

Should the City Council:

- 1) Accept as complete the construction contract PW 553-08; EVR II Upgrade Project in the amount of \$41,825; 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 March 10, 2009, the City Council awarded a Contract in the amount of \$41,825 to Fleming Environmental Inc. for the completion of the EVR II Upgrade Project. The project installed a Veeder-Root vapor recovery canister onto the existing fuel tank ventilation line, installed an electrical circuit to power the vapor recovery canister, upgraded the City's existing Veeder-Root alarm console, and installed a new dispensing unit equipment to comply with C.A.R.B. and SCAQMD requirements. System tests were conducted after all installations had taken place, in accordance with SCAQMD requirements. Fleming Environmental informed SCAQMD and County inspectors of the tests so that they could make arrangements to attend if they wished.

The project has now been satisfactorily completed in the amount of \$41,825 with no change orders issued.

Alternatives Available to Council

The following alternatives are available to the City Council:

1. Accept as complete the construction contract PW 553-08; EVR II Upgrade Project in the amount of \$41,825, 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 553-08; EVR II Upgrade Project in the amount of \$41,825; 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 Fiscal Year 09/10 budget contains \$47,614 for City safety improvements. The project costs were:

Construction Costs	\$41,825
Inspection/Administration	\$2,500
<hr/> Total	<hr/> \$44,325

The current budget is therefore sufficient to cover the total project cost of \$44,325 shown above.

Staff report prepared by:



Floriza Rivera
Public Works Department

Agenda Item #: 5

Meeting Date: 5/12/09

TO: JOSEPH M. HOEFGEN, CITY MANAGER

FROM: ALLAN RIGG, PLANNING DIRECTOR

SUBJECT: INTRODUCTION OF ORDINANCE 09-689; AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALOS VERDES ESTATES AMENDING SECTION 18.32.010 OF THE PALOS VERDES ESTATES MUNICIPAL CODE RELATING TO HEIGHTS OF WALLS, FENCES, AND ACCESSORY STRUCTURES IN THE R-1 AND R-M ZONES

DATE: MAY 12, 2009

The Issue

Should the City Council introduce Ordinance No. 09-689, an ordinance of the City Council of the City of Palos Verdes Estates, amending Section 18.32.010 of the Palos Verdes Estates Municipal Code relating to heights of walls, fences, and accessory structures in the R-1 and R-M zones?

Background and Analysis

Chapter 18.32 of the City's Municipal Code includes restrictions to the height of walls and fences on private property. However, there are many items that fall outside the definition of walls and fences that can create significant impacts if above the maximum allowed heights. These include trellises, gazebos, playhouses, decorations, fireplaces, and fountains. It is necessary to expand the scope of structures required to comply with the established heights so that impacts can be properly assessed.

This topic was originally discussed at the joint dinner meeting on January 28, 2009. After much discussion, it was decided that staff was to work with the City Attorney to revise the walls and fences section of the code to include trellises, gazebos, playhouses, decorations, detached fireplaces, fountains, and other structures as deemed appropriate by the Planning Department.

The main modification to this chapter is the addition of the term "accessory structure". Sections D and E have also been added to define the term "accessory structure" and to note that a silhouette may be required at the discretion of the Planning Director and/or Planning Commission. Currently, walls, fences, and accessory structures are not required to be silhouetted; however, there may be

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cases in which a silhouette is appropriate. For example, a new guest house may have an impact on an adjacent neighbor and a silhouette can clearly show that impact.

Attached is a copy of the existing format of Chapter 18.32, the red-lined version of Chapter 18.32, and the proposed ordinance.

The proposed ordinance was reviewed and approved by the Planning Commission at their meeting on April 21, 2009.

Alternatives Available to the City Council

1. Open the public hearing, receive public input, close the public hearing and introduce Ordinance No. 09-689, an ordinance of the City Council of the City of Palos Verdes Estates, amending Section 18.32.010 of the Palos Verdes Estates Municipal Code relating to heights of walls, fences, and accessory structures in the R-1 and R-M zones.
2. Open the public hearing, receive public input, close the public hearing and introduce Ordinance No. 09-689, an ordinance of the City Council of the City of Palos Verdes Estates, amending Section 18.32.010 of the Palos Verdes Estates Municipal Code relating to heights of walls, fences, and accessory structures in the R-1 and R-M zones, with modifications.
3. Decline to act.

Recommendation from Staff

Staff recommends that the City Council open the public hearing, receive public input, close the public hearing and introduce Ordinance No. 09-689, an ordinance of the City Council of the City of Palos Verdes Estates, amending Section 18.32.010 of the Palos Verdes Estates Municipal Code relating to heights of walls, fences, and accessory structures in the R-1 and R-M zones.

Staff report prepared by:
Stacey Kinsella
Planning Department

TO: JOSEPH M. HOEFGEN, CITY MANAGER

FROM: ALLAN RIGG, PUBLIC WORKS DIRECTOR

SUBJECT: PW-555-09; AWARD OF CONTRACT FOR STREET SWEEPING FOR FISCAL YEARS 09/10 AND 10/11

DATE: MAY 12, 2009

The Issue

Should the City Council award the street sweeping contract in the amount of \$85,320 annually to R.F. Dickson Co, Inc., for Fiscal Years 09/10 and 10/11?

Background and Analysis

The existing Street Sweeping contract is due to expire June 30, 2009. To ensure that the City's street sweeping needs are fulfilled without any interruption in service, staff has completed the re-bid process and is seeking an award of this contract for a start date of July 1, 2009.

Staff chose to maintain the contract length at two years with a contract provision included for two one-year options for extension, to take advantage of any reduction in costs that may occur by June 30, 2011.

The contract was bid as Bid Item #1 regular sweeping, with three alternate scopes, and Bid Item #2, an hourly rate for additional sweeping. The table below summarizes the different alternate street sweeping schedules for Bid Item #1, with Alternate A being the current schedule:

Street Type	Alternate A	Alternate B	Alternate C
Commercial	Weekly	Weekly	Twice Monthly
Non-commercial	Monthly	Twice Monthly	Monthly

Bids were based on approximate lengths of 21 curb miles for the commercial route and 146 curb miles for all remaining streets and alleys. The streets that make up the commercial route are Palos Verdes Drive West, Palos Verdes Drive North, Palos Verdes Boulevard from the Torrance border to Palos Verdes Drive West, Via Corta, Via Chico, Via Tejon, Tejon Place, Yarmouth Road (two

blocks), Via Anacapa (two blocks), Malaga Cove Plaza, and the parking lot just west of City Hall adjacent to Palos Verdes Drive West.

Staff advertised in F. W. Dodge, Bid America, and Reed Construction Services, and also contacted nine local street sweeping companies. Three bids were opened on April 22, 2009, at 10:30 a.m. The bidders were R.F. Dickson Company, Clean Street, and Nationwide Environmental Services. The bid results are as follows:

Bidder	Bid Item #1			Bid Item #2
	Alternate A Annual Cost	Alternate B Annual Cost	Alternate C Annual Cost	Hourly Additional Sweeping Rate
R.F. Dickson Co., Inc.	\$85,320	\$137,880	\$67,680	\$125
Clean Street, Inc.	\$91,008	\$137,880	\$78,960	\$115
Nationwide Environmental	\$91,080	\$145,716	\$81,480	\$105

R.F. Dickson Co., Inc. has satisfactorily provided street sweeping services to the City since 2000 under three previous contracts. Their annual cost for Alternate A, the current sweeping schedule, will allow the City to continue to sweep commercial routes weekly.

Although Alternate C is less expensive, the commercial routes are the most heavily traveled in the City and the debris that would collect with an Alternate C schedule is significant. However, should the Alternate C schedule be selected, the proposed reductions in street sweeping frequency would be acceptable and would comply with National Pollutant Discharge Elimination System (NPDES) requirements.

Alternatives Available to Council

The following alternatives are available to the City Council:

1. Award the street sweeping contract in the amount of \$85,320 annually to R.F. Dickson Co, Inc., for Fiscal Years 09/10 and 10/11.
2. Award the street sweeping contract with a different schedule and cost.
3. Decline to Act.

Recommendation from Staff

Staff recommends that the Council award the street sweeping contract in the amount of \$85,320 annually to R.F. Dickson Co., Inc., for Fiscal Years 09/10 and 10/11.

Fiscal Impact

The annual \$85,320 bid amount is greater than the current FY 09/10 street sweeping budget of \$61,900. A budget adjustment of \$23,420 can be made upon awarding the contract.

The City will have two one-year options to extend the contract at a mutually agreed upon price by both parties.

Staff report prepared by
Floriza Rivera
Public Works Department