



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**

February 24, 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. R09-08
NEXT ORDINANCE NO. 09-689**

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

CEREMONIAL MATTERS

- Proclamation Recognizing the Service of Robert and Christine Gaudenti for Management of the Palos Verdes Stables

CITY COUNCIL AGENDA
FEBRUARY 24, 2009

MAYOR'S REPORT – Matters of Community Interest

CONSENT AGENDA (Items 1 -6)

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 #6a-b. 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 February 10, 2009

Recommendation: Review and File.

2. Treasurer's Report – January 2009

Recommendation: Receive and File.

3. Monthly Financial Report – January 2009

Recommendation: Receive and File.

4. PW-544-08; Award of Construction Contract in the Amount of \$18,885 to Grigolla & Sons Construction Company, Inc., for the Construction of the Fiscal Year 2008-09 Curb and Gutter Replacement Project

Recommendation: It is recommended that the City Council award a construction contract in the amount of \$18,885 to Grigolla & Sons Construction Company, Inc. for the construction of the FY08-09 Curb and Gutter Replacement Project.

5. Parklands Committee Meeting Items of February 9, 2009

Recommendation: Review and Approve.

- a. PC-296-08; Application to remove 2 Coral trees, 1 New Zealand Christmas tree and 1 Leylandii cypress hedge in the City right-of-way located adjacent to 1801 Paseo Del Mar for neighborhood view restoration

Applicant: Scott Martin
21515 Hawthorne Blvd. # 975
Torrance, CA 90503

Action: Approved (5-0). The applicant is approved to remove 2 Coral trees and 1 New Zealand Christmas tree according to the ‘Standard Conditions For Tree Removal Approvals’. The replacement trees are 4-24-inch box Kentia palms (Howea forsteriana).

b. PC-297-09; Application to landscape the parklands adjacent to 1517 Via Coronel

Applicant: A.C. Abbasi
1517 Via Coronel
Palos Verdes Estates, CA 90274

Action: Approved (4-0-1, Kinney abstaining). The applicant is approved to install landscape in the Parklands adjacent to 1517 Via Coronel subject to the Standard Conditions of approval listed in the staff report and a recorded agreement with the City regarding liabilities and maintenance.

6. Planning Commission Actions of February 17, 2009

Recommendation: Receive and File.

a. **M-695-08;** Consideration of a Miscellaneous Application for a non-standard walkway within the right-of-way adjacent to the single family residence located at 3820 Via La Selva. Lot 6, Block 6213, Tract 6887.

Applicant/Owner: Joe Maguire

Action: Approved (5-0) with standard conditions and the following additional conditions: 1) The walkway is to be 6 ft. wide at the curb; 2) An encroachment agreement is to be provided.

b. **M-699-09;** Consideration of a Miscellaneous Application requesting after-the-fact approval of a structure exceeding the maximum allowable height at the single family residence located at 400 Via Almar. Lot 8, Block 1514, Tract 6886.

Applicant/Owner: George & Annette Morris

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

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 HEARINGS – 7:30 p.m.

All persons addressing the City Council during public hearings shall be limited to three (3) minutes for comment.

7. Protest Hearings of the City Council of the City of Palos Verdes Estates Declaring that Weeds Growing Upon or in Front of, and Brush, Rubbish, Refuse, and Dirt Upon and in Front of Certain Improved and Unimproved Private Properties in the City are a Public Nuisance, and Declaring its Intention to Provide for the Abatement Thereof

Recommendation: It is recommended the City Council open the protest hearing in accordance with Resolution R09-04 for unimproved properties, and at the conclusion of the hearing, adjust the list according to the protests heard and adopt a minute resolution directing the County Agricultural Commissioner’s Office (CACO) to inspect and abate weeds, brush, rubbish, and refuse as necessary on unimproved lots contained in the adjusted list.

It is also recommended that the City Council open the protest hearing in accordance with Resolution R09-05 for improved properties, and direct the Los Angeles County Fire Department to inspect all improved properties before affirmation of the final list.

OLD BUSINESS

NEW BUSINESS

8. Procedures to Resolve a Tie Vote at the March 3, 2009 General Municipal Election; Resolution R09-07, Providing for the Conduct of a Special Runoff Election

Recommendation: This is a matter of Council discretion.

STAFF REPORTS

9. **City Manager’s Report**

DEMANDS

10. a. Authorize Payment of Motion #1 – Payroll Warrant of February 20, 2009
b. Authorize Payment of Motion #2 – Warrant Register of February 24, 2009

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

MAYOR & CITY COUNCILMEMBERS' REPORTS

ADJOURNMENT TO TUESDAY, MARCH 10, 2009, IN COUNCIL CHAMBERS OF CITY HALL.

- *This City Council meeting can be viewed on Cox Cable, Channel 35, Wednesday, February 25, 2009, at 7:30 p.m., and Wednesday, March 4, 2009, at 7:30 p.m.*

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

Analysis of Graphs

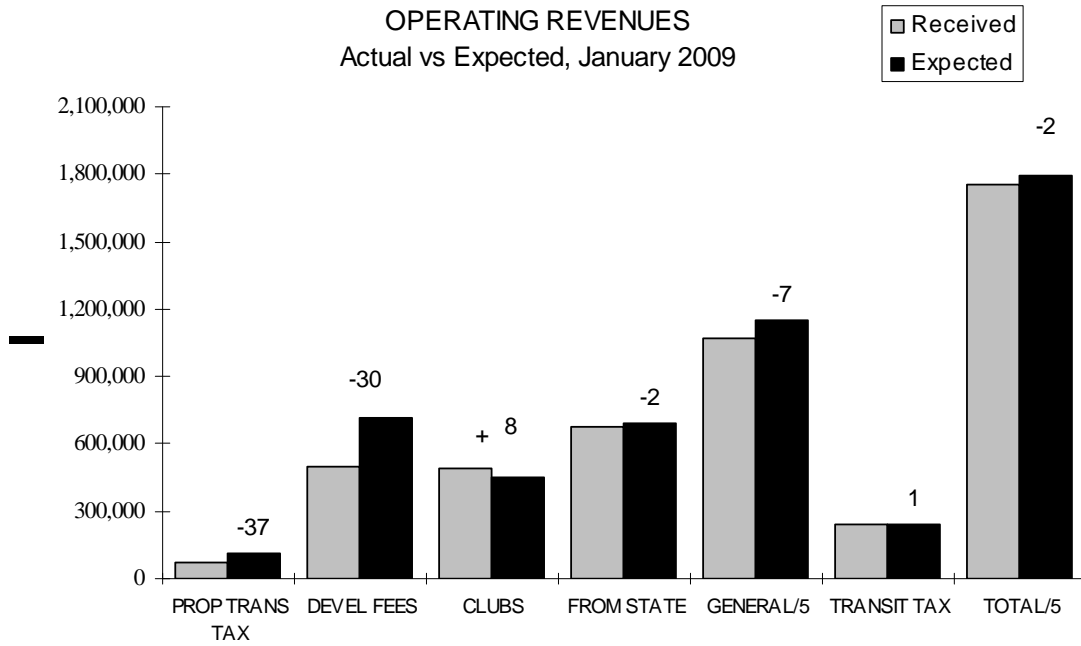
January revenue results reflect a continued weakening since December. General fund and total operating revenues are an additional 2% lower than expected since the December report and development fees are an additional 5% below expected to -30% for the year-to-date. The club concessions continue to exceed expected (+8%) based on the adopted budget, but this revenue category will probably fall in line with budget by year-end as Golf Club income is affected by a lower restaurant/banquet activity. January revenues reflect the receipt of both triple flip (sales tax) and motor vehicle fee (VLF) backfill in the form of property taxes. These sources are shown as “Revenue from the State” and combined, totaled ~\$550,000. The remaining half of these FY 08-09 funds is distributed in May.

As a balance to the revenue picture, all departments, except Public Works (+2%), are below expected expenditures with total operating expenditures 4% less than expected through January. Please recall, the adopted general fund budget provided for a healthy operating surplus. The margin of that surplus will be lower than budgeted. As a result, Departments are monitoring expenditures very closely, but the City is not in the position, as many others are, of mandating across the board cuts.

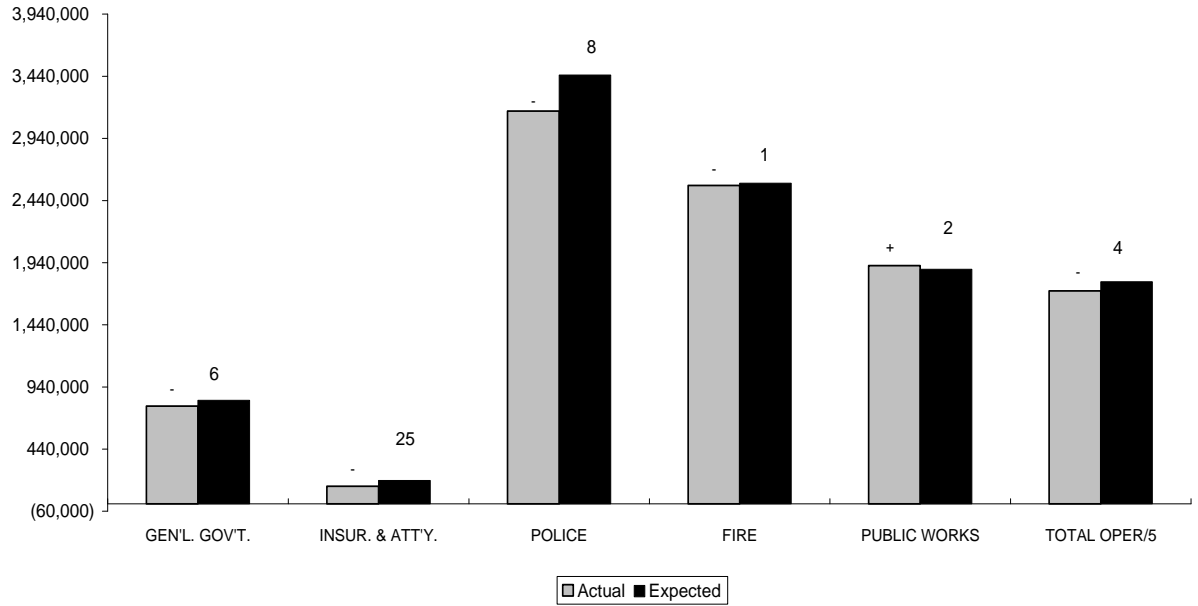
Spot Reports

None.

OPERATING REVENUES
Actual vs Expected, January 2009



OPERATING EXPENDITURES
Actual vs Expected, January, 2009



TO: JOSEPH M. HOEFGEN, CITY MANAGER

FROM: ALLAN RIGG, PUBLIC WORKS DIRECTOR

SUBJECT: PW 544-08; AWARD A CONSTRUCTION CONTRACT IN THE AMOUNT OF \$18,885 TO GRIGOLLA & SONS CONSTRUCTION COMPANY, INC. FOR THE CONSTRUCTION OF THE FY 08/09 CURB AND GUTTER REPLACEMENT PROJECT

DATE: FEBRUARY 24, 2009

Introduction

Should the City Council award a construction contract in the amount of \$18,885 to Grigolla & Sons Construction Company, Inc. for the construction of the FY 08/09 Curb and Gutter Replacement Project?

Background and Analysis

As part of the annual Capital Improvement Program, curb and gutter is replaced in order to promote safety or eliminate drainage concerns. This current project will take place in various locations throughout the City where complaints have been received, and also in areas selected by staff. Please see the attached list of project locations.

Staff advertised in F.W. Dodge, Bid America, and Reed Construction Data. The following construction bids were opened February 5, 2009, at 10:30 am:

Grigolla & Sons Construction	\$18,885.00
Pacific Construction	\$20,133.00
Vargas Construction	\$23,898.00
S.J. Grigolla Construction	\$26,766.00
Ruiz Engineering	\$26,806.50
Ornaz General Engineering	\$27,756.00
Civil Works Corporation	\$28,785.00
El Camino Construction	\$32,607.00
Simich Construction	\$44,349.00
Garcia Juarez Construction	\$49,425.00

Grigolla & Sons Construction Company, Inc. submitted the low bid for the project. They have successfully completed concrete construction of similar scope for the City of

Claremont, the City of West Covina, the Downey Unified School District, and the San Dimas Costco. The Cities of Newport Beach and Riverside have also recently awarded Grigolla & Sons construction projects. The company's work history indicates that they are well equipped to construct this project.

The following construction schedule is anticipated:

- February 24 Contract awarded.
- March 20 Contract documents completed.
- March 30 Work expected to begin.
- April 24 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 \$18,885 to Grigolla & Sons Construction Company, Inc. for the construction of the FY 08/09 Curb and Gutter Replacement Project.
2. Decline to Act.

Conclusions and Recommendations

Staff recommends that the City Council award a construction contract in the amount of \$18,885 to Grigolla & Sons Construction Company, Inc. for the construction of the FY 08/09 Curb and Gutter Replacement Project.

Fiscal Impact

The Fiscal Year 08/09 budget contains \$96,800 for curb and gutter improvements. Staff estimates the following costs for the project:

Construction Costs	\$18,885
Inspection/Administration	\$2,500
<hr/>	
Total	\$21,385

Therefore, sufficient funds are available for the project.

Staff report prepared by:
Floriza Rivera
Public Works Department

Agenda Item #: 6a-b
Meeting Date: 02/24/09

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

The items attached were acted upon by the Planning Commission on February 17, 2009.

The Council may, within fifteen days after the date of the decision on or before the first day following the first Council meeting after the date of the Planning Commission decision, whichever occurs last:

1. Confirm the action of the Planning Commission and grant or deny the application;
2. Set the matter for public hearing and dispose of it in the same manner as on an appeal; or
3. Amend, modify, delete, or add any condition of approval which the Council finds is not substantial under the circumstances relative to or affecting the property subject to the application for a development entitlement. Any determination of the Council pursuant to this paragraph shall be conclusive and final.

In the event the Council does not take one of the actions specified above within the period of time required, the decision of the Planning Commission shall be final.

Recommendation:

Receive and file.

TO: JOSEPH M. HOEFGEN, CITY MANAGER

FROM: ALLAN RIGG, PUBLIC WORKS DIRECTOR

SUBJECT: PROTEST HEARINGS OF THE CITY COUNCIL OF THE CITY OF PALOS VERDES ESTATES DECLARING THAT WEEDS GROWING UPON OR IN FRONT OF, AND BRUSH, RUBBISH, REFUSE, AND DIRT UPON AND IN FRONT OF CERTAIN IMPROVED AND UNIMPROVED PROPERTIES IN THE CITY ARE A PUBLIC NUISANCE, AND DECLARING ITS INTENTION TO PROVIDE FOR THE ABATEMENT THEREOF.

DATE: FEBRUARY 24, 2009

The Issue

Should the City Council open:

- a) The public hearing in accordance with R09-04 for unimproved properties, and at the conclusion of the hearing, adjust the list according to the protests heard and adopt a minute resolution directing the County Agricultural Commissioner's Office (CACO) to inspect and abate weeds, brush, rubbish, and refuse as necessary on unimproved lots contained in the adjusted list; and
- b) The public hearing in accordance with R09-05 for improved properties, and direct the Los Angeles County Fire Department (LACFD) to inspect all improved properties before affirmation of the final list?

Background and Analysis

Unimproved Lots

At the City Council meeting of February 10, 2009, the CACO provided the City with their annual lists for weed abatement proceedings. The City Council reviewed this list and declared that these properties are a public nuisance and have weed growth, brush, rubbish, refuse and flammable vegetation within and around the property. These unimproved properties were inspected by the County and weed abatement services will be provided, as needed. By law, each City is required to hold a public hearing, allowing

unimproved-property owners the opportunity to protest the County's assessment of their respective properties, showing that their property has been improved and the nuisance abated.

Improved Lots

On February 10, 2009, per the LACFD's request, the Council also reviewed a list of improved properties. The Los Angeles County Fire Department provided the City with its annual list of improved properties for the weed abatement service. Those properties listed represent a potential fire hazard. The LACFD notifies all property owners on the list of the potential hazard prior to making a final determination of which properties are a definite fire hazard. The hope is that owners, once alerted to the danger, will clear vegetation before the fire season begins. The process for improved parcels calls for the LACFD to inspect listed properties in June and return to the City for authorization to fine for any violations found.

Alternatives Available to Council

The following alternatives are available to Council:

1. a) Open the protest hearing in accordance with Resolution R09-04 for unimproved properties, and at the conclusion of the hearing, adjust the list according to the protests heard and adopt a minute resolution directing the County Agricultural Commissioner's Office to inspect and abate weeds, brush, rubbish, and refuse as necessary on unimproved lots contained in the adjusted list.
- b) Open the protest hearing in accordance with Resolution R09-05 for improved properties, and direct the LACFD to inspect all improved properties before affirmation of the final list.
2. Open only one protest hearing in accordance with the appropriate resolution.
3. Decline to authorize the County to proceed with weed abatement services.

Conclusions and Recommendations

Staff recommends the Council:

- a) Open the protest hearing in accordance with Resolution R09-04 for unimproved properties, and at the conclusion of the hearing, adjust the list according to the protests heard and adopt a minute resolution directing the County Agricultural Commissioner Office (CACO) to inspect and abate weeds, brush, rubbish, and refuse as necessary on unimproved lots contained in the adjusted list.

b) Open the protest hearing in hearing in accordance with Resolution R09-05 for improved properties, and direct the LACFD to inspect all improved properties before affirmation of the final list.

Budget Impacts

There will be no budget impact to the City. Charges for inspection and weed abatement procedures within the city are assessed by the County Agricultural Commissioner and the LACFD and directly billed to respective property owners.

Staff report prepared by:
Floriza Rivera
Public Works Department

TO: JOSEPH HOEFGEN, CITY MANAGER

FROM: JUDY SMITH, ASSISTANT CITY MANAGER

SUBJECT: PROCEDURES TO RESOLVE A TIE VOTE AT THE MARCH 3, 2009 GENERAL MUNICIPAL ELECTION; RESOLUTION R09-07 PROVIDING FOR THE CONDUCT OF A SPECIAL RUNOFF ELECTION

The Issue

Shall the City Council provide for the conduct of a Special Runoff Election for elective officers in the event of a tie vote at the March 3, 2009 General Municipal Election?

Background and Analysis

There are two means permitted by law to resolve a tie vote:

1. Decide a tie vote by holding a special runoff election. If the Council wishes to use this mechanism to resolve a tie, the attached resolution must be adopted before the date of the election.
2. Decide a tie vote by lot, such as a coin toss or name drawn from an envelope. If the Council wishes to decide a tie by lot, no further action is required since in the absence of the resolution calling for a runoff election, resolving the tie vote by lot is the only mechanism available.

Cost and voter sentiment are the two main factors in determining this issue. It is estimated the cost of a special election could run as high as \$25,000. On the other hand, deciding a tie by lot is viewed by some as an affront to the election process and a citizen's right to vote for elected officials.

Since 1992, the Council has approved a resolution calling for the special election in case of a tie. Although the likelihood is very small, the Council member election of 1988 did result in a tie. A court order required the City Clerk to count absentee ballots in the possession of the postal service on Election Day, but not delivered to City Hall. These ballots broke the tie.

Procedures allowed by code, such as the one cited above, would be exhausted before a tie was determined. A special runoff election must be held not less than 40 nor more than 125 days after the "Declaration of Results" of the election which resulted in a tie.

CITY COUNCIL AGENDA
FEBRUARY 24, 2009

Depending upon how long it takes for administrative or judicial review confirming a tie vote, it is likely the timeframe would not permit consolidation of a City Special Election with other County-run elections in either April or June. The Council seat would remain vacant until the results of a runoff election were known.

Alternatives Available to the City Council

1. Adopt Resolution R09-07 calling for a special runoff election in case of a tie vote at the March 3, 2009 General Municipal Election. The resolution would be valid for the March 3, 2009 election only and would then be repealed.
2. Do not adopt the Resolution, in which case, a tie will be resolved by lot.

Recommendation

This is a matter of Council discretion.