

September 27, 2011
7:30 P.M.
Council Chambers of City Hall
340 Palos Verdes Dr. West
Palos Verdes Estates

**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 shall 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. R11-33
NEXT ORDINANCE NO. 11-700**

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL (7:30 p.m.)

MAYOR'S REPORT – Matters of Community Interest

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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. An applicant or interested citizen who wishes to appeal any Planning Commission decision (Item #9a-d) 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. City Council Minutes of September 13, 2011

Recommendation: Review and Approve.

2. Treasurer's Monthly Report – August 2011

Recommendation: Receive and File.

3. Resolution R11-27; Approving the Agreement Between the City and the Management and Confidential Employee Group

Recommendation: It is recommended that the City Council adopt Resolution R11-27 approving the Agreement between the City and the Management and Confidential Employee Group effective July 1, 2011.

4. Administrative Staff Reorganization and Resolutions Required to Establish and/or Modify: Position Classifications, Job Descriptions, Salary Ranges

Recommendation: It is recommended that the City Council adopt the resolutions required to effectuate the proposed administrative staff reorganization to establish and/or modify position classifications, job descriptions, and salary ranges, as applicable and as follows:

- a. Resolution R11-28; Executive Assistant/Deputy City Clerk
- b. Resolution R11-29; Assistant to the City Manager
- c. Resolution R11-30; Office Specialist
- d. Resolution R11-31; Administrative Analyst

5. Claim Rejection – Staub, Werner

Recommendation: It is recommended that the City Council reject the claim of Werner Staub.

6. PW-570-10, STPL-5283(007); Completion of Contract for the Paseo Lunado Overlay Project

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Recommendation: It is recommended that the City Council accept as complete the construction contract PW-570-10, STPL-5283(007), Paseo Lunado Overlay Project in the amount of \$95, 874.73, and release the 10% retention 30 days after the County Record's office records the Notice of Completion, if no stop notices are filed.

7. Parklands Committee Meeting Items of September 12, 2011

Recommendation: Review and Approve.

- a. PC-332-11; Application to remove 1 Brazilian pepper tree located in the city parkway adjacent to 2205 Chelsea Road

Applicant: Marcella Nagelvoort
2205 Chelsea Road
Palos Verdes Estates, CA 90274

Action: Approved (5-0). The applicant is approved to remove 1 Brazilian pepper tree located in the parkway adjacent to 2205 Chelsea Road according to the 'Standard Conditions for Tree Removal Approvals'. One 24-inch box Australian Willow (*Geijera parviflora*) replacement tree is required.

- b. PC-333-11; Application to remove 1 Aleppo pine tree located in the city parkway adjacent to 416 Via Almar

Applicant: Greg Baetge
416 Via Almar
Palos Verdes Estates, CA 90274

Action: Approved (5-0). The applicant is approved to restructure 1 Aleppo pine tree located in the parkway adjacent to 416 Via Almar by removing one of the co-dominate trunks.

- c. PC-334-11; Application to remove 1 Italian stone pine tree located in the parkway adjacent to 1433 Via Zumaya

Applicant: Roberta Mitzenmacher
1432 Via Zumaya
Palos Verdes Estates, CA 90274

Action: Approved (5-0). The applicant is approved to remove 1 Italian stone pine tree located in the parkway adjacent to 1433 Via Zumaya according to the 'Standard Conditions for Tree Removal Approvals'. One 24-inch box Little Gem Magnolia (*Magnolia grandiflora* 'Little Gem') replacement tree is required.

- d. PC-328-11; Los Angeles Regional Park and Open Space District Grant

Action: Approved (5-0). Staff is directed to complete the application and budget monies for:

- **Donation to the ‘Tree Bank’** **\$38,000**
- **Installation of Pergola lights** **\$ 5,000**
- **Refurbishment to Via Victoria Path** **\$30,000**
- **Trail re-establishment in Malaga Cove** **\$68,000**
- **Installation of George Allan Field Bleachers** **\$10,000**
- \$150,000**

8. Traffic Safety Committee Meeting Items of September 14, 2011

Recommendation: Review and Approve.

a. Review of Edgeline Striping on Via Zurita

Action: Recommended that staff 1) leave the edgeline striping in place, and 2) research options for the Committee for other signage that can be used in the area, and bring those options back to the Committee at the October meeting. (Approved 5-0)

b. Request for Turn Restrictions on Via Anita at the 100 Block of Palos Verdes Drive West

Action: Recommended that only the issue of a Left Turn Restriction from Via Anita onto Palos Verdes Drive West be brought back before the Committee in October. (Approved 5-0)

9. Planning Commission Actions of September 20, 2011

Recommendation: Receive and File.

a. **NC-1426-11;** Neighborhood Compatibility Application for additions to the single family residence located at 1640 Paseo Del Mar. Lot 11, Block 1270, Tract 7140.

Applicant: Leland J. Smith
2211 W. Sunset Point Dr.
Cedar City, UT 84720

Owner: Steve & Julia Prado

Action: Approved (3-0, Evans and Thomas absent) with standard conditions and the following additional condition: 1) Both chimneys currently depicted on the plans are to be eliminated.

b. **NC-1427/GA-1487/M-830-11;** Consideration of Neighborhood Compatibility, Grading and Miscellaneous Applications for a new single family residence located at 768 Via Somonte. Lot 1, Block 1540, Tract 6884.

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

Owner: John & Serena Padian
1032 Via Nogales
Palos Verdes Estates, CA 90274

Action: Approved (3-0) 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) City standard driveway shall be installed; 3) All nonstandard encroachments shall be removed including, but not limited to the existing wall; 4) Construction vehicles are to enter Via Somonte from Via Conejo and exit on lower Via Somonte; 5) When feasible, construction vehicles are to park on site.

- c. **M-824-11;** Consideration of a Miscellaneous Application for a structure exceeding the maximum allowable height at the single family residence located at 2529 Via La Selva. Lot 10, Block 1700, Tract 6882.

Applicant: Allen Wix
2916 Via Campesina
Palos Verdes Estates, CA 90274
Owner: Frank Hayes & Louise Connolly

Action: Approved (3-0) with standard conditions and the following additional condition: 1) The structure including the eaves is to be pulled out of 5 ft. setback in the rear yard.

- d. **M-828-11;** Consideration of a Miscellaneous Application for a non-standard encroachment at the single family residence located at 432 Via Almar. Lot 16, Block 1514, Tract 6888.

Applicant: Bizhan Khaleeli
27823 S. Montereina Dr.
Rancho Palos Verdes, CA 90275
Owner: Mr. & Mrs. Chang

Action: Approved (3-0) with standard conditions and the following additional condition: 1) The driveway is not to exceed 32 ft.

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

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

ORDINANCE

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

10. Introduction of Ordinance 11-699; Amending Chapter 2.36 of Title 2 of the Palos Verdes Estates Municipal Code

Recommendation: It is recommended that the City Council introduce Ordinance 11-699 amending Chapter 2.36 of Title 2 of the Palos Verdes Estates Municipal Code relating to the civil service system.

OLD BUSINESS

11. Resolution R11-26, Approving the Application for Grant Funds from the Los Angeles County Regional Park and Open Space District Excess Funds Grant Program

Recommendation: It is recommended that the City Council adopt Resolution R11-26 approving the application for grant funds from the Los Angeles County Regional Park and Open Space District Excess Funds Grant Program.

NEW BUSINESS

12. Award of Professional Services Agreement to IDS Group for the Design of Seismic Retrofits to City Hall and Adoption of Resolution R11-32, Adjusting the Fiscal Year 2011-12 Budget

Recommendation: It is recommended that the City Council award a Professional Services Agreement to IDS Group in the amount of \$52,512.50 for the design of seismic retrofits to City Hall, and adopt Resolution R11-32, adjusting the FY11-12 Budget.

13. Update on the Implementation of the Policy for the Removal of Unauthorized Encroachments on City Parklands

Recommendation: It is recommended that the City Council direct staff to begin the process of abatement of nuisances on public property by sending the notices as required by the Code, with the exception of 225 Rocky Point Road; and direct staff to create and record a license agreement with the property owner of 225 Rocky Point Road to retain the stairway for Council review and approval.

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STAFF REPORTS

14. City Manager's Report

- Joint City Council and Planning Commission Meeting – Provide input to staff on desired topics and establish date for the meeting.

DEMANDS

15. a. Authorize Payment of Motion #1 – Payroll Warrant of September 16, 2011
b. Authorize Payment of Motion #2 – Warrant Register of September 27, 2011

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

MAYOR & CITY COUNCILMEMBERS' REPORTS

ADJOURNMENT TO TUESDAY, OCTOBER 11, 2011, IN COUNCIL CHAMBERS OF CITY HALL FOR THE PURPOSE OF A REGULAR MEETING.

- *This City Council meeting can be viewed on Cox Cable, Channel 35, Wednesday, September 28, 2011 at 7:30 p.m., and Wednesday, October 5, 2011, at 7:30 p.m.*

TO: JUDY SMITH, CITY MANAGER

FROM: ALEXA D. DAVIS, ADMINISTRATIVE ANALYST

SUBJECT: RESOLUTION R11-27, APPROVING THE AGREEMENT BETWEEN THE CITY AND THE MANAGEMENT AND CONFIDENTIAL EMPLOYEE GROUP

DATE: SEPTEMBER 27, 2011

ISSUE

Shall the City adopt Resolution R11-27 approving the Agreement between the City and the Management and Confidential Employee Group to be effective July 1, 2011?

BACKGROUND

The City has now concluded negotiations with the Public Service Employees' Group and the Palos Verdes Estates' Police Officers' Association to establish benefits and compensation for those eligible employees. Traditionally, an updated Management and Confidential Employees' agreement is considered upon the conclusion of wage and benefit negotiations with the other employee associations. As such, it is recommended that the City Council take action on formalizing an agreement with the Management and Confidential Group.

After the appointment of the Assistant City Manager to the position of City Manager, the Management and Confidential group now consists of seven employees in the following classifications: Police Chief, Police Captains, Financial Services Manager, Administrative Analyst, Executive Assistant to the City Manager, and Executive Assistant/Custodian of Records. As was customary in previous contract years, it is proposed that the Management and Confidential Employee Group be afforded the same provisions as those recently approved for the Public Service Employees' group.

The contract would cover a three-year term (July 1, 2011 – June 30, 2014) and provide the following:

1. Across the board salary increases, scheduled as follows:
 - July 1, 2011: 2.50%
 - July 1, 2012: 2.50%
 - July 1, 2013: 3.00%

2. An increase in the medical insurance cap, scheduled as follows:
 - July 1, 2011: Increase cap by \$45.00/month
(total cap = \$1,150.00/month)
 - July 2, 2012: Increase cap by \$35.00/month
(total cap = \$1,185.00/month)
 - July 1, 2013: Increase cap by \$25.00/month
(total cap = \$1,210.00/month)

Resolution R11-27, as seen attached, includes the terms listed above, as well as all existing benefits and conditions of employment afforded to the Management/Confidential group.

ALTERNATIVES AVAILABLE TO COUNCIL

1. The City Council may choose to adopt Resolution R11-27.
2. The City Council may choose not to adopt Resolution R11-27.

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3. The City Council may direct staff to modify terms and conditions and postpone adoption of Resolution R11-27.

CONCLUSIONS AND RECOMMENDATION

It is recommended that the City Council adopt Resolution R11-27 approving the Agreement between the City and the Management and Confidential Employee Group effective July 1, 2011.

BUDGET IMPACT

Removing the City Manager from this group, the terms of this agreement represent an increase of 11.64% in total compensation for employees within this group over the three-year period of the contract. The first year dollar cost for the contract totals \$30,017.

Attachment:

Resolution R11-27

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: JUDY SMITH, CITY MANAGER

SUBJECT: ADMINISTRATIVE STAFF REORGANIZATION AND
RESOLUTIONS REQUIRED TO ESTABLISH AND / OR
MODIFY POSITION CLASSIFICATIONS, JOB DESCRIPTIONS, SALARY
RANGES

The Issue

Shall the City Council adopt the required resolutions to effectuate administrative staff reorganization as proposed by the City Manager?

Background

As a result of my appointment to the position of City Manager from Assistant City Manager effective August 1, 2011, an administrative staff reorganization is proposed to address the following: 1) Provide appropriate staffing and distribution of job duties given the elimination of the Assistant City Manager position and the combining of the Executive Assistant / Deputy City Clerk positions undertaken by my predecessor; 2) Provide current staff the opportunity to acquire additional skills through expanded duties and training to lay the groundwork for desired administrative structure and career advancement paths for the next several years, and, 3) Achieve an overall cost savings for the current year and near-term.

Analysis and Findings

A proposed reorganization is outlined below with the net effect of 1.5 FTE fewer positions than existed in the City service during FY 2010-11. The number of classifications (7) [and positions (8)] within the Management and Confidential group remains unchanged as a result of the reorganization. The changes occur within the Public Services Employees Association with the elimination of the Deputy City Clerk (-1) and Code Enforcement Officer (-1) positions and the addition of a part time Office Specialist (+0.5). PSE representatives were advised of the proposed changes and were supportive of the proposal before staff proceeded to present this report. As a result of the changes, during the current fiscal year, 2011-12, the City will save ~\$167,600 in salaries only, not including associated benefit savings.

The components of the reorganization are as follows:

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- Combine the Executive Assistant to the City Manager and City Council and the Deputy City Clerk positions to the position “Executive Assistant/Deputy City Clerk” reporting to the City Manager. Upon retirement of the previous Executive Assistant in April 2011, the Deputy City Clerk was appointed to fill the position, while retaining all duties of the Deputy City Clerk position. The combining of these positions and associated duties was initiated by the previous City Manager and within the overall organization, continues to make sense. Resolution R11-28 to create the job classification, duties and salary range formalizes the position and how we are currently operating.
- Create a new position within the City service designated as “Assistant to the City Manager” reporting to the City Manager and promote from within the City staff. This position will retain duties currently performed by the Administrative Analyst, most notably oversight and administration of the City’s human resources / personnel function. The position will assume certain duties previously assigned to the Assistant City Manager, including Risk Management and budgetary responsibility for Insurance and Equipment Replacement, which includes oversight of the information technology function. This position will also provide staff liaison support to the City’s concessions, including the Palos Verdes Tennis and Beach and Athletic Clubs, and will prepare special projects, reports and studies as assigned. The position is responsible for coordinating City special events and the City newsletter. The position will supervise the Administrative Analyst and two part-time receptionists. R11-29 creates the job classification, job description and associate salary range for the position.
- Combine the modified duties and responsibilities of the Administrative Analyst and the current duties and responsibilities of the Code Enforcement Officer to the existing position of “Administrative Analyst” reporting to the Assistant to the City Manager (personnel) and to the Public Works Director (code enforcement) and promote from within the City staff. In addition to code enforcement, the position will assist with human resources administration and be responsible for processing the following: film permits, special event applications, sign applications, block party applications and permits for use of Farnham Martin Park. R11-31 approves a revised job description for this position. The classification and salary range remains unchanged.
- Create a new position within the Public Service Employees association of “Office Specialist”, reporting to the Executive Assistant/Deputy City Clerk and fill the position on a part-time basis (0.5 FTE). This position will assume partial duties previously performed by Deputy City Clerk especially related to agenda preparation and follow-up. The City will conduct an open, advertised recruitment during October to fill this position. R11-30 creates the job classification, job description and associated salary range for the position.

A revised organizational chart reflecting these changes is included as Attachment #1. The new job duties and responsibilities associated with each of the positions are included as Attachment #2.

The City Manager will continue oversight of the Finance Department, while day-to-day management of the department continues to be performed by the Financial Services Manager. The City’s auditors have advised that the segregation of duties between these positions is sufficient to ensure that internal controls are not compromised by this staffing arrangement. Over the next several years, the goal is to further develop the knowledge and skills of existing Finance staff to

enable them to compete for promotional opportunities, which may potentially include a department head level position.

Alternatives Available to the City Council

1. Adopt the required resolutions.
2. Make modifications to the resolutions and adopt.
3. Decline to adopt the resolutions.

As the reorganization is interdependent upon the approval of all resolutions staff respectfully requests approval as presented.

Recommendation

It is recommended that the City Council adopt the resolutions required to effectuate the proposed administrative staff reorganization to establish and / or modify position classifications, job descriptions, and salary ranges, as applicable and as follows:

- a. Resolution R11-28; Executive Assistant / Deputy City Clerk
- b. Resolution R11-29; Assistant to the City Manager
- c. Resolution R11-30; Office Specialist
- d. Resolution R11-31; Administrative Analyst

Fiscal Impact

The fiscal impact for FY 2011-12 is a savings of approximately \$167,600 in salaries, not including associated benefit savings.

TO: MAYOR AND CITY COUNCIL
FROM: JUDY SMITH, CITY MANAGER
SUBJECT: CLAIM REJECTION – STAUB, WERNER

The Issue

Shall the City Council reject the claim of Werner Staub?

Analysis and Findings

Claimant Werner Staub, represented by Attorney Armen Akaragian of Mardirossian & Associates, seeks damages as a result of injuries suffered in a bicycle accident that occurred on Via Visalia near Via Fernandez on January 28, 2011.

The City presented the claim to California Joint Powers Insurance Authority's (CJPIA) claims adjusters, Carl Warren and Company. The adjusters recommend that the City reject the claim.

Recommendation

It is recommended that the City Council reject the claim of Werner Staub.

TO: JUDY SMITH, CITY MANAGER

FROM: ALLAN RIGG, PUBLIC WORKS DIRECTOR

SUBJECT: PW 570-10, STPL-5283(007); COMPLETION OF CONTRACT FOR THE PASEO LUNADO OVERLAY PROJECT

DATE: SEPTEMBER 27, 2011

The Issue

Should the City Council:

- 1) Accept as complete the construction contract PW 570-10; Paseo Lunado Overlay Project in the amount of \$95,874.73; 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 September 28, 2010, City Council awarded a Contract in the amount of \$86,000 to Hardy and Harper, Inc. for the completion of the Paseo Lunado Overlay Project. The project consisted of repairing localized areas of deteriorated asphalt, edge grinding, and overlaying the street surface with new asphalt. The project has now been satisfactorily completed in the amount of \$95,874.73.

One change order was issued in the amount of \$9,874.73 for additional asphalt repairs. The change order increased the total construction cost to \$95,874.73 (+10.3%)

Alternatives Available to Council

The following alternatives are available to the City Council:

1. Accept as complete the construction contract PW 570-10; the Paseo Lunado Overlay Project in the amount of \$95,874.73, 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 570-10, STPL-5283(007); Paseo Lunado Overlay Project in the amount of \$95,874.73; 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 10/11 budget allotted \$103,600 for this project. These are the project costs:

Construction Costs	\$95,874.73
Inspection/Administration	\$7,000.00
<hr/> Total	<hr/> \$102,874.73

The project budget is therefore sufficient to cover the total construction cost of \$102,874.73 shown above.

Staff report prepared by:
Floriza Rivera
Public Works Department

TO: JUDY SMITH, CITY MANAGER
FROM: ALLAN RIGG, PLANNING DIRECTOR
DATE: SEPTEMBER 27, 2011
SUBJECT: PLANNING COMMISSION ACTIONS OF SEPTEMBER 20, 2011

The items attached were acted upon by the Planning Commission on September 20, 2011.

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: JUDY SMITH, CITY MANAGER

FROM: ALEXA D. DAVIS, ADMINISTRATIVE ANALYST

SUBJECT: INTRODUCTION OF ORDINANCE 11-699; AMENDING CHAPTER 2.36 OF TITLE 2 OF THE PALOS VERDES ESTATES MUNICIPAL CODE RELATING TO THE CIVIL SERVICE SYSTEM

DATE: SEPTEMBER 27, 2011

ISSUE

Should the City Council introduce Ordinance 11-699; Amending Chapter 2.36 of Title 2 of the Palos Verdes Estates Municipal Code relating to the civil service system?

BACKGROUND AND ANALYSIS

The City of Palos Verdes Estates' initially instituted its Civil Service System by Ordinance in 1951 creating Municipal Code Chapter 2.36 and establishing the Civil Service Rules. The Civil Service Rules were designed to serve as the City's Personnel Rules and created a contract between the County of Los Angeles' Civil Service Commission and the City of Palos Verdes Estates and City Council of Palos Verdes Estates in order to help administer personnel procedures. The Rules were only applicable to Sworn officers and Streets and Parks personnel.

The Civil Service Rules have remained unchanged since being adopted by the City Council in 1951. Significant modifications are needed in order to bring the Rules up-to-date with State/Federal Regulations, to reflect the current relationship with the County of Los Angeles Civil Service Commission, and to accurately reflect the City of Palos Verdes Estates' current policies and procedures.

In order to adopt updated Personnel Rules, the City must first amend Municipal Code Chapter 2.36, which initially established the Civil Service System. The County of Los Angeles' Civil Service Commission, which is relied upon heavily in the outdated Civil Service Rules, has a minimal role in the City's current personnel process and is limited only to appeals of disciplinary actions. As a result, the proposed amendment removes reference to County of Los Angeles' Civil Service Commission and Civil Service Clerk.

Additionally, the amended Municipal Code Chapter 2.36 references Personnel Rules and Regulations, which have recently been revised and are prepared for Council adoption. The revision of the Personnel Rules has been a two-year process that has engaged City Council, Management staff and both employee bargaining units (Public Service Employees and Police Officers Association), with oversight and guidance by the City's labor law and appointed City attorneys.

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The revised Personnel Rules will come forward as a Resolution for Council approval upon adoption of Ordinance 11-699 amending Chapter 2.36 of Title 2 of the Palos Verdes Municipal Code relating to the civil service system.

ALTERNATIVES AVAILABLE TO COUNCIL

1. Introduce Ordinance 11-699 amending Chapter 2.36 of Title 2 of the Palos Verdes Estates Municipal Code relating to the civil service system.
2. Direct staff to modify Ordinance 11-699 for reintroduction at a future meeting.
3. Decline to act.

RECOMMENDATION

Staff recommends that City Council introduce Ordinance 11-699 amending Chapter 2.36 of Title 2 of the Palos Verdes Estates Municipal Code relating to the civil service system.

Attachments:

Ordinance 11-699 Amending Chapter 2.36
Red-line of revised Municipal Code Chapter 2.36
Municipal Code Chapter 2.36

TO: JUDITH SMITH, CITY MANAGER

FROM: ALLAN RIGG, PUBLIC WORKS DIRECTOR

SUBJECT: RESOLUTION R11-26 APPROVING THE APPLICATION FOR GRANT FUNDS FROM THE LOS ANGELES COUNTY REGIONAL PARK AND OPEN SPACE DISTRICT EXCESS FUNDS GRANT PROGRAM

DATE: SEPTEMBER 27, 2011

The Issue

Should the City Council adopt Resolution R11-26 approving the application for grant funds from the Los Angeles County Regional Park and Open Space District Excess Funds Grant Program?

History

The City recently received notification that L.A. County Supervisor Don Knabe’s office was granting our City \$150,000 from the Los Angeles County Regional Park and Open Space District. These funds are required to be used for “recreational capital project needs”

In order to determine the highest priority projects to utilize these funds, staff asked for input from the community, including the Lunada Bay Homeowners Association and the Malaga Cove Homeowners Association. The Parklands Committee received written and verbal testimony from the public at their meeting of July 11, 2011 and developed a list of projects that they felt were valuable and might be funded with this grant. They directed staff to provide further review of each project in order to define potential scopes and costs for each.

Staff brought back the list of projects to the Committee for prioritization and determination which should be funded. The Committee reviewed this list at their meeting on September 12, 2011 and approved the following list of projects:

Project	Budgeted Amount
---------	-----------------

Donation to 'Tree Bank' Account	\$38,000
Installation of Pergola Lights in Lunada Bay Park	\$5,000
Refurbishment to Via Victoria Path	\$29,000
Trail Reestablishment at various locations	\$68,000
Installation of George Allan Field Bleachers	\$10,000
Total Grant	\$150,000

The location of the Via Victoria Path and the trails in Malaga Cove to be reestablished are shown on the attached exhibits. Much of the costs are for the installation of staircases in areas that are extremely steep. Staff will work to retain landscaping along the sides of the trails to preserve the privacy of the adjacent neighbors.

A resolution of the City Council authorizing the funding of projects by the grant is required by the Los Angeles County Regional Park and Open Space District. Resolution R11-26 has been prepared to comply with this requirement. Staff will pursue all projects as soon as the agreement with the County has been finalized.

The second alternative available to the Council is to modify the list of projects. This is an option that if pursued may create significant difficulties due to deadlines imposed by Supervisor Knabe's office for the commitment and use of these funds. The original deadline for the resolution was the end of August, but the County has given us an extension to the end of September due to the lack of Council meetings in August. As the Parklands Committee and the two homeowners associations spent a great deal of time on the matter, staff would recommend to proceed with the list of projects as provided.

There are other projects discussed by the Committee that will be pursued using other funding sources. One project is the rehabilitation of the Paseo La Cresta Pedestrian Pathway, which will be funded using TDA Article 3 funds. Another is the rehabilitation of the roadway to the beach next to the Beach and Athletic Club, which will be done as part of the annual overlay project next year.

The Committee also discussed the request from the Malaga Cove Homeowners Association to develop a network of pathways within the Malaga Cove area. Staff will work with the group and the Parklands Committee to determine a scope of work. We will potentially bring this forward to the Council as a budget issue paper for funding during the next fiscal year.

Alternatives Available to Council

The following alternatives are available to the City Council:

1. Adopt Resolution R11-26 approving the application for grant funds from the Los Angeles County Regional Park and Open Space District Excess Funds Grant Program.
2. Modify the list of projects to be funded by the grant.
3. Decline to Act.

Recommendation from Staff

Staff recommends that the Council adopt Resolution R11-26 approving the application for grant funds from the Los Angeles County Regional Park and Open Space District Excess Funds Grant Program.

Staff report prepared by

Allan Rigg
Public Works Department

TO: JUDITH SMITH, CITY MANAGER

FROM: ALLAN RIGG, PUBLIC WORKS DIRECTOR

SUBJECT: AWARD OF PROFESSIONAL SERVICES AGREEMENT TO IDS GROUP FOR THE DESIGN OF SEISMIC RETROFITS TO CITY HALL AND ADOPTION OF RESOLUTION R11-32, ADJUSTING THE FISCAL YEAR 2011-12 BUDGET

DATE: SEPTEMBER 27, 2011

The Issue

Should the City Council award a Professional Services Agreement to IDS Group in the amount of \$52,512.50 for the design of seismic retrofits to City Hall, and adopt Resolution R11-32, adjusting the Fiscal Year 2011-12 Budget?

Background

Last year the City Council asked staff to investigate the structural adequacy of City Hall to withstand earthquakes. City Hall functions as the City's Emergency Operation Center and it is imperative that the building be operational after a large earthquake. Much has been learned from earthquakes such as Northridge and the building codes have been updated significantly since the last seismic strengthening of the building.

As we needed to employ an expert outside City staff to conduct the analysis, we presented the Council with a Budget Issue paper during the budget process for Fiscal Year 2010/2011 in the amount of \$15,000. The Council approved the amount, and we went forward and requested proposals from various structural engineering firms for the work. After careful consideration we hired Melvyn Green and Associates to prepare the study, which was recently completed. The report contains various recommendations and preliminary cost estimates for each.

Based on this analysis eight separate retrofits to the building are recommended and are summarized in the following table from the report, followed by a preliminary cost estimate for the measures as shown on the following pages. Please note that the cost estimate does not include the costs for the final item, which is interior elements and non-structural elements:

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Retrofit Summary Matrix

	Findings	Concerns	Tasks
City Hall	Inadequate shear capacity in N-S direction at 1 st level	Shear cracking and falling of loose bricks	Install new steel braced frame at west end of building
	Incomplete lateral load path from roof to vault walls	Excessive diaphragm deflection and inadequate load transfer	Connect bottom chord of roof truss to (E) CMU vault wall
Parking Deck	Unbalanced layout of walls at north and south side	Excessive torsion caused by difference of stiffness may overstress multiple wall piers	Shotcrete (E) CMU wall at north side to reduce torsion
	Non-parallel drag elements	Excessive bending due to eccentricity may crack the (E) diaphragm	Distribute the load rationally by installing (N) parallel drag elements
Homeowner's Association	Adequacy of lower level drag elements not clear	Possible shear problems	Walls and drags need to be upgraded.
Bridge	Support/bearings at end of bridge do not permit adequate movement. Pounding between bridge and buildings is possible	Inadequate support may cause collapse and loss of the exit during earthquake. Furthermore, the debris may block the exit of equipment and garage below.	Install a secondary support brackets and revise existing connections.
Tower	Damaged and broken tiles	Tiles could fall into Fire Department	Re-anchor and replace missing tiles.
Interior Finishes and Non-structural elements	Ceiling bracing to be upgraded in future remodels. Equipment and generator anchorage to be upgraded.	For an IO occupancy the ceiling bracing has to be more frequent. Equipment anchorage not adequate for IO function.	Add additional bracing during any remodel. All equipment required for post-disaster function to have anchorage upgraded.

**Seismic Rehabilitation Cost Estimate
City of Palos Verdes Estates
Melvyn Green and Associates, Inc.**

Date 5/3/2011
Building Data City Hall Complex
Number of Stories: 2

Division	Item	Quantity	Unit	Unit Cost	Extension
1 - General	Bonds at 3%		l.s.		\$6,294
	Mobilization at 1%		l.s.		2,098
2 - Sitework	Removals/Demo.	1	l.s.	\$7,500.00	7,500
	Interior Protection	1	l.s.	\$10,000.00	10,000
	Plant Replacement	1	l.s.	\$5,000.00	5,000
3 - Concrete (Includes Excav. & Reinforcement)	Grade Beam and Exc.	1	l.s.	5,000.00	5,000
	Shotcrete	22	c.y.	1,200.00	26,400
4 - Masonry	Veneer Ties	1	l.s.	2,500.00	2,500
5 - Metals	Steel Collectors at Parking Deck	1	l.s.	10,000.00	10,000
	Steel Collectors at HOA	1	l.s.	10,000.00	10,000
	New Steel Frame - One Story	1	l.s.	40,000.00	40,000
	Truss Connections - City Hall	1	l.s.	20,000.00	20,000
	Misc. Equip Anchors	1	l.s.	5,000.00	5,000
	Bridge Brackets	1	l.s.	15,000.00	15,000
6 - Wood	New Shear Walls		l.f.	12.50	0
	Framing at Entry Stairs	1	l.s.	10,000.00	10,000
7 - Moisture Protection	Roof Patching	100	s.f.	50.00	5,000
	Replacement Glazing	1	l.s.	10,000.00	10,000
9 - Finishes					0
Tower Tile Repair		1	l.s.	20,000.00	20,000
Paint & Clean-up	7% of Project Total		l.s.		\$14,885

Sub - Total	\$209,792
Contractor Overhead @ 10%	\$20,979
Contractor Profit @ 10%	\$20,979
Total Constr. Cost Estimate	\$251,750

A&E, Inspection, Permits and Fees	25%	\$62,938
Design Contingency	15%	\$47,203

Budget Total \$361,891

The report was reviewed and accepted by the Council on May 24, 2011. Staff was directed to obtain proposals from structural engineering firms to create construction documents to implement the retrofits. Additionally the Council directed that the ceiling bracing and equipment/generator bracing work should not wait and should be part of the upcoming construction documents.

A Request for Proposal (RFP) was prepared and provided to three consultants who had previously performed structural engineering services in the area, as well as to a firm that distributes RFPs to engineering firms in Southern California. We received six proposals which were from Risha Engineering, Structural Focus, Melvyn Green and Associates, Simpson Gumpertz & Heger, GA

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Design, and IDS Group. Staff reviewed all six proposals and felt that the proposal from IDS Group provided the best approach to the project.

Staff checked several references for IDS and received solid reviews from all three. In fact, IDS was the firm that provided the seismic design services for the retrofit of the Peninsula Library, and got wonderful reviews from them.

Once we selected IDS Group as the best qualified firm, we opened their sealed cost proposal. The total for their services is \$52,512.50, which is within the estimate provided in the initial study.

If the contract for the services is approved, we would expect the services would be completed by the end of FY 2011/12.

Fiscal Impact

The City received \$263,865 from the Haag Estate with no specific designation of how the money was to be spent. The Council previously directed that a portion of the funds, \$15,000, be spent on the preparation of the preliminary report. Thus, \$248,865 of the Haag Estate funds remain are sufficient to fund the design of the upgrades. When the design is finished and we have detailed cost estimates we will approach the Council as to the sufficiency of the Haag Estate funding and whether additional funds are needed to complete the construction.

Alternatives Available to Council

The following alternatives are available to the City Council:

4. Award a Professional Services Agreement to IDS Group in the amount of \$52,512.50 for the design of seismic retrofits to City Hall, and adopt Resolution R11-32, adjusting the Fiscal Year 2011-12 Budget.
5. Decline to Act.

Recommendation from Staff

Staff recommends that the Council award a Professional Services Agreement to IDS Group in the amount of \$52,512.50 for the design of seismic retrofits to City Hall, and adopt Resolution R11-32, adjusting the Fiscal Year 2011-12 Budget.

Staff report prepared by:
Allan Rigg
Public Works Department

Attachments:
Resolution R11-32
Professional Services Agreement
IDS Proposal

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TO: JUDITH SMITH, CITY MANAGER

FROM: ALLAN RIGG, PUBLIC WORKS DIRECTOR

**SUBJECT: UPDATE ON THE IMPLEMENTATION OF THE POLICY FOR THE
REMOVAL OF UNAUTHORIZED ENCROACHMENTS ON CITY
PARKLANDS**

DATE: SEPTEMBER 27, 2011

The Issue

Staff has been working to implement the Policy for the Removal of Unauthorized Encroachments on City Parklands for the past five years. There are five remaining unauthorized encroachments as of the writing of this report and staff needs additional direction how to proceed with these encroachments.

Background and Analysis

Many of the privately owned properties in Palos Verdes Estates border property that is owned by the City and called parklands. The land is fee-owned and was given to the City by the Palos Verdes Homes Association. As evidenced by the deed restrictions on all these properties, the intent is for this land to remain as open space and available for the public at large.

Unfortunately, over the years many property owners bordering this land built encroachments upon the parklands and in many cases enclosed it for their own use. Encroachments consist of the placement of any permanent feature by a private property owner onto the publicly-owned land, including: fences, walls, and hardscape. PVEMC section 12.04.010 states that permits are required prior to the placement of any permanent feature on city property. However, because such encroachments would violate the deed restrictions which the City must legally comply with, encroachments cannot be, and are not, permitted on parklands.

The City has wrestled with how to address the removal of these illegal encroachments over the years. In 1993 the City Council confronted the growing problem of illegal encroachments and determined to take some steps to reverse the situation. Faced with the reality that many encroachments had existed for decades and could be costly to remove, the Council enacted a policy

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for the gradual removal of illegal encroachments. The Council determined that encroachments should be rectified under three specific conditions, in direct implementation of the City Code. The three components of this policy are outlined below.

Existing Policy 1: Require removal of unauthorized encroachments during a discretionary review by the City's Planning Commission

Section 17.04.090 of the City's Municipal Code states that the approval of any development entitlement application per Title 17 or 18 of the Code may be conditioned by the Planning Commission or Council. Such conditions may address any aspect of the project or the property. At the time of developing project plans, surveys are typically conducted and encroachments are identified. As a routine, the Planning Commission imposes a condition on all its approvals, requiring the removal of non-standard encroachments.

Existing Policy 2: Require removal of unauthorized encroachments when they fall into disrepair.

Section 8.48.015 H of the City's Municipal Code states that it is a public nuisance to maintain fences, walls, landscaping, or walkways that are maintained in a defective, unsightly, or no longer viable condition. As the City becomes aware of encroachments which have fallen into disrepair, they are deemed a public nuisance and removal is required.

Existing Policy 3: Require removal of unauthorized encroachments when they are modified.

As noted previously, Section 12.04.010 of the City's Municipal Code does not allow the permanent private occupation of City property without a permit. When the City is made aware of any modification underway to an existing unauthorized encroachment, removal of the entire encroachment is required.

Some encroachments were removed with this policy, but by 2005 the City Council realized that additional action was warranted. The Council spent a significant amount of time in 2005 to develop a modified policy that would cause the removal of all significant encroachments, but would be as fair as possible to the adjacent property owners. The attached policy was adopted November 8, 2005 and included three main causes for the removal of the encroachments:

- 1) At the occurrence of a future transfer of property ownership, In order to allow flexibility, a grace period of 60 days is suggested, from the date of the close of escrow for the required removal of identified encroachments.
- 2) Five years from the date of notification from the City to the property owner that the illegal encroachments need to be removed.
- 3) When any of the three conditions listed previously occur.

In order to implement this policy, the City employed a surveyor to identify all the encroachments into the parklands that runs along the City's northerly boundary with Torrance. We limited the surveys to those encroachments which were egregious, which we determined to be over 10 feet in

depth into the parklands. The surveys were completed on February 21, 2006 at a cost to the City of \$13,000.

Based on the surveys, staff began to send letters to the owners of the properties who were adjacent to the illegal encroachments to give them notification for the five year removal period. In addition to the encroachments along the City's northerly border, staff found three large encroachments elsewhere in the City. Letters were sent annually with additional reminder letters sent recently to the property owners who still have illegal encroachments.

Staff has offered various means to assist the property owners in this process. The City Engineer has met with many property owners to locate their property line, specify what needs to be removed, provide contractors' contact information for the removals, offered and provided dumpsters for the removed debris, and provided information for the Planning Commission process to request to retain encroachments. We have also offered to provide wood chips, provide grading of vertical areas where walls were removed, and to plant trees once the encroachments are/were removed. Most of this restoration work will occur in early October.

Over these past 5 years we have had significant success with the removal of the encroachments. The attached list summarizes the entire list of encroachments and whether they have been removed or not. Out of the original 34 encroachments, 29 have been removed, or are in the process of being removed, and 5 remain. The addresses of the remaining properties are as follows:

- 900 Via Panorama – 1.4 acres of walls, gazebo, walkways
- 225 Rocky Point Road – hardscape on beach, stairway on bluffs, drawbridge
- 3629 Navajo Place – wood fence, block walls, planters
- 3137 Via La Selva – wood fence, firewood, planters
- 3215 Via La Selva – wood fence

The owners of 3629 Navajo Place and 3215 Via La Selva have told staff they will soon be removing the encroachments and should be complete by the end of September.

Also please note that the owners of 900 Via Panorama indicate they will be going to the Planning Commission in October to ask for the ability to keep the encroachments. However, staff has been discussing these removals for over a year and do not have an application for the Commission.

Additionally the stairway at 225 Rocky Point Road is used periodically by Police, Fire Department, and Lifeguard personnel. Each group has a key to the stairway and it provides them easy access to the beach at Lunada Bay. We would be concerned that the removal of the stairway may impact these groups and would be impossible to replace with current Coastal Act requirements. It may be preferable to enter into a license agreement with the property owner to retain the stairway with the condition that public safety personnel have access to the stairway as-needed. This is a unique situation in that the encroachment serves the public.

We now face the difficult task of how to address these remaining encroachments. We have identified various options how to gain compliance for their removal:

- 1) Give the property owners additional time to comply on a case by case basis.
- 2) Remove the remaining encroachments with City forces. Mandate the adjacent property pay for the removal or lien the property for the City's expense.
- 3) Begin citing the adjacent property owners with an infraction per the City's Municipal Code.
- 4) Require the property owner to enter into a license agreement with the City for the ability to retain the encroachment(s). We would recommend this option only for encroachments that provide a public benefit, such as those at 225 Rocky Point Road. The agreement would be reviewed and approved by Council at a future meeting.

If we want to remove the encroachments with City forces, we need to comply with the section of the Code entitled "8.48.0825 Proceedings for abatement of nuisance on public property". The City Manager would send a letter per this section and give up to 30 days for the removals. After the 30 day period City forces could remove the encroachments and the City would bill the property owner. If during the 30 day period the property owner provides staff with adequate information that the encroachments will be removed in a reasonable amount of time, staff can delay the removal by City forces to allow the property owner to comply.

Please note that although not specified within the City's Code, we do have the ability to charge and to lien the adjacent property owner for the removals. The City is authorized under State law to require abatement of a public nuisance, including encroachments onto public property per Gov. Code § 38775. If the person or entity responsible for the encroachment fails to remove it, the City can remove the encroachment and charge the responsible party with the cost of removal, which may be imposed as a lien or special assessment on the property causing the nuisance - Gov. Code §§ 38773.1, 38773.5.

Although issuing a citation is listed as an option, we would not recommend utilizing this process as it would simply prolong the process of removal as compared to the option of removing the encroachments with City forces.

Alternatives Available to Council

The following alternatives are available to the City Council:

1. Give property owners with remaining illegal encroachments additional time to comply with the encroachments' removal.
2. Direct staff to begin the process of abatement of nuisances on public property by sending the notices as required by the Code, with the exception of 225 Rocky Point Road. Direct staff to create a license agreement with the property owner of 225 Rocky Point Road to retain the stairway for Council review and approval.
3. Decline to Act.

Recommendation from Staff

Staff recommends that the Council direct staff to begin the process of abatement of nuisances on public property by sending the notices as required by the Code, with the exception of 225 Rocky Point Road. Direct staff to create a license agreement with the property owner of 225 Rocky Point Road to retain the stairway for Council review and approval.

Staff report prepared by

Allan Rigg
Public Works Department