

CITY OF PASADENA
City Council Minutes
January 10, 2005 – 5:30 P.M.
Pasadena Senior Center, Multi-Purpose Room
85 East Holly Street

REGULAR MEETING

OPENING:

Mayor Bogaard called the regular meeting to order at 5:43 p.m.
(Absent: Councilmembers Haderlein, Madison, Streator)

On order of the Mayor, the regular meeting recessed at 5:43 p.m., to discuss the following closed session:

Councilmember Haderlein
arrived at 5:56 p.m.

**CITY COUNCIL CONFERENCE WITH LABOR
NEGOTIATORS pursuant to Government Code Section
54957.6**

**Agency Negotiators: Karyn Ezell, Richard Kunz
Employee Organization: Pasadena Police Sergeants
Association**

The above closed session item was discussed, with no reportable action at this time.

On order of the Mayor, the regular meeting reconvened at 6:33 p.m. The Pledge of Allegiance was led by Vice Mayor Tyler.

ROLL CALL:

Councilmembers:

Mayor Bill Bogaard
Vice Mayor Sidney F. Tyler, Jr.
Councilmember Victor Gordo
Councilmember Steve Haderlein
Councilmember Chris Holden
Councilmember Paul Little
Councilmember Steve Madison
Councilmember Joyce Streator (Absent)

Staff:

City Manager Cynthia Kurtz
City Attorney Michele Beal Bagneris
City Clerk Jane L. Rodriguez

ANNOUNCEMENTS

The City Manager commented on the tsunami disaster in Asia and its impacts on City employees and members of the community, and provided information regarding links on the City's web site for legitimate organizations that can be contacted in regards to donations to assist the disaster victims.

The Mayor asked those present at the Council meeting to stand and observe a moment of silence in recognition of the great global tragedy and its effects on the victims.

The City Manager provided an update on incidents and damages connected to the recent heavy rains in the City, staff response to calls for various types of services, and the activation of the Emergency Operations Center with limited staffing by the Public Works, Water and Power, Police, and Fire Departments; and provided emergency contact information for residents' use.

Mr. Martin Pastucha, Director of Public Works Department, reported on problems involving a City sewer line and slope failures, the process for handling fallen trees, and the deployment of staff to address service needs. Mr. Pastucha confirmed that staff would also be monitoring potential damage throughout the City and City Hall.

Councilmember Little complimented staff for their prompt and courteous response to problems in his neighborhood.

Councilmember Madison suggested staff monitor traffic in the parks to prevent additional damage and allow time for the parks to dry out before events are held on the grounds.

Councilmember Haderlein suggested unauthorized use of sports fields by non-permitted persons also be monitored.

The City Manager announced Charles Peretz had completed his temporary duty as Assistant to the City Manager, and thanked him for his service.

The Mayor, Councilmember Holden, and Councilmember Little commended the Tournament of Roses and City staff for the success of the New Year's Day parade and Rose Bowl game.

The City Manager noted the City's collaboration with the Metropolitan Transportation Authority was an important factor in solving transportation/parking issues related to the two events.

**PUBLIC COMMENT ON
MATTERS NOT ON THE
AGENDA**

Mr. William Watkins, Pasadena resident, suggested a code titled "Barbara's Law" that would promote the sharing of phone numbers or the establishment of some other means of communication between renters, tenants, or apartments owners; and submitted a packet of information regarding this proposal.

OLD BUSINESS

Councilmember Madison was excused at 7:00 p.m.

AUTHORIZATION TO ENTER INTO CONTRACT WITH POWER ENGINEERS, INC., TO PROVIDE A FIELD INVENTORY DATA COLLECTION OF UTILITY ASSETS USING GLOBAL POSITION SYSTEM FIELD TECHNOLOGY
Recommendation of City Manager: Authorize the City Manager to enter into a contract with Power Engineers, Inc., to

provide a field inventory data collection of utility assets using global position system field technology for the Water and Power Department, for an amount not to exceed \$764,139, which includes the base amount of \$694,672 and a contingency of \$69,467 for any necessary change orders. The proposed contract is exempt from competitive bidding pursuant to City Charter Section 1002(F), contracts for professional or unique services. (Contract No. 18,754)

Mr. George Wilson, Director of Power Delivery Services, summarized the agenda report and responded to questions.

The City Manager provided background for past work done in identifying the City's utility assets.

Vice Mayor Tyler stressed the need for a clear and effective means for staff to continue updating and maintaining accurate information in the future.

It was moved by Vice Mayor Tyler, seconded by Councilmember Little, to approve the City Manager's recommendation. (Motion unanimously carried) (Absent: Councilmembers Madison, Streater)

Councilmember Little complimented staff for their timely work in restoring power during the recent rainstorm.

CONSENT CALENDAR

REJECTION OF BIDS - CONSTRUCTION OF A REINFORCED CONCRETE OIL CONTAINMENT SYSTEM IN T. M. GOODRICH RECEIVING STATION

Recommendation of City Manager: Reject all bids received on November 18, 2004 in response to Specifications to Construct a Reinforced Concrete Oil Containment System at the T. M. Goodrich Receiving Station.

APPROVAL AND ACCEPTANCE OF AN EASEMENT DEDICATION FOR PUBLIC STREET PURPOSES AT THE NORTHWEST CORNER OF ARROYO PARKWAY AND FILLMORE STREET

Recommendation of City Manager: Adopt a resolution approving and accepting a proposed easement dedication for public street purposes at the northwest corner of Arroyo Parkway and Fillmore Street. (Resolution No. 8428)

Item discussed separately at the request of Vice Mayor Tyler.

AUTHORIZATION TO ENTER INTO A CONTRACT WITH MAXIMUS, INC. FOR THE PREPARATION OF A COMPREHENSIVE FEE AND RATE STUDY FOR CITY SERVICES

Item discussed separately at the request of Councilmember Gordo.

AWARD OF CONTRACT TO PIMA CORPORATION FOR CONSTRUCTION OF PARK IMPROVEMENTS: ASPHALT PARKING LOT, DECOMPOSED GRANITE WALKWAYS,

CHILDREN'S PLAY AREA, SITE FURNISHINGS, DOG PARK, IRRIGATION SYSTEM, AND TURF AT EATON WASH PARK IN THE AMOUNT OF \$878,185

MINUTES APPROVED

November 8, 2004
 November 15, 2004, as corrected
 November 22, 2004
 November 29, 2004 (Cancelled)
 December 6, 2004

CLAIMS RECEIVED AND FILED

Claim No. 9726	Allen S. Brown	\$ 394.89
Claim No. 9727	Scott Bice	313.87
Claim No. 9728	Craig/is Ltd. for Russell Chittenden	25,000.00
Claim No. 9729	L. Claire Haagenson	175.00
Claim No. 9730	Rafael S. Cantos (Madre's Restaurant)	2,500.00
Claim No. 9731	Malibu Equities, LLC, Ronald Mills & Judy Mills	10,000.00+
Claim No. 9732	Infinity Insurance Company as subrogee for Albert Moke	1,097.19
Claim No. 9733	Mary Jo Peltzie	500.00
Claim No. 9734	John & Teri Attanasio	3,500.00
Claim No. 9735	Ba Tuong Vu	1,109.00
Claim No. 9736	Interinsurance Exchange of the Automobile Club as subrogee for Diana Blackwood	3,567.55
Claim No. 9737	(Voided number)	
Claim No. 9738	Thomas Parker	1,000.00

It was moved by Councilmember Little, seconded by Councilmember Gordo, to approve the Consent Calendar, with page 11 of the minutes of November 15, 2004 corrected to read: "Councilmember Little reported on the potential of the City of Los Angeles to support ~~for~~ the nuisance liquor store legislation being proposed by the City of Pasadena." and with the exception of Item 3 (Contract with Maximus, Inc.) and Item 4 (Contract with Pima Corporation), which were discussed separately. (Motion unanimously carried) (Absent: Councilmembers Madison, Streater)

**CONSENT ITEMS
DISCUSSED SEPARATELY**

AUTHORIZATION TO ENTER INTO A CONTRACT WITH MAXIMUS, INC. FOR THE PREPARATION OF A COMPREHENSIVE FEE AND RATE STUDY FOR CITY SERVICES

Recommendation of City Manager: Authorize the City Manager to enter into a contract, without competitive bidding, pursuant to City Charter Section 1002(F), contracts for professional or unique services, with Maximus, Inc. for the preparation of a comprehensive fee and rate study in an amount not to exceed \$100,000. (Contract No. 18,755)

Ms Shari Forster, Deputy Finance Director, confirmed the study would include information on how the City's fees compare to neighboring jurisdictions.

It was moved by Vice Mayor Tyler, seconded by Councilmember Little, to approve the City Manager's recommendation. (Motion unanimously carried) (Absent: Councilmembers Madison, Streater)

AWARD OF CONTRACT TO PIMA CORPORATION FOR CONSTRUCTION OF PARK IMPROVEMENTS: ASPHALT PARKING LOT, DECOMPOSED GRANITE WALKWAYS, CHILDREN'S PLAY AREA, SITE FURNISHINGS, DOG PARK, IRRIGATION SYSTEM, AND TURF AT EATON WASH PARK IN THE AMOUNT OF \$878,185

Recommendation of City Manager: Accept the bid dated December 17, 2004, submitted by Pima Corporation in response to the Specifications for Construction of Eaton Wash Park; reject all other bids received; and authorize the City Manager to enter into such contract as required, in the amount of \$878,185, that includes a base bid of \$798,349.15 and \$79,835.85 for any additional work the City may order pursuant to the project pursuant to the project specifications. (Contract No. 18,756)

Councilmember Madison returned at 7:08 p.m.

The City Manager indicated the amount of the contractor's bid would allow for more work to be done as part of Phase I of the project and the possibility of additional work to be scheduled as part of the project.

Mr. Martin Pastucha, Director of Public Works Department, noted the pre-fabricated style of the restroom impacted the scheduling of its installation, and the restroom installation would begin towards the end of Phase I and before opening the park.

It was moved by Councilmember Gordo, seconded by Councilmember Little, to approve the City Manager's recommendation. (Motion unanimously carried) (Absent: Councilmember Streater)

REPORTS AND COMMENTS FROM COUNCIL COMMITTEES

FINANCE COMMITTEE

APPROVAL OF A JOURNAL VOUCHER APPROPRIATING \$17,500 TO THE PLANNING AND DEVELOPMENT DEPARTMENT FOR ENHANCED CODE ENFORCEMENT EFFORTS AND AUTHORIZE STAFF TO BEGIN THE RECRUITMENT PROCESS FOR A NEIGHBORHOOD ACTION TEAM

Recommendation of City Manager:

(1) Authorize staff to undertake recruitment efforts for a Neighborhood Action Team (NAT), consisting of five Police Officers and one Police Sergeant. Funding for these positions and associated materials and supplies for the NAT, in the

amount of \$757,366 will be included in the FY 2006 Recommended Operating Budget, and

(2) Approve a journal voucher appropriating \$17,500 to the Planning and Development Department, Budget Account No. 101-448100, from the General Fund unappropriated fund balance, to provide for overtime night and weekend code enforcement efforts relating to off-site liquor store operations. (Journal Voucher No. 2005-38)

Councilmember Little, Chair of the Finance Committee, noted the Committee had asked staff to return with additional information on the Neighborhood Action Team in terms of what its duties would be and how it would be constituted, and had supported the approval of the journal voucher as stated in Recommendation 2.

Discussion followed on the need for additional information on the Neighborhood Action Team, the process for recruiting a Team to have in place at the beginning of the next fiscal year, and the possible need for a second command post.

The City Manager provided a brief history of the creation and funding of the positions for the second Team, and responded to questions.

Police Chief Bernard Melekian discussed the use of the current Action Team, and the goals to have the recruitment and hiring for the second Team completed in July 2005 with the Team trained by September 2005; and responded to questions.

Vice Mayor Tyler requested staff provide information on what the first Team is now doing and what it would be doing, what the second Team would do, and an explanation of the geographic focus of the work to be done by the two Teams.

Councilmember Gordo discussed the benefits of using the Neighborhood Action Teams to target specific problems and areas, and expressed concern regarding the possible impact that delaying approval of the item might have on the recruitment and hiring process.

Mr. Steve Lipira, Pasadena resident, expressed support for the additional Neighborhood Action Team.

Following brief additional discussion, it was moved by Councilmember Little, seconded by Vice Mayor Tyler, to approve Recommendation 2 as stated above, with staff to provide additional information on the Neighborhood Action Teams for review by the Finance Committee and to report to Council at the meeting of January 24, 2005. (Motion unanimously carried) (Absent: Councilmember Streator)

The City Manager confirmed the Nuisance Liquor Store Working Group's recommendations had been presented to State Senator Jack Scott and Assemblyperson Carol Liu.

Councilmember Gordo asked that the Working Group's recommendations and City position on this issue be presented to the Policy Committee of the League of California Cities in a timely manner in order to garner endorsement and advocacy for the proposed State legislative changes. He noted he would make himself available to attend a meeting, if this would be appropriate.

Following brief discussion, the City Manager indicated she would contact the League regarding the process and timing for having this matter presented to and considered by the League.

APPROPRIATE FUNDS TO GAS TURBINE CAPITAL PROJECT NO. 3166 AND TRANSFER FUNDS FROM THE POWER FUND TO THE CITY'S CAPITAL PUBLIC ART FUND

Recommendation of City Manager:

- (1) Approve a journal voucher increasing appropriations for Local Generation Repowering Project, CIP Project No. 3166 by \$620,860, for a new total of \$91,363,860;
- (2) Approve a journal voucher transferring \$620,860 from the Power Fund to the City's Capital Public Art Fund. (Journal Voucher No. 2005-39)

Councilmember Little reviewed the agenda report.

Vice Mayor Tyler expressed concern regarding the application of the art fee to this project, the apparent lack of public access for any proposed art at the site, and the impact the significant fee amount would have on the Power Fund; and suggested the project be exempted for these reasons.

Discussion followed on alternative Water and Power sites for the art, the City's commitment to the arts and the art fee based on construction costs, the use of Water Fund monies for the project, and the treatment of public projects vs. private projects in terms of the art fee requirement.

The City Manager responded to questions regarding the project funding and the art fee requirement.

Councilmember Haderlein suggested the Arts Commission be directed to ensure that the art project(s) be accessible to the public.

It was moved by Councilmember Little, seconded by Councilmember Gordo, to approve the City Manager's

recommendation. (Motion carried, with Vice Mayor Tyler objecting) (Absent: Councilmember Streater)

RECOMMENDATIONS FROM OFFICERS AND DEPARTMENTS

CONSIDERATION OF CALL FOR REVIEW TO THE CITY COUNCIL FOR CONSTRUCTION OF A MIXED-USE PROJECT AT 260 SOUTH ARROYO PARKWAY (Councilmember Little)

Councilmember Little expressed concerns regarding the quality of the construction of the project, and noted staff had indicated these concerns would be premature at this stage of the project process.

The City Attorney described the scope of review for Council discussion at this time, and the procedure for calling the matter up for review by Council; and responded to questions.

The City Manager outlined the level of review that had been conducted by staff and the Design Commission to this point in time, explained the various possible levels of review, and responded to questions.

Councilmember Madison expressed concerns regarding the cumulative impacts of this and other projects in the vicinity, and suggested Council consider the level of review for the project.

Vice Mayor Tyler expressed concerns regarding the procedure followed in conducting and reviewing the traffic study, and the need to clearly determine the cumulative impacts for the project; and suggested the Transportation Advisory Commission (TAC) review the project.

Discussion followed on setting the public hearing, directing TAC to review the project, and considering the level of review in relation to the City's adopted planning documents and cumulative impacts caused by other projects.

Mr. Allan Abshez, Champion Development Group representative, indicated cumulative development was studied in the traffic report, and the developer had agreed to staff's project conditions.

It was moved by Councilmember Madison, seconded by Councilmember Haderlein, to call this matter for review to the City Council, with the Transportation Advisory Commission to review and make recommendations regarding mobility issues for the public hearing. (Motion unanimously carried) (Absent: Councilmember Streater)

The Mayor indicated staff would inform Council of the scheduling of this matter before TAC and for the public hearing.

CONSIDERATION OF CALL FOR REVIEW TO THE DESIGN COMMISSION OF APPLICATION FOR CONSOLIDATED DESIGN REVIEW FOR THE CONSTRUCTION OF A COMMERCIAL BUILDING (WALGREENS) AT 666 N. LAKE AVENUE, CASE NO. PLN2004-00534 (Councilmember Gordo)

Councilmember Gordo asked for the item to be held to the Council meeting of January 24, 2005, to allow time for the developer to meet with residents of the area regarding changes made to the project in response to the Predevelopment Plan Review comments, and noted the developer had submitted a letter in agreement with the postponement.

On order of the Mayor, the item was held to the Council meeting of January 24, 2005.

REVISION OF DESIGNATED CITY OFFICIALS AND EMPLOYEES REQUIRED TO FILE CONFLICT OF INTEREST STATEMENTS

Recommendation of City Attorney: Adopt a resolution updating those who will be required to file Conflict of Interest Statements. These revisions reflect changes in departments, positions, titles and duties that have occurred since the last revision in December 2002. (Resolution No. 8429)

Councilmembers Haderlein and Madison were excused at 8:07 p.m.

The City Attorney summarized the agenda report.

It was moved by Councilmember Little, seconded by Councilmember Holden, to approve the City Attorney's recommendation. (Motion unanimously carried) (Absent: Councilmembers Haderlein, Madison, Streator)

RECESS

On order of the Mayor, the regular meeting of the City Council recessed at 8:09 p.m. to the regular meeting of the Community Development Commission.

RECONVENED

On order of the Mayor, the regular meeting of the City Council reconvened at 8:10 p.m. (Absent: Councilmembers Haderlein, Madison, Streator)

ORDINANCES – FIRST READING

Conduct first reading of "AN ORDINANCE OF THE CITY OF PASADENA AMENDING SECTIONS 10.48.010 AND 10.48.030 OF THE PASADENA MUNICIPAL CODE REGARDING SPEED LIMITS IN THE CITY OF PASADENA (ARROYO BOULEVARD, RAYMOND AVENUE AND ARROYO PARKWAY)"

Mr. Steve Lipira, Pasadena resident, spoke in support of lowering the speed limits in these areas, and expressed concern regarding overflow traffic from Fair Oaks Avenue that uses Raymond Avenue.

The City Manager briefly described the implementation and enforcement plan for the lowered speed limit areas.

The above ordinance was offered for first reading by Councilmember Little:

AYES: Councilmembers Gordo, Holden, Little,
Vice Mayor Tyler, Mayor Bogaard

NOES: None

ABSENT: Councilmembers Haderlein, Madison, Streator

Conduct first reading of "AN ORDINANCE OF THE CITY OF PASADENA AMENDING THE MUNICIPAL CODE BY REPEALING THE CURRENT TITLE 17 AND ADOPTING A REVISED TITLE 17 (ZONING CODE)"

The City Manager introduced the agenda item.

The City Attorney noted the revised Zoning Code would replace the current Zoning Code.

Councilmembers Haderlein and Madison returned at 8:15 p.m.

Mr. Richard Bruckner, Director of Planning and Development Department, clarified the required parking spaces for projects located in various areas of the City under the revised Code, confirmed two spaces per unit were required in the City of Gardens, and responded to questions raised by Council and during public comment.

Mr. Denver Miller, Principal Planner, summarized the requirements in the new landscaping chapter (Chapter 17.44), and responded to questions raised by Council and during public comment.

Ms. Nancy Burke, Kaiser Permanente representative, expressed concerns regarding parking requirements for medical offices under the revised Code, the effect on Kaiser's attempt to locate and develop new office space in the city, and the probable need for a variance under the revised Code once a site has been identified; and asked Council to reassess medical office space requirements under the revised Code.

Mr. Miller explained the revised requirements for medical office space and the process for obtaining a variance for a project site.

Councilmember Holden urged staff to continue to work with Kaiser to reach a solution for this problem.

Mr. John Grech, Pasadena business owner, expressed concerns regarding the drastic size of the proposed reductions in the floor area ratios (FARs) in the commercial and industrial zones, and the changes in the requirement for parking to be

located in the side or rear of a building in commercial zones and in the parking requirements for vehicle repair uses.

The City Manager provided a brief overview of the information provided in the report attachment titled "Central District Residential Units - 1994 to Present" and responded to questions.

Mr. Bruckner summarized information in the attachment; noted this would be used as a base for staff's annual review of development, with Council to have a substantial discussion of the issue at the end of two years; and responded to questions.

The City Manager indicated staff could research those units permitted in the past year, as this would relate to the collection of residential impact fees.

Councilmember Madison commented on the amount of residential impact fees collected over the past years and under the reduced (phased in) rates, and possible consideration of a 75% reduced growth alternative/limitation.

Councilmember Holden congratulated staff and the community for their efforts in developing the revised Zoning Code.

The above ordinance was offered for first reading by Councilmember Holden:

AYES: Councilmembers Gordo, Haderlein, Holden, Little, Madison, Vice Mayor Tyler, Mayor Bogaard

NOES: None

ABSENT: Councilmember Streator

COUNCIL PRESENTATION BRIEFING ON THE PLAN FOR THE FORMER EAST CAMPUS OF AMBASSADOR COLLEGE (134 VALLEY STREET) WITHIN THE CENTRAL DISTRICT SPECIFIC PLAN AREA

Recommendation of City Manager: This report is for information only.

Mr. Robert Avila, Associate Planner, reviewed the agenda report and responded to questions.

Mr. Richard Bruckner, Director of Planning and Development Department, noted the developer had requested a Planned Development be set up for the project, outlined the various levels of review and participation by advisory bodies in the planning/approval process, and responded to questions.

Discussion followed on the mix of ownership vs. rental units; the relationships between and calculations for the number of affordable housing units, number of workforce housing units, number of inclusionary housing units, and total number of

allowable units for the project; the developer's request for the averaging of density and height for the project as a whole; the possible provision of parkland on site; and the definition of workforce housing and designated parkland.

The City Manager indicated the developer would be approached regarding voluntary local hiring incentives for the project, noted the figures in the report for Block 3 of the project should be corrected to read 492 units, and responded to questions.

Vice Mayor Tyler suggested staff provide Council with information on the incremental expenses to be incurred by the City because of the project (Fire, Police, impacts on infrastructure, etc.) that can be reviewed in conjunction with those costs that are actually recovered from the developer in fees, property taxes, and other revenues, in order to assist in the determination of the fiscal impact of the project on the City.

Councilmember Madison asked staff to calculate the total amount of units that could be built on a parcel-by-parcel basis for the project site, and provide a three-dimensional model of the project and the surrounding areas when available and appropriate.

Mr. Michael Vogler, Save South Orange Grove representative, expressed the concerns submitted in a letter to Council dated January 10, 2005.

Mr. Ed Eyerman, Sares-Regis Group representative (applicant), responded to questions regarding lot coverage, workforce (entry-level) housing, density bonuses for affordable housing, the mix of types of units that would be built for rent and sale, and the use of open space for parkland.

Councilmember Little asked staff to clarify the definition of workforce housing and the use of open space as this relates to public access/parkland.

On order of the Mayor, the report was received and filed.

COUNCIL COMMENTS

The City Manager indicated she would be attending a meeting of the Metropolitan Water District with the Mayor and Martin Pastucha, Director of Public Works Department, regarding the Hahamongna Watershed area.

Councilmember Gordo proposed inviting City employees to the Council meeting once a year to recognize them for years of service.

The City Manager will discuss this proposal with the Executive Committee.

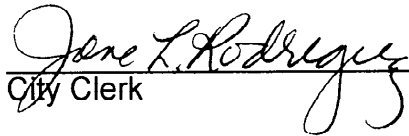
ADJOURNMENT

On order of the Mayor, the regular meeting of the City Council adjourned at 9:50 p.m. in memory of Richard Davis, a Pasadena resident and activist who had been involved in Arroyo Seco issues.



Bill Bogaard, Mayor
City of Pasadena

ATTEST:



Jane L. Rodriguez
City Clerk