

CITY OF PASADENA
City Council Minutes
January 24, 2005 - 5:30 P.M.
Pasadena Senior Center, Multi-purpose Room
85 East Holly Street

REGULAR MEETING

OPENING:

Mayor Bogaard called the regular meeting of the City Council to order at 5:55 p.m. (Absent: Councilmembers Gordo, Madison)

On order of the Mayor, the regular meeting of the City Council recessed at 5:55 p.m., to discuss the following closed sessions:

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

Councilmember Madison arrived at 6:13 p.m.

Councilmember Gordo arrived at 6:18 p.m.

CITY COUNCIL CONFERENCE WITH REAL PROPERTY
NEGOTIATORS pursuant to Government Code Section 54956.8
Property: 29.481 acres, located on the east side of Oak Grove Drive, immediately adjacent to Pasadena's Hahamongna Watershed Park
Agency Negotiators: Cynthia Kurtz, Martin Pastucha, Manuel Negrete
Negotiating Party: Metropolitan Water District of Southern California
Under Negotiation: Price and terms of payment

The above closed sessions were discussed, with no reportable action at this time.

On order of the Mayor, the regular meeting of the City Council reconvened at 6:34 p.m. The Pledge of Allegiance was led by the City's Public Information Officer, Ann Erdman.

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 Streater

Staff:

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

CEREMONIAL MATTERS

The Mayor recognized Police Officer Jason Van Hecke for his recent tour of duty in Iraq, extended a warm welcome home and expressed pride and gratefulness for Officer Van Hecke's service to our Country.

Officer Van Hecke thanked the City and his family for their support.

Police Chief Melekian also expressed his pride in Officer Van Hecke's military service.

The Mayor presented a commendation, and Councilmember Holden presented a Certificate of Recognition to Aletha Harper, Community Arms Manager, on the occasion of her retirement, and both extended congratulations and best wishes for her future endeavors.

The City Manager introduced Svetlana Henderson, Assistant to the City Manager for the next two months.

PUBLIC COMMENT ON MATTERS NOT ON THE AGENDA

Ms. Christle Balvin, representing The University Club, noted The University Club, First Congregational Church, and the Women's City Club, were working with staff on a proposed amendment to the Zoning Code, Title 17, with respect to Floor Area Ratios in the area of the Fuller Seminary Campus.

Mr. Nathaniel A. Lewis, Jr., representing First Congregational Church, and Ann Pursel, President of the Women's City Club, echoed Ms. Balvin's comments.

REPORTS AND COMMENTS FROM COUNCIL COMMITTEES
PUBLIC SAFETY COMMITTEE

ANIMAL GUARDIAN CAMPAIGN

The Mayor announced the above item would not be discussed this evening, noting it was being held for further review by the Public Safety Committee.

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.

(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, for overtime night and weekend code enforcement efforts relating to off-site liquor store operations. (Journal Voucher No. 2005-38)

**ORDINANCE - FIRST
READING**

Conduct first reading of "AN ORDINANCE OF THE CITY OF PASADENA AMENDING TITLE 8 OF THE PASADENA MUNICIPAL CODE BY ADDING CHAPTER 8.18 ESTABLISHING A DEEMED APPROVED STATUS FOR NONCONFORMING OFF SITE ALCOHOLIC BEVERAGE RETAIL SALES ESTABLISHMENTS"

The above two items were discussed concurrently.

Councilmember Little, Finance Committee Chair, introduced the first item.

The City Attorney summarized the proposed ordinance and responded to questions.

Councilmember Gordo stated he was prepared to offer the ordinance, but expressed concern with its implementation, noting without proper resources it would be difficult to enforce. He requested the Police Department and City Prosecutor's Office to report back to the Council on how they plan to implement the ordinance. He also requested that the City Attorney's Office and the Police Department report back to Council on how they plan to reinvigorate the Nuisance Abatement Team and who will be responsible. Councilmember Gordo indicated he would like to see either the City Prosecutor's Office or the Police Department take the lead and not have a situation where there is so much collaboration that there is no real accountability. He further requested the City Council direct the City Manager, Police Department, and City Attorney's Office to report back to Council with a recommendation with regard to using existing resources and the new resources granted tonight, to work together to bring more accountability and a more focused effort in addressing all types of nuisances throughout the city.

The following individuals spoke in support of both items:

Mr. Steve Lipira, Pasadena resident, asked the Council to consider expanding the ordinance to look at on-site sales
Ms. Maggie Campbell, Old Pasadena Management District CEO
Ms. Tahra Goraya, Day One Executive Director, submitted a report on the cost of alcohol abuse to Los Angeles County
Mr. James McQuarrie, representing Summit-Raymond Neighbors
Mr. Bob Kneisel, Chair, Pasadena Neighborhood Coalition
Mr. Mark Fearing, Pasadena resident

In response to Mr. Lipira's comments, the Mayor asked staff to formulate a response back to City Council with respect to on-site sales.

In response to a previous question from Councilmember Streater, the City Attorney noted that the City of Oakland's deemed approved

ordinance provides for the City Council to be the final decision-making body with respect to appeals. She further clarified the current procedures of Pasadena's Code Enforcement Commission, noting cases are heard by a panel of the Commission, and appeals are heard by the full Commission.

In light of the City Attorney's comments, Councilmember Gordo noted his preference to have deemed approved matters heard before the entire Code Enforcement Commission, with appeals being heard by the City Council, so the Council could hear the case on its merits and make a determination whether or not it is something the City Attorney could defend should the case proceed to court.

The City Manager noted she was comfortable with cases going before the full Commission, appealable to the City Council. She noted staff would monitor very closely to see if would add to the Commission's workload and prevent the Commission from performing its other duties.

Councilmember Gordo indicated his desire would be to eliminate the panel review and go straight to the full Code Enforcement Commission, and at that point the matter becomes appealable either by the appellant or a member of the City Council, to the City Council.

Councilmember Madison noted his support for these two items, and asked staff to consider broadening jurisdiction to allow the ordinance to cover other alcohol licenses, i.e., bars in Old Pasadena, and to report back to the Council with a recommendation.

Further discussion ensued regarding the review process, whether there should be panel reviews or reviews heard by the full Code Enforcement Commission, the normal process of panel reviews by three members of the Commission, and workload impacts if reviews are by the full Commission. Following discussion, it was suggested that there be panel reviews, but the decision be appealed to the City Council instead of the Code Enforcement Commission.

Following discussion, it was moved by Councilmember Little, seconded by Councilmember Streater, to approve the City Manager's recommendation on the first item (approval of the journal voucher and the recruitment process for the Neighborhood Action Team). (Motion unanimously carried) (Absent: None)

Regarding the second item, the proposed ordinance, it was noted Section 8.18.100(D) would need to be revised to reflect that matters would be heard by a panel of the Code Enforcement Commission with appeals to the City Council (instead of the full Code Enforcement Commission). The City Attorney noted that she would review the Hearing Procedures referenced in Section 8.18.100(A)

to see if further Code changes are needed.

Councilmember Madison was excused at 7:32 p.m.

The above ordinance was offered by Councilmember Gordo for first reading, as amended to revise the language in Section 8.18.100(D), to read ". . . unless appealed to the ~~full Code Enforcement Appeals Commission~~ City Council . . ."

AYES: Councilmembers Gordo, Haderlein, Little, Streator, Vice Mayor Tyler, Mayor Bogaard

NOES: None

ABSENT: Councilmember Madison

RECOMMENDATIONS FROM OFFICERS AND DEPARTMENTS

Councilmember Madison returned at 7:41 p.m. and was recused at 7:42 p.m. due to a conflict of interest.

APPROVAL OF THE PEDESTRIAN LIGHTING FIXTURES AND FLOODLIGHT COMPONENT WHICH ARE PART OF THE DESIGN DEVELOPMENT PROPOSAL FOR THE ARROYO PARKWAY STREETScape ENHANCEMENT PROJECT

Recommendation of City Manager: Approve the light fixture identified as "acceptable alternative No. 2" for the design development proposal for the Arroyo Parkway Streetscape Enhancement Project as proposed by Field Operations. It is also recommended that the height of the fixtures be no lower than 8 feet and no taller than 25 feet as they are located on the parkway.

The City Manager introduced the item, and Leon White, Project Planner, summarized the report.

Mr. James Korner, representing Field Operations, provided a power point presentation of the various lighting alternatives, and responded to questions.

The City Manager clarified that Alternative Two in the staff report is Alternative Three in the Power Point (Consultant's) presentation.

Steve Wright, Assistant City Engineer, and Dan Rix, City Engineer, responded to questions regarding costs, reallocation of funding resources, and unfunded elements of the project which include street furniture, median uplighting, flood light, and tree grates.

The following individuals spoke in support of the project:

Ms. Patricia Oliver, Art Center College of Design
Mr. Mark Dillon, Art Center College of Design
Mr. Anthony J. Palazzola, Design Direction Group
Ms. Dana Hutt, Art Center College of Design
Ms. Linda Talman, Architect, Teacher at Art Center College of Design

The following individual spoke in opposition to the project:

Ms. Kyra Compinsky, Pasadena resident

Councilmember Little reiterated his support for the initial design and lighting plan presented by Field Operations.

It was moved by Councilmember Little, seconded by Councilmember Holden, to approve the initial design of Field Operations with the original light poles.

Discussion followed with respect to unfunded elements of the project, whether some funded elements could be delayed to allow for inclusion of other unfunded elements, landscaping lighting, varying heights of light poles, and safety versus aesthetics of the light patterns with respect to pedestrian lighting.

Councilmember Holden expressed a desire to be supportive of the original design and reallocating funds so the project can move forward and the community can see it in place.

In response to suggestions that the project go forward without a decision on the pedestrian lighting, the City Manager noted a decision needed to be made tonight with respect to a lighting plan, how many lights, and where they would be placed, because conduit and wiring needed to be pulled during the reconstruction of the street so the street wouldn't be dug up twice. She indicated that lighting could be considered as phase two, that the project could move forward to include the unfunded elements of the plan at this time, but that staff would have to come back to Council with a cost estimate on pulling conduit and wiring, before a final determination could be made on how many of the unfunded elements could be incorporated now.

Additional discussion followed with respect to moving forward with the project, leaving open the question of light design, and using those funds to incorporate as many of the unfunded items as possible, pending the cost of pulling the conduit and wiring.

The question was called on Councilmember Little's motion to approve the initial design of Field Operations with the original poles.

AYES: Councilmembers Holden, Little, Streator

NOES: Councilmembers Gordo, Haderlein, Vice Mayor Tyler, Mayor Bogaard

ABSENT: Councilmember Madison

(Motion failed)

It was moved by Vice Mayor Tyler, seconded by Councilmember Haderlein, to amend staff's recommendation to include the alternatives the City Manager outlined totaling \$750,000 to be included in the project and staff to come back to the Council with a cost estimate of pulling the conduit to provide the pedestrian lights at a later time, if the City Council were to approve it and funding is available.

AYES: Councilmembers Gordon, Haderlein, Vice Mayor Tyler, Mayor Bogaard

NOES: Councilmembers Holden, Little, Streator

ABSENT: Councilmember Madison

(Motion failed)

It was moved by Councilmember Haderlein, seconded by Vice Mayor Tyler, to give tentative approval to the items not previously funded, with the proviso staff report back to Council with a cost estimate of pulling conduits for the lighting, and staff to provide additional information on all costs and funding shortages of the project; approve staff's recommendation of spacing and height (25' to 8') for the lighting, but leave open the decision on lighting design.
AYES: Councilmembers Gordo, Haderlein, Holden, Streater, Vice Mayor Tyler, Mayor Bogaard
NOES: Councilmember Little
ABSENT: Councilmember Madison

Vice Mayor Tyler asked the City Manager to be clear on all elements of the proposal when staff reports back to the Council.

PUBLIC HEARING

PUBLIC HEARING: BOYLSTON ROAD PARTIAL ROAD CLOSURE BETWEEN LAKE AVENUE AND MENTOR AVENUE Recommendation of City Manager: It is recommended that the public hearing be continued to March 14, 2005, at 8:00 p.m.

On order of the Mayor, the public hearing was continued to March 14, 2005, at 8:00 p.m.

ORDINANCE - ADOPTED

Councilmember Madison returned at 9:19 p.m.

Adopt "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)" (Introduced by Councilmember Holden) (Ordinance No. 7000)

Mr. Antonio Villarruel, Architect, requested Council consider exempting his project from the new Zoning Code regulations, and outlined the impacts the new regulations would impose on his project .

Mr. Frank Hammad, developer, echoed Mr. Villarruel's comments.

As a separate action, it was moved by Councilmember Holden, seconded by Councilmember Little, to direct staff to re-examine the floor area ratios in the area bounded by Walnut Street on the north, Madison Avenue on the east, Union Street on the south, and Los Robles Avenue on the west, and return to Council within 60 days with a recommendation for adjustments to the floor area ratios if appropriate; staff to work with the working group of the three institutions (Women's City Club, University Club, and First Congregational Church) to have an on-going dialogue; staff was also directed to report back within 60 days as to whether the Building Code should be amended to require a property survey when a proposed building is near the property line. (Motion unanimously carried) (Absent: None)

The above ordinance was adopted by the following vote:
AYES: Councilmembers Gordo, Haderlein, Holden, Little,
Madison, Streater, Vice Mayor Tyler, Mayor Bogaard
NOES: None
ABSENT: None

Councilmember Holden acknowledged staff's willingness to work with Mr. Hammad and to keep the Council informed as to the progress of this project.

CONSENT CALENDAR

GRANT APPLICATION AND RESOLUTION IN SUPPORT OF THE STATE OF CALIFORNIA DEPARTMENT OF WATER RESOURCES FOR THE PROPOSITION 40 URBAN STREAMS AND RESTORATION PROGRAM GRANT FOR THE BERKSHIRE DRAIN PROJECT IN HAHAMONGNA WATERSHED PARK

Recommendation of City Manager: Approve the City of Pasadena's application and resolution to the California Department of Water Resources for the Proposition 40 Urban Streams and Restoration Program grant in an amount not exceeding \$300,000 to assist with the Arroyo Seco Stream Restoration Project and the implementation of the Arroyo Seco Master Plan.

(Resolution No. 8430)

Recommendation of Recreation and Parks Commission: At its regular meeting on January 11, 2005, the Recreation and Parks Commission reviewed and unanimously endorsed the staff recommendation to apply to the California Department of Water Resources for the Proposition 40 Urban Streams and Restoration Program grant.

Item discussed separately at the request of Councilmember Haderlein.

CONTRACT AWARD TO SIEMENS ITS, INC. TO PROVIDE SYSTEM INTEGRATION FOR THE STATE ROUTE 710 MITIGATION - TRAFFIC CONTROL AND MONITORING SYSTEMS - INTELLIGENT TRANSPORTATION SYSTEMS PROJECT

PURCHASE OF A THERMAL IMAGING AND VISIBLE TELEVISION SYSTEM FOR THE POLICE HELICOPTER

Recommendation of City Manager: Authorize the purchase of a Forward Looking Infrared (FLIR) Systems Ultra 8000 and Visible Television Imaging Sensor for the police helicopter in the amount of \$193,272 from FLIR Systems Incorporated without competitive bidding pursuant to City Charter Section 1002(H), contracts with other governmental entities or their contractors.

SUSPENSION OF THE NOISE ORDINANCE RELATING TO THE CALVARY CHAPEL OF PASADENA'S EASTER SUNRISE SERVICE TO BE HELD AT VICTORY PARK ON SUNDAY, MARCH 27, 2005

Recommendation of City Manager:

(1) Acknowledge that the Calvary Chapel of Pasadena's Easter Sunrise Service and the lifting of the Noise Ordinance are categorically exempt under California Environmental Quality Act

(CEQA) Guidelines Section 15023, Normal Operations of Facilities for Public Gatherings; and

(2) Direct the City Attorney to prepare an ordinance to suspend the hours of operation for amplified sound allowed by the City's Noise Ordinance and a Notice of Exemption and hold first reading of same, with respect to the proposed Calvary Chapel of Pasadena's Easter Sunrise Service to be held at Victory Park on Sunday, March 27, 2005, from 7:00 a.m. to 9:30 a.m.

ADOPTION OF A RESOLUTION RATIFYING THE CITY MANAGER'S DECLARATION OF LOCAL EMERGENCY

Recommendation of City Manager: Adopt a resolution ratifying the City Manager's Declaration of Local Emergency initially issued January 11, 2005 and reissued on January 18, 2005. (Resolution No. 8431)

MINUTES APPROVED

December 13, 2004
December 20, 2004
December 27, 2004 (Cancelled)
January 03, 2005 (Cancelled)

CLAIMS RECEIVED AND FILED

| | | |
|----------------|--------------------------------|------------|
| Claim No. 9737 | Donna Prinzhorn | \$ 106.09 |
| Claim No. 9739 | Marcos I. Orellana | 1,984.39 |
| Claim No. 9740 | SBC/Pacific Bell | 8,800.51 |
| Claim No. 9741 | Jeri Wray Braviroff | 25,000.00+ |
| Claim No. 9742 | Hai Feng Su | 316,250.00 |
| Claim No. 9743 | Mike Reed | 270.00 |
| Claim No. 9744 | SBC/Pacific Bell | 1,464.25 |
| Claim No. 9745 | Timothy Herrera & Mrs. Herrera | 25,000.00+ |
| Claim No. 9746 | Ilda Gonzalez Ramirez | Not stated |

PUBLIC HEARING SET

February 7, 2005, 8:00 p.m. - Zone Change to Designate a Landmark District Overlay for the Crawfords Vista Landmark District

February 14, 2005, ~~8:00 p.m.~~ - 6:00 p.m. - Construction of a Mixed-use Project at 260 South Arroyo Parkway

It was moved by Vice Mayor Tyler, seconded by Councilmember Little, to approve the Consent Calendar, with the exception of the Item 4.A.2 (Contract Award to Siemens ITS, Inc.), which was discussed separately, and with the a revision to set the February 14, 2005 public hearing at 6:00 p.m. (Special Meeting). (Motion unanimously carried) (Absent: None)

CONSENT ITEM DISCUSSED SEPARATELY

CONTRACT AWARD TO SIEMENS ITS, INC. TO PROVIDE SYSTEM INTEGRATION FOR THE STATE ROUTE 710 MITIGATION - TRAFFIC CONTROL AND MONITORING SYSTEMS - INTELLIGENT TRANSPORTATION SYSTEMS PROJECT

Recommendation of City Manager: Authorize the City Manager to enter into a contract with Siemens ITS, Inc., to provide System

Integration for the State Route (SR) 710 Mitigation - Traffic Control and Monitoring Systems - Intelligent Transportation (ITS) Project in an amount not to exceed \$892,000, which includes \$841,517 for the basic scope of services and \$50,483 for any additional services the City may request. Competitive bidding is not required pursuant to City Charter Section 1002(F), professional or unique services. (Contract No. 18,761)

In response to Councilmember Haderlein's question, Steve Wright, Traffic Engineer, responded the project is within budget and would be completed in 2006.

It was moved by Councilmember Haderlein, seconded by Vice Mayor Tyler, to approve the City Manager's recommendation. (Motion unanimously carried) (Absent: None)

OLD BUSINESS

Vice Mayor Tyler recused himself at 9:51 p.m. due to a conflict of interest.

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 withdrew his request and asked staff to revisit the Specific Plan and changing from guidelines to standards using this project as a case study.

The City Manager responded that staff would provide the Council with the work program.

Mr. David McDowell, architect, spoke in support of the project.

The following individuals spoke in support of the call for review by the Design Commission:

Mr. Joe Feinblatt, Pasadena resident
Mr. Dale Trader, Pasadena resident, and distributed a handout
Ms. Christina Conwell, Pasadena resident
Ms. Renee Rubalcava, Pasadena resident

R E P O R T S A N D C O M M E N T S F R O M C O U N C I L C O M M I T T E E S ITEMS HELD

AMENDMENT TO FIRE DEPARTMENT'S FY 2005 OPERATING BUDGET AND ADOPTION OF A RESOLUTION AMENDING THE SALARY RESOLUTION

AMENDMENT OF LEASE AGREEMENT WITH PARFINCO EWA LLC FOR LEASE OF PARKING SPACES IN THE WEST ANNEX PARKING STRUCTURE AND AMENDMENT OF SUB-LEASE AGREEMENT OF PARKING SPACES TO RUSNAK DEALERSHIPS

At the request of the City Manager, the above items were held one week, to January 31, 2005, due to time constraints.

ORDINANCE - ADOPTED
Vice Mayor Tyler returned at
10:09 p.m.

Adopt "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)" (Introduced by Councilmember Little) (Ordinance No. 6999)

The above ordinance was adopted by the following vote:
AYES: Councilmembers Gordo, Haderlein, Holden, Little, Madison, Streater, Vice Mayor Tyler, Mayor Bogaard
NOES: None
ABSENT: None

RECESS

On order of the Mayor, the regular meeting of the City Council recessed at 10:10 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 10:11 p.m. (Absent: None)

ORDINANCE- FIRST READING
Councilmember Haderlein was excused at 10:07 p.m.

Conduct first reading of "AN ORDINANCE OF THE CITY OF PASADENA AMENDING TITLE 17 (THE ZONING CODE) TO CHANGE THE DEVELOPMENT STANDARDS OF THE PLANNED DEVELOPMENT-21 (PD-21, MONTGOMERY ENGINEERING) ZONING DISTRICT"

The above ordinance was offered for first reading by Councilmember Holden:
AYES: Councilmembers Gordo, Little, Madison, Streater, Vice Mayor Tyler, Mayor Bogaard
NOES: None
ABSENT: Councilmember Haderlein

INFORMATION ITEM

ORAL PRESENTATION BY TIMOTHY BRICK, CITY'S REPRESENTATIVE ON THE METROPOLITAN WATER DISTRICT BOARD

Mr. Tim Brick, summarized the activities of the Metropolitan Water District, presented a handout entitled "A Southern California Water Plan", and introduced MWD's Interim Executive Director, Gilbert Ivy and his wife Cheryl.

Mr. Ivy thanked the City of Pasadena for its commitment to the Water District, and commended Mr. Brick for his service on the Board.

REPORTS AND COMMENTS FROM COUNCIL COMMITTEES

FINANCE COMMITTEE

AWARD OF THE GENERAL CONTRACTOR CONTRACT TO CLARK CONSTRUCTION GROUP-CALIFORNIA, LP, FOR THE SEISMIC UPGRADE AND REHABILITATION OF THE CITY HALL BUILDING

Recommendation of City Manager:

- (1) Accept the bid submitted to the City on November 4, 2004, by Clark Construction Group-California, LP, in response to the Specifications for General Contracting Services for the Seismic Upgrade and Rehabilitation of the City Hall building;
- (2) Reject all other bids received;
- (3) Authorize the City Manager to execute the contract with Clark Construction Group-California, LP, for an amount not-to-exceed \$79,899,000, prior to the bid expiration date of February 4, 2005;
- (4) Increase the appropriation to Project No. 71904 by \$24,321,083. Funding for this increase will come from:
 - (a) the General Fund - \$9,321,083
 - (b) the Light & Power Fund - \$9,000,000
 - (c) fund raising, private/foundation contributions and/or grants \$6,000,000; and
- (5) Direct the City Attorney to prepare an Ordinance increasing the Light and Power General Fund Transfer for the City Hall Project from the current 2.5% to 10.15% for Fiscal Year 2005 only, returning the General Fund Transfer to 2.5% effective for Fiscal Year 2006. This increase will bring the total General Fund Transfer for Fiscal Year 2005 to 16.0%, the maximum allowable under the City's Charter.

Recommendation of City Hall Restoration Oversight

Committee: During the December 8, 2004, meeting of the City Hall Restoration Oversight Committee, two motions were passed unanimously. The intent behind both motions was to proceed with the full scope of the project and resulted in the following action:

Action: Consider the Clark Construction low bid as reasonable, responsive and valid; accept the Clark base bid of approximately \$79,899,000; recommend that City Council appropriate an additional \$24,321,083 into the City Hall Project budget in order to complete the full project all at the same time; and communicate to the City Council that the \$79,899,000 Clark bid meets the charter given to the Oversight Committee by the City Council.

Councilmember Little, Finance Committee Chair, reviewed the agenda report and discussed the proposed financing for the project, noting that the Committee recommends approval, with one objection from Councilmember Streator.

It was moved by Councilmember Little, seconded by Vice Mayor Tyler, to approve the City Manager's recommendation and the Oversight Committee's recommendation.

Councilmember Streator explained her objection noting she was having difficulty equating the City Hall project and the proposal to take funds from the General Fund and from City's power system. She expressed concern with taking money from the Light and Power Fund when major electrical and water system renovations are in the works.

Councilmember Holden echoed Councilmember Streator's concerns.

Dr. Paul Jennings, Chair of the City Hall Restoration Oversight Committee, summarized the Committee's deliberations over the past several weeks, noting base isolation was the best way to rehabilitate and preserve City Hall over the long haul. He stressed the Committee's conclusion that any further delays in the project would only exacerbate the funding problems, which can be blamed almost solely on rising costs of construction materials and a huge increase in public projects which increases competition among contractors.

The following individuals spoke in opposition to the proposed base isolation plan:

Mr. Robert McClellan, Sage Preservation Committee
Mr. Lary Mielke, Sage Preservation Committee

The following members of the City Hall Restoration Oversight Committee spoke in support of the project and responded to questions:

Mr. Chip Ossman
Mr. Allan Porush
Mr. Tony O'Keefe
Mr. Lambert Giessinger
Ms. Sue Mossman

A lengthy discussion followed with respect to the project: funding sources; original cost estimate versus actual bid; appropriate contingency funds; soaring construction costs; options available if the project did not go forward; and ramifications of delaying and/or rebidding the project, with the City Manager and Public Works Director responding to questions.

Councilmembers Haderlein and Gordo expressed concern that the proposed financing plan was leaning too heavily on the General Fund, thus delaying other important programs and projects, including the upgrades to the City's water and electrical distribution systems.

Councilmember Madison expressed a desire to have more time to consider the financing plan and talk with his constituents.

In response to Councilmember Madison's question, Martin Pastucha, Public Works Director, indicated the bid from Clark Construction Group would expire on February 4, and if the project were to be re-bid, the likelihood of receiving a lower bid was non-existent.

In response to questions, Jay Goldstone, Director of Finance, outlined the proposal to raise funds by issuing a supplemental bond, to be paid out over 26 years from the General Fund.

Councilmember Holden requested staff to look at alternative measures to dealing with debt service on the \$6.9 million General Fund money.

In response to their concerns, the City Manager stated she would provide Council with a five-year financial plan which would show that the priorities of the Council will still be funded.

Councilmember Streator asked the City Manager to include how much debt service we are obligated for and the total dollar amount. Councilmember Gordo asked for timeliness with regard to options in the future and impact of drawing funds from the Water & Power Department for an additional year.

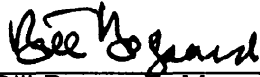
Councilmember Haderlein indicated his willingness to support the earlier motion, but expressed concern that the proposed \$6,000,000 fundraising plan could not be achieved.

Mayor Bogaard expressed his support for the project as proposed, stating he did not see an alternative to the project and felt the financial proposal as outlined by the City Manager was reasonable, and indicated his desire to see the Council move forward with approval tonight.

Following the discussion, it was the consensus of the Council to hold this item for one week due to time constraints.

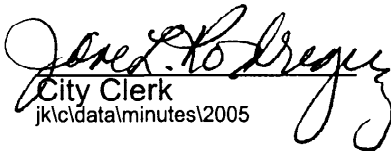
On order of the Mayor, the regular meeting of the City Council adjourned at 12:23 a.m., January 25, 2005.

ADJOURNMENT



Bill Bogaard, Mayor
City of Pasadena

ATTEST:



City Clerk
jk\c\data\minutes\2005