

CITY OF PASADENA  
City Council Minutes  
January 31, 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 6:43 p.m.

**CITY COUNCIL CONFERENCE WITH LEGAL COUNSEL -  
POTENTIAL LITIGATION - CONSIDERATION OF INITIATION  
OF LITIGATION pursuant to Government Code Section  
54956.9(c): One potential case**

The above closed session item was pulled from the agenda at the request of the City Attorney, due to ongoing negotiations.

**ROLL CALL:**  
Councilmembers:

Mayor Bill Bogaard  
Vice Mayor Sidney F. Tyler, Jr.  
Councilmember Victor Gordo (Arrived at 6:50 p.m.)  
Councilmember Steve Haderlein  
Councilmember Chris Holden  
Councilmember Paul Little  
Councilmember Steve Madison  
Councilmember Joyce Streater

Staff:

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

The Pledge of Allegiance was led by Councilmember Madison.

**CEREMONIAL MATTERS**

The Mayor paid tribute to Scott McKeown, Telecommunications Manager for the City of Pasadena, who lost his life in the MetroLink train tragedy on January 26, 2005; and asked those who were present to stand in a moment of silence in memory of Mr. McKeown.

Councilmember Gordo arrived at 6:50 p.m.

The Mayor announced the City had received the 2004 Accessible America Award from the National Organization on Disability, in recognition of its focus on disability issues and its successful design of programs, services, and facilities for citizens and visitors who have disabilities; and noted the City would receive a cash award of \$25,000 at a reception scheduled on March 2, 2005. He acknowledged Donna Pomerantz, Chair of the Accessibility and Disability Commission, Doreen Wong, Chair of the Mayor's Committee for Employment of People with Disabilities, and Robert Gorski, Americans with Disabilities Act Compliance Monitor for the City, for their work in applying for the award on behalf of the City.

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

The Mayor presented a proclamation celebrating the 15th Anniversary of the Americans with Disabilities Act. The proclamation was received by Donna Pomerantz, who thanked the Commission members, Mayor's Committee, Council, and staff for their assistance in efforts to address the needs of disabled persons. She introduced Vice Chair Terrie Allen and Commissioners Gloria Broderick and Michael Warner, along with Deborah Lewis, Mayor's Committee member.

Ms. Cheryl Auger, Pasadena resident, expressed support for conducting an additional market study before proceeding with the Pasadena Convention Center project, expressed concerns regarding the current project design proposal and possible impacts on the tree canopy, and suggested the Convention Center project be postponed until the retrofit of City Hall is completed and the possibility of a design contest could be considered before the Convention Center design is finalized.

Mr. Mitch Pomerantz, Pasadena resident, commented on discrimination he had experienced in the refusal of cab service in the City caused by being accompanied by a guide dog, and the need for the City to take steps with the taxicab industry to train and educate cab drivers and dispatchers on their responsibilities.

Councilmember Gordo suggested a letter be sent to taxicab businesses and other public transportation providers outlining the City's expectations and legal duties in providing service to disabled customers.

Mr. Carl Pellegrino and Ms. Katie Ownbey, Enterprise Rent-A-Car representatives, described problems in locating space for their business in Northwest Pasadena after losing their current lease; outlined steps taken to work with City staff, the Project Area Committee (PAC), and the Planning Commission to address this issue; asked for Council's guidance and assistance in this matter; and submitted materials in support of their relocation efforts in Northwest Pasadena.

Discussion followed on the nature of this business as this relates to definitions in the Specific Plan and factors involved in determining a solution for relocating the Enterprise business within Northwest Pasadena.

The City Manager indicated the PAC had asked for a review of many issues involving the Specific Plan, and changes for placing rental car businesses under a different classification would affect this type of business citywide. She noted staff will review the changes required to allow this business to relocate in Northwest Pasadena and explore options to be considered by the Planning Commission, with Council to be provided with an update on the Enterprise issue in a few weeks.

The City Attorney confirmed that any changes to the definition for auto-related uses would apply citywide.

Councilmember Gordo asked that the North Lake Specific Plan not be impacted by any proposed solution for the Enterprise relocation problem.

The Mayor noted the Planning Commission might be waiting for direction from Council and a staff report before considering changes to a recently approved Specific Plan.

## **OLD BUSINESS**

### **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. (Contract No. 18,768; Journal Voucher No. 2005-40)

#### **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.

The Mayor introduced the agenda item.

The City Manager highlighted the information provided in the agenda report and supplementary materials, and responded to questions.

Mr. Jay Goldstone, Director of Finance Department, reviewed the handout titled "General Fund – Financial Plan Fiscal Year 2005," discussed the revenue/expense figures that had been built into the new model for FY 2005 and the cost of service study that is currently being conducted, and responded to questions.

The following persons expressed concerns regarding the increased costs, scope, and/or alternatives being considered for the project:

Mr. Robert McClellan, Citizens for Preservation of City Hall  
Ms. Jan Muntz, Pasadena resident and City Hall Restoration Oversight Committee member  
Mr. Porfirio Frausto, Pasadena resident  
Mr. Charles Cordaro, Pasadena resident

Mr. Paul Jennings, City Hall Restoration Oversight Committee Chair, discussed the issues of increased costs and scope of the project.

#### PENDING MOTION

The City Clerk stated the pending motion of the January 24, 2005 Council meeting:  
It was moved by Councilmember Little, seconded by Vice Mayor Tyler, to approve the City Manager's recommendation.

Discussion followed regarding the use of reserves in addressing deficits, possible increase of contingency funds with unbudgeted one-time dollars, and other funding issues; internal vs. external staffing issues regarding inspections; concerns regarding the availability of adequate options/alternatives for Council's consideration in moving forward; and prior Council discussions/approvals on the project.

The City Manager responded to questions regarding the bid process, increased project costs, and budget projections; and noted the FY 2006 budget projections would not cause a decrease in services provided to residents. She commented on the decision to move staff out of City Hall because of safety issues, the possibility of moving forward with the project in phases, and steps for raising additional funding for the project.

Mr. Goldstone pointed out the City had historically not found it necessary to use its reserves for projected budget debts; and responded to questions regarding debt service and the process to be followed, an analysis of projected revenues/expenses, and risk management and insurance issues.

Mr. Martin Pastucha, Director of Public Works Department, reviewed the process in the development of the scope and definition of the project and its review by various committees

and agencies, staffing for inspections during construction, and provisions for liquidated damages; and discussed possible phasing of the project.

Councilmember Madison asked the City Manager to give some thought to conducting an internal review of the causes for the increased project costs in order to provide Council with information for understanding the increases.

#### AMENDMENT TO MOTION

It was moved by Councilmember Madison to amend the motion to take the full amount of the bond indebtedness for the City Hall project, rather than to continue to set aside a portion of the bonding for parks. (Motion died due to lack of a second.)

Vice Mayor Tyler pointed out this should be the last transfer from the Light and Power Fund that Council should consider for this project, change orders and monies drawn from the contingency fund should be regularly reviewed by the Finance Committee, adequate staffing for inspections of the project should be ensured, and provisions for liquidated damages for contract-caused delays should be confirmed in the contract.

The City Manager indicated Council would be provided with information on the current quarterly reporting procedure, which would include change orders, for consideration of any changes Council might want to make.

#### AMENDMENT TO MOTION

Councilmember Holden suggested the pending motion be amended to include a direction for staff to explore within the next 18 months the establishment of a stabilization reserve against the use of the \$7 million in additional General Fund monies needed for the project. He also suggested contingency funds be increased from 10% to 15% over the course of the project, with the City Hall project set as a first priority for use of any unexpected one-time dollars the City might receive in upcoming years.

Councilmember Little noted staff could monitor contingency funding issues through a reporting process to Council.

Councilmember Streator expressed concerns regarding the process to this point in time, including the level of discussion of alternative projects; possible future negative impacts on the power distribution system, Rose Bowl infrastructure, and funding of services for the library system, parks, and other City infrastructure; and the need for controls to keep the project within bounds. She also cautioned against imposing limitations on future oversight committees by asking for recommendations in certain categories only.

Councilmember Gordo noted he was troubled by the lack of choice at this point, stressed the need for fiscal responsibility by Council in funding services/priorities, suggested the Finance Committee examine the process for this project and determine what controls are needed to avoid these cost overruns, and

voiced opposition to the use of General Fund monies for the Rose Bowl project.

Council complimented staff on the supplemental information to the agenda report that answered Council's prior questions.

The Mayor noted Council's strong commitment for a disciplined, carefully managed, fully disclosed process as the project moves forward; and thanked the Oversight Committee and citizens for their input on this matter.

Following discussion, it was moved by Councilmember Little, seconded by Vice Mayor Tyler, to approve the City Manager's recommendation, with the understanding that the \$7 million in General Fund financing will continue to be scrutinized and staff will inform Council of any options that seem better and are consistent with the conceptual approval. (Motion unanimously carried) (Absent: None)

### **REPORTS AND COMMENTS FROM COUNCIL COMMITTEES**

#### **FINANCE COMMITTEE**

Councilmember Streator was excused at 8:54 p.m.

Councilmember Little, Chair of the Finance Committee, reported the City's bond rating had been increased to AA+ by Fitch rating agency, and credited Jay Goldstone, Director of Finance Department, and staff for this achievement.

Mr. Goldstone explained the rating and congratulated Council on their decisions on financial matters, which affect this rating.

The Mayor complimented the City Manager and Mr. Goldstone on past budget surpluses achieved by the City in light of the 5-year financial projection presented as part of the City Hall seismic upgrade staff report.

#### **OLD BUSINESS**

Councilmember Madison was excused at 9:00 p.m.

#### **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**

##### **Recommendation of City Manager:**

- (1) Authorize the City Manager to amend Lease Agreement No. 16,785-1 with Parfinco EWA LLC for lease of parking spaces in the West Annex parking structure;
- (2) Authorize the City Manager to amend the sub-lease of said parking spaces above with Rusnak Dealerships (Lease Agreement No. 16,786-1); and
- (3) Approve a journal voucher recognizing and appropriating \$5,460 in increased revenue from Rusnak Dealerships under the sub-lease agreement and recognize an additional \$5,460 in incremental sales tax revenue and appropriate both of these additional revenues to the West Gateway Parking Fund on line item 8105-225-774312. (Contract Amendment Nos. 16,785-2 and 16,786-2; Journal Voucher No. 2005-41)

Councilmember Little, Chair of the Finance Committee, summarized the agenda report.

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

**CONSENT CALENDAR**

**AUTHORIZATION TO TRANSFER SURPLUS CITY PROPERTY IN THE FORM OF A HORSE AND DIRECTION TO THE CITY ATTORNEY TO PREPARE AN AMENDMENT TO THE DISPOSITION OF SALVAGE AND SCRAP PROPERTY ORDINANCE, PASADENA MUNICIPAL CODE (P.M.C.) 4.04, AUTHORIZING THE TRANSFER OF POLICE SERVICE ANIMALS TO POLICE OFFICERS**

**Recommendation of City Manager:**

- (1) Authorize the transfer of "Dude", a 17-year old Dutch Warmblood Gelding horse, to Officer Steve Arcand of the Pasadena Police Department;
- (2) Find that based upon the information contained herein and such further information as may be presented to the City Council at its January 31, 2005 regular meeting, a public process is served by exempting the proposed transfer from the provisions of the Disposition of Salvage and Scrap Property Ordinance P.M.C. 4.04, pursuant to section 4.04.080; and
- (3) Direct the City Attorney to return within 90 days with an amendment to the Disposition of Salvage and Scrap Property Ordinance, authorizing the transfer of police service animals to police officers.

RECEIVED AND FILED

Claim No. 9747	SBC	\$	503.01
Claim No. 9748	Henriola Culpepper Johnson		120.00
Claim No. 9749	Elba Adelina Ramos		910.00
Claim No. 9750	Daniel A. Jose		3,657.15
Claim No. 9751	Ben Shirvanian		9,400.00
Claim No. 9752	Gregory K. Napier, II		52.32

Councilmember Madison returned at 9:02 p.m.

It was moved by Councilmember Little, seconded by Councilmember Gordo, to approve all items on the Consent Calendar. (Motion unanimously carried) (Absent: Councilmember Streator)

**PUBLIC HEARING**

**APPEAL: 396-400 SOUTH LAKE AVENUE - STOREFRONT ALTERATIONS FOR DRAPER'S & DAMON'S/RANGONIS, CASE #PLN2004-00478**

**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., at the request of the property owner.

**RECOMMENDATIONS FROM OFFICERS AND DEPARTMENTS**

**AUTHORIZATION TO ENTER INTO CONTRACTS WITH COMPUCOM SYSTEMS, INC. FOR LICENSING OF MICROSOFT SOFTWARE**

**Recommendation of City Manager:**

- (1) Authorize the City Manager to enter into a contract with CompuCom Systems, Inc. for the City's licensing of Microsoft

software in an amount not to exceed \$1,424,466, for the period from January 31, 2005 to January 30, 2010;

(2) Authorize the City Manager to enter into a contract with CompuCom Systems, Inc. for the Pasadena Public Library's licensing of Microsoft software in an amount not to exceed \$18,602, for the period from January 31, 2005 to January 30, 2008;

(3) Authorize the City Manager to approve subsequent annual renewals for licensing of software in an amount specified by Microsoft through January 30, 2010; and

(4) Grant the proposed contracts an exemption from the competitive selection process of the Competitive Bidding and Purchasing Ordinance pursuant to Pasadena Municipal Code Section 4.08.049(B), contracts for which the City's best interests are served. (Contract Nos. 18,769 and 18,770)

Councilmembers Haderlein and Holden were excused at 9:03 p.m.

The City Manager summarized the agenda report.

Mr. John Pratt, Chief Information Technology Officer, responded to questions.

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

#### **ORDINANCE – FIRST READING**

**Conduct first reading of “AN ORDINANCE OF THE CITY OF PASADENA SUSPENDING SECTIONS 9.36.220(b) AND 9.36.230 OF THE PASADENA MUNICIPAL CODE RELATING TO THE TEMPORARY SUSPENSION OF THE HOURS OF AMPLIFIED SOUND AND NOISE SOURCES FOR A PERMITTED EVENT AT VICTORY PARK FROM 7:00 AM - 9:30 AM ON SUNDAY, MARCH 27, 2005 (THE CALVARY CHAPEL OF PASADENA’S EASTER SUNRISE SERVICE)”**

Councilmember Haderlein returned at 9:05 p.m.

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

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

NOES: None

ABSENT: Councilmembers Holden, Streater

#### **ORDINANCES – ADOPTED**

**Adopt “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 SALE ESTABLISHMENTS” (Introduced by Councilmember Gordo) (Ordinance No. 7001)**

The above ordinance was adopted by the following vote:

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

NOES: None

ABSENT: Councilmembers Holden, Streater



Councilmember Gordo clarified the report requested at the prior Council meeting from the City Prosecutor and Police Department would be presented to the Public Safety Committee for review, prior to being heard by the Council, if necessary; and recognized Vannia De La Cuba, District 5 Field Representative, for her efforts in researching and putting together the recommendation regarding the deemed approved ordinance.

**Adopt "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"** (Introduced by Councilmember Holden) (Ordinance No. 7002)

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

**INFORMATION ITEM**

**ORAL PRESENTATION ON THE CITY'S EMERGENCY RESPONSE PLAN**

The City Manager provided background for the report on the City's organized response to emergency/disaster events.

Fire Chief Dennis Downs provided an overview of the centralized emergency management structure and the functions of the Emergency Operations Center (EOC), reviewed the responsibilities and functions of the Planning/Intelligence Section of the EOC, and distributed materials regarding the EOC structure/system.

Mr. Calvin Wells, Executive Assistant Chief, reviewed the responsibilities and functions of the Operations Section of the EOC.

Mr. Larry Hammond, Purchasing Administrator, reviewed the responsibilities and functions of the Logistics Section of the EOC.

Ms. Shari Thomas, Deputy Finance Director, reviewed the responsibilities and functions of the Finance Section of the EOC.

Ms. Sheri Stevenson, Management Analyst with the Public Works Department, outlined the first responder duties and protocol of the Department during an emergency event as contained in the Department's emergency manual/plan.

Ms. Larissa Mohamadi, Program Coordinator with the Public Health Department, outlined the first responder duties of the

Department during an emergency event as contained in the Department's emergency manual/plan.

Chief Downs noted the individual department emergency response plans were being reviewed and would be modified to ensure a uniform format for all plans, described the tabletop drills/discussions used to test the emergency plans, and confirmed the City's communications system/platform allowed departments to communicate with one another and also with other San Gabriel Valley emergency response agencies.

The City Manager indicated the City also takes part in County EOC drills.

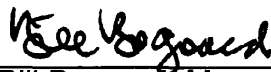
Chief Downs commented on the use of federal grant funding for enhancements and the need to meet new requirements for equipment/services in a post 9/11/2001 environment.

Councilmember Madison thanked staff for working with his District's residents regarding the recent rainstorm occurrence.

On order of the Chair, the information and materials were received and filed.

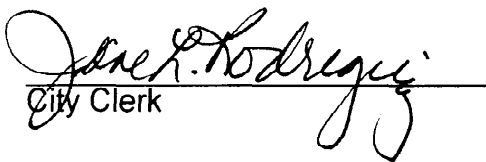
**ADJOURNMENT**

On order of the Mayor, the regular meeting of the City Council adjourned at 9:36 p.m.



\_\_\_\_\_  
Bill Bogaard, Mayor  
City of Pasadena

ATTEST:



\_\_\_\_\_  
Janet Rodriguez  
City Clerk