

CITY OF PASADENA
City Council Minutes
July 14, 2008 – 5:30 P.M.
City Hall Council Chamber

Teleconference Location:
Marriott Hotel Teaneck At Glenpoint, Room 903
100 Frank W Burr Boulevard
Teaneck, New Jersey

REGULAR MEETING

OPENING:

Mayor Bogaard called the regular meeting to order at 5:30 p.m.
(Absent: None)

On order of the Mayor, the regular meeting recessed at 5:30 p.m., to discuss the following closed sessions:

**CITY COUNCIL CONFERENCE REGARDING PUBLIC
EMPLOYMENT pursuant to Government Code
Section 54957
Employee Title: City Manager**

**CITY COUNCIL CONFERENCE REGARDING PUBLIC
EMPLOYMENT pursuant to Government Code
Section 54957 and with Labor Negotiators pursuant to
Government Code Section 54957.6
City Representative: Bill Bogaard
Employee Title: City Clerk**

The above two closed session items were discussed, with no reportable action at this time.

On order of the Mayor, the regular meeting reconvened at 6:38 p.m. The Pledge of Allegiance was led by Councilmember Holden.

ROLL CALL:

Councilmembers:

Mayor Bill Bogaard
Vice Mayor Steve Haderlein
Councilmember Victor Gordo
Councilmember Chris Holden
Councilmember Steve Madison (Participated via
teleconference beginning at 5:30 p.m.)
Councilmember Margaret McAustin
Councilmember Jacque Robinson
Councilmember Sidney F. Tyler (Returned at 6:43 p.m.)

Staff:

City Manager Bernard K. Melekian
City Attorney Michele Beal Bagneris
City Clerk Jane L. Rodriguez

CEREMONIAL MATTERS

Councilmember Tyler returned at 6:43 p.m.

Marcia Montez, Pasadena Sister Cities Committee Vice President, introduced two exchange students from Jarvenpaa, Finland: Kristina Utriainen and Ossi Rautalahti. Ms. Utriainen and Mr. Rautalahti commented on their experiences in living with local families, attending Pasadena Community College, and touring various sites in the area.

PUBLIC COMMENT ON MATTERS NOT ON THE AGENDA

Jeremiah Riley, Altadena resident, commented on the image of homelessness in the City of Pasadena and the need to better inform the community about services that are currently being provided to the homeless.

Fritz Puelicher, Eaton Blanche Park Homeowners Association representative, expressed concerns about alleged unethical and unprofessional conduct by Vice Mayor Haderlein and the Council's alleged lack of response to this incident, and about the alleged accusation that he (Mr. Puelicher) had intimidated Rhonda Stone, Field Representative for District 4; and asked for a formal and public apology from Vice Mayor Haderlein.

The Mayor indicated that he had contacted Mr. Puelicher about the allegations and that Mr. Puelicher could contact the Mayor's office at any time.

Councilmember Holden noted for the record that he did not know what Mr. Puelicher was talking about and had not been contacted by Vice Mayor Haderlein in regards to Mr. Puelicher's allegations.

Vice Mayor Haderlein commented on allegedly threatening email statements made by Mr. Puelicher to the District 4 Field Representative, which he felt should not be tolerated or allowed.

Susan Sulzbach, Pasadena Management Association (PMA) President, informed Council that PMA had been holding contract negotiation discussions with the Human Resources Department for 6 months and had been working without a contract for 3½ months, and asked Council to consider scheduling a closed session on PMA's contract negotiations/offer prior to Council's summer hiatus scheduled for late August 2008.

The Mayor indicated he would consult with the City Manager on scheduling this matter for a closed session.

Les Hammer, Pasadena resident, expressed concerns regarding the current problems with IndyMac Bank and other financial institutions and the possible relationship between these financial problems and illegal immigration.

Councilmember Madison stated his opinion that there did not seem to be a relationship between the IndyMac Bank situation and illegal immigration, and asked staff to report on the City's possible role in the IndyMac situation and related commercial real estate issues having to do with the Bank's office located in Pasadena.

La Ronda Hartfield, homeless resident, expressed concerns about possible injustices in the City regarding homelessness issues.

Councilmember Holden suggested Council agendaize a report on the status of the City's 10-year Plan to End Homelessness, with a focus on a strategic plan to respond to the impacts of ongoing financial/economic issues on the homeless segment of the City's population.

The City Manager noted that staff would inform Council about the timeline for a status report on the Plan.

Chris Ziegler, Pasadena resident, asked for Council's assistance in addressing issues involving a bicycle/traffic citation he had received from the Pasadena Police Department and the need for training of police officers on traffic laws for bicyclists, and distributed informational materials regarding safe bicycling and applicable Vehicle Code provisions.

Vice Mayor Haderlein suggested the City explore implementing some type of education program for bicyclists and police officers.

CONSENT CALENDAR

Item discussed separately at the request of Vice Mayor Haderlein.

AUTHORIZE THE CITY MANAGER TO ENTER INTO A CONTRACT WITH THE CONSOLIDATED FIRE PROTECTION DISTRICT OF LOS ANGELES COUNTY FOR THE REPAIR OF MOUNT WILSON TOLL ROAD WITHIN THE CITY OF PASADENA BOUNDARY

APPROVAL OF FINAL TRACT MAP NO. 063608, BEING A SIX-UNIT CONDOMINIUM PROJECT AT 41 NORTH OAK AVENUE

Recommendation of City Manager:

- (1) Adopt a resolution to approve Final Tract Map No. 063608; and
- (2) Authorize the City Clerk to execute the certificate on the map showing the City Council approval of said map. (Resolution No. 8877)

ADOPT A RESOLUTION APPROVING A LICENSE AGREEMENT BETWEEN THE CITY OF PASADENA AND THE VISTA DEL ARROYO BUNGALOWS HOMEOWNERS ASSOCIATION FOR THE INSTALLATION OF PRIVATE IMPROVEMENTS WITHIN THE PUBLIC RIGHT-OF-WAY

UNDER THE COLORADO STREET BRIDGE AT 3 SOUTH GRAND AVENUE

Recommendation of City Manager:

(1) Adopt a resolution approving a license agreement with the Vista del Arroyo Bungalows Homeowners Association, for property located at 3 South Grand Avenue, with terms and conditions as set forth in the background section of the agenda report; and

(2) Authorize the City Manager to execute and the City Clerk to attest said license agreement on behalf of the City of Pasadena. (Resolution No. 8878; Agreement No. 19,695)

AUTHORIZATION TO ENTER INTO A PURCHASE ORDER CONTRACT WITH SANOFI PASTEUR TO ACQUIRE VACCINES FOR TRAVEL IMMUNIZATIONS

Recommendation of City Manager: Authorize the issuance of a purchase order contract to Sanofi Pasteur for the period July 1, 2008 through June 30, 2009 not to exceed \$111,500 for the purchase of travel vaccines.

Competitive Bidding is not required pursuant to City Charter Section 1002(C), contracts for labor, materials, supplies or services available from only one vendor.

AUTHORIZE THE EXECUTION OF POWER PURCHASE AGREEMENT AND LEASE AGREEMENT WITH SOLARMAX TECHNOLOGY, INC., FOR THE USE OF TWO BUILDING ROOFS LOCATED IN PASADENA WATER AND POWER DEPARTMENT POWER PLANT SITE FOR SOLAR POWER GENERATING SYSTEMS INSTALLATION AND OPERATION

Recommendation of City Manager: Authorize the City Manager to execute:

(1) A lease agreement with Solarmax Technologies, Inc. (Solarmax), that provides for Solarmax to install and operate photovoltaic solar electric generators on the roofs of two facilities at the Pasadena Water and Power Department (PWP) local power generation site for a term of fifteen years with an option to renew for additional term of five years; and

(2) A power purchase agreement with Solarmax for electrical energy produced by the solar system for a term of fifteen years with an option to renew for additional term of five years. In addition, Pasadena has option to buy out the solar system at the end of every five years during the term of the power purchase agreement.

These agreements are exempt from competitive bidding pursuant to City Charter Section 1002(F), contracts for professional or unique services. (Agreement Nos. 19,698 and 19,699)

AGREEMENT BETWEEN THE CITIES OF GLENDALE AND PASADENA REGARDING THE CONTINUED OPERATION OF A JOINT LIBRARY AUTOMATED CONTROL SYSTEM

Recommendation of City Manager: Approve a new agreement with City of Glendale to continue the operation, maintenance, and administration of the joint library automated control system. (Agreement No. 19696)

CONTRACT AWARD TO YARAK FOR SOUTH LAKE AVENUE STREETSCAPE IMPROVEMENTS BETWEEN COLORADO BOULEVARD AND CALIFORNIA BOULEVARD, FOR AN AMOUNT NOT TO EXCEED \$755,000

Recommendation of City Manager:

(1) Accept the bid, dated July 2, 2008, submitted by Yarak Yakar in response to Specifications for South Lake Avenue Streetscape Improvements between Colorado Boulevard and California Boulevard; reject all other bids received; and authorize the City Manager to enter into a contract not to exceed \$755,000; and

(2) Acknowledge the project to be categorically exempt under Article 19, Section 15304, subsection (b) of the California Environmental Quality Act (CEQA) in accordance with Section 21084 of the Public Resources Code. (Contract No. 19,697)

(City Clerk's Note: After the Council meeting, staff corrected the spelling of the contractor's name to Yakar (not Yarak as spelled in the agenda report.)

MINUTES APPROVED

June 16, 2008 (Special Joint Meeting Finance)
 June 16, 2008
 June 23, 2008 (Closed Session Meeting)
 June 23, 2008 (Special Joint Meeting Finance)
 June 23, 2008
 June 30, 2008
 July 7, 2008

CLAIMS RECEIVED AND FILED

Claim No. 10,620	Robert L. Lipscomb	\$ 1,169.00
Claim No. 10,621	Steve Stewart for Marion Town homes, LLC	732.26
Claim No. 10,622	Philip A. Highfill aka Jim Highfill	25,000.00+
Claim No. 10,623	Patricia White	2,032.49
Claim No. 10,624	Mitch Halpern	1,200.00
Claim No. 10,625	Louisa L. Nelson	3,500.00
Claim No. 10,626	Mershie Shaw	100.00
Claim No. 10,627	Armando Perez	Not stated
Claim No. 10,628	Lyna White	800.00

PUBLIC HEARINGS SET

~~July 28~~ August 4, 2008, 7:30 p.m. - Appeal of Board of Zoning Appeals decision regarding the Environmental Determination for Conditional Use Permit No. 4924 to allow the sale of a full-line of alcoholic beverages for on-site consumption in conjunction with the operation of an existing restaurant, an upgrade from the sale of beer and wine only, and to install four

video games ancillary to the operation of the restaurant (Hooters) at 96-98 East Colorado Boulevard

The Mayor announced that the above public hearing had been re-scheduled for August 4, 2008 at 7:30 p.m.

August 11, 2008, 7:30 p.m. - Designation of the proposed Marengo-Pico Landmark District, consisting of six properties: 181 Pico Street, 627 South Marengo Avenue, 621 South Marengo Avenue, 611 South Marengo Avenue, 603 South Marengo Avenue, 180 East California Boulevard (near the intersection of Marengo Avenue and Pico Street)

It was moved by Councilmember McAustin, seconded by Vice Mayor Haderlein, to approve the Consent Calendar, with the public hearing re-scheduled as cited above and with the exception of Item 1 (Contract with Consolidated Fire Protection District of Los Angeles County), which was discussed separately:

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

NOES: None

ABSENT: None

CONSENT ITEM DISCUSSED SEPARATELY

AUTHORIZE THE CITY MANAGER TO ENTER INTO A CONTRACT WITH THE CONSOLIDATED FIRE PROTECTION DISTRICT OF LOS ANGELES COUNTY FOR THE REPAIR OF MOUNT WILSON TOLL ROAD WITHIN THE CITY OF PASADENA BOUNDARY

Recommendation of City Manager: Authorize the City Manager to enter into a contract with the Consolidated Fire Protection District of Los Angeles County for repair of four locations of Mount Wilson Toll Road located within the City of Pasadena boundary for an amount not to exceed \$1,409,841. This contract is exempt from competitive bidding pursuant to Section 1002(H) of the City Charter (contracts with other governmental entities).

It is further recommended that the Council find the project exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15302 (replacement or reconstruction of existing structures) and Section 15269(b) (emergency projects); and direct the City Clerk to file a Notice of Exemption within 5 business days. (Contract No. 19,700)

In response to Vice Mayor Haderlein's questions, the City Manager confirmed the scope and estimated time schedule for the project.

Roumiana Karakanova, Engineer, confirmed that the project would take approximately 6 months to complete.

Vice Mayor Haderlein asked staff to provide a status report to Council in September 2008 on the start/completion timetable for the project.

The City Attorney stated that the recommendation was to be amended to include an exemption from the California Environmental Quality Act (CEQA) as cited above.

It was moved by Vice Mayor Haderlein, seconded by Councilmember McAustin, to approve the City Manager's recommendation, as amended:

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

NOES: None

ABSENT: None

**REPORTS AND COMMENTS
FROM COUNCIL
COMMITTEES**

FINANCE COMMITTEE

AUTHORIZE THE CITY MANAGER TO ENTER INTO A CONTRACT WITH TOBY B. HAYWARD, INC., TO PROVIDE LABOR AND MATERIALS FOR THE REPLACEMENT OF THE ARROYO SECO CREEK BRIDGE 4 FOR THE WATER AND POWER DEPARTMENT, SPECIFICATION WD-07-04
Recommendation of City Manager:

(1) Accept the bid dated April 16, 2008 submitted by Toby B. Hayward, Inc., (Toby Hayward) in response to Specification WD-07-04 for the replacement of the Arroyo Seco Creek Bridge 4 for the Water and Power Department;

(2) Authorize the City Manager to enter into such contract for an amount not to exceed \$732,107, which consists of the base bid amount of \$665,552 and an allowance of 10% (\$66,555) to cover any contingencies which may arise; and

(3) Amend the Fiscal Year 2009 Capital Improvement Program to increase appropriations from the Water Fund to the Arroyo Seco Bridge 4 Repair project (Budget Account No. 1066) from \$670,000 to \$1,120,000.

Councilmember Tyler, Chair of the Finance Committee, noted that the Finance Committee had requested that staff explain the difference between the amount of the authorized contract (\$732,107) and the amount of the full project (\$1,210,000) prior to the Council taking action on the item.

The City Manager asked that the item be held one week to allow time for staff to provide the information requested by the Finance Committee.

By consensus, the above item was held for one week.

RECOGNIZE AND APPROPRIATE GRANT FUNDS IN THE AMOUNT OF \$546,694 TO THE FIRE DEPARTMENT'S FISCAL YEAR 2009 GRANT FUND; AUTHORIZE THE

PURCHASE OF 57 SELF-CONTAINED BREATHING APPARATUS IN AN AMOUNT NOT TO EXCEED \$320,853; AND AUTHORIZE THE PURCHASE OF ONE MOBILE DECONTAMINATION/WATER TANKER IN AN AMOUNT NOT TO EXCEED \$196,356

Recommendation of City Manager:

(1) Approve a journal voucher recognizing \$305,694 from 2007 Sub-Grantee Homeland Security Grant Program (2007 SHSGP), \$200,000 from Fiscal Year 2007 Urban Area Security Initiative (FY 2007 UASI), and an additional \$41,000 redistributed to Pasadena from 2006 Sub-Grantee Homeland Security Grant Program (2006 SHSGP) and appropriate it to Fire Grants program;

(2) Authorize issuance of a purchase order to L&N Curtis in an amount not to exceed \$320,853 for the purchase of 57 Self-Contained Breathing Apparatus (SCBA). Competitive bidding is not required pursuant to City Charter Section 1002(H) for contracts with other government entities or their contractors for labor, materials, supplies or services; and

(3) Authorize issuance of a purchase order to Pierce Manufacturing Incorporated in an amount not to exceed \$196,356 for the purchase of one mobile decontamination/water tanker truck. Competitive bidding is not required pursuant to City Charter Section 1002(H) for contracts with other government entities or their contractors for labor, materials, supplies or services. (Journal Voucher No. 2009-1)

Councilmember Tyler reviewed the agenda report; and noted that staff had distributed a handout titled "Recognition and Appropriation of Grant Funds for the purchase of various equipment and services", which clarified the expenditures and source of the grant funds.

It was moved by Councilmember Tyler, seconded by Councilmember Gordo, to approve the City Manager's recommendation:

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

NOES: None

ABSENT: None

Councilmember Tyler reported that the Finance Committee had reviewed a recent iteration (prepared by the City Manager and Finance Director) on City priorities that might be funded through normal operations over the years (without seeking funding outside of the City); that the Committee's comments on the priorities had been noted by the City Manager; and that a report will be made to the Committee and Council in the near future.

LEGISLATIVE POLICY
COMMITTEE

APPROVAL OF CONTRACT RENEWAL WITH CAROLYN C. CHANEY & ASSOCIATES, INC., FOR LEGISLATIVE LIAISON SERVICES

Recommendation of Mayor: Approve a two-year contract renewal with Carolyn C. Chaney & Associates, Inc., for federal legislative liaison services effective July 1, 2008 through June 30, 2010, with the total cost of the first year contract at \$113,600 plus \$5,000 for expenses and a second year at \$118,145 plus \$5,000 for expenses. Acknowledge this contract is exempt from competitive bidding pursuant to City Charter Section 1002(F) (Professional Services) and automatically exempt from competitive selection pursuant to Pasadena Municipal Code Section 4.09.060(B)(4) (Lobbying Services). (Contract No. 19,701)

The Mayor, Chair of the Legislative Policy Committee, summarized the agenda report.

Councilmember Holden suggested consideration be given to extending the contract term to a total of 5 years for future renewals.

Discussion followed on the contract term length that might be applied to future contracts with Carolyn C. Chaney & Associates, Inc., given the quality and length of service Ms. Chaney has provided.

By consensus, staff was directed to explore extending the contract term with Ms. Chaney for future contracts.

It was moved by Councilmember Gordo, seconded by Vice Mayor Haderlein, to approve the City Manager's recommendation:

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

NOES: None

ABSENT: None

PUBLIC HEARING

PUBLIC HEARING: ADOPTION OF A RESOLUTION TO ESTABLISH UNDERGROUND UTILITY DISTRICT NO. 08-1 ALPINE STREET, MARENGO AVENUE TO EL MOLINO AVENUE

Recommendation of City Manager: It is recommended that, after a public hearing, the City Council:

(1) Adopt a resolution establishing Underground Utility District No. 08-1, Alpine Street from Marengo Avenue to El Molino Avenue; and

(2) Acknowledge the project to be categorically exempt under the California Environmental Quality Act (CEQA) in accordance with Article 19, Section 15302(a) of the CEQA Guidelines (conversion of overhead electric utility systems to

underground), and authorize the City Manager to execute and the City Clerk to file a Notice of Exemption for the project with the Los Angeles County Clerk. (Resolution No. 8879)

The Mayor opened the public hearing.

The City Clerk reported 81 copies of the notice of public hearing were posted on June 11, 2008; 49 copies of the notice were mailed on June 11, 2008; and no correspondence was received.

Danny Wooten, Management Analyst IV, reviewed the agenda report, and responded to questions regarding the removal of current utility poles and the timeframe for the project.

Martin Pastucha, Director of Public Works Department, clarified that although telephone wires would be undergrounded, the AT&T Project U-Verse cabinets would still need to be installed for that project; and responded to questions about the project.

It was moved by Councilmember Tyler, seconded by Councilmember McAustin, to close the public hearing. (Motion unanimously carried) (Absent: None)

It was moved by Councilmember Tyler, seconded by Councilmember McAustin, to approve the City Manager's recommendation:

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

NOES: None

ABSENT: None

RECOMMENDATIONS FROM OFFICERS AND DEPARTMENTS

RESIGNATION OF HEATHER LENKIN FROM THE URBAN FORESTRY ADVISORY COMMITTEE (Pasadena Beautiful Nomination)

It was moved by Vice Mayor Haderlein, seconded by Councilmember McAustin, to accept the above resignation with regrets:

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

NOES: None

ABSENT: None

RECESS

On order of the Mayor, the regular meeting of the City Council recessed at 7:49 p.m. to the regular meeting of the Community Development Commission, and thereafter recessed at 7:50 p.m. to the special meeting of the Pasadena Public Financing Authority.

RECONVENED

On order of the Mayor, the regular meeting of the City Council reconvened at 7:51 p.m. (Absent: None)

ORDINANCES – FIRST READING

Conduct first reading of “AN ORDINANCE OF THE CITY OF PASADENA AMENDING TITLE 9, CHAPTER 9.36 OF THE PASADENA MUNICIPAL CODE TO ADD AN INTERIOR NOISE STANDARD, NOISE EXEMPTIONS AND VARIOUS FORMAT CHANGES”

The City Attorney noted that Chapter 9.36.160, subsection D.1.c. on Page 11 should be corrected as follows: “c. The registration statement required reveals that the applicant would violate the provisions set forth in subsection ~~D~~ E or any other provisions of this chapter”.

In response to Councilmember Tyler's questions, Mel Lim, Environmental Health Division Manager, indicated that leaf blowers were covered under Pasadena Municipal Code Chapter 9.37 and that the leaf blowers ordinance will be reviewed by the Public Safety Committee at its next meeting.

The above ordinance, as corrected, was offered for first reading by Vice Mayor Haderlein:

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

NOES: None

ABSENT: None

Councilmember Madison recused himself at 7:54 p.m., due to a conflict of interest.

Conduct first reading of “AN ORDINANCE OF THE CITY OF PASADENA AMENDING TITLE 17 (THE ZONING CODE) OF THE PASADENA MUNICIPAL CODE, REGARDING COLLEGES AND DORMITORIES IN THE SOUTH FAIR OAKS SPECIFIC PLAN OVERLAY DISTRICT AND CORRECTING A TYPOGRAPHICAL ERROR IN THE MESSAGE ORDINANCE”

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

AYES: Councilmembers Gordo, Holden, McAustin, Robinson, Tyler, Vice Mayor Haderlein, Mayor Bogaard

NOES: None

ABSENT: Councilmember Madison

COUNCIL COMMENTS

Councilmember Madison returned at 7:55 p.m.

Councilmember Holden acknowledged everyone responsible for putting on the 4th of July event at the Rose Bowl, and commented on the traffic tie up in the Rose Bowl area when the event concluded.

The City Manager reported on crowd control issues at the IndyMac Bank site on the first day of the Federal takeover of the bank.

Councilmember Tyler expressed concerns regarding the conditions at a project site at the corner of Walnut Street and Lake Avenue (where construction work seems to have stopped), as well as other projects that have either slowed or possibly been cheapened; and asked the City Manager to look into the status of such projects, given the economic conditions at this time, and to provide information on the circumstances involving these projects.

Councilmember Gordo asked the City Manager to also look into the status of development projects in which the City has a financial stake/investment.

The City Manager indicated staff would confirm the status of the projects that concerned Councilmembers Tyler and Gordo and provide this information to Council.

ADJOURNMENT

On order of the Mayor, the regular meeting of the City Council adjourned at 8:02 p.m., in memory of Ray Walter Bartlett, Sr., former police officer, community activist, and a teammate of Jackie Robinson, who represented Mr. Robinson as one of the Grand Marshals in the 1999 Tournament of Roses; Judith Zitter, former District 2 Field Representative for former Mayor/Councilmember Rick Cole, community activist, advocate for public health care and quality of life issues at the neighborhood level, and champion of neighborhood associations; and Bill Lofthouse, renowned float builder who was an icon in the festival industry and active in numerous service organizations.



Bill Bogaard, Mayor
City of Pasadena

ATTEST:



City Clerk