

CITY OF PASADENA  
City Council Minutes  
August 11, 2008 – 5:30 P.M.  
City Hall Council Chamber

REGULAR MEETING

**OPENING:**

Mayor Bogaard called the regular meeting to order at 5:50 p.m.  
(Absent: Councilmember Madison)

On order of the Mayor, the regular meeting recessed at 5:50 p.m., to discuss the following closed sessions:

**CITY COUNCIL CONFERENCE WITH LEGAL COUNSEL to discuss pending litigation pursuant to Government Code Section 54956.9(a)**

**Case Name: Joseph Gordon, a minor, by and through his Guardian Ad Litem Sharon Phillips v. City of Pasadena**

**Case No.: Los Angeles Superior Court Case No. GC 036778**

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

Councilmember Gordo and Mayor Bogaard were excused at 6:16 p.m.

**CITY COUNCIL CONFERENCE WITH LEGAL COUNSEL to discuss pending litigation pursuant to Government Code Section 54956.9(a)**

**Case Name: Affordable Pasadena Housing in Distress, et al. v. City of Pasadena**

**Case No.: Los Angeles Superior Court Case No. BS103582**

It was moved by Councilmember Holden, seconded by Councilmember Robinson, to approve a settlement in which the City will initiate consideration of a density overlay zone; and if an overlay zone ordinance is approved on or before December 1, 2008, plaintiffs will dismiss the entire action and the City will pay the sum of \$75,000 in settlement of all claims, including attorney's fees and costs. (Motion unanimously carried) (Absent: Councilmembers Gordo, Madison, Mayor Bogaard)

**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 Manager**

The above closed session item was not discussed.

On order of the Mayor, the regular meeting reconvened at 6:51 p.m. The Pledge of Allegiance was led by Councilmember Robinson.

**ROLL CALL:**

Councilmembers:

Mayor Bill Bogaard  
Vice Mayor Steve Haderlein  
Councilmember Victor Gordo (Returned at 6:53 p.m.)  
Councilmember Chris Holden  
Councilmember Steve Madison (Absent)  
Councilmember Margaret McAustin  
Councilmember Jacque Robinson  
Councilmember Sidney F. Tyler

Staff:

City Manager Bernard K. Melekian  
City Attorney Michele Beal Bagneris  
City Clerk Mark Jomsky

**ANNOUNCEMENT**

The Mayor announced that the City Council had concluded the City Manager recruitment by extending an offer for the position to Michael J. Beck (currently Assistant City Manager at Riverside, California); and noted that the action would not be final until an employment agreement with Mr. Beck is negotiated and approved by Council (to be effective October 1, 2008, if approved).

The Mayor highlighted Council's gratitude and appreciation for the interim services performed by Bernard Melekian as City Manager.

**CEREMONIAL MATTERS**

Councilmember Gordo returned at 6:53 p.m.

Councilmember Gordo acknowledged the dedicated efforts and work performed by various persons and community groups on the Washington Park Renovation Project, which had received the Honor Award from the American Society of Landscape Architects, Southern California Chapter. Mr. Gordo and the Mayor presented certificates to the following representatives of groups who were involved in the project:

City of Pasadena: Martin Pastucha, Director of Public Works Department; Kathy Woods, Parks Administrator; and Antonio Sorcini, Recreation Services Specialist  
Theodore Payne Foundation: John Wickham, Board President; and Frances Liao, Board Past President  
Troller Mayer Associates: Rick Mayer, Landscape Architect  
Friends of Washington Park: Betty Sword, Board President  
Washington Square Neighborhood Association: Joe Feinblatt, Board member; and Pepi Feinblatt, member

The Mayor thanked the groups' representatives for their public spiritedness in improving the quality of life in the City and providing inspiration for other residents to become involved in local projects.

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

Fritz Puelicher, Pasadena resident, expressed concerns regarding conduct by Vice Mayor Haderlein, and asked for a public and written apology from Vice Mayor Haderlein.

**CONSENT CALENDAR**

Item discussed separately at the request of Councilmember McAustin.

Item discussed separately at the request of Councilmember McAustin.

**APPROVAL OF AN AMENDMENT TO CONTRACT NO. 19,463 WITH DAVID EVANS AND ASSOCIATES IN THE AMOUNT OF \$75,000 FOR PROJECT DESIGN SERVICES FOR VARIOUS PARK CAPITAL IMPROVEMENT PROJECTS**

**AUTHORIZATION TO ENTER INTO A CONTRACT WITH POWERPLAN CORPORATION FOR BUDGET PREPARATION AND PLANNING SOFTWARE, IMPLEMENTATION SERVICES AND TRAINING**

**APPROVAL OF FINAL TRACT MAP NO. 060713, BEING AN 18-UNIT CONDOMINIUM PROJECT, AT 96-110 NORTH CRAIG AVENUE**

**Recommendation of City Manager:**

- (1) Adopt a resolution to approve Final Tract Map No. 060713; and
- (2) Authorize the City Clerk to execute the certificate on the map showing the City's approval of said map. (Resolution No. 8881)

**AUTHORIZATION TO ENTER INTO FUNDING RESERVATION AGREEMENTS WITH COMMUNITY HOUSING DEVELOPMENT ORGANIZATIONS FOR FEDERAL HOME FUNDS TOTALING \$641,695**

**Recommendation of City Manager:** It is recommended that the City Council take the following actions:

- (a) Authorize the City Manager to enter into a Community Housing Development Organization Agreement providing for the reservation of \$497,460 in federal HOME funds to Immanuel House of Hope for the acquisition and rehabilitation of properties totaling 11 dwelling units located at 685 East Washington Boulevard (8 units) and 1631-1637 Navarro (3 units) to be operated as permanent supportive housing for the homeless;
- (b) Authorize the City Manager to enter into a Community Housing Development Organization Agreement providing for the reservation of \$144,235 in federal HOME funds to Los Angeles Community Design Center for the acquisition and preservation of a 46-unit rental complex at 1267 North Hudson Avenue to be operated as affordable rental housing for seniors; and
- (c) Approve a journal voucher appropriating \$641,695 in unencumbered federal HOME funds for "CHDO Housing Acquisition, Rehabilitation and Preservation Projects". (Agreement Nos. 19,728 and 19,729; Journal Voucher No. 2009-4)

MINUTES APPROVED

July 28, 2008

CLAIMS RECEIVED AND FILED

Claim No. 10,650	Ronald Beauregard	\$	Not stated
Claim No. 10,651	Byrnece Picchi		138.40
Claim No. 10,652	21 <sup>st</sup> Century Insurance as Subrogee for Eugene Badzey		Not stated

It was moved by Vice Mayor Haderlein, seconded by Councilmember Robinson, to approve the Consent Calendar, with the exceptions of Item 1 (Contract with David Evans and Associates) and Item 2 (Contract with PowerPlan Corporation), which were discussed separately. (Motion unanimously carried) (Absent: Councilmember Madison)

**CONSENT ITEMS DISCUSSED SEPARATELY**

**APPROVAL OF AN AMENDMENT TO CONTRACT NO. 19,463 WITH DAVID EVANS AND ASSOCIATES IN THE AMOUNT OF \$75,000 FOR PROJECT DESIGN SERVICES FOR VARIOUS PARK CAPITAL IMPROVEMENT PROJECTS**  
**Recommendation of City Manager:** Authorize the City Manager to amend Contract No. 19,463 with David Evans and Associates for an additional amount of \$75,000 for a new total amount not to exceed \$475,000. (Contract Amendment No. 19,463-1)

In response to Councilmember McAustin's questions, Martin Pastucha, Director of Public Works Department, explained the need for these services during the recruitment process to fill the City's vacant position for Landscape Architect and the need to ensure that the work load can be covered during this time period.

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

**AUTHORIZATION TO ENTER INTO A CONTRACT WITH POWERPLAN CORPORATION FOR BUDGET PREPARATION AND PLANNING SOFTWARE, IMPLEMENTATION SERVICES AND TRAINING**  
**Recommendation of City Manager:** Authorize the City Manager to enter into a contract with PowerPlan Corporation for budget preparation and planning software, implementation services and training in an amount not to exceed \$101,063. Competitive bidding pursuant to City Charter Section 1002(F), contracts for professional or unique services, is not required. (Contract No. 19,723)

In response to Councilmember McAustin's questions, the City Manager indicated this software is not directly related to implementing a zero-based budgeting approach.

Steve Mermell, Acting Director of Finance Department, indicated the contract would update the current budget

software and would be compatible with a zero-based budgeting approach, and explained why competitive bidding is not required for the contract.

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

**REPORTS AND COMMENTS  
FROM COUNCIL  
COMMITTEES**

**ECONOMIC DEVELOPMENT  
AND TECHNOLOGY  
COMMITTEE**

**TOURNAMENT OF ROSES CONTRACT AMENDMENT**

**Recommendation of Rose Bowl Operating Company:** It is recommended that the City Council approve an amendment to the Master License Agreement with the Tournament of Roses to:

- (1) Host the 2010 Bowl Championship Series (BCS) National Championship Game on January 7, 2010, with the recommendation that 100% of net stadium proceeds will be dedicated to the Rose Bowl Strategic Plan Fund; and
- (2) Accept a \$4 million contribution for the Rose Bowl Strategic Plan Fund in lieu of market-based adjustments to the Annual Base Fee through December 31, 2016. (Agreement Amendment No. 18,313-3)

Councilmember Gordo, Chair of the Economic Development and Technology Committee, introduced the agenda item and confirmed that the \$4 million contribution was a start in addressing costs related to the Rose Bowl Strategic Plan.

Darryl Dunn, General Manager of the Rose Bowl, summarized the agenda report, thanked the City Manager for his assistance during the agreement amendment process, and responded to questions.

The City Manager responded to questions regarding the determination of future rental charges for use of the Rose Bowl and recovery of costs for services provided by the City.

Vice Mayor Haderlein asked staff to provide information showing a comparison of revenues (e.g., hotels, restaurants, and sales) for the 2010 Bowl Championship Series (BCS) with a year in which only the Rose Bowl game is held, to assist in estimating the financial benefits derived by the City for the years when the BCS game is also held at the Rose Bowl.

It was moved by Councilmember Gordo, seconded by Councilmember Robinson, to approve the Rose Bowl Operating Company's recommendation. (Motion unanimously carried) (Absent: Councilmember Madison)

Vice Mayor Haderlein recused himself at 7:24 p.m., due to a conflict of interest.

**AMENDMENT TO THE FISCAL YEAR 2009 CAPITAL IMPROVEMENT PROGRAM BUDGET TO INCLUDE A NEW PROJECT IN THE MUNICIPAL BUILDINGS SECTION AND**

**APPROPRIATE \$500,000 FOR URGENT CARE**

**Recommendation of City Manager:**

(1) Amend the Fiscal Year (FY) 2009 Capital Improvement Program (CIP) budget to include a new project in the *Municipal Buildings and Facilities* section entitled, "Urgent Care and Public Safety Training Facility"; and

(2) Approve a journal voucher recognizing and appropriating \$500,000 of unanticipated interest earnings from 1999 Equipment Leasing funds to the "Urgent Care and Public Safety Training Facility". (Journal Voucher No. 2009-5)

**Planning Commission Recommendation:** On May 22, 2008, the Planning Commission found this project to be consistent with the General Plan.

The City Manager introduced the agenda item, clarified that the City is not declaring the 3160 E. Del Mar Boulevard site as surplus property, and that the Capital Improvement Program (CIP) amendment is for a project that is not specific to the proposed Del Mar Boulevard location; and responded to questions.

Martin Pastucha, Director of Public Works Department, summarized the agenda report, outlined the decision-making process used in choosing the City-owned site at 3160 E. Del Mar Boulevard for a proposed urgent care facility, and responded to questions.

Dr. Takashi Wada, Director of Public Health Department, discussed the partnership model to be developed between the City, Huntington Hospital/Huntington Medical Foundation, and the Community Health Alliance of Pasadena (CHAP) for the specific establishment of an urgent care facility at the Del Mar Boulevard location. He also discussed possible use of the St. Luke Hospital site as an urgent facility, the rationale for opting to use the Del Mar Boulevard site rather than the St. Luke Hospital site for an urgent care facility at this time, and a feasibility study on possible sites for an urgent care facility that had been conducted by an outside consultant hired by Huntington Hospital; and responded to questions.

The City Attorney clarified the surplus property process as it could relate to the proposed urgent care project.

The following persons spoke in support of the proposed urgent care project:

Steve Ralph, Huntington Hospital President and Chief Executive Officer  
Margie Martinez, CHAP Executive Director

The following persons spoke in opposition to the proposed urgent care project and/or expressed concerns regarding the

location of the project at the Del Mar Boulevard site:

Gene Masuda, Eaton Blanche Park Neighborhood Association President and Pasadena Neighborhood Coalition (PNC) member

Roberta Marti, Emergency Care Now Chair

Irma Strantz, Emergency Care Now member

Marvin Schachter, Pasadena Senior Advocacy Council representative

Kris Ockershauser, ACLU Pasadena/Foothills Chapter representative

Michelle White, Affordable Housing Services representative speaking as an individual

Fritz Puelicher, Pasadena resident

Discussion followed on the level of demand for urgent care in the City, an option to establish two urgent care facilities, the area served by and level of demand of service for Huntington Hospital, the area to be served by the proposed urgent care facility, the process used to determine the highest and best use of the proposed Del Mar Boulevard site and any proposed site for an urgent care facility in the City, the nature of the partnership model to be used in developing the urgent care project, current use of the Del Mar Boulevard site, the timeframe and financial constraints of the proposed project, and the feasibility of leasing property for an urgent care facility.

Councilmember Holden expressed concerns regarding the need for the legislative record to show the decision-making process that was used to determine that the Del Mar Boulevard site should be used for an urgent care facility, since this is City-owned property. He suggested staff work with the community during the next 60-90 days, in response to concerns that have been expressed regarding the proposed Del Mar Boulevard project, to explore an alternate location for an urgent care facility in northeast Pasadena.

Councilmember Gordo asked staff to confirm that the public safety training use contemplated as part of the above project does not duplicate the training facility project that is already included in the Capital Improvement Program (CIP) budget, and also asked staff to provide a project master schedule for the public.

Councilmember McAustin expressed concerns regarding the process used to arrive at the decision to move forward with the proposed project at the Del Mar Boulevard site, and expressed support for keeping open an option for negotiating the development of an urgent care facility in connection with the St. Luke Hospital site.

Following discussion and by consensus, staff was directed to return to Council on September 8, 2008, with information on the feasibility study conducted in regards to options for locating a site for an urgent care facility in the City (referred to above), and with the understanding that possible further Council direction may be given at that time.

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

## **PUBLIC HEARINGS**

### **PUBLIC HEARING: ADOPTION OF A ZONE CHANGE TO DESIGNATE A LANDMARK DISTRICT OVERLAY FOR THE MARENGO-PICO LANDMARK DISTRICT (LD-17)**

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

- (1) Find that the application for a zone change to establish a landmark district is categorically exempt from environmental review under the California Environmental Quality Act, (Class 8, Actions by Regulatory Agencies for Protection of the Environment);
- (2) Find that the proposed zone change is consistent with the General Plan and the purposes of the zoning ordinance;
- (3) Acknowledge the decision of the Historic Preservation Commission that the proposed Marengo-Pico Landmark District (Attachment A of the agenda report) meets the criteria for designation as a landmark district (Section 17.62.040 (F) Pasadena Municipal Code), and the decision of the Planning Commission that the proposed district is consistent with the General Plan Objective 6 of the Land-use Element, "to promote preservation of historically and architecturally significant buildings and revitalization of traditional neighborhoods" and the purposes of the zoning ordinance (Pasadena Municipal Code Section 17.04.030), "preserve the character and quality of residential neighborhoods";
- (4) Acknowledge that signatures from property owners in support of the landmark overlay district petition exceed the 51 percent requirement in Pasadena Municipal Code Section 17.62.070 (D);
- (5) Find that the number of contributing properties in the proposed Marengo-Pico Landmark District exceeds the 60% threshold in the zoning code and satisfies the designation requirement for a grouping of properties "of citywide importance" according to National Register Bulletin 15 for evaluating historic properties;
- (6) Find the proposed Marengo-Pico Landmark District meets the criteria for designation as a Landmark District and to approve the landmark district designation and the zoning map overlay for Marengo-Pico Landmark District, LD-17; and
- (7) Direct the City Attorney to prepare an ordinance within 60 days amending the official zoning map of the City of



Pasadena established by Section 17.20.020 of the Pasadena Municipal Code to designate the landmark district with the LD-17 overlay zone.

**Recommendation of Historic Preservation Commission:** At a public hearing on May 5, 2008, the Historic Preservation Commission determined that the proposed Marengo-Pico landmark district meets the criteria for designation in Section 17.62.040 Pasadena Municipal Code and unanimously recommended approval of the designation.

**Recommendation of Planning Commission:** Following a public hearing on June 25, 2008, the Planning Commission found that the proposed zone change to create a landmark district is consistent with the General Plan and the purpose of the zoning code and voted unanimously to recommend that the City Council approve designation of the Marengo-Pico landmark district.

The Mayor opened the public hearing.

The City Clerk reported 27 copies of the notice of public hearing were posted on July 25, 2008; 6 copies of the notice were mailed on July 25, 2008; and 3 letters in support of the landmark district overlay were received.

Ruth Christensen, Pasadena resident, spoke in support of the landmark district overlay, and submitted a letter of support and informational materials.

It was moved by Councilmember Robinson, seconded by Vice Mayor Haderlein, to close the public hearing. (Motion unanimously carried) (Absent: Councilmember Madison)

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

**PUBLIC HEARING: DESIGNATION OF 1299 HILLCREST AVENUE AS A LANDMARK**

**Recommendation of City Manager:** It is recommended that the City Council:

(1) Acknowledge that the designation of a historic resource is categorically exempt from the California Environmental Quality Act under Class 8, Actions by Regulatory Agencies for Protection of the Environment (CEQA Guidelines, Article 19, Section 15308);

(2) As recommended by the Historic Preservation Commission, find that the property at 1299 Hillcrest Avenue is significant under Criterion C for designation as a landmark (Pasadena Municipal Code Section 17.62.040 C) because it retains a high level of historic integrity, embodies the distinctive characteristics of English Arts and Crafts residential

architecture, and is a locally significant work of architect Arthur Roland Kelly;

(3) Approve the designation of the property at 1299 Hillcrest Avenue as a landmark;

(4) Adopt the resolution approving a Declaration of Landmark Designation for 1299 Hillcrest Avenue, Pasadena, California;

(5) Authorize the Mayor to execute the Declaration of Landmark Designation for 1299 Hillcrest Avenue, California; and

(6) Direct the City Clerk to record the declaration with the Los Angeles County Recorder. (Resolution No. 8882)

**Recommendation of Historic Preservation Commission:** On May 5, 2008, at a noticed public hearing, the Historic Preservation Commission voted unanimously to recommend approval of the designation of 1299 Hillcrest Avenue as a landmark.

The Mayor opened the public hearing.

The City Clerk reported 20 copies of the notice of public hearing were posted on July 25, 2008; 46 copies of the notice were mailed on July 25, 2008; and no correspondence was received.

H. Thomas Wilson, Pasadena resident, spoke in support of the landmark designation, expressed concerns regarding problems with ongoing construction/restoration work being performed at another landmark property on Hillcrest Avenue, and asked Council to consider a time limit for restoration projects.

Councilmember Tyler asked staff to determine whether the appropriate permits were in order for the property mentioned by Mr. Wilson above, with the City to take action if violation of the Pasadena Municipal Code is occurring.

It was moved by Councilmember Tyler, seconded by Councilmember Robinson, to close the public hearing. (Motion unanimously carried) (Absent: Councilmember Madison)

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

RECESS

On order of the Mayor, the regular meeting of the City Council recessed at 9:14 p.m. to the regular meeting of the Community Development Commission.

RECONVENED/JOINT MEETING

On order of the Mayor, the regular meeting of the City Council reconvened at 9:26 p.m. and recessed at this time to a joint meeting with the Community Development Commission. (Absent: Councilmember Madison)

**REPORTS AND COMMENTS  
FROM COUNCIL  
COMMITTEES**

FINANCE COMMITTEE

**JOINT ACTION: PASEO COLORADO PARKING GARAGES -  
AMENDMENT TO THE PARKING OPERATIONS  
MANAGEMENT AGREEMENT, INCREASE THE MONTHLY  
AND DAILY PARKING RATES AND AUTHORIZE AN  
ADVANCE FROM PLAZA LAS FUENTES PARKING FUND**

**Recommendation of City Manager/Chief Executive Officer:**  
It is recommended that City Council and the Pasadena Community Development Commission take the following action:

(1) Authorize an amendment to the Parking Operation and Management Agreement (POMA) between the Pasadena Community Development Commission (Commission), Developers Diversified Realty DDR (Developer) and Federated Western Properties, Inc. (Federated) to detach Paseo Colorado parking rates from Old Pasadena parking rates;

(2) Approve an increase to the monthly and daily parking rates at the Paseo parking garages as follows:

**Transient Parking Rates**

- Change incremental rate from \$2 per hour to \$1.50 per half hour, effective October 1, 2008.
- Change the daily maximum for non-validated tickets from \$6 to \$9, effective October 1, 2008.

**Monthly Parking Rates**

- Change the non-tenant monthly rate from \$80 to \$90, effective October 1, 2008;

(3) Approve a loan in the amount of \$4.2 million from the Plaza Las Fuentes Parking Garage Fund to the Paseo Parking Fund; and

(4) Approve repayment of General Fund advances in the amount of \$1.2 million. (Agreement Amendment No. CDC-345-2)

**Recommendation of Community Development Committee:**

At a special meeting on July 31, 2008, the Community Development Committee determined that the amendment to the Parking Operation Management Agreement and increase in parking rates at the Paseo Colorado parking facilities are warranted and voted to recommend the amendment to the City Council.

Councilmember Holden was excused at 9:28 p.m.

Mayor Bogaard was excused at 9:29 p.m. Vice Mayor Haderlein assumed the Chair.

Councilmember Tyler, Chair of the Finance Committee, summarized the agenda report

It was moved by Councilmember Gordo, seconded by Councilmember Robinson, to approve the City Manager's/Chief Executive Officer's recommendation. (Motion unanimously carried) (Absent: Councilmembers Holden, Madison, Mayor Bogaard)

RECONVENED

On order of the Vice Mayor, the joint meeting with the Community Development Commission adjourned at 9:31 p.m. and the regular meeting of the City Council reconvened at this time. (Absent: Councilmembers Holden, Madison, Mayor Bogaard)

**ADOPTION OF A RESOLUTION OF THE CITY OF PASADENA APPROVING THE ISSUANCE AND SALE BY THE PASADENA PUBLIC FINANCING AUTHORITY OF ITS TAXABLE VARIABLE RATE DEMAND LEASE REVENUE REFUNDING BONDS (PASEO COLORADO PARKING FACILITIES), SERIES 2008; APPROVING THE FORMS OF AND AUTHORIZING THE EXECUTION AND DELIVERY OF A LEASE AND A STANDBY BOND PURCHASE AGREEMENT; APPROVING THE FORM OF AND AUTHORIZING THE ACKNOWLEDGMENT OF A PURCHASE CONTRACT; AUTHORIZING THE DISTRIBUTION OF AN OFFICIAL STATEMENT; AUTHORIZING THE TERMINATION OF THE 2000 LEASE; AUTHORIZING THE AMENDMENT OF THE REIMBURSEMENT AGREEMENT; AND AUTHORIZING THE EXECUTION AND DELIVERY OF OTHER RELATED DOCUMENTS AND APPROVAL OF OTHER DOCUMENTS AND ACTIONS IN CONNECTION THEREWITH**

**Recommendation of City Manager:** It is recommended that the City Council adopt a resolution approving the issuance and sale by the Pasadena Public Financing Authority of its taxable variable rate demand lease revenue refunding bonds (Paseo Colorado Parking Facilities), Series 2008; approving the forms of and authorizing the execution and delivery of a lease and standby bond purchase agreement; approving the form of and authorizing the acknowledgment of a purchase contract; authorizing the distribution of an official statement; authorizing the termination of the 2000 lease; authorizing the amendment of the reimbursement agreement; and authorizing the execution and delivery of other related documents and approval of other documents and actions in connection therewith. (Resolution No. 8883)

(The City Council, Community Development Commission, and Pasadena Public Financing Authority acted simultaneously on various actions in connection with the taxable variable rate demand lease revenue refunding bonds [Paseo Colorado Parking Facilities], Series 2008.)

Mayor Bogaard returned at 9:32 p.m.

Councilmember Tyler reviewed the agenda report.

Steve Mermell, Acting Director of Finance Department, responded to questions regarding the financing terms.

Councilmember Gordo thanked staff for their timely action on this matter.

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

## **KEY PROJECTS AND INITIATIVES – FUNDING SOURCES**

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

- (1) Accept the Key Projects and Initiatives priorities as listed in Attachment A of the agenda report;
- (2) Approve the creation of a reserve for Key Projects and Initiatives in the General Fund and in the Charter Capital Fund; and
- (3) Appropriate to these reserves as follows, to the General Fund Key Projects and Initiatives reserve, \$437,000 from 1999 Equipment Leasing unanticipated investment earnings, \$119,000 related to the 2004 Certificates of Participation, and \$2.037 million from the General Fund Unappropriated fund balance related to investment earnings from the 2003 City Hall bonds, and to the Charter Capital Key Projects and Initiatives reserve, \$2.607 million from the Charter Capital Fund, for a combined total of \$5.2 million. (Journal Voucher No. 2009-7)

Councilmember Tyler introduced the agenda item, and noted the Finance Committee had unanimously recommended that Council approve Recommendation Nos. 2 and 3. He reported that, after discussion, the Committee had not arrived at a consensus on Recommendation No. 1, with some Committee members prepared to recommend approval of Recommendation No. 1 and some members supporting a possible need for additional (financial) information on the projects before Council accepts the priorities at some future time. Mr. Tyler suggested Council bifurcate action on Recommendation No. 1 from action on Recommendation Nos. 2 and 3.

The City Manager provided a history of the development of the Key Projects and Initiatives priorities listing, distributed a copy of the agenda report presented to the Finance Committee at its meeting of July 14, 2008 titled, "Key Projects and Initiatives", and responded to questions.

Steve Mermell, Acting Director of Finance Department, described the proposed funding mechanism for the Key Projects and Initiatives priorities listing.

It was moved by Vice Mayor Haderlein, seconded by Councilmember Tyler, to approve the City Manager's Recommendation Nos. 2 and 3, as cited above. (Motion unanimously carried) (Absent: Councilmembers Holden, Madison)

Vice Mayor Haderlein recused himself at 9:47 p.m., due to a conflict of interest.

Discussion followed on Recommendation No. 1.

Councilmember Tyler highlighted the development of the Key Projects and Priorities listing as it evolved over the past few years.

The City Manager explained staff's prioritization of the projects; and discussed the relationship of this listing to the Capital Improvement Program (CIP) Budget, replenishment of the two reserve funds for the Key Projects and Initiatives listing, and use of the prioritized listing as a framework for budgeting purposes.

Discussion followed on the use of the proposed listing in setting priorities for funding, and the possible need for additional information on the projects prior to approval of the priority ranking in the listing provided in the agenda report.

Councilmember Gordo asked that this matter be deferred until additional information on the projects shown on the Key Projects and Initiatives listing is presented to Council, so that an informed decision can be made on the priority and feasibility for the projects, and until the full Council is present to discuss and consider the priority ranking.

Councilmember McAustin thanked staff for their efforts in providing the priorities listing; requested additional information on the projects (e.g., costs, project timeframe, and relevance to City priorities/goals); and suggested this information be presented in a matrix format prior to evaluation and approval of the priorities by the full Council.

The following persons spoke in support of the Preservation of the Annandale Canyon Estates as Open Space project and/or the proposed funding mechanism:

- Don Orsi, Linda Vista/Annandale Association Board member
- Nina Chomsky, Linda Vista/Annandale Association member

Councilmember Tyler suggested the matrix also include information on existing funding sources and current funding from the CIP budget for the listed projects.

Following discussion and by consensus, consideration of Recommendation No. 1 cited above was deferred to the Council meeting of September 22, 2008, with the Finance Committee to review the information prior to consideration by the Council.

MUNICIPAL SERVICES  
COMMITTEE

**APPROVE PROPOSED AMENDMENTS TO THE WATER SHORTAGE PROCEDURE AND SET A PUBLIC HEARING DATE TO ESTABLISH A SCHEDULE OF PENALTIES FOR WATER SHORTAGE PLAN II**

**Recommendation of City Manager:**

(1) Direct the City Attorney to return within 60 days with amendments to the Water Shortage Procedure Ordinance as

described in the agenda report; and  
(2) Set a public hearing for the September 8, 2008 City Council meeting to establish a schedule of penalties for Water Shortage Plan II to be implemented.

Vice Mayor Haderlein returned at 10:06 p.m.

Councilmember Gordo was excused at 10:07 p.m.

Councilmember McAustin, Chair of the Municipal Services Committee, introduced the agenda item, and reported on the Committee's consensus that water conservation efforts should be focused on irrigation activities, that the "friendly" marketing campaign used under Water Shortage Plan I had not produced the desired conservation effects, and that a stronger message for compliance would be needed under Water Shortage Plan II.

Eric Klinkner, Assistant General Manager of Water and Power Department, reviewed the agenda report; clarified that the current Pasadena Municipal Code (PMC) provisions under Plan II are mandatory (not voluntary, as set out in the Background section of the agenda report) and penalties can be assessed; and responded to questions.

Vice Mayor Haderlein asked staff to inform residents about the baseline to be used in determining water usage under Plan II.

In response to Vice Mayor Haderlein's questions, Mr. Klinkner discussed flexibility in enforcement of the watering guidelines and the appeal process for citations that are issued, noted that the existing infrastructure does not allow for additional readings on water usage other than those readings that are scheduled, and indicated that residents would be educated on how to read their meters to determine usage.

Shan Kwan, Business Unit Director, responded to questions regarding the process for resetting a customer's baseline.

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

**RECOMMENDATIONS FROM OFFICERS AND DEPARTMENTS**

**APPOINTMENT OF GARY C. CREWS TO THE SENIOR COMMISSION (District 2 Nomination)**

It was moved by Vice Mayor Haderlein, seconded by Councilmember McAustin, to approve the above appointment. (Motion unanimously carried) (Absent: Councilmembers Gordo, Holden, Madison)

**RECESS**

On order of the Mayor, the regular meeting of the City Council recessed at 10:18 p.m. to the regular meeting of the Community Development Commission.

RECONVENED/RECESS

On order of the Mayor, the regular meeting of the City Council reconvened at 10:19 p.m. and recessed at this time to the special meeting of the Pasadena Public Financing Authority. (Absent: Councilmembers Gordo, Holden, Madison)

RECONVENED

On order of the Mayor, the regular meeting of the City Council reconvened at 10:20 p.m. (Absent: Councilmembers Gordo, Holden, Madison)

**RECOMMENDATIONS FROM OFFICERS AND DEPARTMENTS**

**AUTHORIZE EXECUTION OF POWER PURCHASE AGREEMENT AND LEASE AGREEMENT WITH SOLARMAX TECHNOLOGIES, INC., FOR THE USE OF BUILDING ROOFS LOCATED AT THE DELACEY, LOS ROBLES, AND SCHOOLHOUSE PARKING GARAGES FOR SOLAR POWER GENERATING SYSTEMS INSTALLATION AND OPERATION**

**Recommendation of City Manager:** It is recommended that the City Council authorize the City Manager to execute the following two contracts ("Proposed Contracts") with SolarMax Technologies, Inc., ("SolarMax"):

(1) A lease agreement that allows SolarMax to install, own, and operate photovoltaic solar electric generators on the roofs of Delacey, Los Robles, and Schoolhouse Parking Garages. The lease agreement is exempt from competitive bidding pursuant to City Charter Section 1002(E); and

(2) A power purchase agreement whereby the City will purchase the electrical energy produced by the solar systems from SolarMax to offset a portion of the electrical energy consumption of the three proposed parking garages at a rate of \$0.09 per kilowatt-hour ("kWh") for the first year, escalating at 3.5% annually thereafter for up to 20 years. The power purchase agreement is exempt from competitive bidding pursuant to City Charter Section 1002(F), contracts for professional or unique services.

It is further recommended that the City Council find that the project is categorically exempt from the California Environmental Quality Act (CEQA) under Section 15303 (New Construction or Conversion of Small Structures) and Section 15311 (Accessory Structures). (Agreement Nos. 19,724 and 19,725)

The City Manager introduced the agenda item.

Eric Klinkner, Assistant General Manager of Water and Power Department, summarized the agenda report and responded to questions regarding the project.

Steve Mulheim, Old Pasadena Management District (OPMD) President and Chief Executive Officer, spoke in support of the solar energy project concept; and expressed concerns regarding the aesthetics of the project, impacts on the operating fund sheet of the garages, and the timing of this



project and possible problems that could occur if parking inventory is not available during the holiday shopping season.

The City Manager indicated that staff will work with OPMD on the concerns expressed by Mr. Mulheim as the project moves forward.

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

**ORDINANCES – ADOPTED**

**Adopt "AN ORDINANCE OF THE CITY OF PASADENA AMENDING TITLE 14, CHAPTER 28 OF THE PASADENA MUNICIPAL CODE TO ESTABLISH AN OFFICIAL FIRE HAZARD SEVERITY ZONE MAP OF THE CITY OF PASADENA"** (Introduced by Councilmember Gordo) (Ordinance No. 7152)


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

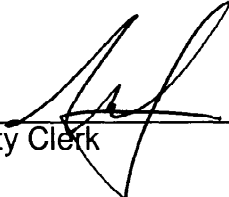
**Adopt "AN ORDINANCE OF THE CITY OF PASADENA AMENDING CHAPTER 2.100 OF TITLE 2 CONCERNING THE MEMBERSHIP OF THE HAHAMONGNA WATERSHED PARK ADVISORY COMMITTEE"** (Introduced by Councilmember Robinson) (Ordinance No. 7153)

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

**ADJOURNMENT**

On order of the Mayor, the regular meeting of the City Council adjourned at 10:28 p.m.

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

ATTEST:  
  
\_\_\_\_\_  
City Clerk