

CITY OF PASADENA
City Council Minutes
October 13, 2008 – 5:30 P.M.
City Hall Council Chamber

REGULAR MEETING

OPENING:

Mayor Bogaard called the regular meeting to order at 5:57 p.m.
(Absent: Councilmembers Madison, Robinson, Tyler)

On order of the Mayor, the regular meeting recessed
at 5:57 p.m., to discuss the following closed sessions:

**CITY COUNCIL CONFERENCE WITH LEGAL COUNSEL
REGARDING PENDING LITIGATION pursuant to
Government Code Section 54956.9(a)
Case Name: Coleman, et al., and Plata, et al., v.
Schwarzenegger, et al.
Case No.: U.S. District Court, CIV-S-90-0520**

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

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

ROLL CALL:

Councilmembers:

Mayor Bill Bogaard
Vice Mayor Steve Haderlein
Councilmember Victor Gordo
Councilmember Chris Holden
Councilmember Steve Madison (Absent)
Councilmember Margaret McAustin
Councilmember Jacque Robinson (Absent)
Councilmember Sidney F. Tyler (Absent)

Staff:

City Manager Michael J. Beck
City Attorney Michele Beal Bagneris
City Clerk Mark Jomsky

CEREMONIAL MATTERS

The Mayor presented a commendation to the American Cancer Society's Relay for Life Pasadena in recognition of their great success as a non-profit program that fights cancer and conducts cancer research. The commendation was received by Sarah Eagle (accepting on behalf of the American Cancer Society); Nina Sorkin, Event Chair for Relay for Life Pasadena 2008; Dr. Takashi Wada, Director of the Pasadena Public

Health Department; Leticia Pareja-Orozco, Pasadena Public Health Department and Relay for Life Team Captain; and Mary Urtecho-Garcia, Pasadena Public Health Department and Relay for Life Education Chair.

Councilmember Gordo thanked the American Cancer Society's Relay for Life Pasadena organizers for their efforts on behalf of the City of Pasadena.

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

David Jones, the City of Pasadena's Legislative Advocate in Sacramento, provided an update on the recent legislative session; commented on the current budget crisis and the effect it has had on redevelopment in the City of Pasadena. He indicated that this will be a challenging year with many future discussions on redevelopment, Proposition 1A (Property Tax Protection), and Proposition 42. Mr. Jones also noted that the bond package passed by the voters in 2006 provides opportunities for possible funding in areas such as: in-fill development and housing, transportation, and parks and recreation, and that he will work with staff to position them to take advantage of these opportunities.

Councilmember Haderlein requested staff to include in the green sheets as an informational item, a list of projects that are being considered for state funding; including a list of projects that are not being considered, and explain why they are being left out.

Nick Lambajian, Chair of the Code Enforcement Commission, spoke briefly on various code violations, and commending the Code Enforcement Officers for their efforts in working with those individuals cited. Mr. Lambajian introduced John Brookhart, a new Code Enforcement Commissioner.

Les Hammer, Pasadena resident, distributed a hand-out and expressed concerns regarding the home lender program for illegal immigrants and the costs for such a program.

Edward Dallas, Jr., an employee and resident of Pasadena, praised and congratulated the Council for their selection of the City Manager.

CONSENT CALENDAR

REVISED RESOLUTION REGARDING 200 LA VEREDA ROAD LANDMARK NOMINATION

Recommendation of City Manager: Adopt the revised resolution correcting the address and owner information for the Landmark Designation of 200 La Vereda Road, previously approved by the City Council at their meeting of September 25, 2008. (Resolution No. 8890)

CONTRACT AWARD TO AMERICAN ASPHALT SOUTH, INC., FOR THE SLURRY SEAL OF STREETS – 2008 FOR AN AMOUNT NOT TO EXCEED \$540,000

Recommendation of City Manager:

(1) Accept the bid dated September 29, 2008, submitted by American Asphalt South, Inc., in response to the Project Specifications for the Slurry Seal of Streets - 2008, reject all other bids received, and authorize the City Manager to enter into such contract as is required for an amount not to exceed \$540,000; and

(2) Acknowledge the project to be categorically exempt under Section 21084 of the Public Resources Code in accordance with Article 19, Section 15301 (Class 1), subsection (c) (repair of existing public streets) pursuant to the findings of the Secretary of the Resources Agency, 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. (Agreement No. 19,770)

AUTHORIZATION TO ENTER INTO A CONTRACT WITH INTERIOR DEMOLITION INC., IN AMOUNT NOT TO EXCEED \$93,500, FOR DEMOLITION AND HAZARDOUS MATERIALS ABATEMENT FOR THE WATER AND POWER YARDS OFFICE BUILDING WAREHOUSE RENOVATION AND NEW OPERATIONS FACILITY/EMERGENCY OPERATIONS CENTER

Recommendation of City Manager:

(1) Find that the activity described in the contract with Interior Demolition, Inc., for demolition and hazardous materials abatement for the Water and Power Yards Office Building/Warehouse Renovations and New Facility/Emergency Operations Center is exempt from the California Environmental Quality Act (State CEQA Guidelines Section 15332, Class 32, In-Fill Development Projects); and

(2) Authorize the City Manager to enter into a contract with Interior Demolition, Inc., in an amount not to exceed \$93,500, for demolition and hazardous materials abatement for the Water and Power Yards Office Building/Warehouse Renovation and New Operations Facility/Emergency Operations Center. (Agreement No. 19,771)

MINUTES APPROVED

September 22, 2008
September 29, 2008

CLAIMS RECEIVED AND FILED

Claim No. 10,711	Mercury Insurance Co., as Subrogee for Scott Sebe	\$ 3,425.42
Claim No. 10,712	Edward Sams	Not stated

Martin Pastucha, Director of Public Works, responded to questions related to the contract with Interior Demolition Inc., and the costs associated with the contract for demolition and hazardous materials abatement.

It was moved by Councilmember McAustin, seconded by Vice Mayor Haderlein, to approve all items on the Consent Calendar. (Motion unanimously carried) (Absent: Councilmembers Madison, Robinson, Tyler)

REPORTS AND COMMENTS FROM COUNCIL COMMITTEES

FINANCE COMMITTEE

RECOGNITION AND APPROPRIATION OF GRANT REVENUES FROM THE STATE OFFICE OF TRAFFIC SAFETY TO CONDUCT DRIVING UNDER THE INFLUENCE (DUI)/SPEED EDUCATION AND ENFORCEMENT PROGRAMS

Recommendation of City Manager: Approve a journal voucher recognizing and appropriating \$232,900 in grant revenue from the State Office of Traffic Safety (OTS) to the Police Department Traffic Section. (Journal Voucher No. 2009-11)

Vice Mayor Haderlein, serving as Chair of the Finance Committee, reviewed the agenda report.

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

RECESS

On order of the Mayor, the regular meeting of the City Council recessed at 7:08 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 7:24 p.m. (Absent: Councilmembers Madison, Robinson, Tyler)

RECOMMENDATIONS FROM OFFICERS AND DEPARTMENTS

AUTHORIZATION TO ENTER INTO A CONTRACT WITH AMERESCO, INC., FOR THE PURCHASE OF ENERGY OUTPUT OF THE SKUNK CREEK LANDFILL GAS TO ENERGY PROJECT LOCATED IN PHOENIX, ARIZONA AND ENTER INTO A LONG TERM TRANSMISSION SERVICE AGREEMENT WITH ARIZONA PUBLIC SERVICE COMPANY

Recommendation of City Manager: It is recommended that the City Council find that the 20-year power purchase agreement (Agreement) with Ameresco, Inc., (Ameresco) is exempt from the California Environmental Quality Act pursuant to State CEQA Guidelines Section 15277 (Projects located outside of California).

It is further recommended that the City Council authorize the City Manager to:

- (1) Enter into a 20-year Power Purchase Agreement with Ameresco for the energy output of the Skunk Creek Landfill Gas Project (Project); and
- (2) Enter into a Long Term Transmission Service Agreement with the Arizona Public Service Company (APS) for the delivery of the power to Pasadena.

These Contracts are exempt from competitive bidding pursuant to City Charter Section 1002(F), contracts for professional or unique services. (Contract Nos 19,772 and 19,773)

The City Manager provided a summary of the agenda report.

Gurcharan Bawa, Water & Power Business Unit Director, provided details regarding the purpose of the contract and responded to questions.

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

APPOINTMENT OF RHEA ROBERTS TO THE OLD PASADENA PARKING METER ZONE ADVISORY COMMISSION (At Large/District 6 Nomination)

APPOINTMENT OF DANTE HALL TO THE PLANNING COMMISSION (District 3 Nomination)

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

RECESS

On order of the Mayor, the regular meeting of the City Council recessed at 7:34 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 7:35 p.m. (Absent: Councilmembers Madison, Robinson, Tyler)

ORDINANCE – FIRST READING

Conduct first reading of “AN ORDINANCE OF THE CITY OF PASADENA AMENDING TITLE 8 OF THE PASADENA MUNICIPAL CODE TO ADD NEW SECTIONS TO CHAPTER 8.78 TO PROHIBIT SMOKING IN OUTDOOR PUBLIC PLACES AND ADDITIONAL DEFINITIONS TO SECTION 8.78.040

By consensus and on order of the Mayor, the above matter was held until October 20, 2008 at 7:30 p.m., at which time additional members of the City Council are expected to be present.

INFORMATION ITEM

RESIDENTIAL IMPACT FEE INFORMATION

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

The City Manager introduced the agenda item.

Martin Pastuscha, Director of Public Works, summarized the agenda report and responded to questions.

Councilmember Holden requested staff to provide additional information as to how the City would acquire land for the purpose of open space or parkland in accordance with the current policy; identify existing locations with potential use as public open space and other funding options; and for the City Manager and City Attorney to discuss and outline an amendment to the ordinance as it relates to the acquisition of open space.

Councilmember McAustin, expressed concerns regarding the use of Residential Impact Fees for the enhancement of existing parks and not towards the purchase and development of new parks. She stated her opinion that the bulk of the funds should have been used to acquire new parks and open space.

Mr. Pastucha clarified that Residential Impact Fees have been used for such purposes as the renovation and expansion of existing parks and facilities, replacement of playground and other park equipment, and the creation of new facilities.

Vice Mayor Haderlein spoke in support of the current use of Residential Impact Fees and indicated that if funds are to be used only for the acquisition of public open space for dedicated parkland, the ordinance pertaining to Residential Impact Fees will need to be amended to allow for that use.

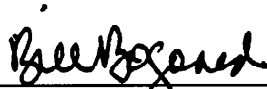
Mayor Bogaard suggested that no changes be made until a broader discussion takes place regarding the open space and conservation element of the general plan.

Councilmember Gordo expressed his satisfaction with the way funds have been spent to both improve parks and increase capacity.

Vice Mayor Haderlein expressed concern with Municipal Code Section 4.17.050 regarding the definition of allowable uses of Residential Impact Fees, specifically the use of fees for "maintenance" of parks. A discussion followed regarding directing the City Attorney to revise the Residential Impact Fee ordinance to delete the word "maintenance", as defined as an allowable use in Chapter 4.17.050, with the City Council agreeing to delay any amendments to the ordinance until the broader discussion takes place regarding the open space and conservation element of the general plan.

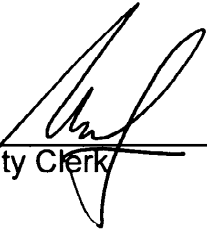
ADJOURNMENT

On order of the Mayor, the regular meeting of the City Council adjourned at 8:22 p.m.



Bill Bogaard, Mayor
City of Pasadena

ATTEST:



City Clerk