

CITY OF PASADENA
City Council Minutes
March 23, 2009 – 5:30 P.M.
City Hall Council Chamber

REGULAR MEETING

OPENING:

Mayor Bogaard called the regular meeting to order at 5:40 p.m.
(Absent: Councilmembers Gordo, Holden, Madison)

On order of the Mayor, the regular meeting recessed at 5:40 p.m., to discuss the following closed sessions:

Councilmember Holden arrived at 5:45 p.m.

CITY COUNCIL CONFERENCE WITH LABOR NEGOTIATORS pursuant to Government Code Section 54957.6

City Representatives: Karyn S. Ezell and Arthur Chavez
Employee Organizations: Pasadena Association of Clerical and Technical Employees, LIUNA Local 777; and certain unrepresented employees

Councilmember Gordo arrived at 5:54 p.m.

CITY COUNCIL CONFERENCE WITH REAL PROPERTY NEGOTIATORS pursuant to Government Code Section 54956.8

Property Locations: 30 S. Fair Oaks Avenue; 36 S. Fair Oaks Avenue; 42 S. Fair Oaks Avenue; 48 S. Fair Oaks Avenue; 55 S. Raymond Avenue
Agency Negotiator: Michael J. Beck
Negotiating Parties: Suk Ja Park; Young Suk Youn; Truc Thuy Nguyen; Chukiat Navasu; Richard DiGiorgio
Under Negotiation: Price and terms of payment

Councilmember Robinson was excused at 6:03 p.m.

CITY COUNCIL CONFERENCE WITH LABOR NEGOTIATORS pursuant to Government Code Section 54957.6

City Representatives: Karyn S. Ezell and Arthur Chavez
Employee Organizations: American Federation of State, County and Municipal Employees, Local 858; International Brotherhood of Electrical Workers, Local 18; International Union of Operating Engineers, Local 501; Pasadena Fire Fighters Association, Local 809; Pasadena Fire Management Association; Pasadena Management Association; Pasadena Police Officers Association; Pasadena Police Sergeants Association; Service Employees International Union, Local 347; and unrepresented employees

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

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

Case Name: Dumbacher, et al. v. City of Pasadena

Case No.: Los Angeles Superior Court Case No. BC382910

The above closed session item was not discussed.

On order of the Mayor, the regular meeting reconvened at 7:03 p.m. The Pledge of Allegiance was led by Councilmember McAustin.

ROLL CALL:

Councilmembers:

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

Staff:

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

CEREMONIAL MATTERS

Fred Alcantar, Pasadena Sister Cities Committee President, introduced Janine Leiss, an exchange student from Ludwigshafen, Germany (Sister City) who will spend six weeks as an intern at 55 KPAS, the City's public access channel. Ms. Leiss thanked the City for the opportunity offered by this internship and the hospitality provided by the Sister Cities program and the community.

The City Clerk administered the oath of office to Barry Gordon as member of the Pasadena Community Access Corporation Board.

Councilmember Robinson congratulated Jacques Sallberg, the men's winner of the inaugural Pasadena Marathon (District 1 resident and long-distance coach at John Muir High School). Mr. Sallberg commented on his experience in running the course and operations aspects of the Marathon, and encouraged the City to use this event to build on bringing the community together.

Israel Estrada, Pasadena Forward Executive Director (Marathon organizer), thanked various people and organizations who assisted in making the Pasadena Marathon a success: Police Department, Fire Department, Department of Transportation, Mia Dunn (Pasadena Forward Operations Manager), sponsors, donors, volunteers, and participants.

Mr. Estrada indicated he would begin working with City staff on scheduling and improving the next marathon.

Councilmember McAustin reported on the "Save Your Home from Foreclosure Workshop" that was held on March 21, 2009, with 336 registered participants (approximately 19% were Pasadena residents) resulting in 366 lender-consulting appointments; and praised City staff for their efforts in planning and holding the workshop and the volunteers who assisted with the event.

Councilmember Gordo reported on a cleanup/park beautification event held at Washington Park on March 21, 2009, with the help of the Walden School and neighbors of the park; and thanked City staff for their assistance and the Pasadena firefighters for cooking hot dogs for the event.

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

William Hawkins, California General Bank, N.A. (CBG), President and Chief Executive Officer, invited the Council and community to the Bank's Grand Opening Celebration to be held on March 25, 2009, at its location at 2700 E. Foothill Boulevard; provided invitations to the Council; and described the financial services offered by CBG.

Pastor Anthony Kim, New Direction Church, described various alleged code violations and slumlord conditions in the commercial space the Church is leasing, along with alleged illegal actions taken by the building owner in voiding the Church's lease; and asked for the City's assistance in this matter.

The Mayor indicated that staff would contact Pastor Kim regarding the matter.

Mary Donnelly-Crocker, Young and Healthy Executive Director, thanked various volunteers who participated in activities related to the Pasadena Marathon that helped in raising funds for Young and Healthy and the other nonprofit organizations who benefited from the event.

**RECOMMENDATIONS FROM
OFFICERS AND
DEPARTMENTS**

CONSIDERATION OF A CALL FOR REVIEW OF A HEARING OFFICER DECISION TO THE BOARD OF ZONING APPEALS REGARDING REVOCATION/MODIFICATION OF CONDITIONAL USE PERMIT NO. 2051 FOR FULL ALCOHOL SALES FOR AN EXISTING RESTAURANT (VIVE) AND CONDITIONAL USE PERMIT NO. 2421 (WHICH INCLUDES MINOR CONDITIONAL USE PERMIT NO. 2863) FOR LIVE ENTERTAINMENT AND DANCING FOR AN EXISTING RESTAURANT (VIVE) AT 61 NORTH RAYMOND AVENUE (Councilmember Madison)

Councilmember Madison requested that this item be held for two weeks to allow time for further discussion between the staff and applicant.

The City Attorney confirmed that the applicant had submitted written agreement to an extension of the above consideration.

On order of the Mayor, the above matter was continued to the Council meeting of April 6, 2009.

APPOINTMENT OF RUTH COCHRAN STRICK TO THE ARTS AND CULTURE COMMISSION (District 5 Nomination)

It was moved by Vice Mayor Haderlein, seconded by Councilmember Robinson, to approve the above appointment. (Motion unanimously carried) (Absent: None)

RECOMMENDATION FROM COUNCIL AD HOC SUBCOMMITTEE REGARDING NOMINATIONS TO THE GENERAL PLAN UPDATE ADVISORY COMMITTEE

Vice Mayor Haderlein, Council Ad Hoc Subcommittee member, reviewed the Subcommittee's nominations based on the applications that had been received for membership on the General Plan Update Advisory Committee (GPUAC); and suggested that if Council was not comfortable with the Subcommittee's nominations/applications, that an alternative process be used that would follow Council's usual practice of each Councilmember and the Mayor providing the name of an appointee, with a GPUAC member to also be chosen to represent the Chamber of Commerce and Pasadena Unified School District (PUSD).

Richard Bruckner, Director of Planning and Development Department, clarified the GPUAC's charge.

Discussion followed on the nominations that had been submitted, options for an alternative process, and consideration to be given in providing diversity in representing various stakeholder groups on the GPUAC.

Councilmember Madison expressed concerns regarding any alternative process using political appointments to the Committee.

Councilmember Robinson suggested that any alternative process consider only those persons who had submitted applications during the initial nomination process.

Richard McDonald, Planning Commission Vice Chair, urged Council to select GPUAC appointees from the existing City Commission structure.

Vice Mayor Haderlein suggested alternate appointees to the GPUAC also be appointed, in the event that the primary appointee is not able to attend a meeting.

Following discussion, it was moved by Councilmember McAustin, seconded by Councilmember Holden, to continue this matter for 1 week, to allow time for each Councilmember to select and submit an appointee and the Mayor to select and submit 2 appointees to the General Plan Update Advisory Committee (GPUAC), with the Councilmembers and Mayor to also select and submit alternate appointees, in the event that the primary appointee is not available to attend a meeting; with 1 representative from the Chamber of Commerce and 1 representative from the Pasadena Unified School District to be included in the GPUAC, for a total of 11 members on the Committee. (Motion unanimously carried) (Absent: None)

CONSENT CALENDAR

Councilmember Madison was excused at 8:20 p.m.

AUTHORIZE THE CITY MANAGER TO AMEND THE TERM OF CONTRACT NO. 19,579 WITH CIVILTEC ENGINEERING INC., FOR THE DESIGN AND CONSTRUCTION MANAGEMENT OF A WATER DISINFECTION FACILITY AT WINDSOR RESERVOIR FOR THE WATER AND POWER DEPARTMENT

Recommendation of City Manager: Authorize the City Manager to amend the term of Contract No. 19,579 with Civiltec Engineering Inc. (Civiltec), for the design and construction management of a disinfection facility at Windsor Reservoir for the Water and Power Department, by increasing the contract amount by \$46,289 for a not to exceed contract amount of \$236,289, and to extend the contract to December 31, 2010. Competitive bidding is not required, pursuant to Pasadena Municipal Code Section 4.08.049(B), contracts for which the City's best interests are served. (Contract Amendment No. 19,579-1)

TRANSFER OF SURPLUS VEHICLE EQUIPMENT

Recommendation of City Manager:

- (1) Authorize the transfer of a surplus ambulance (Equipment No. 1097) to Glendale Community College; and
- (2) Recognize that a public purpose is served by exempting the proposed transfer from the provisions of the Surplus Equipment and Goods Ordinance, Pasadena Municipal Code Section 4.04, pursuant to Section 4.04.080.

AUTHORIZE THE CITY MANAGER TO ISSUE A PURCHASE ORDER TO GEOSCIENCE SUPPORT SERVICES INC., FOR \$200,000 FOR CONSULTING SERVICES RELATED TO DETERMINING THE SOURCE OF PERCHLORATE CONTAMINATION OF THE CITY'S SUNSET WELLS

Recommendation of City Manager:

- (1) Authorize the City Manager to issue a purchase order (PO) to Geoscience Support Services Inc. (Geoscience), for

\$200,000 for engineering consulting services related to the investigation of the source of perchlorate contamination of the City's Sunset Wells.

(2) Grant the proposed purchase order 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. Competitive bidding is not required, pursuant to City Charter Section 1002(F), professional or unique services.

AUTHORIZATION TO ENTER INTO A PURCHASE ORDER CONTRACT WITH CALIFORNIA SEAGRAVE, FOR PURCHASE OF ONE REPLACEMENT 2009 TRACTOR DRAWN AERIAL TRUCK FOR A TOTAL OF \$1,004,817

Recommendation of City Manager:

(1) Authorize the issuance of a purchase order to California Seagrave, in an amount not to exceed \$1,004,817 for the purchase of one replacement Tractor Drawn Aerial Truck; and

(2) Grant the proposed purchase order an exemption from competitive bidding, pursuant to City Charter Section 1002(H), contracts with other governmental entities or their contractors for labor, materials, supplies, or services.

AMENDMENT TO CONTRACT NO. 19,410 WITH GAS EQUIPMENT SYSTEMS, INC., FOR LABOR AND MATERIALS FOR CONSTRUCTION OF A COMPRESSED NATURAL GAS (CNG) FUELING STATION TO INCREASE THE TOTAL NOT TO EXCEED AMOUNT BY \$45,000 FROM \$886,396 TO \$931,396

Recommendation of City Manager:

(1) Amend Contract No. 19,410 with Gas Equipment Systems, Inc., to increase the contract by \$45,000 for a total not to exceed amount of \$931,396 for additional scope of work as part of the Compressed Natural Gas Fueling Station construction at the City Yards; and

(2) Find that Contract No. 19,410 was found to be exempt from the California Environmental Quality Act by the Council on July 23, 2007, and that the amendment proposed herein does not rise to the level of changed circumstances or new information which would require further environmental review. (Contract Amendment No. 19,410-1)

MINUTES APPROVED

February 9, 2009
February 16, 2009

CLAIMS RECEIVED AND FILED

Claim No. 10,824	Marco Malfitano	2,051.29
Claim No. 10,825	Roger L. Gordon, Attorney for Swarooparani Valluripalli and Naga Bhushanan Valluripalli	25,000.00+
Claim No. 10,826	Ronald A. Stoffers	196.00

Claim No. 10,827	County of Los Angeles and Los Angeles County Flood Control District	25,000.00+
Claim No. 10,828	Christina Olivas	7,500.00

PUBLIC HEARING SET

April 27, 2009, 7:30 p.m. - Amendments to the General Fee Schedule for Fiscal Year 2010

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

PUBLIC HEARING

MASTER DEVELOPMENT PLAN AMENDMENT FOR PASADENA CHRISTIAN SCHOOL AT 1515 NORTH LOS ROBLES AVENUE AND GENERAL PLAN AMENDMENT AND ZONE CHANGE AT 1472 NORTH GARFIELD AVENUE
Recommendation of City Manager: It is recommended that following a public hearing, the City Council:

- (1) Adopt the Revised Initial Environmental Study, Mitigated Negative Declaration, and Mitigation Monitoring Program (Attachments 2 and 3 of the agenda report);
- (2) Adopt by resolution the Specific Findings for the amendment of the General Plan Land Use designation from Medium Density Residential (0-16 units/acre) to Institutional for the parcel located at 1472 North Garfield Avenue, and approve the proposed General Plan Amendment, and adopt by resolution the Specific Findings for the Master Development Plan Amendment and approve the proposed Master Development Plan Amendment with the Conditions of Approval (Exhibit B of the resolution);
- (3) Find that the proposed zone change from RM-16 (Multi-Family Residential, 16 units/acre) to PS (Public and Semi-Public) is consistent with the purposes of Chapter 17.26 (PS, Public and Sem-Public District) of the Zoning Code, and approve the Zone Change;
- (4) Find that the remaining sites identified in the adopted 2000-2005 Housing Element are adequate to accommodate the City's share of the regional housing need for the planning period, pursuant to Government Section 65584 (Attachment 4 of the agenda report);
- (5) Find that the proposed removal of two protected trees and five non-protected trees are consistent with the criteria provided in the City's Tree Protection Ordinance, as discussed in the body of the agenda report (Attachment 4 of the agenda report), and approve the tree removal requests;
- (6) Direct the City Attorney to prepare an ordinance amending the official zoning map of the City of Pasadena within 30 days; and
- (7) Direct the City Clerk to file a Notice of Determination (Attachment 5 of the agenda report) in accordance with Section 15075 of the State of California Environmental Quality

Act (CEQA) Guidelines with the Los Angeles County Recorder.
(Resolution No. 8929)

Recommendation of Planning Commission: On March 11, 2009, the Planning Commission reviewed and recommended approval of the Master Development Plan Amendment at 1515 N. Los Robles Avenue and General Plan Amendment and Zone Change for 1472 N. Garfield Avenue. The Commission recommended revision to Conditions of Approval, No. 1, No. 9, No. 16, No. 17, No. 21, No. 22, No. 24, No. 27, and No. 41 (Exhibit B of the resolution). Generally, the proposed changes further addressed parking and traffic concerns expressed by neighbors at the Commission hearing.

Staff concurs with the revisions and they are shown in bold and italic in the attached Conditions of Approval, with the exception of Condition No. 27. Under this condition, the Commission recommended that the TDM plan be submitted and approved prior to the first building permit for the Junior High building. Staff recommends that the TDM plan be submitted concurrent with the building permit for the construction of the Junior High building, but the approval of such plan be required prior to the issuance of a Certificate of Occupancy. This would provide the applicant with the time necessary to work with the neighbors and the Department of Transportation in preparing a plan that effectively addresses the traffic generated by the school activities.

Recommendation of Design Commission: On March 9, 2009, the Design Commission reviewed the proposed Master Development Plan Amendment and recommended approval of the Master Development Plan Amendment.

Recommendation of Historic Preservation Commission: On March 2, 2009, the Historic Preservation Commission reviewed the Master Plan amendment and recommended approval of the Plan with the following recommendations: 1) Requested more research by the staff to identify the date of construction of the rear addition to the building at 1533 N. Los Robles Avenue (to determine if the rear wing is original or an addition); 2) Supported dismantling of the porte-cochère on the south elevation of the building at 1533 N. Los Robles Avenue to accommodate reconfiguration of the parking area and access off Los Robles Avenue; 3) Requested the addition of landscaping and other features shall be added to screen the driveway and the parking lot on Los Robles Avenue from public view; 4) Suggested correcting the response in the Initial Study about the rear wing at 1533 N. Los Robles Avenue and omitting the reference of using the porte-cochère for a monument sign; 5) Approved removal of the rear wing of the building at 1533 N. Los Robles Avenue only if alternatives are first explored; and 6) In the event of the removal of the rear wing, re-use portions of the existing fabric (e.g., windows, window frames, shingles) in the reconstruction of the rear wall (the design of which should be consistent with the Secretary of the Interior's Standards for Rehabilitation and the Illustrated

Guidelines for Rehabilitating Historic Buildings). The Commission's recommendations are incorporated in the proposed Conditions of Approval Nos. 16-18).

Recommendation of Northwest Commission: On February 26, 2009, the Northwest Commission reviewed and recommended approval of the proposed Master Plan amendment and supported the use of the First Source Hiring Ordinance to hire local labor.

The Mayor opened the public hearing.

The City Clerk reported 97 copies of the notice of public hearing were posted on March 6, 2009; 176 copies of the notice were mailed on March 6, 2009; and 1 letter expressing concerns was received.

Lanny Woo, Associate Planner, reviewed the agenda report as part of a PowerPoint presentation.

Richard Bruckner, Director of Planning and Development Department, clarified the timing for the applicant to submit the Traffic Demand Management Plan (TDM) for approval, and responded to questions regarding the Master Development Plan Amendment and related proposed changes. In response to Councilmember McAustin's question, Mr Bruckner indicated staff would provide information on the timing for the traffic signal installation at the corner of Garfield Avenue and Washington Boulevard.

The following persons spoke in support of the Master Development Plan Amendment:

Dr. Steven Gray, Pasadena Christian School Headmaster
Jeff Kalban, applicant's architect
Pastor Lucius W. Smith, Pasadena resident
Carol Potter, Pasadena resident
Steve Wesson, Pasadena resident
Bill Flinn, Pasadena resident
David Gooler, Monk's Hill Neighborhood Association
representative
Richard Chinen, Pasadena resident

The following persons expressed opposition to and/or expressed concerns regarding the Master Development Plan Amendment:

Dale Trader, Normandie Heights Neighborhood
Association member speaking as an individual
Daphne Ikner, Pasadena resident

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

Following discussion, it was moved by Councilmember Robinson, seconded by Councilmember Holden, to approve the City Manager's recommendation, as amended to require that the traffic plans (Traffic Management Plan and Traffic Demand Management Plan) be submitted and approved prior to the issuance of the Certificate of Occupancy. (Motion unanimously carried) (Absent: Councilmember Madison)

OLD BUSINESS

TEMPORARY SUSPENSION OF THE REMOVAL OF HEALTHY PUBLIC TREES

Recommendation of City Manager:

(1) Temporarily suspend the removal of all healthy public trees, for a period of four months from March 24, 2009, to allow staff to complete a review of all streetscape and specific plans for consistency with the Master Street Tree Plan and City Environmental Plans;

(2) Exclude from this four month suspension period:

- 1) Dead or dying trees; trees that pose an immediate public health or safety hazard (emergency removals), whereby the City Manager will authorize the removal and provide notice to the City Council within 24 hours of the removal;
- 2) Trees posing a visibility hazard to traffic signals or traffic signage where pruning of such trees is not a feasible solution; and
- 3) Individual trees where the removal requests have been previously reviewed by the Urban Forestry Advisory Committee (UFAC) and received the concurrence for removal (a list of these trees is attached in Exhibit A to the agenda report);

(3) During this suspension, all public trees that are identified for removal and not included in the exceptions above shall be reviewed by the UFAC. This includes public improvement projects for which Council has approved in concept and are currently in the design phase (these projects are attached in Exhibit B of the agenda report). As these projects move forward during the suspension period and UFAC does not recommend removal and staff finds the removal necessary, these recommendations will be forwarded to the City Council for consideration; and

(4) Direct the City Manager to move forward with the implementation of the Playhouse District Streetscapes, Walkways and Alleys Plan as it relates to the planting, as identified in the 1996 approved plan (identified in Exhibit C of the agenda report) and approved by City Council on January 12, 2009.

The City Manager introduced the agenda item.

Kathy Woods, Parks and Natural Resources Administrator, reviewed the agenda report as part of a PowerPoint presentation, and responded to questions.

Martin Pastucha, Director of Public Works Department, responded to questions regarding the scope of the tree review that was conducted by staff and the further reviews to be conducted, criteria to be used for tree selections, and aspects of the proposed temporary suspension of the removal of healthy public trees.

The following persons spoke in opposition to the moratorium/suspension of the removal of healthy trees and/or in support of moving forward with the implementation of the Playhouse District and other business district plans:

Paul Little, Chamber of Commerce President and Chief Executive Officer
Rhonda Bennett, South Lake Business Association President, submitted informational materials and photos.
Cy Carlberg, arborist/consultant and former member of the Urban Forestry Advisory Committee (UFAC) speaking as an individual
Erlinda Romo, Playhouse District Association Executive Director, submitted photos.
Michael Seel, Boston Court Performing Arts Center Executive Director
Nancy Nelson, Pasadena resident
James Plotkin, Pasadena resident
Mark Nay, Pasadena resident
Paul Jacoy, Playhouse District Association President
Caroline Cotten, Pasadena resident
Carla Walecka, Playhouse District Association Vice President

The following persons spoke in support of a moratorium/suspension of the removal of healthy trees:

Arthur Holt, Pasadena resident
Kathy Mahony, Pasadena resident
Branislav Kecman, Pasadena resident
Lori Paul, Pasadena resident
Bette Cooper, Pasadena Beautiful Foundation President
Joan Chin, Sunset Oaks Neighborhood Association member
Nina Chomsky, Pasadena resident
Christle Balvin, Pasadena resident
Phoebe Wilson, Pasadena resident

Discussion followed on the need for a shade canopy in the business districts, the criteria to be used in tree selection, the timeframe for the various reviews and planting of new trees, a component that would involve the UFAC and the public in the reviews, and the scope and timeframe of the suspension/moratorium.

Councilmember Tyler suggested that criteria for selecting new trees should include the cost of maintaining the trees and enhancement of the shade canopy; that a review of the Master Street Tree Plan be conducted for all of the major streets in the business districts or streets that have considerable commercial activity (to include the Playhouse District); that the UFAC and public take part in the Master Street Tree Plan review; that the City's policy on tree removals be reviewed and clarified to ensure consistent implementation of the tree protection ordinance by staff and the UFAC; and that the role of UFAC be reviewed.

Councilmember McAustin asked staff to provide information on the criteria and process for tree removals related to development/building projects.

The City Manager discussed the review/suspension process, and responded to questions.

Following discussion, it was moved by Councilmember Tyler, seconded by Councilmember Austin to approve the City Manager's recommendation, with the following amendments:

- Recommendation No. (4) "~~Direct the City Manager to move forward with~~ suspend for the next four months the implementation of the Playhouse District Streetscapes, Walkways and Alleys Plan as it relates to the planting, as identified in the 1996 approved plan (identified in Exhibit C of the agenda report), to defer the planting of the fan palms and qingkos on Colorado Boulevard as ~~and approved by City Council on January 12, 2009.~~"
- Recommendation No. (1) "Temporarily suspend the removal of all healthy public trees, for a period of four months from March 24, 2009, to allow staff and the Urban Forestry Advisory Committee (UFAC) to complete a review of all streetscape and specific plans for consistency with the Master Street Tree Plan and City Environmental Plans."
- Recommendation No. (2), Item 2, "Trees posing a ~~visibility hazard to~~ safety hazard due to limited visibility for traffic signals or traffic signage where pruning of such trees is not a feasible solution."

- in Phase I, the review of the Master Street Tree Plan to focus on the major streets that have at least some commercial storefront/office activity, with particular attention to the City's three Business Districts, the entire length of Colorado Boulevard, and the entire length of Lake Avenue
- criteria for tree selection: enhance tree canopy, drought tolerant, cost to maintain tree, tree maintenance issues, shady canopy in public right-of-way, CO₂ absorption, storm water runoff reduction, etc.
- the UFAC, the public, and stakeholders to participate in the review process, with outside consultants used, as necessary:

AYES: Councilmembers Holden, McAustin, Tyler, Vice Mayor Haderlein

NOES: Councilmembers Gordo, Robinson

ABSTAIN: Mayor Bogaard

ABSENT: Councilmember Madison

(Motion failed)

It was moved by Vice Mayor Haderlein, seconded by Councilmember Gordo, to approve the City Manager's Recommendation Nos. 1, 2, and 3, as amended in the above failed motion:

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

NOES: None

ABSENT: Councilmember Madison

It was moved by Councilmember Robinson, seconded by Councilmember Gordo, to approve the City Manager's Recommendation No. 4, as stated in the agenda report:

AYES: Councilmembers Gordo, Robinson

NOES: Councilmembers Holden, McAustin, Tyler, Vice Mayor Haderlein

ABSTAIN: Mayor Bogaard

ABSENT: Councilmember Madison

(Motion failed)

In response to Councilmember Gordo's questions, the City Manager and Mr. Pastucha reported that the approved contract for the Playhouse District tree planting was to be rescinded because the contractor was unable to perform the scope of work, with this work to instead be performed by either a new contractor or City staff. The City Manager indicated that the Playhouse District streetscape tree plan had received 8 actions by Council in the past 13 years.

Following discussion, it was moved by Councilmember Holden, seconded by Councilmember McAustin, with regard to the Playhouse District, to direct staff and the Urban Forestry Advisory Committee to engage the community and stakeholders in public meetings, and to return to Council, within six to nine months, with recommendations for alternative trees to be planted in the Playhouse District:

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

NOES: Councilmember Gordo

ABSENT: Councilmember Madison

Mr. Pastucha responded to questions regarding the previously-approved tree planting project for trees on north/south streets in the Playhouse District, and mitigation steps to be taken regarding the damaged sidewalks and tree wells on Colorado Boulevard.

Following discussion, the Mayor clarified that the tree planting contract for the north/south streets in the Playhouse District would move forward and not be affected by Council's actions above.

CONTRACT AWARD TO MANUEL BROTHERS, INC., A QUANTA SERVICES COMPANY, FOR THE INSTALLATION OF THE METRO RAPID BUS TRANSIT PRIORITY SYSTEM ON COLORADO BOULEVARD FROM THE WEST CITY LIMIT TO HILL AVENUE, FOR AN AMOUNT NOT TO EXCEED \$455,000

Recommendation of City Manager:

(1) Acknowledge the project to be categorically exempt under Section 21084 of the California Environmental Quality Act (CEQA), in accordance with Article 19, Section 15301 (Class 1), subsection (c) of the Resources Agency of California Guidelines (Minor Alterations Involving Negligible Expansion of Use Beyond That Previously Existing), 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; and

(2) Accept the bid dated January 28, 2009, submitted by Manuel Brothers, Inc., a Quanta Services Company, in response to the Specifications for the Installation of the Metro Rapid Bus Transit Priority System on Colorado Boulevard from the West City Limit to Hill Avenue, reject all other bids received, and authorize the City Manager to enter into such contract as is required, for an amount not to exceed \$455,000. (Contract No. 19,873)

Barbara Gadbois, Esq., Gibbs, Giden, Locher & Turner LLP (special counsel for the City), reviewed the legal issues outlined in her memorandum to the City Attorney dated

March 19, 2009, regarding the use of apprentices as provided in the proposed contract and as required by law; discussed issues involved with the inability of non-signatory nonunion contractors to get apprentices dispatched to a project; and responded to questions.

Steve Wright, Assistant City Engineer, responded to questions regarding the proposed contractor's compliance with provisions in a prior contract with the City, and provisions in the proposed contract.

Martin Pastucha, Director of Public Works Department, responded to questions regarding the apprenticeship program provisions under the contract.

The City Attorney noted that staff was recommending that Council direct staff (for future contracts) to make revisions to contract specifications to ensure greater use of apprentices within all trades or crafts, with the emphasis on local hiring, and with staff to present an update on these revisions to the City Council through the Economic Development and Technology Committee in three months, with draft recommendations in six months; and responded to questions.

Discussion followed on legal issues related to enforcing compliance with apprenticeship provisions under the proposed contract, the proposed contractor's work history in the use of apprentices, legal implications of rejecting the bid, options to ensure that apprenticeship programs are implemented in future contracts, and an option to rebid the project.

Councilmember Gordo expressed concerns regarding the proposed contractor's alleged work history of failing to use electrical apprentices and the level of the contractor's intent in complying with contract provisions involving apprenticeship program requirements, and suggested that the City take steps to ensure that the City's policy to promote apprenticeship programs in City contracts is achieved in future contracts.

The following persons spoke in support of the proposed contract:

Jeffrey S. Hurst, legal counsel for Manuel Brothers, Inc.
Joe Meidl, Manuel Brothers, Inc. Division Manager

The following persons spoke in opposition to the proposed contract:

Patrick Owens, International Brotherhood of Electrical Workers (IBEW), Local 11 representative
Kim Craft, IBEW, Local 11 representative

Following discussion, it was moved by Vice Mayor Haderlein, seconded by Councilmember Tyler, to approve the City Manager's recommendation; and in addition, to direct staff to make revisions to future contract specifications to ensure greater use of apprentices within all trades or crafts, with the emphasis on local hiring, training, and safety; and with staff to present an update on these revisions to the City Council through the Economic Development and Technology Committee in three months, with draft recommendations in six months that will develop a policy that is as strong as possible to achieve the goals of the apprenticeship program and will outline cost implications and budget impacts. (Motion carried, with Councilmember Gordo objecting) (Absent: Councilmember Madison)

Councilmember Robinson suggested that, in the future, staff present projects involving deadlines to the Council at least one month prior to the grant deadline, whenever possible, to allow adequate time for Council to fully vet the options for action.

RECOMMENDATIONS FROM OFFICERS AND DEPARTMENTS

CANVASS OF THE MARCH 10, 2009 CONSOLIDATED PRIMARY NOMINATING ELECTION

Recommendation of City Clerk:

- (1) Accept the Certificate of Canvass.
- (2) Adopt a resolution declaring:
 - (a) The following persons, receiving a majority of the votes cast, are re-elected to the following offices:

Chris Holden	Member of the City Council, District 3
Victor M. Gordo	Member of the City Council, District 5
 - (b) In District 7, the following two candidates received the highest number of votes at the primary nominating election, and their names shall be placed on the ballot at the general municipal election on April 21, 2009:

Terry Tornek	936 votes (47.1%)	District 7
Margaret York	540 votes (27.2%)	District 7

(Resolution No. 8930)

The City Clerk summarized the agenda report as part of a PowerPoint presentation.

Councilmember McAustin congratulated Mark Jomsky on the smooth running of his first election cycle as City Clerk.

The City Clerk recognized the work performed by the City Clerk Office's staff.

The Mayor congratulated Councilmembers Gordo and Holden on their re-election.

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

**ORDINANCE – FIRST
READING**

Conduct first reading of “AN ORDINANCE OF THE CITY OF PASADENA AMENDING SECTION 3.32.300(C) OF THE PASADENA MUNICIPAL CODE REQUIRING CLEAN AIR NON-DIESEL BUSES FOR SHUTTLE SERVICES”

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

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

NOES: None

ABSENT: Councilmember Madison

COUNCIL COMMENTS

Councilmember Robinson indicated that she had been informed that the Pasadena Municipal Code (PMC) chapter on the Commission on the Status of Women was due to expire, and asked that extension of this chapter be called for consideration by the City Council.

The City Attorney noted that the PMC chapter on the Commission on the Status of Women would expire on June 30, 2010; and that an ordinance to extend the expiration date or to delete the expiration date would be scheduled for Council's consideration prior to June 2010.

The Mayor asked staff to provide Council with information on the City's website update project.

The City Manager indicated that information on several website concepts that had been developed and a mechanism to elicit feedback from the Council and the community on the various proposed changes would be provided in his weekly informational letter to Council.

PUBLIC COMMENT
(Continued)

Kim Craft, IBEW, Local 11 representative, expressed support for Council's directions to staff to develop a strong policy for the apprenticeship program that will ensure a greater use of apprentices in future City contracts.

ADJOURNMENT

On order of the Mayor, the regular meeting of the City Council adjourned at 12:46 a.m., March 24, 2009.



Bill Bogaard, Mayor
City of Pasadena

ATTEST:



City Clerk