

CITY OF PASADENA
City Council Minutes
October 15, 2001 - 5:30 P.M.
City Hall Council Chamber

REGULAR MEETING

OPENING:

On order of the Mayor, the regular meeting of the City Council was called to order at 6:41 p.m.

The Pledge of Allegiance was led by Councilmember Madison

ROLL CALL:

Councilmembers:

Mayor Bill Bogaard
Vice Mayor Paul Little
Councilmember Victor Gordo
Councilmember Steve Haderlein
Councilmember Chris Holden
Councilmember Steve Madison
Councilmember Joyce Streater
Councilmember Sidney F. Tyler, Jr.

Staff:

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

CEREMONIAL MATTERS

The City Clerk administered the oath of office to Anne Hardy as member of the Commission on the Status of Women Board.

PRESENTATIONS BY SENATOR JACK SCOTT:

- PUBLIC POWER
- REFLECTIONS ON THE STATE OF CALIFORNIA

Senator Jack Scott provided an overview of the State economy, discussed the energy crisis, and reported on funding as it relates to local government and Pasadena. He presented a proclamation to Ms. Phyllis Currie, General Manager of the Pasadena Water and Power Department declaring October 7 - 15, 2001 as Public Power Week.

Ms. Currie accepted the proclamation on behalf of the Pasadena Water and Power Department and acknowledged her staff.

The Council thanked Senator Scott for his presentation, and inquired concerning possible State funding limitations to the municipalities and local government, possible funding or programs that may be available from the State for improvements to Robinson Park, and whether or not there was a State committee for telecommunication and cable issues.

Senator Scott indicated that he did not foresee any impacts to the City of Pasadena. He stated that there were more representatives coming out of local governments that were sensitive to the struggles of local government and they had been leading the way in limiting reductions. He further emphasized the need for Council to vigilantly express its concerns to its legislatures.

In addition, he informed the Council that in 2002, there would be an upcoming \$2.6 billion park bond measure on the ballot which would include urban parks. He stressed to Council to provide a breakdown of what was desired to his office and perhaps it could be funded, if the park bond measure was passed. He further indicated that he previously had introduced a bill concerning cable increases and he may attempt introducing the bill once again, but it would need to be carefully developed.

PUBLIC COMMENT

MS. BETTY SHANKLIN, PASADENA RESIDENT, REGARDING AN EASEMENT LOCATED AT 1837 NORTH ARROYO BOULEVARD

Ms. Shanklin expressed her opposition concerning a recent easement at a residential structure.

The Mayor indicated that he would request the City Manager to review the matter.

Mr. Tim Matthews, former Mayor and Councilmember, expressed concerns regarding the Blue Line project and requested the City Council reconsider its position concerning the Blue Line at grade.

Ms. Priscilla Flynn, Pasadena resident, spoke regarding her concerns with the high nets in the Arroyo and inquired concerning who was responsible for placement of the nets.

Councilmember Madison indicated that the net issue was reviewed by the Rose Bowl Operating Company and underwent the Capital Improvement process. He noted the nets were placed due to a safety issues and the height of the nets were according to the industry standards. He stated the aesthetic issues concerning the nets were currently being addressed.

Mr. Roy Begley, Pasadena resident, commented regarding nuclear power.

Mr. David Gooler, Pasadena resident, spoke concerning a recent experience in trying to obtain a permit waiver for an upcoming home rehabilitation event "Rebuilding Together*Pasadena" (formerly Christmas in April). He referenced an ordinance passed by City Council pertaining to the matter, and he suggested a clearer understanding of the process for both the public and staff.

Regarding the issue of a permit waiver, the City Manager stated that she would review the matter and conduct discussions with the City Attorney's Office. She noted that the fee process was modified approximately three years ago and her office would contact Mr. Gooler during the next business day.

Ms. Mary Sands, Pasadena resident, spoke in opposition to the expansion of Mayfield School, and expressed traffic concerns.

Councilmember Tyler apprised the Council of an "almost oak tree removal" located on South Hudson, adjacent to Macy's, and the removal of a large Ficus tree located at 507 South Lake. He stated that he believed the tree removal process and supervision needed to be reviewed to ensure that such incidents do not continue to occur. He further requested that consideration be given placing a moratorium on all removal of trees in the perimeter of the South Lake and Macy project area until the matters were clarified and addressed.

The City Manager indicated that she had just learned of the incident and that all work orders for the tree removals for the project area were being held until the matter was reviewed.

Vice Mayor Little reported that trees had been recently trimmed at the vacant lot of Hill and Corson, however, the tree remains had not been removed from the site. He requested staff require the owner to clean up the lot.

CONSENT CALENDAR

Item removed from the Consent Calendar for public comment

RESOLUTION TO SUSPEND SECTION 8 OF RESOLUTION NO. 7957 RELATING TO GENERAL HELICOPTER FILMING GUIDELINES FOR THE TELEVISION SERIES "PASADENA"

AUTHORIZATION TO ENTER INTO A CONTRACT WITH PERRY C. THOMAS CONSTRUCTION, INC., TO PROVIDE LABOR AND MATERIALS FOR WELL 59 PUMPING PLANT CONSTRUCTION FOR THE WATER AND POWER DEPARTMENT, SPECIFICATION WD-01-01

Recommendation of City Manager:

- (a) Accept the bid dated September 25, 2001 submitted by Perry C. Thomas Construction, Inc., in response to Specification WD-01-01 for providing labor and materials for Well 59 Pumping Plant Construction for Pasadena Water and Power;
- (b) Reject all other bids; and
- (c) Authorize a contract not to exceed \$641,987.00. (Contract No. 17,819)

Item removed from the Consent Calendar for public comment

AUTHORIZATION TO ENTER INTO A CONTRACT WITH SPINIELLO COMPANIES TO CLEAN AND CEMENT-MORTAR LINE CAST IRON WATER MAINS FOR THE PASADENA WATER AND POWER DEPARTMENT, SPECIFICATION WD-01-05

Item discussed separately at the request of Councilmember Tyler

Item removed from the Consent Calendar for public comment

MINUTES APPROVED

CONTRACT AWARD - TRAFFIC SIGNAL IMPROVEMENTS - PASEO COLORADO MITIGATION MEASURES FOR AN AMOUNT NOT TO EXCEED \$302,000.000

AUTHORIZATION TO ENTER INTO CONTRACTS FOR MAJOR INSPECTION AND OVERHAUL OF UNIT B-3 TURBINE-GENERATOR AT THE BROADWAY PLANT

May 7, 2001 (Special Joint Meeting)
May 8, 2001 (Special Joint Meeting)
May 14, 2001 (Special Joint Meeting)
May 21, 2001 (Special Joint Meeting)
June 5, 2001 (Special Joint Meeting)
June 11, 2001 (Special Joint Meeting)
June 25, 2001 (Special Joint Meeting)
July 9, 2001 (Special Joint Meeting)
July 23, 2001 (Special Joint Meeting)
July 30, 2001 (Special Joint Meeting)
August 13, 2001

CLAIMS RECEIVED AND FILED

Claim No. 8872	Louise Wilson	\$ 7,829.86
Claim No. 8873	Paul Newman and Beth Leitner	2,763.68
Claim No. 8874	Maria Robertson	Unknown
Claim No. 8875	Daniel Ross	500,000.00
Claim No. 8876	Marvin A. Petersen and Majorie F. Petersen	100.00
Claim No. 8877	Elaine C. Hernandez	3,642.92

PUBLIC HEARINGS SET

Mayor Bogaard was excused at 7:57 p.m. Vice Mayor Little assumed the Chair.

November 5, 2001, 8:00 p.m. - Tax Equity & Financial Responsibility Act (TEFRA) hearing on behalf of Huntington Memorial Hospital Trust for a proposed conduit financing for computers and related equipment.

November 5, 2001, 8:00 p.m. - To amend the zoning designation from Public/Semi-Public to Planned Development, restore eight existing bungalows and convert into 16 units, and construct an additional 29 units for a total of 45 dwelling units, and three subterranean parking garages located at 3 through 49 South Grand Avenue.

It was moved by Councilmember Tyler, seconded by Councilmember Madison, to approve the Consent Calendar, with the exception of Item 1 (Suspending Helicopter Filming Guidelines for Television Series "Pasadena"), Item 3 (Contract with Spiniello Companies), Item 4 (Contract Award to LA Signal, Inc.), and Item 5 (Contracts for Overhaul of Unit B-3 Turbine Generator), which items were removed for public comment or discussion. (Motion unanimously carried) (Absent: Mayor Bogaard)

**CONSENT CALENDAR
ITEMS DISCUSSED
SEPARATELY**

Mayor Bogaard returned at
8:00 p.m.

RESOLUTION TO SUSPEND SECTION 8 OF RESOLUTION NO. 7957 RELATING TO GENERAL HELICOPTER FILMING GUIDELINES FOR THE TELEVISION SERIES "PASADENA"
Recommendation of City Manager: Adopt a resolution to suspend the general helicopter filming guidelines in Resolution No. 7957 relating to aerial filming with a helicopter for the television series "Pasadena". (Resolution No. 8051)

Mr. Robert Wittry, Pasadena resident, spoke in support.

Councilmember Madison inquired if the public would be notified of the noise generated by the helicopters and requested staff get the word out to the public.

Ms. Ariel Penn, Film & Special Events Manager, indicated that there is a film calendar on the City's web site indicating the days and locations.

The City Manager also noted that she would send a press release and notify the neighborhood associations.

AUTHORIZATION TO ENTER INTO A CONTRACT WITH SPINIELLO COMPANIES TO CLEAN AND CEMENT-MORTAR LINE CAST IRON WATER MAINS FOR THE PASADENA WATER AND POWER DEPARTMENT, SPECIFICATION WD-01-05

Recommendation of City Manager:

- (a) Accept the bid dated September 24, 2001 submitted by Spiniello Companies in response to Specification WD-01-05 for providing labor and materials to clean and cement-mortar line cast iron water mains in place;
- (b) Reject all other bids; and
- (c) Authorize a contract for an amount not to exceed \$450,737.00. (Contract No. 17,817)

Mr. Robert Wittry, Pasadena resident, spoke in support.

AUTHORIZATION TO ENTER INTO CONTRACTS FOR MAJOR INSPECTION AND OVERHAUL OF UNIT B-3 TURBINE-GENERATOR AT THE BROADWAY PLANT

Recommendation of City Manager:

- (a) Authorize a contract with Irwin Industries, Inc. for providing field-service personnel for Unit B-3 turbine-generator overhaul at the Broadway Power Plant for an amount not to exceed \$270,000.00. The proposed contract is exempt from competitive bidding pursuant to City Charter Section 1002(F), contracts for professional or unique services;
- (b) Authorize a contract with Siemens Westinghouse Power Corporation for furnishing turbine parts and providing a technical field adviser for Unit B-3 turbine-generator overhaul at the Broadway Power Plant for an amount not to exceed \$660,000.00.

The proposed contract is exempt from competitive bidding pursuant to City Charter Section 1002(F), contracts for professional or unique services; and

(c) Grant the contract with Siemens Westinghouse Power Corporation an exemption from Competitive Selection Process of the Affirmative Action in Contracting Ordinance, pursuant to Pasadena Municipal Code Subsection 4.09.060(c), contracts for which the City's best interests are served. (Contract No. 17,818; Contract No. 17,830)

Mr. Robert Wittry, Pasadena resident, spoke in support.

SWEEP MOTION

It was moved by Vice Mayor Little, seconded by Councilmember Tyler, to approve the above three items. (Motion unanimously carried) (Absent: None)

CONTRACT AWARD - TRAFFIC SIGNAL IMPROVEMENTS - PASEO COLORADO MITIGATION MEASURES FOR AN AMOUNT NOT TO EXCEED \$302,000.00

Recommendation of City Manager: Accept the bid dated October 3, 2001 submitted by LA Signal, Inc., in response to the specifications for the Traffic Signal Improvements - Paseo Colorado Mitigation Measures, reject all other bids received, and authorize the City Manager to enter into such contract as is required. (Contract No. 17,820)

Councilmember Tyler referenced the contractor LA Signal being considerably late on installing a signal located at Del Mar Boulevard and Arroyo Parkway and asked if the contract stated a penalty clause or timetable for completion of work.

Mr. Daniel Rix, City Engineer, indicated that the contract specified a timeframe for completion of a project and the project was scheduled to be completed in January.

It was moved by Councilmember Tyler, seconded by Councilmember Madison, to approve the above item. (Motion unanimously carried) (Absent: None)

RECOMMENDATIONS FROM OFFICERS AND DEPARTMENTS

FUNDING REQUEST FROM PASADENA CENTER TRUST FUND FOR REPAIRS TO PASADENA CIVIC AUDITORIUM

Recommendation of Pasadena Center Operating Company: It is recommended that the City Council appropriate \$333,000.00 to the Pasadena Center Operating Company Deferred Maintenance and Capital Fund from the Pasadena Center Trust Fund. These Funds are to be used for exterior repairs to the Pasadena Civic Auditorium.

Mr. Roger Smith, Chief Executive Officer of the Pasadena Center, summarized the agenda report and responded to questions.

**REPORTS AND
COMMENTS FROM
COUNCIL COMMITTEES**

**PUBLIC SAFETY
COMMITTEE**

Vice Mayor Little requested that, in the future, these types of items go through the Economic Development Committee.

It was moved by Vice Mayor Little, seconded by Councilmember Madison, to approve the Pasadena Center Operating Company's recommendation. (Motion unanimously carried) (Absent: None)

TRUANCY PROSECUTION PROGRAM

Recommendation of City Attorney/City Prosecutor: It is recommended that the City Council approve a City Prosecutor program that will address truancy within the Pasadena Unified School District, specifically at the elementary level.

Ms. Michele Bagneris, City Attorney, introduced Ms. Connie Orozco as the Acting Chief Prosecutor and she noted that representatives from the School District were also in attendance.

Ms. Orozco provided an overview of the Truancy Program and responded to questions.

Mr. Erik Nasarenko, Director of Public Relations for the School District, provided a brief overview of the Truancy Program and indicated that the teachers and principals would be monitoring the students attendance. He also responded to questions concerning the School District's involvement in the Truancy Program.

Mr. Sterling Williams, Director of Student Services for the School District, responded to questions concerning the process in how the School District would handle absenteeism issues.

Vice Mayor Little stated that he would be interested in knowing what the impact of the Truancy Program was on the habitual trancies of students and whether or not the trancies have decreased at the end of the school year. In addition, he requested that the District provide a report back to Council pertaining to the impacts and if the program is successful or not.

Councilmember Streator indicated that she was in support of the work proposed by the City Attorney's Office. However, she considered the Truancy Program as the "Big Gun". She expressed concern regarding the follow-up process with parents and she emphasized that more than just a phone call was necessary for early prevention in working with students who were absent without valid reasons, particularly with 2nd and 3rd graders prior to it becoming a pattern in later school years. In addition, she would like to feel more comfortable with how the School District was going to help young students prior to utilizing the "Big Gun" and that the process for helping students become a standard within the School District.

Councilmember Tyler requested to receive a copy of the School District's written procedures that the on-site administrators would be following for the Truancy Program.

Ms. Orozco indicated that the Council could be provided three reports indicating the figures of improvements assuming that meetings occur with individual parents in November.

Ms. Bagneris suggested that a report be provided to Council in December 2001, February 2002, and June 2002 as to the progress of the Truancy Program. She noted that under the Education Code, after three unexcused absences in a school year, it gives a basis for interaction with the parents because they are subject to an infraction.

Councilmember Holden stated that he would be interested in knowing how the program in the PUSD compares to private schools and the way they handle truancy.

Councilmember Haderlein clarified that the Public Safety Committee agreed to receive reports back in December 2001 indicating the number of students in the program; February 2002 indicating the impacts and improvements to the students; and a final report in June or July 2002 regarding students who are still in the Truancy Program and the end result.

Following discussion, it was moved by Vice Mayor Little, seconded by Councilmember Madison, to approve the City Attorney/City Prosecutor's recommendation, with the addition that the School District report back to the community and City Council on the effectiveness of the Truancy Program at the end of the school year, and the year thereafter. (Motion unanimously carried) (Absent: None)

**RECOMMENDATIONS
FROM OFFICERS AND
DEPARTMENTS**

APPOINTMENT OF ANDRE HOULEMARDE TO THE HUMAN SERVICES COMMISSION

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

ADOPTION OF A RESOLUTION AMENDING THE SALARY RESOLUTION WITH REGARD TO THE CLASSES OF DIRECTOR OF PUBLIC WORKS & TRANSPORTATION AND DEPUTY DIRECTOR FOR TRANSPORTATION

Recommendation of City Manager:

(a) Adopt a resolution amending Exhibit 3.05 of the Salary Resolution to adjust the control rate for the classification of Director of Public Works & Transportation, and amending Exhibit 3.10 of the Salary Resolution to establish the classification and control rate for Deputy Director for Transportation; and

(b) Approve a journal voucher allocating funds from the Personnel Services Reserve and the respective unappropriated fund balances to the affected Public Works General Fund and non-General Fund budgets; and amend the Public Works FY 2002 Operating Budget to add one full time employee in the classification of Deputy Director for Transportation. (Resolution No. 8052)

It was moved by Councilmember Holden, seconded by Vice Mayor Little, to approve the City Manager's recommendation. (Motion unanimously approved) (Absent: None)

RECESS

On order of the Mayor, the regular meeting of the City Council recessed at 8:41 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 8:42 p.m. (Absent: None)

**ITEMS THAT AROSE
AFTER POSTING OF THE
AGENDA**

Councilmember Holden noted that an issue had arose after the preparation of the agenda, and there is a need to take actions before the upcoming Redistricting Task Force meeting. He stated that his appointment to the Redistricting Task Force, Mr. Joel Bryant, had to resign due to schedule conflicts, and he was prepared to nominate Mr. Jim DeBose to fill this seat.

It was moved by Councilmember Holden, seconded by Vice Mayor Little, to add a resignation and an appointment to the agenda regarding the Redistricting Task Force. (Motion unanimously carried) (Absent: None).

**RESIGNATION OF JOEL BRYANT FROM THE REDISTRICTING
TASK FORCE**

It was moved by Councilmember Holden, seconded by Vice Mayor Little, to accept the resignation with regret. (Motion unanimously carried) (Absent: None)

**APPOINTMENT OF JIM DeBOSE TO THE REDISTRICTING
TASK FORCE (District 3 Nomination)**

It was moved by Councilmember Holden, seconded by Vice Mayor Little, to appoint Mr. Jim DeBose to the Redistricting Task Force. (Motion unanimously carried) (Absent: None)

PUBLIC HEARING

**CONTINUED PUBLIC HEARING: APPEAL OF SUBDIVISION
COMMITTEE DECISION FOR 3202 EAST FOOTHILL
BOULEVARD**

Recommendation of City Manager:

(a) Confirm the following environmental determination: CEQA Guidelines Section 15270-Projects Which are Disapproved are not

subject to CEQA. Title 14 California Code of Regulations Chapter 3 Guidelines for Implementation of the California Environmental Quality Act (CEQA).

(b) Find that the proposed "High Volume Retailing" use is inconsistent with the Comprehensive General Plan and the adopted East Pasadena Specific Plan;

(c) Deny the project based on the findings contained in Attachment A of the agenda report.

Subdivision Committee Recommendation: On August 8, 2001, the Subdivision Committee recommended denial of the proposed subdivision at 3202 East Foothill Boulevard.

The Mayor opened the public hearing.

The City Clerk reported the notice of public hearing was published on September 3 and 14, 2001 in the Pasadena Star News, on September 13, 2001 the notice of public hearing was published in the Pasadena Journal; on August 28, 2001, 28 copies of the notice were posted and 36 copies of the notices were mailed. In addition, one letter had been received and distributed in opposition to the project and the appeal and one letter had been received and distributed in support of the project and the appeal.

Ms. Carol Hunt Hernandez, Planner, provided a summary of the agenda report and responded to questions.

Mr. William D. Ross, Attorney representing the Appellant, Space Bank Ltd., distributed a copy of Verified Petition for Writ of Mandamus and Administrative Mandamus in the case of Space Bank, Ltd v. City Council of Pasadena, et al. He summarized the legal issues raised for the appeal and spoke in support of the project.

The following people spoke in support of the appeal and the project:

Mr. Bob Oltman, Partner of Space Bank
Ms. Margaret Schubert, General Partner of Space Bank
Mr. Nat Read, Pasadena resident

The following people spoke in opposition to the appeal and the project:

Mr. Neil Barker, Attorney representing Lower Hastings Ranch Homeowners Association and Pasadena Residents for a Healthy Environment
Mr. Gil Galvin, President, Lower Hastings Ranch Homeowners Association and President
Mr. Greg Jones, representing Lower Hastings Ranch Association
Mr. Robert Wittry, Pasadena resident

Mr. William D. Ross provided rebuttal comments concerning the appeal and staff recommendation.

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

It was moved by Councilmember Haderlein, seconded by Vice Mayor Little, to approve the City Manager's recommendation and deny the Vesting Tentative Parcel Map based on the inconsistency with the General Plan and Specific Plan. (Motion unanimously carried) (Absent: None)

PUBLIC COMMENT
(CONTINUED)

Mr. Robert Wittry, Pasadena resident, expressed concern regarding access of transportation information for visitors and the availability of Old Town bus routes in Pasadena.

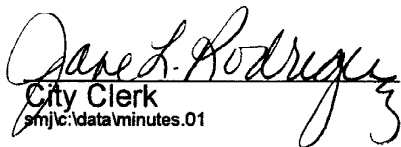
The Mayor indicated that he was sympathetic with the issues raised and that he would ask the City Manager to address them with staff.

On order of the Mayor, the regular meeting of the City Council adjourned at 10:08 p.m.



Bill Bogaard, Mayor
City of Pasadena

ATTEST:



City Clerk
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