

CITY OF PASADENA  
City Council Minutes  
April 22, 2002 - 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 Councilmembers Holden, 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  
REGARDING PENDING CIVIL LITIGATION pursuant to  
Government Code Section 54956.9(a)  
Name of Case: Naum Ware v. City of Pasadena, et al., Case No.  
BC253068**

Councilmember Holden  
arrived at 6:25 p.m.

**CITY COUNCIL CONFERENCE REGARDING PUBLIC  
EMPLOYEE PERFORMANCE EVALUATION pursuant to  
Government Code Section 54957  
Title: City Attorney**

The above closed sessions were discussed, with no reportable  
action.

On order of the Mayor, the regular meeting reconvened at 6:35 p.m.  
The Pledge of Allegiance was led by Mr. Robert Wittry.

**ROLL CALL:**

Councilmembers:

Mayor Bill Bogaard  
Vice Mayor Paul Little (Returned at 6:38 p.m.)  
Councilmember Victor Gordo  
Councilmember Steve Haderlein  
Councilmember Chris Holden (Returned at 6:57 p.m.)  
Councilmember Steve Madison (Arrived at 7:00 p.m.)  
Councilmember Joyce Streater  
Councilmember Sidney F. Tyler, Jr.

Staff:

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

**CEREMONIAL MATTERS**

The City Clerk administered the oath of office to Mr. Scott Ward as  
member of the Old Pasadena Parking Meter Zone Advisory  
Commission.

Vice Mayor Little returned at 6:38 p.m.

Mayor Bogaard proclaimed April 26, 2002 as "Children's Memorial Flag Day". Mr. John Hitchcock, Executive Director of Hillside Home for Children, accepted the proclamation.

Mayor Bogaard proclaimed April 27, 2002 as "Arbor Day". Ms. Renee Morgan Hampton, representing W.D. Edson and Banbury Oaks Neighborhood Associations, accepted the proclamation.

Mayor Bogaard recognized and presented a commendation to Ms. Renee Morgan Hampton for organizing Arbor Day events and for being an outstanding neighborhood leader.

Mayor Bogaard proclaimed April 24, 2002 as "A Day of Remembrance of the Armenian Genocide."

### PUBLIC COMMENT

Mr. Michael Burnes, Operations Manager of Mr. Rooter Plumbing, summarized and distributed copies of his letter dated March 8, 2002 addressed to Mr. Prentice Dadrack, Assistant City Manager. Mr. Burnes expressed concerns regarding the behavior of a City employee during a construction inspection and requested he receive a written response to his comments.

The matter was referred to the City Manager for a response.

Councilmember Streater indicated she would like to know how this issue is resolved.

Ms. Martha Annee Shenkenberg, Pasadena resident, distributed copies of her guidebook entitled "The Ultimate Insider's City Guide to Pasadena 2002."

Ms. Mildred Hawkins, Chair of the Senior Commission, expressed concern regarding the adequacy of emergency medical services due to the closure of St. Luke's Hospital.

Councilmember Holden returned at 6:57 p.m.

Mr. Robert Wittry, Pasadena resident, distributed a poem in Braille entitled "Do It Anyway". He also questioned why the Tree Ordinance was not on tonight's agenda.

Councilmember Tyler noted the ordinance was held at his request and was scheduled to be on next week's agenda.

Councilmember Madison arrived at 7:00 p.m.

Youth Lucas Woods and Andrew Osheroff spoke regarding the loss of the Pasadena Roving Archers Clubhouse and equipment in a fire. They requested Council allocate money to help restore the Clubhouse.

Following a brief discussion, the City Manager noted she would check into the lease agreement with the Roving Archers, and report to Council through her information letter.

**REPORTS AND  
COMMENTS FROM  
COUNCIL COMMITTEES**

**AUTHORIZATION TO ENTER INTO A CONTRACT WITH  
HARTFORD LIFE COMPANY TO PROVIDE DEFERRED  
COMPENSATION PLAN (IRS SECTION 457) INVESTMENT  
OPTIONS, RECORD KEEPING AND EDUCATION SERVICES**

**Recommendation of Deferred Compensation Oversight  
Committee:** Authorize the Deferred Compensation Plan  
Administrator to enter into a contract with Hartford Life Company, for  
a period of five years, with an option to extend for an additional five  
years without further City Council consideration, to provide Deferred  
Compensation Plan (IRS Section 457) investment options, record  
keeping and education services to plan participants. Competitive  
bidding is not required pursuant to City Charter Section 1002(F),  
contracts for professional or unique services. (Contract No. 17,925)

Mr. Jay Goldstone, Plan Administrator, and Mr. Steve Mermell,  
Chair of the Deferred Compensation Oversight Committee, reviewed  
the report and responded to questions.

Mr. William Tugaw, with SST Benefits Consulting, reviewed a  
handout entitled "457 Deferred Compensation Committee  
Recommendations", and responded to questions.

Councilmember Madison expressed concern regarding sole  
sourcing, the process, and that no subcommittee of the Council had  
reviewed this issue.

In response to a question, Mr. Goldstone noted staff would report  
back to the Oversight Committee and to the City Council in the  
event of under performance.

Following discussion, it was moved by Councilmember Streater,  
seconded by Councilmember Haderlein, to approve the Oversight  
Committee's recommendation. (Motion carried, with Councilmember  
Madison objecting) (Absent: None)

**CONSENT CALENDAR**

**ADOPT RESOLUTION TO AUTHORIZE THE APPLICATION FOR  
A GRANT FROM THE UNITED STATES ENVIRONMENTAL  
PROTECTION AGENCY (EPA) FOR VULNERABILITY  
ASSESSMENTS, EMERGENCY OPERATIONS PLANS, AND  
SECURITY ENHANCEMENT PLANNING AND DESIGN AT LARGE  
DRINKING WATER UTILITIES**

**Recommendation of City Manager:** Adopt a resolution to authorize  
Pasadena Water and Power (PWP) to apply for a \$115,000 grant  
from the United States Environmental Protection Agency (EPA) for  
vulnerability assessments, emergency operations plans, and  
security enhancement planning and design of the City's water  
facilities. It is also recommended that the City Council designate  
PWP's General Manager as the authorized representative for the  
City and authorize her signature on the contract documents.  
(Resolution No. 8100)

**PURCHASE OF GAS CHROMATOGRAPH/MASS SPECTROMETER FOR THE PASADENA WATER AND POWER WATER QUALITY LABORATORY**

**Recommendation of City Manager:** Authorize the Purchasing Administrator to issue a purchase order to Varian Inc., in an amount not to exceed \$90,000 for the purchase of a Gas Chromatograph/Mass Spectrometer (GC/MS) system. The proposed purchase is exempt from competitive bidding pursuant to City Charter Section 1002(H), contracts with other governmental entities or their contractors for labor, material, supplies or services.

It is also recommended that the City Council grant this contract a partial exemption (vendor outreach only) from the Affirmative Action in Contracting Ordinance pursuant to Pasadena Municipal Code Section 4.09.060(C), contracts for which the City's best interests are served.

**CLAIMS RECEIVED AND FILED**

Claim No. 8993	Curtis Moyer for minor Justin Moyer	\$10,000,000.00
Claim No. 8994	June Brodie	Unknown
Claim No. 8995	Carlos Mendoza Martinez	Unknown

**PUBLIC HEARINGS SET**

April 29, 2002, 8:00 p.m. (Revised date) - Proposed Civic Center Specific Plan Amendment and Zone Change for Plaza Las Fuentes Phase II

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

**PUBLIC HEARINGS**

**PUBLIC HEARING: INTENTION TO GRANT NON-EXCLUSIVE POLICE TOWING FRANCHISES FOR THE TERM OF ONE YEAR**

**Recommendation of City Manager:** Grant a non-exclusive police towing franchise, for the term of one year, to Masters Tow and Freddie Mac. (Agreement Nos. 17,965 & 17,966)

The Mayor opened the public hearing.

The City Clerk reported the notice of public hearing was published on April 12, 2002 in the Pasadena Star News; no posting or mailing was required; and no letters were received.

The City Manager summarized the agenda report.

The following individuals spoke in opposition to the City Manager's recommendation:

Mr. Kevin J. Moore, Esq., legal counsel representing Johnnies Tow Service, distributed and summarized a document dated April 22, 2002, entitled "Response of Johnnies Tow Services to Agenda Report dated April 22, 2002 Re: Intention to Grant Non-Exclusive Police Towing Franchise for the Term of One Year".

Mr. John Derderian, part owner of Johnnies Tow Service  
Mr. Vic Derderian, part owner of Johnnies Tow Service  
Mr. William Annabi, American Tow  
Mr. Stephen Astwood, small tow truck operator  
Mr. Vatche Derderian, Johnnie's Tow Service

Mr. Danny Meister, owner of Freddie Mac Towing, spoke in support of the City Manager's recommendation.

Police Chief Melekian, Commander Chris Vicino, and Mr. Jay Goldstone, Finance Director, responded to questions from Council.

Various Councilmembers suggested staff look at the feasibility of allowing smaller companies within the City to participate.

Following a brief discussion regarding non-response calls by Johnnie's Tow Service, Councilmember Little requested information on how those calls were broken down (such as no available trucks, etc).

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

It was moved by Councilmember Haderlein, seconded by Councilmember Streator, to proceed with the staff recommendation on the two companies that were recommended, and refer to the Public Safety Committee a further review of the three companies that were not recommended, to give those three companies an opportunity to have the issues looked at in greater detail. (Motion unanimously carried) (Absent: None)

Councilmember Haderlein, Chair of the Public Safety Committee, noted this item would be agendaized for the meeting of June 3, 2002.

**CONTINUED PUBLIC HEARING: FY 2003 - 2008 RECOMMENDED CAPITAL IMPROVEMENT PROGRAM BUDGET Recommendation of City Manager:** Receive public comments and continue this public hearing to each subsequent regular meeting of the Council at 8:00 p.m. until May 6, 2002, or such other later date as the City Council may determine, and at which time the City Council will be asked to close the public hearing and formally adopt the FY 2003-2008 Capital Improvement Program Budget.

There was no public comment.

Ms. Julie Gutierrez, Acting Director of Public Works and Transportation, provided a brief summary of the items discussed at the Finance Committee meeting held earlier today.

Councilmember Madison referred to the \$35,000 allocated for the exploration of a trail in the Central Arroyo and expressed concern that the Finance Committee had voted to delete this item from the Capital Improvement Budget.

Vice Mayor Little, Chair of the Finance Committee, provided a brief summary of the discussion held at the Finance Committee meeting regarding this issue.

Following a brief discussion, it was noted the Capital Improvement Program will come before the Council for final approval and there will be opportunity to make a final decision on this project.

On order of the Mayor, the public hearing was continued to April 29, 2002, at 8:00 p.m.

**REPORTS AND  
COMMENTS FROM  
COUNCIL COMMITTEES**

**FINANCE COMMITTEE**

**AMEND THE FY 2002 CAPITAL IMPROVEMENT PROGRAM TO ADD A NEW PROJECT, SIERRA MADRE VILLA PARKING STRUCTURE BETTERMENTS FOR THE LOS ANGELES TO PASADENA METRO GOLD LINE AND APPROPRIATE \$156,000 FROM THE PROP. A/C RESERVE FOR FUTURE LIGHT RAIL PROJECTS**

**Recommendation of City Manager:**

(1) Amend the FY 2002-2006 Capital Improvement Program (CIP) to include a new project, "Sierra Madre Villa Station Parking Structure Betterments";

(2) Authorize the City Manager to execute a Betterment Agreement with the Los Angeles to Pasadena Metro Blue Line Construction Authority to design and construct the Betterments at the Sierra Madre Villa Station Parking Structure. Competitive bidding is not required pursuant to City Charter Section 1002(H), contracts with other governmental entities; and

(3) Approve a journal voucher appropriating \$156,000 Prop. A/C reserve for Future Light Rail Projects for Betterments at the Sierra Madre Villa Station parking structure (Account No. 75006). (Contract No. 17,924; Journal Voucher No. 2002-66)

Vice Mayor Little, Chair of the Finance Committee, summarized the report.

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

**RECOMMENDATIONS  
FROM OFFICERS AND  
DEPARTMENTS**

**REVIEW OF PAST COUNCIL ACTIONS PERTAINING TO THE CITY'S PURCHASE OF THE HIGHLAND PLASTICS PROPERTY LOCATED AT 965 NORTH FAIR OAKS AVENUE**

Councilmember Holden introduced the item.

The City Manager provided a brief history of the property and of Council actions pertaining to the property. She noted a

communication was received from the School District indicating they will make a selection on the Northwest school site by June of this year. She further noted it was her understanding that the School District is still hoping that they can consider the Highland Plastics property as a possible school site.

Councilmember Gordo clarified his motion of December 10, 2001, stating his motion was to give the School District six months to let Council know whether this property was on their short list, and that the short list was defined as one of two sites. He stressed the need to communicate to the School District that the short list is one of two sites.

Councilmember Streator stressed the need to also make it clear to the School District that this was not a site for administrative headquarters.

The City Manager noted she would make sure the School District understands the above.

The following individuals spoke in opposition to the use of the Highland Plastics property as a school site:

Ms. Juliet Y. Cabigas, representing Sunset Oaks Neighborhood Association,

Mr. Gregory W. Mosley, representing W.D. Edson Neighborhood Association and Robinson Park Committee

It was moved by Councilmember Holden, to send a gentle reminder to the School District that this site has been reviewed by the community and has been found not to be acceptable, and encourage the School District to look for other locations. (Motion died due to lack of a second)

Following a brief discussion, it was the consensus of Council to give the School District the opportunity to respond within the six months agreed upon in December.

Councilmember Haderlein was excused at 9:22 p.m.

Councilmember Madison was excused at 9:23 p.m.

**APPOINTMENT OF J. BETTY BELL TO THE CODE ENFORCEMENT COMMISSION** (District 1 Nomination)

**APPOINTMENT OF ERIN VARGAS TO THE COMMISSION ON THE STATUS OF WOMEN** (District 2 Nomination)

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

**ORDINANCE - ADOPTED**

**Adopt "AN ORDINANCE OF THE CITY OF PASADENA ADDING A NEW CHAPTER 8.14 TO THE PASADENA MUNICIPAL CODE TO PROHIBIT FOOD SERVICE ESTABLISHMENT DISPOSAL OF FATS, OILS AND GREASE IN THE CITY'S SEWER SYSTEM" (Introduced by Vice Mayor Little) (Ordinance No. 6893)**

The above ordinance was adopted by the following vote:

AYES: Councilmembers Gordo, Holden, Streator, Tyler,  
Vice Mayor Little, Mayor Bogaard.

NOES: None

ABSENT: Councilmembers Haderlein, Madison

**RECOMMENDATIONS  
FROM OFFICERS AND  
DEPARTMENTS**

**CITY HALL SEISMIC RETROFIT PROJECT -  
RECOMMENDATIONS FOR PROJECT SCOPE AND FUNDING  
PLAN**

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

Councilmember Madison  
returned at 9:32 p.m.

(A) Approve the recommendation of the City Hall Restoration Oversight Committee to retrofit and rehabilitate City Hall as follows: installation of base isolation; construction of a reinforced arcade on the Euclid Street side with a basement and foundation designed to support an east wing if the City chooses to construct an east wing in the future; replacement of all substandard mechanical, electrical and plumbing systems; full exterior and landscaping rehabilitation; full interior rehabilitation including historical restoration of selected areas; and installation of Americans with Disability Act (ADA) improvements and additional life safety systems as required to meet current code requirements at a projected cost of \$88,795,000. This cost is in addition to the \$3.6 million spent since the early 1990's in preparation to this point.

Councilmember Haderlein  
returned at 9:37 p.m.

(B)(1) Approve the recommendation of the City Hall Finance Committee to finance the project as follows: apply the \$7.3M in FEMA funding; increase the General Fund Transfer (Transfer) from the Electric Utility to 8% and dedicate the additional 3% cash flow to this project; continue to seek grants and other third party funding; allocate and expend the \$5.0M in General Fund dollars reserved for this project by the City Council during the first quarter of this fiscal year; reallocate and expend \$500,000 appropriated by the City Council as part of the fiscal year 2002 adopted budget intended to cover a portion of any rental payments where employees required to vacate City Hall midway through the 2002 fiscal year; appropriate up to \$3.3M annually from existing General Fund revenue sources; capitalize the cash flow from the increased Transfer and the \$3.3M appropriation to issue bonds that will yield net proceeds in the approximately amount of \$67M; utilize the approximately \$500,000 of funding previously appropriated for this project in the Capital Improvement Plan but not yet spent; provide the remaining funds from the \$3.3 million and the revenue generated by the increase in the Transfer during the first 18 to 24 months prior to the issuance of the bonds and during the first 18 months following the issuance of the bonds.

OR



(B)(2) Approve recommendation (B)(1) but authorize the utilization of \$6.4 million in the Electric Utility's Public Benefit Charge (PBC) funds as a buy-down/pre-payment of the Electric Utility's increased General Fund Transfer. This pre-payment would reduce the necessary increase in the Transfer to 2.5%, bringing the total Transfer to 7.5%, annually.

(C) Direct staff to begin the steps necessary to initiate the environmental review process for the City Hall project.

(D) Request that the City Hall Seismic Retrofit Oversight Committee continue to serve as a citizens review committee in an advisory role to the City Council through the seismic retrofit of City Hall.

The City Manager provided a brief history of the proposed project and summarized the agenda report.

Ms. Shauna Clark, City Hall Project Manager, introduced Bruce Judd with Architectural Resources Group (ARG) and Eric Elsesser of Forrell/Elsesser Structural Engineers.

Mr. Bruce Judd and Mr. Eric Elsesser provided a slide presentation showing the current condition of City Hall, the project goals from a seismic standpoint, discussed the difference between the sheer walls method and base isolation method, and responded to questions from Council.

Dr. Paul Jennings, Chair of the City Hall Restoration Oversight Committee, discussed the work of the Committee and spoke in support of the Committee's recommendation for the installation of a base isolation system. He also responded to questions from Council.

Mr. Eloy Retamal, Structural Engineer with Daniel, Mann, Johnson and Mendenhall (DMJM), responded to questions regarding construction costs associated with strengthening of the basement under the arcade.

Ms. Margaret Sedenquist, Chair of the City Hall Restoration Finance Committee, reviewed the recommendation of the Committee regarding the financing of the project, and responded to questions from Council.

Mr. Jay Goldstone, Director of Finance, provided further details regarding the financing plan, reviewed the funding sources, distributed and reviewed a two-page spreadsheet representing recommendations of the City Hall Finance Committee, and responded to questions.

Mr. Goldstone and Ms. Phyllis Currie, General Manager of Water and Power, responded to question regarding the proposed increase in the General Fund transfer and the impact on the utility. Ms. Currie reassured Council that the utility could absorb the increase in the transfer.

Councilmember Streator expressed concern the Municipal Services Committee did not have an opportunity to look at the funding proposal of the transfer.

Various Councilmembers expressed concern regarding going forward with the funding plan. They indicated they would like an opportunity to have more time to review the plan, and have a clearer understanding of what the impacts of the General Fund transfer might be on the utility, and what implications there might be on the General Fund.

The following individuals spoke in opposition to a base isolation system and/or in support of the sheer wall system:

Mr. Robert McClellan, architect and Pasadena resident  
Mr. John A. Martin, Jr., Torrance resident and President of John Martin Associates  
Mr. Mark Nay, Pasadena resident  
Mr. Jeff Guh, Los Angeles resident and Vice President and General Manager of EQE structural engineers  
Ms. Heather Kurze, licensed architect and Pasadena resident  
Dr. Saiful Islam, Saiful/Bouquet Structural Engineers, Inc.  
Mr. Ross Selvidge, City Hall Restoration Finance Committee, also spoke in support of the Finance Committee's recommendation.  
Mr. Brookes Treidler, Pasadena resident  
Ms. Jan Muntz, Pasadena resident

The following individuals spoke in support of a base isolation system:

Mr. Jim Crawford, Pasadena Heritage  
Ms. Sue Mossman, Pasadena Heritage

Following discussion, it was moved by Councilmember Streator, seconded by Councilmember Tyler, to approve Recommendation A, which defines the project as a base isolation construction and sets the broad parameters in terms of ADA compliance, meets all code requirements, etc.; that the matter of the funding recommendation (the financing of the entire project) be referred to the Finance Committee for review and report back to Council within two months; and that the City Manager prepare a budget that shows what the impact would be of a \$2 million plus General Fund commitment to this project as opposed to what we have already committed to this project, during that same period of time.

Councilmember Streator clarified the intent of her motion is that staff may proceed with the design and environmental review.

Councilmember Tyler requested the Committee look at both the General Fund implications as well as the implications on the electric utility. He also requested an estimate of the annual maintenance cost of City Hall.

Councilmember Streator requested the City Hall Seismic Retrofit Oversight Committee continue to serve as the citizen review committee and advisory body to the City Council on this project.

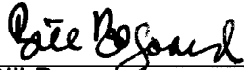
Vote on the motion:

AYES: Councilmembers Gordo, Haderlein, Holden, Madison,  
Streator, Tyler, Vice Mayor Little, Mayor Bogaard

NOES: None

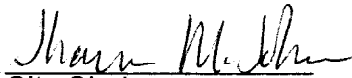
ABSENT: None

On order of the Mayor, the regular meeting of the City Council  
adjourned at 12:45 a.m.



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Bill Bogaard  
Mayor

ATTEST:

  
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City Clerk  
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