

CITY OF PASADENA
City Council Minutes
July 28, 2003 - 5:30 P.M.
City Hall Council Chamber

REGULAR MEETING

OPENING:

Mayor Bogaard called the regular meeting to order at 5:41 p.m.
(Absent: Councilmembers Gordo, Holden, Madison)

On order of the Mayor, the regular meeting recessed at 5:41 p.m.
to discuss the following closed sessions:

Councilmember Gordo and
Madison arrived at 5:51 p.m.

**CITY COUNCIL CONFERENCE WITH LEGAL COUNSEL
REGARDING POTENTIAL LITIGATION - Significant exposure to
litigation pursuant to Government Code Section 54956.9(b):
One Potential Case**

Councilmember Holden
arrived at 6:16 p.m.

**CITY COUNCIL CONFERENCE WITH LEGAL COUNSEL
REGARDING POTENTIAL LITIGATION - Significant exposure to
litigation pursuant to Government Code Section 54956.9(b):
Claim No. 9303 filed by Pasadena Fire and Police Retirement
System**

On order of the Mayor, the regular meeting reconvened at 6:59 p.m.
The Pledge of Allegiance was led by Phillip Salinas, grandson of
Ann Erdman, Public Information Officer, visiting from Clovis,
California.

ROLL CALL:

Councilmembers:

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

Staff:

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

CEREMONIAL MATTERS

Mr. Frank DeMartino, President and Chief Executive Officer of
Parsons, presented a check to the City in the amount of \$41,210 for
the replacement of the picnic shelter at La Pintoresca Park.

On behalf of the neighbors in the La Pintoresca area,
Councilmember Streater expressed gratitude for the donation.
Mayor Bogaard noted this contribution is one of a series of

generous contributions from Parsons, and he also expressed gratitude.

Mr. John Streb, President of the Pasadena Recreation and Parks Foundation, presented a commitment letter from the Foundation to fund the Centralized Athletic Field Lighting Project in the amount of \$27,000.

The Mayor expressed gratitude for the generous contribution. Councilmember Madison suggested the Foundation and its work be publicized in the In Focus City newsletter.

Councilmember Gordo introduced Vannia de la Cuba as the new Field Representative for District 5.

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

The following people spoke regarding the Heritage housing project at Fair Oaks Avenue and Peoria Street, and expressed concerns regarding the displacement of tenants and the need for affordable housing:

Mr. Shawn McDougal, representing Affordable Housing Action
Ms. Patricia Luviano, representing Vecinas Unidos
Ms. Herminia Ortiz, representing Vecinas Unidos
Ms. Leticia Garcia, representing Vecinas Unidos

Councilmember Gordo noted this project is in his district, he has asked the developer to meet with the residents, the project should go through all the appropriate commission reviews, and he will be looking to see how the developer proposes to treat the residents. He stressed the need for the current tenants to have an opportunity to purchase or rent a unit in the new project, and that adequate housing opportunities be provided for the interim period. He also expressed a desire to see the target numbers for the project, such as number of mid-income, low, or very low-income units.

Councilmember Holden urged staff to interface with the property owner and developer, and look to other communities for examples and work with the City Attorney's Office to ensure there is a well thought out plan to address the relocation issue. He noted information to the tenants will be key, and stated the Project Area Committee may be helpful in arranging neighborhood meetings, along with Councilmember Gordo.

OLD BUSINESS

SUSPENSION OF THE NOISE ORDINANCE RELATING TO THE RACE FOR THE CURE TO BE HELD AT AREA H AND THE ARROYO SECO ON SUNDAY, NOVEMBER 2, 2003, FROM 9:00 A.M. TO 2:00 P.M.

Recommendation of City Manager:

(1) Acknowledge that the Temporary Conditional Use Permit and the suspension of the Noise Ordinance necessary to hold this non-profit event is categorically exempt from California Environmental Quality Act (CEQA) under CEQA Guidelines Section 15323, Normal

Operations of Facilities for Public Gatherings.

(2) Direct the City Attorney to prepare an ordinance to suspend the Noise Ordinance and a Notice of Exemption, with respect to the Race for the Cure to be held at Area H and the Arroyo Seco on Sunday, November 2, 2003, from 9:00 a.m. to 2:00 p.m.

Ms. Patricia Lane, Director of Human Services and Recreation Department, responded to questions regarding Area H field usage.

The Mayor expressed support for the Race for the Cure event. He requested staff provide additional information on how Area H has been used over the past couple years, and the extent to which events not involving support for the Rose Bowl are using the field, and to what extent that involves displacement of other recreational events, and the economic implications.

Ms. Marida Slobko, representing the Susan Komen Breast Cancer Foundation, questioned if there was a better time of year to hold the event.

Ms. Lane noted the demand for Area H is the highest in the fall, and she offered to work with Ms. Slobko regarding timing future events.

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

APPROVE CONTRACT BETWEEN THE CITY OF PASADENA AND THE PASADENA UNIFIED SCHOOL DISTRICT FOR THE DISBURSEMENT OF \$437,000 PREVIOUSLY APPROVED TO IMPROVE SELECTED SCHOOL FIELDS

Recommendation of City Manager: Approve the contract between the City of Pasadena and the Pasadena Unified School District for the disbursement of \$437,000, as allocated by Council on June 23, 2003, to improve eight selected school playing fields within the Pasadena Unified School District. (Contract No. 18,162)

The City Manager noted a supplemental memorandum was provided addressing Council's questions from last week's meeting regarding the estimated increased hours of play that could be expected from the improved fields and an approximate construction schedule for the eight fields.

Ms. Patricia Lane, Director of Human Services and Recreation Department, responded to questions.

Councilmember Little noted the intent of this agenda item is to create more playing fields. He raised the issue of whether there is any language in the agreement that would prevent either party from removing other playing fields from the public inventory. He questioned whether the contract language is strong enough to prevent this from happening.

**PENDING MOTION
AND AMENDMENT TO
PENDING MOTION**

Councilmember Little referenced his pending motion from the prior week, to approve the City Manager's recommendation, as amended by the Finance Committee to revise Paragraph 7.D. on page 8 of the proposed agreement. With consent of the Vice Mayor Tyler, the seconder of the pending motion, the motion was amended to include in the agreement a recital paragraph to reflect that it is the intention of this agreement to increase the availability of field space for youth sports activities in the community.

It was suggested the City Attorney review as soon as possible the Master Agreement with the School District, as to whether the Agreement allows each entity to hold the other accountable for making sure that all playing fields will be made available to the public.

Councilmember Haderlein suggested a discussion of the Master Agreement would be a good item to agendaize for the next joint meeting with the Board of Education. He also requested an update from staff in November or December on the joint permitting project for the playing fields.

VOTE ON THE MOTION

Vote on the pending motion to approve the City Manager's recommendation, as amended by the Finance Committee, and further amended by Councilmember Little to include the above-referenced recital paragraph.

AYES: Councilmembers Gordo, Haderlein, Holden, Little,
Madison, Streator, Vice Mayor Tyler, Mayor Bogaard
NOES: None
ABSENT: None

CONSENT CALENDAR

**CONTRACT AWARD TO STEINY AND COMPANY, INC., FOR
INSTALLATION/MODIFICATION OF TRAFFIC SIGNALS AT
CRAIG AVENUE AND MAPLE STREET AND OTHER LOCATIONS
FOR AN AMOUNT NOT TO EXCEED \$481,000**

Recommendation of City Manager:

(1) Accept the bid dated July 2, 2003, submitted by Steiny and Company, Inc. in response to the Specifications for Installation/Modification of Traffic Signals at Craig Avenue and Maple Street and Other Locations, reject all other bids received, and authorize the City Manager to enter into such contract as is required.

(2) Acknowledge the project to be categorically exempt under Section 21084 of the California Environmental Quality Act of 1984 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. (Contract No. 18,315)

REJECTION OF ALL BIDS FOR PROVIDING LABOR AND MATERIALS FOR CONSTRUCTION OF ELECTRICAL CONDUIT SYSTEMS, VAULTS AND OTHER MISCELLANEOUS WORK FOR THE WATER AND POWER DEPARTMENT

Recommendation of City Manager: Reject all bids for providing labor and materials for construction of electrical conduit systems, vaults and other miscellaneous work for the Water and Power Department.

Item removed for separate discussion at the request of the City Attorney.

RESOLUTION AMENDING THE GENERAL FEE SCHEDULE TO ALLOW FOR THE IMPOSITION OF A FALSE ALARM RESPONSE FEE UPON THE SECOND AND ALL SUBSEQUENT RESPONSES IN A TWELVE-MONTH PERIOD

APPROVAL OF MINUTES

Approval of Minutes - April 21, 2003

CLAIMS RECEIVED AND FIELD

Claim No. 9328	Abigail Veltman	\$ 25.00
Claim No. 9329	Frances M. Blackwell	6,200.00
Claim No. 9330	Manny Abdollah	1,655.44
Claim No. 9331	Jan Crocker	Unknown
Claim No. 9332	SBC/Pacific Bell c/o Diane Mancini	802.12
Claim No. 9333	Travis Alan Cummings	9,633.52
Claim No. 9334	Levon Awakimian	110.00
Claim No. 9335	Sherrye Kegley	Unknown
Claim No. 9336	Sherilyn Pawlewitz	706.00
Claim No. 9337	Pierre La Pointe	1,593.28
Claim No. 9338	David Luce	10,000.00+
Claim No. 9339	Mark D. Craig	Unknown

PUBLIC HEARING SET

August 18, 2003, 8:00 p.m. - Landmark Designation - 529 N. Los Robles Avenue

It was moved by Councilmember Streator, seconded by Councilmember Little, to approve the Consent Calendar, with the exception of Item 3 (Resolution amending the General Fee Schedule), which was removed for separate discussion. (Motion unanimously carried)

ORDINANCE - FIRST READING

Conduct first reading of "AN ORDINANCE OF THE CITY OF PASADENA AMENDING CHAPTER 5.24 OF THE PASADENA MUNICIPAL CODE RELATING TO THE ASSESSMENT OF A FEE FOR FALSE ALARMS"

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

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

NOES: None

ABSENT: None

CONSENT ITEM DISCUSSED SEPARATELY

RESOLUTION AMENDING THE GENERAL FEE SCHEDULE TO ALLOW FOR THE IMPOSITION OF A FALSE ALARM RESPONSE

**FEE UPON THE SECOND AND ALL SUBSEQUENT RESPONSES
IN A TWELVE-MONTH PERIOD**

Recommendation of City Manager: Adopt a resolution amending the General Fee Schedule to allow for the imposition of a false alarm response fee upon the second and all subsequent responses in a twelve-month period. (Resolution No. 8273)

The City Attorney distributed and reviewed a revised resolution.

Commander Rick Law responded to questions regarding fees and penalties.

Following discussion, it was moved by Councilmember Streater, seconded by Councilmember Little, to adopt the revised resolution, to take effect upon adoption of the related ordinance. (Motion unanimously carried) (Absent: None)

**RECOMMENDATIONS
FROM OFFICERS AND
DEPARTMENTS**

**RATIFICATION OF APPOINTMENT OF ROSANNA ESPARZA TO
THE HUMAN SERVICES COMMISSION** (Agency Representative)

**NOMINATION OF SIDNEY F. TYLER, JR. FOR MEMBERSHIP ON
THE COMMUNITY HEALTH ALLIANCE OF PASADENA BOARD
(CHAP)** (City Council)

**NOMINATION OF WILMA ALLEN FOR MEMBERSHIP ON THE
COMMUNITY HEALTH ALLIANCE OF PASADENA BOARD
(CHAP)** (City Council)

**NOMINATION OF DAVID J. JACOBS TO THE ROSE BOWL
AQUATICS CENTER BOARD** (At-large/District 7 Nomination)

Mr. Enrique Martinez, Assistant City Manager, responded to questions regarding the nominations for the CHAP Board, and he clarified there are now two City positions on this Board.

It was moved by Councilmember Little, seconded by Councilmember Gordo, to approve the above ratification and nominations. (Motion unanimously carried) (Absent: None)

RECESS

On order of the Mayor, the regular meeting of the City Council recessed at 8:09 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 8:10 p.m. (Absent: None)

PUBLIC HEARING

**CONTINUED PUBLIC HEARING: ADOPTION OF THE FY 2004-
2008 CAPITAL IMPROVEMENT PROGRAM BUDGET AND
APPROVAL OF NEW CRITERIA FOR UTILITY
UNDERGROUNDING PRIORITIES**

Recommendation of City Manager:

- (1) Adopt by resolution the FY 2004-2008 Capital Improvement Program as amended by the Finance Committee;
- (2) Approve a journal voucher amending the FY 2003 CIP budget resulting in a decrease of \$2,302,902, as detailed in Attachment III of the agenda report;
- (3) Adopt the proposed criteria for establishing priority of streets for undergrounding of overhead utilities and the partial listing in priority order of Category 1 streets, as explained in Attachment IV of the agenda report;
- (4) Approve the addition of a new project in the *Municipal Buildings and Facilities* section – “Regulatory Repairs of Four Fuel Sites” with a total estimated cost of \$300,000. (Resolution No. 8274)

Commission Recommendations: The Recommended FY 2004-2008 Capital Improvement Program was presented to and received the support of the following commissions: Recreation and Parks, Transportation Advisory (TAC), Northwest, Old Pasadena Parking Meter Zone Advisory Commission, and Planning.

Mayor Bogaard announced now was the time for the continued public hearing.

Councilmember Little, Chair of the Finance Committee, reported the Committee unanimously recommends the City Council approve the City Manager’s recommendation, with a modification to Recommendation 3 to add an additional criteria for Utility Undergrounding Priorities (Attachment 4 of the agenda report), as follows: *Streets where new or expanded power facilities are needed to avoid installation of additional overhead lines.* Councilmember Little clarified this does not impact or change the recommended list of undergrounding projects.

Mr. Dan Rix, City Engineer, responded to questions.

Discussion ensued regarding whether the utility underground program could be accelerated and fiscal impacts.

In response to a question, Mr. Rix offered to provide Councilmember Haderlein an informational packet regarding neighborhood groups sharing costs for an underground utility program.

Councilmember Holden raised the question of whether the City as a whole can be a contiguous underground utility district so any future prospective utility provider would be responsible for the cost of undergrounding the utility lines. He noted this question was raised at an earlier Council meeting, and it could be a possible solution. Councilmember Holden requested that staff promptly report back to Council for some policy direction on underground utility districts and strategies to address issues. He noted staff, as

well as the involved utility companies, should have an opportunity to make recommendations.

The City Manager offered to report back to Council regarding a Citywide underground utility district, and provide more information on our current undergrounding procedures, what we can do to force other utilities to go underground, how much notice needs to be given the utilities, and how we can bring the utility companies into an underground program. Councilmember Holden stressed the need for the City Council to understand all available options.

The following people provided public comments:

Mr. Neil Kleinman, Pasadena resident, spoke in support of expediting the underground utility program, and suggested a bond issue to be paid by residents, and that Alpine Street be given a high priority due to numerous overhead lines. He distributed copies of photos depicting overhead lines on the street.

Mr. Bob Kneisel, Pasadena resident, suggested streets with overhead utility poles in the front of homes be given priority, and suggested a survey be done to identify such streets. He suggested a Citywide bond issue or other financing mechanism to pay for the program.

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

Staff was asked to check whether the public has been surveyed in the past regarding financing and expediting the utility underground program, and if not, that there be a mechanism to poll the public on a funding source, whether it should be bonds, rates, or a special charge, and report back to Council on how quickly the program could be accelerated. Assistant City Manager Enrique Martinez responded that staff could report back in 60 days.

Councilmember Gordo suggested the utility companies be included in discussions of expediting the underground program.

Councilmember Holden noted it will not be easy to craft the program so there is perceived equity across the board. He suggested the Utility Advisory Commission be charged with looking at various customer payment models and scenarios. The Mayor noted that with interest rates currently being low, this may be an opportune time to look at various models.

Councilmember Gordo noted that implementation of the Washington Park Master Plan is part of this agenda item, and he commended Washington Square Neighborhood Association leader Ms. Betty Sword, who spearheaded a successful grant application, and City staff Kathy Woods and Todd Holmes who provided staff support.

On another issue referenced in the agenda report, the Mayor was asked to send a strong letter to the Air Quality Management District (AQMD) objecting to its process in levying fines to the City regarding excess emissions for our remote fuel sites. Concerns were expressed with the AQMD's process for levying the fines against the City.

It was moved by Councilmember Little, seconded by Councilmember Streater, to approve the City Manager's recommendation, as amended by the Finance Committee (regarding Recommendation 3), and directing the Mayor to send a letter to the AQMD voicing objection to its process for levying fines.

Councilmember Haderlein stated he would be objecting to the motion, as to Recommendation 3 only (underground utility criteria), as it does not expedite the underground utility program.

Vote on the motion:

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

NOES: Councilmember Haderlein

ABSENT: None

MISCELLANEOUS COMMENTS

Mr. Jay Goldstone, Director of Finance, distributed and reviewed his memorandum on the current status of the State budget and its impact on local government.

Staff was asked to research proposed state legislation to lower the threshold to a 55% requirement of the State legislature to adopt the State budget, and possibly provide a recommendation to Council.

Councilmember Little briefly reported on the successful opening of the Gold Line, and he commended the Blue Line Construction Authority staff and City staff for their hard work on the project. The City Council commended the City Manager for her efforts on the project as both City Manager and the former Director of Public Works and Transportation.

Councilmember Madison acknowledged Congressman Adam Schiff and Governor Gray Davis for their assistance in funding the project. The City Council also commended Councilmember Little for his leadership on the Gold Line project.

RECESS/CLOSED SESSIONS

On order of the Mayor, the regular meeting of the City Council recessed at 9:33 p.m. to discuss the following closed session items:

CITY COUNCIL CONFERENCE WITH REAL PROPERTY NEGOTIATORS pursuant to Government Code Section 54956.8
Property: Rose Bowl Stadium and surrounding parking areas
Agency Negotiators: Cynthia Kurtz, Darryl Dunn, John Moag, Larry Braun

**Negotiating Parties: National Football League (NFL)
Under Negotiation: Price and Terms**

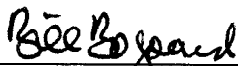
The above closed session item was discussed, with no reportable action at this time.

**CITY COUNCIL CONFERENCE WITH LEGAL COUNSEL
REGARDING POTENTIAL LITIGATION - CONSIDERATION OF
INITIATION OF LITIGATION pursuant to Government Code
Section 54956.9(c): One potential case**

The above closed session item was not discussed.

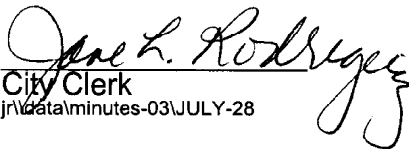
ADJOURNMENT

On order of the Mayor, the regular meeting of the City Council adjourned at 11:13 p.m.



Bill Bogaard, Mayor
City of Pasadena

ATTEST:



City Clerk
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