

CITY OF PASADENA
City Council Minutes
December 20, 2004 – 5:30 P.M.
Pasadena Senior Center, Multi-Purpose Room
85 East Holly Street

REGULAR MEETING

OPENING:

Mayor Bogaard called the regular meeting to order at 5:33 p.m.
(Absent: Councilmembers Holden, Madison, Vice Mayor Tyler)

On order of the Mayor, the regular meeting recessed at
5:33 p.m., to discuss the following closed sessions:

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

Councilmember Holden arrived
at 5:46 p.m.

**Property: Rose Bowl Stadium and surrounding parking
areas**

**Agency Negotiators: Cynthia Kurtz, Darryl Dunn, and Jay
Goldstone**

Negotiating Party: National Football League

Under Negotiation: Price and terms of payment

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

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

Agency Negotiators: Karyn Ezell, Richard Kunz

**Employee Organization: Pasadena Police Sergeants
Association**

The above closed session item was not discussed.

On order of the Mayor, the regular meeting reconvened at
6:31 p.m. The Pledge of Allegiance was led by Vince
De Stefano, Pasadena resident.

ROLL CALL:

Councilmembers:

Mayor Bill Bogaard

Vice Mayor Sidney F. Tyler, Jr. (/Absent)

Councilmember Victor Gordo

Councilmember Steve Haderlein

Councilmember Chris Holden

Councilmember Paul Little

Councilmember Steve Madison (Absent)

Councilmember Joyce Streater

Staff:

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

CEREMONIAL MATTERS

The City Clerk administered the oath of office to Harden A. Carter as Pasadena Center Operating Company Board member and Gregory Harrison as Human Services Commissioner.

PUBLIC COMMENT ON MATTERS NOT ON THE AGENDA

Ms. Darlene Matthews, Pasadena resident, described problems in obtaining shelter and access to the Dial-A-Ride program, and asked for assistance in obtaining Section 8 housing and a necessary form related to requesting accommodation for a disability.

The City Manager indicated staff had arranged temporary housing for Ms. Matthews and would follow up on the various problems Ms. Matthews had described.

The Mayor noted Greg Robinson, Housing and Community Development Administrator, was also available to work with Ms. Matthews.

CONSENT CALENDAR

ADOPTION OF THE REVISED EATON WASH PARK MASTER PLAN AND MITIGATED NEGATIVE DECLARATION

Recommendation of City Manager:

- (1) Approve the Initial Study and adopt the Mitigated Negative Declaration prepared for the Eaton Wash Park Master Plan;
- (2) Adopt the De Minimis Finding of No Impact on Fish and Wildlife;
- (3) Adopt the Eaton Wash Park Master Plan;
- (4) Direct the City Clerk to certify the Notice of Determination, Mitigated Negative Declaration, and Certificate of Exemption from Fish and Game fees with the Los Angeles County Registrar-Recorder/County Clerk.

Recommendation of Recreation and Parks Commission:

The Eaton Wash Park Master Plan (Attachment A of the agenda report) was presented to the Recreation and Parks Commission on June 8, 2004, and the Commission unanimously approved the proposed plan.

AUTHORIZATION TO ENTER INTO CONTRACTS WITH GEORGE SALINAS COMPANY FOR HARDWOOD PRUNING AND GREAT SCOTT TREE SERVICES INC. FOR PALM TREE PRUNING SERVICES

Recommendation of City Manager:

- (1) Accept the bid dated November 9, 2004, submitted by George Salinas Company in response to Specifications for Hardwood Pruning Services for the Department of Public Works;
- (2) Accept the bid dated November 9, 2004, submitted by

Great Scott Tree Services Inc., in response to Specifications for Palm Tree Pruning Services for the Department of Public Works;

(3) Reject all other bids;

(4) Authorize the City Manager to enter into a contract with George Salinas Company for a period of three years or until \$567,126 is expended, whichever occurs first, with two additional one-year extensions, each not to exceed \$189,042 per year; and

(5) Authorize the City Manager to enter into a contract with Great Scott Services Inc., for a period of three years or until \$320,550 is expended, whichever occurs first, with two additional one-year extensions, each not to exceed \$106,850 per year. (Contract Nos. 18,735 and 18,736)

CONTRACT AWARD TO DYE AND BROWNING CONSTRUCTION INC. FOR THE DRAINAGE IMPROVEMENTS OF FLAT STREETS - 2004 FOR AN AMOUNT NOT TO EXCEED \$100,000

Recommendation of City Manager:

(1) Accept the bid dated November 24, 2004, submitted by Dye and Browning Construction Inc., in response to the Specifications for the Drainage Improvements of Flat Streets - 2004, reject all other bids received, and authorize the City Manager to enter into a contract not to exceed \$100,000, which includes the base bid of \$88,617.88, and \$11,382.12, for any additional work the City may order pursuant to the project specifications.

(2) 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 (repair of existing public streets) pursuant to the findings of the Secretary of the Resources Agency and authorize the City Manager to execute and the City Clerk to file a Notice of Exemption for the project with the Los Angeles County Clerk. (Contract No. 18,737)

APPROVAL OF AN AMENDMENT TO CONTRACT NO. 18,620 WITH DOMINGUEZ GENERAL ENGINEERING CONTRACTOR IN THE AMOUNT OF \$28,000 FOR THE CHANGE IN DESIGN AND FOR ADDITIONAL SEWER PIPE REPLACEMENT WORK IN LA LOMA ROAD

Recommendation of City Manager: Authorize the City Manager to execute an amendment to Contract No. 18,620 with Dominguez General Engineering Contractor for the Laguna Road Sewer-Phase 5 to increase the total contract "not to exceed" amount from \$114,000 to \$142,000, an increase of \$28,000, for additional sewer pipe in La Loma Road and a manhole in Laguna Road. (Contract Amendment No. 18,620-1)

AUTHORIZE THE CITY MANAGER TO AMEND THE TERM OF CONTRACT NO. 14,061 WITH CALIFORNIA INSTITUTE OF TECHNOLOGY FOR THE TREATMENT OF CONTAMINATED GROUNDWATER IN THE ARROYO SECO
Recommendation of City Manager: Authorize the City Manager to amend the term of Contract No. 14,061 to expire on January 16, 2005 and an additional 45-day extension, if necessary. (Contract Amendment No. 14,061-7)

AUTHORIZATION TO ENTER INTO A CONTRACT WITH RINCON CONSULTANTS, INC. TO PROVIDE PROFESSIONAL CONSULTING SERVICES IN THE PREPARATION OF A SUBSEQUENT ENVIRONMENTAL IMPACT REPORT (SEIR) FOR THE CALIFORNIA INSTITUTE OF TECHNOLOGY (CALTECH) MASTER DEVELOPMENT PLAN AMENDMENT

Recommendation of City Manager: Authorize the City Manager to execute a contract with Rincon Consultants, Inc. for an amount not to exceed \$115,000 in the preparation of a SEIR for the Caltech Master Plan Amendment. Competitive bidding is not required pursuant to City Charter Section 1002(F), contracts for professional or unique services. (Contract No. 18,738)

Item discussed separately at the request of Councilmember Little.

AGREEMENT FOR SEWER SERVICE AT 225 SAINT KATHERINE DRIVE AND 268 SAINT KATHERINE DRIVE, CITY OF LA CANADA FLINTRIDGE

Item discussed separately at the request of Councilmember Gordo.

CONTRACT WITH SCOTT FAZEKAS & ASSOCIATES, INC. FOR MECHANICAL, PLUMBING, ELECTRICAL AND BUILDING PLAN CHECK SERVICES

Item held at the request of City Manager.

AUTHORIZATION TO ENTER INTO CONTRACT WITH POWER ENGINEERS, INC., TO PROVIDE A FIELD INVENTORY DATA COLLECTION OF UTILITY ASSETS USING GLOBAL POSITION SYSTEM FIELD TECHNOLOGY

The City Manager indicated staff was continuing to work on the contract language.

CLAIMS RECEIVED AND FILED

Claim No. 9722	Steve Ballard	\$ 2,176.66
Claim No. 9723	Betty A. Stein	88.46
Claim No. 9724	Deborah Lewis	1,500.00
Claim No. 9725	Jane Hulick	195.00

PUBLIC HEARING SET

January 31, 2005, 8:00 p.m. - Crawfords Vista (Chester Avenue) Landmark District

It was moved by Councilmember Streater, seconded by Councilmember Gordo, to approve the Consent Calendar, with the exception of Item 9 (Contract with Power Engineers, Inc.), which was held to a future Council meeting at the request of

the City Manager, and Item 7 (Agreement for Sewer Service at 225 and 268 Saint Katherine Drive) and Item 8 (Contract with Scott Fazekas & Associates, Inc.), which were discussed separately. (Motion unanimously carried) (Absent: Councilmember Madison, Vice Mayor Tyler)

**CONSENT ITEMS
DISCUSSED SEPARATELY**

AGREEMENT FOR SEWER SERVICE AT 225 SAINT KATHERINE DRIVE AND 268 SAINT KATHERINE DRIVE, CITY OF LA CANADA FLINTRIDGE

Recommendation of City Manager: Adopt a resolution authorizing the City Manager to enter into two separate agreements among County Sanitation District No. 16 of Los Angeles County, the City of Pasadena, and the respective property owners governing the conveyance, treatment, and disposal of wastewater from single-family homes at 225 Saint Katherine Drive and 268 Saint Katherine Drive in the city of La Canada Flintridge, and agreeing to the recordation thereof. (Resolution No. 8427; Agreement Nos. 18,739 and 18,740)

Councilmember Little questioned the methodology for determining future User Fees for these sites based on fees that are "equal to twelve times the monthly minimum fee" as stated on page 2 of the agenda report; and expressed concerns about the City subsidizing these fees for La Canada Flintridge homeowners.

Mr. Martin Pastucha, Director of Public Works Department, indicated the fees are estimated since the City does not have meter reads for the sites, and the report should read the average fee, not the minimum fee; and responded to questions.

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

The City Manager indicated the agenda report could be amended to note that future User Fees would be based on the average of water usage for similar properties within Pasadena.

Discussion followed regarding the methodology for determining service fees for these properties.

It was moved by Councilmember Little, seconded by Councilmember Streater, to approve the City Manager's recommendation, as amended to state that the agreements with the property owners will include a requirement for the owners to provide water usage bills for the previous twelve-month period to be used in computing annual User Fees. (Motion unanimously carried) (Absent: Councilmember Madison, Vice Mayor Tyler)

CONTRACT WITH SCOTT FAZEKAS & ASSOCIATES, INC. FOR MECHANICAL, PLUMBING, ELECTRICAL AND BUILDING PLAN CHECK SERVICES

Recommendation of City Manager: Authorize the City Manager to enter into a contract with Scott Fazekas & Associates, Inc. for an amount not to exceed \$1,008,256, or four years, whichever occurs first, to provide consulting services for mechanical, plumbing, electrical, and building plan check, without competitive bidding, pursuant to City Charter Subsection 1002(F), contracts for professional or unique services. (Contract No. 18, 741)

Councilmember Gordo questioned the use of a consultant for the work (in terms of staff availability and confidence in the consultant's work product) rather than having the work performed by City staff.

The City Manager explained the rationale for using a consultant for these services.

Mr. Richard Bruckner, Director of Planning and Development Department, outlined the process for using the specialized services provided by the contractor, and confirmed the work was monitored by City staff for quality control and turn around.

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

**REPORTS AND COMMENTS
FROM COUNCIL
COMMITTEES**

FINANCE COMMITTEE

CONTRACT AWARD TO STETSON ENGINEERS INC. FOR ENGINEERING DESIGN AND CONSTRUCTION MANAGEMENT SERVICES OF A TREATMENT SYSTEM FOR PERCHLORATE REMOVAL AT SUNSET RESERVOIR

Recommendation of City Manager:

- (1) Authorize the City Manager to enter in a contract with Stetson Engineers Inc. for engineering design and construction management services of a treatment system for perchlorate removal at Sunset Reservoir, for an amount not to exceed \$580,000, which includes a 20% contingency;
- (2) Amend the FY 2005 Capital Improvement Program budget by increasing the total estimated cost of the "Water Quality Treatment" Project (No. 1041) to \$1,151,000; and
- (3) Recognize and appropriate \$800,000 from the Capital Improvement Charge Fund to the Water Quality Treatment Project.

Competitive bidding is not required pursuant to City Charter Section 1002(F), professional or unique services. (Contract No. 18,742; Journal Voucher No. 35)

Councilmember Little, Chair of the Finance Committee, summarized the agenda report.

The City Manager provided a brief update of the negotiations with the National Aeronautics Space Administration/Jet Propulsion Laboratory (NASA/JPL) regarding the perchlorate contamination of City wells.

Ms. Phyllis Currie, General Manager of the Water and Power Department, also confirmed the increased costs to the Purchased Water Adjustment Charge would be part of the recovery costs negotiated with NASA and explained how residents would receive the recovered costs on their utility bills.

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

APPROVAL OF AN AMENDMENT TO CONTRACT NO. 18,553-1 WITH SEQUEL CONTRACTORS, INC. IN THE AMOUNT OF \$11,240 FOR THE RESURFACING OF THE PARKING LOT IN VICTORY PARK

Recommendation of City Manager:

(1) Authorize the City Manager to execute an amendment to Contract No. 18,553-1 with Sequel Contractors, Inc. for the Improvement of Walnut Street - Daisy Avenue to Sunnyslope Avenue to increase the total contract not to exceed amount from \$437,000 to \$448,240, an increase of \$11,240, for the resurfacing of the parking lot in Victory Park.

(2) Approve a journal voucher appropriating \$11,240 in Residential Impact Fees to the Preventive Maintenance - Asphalt Streets Project (73580) in the FY 2005 Capital Improvement Program (CIP). (Contract Amendment No. 18,553-2; Journal Voucher No. 2005-36)

Councilmember Little summarized the agenda report.

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

Councilmember Little noted the Finance Committee had begun discussions of issues involving the financing of the seismic retrofit of City Hall.

LEGISLATIVE POLICY
COMMITTEE

REQUEST THE STATE LEGISLATURE TO AMEND THE BUSINESS AND PROFESSIONS CODE RELATING TO ALCOHOL RETAIL SALES LICENSES

Recommendation of City Attorney: It is recommended that the City Council:

(1) Request the State Legislature to amend Business and Professions Code Section 23790 requiring Retail Liquor Sales Licensees to comply with zoning regulations which a city or county has adopted after the Licensee obtained its license.

(2) Request the State Legislature to amend Business and Professions Code Section 24070 so that violations are not expunged from the Retail Liquor Sales License upon its transfer.

The Mayor, Chair of the Legislative Policy Committee, introduced the agenda item.

Councilmember Gordo reviewed the agenda report, outlined a proposed process in working with various State representatives regarding the legislative changes, and complimented staff for moving forward on the Nuisance Liquor Store Working Group recommendations as approved by Council.

Councilmember Little suggested language be added that would allow cities to require grandfathered liquor stores to comply with local conditional use permit regulations after they have committed a violation and cause the grandfathered stores to lose their nonconforming status after conviction on an initial violation.

The City Attorney cautioned that an amortization provision would need to be explored in connection with Councilmember Little's proposed language.

The Mayor expressed support for including language for a shortened amortization period for stores that are not in compliance with regulatory requirements vs. those stores that are operating in compliance.

Councilmember Streator emphasized the importance of also recruiting elected officials to contact their elected State representatives in support of the legislation.

Discussion followed on enlisting the endorsement and active support of a broad spectrum of members of other organizations and elected officials in moving the proposed legislation changes forward.

The Mayor indicated he would work with the City Attorney in developing a packet of information for transmittal to the various representatives/organizations/officials, and would also ask to make a brief report on the proposed legislation at the next divisional meeting of the League of California Cities.

It was moved by Councilmember Gordo, seconded by Councilmember Little, to approve the City Manager's recommendation, as amended to add language that would allow cities to require grandfathered liquor stores to comply with conditional use permit regulations after they have committed a violation and cause grandfathered stores to lose their nonconforming status after conviction on an initial violation. (Motion unanimously carried) (Absent: Councilmember Madison, Vice Mayor Tyler)

It was agreed that a packet of information would be prepared and distributed to the various State representatives, County and State organizations, and elected local officials.

REPORTS FROM REPRESENTATIVES

Councilmember Holden, representative for the Burbank-Glendale Pasadena Airport Authority, provided an update of a draft development agreement between the City of Burbank and the Airport Authority covering development and noise abatement issues at Bob Hope Airport and the purchase of property related to airport operations; and discussed changes in ground services equipment to address air quality issues.

Councilmember Streator added that the ground services changes were being implemented ahead of the schedule set by air quality regulators.

ANNOUNCEMENTS

The Mayor reported on the re-opening of the Kidspace Museum facility at its new location in Brookside Park on December 16, 2004. The Mayor also commented on a concert presented by the Pasadena Symphony and Los Angeles Master Chorale and held in the Ambassador Auditorium on December 17-18, 2004.

INFORMATION ITEM

JOINT CITY/PASADENA UNIFIED SCHOOL DISTRICT UPDATE ON THE NATIONAL LEAGUE OF CITIES PROJECT TO LINK IN-SCHOOL LEARNING AND OUT-OF-SCHOOL ACTIVITIES

Ms. Lisa Fowler, Special Assistant to City Manager, provided an overview of the project and those organizations participating in the project, confirmed the National League of Cities would be issuing a report in the future, and responded to questions.

Ms. Lisa Wilson, representing the project's Quality Standards Team, reviewed the team's work related to Project Based Learning (PBL) and the linking of after school activities to learning.

Mr. John Streb, representing the project's Revenue Action Team, reviewed the team's work in the identification of sustainable funding sources for after school programs and the development of a draft Concept Paper describing a relationship between the City and Pasadena Unified School District (PUSD) under a joint powers agreement, and responded to questions.

Councilmember Little suggested the team also examine ways to maximize delivery of services with available funds through efficiency measures.

Ms. Susan Neufeld, representing the project's Resources Identification and Development Team, reviewed the team's

work in gathering information on school services needs and existing gaps in these services, and responded to questions.

Councilmember Little requested a preview copy of the second survey being conducted in early 2005, which will assess those who are accessing after school services and potential barriers to these services, to allow for input prior to the survey being administered.

Ms. Patsy Lane, representing the project's Publicity Team "Making the Case," reviewed the team's work in designing a public awareness campaign, displayed a banner, and submitted an informational brochure on after school programs.

The Mayor thanked the project participants for their efforts.

RECOMMENDATIONS FROM OFFICERS AND DEPARTMENTS

RECOMMENDATION TO AMEND THE FY 2005 CAPITAL IMPROVEMENT PROGRAM BUDGET BY AMENDING TWO PROJECTS RELATED TO THE PASADENA HIGH SCHOOL PICK UP AND DROP OFF PLAN

Recommendation of City Manager: It is recommended that the City Council merge Capital Improvement Projects 75505 Installation of Half-Traffic Signal on Sierra Madre Boulevard at the Entrance to Victory Park Parking Lot and 75504 Traffic Signal Installation - Washington Boulevard at the Entrance of the Pasadena High School Faculty Parking Lot and amend the project description and cost estimate.

The City Manager responded to questions regarding a sharing plan for Pasadena Unified School District's participation in the funding of the projects.

Councilmember Streator requested a copy of the plan for the projects when it is available.

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

RECESS

On order of the Mayor, the regular meeting of the City Council recessed at 7:55 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 8:16 p.m. (Absent: Councilmember Madison, Vice Mayor Tyler)

ORDINANCE – ADOPTED

Adoption of "AN ORDINANCE OF THE CITY OF PASADENA AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF PASADENA ESTABLISHED BY SECTION 17.08.040 OF THE PASADENA MUNICIPAL CODE

(NORMANDIE HEIGHTS LANDMARK OVERLAY DISTRICT)
(Introduced by Councilmember Holden) (Ordinance No. 6998)

The above ordinance was adopted by the following vote:
AYES: Councilmembers Gordo, Haderlein, Holden, Little,
Streator, Mayor Bogaard
NOES: None
ABSENT: Councilmember Madison, Vice Mayor Tyler

INFORMATION ITEM

PREDEVELOPMENT PLAN REVIEW FOR NEW CONSTRUCTION OF A 78-UNIT SINGLE-ROOM-OCCUPANCY BUILDING WITH GROUND FLOOR COMMERCIAL SPACE AT 1297-1317 EAST GREEN STREET – PPR#2004-00033

Recommendation of City Manager: This report is for information.

Mr. Vincent Gonzalez, Senior Planner, reviewed the agenda report and responded to questions.

Mr. Richard Bruckner, Director of Planning and Development Department, responded to questions regarding parking and use of the building.

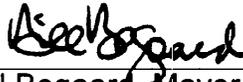
On order of the Mayor, the report was received and filed.

COUNCIL COMMENTS

Councilmember Holden noted that the Pasadena Unified School District would have a marching band participating in the 2005 Rose Parade.

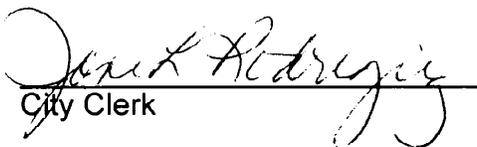
ADJOURNMENT

On order of the Mayor, the regular meeting of the City Council adjourned at 8:28 p.m.



Bill Bogaard, Mayor
City of Pasadena

ATTEST:



Janet Rodriguez
City Clerk