

CITY OF PASADENA
City Council Minutes
June 11, 2007 – 5:30 P.M.
City Hall Council Chamber

REGULAR MEETING

OPENING:

Mayor Bogaard called the regular meeting to order at 6:30 p.m.
The Pledge of Allegiance was led by Councilmember McAustin.

ROLL CALL:

Councilmembers:

Mayor Bill Bogaard
Vice Mayor Steve Haderlein
Councilmember Victor Gordo (Absent)
Councilmember Chris Holden (Absent)
Councilmember Steve Madison (Arrived at 6:53 p.m.)
Councilmember Margaret McAustin
Councilmember Jacque Robinson
Councilmember Sidney F. Tyler

Staff:

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

CEREMONIAL MATTERS

The City Clerk administered the oaths of office to Elizabeth Evans Wright as Pasadena Center Operating Company Board member and Sidney F. Tyler as Fire and Police Retirement Board member.

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

No one appeared for public comment.

CONSENT CALENDAR

Councilmember Madison
arrived at 6:53 p.m.

**AUTHORIZE PURCHASE ORDER WITH AMERICAN
LaFRANCE FOR PURCHASE OF ONE REPLACEMENT
2007 TRACTOR DRAWN AERIAL TRUCK FOR A TOTAL OF
\$784,498**

Recommendation of City Manager:

(1) Accept formal bid dated March 5, 2007 by American LaFrance and authorize the issuance of a purchase order to American LaFrance in an amount not to exceed \$784,498 for the purchase of one Tractor Drawn Aerial Truck; and
(2) Reject all other bids presented.

**CONTRACT AWARD TO TYNER PAVING COMPANY (L.M.T.
ENTERPRISES, INC., DBA) FOR PUBLIC IMPROVEMENTS
IN THE VICINITY OF PASADENA HIGH SCHOOL AT
SIERRA MADRE BOULEVARD, WASHINGTON
BOULEVARD AND VICTORY PARK PARKING LOT FOR AN
AMOUNT NOT TO EXCEED \$1,130,000**

Recommendation of City Manager:

(1) Accept the bid dated May 30, 2007 submitted by Tyner Paving Company, (L.M.T. Enterprises, Inc., DBA), in response to the Project Specifications for Public Improvements in the Vicinity of Pasadena High School at Sierra Madre Boulevard, Washington Boulevard and Victory Park Parking Lot, reject all other bids received, and authorize the City Manager to enter into a contract not to exceed \$1,130,000, which includes a base bid of \$1,009,053.95 and a contingency of \$120,946.05.

(2) Acknowledge the project to be categorically exempt under Section 21084 of the Public Resources Code in accordance with Article 19, Section 15301 (Class 1), subsection (c) (maintenance 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. 19,372)

AUTHORIZATION TO ENTER INTO A CONTRACT WITH THE PASADENA HUMANE SOCIETY FOR A MUNICIPAL ANIMAL CONTROL SHELTER SYSTEM AND RABIES CONTROL PROGRAM

Recommendation of City Manager:

(1) Authorize the City Manager to enter into a two-year contract with the Pasadena Humane Society and SPCA for operation of a municipal animal control program, animal shelter system and rabies control program in the amount of \$987,450 for the first year, to be adjusted for the second year based upon the change in the Consumer Price Index for the Los Angeles-Anaheim-Riverside area for the latest available preceding 12-month period.

(2) Grant this contract an exemption from the competitive bidding process pursuant to Section 4.08.049(B) of the Pasadena Municipal Code, contracts in which the best interests of the City are served. (Contract No. 19,373)

Larry Faulkner, Pasadena resident, expressed concerns regarding the accuracy of the field officer activity reports kept by the Pasadena Humane Society.

The City Manager noted that the activity reports referenced by Mr. Faulkner did not contain all of the activities performed by the Humane Society during a time period; and that she had consulted Mel Lim, Environmental Health Division Manager, who oversees the Humane Society contract, and he had confirmed that the Humane Society was doing a good job, responding to the concerns of the City, and providing a higher level of service than other providers when compared with other cities.

AUTHORIZATION TO ENTER INTO A CONTRACT WITH ENVIRONMENTAL SCIENCE ASSOCIATES (ESA) TO PROVIDE PROFESSIONAL CONSULTING SERVICES IN THE PREPARATION OF AN ENVIRONMENTAL IMPACT REPORT (EIR) FOR THE ART CENTER COLLEGE OF DESIGN 2008-2033 MASTER PLAN

Recommendation of City Manager: Authorize the City Manager to execute a contract with Environmental Science Associates (ESA), for \$250,000 in the preparation of an EIR for the Art Center College of Design Master Development Plan. Competitive bidding is not required pursuant to City Charter Section 1002(F), for contracts for professional or unique services. (Contract No. 19,374)

AUTHORIZATION TO ENTER INTO PURCHASE ORDER CONTRACTS WITH HOWARD INDUSTRIES, WESCO DISTRIBUTION, AND KUHLMAN ELECTRIC FOR THE FURNISHING AND DELIVERY OF DISTRIBUTION TRANSFORMERS FOR THE WATER & POWER DEPARTMENT

Recommendation of City Manager:

- (1) Accept the bid dated May 22, 2007, submitted by Howard Industries in response to Specifications LD-07-5, Item I: Internally Fused Underground Type Distribution Transformers, Item II: Modified Overhead Type Distribution Transformers, and Item III: 17kV/4kV Modified Overhead Type Distribution Transformers;
- (2) Accept the bid dated May 22, 2007, submitted by Wesco Distribution in response to Specifications LD-07-5, Item IV: Underground Commercial Distribution (UCD) Transformers, and Item VII: 17kV Single-Phase Overhead-Type Distribution Transformers;
- (3) Accept the bid dated May 22, 2007 submitted by Kuhlman Electric in response to Specifications LD-07-5, Item V: 4kV Underground Type Distribution Transformers, and Item VI: 4kV Overhead-Type Distribution Transformers;
- (4) Reject all other bids; and
- (5) Authorize the Purchasing Administrator to issue one time Purchase Order Contracts not to exceed \$1,077,922 for Item I, \$1,022,799 for Item II, \$690,015 for Item III, \$1,687,197 for Item IV, \$329,113 for Item V, \$176,496 for Item VI, and \$313,687 for Item VII.

RESOLUTION APPROVING THE PROGRAM SUPPLEMENT AGREEMENT FOR THE SR 710 MITIGATION FEDERAL-AID PROJECT – TRAFFIC CONTROL AND MONITORING SYSTEM-ITS

Recommendation of City Manager:

- (1) Adopt a resolution approving the Program Supplement Agreement to Administering Agency – State Agreement No. 07-5064R between the City of Pasadena and the State of

California, for State Reimbursement covering construction for the SR 710 Mitigation Project – Traffic Control and Monitoring System-ITS; Federal-Aid Project No. RABA01-5064(045), Program Supplement Agreement No. 076-N; and
(2) Authorize the City Manager to execute State Agreement No. 07-5064R on behalf of the City. (Resolution No. 8748; Agreement Amendment No. 19,323-3)

In response to Councilmember McAustin's question, the City Manager indicated the above project had not been started, and the contract for the work to be done on the project would be brought to Council for approval in the next few weeks.

ADOPTION OF A RESOLUTION AMENDING THE SALARY RESOLUTION ESTABLISHING SALARY AND BENEFITS FOR THE UNREPRESENTED CLASSIFICATIONS OF POLICE LIEUTENANT, POLICE COMMANDER, POLICE COMMANDER (NON-SWORN) AND DEPUTY POLICE CHIEF
Recommendation of City Manager: It is recommended that the City Council adopt a resolution amending the Salary Resolution implementing salary and benefits adjustments for the unrepresented classifications of Police Lieutenant, Police Commander, Police Commander (Non-Sworn), and Deputy Police Chief. (Resolution No. 8749)

The Mayor noted the following information was omitted in error from the listing of classifications in the resolution: Page 1, Section 1 of the resolution should be corrected to include the classification of Police Lieutenant at a control rate of \$123,014.

ESTABLISHMENT OF THE SOUTH LAKE AVENUE PROPERTY-BASED BUSINESS IMPROVEMENT DISTRICT
Recommendation of City Manager: Adopt a resolution of intention to establish the South Lake Avenue Property-Based Business Improvement District (Attachment 1 of the agenda report), setting a public hearing for July 30, 2007, at 7:30 p.m. (Resolution No. 8750)

The City Manager noted the time of the public hearing cited in the agenda report recommendation and resolution should be corrected to read July 30, 2007 at 7:30 ~~a.m.~~ p.m.

MINUTES APPROVED

April 2, 2007

CLAIMS RECEIVED AND FILED

| | | |
|------------------|------------------------------|-------------|
| Claim No. 10,376 | Wawanesa Insurance | \$ 5,006.81 |
| Claim No. 10,377 | CNA Insurance Company | Not stated |
| | as subrogee for | |
| | Continental Casualty Company | |
| Claim No. 10,378 | Sempra Energy | 399.03 |
| Claim No. 10,379 | Mercury Insurance Company | Not stated |
| | for George Khoury | |
| Claim No. 10,380 | Daniel Dingle | 712.25 |

| | | |
|------------------|---------------|----------|
| Claim No. 10,381 | Ruth E. Peck | 5,000.00 |
| Claim No. 10,382 | Grace Shih | 3,295.00 |
| Claim No. 10,383 | Karie Winfrey | 965.00 |

PUBLIC HEARINGS SET

June 25, 2007, 7:30 p.m. – Appeal of a Historic Preservation Commission Decision to Deny an Application for a Certificate of Appropriateness for the Installation of French Doors and Balcony on the Primary Elevation of the House at 975 North Hudson Avenue (PLN2007-00236; Washington Square Landmark District)

July 23, 2007, 7:30 p.m. – Adoption of the 2007 Annual City of Pasadena Self Certification Report in Conformance with the Congestion Management Program for Los Angeles County and the 2007 Local Development Report in Accordance with Government Code Section 65089

It was moved by Councilmember Tyler, seconded by Vice Mayor Haderlein, to approve all items on the Consent Calendar, including the corrections to Items 7 and 8 as noted above. (Motion unanimously carried) (Absent: Councilmembers Gordo, Holden)

REPORTS AND COMMENTS FROM COUNCIL COMMITTEES

FINANCE COMMITTEE

PASADENA CONFERENCE CENTER EXPANSION PROJECT UPDATE

Recommendation of Pasadena Center Operating Company:
This report is for informational purposes only.

Councilmember Tyler, Chair of the Finance Committee, introduced the agenda item.

Michael Ross, Pasadena Center Operating Company (PCOC) Chief Executive Officer, highlighted the agenda report.

James Canfield, Pasadena Conference Center Executive Director, reported on project construction activities and local goals and objectives for the project, and responded to questions.

Vice Mayor Haderlein noted that the Finance Committee had requested more detailed information regarding the change orders in future reports, and suggested the PCOC also provide budget information in terms of dollar amounts for expenditures, balances, and contingency fund use in future reports.

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

PUBLIC HEARING

Councilmember Robinson was excused at 7:00 p.m.

**PUBLIC HEARING: AN EXTENSION OF THE INTERIM
URGENCY ORDINANCE OF THE CITY OF PASADENA
TEMPORARILY PROHIBITING THE ISSUANCE OF
MESSAGE PERMITS PURSUANT TO TITLE 17 OF THE
PASADENA MUNICIPAL CODE**

Recommendation of City Manager: Approve an extension of the interim urgency ordinance which temporarily prohibits the issuance of massage permits pursuant to Title 17 of the Pasadena Municipal Code.

The Mayor opened the public hearing.

The City Clerk reported the notice of public hearing was published on May 28, June 3, and June 8, 2007 in the Pasadena Star-News; and no correspondence was received.

The City Manager summarized the agenda report.

No one appeared for public comment.

It was moved by Vice Mayor Haderlein, seconded by Councilmember Madison, to close the public hearing. (Motion unanimously carried) (Absent: Councilmembers Gordo, Holden, Robinson)

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

**ORDINANCE – FIRST
READING**

Conduct first reading of “AN EXTENSION OF THE INTERIM URGENCY ORDINANCE OF THE CITY OF PASADENA TEMPORARILY PROHIBITING THE ISSUANCE OF MASSAGE PERMITS PURSUANT TO TITLE 17 OF THE PASADENA MUNICIPAL CODE”

The above ordinance was offered for first reading by Vice Mayor Haderlein:

AYES: Councilmembers Madison, McAustin, Tyler, Vice Mayor Haderlein, Mayor Bogaard

NOES: None

ABSENT: Councilmembers Gordo, Holden, Robinson

**RECOMMENDATIONS FROM
OFFICERS AND
DEPARTMENTS**

REAPPOINTMENT OF TINA MILLER TO THE HISTORIC PRESERVATION COMMISSION (Bungalow Heaven Nomination)

REAPPOINTMENT OF CAROL BRAINERD TO THE SENIOR COMMISSION (Mayor Nomination)

REAPPOINTMENT OF MARY SCHANDER TO THE PASADENA CENTER OPERATING COMPANY (Mayor Nomination/District 6)

REAPPOINTMENT OF MARLENE OTTO TO THE ACCESSIBILITY AND DISABILITY COMMISSION (Mayor Nomination)

APPOINTMENT OF PAUL LITTLE TO THE ROSE BOWL OPERATING COMPANY (District 3 Nomination)

It was moved by Councilmember Madison, seconded by Vice Mayor Haderlein, to approve the above reappointments and appointment. (Motion unanimously carried) (Absent: Councilmembers Gordo, Holden, Robinson)

CONTRACT AWARD TO ACEY DECY LIGHTING FOR THE INSTALLATION OF A LIGHTING DIMMER CONTROL SYSTEM IN THE PASADENA CIVIC AUDITORIUM
Recommendation of Pasadena Center Operating Company:

Authorize the Pasadena Center Operating Company to enter into a contract with Acey Decy Lighting to install an ETC Dimming System at the Pasadena Civic Auditorium for an amount not to exceed \$152,000.00. The contract amount includes a 10% contingency of \$14,000.

James Canfield, Pasadena Conference Center Executive Director, reviewed the agenda report.

It was moved by Councilmember Madison, seconded by Vice Mayor Haderlein, to approve the Pasadena Center Operating Company's recommendation. (Motion unanimously carried) (Absent: Councilmembers Gordo, Holden, Robinson)

RECESS

On order of the Mayor, the regular meeting of the City Council adjourned at 7:10 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 7:11 p.m. (Absent: Councilmembers Gordo, Holden, Robinson)

ORDINANCES – FIRST READING

Conduct first reading of “AN ORDINANCE OF THE CITY OF PASADENA AMENDING CHAPTER 4.17 OF THE PASADENA MUNICIPAL CODE RELATING TO DEFINITIONS APPLICABLE TO RESIDENTIAL IMPACT FEES”

In response to Councilmember Tyler's questions, Martin Pastucha, Director of Public Works Department, confirmed that facilities receiving a permit from the State Department of Health Services or the State Department of Social Services would receive the reduced residential impact fee with all other senior facilities paying the full fee, and responded to questions.

Discussion followed on defining assisted living units.

At Councilmember Tyler's request, the City Attorney will return, when the second reading of the ordinance is read, with confirmation regarding the definitions in the ordinance as this relates to assisted living units and the fees that would apply to such units/facilities.

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

AYES: Councilmembers Madison, McAustin, Tyler, Vice Mayor Haderlein, Mayor Bogaard

NOES: None

ABSENT: Councilmembers Gordo, Holden, Robinson

Conduct first reading of "AN INTERIM URGENCY ORDINANCE OF THE CITY OF PASADENA TEMPORARILY PROHIBITING THE ISSUANCE OF PERMITS FOR THE PLACEMENT, CONSTRUCTION, AND MODIFICATION OF GROUND-MOUNTED COMMERCIAL WIRELESS FACILITIES IN RESIDENTIAL ZONING DISTRICTS"

The Mayor noted that a letter from John J. Flynn III, of Nossaman, Guthner, Knox & Elliott, LLP, representing Omnipoint Communications, Inc., a subsidiary of T-Mobile USA, Inc. and applicant for Minor Conditional Use Permit No. 4808, had been received in opposition to the above ordinance.

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

AYES: Councilmembers Madison, McAustin, Tyler, Vice Mayor Haderlein, Mayor Bogaard

NOES: None

ABSENT: Councilmembers Gordo, Holden, Robinson

ORDINANCE – ADOPTED

Adopt "AN ORDINANCE OF THE CITY OF PASADENA SUSPENDING SECTIONS 9.36.220 AND 9.36.230 OF THE PASADENA MUNICIPAL CODE RELATING TO LIMITATIONS ON HOURS OF OPERATION OF AMPLIFIED SOUND ON A SATURDAY FROM 10:00 P.M. - 10:30 P.M. AND NOISE SOURCES FOR A PERMITTED EVENT TO BE HELD IN DEFENDER'S PARK AND THE COLORADO STREET BRIDGE ON SATURDAY, JULY 14, 2007 (THE CELEBRATION ON THE BRIDGE)" (Introduced by Councilmember Gordo)

The Mayor announced that he would be recusing himself from voting on the above matter, and that the item would be held to the meeting of April 18, 2007 when a majority of the Council would be present.

PUBLIC HEARINGS

CONTINUED PUBLIC HEARING: CITY MANAGER'S RECOMMENDED FISCAL YEAR 2008 OPERATING BUDGET

Recommendation of City Manager: Receive public comment and continue the public hearing to each subsequent regular meeting of the City Council at 7:30 p.m., until June 18, 2007 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 Operating Budget.

Councilmember Tyler, Chair of the Finance Committee, reported the department budgets for Fire, Police, Information Services, and Human Services and Recreation had been discussed at the special joint meeting of the City Council and Finance Committee held on June 11, 2007; and announced the next special joint meeting was scheduled for June 18, 2007 at 3:30 p.m.

The City Manager discussed the State requirements for the City's adoption of a budget by the end of the fiscal year (June 30, 2007) and possible options if the 2008 Operating Budget is not ready to be adopted at that time.

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

The following persons spoke in support of funding an Open Space Element in the Operating Budget:

Edwina Travis-Chin, Open Space Now member, submitted a memorandum dated June 11, 2007 in support of the Open Space Element.

Phoebe Wilson, Open Space Now member

On order of the Mayor, the public hearing was continued to June 18, 2007 at 7:30 p.m.

PUBLIC HEARING: TO CONSIDER GRANTING NON- EXCLUSIVE SOLID WASTE FRANCHISES

Recommendation of City Manager:

- (1) Hold a public hearing to consider granting non-exclusive solid waste franchises;
- (2) After closure of the public hearing, grant a franchise to all applicants consistent with the solid waste collection franchise ordinance for a 12-month franchise term; and
- (3) Direct the City Attorney to prepare the necessary ordinances for the approved applications and authorize the City Manager to enter into the franchise agreements on or after the effective date of the ordinance approving such franchise.

The City Manager requested the public hearing be continued to July 23, 2007 to allow staff time to provide Council with

additional information on the number of approved franchises needed within the City and possible policy changes regarding the standards/criteria to be met by franchisees.

Councilmember Tyler suggested consideration of an environmental approach to issuing franchises with criteria for trucks to use alternative fuels and commit to diversion of solid waste from the landfills.

On order of the Mayor, the public hearing was continued to July 23, 2007 at 7:30 p.m.

COUNCIL COMMENTS

Councilmember Madison reported on a personal trip he made with his son Julian to Florida to watch the Space Shuttle Atlantis launch on June 8, 2007, and thanked the Jet Propulsion Laboratory and National Aeronautics and Space Administration for their kindness related to the launch activities.

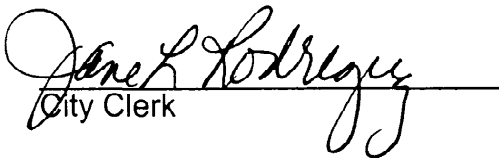
ADJOURNMENT

On order of the Mayor, the regular meeting of the City Council adjourned at 7:44 p.m., in memory of Sophia Adamson, philanthropist and co-founder of the Pacific Asia Museum.



Bill Bogaard, Mayor
City of Pasadena

ATTEST:



Jane L. Rodriguez
City Clerk