

CITY OF PASADENA
City Council Minutes
August 6, 2007 – 5:30 P.M.
City Hall Council Chamber

Teleconference Location:
Four Seasons Resort - Hualalai - Business Center Room
72-100 Ka'upulehu Drive
Ka'upululu - Kona, Hawaii

REGULAR MEETING

OPENING:

Mayor Bogaard called the regular meeting to order at 5:44 p.m.
(Absent: Councilmembers Gordo, Holden, Madison)

On order of the Mayor, the regular meeting recessed at 5:44 p.m., to discuss the following closed sessions:

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

Agency Negotiators: Karyn Ezell, Arthur Chavez
Employee Organization: American Federation of State, County and Municipal Employees, Local 858

Councilmember Holden arrived at 5:52 p.m.

CITY COUNCIL CONFERENCE WITH LEGAL COUNSEL REGARDING SIGNIFICANT EXPOSURE TO LITIGATION pursuant to Government Code Section 54946.9(b)(1): One Potential Case

Councilmember Gordo arrived at 5:59 p.m.

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

Agency Negotiators: Karyn Ezell, Arthur Chavez
Employee Organization: Pasadena Police Sergeants Association

Councilmembers Gordo and Robinson were excused at 6:26 p.m.

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

Agency Negotiators: Karyn Ezell, Arthur Chavez
Employee Organizations: Pasadena Association of Clerical and Technical Employees/Laborers International Union of North America, Local 777; American Federation of State, County and Municipal Employees, Local 858; Pasadena Management Association; International Brotherhood of Electrical Workers, Local 18; International Union of Operating Engineers, Local 501; Service Employees International Union, Local 347; and all Unrepresented Non-Safety Employees

The above four closed session items were discussed, with no reportable action at this time.

On order of the Mayor, the regular meeting reconvened at 6:33 p.m. The Pledge of Allegiance was led by Assistant City Manager Julie Gutierrez.

ROLL CALL:

Councilmembers:

Mayor Bill Bogaard
Vice Mayor Steve Haderlein
Councilmember Victor Gordo
Councilmember Chris Holden
Councilmember Steve Madison (Participated via
teleconference beginning at 6:40 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

Angie Gomez, Pasadena Sister Cities Committee member, announced various activities to be held in conjunction with the 50th anniversary of the City's sister city relationship with Mishima, Japan; and introduced Akiko Shirai, visiting student from Mishima. Ms. Shirai thanked the Sister Cities Committee and the City for their hospitality and the opportunity to visit the City, and submitted a map of the Mishima area.

The Mayor presented a proclamation designating the week of August 6-11, 2007 as Drum Corps International Week. The proclamation was received by Dan Acheson, Drum Corps International (DCI) Executive Director, who thanked the City, Rose Bowl Operating Company, Pasadena City College, and Pasadena Convention and Visitors Bureau for their efforts and cooperation in hosting this event.

The City Clerk administered the oaths of office to Milena Albert as Human Relations Commissioner, Veronica Boone as Historic Preservation Commissioner, Bonnie Khang as Design Commissioner, and Cesar Portillo as Human Services Commissioner.

**ORDINANCE – FIRST
READING**

Conduct first reading of “AN ORDINANCE OF THE CITY OF PASADENA AMENDING TITLE 8 OF THE PASADENA MUNICIPAL CODE BY ADDING CHAPTER 8.19 RELATING TO GROUP HOMES FOR THE DISABLED WHICH ARE NOT LICENSED BY THE STATE AND AMENDING TITLE 17, SECTION 17.80.020(B) AMENDING THE DEFINITION OF A BOARDING HOUSE”

On order of the Mayor, the above item was held for a future meeting to allow time for additional legal review.

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

Councilmember Madison joined the meeting at 6:40 p.m. via the teleconference location.

Martin Gordon, Pasadena resident, thanked members of the City Council and staff for honoring Christine Harris (deceased Jackie Robinson Center supervisor) at a memorial service at the Jackie Robinson Center. Mr. Gordon asked Council to work with the community to end violence in the City, and to consider making violence a permanent agenda item and appointing an ad hoc committee on violence to include at least two members from Altadena.

Jesus Gomez, Pasadena resident, expressed concerns regarding the lack of response to his complaint about a neighbor's barking dog.

The City Manager indicated staff will contact Mr. Gomez regarding how to proceed in the above matter.

Councilmember Gordo commented on the current barking dog ordinance and the Pasadena Humane Society's role in the regulation process, and asked staff to compare the City of Los Angeles ordinance with the City's ordinance to determine if there is a more effective way to respond to barking dog complaints.

James Lomako, Pasadena resident, expressed concerns regarding the adequacy of staff advice that has been given to the Urban Forestry Advisory Commission regarding enforcement of the tree protection ordinance and the role of a City arborist in investigating an alleged specific violation of the ordinance.

The City Manager asked Mr. Lomako to provide information on the location of the tree incident so that staff can look into the matter.

Leslie Levy, West Coast Association of Chinese Political Refugees (WCACPR) representative, commented on her registration of a petition with the Tournament of Roses to march as the Goddess of Democracy as part of a WCACPR brigade in the 2008 Tournament of Roses Parade, and read and submitted her poem titled "Where Are The Real Players".

CONSENT CALENDAR

AWARD OF CONTRACT TO VIDO SAMARZICH, INC., FOR CONSTRUCTION OF PREFABRICATED RESTROOM AND STORAGE BUILDINGS AT McDONALD, JEFFERSON AND HAMILTON PARKS IN THE AMOUNT OF \$1,158,000

Recommendation of City Manager:

(1) Accept the bid dated July 27, 2007, submitted by Vido Samarzich, Inc., in response to the Specifications for

Prefabricated Restroom and Storage Buildings at McDonald, Jefferson and Hamilton Parks;

(2) Reject all other bids received; and

(3) Authorize the City Manager to enter into a contract not to exceed \$1,158,000, which includes the base bid of \$1,078,000 and \$80,850 for any additional work the City may order pursuant to the project specifications. (Contract No. 19,416)

Councilmember McAustin clarified that the design of the McDonald Park prefabricated restroom building was the same as the design that had been discussed and supported by the neighborhood association.

AUTHORIZATION TO ENTER INTO A CONTRACT WITH PERRY C. THOMAS TO PROVIDE LABOR AND MATERIALS FOR CONSTRUCTION OF A REINFORCED CONCRETE OIL CONTAINMENT SYSTEM AT THE T.M. GOODRICH RECEIVING STATION

Recommendation of City Manager:

(1) Accept the bid dated March 23, 2007, submitted by Perry C. Thomas in response to Specification LD-07-2 to provide labor and materials for Construction of a Reinforced Concrete Oil Containment System in T.M. Goodrich Receiving Station for the Water and Power Department;

(2) Reject all other bids;

(3) Authorize the issuance of a contract not to exceed \$763,964, which includes the base amount of \$694,496 and a contingency of \$69,450 for any necessary change orders; and

(4) Acknowledge that the project is exempt from environmental review pursuant to the guidelines of the California Environmental Quality Act (Public Resources Code Section 21080(b)(9); Administrative Code, Title 14, Chapter 3, Class 30, Section 15330 (Minor Actions to Prevent, Stabilize, Mitigate or Eliminate the Release or Threat of Release of Hazardous Waste or Hazardous Substances). (Contract No. 19,417)

Item discussed separately at the request of Councilmember Tyler.

APPROVAL OF THE MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF PASADENA AND AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES (AFSCME) FOR THE TERM JULY 3, 2006 THROUGH JULY 3, 2010

CLAIMS RECEIVED AND FILED

Claim No. 10,413	Evelyn Nelson	\$	Not Stated
Claim No. 10,414	Deana Marconi		325.00
Claim No. 10,415	Walter and Pailik Dennis		Not Stated

It was moved by Councilmember Gordo, seconded by Councilmember McAustin, to approve the Consent Calendar with the exception of Item 3 (Memorandum of Understanding with American Federation of State, County and Municipal Employees), which was discussed separately:

AYES: Councilmembers Gordo, Holden, Madison,
McAustin, Robinson, Tyler, Vice Mayor Haderlein,
Mayor Bogaard
NOES: None
ABSENT: None

**CONSENT ITEM DISCUSSED
SEPARATELY**

**APPROVAL OF THE MEMORANDUM OF UNDERSTANDING
BETWEEN THE CITY OF PASADENA AND AMERICAN
FEDERATION OF STATE, COUNTY AND MUNICIPAL
EMPLOYEES (AFSCME) FOR THE TERM JULY 3, 2006
THROUGH JULY 3, 2010**

Recommendation of City Manager:

- (1) Approve a successor Memorandum of Understanding between the City of Pasadena and American Federation of State, County and Municipal Employees (AFSCME) for a four-year term covering the period July 3, 2006 through July 3, 2010; and
- (2) Approve a journal voucher allocating funds from the General Fund Personnel Reserve. (Contract No. 19,418; Journal Voucher No. 2008-2)

Councilmember Tyler expressed concerns about the report's language involving medical insurance for retirees.

The City Manager noted that Council had agreed to hold discussions regarding a possible package that would provide a retiree medical program for all City employees (represented and unrepresented), with terms to be agreed upon by the Council and with the City to provide a one-time contribution towards startup of the program.

Karyn Ezell, Director of Human Resources Department, clarified that the proposed bargaining unit agreement language conditions the parties to reach agreement before any contributions can occur.

The City Attorney clarified that Ms. Ezell's explanation of the agreement language would fulfill Councilmember Tyler's expectations regarding the terms that would need to be negotiated and agreed upon by the Council prior to approval of any retiree medical insurance program.

It was moved by Councilmember Tyler, seconded by Councilmember Gordo, to approve the City Manager's recommendation:

AYES: Councilmembers Gordo, Holden, Madison,
McAustin, Robinson, Tyler, Vice Mayor Haderlein,
Mayor Bogaard
NOES: None
ABSENT: None

OLD BUSINESS

CONTRACT AWARD TO MANUEL BROS., INC., A QUANTA SERVICES CO., FOR THE STATE ROUTE (SR) 710 MITIGATION TRAFFIC CONTROL AND MONITORING SYSTEM – INTELLIGENT TRANSPORTATION SYSTEMS (ITS) PROJECT, FOR AN AMOUNT NOT TO EXCEED \$5,000,000

Recommendation of City Manager: It is recommended that the City Council accept the bid dated April 17, 2007, submitted by Manuel Bros., Inc., a Quanta Services Company, in response to the Plans and Specifications for the Traffic Control and Monitoring System-ITS Project; reject all other bids received; and authorize the City Manager to enter into a contract not to exceed \$5,000,000, which includes the base bid of \$4,751,100 and \$248,900 for any additional work the City may order pursuant to the project plans and specifications.

The City Manager introduced the agenda item, responded to questions regarding the bid process, and distributed a letter dated May 1, 2007 from Manuel Bros., Inc.

Martin Pastucha, Director of Public Works Department, reviewed the responses to questions/concerns previously expressed by Council as contained in the City Manager's memorandum to Council dated August 6, 2007; and responded to questions regarding the lowest bidder's (Manuel Bros., Inc.) labor compliance settlement with the City of Los Angeles, aspects of the project (e.g. scope and costs) and bid proposal, and compliance monitoring of the apprenticeship program.

The City Attorney noted that based on evidence presented at this time, the evidence does not appear to be sufficient to reject the bid based on a finding of nonresponsibility on the part of the lowest bidder; and also noted the parameters for due process in further public discussion of this matter.

Barbara Gadbois, Esq., Gibbs, Giden, Locher & Turner LLP as legal counsel for the City, discussed Council's concerns regarding the licensing requirements for the project, discussed evaluation of the lowest bidder based on the provisions set out in the Pasadena Municipal Code (PMC), clarified compliance with the State required apprenticeship program and use of various apprentice application forms, clarified the definitions of responsive vs. responsible bidder, and responded to questions.

Bob Gardner, Principal Engineer, responded to questions regarding the types of labor to be performed as a part of the project.

Councilmember Madison expressed concerns regarding the prior misclassification of labor by Manuel Bros., Inc. and related labor compliance issues with the City of Los Angeles as this relates to a possible finding of nonresponsibility on the part of Manuel Bros., Inc.

Councilmember Gordo opined that it is Council's responsibility to weigh the evidence on the bidder based on PMC Chapter 4.08.130(E) and determine if the lowest bidder could be found nonresponsible/nonresponsive as this relates to a consideration of the character, integrity, reputation, and experience of the bidder.

Discussion followed on the work history of the lowest bidder, past and ongoing labor compliance issues involving the lowest bidder, State requirements for apprenticeship programs, options for compliance with the apprenticeship program, required vs. permissive apprentice application forms, possible work reductions in the components to be done as part of the SR 710 Mitigation project, and possible cost impacts if the project approval is delayed.

The following persons spoke in support of the contract award to Manuel Bros., Inc.:

Jeffrey Hurst, Monteleone & McCrory, LLP as legal counsel
for Manuel Bros., Inc.

Gary Smith, Manuel Bros., Inc. President

The following persons spoke in opposition to the proposed contract award to Manuel Bros., Inc.:

Bill Nowak, Terno/International Brotherhood of Electrical
Workers (IBEW) representative

Ellyn Moscovitz, legal counsel for IBEW Local 11

Patrick Owens, IBEW Local 11 representative, submitted
informational materials.

Kim Craft, IBEW Local 11 representative

Tim Erno, Terno, Inc. representative

Vice Mayor Haderlein expressed concerns regarding impacts of the delaying of project approval on the costs and scope of the work to be done on the project.

MAIN MOTION

It was moved by Vice Mayor Haderlein, seconded by Councilmember Tyler, to approve the City Manager's recommendation.

Councilmember Madison reiterated his concerns regarding the qualifications of Manuel Bros., Inc. and his opinion that the bidder is nonresponsible based on the labor compliance history and questions regarding use of the State apprenticeship program.

The City Attorney explained the process for use of a substitute motion under Robert's Rules of Order.

Discussion continued on the apprenticeship program and options for compliance with the program, monitoring compliance with the apprenticeship program, and evaluation of the bid/bidder based on the standards for responsiveness and responsibility.

Councilmember Holden expressed concerns regarding Manuel Bros., Inc. and the labor compliance issues with the City of Los Angeles contract and also the apparent passive approach at utilizing apprentice programs by the lowest bidder vs. the more aggressive approach to use of apprentices taken by the second lowest bidder.

Councilmember Gordo discussed the gravity and implications of the misclassification issue on the part of the lowest bidder.

SUBSTITUTE MOTION

Following discussion, it was moved by Councilmember Madison, seconded by Councilmember Gordo, to make the necessary findings that Manuel Bros., Inc. is a nonresponsible bidder based on the record as developed, and to award the contract to the second lowest bidder:

AYES: Councilmembers Gordo, Holden, Madison, Robinson

NOES: Councilmembers McAustin, Tyler, Vice Mayor Haderlein, Mayor Bogaard

ABSENT: None

(Motion failed)

Discussion continued on factors related to questions regarding responsibility issues involving the lowest bidder, technical aspects related to evaluating the bid proposals, problems that could result from delaying award of the bid, and the narrow margin between the two lowest bidders.

VOTE ON MAIN MOTION

It was moved by Vice Mayor Haderlein, seconded by Councilmember Tyler, to approve the City Manager's recommendation:

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

NOES: Councilmembers Gordo, Holden, Robinson

ABSTAIN: Councilmember Madison

ABSENT: None

(Motion failed)

The Mayor noted another option for Council's consideration would be to reject all bids and rebid the project in light of all the information that has been developed.

Discussion continued on the timeframe for rebidding and beginning work on the project, possible Council instructions for changing the scope of the Request for Proposals (RFP),

options for moving the project forward as quickly as possible, and possible reconsideration of the main motion.

By consensus and on order of the Mayor, the above item was held to the meeting of August 13, 2007.

PUBLIC HEARINGS

PUBLIC HEARING: REPORT ON WATER QUALITY PUBLIC HEALTH GOALS

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

(1) Hold a public hearing on August 6, 2007 for the purpose of accepting and responding to public comments on the City of Pasadena's Water Quality Report Relative to Public Health Goals (PHGs);

(2) Accept the City of Pasadena's Water Quality Report Relative to Public Health Goals; and

(3) Declare the 2007 Water Quality Report Relative to Public Health Goals to be categorically exempt from the California Environmental Quality Act and the "Environmental Guidelines and Procedures for the City of Pasadena" pursuant to Section 15308 of the State of California Environmental Quality Act (CEQA) Guidelines (actions by regulatory agencies for protection of the environment).

Councilmembers Madison and McAustin and Vice Mayor Haderlein were excused at 9:09 p.m.

The Mayor opened the public hearing.

The City Clerk reported the notice of public hearing was published on July 23, 2007 in the Pasadena Star-News; and no correspondence was received.

The City Manager introduced the agenda item.

Shan Kwan, Business Unit Director, summarized the agenda report, and noted that City water is more closely regulated and meets higher standards than the bottled water that can be purchased.

No one appeared for public comment.

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

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

PUBLIC HEARING: ADOPTION OF A RESOLUTION TO ESTABLISH UNDERGROUND UTILITY DISTRICT NO. 07-1, WILSON AVENUE, CALIFORNIA BOULEVARD TO ARDEN ROAD

Recommendation of City Manager: It is recommended that, after a public hearing, the City Council:

(1) Adopt a resolution establishing Underground Utility District No. 07-1, Wilson Avenue from California Boulevard to Arden Road.

(2) Acknowledge the project to be categorically exempt under the California Environmental Quality Act (CEQA) in accordance with Article 19, Section 15302(a) of the CEQA Guidelines (conversion of overhead electric utility systems to underground) 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. (Resolution No. 8766)

The Mayor opened the public hearing.

The City Clerk reported 12 copies of the notice of public hearing were posted on July 23, 2007; 6 copies of the notice were mailed on July 23, 2007; and no correspondence was received.

Councilmember McAustin returned at 9:12 p.m.

The City Manager introduced the agenda item.

No one appeared for public comment.

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

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

RECESS/JOINT MEETING

On order of the Mayor, the regular meeting of the City Council recessed at 9:13 p.m. to a joint meeting with the Community Development Commission. (Absent: Councilmember Madison, Vice Mayor Haderlein)

RECOMMENDATIONS FROM OFFICERS AND DEPARTMENTS

JOINT ACTION: DISPOSITION AND DEVELOPMENT AGREEMENT WITH TRADEMARK DEVELOPMENT COMPANY, LLC FOR A FOUR-UNIT RESIDENTIAL/TWO-UNIT ARTISAN LOFT OWNERSHIP PROJECT AT 1150 NORTH ALLEN AVENUE

Recommendation of City Manager/Chief Executive Officer:

(a) It is recommended that the City Council approve the transfer of real property located at 1150 North Allen Avenue (the "Property") to the Pasadena Community Development Commission; and

(b) It is recommended that the Pasadena Community Development Commission ("Commission") take the following actions:

(1) Acknowledge that the proposed project, construction of a 4-unit residential/2-unit artisan loft ownership development at 1150 North Allen Avenue ("the Project"), has been determined to be categorically exempt under Section 15332 of the State of California Environmental Quality Act Guidelines, and authorize the Secretary of the Commission to file with the County Clerk a Notice of Exemption for the Project;

(2) Approve the key terms and conditions of the Disposition and Development Agreement ("DDA") between the Commission and Trademark Development Company, LLC ("Developer") for the construction of the Project;

(3) Approve a journal voucher appropriating an amount not to exceed \$448,000 from Housing Opportunities Fund (Workforce Reward - \$198,000 and HELP Funds - \$250,000) for homebuyers of the workforce/affordable housing units in the Project; and

(4) Authorize and direct the Chief Executive Officer of the Commission to execute, and the Secretary to attest the DDA and related documents, and to take any actions necessary to implement the DDA. (Agreement No. CDC-593; Journal Voucher No. 2008-3)

Recommendation of Community Development Committee:

The Community Development Committee at its regular meeting on July 26, 2007, considered the subject item and unanimously approved the staff recommendation.

Vice Mayor Haderlein returned at 9:14 p.m.

The City Manager introduced the agenda item, and responded to questions regarding the financing of the loan and the use of public funds for assisting in the construction of various types of housing (e.g. affordable at various income levels, workforce, senior, rental, and ownership).

Jim Wong, Project Manager, reviewed the agenda report and responded to questions.

The following persons spoke in support of the project:

Stacy Lewis, Brigden Ranch Neighborhood Association President

Augustin Zuniga, Brigden Ranch Neighborhood Association Board member

The following person spoke in support of the project and expressed concerns regarding the criteria for use of public funds for workforce rather than affordable housing:

Jill Shook, Pasadena resident

Councilmember McAustin congratulated members of the community, the Brigden Ranch Neighborhood Association, and former Councilmember Paul Little for their assistance in making this project a success, and complimented the project

development team for addressing the importance of compatible housing types on the edge of single-family neighborhoods. She requested that a right turn only exit be allowed onto Allen Avenue (exit north only), and asked that the project be put on a fast track through the Planning and Development Department because of the need for the affordable housing units being built.

The City Manager outlined the ramifications of a right turn only onto Allen Avenue, and noted that staff had no objections to the right turn request.

It was moved by Councilmember McAustin, seconded by Councilmember Gordo, to approve the City Manager's/Chief Executive Officer's recommendations, as amended to require a right turn only exit onto Allen Avenue. (Motion unanimously carried) (Absent: Councilmember Madison)

RECONVENED

On order of the Mayor, the joint meeting with the Community Development Commission adjourned at 9:35 p.m. and the regular meeting of the City Council reconvened at this time. (Absent: Councilmember Madison)

DIRECT THE CITY ATTORNEY TO PREPARE AMENDMENTS TO CHAPTER 8.61 OF THE PASADENA MUNICIPAL CODE ("SOLID WASTE COLLECTION FRANCHISE SYSTEM") TO CLOSE THE SOLID WASTE FRANCHISE SYSTEM TO NEW FRANCHISEES

Recommendation of City Manager: It is recommended that the City Council direct the City Attorney to prepare an ordinance within 45 days to close the solid waste franchise system to new franchisees until further action of the Council.

The City Manager introduced the agenda item.

Martin Pastucha, Director of Public Works Department, summarized the agenda report and responded to questions.

Councilmember Tyler suggested staff explore a means to more easily terminate a franchise for nonperformance or nonpayment.

Vice Mayor Haderlein suggested staff examine truck height limitations to prevent damage to the City's street trees.

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

APPROVE THE USE OF THE PASADENA CITY SEAL ON A "MATCHBOX" FIRE ENGINE; AND AUTHORIZE THE CITY MANAGER TO ENTER INTO A CONTRACT WITH MATTTEL INC., FOR USE OF THE PASADENA CITY SEAL AND THE PASADENA FIRE DEPARTMENT MARK ON A "MATCHBOX" FIRE ENGINE

Recommendation of City Manager:

- (1) Approve the use of the Pasadena City Seal on a "Matchbox" fire engine; and
- (2) Authorize the City Manager to enter into a contract with Mattel Inc. for use of the Pasadena Fire Department mark – which includes the Pasadena City Seal – on a "Matchbox" Fire Engine. (Contract No. 19,419)

The City Manager introduced the agenda item.

Ann Erdman, Public Information Officer, reviewed the agenda report.

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

CONSIDERATION OF ESTABLISHING A COUNCIL AD HOC COMMITTEE RELATED TO THE REPORT ON THE HERITAGE SQUARE DEVELOPER SELECTION PROCESS
(Councilmember Holden)

Councilmember Holden briefly reviewed the concerns expressed by members of the community and various advisory bodies regarding the investigation performed on the developer selection process and the completeness of the report that was produced from the investigation. He suggested a Council ad hoc subcommittee be formed to address the issues of the report and to create an opportunity for persons to submit rebuttal information/comments about the contents of the report so that the community feels it is being heard on the selection process issue, with persons having an opportunity to refute information contained in the report or to provide additional information that should be included in the report. He proposed that the subcommittee would work with the City Manager and investigator to look at and discuss the conclusions reached in the report, with the subcommittee to report to Council on any suggestions or comments that might come out of the subcommittee proceedings and with the full Council to then hold a comprehensive discussion on this topic. The goal would be to put the Council in a position to be responsive to the issues and concerns that were raised by the public during the Council meeting of July 30, 2007, inclusive of all points of view. He further suggested the members of the subcommittee include the Mayor, Councilmember Gordo, and himself.

Councilmember McAustin expressed her opinion that the report showed that the selection process was flawed and did not generate confidence in the process results, and expressed concerns regarding the need to move forward in a productive manner to develop a process that creates confidence in the recommended project.

Councilmember Robinson expressed concerns regarding the need for the report to provide a balanced view of the selection process issue and for the investigator to be provided an opportunity to complete the report with additional interviews.

The City Manager responded to questions regarding the scope and methodology of the investigation, and indicated her office could notify those advisory body persons who had participated in the deliberations on the project and could coordinate meetings/interviews between the investigator and those persons having information/input. She clarified that advisory body members would be asked if they would like to be interviewed by the investigator, and Council could submit additional/follow-up questions to the investigator.

The Mayor suggested that all points of view be heard and included in the proceedings, if the subcommittee is established; and indicated that, at some point, Council will have questions for staff as to how the selection process unfolded in order to discern some lessons that pertain to the development of a process.

Councilmember Gordo suggested the City continue to use the investigator as a fact-finder, with anyone who participated in the selection process and had additional information to provide this input to the investigator and the investigator to report to the subcommittee on the facts. He also suggested two meetings of the ad hoc subcommittee – one meeting to discuss the scope of the report with the investigator and one meeting to receive the final report from the investigator.

Discussion followed on the information flow and the interaction between the subcommittee, City Manager, and investigator; the need for the investigator to complete the investigation by possibly developing additional information and/or conducting additional interviews; concerns regarding the scope of any further investigation into the selection process; issues of addressing possible mischaracterization or misrepresentation of the actions and/or intentions of persons who had participated in the selection process; the methodology used in the investigation; and the timeframe and membership for the subcommittee's work.

It was moved by Councilmember Holden, seconded by Councilmember Robinson, to establish an ad hoc Council subcommittee that will work with the investigator and City Manager to review the investigative report on the Heritage Square developer selection process, with the opportunity for Council to submit additional/follow-up questions to the investigator, with the City Manager to send a letter to those persons who had participated in the selection process asking if they would like to be interviewed by the investigator or provide information/input for the report, and with a report to be presented to the Council at the end of September 2007. (Motion carried, with Councilmember McAustin objecting)
(Absent: Councilmember Madison)

Mayor Bogaard, and Councilmembers Holden and Gordo agreed to serve on the ad hoc subcommittee.

REPORT ON STATUS OF HERITAGE SQUARE DEVELOPMENT SELECTION PROCESS AND CONSIDERATION OF ALTERNATIVES TO THE PROCESS IN LIGHT OF CHANGES IN DEVELOPMENT TEAM AND DEVELOPMENT CONCEPT

The Mayor highlighted elements of a joint statement issued by The Bakewell Company/Century Housing Corporation and delivered to the City Manager's office on August 1, 2007, which stated Century Housing Corporation's decision to withdraw from the Heritage Square project, which was confirmed in a letter from The Bakewell Company. The Mayor noted that a fax communication had been received on August 6, 2006 from the Southern California Housing/Union Station (alternative developer for the project) reiterating their interest in being considered for selection as the development team for the project.

Councilmember McAustin indicated that it did not seem to be a productive use of time to continue further negotiations with The Bakewell Company since the development team no longer exists; and suggested action be taken to acknowledge that the selected development team no longer exists, and to close the books on that process and move forward with a new process to continue to define the project and develop a process to select a developer through a Request for Qualifications (RFQ) and/or Request for Proposals (RFP) process.

The City Attorney discussed options for moving forward with the developer selection process (e.g. reissue new RFQ/RFP, look at some other combinations of developers, or begin a new process), and the legal implications of the options.

The Mayor noted for the record that Heritage Housing Partners had made it clear to him that they had no interest in this

matter/opportunity as they had been eliminated in early April 2007 during the selection process and had no intention of pursuing this matter.

The following persons expressed concerns regarding the process:

Reginald A. Holmes, Renaissance Oak, LLC
representative
D. Michael Gray, Renaissance Oak, LLC representative

The following person expressed concerns regarding the investigative report and questions related to the selection process:

Ishmael Trone, Fair Oaks Project Area Committee (PAC)
Co-Chair

Discussion followed on what the next steps in the selection process might be, use of a cooling off period before consideration of the next selection process, the significance and impacts of the change in The Bakewell Company/Century Housing Corporation development team, the need to clarify the status of the current developer selection process, and an option to terminate the current development selection process.

The City Manager discussed impacts of the withdrawal of Century Housing Corporation on the financial aspects of the discussions that had been held with that development team.

Councilmember Holden suggested the strategy for the next selection process include how the community will continue to play a role in the process and decision on the project and not foreclose options.

Councilmember Gordo suggested the next process include bifurcation of the role of the PACs and other groups in assisting to define the project from the role of the Council, with staff's assistance, in selecting a developer.

Vice Mayor Haderlein suggested the next process clearly define the advisory role of the advisory bodies.

Following discussion, it was moved by Vice Mayor Haderlein, seconded by Councilmember McAustin, that the Council declare the current developer selection process terminated, that no further negotiations should be done pursuant to that process, and that staff be directed to study various options for the next steps to be taken in achieving the project, including appropriate engagement of community comment on the project. (Motion unanimously carried) (Absent: Councilmember Madison)

**ORDINANCE – FIRST
READING**

Conduct first reading of “AN ORDINANCE OF THE CITY OF PASADENA AMENDING SECTION 10.60.140 OF THE PASADENA MUNICIPAL CODE, BICYCLE REGULATIONS, TO PROHIBIT BICYCLISTS FROM RIDING MORE THAN TWO ABREAST IN ANY PUBLIC STREET, WHERE SUCH PROHIBITION IS POSTED AT THE DIRECTION OF THE CITY COUNCIL”

Councilmember Gordo reported he had spoken with proponents of the peloton, who had asked that they be allowed time to work through some solutions with the Rose Bowl Operating Company (RBOC) to address the safety issues that have been raised.

Darryl Dunn, General Manager of the Rose Bowl, clarified that if the ordinance process moves forward, the ordinance would not be effective until mid-September; and responded to questions regarding the safety issues and current discussions between the RBOC and the cyclists involving the ongoing issues at the Rose Bowl.

The City Attorney outlined the timeframe for adopting the ordinance and its effective date and possible modification of the ordinance based on changed circumstances, and discussed the time implications for approving a resolution to designate the areas to be covered by the ordinance.

The following persons spoke in opposition to the ordinance and/or in support of the Rose Bowl cyclists/peloton :

Steve Lubanski, Pasadena resident
Barbara Ziegler, Pasadena resident
Andrzej Siobowicz, Los Angeles resident
Enci Box, Los Angeles resident
Stephen Box, Los Angeles County Bicycle Coalition member speaking as an individual
Katie Safford, Pasadena resident
Alexander Moffat, Pasadena Athletic Association Board member
Michael Baca, Pasadena resident
William Paz, Temple City resident
Doug Woodard, Pasadena resident
Brent Robinson, Pasadena resident
Diane Clark Robinson, Pasadena resident
Chris Ziegler, California Association of Bicycle Organization (CABO) representative
Robert Llamas, Montrose resident
Demi Hechanova, Pasadena cardiologist
Michelle Selvans, Pasadena resident
Lennon Rodgers, Pasadena resident
Zane Crawford, Pasadena resident
Laura Needels, Pasadena resident

Michael Kantner, Pasadena resident
Frederick Bottger, Pasadena resident
Jeff Newman, Pasadena resident
Stephen Sanford, Pasadena resident
Frank Sarate, Socalcycling.com Club member
Christy Nicholson, Socalcycling.com Club member
Robert Humphrey, cyclist
Carrie Cobbin, Pasadena resident
Hap Chandler, Los Angeles resident
Andrew Wang, Pasadena resident
Mason Fong, Los Angeles resident
Carlyn Lambert-Oropez, Pasadena resident
John Koerber, West Hills resident
Anthony Jusay, Pasadena resident
Josef Bray-Ali, Bike Oven representative
Edward Alvarez, Pasadena resident
Susan Owen, Pasadena resident
Shawn Brooks, Pasadena resident
Veronica Jauregui, Los Angeles resident
Dorothy Wong, Altadena resident
Paul Baca, cyclist

The following person spoke in support of the ordinance:

Lee Zanteson, Linda Vista/Annandale Association Board member

Discussion followed on options to address the safety issues related to the peloton activities and various proposals as to process and timetables.

It was moved by Councilmember Robinson, to defer action on the above item, with the Rose Bowl Operating Company and staff to continue to work with leaders of the peloton group regarding solutions to the safety issues at the Rose Bowl, to use the interim period of negotiations to allow the cyclists the opportunity to police themselves and use this time to arrive at a compromise and evaluate the cyclists' ability to self police so there is no need to implement an ordinance, and to monitor potential traffic violations by all users of the Rose Bowl.
(Motion died due to lack of a second)

Councilmember Gordo suggested the ordinance move forward with the understanding that the ordinance would not take effect until the end of daylight savings time (to preserve the peloton riders' training season for this year), and with the intervening time to be used to come up with a workable solution, at which time the ordinance could be amended. He also stressed the need to educate all users of the Rose Bowl – cyclists, joggers, and walkers; and to assure that the current painted roadways and signage are adequately maintained so that users are clear about the existing traffic/road usage.

The Mayor indicated Councilmember Gordo's suggestion would mean that the ordinance would go into effect about the first of November (at the end of daylight savings time).

Councilmember McAustin suggested the Transportation Advisory Commission (TAC) be involved in the discussions/negotiations.

The City Manager indicated the Police Department/Traffic Section and Transportation staff would be involved in the discussions/negotiations; and noted that information on capital improvement projects and information from the Arroyo Seco Master Plan related to the Rose Bowl loop usage would be provided to Council.

Vice Mayor Haderlein suggested moving forward with the ordinance with the understanding that every effort would be made to give the negotiations between the RBOC and cyclists an opportunity to succeed. He also suggested that the discussions involve a comprehensive solution to the problem, the Bike Master Plan be a part of the discussions, and consideration be given to the reduction of automobile traffic in the Rose Bowl area.

Following discussion, the above ordinance was offered for first reading by Vice Mayor Haderlein, with the commitment that the resolution to authorize the signage would not be considered until November 2007:

AYES: Councilmembers Gordo, Holden, McAustin, Tyler,
Vice Mayor Haderlein, Mayor Bogaard

NOES: None

ABSTAIN: Councilmember Robinson

ABSENT: Councilmember Madison

ORDINANCES – ADOPTED

Adopt “AN UNCODIFIED ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PASADENA, CALIFORNIA, DESCRIBING THE PASADENA REDEVELOPMENT AGENCY’S PROGRAM PERTAINING TO THE ACQUISITION OF REAL PROPERTY BY EMINENT DOMAIN” (Introduced by Councilmember Tyler) (Ordinance No. 7108)

The above ordinance was adopted by the following vote:

AYES: Councilmembers Gordo, Holden, McAustin,
Robinson, Tyler, Vice Mayor Haderlein,
Mayor Bogaard

NOES: None

ABSENT: Councilmember Madison

Adopt “AN ORDINANCE OF THE CITY OF PASADENA AMENDING SECTION 2.165.030 AND SECTION 2.175.030 OF THE PASADENA MUNICIPAL CODE PERTAINING TO

THE MEMBERSHIP, APPOINTMENT AND TERMS OF THE PASADENA CENTER OPERATING COMPANY BOARD AND THE ROSE BOWL OPERATING COMPANY” (Introduced by Councilmember Gordo) (Ordinance No. 7109)

The above ordinance was adopted by the following vote:

AYES: Councilmembers Gordo, Holden, McAustin,
Robinson, Tyler, Vice Mayor Haderlein,
Mayor Bogaard

NOES: None

ABSENT: Councilmember Madison

INFORMATION ITEMS

PREDEVELOPMENT PLAN REVIEW FOR THE PROPOSED MASTER DEVELOPMENT PLAN AMENDMENT TO ALLOW A 54,480 SQUARE FOOT EXPANSION OF THE HUNTINGTON MEMORIAL HOSPITAL, INCLUDING A 22,120 SQUARE FOOT ADDITION TO THE EMERGENCY DEPARTMENT (ROOM)

Recommendation of City Manager: This report is being provided for information only at this time.

PREDEVELOPMENT PLAN REVIEW FOR ALL SAINTS CHURCH

Recommendation of City Manager: This report is for information only.

On order of the Mayor, the above two agenda items were held due to time constraints.

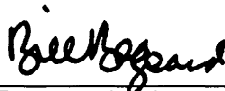
COUNCIL COMMENTS

Councilmember Robinson asked that a discussion of violence in the City be agendized for a future Council meeting.

Councilmember Gordo suggested the violence issue be referred to the Public Safety Committee for discussion at its next meeting and prior to the Council's discussion of the issue.

ADJOURNMENT

On order of the Mayor, the regular meeting of the City Council adjourned at 1:12 a.m., August 7, 2007.



Bill Bogaard, Mayor
City of Pasadena

ATTEST:



City Clerk