

CITY OF PASADENA
City Council Minutes
August 13, 2007 – 5:30 P.M.
City Hall Council Chamber

REGULAR MEETING

OPENING:

Mayor Bogaard called the regular meeting to order at 5:46 p.m.
(Absent: Councilmembers Gordo, Holden, Madison)

On order of the Mayor, the regular meeting recessed at 5:46 p.m., to discuss the following closed session:

Councilmember Madison
arrived at 6:04 p.m.

**CITY COUNCIL CONFERENCE WITH LEGAL COUNSEL
regarding significant exposure to litigation pursuant to
Government Code Section 54956.9(b)(1): Two potential
cases**

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

On order of the Mayor, the regular meeting reconvened at 6:44 p.m. The Pledge of Allegiance was led by Councilmember Robinson.

ROLL CALL:

Councilmembers:

Mayor Bill Bogaard
Vice Mayor Steve Haderlein
Councilmember Victor Gordo (Absent)
Councilmember Chris Holden (Absent)
Councilmember Steve Madison
Councilmember Margaret McAustin (Returned at 6:47 p.m.)
Councilmember Jacque Robinson
Councilmember Sidney F. Tyler

Staff:

City Manager Cynthia Kurtz
City Attorney Michele Beal Bagneris
Senior Assistant City Clerk Mark Jomsky

CEREMONIAL MATTERS

Councilmember McAustin
returned at 6:47 p.m.

The Senior Assistant City Clerk administered the oath of office to Elizabeth Pomeroy as Library Commissioner.

Councilmember Madison explained the First Tee of Pasadena program (a chapter of a national junior golf program) held through the cooperation of the Rose Bowl Operating Company (RBOC), American Golf, Brookside Golf Club and John Wells Golf Shop. He introduced the First Tee Board members who were present: Kenny James, Blair Salisbury, Bob Baderian (Executive Director), Darryl Dunn (Vice President), and Omel Nieves (President); and David Sams (Program Director).

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

The Mayor presented a proclamation designating September 2007 as First Tee of Pasadena Month, which was accepted by Omel Nieves, who described youth participation in the program and the core values being taught along with new golf skills, acknowledged the First Tee youth who were present, and thanked the many organizations and persons who contributed to the success of the program.

David Davis, Pasadena resident, described an incident involving the theft of personal property from a number of participants in the 2007 Drum Corps International competition that had taken place in Pasadena during the past week; described efforts involving the Tournament of Roses, Rose Bowl Operating Company, and various individuals to raise money for restitution of the stolen items; and announced that donations could be sent to his address to be collected and sent on to the drum corps group from Milwaukee, Wisconsin.

The Mayor thanked Mr. Davis for his efforts in rectifying the theft situation.

D. Harry Montgomery, Typecraft, Wood & Jones, Inc. President, outlined problems with the business's underground vault and options to correct the problems, and submitted a letter dated August 13, 2007 stating his concerns about the available option proposed by the City.

The City Manager indicated that Mr. Montgomery had received a miscommunication in regards to the underground vault issue and staff would contact him about solving the issue.

Vice Mayor Haderlein asked to be kept advised of the status of the solution to Mr. Montgomery's vault problem.

Reverend Michael Burnes, Pasadena Panthers President, thanked the City for its assistance in moving the team's storage shed, outlined the team's problems with locating available field space usage within the City, and asked the City for assistance in obtaining an area for practice use.

The City Manager indicated staff would contact Rev. Burnes about the field use issue.

LaRonda Little, Pasadena resident, described her new business located in her home in Northwest Pasadena and the need to locate a building in order to provide permanent jobs in the City.

The following persons asked for Council support for retaining the Present Perfect Nursery at its current location on Edison-owned property:

Al Toma, Present Perfect Nursery owner
Michael Coppess, Pasadena resident, submitted a map of the site area.

The following persons expressed concerns regarding helicopter noise in residential areas and the need to address the noise issue:

Lorraine Montgomery, Pasadena resident
Stephen Lipira, Pasadena Neighborhood Coalition Vice Chair. (It was noted, for the record, that an email discussing the noise concerns and dated August 11, 2007 had been received from Mr. Lipira.)

The City Manager offered a brief comment on the City's helicopter usage, and indicated staff was working with the Public Safety Committee on the helicopter noise issue.

Vice Mayor Haderlein confirmed that the Public Safety Committee would be meeting at the heliport to receive a demonstration and discuss the noise issue.

CONSENT CALENDAR

APPROVAL OF FINAL VESTING TRACT MAP NO. 066826 FOR THE CONVERSION OF AN EXISTING MIXED-UNIT PROJECT CONSISTING OF TWO RETAIL SPACES AND 28 APARTMENTS INTO TWO RETAIL PARCELS AND 28 CONDOMINIUM UNITS AT 712 EAST WALNUT STREET

Recommendation of City Manager: Adopt a resolution to:

- (1) Approve Final Vesting Tract Map No. 066826; and
- (2) Authorize the City Clerk to execute the certificate on the map showing the City's approval of said map. (Resolution No. 8767)

APPROVAL OF VESTING FINAL TRACT MAP NO. 066395 FOR THE CONVERSION OF 18 EXISTING APARTMENT UNITS INTO 16 CONDOMINIUM UNITS AT 84 NORTH WILSON AVENUE

Recommendation of City Manager: Adopt a resolution to:

- (1) Approve Final Vesting Tract Map No. 066395; and
- (2) Authorize the City Clerk to execute the certificate on the map showing the City's approval of said map. (Resolution No. 8768)

APPROVAL OF FINAL TRACT MAP NO. 062283, BEING A MIXED-USE PROJECT TO CREATE FIVE AIR PARCELS, AT 355 EAST COLORADO BOULEVARD AND 380 EAST UNION STREET

Recommendation of City Manager: Adopt a resolution to:

- (1) Approve Final Tract Map No. 062283;
- (2) Accept the offer of easement dedications for street purposes as shown on said map; and
- (3) Authorize the City Clerk to execute the certificate on the

map showing the City's approval of said map. (Resolution No. 8769)

AUTHORIZATION TO PURCHASE TWO DIGITAL PRINTING SYSTEMS

Recommendation of City Manager: Authorize the issuance of a purchase order to Océ – North America, Inc., in an amount not to exceed \$362,575 for the purchase of Océ 6250 digital black and white printing system and one Océ CS650 digital color printing system. Competitive bidding is not required pursuant to City Charter Section 1002(H), contracts with other governmental entities or their contractors for labor, material, supplies or services.

Item discussed separately at the request of Councilmember Madison.

CONTRACT AWARD TO SULLY MILLER CONTRACTING COMPANY, FOR THE STATE ROUTE 710 MITIGATION PROJECT – ARROYO PARKWAY ENHANCEMENT FOR AN AMOUNT NOT TO EXCEED \$7,100,000; AND AMEND CONTRACT NO. 18,210 WITH RBF CONSULTING TO INCREASE THE TOTAL NOT TO EXCEED AMOUNT BY \$60,000 FROM \$766,000 TO \$826,000 FOR ASSISTANCE DURING CONSTRUCTION OF THE ARROYO PARKWAY ENHANCEMENT PROJECT

Item discussed separately at the request of Councilmember Madison.

CONTRACT AWARD TO VASILJ, INC., DBA IVANKO FOR ARROYO PARKWAY MIDDLE SEWER CONSTRUCTION FOR AN AMOUNT NOT TO EXCEED \$700,000

APPROVAL OF APPLICATION AND RESOLUTION TO THE RESOURCES AGENCY OF THE STATE OF CALIFORNIA FOR THE LOS ANGELES RIVER PARKWAY GRANT PROGRAM FOR THE SYCAMORE GROVE PERIMETER TRAIL PROJECT AT HAHAMONGNA WATERSHED PARK IN THE ARROYO SECO

Recommendation of City Manager: Approve the City of Pasadena's application and adoption of a resolution to the Resources Agency of the State of California for the Los Angeles River Parkway Grant Program in the amount of \$423,500 for the Sycamore Grove Perimeter Trail Hahamongna Watershed Park in the Arroyo Seco. (Resolution No. 8770)

Recommendation of Recreation and Parks Commission: At their special meeting on September 12, 2006, the Recreation and Parks Commission recommended to the City Council support of a grant application to the State of California Resources Agency's Habitat Conservation Fund Program for the implementation of the Westside Trails Project. The City of Pasadena was not successful in receiving this grant.

At their regular meeting of August 7, 2007, staff provided an update to the Commission advising that the project now identified as the Sycamore Grove Perimeter Trail in Hahamongna Watershed Park was being re-submitted through

the Los Angeles River Parkway Grant Program. The Recreation and Parks Commission reaffirmed their support for this project and grant application.

RESOLUTION FOR THE COLORADO EDUCATIONAL AND CULTURAL FACILITIES AUTHORITY REVENUE BONDS FOR MARANATHA HIGH SCHOOL

Recommendation of City Manager: Adopt a resolution re-approving the issuance of the Colorado Educational and Cultural Facilities Authority Revenue Bonds, Series 2007, in an aggregate principal amount not to exceed \$32 million to be used to finance or refinance the acquisition, construction, improvement, furnishings and equipping of certain educational facilities and certain other matters relating thereto. (Resolution No. 8771)

Item discussed separately at the request of Councilmember McAustin.

AUTHORIZATION TO ENTER INTO A CONTRACT WITH THE PLANNING CENTER TO PROVIDE PROFESSIONAL CONSULTING SERVICES IN THE PREPARATION OF THE GENERAL PLAN HOUSING ELEMENT UPDATE (2006-2014)

Item discussed separately at the request of Councilmember Robinson.

APPROVAL OF THE AGREEMENT BETWEEN THE CITY OF PASADENA AND THE COALITION OF MISCELLANEOUS NON-SAFETY UNIONS AND ADOPTION OF A RESOLUTION AMENDING THE SALARY RESOLUTION TO MODIFY RETIREMENT BENEFIT COST SHARING METHODOLOGY; AND ADOPTION OF A RESOLUTION TO PAY AND REPORT THE VALUE OF THE EMPLOYER PAID MEMBER CONTRIBUTION FOR MISCELLANEOUS NON-SAFETY EMPLOYEES

CLAIMS RECEIVED AND FILED

Claim No. 10,416	Leigh S. Rosenberg	\$	Not Stated
Claim No. 10,417	Ronald A. Carson		53,349.00
Claim No. 10,418	John Chan		3,500.00
Claim No. 10,419	Ruthee Goldkorn		32,000.00
Claim No. 10,420	John F M Rodriguez		Not Stated

It was moved by Vice Mayor Haderlein, seconded by Councilmember McAustin, to approve the Consent Calendar, with the exceptions of Item 5 (Contract with Sully Miller Contracting Company), Item 6 (Contract with Vasilj, Inc. dba Ivanko), Item 9 (Contract with The Planning Center), and Item 10 (Agreement with Coalition of Miscellaneous Non-Safety Unions), which were discussed separately. (Motion unanimously carried) (Absent: Councilmembers Gordo, Holden)

CONSENT ITEMS DISCUSSED SEPARATELY

Councilmember Madison recused himself at 7:32 p.m., due to a conflict of interest.

CONTRACT AWARD TO SULLY MILLER CONTRACTING COMPANY, FOR THE STATE ROUTE 710 MITIGATION PROJECT – ARROYO PARKWAY ENHANCEMENT FOR AN AMOUNT NOT TO EXCEED \$7,100,000; AND AMEND CONTRACT NO. 18,210 WITH RBF CONSULTING TO INCREASE THE TOTAL NOT TO EXCEED AMOUNT BY

\$60,000 FROM \$766,000 TO \$826,000 FOR ASSISTANCE DURING CONSTRUCTION OF THE ARROYO PARKWAY ENHANCEMENT PROJECT

Recommendation of City Manager:

(1) Accept the bid dated August 1, 2007, submitted by Sully Miller Contracting Company, in response to the Plans and Specifications for the SR 710 Mitigation Project – Arroyo Parkway Enhancement; reject all other bids received; and authorize the City Manager to enter into a contract not to exceed \$7,100,000 which includes the base bid of \$6,461,286 and \$638,714 for any additional work the City may order pursuant to the project plans and specifications; and

(2) Amend Contract No. 18,210 with RBF Consulting to increase the total not to exceed amount by \$60,000 from \$766,000 to \$826,000 for additional scope of work to provide assistance during construction of the SR 710 Mitigation Project – Arroyo Parkway Enhancement. (Contract No. 19,424; Contract Amendment No. 18,210-2)

CONTRACT AWARD TO VASILJ, INC. DBA IVANKO FOR ARROYO PARKWAY MIDDLE SEWER CONSTRUCTION FOR AN AMOUNT NOT TO EXCEED \$700,000

Recommendation of City Manager:

(1) Accept the bid dated July 24, 2007, submitted by Vasilj, Inc. dba Ivanko, for Arroyo Parkway Middle Sewer Construction; reject all other bids received; and authorize the City Manager to enter into such contract for a “not to exceed” amount of \$700,000;

(2) Grant Dominguez General Engineering Inc., the apparent low bidder, their request to withdraw their bid on the basis of clerical error, and authorize the Office of the City Clerk to return the bid bond.

(3) Acknowledge the project to be statutorily exempt under the California Environmental Quality Act (CEQA) in accordance with Title 14, Chapter 3, Section 15282(k); 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. 19,425)

The above two agenda items were discussed concurrently.

The City Manager indicated staff would confirm whether the Vasilj, Inc. dba Ivanko contract is covered under the Taxpayer Protection Amendment of 2000 (TPA) and whether there would be a need to include this contract in the monthly TPA report to each member of the Council.

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

Councilmember Madison
returned at 7:33 p.m.

AUTHORIZATION TO ENTER INTO A CONTRACT WITH THE PLANNING CENTER TO PROVIDE PROFESSIONAL CONSULTING SERVICES IN THE PREPARATION OF THE GENERAL PLAN HOUSING ELEMENT UPDATE (2006-2014)
Recommendation of City Manager: Authorize the City Manager to execute a contract with The Planning Center, for an amount not to exceed \$100,000, for the preparation of the General Plan Housing Element Update (2006-2014). It is further recommended that the City Council grant this contract an exemption from the competitive selection process of the Competitive Bidding and Purchasing Ordinance, pursuant to Section 4.08.049(B), contracts for which the City's best interests are served. (Contract No. 19,426)

The City Manager indicated staff would confirm whether the above contract is covered under the Taxpayer Protection Amendment of 2000 (TPA) and whether there would be a need to include this contract in the monthly TPA report to each member of the Council.

Richard Bruckner, Director of Planning and Development Department, confirmed that public outreach would occur early in the project timeframe and the draft Housing Element would be reviewed by Council prior to the submittal of the document to the State, and responded to questions regarding the process.

Councilmember McAustin suggested the community outreach be very broad so as to address residents' concerns regarding the amount of current and proposed building/housing and to educate the public about the State housing requirements being imposed on the City.

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

Councilmember Robinson
recused herself at 7:39 p.m.,
due to a conflict of interest.

APPROVAL OF THE AGREEMENT BETWEEN THE CITY OF PASADENA AND THE COALITION OF MISCELLANEOUS NON-SAFETY UNIONS AND ADOPTION OF A RESOLUTION AMENDING THE SALARY RESOLUTION TO MODIFY RETIREMENT BENEFIT COST SHARING METHODOLOGY; AND ADOPTION OF A RESOLUTION TO PAY AND REPORT THE VALUE OF THE EMPLOYER PAID MEMBER CONTRIBUTION FOR MISCELLANEOUS NON-SAFETY EMPLOYEES

Recommendation of City Manager: It is recommended that the City Council implement an agreement between the City of Pasadena and the Coalition of Miscellaneous Unions (AFSCME, IBEW, IUOE, PACTE/LIUNA, PMA and SEIU) related to retirement benefit cost sharing and the employer's

payment of the member retirement contributions for miscellaneous non-safety employees by taking the following actions:

- (1) Approve the Agreement with the Coalition modifying the methodology by which employees share in the cost of retirement benefit enhancements approved in 2006;
- (2) Adopt a resolution amending the Salary Resolution for employees in the Executive, Top, Middle, and Professional Management, Technical and Administrative, Confidential-Clerical, Non-Represented, and Hourly groups to modify the methodology by which employees share in the cost of retirement benefit enhancements approved in 2006; to reflect the City's payment of the employees' 8% retirement contribution effective August 20, 2007; and to report such payment to CalPERS as additional compensation; and
- (3) Adopt a Resolution relating to employees represented by AFSCME, IBEW, IUOE, PACTE/LIUNA, PMA and SEIU, and employees in the Executive, Top, Middle, and Professional Management, Technical and Administrative, Confidential-Clerical, Non-Represented, and Hourly groups to reflect the City's payment of the employees' 8% retirement contribution effective August 20, 2007, and to report such payment to CalPERS as additional compensation. (Agreement No. 19,427; Resolution Nos. 8772 and 8773)

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

PUBLIC HEARING

Councilmember Robinson returned at 7:40 p.m.

CONTINUED PUBLIC HEARING: PROPOSED AMENDMENTS TO TITLE 16 (SUBDIVISIONS) AND TITLE 17 (ZONING CODE) OF THE PASADENA MUNICIPAL CODE RELATED TO THE CONVERSION OF RESIDENTIAL RENTAL MULTIPLE-DWELLING UNITS INTO RESIDENTIAL CONDOMINIUM UNITS

Recommendation of City Manager: It is recommended that the City Council continue the public hearing to October 1, 2007, at 7:30 p.m.

It was moved by Councilmember Tyler, seconded by Vice Mayor Haderlein, to continue the public hearing to October 1, 2007 at 7:30 p.m. (Motion unanimously carried) (Absent: Councilmembers Gordo, Holden)

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. (Contract No. 19,428)

The City Manager summarized her memorandum to Council dated August 13, 2007 regarding possible changes in the specifications if the project is re-bid, and responded to questions regarding apprenticeship issues. She confirmed that Manuel Bros., Inc. (lowest bidder) had agreed to the inclusion of the additional apprentice program requirements outlined in Paragraph A of the memorandum if a contract is awarded.

Steve Wright, Assistant City Engineer, outlined proposed changes in the scope of work, and responded to questions regarding the project and apprenticeship program.

Barbara Gadbois, Esq., Gibbs, Giden, Locher & Turner LLP as legal counsel for the City, discussed the apprenticeship requirements contained in the bid documents, and responded to questions regarding the State code requirements involving apprentices.

Councilmember Madison expressed concerns regarding the past work history of Manuel Bros. Inc.'s (lowest bidder) compliance with apprenticeship requirements and possible ongoing investigations regarding apprenticeship compliance issues on City of Los Angeles projects involving Manuel Bros., Inc.; stated his opinion that the Labor Code, under certain circumstances, requires use of apprentices; and commented on provisions in the Pasadena Municipal Code (PMC) involving factors for determining the lowest and best bidder.

The Mayor commented on the State law apprenticeship program requirements and a determination that compliance has been met if a contractor requests apprentices to be assigned from certain agencies and committees and no apprentices are sent out by the agencies/committees.

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

Jeffrey S. Hurst, Monteleone & McCrory, LLP, as legal counsel for Manuel Bros., Inc., submitted informational materials.

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

Patrick Owens, International Brotherhood of Electrical Workers (IBEW) Local 11 representative
Kim Craft, IBEW Local 11 representative

Discussion followed on apprenticeship program requirements and regulations under the Labor Code, the monitoring/enforcement of a contractor's compliance with apprenticeship requirements, qualifications for certified apprentices, the creation of an apprenticeship committee, and possible finding of nonresponsibility on the part of the lowest bidder.

Following discussion, it was moved by Councilmember Madison to make the necessary findings that Manuel Bros., Inc. (lowest bidder) is a nonresponsible bidder based on the record as developed, and to award the bid to Terno, Inc. (second lowest bidder). (Motion died due to lack of a second)

Vice Mayor Haderlein expressed support for awarding the contract to the lowest bidder and expressed concerns regarding the amount of the contingency for the project.

Councilmember Madison indicated he could not support awarding the contract to the lowest bidder until outstanding questions regarding the penalties and apprenticeship issues had been completely answered.

Councilmember Robinson commented on circumstances involving a nonunion contractor's "good faith efforts" to comply with the State's required apprenticeship program; and asked staff to examine how strictly the City will enforce the use of apprentices on future projects when the lowest bidder is a nonunion contractor.

Following discussion, it was moved by Vice Mayor Haderlein, seconded by Councilmember Tyler, to approve the City Manager's recommendation, with the understanding that the following program requirements as defined in Item A of the City Manager's memo dated August 13, 2007 as constituting "Good Faith Effort" be included in the contract:

- 1) Contractors will be required to notify all applicable apprenticeship committees in applicable crafts or trades within the geographic region of the project site. Submit a request for dispatch of apprentices from an Apprenticeship Committee.
- 2) If the Apprenticeship Committee fails to dispatch any apprentices or dispatches fewer apprentices than the contractor requested, the contractor shall make further

requests from at least two additional Apprenticeship Committees.

- 3) If the Apprenticeship Committees fail to dispatch any apprentices or fewer than requested, the contractor will have a continuing obligation to make written requests to all Apprentice Committees until either sufficient apprentices are employed or 70% of the contractor work on the project is completed as determined by the City.

(Motion carried, with Councilmember Madison abstaining)

(Absent: Councilmembers Gordo, Holden)

The Mayor suggested staff also look at the contractor-sponsored worker training program goals used in conjunction with the City Hall retrofit project as a model.

Councilmember Madison asked staff to keep him apprised on the number of apprentices working on this project.

Vice Mayor Haderlein recused himself at 9:17 p.m. due to a conflict of interest.

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.

The City Manager introduced the agenda item.

Erin Clark, Assistant Planner, reviewed the agenda report.

Councilmember Madison expressed gratitude for the hospital's support of emergency care services for the City, and commented on the community's use of the Huntington Hospital's emergency room for primary care purposes and the need for the City to provide additional urgent care sites.

The City Manager indicated a report would be presented to Council in September regarding the urgent care issue and its high priority.

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

Vice Mayor Haderlein returned at 9:25 p.m.

PREDEVELOPMENT PLAN REVIEW FOR ALL SAINTS CHURCH

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

The City Manager introduced the agenda item.

Antonio Gardea, Associate Planner, summarized the agenda report.

The following person spoke in support of the All Saints Church project:

Jim Crawford, Richard Meier & Partners representative (architects for the project), indicated the church would be working with staff to develop a master plan.

In response to Councilmember Madison's questions, the City Manager indicated staff was working with the preschool, which had been moved from the Church site as a result of the Church expansion project, on the school's relocation to the Pasadena Unified School District former Linda Vista Elementary School site.

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

**REPORTS AND COMMENTS
FROM COUNCIL
COMMITTEES**

**ECONOMIC DEVELOPMENT
AND TECHNOLOGY
COMMITTEE**

**ORDINANCE SUSPENDING PASADENA MUNICIPAL CODE
SECTION 9.36.220 (AMPLIFIED SOUND) AND 9.36.230
(GENERAL NOISE SOURCE) FOR THREE 2007
SCHEDULED UCLA COLLEGE FOOTBALL NIGHT GAMES**

Recommendation of Rose Bowl Operating Company:
Approve and direct the City Attorney's Office to prepare an ordinance suspending the Noise Ordinance for three specified dates. Suspending Pasadena Municipal Code Sections 9.36.220 (amplified sound) and 9.36.230 (general noise source) for three potential UCLA night games occurring on the following dates – September 22 versus Washington; October 20 versus California; November 10 versus Arizona State; until 11:00 p.m., rather than the current 10:00 p.m. time limit.

Councilmember Madison, Economic Development and Technology Committee member, summarized the agenda report.

Darryl Dunn, General Manager of the Rose Bowl, responded to questions regarding the schedule.

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

**RECOMMENDATIONS FROM
OFFICERS AND
DEPARTMENTS**

ROSE BOWL BATTLE OF THE BANDS, JANUARY 19, 2008
Recommendation of Rose Bowl Operating Company: It is recommended that the Pasadena City Council:

- (1) Approve a license agreement with AFG Enterprises, Inc., for the hosting of its One (1) Day Battle of the Bands collegiate competition at the Rose Bowl Stadium on Saturday, January 19, 2008;
- (2) Direct the City Attorney to prepare an ordinance

suspending the Noise Ordinance on the following dates and times:

January 18, 2008 (Friday) 10:00 A.M. to 7:00 P.M. for rehearsal

January 19, 2008 (Saturday) 11:00 A.M. to 6:00 P.M. for event

(Agreement No. 19,429)

Darryl Dunn, General Manager of the Rose Bowl, summarized the agenda report.

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

ORDINANCE

Adopt "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" (Introduced by Vice Mayor Haderlein)

Darryl Dunn, General Manager of the Rose Bowl, introduced the agenda item, noted that meetings with peloton riders' representatives had begun, and responded to questions.

The following persons spoke in opposition to and expressed concerns regarding the proposed ordinance:

Katie Safford, Rose Bowl peloton riders representative
Dennis Crowley, Rose Bowl peloton riders representative
Daniel Gutierrez, California Association of Bicycling Organization (CABO) Education Committee Co-Chair, submitted a letter from CABO in opposition to the ordinance.

Stephen Sanford, Pasadena resident
Liz Elliott, Cyclists Inciting Change through Live Exchange (CICLE) Co-Director

Bob Huddy, Pasadena resident
Mitch Marich, Pasadena resident
Ian Shaprio, Pasadena resident
Stephen Box, Los Angeles resident
Chris Ziegler, Pasadena resident

Councilmember Tyler suggested tabling the proposed ordinance, studying the bicycle riding/peloton issues, and working with the peloton/bicycle riders on the public safety issues to determine if a solution can be achieved in the next six months.

The City Attorney clarified possible actions for Council to take on the ordinance (adoption of the proposed ordinance, deferral for further study, and adoption of an alternative ordinance or approval of an alternative action); and responded to questions.

Discussion followed on the need to address the public safety issues involving cyclists, mitigation measures that could be implemented in the Rose Bowl through the Central Arroyo Master Plan, the need to involve all users of the Rose Bowl in meetings/discussions regarding possible solutions to the issues, the timeframe for studying the issues, and increased activity in the Rose Bowl (e.g., Kidspace Museum).

Vice Mayor Haderlein suggested the peloton riders/cyclists also collaborate with the City on citywide bicycle riding issues, and suggested staff explore the use of residential impact fees for funding mitigation measures.

Councilmember Madison stressed the need to involve representatives for all users of the Rose Bowl in the discussions and for staff to refer to improvement measures that were included in documents already approved by Council for this area.

Councilmember Robinson asked staff to work with the Police Department to enforce the existing traffic regulations for all users in the Rose Bowl in the intervening time between now and when the report is presented to Council in the next six months.

The City Manager indicated that information on a workplan/timeline with progress updates would be provided to Council in the weekly information letter, noted that information on the traffic incidents report would receive another look, and responded to questions.

It was moved by Councilmember Tyler, seconded by Councilmember Robinson, to refrain from voting on the second reading of the above ordinance; and to direct staff to pursue the development of solutions regarding the bicycle riding/peloton issues (taking into account effects on users of the Rose Bowl) and physical improvements/mitigation measures, with a report to be presented to Council in six months. (Motion unanimously carried) (Absent: Councilmembers Gordo, Holden)

**RECOMMENDATIONS FROM
OFFICERS AND
DEPARTMENTS**

**APPOINTMENT OF THOM MROZEK TO THE RECREATION
AND PARKS COMMISSION** (District 4 Nomination)

**APPOINTMENT OF CAROLYN MEREDITH TO THE
ENVIRONMENTAL ADVISORY COMMISSION** (District 2
Nomination)

APPOINTMENT OF ROSEMARY "TALIBA" CARR TO THE NORTHWEST COMMISSION (Mayor Nomination)

APPOINTMENT OF KATHY HUANTE TO THE ARTS AND CULTURE COMMISSION (District 1 Nomination)

APPOINTMENT OF ROBERTA MARTINEZ TO THE LIBRARY COMMISSION (District 1 Nomination)

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

COUNCIL COMMENTS

Councilmember Madison asked staff to present a briefing to the Public Safety Committee on the City's bridge inspection program (in light of the recent Minnesota bridge collapse incident).

RECOMMENDATIONS FROM OFFICERS AND DEPARTMENTS

APPROVE AMENDMENTS TO THE CIVIC CENTER/MID-TOWN DISTRICT DESIGN PROJECT ("PROJECT") FOR THE DESIGNATED TREE SPECIES AND SPACING FOR HOLLY STREET AND PAVING IMPROVEMENTS FOR THE CIVIC AUDITORIUM FORECOURT AREA

Recommendation of City Manager: It is recommended that the City Council approve the following design modifications as Plan Amendments to the approved Civic Center/Mid-Town District Design Project dated 12/15/2003:

(a) Civic Auditorium Forecourt: Find that the paving plan, pattern and materials proposed for the Civic Auditorium forecourt as part of the Pasadena Center Expansion project, is consistent with the intent and design parameters set forth in the approved Project.

(b) Holly Street Trees:

(1) Approve the selection of *Quercus engelmannii*, Engelmann Oak as the designated tree species for Holly Street (between Marengo and Garfield Avenues) to replace *Platanus acerifolia* "Bloodgood", the London Plane tree, originally recommended in 2003; and

(2) Maintain the historic number and tree planting pattern of the original Bennett Plan, with 18 trees to be aligned in a double allée on each side of Holly Street, for a total of 36 trees.

(3) Keep the original 35-foot tree spacing between each Englemann Oak tree for the width and length of Holly Street. This spacing will allow for the planting of thirty-six 48-inch-box Engelmann Oak trees along the length of Holly Street, the same number of trees originally planted in 1928.

Recommendation of City Center Implementation Task Force: The City Center Implementation Task Force recommended that the City Council make the following amendments to the Civic Center/Mid-Town Public

Improvements Plan:

(a) Find that the paving design, including the decorative pattern/layout and materials proposed for the Civic Auditorium forecourt/sidewalk area is consistent with the intent and parameters set forth in the approved Civic Center/Mid-Town Design Project; and

(b) Approve the selection of Quercus engelmannii, Engelmann Oak, as the tree species designation for Holly Street (between Marengo and Garfield Avenues), and direct City staff to review the growth pattern and spacing of this tree and provide City Council with a recommended planting plan with sufficient spacing to ensure the longevity of the Engelmann Oaks. (*Staff recommendation includes the space plan which the Task Force asked be developed*).

The City Manager summarized the agenda item and responded to questions.

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

APPEAL OF NON-ACTION BY THE ARTS AND CULTURE COMMISSION ON THE CONCEPT ART PLAN FOR 129 NORTH RAYMOND AVENUE

Recommendation of City Manager:

(1) Find that the proposed art concept and proposed artist comply with the goals, objectives and eligible criteria outlined in the City's Public Art Guidelines as outlined in Attachment 1 of the agenda report;

(2) Approve the proposed artist, Anne Marie Karlsen; and

(3) Approve the proposed public art concept of two sculptural mosaic wall murals on the building's facade with the conditions outlined in Attachment 1 of the agenda report.

Recommendation of Arts and Culture Commission: On June 13, 2007, the concept art plan for 129 North Raymond was presented to the Arts and Culture Commission. Following discussion, two motions were made that both failed for lack of a second. No further action was taken.

The City Manager introduced the agenda item.

Richard Bruckner, Director of Planning and Development Department, reviewed the agenda report, clarified the current guidelines to be applied to the project, and responded to questions.

The following person spoke in support of the concept art plan:

Marilyn Buchanan, applicant

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

REVISE THE CITY MANAGER'S AUTHORITY TO ENTER INTO A CONTRACT WITH SOUTHERN CALIFORNIA PUBLIC POWER AUTHORITY ("SCPPA") TO EXTEND THE CONTRACT TERM FROM 20 YEARS TO 30 YEARS FOR A PREPAID NATURAL GAS SUPPLY AGREEMENT FOR AN AVERAGE OF 2,000 MMBTU PER DAY

Recommendation of City Manager:

- (1) Revise the City Manager's authority as previously approved on April 30, 2007 to enter into an agreement with Southern California Public Power Authority (SCPPA) to extend the term of the agreement from 20 years to 30 years for a Prepaid Natural Gas Supply Agreement ("Agreement") to deliver an average of 2,000 MMBtu (Million British Thermal Units) per day.
- (2) Rescind Resolution No. 8735 dated April 30, 2007 authorizing a 20 year Natural Gas Supply Agreement.
- (3) Adopt a resolution authorizing approval of a 30 year Natural Gas Supply Agreement.
- (4) Grant the proposed Natural Gas Supply Agreement an exemption from competitive bidding pursuant to City Charter Section 1002(H), contracts with other governmental entities or their contractors for labor, materials, supplies or service. (Resolution No. 8774; Agreement No. 19,430)

The City Manager reviewed the agenda report.

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

ORDINANCES – FIRST READING

Conduct first reading of "AN ORDINANCE OF THE CITY OF PASADENA ADDING A NEW SECTION TO CHAPTER 8.61 OF THE PASADENA MUNICIPAL CODE, SOLID WASTE COLLECTION FRANCHISE SYSTEM, TO CLOSE THE SYSTEM TO NEW APPLICATIONS"

The City Manager responded to questions regarding proposed changes to the solid waste collection franchise process, and noted that a report with draft ordinance would be presented to Council on proposed changes to the performance criteria and franchise process within the next 5-6 months.

Councilmember Tyler stressed the opportunity for staff to examine, as the ordinance is drafted, the performance criteria to be required in terms of diversion compliance, delinquency in payment, and truck standards.

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

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

NOES: None

ABSENT: Councilmembers Gordo, Holden

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”

The following person spoke in opposition to the above ordinance:

Michelle White, Affordable Housing Services representative

The following person asked for clarification regarding provisions in the above ordinance:

Barbara King, North Arroyo Coalition of Concerned Citizens representative

The City Attorney responded to the speakers' questions regarding various provisions in the ordinance (e.g., boarding house definitions, compliance issues related to existing boarding houses, standards for the group homes, and privacy issues related to obtaining a Reasonable Application Permit.

Frank Rhemrev, Senior Assistant City Attorney, responded to questions regarding zoning districts for group homes and the role of the Fire Department in obtaining a Reasonable Application Permit.

Councilmember McAustin expressed concerns regarding the need to increase the distance requirement between a boarding house or group home and other such facilities and the need to notify existing group homes that they must apply for a permit, and suggested the distance requirement between facilities be increased to 500 feet.

Vice Mayor Haderlein suggested information be provided to neighbors regarding proposed boarding houses or group homes.

Discussion followed regarding the nature of a possible notification process to neighbors of boarding houses/group homes, the distance requirement between boarding houses or

group home facilities, and the process for notifying existing boarding houses that a permit is required.

Following discussion, the City Attorney presented the following revisions to the ordinance:

- Chapter 8.19, § 8.19.010, Purpose
The City has prohibited boarding houses in the all RS districts and the RM-12 and RM-16 zoning districts. ...
- Chapter 8.19, § 9.19.030, Applicability
The provisions of this chapter shall apply to group homes for the disabled and to all persons who own, manage, or operate them when such group home meets the definition of a boarding house and is allowed to locate in the any RS district, RM-12, or RM-16 zoning district pursuant to a reasonable accommodation.
- Chapter 8.19, § 8.19.040, Reasonable Accommodation Permit, Paragraph C.
The Fire Chief and Building Official shall ascertain whether the premises to be used ~~are suitable, proper and adequate, and~~ comply with applicable laws, ordinances and regulations concerning such premises.
- Chapter 8.19, § 8.19.050, Standards, Paragraph A.3.
It shall not adversely affect the livability ~~or appropriate development of abutting properties and of the~~ surrounding neighborhood as a result of inadequate maintenance, prohibited activities, and/or operating characteristics;
- Chapter 8.19, § 8.19.050, Standards, Paragraph A.6.
It shall not be located within ~~300~~ 500 feet, measured from the property lines, of any other boarding house or group home facility, whether or not such facility is licensed by the State. ...

The ordinance, as revised above by the City Attorney, was offered for first reading by Councilmember McAustin:

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

NOES: None

ABSENT: Councilmembers Gordo, Holden

PUBLIC COMMENT (Continued)

Michelle White, Affordable Housing Services representative, invited the Council and community to the 100th anniversary of the Orange Grove Friends Meeting (Quakers) to be held on October 20, 2007; stated her objections to the Strategic Planning Survey being conducted by the Police Department and to the use of public funds to support market rate housing (e.g., Heritage Square project); and submitted a copy of the Police online survey.

The following persons stated complaints involving alleged discriminatory labor practices by the Ritz-Carlton, Huntington Hotel & Spa, and asked for Council's support on this issue:

Sheila Green, Pasadena resident and hotel employee
Inis Perez, Los Angeles resident and hotel employee
Maya Anderson, Los Angeles Alliance for a New Economy
representative
Daniel Favela-Gary, representative for employees in favor
of a union at the hotel

The following persons expressed support for Council's assistance in efforts to extend the Present Perfect Nursery contract on Edison-owned land and preserve open space in East Pasadena, and also asked that any new urgent care facility in East Pasadena be located north of the 210 Freeway (e.g., St. Luke Hospital site):

Gene Masuda, Pasadena Open Space Preservation
representative
Stacy Cahan, Pasadena resident

Les Hammer, Pasadena resident, expressed concerns regarding the needs to protect U.S. borders and adopt a comprehensive immigration plan.

Kim Craft, Pasadena resident, spoke in support of apprenticeship training like that being conducted at the Electrical Training Trust located in Commerce.

COUNCIL COMMENTS

Councilmember Madison was excused at 11:56 p.m.

Councilmember Tyler asked the City Attorney to provide a legal opinion on whether the tenants being moved from the Pasadena Manor are protected under the City's Tenant Protection Ordinance (TPO).

The City Manager provided an update on the Pasadena Manor tenants and staff's collaboration in relocation efforts related to the sale of the building.

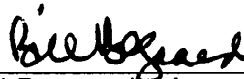
The City Attorney clarified that Pasadena Manor is a State-licensed care facility for the elderly with processes to be followed under State law, and indicated a memorandum would be provided to Council as to the applicability of the TPO to this situation.

The Mayor suggested staff explore what might need to be done to protect tenants in the future who find themselves in the same situation as the Pasadena Manor tenants, by amending the TPO to expand the coverage as a supplement/complement to the State procedures (within the confines of the State law). He also suggested Council consider an aggressive enforcement of the TPO in favor of the Pasadena Manor tenants, if at all possible, after obtaining the advice of the City Attorney.

Because of the timing concerns, the City Manager indicated staff will guarantee that every tenant has a place to move to by the deadline set by the property owner/operator.

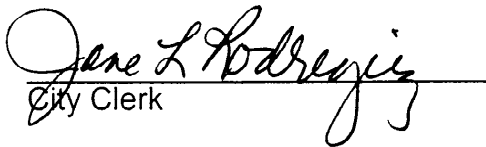
ADJOURNMENT

On order of the Mayor, the regular meeting of the City Council adjourned at 12:08 a.m., August 14, 2007.



Bill Bogaard, Mayor
City of Pasadena

ATTEST:



City Clerk