

CITY OF PASADENA
City Council Minutes
August 3, 2009 – 5:30 P.M.
City Hall Council Chamber

REGULAR MEETING

OPENING: Mayor Bogaard called the regular meeting to order at 6:34 p.m. The Pledge of Allegiance was led by Councilmember Tornek.

ROLL CALL:

Councilmembers:

Mayor Bill Bogaard
Vice Mayor Victor Gordo
Councilmember Steve Haderlein
Councilmember Chris Holden
Councilmember Steve Madison (Arrived at 6:49 p.m.)
Councilmember Margaret McAustin (Absent)
Councilmember Jacque Robinson
Councilmember Terry Tornek

Staff:

City Manager Michael J. Beck
City Attorney Michele Beal Bagneris
City Clerk Mark Jomsky

CEREMONIAL MATTERS

The City Clerk administered the oath of office to Paul Secord as Historic Preservation Commissioner.

PUBLIC COMMENT ON MATTERS NOT ON THE AGENDA

Fritz Puelicher, Pasadena resident, expressed concerns regarding noise levels that were produced as part of a police training exercise conducted at 3160 Del Mar Boulevard.

The Mayor indicated staff would review this matter and contact Mr. Puelicher.

Joan Chin, Sunset Oaks Neighborhood Association member, thanked the City and contractor for the way in which the construction work is being conducted at Robinson Park, so as to minimize the negative impacts on the neighborhood.

CONSENT CALENDAR

CONTRACT AWARD TO CMV ELECTRIC, INC., FOR THE INSTALLATION OF A TRAFFIC SIGNAL ON WASHINGTON BOULEVARD AND CATALINA AVENUE, FOR AN AMOUNT NOT TO EXCEED \$140,000

Recommendation of City Manager:

(1) Acknowledge the project to be categorically exempt under Section 21084 of the California Environmental Quality Act (CEQA) in accordance with Article 19, Section 15301 (Class 1), subsection (c) of the Resources Agency of California Guidelines (minor alterations involving negligible expansion of use beyond that previously existing), pursuant to the findings of the Secretary of the Resources Agency; and

(2) Accept the bid dated July 22, 2009, submitted by CMV Electric, Inc., in response to the Specifications for the Installation of a Traffic Signal on Washington Boulevard at Catalina Avenue; reject all other bids received; and authorize the City Manager to enter into such contract as is required, for an amount not to exceed \$140,000. (Contract No. 20,005)

APPROVAL OF AMENDED AND RESTATED VERDUGO FIRE COMMUNICATION SYSTEM AGREEMENT BETWEEN THE CITIES OF BURBANK, GLENDALE AND PASADENA

Recommendation of City Manager: Authorize the City Manager to execute the "Amended and Restated Verdugo Fire Communication System Agreement between the Cities of Burbank, Glendale and Pasadena". This agreement is not subject to competitive bidding, because it is a contract with other governmental entities, City Charter Section 1002(H). (Agreement No. 20,006)

MINUTES APPROVED

July 13, 2009
July 20, 2009

CLAIMS RECEIVED AND FILED

Claim No. 10,918	Moises Vazquez, Attorney for Maria Helena Valenzuela	95,000.00
Claim No. 10,919	Ourfalian & Ourfalian, Attorneys at Law for Annouche Najarian	25,000.00+
Claim No. 10,920	William R. Gilmore, Attorney for Carmen Thompson	25,000.00+
Claim No. 10,921	Mercury Insurance Company, as Subrogee for Fernando A. Villar	2,165.87

PUBLIC HEARINGS SET

August 17, 2009, 7:30 p.m. - TEFRA Hearing and Resolution of the City Council of the City of Pasadena Approving the Issuance of the California Statewide Communities Development Authority Revenue Bonds (Polytechnic School), Series 2009, in an Aggregate Principal Amount Not to Exceed \$25,000,000 for the Purpose of Financing the Acquisition, Construction, Improvement and Equipping of Existing and New School Facilities and Certain Other Matters Relating Thereto

August 17, 2009, 7:30 p.m. - Application for Consolidated Design Review Regarding An Addition to, and Substantial Alteration of, An Existing Building at 3160 East Del Mar Boulevard for Use As An Urgent Care Facility

It was moved by Councilmember Robinson, seconded by Councilmember Haderlein, to approve all items on the Consent Calendar. (Motion unanimously carried) (Absent: Councilmembers Madison, McAustin)

**REPORTS AND COMMENTS
FROM COUNCIL
COMMITTEES**

MUNICIPAL SERVICES
COMMITTEE

ADOPT A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASADENA AUTHORIZING THE GENERAL MANAGER OF THE WATER AND POWER DEPARTMENT TO ENTER INTO AGREEMENTS FOR PURCHASES, SALES, EXCHANGES AND PARTICIPATE IN AUCTIONS OF CONGESTION REVENUE RIGHTS; AND ENTER INTO AGREEMENTS INCLUDING, BUT NOT LIMITED TO, CONGESTION REVENUE RIGHTS ENTITY AGREEMENTS, AS MAY BE MODIFIED PERIODICALLY WITH THE CALIFORNIA INDEPENDENT SYSTEM OPERATOR

Recommendation of City Manager:

(1) Find that this action is exempt from the California Environmental Quality Act (CEQA), pursuant to State CEQA Guidelines Section 15061(b)(3), the General Rule that CEQA only applies to projects that may have an effect on the environment.

(2) Adopt a resolution authorizing the General Manager of the Water and Power Department (PWP) to enter into agreements for purchases, sales, exchanges, and participate in auctions of Congestion Revenue Rights (CRR); and enter into agreements including, but not limited to, CRR Entity Agreements, as may be modified periodically with the California Independent System Operator (CAISO). (Resolution No. 8965)

Phyllis Currie, General Manager of the Water and Power Department, introduced the agenda item and responded to questions.

Councilmember Madison arrived at 6:49 p.m.

Gurcharan Bawa, Assistant General Manager/Power Supply, reviewed the agenda report as part of a PowerPoint presentation, and responded to questions.

Councilmember Tornek, Municipal Services Committee member, reported on the Committee's review of the new system and support of the staff recommendation.

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

**ORDINANCE – FIRST
READING**

Conduct first reading of “AN ORDINANCE OF THE CITY OF PASADENA AMENDING THE LIGHT AND POWER RATE ORDINANCE, CHAPTER 13.04 OF THE PASADENA MUNICIPAL CODE, TO INCREASE THE ELECTRIC UTILITY ASSISTANCE PROGRAM BASIC BENEFIT”

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

AYES: Councilmembers Haderlein, Holden, Madison, Robinson, Tornek, Vice Mayor Gordo, Mayor Bogaard

NOES: None

ABSENT: Councilmember McAustin

ORDINANCE – ADOPTED

Adopt “AN ORDINANCE OF THE CITY OF PASADENA AMENDING SECTION 17.71.060(B) OF THE PASADENA MUNICIPAL CODE RELATING TO TERMINATION OF NONCONFORMING USES BY DISCONTINUANCE” (Introduced by Councilmember Holden) (Ordinance No. 7172)

The above ordinance was adopted by the following vote:

AYES: Councilmembers Haderlein, Holden, Madison, Robinson, Tornek, Vice Mayor Gordo, Mayor Bogaard

NOES: None

ABSENT: Councilmember McAustin

PUBLIC HEARINGS

PUBLIC HEARING: CALL FOR REVIEW OF ZONING ADMINISTRATOR INTERPRETATION (ZA 32), 217 SOUTH MICHIGAN AVENUE (EDDIE’S MARKET)

Recommendation of City Manager:

- (1) Acknowledge that this action is categorically exempt from the California Environmental Quality Act (CEQA); and
- (2) Overturn the Board of Zoning Appeals decision, and uphold the decision of the Zoning Administrator regarding Section 17.71.060(B) of the Zoning Code, that the nonconforming alcohol sales at 217 South Michigan Avenue (Eddie’s Market) has been discontinued for more than 12 months and cannot be reestablished.

The Mayor announced that the property owner had requested a continuance of the public hearing.

On order of the Mayor, the public hearing was continued to September 21, 2009 at 7:30 p.m.

PUBLIC HEARING: ADOPTION OF THE 2009 ANNUAL CITY OF PASADENA SELF CERTIFICATION REPORT IN CONFORMANCE WITH THE CONGESTION MANAGEMENT PROGRAM FOR LOS ANGELES COUNTY AND THE 2009 LOCAL DEVELOPMENT REPORT IN ACCORDANCE WITH GOVERNMENT CODE SECTION 65089

Recommendation of City Manager:

- (1) Adopt a resolution finding the City in conformance with the Congestion Management Program (CMP) for the County of Los Angeles;
- (2) Adopt the 2009 Local Development Report in accordance with California Government Code Section 65089 (Attachment A of the agenda report); and
- (3) Direct staff to file the CMP Local Development Report with the Los Angeles County Metropolitan Authority (Metro). (Resolution No. 8966)

The Mayor opened the public hearing.

The City Clerk reported the notice of public hearing was published on July 20, 2009 in the Pasadena Star-News; and no correspondence was received.

Fred Dock, Director of Transportation Department, introduced the agenda item and responded to questions.

Mark Yamarone, Transportation Administrator, summarized the agenda report as part of a PowerPoint presentation, and responded to questions.

Councilmember Haderlein asked staff to provide Council with information on the total square footage of commercial/office development located within a quarter mile of a rail station (through the weekly informational letter from the City Manager).

No one appeared for public comment.

It was moved by Councilmember Haderlein, seconded by Councilmember Robinson, to close the public hearing. (Motion unanimously carried) (Absent: Councilmember McAustin)

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

RECOMMENDATIONS FROM OFFICERS AND DEPARTMENTS

PROPOSED ICE RINK FACILITY

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

(1) Direct staff to return to City Council by December 31, 2009 with a negotiated long-term ground lease with Polar Ice Ventures that includes:

- (a) Construction of an ice skating facility with two sheets of ice substantially conforming to the plans developed by the City;
- (b) Public benefits program similar to that negotiated in the proposed Management Agreement;
- (c) First Source Local Hire Program and a commitment to provide an opportunity to those currently working at the ice rink in Pasadena;
- (d) Shift financial risk associated with construction and operation to Polar Ice Ventures; and
- (e) Exclusive partnership agreement between Polar Ice Ventures and the Los Angeles Kings.

(2) Reject all bids received in response to the Request for Bids for construction of the Pasadena Ice Skating facility.

Alternatively, if the City Council elects to move forward with the management agreement structure, staff recommends that the City Council:

(1) Find that the project was subject to adequate environmental review in the Initial Study approved, and the

Mitigated Negative Declaration adopted, by the City Council for the Pasadena Ice Skating Facility on August 8, 2005, and that there are no changed circumstances or new information which would require further environmental review;

(2) Approve the proposed Management Agreement between the City and Polar Ice Enterprises Pasadena for the management of a new ice rink facility in substantially the form attached to the agenda report, and authorize the City Manager to execute the Management Agreement;

(3) Adopt a resolution declaring the City's intention to reimburse itself from the proceeds of one or more tax-exempt financings for certain expenditures made, and/or to be made, in connection with the Pasadena Ice Skating Rink Facility;

(4) Accept the bid dated April 1, 2009, submitted by Mallcraft, Inc., in response to the specifications for the construction of the Pasadena Ice Skating Facility; reject all other bids received; and authorize the City Manager to enter into a contract in an amount not to exceed \$19,633,900, which includes the base bid of \$17,849,000, plus an allowance of 10% to accommodate any contingencies; and

(5) Authorize the City Manager to approve any other documents related to the construction of the new ice rink facility with the exception of any financing documents.

The City Manager described the analysis that was conducted as a basis for the staff recommendation, and responded to questions.

Richard Bruckner, Director of Planning and Development Department, reviewed the agenda report as part of a PowerPoint presentation, and responded to questions.

Andy Green, Director of Finance Department, responded to questions regarding the financial aspects of the proposed ice rink project.

Martin Pastucha, Director of Public Works Department, discussed ways to further reduce construction costs of the proposed ice rink facility.

The City Attorney clarified legal aspects of modifying or changing the project at this stage of the process.

Steve Mermell, Assistant City Manager, provided information on the City's participation in the Rose Bowl Aquatics Center (RBAC) (project costs, financing, and revenues); and responded to questions.

Councilmember Madison, City representative on the Pasadena Center Operating Company (PCOC) Board, recounted the history of the existing ice rink and plans by the PCOC to rehabilitate the ballroom that houses the current rink.

The following persons spoke in opposition to use of City funds for construction of the proposed ice rink facility and/or expressed concerns regarding the project:

John Reeder, Pasadena resident, submitted a handout titled "Ice Hockey Equipment Costs".
Timothy Price, Daisy Villa Neighborhood Association President
Fritz Puelicher, Pasadena resident
Edwina Travis Chin, Open Space Now member
Bob Kneisel, Pasadena resident
Christle Balvin, Open Space Now member

The following persons spoke in support of the proposed ice rink facility:

April Hicks, Build the Rink Committee/Pasadena Skating Foundation representative
Gary André, Pasadena Maple Leafs Director of Coaches, submitted 23 letters in support of the ice rink.
Archie Chin, Pasadena Maple Leafs member
Jon Dudley, Pasadena Maple Leafs Vice President
Cheryl Graffi, Pasadena resident
Zoe Perez, San Marino resident
Monique Boore, West Covina resident, submitted 100 letters in support of the ice rink.
Priscella Chan, Pasadena Figure Skating Club Junior Board President
Bill Williamson, Pasadena resident
Sharon Watson, Los Angeles resident
Carrie Miller, Los Angeles resident
Taryn Jurgenson, Monrovia resident
Mirai Nagasu, Arcadia resident
Mary Ann Shinnick, Sierra Madre resident
Beau Fournier, Rancho Cucamonga resident
Brad Sholl, Hermosa Beach resident

Discussion followed on possible ways to reduce the cost of the proposed building/project; exploration of additional funding sources for the project (e.g., Federal, State, County, and nonprofit organizations); the regional aspect of the ice rink project; an option for a joint powers agreement with local area cities for the ice rink project, based on a regional model; possible revenue benefits to be derived from the development of an ice rink facility and a renovated ballroom at the Pasadena Center; the construction costs/operations model for the RBAC vs. the proposed ice rink facility; outstanding unfunded capital improvement projects; an option to make improvements at the existing ice rink; and the viability of the proposed project in the context of the current financial environment.

It was moved by Councilmember Haderlein, seconded by Councilmember Robinson, to close the public hearing. (Motion unanimously carried) (Absent: Councilmember McAustin) Councilmembers Madison and Haderlein expressed support for moving forward with the City's construction and funding of the facility, with a management agreement, as proposed above.

The Mayor outlined the following three alternatives that had evolved during Council's discussion of the proposed ice skating rink facility:

- a. Public/private partnership approach (based on the first staff recommendation listed above)
- b. City-owned project (based on the second staff recommendation listed above)
- c. Improvement of existing rink (based on a new Council recommendation)

MOTION

Following discussion, it was moved by Councilmember Tornek, seconded by Councilmember Holden, to reject the two staff recommendations and to direct staff to develop a plan with the Pasadena Center Operating Company for an improved ice skating rink at the current location.

Discussion continued on the three proposed alternatives outlined by the Mayor.

Councilmember Madison asked that staff review monies spent on parks and recreation projects during the past 20-30 years, and provide Council with this data, as well as information on the residences of park users. He also asked that staff provide a critical analysis on how the ice skating project has been handled, as the project has developed over the years.

The Mayor noted that rehabilitation of the ballroom is not foreseen to likely occur for the next 3-9 years or longer; and that an approach involving improvement of the existing rink would mean that a new lease and new management arrangement would be developed, if and when this approach is approved by Council. The Mayor asked staff to provide information on addressing the concerns expressed by the public regarding the appearance and aesthetic impact of the building/project on the neighborhood, and on the open space issues involving the location of the building in relationship to potential opportunities for trails in this area, when Council is updated on the project negotiations.

SUBSTITUTE MOTION

Following additional discussion, it was moved by Vice Mayor Gordo, seconded by Councilmember Madison, to direct staff to pursue the public/private partnership approach, as set out in the first staff recommendation above, including a profit sharing component in the agreement, with staff to explore the potential for additional funding opportunities through the County of

Los Angeles (including stimulus and parks and recreation funds), fundraising opportunities, and regional participation in the project, and with staff to provide an update to Council at the earliest date possible, regarding this approach; to not reject all bids received in response to the Request for Bids for construction of the Pasadena Ice Skating facility, with staff to ask the lowest bidder (Malcraft, Inc.) for an extension of the bid for as long as possible; and to direct staff to provide Council with an initial status report on the public/private partnership approach on August 17, 2009, or shortly thereafter:

AYES: Councilmembers Haderlein, Holden, Madison, Robinson, Vice Mayor Gordo, Mayor Bogaard

NOES: Councilmember Tornek

ABSENT: Councilmember McAustin

COUNCIL COMMENTS

Councilmember Holden commented on the Mayor's opening remarks at the Green Tech Connect Forum and Expo hosted by the South Coast Air Quality Management District and held at the Pasadena Convention Center.

Councilmember Gordo congratulated the Rose Bowl on the success of the two international soccer matches held in recent weeks.

Councilmember Robinson urged the Mayor to use the power of his office and his contacts with neighboring city mayors to pursue support for City projects that benefit the region (e.g., affordable housing, an urgent health care facility project, and an ice rink project).

ADJOURNMENT

On order of the Mayor, the regular meeting of the City Council adjourned at 10:42 p.m.



Bill Bogaard, Mayor
City of Pasadena

ATTEST:



City Clerk