

CITY OF PASADENA
City Council Minutes
August 17, 2009 – 5:30 P.M.
City Hall Council Chamber

Teleconference Location:
Four Seasons Resort, Room 6221
Costa Rica at Peninsula Papagayo
Guanacaste, Costa Rica

REGULAR MEETING

OPENING: Mayor Bogaard called the regular meeting to order at 6:31 p.m.
The Pledge of Allegiance was led by Vice Mayor Gordo.

ROLL CALL:

Councilmembers:

Mayor Bill Bogaard
Vice Mayor Victor Gordo
Councilmember Steve Haderlein
Councilmember Chris Holden
Councilmember Steve Madison (Participated via
teleconference beginning at 6:59 p.m.)
Councilmember Margaret McAustin
Councilmember Jacque Robinson
Councilmember Terry Tornek

Staff:

City Manager Michael J. Beck
Senior Assistant City Attorney Scott Rasmussen
City Clerk Mark Jomsky

CEREMONIAL MATTERS

Fred Alcantar, Sister Cities Committee President, introduced Mizuho Hara and Hiromi Suzuki, college students from Mishima, Japan and participants in the Sister Cities Student Exchange program.

Coach Cherif Zein introduced members of the CZ Elite team, winner of the U.S. Soccer Association's National Championship in the Boys Under 17 Division. The Mayor and Vice Mayor Gordo presented gift bags from the City to the team members, in recognition of their accomplishment.

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

Marilyn Buchanan, General Plan Update Advisory Committee (GPUAC) member, described various General Plan "Move About" tours that are part of the activities offered during the General Plan Update process, and submitted an informational flyer on this activity.

Dr. Clyde Williams, Stop the 710 representative, stated the organization's opposition to the proposed 710 Freeway completion (tunnel) project.

Nancy Nelson, Pasadena resident, invited the Council and community to a Community Dialogue program on "Living with Ed", to be held on September 23, 2009 at the Central Library.

**RECOMMENDATIONS FROM
OFFICERS AND
DEPARTMENTS**

CONSIDERATION OF A CALL FOR REVIEW OF A HEARING OFFICER DECISION TO THE BOARD OF ZONING APPEALS REGARDING MINOR CONDITIONAL USE PERMIT NO. 5078, TO CONSTRUCT A NON-RESIDENTIAL BUILDING OVER 15,000 SQUARE FEET AND TO ALLOW 75 PERCENT OF THE PARKING SPACES TO BE CONFIGURED AS TANDEM SPACES, FOR THE PROPERTY LOCATED AT 16 EAST CALIFORNIA BOULEVARD (Councilmember Tornek)

The Mayor announced that the project developer had requested that this item be deferred.

On order of the Mayor, the above matter was continued to the meeting of September 14, 2009.

CONSENT CALENDAR

APPROVAL OF FINAL TRACT MAP NO. 070320, BEING A TEN-UNIT CONDOMINIUM PROJECT, AT 480 SOUTH LOS ROBLES AVENUE

Recommendation of City Manager:

- (1) Adopt a resolution to approve Final Tract Map No. 070320; and
- (2) Authorize the City Clerk to execute the Certificate on the map showing the City's approval of said map. (Resolution No. 8970)

AUTHORIZATION TO ENTER INTO CONTRACTS WITH YELLOWSTONE ROCK AND SAND, INC. AND LOGANS MARKETING, FOR FURNISHING AND DELIVERING AGGREGATE BASE, CEMENT SLURRY AND COLD MIX FOR THE WATER AND POWER DEPARTMENT, SPECIFICATION WD-09-03

Recommendation of City Manager:

- (1) Accept the bid dated May 1, 2009 from Yellowstone Rock and Sand, Inc. in response to Specification WD-09-03, for Furnishing and Delivering Aggregate Base for the Water and Power Department;
- (2) Accept the bid dated May 1, 2009 from Logans Marketing in response to Specification WD-09-03, for Furnishing and Delivering Cement Slurry and Cold Mix for the Water and Power Department;
- (3) Reject all other bids;
- (4) Authorize the City Manager to issue a purchase order for a one-year period to Yellowstone Rock and Sand Inc. in the amount of \$225,000, with two optional one-year extensions. The annual amount of the extensions shall not exceed \$225,000; and

(5) Authorize the City Manager to issue a purchase order for a one-year period to Logans Marketing in the amount of \$215,000 with two optional one-year extensions. The annual amount of the extensions shall not exceed \$215,000.

The contracts are for an initial term of one year with an option for two additional one-year terms.

AUTHORIZATION TO ENTER INTO A CONTRACT WITH GRANITE PRECASTING AND CONCRETE INC., TO FURNISH AND DELIVER A PRECAST TRENCH FOR CHESTER SUBSTATION FOR THE WATER AND POWER DEPARTMENT

Recommendation of City Manager: Accept the bid dated July 30, 2009 submitted by Granite Precasting and Concrete, Inc. in response to Specifications LD-09-14, to furnish and deliver a precast trench for Chester Substation; and authorize the City Manager to enter into a contract with Granite Precasting and Concrete, Inc., for an amount not to exceed \$90,000. (Contract No. 20,018)

AUTHORIZATION TO ENTER INTO A CONTRACT WITH PERRY C. THOMAS, INC. AND HERMAN WEISSKER, INC., FOR THE REPAIR AND RESTORATION OF ELECTRICAL VAULTS PER SPECIFICATIONS LD-09-10 FOR THE WATER AND POWER DEPARTMENT

Recommendation of City Manager:

(1) Find that the project is exempt from California Environmental Quality Act (CEQA) review pursuant to State CEQA Guidelines Section 15330 (minor actions to prevent, stabilize, mitigate or eliminate the release or threat of release of hazardous waste or hazardous substances);

(2) Accept the bid dated June 30, 2009 submitted by Perry C. Thomas Construction, Inc. in response to Specifications LD-09-10, Item II, to provide labor and materials to repair and restore reinforced concrete electrical vaults for the Water and Power Department; reject all other bids; and authorize the City Manager to enter into a contract with Perry C. Thomas not to exceed \$151,146, which includes the base amount of \$137,406 and a contingency of \$13,740 for any necessary change orders; and

(3) Accept the bid dated June 30, 2009, submitted by Herman Weissker, Inc. in response to Specifications LD-09-10, Items I, III and IV, to provide labor and materials to repair and restore reinforced concrete electrical vaults for the Water and Power Department; reject all other bids; and authorize the City Manager to enter into a contract with Herman Weissker, Inc. not to exceed \$701,219, which includes the base amount of \$637,472 and a contingency of \$63,747 for any necessary change orders. (Contract Nos. 20,019 and 20,020)

Item discussed separately at the request of Councilmember McAustin.

AUTHORIZATION TO ENTER INTO CONTRACTS WITH THE SOUTHERN CALIFORNIA PUBLIC POWER AUTHORITY AND WITH POSITIVE ENERGY, INC., FOR SERVICES TO PROVIDE HOME ENERGY USE REPORTS

CONTRACT AWARD TO E.C. CONSTRUCTION FOR THE EXTENSION OF WALNUT STREET AND KINNELOA AVENUE FOR AN AMOUNT NOT TO EXCEED \$2,400,000

Recommendation of City Manager:

(1) Acknowledge the Mitigated Negative Declaration and the Notice of Determination for the project, which was filed with the Los Angeles County Clerk on May 4, 2007; and
(2) Accept the bid dated July 29, 2009, submitted by E.C. Construction, for the Extension of Walnut Street and Kinneloa Avenue; reject all other bids received; and authorize the City Manager to enter into such contract not to exceed \$2,400,000. (Contract No. 20,021)

AUTHORIZATION TO ENTER INTO A PURCHASE ORDER CONTRACT WITH SANOFI PASTEUR TO ACQUIRE VACCINES FOR THE HEALTH DEPARTMENT'S IMMUNIZATION CLINIC

Recommendation of City Manager: Authorize the issuance of a Purchase Order Contract to Sanofi Pasteur for the period July 1, 2009 through June 30, 2010 not to exceed \$86,000, for the purchase of travel vaccines for the Health Department's Immunization Clinic. Competitive bidding is not required pursuant to City Charter Section 1002(C), contracts for labor, materials, supplies or services available from only one vendor.

MINUTES APPROVED

August 3, 2009
August 10, 2009

CLAIMS RECEIVED AND FILED

Claim No. 10,926	John Oschrein	\$ 500.00
Claim No. 10,927	Farmers Insurance Group, as Subrogee for Sandy Aviles Martinez	240.94
Claim No. 10,928	Debbra Yeung	1,239.13
Claim No. 10,929	Kurt Kinsey	88.24

PUBLIC HEARINGS SET

September 21, 2009, 7:30 p.m. - Las Encinas Hospital Master Plan Amendment

September 21 2009, 7:30 p.m. - Joint Public Hearing: Draft Consolidated Annual Performance and Evaluation Report (CAPER) for July 1, 2008 - June 30, 2009 for Community Development Block Grant (CDBG); Emergency Shelter Grant (ESG); Home Investment Partnership Act (HOME); Human Services Endowment Fund (HSEF)

It was moved by Councilmember McAustin, seconded by Vice Mayor Gordo, to approve the Consent Calendar, with the exception of Item 5 (Contracts with Southern California Public Power Authority and Positive Energy, Inc.), which was discussed separately. (Motion unanimously carried) (Absent: Councilmember Madison)

**CONSENT ITEM DISCUSSED
SEPARATELY**

AUTHORIZATION TO ENTER INTO CONTRACTS WITH THE SOUTHERN CALIFORNIA PUBLIC POWER AUTHORITY AND WITH POSITIVE ENERGY, INC., FOR SERVICES TO PROVIDE HOME ENERGY USE REPORTS

Recommendation of City Manager:

(1) Enter into a contract with Southern California Public Power Authority (SCPPA) via a letter of authorization to participate in a Positive Energy Implementation Program Participation Agreement in an amount not to exceed \$618,000; and

(2) Enter into a contract with Positive Energy, Inc. (Positive Energy) to provide home energy use reports.

These contracts are exempt from competitive bidding pursuant to City Charter Section 1002(H), contracts with other governmental agencies or their contractors. (Contract Nos. 20,022 and 20,023)

Councilmember Madison joined the meeting at 6:59 p.m. via the teleconference location.

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

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

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

NOES: None

ABSENT: None

**REPORTS AND COMMENTS
FROM COUNCIL
COMMITTEES**

**PUBLIC SAFETY
COMMITTEE**

ESTABLISHMENT OF PARKING RESTRICTIONS WITHIN URBAN-WILDLAND INTERFACE AREAS DURING TIMES OF EXTREME FIRE HAZARD (RED FLAG CONDITIONS)

Recommendation of City Manager:

(1) Direct the City Attorney to draft and return within 30 days with an ordinance restricting parking within the urban-wildland interface area of the City of Pasadena during times of extreme fire hazard;

(2) Approve the recommended upgrades to the Pasadena Local Emergency Alert System (PLEAS), by appropriating \$117,380 from General Fund undesignated fund balance to the Fire Department's Fiscal Year 2010 General Fund operating budget; and

(3) Appropriate \$144,000 from General Fund undesignated fund balance to the Transportation Department's Fiscal

Year 2010 General Fund operating budget to provide funding for required signage and enforcement activities, respectively.
(Journal Voucher No. 2010-2)

Councilmember Haderlein, Chair of the Public Safety Committee, introduced the agenda item; and noted that, following discussion, the Committee had approved the following additional directions to staff: expedite processing the ordinance; provide temporary signage, if needed, to implement the ordinance; and, in the interim, coordinate with those parties/participants involved with special events that draw large crowds at the Rose Bowl (including the Rose Bowl Operating Company and UCLA) to ensure that the proposed parking restrictions are followed so that public safety/emergency services can be provided in those areas that could be impacted by extreme fire hazard

Fire Chief Dennis Downs responded to questions regarding implementation of the proposed restrictions.

Vice Mayor Gordo suggested that an informational item on the notification methods/process be included in the City's bimonthly newsletter (In Focus) so that residents are informed about the notification options available through the Pasadena Local Emergency Alert System (PLEAS).

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

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

NOES: None

ABSENT: None

DIRECT THE CITY ATTORNEY TO PREPARE AN ORDINANCE TO PROHIBIT TRESPASSING IN THE STAGING AREAS OF SPECIAL EVENTS AND TO PROHIBIT THE PLACEMENT OF UNAUTHORIZED ITEMS ALONG THE PARADE ROUTES

Recommendation of City Manager: Direct the City Attorney to prepare and return within sixty days with an ordinance to prohibit trespassing in the staging areas of special events, such as at the beginning of the Tournament of Roses Parade and the field at the Rose Bowl Stadium, and to prohibit the placement of unauthorized items along the viewing areas of parade routes.

Councilmember Haderlein introduced the agenda item.

Deputy Police Chief Chris Vicino summarized the agenda report as part of a PowerPoint presentation, and responded to questions.

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

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

NOES: None

ABSENT: None

**RECOMMENDATIONS FROM
OFFICERS AND
DEPARTMENTS**

CONSIDERATION OF A CALL FOR REVIEW OF A HEARING OFFICER DECISION TO THE BOARD OF ZONING APPEALS REGARDING HILLSIDE DEVELOPMENT PERMIT NO. 5249, TO DEMOLISH A 3,418 SQUARE FOOT ONE-STORY RESIDENCE AND CONSTRUCT A 4,326 SQUARE FOOT, TWO-STORY, SINGLE-FAMILY RESIDENCE WITH A BASEMENT, AND A 890 SQUARE FOOT, THREE-CAR GARAGE, FOR THE PROPERTY LOCATED AT [REDACTED] (Councilmember Tornek)

Councilmember Tornek stated his concerns about issues involving this project as they relate to pertinent components of the hillside development ordinance and neighborhood compatibility standards.

Councilmember Madison commented on the possible need for a separate policy discussion to clarify the criteria for the neighborhood compatibility standards, rather than moving forward with a call for review of this particular project.

The following persons spoke in opposition to the call for review and/or in support of the project:

[REDACTED] property owner
[REDACTED] property owner
James Coane, applicant (architect)
Rob Hunter, Pasadena resident
John F. King, Pasadena resident
Bryant G. Saydah, Pasadena resident
Steve Gorski, Pasadena resident
Jennifer Hyll, Pasadena resident and LVAA member, speaking as an individual
Andrew Miller, Pasadena resident
Mark Ogden, Pasadena resident
Robin Johnson, Pasadena resident
John Stipanov, Pasadena resident
Kerry Shantz, Pasadena resident

The following persons spoke in support of the call for review and/or in opposition to the project:

Rick Berard, Linda Vista/Annandale Association (LVAA)
Board member
Lee Zanteson, LVAA President

Scott Rasmussen, Senior Assistant City Attorney, clarified the standard to be considered by Council in deciding whether to call this matter for review.

David Sinclair, Planner, responded to questions regarding the hillside development ordinance.

In response to Councilmember Holden's questions, Richard Bruckner, Director of Planning and Development Department, indicated that staff would review the projects that are in the pipeline and being processed under the current ordinance, and would provide information on which projects would be impacted by any modification to the hillside development ordinance (through the City Manager's weekly informational letter to Council).

Following discussion, it was moved by Councilmember Tornek, to call this matter for review to the Board of Zoning Appeals. (Motion died due to lack of a second) The decision of the hearing officer stands.

It was moved by Councilmember Tornek, seconded by Vice Mayor Gordo, to refer the hillside development ordinance to the Economic Development and Technology Committee to set the scope for a review of policy issues (e.g., neighborhood creep, further refinement of the discretionary decision making of the hearing officer, possible inclusion of basement area in calculating area footage of a project; and clarification of factors/criteria to be used by the hearing officer regarding the neighborhood compatibility standard), with the policy issues to then be reviewed by the Planning Commission:

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

NOES: None

ABSENT: None

PUBLIC HEARINGS

PUBLIC HEARING: 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

Recommendation of City Manager: It is recommended that the City Council continue the public hearing to September 14, 2009, at 7:30 p.m.

On order of the Mayor, the public hearing was continued to September 14, 2009, at 7:30 p.m.

PUBLIC HEARING: RESOLUTION FOR THE CALIFORNIA STATEWIDE COMMUNITIES DEVELOPMENT AUTHORITY REVENUE BONDS FOR POLYTECHNIC SCHOOL

Recommendation of City Manager: Adopt a resolution 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. (Resolution No. 8971)

Councilmember McAustin was excused at 8:41 p.m.

The Mayor opened the public hearing.

The City Clerk reported the notice of public hearing was published on August 3, 2009 in the Pasadena Star-News; and no correspondence was received.

No one appeared for public comment.

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

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

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

NOES: None

ABSENT: Councilmember McAustin

ORDINANCES – ADOPTED

Councilmember Madison was excused at 8:47 p.m.

Adopt “AN UNCODIFIED ORDINANCE OF THE CITY OF PASADENA AMENDING THE CONTRACT BETWEEN THE CITY OF PASADENA AND THE BOARD OF ADMINISTRATION OF THE CALIFORNIA PUBLIC EMPLOYEES’ RETIREMENT SYSTEM TO PROVIDE RETIREMENT BENEFIT ENHANCEMENTS TO LOCAL POLICE EMPLOYEES” (Introduced by Councilmember Holden) (Ordinance No. 7174)

The above ordinance was adopted by the following vote:

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

NOES: None

ABSENT: Councilmembers Madison, McAustin

Adopt "AN ORDINANCE OF THE CITY OF PASADENA REPEALING CHAPTER 9.44 OF THE PASADENA MUNICIPAL CODE (DISTRIBUTION OF UNSOLICITED WRITTEN MATERIAL)" (Introduced by Councilmember Holden) (Ordinance No. 7175)

The above ordinance was adopted by the following vote:

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

NOES: None

ABSENT: Councilmembers Madison, McAustin

**RECOMMENDATIONS FROM
OFFICERS AND
DEPARTMENTS**

Councilmember McAustin
returned at 8:49 p.m.

BUDGET UPDATE

Recommendation of City Manager:

(1) Direct staff to record impending state borrowing of property tax revenues, pursuant to Proposition 1A, as a receivable in the City's General Fund; and

(2) Provide feedback to staff regarding the budget strategy outlined in the agenda report.

The City Manager reviewed the agenda report as part of a PowerPoint presentation, discussed the assessment and prioritization of projects list that will be presented to Council for review in October 2009, and responded to questions.

Vic Erganian, City Treasurer/Deputy Director of Finance Department, responded to questions regarding prior and current takings and borrowings by the State as part of its budget process.

Richard Bruckner, Director of Planning and Development Department, responded to questions regarding the impact of past and current economic factors on business and development in the City.

Councilmember McAustin expressed concerns regarding the need for the City to be more aggressive in making permanent structural cuts to address the structural budget deficit at this time.

Councilmember Holden suggested that future reports to Council break down the sales tax revenues by categories (e.g., retail, auto, homes, and other segments of the market); that the City initiate some means, in its future budget process, to further protect itself against State budget actions; and that information on office/commercial vacancy rates and trends be provided to Council as a part of the budget update information.

Councilmember Tornek expressed concerns regarding the need to address personnel costs in order to impact the structural budget deficit issues.

Councilmember Haderlein asked the City Manager to provide him with an electronic copy of the presentation, suggested the City Manager's budget information/PowerPoint presentation be posted on the City's web page, and also suggested staff explore reducing the City's debt service costs by restructuring the debts.

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

COUNCIL COMMENTS

Councilmember Holden announced that the Los Angeles Sparks basketball team and the Staples Center are holding "City of Pasadena Day" on August 27, 2009, at the L.A. Sparks vs. Phoenix Mercury game.

Vice Mayor Gordo asked staff to explore the feasibility of a program that would establish a benefit assessment district that neighborhoods could opt into, which could then be used to seek federal stimulus funding for street/pedestrian lighting projects, with a report to be provided to the Economic Development and Technology Committee.

The Mayor asked staff to provide Council with information on the status of a City of Berkeley plan for funding solar installations.

On order of the Mayor, the regular meeting recessed at 10:09 p.m., to discuss the following closed sessions:

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

Agency Negotiator: Karyn Ezell

Employee Organizations: American Federation of State, County and Municipal Employees, Local 858; International Brotherhood of Electrical Workers, Local 18; International Union of Operating Engineers, Local 501; Pasadena Fire Fighters Association, Local 809; Pasadena Fire Fighters Management Association; Pasadena Police Officers Association, Pasadena Police Sergeants Association; Pasadena Management Association; and all Unrepresented Employees

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

Agency Negotiator: Karyn Ezell

Employee Organizations: Pasadena Association of Clerical and Technical Employees, LIUNA Local 777; Service Employees International Union, Local 221

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

ADJOURNMENT

On order of the Mayor, the regular meeting of the City Council reconvened at 10:27 p.m. and adjourned at this time, in memory of Dr. Alvin Tabor, local veterinarian.



Bill Bogaard, Mayor
City of Pasadena

ATTEST:



City Clerk