

CITY OF PASADENA
City Council Minutes
January 31, 2011 – 5:30 P.M.
City Hall Council Chamber

REGULAR MEETING

OPENING:

Mayor Bogaard called the regular meeting to order at 5:41 p.m.
(Absent: None)

On order of the Mayor, the regular meeting recessed at 5:41 p.m., to discuss the following closed sessions:

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

Agency Designated Representatives: Mary Ellen Schubel, Arthur Chavez, and Michael J. Beck
Employee Organization: International Brotherhood of Electrical Workers, Local 18

Councilmember Tornek was excused at 6:17 p.m.

CITY COUNCIL CONFERENCE WITH LEGAL COUNSEL REGARDING PENDING LITIGATION pursuant to Government Code Section 54956.9(a)

Case Name: Pasadenans for a Livable City and Pasadena Heritage v. City of Pasadena and Pasadena City Council; Real Parties in Interest: Pasadena Office, LLC, IDS Real Estate Group; and Does 1 to 5

Case No.: Los Angeles Superior Court No. BS 124250

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

Councilmember Haderlein was excused at 7:26 p.m.

CITY COUNCIL CONFERENCE REGARDING PUBLIC EMPLOYEE PERFORMANCE EVALUATION pursuant to Government Code Section 54957

Title: City Manager

The above closed session item was not discussed.

On order of the Mayor, the regular meeting reconvened at 7:26 p.m. The Pledge of Allegiance was led by Councilmember Robinson.

ROLL CALL:

Councilmembers:

Mayor Bill Bogaard
Vice Mayor Victor Gordo
Councilmember Steve Haderlein (Returned at 7:28 p.m.)
Councilmember Chris Holden
Councilmember Steve Madison
Councilmember Margaret McAustin

Councilmember Jacque Robinson
Councilmember Terry Tornek

Staff:

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

CEREMONIAL MATTERS

Councilmember Haderlein
returned at 7:28 p.m.

Sid Tyler, Community Health Alliance of Pasadena (CHAP) Board Chair, and Margie Martinez, CHAP Chief Executive Officer, introduced the new CHAP Chief Medical Officer, Dr. Grace Floutsis.

Bill Carnahan, Southern California Public Power Authority (SCPPA) Executive Director, presented the National Bond Buyer's Deal of the Year Award to the Pasadena Water and Power (PWP) Department for the City's Milford Wind Project transaction. The award was received by Phyllis Currie, General Manager of PWP, and Shari Thomas, Assistant General Manager.

PUBLIC COMMENT ON MATTERS NOT ON THE AGENDA

The following persons spoke in support of the City's recognition of Fred Korematsu Day of Civil Liberties, as adopted by the State legislature in 2010:

Mark Furiya, Japanese American Bar Association Board member
Connie Rey Castro, ACLU Pasadena/Foothills Chapter representative, submitted a copy of the El Cerrito City Council Proclamation Recognizing and Supporting Fred Korematsu Day.
Wendy Anderson, Cherry Blossom Festival Southern California Co-Founder and President
Michael Hirano Culross, Rafu Shimpo-L.A. Japanese Daily News editorial staff member
Yukio Kawaratani, Monterey Park resident

Councilmember Robinson indicated that she would sponsor a resolution in support of Fred Korematsu Day, and asked that this be agendized for the next available Council meeting.

Councilmember Holden suggested that the Human Relations Commission be brought into the process.

The Mayor noted that this matter had been referred to the Legislative Policy Committee for their review, and will be agendized for the Council meeting of February 28, 2011.

The following persons outlined concerns and questions regarding the elimination of the City staff position of coordinator for women's issues, the Commission's ability to perform its mission/objectives, and the status of the Commission on the Status of Women:

Wendy Anderson, Commission on the Status of Women
former commissioner

Najeeba Syeed, Commission on the Status of Women
Chair, also invited the community to the Commission's
3rd Annual Stop Human Trafficking in Pasadena event to
be held on March 9, 2011; and submitted informational
materials on the Commission, and a letter from Angela
Campbell echoing the Commission's concerns.

The City Manager noted that the City will continue to provide
staff assistance at the Commission's meetings, and will be
working with members of the Commission on how to best
support the Commission's needs and interests.

CONSENT CALENDAR

AUTHORIZE THE APPLICATION FOR A \$150,000 GRANT FROM THE UNITED STATES DEPARTMENT OF INTERIOR, BUREAU OF RECLAMATION, FOR PREPARATION OF THE RECYCLED WATER PROJECT FEASIBILITY STUDY

Recommendation:

- (1) Find that preparation of the Recycled Water Project Feasibility Study (Study) is exempt from the California Environmental Quality Act (CEQA), pursuant to State CEQA Guidelines Section 15262, feasibility and planning studies;
- (2) Adopt a resolution to authorize the General Manager of Pasadena Water and Power (PWP) to apply for a grant from the United States Department of Interior, Bureau of Reclamation (USBR) for preparation of the Study;
- (3) Designate the General Manager of PWP with signature authority for contract documents pursuant to this grant; and
- (4) Authorize PWP to enter into a funding agreement for the preparation of the Study in an amount not to exceed \$150,000 with USBR. (Resolution No. 9091; Agreement No. 20,587)

CONTRACT AWARD TO SANCON ENGINEERING FOR 2010 SEWER RELINING FOR AN AMOUNT NOT TO EXCEED \$516,000

Recommendation:

- (1) Acknowledge the project to be categorically exempt under the California Environmental Quality Act (CEQA), in accordance with Title 14, Chapter 3, Class 1, Section 15301, minor alterations of existing public facilities involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination; and
- (2) Accept the bid dated December 15, 2010, submitted by Sancon Engineering for the 2010 Sewer Relining, reject all other bids received, and authorize the City Manager to enter into a contract for an amount not to exceed \$516,000. (Contract No. 20,588)

AMENDMENT TO CONTRACT NO. 20,283 WITH YAKAR FOR THE MISCELLANEOUS CONCRETE REPAIR – 2009 PHASE II TO INCREASE THE CONTRACT NOT TO EXCEED

AMOUNT FROM \$186,000 TO \$236,000

Recommendation:

(1) Acknowledge that on January 26, 2010, the project was found to be categorically exempt under the California Environmental Quality Act (CEQA) Guidelines in Section 15301(c), existing facilities, of the California Code of Regulations Title 14, Chapter 3. This exemption includes minor alterations involving negligible expansion of use beyond that previously existing, and there are no changed circumstances or new information which would require further environmental review; and

(2) Authorize the City Manager to amend Contract No. 20,283 with Yakar, to increase the contract by \$50,000 for a total not to exceed amount of \$236,000 for additional work as part of the Miscellaneous Concrete Repair – 2009 Phase II project. (Contract Amendment No. 20,283-1)

Item discussed separately at the request of Councilmember Tornek.

AUTHORIZATION TO AWARD CONTRACT FOR CITYWIDE LANDSCAPE MAINTENANCE (LANDSCAPE MAINTENANCE AREAS I, II, III, AND IV) TO MERCHANTS LANDSCAPE SERVICES, INC. IN AN AMOUNT NOT TO EXCEED \$270,000 PER YEAR

Item held at the request of the City Manager.

AMENDMENT TO THE MASTER STREET TREE PLAN FOR THE FREEWAY SIDES OF CORSON AND MAPLE STREETS TO ALLOW FOR QUERCUS SPP, OAK SPECIES, IN LIEU OF THE MAGNOLIA GRANDIFLORA, MAGNOLIA

Item discussed separately at the request of Councilmember Madison.

FINANCE COMMITTEE: TERMINATION OF CURRENT CONTRACT WITH MAYER HOFFMAN McCANN PC AND EXPEDITE ISSUANCE OF A REQUEST FOR PROPOSAL FOR A NEW AUDIT FIRM

LEGISLATIVE POLICY COMMITTEE: 2011 FEDERAL AND STATE LEGISLATIVE PLATFORMS

Recommendation: Approve the Federal and State Legislative Platforms for 2011.

MINUTES APPROVED

January 10, 2011
January 17, 2011
January 18, 2011

CLAIMS RECEIVED AND FILED

Claim No. 11,297	Christopher Flores	25,000.00+
Claim No. 11,298	Paris Phifer	1,707.00
Claim No. 11,299	Los Angeles County Metropolitan Transportation Authority	25,000.00+
Claim No. 11,300	Rebecca Lopez	2,230.35
Claim No. 11,301	Edward W. Engs	620.00
Claim No. 11,302	Rita K. Ellis	7,500.00
Claim No. 11,303	Rene Moreno	125.00
Claim No. 11,304	Patricia Moritz and C.J. Bonura	684.00

It was moved by Councilmember Robinson, seconded by Councilmember McAustin, to approve the Consent Calendar, with the exceptions of Item 4 (Contract with Merchants Landscape Services, Inc.), Item 5 (Amendment to Master Street Tree Plan), and Item 6 (Termination of Contract with Mayer Hoffman McCann PC), which were discussed separately. (Motion unanimously carried) (Absent: None)

**CONSENT ITEMS
DISCUSSED SEPARATELY**

AUTHORIZATION TO AWARD CONTRACT FOR CITYWIDE LANDSCAPE MAINTENANCE (LANDSCAPE MAINTENANCE AREAS I, II, III, AND IV) TO MERCHANTS LANDSCAPE SERVICES, INC. IN AN AMOUNT NOT TO EXCEED \$270,000 PER YEAR

Recommendation:

(1) Find that the project, Citywide Landscape Maintenance, is exempt from the California Environmental Quality Act (CEQA), pursuant to State CEQA Guidelines Section 15301, existing facilities, and authorize the City Clerk to file a Notice of Exemption for the project with the Los Angeles County Clerk; and

(2) Accept the bid for Citywide Landscape Maintenance (Landscape Maintenance Areas I, II, III, and IV, reject all other bids received, and authorize the City Manager to enter into a contract with Merchants Landscape Services, Inc., for a period of three years for an amount not to exceed \$810,000, with two additional one-year extensions, each not to exceed \$270,000 per year. (Contract No. 20,589)

Councilmember Tornek expressed concerns that none of the bidders listed in the agenda report were local contractors, for a project that local contractors should be able to perform; and questioned whether the bid could have been broken down into smaller jobs that would allow local contractors to qualify for the contract.

Julie Gutierrez, Assistant City Manager, described the bid process that was followed and steps that were taken to attract local bidders and assist them in qualifying for the job, and responded to questions.

The Mayor and Councilmember Haderlein suggested that staff report to Council, at a future date, on a possible restructuring of the scope of this type of contract, which would enable local contractors to more successfully participate and compete on these bids, taking into consideration possible increased administrative costs.

It was moved by Councilmember McAustin, seconded by Councilmember Haderlein, to approve the staff recommendation. (Motion carried, with Councilmember Tornek objecting) (Absent: None)

AMENDMENT TO THE MASTER STREET TREE PLAN FOR THE FREEWAY SIDES OF CORSON AND MAPLE STREETS TO ALLOW FOR QUERCUS SPP, OAK SPECIES, IN LIEU OF THE MAGNOLIA GRANDIFLORA, MAGNOLIA

The Mayor announced that the above item was being held to a future Council meeting at the request of the City Manager.

The Mayor noted that a speaker card had been submitted by Victor Aguilar, who agreed to speak at such time as the item is considered by the Council. The City Clerk will notify Mr. Aguilar when this matter is rescheduled.

FINANCE COMMITTEE: TERMINATION OF CURRENT CONTRACT WITH MAYER HOFFMAN McCANN PC AND EXPEDITE ISSUANCE OF A REQUEST FOR PROPOSAL FOR A NEW AUDIT FIRM

Recommendation: Authorize the City Manager to terminate the contract with Mayer Hoffman McCann PC, consistent with Section 9.17 of the current contract; and direct staff to expedite issuance of a Request for Proposal (RFP) for a new audit firm. (re: Contract No. 19,946)

Andy Green, Director of Finance Department, responded to questions regarding the current contract termination and the Request for Proposal (RFP) that will be issued.

Councilmember Madison asked that staff take steps, as a part of the RFP process, to ensure that a review of the future auditor's work and claims history does not reflect problems with standard practices, such as those outlined in the State Controller's report on their review of the current contractor's practices.

The City Manager noted that staff had reviewed the current contractor's recent audit for the City and found a high degree of professionalism and thoroughness, and that the contract was being terminated due to the issue of the current auditor being distracted in the future (as a result of the State Controller's report).

It was moved by Councilmember Madison, seconded by Councilmember McAustin, to approve the staff recommendation. (Motion unanimously carried) (Absent: None)

PUBLIC HEARING

PUBLIC HEARING: VALLEY HUNT CLUB MASTER PLAN, 520 SOUTH ORANGE GROVE BOULEVARD (PLN2003-00334)

Recommendation: It is recommended that the City Council, at the close of the public hearing, take the following actions:

(1) Approve the finding of the Initial Study (Attachment C of the agenda report) that the Valley Hunt Club Master Plan has

less than significant effects on the environment, and adopt the Negative Declaration prepared for the project (Attachment D of the agenda report);

(2) Approve the findings that the proposed Valley Hunt Club Master Plan is consistent with the goals and objectives of the General Plan and consistent with the PS (Public/Semi-Public) Zone District (Attachment A of the agenda report);

(3) Approve the tree removal finding (Attachment A of the of the agenda report) that the proposed Master Plan includes a landscape plan to provide the full tree replacement ratio on-site, as required by the Tree Protection Ordinance, for the removal of four protected trees (Master Plan Exhibits L1.01 and A2.02), and approve the request;

(4) Approve the proposed Valley Hunt Club Master Plan (Attachment E of the agenda report), which includes the temporary establishment of club-related parking in a leased parcel within the I-710 Freeway right-of-way at the end of the Palmetto Drive cul-de-sac, subject to conditions of approval (Master Plan Attachment A) and development standards (Master Plan Attachment B);

(5) Approve the attached resolution establishing the Valley Hunt Club Master Development Plan at 520 South Orange Grove Boulevard; and

(6) Direct the City Clerk to file a Notice of Determination with the Los Angeles County Recorder (Attachment G of the agenda report). (Resolution No. 9092)

Recommendation of Planning Commission: On December 8, 2010, the Planning Commission reviewed the Valley Hunt Club Master Plan and recommended approval of the Master Plan, including text changes to establish a 15-foot setback for Building 1, continue to explore options with the applicant for the realignment of tennis court 7, and accept the compromise option with the neighbor at 570 South Orange Grove Boulevard (Building Option 5) as part of the Master Plan.

Recommendation of Design Commission: On November 8, 2010, the Design Commission reviewed the Valley Hunt Club Master Plan. The members of the Commission offered advisory comments addressing setbacks, building heights, building footprints, and tree protection. The Club made additional adjustments to the project description to address issues sensitive to the surrounding residents and property owners. The full comments and staff responses are provided in Attachment B of the agenda report.

The Mayor opened the public hearing.

The City Clerk reported the notice of public hearing was published on January 17, 2011 in the Pasadena Start-News; and 1 letter in support of the Valley Hunt Club Master Plan was received.

Robert Avila, Planner, reviewed the agenda report as part of a PowerPoint presentation, and responded to questions.

Steve Mermell, Assistant City Manager, responded to questions regarding the Master Plan.

The following persons spoke in support of the Valley Hunt Club Master Plan:

Councilmember Haderlein was excused at 8:46 p.m.

George Bristol, Pasadena resident
Dave Davis, Valley Hunt Club President
Lary Mielke, Valley Hunt Club member
Jinny Dalbeck, Valley Hunt Club member

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

It was moved by Councilmember Madison, seconded by Councilmember McAustin, to approve the staff recommendation. (Motion unanimously carried) (Absent: Councilmember Haderlein)

**REPORTS AND COMMENTS
FROM COUNCIL
COMMITTEES**

**MUNICIPAL SERVICES
COMMITTEE**

Councilmember Haderlein returned at 8:56 p.m.

ADOPT THE WATER INTEGRATED RESOURCES PLAN

Recommendation:

(1) Find that the Water Integrated Resources Plan (WIRP) is exempt from the California Environmental Quality Act (CEQA), pursuant to State CEQA Guidelines Section 15262, feasibility and planning studies; and

(2) Adopt the WIRP (Attachment A of the agenda report) prepared by the consultant, Camp, Dresser and McKee, Inc.

Recommendation of Municipal Services Committee: On January 25, 2011, the Municipal Services Committee concurred with staff's recommendation.

Recommendation of Environmental Advisory Commission: On January 18, 2011, the Environmental Advisory Commission recommended that the City Council adopt the WIRP.

Councilmember McAustin, Chair of the Municipal Services Committee, introduced the agenda item.

Natalie Zwinkels, Engineer, reviewed the agenda report as part of a PowerPoint presentation.

Phyllis Currie, General Manager of the Pasadena Water and Power (PWP) Department, discussed the next step of developing a funding mechanism/strategy for implementing the Water Integrated Resources Plan (WIRP); and responded to questions regarding the WIRP and factors influencing water costs, sales, and supplies.

The following persons commented on components of the WIRP:

Michael Hurley, WIRP Advisory Committee member
Eddie Rigdon, WIRP Advisory Committee member

Dave Ebersold, CDM (consultant), responded to questions regarding the recycled water system costs vs. projected Metropolitan Water District (MWD) water rates and possible advantages of the recycled water system.

Councilmember Madison asked staff to provide Council with a chart showing the conflict between conservation measures/programs and the need to sell more water to pay the costs, information on the projected numbers for the Pasadena vs. non-Pasadena population increases for PWP's service area, and the estimated costs of the recycled water system for the next 20 years.

Councilmember McAustin emphasized various components presented in the WIRP: the importance of the City becoming more self sustaining in its water supply, obtaining grant funding for water projects, ensuring that the City receives available re-charge credits from the Raymond Basin, assisting residents with their water conservation efforts, and de-coupling capital costs from usage costs.

Following discussion, it was moved by Councilmember McAustin, seconded by Councilmember Tornek, to approve the staff recommendation. (Motion unanimously carried) (Absent: None)

RECOMMENDATIONS FROM OFFICERS AND DEPARTMENTS

RESIGNATION OF KELLY LEWIS FROM THE ROSE BOWL OPERATING COMPANY (District 1 Nomination)

It was moved by Councilmember Robinson, seconded by Councilmember Haderlein, to accept the above resignation with regrets. (Motion unanimously carried) (Absent: None)

INFORMATION ITEM

FINANCE COMMITTEE: ROSE BOWL RENOVATION PROJECT FINANCING UPDATE **Recommendation:** Receive and file the report.

The Mayor noted that the Finance Committee had requested that the above item receive further attention and return to Council at a later date.

COUNCIL COMMENTS

In response to Councilmember McAustin's questions, the City Manager indicated that the issue of the City Commissions/Committees structure and costs was being reviewed by the Legislative Policy Committee, with staff currently gathering information to assist the Committee.

Councilmember Holden asked that the issue of sediment removal in the Hahamongna Basin be agendized, as soon as possible, so that the community can be briefed on the project (e.g., how much sediment will be removed, impacts on the existing natural area, and impacts on the surrounding neighbors during the removal process).

Julie Gutierrez, Assistant City Manager, noted that staff has been involved in discussions with Los Angeles County regarding the sediment removal process, and will be bringing a report to the City Council, through the Municipal Services Committee (hopefully during the month of February).

PUBLIC COMMENT

(Continued)

Marguerite Cooper, National Women's Political Caucus-Greater Pasadena Area Chair of Programs, expressed concerns regarding the need for the City Council to continue to support the Commission on the Status of Women and provide staffing to address women's issues in the City.

ADJOURNMENT

On order of the Mayor, the regular meeting of the City Council adjourned at 10:09 p.m.



Bill Bogaard, Mayor
City of Pasadena

ATTEST:



City Clerk