

CITY OF PASADENA
City Council Minutes
May 16, 2011 – 5:30 P.M.
City Hall Council Chamber

REGULAR MEETING

OPENING:

The Mayor called the regular meeting to order at 5:38 p.m.
(Absent: Councilmembers Madison, Robinson)

On order of the Mayor, the regular meeting recessed
at 5:38 p.m., to discuss the following closed sessions:

**COMMUNITY DEVELOPMENT COMMISSION
CONFERENCE WITH REAL PROPERTY NEGOTIATORS**
pursuant to Government Code Section 54956.8
Property Location: 399 East Union Street; 99, 111, 135 and
191 North Los Robles Avenue; 164 North Euclid Avenue
Agency Negotiators: Michael J. Beck, Steve Mermell
Negotiating Parties: Christopher Norton
Under Negotiation: Price and terms of payment

Councilmembers Madison
and Robinson arrived
at 5:45 p.m.

**CITY COUNCIL CONFERENCE REGARDING PUBLIC
EMPLOYEE PERFORMANCE EVALUATION** pursuant to
Government Code Section 54957
Title: City Manager

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

On order of the Mayor, the regular meeting reconvened
at 6:43 p.m. The Pledge of Allegiance was led by
Councilmember Gordo.

ROLL CALL:

Councilmembers:

Mayor Bill Bogaard
Vice Mayor Margaret McAustin
Councilmember Victor Gordo
Councilmember Chris Holden
Councilmember Steve Madison
Councilmember Gene Masuda
Councilmember Jacque Robinson
Councilmember Terry Tornek

Staff:

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

CEREMONIAL MATTERS

Rochelle Branch, Cultural Affairs Manager, described the
Pasadena Unified School District's (PUSD) participation in the
4th Annual Bob Hope Airport Tower Banner "Up and Away"

contest; Lucy Berghdorf, Bob Hope Airport representative, displayed the artwork of the PUSD contest winners; and Councilmembers Madison and Holden presented commendations to the following contest winners:

Hannah Baldwin, Pasadena High School, (1st place)

Cheyenne Frykholm, Pasadena High School (2nd place)
(not in attendance)

Ariel Wood, Marshall Fundamental High School (3rd place)

Marshall Ayers, District Arts Coordinator, announced PUSD's participation in the City's upcoming Art Night events with their "No Boundaries 6" student artwork exhibit in the Corner Bakery plaza.

The Mayor presented a proclamation declaring the week of May 16-21, 2011 as National Public Works Week. The proclamation was received by Julie Gutierrez, Assistant City Manager and Interim Director of Public Works Department.

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

Robert Haw, Neighborhood Church representative, asked the City Council to consider holding a "ciclavia" in Pasadena on September 24, 2011, in support of bicycling and good stewardship of the environment.

The Mayor indicated that staff will take Mr. Haw's suggestion under advisement.

CONSENT CALENDAR

AMENDMENT TO PURCHASE ORDER NO. 47067 WITH CONTROL AUTOMATION DESIGN INCORPORATED FOR THE SUPERVISORY CONTROL AND DATA ACQUISITION FOR THE MONK HILL TREATMENT SYSTEM AND DISINFECTION FACILITY TO INCREASE THE CONTRACT NOT TO EXCEED AMOUNT FROM \$50,000 TO \$109,700

Recommendation:

(1) Find the work by Control Automation Design Incorporated (CAD), consisting of programming, integrating, and testing the supervisory control and data acquisition (SCADA) system, was subject to review under the California Environmental Quality Act (CEQA), as part of the Mitigated Negative Declaration adopted by the Hearing Officer on July 10, 2008, and is part of the project approved by the City Council on October 20, 2008, for the construction and operation of a groundwater treatment plant in the Arroyo Seco. SCADA improvements are included in the project scope for the treatment and disinfection facilities. There are no changed circumstances or new information which would trigger additional environmental review;

(2) Authorize the City Manager to amend Purchase Order No. 47067 with CAD, to increase the contract by \$59,700 for a total not to exceed amount of \$109,700 for additional work as part of the control and supervisory system for the treatment plant and disinfection facility;

(3) Find that competitive bidding is not required, pursuant to City Charter Section 1002 (F), contracts for professional or

unique services; and

(4) Grant the proposed contract an exemption from the competitive selection process of the Competitive Bidding and Purchasing Ordinance, pursuant to Pasadena Municipal Code Section 4.08.049(B), contracts for which the City's best interests are served.

PURCHASE OF GAS CHROMATOGRAPH/MASS SPECTROMETER (GC/MS)

Recommendation:

(1) Find that the proposed action is categorically exempt from the California Environmental Quality Act (CEQA) and the Environmental Guidelines and Procedures for the City of Pasadena as a Class 1 exemption, Section 15301 of the State CEQA Guidelines, an action by a regulatory agency to upgrade operations at existing facilities with no expansion of the use;

(2) Authorize the City Manager to issue a purchase order to Quantum Analytics in an amount not to exceed \$105,000 for the purchase of a Gas Chromatograph/Mass Spectrometer (GC/MS) system;

(3) Grant 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 services; and

(4) Find the proposed contract an exemption from the competitive selection process of the Competitive Bidding and Purchasing Ordinance, pursuant to Pasadena Municipal Code Section 4.08.049(B), contracts for which the City's best interests are served.

CONTRACT AWARD TO PRO TECH ENGINEERING, CORPORATION FOR THE INSTALLATION OF STREET LIGHTING ON MOUNTAIN STREET FROM CRAIG AVENUE TO MARTELO AVENUE AND OTHER LOCATIONS FOR AN AMOUNT NOT TO EXCEED \$358,000

Recommendation:

(1) Find the proposed project to be categorically exempt under the California Environmental Quality Act (CEQA) in accordance with Section 15303, Class 3 of the California Code of Regulations Title 14, Chapter 3. This exemption includes construction of small facilities or structures, including accessory structures; and

(2) Accept the bid dated April 27, 2011, submitted by Pro Tech Engineering, Corporation, in response to the Specifications for the Installation of Street Lighting on Mountain Street from Craig Avenue to Martelo Avenue and Other Locations, reject all other bids received, and authorize the City Manager to enter into such contract as is required for an amount not to exceed \$358,000. (Contract No. 20,653)

ADOPT A RESOLUTION APPROVING MAGUIRE PARTNERS-PLAZA LAS FUENTES TRANSFER OF ITS LEASEHOLD INTEREST IN THE AIRSPACE PARCEL ON WHICH A HOTEL IS LOCATED TO HEI PASADENA, LLC

Recommendation: Adopt a resolution that approves the following actions:

(1) Grant Maguire Partners-Plaza Las Fuentes, LLC (MPG) the right to transfer its leasehold interest in the Hotel Airspace Parcel to HEI Pasadena, LLC (Hotel Buyer), with such transfer to be effected by splitting the Existing Airspace Lease into two separate amended and restated leases (a) one executed by Hotel Buyer and the City for the Hotel Airspace Parcel and (b) the other executed by MPG and the City for the remainder of the Leased Premises;

(2) Authorize the City Manager to take any and all actions necessary to execute and deliver the following documents:

- (a) an Amended and Restated Hotel Air Space Lease to be entered into by and between the City, as lessor, and Hotel Buyer, as lessee, pertaining to the Hotel Airspace Parcel (Hotel Airspace Lease);
- (b) an Amended and Restated Office/Restaurant Air Space Lease to be entered into by and between the City, as lessor, and MPG, as lessee, pertaining to the remainder of the Leased Premises (Office/Restaurant Airspace Lease); and
- (c) an Agreement for Grant of Easements and Establishment of Covenants, Conditions and Restrictions to be entered into by and among MPG, the City and Hotel Buyer; and

(3) Authorize the City Manager to take any and all actions necessary to execute and deliver such other ancillary documents as may be necessary or appropriate in the judgment of the City Manager/Chief Executive Officer to consummate the transactions contemplated hereunder, with the form of any such ancillary documents to be acceptable in the judgment of the City Manager. (Resolution No. 9113; Agreement No. 20,659; Agreement No. CDC-791)

FINANCE COMMITTEE: AUTHORIZE THE PURCHASE OF ONE (1) COMPRESSED NATURAL GAS (CNG) 25-FOOT BUS FOR THE PASADENA AREA RAPID TRANSIT SYSTEM (ARTS) IN AN AMOUNT NOT TO EXCEED \$119,859

Recommendation:

(1) Find that the purchase of this vehicle is exempt from the California Environmental Quality Act (CEQA), pursuant to State CEQA Guidelines Section 15302, replacement of existing transit facilities involving negligible or no expansion of capacity;

(2) Authorize the issuance of a purchase order to Creative Bus Sales, in an amount not to exceed \$119,859 for the purchase of one (1) replacement 25-foot ARTS bus. The proposed purchase is exempt from competitive bidding, pursuant to City

Charter Section 1002(H), contract with other government entities or their contractors; and

(3) Approve a journal voucher recognizing and appropriating \$19,859 in Proposition C funds from the unencumbered fund balance (Fund 209) to the *Replacement of Medium Duty Transit Vehicles – Project 75040*, which has a current balance of \$100,000, which will provide the total amount of \$119,859 needed for the purchase of this vehicle. (Journal Voucher No. 2011-22)

FINANCE/AUDIT COMMITTEE: AUTHORIZATION TO ENTER INTO A CONTRACT WITH BROWN ARMSTRONG ACCOUNTANCY CORPORATION FOR AUDIT SERVICES FOR FISCAL YEARS 2011-2013, WITH TWO ONE-YEAR OPTIONS

Recommendation: Authorize the City Manager to execute a contract with the public accounting firm of Brown Armstrong Accountancy Corporation, to perform the annual audits of the financial statements of the City of Pasadena, the Pasadena Community Development Commission, the Rose Bowl Operating Company, the Pasadena Center Operating Company, and the Pasadena Community Access Corporation. The proposed contract is exempt from competitive bidding, pursuant to City Charter Section 1002(F), contracts for professional or unique services. (Contract No. 20,654)

CLAIMS RECEIVED AND FILED

Claim No. 11,362	Victoria Jordan	\$	Not Stated
Claim No. 11,363	Eddie Ontiveros		Not Stated
Claim No. 11,364	Valerie Jean Caudle		6,593.99

PUBLIC HEARING SET

June 6, 2011 at 7:30 p.m. – Joint Public Hearing: Consider a Determination Regarding a Finding of Benefit for Payment by the Pasadena Community Development Commission for Public Improvements within the Villa-Parke and the Old Pasadena Project Areas Pursuant to Section 33445 of the Health and Safety Code

It was moved by Vice Mayor McAustin, seconded by Councilmember Robinson, to approve all items on the Consent Calendar. (Motion unanimously carried) (Absent: None)

RECOMMENDATIONS FROM OFFICERS AND DEPARTMENTS

APPOINTMENT OF CITY REPRESENTATIVES TO THE PASADENA UNIFIED SCHOOL DISTRICT (PUSD) CHARTER REFORM AND DISTRICTING TASK FORCE

Councilmember Robinson reported on the work of the City Council's ad hoc committee in reviewing the applications for the City's three appointments to the Pasadena Unified School District's (PUSD) Charter Reform and Districting Task Force, and submitted the committee's selections for Council's consideration and approval.

The Mayor stated his understanding that PUSD is committed to proceeding with districting, as reflected in documents approved by the District, and noted that the City had adopted a resolution that supports the District's position on districting.

The City Attorney confirmed that, given the District's and the City's prior actions, it is appropriate to move forward with the Task Force and the PUSD goal of Board of Education elections by district, which will be presented to the electorate for their approval.

Councilmember Madison suggested that direction be given to the City's representatives regarding their role on the Task Force to support the City's position regarding the change to a geographic sub-district format for PUSD elections.

Following discussion, it was moved by Councilmember Robinson, seconded by Councilmember Madison, to approve the appointments of Pixie Boyden, Khatchik Chahinian, and Diana Peterson-More as the City representatives to the Pasadena Unified School District (PUSD) Charter Reform and Districting Task Force, with direction to carry out the districting process for PUSD consistent with the adopted resolutions of the City Council and Board of Education. (Motion unanimously carried) (Absent: None)

The Mayor suggested that the City Council follow its past practice of the Mayor and each Councilmember nominating one person to be appointed to the City's Redistricting Task Force, when the Task Force is constituted in the future.

**REPORTS AND COMMENTS
FROM COUNCIL
COMMITTEES**

**MUNICIPAL SERVICES
COMMITTEE**

AUTHORIZE THE CITY MANAGER TO ENTER INTO A CONTRACT WITH EDF TRADING NORTH AMERICA, LLC FOR THE PURCHASE OF BIOGAS UP TO AN AVERAGE AMOUNT OF 2,650 MMBTU PER DAY FOR A TERM OF 10 YEARS

Recommendation:

- (1) Find that the purchase of biogas fuel to generate renewable electricity is categorically exempt per Sections 15301, existing facilities, and 15308, actions by regulatory agencies for the protection of the environment, of the California Environmental Quality Act (CEQA);
- (2) Authorize the City Manager to enter into a contract with EDF Trading North America, LLC (EDF), for a 10-year term to purchase up to an average amount of 2,650 million British thermal units (MMBtu) per day of biogas;
- (3) Find that the electricity generated using this biogas reduces Pasadena's greenhouse gas (GHG) emissions and qualifies as renewable energy to meet Pasadena's obligations under statutory and regulatory requirements pertaining to GHG emissions and renewable portfolio standard (RPS) obligations; and

(4) Find that the contract is exempt from competitive bidding, pursuant to City Charter Section 1002(F), contracts for professional or unique services. (Contract No. 20,655)

Vice Mayor McAustin, Chair of the Municipal Services Committee, introduced the agenda item; and noted that the Committee was aware of the needs to revisit the City's Integrated Resource Plan (IRP) as it relates to cost impacts for City customers, and to review the implications of meeting both the State's mandated goals and the City's IRP goals.

Phyllis Currie, General Manager of Water and Power Department, provided a context for the City's actions in pursuing renewable energy resources, discussed the risks involved with the renewable energy arena and the impacts of the cumulative cost increases in providing mandated renewable energy, and responded to questions.

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

The City Manager discussed the City's strategy for negotiating the proposed and future renewable energy contracts.

Councilmember Madison expressed concerns regarding the need to mitigate risks involving the volatility of the market and the rapidly changing technology in this area of energy when negotiating this type of contract.

Councilmember Masuda expressed concerns regarding the costs and term length of the proposed contract.

It was moved by Councilmember Tornek, seconded by Vice Mayor McAustin, to approve the staff recommendation:

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

NOES: Councilmember Masuda

ABSENT: None

PUBLIC COMMENT
(Continued)

Marissa Castro-Salvati, Southern California Edison (SCE) Public Affairs Region Manager, provided a brief update on the Tehachapi Renewable Transmission Project (wind energy), including the line pulling work that will impact Pasadena in September and October 2011.

Councilmember Masuda thanked Ms. Castro-Salvati for the District 4 informational meetings that were held on the work to be done.

PUBLIC HEARINGS

JOINT PUBLIC HEARING: APPROVAL OF A SUBSTANTIAL AMENDMENT OF THE 2010-2011 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) ANNUAL ACTION PLAN TO ALLOW FOR THE REPROGRAMMING OF FUNDS

Recommendation: It is recommended that the City Council continue the public hearing to May 23, 2011 at 7:30 p.m.

It was moved by Councilmember Gordo, seconded by Councilmember Robinson, to continue the public hearing to May 23, 2011 at 7:30 p.m. (Motion unanimously carried) (Absent: None)

CONTINUED PUBLIC HEARING: FISCAL YEAR 2012-2016 RECOMMENDED CAPITAL IMPROVEMENT PROGRAM BUDGET

Recommendation: Receive public comment and continue the public hearing to each subsequent regular meeting of the City Council at 7:30 p.m. until June 6, 2011, or such other date as the City Council may determine, and at which time the City Council will be asked to close the public hearing and formally adopt the Fiscal Year 2012-2016 Capital Improvement Program Budget.

The Mayor announced that now was the time for the continued public hearing.

The City Clerk reported that no additional correspondence had been received.

No one appeared for public comment.

It was moved by Councilmember Gordo, seconded by Councilmember Holden, to continue the public hearing to May 23, 2011 at 7:30 p.m. (Motion unanimously carried) (Absent: None)

CONTINUED PUBLIC HEARING: CITY MANAGER'S RECOMMENDED FISCAL YEAR 2012 OPERATING BUDGET

Recommendation: Receive public comment and continue this public hearing to each subsequent regular meeting of the City Council until June 6, 2011, or such other later date as the City Council may determine, at which time the City Council will be asked to close the public hearing and formally adopt the Fiscal Year 2012 Operating Budget.

The Mayor announced that now was the time for the continued public hearing.

The City Clerk reported that no additional correspondence had been received.

Councilmember Holden, Chair of the Finance Committee, provided an overview of the City Manager's Recommended Fiscal Year (FY) 2012 Operating Budget as part of a PowerPoint presentation; reported that at the special joint meeting of the City Council and Finance Committee held on May 16, 2011 at 3:00 p.m., staff had reviewed the budgets for the following departments/entities: City Attorney/City Prosecutor, City Clerk, City Council, City Manager/Economic Development, Information Technology, Transportation, Pasadena Community Access Corporation, Rose Bowl Operating Company, and Pasadena Center Operating Company; and encouraged the public to attend the special joint meetings, which will be held at 3:00 p.m. each Monday.

Julie Gutierrez, Assistant City Manager and Interim Director of Public Works Department, reviewed the proposed Public Works Department FY 2012 budget as part of a PowerPoint presentation, and responded to questions.

The City Manager responded to questions regarding overtime costs.

Doug Lee, Building Systems and Fleet Management Administrator, responded to questions regarding the fleet vehicle costs.

Councilmember Tornek asked staff to provide additional information on the source(s) for the overtime costs and the source(s) for the increase in materials and supplies.

Phyllis Currie, General Manager of the Water and Power Department, reviewed the proposed Water and Power Department FY 2012 budget as part of a PowerPoint presentation, and responded to questions.

The City Manager responded to questions regarding the power fund revenues.

Joe Awad, Assistant General Manager/Customer Relations, responded to questions regarding the ongoing power switch replacement project.

Vice Mayor McAustin asked staff to provide a comparison of power rates for comparable utility providers (Burbank, Glendale, and Los Angeles) through the City Manager's weekly newsletter.

Councilmember Gordo asked staff to provide an update on the number of switch replacements that have been made and the number of replacements remaining.

Councilmember Holden suggested that the City Manager's introduction section to the final budget document include information on the different services that are provided by the City to the Pasadena Unified School District (PUSD), in order to identify, for the public, the various departments' expenses that are allocated in support of the public school system.

It was moved by Councilmember Gordo, seconded by Councilmember Holden, to continue the public hearing to May 23, 2011 at 7:30 p.m. (Motion unanimously carried) (Absent: None)

COUNCIL COMMENTS

The Mayor announced that he would be participating in a bike ride on May 17, 2011, to highlight the City's commitment to healthy living.

The Mayor highlighted two scheduled events to celebrate the City's 125th Anniversary: a Pasadena Pops concert on June 18th and the 4th of July festivities at the Rose Bowl. Councilmember Robinson announced a citywide celebration event at the Pasadena Museum of History on June 11, 2011. The City Manager noted that a number of free summer concerts will also carry the "125th Birthday" theme.

ADJOURNMENT

On order of the Mayor, the regular meeting of the City Council adjourned at 9:27 p.m.



Bill Bogaard, Mayor
City of Pasadena

ATTEST:



City Clerk