

CITY OF PASADENA
City Council Minutes
February 4, 2013 – 5:30 P.M.
City Hall Council Chamber

REGULAR MEETING

OPENING: Mayor Bogaard called the regular meeting to order at 6:32 p.m. The Pledge of Allegiance was led by Councilmember Bryant.

ROLL CALL:

Councilmembers:

Mayor Bill Bogaard
Vice Mayor Margaret McAustin
Councilmember Victor Gordo
Councilmember Joel Bryant
Councilmember Steve Madison (Arrived at 6:39 p.m.)
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

Councilmember Robinson provided information regarding the One Billion Rising movement, a worldwide campaign to end violence against women. The Mayor presented a proclamation declaring February 14, 2013, as "One Billion Rising Day" in Pasadena, which was received by Julianne Hines, Vice Chair for the Commission on the Status of Women, and Marcella Fasano, One Billion Rising organizer. Ms. Hines and Ms. Fasano thanked the Mayor and the City Council for their support and invited the community to attend a local One Billion Rising event to be held at All Saints Church on February 14, 2013.

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

Larry Faulkner, Pasadena resident, reiterated his previously stated concerns regarding the alleged failure of the Pasadena Human Society (PHS) to provide services to Pasadena as is required under the City's existing contract with PHS.

CONSENT CALENDAR

Item discussed separately at
the request of the Mayor

Councilmember Madison
arrived at 6:39 p.m.

**AUTHORIZATION TO ENTER INTO A CONTRACT WITH
A & Y COMPANY, INC., TO PROVIDE LABOR AND
MATERIALS FOR UTILITY AND MISCELLANEOUS
STREET REPAIR SERVICES IN AN AMOUNT NOT TO
EXCEED \$1,500,000 PER YEAR (SPECIFICATIONS WD-
12-10)**

CONTRACT AWARD TO COGENT COMMUNICATIONS, INC., FOR DATA CENTER COLOCATION AND NETWORK SERVICES

Recommendation:

(1) Find that the following proposed actions are exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15061(b)(3), general rule;

(2) Authorize the City Manager to enter into a contract with Cogent Communications, Inc., for Data Center Colocation and Network Services in an amount not to exceed \$250,000 for an initial period of one-year with four additional annual renewals in an amount not to exceed \$250,000 per year, subject to approval by the City Manager. Competitive bidding is not required pursuant to City Charter Article X Section 1002(F), contracts for professional or unique services; and

(3) Grant the proposed contract an exemption from the competitive bidding 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 interest are served. (Contract No. 21,296)

Item discussed separately at the request of the Mayor

RECOMMENDED AMENDMENT TO PASADENA MUNICIPAL CODE CHAPTER 3.23 TO ADD DESIDERIO PARK TO LIST OF DEDICATED PARKLANDS AND TO CHAPTER 4.17 TO ADD DESIDERIO PARK TO LIST OF PARK AND OPEN SPACE AREAS ON WHICH RESIDENTIAL IMPACT FEES MAY BE EXPENDED

Item discussed separately at the request of Councilmember Robinson

FINANCE COMMITTEE: AMENDMENT TO THE FISCAL YEAR 2013 GENERAL FEE SCHEDULE UPDATING RATES FOR PARAMEDIC BILLING

RESIGNATION OF JESS SEGOVIA FROM THE TRANSPORTATION ADVISORY COMMISSION (Mayor/District 7 Nomination)

APPOINTMENT OF SHERYL TURNER TO THE NORTHWEST COMMISSION (District 2 Nomination)

APPOINTMENT OF EDWINA TRAVIS-CHIN TO THE ENVIRONMENTAL ADVISORY COMMISSION (District 2 Nomination)

APPOINTMENT OF LISA JEFFERY TO THE RECREATION AND PARKS COMMISSION (District 1 Nomination)

APPOINTMENT OF JENNIPHA NIELSEN TO THE ACCESSIBILITY AND DISABILITY COMMISSION (Mayor Nomination/District 3)

CLAIMS RECEIVED AND FILED

Claim No. 11,849	Cameron Tang	\$ 800.00
Claim No. 11,850	Diane Mancini	Not stated
Claim No. 11,851	Brian J. Lee	749.99
Claim No. 11,852	Mary Ellen Wright	272.00
Claim No. 11,853	Ronald F. Garcia	Not stated

PUBLIC HEARINGS SET

March 11, 2013, 7:00 p.m. – Public Hearing by the City of Pasadena as Successor Agency to the Pasadena Community Development Commission to consider the approval of the Public Housing Agency (PHA) Annual Plan (2013)

April 8, 2013, 7:00 p.m. – Consideration of an Approval of Conditional Use Permit No. 5804 and Other Land Use Entitlements, Closure Without Vacation of a Segment of State Street and Certification of Final Environmental Impact Report for the Glenarm Repowering Project at 72 East Glenarm Street

It was moved by Councilmember Gordo, seconded by Councilmember Robinson, to approve all items on the Consent Calendar with the exceptions of Item 1 (Contract with A & Y Company, Inc.), Item 3 (Amendment to PMC 3.23), and Item 4 (Amendment to the FY 2013 General Fee Schedule Updating Rates for Paramedic Billing), which were discussed separately. (Motion unanimously carried) (Absent: None)

CONSENT ITEMS
DISCUSSED SEPARATELY

AUTHORIZATION TO ENTER INTO A CONTRACT WITH A & Y COMPANY, INC., TO PROVIDE LABOR AND MATERIALS FOR UTILITY AND MISCELLANEOUS STREET REPAIR SERVICES IN AN AMOUNT NOT TO EXCEED \$1,500,000 PER YEAR (SPECIFICATIONS WD-12-10)

Recommendation:

- (1) Find that the project is exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15301, existing facilities;
- (2) Accept the bid dated November 14, 2012, submitted by A & Y Company, Inc., in response to Specifications WD-12-10, to provide labor and materials for utility and miscellaneous street repair services for the Water and Power Department;
- (3) Reject all other bids; and
- (4) Authorize the City Manager to enter into a one-year contract with A & Y Company, Inc., for an amount not to exceed \$1,500,000, with an option for three additional one-year terms in amounts not to exceed \$1,000,000 each. (Contract No. 21,297)

Greg Fleming, Vice President of Paveco Construction, Inc., spoke in opposition to the recommended bid award to A & Y Company, stated that the bids submitted are unbalanced and should be rejected, and requested that the bid protest submitted by his company be acknowledged in writing prior to a bid award.

Following questions and concerns regarding the current bid procedures, the City Manager indicated that the current bid procedures will be reviewed by staff to identify a more clear and appropriate process for individuals to protest a bid award. He recommended that the City Council proceed with the proposed action to award the contract to A & Y Company based on the staff's thorough examination of all the bids submitted.

Natalie Ouwersloot, Principal Engineer, reviewed the agenda report as part of a PowerPoint presentation, and Phyllis Currie, General Manager of Water & Power Department, summarized the process of evaluating bids, and responded to questions.

Councilmember Gordo requested that staff provide more formal guidelines for the bid process, including better defined protest procedures, and requested that these guidelines be reviewed by the appropriate City Council Committee and presented for consideration.

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

RECOMMENDED AMENDMENT TO PASADENA MUNICIPAL CODE CHAPTER 3.23 TO ADD DESIDERIO PARK TO LIST OF DEDICATED PARKLANDS AND TO CHAPTER 4.17 TO ADD DESIDERIO PARK TO LIST OF PARK AND OPEN SPACE AREAS ON WHICH RESIDENTIAL IMPACT FEES MAY BE EXPENDED

Recommendation:

- (1) Acknowledge that the recommended changes to Titles 3 and 4 of the Pasadena Municipal Code are exempt from the California Environmental Quality Act (CEAQ) pursuant to State CEQA Guidelines Section 15378(b)(4); and
- (2) Direct the City Attorney to prepare an ordinance within 60 days that will amend Chapter 3.23.10 of the Pasadena Municipal Code to add Desiderio Park to list of dedicated parklands and Chapter 4.17.060 to add Desiderio Park as a neighborhood park as depicted in Attachment A.

Jonathan Edwards, Downtown Pasadena Neighborhood Association (DPNA), spoke in opposition to the proposed action arguing that residential impact fees are intended to fund the creation of new parks in newly developed areas, and suggested that Desiderio Park be designated as a citywide park as opposed to a neighborhood park with respect to the use of residential impact fees.

Siobhan Foster, Director of Public Works, explained that staff is currently studying the allocation of residential impact fees, as required every 5 years, with a report on the findings to be submitted to the City Council through the Finance Committee in June or July of the current year.

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

FINANCE COMMITTEE: AMENDMENT TO THE FISCAL YEAR 2013 GENERAL FEE SCHEDULE UPDATING RATES FOR PARAMEDIC BILLING

Recommendation:

(1) Approve an amendment to the General Fee Schedule adjusting the following billing rates for paramedic services:

(a) Change fee No. 120, Advanced Life Support transport, from \$1,169 to \$1,412

(b) Change fee No. 121, Basic Life Support transport, from \$819 to \$1,010

(c) Change fee No. 122, Code 3 Transport, from \$111 to \$128

(d) Change fee No. 123, Mileage, from \$17/mile to \$18/mile

(e) Change fee No. 124, Basic Life Support Supplies, from \$25 to \$27

(f) Change fee No. 125, Advance Life Support Supplies, from \$25 to \$27

(g) Change fee No. 129, Oxygen, from \$57 to \$64; and

(2) Approve an amendment to the General Fee Schedule adding the following new fees:

(a) Code 2 Transport \$50

(b) Backboard, Splints, KED \$50

(c) Traction splints \$91

Fire Chief Calvin Wells introduced the agenda item, and responded to questions.

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

RECOMMENDATIONS FROM OFFICERS AND DEPARTMENTS

CONSIDERATION OF AGENDIZING A CITY COUNCIL ITEM REGARDING A POSSIBLE MORATORIUM ON LARGE/OUTDOOR RECYCLING FACILITIES
(Councilmember Gordo)

Councilmember Gordo voiced his concerns regarding the impact of large outdoor recycling facilities on surrounding neighborhoods and businesses, and requested that staff be directed to prepare an ordinance for City Council consideration approving a temporary moratorium on pending permits to operate large recycling facilities, providing staff with an opportunity to review the current requirements for such facilities, and to recommend any further conditions in terms of distance, design guidelines, size of facilities, security, cleanliness, and operating procedures in an effort to strengthen the existing recycling ordinance.

The following persons spoke in favor of the proposed moratorium and advocated for further restrictions and requirements for operators of large/outdoor recycling facilities:

Erlinda Romo, Playhouse District Association
Bob Kneisel, Pasadena Neighborhood Coalition
Jan Finley, El Rio Lake Neighborhood Association
Joe Feinblatt, Washington Square Neighborhood Association
Ann Tait, Pasadena resident
Robert Tait, El Rio Lake Neighborhood Association
Cindy Schnuelle, Orange Heights Neighborhood Association
Melissa Ertler, Garfield Heights Neighborhood Association
Nancy Tom, Washington Square Neighborhood Association
Michael Stern, Pasadena resident

Councilmember Gordo requested that staff analyze the impacts that recycling centers have on Police, Fire, and Code Enforcement operations, including budgetary impacts, and determine whether the City can opt out of the State's mandate for recycling centers since the City has a curbside recycling program.

Councilmember Tornek requested that staff present a cost benefit analysis for lockable recycle bins, the amount of increased recyclable material collection for the City the bins might generate, if any, and any corresponding increased revenue generation, and information on how effective locks might be in deterring individuals from foraging through recycle containers for material so as to address some of the concerns raised by the speakers during public comment.

Following discussion, it was moved by Councilmember Gordo, seconded by Councilmember Robinson, to direct staff to prepare an ordinance for City Council consideration for a temporary moratorium on large recycling facilities. (Motion unanimously carried) (Absent: None)

INFORMATION ITEM

CITY COUNCIL WORKSHOP ON THE GLENARM POWER PLANT REPOWERING PROJECT

Recommendation: This report is for information only.

General Manager Currie introduced the agenda item, and responded to questions. Assistant General Managers Gurcharan Bawa and Shari Thomas reviewed the agenda report as part of a PowerPoint presentation, and responded to questions.

Ms. Currie and Mr. Bawa responded to concerns regarding the repowering project's financing plan, and the reliability and flexibility of a new efficient electric generation unit. Ms. Currie stated that it is anticipated that staff will finalize the labor agreement for the repowering project and present it to the City Council for approval within the next 30 days.

Following discussion, the City Council expressed its appreciation to staff for an informative and helpful presentation.

By consensus and on order of the Mayor, the report was received and filed.

COUNCIL COMMENTS

In response to Councilmember Robinson's questions related to the power outage during the recent Super Bowl game on February 3, 2013 at the Mercedes-Benz Superdome in New Orleans and the City's ability to address and/or prevent a similar incident during a Rose Bowl Game, the City Manager stated that staff is reviewing causes of the outage and will look to enhance the operating procedures during games in order to address and/or avoid similar occurrences.

ADJOURNMENT

On order of the Mayor, the regular meeting of the City Council adjourned at 8:58 p.m.



Bill Bogaard, Mayor
City of Pasadena

ATTEST:



City Clerk