

# Ordinance Fact Sheet

TO: CITY COUNCIL

DATE: January 10, 2000

FROM: CITY MANAGER

SUBJECT: AN ORDINANCE ADOPTING THE STANDARD SPECIFICATIONS FOR  
PUBLIC WORKS CONSTRUCTION

TITLE OF PROPOSED ORDINANCE:

AN ORDINANCE OF THE CITY OF PASADENA AMENDING CHAPTER 4.08 OF THE PASADENA MUNICIPAL CODE BY ADDING A NEW SECTION 4.08.075 REGULATING MATERIALS OF CONSTRUCTION AND THEIR USE IN THE ERECTION, INSTALLATION, ALTERATION, REPAIR, REMOVAL, CONVERSION, DEMOLITION, AND CONSTRUCTION OF PUBLIC WORKS IMPROVEMENTS IN THE CITY OF PASADENA; AND PROVIDING FOR THE ADMINISTRATION OF PUBLIC WORKS CONTRACTS.

BACKGROUND:

At its meeting of December 6, 1999, the City Council directed the City Attorney to prepare an ordinance adopting the *Standard Specifications for Public Works Construction* for use in the administration and construction of public works improvements in the City of Pasadena.

As outlined in the staff report, the *Standard Specifications for Public Works Construction*, popularly known as the "Greenbook," is a reference document which contains detailed requirements and provisions related to the three major aspects of public works construction: contract administration, construction materials, and construction methods. Presently, the City of Pasadena uses the "Greenbook" by merely incorporating in City contract documents by reference. A recent legal decision against the City of Los Angeles suggests that enactment of an ordinance adopting the *Standard Specifications for Public Works Construction* for use in

connection with public works improvements will strengthen a City's position in resolving disputes over the terms and conditions of a public works contract. In addition, bidders and contractors in City contracts will be provided with a higher degree of certainty with respect to the administration and construction of any public works improvements.

PURPOSE OF ORDINANCE:

The proposed ordinance provide a mechanism for adoption of the *Standard Specifications for Public Works Construction* into the Pasadena Municipal Code, thereby conferring legal status on this document in the same manner Section 14.04.010 of the Pasadena Municipal Code does for the California Uniform Building Code, and other related uniform codes.

REASON WHY LEGISLATION IS NEEDED:

The Pasadena Municipal Code may only be amended by ordinance.

PROGRAMS, DEPARTMENTS OR GROUPS AFFECTED:

The Department of Public Works and Transportation, the Department of Water and Power and the Purchasing Administrator will be primarily affected by the proposed ordinance.

ENVIRONMENTAL IMPACT:

The Environmental Administrator has determined that the proposed ordinance is exempt from the California Environmental Quality Act (CEQA) under the General Rule that CEQA applies only to activities which may have a significant effect on the environment (section 15061(b)(3)). The proposed ordinance would confer legal status on the *Standard Specifications for Public Works Construction*; it can have no direct physical impact on the environment.

FISCAL and SERVICE IMPLICATIONS:

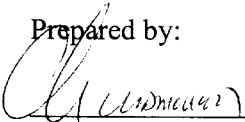
Adoption of the recommended ordinance will not affect the practices of the Public Works and Transportation Department, which will continue to rely upon the latest edition, including

supplements, of the *Standard Specifications for Public Works Construction* in its day-to-day activities. Therefore, no fiscal impact is anticipated from the adoption of this proposed ordinance.

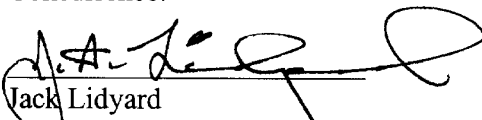
Respectfully submitted,

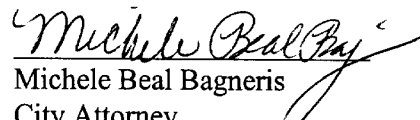
  
Cynthia J. Kurtz  
City Manager

Prepared by:

  
Nicholas George Rodriguez  
Assistant City Attorney

Concurrence:

  
Jack Lidy  
Acting Director of Public  
Works and Transportation

  
Michele Beal Bagneris  
City Attorney

Introduced by Councilmember

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF PASADENA AMENDING CHAPTER 4.08 OF THE PASADENA MUNICIPAL CODE BY ADDING A NEW SECTION 4.08.075 REGULATING MATERIALS OF CONSTRUCTION AND THEIR USE IN THE ERECTION, INSTALLATION, ALTERATION, REPAIR, REMOVAL, CONVERSION, DEMOLITION, AND CONSTRUCTION OF PUBLIC WORKS IMPROVEMENTS IN THE CITY OF PASADENA; AND PROVIDING FOR THE ADMINISTRATION OF PUBLIC WORKS CONTRACTS

The People of the City of Pasadena ordain as follows:

SECTION 1. Chapter 4.08 of the Pasadena Municipal Code is amended by adding a new Section 4.08.075 to read as follows:

"4.08.075

Except as may otherwise be provided herein, the provisions of the then current edition of the 'Standard Specifications for Public Works Construction,' prepared and promulgated by the Southern California Chapter of the American Public Works Association and the Southern California Districts of the Associated General Contractors of California and any supplements thereto issued or approved by the City Engineer, are adopted and applicable to all public works construction undertaken after the effective date of this ordinance."

SECTION 2. The City Clerk shall certify the adoption of this ordinance and shall cause this ordinance to be published in

full text.

SECTION 3. This ordinance shall take effect upon its publication.

Signed and approved this       day of \_\_\_\_\_, 2000.

\_\_\_\_\_  
Bill Bogaard

Mayor of the City of Pasadena

I HEREBY CERTIFY that the foregoing ordinance was

adopted by the City Council of the City of Pasadena at its meeting held the \_\_\_\_ day of \_\_\_\_\_, 2000, by the following vote:

Ayes:

Noes:

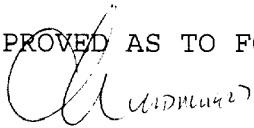
Absent:

Abstain:

Published:

\_\_\_\_\_  
Jane L. Rodriguez, C.M.C.  
City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Nicholas George Rodriguez  
Assistant City Attorney