

**MINUTES OF THE REGULAR MEETING OF THE
CITY COUNCIL AND COMMUNITY REDEVELOPMENT AGENCY
OF THE CITY OF SOUTH PASADENA
CONVENED THIS 3RD DAY OF MARCH, 2010 7:36 P.M.
AMEDEE O. "DICK" RICHARDS, JR., COUNCIL CHAMBERS
1424 MISSION STREET**

ROLL CALL

The open session of the regular meeting of the City Council and the Community Redevelopment Agency (CRA) was convened at 7:36 p.m. by Mayor Schneider. City Councilmembers/CRA Members present: Cacciotti, Putnam, and Sifuentes; Mayor Pro tem/CRA Vice Chair Ten; and Mayor/CRA Chair Schneider. Members absent: None. Other officials present: City Manager/CRA Executive Director Davidson; City Attorney/CRA Counsel Adams; Assistant City Manager Gonzalez; Police Captain Kowaltschuk for Police Chief Watson; Fire Chief Wallace; Finance Director Thai; City Librarian Fjeldsted; Community Services Director Pautsch; Public Works Director Sweeney; Planning and Building Director Watkins; Transportation Manager Woods; and City Clerk Kilby.

Councilmember Putnam offered the invocation and led the Pledge of Allegiance.

**CLOSED SESSION
ANNOUNCEMENTS**

City Attorney Adams reported that Mayor Schneider convened the regular meeting of the City Council/ Community Redevelopment Agency (CRA) shortly after 6:30 p.m. He said there were no members of the public present to make public comment, and that the Mayor recessed the meeting into Closed Session to discuss one item. All members of the Council ultimately were present, he said. The Council met with legal counsel on anticipated litigation, he said, pursuant to Government Code Section 54956.9(c), Rialto Theatre. He said the Council was given a full update on the matter. The Council gave direction, he said, but took no final action. There is nothing further to report on that item, he said.

**PRESENTATION OF A
PROCLAMATION
DECLARING THE CITY
OF SOUTH PASADENA'S
INVOLVEMENT IN AND
SUPPORT OF THE 2010
CENSUS**

Mayor Schneider presented a proclamation to Hovsep Gazazyan, Manager, Pasadena Local Census Office, declaring the City's involvement in and support of the 2010 Census. Mr. Hovsep made remarks.

**PRESENTATION OF A
PROCLAMATION
DECLARING MARCH 7,
2010 AS "ARBOR DAY" IN
THE CITY OF SOUTH
PASADENA**

Mayor Schneider presented a proclamation declaring March 7, 2010 as "Arbor Day" in the City of South Pasadena to Bill Kelly, Chair, Natural Resources and Environmental Commission. Chair Kelly made remarks.

**PRESENTATION OF CER-
TIFICATE OF APPRECI-
ATION TO REYNALDO
RAMIREZ FOR SIX
YEARS OF VOLUNTEER
SERVICE TO THE PARKS
AND RECREATION
COMMISSION**

Mayor Schneider said that since outgoing Parks and Recreation Commission Member Reynaldo Ramirez could not be present to receive his Certificate of Appreciation for six years of volunteer service, the Certificate will be mailed to him.

**COUNCILMEMBERS'
COMMENTS**

Councilmember Cacciotti reported on the Natural Resources and Environmental Commission. He reported that a presentation was given to the Parks and Recreation Commission by the San Pascual Stables, as required by the lease. He said that offering community programs is also required. He requested that staff follow up on this requirement. He requested that a sign be installed to welcome the public, and he invited viewers to utilize the facility. He reported that wooden benches in the parks are being replaced with benches made from Trex™, a product made of wood and plastic fibers. He urged viewers to examine the new environmentally friendly benches. He thanked staff for their efforts.

Councilmember Putnam said the City does not do enough to honor those who have served the City as elected officials. He suggested that the City make a point of honoring these former officials at the first City Council meeting every March. He made a motion to adjourn tonight's meeting in honor of those who have served the City of South Pasadena as elected officials and who have passed away. This was seconded by Mayor Schneider.

Councilmember Putnam noted that a recent article indicated that the average cost to motorists in Southern California from poorly maintained roads is \$2,500. He requested that the City Manager take steps to accelerate efforts to fill potholes from recent rains. City Manager Davidson said he would work with the Public Works Director to accomplish this.

Councilmember Sifuentes emphasized the importance of participating in the 2010 Census. He read portions of a letter from the U.S. Census Bureau describing why it is important to complete census forms.

Councilmember Sifuentes raised the issue of disaster preparedness. He provided a tip on how to reach family members during a disaster—establish an out-of-state phone contact. He said he is attending a local officials' seminar on emergency crises and plans to meet with the Public Safety Commission on disaster planning.

Mayor Schneider announced the Spring Fling fundraiser for the Tournament of Roses March 27, 2010.

**CITY MANAGER
COMMUNICATIONS**

City Manager Davidson announced that in accord with Council direction, a flyer on the new leaf blower regulations/South Coast Air Quality Management District lawn mower exchange program will be included in the water bill. A brochure will be included on how residents can keep roots out of sewer lines. He asked the City Attorney to address the Council on the issue of considering adding an item to the agenda.

**ADDING AN ITEM ON AN
URGENCY BASIS TO THE
AGENDA**

City Attorney Adams said staff is requesting that the Council add an item to the agenda: approval of a change order to Excel Paving Company for the Hanscom Avenue/Peterson Drive Street Improvement Project. He said the need for this change order came to the attention of the City on March 1, 2010, after the posting of the agenda. It requires immediate action, he said, because unless this change order is approved tonight, the contractor will be demobilizing tomorrow. He said Government Code Section 54954.2(b)(2) allows the Council to add something to the agenda on an urgency basis if the issue arose after the posting of the agenda and if immediate action is needed. He said this can be added with a two-thirds vote of the Council. If the Council approves adding this item, he said, it would be added to Action items to be taken up later.

By voice vote (5 ayes), the City Council added an item to the agenda on an urgency basis, "Approval of a Change Order to Excel Paving Company for the Hanscom Avenue/Peterson Drive Street Improvement Project."

(Ten, Cacciotti)

**ITEMS REMOVED FROM
THE CONSENT CALENDAR
FOR SEPARATE
CONSIDERATION**

Mayor Pro tem Ten requested that Item #10, discretionary fund allocations, be removed from the Consent Calendar for separate consideration. Councilmember Putnam requested that Item #11, ordinance dissolving the Transportation Commission and the Design Advisory Group, be postponed to a later meeting.

APPROVAL OF THE MINUTES OF THE SPECIAL MEETING OF FEBRUARY 4, 2010 AND THE REGULAR MEETING OF FEBRUARY 17, 2010

By roll call vote (5 ayes), the City Council approved the minutes of the special meeting of February 4, 2010 and the regular meeting of February 17, 2010.

(Cacciotti, Putnam)

APPROVAL OF PREPAID WARRANTS IN THE AMOUNT OF \$150,968.68 GENERAL CITY WARRANTS IN THE AMOUNT OF \$711,082.51 AND PAYROLL IN THE AMOUNT OF \$413,359.00

By roll call vote (5 ayes), the City Council approved the Prepaid Warrants #161751-161774; General City Warrants #161775-161928, and payroll 02-19-10 for a total of \$1,275,410.19. Sitting as the Community Redevelopment Agency (CRA) Board, they approved the CRA Warrants for \$7,389.75 (included in above total).

(Cacciotti, Putnam)

APPROVAL TO DESTROY CERTAIN CITY RECORDS

By roll call vote (5 ayes), the City Council approved Resolution No. 7099, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOUTH PASADENA, CALIFORNIA, APPROVING THE DESTRUCTION OF CERTAIN CITY RECORDS.

RESOLUTION NO. 7099

(Cacciotti, Putnam)

ACCEPTANCE OF PROJECT COMPLETION AND AUTHORIZATION TO FILE A NOTICE OF COMPLETION FOR THE MAPLE STREET ACCESS RAMP PROJECT (CDBG), AND AUTHORIZATION TO RELEASE RETENTION PAYMENT IN THE AMOUNT OF \$2,295 TO S.J. GRIGOLLA CONSTRUCTION CO. INC.

By roll call vote (5 ayes), the City Council accepted the project improvements and authorized the issuance of a Notice of Completion for the Maple Street access ramp project (CDBG), and authorized the release of the retention payment in the amount of \$2,295 to S.J. Grigolla Construction Co., Inc.

(Cacciotti, Putnam)

**REQUEST BY MAYOR
PRO TEM TEN FOR
APPROVAL OF FY 2009/10
DISCRETIONARY FUND
ALLOCATIONS
DESIGNATING \$3,000
FOR IMPROVEMENTS
TO VIA DEL REY
PEDESTRIAN PARKWAY**

Mayor Pro tem Ten noted that this is follow-up of a project that he spearheaded earlier. He said estimates came from Public Works for covering the walls to match the existing walls.

By roll call vote (5 ayes), the City Council approved a request by Mayor Pro tem Ten for approval of FY 2009/10 discretionary fund allocations designating \$3,000 for improvements to Via Del Rey pedestrian parkway.

(Ten, Cacciotti)

**SECOND READING AND
ADOPTION OF AN
ORDINANCE
DISSOLVING THE
TRANSPORTATION
COMMISSION AND
DESIGN ADVISORY
GROUP AND CREATING
A FREEWAY AND
TRANSPORTATION
COMMISSION**

Councilmember Putnam requested that this item be postponed as there is still work to be done for the Design Advisory Group. Discussion took place about when to reschedule the adoption of the ordinance dissolving the Transportation Commission and Design Advisory Group and creating a Freeway and Transportation Commission. Mayor Schneider urged a longer postponement due to transportation agency delays. Discussion followed.

By roll call vote (5 ayes), the City Council postponed consideration of a second reading and adoption of an ordinance dissolving the Transportation Commission and Design Advisory Group and crating a Freeway and Transportation Commission to the City Council meeting of May 19, 2010.

(Putnam, Cacciotti)

**PUBLIC COMMENT
Balancing budget by
transferring funds**

Odom Stamps, 318 Fairview Avenue, urged the Council not to balance the City budget by transferring funds from the water/sewer funds.

**PUBLIC HEARING TO
RECEIVE OBJECTIONS
OR PROTESTS TO THE
VEGETATION
MANAGEMENT
PROGRAM REGARDING
ABATEMENT OF WEEDS,
BRUSH, RUBBISH AND
REFUSE UPON OR IN
FRONT OF SPECIFIED
PROPERTY IN THE CITY
AND AUTHORIZING BY
MINUTE ORDER THE**

Fire Chief Wallace presented the staff report on the vegetation management program regarding abatement of weeds, brush, rubbish and refuse on vacant parcels. He said this hearing is set to hear objections or protests from property owners regarding vacant parcels needing weed abatement.

Mayor Schneider emphasized that he does not want the Nature Park sprayed for weeds, which he said happened several weeks ago. Chief Wallace responded that no City properties are on the list. Discussion followed about recent spraying at the Park.

**ABATEMENT OF
VEGETATION FIRE
HAZARDS**

Mayor Schneider opened the public hearing. No one came forward and he closed the public hearing.

By roll call vote (5 ayes), the City Council, following the public hearing to hear any objections or protests to the procedures for abating brush and native vegetation fire hazards identified in Resolution No. 7097, adopted by motion an order directing the abatement of fire hazards.

(Sifuentes, Putnam)

**RECEIVE AND FILE FY
2009/10 COST OF
SERVICES STUDY
CONDUCTED BY
REVENUE & COST
SPECIALISTS, LLC**

Finance Director Thai presented the staff report on the recently completed cost of services study, accompanied by PowerPoint slides. He said this will be presented at the April 21, 2010 meeting, with recommendations for fee changes. He introduced Rick Kermer, Revenue & Cost Specialists, LLC, who made a presentation, accompanied by PowerPoint slides, focusing on the history of efforts to determine costs of municipal services. He explained how costs were allocated across the organization.

Fire Chief Wallace responded to a question posed by Councilmember Putnam about fee recovery for paramedic and emergency response services. Director Thai responded to questions.

Mayor Schneider opened the public comment period. No one came forward and he closed the public comment period.

By roll call vote (5 ayes), the City Council approved to receive and file the FY 2009-10 Cost of Services Study conducted by Revenue & Cost Specialists, LLC, and directed staff to refer the study to the Finance Committee for review prior to Council review at the 04/21/10 meeting.

(Ten, Putnam)

**AUTHORIZATION TO
AMEND DESIGN
SERVICES AGREEMENT
WITH URS FOR
ENGINEERING DESIGN
SERVICES FOR THE
WILSON RESERVOIR**

Public Works Director Sweeney presented the staff report on staff's recommendation to amend the design services agreement with URS for the Wilson Reservoir. He said staff is recommending that the design be modified from a steel to a concrete reservoir—primarily for cost savings of a million dollars. Public Works Director Sweeney provided alternatives to undertaking

the project now and responded to questions posed by Councilmembers about maintenance and seismic stability of steel vs. concrete. Councilmember Putnam requested that the useful life of both materials be determined.

Mayor Schneider opened the public comment period. No one came forward and he closed the public comment period.

By roll call vote (5 ayes), the City Council authorized the City Manager to execute a second contract amendment with URS for an additional not-to-exceed amount of \$101,610 to modify the design of the proposed Wilson Reservoir from a steel to a concrete reservoir.

(Cacciotti, Sifuentes)

**URGENCY ITEM:
APPROVAL OF A
CHANGE ORDER TO
EXCEL PAVING
COMPANY FOR THE
HANSCOM
AVENUE/PETERSON
DRIVE STREET
IMPROVEMENT
PROJECT**

Public Works Director Sweeney presented the staff report on the previously approved urgency item: consideration to approve a change order to Excel Paving Company for the Hanscom Avenue/Peterson Drive street improvement project. During the project, he said, much softer soil was discovered than was expected in one section, and as a result the engineer recommends constructing a much stronger retaining wall supported by 10-foot-deep steel caissons for an added cost of \$167,000. The contractor just discovered this, he said, and a decision needs to be made now or the contractor will demobilize.

Mayor Pro tem Ten said that his home is within 500 feet of the subject site. After consulting with the City Attorney, he recused himself from the discussion due to conflict of interest and left the dais.

Public Works Director Sweeney responded to a question posed by Councilmember Putnam. Discussion followed about the contract specifications and why comprehensive soils analysis was not undertaken prior to the project. Public Works Director Sweeney said this would have cost \$200,000.

Mayor Schneider opened the public comment period.

Odom Stamps, 318 Fairview Avenue, asked why the contractor did not undertake geology and soils engineering to determine the nature of the soil before-

hand through boring analysis. Public Works Director Sweeney responded and a brief question-and-answer period followed between Mr. Sweeney and the speaker.

Public Works Director Sweeney responded to Councilmembers' questions about Mr. Stamps' comments. Councilmember Putnam said that soils borings may not have identified the problem.

By roll call vote (4 ayes; 1 recused due to conflict of interest, Mayor Pro tem Ten), the City Council approved a change order in the amount of \$167,000 to Excel Paving Company for the construction of a concrete retaining wall supported by caissons along Hanscom Avenue in lieu of a concrete block retaining wall; authorized a budget transfer in the following amounts to account 101-9000-9203: \$20,000 from account 101-9000-9280 Arroyo Slope Stabilization Project, and \$60,000 from account 100-9000-9355 Oak Hill/Pinecrest Street Improvement Project; and authorized \$220,000 in budget appropriation from Congestion Relief Funds to account 230-9000-9203.

(Cacciotti, Putnam)

**DISCUSSION ON THE
CITY'S OFFICIAL
POSITION AS STATED IN
RESOLUTION NO. 6960
(SR -710)**

Mayor Pro tem Ten returned to the dais.

8:45 p.m. Mayor Schneider introduced the topic and said that he has prepared a revised resolution re-affirming the City's position on the proposed 710 freeway for the Council to consider. As requested by Mayor Schneider, City Clerk Kilby read new sections proposed to be added.

Transportation Manager Woods presented a review of recent events and inquiries from the public regarding the issue. He responded to a question from Mayor Pro tem Ten about who vetted the draft resolution and from Councilmember Cacciotti about historical resolutions on the issue.

Mayor Schneider opened the public comment period.

Sam Burgess, 626 Prospect Avenue, opposed the wording of one section of both the existing and proposed resolution that states the City is opposed to the freeway extension through three communities. He commented

that this could be construed as NIMBY-ism. This is a regional issue, he said, and he requested that wording be changed to oppose the extension through all communities in the region.

Carol Kramer, no address stated, commented that four City Councilmembers plan to delay making a decision on the City's stance on the proposed tunnel. She made a presentation, accompanied by posters displayed on the overhead projector, focusing on cargo transportation and health effects of extending the freeway.

Harry Knapp, 417 El Centro Street, supported the proposed revised resolution in concept and said that something like this should have been adopted after the first feasibility study in 2006. He made additional related suggestions.

Waynna Kato, 1036 Hope Street, spoke about the value of the recent 710 community update meeting. She said the existing 710 resolution with a "no" position on the surface freeway and a "neutral" position on the tunnel study has created misinterpretation and confusion. She supported the proposed changes to the resolution.

Herb Barnes, 1844 Monterey Road, supported the proposed changes to the 710 resolution. He opposed any extension of any freeway anywhere in the State.

Odom Stamps, 318 Fairview Avenue, said all believed in 2003 when the Federal Highway Administration rescinded support for the proposed freeway, this "curse on our City" had finally been stopped. Last week, he said, at the update meeting, it seemed as if it is now "all systems go." He made remarks about how significant Measure R funds have been allocated to the project with minimal study. He supported sending a strong message on "no on 710."

Nancy Campeau, no address stated, made remarks about statements made at the recent 710 update meeting. She opposed the proposed tunnel, which she said is primarily for cargo. She urged the Council to say "no" to the tunnel.

Mary Ann Parada, 1710 Ramona Avenue, expressed appreciation for the City's recent 710 update meeting.

She said representatives of adjacent cities at the meeting opposed the freeway, yet South Pasadena City Councilmembers said nothing about the freeway to their constituents. She urged joining those cities that have become recent allies.

Joanne Nuckols, 1531 Ramona Avenue, reviewed the history of the seven-year tunnel proposal. Claims were made that have since proven untrue, she said.

Clarice Knapp, 417 El Centro Street, said claims were made in the legislature that South Pasadena supports the proposed tunnel. She urged the City Council to make it clear that the City is opposed to any freeway extension, including a tunnel. She said the Caltrans District Director was quoted as agreeing that there are adverse health effects of living adjacent to freeways. She made remarks about Mayor Pro tem Ten's reactions from the dais and about the issue of opposing the extension. It's time to say "no," she said.

Dr. Bill Sherman, 320 Grand Avenue, said there is public documentation of the official positions of each Councilmember on the proposed 710 freeway. He read from campaign literature published by each Councilmember. He urged the City Council to make a clear statement that South Pasadena is against any 710 extension.

Ernie Arnold, 1230 Oak Hill Avenue, said that the freeway was defeated because transportation agencies could not make adequate findings to approve an Environmental Impact Report. He urged the Council to say "no" to a failed project.

Don Jones, 225 Madeline Drive, Pasadena, representing Caltrans' tenants, said a survey of vacant houses revealed that 17% are vacant. He urged the City to request that the courts provide the City with reports as to the condition and eviction history of the houses.

Jan Soo Hoo, 1339 El Vago Street, La Canada Flintridge, urged the Council to adopt the proposed resolution. She said she is recruiting support in her City to oppose the tunnel. She is unsure of South Pasadena's position.

Judy Bergstresser, 1945 Meridian Avenue, urged the

Council to honor its duty by representing the desires of the residents. She made remarks about construction of a tunnel and its effects on the City. She urged the Council to take a firm stand opposing the 710 extension.

Janet Ervin, 901 Meridian Avenue, said freeways are not a solution for moving freight or commuters. Heavy rail is the solution for freight, she said, and light rail should be increased throughout the region. She made related remarks. She urged taking a strong stand against the extension.

Mary Ferrero, 2030 Fremont Avenue, said previous speakers expressed her opinions. She said the Council should be looking toward the future. She urged the Council to oppose the tunnel or any surface freeway extension.

Bob Siev, 414 Fairview Avenue, made remarks about his involvement in the freeway issue over 54 years. He asked how funding for the proposed tunnel from Measure R increased so substantially. He urged the City to appeal a decision of the Santa Barbara Superior Court regarding the Measure R legality. He asked how Assemblymember Mike Eng from Monterey Park could possibly become our friend and ally. Yet, he said, Assemblymember Anthony Portantino, traditionally the City's ally, has become an enemy. He made remarks about financing for Boston's Big Dig. He said the tunnel will be built by the lowest bidder.

Mayor Schneider said that resident Glen Duncan could not be present, but that he submitted written comments beforehand. The Mayor read the comments that Mr. Duncan favors change in the official position on the 710 extension and that he opposes any extension above, below or at grade and through Los Angeles, Glendale, or San Gabriel Valley.

Many expressed appreciation for the 710 community update meeting held by the City at the South Pasadena High School on February 26, 2010.

Mayor Schneider closed the public comment period.

9:33 p.m. Councilmembers made remarks on the issue. Mayor Pro tem Ten responded to public comments.

Councilmember Putnam supported the concept of the proposed resolution but recommended wording changes. He said that the City's three-year goal has been "to eliminate the surface route and then to kill the tunnel, because then there is not a fallback." Councilmember Sifuentes confirmed that this has been the strategy, as suggested by Special Counsel Tony Rossmann. Councilmembers Cacciotti, Putnam, and Sifuentes and Mayor Schneider expressed opposition to the extension of the 710 freeway in any form. Councilmembers agreed that the proposed resolution needs more work before it can be approved. Councilmember Cacciotti said he is the first Councilmember to bring to the Council's attention the adverse health effects from traffic-related air pollution. He reviewed developments in the issue since 2001.

Mayor Schneider expressed appreciation to Councilmembers opposing the freeway/tunnel. He said he wanted to formulate a new strategy. The main thrust of his revisions to the resolution, he said, is contained in one section that says that South Pasadena joins with the cities of Glendale and La Canada Flintridge in opposing any form of the 710 extension. He opposed the strategy that dictates that "in order to get rid of the surface freeway, we have to give them the tunnel."

Mayor Pro tem Ten detailed his long involvement in the freeway issue. He said he supports the tunnel concept from the standpoint of the benefits that would accrue to the City as compared to the status quo. He said the multi-mode alternative plan needs to be updated. He said traffic counts on Fair Oaks and Fremont have increased to 60,000 cars—impacting students and the population. Traffic has increased 18% in 10 years, he said, and is predicted to increase by 30% by 2030. If the tunnel concept could remove 20% of the vehicles from the freeways, he said, that is 20% fewer cars on the City streets. "Scrubbers" can remove pollutants, he said, and cars will be much cleaner than they are now. He discussed truck traffic from the ports. He displayed a large SR-710 route map and said that the freeway has already been designed and the money is available. The only thing stopping the project, he said, is an updated environmental plan.

By roll call vote (5 ayes), the City Council adopted in

concept the notion that the City will join with its sister cities in opposing the extension of the 710 freeway in any form and that the proposed 710 resolution reaffirming the City's official position on the proposed 710 freeway extension drafted by Mayor Schneider be reviewed and revised in accord with this and other suggestions from Councilmembers. The Council directed that the City's 710 legal/strategic advisors (Tony Rossmann, Jan Chatten-Brown, and Mike Roos) be consulted to review the draft resolution and provide guidance. On an amendment suggested by Councilmember Cacciotti and accepted by the maker/seconded of the motion, the Council directed that prior to considering the resolution for approval, a legal strategy discussion be scheduled with legal counsel/consultants to determine legal implications of adopting the resolution. Following that session, they directed staff to return to the Council with a revised draft for approval.

(Schneider, Putnam)

**MAYOR'S
APPOINTMENTS/
REAPPOINTMENTS
Jennifer Glaeser**

With Council concurrence, Mayor Schneider appointed Jennifer Glaeser to the Youth Commission for an unfulfilled term until 06/30/2011.

ADJOURNMENT

By consensus, City Council adjourned the meeting at 10:41 p.m.



Sally Kilby
City Clerk
CRA Secretary



Richard D. Schneider, M.D.
Mayor
Chair, CRA