

OFFICE OF THE CITY MANAGER

June 23, 2011

To the Honorable City Council  
of the City of Pasadena

Mayor and Councilmembers:

**WEEKLY NEWSLETTER**

**1. Herkimer Gardens – State Award of Homebuyer Assistance Funds:**

On June 10, 2011 the City was informed by the State of California Department of Housing and Community Development that it will receive grant funds in the total amount of \$586,075 under the Building Equity and Growth In Neighborhoods (“BEGIN”) Program for the Herkimer Gardens affordable for-sale housing project located at the corner of Raymond Ave. and Maple St. The City’s Housing Department submitted the application for these funds in June 2010. According to William Huang, Director of Housing, the BEGIN funds will be used by the City to provide down-payment assistance loans to first-time, low-income homebuyers for the project, developed by Heritage Housing Partners.

The four-unit Herkimer Arms includes the restoration of the Greene and Greene designed Herkimer Arms building and the Hammond House, both relocated from the Fuller Seminary campus. The project has already begun construction is scheduled to be completed in early 2012. All four of the units are designated to be sold to low-income buyers at affordable cost. The buyer selection process for this project will be subject to the City’s Local Preference policy.

The availability of BEGIN funding assistance for Herkimer Gardens will enhance housing cost affordability for the homebuyers.

**2. Video Update – Charter Announces Price Change for Expanded Basic Programming:**

In a recent notice to the City, Charter Communications announced a change in the rate for Expanded Basic Service charged to Pasadena customers. Effective June, 28 2011, Charter will increase the monthly programming fee for Expanded Basic Service from \$30.00 to \$33.00. The rate for Basic Service will remain unchanged at \$24.99. The monthly fee charged for bundled Basic and Expanded Basic Service will increase from \$54.99 to \$57.99. Charter last raised the

rate for bundled basic and expanded cable TV service in February of 2007, by an average of 4% over 2006 rates.

The fee adjustments are shown in the table below.

SERVICE	OLD PRICE	NEW PRICE	CHANGE
Basic	\$24.99	\$24.99	-
Expanded Basic	\$30.00	\$33.00	\$3.00

According to Dianah Neff, Interim Chief Information Officer, Charter will be sending advanced notification to customers of the fee adjustments via a message included in the customer's billing statement. Under federal law, the video operator is not required to notify the City of rate adjustments in advance of its notification to customers, or to allow the City to review rate increases before they go into effect. However, notice must be given to subscribers a minimum of 30 days in advance of the rate change.

Staff will keep you informed on future video updates as they are announced. If you have further questions, please contact Shinji Hosokawa at 744-7252 or Lori Sandoval at 744-4710.

**3. Pasadena Solar Initiative Achieves SEPA Top 10 Rating for 2010:**

On June 9th, the Solar Electric Power Association (SEPA) released the fourth annual "Top 10 Utility Solar Rankings Report" that analyzes utility solar electricity markets in the United States. According to Phyllis Currie, General Manager Water and Power, Pasadena Water and Power (PWP) was ranked 5<sup>th</sup> amongst municipal utilities nationwide in the solar "Watts-per-Customer" category (total Watts installed in 2010 divided by the total number of electric customers). By the same metric, PWP ranked 16<sup>th</sup> amongst all electric utilities nationwide. The attached memorandum shows the top 10 municipal utilities nationwide rankings.

**4. Water Quality Report Mailing:**

Pasadena Water and Power's annual "Consumer Confidence Report on Water Quality" will be mailed next week to all residents and businesses in its service territory. According to Phyllis Currie, General Manager Water and Power, in calendar year 2010 PWP tap water met all drinking water quality standards set by the U.S. Environmental Protection Agency and the California Department of Public Health. In addition to data results for over 30,000 analytical tests performed in 2010, the 8-page color document also provides summary information on current and future water supply, consumption levels, shortages, waste prevention and conservation programs.

A digital version of the report is online at [www.pwpweb.com/waterquality](http://www.pwpweb.com/waterquality)

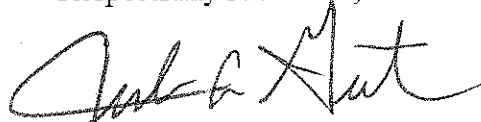
5. **City of Monrovia Proposed Gold Line M&O Facility:**

I am attaching a correspondence sent to Michael Beck from Scott Ochoa, City Manager for the City of Monrovia, which provides an update on negotiations with the City of Monrovia, the Gold Line Construction Authority, and property owner Excalibur Holdings over the proposed Maintenance & Operations Facility that is part of the Foothill Extension Gold Line project.

6. **Rose Bowl Renovation Project Weekly Update:**

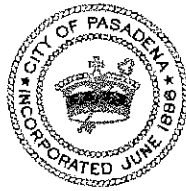
Attached is the most current schedule for the Rose Bowl Renovation Project as provided by Darryl Dunn, General Manager of the Rose Bowl.

Respectfully submitted,



**JULIE A. GUTIERREZ**  
Assistant City Manager

JAG/dac  
/attachment



PASADENA WATER AND POWER

**MEMORANDUM**

June 23, 2011

To: Michael Beck  
City Manager

From: Phyllis Currie  
General Manager Water and Power

Subject: **Pasadena Solar Initiative Achieves SEPA Top 10 Rating for 2010**

On June 9th, the Solar Electric Power Association (SEPA) released the fourth annual "Top 10 Utility Solar Rankings Report" that analyzes utility solar electricity markets in the United States. The report measures the total capacity (Watts) of solar systems installed during calendar year 2010. The total capacity includes both customer-owned systems and utility-scale "bulk" solar systems.

Pasadena Water and Power (PWP) was ranked 5<sup>th</sup> amongst municipal utilities nationwide in the solar "Watts-per-Customer" category (total Watts installed in 2010 divided by the total number of electric customers). By the same metric, PWP ranked 16<sup>th</sup> amongst all electric utilities nationwide.

**Municipal Utilities 2010 Annual Solar Watts-per-Customer**

Rank amongst Municipal Utilities	Rank amongst All Utilities	Utility (state)	Watts per Customer
1	1	Silicon Valley Power (CA)	39.9
2	7	Jacksonville Electric Authority-JEA (FL)	29.1
3	10	City of Banning (CA)	27.6
4	13	Gainesville Regional Utilities (FL)	24.0
5	16	<b>Pasadena Water &amp; Power (CA)</b>	<b>22.3</b>
6	18	CPS Energy (TX)	22.0
7	22	Sacramento Municipal Utility District (CA)	18.0
8	23	Roseville Electric (CA)	17.3
9	25	City of Palo Alto Utilities (CA)	15.6
10	29	Burbank Water & Power (CA)	11.1

The full report may be found on the SEPA website at: <http://www.sepatop10.org>



Office of the City Manager

June 13, 2011

Mr. Michael Beck  
City Manager  
City of Pasadena  
100 N. Garfield  
Pasadena, California 91109

SENT VIA EMAIL AND US MAIL

RE: PROPOSED GOLD LINE M&O FACILITY

Dear Mr. Beck:

I am writing with the hope of providing you with key information in an understanding of what is truly occurring with respect to this critically important project.

As you may know, the City of Monrovia and the Gold Line Construction Authority (GLCA) have come to a stalemate on negotiations over the proposed Maintenance & Operations Facility. Essentially, though City and GLCA negotiating teams came to terms on a proposed real estate transaction this past spring, the GLCA now cites the existence of a lawsuit by Excalibur Holdings as grounds for reconsidering the deal made through good faith negotiations.

GLCA is actually facing two lawsuits by Excalibur – one regarding its SEIR (adopted this past January), and a second one brought jointly against Monrovia and GLCA regarding the proposed sale of the City of Monrovia/RDA's 13.87 acres of land to be used for the M&O Facility. This second claim alleges that the City is "causing" the condemnation of Excalibur's adjacent property, which is "prohibited" by a 2004 settlement agreement between Monrovia and Excalibur.

Leaving out the GLCA's assertions that they were not aware of Monrovia's previous dealings with Excalibur (City and GLCA staff had, in fact, discussed Excalibur many times), the GLCA considers this second lawsuit a "game-changer" in reconsidering our proposed deal. Monrovia believes Excalibur's claim is wholly without merit.

Ironically, both the GLCA and Excalibur hang their objections upon this same 2004 settlement agreement. With this proposed project so important to our region, I think it is important that you know both (or all three) sides of the story.

Basically, in 2002, the Monrovia Redevelopment Agency expanded its project area and included Excalibur's property. Excalibur sued on the grounds of an insufficient EIR. The resulting settlement agreement kept Excalibur's property in the amended project area, but it exempted it from eminent domain by Monrovia.

Here, GLCA, Excalibur and Monrovia's positions intersect.

The settlement agreement is a “tolling agreement”; that is, in exchange for Excalibur’s cessation of legal proceedings, Monrovia indefinitely extended the statute of limitations for their right to challenge the 2002 project area amendment EIR. Section 3 of the settlement agreement reads:

3. *PLAINTIFF’S RIGHT TO RESUME LAWSUIT*

*Notwithstanding Section 2, in the event that either of the Defendants [City or RDA] bring or cause to be brought any proceedings in eminent domain for purposes of redevelopment regarding the Subject Property in the future, the Plaintiff’s may cancel this Agreement and will have the right to file a new action(s) based on the facts alleged in the Lawsuit.*

Monrovia is not acquiring, condemning or “causing” the condemnation of Excalibur’s property. Yet, even if we were – which we’re not – within the above section lays Excalibur’s remedy to any such assertion. This settlement agreement does not “prohibit” Monrovia from exercising eminent domain; instead, it allows that if Monrovia does somehow exercise eminent domain, then Excalibur shall have the right to re-challenge and re-litigate the 2002 EIR for the 6<sup>th</sup> Amendment of Monrovia’s redevelopment project area.

But, again – and to be perfectly clear – we are not a party to any subsequent action by GLCA.

We can neither compel GLCA to condemn nor preclude them from condemning property. Indeed, as our discussions on this matter have broken down, GLCA is now threatening to condemn Monrovia. While Excalibur’s legal team has concocted any number of exotic theories revolving around play-acting, subterfuge, and most recently *racketeering(!)* by Monrovia and GLCA, I can tell you unequivocally that Monrovia is deadly serious in defending our interests.

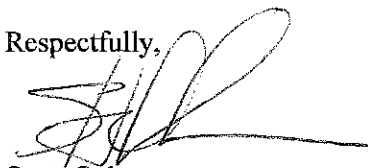
As my Mayor and City Council explained at their June 7 meeting, we have reconciled ourselves to the possibility that this proposed project may not happen in Monrovia. Monrovia took a leadership position in offering this key site as a potential location for the proposed M&O Facility; to be offered a ridiculously low amount – after a deal had already been negotiated in good faith – and to be threatened with condemnation is unacceptable.

My goal in writing this letter is to advise you and your community that Monrovia has acted faithfully and honorably throughout this negotiation. If this proposed project collapses under its own weight due to the machinations and/or intrigues of Excalibur, and the indecisiveness of GLCA, I believe you deserve to know why and how it happened.

The Monrovia City Council continued the matter until their regularly scheduled June 21 meeting. I am hopeful that we will know – one way or another – what the outcome of this convoluted and drawn-out affair will be.

Please feel free to contact me if you would like additional information, or if you would like a full copy of the 2004 settlement agreement with Excalibur so that you and/or your city attorney may review it, and decide for yourselves what reality is and what it is not.

Respectfully,



Scott Ochoa  
City Manager

# PROJECT PLANNING SCHEDULE

(updated 6/20/11)

## 2011

June							July							August						
S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S
			1	2	3	4						1	2		1	2	3	4	5	6
5	6	7	8	9	10	11	3	4	5	6	7	8	9	7	8	9	10	11	12	13
12	13	14	15	16	17	18	10	11	12	13	14	15	16	14	15	16	17	18	19	20
19	20	21	22	23	24	25	17	18	19	20	21	22	23	21	22	23	24	25	26	27
26	27	28	29	30			24	25	26	27	28	29	30	28	29	30	31			

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- June 20, 2011: Core Project Planning Meeting (7:30 am/Brookside Clubhouse)
- June 20, 2011: IMG Coordination Meeting (2:00 pm/Sales Trailer)
- June 21, 2011: Legends Coordination Meeting (10:00 am/Sales Trailer)
- June 21, 2011: Contractor Construction Progress Meeting (10:00 am/Project Trailer)
- June 22, 2011: City Staff Update Meeting (2:00 pm/Project Trailer)
- June 23, 2011: Project Team Coordination Meeting (1:00 pm/Project Trailer)
- **June 25, 2011: Gold Cup Championship Finals**
- June 27, 2011: Core Project Planning Meeting (7:30 am/Brookside Clubhouse)
- **June 27, 2011: Design Commission Hearing (6:00 pm/Senior Center)**
- June 28, 2011: IMG Coordination Meeting (2:00 pm/Sales Trailer)
- June 28, 2011: Legends Coordination Meeting (10:00 am/Sales Trailer)
- June 28, 2011: Contractor Construction Progress Meeting (10:00 am/Project Trailer)
- June 28, 2011: PFBL Meeting (4:00 pm/City Hall-Finance Conference Room)
- June 29, 2011: City Staff Update Meeting (2:00 p.m./Rose Bowl Home Locker Room)
- June 30, 2011: Project Team Coordination Meeting (1:00 pm/Project Trailer)
- **June 30, 2011: RBOC Operations Committee Meeting (5:30 pm/Admin Conference Room)**
- **July 4, 2011: 4<sup>th</sup> of July Celebration**
- July 5, 2011: Core Project Planning Meeting (7:30 am/Brookside Clubhouse)
- July 5, 2011: IMG Coordination Meeting (2:00 pm/Sales Trailer)
- July 5, 2011: Legends Coordination Meeting (10:00 am/Sales Trailer)

- July 5, 2011: PFBL Meeting (4:00 pm/City Hall-Finance Conference Room)
- July 6, 2011: **Tenant Monthly Meeting (2:00 pm/Locker Room)**
- July 7, 2011: **RBOC Board Meeting (6:30 pm/ Brookside Clubhouse)**
- July 10, 2011: **Flea Market**
- July 11, 2011: Core Project Planning Meeting (7:30 am/Brookside Clubhouse)
- July 11, 2011: IMG Coordination Meeting (2:00 pm/Sales Trailer)
- July 12, 2011: Legends Coordination Meeting (10:00 am/Sales Trailer)
- July 12, 2011: Contractor Construction Progress Meeting (10:00 am/Project Trailer)
- July 13, 2011: City Staff Update Meeting (2:00 pm/Project Trailer)
- July 14, 2011: **Neighborhood Construction Update Meeting (7:30 am/Brookside Clubhouse)**
- July 14, 2011: **Tentative Bid Package RB-12 Released**
- July 14, 2011: Project Team Coordination Meeting (1:00 pm/Project Trailer)
- August 10, 2011: **Tentative RB-12 Bid Due Date**