



COPIES OF THIS AGENDA  
ARE AVAILABLE FROM THE  
NEIGHBORHOOD  
INFORMATION SERVICE AT  
THE CENTRAL AND ALL  
BRANCH LIBRARIES.

**AGENDA  
MUNICIPAL SERVICES COMMITTEE  
March 12, 2013**

**MEMBERS**

Margaret McAustin, Chair, District 2  
Bill Bogaard, Mayor  
Terry Tornek, District 7

**STAFF**

Phyllis Currie, General Manager  
Sandra Robles, Recording Secretary

**MISSION STATEMENT**

The City of Pasadena is dedicated to delivering exemplary municipal services, responsive to our entire community and consistent with our history, culture and unique character.

*Public meeting begins at 4:00 p.m.*

*Agendas and supporting documents are available on the Internet at  
<http://www.cityofpasadena.net/commissions>*

*Materials related to an item on this Agenda submitted to the Municipal Services Committee **after** distribution of the agenda packet are available for public inspection in the City Clerk's Office at 100 N. Garfield Avenue, Room S-228, Pasadena, during normal business hours.*



REGULAR MEETING OF THE  
MUNICIPAL SERVICES COMMITTEE  
Tuesday, March 12, 2013, 4:00 P.M.  
100 North Garfield Avenue, Pasadena, Council Chambers

**AGENDA**

1. **CALL TO ORDER/ROLL CALL**
2. **PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA**
3. **INFORMATION ITEMS**
  - A. MWD Water Shutdown Recap
  - B. Q1 Carbon Credit Auction Results Update
  - C. Update of Underground Category II Streets (Public Works)
  - D. Sidewalk Repair Incentive Program (Public Works)\*
4. **ADJOURNMENT**

Margaret McAustin, Chair  
Municipal Service Committee

\*Attachment

**POSTING STATEMENT:**

I **HEREBY CERTIFY** that this Agenda, in its entirety, was posted on the Council Chamber Bulletin Board S249, the bulletin board in the rotunda area at City Hall, 100 North Garfield Avenue, the City Clerk's Office, and a copy was distributed to the Central Library for posting on the 7th day of March, 2013 by 4:00 p.m.

Sharon Stovall

**DISTRIBUTION:**

MSC Committee Members	Central Library	General Manager	Pasadena Weekly
City Council	City Clerk	Director of Planning and Permitting	Pasadena Star-News
City Manager	Director of Public Works	Los Angeles Times	Neighborhood Connections
City Attorney	Public Information Officer	La Opinión	Pasadena Journal

In compliance with the Disabilities Act of 1990, listening assistive devices are available from the City Clerk's Office with a 24-hour advance notice. Please call (626) 744-7062 or (626) 744-4785 to request use of a listening device. Language translation services are available for this meeting by calling (626) 744-4386 at least 24 hours in advance. Habrá servicio de interpretación disponible para estas juntas llamando al (626) 744-4386 por lo menos con 24 horas de anticipación. Items on the agenda may not be called in the order listed.

**3. D**

**MEMORANDUM - CITY OF PASADENA  
DEPARTMENT OF PUBLIC WORKS**

**DATE:** March 7, 2013  
**TO:** Municipal Services Committee  
**FROM:** Siobhan Foster, Public Works Director  
**RE:** Department of Public Works – Pilot Sidewalk Repair Partnership Program

---

This item is for information only.

**Executive Summary**

The proposed Pilot Sidewalk Repair Partnership Program would provide property owners with an economical and efficient means of replacing existing sidewalks when a City street tree(s) causes the damage. The Department of Public Works would manage the design, construction, and inspection necessary to repair qualifying sidewalks and provide property owners with a maximum incentive equivalent to 50% of the actual cost of sidewalk repair subject to a cap of \$1,000 per parcel. The maximum grant incentive for income-qualified residents would be 70% of the actual cost of sidewalk repair subject to a cap of \$1,000 per application.

**Background**

In 1991, the City passed an Ordinance (No. 6414, Section 12.04.031) entitled "Inspection required for permit clearance," which indicates that the City will inspect the condition of perimeter sidewalk of any parcel prior to the issuance of any single-family or multi-family occupancy permit or building permit in excess of \$5,000 in value of the improvement.

In 2005, the City completed a field survey of sidewalk conditions throughout the City. The survey identified 13,000 properties with sidewalk damages with an estimated repair cost of \$15 million. The Department of Public Works implemented a computer database to track the location of the sidewalk damages including the quantified area of damages. The City expends approximately \$150,000 annually on sidewalk claims.

On August 1, 2006, the City began implementing the Ordinance to enhance sidewalk safety and mitigate potential liability. Whenever a property owner submits any occupancy or building permit application with a valuation of \$20,000 or more, City staff looks up the location in the sidewalk damages database and identifies the sidewalk damages associated with a parcel.

While the Department of Public Works does provide temporary sidewalk repairs, Pasadena Municipal Code (PMC) Chapter 12.04.030 – Notice to Abutting Property Owner makes

sidewalk repair the responsibility of the abutting property owner even if a City street tree causes the damage. Property owners must repair damaged sidewalks or pay the City to make repairs before selling the property. Currently property owners must also repair damaged sidewalks before the City will issue a building permit with a valuation of \$20,000 or more.

When a condominium is sold, the City calculates the total damaged sidewalk assessment for that parcel and divides it by the number of units on the parcel. Each unit is responsible for its share of the assessment.

A unit applying for an occupancy or building permit is similarly required to pay its proportional share of the sidewalk assessment. When the total damaged sidewalk assessment for that parcel is collected, the City will proceed with sidewalk repairs. Any time the City assesses a unit for its share of damages, the Department of Public Works contacts the condominium association to ascertain the association’s interest in repairing damaged sidewalk along the parcel’s entire frontage. In many instances, the condominium associations have elected to collaborate with the City to repair all damaged sidewalk right away.

The City currently charges \$10/SF to repair damaged sidewalk. Once the fee is collected, the City includes the repair work in the annual concrete repair project. Contracting with the City is financially advantageous for the property owner because the City receives a lower unit cost for large quantities and waives the permit fee for sidewalk repair. The following illustrates the current options for repair of 200 SF of sidewalk.

**Table 1 – Current Sidewalk Repair Program**

Component	City Contract (\$10/SF)	Resident Contract (\$15/SF)	Resident Contract (\$20/SF)
Permit Fee	---	263.72	263.72
Construction Cost	2,000.00	3,000.00	4,000.00
Total	2,000.00	3,263.72	4,263.72
Cost Difference	---	+63%	+113%

Therefore contracting with the City for sidewalk repair provides property owners with a cost effective means of complying with PMC requirements. Since 2007, quotes the property owners receive from contractors have typically been three times higher than the amount the City charges. Due to this financial incentive, property owners have funded the City’s repair of approximately 139,000 SF of sidewalk since 2007. To further incentivize property owners to complete sidewalk repairs caused by City street trees, the Department of Public Works proposes to pilot a Sidewalk Repair Partnership Program modeled upon programs in other jurisdictions.

**Sidewalk Grant Programs - Other Jurisdictions**

The Department of Public Works surveyed other jurisdictions to identify sidewalk incentive program best practices. The survey showed that while sidewalks repairs are usually the responsibility of the abutting property owner, only a few jurisdictions have implemented financial assistance programs to assist residents in making necessary repairs.

The survey results contained in Exhibit 1 indicate the surveyed jurisdictions typically split repair costs with residents on a 50/50 basis up to a specified level. Some jurisdictions restrict the financial incentives to fund only those repairs associated with damage from public street trees. Some jurisdictions also offer enhanced incentives for income qualified property owners. Responsibility for constructing the repairs varies among the jurisdictions.

**Pilot Sidewalk Repair Partnership Program**

The City of Pasadena recognizes that sidewalk maintenance and repair within the City is necessary to protect the health, safety, and welfare of residents and visitors. The City receives many calls about uplifted sidewalks in need of repair each year. Frequently City tree roots have caused the sidewalk damage. Since Pasadena places high value on street trees, the City’s policy is to protect street trees.

The Pilot Sidewalk Repair Partnership Program would provide property owners who are not engaged in the sale of or building permit process for the subject property with an economical and efficient means of replacing existing sidewalks when a City street tree(s) causes the damage. The City would manage the design, construction, and inspection necessary to repair qualifying sidewalks.

Incentive

1. Maximum incentive equivalent to 50% of the actual cost of sidewalk repair subject to a cap of \$1,000 per parcel; and
2. Maximum incentive for income-qualified residents would be 70% of the actual cost of sidewalk repair subject to a cap of \$1,000 per application. Income qualifications would be based on Pasadena Water & Power Electric Assistance Program (EUAP) income qualifications as shown below and available at <http://www.ci.pasadena.ca.us/waterandpower/CARE/>.

**Table 2 - Income Qualifications - Maximum Annual Gross Household Income**

Household Size	1	2	3	4	5	6	7	8
EUAP Income Level	\$29,000	\$33,150	\$37,300	\$41,400	\$44,750	\$48,050	\$51,350	\$54,650

Eligibility

1. City will accept applications for any property located within City of Pasadena with existing sidewalks. Applications for condominiums/townhouses should be made by the association; and
2. Property owners engaged in sale of property and/or building permit process are not eligible.

Application

1. Acceptance is contingent upon availability of funds;
2. Funds may only be used for repair of existing sidewalks in public right-of-way damaged by City street tree(s) roots; and
3. Lack of sufficient funds to cover number of applications received by City during pilot program will not excuse any property owner from responsibility of maintaining abutting sidewalk in a safe condition.

### Inspection of Site

1. City will inspect sidewalk location sites to determine qualifications, condition, and project limits; and
2. City Arborist, City Engineer or designee will determine whether sidewalk damage is due to City street tree(s) roots. This determination is final.

### Estimate of Costs

1. City will prepare cost estimate for sidewalk repair and provide to property owner; and
2. Property owner can agree with estimate (to be included in program and proceed to next steps) or not accept estimate (to withdraw from program.)

### Approval

1. City will make final determination for approval of each sidewalk location after completion of application process above based on:
  - a. Fund availability;
  - b. Condition of sidewalk; and
  - c. Damage caused by City street tree(s) roots.

### Agreement

1. After property owner agrees to estimate, City will send agreement to property owner with actual cost and invoice.

### Invoice

1. Property owner must pay invoice in full within 30 calendar days of invoice date to schedule work; and
2. City will terminate application if property owner does not pay invoice in full within 30 calendar days.

### Schedule of Work

1. City will schedule work once property owner pays invoice;
2. City will issue NTP to contractor when necessary amount of sidewalk work has been amassed by City to mobilize contractor;
3. Work progress is subject to weather, holiday moratorium, or other construction interferences; and
4. City will inspect project from start to finish.

### Final Inspection

1. City will provide final inspection of work.

### Quantity of Sidewalk Repair

The maximum quantity of sidewalk repair the Pilot Sidewalk Repair Partnership Program would generate depends on several factors including level of property owner participation, size of sidewalk repair projects, and income level of participants. Based on review of sidewalk grant programs in other communities, the Department of Public Works recommends the City pay 50% of repair costs and property owners 50%. There would be a \$1,000 cap on the City's contribution per application. Table 4 illustrates the maximum

sidewalk repair based on the 50% incentive rate assuming each sidewalk project uses the full amount of the incentive at a regular income level.

**Table 3 – Estimated Sidewalk Repair Quantity @ City Contract Cost of \$10/sf**

City/Property Owner Cost Share (%)	City Share (\$)	Property Owner Share (\$)	Total Project Budget (\$)	Output/Project (SF)	Maximum Grants (#)	Total Output (SF)
50/50	1,000	1,000	2,000	200	200	40,000

Based on historical data since 2006, the average residential sidewalk repair area per property is approximately 100 SF. Therefore, the City’s share and cap is a sufficient incentive ratio for residential properties and based on programs in other communities, is at a level to incentivize other property owner participation as well. This level of incentive should stimulate property owner participation while maximizing one-time program funding. The Department of Public Works will end the pilot program when the one-time funding is exhausted and provide updates to the Municipal Services Committee at six-month intervals.

Implementation

The Department of Public Works proposes to launch the Pilot Sidewalk Repair Partnership Program on July 1, 2013 in conjunction with a public education campaign outlining property owner responsibility for sidewalk repair. Additionally, the Department of Public Works would need to enter into an on-call sidewalk construction contract to facilitate the timely completion of sidewalk repairs.

**Fiscal Impact**

The Recommended FY 2014 – 2018 Capital Improvement Program includes \$250,000 for the Pilot Sidewalk Repair Partnership Program. Gas Tax monies will provide the one-time funding. The Department of Public Works will use the funding for the repair incentives, public education campaign, and program administration and expects to have approximately \$200,000 in funding available for the incentive program.

Exhibit 1: Sidewalk Grant Programs in Other Jurisdictions

## Exhibit 1 – Sidewalk Grant Programs in Other Jurisdictions

Jurisdiction	Program description	Only city tree damage?	Income qualified owner's provision?	Responsible for repairs
Alameda County CA	– 50/50 cost share with \$750 cap	---	---	Property owner
Augusta KS	– 50/50 cost share with \$500 cap	---	---	Property owner
Beaverton OR	– 50/50 cost share with \$1,500 cap	Yes	---	Property owner
Cape May NJ	– 50/50 cost share	Yes	---	City
Cedar Rapids IA	<ul style="list-style-type: none"> <li>– When city hires contractor, city assesses property owner 50% of construction, administration &amp; assessment costs</li> <li>– When property owner hires contractor, city reimburses property owner 50% of contractor's invoiced cost of repair less permit fees up to current bid price for annual city sidewalk repair program (current reimbursement rate is \$2.50/SF or \$5/SF if damaged due to city tree)</li> </ul>	Either	---	Either
Chicago IL	– Property owner pays below market rate of \$3/SF	---	50% discount	City
Dallas TX	– 50/50 cost share	---	---	City
Enid OK	– 50/50 cost share	---	Lien & loan option	City
St. Louis MO	– 50/50 cost with \$5,000 cap	---	---	Property owner