

CITY OF PASADENA
City Council Minutes
October 10, 2005 – 5:30 P.M.
Pasadena Senior Center, Multi-Purpose Room
85 East Holly Street

REGULAR MEETING

OPENING: Mayor Bogaard called the regular meeting to order at 5:31 p.m.
(Absent: Councilmembers Gordo, Tyler, Vice Mayor Madison)

On order of the Mayor, the regular meeting recessed at 5:32 p.m., to discuss the following closed sessions:

Councilmember Gordo and Vice Mayor Madison arrived at 6:05 p.m.

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION
Significant exposure to litigation pursuant to Subdivision (b)(1) of Section 54956.9: Two potential cases

The above closed session item was discussed, with no reportable action at this time.

Mayor Bogaard called the regular meeting to order at 6:31 p.m.
(Absent: Councilmember Tyler) The Pledge of Allegiance was led by Brian Williams, Assistant City Manager.

ROLL CALL:

Councilmembers:

Mayor Bill Bogaard
Vice Mayor Steve Madison
Councilmember Victor Gordo
Councilmember Steve Haderlein
Councilmember Chris Holden
Councilmember Paul Little
Councilmember Joyce Streater
Councilmember Sidney F. Tyler (Absent)

Staff:

City Manager Cynthia Kurtz
City Attorney Michele Beal Bagneris
City Clerk Jane L. Rodriguez

CEREMONIAL MATTERS

The Mayor presented a proclamation designating October 13-20, 2005 as "Lights On After School Week." The proclamation was received by Christina Alvarado, Child Care Information Services, and Hillary Crahan, Boys and Girls Club.

Ms. Alvarado invited the community to attend a party in honor of the "Lights On After School Week" event at the Western Justice Center on October 20, 2005 at 5:00 p.m. Ms. Crahan thanked the City Council for the commendation and the various agencies involved in supporting the event.

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

Vice Mayor Madison and Councilmember Gordo introduced Roberta Martinez, representing the Latino Heritage Association of Pasadena, who invited the community to participate in the 7th Annual Latino History Parade and Jamaica at Washington Park, on Saturday, October 15, 2005 at 11:00 a.m.

Councilmember Gordo commended the organizing committee for making the Latino History Parade and Jamaica a better event each year.

Ms. Nancy Nelson, Pasadena resident, thanked the Pasadena Police Department for assisting with her case regarding alleged housing discrimination, sexual harassment, and five homicidal threats by her apartment manager. She requested further assistance from the Police Department in protecting her and providing crime prevention measures.

Ms. Tricia Thayer, Pasadena resident, expressed concerns regarding the operation of Union Station and the alleged improper treatment of homeless individuals.

**RECOMMENDATIONS FROM
OFFICERS AND
DEPARTMENTS**

AGREEMENT BETWEEN THE CITY OF PASADENA AND THE PASADENA UNIFIED SCHOOL DISTRICT FOR THE IMPLEMENTATION OF A STUDENT PICK-UP AND DROP-OFF PLAN AT PASADENA HIGH SCHOOL

The Mayor announced that this item is being held and removed from the agenda at the request of the Pasadena Unified School District and will not be considered by the City Council at this time.

CONSENT CALENDAR

CONTRACT AWARD TO PERFORMANCE PIPELINE TECHNOLOGIES FOR SEWER INSPECTION PHASE III FOR AN AMOUNT NOT TO EXCEED \$266,000

Recommendation of City Manager: Accept the bid dated September 28, 2005, submitted by Performance Pipeline Technologies in response to the Specifications for the Sewer Inspection Phase III, reject all other bids received, and authorize the City Manager to enter into such contract as is required. (Contract No. 19,950)

EXTENSION OF CHARTER COMMUNICATIONS CABLE TELEVISION FRANCHISE

Recommendation of City Manager: Adopt a resolution extending the current cable television franchise with Charter Communications on a month-to-month basis to allow for completion of the franchise renewal process. (Resolution No. 8525)

MINUTES APPROVED

September 26, 2005

CLAIMS RECEIVED AND FILED

Claim No. 9934	Dorothy Rayburn McVann, M.D.	\$ 297.34
Claim No. 9935	Employers Compensation Insurance Company	1,035.93
Claim No. 9936	Mont A. Smith	646.64
Claim No. 9937	Jin Jungsik	500.00
Claim No. 9938	SBC/Diane Mancini	Not Stated

PUBLIC HEARINGS SET

October 24, 2005, 8:00 p.m. - Call for Review of Design Commission Decision for Consolidated Design Review for the Demolition of Seven Units and Garage Structures on Two Lots and Construction of a 12-unit Condominium Flanking a Main Garden at 635-647 South Lake Avenue, Case No. PLN2004-00497

November 14, 2005, 8:00 p.m. - Development Standards for Commercial and Industrial Districts Abutting Residential Districts (Third Story Commercial)

November 14, 2005, 8:00 p.m. - Zoning Map Amendment, Amendment to Huntington Memorial Hospital Master Development Plan, Minor Conditional Use Permit, and Variances for Outpatient Services Pavilion located at 70 W. California Boulevard

November 21, 2005, 8:00 p.m. - Revisions to Subdivision Ordinance

December 5, 2005, 8:00 p.m. - Proposed Hillside Overlay District Zone Change

December 19, 2005, 8:00 p.m. - Continued Public Hearing: Designation of 580 North Lake Avenue as a Landmark

It was moved by Vice Mayor Madison, seconded by Councilmember Little, to approve all items on the Consent Calendar. (Motion unanimously carried) (Absent: Councilmember Tyler)

REPORTS AND COMMENTS FROM COUNCIL COMMITTEES

FINANCE COMMITTEE

APPROVAL OF JOURNAL VOUCHER APPROPRIATING \$652,400 TO THE OLD PASADENA PARKING STRUCTURE FUND ACCOUNT 8503-407-774500 FOR THE PURCHASE OF PARKING REVENUE EQUIPMENT AND \$21,000 TO ACCOUNT 8677-407-774500 TO COVER THE FIRST YEAR'S DEBT SERVICE ON THE 2005 CAPITAL LEASE FINANCING WHICH WAS USED TO PAY FOR THE EQUIPMENT AND REDUCING ACCOUNT 8114-407-774500 BY \$135,948 DUE TO LOWER OPERATING COSTS

Recommendation of City Manager:

(1) Approve a journal voucher appropriating \$652,400 to Account No. 8503-407-774500, within the Old Pasadena Parking Structure Fund. These funds will be used to acquire new equipment and software to track the revenues and parking activities at the Old Pasadena parking structures. The funding will come from a portion of the 2005 Equipment Lease Financing.

(2) Approve a journal voucher appropriating \$21,000 to Account No. 8677-407-774500, within the Old Pasadena Parking Structure Fund. These funds will be used to cover the debt service on the 2005 Capital Lease Financing which was used to pay for the equipment.

(3) Approve a journal voucher reducing the Fiscal Year 2006 appropriation to Account No. 8114-407-774500 by \$135,948, within the Old Pasadena Parking Structure Fund to reflect the lower cost of operating the garages due to the results of the selection of a new operator. (Journal Voucher No. 2006-14)

Councilmember Little, Chair of the Finance Committee, introduced the agenda item.

It was moved by Vice Mayor Madison, seconded by Councilmember Little, to approve the City Manager's recommendation. (Motion unanimously carried) (Absent: Councilmember Tyler)

REPORTS FROM
REPRESENTATIVES

Vice Mayor Madison requested that when Councilmember Tyler updates the City Council on Council of Government (COG) activities, that he include information regarding the ongoing COG investigation. He noted that this report could be provided in a separate closed session meeting if it is deemed necessary by the City Attorney.

Vice Mayor Madison also requested further discussion regarding the City Council's decision to donate City funds towards the American Red Cross' Hurricane Katrina relief effort. In light of the recent concerns surrounding the employment and subsequent firing of an individual with a criminal record by the local Pasadena Chapter, Mr. Madison stated his reservations in donating money to the Chapter without ascertaining the organization's ability to secure the funds for victims of the hurricane.

The City Manager reassured the City Council that the funds had not yet been transferred and that the agreement would return for City Council review. Brian Williams, Assistant City Manager, stated that he would meet with the Red Cross organizers to discuss these issues prior to the transfer of

money.

**RECOMMENDATIONS FROM
OFFICERS AND
DEPARTMENTS**

**APPROVAL OF THE BUSINESS TERMS FOR THE
MEMORANDUM OF UNDERSTANDING (M.O.U.) BETWEEN
THE CITY OF PASADENA AND SMV TECHNOLOGY
PARTNERS LLC**

Recommendation of City Manager: It is recommended that the City Council find and determine that the approval of the business terms included in the Memorandum of Understanding (M.O.U.) between the City of Pasadena and SMV Technology Partners LLC is exempt from the California Environmental Quality Act ("CEQA") pursuant to Section 15061 (b)(3) of the State CEQA Guidelines because the activity undertaken by SMV Technology, as a result of the M.O.U., will not have a significant impact on the environment.

It is recommended that the Pasadena City Council: (1) approve the business terms presented in the agenda report; (2) authorize the City Manager to execute the Memorandum of Understanding (M.O.U.), which incorporates the business terms; (3) instruct staff to negotiate a Development Agreement between the City of Pasadena and SMV Technology Partners LLC consistent with the M.O.U.; and (4) appropriate \$2.64 million to Capital Improvement Program (CIP) Project No. 75939. Of this \$2.64 million, \$1 million is from unanticipated revenues from commercial development impact fees and \$1.64 million will be an advance from the Charter Capital Fund. (Journal Voucher No. 2006-15; Contract No. 18,951)

The City Manager distributed a revised Attachment A of the agenda report to the City Council. Richard Bruckner, Director of Planning and Development, summarized the agenda report and responded to questions.

Following discussion, Councilmember Haderlein requested information regarding the likeliness of a cost overrun occurring during the construction of the project and how such a situation would be handled. The City Manager stated that the details of handling a cost overrun could be addressed within the Development Agreement that will be considered by the City Council at a future meeting. Mr. Haderlein also requested that the Certificate of Occupancy be tied to the completion of the street improvement portion of the project to avoid a situation where the development would be completed prior to the completion of the street improvements. Lastly, he requested that the entitlement process include the review of the project by the Transportation Advisory Commission.

At the request of the Mayor, Martin Pastucha, Director of Public Works, reviewed the Capital Improvement Program,

highlighting the two proposed street improvements and the importance of these improvements to the City's overall transit system.

Following discussion, it was moved by Councilmember Haderlein, seconded by Councilmember Little, to approve the City Manager's recommendation with the additional conditions requested by Councilmember Haderlein. (Motion unanimously carried) (Absent: Councilmember Tyler)

RECESSED TO JOINT
MEETING

On order of the Mayor, the regular meeting of the City Council recessed at 7:23 p.m. to a joint meeting with the Community Development Commission. (Absent: Councilmember Tyler)

JOINT ACTION: SUBMITTAL OF FUNDING APPLICATIONS TO THE STATE OF CALIFORNIA FOR AFFORDABLE HOUSING ASSISTANCE UNDER THE CALHOME PROGRAM, WORKFORCE HOUSING REWARD PROGRAM, AND HOUSING ENABLED BY LOCAL PARTNERSHIPS PROGRAM

Recommendation of City Manager/Chief Executive Officer:

It is recommended that the City Council/Pasadena Community Development Commission adopt resolutions:

- (a) Approving the submittal of funding applications to the California Department of Housing and Community Development for affordable housing assistance funding under the CalHome Program and the Workforce Housing Reward Program;
- (b) Approving the submittal of a funding application to the California Housing Finance Agency for affordable housing assistance under the Housing Enabled By Local Partnerships program; and
- (c) Authorizing the City Manager/Chief Executive Officer to execute and the City Clerk/Secretary to attest any and all documents necessary to facilitate the submittal of the applications, and the implementation and administration of the proposed programs.

Recommendation of Advisory Bodies: The subject recommendation was scheduled for consideration by the Community Development Committee ("CDC") at its regular meeting on September 22, 2005 but the meeting was not convened due to lack of a quorum. However the item was discussed and supported by the CDC's Housing Subcommittee at its meeting on September 15, 2005. (Resolution Nos. 8522, 8523 & 8524)

Mr. Jim Wong, Project Manager, summarized the agenda report.

It was moved by Councilmember Little, seconded by Councilmember Streater, to approve the City Manager's recommendation. (Motion unanimously carried) (Absent: Councilmember Tyler)

**JOINT MEETING
ADJOURNED/RECONVENED**

On order of the Mayor, the joint meeting with the Community Development Commission adjourned at 7:26 p.m., and the regular meeting of the City Council reconvened at this time. (Absent: Councilmember Tyler)

**RESIGNATION OF KIM HILLIS FROM THE COMMISSION
ON THE STATUS OF WOMEN (District 6 Nomination)**

It was moved by Vice Mayor Madison, seconded by Councilmember Streater, to accept the resignation with regrets. (Motion unanimously carried) (Absent: Councilmember Tyler)

RECESS

On order of the Mayor, the regular meeting of the City Council recessed at 7:27 p.m. to a regular meeting of the Community Development Commission.

RECONVENED

On order of the Mayor, the regular meeting of the City Council reconvened at 7:28 p.m. (Absent: Councilmembers Haderlein, Tyler)

ORDINANCE ADOPTED

Adopt "AN ORDINANCE OF THE CITY OF PASADENA AMENDING CHAPTER 4.17 OF THE PASADENA MUNICIPAL CODE RELATING TO METHODOLOGY FOR CALCULATING RESIDENTIAL IMPACT FEES" (Introduced by Councilmember Little) (Ordinance No. 7021)

The above ordinance was adopted by the following vote:
AYES: Councilmembers Gordo, Holden, Little, Streater, Vice Mayor Madison, Mayor Bogaard
NOES: None
ABSENT: Councilmembers Haderlein, Tyler

**RECOMMENDATIONS FROM
OFFICERS AND
DEPARTMENTS**

**APPROVAL OF CHARGE FOR THE TASK FORCE ON
GOOD GOVERNMENT**

The Mayor introduced the item and discussed the differences between the two proposed charges for the Task Force on Good Government.

The following persons spoke in opposition to the Task Force on Good Government and urged the City Council to comply with Measure B (also known as the Taxpayer Protection Amendment or The Oaks Initiative):

Mr. Marvin Schacter, Pasadena resident
Ms. Carmen Balber, Foundation for Taxpayer and Consumer Rights

Mr. John M. Woodburn, Pasadena resident
Ms. Catherine O'Brien, Altadena resident
Mr. Larry Herbst
Mr. Richard Becker, Pasadena resident

MOTION

Following brief discussion, it was moved by Councilmember Streater, seconded by Vice Mayor Madison, to approve Alternative A as the charge for the Task Force on Good Government, as follows:

"The Task Force on Good Government shall have as its goal to make recommendations to the City Council regarding possible modifications to provisions in the City's Charter governing the receipt of gifts, employment and campaign contributions by City elected and appointed officials. The Findings and Declarations set forth in Article XVII of the City Charter will be utilized by the Task Force as a framework for its review and recommendations. In arriving at its recommendations, the Task Force shall consider relevant Constitutional provisions, state and federal laws, City laws and rules, and applicable case law, as well as laws and regulations of other jurisdictions. The Task Force's recommendations should support the Findings and Declarations in Article XVII and result in Constitutional regulations that can be reasonably implemented."

Councilmembers Haderlein and Little voiced their objections to creating a task force with a charge of changing or modifying the voter-approved Taxpayer Protection Amendment.

Councilmember Holden stated his preference for Alternative B as the charge for the Task Force on Good Government, as follows:

"The Task Force on Good Government shall make recommendations to the City Council regarding possible modifications to Article XVII of the City Charter, governing the receipt of gifts, employment and campaign contributions. In arriving at its recommendations, the Task Force shall consider relevant Constitutional provisions, state and federal laws, and applicable case law, and may consider laws and regulations of other jurisdictions. The Task Force's recommendations should support the Findings and Declarations in Article XVII and result in Constitutional regulations that can be reasonably implemented."

The City Attorney clarified the difference between Alternatives A and B, and stated Alternative A was intended to allow the Task Force to consider modifications beyond the Taxpayer Protection Amendment, such as campaign contribution

reforms, while Alternative B was intended to limit the Task Force in considering modifications just to the provisions of the Taxpayer Protection Amendment.

Vice Mayor Madison stated his preference to provide a broader charge and allow the Task Force the flexibility to consider the entire campaign contribution process.

MOTION WITHDRAWN

Without majority support expressed for Alternative A, Councilmember Streater withdrew her motion.

Councilmember Holden stated his preference that the charge of the Task Force should be narrowly focused on the provisions of the Taxpayer Protection Amendment, and should allow for latitude and flexibility in considering the most effective way to implement the provisions as approved by the voters in a manner that is constitutional. His opposition to the broader charge (Alternative A) is that it would allow for the Task Force to consider issues outside the scope of the Taxpayer Protection Amendment.

Vice Mayor Madison stated his concerns regarding a narrowly focused charge for the Task Force.

Regarding Alternative B, and in response to Vice Mayor Madison's concern with a narrowly focused charge, Councilmember Holden clarified that under Alternative B, the Task Force may, in its review, find that the Taxpayer Protection Amendment is unworkable and may suggest a rational argument for coming up with new regulations, which suggestion the Council could consider further pursuing at that point. However, Councilmember Holden stated it is his preference that the charge be given to the Task Force to identify the problems within the current language, and the Task Force could recommend modifications that would be constitutional and allow for a more manageable initiative to be voted on by the voters, while at the same time protecting the original intent of the Taxpayer Protection Amendment.

Mayor Bogaard noted that the differences between Alternatives A and B are not extensive, that under both alternative charges, the Task Force would consider relevant constitutional provisions and laws and regulations of other jurisdictions, and under both alternatives the Task Force's recommendations should support the Findings and Declarations in the Initiative which are the statements of purpose of what good public policy would be achieved by regulations in this area. Mayor Bogaard stated there appears to be sufficient flexibility in Alternative B to have a Task Force effort that is able to pursue the purposes that Councilmember Holden has articulated.

MOTION

Following discussion, it was moved by Councilmember Holden, seconded by Councilmember Streater, to approve Alternative B, as clarified above, as the charge for the Task Force on Good Government as it pursues its work. (Motion carried, with Councilmembers Haderlein and Little objecting) (Absent: Councilmember Tyler)

APPOINTMENTS TO THE TASK FORCE ON GOOD GOVERNMENT

The Mayor introduced the item and a list of the following individuals who submitted applications to serve on the Task Force on Good Government was distributed to the City Council:

Stephen Acker, R. Michael Alvarez, Rene Amy, Margaret Belton, Pixie Boyden, Joyce E. Foster, Barry Gordon, Raphael Henderson, Samuel T. Johnson, Jr., James Lomako, Susan Miles, Aida Morales, Omel Nieves, William M. Papanian, Raul F. Salinas, Judith M. Saunders, Arnold Siegel, William E. Thomson, and Rita Gail Turner.

Following a clarification that six members needed to be chosen from this pool of applicants to serve on the Task Force, Councilmember Little suggested that each Councilmember vote for six applicants and that the City Clerk would then tally the results to identify the top six applicants receiving the most votes.

Councilmember Madison suggested that as an alternative to voting for individuals, each Councilmember could nominate a slate of six applicants to serve on the Task Force and the City Council could then vote on the slate.

Councilmember Holden requested, with City Council consent, to add Al Moses to the pool of applicants for the Task Force on Good Government. The City Council also agreed that those appointed to the Task Force need to either live or work in the City to be eligible for appointment.

Following discussion, the City Council agreed to select two additional applicants for a total of eight appointed members to serve along with the previously chosen Chair, John Van de Kamp.

Councilmember Gordo nominated Stephen Acker, R. Michael Alvarez, Pixie Boyden, Raphael Henderson, Al Moses, Omel A. Nieves, Raul F. Salinas, and William E. Thomson.

Councilmember Haderlein declined to select applicants to serve on the Task Force due to his opposition to creating a Task Force.

Councilmember Holden nominated Margaret Belton, Pixie Boyden, Barry Gordon, Raphael Henderson, Al Moses, Omel A. Nieves, William Paparian, and William E. Thomson.

Councilmember Little nominated Stephen Acker, R. Michael Alvarez, Margaret Belton, Pixie Boyden, Barry Gordon, James Lomako, Omel A. Nieves, and William E. Thomson.

Councilmember Streater nominated Stephen Acker, R. Michael Alvarez, Pixie Boyden, Raphael Henderson, Omel A. Nieves, Raul F. Salinas, William E. Thomson, and Al Moses.

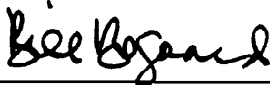
Vice Mayor Madison nominated Stephen Acker, R. Michael Alvarez, Pixie Boyden, Raphael Henderson, Al Moses, Omel A. Nieves, Raul R. Salinas, and William E. Thomson.

Mayor Bogaard nominated Stephen Acker, R. Michael Alvarez, Pixie Boyden, Raphael Henderson, Al Moses, Omel A. Nieves, Raul R. Salinas, and William E. Thomson.

It was moved by Vice Mayor Madison, seconded by Councilmember Gordo, to appoint Stephen Acker, R. Michael Alvarez, Pixie Boyden, Raphael Henderson, Al Moses, Omel A. Nieves, Raul F. Salinas, and William E. Thomson to serve on the Task Force on Good Government. (Motion carried, with Councilmember Haderlein objecting) (Absent: Councilmember Tyler)

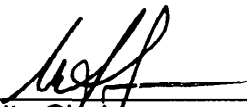
ADJOURNMENT

On order of the Mayor, the regular meeting of the City Council adjourned at 9:00 p.m.



Bill Bogaard, Mayor
City of Pasadena

ATTEST:



for: City Clerk