

CITY OF PASADENA
City Council Minutes
May 1, 2006 – 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 5:35 p.m.
(Absent: Councilmembers Gordo, Holden, Streater, Tyler)

**CITY COUNCIL CONFERENCE WITH LABOR NEGOTIATOR
pursuant to Government Code Section 54957.6
City Representative: Cynthia J. Kurtz
Employee Organization: Unrepresented Executive
Management Employees**

There being no quorum of the City Council at this time, the
above closed session item was not discussed, and the regular
meeting was recessed.

On order of the Mayor, the regular meeting reconvened
at 7:00 p.m. The Pledge of Allegiance was led by
Councilmember Gordo.

ROLL CALL:

Councilmembers:

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

Staff:

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

ANNUAL REORGANIZATION

The Mayor announced it was time for the annual reorganization
of the City Council, and it was time to adjourn the City Council
as currently constituted.

**MOTION TO ADJOURN
COUNCIL - SINE DIE**

It was moved by Councilmember Little, seconded by
Councilmember Haderlein, to adjourn this City Council sine die.
(Motion unanimously carried) (Absent: Councilmembers
Holden, Streater, Tyler)

ELECTION OF VICE MAYOR

The Mayor opened nominations for Vice Mayor.

It was moved by Councilmember Little, seconded by Councilmember Gordo, to nominate Steve Madison as Vice Mayor for a term of one year. There being no further nominations, the Mayor declared the nominations were closed, and the following vote was taken:

AYES: Councilmembers Gordo, Haderlein, Little, Madison, Mayor Bogaard

NOES: None

ABSENT: Councilmembers Holden, Streater, Tyler

Mayor Bogaard congratulated Vice Mayor Madison on his re-election.

REMARKS BY ELECTED VICE MAYOR

Vice Mayor Madison thanked his colleagues for their support, and stated it was an honor to serve on this City Council.

CEREMONIAL MATTERS

The Mayor presented a proclamation declaring May 2006 as Pasadena Water and Power System Centennial Celebration Month. The proclamation was received by Phyllis Currie, General Manager of the Water and Power Department.

Ms. Currie expressed pleasure in receiving the proclamation on behalf of the Water and Power Department's past and current employees, and thanked the community for its support.

PUBLIC COMMENT ON MATTERS NOT ON THE AGENDA

Mr. Charles Thomas, Outward Bound Adventures Executive Director, commended the City for its commitment to the Environmental Charter that has been adopted, and suggested the City consider establishment of an Environmental Commission. He thanked the City for honoring Helen Mary Williams (co-founder of Outward Bound Adventures) at a prior Council meeting.

Mr. Mitch Pomerantz, Pasadena resident, expressed concerns regarding the lack of a City ordinance that provides a mechanism for the City to address complaints involving Americans with Disabilities Act (ADA) issues related to taxicabs operating in the City that are not complying with ADA requirements, and commented on the City's possible liability for not having such an ordinance in place.

The City Manager indicated an ordinance was being drafted by staff, and Council will be informed on the status of this process.

Mr. Chris Sutton, legal counsel representing Rod's Grill (located in Arcadia), asked for City Council support for a letter he recently filed with the Los Angeles County Grand Jury seeking an investigation of the Arcadia Redevelopment Agency related to potential money laundering activities through use of eminent domain and possible prohibited acts by a

redevelopment agency to induce an auto dealership (Ruznak/Pasadena) to move from one city to another.

Councilmembers Haderlein and Little asked staff to provide Council with an update on the auto dealership issues outlined by Mr. Sutton, with consideration given to time sensitivity factors that may apply to any actions Council might want to consider on the issues at hand.

The City Attorney reported staff is in the process of determining the facts; and indicated the City Manager and City Attorney will provide a report to the City Council, as information is available.

Councilmember Gordo commented on events in the cities of Pasadena and Los Angeles related to the current national debate about reasonable immigration reform and the rights of all immigrants as a whole. He also commented on his pride, as a Latino immigrant, in taking part in the democratic process by participating in these events and then participating in the Council meeting and serving Pasadenans in his capacity as Councilmember.

The Mayor noted the historic importance of today's events related to immigration issues.

CONSENT CALENDAR

APPROVAL OF FINAL TRACT MAP NO. 060526, BEING AN EIGHT-UNIT CONDOMINIUM PROJECT, AT 2448 OSWEGO STREET

Recommendation of City Manager: Adopt a resolution to:

- (1) Approve Final Tract Map No. 060526; and
- (2) Authorize the City Clerk to execute the certificate on the map showing the City's approval of said map. (Resolution No. 8582)

APPROVAL OF FINAL TRACT MAP NO. 54085 FOR A SIX-UNIT CONDOMINIUM DEVELOPMENT AT 511 SOUTH MARENGO AVENUE

Recommendation of City Manager: Adopt a resolution to:

- (1) Approve Final Tract Map No. 54085; and
- (2) Authorize the City Clerk to execute the certificate on the map showing the City's approval of said map. (Resolution No. 8583)

Item discussed separately at the request of the City Manager.

RESOLUTION AMENDING THE SALARY RESOLUTION ESTABLISHING SALARY AND BENEFITS FOR THE UNREPRESENTED TOP, MIDDLE AND PROFESSIONAL MANAGEMENT GROUPS

APPROVAL OF THE MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF PASADENA AND THE PASADENA MANAGEMENT ASSOCIATION FOR THE TERM APRIL 1, 2005, THROUGH MARCH 31, 2008.

Recommendation of City Manager:

(1) Approve a successor Memorandum of Understanding between the City of Pasadena and the Pasadena Management Association for the period April 1, 2005, through March 31, 2008.

(2) Adopt the following economic adjustments:

(a) Provide for a 3.4% adjustment effective April 4, 2005 to the control rate of all bargaining unit classifications in Pasadena Management Association; a 3.2% adjustment effective April 3, 2006, and 2.9% adjustment effective April 2, 2007;

(b) Provide for equity adjustments effective June 14, 2005 to the classifications of Accountant, Senior Accountant, Principal Accountant, IT Analyst I, II, III, Department Information Systems Analyst I, II, III, Principal Engineer, Engineer, Engineering Manager, City Engineer, Assistant City Engineer, Assistant Engineer, Associate Engineer, Executive Director of the Arts, Recreation & Human Services Administrator, Recreation Supervisor, Parks & Natural Resources Administrator, Water Quality Manager, and Power Dispatching Supervisor, as reflected on the 2006 Salary Equity Adjustments; \$200,000 for future equity adjustments effective April 17, 2006, and April 16, 2007, respectively, to six classifications found to be below the 75th percentile of the survey cities as determined by the City;

(c) Increase dependent dental contributions from \$30 to \$40 per employee per month effective on the date that this Memorandum of Understanding is adopted by the City Council;

(d) Increase the City's contribution to the Employee Option Benefit fund to \$747 per month retroactive for the period April 4, 2005, through December 31, 2005; \$758 per month effective January 1, 2006; effective January 1, 2007, the existing escalator clause, pertaining to the City's monthly contribution towards the premium for health insurance, shall apply; and

(e) Eliminate Management Leave for Fair Labor Standards Act non-exempt employees hired after April 1, 2006.

(3) Approve a journal voucher allocating funds from the General Fund departments as may be necessary. (Agreement No. 19,061; Journal Voucher No. 2006-42)

CLAIM RECEIVED AND
FILED

Claim No. 10,095 Oneidah Meru

\$250,000.00+

PUBLIC HEARING SET

June 12, 2006, 7:00 p.m. - Revisions to the Sign Ordinance Related to Noncommercial Signs

It was moved by Councilmember Little, seconded by Councilmember Haderlein, to approve the Consent Calendar with the exception of Item 3 (Salary Resolution Amendment), which was discussed separately. (Motion unanimously carried) (Absent: Councilmembers Holden, Streator, Tyler)

CONSENT ITEM
DISCUSSED SEPARATELY

RESOLUTION AMENDING THE SALARY RESOLUTION ESTABLISHING SALARY AND BENEFITS FOR THE UNREPRESENTED TOP, MIDDLE AND PROFESSIONAL MANAGEMENT GROUPS

Recommendation of City Manager:

- (1) Adopt a resolution amending the Salary Resolution to:
- (a) Provide for a 3.4% adjustment effective April 4, 2005 for the various classifications in the Unrepresented Top, Middle and Professional groups, to the control rates noted in the Salary Resolution; a 3.2% adjustment effective April 3, 2006, and 2.9% adjustment effective April 2, 2007;
 - (b) Provide for equity adjustments effective April 4, 2005 to the classifications of Chief Information Technology Officer, Budget Administrator, City Treasurer, City Auditor, Human Resources Manager, Finance and Management Services Administrator, Deputy Finance Director, Sr. Assistant City Attorney, Assistant City Attorney, Deputy City Attorney, Safety Officer, Workers Compensation Supervisor, Police Supervisor, Police Administrator, and Forensics Services Supervisor, as reflected in the Salary Resolution;
 - (c) Increase dependent dental contributions from \$30 to \$40 per employee per month effective April 2005; and
 - (d) Provide that health contributions will remain at the same level until the least expensive family plan rate exceeds the contribution, thereafter the existing escalator clause shall apply;
- (2) Approve a journal voucher transferring funds from the Personnel Services Reserve to the affected General Fund budgets and from the unappropriated fund balances to the various non-General Fund budgets. (Resolution No. 8584; Journal Voucher No. 2006-41)

Ms. Karyn Ezell, Director of Human Resources Department, noted the following corrections in the resolution and distributed a corrected version of the resolution:

- page 1, under Classification and Control Rate, Rate corrected to read: "Administrative Legal Secretary ~~\$63,814~~ \$65,814"
- page 2, Section 4, date corrected to read: "The salary control rates listed in Sections 1, 2, and 3 herein shall be increased by 3.2% effective April 3, ~~2007~~ 2006, and by an additional 2.9% effective April 2, 2007."

The City Manager confirmed that these terms were those terms agreed to by Council in closed session.

It was moved by Councilmember Little, seconded by Councilmember Haderlein, to approve the City Manager's recommendation and adopt the corrected resolution. (Motion unanimously carried) (Absent: Councilmembers Holden, Streater, Tyler)

**REPORTS AND COMMENTS
FROM COUNCIL
COMMITTEES**

**LEGISLATIVE POLICY
COMMITTEE**

**SUPPORT FOR: PROPOSITION 81 – “CALIFORNIA
READING AND LITERACY IMPROVEMENT AND PUBLIC
LIBRARY CONSTRUCTION AND RENOVATION BOND ACT
OF 2006”**

Recommendation of City Manager: It is recommended that the City Council support Proposition 81 “California Reading and Literacy Improvement and Public Library Construction and Renovation Bond Act of 2006.”

The City Manager announced that Jan Sanders, Director of Information Services Department (Library), was attending the Public Library Association (PLA) National Conference and had been elected President of the PLA Board of Directors.

Ms. Beth Walker, Principal Librarian, summarized the agenda report.

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

**SUPPORT FOR PROPOSITION 82 “PRESCHOOL FOR ALL”
BALLOT INITIATIVE**

Recommendation of City Manager:

- (1) Support the Proposition 82 “Preschool for All Act” Ballot Initiative; and
- (2) Authorize the Mayor to send correspondence to the appropriate authorities stating Pasadena’s position.

Ms. Patsy Lane, Director of Human Services and Recreation Department, reviewed the agenda report, noted the Pasadena Unified School District (PUSD) apparently did not plan to take a position on the proposition, and responded to questions.

Ms. Peggy Sisson, Child Care Coordinator, responded to questions regarding local preschool programs and provisions of the proposed Preschool for All Act.

The Mayor, Chair of the Legislative Policy Committee, indicated the Committee had chosen not to take a position on the proposition because of questions and concerns about the Act not being targeted to those children having a need and the funding methodology.

Councilmember Little suggested the Mayor or City Manager write a letter to the President of the PUSD Board of Education or Superintendent to obtain additional information regarding possible impacts of the proposition on the District and reasons for the District taking a position or not taking a position on the proposition.

On order of the Mayor, the above item was held for two weeks, with the understanding that the Mayor will send a letter to the PUSD Board of Education to obtain additional information from the District regarding possible impacts of the proposition on the District and reasons for the District taking or not taking a position on the proposition.

ANNOUNCEMENT

The Mayor announced the Board of Education had conducted its reorganization and had elected Prentice Deadrick as President and Pete Soelter as Vice President.

PUBLIC HEARING

CONTINUED PUBLIC HEARING: FY 2007-2012 RECOMMENDED CAPITAL IMPROVEMENT PROGRAM BUDGET

Recommendation of City Manager: Receive public comment and continue the public hearing to each subsequent regular meeting of the City Council at 7:00 p.m. until May 8, 2006, or such other later date as the City Council may determine, and at which time the City Council will be asked to close the public hearing and formally adopt the FY 2007-2012 Capital Improvement Program Budget.

The Mayor announced now was the time for the continued public hearing.

Councilmembers Haderlein and Little thanked Martin Pastucha, Director of Public Works Department, the City Manager, and staff for all their work in creating and opening the new Viña Vieja Park.

Mr. Pastucha acknowledged the work of his staff in bringing the project forward and the cooperation received from all City staff who took part in the efforts needed to complete the project, and noted he would pass Council's remarks on to the staff.

No one appeared for public comment.

Councilmember Little, Chair of the Finance Committee, announced the next joint meeting of the City Council and Finance Committee will be held on May 8, 2006 at 3:00 p.m.

It was moved by Councilmember Little, seconded by Councilmember Haderlein, to continue the public hearing to May 8, 2006 at 7:00 p.m. (Motion unanimously carried) (Absent: Councilmembers Holden, Streator, Tyler)

RECOMMENDATIONS FROM OFFICERS AND DEPARTMENTS

APPROVAL OF AN AMENDMENT TO THE EMPLOYMENT AGREEMENT WITH CITY MANAGER CYNTHIA J. KURTZ

Recommendation of Mayor: It is recommended that the City Council approve the Amendment to Contract No. 18,196, the Employment Agreement between the City of Pasadena and

City Manager Cynthia J. Kurtz, effective September 5, 2005; and approve a journal voucher appropriating the necessary funds from the FY 2006 Personnel Reserve to the FY 2006 Operating Budget. (Contract Amendment No. 18,196-3; Journal Voucher No. 2006-43)

The Mayor summarized the agenda report.

Councilmember Little expressed appreciation to the City Manager for all of her work on behalf of the City and its residents.

It was moved by Councilmember Haderlein, seconded by Councilmember Gordo, to approve the Mayor's recommendation. (Motion unanimously carried) (Absent: Councilmembers Holden, Streater, Tyler)

RESOLUTION AMENDING THE EAST PASADENA SPECIFIC PLAN

Recommendation of City Attorney: It is recommended that the City Council adopt the resolution to amend the East Pasadena Specific Plan. (Resolution No. 8585)

The City Attorney reviewed the agenda report and responded to questions.

Councilmember Haderlein reported briefly on the productive dialogue between the applicant and the community regarding the project.

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

ORDINANCES – FIRST READING

Conduct first reading of “AN ORDINANCE OF THE CITY OF PASADENA ADDING SECTION 13.04.125 TO THE PASADENA MUNICIPAL CODE RELATING TO PRIVATE UNDERGROUND ELECTRIC VAULTS”

The above ordinance was offered for first reading by Councilmember Little:

AYES: Councilmembers Gordo, Haderlein, Little, Vice Mayor Madison, Mayor Bogaard

NOES: None

ABSENT: Councilmembers Holden, Streater, Tyler

Conduct first reading of “AN ORDINANCE OF THE CITY OF PASADENA IMPLEMENTING VARIOUS CHANGES TO THE WATER AND POWER DEPARTMENT LOW INCOME ASSISTANCE PROGRAM”

The above ordinance was offered for first reading by Councilmember Little:

AYES: Councilmembers Gordo, Haderlein, Little,
Vice Mayor Madison, Mayor Bogaard

NOES: None

ABSENT: Councilmembers Holden, Streator, Tyler

Conduct first reading of "AN ORDINANCE OF THE CITY OF PASADENA AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF PASADENA ESTABLISHED BY SECTION 17.20.020 OF THE PASADENA MUNICIPAL CODE (SOUTH MADISON AVENUE LANDMARK OVERLAY DISTRICT)"

The above ordinance was offered for first reading by Councilmember Little:

AYES: Councilmembers Gordo, Haderlein, Little,
Vice Mayor Madison, Mayor Bogaard

NOES: None

ABSENT: Councilmembers Holden, Streator, Tyler

ORDINANCES – ADOPTED

Adopt "AN ORDINANCE OF THE CITY OF PASADENA AMENDING CHAPTER 10.45 OF THE PASADENA MUNICIPAL CODE BY AMENDING SECTION 10.45.100 (A), CHANGING THE BOUNDARIES OF THE OLD PASADENA PARKING METER ZONE" (Introduced by Vice Mayor Madison) (Ordinance No. 7037)

The above ordinance was adopted by the following vote:

AYES: Councilmembers Gordo, Haderlein, Little,
Vice Mayor Madison, Mayor Bogaard

NOES: None

ABSENT: Councilmembers Holden, Streator, Tyler

Adopt "AN ORDINANCE OF THE CITY OF PASADENA AMENDING TITLE 17 (THE ZONING CODE) TO CHANGE THE DEVELOPMENT STANDARDS OF THE MULTIFAMILY RESIDENTIAL DISTRICTS (RM-16, 32 AND 48; CITY OF GARDENS), PARKING STANDARDS AND THE ENCROACHMENT STANDARDS" (Introduced by Councilmember Tyler) (Ordinance No. 7038)

The Mayor announced that a communiqué had been received from a Pasadena resident expressing concerns that the maximum parking requirement set forth in the proposed City of Gardens Code amendments is not sufficient to allow the number of parking spaces needed by residents.

Mr. Richard Bruckner, Director of Planning and Development Department, and the City Manager reviewed Council's prior discussion on this matter and explained the rationale for the proposed parking requirements being set in the standards.

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

Adopt "AN ORDINANCE OF THE CITY OF PASADENA AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF PASADENA ESTABLISHED BY SECTION 17.20.020 OF THE PASADENA MUNICIPAL CODE TO CHANGE THE DESIGNATION FOR PROPERTY LOCATED ON THE SOUTH SIDE OF CALIFORNIA BOULEVARD AT FAIRMONT AVENUE, A PRIVATE STREET" (Introduced by Councilmember Streater)

The Mayor announced the lack of a quorum caused by the need for Councilmember Haderlein to be recused on the above ordinance, and ordered the item be held to the meeting of May 8, 2006.

Adopt "AN ORDINANCE OF THE CITY OF PASADENA AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF PASADENA ESTABLISHED BY SECTION 17.20.020 OF THE PASADENA MUNICIPAL CODE (BELLEFONTAINE LANDMARK OVERLAY DISTRICT)" (Introduced by Vice Mayor Madison) (Ordinance No. 7039)

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

INFORMATION ITEMS

ORAL PRESENTATION ON PROPOSED WATER AND POWER RATE INCREASES

Ms. Phyllis Currie, General Manager of Water and Power Department, distributed and reviewed a handout titled "Power and Water Revenue Increase Proposal" dated May 2006, and noted this information was also being distributed at various community outreach meetings.

The City Manager responded to questions regarding the Water and Power Department's reserve policy and funds, and discussed the fixed charge for providing the service to each customer as this relates to the total rate.

Discussion followed on the proposed rate increases, changes in the reserve policy, taxes paid on the utility bill, the rates of small vs. large customers, and the differences in methods for setting rates between the City and other utilities providers.

Councilmember Little asked staff to provide information on the rationale for the changes in the reserve policy/funds, the status of the stranded investment reserve fund, and the impacts of the proposed changes on utility customers, when the proposed rate increases are presented to Council.

Councilmember Haderlein expressed concerns regarding the level of burden apparently being paid by the small vs. large customer.

The City Manager noted that samples of various customer bills and information on the structure/components of the bills will be provided in a future presentation to Council.

The Mayor questioned if the City should also look at ways to incentivize conservation.

Ms. Currie indicated that incentive structures involving conservation could be included in future Council discussion of energy efficiency issues.

On order of the Mayor, the information and materials were received and filed.

ANNUAL REPORT ON CITY PROCUREMENT - CALENDAR YEAR 2005

Recommendation of City Manager: Receive the annual report on City Procurement for calendar year 2005.

Mr. Steve Mermell, Acting Director of Finance Department, summarized the agenda report and responded to questions.

The City Manager explained the high level of local procurement by the City Manager's Department.

On order of the Mayor, the report was received and filed.

EQUAL OPPORTUNITY IN EMPLOYMENT ANNUAL REPORT: JANUARY 1, 2005 - DECEMBER 31, 2005

Recommendation of City Manager: The Equal Opportunity in Employment Annual Report is submitted for information only. This report is based on the calendar year 2005, and reflects all individuals employed in regular full-time positions during the reporting period of January 1 through December 31, 2005.

Ms. Karyn Ezell, Director of Human Resources Department, reviewed the agenda report and responded to questions.

The City Manager responded to questions regarding the City's workforce and employees of the various operating companies.

Councilmember Little suggested statistical information on the number of employees who are City residents be included in the annual report (local and non-local).

Vice Mayor Madison suggested employment information from the operating companies also be included in the annual report.

Staff responded that this information will be included in future annual reports.

On order of the Mayor, the report was received and filed.

PREDEVELOPMENT PLAN REVIEW FOR A NEW COMMERCIAL DEVELOPMENT AT 31-71 SOUTH FAIR OAKS AVENUE

Recommendation of City Manager: This report is for information only.

Mr. Jeff Cronin, Principal Planner, reviewed the agenda report and responded to questions.

Mr. Richard Bruckner, Director of Planning and Development Department, responded to questions regarding the turret architecture, parking requirements, and height averaging.

Councilmember Little expressed concerns regarding the need for diversity in the architectural design of buildings being built in the City.

Mr. Bob McClellan, applicant's architect, responded to questions regarding the project's architecture, parking needs, and traffic issues.

The City Manager noted that future plan review reports could be more consistent in providing information on whether the project may or may not meet the thresholds for review by the Transportation Advisory Commission (TAC).

Councilmember Haderlein suggested TAC review the project as this relates to pedestrian and transit issues.

Discussion followed on possible review of the project by TAC and TAC's rules for determining those projects that will be reviewed by the Commission.

It was moved by Councilmember Haderlein, seconded by Vice Mayor Madison, to refer the project to the Transportation Advisory Commission for review. (Motion unanimously carried)
(Absent: Councilmembers Holden, Streater, Tyler)

COUNCIL COMMENTS

Councilmember Little asked staff to obtain copies of the Los Angeles County Metropolitan Transportation Authority's report on its funding priorities and to distribute copies of the report to Council.

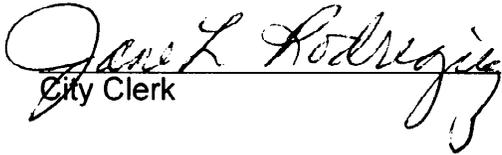
ADJOURNMENT

On order of the Mayor, the regular meeting of the City Council adjourned at 9:05 p.m.



Bill Bogaard, Mayor
City of Pasadena

ATTEST:


City Clerk