CITY OF PASADENA City Council Minutes July 17, 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 5:45 p.m. (Absent: Councilmembers Gordo, Holden)

On order of the Mayor, the regular meeting recessed at 5:45 p.m., to discuss the following closed sessions:

CITY COUNCIL CONFERENCE WITH LABOR **NEGOTIATORS** to pursuant Government Code Section 54957.6

Agency Negotiators: Karyn Ezell, Arthur Chavez

Employee Organization: Pasadena Association of Clerical and Technical Employees, LIUNA Local 777

Councilmember Gordo arrived at 5:52 p.m.

COUNCIL CONFERENCE CITY WITH LABOR **NEGOTIATORS** pursuant to Government Code Section 54957.6

Agency Negotiators: Karyn Ezell, Arthur Chavez

Employee Organization: Service Employees International

Union, Local 347

Councilmember Holden arrived at 6:20 p.m.

Vice Mayor Madison was excused at 6:45 p.m.

CITY COUNCIL CONFERENCE WITH LEGAL COUNSEL regarding significant exposure to litigation pursuant to Government Code Section 54956.9(b): One potential case

The above three closed session items were discussed, with no reportable action at this time.

CONFERENCE WITH REAL PROPERTY NEGOTIATORS pursuant to Government Code Section 54956.8

1. Church's Chicken (restaurant building, parking lot. and a Clear Channel poster panel)

Location: 19-25 East Orange Grove Boulevard identified as Assessor's Parcel Nos. 5725-002-004 & 022

Agency Negotiator: Cynthia J. Kurtz

Negotiating Parties: Aaron Young (Owner), Kamran

Habeed (Lessee)

Under Negotiation: Price, terms of purchase, and conditions

2. Brown Memorial African Methodist Episcopal Church, Inc., (Church structure and parking lot)

Location: 710-722 North Fair Oaks Avenue identified as

Assessors Parcel Nos. 5725-002-006 & 038 Agency Negotiator: Cynthia J. Kurtz

Negotiating Parties: Pastor Carlton Rickman Under Negotiation: Price, terms of purchase and conditions

The above closed session item was not discussed.

On order of the Mayor, the regular meeting reconvened at 6:50 p.m. The Pledge of Allegiance was led by the Mayor.

ROLL CALL:

Councilmembers:

Mayor Bill Bogaard

Vice Mayor Steve Madison Councilmember Victor Gordo Councilmember Steve Haderlein

Councilmember Chris Holden (Returned at 6:53)

Councilmember Paul Little Councilmember Joyce Streator Councilmember Sidney F. Tyler

Staff:

City Manager Cynthia Kurtz

City Attorney Michele Beal Bagneris

City Clerk Jane L. Rodriguez

CEREMONIAL MATTERS

Councilmember Holden returned at 6:53 p.m.

Vice Mayor Madison presented a plaque to Charles and Bette McKenney in recognition of their leadership and efforts in the development of the Arlington Mediterranean Garden project (a neighborhood park located at the corner of Arlington Drive and Pasadena Avenue). The Vice Mayor acknowledged contributing support from the Council, City Manager, Martin Pastucha (Director of Public Works Department) and members of his staff (including Sylva Blackstone and Mike Monroe), Phyllis Currie (General Manager of Water and Power Department) and members of her staff (including Nancy Long), Taka Suzuki (District 6 Field Representative), George Brumder (Garden Society), and Judy Klump (West Pasadena Residents Association).

Mr. McKenney described the garden/landscaping project, commented on the special coalition between the City and the community in developing the park, and thanked all those persons who had contributed to the project in the past two years. He also acknowledged participation in the project of Public Works staff members Kathy Woods and Todd Holmes, Randy Finch (Pasadena Beautiful), Jan Muntz (Pasadena Beautiful), Myita Dinos (garden designer), and all of the Public Works crew who had worked at the site at various times.

Ann Erdman, Public Information Officer, commented on the celebration of the 10-year anniversary of the City's volunteer program and the services provided at the City Hall information booth, and introduced City staff member Linda Centell, who recruits, trains, and manages this volunteer program.

The Mayor assisted in presenting certificates of commendation to the following volunteers:

Vivian Perez, Phyllis Cozad, Exie Hogue, Carmen Rocha (not present), Georgia Moss, Leigh Grapenthien, Belen Segura (not present), Helen Galvan, Duane Allen, Marion Lillquist (not present), Annelie Lindberg, Greg Justice, and Margaret Walsh

Also recognized for 10 years of volunteer service: Juanita Wade, Frances Sullivan (not present), Romelia Kirkaldy, and Syl Deming (not present)

Fred Alcantar, Jr., Sister Cities Committee member, introduced the following Sister Cities exchange students from Ludwigshafen, Germany: Lennart Nies and Ronja Ritthaler; and acknowledged various host families for the students who were also present at the meeting.

Stuart Elliott, Sister Cities Committee member, introduced the following Sister Cities exchange students from Jarvenpaa, Finland: Petteri Uronen and Ville Vartiainen.

Councilmember Holden commented on the accomplishments and dedicated public service of Izeller Snead and Michael Zinzun, two community activists who had passed away recently; and suggested the Black History Parade organizers consider some type of tribute to Mr. Zinzun as part of the next celebration.

PUBLIC COMMENT

Kurt Thorgerson, Pasadena resident, expressed concerns regarding global warming, suggested the City participate in the U.S. Mayor's climate protection agreement program developed by the Mayor of Seattle, Washington, also suggested the Pasadena Tournament of Roses use a 2007 theme of "The Year of the Earth," and submitted a copy of an article on global warming from the April 3, 2006 edition of <u>Time</u> magazine.

The Mayor noted the City is preparing for adoption of the global accord initiated by Seattle's Mayor.

Vice Mayor Madison commented on future meetings that will discuss the global warming issue (a special meeting of the Economic Development and Technology Committee to be scheduled in the near future and consideration of the global accord to be tentatively scheduled for the Council meeting of September 18, 2006).

Mr. Edmund Fry, Rose Tree Cottage representative, updated Council on attempts to relocate the Rose Tree Cottage (tea room), and asked for the City's assistance in locating a new site in Pasadena.

The following persons expressed concerns regarding alleged abuse of authority by the current manager of the Project Advance commissary (part of the mobile vendors' program), asked for replacement of the manager, and/or stressed the need for the City to support mobile (street) vendors in the program:

Rosa Villafana, mobile vendors' program participant/representative
Amalia Millan, mobile vendors' program participant/representative
Herminia Ortiz, Pasadena resident
Emilio Olvera, mobile vendors' representative

The Mayor clarified that the issues described above relate to a program that supports individual enterprise for persons engaged in the sale of food on mobile carts in approved locations of the City, with the program operated by an independent Board of Directors, and indicated the program receives ongoing support from the City.

Councilmember Streator noted that staff is aware of some of the complaints and is looking into the matter.

CONSENT CALENDAR

Vice Mayor Madison was excused at 7:37 p.m.

Item discussed separately due to a request for public comment.

RESOLUTION ON COMPLIANCE WITH GOVERNMENT CODE SECTION 65589.7 AND WATER CODE SECTION 10631.1 REGARDING PRIORITY FOR WATER AND SEWER SERVICES FOR PROPOSED HOUSING DEVELOPMENTS THAT INCLUDE UNITS FOR LOW INCOME HOUSEHOLDS Recommendation of City Manager: Adopt a resolution describing the City's compliance with Government Code Section 65589.7 and Water Code Section 10631.1 regarding priority for water and sewer services for proposed housing developments that include units for low income households. (Resolution No. 8621)

AGREEMENT WITH THE OLD PASADENA MANAGEMENT DISTRICT FOR THE MANAGEMENT OF THE SCHOOLHOUSE, DELACEY, AND MARRIOTT PARKING GARAGES

RESOLUTION AMENDING THE SALARY RESOLUTION ESTABLISHING SALARY CONTROL RATES FOR UNREPRESENTED EXECUTIVE MANAGEMENT CLASSIFICATIONS

Recommendation of City Manager: Adopt a resolution amending the Salary Resolution to adjust control rates for the Unrepresented Executive Management classifications effective April 4, 2005; to provide a market-based adjustment effective April 3, 2006; a market-based adjustment effective October 2, 2006 for the classification of Assistant City Manager; to provide a general control rate adjustment of 3.3%

effective April 2, 2007; and to implement the Public Employee Retirement System (PERS) cost sharing arrangements for the retirement benefit enhancements that have been negotiated with the miscellaneous non-safety bargaining units. (Resolution No. 8622)

APPROVAL OF A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF PASADENA AND THE PASADENA FIRE FIGHTERS ASSOCIATION FOR THE TERM AUGUST 24, 2004 THROUGH AUGUST 25, 2009

Recommendation of City Manager: Approve a successor Memorandum of Understanding between the City of Pasadena and the Pasadena Fire Fighters Association for a 5-year term covering the period August 24, 2004 through August 25, 2009, and approve a journal voucher allocating funds from the General Fund Personnel Reserve as may be necessary. (Agreement No. 19,155; Journal Voucher No. 2007-1)

RESOLUTION FOR EQUIPMENT LEASE LINE OF CREDIT OF \$5 MILLION WITH BANK OF AMERICA LEASING AND CAPITAL, LLC

Recommendation of City Manager: Adopt a resolution:

- (1) Authorizing an equipment lease line of credit in an amount of \$5 million with Bank of America Leasing and Capital, LLC;
- (2) Authorizing the execution and delivery of a Master Equipment Lease/Purchase Agreement and an Acquisition Fund and Account Control Agreement; and
- (3) Authorizing the City Manager to execute the documents on behalf of the City. (Resolution No. 8623; Agreement No. 19,159)

REIMBURSEMENT RESOLUTION RELATED TO THE EQUIPMENT LEASE WITH BANK OF AMERICA LEASING AND CAPITAL, LLC

Recommendation of City Manager: It is recommended that the City Council adopt a resolution declaring its intention to reimburse itself from the proceeds of the Equipment Lease Line of Credit for certain expenditures made, and/or to be made, in connection with the acquisition of equipment of certain capital improvements under the Master Equipment Lease/Purchase Agreement with Bank of America Leasing and Capital, LLC. (Resolution No. 8624)

MINUTES APPROVED

June 19, 2006 (Special Joint) June 19, 2006 (Cancelled) June 21, 2006 (Special) June 26, 2006 July 3, 2006 (Cancelled) July 10, 2006 (Cancelled)

CLAIMS RECEIVED AND	Claim No. 10,133	Leola J. Thomas	\$ 29.00
FILED		USAA Casualty Insurance	3,367.70
		Company	
	Claim No. 10,135	Laidlaw Transit	5,191.51
	Claim No. 10,136	Parviz Tabatabaee	4,027.80
	Claim No. 10,137	Bernice Mehterian	1,308.52
	Claim No. 10,138	Yim Fong Lau (Janet)	Not Stated
	Claim No. 10,139	Joan and Michael Dooley	1,825.00
	Claim No. 10,141	Crosby Automotive Group	7,390.00
	Claim No. 10,142	Arthur Narinyan	1,755.57
	Claim No. 10,143	Louise Humble	Not Stated
	Claim No. 10,144	Dayle McMillan	Not Stated
	Claim No. 10,145	Chanei N. Malvar	Not Stated
	Claim No. 10,146	Mercury Casualty Company	982.64
	·	on behalf of Michael D. Winnen II	
	Claim No. 10,147	Rita Cornehl	Not Stated

PUBLIC HEARINGS SET

July 31, 2006, 7:30 p.m. - Proposed Height Overlay (HL-1) for the South Marengo Study Area

August 7, 2006, 7:30 p.m. - Workforce Housing Overlay Ordinance

It was moved by Councilmember Tyler, seconded by Councilmember Gordo, to approve the Consent Calendar, with the exception of Item 2 (Agreement with Old Pasadena Management District), which was discussed separately. (Motion unanimously carried) (Absent: Vice Mayor Madison)

CONSENT ITEM DISCUSSED SEPARATELY

AGREEMENT WITH THE OLD PASADENA MANAGEMENT DISTRICT FOR THE MANAGEMENT OF THE SCHOOLHOUSE, DELACEY, AND MARRIOTT PARKING GARAGES

Recommendation of City Manager: Authorize the City Manager to execute an agreement with the Old Pasadena Management District for the management of the Schoolhouse, Delacey, and Marriott parking garages for the period covering July 1, 2006 to December 31, 2010. (Agreement No. 19,156)

Russ Hanlin, Old Pasadena Management District (OPMD) Parking Committee Chair, reported the OPMD Board was asking for a change in the City Manager's recommendation to reflect that the management fee increase would be based on the Consumer Price Index (CPI).

The City Manager stated there would be no problem with basing the management fee increase on the CPI.

It was moved by Councilmember Streator, seconded by Councilmember Little, to approve the City Manager's recommendation, as amended to base the annual management fee adjustment on the Consumer Price Index

(CPI), rather than the 3% annual adjustment cited in the agenda report. (Motion unanimously carried) (Absent: Vice Mayor Madison)

REPORTS AND COMMENTS FROM COUNCIL COMMITTEES

ECONOMIC DEVELOPMENT AND TECHNOLOGY COMMITTEE

Vice Mayor Madison returned at 7:42 p.m.

Councilmember Gordo recused himself at 7:44 p.m., due to a possible conflict of interest.

RESOLUTION APPROVING APPLICATION FOR DESIGNATION OF A PASADENA ENTERPRISE ZONE Recommendation of City Manager:

(1) Authorize staff to submit an application to the California State Department of Housing and Community Development for consideration of a Pasadena Enterprise Zone including the boundaries depicted in Attachment No. 1 of the agenda report;

(2) Adopt a resolution approving an application to the State for designation of a Pasadena Enterprise Zone; and

(3) Approve the Initial Environmental Study and Negative Declaration. (Resolution No. 8625)

The City Manager introduced the agenda item.

The City Attorney clarified a possible conflict of interest issue related to the location of the enterprise zone and Council district boundaries that could apply to decisions made by Councilmembers Gordo and Holden; and opined that the "public generally" exception would more clearly apply to Councilmember Holden and might not apply to Councilmember Gordo.

In response to Councilmember Little's question, Richard Bruckner, Director of Planning and Development Department, indicated that the East Washington Boulevard area was not included in the enterprise zone since it was not composed of the same predominantly industrial/office businesses as those businesses contained in the proposed zone expansion area, and responded to questions regarding the application process.

Councilmember Little asked staff to reconsider inclusion of an area comprised of one property north and south of East Washington Boulevard from Lake Avenue to just east of Allen Avenue in the proposed expanded enterprise zone area.

The City Manager explained the need for staff to move forward in preparing the application because of time deadlines; and indicated staff could return to Council by the end of July with an amended application or could include the area in question with the application, if Council so directed.

Lola Osborne, Northwest Programs Manager, outlined the application process and responded to questions.

Discussion followed on the source and use of funding in an enterprise zone, criteria considered for designating an enterprise zone, and hiring incentives related to the designated zone area.

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It was moved by Councilmember Little, seconded by Councilmember Holden, to approve the City Manager's recommendation, as amended to include in the proposed expansion of the enterprise zone an area that is comprised of one property north and south of East Washington Boulevard from Lake Avenue to just east of Allen Avenue, with the understanding that staff will review this East Washington Boulevard area based on the criteria and will administratively determine if inclusion of the area would be problematic in obtaining the enterprise zone designation and/or negatively impact the application and will inform Council if the East Washington Boulevard area is not included in the application to State. (Motion unanimously carried) (Absent: Councilmember Gordo)

Councilmember Gordo returned at 7:56 p.m.

AUTHORIZATION TO ENTER INTO NEGOTIATIONS WITH EARTHLINK FOR DEPLOYMENT OF A CITYWIDE WIRELESS NETWORK

On order of the Mayor, the above agenda item was held for a future Council meeting to allow time for the Economic Development and Technology Committee to review the report.

PUBLIC HEARINGS

<u>PUBLIC HEARING</u>: CALL FOR REVIEW OF MINOR VARIANCE NO. 11536, 1149 WOTKYNS DRIVE

Recommendation of City Manager: It is recommended that the City Council continue the public hearing to July 31, 2006, at 7:30 p.m.

The Mayor announced that all interested parties had agreed to continue the public hearing.

On order of the Mayor, the public hearing was continued to July 31, 2006 at 7:30 p.m.

PUBLIC HEARING: AMENDMENT TO THE SCHEDULE OF TAXES, FEES, AND CHARGES TO REVISE THE NEW DEVELOPMENT IMPACT FEE AND TO ESTABLISH THE TRAFFIC REDUCTION AND TRANSPORTATION IMPROVEMENT FEE

Recommendation of City Manager: It is recommended that the City Council, following a public hearing:

- (1) Find this amendment is not subject to the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15378(b)(4) (definition of project excludes government fiscal activities which do not involve any commitment to any specific project);
- (2) Direct the City Attorney to amend Chapter 4.19 of the Pasadena Municipal Code New Development Impact Fee, in the following manner:

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(a) Change the title of the existing New Development

Impact Fee to Traffic Reduction Transportation Improvement Fee;

(b) Change from a single fee of \$3.22 per square foot of net new industrial, office, and retail development to a fee of \$3.10 for Industrial Use, \$3.72 for Office Use, and \$8.62 for Retail Use per net new square foot of development;

(c) Establish a fee of \$2,480 per net new Residential

Unit;

(d) Provide an incentive for developers to construct for sale or rent affordable housing units by offering a 50% discount on the Traffic Reduction and Transportation Improvement Fee. For affordable housing units built on-site, per Title 17.42 of the Pasadena Municipal Code, the affordable units will receive a 75% discount on the Traffic Reduction and Transportation Improvement Fee;

(e) Provide an incentive for developers to construct for sale or rent workforce housing units by offering a 50% discount on the Traffic Reduction and Transportation Improvement Fee when at least 15% of a development is within the price range of 121 to 150% of Average Median Income (AMI) for Los Angeles

County; and

(f) Provide an incentive for developers to construct for sale or rent workforce housing units by offering a 35% discount on the Traffic Reduction and Transportation Improvement Fee when at least 15% of a development is within the price range of 151 to 180% of Average Median Income (AMI) for Los Angeles County.

(3) Establish the following implementation criteria for residential development projects and transition criteria for projects to which the current Commercial Development Impact

Fee would apply:

(a) Any project which has submitted a complete set of plans for building permits and paid all plan check fees prior to the effective date of the Traffic Reduction and Transportation Improvement Fee would not be subject to the new fee.

(4) Direct the City Attorney to prepare an ordinance for Council adoption establishing the Traffic Reduction and Transportation

Improvement Fee within 60 days.

Recommendation of Transportation Advisory Commission: The Transportation Advisory Commission (TAC) reviewed the Traffic Reduction and Transportation Improvement Fee at their regular meetings on April 6, May, 5, and June 1, 2006. At the June 1 meeting TAC approved the following three motions regarding the proposed fee: (1) TAC concurred with the staff recommendation regarding the fee cost and implementation criteria. (2) TAC recommended formatting changes to the Council agenda report that included: (a) changing the Fee Title to "Fair Share Traffic Reduction & Transportation Improvement Fee"; (b) amending the table of projects funded through the fee to list Transit Improvements first; (c) modifying the Question and Answer section to include a discussion of how the fee will reduce trips and enhance mobility; and (d) amending the

Question and Answer section to explain how the fee is "car trip" based and how Transit Oriented Developments were considered in the fee calculation. (3) TAC asked that the following policy recommendations regarding the fee be forwarded to the City Council:

- Transit improvements should receive priority over

intersection and street widening

- Council should direct staff to move forward to identify a

site for a new ARTS bus yard

- Council should direct staff to consider fee reductions for creative approaches that can demonstrate dramatic car trip reductions associated with new developments.

The Mayor opened the public hearing.

The City Clerk reported the notice of public hearing was published on June 22, 2006 in the <u>Pasadena Journal</u> and on June 30, 2006 in the <u>Pasadena Star-News</u>; and three letters in support of the staff recommendation, with suggested changes, were received.

Councilmember Little, Chair of the Finance Committee, reported the Committee had supported the City Manager's recommendation, as amended by the Committee to exempt onsite affordable housing or affordable housing being built with City incentives from the Traffic Reduction and Transportation Improvement Fee, explained the rationale for the Committee's suggested exemption, and responded to questions.

Mark Yamarone, Principal Transportation Planner, responded to questions regarding the Nexus Study and the methodology used in calculating the proposed fee, and distributed a handout titled "Pasadena Transportation Improvement and Traffic Reduction Fee – Transportation Improvements Included in the Fee Calculation."

Patrick Gibson, Vice President of Kaku and Associates (consultant), described the major elements of the Nexus Study, provided information on the calculation of the fee for various development classifications, and responded to questions.

The City Manager discussed the methodology of setting the fees for both commercial and residential projects and responded to questions.

Richard Bruckner, Director of Planning and Development Department, responded to questions regarding the status of building permit applications and fees that would apply to various types of projects.

Discussion followed on the Finance Committee's policy decision involving the affordable housing fee exemption,

impacts of affordable housing on traffic and transportation issues, impacts of larger vs. smaller residential units on the traffic and transportation system, possible factors in comparing residential vs. commercial development impacts on the system, and the methodology used in determining and calculating the proposed fees.

Councilmember Holden expressed concerns regarding a methodology for arriving at a flat fee for residential units that does not consider the size of the unit being built and possible inequities in the fee when differentiating between how fees are set for residential vs. commercial buildings. He also expressed concerns regarding the possible negative impact of an additional fee being applied to affordable housing units.

The following person expressed opposition/concerns regarding the fee:

John Hickey, Pasadena Foothill Association of Realtors
President Elect

The following persons expressed support for the fee with suggested changes:

R. J. Comer, legal representative for Sunrise Senior Living, presented suggested changes contained in a letter to Council dated July 17, 2006.

Vince Farhat, Transportation Advisory Commission (TAC) Chair, summarized TAC's policy recommendations stated above.

The City Manager stated staff's agreement with the TAC recommendations on expanding the transit system, but cautioned against establishing a system that could result in a project-by-project review/determination of the fee to be applied to any project. She explained the roles of staff and the Council in the proposed process/system in changing the fees when a trip reduction approach can be applied to a classification of development (e.g. assistive living). The City Manager clarified for the record that transit and road improvements were included in the Nexus Study.

Joyce Amerson, Director of Transportation Department, indicated the procedures related to the fee program will be included as a part of the ordinance presented to Council at a future meeting, and responded to questions.

Discussion continued on the process for changing the fee amounts based on future projects that provide dramatic car trip reductions and incentives to develop effective approaches to reduce car trips. It was moved by Councilmember Holden, seconded by Councilmember Tyler, to close the public hearing. (<u>Motion unanimously carried</u>) (Absent: None)

Councilmember Haderlein encouraged staff to more forward in a timely manner to identify funding for the bus yard.

The City Attorney asked Council to provide 90 days for staff to prepare the ordinance.

Councilmember Holden expressed concerns regarding the establishment of a fee per net new residential unit as this relates to the costs of doing business in the City and how the residential piece is being addressed, and requested that Council take separate action on this part of the recommendation.

Councilmember Streator expressed concerns about the adverse impacts of the increased expenses on the construction of residential housing in the City.

It was moved by Councilmember Little, seconded by Councilmember Tyler, to approve the City Manager's Recommendation No. 2(c) to establish a fee of \$2,480 per net new Residential Unit. (Motion carried, with Councilmembers Holden and Streator objecting) (Absent: None)

It was moved by Councilmember Little, seconded by Councilmember Haderlein, to approve the remainder of the City Manager's recommendation [excluding Recommendation No. 2(c) already approved above], as amended by the Finance Committee to remove the fee as it applies to on-site affordable housing or affordable housing being built with City incentives, with the City Attorney to return with an ordinance within 90 days, and with a review of the program one year after implementation. (Motion unanimously carried) (Absent: None)

Councilmember Little stated that although TAC's three policy recommendations are not specifically prescribed in the above Council action, there is an understanding that transit should be emphasized and transit projects will come through the Capital Improvement Program (CIP) process (with review by TAC and Council).

PUBLIC HEARING: RESOLUTION APPROVING THE ISSUANCE OF THE COLORADO EDUCATIONAL AND CULTURAL FACILITIES AUTHORITY REVENUE BONDS FOR MARANATHA HIGH SCHOOL

Recommendation of City Manager: Adopt a resolution approving the issuance of the Colorado Educational and Cultural Facilities Authority Revenue Bonds, Series 2006, in an aggregate principal amount not to exceed \$32 million to be

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used to finance or refinance the acquisition, construction, improvement, furnishings and equipment of certain educational facilities and certain other matters relating thereto. (Resolution No. 8626)

The Mayor opened the public hearing.

The City Clerk reported the notice of public hearing was published on July 3, 2006 in the <u>Pasadena Star-News</u>; and no correspondence was received.

Councilmember Haderlein was excused at 9:02 p.m.

Vic Erganian, City Treasurer, reviewed the agenda report.

No one appeared for public comment.

It was moved by Vice Mayor Madison, seconded by Councilmember Little, to close the public hearing. (Motion unanimously carried) (Absent: Councilmember Haderlein)

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

RECOMMENDATIONS FROM OFFICERS AND DEPARTMENTS

REAPPOINTMENT OF ROBERT HOLMQUIST TO THE TRANSPORTATION ADVISORY COMMISSION (District 2 Nomination)

Councilmember Haderlein returned at 9:04 p.m.

APPOINTMENT OF ABE CHORBAJIAN TO THE DESIGN COMMISSION (At Large/District 4 Nomination)

APPOINTMENT OF SUSANA BAUTISTA TO THE DESIGN COMMISSION (Arts and Culture Commission Nomination)

APPOINTMENT OF GILBERT V. GONZALES TO THE ACCESSIBILITY AND DISABILITY COMMISSION (District 6 Nomination)

It was moved by Vice Mayor Madison, seconded by Councilmember Little, to approve the above reappointment and appointments. (Motion unanimously carried) (Absent: None)

CONSIDERATION OF A CHARTER AMENDMENT BALLOT MEASURE FOR THE NOVEMBER 7, 2006 ELECTION AMENDING THE METHOD OF ELECTING THE PASADENA UNIFIED SCHOOL DISTRICT BOARD OF EDUCATION BY CREATING ONE MEMBER SEAT TO BE ELECTED REGION-WIDE AND SIX MEMBER SEATS TO BE ELECTED FROM SUBREGIONS OF THE PASADENA UNIFIED SCHOOL DISTRICT (Councilmember Haderlein)

Councilmember Haderlein introduced the agenda item and asked the City Clerk to report on election issues related to a consideration of the above ballot measure.

The City Clerk outlined the preparations and timeframe that are required of the City Clerk's Office in preparing for the City of Pasadena and Pasadena Unified School District Primary Nominating Election to be held on March 6, 2007. She noted that given the number of actions that must take place within the election process timeframe, there was not sufficient time for a measure to be placed on the November ballot to be implemented for the March election.

Based on the information provided by the City Clerk, Councilmember Haderlein requested that within 120 days, the City Clerk and City Attorney report back to Council with information on how this matter could be put before the voters, on the committees that would need to be convened, and on the process for drawing (PUSD) subregion boundaries, with a possible ballot measure to be voted on and implemented by the 2009 municipal/PUSD election.

The Mayor noted that Councilmember Haderlein's approach seems to be consistent with comments received from the community regarding PUSD governance issues.

Councilmember Little expressed support for the proposed Charter amendment and placing the above ballot measure on the March 2007 ballot.

The City Clerk clarified that Councilmember Haderlein's request involved gathering information about the procedure for putting something in place and that the information report would be presented to Council in the future.

In response to Vice Mayor Madison's question, the Mayor indicated that the option to establish a task force to look at PUSD governance issues could be agendized at any time.

Councilmember Holden suggested the governance issue be agendized for the next joint meeting with the PUSD Board in October 2006; and expressed concerns regarding possible unintended consequences of changes to PUSD governance and the need to move cautiously in gathering information and to involve all stakeholders.

The following persons spoke in support of gathering more information on the governance issues:

Ralph Hurtado, ACT Co-Chair Augustine Zuniga, Pasadena resident John Trasviña, Mexican American Legal Defense and Educational Fund (MALDEF) Interim President and General Counsel

Raul Borbon, APPLE-IDEPSCA representative Susana Zamorano, APPLE-IDEPSCA representative

The following person spoke in support of Councilmember Haderlein's proposal involving the election of PUSD Board members by subregions:

Esteban Lizardo, PUSD Board member speaking as an individual

Following discussion, it was moved by Councilmember Haderlein, seconded by Councilmember Little, to direct the City Clerk and City Attorney to report back to Council within 120 days with information on a procedure that could be used to put this matter before voters in the future should Council decide to do that, on the committees that would need to be convened, on the process for drawing (PUSD) subregion boundaries, and on the process and timeline for creating/using a Task Force. (Motion unanimously carried) (Absent: None)

RESOLUTIONS RELATED TO THE CALLING OF A SPECIAL MUNICIPAL ELECTION TO BE CONSOLIDATED WITH THE STATE GENERAL ELECTION ON TUESDAY, NOVEMBER 7, 2006, FOR THE SUBMISSION TO THE CITY OF PASADENA AND PASADENA UNIFIED SCHOOL DISTRICT VOTERS A PROPOSED CHARTER AMENDMENT MEASURE RELATING TO THE METHOD OF ELECTING THE BOARD OF EDUCATION

Recommendation of City Clerk: Should the City Council wish to pursue a change in the voting method for the members of the Board of Education, pursuant to its direction given to City staff on June 12, 2006, the City Council should:

(1) Adopt the following resolutions related to the calling of a special municipal election on Tuesday, November 7, 2006:

- (a) A resolution of the City Council of the City of Pasadena calling and giving notice of a special municipal election to be held in said City and in the territory annexed thereto for Pasadena Unified School District purposes on Tuesday, November 7, 2006, for the submission of a Charter amendment measure relating to the method of electing the Board of Education.
- (b) A resolution of the City Council of the City of Pasadena requesting the Board of Supervisors of the County of Los Angeles to authorize and order the consolidation of a special municipal election of the City of Pasadena and the territory annexed thereto for Pasadena Unified School District purposes with the statewide General Election to be held on Tuesday, November 7, 2006, and requesting the County Clerk/Registrar of Voters to provide certain services.

(c) A resolution of the City Council of the City of Pasadena setting priorities for filing written arguments pertaining to a proposed Charter amendment measure relating to the method of electing the Board of Education and directing the City Attorney to prepare an impartial analysis.

(d) A resolution of the City Council of the City of Pasadena providing for the filing of rebuttal arguments with

respect to the measure.

(2) That the City Council direct the City Clerk to print the full text of the proposed Charter amendment text in a bilingual (English/Spanish) supplemental voter information pamphlet.

Councilmember Streator discussed the current method of electing Pasadena Unified School District (PUSD) Board of Education members by seat numbers, explained the above proposal that would remove Board seat numbers, commented on the timing problems for any change that would impact the March 2007 municipal election, expressed support for a change to election of the Board by geographic districts, and described the community comments received on the above proposal and other options to change PUSD governance. Councilmember Streator requested that Council rescind its action taken on June 12, 2006, that Council not attempt to make any changes for the March 2007 election, and that Council work to find ways to make the Board more responsive, including an option for election of Board members by geographic representation.

The City Attorney advised that Council could have a motion to rescind the action taken on June 12, 2006 or could have a motion to not pursue the above recommendation to place this matter on the November 2006 ballot.

The following persons expressed concerns regarding proposed changes involving PUSD governance issues and/or the need for further study/discussion of the issues:

Bill Bibbiani, PUSD Board member speaking as an individual

Ed Honowitz, PUSD Board member speaking as an individual

Sondra Hauge, League of Women Voters representative

Peter Dreier, Pasadena resident

Ralph Hurtado, ACT Co-Chair

Inman Moore, Arroyo Democratic Club President

Tom Cartwright, Pasadena resident

Mark Mastromatteo, Pasadena resident

Dawn O'Keeffe, Pasadena resident

Randy Ertll, Pasadena resident

Councilmember Tyler was excused at 9:55 p.m.

It was moved by Councilmember Streator, seconded by Councilmember Little, to direct the City Clerk to not pursue the above resolutions and to not place the Charter amendment measure on the November 7, 2006 ballot. (Motion unanimously carried) (Absent: Councilmember Tyler)

OLD BUSINESS

FINAL RECOMMENDATIONS OF THE TASK FORCE ON GOOD GOVERNMENT

Recommendation of Task Force on Good Government: It is recommended that the City Council:

(A) Concur with the Task Force on Good Government's proposed changes to the City Charter, Article XVII, Taxpayer Protection Act, as set forth in the "redline" text shown on Exhibit 1 of the agenda report to accomplish the following:

(1) **Non-profits** - The ban on receiving personal or campaign advantages should not apply to officers and directors from 501 (c)(3), (4), and (6) organizations (other than officers and directors of political action committees or who control political action committees controlled by such organizations), except that disclosure of such persons would continue to be required. Section 1703 (b)(2).

(2) Contracts with the City - The TPA should be amended so that its provisions also cover persons who are bidding on or negotiating for contracts that are worth over \$25,000 except those who are bidding on or receiving low bid contracts. Section 1704 (c).

(3) Contribution Limitations - The TPA should be amended to apply contribution limits to Pasadena races: \$1,000 per election for City Council and \$2,000 per election for Mayor, adjusted for cost of living increases every two years, rounded off to the nearest \$100. Section 1706.5.

(4) **Ballot Measure Committees** - The TPA should also cover Pasadena public officials who raise money for local ballot measure committees that the official controls. Section 1703 (c) (3).

(5) **Outside Election Races** - The TPA should only apply to officials and candidates in city races and not elections outside of Pasadena. Section 1703 (c)(3).

(6) **Enforcement** - The City should authorize the City Attorney to bring criminal actions except in cases involving elected City officials in which case the City Attorney should refer the complaint to the L.A. County District Attorney's office. The current law that allows citizens to bring private civil actions should not be changed. Section 1707 (a) and (c).

(7) **Subpoena Power** - The TPA should give subpoena authority to the City Attorney and where referrals are made to it, the L.A. County District Attorney. Section 1707 (d).

(8) Agencies Outside the City - The TPA should only apply to Councilmembers or other City officials serving on outside boards as City representatives (e.g., the Burbank Airport Authority), if these other agencies have reporting

requirements allowing compliance with the TPA. Section 1704 (b).

(9) **Thresholds** - The thresholds for determining which decisions should be affected by the TPA should be the same (over \$25,000) in most instances. The only exceptions would be the grant of a tax abatement, exception or benefit, which should remain at over \$5,000 in a twelve-month period and awarding of franchises worth over \$50,000 in gross receipts. The thresholds should be adjusted for cost of living increases every five years and rounded off to the nearest \$1,000. Section 1703 (a) (7) and (9).

(10) **Disclosure Implementation** - The files of the City listing those persons who would be prohibited from providing personal advantages to City officials who have made a decision benefiting them should be posted on the internet so that the records are available to the public in an easy-to-use

and timely manner. Section 1705 (c).

(11) **Cumulation** - The TPA should eliminate the need to cumulate public benefits in amounts under \$5,000 unless it is clear that the amounts will meet or exceed the thresholds. Section 1703 (a) (8).

(12) **Franchises** - The TPA should be clarified to require that the franchise has to be awarded by the City.

Section 1703 (a) (4).

(B) It is further recommended that the City Council cause to be placed on the ballot at the next available city-wide election the Task Force on Good Government's proposed changes to the City Charter, Article XVII, Taxpayer Protection Amendment.

Recommendations of the Legislative Policy Committee: At a special meeting held on June 7, 2006, the Legislative Policy Committee took straw poll votes on the recommendations of the Task Force, as follows:

The Committee recommends support of all of the Task Force recommendations. The Committee's straw poll votes were unanimous on Task Force Recommendations (2) Contracts with the City; (4) Ballot Measure Committees; (5) Outside Election Races; (6) Enforcement; (7) Subpoena Power; (8) Agencies Outside the City; (9) Thresholds; (10) Disclosure Implementation; (11) Cumulation; and (12) Franchises.

There was majority consensus of the Committee to recommend support of Task Force Recommendations (1) Non-Profits and (3) Contribution Limits, with Councilmember Holden objecting.

The following are actions of the Committee pertaining to the issues referenced in the City Attorney's June 7, 2006 memorandum entitled "Proposed General Changes to TPA" (Attachment A of City Clerk's cover memorandum):

<u>Pre-Contract Black Out Period</u> – There was unanimous consensus of the Committee to not delete the words "person or" (as recommended by the City Attorney) in proposed Charter language for Section 1704 (c), with the first sentence to remain

as proposed by the Task Force, as follows: "No person or entity who bids on a contract with the City, or enters" There was also unanimous consensus of the Committee to replace the City Attorney's proposed new second sentence for said section ("Excluded from this prohibition are all employees or individual members of the entity.") with the following replacement sentence: "The prohibition on campaign contributions set forth in the preceding sentence shall also apply to officers, directors, trustees and 10% shareholders of the entity bidding on a contract with the City, but shall not apply to employees of the entity who are not officers, directors, trustees or 10% shareholders thereof."

Application of the TPA to Non-Incumbent Candidates – There was unanimous consensus of the Committee to have no recommendation on applying the TPA to non-incumbents, and allow the full Council to address the issue.

Restrictions on Employees – There was unanimous consensus of the Committee to recommend that Section 1704 of the TPA be amended, with the amendment to apply to employees only (and not elected officials or appointed officials serving on advisory bodies), to keep the current one-year restriction after the official's departure from office, but change the current five-year restriction to two years from the date the official (employee) approves the public benefit.

Replacing Ban With a Contribution Cap – There was majority consensus of the Committee (Chair Bogaard and Councilmember Tyler) to recommend that there be no change to the current total ban on campaign contributions that may be given by public benefit recipients. (Councilmember Holden objected, and voiced support for a \$250 campaign contribution cap.)

The following are actions of the Committee pertaining to issues referenced in the City Attorney's June 7, 2006 memorandum entitled "Proposed Changes to TPA As Applied to Land Use Matters" (Attachment B of City Clerk's cover memorandum) and City Attorney's February 23, 2006 memorandum entitled "Task Force on Good Government's Final Recommendations" (attached to Task Force's final report):

Administrative Burden of TPA as Applied to Land Use Matters – There was unanimous consensus of the Committee to recommend that the extent of the TPA's application to land use decisions be addressed through administrative guidelines.

Authority to Issue Guidelines and Interpretations – There was unanimous consensus of the Committee to recommend approval of the City Attorney's recommendation (see City Attorney's memorandum dated February 23, 2006, attached to the Task Force's final report) to amend Section 1707 (e) with specific Charter language to grant authority to the City to adopt guidelines for implementation of the TPA that are consistent with the findings and declarations set forth in Section 1702 of the TPA.

Task Force Recommendation to Place Recommendations on the Next Available City-wide Election – The Committee acknowledged that should the City Council reach a conclusion on these approaches by the end of July 2006, these recommendations could be placed on the November 7, 2006 ballot for consideration by the voters.

The Mayor introduced the agenda item.

Theresa Fuentes, Deputy City Attorney, briefly reviewed remaining constitutional issues involving the Taxpayer Protection Amendment (TPA) as they relate to campaign contributions and future employment and also reviewed administrative issues involving the TPA, and distributed a memorandum from the City Attorney and Deputy City Attorney dated July 17, 2006 that included this information. She discussed recent U.S. Supreme Court case law and responded to questions.

The City Attorney discussed problems arising from setting contribution limits and responded to questions.

Mr. Robert M. Stern, Consultant to the Task Force on Good Government, outlined his and the Task Force's disagreement with the City Attorney's position on the constitutionality of certain provisions in the TPA, and discussed the Task Force's efforts in providing recommendations to make the TPA more workable.

Councilmember Little expressed concerns regarding the viability of the TPA and the negative impacts of the TPA on candidates for office, stated objections to the limitations on campaign contributions and to the different treatment of various persons as this relates to campaign financing, expressed support for public financing of campaigns and complete disclosure of all contributions/contributors, and noted his opposition to changing the TPA.

Councilmember Holden expressed concerns regarding the provisions on campaign contribution limits, the outstanding constitutional issues/problems, and inclusion of staff in the TPA provisions; and suggested replacing the contribution ban with a \$250 limit or the same limit imposed by the Fair Political Practices Commission (FPPC) regulations for gifts that would apply to everyone.

Discussion followed on determination of the constitutionality of provisions in the TPA, methods for controlling campaign contributions, and exemption of non-profits.

The following persons expressed support for the Task Force recommendations:

Marvin Schachter, Senior Advocacy Council representative Sondra Hauge, League of Women Voters representative Carmen Balber, Foundation for Taxpayer and Consumer Rights representative

PENDING MOTION

It was moved by Vice Mayor Madison, seconded by Councilmember Haderlein, to approve the recommendations of the Task Force on Good Government and the Legislative Policy Committee recommendations to support the Task Force recommendations, including the additional Committee recommendations regarding: Pre-Contract Black Out Period, Restrictions on Employees, Administrative Burden of TPA as Applied to Land Use Matters, Authority to Issue Guidelines and Interpretations, and Task Force Recommendation to Place Recommendations on the Next Available Citywide Election.

MOTION TO TABLE THE ITEM

It was moved by Vice Mayor Madison, seconded by Councilmember Haderlein, to table the above matter to the meeting of July 24, 2006. (Motion carried, with Councilmembers Holden, Little objecting) (Absent: Councilmember Tyler)

REPORTS AND COMMENTS FROM COUNCIL COMMITTEES

FINANCE COMMITTEE

APPROVAL OF THE PASADENA CONFERENCE CENTER EXPANSION PROJECT AND FINANCING PLAN AND AWARD OF CONTRACTS TO CLARK CONSTRUCTION GROUP, DMJM, FENTRESS BRADBURN AND TWINING LABORATORIES FOR SERVICES RELATED TO THE CONFERENCE CENTER EXPANSION

Recommendation of Pasadena Center Operating Company

Recommendation of Pasadena Center Operating Company (PCOC):

- (1) Approve the Pasadena Conference Center Expansion Project including program, design and budget.
- (2) Approve the Pasadena Conference Center Expansion financing plan and direct staff to develop all documentation related to the issuance of financing for the project.
- (3) Accept the bid dated May 4, 2006 submitted by Clark Construction Group-California, LP, in response to the Specifications for the Expansion of the Pasadena Center.
- (4) Authorize a contract with Clark Construction Group-California, LP, for an amount not-to-exceed \$121,643,000, contingent upon successful completion of project financing.
- (5) Amend the fiscal year 2007 Capital Improvement Program Budget by increasing appropriations to the Conference Center Expansion Project by \$142,492,117.
- (6) Authorize the PCOC to enter into Agreements with Daniel, Mann, Johnson, & Mendenhall for an amount not to exceed \$3,200,000 for program and construction management services, and with Fentress Bradburn Architects for an amount not to exceed \$2,148,670 for architectural design services, and

Twining Laboratories for an amount not to exceed \$900,000 for inspection and testing services. The proposed contracts are exempt from competitive bidding pursuant to City Charter Section 1002(f), contracts for professional or unique services. (Contract Nos. 19,157; 19,162; 19,163; and 19,164)

The Mayor provided a brief history of the Pasadena Conference Center expansion project.

Councilmember Little, Chair of the Finance Committee, summarized the Committee's review of the project, and noted that regular project/finance reports will be made by the Pasadena Center Operating Company (PCOC) to the Finance Committee.

Ann-Marie Villicana, PCOC Board President and Expansion Committee Chair, introduced members of the PCOC Board and staff who were present: Richard Bruckner (Director of Planning and Development Department), Jackie Jones Corby, Sam Gennawey, Francois Khoury, Jonathan Litvack, Vice Mayor Madison, Martin Nicholson, Richard Schammel, Tom Seifert, Judith Zitter, Mike Ross, and James Canfield; and thanked all those who had participated in the process of developing the proposed project.

Steve Mermell, Acting Director of Finance Department, and Vic Erganian, City Treasurer, briefly explained the financing package for the project and responded to questions.

The following persons spoke in support of the expansion project:

Martin Nicholson, Ritz Carlton Huntington Hotel representative

Catherine Haskett Hany, Playhouse District Association Executive Director

Jodi Taylor-Zens, Paseo Colorado representative Francois Khoury, PCOC Board member

The Mayor commented on the various benefits and enhancements that this project will bring to the City, expressed gratitude to the project team and staff members for their work in pulling this project together, and noted Councilmember Tyler's support and approval of the project as a member of the Finance Committee.

It was moved by Councilmember Little, seconded by Councilmember Streator, to approve the Pasadena Center Operating Company's recommendation. (Motion unanimously carried) (Absent: Councilmember Tyler)

RECESS

On order of the Mayor, the regular meeting of the City Council recessed at 11:32 p.m. to the regular meeting of the Community Development Commission.

RECONVENED

On order of the Mayor, the regular meeting of the City Council reconvened at 11:33 p.m.

ORDINANCES - ADOPTED

Adopt "AN ORDINANCE OF THE CITY OF PASADENA AMENDING TITLE 10, CHAPTER 10.45 OF THE PASADENA MUNICIPAL CODE TO INCREASE THE PARKING RATES IN THE CIVIC CENTER PARKING METER ZONE DISTRICT AND TO RECOGNIZE THE NO FEE PLACARD PROVISION OF THE CODE" (Introduced by Councilmember Streator) (Ordinance No. 7051)

The above ordinance was adopted by the following vote:

AYES: Councilmembers Gordo, Haderlein, Holden, Little,

Streator, Vice Mayor Madison, Mayor Bogaard

NOES: None

ABSENT: Councilmember Tyler

Adopt "AN ORDINANCE OF THE CITY OF PASADENA AMENDING TITLE 10, CHAPTER 10.45 OF THE PASADENA MUNICIPAL CODE TO INCREASE THE PARKING RATES IN THE OLD PASADENA PARKING METER ZONE DISTRICT" (Introduced by Vice Mayor Madison) (Ordinance No. 7052)

The above ordinance was adopted by the following vote:

AYES: Councilmembers Gordo, Haderlein, Holden, Little,

Streator, Vice Mayor Madison, Mayor Bogaard

NOES: None

ABSENT: Councilmember Tyler

Adopt "AN ORDINANCE OF THE CITY OF PASADENA AMENDING TITLE 10, CHAPTER 10.45 OF THE PASADENA MUNICIPAL CODE TO INCREASE THE PARKING RATES IN THE WEST GATEWAY PARKING METER ZONE DISTRICT" (Introduced by Councilmember Streator) (Ordinance No. 7053)

The above ordinance was adopted by the following vote:

AYES: Councilmembers Gordo, Haderlein, Holden, Little,

Streator, Vice Mayor Madison, Mayor Bogaard

NOES: None

ABSENT: Councilmember Tyler

Councilmember Gordo recused himself at 11:34 p.m., due to a conflict of interest.

Adopt "AN UNCODIFIED ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PASADENA AMENDING THE CONTRACT BETWEEN THE CITY OF PASADENA AND THE BOARD OF ADMINISTRATION OF THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM TO PROVIDE RETIREMENT BENEFIT ENHANCEMENTS TO LOCAL

MISCELLANEOUS EMPLOYEES" (Introduced by Councilmember Streator) (Ordinance No. 7054)

The above ordinance was adopted by the following vote:

AYES: Councilmembers Haderlein, Holden, Little, Streator,

Vice Mayor Madison, Mayor Bogaard

NOES: None

ABSENT: Councilmembers Gordo, Tyler

Adopt "AN ORDINANCE OF THE CITY OF PASADENA AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF PASADENA ESTABLISHED BY TITLE 17, CHAPTER 20, SECTION 17.20.020 OF THE PASADENA MUNICIPAL CODE TO CHANGE THE DESIGNATION FOR THE PROPERTIES LOCATED WITHIN THE SOUTHERN SECTION OF THE LOS ROBLES/ADENA STUDY AREA TO RM-16" (Introduced by Councilmember Holden) (Ordinance No. 7055)

The above ordinance was adopted by the following vote:

AYES: Councilmembers Haderlein, Holden, Little, Streator,

Vice Mayor Madison, Mayor Bogaard

NOES: None

ABSENT: Councilmembers Gordo, Tyler

COUNCIL COMMENTS

Councilmember Haderlein, Management Audit Advisory Committee member, reported on the scope of work that had been decided on by the Committee for the Pasadena Unified School District management audit that is to be performed by distributing a handout titled "Management Audit – Scope of Work."

ADJOURNMENT

On order of the Mayor, the regular meeting of the City Council adjourned at 11:36 p.m. in memory of Izeller Snead and Michael Zinzun, community activists.

Bill Bogaard, Mayor City of Pasadena

ATTEST: