

CITY OF PASADENA
City Council Minutes
November 6, 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 5:58 p.m. (Absent: Councilmembers Gordo, Haderlein, Vice Mayor Madison)

On order of the Mayor, the regular meeting recessed at 5:58 p.m., to discuss the following closed sessions:

Councilmember Haderlein arrived at 6:01 p.m.

Vice Mayor Madison arrived at 6:08 p.m.

CITY COUNCIL CONFERENCE WITH LABOR NEGOTIATOR pursuant to Government Code Section 54957.6
City Representatives: Karyn S. Ezell and Arthur Chavez
Employee Organizations: Pasadena Association of Clerical and Technical Employees/Laborers International Union of North America, Local 777; American Federation of State, County and Municipal Employees, Local 858; Pasadena Management Association; International Brotherhood of Electrical Workers, Local 18; International Union of Operating Engineers, Local 501; Service Employees International Union, Local 347; and all Unrepresented Non-Safety Employees

Councilmember Gordo arrived at 6:21 p.m.

CITY COUNCIL NEGOTIATION WITH LABOR NEGOTIATORS pursuant to Government Code Section 54957.6
City Representatives: Karyn S. Ezell and Arthur Chavez
Employee Organization: American Federation of State, County and Municipal Employees (AFSCME), Local 858

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

On order of the Mayor, the regular meeting reconvened at 6:41 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 (Returned at 7:05 p.m.)
Councilmember Chris Holden
Councilmember Paul Little
Councilmember Joyce Streater (Returned at 6:45 p.m.)
Councilmember Sidney F. Tyler

Staff:

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

CEREMONIAL MATTERS

Councilmember Streator returned at 6:45 p.m.

Councilmember Gordo and Betty Sword presented a Certificate of Recognition to Samarzich, Inc. for its extraordinary work in implementing the Phase 1 Master Plan project in Washington Park. The Certificate was received by Vido Samarzich.

The Mayor presented a proclamation designating November 2006 as Lung Cancer Awareness Month. The proclamation was received by Stuart Michener, Lung Cancer Alliance representative, who discussed his wife's experience with and death from lung cancer and the need to raise awareness of this disease.

The Mayor presented a proclamation designating November as Environmental Awareness Month and November 15, 2006 as America Recycles Day. The proclamation was received by Arlington Rogers, Administrator for Street Maintenance and Integrated Waste Management.

The Mayor and Martin Pastucha, Director of Public Works Department, presented certificates and plaques to the following Outstanding Recycler Award Winners for 2006 for their efforts in recycling and preserving the environment in the following categories:

Educational Outreach that Inspires Environmental Stewardship: California School of Culinary Arts received by George Helm, Director of Facilities

Creative Reuse of Common Objects: Clean Agency received by Ken Eskenazi (co-owner)

Preservation of Natural Resources: received by Marty Coleman, Pasadena resident

Sustainable Development Practices: Path to Freedom received by Jules Dervaes

Voluntary Development of a Source Reduction Program: Typecraft, Wood & Jones received by Dan Garrison

Councilmember Tyler commended staff for their innovative thinking on recycling issues and solutions.

REPORTS AND COMMENTS FROM COUNCIL COMMITTEES

FINAL REPORT AND RECOMMENDATION OF PASADENA PUBLIC LIBRARY FUTURE FUNDING TASK FORCE

The Mayor announced the agenda item would be held to the meeting of November 13, 2006, to allow time for additional review by the Finance Committee.

PUBLIC COMMENT ON MATTERS NOT ON THE AGENDA

Kurt Thorgerson, Monrovia resident, spoke in support of Proposition 87 – Alternative Energy/Oil Tax.

Councilmember Haderlein returned at 7:05 p.m.

Rev. Michael Burnes, Sr., Pasadena Panthers Youth Football President, expressed concerns regarding a request from the City to remove a storage shed that the Panthers organization owns and has been using at Victory Park for the past 10 years, asked for Council's assistance in addressing this issue, and distributed a letter dated October 25, 2006 outlining the circumstances of this matter.

Councilmember Haderlein commented on changes that are being made in the use of parks and conflicts that are resulting from some of these changes (over permitting of the park sports fields, displacement of groups, and changeover in storage usage), and offered to work with Rev. Burnes on a transition to solve this matter.

The City Manager outlined current rules for use of storage facilities in the parks.

Brief discussion followed on the Panthers use of Victory Park and equity issues involved in storage usage.

The Mayor referred this matter to staff to determine what action should be taken in regards to the storage shed situation.

Councilmember Gordo asked staff to take no further action against Rev. Burnes and the Panthers until this matter comes back to Council with additional information.

Herminia Ortiz, Pasadena resident, expressed concerns regarding her exclusion from a meeting held to address issues involving pushcart vendors and ongoing problems with Mr. Rigo (manager of the Commissary), and asked for a written apology from the District 5 Field Representative for her alleged actions in this matter.

Councilmember Gordo explained the circumstances for the meeting held to resolve issues between independent business owners and the Commissary in which the Commissary and business owners determined that only these two groups would participate in the private discussions, and indicated an apology was not in order.

Councilmember Little expressed concerns regarding the propriety of the public in bringing conflicts between the public and City employees to be aired during the meeting's public comment time without going through appropriate channels.

Jim Stewart, Ph.D., Sierra Club representative, spoke in opposition to the City's extension of the IPP coal power contract.

The City Manager explained the City's and State's positions on the use of coal for energy, and noted the IPP contract was being reviewed by the Municipal Services Committee and could appear on Council's agenda for the meeting of November 20, 2006.

CONSENT CALENDAR

Item discussed separately at the request of Councilmember Little.

AUTHORIZATION TO ENTER INTO CONTRACT WITH PACIFIC STATES CAST IRON PIPE COMPANY TO FURNISH AND DELIVER CEMENT-MORTAR LINED DUCTILE IRON PIPE IN AN AMOUNT NOT TO EXCEED \$550,000 PER YEAR

Item discussed separately at the request of Councilmember Gordo.

ADOPTION OF A RESOLUTION TO CONSIDER GRANTING NON-EXCLUSIVE SOLID WASTE FRANCHISES AND SETTING A PUBLIC HEARING

Item discussed separately at the request of Councilmember Little.

APPROVAL OF FINAL TRACT MAP NO. 061912 FOR THE CONVERSION OF EIGHT EXISTING APARTMENT UNITS INTO EIGHT CONDOMINIUM UNITS AT 555 NORTH HOLLISTON AVENUE

APPROVAL OF FINAL TRACT MAP NO. 061750 FOR THE CREATION OF A 13-UNIT CONDOMINIUM PROJECT AT 44-54 SOUTH CRAIG AVENUE

Recommendation of City Manager: It is recommended that the City Council adopt a resolution to:

- (1) Approve Final Tract Map No. 061750; and
- (2) Authorize the City Clerk to execute the certificate on the map showing the City's approval of said map. (Resolution No. 8663)

CONTRACT AMENDMENT TO CONTRACT NO. 19,053-1 WITH VART CONSTRUCTION FOR MISCELLANEOUS CONCRETE REPAIR - 2006 TO INCREASE THE CONTRACT FROM \$310,000 TO \$441,000

Recommendation of City Manager: Authorize the City Manager to execute an amendment to Contract No. 19,053-1 with Vart Construction for Miscellaneous Concrete Repair - 2006 to increase the total contract not to exceed amount from \$310,000 to \$441,000, an increase of \$131,000 for additional concrete repair. (Contract Amendment No. 19,053-2)

RESOLUTION APPROVING PROGRAM SUPPLEMENT AGREEMENT REGARDING FEDERAL-AID PROJECT FOR DEVELOPMENT OF A CITYWIDE BRIDGE PREVENTIVE MAINTENANCE PLAN

Recommendation of City Manager: Adopt a resolution approving Program Supplement No. 073-M to the Local Agency-State Agreement No. 07-5064 between the City of Pasadena and the State of California regarding a Federal-Aid project for the Development of a Citywide Bridge Preventive

Maintenance Plan [BPMP-5064(044)]. (Resolution No. 8664, Agreement Amendment No. 16,928-30)

AMENDMENT TO CONTRACT NO. 18,139 WITH THE LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY TO EXTEND THE PASADENA SR 710 MITIGATION PROJECT MEMORANDUM OF UNDERSTANDING

Recommendation of City Manager: Authorize the City Manager to execute an amendment to Contract No. 18,139 with the Los Angeles County Metropolitan Transportation Authority (MTA) to extend the Pasadena SR 710 Mitigation Project Memorandum of Understanding (MOU) two years to June 30, 2008. (Contract Amendment No. 18,139-1)

APPROVAL OF MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF PASADENA AND THE PASADENA POLICE OFFICERS ASSOCIATION FOR THE TERM APRIL 25, 2006, THROUGH APRIL 24, 2009

Recommendation of City Manager: Approve a successor Memorandum of Understanding (MOU) between the City of Pasadena and the Pasadena Police Officers Association (PPOA) for a three-year term covering the period April 25, 2006, through April 24, 2009; and approve a journal voucher allocating funds from the General Fund Personnel Reserve as may be necessary. (Agreement No. 19,235; Journal Voucher No. 2007-10)

MINUTES APPROVED

October 3, 2006 (Special Joint Meeting)
October 16, 2006

CLAIMS RECEIVED AND FILED

Claim No. 10,223	Andrea Lantos	\$ 89.86
Claim No. 10,224	Diedra Burton	60,600.52
Claim No. 10,225	Kinometrics Inc.	975.00
Claim No. 10,226	Sempra Energy/Southern California Gas Company	275.98
Claim No. 10,227	Carol Lynn Sampson	563.16
Claim No. 10,228	Evelyn B. Hobbs	Not Stated
Claim No. 10,229	James Foster	418.54
Claim No. 10,230	Mary Mozzaffari	Not Stated
Claim No. 10,231	Antony Aguila	Not Stated
Claim No. 10,232	Marcos Auto Body of Pasadena	7,320.00
Claim No. 10,233	Edgar Morales	300,000.00+
Claim No. 10,234	Alice Holden	25,000.00+

PUBLIC HEARINGS SET

November 20, 2006, 7:30 p.m. - Mayfield Master Plan

November 20, 2006, 7:30 p.m. - Fuller Master Plan

December 4, 2006, 7:30 p.m. - Call for Review of Minor Conditional Use Permit No. 3942 for 1059 Laguna Road (Single-Family Home on Vacant Lot in the Hillside Overlay District)

December 4, 2006, 7:30 p.m. - Proposed Municipal Code Amendments Regulating Adult Businesses

December 11, 2006, 7:30 p.m. - Caltech Master Plan

December 11, 2006, 7:30 p.m. - Call for Review of Tentative Parcel Map No. 0611676 and Hillside Development Permit No. 4395, 720 S. San Rafael Avenue (725 Hillside Terrace)

December 18, 2006, 7:30 p.m. - Series II Zoning Code Amendments

It was moved by Councilmember Gordo, seconded by Councilmember Streater, to approve the Consent Calendar, with the exception of Item 1 (Contract with Pacific States Cast Iron Pipe Company), Item 2 (Resolution to Consider Granting Non-Exclusive Solid Waste Franchises), and Item 3 (Approval of Final Tract Map for Conversion of Eight Existing Apartment Units), which were discussed separately. (Motion unanimously carried) (Absent: None)

CONSENT ITEMS
DISCUSSED SEPARATELY

AUTHORIZATION TO ENTER INTO CONTRACT WITH PACIFIC STATES CAST IRON PIPE COMPANY TO FURNISH AND DELIVER CEMENT-MORTAR LINED DUCTILE IRON PIPE IN AN AMOUNT NOT TO EXCEED \$550,000 PER YEAR

Recommendation of City Manager:

- (1) Accept the bid dated July 18, 2006 submitted by Pacific States Cast Iron Pipe Company in response to Specification WD-06-01 for the Furnishing and Delivery of Cement-Mortar Lined Ductile Iron Pipe to Pasadena Water and Power (PWP).
- (2) Authorize the Purchasing Administrator to issue a purchase order for the first two-year period to Pacific States Cast Iron Pipe Company, with two optional one-year extensions. The Contract shall not exceed \$550,000 annually and any annual unit price increase shall not exceed the rate of the current Producer Price Index (P.P.I).

Fred Lyn, Management Analyst III, responded to Councilmember Little's questions regarding the bid process and the response of only one bid on the Specification.

Phyllis Currie, General Manager of Water and Power Department, indicated staff had followed the normal outreach process for the bid and discussed the bid/selection process.

Councilmember Little asked staff to contact two potential bidders from the vendors list regarding their reasons for not submitting a bid on this Specification and provide Council with this information.

It was moved by Councilmember Little, seconded by Councilmember Streater, to approve the City Manager's recommendation. (Motion unanimously carried) (Absent: None)

ADOPTION OF A RESOLUTION TO CONSIDER GRANTING NON-EXCLUSIVE SOLID WASTE FRANCHISES AND SETTING A PUBLIC HEARING

Recommendation of City Manager: It is recommended that City Council:

- (1) Adopt a resolution declaring its intention to consider the granting of 12 non-exclusive franchises;
- (2) Set a public hearing for December 11, 2006, at 7:30 p.m. to consider granting these franchises; and
- (3) Direct the City Clerk to publish the resolution at least once in a newspaper of general circulation in the City not less than ten days prior to the date set for the hearing. (Resolution No. 8665)

The City Manager responded to Councilmember Gordo's questions regarding recycling information for the franchisees.

Martin Pastucha, Director of Public Works Department, clarified recycling was required under the City's ordinance, discussed diversion performed by the franchisees and the City's auditing process, and distributed information on the 12 non-exclusive solid waste collection franchise applications.

Councilmember Tyler requested staff to provide a record of each applicant's diversion rate/information when the public hearing is held on granting the franchises.

It was moved by Councilmember Tyler, seconded by Councilmember Gordo, to approve the City Manager's recommendation. (Motion unanimously carried) (Absent: None)

APPROVAL OF FINAL TRACT MAP NO. 061912 FOR THE CONVERSION OF EIGHT EXISTING APARTMENT UNITS INTO EIGHT CONDOMINIUM UNITS AT 555 NORTH HOLLISTON AVENUE

Recommendation of City Manager: It is recommended that the City Council adopt a resolution to:

- (1) Approve final Tract Map No. 061912; and
- (2) Authorize the City Clerk to execute the certificate on the map showing the City's approval of said map. (Resolution No. 8666)

Councilmember Little requested future reports contain information on the loss of affordable units for apartment to condominium conversion projects and other projects requiring tract maps in order to see trends that might be occurring.

The City Manager discussed how this information might be gathered and indicated this information would be provided in future reports, when possible.

It was moved by Councilmember Little, seconded by Councilmember Tyler, to approve the City Manager's recommendation. (Motion unanimously carried) (Absent: None)

PUBLIC HEARING

PUBLIC HEARING: WILLIAM CAREY INTERNATIONAL UNIVERSITY MASTER DEVELOPMENT PLAN

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

(1) Approve the Initial Environmental Study, Mitigated Negative Declaration, and the De Minimus Impact Finding on the State Fish and Game (Attachments C & D of the agenda report);

(2) Adopt by Resolution the Findings that the proposed William Carey Master Development Plan is consistent with the Zoning Code and the General Plan (Attachment A of the agenda report);

(3) Approve the William Carey International University Master Development Plan (Attachment E of the agenda report) subject to the conditions of approval (Attachment B of the agenda report); and

(4) Direct the City Clerk to file a Notice of Determination and Certificate of Fee Exemption with the Los Angeles County Recorder (Attachment D of the agenda report). (Resolution No. 8667)

Recommendation of Planning Commission: On September 13, 2006, the Planning Commission recommended approval of the Master Development Plan with two changes. The Commission added a condition that the conditions of approval be reviewed by the Commission in one year and, at the request of the applicant, agreed to reduce the number of required security guards from two to one. Staff concurred with both changes. Neighboring residents attended the meeting in support of the applicant and a representative from one of the churches that operates on the campus spoke in favor of the Master Development Plan.

The Mayor opened the public hearing.

The City Clerk reported 19 copies of the notice of public hearing were posted on October 20, 2006; 122 copies of the notice were mailed on October 20, 2006; and one letter in opposition to the Master Development Plan was received.

Antonio Gardea, Associate Planner, reviewed the agenda report and responded to questions.

Richard Bruckner, Director of Planning and Development Department, noted the Master Plan is primarily concerned with managing parking and the impacts on the neighborhood, and responded to questions.

The following person spoke in support of the Master Development Plan:

Art McCleary, William Carey International University representative (applicant)

Discussion followed on possible historic structures on the campus, various uses located on the campus, and parking arrangements for activities on the campus.

It was moved by Councilmember Little, seconded by Councilmember Tyler, to close the public hearing. (Motion unanimously carried) (Absent: None)

It was moved by Councilmember Little, seconded by Councilmember Tyler, to approve the City Manager's recommendation. (Motion unanimously carried) (Absent: None)

**RECOMMENDATIONS
FROM OFFICERS AND
DEPARTMENTS**

PUSD REQUEST FOR ADDITIONAL 2006 TURKEY TUSSE FUNDING (Councilmember Gordo)

Councilmember Gordo explained the funding request from the Pasadena Unified School District (PUSD) for expenses to be incurred for the Turkey Tussle football game to be held at the Rose Bowl, and suggested an additional sum be appropriated by the City as an additional donation to PUSD to be applied to the Rose Bowl expenses. He requested staff to formalize the arrangement with PUSD regarding the City's contribution to the Turkey Tussle expenses and the scheduling of future football games.

Pete Soelter, PUSD Board of Education President speaking as an individual, confirmed that funds raised at the Turkey Tussle were not deposited into the District's General Fund and were used to support high school student activities. Mr. Soelter agreed to provide an accounting of the costs for the game and how the monies appropriated by the City are spent.

Darryl Dunn, General Manager of the Rose Bowl, responded to questions regarding expenses/costs for the game.

The following person spoke in support of the City's financial backing for the Turkey Tussle:

Joe Amezcua, Jr., Pasadena resident

Following discussion, it was moved by Councilmember Gordo, seconded by Vice Mayor Madison, to appropriate an additional \$13,000 for the 2006 Turkey Tussle, with staff to formalize an arrangement with PUSD for future Turkey Tussles. (Motion unanimously carried) (Absent: None)

**REPORTS AND COMMENTS
FROM COUNCIL
COMMITTEES**

FINANCE COMMITTEE

**APPROVAL OF FISCAL YEAR 2007 AMENDMENTS TO
GENERAL FEE SCHEDULE FOR PUBLIC HEALTH
DEPARTMENT MARKET-COMPETITIVE SERVICES**

Recommendation of City Manager: Approve amendments to the General Fee Schedule for Public Health Department market-competitive services by adding seven new fees (Rabies Vaccine, Japanese Encephalitis Vaccine, Gardasil (HPV) Vaccine, Zostavax Vaccine, Twinrix Vaccine, Flu - Purchased Vaccine for Insured, International Certificate for Vaccines) and increasing two existing fees (Prenatal Care Initial Exam and Prenatal Care Revisit).

Councilmember Little, Chair of the Finance Committee, reviewed the agenda report.

It was moved by Councilmember Little, seconded by Councilmember Holden, to approve the City Manager's recommendation. (Motion unanimously carried) (Absent: None)

Mayor Bogaard and Councilmember Tyler recused themselves at 8:38 p.m., due to conflicts of interest. Vice Mayor Madison assumed the chair.

**TERMINATION OF INTEREST RATE SWAP WITH
CITIGROUP FINANCIAL PRODUCTS, INC. (FORMERLY
SALOMON BROTHERS HOLDING COMPANY, INC.)**

Recommendation of City Manager: Authorize the City Manager to terminate the current existing fixed to floating interest rate SWAP with Citigroup Financial Products, Inc. at the prevailing swap market value.

Councilmember Little summarized the agenda report.

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

**AWARD OF CONTRACT TO C.S. LEGACY, INC., FOR
CONSTRUCTION OF SITE IMPROVEMENTS AT
ALLENDALE PARK IN THE AMOUNT OF \$285,000 AND
AMENDMENT TO THE FY 2007 CAPITAL IMPROVEMENT
PROGRAM**

Recommendation of City Manager:

- (1) Accept the bid, dated October 18, 2006, submitted by C.S. Legacy, Inc. in response to the Specifications for Allendale Park Renovation;
- (2) Reject all other bids received;
- (3) Approve a journal voucher appropriating \$67,000 of unencumbered Residential Impact Fee Funds - Central District

Mayor Bogaard and Councilmember Tyler returned at 8:40 p.m.

to the - *Install new Playground Equipment and Renovate Picnic Area* project (Budget Account No. 78788); and
(4) Authorize the City Manager to enter into a contract not to exceed \$285,000 which includes the base bid of \$264,013 and \$20,987 for any additional work the City may order pursuant to the project specifications. (Journal Voucher No. 2007-11; Contract No. 19,244)

Councilmember Little summarized the agenda report.

It was moved by Councilmember Tyler, seconded by Councilmember Little, to approve the City Manager's recommendation. (Motion unanimously carried) (Absent: None)

MUNICIPAL SERVICES COMMITTEE

APPROVAL OF A STRANDED INVESTMENT RESERVE FUND UTILIZATION PLAN TO MITIGATE SHORT AND LONG-TERM STRANDED ENERGY COSTS

Recommendation of City Manager: It is recommended that City Council:

(1) Approve Pasadena Water and Power's (PWP's) proposed plan (The Plan) to utilize funds in the Stranded Investment Reserve (SIR) to mitigate Stranded Investment (SI) and provide funds for electric rate stabilization as follows:

- (a) **Direct Defeasance:** Commit \$80 million to offset debt service requirements for Intermountain Power Plant (IPP) bonds from FY 2008 through FY 2023 including \$6.5 million for FY 2007.
- (b) **Contingent Mitigation:** Retain approximately \$50 million in the Reserve Fund to mitigate variable and unexpected SI resulting from very low market conditions, increases in power costs or unplanned outages associated with IPP or the Palo Verde Nuclear Power Plant (Palo Verde); and
- (c) **Refund Excess Funds:** Transfer the remaining \$15 million in the Reserve Fund to the Power Cost Adjustment Charge Fund (PCACF) and "refund" this amount to customers by deferring increases to the Power Cost Adjustment Charge (PCAC) during the remainder of Fiscal Years 2007 and 2008.

(2) Authorize the City Manager to enter into a Prepay Agreement with Intermountain Power Agency (IPA) to defease approximately \$80 million of outstanding debt from FY 2008 through FY 2023, the timing of which is based on the economic feasibility for retirement of each selected bond issue.

Recommendation of Utility Advisory Commission: The Utility Advisory Commission reviewed the proposal and agrees in concept.

Councilmember Tyler, Chair of the Municipal Services Committee, reviewed the agenda report.

Phyllis Currie, General Manager of Water and Power Department, discussed various options for use of the Stranded

Investment (SI) monies and provisions in the SI ordinance, commented on the current and future energy markets, and responded to questions.

The City Manager responded to questions regarding use of the SI funds, and discussed the flexibility of the above proposals.

Vice Mayor Madison requested a written legal opinion that lays out the City's legal options in regards to the SI funds, and expressed concerns related to refunds and the reliability of the projections on energy costs.

Councilmember Little stated his discomfort with using the SI funds for some purpose other than the City's original promise to keep energy rates down through collection of the SI fee, and suggested staff explore changing the City's rates to ensure that customers in each rate classification are paying rates that are consistent with the rates of other municipal utility customers (e.g. cities of Glendale, Burbank, Anaheim, and Los Angeles).

Discussion followed regarding the differences in rates/refunds between commercial vs. residential customers, the relationship between programs called for under the Urban Environmental Accords Agreement and the use of the SI funds, costs for renewable investment programs/resources as this relates to energy rates and structures, options for use of the SI funds, and consideration of restructuring the City's energy rates for its customers.

PENDING MOTION

It was moved by Councilmember Tyler, seconded by Councilmember Streater, to approve the City Manager's recommendation.

The Mayor expressed concerns in moving forward without obtaining the legal opinion on available options to the City as requested by Vice Mayor Madison and additional information on rate structuring as suggested by Councilmember Little.

Ms. Currie indicated staff could return to Council with the additional information in one month's time.

The Mayor clarified that the legal opinion would include information on the legal options available to Council under the City's SI ordinance as to use of the SI funds.

By consensus and on order of the Mayor, the agenda item was held for one month to allow time for staff to provide additional information.

INCREASE THE CITY MANAGER'S AUTHORITY TO ENTER INTO CONTRACTS WITH MINNESOTA METHANE FROM 4 MEGAWATTS TO A TOTAL OF 9.5 MEGAWATTS

Recommendation of City Manager: It is recommended that the City Council increase the City Manager's authority to enter into contracts with MM West Covina LLC and MM Tulare Energy LLC (Minnesota Methane) from 4 Megawatts ("MW") to a total of 9.5 MW for the purchase of renewable energy from landfill gas generation. A separate contract will be signed for each of the three projects that will supply the renewable energy from Minnesota Methane's facilities in West Covina and Tulare, California.

These contracts are exempt from competitive bidding pursuant to City Charter Section 1002(F), contracts for professional or unique services. (Contract Nos. 19,237-19,239)

Councilmember Tyler summarized the agenda report.

Robert Sherick, Power Supply Director, explained that the City of Anaheim had dropped out of this contract allowing the City to increase their level of participation in these contracts.

It was moved by Councilmember Tyler, seconded by Vice Mayor Madison, to approve the City Manager's recommendation. (Motion unanimously carried) (Absent: None)

**RECOMMENDATIONS
FROM OFFICERS AND
DEPARTMENTS**

CONSIDERATION OF CALL FOR REVIEW TO THE CITY COUNCIL OF CONDITIONAL USE PERMIT NO. 4657 FOR 940 AVENUE 64 (INSTALLATION, OPERATION, AND MAINTENANCE OF UNMANNED TELECOMMUNICATION EQUIPMENT FOR CINGULAR WIRELESS) (Vice Mayor Madison)

Councilmember Holden was excused at 9:39 p.m.

Vice Mayor Madison described the concerns expressed by his constituents and his rationale for calling this item for review,

The following persons spoke in support of the call for review:

Luis Hernandez, representing City of Los Angeles Councilmember Jose Huizar

Amy Minter, legal counsel for Neighbors of Cingular's Project

Jessica Bronson, Los Angeles resident representing 200 neighbors

Joan Dooley, Neighbors of Cingular's Project representative

Nancy Wyatt, Historic Highland Park Neighborhood Council (Land Use Chair), submitted a letter in support of the call for review dated November 6, 2006.

Handout materials titled "In the Pasadena Spirit of preserving our History, Environment, and Quality of Life, please Vote "Yes" to appeal!" were submitted by Tomoko Copon, who chose not to speak.

Councilmember Little requested copies of the minutes and findings of the Board of Zoning Appeals (including information on when the findings were written and by whom and the Board members who heard the appeal) be included with the information that is presented at the public hearing should this matter be called for review. He also requested a representation of the visual perspective of the neighbors' views of the proposed tower be included in the materials for the public hearing.

It was moved by Vice Mayor Madison, seconded by Councilmember Little, to call this matter for review to the City Council, at a date to be set after the holidays, if agreeable to the applicant (Cingular). (Motion unanimously carried) (Absent: Councilmember Holden)

The City Manager indicated notice would be given to those interested parties in attendance when the public hearing is set.

APPOINTMENT OF KELLY HOLMES TO THE RECREATION AND PARKS COMMISSION (District 7 Nomination)

APPOINTMENT OF TINA J. MILLER TO THE HISTORIC PRESERVATION COMMISSION (Bungalow Heaven Association Nomination)

APPOINTMENT OF DOREEN GARCIA TO THE HUMAN SERVICES COMMISSION (Agency Representative)

It was moved by Councilmember Little, seconded by Councilmember Haderlein, to approve the above appointments. (Motion unanimously carried) (Absent: Councilmember Holden)

RECESS

On order of the Mayor, the regular meeting of the City Council recessed at 9:58 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 9:59 p.m. (Absent: Councilmember Holden)

ORDINANCE – FIRST READING

Councilmember Gordo recused himself at 9:59 p.m., due to a conflict of interest, and Vice Mayor Madison was excused at this time.

Conduct first reading of “AN ORDINANCE OF THE CITY OF PASADENA AMENDING TITLE 4 (REVENUE AND FINANCE) TO ESTABLISH A TRAFFIC REDUCTION AND TRANSPORTATION IMPROVEMENT FEE”

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

AYES: Councilmembers Haderlein, Little, Streater, Tyler, Mayor Bogaard

NOES: None

ABSENT: Councilmembers Gordo, Holden, Vice Mayor Madison

ORDINANCES – ADOPTED

Councilmember Gordo
returned at 10:00 p.m.

Adopt “AN ORDINANCE OF THE CITY OF PASADENA AMENDING TITLE 17 (THE ZONING CODE), TO REVISE REGULATIONS REGARDING NONCOMMERCIAL SIGNS FOR RESIDENTIAL DISTRICTS” (Introduced by Councilmember Streator) (Ordinance No. 7074)

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

Adopt “AN ORDINANCE OF THE CITY OF PASADENA AMENDING THE OFFICIAL ZONING MAP AND THE ZONING CODE (TITLE 17) OF THE CITY OF PASADENA ESTABLISHED BY SECTION 17.20.020 OF THE PASADENA MUNICIPAL CODE TO CREATE PLANNED DEVELOPMENT-32 (ROSE AVENUE) AND ESTABLISH DEVELOPMENT STANDARDS” (Introduced by Councilmember Haderlein) (Ordinance No. 7075)

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

RECOMMENDATIONS FROM OFFICERS AND DEPARTMENTS

Councilmember Gordo
recused himself at 10:01 p.m.,
due to a conflict of interest.

RESOLUTION OF INTENT AND FIRST READING OF AN UNCODIFIED ORDINANCE TO AMEND THE CONTRACT BETWEEN THE CITY OF PASADENA AND THE CALIFORNIA PUBLIC EMPLOYEES RETIREMENT SYSTEM TO IMPLEMENT THE 2.5% ENHANCED RETIREMENT BENEFIT FOR ALL LOCAL MISCELLANEOUS EMPLOYEES AND RESOLUTION REGARDING THE REPORTING OF EMPLOYER PAID MEMBER CONTRIBUTIONS AS COMPENSATION FOR CERTAIN MISCELLANEOUS EMPLOYEES

Recommendation of City Manager:

(1) Adopt a Resolution of Intent to Approve an Amendment to the Contract Between the Board of Administration of the California Public Employees’ Retirement System and the City Council of the City of Pasadena to implement the 2.5% @ 55 enhanced retirement benefit for all local miscellaneous employees; and

(2) Introduce and conduct first reading of **“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” to implement the 2.5% @ 55 Retirement Provision for Local Miscellaneous employees, to implement the terms of the agreement reached with the non-safety unions.

(3) Adopt a resolution regarding the reporting of the value of employer paid member contributions as compensation to the California Public Employees Retirement System for certain miscellaneous employees. (Resolution Nos. 8661 and 8662)

Vice Mayor Madison returned at 10:02 p.m.

The City Manager summarized the agenda report.

It was moved by Councilmember Streater, seconded by Councilmember Little, to approve the City Manager's recommendation and offer the ordinance for first reading:

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

NOES: Councilmember Tyler

ABSENT: Councilmembers Gordo, Holden

PUBLIC HEARING

PUBLIC HEARING: MONTE VISTA GROVE HOMES MASTER DEVELOPMENT PLAN, 2889 SAN PASQUAL STREET

Recommendation of City Manager: It is recommended that, at the applicant's request, the City Council continue the public hearing to January 8, 2007.

It was moved by Councilmember Little, seconded by Councilmember Tyler, to continue the public hearing to January 8, 2007 at 7:30 p.m. (Motion unanimously carried) (Absent: Councilmembers Gordo, Holden)

ANNOUNCEMENTS

Mayor Bogaard announced that the Governor has named the City of Pasadena for renewal of its Enterprise Zone Program.

Julie Gutierrez, Assistant City Manager, reviewed the Council's official positions regarding Propositions on the November 7, 2006 General Election: Council previously voted to support: Propositions 1A, 1B, 1C, 1E, 83, 84, and 86; Council previously voted to oppose: Proposition 90; and Council took no position on the remaining ballot propositions.

The City Clerk provided telephone and web site information for the General Election.

COUNCIL COMMENTS

Vice Mayor Madison commented on the event held on November 4, 2006 that rolled out the Lower Arroyo Seco improvements, thanked staff for their work on this event, and distributed a brochure titled "A Guide to Public Hiking Trails and Recreation – The City of Pasadena Lower Arroyo Seco".

Vice Mayor Madison noted that the MODE Board had authorized the sale of Del Mar Gold Line Station parking

spaces to the City of Pasadena, with the MODE to likely dissolve once this transaction is completed.

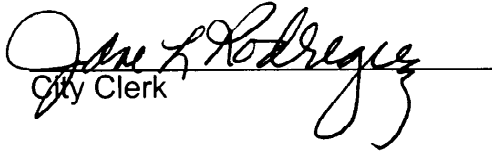
ADJOURNMENT

On order of the Mayor, the regular meeting of the City Council adjourned at 10:10 p.m., in memory of Charles Fillmore Prickett III, long-time Pasadena resident, surgeon, partner in the Risser Orthopaedic Group, and Tournament of Roses member.



Bill Bogaard, Mayor
City of Pasadena

ATTEST:



Jane L. Rodriguez
City Clerk