

CITY OF PASADENA  
City Council Minutes  
April 21, 2008 – 5:30 P.M.  
City Hall Council Chamber

REGULAR MEETING

**OPENING:**

Mayor Bogaard called the regular meeting to order at 5:37 p.m.  
(Absent: Councilmembers Holden, Madison, Robinson)

On order of the Mayor, the regular meeting recessed at 5:37 p.m., to discuss the following closed sessions:

Councilmember Robinson  
arrived at 5:52 p.m.

Councilmember Madison  
arrived at 6:02 p.m.

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

**City Representatives: Karyn S. Ezell and Arthur Chavez  
Employee Organization: Pasadena Management Association**

**CITY COUNCIL CONFERENCE WITH LEGAL COUNSEL REGARDING CONSIDERATION OF INITIATION OF LITIGATION pursuant to Government Code Section 54956.9(c): One potential case**

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 6:30 p.m. The Pledge of Allegiance was led by the Mayor.

**ROLL CALL:**

Councilmembers:

Mayor Bill Bogaard  
Vice Mayor Steve Haderlein  
Councilmember Victor Gordo  
Councilmember Chris Holden (Absent)  
Councilmember Steve Madison  
Councilmember Margaret McAustin  
Councilmember Jacque Robinson  
Councilmember Sidney F. Tyler

Staff:

City Manager Bernard K. Melekian  
City Attorney Michele Beal Bagneris  
City Clerk Jane L. Rodriguez

**CEREMONIAL MATTERS**

The City Clerk administered the oath of office to Meta McCullough as member of the Commission on the Status of Women.

The City Manager announced various Memorial Day ceremonial activities that will take place in Memorial Park: five

banners commemorating the deaths of five young soldiers killed in the Iraq war will be unveiled and later displayed on street light poles around Memorial Park, ceremonies/performances will involve the ROTC and Pasadena Unified School District High Schools, and a barbeque will be held at the Senior Center.

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

James Peterson, Pasadena resident, expressed concerns regarding a construction project near his property and a solar shade report that had been prepared and apparently not used, indicated he would submit a letter to the City with his concerns/questions regarding the project, and submitted a CD titled "Solar Power Rights" and a list of information resources on solar energy issues.

William Hawkins, Leadership Pasadena Chair, described the Leadership Pasadena program; encouraged Council and the community to support this leadership development program; invited the public to attend the program's 2007-2008 luncheon and graduation event to be held on May 1, 2008; and announced that applications are available to anyone who might be interested in participating in the 2008-2009 class, which will begin in September 2008.

Robert Gorski, Pasadena resident, asked the City to consider reducing the amount of nighttime illumination of City Hall, in keeping with the City's policy to go green and conserve energy.

Councilmember Tyler suggested staff look at decreasing the amount of nighttime lighting, reducing the amount of turf around City Hall, and planting drought tolerant plants in support of power and water conservation.

The City Manager indicated staff would look into the above suggestions on conservation.

**CONSENT CALENDAR**

**AUTHORIZE THE PURCHASE OF ONE ALTEC INDUSTRIES INC. AERIAL TRUCK IN AN AMOUNT NOT TO EXCEED \$294,689**

**Recommendation of City Manager:**

- (1) Authorize the issuance of a purchase order to Altec Industries Inc., in an amount not to exceed \$294,689 for the purchase of one new replacement aerial truck; and
- (2) Grant an exemption from competitive bidding pursuant to City Charter Section 1002(H), contracts with other governmental entities or their contractors for labor, material, supplies or services.

**AMENDMENT TO A CONTRACT WITH U.S. METRO GROUP, INC. TO INCREASE THE TOTAL NOT TO EXCEED AMOUNT OF CONTRACT NO. 18,216-4 BY \$642,000 FOR CITYWIDE HOUSEKEEPING SERVICES**

**Recommendation of City Manager:** Authorize an amendment to the existing Contract No. 18,216-4 with U.S. Metro Group, Inc., for an increase of \$642,000 in the not to exceed amount of this contract to cover the cost of a six-month extension. (Contract Amendment No. 18,216-5)

In response to Councilmember Gordo's question, the City Manager indicated these services would be sent out to bid during the six-month extension period of the current contract with U.S. Metro Group, Inc.

**ADOPT A RESOLUTION FOR THE APPROVAL AND ACCEPTANCE OF AN EASEMENT DEDICATION FOR SANITARY SEWER PURPOSES AT 845 LAS PALMAS ROAD AND APPROVE AN AMENDMENT TO CONTRACT NO. 10,144**

**Recommendation of City Manager:**

(1) Adopt a resolution approving and accepting an easement dedication for sanitary sewer purposes at 845 Las Palmas Road.

(2) Authorize the City Manager to execute an amendment to Contract No. 10,144. (Resolution No. 8849; Contract Amendment No. 10,144-1)

**AUTHORIZE A PURCHASE ORDER WITH WONDRIES FLEET GROUP FOR THE PURCHASE OF FOUR NEW ADDITIONAL POLICE VEHICLES FOR A TOTAL OF \$101,882**

**Recommendation of City Manager:**

(1) Authorize the issuance of a purchase order to Wondries Fleet Group in an amount not to exceed \$101,882 for the purchase of four new additional police vehicles; and

(2) Grant the proposed purchase order an exemption from competitive bidding pursuant to City Charter Section 1002(H), contracts with other governmental entities or their contractors for labor, material, supplies, or services.

**CONTRACT AWARD TO INSITUFORM TECHNOLOGIES, INC. FOR 2008 RELINING OF CORRUGATED METAL PIPE (CMP) STORM DRAINS FOR AN AMOUNT NOT TO EXCEED \$175,000**

**Recommendation of City Manager:**

(1) Accept the bid dated March 19, 2008, submitted by Insituform Technologies, Inc. for the 2008 Relining of CMP Storm Drains; reject all other bids received; authorize the City Manager to enter into such contract for a not to exceed amount of \$175,000; and

(2) Acknowledge the project to be categorically exempt under Section 21084 of the California Environmental Quality Act of 1984 in accordance with Article 19, Section 15301 (Class 1), subsection (b) of the Resources Agency of California Guidelines (minor alteration of existing public facilities involving

negligible or no expansion of use beyond that existing at the time of the lead agency's determination) pursuant to the findings of the Secretary of the Resources Agency and authorize the City Manager to execute and the City Clerk to file a Notice of Exemption for the project with the Los Angeles County Clerk. (Contract No. 19,575)

**AWARD OF CONTRACT TO C. S. LEGACY CONSTRUCTION, INC., FOR CONSTRUCTION OF MEMORIAL PARK LIGHTING AND WALKWAYS IN THE AMOUNT OF \$130,000**

**Recommendation of City Manager:**

(1) Accept the bid dated April 9, 2008, submitted by C. S. Legacy Construction, Inc., in response to the Specifications for Memorial Park Lighting and Concrete Walkways; reject all other bids received; and

(2) Authorize the City Manager to enter into a contract not to exceed \$130,000 that includes the base bid of \$119,552 and \$10,448 for any additional work the City may order pursuant to the project specifications. (Contract No. 19,576)

MINUTES APPROVED

April 7, 2008

CLAIMS RECEIVED AND FILED

Claim No. 10,578	Fung Lin	\$	225.92
Claim No. 10,579	Thomas Kessler		86.71
Claim No. 10,580	Lexington Insurance Company as subrogee of IDS Real Estate Group		170,000.00
Claim No. 10,581	State Farm Insurance as subrogee of Josie Dodds		2,220.10

PUBLIC HEARINGS SET

May 19, 2008, 7:30 p.m. - Schedule of Taxes, Fees and Charges

June 2, 2008, 7:30 p.m. - An Extension of the Interim Urgency Ordinance Temporarily Prohibiting the Issuance of Permits for the Placement, Construction, and Modification of Ground-mounted Commercial Wireless Facilities in Residential Zoning Districts

June 2, 2008, 7:30 p.m. - Designation of 611-627 East California Boulevard as a Historic Monument

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

RECESS/JOINT MEETING

On order of the Mayor, the regular meeting of the City Council recessed at 6:48 p.m. to a joint meeting with the 457 Deferred Compensation Plan Trustees. (Absent: Councilmember Holden)

**JOINT ACTION: AMENDMENTS TO THE CITY'S 457 DEFERRED COMPENSATION PLAN AUTHORIZING PLAN PARTICIPANT LOANS**

**Recommendation of Deferred Compensation Oversight Committee:** It is recommended that the City Council/Deferred Compensation Plan Trustees approve an amendment to the City's 457 Deferred Compensation Plan authorizing plan participant loans.

Steve Mermell, Acting Finance Director and Chair of the Deferred Compensation Oversight Committee, reviewed the agenda report and responded to questions.

Jayson Davidson, Arnerich Massena & Associates, Inc. (investment consultant to the 457 Deferred Compensation Plan), responded to questions on the penalty/default components of the loan plan.

Councilmember Madison expressed concerns regarding the policy decision in allowing persons to take out loans that may not be repaid, thereby depleting a resource that was meant to be used for retirement, and the ease with which a loan may be granted.

Discussion followed on the loan process to be used, the advantages vs. disadvantages of implementing a loan plan, criteria for hardship withdrawal requests under the Deferred Compensation Plan, and the differences between a hardship withdrawal request and a request under the loan plan.

It was moved by Vice Mayor Haderlein, seconded by Councilmember Robinson, to approve the Deferred Compensation Oversight Committee's recommendation. (Motion unanimously carried) (Absent: Councilmember Holden)

On order of the Mayor, the joint meeting with the 457 Deferred Compensation Plan Trustees adjourned at 7:10 p.m. and the regular meeting of the City Council recessed at this time to the special meeting of the 457 Deferred Compensation Plan Trustees and thereafter recessed at 7:22 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 7:23 p.m. (Absent: Councilmember Holden)

**ORDINANCE – FIRST READING**

**Conduct first reading of “AN ORDINANCE OF THE CITY OF PASADENA AMENDING CHAPTER 9.62 OF THE PASADENA MUNICIPAL CODE TO REQUIRE PHYSICAL CART CONTAINMENT SYSTEMS AND OTHER REMEDIES TO ADDRESS PUBLIC NUISANCE SHOPPING CARTS”**

Councilmember Gordo proposed that stores be encouraged to sell small carts to customers at a reduced rate for their personal use in getting groceries/goods home, with possible participation by the City in such a purchase program, as an additional measure for addressing the issue of abandoned shopping carts.

The City Manager indicated staff would look into alternative remedies for abandoned shopping carts, and inform Council either through an information report or in the weekly information letter to Council.

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

AYES: Councilmembers Gordo, Madison, McAustin, Robinson, Tyler, Vice Mayor Haderlein, Mayor Bogaard

NOES: None

ABSENT: Councilmember Holden

#### **ORDINANCE – ADOPTED**

**Adopt “AN ORDINANCE OF THE CITY OF PASADENA AMENDING TITLE 2 (ORGANIZATION AND ADMINISTRATION) AND TITLE 17 (THE ZONING CODE) OF THE PASADENA MUNICIPAL CODE, TO REVISE PROCEDURES FOR DESIGN REVIEW OF SMALLER AND PUBLIC PROJECTS” (Introduced by Vice Mayor Haderlein) (Ordinance No. 7139)**

The above ordinance was adopted by the following vote:

AYES: Councilmembers Gordo, Madison, McAustin, Robinson, Tyler, Vice Mayor Haderlein, Mayor Bogaard

NOES: None

ABSENT: Councilmember Holden

#### **PUBLIC HEARINGS**

#### **CONTINUED PUBLIC HEARING: FISCAL YEAR 2009-2014 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 7:30 p.m. until May 19, 2008, 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 2009-2014 Capital Improvement Program Budget.

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

Councilmember Tyler, Chair of the Finance Committee, reported the Committee had discussed reports on streets and streetscapes, transportation and parking facilities, street

lighting, and street lighting and electric system undergrounding at the special joint meeting of the City Council and Finance Committee held on April 21, 2008 at 3:00 p.m.

Martin Pastucha announced changes to the categories for joint meeting schedules on the following dates:

April 28

- Municipal Buildings and Facilities
- Pasadena Center Improvements
- Technology Projects
- Water System
- Electric System

May 5

- Rose Bowl Improvements
- Parks and Landscaping
- Arroyo Projects
- Sewers and Storm Drains

No one appeared for public comment.

It was moved by Councilmember Gordo, seconded by Councilmember Tyler, to continue the public hearing to April 28, 2008 at 7:30 p.m. (Motion unanimously carried) (Absent: Councilmember Holden)

**PUBLIC HEARING: NON-EXCLUSIVE VEHICLE TOWING FRANCHISES**

**Recommendation of City Manager:** It is recommended that the City Council continue the public hearing to May 5, 2008 at 7:30 p.m.

By consensus and on order of the Mayor, the public hearing was continued to May 5, 2008 at 7:30 p.m.

Councilmember McAustin recused herself at 7:30 p.m., due to a conflict of interest.

**PUBLIC HEARING: DESIGNATION OF 210 SOUTH ORANGE GROVE BOULEVARD AS A LANDMARK**

**Recommendation of City Manager:**

(1) Acknowledge that the designation of a historic resource is categorically exempt from the California Environmental Quality Act under Class 8, Actions by Regulatory Agencies for Protection of the Environment (CEQA Guidelines, Article 19, Section 15308);

(2) As recommended by the Historic Preservation Commission, find that the property at 210 South Orange Grove meets designation criteria B and C in Pasadena Municipal Code Section 17.62.040 because, as the residence of Herbert W. Armstrong, it is associated with the life of a person who achieved significance in the history of the region, State, and nation and because it embodies the distinctive characteristics of Mediterranean Revival residential architecture and is a locally notable example of the style;

(3) Approve the designation of the property at 210 South

- Orange Grove Boulevard as a landmark;
- (4) Adopt the resolution approving a Declaration of Landmark Designation for 210 Orange Grove Boulevard, Pasadena, California;
  - (5) Authorize the Mayor to execute the Declaration of Landmark Designation for 210 South Orange Grove Boulevard, Pasadena, California; and
  - (6) Direct the City Clerk to record the Declaration with the Los Angeles County Recorder. (Resolution No. 8850)

**Recommendation of the Historic Preservation Commission:** On February 4, 2008 at a noticed public hearing, the Historic Preservation Commission voted unanimously to recommend approval of the designation of 210 South Orange Grove Boulevard as a landmark with a request that the Commission review future changes to the environmental setting (e.g., on-site parking) of this property instead of the Planning Director.

The Mayor opened the public hearing.

The City Clerk reported 13 copies of the notice of public hearing were posted on April 4, 2008; 61 copies of the notice were mailed on April 4, 2008; and 1 letter in support of the landmark designation was received.

Vicrim Chima, Assistant Planner, reviewed the agenda report.

No one appeared for public comment.

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

It was moved by Councilmember Madison, seconded by Councilmember Gordo, to approve the City Manager's recommendation. (Motion unanimously carried) (Absent: Councilmembers Holden, McAustin)

Councilmember McAustin returned at 7:35 p.m.

**PUBLIC HEARING: APPEAL OF EXPRESSIVE USE PERMIT NO. 4955, 61 NORTH RAYMOND AVENUE (VIVE RESTAURANT AND LOUNGE)**

**Recommendation of City Manager:** It is recommended that the City Council continue the public hearing, at the applicant's request, to June 9, 2008 at 7:30 p.m.

It was moved by Councilmember Gordo, seconded by Vice Mayor Haderlein, to continue the public hearing to June 9, 2008 at 7:30 p.m. (Motion unanimously carried) (Absent: Councilmember Holden)



**COUNCIL COMMENTS**

In response to Councilmember Madison's question, the City Manager indicated that staff is waiting to receive information from the applicants/Whispering Waters Home Owners Association on the Whispering Waters (1000 E. Cordova Street) landmark designation.

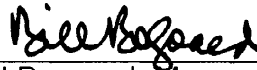
Councilmember Tyler asked for clarification on the status of the City's Housing Trust Fund.

Councilmember Gordo, Chair of the Economic Development and Technology Committee, indicated that a report on the issue of affordable housing and the Housing Trust Fund would be presented to the Committee at its next meeting.

Councilmember McAustin noted that the topic of opportunities for possible acquisition of properties for affordable housing would also be a part of the above discussion.

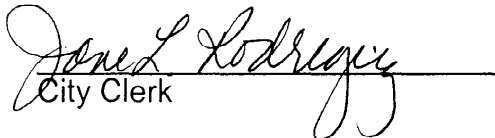
**ADJOURNMENT**

On order of the Mayor, the regular meeting of the City Council adjourned at 7:39 p.m.



\_\_\_\_\_  
Bill Bogaard, Mayor  
City of Pasadena

ATTEST:



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City Clerk