

CITY OF PASADENA
City Council Minutes
June 2, 2008 – 5:30 P.M.
City Hall Council Chamber

REGULAR MEETING

OPENING:

Mayor Bogaard called the regular meeting to order at 5:40 p.m.
(Absent: Councilmember Robinson)

On order of the Mayor, the regular meeting recessed at 5:40 p.m., to discuss the following closed sessions:

CITY COUNCIL CONFERENCE REGARDING PUBLIC EMPLOYMENT pursuant to Government Code Section 54957

Employee Title: City Clerk

Mayor Bogaard was absent during the discussion of the property at 131 N. Mar Vista.

CITY COUNCIL AND COMMUNITY DEVELOPMENT COMMISSION CONFERENCE WITH REAL PROPERTY NEGOTIATORS pursuant to Government Code Section 54956.8

Property Locations: 131 N. Mar Vista; 1267 N. Hudson; 877 N. Orange Grove Blvd.; 841-853 E. Washington Blvd.; 390-412 N. Chester Ave. and 395 & 401 N. Holliston Ave.; 306 S. El Molino Ave. and 675-693 Del Mar Blvd.; 2490 E. Mohawk St. and 97-105 S. Altadena Dr.; 1303 N. Summit Ave.

Agency Negotiators: Bernard K. Melekian, Stephanie DeWolfe, and James Wong

Negotiating Parties: Charles Loveman, Jr. (Heritage Housing Partners); Holly Phillips (Los Angeles Community Design Center); Reverend William Turner (New Revelation Missionary Baptist Church) and Lee Milman (A Community Of Friends); Gagik and Jacqueline Buickians (Jacob's Ladder, LLC); Suny Lay Chang (LINC Housing Corp); Field Family LP; Christian Hart and Joseph Seager (Community Builders Group LLC); Christian Hart and Joseph Seager (Community Builders Group LLC)

Under Negotiation: Price and terms of payment

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 6:39 p.m. The Pledge of Allegiance was led by Senior Assistant City Clerk Mark Jomsky.

ROLL CALL:

Councilmembers:

Mayor Bill Bogaard
Vice Mayor Steve Haderlein
Councilmember Victor Gordo
Councilmember Chris Holden
Councilmember Steve Madison
Councilmember Margaret McAustin
Councilmember Jacque Robinson (Absent)
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 Ishmael Trone as member of the Community Development Committee.

PUBLIC COMMENT ON MATTERS NOT ON THE AGENDA

James Peterson, Pasadena resident, expressed concerns regarding the demolition process that has allegedly begun for a project at 155 E. Cordova Avenue and related possible hazardous waste materials issues.

The City Manager indicated staff would look into Mr. Peterson's concerns.

CONSENT CALENDAR

Vice Mayor Haderlein was excused at 6:44 p.m.

AUTHORIZATION TO ENTER INTO A CONTRACT WITH SHAW ENERGY DELIVERY SERVICES, INC. FOR OWNER ENGINEER (CONSULTANT) SERVICES FOR CHESTER, HASTINGS, AND BROOKSIDE ELECTRIC POWER SUBSTATION EXPANSIONS

Recommendation of City Manager:

(1) Accept the proposal dated April 10, 2008, from Shaw Energy Delivery Services in response to a Request for Proposal dated March 6, 2008 and authorize a contract to Shaw Energy Delivery Services not to exceed \$1,000,000.

(2) Acknowledge that the proposed contract is exempt from competitive bidding pursuant to City Charter Section 1002(F), contracts for professional or unique services.

(3) Acknowledge that the project is exempt from environmental review pursuant to the guidelines of the California Environmental Quality Act, Public Resources Code Section 21080(b)(9); Administrative Code, Title 14, Chapter 3, Class 30, Section 15330 (Minor Actions to Prevent, Stabilize, Mitigate or Eliminate the Release or Threat of Release of Hazardous Wastes or Hazardous Substances). (Contract No. 19,641)

AUTHORIZATION TO PURCHASE TWO BACKHOES AND ONE FRONT LOADER FOR A TOTAL AMOUNT NOT TO EXCEED \$301,156

Recommendation of City Manager: Authorize the issuance of a purchase order to Coastline Equipment for the purchase of

two new John Deere 410J backhoes and one John Deere 444J front loader for a total amount not to exceed \$301,156. The proposed purchase order contract is exempt from competitive bidding pursuant to City Charter Section 1002(H), contracts with other governmental entities or their contractors.

CONTRACT AWARD TO KDC, INC. DBA DYNALECTRIC FOR LAKE AVENUE AND DEL MAR BOULEVARD INTELLIGENT TRANSPORTATION SYSTEM (ITS), FOR AN AMOUNT NOT TO EXCEED \$437,600

Recommendation of City Manager:

(1) Accept the bid dated May 21, 2008, submitted by KDC, Inc., DBA Dynalectric in response to the Specifications for Lake Avenue and Del Mar Boulevard Intelligent Transportation System (ITS), reject all other bids received, and authorize the City Manager to enter into such contract for an amount not to exceed \$385,000, consisting of the base bid of \$350,077 and a ten percent change order amount of \$34,923.

(2) Acknowledge the project to be categorically exempt under Section 21084 of the California Environmental Quality Act (CEQA) in accordance with Article 19, Section 15301 (Class 1), subsection (c) of the Resources Agency of California Guidelines (minor alterations involving negligible expansion of use beyond that previously existing) 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.

(3) Authorize the issuance of change orders totaling up to \$52,600 to install additional conduit and optic cable along portions of Lake Avenue for a total change order amount of \$87,523 and a grand total contract amount not to exceed \$437,600. It is further recommended that, to the extent that this additional work might be viewed as a separate project which should be competitively bid, the City Council find that this extra work should not be subject to competitive bidding based on the doctrine of impracticality as set forth in the body of the agenda report. (Contract No. 19,642)

RESOLUTION APPROVING SUBMITTAL OF AN APPLICATION FOR THE EATON WASH TRAIL PROJECT TO THE SAN GABRIEL AND LOWER LOS ANGELES RIVERS AND MOUNTAINS CONSERVANCY (RMC) UNDER THE CALIFORNIA CLEAN WATER, CLEAN AIR, SAFE NEIGHBORHOOD PARKS, AND COASTAL PROTECTION ACT OF 2002 (PROPOSITION 40)

Recommendation of City Manager: Adopt a resolution authorizing the Tier 2 Phased Application for the competitive Rivers and Mountains Conservancy (RMC) Grant in the amount of \$44,468 for the planning of its Eaton Wash Trail project. (Resolution No. 8859)

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

Recommendation of City Manager: Adopt a resolution amending the Salary Resolution to adjust control rates for various Unrepresented Executive Management classifications; and to re-establish the control rate for the classification of Assistant to the City Manager, effective March 31, 2008. (Resolution No. 8860)

AUTHORIZATION TO ENTER INTO A CONTRACT WITH ENERGY INNOVATION GROUP, LLC FOR DIRECT INSTALLATION OF ENERGY EFFICIENT EMERGING TECHNOLOGIES AT ELECTRIC UTILITY CUSTOMER FACILITIES IN AN AMOUNT NOT TO EXCEED \$5,000,000 OVER A PERIOD OF THREE YEARS

Recommendation of City Manager: Authorize the City Manager to enter into a contract with Energy Innovation Group, LLC ("EIG") for direct installation of energy efficient emerging technologies at electric utility customer facilities in an amount not to exceed \$5,000,000 over a period of three years. This contract is exempt from competitive bidding pursuant to City Charter Section 1002(C), contracts for products or services available from only one vendor. (Contract No. 19,643)

ASSIGNMENT OF INTEREST IN LAIDLAW TRANSIT, INC., CONTRACT NO. 19,420

Recommendation of City Manager:
 (1) Consent to an assignment of services Contract No. 19,420 from Laidlaw Transit, Inc., (Contractor) to First Student, Inc., the company which has acquired Laidlaw International; and
 (2) Approve an amendment to services Contract No. 19,420 reflecting said assignment, approving an increase in costs of \$3,000 and authorizing the City Manager to execute said amendment. (Contract Amendment No. 19,420-1)

MINUTES APPROVED

May 12, 2008 (Special Joint Meeting with Finance Committee)
 May 12, 2008 (Special Meeting)
 May 12, 2008 (Special Joint Meeting with PUSD)
 May 19, 2008 (Special Joint Meeting)
 May 19, 2008
 May 26, 2008

CLAIMS RECEIVED AND FILED

Claim No. 10,602	Carmen M. Woodson	\$ 930.60
Claim No. 10,603	Alice Yung, M.D.	9,500.00
Claim No. 10,604	John T. Malloy, Inc. (re: Contract No. 19,405)	25,000.00+
Claim No. 10,605	John T. Malloy, Inc. (re: Contract No. 19,296)	25,000.00+

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

**REPORTS AND COMMENTS
FROM COUNCIL
COMMITTEES**

FINANCE COMMITTEE

Vice Mayor Haderlein returned at 6:45 p.m.

QUARTERLY INVESTMENT REPORT, QUARTER ENDING MARCH 31, 2008

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

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

Vic Erganian, Acting Deputy Director of Finance Department, reviewed the agenda report and responded to questions.

Councilmember Madison asked staff to provide Council with updated information on the number of foreclosures in Pasadena as compared with last year.

It was moved by Councilmember Holden, seconded by Councilmember McAustin, to receive and file the report. (Motion unanimously carried) (Absent: Councilmember Robinson)

RESOLUTION SUPPORTING REFORM OF THE BOND RATING SYSTEM TO ELIMINATE DISCRIMINATION AGAINST MUNICIPAL BONDS

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

- (1) Supporting reform of the bond rating system to eliminate discrimination against municipal bonds; and
- (2) Authorizing the Mayor to notify the municipal bond rating agencies by letter of the adoption of the resolution, with a copy to California State Treasurer Bill Lockyer and to register the City as a member of the coalition of public agencies supporting the nationwide effort to reform how bond rating agencies grade state and local bonds. (Resolution No. 8861)

Councilmember Tyler summarized the agenda report.

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

AUTHORIZATION TO EXECUTE AN AMENDED AND RESTATED CONTRACT WITH THE ALBERT GROUP ARCHITECTS AND INCREASE THE CONTRACT AMOUNT FROM \$861,250 TO \$1,267,600 FOR THE REDESIGN AND CONSTRUCTION OF PASADENA ICE SKATING FACILITY

Recommendation of City Manager: Authorize an increase of \$406,350 not to exceed amount of Contract 18,912 with the

Albert Group Architects thereby increasing the not to exceed amount of \$861,250 to \$1,267,600 for the redesign of the Pasadena Ice Skating Rink. (Contract Amendment No. 18,912-1)

Councilmember Tyler introduced the agenda item, and noted that the Finance Committee had asked staff to provide an update in two to three months on the agreements with Pasadena Water and Power Department, Southern California Edison, and Pasadena Community College that are related to the project development/construction.

Martin Pastucha, Director of Public Works Department, reviewed the agenda report, restated the City's commitment to complete the ice skating rink project, and responded to questions.

The following persons expressed support for redesign/construction of the ice skating rink and/or offered suggestions regarding the rink redesign process:

- Joe Conrad, Pasadena Maple Leafs President (youth hockey club)
- Jon Dudley, Pasadena Hockey Association Vice President, asked for the City's assurance that the Association would not be evicted from its current location.
- Carrie Miller, Pasadena Figure Skating Club President
- Sharon Watson, Pasadena Figure Skating Club Board member speaking as an individual

Discussion followed on the project timetable, capacity for seating, and design issues related to the balance between cost saving efforts and usage/revenue-producing needs.

Councilmember Gordo suggested staff use a target figure of 500 seats in moving forward with the design (based on adequate capacity for regional/national competitions), with the ability to expand this seating capacity for future larger events requirements.

The City Manager commented on the City's efforts to meet the funding costs in order to assure that the rink/facility project is completed.

Councilmember Madison, Pasadena Center Operating Company Board member, assured the public and rink users that the Pasadena Center will continue to provide skating services until the new rink facility is opened.

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

INFORMATION ITEM

Mayor Bogaard and Councilmember Tyler recused themselves at 7:08 p.m., due to a conflict of interest. Vice Mayor Haderlein assumed the Chair.

AT & T PROJECT U-VERSE (ALSO KNOWN AS PROJECT LIGHTSPEED)

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

The City Manager introduced the agenda item.

Martin Pastucha, Director of Public Works Department, reviewed the agenda report.

Richard Roche, AT&T California-Director of External Affairs, distributed a packet of information and provided a PowerPoint presentation on the U-verse project (an advanced communications network system involving a fiber-optic broadband connection that combines digital TV with high-speed internet); and responded to questions regarding the equipment cabinets that will be installed in the public right-of-ways, and public outreach that will be conducted.

Steve Bickel, AT&T California Construction Engineering Department, responded to questions regarding undergrounding the cabinets, and customizing the cabinet locations in neighborhoods.

Discussion followed on the option to place the equipment cabinets underground, options and restrictions for location of the cabinets, and opportunities to allow the community to receive and react to information on the project.

Councilmember Gordo commented on residents' negative reactions to the impacts of the proposed above-ground locations of the cabinets, especially in neighborhoods; and on the lack of response from private industry in developing the technology to make undergrounding the hardware possible.

Councilmember Holden suggested this matter be continued to a future meeting, which will allow time to more fully discuss the issues involved with the project and their context with actions the City can take in this matter; and asked that information on the potential locations of the cabinets and mitigation measures available to the City be provided at that time.

The following persons expressed concerns regarding the project:

Phil Hopkins, Pasadena Community Access Corporation
(PCAC) Board member
Bob Kneisel, Pasadena resident

The City Manager indicated that this matter was being presented as an information item only, that community meetings are being planned to discuss the project at the

district/neighborhood level, and that the City will need to deal with legal aspects of the project. He noted that Council would be provided with information containing written answers to the predictable questions raised about the project, a schedule for community/neighborhood meetings, and a future date for Council to discuss a recap of the community meetings and discussions.

The City Attorney noted that AT&T is proceeding with the application process under the applicable Federal, State, and City regulations.

Councilmember McAustin asked that any additional project information that is available to staff be provided at a continued presentation.

Following discussion and by consensus, this matter was continued for two weeks, with additional information on the project and community outreach to be presented at that time.

**REPORTS AND COMMENTS
FROM COUNCIL
COMMITTEES**

**ECONOMIC DEVELOPMENT
AND TECHNOLOGY
COMMITTEE**

Mayor Bogaard and
Councilmember Tyler returned
at 7:58 p.m.

**AMENDMENT TO AGREEMENT NO. 12,651 BETWEEN
AMERICAN GOLF CORPORATION AND THE ROSE BOWL
OPERATING COMPANY**

Recommendation of Rose Bowl Operating Company: It is recommended that the City Council authorize an amendment to Agreement No. 12,651 between American Golf Corporation (AGC) and the RBOC which modifies the current Fee Schedule. The proposed fee modifications are:

<u>Weekend Green Fees</u>	<u>Current</u>	<u>Proposed</u>
Non-Resident 18	\$50	\$55*
Resident 18	\$38	\$40
Non-Resident Twilight	\$32	\$34
Resident Twilight	\$24	\$26
Super Twilight	\$16	\$17
Tournament Course #1	\$75**	\$80**
Tournament Course #2	\$65**	\$75**

<u>Weekend & Weekday Cart Fees</u>	<u>Current</u>	<u>Proposed</u>
18 Holes	\$28	\$30
Twilight	\$20	\$22
Super Twilight	\$14	\$16

*Option to increase rate up to \$60, upon AGC periodic review, and with the approval of the RBOC General Manager.

**Includes Cart Fee

(Agreement Amendment No. 12,651-8)

Councilmember Gordo, Chair of the Economic Development and Technology Committee, reviewed the agenda report.

Darryl Dunn, General Manager of the Rose Bowl, and David Sams, Golf Course Administrator, commented on the increased costs for operating the Brookside Golf Courses.

It was moved by Councilmember Gordo, seconded by Councilmember Madison, to approve the Rose Bowl Operating Company's recommendation. (Motion unanimously carried) (Absent: Councilmember Robinson)

BROOKSIDE GOLF CLUB OPERATIONS AND MASTER PLAN UPDATE

Recommendation of Rose Bowl Operating Company: This is an information item only.

Councilmember Gordo summarized the agenda report.

Darryl Dunn, General Manager of the Rose Bowl, and David Sams, Golf Course Administrator, commented on the status of the Brookside Golf Club Master Plan and water use issues/alternatives now facing the golf courses; and responded to questions regarding the agreements with American Golf Corporation and John R. Wells, Inc. for operation/management of the golf courses, Golf Shop, and food and beverage services.

Councilmember Tyler suggested the Master Plan contain at least a 10-year look at the sources and uses of funds for Brookside (e.g., capital improvements to be made and water conservation measures to be implemented) so that cash flow can be seen in terms of the funds that might be available for the Rose Bowl.

Councilmember Madison acknowledged the work of David Sams, Darryl Dunn, Rose Bowl Operating Company, and American Golf Corporation on the First Tee Program, which promotes golf to local youth.

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

ROSE BOWL STADIUM RENOVATION PROJECT AND SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT

Recommendation of City Manager:

(1) Adopt a resolution:

(a) Certifying the Final Supplemental Environmental Impact Report (FSEIR) for the Rose Bowl Stadium Renovation Project;

(b) Adopting environmental findings; and

(c) Adopting a Mitigation Monitoring and Reporting Program (Exhibit A to the resolution).

(2) Direct the City Clerk to file a Notice of Determination with the Los Angeles County Recorder. (Resolution No. 8862)

Recommendation of Rose Bowl Operating Company: On May 1, 2008, the Rose Bowl Operating Company (RBOC) reviewed the Final Supplemental Environmental Impact Report (FSEIR) at its regular meeting. The RBOC voted unanimously to recommend that City Council certify the document.

Councilmember Gordo introduced the agenda item, and provided a brief history of the original Final Environmental Impact Report (FEIR) and overview of the Final Supplemental Environmental Impact Report (FSEIR).

Richard Bruckner, Director of Planning and Development Department, introduced the team members involved in producing the FSEIR documents: Alison Rondone, PBS&J Project Manager (EIR consultant); Margo Mavridis (Rose Bowl Stadium Architect); Theresa Fuentes, Assistant City Attorney; and Erin Clark, Associate Planner.

Erin Clark, Associate Planner, reviewed the FSEIR process, provided a brief comparison of the original FEIR proposal with the revised proposal in the FSEIR, outlined the significant impacts analyzed for the revised proposal, and discussed the next steps that would move the revised project forward.

Margo Mavridis, Rose Bowl Stadium Architect, explained the project objectives for the revised proposal; described the components of the revised proposal (options for tunnel and concourse alterations/additions and press box renovation); and responded to questions.

Bill Thomson, Rose Bowl Operating Company (RBOC) President, expressed support for the FSEIR and the process that was followed, commented on RBOC's work with the neighborhood in addressing the concerns that had been expressed by residents, and asked that any proposed traffic studies be separated from the revised proposal approval process.

The following persons spoke in support of approval of the FSEIR:

Paul Little, Pasadena Chamber of Commerce President and Chief Executive Officer and RBOC Board member, submitted a letter dated June 2, 2008 from the Chamber of Commerce Board in support of approval of the FSEIR.

The following expressed opposition to and/or concerns regarding the FSEIR/revised proposal and the possible need for an updated traffic study:

Marilynne Kennedy, East Arroyo Residents Association (EARA) President
Audrey O'Kelley, West Pasadena Residents Association (WPRA) Board member
Nina Chomsky, Linda Vista-Annandale Association (LVAA) member
Sharon Yonashiro, LVAA Board member
Norm Parker, LVAA Board President

Discussion followed on concerns raised by the public about the impacts of traffic on the Rose Bowl area and about the revised proposal, issues related to the cumulative impacts of all events occurring in the Rose Bowl area, concerns involving the City's compliance with AB 32 – Global Warming Solutions, the rationale for preparing and certifying a FSEIR for the revised proposal, and consideration of conducting a comprehensive traffic study of the Central Arroyo area.

Mr. Bruckner discussed the various environmental studies (including traffic impacts) that had already been conducted as part of the development of the various master plans approved for the Arroyo area, the Rose Bowl/NFL proposal, and the large event policy developed for the City; and noted that the FSEIR includes alternatives/options for the project that were not analyzed in the FEIR.

Councilmember Gordo suggested the issue of addressing the cumulative impacts of traffic related to events in the Rose Bowl/Arroyo area be separated from the FSEIR/revised proposal; and clarified that the FSEIR describes the envelope (boundaries) for the proposed revised project.

Councilmember McAustin suggested any separate comprehensive traffic study of the Central Arroyo also address how to limit cars into the Arroyo.

The City Manager discussed a traffic study for the Rose Bowl loop that would be completed during the next fiscal year, and indicated that a more comprehensive traffic study would be conducted if the proposed Art Center College of Design project is brought forward. He also indicated that a comprehensive traffic study of the Central Arroyo area (focused on recreational use and large events) was contained (but unfunded) in the Capital Improvement Program Budget.

Theresa Fuentes, Assistant City Attorney, reported that projections from the traffic studies are adequate from a legal standpoint, that AB 32 requirements have been met, and that impacts from the cumulative projects in the area of the revised proposal have been included in the FSEIR. She clarified that baseline traffic issues (raised by the public) to which the revised proposal does not have an effect should be treated as a separate matter.

Darryl Dunn, General Manager of the Rose Bowl, discussed the process for defining the final project and determining funding sources; and indicated the report on the final project would be reviewed by the Rose Bowl Operating Company and Economic Development and Technology Committee, then Council.

Councilmember Holden stated his recollection that the original NFL project contained the same safety options as this revised proposal; and questioned the need for the FSEIR, since the revised proposal has less impact than the project studied under the original FEIR.

Following discussion, it was moved by Councilmember Gordo, seconded by Vice Mayor Haderlein, to approve the City Manager's recommendation. (Motion unanimously carried) (Absent: Councilmember Robinson)

Councilmember McAustin was excused at 9:36 p.m.

Councilmember Holden suggested the Transportation Advisory Commission (TAC) be directed to work with staff to look at the traffic issues involving the Arroyo area that were raised by the public, and to propose recommendations that would address these issues.

Following additional discussion, it was moved by Councilmember Madison, seconded by Councilmember Gordo, to direct staff to conduct a comprehensive study of the overall traffic impacts in the Central Arroyo area, with a presentation to be made to Council. (Motion unanimously carried) (Absent: Councilmembers McAustin Robinson)

The City Manager indicated that information on the traffic study for the Rose Bowl loop area would be provided as a part of the Operating Budget presentation, and that TAC's participation in exploring solutions/mitigations for the traffic problems identified in the comprehensive traffic study would be appropriate.

The Mayor referred to the City's commitment to be a leader in regard to sustainability and carbon footprint reduction as a demonstration of the City's support of AB 32 requirements, and asked staff to keep Council informed on regulatory proposals and adoptions in regards to these issues.

DIRECT THE CITY ATTORNEY TO PREPARE AN AMENDMENT TO THE LIVING WAGE ORDINANCE, PASADENA MUNICIPAL CODE CHAPTER 4.11, TO ELIMINATE THE PROVISION DEALING WITH THE SUPERSESSION BY COLLECTIVE BARGAINING AGREEMENTS AND REPLACING IT WITH AN "OPT OUT" PROVISION

Recommendation of City Manager: Direct the City Attorney to prepare an amendment to the Living Wage Ordinance, Pasadena Municipal Code Chapter 4.11, to eliminate the provision dealing with the supersession by collective bargaining agreements and replacing it with an "opt out" provision.

Councilmember Gordo summarized the agenda report.

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

LEGISLATIVE POLICY
COMMITTEE

Councilmember McAustin
returned at 9:41 p.m.

Councilmembers Gordo and
Holden were excused
at 9:42 p.m.

**OPPOSITION TO SENATE BILL 983 (MA) – PUBLIC
CONTRACTS: PLANS AND SPECIFICATIONS**

Recommendation of City Manager:

- (1) Oppose AB 983 (Ma) – Public Contracts: Plans and Specifications; and
- (2) Authorize the Mayor to send correspondence to the appropriate officials opposing AB 983.

The Mayor, Chair of the Legislative Policy Committee, reviewed the agenda report.

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

PUBLIC HEARINGS

**CONTINUED PUBLIC HEARING: CITY MANAGER'S
RECOMMENDED FISCAL YEAR 2009 OPERATING
BUDGET**

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

- (1) Receive public comment on the City Manager's Recommended Fiscal Year 2009 Operating Budget; and
- (2) Continue this public hearing to each subsequent regular meeting of the City Council at 7:30 p.m. until June 23, 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 Operating Budget.

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

Councilmember Tyler, Chair of the Finance Committee, reported the department budgets for the City Council, City Clerk, City Manager, Housing, City Attorney/City Prosecutor, Finance, and Fire had been discussed at the special joint meeting of the City Council and Finance Committee held on June 2, 2008 at 3:00 p.m.

No one appeared for public comment.

By consensus and on order of the Mayor, the public hearing was continued to June 9, 2008 at 7:30 p.m.

**PUBLIC HEARING: AN EXTENSION OF THE INTERIM
URGENCY ORDINANCE TEMPORARILY ADOPTING A
MORATORIUM ON PERMITS FOR GROUND-MOUNTED
COMMERCIAL WIRELESS FACILITIES IN RESIDENTIAL
ZONES**

Recommendation of City Manager: Approve a one-year extension of the urgency ordinance which temporarily prohibits the issuance of permits for ground-mounted commercial wireless facilities in residential zones.

**ORDINANCE – FIRST
READING**

Conduct first reading of “AN EXTENSION OF THE INTERIM URGENCY ORDINANCE OF THE CITY OF PASADENA TEMPORARILY PROHIBITING THE ISSUANCE OF PERMITS FOR THE PLACEMENT, CONSTRUCTION, AND MODIFICATION OF GROUND-MOUNTED COMMERCIAL WIRELESS FACILITIES IN RESIDENTIAL ZONING DISTRICTS”

The above public hearing and ordinance were discussed concurrently.

The Mayor opened the public hearing.

The City Clerk reported the notice of public hearing was published on May 19, 2008 in the Pasadena Star-News; and two letters expressing concerns regarding wireless facilities were received.

The City Manager introduced the agenda item; emphasized that staff anticipated a report would be brought to Council in less than the requested one year extension period, perhaps within the next four to five months; and commented on factors involved with introducing wireless facilities to existing neighborhoods that do not have fiber wire interface.

Richard Bruckner, Director of Planning and Development Department, highlighted some of the areas that staff is continuing to study, and responded to questions regarding the public outreach during the moratorium/study period.

Jennifer Paige-Saeki, Acting Assistant to the Director of Planning and Development Department, reviewed the agenda report, and responded to questions.

Javan Rad, Deputy City Attorney, responded to questions regarding the T-Mobile litigation that was settled by way of a stipulated judgment entered by a federal district court judge, and briefly discussed legal limitations on the City's ability to regulate wireless facilities/equipment.

The City Attorney indicated that T-Mobile was completing the permitting process pursuant to the agreed upon designs, and noted that the proposed regulations to be presented for Council's consideration at a later date will reflect the fullest extent of the City's regulatory ability for wireless facilities/equipment.

The following persons spoke in support of the moratorium extension and/or asked that the public be involved in the process for drafting of the ordinance regulations:

Councilmember Holden returned at 10:01 p.m.

Miriam Nakamura-Quan, Pasadena Neighborhood Coalition representative, submitted an article titled "Woman's serenity under 24-hour assault" from the Los Angeles Times, May 28, 2008.
Raymond Quan, MD, Pasadena resident

The following person spoke in opposition to the moratorium extension:

Anita Gabrielian, AT&T Executive Director of External Affairs

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

It was moved by Councilmember Tyler, seconded by Councilmember Vice Mayor Haderlein, to approve the City Manager's recommendation and offer the above ordinance for first reading:

AYES: Councilmembers Holden, Madison, McAustin, Tyler, Vice Mayor Haderlein, Mayor Bogaard

NOES: None

ABSENT: Councilmembers Gordo, Robinson

PUBLIC HEARINGS

PUBLIC HEARING: DESIGNATION OF 611-627 EAST CALIFORNIA BOULEVARD ("LA CASA TORRE") AS A HISTORIC MONUMENT

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) Find that the multi-family residential complex at 611-627 E. California Boulevard is significant under Criterion "C" for designation as a historic monument (Pasadena Municipal Code Section 17.52.040 B) because it is a regionally significant example of pre-WWII multi-family courtyard housing in the Spanish Colonial Revival Style – designed by local architect Everet Phipps Babcock – and is one of two examples of pre-WWII Spanish Colonial Revival courtyard housing in the city;

(3) Approve the designation of the property at 611-627 E. California Boulevard as a historic monument;

(4) Adopt a resolution approving a Declaration of Historic Monument Designation for 611-627 E. California Boulevard,

Pasadena, California;

(5) Authorize the Mayor to execute the Declaration of Historic Monument Designation for 611-627 E. California Boulevard, Pasadena, California; and

(6) Direct the City Clerk to record the declaration with the Los Angeles County Recorder. (Resolution No. 8863)

Recommendation of Historic Preservation Commission: On April 7, 2008, at a noticed public hearing, the Historic Preservation Commission voted unanimously to recommend approval of the designation of 611-627 E. California Boulevard as a historic monument under Criterion "C" of Pasadena Municipal Code Section 17.62.040B.

The Mayor opened the public hearing.

The City Clerk reported 28 copies of the notice of public hearing were posted on May 16, 2008; 308 copies of the notice were mailed on May 16, 2008; and no correspondence was received.

No one appeared for public comment.

It was moved by Councilmember Madison, seconded by Councilmember Tyler, to close the public hearing. (Motion unanimously carried) (Absent: Councilmembers Gordo, Robinson)

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

PUBLIC HEARING: DESIGNATION OF 777 ARDEN ROAD 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 777 Arden Road meets designation Criterion "C" in Pasadena Municipal Code Section 17.62.040 because it embodies the characteristics of the Spanish Eclectic style from the Period Revival era of 1920 to 1940 and retains a high level of integrity;

(3) Approve the designation of the property at 777 Arden Road as a landmark;

(4) Adopt a resolution approving a Declaration of Landmark Designation for 777 Arden Road, Pasadena, California;

(5) Authorize the Mayor to execute the Declaration of Landmark Designation for 777 Arden Road, Pasadena,

California; and

(6) Direct the City Clerk to record the Declaration with the Los Angeles County Recorder. (Resolution No. 8864)

Recommendation of Historic Preservation Commission: On April 21, 2008 at a noticed public hearing, the Historic Preservation Commission voted unanimously to recommend the approval of the designation of 777 Arden Road as a landmark. (The applicants applied for a historic monument designation; but the Commission, based on a staff recommendation, determined that a landmark designation was more appropriate.)

The Mayor opened the public hearing.

The City Clerk reported 21 copies of the notice of public hearing were posted on May 16, 2008; 83 copies of the notice were mailed on May 16, 2008; and no correspondence was received.

The City Attorney noted the following correction of the address on Page 1, Paragraph 2 of the resolution: "Whereas, the house, garage, and garden at ~~210 South Orange Grove~~ 777 Arden Road are significant under Criteria B and C for designation as a landmark (P.M.C. §17.62.40 C);".

No one appeared for public comment.

It was moved by Councilmember Tyler, seconded by Councilmember McAustin, to close the public hearing. (Motion unanimously carried) (Absent: Councilmembers Gordo, Robinson)

It was moved by Councilmember Tyler, seconded by Councilmember McAustin, to approve the City Manager's recommendation, with the revised resolution. (Motion unanimously carried) (Absent: Councilmembers Gordo, Robinson)

RECOMMENDATIONS FROM OFFICERS AND DEPARTMENTS

RESIGNATION OF JANE REESE WILKINS FROM THE ACCESSIBILITY AND DISABILITY COMMISSION (District 1 Nomination)

It was moved by Councilmember Tyler, seconded by Vice Mayor Haderlein, to accept the above resignation, with regrets. (Motion unanimously carried) (Absent: Councilmembers Gordo, Robinson)

ORDINANCES – FIRST READING

Conduct first reading of "AN UNCODIFIED ORDINANCE OF THE CITY OF PASADENA GRANTING NON-EXCLUSIVE RENEWAL FRANCHISES FOR SOLID WASTE COLLECTION TO 16 APPLICANTS"

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

AYES: Councilmembers Holden, Madison, McAustin, Tyler,
Vice Mayor Haderlein, Mayor Bogaard

NOES: None

ABSENT: Councilmembers Gordo, Robinson

Conduct first reading of “AN UNCODIFIED ORDINANCE OF THE CITY OF PASADENA GRANTING NON-EXCLUSIVE FRANCHISES FOR POLICE TOWING TO THREE APPLICANTS”

The above ordinance was offered for first reading by Vice Mayor Haderlein:

AYES: Councilmembers Holden, Madison, McAustin, Tyler,
Vice Mayor Haderlein, Mayor Bogaard

NOES: None

ABSENT: Councilmembers Gordo, Robinson

ORDINANCE – ADOPTED

Adopt “AN ORDINANCE OF THE CITY OF PASADENA AMENDING TITLE 2 TO ADD SECTION 2.05.200 TO THE PASADENA MUNICIPAL CODE TO RE-ESTABLISH THE COUNCIL MUNICIPAL SERVICES COMMITTEE” (Introduced by Councilmember McAustin) (Ordinance No. 7143)

The City Attorney noted that the ordinance would become effective upon publication.

In response to Councilmember Tyler’s question, Councilmember McAustin, appointed Chair of the Municipal Services Committee, indicated the Committee members would be polled about a meeting date and time for the Committee.

The above ordinance was adopted by the following vote:

AYES: Councilmembers Holden, Madison, McAustin, Tyler,
Vice Mayor Haderlein, Mayor Bogaard

NOES: None

ABSENT: Councilmembers Gordo, Robinson

RECESS

On order of the Mayor, the regular meeting of the City Council recessed at 10:12 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 10:13 p.m. (Absent: Councilmembers Gordo, Robinson)

COUNCIL COMMENTS

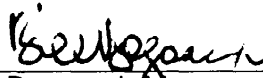
In response to Councilmember Madison’s question, the Mayor indicated that Council would have a special meeting on July 12, 2008. He also indicated there would be a closed session meeting involving interviews for the City Manager

position on June 23, 2008, with opportunity for public comment on the item prior to the closed session.

In response to Councilmember Holden's question, the City Manager noted there were no building permits set to expire and that the City did not have a legal obligation to refund monies if a permit should expire.

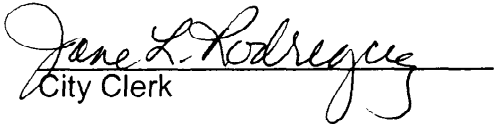
ADJOURNMENT

On order of the Mayor, the regular meeting of the City Council adjourned at 10:20 p.m.



Bill Bogaard, Mayor
City of Pasadena

ATTEST:



Jane L. Rodriguez
City Clerk