

CITY OF PASADENA
City Council Minutes
June 16, 2008 – 5:30 P.M.
City Hall Council Chamber

Teleconference Location:
Marriott Hotel Teaneck At Glenpoint, Room 903
100 Frank W Burr Boulevard
Teaneck, New Jersey

REGULAR MEETING

OPENING:

Vice Mayor Haderlein called the regular meeting to order at 5:30 p.m. (Absent: Mayor Bogaard, Councilmember Madison)

On order of the Vice Mayor, the regular meeting recessed at 5:30 p.m., to discuss the following closed sessions:

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

Employee Title: City Manager

CITY COUNCIL CONFERENCE WITH LEGAL COUNSEL to discuss pending litigation pursuant to Government Code Section 54956.9(a):

Case Name: Antony Aquila v. City of Pasadena

Case No.: Los Angeles Superior Court Case No. GC 038553

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

On order of the Vice Mayor, the regular meeting reconvened at 6:30 p.m. The Pledge of Allegiance was led by Boy Scouts Jacob Mermell and Ryan Cadlec.

ROLL CALL:

Councilmembers:

Mayor Bill Bogaard (Absent)
Vice Mayor Steve Haderlein
Councilmember Victor Gordo
Councilmember Chris Holden
Councilmember Steve Madison (Participated via teleconference beginning at 6:30 p.m.)
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

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

Karen Gilbert, South Pasadena resident, expressed concerns, as a location manager, about the three-weeks lead time required to process a permit for filming in the park areas of the City of Pasadena; and asked if the City could shorten the timeframe for this process.

The Vice Mayor responded that the City's policy for use of park areas had tightened in recent years.

Richard McDonald, Pasadena resident, commented on the need to address questions about the water supply issue as this relates to the future update of the City's General Plan and to various development and growth plans/issues, and submitted an article titled "Water-Starved California Slows Development" from The New York Times, dated June 7, 2008.

William Hayes, Gamma Zeta Boule President (Pasadena/Altadena Chapter of the Sigma Pi Phi Fraternity), invited the Council and community to the Gamma Zeta Boule Foundation's Annual Scholarship Luncheon titled "Education: Continuing the Dream" to be held on June 22, 2008.

CONSENT CALENDAR

APPROVAL AND ACCEPTANCE OF AN EASEMENT DEDICATION FOR PUBLIC STREET PURPOSES AT 27 CHESTNUT STREET

Recommendation of City Manager: Adopt a resolution approving and accepting a proposed easement dedication for public street purposes at 27 Chestnut Street. (Resolution No. 8867)

AUTHORIZE THE PURCHASE OF ONE HAAKER EQUIPMENT CO. VACTOR COMBINATION SEWER TRUCK IN AN AMOUNT NOT TO EXCEED \$398,997

Recommendation of City Manager:

- (1) Authorize the issuance of a purchase order to Haaker Equipment Co., in an amount not to exceed \$398,997 for the purchase of one new Vactor Combination Sewer 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, materials, supplies or services.

CONTRACT AMENDMENT TO CONTRACT NO. 19,523 WITH E.C. CONSTRUCTION FOR IMPROVEMENT OF EL MOLINO AVENUE FROM CALIFORNIA BOULEVARD TO ALPINE STREET TO INCREASE THE CONTRACT AMOUNT FROM \$64,000 TO \$94,000

Recommendation of City Manager: Authorize the City Manager to execute an amendment to Contract No. 19,523 with E.C. Construction for the "Improvement of El Molino Avenue from California Boulevard to Alpine Street" project to increase the total contract not to exceed amount from \$64,000 to \$94,000, an increase of \$30,000 for additional work to

construct curbed islands at the intersection of El Molino Avenue and Alpine Street. (Contract Amendment No. 19,523-1)

AUTHORIZATION TO ENTER INTO A PURCHASE ORDER CONTRACT WITH CONSOLIDATED ELECTRICAL DISTRIBUTORS, INC., TO FURNISH STRUT CHANNELING EQUIPMENT AND MISCELLANEOUS SUPPLIES FOR THE WATER AND POWER DEPARTMENT

Recommendation of City Manager:

(1) Accept the bid dated April 21, 2008, submitted by Consolidated Electrical Distributors, Inc., in response to the Notice Inviting Bids dated April 3, 2008 for strut channeling equipment and miscellaneous supplies;

(2) Reject all other bids; and

(3) Authorize the issuance of a purchase order contract to Consolidated Electrical Distributors, Inc., for a period of two years or until \$350,000 is expended, whichever occurs first, with two one-year extensions not to exceed \$175,000 per year with approval of the City Manager.

Item discussed separately at the request of Councilmember Madison.

ISSUANCE OF A PURCHASE ORDER FOR PORTABLE RADIOS TO THE MOTOROLA CORP. IN AN AMOUNT NOT TO EXCEED \$95,811 FOR THE POLICE DEPARTMENT

Item held at the request of the City Manager.

AUTHORIZATION TO CONTRACT WITH ALL CITY MANAGEMENT SERVICES, INC., FOR CITYWIDE CROSSING GUARD SERVICES

The Vice Mayor announced the above item was being held at staff's request.

MINUTES APPROVED

June 2, 2008 (Special Joint Meeting)
June 2, 2008

CLAIMS RECEIVED AND FILED

Claim No. 10,612	Felicia McInnis	\$ 25,000.00+
Claim No. 10,613	Randal Ruiz	Not stated
Claim No. 10,614	Retina B. Kyle Collins	639.83
Claim No. 10,615	Jeffrey Gutstadt	Not stated
Claim No. 10,616	Vicki Baldwin	86.59

It was moved by Councilmember Tyler, seconded by Councilmember Robinson, to approve the Consent Calendar, with the exceptions of Item 5 (Purchase Order with Motorola Corp.), which was discussed separately, and Item 6 (Contract with All City Management Services, Inc.), which was held to the meeting of June 23, 2008:

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

NOES: None

ABSENT: Mayor Bogaard

CONSENT ITEM DISCUSSED SEPARATELY

ISSUANCE OF A PURCHASE ORDER FOR PORTABLE RADIOS TO THE MOTOROLA CORP. IN AN AMOUNT NOT TO EXCEED \$95,811 FOR THE POLICE DEPARTMENT

Councilmember Madison recused himself at 6:40 p.m., due to a conflict of interest.

Recommendation of City Manager:

- (1) Authorize the issuance of a purchase order to the Motorola Corp. in a total amount not to exceed \$95,811 for the purchase of 18 digital portable radios; and
- (2) Grant the proposed purchase order an exemption from competitive bidding pursuant to City Charter Section 1002(C), contracts for labor, materials, supplies or services available from only one vender.

It was moved by Councilmember McAustin, seconded by Councilmember Holden, to approve the City Manager's recommendation:

AYES: Councilmembers Gordo, Holden, McAustin, Robinson, Tyler, Vice Mayor Haderlein

NOES: None

ABSENT: Councilmember Madison, Mayor Bogaard

OLD BUSINESS

Councilmember Tyler recused himself at 6:41 p.m., due to a conflict of interest.

Councilmember Madison returned via teleconference at 6:41 p.m.

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 provided a brief overview of the permit process and the City's ongoing negotiations with AT&T related to Project U-Verse.

Martin Pastucha, Director of Public Works Department, introduced the agenda item, clarified the property owner's responsibility for maintaining any landscaping associated with a network cabinet located in the public right-of-way, and responded to questions.

Danny Wooten, Management Analyst IV, reviewed the agenda report.

The City Attorney outlined the City's ability to impose requirements (conditions) on AT&T as part of the permit process and with respect to public safety issues, and noted that AT&T's permit with the City will be handled administratively pursuant to Pasadena Municipal Code (PMC).

Dan Rix, City Engineer, responded to questions regarding the process for removal of network cabinets installed by a former cable provider and future installation of the Project U-Verse equipment.

Discussion followed on the property owner's responsibility for landscape maintenance related to any network cabinet; the scope of the City's ability to regulate landscaping and other conditions for the network cabinets; the timeline for installation of the U-Verse cabinets and availability of service; the video quality for community access channels; compliance of the network cabinets with the PMC (e.g., noise and graffiti); and continued public outreach regarding the project.

Councilmember Gordo commented on the State's current authority to regulate this type of franchise, the scope of the City's authority during the City's permit process, and steps taken by the City to impose conditions as part of the ongoing project negotiations with AT&T.

Councilmember Holden urged AT&T to remain open to incorporating additional mitigation measures/conditions that may grow out of the future public meetings to be held in the districts/community.

The following persons spoke in support of Project U-Verse:

Joe Conner, Pasadena City College Associate Professor and program producer for Channel 56 speaking as an individual, expressed concerns regarding adverse impacts on program development and personnel at Channel 56.

Nazee Rofagha, Pasadena resident

Celestine McFearn Walker, Pasadena resident

Anita Gabrielian, AT&T Executive Director of External Affairs

The following persons spoke in opposition to Project U-Verse and/or expressed concerns regarding the project:

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

Bob Kneisel, Pasadena resident, submitted photos of the network cabinets.

Councilmember Robinson suggested that a master calendar of future district/community meetings on the project be included with the City Manager's weekly informational letter to Council (for wider distribution to the public).

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

INFORMATION ITEM

WORKFORCE HOUSING ALTERNATIVE TO INCLUSIONARY REQUIREMENTS

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

The City Manager introduced the agenda item, and confirmed that a report on options to increase or eliminate the Inclusionary Housing In-Lieu Fee would be presented to the Economic Development and Technology Committee and Council in the future. He provided a brief history of staff's and the consultant's work in response to Council's earlier request to look into the possible development of a Zoning Code amendment for a Workforce Housing In-Lieu Fee as an adjunct to the Inclusionary Housing Ordinance that would aid in providing affordable housing in the City, discussed the unintended consequences that would negatively impact the development of affordable housing in the City if the Workforce

Housing In-Lieu Fee option was pursued, and responded to questions.

Stephanie DeWolfe, Acting Assistant City Manager, reviewed the agenda report and responded to questions.

The following persons expressed concerns regarding the need to protect the availability of affordable housing:

Marvin Schachter, AARP California and Pasadena Senior Advocacy Council representative, submitted informational materials regarding affordable housing.

Reverend Hannah Petrie, Pasadena Affordable Housing Group (PAHG) member

Jill Shook, PAHG member

Councilmember Holden was excused at 7:46 p.m.

Following discussion and by consensus, the report was received and filed, and Council clarified that a Workforce Housing In-Lieu Fee ordinance would not be pursued.

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

Councilmember Tyler, Chair of the Finance Committee, reported the department budgets for Information Services (Library), Human Services and Recreation, Water and Power, and Public Works, and the budgets for the Rose Bowl Operating Company and Pasadena Center Operating Company had been discussed at the special joint meeting of the City Council and Finance Committee held on June 16, 2008 at 3:00 p.m.

No one appeared for public comment.

It was moved by Councilmember Gordo, seconded by Councilmember Robinson, to continue the public hearing to June 23, 2008 at 7:30 p.m.:

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

NOES: None

ABSENT: Councilmember Holden, Mayor Bogaard

PUBLIC HEARING: FOR THE PROPOSED INCREASES TO WATER DISTRIBUTION AND CUSTOMER CHARGES AND PURCHASED WATER ADJUSTMENT CHARGE

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

- (1) Conduct a public hearing to receive public comment on the proposed water rate increases in accordance with the requirements of Proposition 218; and
- (2) Direct the City Attorney to prepare an amendment to the Water Rate Ordinance, Chapter 13.20 of the Pasadena Municipal Code, to increase Water Distribution and Customer (D&C) Charges.

ORDINANCE – FIRST READING

Conduct first reading of “AN ORDINANCE OF THE CITY OF PASADENA AMENDING THE WATER RATE ORDINANCE, CHAPTER 13.20 OF THE PASADENA MUNICIPAL CODE”

The above public hearing and first reading of the ordinance were discussed concurrently.

The Vice Mayor opened the public hearing.

The City Clerk reported the notice of public hearing was published on June 2, 2008 in the Pasadena Star-News; 38,309 copies of the notice were mailed by the Water and Power Department on April 29, 2008; and 13 letters in opposition were received and counted in the protest, and 6 additional letters were received and not counted in the protest (3 letters did not include the required assessor's parcel number, 2 letters were duplicates of letters that were already counted, and 1 letter expressed support for a water restriction plan). The City Clerk stated there was no majority protest.

The City Manager introduced the agenda item.

Councilmember Tyler, Chair of the Finance Committee, briefly outlined the reasons for the rate increases presented in the agenda report. He suggested that, in the future, staff provide an explanation which more clearly reflects the reasons for any proposed rate increases; and also suggested that the Council have a general discussion of the actual costs to provide water service along with delayed maintenance costs at a future meeting.

Phyllis Currie, General Manager of Water and Power Department, discussed the increased costs for purchasing and providing water, the costs for maintenance and operations, and the costs for the current water conservation campaign; and responded to questions.

Councilmember McAustin stressed the need to more clearly convey the information contained in residents' water bills and to better explain to residents the cost information and service that is being provided. She suggested staff explore additional ways

to inform residents about proposed rate increases in the future (e.g., providing information with the water bill and on the Internet), in order to make the protest process more transparent and understandable.

Councilmember Madison suggested staff examine using a different way to analyze the rates, using a budget-based rate structure, and factoring in conservation measures.

Vice Mayor Haderlein suggested staff explore use of the City's web page or In-Focus newsletter to inform residents about conservation measures being used by the City.

The following persons expressed opposition to the proposed increases:

Linda Siggins, Pasadena resident
Richard Mongolaro, Pasadena resident
Susan Theurkauf, Pasadena resident

Discussion followed on water conservation measures used and encouraged by the City, and additional/alternative methods for informing residents about rate increases and water conservation.

It was moved by Councilmember McAustin, seconded by Councilmember Tyler, to close the public hearing:

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

NOES: None

ABSENT: Councilmember Holden, Mayor Bogaard

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

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

NOES: None

ABSENT: Councilmember Holden, Mayor Bogaard

PUBLIC HEARING

PUBLIC HEARING: CHANDLER SCHOOL MASTER DEVELOPMENT PLAN AMENDMENT

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

- (1) Confirm the findings of the Initial Environmental Study (Attachment 1 of the agenda report) that, with the incorporation of mitigation measures, the proposed project has less than significant environmental impacts;
- (2) Adopt the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program (Attachment 2 of the agenda report);
- (3) Approve the specific findings that the amendment to the Chandler School Master Development Plan is consistent with the General Plan Land Use Element and the Zoning Code;

- (4) Adopt by resolution the amendment to the Chandler School Master Development Plan, including the removal of three protected trees and a variance for driveway slope, subject to the Conditions of Approval (Exhibit B to resolution); and
- (5) Direct the City Clerk to file a Notice of Determination (Attachment 3 of the agenda report) with the Los Angeles County Recorder. (Resolution No. 8868)

Recommendation of Planning Commission: On April 23, 2008, the Planning Commission affirmed the staff recommendation as listed above and recommended that the City Council request City staff to:

- (1) *Explore a collaborative agreement with Chandler School to permit the planting and maintenance of trees on the adjacent City-owned property (Arroyo bank);*

Staff noted that according to the Arroyo Seco Master Plan, the Arroyo bank slope is designated as sage scrub plant community which does not include trees. Planting of trees in this area may require an amendment to the Arroyo Seco Master Plan. The landscape plan prepared by Chandler School includes trees planted within the school's boundaries to screen the proposed building. Moreover, the existing screening trees will remain during construction and be replaced once the building is complete.

- (2) *Explore options for preventing U-turns along Seco Street between Rosemont Drive and Lincoln Avenue/Mountain Street.*

Seco Street is a double-line striped minor arterial where U-turns are prohibited. Chandler School provides informational packets to the parents which dictate circulation patterns for student drop-off and pick-up activities that conform with traffic laws.

Recommendation of Design Commission: On April 14, 2008, the Design Commission conducted an advisory review of the project. The Commission acknowledged that the proposed buildings are subject to Design Review; and three protected trees will be removed. In addition, the Design Commission commented that the applicant should:

- (1) *Provide a minimum five-foot setback for the parking structure but allow an additional setback for significant tree plantings, subject to Design Review (see revised Condition No. 18 in the agenda report).*

- (2) *Preserve as many of the existing trees at the crest of the slope as possible (see added Condition No. 40 in the agenda report).*

- (3) *Pursue the planting and maintenance of screening trees on the slope of adjacent City-owned property as early as possible, prior to the commencement of construction.*

Recommendation of Historic Preservation Commission: On March 17, 2008, the Historic Preservation Commission reviewed the project because the Chandler School campus is located within the Prospect Historic District and provided advisory comments to the Master Plan. The Commission concurred with the staff recommendation to acknowledge that:

- (1) Chandler School is within the Prospect Historic District;
- (2) The buildings to be demolished are non-contributing to the District; and

(3) The new buildings are subject to review by the Historic Preservation Commission as well as the Design Commission.

The Vice Mayor opened the public hearing.

The City Clerk reported 44 copies of the notice of public hearing were posted on May 30, 2008; 60 copies of the notice were mailed on May 30, 2008; and 1 letter in support of the Master Development Plan amendment was received.

The City Manager introduced the agenda item.

The following persons spoke in support of the Master Development Plan amendment:

John Rouse, Chandler School Board of Trustees President
Maureen Sullivan, Pica and Sullivan Architects (architect for Chandler School)
Rick Dickerson, Chandler School Board Trustee/Buildings and Grounds Committee Chair
Wayne Romanek, landscape architect for Chandler School
Arnold Siegel, Pasadena resident
Emina Darakjy, Pasadena resident

Antonio Gardea, Associate Planner, responded to questions regarding the Master Development Plan amendment.

Richard Bruckner, Director of Planning and Development Department, noted that the planting of trees on the City-owned hillside property will be considered after the construction and landscaping are completed to determine if planting would be appropriate, and responded to questions.

Councilmember Tyler expressed support for imposing a requirement/condition, in the future, to require spillover parking in connection with master plans/amendments for institutions or businesses that hold large events.

It was moved by Councilmember McAustin, seconded by Councilmember Tyler, to close the public hearing:

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

NOES: None

ABSENT: Councilmember Holden, Mayor Bogaard

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

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

NOES: None

ABSENT: Councilmember Holden, Mayor Bogaard

Vice Mayor Haderlein complemented Chandler School for the extensive neighborhood outreach engaged in by the school.

RECOMMENDATIONS FROM OFFICERS AND DEPARTMENTS

APPROVAL OF THE PARK FACILITY NEEDS MATRIX

Recommendation of City Manager: It is recommended that the City Council approve the Park Facility Needs Matrix (see Attachment A of the agenda report). The matrix prioritizes 23 of the identified needs included in the Green Space, Recreation and Parks Master Plan.

Recommendation of Recreation and Parks Commission: At the May 8, 2008 meeting of the Recreation and Parks Commission, the Commission recommended that the City Council approve the Park Facility Needs Matrix.

Martin Pastucha, Director of Public Works Department, summarized the agenda report, highlighted the process that was used to produce the Needs Matrix, and responded to questions.

Kathy Woods, Parks and Natural Resources Administrator, responded to questions regarding various parks projects.

Vice Mayor Haderlein suggested the Brenner Park lighting project be shifted from a medium-term to a short-term project, stated his objections to the low priority rating given to the creation of additional sports fields, asked that additional sports fields be given a higher priority, and expressed concerns regarding the lack of participation by youth sports groups representatives in the prioritization process.

Discussion followed on the implementation timeframe for the identified short-term needs, the rationale used for ranking the needs, and options for re-prioritizing the Needs Matrix as developed by the Recreation and Parks Commission.

Councilmember Madison suggested the Needs Matrix be referred to a Council Committee prior to any further action by the Council.

Councilmember Gordo suggested a representative of the Recreation and Parks Commission be asked to participate in the Council Committee discussion in order to clarify the Commission's priority ranking shown in the Matrix.

Vice Mayor Haderlein stressed the urgency in resolving the park facility needs priorities in the Matrix, as this interrelates with Council's upcoming discussion of unfunded priorities and funding sources that must be identified.

Following discussion, it was moved by Councilmember Gordo, seconded by Councilmember Madison, to refer the Needs Matrix to the Public Safety Committee:

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

NOES: None

ABSENT: Councilmember Holden, Mayor Bogaard

Councilmember Madison was excused at 9:12 p.m.

RESIGNATION OF RAUL BORBON FROM THE NORTHWEST COMMISSION (District 5 Nomination)

REAPPOINTMENT OF ROGER GRAY TO THE ENVIRONMENTAL ADVISORY COMMISSION (District 4 Nomination)

APPOINTMENT OF GABRIEL CEJA, SR. TO THE NORTHWEST COMMISSION (District 5 Nomination)

APPOINTMENT OF ROBERT MARTIN A. GORDON TO THE HUMAN SERVICES COMMISSION (Agency Nomination)

APPOINTMENT OF ROBERT CARPENTER TO THE DESIGN COMMISSION (At-Large/District 1 Nomination)

It was moved by Councilmember Gordo, seconded by Councilmember Robinson, to accept the above resignation with regrets and to approve the above reappointment and appointments:

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

NOES: None


ABSENT: Councilmembers Holden, Madison, Mayor Bogaard

RECESS

On order of the Vice Mayor, the regular meeting of the City Council recessed at 9:13 p.m. to the regular meeting of the Community Development Commission.

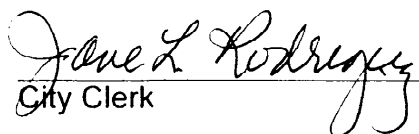
ADJOURNMENT

On order of the Vice Mayor, the regular meeting of the City Council reconvened at 9:19 p.m. and adjourned at this time.



Bill Bogaard, Mayor
City of Pasadena

ATTEST:



Jane L. Rodriguez
City Clerk