

CITY OF PASADENA  
City Council Minutes  
July 28, 2008 – 5:30 P.M.  
City Hall Council Chamber

Teleconference Locations:  
JW Marriott Resort & Spa, Palm Desert, Business Center  
74855 Country Club Drive  
Palm Desert, California  
Marriott Hotel Teaneck At Glenpoint, Room 903  
100 Frank W Burr Boulevard  
Teaneck, New Jersey

REGULAR MEETING

**OPENING:**

Mayor Bogaard called the regular meeting to order at 5:35 p.m. (Councilmembers Gordo and Madison participated via teleconference beginning at 5:35 p.m.) (Absent: Councilmember Holden, Vice Mayor Haderlein)

On order of the Mayor, the regular meeting recessed at 5:35 p.m., to discuss the following closed sessions:

Councilmember Holden arrived at 5:40 p.m.

**CITY COUNCIL CONFERENCE REGARDING PUBLIC EMPLOYMENT pursuant to Government Code Section 54957**  
**Employee Title: City Manager**

Councilmembers Gordo and Madison were excused at 6:50 p.m.

**CITY COUNCIL CONFERENCE WITH LEGAL COUNSEL REGARDING PENDING LITIGATION pursuant to Government Code Section 54956.9(a)**  
**Case Name: Carter Stephens v. City of Pasadena**  
**Case No.: LASC BC 362369**

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 7:28 p.m. The Pledge of Allegiance was led by Adam Carter, Field Representative for Assemblymember Anthony Portantino.

**ROLL CALL:**

Councilmembers:

Mayor Bill Bogaard  
Vice Mayor Steve Haderlein (Absent)  
Councilmember Victor Gordo (Participated via teleconference beginning at 5:35 p.m. and was excused at 6:50 p.m.)  
Councilmember Chris Holden  
Councilmember Steve Madison (Participated via teleconference beginning at 5:35 p.m. and was excused at 6:50 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 Mark Jomsky

**CEREMONIAL MATTERS**

The Mayor welcomed Mark Jomsky as the newly-appointed City Clerk.

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

Miriam Nakamura-Quan, Pasadena Neighborhood Coalition (PNC) representative, expressed concerns regarding the proposed T-Mobile/Oak Knoll wireless cell tower and the location of additional wireless facilities in residential districts, and asked for legal clarification on the provisions in the City's current moratorium on wireless facilities as this pertains to the information and questions raised in PNC's letter to Council dated July 16, 2008.

The Mayor asked the City Attorney to report back to Council with an appropriate response to the issues and questions raised in the PNC's letter that had been distributed for the public record. The Mayor indicated the PNC would then receive Council's response to the letter based on the legal advice provided by the City Attorney.

Adam Carter, Field Representative for Assemblymember Portantino, announced that 6 of the 20 recipients of the annual Women in Business Awards are from the City of Pasadena, invited the community to a forum to be held on August 8, 2008 at the Rose Bowl that will inform the community about potential State budget cuts and opportunities for advocacy by the public on issues arising from these cuts, and noted that Assemblymember Portantino would be scheduling a State of the State address to be presented at a Council meeting after the State budget is adopted.

Robert Larsen, Pasadena resident, spoke in support of a proposed City ordinance to ban smoking in public places, and suggested the City extend the smoking ban to also protect condominium/apartment common areas (including decks).

The City Attorney indicated the ordinance (referenced by Mr. Larsen) to amend the City's smoking regulations would be presented to Council in August or early September 2008.

Councilmember Tyler stated his support for including multi-family buildings in the smoking ordinance, and encouraged the community to express their views when the ordinance is presented to Council for first reading.

Michelle White, Affordable Housing Services representative speaking as an individual, expressed concerns regarding the lack of adequate time given to the public to react to and provide input for the Draft Housing Element that was recently distributed to the public, noted that the Draft document was missing an exhibit and demographics information, and criticized the lack of adequate public outreach and input from the community during the process to develop the Draft Housing Element.

Councilmember Robinson asked that a meeting with the public to solicit feedback on the Draft document be scheduled after the document is vetted through the appropriate Commissions.

The Mayor asked staff to provide information (through the City Manager's weekly informational letter to Council) on when public notice about any public meetings on the Draft Housing Element was given and by what method; expressed concerns regarding the level of emphasis that has been placed on the General Plan Update (GPU) process (including the Housing Element) by the staff, Council, and community; and stressed the need for vigorous community outreach and input during the GPU process.

The City Manager indicated that a number of public meetings would be held during which the Draft Housing Element would be discussed prior to the document being submitted to Council; that he would follow up with staff on the public notice/outreach information; and that additional public meetings could be added to the process.

**CONSENT CALENDAR**

**APPROVAL OF AGREEMENT FOR EMPLOYMENT BETWEEN THE CITY OF PASADENA AND MARK JOMSKY**

**Recommendation of Mayor:** It is recommended that the City Council approve the Agreement for Employment between the City of Pasadena and Mark Jomsky for his services as City Clerk, effective July 26, 2008. (Agreement No. 19,710)

MINUTES APPROVED

July 11, 2008 (Special Closed Session)  
 July 12, 2008 (Special Workshop)  
 July 14, 2008

CLAIMS RECEIVED AND FILED

Claim No. 10,639	Wilona Chong	\$ 25,000.00+
Claim No. 10,640	Isaac Gabriel	Not stated
Claim No. 10,641	Maryellen Mahar	4,064.59
Claim No. 10,642	Kristin A. Kassabian	192.99
Claim No. 10,643	Rita Regene Cooks	Not stated
Claim No. 10,644	Linda Martinez	350,000.00
Claim No. 10,645	Mercury Insurance as subrogee for Troy Lyndon	10,000.00+
Claim No. 10,646	State Farm Insurance Companies as subrogee for Richard and Susan Cameron	8,594.51
Claim No. 10,647	Carol Grosvenor	1,700.00

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

**REPORTS AND COMMENTS  
FROM COUNCIL  
COMMITTEES**

**LEGISLATIVE POLICY  
COMMITTEE**

**OPPOSE PROPOSITION 7 – THE SOLAR AND CLEAN ENERGY INITIATIVE**

**Recommendation of City Manager:**

- (1) Oppose Proposition 7 – The Solar and Clean Energy Initiative; and
- (2) Authorize the Mayor to send correspondence to the appropriate officials opposing Proposition 7.

The Mayor, Chair of the Legislative Policy Committee, reviewed the agenda report, and confirmed that public funds could not be used in a campaign against the proposition.

Councilmember McAustin, Chair of the Municipal Services Committee, reported that the City was beginning to develop an Integrated Resource Plan (IRP) that will result in a strategic plan to address how the City will get its energy over the next 20 years, and encouraged the community to become involved in the IRP process.

Councilmembers Holden and Tyler expressed concerns regarding the need for some entity/group to develop and lead a campaign in opposition to the initiative.

Phyllis Currie, General Manager of Water and Power Department, responded to questions about the initiative and its sponsors, a group being formed to organize a campaign against the proposition, and the impacts of the proposition on the City with its municipally-owned utility. Ms. Currie discussed the difference between the costs of energy and the costs that may be passed on to the customer as this relates to the rate cap language in the initiative and what will happen in the City's situation of operating a municipally-owned utility.

The City Manager noted that various state organizations and associations had expressed opposition to the proposition; indicated that Council would be kept apprised on activities related to the proposition; and commented on concerns regarding conflicts between the initiative and existing State laws/regulations/policies and probable litigation costs, if the initiative passed.

Brief discussion followed on the impacts of the proposition on the City, the need for those who are opposed to the initiative to organize against the proposition, and the need to educate the public on the proposition and its impacts on energy customers.

The following persons spoke in support of Proposition 7:

Laurette Healey, Prop 7 proponent  
Alexandra Simpson, Prop 7 proponent  
Marcia Davalos, Prop 7 proponent

The following person spoke in support of additional analysis of the initiative/energy issues:

Felicia Williams, Pasadena resident

The following person spoke in opposition to Proposition 7:

David Ford, Southern California Edison Regional Manager

Councilmember Tyler asked staff to reevaluate the City's renewable energy portfolio and look at a substantial increase in the amount of renewables in the portfolio.

Councilmember McAustin emphasized that, although the initiative contained a cap on the utility rate increase to be paid by the customer, the total energy costs would still have to be paid by the City's customers (residents) in some way.

The Mayor affirmed the City's record in support of its green city action plan, protection of the environment, and commitment to sustainability; and commented on his support of the preservation of local control on these issues.

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

**SUPPORT OF SB 1420 (PADILLA) FOOD FACILITIES:  
NUTRITIONAL INFORMATION, STANDARD MENUS AND  
MENU BOARDS**

**Recommendation of City Manager:**

- (1) Support SB 1420, which would require restaurant chains with 15 or more outlets in the State of California to post nutritional information next to items on menus and menu boards; and
- (2) Authorize the Mayor to send letters of support to the appropriate State officials stating Pasadena's support for the bill.

The Mayor summarized the agenda report.

The City Manager introduced Hanan Obeidi, the recently-hired Public Health Administrator.

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

**RECOMMENDATIONS FROM OFFICERS AND DEPARTMENTS**

**APPROVAL OF A JOURNAL VOUCHER APPROPRIATING \$55,000 FROM UNAPPROPRIATED GENERAL FUND BALANCE TO THE FISCAL YEAR 2009 OPERATING BUDGET FOR THE PURPOSE OF FUNDING AN ACTION PLAN TO FACILITATE ADDRESSING BUDGETARY CHALLENGES**

**Recommendation of City Manager:** Approve a journal voucher appropriating \$55,000 from the General Fund unappropriated fund balance to the Department of Finance's Fiscal Year 2009 operating budget for the purpose of funding an action plan to facilitate addressing budgetary challenges. (Journal Voucher No. 2009-2)

The City Manager reviewed the agenda report, briefly discussed steps to be taken in shifting to a zero-based budget process, and responded to questions.

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

**ADOPTION OF AN UPDATED FIRE HAZARD SEVERITY ZONE MAP**

**Recommendation of City Manager:**

- (1) Approve the proposed Environmental Determination;
- (2) Approve the proposed Fire Hazard Severity Zone Map, dated July 1, 2008; and
- (3) Direct the City Attorney to draft an ordinance adopting the approved map.

The Mayor introduced the agenda item.

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

**APPOINTMENT OF LYLA L. WHITE TO THE ARTS AND CULTURE COMMISSION (At Large/District 7 Nomination)**

It was moved by Councilmember Tyler, seconded by Councilmember Robinson, to approve the above appointment. (Motion unanimously carried) (Absent: Councilmembers Gordo, Madison, Vice Mayor Haderlein)

RECESS

On order of the Mayor, the regular meeting of the City Council recessed at 8:32 p.m. to the regular meeting of the Community Development Commission.

RECONVENED

On order of the Mayor, the regular meeting of the City Council reconvened at 8:33 p.m. (Absent: Councilmembers Gordo, Madison, Vice Mayor Haderlein)

**ORDINANCE – FIRST READING**

**Conduct first reading of “AN ORDINANCE OF THE CITY OF PASADENA AMENDING THE LIVING WAGE ORDINANCE, TITLE 4, CHAPTER 4.11, SECTION 4.11.110 OF THE PASADENA MUNICIPAL CODE TO REPLACE THE EXISTING SUPERSESSION LANGUAGE WITH LANGUAGE ALLOWING THE PARTIES TO A COLLECTIVE BARGAINING AGREEMENT TO WAIVE APPLICABILITY OF THIS CHAPTER”**

In response to the Mayor’s question, the City Attorney confirmed that the ordinance reflects the policy considered and approved by Council in the recent past.

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

AYES: Councilmembers Holden, McAustin, Robinson, Tyler, Mayor Bogaard

NOES: None

ABSENT: Councilmembers Gordo, Madison, Vice Mayor Haderlein

**ORDINANCES – ADOPTED**

**Adopt “AN ORDINANCE OF THE CITY OF PASADENA AMENDING TITLE 2 OF THE PASADENA MUNICIPAL CODE, TO ADD A NEW CHAPTER 2.268 ESTABLISHING THE HOUSING DEPARTMENT, AND AMENDING VARIOUS OTHER SECTIONS OF THE CITY’S ORGANIZATION AND ADMINISTRATIVE CODE RELATED TO FUNCTIONS OF THE CITY MANAGER’S DEPARTMENT AND THE PLANNING AND DEVELOPMENT DEPARTMENT”** (Introduced by Councilmember Robinson) (Ordinance No. 7149)

The above ordinance was adopted by the following vote:

AYES: Councilmembers Holden, McAustin, Robinson, Tyler, Mayor Bogaard

NOES: None

ABSENT: Councilmembers Gordo, Madison, Vice Mayor Haderlein

**Adopt “AN ORDINANCE OF THE CITY OF PASADENA AMENDING TITLE 9, CHAPTER 9.36 OF THE PASADENA MUNICIPAL CODE TO ADD AN INTERIOR NOISE STANDARD, NOISE EXEMPTIONS AND VARIOUS FORMAT CHANGES”** (Introduced by Councilmember Tyler) (Ordinance No. 7150)

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

## INFORMATION ITEM

### **ORAL PRESENTATION REGARDING PLANNING WORKSHOP UPDATE AND CENTRAL DISTRICT DEMOGRAPHIC DATA**

**Recommendation of City Manager:** This presentation is for information only.

Richard Bruckner, Director of Planning and Development Department, introduced the agenda item; distributed a handout titled, "Downtown Resident Survey"; and indicated that data from a downtown shoppers biennial survey would be available and presented to the Economic Development and Technology Committee in the near future.

Robert Montano, Project Planner, provided an overview of the survey that was focused on residents in the downtown area; and reviewed the collected data on: age composition, educational attainment, household income, employment, and mode of travel to work (with downtown residents' statistics based on the November 2008 survey data compared to citywide residents' statistics based primarily on 2000 census data). He also reviewed general information derived from the survey's open-ended questions (e.g., comments on: reasons for moving to the downtown area, transit, education system, affordable housing, and events in the area); and responded to questions regarding the data.

Discussion followed on use of this information in updating the General Plan, implications of the data in revising planning policies for proposed developments and in limiting trips taken during the day, the relationship between businesses and the City's employment base, and transit/parking policy issues stemming from people living and working downtown.

Councilmember Holden cautioned about the need to recognize the limitations of the data that had been gathered in its use for planning purposes and policy revisions, and the need to gather additional demographic data.

Mr. Bruckner noted that this survey is a beginning picture that shows who lives downtown and how they act, and that staff will be presenting Council with a paper on a public outreach and dialog process that will engage the community in a discussion of future development in the City.

The City Manager commented on the use of focus groups or other types of public forums/workshops to discuss the planning process and a general direction for what the City should look like and how it should grow.



By consensus and on order of the Mayor, the information was received and filed.

**REPORTS AND COMMENTS  
FROM COUNCIL  
COMMITTEES**

REPORTS FROM  
REPRESENTATIVES

Councilmember Holden, City representative on the Burbank-Glendale-Pasadena Airport Authority, commented on the reports recently issued by the Airport containing information on the economic impacts of the airport on the region and what the public thought about the service/benefits of the airport, and indicated the reports will be available for viewing at the Public Library.

**COUNCIL COMMENTS**

In response to Councilmember Tyler's and McAustin's questions, the City Manager indicated he would report on a process for updating Council on the status of the implementation of the 12 recommendations to reduce traffic by 25% contained in a 2006 traffic study. He also indicated these recommendations would be addressed in the Mobility Element that is currently being revised by staff.

RECESS

On order of the Mayor, the regular meeting of the City Council recessed at 9:19 p.m., to discuss the following closed session:

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

**Property Locations: 19-25 East Orange Grove Boulevard;  
710-722 North Fair Oaks Avenue; 730 North Fair Oaks  
Avenue; 738 and 750 North Fair Oaks Avenue; 756 North  
Fair Oaks Avenue; 768 North Fair Oaks Avenue; 770 North  
Fair Oaks Avenue; 782 North Fair Oaks Avenue; 784 and  
788 North Fair Oaks Avenue; 790 North Fair Oaks Avenue  
Negotiating Parties: Bernard K. Melekian, Stephanie  
DeWolfe, and James Wong; Retirement Housing  
Foundation, Richard T. Washington  
Under Negotiation: Price and terms**

The above closed session item was discussed, with no reportable action at this time.

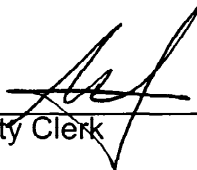
**ADJOURNMENT**

On order of the Mayor, the regular meeting of the City Council adjourned at 10:00 p.m.



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

ATTEST:

  
\_\_\_\_\_  
City Clerk