

CITY OF PASADENA
City Council Minutes
September 8, 2008 – 5:30 P.M.
City Hall Council Chamber

REGULAR MEETING

OPENING:

Mayor Bogaard called the regular meeting to order at 5:35 p.m.
(Absent: None)

On order of the Mayor, the regular meeting recessed at 5:35 p.m., to allow Council to participate in the following training session:

CITY COUNCIL TRAINING SESSION ON THE NATIONAL INCIDENT MANAGEMENT SYSTEM (NIMS - G402)

A Council training session was conducted by staff regarding the National Incident Management System (Nims - G402).

On order of the Mayor, the regular meeting reconvened at 6:37 p.m. The Pledge of Allegiance was led by Sergeant Cheryl Moody.

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
Councilmember Sidney F. Tyler

Staff:

Acting Assistant City Manager Stephanie DeWolfe
City Attorney Michele Beal Bagneris
City Clerk Mark Jomsky

CEREMONIAL MATTERS

The Mayor thanked Sergeant Cheryl Moody for her service as Sergeant-at-Arms for the past three months.

Tim Brick, Arroyo Seco Foundation Managing Director, described the Central Arroyo Stream Restoration project that had been dedicated on August 27, 2008; and commented on the partnership between the City and the Arroyo Seco Foundation that had resulted in the development and completion of this project as a part of the Arroyo Seco Master Plan. Wendy Katagi, CDM Planning Project Manager, provided a PowerPoint presentation highlighting improvement features of the project; and submitted a copy of the dedication ceremony program titled, "The Central Arroyo Stream Restoration Program".

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

The Mayor congratulated Mr. Brick for being honored by the San Gabriel Valley Economic Partnership with its Community Leadership Award for his expertise in water conservation and natural resource recovery, and thanked him for his expertise and assistance to the community.

Kurt Thorgerson, Monrovia resident, asked Council to support a program or legislation that would provide incentives for the donation of umbilical cord blood to be used in stem cell research efforts for curing diseases, and submitted a letter and informational materials on this subject.

Genevieve Clavreul, Pasadena resident, expressed concerns regarding the City's apparent failure to give proper notice in posting the cancellation of a Legislative Policy Committee meeting scheduled for today (September 8, 2008). She also expressed concerns about illegal u-turns being performed on Garfield Avenue in the area of the Colorado Boulevard post office building and the need for traffic enforcement at this site, and about safety issues related to bicycle riding on City sidewalks and the need to restrict this activity in the Pasadena Municipal Code (PMC).

Amalia Millan, Instituto de Educacion Popular del Sur de California (IDEPSCA) Association of Street Vendors President, provided a brief history of the Association, expressed concerns regarding unlicensed street vendors, asked the City to address these issues by modifying the PMC to ensure enforcement by the Police Department, and submitted a handout regarding these concerns.

Raul Añorve, IDEPSCA Executive Director, echoed Ms. Millan's concerns, expressed support for implementing a system that would more easily identify licensed vs. unlicensed vendors on the street, and acknowledged members of the Association of Street Vendors who were present in the audience to support these concerns.

Councilmember Gordo commented on his observation of an increase in unlicensed street vendors, and suggested the matter of whether the PMC ordinance provision is sufficient in providing enforcement by the Police Department or Public Health Department and the issue of more clearly identifying licensed vendors be referred to the Public Safety Committee for review. Mr. Gordo thanked the licensed vendors who were present for their cooperation in complying with the City's Code and regulations.

Brief discussion followed on assistance that could be provided to the Police by the Association of Street Vendors in identifying unlicensed vendors and on more effective methods for identifying licensed vendors.

The Mayor indicated staff was directed to prepare a report with recommendations on this matter to be presented to the Public Safety Committee.

CONSENT CALENDAR

LEASE EXTENSION FOR WATER AND POWER DEPARTMENT (PWP) ADMINISTRATIVE OFFICES AT 150 SOUTH LOS ROBLES AVENUE, PASADENA, CALIFORNIA

Recommendation of City Manager: Authorize the City Manager to enter into a contract with Sherman Oaks Capital Associates, LP, to extend the lease term for a period of three years with an option for three additional one-year extensions for the Water and Power Department administrative offices at 150 South Los Robles Avenue. (Agreement Amendment No. 17,441-3)

CONTRACT AWARD TO F.S. CONSTRUCTION FOR THE IMPROVEMENT OF ALLEYS - 2008 FOR AN AMOUNT NOT TO EXCEED \$181,000

Recommendation of City Manager:
 (1) Accept the bid dated August 20, 2008, submitted by F.S. Construction, in response to the Specifications for the Improvement of Alleys - 2008, authorize the City Manager to enter into such contract as is required for an amount not to exceed \$181,000, reject all other bids received; and
 (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 alteration of existing public sidewalks and streets) 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. 19,738)

MINUTES APPROVED

August 4, 2008
 August 7, 2008 (Special Closed Session)
 August 11, 2008
 August 18, 2008
 August 25, 2008
 September 1, 2008

CLAIMS RECEIVED AND FILED

Claim No. 10,653	Willard Miller	\$	105.00
Claim No. 10,654	Eloise Brooks		40.00
Claim No. 10,655	AMCO Insurance Company as Subrogee for Michael's Pharmacy, Inc.		6,000.00
Claim No. 10,656	Willie Youngblood, Jr.		125,000.00+
Claim No. 10,657	Armenui Galstyan		Not stated
Claim No. 10,658	John and Rose Haltmann		3,528.23
Claim No. 10,659	Esmeralda Escobar		14,813.17
Claim No. 10,660	Elaine B. Marfoggia		Not stated

Claim No. 10,661	Trans Pacific Management/ Artisan Square #04	157.50
Claim No. 10,662	Janice Pine	Not stated
Claim No. 10,663	Johnnathan K. Macadang	3,509.84
Claim No. 10,664	USAA Casualty Insurance Company as Subrogee for Jeremy W. Soule	5,842.28
Claim No. 10,665	Harriet Diane Scott	25,000.00+
Claim No. 10,666	Pasadena Service Federal Credit Union	2,110.00
Claim No. 10,667	Frank (aka Francis) Palumbo	25,000.00+
Claim No. 10,668	Heather Perkins	Not stated
Claim No. 10,669	Fahdeh Madain	Not stated
Claim No. 10,670	Pedro and Margoth Fernandez	1,039.99
Claim No. 10,671	LuAnn Dodson	624.99
Claim No. 10,672	California Automobile Insurance Company as Subrogee for Salvador Sanchez Nava	5,200.15
Claim No. 10,673	Myeong Jun Son	2,544.28
Claim No. 10,674	Miguel De Leon	25,000.00+
Claim No. 10,675	Gerald Monahan	52.00
Claim No. 10,676	Charles E. Picker	1,718.05

PUBLIC HEARINGS SET

September 15, 2008, 7:30 p.m. - Designation of 200 La Vereda Road as a Landmark

September 15, 2008, 7:30 p.m. - Designation of 100 West Green Street as a Landmark

It was moved by Vice Mayor Haderlein, seconded by Councilmember Tyler, to approve all items on the Consent Calendar. (Motion unanimously carried) (Absent: None)

**REPORTS AND COMMENTS
FROM COUNCIL
COMMITTEES**

FINANCE COMMITTEE

Councilmember Madison recused himself at 7:13 p.m., due to a conflict of interest.

FORMATION OF THE CITY OF PASADENA ANNANDALE CANYON OPEN SPACE BENEFIT ASSESSMENT DISTRICT

Recommendation of City Manager: It is recommended that the City Council adopt the following resolutions and take the following action:

(1) A resolution of the City Council of the City of Pasadena, California, initiating proceedings and making certain designations in connection with a proposed Annandale Canyon Open Space Benefit Assessment District;

(2) A resolution of the City Council of the City of Pasadena, California, approving an engineer's report and declaring its intention to order the formation of Annandale Canyon Open Space Benefit Assessment District to levy an assessment thereon, and to issue assessment bonds to represent unpaid assessments, and setting October 27, 2008 as a public hearing date and taking certain other actions in connections therewith;

(3) A resolution of the City Council of the City of Pasadena, California, approving ballot procedures in connection with the proposed formation of the Annandale Canyon Open Space

Benefit Assessment District;

(4) A resolution of the City Council of the City of Pasadena, California, declaring its intention to reimburse certain expenditures from a proposed tax-exempt obligation as required by United States Department of Treasury Regulations Section 1.150-2; and

(5) Authorize the City Treasurer to purchase the improvement bonds and hold them as an investment in the City's investment portfolio. (Resolution Nos. 8884, 8885, 8886, and 8887)

Councilmember Tyler, Chair of the Finance Committee, summarized the agenda report, reported the Finance Committee had concurred with the City Manager's recommendation, and responded to questions.

Julie Gutierrez, Assistant City Manager, responded to questions regarding the funding of the proposed land to be purchased for open space.

Richard Bruckner, Director of Planning and Development Department, explained the actions to be taken as a part of the staff recommendation, clarified that the recommendation did not include a budget commitment, described the assessment district formation process, provided a brief history of the entitlement process and litigation involving the proposed open space land (developer vs. City), and responded to questions.

Steve Mermell, Acting Director of Finance Department, indicated an updated report on the unfunded City priorities listing was tentatively scheduled to be presented to the Finance Committee and Council on September 22, 2008.

Stephanie DeWolfe, Acting Assistant City Manager, responded to questions regarding the assessment district process.

In response to Vice Mayor Haderlein's questions and request, the City Attorney briefly discussed the lawsuit involving the property in question that had been dismissed without prejudice, and indicated staff would provide an update on the lawsuit prior to the proposed public hearing date of October 27, 2008.

Discussion followed on funding sources for the proposed land purchase; options for subsequent Council action if the funding sources are not realized; the impact of the proposed land purchase on the City's list of unfunded priorities; public access to the proposed open space land; and the need for a land use plan (public access arrangements, hours of operation, and types of uses).

Vice Mayor Haderlein expressed concerns regarding the City's level of commitment to the land purchase if the proposed funding is not successful or falls short of the needed amount,

and the process used at arriving at the decision to purchase the proposed land for open space use.

Councilmembers Gordo and McAustin expressed concerns regarding any budgetary commitment to this land purchase as this relates to the City's list of unfunded priorities, and Councilmember Gordo also expressed concerns about the issue of public access to the property if the City assists in funding the land purchase.

Mr. Bruckner indicated a land use plan would be presented at the public hearing, if it is scheduled, and copies of the information materials sent to the residents in the proposed district by the Linda Vista/Annandale Association (LVAA) and consultant would be provided to Council.

The following persons spoke in support of the proposed Annandale Canyon Open Space Benefit Assessment District:

Don Orsi, LVAA Board member
Nina Chomsky, LVAA member
Roger Wolf, Pasadena resident

The Mayor noted for the record that Council considers the above action to be the first step in the process of possible property acquisition and involves only conceptual approval; that this action does not contemplate, under any circumstances at this time, the commitment of any City funds in excess of the amount stated in the agenda report; that Council's approval is subject to the ultimate realization of all of the funding sources that have been identified as required to accomplish this transaction; and that Council has requested staff to formulate and submit a plan for public access when this matter is heard by Council in the future.

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

QUARTERLY INVESTMENT REPORT, QUARTER ENDING JUNE 30, 2008

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

Councilmember Tyler introduced the agenda item.

Vic Erganian, Acting Deputy Director of Finance Department, summarized the agenda report, commented on the federal government's recent takeover of Freddie Mac and Fannie Mae and the positive impact of the takeover on related City financial matters, and responded to questions.

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

PUBLIC HEARING

PUBLIC HEARING: SET A SCHEDULE OF PENALTIES FOR VIOLATION OF WATER SHORTAGE PLAN II (PASADENA MUNICIPAL CODE SECTION 13.10.045)

Recommendation of City Manager: It is recommended that the City Council continue the public hearing to September 22, 2008, at 7:30 p.m.

As requested by Vice Mayor Haderlein, Acting Assistant City Manager Stephanie DeWolfe indicated staff would provide information on water conservation measures implemented by the City in its buildings and properties when this matter is heard at the public hearing on September 22, 2008.

By consensus and on order of the Mayor, the public hearing was continued to September 22, 2008 at 7:30 p.m.

RECOMMENDATIONS FROM OFFICERS AND DEPARTMENTS

RESIGNATION OF ROSANNA ESPARZA FROM THE COMMISSION ON THE STATUS OF WOMEN (At Large/District 1 Nomination)

APPOINTMENT OF JUAN GUTIERREZ TO THE PASADENA COMMUNITY ACCESS CORPORATION BOARD (PCC Nomination)

APPOINTMENT OF ELISA WEAVER TO THE HUMAN SERVICES COMMISSION (Mayor Nomination)

It was moved by Councilmember Robinson, seconded by Vice Mayor Haderlein, to accept the above resignation with regrets and approve the above appointments. (Motion unanimously carried) (Absent: Councilmember Madison)

RECESS

On order of the Mayor, the regular meeting of the City Council recessed at 8:07 p.m. to the regular meeting of the Community Development Commission and thereafter recessed at 8:08 p.m. to the special meeting of the Pasadena Public Financing Authority.

RECONVENED

On order of the Mayor, the regular meeting of the City Council reconvened at 8:09 p.m. (Absent: Councilmember Madison)

INFORMATION ITEM

Vice Mayor Haderlein recused himself at 8:09 p.m., due to a conflict of interest.

URGENT CARE IN PASADENA

Recommendation of City Manager: This item is presented for informational purposes only.

Stephanie DeWolfe, Acting Assistant City Manager, outlined the site selection process for the proposed urgent care project, including criteria used to narrow the options for a site;

discussed the different processes that are used to determine the use of a City-owned property; and responded to questions regarding the proposed project.

Dr. Takashi Wada, Director of Public Health Department, reviewed the agenda report, clarified use of the urgent care facility by the City's paramedic units for non-emergency persons, and responded to questions.

Martin Pastucha, Director of Public Works Department, highlighted the preliminary timetable and costs for the project, and responded to questions.

Discussion followed on the proposed payer mix, additional options for locating a proposed urgent care site, possible partnership with Kaiser Permanente regarding urgent care services and an alternative location for the project, the option to use the St. Luke Hospital property as an alternative location for the project, and the need to address any proposed urgent care facility as a regional issue.

The following persons spoke in support of the proposed urgent care project:

Genevieve Clavreul, Pasadena resident, submitted a copy of her letter regarding urgent care.
Margie Martinez, Community Health Alliance of Pasadena (CHAP) Chief Executive Officer
Howard Kahn, L.A. Care Health Plan Chief Executive Officer

The following persons spoke in opposition to and/or expressed concerns regarding the proposed urgent care project:

Marvin Schachter, Pasadena Senior Advocacy Council and AARP California representative, submitted a copy of a letter titled, "The Right Project – In the Wrong Place".
Gene Masuda, Eaton Blanche Neighborhood Association President, speaking as an individual
Dr. Irma Strantz, Emergency Care Now member

Councilmember Holden suggested staff explore a partnership with Kaiser Permanente and/or use of the Kaiser property on North Lake Avenue that is being vacated by Kaiser as a possible alternative to the Del Mar Avenue location for the urgent care facility, since the surrounding neighborhood of the proposed site on Del Mar has expressed objections to the project. He also suggested staff explore alternative sites to the Del Mar Avenue option that would include the Kaiser and St. Luke Hospital sites and utilizes Council's support as policymakers in the process for establishing an urgent care facility. Mr. Holden also suggested staff work with the real

estate brokerage community in identifying additional alternative properties that could fulfill the criteria for the proposed project.

Councilmember Gordo suggested staff explore expanding the services (e.g., urgent care) to be offered at the Fire Department facility being developed on North Lake Avenue (Fire Station No. 33), and explore partnerships with other cities/institutions in the vicinity of Pasadena as this relates to providing urgent care services as a regional health care issue (e.g., joint powers agreements).

Councilmember Tyler suggested staff include occupational health clients in the urgent care model's payer mix, and explore an option to lease newly-developed office space on East Colorado Boulevard in the area of Kinneloa Avenue as a possible location for the urgent care facility. He expressed support for also exploring the possible purchase of a suitable available property/building for the proposed project.

Councilmember McAustin expressed support for further examination of the suggested alternative locations for the urgent care facility as long as the alternative would achieve the same goal within the same timeline as the proposed Del Mar Avenue project.

Ms. DeWolfe indicated staff would follow up on the alternative suggestions offered by Council for purchase or lease of a suitable property for an urgent care facility.

The Mayor commented on Council's task to reach a timely decision on the location for an urgent care facility by balancing the various short-term and long-term site possibilities, with consideration given to the proposed urgent care model agreed upon by the partners.

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

COUNCIL COMMENTS

Councilmember Gordo expressed concerns regarding the maintenance of bank-owned foreclosed properties, and asked staff for a listing of these properties and information on possible code enforcement issues.

The Mayor commented on possible federal legislation being discussed that would provide funding to local governments to acquire these foreclosed properties as affordable and workforce housing.

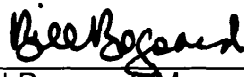
Councilmember Tyler announced the celebration activities for the completion of the South Arroyo Parkway Improvement project scheduled for September 13, 2008, and acknowledged the merchants in this area for their cooperation during the construction period.

Martin Pastucha, Director of Public Works Department, indicated a small portion of South Arroyo Parkway would be closed during the celebration, with booths being provided to the local merchants for display of their wares/services.

In response to Councilmember Tyler's questions, Stephanie DeWolfe, Acting Assistant City Manager, indicated staff would provide Council with a comparative economic and operational analysis regarding the potential conversion of the City's sports fields to artificial turf at a future meeting.

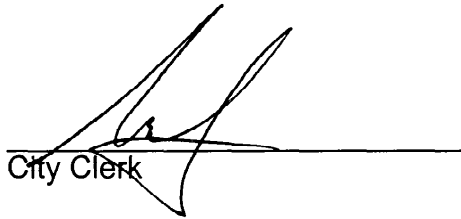
ADJOURNMENT

On order of the Mayor, the regular meeting of the City Council adjourned at 9:26 p.m.



Bill Bogaard, Mayor
City of Pasadena

ATTEST:



City Clerk