

CITY OF PASADENA  
City Council Minutes  
October 6, 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:**

Mayor Bogaard called the regular meeting to order at 6:20 p.m. (Councilmember Madison participated via teleconference beginning at 6:20 p.m.) (Absent: Councilmembers Holden, McAustin, Tyler)

On order of the Mayor, the regular meeting recessed at 6:20 p.m., to discuss the following closed session:

**CITY COUNCIL CONFERENCE WITH REAL PROPERTY NEGOTIATORS pursuant to Government Code Section 54956.8**

**Property Location: 2180 East Foothill Boulevard**

**Agency Negotiators: Bernard K. Melekian and Michael J. Beck**

**Negotiating Parties: Chase Partners Ltd., Kevin Duffy, Broker**

**Under Negotiation: Price and terms**

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

On order of the Mayor, the regular meeting reconvened at 6:40 p.m. The Pledge of Allegiance was led by Vice Mayor Haderlein.

**ROLL CALL:**

Councilmembers:

Mayor Bill Bogaard  
Vice Mayor Steve Haderlein  
Councilmember Victor Gordo  
Councilmember Chris Holden (Absent)  
Councilmember Steve Madison (Participated via teleconference beginning at 6:20 p.m.)  
Councilmember Margaret McAustin  
Councilmember Jacque Robinson  
Councilmember Sidney F. Tyler (Absent)

Staff:

City Manager Michael J. Beck  
City Attorney Michele Beal Bagneris  
City Clerk Mark Jomsky

**CEREMONIAL MATTERS**

The Mayor presented a proclamation designating October 16, 2008 as Lights On Afterschool Day. The proclamation was received by Lisa Wilson, Flintridge Operating Foundation Program Director of Community Services, who described the Foundation's role in providing opportunities for the community to come together in planning and providing afterschool activities and programs for youth, and invited the community's youth and adults to attend two dance programs to be presented by Crew as part of the October 16th activities.

ITEM PULLED FROM  
AGENDA

**CONSIDERATION OF A CALL FOR REVIEW OF A HEARING OFFICER DECISION TO THE BOARD OF ZONING APPEALS REGARDING CONDITIONAL USE PERMIT NO. 5084, TO ESTABLISH A CHARITABLE INSTITUTIONS USE (GOODWILL DONATION CENTER) (745 NORTH ORANGE GROVE BOULEVARD) (Councilmember Holden)**

The City Attorney indicated that an appeal of the Hearing Officer's decision to the Board of Zoning Appeals (BOZA) had been filed on October 2, 2008; reported on her discussion with Councilmember Holden regarding the proposed consideration of a call for review; and noted that the call for review would not be necessary pending the appeal to BOZA; and recommended this item be pulled from the agenda. The City Attorney clarified that the appeal would be a de novo hearing and noticed to the public; that Councilmember Holden had been satisfied that the public's concerns/objectives would be addressed during the appeal process; and that the matter could be considered for a call for review at a later date, depending on the decision reached by BOZA.

On order of the Mayor, the above item was pulled from the agenda.

**ANNOUNCEMENTS**

The Mayor welcomed Michael Beck to his first Council meeting as the City Manager.

Police Chief Bernard Melekian reported on the Police Department's 19-month "Operation Safe City" and on the culmination of an 8-month multi-agency undercover operation resulting in 88 warrants involving various criminal charges; and indicated that members of Council could request copies of the briefing packet that had been distributed to the impacted Council districts.

Councilmember Madison expressed gratitude to the Police Department and all of the agencies who cooperated on the undercover operation.

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

Kevin Bruce and Daisy Chilin, Latino Heritage representatives, invited the Council and community to the 10th Annual Latino Heritage Parade and Jamaica (at La Pintesca Park) to be held on October 11, 2008; and distributed a postcard on the event, which will be partnered with the Pasadena ARTWeekend festivities.

The following youth described their experiences related to a police raid that occurred on September 24, 2008 on Navarro Street, and expressed various concerns regarding police behavior during this incident:

Dariel Johnson, Pasadena resident  
Eric Thomas, Pasadena resident  
Kornisha Miller, Pasadena resident

The following persons expressed concerns regarding the police raid that occurred on September 24, 2008 on Navarro Street, the behavior of the police during this incident, the treatment of those who live in Northwest Pasadena, and the impacts of the police's behavior on the City's youth in this area and asked for a review of the procedures for conducting a police raid:

Dominique Raquel Johnson, Pasadena resident  
Darlene Locus, Pasadena resident

The Mayor asked the Police Chief to inform Council as to the process for examining the citizens' complaints regarding the above incident moves forward.

**CONSENT CALENDAR**

**CONTRACT AWARD TO NIKOLA CORPORATION FOR  
2009 SEWER PIPE REPAIRS FOR AN AMOUNT NOT TO  
EXCEED \$120,000**

**Recommendation of City Manager:**

(1) Accept the bid dated September 24, 2008, submitted by Nikola Corporation for the 2009 Sewer Pipe Repairs, reject all other bids received, and authorize the City Manager to enter into such contract for a not to exceed amount of \$120,000; and  
(2) Find the project to be categorically exempt under the California Environmental Quality Act in accordance with Section 15301 (Class 1), subsection (b) (minor alteration of existing public facilities involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination), 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. 19,764)

Martin Pastucha, Director of Public Works Department, responded to Councilmember Gordo's questions regarding the gap in the amounts offered by the low and high bidders, and confirmed that staff had performed due diligence during the process.

**AUTHORIZATION TO INCREASE CONTRACT NO. 19,405 WITH JOHN T. MALLOY, INC., FROM \$1,306,275 TO \$1,450,223**

**Recommendation of City Manager:** Approve an increase in the amount of \$143,948 for Contract No. 19,405 with John T. Malloy, Inc., thereby increasing the not to exceed amount from \$1,306,275 to \$1,450,223 for providing labor and materials for water main installations in Arden Road, Hill Avenue, San Pasqual Street, Lundy Avenue, and Mentor Street for Pasadena Water and Power. This action will resolve all outstanding claims by the contractor for extra work. (Contract Amendment No. 19,405-1)

**LEASE ADDENDUM FOR EXPANSION OF OFFICE SPACE FOR THE DEPARTMENT OF TRANSPORTATION AT PARK CENTER, LOCATED AT 221 EAST WALNUT STREET, PASADENA**

**Recommendation of City Manager:** Approve the terms and conditions, as generally described in the agenda report, and authorize the City Manager to execute a Lease Addendum to Contract No. 16,436 and any other documents necessary to carry out this transaction. (Agreement Amendment No. 16,436-3)

**CONTRACT AMENDMENT TO CONTRACT NO. 19,520 WITH VART CONSTRUCTION FOR MISCELLANEOUS CONCRETE REPAIR AND CURB RAMPS – 2008, TO INCREASE THE CONTRACT AMOUNT FROM \$375,000 TO \$775,000**

**Recommendation of City Manager:** Authorize the City Manager to execute an amendment to Contract No. 19,520 with Vart Construction for Miscellaneous Concrete Repair and Curb Ramps – 2008, to increase the total contract not to exceed amount from \$375,000 to \$775,000, an increase of \$400,000, for additional concrete repair. (Contract Amendment No. 19,520-1)

**2008 LOCAL AGENCY BIENNIAL NOTICE OF AMENDMENT OF PASADENA CONFLICT OF INTEREST CODE**

**Recommendation of City Attorney:** This notice is required by law for informational purposes only.

**MINUTES APPROVED**

September 15, 2008

**CLAIMS RECEIVED AND FILED**

Claim No. 10,700	Edward R. Flores	\$ 1,426.45
Claim No. 10,701	Basilio A. Torices	Not stated
Claim No. 10,702	George and Marion Gasper	3,038.47
Claim No. 10,703	Mieko Payne	Not stated
Claim No. 10,704	Enterprise Rent A Car Company of Los Angeles	Not stated
Claim No. 10,705	Geico as subrogee for Margaret Oneal	Not stated
Claim No. 10,706	Jon D. Brookhart	25,000.00+
Claim No. 10,707	Nancy Abramyan	600.00
Claim No. 10,708	Joel L. Schwartz, M.D.	Not stated

Claim No. 10,709	Edward Duarte	824.61
Claim No. 10,710	Geico Insurance subrogee for Linda Chafin and Maya Brooks	Not stated

It was moved by Vice Mayor Haderlein, seconded by Councilmember Robinson, to approve all items on the Consent Calendar:

AYES: Councilmembers Gordo, Madison, McAustin, Robinson, Vice Mayor Haderlein, Mayor Bogaard  
 NOES: None  
 ABSENT: Councilmembers Holden, Tyler

**REPORTS AND COMMENTS FROM COUNCIL COMMITTEES**

**PUBLIC SAFETY COMMITTEE**

**ADOPT A RESOLUTION AUTHORIZING THE CHIEF OF POLICE TO DESTROY INTERNAL AFFAIRS RECORDS AND NON-HIRE BACKGROUND FILES**

**Recommendation of City Manager:** Adopt a resolution authorizing the Chief of Police, in accordance with the City Attorney, to destroy internal affairs files regarding investigations concluded prior to 2001 which are listed in Attachment A of the agenda report and non-hire background files closed and completed prior to 1998 which are listed in Attachment B of the agenda report. (Resolution No. 8893)

Vice Mayor Haderlein, Chair of the Public Safety Committee, reviewed the agenda report.

The City Attorney noted that a revised resolution with modifications to the attachment had been distributed to Council

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

AYES: Councilmembers Gordo, Madison, McAustin, Robinson, Vice Mayor Haderlein, Mayor Bogaard  
 NOES: None  
 ABSENT: Councilmembers Holden, Tyler

**RECESS/JOINT MEETING**

On order of the Mayor, the regular meeting of the City Council recessed at 7:18 p.m. to a joint meeting with the Community Development Commission. (Absent: Councilmembers Holden, Tyler)

**RECOMMENDATIONS FROM OFFICERS AND DEPARTMENTS**

**JOINT ACTION: ADOPT A RESOLUTION AUTHORIZING THE CITY MANAGER, CHIEF EXECUTIVE OFFICER OR DESIGNEE TO ACCEPT GRANTS AND DEEDS FROM PROPERTY OWNERS CONVEYING INTERESTS IN REAL PROPERTY TO ENABLE CITY DEPARTMENTS TO PROVIDE PUBLIC WORKS AND OTHER SERVICES**

**Recommendation of City Manager/Chief Executive Officer:** It is recommended that the City Council/Pasadena Community Development Commission ("Commission") adopt a resolution authorizing the City Manager/Chief Executive Officer ("CEO") or designee to accept grants, deeds, easements and

dedications approved as to form by the City Attorney's Office from property owners conveying interests in real property to the City/Commission for Public Works and other purposes. (Resolution No. 8894/CDR-259)

The City Manager summarized the agenda report.

It was moved by Vice Mayor Haderlein, seconded by Councilmember McAustin, to approve the City Manager's/Chief Executive Officer's recommendation:

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

NOES: None

ABSENT: Councilmembers Holden, Tyler

RECONVENED

On order of the Mayor, the joint meeting with the Community Development Commission adjourned at 7:21 p.m. and the regular meeting of the City Council reconvened at this time. (Absent: Councilmembers Holden, Tyler)

**APPOINTMENT OF GINA TLEEL TO THE SOUTH LAKE PARKING PLACE COMMISSION** (At Large/District 7 Nomination)

**RESIGNATION OF DANTE HALL FROM THE NORTHWEST COMMISSION** (District 2 Nomination)

It was moved by Councilmember McAustin, seconded by Councilmember Robinson, to approve the above appointment and accept the above resignation with regrets:

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

NOES: None

ABSENT: Councilmembers Holden, Tyler

RECESS

On order of the Mayor, the regular meeting of the City Council recessed at 7:22 p.m. to the regular meeting of the Community Development Commission.

RECONVENED

On order of the Mayor, the regular meeting of the City Council reconvened at 7:23 p.m. (Absent: Councilmembers Holden, Tyler)

**ORDINANCE – ADOPTED**

**Adopt "AN ORDINANCE OF THE CITY OF PASADENA AMENDING CHAPTER 8.61 OF THE PASADENA MUNICIPAL CODE ("SOLID WASTE COLLECTION FRANCHISE SYSTEM") REGARDING FRANCHISE REQUIREMENTS FOR THE COLLECTION OF SOLID WASTE AND RELATED AMENDMENTS"** (Introduced by Councilmember Robinson) (Ordinance No. 7154)

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

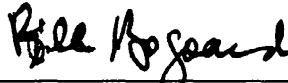
**COUNCIL COMMENTS**

Councilmember McAustin asked staff to provide Council with a summary of the impacts of the adopted State budget on the City.

The City Manager indicated this information would be provided in the weekly informational letter to Council.

**ADJOURNMENT**

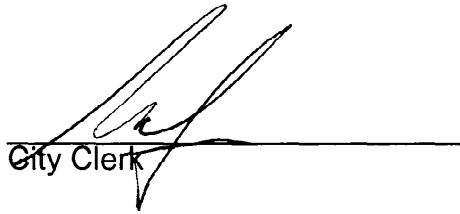
On order of the Mayor, the regular meeting of the City Council adjourned at 7:27 p.m.



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Bill Bogaard, Mayor  
City of Pasadena

ATTEST:

  
City Clerk