

CITY OF PASADENA
City Council Minutes
October 20, 2008 – 5:30 P.M.
City Hall Council Chamber

REGULAR MEETING

OPENING:

Mayor Bogaard called the regular meeting to order at 5:48 p.m.
(Absent: Councilmembers Madison, Robinson)

On order of the Mayor, the regular meeting recessed at 5:48 p.m., to discuss the following closed sessions:

CITY COUNCIL CONFERENCE WITH LEGAL COUNSEL REGARDING PENDING LITIGATION pursuant to Government Code Section 54956.9(a)
Case Name: Hindman v. City of Pasadena, et al.
Case No.: BC369577

CITY COUNCIL CONFERENCE WITH LABOR NEGOTIATORS pursuant to Government Code Section 54957.6
City Representatives: Karyn S. Ezell and Arthur Chavez
Employee Organization: Pasadena Management Association

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 6:50 p.m. The Pledge of Allegiance was led by Councilmember Tyler.

ROLL CALL:

Councilmembers:

Mayor Bill Bogaard
Vice Mayor Steve Haderlein
Councilmember Victor Gordo
Councilmember Chris Holden
Councilmember Steve Madison (Absent)
Councilmember Margaret McAustin
Councilmember Jacque Robinson (Absent)
Councilmember Sidney F. Tyler

Staff:

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

ANNOUNCEMENT

The Mayor announced that the (draft) Housing Element was still being reviewed by various advisory bodies and would be presented to Council for consideration at a future meeting.

CEREMONIAL MATTERS

Councilmember Holden congratulated Betty Woods, founder of New Revelation Missionary Baptist Church (Pasadena), on the impending celebration of her 100th birthday on October 29, 2008. Ms. Woods thanked the Council for honoring her birthday.

Pastor William Turner, New Revelation Missionary Baptist Church, acknowledged Ms. Woods for her contributions to the Church and the community.

The Mayor welcomed Carolyn Chaney, the City's Federal Legislative Advocate, and Chris Giglio, assistant to Ms. Chaney, who were in attendance at the meeting.

Ms. Chaney indicated that she and Mr. Giglio would be meeting with staff to prepare an agenda of the City's federal legislative priorities for the coming year; thanked the Legislative Policy Committee for their guidance and assistance over the past year; and commented on possible action by Congress in developing a stimulus package after the federal election is conducted and Congress has reorganized.

Mr. Giglio commented on advocacy work that he and Ms. Chaney will be carrying out on behalf of the City involving Congress's attempt to reauthorize the Federal Surface Transportation Program and the impact this could have on the City's transportation needs.

PUBLIC COMMENT ON MATTERS NOT ON THE AGENDA

No one appeared for public comment.

CONSENT CALENDAR

AUTHORIZATION TO ENTER INTO A CONTRACT WITH ARC INTERNATIONAL CORPORATION FOR SERVICES TO HOLD ELECTRONIC WASTE COLLECTION EVENTS IN THE CITY OF PASADENA AND COLLECT, TRANSPORT, AND RECYCLE ELECTRONIC WASTE

Recommendation of City Manager: Authorize the City Manager to enter into a contract with ARC International Corporation for its services to hold a minimum of four and up to eight annual electronic waste round up events in the City of Pasadena and to collect, transport, and recycle electronic waste from the City. The length of the contract shall be one year with the option to renew for two one-year extensions for a maximum of three years. (Contract No. 19,779)

WATER AND POWER DEPARTMENT COMPLIANCE WITH FAIR AND ACCURATE CREDIT TRANSACTIONS ACT

Recommendation of City Manager: Approve an Identity Theft Prevention Program for the Water and Power Department to protect customer identification and credit information in compliance with the Fair and Accurate Credit Transactions

(FACT) Act of 2003 and the Red Flag Identity Theft Prevention Program requirement.

MINUTES APPROVED

October 6, 2008

CLAIMS RECEIVED AND FILED

| | | |
|------------------|---|-------------|
| Claim No. 10,713 | GEICO General Insurance Company as Subrogee for David Thompson | \$ 7,220.75 |
| Claim No. 10,714 | Tibet Nepal House, Inc. | 25,000+ |
| Claim No. 10,715 | Hong Tang | 768.64 |
| Claim No. 10,716 | 21st Century Insurance as Subrogee for Leo Ramirez | Not stated |
| Claim No. 10,717 | GEICO General Insurance Company as Subrogee for Tamiko Kawahara | 4,165.20 |
| Claim No. 10,718 | State Farm Insurance Companies as Subrogee for Corrine A. Tomlinson | Not stated |
| Claim No. 10,719 | Michael Leone | 725.00 |
| Claim No. 10,720 | Melvin Schweitzer | 3,160.60 |

PUBLIC HEARINGS SET

November 3, 2008, 7:30 p.m. - Designation of 1155 North Hill Avenue as a Landmark

November 3, 2008, 7:30 p.m. - Designation of 1265-1271 East Green Street as a Landmark

November 3, 2008, 7:30 p.m. - Designation of 1347 North Lake Avenue as a Landmark

November 17, 2008, 7:30 p.m. - Designation of 940 East Colorado Boulevard as a Landmark

November 17, 2008, 7:30 p.m. - Designation of 116 North Meredith Avenue as a Landmark

November 17, 2008, 7:30 p.m. - Designation of 119 North Meredith Avenue as a Landmark

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

RECOMMENDATIONS FROM OFFICERS AND DEPARTMENTS

COMMENT TO STATE HISTORIC PRESERVATION OFFICER ON THE NOMINATION OF THE POPPY PEAK AND PEGFAIR ESTATES HISTORIC DISTRICTS AND FIVE INDIVIDUAL HOUSES DESIGNED BY BUFF & HENSMAN TO THE NATIONAL REGISTER OF HISTORIC PLACES

Recommendation of City Manager: Authorize the transmittal of a letter (Attachment B) to the State Historic Preservation Officer (SHPO) in support of the nomination of the Poppy Peak

and Pegfair Estates Historic Districts and five individual houses designed by Buff & Hensman to the National Register of Historic Places.

Recommendation of Historic Preservation Commission:

The Historic Preservation Commission reviewed a final draft of the National Register nominations at its meeting on September 15, 2008 and recommended that the City Council forward a recommendation approving the nomination to the State Historic Preservation Officer.

The Mayor reported that although Councilmember Madison could not be present at the Council meeting, he had expressed support for the nomination. The Mayor announced that the California Preservation Foundation had recently presented two awards to the City – for the City Hall Seismic Retrofit project and for the study of mid-century buildings of historic and architectural significance that had been conducted by the City.

Richard Bruckner, Director of Planning and Development Department, introduced the agenda item.

Kevin Johnson, Acting Senior Planner, reviewed the agenda report.

Nina Chomsky, Pasadena resident, spoke in support of the nomination.

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

AUTHORIZE THE CITY MANAGER TO ENTER INTO A LEASE AGREEMENT WITH CALGON CARBON CORPORATION FOR WATER TREATMENT EQUIPMENT AND SERVICES FOR REMOVAL OF GROUNDWATER CONTAMINANTS AT FOUR PASADENA WATER AND POWER WELLS IN THE ARROYO SECO AREA

Recommendation of City Manager:

(1) Find that the proposed project consisting of constructing and operating a groundwater treatment plant was subject to adequate environmental review in the Mitigated Negative Declaration adopted by the Hearing Officer on July 10, 2008, and that there are no changed circumstances or new information which would trigger further environmental review;

(2) Authorize the City Manager to enter into a lease agreement with Calgon Carbon Corporation (Calgon) for water treatment equipment and services for removal of groundwater contaminants at four Pasadena Water and Power wells located in the Arroyo Seco area for an amount not to exceed \$11,754,694. The lease agreement and the not to exceed amount include the option for the City of Pasadena (City) to

purchase the treatment system from Calgon; and
(3) Find that competitive bidding is not required pursuant to City Charter Section 1002(F), contracts for professional or unique services. (Agreement No. 19,780)

The City Manager introduced the agenda item.

Phyllis Currie, General Manager of Water and Power Department, reviewed the agenda report; clarified the status of the City's available local groundwater, water rights, and a second treatment facility that is needed; and responded to questions. Ms. Currie acknowledged Gary Takara, Principal Engineer, for his work in moving the project forward.

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

OLD BUSINESS

ORDINANCE – FIRST READING

Conduct first reading of “AN ORDINANCE OF THE CITY OF PASADENA AMENDING TITLE 8 OF THE PASADENA MUNICIPAL CODE TO ADD NEW SECTIONS TO CHAPTER 8.78 TO PROHIBIT SMOKING IN OUTDOOR PUBLIC PLACES AND ADDITIONAL DEFINITIONS TO SECTION 8.78.040”

The Mayor introduced the agenda item; and noted that in the ordinance fact sheet, staff had asked Council to consider a possible policy change that would increase the penalty for a violation of the ordinance from an infraction to a misdemeanor.

The City Attorney summarized the agenda item; clarified that staff would return with revised ordinance language at the next Council meeting, if Council should decide to change the penalty from an infraction to a misdemeanor; and responded to questions.

Dr. Takashi Wada, Director of Public Health Department, explained the enforcement process and impacts on staffing, discussed efforts to educate the public about the new restrictions on smoking and implementation of the ordinance, provided statistical information on the impacts of secondhand smoke and related health issues, and responded to questions.

Statice Wilmore, Program Coordinator, went over areas that are exempted from the current and proposed ordinances on smoking, provided information on the toxicity levels of secondhand smoke, discussed the traditional two-month time period used by staff to provide an education campaign for the public and to provide signage once the ordinance is effective, and responded to questions.

Discussion followed on enforcement and education efforts/practices, quantifying the effectiveness of the ordinance, and areas exempted from the ordinance.

The following persons spoke in support of the prohibition of smoking in outdoor public places:

Dora Gil, American Heart Association Advocacy Director for Los Angeles Office
Richard Quirk, Pasadena resident, also speaking for Paul Ramirez
Patricia Haight, Pasadena resident
Nancy Sagatelian, Pasadena resident
Steven Gallegos, American Lung Association of California Smoke-free Advocacy and Program Manager
Esther Schiller, Smoke-Free Air for Everyone (SAFE) Executive Director, speaking as an individual
Robert Berger, Healthier Solutions representative
Ken Peter, Glendora resident
Wes Reutimann, Pasadena resident
David Wheatley, Pasadena Tobacco Prevention Coalition Chair
Daniel Fong, Day One Youth Advocate
Ashley De Leon, Day One Youth Advocate
Samuel Camarena, Day One Youth Advocate
Christy Zamani, Day One Executive Director
Shawntel Phyypps, Day One Youth Advocate
Carolina Clark, Pasadena resident
Rosie Castro, Day One Youth Advocate, submitted petitions titled "I Support No Smoking In Certain Outdoor Places in Pasadena" with 517 total signatures.
Nicole Bernard, Day One Youth Advocate
Alisha Lopez, Coalition for a Tobacco Free Los Angeles County Chair

Councilmember McAustin expressed support for the ordinance restrictions that address the need to ensure a smoke-free environment at outdoor events involving large groups of people in public places.

Councilmember Holden expressed support for the ordinance since smoking restrictions/policies appear to now be equitably applied to all outdoor areas of the City.

Following discussion, the above ordinance was offered for first reading by Councilmember Gordo:

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

NOES: None

ABSENT: Councilmembers Madison, Robinson

RECOMMENDATIONS FROM OFFICERS AND DEPARTMENTS

APPOINTMENT OF GORDON B. HAMILTON TO THE COMMUNITY DEVELOPMENT COMMITTEE (District 6 Nomination)

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

RECESS

On order of the Mayor, the regular meeting of the City Council recessed at 8:24 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 8:25 p.m. (Absent: Councilmembers Madison, Robinson)

ORDINANCE – FIRST READING

Conduct first reading of “AN UNCODIFIED ORDINANCE OF THE CITY OF PASADENA GRANTING ASSIGNMENT OF A NON-EXCLUSIVE SOLID WASTE FRANCHISE FROM LOONEY BINS, INC., TO USA WASTE OF CALIFORNIA, INC., DBA WASTE MANAGEMENT AND AMENDING ORDINANCE NUMBER 7087”

In response to Councilmember Holden's question, the City Attorney opined that technically, there would be no conflict of interest for Mr. Holden on this item caused by the executive position held by his brother-in-law with USA Waste of California, Inc., dba Waste Management, since it would appear that Mr. Holden has not received any income or gifts from the company/brother-in-law.

Councilmember Holden stated he would abstain from voting on this item in order to avoid any implication of a conflict or impropriety.

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

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

NOES: None

ABSTAIN: Councilmember Holden

ABSENT: Councilmembers Madison, Robinson

RECOMMENDATIONS FROM OFFICERS AND DEPARTMENTS

RESOLUTIONS RELATED TO THE CALLING OF THE REGULAR MARCH 10, 2009, PRIMARY NOMINATING ELECTION AND CONSOLIDATION OF THE PASADENA BOARD OF EDUCATION PRIMARY WITH SAID ELECTION

Recommendation of City Clerk: It is recommended that the City Council adopt the following resolutions:

(1) A resolution calling a primary nominating election for the offices of members of the City Council for Districts 3, 5, and 7

of the City of Pasadena, and consolidating with said election the Pasadena Unified School District (PUSD) Board of Education Primary, Seats 1, 3, 5, and 7, and authorizing the City Clerk to enter into a contract with PUSD for the City Clerk to provide election services to PUSD.

(2) A resolution requesting the Board of Supervisors of Los Angeles County to permit the Registrar of Voters of said County to render specified services to said City relating to the conduct of a consolidated City of Pasadena and Pasadena Board of Education primary nominating election on March 10, 2009 and, if necessary, a general municipal election to be held on April 21, 2009.

(3) A resolution setting forth regulations relating to candidate statements for said primary and general municipal elections. (Resolution Nos. 8895, 8896, and 8897; Contract No. 19,778)

The City Clerk reviewed the agenda report.

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

AUTHORIZATION TO ENTER INTO CONTRACT WITH MARTIN & CHAPMAN COMPANY FOR PROFESSIONAL ELECTION SERVICES AND SUPPLIES FOR AN AMOUNT NOT TO EXCEED \$395,000

Recommendation of City Clerk:

(1) Authorize the City Clerk to enter into a contract with Martin & Chapman Company, without competitive bidding pursuant to City Charter Section 1002(F) (professional or unique services) for professional election services and supplies for the March 10, 2009 consolidated City of Pasadena and Pasadena Unified School District primary nominating election, and the April 21, 2009, general municipal election for an amount not to exceed \$395,000.

(2) Grant the proposed contract an exemption from the competitive selection process of the Competitive Bidding and Purchasing Ordinance pursuant to Pasadena Municipal Code Section 4.08.049(B), contracts for which the City's best interests are served. (Contract No 19,777)

The City Clerk summarized the agenda report and responded to questions regarding the amount of the contract.

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

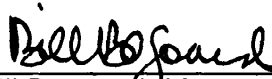
COUNCIL COMMENTS

In response to Vice Mayor Haderlein's request, the Mayor indicated that a summary of positions previously taken by Council on various ballot propositions/measures would be agendized for the October 27, 2008 Council meeting.

In response to Councilmember Holden's comments, the City Manager confirmed that the trees that had been cut down at their location along the block of Holly Street intersecting with the front of City Hall would be replaced with large specimen oak trees, as determined with the assistance of community input.

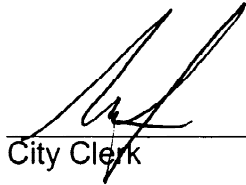
ADJOURNMENT

On order of the Mayor, the regular meeting of the City Council adjourned at 8:34 p.m.



Bill Bogaard, Mayor
City of Pasadena

ATTEST:



City Clerk