

CITY OF PASADENA
City Council Minutes
November 3, 2008 – 5:30 P.M.
City Hall Council Chamber

REGULAR MEETING

OPENING:

Mayor Bogaard called the regular meeting to order at 5:39 p.m.
(Absent: Councilmembers Holden, Robinson)

On order of the Mayor, the regular meeting recessed
at 5:39 p.m., to discuss the following closed sessions:

Councilmember Holden
arrived at 6:02 p.m.

**CITY COUNCIL CONFERENCE WITH LABOR
NEGOTIATORS pursuant to Government Code
Section 54957.6**
City Representatives: Karyn S. Ezell and Arthur Chavez
**Employee Organization: Unrepresented Top, Middle and
Professional Management Employees**

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

**CITY COUNCIL CONFERENCE WITH REAL PROPERTY
NEGOTIATORS pursuant to Government Code
Section 54956.8**
**Property Locations: 40 North Altadena Drive; 3018 and
3030 East Colorado Boulevard**
Agency Negotiators: Michael J. Beck, Stephanie DeWolfe
**Negotiating Parties: Eva Kwok, Property Manager/Leasing
Agent; Carlo Matricardi and Douglas Cancienne, Brokers**
Under Negotiation: Price and terms of payment

The above closed session item was not discussed.

On order of the Mayor, the regular meeting reconvened
at 6:32 p.m. The Pledge of Allegiance was led by Lisa
Derderian, Fire Department Program Coordinator.

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 (Absent)
Councilmember Sidney F. Tyler

Staff:

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

CEREMONIAL MATTERS

The Mayor presented a proclamation declaring November 13, 2008 as The Great Southern California ShakeOut Day. The proclamation was received by Fire Chief Dennis Downs, who described the earthquake disaster exercise that will take place on November 13th, and asked the public to “duck, cover, and hold on” at 10:00 a.m. on that day, as a part of the City’s exercise.

In response to Councilmember Tyler’s questions, Chief Downs indicated that a debriefing presentation on the exercise could be scheduled for a Council meeting, after the event has occurred.

PUBLIC COMMENT ON MATTERS NOT ON THE AGENDA

The following persons expressed concerns regarding the sale of an apartment building located in the 2100 block of North Raymond Avenue, Altadena, and alleged improper eviction practices:

Gail Jones, apartment resident
Juan Alcantar, apartment resident

Following discussion, it was determined that, although the property was located in Altadena, City staff would provide guidance to the effected residents in contacting Supervisor Antonovich about possible courses of action.

RECOMMENDATIONS FROM OFFICERS AND DEPARTMENTS

DIRECT THE CITY CLERK TO POST CAMPAIGN DISCLOSURE STATEMENTS ON THE CITY’S WEBSITE FOR CANDIDATES AND OFFICEHOLDERS FOR CITY COUNCIL AND PASADENA UNIFIED SCHOOL DISTRICT (PUSD) BOARD OF EDUCATION, AND FOR LOCAL POLITICAL ACTION COMMITTEES

The City Clerk noted that Councilmember Madison had requested this item be placed on the agenda and had been in contact with Pasadena Unified School District (PUSD) Board of Education President Tom Selinski about this matter. The City Clerk announced that PUSD had requested this item be held for the Council meeting of December 8, 2008, to allow the District time to consider this matter at the PUSD Board meeting to be held on December 2, 2008.

The Mayor stated his impression, based on Councilmember Madison’s comments regarding his contact with Mr. Selinski, that Mr. Selinski was in support of the proposed procedural change involving disclosure statements, and that Council’s delay of the matter to December 8th will allow the campaign

statements for the City and District to go online at the same time.

By consensus and on order of the Mayor, the above item was held to the meeting of December 8, 2008.

CONSIDERATION OF A CALL FOR REVIEW OF A HEARING OFFICER DECISION TO THE BOARD OF ZONING APPEALS REGARDING CONDITIONAL USE PERMIT (CUP) NO. 5094, TO MAINTAIN FIVE EXISTING BUILDINGS TOTALING 20,190 SQUARE FEET AND CONSTRUCT A NEW THREE-STORY BUILDING TOTALING 56,029 SQUARE FEET ON A 39,763 SQUARE FOOT PROPERTY, AND RELATED MINOR CUP'S, VARIANCES AND MINOR VARIANCES FOR THE PROPERTY LOCATED AT 27-71 SOUTH FAIR OAKS AVENUE AND 26-40 MILLS PLACE (LA HUESTECA PROPERTY) (Mayor Bogaard)

The Mayor indicated that he had reviewed the paperwork involving the Conditional Use Permit (CUP), expressed satisfaction with the information involving the project and included in the Hearing Officer's decision, and requested that his request for consideration of a call for review be withdrawn.

Councilmember Madison (in whose District the project is located) concurred with the Mayor's request for withdrawing the item from consideration.

By consensus, the Mayor's request for consideration of a call for review was withdrawn. The decision of the hearing officer stands.

CONSENT CALENDAR

Item discussed separately, due to a request for public comment.

CONTRACT AWARD TO TOPFLITE BUILDING SERVICES, INC., FOR CITYWIDE HOUSEKEEPING SERVICES FOR AN AMOUNT NOT TO EXCEED \$1,663,121

AUTHORIZATION TO ENTER INTO CONTRACTS WITH G & W ELECTRIC CO., AND THOMAS & BETTS ELASTIMOLD CO. FOR THE FURNISHING AND DELIVERY OF HIGH VOLTAGE VACUUM SWITCHES FOR THE WATER AND POWER DEPARTMENT

Recommendation of City Manager:

(1) Accept the bid dated October 21, 2008 submitted by G & W Electric Co., in response to Item I: 2-Way, 3-Way, 4-Way, and 5-Way 27kV 600Amp, and other Insulated Load-Break High Voltage Vacuum Switches and Item III: 2-Way 27kV 200Amp and 600Amp, Solid Dielectric Vacuum Insulated Resettable Fault Interrupter Switch with Load-Break, and authorize a purchase order contract to G & W Electric Co., for a period of three years or until \$3,200,678 is expended whichever comes first, with one optional one-year extension

not to exceed \$1,066,893;

(2) Accept the bid dated October 21, 2008 submitted by Thomas & Betts Elastimold Co., in response to Item II: 2-Way 27kV 200Amp, Solid Dielectric Vacuum Insulated Load-Break High Voltage Vacuum Switch and authorize a purchase order contract to Thomas & Betts Elastimold Co., for a period of three years or until \$338,390 is expended whichever comes first, with two optional one-year extensions, not to exceed \$112,797; and

(3) Reject all other bids.

AUTHORIZATION TO ENTER INTO CONTRACT WITH STANTEC CONSULTING, INC., FOR UNDERGROUND CABLE ENGINEERING AND ANALYSIS FOR THE 34.5KV ELECTRIC TRANSMISSION SYSTEM FOR THE WATER AND POWER DEPARTMENT

Recommendation of City Manager:

(1) Accept the proposal dated August 25, 2008, from Stantec Consulting, Inc., in response to the Water and Power Department's Request for Proposals for Underground Cable Engineering and Analysis dated August 5, 2008; reject all other proposals; and authorize a contract with Stantec Consulting, Inc., for one year or until \$200,000 is expended, whichever comes first, with one one-year extension not to exceed \$200,000; and

(2) Acknowledge that the proposed contract is exempt from competitive bidding pursuant to City Charter Section 1002(F), contracts for professional or unique services. (Contract No. 19,795)

AUTHORIZATION TO ENTER INTO A CONTRACT WITH WESTERN WATER WORKS SUPPLY COMPANY, INC., FOR FURNISHING AND DELIVERING MISCELLANEOUS WATER UTILITY MATERIALS FOR THE WATER AND POWER DEPARTMENT

Recommendation of City Manager:

(1) Amend the previous purchase order contract with Western Water Works Supply Company, Inc., to increase contract amount by \$178,927 for a total contract amount of \$2,778,927 to account for past due amounts overspent on the contract;

(2) Accept the bid dated October 14, 2008 from Western Water Works Supply Company, Inc., in response to Specification WD-08-02, for Furnishing and Delivering Miscellaneous Water Utility Materials for the Water and Power Department;

(3) Reject all other bids; and

(4) Authorize the Purchasing Administrator to issue a purchase order for a two-year period to Western Water Works Supply Company, Inc., with two optional one-year extensions. The annual amount shall not exceed \$1,179,033. The total amount of the four-year contract is \$4,716,132.

CLAIM RECEIVED AND
FILED

Claim No. 10,726 State Farm Mutual \$1,143.56
Automobile Insurance Company

PUBLIC HEARINGS SET

November 24, 2008, 7:30 p.m. - Designation of 1155 North Hill Avenue as a Landmark (*rescheduled*)

November 24, 2008, 7:30 p.m. - Designation of 1265 - 1271 East Green Street as a Landmark (*rescheduled*)

November 24, 2008, 7:30 p.m. - Designation of 940 East Colorado Boulevard as a Landmark (*rescheduled*)

PUBLIC HEARING NOT SET

December 8, 2008, 7:30 p.m. - Proposed Telecommunication Facility and Equipment Standards and Amendments to the Wireless Regulations

November 24, 2008, 7:30 p.m. - Designation of 1347 North Lake Avenue as a Landmark (*rescheduled*)

The Mayor noted that the above rescheduling of a public hearing for the Designation of 1347 North Lake Avenue as a Landmark would be held at the request of Councilmember McAustin, to allow time for further discussions with the property owner.

It was moved by Councilmember Gordo, seconded by Vice Mayor Haderlein, to approve the Consent Calendar, with the exception of Item 1 (Contract with Topflite Building Services, Inc.), which was discussed separately; and with the setting of the public hearing on the Designation of 1347 North Lake Avenue as a Landmark held for a future date. (Motion unanimously carried) (Absent: Councilmember Robinson)

**CONSENT ITEM DISCUSSED
SEPARATELY**

CONTRACT AWARD TO TOPFLITE BUILDING SERVICES, INC., FOR CITYWIDE HOUSEKEEPING SERVICES FOR AN AMOUNT NOT TO EXCEED \$1,663,121
Recommendation of City Manager:

(1) Accept the bid dated September 9, 2008, submitted by Topflite Building Services, Inc., in response to specifications for Citywide Housekeeping Services; reject all other bids received; and

(2) Authorize the City Manager to enter into a two-year contract for Citywide Housekeeping Services in an amount not to exceed \$1,663,121 per year, with an option for three one-year additional terms, at the discretion of the City Manager, for a maximum total contract length of five years; and

(3) Authorize an increase in the not to exceed amount of Contract No. 18,216-6 with U.S. Metro Group, Inc., by \$107,000 to cover the cost of a one-month extension to allow time to transfer the contract to Topflite Building Services, Inc. (Contract No. 18,216-6)

Councilmember Gordo commented on discussions he had had with the employees working under the City's current housekeeping services contract with U.S. Metro Group, Inc. and on the concerns they had expressed (e.g., loss of positions, loss of hours, and elimination of positions for long-term employees).

The following persons spoke in opposition to authorization of the citywide housekeeping services contract and/or expressed concerns regarding possible negative impacts of the new contract on the status of their employment as housekeeping staff and on their current hours/benefits/pension plan:

Elsa Tovar, U.S. Metro employee
Mirna Flores, U.S. Metro employee
Ramiro Cabrera, U.S. Metro employee

The following persons submitted speaker cards and waived speaking in opposition to authorization of the citywide housekeeping services contract and in support of the concerns expressed by the above three speakers:

Marisa Lua, U.S. Metro employee
Guillermo Calderon, U.S. Metro employee
Patricia Rios, U.S. Metro employee
Herminia Ortiz, U.S. Metro employee
Imelda Tapia, U.S. Metro employee
Sandra Diaz, U.S. Metro employee
Ada Yesenia Garcia, U.S. Metro employee
Evelin Gonzalez, U.S. Metro employee
Jose Rodriguez, U.S. Metro employee
Maria Ayala, U.S. Metro employee
Tomasia Perez, U.S. Metro employee
Roxana Diaz, U.S. Metro employee
Anita Tovar, U.S. Metro employee
Jose Diaz, U.S. Metro employee
Jose G. Zamudio, U.S. Metro employee
Micodemia Arreola, U.S. Metro employee
Lemonor Zamudio, U.S. Metro employee

The Mayor suggested Council consider deferring action on this item until staff can meet with the current housekeeping employees about their concerns regarding the new contract.

Councilmember Holden noted that the current housekeeping employees would be covered by the Displaced Janitor Opportunity Act, as stated in the agenda report; suggested the City encourage the new contractor (Topflite Building Services, Inc.) to transition the current employees into permanent positions, if performance standards are met; and expressed concerns regarding possible changes in hours and benefits for transitioned employees under the new contract.

Martin Pastucha, Director of Public Works Department, responded to questions regarding the new contract and retention of the current housekeeping employees.

Doug Lee, Administrator, indicated that staff had discussed the employment situation with the new contractor and that Topflite had agreed to transition the current employees into permanent employment status under the new contract, clarified the Displaced Janitor Opportunity Act, noted that the new contractor planned to meet with each employee once the contract was awarded, and responded to questions.

Councilmember Gordo echoed the concerns of the current employees regarding the need to clarify the new contract terms and to ensure that long-term employees are protected from unfair dismissal or a reduction in hours; and expressed support for a meeting between the proposed contractor and current employees to discuss what will happen under the new contract.

Following discussion, it was moved by Councilmember Gordo, seconded by Councilmember McAustin, to approve Recommendation No. 3; and to continue consideration of the contract award for housekeeping services to the Council meeting of November 17, 2008, with the understanding that staff will meet with the contractor (Topflite) and the affected current housekeeping employees to clarify the employment terms under the new contract. (Motion unanimously carried) (Absent: Councilmember Robinson)

INFORMATION ITEMS

ORAL UPDATE ON NOVEMBER 16, 2008 PASADENA MARATHON

Richard Bruckner, Director of Planning and Development Department, introduced the agenda item, discussed the direct and indirect costs for the event, and responded to questions.

Michelle Bernal, Management Analyst, provided an overview of the Kaiser Permanente Pasadena Marathon to be held on November 16, 2008 (events schedule, route, street closures, and logistics planning); and responded to questions.

Richard Yee, Transportation Engineer, described the components of the traffic and transit operations plan for the event (onstreet temporary traffic control, traffic operations, and public information).

The following persons expressed various concerns regarding the Marathon:

Sharon Muir, Young & Healthy Board member, submitted a letter asking the City to refund or reduce the fees required for the event, which would afford a greater

opportunity for the event organizer (Pasadena Forward) to pass on a portion of any profits to the 4 local non-profit agencies selected by the organizer.
Michelle White, Orange Grove Friends Meeting (Quaker Society) member

The following persons spoke in support of the Marathon:

Israel Estrada, Pasadena Forward (Marathon organizer)
Martin A. Gordon, Leadership Pasadena representative

The City Manager indicated that the event fees had been known to Pasadena Forward for the past year, discussed measures to be taken to mitigate the noise around places of worship, and responded to questions.

The Mayor noted that the estimated fees charged by the City may be impacted by an audit of the actual costs after the event, with the final fees to be adjusted at that time.

Discussion followed on public outreach, determination of fees charged by the City related to the event, sponsorship, and community/neighborhood participation in the event.

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

ORAL UPDATE ON MIDDLE SCHOOL POLICING PROJECT

The Mayor introduced the agenda item.

Police Chief Bernard Melekian reviewed the information contained in his memorandum to the City Manager dated November 1, 2008, which had been distributed to Council; clarified the use of armed officers on campuses; discussed trends in the number of calls for service, mediated disputes, and arrests; noted that the expansion of policing services to the Washington and Wilson middle schools in the Memorandum of Understanding (MOU) with Pasadena Unified School District (PUSD) was merely formalizing already existing services; and responded to questions. The Chief stated his recollection that, when funding was approved for the Safe School Team program to be implemented at the high school level, Council had discussed and encouraged expansion of these policing services to the middle school campuses, as staffing permitted; and discussed two recent community meetings held with parents to explain police procedure and the Police Department's mission to ensure a safe environment and enhance learning for all students by providing the policing services.

Discussion followed on options to expand the number of campuses receiving policing services, whether Council had

held policy discussions about the span/scope of policing services that would be provided to PUSD, components of the Safe School program, and the role and training of District Security Officers.

Councilmember Madison expressed support for further expansion/enhancement of the Safe School Team services at some future time.

Councilmember McAustin indicated that, although she was uncomfortable about formalizing the policing services at the middle schools without Council first holding a policy discussion about this expansion of services into the middle schools, she supported the use of officers at middle schools; and asked that information be provided to her regarding the discussions and policy decisions involving the City's action to provide policing services (in response to PUSD's decision to discontinue its own campus police).

Councilmember Gordo recalled a Council discussion of the need to provide a level of commitment to ensure the safety of students going to, in, and coming from schools, and the conclusion that the Police Chief would assess this and determine what would be the best approach as to which grades would receive the services; and stressed the need for Council to receive status reports on the policing services, with a policy discussion to take place when additional resources are required for the services and requested by the Police Chief.

In Councilmember Robinson's absence, Councilmember Holden reported on Ms. Robinson's concerns regarding the need to clarify the scope of the policing services that will be provided at the middle school level and the need for policing services to be universally provided to all middle school campuses; and Councilmember Holden suggested that a discussion be scheduled of all the policies pertaining to the City providing policing services, so that the Chief can also explain the philosophy behind the policing services and plans for possible expansion of the program.

Vice Mayor Haderlein suggested the City contact the District about expanding policing services to the K-8 schools and formalizing these services in the MOU.

The following persons spoke in opposition to and/or expressed concerns regarding the expansion of policing services into the middle schools and the need to evaluate the effectiveness of these services:

Michelle White, American Civil Liberties Union (ACLU) Pasadena Foothills Chapter representative, outlined concerns stated in a letter from the Chapter to the

Council dated November 1, 2008.
Kris Ockershauser, ACLU Pasadena Foothills Chapter
representative
Martin A. Gordon, ACLU Pasadena Foothills Chapter
representative

The City Manager indicated that a discussion on the status of the Safe School program could be scheduled for the next joint meeting of the Council and PUSD Board of Education.

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

**REPORTS AND COMMENTS
FROM COUNCIL
COMMITTEES**

**MUNICIPAL SERVICES
COMMITTEE**

**OUTLINE FOR COMPREHENSIVE WATER CONSERVATION
PLAN AND SUSTAINABLE WATER SUPPLY**
Recommendation of City Manager: This report is for
information only.

Councilmember McAustin, Chair of the Municipal Services Committee, reported that the Committee had asked staff to return with: a schedule for implementation of the proposed water conservation initiatives with necessary reviews by the advisory bodies and Council, a timeline for Council's consideration of the necessary policy decisions related to implementation of the proposed water conservation plan and achievement of the steps outlined in the conservation plan outline, an approach that would convey the urgency of these water issues to the staff and community and the need to quickly move forward with implementation of conservation alternatives approved by Council, and a description of what the 10%, 20%, and 30% conservation targets would look like to residents. She emphasized that the City and staff need to wage a strong and urgent campaign of awareness and information to customers that conveys a message about the need to conserve water and the knowledge that the cost for water is still going to increase.

Phyllis Currie, General Manager of Water and Power Department, introduced the agenda item, discussed the use of a budget-based rate system and an estimated timeframe for implementation of this type of system, noted that historical information on water usage would be provided on the consumer's billing, and responded to questions.

Eric Klinkner, Assistant General Manager, reviewed the agenda report (supplemented by PowerPoint presentation graphics/information), and responded to questions.

The City Manager discussed factors involved in the implementation of a budget-based rate system and staff's work to date in achieving the implementation of this type of system, and responded to questions.

Discussion followed on use of budget-based rates and implementation of this type of rate system, necessary policy decisions to be considered by Council regarding implementation of a water conservation plan, a timeline for staff's presentation to Council of the alternatives that will most quickly and efficiently achieve the proposed water conservation targets/goals, and possible Council re-consideration of implementing Water Shortage Plan II and setting penalties for violations.

Councilmember Madison stressed his continued support for moving forward with a budget-based rate system/plan and improving the City's methods for providing water usage information to residents.

Vice Mayor Haderlein suggested water usage information be provided to residents as quickly as possible (at least monthly).

The City Manager indicated that staff could read the water meter every month (with increased costs), if that was the direction of Council.

Meredith McKenzie, Arroyo Seco Foundation representative, stressed the need for urgency in addressing both short-term and long-term issues in water conservation and dealing pro-actively with this water emergency.

Councilmember McAustin commented on Council's recent decision to not move forward with establishing a schedule of penalties for violation of Water Shortage Plan II, and suggested Council re-consider staff's prior recommendation for implementing Water Shortage Plan II and its penalties.

Ms. Currie discussed options for staff to amend existing ordinances (Pasadena Municipal Code [PMC] Chapter 13.10 Water Shortage Procedures), which would address short-term issues related to steps to decrease water usage, and for staff to continue to develop long-term solutions through a comprehensive water conservation plan.

Councilmember Tyler suggested staff return with a proposal that would immediately take the City to the equivalent of water usage reductions set out in Water Shortage Plans II and III (PMC Sections 13.10.045 and 13.10.050).

Councilmember Gordo expressed continued concerns regarding the effectiveness of penalties in reducing water usage, and equity issues and problems with implementation and enforcement of the penalties.

The Mayor indicated that staff is to return, as soon as practical, with a modified proposal (based on Council's discussion) for

implementing the Water Shortage Procedures and other steps to address short-term issues on water conservation, with the understanding that the modified proposal will be reviewed by the Municipal Services Committee prior to being presented to Council for consideration.

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

**PUBLIC COMMENT ON
MATTERS NOT ON THE
AGENDA** (Continued)

La Ronda Hartfield, Pasadena resident, welcomed Michael Beck to his new position as City Manager, and expressed concerns about meeting the needs of the City's children.

COUNCIL COMMENTS

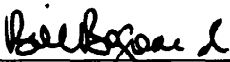
Councilmember Madison expressed concerns regarding the proliferation of illegal signs in the public right of way, displayed illegal signs that he had removed, and asked staff to determine if code enforcement should be strengthened or the current ordinance for illegal signs should be modified to deal with this problem.

Councilmember Holden commented on the use of early voting programs being used for the current Presidential General Election in the County of Los Angeles and other places, and asked the City Clerk to look into the success of the program to determine if this should be adapted for the 2009 Municipal/Pasadena Unified School District election.

The City Clerk indicated that he would contact the County Registrar-Recorder for information on their early voting experience, and provide this information to Council.

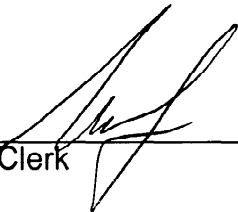
ADJOURNMENT

On order of the Mayor, the regular meeting of the City Council adjourned at 10:17 p.m., in memory of Austin Jakes, a retired 33-year City employee with the Public Works Department.



Bill Bogaard, Mayor
City of Pasadena

ATTEST:



City Clerk