

CITY OF PASADENA
City Council Minutes
March 16, 2009 – 5:30 P.M.
City Hall Council Chamber

REGULAR MEETING

OPENING:

Mayor Bogaard called the regular meeting to order at 6:03 p.m.
(Absent: Councilmember Gordo)

The following persons spoke about the recent officer-involved shooting of Leroy Barnes (subject of the potential litigation closed session item listed below):

Dan Sharp, Northwest Commission Chair, on behalf of the Commission, asked the City to initiate an independent investigation of the above officer-involved shooting.

Michelle White, American Civil Liberties Union-Southern California, Pasadena/Foothills Chapter (ACLU-P/F) President, asked for an independent investigation of the above officer-involved shooting, and for the establishment of a citizen advisory body to monitor public safety programs and provide input on how to address concerns regarding a mistrust of the police in the City's minority communities; and submitted a letter from the ACLU-P/F dated March 11, 2009 stating their requests.

Kris Ochershauser, ACLU representative, commented on incidents involving the treatment of the Barnes family by police agencies.

On order of the Mayor, the regular meeting recessed at 6:03 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: Affordable Pasadena Housing in Distress v. City of Pasadena, et al.

Case No.: BS103582

Councilmember Gordo arrived at 6:20 p.m.

CITY COUNCIL CONFERENCE WITH LEGAL COUNSEL to discuss potential litigation pursuant to Government Code Section 54956.9(b)(1): One potential case

The above two closed session items were discussed, with no reportable action at this time.

CITY COUNCIL CONFERENCE WITH LEGAL COUNSEL to discuss pending litigation pursuant to Government Code Section 54956.9(a)

Case Name: Dumbacher, et al. v. City of Pasadena

Case No.: Los Angeles Superior Court Case No. BC382910

The above closed session item was deferred.

CITY COUNCIL CONFERENCE WITH LABOR NEGOTIATORS pursuant to Government Code Section 54957.6

**City Representatives: Karyn S. Ezell and Arthur Chavez
Employee Organizations: American Federation of State, County and Municipal Employees, Local 858; International Brotherhood of Electrical Workers, Local 18; International Union of Operating Engineers, Local 501; Pasadena Association of Clerical and Technical Employees, LIUNA Local 777; Pasadena Fire Fighters Association, Local 809; Pasadena Fire Management Association; Pasadena Management Association; Pasadena Police Officers Association; Pasadena Police Sergeants Association; Service Employees International Union, Local 347; and unrepresented employees**

CITY COUNCIL CONFERENCE WITH LABOR NEGOTIATORS pursuant to Government Code Section 54957.6

**City Representatives: Karyn S. Ezell and Arthur Chavez
Employee Organizations: Pasadena Association of Clerical and Technical Employees, LIUNA Local 777; and certain unrepresented employees**

The above two closed session items were not discussed.

On order of the Mayor, the regular meeting reconvened at 7:03 p.m. The Pledge of Allegiance was led by Councilmember Holden.

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:

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

CEREMONIAL MATTERS

Councilmember McAustin congratulated Aidan Montiel, a student in the 5th grade at Norma Coombs Alternative School, on being the recent winner of the Pasadena Unified School District Spelling Bee (Grades 4-6). The Mayor presented a certificate of recognition to Aidan Montiel for his accomplishment.

The Mayor recognized two Pasadena teams as Southern California Municipal Athletic Federation 2008 Flag Football Champions; and thanked City staff members Kenny James, Recreation Supervisor, and Leonardo Chavez, Recreation Services Specialist, for their assistance to this football program.

Coach Marco Marquez introduced players on the Division B championship team of 5th and 6th graders who were present; and Coach Anthony Massengale introduced members on the Division C championship team of 3rd and 4th graders who were present.

PUBLIC COMMENT ON MATTERS NOT ON THE AGENDA

The following persons spoke in support of moving forward with the planting of street trees on Colorado Boulevard in the Playhouse District, according to the existing streetscape/trees plan; and asked that this Playhouse District area be excluded from the streetscape plan review that was recently approved by Council:

- Paul Jacoy, Playhouse District Association President
- Carla Walecka, Playhouse District Association Vice President
- Nancy Nelson, Pasadena resident

In response to Councilmember Robinson's question, the City Clerk confirmed that the Colorado Boulevard section of the Playhouse District was included in Council's prior action that suspends tree removal and planting.

The Mayor indicated that a discussion of this suspension would be held at the next Council meeting.

Weston DeWalt, Pasadena resident, expressed his opinion that the two pieces of public artworks recommended by the Arts and Culture Commission for the Pasadena Center project comply with the guidelines set out in the Bennett Plan and Grey Book, and should be considered for placement in the plaza area when this matter returns to Council for consideration.

Marvin Schachter, Pasadena resident, expressed concerns regarding fiscal and Constitutional issues related to a proposed handbills ordinance that will be presented for Council's consideration at a future meeting.

Frank Clark, representing residents of Linda Ridge Road, expressed the residents' concerns regarding the placement of a sewer line on Linda Ridge Road; and submitted a letter addressed to the Mayor and Councilmember Madison, dated March 16, 2009, which stated the residents' proposed solution to the sewer line problem.

Councilmember Madison announced that he would be meeting with the City Attorney regarding the above sewer line matter, which is currently in litigation.

CONSENT CALENDAR

CALTRANS LEASE FOR BELLEFONTAINE STREET PROPERTY LOCATED AT PASADENA AVENUE

Recommendation of City Manager: Approve the terms and conditions, as described in the agenda report, and authorize the City Manager to negotiate a lease agreement between the City of Pasadena and the California Department of Transportation (Caltrans), for \$100 a year for the property located south westerly and south easterly of Pasadena Avenue and south of Bellefontaine Street, as well as the triangle portion in between. (Agreement No. 19,871)

Item discussed separately at the request of Councilmembers Gordo and Madison.

CONTRACT AWARD TO MANUEL BROTHERS, INC., A QUANTA SERVICES COMPANY, FOR THE INSTALLATION OF THE METRO RAPID BUS TRANSIT PRIORITY SYSTEM ON COLORADO BOULEVARD FROM THE WEST CITY LIMIT TO HILL AVENUE, FOR AN AMOUNT NOT TO EXCEED \$455,000

AUTHORIZATION TO ENTER INTO A PURCHASE ORDER CONTRACT WITH ADVANCED CONTROL SYSTEMS (ACS), FOR THE PURCHASE OF NINE SUPERVISORY CONTROL AND DATA ACQUISITION NETWORK TERMINAL UNITS

Recommendation of City Manager:

(1) Find that the proposed project is exempt from environmental review, pursuant to the Guidelines of the California Environmental Quality Act (CEQA), Public Resources Code Section 21080(b)(9), Administrative Code, Title 14, Chapter 3, Class 2, Section 15302(c) (Replacement or Reconstruction), as the project is the replacement of existing utility systems and/or facilities involving negligible or no expansion of capacity; and

(2) Accept the bid dated January 26, 2009, submitted by Advanced Control Systems, in response to Specifications LD-08-12, and authorize the City Manager to enter into a purchase order contract with Advanced Control Systems, for nine network terminal units at a cost not to exceed \$100,000.

Item discussed separately at the request of the Mayor.

AUTHORIZATION TO REIMBURSE THE OLD PASADENA MANAGEMENT DISTRICT \$165,000 FOR SEASONAL LIGHTING IN OLD PASADENA

MINUTES APPROVED

February 2, 2009

CLAIMS RECEIVED AND FILED

Claim No. 10,815	Richard R. Reyes, Esq., Attorney for Rocio Ruiz	\$ 25,000.00+
Claim No. 10,816	First Church of Christ, Scientist	25,000.00+
Claim No. 10,816-1	Jonas and Associates	10,000.00+
Claim No. 10,817	Mariel Lizarraga	3,567.17+
Claim No. 10,818	Robert A. Reed, Attorney for Tiruhi Panosyan	25,000.00+
Claim No. 10,819	Nina Webster	186.00
Claim No. 10,820	Elena I. Diaz	1,798.40
Claim No. 10,821	Lana Phan	2,100.00
Claim No. 10,822	Richard R. Cheney	1,000.00
Claim No. 10,823	Law Offices of Edi M. O. Faal, Attorney for Detrick Barnes, Guardian Ad Litem for Anari Barnes	25,000.00+
Claim No. 10,823-1	Law Offices of Edi M. O. Faal, Attorney for Mayleisha Barnes	25,000.00+

April 6, 2009, 7:30 p.m. - Designation of 60 El Circulo Street as Historic Monument

April 13, 2009, 7:30 p.m. - City Manager's Recommended Fiscal Year 2010 Operating Budget and Fiscal Year 2010-2014 Capital Improvement Program

It was moved by Councilmember Madison, seconded by Councilmember Robinson, to approve the Consent Calendar, with the exceptions of Item 2 (Contract with Manuel Brothers, Inc.) and Item 4 (Reimbursement to Old Pasadena Management District), which were discussed separately. (Motion unanimously carried) (Absent: None)

CONSENT ITEMS
DISCUSSED SEPARATELY

CONTRACT AWARD TO MANUEL BROTHERS, INC., A QUANTA SERVICES COMPANY, FOR THE INSTALLATION OF THE METRO RAPID BUS TRANSIT PRIORITY SYSTEM ON COLORADO BOULEVARD FROM THE WEST CITY LIMIT TO HILL AVENUE, FOR AN AMOUNT NOT TO EXCEED \$455,000

Recommendation of City Manager:

(1) 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 Alterations Involving Negligible Expansion of

Use Beyond That Previously Existing), 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; and

(2) Accept the bid dated January 28, 2009, submitted by Manuel Brothers, Inc., a Quanta Services Company, in response to the Specifications for the Installation of the Metro Rapid Bus Transit Priority System on Colorado Boulevard from the West City Limit to Hill Avenue, reject all other bids received, and authorize the City Manager to enter into such contract as is required, for an amount not to exceed \$455,000.

Steve Wright, Assistant City Engineer, responded to questions.

Martin Pastucha, Director of Public Works Department, responded to questions regarding the use of apprentices and the bid process.

Fred Dock, Director of Transportation Department, responded to questions regarding the project.

Councilmember Gordo expressed concerns regarding the proposed contractor's lack of certification in training electrical/operating engineer apprentices and level of intent to comply with requesting and using apprentices.

Councilmember Madison suggested this matter be referred to the Economic Development and Technology Committee to address the apprenticeship issue.

The following persons spoke in opposition to and/or expressed concerns regarding the contract award:

Carlos Hurtado, former employee of Manuel Brothers, Inc.
speaking as an individual
Patrick Owens, International Brotherhood of Electrical
Workers (IBEW), representative
Kim Craft, IBEW, Local No. 11 representative
Nancy Nelson, Pasadena resident

It was moved by Councilmember Madison, seconded by Councilmember Gordo, to refer this matter to the Economic Development and Technology Committee to review the apprenticeship compliance issue.

(Following discussion, motion withdrawn)

Discussion followed on implementation of the City's goal to train apprentices/hire local residents as part of the bid process, and options for moving forward with the project.

Following discussion, it was moved by Councilmember Holden, seconded by Councilmember Madison, to hold this matter for one week, to allow time for staff to provide additional information on the legalities involved with the apprenticeship provisions of the contract. (Motion carried, with Councilmember McAustin, Vice Mayor Haderlein objecting) (Absent: None)

Councilmember Gordo asked staff to provide information on the financial/funding impacts, if Council should opt to award the contract to the second lowest bidder when this matter returns for consideration.

AUTHORIZATION TO REIMBURSE THE OLD PASADENA MANAGEMENT DISTRICT \$165,000 FOR SEASONAL LIGHTING IN OLD PASADENA

Recommendation of City Manager: Authorize a \$165,000 reimbursement to the Old Pasadena Management District for seasonal lighting this past holiday season in Old Pasadena.

Robert Montano, Business District Coordinator, and Richard Bruckner, Director of Planning and Development Department, responded to questions.

The Mayor requested that, in the future, staff inform Council of the development of funding strategies and report on the proposed disbursement of the funds.

It was moved by Vice Mayor Haderlein, seconded by Councilmember McAustin, to approve the City Manager's recommendation. (Motion unanimously carried) (Absent: None)

**REPORTS AND COMMENTS
FROM COUNCIL
COMMITTEES**

**MUNICIPAL SERVICES
COMMITTEE**

ADOPT THE 2009 INTEGRATED RESOURCE PLAN AND REVISED RENEWABLE PORTFOLIO STANDARD

Recommendation of City Manager:

(1) Find that the 2009 Integrated Resource Plan (IRP) for Pasadena's power supply resources and revised Renewable Portfolio Standard (RPS) are exempt from the California Environmental Quality Act (CEQA), pursuant to State CEQA Guidelines Section 15262 (Feasibility and Planning Studies), and Section 15271 (Early Activities Related to Thermal Power Plants);

(2) Adopt the 2009 IRP for Pasadena's power supply resources (Exhibit 1 of the agenda report), prepared by Pace Global Energy Services, LLC (Pace); and

(3) Adopt the revised RPS, (Exhibit 2 of the agenda report), to replace the current RPS adopted on October 13, 2003.

Recommendation of Environmental Advisory Commission:

On February 17, 2009, the Environmental Advisory Commission (EAC) recommended that the City Council adopt the 2009 IRP and the revised RPS.

Councilmember McAustin, Chair of the Municipal Services Committee, introduced the agenda item, and acknowledged the contributions of the Integrated Resource Plan (IRP) Advisory Group in the IRP development process.

Phyllis Currie, General Manager of Water and Power Department, provided an overview of the development of the IRP and responded to questions.

Aldyn Hoekstra, Pace Global Energy Services Vice President (consultant), reviewed the IRP as part of a PowerPoint presentation.

Councilmember Robinson was excused at 9:23 p.m.

Gurcharan Bawa, Assistant General Manager-Power Supply, reviewed the agenda report as part of a PowerPoint presentation.

Discussion followed on costs related to implementation of the IRP and Renewable Portfolio Standard (RPS); and options for funding sources, incentives for conservation, and use of various kinds of energy resources.

The following persons spoke in support of adoption of the IRP and RPS:

Michael Hurley, Environmental Advisory Commission Chair
Don Bremner, IRP Advisory Group member speaking as an individual
Hall Daily, Caltech representative
David Czamanske, Sierra Club-Pasadena Group representative

The Mayor commended the Municipal Services Committee, IRP Advisory Group, staff, and consultant for their work on these documents.

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

ADOPT A RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF THE PASADENA FIRST AMENDED AND RESTATED MILFORD WIND CORRIDOR PHASE I PROJECT POWER SALES AGREEMENT BETWEEN SOUTHERN CALIFORNIA PUBLIC POWER AUTHORITY AND THE CITY OF PASADENA AND FURTHER APPROVING THE SHARE OF ENERGY AND ASSOCIATED ENVIRONMENTAL ATTRIBUTES TO BE PURCHASED PURSUANT TO SUCH POWER SALES AGREEMENT

Recommendation of City Manager: Adopt a resolution authorizing the execution and delivery of the Pasadena First

Amended and Restated Milford Wind Corridor Phase I Project Power Sales Agreement (Amended PSA), amending the Milford Wind Corridor Phase I, LLC Wind Generation Project Power Sales Agreement No. 19,488 (PSA) with the Southern California Public Power Authority (SCPPA), for a 5 MW (2.5% of 200 MW) share of the Milford Wind Corridor Phase I Project. The Amended PSA is exempt from competitive bidding, pursuant to City Charter Section 1002(H), contracts with other governmental agencies or their contractors. (Resolution No. 8928; Agreement Amendment No. 19,488-1)

Councilmember Robinson returned at 9:31 p.m.

Councilmember McAustin introduced the agenda item.

Gurcharan Bawa, Assistant General Manager-Power Supply, reviewed the agenda report as part of a PowerPoint presentation.

Phyllis Currie, General Manager of Water and Power Department, commented on the risks and benefits involved with the project, and responded to questions.

It was moved by Councilmember McAustin, seconded by Councilmember Tyler, to approve the City Manager's recommendation. (Motion unanimously carried) (Absent: None)

RECOMMENDATIONS FROM OFFICERS AND DEPARTMENTS

CLEAN AIR BUSES AND ROSE BOWL SHUTTLE SERVICES

Recommendation of Rose Bowl Operating Company: It is recommended that City Council find that the action proposed in the agenda report is exempt from the California Environmental Quality Act (CEQA), pursuant to State CEQA Guidelines Section 15061(b)(3) (General Rule), as well as Sections 15307 (Actions by Regulatory Agencies for Protection of Natural Resources) and 15308 (Actions by Regulatory Agencies for Protection of Environment); and direct the City Attorney to prepare an ordinance amending Pasadena Municipal Code Section 3.32.300(C), to require that the Rose Bowl Operating Company use clean air, non-diesel buses for its contracted shuttle services for major, Rose Bowl displacement events, to the maximum extent permitted by law, and to encourage private event sponsors to use clean air, non-diesel buses for shuttle to major, Rose Bowl displacement events, where commercially feasible.

Darryl Dunn, General Manager of the Rose Bowl, summarized the agenda report.

It was moved by Councilmember Gordo, seconded by Vice Mayor Haderlein, to approve the Rose Bowl Operating Company's recommendation. (Motion unanimously carried) (Absent: None)

APPOINTMENT OF BARRY GORDON TO THE PASADENA COMMUNITY ACCESS CORPORATION BOARD (District 3 Nomination)

REAPPOINTMENT OF MYRA MARTIN BOOKER TO THE CODE ENFORCEMENT COMMISSION (District 6 Nomination)

REAPPOINTMENT OF LISA MANNING TO THE HUMAN RELATIONS COMMISSION (District 6 Nomination)

REAPPOINTMENT OF JONATHAN LITVACK TO THE PASADENA CENTER OPERATING COMPANY (Hotel Nomination)

REAPPOINTMENT OF MARTIN NICHOLSON TO THE PASADENA CENTER OPERATING COMPANY (Hotel Nomination)

It was moved by Councilmember Gordo, seconded by Vice Mayor Haderlein, to approve the above appointment and reappointments. (Motion unanimously carried) (Absent: None)

RECOMMENDATION FROM COUNCIL AD HOC SUBCOMMITTEE REGARDING NOMINATIONS TO THE GENERAL PLAN UPDATE ADVISORY COMMITTEE

Councilmember Robinson, Council Ad Hoc Subcommittee member, reported on the Subcommittee's deliberations on the applications for the at large seats and the advisory committee nominations for the General Plan Update Advisory Committee (GPUAC); noted that the Subcommittee was recommending the addition of a seat to the GPUAC, which would be filled by a representative for the Pasadena Unified School District (PUSD) and bring the total GPUAC membership to 13 seats; and distributed and reviewed the Subcommittee's recommendations for the GPUAC.

Richard Bruckner, Director of Planning and Development Department, responded to questions regarding the advisory committees' nominations for GPUAC membership and the advantages of emphasizing commission membership on the GPUAC.

Discussion followed on the selection criteria and process, and the need for the GPUAC's membership to reflect diversity in reaching all parts of the City (e.g., geographic and experience).

Following discussion, it was moved by Vice Mayor Haderlein, seconded by Councilmember Madison, to add a seat to the General Plan Update Advisory Committee (GPUAC) for a representative from the Pasadena Unified School District (to be filled by Steve Brinkman); and to refer the nominations of the

remaining 12 seats back to the Council Ad Hoc Subcommittee to revisit the applications/nominations for possible changes that would improve geographic diversity, with non-Subcommittee Council members to provide their recommendations to the Subcommittee on the applications/nominations that had been received by the Subcommittee, and with the Subcommittee to report to Council on March 23, 2009. (Motion unanimously carried) (Absent: None)

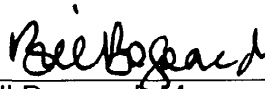
The Mayor indicated that the applications/nominations information would be provided to non-Subcommittee members for their review in a timely manner.

PUBLIC COMMENT
(Continued)

La Ronda Hartfield, Pasadena resident, expressed concerns regarding the need to provide transitional emergency housing for homeless persons, and outlined her proposal for a 500-bed facility to address this need.

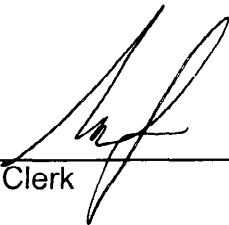
ADJOURNMENT

On order of the Mayor, the regular meeting of the City Council adjourned at 10:52 p.m.



Bill Bogaard, Mayor
City of Pasadena

ATTEST:



City Clerk