

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

REGULAR MEETING

OPENING:

Mayor Bogaard called the regular meeting to order at 5:42 p.m.
(Absent: Councilmember Holden)

On order of the Mayor, the regular meeting recessed at 5:42 p.m., to discuss the following closed sessions:

Councilmember Holden arrived at 5:59 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 closed session item was 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 not discussed.

On order of the Mayor, the regular meeting reconvened at 6:49 p.m. The Pledge of Allegiance was led by Councilmember Robinson.

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

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

The following persons urged Council to issue clear direction on the process and time schedule for restoring trees on Colorado Boulevard in the Playhouse District, and offered suggestions regarding the process:

Carla Walecka, Playhouse District Association Vice President
Paul Jacoy, Playhouse District Association President
Steve Mulheim, Old Pasadena Management District President and Chief Executive Officer

Stephen Nowlin, Pasadena Arts Council President, asked for an extension to the May 11, 2009 deadline for requested information to be presented to the City Council regarding the review of the proposed public arts project for the Pasadena Convention Center project, in order to provide adequate time for public meetings and input regarding the review and the public arts issues that have been raised.

The Mayor indicated that Council would be open to a time extension for the presentation on the public arts project review and report, with the City Manager to work with the Arts Council and City Council on the timeframe for presentation of the report.

Nancy Nelson, Pasadena resident, expressed concerns regarding the need for public speakers to be treated courteously during the meeting.

Pastor Anthony, New Direction Church, described various alleged health and code violations in the space the Church is leasing on North Raymond Avenue and alleged illegal actions taken by the building owner as part of a landlord/tenant dispute; and asked for the City to investigate this matter.

CONSENT CALENDAR

ADOPTION OF A RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY FOR A CALIFORNIA DEPARTMENT OF TRANSPORTATION COMMUNITY-BASED TRANSPORTATION PLANNING GRANT FOR THE PUBLIC PARTICIPATION AND OUTREACH PROGRAM FOR THE GENERAL PLAN LAND USE AND MOBILITY ELEMENT UPDATES

Recommendation of City Manager: Adopt a resolution authorizing City Manager to apply for a California Department of Transportation Community-Based Transportation Planning Grant to appropriate up to \$150,000 for the Public Participation and Outreach Program for the General Plan Land Use and Mobility Element Update. (Resolution No. 8931)

APPROVAL OF FINAL TRACT MAP NO. 063559, BEING A NINE-UNIT CONDOMINIUM PROJECT, AT 445 SOUTH OAKLAND AVENUE

Recommendation of City Manager:

- (1) Adopt a resolution to approve Final Tract Map No. 063559; and
- (2) Authorize the City Clerk to execute the Certificate on the map showing the City's approval of said map. (Resolution No. 8932)

APPROVAL OF FINAL VESTING TRACT MAP NO. 063407, BEING A SUBDIVISION OF CITY PROPERTY INTO 22 PARCELS, AT 800 GLADYS COURT

Recommendation of City Manager:

- (1) Adopt a resolution to approve Final Vesting Tract Map No. 063407; and
- (2) Authorize the City Clerk to execute the Certificate on the map showing the City's approval of said map. (Resolution No. 8933)

Item discussed separately at the request of Councilmember Gordo.

RESCISSION OF CONTRACT AWARD FOR THE PLANTING OF STREET TREES ON COLORADO BOULEVARD FROM LOS ROBLES AVENUE TO LAKE AVENUE

Item discussed separately at the request of Councilmember Gordo.

APPROVAL OF THE MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF PASADENA AND THE PASADENA ASSOCIATION OF CLERICAL AND TECHNICAL EMPLOYEES, LIUNA LOCAL 777, FOR THE TERM OCTOBER 1, 2008 THROUGH SEPTEMBER 30, 2010

ADOPTION OF A RESOLUTION AMENDING THE SALARY RESOLUTION TO ESTABLISH COMPENSATION FOR VARIOUS CLASSIFICATIONS IN THE UNREPRESENTED HOURLY, CONFIDENTIAL CLERICAL, NON-REPRESENTED, TECHNICAL AND ADMINISTRATIVE, AND UNREPRESENTED POLICE MANAGEMENT

Recommendation of City Manager: Adopt a resolution amending the Salary Resolution to establish benefits and compensation for various classifications in the Unrepresented Hourly, Confidential Clerical, Non-Represented, Technical and Administrative groups effective October 13, 2008; and for the classifications of Police Lieutenant, Police Captain, Police Commander, Police Commander (Non-Sworn) and Deputy Police Chief effective July 7, 2008. (Resolution No. 8934)

CLAIMS RECEIVED AND FILED

Claim No. 10,829	Caree Annette Harper	\$ Not Stated
Claim No. 10,830	Dave A. Yanchar	233.24
Claim No. 10,831	Nubit Teresa Arevalo	2,192.00
Claim No. 10,832	Chijioke Ikonte, Attorney for Kornisha Miller	25,000.00+
Claim No. 10,833	Chijioke Ikonte, Attorney for Dariel L. Johnson	25,000.00+

Claim No. 10,834	Chijioke Ikonte, Attorney for D'Shontai Wright	25,000.00+
Claim No. 10,835	Chijioke Ikonte, Attorney for Eric Thomas	25,000.00+
Claim No. 10,836	Chijioke Ikonte, Attorney for Ericka Johnson and Marissa Johnson	25,000.00+
Claim No. 10,837	Chijioke Ikonte, Attorney for Keith Eugene Johnson and Keith Eugene Johnson, III	25,000.00+
Claim No. 10,838	Chijioke Ikonte, Attorney for Mary Callum	25,000.00+
Claim No. 10,839	Chijioke Ikonte, Attorney for Treymel Coleman	25,000.00+
Claim No. 10,840	Brandon J. Anand, Attorney for Richard Arambula	10,000.00+

ITEM PULLED FROM AGENDA

May 18, 2009, 7:30 p.m. - Amendment to Schedule of Taxes, Fees, and Charges for Fiscal Year 2010

The City Clerk reported that the above public hearing to be set for May 18, 2009, was pulled from the agenda, because staff had determined that the public hearing was not needed, since the Consumer Price Index (CPI) was 0% in the past year and this would not warrant an amendment for Fiscal Year 2010.

It was moved by Councilmember McAustin, seconded by Councilmember Tyler, to approve the Consent Calendar, with the exceptions of Item 4 (Rescission of Contract with Grace Building Maintenance Co., Inc.) and Item 5 (Memorandum of Understanding with Pasadena Association of Clerical and Technical Employees, LIUNA Local 777), which were discussed separately; and with the set public hearing item pulled from the agenda for no further action. (Motion unanimously carried) (Absent: None)

**CONSENT ITEMS
DISCUSSED SEPARATELY**

RESCISSION OF CONTRACT AWARD FOR THE PLANTING OF STREET TREES ON COLORADO BOULEVARD FROM LOS ROBLES AVENUE TO LAKE AVENUE

Recommendation of City Manager: Rescind the decision to award a contract to Grace Building Maintenance Co., Inc., for the Planting of Street Trees on Colorado Boulevard from Los Robles Avenue to Lake Avenue.

Nancy Nelson, Pasadena resident, spoke in support of proceeding with the planting of trees on Colorado Boulevard.

In response to Councilmember Gordo's questions, the City Attorney clarified the status of the Playhouse District in conjunction with the Council action of March 23, 2009, to suspend the implementation of the Playhouse District Streetscapes, Walkways and Alleys Plan, and as the action

relates to tree planting and the reviews of streetscape and specific plans for consistency with the Master Street Tree Plan and City environmental plans.

Councilmember Gordo expressed concerns regarding the status of the Playhouse District streetscape/tree plan; and requested that staff return to Council in one week with information that would clarify the impacts of the moratorium on tree plantings in the North Lake Avenue and Old Town Business Districts, on the level of review that will be conducted on the Playhouse District streetscape/tree plan and possible amendment of the plan, on how new tree species will be integrated with existing trees planted during the current Playhouse District plan, on the staffing needed for the review process, on the issue of funding banners to mitigate the interim period before plantings can take place, and on the status of the full implementation and costs of the Playhouse District plan.

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

Councilmember Gordo recused himself at 7:26 p.m., due to a conflict of interest.

APPROVAL OF THE MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF PASADENA AND THE PASADENA ASSOCIATION OF CLERICAL AND TECHNICAL EMPLOYEES, LIUNA LOCAL 777, FOR THE TERM OCTOBER 1, 2008 THROUGH SEPTEMBER 30, 2010

Recommendation of City Manager: Approve a successor Memorandum of Understanding between the City of Pasadena and the Pasadena Association of Clerical and Technical Employees, LIUNA Local 777 (PACTE), for a two-year term covering the period October 1, 2008 through September 30, 2010. (Agreement No. 19,881)

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

RECOMMENDATIONS FROM OFFICERS AND DEPARTMENTS

Councilmember Gordo returned at 7:31 p.m.

STRATEGY TO ADDRESS OPERATING BUDGET DEFICIT

Recommendation of City Manager: Endorse the strategy outlined in the agenda report to address the structural imbalance in the City's General Fund operating budget.

The City Manager reviewed the agenda report as part of a PowerPoint presentation; responded to questions; distributed a handout with modified financial information titled, "General Fund – Financial Forecast – Fiscal Years 2009-2014"; and stated the following revised recommendation:

Revised Recommendation of City Manager:

(1) Conceptually support the budget strategy outlined in the agenda report; and

(2) Direct the City Manager to continue working with labor groups to forgo 2009 salary increases, and to alternatively, prepare a layoff list and assess associated service level impacts.

Karyn Ezell, Director of Human Resources Department, responded to questions involving personnel statistics and expenses.

Discussion followed on the impact of various personnel costs on the budget, the goal to increase the restricted general fund reserve balance from 10% to 15%, assumptions used in calculating projected revenues/expenses, the need to preserve reserve funds, and the proposed budget presentation process and budget monitoring process.

Councilmember McAustin cautioned against the use of overly optimistic projected revenues; and asked staff to provide various scenarios for budget reductions that take into consideration the impacts on services to the community, as the proposed budget is presented.

Councilmember Tyler suggested staff explore the coupling of salary increases with employee benefit increases as a cost-saving effort in future labor negotiations; an option to forgo salary increases for 2 years (rather than 1 year); opportunities to explore contracting out services that could provide cost savings; and options for preserving and increasing the "opportunities fund".

In response to Councilmember Madison's suggestion, the Mayor indicated that a reduction in the Council's expenses (including salaries) will be proposed and discussed as part of the 2010 budget process.

The City Attorney clarified the Charter provisions regarding Council compensation.

Councilmember Gordo asked that the budget process include an explanation of the impacts of the departments' proposed budget cuts on services/programs to the public, that staff provide information in the City Manager's weekly informational letter regarding the City's inability to qualify for federal stimulus funds for public health department costs, and that the City Attorney brief Council in closed session regarding issues related to the use of furloughs.

Vice Mayor Haderlein suggested staff explore forgoing salary increases for longer than the 1-year proposed term.

Councilmember Madison expressed concerns regarding the privatization of City services.

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

The Mayor announced, for the record, that a letter from the Chamber of Commerce with suggestions regarding the budget for 2010 had been received and distributed to Council.

OLD BUSINESS

APPROVAL OF NOMINATIONS TO THE GENERAL PLAN UPDATE ADVISORY COMMITTEE

The Mayor noted that composition of the General Plan Update Advisory Committee (GPUAC) would be comprised of nominations submitted by each Councilmember, with the Chamber of Commerce and Pasadena Unified School District to select their members; and distributed a partial listing of the nominations (primary and alternate) that had been received for the 11 positions on the GPUAC. The Mayor noted that the alternate member would act as the primary member when the primary was unable to attend a meeting; and that alternates would be provided with all meeting materials and were encouraged to attend all meetings, when possible.

Following discussion, these nominations were proposed:

District 1 - Councilmember Robinson

Primary: Berlinda Brown (At Large)

Alternate: Daniel Sharp (Northwest Commission)

District 2 - Councilmember McAustin

Primary: Emily Stork (Recreation and Parks Commission)

Alternate: Victor Harris (Transportation Advisory Commission)

District 3 - Councilmember Holden

Primary: Dante Hall (Planning Commission)

Alternate: Marilyn Buchanan (Old Pasadena Parking Meter Zone Advisory Commission)

District 4 - Vice Mayor Haderlein

Primary: Richard Janisch (Planning Commission/Open Space Advisory Committee)

Alternate: Edwina Chin (Open Space Advisory Committee)

District 5 - Councilmember Gordo

Primary: Julianna Delgado (Transportation Commission/Design Commission)

Alternate: Michelle White (At Large)

District 6 - Councilmember Madison

Primary: Michael Hurley (Environmental Advisory Commission)

Alternate: Mic Hansen (Historic Preservation Commission)

District 7 - Councilmember Tyler

Primary: Lisa Fay Matthiessen (Environmental Advisory Commission)

Alternate: Louisa Nelson (At Large)

Mayor Bogaard

Primary: Carolyn Naber (Planning Commission)
Alternate: Peter Knell (At Large)
Primary: Jill Fosselman (At Large)
Alternate: Jose Toro (At Large)

Chamber of Commerce

Primary: Paul Little (Executive Director)
Alternate: Steve Marcussen (Chamber member)

Pasadena Unified School District

Primary: Steve Brinkman (Chief of Staff)
Alternate: John Pappalardo (Chief Finance Officer)

It was moved by Vice Mayor Haderlein, seconded by Councilmember Gordo, to approve the nominations/selections to the General Plan Update Advisory Committee, as listed above. (Motion unanimously carried) (Absent: None)

The Mayor thanked Vice Mayor Haderlein, Councilmember Madison, and Councilmember Robinson for their work on the Council Ad Hoc Subcommittee in reviewing the applications and making the initial recommendations for the GPUAC.

ORDINANCE – ADOPTED

Councilmember McAustin was excused at 8:51 p.m.

Adopt “AN ORDINANCE OF THE CITY OF PASADENA AMENDING SECTION 3.32.300(C) OF THE PASADENA MUNICIPAL CODE REQUIRING CLEAN AIR NON-DIESEL BUSES FOR SHUTTLE SERVICES” (Introduced by Councilmember Robinson) (Ordinance No. 7162)

The above ordinance was adopted by the following vote:

AYES: Councilmembers Gordo, Holden, Madison, Robinson, Tyler, Vice Mayor Haderlein, Mayor Bogaard

NOES: None

ABSENT: Councilmember McAustin

INFORMATION ITEMS

Councilmember Gordo was excused at 8:52 p.m.

Councilmember McAustin returned at 8:54 p.m.

Councilmember Madison was excused at 8:56 p.m.

PRE-APPLICATION CONFERENCE FOR A NEW MIXED-USE PROJECT, AT 880 EAST COLORADO BOULEVARD

Recommendation of City Manager: This report is being provided for information only.

John Steinmeyer, Senior Planner, reviewed the agenda report as part of a PowerPoint presentation, and responded to questions.

Richard Bruckner, Director of Planning and Development Department, responded to questions regarding the proposed project and various reviews that will be performed.

Councilmember Tyler expressed concerns regarding the need for the project to adhere to design guidelines, as the project relates to the surrounding buildings and area.

Councilmember McAustin expressed concerns regarding the mass of the proposed project and the need for the project to be appropriate in scale and design for this important and central corner location, and stated her objections to the inclusion of second-floor retail in the project.

In response to Councilmember McAustin's questions, Mr. Bruckner indicated staff would provide Council with information on the sequencing of environmental documents during the development process (their review by advisory bodies and how they are certified).

Councilmember Holden requested that the Planning Commission review the Draft Environmental Impact Report.

Councilmember Holden was excused at 9:27 p.m.

Kelly Farrell, Principal for RTKL Associates (architect for developer), spoke in support of the project and responded to questions that had been raised by Council.

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

HOUSING DEPARTMENT INTERNAL AUDIT

Recommendation of City Manager: This report is being provided for information and review.

Vic Erganian, City Treasurer, introduced the agenda item.

Dan Shumovich, RSM McGladrey Managing Director (auditor), provided an overview of the audit recommendations as part of a PowerPoint presentation, and responded to questions.

The City Manager responded to questions regarding the City's policy and process on internal audits.

Bill Huang, Director of Housing Department, reviewed updated staff responses to the audit recommendations as part of a PowerPoint presentation, and responded to questions.

Councilmember Tyler complimented the City Manager on the depth and quality of this audit function in moving forward to make the City more efficient.

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

PUBLIC COMMENT (Continued)

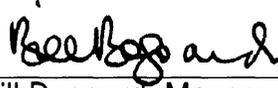
La Ronda Hartfield, Pasadena resident, expressed concerns regarding the need for the City to address ongoing housing and emergency shelter issues related to homeless and low income persons.

COUNCIL COMMENTS

In response to Councilmember Tyler's questions, the City Manager indicated that information on a community outreach program to discuss the opportunities site map for wireless facilities/equipment 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 10:00 p.m.



Bill Bogaard, Mayor
City of Pasadena

ATTEST:



City Clerk