

CITY OF PASADENA
City Council Minutes
May 18, 2009 – 5:30 P.M.
City Hall Council Chamber

REGULAR MEETING

OPENING:

Mayor Bogaard called the regular meeting to order at 5:41 p.m.
(Absent: Councilmember Tornek, Vice Mayor Gordo)

On order of the Mayor, the regular meeting recessed at 5:41 p.m., to discuss the following closed sessions:

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

City Representative: Karyn S. Ezell

Employee Organization: Pasadena Management Association and various unrepresented management employees

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

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

City Representative: Karyn S. Ezell

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 Management Association; Service Employees International Union, Local 721; and various unrepresented non-safety employees

The above closed session item was not discussed.

On order of the Mayor, the regular meeting reconvened at 7:00 p.m. The Pledge of Allegiance was led by Edward Dallas, Public Works Department employee.

ROLL CALL:

Councilmembers:

Mayor Bill Bogaard
Vice Mayor Victor Gordo (Absent)
Councilmember Steve Haderlein
Councilmember Chris Holden
Councilmember Steve Madison
Councilmember Margaret McAustin
Councilmember Jacque Robinson
Councilmember Terry Tornek (Absent)

Staff:

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

CEREMONIAL MATTERS

The City Clerk administered the oath of office to Councilmember Haderlein as member of the Fire and Police Retirement System Board.

The Mayor presented a proclamation declaring May 17-23, 2009 as National Public Works Week. The proclamation was received by Martin Pastucha, Director of Public Works Department, who provided a PowerPoint presentation on the services and accomplishments of the Public Works Department, and presented the Mayor with a poster developed by the American Public Works Association to commemorate the nation's investment in public infrastructure.

Patsy Lane, Director of Human Services and Recreation Department, presented a certificate of recognition to Miriam Bugallo as the 2009 Outstanding School Crossing Guard, as selected by All City Management, the City's crossing guard contractor. Hoori Chalian, Principal of Jefferson Elementary School, thanked Ms. Bugallo for her services in protecting the children and families of Jefferson Elementary School.

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

Bill Watkins, Pasadena resident, offered his services to the City as a volunteer, and congratulated Mayor Bogaard on reaching the mid-point in his term as Mayor.

Nancy Nelson, Pasadena resident, invited the public to attend a meeting to be held on June 27, 2009, at the Pasadena Central Library, to discuss green ecology issues, expressed concerns regarding the City's Water Conservation Plan, and commented on the City's proposed handbill ordinance.

The following persons expressed concerns regarding parking/traffic problems and issues related to a neighborhood liquor store in the area of Cleveland Elementary School, and/or spoke in opposition to the creation of a public park at Cleveland Elementary School:

Valinda Richardson, Pasadena resident, submitted a petition with 60 signatures in opposition to the City's and District's plan to establish a public park at Cleveland Elementary School.

Rose Robinson, Pasadena resident
Randolph Abalos, Pasadena resident

Councilmember Robinson noted that preliminary discussions had been held about possibly locating a park at Cleveland Elementary School as a joint use project for the City and Pasadena Unified School District, that no park was planned at

this time, and that the neighborhood would be notified and be involved in any future discussions regarding a park.

Marcia Secord, Pasadena resident, thanked the City for sponsoring the Pasadena Emergency Response Training (PERT) program for residents, and encouraged each District to take advantage of this opportunity for training.

Wayne Lusvardi, Citizens for Responsible Government representative, also appearing on behalf of David Powell, a Pasadena resident and water engineer, expressed concerns regarding a possible unintentional overdraft of water at the Raymond Basin.

CONSENT CALENDAR

EXPANDING OF RESIDENTIAL PREFERENTIAL PERMIT PARKING DISTRICT (DISTRICT "A") WITHIN WHICH PREFERENTIAL PARKING PRIVILEGES WOULD BE GRANTED TO RESIDENTS

Recommendation of City Manager:

- (1) Approve the expansion of the residential preferential permit parking district (District "A") to include the following street:
 - a. Both sides of Locust Street between Hill Avenue to Sierra Bonita Avenue
- (2) Acknowledge this project to be categorically exempted under the California Environmental Quality Act (CEQA) Guidelines, pursuant to Section 15301, Existing Facilities; and authorize the City Manager to execute and the City Clerk to file a Notice of Exemption with the Los Angeles County Clerk.

APPROVAL OF FINAL TRACT MAP NO. 063312, BEING A MIXED-USE PROJECT CONSISTING OF 52 AIR PARCELS, AT 125 NORTH RAYMOND AVENUE

Recommendation of City Manager:

- (1) Adopt a resolution to approve Final Tract Map No. 063312;
- (2) Accept the offer of an easement dedication for street purposes as shown on said map; and
- (3) Authorize the City Clerk to execute the Certificate on the map showing the City's approval of said map. (Resolution No. 8940)

APPROVAL OF FINAL TRACT MAP NO. 065586, BEING A FIVE-UNIT CONDOMINIUM PROJECT, AT 128 NORTH ALLEN AVENUE

Recommendation of City Manager:

- (1) Adopt a resolution to approve Final Tract Map No. 065586; and
- (2) Authorize the City Clerk to execute the Certificate on the map showing the City's approval of said map. (Resolution No. 8941)

ISSUANCE OF PURCHASE ORDER CONTRACT TO LN CURTIS & SONS IN THE AMOUNT NOT TO

EXCEED \$320,853 FOR THE PURCHASE OF SELF CONTAINED BREATHING APPARATUS (SCBA)

Recommendation of City Manager: Authorize issuance of a purchase order contract to LN Curtis & Sons for the purchase of Self Contained Breathing Apparatus (SCBA) equipment in an amount not to exceed \$320,853. Competitive bidding is not required pursuant to City Charter Section 1002(H), contracts with other governmental entities or their contractors.

CONTRACT AWARD TO C. S. LEGACY CONSTRUCTION, INC., FOR CONSTRUCTION OF RESTROOM BUILDINGS AND SITE IMPROVEMENTS AT VILLA AND SINGER PARKS, FOR AN AMOUNT NOT TO EXCEED \$458,855

Recommendation of City Manager:

(1) Acknowledge the project to be categorically exempt under Article 19, Section 15302, subsection (b), of the California Environmental Quality Act (CEQA), in accordance with section 21084 of the Public Resources Code;

(2) Reject all other bids received; and

(3) Accept the bid dated April 3, 2009, submitted by C.S. Legacy Construction, Inc., in response to the specifications for Restroom Buildings and Site Improvements, Villa Parke – Singer Park; and authorize the City Manager to enter into a contract not to exceed \$458,855. (Contract No. 19,920)

CONTRACT AWARD TO VART CONSTRUCTION, INC., FOR THE ARROYO PARKWAY STORM DRAIN REHABILITATION – PHASE I FROM DEL MAR BOULEVARD TO FILLMORE STREET, FOR AN AMOUNT NOT TO EXCEED \$352,000

Recommendation of City Manager:

(1) Acknowledge that the project is categorically exempt under the California Environmental Quality Act (CEQA) in accordance with Section 15301 (Class 1), 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

(2) Accept the bid dated May 6, 2009, submitted by Vart Construction, Inc., for the Arroyo Parkway Storm Drain Rehabilitation – Phase 1 from Del Mar Boulevard to Fillmore Street, reject all other bids received, and authorize the City Manager to enter into such contract, for a not to exceed amount of \$352,000. (Contract No. 19,921)

AUTHORIZATION TO ENTER INTO A PURCHASE ORDER CONTRACT WITH THE VON CORPORATION TO FURNISH AND DELIVER A COMBINATION GLOVE, BLANKET, AND LINE HOSE TESTER FOR AN AMOUNT NOT TO EXCEED \$109,400

Recommendation of City Manager: Accept the bid dated April 3, 2009, by the VON Corporation, in response to

specifications LD-09-5 to Furnish and Deliver a Combination Unit for Glove and Blanket Testing; reject all other bids; and authorize a purchase order contract to the VON Corporation, not to exceed \$109,400.

AUTHORIZATION TO ENTER INTO PURCHASE ORDER CONTRACTS WITH ONE SOURCE (CENTRAL MOLONEY), SHIHLIN ELECTRIC USA, WESCO DISTRIBUTION (ABB), AND PACIFIC UTILITIES (ABB) FOR THE FURNISHING AND DELIVERY OF DISTRIBUTION TRANSFORMERS FOR THE WATER & POWER DEPARTMENT

Recommendation of City Manager:

(1) Accept the bid dated February 17, 2009 submitted by One Source (Central Moloney) in response to Specifications LD-09-1, Item I: Internally Fused Underground Type Distribution Transformers, and Item VI: 4kV Overhead-Type Distribution Transformers;

(2) Accept the bid dated February 17, 2009 submitted by Shihlin Electric USA in response to Specifications LD-09-1, Item II: Modified Overhead Type Distribution Transformers, and Item III: 17kV/4kV Modified Overhead Type Distribution Transformers;

(3) Accept the bid dated February 17, 2009 submitted by Wesco Distribution (ABB) in response to Specifications LD-09-1, Item IV: Underground Commercial Distribution (UCD) Transformers;

(4) Accept the bid dated February 17, 2009 submitted by Pacific Utilities (ABB) (formerly Kuhlman Electric) in response to Specifications LD-09-1, Item V: 4kV Underground Type Distribution Transformers, Item VII: 17kV Single-Phase Overhead-Type Distribution Transformers, and Item VIII: 17kV Internally Fused Underground Horizontal Type Distribution; and

(5) Reject all other bids; and authorize the Purchasing Administrator to issue purchase order contracts not to exceed \$800,303 to One Source (Central Moloney) for Items I and VI, \$956,772 to Shihlin Electric USA for Items II and III; \$1,554,169 to Wesco Distribution for Item IV; and \$397,180 to Pacific Utilities (ABB) for items V, VII and VIII.

Item discussed separately at the request of Councilmember Robinson.

APPROVAL OF AN AMENDMENT TO THE MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF PASADENA AND THE SERVICE EMPLOYEES INTERNATIONAL UNION, LOCAL 721

APPROVAL OF AN AMENDMENT TO THE MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF PASADENA AND THE INTERNATIONAL UNION OF OPERATING ENGINEERS, LOCAL 501

Recommendation of City Manager: Approve an Amendment to the Memorandum of Understanding between the City of Pasadena and the International Union of Operating Engineers, Local 501. (Agreement Amendment No. 19,216-1)

MINUTES APPROVED

March 23, 2009

CLAIMS RECEIVED AND FILED

Claim No. 10,866	Jeffrey R. Coates	\$ 273.00
Claim No. 10,867	James Peterson Chairman for Chapman Manor HOA	Not Stated
Claim No. 10,868	Barbara Stevens	1,016.64
Claim No. 10,869	Ariel Edmundo Alvarado	4,720.52
Claim No. 10,870	Charles Livingstone	Not Stated
Claim No. 10.871	Eunhye Cho	3,778.82

PUBLIC HEARINGS SET

June 1, 2009, 7:30 p.m. - Amendments to the General Fee Schedule for Fiscal Year 2010

June 1, 2009, 7:30 p.m. - Approval of Submission to U.S. Department of Housing and Urban Development of Second Substantial Amendment to Consolidated Plan for the Community Development Block Grant Recovery (CDBG-R) Program

June 15, 2009, 7:30 p.m. - Approval/Submittal of the Annual Action Plan (2009-2010) as the Application and Statement of Projected Use of Funds for the U.S. Department of Housing and Urban Development (HUD); Community Development Block Grant (CDBG); Emergency Shelter Grant (ESG); Home Investment Partnership Act (HOME); and Certain Related Human Services Endowment Fund (HSEF) Allocations

June 15, 2009, 7:30 p.m. - Adopt a Resolution Approving the Pasadena Community Development Commission's FY 2010 Annual Operating Budget and FY 2010 Work Plan and Approving Payment by the Pasadena Community Development Commission for the Rehabilitation of the Villa Parke Community Center and for Public Improvements Within the Old Pasadena Project Area

June 22, 2009, 7:30 p.m. - Single-Family Code Amendments

It was moved by Councilmember Holden, seconded by Councilmember Haderlein, to approve the Consent Calendar, with the exception of Item 9 (Memorandum of Understanding with Service Employees International Union, Local 721), which was discussed separately. (Motion unanimously carried) (Absent: Councilmember Tornek, Vice Mayor Gordo)

CONSENT ITEM DISCUSSED SEPARATELY

Councilmember Robinson recused herself at 7:32 p.m., due to a conflict of interest.

APPROVAL OF AN AMENDMENT TO THE MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF PASADENA AND THE SERVICE EMPLOYEES INTERNATIONAL UNION, LOCAL 721

Recommendation of City Manager: Approve an Amendment to the Memorandum of Understanding between the City of Pasadena and the Service Employees International Union, Local 721. (Agreement Amendment No. 19,333-1)

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

OLD BUSINESS

Councilmember Robinson
returned at 7:34 p.m.

FOCUSED REVIEW OF THE REMAINING STREETScape AND SPECIFIC PLANS FOR CONSISTENCY WITH THE MASTER STREET TREE PLAN AND ENVIRONMENTAL GOALS

Recommendation of City Manager: Direct staff to work with the Urban Forestry Advisory Committee (UFAC) to undertake a focused review of the trees in the specific plans that have a total score of 60 or less, or their cumulative total on the priority subtotal is less than 6 as identified on the Review and Analysis of Species in the Specific Plan Areas (Exhibit A of the agenda report) by December 31, 2009, and rescind the moratorium on planting all other trees in the Specific Plan areas.

Urban Forestry Advisory Committee Review: At their regular meeting of May 4, 2009, the UFAC reviewed a refined analysis of the tree species for Pasadena's Streetscape Plans attached as Exhibit A of the agenda report. In this review, the UFAC discussed the weightings that would be more in alignment with their understanding of the Council and community priorities, suggesting that the column for Aesthetic Value and CO2 Reduction should be higher. The UFAC further indicated that they would like to devote their next meeting to host a public workshop and analyze the matrix before a review of the districts would begin. With a consensus of the evaluation criteria, the UFAC would work with stakeholders for each streetscape plan to review species that no longer meet the City's environmental goals.

The City Manager introduced the agenda item, and responded to questions regarding the Urban Forestry Advisory Committee's (UFAC) suggestions regarding the tree review process and criteria.

Darya Barar, Program Coordinator, reviewed the agenda report as part of a PowerPoint presentation, and responded to questions.

Martin Pastucha, Director of Public Works Department, responded to questions regarding the timetable and process for the tree review.

Kathy Woods, Parks and Natural Resources Administrator, responded to questions regarding the review process.

Discussion followed on the timetable and process for the tree review, public outreach during the review process, and the role of UFAC in the process.

It was moved by Councilmember Haderlein, to approve the City Manager's recommendation, as amended to reflect a deadline of November 1, 2009. (Motion failed, due to lack of a second)

Following additional discussion of the review process, the City Manager indicated that staff would notify the Council, in the weekly informational letter, when UFAC has completed a review of a specific plan area and there is agreement that no changes are needed in the current tree selections in that specific plan area.

Mr. Pastucha indicated that staff would also provide information to Council regarding UFAC's public meetings and the public's input, when concerns are raised regarding a tree selection or there is not unanimity about the tree selection.

Following discussion, It was moved by Councilmember McAustin, seconded by Councilmember Holden, to approve the City Manager's recommendation, with staff to provide a status report on the progress of the tree review in September 2009. (Motion unanimously carried) (Absent: Councilmember Tornek, Vice Mayor Gordo)

PUBLIC HEARINGS

CONTINUED PUBLIC HEARING: RECOMMENDED FISCAL YEAR 2010 OPERATING BUDGET AND FISCAL YEAR 2010-2014 CAPITAL IMPROVEMENT PROGRAM

Recommendation of City Manager: Receive public comment and continue the public hearing to each subsequent regular meeting of the City Council at 7:30 p.m. until June 15, 2009, or such other later date as the City Council may determine, and at which time the City Council will be asked to close the public hearing and formally adopt the Fiscal Year 2010 Operating Budget and the Fiscal Year 2010-2014 Capital Improvement Program Budget.

The Mayor announced now was the time for the continued public hearing.

Councilmember Holden, Chair of the Finance Committee, reported the budgets for the Pasadena Center Operating Company, City Council, and the departments of City Attorney/City Prosecutor, Transportation, and Human Services and Recreation had been discussed at the budget workshop/special joint meeting of the City Council and Finance Committee held on May 18, 2009 at 3:00 p.m. He highlighted issues involving public safety, staffing, and possible tier 2 budget cuts that had been flagged for further discussion as the budget process continues; and encouraged the public to participate in the budget process.

No one appeared for public comment.

By consensus and on order of the Mayor, the public hearing was continued to June 1, 2009 at 7:30 p.m.

CONTINUED PUBLIC HEARING: AMENDMENT TO THE GENERAL FEE SCHEDULE TO INCREASE THE RESIDENTIAL REFUSE COLLECTION FEES AND SOLID WASTE FRANCHISE FEES

Recommendation of City Manager: It is recommended that the City Council, following the public hearing:

(1) Find that these increases are not subject to the California Environmental Quality Act (CEQA), pursuant to State CEQA Guidelines Section 15378(b)(4) (definition of project excludes government fiscal activities, which do not involve any commitment to any specific project);

(2) Approve a resolution amending the General Fee Schedule to increase the Residential Refuse Collection Fees by the following amounts: a percentage increase in the rates of 2.97 percent, plus the addition of a flat \$0.79 per month to the base bill per household, for the reasons set forth in the agenda report; and

(3) Approve a resolution increasing the Franchise Fee assessed Franchisees under the Solid Waste Collection Franchise Ordinance from the current 16 percent to 19.515 percent. (Resolution Nos. 8942 and 8943)

The Mayor announced now was the time for the continued public hearing.

The City Clerk reported that 7 protest letters had been received.

The City Manager introduced the agenda item; and indicated that staff was continuing to study proposed changes to the street sweeping program, which would be presented to Council at a future date.

Brenda Harvey-Williams, Finance and Management Services Administrator, reviewed the agenda report as part of a PowerPoint presentation.

Martin Pastucha, Director of Public Works Department, responded to questions regarding the various fees.

Councilmember Holden suggested staff inform the public about the option to downsize their refuse containers.

The following persons spoke in opposition to the increased fees and expressed concerns regarding the quality of the service:

William Renter, Pasadena resident
Glenda Owens, Pasadena resident

The following person suggested staff explore measures to mitigate the fee increases and ways to more definitively inform the public about the reasons for increased costs covered by the public hearing notices:

Sid Tyler, Pasadena resident

The City Manager indicated staff would contact Glenda Owens regarding the refuse collection problems she is experiencing.

It was moved by Councilmember Madison, seconded by Councilmember Robinson, to close the public hearing. (Motion unanimously carried) (Absent: Councilmember Tornek, Vice Mayor Gordo)

Councilmember McAustin suggested staff explore ways to improve the public hearing notices pertaining to rate increases so that the notices more clearly explain the increases.

The Mayor suggested the Municipal Services Committee review future public notices issued under Proposition 218 matters prior to their distribution.

The City Manager indicated that staff would present the public notices to the Municipal Services Committee for review, and would better articulate the measures being taken by staff to minimize operating costs and ensure that the City is operating the refuse collection program in an efficient manner when staff reports to the Committee and Council in the future.

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

**ORDINANCE – FIRST
READING**

Conduct first reading of “AN ORDINANCE OF THE CITY OF PASADENA AMENDING WATER SHORTAGE PROCEDURES, CHAPTER 13.10 OF THE PASADENA MUNICIPAL CODE, TO ESTABLISH WATER WASTE PROHIBITIONS AND WATER SUPPLY SHORTAGE PLANS”

The Mayor announced that a revised version of the proposed ordinance, which contained minor modifications in form but not substance, had been reviewed and distributed by the City Attorney.

In response to Councilmember McAustin's questions, Eric Klinkner, Assistant General Manager/Power Supply, confirmed that this ordinance will not affect the City's pumping rights in the Raymond Basin.

Nancy Nelson, Pasadena resident, expressed opposition to the ordinance.

Councilmember McAustin stressed that the purpose of the above ordinance was to encourage residents to use water wisely and was not meant to criminalize a resident's use of water.

The City Attorney noted that, although the ordinance does provide for potential monetary penalties, the intention of the administration of the ordinance is to educate residents on water usage and compliance with the ordinance.

The above ordinance was offered for first reading by Councilmember McAustin:

AYES: Councilmembers Haderlein, Holden, Madison, McAustin, Robinson, Mayor Bogaard

NOES: None

ABSENT: Councilmember Tornek, Vice Mayor Gordo

Councilmember McAustin announced that she was having the Pasadena Water and Power Department (PWP) conduct a water audit for her residence and would be making public the results of this audit and her progress in meeting the water saving goals set by PWP, and challenged the Council to also participate in a water audit/conservation program. Councilmember Madison accepted this challenge.

**REPORTS AND COMMENTS
FROM COUNCIL
COMMITTEES**

**MUNICIPAL SERVICES
COMMITTEE**

**ADOPTION OF THE SEWER SYSTEM MANAGEMENT
PLAN (SSMP)**

Recommendation of City Manager:

(1) Acknowledge that the Sewer System Management Plan is exempt from the California Environmental Quality Act (CEQA), pursuant to Division 13, Section 21000 et seq. of the Public Resources Code and Title 14, Sections 15061(b)(3) and 15308;

(2) Adopt a resolution approving the Sewer System Management Plan document prepared by Kennedy/Jenks Consultants (K/J) dated June 2008 (Exhibit A of the agenda report); and

(3) Authorize the Director of Public Works to certify and submit the Sewer System Management Plan document to the State Water Resources Control Board (SWRCB). (Resolution No. 8944)

Councilmember McAustin, Chair of the Municipal Services Committee, introduced the agenda item.

Stephen Walker, Principal Engineer, reviewed the agenda report as part of a PowerPoint presentation.

Martin Pastucha, Director of Public Works Department, and Dan Rix, City Engineer, responded to questions regarding sewer maintenance and storm drain issues.

It was moved by Councilmember McAustin, seconded by Councilmember Holden, to approve the City Manager's recommendation. (Motion unanimously carried) (Absent: Councilmember Tornek, Vice Mayor Gordo)

PUBLIC SAFETY
COMMITTEE

AUTHORIZE THE CITY MANAGER TO EXECUTE AN ADDENDUM TO THE MEMORANDUM OF UNDERSTANDING BETWEEN THE PASADENA POLICE DEPARTMENT AND PASADENA UNIFIED SCHOOL DISTRICT (PUSD)

Recommendation of City Manager: Authorize the City Manager to execute an addendum to the Memorandum of Understanding between the City of Pasadena, Police Department and the Pasadena Unified School District. (Agreement Amendment No. 19,207-2)

Councilmember Haderlein, Chair of the Public Safety Committee, introduced the agenda item.

Deputy Police Chief Chris Vicino summarized the agenda report and responded to questions.

Councilmember Robinson noted that the Public Safety Committee had asked that all middle school campuses be covered by the memorandum of understanding, including the McKinley School; and that staff provide an update on the policing program in Fall of 2009.

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

Councilmember Madison congratulated the City Attorney's Office on their recent successful defense of the City in the Hindman civil case.

RECOMMENDATIONS FROM OFFICERS AND DEPARTMENTS

ADOPT A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO LICENSE AGREEMENTS WITH PROPERTY OWNERS, FOR THE INSTALLATION OF CERTAIN IMPROVEMENTS IN THE PUBLIC RIGHT-OF-WAY WITH A VALUE OF LESS THAN \$75,000

Recommendation of City Manager: Adopt a resolution granting the City Manager authority to enter into license agreements in essentially the form attached to the agenda report, for the installation of certain improvements within the public right-of-way with a value of less than \$75,000. (Resolution No. 8945)

Dan Rix, City Engineer, reviewed the agenda report as part of a PowerPoint presentation.

It was moved by Councilmember Holden, seconded by Councilmember Haderlein, to approve the City Manager's recommendation. (Motion unanimously carried) (Absent: Councilmember Tornek, Vice Mayor Gordo)

APPOINTMENT OF JAMES McDERMOTT TO THE PASADENA CENTER OPERATING COMPANY BOARD (At Large/District 6 Nomination)

RESIGNATION OF TERRY TORNEK FROM THE PLANNING COMMISSION (District 7 Nomination)

RESIGNATION OF TERRY TORNEK FROM THE DESIGN COMMISSION (Planning Commission Nomination)

REAPPOINTMENT OF CAROLYN MEREDITH TO THE ENVIRONMENTAL ADVISORY COMMISSION (District 2 Nomination)

REAPPOINTMENT OF PALENCIA TURNER TO THE ARTS AND CULTURE COMMISSION (District 3 Nomination)

REAPPOINTMENT OF DANTE HALL TO THE PLANNING COMMISSION (District 3 Nomination)

REAPPOINTMENT OF MARGARET BELTON TO THE RECREATION AND PARKS COMMISSION (District 3 Nomination)

REAPPOINTMENT OF JAMES MARLATT TO THE HUMAN SERVICES COMMISSION (District 4 Nomination)

REAPPOINTMENT OF CHARLES NELSON TO THE NORTHWEST COMMISSION (District 4 Nomination)

RESIGNATION OF LISA FAY MATTHIESSEN FROM THE ENVIRONMENTAL ADVISORY COMMISSION (Mayor Nomination)

RESIGNATION OF GREGORY HARRISON FROM THE HUMAN SERVICES COMMISSION (District 2 Nomination)

It was moved by Councilmember Madison, seconded by Councilmember Robinson, to approve the above appointment and reappointments and accept the resignations with regret. (Motion unanimously carried) (Absent: Councilmember Tornek, Vice Mayor Gordo)

ORDINANCES – FIRST READING

Conduct first reading of "AN ORDINANCE OF THE CITY OF PASADENA AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF PASADENA ESTABLISHED BY SECTION

17.20.020 OF THE PASADENA MUNICIPAL CODE FOR THE PARCEL AT 1472 NORTH GARFIELD AVENUE (PASADENA CHRISTIAN SCHOOL MASTER DEVELOPMENT PLAN)”

The above ordinance was offered for first reading by Councilmember Holden:

AYES: Councilmembers Haderlein, Holden, Madison, McAustin, Robinson, Mayor Bogaard

NOES: None

ABSENT: Councilmember Tornek, Vice Mayor Gordo

Conduct first reading of “AN ORDINANCE OF THE CITY OF PASADENA AMENDING TITLE 4 OF THE PASADENA MUNICIPAL CODE TO UPDATE THE LIST OF PARKS AND OPEN SPACE AREAS ON WHICH RESIDENTIAL IMPACT FEES MAY BE EXPENDED (ROBINSON PARK)”

The above ordinance was offered for first reading by Councilmember Holden:

AYES: Councilmembers Haderlein, Holden, Madison, McAustin, Robinson, Mayor Bogaard

NOES: None

ABSENT: Councilmember Tornek, Vice Mayor Gordo

Conduct first reading of “AN ORDINANCE OF THE CITY OF PASADENA AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF PASADENA ESTABLISHED BY SECTION 17.20.020 OF THE PASADENA MUNICIPAL CODE (MARENGO-PICO LANDMARK OVERLAY DISTRICT)”

The above ordinance was offered for first reading by Councilmember Madison:

AYES: Councilmembers Haderlein, Holden, Madison, McAustin, Robinson, Mayor Bogaard

NOES: None

ABSENT: Councilmember Tornek, Vice Mayor Gordo

RECOMMENDATIONS FROM OFFICERS AND DEPARTMENTS

ADOPTION OF RESOLUTIONS REPEALING RESOLUTION NO. 7542, WHICH ESTABLISHED A STANDARD LICENSE AGREEMENT FOR WIRELESS TELECOMMUNICATIONS ANTENNA FACILITIES; AND AMENDING DESIGN GUIDELINES FOR THE PLACEMENT OF WIRELESS TELECOMMUNICATIONS ANTENNA FACILITIES WITHIN THE CITY

Recommendation of City Attorney:

- (1) Adopt a resolution repealing a 1997 resolution establishing a standard form license agreement for wireless telecommunications facilities along the public right-of-way and on City-owned property, consistent with the Council's direction at its February 23, 2009 meeting; and
- (2) Adopt a resolution amending the design guidelines for the placement of wireless telecommunications antenna facilities, consistent with the Council's direction at its February 23, 2009 meeting. (Resolution Nos. 8946 and 8947)

ORDINANCE – ADOPTED

Adopt “AN ORDINANCE OF THE CITY OF PASADENA ADDING A NEW CHAPTER 12.22 TO THE PASADENA MUNICIPAL CODE ENTITLED “TELECOMMUNICATIONS FACILITIES,” AMENDING SECTION 17.50.310 OF THE PASADENA MUNICIPAL CODE (“TELECOMMUNICATIONS FACILITIES”), MAKING CONFORMING AMENDMENTS TO TITLES 17 AND 18 OF THE PASADENA MUNICIPAL CODE, AND REPEALING ORDINANCE NO. 7144, AN INTERIM URGENCY ORDINANCE RELATING TO GROUND-MOUNTED WIRELESS FACILITIES IN RESIDENTIAL ZONES” (Introduced by Councilmember Madison) (Ordinance No. 7164)

The above agenda report and ordinance for second reading were discussed concurrently.

The City Attorney summarized the agenda report; indicated that a “clean up” amendment to the ordinance that will address issues raised by Council at its meeting of April 27, 2009, will be presented to Council in September 2009; and responded to questions.

Javan Rad, Deputy City Attorney, clarified the necessity for the resolutions, discussed the use of justification studies, and responded to questions regarding the resolutions and provisions in the ordinance.

The following persons expressed concerns regarding various provisions in the proposed wireless telecommunications facilities license agreement/design guidelines/ordinance and/or spoke in opposition to the ordinance:

Tim Miller, T-Mobile representative
Miriam Nakamura-Quan, Pasadena Neighborhood Coalition (PNC) member
Dr. Raymond Quan, PNC member
Joan Chin, Sunset Oaks Neighborhood Association member
June Takenouchi, East Orange Grove Neighborhood Association President
Nancy Nelson, Pasadena resident
Mary Dee Romney, Pasadena resident

Discussion followed on the purpose and use of justification studies, and legal constraints related to the City’s ordinance.

It was moved by Councilmember Holden, seconded by Councilmember Haderlein, to direct staff to return to Council with an analysis and legal rationale that could allow the City to require justification studies for all wireless facilities, to be used as a basis in making a future policy decision on this issue. (Motion unanimously carried) (Absent: Councilmember Tornek, Vice Mayor Gordo)

It was moved by Councilmember Madison, seconded by Councilmember Holden, to approve the above City Attorney's recommendation. (Motion unanimously carried) (Absent: Councilmember Tornek, Vice Mayor Gordo)

The above ordinance was adopted by the following vote:

AYES: Councilmembers Haderlein, Holden, Madison, McAustin, Robinson, Mayor Bogaard

NOES: None

ABSENT: Councilmember Tornek, Vice Mayor Gordo

PUBLIC COMMENT

(Continued)

June Takenouchi, Pasadena resident, expressed opposition to State Propositions 1A, 1B, 1C, 1D, 1E, and 1F for the May 19, 2009 Special Election; and also expressed opposition to the City's proposed water rate increases.

Joan Chin, Sunset Oaks Neighborhood Association member, expressed opposition to the creation of a public park at Cleveland Elementary School.

La Ronda Hartfield, Pasadena resident, expressed support for her proposed "Crown" project, a 500-bed homeless and transitional housing facility/drop-in center.

The following persons expressed concerns regarding an alleged lack of adequate opportunity for public input regarding the above wireless communications facilities item:

Dr. Raymond Quan, Pasadena resident

Miriam Nakamura-Quan, Pasadena resident

COUNCIL COMMENTS

Councilmember Robinson asked that the Legislative Policy Committee review Senate Bill 250 – Pet Responsibility Act and Congress's proposed Employee Free Choice Act for possible recommendations on positions to be considered by Council.

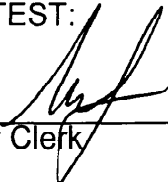
ADJOURNMENT

On order of the Mayor, the regular meeting of the City Council adjourned at 10:47 p.m., in memory of Walter Shattford, a retired attorney who was a life-time member of the NAACP, was a pivotal local figure in the struggle for racial justice and equal access to education, and spent 40 years of service to Pasadena's public schools and Pasadena City College.

Bill Bogaard

Bill Bogaard, Mayor
City of Pasadena

ATTEST:



City Clerk