

CITY OF PASADENA
City Council Minutes
June 14, 2010 – 5:30 P.M.
City Hall Council Chamber

REGULAR MEETING

OPENING:

Mayor Bogaard called the regular meeting to order at 5:38 p.m.
(Absent: Councilmembers Haderlein, Madison)

On order of the Mayor, the regular meeting recessed at 5:38 p.m., to discuss the following closed sessions:

CITY COUNCIL CONFERENCE WITH REAL PROPERTY NEGOTIATORS PURSUANT TO GOVERNMENT CODE SECTION 54956.8

Councilmember Madison arrived at 6:03 p.m.

Property Location: Rose Bowl Stadium and surrounding parking areas

Agency Negotiators: Darryl Dunn, Michael J. Beck, Andy Green, and Dan Barrett

Negotiating Parties: Tournament of Roses and University of California at Los Angeles (UCLA)

Under Negotiation: Price and Terms of payment

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

Councilmember Holden was excused at 6:46 p.m.

CITY COUNCIL CONFERENCE WITH LEGAL COUNSEL REGARDING POTENTIAL LITIGATION – Significant exposure to litigation pursuant to Government Code Section 54956.9(b): One potential case

CITY COUNCIL CONFERENCE REGARDING PUBLIC EMPLOYEE PERFORMANCE EVALUATION pursuant to Government Code Section 54957

Title: City Clerk

The above two closed session items were not discussed, due to time constraints.

On order of the Mayor, the regular meeting reconvened at 6:46 p.m. The Pledge of Allegiance was led by Councilmember McAustin.

ROLL CALL:

Councilmembers:

Mayor Bill Bogaard
Vice Mayor Victor Gordo
Councilmember Steve Haderlein (Absent)
Councilmember Chris Holden (Returned at 7:06 p.m.)
Councilmember Steve Madison
Councilmember Margaret McAustin

Councilmember Jacque Robinson
Councilmember Terry Tornek

Staff:

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

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

Jeffrey Henderson, Pasadena resident, expressed concerns regarding an incident involving alleged misconduct by the Pasadena Police Department, asked the City to investigate this matter, and submitted his written statement regarding the incident.

Nancy Nelson, Pasadena resident, invited the community to an Eco-Community Dialogue program with guest speaker Brian Biery, to be held on June 30, 2010; asked the City to discontinue adding fluoride to the City's water supply; and submitted an informational flyer on fluoride.

Amelia Caltacci, Pasadena resident, and her daughter, expressed concerns regarding a notice of code violations that had been received, and possible drug selling by neighbors; and asked for assistance in obtaining an extension for complying with the code violations notice.

The City Manager indicated that Assistant City Manager Steve Mermell will talk with Ms. Caltacci about her situation.

Vice Mayor Gordo asked staff to provide him with an update on Ms. Caltacci's problems.

CONSENT CALENDAR

**AUTHORIZATION TO CONTRACT WITH THE CITY OF
ARCADIA FOR VERDUGO FIRE DISPATCHING SERVICES**

Recommendation: Authorize the City Manager to enter into a contract without competitive bidding, pursuant to City Charter Section 1002(H), contracts with other governmental entities, with the City of Arcadia for dispatching services at the Verdugo Fire Dispatch Center for a period of three years. (Contract No. 20,357)

**AUTHORIZE THE ISSUANCE OF A PURCHASE ORDER
WITH BOERNER TRUCK CENTER, FOR THE PURCHASE
OF THREE CRANE CARRIER REFUSE SIDE LOADER
TRUCKS IN AN AMOUNT NOT TO EXCEED \$857,901**

Recommendation:

(1) Authorize the issuance of a purchase order to Boerner Truck Center, in an amount not to exceed \$857,901 for the purchase of three Side Loading Refuse Trucks;

(2) Reject all other bids presented; and

(3) Find that this action is exempt from the California Environmental Quality Act (CEQA), pursuant to State CEQA Guidelines Section 15061(b)(3), the General Rule that CEQA

only applies to projects that may have an effect on the environment.

CONTRACT AWARD TO DREAMBUILDER, FOR THE ARROYO PARKWAY STORM DRAIN REHABILITATION – PHASE 2, FROM COLORADO BOULEVARD TO DEL MAR BOULEVARD FOR AN AMOUNT NOT TO EXCEED \$258,000
Recommendation:

(1) Find that on February 2, 2010, the project proposed herein was found to be categorically exempt under the California Environmental Quality Act (CEQA), in accordance with Title 14, Chapter 3, Class 1, Section 15301. This exemption includes the 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 there are no changed circumstances or new information which would require further environmental review; and

(2) Accept the bid dated May 19, 2010, submitted by Dreambuilder, in response to the Project Specifications for the Arroyo Parkway Storm Drain Rehabilitation – Phase 2, from Colorado Boulevard to Del Mar Boulevard; reject all other bids received; and authorize the City Manager to enter into such contract as is required for an amount not to exceed \$258,000. (Contract No. 20,358)

MINUTES APPROVED

May 17, 2010
May 24, 2010
May 31, 2010

CLAIMS RECEIVED AND FILED

Claim No. 11,127	Mid-Century Insurance Company as Subrogee for Jennifer Liebl	\$ 2,116.80
Claim No. 11,128	Lily Yenoki	193.74
Claim No. 11,129	Andrea De Young	25,000.00+
Claim No. 11,130	Mid-Century Insurance Company as Subrogee for Prado Community Association	28,463.77
Claim No. 11,131	Glen Asti and Laura Asti	1,003.05
Claim No. 11,132	AT&T	2,181.51

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

REPORTS AND COMMENTS FROM COUNCIL COMMITTEES

ECONOMIC DEVELOPMENT AND TECHNOLOGY COMMITTEE

AUTHORIZATION FOR GENERAL MANAGER TO ENTER INTO AN AMENDMENT TO AGREEMENT NUMBERS 12,651-1 AND 12,231 WITH AMERICAN GOLF CORPORATION FOR AN ADDITIONAL FIVE-YEAR TERM

Recommendation of Rose Bowl Operating Company: It is recommended that the City Council:

(1) Find that the contract amendment proposed in the agenda

report is categorically exempt under California Environmental Quality Act (CEQA) Guidelines Section 15323, normal operations of facilities for public gatherings;

(2) Authorize the General Manager to enter into an amendment to Agreement Numbers 12,651-1 and 12,231 with American Golf Corporation (AGC), for an additional five-year term to expire on January 31, 2016 and specifying: (A) the annual and percentage rents to be paid by AGC; (B) a revised allocation of parking revenue and costs; (C) the portion of revenues to be paid into the Golf Facility Capital Improvement Fund; and (D) the percentage share of water saving and costs to be split between AGC and RBOC, without competitive bidding, pursuant to Pasadena City Charter Section 1002(F), professional or unique services; and

(3) Grant the proposed contract an exemption from the competitive selection process of the Competitive Bidding and Purchasing Ordinance, pursuant to Pasadena Municipal Code Section 4.08.049(B), contracts for which the City's best interests are served. (Agreement Amendment Nos. 12,651-9 and 12,231-9)

Vice Mayor Gordo, Chair of the Economic Development and Technology Committee, introduced the agenda item.

Darryl Dunn, General Manager of the Rose Bowl, stressed the issues of water costs and decreased demand for golf that played a part in the negotiations for the Brookside Golf Course operations agreement.

Councilmember Holden returned at 7:06 p.m.

Dave Sams, Brookside Golf Course Director of Operations, reviewed the agenda report as part of a PowerPoint presentation, and responded to questions.

Councilmember Holden encouraged Mr. Sams to work with American Golf Corporation on a hiring strategy that would increase the number/percentage of golf course employees who are Pasadena residents.

It was moved by Vice Mayor Gordo, seconded by Councilmember Robinson, to approve the Rose Bowl Operating Company's recommendation. (Motion unanimously carried) (Absent: Councilmember Haderlein)

FINANCE COMMITTEE

QUARTERLY INVESTMENT REPORT – QUARTER ENDING MARCH 31, 2010

Recommendation: This report is for information purposes only.

Councilmember Tornek was excused at 7:23 p.m.

Councilmember Holden, Chair of the Finance Committee, introduced the agenda item.

Vic Erganian, Deputy Director of Finance Department/City Treasurer, summarized the agenda report.

It was moved by Councilmember McAustin, seconded by Councilmember Robinson, to receive and file the report. (Motion unanimously carried) (Absent: Councilmembers Haderlein, Tornek)

MUNICIPAL SERVICES
COMMITTEE

ADOPTION OF RESOLUTION AUTHORIZING PARTICIPATION IN THE LOS ANGELES COUNTY ENERGY PROGRAM

Recommendation:

- (1) Find that the action taken is categorically exempt from the California Environmental Quality Act (CEQA), pursuant to State CEQA Guidelines Section 15308 – Class 8; and
- (2) Adopt a resolution to authorize the City of Pasadena as a participant in the Los Angeles County Energy Program (LACEP). (Resolution No. 9035)

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

Councilmember Tornek returned at 7:31 p.m.

Fred Lyn, Legislative and Regulatory Affairs Manager, reviewed the agenda report as part of a PowerPoint presentation.

Howard Choy, County of Los Angeles Office of Sustainability representative, responded to questions regarding the Los Angeles County Energy Program (LACEP).

Michelle White, Affordable Housing Services representative, spoke in support of programs that would assist nonprofit organizations that provide low-income housing.

It was moved by Councilmember McAustin, seconded by Councilmember Tornek, to approve the staff recommendation. (Motion unanimously carried) (Absent: Councilmember Haderlein)

AUTHORIZE EXECUTION OF: (1) A LEASE AGREEMENT WITH SPEAR POINT ENERGY FOR THE USE OF THE WINDSOR RESERVOIR ROOF TO INSTALL, OWN, AND OPERATE A SOLAR POWER GENERATING SYSTEM; AND (2) A POWER PURCHASE AGREEMENT TO PROCURE 100% OF THE RENEWABLE ENERGY GENERATED BY THE SOLAR SYSTEM

Recommendation:

- (1) Find that the proposed contract and solar installation are exempt from the California Environmental Quality Act (CEQA), pursuant to State CEQA Guidelines Section 15308, actions by regulatory agencies for the protection of the environment;
- (2) Authorize the City Manager to execute a lease agreement

with Spear Point Energy (System Owner) that enables the System Owner to install, own, and operate a photovoltaic solar electric generating system on the roof of the Windsor Reservoir for a term of twenty years; and

(3) Authorize the City Manager to execute a power purchase agreement with the System Owner to purchase 100% of the electrical energy produced by the solar system for a term of twenty years.

These agreements are exempt from competitive bidding, pursuant to City Charter Section 1002(F), contracts for professional or unique services. (Agreement No. 20,359)

Recommendation of Municipal Services Committee: On June 8, 2010, the Municipal Services Committee concurred with the staff recommendation.

Councilmember McAustin introduced the agenda item.

Eric Klinkner, Assistant General Manager of Water and Power Department, reviewed the agenda report as part of a PowerPoint presentation.

It was moved by Councilmember McAustin, seconded by Councilmember Tornek, to approve the staff recommendation. (Motion unanimously carried) (Absent: Councilmember Haderlein)

PUBLIC HEARINGS

CONTINUED PUBLIC HEARING: CITY MANAGER'S RECOMMENDED FISCAL YEAR 2011 OPERATING BUDGET AND FISCAL YEAR 2011-2015 CAPITAL IMPROVEMENT PROGRAM

Recommendation: Receive public comment and continue the public hearing to each subsequent regular meeting of the City Council at 7:30 p.m. until June 21, 2010, 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 2011 Operating Budget and the Fiscal Year 2011-2015 Capital Improvement Program Budget.

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

Councilmember Holden, Chair of the Finance Committee, reported that at the special joint meeting of the City Council and Finance Committee held on June 14, 2010 at 3:00 p.m., staff had completed a review of the department and operating company budgets, and will be presenting the Finance Committee and the City Council with possible funding options for the Neighborhood Outreach Workers (NOW) program when the Operating Budget is considered for final approval.

Michelle White, Pasadena resident, expressed concerns regarding the need to provide adequate funding sources for housing issues, using General Fund monies if necessary.

The City Manager briefly discussed the current funding sources and efforts to address housing needs in the City, and noted that the Fiscal Year 2011 Operating Budget and the Fiscal Year 2011-2015 Capital Improvement Program Budget will be presented for adoption at the City Council meeting of June 21, 2010.

By consensus and on order of the Mayor, the public hearing was continued to June 21, 2010 at 7:30 p.m.

CONTINUED PUBLIC HEARING: ANNUAL AMENDMENTS TO THE GENERAL FEE SCHEDULE

Recommendation: It is recommended that the City Council continue the public hearing to June 21, 2010, at 7:30 p.m.

By consensus and on order of the Mayor, the public hearing was continued to June 21, 2010 at 7:30 p.m.

PUBLIC HEARING: SCHEDULE OF TAXES, FEES, AND CHARGES

Recommendation: It is recommended that the City Council continue the public hearing to June 21, 2010, at 7:30 p.m.

By consensus and on order of the Mayor, the public hearing was continued to June 21, 2010 at 7:30 p.m.

PUBLIC HEARING: CONSIDERATION OF PROPOSED WATER RATE ADJUSTMENTS

Recommendation:

(1) Conduct a public hearing to receive public comment on the Proposed Water Rate Adjustments to:

- (a) Eliminate Block 5 allocation and rates and reduce Block 4 rates by 25%, effective July 1, 2010;
- (b) Discontinue Block 5 relief, effective July 1, 2010;
- (c) Discontinue refund or credit of water purchased for Blocks 4 and 5, effective July 1, 2010; and
- (d) Increase the Purchased Water Adjustment Charge (PWAC) by 9.5¢ per billing unit effective October 1, 2010 and by 12¢ per billing unit effective October 1, 2011;

(2) Have City Clerk or department representative report on timely written protests received;

(3) Close the public hearing; and

(4) Direct the City Attorney to prepare an ordinance amending the Pasadena Municipal Code Section 13.20 in accordance with the City Council's action on this matter.

Recommendation of Municipal Services Committee: This information was presented to the Municipal Services Committee at its meeting on April 13, 2010. No specific action was requested.

The Mayor opened the public hearing.

The City Clerk reported 15,350 copies of the notice of public hearing were mailed on April 28, 2010 and 28,700 copies of the notice were mailed on April 29, 2010. He also reported that 1 letter in support of the proposed water rate adjustments and 4 letters in opposition to the proposed adjustments were received, and that the protests received did not constitute a majority protest.

Phyllis Currie, General Manager of the Water and Power Department, introduced the agenda item; clarified the Metropolitan Water District's rate increases that are being passed through to the City, and Council's previously-approved operational rate increases; and responded to questions regarding sub-metering, and devising a scheme for the fair allocation of water.

Shari Thomas, Assistant General Manager, reviewed the agenda report as part of a PowerPoint presentation, and noted that the rate adjustments will be effective when the ordinance is approved by Council and published.

The following persons expressed concerns regarding, and/or spoke in opposition to, various components of the proposed water rate adjustments:

Paul Little, Chamber of Commerce President and Chief Executive Officer, submitted a letter from the Chamber stating their position.

Roberta Levine, Pasadena resident

Gary Adams, multi-family property owner

Robert Senger, Pasadena resident and rental property owner

Councilmember McAustin indicated that the Municipal Services Committee will agendize a discussion of the sub-metering issue, noted that these rate increases reflect efforts to align the City's water costs with the rates being charged to its customers, and thanked the community for the steps they have taken to conserve water.

Vice Mayor Gordo suggested that staff consider working with local realtors and property owners to collaborate on the use of sub-metering and other technologies in order to hold individual units in multi-unit/commercial buildings accountable for their water usage.

It was moved by Councilmember Robinson, seconded by Councilmember McAustin, to close the public hearing. (Motion unanimously carried) (Absent: Councilmember Haderlein)

It was moved by Councilmember McAustin, seconded by Councilmember Robinson, to approve the staff recommendation, taking into consideration that a majority protest to the rate adjustments had not been received. (Motion unanimously carried) (Absent: Councilmember Haderlein)

RECOMMENDATIONS FROM OFFICERS AND DEPARTMENTS

REAPPOINTMENT OF DANIEL P. YEN TO THE COMMUNITY DEVELOPMENT COMMITTEE (District 2 Nomination)

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

REAPPOINTMENT OF VERONICA BOONE TO THE HISTORIC PRESERVATION COMMISSION (District 2 Nomination)

REAPPOINTMENT OF ANN SCHEID TO THE RECREATION AND PARKS COMMISSION (District 6 Nomination)

REAPPOINTMENT OF GARY C. CREWS TO THE SENIOR COMMISSION (District 2 Nomination)

It was moved by Councilmember Madison, seconded by Vice Mayor Gordo, to approve the above reappointments. (Motion unanimously carried) (Absent: Councilmember Haderlein)

Councilmember McAustin was excused at 8:40 p.m.

DESIGNATION OF VOTING DELEGATE AND ALTERNATE FOR THE LEAGUE OF CALIFORNIA CITIES ANNUAL CONFERENCE ON SEPTEMBER 15-17, 2010 IN SAN DIEGO, CALIFORNIA

The Mayor announced that the above item will be held until such time as an alternate can be identified.

ORDINANCE – ADOPTED

Adopt “AN ORDINANCE OF THE CITY OF PASADENA ADDING A NEW CHAPTER 13.22 TO THE PASADENA MUNICIPAL CODE ENTITLED “WATER EFFICIENT LANDSCAPE” (Introduced by Councilmember Tornek) (Ordinance No. 7193)

Councilmember McAustin returned at 8:44 p.m.

David Powell, Pasadena resident, submitted and reviewed his written proposed amendments to the above ordinance.

John Steinmeyer, Senior Planner, summarized staff’s responses to Mr. Powell’s written comments.

The City Manager confirmed that the above ordinance complies with the City’s need to implement the State’s Model Ordinance, without being less restrictive than the model, as required by the State.

Councilmember McAustin, Chair of the Municipal Services Committee, noted that the Committee had reviewed the ordinance and determined that it met the City's obligation to the State, with a relatively insignificant impact on the residents.

The City Attorney indicated that staff had reviewed Mr. Powell's comments; and affirmed that the above ordinance is the City's response to the State's mandate for the ordinance, and will be monitored for possible changes in the future.

The above ordinance was adopted by the following vote:

AYES: Councilmembers Holden, Madison, McAustin, Robinson, Tornek, Vice Mayor Gordo, Mayor Bogaard

NOES: None

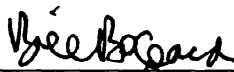
ABSENT: Councilmember Haderlein

On order of the Mayor, the regular meeting recessed at 8:51 p.m., to discuss the following closed session, and thereafter adjourned at 9:20 p.m.

CITY COUNCIL CONFERENCE WITH REAL PROPERTY NEGOTIATORS pursuant to Government Code Section 54956.8

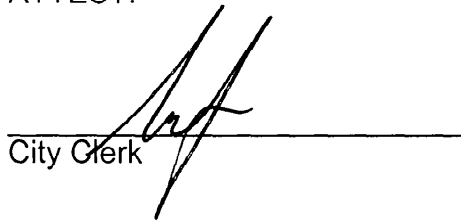
**Property Locations: 124 East Orange Grove Boulevard
Agency Negotiators: Michael J. Beck and Steve Mermell
Negotiating Parties: Joseph Tamrazian (Property Owner)
Under Negotiation: Price and terms of payment**

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



Bill Bogaard, Mayor
City of Pasadena

ATTEST:



City Clerk