

CITY OF PASADENA
City Council Minutes
September 13, 2010 – 5:30 P.M.
City Hall Council Chamber

REGULAR MEETING

OPENING:

Mayor Bogaard called the regular meeting to order at 5:40 p.m.
(Absent: Councilmember Haderlein)

On order of the Mayor, the regular meeting recessed at 5:40 p.m., to discuss the following closed sessions:

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

Agency Designated Representatives: Arthur Chavez and Michael J. Beck

Employee Organization: International Union of Operating Engineers, Local 501

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

Agency Designated Representatives: Arthur Chavez and Michael J. Beck

Employee Organization: Pasadena Police Sergeants Association

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

On order of the Mayor, the regular meeting reconvened at 6:32 p.m. The Pledge of Allegiance was led by the Mayor.

ROLL CALL:

Councilmembers:

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

Staff:

Assistant City Manager Julie Gutierrez
Chief Assistant City Attorney Nicholas Rodriguez
City Clerk Mark Jomsky

CEREMONIAL MATTERS

Marcia Montez, Pasadena Sister Cities Committee member, introduced Jumpei Suzuki and Hiroaki Kachi (exchange students from Mishima, Japan) and Magdalena Geissler (student intern from Ludwigshafen, Germany).

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

Mildred Hawkins, Business Life Magazine representative, was joined by Pixie Boyden, Business Life cover woman, in inviting the Council and community to a gala event to be held on September 22, 2010, in celebration of the magazine's Women Extraordinaire Cover Women.

The following persons expressed various concerns regarding the current contracts between the City and the Old Pasadena Management District (OPMD) for the operation and maintenance of City parking garages in Old Pasadena, and the proposed centralization of the service contracts for all of the City's parking garages with one vendor under a new contract:

Steve Mulheim, OPMD President and Chief Executive Officer

Tony Nino, OPMD Board Chair

Marilyn Buchanan, OPMD Board member

Vice Mayor Gordo suggested Council's discussion of the OPMD issues be broadened to include a citywide parking strategy for utilizing all parking structures/lots (public and private), with the report to be reviewed by the Economic Development and Technology Committee (EDTech).

Councilmember Holden cautioned Council about the unintended impacts of ending the OPMD's oversight of the Old Pasadena parking structures, and suggested the Old Pasadena matter be reviewed separately from the citywide parking strategy mentioned by Vice Mayor Gordo.

Following discussion, the Assistant City Manager indicated that a report on the proposal to provide one service contract for all City parking structures would be presented to Council for discussion, after review by EDETech.

Mike Schaub, Social Model Recovery Systems, Inc., Director of Outreach, invited the community to participate in a Rally for Recovery event to be held on September 19, 2010 in Central Park, as a part of the September National Alcohol and Drug Addiction Recovery Month activities; and submitted an informational flyer for the event.

The Assistant City Manager introduced Dr. Eric Walsh as the new Director of Public Health Department and Mary Ellen Schubel as the Interim Director of Human Resources Department.

CONSENT CALENDAR

LEASE EXTENSION OF OFFICE SPACE AT 199 SOUTH LOS ROBLES AVENUE, PASADENA, FOR FIRE DEPARTMENT ADMINISTRATIVE OFFICES, AGREEMENT NO. 18,118

Recommendation:

(1) Find that the continued leasing of the office space located at 199 South Los Robles Avenue from 199 South Los Robles Corporation (LRC) is categorically exempt from the California Environmental Quality Act (CEQA), pursuant to State CEQA Guidelines Section 15301, existing facilities; and

(2) Authorize the City Manager to negotiate and execute a lease amendment incorporating the terms and conditions generally described in the agenda report with LRC, for the Pasadena Fire Department's continued leasing of a portion of the 5th floor of the building located at 199 South Los Robles Avenue, Pasadena, and any other documents necessary to carry out this transaction. (Agreement Amendment No. 18,118-2)

AUTHORIZE PURCHASE ORDER WITH WONDRIES FLEET GROUP, FOR PURCHASE OF EIGHT NEW REPLACEMENT POLICE VEHICLES FOR A TOTAL OF \$194,460

Recommendation:

(1) 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;

(2) Authorize the issuance of a purchase order to Wondries Fleet Group, in an amount not to exceed \$194,460 for the purchase of eight new replacement Police Vehicles. Competitive bidding is not required pursuant to City Charter Section 1002(H), contracts with other governmental entities or their contractors for labor, material, supplies or 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 4.08.048(B), contracts for which the City's best interests are served.

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

AWARD OF PURCHASE ORDER TO DATALED TECHNOLOGIES, FOR THE PURCHASE OF LIGHT EMITTING DIODE (LED) TUBE LIGHTS FOR CITY FACILITIES IN AN AMOUNT NOT TO EXCEED \$217,478

APPROVAL OF THE MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF PASADENA AND THE PASADENA FIRE FIGHTERS ASSOCIATION, FOR THE TERM AUGUST 24, 2010 THROUGH AUGUST 28, 2011

Recommendation: Approve a successor Memorandum of Understanding (MOU) between the City of Pasadena and the Pasadena Fire Fighters Association (PFFA), for a one-year term covering the period August 24, 2010 through August 28, 2011. (Agreement Amendment No. 19,155-2)

The Mayor expressed Council's gratitude for the commitment shown by the Pasadena Fire Fighters Association (PFFA) in achieving the successor agreement.

Don Cervantes, PFFA Board member, stated PFFA's support of the City's managed savings plan.

Councilmember McAustin noted that PFFA members had offered a 0% pay increase as part of the negotiated agreement.

MINUTES APPROVED

- August 9, 2010
- August 16, 2010
- August 23, 2010
- August 30, 2010
- September 6, 2010
- September 7, 2010

CLAIMS RECEIVED AND FILED

Claim No. 11,177	Steven Handy	\$	Not Stated
Claim No. 11,178	Fireman's Fund Insurance Co., as Subrogee for Watt Ventures Inc., /Shanae Wallace		Not Stated
Claim No. 11,179	Oralia Reyes		252.97
Claim No. 11,180	Carolyn Jones		50.00
Claim No. 11,181	Danelle Kisich		342.59
Claim No. 11,182	Dessie Colbert		60.00
Claim No. 11,183	Lyllioune Wheatley-Kovacs and Christopher Kovacs		Not Stated
Claim No. 11,184	EMC Insurance Companies		6,364.93
Claim No. 11,185	Ronit Rene		25,000.00+
Claim No. 11,186	Christopher Russell Johnson		1,265.73
Claim No. 11,187	Dawn O'Keeffe		3,674.16
Claim No. 11,188	Ellen Sun		351.81
Claim No. 11,189	Save on Car Rental Inc., dba Horizon Rent A Car		Not Stated
Claim No. 11,190	Southern California Gas Company		1,919.39
Claim No. 11,191	Dr. William A. Sanghi		Not Stated
Claim No. 11,192	Manuel Dominguez		1,230.00
Claim No. 11,193	Ian A. Thompson		560.00

PUBLIC HEARING SET

September 20, 2010, 7:30 P.M. – Joint Public Hearing: Draft Consolidated Annual Performance and Evaluation Report (2009-2010 Program Year) for Projects Funded from Community Development Block Grant, Emergency Shelter Grant, Home Investment Partnership Act, and Human Services Endowment Fund

It was moved by Vice Mayor Gordo, seconded by Councilmember Robinson, to approve the Consent Calendar, with the exception of Item 3 (Purchase Order to DataLED Technologies), which was discussed separately. (Motion unanimously carried) (Absent: Councilmember Haderlein)

CONSENT ITEM DISCUSSED SEPARATELY

AWARD OF PURCHASE ORDER TO DATALED TECHNOLOGIES, FOR THE PURCHASE OF LIGHT EMITTING DIODE (LED) TUBE LIGHTS FOR CITY FACILITIES IN AN AMOUNT NOT TO EXCEED \$217,478

Recommendation:

- (1) Find the project to be exempt from the California Environmental Quality Act (CEQA) review in accordance with Article 5, Section 15061, Subsection(b), Part 3 of the Resources Agency of California, as it will not have a potentially significant effect on the environment, and therefore falls under the General Rule exemption;
- (2) Accept the bid dated July 9, 2010, submitted by DataLED Technologies;
- (3) Reject all other bids; and
- (4) Authorize the City Manager to issue a purchase order contract to DataLED Technologies, in an amount not to exceed \$217,478 for the purchase of LED tube lights for City facilities.

William Meurer, Go Green Solutions Chief Executive Officer (second lowest bidder), asked the City to review the DataLED and Go Green bids based on factors that he stated and cited in his letters distributed to Council.

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

Doug Lee, Building Systems and Fleet Management Division Administrator, responded to questions regarding the bid review.

The Chief Assistant City Attorney explained the constraints of awarding bids under the City's competitive bid process.

Following discussion, it was moved by Councilmember Tornek, seconded by Vice Mayor Gordo, to approve the staff recommendation. (Motion unanimously carried) (Absent: Councilmember Haderlein)

**REPORTS AND COMMENTS
FROM COUNCIL
COMMITTEES**

FINANCE COMMITTEE

AUTHORIZE PURCHASE ORDER WITH SEAGRAVE FIRE APPARATUS, LLC, FOR THE PURCHASE OF TWO REPLACEMENT 2010 FIRE PUMPER FOR A TOTAL OF \$1,183,340

Recommendation:

- (1) 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;
- (2) Recognize and appropriate \$390,918 from the unencumbered Fleet Maintenance Fund balance (503) to the Fleet Replacement program budget (8505-503-766300);
- (3) Authorize the issuance of a purchase order to Seagrave Fire Apparatus, LLC, in an amount not to exceed \$1,183,340 for the purchase of two replacement Seagrave Triple Combination Fire Pumps. Competitive bidding is not required, pursuant to City Charter Section 1002(H), contracts with other governmental entities or their contractors for labor, material, supplies or services; and

(4) Find that the proposed contract is exempt 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. (Journal Voucher No. 2011-2)

Councilmember Madison was excused at 7:28 p.m.

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

Martin Pastucha, Director of Public Works Department, and Doug Lee, Building Systems and Fleet Management Division Administrator, reviewed the agenda report as part of a PowerPoint presentation, and responded to questions.

It was moved by Vice Mayor Gordo, seconded by Councilmember Robinson, to approve the staff recommendation. (Motion unanimously carried) (Absent: Councilmembers Haderlein, Madison)

BUSINESS LICENSE TAX AMNESTY PROGRAM

Recommendation: Authorize the Director of Finance to implement a Business License Tax Amnesty Program.

Councilmember Madison returned at 7:32 p.m.

Councilmember Holden introduced the agenda item.

Andy Green, Director of Finance Department, reviewed the agenda report as part of a PowerPoint presentation, and responded to questions. He indicated that staff will be providing Council with reports, in the future, regarding licensing compliance by contractors, a study of all business licenses and applicable fees, and recommendations for possible ordinance changes concerning fees and the licensing process. He noted that staff concurred with the Finance Committee recommendation to run the Amnesty Program for 90 days (rather than the 60 days cited in the agenda report).

Elaine Salas, Acting Municipal Services Supervisor, highlighted amnesty programs implemented by other entities.

It was moved by Councilmember Holden, seconded by Vice Mayor Gordo, to approve the staff recommendation, with the Amnesty Program to run for 90 days (ending December 31, 2010). (Motion unanimously carried) (Absent: Councilmember Haderlein)

AMENDMENTS TO FISCAL YEAR 2011 ADOPTED BUDGET

Recommendation:

(1) Amend the Fiscal Year 2011 Adopted Budget, as detailed in the Proposed Budget Amendments section and Attachment A of the agenda report;

(2) Approve the organizational changes necessary to implement the City Manager's proposed re-organization, as

detailed in Item 7 of the Proposed Budget Amendments section and Attachment A of the agenda report; and

(3) Direct the City Attorney to prepare an ordinance amending Pasadena Municipal Code Chapters 2.270 Planning and Development Department and 2.40 City Manager's Department, to reflect the transfer of the Economic Development Division and Northwest Programs Office to the City Manager's Office, as well as the renaming of the Planning and Development Department to Planning Department. (Journal Voucher No. 2011-3)

Councilmember Holden summarized the agenda report.

Floyd Folven, Pasadena resident, stated suggestions regarding various budget items, as set forth in his letter distributed to the Council.

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

RECOGNIZE AND APPROPRIATE GRANT FUNDS IN THE AMOUNT OF \$195,000 TO THE FIRE DEPARTMENT'S FISCAL YEAR 2011 OPERATING BUDGET GRANT FUND

Recommendation: Approve a journal voucher recognizing \$195,000 from the 2007 Sub-Grantee Homeland Security Grant Program (SHSGP) and appropriate these funds to the FY 2011 Fire Department's Operating Budget grant fund. (Journal Voucher No. 2011-4)

Councilmember Holden introduced the agenda item.

Fire Chief Dennis Downs and Police Captain Robert Mulhall reviewed the agenda report.

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

PUBLIC HEARING

PUBLIC HEARING: ADOPTION OF A RESOLUTION TO ESTABLISH UNDERGROUND UTILITY DISTRICT NO. 10-1 MOUNTAIN STREET, LAKE AVENUE TO HILL AVENUE

Recommendation:

- (1) Acknowledge the project to be categorically exempt under the California Environmental Quality Act (CEQA), in accordance with Article 19, Section 15302(a) of the CEQA Guidelines (conversion of overhead electric utility systems to underground), 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) Adopt a Resolution establishing Underground Utility District

No. 10-1, Mountain Street, Lake Avenue to Hill Avenue.
(Resolution No. 9057)

Recommendation of Municipal Services Committee; On July 27, 2010, the Municipal Services Committee recommended that the City Council proceed with the establishment of Mountain Street, Lake Avenue to Hill Avenue, as Underground Utility District 10-1.

The Mayor opened the public hearing.

The City Clerk reported 19 copies of the notice of public hearing were posted on August 26, 2010; 36 copies of the notice were mailed on August 26, 2010; and no correspondence was received.

Danny Wooten, Management Analyst, reviewed the agenda report as part of a PowerPoint presentation, and responded to questions.

Martin Pastucha, Director of Public Works Department, discussed issues related to packaging the undergrounding work required on the individual private properties in the District, and steps being taken by the City to assist property owners in the process of having this work done and facilitate reimbursement of costs covered by the Pasadena Municipal Code (PMC) or other resources.

The City Attorney clarified that if the City were to package the undergrounding work performed on private property, either PMC Chapter 13.14.110 would need to be amended to allow this to occur (since the property owner is currently responsible for this work), or the property owner would need to sign a consent and assume responsibility for the work.

No one appeared for public comment.

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

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

**RECOMMENDATIONS FROM
OFFICERS AND
DEPARTMENTS**

**CONSENT TO APPOINTMENT OF AIDA DIMEJIAN TO THE
DISASTER EMERGENCY SERVICES COUNCIL**

**APPOINTMENT OF NESTOR ELIGIO TO THE SENIOR
COMMISSION (Agency Nominee)**

**RESIGNATION OF LUIS ARTAVIA, M.D. FROM THE
SENIOR COMMISSION (Mayor/District 7 Nominee)**

RESIGNATION OF TARIK ROSS FROM THE NORTHWEST COMMISSION (District 3 Nomination)

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

APPROVAL OF THE AMENDED BYLAWS OF THE PASADENA CENTER OPERATING COMPANY

Recommendation of Pasadena Center Operating Company:
Approve the amended Bylaws of the Pasadena Center Operating Company, so that the Bylaws conform with the recent amendment to the Pasadena Municipal Code to add a representative from the Tournament of Roses Association to the Pasadena Center Operating Company.

The Mayor summarized the agenda report.

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


COUNCIL COMMENTS

In response to Councilmember Madison's questions, the Assistant City Manager indicated staff will follow up with Tony Tartaglia, Southern California Gas Company representative, regarding the status of the natural gas lines in Pasadena.

Councilmember Robinson announced that a mandatory pre-bid conference will be held on September 21, 2010 for potential contractors regarding the Rose Bowl Renovation project


ADJOURNMENT

On order of the Mayor, the regular meeting of the City Council adjourned at 8:12 p.m.



Bill Bogaard, Mayor
City of Pasadena

ATTEST:



City Clerk