

CITY OF PASADENA  
City Council Minutes  
November 8, 2010 – 5:30 P.M.  
City Hall Council Chamber

REGULAR MEETING

**OPENING:**

Mayor Bogaard called the regular meeting to order at 5:35 p.m.  
(Absent: None)

On order of the Mayor, the regular meeting recessed at 5:35 p.m., to discuss the following closed sessions:

**CITY COUNCIL CONFERENCE WITH LEGAL COUNSEL REGARDING PENDING LITIGATION** pursuant to Government Code Section 54956.9(a)  
**Case Name: Harriet Scott and Michael Scott v. City of Pasadena**  
**Case No.: LASC GC042595**

**CITY COUNCIL CONFERENCE WITH LABOR NEGOTIATORS** pursuant to Government Code Section 54957.6  
**Agency Designated Representatives: Mary Ellen Schubel, Arthur Chavez and Michael J. Beck**  
**Employee Organization: American Federation of State, County and Municipal Employees, Local 858**

Councilmember Tornek recused himself at 6:07 p.m., due to a conflict of interest.

**CITY COUNCIL CONFERENCE WITH LEGAL COUNSEL REGARDING PENDING LITIGATION** pursuant to Government Code Section 54956.9(a)  
**Case Name: Pasadenans for a Livable City and Pasadena Heritage v. City of Pasadena and Pasadena City Council; Real Parties in Interest: Pasadena Office, LLC, IDS Real Estate Group; and Does 1 to 5**  
**Case No.: Los Angeles Superior Court No. BS 124250**

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

**CITY COUNCIL CONFERENCE WITH LABOR NEGOTIATORS** pursuant to Government Code Section 54957.6  
**Agency Designated Representatives: Mary Ellen Schubel, Arthur Chavez and Michael J. Beck**  
**Employee Organization: Pasadena Police Sergeants Association**

The above closed session item was not discussed.

On order of the Mayor, the regular meeting reconvened at 7:01 p.m. The Pledge of Allegiance was led by Councilmember Tornek.

**ROLL CALL:**

Councilmembers:

Mayor Bill Bogaard  
Vice Mayor Victor Gordo  
Councilmember Steve Haderlein  
Councilmember Chris Holden  
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**

Floyd Folven, Pasadena resident, discussed and submitted a letter expressing concerns regarding the City's current debt level, with suggested steps for addressing the City's financial situation.

David Horton, Pasadena resident and business owner, expressed concerns regarding the process being followed for the proposed Colorado at Lake project and the City's issuance of bonds for the project.

Decatur Walker, Pasadena resident, expressed concerns regarding the City's licensing of businesses that do not comply with the Americans with Disabilities Act (ADA) accessibility requirements.

The Mayor indicated that Assistant City Manager Steve Mermell would confer with Mr. Walker regarding the ADA issues.

Jinny Kim, Sarah Lee, and Julie Kim, students from Crescenta Valley High School and La Canada High School representing a debate team, described the group's participation in the U.N. Global Debates project, which discusses critical and international issues and develops courses of action, and is currently focused on the issue of international migration.

Councilmember Holden suggested the group become involved in the redistricting process for their local jurisdiction.

**ANNOUNCEMENT**

The Mayor announced that free flu shots will be available on a first come-first served basis on scheduled dates at various community sites.

**CONSENT CALENDAR**

Item discussed separately at the request of Councilmember Haderlein.

**CONTRACT AWARD TO EC CONSTRUCTION FOR CIVIC CENTER MID-TOWN IMPROVEMENTS FOR AN AMOUNT NOT TO EXCEED \$3,263,000**

MINUTES APPROVED

October 18, 2010

CLAIMS RECEIVED AND FILED

Claim No. 11,227	Rena Becerra Rasti	\$ 5,453.50
Claim No. 11,228	Dewey Pest Control	3,039.25
Claim No. 11,229	Gideon Hillel	25,000.00+
Claim No. 11,230	Tyra Lynn White Adams	Not Stated
Claim No. 11,231	Luella Liggins	Not Stated
Claim No. 11,232	Durlene Escobar	Not Stated
Claim No. 11,233	Hakim W. Rashid	25,000.00+
Claim No. 11,234	First Comp Insurance Agency re Clara Johnson	Not Stated
Claim No. 11,235	American Claims Management as Subrogee of Eduardo Saldana Cisneros	5,867.68
Claim No. 11,236	Ernest Shen	4,250.18
Claim No. 11,237	Eric Kleinsasser	1,032.94
Claim No. 11,238	Samuel Anguiano	Not Stated
Claim No. 11,239	Richard F. Smith	3,563.93

PUBLIC HEARINGS SET

December 13, 2010, 7:30 p.m. – Approval of a Substantial Amendment to the 2010-2015 Consolidated Plan to Update the Residential Anti-Displacement and Relocation Assistance Plan in Accordance with Section 104(d) of the Housing and Community Development Act of 1974 Pertaining to Housing and Community Development Projects Assisted with Community Development Block Grant and Home Investment Partnership Act Federal Funds

December 13, 2010, 7:30 p.m. – Approval of a Substantial Amendment to the 2010-2011 Annual Action Plan to Increase Funding to the La Pintoresca Teen Education Center Project

December 13, 2010, 7:30 p.m. – Request to Change the Name of Mercantile Alley from Raymond Avenue to the MTA Right of Way to Plotkin Alley

It was moved by Vice Mayor Gordo, seconded by Councilmember Madison, to approve the Consent Calendar, with the exception of Item 2 (Contract with EC Construction), which was discussed separately. (Motion unanimously carried) (Absent: None)

**CONSENT ITEM DISCUSSED SEPARATELY**

**CONTRACT AWARD TO EC CONSTRUCTION FOR CIVIC CENTER MID-TOWN IMPROVEMENTS FOR AN AMOUNT NOT TO EXCEED \$3,263,000**

**Recommendation:**

(1) Find that on July 16, 2009, the project was found to be categorically exempt under the California Environmental Quality Act (CEQA) Guidelines in Section 15301 (Class 1), Subsection (c) Existing Facilities, of the California Code of Regulations Title 14, Chapter 3. This exemption includes minor alterations involving negligible expansion of use beyond that previously existing, and there are no changed circumstances or new information which would require further environmental review; and

(2) Accept the bid dated October 25, 2010, submitted by EC Construction, in response to the Project Specifications for the Civic Center Mid-Town Improvements, reject all other bids received, and authorize the City Manager to enter into such contract as is required for an amount not to exceed \$3,263,000. (Contract No. 20,533)

Dan Rix, City Engineer, responded to Councilmember Haderlein's questions regarding the types of improvements and time schedule for the project.

It was moved by Councilmember Haderlein, seconded by Vice Mayor Gordo, to approve the staff recommendation. (Motion unanimously carried) (Absent: None)

**RECOMMENDATIONS FROM OFFICERS AND DEPARTMENTS**

**AUTHORIZATION TO ENTER INTO A CONTRACT WITH IMG/LEGENDS FOR PROFESSIONAL PREMIUM SEATING SALES SERVICES FOR THE ROSE BOWL RENOVATION AND IMPROVEMENT PROJECT**

**Recommendation of Rose Bowl Operating Company (RBOC):**

(1) Find that on May 24, 2010, the City Council made findings, pursuant to the California Environmental Quality Act (CEQA), adopted a Statement of Overriding Considerations, and approved the Rose Bowl Renovation and Improvement Project; and that there are no changed circumstances or new information which would trigger further environmental review; and

(2) Authorize the General Manager to enter into a contract, without competitive bidding, pursuant to City Charter Section 1002(F), contracts for professional or unique services, with IMG College/Legends, for premium seating sales services in the renovated Rose Bowl Stadium for a term of 15 years on a commission-basis with the RBOC responsible for related expenses, as discussed in the background section of the agenda report. (Contract No. 20,534)

Vice Mayor Gordo, Rose Bowl Operating Company (RBOC) Board President, introduced the agenda item.

Darryl Dunn, General Manager of the Rose Bowl, summarized the agenda report and responded to questions.

It was moved by Councilmember Robinson, seconded by Vice Mayor Gordo, to approve the staff recommendation. (Motion unanimously carried) (Absent: None)

**REPORTS AND COMMENTS  
FROM COUNCIL  
COMMITTEES**

**FINANCE COMMITTEE**

**CONTRACT AWARD TO MALLCRAFT, INC., FOR THE  
INSTALLATION OF LOWER ARROYO SECO CASTING  
POND RENOVATIONS, FOR AN AMOUNT NOT TO  
EXCEED \$312,000**

**Recommendation:**

(1) Find that the activity described in the agenda report is consistent with the project that was identified in the Arroyo Seco On-going Operations and Maintenance Project (Categorical Exemption California Environmental Quality Act (CEQA) Guidelines Sections 15301 – Repair and Maintenance, and 15304 – Minor Alterations) that was filed on July 10, 2001. There are no changed circumstances or new information which would trigger further environmental review;

(2) Approve a journal voucher recognizing and appropriating \$100,000 in Residential Impact Fees (Interest) and transferring \$73,000 in Proposition A (Park) 1992 funds from Lower Arroyo – Implement Master Plan – Habitat Restoration (Project 77422) to the Lower Arroyo – Improvement Master Plan – Casting Pond Renovation (Project 77459); and

(3) Accept the bid dated October 27, 2010, submitted by Mallcraft, Inc., in response to the specifications for Arroyo Seco Casting Pond Renovations for installation and construction of project; reject all other bids received; and authorize the City Manager to enter into a contract not to exceed \$312,000. (Journal Voucher No. 2011-8; Contract No. 20,535)

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

Loren Pluth, Project Manager, reviewed the agenda report as part of a PowerPoint presentation.

Martin Pastucha, Director of Public Works Department, discussed the allocations from the various funding sources, responded to questions, and noted the following amendments/revisions to the above staff recommendation funding amounts/sources:

- \$50,363 from Residential Impact Fees (Interest)
- \$49,637 from the Arroyo Projects (Citywide) fund
- \$28,170 contingency fee or other unused monies to be returned to the Interest account (up to the \$50,363 allocated amount), if the total appropriated monies for the project are not used.

Councilmember McAustin stated her support for the project and opposition to use of the Residential Impact Fees as a funding source for the project.

Following discussion, it was moved by Councilmember Madison, seconded by Vice Mayor Gordo, to approve the staff recommendation, as amended/revised above. (Motion carried, with Councilmember McAustin objecting) (Absent: None)

The Mayor asked staff to provide a report, for future discussion by Council, regarding a philosophy/policy in which private organizations that are granted the privilege of substantial control over park land would be required to participate by some percentage or predictable amount in the funding of capital improvements for the particular park.

Councilmember Holden noted that the Pasadena Roving Archers are currently celebrating 75 years of archery activities in the Lower Arroyo.

#### **AMENDMENTS TO THE FISCAL YEAR 2011 GENERAL FEE SCHEDULE**

**Recommendation:** Adopt a resolution amending the Fiscal Year 2011 General Fee Schedule as detailed in Attachment A of the agenda report. (Resolution No. 9074)

Councilmember Holden highlighted the agenda report.

Fred Dock, Director of Transportation Department, responded to questions regarding the valet parking fees and parking violation fees/citations.

Andy Green, Director of Finance Department, and the City Manager responded to questions regarding technology upgrades related to the citation process.

Councilmember Tornek expressed concerns regarding the amount of the parking violation and overnight parking fees.

It was moved by Councilmember Holden, seconded by Councilmember McAustin, to approve the staff recommendation. (Motion carried, with Councilmember Tornek objecting) (Absent: None)

#### **APPROVAL OF A JOURNAL VOUCHER RECOGNIZING AND APPROPRIATING \$200,000 IN PROPOSITION 40 – URBAN FORESTRY GRANT FUNDS AND AUTHORIZE THE CITY MANAGER TO ENTER INTO A CONTRACT WITH DAVEY RESOURCE GROUP IN AN AMOUNT NOT TO EXCEED \$200,000 TO RE-INVENTORY THE STREET TREES**

**Recommendation:**

(1) Find that this action is exempt from 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) Approve a journal voucher recognizing and appropriating \$200,000 in Proposition 40 – Urban Forestry Grant funds to the Public Works Department, Street Tree Administration Operating Budget (Account No. 8114-101-765210-85-95032);

(3) Find the proposed contract 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; and

(4) Authorize the City Manager to enter into a contract with Davey Resource Group, in an amount not to exceed \$200,000 for the re-inventory of the City's Street Tree Canopy. 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. (Journal Voucher No. 2011-9; Contract No. 20,536)

Councilmember Holden summarized the agenda report.

It was moved by Councilmember Holden, seconded by Vice Mayor Gordo, to approve the staff recommendation. (Motion unanimously carried) (Absent: None)

MUNICIPAL SERVICES  
COMMITTEE

**AMEND THE LIGHT AND POWER RATE ORDINANCE TO ESTABLISH NET ENERGY METERING RATES IN ACCORDANCE WITH ASSEMBLY BILL 920; AND, TO ESTABLISH FIXED (FLAT) RATES FOR UNMETERED TELECOMMUNICATIONS DEVICES AND OTHER EQUIPMENT**

**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) Direct the City Attorney to prepare amendments to the Light and Power Rate Ordinance to:

(a) Establish Net Energy Metering Rates, pursuant to the requirements of AB 920 by January 2011; and

(b) Establish Fixed (Flat) Rates for unmetered Telecommunications Devices and Other Equipment.

**Recommendation of Municipal Services Committee:** On October 26, 2010, the Municipal Services Committee concurred with the staff recommendation.

**Recommendation of Environmental Advisory Commission:**

The Environmental Advisory Commission supported staff's recommendation regarding Net Energy Metering (Recommendation 2.a.) at their October 19, 2010 meeting.

Councilmember McAustin, Chair of the Municipal Services Committee, summarized the agenda report.

Jim Jenal, Run on Sun Chief Executive Office and Founder, expressed concerns regarding the City's legal basis for the

proposed compensation methodology and rates for the net surplus customer.

Phyllis Currie, General Manager of the Water and Power Department, clarified the customer's options for compensation, and responded to questions.

Eric Klinkner, Assistant General Manager, responded to questions regarding the proposed rates.

It was moved by Councilmember McAustin, seconded by Vice Mayor Gordo, to approve the staff recommendation. (Motion unanimously carried) (Absent: None)

## PUBLIC HEARING

### **JOINT PUBLIC HEARING: APPROVAL OF A SUBSTANTIAL AMENDMENT TO THE 2008-2009 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) ANNUAL ACTION PLAN**

**Recommendation:** It is recommended that the City Council/Pasadena Community Development Commission continue the public hearing to December 13, 2010, at 7:30 p.m.

It was moved by Vice Chair Gordo, seconded by Councilmember Robinson, to continue the public hearing to December 13, 2010 at 7:30 p.m. (Motion unanimously carried) (Absent: None)

## **RECOMMENDATIONS FROM OFFICERS AND DEPARTMENTS**

**APPOINTMENT OF ALI BARAR TO THE DESIGN COMMISSION** (Mayor/District 6 Nomination)

**APPOINTMENT OF CAROL HUNT HERNANDEZ TO THE ENVIRONMENTAL ADVISORY COMMISSION** (District 3 Nomination)

It was moved by Councilmember Madison, seconded by Vice Mayor Gordo, to approve the above two appointments. (Motion unanimously carried) (Absent: None)

## **ORDINANCES – ADOPTED**

**Adopt “AN ORDINANCE OF THE CITY OF PASADENA AUTHORIZING THE ISSUANCE BY THE CITY OF NOT TO EXCEED \$30,000,000 AGGREGATE PRINCIPAL AMOUNT OF CITY OF PASADENA WATER REVENUE BONDS, 2010A SERIES, AND NOT TO EXCEED \$35,000,000 AGGREGATE PRINCIPAL AMOUNT OF CITY OF PASADENA WATER REVENUE REFUNDING BONDS, 2010B SERIES PAYABLE OUT OF THE WATER FUND, AND APPROVING THE EXECUTION AND DELIVERY OF A THIRD SUPPLEMENT TO WATER REVENUE BOND INDENTURE, A FOURTH SUPPLEMENT TO WATER REVENUE BOND INDENTURE, AN ESCROW AGREEMENT AND A CONTINUING DISCLOSURE AGREEMENT IN CONNECTION THEREWITH”** (Introduced by Councilmember McAustin) (Ordinance No. 7199)



The above ordinance was adopted by the following vote:  
AYES: Councilmembers Haderlein, Holden, Madison,  
McAustin, Robinson, Tornek, Vice Mayor Gordo,  
Mayor Bogaard  
NOES: None  
ABSENT: None

**Adopt “AN UNCODIFIED ORDINANCE OF THE CITY OF PASADENA ADOPTING THE PROPOSED AMENDMENT TO INCREASE THE TAX INCREMENT LIMIT OF THE VILLA-PARKE REDEVELOPMENT PLAN; AND MAKING CERTAIN FINDINGS”** (Introduced by Vice Mayor Gordo) (Ordinance No. 7200)

The above ordinance was adopted by the following vote:  
AYES: Councilmembers Haderlein, Holden, Madison,  
McAustin, Robinson, Tornek, Vice Mayor Gordo,  
Mayor Bogaard  
NOES: None  
ABSENT: None

**INFORMATION ITEM**

**GENERAL PLAN WORKSHOP: DISCUSSION OF FRAMEWORK FOR LAND USE AND MOBILITY ALTERNATIVES**

**Recommendation:** This report is for information only, as background for the General Plan Update charrette to be held on November 11, 12, and 13, 2010.

The following persons provided information on various components of the General Plan Update as part of a PowerPoint presentation, distributed informational materials, and responded to questions:

Vice Mayor Gordo was excused at 8:27 p.m.

- Stephanie DeWolfe, Deputy Director of Planning – the General Plan Update process, steps completed to date, a charrette overview, and the process for evaluating and selecting preferred alternatives
- Jason Mikaelian, Senior Planner – working themes for land use and mobility alternatives, and community priorities developed from the community workshops/outreach to be used as a baseline for the charrette
- David Sinclair, Planner – highlights from the Metrics Report on existing conditions and trends since the last General Plan Update in 1994
- Woodie Tescher, PBS&J (consultant) – housing law and key issues for housing
- Ursula Schmidt, Management Analyst – sustainable development goals and policies
- Mark Yamarone, Transportation Administrator – transportation and mobility constraints
- Eric Duyshart, Business Development Administrator – economic development impacts and needs

The following persons offered suggestions regarding various components for the updated plan:

David Wolf, Pasadena resident, discussed and submitted informational material titled, "Pasadena Passages," on proposed pedestrian passageways in the Central District.

Erlinda Romo, Playhouse District Association Executive Director, emphasized the development needs of the Playhouse District.

Jon Fuhrman, Pasadena resident, suggested the City add an eighth guiding principle that recognizes the importance of a successful and productive public education system.

Discussion followed on the mechanics of the charrette in discussing conflicting alternatives for the General Plan update, and the ongoing process in arriving at proposed changes based on the alternatives developed for the Plan.

Councilmembers Holden, Madison, and Robinson expressed support for adding the eighth guiding principle involving the public school system that was suggested by Mr. Fuhrman; and Councilmember Haderlein expressed support for expanding the eighth guiding principle to include all education systems in the City (public and private).

Councilmember Madison suggested that the City review the seven current guiding principles for their relevance and possible revision (e.g., include education and sustainability); and expressed concerns regarding the impacts of meeting the City's Regional Housing Needs Assessment (RHNA) numbers.

Councilmember Haderlein expressed concerns regarding a working theme that would include increased development in the general East Pasadena area, with the exception of the East Pasadena Specific Plan area. He suggested that consideration be given to increasing the transit-oriented development zone radius to one half mile, rather than the current quarter mile in the City's regulations; and that an emphasis on secure bicycle parking/storage be included in the Bicycle Master Plan.

Councilmember Robinson stressed the need to emphasize development in specific areas (e.g., the Lincoln Boulevard corridor) where there is economic under-development.

The City Manager indicated that the current guiding principles might be reviewed and expanded to include Council's suggestions, rather than expanding the number of principles.

Councilmember Tornek thanked the General Plan Update Advisory Committee, staff, and residents who had participated

in the update process to this point, and urged the community to drop in for the three-day charrette.

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

**COUNCIL COMMENTS**

Councilmember McAustin reported on her representation of the City on a panel titled, "No More Ugly Buildings" at the American Planning Association 2010 California Conference. She announced that the final workshop on the Water Integrated Resource Plan (WIRP) will be held on November 9, 2010 in the Council Chamber.

Councilmember Holden commented on the pooling of water along the curb line on Green Street east of Lake Avenue, and asked that a report from staff regarding possible solutions for the water drainage problem in that area, as a project for the capital improvement program, be agendaized for a future Council meeting.

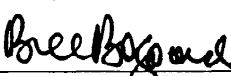
Councilmember Madison described a recent encounter with President Barack Obama during which they discussed President Obama's past residency in Pasadena, and suggested the City explore placing a plaque at the site, if possible.


Councilmember Robinson commented on public statements being made in regards to the Colorado at Lake Project. She suggested staff explore the use of a commercial linkage fee (such as that adopted by the City of Santa Monica), and refer this matter to the Economic Development and Technology Committee as an information item.

The City Attorney noted that Councilmember Robinson's comments were being stated independent of any consideration that might be made by the City Council regarding the Colorado at Lake Project at any future time.

**ADJOURNMENT**

On order of the Mayor, the regular meeting of the City Council adjourned at 10:32 p.m.

  
\_\_\_\_\_  
Bill Bogaard, Mayor  
City of Pasadena

ATTEST:  
  
\_\_\_\_\_  
City Clerk