

CITY OF PASADENA
City Council Minutes
November 15, 2010 – 4:00 P.M.
City Hall Council Chamber

TRAINING SESSION AND SPECIAL MEETING

TRAINING SESSION

AB 1234 ETHICS TRAINING FOR CITY COUNCIL AND STAFF

Staff conducted an ethics training session to satisfy AB 1234 certification requirements for the members of Council (all present) and staff in attendance.

OPENING:

Mayor Bogaard called the special meeting to order at 6:12 p.m. (Absent: None)

On order of the Mayor, the special meeting recessed at 6:12 p.m., to discuss the following closed session:

CITY COUNCIL CONFERENCE WITH LEGAL COUNSEL REGARDING PENDING LITIGATION pursuant to Government Code Section 54956.9(a)

Case Names/Numbers: Pacific Gas & Electric Co., et al. v. Arizona Electric Power Cooperative, Inc., et al. (Los Angeles Superior Court Case Number BC369141; coordinated in Judicial Council Coordination Proceeding Number 4512); Pacific Gas & Electric Co., et al. v. Arizona Electric Power Cooperative, Inc., et al. (United States District Court for the Eastern District of California (No. 06-CV-0559); Federal Energy Regulatory Commission Docket Number EL00-95; Federal Energy Regulatory Commission Docket Number EL00-98-000; Northern California Power Agency, et al. v. Federal Energy Regulatory Commission (United States Court of Appeals for the Ninth Circuit Nos. 09-72762, 09-72775, 09-72778, 09-72789, 09-72791, 09-72793, 09-72794, 09-72796, 09-72797)

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

On order of the Mayor, the special meeting reconvened at 6:46 p.m. The Pledge of Allegiance was led by Assistant City Manager Julie Gutierrez.

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

CEREMONIAL MATTERS

The City Clerk administered the oaths of office to Ali Barar as Design Commissioner and Carol Hunt Hernandez as Environmental Advisory Commissioner.

PUBLIC COMMENT ON CLOSED SESSION ITEM

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

The Mayor announced that public comment on the above closed session item would be taken at this time, since the item will be discussed during recess after the business of the special meeting is completed.

Cheryl Parisi, American Federation of State, County and Municipal Employees (AFSCME) District Council 36 Executive Director, expressed concerns regarding the tone of ongoing labor negotiations, stated AFSCME's commitment in partnering with the City to achieve an equitable settlement in the negotiations, and submitted a packet of informational materials.

PUBLIC COMMENT ON MATTERS NOT ON THE AGENDA

Dan Augustyn, Pasadena Management Association (PMA) Chair, expressed concerns regarding the impacts of ongoing labor negotiations on City employees, and stated PMA's willingness to work with the City to solve its budgetary issues.

Michelle White, Affordable Housing Services representative, thanked the City planning staff for their work on the charrette as part of the General Plan Update process.

Bonnie Barron, San Gabriel Valley Friends of Wildlife representative, invited the community to a free educational program titled, "Coyotes in Our Midst," to be held on November 30, 2010 at the Los Angeles County Arboretum in Arcadia.

ANNOUNCEMENT

The City Clerk announced that the nomination period for the City of Pasadena/Pasadena Unified School District Primary Nominating Election to be held on March 8, 2011 had opened on November 15, 2010 and will close on December 10, 2010; and provided details on the process.

MOTION TO ADD ITEM TO THE AGENDA

(See Page 7 for the Information Item)

The Mayor reported that a matter regarding the financing bonds that will be sold for the Rose Bowl Stadium Renovation project had come to the attention of the City Manager after the agenda had been posted, and that the City Manager was requesting that an information item be added to the agenda that would allow Council to be updated on the bond matter in a timely manner (since the next regular meeting of the City Council will not be held until December 6, 2010).

It was moved by Councilmember Robinson, seconded by Councilmember Haderlein, that there is a need to take immediate action on a matter that arose after the agenda had been posted, that there is a need for the matter to be heard before the next regular Council meeting, and that an information item regarding the sale of the bonds for the Rose Bowl Stadium Renovation project be added to the agenda. (Motion unanimously carried) (Absent: None)

CONSENT CALENDAR

October 25, 2010
November 1, 2010

MINUTES APPROVED

CLAIMS RECEIVED AND FILED

| | | |
|------------------|--|---------------|
| Claim No. 11,240 | Toni Lynne Bell | \$ Not Stated |
| Claim No. 11,241 | Wawanesa General Insurance as Subrogee for Kazaros A. Papian | Not Stated |
| Claim No. 11,242 | Cecilia De La Cerna Nickerson | Not Stated |
| Claim No. 11,243 | Gelacia Carrillo | Not Stated |
| Claim No. 11,244 | Danielle Sheremetiev | 25,000.00+ |

It was moved by Vice Mayor Gordo, seconded by Councilmember Robinson, to approve all items on the Consent Calendar. (Motion unanimously carried) (Absent: None)

REPORTS AND COMMENTS FROM COUNCIL COMMITTEES

ECONOMIC DEVELOPMENT AND TECHNOLOGY COMMITTEE

EXTENSION OF TIME LIMITS FOR APPROVAL OF PLANNING ENTITLEMENTS

Recommendation:

- (1) Find the proposed ordinance to be categorically exempt from the California Environmental Quality Act (CEQA), pursuant to Public Resources Code Section 21080(b)(9) and State CEQA Guidelines Section 15321 (enforcement actions by regulatory agencies); and
- (2) Direct the City Attorney to return within 30 days with an ordinance which would: (a) Provide that the authority of the Director to provide additional extensions of time to various planning permits and entitlements under Ordinance

No. 7180, shall be extended to and shall now sunset on December 31, 2011, unless specifically extended by the City Council.

Vice Mayor Gordo, Chair of the Economic Development and Technology Committee, summarized the agenda report.

Councilmember Tornek noted that developers and the community should not hold an expectation that the City will continue to extend the time limits past the December 31, 2011 date recommended in the agenda report.

John Poindexter, Planning Manager, responded to questions regarding the review process during the time extension period, and clarified the status of the entitlements for the Ambassador East Campus/Westgate project.

Steve Mermell, Assistant City Manager, clarified that projects will not be grandfathered into this one-year extension.

Councilmember Holden suggested that staff, at the end of 2011, provide Council with a matrix of the listed pipeline projects that identifies the entitlement impacts that might have occurred as a result of proposed changes made during the General Plan Update process.

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

RECOMMENDATIONS FROM OFFICERS AND DEPARTMENTS

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASADENA TRANSFERRING \$11,115,000 OF THE CITY OF PASADENA RECOVERY ZONE FACILITY BOND ALLOCATION TO THE CALIFORNIA ENTERPRISE DEVELOPMENT AUTHORITY, APPROVING THE ISSUANCE BY CALIFORNIA ENTERPRISE DEVELOPMENT AUTHORITY OF NOT TO EXCEED \$11,115,000 AGGREGATE PRINCIPAL AMOUNT OF THE AUTHORITY'S REVENUE OBLIGATIONS FOR THE PURPOSE OF FINANCING THE COST OF CONSTRUCTION, RENOVATION, INSTALLATION AND EQUIPPING OF COMMERCIAL FACILITIES FOR THE BENEFIT OF PARK PLACE COMMERCIAL, L.P., PROVIDING THE TERMS AND CONDITIONS FOR SUCH OBLIGATIONS AND OTHER MATTERS RELATING THERETO

Recommendation: Adopt a resolution transferring \$11,115,000 of the City of Pasadena Recovery Zone Facility Bond Allocation to the California Enterprise Development Authority, approving the issuance by California Enterprise Development Authority of not to exceed \$11,115,000 aggregate principal amount of the authority's revenue obligations for the purpose of financing the cost of construction,

renovation, installation and equipping of commercial facilities for the benefit of Park Place Commercial, LP, providing the terms and conditions for such obligations and other matters relating thereto. (Resolution No. 9075)

Andy Green, Director of Finance Department, introduced the agenda item, and responded to questions.

Vic Erganian, City Treasurer/Deputy Director, reviewed the agenda report as part of a PowerPoint presentation, and responded to questions.

The Mayor described circumstances involving a dinner engagement during his trip to Shanghai in June 2010 in which he and his daughter were hosted by one of the investors for the above project; and noted that this matter was being stated for the record only, as the circumstances were not relevant in terms of disqualifying him from participating in actions on the project.

Sam S. Balisy, Kutak Rock LLP (bond counsel), responded to questions regarding technical aspects of the Recovery Zone Facility Bond (RZFB) program.

Steve Mermell, Assistant City Manager, responded to questions regarding the relevance of the Living Wage Ordinance to the proposed project, and the status of the approval process for the project.

The City Attorney clarified the City's ability to amend the Living Wage Ordinance during the proposed project's approval process, and responded to questions regarding the transfer of funds action.

The City Manager clarified the application process for the bonds, noted that the proposed project is the sole qualified applicant for the RZFBs at this time, and responded to questions.

Councilmember Holden and Vice Mayor Gordo suggested that staff explore possible revisions to the Living Wage Ordinance (e.g., include projects that receive an indirect financial benefit), with staff to report to Council as quickly as possible.

Councilmember Robinson suggested that the developer make a commitment to hire locally as the project moves forward.

Vice Mayor Gordo expressed concerns regarding the intensified use of the property and other impacts related to the proposed project, and the need for the developer to provide benefits back to the City as the project moves forward (e.g., commitment to a living wage).

Richard McDonald, Park Place Commercial, LP (developer) representative, spoke in support of the transfer of the RZFB allocation and the proposed project.

The following persons expressed concerns regarding the transfer of the RZFB allocation and/or the proposed project:

Reverend Paul Kim, One Voice Church
Michelle White, Affordable Housing Services representative
Jill Shook, Pasadena Affordable Housing Group representative, submitted an informational article titled, "Good Jobs, Healthy Cities."

Councilmember Tornek encouraged laborers and unions to work together in achieving a living wage environment for the construction of the project and operation of the proposed hotel.

Following discussion, it was moved by Councilmember Tornek, seconded by Councilmember Haderlein, to approve the staff recommendation. (Motion unanimously carried) (Absent: None)

Councilmember Madison was excused at 9:08 p.m.

RESIGNATION OF JADE LOCKHART FROM THE ENVIRONMENTAL ADVISORY COMMISSION (District 1 Nomination)

It was moved by Councilmember Robinson, seconded by Councilmember McAustin, to accept the above resignation with regrets. (Motion unanimously carried) (Absent: Councilmember Madison)

ORDINANCE – ADOPTED

Conduct first reading of "AN ORDINANCE OF THE CITY OF PASADENA ADOPTING THE CALIFORNIA CODE OF REGULATIONS TITLE 24 INCORPORATING THE 2010 CALIFORNIA BUILDING CODE CHAPTER 1-35 AND APPENDIX CHAPTERS C, D, H, I, AND J; THE 2010 CALIFORNIA RESIDENTIAL BUILDING CODE; THE 2010 CALIFORNIA MECHANICAL CODE; THE 2010 CALIFORNIA PLUMBING CODE; THE 2010 CALIFORNIA ELECTRICAL CODE; THE 2010 CALIFORNIA FIRE CODE; AND THE 2010 CALIFORNIA GREEN BUILDING STANDARDS CODE"

The Mayor noted that staff had distributed a corrected version of the ordinance that now includes pages that were inadvertently omitted from the original document.

Councilmember McAustin indicated that her previously-stated concerns regarding possible burdens on residents' small projects had been lessened by clarifications from staff.

Councilmember Tornek suggested staff use these code amendments as an opportunity to educate the community on the benefits of complying with the permit process and adhering to the regulations.

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

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

NOES: None

ABSENT: Councilmember Madison

ITEM THAT AROSE AFTER POSTING OF AGENDA

Councilmember Madison returned at 9:18 p.m.

UPDATE ON FINANCING BONDS FOR THE ROSE BOWL STADIUM RENOVATION PROJECT

The City Manager updated Council on the current bond market volatility, various bond proceeds scenarios that might occur, and the possibility of proceeds falling below the City's projected \$130,000,000 targeted yield.

On order of the Mayor, the information was received.

COUNCIL COMMENTS

Councilmember Tornek complemented the staff, advisory commissioners, and community for their participation in the General Plan Update charrette that took place over the past weekend. Councilmember McAustin stated she was impressed with the process for looking at and comparing various scenarios/alternatives during the charrette.

Councilmember Madison complemented the Pasadena Unified School District (PUSD) on their Principal for a Day event that he and the Mayor attended. He asked staff to provide a report on Proposition 26 (requiring a two-thirds supermajority vote to pass certain taxes and fees) and its impacts on the City, with the appropriate City Council standing committee to review the information. He also complemented the City Attorney and staff for the AB 1234 Ethics Training that they provided, and suggested that staff work with the Legislative Policy Committee in exploring issues that arose during the training (e.g., the City's recusal policy).

The City Attorney indicated that staff was currently gathering information on Proposition 26 from various sources.

RECESS/ADJOURNMENT

Councilmember Madison was excused at 9:35 p.m.

On order of the Mayor, the special meeting recessed at 9:35 p.m., to discuss the following closed sessions, and thereafter adjourned at 11:40 p.m.:

CITY COUNCIL CONFERENCE WITH LEGAL COUNSEL REGARDING PENDING LITIGATION pursuant to Government Code Section 54956.9(a)
Case Name: Solomon and Katherine Roshodesh v. City of Pasadena, Pasadena Police Department, et al
Case Number: BC 428715

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**

**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**

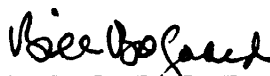
The above three closed session items were discussed, with no reportable action at this time.

**CITY COUNCIL CONSULTATION WITH THE CITY
ATTORNEY regarding matters posing a threat to security
of public buildings pursuant to Government Code
Section 54957**

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

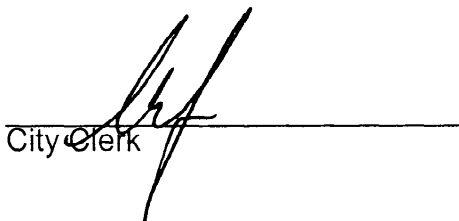
**Agency Designated Representatives: Mary Ellen Schubel,
Arthur Chavez and Michael J. Beck
Employee Organization: American Federation of State,
County and Municipal Employees, Local 858; Pasadena
Association of Clerical & Technical Employees, Local 777;
Pasadena Management Association, International
Brotherhood of Electrical Workers, Local 18; Service
Employees International Union, Local 721; International
Union of Operating Engineers, Local 501; Pasadena Fire
Fighters Management Association; Pasadena Fire Fighters
Association, Local 809; Pasadena Police Officers
Association; Pasadena Police Sergeants Association;
Unrepresented Management Top, Middle and Professional
Employees; Unrepresented Technical and Administrative
Employees; Unrepresented Confidential Clerical
Employees, Non-Represented Employees; and
Unrepresented Hourly Employees**

The above two closed session items were not discussed.



Bill Bogaard, Mayor
City of Pasadena

ATTEST:



City Clerk