

CITY OF PASADENA
City Council Minutes
July 9, 2012 – 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 Gordo)

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: Julie Gutierrez, Michael J. Beck

Employee Organizations: Unrepresented Management Top, Middle and Professional Employees; Technical and Administrative; Confidential-Clerical; Non-Represented; Hourly; American Federation of State, County and Municipal Employees (AFSCME) Local 858; International Brotherhood of Electrical Workers (IBEW) Local 18; International Union of Operating Engineers (IUOE) Local 501; Pasadena Management Association (PMA); Pasadena Fire Fighters Association (PFFA) Local 809; Pasadena Firefighters Management Association (PFMA); Pasadena Police Officers Association (PPOA); Pasadena Police Sergeants Association (PPSA); Service Employees International Union (SEIU) Local 721

Councilmember Gordo arrived at 6:23 p.m.

CITY COUNCIL OF THE CITY OF PASADENA AS SUCCESSOR AGENCY TO THE PASADENA COMMUNITY DEVELOPMENT COMMISSION CONFERENCE WITH REAL PROPERTY NEGOTIATORS pursuant to Government Code Section 54956.8

Property Locations: 155 East Green Street, 300 East Colorado Boulevard, and 400 East Green Street

Agency Negotiators: Michael J. Beck, Steve Mermell

Negotiating Parties: James Farrell

Under Negotiation: Price and terms of payment

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 7:14 p.m. The Pledge of Allegiance was led by David Emerson, Jordan White, and Max Umland, members of Boy Scout Troop 4, who are working on their Citizenship and Communications merit badges. Vice Mayor McAustin presented the scouts with memento gifts from the City.

ROLL CALL:

Councilmembers:

Mayor Bill Bogaard
Vice Mayor Margaret McAustin
Councilmember Victor Gordo
Councilmember Chris Holden
Councilmember Steve Madison
Councilmember Gene Masuda
Councilmember Jacque Robinson
Councilmember Terry Tornek

Staff:

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

CEREMONIAL MATTERS

Marcia Montez, Sister Cities Committee President, introduced the Committee host members for the summer student exchange program:

Nancy Carlson introduced Anna Makela and Anni Linnonmaa from Jarvenpaa, Finland.

Mike Warner introduced Nina Lermer and Laura Joerg from Ludwigshafen, Germany.

PUBLIC COMMENT ON MATTERS NOT ON THE AGENDA

Sue Mossman, Pasadena Heritage Executive Director, thanked the City for the opportunity to participate in the informational community meetings being held as part of the public process prior to the City's solicitation of formal proposals on how to best preserve and re-use the historic YWCA building that was recently purchased by the City.

Leslie Marquez, Pasadena resident, expressed concerns regarding any City contracts that may be negatively impacted by the current investigation and fraud charges involving banks who have been accused of manipulating Libor interest rates, and asked whether the City has interest rate swap transactions that are being handled by any of the banks in question.

Steve Mermell, Assistant City Manager, and Andy Green, Director of Finance Department, described some of the City's contracts involving swap transactions, with Mr. Green clarifying that staff will be conducting research into any possible risks to the City that might stem from the bank investigation situation.

CONSENT CALENDAR

AWARD OF A THREE-YEAR CONTRACT TO LIFE-ASSIST, INC. FOR THE PROVISION OF MISCELLANEOUS MEDICAL SUPPLIES IN AN AMOUNT NOT TO EXCEED \$450,000

Recommendation:

- (1) Accept the bid dated May 29, 2012 submitted by Life-Assist, Inc., in response to specifications for the provision of miscellaneous medical supplies;
- (2) Reject all other bids received;
- (3) Authorize the issuance of a purchase order contract to Life-Assist, Inc., for a period of three years or until an amount

of \$450,000 is expended, whichever occurs first; and
(4) Authorize the City Manager to extend the purchase order contract up to two additional one-year periods not to exceed \$150,000 per year, provided all other terms and conditions remain unchanged.

Item discussed separately at the request of Councilmember Madison.

COMMENT TO STATE HISTORIC PRESERVATION OFFICER ON THE NOMINATION OF THE MARKHAM PLACE HISTORIC DISTRICT FOR LISTING IN THE NATIONAL REGISTER OF HISTORIC PLACES

PASADENA HERITAGE LICENSE AGREEMENT RENEWAL FOR THE BIENNIAL CELEBRATION ON THE BRIDGE

Recommendation:

- (1) Find that the Pasadena Heritage Biennial Celebration on the Bridge is exempt from the California Environmental Quality Act (CEQA), pursuant to State CEQA Guidelines, Section 15323, normal operations for public gatherings;
- (2) Authorize the City Manager to enter into a license agreement with Pasadena Heritage according to the business points set forth in the body of the agenda report; and
- (3) Direct the City Clerk to file the Notice of Exemption with the Los Angeles County Registrar-Recorder/County Clerk. (Agreement No. 21,105)

FINANCE COMMITTEE: ADOPTION OF GANN APPROPRIATIONS LIMIT FOR FISCAL YEAR 2013

Recommendation:

- (1) Revise the appropriations limit for Fiscal Year 2012 from \$211,354,601 to \$222,285,311; and
- (2) Adopt a resolution that:
 - (a) Selects the California per capita income and the population increase for the City of Pasadena as the indices to be used in calculating the appropriations limit for Fiscal Year 2013;
 - (b) Establishes the appropriations limit for Fiscal Year 2013 at \$231,420,123; and
 - (c) Establishes appropriations subject to the limit for Fiscal Year 2013 at \$83,405,253. (Resolution No. 9213)

REAPPOINTMENT OF MICHAEL HURLEY TO THE ENVIRONMENTAL ADVISORY COMMISSION (District 6 Nomination)

REAPPOINTMENT OF RHEA ROBERTS TO THE OLD PASADENA PARKING METER ZONE ADVISORY COMMISSION (Mayor Nomination/District 6)

APPOINTMENT OF WILLIAM R. FRANCIS TO THE CODE ENFORCEMENT COMMISSION (District 6 Nomination)

APPOINTMENT OF RICA DUFF TO THE SENIOR COMMISSION (Mayor Nomination/District 7)

RESIGNATION OF BARBARA REEVES NEAL FROM THE CODE ENFORCEMENT COMMISSION (District 7 Nomination)

RESIGNATION OF THELMA JOHNSON FROM THE ACCESSIBILITY AND DISABILITY COMMISSION (District 1 Nomination)

RESIGNATION OF VINCE FARHAT FROM THE PASADENA CENTER OPERATING COMPANY BOARD (Mayor Nomination/District 6)

MINUTES APPROVED

June 11, 2012
June 18, 2012
June 25, 2012
July 2, 2012

CLAIMS RECEIVED AND FILED

Claim No. 11,687	Geselle L. Bailey	\$ 2,000.00
Claim No. 11,688	Levi Daniel	717.16
Claim No. 11,689	Michael A. Ortega Gomez	283.00
Claim No. 11,690	Karl Roydell Watson	25,000.00+
Claim No. 11,691	Heather Lanza	365.00
Claim No. 11,692	Paul Sherman	115.00
Claim No. 11,693	Lindsay Gordon	324.95
Claim No. 11,694	Margaret Bond	25,000.00+
Claim No. 11,695	Marine Shale Processors Site PRP Group	10,000.00
Claim No. 11,696	Clarence Wong	25,000.00+
Claim No. 11,697	Kevin Shaw	362.00
Claim No. 11,698	Roberta Scott	8,308.60
Claim No. 11,699	Michael J. Buell	25,000.00+
Claim No. 11,700	Carmine Sabatella	949.24
Claim No. 11,701	Marilyn E. Commodore	25,000.00+
Claim No. 11,702	Edward Damas	Not stated
Claim No. 11,703	Diana Payne	456.28
Claim No. 11,704	Mueller Industries, Inc., and Ferguson Enterprises, Inc.	25,000.00+

PUBLIC HEARINGS SET

July 16, 2012, 7:00 p.m. – Appeal of Arts and Culture Commission Decision Regarding Final Public Art Plan for 680 East Colorado Boulevard (IDS)

July 23, 2012, 7:00 p.m. – Adoption of the 2012 Annual City of Pasadena Self Certification Report in Conformance with the Congestion Management Program for Los Angeles County and the 2012 Local Development Report in accordance with Government Code Section 65089

It was moved by Councilmember Tornek, seconded by Vice Mayor McAustin, to approve the Consent Calendar, with the exception of Item 2 (Nomination of the Markham Place Historic District for Listing in the National Register of Historic Places), which was discussed separately. (Motion unanimously carried) (Absent: None)

**CONSENT ITEM
DISCUSSED SEPARATELY**

Councilmember Madison recused himself at 7:28 p.m., due to a conflict of interest.

COMMENT TO STATE HISTORIC PRESERVATION OFFICER ON THE NOMINATION OF THE MARKHAM PLACE HISTORIC DISTRICT FOR LISTING IN THE NATIONAL REGISTER OF HISTORIC PLACES

Recommendation: It is recommended that the City Council authorize the transmittal of a letter (Attachment B to the agenda report) from the Mayor to the State Historic Preservation Officer (SHPO) in support of the nomination of the Markham Place Historic District for listing in the National Register of Historic Places.

Recommendation of Historic Preservation Commission: On Monday, July 2, 2012, the Historic Preservation Commission recommended that the City Council approve staff's recommendation.

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

PUBLIC HEARINGS

Councilmember Madison returned at 7:29 p.m.

PUBLIC HEARING: LEVY OF ASSESSMENT AGAINST HOTEL AND MOTEL BUSINESSES FOR FISCAL YEAR 2013 IN CONNECTION WITH THE PASADENA TOURISM BUSINESS IMPROVEMENT DISTRICT

Recommendation of Pasadena Center Operating Company:

It is recommended that the City Council:

- (1) Conduct a public hearing on the levy of an assessment against Hotel and Motel Businesses for Fiscal Year 2013 in connection with the Pasadena Tourism Business Improvement District (the District); and
- (2) At the conclusion of the public hearing, in the absence of a majority protest, adopt a resolution confirming the Annual Report of the Advisory Board as originally filed and levying the assessment for Fiscal Year 2013 in connection with the District. (Resolution No. 9214)

The Mayor opened the public hearing.

The City Clerk reported the notice of public hearing was published on July 2, 2012 in the Pasadena Star-News; and no correspondence was received.

Michael Ross, Pasadena Center Operating Company (PCOC) Chief Executive Officer, summarized the agenda report.

No one appeared for public comment.

The City Clerk confirmed that no majority protest exists.

It was moved by Councilmember Gordo, seconded by Councilmember Madison, to close the public hearing. (Motion unanimously carried) (Absent: None)

It was moved by Councilmember Gordo, seconded by Councilmember Madison, to approve the Pasadena Center Operating Company's recommendation. (Motion unanimously carried) (Absent: None)

PUBLIC HEARING: DESIGNATION OF 581 NORTH LOS ROBLES AVENUE AS A LANDMARK

Recommendation: It is recommended that the City Council:

(1) Find that the designation of a historic resource is categorically exempt from the California Environmental Quality Act (CEQA), pursuant to State CEQA Guidelines, Section 15308, Class 8, actions by regulatory agencies for protection of the environment;

(2) Find that the Charles F. Crowell House at 581 North Los Robles Avenue is significant under Criterion C for designation as a landmark (Pasadena Municipal Code, Section 17.62.040) because it is a locally significant, intact example of an early twentieth century American Foursquare house with Arts and Crafts period influences, built by contractor Charles F. Crowell;

(3) Approve the designation of the property at 581 North Los Robles Avenue as a landmark;

(4) Adopt the resolution (attachment to the agenda report) approving a Declaration of Landmark Designation for 581 North Los Robles Avenue, Pasadena, California;

(5) Authorize the Mayor to execute the Declaration of Landmark Designation for 581 North Los Robles Avenue, Pasadena, California; and

(6) Direct the City Clerk to record the declaration with the Los Angeles County Recorder. (Resolution No. 9215)

Recommendation of Historic Preservation Commission: On Monday, May 21, 2012, the Historic Preservation Commission recommended that the City Council approve the designation of 581 North Los Robles Avenue as a landmark under Criterion C of Pasadena Municipal Code, Section 17.62.040.

The Mayor opened the public hearing.

The City Clerk reported 13 copies of the notice of public hearing were posted on June 21, 2012; 53 copies of the notice were mailed on June 21, 2012; and no correspondence was received.

Vince Bertoni, Director of Planning Department, introduced the agenda item, and announced that Leon White had recently been promoted to Principal Planner.

Leon White, Principal Planner, reviewed the agenda report as part of a PowerPoint presentation.

No one appeared for public comment.

It was moved by Councilmember Gordo, seconded by Vice Mayor McAustin, to close the public hearing. (Motion unanimously carried) (Absent: None)

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

**REPORTS AND COMMENTS
FROM COUNCIL
COMMITTEES**

FINANCE COMMITTEE

AUTHORIZE THE CITY MANAGER TO EXECUTE ALL AGREEMENTS WITH THE CITY OF GLENDALE ASSOCIATED WITH THE RECEIPT OF GRANT FUNDING AND THE IMPLEMENTATION AND MANAGEMENT OF THE ARROYO VERDUGO COMMUTE MANAGER PROGRAM

Recommendation:

(1) Find that the following proposed actions are exempt from review, pursuant to the California Environmental Quality Act (CEQA), State CEQA Guidelines, Section 15061(b)(3), general rule;

(2) Authorize the City Manager to execute all agreements with the City of Glendale associated with the receipt of grant funding and the implementation and management of the program; and

(3) Approve a journal voucher amending the Fiscal Year 2013 Operating Budget by recognizing and appropriating ~~\$25,000~~ \$12,500 from the Air Quality Improvement Fund 216 unencumbered fund balance to budget account No. ~~8114-209-774513~~ 8114-209-775413. (Agreement No. 21,106; Journal Voucher No. 2013-1)

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

Mark Yamarone, Transportation Administrator, highlighted the agenda report as part of a PowerPoint presentation; and noted that a memo had been submitted showing corrections to the funding amount and account number in recommendation No. 3 (see above).

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

MUNICIPAL SERVICES
COMMITTEE

ADOPT A RESOLUTION TO DESIGNATE AUTHORIZED REPRESENTATIVES TO CONDUCT TRANSACTIONS AND SUBMIT REPORTS RELATED TO THE GREENHOUSE GAS CAP-AND-TRADE PROGRAM PURSUANT TO ASSEMBLY BILL 32

Recommendation:

(1) Find that the proposed resolution is exempt from the California Environmental Quality Act (CEQA), pursuant to State CEQA Guidelines, Section 15061(b)(3), general rule; and

(2) Adopt a resolution to:

(a) Designate the General Manager of the Water and

Power Department (PWP) as the "Designated Representative" to submit required reports and the ~~"Authorized Account Representative"~~ "Primary Account Representative" to conduct transactions related to the Greenhouse Gas (GHG) Cap-and-Trade Program established by the California Air Resources Board (CARB), pursuant to Assembly Bill 32, the Global Warming Solutions Act of 2006 (AB 32); and

(b) Designate the PWP Assistant General Manager as the "Alternate Designated Representative" and the ~~"Alternate Authorized Account Representative"~~ "Alternate Account Representative". (Resolution No. 9216)

Recommendation of Municipal Services Committee: On June 12, 2012, the Municipal Services Committee recommended that the City Council adopt the proposed resolution.

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

Gurcharan Bawa, Assistant General Manager/Power Supply, summarized the agenda report as part of a PowerPoint presentation. He indicated that the California Air Resources Board (CARB) had amended the above proposed titles (since the agenda report was written) as follows; and that these new titles can be deemed approved in the resolution:

~~Authorized Account Representative~~ becomes Primary Account Representative
~~Alternate Authorized Account Representative~~ becomes Alternate Account Representative

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

Councilmember Robinson congratulated Phyllis Currie, General Manager of the Water and Power Department, as the recently-elected Board Chair of the American Public Power Association (APPA).

RECOMMENDATIONS FROM OFFICERS AND DEPARTMENTS

DESIGNATION OF VOTING DELEGATE AND ALTERNATE FOR THE LEAGUE OF CALIFORNIA CITIES ANNUAL CONFERENCE ON SEPTEMBER 5-7, 2012 IN SAN DIEGO, CALIFORNIA

Following brief discussion, it was moved by Councilmember Gordo, seconded by Councilmember Robinson, to designate the Mayor as Voting Delegate for the League of California Cities Annual Conference, with no designation of an alternate to be made at this time. (Motion unanimously carried) (Absent: None)

RESOLUTION ACCEPTING THE CANVASS OF THE JUNE 5, 2012 SPECIAL MUNICIPAL ELECTION – MEASURE A

Recommendation: It is recommended that the City Council adopt a resolution accepting the canvass of votes certified by the Los Angeles County Clerk/Registrar-Recorder for the Special Municipal Election which was consolidated with the County's Presidential Primary Election held on June 5, 2012. (Resolution No. 9217)

The City Clerk reviewed the agenda report as part of a PowerPoint presentation, and responded to questions.

Following discussion, it was moved by Councilmember Robinson, seconded by Vice Mayor McAustin, to approve the staff recommendation. (Motion unanimously carried) (Absent: None)

ORDINANCES – FIRST READING

Conduct first reading of “AN UNCODIFIED ORDINANCE OF THE CITY OF PASADENA GRANTING NON-EXCLUSIVE RENEWAL FRANCHISES FOR SOLID WASTE COLLECTION TO TWENTY-TWO (22) APPLICANTS”

The above ordinance was offered for first reading by Vice Mayor McAustin:

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

NOES: None

ABSENT: None

Conduct first reading of “AN ORDINANCE OF THE CITY OF PASADENA AMENDING THE WATER RATE ORDINANCE, CHAPTER 13.20 OF THE PASADENA MUNICIPAL CODE”

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

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

NOES: None

ABSENT: None

ORDINANCE – ADOPTED

Adopt “AN ORDINANCE OF THE CITY OF PASADENA AMENDING THE LIGHT AND POWER RATE ORDINANCE, CHAPTER 13.04 OF THE PASADENA MUNICIPAL CODE”

(Introduced by Councilmember Robinson) (Ordinance No. 7221)

The above ordinance was adopted by the following vote:

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

NOES: None

ABSENT: None

COUNCIL COMMENTS

Councilmember Madison, Burbank-Glendale-Pasadena Airport Authority Commissioner, announced the recent elections of Councilmember Holden as President and Councilmember Tornek as Treasurer of the Airport Authority Board. He also announced several recent bear sightings in the Annandale Canyon area, and urged citizens to report any further sightings.

Councilmember Tornek reported on the groundbreaking ceremony held for the Regional Intermodal Transportation Center (RITC) at Bob Hope Airport. He provided a brief update on the hiring of an Interim Executive Director for the San Gabriel Valley Council of Governments (SGVCOG), as the COG's current Executive Director continues to experience ongoing legal issues. He also reported on the Draft Environmental Impact Report (DEIR) for the Huntington Library renovation project that had been issued, and concerns regarding the adequacy of the DEIR.

Councilmember Gordo suggested that staff provide a report with an overview of the Huntington Library project and process, in order to inform the City Council on issues that may impact the City and its residents.

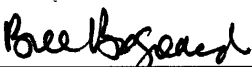
Councilmember Holden expressed concerns regarding the proliferation in illegal fireworks being set off in neighborhoods around the City during prolonged July 4th festivities, and suggested that the City explore a means for the community to participate in discussions regarding enforcement and safety issues related to the illegal activities and how the problems can be addressed.

The City Manager indicated that a report on illegal fireworks issues will be presented to the Public Safety Committee as a focus for discussion.

Councilmember Madison noted that he had been contacted by his constituents regarding rowdy behavior on La Loma Bridge (July 4th), which he will discuss with the Police Department.


ADJOURNMENT

On order of the Mayor, the regular meeting of the City Council adjourned at 8:09 p.m., in memory of Toby Osos, a social justice advocate, with a lifetime commitment to the YWCA.



Bill Bogaard, Mayor
City of Pasadena

ATTEST:



City Clerk