

CITY OF PASADENA
City Council Minutes
September 9, 2013 – 4:30 P.M.
City Hall Council Chamber

SPECIAL MEETING

OPENING:

Mayor Bogaard called the special meeting to order at 4:40 p.m. (Absent: Councilmembers Madison and Gordo)

On order of the Mayor, the special meeting recessed at 4:40 p.m., to discuss the following closed sessions:

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

Councilmember Madison arrived at 5:00 p.m.

Agency Designated Representatives: Kristi Recchia and Michael J. Beck

Employee Organizations: 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 Firefighters 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, Pasadena Association of Clerical and Technical Employees (PACTE/LIUNA) Local 777

Unrepresented Employees: Unrepresented Management-Executive, Management and Non-Management employees

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

Councilmember Gordo arrived at 6:10 p.m.

Agency Designated Representatives: Kristi Recchia and Michael J. Beck

Employee Organization: International Brotherhood of Electrical Workers (IBEW) Local 18

CITY COUNCIL CONFERENCE WITH LEGAL COUNSEL REGARDING EXISTING LITIGATION pursuant to Government Code Section 54956.9(d)(1)

Case Name: Rose Bowl Operating Company and City of Pasadena v. Great American Insurance Company, Delmac Construction & Development, Inc., et al.

Case No.: LASC EC060712

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: Kristi Recchia and Michael J. Beck

Employee Organization: Service Employees International Union (SEIU) Local 721

The above closed session item was not discussed.

On order of the Mayor, the special meeting reconvened at 6:38 p.m. The Pledge of Allegiance was led by members of Boy Scout Troop 5.

ROLL CALL:

Councilmembers:

Mayor Bill Bogaard
Vice Mayor Jacque Robinson
Councilmember Victor Gordo (Arrived at 6:10 p.m.)
Councilmember John J. Kennedy
Councilmember Steve Madison (Arrived at 5:00 p.m.)
Councilmember Gene Masuda
Councilmember Margaret McAustin
Councilmember Terry Tornek

Staff:

City Manager Michael J. Beck
Chief Assistant City Attorney Javan Rad
City Clerk Mark Jomsky

CEREMONIAL MATTERS

Lieutenant John Dewar, introduced Sergeant Mario Ortiz as the new Sergeant-at-Arms, and provided information on his background and achievements.

The City Clerk announced new and enhanced assistive listening devices and signage for the Council Chamber, noting the changes will increase accessibility to public meetings and promote awareness of available accommodations for those individuals in the community with hearing loss issues.

PUBLIC COMMENT ON MATTERS NOT ON THE AGENDA

John Orr, Pasadena resident, spoke on behalf of the Hearing Loss Association of Los Angeles and the Accessibility and Disability Commission, and commended the City Council, City Clerk, and staff for enhancing the assistive listening system in the Council Chamber and at the Jackie Robinson Center, and indicated that the hearing loss community is grateful to have increased accessibility to public meetings where quality of life decisions are made that impact residents.

Marvin Schachter, Pasadena resident, spoke on behalf of AARP/P.A.H.G., and urged the City Council to ask Governor Brown to sign AB 1229, to protect and preserve local inclusionary housing programs. He also stated his gratitude to the City Council for upgrading the assistive listening system.

The Mayor indicated that a letter expressing support for the Governor to sign AB 1229 has already been submitted on behalf of the City Council.

Andrew Oliver, First AME Church, stated concerns regarding the plight of young African American men, and invited the community to the "Day of Dialogue" event on September 14, 2013, which will provide an opportunity for the community to come together and have an open discussion regarding serious issues that are affecting the community.

Mustang-Sally Ramirez, Los Angeles resident, expressed her disappointment regarding her recent experience at a prior City Council meeting and spoke in advocacy of military veterans.

CONSENT CALENDAR

AUTHORIZATION TO ENTER INTO A CONTRACT WITH E.E. ELECTRIC, INC. FOR AN AMOUNT NOT TO EXCEED \$130,000 FOR CONSTRUCTION OF AN UNDERGROUND ELECTRICAL CONDUIT SYSTEM AT THE CITY YARDS FOR THE TEST LAB FOR THE WATER AND POWER DEPARTMENT

Recommendation:

- (1) Find that the project is categorically exempt from California Environmental Quality Act (CEQA) review, pursuant to State CEQA Guidelines Section 15301, existing facilities; and
- (2) Accept the bid dated July 24, 2013 from E. E. Electric, Inc., in response to Specifications LD-13-8 for construction of an underground electrical conduit system, and authorize the City Manager to enter into a contract with E. E. Electric, Inc. for an amount not to exceed \$130,000. (Contract No. 21,534)

ISSUANCE OF A PURCHASE ORDER TO FEHR AND PEERS FOR \$122,200 TO UPDATE THE CITYWIDE TRAVEL DEMAND FORECASTING MODEL AND TO DEVELOP TRANSPORTATION PERFORMANCE MEASURES

Recommendation:

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

(2) Authorize the issuance of a purchase order to Fehr and Peers, to update the citywide travel demand forecasting and dynamic traffic assignment models and develop transportation performance measures in the amount not to exceed \$122,200. Competitive bidding is not required, pursuant to City Charter Section 1002(H), contracts with other governmental entities or their contractors for labor, materials, supplies or services. 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.

AUTHORIZE PURCHASE ORDER WITH NIXON-EGLI EQUIPMENT COMPANY FOR PURCHASE OF ONE LEEBOY 7000 B ASPHALT PAVER FOR A TOTAL OF \$98,292

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) Authorize the issuance of a purchase order to Nixon-Egli Equipment Company, in an amount not to exceed \$98,292 for the purchase of one LeeBoy 7000B asphalt paver without competitive bidding, pursuant to City Charter Section 1002(H), contracts with other governmental entities or their contractors for labor, materials, supplies or services; and

(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.

APPROVAL OF A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF PASADENA AND THE PASADENA POLICE OFFICERS ASSOCIATION FOR THE TERM OF APRIL 22, 2013 – JUNE 30, 2016 AND THE PASADENA POLICE SERGEANTS ASSOCIATION FOR THE TERM OF JULY 1, 2013 – JUNE 30, 2016

Recommendation:

(1) Approve a successor Memorandum of Understanding (MOU) between the City of Pasadena (City) and the Pasadena Police Officers Association (PPOA) for the term of April 22, 2013 through June 30, 2016 and the Pasadena Police Sergeants Association (PPSA) for the term of July 1, 2013 through June 30, 2016;

(2) Adopt a resolution of the City Council of the City of Pasadena to authorize tax deferral of member paid contributions to the California Public Employees' Retirement System for the safety employees in the bargaining unit represented by PPOA and PPSA; and

(3) Adopt a resolution of the City Council of the City of Pasadena to report the value of employer paid member contributions (EPMC) for the safety employees represented by PPOA and PPSA and supersede resolution Nos. 8196 and 8725 insofar as it applies to the safety employees presented by PPOA and PPSA. (Agreement No. 21,535; Agreement No. 21,536; Resolution No. 9301; Resolution No. 9302)

RESIGNATION OF NICHOLAS M. BENSON FROM THE NORTHWEST COMMISSION (District 3 Nomination)

APPOINTMENT OF LEILIA M. BAILEY-LEAHY TO THE COMMISSION ON THE STATUS OF WOMEN (District 3 Nomination)

REAPPOINTMENT OF DEBBIE AYALA TO THE LIBRARY COMMISSION (District 2 Nomination)

APPOINTMENT OF LAURIE BURRUSS TO THE ARTS AND CULTURE COMMISSION (District 7 Nomination)

APPOINTMENT OF DARRELL DONE TO THE SOUTH LAKE PARKING PLACE COMMISSION (Mayor Nomination/District 7)

MINUTES APPROVED

April 22, 2013
 April 29, 2013
 May 6, 2013
 May 13, 2013
 May 20, 2013
 May 27, 2013

CLAIMS RECEIVED AND FILED

Claim No. 11,986	Jo-Ann Marilyn C. Castanares	\$ Not stated
Claim No. 11,987	Geico as subrogee Thomas Wheatley	5,168.76
Claim No. 11,988	Ted Arpa	60.00
Claim No. 11,989	Angela Davis	25,000.00+
Claim No. 11,990	Southern California Gas Company/Sempra Energy Utility	Not stated
Claim No. 11,991	Jeffery C. Shepperd	3,515.55
Claim No. 11,992	Joen Douglas Mitchell	324.00
Claim No. 11,993	Katayoun Hokmollahi	300.00

Claim No. 11,994	Helen Santiago/Enterprise, Jennifer Edmunds	2,207.27
Claim No. 11,995	Lynda Lander	25,000.00+
Claim No. 11,996	Hesham Maher, Gabor, Andrew Gabor, and Paul Gabor	\$5,000,000.00
Claim No. 11,997	Gigi O'Hara	290.00
Claim No. 11,998	Charlotte Barnes	323.68
Claim No. 11,999	Christina Mastreano and William Mastreano	320.90

PUBLIC HEARING SET

September 16, 2013, 7:00 p.m. – Draft Consolidated Annual Performance and Evaluation Report (2012-2013 Program Year) for projects funded from Community Development Block Grant, Emergency Solutions Grant, Home Investment Partnership Act, and Human Services Endowment Fund Programs

Mustang-Sally Ramirez, commented on the military veterans homeless dilemma, and asked that military veterans be hired for City contracts

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

**REPORTS AND COMMENTS
FROM COUNCIL
COMMITTEES**

MUNICIPAL SERVICES
COMMITTEE

AUTHORIZE THE CITY MANAGER TO ENTER INTO A POWER PURCHASE AGREEMENT WITH KINGBIRD SOLAR, LLC FOR THE PURCHASE OF 20 MEGAWATTS OF SOLAR ENERGY

Recommendation:

- (1) Find that the recommended contract authorization is exempt from the California Environmental Quality Act (CEQA), pursuant to State CEQA Guidelines Section 15061(b)(3), general rule;
- (2) Authorize The City Manager to enter into a Power Purchase Agreement with Kingbird Solar, LLC, to purchase 100% of the renewable energy and capacity from the proposed Kingbird Solar photovoltaic project (Kingbird Solar Project), to be located in the Antelope Valley of Kern County, California, for a total of 20 MW;
- (3) Find that the contract is exempt from the City of Pasadena's (City) competitive bidding rules, pursuant to City Charter Section 1002(F), contracts for professional or unique services; and
- (4) Find that the contract is exempt from competitive selection, pursuant to Pasadena Municipal Code Section 4.08.049.

Recommendation of Municipal Services Committee:

On August 27, 2013, the Municipal Services Committee recommended that the City Council enter into the 20 MW

Power Purchase Agreement with Kingbird Solar, LLC
(Agreement No. 21,537)

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

Phyllis Currie, General Manager of Water and Power Department and Gurcharan Bawa, Assistant General Manager, reviewed the agenda report as part of a PowerPoint presentation, and responded to questions.

Councilmember Gordo stated concerns regarding the City's ability to comply with Senate Bill X 1-2, the State's mandated Renewable Portfolio Standard (RPS) goal of 33% by the year 2020, the impact to the City, and requested additional information regarding the measures being taken by staff to ensure the City's compliance.

Ms. Currie pointed out that the City staff is working with all levels of government to ensure that the City continues on a reasonable pace to achieve the State's mandated RPS goal of 33%, and stated that the City is on track with the milestones that have been interpreted at the State level, and mentioned that she will provide the City Council with a chart that will reflect the City's current and future status in terms of milestones to be met.

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

PUBLIC HEARING

PUBLIC HEARING: REPORT ON WATER QUALITY REPORT RELATIVE TO PUBLIC HEALTH GOALS

Recommendation:

- (1) Find that the proposed actions related to the City of Pasadena's Report on Water Quality Relative to Public Health Goals (PHG) is not subject to the California Environmental Quality Act (CEQA), pursuant to CEQA Guidelines Sections 15060(c)(2), 15060(c)(3), and 15378, as the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment;
- (2) Hold a public hearing on September 9, 2013 for the purposes of accepting and responding to public comments on the PHG; and
- (3) Accept the PHG Report.

Recommendation of Environmental Advisory Commission: On August 20, 2013, the PHG Report was presented to the Environmental Advisory Commission as an information item.

Recommendation of the Municipal Services Committee: On July 23, 2013, the PHG Report was

presented to the Municipal Services Committee (MSC) as an information item. The PHG Report was subsequently reviewed by the Pasadena Public Health Department at the request of the MSC.

The Mayor opened the public hearing.

The City Clerk reported that the notice of public hearing was published on August 22, 2013, in the Pasadena Journal, and no correspondence was received.

Phyllis Currie, General Manager of Water and Power Department, and Dr. David Kimbrough, Water Quality Manager, introduced the item, reviewed the agenda report as part of a PowerPoint presentation, and responded to questions.

No one appeared for public comment.

Councilmember Kennedy noted that a professor at California Institute of Technology (CALTECH) designed new technology that removes contaminants from water, and recommended that the appropriate City staff conduct tests of their technology to determine if it is more successful in removing contaminants from the local ground water. He also suggested that staff meet with a prominent local attorney who was directly involved in the Pacific Gas & Electric (PG&E) Chromium litigation to gain additional knowledge on this issue.

Following discussion, it was moved by Councilmember Madison, seconded by Vice Mayor Robinson, to close the public hearing. (Motion unanimously carried) (Absent: None)

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

**RECOMMENDATIONS
FROM OFFICERS AND
DEPARTMENTS**

**APPROVAL TO INSTALL A MEMORIAL IN
REMEMBRANCE OF THE ARMENIAN GENOCIDE AT
MEMORIAL PARK (*To be heard at 7:15 p.m. or thereafter*)
Recommendation:**

- (1) Find the proposed project to be exempt under the California Environmental Quality Act (CEQA) in accordance with Section 15304, minor alterations to land; and
- (2) Approve the request to install a memorial in remembrance of the Armenian Genocide at Memorial Park.

Recommendation of the Recreation and Parks

Commission: On July 16, 2013, the Recreation and Parks Commission considered the Pasadena Armenian Genocide Memorial Committee's (PASAGMC) proposal to install a memorial in remembrance of the Armenian Genocide at Memorial Park. The Commission unanimously supported the Armenian Genocide memorial design and proposal scope, and recommended the City approve the memorial with the location to be determined by the City Council. Although not part of the formal motion, some Commissioners expressed interest in having the City Council consider alternate locations for the placement of the memorial, including a location not in a park, in a park other than Memorial Park, near City Hall, or on property owned by an Armenian organization.

Siobhan Foster, Director of Public Works, and Loren Pluth, Project Manager, introduced the item, reviewed the agenda report as part of a PowerPoint presentation, and responded to questions.

Councilmember Tornek stated his concerns regarding the basis of staff's determination to install the Armenian Genocide Memorial at Memorial Park as opposed to any other City owned property or park.

The City Clerk reported that a PowerPoint presentation, and 12 letters, and a petition with a total of 1,018 signatures, and a document signed by 93 individuals were received in support of, and 4 letters in opposition to, and/or expressing concerns with, the memorial of the Armenian Genocide at Memorial Park.

The following persons spoke in support of a memorial in remembrance of the Armenian Genocide at Memorial Park:

Bill Papanian, Pasadena Armenian Genocide
Memorial Committee (Applicant)
Barney Melekian, Pasadena Armenian Genocide
Memorial Committee (Applicant)
Stefanos Polyzoides, Pasadena Armenian Genocide
Memorial Committee (Applicant)
Catherine McNard, Pasadena Armenian Genocide
Memorial Committee (Applicant)
Leonard E. Torres, Pasadena resident
Anita Susan Brenner, Pasadena resident
Bradley Fagerstrom, Canoga Park resident
Dena Romios, Power Muse Productions
Hovannes Sarkissian, Armenian Brotherhood Bible
Church
Edna Karinski, Community Foundation of the
Verdugos

Ciran Hadjian, Pasadena resident
Taleen Hindoyan, Pasadena resident
Steven S. Lamb, Altadena resident
Shoushan Baghboudarian, SEIU Local 721
Nyree Derderian, Armenian Relief Society
Harut Harry Yedalyan, Armenian American Public
Service Employees Association (AAPSE)
Eddie Robledo, Hispanic American Airborne
Association
Kay Mouradian, South Pasadena resident
Garo Ghazarian, Armenian Bar Association
Ani Bedrosian Adaimy, Temple City resident
Narbeh Hartoonian, Studio City resident,
David Gevorkyan, Pasadena resident
Kevork B. Douzadjian, Altadena resident
John Merguerian, Glendale resident
Raffi Najarian, Glendale resident
Nayree Panossian, Saint Sarkis Armenian Apostolic
Church of Pasadena, Youth Group
Shahe Bezdjian, Armenian Cultural Foundation
Leon Kirakosian, Armenian National Committee of
America
Harry Kurdoghlian, City Employee
Zareh Sinanyan, Glendale resident
Martin A. Gordon, Pasadena Community Coalition

The following persons spoke in opposition to, and/or expressed concerns with, the memorial in remembrance of the Armenian Genocide at Memorial Park:

Victor Cass, Pasadena resident
David McAlexander, Pasadena resident
Debbie Meymarian, Pasadena resident
Emina Darakjy, Pasadena resident
Michael Cornwell, Pasadena resident

Vice Mayor Robinson raised concerns regarding future requests for memorials to be placed at Memorial Park, requested information from staff on the City's plans to respond to these proposals, and requested a more substantive explanation from staff as to why other locations were removed from consideration. She also stated concerns regarding the upcoming 100th year anniversary of the Armenian Genocide, and whether or not Memorial Park and its design will be able to accommodate the large number of individuals expected to attend this event.

Loren Pluth provided information on some of the criteria used in the selection of Memorial Park, and noted that the existing master plan indicates hosting memorials as one of the purposes of Memorial Park.

Councilmember McAustin asked staff to further clarify the City's process/procedures on crowd and event management at major events at parks, in anticipation of a possible large gathering of individuals at the 100th year anniversary of the Armenian Genocide at Memorial Park.

Councilmember Tornek expressed his concerns regarding the existing process/policy regarding monuments in parks, and stated that the policy needs to be reviewed and revised in order to adequately respond to future requests, noting that a revised policy should provide better guidance to staff and a greater awareness to the public.

Mayor Bogaard agreed with Councilmember Tornek's point of view regarding the existing policy, and supported the idea of staff studying the policy in anticipation of future proposals.

Members of the City Council expressed gratitude to the Armenian Genocide Memorial Committee for their work, thanked the community for their comments, and congratulated the artist for a beautiful, educational, and powerful piece of art.

Following discussion, it was moved by Councilmember Kennedy, seconded by Councilmember Masuda, to approve the staff recommendation:

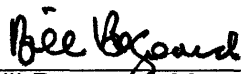
AYES: Councilmembers Gordo, Kennedy,
Madison, Masuda, McAustin, Tornek,
Vice Mayor Robinson, Mayor Bogaard

NOES: None

ABSENT: None

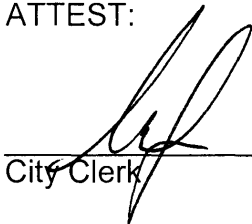
ADJOURNMENT

On order of the Mayor, the regular meeting of the City Council adjourned at 11:03 p.m., in memory of David Kirk Robinson, a respected Attorney and a long-time Pasadena resident, and Randell Makinson, a prominent Architect.



Bill Bogaard, Mayor
City of Pasadena

ATTEST:



City Clerk