

CITY OF PASADENA
City Council Minutes
October 7, 2013 – 5:00 P.M.
City Hall Council Chamber

SPECIAL MEETING

OPENING:

Mayor Bogaard called the special meeting to order at 5:06 p.m. (Absent: Councilmember Gordo and Vice Mayor Robinson)

On order of the Mayor, the special meeting recessed at 5:06 p.m., to discuss the following closed sessions:

**CITY COUNCIL CONFERENCE WITH LEGAL COUNSEL
– ANTICIPATED LITIGATION**

Significant exposure to litigation pursuant to Government Code Section 54956.9(d)(2) (two potential cases)

Councilmember Robinson arrived at 5:32 p.m.

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

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 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, and Pasadena Association of Clerical and Technical Employees (PACTE/LIUNA) Local 777
Unrepresented Employees: Unrepresented Management-Executive, Management, and Non-Management employees**

Councilmember Gordo arrived at 6:33 p.m.

CITY COUNCIL CONFERENCE WITH REAL PROPERTY NEGOTIATORS pursuant to Government Code Section 54956.8

**Property Location: 531-537 Cypress Avenue, Pasadena
Agency Negotiators: Michael J. Beck and Bill Huang
Negotiating Party: Harden Carter
Under Negotiation: Price and terms of payment**

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

Agency Designated Representatives: Kristi Recchia and Michael J. Beck

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

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

Agency Designated Representatives: Kristi Recchia and Michael J. Beck

Employee Organization: International Union of Operating Engineers (IUOE) Local 501

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

Agency Designated Representatives: Kristi Recchia and Michael J. Beck

Employee Organization: Pasadena Fire Fighters Association (PFFA) Local 809

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

On order of the Mayor, the special meeting reconvened at 7:10 p.m. The Pledge of Allegiance was led by Councilmember Madison.

ROLL CALL:

Councilmembers:

Mayor Bill Bogaard
Vice Mayor Jacque Robinson
Councilmember Victor Gordo
Councilmember John J. Kennedy
Councilmember Steve Madison
Councilmember Gene Masuda
Councilmember Margaret McAustin (Arrived at 7:12 p.m.)
Councilmember Terry Tornek

Staff:

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

CEREMONIAL MATTERS

Councilmember McAustin arrived at 7:12 p.m.

The City Clerk administered the oaths of office to Hilda Marella Delgado as Northwest Commissioner, and Anita Fromholz as Recreation & Parks Commissioner.

The Mayor presented a proclamation declaring the month of October 2013 as "Bullying Prevention Awareness Month", in support of the effort to raise awareness of the dangers associated with all forms of bullying. The proclamation was received by Horace Wormely, Neighborhood Services Administrator, and Christian Clark, President of the Pasadena Youth Council.

The Mayor, Nat Nehdar, and Terrie Allen (Chair and Vice Chair of the Human Relations Commission) recognized Dr. Nazee Rofagha for her work in improving human relations in the City, and presented Dr. Rofagha with the Human Relation Commission's "Models of Unity" award.

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

Derek Wells, Pasadena resident, expressed his concerns regarding some operational issues related to the new parking meters, and suggested that the City develop a better parking meter system.

CONSENT CALENDAR

AUTHORIZATION TO AMEND CONTRACT NO. 53303 WITH RAJU ASSOCIATES, INC., TO PROVIDE CONSULTANT SERVICES FOR 100 WEST WALNUT STREET – LINCOLN PROPERTIES

Recommendation:

- (1) Find that the project is exempt from the California Environmental Quality Act (CEQA), pursuant to State CEQA Guidelines Section 15061(b)(3); and
- 2) Authorize the City Manager to execute an amendment to Contract No. 53303 with Raju Associates, Inc., for consultant services to Lincoln Properties in an amount not to exceed \$167,593.

AUTHORIZATION TO ENTER INTO A CONTRACT WITH PERRY C. THOMAS CONSTRUCTION, INC., FOR AN AMOUNT NOT TO EXCEED \$531,318 FOR CONSTRUCTION OF AN UNDERGROUND ELECTRICAL CONDUIT SYSTEM IN ARROYO BOULEVARD AND SAN RAFAEL AVENUE FOR THE WATER AND POWER DEPARTMENT

Recommendation:

- (1) Find that the project is exempt from the California Environmental Quality Act (CEQA) review, pursuant to State CEQA Guidelines Section 15301(b) and (c), existing facilities; and
- (2) Accept the bid dated September 24, 2013, submitted by Perry C. Thomas Construction, Inc., in response to Specifications LD-13-12 for construction of underground conduit systems, and authorize the City Manager to enter into a contract with Perry C. Thomas Construction, Inc., for an amount not to exceed \$531,318. (Contract No. 21,569)

Item discussed separately

APPROVAL OF SIDE LETTER AGREEMENTS WITH AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES (AFSCME) LOCAL 858, INTERNATIONAL UNION OF OPERATING ENGINEERS (IUOE) LOCAL 501, PASADENA ASSOCIATION OF CLERICAL AND TECHNICAL EMPLOYEES (PACTE/LIUNA) LOCAL 777, PASADENA POLICE OFFICERS ASSOCIATION (PPOA), AND SERVICE EMPLOYEES INTERNATIONAL UNION (SEIU) LOCAL 721, AND AMENDING THE SALARY RESOLUTION FOR NON-REPRESENTED EXECUTIVE MANAGEMENT, MANAGEMENT, AND NON-MANAGEMENT REGARDING MEDICAL INSURANCE AND EMPLOYEE OPTION BENEFIT FUND (EOBF) ALLOWANCES

MINUTES APPROVED

July 22, 2013

CLAIMS RECEIVED AND FILED

| | | |
|------------------|--|-------------|
| Claim No. 12,019 | Horace H. Smith | \$ 1,477.72 |
| Claim No. 12,020 | Old Towne Pub, LLC | 25,000.00+ |
| Claim No. 12,021 | Chartis Property Casualty Company as subrogee for John Llewellyn | 25,000.00+ |
| Claim No. 12,022 | Laurel Jones | 355.90 |
| Claim No. 12,023 | Kathy Braidhill | 15,413.62+ |
| Claim No. 12,024 | Robin Ables | 25,000.00+ |
| Claim No. 12,025 | Gerard Parseghion | Not Stated |

It was moved by Councilmember Gordo, seconded by Vice Mayor Robinson, to approve all items on the Consent Calendar with the exception of Item 3 (Approval of Side Letter Agreements with labor groups and non-represented employees regarding Medical Insurance and Employee Option Benefit Fund Allowances), which was discussed separately. (Motion unanimously carried) (Absent: None)

CONSENT ITEMS DISCUSSED SEPARATELY

Councilmember Gordo was excused at 7:26 p.m.

APPROVAL OF SIDE LETTER AGREEMENTS WITH AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES (AFSCME) LOCAL 858, INTERNATIONAL UNION OF OPERATING ENGINEERS (IUOE) LOCAL 501, PASADENA ASSOCIATION OF CLERICAL AND TECHNICAL EMPLOYEES (PACTE/LIUNA) LOCAL 777, PASADENA POLICE OFFICERS ASSOCIATION (PPOA), AND SERVICE EMPLOYEES INTERNATIONAL UNION (SEIU) LOCAL 721, AND AMENDING THE SALARY RESOLUTION FOR NON-REPRESENTED EXECUTIVE MANAGEMENT, MANAGEMENT, AND NON-MANAGEMENT REGARDING MEDICAL INSURANCE AND EMPLOYEE OPTION BENEFIT FUND (EOBF) ALLOWANCES

Recommendation:

- (1) Approve a side letter agreement with AFSCME to modify their Memorandum of Understanding regarding medical insurance and the Employee Option Benefit Fund (EOBF) allowance;
- (2) Approve a side letter agreement with IUOE to modify their Memorandum of Understanding regarding medical insurance and the EOBF allowance;
- (3) Approve a side letter agreement with PACTE/LIUNA to modify their Memorandum of Understanding regarding medical insurance and the EOBF allowance;
- (4) Approve a side letter agreement with PPOA to modify their Memorandum of Understanding regarding medical insurance and the EOBF allowance;
- (5) Approve a side letter agreement with SEIU to modify their Memorandum of Understanding regarding medical insurance and the EOBF allowance; and
- (6) Amend the Non-Represented Executive Management, Management, and Non-Management Salary Resolutions regarding medical insurance and the EOBF allowance. (Resolution Nos. 9309, 9310, and 9311)

Lee Wax, representing American Federation of State, County, and Municipal Employees Local 858 (AFSCME), requested that the City Council not approve Item 1 of the recommendation and allow AFSCME additional time to review and consult with its members regarding the proposed side letter agreement, stating that they were unable to make such an important decision in the short time provided to them.

Following discussion, it was moved by Councilmember Kennedy, seconded by Vice Mayor Robinson, to approve the staff recommendation, with the exception of Item No 1. (Motion unanimously carried) (Absent: Councilmembers Gordo)

REPORTS AND COMMENTS FROM COUNCIL COMMITTEES

ECONOMIC DEVELOPMENT AND TECHNOLOGY COMMITTEE

Councilmember Gordo returned at 7:31 p.m.

SALES TAX REIMBURSEMENT AGREEMENT WITH AVON PRODUCTS, INC., AT 2940 EAST FOOTHILL BOULEVARD

Recommendation:

- (1) Approve the terms and conditions of a Sales Tax Increment Reimbursement Agreement (Agreement) between the City of Pasadena and Avon Products, Inc. (Avon), in which the City will reimburse Avon up to 40% of the sales tax generated by Avon after July 1, 2014, as that is the date on which Avon's operation would have been shut down and the sales tax generated would have been \$0, if not for this Agreement. The reimbursement will not exceed \$600,000 in any one year, and will not continue after \$1.8 million is reimbursed or three years have passed, whichever comes first;

(2) Adopt a resolution; and find that preserving the jobs and economic activity now provided by Avon in its current location, installing the necessary equipment and upgrades to continue operation at its current location, and extending Avon's operation in Pasadena for three additional years (the proposed project), as described in the application and agreement:

- A. Promotes employment and will significantly contribute to the maintenance and expansion of the economic base of the City,
- B. Constitutes a valid exercise of the police powers of the City, and serves a public purpose in which the City has a peculiar and unique interest, and
- C. Substantially relates to a municipal affair of the City;

(3) Accept and approve Avon's application and the participation of the City in such project, subject to the provisions of Chapter 4.105 of the Pasadena Municipal Code, the rules and regulations, and the conclusion of all proceedings undertaken to consummate such participation to the satisfaction of the City; and

(4) Authorize the City Manager to execute and the City Clerk to attest the Agreement on behalf of the City. (Resolution No. 9312; Agreement No. 21,570)

Councilmember Gordo, Chair of the Economic Development and Technology Committee, introduced the item.

Councilmember Kennedy asked that staff specify in detail (in future reports) the methodology for reporting local jobs in the City, and how the results will be achieved, and requested clarification regarding the City's rebate of a portion of newly generated sales tax.

In response to Councilmember Tornek's questions regarding the basis for reimbursement, specifically in terms of the costs associated with repair and maintenance of their equipment, Tom Kerr, Avon Products Executive Director of Customer Service, spoke briefly on the pending equipment and upgrades needed to continue operation at the current location.

Members of the City Council commended the staff for their outstanding work in retaining the Avon company location, a major source of sales tax revenue for the City.

Councilmember Madison was excused at 7:48 p.m.

Following discussion, it was moved by Councilmember Masuda, seconded by Councilmember Gordo, to approve the staff recommendation. (Motion unanimously carried)
(Absent: Councilmember Madison)

PUBLIC HEARING

Councilmember Gordo was excused at 7:49 p.m.

Councilmember Madison returned at 7:50 p.m.

PUBLIC HEARING: ADOPTION OF THE LINCOLN AVENUE SPECIFIC PLAN

Recommendation: It is recommended that the City Council continue the public hearing to October 21, 2013, at 7:00 p.m.

Rechelle D. Labin-Lubanski, Pasadena resident, expressed concerns regarding the condition of her neighborhood located near Lincoln Ave and the SR210 Freeway, stating that it is a blighted area that is greatly impacted by freeway traffic noise, dirt, and pollution.

Following a brief statement, it was moved by Vice Mayor Robinson, seconded by Councilmember Masuda, to continue the public hearing to October 21, 2013 at 7:00 p.m. (Motion unanimously carried) (Absent: Gordo)

ORDINANCE – ADOPTED

Adopt “AN ORDINANCE OF THE CITY OF PASADENA AUTHORIZING THE ISSUANCE BY THE CITY OF NOT TO EXCEED \$85,000,000 AGGREGATE PRINCIPAL AMOUNT OF CITY OF PASADENA ELECTRIC REVENUE/REFUNDING BONDS, 2013A SERIES, PAYABLE OUT OF THE LIGHT AND POWER FUND, AND APPROVING THE EXECUTION AND DELIVERY OF AN EIGHTH SUPPLEMENT TO ELECTRIC REVENUE BOND FISCAL AGENT AGREEMENT, ESCROW AGREEMENTS AND A CONTINUING DISCLOSURE AGREEMENT IN CONNECTION THEREWITH” (Introduced by Councilmember Tornek) (Ordinance No. 7233)

The above ordinance was adopted by the following vote:

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

NOES: None

ABSENT: Councilmember Gordo

ORDINANCE – FIRST READING

Conduct first reading of “AN ORDINANCE OF THE CITY OF PASADENA ADDING CHAPTER 6.09 TO TITLE 6 OF THE PASADENA MUNICIPAL CODE REQUIRING ALL DOGS AND CATS WITHIN THE CITY TO BE SPAYED OR NEUTERED”

Steve Mermell, Assistant City Manager, introduced the agenda item and summarized the agenda report as part of a PowerPoint presentation, and responded to questions.

Councilmember Madison stated his concerns regarding the danger of allowing the breeding of pit bull dogs in the City, and spoke in support of the adoption of this ordinance. He also urged that the City consider pursuing this issue further

with local state representatives to change the law allowing for more local control regarding the banning of specific dog breeds, such as pit bulls.

The following persons spoke in opposition to a mandatory spay/neuter ordinance for all dogs and cats in the City:

Florence Blecher, California Responsible Pet Owners Coalition
Sarah Bixler, Pasadena resident
Joan Miller, Cat Fancier's Association
Peter Keys, Cat Fancier's Association
Jenna M. Valencia, Rose City Veterinary Hospital
Lois MacDonald, Irish Water Spaniel Club of America, a Altadena resident
Nancy Reardon, Pasadena resident
Anne Dove, Pasadena resident

Elizabeth Richer Campo, Senior Vice President of the Pasadena Humane Society (PHS), spoke on behalf of PHS, and responded to questions regarding potential pet owner fees/fines, policies on dog bites, the progress of PHS's canvassing of licensed dogs in the City, and the training of PHS officers in lethal/non-lethal force situations.

Councilmember Robinson stated concerns regarding enforcement and penalties for residents that are unable to afford to spay/neuter their pets, and inquired how such individuals will be assisted.

Councilmember McAustin and Tornek suggested that the proposed action is premature, and that the PHS should complete the dog licensing canvass initiative and educate the residents as opposed to adopting a mandatory spay/neuter ordinance at this time.

By consensus, the item was withdrawn to allow for the completion of the canvassing of animal licensing by the Pasadena Humane Society, with staff to return with the ordinance for future consideration in 6 to 9 months, and for the Legislative Policy Committee to discuss at its next meeting strategies to further pursue changes in the law at the state level with local representatives in order to allow banning of specific dog breeds.

Steve McNall, President of the Pasadena Humane Society, spoke briefly on the dog licensing canvassing process, and stated his support for a mandatory spay/neuter ordinance.

**RECOMMENDATIONS
FROM OFFICERS AND
DEPARTMENTS**

CONSIDERATION OF A CALL FOR REVIEW OF A HEARING OFFICER DECISION TO THE BOARD OF ZONING APPEALS REGARDING CONDITIONAL USE PERMIT NO. 6032 TO ALLOW THE DEMOLITION OF A ONE-STORY 1,400 SQUARE FOOT COMMERCIAL BUILDING AND THE CONSTRUCTION OF A NEW ONE-STORY 2,700 SQUARE FOOT CONVENIENCE STORE (7-ELEVEN) AND 10 SURFACE PARKING SPACES AT 645 EAST WALNUT AVENUE (Councilmember Kennedy)

Councilmember Kennedy relayed to the City Council that he had received concerns regarding the Hearing Officer's decision from his constituents and the proposed developer, and stated the intent of his requested call for review was to allow these individuals to share their concerns with decision makers. He mentioned that he had not yet reached a position on the matter at this time.

David Reyes, Deputy Director of Planning & Community Development, introduced the agenda item, and Jason Mikaelian reviewed the agenda report as part of a PowerPoint presentation, and responded to questions.

The following persons spoke in support of a Call for Review regarding Conditional Use Permit No. 6032:

Ralph W. Deppisch, representing the applicant
Robert Gorski, Pasadena resident
Heather Stern, Pasadena resident
Gabriel Stern, Pasadena resident

Following discussion, it was moved by Councilmember Kennedy, seconded by Councilmember Tornek, to call this matter for review to the Board of Zoning Appeals:

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

NOES: None

ABSENT: Councilmember Gordo

COUNCIL COMMENTS

Councilmember Kennedy asked if staff could follow-up on a letter sent by the Mayor to Dr. Bob Ross at the California Endowment; and invite Dr. Ross to discuss the activities and programs that the Endowment offers throughout Los Angeles County, including the possibility of making a presentation regarding the plight of African American males in Pasadena.

In response to Councilmember Kennedy's request, the Mayor stated that Dr. Eric Walsh, Public Health Director, will be asked to contact Dr. Ross regarding this matter.

Councilmember Robinson inquired whether or not staff responded to a letter sent by the Pasadena Girls Softball Association regarding issues with scheduling practices at one of the City Parks.

The City Manager noted that a letter is being drafted and mailed this week in response to their concerns, and that she will be provided with a copy of the letter.

ADJOURNMENT

On order of the Mayor, the regular meeting of the City Council adjourned at 9:53 p.m.



Bill Bogaard, Mayor
City of Pasadena

ATTEST:



City Clerk