

CITY OF PASADENA
City Council Minutes
April 30, 2001 - 5:00 P.M.
City Hall Council Chamber

SPECIAL AND REGULAR MEETING

OPENING:

Mayor Bogaard called the special meeting to order at 5:15 p.m. (Absent: Councilmembers Holden, Madison, Vice Mayor Crowfoot)

On order of the Mayor, the regular meeting recessed at 5:15 p.m. to discuss the following closed sessions:

CITY COUNCIL CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION - CONSIDERATION OF INITIATION OF LITIGATION pursuant to Government Code Section 54956.9(a): One potential case

Action: Once the City has joined suit, the particulars shall be disclosed upon inquiry. (Moved by Councilmember Streater, seconded by Councilmember Little, and carried) Absent: Councilmembers Holden, Madison, Vice Mayor Crowfoot)

Councilmember Holden arrived at 5:35 p.m.

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

Name of Case: Department of Toxic Substances Control v. Interstate Non-Ferrous Corp., et al., Case No. CV-F-97-5016 OWW DLB

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

Name of Case: Olivia Scally v. City of Pasadena, et al., Case No. BC 234534

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

Agency Negotiator: Karyn Ezell
Employee Organization: Pasadena Police Sergeants Association

Vice Mayor Crowfoot,

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

Agency Negotiator: Karyn Ezell
Employee Organization: Pasadena Police Officers Association

On order of the Mayor, the regular meeting reconvened at 6:44 p.m. The Pledge of Allegiance was led by Vice Mayor Crowfoot.

ROLL CALL:

Councilmembers:

Mayor Bill Bogaard
Vice Mayor William Crowfoot
Councilmember Steve Haderlein
Councilmember Chris Holden
Councilmember Paul Little
Councilmember Steve Madison (Arrived at 7:16 p.m.)
Councilmember Joyce Streater
Councilmember Sidney F. Tyler, Jr.

Staff:

City Manager Cynthia J. Kurtz
City Attorney Michele Beal Bagneris
City Clerk Jane L. Rodriguez

CEREMONIAL MATTERS

Ms. Alyce McCarroll and Ms. Peggy Sisson, Child Care Information Services, presented an Advocacy Award to Councilmember Streater in recognition of her years of service to the care of children.

PUBLIC COMMENT

**MS. TAHRA GORAYA, REPRESENTING DAY ONE, TO
COMMEND CINCO DE MAYO COMMITTEE FOR NOT
ACCEPTING
TOBACCO OR ALCOHOL FUNDING**

Ms. Tahra Goraya, Executive Director of Day One, recognized the efforts of the Cinco De Mayo Committee to reduce the use of alcohol and drug use; and she commended the Committee for not accepting funds or sponsorship from the alcohol and tobacco industry for the Cinco de Mayo celebration event. In addition, she presented a commendation to the Chairs of the Committee, Ms. Yosemite Ramirez and Mr. Antonio Perez, for their determination in not accepting the monies.

Mr. Te' Zeus Parker, Altadena Town Councilman, commented regarding slavery and bondage.

Mr. Roy Begley, Pasadena resident, expressed his appreciation to Vice Mayor Crowfoot for his eight years of service and presented a gift photograph of the Pasadena bridge to Vice Mayor Crowfoot.

Vice Mayor Crowfoot expressed his thanks to Mr. Begley and Mr. Dashner for the gift.

Mr. Ray Dashner, Pasadena resident, commented regarding the stranded utility debt and requested that the Council review the surcharge legislation.

The City Manager noted that staff would be coming forward to Council, after discussion with the Deregulation Committee, to provide a status update of the reinvestment savings; and the possibility of discontinuing the surcharge.

Ms. Lourdes Modesto, representing the street vendors, expressed her appreciation to the City Council for assistance to their organization; and her gratefulness in being able to participate in the Cinco de Mayo celebration.

CONSENT CALENDAR

RESOLUTION REQUESTING COUNTY AID-TO-CITIES FUNDS FOR THE IMPROVEMENT OF SIERRA MADRE BOULEVARD FROM SIERRA MADRE VILLA AVENUE TO MICHILLINDA AVENUE

Recommendation of City Manager:

- (a) Adopt a resolution requesting County Aid-to-Cities (ATC) funds in the amount of \$41,075 for the subject project.
- (b) Approve a journal voucher amending the FY 2001-2005 Capital Improvement Program as described in the agenda report. (Resolution No. 7994; Journal Voucher No. 2001-83)

APPROVAL OF CITY'S QUITCLAIM OF A PORTION OF AN EXISTING EASEMENT FOR RESERVOIR, WATER CONSERVATION AND FLOOD CONTROL OPERATIONS LOCATED ON PARCEL MAP NO. 24680 AT 104 BERKSHIRE PLACE IN THE CITY OF LA CANADA FLINTRIDGE

Recommendation of City Manager: Adopt a resolution to:

- (a) Approve the City's quitclaim of all of its interest in a portion of an existing easement for reservoir, water conservation and flood control operations located on Parcel Map No. 24680 at 104 Berkshire Place in the City of La Canada Flintridge.
- (b) Authorize the City Manager or her designee to execute the quitclaim deed on behalf of the City. (Resolution No. 7995; Quitclaim No. 7806)

CONTRACT AWARD TO CANCINO CONSTRUCTION CO., INC. FOR MISCELLANEOUS CONCRETE REPAIR - 2001, FOR AN AMOUNT NOT TO EXCEED \$213,000

Recommendation of City Manager:

- (a) Accept the bid dated April 11, 2001, submitted by Cancino Construction Co., Inc. in response to the Specifications for Miscellaneous Concrete Repair - 2001, reject all other bids received, and authorize the City Manager to enter into such contract as is required;
- (b) Acknowledge the project to be categorically exempt under Section 21084 of the California Environmental Quality Act of 1984 in accordance with Article 19, Section 15301 (Class 1), subsection (c) of the Resources Agency of California Guidelines (maintenance of existing public streets) pursuant to the findings of the Secretary of the Resources Agency and authorize the City Manager to execute and the City Clerk to file a Notice of Exemption for the project with the Los Angeles County Clerk;
- (c) Approve a journal voucher recognizing private capital in the amount of \$4,807.00, and appropriating it to Budget Account No. 73710, Preventive Maintenance - Asphalt Streets. (Contract No. 71.582; Journal Voucher No. 2001-84)

Vice Mayor Crowfoot was excused at 7:12 p.m.

RENEWAL OF CONTRACT BETWEEN VERDUGO FIRE DISPATCH SYSTEM AND THE CITY OF SOUTH PASADENA FOR FIRE AND AMBULANCE DISPATCH SERVICES

Recommendation of City Manager: Authorize the City Manager to execute the agreement (attached to the agenda report) between the Verdugo Fire Dispatch System (VFDS), which is jointly administered by the cities of Glendale, Burbank, and Pasadena under a Joint Powers Agreement, and the City of South Pasadena. In addition to renewing the agreement, the annual charges to the City of South Pasadena (including the administrative fee) is increased from the 2000/2001 level of \$37,156 per year to approximately \$56,763 per year by the fifth year of the agreement. (Contract No. 17,583)

Item discussed separately at the request of Councilmember Tyler

AUTHORIZATION TO SUBMIT AN APPLICATION TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, HEALTH RESOURCES SERVICES ADMINISTRATION, FOR A COMMUNITY ACCESS PROGRAM GRANT

MINUTES APPROVED

March 12, 2001

CLAIMS RECEIVED AND FILED

Claim No. 8763	Billy Vaughn	\$ 1,000.00+
Claim No. 8764	C. R. Tillman	1,500,000.00
Claim No. 8765	Manzar Raza Syed	421.00
Claim No. 8766	Evan J. Siefke	5,500.00
Claim No. 8767	Carlos Chiguini	200,000.00
Claim No. 8768	Thomas C. Loffarelli	Unknown
Claim No. 8769	Albert West, West Residential, La Corona Facility	3,824.50
Claim No. 8770	Joyce Nelson	250.00

It was moved by Councilmember Tyler, seconded by Councilmember Little, to approve the Consent Calendar, except Item 5 (Application for a Community Access Program Grant), which was discussed separately. (Absent: Councilmember Madison, Vice Mayor Crowfoot)

**CONSENT CALENDAR
ITEM DISCUSSED
SEPARATELY**

AUTHORIZATION TO SUBMIT AN APPLICATION TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, HEALTH RESOURCES SERVICES ADMINISTRATION, FOR A COMMUNITY ACCESS PROGRAM GRANT

Recommendation of City Manager: Adopt a resolution authorizing submittal of a grant application and the subsequent execution by the City Manager of a grant agreement, amendments, and other documents necessary to secure such grant to the Health Resources Services Administration for a Community Access Program grant. (Resolution No. 7996)

Councilmember Madison arrived at 7:16 p.m.

Councilmember Tyler requested additional information concerning how the proposal correlates with existing network services of other organizations.

The City Manager indicated that the proposal was a request for a grant in order to establish a specific location in the City where the public could be referred for medical services. She noted that if the City receives the grant, staff will return to Council for appropriation of the funds.

Following discussion, it was moved by Councilmember Tyler, seconded by Councilmember Streator, to approve the City Manager's recommendation with the provision that this comes back to Council once the scope of work is better defined. (Motion unanimously carried). (Absent: Vice Mayor Crowfoot)

**REPORTS AND
COMMENTS FROM
COUNCIL COMMITTEES**

DEREGULATION
COMMITTEE

AUTHORIZE THE GENERAL MANAGER OF THE CITY OF PASADENA'S WATER AND POWER DEPARTMENT TO ENTER INTO A CONTRACT WITH THE BUILDING OWNERS AND MANAGERS OF GREATER LOS ANGELES (BOMA) AND THE RAND CORPORATION (RAND) FOR NON-PBC FUNDED ENERGY CONSERVATION PROGRAMS

On order of the Mayor, the item was held per the request of staff.

ORDINANCES ADOPTED

Vice Mayor Crowfoot
returned at 7:21 p.m.

Adopt "AN ORDINANCE OF THE CITY OF PASADENA AMENDING CHAPTER 4.56 OF THE PASADENA MUNICIPAL CODE RELATING TO THE UTILITY USERS TAX ORDINANCE (Introduced by Councilmember Little) (Ordinance No. 6857)

The above ordinance was adopted by the following vote:

AYES: Councilmembers Haderlein, Holden, Little, Madison, Streator, Tyler, Vice Mayor Crowfoot, Mayor Bogaard

NOES: None

ABSENT: None

Adopt "AN ORDINANCE OF THE CITY OF PASADENA AMENDING CHAPTER 2.250 OF THE PASADENA MUNICIPAL CODE TO ADD A NEW SECTION 2.250.180 REGARDING RECIPROCITY WITH THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM" (Introduced by Councilmember Streator) (Ordinance No. 6858)

The above ordinance was adopted by the following vote:

AYES: Councilmembers Haderlein, Holden, Little, Madison, Streator, Tyler, Vice Mayor Crowfoot, Mayor Bogaard

NOES: None

ABSENT: None

**RECOMMENDATIONS
FROM OFFICERS AND
DEPARTMENTS**

OPPOSITION TO SENATE BILLS 62X AND 69 AND ASSEMBLY BILLS 14 AND 120 AND FUTURE LEGISLATION THAT IMPACT PASADENA'S AUTHORITY TO LEVY THE UTILITY USER TAX
Recommendation of City Manager: It is recommended that the City Council oppose Senate Bill 62x (SB 62x) - Utility user's tax: gas and electricity, by Senator Poochigian; Senate Bill 69 (SB 69) - by Senators McClintock and Haynes; Assembly Bill 14 (AB 14) by

Assembly Members Matthews and Havice and Senator Poochiagian; and Senate Bill 120 (SB 120) - Assembly Member Matthews.

The City Manager summarized the above bills.

Following discussion, it was moved by Councilmember Streator, seconded by Councilmember Haderlein, to approve the City Manager's recommendation. (Motion unanimously carried). (Absent: None)

FY 2002 OPERATING BUDGET AND FY 2002-2006 CAPITAL IMPROVEMENT BUDGET

The City Manager provided an overview of the Operating and Capital Improvement Program (CIP) budgets, and distributed and reviewed a handout entitled "FY 2002: New Appropriations". She highlighted the reserve funds due to the uncertainty of the economy; informed Council of the funds that were in deficit and stated that staff was working on resolving the issue surrounding the deficits; discussed the recommended increases in the upcoming budget; and responded to questions.

Councilmember Holden expressed concern that funding for Robinson Park Master Plan has not been identified, and requested this item be flagged for further discussion and consideration of funding this project. He stressed the need to commit to moving the project forward, and urged that some funding be identified in the budget for this project.

Discussion ensued regarding traffic and transportation projects, whether there has been a commitment to identifying traffic management projects utilizing federal funds, and whether federal funds for 710 Freeway corridor mitigation can be utilized for other projects throughout the city.

The City Manager noted \$24 million of federal funds is available to Pasadena specifically for traffic mitigation in the 710 Freeway corridor, noted the City has some latitude in the use of these funds, but there needs to be a direct correlation of mitigating traffic in the 710 Freeway corridor for the use of these federal funds. The City Manager also referred to a list of proposed projects for use of these federal funds, which was submitted earlier to the Metropolitan Transportation Authority, and noted Council has some flexibility regarding the proposed projects on the list. She noted the 710 Design Advisory Group will be further reviewing the list of projects, as well as the Transportation Advisory Commission.

Further discussion ensued regarding funding for photo radar and the intent to use revenue collected from fines to fund this project, and funding for various traffic mitigation projects in the 710 Freeway corridor.

The Mayor noted the Federal Highway Administration's Record of Decision (ROD) sets forth various preconditions and requirements pertaining to the 710 Freeway. The Mayor stated that one of the preconditions is that mitigation measures be designed, funded and implemented in a way that the provisions of the Record of Decision provide. He stressed the desire to exercise flexibility for mitigation projects, but noted that until those mitigations are put in place according to the Record of Decision, certain other steps cannot be considered or started with respect to completion of that project. Councilmember Holden expressed his opinion that at the same time mitigation is going forward, design should also begin taking place and funds should be going into design of the 710 Freeway as well. Councilmember Holden expressed concern that no funds are being placed into the design phase, and stressed the need to lobby hard for design funding as well as mitigation funding. Regarding Councilmember Holden's comments pertaining to a dual track for mitigation and design, the Mayor expressed his desire to review the Record of Decision to ensure that both actions should take place at the same time. Councilmember Streater requested staff provide a copy of the Record of Decision prior to further review of the CIP budget, and the City Attorney responded a copy would be provided to Council.

Further discussion ensued regarding Blue Line projects, and Councilmember Haderlein requested a listing of dollars being spent to ensure that traffic will be able to circulate around the various Blue Line stations. The City Manager responded that staff will prepare a report on what dollars are being spent on the Blue Line and current status of Blue Line projects.

The Mayor noted that in 1994, when the Mobility Element was last updated, there was a listing of traffic improvements that were developed through public input and professional advice. He stated his assumption that this listing of approximately 60-80 projects has been inventoried and updated and will be a basis for further Council discussion regarding traffic and transportation. He stressed the need to carry out Council's pledge to the community to improve traffic, and noted traffic improvement costs and funding need to be further identified.

Following the City Manager's presentation of the proposed budgets, the Director of Finance noted that a copy of the proposed budgets would be available at the libraries for public review, and the five-year plan would be discussed at the next Council meeting. It was noted that the budgets will be further reviewed in joint meetings of the Finance Committee and City Council.

WORKSHOP ITEMS

CITY COUNCIL REDISTRICTING

Recommendation of City Attorney and City Clerk: It is recommended that Council consider the information contained in the agenda report and discuss the steps it wishes to take for the upcoming redistricting process. Specifically, Council should decide

whether to appoint a redistricting task force (and, if so, the size and composition), and/or a consultant to assist in this process. Based on the Council's direction, staff will return to Council with a proposed work plan and schedule.

Discussion ensued concerning the previous Census, population according to ethnicities, whether or not the redistricting process is necessary, the possibility of developing a citizens task force to make recommendations, size of a task force if one is created, and if direction should occur to staff to begin the process of initiating proposals for consultant services.

Assistant City Attorney Scott Rasmussen reviewed legal criteria for the redistricting process and responded to questions. He noted that the City needs to ensure that the process allows an equal opportunity for persons to participate in the electoral process and elect representatives of their choice.

The City Clerk reviewed the proposed budget for the redistricting process.

Councilmember Holden commented that it would be helpful to receive the task force report from the past redistricting effort.

Mr. Richard McDonald, Pasadena resident, urged the Council to appoint a Task Force and stressed that including the public in the process was the safest way to avoid legal challenges.

Mr. Christopher Cofer, Pasadena resident, submitted a letter and resume expressing his interest in serving as a redistricting consultant.

Mr. Timothy Wendler, Pasadena resident, urged Council to ensure that there was strong community input in the process; and he congratulated Victor Gordo on his recent election.

Assistant City Manager Prentice Deadrick indicated that staff had obtained general information by Census tracts. He noted that more specific Census information is being downloaded from the Internet, and population and racial breakdowns for each Council district should be available within the next few weeks.

In response to a question, Mr. Deadrick noted that the City's Geographic Information System (GIS) could overlay the Census information, and Councilmember Holden requested a demonstration of this information when staff reports back with the detailed Census information.

Following further discussion, the Mayor concluded this item by noting that more detailed information needs to be received prior to Council making a decision regarding the redistricting process.

On order of the Mayor, the report was received and filed. Staff will report back to Council in four to six weeks with more detailed Census information and a GIS demonstration of the data.

CAMPAIGN REFORM AND STATUS AND IMPLEMENTATION OF CHARTER AMENDMENT PROHIBITING PUBLIC OFFICIALS FROM RECEIVING A PUBLIC OR CAMPAIGN ADVANTAGE FROM RECIPIENTS OF CERTAIN PUBLIC BENEFITS

Recommendation of City Attorney: It is recommended that the City Council consider the information contained in the report and direct the City Attorney to proceed as desired by the City Council.

Mr. Craig Steele, outside counsel with Richards, Watson & Gershon, reviewed the impacts of Measure B adopted by the Pasadena voters on March 6, 2001. He provided an overview of the status of the measure and its effects, legal issues, steps to implement the measure, legal options, the purpose of the measure, and responded to questions.

Discussion ensued concerning enforcement and tracking issues and costs, constitutionality of the measure and legal challenges by other jurisdictions with similar measures, timing for filing the Charter amendment with the Secretary of State's Office, and the possibility of Pasadena legally challenging the measure.

Mr. Richard McDonald, Pasadena resident, suggested developing a task force to review campaign finance reform and the implementation of the measure.

Mr. Vince Farhat, Pasadena resident, indicated that he supported developing a task force; that a good beginning point would be the drafting of an ordinance that was previously circulated, and he suggested posting campaign contributions on the Internet within 24 hours.

Mr. Paul Monsour, proponent of Measure B, spoke in support of the measure.

Mr. Roy Begley, Pasadena resident, spoke in opposition to the measure.

Further discussions ensued concerning the timeframe for filing the Charter amendment with the Secretary of State's Office.

The City Clerk indicated that there was no specific deadline for filing the measure.

The City Attorney noted that there were no penalties for not filing within a specific timeframe, however, the filing of the measure is to occur due to the measure being passed by the voters. In addition, she noted that the measure takes effect when it has been certified and filed with the Secretary of State.

In conclusion, the Council requested staff schedule a closed session concerning the measure, in accordance with the requirements of the Brown Act.

RECESS

On order of the Mayor, the regular meeting of the City Council recessed at 10:52 p.m. to the regular meeting of the Community Development Commission.

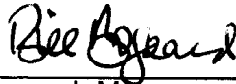
RECONVENED

On order of the Mayor, the regular meeting of the City Council reconvened at 10:53 p.m. (Absent: Councilmember Madison)

Councilmember Holden noted this was Vice Mayor Crowfoot's last regular meeting as next week is a reorganization meeting, and he acknowledged Vice Mayor Crowfoot's service and leadership on the City Council; and expressed his appreciation for his commitment to the City of Pasadena during the past eight years.

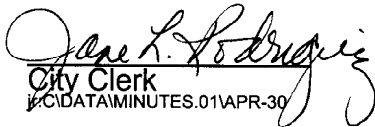
At the suggestion of the Mayor, it was moved by Councilmember Holden, seconded by Councilmember Little, to give tribute to Vice Mayor Crowfoot in recognition of his service and leadership on the City Council. (Motion unanimously carried) (Absent: Councilmember Madison)

On order of the Mayor, the regular meeting of the City Council adjourned at 11:00 p.m



Bill Bogaard, Mayor
City of Pasadena

ATTEST:



Jane L. Rodriguez
City Clerk
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