

CITY OF PASADENA
City Council Minutes
July 16, 2001 - 5:30 P.M.
City Hall Council Chamber

REGULAR MEETING

OPENING:

On order of the Mayor, the regular meeting of the City Council was called to order at 5:30 p.m. (Absent: Councilmember Madison)

On order of the Mayor, the regular meeting of the City Council recessed at 5:30 p.m., to discuss the following closed sessions:

CITY COUNCIL CONFERENCE REGARDING PUBLIC EMPLOYEE PERFORMANCE EVALUATION pursuant to Government Code Section 54957
Title: City Manager

CITY COUNCIL CONFERENCE WITH LABOR NEGOTIATOR pursuant to Government Code Section 54957.6
Agency Negotiator: Karyn Ezell
Employee: All Unrepresented Employees

On order of the Mayor, the regular meeting of the City Council reconvened at 6:49 p.m. The Pledge of Allegiance was led by Councilmember Gordo.

ROLL CALL:

Councilmembers:

Mayor Bill Bogaard
Vice Mayor Paul Little
Councilmember Victor Gordo
Councilmember Steve Haderlein (Returned at 7:05 p.m.)
Councilmember Chris Holden
Councilmember Steve Madison (Arrived at 7:05 p.m.)
Councilmember Joyce Streater
Councilmember Sidney F. Tyler, Jr.

Staff:

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

ANNOUNCEMENT - ITEM
CONTINUED

PUBLIC HEARING: CALL FOR REVIEW OF ZONING ADMINISTRATOR CASE NO. 19, SMALL COLLECTION FACILITY/RECYCLING CENTER, 452 NORTH LOS ROBLES AVENUE

Mayor Bogaard announced this item is being continued to July 30, 2001, at 8:00 p.m., and the City Attorney noted additional information would be provided to the Council.

ITEM PULLED FROM
AGENDA

**CALTRANS' PROPOSED USE OF RESIDENTIAL PROPERTY
LOCATED AT 679, 763, 765 AND 801 PASADENA AVENUE FOR
OFFICE USE AND PARKING LOT (Councilmember Madison)**

Mayor Bogaard announced the above item was being pulled from the agenda at the prior request of Councilmember Madison.

PUBLIC COMMENT

Mr. Roy Begley, Pasadena resident, stressed the need for volunteerism.

CONSENT CALENDAR

**APPROVAL OF CONTRACT WITH HUNTINGTON MEMORIAL
HOSPITAL PATIENT SERVICES IN THE AMOUNT OF \$39,621
FOR MATERNAL CHILD HEALTH SOCIAL WORKER SERVICES
DURING FY 2002**

Recommendation of City Manager:

(a) Authorize the City Manager to enter into a contract in the amount of \$39,621 with Huntington Memorial Hospital to provide social services to patients in the City's Comprehensive Perinatal Service Program, for the period July 1, 2001 through June 30, 2002; and

(b) Grant this contract an exemption from the vendor selection process of the Affirmative Action in Contracting Ordinance, Pasadena Municipal Code Chapter 4.09, pursuant to Section 4.09.060(C), contracts for which City's best interests are served. The proposed contract is exempt from competitive bidding pursuant to City Charter Section 1002(F), contracts for professional or unique services. (Contract No. 17,692)

Item discussed separately
at the request of
Councilmember Tyler.

**APPROVAL OF FINAL TRACT MAP NO. 52936, BEING A 19-
UNIT CONDOMINIUM PROJECT AT 210-218 SOUTH MADISON
AVENUE**

Item discussed separately
at the request of
Councilmember Tyler.

**PURCHASE OF CITY EXCESS LIABILITY INSURANCE FOR THE
PERIOD JULY 2001 - JULY 2002**

**PURCHASE OF CITY EXCESS WORKERS' COMPENSATION
INSURANCE FOR THE PERIOD JULY 1, 2001 TO JULY 1, 2002**

Recommendation of City Manager: Authorize the City Manager to purchase workers' compensation insurance from Employer's Reinsurance Corporation ("ERC") through the City's broker of record, Robert F. Driver Company, in a deposit amount of \$109,800 to be audited at year's end with an adjustable rate of .1121 per \$100 of actual payroll exceeding an estimated payroll of \$97,978,190, for the policy term July 1, 2001 to July 1, 2002.

**SUSPENSION OF THE NOISE ORDINANCE RELATING TO THE
PROPOSED FOLLOWING EVENTS: 1) MAKING STRIDES
AGAINST BREAST CANCER 2001 TO BE HELD AT AREA H AND
THE ARROYO SECO ON SUNDAY, OCTOBER 28, 2001 FROM
9:00 A.M. TO 1:00 P.M., AND 2) RACE FOR THE CURE TO BE
HELD AT AREA H AND THE ARROYO SECO ON SUNDAY,
NOVEMBER 4, 2001 FROM 9:00 A.M. TO 2:00 P.M.**

Recommendation of City Manager:

(a) Acknowledge that the Temporary Conditional Use Permits and the suspension of the Noise Ordinance necessary to hold the two non-profit events are categorically exempt from California Environmental Quality Act (CEQA) under (CEQA) Guidelines Section 15323, normal Operations of Facilities for Public Gatherings.

(b) Direct the City Attorney to prepare an ordinance to suspend the Noise Ordinance and a Notice of Exemption, with respect to the proposed following events: 1) Making Strides Against Breast Cancer 2001 to be held at Area H and the Arroyo Seco on Sunday, October 28, 2001 from 9:00 a.m. to 1:00 p.m., and 2) Race for the Cure to be held at Area H and the Arroyo Seco on Sunday, November 4, 2001 from 9:00 a.m. to 2:00 p.m.

CLAIMS RECEIVED AND FILED

Claim No. 8815	Maria Schmidt	\$ 5,986.00
Claim No. 8816	Branche Bowen	Unknown
Claim No. 8817	Lisa Reed	8,000.00
Claim No. 8818	Lisa White	Unknown
Claim No. 8819	Gregory Wilson	Unknown
Claim No. 8820	Sandor J. Lakatos	1,200.00
Claim No. 8821	Shirley & Alan Arora	39,512.72
Claim No. 8822	Landon Dean and Michelle Latrice Specer	Unknown

PUBLIC HEARINGS SET

July 23, 2001, 8:00 p.m. - Authorization to enter into a contract with Nestor Traffic Systems to provide Automated Red Light Enforcement Services in the city

September 10, 2001, 8:00 p.m. - Code Amendment relating to Live Entertainment at City Hall

It was moved by Councilmember Streater, seconded by Councilmember Little, to approve the Consent Calendar, with the exception of Item 2 (Approval of Final Tract Map No. 52936) and Item 3 (Purchase of Excess Liability Insurance) which were discussed separately. (Motion unanimously carried) (Absent: Councilmembers Haderlein, Madison)

CONSENT ITEMS DISCUSSED SEPARATELY

APPROVAL OF FINAL TRACT MAP NO. 52936, BEING A 19-UNIT CONDOMINIUM PROJECT AT 210-218 SOUTH MADISON AVENUE

Recommendation of City Manager: Adopt a resolution to approve the final Tract Map No. 52936 and authorize the City Clerk to execute the certificate on the map showing the City's approval of said map. (Resolution No. 8019)

Mr. Dan Rix, City Engineer, responded to questions from Councilmember Tyler regarding restitution for the illegal removal of a tree on the property, noting \$6,800 was assessed to mitigate the tree removal and that the Certificate of Occupancy would not be issued until the payment was received.

It was moved by Councilmember Tyler, seconded by Councilmember Gordo, to approve the City Manager's recommendation. (Motion unanimously carried) (Absent: Councilmembers Haderlein, Madison)

PURCHASE OF CITY EXCESS LIABILITY INSURANCE FOR THE PERIOD JULY 2001 - JULY 2002

Recommendation of City Manager: Authorize the City Manager to purchase Excess Liability Insurance under a joint purchase program established by the City's Broker of Record, Robert F. Driver Company, Inc., at an annual premium not to exceed \$81,679 for the term July 1, 2001 to July 1, 2002.

Competitive bidding is not required pursuant to City Charter Section 1002(F), Contracts for Professional or Unique Services. Per City Council Resolution No. 4373, the purchase of insurance is exempt from the Affirmative Action in Contracting Ordinance.

Mr. Robert Hayes, Claims Coordinator, and Mr. Jay Goldstone, Director of Finance, responded to questions regarding the adequacy of the amount of insurance coverage.

Following the discussion, staff was asked to conduct an independent assessment of risk and report back to the Council within six months.

It was moved by Councilmember Tyler, seconded by Councilmember Gordo, to approve the City Manager's recommendation. (Motion unanimously carried) (Absent: Councilmembers Haderlein, Madison)

REPORTS AND COMMENTS FROM COUNCIL COMMITTEES

PUBLIC SAFETY COMMITTEE

Councilmember Haderlein returned at 7:05 p.m.
Councilmember Madison arrived at 7:05 p.m.

AUTHORIZATION FOR STATE DOMESTIC PREPAREDNESS EQUIPMENT FOR TERRORISM GRANT AND ADOPTION OF RESOLUTION APPOINTING THE CITY MANAGER AND FIRE CHIEF AS AUTHORIZED AGENTS TO EXECUTE GRANT APPLICATIONS AND DOCUMENTS

Recommendation of City Manager:

(a) Authorize the City Manager to submit on-going grant applications under the State of California, Office of Emergency Services, three-year State Domestic Preparedness Equipment Grant Program.

(b) Adopt a resolution designating the City Manager and the Fire Chief as those individuals who are authorized to execute grant applications and documents for financial assistance under the State of California Office of Emergency Services (Attachment I of agenda report).

(c) Authorize the City Clerk to complete and certify the signature authorization form and forward to the State of California Office of Emergency Services (Attachment II of agenda report). (Resolution No. 8018)

Councilmember Streater, Chair of the Public Safety Committee, summarized the agenda report.

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

APPROVAL TO SUBMIT GRANT APPLICATION IN THE AMOUNT OF \$1,187,382 UNDER THE FY 2001 COPS TECHNOLOGY INITIATIVE GRANT PROGRAM TO SUPPORT THE CITY-WIDE GEOGRAPHIC INFORMATION SYSTEMS PROJECT

Recommendation of City Manager: Approve the submission of a formal grant application in the amount of \$1,187,382 under the FY 2001 Community Oriented Policing Services (COPS) Technology Initiative grant program administered by the U.S. Department of Justice to support the City-wide geographic information systems project with installation of systems that will integrate police geographic data with City geographic data.

Councilmember Streator summarized the agenda report.

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

AUTHORIZE PARTICIPATION IN THE FEDERAL EMERGENCY MANAGEMENT AGENCY'S NEW ASSISTANCE TO FIREFIGHTERS GRANT PROGRAM FOR THE PURPOSE OF OBTAINING FINANCING FOR A JOINT FIRE TRAINING FACILITY

Recommendation of City Manager:

(1) Authorize the City Manager to participate with the cities of Arcadia, Monrovia and Sierra Madre in seeking grant funds through the Federal Emergency Management Agency's (FEMA) new Assistance to Firefighters Grant Program for the purpose of obtaining financial assistance for a joint fire training facility.

(2) Authorize the City Manager to utilize funds in the Capital Improvement Program's Fire Station No. 33 Project, for the purpose of satisfying the Grant's matching fund requirement in the amount of \$35,000.

Councilmember Streator summarized the agenda report and responded to questions.

Councilmember Haderlein expressed concern that the application is not site specific and voiced strong objections to placing the Fire Training Facility in Eaton Canyon.

The City Manager noted staff realizes that Eaton Canyon is not a good location.

Fire Chief Mitchell responded to questions from Councilmember Tyler regarding training facility locations, and the amount of training which could be provided if only Phase 1 funds were received.

The City Manager, responding to concerns expressed by Councilmember Tyler regarding \$35,000 in matching funds, stated the Fire Department's administrative offices could not be relocated to Fire Station No. 33 until the training tower and classrooms were moved to an alternate location.

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

Councilmember Streator briefed the Council on the Public Safety Committee's discussion regarding the Park Specialist Program's strategies and roles, noting four of six positions have been filled; the two remaining positions are awaiting final testing; and that official deployment will begin on August 13, 2001.

Councilmember Madison expressed a strong desire that the Arroyo is included in the Park Specialists deployment area and that these specialists be fully used as unsworn peace officers.

In response, the City Manager stated she would provide information to the full Council as to where the Park Specialists are going and the types of calls they are responding to.

ANNOUNCEMENT

Councilmember Madison announced that Pasadena resident Rob Bonner has been nominated by the President to serve as Director of U.S. Customs Services.

REPORTS FROM REPRESENTATIVES

Councilmember Haderlein updated the Council on recent activities of the Chamber of Commerce ad hoc Committee for the Biotech Sciences Training Center proposed by State Senator Jack Scott.

Councilmember Holden briefed the Council on a recent tri-cities meeting (Burbank, Glendale, and Pasadena - Councilmember Haderlein, Tyler, and City Manager Kurtz were present), stating the City of Burbank listed ten principle points which it wants endorsed by the other two cities, and proposes the establishment of a task force comprised of the mayors of the three cities and a representative from the Airport Authority, to state the policy direction to the Authority. He noted his request to the City Manager to provide each Councilmember with a video tape of the meeting to better understand the context of the discussion. He also suggested Council, at some point, needs to be briefed on the issues of the Authority, what it represents and its role, and further suggested a closed session briefing by the Executive Director of the Authority.

Councilmembers Tyler and Haderlein concurred with Councilmember Holden's comments and felt it is incumbent upon the Council to have a full discussion with respect to the history and creation of the Airport Authority/Joint Powers Agreement, and what authority was delegated by the tri-cities to the Authority; and to come to a decision on the direction the Council wishes to pursue.

Following discussion, it was moved by Councilmember Tyler, seconded by Councilmember Haderlein, to agendaize a discussion on June 30, to respond to the City of Burbank's request. (Motion unanimously carried) (Absent: None)

Councilmember Holden suggested the Mayor respond to Burbank's Mayor Kramer's letter of July 16, 2001, advising him that this Council will be discussing this issue. He also suggested that Airport Commissioner John Crowley be invited to participate in Council's discussion, along with the Executive Director of the Airport Authority, Mr. Merrero.

PUBLIC HEARING:

PUBLIC HEARING: CALL FOR REVIEW OF ZONING ADMINISTRATOR CASE NO. 19, SMALL COLLECTION FACILITY/RECYCLING CENTER, 452 NORTH LOS ROBLES AVENUE

- (a) Acknowledge that this action is categorically exempt from CEQA; and
- (b) Overturn the decision of the Board of Zoning Appeals and revoke the permit to operate a Small Collection Facility/Recycling Center at the Farmers Family Foods grocery store on the property located at 452 North Los Robles Avenue.

Mayor Bogaard announced the public hearing is being continued to July 30, 2001 at 8:00 p.m.

INFORMATION ITEM

UPDATE ON THE REVISION OF THE ROBINSON PARK MASTER PLAN

Recommendation of City Manager: This report is for information only.

Mr. Todd Holmes, Park Planner, reviewed the agenda report, and responded to questions, along with architect Ted Osborne.

Discussion ensued with respect to funding; opportunities for federal grants; proposed uses for the park field; and the importance of, and the need to include the community in the master plan design.

The following individuals spoke in favor of this item:

- Gregory W. Mosley, representing the Robinson Park Master Plan Committee
- Joshua G. Mosley, Pasadena resident
- Vanessa Sanchez, Pasadena resident
- Ashley K, Pasadena resident
- Rosemary Baldemian, Pasadena resident
- Georgia Holloway, Pasadena resident
- Elizabeth Pomeroy, Recreation & Parks Commissioner
- Henreen Nunley, Pasadena resident
- Frank B. Clark, representing the Robinson Park Master Plan Committee

The City Manager confirmed that the expanded version will be presented to commissions, and noted the final master plan is scheduled to be back before the Council in October.

On order of the Mayor, this item was received and filed.

CONTINUED PUBLIC HEARING

CONTINUED PUBLIC HEARING: RECOMMENDED FY 2002 TO 2006 CAPITAL IMPROVEMENT PROGRAM BUDGET

Recommendation of City Manager: After hearing public comment, continue the public hearing to July 23, 2001 at 8:00 p.m.

The Mayor stated this was the time for the continued public hearing.

There was no public comment.

On order of the Mayor, the public hearing was continued to July 23, 2001, at 8:00 p.m.

RECOMMENDATIONS FROM OFFICERS AND DEPARTMENTS

APPOINTMENT OF JOHN KENNEDY TO THE COMMUNITY HEALTH ALLIANCE OF PASADENA (CHAP) (City Council Appointment/District 1 recommendation)

It was moved by Councilmember Streator, and seconded by Vice Mayor Little, to approve the above appointment. (Motion unanimously carried) (Absent: None)

APPROVAL OF AMENDED AND RESTATED DEFERRED COMPENSATION PLAN AND INDEMNIFICATION AGREEMENT

Recommendation of City Manager: It is recommended that the City Council:

- (a) Approve the Amended and Restated Deferred Compensation Plan and Trust Agreement; and
- (b) Approve the Indemnification Agreement between the City and the various indemnitees who will include each Trustee, each Deferred Compensation Oversight Committee member and the Plan Administrator.

These changes have been reviewed and discussed with the Deferred Compensation Oversight Committee and has received its concurrence. (Contract Nos. 17,695 - 17,708)

The Director of Finance reviewed the agenda report, responded to questions, and clarified that the Deferred Compensation Oversight Committee and the Deferred Oversight Committee are one in the same, and noted in the indemnification documents, recital will be tailored to reflect the Deferred Compensation Oversight Committee.

It was moved by Councilmember Holden, seconded by Councilmember Tyler, to approve the City Manager's recommendation. (Motion unanimously carried) (Absent: None)

**NAMING OF OFF-LEASH AREA WITHIN EATON WASH PARK
"THE ALICE FROST KENNEDY OFF-LEASH AREA"**

Recommendation of City Manager: Authorize the naming of the designated off-leash area within Eaton Wash Park as "The Alice Frost Kennedy Off-Leash Area".

The City Manager summarized the agenda report.

Councilmember Haderlein suggested the Master Plan include a cost estimate for the park, and Councilmember Tyler expressed a desire to see a well-defined proposal.

The City Manager responded that there should be a cost estimate of the Plan in the Capital Improvement Program (CIP) Budget. The City Manager added that she needs to look at how much detail is provided in the CIP, and this could be further reviewed in a couple months as part of updating the CIP.

Mr. Vincent De Stefano, representing POOCH & the Alice Frost Kennedy family, spoke in support of this item, and stated one of the sons of Alice Frost Kennedy will provide pro bono services for design.

It was moved by Councilmember Little, seconded by Councilmember, to approve the City Manager's recommendation. (Motion unanimously carried) (Absent: None)

Staff was asked to have a refined estimate when this comes back to Council.

**ORDINANCE - FIRST
READING**

Councilmember Madison recused himself at 9:10 p.m., due to a conflict of interest.

Conduct first reading of "AN ORDINANCE OF THE CITY OF PASADENA AMENDING CHAPTER 12.08 RELATING TO NEWSRACKS AND CHAPTERS 1.25 AND 1.26 OF SAID CODE RELATING TO ADMINISTRATIVE CITATIONS AND ORDERS TO COMPLY ASSOCIATED WITH VIOLATION OF THE NEWSRACK ORDINANCE"

Mr. Don Margolin, Glendale resident, spoke in opposition to the proposed ordinance.

Mr. Ray Dashner, Pasadena resident, spoke in support of the proposed ordinance.

Mr. Roy Begley, Pasadena resident, spoke in support of the proposed ordinance.

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

AYES: Councilmembers Gordo, Haderlein, Holden, Streater, Tyler, Vice Mayor Little, Mayor Bogaard

NOES: None

ABSENT: Councilmember Madison

ORDINANCE - ADOPTED

Councilmember Madison
returned at 9:28 p.m.

Adopt "AN ORDINANCE OF THE CITY OF PASADENA AMENDING TITLE 17 (REVISED ZONING ORDINANCE) OF THE PASADENA MUNICIPAL CODE TO REQUIRE INCLUSIONARY HOUSING" (Introduced by Councilmember Streator) (Ordinance No. 6868)

Mr. Philip Koebel, representing Affordable Housing Action, spoke in support of the ordinance.

Mr. John Grech, Pasadena resident, spoke in opposition to the proposed ordinance.

Councilmember Haderlein stated he supports the goal of the ordinance, but objects to how we are getting there. He expressed concern this is an unfunded mandate, and there should be a lighter burden on all.

The above ordinance was adopted by the following vote:

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

NOES: Councilmember Haderlein

ABSENT: None

INFORMATION ITEM

UPDATE ON ELECTRIC POWER ISSUES AND THE IMPACT ON PASADENA CUSTOMERS (Oral report)

Ms. Phyllis Currie, General Manager, Water & Power Department, reported on the positive effects of energy conservation and the voluntary load curtailment program.

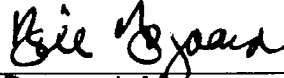
At the conclusion of her report, staff was asked to provide to the Council information on who is participating in the curtailment program.

On order of the Mayor, the regular meeting of the City Council recessed at 10:00 p.m., to discuss the following closed session item:

CITY COUNCIL CONFERENCE WITH LEGAL COUNSEL - CONSIDERATION OF INITIATION OF LITIGATION pursuant to Government Code Section 54956.9(c): One Potential Case

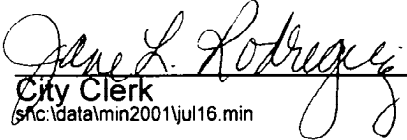
Action: It was the consensus of the Council to send a letter.

On order of the Mayor, the regular meeting of the City Council
adjourned at 10:25 p.m.



Bill Bogaard, Mayor
City of Pasadena

ATTEST:



City Clerk
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