

CITY OF PASADENA
City Council Minutes
April 8, 2002 - 5:30 P.M.
City Hall Council Chamber

REGULAR MEETING

OPENING:

Mayor Bogaard called the regular meeting to order at 5:48 p.m.
(Absent: Councilmembers Holden, Madison)

On order of the Mayor, the regular meeting recessed at 5:48 p.m.,
to discuss the following closed sessions:

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

The above closed session item was not discussed.

Councilmember Holden arrived
at 5:56 p.m.

**CITY COUNCIL CONFERENCE WITH LEGAL COUNSEL -
PENDING LITIGATION pursuant to Government Code Section
54956.9(a)
Name of Case: Amy v. City of Pasadena, et al., Case No. GS
006463**

It was moved by Councilmember Streator, seconded by
Councilmember Tyler, to authorize cross-declaratory relief action.
(Motion unanimously carried) (Absent: Councilmember Madison)

**CITY COUNCIL CONFERENCE WITH LEGAL COUNSEL -
POTENTIAL LITIGATION - SIGNIFICANT EXPOSURE TO
LITIGATION pursuant to Government Code Section 54956.9(b):
One potential case**

The above closed session was discussed, with no reportable action.

On order of the Mayor, the regular meeting reconvened at
6:35 p.m. The Pledge of Allegiance was led by Vice Mayor Little.

ROLL CALL:

Councilmembers:

Mayor Bill Bogaard
Vice Mayor Paul Little
Councilmember Victor Gordo
Councilmember Steve Haderlein
Councilmember Chris Holden
Councilmember Steve Madison (Absent)
Councilmember Joyce Streator
Councilmember Sidney F. Tyler, Jr.

Staff:

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

CEREMONIAL MATTERS

The Mayor acknowledged the following sponsors for the 2002 Black History Parade and Festival:

Washington Mutual
Art Center College of Design
Miller Brewing Company
Union Bank of California
Family Savings Bank
Thorson Motor Center
Walt Disney Company

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

Mr. Robert Wittry, Pasadena resident, distributed a handout entitled "Engineered Slopes vs. Retaining Walls" and expressed his opinion that there are loopholes in Sections 14.05.210 and 14.05.250 of the Pasadena Municipal Code that allow a person to build a very steep slope that looks like a wall without a height limit. He requested the Code be revised to close this loophole. Mr. Wittry displayed a poster photograph of a recently installed slope wall estimated to be 30 feet high.

Council requested staff provide background information concerning the issue, such as how often engineered slopes are installed in the development process, whether this is in instance where a developer is trying to get around the Code regulations or whether it is an accepted practice, and whether these types of walls are carefully inspected.

CONSENT CALENDAR

CONTRACT AWARD TO E.C. CONSTRUCTION FOR THE IMPROVEMENT OF CARNARVON DRIVE, CLUB ROAD, HOWARD STREET AND JACARANDA DRIVE FOR AN AMOUNT NOT TO EXCEED \$293,000

Recommendation of City Manager:

(1) Accept the bid dated March 27, 2002 submitted by E.C. Construction in response to the Specifications for the Improvement of Carnarvon Drive, Club Road, Howard Street and Jacaranda Drive, reject all other bids received, and authorize the City Manager to enter into such contract as is required.

(2) 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.

(3) Approve a journal voucher recognizing private capital in the

amount of \$8,000 and appropriating it to Budget Account No. 76358, Preventive Maintenance - Curbs and Gutters. (Contract No. 17,920; Journal Voucher No. 2002-62)

PRESENTATION OF APPLICATIONS AND ADOPTION OF RESOLUTION FOR GRANTING NON-EXCLUSIVE SOLID WASTE FRANCHISES

Recommendation of City Manager:

- (1) Adopt a resolution declaring its intention to consider the granting of non-exclusive franchises for completed applications;
- (2) Set a public hearing for May 6, 2002 at 8:00 p.m., to consider granting these franchises; and
- (3) Direct the City Clerk to publish the resolution at least once in a newspaper of general circulation in the City not less than ten days prior to the date set for the hearing. (Resolution No. 8095)

Councilmember Tyler requested when this matter returns to Council for the May 6 public hearing, that staff provide the criteria or conditions for a company to qualify for a non-exclusive franchise.

MINUTES APPROVED

February 11, 2002
February 18, 2002 (Cancelled)

CLAIMS RECEIVED AND FILED

Claim No. 8982	Sempra Energy	\$ 307.10
Claim No. 8983	Victor H. Maldonado	545.39
Claim No. 8984	Marilyn Rogers	Unknown
Claim No. 8985	Pasadena Motor Inn	200.00
Claim No. 8986	Mr. Rooter Plumbing	2,107.00
Claim No. 8987	Bamma Jones	Unknown
Claim No. 8988	Malcolm McNab	25,000.00+
Claim No. 8989	Elven Harold Lindblad	25,000.00+

PUBLIC HEARINGS SET

April 15, 2002, 8:00 p.m. - Proposed Amendments to Chapter 8.52 (City Trees) of the Pasadena Municipal Code to Establish a Tree Protection Ordinance.

April 29, 2002, 8:00 p.m. - Proposed Amendments to Zoning Ordinance Regarding Flag Lots

May 6, 2002, 8:00 p.m. - Zone Change and Civic Center Specific Plan Amendment for Plaza Las Fuentes, Phase II

May 20, 2002, 8:00 p.m. - Joint Public Hearing (Council & CDC): Approval of Action Plan (2002-2003) for the City's Participation in the CDBG Program

It was moved by Councilmember Haderlein, seconded by Vice Mayor Little, to approve the Consent Calendar. (Motion unanimously carried) (Absent: Councilmember Madison)

**REPORTS AND
COMMENTS FROM
COUNCIL COMMITTEES**

FINANCE COMMITTEE

AMENDMENT TO THE FY 2002 CAPITAL IMPROVEMENT PROGRAM TO INCLUDE A NEW PROJECT "AUTOMATED SHARED TRAFFIC COLLISION DATABASE" AND APPROPRIATION OF GRANT FUNDING

Recommendation of City Manager:

(1) Amend the FY 2002 Capital Improvement Program (CIP) to include a new project in the *Traffic Control and Facilities* section entitled "Automated Shared Traffic Collision Database."

(2) Approve a journal voucher recognizing \$37,000 in grant funding from the California Office of Traffic Safety and appropriating it to the "Automated Shared Traffic Collision Database" project (Account No. 75024).

(3) Acknowledge that the "Automated Shared Traffic Collision Database" project is categorically exempt from the California Environmental Quality Act (CEQA) according to Section 15302, of the CEQA Guidelines, Replacement or Reconstruction, and authorize the City Manager to execute and the City Clerk to file a Notice of Exemption therefor with the Los Angeles County Clerk. (Journal Voucher No. 2002-63)

Vice Mayor Little, Chair of the Finance Committee, summarized the agenda report.

Mr. Robert Wittry, Pasadena resident, spoke in support.

It was moved by Vice Mayor Little, seconded by Councilmember Streater, to approve the City Manager's recommendation. (Motion unanimously carried) (Absent: Councilmember Madison)

REVIEW OF CITYWIDE WORKERS' COMPENSATION STUDY AND ADDITION OF MANAGEMENT ANALYST III TO HUMAN RESOURCES TO PROVIDE SAFETY TRAINING AND INSPECTIONS

Recommendation of City Manager:

(1) Amend the Fiscal Year 2002 Operating Budget to add 1.0 FTE, Management Analyst III (Confidential), to the Human Resources Department to provide training and compliance inspections under the direction of the Safety Coordinator; and

(2) Approve a journal voucher appropriating \$12,882 from the Workers' Compensation Fund balance to Account No. 506-484000 to fund the position for two months in FY 2002. (Journal Voucher No. 2002-64)

Vice Mayor Little summarized the agenda report and acknowledged Councilmember Tyler's contributions and insights on this issue. Vice Chair Little reported the Finance Committee requested that staff report back to the Committee in 60 days with a comprehensive return to work program and recommendations to decrease our workers' compensation costs. He noted staff is to report back to the Committee before the new position is filled.

Councilmember Streator noted that workers' compensation is a state-wide program, stressed the need to let our state legislators know that there needs to be substantial reform, and for staff to keep abreast of what is happening in Sacramento on new legislation.

Councilmember Tyler stressed the need to find ways to control expenditures and get employees back to work.

It was moved by Vice Mayor Little, seconded by Councilmember Streator, to approve the City Manager's recommendation, and direct staff report back to the Finance Committee in 60 days. (Motion unanimously carried) (Absent: Councilmember Madison)

AMENDMENT OF CAPITAL IMPROVEMENT PROGRAM (CIP) FY 2002-2006 TO INCLUDE ONE NEW PROJECT - PASADENA LIGHT RAIL ADAPTIVE LRT PRIORITY SYSTEM (ALPS)

Recommendation of City Manager:

(1) Amend the Traffic Control and Facilities section of FY 2002-2006 Capital Improvement Program (CIP) budget to include one new project - *Pasadena Light Rail Adaptive LRT Priority System (ALPS)*;

(2) Approve a journal voucher appropriating the Light Rail Reserves (Proposition A/C) in the amount of \$750,000 and recognizing the Los Angeles to Pasadena Metro Blue Line Construction Authorization's MTA funding (SB 1457) in the amount of \$750,000 and appropriating it to the *Pasadena Light Rail Adaptive LRT Priority System (ALPS)* CIP project.

Vice Mayor Little summarized the agenda report, reported the Finance Committee recommends approval of Recommendation 1, and that Recommendation 2 not be approved yet as it is premature because the Construction Authority has not appropriated these funds yet.

The City Manager noted that Recommendation 2 could be brought to Council for approval after the Construction Authority has taken action and when the award of a contract for this project is presented to Council.

Mr. Dan Rix, Acting Deputy Director of Public Works and Transportation, responded to questions.

Following discussion, it was moved by Vice Mayor Little, seconded by Councilmember Tyler, to amend the Traffic Control and Facilities section of FY 2002-2006 Capital Improvement Program (CIP) budget to include one new project - *Pasadena Light Rail Adaptive LRT Priority System (ALPS)*. (Motion unanimously carried) (Absent: Councilmember Madison)

LEGISLATIVE POLICY
COMMITTEE

SUPPORT OF AB 2863 (LONGVILLE) - HOUSING ELEMENT REFORM

Recommendation of City Manager:

- (1) Support AB 2863, a legislative vehicle for housing element reform during the 2002 legislative session.
- (2) Authorize the Mayor to send letters to the appropriate authorities in support of Pasadena's position.

Mr. Bill Trimble, Planner, summarized the agenda report and responded to questions.

The City Manager responded to questions concerning the principles of the bill, clarified Council is being asked to support the seven principles at this time, and noted the details of this bill will be worked out.

The Mayor requested that Council be advised if the basic principles are modified.

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

SENATE CONSTITUTIONAL AMENDMENT (SCA) 7 (BURTON) - PUBLIC ACCESS TO GOVERNMENT INFORMATION

Recommendation of City Attorney: For information only.

Ms. Michele Bagneris, City Attorney, summarized the agenda report and responded to questions.

On order of the Mayor, the report was received and filed.

OPPOSITION TO ASSEMBLY BILL 2125 (McLEOD) - WORKERS' COMPENSATION: LYME DISEASE

Recommendation of City Manager

- (1) Oppose Assembly Bill 2125 (Negrete McLeod), an act to add Section 3212.12 to the Labor Code, relating to Workers' Compensation.
- (2) Authorize the Mayor to send letters to the appropriate authorities stating Pasadena's position.

The City Manager summarized the agenda report.

Ms. Karyn Ezell, Director of Human Resources, responded to questions.

Following brief discussion, it was moved by Vice Mayor Little, seconded by Councilmember Streater, to approve the City Manager's recommendation. (Motion carried, with Councilmember Gordo objecting) (Absent: Councilmember Madison)

OPPOSITION TO ASSEMBLY BILL 2889 (SHELLEY), AN ACT TO AMEND SECTION 3502.5 OF THE GOVERNMENT CODE, RELATING TO AGENCY SHOP AGREEMENTS

Recommendation of City Manager:

(1) Oppose Assembly Bill 2889 (Shelley), an act to amend Section 3502.5 of the Government Code, relating to Agency Shop Agreements.

(1) Authorize the Mayor to send letters to the appropriate authorities stating Pasadena's position.

The City Manager summarized the agenda report.

Ms. Ezell responded to questions.

Following discussion, it was moved by Councilmember Haderlein, seconded by Councilmember Tyler, to approve the City Manager's recommendation. (Motion carried, with Vice Mayor Little objecting) (Absent: Councilmember Madison)

MUNICIPAL SERVICES
COMMITTEE

ADOPT RESOLUTION AND ORDINANCE APPROVING THE MAGNOLIA POWER PROJECT ("PROJECT") POWER SALES AGREEMENT ("PSA") AND AUTHORIZING THE CITY MANAGER TO ENTER INTO THIS AGREEMENT WITH THE SOUTHERN CALIFORNIA PUBLIC POWER AUTHORITY FOR UP TO 4.25% OF THE PROJECT

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

(1) Adopt a resolution authorizing the City Manager to execute and deliver the Magnolia Power Project Power Sales Agreement with the Southern California Public Power Authority (SCPPA) for up to 4.25% share of the Project. The proposed PSA is exempt from competitive bidding pursuant to City Charter Section 1002(H), contracts with other governmental entities or their contractors for labor, materials, supplies or services. (Resolution No. 8096; Contract No. 17,923)

(2) Conduct first reading of "**AN UNCODIFIED ORDINANCE OF THE CITY OF PASADENA, APPROVING THE ENTERING INTO OF THE MAGNOLIA POWER PROJECT POWER SALES AGREEMENT.**"

Councilmember Tyler, Chair of the Municipal Services Committee, provided an overview of the agenda report and the City Manager's supplemental memorandum.

Ms. Phyllis Currie, General Manager of Water and Power, further reviewed the staff report and responded to questions.

Following discussion, it was moved by Councilmember Tyler, seconded by Councilmember Streator, to approve the City Manager's recommendation and offer the ordinance for first reading:

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

NOES: None

ABSENT: Councilmember Madison

RECESS

On order of the Mayor, the regular meeting of the City Council recessed at 7:55 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 8:02 p.m. (Absent: Councilmember Madison)

**ORDINANCES - FIRST
READING**

Conduct first reading of "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PASADENA AMENDING PASADENA MUNICIPAL CODE, TITLE 4, CHAPTER 4.08, COMPETITIVE BIDDING AND PURCHASING, REPEALING PASADENA MUNICIPAL CODE TITLE 4, CHAPTER 4.09, AFFIRMATIVE ACTION IN CONTRACTING, AND AMENDING PASADENA MUNICIPAL CODE TITLE 2, CHAPTER 2.360, AFFIRMATIVE ACTION IN CITY EMPLOYMENT, TO ENSURE COMPLIANCE WITH APPLICABLE STATE LAW"

City Attorney Michele Bagneris summarized the agenda report and responded to questions.

Mr. Steve Mermell, Purchasing Administrator, responded to additional questions.

Vice Mayor Little suggested that language be included in the ordinance requiring contractors to do compliance reporting to the City.

The City Attorney responded that she has not looked into the issue of compliance reporting, and suggested that her office confirm that it would be appropriate to have such a reporting requirement.

Following discussion, on order of the Mayor and with general consensus, the ordinance was held pending further information from the City Attorney.

Conduct first reading of "AN ORDINANCE OF THE CITY OF PASADENA ADDING A NEW CHAPTER 9.62 TO THE PASADENA MUNICIPAL CODE CONCERNING THE PREVENTION AND ABATEMENT OF ABANDONED SHOPPING CARTS"

Mr. Enrique Martinez, Assistant City Manager, provided an overview of the proposed ordinance and responded to questions.

The City Attorney and Mr. George Chapjian, Neighborhood Revitalization Administrator, responded to additional questions.

A revised page 10 of the proposed ordinance was distributed. The City Attorney reviewed proposed revisions to Section 9.62.120, Exemption from mandatory plan, Paragraph A, Subsections 1 and 2, as follows:

"A. Any owner may request an exemption on an annual basis from requirements of this chapter if the owner provides written

documentation and demonstrates to the satisfaction of the city that the owner has:

1. A contract with a Pasadena licensed cart retrieval service, or a physical device or mechanism in place or a management practice currently implemented that prevents the unauthorized removal of carts from the owner's premises; and,

2. None of the owner's carts have been found abandoned on three or more occasions during the period of six (6) continuous months immediately preceding the date the application for an exemption is submitted to the director."

Mr. Gilbert Canizales, Director of Local Government Relations for the California Grocers Association, stated that (regarding Section 9.62.120 A.2.) they are agreeable to the six-month period.

Mr. Robert Wittry, Pasadena resident, spoke in support of the proposed ordinance.

Following discussion, Councilmember Holden offered the ordinance for first reading, as revised above:

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

NOES: None

ABSENT: Councilmember Madison

Mayor Bogaard requested staff report back to Council in 6-9 months regarding cost and the measure of reduction in abandoned carts.

ORDINANCE ADOPTED

Adopt "AN ORDINANCE OF THE CITY OF PASADENA AMENDING CHAPTER 10.45 OF THE PASADENA MUNICIPAL CODE BY AMENDING SECTION 10.45.200(A), CHANGING THE BOUNDARIES OF THE CIVIC CENTER PARKING METER ZONE AND ADDING SECTION 10.45.220, CREATING THE PASADENA PLAYHOUSE PARKING METER ZONE" (Introduced by Councilmember Tyler) (Ordinance No. 6890)

The above ordinance was adopted by the following vote:

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

NOES: None

ABSENT: Councilmember Madison

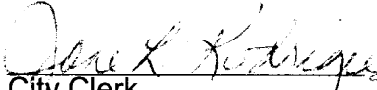
COUNCIL COMMENTS

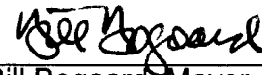
Councilmember Holden reported that constituents in his district are angry the School District is continuing to pursue the use of the Highland Plastics property adjacent to Robinson Park for a use other than extending the Park. He stated this is a growing concern in the community, and expressed hope the School District will drop this location as a possible school site.

Following brief discussion regarding past Council actions pertaining to this property, it was requested the legislative record regarding this site be reviewed and that the matter be agendaized for discussion within two weeks.

On order of the Mayor, the regular meeting of the City Council adjourned at 8:37 p.m.

ATTEST:


City Clerk
j:\data\minutes-02\apr-8



Bill Bogaard, Mayor
City of Pasadena