

CITY OF PASADENA
City Council Minutes
May 13, 2002 - 5:30 P.M.
City Hall Council Chamber

REGULAR MEETING

OPENING:

Mayor Bogaard called the regular meeting to order at 5:50 p.m.
(Absent: Councilmembers Gordo, Madison)

On order of the Mayor, the regular meeting recessed at 5:50 p.m.,
to discuss the following closed sessions:

**CITY COUNCIL CONFERENCE WITH LEGAL COUNSEL -
PENDING LITIGATION pursuant to Government Code Section
54956.9(a), pending litigation, amicus (friend of the court)
participation**

**Name of Case: Metropolitan Water District of Southern
California v. Superior Court of California, Dewayne Cargill, et
al., Real Parties in Interest, California Supreme Court Case No.
S102371**

It was moved by Councilmember Tyler, seconded by Vice Mayor
Little, to authorize the City to join an amicus brief being coordinated
by the League of California Cities. (Motion unanimously carried)
(Absent: Councilmembers Gordo, Madison)

Councilmember Gordo
arrived at 6:07 p.m.

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

**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 sessions were discussed, with no reportable
action.

On order of the Mayor, the regular meeting reconvened at 6:53 p.m.
The Pledge of Allegiance was led by Councilmember Tyler.

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 Streater
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 proclaimed May 19 - 25 as National Public Works week. The proclamation was accepted by Ms. Julie Gutierrez, Acting Director of Public Works and Transportation.

PUBLIC COMMENT ON MATTERS NOT ON THE AGENDA

Mr. Robert Wittry, Pasadena resident, spoke concerning the City's newsletter, In Focus, being accessible in Braille or other alternatives for the blind; and noted that the City web site needs to be updated.

OLD BUSINESS

APPROVAL OF A CONTRACT WITH LABORATORY CORPORATION OF AMERICA (LABCORP) FOR PROVISION OF CLINICAL LABORATORY SERVICES TO THE PASADENA PUBLIC HEALTH DEPARTMENT

Councilmember Haderlein was excused at 7:00 p.m.

Recommendation of City Manager:

- (1) Authorize a contract with Laboratory Corporation of America (LabCorp) for a period of one year or \$90,000, whichever occurs first, for the provision of clinical laboratory services to the Pasadena Public Health Department; and
- (2) Authorize the City Manager to extend the contract for up to two additional years provided any requested cost increases do not exceed the change in the Consumers Price Index for the latest available 12-month preceding period. (Contract No. 17,952)

The City Manager noted a supplemental memo was included in the agenda packet to address issues raised at the May 13, 2002 meeting.

Ms. Wilma Allen, Director of Health Department, responded to questions concerning clinical laboratory services.

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

CONSENT CALENDAR

RELEASE OF FUNDS FROM THE JUVENILE ACCOUNTABILITY INCENTIVE BLOCK GRANTS (JAIBG) PROGRAM TO THE COUNTY OF LOS ANGELES

Recommendation of City Manager: Approve a waiver form, authorizing the City Manager to transfer grant entitlements totaling

\$50,098 available to the Pasadena Police Department, to the Los Angeles County District Attorney's Office. The money will be used in conjunction with similar grant fund money from the City of Glendale and the City of Burbank to retain a deputy district attorney for vertical prosecution of juvenile offenders in the Pasadena Superior Court.

AUTHORIZATION TO AMEND CONTRACT WITH JOHN SPALDING (JES AND ASSOCIATES) TO PROVIDE CONSULTING SERVICES IN THE PLANNING AND DEVELOPMENT DEPARTMENT

Recommendation of City Manager: Authorize the City Manager to amend Purchase Order No. 13473 with John Spaulding (JES and Associates) for an additional amount of \$50,000 for a new total not to exceed \$140,000.

Councilmember Haderlein returned at 7:02 p.m.

AUTHORIZATION TO AMEND CONTRACT WITH PARSONS HARLAND BARTHOLOMEW AND ASSOCIATES INC. FOR COMPLETION OF THE ENVIRONMENTAL IMPACT REPORT FOR THE FAIR OAKS/ORANGE GROVE SPECIFIC PLAN

Recommendation of City Manager: Authorize the City Manager to amend Contract No. 16,901 for an amount not to exceed \$4,172 with Parsons Harland Bartholomew and Associates, Inc. to provide for the completion of the Environmental Impact Report (EIR) for the Fair Oaks/ Orange Grove Specific Plan. (Contract No. 16,901-1)

Mr. Robert Wittry, Pasadena resident, inquired concerning the completion of the Environmental Impact Report (EIR) and spoke concerning comments previously made pertaining to the EIR not being addressed.

In response, the City Manager indicated that the above action was not extending the contract but it was a request to close the invoice of the contract due to exceeding the budget amount by \$4,100 for the revisions to the EIR.

AUTHORIZATION TO AMEND CONTRACT WITH COTTON BRIDGES AND ASSOCIATES INC. FOR COMPLETION OF THE ENVIRONMENTAL IMPACT REPORT FOR THE PLAZA LAS FUENTES PHASE II PROJECT

Recommendation of City Manager: Authorize the City Manager to amend Contract No. 17,639 for an amount not to exceed \$8,700 with Cotton Bridges and Associates Inc. to provide additional analysis as part of the Environmental Impact Report (EIR) for the Plaza Las Fuentes Phase II development. (Contract No. 17,639-2)

APPROVAL OF MINUTES

March 18, 2002

CLAIMS RECEIVED AND FILED

Claim No. 9005	Rosalva Romo Mercado	\$ 1,755.00
Claim No. 9006	Ashan Anarkat	Unknown
Claim No. 9007	Mayfield Junior School of the Holy Child	8,739.36

Claim No. 9008	Joan Schneider	500,000.00+
Claim No. 9009	Margaret Wickenden	2,500.00
Claim No. 9010	Pacific Bell	6,063.58
Claim No. 9011	Alis Misislyan	25,000.00+

It was moved by Councilmember Streator, seconded by Councilmember Tyler, to approve the Consent Calendar. (Motion unanimously carried) (Absent: Councilmember Madison)

**REPORTS AND
COMMENTS FROM
COUNCIL COMMITTEES**

**LEGISLATIVE POLICY
COMMITTEE**

SUPPORT OF ASSEMBLY BILL 2348 (CARDENAS & NEGRETE McCLEOD) RELATED TO GLASS ETCHING ACID

Recommendation of City Manager:

- (1) Support Assembly Bill 2348 (Cardenas & Negrete McCleod), an act to amend Sections 594.1 and 594.2 of the Penal Code, relating to glass etching acid.
- (2) Authorize the Mayor to send letters to the appropriate authorities stating Pasadena's position.

Deputy Police Chief Wayne Hiltz summarized the agenda report.

Mr. Robert Wittry, Pasadena resident, indicated he did not oppose AB 2348 but expressed concern that windows are placed too close to the streets.

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

SUPPORT OF ASSEMBLY BILL 1952 (BOGH) - SOLID WASTE: BIOMASS CONVERSION: TRANSFORMATION

Recommendation of City Manager: Support AB 1952 (Bogh) - Solid Waste: Biomass Conversion: Transformation.

The City Manager presented an overview of the agenda report.

Mr. Jimmy Berryhill, Administrator Street Maintenance & Integrated Waste Management, responded to questions.

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

SUPPORT SENATE BILL 940/HOUSE OF REPRESENTATIVES BILL 1990 (DODD/MILLER) - THE ACT TO LEAVE NO CHILD BEHIND

Recommendation of City Manager:

- (1) Support Senate Bill 940/House of Representatives Bill 1990 (Dodd/Miller) The Act to Leave No Child Behind.
- (2) Authorize the Mayor to send letters to the appropriate authorities stating Pasadena's position.

(3) Join the cities of Clifton (New Jersey), Deltona (Florida), Elkhart (Indiana), Gilbert (Arizona), Richmond (California), South Gate (California) and Warwick (Rhode Island) in proclaiming the City of Pasadena as an official "Leave No Child Behind" city.

The City Manager summarized the agenda report.

Ms. Peggy Sisson, Child Care Coordinator, responded to questions.

Councilmember Gordo requested that letters be sent to regional bodies requesting support for the legislation and to inform them of the 64 percent of students living in poverty in the City of Pasadena. He also requested that a copy of the information be sent to the Pasadena Unified School District to assist with the planning of schools and outreach efforts.

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

SUPPORT RECOMMENDATIONS MADE BY SENATE BILL 2202 (STATUTES OF 2000) - WORKING GROUP REGARDING DIVERSION RATE COMPLIANCE

Recommendation of City Manager: Authorize the Mayor to send a letter to the appropriate authorities supporting the recommendations made by the working group formed as a result of the passage of Senate Bill 2202 (Sher) - Solid Waste Management: Diversion: Reports.

The City Manager summarized the agenda report.

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

COUNCIL COMMENT

Councilmember Gordo requested that Assembly Bill 2052 (Goldberg) pertaining to HMO's raising rates after open enrollment be brought before the Legislative Policy Committee for review.

The Mayor requested staff evaluate the legislation and agendize it for the next Committee meeting.

INFORMATION ITEMS

PREDEVELOPMENT PLAN REVIEW FOR THE PROPOSED ANNANDALE CANYON ESTATES PROJECT (24 SINGLE FAMILY HOMES) LOCATED IN THE WESTERN HILLSIDE AREA OF THE CITY, BEGINNING AT THE END OF WEIRFIELD DRIVE

Recommendation of City Manager: This report is provided for information purposes only at this time.

On order of the Mayor, the above item was held one week due to the prior request of Councilmember Madison and with consent of the developer.

**RECOMMENDATIONS
FROM OFFICERS AND
DEPARTMENTS**

**APPROVAL OF CONTRIBUTION AGREEMENT BETWEEN THE
STATE OF CALIFORNIA AND THE CITY OF PASADENA FOR
THE CONSTRUCTION OF I-710 FREEWAY INTERIM TRAFFIC
IMPROVEMENTS**

Recommendation of City Manager:

(1) Adopt a resolution approving Contribution Agreement No. 07-4590 between the City of Pasadena and the State of California, acting by and through its Department of Transportation (Caltrans), for the construction of I-710 Freeway Extension Interim Traffic Improvements and authorizing the City Manager and the Finance Director to execute the agreement on behalf of the City.

(2) Approve a journal voucher decreasing revenue from the Regional Federal Surface Transportation Program in the amount of \$1,800,000 and instead, recognizing revenue from Caltrans Funds in the amount of \$2,182,000 and appropriating it to the 710 Interim Traffic Improvements on South Fair Oaks Avenue - Intelligent Transportation System project (Budget Account No. 75027).

(3) Approve a journal voucher recognizing and appropriating \$32,500 from the unappropriated Gas Tax fund balance to the 710 Interim Traffic Improvements on South Fair Oaks Avenue - Intelligent Transportation System project (Budget Account No. 75027). (Resolution No. 8107; Contract No. 17,953; Journal Voucher 2002-70)

Recommendation of Advisory Committee: The Pasadena Design Advisory Group has reviewed and recommends approval of the staff recommendation.

The City Manager summarized the agenda report and responded to questions.

Mr. Dan Rix, City Engineer, responded to questions concerning the proposed projects.

It was requested that staff provide an agenda report concerning whether or not Caltrans was moving forward with the design of the freeway.

The City Manager indicated that staff would provide the additional information to Council in an agenda report.

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

**APPROVAL OF A COOPERATIVE AGREEMENT BETWEEN THE
STATE OF CALIFORNIA AND THE CITY OF PASADENA FOR
THE RELINQUISHING OF ARROYO PARKWAY**

Recommendation of City Manager: Adopt a resolution authorizing the City Manager to execute Cooperative Agreement No. 07-4541 with the California Department of Transportation for the relinquishment of Arroyo Parkway from Glenarm Street to Colorado Boulevard. (Resolution No. 8108; Contract No. 17,954)

The City Manager summarized the agenda report and responded to questions.

Mr. Dan Rix, City Engineer, responded to questions concerning the project.

Councilmember Gordo requested that if added costs incur due to a delay from the State, the State should incur the additional costs.

Mr. Steve Wright, Assistant City Engineer, responded to questions.

It was moved by Vice Mayor Little, seconded by Councilmember Streator, to approve the City Manager's recommendation.

Councilmember Gordo amended the motion, with consent of the maker and seconder, that if additional costs incur due to a delay from Caltrans, that Caltrans cover the additional costs. (Motion, as amended, unanimously carried) (Absent: Councilmember Madison)

RECESS

On order of the Mayor, the regular meeting of the City Council recessed at 7:44 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 7:45 p.m. (Absent: Councilmember Madison)

ORDINANCE ADOPTED

Adopt "AN ORDINANCE OF THE CITY OF PASADENA AMENDING TITLE 17 (THE ZONING CODE) TO LOWER THE THRESHOLDS FOR DESIGN REVIEW ALONG MAJOR CORRIDORS AND ARTERIALS" (Introduced by Vice Mayor Little) (Ordinance No. 6897)

The above ordinance was adopted by the following vote:

AYES: Councilmembers Gordo, Haderlein, Holden, Streator, Tyler, Vice Mayor Little, Mayor Bogaard
NOES: None
ABSENT: Councilmember Madison

REPORTS AND COMMENTS FROM COUNCIL COMMITTEES

REPORTS FROM REPRESENTATIVES

Councilmember Holden provided an update of Airport Authority actions. He indicated that Aloha Airlines would begin a once a day flight from Burbank to Hawaii on June 1, 2002, the Authority had invested \$14 million to address safety issues imposed by the Federal government as a result of September 11, and that the Authority was willing to provide a presentation to Council concerning the safety program and improvements.

Councilmember Streator provided an overview concerning new devices for checking baggage and the proposed new terminal at the airport.

Vice Mayor Little emphasized the importance of safety and security for passengers, planes, and people on the ground.

Councilmember Holden apprised the Council of a recent series of meetings regarding the study that allows a petition to the Federal government to get noise mitigation measures. He noted the first meeting was in Burbank which caused his absence at the previous City Council meeting.

Councilmember Gordo commended staff members Horace Wormely, Serafin Espinosa, Patsy Lane, and Kenneth James for their work efforts for the Sport Court at Villa Parke, and expressed his appreciation to all who participated in the event.

PUBLIC HEARINGS

PUBLIC HEARING: AMENDMENTS TO THE GENERAL FEE SCHEDULE (COST OF SERVICE STUDY ANNUAL ADJUSTMENTS)

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

- (1) Adopt a resolution approving the FY 2002-2003 General Fee Schedule, which contains amended fees using data gathered during the annual review of Cost of Service. Pursuant to California Government Code Section 66018, development project fees that "apply to the filing, acceptance, review, approval or issuance of an application, permit, or entitlement to use" shall be effective no sooner than 60 days following the final action on adoption of the fee or charge or increase in the fee or charge, those relevant Planning and Development fees shall take effect 60 days from date of adoption, and all other fees shall take effect on July 1, 2002; and
- (2) Authorize staff to incorporate the Rose Bowl Fee Schedule into the General Fee Schedule so that in future years, any fee increases recommended by the Rose Bowl Operating Company will be presented to the City Council at the same time as other City fee adjustment recommendations. (Resolution No 8109)

ROSE BOWL OPERATING COMPANY (RBOC) FEE SCHEDULES - EVENTS, ADVERTISING, LUXURY SUITES, TRADEMARK LICENSING

Recommendation of Rose Bowl Operating Company: Approve the RBOC fee schedules for Events, Advertising, Luxury Suites and Trademark Licensing.

The above two items were discussed concurrently.

The Mayor opened the public hearing.

The City Clerk reported the notice of public hearing was published on April 24, 2002 in the Pasadena Star News and April 25, 2002 in the Pasadena Journal. No posting or mailing was required and no letters were received.

Vice Mayor Little, Chair of the Finance Committee, noted that the above item was reviewed and approved by the Finance Committee and the adjustments were intended to ensure that the fees charged met the cost of services.

The City Manager presented the agenda report and highlighted the enacted programs included in the fee schedule.

Mr. Jay Goldstone, Director of Finance, noted that there was a companion agenda report from the Rose Bowl Operating Company requesting that its fee schedule get incorporated into the City's General Fee Schedule.

Mr. Michael Hurley, representing the Recreation and Parks Commission, distributed a handout entitled "Residential Impact Fee" and spoke concerning raising the fee to the maximum charge amount.

In response, Mr. Jay Goldstone indicated that the residential development fee was part of Section IV of the Municipal Code and it was not part of the general fee schedule nor the taxes. The development fees and charges would move forward separately; and staff would need to review the matter further.

Vice Mayor Little requested that Mr. Hurley be provided the residential impact fee information once obtained.

It was moved by Councilmember Haderlein, seconded by Councilmember Streater, to close the public hearing. (Motion unanimously carried) (Absent: Councilmember Madison)

Ms. Kathy Woods, Parks & Natural Resources Administrator, responded to questions concerning maintenance fees for playing field users.

Councilmember Gordo referenced page 7 of the General Fee Schedule, Item No. 12, TRO (Temporary Restraining Orders) for Domestic Violence, and expressed concern regarding charging outside residents fees for obtaining temporary restraining orders.

Mr. Horace Wormely, Neighborhood Services Administrator, responded to questions concerning the temporary restraining order process and indicated that he would provide additional information to Council regarding the process.

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

PUBLIC HEARING: SCHEDULE OF TAXES, FEES AND CHARGES

Recommendation of City Manager: It is recommended that the City Council reject scheduled rate increases in the Construction Tax, all Utility Users' Tax rates, Underground Surtax, Street Light and Traffic Signal Tax, and Transient Occupancy Tax, Three and Six Month Contracting and Building Trades licenses and allow all other scheduled rate increases, as listed on the agenda report, to stand.

The Mayor opened the public hearing.

The City Clerk reported that the notice of hearing was published March 29, 2002 in the Pasadena Star News. No posting or mailing was required and no letters were received.

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

Mr. Robert Wittry, Pasadena resident, spoke in favor of not raising taxes and requested that the public be notified of the proposed fee increases.

Councilmember Holden indicated that last year he raised the issue to use fees to address neighborhood nuisances, and he inquired whether or not the issue was revisited.

The City Manager indicated that staff had reviewed the policy implications in some of the fees such as trees and abandoned shopping carts and a fee was implemented. However, in some neighborhood nuisances, such as parking fees, staff was restrained due to the fees being controlled by the State. She noted staff could look at enforcement of ticketing semi trucks in neighborhoods.

Following discussion, it was suggested that staff craft legislation to propose to State legislators, and broaden the issue to review all types of nuisances.

The City Attorney indicated that she would provide to Council the current law concerning semi trucks parking in residential areas, and the fees imposed.

The Mayor also indicated that elected officials annually inquire concerning legislative proposals that are specifically related to City needs and this particular issue could be added to the list and forwarded at that time.

It was moved by Councilmember Tyler, seconded by Councilmember Gordo, to close the public hearing. (Motion unanimously carried) (Absent: Councilmember Madison)

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

CONTINUED PUBLIC HEARING: ADOPTION OF THE FY 2003-2008 CAPITAL IMPROVEMENT PROGRAM BUDGET

Recommendation of City Manager: Adopt by resolution the FY 2003-2008 Capital Improvement Program as amended by the Finance Committee and detailed in Attachments I and II of the agenda report. (Resolution No. 8110)

The Mayor opened the public hearing.

The City Clerk reported that the notice of public hearing was published in the Pasadena Star News on March 29, 2002. No mailing or posting required, and no letters were received.

Vice Mayor Little, Chair of the Finance Committee, presented the agenda report and provided an overview of the Finance Committee review of the Capital Improvement Program. He noted that a report from the City Manager would be forthcoming to the Finance Committee concerning both implementation of the expenditures anticipated over the next year for Capital Improvement Projects and the timetable for implementation prior to the end of June 2002. He discussed recommended budget modifications from the Committee, and reviewed a handout of the Finance Committee's recommendation amending the Technology Section, Information Technology Services Division Equipment, to reduce the FY 2003 appropriation in Computing and Communications Funds from \$196,500 to \$180,000.

Mr. Dan Rix, City Engineer, responded to questions concerning the appropriations for the access pedestrian bridge design.

Councilmember Holden was excused at 8:45 p.m.

The City Manager responded to questions pertaining to the pursuing of Federal funds and other alternatives for funding for the bridge; and development of the multi-purpose sports field at Sierra Madre Boulevard.

Mr. Robert Wittry, Pasadena Resident, expressed concern regarding the lack of funding allocated to the disabled community, and the need for an elevator at the main library.

Mr. Bob Markham, Building Systems Administrator, indicated next year's annual work plan includes installation of an elevator at the main library for Americans Disability Act (ADA) access to the lower level periodical and government dock area.

In addition, the City Manager stated that when new construction is performed by the City, it is constructed per ADA requirements.

Ms. Jill Hotvet, Madison Heights resident, spoke concerning the pocket park on South Lake Avenue and requested the area be cleaned up for aesthetic and safety reasons.

The City Manager indicated that the area was included in the Operating Budget for maintenance during the current year. She further indicated that the irrigation portion of the property could come back as a Capital Improvement Project amendment during the fiscal year.

Mr. Ted Polch, Pasadena resident, inquired if the pocket park project on Linda Vista had been removed from the Capital Improvement Program.

Ms. Verah Bradford, Pasadena resident, spoke in favor of the removal of the Linda Vista pocket park project.

Mr. Russell L. Hanlin, Pasadena resident, spoke in opposition to funding the pocket park on Linda Vista Street.

Mr. Michael Hurley, Recreation and Parks Commission, spoke concerning all pocket parks being treated in the same manner.

Councilmember Holden
returned at 9:11 p.m.

In response, Vice Mayor Little indicated that the Finance Committee believed it was appropriate to review the pocket parks in conjunction with the other pocket parks, that the project had not been removed just the funding from the Capital Improvement Program. However, it would be considered at the same time as other pocket parks.

It was moved by Vice Mayor Little, seconded by Councilmember Tyler, to close the public hearing. (Motion unanimously carried) (Absent: Councilmember Madison)

It was moved by Vice Mayor Little, seconded by Councilmember Tyler, to approve the City Manager's recommendation with the understanding that Council will receive a report on the expenditure expectations for the fiscal year as well as a report of the expected activities and implementations; and approving the Finance Committee's recommendation regarding the Information Technology Services Division equipment. (Motion unanimously carried) (Absent: Councilmember Madison)

Vice Mayor Little commended staff for their work efforts and diligence in providing information as requested through the Finance Committee. He also requested that when the Committee reviews the sequence of ongoing improvement projects, such as street paving and tree trimming, consideration be given to performing the improvements to the severely impacted neighborhoods first.

**CONTINUED PUBLIC HEARING: FISCAL YEAR 2003
RECOMMENDED OPERATING BUDGET**

Recommendation of City Manager:

(1) Open the public hearing on the City Manager's Recommended Fiscal Year 2003 Operating Budget and refer the FY 2003 Recommended Operating Budget to the Finance Committee for further review; and

(2) Continue the public hearing to each subsequent regular meeting of the City Council at 8:00 p.m., until June 3, 2002 or such other later date as the City Council may determine, and at which time the City Council will be asked to close the public hearing and formally adopt the Operating Budget.

The City Clerk reported that the notice of public hearing was published on April 18, 2002 in the Pasadena Journal. No posting or mailing was required, and no letters were received.

Councilmember Streator was excused at 9:20 p.m.

The City Manager summarized the agenda report.

Mr. Jay Goldstone, Director of Finance, reported on major revenue sources, discussed the risk factors as it relates to the State's vehicle license fees, and responded to questions.

Discussion ensued concerning employment data for the workforce in Pasadena, residents or other patrons outside City limits contributing to sales tax at the regional malls, and long term projections. It was requested that consideration be given to the impact and factors if recent trends change and that the City proceed cautiously or make allocations contingent upon the State's budget when handling any excess funds. In addition, it was requested to review how the biotechnology community is affecting the local economy.

Mr. Goldstone indicated that staff does have data linked to property specific and tracks tax increments in redevelopment project areas, and evaluates assessment and growth changes. He stated this information will be provided to City Council.

Mr. Robert Wittry, Pasadena resident, spoke regarding public input.

On order of the Mayor, the public hearing was continued to May 20, 2002, at 8:00 p.m.

**CONTINUED PUBLIC HEARING: TO CONSIDER GRANTING OF
NON-EXCLUSIVE SOLID WASTE FRANCHISES**

Recommendation of City Manager:

(1) Hold a public hearing to consider granting non-exclusive solid waste franchises.

(2) After the public hearing is held, grant a franchise to all applicants.

(3) Direct the City Attorney to prepare the necessary ordinances for the approved applications and authorize the City Manager to enter into the franchise agreements on or after the effective date of the ordinance approving such franchise.

The Mayor opened the public hearing.

The City Clerk reported that the notice of public hearing was published in the Pasadena Star News on April 26, 2002. No posting or mailing was required, and one letter was received expressing various concerns.

The City Manager summarized the agenda report and responded to questions.

Ms. Julie Gutierrez, Acting Director of Public Works and Transportation, and Mr. Jimmy Berryhill, Administrator Street Maintenance & Integrated Waste Management, responded to questions.

Councilmember Tyler expressed concern regarding the number of proposed franchises and the difficulty of monitoring them all.

Discussion ensued concerning the need to make franchises meet the 50 percent diversion rate and whether or not the current system was working.

Following discussion, the City Manager clarified that Council wanted to review the actual diversion rates measured for each of the operators and meet certain rates in order to operate in the City. She further indicated that this measurement would be different than what is currently monitored but staff could certainly do so.

Councilmember Streator requested the City Attorney review the current operational agreements and advise Council as to what could be done to reach the 50 percent diversion or better; and to review the ordinance and plan. In addition, the Mayor requested that the City Attorney's Office accelerate the ability to impose the new requirements on the companies under current contracts which would involve a review of the contracts as requested; and if there had been any material breach with those franchisees, to consider them terminated sooner than their stated term and move into a higher level of requirements.

The City Attorney stated that the City would need to comply with the terms of the agreement. However, if there was a basis for termination, other than the City coming up with new provisions in the ordinance, it could be pursued.

Vice Mayor Little noted that he supported the 50 percent diversion rate but questioned whether or not all companies, due to their business, could meet the diversion rate and that consideration be given as to whether or not it is a realistic expectation for every company participating to meet the diversion rate.

The City Manager responded staff would review the list of applicants to see if there are unique applicants which require special consideration.

Councilmember Holden suggested the Municipal Services Committee work with staff on the issues and policies and make a recommendation to Council.

The City Manager suggested the public hearing be continued 60 days to allow staff to address issues pertaining to diversion, and report to the Municipal Services Committee in June.

Mr. Tommy Ouzoonlan, Director of Sales and Marketing, Athens Services, confirmed that City Council had received his submitted letter and reserved his comments until the issue is reviewed by the Municipal Services Committee.

The Mayor confirmed that the letter was received.

The following people indicated they would reserve their comments when the issue is reviewed by Municipal Services Committee:

Mr. Richard Nino, Manager for Burrtec Waste Services
Mr. Angel Santiago, Public Sector Manager for
Waste Management

Mr. George Grigorian, Triangle Services Waste & Recycling, spoke concerning free enterprise and responded to questions.

Mr. Robert Wittry, Pasadena resident, expressed concerns regarding BFI services.

The Mayor suggested we may want to consider an incentive program for companies that meet the goal of the 50 percent diversion rate.

Following discussion, it was moved by Councilmember Streator, seconded by Vice Mayor Little, to continue the public hearing to July 22, 2002 at 8:00 p.m. (Motion unanimously carried) (Absent: Councilmember Madison)

ADJOURNMENT

On order of the Mayor, the regular meeting of the City Council adjourned at 10:23 p.m.



Bill Bogaard
Mayor

ATTEST:



Jane L. Rodriguez
City Clerk
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