

CITY OF PASADENA
City Council Minutes
August 18, 2003 - 5:30 P.M.
City Hall Council Chamber

REGULAR MEETING

OPENING:

Mayor Bogaard called the regular meeting of the City Council to order at 5:30 p.m. (Absent: Vice Mayor Tyler)

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 Attorney

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

Property: Rose Bowl Stadium and surrounding parking areas

Agency Negotiators: Cynthia Kurtz, Darryl Dunn

Negotiating Parties: National Football League (NFL)

Under Negotiation: Price and terms

The above closed sessions items were discussed with no reportable action at this time.

On order of the Mayor, the regular meeting of the City Council reconvened at 6:44 p.m. The Pledge of Allegiance was led by Councilmember Madison.

ROLL CALL:

Councilmembers:

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

Staff:

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

CEREMONIAL

Mr. Gilbert Blades, Recreation Coordinator, introduced and gave recognition to the Hershey Track Meet participants.

Mr. Reggie Young, coach for the Pasadena Running Roses, introduced and gave recognition to Junior Olympic participants.

PUBLIC COMMENT

Mr. David Romney, Vice President, West Pasadena Residents Association, summarized concerns regarding Altrio's installation of utility boxes in District 6 as detailed in his letter dated August 13, 2003 submitted to Council. He requested that the City Engineer not issue any permits until the Public Utilities Commission has rendered its decision. He requested the City Council place the matter of a moratorium on the issuance of permits on the earliest agenda.

The City Attorney responded to Mr. Romney's comments regarding placing a moratorium on the issuance of permits.

Following a brief discussion, the City Attorney was asked to report back to the City Council on September 8 on the status of the Public Utilities Commission decision.

Mr. Romney indicated he would submit his comments in writing and provide a copy of the brief to Council.

Mr. Bill Dyer, representing in Defense of Animals, submitted a handout regarding the benefits of people relating to animals from a guardian perspective rather than as owners, and suggested adding the word "guardian" to various sections of Title 6 (Animals) of the Pasadena Municipal Code.

Mr. Steve McNall, representing the Pasadena Humane Society, spoke in support of adding the word "guardian" to Title 6 of the Pasadena Municipal Code, noting this would assist the Humane Society in enforcing City ordinances.

Ms. Marysia Wojcik, Pasadena resident, spoke in support of the "guardian" wording as suggested by the prior two speakers.

Ms. Marie L. Lande, member of the Animal Commission in South Pasadena, also expressed support of the "guardian" wording.

Following a brief discussion, the City Attorney was directed to look into potential legal issues and submit a report within six weeks through the Public Safety Committee.

Ms. Marie Sanfilipo, Pasadena resident, spoke regarding her housing needs.

CONSENT CALENDAR

APPROVAL AND ACCEPTANCE OF A PROPOSED EASEMENT DEDICATION FOR PUBLIC STREET PURPOSES AT THE SOUTHWEST CORNER OF GREEN STREET AND LAKE AVENUE, 85 SOUTH LAKE AVENUE

Recommendation of City Manager: Adopt a resolution approving and accepting a proposed easement dedication for public street purposes at the southwest corner of Green Street and Lake Avenue, 85 South Lake Avenue. (Resolution No. 8285)

AUTHORIZATION TO ENTER INTO A CONTRACT WITH GONZALEZ/GOODALE ARCHITECTS FOR ARCHITECTURE AND ENGINEERING SERVICES TO PERFORM A DETAILED BUILDING/SITE ASSESSMENT AND ARCHITECTURAL CONCEPT LEVEL DESIGN WORK FOR THE WATER AND POWER WAREHOUSE BUILDING AT 311 WEST MOUNTAIN STREET

Recommendation of City Manager: Authorize the City Manager to enter into a contract with Gonzalez/Goodale Architects to perform a detailed building/site assessment and architectural concept level design work for the Water and Power Warehouse Building at 311 West Mountain Street in an amount not to exceed \$187,000 for Phase I design work. Competitive bidding is not required pursuant to Charter Section 1002(F), contracts for professional or unique services. (Contract No. 18,330)

Item removed for separate discussion at the request of Councilmember Madison.

AMENDMENTS TO, AND ASSIGNMENT OF, THE FIBER LEASE AGREEMENT BETWEEN THE CITY AND TIME WARNER TELECOM, INC.

CONTRACT AWARD TO SUDHAKAR COMPANY INTERNATIONAL FOR REMOVAL, FABRICATION AND INSTALLATION OF STREET NAME SIGNS, HARDWARE AND POSTS

Recommendation of City Manager: Accept the bid dated August 12, 2003, submitted by Sudhakar Company International in response to the Specifications for the Removal, Fabrication and Installation of Street Name Signs, Hardware and Posts, reject all other bids received, and authorize the City Manager to enter into such contract as required. The amount of the proposed contract is \$440,330. (Contract No. 18,331)

Recommendation of Design Commission: A replica of the new sign was presented to the Design Commission on April 14, 2003. The Commission unanimously recommended approval of the design.

RESOLUTION AMENDING THE SALARY RESOLUTION RELATING TO SALARIES AND BENEFITS FOR POLICE COMMANDERS AND LIEUTENANTS

Recommendation of City Manager:

(1) Adopt a Resolution amending the Salary Resolution to accomplish the following:

(a) Adjust control rates for the classifications of Police Lieutenant, Police Commander, and Police Commander (Non-Sworn) to the 75th percentile effective April 7, 2003, as noted in the attachment to the agenda report; and

(b) Increase the premium for the possession of the POST

Management Certificate to \$450 per month, effective April 7, 2003; and

(c) Modify the language to ensure that an individual promoting from the rank of Sergeant to Lieutenant does not lose any existing premium pay he or she may already receive for the POST Supervisory Certificate and/or completed education.

(2) Approve a journal voucher appropriating \$70,000 from the Personnel Reserves to the Adopted FY 2004 Police Department Operating Budget. (Resolution No. 8286; Journal Voucher 2004-8)

APPROVAL OF MINUTES

Approval of Minutes - May 19, 2003
May 26, 2003 (Cancelled)

CLAIMS RECEIVED AND FILED

Claim No. 9353	Alicia Naranjo	\$ 350.00
Claim No. 9354	Anne M. Alderson	200.00+
Claim No. 9355	Johnnie Fernandez	Unknown
Claim No. 9356	Ugo Corda	Unknown
Claim No. 9357	Gaylord W. Slasor	1,805.00
Claim No. 9358	Marlon Leiva	233.28
Claim No. 9359	Lisanne Delgado by Mercury Insurance Group	4,978.77

PUBLIC HEARINGS SET

September 8, 2003, 8:00 p.m. - South Oakland Historic District

It was moved by Councilmember Little, seconded by Councilmember Madison, to approve the Consent Calendar, with the exception of Item 3 (Agreement with Time Warner Telecom), which was discussed separately. (Motion unanimously carried) (Absent: Vice Mayor Tyler)

C O N S E N T I T E M
DISCUSSED SEPARATELY

Councilmember Madison recused himself at 7:31 p.m. due to a conflict of interest.

AMENDMENTS TO, AND ASSIGNMENT OF, THE FIBER LEASE AGREEMENT BETWEEN THE CITY AND TIME WARNER TELECOM, INC.

Recommendation of City Manager:

(1) Approve amendments to the fiber lease agreement between the City and Time Warner Telecom, Inc.; and

(2) Approve assignment of the lease from Time Warner Telecom, Inc. to Time Warner Telecom of California, L.P. (Contract No. 17,090-1)

The City Manager responded to questions.

Following a brief discussion, the City Manager noted staff will get more information to City Council regarding the history on this item and where the City is today with this contract.

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

**REPORTS AND
COMMENTS FROM
COUNCIL COMMITTEES**

FINANCE COMMITTEE

Councilmember Madison
returned at 7:39 p.m.

RECOGNITION AND APPROPRIATION OF \$150,849 IN ANTI-TERRORISM GRANT FUNDS FOR THE PURCHASE OF TERRORISM RESPONSE EQUIPMENT

Recommendation of City Manager: Recognize \$150,849 in anti-terrorism grant funds and appropriate these funds to the Fire Department FY 2004 Operating Budget Account 230-361000 for the purchase of terrorism response equipment. (Journal Voucher No. 2004-9)

Councilmember Little, Chair of the Finance Committee, summarized the report.

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

Councilmember Little commended Fire Chief Mitchell and his staff for their work on this grant.

AGREEMENT AND MEMORANDUM OF UNDERSTANDING FOR GOLD LINE PHASE II JOINT POWERS AUTHORITY

Recommendation of City Manager:

(1) Approve the draft Joint Powers Authority Agreement with Arcadia, Azusa, Claremont, Duarte, Glendora, Irwindale, La Verne, Los Angeles County Metropolitan Transportation Authority, Los Angeles, Monrovia, Pomona, San Dimas, San Gabriel Valley Council of Governments, and South Pasadena, and authorize the City Manager to enter into the final JPA if there are no substantive changes;

(2) Approve a journal voucher to recognize and appropriate \$31,455 in Proposition A funds to Operating Budget Account No. 8124-208-775100; and

(3) Authorize the Mayor and Vice Mayor to participate in negotiations with the Blue Line Construction Authority to develop a Memorandum of Understanding.

Councilmember Little, Chair of the Finance Committee, summarized the report and noted the Committee had expressed concern as to why the City of Pasadena was going to be asked to contribute funds when all other entities involved in Phase I were not being asked to contribute.

He noted it was the recommendation of the Committee that:

1) funding from the City of Pasadena be deleted from the Joint Power Authority agreement;

2) regarding eligible public entities, that the San Gabriel Council of Governments member be removed and substituted with Montclair and/or the San Bernardino Association of Governments; and

3) that language in Section 25(a) be very explicit as to conflicts of interest. That the language be amended to read: "Not later than sixty (60) days after the Effective Date of this Agreement as

described in Section 32, the Authority shall adopt those sections of the Blue Line Construction Authority Administrative Code ~~that are applicable to the Gold Line Phase II and that are~~ in accord with all applicable laws including but not limited to contracting and procurement laws, laws relating to contracting goals for minority and women businesses, and the Political Reform Act of 1974 (Section 81000 et seq. of the Government Code)."

That the following language be added to Section 25 (a): "Agencies, consultants and entities involved in creating the Authority will be precluded from contracting with or otherwise benefitting financially from the Authority."

Councilmember Streater clarified the third item was not a recommendation of the Finance Committee. She indicated she would like to see the language the current Authority uses with regards to conflict of interest issues before a decision is made. She also suggested an appointment of a City representative be made to the Phase II Board as soon as possible.

Councilmember Holden was excused at 8:03 p.m.

Councilmember Little spoke in support of deleting specific language that removes Pasadena from any financial liability.

Following discussion, the above item was held to the meeting of September 8, 2003 for further consideration and an opportunity for Council to see the proposed revised document.

PUBLIC HEARINGS

PUBLIC HEARING: NOMINATION OF 529 NORTH LOS ROBLES AVENUE FOR DESIGNATION AS A LANDMARK

Recommendation of City Manager: It is recommended that the City Council, following a public hearing:

(1) Find that the single-family residence and garage/accessory structure at 529 N. Los Robles Avenue qualifies for designation as a landmark under Criterion 2 of Section 17.52.040 of the Pasadena Municipal Code because of their association with David J. Macpherson;

(2) Approve the designation of the property as a landmark;

(3) Adopt a resolution designating the property as a landmark (Attachment A of the agenda report);

(4) Authorize the Mayor to execute the declaration of designation (Attachment B of the agenda report);

(5) Direct the City Clerk to record the declaration with the Los Angeles County Recorder; and

(6) Acknowledge that the application for a landmark designation is categorically exempt from the California Environmental Quality Act. (Resolution No. 8287)

Recommendation of Historic Preservation Commission: On July 7, 2003, the Commission voted unanimously to recommend that the City Council designate 529 N. Los Robles a landmark.

The Mayor opened the public hearing.

The City Clerk reported the notice of public hearing was published on August 4 and 11, 2003 in the Pasadena Star News, and on August 14, 2003 in the Pasadena Journal; 11 copies of the notice were posted and 34 copies were mailed on August 1, 2003. No letters were received.

The City Manager introduced the item.

Ms. Mary Jo Winder, Senior Planner, summarized the report.

Mr. Tom Wagner, property owner, spoke in support of the landmark designation.

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

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

**RECOMMENDATIONS
FROM OFFICERS AND
DEPARTMENTS**

**APPOINTMENT OF JOSE LUIS DE LA MORA TO THE
NORTHWEST COMMISSION (District 5 Nomination)**

It was moved by Councilmember Gordo, seconded by Councilmember Haderlein, to approve the above appointment. (Motion unanimously carried) (Absent: Councilmembers Holden, Vice Mayor Tyler)

RESIDENTIAL IMPACT FEE POLICY

Recommendation of City Manager: This report was requested by the City Council to allow a review and possible amendment to Chapter 4.17 of the Pasadena Municipal Code, "Residential Impact Fee" regarding the distribution of the revenue generated by the fees.

Councilmember Holden
returned at 8:19 p.m.

The City Manager and Mr. Martin Pastucha, Public Works Director, summarized the report and responded to questions.

Councilmember Gordo requested information on the percentage of green space per population by District.

Councilmember Haderlein
was excused at 8:50 p.m.

Ms. Sole Teramae, Pasadena resident, spoke regarding the use of Washington School field for soccer games and practices, and expressed concern regarding clean up of fields after these types of activities, and suggested using funds for maintenance of fields.

The City Manager responded briefly to Ms. Teramae's comments, and it was noted staff would follow up on the clean up of the field.

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

ORDINANCE SUSPENDING PASADENA MUNICIPAL CODE SECTIONS 9.36.220 (AMPLIFIED SOUND) AND 9.36.230 (GENERAL NOISE SOURCE) FOR THREE 2003 SCHEDULED UCLA COLLEGE FOOTBALL NIGHT GAMES

Recommendation of Rose Bowl Operating Company: It is recommended that the City Council direct the City Attorney to prepare an ordinance suspending Pasadena Municipal Code Sections 9.36.220 (amplified sound) and 9.36.230 (general noise source) for five potential UCLA night games – September 27th versus San Diego State, October 4th versus Washington, October 18th versus California, October 25th versus Arizona State, and November 15th versus Oregon, until 11:00 p.m., rather than the current 10:00 p.m. time limit.

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

ADOPTION OF RESOLUTIONS PROVIDING FOR THE SEPARATION OF THE INTERNATIONAL UNION OF OPERATING ENGINEERS, LOCAL 501, FROM THE PASADENA POLICE OFFICERS ASSOCIATION; AND SEPARATING THE AMERICAN FEDERATION OF STATE, COUNTY, AND MUNICIPAL EMPLOYEES, LOCAL 858, FROM THE INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS, LOCAL 18, AS IT RELATES TO COVERAGE UNDER THE PUBLIC EMPLOYEES MEDICAL AND HOSPITAL CARE ACT

Recommendation of City Manager: It is recommended that the City Council adopt two Resolutions, which will provide that the International Union of Operating Engineers, Local 501 (IUOE), will be separated from the Pasadena Police Officers Association (PPOA); and the American Federation of State, County, and Municipal Employees, Local 858 (AFSCME), will be separated from the International Brotherhood of Electrical Workers, Local 18 (IBEW); in order to allow each union to be considered a single group as relates to the provisions of the Public Employees Medical and Hospital Care Act. (Resolution Nos. 8288 and 8289)

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

ADOPTION OF RESOLUTIONS ELECTING TO CEASE TO BE SUBJECT TO THE PUBLIC EMPLOYEES MEDICAL AND HOSPITAL CARE ACT FOR EMPLOYEES REPRESENTED BY THE PASADENA MANAGEMENT ASSOCIATION, THE AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES, LOCAL 858, THE INTERNATIONAL UNION OF

Councilmember Haderlein returned at 8:59 p.m.

Councilmember Madison was excused at 9:00 p.m.

OPERATING ENGINEERS, LOCAL 501, AND THE SERVICE EMPLOYEES INTERNATIONAL UNION, LOCAL 347

Recommendation of City Manager: It is recommended that the City Council adopt four Resolutions to cease to be subject to the Public Employees Medical and Hospital Care Act, ending the City's participation in the medical plans offered by the California Public Employees Retirement System ("PERS medical") effective 12:00 midnight, December 31, 2003, for employees represented by Pasadena Management Association, the American Federation of State, County and Municipal Employees, Local 858 (AFSCME), the International Union of Operating Engineers, Local 501 (IUOE), and the Service Employees International Union, Local 347 (SEIU). (Resolution Nos. 8290 - 8293)

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

CONSIDERATION OF REQUEST BY THE PASADENA LEAGUE OF WOMEN VOTERS TO CONSIDER CHANGING TO AN INSTANT RUNOFF VOTING (IRV) METHOD FOR CITY AND PASADENA UNIFIED SCHOOL DISTRICT ELECTIONS

Recommendation of City Clerk: It is recommended that the City Council take no action at this time to pursue Instant Runoff Voting as an alternative to the Charter requirement to conduct primary and general elections. It is further recommended that the League of Women Voters request be tabled until there are sufficient safeguards available to ensure establishment of a proper system, such as the following: (a) voting equipment and software for such a system has been certified by the State; (b) adequate election procedures (State law) are in place for administering such an election; (c) wide-spread community support has been voiced to consider changing to such a voting system; and (d) until San Francisco or another local jurisdiction in the State have implemented IRV with good results and positive voter acceptance, which would warrant further study of this voting system.

The City Clerk summarized the agenda report.

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

Councilmembers commended the City Clerk on her report.

Councilmember Madison
returned at 9:03 p.m.

RECESS

On order of the Mayor, the regular meeting of the City Council recessed at 9:13 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 9:14 p.m. (Absent: Vice Mayor Tyler)

ORDINANCE - ADOPTED

Adopt "AN ORDINANCE OF THE CITY OF PASADENA FIXING THE TAX RATE FOR THE POLICE BUILDING AND JAIL GENERAL OBLIGATION BONDS AND ESTABLISHING PROCEDURES FOR THE COLLECTION AND ENFORCEMENT OF SAID TAX" (Introduced by Councilmember Streator) (Ordinance No. 6952)

The above ordinance was adopted by the following vote:

AYES: Councilmembers Gordo, Haderlein, Holden, Little, Madison, Streator, Mayor Bogaard

NOES: None

ABSENT: Vice Mayor Tyler

INFORMATION ITEM

SUMMARY OF 2000 CENSUS DATA FOR PASADENA, PART II

The City Manager introduced the agenda item.

Mr. Lanny Woo, Associate Planner, and Mr. Bill Trimble, Planner, presented the 2000 Census Data, Part II, and responded to questions. The presentation focused on more detailed information for the nine planning areas within the City.

In response to the new census data, the following Department Heads discussed the most important impact to the services their departments provide, and discussed how it might be addressed by the department (assuming there are no new resources available):

Mr. Luis Herrera, Information Services

Ms. Patricia Lane, Human Services

Ms. Wilma Allen, Public Health

Fire Chief Ernest Mitchell, Fire Department

Acting Police Chief Wayne Hiltz, Police Department

Ms. Connie Orozco, City Prosecutor's Office

Ms. Joyce Amerson, Transportation Department

Ms. Phyllis Currie, Water & Power Department

Ms. Ann Erdman, Public Information Officer

It was suggested the Department of Public Works also provide a presentation in the near future on the impacts on its services.

Councilmembers suggested using the census data in looking at parks; in addressing affordable housing; and in looking at the distribution of resources for such things as street sweeping, trash services, code enforcement, and improving infrastructure in high density areas.


Councilmember Holden noted it might be interesting to get some more information about Altadena, and get an understanding on how Altadena impacts Pasadena.

The City Manager indicated the City did not have the information, but would request it from the County.

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

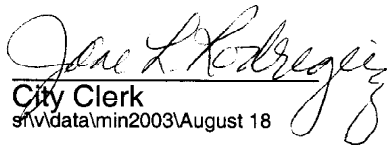
ADJOURNMENT

On order of the Mayor, the regular meeting of the City Council adjourned at 10:36 p.m.



Bill Bogaard, Mayor
City of Pasadena

ATTEST:



Jane L. Rodriguez
City Clerk
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