

CITY OF PASADENA  
City Council Minutes  
October 27, 2003 – 5:30 P.M.  
City Hall Council Chamber

REGULAR MEETING

**OPENING:**

Mayor Bogaard called the regular meeting to order at 5:36 p.m.  
(Absent: Councilmember Holden)

On order of the Mayor, the regular meeting recessed at 5:36 p.m., to discuss the following closed sessions:

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

**Properties:** 169 & 170 Arlington Drive; 172 & 242 Bellefontaine Street; 181 Columbia Street; 177 Glenarm Street; 165 Hurlbut Street; 925 & 935 Jane Place; 269 Palmetto Drive; 866, 1100, 1112, 1120, 1128, 1140/1142, 1150, 1190, 1200 & 1220 Pasadena Avenue; 584, 600, 602, 620, 628, 640, 646, 650, 670, 676-678, 696, 714, 726, 734 & 762 St. John Avenue; 163 & 180 State Street; 265 & 268 Waverly Drive; and 245 Wigmore Drive, Pasadena, CA.

**Agency negotiators:** Cynthia Kurtz, Fred Jones

**Negotiating party:** California Department of Transportation (CALTRANS)

**Under negotiation:** Price and terms of payment

The above closed session item was not discussed.

Councilmember Holden arrived at 5:47 p.m.

**CITY COUNCIL CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION pursuant to Government Code Section 54956.9(a): Nina Scotti v. City of Pasadena, et al., Los Angeles Superior Court Case No. BC 269081**

The above closed session item was discussed, with no reportable action at this time.

On order of the Mayor, the regular meeting reconvened at 6:33 p.m. The Pledge of Allegiance was led by Councilmember Little.

**ROLL CALL:**

Councilmembers:

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

Staff:

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

**CEREMONIAL MATTERS**

The City Clerk administered the oath of office to H. W. Adams as South Lake Parking Place Commissioner.

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

No one appeared for public comment.

**CONSENT CALENDAR**

**RESOLUTION SETTING A PUBLIC HEARING FOR THE ESTABLISHMENT OF UNDERGROUND UTILITY DISTRICT NO. 03-1 RAYMOND AVENUE (GLENARM STREET TO DEL MAR BOULEVARD)**

**Recommendation of City Manager:** Adopt a resolution setting a public hearing for the subject Underground Utility District No. 03-1 to be approved. The suggested date for the public hearing is November 24, 2003, at 8:00 p.m. (Resolution No. 8307)

**MINUTES APPROVED**

September 8, 2003  
September 15, 2003 (Cancelled)

**CLAIMS RECEIVED AND FILED**

Claim No. 9399	Anthony C. Adduci	\$	207.94
Claim No. 9400	SBC/Pacific Bell		2,660.00
Claim No. 9401	Timothy G. Albert		119.08
Claim No. 9402	Anselmo Gonzales		1,502.05
Claim No. 9403	Saul Susal		6,712.50

**PUBLIC HEARINGS SET**

November 24, 2003, 8:00 p.m. - Amendments to the General Fee Schedule

November 24, 2003, 8:00 p.m. - Zoning Code Amendments - Trip Reduction Ordinance

It was moved by Councilmember Streater, seconded by Councilmember Little, to approve all items on the Consent Calendar. (Motion unanimously carried) (Absent: None)

**REPORTS AND COMMENTS  
FROM COUNCIL  
COMMITTEES**

**FINANCE/AUDIT  
COMMITTEE**

**REVIEW OF LIBRARY SPECIAL TAX ORDINANCE**

**Recommendation of City Manager:** It is recommended that the City Council approve the continuation of the Library Special Tax, as enacted, through June 30, 2008.

**Recommendation of Library Commission:** The Library Commission recommends that the City Council approve the continuation of the Library Special Tax, as enacted, through June 30, 2008.

Councilmember Little, Chair of the Finance Committee, reviewed the agenda report.

Councilmember Holden noted that although voters had originally approved a five-year special library tax with a ten-year extension, the expectation had been that funding for library services would eventually be derived from the General Fund budget. He encouraged Council to work aggressively to examine library funding in relation to other vital City services.

The City Manager discussed the ability of the City's General Fund budget to absorb library funding, and indicated the City expected to reduce City services during the next five years. She noted that budget amendment discussions with Council regarding revenues and expenditures were scheduled for December 2003.

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

**RECESS TO JOINT MEETING**

On order of the Mayor, the regular meeting of the City Council recessed at 6:47 p.m. to a joint meeting with the Community Development Commission. (Absent: None)

**JOINT ACTION: APPROVAL OF COMMUNITY BANK TERM CREDIT LOAN TO THE CITY OF PASADENA IN THE AMOUNT OF \$1,300,000 AND APPROVAL OF \$1,300,000 LOAN BY THE CITY OF PASADENA TO THE PASADENA COMMUNITY DEVELOPMENT COMMISSION RELATED TO PLAZA LAS FUENTES PHASE II PROJECT**

**Recommendation of City Manager/Chief Executive Officer:**

(1) It is recommended that the City Council adopt a resolution:

(a) Approving the terms and conditions of a loan between the City and Community Bank, subject to the terms and conditions as contained in Exhibit "A" of the agenda report; and final documentation.

(b) Approving a loan to Pasadena Community Development Commission (the "Commission") from the City in the amount of \$1.3 million in accordance with a promissory note/reimbursement and repayment agreement which reflects the terms and conditions of Community Bank loan.

(c) Authorizing the City Manager to execute: (1) the

requisite loan documents between Community Bank and the City, and (2) a promissory note/reimbursement and repayment agreement between the City and the Commission.

(2) It is recommended that the Commission take the following actions:

(a) Approve a loan in the amount of \$1.3 million to the Commission from the City in accordance with a promissory note/reimbursement agreement which reflects the same terms and conditions of the Community Bank loan.

(b) Authorize the Chief Executive Officer to execute the promissory note/reimbursement repayment agreement between the City and the Commission. (Resolution No. 8308)

Councilmember Little summarized the agenda report.

Mr. Jay Goldstone, Director of Finance Department, responded to questions, and noted staff would explore the opportunity to lock in an interest rate when this loan is renegotiated in 2004.

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

**JOINT ACTION: FOURTH AMENDMENT TO THE EMERGENCY HOMELESS RESPONSE PROGRAM SUBRECIPIENT AGREEMENT WITH THE ECUMENICAL COUNCIL OF PASADENA AREA CHURCHES FOR THE PROVISION OF EMERGENCY HOMELESS ASSISTANCE SERVICES IN RESPONSE TO THE EVACUATION OF THE WASHINGTON THEATER APARTMENT COMPLEX**

**Recommendation of City Manager/Chief Executive Officer:**

It is recommended that the City Council and the Pasadena Community Development Commission take the following actions:

(1) Approve the terms and conditions of the Fourth Amendment to the Emergency Homeless Response Program (EHRP) Sub-recipient Agreement No. 18,010-4/CDC-491-4 between the City and Ecumenical Council of Pasadena Area Churches ("Sub-recipient");

(2) Approve a journal voucher appropriating \$40,000 from the Housing Opportunity Fund to the EHRP project for the provision of emergency homeless assistance services; and

(3) Authorize/direct the City Manager/Chief Executive Officer to execute, and the City Clerk/Secretary to attest, the Fourth Amendment, and take the necessary actions to implement EHRP.) (Agreement Amendment Nos. 18,010-4 & CDC-491-4; Journal Voucher No. 2004-13)

Councilmember Little reviewed the agenda report.

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

RECONVENED

On order of the Mayor, the joint meeting with the Community Development Commission recessed at 6:52 p.m. to the regular meeting of the City Council. (Absent: None)

FINANCE/AUDIT  
COMMITTEE

**BUDGET AMENDMENT FOR CAPITAL EXPENDITURES  
ASSOCIATED WITH THE SYLMAR UPGRADE PROJECT**

**Recommendation of City Manager:**

(1) Amend the Light and Power Fund Fiscal Year 2004 Capital Improvement Project (CIP) budget to include a new project entitled "Sylmar Upgrade Project" with an estimated cost of \$2,750,000; and

(2) Appropriate \$2,750,000 to the new CIP project from the following sources:

(a) unanticipated revenues of \$1,769,712 being reimbursed by Federal Emergency Management Agency (FEMA),

(b) bond proceeds of \$950,000 provided by the 2003 electric revenue bond,

(c) unappropriated Light and Power Fund fund balance of \$30,288. (Journal Voucher No. 2004-14)

**Recommendation of Planning Commission:** This project was reviewed by the Planning Commission at their meeting on October 22, 2003 and they have recommended that the City Council find that "Sylmar Upgrade Project" proposed for the inclusion in the CY 2004-2008 CIP is consistent with the City of Pasadena's General Plan.

Councilmember Little summarized the agenda report.

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

**AMENDMENT TO PURCHASE ORDER CONTRACT WITH  
PERRY C. THOMAS CONSTRUCTION, INC. TO COMPLETE  
AZUSA HYDRO CONDUIT REPAIR IN AN AMOUNT NOT TO  
EXCEED \$225,000; AND FY 2004 CAPITAL IMPROVEMENT  
PROGRAM AMENDMENT**

**Recommendation of City Manager:**

(1) Authorize the City Manager to increase the amount of Purchase Order Contract No. 19,429 with Perry C. Thomas Construction, Inc. to complete repairs of the Azusa Hydro conduit by \$150,001 to an amount not to exceed \$225,000;

(2) Find that the proposed contract is exempt from competitive bidding based on impracticality; and

(3) Amend the Fiscal Year 2004 CIP to appropriate an

additional \$270,000 to the Light and Power Fund Capital Improvement Program under Budget Account No. 3179 for the "Azusa Hydro Renewals and Replacements" from the unappropriated Light and Power Fund funds. (Journal Voucher No. 2004-15)

Councilmember Little reviewed the agenda report, and noted that this project had also been referred to the Municipal Services Committee to examine the overall agreements for water services with neighboring communities.

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

RECESS

On order of the Mayor, the regular meeting of the City Council recessed at 6:56 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 6:59 p.m. (Absent: None)

**REPORTS AND COMMENTS  
FROM COUNCIL  
COMMITTEES**

FINANCE COMMITTEE

**CITY HALL SEISMIC RETROFIT PROJECT UPDATE  
Recommendation of City Hall Restoration Oversight  
Committee:** The following informational report represents the City Hall Seismic Retrofit Project update to the City Council for the period July 1, 2003, through September 30, 2003. It is recommended that the City Council receive and file the City Hall Seismic Retrofit Project status report.

Dr. Paul Jennings, Chair of the City Hall Restoration Oversight Committee, reviewed the agenda report, affirmed a sensitivity to not change the scope of the project, and responded to questions.

Mr. Foster Hildreth, City Hall Project Manager, responded to questions.

Councilmember Little, Chair of the Finance Committee, noted it was anticipated that the Housing Department office space would be permanently relocated in an area in Northwest Pasadena to provide easy access to clients, and described a general timeframe for future reports regarding financial and scope of work aspects of the project.

The Mayor noted the City's commitment to work within the project budget.

The City Manager responded to questions, and indicated the next quarterly report to Council could contain information from the ongoing peer reviews of the project.

In response to questions regarding a temporary Council Chamber, the City Manager stated a list of criteria/space requirements has been developed, described the work to be done by a staff committee, and noted a recommendation is anticipated to come to Council in January. It was requested that the list of criteria be distributed to Council.

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

**RECOMMENDATIONS FROM OFFICERS AND DEPARTMENTS**

**CERTIFICATION OF FINAL ENVIRONMENTAL IMPACT REPORT FOR CITY HALL SEISMIC RETROFIT PROJECT**

**Recommendation of City Manager:**

(1) Certify the Pasadena City Hall Seismic Retrofit Final Environmental Impact Report (FEIR) (Attachment A-Volume I of the agenda report).

(2) Adopt the Findings of Fact and the Statement of Overriding Considerations (Attachment B of the agenda report) confirming that the benefits of the project outweigh the significant unavoidable effects on cultural resources (the need to rebuild the east arcade), biological resources (the need to remove trees), and traffic (the need to close traffic lanes and a portion of Garfield Avenue during construction).

(3) Adopt the mitigation monitoring and reporting program (Attachment C of the agenda report) and adopt a de minimus finding as required by California Fish and Game Code 711.4(d)(1) and Title 14, California Code of Regulations Section 735.5(a)(3).

(4) Direct the City Clerk to file a Notice of Determination with the County Clerk.

**Recommendation of the City Hall Restoration Oversight**

**Committee:** At its meeting on October 8, 2003, the Oversight Committee recommended that the City Council certify the FEIR with Findings of Fact and a Statement of Overriding Considerations.

Mr. Jeff Cronin, Principal Planner, summarized the agenda report and responded to questions.

Ms. Nina Chomsky, Pasadena resident, expressed concerns regarding the preservation of the Jo Heckman memorial palm trees on Euclid Avenue.

Mr. Foster Hildreth, City Hall Project Manager, confirmed that the palm trees in question would be preserved in their current location, described the mitigation measures to be used in protecting and preserving trees and landscaping, and responded to questions.

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

The Mayor complimented the Committee, the Project Manager, and staff for the quality of the ongoing work on this project.

**REPORTS AND COMMENTS  
FROM COUNCIL  
COMMITTEES**

**REPORTS FROM  
REPRESENTATIVES**

Councilmember Little, Los Angeles to Pasadena Blue Line Construction Authority representative, provided an update of the negotiation process regarding a memorandum of understanding with the Gold Line Phase II Construction Authority, and a completion bonus that had been awarded in conjunction with the Gold Line Phase I project.

Vice Mayor Tyler, Community Health Alliance of Pasadena (CHAP) Board member, discussed the impacts of the failure of CHAP to obtain a grant as a federally-qualified health center and its plan to re-apply for a grant.

Discussion followed on the Southern California Association of Governments (SCAG) draft Regional Transportation Plan, the status of recommendations from SCAG and the San Gabriel Valley Council of Governments (SGVCOG) regarding the Gold Line Phase II extension, the pursuit of funding for the extension, and the need to designate the extension as a constrained project.

Vice Mayor Tyler, SCAG representative, indicated he will report to Council on November 17, 2003 regarding SCAG's strategy for the Gold Line Phase II extension and funding.

**RECOMMENDATIONS FROM  
OFFICERS AND  
DEPARTMENTS**

**APPOINTMENT OF WENDY FUJIHARA ANDERSON TO THE COMMISSION ON THE STATUS OF WOMEN (District 2 Nomination)**

**APPOINTMENT OF ERIN VARGAS TO THE HUMAN SERVICES COMMISSION (District 2 Nomination)**

**APPOINTMENT OF VICE MAYOR SIDNEY F. TYLER, JR. AS ALTERNATE TO THE GOLD LINE PHASE II CONSTRUCTION AUTHORITY (JOINT POWERS AUTHORITY) (Council Nomination)**

**APPOINTMENT OF MARCIA SOLA TO THE HISTORIC PRESERVATION COMMISSION (District 5 Nomination)**

It was moved by Councilmember Little, seconded by Councilmember Haderlein, to approve the above appointments. (Motion unanimously carried) (Absent: None)

**APPROVAL OF RESOLUTION OF INTENT AND FIRST READING OF AN ORDINANCE TO AMEND THE CALIFORNIA PUBLIC EMPLOYEES RETIREMENT SYSTEM (CalPERS) CONTRACT TO IMPLEMENT 3%@55 FOR LOCAL SAFETY EMPLOYEES; AND PRE-RETIREMENT**



**OPTIONAL SETTLEMENT 2 DEATH BENEFIT AND FOURTH LEVEL OF 1959 SURVIVOR BENEFITS FOR LOCAL FIRE EMPLOYEES**

**Recommendation of City Manager:**

(1) Adopt "A Resolution of Intention to Approve an Amendment to the Contract Between the Board of Administration of the California Public Employees' Retirement System and the City Council of the City of Pasadena; and Repealing Resolution No. 8256," to implement the 3%@55 Retirement Provision for Local Safety employees; and Pre-Retirement Optional Settlement 2 Death Benefit and Fourth Level of 1959 Survivor Benefits for Local Fire Employees. (Resolution No. 8309)

(2) Introduce and conduct first reading of "**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PASADENA AMENDING THE CONTRACT BETWEEN THE CITY OF PASADENA AND THE BOARD OF ADMINISTRATION OF THE CALIFORNIA PUBLIC EMPLOYEES RETIREMENT SYSTEM TO PROVIDE RETIREMENT BENEFIT ENHANCEMENTS TO LOCAL SAFETY EMPLOYEES; AND REPEALING ORDINANCE NO. 6944**" to implement the 3%@55 Retirement Provision for Local Safety employees; and Pre-Retirement Optional Settlement 2 Death Benefit and Fourth Level of 1959 Survivor Benefits for Local Fire Employees.

The City Manager summarized the agenda report.

It was moved by Councilmember Haderlein, seconded by Councilmember Streator, to approve the City Manager's recommendation and to offer the ordinance for first reading:

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

NOES: None

ABSENT: None

**ORDINANCES – ADOPTED**

**Adopt "AN ORDINANCE OF THE CITY OF PASADENA AMENDING SECTIONS 4.11.010 AND 4.11.020 OF THE PASADENA MUNICIPAL CODE TO EXEMPT CONTRACTS INVOLVING PART-TIME, SEASONAL WORKERS OR TRAINEES FROM THE CITY'S LIVING WAGE ORDINANCE"** (Introduced by Councilmember Haderlein) (Ordinance No. 6955)

The above ordinance was adopted by the following vote:

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

NOES: None

ABSENT: None

**Adopt "AN ORDINANCE OF THE CITY OF PASADENA AMENDING SECTION 13.14.110 OF THE PASADENA MUNICIPAL CODE RELATING TO UNDERGROUND UTILITY DISTRICTS" (Introduced by Councilmember Streator) (Ordinance No. 6956)**

The above ordinance was adopted by the following vote:

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

NOES: None

ABSENT: None

**INFORMATION ITEM**

**HEALTH BENEFITS FOR RETIREES**

**Recommendation of City Manager:** The report is presented for information only.

Ms. Karyn Ezell, Director of Human Resources Department, provided an overview of the agenda report, recent meetings with retirees and their dependents, and correspondence that had been sent to retirees; discussed coverage differences that were being explored with the City's insurance broker; and responded to questions. She indicated that a comparison of 2004 coverage information for PERS and the new carrier coverage would be provided to Council along with a recap of the savings.

Councilmember Madison requested copies of the information that had been sent to the retirees, and also requested that the information, which staff had received from PERS pertaining to the concerns and requests that had been expressed by retirees, also be provided to the retirees.

The City Manager briefly explained the process followed by the City and a labor/management committee in examining the health coverage issues, and the lapse in assuring that retirees were informed during this process.

Discussion followed on the need for staff to work with the unions to keep retirees informed, to continue to negotiate with those bargaining units that had not opted out of PERS, and to continue exploring cost saving measures.

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

**COUNCIL COMMENTS**

Councilmember Madison questioned what the City's standing was in regards to the recent State legislation regarding second housing units, and its effect on the City. He requested to be informed of any application filed concerning a second unit.

The City Manager indicated a staff proposal to adopt City rules covering second units would be presented to the Planning

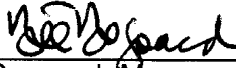
Commission in the near future. She also indicated that information on the State rules and their implementation would be presented to Council.

The City Attorney affirmed that the City's ordinance regarding the prohibition of second units had been invalidated by the State legislation, and that the City would need to follow the State rules until City findings/rules can be adopted.

In response to Councilmember Little's question, the City Manager confirmed that a report to Council regarding the availability of urgent care facilities was on the schedule for future presentation to Council.

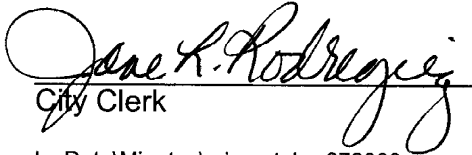
**ADJOURNMENT**

On order of the Mayor, the regular meeting of the City Council adjourned at 8:15 p.m.



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Bill Bogaard, Mayor  
City of Pasadena

ATTEST:



\_\_\_\_\_  
Jose R. Rodriguez  
City Clerk

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