

CITY OF PASADENA
City Council Minutes
April 10, 2006 – 5:30 P.M.
Pasadena Senior Center, Multi-Purpose Room
85 East Holly Street

REGULAR MEETING

OPENING:

Mayor Bogaard called the regular meeting to order at 5:56 p.m. (Absent: Councilmembers Haderlein, Holden, Streater)

On order of the Mayor, the regular meeting recessed at 5:56 p.m., to discuss the following closed sessions:

CITY COUNCIL CONFERENCE WITH LABOR NEGOTIATORS pursuant to Government Code Section 54957.6

**Agency Negotiators: Karyn Ezell, Art Chavez
Employee Organizations: Pasadena Management Association**

CITY COUNCIL CONFERENCE WITH LABOR NEGOTIATORS pursuant to Government Code Section 54957.6

**City Negotiators: Karyn Ezell, Art Chavez
Employees: Non-represented Management Employees**

Councilmembers Haderlein and Holden arrived at 6:12 p.m.

CITY COUNCIL CONFERENCE REGARDING PUBLIC EMPLOYEE PERFORMANCE EVALUATION pursuant to Government Code Section 54957

Title: City Manager

The above three closed session items were 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 Steve Madison
Councilmember Victor Gordo
Councilmember Steve Haderlein (Returned at 6:40 p.m.)
Councilmember Chris Holden (Returned at 6:40 p.m.)
Councilmember Paul Little
Councilmember Joyce Streater (Absent)
Councilmember Sidney F. Tyler

Staff:

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

CEREMONIAL MATTERS

The Mayor presented a proclamation designating the month of April 2006 as Fair Housing Month, and expressed appreciation to the City's realtors for their commitment to fair housing efforts. The proclamation was received by Kyle Kemp, Pasadena-Foothills Association of Realtors (P-FAR) President and Joyce Kristensson, P-FAR Equal Opportunities Cultural Diversity Committee Chair.

Ms. Kristensson described education and outreach efforts undertaken by P-FAR.

PUBLIC COMMENT ON MATTERS NOT ON THE AGENDA

The following persons expressed concerns regarding ongoing problems with wheelchair accessibility for the Chamber Building (interim City Hall) entrance and offices/meeting rooms, and urged the City Council to assist in moving the process forward to solve the accessibility issues:

Ms. Terrie Allen, Accessibility and Disability Commission Chair

Ms. Donna Pomerantz, Accessibility and Disability Commission Vice Chair

The City Manager provided an update regarding the City's efforts to address accessibility issues with the building owner; noted the necessary approvals from the building owner and Pasadena Heritage are in place, with the door parts on order; and indicated staff will follow up on obtaining a schedule for the project.

Dr. Glovioell Rowland, Pasadena resident and American Cancer Society, San Gabriel Chapter President, expressed support for early colon cancer screening, education, and outreach; reported on a free seminar held on April 8, 2006 in collaboration with the City to educate and screen people for colon cancer; suggested the City Council declare the City a "colon cancer free zone;" and distributed informational materials.

Councilmember Holden voiced support for Dr. Rowland's comments, and thanked the American Cancer Society and Dr. Rowland for providing this service to the community.

Mr. Chris Brandow, Pasadena resident and Pasadena Education Network member, expressed support for Pasadena Unified School District (PUSD) and a cooperative relationship between the City Council and PUSD, and expressed concerns regarding recent criticism of PUSD through an anonymous email/letter.

CONSENT CALENDAR

APPROVAL OF FINAL TRACT MAP NO. 061002, BEING A 24-UNIT CONDOMINIUM PROJECT, AT 1701 - 1715 NORTH FAIR OAKS AVENUE

Recommendation of City Manager: It is recommended that the City Council adopt a resolution to:

- (1) Approve Final Tract Map No. 061002; and
- (2) Authorize the City Clerk to execute the certificate on the map showing the City's approval of said map. (Resolution No. 8574)

APPROVAL AND ACCEPTANCE OF AN EASEMENT DEDICATION FOR PUBLIC STREET PURPOSES ALONG THE GLENARM STREET FRONTAGE OF 1060 SOUTH FAIR OAKS AVENUE

Recommendation of City Manager: Adopt a resolution approving and accepting a proposed easement dedication for public street purposes along the Glenarm Street frontage of 1060 South Fair Oaks Avenue. (Resolution No. 8575)

REJECTION OF BID - PROVIDING CHEMICALS, EQUIPMENT, PERSONNEL, AND TESTING FOR CHEMICAL CLEANING AND REMOVAL OF CHEMICAL CLEANING WASTES FOR THE BROADWAY POWER PLANT UNIT B-3 BOILER

Recommendation of City Manager: Reject the bid received on March 8, 2006, in response to the Specifications LD-06-1 for providing chemicals, equipment, personnel, and testing for chemical cleaning and removal of chemical cleaning waste for the Broadway Power Plant Unit B-3 Boiler.

CONTRACT AWARD TO VASILY COMPANY, INC., FOR SEWER REPAIRS ON PATRICIAN WAY AND OTHER LOCATIONS FOR AN AMOUNT NOT TO EXCEED \$140,000

Recommendation of City Manager: Accept the bid, dated March 28, 2006, submitted by Vasily Company, Inc., for the Sewer Repairs on Patrician Way and Other Locations, reject all other bids received, and authorize the City Manager to enter into such contract as is required. (Contract No. 19,051)

CONTRACT AWARD TO E. C. CONSTRUCTION FOR THE STATE ROUTE 710 MITIGATION - LAKE AVENUE AT WALNUT STREET INTERSECTION MOBILITY IMPROVEMENT PROJECT, FOR AN AMOUNT NOT TO EXCEED \$292,821

Recommendation of City Manager: Accept the bid dated March 24, 2006, submitted by E. C. Construction in response to the Plans and Specifications for the State Route 710 Mitigation - Lake Avenue at Walnut Street Intersection Mobility Improvement Project; reject all other bids received; and authorize the City Manager to enter into a contract not to exceed \$292,821, which includes the base bid of \$271,130.37

and \$21,690.63 for any additional work the City may order pursuant to the project plans and specifications. (Contract No. 19,052)

Item discussed separately at the request of Councilmember Haderlein.

CONTRACT AWARD TO VART CONSTRUCTION FOR MISCELLANEOUS CONCRETE REPAIR 2006 FOR AN AMOUNT NOT-TO-EXCEED \$250,000

MINUTES APPROVED

March 27, 2006

CLAIMS RECEIVED AND FILED

Claim No. 10,074	Irene Meyer	\$ 8,205.00
Claim No. 10,075	Ernest J. Reguly	4,525.00
Claim No. 10,076	Jackie Silverman	109.86
Claim No. 10,077	Grace Hun	Not stated

It was moved by Councilmember Little, seconded by Councilmember Tyler, to approve the Consent Calendar with the exception of Item 6 (Contract with Vart Construction), which was discussed separately. (Motion unanimously carried) (Absent: Councilmember Streater)

CONSENT ITEM
DISCUSSED SEPARATELY

CONTRACT AWARD TO VART CONSTRUCTION FOR MISCELLANEOUS CONCRETE REPAIR 2006 FOR AN AMOUNT NOT-TO-EXCEED \$250,000

Recommendation of City Manager:

(1) Accept the bid dated March 22, 2006, submitted by Vart Construction, in response to the Project Specifications for Miscellaneous Concrete Repair - 2006, reject all other bids received, and authorize the City Manager to enter into a contract not to exceed \$250,000, which includes a base bid of \$195,850 and a contingency of \$54,150.

(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 5301 (Class 1), subsection (c) of the Resources Agency of California Guidelines (maintenance of existing public streets) pursuant to the findings of the Secretary of 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. (Contract No. 19,053)

In response to Councilmember Haderlein's questions, Mr. Martin Pastucha, Director of Public Works Department, and Mr. Dan Rix, City Engineer, clarified that this project includes a number of small contracts.

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

**RECOMMENDATIONS
FROM OFFICERS AND
DEPARTMENTS**

**LICENSE AGREEMENT WITH THE OLD PASADENA
MANAGEMENT DISTRICT TO CONDUCT THE CINEMA IN
THE PARK SERIES**

Recommendation of City Manager:

(1) Adopt the Negative Declaration and the De Minimis finding of no impact on fish and wildlife.

(2) Authorize the City Manager to enter into a license agreement according to the business points set forth in the body of the agenda report with the Old Pasadena Management District.

(3) Direct the City Clerk to file the Notice of Determination and Certification of Fee Exemption from State Fish and Game fees with the Los Angeles County Registrar-Recorder/County Clerk. (Agreement No. 19,054)

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

Mr. Richard Bruckner, Director of Planning and Development Department, responded to questions regarding the fees being waived for the event and general provisions of the agreement.

Councilmember Little asked staff to review prospective events that are held on a regular basis and could be affected by the new "large events" definition to determine if the size limits policy should be reconsidered.

In response to Council questions, Ms. Maggie Campbell, Old Pasadena Management District (OPMD) President and Chief Executive Officer, briefly described Metro/MTA use strategies for the Cinema series, and the costs and distribution of any revenues from the series.

Mr. Michael Cain and Mr. James Faust, representing Arts Fighting Cancer [OPMD's 501(c)(3) charitable partner for the Cinema series], described the organization and its role in the series.

Councilmember Tyler suggested information on the Cinema series be included in the OPMD annual report.

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

RECESS

On order of the Mayor, the regular meeting of the City Council recessed at 7:05 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 7:06 p.m. (Absent: Councilmember Streator)

OLD BUSINESS

FINAL RECOMMENDATIONS OF THE TASK FORCE ON GOOD GOVERNMENT

Recommendation of Task Force on Good Government: It is recommended that the City Council:

(A) Concur with the Task Force on Good Government's proposed changes to the City Charter, Article XVII, Taxpayer Protection Act, as set forth in the "redline" text shown on Exhibit 1 of the agenda report to accomplish the following:

(1) **Non-profits** - The ban on receiving personal or campaign advantages should not apply to officers and directors from 501(c)(3), (4), and (6) organizations (other than officers and directors of political action committees or who control political action committees controlled by such organizations), except that disclosure of such persons would continue to be required. Section 1703(b)(2).

(2) **Contracts with the City** - The TPA should be amended so that its provisions also cover persons who are bidding on or negotiating for contracts that are worth over \$25,000 except those who are bidding on or receiving low bid contracts. Section 1704(c).

(3) **Contribution Limitations** - The TPA should be amended to apply contribution limits to Pasadena races: \$1,000 per election for City Council and \$2,000 per election for Mayor, adjusted for cost of living increases every two years, rounded off to the nearest \$100. Section 1706.5.

(4) **Ballot Measure Committees** - The TPA should also cover Pasadena public officials who raise money for local ballot measure committees that the official controls. Section 1703(c)(3).

(5) **Outside Election Races** - The TPA should only apply to officials and candidates in city races and not elections outside of Pasadena. Section 1703(c)(3).

(6) **Enforcement** - The City should authorize the City Attorney to bring criminal actions except in cases involving elected City officials in which case the City Attorney should refer the complaint to the L.A. County District Attorney's office. The current law that allows citizens to bring private civil actions should not be changed. Section 1707(a) and (c).

(7) **Subpoena Power** - The TPA should give subpoena authority to the City Attorney and where referrals are made to it, the L.A. County District Attorney. Section 1707(d).

(8) **Agencies Outside the City** - The TPA should only apply to Councilmembers or other City officials serving on outside boards as City representatives (e.g., the Burbank Airport Authority), if these other agencies have reporting requirements allowing compliance with the TPA. Section 1704(b).

(9) **Thresholds** - The thresholds for determining which decisions should be affected by the TPA should be the same (over \$25,000) in most instances. The only exceptions would be the grant of a tax abatement, exception or benefit, which

should remain at over \$5,000 in a twelve-month period and awarding of franchises worth over \$50,000 in gross receipts. The thresholds should be adjusted for cost of living increases every five years and rounded off to the nearest \$1,000. Section 1703(a)(7) and (9).

(10) **Disclosure Implementation** - The files of the City listing those persons who would be prohibited from providing personal advantages to City officials who have made a decision benefiting them should be posted on the internet so that the records are available to the public in an easy-to-use and timely manner. Section 1705(c).

(11) **Cumulation** - The TPA should eliminate the need to cumulate public benefits in amounts under \$5,000 unless it is clear that the amounts will meet or exceed the thresholds. Section 1703(a)(8).

(12) **Franchises** - The TPA should be clarified to require that the franchise has to be awarded by the City. Section 1703(a)(4).

(B) It is further recommended that the City Council cause to be placed on the ballot at the next available city-wide election the Task Force on Good Government's proposed changes to the City Charter, Article XVII, Taxpayer Protection Amendment.

The Mayor introduced the agenda item.

Mr. John Van de Kamp, Chair of the Task Force on Good Governance, highlighted the Task Force's proposed changes to the Taxpayer Protection Act (TPA), commended Council for giving serious consideration to the TPA, and responded to questions.

Mr. Robert M. Stern, Consultant to the Task Force and City staff, commented on the high quality of the Task Force membership and Chair, and responded to questions.

The City Clerk indicated the proposed changes will result in increased work to track the necessary information for expanded areas of the TPA, and responded to questions.

The City Attorney commented on the proposed expansion of the TPA to include those who are bidding on or negotiating contracts, City Attorney's proposal to add a section to authorize the adoption of guidelines for implementation of the TPA, legal and constitutional issues involving campaign contributions, and issues involving future employment activities for City employees; and responded to questions regarding case law on some of these issues.

The City Manager responded to questions regarding staff/consultant costs for maintaining records for the TPA.

Discussion followed on possible inclusion of all candidates for office under the TPA, constitutional issues related to the restriction of a resident's ability to participate in the campaign contribution process, treatment of personal services under the TPA, possible benefits that might be derived from a "no" vote that are not covered under the TPA, and costs to implement and maintain records for the TPA.

The following persons spoke in support of the Task Force recommendations:

- Mr. Marvin Schachter, Senior Advocacy Council representative
- Ms. Carmen Balber, Foundation for Taxpayer and Consumer Rights (FTCR) representative
- Mr. Paul Monsour, Pasadena resident

The following person expressed appreciation for the Task Force's work on these issues, support for campaign reform, and interest in Council's resolution of the issues:

- Ms. Carole Bradley, League of Women Voters representative

The Mayor outlined the following options for Council consideration/action: place the Task Force recommendations on some future ballot as presented above, place some of the recommendations and/or modified versions of the recommendations on some future ballot, direct some group to further review the proposed recommendations, or file the report as information received.

Discussion continued on the public's participation in the Task Force meetings (attendance and televised viewing), and possible scheduling of placement on a future ballot.

Vice Mayor Madison expressed support for placing this on a ballot prior to the next municipal election and suggested holding town hall meetings to gather public feedback on the Task Force recommendations

Councilmember Holden suggested additional review by the Legislative Policy Committee of issues involving banning persons from the political process, tracking time and costs, impacts on future employment for City employees, and constitutional issues raised by the City Attorney, with input from staff and the understanding that comments will be presented to the City Council in August, to allow time for consideration of possible placement of some portion of the recommendations on a November ballot. He reiterated his opposition to the recommendation concerning campaign contribution limits.

Councilmember Little stated his opinion on the impacts of the TPA and the development of mechanisms to get around it, suggested the Legislative Policy Committee also carefully consider campaign contribution limits and how they may limit the ability of candidates to participate in the process, noted that input from the Task Force during the Committee's discussions will be helpful, and expressed appreciation for the Task Force's work/report under the compressed schedule.

Vice Mayor Tyler expressed support for the Task Force's recommendations.

Councilmember Haderlein expressed his opinion that 11 of the 12 Task Force's recommendations appeared to be "clean up" language for the original TPA, with the recommendation on campaign limits to be a significant issue to be placed before the voters; and expressed concerns in having this matter receive further review by the Legislative Policy Committee.

The Mayor questioned the manner to be used in placing the matter on the ballot (a single or two propositions) and remarked that the ultimate way to outreach to the community is to place the recommendations on the ballot.

Following discussion, it was moved by Vice Mayor Madison, seconded by Councilmember Little, to refer this matter to the Legislative Policy Committee to review the issues identified by Council, with a report to be presented to the City Council by June 30, 2006. (Motion unanimously carried) (Absent: Councilmember Streator)

The Mayor noted that the community and especially those who had participated in the Task Force's discussions will receive public notice of the Committee's meetings, and the Task Force members will also be encouraged to provide input.

PUBLIC HEARINGS

CONTINUED PUBLIC HEARING: DESIGNATION OF 580 NORTH LAKE AVENUE AS A LOCAL LANDMARK

Recommendation of City Manager: It is recommended that the City Council continue the public hearing to June 26, 2006, at 7:00 p.m.

It was moved by Councilmember Gordo, seconded by Councilmember Haderlein, to continue the public hearing to June 26, 2006 at 7:00 p.m. (Motion unanimously carried) (Absent: Councilmember Streator)

PUBLIC HEARING: FY 2007-2012 RECOMMENDED CAPITAL IMPROVEMENT PROGRAM BUDGET

Recommendation of City Manager:

(1) Open the public hearing on the City Manager's Recommended FY 2007-2012 Capital Improvement Program

Budget;

(2) Continue this public hearing to each subsequent regular meeting of the Council at 7:00 p.m., until May 8, 2006, 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 FY 2007-2012 Capital Improvement Program Budget; and

(3) Refer the City Manager's Recommended 2007-2012 Capital Improvement Program Budget to the Finance Committee and direct the meetings be noticed as joint meetings between the Finance Committee and the City Council from April 10, 2006 to May 8, 2006.

The Mayor opened the public hearing.

The City Clerk reported the notice of public hearing was published on March 27, 2006 in the Pasadena Star-News; and no correspondence was received.

Councilmember Little, Chair of the Finance Committee, reported the Committee had discussed reports on streets and streetscapes, traffic control and facilities, street lighting, street lighting and electrical system undergrounding, and sewer and storm drains at the special joint meeting of the City Council and Finance Committee held on April 10, 2006 at 4:00 p.m.

The City Manager introduced the agenda item.

Mr. Martin Pastucha, Director of Public Works Department, provided a brief overview of the recommended Capital Improvement Program Budget, and announced the schedule for the joint meetings to be held by the City Council and Finance Committee.

No one appeared for public comment.

On order of the Mayor, the public hearing was continued to April 24, 2006 at 7:00 p.m.

**RECOMMENDATIONS
FROM OFFICERS AND
DEPARTMENTS**

QUALIFICATION OF INITIATIVE PETITION "PROPOSAL FOR THE NATIONAL FOOTBALL LEAGUE RENOVATION OF THE ROSE BOWL STADIUM FOR PROFESSIONAL FOOTBALL USE"

Recommendation of City Clerk:

(1) Receive and accept the City Clerk's certification that based upon the examination and verification of signatures by the Los Angeles County Registrar-Recorder's Office, the initiative petition submitted for "Proposal for the National Football League Renovation of the Rose Bowl Stadium for Professional Football Use" contains a sufficient number of valid signatures to place the proposed initiative on a special election ballot.

(2) Pursuant to California Election Code Section 9214, the City

Council shall do one of the following:

(a) Adopt the ordinance, without alteration, at the regular meeting at which the certification of the petition is presented, or within 10 days after it is presented.

(b) Immediately order a special election, to be held pursuant to Election Code Section 1405(a), at which the ordinance, without alteration, shall be submitted to a vote of the voters of the city; set the date for the election; direct the City Attorney's Office and City Clerk's Office to return to the Council on April 24, 2006, with all documents necessary to call the election; and adopt a resolution to this effect.

(c) Order a report on the effect of the proposed initiative at the regular meeting at which the certification of the petition is presented. The report shall be presented to the City Council no later than 30 days after the City Clerk certifies to the City Council the sufficiency of the petition. When the report is presented, the City Council shall either adopt the ordinance within 10 days, or order a special election.

The City Clerk reviewed the agenda report, clarified the timeframe for Council action, and responded to questions.

The City Attorney and Theresa Fuentes, Deputy City Attorney, discussed case authority on legal issues involving the translation of initiatives into languages other than English, as well as translation of materials covered under the Election Code.

Discussion followed on the signature verification process, and possible legal impacts of recent case law on the process being followed in the subject Initiative.

The following person spoke in support of the Initiative:

Ms. Ann Higginbotham, legal counsel for Citizens to Save the Rose Bowl, responded to questions.

The following persons spoke in opposition to the Initiative and/or offered issues for additional study:

Mr. Richard McDonald, Pasadena First representative, submitted two handouts: (1) letter from attorney Fredric Woocher regarding "NFL Initiative Petitions and Violation of Federal Voting Rights Act" and (2) "Questions for Staff or Outside Consultants in 30-day Report."

Ms. Sue Mossman, Pasadena Heritage representative

Discussion continued on possible issues to be included in a report to the Council prior to action on the Initiative, Council's role in amending the agreement with the NFL as this relates to the deal points set out in the Initiative, and determining the viability of the deal as presented in the Initiative.

The City Manager clarified that Council can choose to discuss at a public meeting the financial information regarding the proposed NFL deal that had been previously discussed in closed session.

Councilmember Tyler requested a report to Council that would contain a financial analysis, using third-party independent review, that would examine the City's current, existing pro formas to determine if stadium/construction costs, revenue sharing, and stand-alone stadiums vs. stadiums designed with retail/entertainment uses will impact the pro formas and the assumptions established by Council on revenues and benefits to be derived by the City in any NFL agreement, as discussed by Council in previous closed sessions.

MOTION

It was moved by Councilmember Holden, seconded by Councilmember Little, to: (1) direct the City Manager to prepare a report to be presented to the City Council containing financial information on issues as stated above by Councilmember Tyler; and (2) direct the City Attorney and City Clerk to prepare formal resolutions calling for a special election to be held on November 7, 2006 (to be consolidated with the State General Election) and present such resolutions to the City Council for adoption at the same time the report on the impacts returns to City Council (May 8, 2006).

The City Clerk noted that translation cost estimates for the lengthy ballot measure text will be provided when the formal resolutions are presented to Council, along with data on the minority language requirements for Spanish and Chinese translations based on Pasadena's demographics.

AMENDMENT TO MOTION

Councilmember Haderlein requested the report also contain information on cost overruns and how overruns are dealt with in the Initiative; and on impacts on open space, traffic congestion, existing business districts, and parking [whether parking will be contained in the Arroyo with no parking elsewhere and how this will impact parking for University of California Los Angeles (UCLA) football games].

The Mayor stressed the need to provide a report that contains information from previous Council negotiations held in closed session to allow easy access to information in order for the public to make an informed decision on the Initiative.

AMENDMENT TO MOTION

The Mayor requested the report contain a discussion of the impacts as stated in Election Code Section 9212(a), Sub-Items (4), (5) and (7). The Mayor also requested the City Attorney advise Council on the legal issues related to federal Voting Rights Act litigation in other jurisdictions, as well as the four substantive legal issues referenced in the City Clerk's agenda report certifying the Initiative petition.

Councilmember Holden noted that the voters who had signed the Initiative have an understanding that the agreement deal points, as presented in the Initiative, will be the basis for dealing with the NFL, with the report on impacts to be used to provide updated information on the issues that interest Council.

Councilmember Little noted that the project is fairly well scoped in the Initiative and consistent to what was previously discussed by Council, and that previous staff reports can be resurrected or slightly revised or updated (and summarized) with information on the impacts.

The City Manager listed the following issues/information derived from Council discussion that will be addressed/included in the report to Council: a financial analysis, using third-party independent review, to assist the City in examining whether the stadium/construction costs or revenue sharing in any way impacts the City's pro forma and how that might impact revenues to the City and the information Council had previously reviewed in closed session; using the Initiative language, a look at what the National Football League (NFL) will be able to include for entertainment and retail uses as this compares to the limits that were set out in the Environmental Impact Report (EIR) in order to ensure the same limits are contained in the Initiative and the EIR; an examination of what the Initiative states regarding construction cost overruns and who would be responsible for the cost overruns based on the estimated values set at the time that the agreement is made; under Election Code Section 9212(a), Sub-Items (4), (5) and (7), a summary, including updates if necessary as circumstances may have changed, of what the impacts will be from the proposal previously discussed by Council as this compares to the proposal in the Initiative (e.g. open space, traffic, retention of businesses, employment, and schools). The City Manager indicated the decision on who will prepare this information will be determined by City staff and the Rose Bowl General Manager, with information updates to be provided by the staff and/or consultants who had originally generated the information, if necessary.

The City Attorney confirmed that the Initiative will be going before the voters, absent some order from the court. She noted the NFL matter is currently before the court; and explained considerations in providing a report in closed session, rather than in a public report, on the four substantive legal issues referenced in the City Clerk's agenda report certifying the petition, since some members of the Council (the Initiative proponents) are real parties in interest to the pending lawsuit. She also noted staff could advise Council in a public report on the status of case law and litigation in other jurisdictions involving the Voting Rights Act and could also inform Council in a public report regarding the four substantive legal issues referenced in the agenda report.

The maker and seconder of the main motion agreed to incorporate into the main motion the amendment requests of Councilmember Haderlein and the Mayor.

MOTION INCORPORATING AMENDMENTS

(1) Direct the City Manager to prepare a report to be presented to the City Council containing the following information:

- A financial analysis of the City's existing, most recent financial pro formas, using third-party independent review, to assist staff in examining whether new developments in stadium/construction costs, stadiums designed to incorporate retail/entertainment uses, and revenue sharing in any way have impacted the City's pro forma and how that might impact revenues to the City and the information Council has previously reviewed in closed session;
- An examination of what the National Football League (NFL) will be able to include for entertainment and retail uses as part of the agreement, as this compares to the limits that were set out in the Environmental Impact Report (EIR), in order to ensure the same limits are contained in the Initiative and the EIR;
- An examination of what the Initiative states regarding construction cost overruns and who would be responsible for cost overruns based on the estimated values set at the time that the agreement is made;
- Using Election Code Section 9212(a), the impacts under Sub-Items 4, 5 and 7 of said Section:
 - (4) "Its impact on funding for infrastructure of all types, including, but not limited to, transportation, schools, parks, and open space. The report may also discuss whether the measure would be likely to result in increased infrastructure costs or savings, including the costs of infrastructure maintenance, to current residents and businesses."
 - (5) "Its impact on the community's ability to attract and retain business and employment."
 - (7) "Its impact on . . . open space, traffic congestion, existing business districts . . ."

(2) Direct the City Attorney and City Clerk to prepare formal resolutions calling for a special election to be held on November 7, 2006 (to be consolidated with the State General Election) and present such resolutions to the City Council for adoption at the same time the report on the impacts returns to City Council (May 8, 2006).

(3) Direct the City Attorney to present a public report on the legal issues related to federal Voting Rights Act litigation in other jurisdictions, as well as the four substantive legal issues referenced in the City Clerk's agenda report certifying the initiative petition. (Motion unanimously carried) (Absent: Councilmember Streater)

**ORDINANCE – FIRST
READING**

Conduct first reading of “AN ORDINANCE OF THE CITY OF PASADENA AMENDING TITLE 2, TO CHANGE THE MEMBERSHIP OF THE DESIGN COMMISSION”

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

Councilmember Gordo expressed concerns regarding the removal of the Community Development Commission (CDC) representative, since the CDC’s position requested retention of this member on the Design Commission and expressed concerns regarding the change.

Councilmember Little expressed concerns regarding the size and operation of the Design Commission and opposition to the ordinance. He suggested a review of the composition and charge of the Commission, and asked that the Economic Development and Technology Committee review the mission and scope of work of the Design Commission, with consideration of reconstituting the Commission.

Councilmember Holden expressed support for referral of a review by the Economic Development and Technology Committee of the Design Commission’s composition and jurisdiction, rather than moving forward with the ordinance.

The City Attorney indicated that the Pasadena Municipal Code provides for ratification of Commission members/representatives, and that Council can move forward with the first reading of the ordinance and simultaneously refer the issues involving the mission and scope of work of the Design Commission to a Council committee.

Discussion followed on the positions taken by the affected commissions on the proposed changes to Design Commission membership, and possible review of the jurisdiction and composition of the Design Commission.

The above ordinance was offered for first reading by Councilmember Haderlein:

AYES: Councilmembers Gordo, Haderlein, Tyler,
Vice Mayor Madison, Mayor Bogaard

NOES: Councilmembers Holden, Little

ABSENT: Councilmember Streator

Councilmember Little agreed to prepare a preliminary report for discussion by the Economic Development and Technology Committee of the possible reconstitution of the Design Commission based on the issues discussed above.

COUNCIL COMMENTS

Vice Mayor Madison asked that a report from the Council ad hoc committee on Council meeting efficiency be agendized for the Council meeting of April 24, 2006.

Vice Mayor Madison also briefly discussed solar energy/green power; and asked that at some future Council meeting, Council consider the issues of whether the City is doing everything possible to be part of the solution as a power consumer, supplier, and regulator, with possible referral of these issues to an advisory body (e.g. Utility Advisory Commission).

Councilmember Gordo asked that an update report on the relocated Peoria tenants be agendized for a future Council meeting, taking into consideration the time constraints involving eviction notices.

The Mayor outlined some of the issues yet to be resolved in regards to the tenants.

Councilmember Little discussed problems with community meetings being held by the Water and Power Department regarding proposed utility rate increases; and requested a Council briefing on the rate increases, since a presentation has not as yet been made to Council.

The City Manager explained the Department's process in reaching out first to the public with informational meetings, then presenting recommendations to the Municipal Services Committee, prior to bringing the proposal to Council; and indicated an information item regarding the proposal will be agendized for a future Council meeting.

Councilmember Tyler asked for an update from the Rose Bowl Aquatic Center, and suggested that, in the future, a schedule be established for Council to receive a report from the Board Chair and Chief Executive Officer of the Center. He also requested a report from the Pasadena Community Access Corporation (PCAC), and suggested the PCAC Board members be consulted regarding recent developments in telecommunications issues.

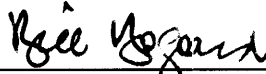
The City Manager indicated William Thomson will be making a presentation for the Aquatic Center at the Council meeting of April 24, 2006.

The Mayor announced that there will be upcoming vacancies on the PCAC Board caused by term limits, and encouraged interested community members to inquire about the position.

The City Clerk noted an annual report is required for PCAC, and staff will confirm that this has been received

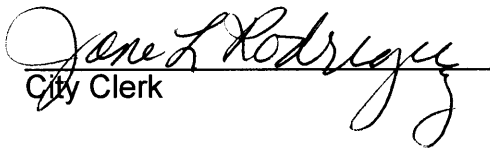
ADJOURNMENT

On order of the Mayor, the regular meeting of the City Council adjourned at 10:21 p.m.



Bill Bogaard, Mayor
City of Pasadena

ATTEST:



Jane L. Rodriguez
City Clerk