

CITY OF PASADENA
City Council Minutes
October 22, 2007 - 5:30 P.M.
City Hall Council Chamber

REGULAR MEETING

OPENING:

Mayor Bogaard called the regular meeting to order at 5:39 p.m.
(Absent: None)

On order of the Mayor, the regular meeting of the City Council recessed at 5:39 p.m., to discuss the following closed session:

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

City Representatives: Karyn S. Ezell and Arthur Chavez
Employee Organization: Unrepresented Top, Middle and Professional Management and Non-Represented Employees

**CITY COUNCIL CONFERENCE WITH LEGAL COUNCIL to
discuss pending litigation pursuant to Government Code
Section 54956.9(a)**

Case Name: Esteem v. City of Pasadena

Case No.: U.S. District Court Case Number CV-04-662-HK(MANx)

The above two closed session items were discussed, with no reportable action at this time.

On order of the Mayor, the regular meeting of the City Council reconvened at 6:39 p.m. The Pledge of Allegiance was led by the Councilmember Tyler.

ROLL CALL:

Councilmembers:

Mayor Bill Bogaard
Vice Mayor Steve Haderlein
Councilmember Victor Gordo
Councilmember Chris Holden
Councilmember Steve Madison
Councilmember Margaret McAustin
Councilmember Jacque Robinson
Councilmember Sidney F. Tyler

Staff:

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

CLOSED SESSION
ANNOUNCEMENT

The Mayor announced Closed Session Item C would be discussed at the conclusion of the public meeting.

CEREMONIAL MATTERS

The City Clerk administered the oaths of office to Robin Salzer as member of the Pasadena Center Operating Company and Rosanna Esparza as member of the Commission on the Status of Women.

Human Relations Commission Chair Kenneth Hardy and Commissioner Milena Albert presented the Models of Unity Award to CCFS Headstart Pasadena. Wassy Tesfa, Program Director, and Robert Butler, Board Chair, briefly discussed the program and accepted the award.

PUBLIC COMMENT ON MATTERS NOT ON THE AGENDA

Councilmember Madison was excused at 6:39 p.m.

Theresa Marie Moreau, La Crescenta resident and free lance reporter, spoke regarding alleged human rights violations in China.

Genevieve M. Claireaul, Pasadena resident, referred to a meeting she had attended at Pasadena Community College, expressed concern regarding the way the Pledge of Allegiance was recited.

Bill Watkins expressed concern that signage at Orange Grove Boulevard and the 134 Freeway does not reflect that the area was founded by native Americans, and offered to do research on the matter. He also expressed concern regarding the abusive use of push buttons at crosswalks.

CONSENT CALENDAR

APPROVE THE "FREEWAY MAINTENANCE AGREEMENT - LA 210 FREEWAY AND LAKE AVENUE OVERCROSSING," BETWEEN THE CITY OF PASADENA AND THE STATE OF CALIFORNIA, ACTING THROUGH THE CALIFORNIA DEPARTMENT OF TRANSPORTATION (CALTRANS); AND THE "CONSTRUCTION AND MAINTENANCE AGREEMENT FOR THE INSTALLATION OF A CLOCK TOWER WITH FOUR CLOCKS ON THE METRO GOLD LIGHT RAIL LINE LAKE AVENUE STATION AND THE CONSTRUCTION OF IMPROVEMENTS ALONG THE EAST AND WEST SIDES OF THE LAKE AVENUE BRIDGE IN THE CITY OF PASADENA," BETWEEN THE CITY OF PASADENA AND THE LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY (MTA OR METRO)

Recommendation of City Manager: It is recommended that the City Council approve the agreements below for the Lake Avenue Bridge Enhancements project, and authorizing the City Manager to execute the same on behalf of the City:

(1) Freeway Maintenance Agreement - LA 210 Freeway and Lake Avenue Overcrossing between the City of Pasadena and the State of California, acting through the California Department of Transportation (Caltrans).

(2) Construction and Maintenance Agreement for the Installation of a Clock Tower with Four Clocks on the Metro Gold Light Rail Line Lake Avenue Station and the Construction of Improvements Along the East and West Sides of the Lake Avenue Bridge in the City of Pasadena between the City of Pasadena and the Los Angeles County Metropolitan Transportation Authority (MTA or Metro). (Contract Nos. 19,465 and 19,466)

Councilmember McAustin thanked staff for their efforts to put temporary bus shelters on the overpass.

RESCIND CITY COUNCIL ACTION OF JULY 23, 2007 AND WITHDRAW THE CALL FOR REVIEW OF A HEARING OFFICER DECISION TO THE BOARD OF ZONING APPEALS REGARDING A MODIFICATION TO CONDITIONAL USE PERMIT NO. 4117, TO ALLOW FOR THE ON-SITE SALE AND CONSUMPTION OF FULL ALCOHOL IN CONJUNCTION WITH THE OPERATION OF THE PREVIOUS MICROBREWERY RESTAURANT (42 S. DE LACEY AVENUE, UNION CATTLE COMPANY) (Councilmember Madison)

MINUTES APPROVED

October 8, 2007

CLAIMS RECEIVED AND FILED

Claim No. 10,467	Charlyne Hill Singley	\$ 2,218.82
Claim No. 10,468	Peter J. Leeson IV	Not stated
Claim No. 10,469	Wilona Chong	Not stated
Claim No. 10,470	Debbie Bell	428.00
Claim No. 10,471	Ray Briggs	200.00
Claim No. 10,472	Josie Johnson	9,575.00

PUBLIC HEARING SET

November 5, 2007, 7:30 p.m. - Public Comment on the Draft Consolidated Annual Performance and Evaluation Report (CAPER) July 1, 2006 - June 30, 2007 for Community Development Block Grant (CDBG); Emergency Shelter Grant (ESG); Home Investment Partnership Act; Human Services Endowment Fund (HSEF); other Federal Grant Programs; Approval of the Needs Assessments/Program Priorities for Projects under the CDBG/ESG/HSEF Programs for the 2008-2009 Program Year; and Approval of to the CDBG/ESG/HSEF Grants Allocation Process and Request for Proposals for the 2008-2009 Program Year

It was moved by Councilmember Gordo, seconded by Councilmember Robinson, to approve all items on the Consent Calendar. (Motion unanimously carried) (Absent: Councilmember Madison)

ORDINANCES - ADOPTED

Adopt "AN INTERIM URGENCY ORDINANCE OF THE CITY OF PASADENA TEMPORARILY PROHIBITING THE CONVERSION OF RENTAL APARTMENT UNITS TO FOR-SALE CONDOMINIUM UNITS" (Introduced by Councilmember Holden) (Ordinance No. 7119)

The above ordinance was adopted by the following vote:

AYES: Councilmembers Gordo, Holden, McAustin, Robinson, Tyler, Vice Mayor Haderlein, Mayor Bogaard

NOES: None

ABSENT: Councilmember Madison

RECOMMENDATIONS FROM OFFICERS AND DEPARTMENTS

CONSIDERATION OF A CALL FOR REVIEW OF A STAFF DECISION TO THE DESIGN COMMISSION REGARDING A TREE REMOVAL AT 94 S. ALLEN AVENUE (AS PART OF THE APPLICATION FOR CONSOLIDATED DESIGN REVIEW FOR THREE NEW APARTMENTS), PLN2005-00156 (Councilmember Tyler)

Councilmember Tyler explained his reasons for asking for a review of the staff's decision regarding a tree removal.

Richard Bruckner, Director of Planning and Development Department, clarified the entire decision would go to the Design Commission if called for review.

It was moved by Councilmember Tyler, seconded by Vice Mayor Haderlein, to call this matter for review to the Design Commission. (Motion unanimously carried) (Absent: None)

CONSIDERATION OF A CALL FOR REVIEW OF A STAFF DECISION TO THE BOARD OF ZONING APPEALS REGARDING A PRIVATE TREE REMOVAL AT 295 W. CALIFORNIA BOULEVARD, TR2007-00521 (Councilmember Tyler)

Councilmember Tyler explained his reasons for asking for a review of the staff's decision regarding a tree removal.

It was moved by Councilmember Tyler, seconded by Vice Mayor Haderlein, to call this matter for review to the Board of Zoning Appeals. (Motion unanimously carried) (Absent: Councilmember Madison)

SPECIAL PRESENTATION

Councilmember Madison
returned at 6:58 p.m.

PRESENTATION BY SENATOR JACK SCOTT REGARDING THE STATE OF THE STATE

State Senator Jack Scott provided a brief overview of bills he had sponsored/supported including those that dealt with education; discussed issues facing the State regarding health care and water and pledged to continue to work on these issues. He spoke regarding the bond measure passed in November pertaining to education, transportation, flood protection and affordable housing and briefly discussed the impact of the measure on Pasadena. He also discussed the budget process; referred to SB 980 pertaining to municipal utilities and discussed his objections to the bill; and updated Council on legislation pertaining to eminent domain. Senator Scott briefly discussed his involvement in local community organizations; introduced his local field office representatives; and responded to questions.

Councilmember Holden referred to the presentation made by Assemblymember Portantino last week, discussed competing legislation pertaining to funding for parks and a need for a bill with language that would properly address urban parks and would work

well for Robinson Park in Pasadena. He encouraged the Senator's leadership on that discussion.

Senator Scott responded that he would do the best that he could to address Councilmember Holden's concerns.

Councilmember Gordo also referred to the presentation made by Assemblymember Portantino, referred to a bill attempting to accomplish what SB 148 was trying to accomplish, and questioned whether there was any chance that the Senator might sign on as a sponsor.

Senator Scott requested Councilmember Gordo provide him with information on the bill and indicated he would look into it.

Following a brief discussion regarding the issues of group homes, affordable housing, and SB 1818, Councilmember Gordo asked staff give thought to potential legislation to address the issue of over concentration of group homes.

The City Manager indicated staff had looked at having legislation to give more definition to SB 1818 and it was decided that instead to support a bill sponsored by the League of Cities that would put parameters on when SB 1818 could be used and had some exemptions for cities that had an Inclusionary Housing Ordinance.

The Mayor, Councilmembers, and the City Manager thanked the Senator for all his hard work.

The Mayor introduced Carolyn Chaney, Federal Legislative Advocate and Chris Giglio, assistant to Carolyn Chaney. Ms. Chaney briefly spoke regarding the reason for their visit, indicated they would be meeting with the Legislative Policy Committee to review Legislative Priorities, and noted she looks forward to meeting the new Councilmembers.

Councilmember Holden thanked Ms. Chaney and Mr. Giglio for their services and great work.

REPORTS AND
COMMENTS FROM
COUNCIL COMMITTEES
FINANCE COMMITTEE

**PASADENA CONFERENCE CENTER EXPANSION PROJECT
UPDATE**

Recommendation of Pasadena Center Operating Company:
This report is for informational purposes only.

Michael Ross, Pasadena Center Operating Company (PCOC) Chief Executive Officer, and James Canfield, Pasadena Conference Center Executive Director, reviewed the report and responded to questions.

Ron Matthews, Outreach Coordinator, reported on local outreach, hiring, business participation and union apprenticeship sponsorships, and responded to questions. He briefly discussed the

challenges with Local 11 and its policies in dispatching local workers.

Councilmember Holden suggested relaying to Local 11 the importance of dispatching local workers on the Union list to this project.

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

PUBLIC HEARINGS

CONTINUED PUBLIC HEARING: CALL FOR REVIEW TO THE CITY COUNCIL OF CONDITIONAL USE PERMIT NO. 4657 FOR 940 AVENUE 64 (INSTALLATION, OPERATION, AND MAINTENANCE OF UNMANNED TELECOMMUNICATIONS EQUIPMENT FOR CINGULAR WIRELESS)

Recommendation of City Manager: It is recommended that the City Council continue the public hearing to February 11, 2008, at 7:30 p.m.

It was moved by Councilmember Madison, seconded by Councilmember Tyler, to continue the public hearing to February 11, 2008, at 7:30 p.m. (Motion unanimously carried) (Absent: None)

PUBLIC HEARING: AMENDMENT TO THE SCHEDULE OF TAXES, FEES AND CHARGES TO ESTABLISH A NEW CHARGE FOR SEWER FACILITIES AND DIRECT THE CITY ATTORNEY TO PREPARE AN ORDINANCE TO ESTABLISH THE FEE

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

(1) Find the adoption of the Sewer Facility Charge is exempt from the California Environmental Quality Act (CEQA) and the "Environmental Guidelines and Procedures for the City of Pasadena" pursuant to Section 15378(b)(4) of the State CEQA Guidelines;

(2) Direct the City Attorney to return to the City Council within 90 days with an ordinance to establish a Sewer Facility Charge on new and change in use developments in the following manner:

(a) Establish the unit charge to be \$6.19 per gallon per day for new or increased sewer discharge;

(b) The sewer discharge rate shall be determined by reference to the Sewer Discharge Table (Attachment A of the agenda report) based on established average daily flow and occupancy land use; and

(c) Provide current users with a discharge credit. The Sewer Facility Charge will be applied only to the net increase in sewer discharge based upon the Sewer Discharge Table. The sewer discharge credit will be based upon the highest sewer discharge for the property for the five years before the change of use;

(3) Add the Sewer Facility Charge to the Schedule of Taxes, Fees and Charges and index it on an annual basis by the Consumer Price Index; and

(4) Exempt any projects from paying the Sewer Facility Charge that have submitted a complete set of plans for building permits and paid

for all plan check fees prior to the effective date of the Sewer Facility Charge, and acknowledge that certain projects subject to vesting tentative tract maps may be exempt from the increased fee.

The Mayor opened the public hearing.

The City Clerk reported the notice of public hearing was published on October 8, 2007 in the Pasadena Star News; no correspondence was received.

The City Manager introduced the item and responded to questions.

Martin Pastucha, Director of Public Works, reviewed the agenda report and responded to questions.

Robert Gardner, Principal Engineer, responded to question regarding how future demand was determined.

Councilmember Madison suggested staff consider conservation incentives.

No one appeared for public comment.

It was moved by Councilmember Gordo, seconded by Councilmember McAustin, to close the public hearing. (Motion unanimously carried) (Absent: None)

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

RECESS/JOINT MEETING

On order of the Mayor, the regular meeting of the City Council recessed at 8:29 p.m. to a joint meeting with the Community Development Commission. (Absent: None)

REPORTS AND COMMENTS FROM COUNCIL COMMITTEES

ECONOMIC DEVELOPMENT AND TECHNOLOGY COMMITTEE

JOINT ACTION: STOREFRONT IMPROVEMENT PROGRAM (PROGRAM REVISIONS)

Recommendation of City Manager/Chief Executive Officer: It is recommended that the Community Development Commission and the City Council approve the proposed changes to the Storefront Improvement Program (formerly known as the Facade Improvement Program) which includes the following:

Update the "Storefront Improvement Program" to:

- (1) Specified target areas will be given priority over other areas of the City.
- (2) Increase financial assistance up to \$25,000.
- (3) Utilize the City's MASH employees for certain commercial building improvements.
- (4) Utilize contract architects to help develop improvement concepts and to motivate owners (applicants).
- (5) Allow for phased reimbursement.

Recommendation of Community Development Committee: On May 24, 2007, the Community Development Committee reviewed the recommendations included in Attachment A of the agenda report and voted to forward a recommendation of approval of the proposed changes to the Community Development Commission.

Councilmember Gordo, Chair, Economic Development and Technology Committee, summarized the report and the Committee's revised recommendation (that the entirety of the East Washington Boulevard business district be included as a target outreach area).

Leon White, Project Planner, responded to questions regarding marketing and noted staff intends to have direct interface with each property owner.

Councilmember Holden suggested also utilizing existing community based organizations, Project Area Committees, and neighborhood associations in the outreach efforts.

Richard Bruckner, Director of Planning and Development, responded to questions.

It was moved by Councilmember Gordo, seconded by Councilmember McAustin, to approve the City Manager's recommendation, as revised by the Economic Development Committee that the entirety of the East Washington Boulevard business district be included as a target outreach area. (Motion unanimously carried) (Absent: None)

RECONVENED

On order of the Mayor, the joint meeting with the Community Development Commission adjourned at 8:41 p.m. and the regular meeting of the City Council reconvened at this time. (Absent: None)

**RECOMMENDATIONS
FROM OFFICERS AND
DEPARTMENTS**

Councilmember Robinson was excused at 8:46 p.m.

RESOLUTION AMENDING RESOLUTION NUMBERS 4184 AND 4184-1, TO ADD AUTHORITY TO TRANSACT PURCHASES, SALES, OR EXCHANGES OF ELECTRIC GENERATION AND TRANSMISSION CAPACITY FOR PLANNING PURPOSES SUCH AS RESOURCE ADEQUACY

Recommendation of City Manager: It is recommended that the City Council adopt a Resolution amending Resolution Numbers 4184 and 4184-1, that authorize "for the purchase, sale, exchange or storage of any combination thereof of electrical energy or capacity or both and for the transmission of electrical energy or capacity or both" to include transactions for electric generation and transmission capacity for planning purposes, such as system or local capacity resource adequacy ("RA") requirements. (Resolution 4184-2)

Erik Klinkner, Assistant General Manager of Water and Power Department, reviewed the agenda report and responded to questions.

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

Councilmember Madison
recused himself at 8:52 p.m.,
due to a conflict of interest.

Councilmember Robinson
returned at 8:52 p.m.

**RESOLUTION OF INTENT TO VACATE A STRIP OF LAND
ALONG THE SOUTH SIDE OF BELLEVUE DRIVE FROM
ARROYO PARKWAY TO APPROXIMATELY 125 FEET WEST OF
ARROYO PARKWAY AND SET A PUBLIC HEARING THEREON**
Recommendation of City Manager:

- (1) Adopt a resolution of intention to vacate a seven-foot-wide strip of land along the south side of Bellevue Drive from Arroyo Parkway to approximately 125 feet west of Arroyo Parkway;
- (2) Set a public hearing for Monday, November 19, 2007, at 7:30 p.m., to consider the proposed street vacation prior to adoption of the resolution to order the vacation in accordance with the requirements and recommendations contained in the agenda report and subject to conditions herein; and
- (3) Direct the City Clerk to publish and post a notice of hearing in accordance with the requirements of Streets and Highways Code Section 8320, et seq. (Resolution No. 8786)

Recommendation of Planning Commission: On Wednesday, September 26, 2007, the Planning Commission reviewed and recommended that the City Council approve the proposed street vacation as presented by staff.

Bonnie Hopkins, Principal Engineer, briefly reviewed the agenda report.

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

**RESOLUTION OF INTENT TO VACATE VIOLA ALLEY FROM
DAISY STREET TO ITS TERMINUS 100 FEET EAST OF DAISY
STREET AND SET A PUBLIC HEARING THEREON**
Recommendation of City Manager:

- (1) Adopt a resolution of intention to vacate Viola Alley from Daisy Street to its terminus 100 feet east of Daisy Street;
- (2) Set a public hearing for Monday, November 19, 2007, at 7:30 p.m., to consider the proposed street vacation prior to adoption of the resolution to order the vacation in accordance with the requirements and recommendations contained in the agenda report and subject to conditions herein; and
- (3) Direct the City Clerk to publish and post a notice of hearing in accordance with the requirements of Streets and Highways Code Section 8320, et seq. (Resolution 8787)

Recommendation of Planning Commission: On Wednesday, September 26, 2007, the Planning Commission reviewed and recommended that the City Council approve the proposed street vacation as presented by staff with an additional condition that the

alley will not be built on and that the alley will be maintained as a vehicle access.

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

APPROPRIATE \$425,000 TO EPISCOPAL HOUSING ALLIANCE FOR A LICENSED SMALL BUSINESS INCUBATOR AND JOB TRAINING FACILITY

Recommendation of City Manager:

Councilmember Madison
returned at 8:56 p.m.

(1) Approve and authorize the City Manager to enter into a loan agreement with Episcopal Housing Alliance (dba Institute for Urban Research and Development) in the amount of \$425,000 from the Community Development Block Grant (CDBG) funds to purchase the property at 45 N. San Gabriel Boulevard, Pasadena, for Mama's Hot Tamales-Pasadena, a licensed local commercial food education and preparation facility for small business operators and enterprises; and

(2) Approve and authorize the City Manager to execute a Memorandum of Understanding Agreement allocating \$93,066 in Community Development Block Grant (CDBG) - Entitlement Funds for fiscal years 2008 through 2012 to reimburse the Community Development Block Grant Fund. (Contract Nos. 19,467 and 19,468)

Recommendation of Northwest Commission: The Northwest Commission, at its meeting of October 10, 2007, voted in support of the staff recommendation.

The City Manager introduced the item and responded to questions.

Brian Williams, Assistant City Manager, reviewed the agenda report and responded to questions.

Councilmember Holden and Councilmember Madison expressed concerns regarding setting a precedent, the need for an established policy, and questioned whether the City has in the past allocated future Community Development Block Grant dollars.

The City Manager responded that the City has in the past allocated future Community Development Block Grant dollars.

Mr. Joe Colletti, Chief Executive Officer, Episcopal Housing Alliance, dba Institute for Urban Research and Development, briefly spoke in support.

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

RESOLUTIONS RELATED TO ORDERING THE SUBMISSION OF MEASURE D, PASADENA UTILITY USERS TAX CONTINUATION MEASURE, A PROPOSED ORDINANCE TO AMEND CHAPTER

4.56 OF THE CITY OF PASADENA MUNICIPAL CODE TO MODERNIZE THE APPLICATION OF THE UTILITY USERS TAX, AT THE SPECIAL MUNICIPAL ELECTION ON TUESDAY, FEBRUARY 5, 2008; AND APPROPRIATING FUNDS FOR ELECTION-RELATED COSTS

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

(1) Adopt the following resolutions related to ordering the submission of Measure D, Pasadena Utility Users Tax Continuation Measure, on the February 5, 2008 Special Municipal Election ballot:

(a) A resolution of the City Council of the City of Pasadena calling and giving notice of a Special Municipal Election to be held Tuesday, February 5, 2008, to submit to the voters of the City of Pasadena an ordinance amending Chapter 4.56 of Title 4 of the Pasadena Municipal Code, the Utility Users Tax.

(b) A resolution of the City Council of the City of Pasadena requesting the Board of Supervisors of the County of Los Angeles to authorize and order the consolidation of a Special Municipal Election of the City of Pasadena with the statewide Presidential Primary Election to be held on Tuesday, February 5, 2008, and requesting the County Clerk/Registrar of Voters to provide certain services.

(c) A resolution of the City Council of the City of Pasadena setting priorities for filing written arguments pertaining to a proposed ordinance amending Chapter 4.56 of Title 4 of the Pasadena Municipal Code, the Utility Users Tax, and directing the City Attorney to prepare an impartial analysis.

(d) A resolution of the City Council of the City of Pasadena providing for the filing of rebuttal arguments for said proposed measure.

(2) Direct the City Clerk to print the full text of the proposed ordinance, including arguments and impartial analysis, in a bilingual (English/Spanish) supplemental voter information pamphlet to be mailed to each registered voter, and to print and mail bilingual (English/ Chinese) supplemental voter information pamphlets to voters requesting Chinese translations.

(3) Approve a journal voucher appropriating \$432,000 from the General Fund Utility Users Tax Reserve to the City Clerk's Election Account No. 8114-101-263000 for estimated election-related costs for the February 5, 2008 Special Municipal Election.

The City Manager introduced the item emphasizing that this is not a new tax, that it is revenue neutral, and that November 5 is the last date for Council to give direction for submittal for the February 5, 2008 Election.

The City Attorney reminded Council that because it is a Special Municipal Election for the Utility Users Tax, the resolution placing the measure on the ballot would require a unanimous vote of members present.

Julie Gutierrez, Assistant City Manager, summarized the agenda report and responded to questions.

The City Clerk responded to questions regarding the cost of the election.

Discussion ensued regarding the impact of delaying the election; the need for Council to declare an emergency and what constitutes an emergency.

Sandra Levin, outside legal counsel from Colantuono & Levin, PC, briefly discussed Proposition 218 requirements, what constitutes a local emergency, and responded to questions.

In response to questions from Councilmember McAustin regarding revenues from the UUT and the impact on the General Fund, the City Manager reviewed and distributed a handout entitled "General Fund Expenses by Program."

Discussion ensued regarding the proposed ballot question language and suggested revisions.

It was moved by Councilmember Madison, seconded by Councilmember Robinson, to approve the City Manager's/City Attorney's recommendation with the revised ballot language: Shall an ordinance be adopted to ratify and continue Pasadena's existing Utility Users Tax to fund general city services including 911 response; ~~essential police, fire and school safety; gang/drug prevention; after-school, parks, recreation, senior and other services~~ essential municipal services such as, but not limited to police, fire, street repair, and parks and libraries, that low-income seniors and disabled residents remain exempt, the ordinance is ~~modernized to~~ treats taxpayers the same regardless of technology ~~used;~~ and requires independent annual audits ~~are conducted?~~

Vice Mayor Haderlein referred to the text in Section 6 of the proposed Ordinance regarding exemptions for low-income seniors and disabled persons, and questioned whether those should be adjusted at this time. He also suggested looking at the cost of living threshold.

The City Manager noted a memorandum would go out to Council next week regarding whether any adjustments are necessary.

The City Attorney indicated, after conferring with the outside attorney, there was some concern with eliminating the words "is modernized", as it would not be as clear and accurate.

Following further discussion regarding the ballot language, it was the consensus of Council to table the motion and that the City Attorney and City Manager return on November 5 with ballot language that is very specific and direct and that meets the legal requirement.

RECESS

On order of the Mayor, the regular meeting of the City Council recessed at 10:39 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 10:40 p.m. (Absent: None)

PUBLIC COMMENT

Ethan Fogg, Pasadena resident, expressed concern regarding the extension of red curbs along Mar Vista Avenue and the lack of curb space for trash cans and parking spaces.

COUNCIL COMMENTS

Councilmember Holden requested staff look at the possibility of hiring a consultant to create a model for the Central District before the next General Plan revisions.

R E C E S S A N D
A D J O U R N M E N T

On order of the Mayor, the regular meeting of the City Council recessed at 10:45 p.m., to discuss the following closed session and thereafter adjourned.

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

Title: City Manager

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



Bill Bogaard, Mayor
City of Pasadena

ATTEST:



City Clerk