

CITY OF PASADENA
City Council Minutes
December 10, 2007 – 5:30 P.M.
City Hall Council Chamber

REGULAR MEETING

OPENING:

Mayor Bogaard called the regular meeting to order at 5:45 p.m.
(Absent: None)

On order of the Mayor, the regular meeting recessed at 5:45 p.m., to discuss the following closed session:

CITY COUNCIL CONFERENCE REGARDING PUBLIC EMPLOYMENT pursuant to Government Code Section 54957 and with Labor Negotiators pursuant to Government Code Section 54957.6

**City Representative: Bill Bogaard
Employee Title: City Manager**

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

On order of the Mayor, the regular meeting reconvened at 6:31 p.m. The Pledge of Allegiance was led by Councilmember McAustin.

ROLL CALL:

Councilmembers:

Mayor Bill Bogaard
Vice Mayor Steve Haderlein (Absent)
Councilmember Victor Gordo
Councilmember Chris Holden
Councilmember Steve Madison (Returned at 6:39 p.m.)
Councilmember Margaret McAustin
Councilmember Jacque Robinson
Councilmember Sidney F. Tyler

Staff:

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

CEREMONIAL MATTERS

Councilmember Madison
returned at 6:39 p.m.

The Mayor presented a proclamation designating December 10, 2007 as Human Rights Day (based on the anniversary of the United Nations' adoption of the Universal Declaration of Human Rights). The proclamation was received by Sherry Simpson Dean, Executive Director, and Judith Harris and Esther Gillies, Co-Presidents, of the United Nations Association (UNA), Pasadena Chapter.

Ms. Harris and Ms. Simpson Dean expressed UNA's appreciation of this recognition of the importance of human rights.

Marvin Schachter, UNA National Council member, commented on the history of the Universal Declaration of Human Rights.

The City Manager introduced Fred Dock, recently-hired Director of the Transportation Department.

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

Joyce Wedseltoft, Pasadena Unified School District All Star Band representative, invited the community to a benefit "bon voyage" concert in support of the All Star Band's upcoming trip to play in London, and submitted a flier for the benefit concert featuring Billy Childs and the Jazz Chamber Orchestra to be held on December 15, 2007 at Pasadena High School.

Joel Sheldon, Playhouse District Association member speaking as an individual, expressed concerns regarding parking problems related to the relocation of the Boadway Apartments from the Fuller Theological Seminary campus to the City parking lot located at the northeast corner of Union Street and El Molino Avenue, asked for assistance in addressing the parking problems, and distributed a map and photos of the site.

The City Manager briefly described what was being done with the Boadway Apartments until a permanent site would become available, and indicated that Mr. Sheldon would be provided an update on the plan to move the building by the end of the week.

Ellen Snortland, Pasadena resident, spoke about the importance of the United Nations Universal Declaration of Human Rights, and submitted an abridged version of this document.

Sharon Howard, Pasadena Global Warming Action Group co-founder, offered suggestions regarding the hiring process for the vacant position of Business Unit Director for Water Supply of the Pasadena Water and Power Department, asked that a member of the Environmental Advisory Commission serve on the hiring panel for the position, and submitted a letter stating the Action Group's suggestions.

The City Manager indicated that she had previously received and responded to a letter from the Action Group, and described the hiring process that would be followed.

CONSENT CALENDAR

**AUTHORIZATION TO ENTER INTO A CONTRACT WITH Nth
GENERATION COMPUTING, INC., TO FURNISH, DELIVER
AND INSTALL BACKUP TAPE LIBRARY EQUIPMENT**

Recommendation of City Manager:

(1) Accept the bid dated November 6, 2007 submitted by Nth Generation Computing, Inc., in response to the specifications for Furnishing, Delivery and Installation of Backup Tape Library Equipment; and

(2) Authorize the City Manager to enter into a contract not to exceed \$173,217. (Contract No. 19,499)

Item discussed separately at the request of Councilmember Madison.

AUTHORIZATION TO ENTER INTO A CONTRACT WITH PARSONS TRANSPORTATION GROUP, INC. TO CONDUCT A NOISE STUDY IN THE BROADWAY AND GLENARM POWER PLANTS

MINUTES APPROVED

November 19, 2007
November 26, 2007

CLAIMS RECEIVED AND FILED

Claim No. 10,495	Yeung A. Yoo	\$ 1,400.00
Claim No. 10,496	(number reserved)	
Claim No. 10,497	Jonathan C. Schewe	349.00
Claim No. 10,498	Richard Hopp	Not stated
Claim No. 10,499	Frank De La Cuadra	2,071.27

It was moved by Councilmember Gordo, seconded by Councilmember Robinson, to approve the Consent Calendar, with the exception of Item 2 (Contract with Parsons Transportation Group, Inc.), which was discussed separately. (Motion unanimously carried) (Absent: Vice Mayor Haderlein)

CONSENT ITEM DISCUSSED SEPARATELY

Councilmember Madison recused himself at 7:00 p.m., due to a conflict of interest.

AUTHORIZATION TO ENTER INTO A CONTRACT WITH PARSONS TRANSPORTATION GROUP, INC. TO CONDUCT A NOISE STUDY IN THE BROADWAY AND GLENARM POWER PLANTS

Recommendation of City Manager: Authorize the City Manager to enter into a contract with Parsons Transportation Group, Inc. to conduct a noise study in the Broadway and Glenarm Power Plants for an amount not to exceed \$200,000. The proposed contract is exempt from competitive bidding pursuant to City Charter Section 1002(F), contracts for professional or unique services. (Contract No. 19,500)

In response to Councilmember Tyler's questions, the City Manager noted that the Request for Proposal (RFP) had not been reviewed by the Environmental Advisory Commission (EAC); that staff would be working with the EAC in reviewing the noise study; and that there would be flexibility to allow for changes in the project, if it was determined that noise levels needed to be modified.

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

**REPORTS AND COMMENTS
FROM COUNCIL
COMMITTEES**

FINANCE COMMITTEE

Councilmember Madison
returned at 7:01 p.m.

Councilmember Madison
recused himself at 7:05 p.m.,
due to a potential conflict of
interest.

UNFUNDED PRIORITIES

Recommendation of City Manager: It is recommended that the City Council direct staff to develop more detailed cost estimates and specific proposals for funding those Unfunded Priorities described in detail in the agenda report relating to:

- (1) Purchase of Open Space and Park Land
- (2) Improving Parks and Facilities
- (3) Managing Traffic
- (4) Affordable Housing
- (5) Rose Bowl Renovation

In addition to these five, the Finance Committee has requested the inclusion of two additional priorities, which are both included as projects in the Capital Improvement Program Budget:

- (6) Fire Station #33 Replacement/New Fire Administration Building
- (7) Civic Center/Mid-Town Public Improvements and Related Components.

Councilmember Tyler, Chair of the Finance Committee, introduced the agenda item, and outlined a possible ballot initiative for the 2009 election that would address funding needs/priorities.

The City Manager reviewed the agenda report; discussed public safety costs for police as a part of an annual budget commitment and priorities that are not included in the above list (funding of urgent care centers, sidewalk repairs/maintenance, and soundwalls); emphasized the impacts on the City's basic services if new revenue streams are dedicated to individual projects/resources rather than to the General Fund; and responded to questions regarding the proposals.

Councilmember Holden, Finance Committee member, noted that the Committee had discussed the unfunded priorities as this relates to a possible bond measure (with certain priorities, as proposed by staff and approved by the Council, to be included in a ballot measure); and as this relates to a possible ballot measure that would allow use of the Stranded Debt Reserve Fund in funding certain priorities, if this action is not restricted.

Martin Pastucha, Director of Public Works Department, responded to questions regarding the funding of soundwalls.

Discussion followed on concerns about the need to fund public safety, adding public safety to the unfunded priorities list to address costs/proposals that cannot be met as a part of the budget process, and possible bond measures to address funding needs for certain priorities.

Following discussion, it was moved by Councilmember Gordo, seconded by Councilmember Tyler, to approve the City Manager's recommendation and to direct staff to also report on Public Safety (Expansion of police patrol and traffic enforcement) for those costs/proposals that cannot be addressed as part of the budget process, which will be added as Item 8 on the unfunded priority list, if warranted. (Motion unanimously carried) (Absent: Councilmember Madison, Vice Mayor Haderlein)

Councilmember Madison
returned at 7:40 p.m.

APPROVAL OF A JOURNAL VOUCHER TRANSFERRING \$3,185,103 FROM THE 1999 PENSION OBLIGATION DEBT SERVICE FUND TO THE GENERAL FUND NON-DEPARTMENTAL BUDGET TO COVER THE REQUIRED SUPPLEMENTAL CONTRIBUTION TO THE FIRE AND POLICE RETIREMENT SYSTEM PURSUANT TO CONTRIBUTION AGREEMENT NO. 16,900 BETWEEN THE CITY OF PASADENA AND THE FIRE AND POLICE RETIREMENT SYSTEM

Recommendation of City Manager: Approve a journal voucher transferring \$3,185,103 from the 1999 Pension Obligation Debt Service Fund to the General Fund Non-Departmental budget and appropriating said amount to Account No. 8043-101-952100 to cover the required supplemental contribution to the Fire and Police Retirement System pursuant to Contribution Agreement No. 16,900 between the City of Pasadena and the Fire and Police Retirement System. (Journal Voucher No. 2008-11)

Councilmember summarized the agenda report.

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

ADOPTION OF A RESOLUTION AND THE FIRST READING OF AN ORDINANCE AUTHORIZING THE INVITATION OF BIDS FOR THE PURCHASE OF ELECTRIC REVENUE BONDS, 2008 SERIES, APPROVING A NOTICE OF INTENTION TO SELL BONDS, A PRELIMINARY OFFICIAL STATEMENT, AND A NOTICE INVITING BIDS, AUTHORIZING THE PUBLICATION OF A NOTICE OF INTENTION TO SELL BONDS, DECLARING ITS INTENTION TO REIMBURSE ITSELF FROM THE PROCEEDS OF SAID BONDS FOR CERTAIN EXPENDITURES MADE AND/OR TO BE MADE IN CONNECTION WITH THE ACQUISITION AND CONSTRUCTION OF CERTAIN CAPITAL IMPROVEMENTS, AUTHORIZING THE ISSUANCE OF A NOT TO EXCEED \$65 MILLION AGGREGATE PRINCIPAL AMOUNT OF BONDS, AND APPROVING THE EXECUTION AND DELIVERY OF A FOURTH SUPPLEMENT TO ELECTRIC

REVENUE BOND FISCAL AGREEMENT AND A CONTINUING DISCLOSURE AGREEMENT

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

(1) Adopt a resolution authorizing the invitation of bids for the purchase of Electric Revenue Bonds, 2008 Series, approving a notice of intention to sell bonds, a preliminary official statement and a notice inviting bids, authorizing the publication of a notice of intention to sell bonds, declaring its intention to reimburse itself from the proceeds of said bonds for certain expenditures made and/or to be made in connection with the acquisition and construction of certain improvements and authorizing certain other actions in connection therewith; and (Resolution No. 8808)

ORDINANCE – FIRST READING

(2) Conduct first reading of “**AN ORDINANCE OF THE CITY OF PASADENA AUTHORIZING THE ISSUANCE BY THE CITY OF NOT TO EXCEED \$65,000,000 AGGREGATE PRINCIPAL AMOUNT OF CITY OF PASADENA ELECTRIC REVENUE BONDS, 2008 SERIES, PAYABLE OUT OF THE LIGHT AND POWER FUND, AND APPROVING THE EXECUTION AND DELIVERY OF A FOURTH SUPPLEMENT TO ELECTRIC REVENUE BOND FISCAL AGENT AGREEMENT, A CONTINUING DISCLOSURE AGREEMENT, AND OTHER DOCUMENTS IN CONNECTION THEREWITH.**”

Councilmember Tyler reviewed the agenda report.

The City Manager responded to questions regarding use of excess monies that might occur after the Master Plan improvements are completed.

Shari Thomas, Director of Finance and Administration for Water and Power Department, commented on the use of the distribution portion of customer rates.

Steve Stark, Director of Finance Department, and Vic Erganian, City Treasurer, responded to questions regarding the bond rates and ratings.

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

AYES: Councilmembers Gordo, Holden, Madison, McAustin, Robinson, Tyler, Mayor Bogaard

NOES: None

ABSENT: Vice Mayor Haderlein

PUBLIC HEARINGS

PUBLIC HEARING: RESIDENTIAL REFUSE COLLECTION FEES INCREASE

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 Tyler, seconded by Councilmember McAustin, to continue the public hearing to February 11, 2008 at 7:30 p.m. (Motion unanimously carried) (Absent: Vice Mayor Haderlein)

PUBLIC HEARING: PROPOSED INCREASE IN THE SEWER USE CHARGE

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 McAustin, seconded by Councilmember Tyler, to continue the public hearing to February 11, 2008 at 7:30 p.m. (Motion unanimously carried) (Absent: Vice Mayor Haderlein)

**RECOMMENDATIONS
FROM OFFICERS AND
DEPARTMENTS**

DIRECT THE CITY ATTORNEY TO PREPARE AN AMENDMENT TO THE UTILITY USERS TAX ORDINANCE, CHAPTER 4.56 OF THE PASADENA MUNICIPAL CODE INCREASING THE INCOME THRESHOLD FOR EXEMPTION FROM THE UTILITY USERS TAX

Recommendation of the City Manager: Direct the City Attorney to prepare an amendment to the Utility Users Tax Ordinance, Chapter 4.56 of the Pasadena Municipal Code increasing the income threshold for exemption from the Utility Users Tax.

The City Manager introduced the agenda item.

Steve Stark, Director of Finance Department, summarized the agenda report and responded to questions.

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

RESIGNATION OF JOHN J. KENNEDY FROM THE COMMUNITY DEVELOPMENT COMMITTEE (District 3 Nomination)

It was moved by Councilmember Holden, seconded by Councilmember Robinson, to accept the above resignation with regrets. (Motion unanimously carried) (Absent: Vice Mayor Haderlein)

Councilmember Holden expressed appreciation to Mr. Kennedy for his service to the community.

RECESS

On order of the Mayor, the regular meeting of the City Council recessed at 8:02 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: Councilmember Holden, Vice Mayor Haderlein)

ORDINANCES – FIRST READING

Councilmember Robinson was excused at 10:41 p.m.

Conduct first reading of “AN ORDINANCE OF THE CITY OF PASADENA ADOPTING THE CALIFORNIA CODE OF REGULATIONS TITLE 24 INCORPORATING THE 2007 CALIFORNIA BUILDING CODE CHAPTERS 1-35 AND APPENDIX CHAPTERS 1, C, I, J; THE 2007 CALIFORNIA ELECTRICAL CODE; THE 2007 CALIFORNIA MECHANICAL CODE; THE 2007 CALIFORNIA PLUMBING CODE; AND THE 2007 CALIFORNIA FIRE CODE, ALL AS PUBLISHED BY THE CALIFORNIA BUILDING STANDARDS COMMISSION”

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

AYES: Councilmembers Gordo, Madison, McAustin, Tyler, Mayor Bogaard

NOES: None

ABSENT: Councilmembers Holden, Robinson, Vice Mayor Haderlein

Conduct first reading of “AN ORDINANCE OF THE CITY OF PASADENA AMENDING CHAPTER 18.04 OF TITLE 18 OF THE PASADENA MUNICIPAL CODE BY ADDING NEW SECTIONS 18.04.060 AND 18.04.070 RELATING TO VIDEO SERVICE PROVIDERS”

On order of the Mayor, the above ordinance was held to the meeting of December 17, 2007 at the request of the City Manager to allow time for additional technical work on the item.

ORDINANCES – ADOPTED

Adopt “AN ORDINANCE OF THE CITY OF PASADENA AMENDING TITLE 17 (THE ZONING CODE) RELATED TO THE PERMITTING AND CONDITIONS FOR ANIMAL SHELTER USES IN CERTAIN AREAS OF THE CENTRAL DISTRICT” (Introduced by Councilmember Madison) (Ordinance No. 7123)

The above ordinance was adopted by the following vote:

AYES: Councilmembers Gordo, Madison, McAustin, Tyler, Mayor Bogaard

NOES: None

ABSENT: Councilmember Holden, Robinson, Vice Mayor Haderlein

Councilmember Robinson
returned at 10:46 p.m.

Adopt “AN ORDINANCE OF THE CITY OF PASADENA AMENDING CHAPTER 4.56 OF THE PASADENA MUNICIPAL CODE (“UTILITY USERS TAX”) AND CONFIRMING THE LEGISLATIVE INTENT THAT THE TAX ON CHARGES FOR TELEPHONE COMMUNICATIONS NOT APPLY TO CHARGES FOR INTERNET ACCESS”
(Introduced by Councilmember Gordo) (Ordinance No. 7124)

The following person spoke in opposition to the ordinance:

Wayne Lusvardi, Citizens for Responsible Government
Chair

The above ordinance was adopted by the following vote:

AYES: Councilmembers Gordo, Madison, McAustin,
Robinson, Tyler, Mayor Bogaard

NOES: None

ABSENT: Councilmembers Holden, Vice Mayor Haderlein

ORDINANCE – FIRST READING

Councilmember McAustin
recused herself at 10:47 p.m.,
due to a conflict of interest.

Conduct first reading of “AN ORDINANCE OF THE CITY OF PASADENA AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF PASADENA ESTABLISHED BY SECTION 17.20.020 OF THE PASADENA MUNICIPAL CODE (HISTORIC HIGHLANDS LANDMARK OVERLAY DISTRICT)”

The following person spoke in opposition to the amending of
the Zoning Map:

Rosaria D’Andrea, Pasadena resident, submitted a letter
stating her reasons for objecting to the amendment of the
Zoning Map and asking for her property to be removed
from the Historic Highlands Landmark Overlay District.

The City Attorney cautioned against any action that might be
seen as spot zoning if a property in question is removed from
the District, and noted that property owners could apply for
special treatment under the Americans with Disabilities Act
(ADA).

Councilmember Gordo requested that Ms. D’Andrea and the
Council be provided with the ADA exemptions/exceptions that
could apply to her situation based on the standards and
regulations that would apply.

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

AYES: Councilmembers Gordo, Madison, Robinson, Tyler,
Mayor Bogaard

NOES: None

ABSENT: Councilmembers Holden, McAustin, Vice Mayor
Haderlein

**PUBLIC COMMENT ON
MATTERS NOT ON THE
AGENDA** (Continued)

Councilmember Madison was
excused at 11:01 p.m.

The following persons expressed concerns regarding alleged human rights violations against priests, Christians, journalists, and human rights activists in China:

Ann Lau, Visual Artists Guild representative, congratulated the City for observing the anniversary of the United Nations Universal Declaration of Human Rights.

Linda Liu, Arcadia resident

Hongwei Lou, Rowland Heights resident, submitted materials regarding Dongwei Bu and Shuying Li.

Yaning Liu, Baldwin Park resident

Leslie Levy, West Coast Association of Chinese Political Refugees representative, read and submitted a letter titled "Anecdotal Antidote" dated December 10, 2007, and submitted a copy of a poem she had written titled "Conduct of Democracy".

Michelle White, Affordable Housing Services representative, asked for clarification on the decision-making process for determining whether items are discussed in closed session vs. the public portion of a public meeting and for determining whether or not closed session items are reported on or not in public as this relates to the Heritage Square project.

The City Attorney discussed the Brown Act and those types of items that would be discussed in closed session rather than in the public portion of a meeting.

The City Manager briefly discussed some of the components of the Heritage Square project that had been discussed in closed session and in public.

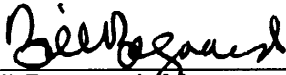
COUNCIL COMMENTS

Councilmember Gordo described an incident involving house number painting on the curb and a demand for payment (without proper notice) for this service from an outside agency that had done the number painting, indicated he would provide staff with a copy of the flier provided by the agency, and asked for clarification of how the City chooses a contractor to perform this service and whether this operation is a City-authorized service.

The City Manager indicated that the curb-painting activity is permitted by the City to non-profit organizations who may ask for donations but cannot demand payment, that the incident described by Councilmember Gordo would be an illegal activity, and that follow up information regarding the incident would be provided in her weekly letter to the Council.

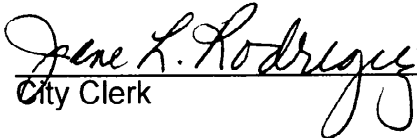
ADJOURNMENT

On order of the Mayor, the regular meeting of the City Council adjourned at 11:21 p.m.



Bill Bogaard, Mayor
City of Pasadena

ATTEST:



City Clerk