

CITY OF PASADENA  
City Council Minutes  
July 13, 2009 – 5:30 P.M.  
City Hall Council Chamber

REGULAR MEETING

**OPENING:**

Vice Mayor Gordo called the regular meeting to order at 6:04 p.m. (Absent: Councilmember Madison, Mayor Bogaard)

On order of the Vice Mayor, the regular meeting recessed at 6:04 p.m., to discuss the following closed sessions:

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

Agency Negotiator: Karyn Ezell  
Employee Organization: American Federation of State, County and Municipal Employees, Local 858

**CITY COUNCIL AND COMMUNITY DEVELOPMENT COMMISSION CONFERENCE WITH REAL PROPERTY NEGOTIATORS** pursuant to Government Code Section 54956.8

Property Locations: 710-722 North Fair Oaks Avenue  
Negotiating Parties: Michael J. Beck and Bill Huang; Royal Capitol Corp., Stuart M. Hall  
Under Negotiation: Price and terms

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

**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 Clerk

The above closed session item was not discussed.

On order of the Vice Mayor, the regular meeting reconvened at 6:37 p.m. The Pledge of Allegiance was led by Joyce Streator, former City Councilmember (District 1).

**ROLL CALL:**

Councilmembers:

Mayor Bill Bogaard (Arrived at 6:47 p.m.)  
Vice Mayor Victor Gordo  
Councilmember Steve Haderlein  
Councilmember Chris Holden

Councilmember Steve Madison  
Councilmember Margaret McAustin  
Councilmember Jacque Robinson  
Councilmember Terry Tornek

Staff:

City Manager Michael J. Beck  
City Attorney Michele Beal Bagneris  
City Clerk Mark Jomsky

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

Virginia Hoge, Pasadena resident, expressed concerns regarding positions and statements stated in various publications/blogs.

Edward Dallas, Jr., City Public Works employee, commented on his impending retirement, and offered his services as a future volunteer to the City.

**CONSENT CALENDAR**

**APPROVAL OF FINAL TRACT MAP NO. 062286, BEING A SIX-UNIT CONDOMINIUM PROJECT, AT 76 NORTH ROOSEVELT AVENUE**

**Recommendation of City Manager:**

- (1) Adopt a resolution to approve Final Tract Map No. 062286; and
- (2) Authorize the City Clerk to execute the Certificate on the map showing the City's approval of said map. (Resolution No. 8963)

**CONTRACT AWARD TO DIVERSIFIED LANDSCAPE MANAGEMENT INC., FOR SOUTH LAKE AVENUE STREETSCAPE IMPROVEMENTS TO TWO ISLANDS ON DEL MAR AVENUE, FOR AN AMOUNT NOT TO EXCEED \$103,000**

**Recommendation of City Manager:**

- (1) Acknowledge the project to be categorically exempt under Article 19, Section 15304, subsection (b), of the California Environmental Quality Act (CEQA) in accordance with Section 21084 of the Public Resources Code; and
- (2) Accept the bid dated June 24, 2009, submitted by Diversified Management Inc., in response to the Specifications for South Lake Avenue Streetscape Improvements to Two Islands on Del Mar Avenue; reject all other bids received; and authorize the City Manager to enter into a contract not to exceed \$103,000. (Contract No. 19,974)

**AUTHORIZATION TO ENTER INTO CONTRACTS WITH DESIGNATED ENGINEERING CONSULTING FIRMS TO PROVIDE ENGINEERING SERVICES FOR PROJECTS INCLUDED IN THE CAPITAL IMPROVEMENT PROGRAM IN AMOUNTS NOT TO EXCEED THE AMOUNT APPROPRIATED IN THE CAPITAL IMPROVEMENT PROGRAM BUDGET**

**Recommendation of City Manager:** Authorize the City Manager to enter into contracts with Camp Dresser & McKee, Inc., Civiltec Engineering, Inc., and RMC Water and Environment, to provide services for projects included in the approved Capital Improvement Program (CIP) budget and other water system projects, for amounts not to exceed those estimated for engineering services on a per project basis, as set forth in the adopted CIP and other water system projects, with each contract not to exceed three years.

The proposed contracts are exempt from the competitive bidding process pursuant to the City Charter Section 1002(F), contracts for professional or unique services. (Contract Nos. 19,975, 19,976, 19,977)

**CONTRACT AWARD TO G-COAST CONSTRUCTION INC., FOR NORTH LAKE AVENUE TREE PENINSULA IMPROVEMENTS – FROM BELL STREET TO BOYLSTON STREET, FOR AN AMOUNT NOT TO EXCEED \$100,000**

**Recommendation of City Manager:**

(1) Acknowledge the project to be categorically exempt under the California Environmental Quality Act in accordance with Title 14, Chapter 3, Classes 1 and 2, Sections 15301(c) and 15302(c), replacement and reconstruction of existing facilities involving no expansion of use; and

(2) Accept the bid dated June 10, 2009, submitted by G-Coast Construction Inc., for North Lake Avenue Tree Peninsula Improvements, from Bell Street to Boylston Street; reject all other bids received; and authorize the City Manager to enter into such contract for a not to exceed amount of \$100,000. (Contract No. 19,979)

MINUTES APPROVED

May 18, 2009  
 May 25, 2009  
 June 1, 2009

CLAIMS RECEIVED AND FILED

Claim No. 10,894	Maura Ann Mackey	\$	2,015.00
Claim No. 10,895	Andreas Aebi		235.00
Claim No. 10,896	Salvador Padilla		75.00
Claim No. 10,897	Los Angeles County Department of Public Works		7,910.59
Claim No. 10,898	Edna E. Roberts		675.00
Claim No. 10,899	Law Offices of Young and Young for Ryan W. Young		25,000.00+
Claim No. 10,900	Law Office of William Nesh and Associates for Aura M. Cuevas		Not stated
Claim No. 10,901	Krikor Harboyan		5,240.78
Claim No. 10,902	Maria Escobar		3,607.14
Claim No. 10,903	Donta McCall		6,540.42
Claim No. 10,904	Melani K. Watt		5,357.56
Claim No. 10,905	Randal Ruiz		Not stated
Claim No. 10,906	Paul Zuckerman, Attorney for Fortino Trejo		25,000.00+

Claim No. 10,907 Mercury Insurance, Subrogee 4,419.48  
for Rosa Tabullo  
Claim No. 10,908 Rocco Gioffre 3,311.22

**PUBLIC HEARINGS SET**

July 27, 2009, 7:30 p.m. - Zoning Code Amendment Regarding Non-Conforming Uses

August 3, 2009, 7:30 p.m. - Call for Review to the City Council of Board of Zoning Appeals Decision, Regarding Zoning Administrator Interpretation No. 32, for 217 South Michigan Avenue, Eddie's Market

August 3, 2009, 7:30 p.m. - Adoption of the 2009 Annual City of Pasadena Self Certification Report in Conformance with the Congestion Management Program for Los Angeles County and the 2009 Local Development Report in Accordance with Government Code Section 65089

It was moved by Councilmember McAustin, seconded by Councilmember Haderlein, to approve all items on the Consent Calendar. (Motion unanimously carried) (Absent: Mayor Bogaard)

**CEREMONIAL MATTERS**

**BOB HOPE AIRPORT UPDATE BY DAN FEGER, P.E., EXECUTIVE DIRECTOR, BOB HOPE AIRPORT**

The Mayor arrived at 6:47 p.m.

Councilmember Holden, City representative on the Burbank-Glendale-Pasadena Airport Authority, acknowledged Joyce Streater and Frank Logan, Airport Authority Commissioners who were in attendance; announced that Ms. Streater had been recently selected as President of the Airport Authority; and introduced Dan Feger.

Dan Feger, P.E., Executive Director of Bob Hope Airport, reviewed and distributed a handout of a PowerPoint presentation that he provided on various Airport Authority capital improvement projects, outreach conducted to attract local bidders, and the Regional Intermodal Transit Center project; provided an update on the Federal Aviation Administration's review of the Authority's Part 161 Study regarding a request for a mandatory nighttime curfew; and responded to questions.

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

**REPORTS AND COMMENTS FROM COUNCIL COMMITTEES**

**ECONOMIC DEVELOPMENT AND TECHNOLOGY COMMITTEE**

**AUTHORIZATION TO ENTER INTO A CONSORTIUM AGREEMENT AND COMMIT \$600,000 OF STATE CALHOME FUNDS IN SUPPORT OF MERCY HOUSING APPLICATION FOR FEDERAL NEIGHBORHOOD STABILIZATION PROGRAM 2 FUNDING**  
**Recommendation of City Manager:**

(1) Enter into a consortium agreement with Mercy

Housing, Inc., in connection with their application for federal Neighborhood Stabilization Program 2 (NSP-2) funding;  
(2) Commit an amount not to exceed \$600,000 in CalHome funds from the Housing Department's Fiscal Year 2010 operating budget in support of Mercy Housing's NSP-2 funding application and the proposed homebuyer loan assistance program described in the agenda report; and  
(3) Authorize the City Manager to approve any documents necessary to implement the program. (Agreement No. 19,978)

**Recommendation of Community Development Committee:**  
This item was agendized for Community Development Committee action at its regular meeting of June 25, 2009. Staff will report orally on the action taken by the Community Development Committee.

Vice Mayor Gordo, Chair of the Economic Development and Technology Committee, introduced the agenda item.

Jim Wong, Senior Project Manager, summarized the agenda report as part of a PowerPoint presentation, and noted that the Housing Impact section of the agenda report should be corrected to show that a total of 30 low and moderate income units will be the outcome of the Mercy Housing, Inc., program.

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

## FINANCE COMMITTEE

### **AUTHORIZATION TO EXECUTE CONTRACT WITH ACS STATE & LOCAL SOLUTIONS, INC., FOR PARAMEDIC BILLING SERVICES AND ELECTRONIC PATIENT CARE REPORTING**

**Recommendation of City Manager:** Authorize the City Manager to execute a contract with ACS State & Local Solutions, Inc., for Paramedic Billing Services and Electronic Patient Care Reporting. The proposed contract is exempt from competitive bidding pursuant to City Charter Section 1002(F), contracts for professional or unique services. (Contract No. 19,980)

Councilmember Holden, Chair of the Finance Committee, introduced the agenda item.

Robert Ridley, Controller, reviewed the agenda report as part of a PowerPoint presentation.

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

**RECOMMENDATIONS FROM OFFICERS AND DEPARTMENTS**

**RESIGNATION OF ROSEMARY CARR FROM THE NORTHWEST COMMISSION (Mayor Nomination)**

**REAPPOINTMENT OF LUIS ARTAVIA TO THE SENIOR COMMISSION (At Large Nomination)**

**RESIGNATION OF CECILIA JACKSON FROM THE TRANSPORTATION ADVISORY COMMISSION (District 3 Nomination)**

**VACATION OF GREGORY JACKSON FROM THE URBAN FORESTRY ADVISORY COMMITTEE (Council Nomination)**

**RESIGNATION OF AJA CLINKSCALE-BROWN FROM THE PLANNING COMMISSION (District 1 Nomination)**

**APPOINTMENT OF CHRISTOPHER TODD BURNER TO THE TRANSPORTATION ADVISORY COMMISSION (District 2 Nomination)**

**APPOINTMENT OF BARBARA KING TO THE CODE ENFORCEMENT COMMISSION (District 1 Nomination)**

C.R. Tillman, Pasadena resident, expressed concerns regarding the decision to not reappoint Jon Brookhart as Code Enforcement Commissioner for District 1.

It was moved by Councilmember McAustin, seconded by Councilmember Robinson, to accept the above resignations and vacation with regrets; and approve the above reappointment and appointments. (Motion unanimously carried) (Absent: None)

**DESIGNATION OF VOTING DELEGATE AND ALTERNATE FOR THE 2009 LEAGUE OF CALIFORNIA CITIES ANNUAL CONFERENCE ON SEPTEMBER 16, 2009 THROUGH SEPTEMBER 18, 2009, SAN JOSE, CALIFORNIA**

The Mayor introduced the agenda item.

It was moved by Vice Mayor Gordo, seconded by Councilmember Madison, to designate the Mayor as the voting delegate for the 2009 League of California Cities Annual Conference, and to defer the designation of the alternate voting delegate to a future meeting. (Motion unanimously carried) (Absent: None)

**PUBLIC HEARINGS**

**PUBLIC HEARING: APPEAL OF DECISION BY THE CODE ENFORCEMENT COMMISSION PANEL NO. 3, CONCERNING VIOLATIONS OF THE PASADENA MUNICIPAL CODE FOR THE PROPERTY LOCATED AT**

**125 EAST ORANGE GROVE BOULEVARD (SUPER LIQUOR)**

**Recommendation of City Manager:** It is recommended that the City Council continue the public hearing, at the appellants' request, to July 27, 2009 at 7:30 p.m.

The Mayor indicated that the appellant had requested that this matter be continued.

It was moved by Councilmember Haderlein, seconded by Vice Mayor Gordo, to continue the public hearing to July 27, 2009 at 7:30 p.m. (Motion unanimously carried) (Absent: None)

**PUBLIC HEARING: DETERMINE A WATER SUPPLY SHORTAGE EXISTS, ESTABLISH A 10% CONSERVATION TARGET AND IMPLEMENT LEVEL 1 WATER SUPPLY SHORTAGE MEASURES AS DESCRIBED IN PASADENA MUNICIPAL CODE (PMC) SECTION 13.10.040**

**Recommendation of City Manager:**

- (1) Find that the determination of a water supply shortage and implementation of Level 1 Water Supply shortage are categorically exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15307 (Actions by Regulatory Agencies for the Protection of Natural Resources);
- (2) Determine that a water supply shortage exists, pursuant to Pasadena Municipal Code (PMC) 13.10.035;
- (3) Determine that a water conservation target of 10% is necessary;
- (4) Determine that the Level 1 Water Supply Shortage (PMC 13.10.040) water conservation measures are appropriate to address the water shortage; and
- (5) Adopt implementation of Level 1 Water Supply Shortage by way of public proclamation. (Proclamation No. 2009-1)

The Mayor opened the public hearing.

The City Clerk reported the notice of public hearing was published on July 1, 2009 in the Pasadena Star-News; and 3 letters in opposition or expressing various concerns were received.

Eric Klinkner, Assistant General Manager/Power Supply, reviewed the agenda report as part of a PowerPoint presentation, and responded to questions.

Phyllis Currie, General Manager of Water and Power Department, responded to questions about the water conservation goals and enforcement measures, and discussed options for providing financial assistance to residents pertaining to the increased water rates.

Councilmember McAustin, Chair of the Municipal Services Committee, reported on the Committee's support of the staff

recommendation; noted that the Committee had also requested that staff prepare a comprehensive, serious, and succinct campaign to emphasize the urgency of water conservation; and commented on the Committee's discussion of the need for staff to provide residents with information, using a simple format, on their current water usage and how much water they should be using.

The City Attorney clarified that the Level 1 Water Supply Shortage would become effective upon publication of the proclamation.

The following persons spoke in support of the need to address current water shortage issues:

Alec Babikian, Youthinkwell student  
Aleen Babikian, Youthinkwell student  
Jennifer Sarja, Youthinkwell Director and owner

Rosalind Makuh, Pasadena resident, expressed concerns regarding the need to assist residents who require financial assistance with the increased water rates and help with water conservation measures.

Following discussion, it was moved by Councilmember McAustin, seconded by Councilmember Holden, to close the public hearing. (Motion unanimously carried) (Absent: None)

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

### **ORDINANCE – FIRST READING**

Councilmember McAustin was excused at 8:10 p.m.

### **Conduct first reading of "AN ORDINANCE OF THE CITY OF PASADENA AMENDING THE WATER RATE ORDINANCE, CHAPTER 13.20 OF THE PASADENA MUNICIPAL CODE"**

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

AYES: Councilmembers Haderlein, Holden, Madison, Robinson, Tornek, Vice Mayor Gordo, Mayor Bogaard

NOES: None

ABSENT: Councilmember McAustin

### **PUBLIC HEARING**

### **PUBLIC HEARING: EXTENSION OF TIME LIMITS FOR APPROVAL OF PLANNING ENTITLEMENTS**

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

(1) Find the proposed ordinance to be categorically exempt from the California Environmental Quality Act (CEQA), pursuant to Public Resources Code Section 21080(b)(9) and State CEQA Guidelines Section 15321 (Enforcement Actions by Regulatory Agencies);

(2) Direct the City Attorney to return within 60 days with an ordinance which would:

- (a) Authorize the Director of Planning and Development to grant an additional one-year extension to planning permits and entitlements beyond the extension currently provided by Section 17.64.040(B)(4) of the Pasadena Municipal Code;
- (b) Provide for a sixty-day period after the effective date of the proposed ordinance, during which an applicant for a permit which had expired within one year prior to the effective date of the ordinance may submit an application for an extension; and
- (c) Provide that the authority of the Director to provide such additional extensions shall sunset on December 31, 2010, unless specifically extended by the City Council.

The Mayor opened the public hearing.

Councilmember McAustin returned at 8:15 p.m.

The City Clerk reported the notice of public hearing was published on June 29, 2009 in the Pasadena Star-News and on July 2 and 9, 2009 in the Pasadena Journal; and 7 letters in support and 1 letter expressing concerns were received.

Vice Mayor Gordo, Chair of the Economic Development and Technology Committee, introduced the agenda item.

John Poindexter, Planning Division Manager, summarized the agenda report as part of a PowerPoint presentation, and responded to questions.

Richard Bruckner, Director of Planning and Development Department, clarified the timeframe for the extension period.

No one appeared for public comment.

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

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

**RECOMMENDATIONS FROM OFFICERS AND DEPARTMENTS**

**OVERVIEW OF CITIZENS SURVEY 2009**

**Recommendation of City Manager:** This is an informational report on the results of the Citizen Survey 2009 and no City Council action is required at this time.

Richard Bernard, Ph.D., Fairbank, Maslin, Maullin & Associates Senior Vice President, reviewed the City of Pasadena 2009 Citizen Survey results as part of a PowerPoint presentation, and responded to questions.

The City Manager responded to questions regarding the survey process, and indicated that data generated for each City district could be provided upon request.

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

**STRATEGIC PLANNING PROCESS**

**Recommendation of City Manager:** This is an informational report on the strategic planning process and no City Council action is required at this time.

Steve Mermell, Assistant City Manager, reviewed the agenda report as part of a PowerPoint presentation, and responded to questions.

The City Manager responded to questions regarding the strategic objectives and the means for measuring the achievement of the stated goals; and indicated that staff could provide updates on the strategic plan at Council meetings on a bimonthly schedule, with the informational letter to Council to be used for updates during the "off" month.

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

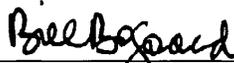
**COUNCIL COMMENTS**

The Mayor discussed the use of Council representatives as liaisons between the Council and the General Plan Update Advisory Committee (GPUAC) during the General Plan Update process. The Mayor announced that he and Councilmember Tornek would act in this liaison capacity.

In response to Councilmember Madison's questions, the City Manager noted that the Urgent Care Center project had been unanimously supported by the Board of Zoning Appeals (with conditions), and with the project to be reviewed by the Design Commission on July 27, 2009.

**ADJOURNMENT**

On order of the Mayor, the regular meeting of the City Council adjourned at 9:42 p.m.



\_\_\_\_\_  
Bill Bogaard, Mayor  
City of Pasadena

ATTEST:

  
\_\_\_\_\_  
City Clerk