

CITY OF PASADENA
City Council Minutes
July 20, 2009 – 5:30 P.M.
City Hall Council Chamber

REGULAR MEETING

OPENING:

Mayor Bogaard called the regular meeting to order at 6:15 p.m.
(Absent: Councilmember Madison)

On order of the Mayor, the regular meeting recessed at 6:15 p.m., to discuss the following closed sessions:

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

CITY COUNCIL CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION
Initiation of litigation pursuant to subdivision (c) of Government Code Section 54956.9 (one potential case)

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

CITY COUNCIL CONFERENCE WITH LEGAL COUNSEL to discuss pending litigation pursuant to Government Code Section 54956.9(a)
Case Name: Henderson v. City of Pasadena
Case No.: Los Angeles Superior Court Case No. BC394228

The above closed session item was not discussed.

On order of the Mayor, the regular meeting reconvened at 7:02 p.m. The Pledge of Allegiance was led by Councilmember Madison.

ROLL CALL:

Councilmembers:

Mayor Bill Bogaard
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

CEREMONIAL MATTERS

The City Clerk administered the oaths of office to Barbara King as Code Enforcement Commissioner and Christopher Burner as Transportation Advisory Commissioner.

Marcia Montez, Sister Cities Committee Vice President, introduced three students who had been visiting as part of the Sister Cities Student Exchange program: Jennifer Korkeamaeki and Jenni Jarvenpaa from Jarvenpaa, Finland, and Frank Spitznagel from Ludwigshafen, Germany, who thanked everyone for the hospitality they had been shown.

Jeff von der Schmidt, Southwest Chamber Music Artistic Director, presented information on the "Ascending Dragon Music Festival and Cultural Exchange" program, a cultural and educational exchange between the United States and Viet Nam to be held during the Spring of 2010. Mr. von der Schmidt acknowledged Congressman Adam Schiff for his assistance in obtaining federal funding for the program.

PUBLIC COMMENT ON MATTERS NOT ON THE AGENDA

Nicole Bernard, Day One youth advocate, expressed concerns regarding the impact of recent "house parties" on the safety of youths in the City, the need for the City to support activities that keep teens safe, and the need to take preventive measures in violence prevention.

Councilmember Robinson indicated she would contact Ms. Bernard regarding her concerns about youth activities and safety issues, and bring her up to date on plans for a teen center to be opened in the Raymond Avenue/Fair Oaks Avenue area.

Colleen Haggerty, Pasadena resident, asked the City to consider allowing dogs off leash during specific hours at the Linda Vista Elementary School "park" area.

Councilmember Madison noted that the proposal for an off-leash dog park area would involve a large change in the City's regulations involving both parks and dogs; and indicated that the proposal was being reviewed by staff, with interested parties to be kept informed of the outcome of the review.

Nancy Nelson, Pasadena resident, invited the Council and community to a Community Dialogue program on "The Path to Living Sustainably in the City", to be held on July 26, 2009 in the Central Library; and submitted an informational flyer on the event.

CONSENT CALENDAR

AUTHORIZATION TO ENTER INTO THE CALIFORNIA LIBRARY COOPERATIVE JOINT POWERS AGREEMENT

Recommendation of City Manager: Authorize the City's membership in the Southern California Library Cooperative Joint Powers Agreement (JPA). (Agreement No. 19,989)

CONTRACT AWARD TO CT & F, INC., FOR THE INSTALLATION OF IN-FILL LIGHTING ON HALSTEAD STREET FROM ROSEMEAD BOULEVARD TO SOUTH OF FOOTHILL BOULEVARD, FOR AN AMOUNT NOT TO EXCEED \$194,000

Recommendation of City Manager:

(1) Acknowledge the project to be categorically exempt under Section 21084 of the California Environmental Quality Act (CEQA) in accordance with Article 19, Section 15301 (Class 1), subsection (c) of the Resources Agency of California Guidelines (minor alterations involving negligible expansion of use beyond that previously existing), pursuant to the findings of the Secretary of the Resources Agency; and

(2) Accept the bid dated July 8, 2009, submitted by CT & F, Inc., in response to the specifications for the installation of in-fill lighting on Halstead Street from Rosemead Boulevard to south of Foothill Boulevard, reject all other bids received, and authorize the City Manager to enter into such contract as is required for an amount not to exceed \$194,000. (Contract No. 19,990)

Item discussed separately at the request of Councilmember Madison.

AUTHORIZE THE CITY MANAGER TO EXECUTE THE EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) MEMORANDUM OF UNDERSTANDING (MOU) FOR THE RECEIPT OF GRANT FUNDING

Item discussed separately at the request of Councilmember McAustin.

AUTHORIZATION TO ENTER INTO A CONTRACT WITH THE PASADENA HUMANE SOCIETY FOR A MUNICIPAL ANIMAL CONTROL SHELTER SYSTEM AND RABIES CONTROL PROGRAM

APPROVAL OF AN AMENDMENT TO THE MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF PASADENA AND THE AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES, LOCAL 858

Recommendation of City Manager: Approve an amendment to the Memorandum of Understanding between the City of Pasadena and the American Federation of State, County and Municipal Employees, Local 858. (Agreement Amendment No. 19,418-1)

Item discussed separately at the request of Councilmember McAustin.

AMENDMENT TO CONTRACT 19,659 WITH ALL CITY MANAGEMENT SERVICES, INC., FOR CITYWIDE CROSSING GUARD SERVICES

MINUTES APPROVED

June 8, 2009
June 15, 2009
June 18, 2009 (Special Workshop Meeting)

CLAIMS RECEIVED AND
FILED

Claim No. 10,909	Mercury Insurance as Subrogee for Kenneth Williams	\$ 4,522.39
Claim No. 10,910	Brian Michael McFarlane	25,000.00+
Claim No. 10,911	Philip E. McMorrow	129.97
Claim No. 10,912	Aykaz Martirosyan	730.54
Claim No. 10,913	Alex Carswell	700.47

Councilmember Holden acknowledged members of the American Federation of State, County and Municipal Employees, Local 858, for their cooperation in helping to address the constraints in the City's Fiscal Year 2010 Operating Budget.

It was moved by Vice Mayor Gordo, seconded by Councilmember Haderlein, to approve the Consent Calendar with the exceptions of Item 3 (Edward Byrne Memorial Justice Assistance Grant), Item 4 (Contract with Pasadena Humane Society), and Item 6 (Contract with All City Management Services, Inc.), which were discussed separately. (Motion unanimously carried) (Absent: None)

CONSENT ITEMS
DISCUSSED SEPARATELY

AUTHORIZE THE CITY MANAGER TO EXECUTE THE EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) MEMORANDUM OF UNDERSTANDING (MOU) FOR THE RECEIPT OF GRANT FUNDING

Recommendation of City Manager: Authorize the City Manager to execute the Edward Byrne Memorial Justice Assistance Grant (JAG) Memorandum of Understanding (MOU) to allow for the receipt of federal grant funding in the amount of \$83,203. (Agreement No. 19,991)

Councilmember Madison expressed concerns regarding the amount of the administrative fee charged by the City of Los Angeles as the designated fiscal agent.

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

AUTHORIZATION TO ENTER INTO A CONTRACT WITH THE PASADENA HUMANE SOCIETY FOR A MUNICIPAL ANIMAL CONTROL SHELTER SYSTEM AND RABIES CONTROL PROGRAM

Recommendation of City Manager:

(1) Authorize the City Manager to enter into a one-year contract with the Pasadena Humane Society and SPCA for operation of a municipal animal control program, animal shelter system, and rabies control program, in an amount not to

exceed \$1,052,672. Competitive bidding is not required pursuant to City Charter Section 1002(F), contracts for professional or unique services;

(2) Grant the proposed contract an exemption from the competitive selection process, pursuant to Pasadena Municipal Code Section 4.08.049(B), contracts for which the best interests of the City are served; and

(3) Authorize the City Manager to extend the contract for up to four additional one-year periods, provided the annual not to exceed amount does not exceed the amount of the immediately preceding term adjusted by an amount equal to the change in the consumer price index for the Los Angeles-Orange-Riverside County area for all urban consumers for the most recently available 12-month period. (Contract No. 19,999)

The City Manager responded to Councilmember McAustin's questions regarding the 3% increase in the contract amount.

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

AMENDMENT TO CONTRACT 19,659 WITH ALL CITY MANAGEMENT SERVICES, INC., FOR CITYWIDE CROSSING GUARD SERVICES

Recommendation of City Manager: Authorize the City Manager to amend the hourly billing rate of the current crossing guard services contract (Contract No. 19,659) with All City Management Services, Inc., for Fiscal Year 2009-2010. (Contract Amendment No. 19,659-1)

The City Manager responded to questions regarding the increase in the hourly billing rate.

Patsy Lane, Director of Human Services and Recreation Department, responded to questions regarding the basis for the increase.

Councilmember McAustin expressed her objections, given the current economic market.

Vice Mayor Gordo suggested the issue related to holding the line on increases for contract negotiations with outside vendors be referred to the Finance Committee for review, with a report to be provided with information on the causes of contract increases and any correlation between the contract cost increases and employee wage increases.

Councilmember Madison suggested that nonprofit contractors be excluded from this review.

It was moved by Councilmember Madison, seconded by Councilmember Tornek, to approve the City Manager's recommendation, with the Finance Committee to review the issue of the causes of increased contract costs as this relates to future contract negotiations with vendors for outside services/materials, as discussed above. (Motion carried, with Councilmember McAustin objecting) (Absent: None)

**RECOMMENDATIONS
FROM OFFICERS AND
DEPARTMENTS**

**APPOINTMENT OF LINDA SCHULTZ TO THE
ACCESSIBILITY AND DISABILITY COMMISSION** (District 7
Nomination)

**REAPPOINTMENT OF KARYN RODRIGUEZ TO THE
DEFERRED COMPENSATION OVERSIGHT COMMITTEE**
(Council Nomination)

**REAPPOINTMENT OF DAVID GOODRICH TO THE
DEFERRED COMPENSATION OVERSIGHT COMMITTEE**
(Council Nomination)

It was moved by Councilmember Robinson, seconded by Vice Mayor Gordo, to approve the appointment and reappointments. (Motion unanimously carried) (Absent: None)

ORDINANCE – ADOPTED

**Adopt "AN ORDINANCE OF THE CITY OF PASADENA
AMENDING THE WATER RATE ORDINANCE,
CHAPTER 13.20 OF THE PASADENA MUNICIPAL CODE"**
(Introduced by Councilmember Holden) (Ordinance No. 7171)

Councilmember Madison suggested the City explore piggybacking onto partnerships developed between the City of Los Angeles (Department of Water and Power), the Jet Propulsion Laboratory (JPL), and Caltech, to promote water and energy conservation and efficiency; and that staff provide the community with the underlying data so that the full context is presented to customers when information on water usage and rates is presented.

The Mayor asked staff to provide information on the City of Los Angeles, JPL, and Caltech partnerships in the City Manager's weekly informational letter to Council.

The above ordinance was adopted by the following vote:

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

NOES: None

ABSENT: None

INFORMATION ITEMS

Vice Mayor Gordo was excused at 7:54 p.m.

The Mayor and Councilmember Robinson were excused at 8:18 p.m. Councilmember Haderlein assumed the Chair.

ANNUAL REPORT ON CITY PROCUREMENT – CALENDAR YEAR 2008

Recommendation of City Manager: It is recommended that the City Council receive the annual report on City Procurement for calendar year 2008.

Andy Green, Director of Finance Department, introduced the agenda item, and indicated that staff was continuing to explore methods to attract local, and women- and/or minority-owned businesses to the bidding pool.

Larry Hammond, Purchasing Administrator, reviewed the agenda report as part of a PowerPoint presentation, and responded to questions.

The City Manager responded to questions regarding outreach to local businesses, and noted that staff would review the preference percentages to determine if adjustments could be justified.

Councilmember Tornek suggested staff follow up with potential local qualified bidders to explore their reasons for not bidding on projects that would be appropriate for their businesses.

Councilmember Holden suggested staff use the data to determine whether the City's procurement needs can be met by local businesses, and suggested staff provide a presentation of this report to the Northwest Commission.

Councilmember Robinson suggested staff explore the establishment of a bond assistance program and a database of small companies, similar to the Los Angeles Community College District programs.

The City Manager indicated that staff would prepare a plan to improve participation in the bidding process by local, and women- and/or minority-owned businesses (based on Council's suggestions and research of successful practices used by other cities/entities); and report the results to the Economic Development and Technology Committee.

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

EQUAL OPPORTUNITY IN EMPLOYMENT ANNUAL REPORT: JANUARY 1, 2008 – DECEMBER 31, 2008

Recommendation of City Manager: The Equal Opportunity in Employment Annual Report is submitted for information only. This report is based on the calendar year 2008 and reflects all individuals employed in regular full-time positions during the reporting period of January 1 through December 31, 2008.

Karyn Ezell, Director of Human Resources Department, reviewed the agenda report as part of a PowerPoint presentation, and responded to questions.

Councilmember Holden asked staff to provide Council with the diversity data by department, suggested staff provide a presentation of this report to the Northwest Commission, and also suggested staff strategize on how to bring more women into traditionally male positions and how to promote more women.

By consensus, the report was received and filed.

ADJOURNMENT

On order of Councilmember Haderlein, the regular meeting of the City Council adjourned at 8:31 p.m.



Bill Bogaard, Mayor
City of Pasadena

ATTEST:



City Clerk