

CITY OF PASADENA
City Council Minutes
April 19, 2010 – 5:30 P.M.
City Hall Council Chamber

REGULAR MEETING

OPENING:

Vice Mayor Gordo called the regular meeting to order at 6:05 p.m. (Absent: Councilmembers Madison, Robinson, Mayor Bogaard)

On order of the Vice Mayor, the regular meeting recessed at 6:05 p.m., to discuss the following closed session:

CITY COUNCIL AND COMMUNITY DEVELOPMENT COMMISSION CONFERENCE WITH LEGAL COUNSEL REGARDING PENDING LITIGATION pursuant to Government Code Section 54956.9(a)
Case Name: City of Palmdale, et al. v. State of California, Board of Equalization; City of Pomona, Real Party in Interest
Case No. LASC BS124919

Councilmember Robinson arrived at 6:15 p.m.

The City Attorney reported on the following action taken by the City Council after discussion of the above closed session item:

It was moved by Councilmember Haderlein, seconded by Councilmember Holden, to affirm the City's participation in the above referenced lawsuit. (Motion carried, with Councilmember Robinson abstaining) (Absent: Councilmember Madison, Mayor Bogaard)

On order of the Mayor, the regular meeting reconvened at 6:34 p.m. The Pledge of Allegiance was led by three students from La Salle High School.

ROLL CALL:

Councilmembers:

Mayor Bill Bogaard
Vice Mayor Victor Gordo
Councilmember Steve Haderlein
Councilmember Chris Holden
Councilmember Steve Madison (Absent)
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 Deborah Yim as Code Enforcement Commissioner and Tamerlin Godley as Human Relations Commissioner.

Kathy Murrell, Delta Sigma Theta Sorority/Pasadena Alumnae Chapter First Vice President, described the Sorority's goals as a service organization.

Denise M. Jones, Delta Sigma Theta Sorority/Pasadena Alumnae Chapter Treasurer, outlined the following activities that the Political Awareness and Involvement Committee has participated in: Census 2010, Measure CC, political awareness workshops, nonpartisan candidate forums, and Delta Day.

The Mayor thanked Delta Sigma Theta for their service to the community.

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

The following persons invited the community to attend the 2010 Successful Aging Conference to be held on April 30, 2010 at the First Church of the Nazarene of Pasadena:

Marvin Schachter, AARP California representative
Sam Thomas, Senior Conference Steering Committee Chair, submitted informational fliers.

The following persons expressed support for the City Manager's handling of the Police Chief selection process and for the candidacy of Chris Vicino for the Police Chief position:

Hagop Gragoss, Pasadena resident and business owner, also speaking for a group of residents/business owners accompanying him
Shant Gourdikian, Pasadena resident

Nancy Nelson, Eco-Community Dialogues Group Organizer, read an email by Angella Petruso; invited the community to an Eco-Community Dialogue program titled, "East Meets West Through Tea," to be held on April 28, 2010 in the Central Library Auditorium; and submitted informational materials.

Parisa Banks, Pasadena resident, spoke in support of the Eco-Community Dialogues.

CONSENT CALENDAR

REJECTION OF BIDS FOR THE PURCHASE OF LIGHT EMITTING DIODE (LED) TUBE LIGHTS FOR VARIOUS CITY FACILITIES

Recommendation: Reject all bids received on February 24, 2010, in response to specifications for light emitting diode (LED) tube lights at various City facilities.

Item discussed separately at the request of Councilmember McAustin.

AUTHORIZATION OF SUBMITTAL OF GRANT APPLICATIONS AND ADOPTION OF RESOLUTIONS FOR PROGRAMS AUTHORIZED BY PROPOSITION 84 FUNDING

CONTRACT AWARD TO YAKAR, FOR MISCELLANEOUS CONCRETE REPAIR – 2009 PHASE II IN THE CITY OF PASADENA, FOR AN AMOUNT NOT TO EXCEED \$186,000

Recommendation:

(1) Find that, on January 26, 2010, the project proposed in the agenda report was found to be categorically exempt under the California Environmental Quality Act (CEQA) Guidelines in Section 15301(c), Existing Facilities, of the California Code of Regulations Title 14, Chapter 3. This exemption includes minor alterations involving negligible expansion of use beyond that previously existing, and there are no changed circumstances or new information which would require further environmental review; and

(2) Accept the bid dated February 17, 2010, submitted by Yakar, in response to the Project Specifications for the Miscellaneous Concrete Repair – 2009 Phase II, reject all other bids received, and authorize the City Manager to enter into such contract as is required for an amount not to exceed \$186,000. (Contract No. 20,283)

RESOLUTION APPROVING PROGRAM SUPPLEMENT AGREEMENTS 082-N AND 083-N, TO ADMINISTERING AGENCY-STATE AGREEMENT 07-5064R, FOR THE LEFT TURN SIGNAL PHASING AT WASHINGTON BOULEVARD AND HILL AVENUE, AND AT LOS ROBLES AVENUE AND UNION STREET, FEDERAL-AID PROJECT NOS. HSIPL-5064(064) AND HSIPL-5064(063), RESPECTIVELY

Recommendation:

(1) Find the projects proposed in the agenda report to be categorically exempt under the California Environmental Quality Act (CEQA) in accordance with Section 15301(Class 1), subsection(c). This exemption includes minor alterations of existing public facilities (including streets) involving negligible or no expansion of use beyond that existing at the time of lead agency's determination, and there are no environmental reviews;

(2) Adopt a resolution approving the Program Supplement Agreements to Administering Agency – State Agreement 07-5064 between the City of Pasadena and the State of California, for State Reimbursement of costs for the Left Turn Signal Phasing at Washington Boulevard and Hill Avenue, and at Los Robles Avenue and Union Street, Federal-Aid Project Nos. HSIPL-5064(064) and HSIPL-5064(063); and

(3) Authorize the City Manager to execute the Program Supplement Agreements for the Left Turn Signal Phasing at Washington Boulevard and Hill Avenue, and at Los Robles Avenue and Union Street. (Resolution No. 9018; Agreement Amendment Nos. 16,298-33 and 16,298-34)

AUTHORIZE THE ISSUANCE OF A PURCHASE ORDER CONTRACT TO DATALUX FOR THE PURCHASE OF SIXTY-SEVEN MOBILE DATA COMPUTERS, FOR USE IN

POLICE PATROL VEHICLES, FOR AN AMOUNT NOT TO EXCEED \$405,000

Recommendation:

(1) Find that the purchase of computer equipment for the Pasadena Police Department is categorically exempt from the California Environmental Quality Act (CEQA), pursuant to State CEQA Guidelines Section 15061(b)(3), in that the activity is covered by the general rule that CEQA only applies to projects that have a potential for causing a significant effect on the environment. The purchase of computer equipment will not result in any changes to the environment;

(2) Authorize the issuance of a purchase order to Datalux for the purchase of 67 Mobile Public Safety Data Systems, keyboards, and mounting hardware at a cost not to exceed \$405,000. The proposed purchase order is exempt from the competitive bidding process, pursuant to City Charter Section 1002(H), contracts with other government entities or their contractors; and

(3) Grant the proposed purchase order an exemption from the competitive selection process, pursuant to Pasadena Municipal Code Section 4.08.049(B), contracts for which the City's best interests are served.

Item discussed separately at the request of the City Manager.

APPROVAL OF THE MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF PASADENA AND THE PASADENA POLICE OFFICERS ASSOCIATION FOR THE TERM APRIL 25, 2010 THROUGH APRIL 24, 2012

Item discussed separately at the request of the City Manager.

APPROVAL OF THE MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF PASADENA AND THE PASADENA FIREFIGHTERS MANAGEMENT ASSOCIATION FOR THE TERM APRIL 1, 2010 THROUGH MARCH 31, 2011

ORDINANCE SUSPENSION FOR CIVIC EVENTS AND FACILITIES (MIKE ANTONOVICH TRAIL RIDE)

Recommendation:

(1) Find that the Mike Antonovich Trail Ride and the lifting of the Civic Events & Facilities Ordinance are categorically exempt from the California Environmental Quality Act (CEQA), pursuant to State CEQA Guidelines Section 15304, Minor Alterations to Land; and

(2) Adopt an ordinance and Notice of Exemption and hold the first reading of same to suspend the Civic Events & Facilities Ordinance by permitting alcohol service at Hahamongna Park on Sunday, May 16, 2010 (Mike Antonovich Trail Ride).

CLAIMS RECEIVED AND FILED

Claim No. 11,093	Aleshchai Herndon	\$ 25,000.00+
Claim No. 11,094	Edward C. Lomax	Not stated
Claim No. 11,095	Jonathan Read	Not stated

It was moved by Councilmember Robinson, seconded by Vice Mayor Gordo, to approve the Consent Calendar, with the exceptions of Item 2 (Resolutions for Programs Authorized by

Proposition 84 Funding), Item 6 (Memorandum of Understanding with Pasadena Police Officers Association), and Item 7 (Memorandum of Understanding with Pasadena Firefighters Management Association), which were discussed separately. (Motion unanimously carried) (Absent: Councilmember Madison)

**CONSENT ITEMS
DISCUSSED SEPARATELY**

AUTHORIZATION OF SUBMITTAL OF GRANT APPLICATIONS AND ADOPTION OF RESOLUTIONS FOR PROGRAMS AUTHORIZED BY PROPOSITION 84 FUNDING

Recommendation:

(1) Find that the authorization to apply for grants is exempt from California Environmental Quality Act (CEQA), pursuant to Section 15262, Feasibility and Planning Studies;

(2) Adopt a resolution authorizing an application for the Urban Greening Grant Program under the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006 (Proposition 84) in the amount of \$1,265,000 for Hahamongna Watershed Park Project;

(3) Adopt a resolution authorizing an application for the Urban Greening Grant Program under the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006 (Proposition 84) in the amount of \$999,209 for the Citywide Urban Heat Island Median, Park, and Street Tree Planting Project; and

(4) Adopt a resolution authorizing an application for the Nature Education Facilities Program Funds for the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006 in the amount of \$7,000,000 for the Arroyo Seco Environmental Education Center in Hahamongna Watershed Park Project. (Resolution Nos. 9019, 9020, 9021)

Recommendation of Hahamongna Watershed Park Advisory Committee: At its special meeting of February 23, 2010, the Hahamongna Watershed Park Advisory Committee voted unanimously to support these grant applications.

Recommendation of Recreation and Parks Commission: At its meeting on March 9, 2010, the Recreation and Parks Commission voted unanimously to support these grant applications.

In response to Councilmember McAustin's questions, Martin Pastucha, Director of Public Works Department, and Rosa Laveaga, Public Works Supervisor, clarified staff's process for considering and prioritizing projects for grant applications and the reasons that a new Central District park might not be a good fit for the Urban Greening Grant Program.

The City Manager discussed the logistics of developing a park in the Central District as this relates to being competitive in obtaining grant monies for the project, and indicated staff will continue to pursue all types of funding for urban park development.

Councilmember McAustin stated her support for the City to prioritize the development of a park in the Central District and acquiring property, if necessary, to move the project forward; and asked staff to provide information on the projects that have been evaluated and prioritized to receive this type of grant opportunity.

Following discussion, it was moved by Councilmember McAustin, seconded by Councilmember Robinson, to approve the staff recommendation. (Motion unanimously carried) (Absent: Councilmember Madison)

APPROVAL OF THE MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF PASADENA AND THE PASADENA POLICE OFFICERS ASSOCIATION FOR THE TERM APRIL 25, 2010 THROUGH APRIL 24, 2012

Recommendation: Approve a successor Memorandum of Understanding between the City of Pasadena and the Pasadena Police Officers Association (PPOA), for a two-year term covering the period April 25, 2010 through April 24, 2012. (Contract No. 20,284)

APPROVAL OF THE MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF PASADENA AND THE PASADENA FIREFIGHTERS MANAGEMENT ASSOCIATION FOR THE TERM APRIL 1, 2010 THROUGH MARCH 31, 2011

Recommendation: Approve a successor Memorandum of Understanding between the City of Pasadena and the Pasadena Firefighters Management Association (PFMA), for a one-year term covering the period April 1, 2010 through March 31, 2011. (Contract No. 20,285)

The above two agenda items were discussed concurrently.

The City Manager highlighted the salary savings resulting from the agreements made with the executive employees, unrepresented management employees, and the above two bargaining units, and the impacts from vacant positions that have been eliminated or will remain unfilled; and thanked the employees for their commitment to the City.

Councilmember Holden expressed appreciation to the City's employees for their contributions in addressing the current financial/economic issues that the City is facing.

It was moved by Councilmember Robinson, seconded by Councilmember Holden, to approve the above staff recommendations. (Motion unanimously carried) (Absent: Councilmember Madison)

ORDINANCES – FIRST READING

Conduct first reading of “AN ORDINANCE OF THE CITY OF PASADENA SUSPENDING SECTION 3.24.090 OF THE PASADENA MUNICIPAL CODE RELATING TO ALCOHOL

SERVICE FOR A PERMITTED EVENT AT HAHAMONGNA WATERSHED PARK FOR SPECIFIED HOURS ON SUNDAY, MAY 16, 2010 (MIKE ANTONOVICH TRAIL RIDE)”

The City Attorney indicated that staff had compressed the process for presenting the proposed ordinance to Council in order to meet the required legal timeframe for adoption of the ordinance.

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

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

NOES: None

ABSENT: Councilmember Madison

Conduct first reading of “AN ORDINANCE OF THE CITY OF PASADENA AMENDING SECTION 8.78.051 OF THE TOBACCO USE PREVENTION ORDINANCE IN THE PASADENA MUNICIPAL CODE TO PROHIBIT SMOKING ON THE BROOKSIDE CLUBHOUSE PATIO, IN THE BROOKSIDE STARTERS SHOP AND ON PATHWAYS LEADING TO THE STARTERS SHOP, AND TO CLARIFY FURTHER THE GENERAL PROHIBITION AGAINST SMOKING IN PUBLIC PARKS”

Garen Feroyan, Pasadena business owner, spoke in opposition to the proposed ordinance amendment, and expressed concerns regarding the impacts of the Tobacco Use Prevention Ordinance on his business, operating a hookah café.

The City Attorney clarified implementation/enforcement of the Tobacco Use Prevention Ordinance on public property vs. the Brookside Clubhouse patio and public park areas, the proposed change to prohibit smoking in the patio area, and the inclusion of marijuana in the propose ordinance amendment; and noted that Mr. Feroyan’s business is not subject to the proposed ordinance amendment.

Councilmember McAustin noted that she and staff had held conversations in the past with Mr. Feroyan on the issues he had raised regarding his business and the smoking ordinance and had not been able to resolve the issues.

Following discussion, the above ordinance was offered for first reading by Councilmember McAustin:

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

NOES: None

ABSENT: Councilmember Madison

INFORMATION ITEMS

PRE-DEVELOPMENT PLAN REVIEW OF THE VALLEY HUNT CLUB NEW MASTER PLAN

Recommendation: This report is being provided for information only.

The Mayor announced that Councilmember Madison had requested that the above item be held to allow him to attend the presentation.

On order of the Mayor, the above item was held to the Council meeting of April 26, 2010.

CITY COUNCIL WORKSHOP TO DISCUSS THE POTENTIAL DEVELOPMENT OF WATER BUDGET-BASED RATE DESIGN AND APPROVAL OF SETTING A PUBLIC HEARING REGARDING PROPOSED INTERIM WATER RATE ADJUSTMENTS

Recommendation:

- (1) Receive information regarding the potential development of water budget-based rate design as part of a public workshop discussion; and
- (2) Set a public hearing regarding, "Consideration of Proposed Water Rate Adjustments to: (a) Reduce Block 4 Rates; (b) Eliminate Block 5 Allocation and Rates; (c) Discontinue Block 5 Relief; and (d) Discontinue Refund or Credit of Water Purchased for Blocks 4 and 5".

The City Manager noted that the workshop information on water budget-based rate design could be held for a future meeting, if the Council wanted to delay this presentation in order to allow Councilmember Madison to be present for this discussion, since he has expressed a strong interest for moving to budget-based rates during past discussions.

Councilmember McAustin, Chair of the Municipal Services Committee (MSC), introduced the agenda item.

Following brief discussion of the logistics in delaying the presentation and acknowledging that future Municipal Services Committee and Council discussions of budget-based rates will occur, it was Council's consensus to move forward with the presentation and discussion.

Shari Thomas, Assistant General Manager, reviewed the workshop information as part of a PowerPoint presentation, and responded to questions. She indicated that in future workshops, staff will provide various scenarios for Council's consideration of how the City can move forward on water delivery and a budget-based rate system.

The City Manager discussed issues in individualizing customer allocations and various impacts on water allocation.

Ms. Currie clarified that a utility assistance program cannot be legally applied to the water delivery program; discussed the goal for an equitable distribution of water with a focus on efficiency (conservation), and the role that a budget-based rate structure will play in the Water Integrated Resources Plan (WIRP) that is being developed; and responded to questions. She noted that the Water and Power staff is working with the Planning and Development staff on how to address water supply issues for new developments, and that this concept will be addressed in the WIRP discussions.

Discussion followed on methods for allocating water to various customers, methods for adjusting a customer's allocation, and issues involving new development/redevelopment and available water supplies.

Councilmember Robinson asked staff to provide information on the California cities currently using a budget-based system (especially those cities similar to Pasadena).

Councilmember Haderlein suggested the City be more aggressive by achieving a 20% reduction in water usage through greater efficiency, and stressed the need for customers to receive real-time data on their water usage.

Councilmember McAustin suggested that customers be provided with information on efficient water usage amounts for their classification, which would allow a comparison with their own usage; and noted that the concept of no net new water usage should be included in the WIRP.

Vice Mayor Gordo noted that the City's planning documents will need to be considered as this relates to limited water resources and as the City develops and redevelops different sites (e.g., North Lake Avenue and East Pasadena).

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

Ms. Thomas reviewed the information on the various approved, proposed, and potential water rate adjustments as part of a PowerPoint presentation, and responded to questions.

Ms. Currie discussed the potential Metropolitan Water District (MWD) rate increases, and the reliability of MWD's analysis of the need for their rate increases; and responded to questions.

See additional Council discussion and revised motion on Pages 10-11.

~~It was moved by Councilmember McAustin, seconded by Councilmember Holden, to set a public hearing for June 7, 2010 at 7:30 p.m. regarding "Consideration of Proposed Water Rate Adjustments to: (a) Reduce Block 4 Rates; (b) Eliminate Block 5 Allocation and Rates; (c) Discontinue Block 5 Relief; and (d) Discontinue Refund or~~

~~Credit of Water Purchased for Blocks 4 and 5". (Motion unanimously carried) (Absent: Councilmember Madison)~~

COUNCIL COMMENTS

Vice Mayor Gordo requested that an item be agendaized for Council discussion of issues related to foreclosures that are not properly maintained by foreclosing banks, with consideration to be given to a possible foreclosure ordinance that will require a bank to register the foreclosed property with the City, pay a fee for the City's services in monitoring the property, provide a contact person for use by Code Enforcement when problems with property maintenance occur, and provide for fines when the bank is not in compliance. He suggested the matter be referred to the Economic Development and Technology Committee for their review, and indicated that his field representative will provide staff with preliminary research that has been gathered.

Councilmember Robinson announced a Town Hall Meeting to be held on May 13, 2010 at Jackie Robinson Park regarding the early prisoner release issue.

Discussion continued from
Page 9.

CITY COUNCIL WORKSHOP TO DISCUSS THE POTENTIAL DEVELOPMENT OF WATER BUDGET-BASED RATE DESIGN AND APPROVAL OF SETTING A PUBLIC HEARING REGARDING PROPOSED INTERIM WATER RATE ADJUSTMENTS

Recommendation:

- (1) Receive information regarding the potential development of water budget-based rate design as part of a public workshop discussion; and
- (2) Set a public hearing regarding, "Consideration of Proposed Water Rate Adjustments to: (a) Reduce Block 4 Rates; (b) Eliminate Block 5 Allocation and Rates; (c) Discontinue Block 5 Relief; and (d) Discontinue Refund or Credit of Water Purchased for Blocks 4 and 5".

Councilmember McAustin suggested the public hearing set for the City's Water Rate Adjustments, as cited on Page 10, also include notice of the Metropolitan Water District (MWD) rate increase so that the public can be informed and comment on both the City's rate adjustments (block structure) and MWD's rate increase effective January 1, 2011 (purchased water rate), as required under Proposition 218.

Phyllis Currie, General Manager of Water and Power Department, noted that the MWD Board had acted on their rate increase after the Municipal Services Committee had held its meeting, during which the various proposed and anticipated rate increases had been discussed. She indicated that staff supports Councilmember McAustin's suggestion of noticing the public hearing to include notification of the City's rate adjustment of the block structure and MWD's rate increase for purchased water.

The City Manager explained the logistics for noticing the public hearing for both the City's and MWD's water rate adjustments.

Councilmember Tornek suggested that the notice to customers also include information on the City's previously approved fixed charge (D&C) rate increase scheduled for July 1, 2010.

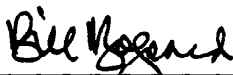
Ms. Currie indicated that staff would include information on all of the increases (City's approved and proposed changes and MWD's increases) in a way that that will show customers how their bills will be impacted.

Shari Thomas, Assistant General Manager, asked Council to set the hearing date for June 14 (rather than June 7), to allow time for staff to draft and translate what will be a complex hearing notice/mailing to customers.

It was moved by Councilmember McAustin, seconded by Councilmember Holden, to set a public hearing for June 14, 2010 at 7:30 p.m. regarding "Consideration of Proposed Water Rate Adjustments to: (a) Reduce Block 4 Rates; (b) Eliminate Block 5 Allocation and Rates; (c) Discontinue Block 5 Relief; and (d) Discontinue Refund or Credit of Water Purchased for Blocks 4 and 5" and notification of the Metropolitan Water District Water Rate Increases. (Motion unanimously carried) (Absent: Councilmember Madison)

ADJOURNMENT

On order of the Mayor, the regular meeting of the City Council adjourned at 10:00 p.m., in memory of George Throop, whose family operated a longtime building-supply business in Northwest Pasadena, and who was active in the Pasadena Jaycees and Kiwanis Club, and a long-term Tournament of Roses volunteer.



Bill Bogaard, Mayor
City of Pasadena

ATTEST:



City Clerk