

CITY OF PASADENA
City Council Minutes
December 6, 2010 – 5:00 P.M.
City Hall Council Chamber

SPECIAL MEETING

OPENING:

Mayor Bogaard called the special meeting to order at 5:15 p.m.
(Absent: Vice Mayor Gordo)

On order of the Mayor, the special meeting recessed at 5:15 p.m., to discuss the following closed sessions:

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

Case Name: Harriet Scott and Michael Scott v. City of Pasadena

Case No: LASC GC042595

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

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

Agency Designated Representatives: Mary Ellen Schubel, Arthur Chavez and Michael J. Beck

Employee Organization: American Federation of State, County and Municipal Employees, Local 858; Pasadena Association of Clerical and Technical Employees, Local 777; Pasadena Management Association; International Brotherhood of Electrical Workers, Local 18; Service Employees International Union, Local 721; International Union of Operating Engineers, Local 501; Pasadena Fire Fighters Management Association; Pasadena Fire Fighters Association, Local 809; Pasadena Police Officers Association; Pasadena Police Sergeants Association; Unrepresented Management Top, Middle and Professional Employees; Unrepresented Technical and Administrative Employees; Unrepresented Confidential Clerical Employees; Non-Represented Employees; and Unrepresented Hourly Employees

Councilmember Tornek was excused at 6:34 p.m.

Discussion of the above closed session item resumed during recess of the Council meeting at 8:31 p.m. (See Page 7)

On order of the Mayor, the special meeting reconvened at 6:36 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 (Returned at 6:44 p.m.)

Staff:

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

PUBLIC COMMENT ON MATTERS NOT ON THE AGENDA

Tim Bowles, Youth for Human Rights International Director for International Development, invited the community to a Human Rights Day Forum titled, "Education and Human Rights Awareness, in Combat of 21st Century Slave Trade," to be held on December 11, 2010; and submitted an informational flier for the event.

Councilmember Tornek returned at 6:44 p.m.

Mustang-Sally Ramirez, Pasadena resident, expressed appreciation to the men and women who are veterans and are currently serving in various branches of the U.S. Armed Services.

ANNOUNCEMENT

The Mayor reported that, based on information provided by the office of the City Attorney, the joint public hearing of the City Council and Community Development Commission regarding consideration of a proposed merger of the five Northwest Redevelopment Project Areas (Orange Grove, Lincoln Avenue, Fair Oaks Avenue, Villa-Parke, and Lake/Washington) that had been previously scheduled for December 6, 2010, was being cancelled and would be scheduled and noticed for a future date.

CONSENT CALENDAR

ONE YEAR EXTENSION OF AGREEMENT NO. 18,934 WITH MODERN PARKING, INC., FOR THE MANAGEMENT OF THE HOLLY STREET, DEL MAR, PASEO SUBTERRANEAN, LOS ROBLES, AND MARENGO GARAGES

Recommendation:

- (1) Find that an extension of the current contract with Modern Parking, Inc. for garage management is categorically exempt from the California Environmental Quality Act (CEQA), pursuant to State CEQA Guidelines Section 15301, existing facilities;
- (2) Find that competitive bidding is not required, pursuant to City Charter Section 1002(F), contracts for professional or unique services. Grant the proposed contract an exemption from the competitive selection process of the Competitive Bidding and Purchasing Ordinance, pursuant to Pasadena Municipal Code Section 4.08.049(B), contracts for which the

City's best interests are served; and

(3) Authorize the City Manager to extend for one year the existing agreement with Modern Parking, Inc., for the management of the Holly Street, Del Mar, Paseo Subterranean, Los Robles, and Marengo garages to September 30, 2011. The contractor will receive \$2,152,471 for the additional year of the contract, and the total value of the contract shall be \$11,767,126 for the six-year term. (Agreement No. 18,934-6)

RESOLUTION APPROVING PROGRAM SUPPLEMENT AGREEMENT 081-N TO ADMINISTER AGENCY-STATE AGREEMENT 07-5064R FOR PRELIMINARY ENGINEERING OF CIVIC CENTER/MID-TOWN DISTRICT PUBLIC IMPROVEMENTS, FEDERAL-AID PROJECT NO. RPSTPLE-5064(048)

Recommendation:

(1) Find that, on July 23, 2009, the project was found to be categorically exempt under the California Environmental Quality Act (CEQA) Guidelines in Section 15301, Class 1, subsection (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) Adopt a resolution approving a Program Supplement Agreement to Administer Agency-State Agreement 07-5064R between the City of Pasadena and the State of California, for State Reimbursement of Costs for the Preliminary Engineering of City Center/Mid-Town District Public Improvements, Federal-Aid Project No. RPSTPLE-5064(048), Program Supplement Agreement No. 081-N. (Resolution No. 9076; Agreement Amendment No. 16,298-36)

AUTHORIZATION TO ENTER INTO A CONTRACT WITH CONSOLIDATED ELECTRICAL DISTRIBUTERS, INC., TO FURNISH STRUT CHANNELING EQUIPMENT AND MISCELLANEOUS SUPPLIES FOR THE WATER AND POWER DEPARTMENT

Recommendation:

(1) Find that the project is exempt from the California Environmental Quality Act (CEQA), pursuant to State CEQA Guidelines Section 15061(b)(3);

(2) Accept the bid dated October 21, 2010, submitted by Consolidated Electrical Distributors, Inc., in response to the Notice Inviting Bids dated October 7, 2010, for strut channeling and miscellaneous supplies;

(3) Reject all other bids; and

(4) Authorize the issuance of a purchase order contract to Consolidated Electrical Distributors, Inc., for a period of two years or until \$450,000 is expended, whichever occurs first,

with two one-year extensions not to exceed \$225,000 per year, with the approval of the City Manager.

RE-DESIGNATION OF THE LOS ANGELES COUNTY DEPARTMENT OF PUBLIC HEALTH, ENVIRONMENTAL HEALTH, SOLID WASTE MANAGEMENT PROGRAM AS THE LOCAL ENFORCEMENT AGENCY RESPONSIBLE FOR ENFORCING ALL LAWS AND REGULATIONS RELATING TO THE MANAGEMENT OF SOLID WASTE IN THE CITY OF PASADENA

Recommendation:

(1) Find that the adoption of the resolution is exempt from the California Environmental Quality Act (CEQA), pursuant to State CEQA Guidelines Section 15061(b)(3). The activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA; and

(2) Adopt the resolution approving the re-designation of the Los Angeles County Department of Public Health, Environmental Health, Solid Waste Management Program, to act as the Local Enforcement Agency responsible for enforcing all laws and regulations relating to the management of solid waste in the City of Pasadena. (Resolution No. 9077)

APPROVAL OF THE MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF PASADENA AND THE PASADENA POLICE SERGEANTS ASSOCIATION, FOR THE TERM APRIL 26, 2010 THROUGH APRIL 25, 2012

Recommendation: Approve a successor Memorandum of Understanding (MOU) between the City of Pasadena and the Pasadena Police Sergeants Association (PPSA), for a two-year term covering the period April 26, 2010 through April 25, 2012. (Agreement No. 20,551)

APPROVAL OF AN AMENDMENT TO THE EMPLOYMENT CONTRACT WITH CITY CLERK MARK JOMSKY

Recommendation of Mayor: It is recommended that the City Council approve the Amendment to Contract No. 19,710-2, the Employment Agreement between the City of Pasadena and City Clerk Mark Jomsky, effective November 15, 2010 (attachment to agenda report). (Contract Amendment No. 19,710-2)

MINUTES APPROVED

November 8, 2010
November 15, 2010
November 22, 2010
November 29, 2010

CLAIMS RECEIVED AND FILED

Claim No. 11,245	James Edward Roberson	\$	96.00
Claim No. 11,246	Lauren Bolte		25,000.00+
Claim No. 11,247	Dean Bolte		25,000.00+
Claim No. 11,248	Heidi Bolte		25,000.00+
Claim No. 11,249	Ben Bolte		25,000.00+
Claim No. 11,250	Ilona Lacina		42.50
Claim No. 11,251	Pasadena Medical Court		13,164.94
Claim No. 11,252	Helen Chen		325.00
Claim No. 11,253	New Cingular Wireless PCS LLC		1,091,133.18
Claim No. 11,254	Marietta Hanna Ortega		8,088.50
Claim No. 11,255	Cristina Soria/Francisco Soria		150.00
Claim No. 11,256	Kristi N. Cassar		60.00
Claim No. 11,257	Rocky Easley		25,000.00+
Claim No. 11,258	Gordon P. Treweek		530.00
Claim No. 11,259	Peter Ulu Ezieme		25,000.00+
Claim No. 11,260	Aline DeVera		131.00
Claim No. 11,261	Jeffrey Pierce		25,000.00+
Claim No. 11,262	Erica-Michelle		25,000.00+
Claim No. 11,263	Gracie Mariani		1,430.61
Claim No. 11,264	Rosadilla Magniza		25,000.00+

PUBLIC HEARING SET

December 13, 2010, 7:30 p.m. – Appeal of Conditional Use Permit No. 5209 and Other Entitlements for a Two-Phased, Mixed-Use Project with Hotel, Office, Retail, Restaurant, and Residential Uses at 880-940 East Colorado Boulevard and Shared Parking at 2 North Lake Avenue (Colorado at Lake Project)

It was moved by Vice Mayor Gordo, seconded by Councilmember McAustin, to approve all items on the Consent Calendar. (Motion unanimously carried) (Absent: None)

REPORTS AND COMMENTS FROM COUNCIL COMMITTEES

FINANCE COMMITTEE

RECOGNIZE AND APPROPRIATE GRANT FUNDS IN THE AMOUNT OF \$163,000 TO THE FIRE DEPARTMENT'S FISCAL YEAR (FY) 2011 OPERATING BUDGET GRANT FUND

Recommendation: Approve a journal voucher recognizing \$163,000 from the 2007 Sub-Grantee Homeland Security Grant Program (HSGP), and appropriate these funds to the FY 2011 Fire Department's Operating budget, grant fund. (Journal Voucher No. 2011-10)

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

The City Manager summarized the agenda report.

It was moved by Councilmember Holden, seconded by Councilmember Haderlein, to approve the staff recommendation. (Motion unanimously carried) (Absent: None)

CONTRACTING AND BUILDING TRADES BUSINESS LICENSE TAX REBATE

Recommendation: Approve an abatement credit for two years to the contractors' license fees under the *Contracting and Building Trades Business License Ordinance 5.16.180* in the amount of 30 percent for the first year and an additional 30 percent in the second year. It is recommended that after the two year abatement period, staff will conduct an evaluation of its General Engineering, General Contractor, and Specialty Contractor and Other Building Tradesman license fees and compare them to other jurisdictions to determine a recommendation by May 2013.

The Mayor announced that the above item was being held to the Council meeting of December 13, 2010 at the request of staff.

Michael Logan, Pasadena resident, spoke in support of the tax rebate, and expressed concerns regarding the fee amounts currently being charged by the City.

On order of the Mayor, the above item was held to the Council meeting of December 13, 2010.

RECOMMENDATIONS FROM OFFICERS AND DEPARTMENTS

REAPPOINTMENT OF PAUL AREVALO TO THE ROSE BOWL OPERATING COMPANY (District 7 Nomination)

CONFIRMATION OF VACANCY CREATED BY FORMER BOARD MEMBER MARTIN NICHOLSON AND APPOINTMENT OF STEVEN PARKER TO THE PASADENA OPERATING COMPANY BOARD (Hotel Nomination)

It was moved by Councilmember Madison, seconded by Councilmember Haderlein, to approve the above reappointment, confirmation of vacancy, and appointment. (Motion unanimously carried) (Absent: None)

ORDINANCE – FIRST READING

Councilmember McAustin was excused at 6:56 p.m.

Conduct first reading of “A SECOND EXTENSION OF INTERIM, UNCODIFIED ORDINANCE NO. 7180 OF THE CITY OF PASADENA AMENDING TITLE 17 (THE ZONING CODE) TO AUTHORIZE A ONE-YEAR EXTENSION FOR CERTAIN PLANNING PERMITS AND LAND-USE ENTITLEMENTS WITH EXPIRED TIME EXTENSIONS”

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

ORDINANCE - ADOPTED

Councilmember McAustin returned at 6:58 p.m.

Adopt "AN ORDINANCE OF THE CITY OF PASADENA ADOPTING THE CALIFORNIA CODE OF REGULATIONS TITLE 24 INCORPORATING THE 2010 CALIFORNIA BUILDING CODE CHAPTER 1-35 AND APPENDIX CHAPTERS C, D, H, I, AND J; THE 2010 CALIFORNIA RESIDENTIAL BUILDING CODE; THE 2010 CALIFORNIA MECHANICAL CODE; THE 2010 CALIFORNIA PLUMBING CODE; THE 2010 CALIFORNIA ELECTRICAL CODE; THE 2010 CALIFORNIA FIRE CODE; AND THE 2010 CALIFORNIA GREEN BUILDING STANDARDS CODE" (Introduced by Councilmember McAustin) (Ordinance No. 7201)

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

RECESS/CLOSED SESSIONS

Councilmember Tornek was excused at 6:59 p.m.

On order of the Mayor, the special meeting of the City Council recessed at 6:59 p.m., to discuss the following closed sessions:

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

Case Name: Pasadenans for a Livable City and Pasadena Heritage v. City of Pasadena and Pasadena City Council; Real Parties in Interest: Pasadena Office, LLC, IDS Real Estate Group; and Does 1 to 5

Case No.: Los Angeles Superior Court No. BS 124250

Councilmember Tornek returned at 8:20 p.m.

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

Agency Designated Representatives: Mary Ellen Schubel, Arthur Chavez, and Michael J. Beck

Employee Organization: American Federation of State, County and Municipal Employees, Local 858

Vice Mayor Gordo was excused at 8:30 p.m.

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

Agency Designated Representatives: Mary Ellen Schubel, Arthur Chavez and Michael J. Beck

Employee Organization: American Federation of State, County and Municipal Employees, Local 858; Pasadena Association of Clerical and Technical Employees, Local 777; Pasadena Management Association; International Brotherhood of Electrical Workers, Local 18; Service Employees International Union, Local 721; International Union of Operating Engineers, Local 501; Pasadena Fire Fighters Management Association; Pasadena Fire Fighters Association, Local 809; Pasadena

Police Officers Association; Pasadena Police Sergeants Association; Unrepresented Management Top, Middle and Professional Employees; Unrepresented Technical and Administrative Employees; Unrepresented Confidential Clerical Employees; Non-Represented Employees; and Unrepresented Hourly Employees

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

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

**Case Name: Risis v. City of Pasadena
Case No.: LASC GC 044351**

The above closed session item was not discussed.

RECONVENED

On order of the Mayor, the special meeting of the City Council reconvened at 8:47 p.m. (Absent: Vice Mayor Gordo)

**REPORTS AND COMMENTS
FROM COUNCIL
COMMITTEES**

MUNICIPAL SERVICES
COMMITTEE

**REVIEW OF NON-EXCLUSIVE SOLID WASTE COLLECTION
FRANCHISE SYSTEM**

Recommendation:

(1) Find that the non-exclusive franchise system ordinance is exempt from the California Environmental Quality Act (CEQA), per Section 10561(b)(3); and
(2) Retain the closed Solid Waste Franchise System, and direct staff to report back in three years to City Council with the next review of authorized haulers to ensure there is still competitive pricing and options for solid waste recycling and disposal.

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

Martin Pastucha, Director of Public Works Department, responded to questions regarding the franchise system and the franchisees.

It was moved by Councilmember McAustin, seconded by Councilmember Holden, to approve the staff recommendation. (Motion unanimously carried) (Absent: Vice Mayor Gordo)

DIRECT THE CITY ATTORNEY TO DRAFT AN ORDINANCE AND RETURN WITHIN 60 DAYS APPROVING THE ENVIROMISSION, LLC LA PAZ SOLAR GENERATION PROJECT POWER SALES AGREEMENT, AND AUTHORIZE THE CITY MANAGER TO ENTER INTO THE AGREEMENT WITH THE SOUTHERN CALIFORNIA PUBLIC POWER AUTHORITY FOR THE PURCHASE OF 10 MEGAWATTS OF THE PROJECT'S OUTPUT

Recommendation:

- (1) Find that the La Paz Solar Tower Project is exempt from the California Environmental Quality Act (CEQA), pursuant to State CEQA Guidelines Section 15277, projects located outside California;
- (2) Direct the City Attorney to draft an ordinance and return within 60 days approving the Enviromission, LLC Solar Generation Project Power Sales Agreement; and
- (3) Authorize the City Manager to enter into the Agreement with the Southern California Public Power Authority (SCPPA), to purchase a 10MW share of the project. (Agreement No. 20,552)

Councilmember McAustin introduced the agenda item, noted the City's difficulties in finding available green projects, and emphasized that the City would bear no risks associated with the proposed project. She reported that the Municipal Services Committee had asked staff to return with information on the power Integrated Resource Plan and the City's renewable goals to assist in determining the costs to energy users.

Phyllis Currie, General Manager of Water and Power Department, provided an overview of the project and responded to questions.

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

David Czamanske, Sierra Club-Pasadena group representative, spoke in support of, expressed various concerns for, and submitted informational materials about the project.

It was moved by Councilmember McAustin, seconded by Councilmember Tornek, to approve the staff recommendation. (Motion unanimously carried) (Absent: Vice Mayor Gordo)

INFORMATION ITEM

STRATEGIC PLAN UPDATE FOR THE PERIOD OF NOVEMBER 22, 2010 THROUGH APRIL 15, 2011

Recommendation: Receive and file the six-month strategic objectives for the period of November 22, 2010 through April 15, 2011 (Attachment A of the agenda report).

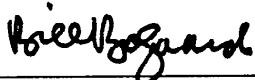
The Mayor noted that progress on the strategic objectives was updated monthly on the City's web site.

In response to Councilmember McAustin's questions, the City Manager indicated that the public comments recorded during the public budget discussions would be redistributed to Council and were available on the web site.

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

ADJOURNMENT

On order of the Mayor, the special meeting of the City Council adjourned at 9:21 p.m.



Bill Bogaard, Mayor
City of Pasadena

ATTEST:



City Clerk