

CITY OF PASADENA  
City Council Minutes  
April 4, 2011 – 5:30 P.M.  
City Hall Council Chamber

REGULAR MEETING

**OPENING:**

Mayor Bogaard called the regular meeting to order at 5:42 p.m.  
(Absent: Councilmembers Holden, Madison)

On order of the Mayor, the regular meeting recessed at 5:42 p.m., to discuss the following closed sessions:

Councilmember Holden  
arrived at 5:58 p.m.

**POTENTIAL THREATS TO SECURITY OF PUBLIC BUILDINGS OR FACILITIES pursuant to Government Code Section 54957**  
**Consultation with: Pasadena Police Chief Phillip L. Sanchez**

Councilmember Madison  
arrived at 6:24 p.m.

**CITY COUNCIL CONFERENCE WITH LABOR NEGOTIATORS pursuant to Government Code Section 54957.6**  
**Agency Negotiators: Mary Ellen Schubel, Julie A. Gutierrez, Michael J. Beck**  
**Employee Organization: Pasadena Management Association**

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

On order of the Mayor, the regular meeting reconvened at 6:36 p.m. The Pledge of Allegiance was led by Councilmember Haderlein.

**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**

Marcia Montez, Sister Cities Committee President, introduced the following members of a student/teacher delegation visiting from Jarvenpaa, Finland: Pasi Ketolainen, Atso Taipale, Lisa

Taipale, Marjut Taipale, Jenni Jaervenpaa, Leena Inkila, Maija Peltola, and Tytti Mustonen.

The Mayor presented a proclamation declaring April 21, 2011 as Senior Citizens Day. The proclamation was received by Sam Thomas, Senior Commissioner, and Marvin Schachter, AARP Executive Council member, who invited the community to the 2011 Successful Aging Conference to be held on April 21, 2011, and submitted informational material on the Conference.

The City Clerk administered the oaths of office to Paula Corsetti as Senior Commissioner, Rita Moreno as Recreation and Parks Commissioner, Steve Mulheim as Old Pasadena Parking Meter Zone Advisory Commissioner, and Dr. Nicholas Benson as Northwest Commissioner.

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

James Peterson, Chapman Manor HOA Chair, submitted his written request for building construction and approval process information related to problems with roof top water overflow for the property located at 155 East Cordova Street.

Anne M. Alderson, Pasadena resident, expressed concerns regarding business owners' noncompliance with the Americans with Disabilities Act (ADA) regulations regarding service animals; and submitted a handout titled, "Commonly Asked Questions about Service Animals in Places of Business."

The Mayor indicated that copies of the handout will be provided to the Accessibility and Disability Commission, Chamber of Commerce, and Pasadena Restaurant Association for their review in addressing this issue and for possible dissemination of this information.

Rosa Villafana, Pasadena Street Vendors Association President, expressed concerns regarding problems with illegal street vendors, asked that the Police Department and Public Health Department work to enforce the licensing of these vendors, stated suggestions for amending the pushcart regulations, asked that their group be made a part of any ordinance review process, and submitted her written statement.

The Mayor noted that staff is currently reviewing street vendor issues.

Vice Mayor Gordo indicated that the Economic Development and Technology Committee (EDTech) will work with staff in reviewing the pushcart ordinance, with his field representative to inform the Street Vendors Association regarding the scheduling of the discussions.

## INFORMATION ITEM

### **DEMONSTRATION OF CITIZEN SERVICE CENTER BY DEPARTMENT OF INFORMATION TECHNOLOGY**

The City Manager introduced the Citizen Service Center (CSC) (a 311-type system that provides online information on City services and allows citizens to place their own work orders by using the internet for various services that City staff provides).

Bryan Sands, Deputy Chief Information Officer/Customer Services, described the online knowledge-based CSC system, and showcased its features via an internet demonstration.

Councilmember McAustin commended the City Manager for initiating this approach as an aid to maintaining a level of customer service in these current economic times.

Michele White, ACLU Pasadena/Foothills Chapter President, questioned how complaints against the Police Department are handled in this system.

The City Manager indicated that the type of action posed by Ms. White was not currently included in the CSC system, and that staff will explore incorporating the filing of this type of complaint into the system.

By consensus and on order of the Mayor, the information was received, with staff to provide an update, in six months, on how the system is working and statistics on the inquiries/services provided.

## CONSENT CALENDAR

Councilmember Madison was excused at 7:26 p.m.

### **APPROVAL OF APPLICATION SUBMISSION TO THE STATE OF CALIFORNIA VIA THE LOS ANGELES COUNTY EMERGENCY FOOD AND SHELTER LOCAL BOARD FOR 2011-2012 EMERGENCY HOUSING AND ASSISTANCE PROGRAM OPERATING GRANT FUNDING IN SUPPORT OF THE BAD WEATHER SHELTER**

**Recommendation:** It is recommended that the City Council adopt a resolution:

(1) Authorizing the filing of an application with the State of California via the Los Angeles County Emergency Food and Shelter Local Board for Winter Shelter operating funding in the amount of \$10,000 through the 2011-2012 Emergency Housing and Assistance Program (EHAP), in support of the Bad Weather Shelter;

(2) Authorizing the City Manager to execute, and the City Clerk to attest, the 2011 EHAP Operating Facility Application and all other related documents, agreements, and amendments; and

(3) Find that the proposed action is exempt from the California Environmental Quality Act (CEQA), pursuant to State CEQA Guidelines Section 15061(b)(3), as it will not have a potentially significant environmental effect and therefore falls under the general rule exemption. (Resolution No. 9104)

**CLAIMS RECEIVED AND FILED**

|                  |  |             |
|------------------|--|-------------|
| Claim No. 11,340 | State Farm Insurance Company as subrogee for Deborah Cornejo | \$ 5,550.92 |
| Claim No. 11,341 | Robert Utomo   | Not Stated  |
| Claim No. 11,342 | Jennifer Gates   | 25,000.00+  |
| Claim No. 11,343 | Linda W. Cantwell as President of Trianon Owners Association | 25,000.00+  |
| Claim No. 11,344 | Gerardo C. Moreno  | 3,800.00    |

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

**RECOMMENDATIONS FROM OFFICERS AND DEPARTMENTS**

**RESIGNATION OF JAMES MARLATT FROM THE HUMAN SERVICES COMMISSION** (District 4 Nomination)

**RESIGNATION OF FLORALINE STEVENS FROM THE TRANSPORTATION ADVISORY COMMISSION** (District 1 Nomination)

**RATIFICATION OF THE NOMINATION OF SHARON YONASHIRO TO THE DESIGN COMMISSION** (Transportation Advisory Commission Nomination)

It was moved by Councilmember Robinson, seconded by Councilmember Haderlein, to accept the above resignations with regrets, and ratify the above nomination. (Motion unanimously carried) (Absent: Councilmember Madison)

**ORDINANCE – ADOPTED**

Councilmember Madison returned at 7:27 p.m.

**Adopt “AN ORDINANCE OF THE CITY OF PASADENA AMENDING SECTION 10.52.010, OF THE PASADENA MUNICIPAL CODE, DESIGNATING PORTIONS OF SIERRA MADRE BOULEVARD AS A TRUCK ROUTE”** (Introduced by Councilmember Haderlein) (Ordinance No. 7207)

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

**REPORTS AND COMMENTS FROM COUNCIL COMMITTEES**

**LEGISLATIVE POLICY COMMITTEE**

**PASADENA SUPPORT OF THE TRANSPORTATION FOR AMERICA FEDERAL TRANSPORTATION LEGISLATIVE PLATFORM**

**Recommendation:** Adopt a resolution supporting the Transportation for America Federal Transportation Legislative Platform, and direct staff to present to City Council a resolution supporting the Transportation for America position on

reauthorization of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU). (Resolution No. 9105)

**Recommendation of Legislative Policy Committee:** At their special meeting on March 29, 2011, the Legislative Policy Committee passed a motion recommending that the City Council adopt a resolution supporting the Transportation for America position on reauthorization of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU).

The Mayor, Chair of the Legislative Policy Committee, introduced the agenda item.

Mark Yamarone, Transportation Administrator, summarized the agenda report.

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

## **INFORMATION ITEM**

### **ROTATING PUBLIC ART EXHIBITION PROGRAM SELECTION PANEL RECOMMENDATIONS**

**Recommendation:** This is an information only report.

The Mayor provided background on the rotating public art exhibition program.

Rochelle Branch, Cultural Affairs Manager, reviewed the agenda report as part of a PowerPoint presentation, and responded to questions.

By consensus and on order of the Mayor, the report was received and filed.

## **REPORTS AND COMMENTS FROM COUNCIL COMMITTEES**

### **PUBLIC SAFETY COMMITTEE**

### **PROPOSED MUNICIPAL CODE AMENDMENTS TO REDUCE DRIFTING TOBACCO SMOKE IN MULTI-UNIT HOUSING**

**Recommendation:**

(1) Find the proposed action is exempt from the California Environmental Quality Act (CEQA), pursuant to State CEQA Guidelines Section 15308; and

(2) Direct the City Attorney to prepare and return within 60 days, with amendments to the Pasadena Municipal Code (PMC) to restrict smoking in multi-unit housing by amending the City's Municipal Code as follows:

- a. Specifically define secondhand smoke as a public nuisance and as an infraction under PMC Section 8.04.020.P and PMC Section 1.24.040;
- b. Prohibit tobacco smoking on patios and balconies, and in outdoor common areas, of multi-unit housing;

- c. Require disclosure of the ordinance requirements to all prospective and existing tenants and buyers in rental, lease, and purchase agreements by January 2012; and
- d. Establish phase-in period for 100% smokefree multi-unit housing by 2014.

Councilmember Haderlein, Chair of the Public Safety Committee, introduced the agenda item.

Dr. Eric Walsh, Director of Health Department, reviewed the agenda report as part of a PowerPoint presentation, and responded to questions.

Joy Guihama, Division Manager, responded to questions regarding enforcement of the ordinance, and provided a history of the complaints received regarding secondhand smoke.

The City Attorney discussed the implications of defining secondhand smoke as a public nuisance; clarified that a violation would result in an administrative citation process, if the ordinance did not define secondhand smoke as a public nuisance; and responded to questions regarding enforcement issues and potential provisions in the draft ordinance.

Vice Mayor Gordo expressed concerns regarding the need for the ordinance to clearly define the standard for determining a violation and the findings to show that a violation has occurred.

Councilmember Madison expressed concerns regarding staff's proposal to define secondhand smoke as a public nuisance.

Councilmember Robinson suggested that the ordinance specify that the City, not the property owner, is responsible for enforcement of the proposed smoking regulations; and that the ordinance include both apartment and condominium units.

The following persons spoke in support of a smoking restriction in multi-unit housing:

Barry Groveman, former Mayor of Calabasas  
Nancy Sagatelian, Pasadena resident  
Armando Torres, Day One youth advocate  
Brenda Garcia, Pasadena resident  
Jasmin Sanchez, Pasadena Tobacco Prevention Coalition member  
Ashley Mercado, Pasadena resident  
Rebecca Torres, Day One youth advocate  
Christy Zamani, Day One Executive Director  
Dr. Susan Tully, Accessibility and Disability Commissioner  
Steven Gallegos, Coalition for a Tobacco Free Los Angeles County Chair, submitted informational materials on secondhand smoke.

Esther Schiller, Smokefree Air for Everyone representative, submitted her written statement.  
Kathy Braidhill, representing several condominium groups  
Ian Nunley, Day One youth advocate  
David Wheatley, Pasadena Tobacco Prevention Coalition member  
Bob Reiter, Pasadena resident  
Wesley Reutimann, Pasadena resident, submitted a booklet titled, "How Tobacco Smoke Causes Disease ...what it means to you."  
Jacqueline Hernandez, American Heart Association California Advocacy Director  
Christine Reiter, condominium association board member

The following persons spoke in opposition to and/or expressed concerns regarding a smoking restriction in multi-unit housing:

Katheryn Henry, Pasadena-Foothills Association of Realtors President  
Margo Melody, Altadena resident  
Julie Selders, Pasadena resident

Councilmember Tornek suggested that the phase-in period for full implementation be shortened from 2014 to 2013.

Councilmember Haderlein was excused at 10:44 p.m.

The City Manager clarified what would happen during the phase-in period.

Following discussion, it was moved by Councilmember Robinson, seconded by Councilmember Madison, to approve the staff recommendation, as amended to:

- include specific language in the ordinance that the City is responsible for enforcement of the ordinance, with the property owners/landlords required to disclose the ordinance requirements
- provide a staff review of the ordinance after one year, and report on the impacts of Recommendations (2)b and (2)c, and progress on (2)d
- delete Recommendation (2)a that defines secondhand smoke as a public nuisance
- add a provision to the ordinance to require any new building permits issued for new development of multi-unit housing to be conditioned as 100% smoke free, upon the effective date of the ordinance.

(Motion unanimously carried) (Absent: Councilmember Haderlein)

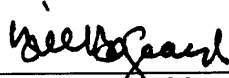
## **COUNCIL COMMENTS**

Councilmember Robinson thanked the Fire Department for their assistance in conducting the District 1 Annual Emergency Response Training. She asked the Public Safety Committee to review the Pasadena Municipal Code for possible inclusion of regulations involving battery-operated model airplanes, based

on a number of complaints she had received regarding incidences that have occurred in the Arroyo Seco open areas.

**ADJOURNMENT**

On order of the Mayor, the regular meeting of the City Council adjourned at 10:52 p.m.



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Bill Bogaard, Mayor  
City of Pasadena

ATTEST:

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