

CITY OF PASADENA
City Council Minutes
June 18, 2012 – 5:30 P.M.
City Hall Council Chamber

REGULAR MEETING

OPENING: The Mayor called the regular meeting to order at 6:31 p.m. The Pledge of Allegiance was led by Councilmember Masuda.

ROLL CALL:
Councilmembers:

Mayor Bill Bogaard
Vice Mayor Margaret McAustin
Councilmember Victor Gordo
Councilmember Chris Holden (Arrived at 6:39 p.m.)
Councilmember Steve Madison (Arrived at 7:23 p.m.)
Councilmember Gene Masuda
Councilmember Jacque Robinson
Councilmember Terry Tornek

Staff:

City Manager Michael J. Beck
Chief Assistant City Attorney Nicholas Rodriguez
City Clerk Mark Jomsky

CEREMONIAL MATTERS

Ardis Willwerth, Pasadena Museum of History Director of Exhibitions and Programming, announced various activities that will be held on June 23, 2012 in celebration of the City's 126th birthday.

Councilmember Gordo arrived at 6:39 p.m.

Fausto De La Torre, Villa-Parke Boxing Club Coach, introduced three of the Club's amateur boxers who recently competed in the 2012 California Police Activities League (PAL) State Boxing Championships/Adidas National Tournament and won the following medals/titles:

Paul Davis, Senior Class National Champion
Edward Lam, Intermediate Class National Champion
Christian Camarena, Intermediate Class Silver Medalist

The Mayor congratulated the young boxers, and the City provided Certificates of Recognition to them for their accomplishments.

Councilmember Gordo acknowledged the Coach and staff for the successful boxing program at Villa-Parke Community Center.

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

The following persons expressed concerns regarding the impending closure of the mail processing center at the Mack Robinson Post Office, and impacts on the postal employees and the City; and asked the City Council to take action in strongly opposing any changes at this location:

Mrs. Delano Robinson, Pasadena resident
Joanna Foster, Pasadena resident
Joe Brown, Pasadena Branch NAACP President
Ishmael Trone, Pasadena resident
Cory Campbell, Pasadena resident
Cornell T. Woods, postal employee
Michael Evans, American Postal Workers Union, AFL-CIO representative, submitted a copy of the Union's complaint to the Postal Regulatory Commission regarding violations of 39 U.S.C. 3661 and 3691
Mike Wyly, National Association of Letter Carriers President
Christopher Allen, Pasadena resident
Dr. Nicholas M. Benson, I.M.A. representative
Carolyn Zorn, letter carrier
Jan Siechert, Pasadena resident
Paul Krehbiel, Pasadena resident
Osvaldo Quintana, National Postal Mail Handlers Union/ Pasadena Branch President speaking as an individual

Floyd Folven, Pasadena resident, read and submitted his written concerns regarding various City budgetary issues and its financial standing.

James Lomako, Pasadena resident, described problems involving concrete gutter and curb work that was performed by the City in front of his house on Whitefield Road, and asked staff to contact him about correcting the concrete work problems as part of a remediation project that the City is undertaking in this area.

MOTION TO ADD ITEM TO
THE AGENDA

Councilmember Gordo expressed concerns regarding the loss of local jobs that will result from the U.S. Postal Service (USPS) proposed service changes at Mack Robinson Post Office, the negative impacts of the proposed changes on a post office having historical significance, and the issue of degradation of mail services in the City; and asked that the City Council take appropriate action on this matter.

Councilmember Robinson expressed concerns regarding the steps being taken by USPS to expedite these changes without notifying the City.

The Chief Assistant City Attorney highlighted the Ralph M. Brown Act provisions for adding an agenda item after the agenda has been posted, if the City Council would want to discuss and take action on this matter on an urgency basis, as part of the current Council meeting.

Councilmember Madison
arrived at 7:23 p.m.

Councilmember Holden commented on the time-sensitive nature of any actions the City might want to pursue, and suggested this matter be added to the agenda as an urgency item, given the need to discuss and give direction to the City

Attorney's Office on potential litigation involving the USPS proposed service changes at the Mack Robinson Post Office during a closed session, and to also discuss possible additional actions to declare the City's opposition to the proposed service changes.

Following discussion, it was moved by Councilmember Holden, seconded by Councilmember Robinson, to find that the matter of U.S. Postal Service (USPS) actions to change the operations at Mack Robinson Post Office had come to the attention of the City after the posting of the agenda, that there was a need to take immediate action on this matter prior to the next scheduled City Council meeting on July 9, 2012, and that an agenda item on the USPS proposed service changes at Mack Robinson Post Office be added to the agenda on an urgency basis. (Motion unanimously carried) (Absent: None)

ITEM THAT AROSE AFTER POSTING OF THE AGENDA

UNITED STATES POSTAL SERVICE (USPS) PROPOSED SERVICE CHANGES AT THE MACK ROBINSON POST OFFICE

Brief discussion followed on actions the City might take in support of its opposition to the service (operations) changes that USPS will be implementing at the Mack Robinson Post Office.

It was moved by Councilmember Holden, seconded by Councilmember Gordo, to send a strongly-worded letter to the appropriate persons/parties regarding the City's opposition to the proposed service changes at the Mack Robinson Post Office; and to direct the City Attorney's Office to review the American Postal Workers Union pending litigation submitted as part of public comment, and explore any legal options that the City Council might consider to further support the City's position in opposition to the proposed service changes. (Motion unanimously carried) (Absent: None)

CONSENT CALENDAR

AUTHORIZE THE CITY MANAGER TO EXECUTE ALL AGREEMENTS WITH THE LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY (METRO) ASSOCIATED WITH THE RECEIPT OF GRANT FUNDING AND THE IMPLEMENTATION AND MANAGEMENT OF THE PASADENA WAYFINDING PROGRAM

Recommendation:

(1) Find that the following proposed actions are exempt from review, pursuant to the California Environmental Quality Act (CEQA), pursuant to State CEQA Guidelines Section 15061(b)(3); and

(2) Authorize the City Manager to execute all agreements with the Los Angeles County Metropolitan Transportation Authority (Metro) associated with the receipt of grant funding and the implementation of the program. (Agreement No. 21,088)

CONTRACT AWARD TO TRANSCORE ITS, LLC FOR THE DEPLOYMENT OF AN ADAPTIVE TRAFFIC CONTROL SYSTEM (ATCS) ON THE SOUTH FAIR OAKS AVENUE CORRIDOR

Recommendation:

(1) Find that, the proposed project was found to be categorically exempt under the California Environmental Quality Act (CEQA) Guidelines in Section 15301(c), existing facilities, of the California Code 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) Authorize the City Manager to enter into a contract with Transcore ITS, LLC, for the deployment of an Adaptive Traffic Control System (ATCS) on the South Fair Oaks Avenue Corridor in an amount not to exceed \$384,994. (Contract No. 21,078)

AUTHORIZATION TO ENTER INTO CONTRACTS WITH THE LOS ANGELES COUNTY DEPARTMENT OF PUBLIC HEALTH'S DIVISION OF HIV/STD PROGRAMS

Recommendation: Authorize the City Manager to enter into contracts with the Los Angeles County Department of Public Health's Division of HIV/STD Programs, for the provision of Home-Based Case Management, Non-Medical Case Management, and Mental Health Psychotherapy services. (Contract Nos. 21,079, 21,085, and 21,086)

CONTRACT AWARD TO QUEST DIAGNOSTICS FOR PROVISION OF LABORATORY SERVICES

Recommendation:

(1) Authorize the City Manager to enter into a contract, without Competitive Bidding, pursuant to City Charter Section 1002(F), contracts for professional or unique services, with Quest Diagnostics, in an amount not to exceed \$150,000 for comprehensive professional laboratory testing services; and

(2) Authorize the City Manager to extend the contract for up to three additional one-year periods for an amount not to exceed \$150,000 per year. (Contract No. 21,080)

AUTHORIZATION TO ENTER INTO A PURCHASE ORDER CONTRACT WITH HENRY SCHEIN, INC. FOR THE PURCHASE OF DENTAL CLINIC EQUIPMENT

Recommendation:

(1) Authorize the issuance of a purchaser order contract with Henry Schein, Incorporated in an amount not to exceed \$275,000. Competitive bidding is not required, pursuant to City Charter Section 1002(H), contracts with other governmental entities or their contractors for labor, material, supplies or services; and

(2) Grant the proposed purchase order 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)(3), contracts for which the City's best interests are served.

REJECTION OF BID FOR PROVIDING LABOR AND MATERIALS FOR THE SAW CUTTING OF CONCRETE AND ASPHALT PAVEMENT FOR THE WATER AND POWER DEPARTMENT

Recommendation: Reject a bid received on May 2, 2012, in response to Specifications WD-12-02 for providing labor and materials for the saw cutting of concrete and asphalt pavement for the Water and Power Department.

QUARTERLY INVESTMENT REPORT – QUARTER ENDING MARCH 31, 2012

Recommendation: This report is for information only.

Item discussed separately at the request of Councilmember Gordo.

APPROVAL OF AN AMENDMENT TO THE MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF PASADENA AND PASADENA ASSOCIATION OF CLERICAL AND TECHNICAL EMPLOYEES, FOR THE TERM OCTOBER 1, 2010 THROUGH SEPTEMBER 30, 2015 AND RELATED RESOLUTIONS

RESIGNATION OF KAREN EVANS FROM THE NORTHWEST COMMISSION EFFECTIVE JULY 1, 2012 (District 1 Nomination)

APPOINTMENT OF WENDY WANG TO THE LIBRARY COMMISSION EFFECTIVE JULY 1, 2012 (District 7 Nomination)

APPOINTMENT OF VICTOR GONZALEZ TO THE LIBRARY COMMISSION (District 5 Nomination)

MINUTES APPROVED

June 4, 2012

CLAIMS RECEIVED AND FILED

Claim No. 11,682	Jane Demirdjian	\$ 25.00
Claim No. 11,683	Richard G. G. Beatty; President, Upper Rancheros Road Association	25,000.00+
Claim No. 11,684	Milisav Ilic	322.00
Claim No. 11,685	David B. Rogers	526.00
Claim No. 11,686	Ellen Entner	115.00

PUBLIC HEARINGS SET

July 9, 2012, 7:00 p.m. – Designation of 581 North Los Robles as a Landmark

July 16, 2012, 7:00 p.m. – Proposed Substantial Amendment to HOME Investment Partnership Act (HOME) Section of the Annual Action Plans for HUD Program Years 2006 through 2011

The City Clerk noted that staff had added the word "Substantial" to the July 16, 2012 public hearing, as cited above.

It was moved by Councilmember Gordo, seconded by Vice Mayor McAustin, to approve the Consent Calendar, with the exception of Item 8 (Amendment to Memorandum of Understanding with Pasadena Association of Clerical and Technical Employees), which was discussed separately. (Motion unanimously carried) (Absent: None)

CONSENT ITEM
DISCUSSED SEPARATELY

Councilmember Gordo recused himself at 7:51 p.m., due to a conflict of interest.

APPROVAL OF AN AMENDMENT TO THE MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF PASADENA AND PASADENA ASSOCIATION OF CLERICAL AND TECHNICAL EMPLOYEES, FOR THE TERM OCTOBER 1, 2010 THROUGH SEPTEMBER 30, 2015 AND RELATED RESOLUTIONS

Recommendation:

- (1) Approve a successor Memorandum of Understanding (MOU) between the City of Pasadena (City) and the Pasadena Association of Clerical and Technical Employees for the term of October 1, 2010 through September 30, 2015;
- (2) Adopt a resolution of the City Council of the City of Pasadena to authorize tax deferral of member paid contributions to the California Public Employees' Retirement System for the miscellaneous employees in the bargaining unit represented by PACTE/LIUNA, Local 777; and
- (3) Adopt a resolution of the City Council of the City of Pasadena to report the value of employer paid member contributions (EPMC) for the miscellaneous employees represented by PACTE/LIUNA, Local 777 and supersedes resolution No. 8773 insofar as it applies to the miscellaneous employees represented by PACTE/LIUNA, Local 777. (Resolution Nos. 9209 and 9210)

Julie Gutierrez, Assistant City Manager, summarized the agenda report, and responded to questions.

Councilmember Holden and the City Manager commended the PACTE employees for their work and cooperation in reaching this agreement with the City.

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

PUBLIC HEARING

Councilmember Gordo returned at 7:59 p.m.

Councilmember Holden was excused at 7:59 p.m.

PUBLIC HEARING: CONSIDER GRANTING NON-EXCLUSIVE SOLID WASTE FRANCHISES

Recommendation:

- (1) Acknowledge that the non-exclusive Solid Waste Collection Franchise System Ordinance is categorically exempt from the California Environmental Quality Act (CEQA). A Notice of Exemption has been filed with the Los Angeles County Clerk;

- (2) After closure of the public hearing, grant renewal of a non-exclusive franchise to 22 existing franchises from the date of execution through June 30, 2013, consistent with the Solid Waste Collection Franchise Ordinance; and
- (3) Direct the City Attorney to prepare the necessary ordinances for the approved applications, and authorize the City Manager to enter into the franchise agreements on or after the effective date of the ordinance approving such franchise.

The Mayor opened the public hearing.

The City Clerk reported the notice of public hearing was published on June 7, 2012 in the Pasadena Journal; and no correspondence was received.

Steve Wright, Assistant City Engineer, highlighted the agenda report as part of a PowerPoint presentation.

Carmen Rubio, Program Coordinator, responded to questions regarding the current franchise system.

Councilmember Gordo expressed concerns regarding the need for private haulers to be held responsible for working with staff to rectify the impacts of the illegal dumping activities that continue to occur, especially in multi-unit areas of the City.

Andy Torres, Public Works Superintendent, noted that staff is developing language that will improve the City's ability to enforce illegal dumping code violations, with a report on the issue to be presented to the Municipal Service Committee in the next few months.

No one appeared for public comment.

It was moved by Vice Mayor McAustin, seconded by Councilmember Tornek, to close the public hearing. (Motion unanimously carried) (Absent: Councilmember Holden)

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

CEREMONIAL MATTERS

The City Clerk administered the oath of office to Eugene Brooks as Accessibility and Disability Commissioner.

PUBLIC HEARING

Councilmember Tornek recused himself at 8:09 p.m., due to a conflict of interest.

PUBLIC HEARING: EXPANSION OF ZONING CREDIT PARKING PROGRAM ON SOUTH LAKE AVENUE AND RELATED ZONING CODE AMENDMENTS

Recommendation:

- (1) Adopt the Initial Study (Attachment A of the agenda report) and the Negative Declaration for the proposed project;
- (2) Approve a finding of consistency with the General Plan as contained in the agenda report;

- (3) Expand the zoning credit parking program to the South Lake Avenue District;
- (4) Approve the proposed amendments to the Zoning Code as contained in the agenda report; and
- (5) Direct the City Attorney to draft an ordinance within 60 days consistent with the provisions set forth in the agenda report.

Recommendation of Planning Commission: On May 23, 2012, the Planning Commission voted 8-0 to recommend to the City Council:

- (1) Adopt the Initial Study (Attachment A of the agenda report) and the Negative Declaration for the proposed project;
- (2) Approve a finding of consistency with the General Plan as contained in the agenda report;
- (3) Expand the zoning credit parking program to the South Lake Avenue District; and
- (4) Approve the proposed amendments to the Zoning Code as contained in the agenda report.

The Mayor opened the public hearing.

The City Clerk reported the notice of public hearing was published on June 4, 2012 in the Pasadena Star-News and on June 7 and 14, 2012 in the Pasadena Journal; and no correspondence was received.

Vince Bertoni, Director of Planning Department, introduced the agenda item, and responded to questions regarding the parking program.

Denver Miller, Principal Planner, reviewed the agenda report as part of a PowerPoint presentation, and responded to questions.

Stephanie DeWolfe, Deputy Director, clarified information that had been gathered during a parking study conducted for the South Lake Avenue area, and responded to questions.

Vice Mayor McAustin suggested staff explore increasing the amount of time allowed on the South Lake parking meters, which would provide an opportunity for shoppers/diners to spend more time in the business district.

Councilmember Gordo expressed support for using this type of parking credit program as an interim measure for the South Lake area, as long as staff also pursues a more permanent arrangement (e.g., shared/co-located parking with the private parking garage owners) in order to provide adequate parking that is based on a long-term policy solution for the City's business districts.

The City Manager noted that the proposed program is currently being driven by zoning restrictions, with staff continuing to explore all options with the South Lake Avenue Business District.

The following persons spoke in support of the zoning credit parking program:

Matthew Rodman, The Marketplace owners' representative
Richard A. McDonald, Esq, South Lake Avenue Business
District Board Director

Councilmember Robinson asked staff to return with an update on the program at the end of one year.

It was moved by Councilmember Madison, seconded by Councilmember Masuda, to close the public hearing. (Motion unanimously carried) (Absent: Councilmembers Holden, Tornek)

Following discussion, it was moved by Vice Mayor McAustin, seconded by Councilmember Masuda, to approve the staff recommendation. (Motion unanimously carried) (Absent: Councilmembers Holden, Tornek)

**RECOMMENDATIONS
FROM OFFICERS AND
DEPARTMENTS**

Councilmember Tornek returned at 8:59 p.m.

ADOPT A RESOLUTION APPROVING THE ANNUAL REPORT OF THE ADVISORY BOARD OF THE PASADENA TOURISM BUSINESS IMPROVEMENT DISTRICT (DISTRICT), DECLARING ITS INTENTION TO LEVY ASSESSMENTS AGAINST HOTEL AND MOTEL BUSINESSES WITHIN THE DISTRICT FOR FISCAL YEAR 2013, AND SETTING A PUBLIC HEARING ON THE LEVY OF THE ASSESSMENTS FOR JULY 9, 2012 AT 7:00 P.M.

Recommendation: Adopt a resolution approving the annual report of the Advisory Board of the Pasadena Tourism Business Improvement District (the District) for Fiscal Year 2013, declaring its intention to levy assessments against hotel and motel businesses within the District for Fiscal Year 2013 and setting a public hearing on the levy of the assessments on July 9, 2012, at 7:00 p.m. (Resolution No. 9211)

Councilmember Madison, Pasadena Center Operating Company (PCOC) Board member, and Mike Ross, PCOC Chief Executive Officer, highlighted the agenda item.

It was moved by Councilmember Madison, seconded by Vice Mayor McAustin, to approve the Pasadena Center Operating Company's recommendation. (Motion unanimously carried) (Absent: Councilmember Holden)

Councilmember Madison was excused at 9:02 p.m.

AMENDMENTS TO FISCAL YEAR 2012 ADOPTED BUDGET

Recommendation:

(1) Amend the Fiscal Year 2012 Adopted Operating and Capital Improvement Program Budget as detailed in the Proposed Budget Amendments section of the agenda report; and

(2) Authorize an increase to Contract No. 18,983 with Gonzales Goodale Architects (GGA) by \$270,000 from \$1,023,682 to \$1,293,682, for architectural and engineering services related to the Water and Power Yards Office Building/Warehouse Renovation and Construction of a New Operations Facility/Emergency Operations Center (EOC). (Contract Amendment No. 18,983-1; Journal Voucher No. 2012-26)

Andy Green, Director of Finance Department, introduced the agenda item.

Vice Mayor McAustin underscored the fact that 2012 revenues came in \$5 million less than projected, adding to the City's financial constraints in balancing its budget during these economic conditions.

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

APPROVAL OF COMMITMENT OF GENERAL FUND BALANCE FOR THE GENERAL FUND EMERGENCY CONTINGENCY COMMITMENT FOR FISCAL YEARS 2012 AND 2013

Recommendation: Adopt a resolution approving the City of Pasadena General Fund Emergency Contingency commitment of fund balance of the General Fund for Fiscal Years 2012 and 2013, maintaining the present ten percent level. (Resolution No. 9212)

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

ORDINANCES – FIRST READING

Conduct first reading of “AN UNCODIFIED ORDINANCE OF THE CITY OF PASADENA SUSPENDING IMPLEMENTATION OF THE SCHEDULED JULY 1, 2012 CONSUMER PRICE INCREASE TO THE STIPENDS OF THE MAYOR AND MEMBERS OF THE CITY COUNCIL SET FORTH IN SECTION 2.05.210(B) OF THE PASADENA MUNICIPAL CODE”

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

AYES: Councilmembers Gordo, Masuda, Robinson, Tornek, Vice Mayor McAustin, Mayor Bogaard

NOES: None

ABSENT: Councilmembers Holden, Madison

Conduct first reading of "AN ORDINANCE OF THE CITY OF PASADENA AMENDING THE LIGHT AND POWER RATE ORDINANCE, CHAPTER 13.04 OF THE PASADENA MUNICIPAL CODE"

The above ordinance was offered for first reading by Vice Mayor McAustin:

AYES: Councilmembers Gordo, Masuda, Robinson, Tornek, Vice Mayor McAustin, Mayor Bogaard

NOES: None

ABSENT: Councilmembers Holden, Madison

ORDINANCE - ADOPTED

Adopt "AN ORDINANCE OF THE CITY OF PASADENA AMENDING SECTION 8.60.210(E) OF THE PASADENA MUNICIPAL CODE, RELATING TO THE SERVICE CHANGE FEE FOR SOLID WASTE CONTAINER SERVICE"
(Introduced by Councilmember Tornek) (Ordinance No. 7220)

The above ordinance was adopted by the following vote:

AYES: Councilmembers Gordo, Masuda, Robinson, Tornek, Vice Mayor McAustin, Mayor Bogaard

NOES: None

ABSENT: Councilmembers Holden, Madison

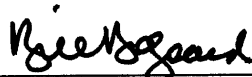
COUNCIL COMMENTS

The City Manager noted that with Council's action on the PACTE contract earlier in the evening, 60% of the City's employees are now paying the full 8% of the employee portion of the CalPERS pension agreement.

Vice Mayor McAustin suggested that a discussion of the City Council paying their full 8% contribution of the pension plan be scheduled.

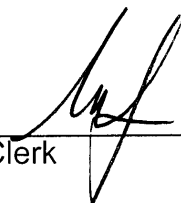
ADJOURNMENT

On order of the Mayor, the regular meeting of the City Council adjourned at 9:07 p.m.



Bill Bogaard, Mayor
City of Pasadena

ATTEST:



City Clerk