

CITY OF PASADENA
City Council Minutes
October 29, 2012 – 5:30 P.M.
City Hall Council Chamber

REGULAR MEETING

OPENING:

Mayor Bogaard called the regular meeting to order at 5:44 p.m.
(Absent: Councilmember Madison)

On order of the Mayor, the regular meeting recessed at 5:44 p.m., to discuss the following closed session:

CITY COUNCIL CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION pursuant to Government Code Section 54956.9(b): One potential case

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

On order of the Mayor, the regular meeting reconvened at 6:30 p.m. The Pledge of Allegiance was led by Councilmember Madison.

ROLL CALL:

Councilmembers:

Mayor Bill Bogaard
Vice Mayor Margaret McAustin
Councilmember Victor Gordo
Councilmember Chris Holden
Councilmember Steve Madison
Councilmember Gene Masuda
Councilmember Jacque Robinson
Councilmember Terry Tornek

Staff:

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

PUBLIC COMMENT ON MATTERS NOT ON THE AGENDA

The Mayor reported on the progress regarding the alternatives under consideration by Metro on the proposals for the 710 Freeway Extension Project and the potential impact Measure A. He indicated that the City Attorney has selected outside legal counsel for additional advice on this matter, the contact of which will be the topic of discussion at the City Council meeting on December 10, 2012.

Weston DeWalt, Pasadena resident, expressed concerns regarding the lack of public access to a video of a Transportation Summit event on January 22, 2012 produced by One Community, and asked that the video be made available

to the public. He also expressed concerns regarding Measure A and the SR-710 Tunnel issue.

CONSENT CALENDAR
Item discussed separately,
at the request of
Councilmember Masuda.

AUTHORIZATION TO ENTER INTO MEMORANDUMS OF UNDERSTANDING WITH THE LOS ANGELES COUNTY FLOOD CONTROL DISTRICT AND THE ARROYO SECO FOUNDATION TO IMPLEMENT PROPOSITION 84 GRANT

AUTHORIZE THE CITY MANAGER TO APPROVE A PURCHASE ORDER CONTRACT IN AN AMOUNT NOT TO EXCEED \$195,000 WITH STETSON ENGINEERS, INC. (STETSON), TO PROVIDE ENGINEERING CONSULTING SERVICES FOR THE EASTSIDE WELL COLLECTOR CENTRALIZED DISINFECTION FACILITY FOR THE WATER AND POWER DEPARTMENT

Recommendation:

- (1) Approve the Initial Environmental Study (Attachment A to the agenda report) and adopt the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program (Attachment B of the agenda report) for the Eastside Well Collector Project;
- (2) Direct the City Clerk to file a Notice of Determination with the Los Angeles County Recorder;
- (3) Find that the proposed purchase order contract is exempt from the competitive bidding process, pursuant to City Charter, Section 1002(f), contracts for professional or unique services;
- (4) Authorize the City Manager to approve a purchase order contract in an amount not to exceed \$195,000 with Stetson to provide consulting services for the Eastside Well Collector Centralized Disinfection Facility for the Water and Power Department; and
- (5) 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), contracts for which the City of Pasadena's best interests are served.

AUTHORIZE THE CITY MANAGER TO ENTER INTO A FIBER LICENSE AGREEMENT WITH THE CALIFORNIA INSTITUTE OF TECHNOLOGY

Recommendation:

- (1) Find that the project is exempt from the California Environmental Quality Act (CEQA), pursuant to State CEQA Guidelines, Section 15301, existing facilities; and
- (2) Authorize the City Manager to enter into a license agreement with the California Institute of Technology for use of City fiber, resulting in up to \$180,988 in revenue to the City over the 10-year term of the agreement. (Agreement No. 21,232)

ADOPTION OF A RESOLUTION CONSOLIDATING THE SALARY RESOLUTIONS FOR NON-REPRESENTED,

TECHNICAL-ADMINISTRATIVE, HOURLY AND CONFIDENTIAL-CLERICAL INTO ONE RESOLUTION TITLED NON-REPRESENTED NON-MANAGEMENT

Recommendation: Adopt a resolution consolidating the salary resolutions for Non-Represented, Technical Administrative, Hourly and Confidential-Clerical into one resolution titled Non-Represented Non-Management. (Resolution No. 9244)

ADOPTION OF A RESOLUTION CONSOLIDATING THE SALARY RESOLUTIONS FOR TOP, MIDDLE AND PROFESSIONAL MANAGEMENT INTO ONE RESOLUTION TITLED NON-REPRESENTED MANAGEMENT

Recommendation: Adopt a resolution consolidating the salary resolutions for Top, Middle, and Professional Management into one resolution titled Non-Represented Management. (Resolution No. 9245)

ADOPTION OF A RESOLUTION AMENDING THE SALARY RESOLUTION TO ESTABLISH TERMS AND CONDITIONS OF EMPLOYMENT FOR VARIOUS CLASSIFICATIONS IN THE EXECUTIVE MANAGEMENT GROUP

Recommendation: Adopt a resolution amending the Salary Resolution to implement terms and benefit adjustments for classifications in the Executive Management group. It is further recommended that the City Manager be authorized to amend employment contracts with Assistant City Managers, department heads, and department administrators, as needed, to reflect Council approved changes. (Resolution No. 9246)

APPROVAL OF AMENDMENT TO EMPLOYMENT AGREEMENTS – CITY MANAGER MICHAEL J. BECK, CITY ATTORNEY MICHELE B. BAGNERIS, AND CITY CLERK MARK JOMSKY

Recommendation: Approve amendments to employment agreements for Council Appointees of City Manager, City Attorney and City Clerk to implement terms and benefit adjustments for these positions. It is further recommended that the Mayor be authorized to sign these employment contracts, as needed, to reflect Council approved changes. These adjustments are consistent with changes being made with other employee groups to support the City Council's strategic goal of fiscal responsibility and stability. (Contract Amendment Nos. 19,748-2; 19,080-8 and 19,710-3)

APPOINTMENT OF JOHN ORR TO THE ACCESSIBILITY AND DISABILITY COMMISSION (District 6 Nomination)

CLAIMS RECEIVED AND FILED

Claim No. 11,786	Clarence Moore	\$ 117.00
Claim No. 11,787	AAA as subrogee of Maria Sheu	2,805.63
Claim No. 11,788	Yvonne Savio	127.98

It was moved by Councilmember Gordo, seconded by Vice Mayor McAustin, to approve the Consent Calendar, with the exception of Item 1 (Memorandums of Understanding), which was discussed separately. (Motion unanimously carried) (Absent: None)

CONSENT ITEM DISCUSSED SEPARATELY

AUTHORIZATION TO ENTER INTO MEMORANDUMS OF UNDERSTANDING WITH THE LOS ANGELES COUNTY FLOOD CONTROL DISTRICT AND THE ARROYO SECO FOUNDATION TO IMPLEMENT PROPOSITION 84 GRANT

Recommendation:

- (1) Find that the subject Memorandums of Understanding are exempt from the California Environmental Quality Act (CEQA), pursuant to State CEQA Guidelines, Section 15061(b)(3), general rule;
- (2) Approve shifting the total \$3,271,000 Proposition 84 Integrated Resources Water Management Plan Grant Fund Award to the Canyon component of the Hahamongna Basin Multi-Use Project;
- (3) Authorize the City Manager to enter into a Memorandum of Understanding with the Los Angeles County Flood Control District to receive \$3,271,000 in Proposition 84 grant funds; and
- (4) Authorize the City Manager to enter into a Memorandum of Understanding with the Arroyo Seco Foundation, without competitive bidding, pursuant to City Charter, Section 1002(f), contracts for professional or unique services, for the implementation of the Hahamongna Basin Multi-Use Project for a fee not to exceed \$250,000. It is further recommended that the City Council grant this contract an exemption from the competitive selection process, pursuant to the Pasadena Municipal Code, Section 4.08.049B, contracts for which the City's best interests are served. (Contract Nos. 21,233 and 21,234)

Recommendation of the Hahamongna Watershed Park

Advisory Committee: On October 9, 2012, the Hahamongna Watershed Park Advisory Committee recommended that the City Council support a staff recommendation to:

- (a) Shift the total Proposition 84 Integrated Resources Water Management Plan Grant Funded Award to the Canyon component of the Hahamongna Basin Multi-Use Project in the Hahamongna Watershed Park; and
- (b) Enter into a Memorandum of Understanding with the Los Angeles County Flood Control District to receive the grant and with the Arroyo Seco Foundation to implement the project.

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

Natalie Ouwersloot, Engineer, reviewed the agenda report as part of a PowerPoint presentation.

Dianne Patrizzi, Spirits of Hahamongna representative, expressed concerns regarding the proposed projects for the Hahamongna Watershed Park, and asked that these projects not be pursued in order to protect the endangered species in Hahamongna.

Dan Rix, City Engineer, indicated that an Environmental Impact Report (EIR) to add an additional soccer field in the Hahamongna Watershed Park is in progress; and that alternative locations for recreational activities are being sought throughout the City.

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

**REPORTS AND COMMENTS
FROM COUNCIL
COMMITTEES**

FINANCE COMMITTEE

TRANSFER OF THE HUMAN SERVICES ENDOWMENT FUND TO THE PASADENA COMMUNITY FOUNDATION

Recommendation: Approve the transfer of the Human Services Endowment Fund (the Fund) to the Pasadena Community Foundation (PCF) and find that the transfer is in the interest of the public and City in that it presents the best option to ensure the continued viability of the Fund. PCF is a non-profit, public benefit, foundation uniquely placed to both market and manage the fund in a way that will allow for greater investment returns, as well as the ability to pursue other ways of attracting donors and income which will enable the Fund to continue to serve the purposes for which it was originally established.

Recommendation of Human Services Commission: On October 10, 2012, the Human Services Commission approved the staff recommendation to transfer the Human Services Endowment Fund to the Pasadena Community Foundation. The Human Services Commission respectfully requests that it continue to serve as the advisory body for expenditures from the Human Services Endowment Fund.

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

Bill Huang, Director of Housing Department, highlighted the agenda report, and responded to questions.

Valerie Babinski, Program Coordinator, summarized the agenda report as part of a PowerPoint presentation.

Yuny Parada, Human Services Commissioner, spoke in support of the transfer of the Human Services Endowment Fund (HSEF) to the Pasadena Community Foundation, and stated the Commission's request to remain the advisory body for expenditures made from the HSEF.

MOTION

It was moved by Vice Mayor McAustin, seconded by Councilmember Robinson, to approve the staff recommendation setting the payout of funds at 3% of the revenues generated by the fund.

Councilmember Gordo stated his support for the request made by the Human Services Commission to remain the advisory body for reviewing and recommending the expenditures made from the fund.

Councilmember Tornek expressed concerns about cutting HSEF Funding during the current economic environment; and advocated for the funding alternative presented by staff that set the disbursal amount for the first year at \$103,000, the second year at \$80,000, and then 3% of the revenues of the fund in the future, allowing for the fund to grow but also making more funds available now to organizations that are in need.

Jennifer Fleming DeVoll, Pasadena Community Foundation Executive Director, discussed the need to balance the short term needs of the community with the long term goals to preserve the endowment funds.

SUBSTITUTE MOTION

Following additional discussion, it was moved by Councilmember Tornek, seconded by Councilmember Gordo, to approve the staff recommendation, as amended to that set the disbursal amount for the first year at \$103,000, the second year at \$80,000, and then 3% of the revenues of the fund in the future, and maintained the Human Services Commission as the advisory body for reviewing and recommending the expenditures made from the fund:

AYES: Councilmembers Gordo, Holden, Madison, Tornek, Mayor Bogaard

NOES: Councilmembers Masuda, Robinson, Vice Mayor McAustin

ABSENT: None

AMENDMENTS TO FISCAL YEAR 2013 ADOPTED BUDGET Recommendation:

(1) Amend the Fiscal Year 2013 Adopted Budget as detailed in the Proposed Budget Amendments section of the agenda report; and

(2) Authorize the following contract amendment actions:

(a) Authorize an increase to Contract No. 20,256 with Perry C. Thomas Construction, Inc., not to exceed \$8,620 to allow payment for repair of deteriorating vaults, and find that this action is exempt from California Environmental Quality Act (CEQA), pursuant to State CEQA Guidelines, Section 15061(b), the general rule that CEQA only applies to projects that may have an effect on the environment; and

(b) Authorize an increase to Purchase Order No. 49915 with Alstom Grid, in an amount not to exceed \$170,000 for the purchase of four 34-kV Circuit Breakers, and find that this action is exempt from CEQA, pursuant to State CEQA Guidelines, Section 15302, replacement or reconstruction. (Contract Amendment No. 20,256-1; Journal Voucher No. 2013-16)

Councilmember Holden summarized the agenda report.

It was moved by Councilmember Holden, seconded by Vice Mayor McAustin, to approve the staff recommendation with the exception of Item No. 18 (Non-Departmental – Rose Bowl NFL Environmental Impact Report) (Motion unanimously carried) (Absent: None)

It was moved by Vice Mayor McAustin, seconded by Councilmember Gordo, to approve Item No. 18 of the staff recommendation. (Motion carried, with Councilmember Tornek objecting) (Absent: None)

AMENDMENT TO SALARY RESOLUTIONS TO ESTABLISH TITLES AND CONTROL RATES FOR PUBLIC HEALTH DENTIST, DENTAL HYGIENIST, AND DENTAL ASSISTANT, AND APPROVAL OF THE ADDITION OF NEW LIMITED TERM, GRANT-FUNDED POSITIONS

Recommendation:

(1) Amend the Salary Resolution to establish titles and salary control rates for the positions of Public Health Dentist, Dental Hygienist, and Dental Assistant in the Non-Represented Management Group and the Non-Represented Technical-Administration Group;

(2) Approve a journal voucher increasing appropriations in the Public Health Department's Fiscal Year 2012-2013 Operating Budget by \$1,089,616 and recognizing anticipated revenues by \$905,775; and

(3) Authorize an increase in the total number of full-time employees (FTEs) from 103.85 to 123.85 FTEs, as detailed in the agenda report. (Resolution No. 9247; Journal Voucher No. 2013-17)

Councilmember Holden highlighted the agenda report.

Vice Mayor McAustin, Finance Committee member, emphasized that the 20 new employees are grant-funded employees.

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

RECOMMENDATIONS FROM OFFICERS AND DEPARTMENTS

APPROVAL OF CHANGES TO BENEFITS FOR CITY COUNCIL AND DIRECT THE CITY ATTORNEY TO PREPARE AN ORDINANCE ALLOWING FOR THE ANNUAL STIPEND INCREASE FOR THE MAYOR AND CITY COUNCIL

Recommendation:

- (1) Approve retirement and benefit adjustments for the Mayor and City Council which are consistent with changes being made with other employee groups to support the City Council's strategic goal of fiscal responsibility and stability; and
- (2) Direct the City Attorney to prepare an ordinance allowing for a 3% increase to their stipend, consistent with the Pasadena Municipal Code and Consumer Price Index (CPI) increase for the Mayor and City Council effective December 31, 2012.

In response to the Mayor's questions, the City Attorney clarified that the City Council must approve the waiver as a group, rather than on an individual basis.

It was moved by Vice Mayor McAustin, seconded by Councilmember Tornek, to approve the Mayor's recommendation. (Motion carried, with Councilmembers Madison and Masuda objecting) (Absent: None)

Councilmember Madison noted for the record that his objection was not regarding the pension reform, but limited only to the 3% stipend increase.

ADOPTION OF RESOLUTIONS AMENDING CONTRIBUTIONS TO CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM FOR CITY COUNCIL, CITY MANAGER, CITY ATTORNEY, CITY CLERK, EXECUTIVE MANAGEMENT, AND OTHER NON-REPRESENTED EMPLOYEES

Recommendation: Adopt the resolutions amending the City's labor practice of reporting City pension contributions to the California Public Employees' Retirement System. (Resolution Nos. 9248 and 9249)

Julie Gutierrez, Assistant City Manager/Acting Director of Human Resources Department, summarized the agenda report and responded to questions.

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

PROPOSED AMENDMENT TO PASADENA MUNICIPAL CODE CHAPTER 2.250 (FIRE AND POLICE RETIREMENT SYSTEM ORDINANCE) TO COMPLY WITH CERTAIN PROVISIONS OF THE INTERNAL REVENUE CODE

Recommendation: It is recommended that the City Council direct the City Attorney to prepare and return on November 19, 2012 with an amendment to Pasadena Municipal Code, Chapter 2.250 (Fire and Police Retirement System Ordinance) to comply with certain provisions of the United States Internal Revenue Code.

Jill Fosselman, Management Analyst, summarized the agenda report as part of a PowerPoint presentation, and responded to questions.

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

ORDINANCE – FIRST READING

Conduct first reading of “AN UNCODIFIED ORDINANCE OF THE CITY OF PASADENA (1) RETROACTIVELY SUSPENDING IMPLEMENTATION OF THE JULY 1, 2012 CONSUMER PRICE INDEX 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; (2) PROVIDING A STIPEND INCREASE; AND (3) ADJUSTING CONTRIBUTION REQUIREMENTS FOR RETIREMENT AND HEALTH INSURANCE BENEFITS”

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

- AYES: Councilmembers Gordo, Holden, Robinson, Tornek, Vice Mayor McAustin, Mayor Bogaard
NOES: Councilmembers Madison, Masuda
ABSENT: None

PUBLIC HEARING

CONTINUED PUBLIC HEARING: DRAFT CONSOLIDATED ANNUAL PERFORMANCE AND EVALUATION REPORT (2011-2012 PROGRAM YEAR) FOR PROJECTS FUNDED FROM COMMUNITY DEVELOPMENT BLOCK GRANT, EMERGENCY SHELTER GRANT, HOME INVESTMENT PARTNERSHIP ACT, AND HUMAN SERVICES ENDOWMENT FUND PROGRAMS

Recommendation: It is recommended that the City Council, following the public hearing, approve the submission to the U.S. Department of Housing and Urban Development (HUD) of the Consolidated Annual Performance and Evaluation Report (CAPER) for the 2011-2012 Program Year for projects funded under the Community Development Block Grant (CDBG), Emergency Shelter Grant (ESG), the HOME Investment Partnership Act, and the Human Services Endowment Fund (HSEF) programs.

The Mayor opened the public hearing.

The City Clerk reported the notice of public hearing was published on September 28, 2012 in the Pasadena Star-News; and no correspondence was received.

Bill Huang, Director of Housing Department, introduced the agenda item, and responded to questions.

Valerie Babinski, Program Coordinator, summarized the agenda report as part of a PowerPoint presentation.

No one appeared for public comment.

It was moved by Councilmember Tornek, seconded by Councilmember Robinson, to close the public hearing. (Motion unanimously carried) (Absent: None)

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

RECOMMENDATIONS FROM OFFICERS AND DEPARTMENTS

CONSIDERATION OF A REQUEST FROM THE PLANNING COMMISSION ASKING THE CITY COUNCIL TO REFER THE NATIONAL FOOTBALL LEAGUE (NFL) IN THE ROSE BOWL FINAL ENVIRONMENTAL IMPACT REPORT (FEIR) TO THE PLANNING COMMISSION FOR REVIEW AND RECOMMENDATIONS

The Mayor introduced the agenda report.

Weston Dewalt, Pasadena resident, expressed concerns regarding the lack of public input prior to approving the above bond action by the Rose Bowl Operating Company (RBOC), and the minimal public input on issues involving the City; and expressed support for the Planning Commission's request.

Vince Bertoni, Director of Planning Department, provided an overview of the Environmental Impact Report (EIR) process, and responded to questions.

Councilmember Tornek expressed concerns about the compression of the process of the FEIR process, and expressed support for referring the FEIR to the Planning Commission for review and recommendations prior to the City Council's approval.

Councilmember Gordo stated that the City Council has the responsibility to make the legislative record for purposes of adopting the Final EIR, and stated his concern with having a separate legislative body that has no jurisdiction over this issue and potentially creating a separate record, which could be problematic for the City as it moves forward with this issue.

By consensus and on order of the Mayor, staff was directed to communicate with all the relevant commissions to provide comments on this matter to the City Council at a future Council meeting.

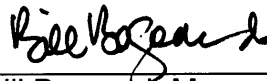
COUNCIL COMMENTS

Councilmember Robinson wished Councilmember Holden luck as a candidate in the upcoming election for State Assemblymember on November 6, 2012.

Mayor Bogaard announced that the November 5, 2012 City Council meeting will be cancelled.

ADJOURNMENT

On order of the Mayor, the regular meeting of the City Council adjourned at 8:59 p.m.



Bill Bogaard, Mayor
City of Pasadena

ATTEST:



City Clerk