

CITY OF PASADENA
City Council Minutes
November 19, 2012 – 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: None)

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

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

Agency Designated Representatives: Kristi Recchia and Michael J. Beck

Employee Organization: International Union of Operating Engineers (IUOE) Local 501

CITY COUNCIL CONFERENCE WITH REAL PROPERTY NEGOTIATORS pursuant to Government Code Section 54956.8

Property Location: 78 North Marengo Avenue

Agency Negotiators: Michael J. Beck and Steve Mermell

Negotiating Parties: Jesse Stein, Mike Tande, Charles Loveman, Wayne Ratkovich, Peter Diana, and David Saeta

Under Negotiation: Price and terms of payment

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 6:41 p.m. The Pledge of Allegiance was led by Councilmember Holden.

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

CEREMONIAL MATTERS

Councilmember Madison recognized and congratulated two student artists, Ketsi Sanchez and Rodrigo Soto, along with Rudy Ramirez, Principal of San Rafael Elementary School.

PUBLIC COMMENT ON MATTERS NOT ON THE AGENDA

Michelle White, Affordable Housing Services, requested that the General Plan be presented to the Northwest Commission and other interested commissions in addition to the Planning Commission.

John Seeley, Pasadena resident, asked the City to develop an anti-foreclosure policy.

Michelle Richardson-Bailey, Northwest Commission Chair, requested that the City Council direct the Design Commission to adopt a final design for the Heritage Square Project consistent with the original Craftsman design that was shared with the Northwest Commission and the community.

Lydia Breen, Altadena resident, asked Council to intervene in the eviction of Deidra Duncan and requested that the City Council place a moratorium on evictions for foreclosed homes.

Deidra Duncan, Pasadena resident, spoke regarding her eviction, and asked for help from the City Council and submitted a letter. The Mayor indicated that staff will review the matter and contact her attorney, Philip Koebel.

Floyd Folven, Pasadena resident, cited a Civil Grand Jury report for cities, spoke against Pasadena's growing debt spending, and submitted informational material.

The Mayor, City Manager and Councilmember Madison as Public Safety Committee Chair, provided a brief update of the incident at the heliport, where two helicopters collided on Saturday, November 17, 2012.

CONSENT CALENDAR

Item discussed separately, at the request of the public.

AUTHORIZATION TO ENTER INTO A CONTRACT WITH VCI CONSTRUCTION INC., FOR AN AMOUNT NOT TO EXCEED \$1,550,000 TO PROVIDE LABOR AND MATERIALS FOR CIVIL CONSTRUCTION AT HASTINGS SUBSTATION FOR THE WATER AND POWER DEPARTMENT

AUTHORIZE ISSUANCE OF A PURCHASE ORDER CONTRACT TO SENSOR TECHNOLOGY ENGINEERING, INC., FOR THE PURCHASE OF TWO RAD PACK MAX RADIATION DETECTION SYSTEMS IN AN AMOUNT NOT TO EXCEED \$91,350

Recommendation:

(1) Find that the purchase of radiation detection equipment is exempt from the California Environmental Quality Act (CEQA), pursuant to State Public Resources Code Section 21080(b)(4),

specific action necessary to prevent or mitigate an emergency;
(2) Accept the bid dated October 9, 2012, submitted by Sensor Technology Engineering, Inc., in response to specification for the purchase of two radiation detection backpacks; and
Authorize the issuance of a purchase order contract with Sensor Technology Engineering, Inc., in an amount not to exceed \$91,350.

MUNICIPAL SERVICES COMMITTEE: AUTHORIZE THE CITY MANAGER TO ENTER INTO A TWO YEAR EXTENSION OF CONTRACT NO. 18,094 WITH METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA FOR PURCHASED WATER

Recommendation:

(1) Find that the action recommended herein is exempt from the California Environmental Quality Act (CEQA), pursuant to State CEQA Guidelines, Section 15061(b)(3), general rule;
(2) Authorize the City Manager to enter into a two year extension of Contract No. 18,094 with Metropolitan Water District of Southern California for purchased water;
(3) Find that the proposed contract extension is exempt from competitive bidding pursuant to City Charter Article X, Section 1002(H), contracts with other governmental entities or their contractors for labor, material, supplies, or services; and
(4) 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. (Contract Amendment No. 18,094-1)

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE PASADENA PUBLIC FINANCING AUTHORITY ESTABLISHING REGULAR MEETINGS

Recommendation: It is recommended that the Board of Directors of the Pasadena Public Financing Authority (PPFA) adopt a resolution establishing regular meetings. (PPFA Resolution No. 20)

APPOINTMENT OF JUDY R. POST TO THE ACCESSIBILITY AND DISABILITY COMMISSION (District 4 Nomination)

APPOINTMENT OF LAURA CRAFT HOGENSEN TO THE HUMAN RELATIONS COMMISSION (Mayor Nomination)

APPOINTMENT OF TIFFANY OWENS TO THE ARTS AND CULTURE COMMISSION (Mayor Nomination)

MINUTES APPROVED

March 26, 2012 (Pasadena Public Financing Authority)
October 15, 2012
October 22, 2012

CLAIMS RECEIVED AND FILED

Claim No. 11,789	Ian Reoch	\$ 100,000.00
Claim No. 11,790	Progressive Choice Insurance as Subrogee of Samvel Pambukyan	1,103.52
Claim No. 11,791	Maria Maline	25,000.00+
Claim No. 11,792	Brenda Ibanez	1,250,000.00
Claim No. 11,793	Ariunaa Sangaa	4,800.00+
Claim No. 11,794	Cecilia Knox	2,616.00
Claim No. 11,795	Willie A. Tims	Not stated
Claim No. 11,796	Crystal Smith	97.36
Claim No. 11,797	Yan Morrison	Not stated
Claim No. 11,798	Patricia Bredesen	3,854.50
Claim No. 11,799	Michele Sumida	1,440.16
Claim No. 11,800	Mark Williams	Not stated
Claim No. 11,801	Saundra Chison	23,980
Claim No. 11,802	Jorge M. Arce	2,721.00
Claim No. 11,803	Sikiru Hamzat	2,105.62
Claim No. 11,804	Carl William Brown Jr.	25,000.00+
Claim No. 11,805	Agnella Phipps	25,000.00+
Claim No. 11,806	Janice Austgen	3,450.18
Claim No. 11,807	46 West Colorado Blvd., LLC	6,049.08
Claim No. 11,808	Richard Aparicio	Not stated
Claim No. 11,809	Cheri Costley/Automobile Club of Southern California	6,380.63

PUBLIC HEARING SET

December 3, 2012 , 7:00 p.m. – Pasadena Public Financing Authority TEFRA Hearing for Lease Revenue Bonds (Rose Bowl Refinancing and Improvement Projects), Series 2012

It was moved by Vice Mayor McAustin, seconded by Councilmember Robinson, to approve the Consent Calendar, with the exceptions of Item 1 (Civil Construction at Hastings Substation), which was discussed separately. (Motion unanimously carried) (Absent: None)

CONSENT ITEMS
DISCUSSED SEPARATELY

AUTHORIZATION TO ENTER INTO A CONTRACT WITH VCI CONSTRUCTION INC., FOR AN AMOUNT NOT TO EXCEED \$1,550,000 TO PROVIDE LABOR AND MATERIALS FOR CIVIL CONSTRUCTION AT HASTINGS SUBSTATION FOR THE WATER AND POWER DEPARTMENT

Recommendation:

- (1) Find that the project is exempt from California Environmental Quality Act (CEQA), review, pursuant to State CEQA Guidelines, Section 15302(c), replacement or reconstruction of existing utility systems and/or facilities involving negligible or no expansion of capacity; and
- (2) Accept the bid dated October 24, 2012, from VCI Construction, Inc., in response to Specifications LD-12-6 for civil construction at Hastings Substation; reject all other bids; and authorize the City Manager to enter into a contract with VCI Construction, Inc., for an amount not to exceed \$1,550,000. (Contract No. 21,246)

Floyd Folven, Pasadena resident, expressed opposition regarding the cost of this project and stated that the Water & Power Department should focus on funding water conservation.

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

ORDINANCE – FIRST READING

Councilmember Madison was excused at 7:14 p.m.

Conduct first reading of “AN ORDINANCE OF THE CITY OF PASADENA AMENDING TITLE 2, ARTICLE VI, CHAPTER 2.250 (THE RETIREMENT SYSTEM) TO COMPLY WITH THE INTERNAL REVENUE CODE”

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

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

NOES: None

ABSENT: Councilmember Madison

ORDINANCE - ADOPTED

Adopt “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” (Introduced by Councilmember Robinson) (Ordinance No. 7226)

The above ordinance was adopted by the following vote:

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

NOES: Councilmember Masuda

ABSENT: Councilmember Madison

PUBLIC HEARING

Councilmember Madison returned at 7:16 p.m.

PUBLIC HEARING: AMENDMENT TO ARTICLE 3 (CIVIC EVENTS AND FACILITIES) OF THE PASADENA MUNICIPAL CODE REGARDING THE NUMBER OF LARGE EVENTS HELD ANNUALLY AT THE ROSE BOWL STADIUM
Recommendation:

(1) Adopt a resolution certifying the Final Environmental Impact Report, Adopting Findings Pursuant to the California Environmental Quality Act (CEQA), and Adopting a Mitigation Monitoring and Reporting Program for the Amendment to Pasadena Municipal Code, Title 3 (Civic Events and Facilities) also known as The Arroyo Seco Public Lands Ordinance and the Temporary Use of the Rose Bowl Stadium by the National

- Football League (NFL);
- (2) Adopt a Resolution Setting Forth the Statement of Overriding Considerations;
 - (3) Conduct first reading of an ordinance of the City of Pasadena amending Pasadena Municipal Code, Title 3 (Civic Events and Facilities) to increase the number of displacement events in the Rose Bowl area; and
 - (4) Direct the City Clerk to file a Notice of Determination with the Los Angeles County Recorder. (Resolution Nos. 9250 and 9251)

Recommendation of the Rose Bowl Operating Company:

As required by the Operating Agreement between the City and the Rose Bowl Operating Company (RBOC), on November 3, 2012 the RBOC Board of Directors reviewed the proposed amendment to Title 3 and voted to recommend approval of the same by the City Council.

The Mayor opened the public hearing.

The City Clerk reported the notice of public hearing was published on November 8, 2012 in the Pasadena Journal; 805 copies of the notice were mailed. The City Clerk's Office received 13 letters in support; 33 letters in opposition, including a petition in opposition filed with a total of 123 electronic signatures of which 82 were from signers registered as Pasadena residents; and 8 letters stating general concerns.

Councilmember Gordo, Rose Bowl Operating Company Chair, introduced the agenda item.

Michael Beck, City Manager, and Darryl Dunn, General Manager for the Rose Bowl, summarized the agenda report, and responded to questions.

Vince Bertoni, Director of the Planning Department, provided an overview of the Environmental Impact Report (EIR) and David Reyes, Principal Planner, summarized the agenda report as part of a PowerPoint presentation. Both responded to questions.

John Mudridge, Fehr and Peers representative, summarized the traffic and transportation section of the EIR as part of a PowerPoint presentation, and responded to questions.

Daniel S. Barrett, Barrett Sports Group, LLC Principal, summarized the Interim NFL Lease Analysis as part of a PowerPoint presentation, and responded to questions.

The following persons spoke in opposition to the Temporary Use of the Rose Bowl Stadium by the NFL:

Gary Carr, Pasadena resident

Joan Hearst, Pasadena resident
 Randy Riggs, Pasadena resident
 Richard Fisler, Pasadena resident
 Dianne Patrizzi, Spirits of Hahamongna representative
 Fouad Dayher, Pasadena resident
 Jonas C. Peters, East Arroyo Neighborhood Preservation
 Committee representative
 Bill Urban, West Pasadena Residential Association
 representative
 Leland Sklar, Pasadena resident
 Michael Duran, Pasadena resident
 Tom Cordner, Pasadena resident
 Lee Zanteson, Linda Vista Annandale Association
 representative
 John B. Dean, Pasadena resident
 Bob Snodgrass, Pasadena resident
 Richard Hortor, Pasadena resident
 Ken Van Wagenen, Pasadena resident
 Dianne Newman, East Arroyo Neighborhood Preservation
 Committee representative
 Ron Paler, San Rafael Neighborhood Association
 representative
 Loring Guessous, Pasadena resident
 Lance Augusto, Day One representative
 Jennifer Jimenez, Day One representative
 Christy Zamani, Day One representative
 Wesley Reutimann, Day One representative
 Nina Chomsky, Linda Vista Annandale Association
 President
 Susan McClymonds, Linda Vista Annandale Association
 representative
 Norman Parker, Linda Vista Annandale Association
 representative
 Adam K. Smith, Day One representative
 Don Bremner, Pasadena resident
 Suzanne Spillan, Pasadena resident
 Erik Schomburg, Pasadena resident
 Paula Shatsky, Pasadena resident
 Kristin Chew, Pasadena resident
 Eunice Bae, Chula Vista/Linda Vista Residents
 representative
 Niles Pierce, Pasadena resident
 Cynthia Hwanz, Pasadena resident
 Alex Carsnell, Pasadena resident
 Lawrence Felix, Pasadena resident
 Ollin Martinez, Pasadena resident

The following persons spoke in support to the Temporary Use of the Rose Bowl Stadium by the NFL:

Porfirio J. Frausto, Pasadena resident

Leanne Waggoner, Pasadena Chamber of Commerce
representative
CL Keedy, Chair Pasadena Chamber of Commerce
representative
Steven Trejo, Ambassador for Peace representative
John J. Kennedy, Pasadena resident
Michael Ross, Pasadena Center Operating Company
representative
Anita Fromholz, Pasadena resident
Steven Robinson, Pasadena resident

Brian Biery, Pasadena resident, expressed concerns regarding the Rose Bowl EIR.

Councilmember Tornek stated his concerns and opposition regarding the negative impacts that would result from having an NFL team play in the Rose Bowl, with the most harm coming to the surrounding recreational area and neighborhoods. He cited his lack of confidence in what he considers the speculative nature of the analysis and calculations presented in the Statement of Overriding Considerations (SOC), which anticipates enough net revenues to be generated from an NFL team to offset the budget shortfall created by the Rose Bowl Renovation Project.

Councilmember Masuda asked staff to evaluate what further mitigation measures might be considered to address the "significant and unavoidable impacts" referred to in the proposed Statement of Overriding Considerations in order to protect neighborhoods from trash, noise, and other issues caused by NFL game day operations.

In response, David Reyes, Principal Planner, provided an overview of additional mitigation measures proposed as part of the RBOC's responsibilities related to NFL events. Lieutenant Bruce George, Pasadena Police Department, addressed the public safety aspects of the mitigation and suggested that there is a need to increase police patrols around the Rose Bowl and in the neighborhoods during game day operations.

Councilmember Madison expressed his concerns with the photographs shown by the public speakers displaying public intoxication at tailgate events, requested further information on the activities of the Police Department on game day, and asked staff to provide an update on the implementation of the measures approved by the City Council in light of past incidents occurring at large Rose Bowl events, specifically those adopted for USC/UCLA football games.

Councilmember Robinson stated her preference for having the Public Safety Committee consider the proposed recommendations and suggestions from speakers such as the

Day One Organization regarding tailgating issues, with the idea that the Committee could review and provide recommendations to the City Council.

Vice Mayor McAustin spoke on the impacts to local entities in the Rose Bowl area, including the Flea Market, the Aquatic Center, Kids Space, and the Golf Course, and stated the need for staff to further consider how to mitigate and make whole those operations that would be negatively affected by an NFL team playing in the Rose Bowl. She also raised the possibility of limiting smaller events in the Rose Bowl area in order to further offset NFL game day impacts to the community, local entities, and neighborhoods. The Vice Mayor stated her preference that the displacement event language in the ordinance be tightened with regard to additional events in the Rose Bowl and that such additions should only pertain to additional NFL events.

In response to questions regarding particulate measurements caused by traffic, Eric Bell, Impact Sciences representative, summarized the CEQA requirements and discussed the health risk measurements, thresholds, and requirements.

David Sams, Brookside Golf Course Manager, provided an overview of the impacts to the Golf Course's operations caused by parking cars on the course for larger events at the Rose Bowl.

Councilmember Gordo stated his support for the City Council to proceed with the certification of the EIR and the amendment to the proposed ordinance, with the understanding that such an approval does not predetermine a deal involving an NFL team, but rather positions the City to participate in negotiations and to analyze the specifics of a deal in the event that an opportunity arises.

Vice Mayor McAustin, following a statement of support for the proposed actions, requested that staff continue to work on mitigating the impacts experienced by the neighborhoods around the Rose Bowl and meeting the existing responsibilities of the City in terms of clean up, monitoring participant behavior, and enforcement for football games in the Arroyo area.

Councilmember Madison, following statements of support for the proposed action, requested that staff provide an update to the City Council on the status of the Central Arroyo Conservancy effort, and also suggested that the Rose Bowl Operating Company, Rose Bowl General Manager, and the City Manager scrutinize the Rose Bowl Renovation Project budget shortfall and conduct an independent review in order to better understand how such a shortfall occurred.

The City Manager confirmed that the first phase of a review will be presented to the City Council prior to the presentation of the proposed funding solution to address the budget gap for the project.

Mayor Bogaard, following statements of support for the proposed action, requested that the proposed ordinance be amended to allow up to 13 additional events exclusively for use by the NFL, and to not allow the replacement of unused event opportunities with other non-NFL events (e.g. concerts, soccer matches, etc.).

It was moved by Councilmember Gordo, seconded by Vice Mayor McAustin, to close the public hearing. (Motion unanimously carried) (Absent: None)

It was moved by Councilmember Gordo, seconded by Vice Mayor McAustin, to approve Recommendations No. 1, 2, and 4, amended as follows:

Staff Recommendation No. 1 - Modify the resolution certifying the Final Environmental Impact Report, as follows:

- Page 2, Section 8, text restated, *“As required by the operating agreement between the City of Pasadena and the Rose Bowl Operating Company (“RBOC”), on November 13, 2012 the RBOC Board of Directors reviewed the proposed amendments to the Ordinance. At that meeting, the RBOC Board of Directors recommended approval of the Ordinance by the City Council.”*
- Page 5, Section 19, and Exhibit B, Mitigation Monitoring and Reporting Program, Page B-12, incorporating and adding, *Measure 3.7-2.1;*

AYES: Councilmembers Gordo, Holden, Madison, Masuda, Robinson, Vice Mayor McAustin, Mayor Bogaard

NOES: Councilmember Tornek

ABSENT: None

ORDINANCE – FIRST READING

Conduct first reading of “AN ORDINANCE OF THE CITY OF PASADENA AMENDING PASADENA MUNICIPAL CODE TITLE 3 (CIVIC EVENTS AND FACILITIES) TO INCREASE THE NUMBER OF DISPLACEMENT EVENTS IN THE ROSE BOWL AREA”.

The above ordinance was offered for first reading by Councilmember Gordo, with an amendment to Section 3.32.275, “...displacement of recreational programs and accessibility to Arroyo Seco facilities shall be allowed for a maximum of 13 additional NFL events over a consecutive 12 month period.”

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

COUNCIL COMMENTS

The Mayor and City Council congratulated Councilmember Chris Holden on his successful election as State Assemblymember, expressed appreciation for his many years of dedicated service, and wished him well in his newly elected position.

Councilmember Chris Holden thanked the Mayor and Councilmembers and commended the Council on their contributions to the City. He also thanked all the Field Representatives, Joyce Streater, Gayle Pullen and Jackie McIntyre who have worked with him through his years of service.

The Mayor gave a brief overview on the procedures for filling the District 3 vacancy, and noted a full discussion on the process is scheduled for the December 3, 2012 City Council meeting.

The City Clerk announced that the nomination period opened for City Council Districts 3, 5, and 7, and the newly formed PUSD Board of Education Districts 1, 3, 5, and 7 on November 13, 2012 and remain open until December 7, 2012.

Councilmember Robinson reported on information received for the One Billion Rising Advocacy Campaign to stop violence against women, requesting the City of Pasadena join in support with other cities. She asked that the Commission on the Status of Women review the campaign and make a recommendation to City Council or Legislative Policy Committee.

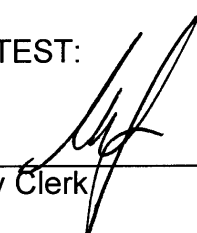
ADJOURNMENT

On order of the Mayor, the regular meeting of the City Council adjourned at 12:44 a.m.



Bill Bogaard, Mayor
City of Pasadena

ATTEST:



City Clerk