

CITY OF PASADENA  
City Council Minutes  
December 3, 2012 – 5:30 P.M.  
City Hall Council Chamber

REGULAR MEETING

**OPENING:**

Mayor Bogaard called the regular meeting to order at 5:32 p.m.  
(Absent: Councilmember Madison)

On order of the Mayor, the regular meeting recessed at 5:32 p.m., to discuss the following closed session:

**CLOSED SESSION CONFERENCE WITH REAL PROPERTY NEGOTIATORS**

**Pursuant to Government Code Section 54956.8**

**Property: 3330 East Foothill Boulevard, Pasadena**

**Agency Negotiators: Michael J. Beck, Steve Mermell**

**Negotiating Parties: Jeffrey B. Allen, David L. Worrell**

**Under Negotiation: Price and terms of payment**

**CITY COUNCIL CONFERENCE WITH LEGAL COUNSEL REGARDING POTENTIAL LITIGATION – Significant exposure to litigation pursuant to Government Code Section 54956.9(b): One potential case**

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 6:30 p.m. The Pledge of Allegiance was led by Tim Bowles and the Youth for Human Rights International group.

**ROLL CALL:**

Councilmembers:

Mayor Bill Bogaard  
Vice Mayor Margaret McAustin  
Councilmember Victor Gordo  
Councilmember Steve Madison (Absent)  
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**

Larry Faulkner, Pasadena resident, expressed concerns regarding the lack of patrolling in the Lower Arroyo Park by the Pasadena Humane Society (PHS) and asked the City to take

action on PHS's alleged failure to comply with the provisions of its contract with the City.

The City Manager stated that City staff has discussed the issue with the Humane Society and an agreement has been reached to install GPS tracking devices PHS patrol vehicles for tracking purposes.

Councilmember Gordo suggested that staff report back regarding a complaint resolution process from the Humane Society which reports complaints to the City received by the franchise. He also suggested incorporating the tracking program within the terms of the next contract.

Tim Bowles, Youth for Human Rights - Pasadena High School's Chapter, invited the City Council and community to the "Education and Responsibility" forum and film premier honoring United Nations Human Rights Day to be held on December 8, 2012; and submitted a flier on the event

Cheyenne Smith, Marshall High School student, invited the City Council to a Human Rights Education event to be held on Saturday, December 8, 2012, from 9:00 a.m. to 12:00 p.m., at Pasadena City College in the Louis Creveling Lounge.

Dianne Patrizzi, Pasadena resident, asked the City Council to consider updating the Hahamongna Master Plan.

## CONSENT CALENDAR

### **AUTHORIZATION TO ENTER INTO A CONTRACT WITH SCOTT FAZEKAS AND ASSOCIATES, INC., TO PROVIDE BUILDING PLAN REVIEW SERVICES IN AN AMOUNT NOT TO EXCEED \$100,000 PER YEAR**

#### **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 Scott Fazekas and Associates, Inc., to perform building plan review consulting services as needed for a period of one year or until an amount not to exceed \$100,000 is expended, whichever comes first; and
- (2) Authorize the City Manager to extend the contract for up to four additional one year periods in amounts not to exceed \$100,000 per year and without further City Council consideration. (Contract No. 21,248)

### **ADOPTION OF A RESOLUTION AUTHORIZING GRANT APPLICATION FOR LAND AND WATER CONSERVATION FUND PROGRAM FOR LOWER ARROYO SECO TRAILHEAD PROJECT AT PARKER-MAYBERRY BRIDGE**

#### **Recommendation:**

(1) Find that the authorization to apply for grants is exempt from the California Environmental Quality Act (CEQA), pursuant to State CEQA Guidelines Section 15061(b)(3), general rule; and

(2) Approve the City of Pasadena resolution authorizing an application for the State of California Resources Agency, Department of Parks and Recreation, for the Land and Water Conservation Fund Grant Program in the amount of \$159,650 for the Lower Arroyo Trailhead project at the Parker Mayberry Bridge. (Resolution No. 9252)

**Item discussed separately,  
at the request of  
Councilmember Robinson.**

**AMENDMENT TO CONTRACT NO. 21,145 WITH SULLY-MILLER CONTRACTING COMPANY TO INCREASE TOTAL NOT TO EXCEED AMOUNT BY \$180,000 FROM \$1,500,000 TO \$1,680,000 FOR IMPROVEMENT OF LINCOLN AVENUE FROM FOREST AVENUE TO NORTH CITY LIMIT**

**AUTHORIZATION TO RENEW CONTRACT WITH THE CITIES OF ARCADIA, SAN MARINO AND SOUTH PASADENA FOR VERDUGO FIRE DISPATCHING SERVICES**

**Recommendation:**

(1) Renew Contract No. 18,793 with the City of Arcadia, for emergency dispatching services at the Verdugo Fire Dispatch Center through June 30, 2014;

(2) Renew Contract No. 17,728 with the City of San Marino, for emergency dispatching services at the Verdugo Fire Dispatch Center through June 30, 2015; and

(3) Renew Contract No. 17,583 with the City of South Pasadena for emergency dispatching services at the Verdugo Fire Dispatch Center through June 30, 2015.

Competitive bidding is not required pursuant to City Charter Section 1002(H), contracts with other governmental entities. (Contract Amendment Nos. 18,793-1; 17,728-1 and 17,583-1)

**AUTHORIZE THE CITY MANAGER TO EXECUTE ALL AGREEMENTS WITH THE LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY ASSOCIATED WITH THE RECEIPT OF GRANT FUNDING AND THE IMPLEMENTATION AND MANAGEMENT OF THE FEDERAL TRANSIT ADMINISTRATION (FTA) SECTION 5316 JOB ACCESS AND REVERSE COMMUTE (JARC) PROGRAM TO INCREASE LOCAL TRANSIT CAPACITY FOR IMPROVED JOBS ACCESS IN NORTHWEST PASADENA**

**Recommendation:**

- (1) Find that the following proposed actions are exempt from review pursuant to the California Environmental Quality Act (CEQA) Guidelines, in accordance with Title 14, Chapter 3, Section 15301, existing facilities; and
- (2) Authorize the City Manager to execute all agreements with the Los Angeles County Metropolitan Authority (Metro) associated with the receipt of grant funding and the implementation and management of the program respectively.

**AUTHORIZATION TO ENTER INTO A CONTRACT WITH MALLCRAFT, INC., FOR GENERAL CONSTRUCTION, IN AN AMOUNT NOT TO EXCEED \$1,959,000, FOR SEISMIC RETROFIT AND REHABILITATION OF FIRE STATION NO. 39**

**Recommendation:**

- (1) Find that the project is exempt from the California Environmental Quality Act (CEQA), pursuant to State CEQA Guidelines Section 15302, replacement or reconstruction; and
- (2) Accept the bid dated October 30, 2012, submitted by Mallcraft, Inc., in response to the Project Specifications for the Seismic Retrofit and Rehabilitation of Fire Station No. 39, reject all other bids received, and authorize the City Manager to enter into such contract as is required for an amount not to exceed \$1,959,000. (Contract No. 21,249)

**FINANCE COMMITTEE: QUARTERLY INVESTMENT REPORT, QUARTER ENDING SEPTEMBER 30, 2012**

**Recommendation:** This report is for information purposes only.

**FINANCE COMMITTEE: SB1186 \$1.00 MANDATED FEE ON ALL BUSINESS LICENSES AND RENEWALS**

**Recommendation:** It is recommended that the City Council amend the Fiscal Year 2013 Fee Schedule to include a new State mandated fee of \$1.00 to all Business Licenses and Renewals.

**RESIGNATION OF CHRIS HOLDEN FROM THE BURBANK- GLENDALE-PASADENA AIRPORT JOINT POWERS AUTHORITY EFFECTIVE DECEMBER 3, 2012 (City Nominee)**

**APPOINTMENT OF PAULA KELLY TO THE ENVIRONMENTAL ADVISORY COMMISSION (Mayor Nomination)**

CLAIMS RECEIVED AND FILED

Claim No. 11,810	Cheri Costley	\$ 416.76
Claim No. 11,811	Drew A. Bauer	46.72
Claim No. 11,812	Juliet R. Lanuza	Not Stated
Claim No. 11,813	Cees Van Der Linden	Not Stated
Claim No. 11,814	Dr. Mohammad Kamal	1,700.00

PUBLIC HEARING SET

December 17, 2012, 7:00 p.m. – Designation of 500 South El Molino Avenue as a Landmark

It was moved by Councilmember Gordo, seconded by Councilmember Robinson, to approve the Consent Calendar, with the exception of Item 3 (Sully-Miller Contracting Company), which was discussed separately. (Motion unanimously carried) (Absent: Councilmember Madison)

CONSENT ITEM DISCUSSED SEPARATELY

**AMENDMENT TO CONTRACT NO. 21,145 WITH SULLY-MILLER CONTRACTING COMPANY TO INCREASE TOTAL NOT TO EXCEED AMOUNT BY \$180,000 FROM \$1,500,000 TO \$1,680,000 FOR IMPROVEMENT OF LINCOLN AVENUE FROM FOREST AVENUE TO NORTH CITY LIMIT**

Recommendation:

- (1) Find that on August 6, 2012 the City Council acknowledged the project to be categorically exempt under the California Environmental Quality Act (CEQA) Guidelines in Section 15301(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) Authorize the City Manager to amend Contract No. 21,145 with Sully-Miller Contracting Company to increase the contract amount by \$180,000 for a total not to exceed amount of \$1,680,000 for additional work as part of the Improvement of Lincoln Avenue from Forest Avenue to North City Limit project. (Contract Amendment No. 21,145-1)

Siobhan Foster, Director of Public Works Department, introduced the agenda item.

Steven Wright, Assistant City Engineer, gave an overview of the agenda report as part of a PowerPoint presentation.

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

**ORDINANCES - ADOPTED**

**Adopt “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”.** (Introduced by Councilmember Gordo) (Ordinance No. 7227)

The City Attorney indicated a revised ordinance was distributed by staff to be consistent with the action taken by the City Council as part of the first reading:

- *Section 3.32.275 to include insertion after “13 additional events” to read “13 additional National Football League Events”.*

The above ordinance was adopted by the following vote:

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

NOES: Councilmember Tornek

ABSENT: Councilmember Madison

**Adopt “AN ORDINANCE OF THE CITY OF PASADENA AMENDING TITLE 2, ARTICLE VI, CHAPTER 2.250 (THE FIRE AND POLICE RETIREMENT SYSTEM) TO COMPLY WITH THE INTERNAL REVENUE CODE”** (Introduced by Councilmember Gordo) (Ordinance No. 7228)

The above ordinance was adopted by the following vote:

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

NOES: None

ABSENT: Councilmember Madison

**INFORMATION ITEM**

**UPDATE – NOVEMBER 30/DECEMBER 1, 2011 WINDSTORM AFTER-ACTION REPORT**

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

Siobhan Foster, Director of Public Works Department, presented a PowerPoint presentation on the lessons learned from the 2011 Windstorm event, the changes that will be made by staff to improve the City’s response to emergency/disaster events, and responded to questions.

Following discussion, Councilmember Tornek stated that when an emergency occurs, or when a power outage needs to be reported, the public should have easy telephone access to City resources regardless of what call center is contacted (311 or PWP Call Center) and emphasized his preference for a single point of entry into the City’s system. He also suggested that there be additional discussion on public policy and outreach as

it relates to FEMA's recommendation on the length of time needed for community members to remain self-sufficient for 3 days following an emergency/disaster. Lastly, Councilmember Tornek requested to view any documentation or analysis providing best practices or new thoughts in terms of infrastructure changes, particularly related to utility poles and wires, for the utility industry.

Mrs. Currie stated that staff would bring forward information regarding any new strategies or future developments concerning utility poles and wires as it becomes available.

Vice Mayor McAustin raised concerns with City's communication system in terms of dispensing information during an emergency/disaster. She suggested an approach that relies more heavily on the various neighborhood associations as an alternative way of distributing information in the event of an emergency. She also suggested that in order to continue to utilize Nixle and PLEAS, participation rates must increase, outreach is required, and staff should utilize community organizations and faith-based organizations in the outreach effort.

The City Manager explained why constituents should register via Nixle and PLEAS, and acknowledged the need to increase participation.

Councilmember Gordo suggested staff utilize MSC to explore the possibility of constituents participating in self-assessments as a way to pay for, and accelerate, the underground utility program. He advocated for additional use of community volunteer programs during emergencies (neighbor helping neighbor programs), and commended staff for their work during and after the 2011 Windstorm event.

Councilmember Robinson expressed her strong preference that the Police Department maintain active involvement in the Disaster Advisory Council.

Vice Mayor McAustin requested that staff bring back strategies to reach a goal of 60% community participation in the PLEAS and Nixle systems in order to effectively communicate with constituents during emergencies.

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

## **PUBLIC HEARING**

## **PUBLIC HEARING: TAX AND FISCAL RESPONSIBILITY ACT (TEFRA ) AND CALIFORNIA CODE SECTION 6586.5 HEARING TO CONSIDER APPROVAL OF ROSE BOWL STADIUM IMPROVEMENTS FINANCING AND**

**AUTHORIZATION OF LEASE REVENUE BONDS BY THE PASADENA PUBLIC FINANCING AUTHORITY TO FINANCE AND REFINANCE SUCH IMPROVEMENTS LOCATED AT 1001 ROSE BOWL DRIVE AND ADOPTION OF A RESOLUTION OF THE CITY OF PASADENA AUTHORIZING THE EXECUTION AND DELIVERY OF A CONTINUING COVENANT AGREEMENT AND A FIRST AMENDMENT TO AMENDED AND RESTATED SUBLEASE, APPROVING A FORM OF A BOND INDENTURE AND A FIRST SUPPLEMENTAL BOND INDENTURE IN CONNECTION WITH THE ISSUANCE OF PASADENA PUBLIC FINANCING AUTHORITY LEASE REVENUE BONDS (ROSE BOWL RENOVATION PROJECT), SERIES 2012A (TAX EXEMPT) AND SERIES 2012B (TAXABLE ), AND AUTHORIZING CERTAIN OTHER ACTIONS RELATING THERETO**

**Recommendation:** It is recommended that the City Council continue the public hearing to December 17, 2012, at 7:30 p.m.

It was moved by Councilmember Gordo, seconded by Councilmember Tornek, to continue the public hearing to December 17, 2012 at 7:30 p.m. (Motion unanimously carried) (Absent: Councilmember Madison)

**RECOMMENDATIONS FROM OFFICERS AND DEPARTMENTS**

**CONSIDERATION OF AMENDMENT THREE TO THE JOINT EXERCISE OF POWERS AGREEMENT FOR THE METRO GOLD LINE PHASE II JOINT POWERS AUTHORITY ALLOWING THE CITY OF MONTCLAIR TO JOIN**

**Recommendation:**

- (1) Find that the proposed action is exempt from review pursuant to the California Environmental Quality Act (CEQA), pursuant to State CEQA Guidelines Section 15061(b)(3); and
- (2) Authorize the Mayor to sign Amendment Three to the Joint Exercise of Powers Agreement for the Metro Gold Line Phase II Joint Powers Authority allowing the City of Montclair to join. (Agreement Amendment No. 18,356-3)

Fred Dock, Director of Transportation Department, introduced the agenda item.

Mark Yamarone, Transportation Administrator, summarized the agenda report as part of a PowerPoint presentation, and responded to questions.

Following discussion, it was moved by Councilmember Masuda, seconded by Councilmember Gordo, to approve the staff recommendation. (Motion unanimously carried) (Absent: Councilmember Madison)



**ACKNOWLEDGE THE VACANCY CREATED BY THE RESIGNATION OF COUNCILMEMBER CHRIS HOLDEN FROM CITY COUNCIL DISTRICT 3 AND DIRECT THE CITY CLERK TO FILE A NOTICE OF INTENTION TO FILL A VACANCY ON THE CITY COUNCIL BY APPOINTMENT IN ACCORDANCE WITH PASADENA CITY CHARTER, SECTION 404**

**Recommendation:**

- (1) Acknowledge the vacancy created by the resignation of City Councilmember Chris Holden, District 3, effective at the close of business on November 30, 2012;
- (2) Direct the City Clerk to publish a Notice of Intention to Fill the Vacancy on the City Council by Appointment in accordance with Pasadena City Charter, Section 404; and
- (3) Review and approve the application and interview process, and the suggested appointment timeline.

Mayor Bogaard provided an overview on the procedures for filling the vacancy for City Council District 3 and the City Charter requirement for making an appointment with 75 days.

The City Clerk summarized the agenda report as part of a PowerPoint presentation, and responded to questions.

Following discussion, Vice Mayor McAustin, stated her support for the selection process outlined in the report and recommended that a provision be added to the notice and application materials restricting write-in candidates seeking the permanent office.

Councilmember Tornek suggested that the time allocated for applicant presentations be increased to 6 minutes.

It was moved by Councilmember Gordo, seconded by Councilmember Tornek, to approve the staff recommendation, amended to include language to the Notice of Vacancy and the Appointment Application restricting potential applicants from seeking the elected office as a qualified candidate or a qualified write-in candidate, if appointed, and increasing the applicants' presentation time to 6 minutes. (Motion unanimously carried)  
(Absent: Councilmember Madison)

Following additional discussion, it was moved by Vice Mayor McAustin, seconded by Councilmember Gordo, to utilize the ranked voting option outlined in the agenda report as the method of selection of the appointee to fill the Council District 3 vacancy:

YES: Councilmembers Gordo, Masuda, Robinson,  
Vice Mayor McAustin, Mayor Bogaard  
NOES: Councilmember Tornek  
ABSENT: Councilmember Madison

**INFORMATION ITEM -  
CONTINUED**

**ORAL UPDATE – ON CANDIDATE FILINGS FOR THE  
UPCOMING MARCH 2013 PRIMARY NOMINATING  
ELECTION**

**Recommendation:** This update is for information only.

The City Clerk gave an overview of the candidate filings for the upcoming March 2013 Primary Nominating Election as part of a PowerPoint presentation, and responded to questions.

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

**PUBLIC COMMENT**

Bob Snodgrass, Pasadena resident, spoke against the adoption of the ordinance approving an increased number of displacement events at the Rose Bowl and suggested putting the NFL matter on a ballot for a vote.


**ADJOURNMENT**

On order of the Mayor, the regular meeting of the City Council adjourned at 8:59 p.m., in memory of Francesca Newman, former Roosevelt School educator, co-founder and president of the California Association of Post-Secondary Educators for the disabled, and founder of the Day One Community Partnership.



\_\_\_\_\_  
Bill Bogaard, Mayor  
City of Pasadena

ATTEST:

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