

CITY OF PASADENA  
City Council Minutes  
November 25, 2013 – 5:30 P.M.  
City Hall Council Chamber

Teleconference Location:  
Private Residence, 61 Beverly Park  
Beverly Hills, CA 90210

REGULAR MEETING

**OPENING:**

Mayor Bogaard called the regular meeting to order at 5:30 p.m.  
(Absent: Councilmembers Madison and Kennedy)

On the order of the Mayor, the regular meeting recessed at 5:40 p.m. to discuss the following closed sessions:

Councilmember Madison  
arrived at 5:52 p.m.

**CITY COUNCIL CONFERENCE WITH LEGAL COUNSEL  
regarding pending litigation pursuant to Government Code  
Section 54956.9(d)(1)  
Name of Case: Sacco v. City of Pasadena  
Case No.: GC 050282**

**CITY COUNCIL CONFERENCE WITH REAL PROPERTY  
NEGOTIATORS pursuant to Government Code Section  
54956.8  
Property: Rose Bowl Stadium and surrounding parking  
areas  
Agency Negotiators: Darryl Dunn, Michael J. Beck, and  
Andrew Green  
Negotiating Parties: Tournament of Roses and University of  
California at Los Angeles (UCLA)  
Under Negotiations: 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 6:31 p.m. The Pledge of Allegiance was led by Lt. Col. Donald Wright, member of the 2<sup>nd</sup> Battalion, 23<sup>rd</sup> Marine Regiment.

**ROLL CALL:**

Councilmembers:

Mayor Bill Bogaard  
Vice Mayor Jacque Robinson  
Councilmember Victor Gordo  
Councilmember John J. Kennedy (Participated via  
teleconference)  
Councilmember Steve Madison

Councilmember Gene Masuda  
Councilmember Margaret McAustin (Arrived at 6:35 p.m.)  
Councilmember Tornek

Staff:

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

**OLD BUSINESS**

Councilmember McAustin  
arrived at 6:35 p.m.

**ROBINSON PARK RECREATION CENTER RENOVATION-  
REVISED SELECTION PROCESS FOR PROFESSIONAL  
DESIGN SERVICES**

**Recommendation:**

(1) Find that on October 28, 2002, the City Council approved the Robinson Park Master Plan and the Initial Study and Negative Declaration (ND) prepared for the Master Plan, that the scope of project construction has been reduced from that studied in the ND, but such changes do not constitute changed circumstances or new information which would trigger further environmental review pursuant to the California Environmental Quality Act (CEQA); and

(2) Concur with staff on the revised selection process for professional design services as recommended by the Robinson Park Recreation Center Renovation Project Steering Committee and as outlined in the agenda report.

**Robinson Park Recreation Center Renovation Project**

**Steering Committee Recommendation:** On October 22, 2013, the Robinson Park Recreation Center Renovation Project Steering Committee (Steering Committee) discussed potential modifications to the selection process including whether to separate the community engagement and outreach component from the Request for Qualifications and Proposals (RFP) for Architectural and Engineering Services. The Steering Committee voted 7 to 2 to keep the community engagement and outreach component within the RFP and subsequently worked with staff to revise the RFP to place greater emphasis on community engagement and outreach in the selection process. The revised process outlined in the agenda report is the culmination of these efforts.

Michael Beck, City Manager, reviewed the agenda report, including staff's recommendation, and responded to questions.

Danny Parker, Steering Committee Chair and Pasadena resident, spoke in support of the revised selection process for professional design services.

Greg Mosley, Pasadena resident, spoke in opposition to the revised selection process for professional design services.

Councilmembers Madison, Gordo, and McAustin, expressed concerns regarding changes in the selection process midstream, stating that such an action would be inappropriate and potentially unfair to responders participating in the process, and noted some of the potential hazards in deviating from the City's established process of issuing contracts for similar projects.

In response to questions regarding the process, the City Manager confirmed that the sub-committee to complete the evaluations will be comprised of three members of City staff and three members of the Robinson Park Recreation Center Renovation Project Steering Committee to provide a recommendation to the City Council for consideration and action. The recommendation would not bind the City Council to select the recommended architectural firm.

Councilmember Robinson stated concerns with changing the process midstream, and placed on the record her proposed compromise to the previous and current staff recommendations, as follows: staff to maintain professional role to review and provide technical evaluation of the 17 applications for architectural and engineering services, utilizing the new proposed scoring methodology, with the selected community representatives to participant in the second phase of the process, applicant interviews, for the evaluation and selection of the recommended applicant for City Council consideration.

The City Attorney responded to questions regarding the process for proposing a substitute motion based on Roberts Rules of Order and the "Calling of the Question".

Following discussion, it was moved by Councilmember Kennedy, seconded by Councilmember Tornek, to approve the staff recommendation:

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

Following discussion, Councilmember Robinson requested that City staff bring forward a proposed evaluation process for special projects where a community participation element is contemplated and where the process will deviate from the normal staff-only evaluation process, so that the City Council has a chance to review and establish the guidelines for the process prior to its start.

**CONSENT ITEM DISCUSSED SEPERATELY**

**LEGISLATIVE POLICY COMMITTEE: ADOPTION OF A RESOLUTION ADOPTING THE 2<sup>ND</sup> BATTALION 23<sup>RD</sup> MARINE REGIMENT**

Councilmember Kennedy  
Excused at 7:01 P.M.

**Recommendation:** It is recommended that the City Council adopt a resolution adopting the 2<sup>nd</sup> Battalion 23<sup>rd</sup> Marine Regiment. (Resolution No. 9323)

Steve Mermell, Assistant City Manager, summarized the agenda report as part of a PowerPoint presentation, and responded to questions.

The following persons spoke in support of adopting a resolution to adopt the 2<sup>nd</sup> Battalion 23<sup>rd</sup> Marine Regiment:

Lt. Col. Donald Wright, 2<sup>nd</sup> Battalion, 23<sup>rd</sup> Marines  
Leonard E. Torres, Citizens Support Group for 2<sup>nd</sup>  
Battalion, 23<sup>rd</sup> Marines Regiment

Following discussion, it was moved by Vice Mayor Robinson, seconded by Councilmember Madison, to approve the staff recommendation. (Motion unanimously carried) (Absent: Councilmember Kennedy)

## **CEROMONIAL MATTERS**

The City Clerk administered the oaths of office to Hoyt Hilsman as a member of the Pasadena Community Access Corporation Board and Yuan Chen as Northwest Commissioner.

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

Cliff Marcussen, Executive Director Options: A Child Care and Human Services Agency, provided a synopsis of the Options programs and services offered to the community.

Nabila Ebrahimi, Pasadena resident, expressed concerns regarding an incident involving personal and corporate identity theft and lawsuits.

Roberto Perez Cossio, Cucapah Tribe Mexicali, Baja California, informed the Council of the tribe's ability and interest to sell and supply desalinated water to the City.

Mohammed Ebrahimi, Pasadena Resident, expressed concerns regarding a personal civil case and communication with the City Attorney's Office and the Pasadena Police Department.

The following individuals spoke in support of the Postal Service Protection Act of 2013 and asked the City Council to adopt a resolution in support of this proposed legislation:

Jan Siechert, National Association of Letter Carriers,  
Shirley Sterling, Altadena resident  
Gary Sterling, Altadena resident

The Mayor noted that the Legislative Policy Committee has supported Postal Service legislation in the past and suggested that the speakers contact City staff to bring the proposed resolution to the Committee for discussion and recommendation.

**CONSENT CALENDAR**

**AUTHORIZATION TO REVISE SCOPE OF WORK ON CONTRACT WITH NOVINIUM, INC., FOR A CABLE REJUVENATION PROJECT FOR THE WATER AND POWER DEPARTMENT**

**Recommendation:** It is recommended that the City Council:

- (1) Affirm that on November 4, 2013, the City Council found the project to be exempt from environmental review pursuant to the California Environmental Quality Act ("CEQA") Guidelines Section 15301 (Existing Facilities), and that the proposal does not constitute a substantial change in the project description, nor is there new information or changed circumstances that would trigger further environmental review; and
- (2) Authorize a change in the scope of work in the contract with Novinium, Inc., for cable rejuvenation from 34kV Line 13 to 34kV Line 14.

**ADOPT RESOLUTION APPROVING NOMINATION OF COLORADO STREET BRIDGE AS A CALIFORNIA HISTORIC CIVIL ENGINEERING LANDMARK**

**Recommendation:** It is recommended that the City Council:

- (1) Adopt a resolution approving the nomination of Colorado Street Bridge as a California Historic Civil Engineering Landmark; and
- (2) Approve the proposed wording for a future bronze plaque from the Los Angeles Section of the American Society of Civil Engineers commemorating the Colorado Street Bridge's designation as a California Historic Civil Engineering Landmark, and authorize it to be permanently mounted on the bridge in recognition of the bridge's 100 years of service to the City of Pasadena. (Resolution No. 9324)

**ECONOMIC DEVELOPMENT & TECHNOLOGY COMMITTEE: ESTABLISHMENT OF PASADENA LOCAL DEVELOPMENT AREA AS SUCCESSOR TO PASADENA ENTERPRISE ZONE**

**Recommendation:** It is recommended that the City Council:

- (1) Establish the Pasadena Local Development Area as successor to the Pasadena Enterprise Zone; and
- (2) Direct the City Attorney to draft an ordinance, and return within 30 days, which amends Ordinance Nos. 7098 and 6691 replacing references to the Pasadena Enterprise Zone, with the Pasadena Local Development Area, and extends the local

financial incentives provided to businesses in the Pasadena Enterprise Zone to businesses in the Pasadena Local Development Area.

On October 7, 2013, City Council's Economic Development and Technology Committee (EDTECH Committee) provided comments to staff that formed the basis for the recommendations conveyed in the agenda report.

**FINANCE COMMITTEE: QUARTERLY INVESTMENT REPORT – QUARTER ENDING SEPTEMBER 30, 2013**

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

**MINUTES APPROVED**

September 30, 2013

**CLAIMS RECEIVED AND FILED**

Claim No. 12,056	Vernon B. Brown, Sr.	\$ 1,316.05
Claim No. 12,057	Martin Bros. Plumbing & Sewer, Inc.	8,500.00
Claim No. 12,058	Verizon, CMR Claims TPA	549.89
Claim No. 12,059	Paul Carpenter	395.50
Claim No. 12,060	CSE – Civil Service Employees Ins.	2,505.60
Claim No. 12,061	Amber Thompson	79.50

**PUBLIC HEARING SET**

December 9, 2013, 7:00 p.m. – Adoption of a Zone Change to Designate a Landmark District Overlay for the Wotkyns-Richland Landmark District (LD-20)

It was moved by Councilmember Masuda, seconded by Councilmember McAustin, to approve the Consent Calendar, with the exception of item 5 (Adoption of a Resolution Adopting the 2<sup>nd</sup> Battalion 23<sup>rd</sup> Marine Regiment), which was previously considered and approved. (Motion unanimously carried)  
(Absent: Councilmember Kennedy)

**OLD BUSINESS – cont.**

**ROBINSON PARK RECREATION CENTER RENOVATION-REVISED SELECTION PROCESS FOR PROFESSIONAL DESIGN SERVICES**

In response to Councilmember Madison's concerns regarding the procedural process used in the decision for the item above, specifically related to the process of "Calling the Question" and the request for a substitute motion, believing that the substitute motion should have been allowed, the City Attorney confirmed that the procedures for "Calling the Question" on the motion requires a motion and a second, with a vote needing a super majority to pass. Therefore, the substitute motion could have been allowed.

Following discussion, by consensus of the City Council, it was agreed to let the vote stand related to the action taken for Item 9 (Robinson Park Revised Selection Process).

**REPORTS AND COMMENTS  
FROM COUNCIL  
COMMITTEES**

**LEGISLATIVE POLICY  
COMMITTEE**

**AMENDMENT TO CHAPTER 6.20 OF THE PASADENA MUNICIPAL CODE (PMC) REDUCING THE DISTANCE SEPARATION REQUIREMENTS AND IMPLEMENTING REGULATIONS FOR THE KEEPING OF CHICKENS**

**Recommendation:** It is recommended that the City Council:

(1) Direct the City Attorney to draft, and return within 60 days, an amendment to Chapter 6.20 of the Pasadena Municipal Code modifying the requirements for the keeping of chickens in residentially zoned areas of the City such that:

- a. The distance requirement for chicken enclosure be set at a distance of 35 feet from a dwelling house or structure;
- b. An adequate enclosure or fence be required to contain chickens;
- c. Owners are required to register with the Poundmaster (Humane Society) and submit a completed self-certification checklist that verifies the owner conforms to the ordinance requirements; and
- d. A registration fee be established for review and approval by the City Council.

(2) Find that the proposed action is exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines, Section 15061(b)(3).

Dr. Eric Walsh, Director of Public Health, introduced the item, and Liza Frias, Public Health Division Manager, reviewed the agenda report as part of a PowerPoint presentation, and responded to questions

Elizabeth Richer Campo, Pasadena Humane Society (PHS), responded to questions regarding the number and type of complaints regarding the keeping of chickens.

The following individuals spoke in support and/or made inquiries of the proposed amendment to the PMC, reducing the distance separation requirements and implementing regulations for the keeping of chickens:

Nadir Elfarrar, CLUCK-in Pasadena  
Sonali Kolhatkar, CLUCK-in Pasadena  
Cynthia Frederick, CLUCK-in Pasadena  
Kristin Ferguson, CLUCK-in Pasadena  
Harman Smith, CLUCK-in Pasadena  
Tina Repetti-Renzullo, Pasadena resident  
Buddy Renzullo, Pasadena resident

David Cutter, Transition Pasadena  
Chris Cunningham, Pasadena resident  
Mary Fitzgerald, Pasadena resident  
Derek Wells, Pasadena resident

The City Clerk reported 7 letters in support, 1 letter of opposition; and 1 letter expressing concerns for the proposed amendment to the PMC were received.

Councilmember Gordo requested that the provisions concerning the 35 feet of separation from a dwelling house or structure include the term “surrounding neighbors”, in order to provide the property-owner the maximum flexibility. In addition, Mr. Gordo asked staff to eliminate the proposed registration fee, and report back to the City Council in 12 months with any complaints received for the keeping of chickens.

Councilmember Tornek requested an additional change to the provisions of the PMC amendment to include a five-foot setback to accessory structures.

Following discussion, it was moved by Vice Mayor Robinson, seconded by Councilmember McAustin, to approve the staff recommendation, amended to include the additional term of “surrounding neighbors”, a five-foot setback to accessory structures, and staff to return back in 12 months with an update on the program and any complaints received for the keeping of chickens. (Motion unanimously carried) (Absent: Councilmember Kennedy)

## FINANCE COMMITTEE

### **AUTHORIZATION TO ENTER INTO A CONTRACT WITH TYLER TECHNOLOGIES, INC., TO FURNISH AND DELIVER AN ENTERPRISE RESOURCE PLANNING SYSTEM**

**Recommendation:** It is recommended that the City Council:

- (1) Find that the proposed contract is exempt from the California Environmental Quality Act (“CEQA”) pursuant to State CEQA Guidelines Section 15061(b)(3);
- (2) Authorize the City Manager to enter into a three-year contract with Tyler Technologies, Inc., to furnish and deliver software, hardware, and services for an Enterprise Resource Planning System in an amount not to exceed \$3,434,400, which includes the base contract amount and fifteen percent for contingencies. Competitive bidding is not required pursuant to City Charter Article X, Section 1002(F), contracts for professional or unique services;
- (3) Amend the Fiscal Year 2014 Capital Improvement Program (CIP) Budget to increase the total estimated cost for the Enterprise Resource Planning System (ERP) Project, 71149, by \$3,415,000 to \$6,415,000;



(4) Authorize the addition of six new at-will, limited-term full-time equivalent (FTE) positions to the Department of Information Technology FY2014 Operating Budget funded by the ERP Project, 71149 in the Project Management Fund (301), increasing the Department total FTE count from 63.50 to 69.50, and authorize staff to make the necessary adjustments to the budget; and

(5) Establish the title and salary control rate of \$115,000 for the ERP Project Manager and the title and salary control rate of \$95,000 for the ERP Business Systems Analyst as at-will positions in the Non-Represented Management Salary Resolution. (Contract No. 21,641, Journal Voucher No. 2014-12, Resolution No. 9331)

Councilmember Tornek, Chair of the Finance Committee, introduced the item. Julie Gutierrez, Assistant City Manager and Phillip Leclair, Chief Information Officer, reviewed the agenda report as part of a PowerPoint presentation, and responded to questions

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

#### **MANDATORY SPAY/NEUTER ORDINANCE FOR PIT BULL AND PIT BULL CROSS BREED DOGS**

**Recommendation:** It is recommended that the City Council:

- (1) Direct the City Attorney to draft an ordinance and return within 60 days mandating the spay/neuter of pit bull and pit bull cross breed dogs, excluding those that meet exclusion criteria;
- (2) Find that mandatory spay/neuter of pit bull and pit bull cross breed dogs is exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines, Section 15061(b)(3); and
- (3) Authorize the Mayor to send letters to State Legislators on behalf of the City of Pasadena advocating for the repeal of the preemption on dog breed ban ordinances that have been in place since 2005.

**Legislative Policy Committee Recommendation:** On October 23, 2013, the Department of Public Works presented an update to the Legislative Policy Committee regarding state law pertaining to dog breed specific legislation, possible legislative attempts at the state level to change the preemption on dog breed ban ordinances that have been in place since 2005, and available options to address specific dog breeds.

Based on the discussion by the Committee, develop an ordinance using Riverside County's recently adopted ordinance as a model, that would require owners of pit bulls and pit bull cross breed dogs to spay/neuter or receive exemptions allowing

the dogs to maintain reproductive capabilities. The Committee also recommended staff to write a letter to the City's state legislative representatives advocating for the repeal of the preemption on dog breed ban ordinances as ban equates to a loss of local control.

Siobhan Foster, Director of Public Works, introduced the item and reviewed the agenda report as part of a PowerPoint presentation, and responded to questions

Elizabeth Richer Campo, Pasadena Humane Society (PHS), spoke in support of passing an ordinance for the mandatory spay/neuter of all cats and dogs within a predetermined age in order to prevent euthanasia of homeless animals, and expressed concerns with the proposed ordinance.

Michael Cornwell, Pasadena Resident, spoke in support of a mandatory spay/neuter ordinance for Pit Bull and Pit Bull cross breeds.

Vice Mayor Robinson expressed concerns regarding staff's recommendation and stated her preference to pass legislation for a spay/neuter program that encompasses all dog and cat breeds.

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

AYES: Councilmembers, Gordo, Madison, Masuda, McAustin Tornek, Mayor Bogaard

NOES: Vice Mayor Robinson

ABSENT: Councilmember Kennedy

**RECOMMENDATIONS FROM OFFICERS AND DEPARTMENTS**

**CONSIDERATION OF A CALL FOR REVIEW OF A PLANNING DIRECTOR DECISION TO THE BOARD OF ZONING APPEALS REGARDING TREE REMOVAL REQUEST NO. TR2013-00446 FOR THE PROPERTY LOCATED AT 918 EAST GREEN STREET (PLN2013-00446) (Councilmember Tornek)**

Kelvin Parker, Principal Planner, provided a PowerPoint presentation summarizing the project's approval, and responded to questions.

Councilmember Tornek expressed concerns regarding the rationale utilized to approve the removal of trees as noted in the application.

Following discussion, it was moved by Councilmember Tornek, seconded by Councilmember Madison, to call this matter for review to the Board of Zoning Appeals. (Motion unanimously carried) (Absent: Councilmember Kennedy)

**ORDINANCES – FIRST  
READING**

First reading of “AN ORDINANCE OF THE CITY OF PASADENA ADOPTING TITLE 24 OF THE CALIFORNIA CODE OF REGULATIONS INCORPORATING THE 2013 CALIFORNIA BUILDING CODE AND APPENDIX CHAPTERS C, D, H, I AND J; THE 2013 CALIFORNIA RESIDENTIAL BUILDING CODE AND APPENDIX E, G AND H; THE 2013 CALIFORNIA MECHANICAL CODE; THE 2013 CALIFORNIA PLUMBING CODE; THE 2013 CALIFORNIA ELECTRICAL CODE; THE 2013 CALIFORNIA FIRE CODE; AND THE 2013 CALIFORNIA GREEN BUILDING STANDARDS CODE”

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

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

NOES: None

ABSENT: Councilmember Kennedy

**COUNCIL COMMENTS**

Councilmember Gordo asked City staff to research cases involving multi-family housing properties in the City where multiple units utilize one water meter, and the City’s Ordinance regulating water rates that are applicable to those properties, with staff to provide a report to the Municipal Services Committee.

Vice Mayor Robinson thanked representatives from the Filipino American Television, Rose Bowl, and American Red Cross, and various other entities for the Philippines Typhoon Relief Effort event held at the Rose Bowl on November 20, 2013.

In addition, Ms. Robinson requested City staff provide a report to the Economic Development and Technology Committee on the Living Wage Ordinance for an opportunity to amend and update the cost of living calculation in Pasadena.

The Mayor announced that the December 2, 2013 is a Special Council Committee meeting.

**ADJOURNMENT**

On order of the Mayor, the regular meeting of the City Council adjourned at 9:51 p.m.



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

ATTEST:

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