

CITY OF PASADENA
City Council Minutes
January 7, 2008 – 5:30 P.M.
City Hall Council Chamber

REGULAR MEETING

OPENING:

Vice Mayor Haderlein called the regular meeting to order at 5:35 p.m. (Absent: Councilmember Holden, Mayor Bogaard)

On order of the Vice Mayor, the regular meeting recessed at 5:35 p.m., to discuss the following closed session:

CITY COUNCIL CONFERENCE WITH LEGAL COUNSEL REGARDING CONSIDERATION OF INITIATION OF LITIGATION pursuant to Government Code Section 54956.9 (c): One potential case

The Vice Mayor announced that the City Attorney had briefed Council and that Council had taken the following action: It was moved by Councilmember Madison, seconded by Councilmember Gordo, to authorize the initiation of litigation for declaratory relief and damages, as appropriate, against Joseph Dumbacher, John Dumbacher, and other parties, as necessary, related to the property located at 1220 Linda Ridge Road, Pasadena. (Motion unanimously carried) (Absent: Councilmember Holden, Mayor Bogaard)

On order of the Mayor, the regular meeting reconvened at 6:30 p.m. The Pledge of Allegiance was led by City Manager Cynthia Kurtz.

ROLL CALL:

Councilmembers:

Mayor Bill Bogaard (Absent)
Vice Mayor Steve Haderlein
Councilmember Victor Gordo
Councilmember Chris Holden (Absent)
Councilmember Steve Madison
Councilmember Margaret McAustin
Councilmember Jacque Robinson
Councilmember Sidney F. Tyler

Staff:

City Manager Cynthia Kurtz
City Attorney Michele Beal Bagneris
Senior Assistant City Clerk Mark Jomsky

PUBLIC COMMENT ON MATTERS NOT ON THE AGENDA

The following individuals expressed ongoing concerns regarding the sewer line problems related to the property located at 1220 Linda Ridge Road and the need to address these problems as soon as possible:

Charles Vorsanger, Linda Ridge Road Association
President
Frank Clark, Pasadena resident

CONSENT CALENDAR

CONTRACT AWARD TO VART CONSTRUCTION FOR MISCELLANEOUS CONCRETE REPAIR AND CURB RAMPS 2008 FOR AN AMOUNT NOT TO EXCEED \$375,000

Recommendation of City Manager:

- (1) Accept the bid dated December 19, 2007 submitted by Vart Construction, for Miscellaneous Concrete Repair and Curb Ramps - 2008;
- (2) Reject all other bids received;
- (3) Authorize the City Manager to enter into such contract for a "Not to Exceed" amount of \$375,000; and
- (4) Acknowledge the project to be categorically exempt under Section 21084 of the California Environmental Quality Act (CEQA) of 1984 in accordance with Article 19, Section 5301 (Class 1), subsection (c) of the Resources Agency of California Guidelines (maintenance of existing public streets) pursuant to the findings of the Secretary of the Resources Agency and authorize the City Manager to execute and the City Clerk to file a Notice of Exemption for the project with the Los Angeles County Clerk. (Contract No. 19,520)

PURCHASE OF ONE 19,500 LBS GVWR CONSTRUCTION UTILITY BODY TRUCK AND CARGO TRAILER

Recommendation of City Manager:

- (1) Accept the bid dated November 20, 2007, submitted by Thorson Motor Center for one 19,500 LBS GVWR Construction Utility Body Truck and Cargo Trailer for the Water and Power Department;
- (2) Reject all other bids; and
- (3) Authorize the issuance a purchase order contract to Thorson Motor Center in an amount not to exceed \$85,311.50.

MINUTES APPROVED

December 10, 2007
December 17, 2007
December 24, 2007
December 31, 2007

CLAIMS RECEIVED AND FILED

Claim No. 10,502	Karin White	\$	Not stated
Claim No. 10,503	Andrea Dern		235.00
Claim No. 10,504	Mitch Zelezny		263.00
Claim No. 10,505	Henning Peter Baisner		Not stated
Claim No. 10,506	Svetlana Henderson		Not stated
Claim No. 10,507	Jasmine Roberts		110.00

PUBLIC HEARINGS SET

January 28, 2008, 7:30 p.m. - Call for Review of a Design Commission Decision to the City Council Regarding the Approval of a Concept Design Review for New Construction of a 21-unit Multi-family Complex at 229-247 South Marengo (PLN2006-00348)

January 28, 2008, 7:30 p.m. - Designation of 1577 Old House Road as a Landmark

January 28, 2008, 7:30 p.m. - Designation of 150 Fern Drive as a Landmark

February 4, 2008, 7:30 p.m. - Designation of 467 East Washington Boulevard as a Landmark

February 4, 2008, 7:30 p.m. - Amendment to the Zoning Code Regulating Massage Uses

It was moved by Councilmember Tyler, seconded by Councilmember Robinson, to approve all items on the Consent Calendar. (Motion unanimously carried) (Absent: Councilmember Holden, Mayor Bogaard)

**RECOMMENDATIONS
FROM OFFICERS AND
DEPARTMENTS**

DIRECT THE CITY ATTORNEY TO PREPARE AMENDMENTS TO PASADENA MUNICIPAL CODE CHAPTER 14.90 GREEN BUILDING PRACTICES ORDINANCE

Recommendation of City Manager:

(1) Acknowledge that the Green Building Practices Ordinance amendments are exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines General Rule, Section 15061(b)(3);

(2) Direct the City Clerk to file a Notice of Exemption with the Los Angeles County Recorder; and

(3) Direct the City Attorney to prepare within 60 days amendments to the Pasadena Municipal Code Chapter 14.90 Green Building Practices Ordinance described in the agenda report.

Recommendation of Environmental Advisory Commission:

At the special meeting held on December 11, 2007, the Environmental Advisory Commission unanimously recommended that the City Council approve the amendments to the Green Building Practices Ordinance.

The City Manager introduced this first phase of amendments to the Green Building Practices Ordinance, explained the rationale and process for phasing in proposed amendments to the Ordinance, and responded to questions.

Alice Sterling, Senior Project Manager, reviewed the agenda report and responded to questions.

Richard Bruckner, Director of Planning and Development Department, noted that amendments to the Ordinance involving existing buildings would be presented to Council at a later date; discussed the phasing process for amending the Ordinance, the existing provision that automatically incorporates standards changes made by the U.S. Green

Building Council into the Ordinance, the consultants' opinions as to the standards levels that would be appropriate to implement, and fees for certification under the Leadership in Energy and Environmental Design (LEED) program; and responded to questions.

Martin Pastucha, Director of Public Works Department, responded to questions regarding the City Hall retrofit/renovation project's rating under the LEED program.

Discussion followed on options for increasing the threshold standards proposed in the Ordinance, the correlation between the standards set by the U.S. Green Building Council and the City's Ordinance, measuring the required water usage decrease, issues related to requiring a LEED Silver level for commercial/institutional-type buildings smaller than 50,000 square feet, and the differences between requirements for municipal vs. private sector buildings under the Ordinance.

Councilmember Tyler expressed support for the City taking an aggressive stance in looking at setting higher standards than those proposed by staff.

Vice Mayor Haderlein suggested the Ordinance be reviewed in one year to determine if smaller (under 50,000 square feet) commercial/institutional-type buildings could also be required to meet the LEED Silver level standards.

Following discussion, it was moved by Councilmember Gordo, seconded by Councilmember McAustin, to approve the City Manager's recommendation, with staff to review the Ordinance at the end of one year for possible changes to the threshold requirement for commercial/institutional-type buildings. (Motion unanimously carried) (Absent: Councilmember Holden, Mayor Bogaard)

**AMENDMENT TO FIRST SOURCE HIRING ORDINANCE
PASADENA MUNICIPAL CODE CHAPTER 14.80 TO ALLOW
DEVELOPERS TO SATISFY LOCAL HIRING PROGRAM
REQUIREMENTS THROUGH HIRING OF LOCAL
RESIDENTS FOR PERMANENT POSITIONS**

Recommendation of City Manager: It is recommended that the City Council: 1) receive the update on the City's First Source Hiring program, and 2) direct the City Attorney's Office to return within 60 days with an amendment to the First Source Hiring Ordinance which will allow owner-developers to satisfy local hiring program requirements through the hiring of local residents for permanent positions in addition to construction-related jobs.

The City Manager provided a brief history and overview of the First Source Hiring program, outlined the proposed changes to

the Ordinance, discussed the Summer Rose program for youth hiring in both the public and private sectors, and responded to questions.

Antonio Watson, Project Manager, summarized the agenda report, distributed a packet of information regarding the First Source Hiring program, and responded to questions.

Patsy Lane, Director of Human Services and Recreation Department, indicated that a plan for the 2008 Summer Rose program would be brought to Council at the end of January 2008.

Steve Mermell, Acting Assistant City Manager, briefly discussed the timeframe for meeting the Hiring program requirements and penalties/incentives related to the program.

Discussion followed on the calculation/auditing of payroll related to the Hiring program requirements, the youth hiring program, the role of subcontractors in the program, the timeframe for meeting the Hiring program requirements, and consideration of increasing the 15% threshold for the Hiring program in the future.

The following persons spoke in support of the First Source Hiring program:

- Clarence Broussard, Project Manager for the Fair Oaks Court project speaking as an individual
- Aamir Raza, Hotel project representative speaking as an individual

Councilmember Gordo requested that staff separate out subcontractor employee vs. local resident information in the First Source Local Hiring Database by Work Trades report that was provided to Council, and suggested staff consider focusing on local subcontractors in providing information/access to projects under the Hiring program.

It was moved by Councilmember Robinson, seconded by Councilmember Tyler, to approve the City Manager's recommendation. (Motion unanimously carried) (Absent: Councilmember Holden, Mayor Bogaard)

APPROVAL OF LEASE TERMS WITH ROSE BOWL AQUATICS CENTER AND ACCEPTANCE OF \$112,800 IN FULL PAYMENT FOR PAST UTILITY OBLIGATION

Recommendation of City Manager:

(a) Authorize the City Manager to execute a lease between the City and the Rose Bowl Aquatics Center (RBAC), a non-profit 501(C)(3) organization, as the sole agreement that replaces any and all prior City-RBAC agreements regarding use and

operation of the property know as the Rose Bowl Aquatics Center, located at 360 North Arroyo Boulevard, Pasadena, CA; and

(b) Accept \$112,800 as full settlement from RBAC for prior utility obligations (from 1996 to 2002). (Agreement No. 19,521)

The City Manager introduced the agenda item, discussed the role of the City Manager (or designee) on the Rose Bowl Aquatics Center's (RBAC) Board and Executive Committee, and responded to questions.

Patsy Lane, Director of Human Services and Recreation Department, reviewed the agenda report and responded to questions.

The following persons spoke in support of the lease agreement:

Bill Thomson, RBAC Board Chair
Kurt Knop, RBAC Executive Director

Discussion followed on the RBAC community scholarship program, RBAC's responsibilities for capital improvements and maintenance costs under the agreement, required reporting to the City, RBAC Board and Executive Committee membership, the role/voting status of the City Manager (or designee) on the Board and Executive Committee, capacity for and scheduling of open swim hours during the summer, determining the amount and workplan for use of routine maintenance funds from the City, and the Olympic Challenge program.

Councilmember Madison asked that a provision be added to the lease agreement that would require the RBAC to provide additional scholarship funds for community youth by setting the RBAC's financial commitment for this funding at a minimum of \$300,000 for each of the first two years of the agreement (in order to offset the \$112,800 settlement amount for prior utility obligations).

Councilmember Tyler asked that the final lease agreement contain specific language related to the capital improvements and maintenance activities for which the RBAC will be held responsible, that the annual Operations report and independent audit report be presented to the City by the end of April each year, and that the City Manager (or designee) be made a voting member of the Board and Executive Committee.

Councilmember Robinson suggested the RBAC increase hours for the open/recreational swim program for youth during the summer months.

Councilmember Gordo suggested the RBAC consider providing a preference rate for City residents.

The City Manager indicated Council would be provided with information on the termination date of the Aquatics Center's Certificates of Participation.

Following discussion, it was moved by Councilmember Madison, seconded by Councilmember Tyler, to approve the City Manager's recommendation, with the Rose Bowl Aquatics Center (RBAC) lease agreement amended to include the following additions/changes to the terms:

- RBAC will provide \$300,000 per year in funding for scholarship awards/public benefits for the first two years of the agreement
- specific language will be used to identify the RBAC's responsibility for building maintenance/repairs (e.g., replacement of boilers and plastering of pools)
- RBAC annual Operations report and independent audit report will be presented to the City by the end of April each year
- City Manager (or designee) will serve as a voting member on the RBAC Board and Executive Committee
- open recreational swim hours during the summer will include a minimum of the hours set out on Page 4, Section B, Item g of the agenda report (3 hours per weekday and Sunday, plus 2 hours on Saturday)

(Motion unanimously carried) (Absent: Councilmember Holden, Mayor Bogaard)

Councilmember Madison commended the RBAC and City staffs for their work in restoring the RBAC to its current status of a very functional amenity that benefits all parts of the City.

Mr. Knop announced that the Kaiser Permanente 2008 National Diving Championship will be held at the Aquatics Center during the third week of July 2008.

APPROVAL OF AGREEMENT FOR INTERIM EMPLOYMENT BETWEEN THE CITY OF PASADENA AND BERNARD K. MELEKIAN

Recommendation of Mayor: It is recommended that the City Council approve an agreement for Interim Employment between the City of Pasadena and Bernard K. Melekian for his services as Interim City Manager, effective January 8, 2008. (Agreement No. 19,522)

The Vice Mayor introduced the agenda item.

It was moved by Councilmember Gordo, seconded by Councilmember Tyler, to approve the Mayor's recommendation. (Motion unanimously carried) (Absent: Councilmember Holden, Mayor Bogaard)

RESIGNATION OF SANDRA ESPADAS FROM THE HUMAN SERVICES COMMISSION (Agency Nomination)

It was moved by Councilmember Gordo, seconded by Councilmember Tyler, to accept the above resignation with regrets. (Motion unanimously carried) (Absent: Councilmember Holden, Mayor Bogaard)

CONSIDERATION OF A CALL FOR REVIEW OF A BOARD OF ZONING APPEALS DECISION TO THE CITY COUNCIL REGARDING APPROVAL FOR THE CONSTRUCTION OF A DRIVEWAY ENTRY GATE, COLUMNS, AND ATTACHED LIGHTING FIXTURES THAT EXCEED THE SIX-FOOT MAXIMUM HEIGHT FOR FENCES/GATES ON A SINGLE-FAMILY PROPERTY AT 100 LOS ALTOS DRIVE (MINOR VARIANCE NO. 11619) (Councilmember Madison)

Councilmember Madison explained possible issues and his concerns regarding the project and the review process that had been followed for the project.

The Vice Mayor reported that a letter had been received on January 7, 2008 from the Linda Vista-Annandale Association (LVAA) and had been made a part of the record.

Richard Bruckner, Director of Planning and Development Department, responded to questions regarding the project and the review process that had been followed.

The following person spoke in support of the call for review:

Donna Vaccarino, architect speaking on behalf of the property owner (Thomas Girardi)

Following discussion, it was moved by Councilmember Madison, seconded by Councilmember Gordo, to call this matter for review to the City Council:

AYES: Councilmembers Gordo, Madison

NOES: Councilmembers McAustin, Robinson, Tyler,
Vice Mayor Haderlein

ABSENT: Councilmember Holden, Mayor Bogaard
(Motion failed)

The decision of the Board of Zoning Appeals stands.

RECESS

On order of the Vice Chair, the regular meeting of the City Council recessed at 8:21 p.m. to the regular meeting of the Community Development Commission.

RECONVENED

On order of the Vice Chair, the regular meeting of the City Council reconvened at 8:22 p.m. (Absent: Councilmember Holden, Mayor Bogaard)

ORDINANCE – FIRST READING

Conduct first reading of “AN ORDINANCE OF THE CITY OF PASADENA AMENDING TITLE 17 (THE ZONING CODE) OF THE PASADENA MUNICIPAL CODE, AMENDING THE NORTH LAKE SPECIFIC PLAN OVERLAY DISTRICT”

Richard Bruckner, Director of Planning and Development Department, provided an overview of the public meetings and opportunities for public comment that had occurred regarding the changes to the ordinance, and discussed the proposed zone change for the two parcels on Washington Boulevard that are currently occupied as gas stations.

The following persons spoke in opposition to the proposed zoning change to the parcels currently occupied as gas stations on Washington Boulevard:

- Norberto Cuellar, Pasadena commercial property owner, asked the City to purchase his parcel because of issues related to the current nonconforming use status of the property.
- Garabed Melidonian, Pasadena commercial property owner
- Hambapsvar Melidonian, Pasadena commercial property owner

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

- AYES: Councilmembers Gordo, Madison, McAustin, Robinson, Tyler, Vice Mayor Haderlein
- NOES: None
- ABSENT: Councilmember Holden, Mayor Bogaard

In response to Norberto Cuellar’s request that the City consider purchasing his property, Councilmember Gordo asked staff to follow up with Mr. Cuellar.

ORDINANCE – ADOPTED

Adopt “AN ORDINANCE OF THE CITY OF PASADENA AMENDING CHAPTER 18.04 OF TITLE 18 OF THE PASADENA MUNICIPAL CODE BY ADDING NEW SECTION 18.04.060 RELATING TO VIDEO SERVICE PROVIDERS” (Vice Mayor Haderlein) (Ordinance No. 7128)

- The above ordinance was adopted by the following vote:
- AYES: Councilmembers Gordo, Madison, McAustin, Robinson, Tyler, Vice Mayor Haderlein
 - NOES: None
 - ABSENT: Councilmember Holden, Mayor Bogaard

PUBLIC COMMENT ON MATTERS NOT ON THE AGENDA (Continued)

Pastor Byron Smith, Sr., Calvary CMC Church submitted a flyer for the 11th Annual Dream Keepers Workshop presented by the One Church One School Program to be held on January 21, 2008 to celebrate King Holiday 2008.

The following persons and City staff members acknowledged Cynthia Kurtz (in her last Council meeting before moving on to a new position in the private sector) for her 10 years of untiring service to the City as City Manager, and paid tribute to the City Manager for her leadership, support, and many accomplishments:

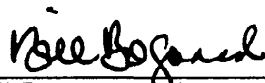
Bill Crowfoot, former District 5 Councilmember
Paul Little, former District 2 Councilmember
Fire Chief Dennis Downs
Ann Erdman, Public Information Officer
Julianne Hines, representing State Assemblymember
Anthony Portantino, presented a Certificate of Recognition to the City Manager on behalf of the State Assembly.
Phyllis Currie, General Manager of Water and Power Department
Police Chief Bernard Melekian
City Attorney Michele Bagneris

Council joined in recognizing the City Manager for her service and management skills, and congratulating her on undertaking a new position and opportunity in the private sector.

The City Manager thanked the Council, community, and Executive Committee for the privilege of serving as the City Manager for the past 10 years; and offered observations of her tenure with the City.

ADJOURNMENT

On order of the Mayor, the regular meeting of the City Council adjourned at 9:32 p.m., in memory of Deronda Williams, longtime City employee who worked with the Northwest Programs Office.



Bill Bogaard, Mayor
City of Pasadena

ATTEST:



City Clerk