

CITY OF PASADENA
City Council Minutes
March 10, 2008 – 5:30 P.M.
City Hall Council Chamber

REGULAR MEETING

OPENING:

Mayor Bogaard called the regular meeting to order at 5:50 p.m.
(Absent: Councilmember Madison)

On order of the Mayor, the regular meeting recessed at 5:50 p.m., to discuss the following closed sessions:

Councilmember Madison
arrived at 6:15 p.m.

**CITY COUNCIL CONFERENCE REGARDING PUBLIC
EMPLOYEE PERFORMANCE EVALUATION pursuant to
Government Code Section 54957
Title: City Clerk**

**CITY COUNCIL CONFERENCE REGARDING PUBLIC
EMPLOYMENT pursuant to Government Code Section
54957
Employee Title: City Manager**

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 Councilmember Madison.

ROLL CALL:

Councilmembers:

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

Staff:

City Manager Bernard K. Melekian
City Attorney Michele Beal Bagneris
City Clerk Jane L. Rodriguez

CEREMONIAL MATTERS

The City Clerk administered the oath of office to Meroujan S. Kitsinian as Code Enforcement Commissioner.

Ken Hardy, Human Relations Commission Chair, announced that the Commission was honoring three recipients for their work in creating peace and harmony in the City. Nat Nehdar, Human Relations Commissioner, and the Mayor presented a

Certificate of Appreciation to Betty J. Ford for her longtime dedication to the City through a wide range of community service. They also presented the Models of Unity Award certificates to: Kevin Urich (Pasadena Weekly editor/writer) and Yin Yin Huang Acevedo (music teacher and co-founder of the Acevedo Music and Art Education Foundation).

PUBLIC COMMENT ON MATTERS NOT ON THE AGENDA

Marvin Schachter, Pasadena Senior Commissioner and AARP and Pasadena Senior Advocacy Council representative, invited the Council and community to the 2008 Annual Pasadena Conference on Aging, with its numerous discussion workshops on issues facing seniors to be provided during the daylong event occurring on March 18, 2008, and submitted a flier for the event.

CONSENT CALENDAR

AUTHORIZATION TO INCREASE THE NOT TO EXCEED AMOUNT OF CONTRACT NO. 18,404 WITH HIGH LINE CORPORATION FROM \$200,000 TO \$336,000

Recommendation of City Manager: Approve an increase of \$136,000 to the amount of Contract No. 18,404 with High Line Corporation, thereby increasing the not to exceed amount from \$200,000 to \$336,000 for additional services and enhancements to upgrade the Personality 2000 (P2K) HRIS/Payroll System. (Contract Amendment Nos. 15,061-1 and 16,861-2)

MINUTES HELD TO MEETING OF MARCH 17, 2008

February 25, 2008

Page 16 – Call for Review re: 229-247 South Marengo Avenue, 9th bulleted item was corrected to read:

- allegations of noncompliance with the entitlement on the Cinema Lofts project (verification of what was approved by the Council City and what was built)

At the request of Councilmember Tyler, the draft minutes were held one week for staff to review Council's action regarding the Huntington Memorial Hospital Master Development Plan Amendment as cited on Pages 11-12, in particular the amended language to Condition of Approval No. 5.

CLAIMS RECEIVED AND FILED

Claim No. 10,549	Armando S. Morero	\$ 582.31
Claim No. 10,550	Kris Winter Rinkus Laski	3,599.99
Claim No. 10,551	Julie Wood	Not stated
Claim No. 10,552	Erin Johnson	3,275.33
Claim No. 10,553	Dennis V. Byrnes	97.43

PUBLIC HEARING CANCELLED

Cancellation of Continued Public Hearing - May 5, 2008, 7:30 p.m. - Call for Review to the City Council of Conditional Use Permit No. 4657 for 940 Avenue 64 (Installation, Operation, and Maintenance of Unmanned Telecommunications Equipment for Cingular Wireless) (*To be cancelled pursuant to applicant's withdrawal of CUP No. 4657*)

It was moved by Councilmember Robinson, seconded by Vice Mayor Haderlein, to approve the Consent Calendar, with the exception of the above minutes, which were held to allow time for further review by staff. (Motion unanimously carried) (Absent: None)

**REPORTS AND COMMENTS
FROM COUNCIL
COMMITTEES**

FINANCE COMMITTEE

REJECTION OF ALL BIDS FOR THE CONSTRUCTION OF PASADENA ICE SKATING FACILITY

Recommendation of City Manager: Reject all bids received on December 28, 2007 in response to the Request for Bids for Construction of the Pasadena Ice Skating Facility.

Councilmember Tyler, Chair of the Finance Committee, introduced the agenda item; commented on the revised time schedule for completion, the need to update the usage numbers for the facility, possible options for fundraising, and involvement of the skating community during the development process; and responded to questions.

The City Manager commented on staff's commitment to complete the ice skating rink project, announced that the rink at the Pasadena Ice Skating Center would not be closing during the ongoing process for the new rink, and responded to questions regarding private fundraising efforts.

Martin Pastucha, Director of Public Works Department, reviewed the agenda report and responded to questions.

Councilmember Madison expressed opposition to any proposal that would charge for parking; encouraged the use of fundraising to help fill the construction funding gap (private fundraising and partnering with organizations/companies); suggested staff explore maximum capitalization of the Pasadena Center Operating Company's (PCOC) access to financial resources/acumen (bonding, financing, and budgeting) in assisting with the new facility; and asked staff to weigh any cutbacks on the project costs against possible sources of revenue that may be generated in the future.

Discussion followed on sponsorship possibilities and determining construction costs.

Councilmember Gordo introduced Mirai Nagasu, the 2008 U.S. National Ladies Figure Skating Champion and a member of the Pasadena Figure Skating Club,

The following persons spoke in support of the timely construction of the ice skating facility and/or expressed concerns regarding aspects of the proposed facility.

Mirai Nagasu, Pasadena Figure Skating Club member
Joe Conrad, Pasadena Maple Leafs President (youth hockey club)

John Stifel, South Pasadena resident
Thuy "Twee" Kunin, Pasadena Maple Leafs club member
Joan Horvath, Pasadena resident
Scott Carson, Pasadena Ice Skating Rink instructor
Claude Cazzulino, Pasadena resident
Paul Savoie, Sierra Madre resident
Eric Schwarzmann, Pasadena Ice Skating Center
representative
Craig Mantuori, Caltech Student Body representative

It was moved by Councilmember Tyler, seconded by Councilmember Holden, to approve the City Manager's recommendation. (Motion unanimously carried) (Absent: None)

**QUARTERLY INVESTMENT REPORT – QUARTER ENDING
DECEMBER 31, 2007**

Recommendation of City Manager: This report is for information purposes only.

Councilmember Tyler introduced the agenda item and complimented Vic Erganian on the excellent quality of the report.

Vic Erganian, City Treasurer, reviewed the agenda report.

On order of the Mayor, the report was received and filed.

**ANNUAL AMENDMENTS TO THE GRANDSTAND PERMIT
APPLICATION, ROSE BOWL ADMISSION TAX AND
GRANDSTAND SEAT SURCHARGE**

Recommendation of City Manager: Approve scheduled rate increases for Grandstand Permit Application, Rose Bowl Admission Tax and New Year's Day Related Business Grandstand Seat Surcharge as set forth in the Schedule of Taxes, Fees, and Charges.

Councilmember Tyler summarized the agenda report.

It was moved by Councilmember Tyler, seconded by Councilmember Gordo, to approve the City Manager's recommendation. (Motion unanimously carried) (Absent: None)

**PASADENA CONFERENCE CENTER EXPANSION
PROJECT UPDATE**

Recommendation of Pasadena Center Operating Company:
This report is for informational purposes only.

Michael Ross, Pasadena Center Operating Company (PCOC) Chief Executive Officer, reviewed the agenda report, and thanked the City for its support of the recent Amgen Tour of California cycling event.

Conrado Ayala, Parsons Corporation representative, provided an update on the Sustainability Program/Green Building Initiative for the Center project.

James Canfield, Pasadena Conference Center Executive Director, provided an update on the project's construction, and submitted current photographs of the building expansion.

On order of the Mayor, the report was received and filed.

PUBLIC SAFETY COMMITTEE

MANDATORY SPAYING/NEUTERING OF PIT BULL AND PIT BULL MIXES ORDINANCE

Recommendation of City Manager: It is recommended that the City Council direct the City Attorney's Office to return in 60 days with an ordinance requiring the spaying and neutering of pit bull and pit bull mixes.

Vice Mayor Haderlein, Chair of the Public Safety Committee, introduced the agenda item.

Dr. Takashi Wada, Director of Public Health Department/Health Officer, reviewed the agenda report and responded to questions regarding the public education aspect of implementing and enforcing the ordinance.

Veronica Fincher, Pasadena Humane Society Vice President of Operations, responded to questions regarding the process for handling dogs that are not in compliance with the proposed ordinance and the timeframe for having a dog spayed/neutered.

Councilmember McAustin expressed concerns regarding the current eight-week waiting period for spaying/neutering these dogs, and asked staff to review options for reducing this timeframe and the fiscal impacts that could occur.

The City Manager indicated that staff will provide additional information on the financial implications of addressing Councilmember McAustin's concerns regarding the waiting period when the ordinance is presented to Council.

It was moved by Vice Mayor Haderlein, seconded by Councilmember Madison, to approve the City Manager's recommendation. (Motion unanimously carried) (Absent: None)

PUBLIC HEARING

Mayor Bogaard recused himself at 7:58 p.m., due to a conflict of interest. Vice Mayor Haderlein assumed the Chair.

CONTINUED PUBLIC HEARING: ISSUANCE OF VARIABLE RATE DEMAND STUDENT HOUSING REVENUE BONDS BY THE COLORADO EDUCATIONAL AND CULTURAL FACILITIES AUTHORITY TO FINANCE PROJECT FOR FULLER THEOLOGICAL SEMINARY

Recommendation of City Manager: It is recommended that the City Council:

- (1) Hold a Tax Equity and Fiscal Responsibility Act (TEFRA) hearing and approve the issuance of Variable Rate Demand Student Housing Revenue Bonds by the Colorado Educational and Cultural Facilities Authority in an aggregate principal amount not to exceed \$22 million to be used to finance and/or refinance the acquisition, construction, improvement, furnishings and equipping of certain facilities.
- (2) Authorize the Mayor to execute the California Public Approval Certificate to satisfy the public approval requirement of Section 147(f) of the Internal Revenue Code.

The Vice Mayor announced now was the time for the continued public hearing.

The City Manager reviewed his memo to the Council dated March 10, 2007 regarding a clarification of the housing units that are the subject of the proposed financing.

Councilmember Gordo noted that the City would not carry any liability for the bonds, and clarified the breakdown of the total housing units contained in the project as to affordable/workforce/market rate.

Howard Wilson, Fuller Theological Seminary Executive Vice President, spoke in support of the issuance of the bonds:

It was moved by Councilmember McAustin, seconded by Councilmember Tyler, to close the public hearing. (Motion unanimously carried) (Absent: Mayor Bogaard)

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

RECOMMENDATIONS FROM OFFICERS AND DEPARTMENTS

Mayor Bogaard returned at 8:03 p.m.

ADOPTION OF A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASADENA APPROVING AND ENDORSING THE CALIFORNIA VOTERS FIRST ACT WHICH PROPOSES TO ENACT AMENDMENTS INTO THE CONSTITUTION AND RELEVANT STATE LAW (Resolution No. 8836)

The Mayor introduced the agenda item.

The following persons spoke in support of the resolution:

- Marvin Schachter, AARP California Executive Council member
- Sondra Hauge, League of Women Voters Pasadena Area President
- Samuel Garrison, Los Angeles Area Chamber of Commerce Senior Vice President of Public Policy
- Bill Yeomans, Pasadena resident

Kathay Feng, California Common Cause Executive Director

The following persons spoke in opposition to the resolution and/or expressed concerns regarding the California Voters FIRST initiative:

Rosalind Gold, National Association of Latino Elected and Appointed Officials (NALEO) Educational Fund Senior Director of Policies, Research, and Advocacy
Steven Ochoa, William C. Velasquez Institute Director of Voting Rights and Policy Research

Discussion followed on proposed options to address current redistricting issues, the timeframe for qualifying the initiative for the November ballot, membership on the Redistricting Commission, proposed criteria to be used during the redistricting process, issues raised about possible violations of the Voting Rights Act, independent legal review of the initiative that has been conducted, and the process for drafting the initiative.

The Mayor noted that the Legislative Policy Committee had not reviewed the initiative and that other redistricting concepts had been proposed in recent years, with no action taken by the State.

Councilmember Holden spoke in support of the City taking a leadership role in supporting the proposed initiative.

Councilmember Madison expressed concerns regarding the need for this issue to be more thoroughly studied and discussed, suggested an option for the Legislative Policy Committee to review the matter and offer a recommendation to Council, and stated his hesitancy in supporting the initiative before he can fully understand it.

Councilmember Gordo expressed concerns regarding moving forward with adoption of the resolution prior to the Legislative Policy Committee's study of the initiative, and the need to obtain information on some of the issues raised about the initiative and possible violation of the Voting Rights Act; expressed support for the concept of reforming the redistricting process and inclusion of the Congressional Districts in any redistricting reform effort; and suggested agendaing the initiative for the next Legislative Policy Committee meeting for a review of the initiative and the issues raised by those who have expressed opposition/concerns regarding the initiative.

Following discussion, it was moved by Councilmember Holden, seconded by Vice Mayor Haderlein, to adopt the resolution,

with staff to communicate the City's position on the initiative to the State Legislature, Governor, and California League of Cities and asking the City's State representatives to inform the City of their positions on the initiative. (Motion passed, with Councilmembers Gordo and Madison abstaining) (Absent: None)

CONSIDERATION OF A CALL FOR REVIEW OF A HEARING OFFICER DECISION TO THE BOARD OF ZONING APPEALS REGARDING CONDITIONAL USE PERMIT NO. 4993 TO ALLOW THE ON-SITE SALE AND CONSUMPTION OF FULL ALCOHOL (BEER, WINE, AND DISTILLED SPIRITS) IN CONJUNCTION WITH THE OPERATION OF AN EXISTING RESTAURANT (EQUATOR CAFÉ) (22 MILLS PLACE) (Councilmember Madison)

Councilmember Madison asked the restaurant owner (Ted Bedjarian) if he would agree to continue this matter to allow time for staff to consult with the Councilmember regarding additional information needed to determine if the call for review should go forward or be withdrawn.

The following persons spoke in opposition to the call for review to the Board of Zoning Appeals and/or objected to Councilmember Madison's request for continuing the matter:

Ted Bedjarian, Equator Café owner
Lynn Ballestero, Executive Assistant to Ted Bedjarian

Councilmember Madison discussed staff's and the police's recommendations to disapprove the Conditional Use Permit and his rationale for asking Council to consider the call for review based on issues related to the serving of alcohol in this area of the City.

Richard Bruckner, Director of Planning and Development Department, indicated that if called for review, the matter could be expedited within the given legal parameters, and responded to questions.

Brief discussion followed on Council's role in the appeal process.

It was moved by Councilmember Madison, seconded by Councilmember Gordo, to call this matter for review to the Board of Zoning Appeals. (Motion unanimously carried) (Absent: None)

Councilmember Madison recused himself at 9:28 p.m., due to a conflict of interest.

CONSIDERATION OF A CALL FOR REVIEW OF A HEARING OFFICER DECISION TO THE BOARD OF ZONING APPEALS REGARDING VESTING TENTATIVE TRACT MAP NO. 069620 TO CREATE ONE RETAIL, TWO OFFICE, AND

21 RESIDENTIAL AIR PARCELS ON ONE LAND LOT FOR CONDOMINIUM PURPOSES FOR A FIVE-STORY MIXED USE DEVELOPMENT (496 SOUTH ARROYO PARKWAY)
(Councilmember Tyler)

Councilmember Holden was excused at 9:36 p.m.

Councilmember Tyler discussed his concerns with the increased Floor Area Ratio (FAR) allowed on the building and related to applying a density bonus to the project as provided under Senate Bill (SB) 1818, with a timing issue which results in Council being informed of a project that causes concerns at a late stage in the entitlement process, and with various construction issues related to the approved project. He noted that it would be helpful for Council to have an opportunity to be made aware of project plans that raise density issues at an earlier time in the entitlement process. He suggested that a formal legal opinion be provided to Council and staff on similar projects to assist in determining how projects involving density bonus issues may be handled in order to preserve the City's authority in these zoning matters, and that staff draft legislation (to be carried by the City's State representatives) that would help the City to prevent its authority from being subverted in similar zoning situations.

The City Manager indicated that he, Richard Bruckner, and staff were looking at a broad scope of the development process and how projects are reviewed so that concerns are raised at a meaningful time in the process; and that staff would be reporting to the Legislative Policy Committee on Assembly Bill (AB) 2280 (new density bonus).

Richard Bruckner, Director of Planning and Development Department, indicated that staff shared Councilmember Tyler's concerns regarding the State's density bonus law and its impact on the City's development standards, that staff would report to the Legislative Policy Committee regarding possible City responses to the State law, and that staff would monitor the construction of the above project so that the building adheres to the Conditions of Approval. He briefly discussed SB 1818 as it pertains to concessions given regarding development standards for affordable housing.

The City Attorney indicated that she was not aware of any legal challenges to the current density bonus law or reported cases filed against cities for noncompliance with the law, and that staff would confirm whether the League of California Cities is working with Assemblymember Saldana on AB 2280. She also indicated staff would provide Council with information on the City of Los Angeles ordinance that allegedly contained limitations to the development standards that can be waived under SB 1818.

The following persons spoke in opposition to the call for review to the Board of Zoning Appeals:

Steven Stathatos, 496 Arroyo LLC representative
Patrick Chraghchian, applicant

Following discussion, Councilmember Tyler withdrew his request for consideration of a call for review since the thresholds for this action could not be met in the above matter.

REAPPOINTMENT OF RUTH PECK TO THE HISTORIC PRESERVATION COMMISSION (District 4 Nomination)

REAPPOINTMENT OF DOREEN MOORE TO THE SENIOR COMMISSION (District 4 Nomination)

REAPPOINTMENT OF DIANE TROUT TO THE TRANSPORTATION ADVISORY COMMISSION (District 4 Nomination)

APPOINTMENT OF MICHELLE ZAVALA TO THE COMMISSION ON THE STATUS OF WOMEN (District 5 Nomination)

It was moved by Vice Mayor Haderlein, seconded by Councilmember Robinson, to approve the above reappointments and appointment. (Motion unanimously carried) (Absent: Councilmembers Holden, Madison)

RESOLUTION ACCEPTING THE CANVASS OF THE FEBRUARY 5, 2008 SPECIAL MUNICIPAL ELECTION FOR MEASURE D – PASADENA UTILITY USERS TAX CONTINUATION MEASURE

Recommendation of City Clerk: It is recommended that the City Council adopt a resolution accepting the canvass of votes certified by the Los Angeles County Clerk/Registrar-Recorder for the Pasadena Special Municipal Election which was consolidated with the Statewide Presidential Primary Election held on February 5, 2008. (Resolution No. 8835; Ordinance No. 7133)

The City Clerk summarized the agenda report and responded to questions.

It was moved by Vice Mayor Haderlein, seconded by Councilmember Robinson, to approve the City Clerk's recommendation. (Motion unanimously carried) (Absent: Councilmembers Holden, Madison)

RECESS

On order of the Mayor, the regular meeting of the City Council recessed at 9:55 p.m. to the regular meeting of the Community Development Commission.

RECONVENED

On order of the Mayor, the regular meeting of the City Council reconvened at 9:56 p.m. (Absent: Councilmembers Holden, Madison)

ORDINANCES – FIRST READING

Conduct first reading of “AN ORDINANCE OF THE CITY OF PASADENA TO CREATE A SEWER FACILITY CHARGE, AND TO AMEND TITLE 4 (REVENUE AND FINANCE) TO ESTABLISH CHAPTER 4.53 TITLED ‘SEWER FACILITY CHARGE’”

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

AYES: Councilmembers Gordo, McAustin, Robinson, Tyler, Vice Mayor Haderlein, Mayor Bogaard

NOES: None

ABSENT: Councilmembers Holden, Madison

Conduct first reading of “AN ORDINANCE OF THE CITY OF PASADENA AMENDING TITLE 14, CHAPTER 14.80, SECTION 14.80.040, SUBSECTION B OF THE PASADENA MUNICIPAL CODE TO ALLOW FLEXIBILITY IN THE APPLICATION OF THE FIRST SOURCE HIRING REQUIREMENT ON SOME CONSTRUCTION PROJECTS”

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

AYES: Councilmembers Gordo, McAustin, Robinson, Tyler, Vice Mayor Haderlein, Mayor Bogaard

NOES: None

ABSENT: Councilmembers Holden, Madison

Conduct first reading of “AN ORDINANCE OF THE CITY OF PASADENA AMENDING TITLE 17 (THE ZONING CODE) OF THE PASADENA MUNICIPAL CODE, REGARDING MASSAGE ESTABLISHMENTS”

Jamie Sullo, representing chair massage service providers, asked for clarification that, under the above ordinance, chair massage services would be allowed at the Whole Foods Market.

The City Attorney confirmed that the ordinance would apply to the Whole Foods Market situation and would receive a second reading and become effective 30 days after publishing of the ordinance.

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

AYES: Councilmembers Gordo, McAustin, Robinson, Tyler, Vice Mayor Haderlein, Mayor Bogaard

NOES: None

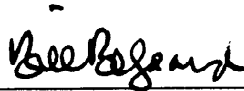
ABSENT: Councilmembers Holden, Madison

**PUBLIC COMMENT ON
MATTERS NOT ON THE
AGENDA** (Continued)

La Ronda Hartfield, NOW program representative, described some of the work performed by the Program, and submitted an information pamphlet on the NOW Program.

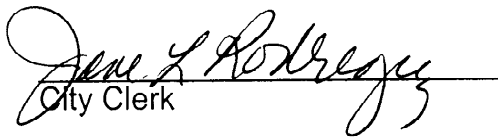
ADJOURNMENT

On order of the Mayor, the regular meeting of the City Council adjourned at 10:05 p.m., in memory of Karla Gligorijevic, a Pasadena Police Officer who died after a serious illness.



Bill Bogaard, Mayor
City of Pasadena

ATTEST:



Jane L. Rodriguez
City Clerk