

CITY OF PASADENA
City Council Minutes
August 4, 2008 – 5:30 P.M.
City Hall Council Chamber

REGULAR MEETING

OPENING:

Vice Mayor Haderlein called the regular meeting to order at 5:40 p.m. (Absent: Councilmembers Gordo, Holden, Mayor Bogaard)

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

Councilmember Holden arrived at 5:44 p.m.

Councilmember Gordo arrived at 5:46 p.m.

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

Properties: 3026 East Orange Grove Boulevard, Pasadena, CA; 3005 East Foothill Boulevard, Pasadena, CA

Agency negotiators: Bernard K. Melekian; Richard J. Bruckner

Negotiating party: Los Angeles Kings in partnership with Polar Ice Ventures, LLC (PIV)

Under negotiation: Terms of payment

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

City Representatives: Karyn S. Ezell and Arthur Chavez

Employee Organization: Pasadena Management Association

The above two closed session items were discussed, with no reportable action at this time.

On order of the Vice Mayor, the regular meeting reconvened at 6:49 p.m. The Pledge of Allegiance was led by Marco Quezada, American Youth Soccer Organization (AYSO) Region 13 representative.

ROLL CALL:

Councilmembers:

Mayor Bill Bogaard (Absent)
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 Mark Jomsky

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

Tom Wheeler, Full Circle Recycling Company President, asked for Council's assistance in an action to reconsider the City's denial of a renewal for his company's franchise agreement to operate as a commercial recycler in the City, and submitted a written statement of his concerns about the franchise renewal process and his request for reconsideration.

The City Manager indicated that information on the specific reasons for the nonrenewal of Mr. Wheeler's franchise agreement would be provided in the weekly informational letter to Council and staff would contact Mr. Wheeler about the nonrenewal.

Richard McDonald, Pasadena resident, spoke in support of Assembly Bill (AB) No. 811 – Contractual assessments: energy efficiency improvements, asked the City to take advantage of the financing opportunities for renewable energy sources or energy efficiency improvements provided under the bill, asked Council to consider and implement the financial contractual assessments that are allowed, asked to be informed on Council's decision regarding AB 811, and submitted a copy of the bill that had been signed by the Governor as an emergency measure.

Following discussion and by Council consensus, Water and Power and Finance Department staffs were directed to review the efficacy of AB 811 and report to the Environmental Advisory Commission (EAC), with the EAC to review and report to the Municipal Services Committee.

CONSENT CALENDAR

Item discussed separately at the request of Councilmember Tyler.

AUTHORIZATION OF A PURCHASE ORDER WITH S.B.R., INC., FOR THE ROOF REPLACEMENT ON THE PUBLIC WORKS BUILDING AT THE CITY YARDS FOR A TOTAL NOT TO EXCEED AMOUNT OF \$124,967

CONTRACT AWARD TO UNITED SHOTCRETE, INC., FOR 2008 BRIDGE SPALL REPAIR AT 65 NORTH ARROYO BOULEVARD FOR AN AMOUNT NOT TO EXCEED \$79,000

Recommendation of City Manager:

(1) Accept the bid, dated July 23, 2008, submitted by United Shotcrete, Inc., for the 2008 Bridge Spall Repair at 65 North Arroyo Boulevard, reject all other bids received, and authorize the City Manager to enter into such contract not to exceed \$79,000; and

(2) Acknowledge the project to be categorically exempt under the California Environmental Quality Act in accordance with Title 14, Chapter 3, Section 15301(d); 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. 19,714)

AUTHORIZE THE CITY MANAGER TO EXECUTE THE INTERAGENCY COMMUNICATIONS INTEROPERABILITY SYSTEM (ICIS) JOINT POWER AUTHORITY (JPA) AGREEMENT

Recommendation of City Manager: Authorize the City Manager to execute the Interagency Communications Interoperability System (ICIS) Joint Powers Authority (JPA) Agreement. (Agreement No. 19,715)

CONTRACT AWARD TO STREETLIGHT RESTORATION SPECIALISTS, INC., FOR THE PAINTING OF PLAYHOUSE DISTRICT STREET LIGHT POLES FOR AN AMOUNT NOT TO EXCEED \$148,500

Recommendation of City Manager:

(1) Accept the bid dated July 8, 2008, submitted by Streetlight Restoration Specialists, Inc., in response to the Specifications for the Painting of Playhouse District Street Light Poles; reject all other bids received; and authorize the City Manager to enter into such contract as is required for an amount not to exceed \$148,500; and

(2) Acknowledge the project to be categorically exempt under Section 21084 of the California Environmental Quality Act (CEQA) in accordance with Article 19, Section 15301 (Class 1), subsection (c) of the Resources Agency of California Guidelines (minor alterations involving negligible expansion of use beyond that previously existing) 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. 19,716)

MINUTES APPROVED

July 21, 2008

CLAIMS RECEIVED AND FILED

Claim No. 10,648	Mohamed Ghannoum	\$ 2,900.00
Claim No. 10,649	Christine M. Ferri	250.00

It was moved by Councilmember Madison, seconded by Councilmember Robinson, to approve the Consent Calendar, with the exception of Item 1 (Purchase Order with S.B.R., Inc.), which was discussed separately. (Motion unanimously carried) (Absent: Mayor Bogaard)

CONSENT ITEM DISCUSSED SEPARATELY

AUTHORIZATION OF A PURCHASE ORDER WITH S.B.R., INC., FOR THE ROOF REPLACEMENT ON THE PUBLIC WORKS BUILDING AT THE CITY YARDS FOR A TOTAL NOT TO EXCEED AMOUNT OF \$124,967

Recommendation of City Manager: Accept the bid dated July 3, 2008, by S.B.R., Inc., and authorize the issuance of a purchase order to S.B.R., Inc., in an amount not to exceed

\$124,967 for the replacement of the roof on the Public Works Building located at the City Yards; and reject all other bids.

In response to Councilmember Tyler's questions, Martin Pastucha, Director of Public Works Department, explained what a "cool roof" is as required under Title 24 of the State of California Building Code.

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

**REPORTS AND COMMENTS
FROM COUNCIL
COMMITTEES**

**PUBLIC SAFETY
COMMITTEE**

APPROVAL OF THE PARK FACILITY NEEDS MATRIX

Recommendation of City Manager: It is recommended that the City Council approve the Park Facility Needs Matrix (see Attachment A of the agenda report). The matrix prioritizes 23 of the identified needs included in the Green Space, Recreation and Parks Master Plan.

Recommendation of Recreation and Parks Commission: At the May 8, 2008 meeting of the Recreation and Parks Commission, the Commission recommended that the City Council approve the Park Facility Needs Matrix.

Recommendation of Public Safety Committee: At the Public Safety Committee meeting held July 15, 2008, the Committee voted to recommend the following revisions:

(1) Revise the Park Facility Needs Matrix to:

(a) Establish the Identified Need with the top priority to read "Additional Urban Open Spaces, Parks, and Multi-purpose fields are needed in Pasadena with a particular focus on the seven gap areas, including the entire Central District", which includes all recommendations attached to the above items listed in the matrix. This reflects a merger of the two "Identified Need No. 11's" from the Park Facility Needs Matrix presented to the City Council on June 16, 2008; and

(b) Merge all "Recommendations" attached to the above referenced items to Item No. 1 of the matrix.

(2) Delete "Recommendation" 21A ("Consider Water Play Element at Victory Park"); and

(3) Review the matrix after 12 months and, thereafter, every 24 months.

Vice Mayor Haderlein, Chair of the Public Safety Committee, reviewed the agenda report, noted the revisions to the staff recommendation proposed by the Public Safety Committee above, and responded to questions regarding staff's use of the matrix.

Councilmembers McAustin and Madison, Public Safety Committee members, noted that the matrix would evolve and be reviewed as needs and opportunities to identify funding sources change over time.

Marco Quezada, American Youth Soccer Organization (AYSO) Region 13 Executive Board Commissioner, spoke in support of multi-purpose fields as a priority.

It was moved by Councilmember McAustin, seconded by Councilmember Robinson, to approve the City Manager's recommendation, as amended by the Public Safety Committee. (Motion unanimously carried) (Absent: Mayor Bogaard)

RECOMMENDATIONS FROM OFFICERS AND DEPARTMENTS

APPOINTMENT OF ARMANDO G. RAMIREZ TO THE RECREATION AND PARKS COMMISSION (District 1 Nomination)

It was moved by Councilmember Robinson, seconded by Councilmember Gordo, to approve the above appointment. (Motion unanimously carried) (Absent: Mayor Bogaard)

RECESS

On order of the Vice Mayor, the regular meeting of the City Council recessed at 7:17 p.m. to the regular meeting of the Community Development Commission.

RECONVENED

On order of the Vice Mayor, the regular meeting of the City Council reconvened at 7:18 p.m. (Absent: Mayor Bogaard)

ORDINANCES – FIRST READING

Conduct first reading of “AN ORDINANCE OF THE CITY OF PASADENA AMENDING TITLE 14, CHAPTER 28 OF THE PASADENA MUNICIPAL CODE TO ESTABLISH AN OFFICIAL FIRE HAZARD SEVERITY ZONE MAP OF THE CITY OF PASADENA”

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

AYES: Councilmembers Gordo, Holden, Madison, McAustin, Robinson, Tyler, Vice Mayor Haderlein

NOES: None

ABSENT: Mayor Bogaard

Conduct first reading of “AN ORDINANCE OF THE CITY OF PASADENA AMENDING CHAPTER 2.100 OF TITLE 2 CONCERNING THE MEMBERSHIP OF THE HAHAMONGNA WATERSHED PARK ADVISORY COMMITTEE”

The above ordinance was offered for first reading by Robinson:

AYES: Councilmembers Gordo, Holden, Madison, McAustin, Robinson, Tyler, Vice Mayor Haderlein

NOES: None

ABSENT: Mayor Bogaard

ORDINANCE – ADOPTED

Adopt “AN ORDINANCE OF THE CITY OF PASADENA AMENDING THE LIVING WAGE ORDINANCE, TITLE 4, CHAPTER 4.11, SECTION 4.11.110 OF THE PASADENA MUNICIPAL CODE TO REPLACE THE EXISTING

SUPERSESSON LANGUAGE WITH LANGUAGE ALLOWING THE PARTIES TO A COLLECTIVE BARGAINING AGREEMENT TO WAIVE APPLICABILITY OF THIS CHAPTER” (Introduced by Councilmember Holden) (Ordinance No. 7151)

In response to Councilmember Gordo’s questions, the City Attorney confirmed that staff would notify the bargaining units that will be affected by the ordinance.

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

COUNCIL COMMENTS

Councilmember Tyler commented on the South Coast Air Quality Management District’s (SCAQMD) leaf blower exchange program for professional gardeners/landscapers, and urged local participation by local gardeners/landscapers.

The City Manager noted that the program was being promoted through the efforts of Ann Erdman, the City’s Public Information Officer, and fliers were being sent to the City’s licensed gardeners/landscapers.

Councilmember McAustin suggested the City monitor local demand for the exchange program in the event that the City might want to underwrite this effort, if this is called for by local demand.

Councilmember Madison announced that the Pasadena Success (club) basketball team had won the tournament championship this past weekend in Las Vegas, with another tournament to be played at the end of August in San Diego.

Councilmember Holden commented on the work that had been performed by Phil Dunn and Dianne Russell in the City’s Career Services Division, on behalf of the City, in response to recent actions taken by the Governor that resulted in job reductions involving local youth. He also questioned whether the California League of Cities or other advocacy organizations are spearheading efforts or initiatives to propose institutional/structural changes that are needed to address the negative impacts on cities related to ongoing problems with the annual State budget process, which can then be reviewed and supported by the City.

Vice Mayor Haderlein expressed support for a suggestion that staff explore relevant efforts/initiatives involving the State budget process, and perhaps also determine whether an initiative on the method in which legislative districts are determined is being placed on the ballot.

PUBLIC HEARING

PUBLIC HEARING: APPEAL OF CONDITIONAL USE PERMIT NO. 4924, 96-98 EAST COLORADO BOULEVARD (HOOTERS RESTAURANT)

Recommendation of City Manager:

- (1) Acknowledge that this action is categorically exempt from California Environmental Quality Act (CEQA); and
- (2) Disapprove the appeal of Conditional Use Permit No. 4924: To allow the sale of full-line of alcoholic beverages for on-site consumption in conjunction with the operation of an existing restaurant (Hooters), an upgrade from the existing sale of beer and wine only.

The Vice Mayor opened the public hearing.

The City Clerk reported 57 copies of the notice of public hearing were posted on July 17, 2008; 164 copies of the notice were mailed on July 17, 2008; and a letter from the appellant was received.

The Vice Mayor noted that a letter from the appellant requesting a continuance of the public hearing had been received and distributed.

In response to Councilmember Madison's questions, the City Manager affirmed that this matter had been continued during the Board of Zoning Appeals process, noted that the report from the Police Department, mentioned in the appellant's letter, addresses the impact of full alcohol service on police calls for service and criminal activity generally across the City and does not single out Hooters Restaurant, and indicated that staff does not recommend a continuance.

The following person spoke in support of the continuance of the public hearing, and expressed concerns regarding the Police Department's report and the appellant's need to further analyze the information contained in that report:

Christopher Sutton, legal counsel for Hooters Restaurant

The following person spoke in opposition to the continuance of the public hearing:

James Plotkin, Pasadena resident

The following person spoke in support of a full-line of alcoholic beverages by Hooters Restaurant:

Derek Branum, Altadena resident

Police Commander Eric Mills discussed the methodology used in the analysis of the data provided in the Police Department's report, and responded to questions.

The City Attorney stated that it was within Council's discretion to decide whether to grant a continuance, and that the decision on the appeal will be made after Council has heard all the information to be presented during the public hearing.

Councilmember Madison expressed opposition to the continuance, and also expressed concerns regarding the applicant's alleged original promise that this location would only sell beer and wine and the Restaurant's change in position that now seeks to move to the sale of a full-line of alcoholic beverages.

Councilmember Gordo reviewed the Council's role in this matter in making a decision based on whether or not a finding can be made that this is or is not an appropriate land use, and therefore a determination that a Conditional Use Permit (CUP) can or cannot be granted, irrespective of the Police report, taking into consideration the Alcohol Overlay District and the possible over concentration of alcohol sales in this area.

Councilmembers McAustin and Holden expressed support for continuing the public hearing so that the appellant could be provided sufficient time to analyze the information in the Police Department's report and how this might impact the appeal on the CUP.

Councilmember Holden suggested Council hold a discussion, at some future date, on the Alcohol Overlay District, how Old Pasadena has evolved, and whether restaurants that shift from beer and wine sales to a full-line of alcohol sales should be reclassified under the Pasadena Municipal Code (PMC).

Richard Bruckner, Director of Planning and Development Department, noted that the Alcohol Overlay applies to bars only; discussed the concentration of alcohol sales in the Hooters Restaurant area, the Police Department report's information on impacts of full alcohol sales on police service calls, and the intensification of alcohol use requested by the appellant in an area that is in close proximity to other alcohol outlets; and responded to questions.

Discussion followed on the request for a continuance of the public hearing, the timing of any proposed continuance, the means for providing the appellant with any requested information from the Police Department's report, the differing entitlements afforded a bar vs. restaurant in the PMC, and the alleged differences in impacts between establishments licensed for beer and wine sales vs. full alcohol sales.

Following discussion, it was moved by Councilmember Holden, seconded by Councilmember McAustin, to continue the public hearing to September 22, 2008, to allow time for the appellant to analyze the data:

AYES: Councilmembers Holden, McAustin, Robinson, Tyler

NOES: Councilmembers Gordo, Madison, Vice Mayor Haderlein

ABSENT: Mayor Bogaard

(Motion failed)

Beilin Yu, Associate Planner, reviewed the agenda report and responded to questions.

Discussion continued on the definition of a bar vs. restaurant and the level of concentration of establishments selling beer and wine or a full-line of alcoholic beverages in the Hooters Restaurant area.

Councilmember Gordo expressed concerns regarding the impacts on this area if the Hooters' CUP request to sell a full-line of alcoholic beverages is granted given that this entitlement will run with the land, and the possible impacts of an over concentration of establishments selling alcohol as a land use issue.

Councilmember Madison stated his concurrence with the two findings stated in the "Findings of Fact – Conditional Use Permit #4924" (Attachment A of the agenda report) based on the evidence presented; and affirmed his belief that the appellant had a history of stating (as a part of their original application and as a part of their application to expand the business) that they were a restaurant and would serve beer and wine only.

The following person spoke in support of approval of CUP No. 4924:

Christopher Sutton, legal counsel for Hooters Restaurant

Discussion continued on the Police Department's report and analysis of the information contained in the report, the Findings of Fact as listed in Attachment A of the agenda report, and possible impacts of a concentration of establishments serving alcohol.

The City Attorney discussed the Findings of Fact in support of staff's recommendation to disapprove the CUP.

Mr. Bruckner cited and discussed PMC Section 17.50.040 – Alcohol Sales, which would apply to land use issues related to the CUP.

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

Councilmembers McAustin and Holden expressed their regrets that a continuance of the public hearing had not been approved by Council, and also expressed support for the merit of the findings made by staff in disapproving the appeal.

Councilmember Holden noted for the record that the increase in police activity in Old Pasadena was not based solely on alcohol establishments and that other concerns about impacts on Old Pasadena had been expressed.

It was moved by Councilmember Madison, seconded by Councilmember Gordo, to approve the City Manager's recommendation, for the reasons stated:

AYES: Councilmembers Gordo, Holden, Madison, McAustin, Robinson, Tyler, Vice Mayor Haderlein

NOES: None

ABSENT: Mayor Bogaard

COUNCIL COMMENTS
(Continued)

Councilmember Madison asked if the Campaign Disclosure Forms submitted by candidates for City office could be posted on the City's web site, as a step in promoting transparency in local government.

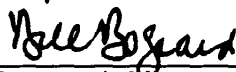
The City Clerk described the City Clerk Office's current process for maintaining these documents and making them available to the public, and indicated a report on a policy and process for posting the forms/documents on the City's web page could be presented to Council in September 2008.

Councilmember Robinson asked Council to revisit the policy on business cards for Commission members, and consider allowing business cards to be provided for all Commission members, rather than limiting cards to the Chair; and volunteered to work with staff on drafting a new policy regarding business cards for Commissioners.

Councilmember Gordo suggested the City Manager provide information on the background and issues involving the current business card policy for Commissioners in the weekly informational letter to Council, with Council to then determine if further action should be taken to change the policy as requested by Councilmember Robinson.

ADJOURNMENT

On order of the Vice Mayor, the regular meeting of the City Council adjourned at 9:23 p.m.



Bill Bogaard, Mayor
City of Pasadena

ATTEST:



City Clerk