

CITY OF PASADENA
City Council Minutes
September 21, 2009 – 5:30 P.M.
City Hall Council Chamber

TRAINING SESSION AND REGULAR MEETING

OPENING:

Mayor Bogaard called the regular meeting to order at 5:36 p.m.
(Absent: None)

On order of the Mayor, the regular meeting recessed at 5:36 p.m., to allow Council to participate in the following training session:

TRAINING SESSION

The City Attorney conducted a training session on the City's revised ticket policy.

On order of the Mayor, the regular meeting reconvened at 6:34 p.m. The Pledge of Allegiance was led by Councilmember Tornek.

ROLL CALL:

Councilmembers:

Mayor Bill Bogaard
Vice Mayor Victor Gordo
Councilmember Steve Haderlein
Councilmember Chris Holden
Councilmember Steve Madison
Councilmember Margaret McAustin
Councilmember Jacque Robinson
Councilmember Terry Tornek

Staff:

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

CEREMONIAL MATTERS

The City Clerk administered the oath of office to Mark Davis as Pasadena Center Operating Company Board member.

Councilmember Madison, a Board member of the First Tee of Pasadena, spoke about the efforts of the First Tee organization, and announced the First Tee's annual fundraising golf event with Jason Gore to be held on October 6, 2009 at Brookside Golf Club. Mark Fritz, First Tee Program Coordinator, acknowledged the First Tee Board members and youth participants who were present, and briefly described the mission and activities of the program.

The Mayor presented a proclamation declaring September 2009 as First Tee of Pasadena Month.

The proclamation was received by Ron Okum, First Tee Board President, who thanked the City and community for their support of the First Tee program.

The Mayor presented a commendation in celebration of the 20th anniversary of the Bungalow Heaven Landmark District. The commendation was received by Julianna Delgado, Bungalow Heaven Neighborhood Association.

Councilmember McAustin acknowledged the founding members of the Bungalow Heaven Landmark District who were present, and noted that many community leaders are residents of Bungalow Heaven. Vice Mayor Gordo also acknowledged the contributions and leadership provided by residents of this neighborhood.

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

Paul Little, Chamber of Commerce President and Chief Executive Officer, commented on the Chamber's Legislative and Government Affairs Committee's discussion of the City's use of federal stimulus funds as a means to enhance local business and employment, and submitted a letter on this matter dated September 21, 2009. He invited the Council and community to the 2009 Business Expo, sponsored by the Chamber, to be held on September 24, 2009 at the Convention Center with a Career Fair, sponsored by the Foothill Workforce Investment Board.

The following persons described their summer work experiences and/or spoke in support of various City summer youth job programs:

- Julianny Catuy, City/PCC/PUSD High School Internship Program participant (John Muir High School)
- Misty Lujan, Summer Rose Program participant
- Heather Dianne Adams, Summer Rose Program participant
- Jimmy Castro, Foothill Workforce Investment Board (WIB) Youth Jobs Program participant
- Angel Davis, Foothill WIB Youth Jobs Program participant
- Dr. Richard Frazier, parent of Allendale Day Camp participant
- Winfrey Hill, parent of Victory Park Summer Program participant

Nancy Nelson, Pasadena resident, noted that the week of September 17-23, 2009 was designated as National Constitution Week and that September 20th was World Peace Day; invited the Council and community to a Community Dialogue/green ecology program on "Living with Ed", with special guest Rachelle Carson Begley, to be held on September 23, 2009 at the Central Library; and submitted informational materials on the event.

CEREMONIAL MATTERS

PRESENTATION BY SENATOR CAROL LIU REGARDING UPDATE ON STATE ISSUES

State Senator Carol Liu provided an update on: State legislative activities, with a focus on budget issues; various initiatives that she had sponsored or is sponsoring; bills that are being considered by the Senate; and upcoming events sponsored by her office. She thanked the firefighters for their service in protecting people and property during the recent Station fire; and responded to questions regarding the recent clean air conference that resulted from collaborative work with the Air Quality Management District, and upcoming Senate discussion of water, tax reform, and education issues.

CONSENT CALENDAR

CONTRACT AWARD TO R C FOSTER CORPORATION, FOR CONSTRUCTION OF THE MONK HILL TREATMENT SYSTEM DISINFECTION FACILITY AT 2696 WINDSOR AVENUE FOR THE WATER AND POWER DEPARTMENT, FOR AN AMOUNT NOT TO EXCEED \$1,050,000

Recommendation of City Manager:

- (1) Find that the project described in the agenda report was subject to adequate environmental review in the Mitigated Negative Declaration adopted by the Hearing Officer on July 10, 2008, and that there are no changed circumstances or new information, which would trigger additional environmental review. It is further recommended that the Council direct the City Clerk to file a Notice of Exemption with the Los Angeles County Clerk within 5 business days; and
- (2) Accept the bid dated August 5, 2009, submitted by R C Foster Corporation in response to Specification WD-08-03, for construction of the Monk Hill Treatment System (MHTS) Disinfection Facility at 2696 Windsor Avenue for the Water and Power Department, reject all other bids received, and authorize the City Manager to enter into such a contract for an amount not to exceed \$1,050,000. (Contract No. 20,069)

CLAIMS RECEIVED AND FILED

Claim No. 10,947	Manish Patel	\$	6,531.80
Claim No. 10,948	Donald E. Cooper, Attorney for Anna McPhillips		Not Stated
Claim No. 10,949	Sandra De Oliveira		1,466.92

It was moved by Councilmember Haderlein, seconded by Vice Mayor Gordo, to approve all items on the Consent Calendar. (Motion unanimously carried) (Absent: None)

REPORTS AND COMMENTS FROM COUNCIL COMMITTEES

SUPPORT FOR SENATE BILL 545 (CEDILLO)

Recommendation of City Manager: Authorize the Mayor to submit a letter of support for Senate Bill 545 (Cedillo) to Governor Schwarzenegger.

LEGISLATIVE POLICY COMMITTEE

Councilmember Madison, Legislative Policy Committee member, introduced the agenda item, and reported that the Committee had unanimously supported this item.

Julie Gutierrez, Assistant City Manager, summarized the agenda report and responded to questions.

Fred Dock, Director of Transportation Department, clarified elements of the bill and the potential schedule for the proposed 710 tunnel project as part of a PowerPoint presentation, and responded to questions.

The City Manager responded to questions regarding the bill and its impact on the City, and the status of the Caltrans properties (houses) impacted by the 710 gap closure project.

Councilmember Holden expressed concerns regarding the need for funding of mitigation measures to be developed for Pasadena, if it is determined that the proposed 710 tunnel project is not feasible.

The following persons spoke in support of Senate Bill (545):

Bob Huddy, Pasadena resident
Susan Mossman, Pasadena Heritage Executive Secretary

The following persons spoke in opposition to Senate Bill 545 and/or expressed concerns regarding the 710 tunnel proposal:

Harry Knapp, South Pasadena resident
Janet Ervin, South Pasadena resident
Teresa Young, Pasadena resident, submitted informational materials.
William Sherman, South Pasadena resident

The Mayor emphasized that Senate Bill 545 does not state a position in support of the proposed 710 tunnel project.

Councilmembers McAustin and Madison suggested the Mayor's letter to the Governor include a statement of the City's support for continuing to advocate for Caltrans to release the houses in the 710 Freeway corridor as surplus property, without regard to the proposed tunnel project.

Councilmember Haderlein suggested the Mayor's letter also include a statement that the City has not taken a position on the proposed 710 tunnel project at this time.

Following discussion, it was moved by Councilmember Madison, seconded by Councilmember McAustin, to approve the City Manager's recommendation, as amended to include, in the Mayor's letter to the Governor, language stating that, while

the City of Pasadena supports Senate Bill 545 (Cedillo), the City defers taking a position on any specific tunnel project until such time as a feasible tunnel project has been identified and the facts regarding the impacts are documented, analyzed, and discussed; and that additionally, the City continues to advocate for the release of property owned by Caltrans in the 710 Freeway corridor as surplus, as soon as possible. (Motion unanimously carried) (Absent: None)

PUBLIC HEARINGS

JOINT PUBLIC HEARING: DRAFT CONSOLIDATED ANNUAL PERFORMANCE AND EVALUATION REPORT (2008 - 2009 PROGRAM YEAR) FOR PROJECTS FUNDED FROM COMMUNITY DEVELOPMENT BLOCK GRANT, EMERGENCY SHELTER GRANT, HOME INVESTMENT PARTNERSHIP ACT, AND HUMAN SERVICES ENDOWMENT FUND PROGRAMS

Recommendation of City Manager/Chief Executive Officer:

It is recommended that City Council/Community Development Commission, following the public hearing, approve the submission to the U.S. Department of Housing and Urban Development (HUD) of the Draft Consolidated Annual Performance and Evaluation Report (CAPER) for the 2008-2009 Program Year for projects funded under the Community Development Block Grant (CDBG), Emergency Shelter Grant (ESG), HOME Investment Partnership Act, and Human Services Endowment Fund (HSEF) programs.

The Mayor opened the public hearing.

The City Clerk reported the notice of public hearing was published on September 3, 2009 in the Pasadena Journal; and no correspondence was received.

Councilmembers Madison and Tornek were excused at 8:22 p.m.

Bill Huang, Director of Housing Department, highlighted the accomplishments of the Housing Department, and responded to questions.

It was moved by Councilmember Holden, seconded by Councilmember Haderlein, to close the public hearing. (Motion unanimously carried) (Absent: Councilmembers Madison, Tornek)

It was moved by Councilmember Holden, seconded by Councilmember Robinson, to approve the City Manager's/Chief Executive Officer's recommendation. (Motion unanimously carried) (Absent: Councilmembers Madison, Tornek)

PUBLIC HEARING: LAS ENCINAS HOSPITAL MASTER PLAN AMENDMENT AND ENVIRONMENTAL IMPACT REPORT, 2900 EAST DEL MAR BOULEVARD

Recommendation of City Manager: Following a public hearing, it is recommended that the City Council:

- (1) Adopt a resolution certifying the Final Environmental Impact Report, making environmental findings, and adopting the Mitigation Monitoring and Reporting Program;
- (2) Acknowledge that the preliminary landscape plan and urban forestry plan calls for the retention of 542 unprotected trees and 214 protected trees and the planting of 174 new trees. Approve private tree removal permits for the 45 protected trees based on a public benefit finding (Attachment 4 to the agenda report);
- (3) Approve the proposed Las Encinas Hospital Master Plan Amendment subject to the conditions of approval (Attachment 2 to the agenda report); and
- (4) Direct staff to return in 90 days with 1) a resolution for adoption of the approved master plan, and 2) a master plan document revised in order to reflect the adopted conditions of approval (Attachment 2 to the agenda report). (Resolution No. 8976)

Recommendation of Planning Commission: The Planning Commission reviewed this item on September 9, 2009 and recommended approval of staff's recommendation with changes to the conditions of approval. The Planning Commission's suggested changes are shown by bolded and italicized text in the recommended conditions of approval.

The Commission expressed concern that the applicant would remove trees and then not provide the new hospital building, on of the stated public benefits. To address this, the Commission recommended a revision to Condition No. 74 requiring the applicant to pay a deposit for the full value of each protected tree proposed for removal prior to its elimination.

Staff concurs with all the Commission's recommended changes except the proposed change to Condition No. 74. Staff's version of Condition No. 74 works in conjunction with Condition No. 73, requiring the applicant to make progress toward constructing the main hospital building. The Commission would review the applicant's progress at its three, five, seven, and ten year review. If the Commission finds that the applicant is not making progress, then it can levy a fee equal to the value of each tree. In addition, staff believes that the applicant is showing a strong commitment to constructing and operating a psychiatric hospital. This is demonstrated in the form of:

- construction of nearly 20% of the proposed new beds in the first phase (Building No. 33);
- construction of a 103 car parking structure for the hospital two phases prior to construction of the main hospital building; and
- agreeing to continually operate 128 psychiatric hospital beds on campus during construction.

In addition to the commitments listed above, it is important to note that the applicant is providing additional public benefits beyond the construction of the hospital building and use, most notably preservation and relocation of four historic structures

previously proposed for demolition and applying for National Register status.

Review by Design and Historic Preservation Commissions:

The Design and Historic Preservation Commissions reviewed the proposed master plan amendment on July 27 and August 3, 2009, respectively. The Commissions received the plan favorably and commended the applicant and staff's work. Recommendations on the project include landmarking three additional trees (two Coast Live Oaks and an Australian Tea Tree), providing the applicant and the Commissions flexibility in designing the Hospital (Building No. 35) and the detached independent living units (Building No. 36), and including a historic preservation architect on the design team. Staff and the applicant agree with the Commissions' recommendations and have included them as Conditions Nos. 61-70. Attachment 5 to the agenda report includes a memorandum detailing the Commissions' recommendations.

The Mayor opened the public hearing.

Councilmember Tornek
returned at 8:26 p.m.

The City Clerk reported 95 copies of the notice of public hearing were posted on September 3, 2009; 330 copies of the notice were mailed on September 3, 2009; and 1 letter in support of the project was received.

Councilmember Madison
returned at 8:38 p.m.

Richard Bruckner, Director of Planning and Development Department, introduced the agenda item, discussed traffic standards and issues in this area with and without the proposed Master Plan Amendment; and responded to questions.

Scott Reimers, Associate Planner, reviewed the agenda report as part of a PowerPoint presentation, and responded to questions.

The City Manager noted that level of service issues involving traffic would be part of the discussion/policy decision making during the review of the Mobility Element/General Plan.

The City Attorney responded to questions regarding the conditions of approval involving the building of the psychiatric hospital, and the residential impact fee and inclusionary housing fee regulations that will apply to the project.

Theresa Fuentes, Assistant City Attorney, responded to questions regarding the applicable residential impact fees.

Councilmember Madison expressed reservations about imposing the condition that requires the preservation and relocation of the Barn building.

Vice Mayor Gordo suggested that the applicant be required to replace the dying trees on the property, rather than paying a fee for these 9 trees.

The following persons spoke in support of the Master Plan Amendment:

Blair Stam, owner's representative
Daniel Suzuki, MD, Las Encinas Hospital Medical Director
Edward Nadler, Las Encinas Hospital staff
Linda Parks, Las Encinas Hospital staff
Bobbi Carlson, PhD, Las Encinas Hospital staff
Susan Mossman, Pasadena Heritage Executive Director
Bette Cooper, Pasadena Beautiful President
Scott Jenkins, Las Encinas Hospital legal counsel

The following person expressed concerns regarding traffic in the vicinity of Las Encinas Hospital (Sunnyslope Avenue):

Barbara Stacy, Pasadena resident

In response to Council's concerns expressed in regards to ensuring that the psychiatric hospital is built in a timely manner, Mr. Bruckner indicated that language could be provided for the 3-year review pertaining to standards that must be met in showing that progress is being made on the construction of the hospital, as the Plan phases move forward.

Councilmember McAustin expressed support for asking the applicant to provide the affordable housing units for the project, rather than having the applicant opt to pay the in-lieu fee.

Councilmember Haderlein expressed concerns about the level of assurance that the applicant will build the hospital.

It was moved by Councilmember Holden, seconded by Councilmember McAustin, to close the public hearing. (Motion unanimously carried) (Absent: None)

Following discussion, it was moved by Councilmember Holden, seconded by Vice Mayor Gordo, to approve the City Manager's recommendation. (Motion carried, with Councilmember Haderlein objecting) (Absent: None)

CONTINUED PUBLIC HEARING: CALL FOR REVIEW OF ZONING ADMINISTRATOR INTERPRETATION (ZA 32), 217 SOUTH MICHIGAN AVENUE (EDDIE'S MARKET)
Recommendation of City Manager: It is recommended that the City Council continue the public hearing to October 5, 2009, at 7:30 p.m.

It was moved by Councilmember McAustin, seconded by Vice Mayor Gordo, to continue the public hearing to October 5, 2009 at 7:30 p.m. (Motion unanimously carried) (Absent: None)

RECOMMENDATIONS FROM OFFICERS AND DEPARTMENTS

RESIGNATION OF DANIEL B. SHARP FROM THE NORTHWEST COMMISSION (District 1 Nomination)

It was moved by Councilmember Robinson, seconded by Councilmember Madison, to accept the above resignation with regrets. (Motion unanimously carried) (Absent: None)

INFORMATION ITEM

PREDEVELOPMENT PLAN REVIEW FOR CONSTRUCTION OF A 175-UNIT INDEPENDENT AND ASSISTED LIVING FACILITY AT 909 AND 915 SOUTH FAIR OAKS AVENUE AND 33 HURLBUT STREET

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

Richard Bruckner, Director of Planning and Development Department, introduced the agenda item, and outlined the general framework/timetable of the General Plan review as this relates to updates of the Specific Plan areas.

David Sinclair, Planner, reviewed the agenda report as part of a PowerPoint presentation and responded to questions.

The City Attorney clarified the parameters for Council's discussion during the predevelopment plan review, and possible actions that might be taken.

Richard Kale, Regency Park Senior Living, Inc. Executive Vice President (developer), spoke in support of the proposed project, and asked Council to initiate the various land use amendments within Council's purview that are necessary to allow the project to move forward in the entitlement process.

Discussion followed on the process to initiate various changes to City documents (General Plan, South Fair Oaks Specific Plan, Zoning Code, and Zoning Map) needed to proceed with the proposed project.

Councilmember Tornek expressed concerns regarding the South Fair Oaks Specific Plan's alleged failure to achieve its goals, and the need to agendaize an item for Council to consider directing staff to review the South Fair Oaks Specific Plan and its effectiveness.

Councilmember Holden asked staff to provide Council with standards and policies, as guidelines and historical background, for determining if the project warrants the necessary amendments to the City's land use documents; and noted that the developer would carry a high burden in

requesting approval of the various land use amendments for the project.

Councilmember McAustin expressed concerns regarding the issue of spot zoning as it might pertain to the proposed project, and the need to maintain the integrity of the City's planning process; asked staff to provide objective information about the alternatives that are available to Council during the entitlement process for this project; and asked staff to provide information about the timeframe for review of the various Specific Plans (when adopted, if amended, and schedule sequence for review), via the City Manager's weekly informational letter to Council.

Following discussion, it was moved by Councilmember Madison, seconded by Councilmember Holden, to direct staff to return to Council with a report containing background information and options on whether Council should initiate various amendments to City documents, as outlined in the agenda report (General Plan, South Fair Oaks Specific Plan, Zoning Code, and Zoning Map), in the vicinity of the proposed project; and with staff to address the legality of the amendments as this might relate to the issue of spot zoning:

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

NOES: None

ABSENT: None

The City Manager indicated that the report would be presented within 90 days.

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

ORDINANCES – ADOPTED

Adopt “AN UNCODIFIED ORDINANCE OF THE CITY OF PASADENA GRANTING NON-EXCLUSIVE RENEWAL FRANCHISES FOR SOLID WASTE COLLECTION TO THREE (3) APPLICANTS (DIRECT DISPOSAL, INC., INTERIOR REMOVAL SPECIALIST, INC., AND NU-WAY ROLL-OFF SERVICE)” (Introduced by Councilmember McAustin) (Ordinance No. 7176)

The above ordinance was adopted by the following vote:

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

NOES: None

ABSENT: None

Adopt “AN ORDINANCE OF THE CITY OF PASADENA AUTHORIZING THE ISSUANCE BY THE CITY OF NOT TO EXCEED \$45,000,000 AGGREGATE PRINCIPAL AMOUNT OF CITY OF PASADENA ELECTRIC REVENUE REFUNDING BONDS, 2009 SERIES, PAYABLE OUT OF THE LIGHT AND POWER FUND, AND APPROVING THE EXECUTION AND DELIVERY OF A FIFTH SUPPLEMENT TO ELECTRIC REVENUE BOND FISCAL AGENT AGREEMENT, AN ESCROW AGREEMENT, AND A CONTINUING DISCLOSURE AGREEMENT IN CONNECTION THEREWITH” (Introduced by Councilmember Holden) (Ordinance No. 7177)

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

Adopt “AN ORDINANCE OF THE CITY OF PASADENA FOR THE IMMEDIATE PRESERVATION OF PUBLIC SAFETY AND AMENDING TITLE 10 OF THE PASADENA MUNICIPAL CODE BY ADDING CHAPTER 10.65 ESTABLISHING PARKING PROHIBITIONS ON CERTAIN STREETS ON RED FLAG ALERT DAYS” (Introduced by Councilmember Madison) (Ordinance No. 7178)

In response to Councilmember Tornek’s questions, the City Manager indicated that there were no exceptions allowed under the ordinance, and that staff would work with handicapped persons or those residents with parking challenges in order to accommodate their needs, if possible.

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

Since the ordinance is effective on adoption, the City Manager indicated that staff would use the reverse 911 system to inform residents of the parking restrictions, until such time as appropriate signage is in place.

RECOMMENDATIONS FROM OFFICERS AND DEPARTMENTS

STRATEGIC PLANNING PROCESS

On order of the Mayor, the above agenda item was held to a future Council meeting due to time constraints.

PUBLIC COMMENT
(Continued)

The following persons expressed concerns regarding alleged ongoing illegal business practices engaged in by a travel agency/travel agent located on North Lake Avenue; and asked for Council's assistance in having these practices stopped:

Manuel Vargas, for his sister Xochitl Vargas, Pasadena resident
Sandy Reyes, submitted copies of a business tax permit and a newspaper article from La Opinion, dated August 17, 2009.

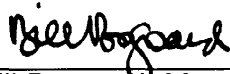
The City Attorney indicated that the Council could not comment on this matter, that the above concerns would be conveyed to the Police Department, that the matter would probably be referred to the District Attorney's Office because of the amount of the alleged crime, and that the City Manager would follow up with the Police Department to ensure that there is an adequate investigation of this matter. She also commented on the City's role in regulating this type of business and addressing improper/illegal behavior by any business.

Vice Mayor Gordo asked staff to provide a report to the Economic Development and Technology Committee regarding options to address the issue of determining whether a business is complying with any regulatory or registration license that is mandated by the State or other bodies in order as a requisite for holding a City business license.

The City Manager noted that the Police Department was currently investigating this matter.

ADJOURNMENT

On order of the Mayor, the regular meeting of the City Council adjourned at 11:57 p.m., in memory of Gary J. DiSano, 2010 Tournament of Roses President.



Bill Bogaard, Mayor
City of Pasadena

ATTEST:



City Clerk