

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

REGULAR MEETING

OPENING: Mayor Bogaard called the regular meeting to order at 6:34 p.m. The Pledge of Allegiance was led by City Clerk Mark Jomsky.

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

Alma Dillard, Accessibility and Disability Commission Chair, announced that the 20th anniversary of the Americans with Disabilities Act would be celebrated in 2010 with various activities, and distributed lapel pins to the City Council that were designed by the Commission to commemorate this anniversary.

The Mayor presented a proclamation declaring October 2009 as National Arts and Humanities Month in Pasadena. The proclamation was received by Terry LeMoncheck, Pasadena Arts Council Executive Director, who announced the Arts and Ideas Festival to be held October 23-November 9, 2009, with a program theme of "Origins", in recognition of the bicentennial year of Darwin.

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

Councilmember Madison was excused at 6:48 p.m.

Roberta Martinez, Latino Heritage Executive Director, reported on the 11th Annual Latino Heritage Parade and Jamaica (community fair) event held on October 3, 2009; and submitted a listing of the businesses, educational and non-profit institutions, City departments, and sponsors who participated in the event.

Nancy Nelson, Pasadena resident, expressed concerns regarding the City's code enforcement practices involving violations at rental units, and the need for renters' rights in the City; and announced a Community Dialogue/green ecology program, with United Nations Association's Sherry Simpson-Dean, to be held on October 28, 2009 in the Central Library.

The City Manager announced U.S. Attorney General Eric Holder's appointment of Police Chief Bernard Melekian as Director of the U.S. Department of Justice's Office of Community Oriented Policing Services (COPS), and the Chief's impending retirement from the City; and thanked Chief Melekian for his dedicated service to the City and community.

CONSENT CALENDAR

APPROVAL OF FINAL VESTING TRACT MAP NO. 069841, BEING A 16-UNIT MIXED-USE PROJECT, AT 859 NORTH FAIR OAKS AVENUE

Recommendation of City Manager:

- (1) Adopt a resolution to approve Final Vesting Tract Map No. 069841; and
- (2) Authorize the City Clerk to execute the certificate on the map showing the City's approval of said map. (Resolution No. 8977)

Item discussed separately at the request of Councilmember Tornek.

APPROVAL OF FINAL TRACT MAP NO. 063496, BEING A 12-UNIT CONDOMINIUM PROJECT, AT 650-652 SOUTH LAKE AVENUE

APPROVAL OF FINAL TRACT MAP NO. 063192, BEING AN 6-UNIT CONDOMINIUM PROJECT, AT 148 NORTH MAR VISTA AVENUE

Recommendation of City Manager:

- (1) Adopt a resolution to approve Final Tract Map No. 063192; and
- (2) Authorize the City Clerk to execute the certificate on the map showing the City's approval of said map. (Resolution No. 8978)

APPROVAL OF FINAL TRACT MAP NO. 064826, BEING A 7-UNIT CONDOMINIUM PROJECT, AT 2424 OSWEGO STREET

Recommendation of City Manager:

- (1) Adopt a resolution to approve Final Tract Map No. 064826; and
- (2) Authorize the City Clerk to execute the certificate on the map showing the City's approval of said map. (Resolution No. 8979)

AUTHORIZATION TO ENTER INTO A CONTRACT WITH ARB, INC., FOR PROVIDING FIELD SERVICES FOR VARIOUS PROJECTS AT THE BROADWAY, GLENARM AND AZUSA POWER PLANTS

Recommendation of City Manager:

- (1) Accept the bid dated August 19, 2009 submitted by ARB, Inc., in response to specifications LD-09-06 for providing field services for various projects at the Broadway, Glenarm and Azusa Power Plants; and
- (2) Authorize the City Manager to enter into a contract with ARB, Inc., for a term of three years or until an amount of not to

exceed \$600,000 is expended, whichever occurs first. (Contract No. 20,076)

AUTHORIZATION TO ENTER INTO A CONTRACT WITH AIRGAS WEST, INC., FOR FURNISHING AND DELIVERY OF CALIBRATION AND INDUSTRIAL GASES

Recommendation of City Manager:

(1) Accept the bid dated August 12, 2009, submitted by Airgas West, Inc., in response to Specifications LD-09-13 for furnishing and delivery of calibration and industrial gases; and (2) Authorize the City Manager to enter into a contract with Airgas West, Inc., for a term of three years or until an amount not to exceed \$160,000 is expended, whichever occurs first. The contract may be extended for a period of up to two additional one-year periods. Each extension will require the approval of the City Manager. (Contract No. 20,077)

Item discussed separately at the request of Councilmember McAustin.

DESIGN CONTRACT AWARD TO PARSONS FOR THE SOUTH ACCESS PEDESTRIAN BRIDGE TO THE SIERRA MADRE VILLA LIGHT RAIL STATION PROJECT

MINUTES APPROVED

September 14, 2009
September 21, 2009

CLAIMS RECEIVED AND FILED

Claim No. 10,950	Vahe G. Marsoubian	\$	167.00
Claim No. 10,951	Suarez Carlos		600.00
Claim No. 10,952	Bruce R. Wallace		25,000.00+
Claim No. 10,953	Gerald Garner and Linda Heckenberg-Garner		564.11
Claim No. 10,954	Robert H. Thompson, Jr.		449.13
Claim No. 10,955	David R. Goodrich		1,000.00
Claim No. 10,956	Abraham Hakobian		1,056.66
Claim No. 10,957	Mercury Insurance, subrogee for Tommy Vuong		990.67
Claim No. 10,958	Julie Oropallo		1,020.19

PUBLIC HEARINGS SET

October 12, 2009, 7:30 p.m. - Call for Review of Design Commission Decision Regarding Minor Changes to an Approved Project (Substitute Material/Finish on Cornice) for the Mixed-Use Project at 125 North Raymond Avenue (Raymond Renaissance)

October 19, 2009, 7:30 p.m. - Design Guidelines for Neighborhood Commercial and Multi-Family Residential Districts

It was moved by Councilmember McAustin, seconded by Councilmember Robinson, to approve the Consent Calendar, with the exceptions of Item 2 (Final Tract Map for 650-652 South Lake Avenue) and Item 7 (Contract with Parsons). (Motion unanimously carried) (Absent: Councilmember Madison)

**CONSENT ITEMS
DISCUSSED SEPARATELY**

Councilmember Tornek
recused himself at 7:02 p.m.,
due to a conflict of interest.

Councilmember Tornek
returned at 7:03 p.m.

**APPROVAL OF FINAL TRACT MAP NO. 063496, BEING A
12-UNIT CONDOMINIUM PROJECT, AT 650-652 SOUTH
LAKE AVENUE**

Recommendation of City Manager:

- (1) Adopt a resolution to approve Final Tract Map No. 063496;
and
- (2) Authorize the City Clerk to execute the certificate on the
map showing the City's approval of said map. (Resolution
No. 8980)

It was moved by Councilmember McAustin, seconded by
Councilmember Haderlein, to approve the City Manager's
recommendation. (Motion unanimously carried) (Absent:
Councilmembers Madison, Tornek)

**DESIGN CONTRACT AWARD TO PARSONS FOR THE
SOUTH ACCESS PEDESTRIAN BRIDGE TO THE SIERRA
MADRE VILLA LIGHT RAIL STATION PROJECT**

Recommendation of City Manager:

- (1) Acknowledge that an addendum to the Final Environmental
Impact Report for the Metro Gold Line Sierra Madre Villa
station project was certified on December 4, 2006; and that the
Federal Transit Administration (FTA) determined that this
project is consistent with the criteria under the requirements for
a Class II Categorical Exclusion (CE), and approved it on
July 24, 2006; and
- (2) Authorize the City Manager to enter into a contract with
Parsons, for final design and right of way support services, in
an amount not to exceed \$369,707. Competitive bidding is not
required pursuant to City Charter Section 1002(F) professional
or unique services. (Contract No. 20,078)

In response to Councilmember McAustin's questions, Martin
Pastucha, Director of Public Works Department, and the City
Manager clarified the parking arrangements for the project.

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

PRESENTATION

**PRESENTATION BY ASSEMBLYMEMBER ANTHONY
PORTANTINO ON THE STATE OF THE STATE**

Assemblymember Anthony Portantino provided an update on
State legislative activities and the status of various bills that he
had sponsored or is sponsoring; commented on the Station
Fire and contents of a letter that he distributed to Council
addressed to Matthew Bettenhausen, California Emergency
Management Agency, regarding a proposed public
discussion/debriefing on the outstanding issues related to the
management of the response to this fire by State, Federal,

County, and local emergency personnel; announced various district events that had been held; and distributed informational materials on the upcoming HIV/AIDS Action Summit and the 3rd Annual Family Health and Safety Fair events to be held in November 2009. He responded to questions regarding State budget issues, vocational training options, tax reform options to produce more revenue, and addressing water issues in the delta area.

Vice Mayor Gordo suggested the State explore returning vocational education/training to the high schools.

The Mayor expressed support for the proposed public forum on the Station Fire, and offered the services of City staff in participating on panels or lending their expertise to the event.

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

**RECOMMENDATIONS
FROM OFFICERS AND
DEPARTMENTS**

BUDGET UPDATE

Recommendation of City Manager:

(1) Direct staff to begin the process to allow for a one-time additional transfer from Power Fund to General Fund in the amount of \$2 million in lieu of additional reduction to public safety and health programs; and

(2) Provide staff with direction on proposed budget strategies outlined in the body of the agenda report.

The City Manager introduced the agenda item, and responded to questions regarding the budget reduction options, the impact of reduced personnel on service levels, various ways that efficiencies are being identified, and various funds that are running at an operational deficit.

Andy Green, Director of Finance Department, reviewed the agenda report as part of a PowerPoint presentation and responded to questions.

Discussion followed on the proposed General Fund reductions and budget strategies.

Councilmember Holden suggested that the full range of staff ideas for budget reductions be presented as part of the next budget update.

Councilmember McAustin stressed the need for the City to be more aggressive in making budget cuts on the front end of the process, especially as this pertains to personnel costs; to make the system structure more efficient and smaller; and to focus on the core services provided to residents.

Councilmember Haderlein suggested that staff pursue a strategy of not increasing employee salaries/having employees

pay for their retirement contributions, in order to retain staffing levels and services to the residents.

Vice Mayor Gordo asked staff to identify the general fund items when listing future budget reduction options, and expressed concerns regarding budget cuts in the area of public safety and for groups of residents who can not afford essential services currently provided at no cost by the City.

The following persons spoke in support of continued funding for the services provided by the Andrew Escajeda Clinic:

Sam Hancox, Pomona resident
Shasta Palmer-Foster, Monrovia resident
Sarah Hart, Monrovia resident

Nancy Nelson, Pasadena resident, spoke in opposition to any transfer from the Water and Power fund, and in support of further reductions to balance the City's budget.

Councilmember Holden clarified that the proposed transfer of monies from the Water and Power fund are appropriate under the City Charter.

The City Manager indicated that the staff ideas for budget reductions could be presented to the Finance Committee during their next discussion of the budget, and that further proposed budget reductions would be presented prior to 2010.

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

PUBLIC HEARING

CONTINUED PUBLIC HEARING: CALL FOR REVIEW OF ZONING ADMINISTRATOR INTERPRETATION (ZA NO. 32), 217 SOUTH MICHIGAN AVENUE (EDDIE'S MARKET)

Recommendation of City Manager: It is recommended that the City Council continue the public hearing to November 2, 2009, at 7:30 p.m.

The Mayor noted that the applicant had asked for a continuation of the public hearing.

By consensus and on order of the Mayor, the public hearing was continued to November 2, 2009 at 7:30 p.m.

RECOMMENDATIONS FROM OFFICERS AND DEPARTMENTS

CONSIDERATION OF CALL FOR REVIEW TO THE BOARD OF ZONING APPEALS, CONDITIONAL USE PERMIT NO.4910, TO ESTABLISH A "RELIGIOUS FACILITY" (CHURCH) AT THE SITE OF A FORMER CHURCH, AND MINOR CONDITIONAL USE PERMIT TO ALLOW

SHARED PARKING BETWEEN THE NEW CHURCH AND THE CHILD-DAY CARE USE, AT 681 EAST WASHINGTON BOULEVARD AND 1370 NORTH EL MOLINO AVENUE (Vice Mayor Gordo)

The Mayor introduced the agenda item.

Vice Mayor Gordo stated his reasons for calling this matter for review; and expressed concerns regarding the impacts of traffic, land use, and parking issues on the neighborhood.

The City Attorney clarified the legal authority for a Councilmember to call a matter for consideration of a call for review, and the procedural process to be followed if this matter is called for review (de novo hearing).

David Sinclair, Planner, responded to questions regarding the application and proposed project.

The following persons spoke in opposition to the call for review:

Henry Sideropoulos, Senior Pastor of Agape Christian Church
Malathi Benjamin, Agape Life Change representative
Sean Matsler, Manatt, Phelps & Phillips, LLP (applicant's legal counsel)
Finnian Ebuehi, Pasadena resident
Jill Shook, Pasadena resident
Matt Lee, Pasadena resident
Paige Cobbe, Agape Christian Church member
Dara Vega, Agape Christian Church member
Richard Benjamin, Youth Pastor of Agape Christian Church
Pastor Anthony McFarland, Abundant Harvest Christian Center
John Sideropoulos, Elder of Agape Christian Church
Pastor Jean Burch, Community Bible Church
Karen Hirst, Agape Christian Church member
Dr. Nicholas Benson, Interdenominational Ministerial Alliance President
Pastor Byron L. Smith, Sr., Calvary Christian Methodist Episcopal Church
Maria Kowal, Agape Christian Church representative

Councilmember Madison returned at 10:24 p.m.

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

Bob Kneisel, North Lake Working Group representative
Dale Trader, Pasadena resident
Robbin Huntingdale, Pasadena resident
E. Jane Finley, Pasadena resident
Cynthia Adams, Pasadena resident
Robert Tait, Pasadena resident
Betty Sword, Friends of Washington Park President
Pepi Feinblatt, Pasadena resident
Dan Empfield, Pasadena resident

Joe Feinblatt, Pasadena resident
Tanya Williams, Pasadena resident
Frances Liau, Pasadena resident
Bob Huddy, Pasadena resident

Councilmember McAustin suggested staff conduct an analysis of the City's development process as it relates to this project and of the development process as a whole, and expressed support for the call for review in order to clarify ancillary uses of the property by the applicant and the various questions and issues raised during discussion of this matter.

Councilmember Robinson stated her positions that the hearing officer had adequately addressed the issues/concerns in the conditions for approval; and that the applicant should not be required to pay for additional traffic study work, if this becomes necessary.

Councilmember Holden stated his position that the application contained sufficient information to support the hearing officer's decision, and suggested that a method be identified that could address possible unresolved issues without going through the appeals process.

Richard Bruckner, Director of Planning and Development Department, indicated that staff would review the existing traffic study to respond to the questions and issues that had been raised, and would communicate to the Chair of the Board of Zoning Appeals about the time sensitivity in scheduling a hearing, if the call for review is approved.

The City Attorney indicated that the applicant and the neighborhood associations could concurrently work on a plan to solve the issues and questions that had been raised, while the noticing for the appeals process occurs.

Vice Mayor Gordo asked that the Board of Zoning Appeals look at the traffic and parking issues, determination and enforcement of the approved uses for the designated building space in the application, and possible additional conditions related to these issues.

Following discussion, it was moved by Vice Mayor Gordo, seconded by Councilmember Tornek, to call this matter for review to the Board of Zoning Appeals. (Motion carried, with Councilmembers Holden, Robinson objecting) (Absent: None)

The Mayor noted that Council was encouraging the applicant, staff, and various stakeholders to pursue this matter in a timely fashion by working together to address the issues and concurrently proceeding with the appeals process.

Councilmembers Haderlein and Robinson were excused at 11:34 p.m.

The City Manager indicated staff would host a meeting with the applicant and various stakeholders within the next 10 days.

APPOINTMENT OF ALLAN PARACHINI TO THE PASADENA COMMUNITY ACCESS CORPORATION (District 2 Nomination)

APPOINTMENT OF BRYAN T. BOWEN TO THE ARTS AND CULTURE COMMISSION (Mayor Nomination)

APPOINTMENT OF MICHELLE RICHARDSON-BAILEY TO THE NORTHWEST COMMISSION (Mayor Nomination)

APPOINTMENT OF DALLAS BAKER TO THE NORTHWEST COMMISSION (District 2 Nomination)

APPOINTMENT OF HOYT HILSMAN TO THE COMMUNITY DEVELOPMENT COMMITTEE (District 7 Nomination)

APPOINTMENT OF ROBIN SALZER TO THE TRANSPORTATION ADVISORY COMMISSION (District 3 Nomination)

APPOINTMENT OF THELMA JOHNSON TO THE ACCESSIBILITY AND DISABILITY COMMISSION (District 1 Nomination)

APPOINTMENT OF STEPHEN ACKER TO THE TRANSPORTATION ADVISORY COMMISSION (Mayor Nomination)

It was moved by Councilmember Holden, seconded by Councilmember McAustin, to approve the above appointments. (Motion unanimously carried) (Absent: Councilmembers Haderlein, Robinson)

ORDINANCES – FIRST READING

Conduct first reading of “AN ORDINANCE OF THE CITY OF PASADENA AMENDING TITLE 17 (THE ZONING CODE) DEVELOPMENT STANDARDS FOR SINGLE FAMILY DEVELOPMENT”

Councilmember Robinson returned at 11:36 p.m.

The City Manager distributed a revised version of Exhibit 1, Table 2-3 – RS and RM-12 Residential District Development Standards containing the following technical correction to the table: Site 24,000 sf or more – 25% of lot size plus 4,000 500 sf.

The above ordinance was offered for first reading by Vice Mayor Gordo:

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

NOES: None

ABSENT: Councilmember Haderlein

Conduct first reading of "AN INTERIM, UNCODIFIED, ORDINANCE OF THE CITY OF PASADENA AMENDING TITLE 17 (THE ZONING CODE) TO AUTHORIZE A ONE-YEAR EXTENSION FOR CERTAIN PLANNING PERMITS AND LAND-USE ENTITLEMENTS WITH EXPIRED TIME EXTENSIONS"

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

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

NOES: None

ABSENT: Councilmember Haderlein

REPORTS AND COMMENTS FROM COUNCIL COMMITTEES

MUNICIPAL SERVICES COMMITTEE

**APPROVAL OF A PURCHASE ORDER WITH BIG BELLY SOLAR FOR PURCHASE OF 40 BIG BELLY SOLAR TRASH COMPACTORS IN AN AMOUNT NOT TO EXCEED \$146,550
Recommendation of City Manager:**

(1) Authorize the issuance of a purchase order to Big Belly Solar, in an amount not to exceed \$146,550, for the purchase of 40 Big Belly Solar Trash Compactors; and

(2) The proposed purchase order is exempt from competitive bidding pursuant to City Charter Section 1002(C), contracts for labor, materials, supplies or services available from only one vendor; and is requested to be exempted from the competitive selection process on the basis of Pasadena Municipal Code Section 4.08.047(B), contracts for which the City's best interests are served.

APPROVAL OF AMENDMENT TO THE CONTRACT WITH CEDARWOOD YOUNG CORP., DBA ALLAN COMPANY TO PROCESS RECYCLING MATERIAL COLLECTED IN THE CITY OF PASADENA

Recommendation of City Manager:

(1) Authorize the City Manager to amend the contract with Cedarwood Young Corp., dba Allan Company, for payment to the City for recycling material collected from the City of Pasadena's Curbside Recycling Program, reducing the payment from \$42.15 per ton to \$24.00 per ton for the third three-month extension period, July 1, 2009 to October 31, 2009, based upon a review of recycling market conditions at the end of the second three-month period; and

(2) Authorize the City Manager to continue to accept Allan Company's temporary reduction to their current contract pricing with the City of Pasadena, to be reviewed every three months, as agreed, as long as the temporary pricing increases are in conjunction with the rise in prices of the commodities market.

AUTHORIZE THE CITY MANAGER TO AMEND THE CONTRACT WITH SOUTHERN CALIFORNIA PUBLIC POWER AUTHORITY (SCPPA) FOR A 30-YEAR PREPAID

NATURAL GAS SUPPLY AGREEMENT TO REDUCE THE DURATION AND SIZE OF THE EXISTING AGREEMENT

Recommendation of City Manager:

(1) Authorize the City Manager to amend the agreement with Southern California Public Power Authority (SCPPA) for the 30-Year Prepaid Natural Gas Supply Agreement (Agreement) to reduce the duration of the Agreement by three (3) years and reduce the size of the Agreement from an average of 2,000 MMBtu (Million British Thermal Units) per day to an average of 1,340 MMBtu's per day; and

(3) Adopt a resolution authorizing amendment of the Natural Gas Supply Agreement. (Agreement Amendment No. 19,430-1; Resolution No. 8981)

The above three agenda items were discussed concurrently.

Councilmember McAustin, Chair of the Municipal Services Committee, summarized the agenda reports.

Martin Pastucha, Director of Public Works Department, responded to questions regarding the solar trash compactors program.

It was moved by Councilmember McAustin, seconded by Councilmember Holden, to approve the City Manager's recommendation for the above three items. (Motion unanimously carried) (Absent: Councilmember Haderlein)

OLD BUSINESS

Vice Mayor Gordo was excused at 11:44 p.m.

STRATEGIC PLANNING PROCESS

Recommendation of City Manager: Receive and file the informational report on the six-month strategic objectives (Attachment A of the agenda report). Staff is also requesting City Council concurrence on the definitions of the core value statements (Attachment B of the agenda report).

Julie Gutierrez, Assistant City Manager, summarized the agenda report as part of a PowerPoint presentation.

The City Manager responded to questions regarding the core value statements.

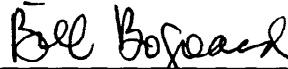
Councilmember Madison suggested the value statements be shortened.

The Mayor suggested the values be listed alphabetically.

By consensus and on order of the Mayor, the report was received and filed, with Councilmembers Madison and Tornek to work with staff in reviewing the core value statements.

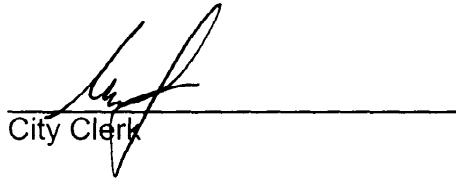
ADJOURNMENT

On order of the Mayor, the regular meeting of the City Council adjourned at 11:52 p.m., in memory of Don Kent, former "Clerk of the Works" for the City of Pasadena, who coordinated and served as an independent project manager for numerous City capital improvement and private development projects, and served as member of the Pasadena City Hall Restoration Oversight Committee; and Michael Angelo Garcia, longtime Public Works Department employee.



Bill Bogaard, Mayor
City of Pasadena

ATTEST:



City Clerk