

CITY OF PASADENA  
City Council Minutes  
October 12, 2009 – 5:30 P.M.  
City Hall Council Chamber

REGULAR MEETING

**OPENING:** Mayor Bogaard called the regular meeting to order at 6:32 p.m. The Pledge of Allegiance was led by Councilmember Robinson.

**ROLL CALL:**

Councilmembers:

Mayor Bill Bogaard  
Vice Mayor Victor Gordo  
Councilmember Steve Haderlein  
Councilmember Chris Holden  
Councilmember Steve Madison  
Councilmember Margaret McAustin (Absent)  
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 oaths of office to Allan Parachini as member of the Pasadena Community Access Corporation Board; Stephen Acker and Robin Salzer as Transportation Advisory Commissioners; Hoyt Hilsman as Community Development Committee member; Dallas Baker and Michelle Richardson-Bailey as Northwest Commissioners; and Bryan T. Bowen as Arts and Culture Commissioner.

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

April Hicks, Pasadena "Build the Rink" Committee representative, asked Vice Mayor Gordo to request that the matter of the proposed Ice Skating Center, which was acted upon by Council on September 14, 2009, (when the Vice Mayor was absent) be placed on a future Council agenda for reconsideration when a full Council may be present; and submitted a handout of an online petition containing 434 signatures titled, "Pasadena Ice Skating: Council Revote Requested."

Vice Mayor Gordo stated his understanding of the status of the ice skating rink project, in that anyone could submit a proposal to the City Manager, which could then be considered by Council.

The City Manager clarified Council's current position regarding the financing issues for any ice skating rink project, and Polar Ice Venture's (bidder) position on their bid and the project.

Councilmember Madison encouraged staff to continue to explore site options for a rink project, in light of possible soil/cost issues related to the proposed site in East Pasadena.

Nancy Nelson, Pasadena resident, 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; and read and submitted Ms. Simpson-Dean's written invitation to the United Nations Day Global Festival to be held on October 25, 2009, and formal request for the City to issue a proclamation in acknowledgment of United Nations Day on October 24, 2009.

## CONSENT CALENDAR

**AUTHORIZE THE CITY MANAGER TO ENTER INTO A CONTRACT WITH MORROW-MEADOWS CORPORATION, TO PROVIDE LABOR AND MATERIALS FOR THE GLORIETTA BOOSTER STATION ELECTRICAL UPGRADES FOR AN AMOUNT NOT TO EXCEED \$643,000 FOR THE WATER AND POWER DEPARTMENT, SPECIFICATION WD-07-07**

**Recommendation of City Manager:**

- (1) Acknowledge that this work is categorically exempt from Environmental Review, pursuant to the guidelines of the California Environmental Quality Act (CEQA), per Section 15302 (Replacement of Reconstruction of Structures);
- (2) Accept the bid dated August 4, 2009 submitted by Morrow-Meadows Corporation (Morrow), in response to Specification WD-07-07, for providing labor and materials for electrical upgrades at Glorietta Booster Station for the Water and Power Department;
- (3) Reject all other bids; and
- (4) Authorize the City Manager to enter into such contract for an amount not to exceed \$643,000. (Contract No. 20,089)

**AMEND RESOLUTION NO. 8962 ADOPTING THE APPROPRIATIONS LIMIT FOR FY 2010**

**Recommendation of City Manager:** Amend Resolution No. 8962:

- (1) Establish the appropriations limit for Fiscal Year 2010 at \$216,264,931; and
- (2) Establish appropriations subject to the limit for Fiscal Year 2010 at \$123,252,650. (Resolution No. 8962-1)

**AGREEMENT FOR SEWER SERVICE AT 250 INVERNESS DRIVE, CITY OF LA CAÑADA FLINTRIDGE**

**Recommendation of City Manager:** Adopt a resolution authorizing the City Manager to enter into an agreement among County Sanitation District No. 16 of Los Angeles County, the City of Pasadena, and the property owners governing the conveyance, treatment, and disposal of wastewater from a single-family home at 250 Inverness Drive in

the City of La Cañada Flintridge, and agreeing to the recordation thereof. (Resolution No. 8982; Agreement No. 20,090)

Item discussed separately at the request of Councilmember Robinson.

**ADOPTION OF A RESOLUTION TO EXPAND EMPLOYMENT BACKGROUND CHECKS**

Item discussed separately at the request of Councilmember Haderlein.

**PURCHASE OF TECHNOLOGICAL EQUIPMENT TO OUTFIT THE NEW POLICE HELICOPTER, AS WELL AS THE PURCHASE OF AN ARMORED PERSONNEL CARRIER**

MINUTES APPROVED

September 28, 2009

CLAIMS RECEIVED AND FILED

Claim No. 10,959	Jenny Chou	\$	600.00
Claim No. 10,960	Rickie Thompson		25,000.00+
Claim No. 10,961	Rickie Thompson		25,000.00+
Claim No. 10,962	Jeffrey and Erica Henderson		1,036,000.00
Claim No. 10,963	Holeinwon, LP		435.81
Claim No. 10,964	Mohamed R. Hajar		250.00

It was moved by Councilmember Haderlein, seconded by Councilmember Robinson, to approve the Consent Calendar, with the exceptions of Item 4 (Resolution to Expand Employment Background Checks) and Item 5 (Purchase of Equipment and Armored Personnel Carrier), which were discussed separately. (Motion unanimously carried) (Absent: Councilmember McAustin)

**CONSENT ITEMS DISCUSSED SEPARATELY**

**ADOPTION OF A RESOLUTION TO EXPAND EMPLOYMENT BACKGROUND CHECKS**

**Recommendation of City Manager:** Adopt a resolution to implement federal level criminal background checks and notification of subsequent arrests for all employees. (Resolution No. 8983)

Karyn Ezell, Director of Human Resources Department, responded to Councilmember Robinson's questions regarding the background check program.

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

**PURCHASE OF TECHNOLOGICAL EQUIPMENT TO OUTFIT THE NEW POLICE HELICOPTER, AS WELL AS THE PURCHASE OF AN ARMORED PERSONNEL CARRIER**

**Recommendation of City Manager:** Authorize the issuance of the following purchase order contracts in order to equip the new police helicopter:

(1) A purchase order contract to FLIR Systems Incorporated,

in an amount not to exceed \$247,000 for the purchase of a thermal imaging camera;

(2) A purchase order contract to Paravion Technology Incorporated, in an amount not to exceed \$150,000 for the purchase of one Augmented Reality System (ARS) helicopter mapping system and military grade computer; and

(3) A purchase order contract to Broadcast Microwave Systems, in an amount not to exceed \$105,000 for the purchase of an airborne digital video down-linking system.

It is further recommended that the City Council authorize issuance of a purchase order contract to Lenco BearCat Armored Vehicles, in an amount not to exceed \$280,652 for the purchase of an armored vehicle capable of operating in hazardous materials environments.

Competitive bidding for each of these purchases is not required pursuant to City Charter Section 1002(C), contracts for labor, materials, supplies or services available from only one vendor.

Councilmember Haderlein asked staff to provide the "go live" date for use of this quieter helicopter, when this information is available.

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

**REPORTS AND COMMENTS  
FROM COUNCIL  
COMMITTEES**

**FINANCE COMMITTEE**

**FISCAL YEAR 2010 OPERATING BUDGET AMENDMENTS**

**Recommendation of City Manager:**

(1) Authorize a journal voucher implementing certain amendments to the Fiscal Year 2010 Operating Budget, as detailed in the background section of the agenda report. The net effect of these amendments to the various fund balances is as follows: an increase of \$21,122 to the Water Fund; a net increase to the General Fund of \$1,516,436; a net decrease to the Power Fund of \$1,957,757; reductions to the Gas Tax Fund of \$158,063; the Refuse Fund of \$1,301,364; the PCDC Downtown Project Area Fund of \$10,000; the PCDC Old Pasadena Project Area Fund of \$10,000; and the Sewer and Storm Drain Fund of \$197,946. In addition, the following funds' revenues will be affected as follows: an increase of \$782,950 to the Fire Grant Fund, an increase of \$2,606,581 to the General Fund, an increase to the Fleet Maintenance Fund of \$124,633, a decrease of \$197,599 to the Refuse Fund, and a decrease of \$466,800 to the Sewer Construction and Maintenance Fund; and

(2) Adopt a resolution increasing the amount to be transferred from the Light and Power Fund by \$2.0 million to the General Fund as a one-time additional transfer for Fiscal Year 2010 for a grand total \$15,973,764. (Journal Voucher No. 2010-4; Resolution No. 8984)

Councilmember Holden, Chair of the Finance Committee, introduced the agenda item.

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

LEGISLATIVE POLICY  
COMMITTEE

Councilmember Haderlein  
recused himself at 6:54 p.m.,  
due to a conflict of interest.

**RESOLUTION IN SUPPORT OF HEALTH CARE REFORM  
PRINCIPLES**

**Recommendation of City Manager:**

- (1) Adopt a resolution in support of health care reform principles; and
- (2) Authorize the Mayor to send a copy of the resolution to the appropriate elected officials. (Resolution No. 8985)

The Mayor, Chair of the Legislative Policy Committee, introduced the agenda item; discussed the Committee's focus on health care principles, rather than specific health care reform proposals; and commented on Senate Bill (SB) 810 (The California Universal Health Care Act).

Dr. Takashi Wada, Director of Public Health Department, reviewed the agenda report as part of a PowerPoint presentation and responded to questions.

The following persons spoke in support of SB 810 and/or expressed concerns regarding the proposed resolution:

- Shirley Spencer, League of Women Voters Pasadena Area Membership Director
- Susan Braig, Pasadena resident
- Irma Strantz, League of Women Voters Pasadena Area Action/Advocacy Director
- Carol Locke, League of Women Voters Pasadena Area member
- Petite Morrison, League of Women Voters Pasadena Area President
- Robert Peck, M.D., California Physicians Alliance representative

Councilmember Holden suggested the Legislative Policy Committee take a more aggressive position in support of SB 810 or a single-payer program, when sending the City's message on health care reform to the federal government.

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

The Mayor noted that this matter could again be reviewed by the Legislative Policy Committee at the beginning of 2010, as study of the health care reform issue develops.

## **PUBLIC HEARINGS**

Councilmember Haderlein returned at 7:40 p.m.

### **PUBLIC HEARING: CONDITIONAL USE PERMIT NO. 5317 (INCLUDES ADDITIONAL MINOR CONDITIONAL USE PERMITS), ADJUSTMENT PERMIT NO. 11612, FLOOR AREA INCREASE OF TEN PERCENT, PRIVATE TREE REMOVAL, FINAL ENVIRONMENTAL IMPACT REPORT, AND STATEMENT OF OVERRIDING CONSIDERATIONS FOR IDS PLAYHOUSE COMMERCIAL DEVELOPMENT PROJECT AT 680 EAST COLORADO BOULEVARD**

**Recommendation of City Manager:** It is recommended that the City Council at the close of the public hearing take the following actions:

- (1) Adopt the resolution certifying the Final Environmental Impact Report, adopting Environmental Findings, a Statement of Overriding Considerations, and a Mitigation Monitoring and Reporting Program;
- (2) Approve the Findings of Fact (Attachment A of the agenda report) with the Conditions of Approval (Attachment B of the agenda report) and the Comprehensive Water Conservation Plan (Attachment C of the agenda report);
- (3) Approve the Conditional Use Permit for a new non-residential project that exceeds 25,000 square feet (Attachment A of the agenda report);
- (4) Approve the Minor Conditional Use Permit for a new project that exceeds 15,000 square feet in the Transit-Oriented District (Attachment A of the agenda report);
- (5) Approve the Minor Conditional Use Permit to establish a commercial parking use (Attachment A of the agenda report);
- (6) Approve the Adjustment Permit for four deviations from the Zoning Code, including: building height; to exceed Floor Area Ratio (FAR) in one FAR district; to not construct the building at the property lines on East Colorado Boulevard and South El Molino Avenue; and to reduce the required number of loading spaces from five to two (Attachment A of the agenda report);
- (7) Approve a Floor Area Ratio (FAR) increase of 10 percent (Attachment A of the agenda report); and
- (8) Approve the Private Tree Removal Application (Attachment A of the agenda report).

**Recommendation of Design Commission:** On July 13, 2009, the Design Commission conducted advisory review of the project. The Commission concluded by majority vote that the project is generally consistent with the design-related findings, and that the Commission shall have some flexibility in the final review and approval of the project's site plan, building massing and modulation, arrangement of floor plates, in addition to the details that are reviewed in Final design. The Commission also made some specific recommendations to further modulate and articulate the building.

Councilmember Tornek and Vice Mayor Gordo recused themselves at 7:41 p.m., due to a conflict of interest.

**Recommendation of Planning Commission:** On July 22, 2009, the Planning Commission conducted advisory review of the project that was reviewed by the Design Commission. By unanimous vote, the Commission recommended that the Council disapprove all requested entitlements and not to certify the EIR. The Commission made an additional recommendation (by a 5-3 vote) that if the Council approves any version of the proposed project, that it should be designed to comply with all applicable development standards (e.g., no adjustments or variances for height, floor area, etc.), that it does not include a FAR increase, and that the 155 public parking spaces are omitted from the project. Further, the Commission added that if such a project is approved, the EIR should be revised to re-analyze potential traffic and pedestrian safety impacts of the revised project. The majority of the Commissioners asserted that the proposed building is too large and incompatible with other development in the vicinity. Following the meeting, the Commission sent a memorandum to the City Council summarizing its action. It is in Attachment L of the agenda report.

The Mayor indicated that the applicant had requested that the public hearing be continued to November 16, 2009.

It was moved by Councilmember Haderlein, seconded by Councilmember Robinson, to continue the public hearing to November 16, 2009 at 7:30 p.m. (Motion unanimously carried) (Absent: Councilmembers McAustin, Tornek, Vice Mayor Gordo)

Councilmember Tornek and Vice Mayor Gordo returned at 7:42 p.m.

**PUBLIC HEARING: CALL FOR REVIEW OF DECISION BY THE DESIGN COMMISSION, MINOR CHANGES TO AN APPROVED PROJECT: SUBSTITUTE MATERIAL/FINISH ON CORNICE, 125 NORTH RAYMOND AVENUE (RAYMOND RENAISSANCE PROJECT)**

**Recommendation of City Manager:**

(1) Find that the revised Final Environmental Impact Report and Addendum certified by the City Council on January 7, 2002 – with findings of fact and a statement of overriding considerations for the Raymond Theater Reuse and Mixed-Use Project (“project”) now known as the “Raymond Renaissance” – and a Second Consistency Finding to the revised FEIR pursuant to the California Environmental Quality Act (CEQA) (Public Resources Code Section 21000, et seq.) and State CEQA Guidelines Section 15164 (May 2005) apply to this action.

(2) Find that the change to the material of the cornice is, as specified in Section 17.61.030.I.6 and Section 17.64.050 Pasadena Municipal Code:

- Minor and consistent with the intent of the original approval (*the physical form, projection, and placement of the cornice comply with the approved design*);

- Consistent with all applicable provisions of the Zoning Code (*No provisions about the material and finish of a cornice are in the Zoning Code*);
- Does not involve a feature of the project that was specifically addressed in, or was a basis for findings in a Negative Declaration (ND), Mitigated Negative Declaration (MND), or Environmental Impact report (EIR) for the project (*the material of the cornice is not addressed in the Environmental Impact Report*);
- Does not involve a feature of the project that was specifically addressed in, or was a basis for conditions of approval for the project, or that was a specific consideration by the applicable review authority in the approval of the permit (*the change of material is unrelated to conditions of approval*); and
- Does not expand the approved floor area or any outdoor activity area by 10 percent or more over the life of the project (*change of material is unrelated to floor area*).

(3) Find that the proposed change - *if modified to comply with the condition of approval* - is consistent with the applicable design guidelines.

(4) Find that there are changed circumstances sufficient to justify the proposed changes (*representations from developer about structural properties when installing copper with specified spans and projections, concerns about liability and waterproofing*).

(5) Based on these findings, approve the request for changes to the previously approved design with the following condition:

As an alternate to recoating or cladding the roofline cornice, staff shall work with the applicant on aesthetic enhancements to the project.

**Recommendation of Design Commission:** Approve the request for changes to the previously approved design with the following condition: In lieu of the existing plaster finish, the applicant and the applicant's architect or consultant shall propose a method to change the finish (e.g., paint in solid color) – and this proposal to change the finish shall be reviewed and approved by a three-person subcommittee of the Design Commission. The Commission also indicated that this work may be delayed to accommodate construction loans and other financing issues.

The Mayor opened the public hearing.

The City Clerk reported 27 copies of the notice of public hearing were posted on September 24, 2009; 74 copies of the notice were mailed on September 24, 2009; and no correspondence was received.

John Poindexter, Planning Manager, reviewed the agenda report as part of a PowerPoint presentation and responded to questions.



Richard Bruckner, Director of Planning and Development Department, responded to questions regarding the proposed options to address the cornice change made by the applicant.

The City Manager discussed the nature of the change in material made by the applicant as this relates to the City's approval process for such changes.

The City Attorney clarified the administrative process to be followed in response to a failure to comply with the planning process.

The following persons spoke in support of the changes made to the cornice:

Gene Buchanan, co-applicant  
Marilyn Buchanan, co-applicant  
Dan Wolfe, Pasadena business owner

The following person spoke in support of the Design Commission's recommendation:

Sue Mossman, Pasadena Heritage Executive Director

Discussion followed on the cornice change made by the applicant, the process for dealing with proposed changes to an approved design plan, and options to address the applicant's actions in not adhering to an approved design plan.

Councilmember Holden expressed support for accepting the cornice in its current state, with staff to take the appropriate administrative action to address the issue of the applicant not properly following the process for changing an approved plan.

Vice Mayor Gordo indicated that he could not see the nexus between the applicant's change in the cornice material and staff's proposed aesthetic enhancements as a solution to the applicant's actions in not following the approved design plan; suggested staff return with more information about the product used on the cornice; expressed concerns regarding the need to address an equity issue in ensuring that future applicants follow the City's process when making changes to an approved design plan (e.g., use of quality materials in an approved design plan); and suggested the Design Commission work informally with the applicant to arrive at an alternative solution for the applicant's failure to follow the City's process when changing the cornice material.

Councilmember Haderlein suggested staff explore an option to upgrade an exterior part of the building or other aesthetic enhancements that will improve the project.

Councilmember Tornek expressed support for the Design Commission's recommendation.

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

MOTION

Following discussion, it was moved by Councilmember Holden, seconded by Councilmember Madison, to approve the City Manager's recommendation, as revised to accept the cornice as it currently exists and delete the condition cited in Recommendation No. 5 above, with staff to take the appropriate administrative action to address the applicant's violation of the City's approval process regarding a proposed design change.

Vice Mayor Gordo reiterated his suggestion that the Design Commission work informally with the applicant to arrive at a solution to the cornice material issue that takes into consideration the City's design process and guidelines.

Councilmember Holden suggested that the pending motion be tabled, to allow additional information gathering regarding the cornice material.

Councilmember Robinson expressed concerns regarding implementing an option that would cause a financial hardship for the applicant.

SUBSTITUTE MOTION

Following additional discussion, it was moved by Councilmember Holden, seconded by Councilmember Madison, to reopen the public hearing, and to continue this matter to October 26, 2009 at 7:30 p.m., to allow time for staff to gather additional information on the cornice material (e.g., durability, impacts of altering the finish, and impacts on warranties if the material is altered); and to explore options for design enhancements to the building. (Motion unanimously carried) (Absent: Councilmember McAustin)

ORDINANCES – ADOPTED

**Adopt “AN ORDINANCE OF THE CITY OF PASADENA AMENDING TITLE 17 (THE ZONING CODE) DEVELOPMENT STANDARDS FOR SINGLE FAMILY DEVELOPMENT”**  
(Introduced by Vice Mayor Gordo) (Ordinance No. 7179)

The above ordinance was adopted by the following vote:

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

NOES: None

ABSENT: Councilmember McAustin

**Adopt "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"**  
(Introduced by Councilmember Robinson) (Ordinance No. 7180)

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


**COUNCIL COMMENTS**

In response to Councilmember Madison's question, the City Clerk confirmed that the Council meetings for December 21 and 28, 2009 and January 4, 2010, were scheduled to be cancelled.

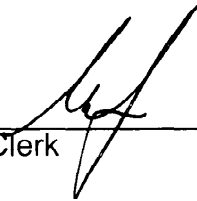
In response to Councilmember Madison's question, the Mayor indicated that the resolution regarding Congressional recognition of additional wilderness areas, which had been discussed by the Recreation and Parks Commission, had been submitted to staff for assessment and would then be presented to the Legislative Policy Committee for their review.

**ADJOURNMENT**

On order of the Mayor, the regular meeting of the City Council adjourned at 9:32 p.m.

  
\_\_\_\_\_  
Bill Bogaard, Mayor  
City of Pasadena

ATTEST:

  
\_\_\_\_\_  
City Clerk