

CITY OF PASADENA
City Council Minutes
October 19, 2009 – 5:30 P.M.
City Hall Council Chamber

REGULAR MEETING

OPENING:

Mayor Bogaard called the regular meeting to order at 6:12 p.m.
(Absent: Councilmembers Haderlein, Tornek)

On order of the Mayor, the regular meeting recessed at 6:12 p.m., to discuss the following closed sessions:

CITY COUNCIL CONFERENCE WITH LEGAL COUNSEL to discuss pending litigation pursuant to Government Code Section 54956.9(a)

Case Name: Anath White v. City of Pasadena

Case No.: Los Angeles Superior Court Case No. GC 039974

It was moved by Vice Mayor Gordo, seconded by Councilmember Madison, to direct staff to proceed with arbitration on the above case. (Motion unanimously carried)
(Absent: Councilmembers Haderlein, Tornek)

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

Property Location: 78 North Marengo Avenue

Agency Negotiators: Michael J. Beck and Richard Bruckner

Negotiating Parties: Gregson M. Perry and Angela Chen-Sabella

Under Negotiation: Price and terms of payment

The above closed session item was discussed, with no reportable action at this time.

On order of the Mayor, the regular meeting reconvened at 6:58 p.m. The Pledge of Allegiance was led by Julianna Delgado, Design Commission Chair.

ROLL CALL:

Councilmembers:

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

Staff:

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

CEREMONIAL MATTERS

The Mayor presented a certificate from the American Planning Association (APA) to Bungalow Heaven as a designee of the APA's Great Places in America Program for 2009. The certificate was received by Julianna Delgado, Bungalow Heaven Neighborhood Association (BHNA) Past President and Carolyn Polansky, BHNA President.

Councilmember McAustin and Vice Mayor Gordo congratulated Bungalow Heaven residents for their leadership and active participation in the efforts needed to develop and achieve this award.

The Mayor and Councilmember Robinson presented a proclamation declaring October 22, 2009 as Lights On Afterschool Day. The proclamation was received by Lisa Wilson, Partnership for Children, Youth and Families Chair.

The Mayor and Councilmember Robinson presented a proclamation declaring the week of October 19-23, 2009 as YWCA Week Without Violence. The proclamation was received by Margaret York, YWCA Pasadena-Foothill Valley Week Without Violence Chair; Tamica Farr, YWCA Pasadena-Foothill Valley Executive Director; and Carmen Vargas, YWCA Pasadena-Foothill Valley Board President.

Councilmember Robinson congratulated Tamica Farr on her first year as the YWCA Executive Director, and Marge Wyatt, a District 1 resident who was the YWCA's honoree for 2009; and thanked the YWCA for the many services they provide.

Fred Alcantar, Sister Cities Committee President, introduced Sebastian Heitz, a student from Ludwigshafen, Germany and participant in the Sister Cities Student Exchange program.

Florence Helmberger, Pasadena Rotary Open World Committee Chair, introduced a delegation of Rotarians visiting from Barnaul, Russia, who are gathering information on American social services agencies involved with youth issues, as a part of the Open World Leadership Program. The delegation presented a book and pin to the Mayor from the City of Barnaul.

The Mayor introduced Carolyn Chaney, the City's Federal Legislative Liaison, who commented briefly on the City's receipt of funds from the Federal stimulus package, and asked the Council to convey to her any concerns or interests they might have on legislative issues affecting the City.

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

The following persons invited the Council and community to "Create the Good", an event sponsored by AARP California in support of the holiday meals provided by Union Station Homeless Services and the need for volunteerism, to be held on October 24, 2009 at the Pasadena Hilton Hotel:

Marvin Schachter, AARP California representative, submitted a flier on the "Create the Good" event.
Antoine Cook, AARP Program Coordinator

Wendell Phillips, Pasadena Management Association (PMA) legal representative, noted a correction in information that was presented to City Council at the meeting of June 22, 2009, (PMA agreed to forgo, not defer, a salary increase for 2009); and expressed concerns regarding proposed changes being presented to PMA involving hour reductions, additional salary reductions, and possible loss of FLSA exemptions for all or some PMA employees, and the continued hiring of new employees.

The Mayor indicated that the above information would be referred to the City Manager for a response to be provided to Council in closed session.

CONSENT CALENDAR

CONTRACT AWARD TO MONTES PACIFIC ENGINEERING, FOR ROSE BOWL DRIVE REMEDIAL SLOPE REPAIR FOR AN AMOUNT NOT TO EXCEED \$140,000

Recommendation of City Manager:

(1) Find that the project was subject to adequate environmental review, for which a Notice of Exemption was filed with the County Clerk on March 31, 2009, and that there are no changed circumstances or new information which would require further environmental review; and
(2) Accept the bid dated October 7, 2009, submitted by Montes Pacific Engineering, for Rose Bowl Drive Remedial Slope Repair, reject all other bids received, and authorize the City Manager to enter into such contract not to exceed \$140,000. (Contract No. 20,103)

Item discussed separately at the request of Councilmember McAustin.

AUTHORIZATION OF AN AMENDMENT TO THE CONTRACT WITH GKK WORKS, INCREASING THE CONTRACT AMOUNT FROM \$331,000 TO \$399,050 FOR THE REDESIGN OF THE URGENT CARE CENTER AT 3160 EAST DEL MAR BOULEVARD

RESOLUTION AUTHORIZING SUBMITTAL OF AN APPLICATION TO THE LOS ANGELES COUNTY REGIONAL PARK AND OPEN SPACE DISTRICT FOR FIFTH SUPERVISORIAL DISTRICT EXCESS FUNDING FROM THE PARK BOND ACT OF 1992 AND 1996 (PROPOSITION A) IN THE AMOUNT OF \$150,000 FOR ANNANDALE CANYON

OPEN SPACE TRAIL ACCESS AND TRAIL IMPROVEMENTS PROJECT

Recommendation of City Manager: Adopt a resolution authorizing submittal of an application to the Los Angeles County Regional Park and Open Space District for the Fifth Supervisorial District Excess Funding Program from the Park Bond Act of 1992 and 1996 (Proposition A) in the amount of \$150,000 for the Annandale Canyon Open Space Trail Access and Trail Improvements Project. (Resolution No. 8986)

Recommendation of Recreation and Parks Commission: At their regular meeting of October 6, 2009, the Recreation and Parks Commission voted to recommend the City Council approve the City of Pasadena's application to the Los Angeles County Regional Park and Open Space District for the Fifth Supervisorial District Excess Funding from the Park Bond Act of 1992 and 1996 (Proposition A) in the amount of \$150,000 for the Annandale Canyon Open Space Trail Access and Trail Improvements Project.

CONTRACT AWARD TO PAN AMERICAN BRUSH CLEARANCE, FOR LABOR AND MATERIALS ASSOCIATED WITH BRUSH CLEARANCE SERVICES AT VARIOUS SITES IN THE ARROYO SECO FOR AN AMOUNT NOT TO EXCEED \$435,000

Recommendation of City Manager:

(1) Find the project (Labor and Materials for Brush Clearance) to be categorically exempt under Section 21084(a) of the California Environmental Quality Act (CEQA) of 1984 in accordance with Article 19, Section 15301 (Class 1), subsection (h) of the Guidelines (maintenance of existing landscaping), and authorize the City Clerk to file a Notice of Exemption for the project with the Los Angeles County Clerk; (2) Accept the bid for Labor and Materials for Brush Clearance dated September 21, 2009, submitted by Pan American Brush Clearance, in response to specifications for Labor and Materials for Brush Clearance, reject all other bids received, and authorize the City Manager to enter into a contract with Pan American Brush Clearance for a period of three years in the amount of \$435,000, not to exceed \$145,000 per year; and (3) Authorize the City Manager to extend the contract for two one-year periods provided all prices, terms, and conditions remain unchanged. (Contract No. 20,104)

AUTHORIZE THE ASSIGNMENT OF PURCHASE ORDER CONTRACT NO. 42997 FOR PURCHASE AND INSTALLATION OF THREE PREFABRICATED BUILDINGS FOR ROBINSON PARK IN AN AMOUNT NOT TO EXCEED \$536,013.50

Recommendation of City Manager:

(1) Find that the project was subject to adequate environmental review in the Initial Study approved, and the Negative Declaration adopted by the City Council,

November 4, 2002, for The Robinson Park Master Plan, and that there are no changed circumstances or new information which would require further environmental review; and
 (2) Authorize the assignment of a purchase order from Modtech Inc., to Design Space Modular Buildings, Inc., in an amount not to exceed \$536,013.50 for the purchase of one prefabricated restroom building, one prefabricated restroom/concession building, and one prefabricated storage building for installation at Robinson Park, without competitive bidding, pursuant to City Charter, Section 1002(H), contracts with other governmental entities or their contractors for labor, materials, supplies or services.

CONTRACT AWARD TO CHAPARRAL CONSTRUCTION CORPORATION, FOR THE WALNUT STREET IMPROVEMENTS FROM COOK AVENUE TO SUNNYSLOPE AVENUE FOR AN AMOUNT NOT TO EXCEED \$1,347,500

Recommendation of City Manager:

(1) Find that the project was subject to adequate environmental review in the Mitigated Negative Declaration for the project, for which a Notice of Determination was filed with the County Clerk on May 4, 2007, and that there are no changed circumstances or new information which would require further environmental review; and
 (2) Accept the bid dated October 7, 2009, submitted by Chaparral Construction Corporation, for the Walnut Street Improvements from Cook Avenue to Sunnyslope Avenue, reject all other bids received, and authorize the City Manager to enter into such contract not to exceed \$1,347,500. (Contract No. 20,105)

CONTRACT AWARD TO AMERICAN ASPHALT SOUTH, INC., FOR THE SLURRY SEAL OF STREETS – 2009 FOR AN AMOUNT NOT TO EXCEED \$750,000

Recommendation of City Manager:

(1) Acknowledge the project to be categorically exempt under Section 21084 of the Public Resources Code in accordance with Article 19, Section 15301 (Class 1), subsection (c) (repair of existing public streets), pursuant to the findings of the Secretary of the Resources Agency, and a Notice of Exemption for the project has been filed with the Los Angeles County Clerk on September 22, 2009; and
 (2) Accept the bid dated October 7, 2009, submitted by American Asphalt South, Inc., in response to the Project Specifications for the Slurry Seal of Streets – 2009, reject all other bids received, and authorize the City Manager to enter into such contract as is required for an amount not to exceed \$750,000. (Contract No. 20,106)

CLAIMS RECEIVED AND FILED

Claim No. 10,965	Enrique Hernandez, Jr.	\$ 6,000.00
Claim No. 10,966	Ramon Ocegüera	Not stated

Claim No. 10,967	Jerry L. Steering, Attorney for Chinyere Peace Amadi	25,000.00+
Claim No. 10,968	Salvador Muñoz Hernandez	1,500.00
Claim No. 10,969	Zarouhi Yessaian	2,613.04

It was moved by Councilmember McAustin, seconded by Councilmember Holden, to approve the Consent Calendar, with the exception of Item 2 (Amendment to Contract with GKK Works), which was discussed separately. (Motion unanimously carried) (Absent: Councilmembers Haderlein, Tornek)

CONSENT ITEM DISCUSSED SEPARATELY

Councilmember Madison was excused at 7:49 p.m.

AUTHORIZATION OF AN AMENDMENT TO THE CONTRACT WITH GKK WORKS INCREASING THE CONTRACT AMOUNT FROM \$331,000 TO \$399,050 FOR THE REDESIGN OF THE URGENT CARE CENTER AT 3160 EAST DEL MAR BOULEVARD

Recommendation of City Manager: Authorize an increase of \$63,050 to Contract No. 19,809 with the GKK Works Architects, increasing the not to exceed amount from \$331,000 to \$399,050 for redesign work for the Pasadena Urgent Care Center project, as a result of additional requirements. (Contract Amendment No. 19,809-1)

In response to Councilmember McAustin's questions, Martin Pastucha, Director of Public Works Department, clarified the timing of the redesign work and the total amount of the contract.

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

RECOMMENDATIONS FROM OFFICERS AND DEPARTMENTS

Councilmember Madison returned at 7:52 p.m.

DESIGNATION OF VOTING DELEGATE AND ALTERNATE FOR THE NATIONAL LEAGUE OF CITIES ANNUAL BUSINESS MEETING ON NOVEMBER 14, 2009 IN SAN ANTONIO, TEXAS

It was moved by Councilmember McAustin, seconded by Councilmember Robinson, to designate Councilmember Holden as the voting delegate and Mayor Bogaard as the alternate, for the National League of Cities annual business meeting. (Motion unanimously carried) (Absent: Councilmembers Haderlein, Tornek)

APPOINTMENT OF KAREN WILLIAMS EVANS TO THE NORTHWEST COMMISSION (District 1 Nomination)

RESIGNATION OF GAIL ANDERSON FROM THE COMMISSION ON THE STATUS OF WOMEN (District 7 Nomination)

RESIGNATION OF ROBIN SALZER FROM THE PASADENA CENTER OPERATING COMPANY BOARD (At Large/ District 6 Nomination)

It was moved by Councilmember Robinson, seconded by Councilmember Madison, to approve the above appointment, and accept the above resignations with regrets. (Motion unanimously carried) (Absent: Councilmembers Haderlein, Tornek)

INFORMATION ITEM

PREDEVELOPMENT PLAN REVIEW FOR THE REMODELING OF AN EXISTING BUILDING AND CONSTRUCTION OF TWO NEW BUILDINGS FOR RUSNAK AUTOMOTIVE GROUP CORPORATE OFFICE, AND THREE AUTOMOBILE DEALERSHIPS AT 2965 EAST COLORADO BOULEVARD

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

On order of the Mayor, the above item was held to allow the Councilmember representing this site to be present for the discussion.

PUBLIC HEARING

PUBLIC HEARING: ADOPTION OF DESIGN GUIDELINES FOR NEIGHBORHOOD COMMERCIAL AND MULTI-FAMILY RESIDENTIAL ZONING DISTRICTS

Recommendation of City Manager:

(1) Find that the adoption of design guidelines is categorically exempt from the California Environmental Quality Act (CEQA) under Section 15061, the general rule that CEQA only applies to projects which have the potential for causing a significant effect on the environment;

(2) Acknowledge that the Design Commission has held five public workshops preceding the preparation of this final draft of the Design Guidelines for Neighborhood Commercial and Multi-family Residential Zoning Districts, and that the final draft of the guidelines adequately addresses all public comments that have been received throughout the review process; and

(3) Adopt the resolution approving the Design Guidelines for Neighborhood Commercial and Multi-family Residential Zoning Districts, including the additional recommendations about the process for preliminary consultation phase of design review and the use of the guidelines as a supplement to existing design guidelines in specific plan areas outside of the Central District. (Resolution No. 8987)

Recommendation of Design Commission: On September 14, 2009, at a noticed public hearing, the Design Commission voted to recommend adoption of the Design Guidelines for Neighborhood Commercial and Multi-family Residential Zoning Districts, including the additional recommended changes to the process for the preliminary consultation phase of design review and the use of the

guidelines as a supplement to existing design guidelines in specific plan areas outside of the Central District.

The Mayor opened the public hearing.

The City Clerk reported the notice of public hearing was published on September 28 and October 5, 2009 in the Pasadena Star-News and on October 1, 2009 in the Pasadena Journal; and no correspondence was received.

Kevin Johnson, Acting Senior Planner, reviewed the agenda report as part of a PowerPoint presentation.

Richard Bruckner, Director of Planning and Development Department, highlighted the changes to the design review process; indicated that the proposed design guidelines supplement specific plan area design guidelines (outside of the Central District) and the zoning standards; emphasized that use of the guidelines is required, not optional; and responded to questions.

Stefanos Polyzoides, Moule & Polyzoides Architects and Urbanists Principal (City's consultant), responded to questions regarding the design guidelines.

The following persons spoke in support of the proposed design guidelines:

Julianna Delgado, Design Commission Chair speaking as an individual
Susan Mossman, Pasadena Heritage Executive Director

It was moved by Councilmember McAustin, seconded by Vice Mayor Gordo, to close the public hearing. (Motion unanimously carried) (Absent: Councilmembers Haderlein, Tornek)

In response to Councilmember Madison's questions, the City Manager and Mr. Bruckner clarified an applicant's responsibility for stating a clear, specific reason, with convincing evidence, when asking for a waiver of the design guidelines. Mr. Bruckner suggested that staff review the design guidelines after a year or so of implementation.

John Poindexter, Planning Manager, indicated that the design guidelines could be put in place immediately following Council approval, with the new process to be implemented at the beginning of 2010.

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

The Mayor and Council commended the staff, consultants and community for their work on this important project.

RECESS

On order of the Mayor, the regular meeting of the City Council recessed at 8:39 p.m., to discuss the following closed session:

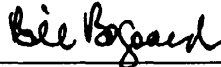
CLOSED SESSION
(Continued)

CITY COUNCIL CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION significant exposure to litigation pursuant to Government Code Section 54956.9(b): One potential case

The above closed session item was discussed, with no reportable action at this time.


ADJOURNMENT

On order of the Mayor, the regular meeting of the City Council reconvened at 9:32 p.m., and thereafter adjourned in memory of William L. Cathey, former Community Development Committee member and appointed former City Council member, who had been active as director of Pasadena Heritage.



Bill Bogaard, Mayor
City of Pasadena

ATTEST:



City Clerk