

CITY OF PASADENA
City Council Minutes
February 1, 2010 – 5:30 P.M.
City Hall Council Chamber

REGULAR MEETING

OPENING:

Mayor Bogaard called the regular meeting to order at 5:50 p.m.
(Absent: Councilmember McAustin)

On order of the Mayor, the regular meeting recessed at 5:50 p.m., to discuss the following closed session:

CITY COUNCIL CONFERENCE WITH LEGAL COUNSEL REGARDING 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.

On order of the Mayor, the regular meeting reconvened at 6:30 p.m. The Pledge of Allegiance was led by Tom Selinske, Pasadena Unified School District (PUSD) Board President.

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 Barbara Reeves Neal as Code Enforcement Commissioner and Christopher Hiddleson as South Lake Parking Place Commissioner.

PUBLIC COMMENT ON MATTERS NOT ON THE AGENDA

Barry Allen, Guardians Executive Director, advocated for open and transparent governments, and stated his interest in the number of City of Pasadena employees who have received \$100,000 or more each year.

Dr. John Kraft, Vanguardians Board Member speaking as an individual, expressed concerns regarding the proposed PUSD Parcel Tax; and noted that the Vanguardians would be approaching the City for information on the employees' salaries, pension benefits, and contributions.

Nancy Nelson, Pasadena resident, announced an Eco-Community Dialogue titled, "Green Sporting Events: An Environmental Teaching Moment", to be presented by Bruce Raynor, Triathlete and Chief Green Officer of Athletes for a Fit Planet on February 24, 2010 at the Central Library; and submitted a flier on the event.

Ann Higginbotham, Pasadena resident, expressed concerns regarding 2 eucalyptus trees that had been cut down on private property located at 72-108 South Grand Avenue, and urged Council to expeditiously adopt the ordinance that is being drafted by the City Attorney's Office regarding private tree removal.

The Mayor asked the City Manager to look into the tree removal situation and determine what steps can be taken.

The City Attorney indicated that staff is drafting the ordinance for tree removals on private property, as recently directed by Council.

The following persons expressed concerns regarding alleged procedural errors involving the need for California Environmental Quality Act (CEQA) review of the proposed Sunset Overlook Project and Eastside Neighborhood Project in Hahamongna Park and related safety issues in this area of the Park:

Hugh Bowles, Hahamongna Watchdog Group representative, submitted the group's written concerns on the two proposed projects.

Diane Stokes, Altadena resident, submitted photo material of a trail that negatively impacts her property and is included in the proposed Sunset Overlook Project.

The City Manager clarified that staff needs to correct a past mistake in the process for the two projects, and will be engaging in a new public and environmental review process for the two projects, if the City moves forward with the projects.

CONSENT CALENDAR

AMENDMENT TO JET PROPULSION LABORATORY LEASE AT HAHAMONGNA WATERSHED PARK, CITY CONTRACT NO. 18,418-1

Recommendation:

(1) Find that leasing of 11.21 acres to Jet Propulsion Laboratory (JPL) is categorically exempt from the California

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

Environmental Quality Act (CEQA), pursuant to the State CEQA Guidelines, Section 15301 (Existing Facilities); and (2) Authorize the City Manager to execute a lease amendment incorporating the terms and conditions generally described in the agenda report with JPL, for the lease of 11.21 acres located within the Arroyo Seco and the Hahamongna Watershed Park (HWP) Master Plan boundary, and any other documents necessary to carry out this transaction. (Agreement Amendment No. 18,418-2)

Mary E. Barrie, Friends of Hahamongna representative, spoke in support of the proposed lease amendment, and in support of the City working with the Spirit of the Sage Council (as referenced in the 2004 Settlement between the City and the Spirit of the Sage Council) in relocating the JPL employees who continue to use the Arroyo Seco area for parking.

CLAIMS RECEIVED AND FILED

Claim No. 11,053 Southern California Gas Company \$ 711.25
Claim No. 11,054 Reginald and Sabrina Nemore Not stated

PUBLIC HEARING SET

March 1, 2010, 7:30 p.m. – Adoption of the proposed Negative Declaration and Consideration of Amendments to the Pasadena Municipal Code to Adopt a Proposed Water Efficient Landscape Ordinance

It was moved by Vice Mayor Gordo, seconded by Councilmember Robinson, to approve all items on the Consent Calendar. (Motion unanimously carried) (Absent: Councilmembers Haderlein, McAustin)

REPORTS AND COMMENTS FROM COUNCIL COMMITTEES

LEGISLATIVE POLICY COMMITTEE

SUPPORT OF PASADENA UNIFIED SCHOOL DISTRICT PARCEL TAX

Recommendation: It is recommended that the City Council: (1) Support the Pasadena Unified School District's May 4, 2010 mail ballot election for a \$120 per parcel tax; and (2) Authorize the Mayor to send letters to the appropriate officials stating Pasadena's support for the parcel tax.

Recommendation of the Legislative Policy Committee: On January 20, 2010, this item was presented to the Legislative Policy Committee and received full support to forward it on to the City Council for approval.

The Mayor, Chair of the Legislative Policy Committee, reviewed the agenda report.

The following persons spoke in opposition to the proposed parcel tax:

Barry Allen, Vanguardians Executive Director
Dr. John Kraft, Foothill Apartment Association representative

The following persons spoke in support of the proposed parcel tax:

Councilmember Haderlein returned at 7:09 p.m.

Christian Redfearn, Invest in PUSD Kids (IIPK) Steering Committee member
Peter Dreier, Pasadena resident
Ed Honowitz, Pasadena Unified School District (PUSD) Board member speaking as an individual
George Brumder, Pasadena Educational Foundation and Citizens for Quality Schools member
Tom Selinske, PUSD Board President
Pastor Byron L. Smith, Sr., Citizens for Quality Education and IIPK member

Discussion followed on the purposes and uses of the parcel tax revenues and accountability for the monies used.

It was moved by Councilmember Robinson, seconded by Councilmember Madison, to approve the staff recommendation. (Motion unanimously carried) (Absent: Councilmember McAustin)

PUBLIC HEARINGS

PUBLIC HEARING: CALIFORNIA INSTITUTE OF TECHNOLOGY (CALTECH) ZONE CHANGE FOR THE PARCEL LOCATED AT 391 SOUTH WILSON AVENUE

Recommendation: It is recommended that the City Council, following a public hearing:

(1) Find that the proposed zone change from RM-48 (Multi-Family Residential, 48 dwelling units/net acre) to PS (Public and Semi-Public) for the parcel located at 391 South Wilson Avenue was subject to adequate environmental review in the Environmental Impact Report (EIR), certified by the City Council in May of 1989. Further, there have been no changes in circumstances or new information which would trigger further environmental review;

(2) Find that the proposed zone change, is consistent with the goals, objectives, and policies of the General Plan Land Use Element, the Purposes of Chapter 17.26 (PS, Public and Semi-Public District) of the Zoning Code, and the approved Caltech Master Development Plan (Attachment 1 of the agenda report);

(3) Direct the City Clerk to file a Notice of Determination and California Environmental Quality Act (CEQA) Filing Fee No Effect Determination Form, with the Los Angeles County Recorder (Attachment 2 of the agenda report); and

(4) Direct the City Attorney to prepare an ordinance amending the official zoning map of the City of Pasadena within 30 days.

Recommendation of Planning Commission: Following the public hearing at the Planning Commission meeting of December 9, 2009, the Planning Commission unanimously recommended approval of the proposed zone change from RM-48 (Multi-Family Residential, 48 dwelling units/net acre) to PS

(Public and Semi-Public) for the property at 391 South Wilson Avenue.

The Mayor opened the public hearing.

The City Clerk reported 21 copies of the notice of public hearing were posted on January 14, 2010; 498 copies of the notice were mailed on January 14, 2010; and no correspondence was received.

Hall Daily, Caltech Assistant Vice President of Government and Community Relations, spoke in support of the zone change.

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

It was moved by Councilmember Tornek, seconded by Councilmember Holden, to approve the staff recommendation. (Motion unanimously carried) (Absent: Councilmember McAustin)

PUBLIC HEARING: ADOPTION OF THE INITIAL STUDY AND APPROVAL OF THE HAHAMONGNA WATERSHED PARK MASTER PLAN ADDENDUM FOR THE HAHAMONGNA ANNEX

Recommendation: It is recommended that the City Council:
(1) Find that no additional significant environmental effects will result from adoption of the Hahamongna Watershed Park (HWP) Master Plan Addendum that were not already analyzed in the Arroyo Seco Master EIR (Master EIR), no new additional mitigation measures or alternatives are required; the Addendum is within the scope of the Master EIR, all feasible and appropriate mitigation measures and alternatives set forth in the Master EIR have been applied; no substantial changes have occurred with respect to the circumstances under which the Master EIR was certified and there is no new available information which was not known and could not have been known at the time the Master EIR was certified; and adopt the Initial Study as modified (Exhibit A of the agenda report), pursuant to State California Environmental Quality Act (CEQA) Guidelines, Article 11.5 (Master EIRs) for the HWP Master Plan Addendum for the Hahamongna Annex; and
(2) Adopt an Amendment to the HWP Master Plan, thereby approving the HWP Master Plan Addendum, as modified (Exhibit B of the agenda report).

Recommendation of Hahamongna Watershed Park Advisory Committee (HWPAC): On September 29, 2009, the HWPAC recommended their support to the City Council for the adoption of the Hahamongna Watershed Park Master Plan Addendum for the Hahamongna Annex.

Other recommendations from the HWPAC:

(1) After adoption of the Master Plan, the HWPAC shall reach out to knowledgeable entities on the management of similar

facilities to strengthen the vision and mission for the environmental education center;

(2) After adoption of the Master Plan, the HWPAC shall develop recommendations for a process to identify the appropriate structure for management and operation of the environmental education center;

(3) Study the area of the Annex currently zoned PD-16 for a possible rezoning as Open Space, consistent with the rest of the area and consistent with the Planning Commission recommendation;

(4) Bring the Master Conditional Use Permit (CUP) proposal before the HWPAC for review and comment prior to the Master CUP hearing for review and comment;

(5) Add HWP (including the Annex) to the Arroyo Seco Public Lands Ordinance (as per the Planning Commission recommendation);

(6) Make every effort to minimize tree removal in the Annex area (including non-natives, due to the loss of habitat in the Station Fire);

(7) Support the City proceeding with a 10 feet wide bikeway along the northern perimeter of the HWP Annex with a design that includes environmentally friendly paving, minimum grading, arroyo stone walls (where walls are needed) and landscape screening where possible;

(8) Support for the incorporation of the internal Annex equestrian/pedestrian trail (Solution No. 1), as recommended by the Design Commission (See Exhibit G of the agenda report);

(9) Support for the incorporation of the internal Annex equestrian/pedestrian trail (Solution No. 2), as recommended by the Design Commission (See Exhibit H of the agenda report); and

(10) Support the remainder of the staff recommendations in the September 29, 2009 staff report, such that they do not conflict with the aforementioned recommendations.

Recommendation of Planning Commission: On September 9, 2009, the Planning Commission recommended their support to the City Council for the adoption of the draft Master Plan Addendum and the Initial Study.

Other recommendations from the Planning Commission:

(1) Modify the Recreational Trail Greenway to reflect a bikeway, not more than 10 feet in width, and delete the proposed pedestrian/equestrian trail;

(2) Consider updating the Arroyo Seco Public Lands ordinance to include the Hahamongna Annex;

(3) Provide further project-level environmental review of the "projects of concern" as set forth in the letter dated August 3, 2009 (Exhibit I of the agenda report), if and when those projects become reasonably foreseeable construction projects; and

(4) Further address the PD-16 issue, including the consideration of a zone change to the subject PD-16 parcel within the Annex.

Recommendation of Design Commission: On September 14, 2009, the Design Commission recommended

their support to the City Council for the adoption of the draft Master Plan Addendum.

Other recommendations from the Design Commission:

- (1) Include a combination of trail solutions one and two, as suggested by the Friends of Hahamongna (FOH) (See Exhibits G and H of the agenda report);
- (2) Consider incorporating a landscape barrier along the bikeway to improve the aesthetics along the northern edge of the bikeway; and
- (3) Support for consideration of the use of "granular stone" on the bikeway surface, at the project level, and as described by Friends of Hahamongna in the "Trails for the 21st Century".

Recommendation of Transportation Advisory Commission:
(Response to staff Information Item) On September 3, 2009, the Transportation Advisory Commission recommended their support to the City Council for the adoption on the draft Master Plan Addendum and the Initial Study.

Other recommendations from the Transportation Advisory Commission:

- (1) Design the bikeway/trail in a manner that does not lend itself to becoming a road.

The Mayor opened the public hearing.

The City Clerk reported the notice of public hearing was published on January 18 and 21, 2010 in the Pasadena Star-News; and 12 letters from persons or organizations in opposition to, or expressing various concerns regarding, the Hahamongna Watershed Park (HWP) Master Plan Addendum were received.

Martin Pastucha, Director of Public Works Department, introduced the agenda item; clarified that the recommendations from the various advisory bodies pertained mainly to processes to be followed once the HWP Master Plan Addendum has been adopted, and could be incorporated by staff when specific projects are recommended in the future; and responded to questions.

Rosa Laveaga, Arroyo Seco Project Supervisor, reviewed the agenda report as part of a PowerPoint presentation and responded to questions.

John Bellas, Willdan Associates (City's environmental consultant), reviewed the environmental review process for the Annex area as part of a PowerPoint presentation, and responded to questions.

The City Attorney responded to questions regarding inclusion of land uses for the Annex area under the umbrella of the Hahamongna Watershed Park Master Plan and Arroyo Seco Master Environmental Impact Report (Master EIR).

Theresa Fuentes, Assistant City Attorney, clarified that an amendment to the Master Plan Addendum might be required in the future if a proposed project in the Annex area does not fall under the land uses to be adopted by Council as part of the above staff recommendation.

Loren Pluth, Project Manager for Parks-Landscaping, responded to questions regarding the proposed recreational bikeway and standards for bikeways.

The following persons spoke in support of various components of the proposed HWP Master Plan Addendum:

Chip Rittenhouse, Move a Child Higher (MACH 1) member
Melissa Musson, MACH 1 member
Erin Kelly, MACH 1 member
Julie Unamuno, Rose Bowl Riders member
John Flanders, MACH 1 member
George Fatherree, MACH 1 member
Don Fedde, MACH 1 member, submitted letter from Elizabeth Blanco, MACH 1 member, in support of the Addendum.
Don Bremner, Pasadena resident
Tim Wendler, Hahamongna Watershed Park Advisory Committee (HWPAC) Chair
Wade Hanniball, MACH 1 member speaking as an individual
Dale Trader, Pasadena resident
Katherine Ginzton, Rose Bowl Riders member
Emina Darakjy, Urban Forestry Advisory Committee (UFAC) member speaking as an individual

The following persons spoke in opposition to and/or expressed concerns regarding various components of the proposed HWP Master Plan Addendum:

Douglas Larner, Pasadena resident
Laurie Barlow, Pasadena resident
Joan Hearst, West Pasadena Residents Association Board member
Lori Paul, Pasadena resident
John Poer, Pasadena Beautiful Foundation Board member
Mary Barrie, Friends of Hahamongna (FOH) member, submitted a list of the FOH recommendations for the HWP Master Plan Addendum.
Elizabeth Bour, FOH member
Nina Chomsky, FOH member
Amy Minter, Chatten-Brown & Carstens (legal counsel representing FOH)
Gregg McPhee, spoke on behalf of Craig Sherman, legal counsel for Spirit of the Sage Council; and submitted a letter to the City Council from Mr. Sherman dated January 24, 2010 regarding potential breaches of the settlement agreement between the City and the Spirit of

the Sage Council.
Louise Steiner, Santa Monica resident
Alice Mouradian, Santa Monica resident
Cosmo Bua, Santa Monica resident
Gillian Ware, Santa Monica resident
Edward Stork, FOH member
Ericka Lozano, Pasadena resident
Hugh Bowles, Hahamongna Watchdog Group
representative
Laura Garrett, Pasadena Audubon Society Conservation
Chair
Dorothy Wong, Altadena resident
Bill Urban, Pasadena resident
Mark Hunter, La Canada resident
Marietta Kruells, FOH member
Kathi Ellsworth, Pasadena Audubon Society member
Randy Strapazon, FOH member

Emily Stork, HWPAC member speaking as an individual, expressed concerns regarding the advisory review process.

The City Manager noted that numerous public meetings had been held to present and discuss the HWP Master Plan Addendum, the Addendum does not include project/development entitlements, the bikeway had evolved during the review process, and the City's tree removal process will be followed in the Annex.

Ms. Laveaga, responded to concerns/questions regarding the evolution of the proposed bikeway, the location of trail hubs, the application of the City's tree removal process to the Annex area, outreach to and participation by Native American groups in the Master Plan Addendum review process and for future projects in the Annex, and HWPAC's role in the design and implementation of the HWP Master Plan Addendum

Mr. Pastucha responded to questions regarding the connectivity of the various trails for different types of users, and the process for implementing the proposed bikeway project; noted that staff had no objections to inclusion of the Annex area in the Arroyo Seco Public Lands ordinance and to rezoning the PD-16 area as Open Space; and clarified that a Master Conditional Use Permit (CUP) process is not part of the staff recommendation.

Ms. Fuentes responded to questions regarding the Initial Study (IS) and inclusion of the Station Fire's impacts on the Annex as part of the IS, and the California Environmental Quality Act (CEQA) process followed by the City for the Annex area.

Councilmember Tornek asked that the various advisory body recommendations be included as part of Council's approval of the HWP Master Plan Addendum, with the following amendments:

Hahamongna Watershed Park Advisory Committee:

- (1) After adoption of the Master Plan, the staff and HWPAC shall reach out ...;
- (2) After adoption of the Master Plan, the staff and HWPAC shall develop recommendations ...;
- (4) Bring the ~~Master~~ 'multi-tenant' Conditional Use Permit (CUP) proposals before the HWPAC for review and comment prior to the ~~Master~~ CUP hearing for review and comment;
- ~~(9) Support for the incorporation of the internal Annex equestrian/pedestrian trail (Solution No. 2), as recommended by the Design Commission (See Exhibit H of the agenda report); (deleted)~~

Design Commission:

- ~~(1) Include a combination of trail solutions one and two, as suggested by the Friends of Hahamongna (FOH) (See Exhibits G and H of the agenda report);~~

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

The Mayor suggested that, because of the complexity of this matter and the proposed inclusion of the various advisory body recommendations (with amendments), the staff return to Council in 2-3 weeks with a refined statement of all of the components of what is being adopted by the Council. This would allow staff (including the City Attorney) to review the action and make minor changes in the wording to ensure a clear understanding and statement of this action.

Following discussion, it was moved by Councilmember Robinson, seconded by Councilmember Tornek, to approve the staff recommendation; to include the advisory bodies' recommendations, as amended by Councilmember Tornek's comments cited above, with the understanding that the advisory bodies' recommendations will serve as guidelines for future implementation of the Hahamongna Watershed Park Master Plan Addendum; to affirm the last sentence in the Analysis of Park Road Extension section of the agenda report – "The road and use of parking lot are no longer a part of the plan."; to direct staff to conduct a careful study and analysis of the confluence of the pedestrian way and the bicycle path at the northern edge of the Annex area; and to direct staff to return to Council within 2-3 weeks with a refined statement of what is being approved by Council in this action. (Motion unanimously carried) (Absent: Councilmember McAustin)

Councilmember Robinson thanked staff, the HWPAC, and the community for their work on the proposed HWP Master Plan Addendum over the years.

RECOMMENDATIONS OF OFFICERS AND DEPARTMENTS

RESIGNATION OF MIC HANSEN FROM THE HISTORIC PRESERVATION COMMISSION (District 6 Nomination)

It was moved by Councilmember Madison, seconded by Councilmember Haderlein, to accept the above resignation with regrets. (Motion unanimously carried) (Absent: Councilmember McAustin)

APPOINTMENT OF JULIANNE WORRELL TO THE SOUTH LAKE PARKING PLACE COMMISSION (At Large/District 7 Nomination)

The Mayor announced that the above appointment was removed from the agenda, with the appointment to be scheduled for a future Council meeting.

CREATION OF AN INFORMATION TECHNOLOGY DEPARTMENT

Recommendation:

- (1) Introduce and conduct first reading of an Ordinance to amend the Pasadena Municipal Code to create the Department of Information Technology (listed separately on the Agenda);
- (2) Authorize the City Manager to enter into a contract without competitive bidding pursuant to City Charter Section 1002(F), contracts for professional or unique services with Neff Consulting, to provide services for an Interim Chief Information Officer for an amount not to exceed \$177,000 for a period of one year; and
- (3) It is further recommended that the City Council grant the proposed contract an exemption from the Competitive Selection process of the Competitive Bidding and Purchasing Ordinance, Pasadena Municipal Code Chapter 4.08, pursuant to Section 4.08.049(B), contracts for which the City's best interest are served. (Contract No. 20,219)

Conduct first reading of "AN ORDINANCE OF THE CITY COUNCIL OF CITY OF PASADENA AMENDING PASADENA MUNICIPAL CODE TITLE 2, CHAPTER 2.40, CITY MANAGER'S DEPARTMENT; ADDING A NEW CHAPTER 2.290 TO CREATE THE DEPARTMENT OF INFORMATION TECHNOLOGY; AND AMENDING CHAPTER 2.267 TO RE-NAME THE DEPARTMENT OF INFORMATION SERVICES TO THE DEPARTMENT OF LIBRARIES AND INFORMATION SERVICES"

The above agenda item and first reading of the ordinance were discussed concurrently.

The City Manager reviewed the agenda report as part of a PowerPoint presentation and responded to questions.

The City Attorney clarified the selection process to be used for the Interim Chief Executive Officer (CIO) position vs. the selection process to be used for hiring the permanent CIO position.

Discussion followed on the competitive selection process to be utilized in filling the permanent position of the Chief Information Officer (CIO).

Councilmembers Holden and Robinson expressed concerns regarding the proposed Interim CIO being given an opportunity to apply for the permanent CIO position.

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

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

NOES: None

ABSENT: Councilmember McAustin

It was moved by Vice Mayor Gordo, seconded by Councilmember Madison, to approve staff Recommendation Nos. 2 and 3. (Motion carried, with Councilmembers Holden, Robinson objecting) (Absent: Councilmember McAustin)

PUBLIC COMMENT

(Continued)

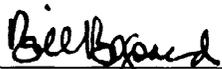
Reverend C. R. Tillman, Pasadena resident, expressed concerns regarding the conduct of a City employee, and submitted a partial copy of Notice of 170.3/11 regarding Case No. BC 413887, a lawsuit involving Jon Brookhart and the City.

M. King, Altadena resident, asked if the various countries' flags in the Council Chamber were displayed as part of a contractual obligation.

The Mayor noted that the country flags of the City's five sister cities were displayed as part of a long-standing tradition, not a contractual obligation.

ADJOURNMENT

On order of the Mayor, the regular meeting of the City Council adjourned at 11:47 p.m.



Bill Bogaard, Mayor
City of Pasadena

ATTEST:



City Clerk