

CITY OF PASADENA  
City Council Minutes  
March 8, 2010 – 5:30 P.M.  
City Hall Council Chamber

REGULAR MEETING

**OPENING:**

Mayor Bogaard called the regular meeting to order at 5:45 p.m.  
(Absent: Councilmembers Madison, Robinson)

On order of the Mayor, the regular meeting recessed at 5:45 p.m., to discuss the following closed sessions:

Councilmember Madison arrived at 5:51 p.m.

Councilmember Robinson arrived at 5:54 p.m.

**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 Steve Mermell**

**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.

**CITY COUNCIL CONFERENCE WITH LEGAL COUNSEL REGARDING ANTICIPATED LITIGATION - significant exposure to litigation pursuant to Government Code Section 54956.9(c): Three potential cases**

Two of the potential anticipated litigation cases were discussed, with no reportable action at this time. One potential anticipated litigation case was not discussed.

On order of the Mayor, the regular meeting reconvened at 6:38 p.m. The Pledge of Allegiance was led by Vice Mayor Gordo.

**ROLL CALL:**

Councilmembers:

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

Staff:

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

**CEREMONIAL MATTERS**

The City Manager introduced Dianah Neff, Interim Director of Information Technology Department.

The City Clerk administered the oath office to Dr. Myra Martin Booker as Transportation Advisory Commissioner.

Earl Bradley, Tournament of Roses Student Ambassador Committee Chair, described the Student Ambassador program and volunteer services provided by the students during the 2010 Rose Parade and related activities; and acknowledged the group of student ambassadors who were present.

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

Brian Biery, Flintridge Operating Foundation Director of Community Organizing, reported on the successful completion of the Pasadena/Altadena Apprenticeship Preparation Program by five Pasadena/Altadena residents, who will become union members and be hired by the lead contractor on the construction of the Blair Middle School project, and thanked various community partners that had contributed to make this possible.

Barbara Nanney, Pasadena resident, encouraged the City to pursue Google's fiber Internet connectivity network project competition, and submitted her written comments on the project.

The City Manager indicated that staff was looking into submitting a proposal for the Google project competition.

Mike Ten, City of South Pasadena Council Member, asked for the City Council's support in his bid to be elected as the Second Vice President for the Southern California Association of Governments (SCAG) Regional Council.

Kris Ockershauser, Pasadena resident, asked the Council and City Manager to re-consider the City's position in not releasing the names of the panel members who will be interviewing candidates for the Chief of Police's position.

The City Manager discussed his decision to keep private the names of the interview screening committee, and noted that the screening committee members' names will be released when the preliminary interviews are completed. He also noted that information gathered from various community meetings/the City's website on what attributes the public wants in a Police Chief and issues that need to be addressed by the Police Chief have been provided to the interview screening committee for their use during the process.

Pastor Joseph Martin, Pasadena resident, expressed concerns regarding several actions the City has taken that seem to discourage the construction of granny flats/second units,

contrary to Assembly Bill 1866 – Second Unit Law, and the impacts of these actions on the production of affordable housing in the City.

Jill Shook, Pasadena resident, asked the City to examine current restrictions that are inhibiting the construction of second units during the public discussion process for the General Plan update.

Councilmember Tornek noted that the City's second unit ordinance was called out for review in the Housing Element.

The City Manager indicated staff would follow up on the progress of the second unit ordinance review, and provide Council with an update on the schedule of this review in his weekly newsletter.

## **CONSENT CALENDAR**

### **CONTRACTS WITH PERRY C. THOMAS CONSTRUCTION, INC., AND HERMAN WEISSKER, INC., FOR THE REPAIR AND RESTORATION OF ELECTRICAL VAULTS FOR THE WATER AND POWER DEPARTMENT**

#### **Recommendation:**

(1) Find that the project is exempt from the California Environmental Quality Act (CEQA), pursuant to the State CEQA Guidelines Section 15302 (Replacement or Reconstruction);

(2) Accept the bid dated February 2, 2010, submitted by Perry C. Thomas Construction, Inc., in response to Specifications LD-09-20, Items I and IV, to provide labor and materials to repair and restore reinforced concrete electrical vaults for the Water and Power Department; and authorize the City Manager to enter into a contract with Perry C. Thomas Construction Inc. for an amount not to exceed \$319,385, which includes the base amount of \$290,350 and a contingency of \$29,035 for any necessary change orders; and

(3) Accept the bid dated February 2, 2010 submitted by Herman Weissker, Inc., in response to Specifications LD-09-20, Items II and III, to provide labor and materials to repair and restore reinforced concrete electrical vaults for the Water and Power Department; reject all other bids; and authorize the City Manager to enter into a contract with Herman Weissker, Inc. for an amount not to exceed \$543,607, which includes the base amount of \$494,189 and a contingency of \$49,418 for any necessary change orders. (Contract Nos. 20,256 and 20,257)

### **APPROVAL OF FINAL VESTING TRACT MAP NO. 062132, BEING A 30-UNIT MIXED-USE CONDOMINIUM PROJECT CONSISTING OF 28 RESIDENTIAL AND TWO COMMERCIAL AIR PARCELS, AT 155 CORDOVA STREET**

#### **Recommendation:**

(1) Find that an Initial Environmental Study recommending a Negative Declaration was posted (as per California

Environmental Quality Act (CEQA) Guidelines Section 15074) and adopted by the Design Commission on August 26, 2004, for the final map proposed in the agenda report, and there are no changed circumstances or new information that would require further environmental review; and  
 (2) Adopt a resolution to approve Final Vesting Tract Map No. 062132; and authorize the City Clerk to execute the certificate on the map showing the City's approval of said map. (Resolution No. 9008)

**Recommendation of Hearing Officer:** The tentative map expired on January 25, 2007 and was re-approved for an additional year by the Hearing Officer on July 2, 2008. Senate Bill 1185, which became law on July 15, 2008, states that all active tentative maps that have been approved and have not expired as of July 15, 2008, shall be extended by 12 months, resulting in a new expiration date of July 2, 2010.

MINUTES APPROVED

February 15, 2010  
 February 16, 2010 (Joint meeting with PUSD)  
 February 22, 2010  
 March 1, 2010

CLAIMS RECEIVED AND FILED

Claim No. 11,064	Stacey Dunn	\$	Not stated
Claim No. 11,065	Grigor Davidagayan		513.88
Claim No. 11,066	Prestige Holdings		Not stated
Claim No. 11,067	Alisha Brown		970.62
Claim No. 11,068	Andres Ortez		250.00

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

**REPORTS AND COMMENTS FROM COUNCIL COMMITTEES**

PUBLIC SAFETY COMMITTEE

**PROPOSED COMMUNITY-BASED NON-PROFIT ORGANIZATION TO SERVE AS INSTITUTIONAL HOME AND CONVENER OF LOCAL VIOLENCE PREVENTION AND INTERVENTION PROVIDERS**

**Recommendation:** This report is for information only.

Councilmember Robinson, Chair of the City Council Ad Hoc Committee on Youth, Families and Neighborhoods, noted that this report was the culmination of years of work by the staff and community in discussing violence prevention and intervention and steps that can be taken to address these issues.

Councilmember Haderlein, Chair of the Public Safety Committee, introduced the agenda item.

Patsy Lane, Director of Human Services and Recreation Department, reviewed the agenda report and responded to questions.

The following persons spoke in support of the Flintridge Foundation:

Karen Evans, Five Acres Director of Program Development and 20/20 Initiative member  
Benjamin Sanchez, Day One youth advocate  
Christy Zamani, Day One Executive Director and 20/20 Initiative member  
Brian Biery, Flintridge Foundation Director of Community Organizing and 20/20 Initiative member

Councilmember Tornek was excused at 7:48 p.m.

The Mayor announced that the following persons had submitted public speaker cards and waived speaking in support of the Flintridge Foundation, which will be reflected in the public record: Victor Perez, Jessica Mendoza, Jaron Williams, Samuel Camarena, Steccie D. Davis, Jr., Christian Camarena, Christina Boothman, LaWayne Williams, Hector Escobedo, Tony Massengale, and Nicole Barnard.

It was moved by Councilmember Robinson, seconded by Councilmember Haderlein, that the City Council support the Public Safety Committee's endorsement of the selection of the Flintridge Foundation as the institutional home and convener of local violence prevention and intervention providers. (Motion unanimously carried) (Absent: Councilmember Tornek)

## **PUBLIC HEARING**

### **PUBLIC HEARING: ADOPT ZONING CODE AMENDMENTS TO ESTABLISH A PUBLIC ART REQUIREMENT IN NORTHWEST PASADENA AND REVISE PRIVATE DEVELOPMENT PUBLIC ART GUIDELINES TO ESTABLISH NEW APPLICABILITY THRESHOLDS FOR NORTHWEST PASADENA**

#### **Recommendation:**

- (1) Find that the proposed amendment is exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15061(b)(3) – General Rule;
- (2) Approve the proposed Zoning Code Amendments that will remove the Public Art Requirement exemption for projects in the Enterprise Zone Business Development Area (EZBDA), establish new applicability thresholds for the Northwest Community Plan Area and remove the exemptions for the redevelopment areas in the Northwest Community Plan Area;
- (3) Adopt the proposed changes to the Private Development Public Art Program Guidelines to establish new applicability threshold for Northwest Pasadena; and
- (4) Direct the City Attorney to draft an ordinance to Title 17 (the Zoning Code) and return within 60 days consistent with the provisions set forth in the agenda report.

**Recommendation of Arts and Culture Commission:** On July 7, 2009, the Arts and Culture Commission recommended that the City Council remove the Northwest Enterprise Zone public art exemption from the Public Art

Program's Guidelines for New Private Development. The Commission recommended approval of changes to the Private Development Public Art Program Guidelines at the special meeting of November 18, 2009. The revised guidelines would establish the applicability thresholds in Northwest Pasadena based on the application of the City's Public Art Requirement for Downtown and Old Pasadena Redevelopment Areas and the inclusion of Industrial projects.

**Recommendation of Planning Commission:**

On October 28, 2009, the Planning Commission unanimously recommended that the City Council approve the proposed Zoning Code amendments to remove the current public art exemption for private development in Northwest Pasadena and to establish new applicability thresholds that would apply to the Northwest Community Plan Area, including the redevelopment areas contained therein. The motion included an amendment to endorse the development of a new master public art plan to include policies that address the inequity of arts and culture projects in various Pasadena neighborhoods particularly in the Northwest.

**Recommendation of Northwest Commission, Fair Oaks Avenue Project Area Committee and Lincoln Avenue Project Area Committee (PACs):**

On January 27, 2010, the Fair Oaks Avenue and Lincoln Avenue PACs also recommended that Council approve the staff recommendation to remove the Public Art Program exemption for Northwest Pasadena. Their recommendation also included support for the proposed Public Art Master Plan to prioritize public art development in the Northwest Pasadena area. On February 11, 2010, the Northwest Commission took similar action.

The Mayor opened the public hearing.

Councilmember Tornek returned at 7:51 p.m.

The City Clerk reported the notice of public hearing was published on February 15, 2010 in the Pasadena Star-News and on February 18 and 25, 2010 in the Pasadena Journal; and no correspondence was received.

Charles Nelson, Northwest Commission Chair, spoke in support of the Northwest Commission and staff recommendations.

Rochelle Branch, Cultural Affairs Manager, discussed the Public Art Master Plan that is being developed and will be presented to Council in the future, and the (capital) public art requirement for commercial developments; and responded to questions.

The City Manager clarified that it would be appropriate to include in the Public Art Master Plan a component/policy that would prioritize public art development in Northwest Pasadena.

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

It was moved by Councilmember Holden, seconded by Vice Mayor Gordo, to approve the staff recommendation. (Motion unanimously carried) (Absent: None)

**INFORMATION ITEM**

**DRAFT GENERAL PLAN OUTREACH SUMMARY REPORT**  
**Recommendation:** This report is presented for information only.

Jason Mikaelian, Senior Planner, reviewed the agenda report as part of a PowerPoint presentation and responded to questions.

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

**RECOMMENDATIONS FROM OFFICERS AND DEPARTMENTS**

**RESTATEMENT OF THE GUIDELINES FOR STAFF REGARDING THE HAHAMONGNA WATERSHED PARK MASTER PLAN ADDENDUM FOR THE HAHAMONGNA ANNEX**

**Recommendation:** It is recommended that the City Council approve the following restatement of the guidelines for staff regarding the Hahamongna Watershed Park (HWP) Master Plan Addendum for the Hahamongna Annex, which is a compilation of the recommendations from the various advisory bodies that provided comments on the Addendum and which have been modified to reflect City Council actions:

- (1) After adoption of the Master Plan, the Hahamongna Watershed Park Advisory Committee (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, City staff shall develop recommendations for the appropriate structure for management and operation of the environmental education center and present to the HWPAC for review and comment;
- (3) Planning Department Staff shall 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) Staff shall present all Conditional Use Permit (CUP) proposals before the HWPAC for review and comment prior to the CUP hearing;
- (5) Staff shall prepare a proposal for City Council consideration to add HWP (including the Annex) to the Arroyo Seco Public Lands Ordinance;
- (6) Staff will 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) Staff shall prepare a design for a 10 foot wide (maximum)

bikeway only along the northern perimeter of the HWP Annex with a design that includes environmentally friendly paving, does not lend itself to becoming a road, minimum grading, arroyo stone walls (where walls are needed) and landscape screening where possible; and  
(8) Staff shall provide further project-level environmental review when any proposed project becomes a reasonably foreseeable construction project.

The following persons asked for clarification or expressed concerns regarding the restated guidelines and/or the Notice of Determination filed by the City regarding the Hahamongna Watershed Park Master Plan Addendum for Hahamongna Annex:

Marietta Kruells, Friends of Hahamongna (FOH) member  
Nina Chomsky, FOH member  
Mary Barrie, FOH Executive Director, submitted a letter from Amy Minter, Chatten-Brown & Carstens to Rosa Laveaga, Department of Public Works dated March 2, 2010.

The Mayor indicated that the record on this matter is complete, and that his intention at the meeting of February 1, 2010 was to assure that any inconsistencies or grammatical mistakes of a minor nature would be corrected in this post-action review, but that nothing of a substantive nature would be changed or affected by the action between the last meeting's consideration of the matter and this meeting.

The City Attorney confirmed that final action on this matter was taken at the Council meeting of February 1, 2010.

The City Manager indicated that staff defines the guidelines as instructions from the City Council, which will be reviewed by the appropriate advisory bodies as the individual projects move forward.

Councilmember Tornek stated that the staff has accurately conveyed the guidelines/instructions given by Council at the February 1st meeting, which are to be implemented as a part of the Hahamongna Watershed Park Master Plan Addendum.

Following discussion, it was moved by Councilmember Tornek, seconded by Councilmember Robinson, to approve the staff recommendation. (Motion unanimously carried) (Absent: None)

**REPORTS AND COMMENTS  
FROM COUNCIL  
COMMITTEES**

**REPORT ON POTENTIAL RENOVATION OF EXISTING ICE RINK FACILITY AND ALTERNATIVES TO PROVIDE AN ICE SKATING FACILITY**



**Recommendation of City Manager and PCOC Chief Executive Officer:**

(1) Direct staff to develop a transition plan to close down the ice skating rink currently located at the Pasadena Convention Center; and

(2) Direct staff to study the feasibility of converting the existing stressed membrane structure at the convention center to a new ice rink facility including the verification of construction cost estimates and constructability, as well as a financing plan and operating proforma and present a recommended strategy for operation and management of the ice rink.

**Recommendation of Pasadena Center Operating Company:**

On February 24, 2010, the Pasadena Center Operating Company recommended that the City Council accept the Stevens Engineering firm's review and evaluation of the existing ice rink facility located in the historic ballroom and approve the concept of exploring a potential reestablishment of a full-sheet ice rink in the PCOC Pavilion.

The Mayor introduced the agenda item.

Richard Schammel, Pasadena Center Operating Company (PCOC) Chair, highlighted the preliminary ice skating rink studies that had been performed for PCOC, noted that the PCOC Board was not offering a recommendation on the conversion of the existing stressed membrane structure (East Pavilion) at this time, and responded to questions.

Michael Ross, PCOC Chief Executive Officer, reviewed the agenda report and responded to questions.

The City Manager responded to questions regarding the fiscal impacts of the proposed feasibility study and an alternative ice rink on the City.

Councilmember Holden, Chair of the Finance Committee, reported that this item was reviewed by the Finance Committee and is being presented to Council without a recommendation from the Committee.

Discussion followed on issues involving the current ice rink facility, the option to convert the East Pavilion to a new ice rink facility, alternative site locations in the City for an ice rink facility, and the scope of the feasibility study.

Councilmember Haderlein stated his opposition to the staff recommendation and pursuing the conversion of the existing East Pavilion, and his continued support of the proposed ice skating facility project to be located in East Pasadena that was not approved by Council in September 2009.

Vice Mayor Gordo suggested that the ice skating community be engaged in the interim solution for providing an ice skating facility; and also be engaged in a permanent solution for building an ice skating facility to the extent that the ice skating community will be there to assist with the necessary fundraising.

Annette Nicole, Pasadena resident, questioned the need to relocate the ice skating rink.

Following discussion, it was moved by Councilmember McAustin, seconded by Councilmember Holden, to approve the staff recommendation. (Motion carried, with Councilmember Haderlein objecting) (Absent: None)

PUBLIC SAFETY  
COMMITTEE

**AMENDMENT TO TOBACCO USE PREVENTION ORDINANCE TO REMOVE THE SMOKING EXEMPTION FOR THE CLUBHOUSE PATIO AT BROOKSIDE PARK GOLF COURSE**

**Recommendation:** It is recommended that the City Council direct the City Attorney to amend the Tobacco Use Prevention Ordinance, Pasadena Municipal Code Section 8.78.051 (Prohibition of Smoking in Public Parks) to remove the smoking exemption for the Brookside Clubhouse patio.

Councilmember Haderlein, Chair of the Public Safety Committee, introduced the agenda item, and noted that the Public Safety Committee is currently reviewing the issue of prohibiting smoking in multi-unit housing.

Heidi Petersen-Leach, Public Health Department Deputy Director, responded to questions regarding the Clubhouse area affected by the proposed Pasadena Municipal Code (PMC) amendment.

Vice Mayor Gordo suggested inclusion of the area around the Starter shop as a nonsmoking area.

Nancy Nelson, Pasadena resident, spoke in support of smoking bans in the entire golf course area, as well as in multi-family buildings.

Following discussion, it was moved by Vice Mayor Gordo, seconded by Councilmember Haderlein, to approve the staff recommendation, as amended to include the cart path area from the western edge of the cart path, including the Starter shop, and extending to the north terminus of the meeting room patio area, as part of the area to be removed from the smoking exemption. (Motion unanimously carried) (Absent: None)

FINANCE COMMITTEE

Councilmember Holden was excused at 9:22 p.m.

**QUARTERLY INVESTMENT REPORT, QUARTER ENDING DECEMBER 31, 2009**

**Recommendation:** This report is for information purposes only.

Vic Erganian, Deputy Director of Finance Department/City Treasurer, summarized the agenda report.

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

**RECOMMENDATIONS FROM OFFICERS AND DEPARTMENTS**

**RESIGNATION OF CAROLYN MEREDITH FROM THE ENVIRONMENTAL ADVISORY COMMISSION (District 2 Nomination)**

It was moved by Councilmember McAustin, seconded by Vice Mayor Gordo, to accept the above resignation with regrets. (Motion unanimously carried) (Absent: Councilmember Holden)

**ORDINANCES – FIRST READING**

**Conduct first reading of “AN ORDINANCE OF THE CITY OF PASADENA AMENDING VARIOUS PROVISIONS OF TITLE 8 (HEALTH AND SAFETY) AND TITLE 17 (THE ZONING CODE), RELATED TO THE PROTECTION OF TREES”**

Councilmember Holden returned at 9:25 p.m.

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

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

NOES: None

ABSENT: None

**Conduct first reading of “AN ORDINANCE AMENDING CHAPTER 2.175 OF THE PASADENA MUNICIPAL CODE TO CREATE A MEMBERSHIP QUALIFICATION FOR TENANT REPRESENTATIVES TO THE ROSE BOWL OPERATING COMPANY”**

The City Attorney noted that Council had directed the preparation of this ordinance at the request of the Rose Bowl Operating Company Board.

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

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

NOES: None

ABSENT: None

**ORDINANCE – ADOPTED**

**Adopt “AN ORDINANCE OF THE CITY OF PASADENA AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF PASADENA ESTABLISHED BY SECTION 17.20.020 OF THE**

**PASADENA MUNICIPAL CODE FOR THE PARCEL AT 391 SOUTH WILSON AVENUE” (Caltech Master Plan) (Introduced by Councilmember Tornek) (Ordinance No. 7183)**

The above ordinance was adopted by the following vote:

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

NOES: None

ABSENT: None

**PUBLIC COMMENT**

(Continued)

Martin Gordon, American Civil Liberties Union (ACLU) Pasadena/Foothills Chapter member, expressed his condolences to the family of the 17 year old young man who was killed in the City this past weekend, expressed concerns regarding the need for transparency in local government, and asked that the City Manager release to the public the names of the preliminary interview panel members for the Police Chief's position.

Nancy Nelson, Pasadena resident, invited the community to an Eco-Community Dialogue program on building a postconsumer movement with featured speaker Carol Holst, to be held on March 24, 2010 in the Central Library; and provided email contact information for Bruce Raynor and Beth Liberty (speakers from the February Dialogue program on the need for sustainable practices involving mass participation events).

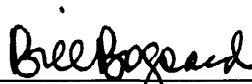
**COUNCIL COMMENTS**

Councilmember Holden asked the City Manager to re-consider his decision to not release the names of the interview panel members for the Police Chief's position.

Vice Mayor Gordo congratulated the Rose Bowl Operating Company and City for hosting a successful exhibition soccer game between the Mexico National Team and New Zealand at the Rose Bowl on March 3, 2010.

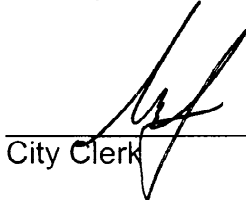
**ADJOURNMENT**

On order of the Mayor, the regular meeting of the City Council adjourned at 9:37 p.m.



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

ATTEST:

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