

CITY OF PASADENA
City Council Minutes
August 6, 2012 – 5:30 P.M.
City Hall Council Chamber

REGULAR MEETING

OPENING:

Mayor Bogaard called the regular meeting to order at 5:48 p.m.
(Absent: Councilmember Gordo)

On order of the Mayor, the regular meeting recessed at 5:48 p.m., to discuss the following closed sessions:

CITY COUNCIL CONFERENCE WITH LEGAL COUNSEL REGARDING PENDING LITIGATION pursuant to Government Code Section 54956.9(a)

Name of Case: Kenneth McDade, et al v. City of Pasadena, et al.

Case No.: U.S. District Court No. CV12-2892 DMG (FMOx)

CITY COUNCIL CONFERENCE WITH LABOR NEGOTIATORS pursuant to Government Code Section 54957.6

Agency Designated Representatives: Julie Gutierrez, Michael J. Beck

Employee Organizations: Pasadena Fire Fighters Association (PFFA), Local 809 and Pasadena Firefighters Management Association (PFMA)

Councilmember Gordo arrived at 6:16 p.m.

The above two closed session items were discussed, with no reportable action at this time.

On order of the Mayor, the regular meeting reconvened at 6:52 p.m. The Pledge of Allegiance was led by Councilmember Holden.

ROLL CALL:

Councilmembers:

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

Staff:

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

CEREMONIAL MATTERS

Vice Mayor McAustin congratulated the Jet Propulsion Laboratory (JPL) and NASA for the successful landing of the new land rover Curiosity on the surface of Mars.

The City Clerk administered the oaths of office to Blair Miller as Transportation Advisory Commissioner and Felicia Williams as member of the Pasadena Center Operating Company Board.

Delores Gibbs, Accessibility and Disability Commission Chair, and Thelma Johnson, former Commission Chair, presented a short excerpt of a video on disaster preparedness, which was developed and enhanced for residents affected by disability and accessibility issues. Lisa Derderian, the City's Emergency Management Coordinator, and Sue Clark, 2006 Leadership Pasadena Team member, thanked the participants who assisted with the development of the video.

The Mayor presented a certificate of commendation to Thelma Johnson for her contributions to this video project and the services she performed during her two terms on the Accessibility and Disability Commission.

Jackie Scott, Adaptive Recreation Program Specialist, provided a PowerPoint presentation highlighting the current "Ugly Duckling" art exhibition being shown at the Armory Center for the Arts, representing the 10th anniversary of this adult art program associated with the City's Adaptive Recreation Program; thanked various persons/organizations who contributed to the art program; and submitted informational material on the exhibit.

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

The Mayor announced that the SR-710 Freeway extension project matter has been agendaized as part of a special meeting of the City Council to be held on August 13, 2012 at the Pasadena Conference Center. He clarified that Metro is the decision-making body that will determine the alternatives selected for the environmental study for the project, and encouraged the public to attend the community meetings scheduled by Metro and voice their concerns/opposition involving the proposed project at those meetings.

The City Clerk announced that Metro/Caltrans has changed the local venue for their SR-710 Study Environmental Phase community meeting to be held on August 8, 2012, which will now be held at the Pasadena Scottish Rite Center.

The following persons stated their opposition to the SR-710 Freeway extension project as proposed, and asked for the City's assistance in formally opposing the project:

Weston DeWalt, Pasadena resident, submitted a handout with a chronology of events involving the SR-710 Freeway proposed extension alternatives
Lorig Mushegain, Pasadena resident
Sylvia Plummer, Pasadena resident, submitted a draft resolution regarding the SR-710 Freeway extension

proposals for the City Council's consideration
Josh Segal, Pasadena resident
Dr. Nanette de Fuentes, Los Angeles resident
Frank Fraley, Pasadena resident
Dean Stringfellow, Pasadena resident
Dale Paterson, Pasadena resident
Fred Dagher, Pasadena resident
David Edwards, Pasadena resident
Terry Krupczak, Pasadena resident
Adrienne C. Thomas, Pasadena resident
Nancy Youngblut, Pasadena resident
Ann-Marie Villicana, former City Councilmember
Ron Flores, Pasadena resident
G.D. "Stan" Stanislawski, Pasadena resident
Tom Savio, Pasadena resident
Jeff Bennett, Pasadena resident
Rhonda Dagher, Pasadena resident

CONSENT CALENDAR

CONTRACT AWARD TO SULLY-MILLER CONTRACTING COMPANY FOR IMPROVEMENT OF LINCOLN AVENUE FROM FOREST AVENUE TO NORTH CITY LIMIT FOR AN AMOUNT NOT TO EXCEED \$1,500,000

Recommendation:

(1) Find that, on February 28, 2012 the project proposed was found to be categorically exempt under the California Environmental Quality Act (CEQA) Guidelines in Section 15301(c), existing facilities, of the California Code of Regulations, Title 14, Chapter 3. This exemption includes minor alterations involving negligible expansion of use beyond that previously existing, and there are no changed circumstances or new information which would require further environmental review; and

(2) Accept the bid dated July 11, 2012 submitted by Sully-Miller Contracting Company, in response to the Project Specifications for Improvement of Lincoln Avenue from Forest Avenue to North City Line, reject all other bids received, and authorize the City Manager to enter into such contract as is required for an amount not to exceed \$1,500,000. (Contract No. 21,145)

CONTRACT AWARD TO SULLY-MILLER CONTRACTING COMPANY FOR PREVENTIVE MAINTENANCE OF STREETS – 2012 IN THE CITY OF PASADENA FOR AN AMOUNT NOT TO EXCEED \$1,280,000

Recommendation:

(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 Resources Agency, and a Notice of Exemption for the project has been filed with the Los Angeles County Clerk on April 2, 2012; and

(2) Accept the bid dated July 18, 2012 submitted by

Sully-Miller Contracting Company, in response to the Project Specifications for the Preventive Maintenance of Streets – 2012 in the City of Pasadena, reject all other bids received, and authorize the City Manager to enter into such contract as is required for an amount not to exceed \$1,280,000. (Contract No. 21,146)

RESOLUTION APPROVING PROGRAM SUPPLEMENT AGREEMENT 088-N TO ADMINISTER AGENCY-STATE AGREEMENT 07-5064R FOR PRELIMINARY ENGINEERING OF LINCOLN AVENUE PROJECT BETWEEN IDAHO STREET AND WASHINGTON BOULEVARD, FEDERAL-AID PROJECT NO. SRTSL-5064(071)

Recommendation: Adopt a resolution approving a Program Supplement Agreement to Administer Agency-State Agreement 07-5064R between the City of Pasadena and the State of California, for State reimbursement of costs for the Preliminary Engineering of Lincoln Avenue Project between Idaho Street and Washington Boulevard, Federal-Aid Project No. SRTSL-5064(071), Program Supplement Agreement No. 088-N. (Resolution No. 9222; Agreement Amendment No. 16,298-38)

CONTINUED ADHERENCE TO THE RALPH M. BROWN ACT

Recommendation: It is recommended that the City Council and all City commissions, operating companies, and other bodies subject to the Ralph M. Brown Act continue to adhere to all of the provisions despite the State's decision to suspend its requirements for fiscal reasons.

AUTHORIZATION TO ENTER INTO A CONTRACT WITH P.T.I. SAND & GRAVEL, INC. AND LOGANS MARKETING TO FURNISH AND DELIVER ROCK, BITUMINOUS, AND CONCRETE MATERIALS IN AN AMOUNT NOT TO EXCEED \$479,200 PER YEAR (SPECIFICATIONS WD-12-04)

Recommendation:

- (1) Find that the project is exempt from the California Environmental Quality Act (CEQA), pursuant to State CEQA Guidelines, Section 15301, existing facilities;
- (2) Accept the bid dated July 10, 2012 submitted by P.T.I. Sand & Gravel, Inc., in response to Specifications WD-12-04 to furnish and deliver rock materials and bituminous materials for the Water and Power Department (Department);
- (3) Accept the bid dated July 10, 2012 submitted by Logans Marketing, in response to Specifications WD-12-04 to furnish and deliver concrete materials for the Department;
- (4) Reject all other bids received;
- (5) Authorize the City Manager to issue a purchase order for a one-year period to P.T.I. Sand & Gravel, Inc., in the amount of \$355,065 with an option for three additional one-year extensions of \$355,065 each; and
- (6) Authorize the City Manager to issue a purchase order for a

one-year period to Logans Marketing, in the amount of \$124,135 for an initial term of one year with an option for three additional one-year extensions of \$124,135 each.

CONTRACT AWARD TO J. FLETCHER CREAMER & SON FOR THE INSTALLATION OF FIBER OPTIC EQUIPMENT ON LAKE AVENUE FROM RIO GRANDE STREET TO THE TRAFFIC MANAGEMENT CENTER FOR AN AMOUNT NOT TO EXCEED \$606,777

Recommendation:

(1) Find the proposed project to be categorically exempt under the California Environmental Quality Act (CEQA) in accordance with Section 15301, Class 1, subsection (c) of the Resources Agency of California Guidelines, minor alterations involving negligible expansion or no use beyond that previously existing, pursuant to the findings of the Secretary of the Resources Agency; and

(2) Accept the bid dated June 27, 2012 submitted by J. Fletcher Creamer & Son, in response to the Specifications for the Installation of Fiber Optic Equipment on Lake Avenue from Rio Grande Street to the Traffic Management Center, reject all other bids received, and authorize the City Manager to enter into such contract as is required for an amount not to exceed \$606,777. (Contract No. 21,147)

Item discussed separately,
at the request of
Councilmember Madison.

AMEND CONTRACT NO. 20,769 WITH INTER-CON SECURITY SYSTEMS, INC. FOR CITYWIDE SECURITY SERVICES AT BUILDINGS, PARKS, AND THE HOLLY STREET PARKING STRUCTURE BY \$369,627 TO AN AMOUNT NOT TO EXCEED \$1,529,451

AMENDMENT TO CONTRACT NO. 20,944 WITH KASA CONSTRUCTION, INC. TO INCREASE THE TOTAL NOT TO EXCEED AMOUNT BY \$18,000 FROM \$282,000 TO \$300,000 FOR IMPROVEMENTS OF OAK GROVE DRIVE – FOOTHILL BOULEVARD TO BERKSHIRE PLACE

Recommendation:

(1) Find that on February 27, 2012 the City Council acknowledged the project to be categorically exempt under Section 21084 of the Public Resources Code in accordance with Article 19, Section 1530, Class 1, subsection (c), repair of existing public streets, pursuant to the findings of the Secretary of Resources Agency, and a Notice of Exemption for the project was filed with the Los Angeles County Clerk on August 16, 2011, and that there are no changed circumstances or new information which would require further environmental review; and

(2) Authorize the City Manager to amend Contract No. 20,944 with Kasa Construction, Inc., to increase the contract amount by \$18,000 for a total not to exceed amount of \$300,000 for additional work as part of the Improvements of Oak Grove Drive – Foothill Boulevard to Berkshire Place project. (Contract Amendment No. 20,944-1)

AUTHORIZATION TO ENTER INTO A CONTRACT WITH ACCO ENGINEERED SYSTEMS, INC. TO PROVIDE MAINTENANCE, INSPECTION AND REPAIR SERVICES FOR THE GLENARM POWER PLANT GAS TURBINE INLET AIR CHILLERS

Recommendation:

- (1) Find that contracting with ACCO Engineered Systems for chiller maintenance and inspection services is exempt from the California Environmental Quality Act (CEQA), pursuant to State CEQA Guidelines, Section 15301, existing facilities;
- (2) Authorize the City Manager to enter into a contract with ACCO Engineered Systems, for maintenance, inspection and repair services for the Glenarm Power Plant gas turbine inlet air chillers in an amount not to exceed \$108,000 with an option of three one-year extensions at \$57,300, for a total cost of \$279,900. The initial term of the contract is for two years or when the Council-authorized amount is expended, whichever occurs first, with an option of three one-year extension periods, subject to approval of the City Manager; and
- (3) Find that the proposed contract is exempt from competitive bidding, pursuant to City Charter Article X, Section 1002(F), contracts for professional or unique services. (Contract No. 21,148)

APPROVAL OF FINAL PARCEL MAP NO. 071790 FOR THE CREATION OF THREE LAND LOTS FROM ONE EXISTING LOT AT THE VONS SHOPPING CENTER AT 2355 EAST COLORADO BOULEVARD

Recommendation:

- (1) Adopt a resolution to approve Final Parcel Map No. 071790;
- (2) Accept the offer of easement dedication for utilities purposes as shown on said map; and
- (3) Authorize the City Clerk to execute the certificate on the map showing the City's approval of said map. (Resolution No. 9223)

Recommendation of Hearing Officer: The tentative vesting map was approved on May 2, 2012 by the Hearing Officer, to be recorded within three years.

AUTHORIZATION TO ENTER INTO A CONTRACT WITH MUELLER SERVICE CALIFORNIA, INC. TO PROVIDE UTILITY SERVICES IN AN AMOUNT NOT TO EXCEED \$500,000 PER YEAR (SPECIFICATIONS WD-12-01)

Recommendation:

- (1) Find that the project is exempt from the California Environmental Quality Act (CEQA), pursuant to State CEQA Guidelines, Section 15301, existing facilities;
- (2) Accept the bid dated July 11, 2012 submitted by Mueller Service California, Inc., in response to Specifications WD-12-01 to provide utility services for the Water and Power Department;

- (3) Reject all other bids received; and
- (4) Authorize the City Manager to enter into a contract with Mueller Service California, Inc., for an amount not to exceed \$500,000 per year for an initial period of two years with an option for three additional one-year terms of \$500,000 each. (Contract No. 21,149)

AUTHORIZE A PURCHASE ORDER WITH FALCON FUELS, INC. FOR PURCHASE OF FLEET FUEL FOR A TOTAL OF \$2,740,000

Recommendation:

- (1) Find that this action is exempt from the California Environmental Quality Act (CEQA) in accordance with Section 15061(b)(3), the general rule that CEQA only applies to projects that may have an effect on the environment;
- (2) Accept the bid dated June 20, 2012 submitted by Falcon Fuels, Inc.; and
- (3) Authorize the issuance of a purchase order to Falcon Fuels, Inc., for a one-year period with three additional one-year extensions with the approval of the City Manager. The purchase order amounts will be for \$2,740,000 per year with a total cost of \$10,960,000. The proposed purchase order is in compliance with the Competitive Bidding and Purchasing Ordinance, Pasadena Municipal Code, Chapter 4.08.

AWARD OF PURCHASE ORDER CONTRACT TO EXPRESS SIGN & NEON FOR FABRICATION OF SIGNS AND POLES FOR THE PASADENA WAYFINDING SYSTEM FOR AN AMOUNT NOT TO EXCEED \$353,000

Recommendation:

- (1) Find the proposed project to be categorically exempt under the California Environmental Quality Act (CEQA) in accordance with Section 15061(b)(3), general rule; and
- (2) Accept the bid dated July 24, 2012 submitted by Express Sign & Neon, in response to the Specifications for the Fabrication of Signs and Poles for the Pasadena Wayfinding System, reject all other bids received, and authorize the City Manager to issue a purchase order contract as is required for an amount not to exceed \$353,000.

Item discussed separately, due to request for public comment.

LEGISLATIVE POLICY COMMITTEE: AMEND THE STATE LEGISLATIVE PLATFORM TO ADD A NEW PRIORITY SUPPORTING THE TIMELY SALE OF STATE-OWNED PROPERTIES WITHIN THE SR-710 CORRIDOR

APPOINTMENT OF PATRICIA TROLLMAN TO THE SENIOR COMMISSION (Agency Representative)

RESIGNATION OF RHEA ROBERTS FROM THE OLD PASADENA PARKING METER ZONE ADVISORY COMMISSION (Mayor Nomination/At-Large/District 6)

APPROVAL OF A CORRECTION TO THE APPOINTMENT OF TAREK SHAWKY FROM THE RECREATION AND PARKS COMMISSION (APPROVED BY THE CITY COUNCIL ON JULY 30, 2012) TO THE NORTHWEST COMMISSION (District 1 Nomination)

REAPPOINTMENT OF NAT NEHDAR TO THE HUMAN RELATIONS COMMISSION (District 5 Nomination)

MINUTES APPROVED

July 23, 2012

CLAIMS RECEIVED AND FILED

Claim No. 11,724	Paseo Colorado Holdings, LLC and DDR Corporation	\$25,000.00+
Claim No. 11,725	LED Global, LLC	25,000.00+
Claim No. 11,726	The Hartford as Subrogee of Ellen Small	936.43
Claim No. 11,727	AT&T/Pacific Bell	1,449.57
Claim No. 11,728	Darwin Winfrey	634.94
Claim No. 11,729	Lucine S. Iskenderian	54.00

PUBLIC HEARINGS SET

September 10, 2012, 7:00 p.m. – Designation of 160 South Orange Grove Boulevard as a Landmark

September 10, 2012, 7:00 p.m. – Designation of 164-180 South Orange Grove Boulevard as a Landmark

September 10, 2012, 7:00 p.m. – Designation of three trees on the property at 2900 East Del Mar Boulevard as individual Landmarks

It was moved by Councilmember Madison, seconded by Vice Mayor McAustin, to approve the Consent Calendar, with the exceptions of Item 7 (Contract Amendment with Inter-Con Security Systems, Inc.) and Item 14 (Timely Sale of State-Owned Properties within the SR-710 Corridor), which were discussed separately. (Motion unanimously carried) (Absent: None)

CONSENT ITEMS DISCUSSED SEPARATELY

Councilmember Madison recused himself at 8:04 p.m., due to a conflict of interest.

AMEND CONTRACT NO. 20,769 WITH INTER-CON SECURITY SYSTEMS, INC. FOR CITYWIDE SECURITY SERVICES AT BUILDINGS, PARKS, AND THE HOLLY STREET PARKING STRUCTURE BY \$369,627 TO AN AMOUNT NOT TO EXCEED \$1,529,451

Recommendation:

- (1) Find the project to be exempt from California Environmental Quality Act (CEQA) review in accordance with Article 5, Section 15061, subsection (b), part 3 of the Resources Agency of California, as it will not have a potentially significant effect on the environment, and therefore falls under the general rule exemption; and
- (2) Amend Contract No. 20,769 with Inter-Con Security Systems, Inc., for citywide security services at buildings, parks, and the Holly Street parking structure by \$369,627 to an amount not to exceed \$1,529,451. (Contract Amendment No. 20,769-1)

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

The Mayor and Councilmember Madison recused themselves at 8:05 p.m., due to a conflict of interest.

LEGISLATIVE POLICY COMMITTEE: AMEND THE STATE LEGISLATIVE PLATFORM TO ADD A NEW PRIORITY SUPPORTING THE TIMELY SALE OF STATE-OWNED PROPERTIES WITHIN THE SR-710 CORRIDOR

Recommendation:

- (1) Find that the following proposed actions are exempt from review, pursuant to the California Environmental Quality Act (CEQA), State CEQA Guidelines, Section 15061(b)(3), general rule;
- (2) Amend the State Legislative Platform to add a new Legislative Priority supporting the timely sale of state-owned properties within the SR-710 corridor; and
- (3) Authorize the Mayor or Vice Mayor to send a letter to state legislators in support of this legislative priority.

Recommendation of Legislative Policy Committee: At their July 25th meeting, the Legislative Policy Committee considered a motion recommending the City Council support Senate Bill (SB) 204 – Liu with the following two amendments:

- (1) SB 204 establishes a timeline for the sale of excess properties based on a “trigger” event, such as the elimination of a surface freeway alternative from further consideration in the environmental review of the SR-710 North Gap Closure Project; and
- (2) SB 204 includes a provision that the proceeds from the sale of excess properties will be available for local transportation priorities determined jointly with the cities in which any excess properties are located.

During the Committee’s briefing on State Legislative Matters with David Jones, the Committee learned that Senator Liu has proposed several amendments to SB 204 which may address the recommended amendments. The amendments to SB 204 are not scheduled to be released until August 6, 2012. Committee Chair Madison recused himself from the item, due to a potential conflict of interest associated with ownership of property near the affected Caltrans properties. The Committee did not take action on the proposed staff recommendation to support SB 204 with amendments.

Bahman Janka, Transportation Administrator, summarized the agenda report as part of a PowerPoint presentation, and responded to questions.

Suzanne Reed, Chief of Staff for Senator Carol Liu, clarified provisions in Senate Bill (SB) 204, as currently amended, and the process/timeline for moving the Bill forward, and responded to questions.

Vice Mayor McAustin stressed the need for the final bill language to convey that the local transportation authority (Metro) will cooperate and is committed to work with the effected cities in resolving issues involving the property sales.

Weston DeWalt, Pasadena resident, spoke in support of the proposed sale of the state-owned properties.

Nat Read, 710 Coalition Chair, noted that this legislation has resulted in a neutral position from those persons who are in favor of the proposed SR-710 Freeway extension project, as well as those who are opposed to the project.

Following discussion, it was moved by Councilmember Tornek, seconded by Councilmember Holden, to approve the staff recommendation. (Motion unanimously carried) (Absent: Councilmember Madison, Mayor Bogaard)

RECOMMENDATIONS FROM OFFICERS AND DEPARTMENTS

The Mayor and Councilmember Madison returned at 8:37 p.m.

ADOPTION OF A RESOLUTION AND CONDUCT FIRST READING OF AN ORDINANCE OF THE CITY OF PASADENA AUTHORIZING THE INVITATION OF BIDS FOR THE PURCHASE OF ELECTRIC REVENUE REFUNDING BONDS, 2012A SERIES OF SAID CITY; APPROVING A NOTICE OF INTENTION TO SELL BONDS, A PRELIMINARY OFFICIAL STATEMENT, A NOTICE INVITING BIDS; AUTHORIZING THE PUBLICATION OF A NOTICE OF INTENTION TO SELL BONDS; AUTHORIZING THE ISSUANCE BY THE CITY OF NOT TO EXCEED \$15,000,000 AGGREGATE PRINCIPAL AMOUNT OF CITY OF PASADENA ELECTRIC REVENUE REFUNDING BONDS, 2012A SERIES, PAYABLE OUT OF THE LIGHT AND POWER FUND, APPROVING THE EXECUTION AND DELIVERY OF A SEVENTH SUPPLEMENT TO ELECTRIC REVENUE BOND FISCAL AGENT AGREEMENT, AN ESCROW AGREEMENT, A CONTINUING DISCLOSURE AGREEMENT, AND AUTHORIZING CERTAIN ACTIONS IN CONNECTION THEREWITH

Recommendation: It is recommended that the City Council adopt:

(1) A resolution authorizing the invitation of bids for the purchase of Electric Revenue Refunding Bonds, 2012A Series of said city, approving a notice of intention to sell bonds, a preliminary official statement, a notice inviting bids, authorizing the publication of a notice of intention to sell bonds, and authorizing certain other actions in connection therewith; and

(2) Conduct first reading of **"AN ORDINANCE OF THE CITY OF PASADENA AUTHORIZING THE ISSUANCE BY THE CITY OF NOT TO EXCEED \$15,000,000 AGGREGATE PRINCIPAL AMOUNT OF CITY OF PASADENA ELECTRIC REVENUE REFUNDING BONDS, 2012A SERIES, PAYABLE OUT OF THE LIGHT AND POWER FUND, AND APPROVING THE EXECUTION AND DELIVERY OF A SEVENTH SUPPLEMENT TO ELECTRIC REVENUE BOND FISCAL AGENT AGREEMENT, ESCROW AGREEMENTS AND A**

CONTINUING DISCLOSURE AGREEMENT IN CONNECTION THEREWITH" (Resolution No. 9224)

Vice Mayor McAustin was excused at 8:38 p.m.

Vic Erganian, City Treasurer/Deputy Director of Finance Department, reviewed the agenda report as part of a PowerPoint presentation, and responded to questions.

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

ORDINANCE – FIRST READING

Conduct first reading of "AN ORDINANCE OF THE CITY OF PASADENA AUTHORIZING THE ISSUANCE BY THE CITY OF NOT TO EXCEED \$15,000,000 AGGREGATE PRINCIPAL AMOUNT OF CITY OF PASADENA ELECTRIC REVENUE REFUNDING BONDS, 2012A SERIES, PAYABLE OUT OF THE LIGHT AND POWER FUND, AND APPROVING THE EXECUTION AND DELIVERY OF A SEVENTH SUPPLEMENT TO ELECTRIC REVENUE BOND FISCAL AGENT AGREEMENT, ESCROW AGREEMENTS AND A CONTINUING DISCLOSURE AGREEMENT IN CONNECTION THEREWITH"

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

AYES: Councilmembers Gordo, Holden, Madison, Masuda, Robinson, Tornek, Mayor Bogaard

NOES: None

ABSENT: Vice Mayor McAustin

PUBLIC HEARING

PUBLIC HEARING: APPEAL OF REQUEST FOR TIME EXTENSION, 229-247 SOUTH MARENGO AVENUE, 21-UNIT MULTI-FAMILY COMPLEX – RM-48 DEVELOPMENT STANDARDS

Recommendation:

- (1) Find that this project has been determined to be categorically exempt from the California Environmental Quality Act (CEQA) under Section 15332, Class 32, in-fill development projects, and that there are no changed circumstances or new information which would trigger further environmental review;
- (2) Find that an application for an extension of time with the Planning Department was submitted before the expiration of the permit;
- (3) Find that the failure of the Design Commission to act in the approval of the third Time Extension for this project is an appealable action, pursuant to the Zoning Code;
- (4) Find that the findings and conditions of the original approval are still applicable and that finding No. 2, Section D of Ordinance 7215 does not apply, pursuant to the allowed exceptions, as a Vesting Tentative Tract Map (VTTM No. 070403) was approved for this project in 2008; and
- (5) Approve the applicant's request for a third and final Time Extension to extend the original Consolidated Design Review

approval granted by the Design Commission on November 26, 2007, until February 25, 2013.

Recommendation of Design Commission: On May 29, 2012, the Design Commission reviewed the request for a third time extension for a 21-unit courtyard-style condominium with subterranean parking. Two motions were made, one to approve and one to deny the extension, but both failed to achieve enough votes to pass.

The Mayor opened the public hearing.

The City Clerk reported 33 copies of the notice of public hearing were posted on July 23, 2012; 349 copies of the notice were mailed on July 23, 2012; and 3 letters from 1 correspondent in support, and 4 letters and a petition letter with 13 signatures in opposition to the time extension were received.

Vice Mayor McAustin returned at 8:44 p.m.

Stephanie DeWolfe, Deputy Director of Planning Department, reviewed the agenda report as part of a PowerPoint presentation, and responded to questions.

The City Manager outlined the City's time extension process, which provides a reasonable amount of time to the applicant for development of a property, given current economic conditions.

The City Attorney responded to questions regarding the ordinances that were applied to the various time extension requests for the project, and the legal basis for the applicant's appeal as set forth in the Pasadena Municipal Code (PMC).

Councilmember Madison expressed concerns regarding the City's apparent lack of discretion under the PMC for the Council to make the appropriate findings and deny the extension in this instance; and stated his opposition to a time extension that retains the same conditions that were applied to the project years ago.

John Byram, Design Commissioner, clarified the Commission's deliberations/actions on the request for a time extension.

The following persons spoke in support of the time extension:

Ann Higginbotham, legal counsel for appellant/applicant
Burke Farrar, representative for appellant/applicant

The following persons spoke in opposition to the time extension:

Priscilla Flynn, Pasadena resident
Joy Selby, Pasadena resident

Vince Bertoni, Director of Planning Department, summarized the time extension process followed under the various ordinances that have been in effect in the past 4 years.

Theresa Fuentes, Assistant City Attorney, clarified the legal implications of alleged discrepancies in the radius map that was submitted, as this relates to the time extension application process and notification requirements.

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

Following discussion, it was moved by Councilmember Tornek, seconded by Councilmember Gordo, to approve the staff recommendation:

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

NOES: None

ABSTAIN: Councilmember Madison

ABSENT: None

RECESS/ ADJOURNMENT

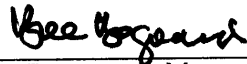
Councilmember Madison was excused at 10:01 p.m.

On order of the Mayor, the regular meeting of the City Council recessed at 10:01 p.m., to discuss the following closed session and thereafter adjourned at 11:08 p.m.:

CITY COUNCIL CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION pursuant to Government Code Section 54956.9(c)


Consideration of initiation of litigation: One potential case

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



Bill Bogaard, Mayor
City of Pasadena

ATTEST:



City Clerk