

CITY OF PASADENA
City Council Minutes
April 8, 2013 – 5:30 P.M.
City Hall Council Chamber

REGULAR MEETING

OPENING:

Mayor Bogaard called the regular meeting to order at 5:37 p.m.
(Absent: Councilmember Bryant)

On order of the Mayor, the regular meeting recessed
at 5:37 p.m., to discuss the following closed session:

**CITY COUNCIL CONSIDERATION OF INITIATION OF
LITIGATION pursuant to Government Code Section
54956.9(d)(4): One potential case**

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

**Agency Designated Representatives: Kristi Recchia and
Michael J. Beck**

**Employee Organizations: International Union of Operating
Engineers (IUOE), Local 501; Pasadena Police Officers
Association (PPOA) and Pasadena Police Sergeants
Association (PPSA)**

Councilmember Bryant
arrived at 6:15 p.m.

**CITY COUNCIL CONFERENCE REGARDING PUBLIC
EMPLOYEE PERFORMANCE EVALUATION pursuant to
Government Code Section 54957**

Title: City Manager

**CITY COUNCIL CONFERENCE WITH LABOR NEGOTIATOR
pursuant to Government Code Section 54957.6**

**Agency Designated Representative: Bill Bogaard
Unrepresented Employee: City Manager**

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

On order of the Mayor, the regular meeting reconvened
at 6:45 p.m. The Pledge of Allegiance was led by
Councilmember Robinson.

ROLL CALL:

Councilmembers:

Mayor Bill Bogaard
Vice Mayor Margaret McAustin
Councilmember Joel Bryant
Councilmember Victor Gordo
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

The Mayor presented a proclamation declaring the month of April 2013 as "Sexual Assault Awareness Month", and designated April 24, 2013, as "Denim Day" in Pasadena. The proclamation was received by Julianne Hines, Vice Chair for the Commission on the Status of Women, and Sandy Monroy, Executive Director of Peace Over Violence. Ms. Hines and Ms. Monroy thanked the Mayor and the City Council and encouraged the community to show their support by wearing jeans on "Denim Day" to join in the protest against sexual assault.

Councilmember Gordo recognized Marshall Fundamental High School Girls Varsity Soccer team and Polytechnic High School Girls Soccer team, to congratulate them on their athletic success as winners of the California Interscholastic Federation (CIF) Southern California Regional Divisions 3 & 7 Championships, with Polytechnic Girls Soccer team also winning the Prep League Championship. The Mayor presented the teams with a Certificate of Recognition, which was received by Esteban Villanueva, Marshall High School Girls Varsity Soccer coach, and Pat Gray, Polytechnic High School Girls Soccer coach. Katie Wardlaw, Polytechnic Girls Soccer team captain, thanked the Mayor and City Council for the recognition.

Barbosa Polverini, Pasadena resident, Eddie Lopez, a member of the Villa-Parke Amateur Boxing Program, and Councilmember Gordo provided an overview of the Villa-Parke Amateur Boxing Program and the benefits derived from participating in the program. Ms. Polverini, distributed invitations to the Kick-Off gala, "A Fighting Chance" Dinner and Celebrity Boxing event on April 20, 2013, at Villa-Parke Community Center, which is part of the fundraising campaign for expansion and renovation of the City's Villa-Parke Boxing and Fitness Center. Councilmember Gordo noted that the City of Pasadena has provided \$250,000 towards the campaign's financial goal of \$1.2 million.

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

No one appeared for public comment.

CONSENT CALENDAR

RESOLUTION APPROVING PROGRAM SUPPLEMENT AGREEMENT TO ADMINISTERING AGENCY-STATE AGREEMENT NO. 07-5064R FOR SR134 ON/OFF RAMP AT COLORADO BOULEVARD AND ORANGE GROVE BOULEVARD, AND SR210 ON/OFF RAMP AT HOLLY STREET AND ORANGE GROVE BOULEVARD

Recommendation:

(1) Find the proposed project to be categorically exempt under the California Environmental Quality Act (CEQA) in accordance with Section 15301(c), subsection (c). This exemption includes minor alterations of existing public facilities (including streets) involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination, and there are no environmental reviews;

(2) Authorize the City Manager to execute the Program Supplement Agreement for SR134 On/Off Ramp at Colorado Boulevard and Orange Grove Boulevard, and SR210 On/Off Ramp at Holly Street and Orange Grove Boulevard; and

(3) Adopt a resolution approving the Program Supplement Agreement No. 091-N to Administering Agency-State Agreement No. 07-5064R between the City of Pasadena and the State of California, for State reimbursement of costs for SR134 On/Off Ramp at Colorado Boulevard and Orange Grove Boulevard, and SR210 On/Off Ramp at Holly Street and Orange Grove Boulevard, Federal-Aid Project No. HSIPL-5064(076). (Resolution No. 9273; Contract No. 19,323-9)

RESOLUTION APPROVING PROGRAM SUPPLEMENT AGREEMENT TO ADMINISTERING AGENCY-STATE AGREEMENT NO. 07-5064R, FOR EAST COLORADO BOULEVARD PEDESTRIAN ENHANCEMENT PHASE 2

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). This exemption includes minor alterations of existing public facilities (including streets) involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination, and there are no environmental reviews;

(2) Authorize the City Manager to execute the Program Supplement Agreement for East Colorado Boulevard Pedestrian Enhancement Phase 2; and

(3) Adopt a resolution approving the Program Supplement Agreement No. 092-N to Administering Agency-State Agreement No. 07-5064R between the City of Pasadena and the State of California, for State reimbursement of costs for East Colorado Boulevard Pedestrian Enhancement Phase 2, Federal-Aid Project No. STPL-5064(077). (Resolution No. 9274; Contract No.19,323-10)

Item discussed separately,
at the request of
Councilmember Gordo.

MEMORANDUM OF UNDERSTANDING/LETTER OF AGREEMENT APPROVAL FOR NORTH FAIR OAKS AVENUE PEDESTRIAN IMPROVEMENTS

APPROVAL OF INCREASE TO PURCHASE ORDER 51901 WITH HENRY SCHEIN, INC., FOR THE PURCHASE OF DENTAL CLINIC EQUIPMENT AND SUPPLIES

Recommendation:

- (1) Authorize an increase to Purchase Order No. 51901 with Henry Schein, Incorporated in the amount of \$200,000, thereby increasing the not to exceed amount from \$275,000 to \$475,000 for the purchase of dental clinic equipment and supplies. Competitive bidding is not required pursuant to City Charter Section 1002(H), contracts with other governmental entities or their contractors for labor, material, supplies or services; and
- (2) To the extent that this could be considered a separate transaction, grant the proposed increase an exemption from the competitive selection process of the Competitive Bidding and Purchasing Ordinance, pursuant to Pasadena Municipal Code Section 4.08.049(B), contracts for which the City's best interests are served.

AUTHORIZE THE CITY MANAGER TO ENTER INTO A CONTRACT WITH VIDO ARTUKOVICH & SON, INC./VIDMAR, INC., A JV, TO PROVIDE LABOR, EQUIPMENT AND MATERIALS FOR THE EASTSIDE WELL COLLECTOR PIPELINE FOR THE WATER AND POWER DEPARTMENT, SPECIFICATION WD-12-07

Recommendation:

- (1) Find that the project described in the agenda report was subject to adequate environmental review in the Initial Environmental Study approved by the City Council on October 29, 2012, and that there are no changed circumstances or new information which could trigger additional environmental review;
- (2) Accept the bid dated February 19, 2013, submitted by Vido Artukovich & Son, Inc./Vidmar, Inc., a JV, in response to Schedule A and Schedule B of Specification WD-12-07, to provide labor, equipment and materials for the Eastside Well Collector Pipeline for the Water and Power Department; and
- (3) Authorize the City Manager to enter into a contract with Vido Artukovich & Son, Inc./Vidmar, Inc., a JV, for an amount not to exceed \$5,479,721 for construction of Schedule A and Schedule B of the Eastside Well Collector Pipeline, Specification WD-12-07.
(Contract No. 21,341)

RECOMMENDATION TO SET THE DATE OF JUNE 17, 2013 TO CONDUCT A PUBLIC HEARING REGARDING THE PROPOSED CHANGES TO THE PURCHASED WATER ADJUSTMENT CHARGE (PWAC)

Recommendation:

(1) Find that the public hearing for the proposed changes to the Purchased Water Adjustment Charge (PWAC) is exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines, Section 15273 (Rates, Tolls, Fares, and Charges);

(2) Set the date of June 17, 2013 for a public hearing to:

(a) Increase the PWAC by \$0.10 per billing unit effective October 2013 and by an additional \$0.10 per billing unit effective October 2014, and

(b) Approve the implementation of the PWAC formula as defined in the Water Rate Ordinance to pass-through incremental purchased water costs for a total period not to exceed five years (as provided by Government Code Section 53756).

Item discussed separately,
at the request of
Councilmember Tornek

AUTHORIZATION FOR THE CITY MANAGER TO NEGOTIATE A PROJECT LABOR AGREEMENT UNDER CERTAIN TERMS AND CONDITIONS WITH STATE AND LOCAL BUILDING AND CONSTRUCTION TRADES COUNCILS AND PROVIDED THAT SUCH TERMS AND CONDITIONS ARE MET, MAKE ENTERING THE PROJECT LABOR AGREEMENT A REQUIREMENT OF THE SUCCESSFUL BIDDER ON THE CONSTRUCTION PORTION OF THE GLENARM REPOWERING PROJECT

FINANCE COMMITTEE: APPROVAL OF A JOURNAL VOUCHER APPROPRIATING \$896,453 FROM REFUSE FUND AND AUTHORIZE ISSUANCE OF PURCHASE ORDER WITH LOS ANGELES FREIGHTLINER FOR PURCHASE OF THREE AUTOCAR SIDE LOADER REFUSE TRUCKS IN AN AMOUNT NOT TO EXCEED \$896,453

Recommendation:

(1) Find that this action is exempt from California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines, Section 15061(b)(3), the general rule that CEQA only applies to projects that may have an effect on the environment;

(2) Appropriate \$896,453 to the Residential Solid Waste Operations Account (8505-406-764120), from the Refuse Fund, increase estimated revenues in the same account by a like number and authorize staff to make necessary adjustments to the budget;

(3) Authorize the issuance of a purchase order to Los Angeles Freightliner in an amount not to exceed \$896,453 for the purchase of three autocar side loader refuse trucks, without competitive bidding pursuant to City Charter Section 1002(H), contracts with other governmental entities or their contractors for labor, material, supplies or services; and

(4) Find the proposed contract exempt from the competitive selection process of the Competitive Bidding and Purchasing Ordinance pursuant to Pasadena Municipal Code Section 4.08.049(B), contracts for which the City's best interests are served. (Journal Voucher No. 2013-29)

FINANCE COMMITTEE: AUTHORIZATION TO ENTER INTO A CONTRACT WITH RDM ELECTRIC COMPANY, INC., FOR AN AMOUNT NOT TO EXCEED \$135,550 TO PROVIDE LABOR AND MATERIALS FOR THE DEL MAR STATION PARKING GARAGE LIGHTING RETROFIT

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) Appropriate \$135,550 to Account 8114-415-774700, Del Mar Parking Garage Fund, adjust fund balance and/or retained earnings in the Del Mar Parking Garage Fund, and authorize staff to make necessary adjustments to the budget; and
- (3) Accept the bid dated January 16, 2013, from RDM Electric Company, Inc., in response to the Notice Inviting Bids dated December 13, 2012, to Furnish Labor and Materials for the Del Mar Station Parking Garage Lighting Retrofit; reject all other bids; and authorize the City Manager to enter into a contract with RDM Electric Company, Inc., for an amount not to exceed \$135,550. (Contract No. 21,342; Journal Voucher No. 2013-30)

FINANCE COMMITTEE: AMEND FISCAL YEAR 2013 CAPITAL IMPROVEMENT PROGRAM BUDGET TO ADD ONE NEW PROJECT AND APPROVE A JOURNAL VOUCHER TO AMEND PROJECTS IN FISCAL YEAR 2013 CAPITAL IMPROVEMENT PROGRAM BUDGET

Recommendation:

- (1) Amend the Fiscal Year 2013 Capital Improvement Program Budget to add one new project: Restoration, Upgrades, and Repairs of the Civic Auditorium, Convention Center and Ice Rink FY 2013 - FY 2017; and
- (2) Approve a journal voucher with a net increase of \$874,446 amending 16 projects in the Fiscal Year 2013 Capital Improvement Program Budget as detailed in the Fiscal Impact section of the agenda report; and
- (3) Approve an increase to purchase order No. 51580 with Mallcraft Inc., in the amount of \$69,326.

Recommendation of Planning Commission: On February 27, 2013, the Planning Commission found the recommended new project consistent with the General Plan. (Journal Voucher No. 2013-31)

LEGISLATIVE POLICY COMMITTEE: UPDATE ON POST REDEVELOPMENT – ECONOMIC DEVELOPMENT LEGISLATION

Recommendation: It is recommended that the City Council:

- (1) Support the following bills:
 - AB 564 (Mullin)
 - SB 33 (Wolk)

- AB 294 (Holden)
 - AB 690 (Campos)
 - AB 243 (Dickinson); and
- (2) Authorize the Mayor, or his designee, to transmit letters of support to the appropriate authorities.

Item discussed separately,
at the request of
Councilmember Tornek.

AMENDMENT TO MASTER LICENSE AGREEMENT WITH THE TOURNAMENT OF ROSES TO HOST TO THE 2014 BCS NATIONAL CHAMPIONSHIP GAME

FINANCE COMMITTEE: AMENDMENTS TO FISCAL YEAR ENDING JUNE 30, 2013, (FY 2013) ADOPTED OPERATING BUDGET

Recommendation of the Rose Bowl Operating Company (RBOC): Amend the Fiscal Year 2013 Adopted Budget as detailed in the Proposed Budget Amendment Section of the agenda report by:

- (1) Appropriating additional expenditures in the amount of \$2,561,102;
- (2) Recognize additional projected revenue in the amount of \$2,449,334; and
- (3) Appropriating an increased amount of \$111,768 from "Unrestricted/ Undesignated Retained Earnings" to cover the difference and in order to have a balanced budget.

MINUTES APPROVED

November 19, 2012
November 26, 2012

CLAIMS RECEIVED AND FILED

Claim No. 11,881	Sameen Alam	\$ 2,661.43
Claim No. 11,882	Maricela Bugh	1,000.00
Claim No. 11,883	Rito Muro	468.15
Claim No. 11,884	Carmen De Thouars	9,999.00
Claim No. 11,885	Mitchell Sawasy	424.26
Claim No. 11,886	David Daryl Jones	25,000.00+
Claim No. 11,887	Tony Harris	Not stated
Claim No. 11,888	Everardo Rodriguez	Not stated
Claim No. 11,889	Melanie Savage	150.00

PUBLIC HEARINGS SET

April 22, 2013, 7:00 p.m. – Proposed Street Vacation at the Southeast Corner of Greenhill Road and Hastings Ranch Drive, 3740 Greenhill Road

April 22, 2013, 7:00 p.m. – Fiscal Year 2014-2018 Recommended Capital Improvement Program Budget

May 13, 2013, 7:00 p.m. – Fiscal Year 2014 Schedule of Taxes, Fees, and Charges

It was moved by Councilmember Gordo, seconded by Vice Mayor McAustin, to approve all items on the Consent Calendar with the exception of Item 3 (Memorandum of Understanding/Letter of Agreement), Item 7 (Glenarm Repowering Project), and Item 12A (Amendment to the Master License Agreement with the Tournament of Roses), which were discussed separately. (Motion unanimously carried) (Absent: None)

**CONSENT ITEMS
DISCUSSED SEPARATELY**

Councilmember Gordo
recused himself at 7:09 p.m.,
due to a conflict of interest.

MEMORANDUM OF UNDERSTANDING/LETTER OF AGREEMENT APPROVAL FOR NORTH FAIR OAKS AVENUE PEDESTRIAN IMPROVEMENTS

Recommendation:

- (1) Find the proposed project to be exempt under the California Environmental Quality Act (CEQA) in accordance with Section 15301 (Class 1), subsection (c). This exemption includes minor alterations of existing facilities (including streets) involving negligible expansion or no expansion of use beyond that existing at the time of the lead agency's determination, and there are no environmental reviews; and
- (2) Approve the Memorandum of Understanding/Letter of Agreement (MOU/LOA) for the North Fair Oaks Avenue Pedestrian Improvement project. (Contract No. 21,343)

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

Councilmember Gordo
returned at 7:10 p.m.

AUTHORIZATION FOR THE CITY MANAGER TO NEGOTIATE A PROJECT LABOR AGREEMENT UNDER CERTAIN TERMS AND CONDITIONS WITH STATE AND LOCAL BUILDING AND CONSTRUCTION TRADES COUNCILS AND PROVIDED THAT SUCH TERMS AND CONDITIONS ARE MET, MAKE ENTERING THE PROJECT LABOR AGREEMENT A REQUIREMENT OF THE SUCCESSFUL BIDDER ON THE CONSTRUCTION PORTION OF THE GLENARM REPOWERING PROJECT

Recommendation:

- (1) Find that the recommended authorization is exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines, Section 15378; and
- (2) Authorize the City Manager to enter into negotiations with the State and Local Building and Construction Trades Councils for a project labor agreement (PLA), which would include all the taxpayer protection provisions of Public Contract Code Section 2500; and
- (3) Upon completion of successful PLA negotiations, require the successful bidder for the construction portion of the Glenarm Repowering Project to enter into a PLA with the State and Local Building and Construction Trade Councils as a condition of contract award.

Phyllis Currie, General Manager of Water & Power Department, introduced the agenda item and Gurcharan Bawa, Assistant General Manager, summarized the agenda report as part of a PowerPoint presentation, and responded to questions.

Ray Van der Nat, State and Los Angeles/Orange County Building Trades Councils representative, and Rachel Koss, California Unions for Reliable Energy (CURE) representative, responded to questions regarding the working relationship between the two agencies, the Environmental Impact Report (EIR), and the Project Labor Agreements (PLA).

Councilmember Tornek stated his concerns regarding staff's explanation for the use of a PLA for the proposed project when previous projects exceeding \$100 million did not require a PLA, questioned whether future large projects will require a PLA due to the stated benefits (local hiring and the avoidance of labor issues), and expressed concerns regarding the lack of justification for a PLA to be required for this project and the need for a uniform policy in applying PLA's to all similarly large projects.

Following discussion, it was moved by Councilmember Robinson, seconded by Councilmember Madison, to approve the staff recommendation. (Motion carried, with Councilmember Tornek and Vice Mayor McAustin objecting)

AMENDMENT TO MASTER LICENSE AGREEMENT WITH THE TOURNAMENT OF ROSES TO HOST TO THE 2014 BCS NATIONAL CHAMPIONSHIP GAME

Recommendation of the Rose Bowl Operating Company (RBOC):

(1) Find that the action proposed is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines, Section 15323 (Normal Operations of Facilities for Public Gathering); and

(2) Authorize the General Manager to complete negotiations and enter into an amendment to the Master License Agreement with the Tournament of Roses to host the 2014 Bowl Championship Series (BCS) National Championship Game on January 6, 2014 on the terms set forth in the agenda report. (Contract No. 20,502-1)

Darryl Dunn, Rose Bowl General Manager, provided a brief overview of the agenda report, and responded to questions regarding potential revenue from parking, concession stands, and ticket sales.

Following discussion, it was moved by Councilmember Gordo, seconded by Councilmember Madison, to approve RBOC recommendation. (Motion unanimously carried) (Absent: none)

**REPORTS AND COMMENTS
FROM COUNCIL
COMMITTEES**

FINANCE COMMITTEE

Councilmember Bryant was excused at 7:57 p.m.

AUTHORIZATION TO ENTER INTO CONTRACTS WITH DESIGNATED SOFTWARE, TECHNOLOGY AND ENGINEERING FIRMS TO FURNISH AND DELIVER VARIOUS TYPES OF SYSTEMS AND SERVICES TO IMPLEMENT THE OUTAGE MANAGEMENT AND INTERACTIVE VOICE RESPONSE SYSTEMS FOR THE WATER AND POWER DEPARTMENT

Recommendation:

- (1) Find that the contracts are exempt from environmental review pursuant to the guidelines of the California Environmental Quality Act (CEQA), Section 15061(b)(3)(General Rule);
- (2) Accept the proposal, dated October 31, 2012, submitted by Milsoft Utility Solutions, Inc., (Milsoft) in response to a Request for Proposals, reject all other proposals, and authorize the City Manager to enter into a contract with Milsoft to furnish and deliver software and services for an Outage Management System and a hosted Interactive Voice Response system for the Water and Power Department for an amount not to exceed \$587,113 or four years, whichever comes first;
- (3) Authorize the City Manager to enter into a contract, without competitive bidding pursuant to the City Charter, Section 1002(F), contracts for professional or unique services, with EFACEC Advanced Control Systems (EFACEC ACS) to supply hardware, software and services for Pasadena Water and Power's Supervisory Control and Data Acquisition (SCADA) system upgrade, test and development system, and integration of the SCADA system with the Outage Management System in an amount not to exceed \$278,572 or two years, whichever comes first;
- (4) Authorize the City Manager to issue a Purchase Order Contract, without competitive bidding pursuant to the City Charter, Section 1002(F), contracts for professional or unique services, with Utility Data Contractors (UDC) to supply technical engineering program management services for PWP's Geographical Information System (GIS) for an amount not to exceed \$200,000;
- (5) Authorize the City Manager to issue a Purchase Order Contract, without competitive bidding, pursuant to City Charter Section 1002(F), contracts for professional or unique services, with Avineon, Inc., to supply regular data maintenance, circuit clean-up, ad-hoc data updates, and data quality standardization for the PWP's GIS for an amount not to exceed \$200,000;
- (6) Authorize the City Manager to increase the existing General Engineering Services Contract, No. 20,516 with SAIC from \$1,000,000 to \$1,300,000 to provide implementation support services; and
- (7) Appropriate \$400,000 from the unappropriated Power Fund balance to Power Fund Capital Improvement Project (CIP) 3034, Distribution System Life Cycle Management for GIS related contracts, and \$300,000 from the unappropriated Power Fund

balance to Power Fund CIP 3201, Outage Management System.
(Journal Voucher No. 2013-32)

Councilmember Tornek, Chair of the Finance Committee, introduced the item and noted that the matter has been comprehensively discussed and evaluated by the Municipal Services Committee and the Finance Committee, (this should have been to only one Committee, not both Finance and MSC).

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

PUBLIC HEARINGS

Councilmember Bryant
returned at 7:58 p.m.

PUBLIC HEARING: TO APPROVE AND AUTHORIZE THE SUBMITTAL TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) OF THE ANALYSIS OF IMPEDIMENTS TO FAIR HOUSING CHOICE/FAIR HOUSING PLAN

Recommendation: It is recommended that the City Council continue the public hearing to May 20, 2013, at 7:00 p.m.

It was moved by Councilmember Gordo, seconded by Councilmember Robinson, to continue the public hearing to May 20, 2013 at 7:00 p.m. (Motion unanimously carried) (Absent: None)

PUBLIC HEARING: EXTENSION TO URGENCY ORDINANCE NO. 7229 OF THE CITY OF PASADENA TEMPORARILY PROHIBITING THE APPROVAL OF NEW RECYCLING FACILITIES, THE EXPANSION OR MODIFICATION OF EXISTING FACILITIES, AND THE RESUMPTION OF DISCONTINUED LEGAL NONCONFORMING STATUS FOR RECYCLING CENTERS

Recommendation:

- (1) Find that the proposed extension of the interim ordinance is categorically exempt from the California Environmental Quality Act (CEQA), pursuant to State CEQA Guidelines, Section 15060 (C)(2) and 15262 because the interim ordinance will not result in a direct or reasonably foreseeable indirect physical change in the environment and because the project involves only feasibility or planning studies for possible future actions which the City has not approved, adopted, or funded, and does not involve adoption of a plan that will have a legally binding effect on later activities;
- (2) Find that (a) there is a current and immediate threat to public health, safety and welfare because continued approval of new, the expansion or modification of existing, and the resumption of discontinued legal nonconforming status recycling facilities would have adverse impacts on the public health, safety, or welfare pursuant to the standards and policies set forth in the General Plan,

and (b) the proposed interim ordinance is necessary to avoid these adverse impacts; and

(3) Adopt an urgency ordinance extending Ordinance No. 7229, to March 11, 2014.

The Mayor opened the public hearing.

The City Clerk reported that the notice of public hearing was published on March 25, 2013 in the Pasadena Star News, and no correspondence was received.

Vince Bertoni, Director of Planning, introduced the agenda item.

The City Manager indicated that the request for an extension is to allow time for staff to study alternatives utilized by other cities in regards to recycling regulations, and to hold community meetings so that the City is better informed on the issues concerning recycling operations.

The following individuals spoke in opposition to the proposed extension to the ordinance temporarily prohibiting the approval of new recycling facilities:

Melissa Ertler, Pasadena resident

David Czamanske, Chair of the Pasadena Sierra Club

The City Attorney stated that the 12-month extension will date back to the approval of the initial moratorium ordinance, which will leave a remaining period of 10 months and 15 days to the extension. She also noted that this is the maximum time allowed by the State for such an ordinance and that the City staff is currently working to provide a permanent recycling ordinance for City Council consideration prior to the March 11, 2014 deadline.

Councilmember Gordo requested that staff present a bi-monthly staff report to the Economic Development and Technology Committee during the extension to provide updates to the community on their progress in preparing a permanent ordinance regulating recycling center operations.

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

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

**ORDINANCE – FIRST
READING**

Conduct first reading of “AN EXTENSION OF AN INTERIM URGENCY ORDINANCE NO. 7229 OF THE CITY OF PASADENA TEMPORARILY PROHIBITING THE APPROVAL OF

NEW RECYCLING FACILITIES, THE EXPANSION OR MODIFICATION OF EXISTING FACILITIES, AND THE RESUMPTION OF DISCONTINUED LEGAL NONCONFORMING STATUS FOR RECYCLING FACILITIES”

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

AYES: Councilmembers Bryant, Gordo, Madison, Masuda, Robinson, Tornek, Vice Mayor McAustin, Mayor Bogaard
NOES: None
ABSENT: None

RECOMMENDATIONS FROM OFFICERS AND DEPARTMENTS

UPDATE OF THE GENERAL PLAN LAND USE AND MOBILITY ELEMENTS

Recommendation: It is recommended that the City Council
A. Receive a presentation from staff identifying and describing the eight updated components of the Land Use and Mobility Elements;
B. Receive public testimony and allow interested parties to comment on the material presented;
C. Address questions or comments to staff related to the updated components of the Land Use and Mobility Elements; and
D. Continue this item to April 22nd for City Council to take action, by directing staff to analyze the environmental impact of the update to the General Plan Land Use and Mobility Elements.

Advisory Body Recommendation: Prior to bringing the recommendations to the City Council, the following advisory bodies reviewed the major components of the update and offered recommendations to the City Council on the following dates:

- October 11, 2012 Transportation Advisory Commission
- October 15, 2012 Historic Preservation Commission
- December 6, 2012 General Plan Update Advisory Committee (GPUAC)
- February 27, 2013 Planning Commission

Due to the number of advisory body recommendations, and the fact that the majority of the recommendations were in alignment with staff’s recommendations, this staff report focuses on areas where there is a difference between a staff recommendation and that of an advisory body. Attachment B.3. of the agenda report provides a detailed list of the recommended actions of each advisory body.

Vince Bertoni, Director of Planning, introduced the agenda item and Scott Reimers, Planner, reviewed the agenda report as part of a PowerPoint presentation, and responded to questions.

Councilmember Gordo asked staff to include, as part of future presentations, the interplay between the Land Use Diagrams and the adopted Specific Plans, and how they impact and affect one another. He also stated concerns and opposition to the proposed North Lake Avenue changes as shown on the draft Land Use

Diagram; and mentioned that an increase in density was soundly rejected during the 2007 General Plan/Specific Plan process.

Councilmembers Tornek and Gordo stressed the need to keep the General Plan and Specific Plans in conformity.

Vice Mayor McAustin encouraged more thought about density around transit stations, as well as a review of the parking requirements based on location.

Councilmember Madison stated his concerns regarding the proposed General Plan policy change of revising development caps through periodic City Council action as opposed to a five-year comprehensive General Plan review and update, and mentioned the risks of the process becoming project-based instead of policy-based.

The following individuals spoke in support with the proposed General Plan Land Use and Mobility Elements:

Jenna Kachour, Pasadena Heritage
Nina Chomsky, Pasadena resident
Steven Cole, Invest in PUSD kids
Richard A. Mc Donald, Pasadena resident
Fried Wilson, Downtown Pasadena Neighborhood Association
Jill Fosselman, Pasadena resident
Richard Norton, Pasadena resident

The following individuals spoke in opposition or stated concerns with the proposed General Plan Land Use and Mobility Elements:

John Byram, Pasadena resident
Ann Tait, Pasadena resident
Robert Tait, El Rio/Lake Neighborhood Association
Erlinda Romo, Playhouse District Association
Greg Gunther, Playhouse District Association
Bill Urban, West Pasadena Residents' Association
Mark Persico, Pasadena resident
Bob Kneisel, Pasadena Neighborhood Coalition
Marilyn Buchanan, General Plan Update Advisory Committee
Wes Reutimann, Day One, Inc.
Joe Feinblatt, Pasadena resident
Garth Garrett, Pasadena resident
Betty Sword, Pasadena resident
Louisa Nelson, Pasadena resident
Robert Nelson, Pasadena resident
Elizabeth Fagan, Pasadena resident
Anne Dove, President of Bungalow Heaven Neighborhood

Association
Regina Gomez, Pasadena resident
Marsha Rood, Pasadena resident
John Grech, Pasadena resident
Thanh Nguyen, Bungalow Heaven Neighborhood Association
Cindy Schnuelle, Pasadena resident
Steve Mulheim, President of Old Pasadena Management
District
Jonathan Edwards, President of Downtown Pasadena
Neighborhood Association

The City Clerk reported that 24 letters of correspondence were received and distributed to the City Council by the City Clerk's Office as part of the public record for this item, including 1 petition with 74 signatures.

Councilmember Gordo asked staff to report back with information regarding whether the City has the legal ability to enforce the Secretary of the Interior's standards on neighboring structures, and provide an optional view of the City's Specific Plan areas to ensure that the subtleties of the proposed changes are not overlooked. He suggested that staff not amend the land use diagrams in the Specific Plan areas until the plans have been thoroughly reviewed by City Council and the history and views of the residents in these areas have been considered.

Vice Mayor McAustin asked staff to determine whether there will be enough density available in the proposed General Plan update to allow for "neighborhood village" business development. She stressed the need for staff to work further on the 2nd Guiding Principle to make certain that design excellence is encouraged in all areas, and asked staff to report back with the anticipated impacts the proposed increase in residential units and development levels in the Central District will have on the Environmental Impact Report (EIR) study, as well as on new developments in the future. She expressed concerns with too many large institutional type buildings being constructed as a result of setting the allowable Floor Area Ratio (FAR) limit too low, and stated that the public comment supporting the designation of properties in excess of 2 acres as Planned Development (PD) should be evaluated and considered.

Councilmember Madison suggested that the first sentence in 8th Guiding Principle be changed to read, "Pasadena Supports Public Education", and to keep the second sentence as is, and requested clarification from staff regarding 2nd Guiding Principle.

Councilmember Tornek expressed interest in the North Lake Avenue discussion and the importance of reviewing proposed

maps as part of this process, and mentioned that it will be useful for staff to identify in a future presentation how the FAR and density bonus levels were determined as part of the process.

Councilmember Masuda stated that he strongly supports the education system and encouraged additional work on 8th Guiding Principle, and requested that future presentations and information include the boundary lines for the City's 8 Specific Plan areas.

Councilmember Robinson expressed support for the 8th Guiding Principle, but suggested that the order of the two sentences be reversed. She stated her concern regarding the limits that the proposed development caps may place on future developments, questioned whether or not staff's proposal should be reevaluated, and opposed establishing strict language in terms of architectural styles, noting that developers will be steered to design in the context of existing surrounding structures in Pasadena.

Councilmember Bryant spoke on the Land Use Diagrams and stated his support for the proposed maps, and requested staff to provide to City Council information on form-based codes as they relate to FAR, as well as a projection in population growth considering the proposed increase in residential units and commercial development levels.

Vince Bertoni, Planning Director, provided information on the next steps in this process, which included the need for City Council direction in the following areas of the General Plan: guiding principles, policy topic areas, land use diagram, boundaries of the specific plan, mobility element policies and diagrams, and development cap limits, with staff using the direction to prepare the Environmental Impact Report.

The Mayor expressed his support for the "neighborhood village" business concept, and encouraged such smart-development models in the future to enrich the lives of people living in various neighborhoods in the City.

Members of the Council expressed their gratitude to the staff and the public for their time, effort, and input in this lengthy process of updating the City's General Plan.

By consensus and on order of the Mayor, the report was received and filed.

PUBLIC HEARING

PUBLIC HEARING: CONDITIONAL USE PERMIT NO. 5804 TO ALLOW THE UPGRADING OF A MAJOR UTILITY, VARIANCE FOR EXHAUST STACK HEIGHT, MINOR VARIANCE FOR A WALL HEIGHT, MINOR VARIANCE FOR A GATE HEIGHT AND

STREET CLOSURE (WITHOUT VACATION) OF EAST STATE STREET FOR THE GLENARM POWER PLANT REPOWERING PROJECT, 72 EAST GLENARM STREET

Recommendation:

- (1) Adopt a resolution certifying the Final Environmental Impact Report (EIR) prepared for the Glenarm Power Plant Repowering Project (SCH No. 2011091056) (Attachment 1 of the agenda report), adopting Findings pursuant to the California Environmental Quality Act (CEQA), and adopting a Mitigation Monitoring and Reporting Program;
- (2) Adopt a resolution setting forth the Statement of Overriding Considerations;
- (3) Adopt the findings as shown in Attachment 2 of the agenda report, and approve Conditional Use Permit No. 5804 in accordance with conditions of approval listed in Attachment 3 of the agenda report to allow the proposed installation of a new 71-megawatt combined-cycle power-generating unit GT-5 to replace the existing steam-generating Unit B-3, and ancillary site improvements;
- (4) Adopt the findings as shown in Attachment 2 of the agenda report and approve a variance in accordance with conditions of approval listed in Attachment 3 of the agenda report, to allow the proposed 125-foot high exhaust stack to exceed the 56-foot height limit in the IG-SP2-HL-56 zoning district;
- (5) Adopt the findings as shown in Attachment 2 of the agenda report and approve a minor variance in accordance with conditions of approval listed in Attachment 3 of the agenda report to allow the proposed 10-foot high wall along South Fair Oaks Avenue where the maximum height allowed is four feet when in front of a structure;
- (6) Adopt the findings as shown in Attachment 2 of the agenda report and approve a minor variance in accordance with conditions of approval as shown in Attachment 3 of the agenda report to allow the proposed 10-foot high gate across East State Street after its closure, where the maximum height allowed is six feet when not located in front of a structure;
- (7) Take the appropriate action and make the appropriate findings to close without street vacation, the subject East State Street from South Fair Oaks Avenue to the Metropolitan Transportation Authority Right-of-Way (MTA ROW), in accordance with the requirements and recommendations contained in, and subject to, the conditions in the agenda report;
- (8) Find that the subject portion of East State Street proposed for closure is consistent with the General Plan Mobility Element and is unnecessary for present public use for street purposes;
- (9) Adopt a resolution of order to close, without street vacation, the subject portion of East State Street in accordance with the requirements and recommendations contained in, and subject to, the conditions in the agenda report;

(10) After hearing and findings hereon, adopt a resolution of order to close, without street vacation, the subject portion of East State Street; and

(11) Direct the City Clerk to file a Notice of Determination with the Los Angeles County Clerk within five days.

Recommendation of Planning Commission: After a public hearing on March 13, 2013, the Planning Commission recommended that the City Council certify the Final EIR that analyzed Alternative 3A, the Preferred Alternative, and the land use applications for the Glenarm Power Plant Repowering Project, adopt the findings and approve Conditional Use Permit No. 5804, height variance for the 125-foot-tall stack to exceed the 56-foot height limit, minor variance for the 10-foot-tall gate across East State Street, and to approve and order the street closure (without vacation) of East State Street. A minor variance for a proposed 12-foot-tall wall along the South Fair Oaks frontage was also recommended for approval, with a reduced height of ten feet to address the Commission's concern about the visual impact of the original request. The staff recommendation above incorporates this change. (Resolution No. 9275; Resolution No. 9276; Resolution No. 9277)

The Mayor opened the public hearing.

The City Clerk reported 33 copies of the notice of public hearing were posted on March 21, 2013; 228 copies of the notice were mailed on March 21, 2013; and the notice of public hearing was published on March 21, 2013 in the Pasadena Journal; and no correspondence was received.

Vince Bertoni, Director of Planning, introduced the agenda item and David Reyes, Senior Planner, reviewed the agenda report as part of a PowerPoint presentation, and responded to questions.

The following persons spoke in opposition to, and/or expressed concerns regarding the Glenarm Power Plant Repowering Project:

Rachel Koss, California Unions for Reliable Energy (CURE),
submitted to Council their final comments on the
Environmental Impact Report
Jenna Kachour, Pasadena Heritage
Kathleen Moore-Alpaugh, South Pasadena resident
Steve Bordelon, Pasadena resident

Anne Doehne, PCR Services Corporation and the City's environmental consultant, responded to questions regarding the new GT-5 unit and seismic upgrades related to the Glenarm building, and the presence of dioxins in the soil on the Glenarm Plant project site, noting that soil samples from the burn pit, were

tested and properly disposed of under the oversight of the Pasadena Fire Department. She indicated that it was concluded by the project hazardous material consultant and the Department of Water & Power that there was an absence of problematic, actionable, or clean-up levels of dioxin.

Councilmember Madison noted that additional written material was submitted on this item and will be made part of the record.

The City Manager pointed out that the older facility being replaced has higher pollution content than the newer facility, and stated that the operational differences in regards to the new facility (Unit GT-5) versus the old facility (Unit B-3) is a faster start-up time, which will reduce air pollutants.

Alan Sako, Senior Air Quality Scientist with PCR Services Corporation, provided a brief presentation on the distinction between greenhouse gas emissions and criteria air pollutants, and added that the newer unit has air quality controls, and explained the findings that are noted in the Air Quality section of the project's EIR.

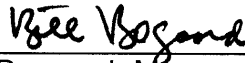
Gurcharan Bawa, Assistant General Manager of Water and Power, responded to questions regarding the new unit and its operational time frame per year.

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

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

ADJOURNMENT

On order of the Mayor, the regular meeting of the City Council adjourned at 12:13 a.m.



Bill Bogaard, Mayor
City of Pasadena

ATTEST:



City Clerk