

CITY OF PASADENA
City Council Minutes
May 5, 2014 – 5:30 P.M.
City Hall Council Chamber

REGULAR MEETING

OPENING:

Mayor Bogaard called the regular meeting to order at 5:36 p.m.
(Absent: Councilmember Madison)

On the order of the Mayor, the regular meeting recessed at 5:36 p.m. to discuss the following closed sessions:

Councilmember Madison
arrived at 5:47 p.m.

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

**Property Location: 1055 East Colorado Boulevard, Suite
350, Pasadena, CA**

**Agency Negotiators: Michael J. Beck and Steve Mermell
Negotiating Party: Kevin Duffy, Senior Vice President,
CBRE**

Under Negotiation: Price and terms of payment

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

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

**Employee Organization: International Brotherhood of
Electrical Workers (IBEW), Local 18**

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

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

ROLL CALL:

Councilmembers:

Mayor Bill Bogaard
Vice Mayor Jacque Robinson
Councilmember Victor Gordo
Councilmember John J. Kennedy
Councilmember Steve Madison
Councilmember Gene Masuda
Councilmember Margaret McAustin
Councilmember Terry Tornek

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

ANNUAL ORGANIZATIONAL MEETING The Mayor announced it was time for the annual reorganization of the City Council, and it was time to adjourn the City Council as currently constituted.

MOTION TO ADJOURN CITY COUNCIL – SINE DIE It was moved by Councilmember Gordo, seconded by Councilmember McAustin, to adjourn this City Council sine die. (Motion unanimously carried) (Absent: None)

ELECTION OF VICE MAYOR The Mayor opened nominations for Vice Mayor.

It was moved by Councilmember Tornek, seconded by Councilmember McAustin, to nominate Jacque Robinson as Vice Mayor for a term of one year. There being no further nominations, the Mayor declared the nominations were closed, and the following vote was taken:

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

Mayor Bogaard congratulated Vice Mayor Robinson on her re-election.

REMARKS BY ELECTED VICE MAYOR Vice Mayor Robinson thanked the Mayor, Councilmembers, and community for allowing her to serve as Vice Mayor.

RECONVENED It was moved by Councilmember Gordo, seconded by Councilmember Masuda, to reconvene the regular meeting of the City Council. (Motion unanimously carried) (Absent: None)

CEREMONIAL MATTERS The City Clerk administered the oath of office to Milena Albert-Mgeladze as Commissioner on the Status of Women.

Councilmember Kennedy provided information on “Cinco de Mayo” and encouraged the community to celebrate responsibly.

RECOGNITION OF PASADENA HIGH SCHOOL’S APP ACADEMY FOR WINNING THE “MOST ACCESSIBLE TECHNOLOGY TO ENGAGE THE COMMUNITY” PRIZE FOR THEIR POWER AND WATER CONSERVATION CALCULATOR APP AT THE HACK FOR PASADENA EVENT HELD MARCH 15-16, 2014 ON THE PASADENA CITY COLLEGE CAMPUS

Phillip Leclair, Chief Information Officer, introduced the item and provided a review of The Hack for Pasadena event. Dexter Krishnan, Pasadena Education Foundation App Academy, provided information on his organization.

Sebastian Ojeda, Moises Cuevas, Sevag Satamian, and Julian Van Riet, Pasadena High School (PHS) students, provided an overview of the web application they created that won the award for "Most Accessible Technology to Engage the Community", which included a cash prize of \$1,750.

PRESENTATION BY ALI ZAGHARI, CALTRANS DISTRICT 7 DEPUTY DIRECTOR OF TRAFFIC OPERATIONS, PROVIDING INFORMATION ON THE INTERSTATE 210 FREEWAY CONNECTED CORRIDORS PROJECT

Ali Zaghari, Caltrans District 7, introduced the item, and Sam Esquenazi, Caltrans, provided a PowerPoint presentation on the 210 Freeway Connected Corridors Pilot Project.

On order of the Mayor, and consensus of the City Council, the report was received and filed

PUBLIC COMMENT ON MATTERS NOT ON THE AGENDA

Tony Tartaglia, California Gas Company, introduced the new Public Affairs Manager, Helen Romero Shaw, who provided a brief professional career summary.

The following individuals expressed concern regarding comments made by Dr. Eric Walsh, Pasadena Public Health Director, and requested that the City relieve him of his duties:

- Michael Weinstein, AIDS Health Care Foundation
- Laila L. Goring, Pasadena resident
- Philip Reh, AIDS Healthcare Foundation
- Josef Jimenez, Los Angeles resident
- Rev. Anthony Hill, AHF Healthcare Foundation
- Samantha Granberry, Altadena resident

The following individuals spoke in support of Dr. Eric Walsh and requested he be reinstated:

- James Howard, Pasadena resident
- Jacqueline Howard, Pasadena resident

Councilmember Madison stated for the record that the City's Health Department continues to provide excellent service to the community irrespective of gender, sexual orientation, or medical history.

CONSENT CALENDAR

CONTRACT AWARD TO BMC LANDSCAPING MANAGEMENT FOR LANDSCAPE MAINTENANCE SERVICE IN AREA III FOR AN AMOUNT NOT TO EXCEED \$131,670

Recommendation:

(1) Acknowledge the project (Contracts for Landscape Maintenance) to be categorically exempt under Section 21084(a) of the California Environmental Quality Act of 1984 in accordance with Article 19, Section 15301 (Class 1), Subsection (h) of the Guidelines (maintenance of existing landscaping) and authorize the City Clerk to file a Notice of Exemption for the project with the Los Angeles County Clerk; and

(2) Accept the bid dated April 15, 2014, submitted by BMC Landscaping Management in response to the Notice Inviting Bids for the Landscape Maintenance Service in Area III, and authorize the City Manager to enter into such contract as is required for an amount not to exceed \$131,670 over a three-year period. This contract will have an option of two one-year terms not to exceed \$43,890 per year, renewable at the discretion of the City Manager, for a total contract length of five years. Consistent with the bid specifications, the escalator factors for the additional years are for the Consumer Price Index (CPI) and/or Living Wage Ordinance (LWO) increase only. (Contract No. 21,804)

SET A PUBLIC HEARING FOR THE RECOMMENDED ELECTRIC RATE INCREASES AND CHANGES TO THE ELECTRIC RATE STRUCTURE

Recommendation:

(1) Find that the Public Hearing for the Recommended Changes to the Electric rates is exempt from the California Environmental Quality Act ("CEQA") pursuant to State CEQA Guidelines Section 15273 (Rates, Tolls, Fares, and Charges); and

(2) Establish a date of June 2, 2014, to conduct a public hearing on the Recommended Electric Rate Increases and Changes to the Electric Rate Structure

- a) Increase the Electric Distribution and Customer Charges;
- b) Adjust the Electric Distribution and Customer Charge rate structure; and
- c) Add new rate components for changes in energy consumption.

MINUTES APPROVED

April 21, 2014
April 22, 2014 (Special Meeting)

CLAIMS RECEIVED AND FILED	Claim No. 12,154	Tanisha Woods	\$	4,000.00
	Claim No. 12,155	James A. Kholos		274.00
	Claim No. 12,156	George Matamala c/o Mercury Insurance		4,527.08
	Claim No. 12,157	AT&T/Pacific Bell/Diane Mancini		Not Stated
	Claim No. 12,158	County Sanitation Districts of LA County		13,613.73
	Claim No. 12,159	Andranik Sassadyan		1,733.62

It was moved by Vice Mayor Robinson, seconded by Councilmember McAustin, to approve the Consent Calendar. (Motion unanimously carried) (Absent: None)

PUBLIC HEARING

PUBLIC HEARING: CALL FOR REVIEW OF A BOARD OF ZONING APPEALS' DECISION: MINOR CONDITIONAL USE PERMIT NO. 6084, AND ASSOCIATED PRIVATE TREE REMOVALS, AT 1700 EAST COLORADO BOULEVARD ('CHICK-FIL-A')

Recommendation:

- (1) Find that the project is exempt from the California Environmental Quality Act ("CEQA") pursuant to State CEQA Guidelines Section 15301 (Existing Facilities); and
- (2) Uphold the Board of Zoning Appeals' decision to approve:
 - a) The Zoning Administrator Recommended Specific Findings (Attachment A of the agenda report), with the Conditions of Approval (Attachment C of the agenda report);
 - b) Minor Conditional Use Permit No. 6084: To allow the expansion of an existing non-conforming use (Drive-Through Business, Restaurant); and
 - c) Private Tree Removal: To allow the removal of one Chinese Elm (*ulmus parviflora*) and one Southern Magnolia (*Magnolia grandiflora*).

The Mayor opened the public hearing.

The City Clerk reported that 42 copies of the notice of public hearing were posted on April 17, 2014; 37 copies of the notice were mailed on April 17, 2014; and two letters of correspondence in support of the approval of the Minor Conditional Use Permit No. 6804 were received by the City Clerk's office, which were distributed to the City Council and made part of the record.

Vince Bertoni, Director of Planning and Community Development, introduced the item, and David Sinclair, Planner, summarized the agenda report as part of the PowerPoint presentation, and responded to questions.

Councilmember Gordo stated his concerns regarding the proposed project not being consistent with the East Colorado Specific Plan, which would require the project site to be focused on college and neighborhood services that serve pedestrians, as opposed to a drive-thru business.

The following individuals spoke in support of staff's recommendations:

Jennifer Daw, representing Chic-Fil-A, Inc., and responded to questions

Ed Hale, representing Chic-Fil-A, Inc., (distributed a letter from the Pasadena Chamber of Commerce), and responded to questions

Adaobi, Gwacham, Irvine resident

Sharon Washington, Pasadena resident

Michelle Washington, Pasadena resident

Tim Thornborough, Pasadena resident, spoke in opposition to the project and the staff recommendation.

Councilmember Tornek expressed concerns with staff's initial analysis that was prepared for the Hearing Officer, and stated that the project is inconsistent with the East Colorado Specific Plan.

Councilmember McAustin stated her support for the staff recommendation, and requested that the applicant, Chic-Fil-A, reduce the height of the poll sign to be in conformance with the City's current standards (should the project receive approval by the City Council). In addition, Ms. McAustin asked staff to return at a future meeting, possibly when the various specific plans are reviewed, and incorporate a discussion regarding non-conforming uses, so that the City Council can come to an agreement on what is permitted for non-conforming uses.

Councilmember Madison spoke in support of the proposed project but expressed concerns regarding pedestrian safety and requested the applicant provide enhanced pedestrian safety features for the drive thru exit (should the project receive approval by the City Council).

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

It was moved by Councilmember McAustin, seconded by Vice Mayor Robinson, to approve the staff recommendation, amended to require the applicant to reduce the height of the poll sign in order to conform with the City's current signage standards, and include additional pedestrian safety features for the drive thru exit from the property:

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

Following discussion, it was moved by Vice Mayor Robinson, seconded by Councilmember Madison, to re-open the public hearing. (Motion unanimously carried) (Absent: None)

Jennifer Daw, representing Chic-Fil-A, Inc., responded to questions regarding the length of the lease with the property owner.

Following discussion, it was moved by Vice Mayor Robinson, seconded by Councilmember Madison, to close the public hearing. (Motion unanimously carried) (Absent: None)

It was moved by Councilmember Tornek, seconded by Councilmember Kennedy, to approve Recommendation No. 1; and deny the Minor Conditional Use Permit on the basis of not being able to make the findings in regards to findings No. 3) The proposed use is not in conformance with the goals, policies, and objectives of the General Plan and the purpose and intent of any applicable specific plan, and No. 6) The design, location, operating characteristics, and size of the proposed use would not be compatible with the existing and future land uses in the vicinity in terms of aesthetic value, character, scale, and view protection:

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

Following further discussion, It was moved by Councilmember Tornek, seconded by Councilmember Gordo, to approve staff Recommendation No. 1 only. (Motion unanimously carried) (Absent: None)

Michele Beal Bagneris, City Attorney, confirmed that since the City Council was unable to reach a decision (lacking five affirmative votes either to approve or deny the proposed project), the lower body decision of the Board of Zoning Appeals now stands.

**CONTINUED PUBLIC HEARING: FY 2015 – 2019
RECOMMENDED CAPITAL IMPROVEMENT PROGRAM
BUDGET**

Recommendation: Receive public comment and continue the public hearing to May 12, 2014 at 7:00 p.m. and thereafter at each subsequent regular meeting of the City Council until the City Council determines that the public hearing may close and then formally adopt the FY 2015 – 2019 CIP Budget.

Councilmember Kennedy left the dais at 9:47 p.m.

The Mayor opened the public hearing

It was moved by Councilmember McAustin, seconded by Vice Mayor Robinson, to approve staff recommendation to continue the public hearing to May 12, 2014. (Motion unanimously carried) (Absent: Councilmember Kennedy)

INFORMATION ITEMS

Councilmember Kennedy returned at 9:50 p.m.

**EQUAL OPPORTUNITY IN EMPLOYMENT ANNUAL
REPORT JANUARY 1, 2012 – DECEMBER 31, 2012 AND
JANUARY 1, 2013 – DECEMBER 31, 2013**

Recommendation: The Equal Opportunity in Employment Annual Report is submitted for information only. This report is based on the calendar years 2012 and 2013 and reflects all individuals employed in regular, full-time positions during the reporting period of January 1 through December 31, 2012 and January 1 through December 31, 2013.

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

**PREDEVELOPMENT PLAN REVIEW OF THE PROJECT
LOCATED AT 277 NORTH EL MOLINO AVENUE**

Recommendation: This report is intended to provide information to the City Council. No action is required.

Vince Bertoni introduced the item, and Kelvin Parker, Principal Planner, summarized the agenda report as part of the PowerPoint presentation, and responded to questions.

The Mayor read into the record a note provided by Ms. Jesse Lattig, representing Pasadena Heritage, who was unable to stay for the item, stating concerns regarding the scale and massing of the proposed project, and the need for a buffer between the developed site and the adjacent 1887 Theodore Lukens House.

On order of the Mayor, and consensus of the City Council, the report was received and filed

**REPORTS AND COMMENTS
FROM COUNCIL MEMBERS**

Councilmember McAustin highlighted a grand opening for the Teriyaki Madness restaurant on May 8, 2014, which utilized the Foothill Workforce Investment Board to hire employees, five of whom are Pasadena residents.

ADJOURNMENT

On order of the Mayor, the regular meeting of the City Council adjourned at 10:15 p.m.

Bill Bogaard, Mayor
City of Pasadena

ATTEST:

City Clerk