

CITY OF PASADENA
City Council Minutes
October 1, 2007 – 5:30 P.M.
City Hall Council Chamber

REGULAR MEETING

OPENING:

Vice Mayor Haderlein called the regular meeting to order at 6:10 p.m. (Absent: Councilmembers Gordo, Madison, Mayor Bogaard)

On order of the Vice Mayor, the regular meeting recessed at 6:10 p.m., to discuss the following closed session:

Mayor Bogaard arrived
at 6:15 p.m.

Councilmember Gordo
arrived at 6:27 p.m.

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

**Agency Negotiators: Karyn Ezell, Arthur Chavez
Employee Organization: Pasadena Police Sergeants
Association**

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

On order of the Mayor, the regular meeting reconvened at 6:30 p.m. The Pledge of Allegiance was led by Councilmember McAustin.

ROLL CALL:

Councilmembers:

Mayor Bill Bogaard
Vice Mayor Steve Haderlein
Councilmember Victor Gordo
Councilmember Chris Holden
Councilmember Steve Madison
Councilmember Margaret McAustin
Councilmember Jacque Robinson
Councilmember Sidney F. Tyler

Staff:

City Manager Cynthia Kurtz
City Attorney Michele Beal Bagneris
City Clerk Jane L. Rodriguez

CEREMONIAL MATTERS

The City Clerk administered the oath of office to Alma Dillard as Accessibility and Disability Commissioner.

The Mayor presented a proclamation designating October 5, 2007 as California Arts Day, which was accepted by Terry LeMoncheck, Pasadena Arts Council Executive Director. Ms. LeMoncheck described various arts activities that will take place as part of the "California Comes Alive with the Arts" festivities to be held during the month of October.

Vice Mayor Haderlein acknowledged Bob Monk for his years of involvement with the Rose Bowl, and service on the Rose Bowl Operating Company (RBOC) and to the community; and presented Mr. Monk with a framed University of Wisconsin football jersey bearing his player's number.

Mr. Monk expressed gratitude for the opportunity to serve on the RBOC, and urged the community to support the Rose Bowl in its future renovation project.

Councilmember Gordo also acknowledged Mr. Monk for his many years of service as the Executive Director of the Boys and Girls Club of Pasadena.

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

The following persons expressed concerns regarding possible sale of the Ritz-Carlton, Huntington Hotel and/or conversion of the hotel rooms/suites into condominiums and possible loss of jobs if the conversions take place; and asked for Council's support in seeing that the condo conversions are not developed and in saving jobs within the City:

Joe Palmerino, Ritz-Carlton employee
Daniel Favela-Gary, Ritz-Carlton employee
Iris Perez, Ritz-Carlton employee
Rebecca Garcia, Ritz-Carlton employee
Angelina Aranibar, Ritz-Carlton employee
Elvia Alonso, Ritz-Carlton employee

The City Manager indicated that a proposal has not been presented to the City by the Hotel, and discussed the status of possible future development for the property.

Joe Dumbacher, Pasadena resident, expressed ongoing concerns regarding sewer line issues involving his property on Linda Ridge Road, indicated that he had not received a response from staff regarding the concerns he had expressed at the Council meeting of September 17, 2007, urged the City to meet with him to solve this problem, and submitted photos of the sewer line area in question.

The City Manager provided a brief update on negotiations regarding the Linda Ridge Road problem, and indicated staff would contact Mr. Dumbacher the next day.

The City Manager confirmed there were legal issues involving this property.

Councilmember Madison offered his and his office's services in moving this matter forward.

The following persons expressed concerns regarding the current situation involving monks in Burma and China's alleged involvement in supplying the Burmese army with weapons and other alleged violations of human rights, and stated opposition to allowing a parade float from China to participate in the 2008 Tournament of Roses Parade:

Gunissara Ashin, Baldwin Park resident
Pyi Maung, Simi Valley resident, submitted informational materials.

The Mayor announced that the City's Human Relations Commission would be presenting a recommendation regarding the Rose Parade situation, and affirmed that decisions regarding participation in the Rose Parade fall under the authority of the Tournament of Roses organization.

CONSENT CALENDAR

CONTRACT AWARD TO PAVEMENT COATINGS COMPANY FOR THE SLURRY SEAL OF STREETS - 2007 FOR AN AMOUNT NOT TO EXCEED \$430,000

Recommendation of City Manager:

(1) Accept the bid dated September 12, 2007, submitted by Pavement Coatings Company, in response to the Specifications for the Slurry Seal of Streets - 2007, reject all other bids received, and authorize the City Manager to enter into a contract not to exceed \$430,000.

(2) Acknowledge the project to be categorically exempt under Section 21084 of the California Environmental Quality Act (CEQA) in accordance with Article 19, Section 15301 (Class 1), subsection (c) of the Resources Agency of California Guidelines (repair of existing public streets) pursuant to the findings of the Secretary of the Resources Agency and authorize the City Manager to execute and the City Clerk to file a Notice of Exemption for the project with the Los Angeles County Clerk. (Contract No. 19,451)

RESOLUTION APPROVING A LICENSE AGREEMENT BETWEEN THE CITY OF PASADENA AND WREC SAN PASQUAL, LLC, FOR THE INSTALLATION OF PRIVATE IMPROVEMENTS WITHIN THE PUBLIC RIGHT-OF-WAY ALONG SAN PASQUAL STREET AT 950 SAN PASQUAL STREET

Recommendation of City Manager:

(1) Adopt a resolution approving a license agreement with WREC San Pasqual, LLC, for property located at 950 San Pasqual Street with terms and conditions as set forth in the background section of the agenda report; and

(2) Authorize the City Manager to execute and the City Clerk to attest said license agreement on behalf of the City of Pasadena. (Resolution No. 8785; Agreement No. 19,452)

Item discussed separately at the request of Councilmember Tyler.

CONTRACT AWARD TO TOPLINE CONSTRUCTION, INC., FOR THE LA CASITA DEL ARROYO WALL REPAIR AND ARROYO BOULEVARD SLOPE AND WALL REPAIR AT GRAND AVENUE FOR AN AMOUNT NOT TO EXCEED \$351,000

MINUTES APPROVED

September 17, 2007

CLAIMS RECEIVED AND FILED

Claim No. 10,449	Gayle Young	\$ 5,000.00
Claim No. 10,450	Rodolfo Ibarra	973.88
Claim No. 10,451	Darnell Lorenzo Jack	Not Stated

It was moved by Vice Mayor Haderlein, seconded by Councilmember Robinson, to approve the Consent Calendar, with the exception of Item 3 (Contract with Topline Construction, Inc.), which was discussed separately. (Motion unanimously carried) (Absent: None)

**CONSENT ITEM
DISCUSSED SEPARATELY**

CONTRACT AWARD TO TOPLINE CONSTRUCTION, INC., FOR THE LA CASITA DEL ARROYO WALL REPAIR AND ARROYO BOULEVARD SLOPE AND WALL REPAIR AT GRAND AVENUE FOR AN AMOUNT NOT TO EXCEED \$351,000

Recommendation of City Manager: Accept the bid, dated September 7, 2007, submitted by Topline Construction, Inc., for the La Casita del Arroyo Wall Repair and Arroyo Boulevard Slope and Wall Repair at Grand Avenue; reject all other bids received; and authorize the City Manager to enter into such contract for a "not to exceed" amount of \$351,000. (Contract No. 19,453)

In response to Councilmember Tyler's questions, Martin Pastucha, Director of Public Works Department, responded to questions regarding the two wall repair projects.

It was moved by Councilmember Tyler, seconded by Councilmember Madison, to approve the City Manager's recommendation. (Motion unanimously carried) (Absent: None)

**RECOMMENDATIONS
FROM OFFICERS AND
DEPARTMENTS**

APPOINTMENT OF GREG JONES TO THE ROSE BOWL OPERATING COMPANY (District 4 Nomination)

APPOINTMENT OF CHARLES NELSON TO THE NORTHWEST COMMISSION (District 4 Nomination)

APPOINTMENT OF CHRISTOPHER WALKER TO THE COMMUNITY DEVELOPMENT COMMITTEE (District 1 Nomination)

APPOINTMENT OF DANIEL SHARP TO THE NORTHWEST COMMISSION (District 1 Nomination)

APPOINTMENT OF ELONA C. JACKSON-HINTON TO THE COMMUNITY DEVELOPMENT COMMITTEE (Tenant Nomination)

It was moved by Vice Mayor Haderlein, seconded by Councilmember Robinson, to approve the above appointments. (Motion unanimously carried) (Absent: None)

UPDATE ON THE STATUS OF THE CITY'S WATER SUPPLY AND CONSERVATION PROGRAM (Councilmember Madison)

Councilmember Madison asked staff to provide information on steps to be taken by the City in preparation for the drought that the area seems to be entering, and suggested that staff ensure that the water shortage plan and the procedures contained in the Pasadena Municipal Code (PMC) include the flexibility to devise a hybrid plan that includes a variety of remedies should the situation call for such action. He also suggested staff explore trading future water rights to address current water needs impacted by the drought and providing incentives to encourage water conservation.

The City Manager introduced the agenda item, discussed the phasing of three plans to be implemented as contained in the City's water shortage procedures cited in the PMC, noted that staff will confirm that the PMC addresses the flexibility issue discussed by Councilmember Madison in order to provide for a hybrid plan, and responded to questions.

Eric Klinkner, Assistant General Manager of Water and Power Department, highlighted the City's recommendations to its customers on how to meet the Mayor's challenge for a 10% reduction in water usage citywide (water efficiency and conservation programs), reviewed the three phases/plans of the voluntary/mandatory conservation program for water customers, and discussed staff's work on updating the citywide conservation plans to be presented to Council in a public hearing in December 2007. He distributed a copy of PMC Chapter 13.10, Water Shortage Procedures, noted that staff would bring any Code changes to Council that might need action prior to the December public hearing, and responded to questions.

Brad Boman, Engineering Manager, reviewed water storage and supply issues, current and possible impacts from the drought, and the status of the Metropolitan Water District's water allocation plan; and responded to questions.

Richard Bruckner, Director of Planning and Development Department, reviewed possible new water conservation requirements involving new building construction, Certificates of Occupancy, and green building initiatives involving new build

and retrofit of private structures that will be presented to Council in January 2008; and responded to questions.

Martin Pastucha, Director of Public Works Department, described current and proposed water conservation efforts in the City park system, landscaped areas, and various municipal facilities, along with the possible use of artificial turf for sports fields.

Discussion followed on the process for addressing drought issues through the PMC's water shortage procedures, options for augmenting the City's water supply, the legal settlement status involving the City's closed wells and the resolution of perchlorate contamination problems, and conservation planning assistance provided to businesses.

Councilmember Tyler suggested that regular reports be provided to the public regarding residential, commercial, and City (as a customer) goals for water conservation and whether the goals are being met; a water assessment be included during the permit process; and the City move to a mandatory plan sooner rather than later.

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

PUBLIC HEARINGS

PUBLIC HEARING: ZONING CODE AMENDMENT:
ADOPTION OF A NEW DEFINITION FOR ANIMAL SHELTER; AMENDMENT OF THE CD-1 AND CD-6 (CENTRAL DISTRICT) ZONING DISTRICT TO CONDITIONALLY ALLOW ANIMAL SHELTERS; AMENDMENT OF CHAPTER 17.46 (PARKING AND LOADING) TO INCLUDE A PARKING REQUIREMENT FOR ANIMAL SHELTERS; AND AMEND THE DEFINITION OF PUBLIC AND SEMI-PUBLIC LAND USE CLASSIFICATION TO INCLUDE ANIMAL SHELTER

Recommendation of City Manager: It is recommended that the Council, after a public hearing:

- (1) Acknowledge that the proposed Zoning Code Amendment, to provide a definition for Animal Shelter and amend the CD-1 and CD-6 Zoning District land uses and the Parking Regulations does not have the potential for causing a significant effect on the environment and thus, under California Environmental Quality Act's (CEQA) General Exemption, is exempt from further environment assessment;
- (2) Find that the adoption of the Zoning Code Amendments related to Animal Shelter is consistent with the goals, objectives and policies of the General Plan and the purposes of the Pasadena Municipal Code Title 17 (Zoning), as outlined in the body of the agenda report;
- (3) Approve an amendment to the Zoning Code adopting the new definition for Animal Shelter; allowing Animal Shelter use with the approval of a Conditional Use Permit in the CD-1 and

CD-6 (Central District Specific Plan) Zoning Districts; requiring a parking study as part of the Conditional Use Permit application; and amending the definition of Public and Semi-Public Land Use Classification to include Animal Shelter use; and

(4) Direct the City Attorney to prepare an ordinance that implements these recommendations as described in the agenda report and return within 60 days for first reading.

Recommendation of Planning Commission: The Planning Commission recommended approval of these amendments.

The Mayor opened the public hearing.

The City Clerk reported the notice of public hearing was published on September 17 and 24, 2007 in the Pasadena Star-News and on September 27, 2007 in the Pasadena Journal; and no correspondence was received.

Richard Bruckner, Director of Planning and Development Department, introduced a recently-hired staff member, Beilin Yu; and responded to questions regarding the proposed Zoning Code Amendments.

Beilin Yu, Associate Planner, reviewed the agenda report and responded to questions.

In response to Councilmember Tyler's question, Mr. Bruckner indicated that staff could inspect for possible violations involving boarding situations in residential areas.

Councilmember Gordo asked the City Attorney to provide information on the rationale for allowing a land use for a nonprofit entity but not allowing a similar use for a for-profit entity when the ordinance is presented for first reading.

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

It was moved by Councilmember Madison, seconded by Councilmember Gordo, to approve the City Manager's recommendation. (Motion unanimously carried) (Absent: None)

CONTINUED PUBLIC HEARING: PROPOSED AMENDMENTS TO TITLE 16 (SUBDIVISIONS) AND TITLE 17 (ZONING CODE) OF THE PASADENA MUNICIPAL CODE RELATED TO THE CONVERSION OF RESIDENTIAL RENTAL MULTIPLE-DWELLING UNITS INTO RESIDENTIAL CONDOMINIUM UNITS

Recommendation of City Manager: It is recommended that the City Council cancel the public hearing.

The Mayor noted that the subject of condominium conversions would be heard at the Council meeting of October 1, 2007.

The City Manager clarified that a 45-day moratorium on approval of condominium conversions would be considered at that time, with a task force to review the proposed amendments for possible changes during the 45-day period and a public hearing to be re-noticed.

By consensus and on order of the Mayor, the public hearing was cancelled.

ORDINANCES – FIRST READING

Conduct first reading of “AN ORDINANCE OF THE CITY OF PASADENA AMENDING CHAPTERS 2.130 AND 10.45 OF THE PASADENA MUNICIPAL CODE TO ENABLE THE SOUTH LAKE PARKING PLACE COMMISSION TO ACT AS A PARKING METER ADVISORY BODY AND TO ESTABLISH THE SOUTH LAKE PARKING METER ZONE”

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

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

NOES: None

ABSENT: None

Conduct first reading of “AN UNCODIFIED ORDINANCE OF THE CITY OF PASADENA APPROVING A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF PASADENA AND SMV TECHNOLOGY PARTNERS LLC”

Vice Mayor Haderlein asked staff to provide an update, within 30 days, on the public improvements to Walnut Street and Kinneloa Avenue that were funded by SMV Technology Partners LLC as part of the Development Agreement.

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

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

NOES: None

ABSENT: None

ORDINANCES – ADOPTED

Councilmember Madison recused himself at 8:00 p.m., due to a conflict of interest.

Adopt “AN ORDINANCE OF THE CITY OF PASADENA AMENDING TITLE 17 OF THE PASADENA MUNICIPAL CODE (THE ZONING CODE), AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF PASADENA ESTABLISHED BY SECTION 17.20.020 OF THE PASADENA MUNICIPAL CODE TO CREATE THE ‘SPECIALTY SHOP

OVERLAY ZONE” (ROSE TREE COTTAGE) (Introduced by Councilmember Gordo) (Ordinance No. 7113)

The above ordinance was adopted by the following vote:

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

NOES: None

ABSENT: Councilmember Madison

Councilmember Madison
returned at 8:01 p.m.

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 1066 SOUTH ORANGE GROVE BOULEVARD” (WESTRIDGE SCHOOL) (Introduced by Councilmember Madison) (Ordinance No. 7114)

The above ordinance was adopted by the following vote:

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

NOES: None

ABSENT: None

Adopt “AN UNCODIFIED ORDINANCE OF THE CITY OF PASADENA APPROVING THE MILFORD WIND CORRIDOR PHASE I PROJECT POWER SALES AGREEMENT WITH THE SOUTHERN CALIFORNIA PUBLIC POWER AUTHORITY AND APPROVING THE CITY’S SHARE OF PROJECT ENERGY AND ASSOCIATED ENVIRONMENTAL ATTRIBUTES” (Introduced by Councilmember Tyler) (Ordinance No. 7115)

The above ordinance was adopted by the following vote:

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

NOES: None

ABSENT: None

Adopt “AN ORDINANCE OF THE CITY OF PASADENA SUNSETTING THE MUNICIPAL SERVICES COMMITTEE” (Introduced by Councilmember Tyler) (Ordinance No. 7116)

The above ordinance was adopted by the following vote:

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

NOES: None

ABSENT: None

RECESS

On order of the Mayor, the regular meeting of the City Council recessed at 8:03 p.m. to the regular meeting of the Community Development Commission.

RECONVENED

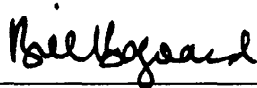
On order of the Mayor, the regular meeting of the City Council reconvened at 11:37 p.m. (Absent: None)

PUBLIC COMMENT
(Continued)

Bill Watkins, Pasadena resident, commented on capitalism and the freedom to work.

ADJOURNMENT

On order of the Mayor, the regular meeting of the City Council adjourned at 11:40 p.m.



Bill Bogaard, Mayor
City of Pasadena

ATTEST:

City Clerk