

CITY OF PASADENA
City Council Minutes
June 9, 2008 – 5:15 P.M.
City Hall Council Chamber

Teleconference Location:
Marriott Hotel Teaneck At Glenpoint, Room 903
100 Frank W Burr Boulevard
Teaneck, New Jersey

SPECIAL AND REGULAR MEETING

OPENING:

Councilmember Madison participated via teleconference beginning at 5:17 p.m.

Mayor Bogaard called the special meeting to order at 5:17 p.m. (Absent: None)

On order of the Mayor, the special meeting recessed at 5:17 p.m., to discuss the following closed session:

CITY COUNCIL CONFERENCE REGARDING PUBLIC EMPLOYMENT pursuant to Government Code Section 54957

Employee Title: City Manager

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

On order of the Mayor, the regular meeting reconvened at 7:02 p.m. The Pledge of Allegiance was led by Ann Erdman, Public Information Officer.

ROLL CALL:

Councilmembers:

Mayor Bill Bogaard
Vice Mayor Steve Haderlein
Councilmember Victor Gordo
Councilmember Chris Holden
Councilmember Steve Madison (Excused at 7:02 p.m.)
Councilmember Margaret McAustin
Councilmember Jacque Robinson
Councilmember Sidney F. Tyler

Staff:

City Manager Bernard K. Melekian
City Attorney Michele Beal Bagneris
Senior Assistant City Clerk Mark Jomsky

PUBLIC COMMENT ON MATTERS NOT ON THE AGENDA

The following persons expressed concerns regarding accessibility issues for people who are hard of hearing, spoke in support of captioning Council meetings and any event with over 50 people attending, and asked the City to budget for captioning:

Grace Tiessen, Hearing Loss Association of California (HLAC) Board member, submitted a letter stating her concerns regarding the hard of hearing and a copy of The Hearing Loss Californian – Summer 2008 newsletter. Bette Reigelman, Accessibility and Disability Commissioner and Hearing Loss Association of America (HLAA) representative

The Mayor indicated staff would follow up on the suggestion about captioning and provide information on their findings to the Council and the above speakers.

Michelle Selvans, Pasadena resident, complimented the City for conducting the Green Pasadena Leadership Summit and Bike Week Pasadena events in which she had participated; and encouraged Council to set a implementation timetable when the revised Bicycle Master Plan that is being developed is presented and approved.

Manuel Vargas, East Eaton Wash Neighborhood Association representative, expressed concerns regarding the condition of the Viña Vieja Park and the need to complete the park project, and asked Council to approve funding for needed maintenance and improvements at the Park.

The City Manager explained that completion of the Viña Vieja Park project is related to the ice skating rink construction project that is still tied up in a redesign process; and indicated staff will take a look at what can be done in the interim, until such time as the rink construction route is finalized and the park project can be completed.

Vice Mayor Haderlein commented on the current temporary conditions involving the park and especially the entrance to the park, and on negotiations with Southern California Edison and Pasadena City College regarding the entrance to the park and ice skating rink project.

CONSENT CALENDAR

Item discussed separately at the request of Councilmember McAustin.

AUTHORIZATION TO ENTER INTO A CONTRACT WITH PACE GLOBAL ENERGY SERVICES, LLC, FOR AN AMOUNT NOT TO EXCEED \$372,091 TO DEVELOP A COMPREHENSIVE 20-YEAR INTEGRATED RESOURCE PLAN (“IRP”) FOR PASADENA WATER AND POWER

AUTHORIZATION TO ENTER INTO CONTRACTS WITH E.E. ELECTRIC AND NEVADA BKD FOR ELECTRICAL CONSTRUCTION, AND POUK AND STEINLE FOR CIVIL CONSTRUCTION RELATED TO THE INSTALLATION OF OVERHEAD, UNDERGROUND AND SUBSTATION EQUIPMENT FOR THE WATER AND POWER DEPARTMENT

Recommendation of City Manager:

(1) Accept the bid dated February 20, 2008 submitted by E.E. Electric in response to Specifications LD-07-11 for installing overhead and underground equipment for the Water and Power Department; reject all other bids; and authorize a contract to E.E. Electric for a period of two years or until \$4,000,000 is expended, whichever occurs first with four additional one-year extensions, each not to exceed \$2,000,000 per year;

(2) Accept the bid dated February 20, 2008, submitted by Nevada BKD in response to Specifications LD-07-11 for installing substation equipment for the Water and Power Department; reject all other bids; and authorize a contract to Nevada BKD for a period of two years or until \$500,000 is expended, whichever occurs first, with four additional one-year extensions, each not to exceed \$250,000 per year;

(3) Accept the bid dated February 20, 2008, submitted by Pouk and Steinle in response to Specifications LD-07-11 for the construction of underground electrical conduit systems, vaults, and other miscellaneous civil work for the Water and Power Department; reject all other bids; and authorize a contract to Pouk and Steinle for a period of two years or until \$2,000,000 is expended, whichever occurs first, with four additional one-year extensions, each not to exceed \$1,000,000 per year;

(4) Acknowledge that the project is exempt from environmental review pursuant to the guidelines of the California Environmental Quality Act (Public Resources Code Section 21080(b)(9); Administrative Code, Title 14, Chapter 3, Class 30, Section 15330 (Minor Actions to Prevent, Stabilize, Mitigate or Eliminate the Release or Threat of Release of Hazardous Waste or Hazardous Substances). (Contract Nos. 19,646 through 19,648)

Item discussed separately at the request of Councilmember Gordo.

AUTHORIZATION TO ENTER INTO A CONTRACT WITH MOULE & POLYZOIDES, ARCHITECTS AND URBANISTS, TO DEVELOP DESIGN GUIDELINES FOR NEIGHBORHOOD COMMERCIAL AND MULTI-FAMILY DISTRICTS

AUTHORIZATION TO ENTER INTO A CONTRACT WITH IMCORP TO TEST AND EVALUATE UNDERGROUND 34KV TRANSMISSION ELECTRICAL CABLE SYSTEMS FOR THE WATER AND POWER DEPARTMENT

Recommendation of City Manager:

(1) Approve the establishment of a contract with IMCORP to obtain test and evaluation services for an amount not to exceed \$350,000; and

(2) Acknowledge that the proposed contract is exempt from competitive bidding pursuant to the City Charter Section 1002(F), contracts for professional or unique services. (Contract No. 19,649)

CLAIMS RECEIVED AND FILED

Claim No. 10,606	Roland S. Short	\$ 169.23
Claim No. 10,607	Ghenet Hadgu	Not stated
Claim No. 10,608	Gene Graley	1,000.00
Claim No. 10,609	Mike Tharee	497.58
Claim No. 10,610	Darin Baer	438.27
Claim No. 10,611	Monique Steele	7,575.00

PUBLIC HEARING SET

July 21, 2008, 7:30 p.m. - Congestion Management Program Local Development Report and Self Certification

It was moved by Councilmember Gordo, seconded by Councilmember Robinson, to approve the Consent Calendar, with the exceptions of Item 1 (Contract with Pace Global Energy Services, LLC) and Item 3 (Contract with Moule & Polyzoides, Architects and Urbanists), which were discussed separately. (Motion unanimously carried) (Absent: Councilmember Madison)

CONSENT ITEMS DISCUSSED SEPARATELY

AUTHORIZATION TO ENTER INTO A CONTRACT WITH PACE GLOBAL ENERGY SERVICES, LLC, FOR AN AMOUNT NOT TO EXCEED \$372,091 TO DEVELOP A COMPREHENSIVE 20-YEAR INTEGRATED RESOURCE PLAN (“IRP”) FOR PASADENA WATER AND POWER

Recommendation of City Manager: Authorize the City Manager to enter into a contract with Pace Global Energy Services, LLC, (“Pace”) for an amount not to exceed \$372,091 to evaluate existing energy procurement policies and practices, recommend potential revisions to such policies and practices and develop a comprehensive 20-year Integrated Resource Plan (“IRP”) for Pasadena Water and Power Department. Competitive bidding is not required pursuant to City Charter Section 1002(F), contracts for professional or unique services. This agreement is exempt from the requirements of the CEQA pursuant to Title 14, Chapter 3, Article 18, Section 15262. (Contract No. 19,650)

Recommendation of Environmental Advisory Commission: The Environmental Advisory Commission (“EAC”) recommends that the City Council approve this contract.

In response to Councilmember McAustin’s questions, Gurcharan Bawa, Business Unit Director, outlined elements of the public outreach plan that will be used in the development of the Integrated Resource Plan (IRP), and described the timeframe for the process in developing the IRP.

The City Manager indicated a report on the outreach plan could be presented to the Municipal Services Committee.

Councilmember McAustin stressed the need for public outreach that will be as extensive as possible in involving the various stakeholders in the development of the IRP.

Councilmember Tyler stated his opinion that the IRP should include alternative approaches that will reduce the City's dependence on coal-fired generation, increase the City's portfolio of renewables, and address the energy crisis in a way that will not overly burden the consumers/tax payers. He asked that the process be expedited to ensure that the IRP is presented to Council no later than January 2009, if possible.

It was moved by Councilmember Tyler, seconded by Councilmember McAustin, to approve the City Manager's recommendation. (Motion unanimously carried) (Absent: Councilmember Madison)

AUTHORIZATION TO ENTER INTO A CONTRACT WITH MOULE & POLYZOIDES, ARCHITECTS AND URBANISTS, TO DEVELOP DESIGN GUIDELINES FOR NEIGHBORHOOD COMMERCIAL AND MULTI-FAMILY DISTRICTS

Recommendation of City Manager:

- (1) Authorize the City Manager to enter into a contract with Moule & Polyzoides, Architects and Urbanists, in an amount not to exceed \$85,000 to develop design guidelines for neighborhood commercial areas and for residential projects in RM (multi-family) districts; and
- (2) Acknowledge that competitive bidding is not required pursuant to City Charter Section 1002(F), contracts for professional or unique services. (Contract No. 19,651)

The Mayor introduced the agenda item.

Richard Bruckner, Director of Planning and Development Department, described the outreach process for developing the design guidelines for the General Plan; and confirmed that Council and the public will be informed about the timeline for the community outreach and that guidelines for all commercial and multi-family areas outside of the Central District will be reviewed. He clarified that review of the design guidelines for the Central District and North Lake Specific Plan will be considered after the design guidelines for the General Plan are developed and an assessment can be made as to the applicability of the revised guidelines to these two areas.

Discussion followed on the scope of the areas in which the design guidelines will be reviewed; possible future review of the design guidelines for the Central District and the North Lake Specific Plan areas; the roles of the contractor, public, and staff in the development of the guidelines; the timeframe for the review process; the role of the Design Commission in the process; and the impact of multi-family structures on residential neighborhoods.

Councilmember Gordo stressed the need to provide the community with the timeline/schedule for the outreach so that

the public can provide input on the neighborhood compatibility aspect of the guidelines, commented on the need for the revised guidelines to respect existing architecture and take a neighborhood-by-neighborhood approach, and suggested a parallel process to review the design guidelines for the North Lake Specific Plan be conducted, if possible.

Vice Mayor Haderlein expressed concerns about a possible lack of public participation in the process, and asked that Council be updated in six months on the progress of the outreach process.

Councilmember Holden expressed concerns regarding the need for more clarity in the report as to the process to be used in developing the guidelines and the roles to be played by the contractor, public, and staff in this process.

The City Manager noted that staff discussions on the project had included the element of public outreach/input, and that Council will be kept informed on the nature of the process.

Mr. Bruckner confirmed that Council would receive a six-month update on the process, and that staff would consult with the contractor and review the workload to determine if Councilmember Gordo's suggestion regarding the parallel process for the North Lake Specific Plan could be accommodated.

It was moved by Councilmember Gordo, seconded by Vice Mayor Haderlein, to approve the City Manager's recommendation. (Motion unanimously carried) (Absent: Councilmember Madison)

RECOMMENDATIONS FROM OFFICERS AND DEPARTMENTS

APPROVAL OF CENSUS 2010 COMPLETE COUNT STRATEGY AND IMPLEMENTATION PLAN
Recommendation of City Manager: Adopt a resolution authorizing the formation of the Census 2010 Complete Count Committee. (Resolution No. 8865)

The Mayor introduced the agenda item.

The Mayor presented a proclamation endorsing and fully supporting the nationwide April 1st effort of the U.S. Bureau of the Census known as Census Day 2010 and encouraging all Pasadena residents to participate actively to get the most accurate and complete count of all persons residing in the City. The proclamation was received by James Christy, U.S. Census Bureau, Los Angeles Regional Director, who commented on the information and funding benefits derived from the census.

Julie Gutierrez, Assistant City Manager, reviewed the agenda report and responded to questions.

Greg Robinson, Housing Administrator, responded to questions regarding the formation of, and membership on, the Census 2010 Complete Count Committee, the City's undercount percentage for the 2000 census, and the census tracts that were identified by the Census Bureau as being undercounted.

Discussion followed on the selection of members for the Census 2010 Complete Count Committee, the determination of an undercount figure for the City, and impacts resulting from an undercount.

Councilmember Robinson asked for the listing of the community-based organizations used by staff in filling the membership on the Census 2010 Complete Count Committee, along with information on the total number of the City's census tracts and undercounted tracts.

It was moved by Councilmember Holden, seconded by Councilmember Gordo, to approve the City Manager's recommendation. (Motion unanimously carried) (Absent: Councilmember Madison)

**REPORTS AND COMMENTS
FROM COUNCIL
COMMITTEES**

FINANCE COMMITTEE

**FISCAL YEAR 2008 OPERATING AND CAPITAL BUDGET
AMENDMENTS**

Recommendation of City Manager:

(1) Authorize a journal voucher implementing certain amendments to the Fiscal Year 2008 Operating and Capital Budgets as detailed in the background section of the agenda report. The net effect of these amendments to the various fund balances is as follows: a reduction to the Power Fund of \$406,500; a reduction to the Proposition C Fund of \$50,000; a reduction to South Lake Parking Operations Fund of \$50,000; and a reduction to the Fleet Maintenance Fund of \$393,526. In addition, the following funds' both revenues and appropriations will be affected as follows: an increase of \$3,832,188 to the General Fund; an increase of \$68,035 to the Rose Bowl Capital Improvement Trust Fund; and an increase of \$25,000 to the Capital Improvement Projects Fund; and

(2) Authorize an increase in the not to exceed amount of Purchase Order No. 36968 with G. P. Resources, Inc., from \$2.0 million to \$2.393 million; and

(3) Amend the General Fee Schedule to include a new fee for Temporary On-street Construction Parking Permit. (Journal Voucher No. 2008-26)

Councilmember Tyler, Chair of the Finance Committee, summarized the agenda report, and asked staff to review the fuel usage information to determine if there are additional measures that can be taken to reduce this usage.

The City Manager noted that staff continually reviews fuel usage and vehicle operations in general.

It was moved by Councilmember Tyler, seconded by Councilmember McAustin, to approve the City Manager's recommendation. (Motion unanimously carried) (Absent: Councilmember Madison)

PUBLIC HEARINGS

CONTINUED PUBLIC HEARING: CITY MANAGER'S RECOMMENDED FISCAL YEAR 2009 OPERATING BUDGET

Recommendation of City Manager: It is recommended that the City Council:

- (1) Receive public comment on the City Manager's Recommended Fiscal Year 2009 Operating Budget; and
- (2) Continue this public hearing to each subsequent regular meeting of the City Council at 7:30 p.m. until June 23, 2008, or such other later date as the City Council may determine, and at which time the City Council will be asked to close the public hearing and formally adopt the Operating Budget.

The Mayor announced now was the time for the continued public hearing.

The Senior Assistant City Clerk reported no additional correspondence had been received.

Councilmember Tyler, Chair of the Finance Committee, reported the budget discussion for Housing had been completed and department budgets for Police, Human Resources, and Planning and Development had been discussed at the special joint meeting of the City Council and Finance Committee held on June 9, 2008 at 3:00 p.m.

No one appeared for public comment.

Councilmember Holden clarified that members of the public could comment on any part of the Operating Budget at any of the joint City Council/Finance Committee meetings or during the Council meetings.

By consensus and on order of the Mayor, the public hearing was continued to June 9, 2008 at 7:30 p.m.

Councilmember Tyler recused himself at 8:16 p.m., due to a conflict of interest.

CONTINUED PUBLIC HEARING: DESIGNATION OF 1000 EAST CORDOVA STREET AS A LANDMARK

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

- (1) Acknowledge that the designation of a historic resource is categorically exempt from the California Environmental Quality Act under Class 8, Actions by Regulatory Agencies for

Protection of the Environment (CEQA Guidelines, Article 19, Section 15308);

(2) Find that the multi-family condominium complex located at 1000 East Cordova Street, known as Whispering Waters, is significant under Criterion "C" for designation as a landmark (Pasadena Municipal Code Section 17.62.040) because the property is a good intact example of the work of developer Lionel V. Mayell (under the title Lionel Mayell Enterprises), who pioneered the development of own-your-own apartments in California during the mid-twentieth century, and because it embodies the distinctive characteristics of the modern garden-apartment property type as applied to a modified mid-rise apartment building, and because of the incorporation of the unique water feature as a landscape element;

(3) Approve the designation of the property at 1000 East Cordova Street as a landmark;

(4) Adopt a resolution approving a Declaration of Landmark Designation for 1000 East Cordova Street, Pasadena, California;

(5) Authorize the Mayor to execute the Declaration of Landmark Designation for 1000 East Cordova Street, Pasadena, California; and

(6) Direct the City Clerk to record the declaration with the Los Angeles County Recorder.

Recommendation of Historic Preservation Commission: On September 17, 2007, at a noticed public hearing, the Historic Preservation Commission voted unanimously to recommend approval of the designation of 1000 East Cordova Street as a landmark under Criterion "C" of Pasadena Municipal Code Section 17.62.040.

The Mayor announced now was the time for the continued public hearing.

The Senior Assistant City Clerk reported that correspondence received to date included 13 letters in support of the landmark designation, 34 letters in opposition, and 4 letters expressing questions or concerns (with 15 signatures on 1 of these letters).

Richard Bruckner, Director of Planning and Development Department, summarized the City Manager's memorandum to Council dated June 9, 2008 as this pertains to the landmark designation's possible impact on the property's water feature, clarified that there would be a wide variety of solutions available under the Secretary of the Interior's Standards that would address the water feature issue, and confirmed that staff could work with the homeowners association in resolving the water feature concerns.

The following persons spoke in support of the landmark designation:

Joel Sweat, Pasadena resident

Marion White, applicant, submitted a handout titled "Roster List for the Designation of The Whispering Waters As an Historic Landmark".

Ken Perry, Pasadena resident

John Walsh, Pasadena resident

Lambert Giessinger, Pasadena Heritage representative

Kay Murphy, Pasadena resident

Christine Fedukowski, Pasadena resident

Fried Wilson, Pasadena resident

Matt Dillhoefer, Pasadena resident

The following persons spoke in opposition to and/or expressed concerns/questions about the designation:

Melba White, Whispering Waters Homeowners Association (WWA) bookkeeper, submitted a handout titled "Secretary of the Interior's Standards for Rehabilitation".

Jean Barkauskas, WWA Board President, who was in attendance but physically unable to speak for herself (Melba White read from Ms. Barkauskas's written comments.)

Miriana Blaskova, WWA Secretary/Treasurer, submitted a copy of a letter dated June 27, 2005 from the City to Marion White, in which the City denied a previous request in 2005 for landmark designation of 1000 East Cordova Street.

Alex Barkauskas, Pasadena resident/maintenance person for Whispering Waters building

Carol Dawes, Pasadena resident

It was moved by Councilmember Gordo, seconded by Councilmember Robinson, to close the public hearing. (Motion unanimously carried) (Absent: Councilmembers Madison, Tyler)

Emily Stadnicki, Planner, responded to questions regarding the level of support from the homeowners for the landmark designation, and documentation that supports the staff's new position to approve the designation.

Mr. Bruckner explained staff's change in position related to the denial of a landmark designation in 2005 and support of a landmark decision in 2007, and clarified that Council could decide a timeframe for holding the application in a pending status.

Councilmember Gordo stated his opinion that support by 51% of the homeowners should be applied to this situation (approval of designation based on landmark district requirements since there are multiple owners in the condominium building); expressed concerns regarding an apparent pending legal

dispute between the WWA and some of the condominium owners; and suggested this matter could be brought back to Council when there is more agreement between the condominium owners and legal issues have been resolved. He suggested staff return at some future date with recommendations and guidelines for handling the issue of a building with multiple owners (historical structure or landmark district).

Councilmember Holden commented on the detailed information provided with the landmark designation denial letter of 2005, and expressed concerns that staff had not provided this letter as part of the agenda report documentation for Council's consideration. He indicated he was open to reviewing an application in the future.

Councilmember McAustin discussed the maintenance issues facing the condominium owners and the costs that might be mitigated through a landmark designation, and suggested the applicant continue to educate the homeowners and work with them in gaining a majority support from the association so that this matter can be pursued.

The Mayor commented on the widely different views of the homeowners regarding the points/facts that have been documented about the landmark designation; noted that Councilmember Tyler had recused himself because he had decided that the manner in which he had dealt with this matter at an earlier time would suggest to some that he no longer had an open mind based on the facts and circumstances that were put on the record in the formal proceeding; and expressed support for an application coming back to Council at a future time, without prejudice, if no action is taken on this matter.

Vice Mayor Haderlein suggested this matter be continued for 45 days to allow time for staff and the applicant to pursue additional information on the support/opposition of the homeowners.

Discussion followed on concerns about clearly identifying the level of the homeowners' support for the designation, factors involved with staff's support of the landmark designation in 2007 vs. denial of the landmark designation in 2005, staff's role in surveying the level of support for the designation, and updated criteria used in evaluating this designation for the 2007 application vs. the 2005 application.

The City Manager noted that the applicant could bring a new application back in one year, and that the Historic Preservation Commission would not have to hear the matter again.

It was moved by Councilmember Robinson, seconded by Councilmember Gordo, to disapprove the landmark designation, without prejudice:

AYES: Councilmembers Gordo, Holden, McAustin, Robinson

NOES: Vice Mayor Haderlein, Mayor Bogaard

ABSENT: Councilmembers Madison, Tyler

(Motion failed)

The City Attorney clarified that no action has been taken by the Council, which means that the status quo remains (no landmark designation); that the recommendation from the Historic Preservation Commission was only a recommendation; that the request for approval of the landmark designation has been denied; that there can not be a request for the same or virtually similar application approval within 12 months, absent some changed circumstance or some other evidence to suggest that there is a basis for reconsideration. She further clarified that a survey showing 51% or more approval by the homeowners could be considered as a determination of new significant evidence for reconsideration.

In response to Vice Mayor Haderlein's suggestion, the City Manager indicated that it would not seem to be staff's role to conduct a survey, absent some clear direction from Council, given the internal issues with the homeowners; and staff would review and verify new information/evidence that might be submitted.

Based on the City Attorney's clarification, the Mayor noted that no formal motion has been adopted, that the application has been denied, and that the matter has been left open in certain respects and for certain possibilities as discussed above.

RECOMMENDATIONS FROM OFFICERS AND DEPARTMENTS

Councilmember Tyler returned at 9:27 p.m.

RESOLUTION APPROVING ANNUAL REPORT OF THE ADVISORY BOARD OF THE PASADENA TOURISM BUSINESS IMPROVEMENT DISTRICT ("DISTRICT"), DECLARING ITS INTENTION TO LEVY ASSESSMENTS AGAINST HOTEL AND MOTEL BUSINESSES WITHIN THE DISTRICT FOR FISCAL YEAR 2008-2009, AND SETTING A PUBLIC HEARING ON THE LEVY OF THE ASSESSMENTS FOR JUNE 23, 2008, AT 7:30 P.M.

Recommendation of Pasadena Center Operating Company:
Adopt a resolution approving the annual report of the advisory board with respect to the Pasadena Tourism Business Improvement District (the "District") for Fiscal Year 2008-2009, declaring its intention to levy assessments against hotel and motel businesses within the District for Fiscal Year 2008-2009 and setting a public hearing on the levy of the assessments on June 23, 2008, at 7:30 p.m. (Resolution No. 8866)

The Mayor introduced the agenda item.

Michael Ross, Pasadena Center Operating Company (PCOC) Chief Executive Officer, confirmed that the hotels supported this action, and noted that the Pasadena Convention Center expansion project was currently under budget and on schedule for completion in March 2009.

It was moved by Councilmember Holden, seconded by Councilmember Gordo, to approve the Pasadena Center Operating Company's recommendation. (Motion unanimously carried) (Absent: Councilmember Madison)

CITY COUNCIL APPOINTMENTS TO THE YOUTH, FAMILIES & NEIGHBORHOODS AD HOC COMMITTEE
(Mayor Bogaard)

The Mayor announced the appointments of Councilmember Madison and Councilmember Robinson to the Youth, Families and Neighborhoods Ad Hoc Committee, with Councilmember Robinson to Chair the Committee; and noted that an additional member may be appointed at a later date.

RESIGNATION OF CHARLES McKENNEY FROM THE RECREATION AND PARKS COMMISSION (District 6 Nomination)

RESIGNATION OF JOHN B. HOWE FROM THE SOUTH LAKE PARKING PLACE COMMISSION (At Large/District 7 Nomination)

NOTICE OF RESIGNATION OF SUE CLARK FROM THE DISASTER EMERGENCY SERVICES COUNCIL

CONSENT TO APPOINTMENT OF MARSHA SECORD TO THE DISASTER EMERGENCY SERVICES COUNCIL (Chief Downs)

REAPPOINTMENT OF AUGUSTA PARRINGTON TO THE LIBRARY COMMISSION (District 6 Nomination)

REAPPOINTMENT OF PETER WONG TO THE CODE ENFORCEMENT COMMISSION (District 3 Nomination)

REAPPOINTMENT OF JAYLENE MOSELEY TO THE ENVIRONMENTAL ADVISORY COMMISSION (District 3 Nomination)

REAPPOINTMENT OF MILDRED HAWKINS TO THE HUMAN SERVICES COMMISSION (District 3 Nomination)

REAPPOINTMENT OF TARIK ROSS TO THE NORTHWEST COMMISSION (District 3 Nomination)

REAPPOINTMENT OF RITA GAIL TURNER TO THE COMMISSION ON THE STATUS OF WOMEN (District 4 Nomination)

REAPPOINTMENT OF THOM MROZEK TO THE RECREATION AND PARKS COMMISSION (District 4 Nomination)

REAPPOINTMENT OF KHATCHIK CHAHINIAN TO THE PASADENA COMMUNITY ACCESS CORPORATION BOARD (District 4 Nomination)

REAPPOINTMENT OF FLORALINE STEVENS TO THE TRANSPORTATION ADVISORY COMMISSION (District 1 Nomination)

REAPPOINTMENT OF MARK KASSABIAN TO THE LIBRARY COMMISSION (District 4 Nominee)

REAPPOINTMENT OF HEATHER ELAYNE DAVIS TO THE ARTS AND CULTURE COMMISSION (District 2 Nomination)

REAPPOINTMENT OF DALE OLIVER TO THE ARTS AND CULTURE COMMISSION (District 6 Nomination)

It was moved by Councilmember McAustin, seconded by Councilmember Tyler, to accept the above resignations with regrets and approve the above appointment and reappointments. (Motion unanimously carried) (Absent: Councilmember Madison)

REAPPOINTMENT OF RICARDO OLIVAREZ TO THE HUMAN SERVICES COMMISSION (District 1 Nomination)

At the request of Councilmember Robinson and on order of the Mayor, the above reappointment was deferred.

RECESS

On order of the Mayor, the regular meeting of the City Council recessed at 9:31 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 9:34 p.m. (Absent: Councilmembers Gordo, Madison, McAustin)

ORDINANCES – ADOPTED

Councilmember Gordo returned at 9:35 p.m.

Adopt “AN EXTENSION OF THE INTERIM URGENCY ORDINANCE OF THE CITY OF PASADENA TEMPORARILY PROHIBITING THE ISSUANCE OF PERMITS FOR THE PLACEMENT, CONSTRUCTION, AND MODIFICATION OF GROUND-MOUNTED COMMERCIAL WIRELESS FACILITIES IN RESIDENTIAL ZONING DISTRICTS” (Introduced by Councilmember Tyler) (Ordinance No. 7144)

The above ordinance was adopted by the following vote:
AYES: Councilmembers Gordo, Holden, Robinson, Tyler,
Vice Mayor Haderlein, Mayor Bogaard
NOES: None
ABSENT: Councilmembers Madison, McAustin

Adopt “AN UNCODIFIED ORDINANCE OF THE CITY OF PASADENA GRANTING NON-EXCLUSIVE RENEWAL FRANCHISES FOR SOLID WASTE COLLECTION TO 16 APPLICANTS” (Introduced by Councilmember Tyler) (Ordinance No. 7145)

The above ordinance was adopted by the following vote:
AYES: Councilmembers Gordo, Holden, Robinson, Tyler,
Vice Mayor Haderlein, Mayor Bogaard
NOES: None
ABSENT: Councilmembers Madison, McAustin

Adopt “AN UNCODIFIED ORDINANCE OF THE CITY OF PASADENA GRANTING NON-EXCLUSIVE FRANCHISES FOR POLICE TOWING TO THREE APPLICANTS” (Introduced by Vice Mayor Haderlein) (Ordinance No. 7146)

The above ordinance was adopted by the following vote:
AYES: Councilmembers Gordo, Holden, Robinson, Tyler,
Vice Mayor Haderlein, Mayor Bogaard
NOES: None
ABSENT: Councilmembers Madison, McAustin

INFORMATION ITEMS

Councilmember McAustin returned at 9:37 p.m.

EQUAL OPPORTUNITY EMPLOYMENT ANNUAL REPORT: JANUARY 1, 2007 - DECEMBER 31, 2007

Recommendation of City Manager: The Equal Opportunity in Employment Annual Report is submitted for information only. This report is based on the calendar year 2007 and reflects all individuals employed in regular full-time positions during the reporting period of January 1 through December 31, 2007.

Karyn Ezell, Director of Human Resources Department, reviewed the agenda report, discussed efforts to encourage gender diversity and portray the City as an inclusive workplace that welcomes female applicants to apply for positions that have been traditionally held by males, and responded to questions.

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

ANNUAL REPORT ON CITY PROCUREMENT – CALENDAR YEAR 2007

Recommendation of City Manager: It is recommended that the City Council receive the annual report on City Procurement for calendar year 2007.

Steve Mermell, Acting Director of Finance Department, summarized the agenda report and responded to questions.

Councilmember Holden was excused at 9:53 p.m.

Larry Hammond, Purchasing Administrator, discussed the procurement of vehicles from local vendors.

It was moved by Councilmember Gordo, seconded by Councilmember McAustin, to receive and file the report. (Motion unanimously carried) (Absent: Councilmembers Holden, Madison)

PUBLIC HEARING

CONTINUED PUBLIC HEARING: APPEAL OF EXPRESSIVE USE PERMIT NO. 4955, 61 NORTH RAYMOND AVENUE (VIVE RESTAURANT AND LOUNGE)

Recommendation of City Manager:

- (1) Acknowledge that this action is categorically exempt from California Environmental Quality Act; and
- (2) Disapprove the appeal of Expressive Use Permit No. 4955:
 - (a) Expressive Use Permit - To relocate the dance floor area for an existing restaurant. The original permit for live entertainment and dancing was approved in 1991 and modified in 1994; and
 - (b) Modification to Conditional Use Permit No. 2051 - To extend the hours of alcohol sales for an existing restaurant to 1:30 a.m. daily. The original permit for alcohol sales was approved in 1989 and modified in 1991, which limited the hours of alcohol sales to 11:00 p.m., Sunday through Thursday and 1:00 a.m., Friday and Saturday.

The Mayor opened the public hearing.

Councilmember Holden returned at 9:55 p.m.

The Senior Assistant City Clerk reported 57 copies of the notice of public hearing were posted on April 4, 2008; 83 copies of the notice were mailed on April 4, 2008; and 2 letters from the applicant requesting continuance of the hearing date, 2 letters in support of disapproving the appeal, and 1 letter expressing questions/concerns were received.

Jason Mikaelian, Senior Planner, reviewed the agenda report, outlined the Conditional Use Permit (CUP) process, and responded to questions.

Chris Vicino, Acting Police Chief, responded to questions regarding police calls related to the Vive Restaurant and Lounge (Vive), and explained the Police Department's concurrence with the staff recommendation to disapprove the appeal.

The City Manager commented on the operation of the applicant's business and police calls involving Vive.

The City Attorney noted that the applicant had submitted a binder of information, with the City providing the applicant with some of the information included in the binder as a result of the applicant's request under the Public Records Act.

Richard Bruckner, Director of Planning and Development Department, commented on both the restaurant and dance operations of the applicant's business, noted that Vive had not requested or received the City's approval to relocate the dance floor, and discussed the condition set out in Vive's CUP regarding the dance floor location. He clarified the separate review processes that are conducted by the City for what is built (building permit) and for how the space is used (conditional use permit).

Discussion followed on the trend in police calls involving Vive; the alleged inaccuracy of information described in the police reports; the nature of Vive's business operation (restaurant vs. nightclub); possible application of the alcohol overlay to this business; the history of the applicant's relocation of the dance floor and creation of a patio area; the permit process followed by Vive involving the patio and dance floor areas; noise issues involving Vive's operation/dance activities; use of the patio as a smoking area; and current violation of the CUP.

The following persons spoke in support of the applicant's appeal:

John Peña, applicant, presented a binder of supporting information regarding the Vive appeal.
Randall Fried, Vive restaurant manager
Doug Huberman, former owner of Vive speaking as an individual
Wade Trefethan, Studio City resident
Daniel E. Vargas, Jr., Pasadena resident
Jim Schueller, Pasadena resident
Marc Dittberner, Burbank resident
Paul Hanna, Pasadena resident
Amin Marv, Sierra Madre resident
Mark Chemeleski, Kim's Hapkido representative
Edgar R. Miranda, Pasadena resident
Anthony Vann, Covina resident
Kimberly Pereira, Rancho Cucamonga resident
Erika Jaramillo, Vive patron
Rodney K. Nickens, Anaheim resident
Amy Heller, Sierra Madre resident

The following persons spoke in opposition to the applicant's appeal and/or expressed concerns:

James Plotkin, Pasadena business owner speaking as an individual

Will Sera, representative for the homeowners association
at 80 N. Raymond Avenue
Dan Mellinkoff, Pasadena resident
Carolina Clark, Day One representative
Julie Thomson, Pasadena business owner (Vertical Wine
Bistro) speaking as an individual

It was moved by Councilmember Holden, seconded by Vice Mayor Haderlein, to close the public hearing. (Motion unanimously carried) (Absent: Councilmember Madison)

Councilmember Holden stated that staff had provided a sound basis for classifying Vive as a nightclub, and that the business should be allowed to continue to operate subject to compliance with the CUP and noise ordinance.

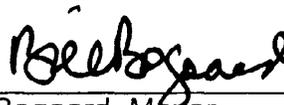
Councilmember Gordo commented on the need to protect the importance of the alcohol overlay in situations such as this.

The Mayor noted for the record that the CUP issued in 1994 contained a condition with the following language: "Any modification to the size or location of the dance floor shall be subject to the review and approval of the Zoning Administrator." He indicated that the applicant's interaction with staff during the building permit process would not imply a responsibility by staff to review the CUP (as to use of the space) during the building permit process (as implied by the applicant).

It was moved by Councilmember Holden, seconded by Councilmember Tyler, to approve the City Manager's recommendation. (Motion unanimously carried) (Absent: Councilmember Madison)

ADJOURNMENT

On order of the Mayor, the special meeting of the City Council adjourned at 11:29.



Bill Bogaard, Mayor
City of Pasadena

ATTEST:



Jane L. Rodriguez
City Clerk