CITY OF PASADENA City Council Minutes December 13, 2010 – 5:00 P.M. City Hall Council Chamber

SPECIAL MEETING

OPENING:

Mayor Bogaard called the special meeting to order at 5:09 p.m. (Absent: Councilmembers Madison, Robinson, Tornek)

On order of the Mayor, the special meeting recessed at 5:09 p.m., to discuss the following closed sessions:

CITY COUNCIL CONFERENCE WITH LEGAL COUNSEL regarding pending litigation pursuant to Government Code Section 54956.9(a)

Councilmember Robinson arrived at 5:16 p.m.

Case Name: Risis v. City of Pasadena

Case No.: LASC GC 044351

CITY COUNCIL CONFERENCE WITH LEGAL COUNSEL regarding pending litigation pursuant to Government Code Section 54956.9(a)

Case Name: <u>Jhae (Super Liquor) v. City of Pasadena</u>

Case No: LASC BC413887

CITY COUNCIL CONFERENCE WITH LEGAL COUNSEL regarding pending litigation pursuant to Government Code Section 54956.9(a)

Case Name: Solomon and Katherine Roshodesh v. City of

Pasadena, Pasadena Police Department, et al

Case Number: BC 428715

Councilmember Madison arrived at 5:53 p.m.

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

Agency Negotiators: Mary Ellen Schubel, Julie A.

Gutierrez, and Michael J. Beck

Employee Organization: Pasadena Management

Association

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

Property: 2920 East Washington Boulevard, Pasadena Agency Negotiator: Michael J. Beck, City Manager

Negotiating Party: Los Angeles County Flood Control

District, Dayna Rotham

CITY COUNCIL CONFERENCE WITH LEGAL COUNSEL regarding pending litigation pursuant to Government Code Section 54956.9(a)

Case Name: Pasadenans for a Livable City and Pasadena Heritage v. City of Pasadena and Pasadena City Council; Real Parties in Interest: Pasadena Office, LLC, IDS Real

Estate Group; and Does 1 to 5

Case No.: Los Angeles Superior Court No. BS 124250

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

Councilmember Robinson was excused at 7:46 p.m.

CITY COUNCIL CONSULTATION WITH THE CITY ATTORNEY regarding matters posing a threat to security of public buildings pursuant to Government Code Section 54957

The above closed session item was not discussed.

On order of the Mayor, the special meeting reconvened at 7:47 p.m. The Pledge of Allegiance was led by Councilmember McAustin.

ROLL CALL:

Councilmembers:

Mayor Bill Bogaard Vice Mayor Victor Gordo

Councilmember Steve Haderlein Councilmember Chris Holden Councilmember Steve Madison Councilmember Margaret McAustin

Councilmember Jacque Robinson (Absent) Councilmember Terry Tornek (Absent)

Staff:

City Manager Michael J. Beck City Attorney Michele Beal Bagneris

City Clerk Mark Jomsky

CEREMONIAL MATTERS

The Mayor and Councilmember Holden presented a commendation to the Door of Hope on its 25th anniversary in providing program services to homeless families with children. The commendation was received by Steve Lazarian, Chief Executive Officer and founder, and Tim Peters, Executive Director. Lonnene Vreede described her past experience as a previous participant in the program and current role as Case Manager at the Door of Hope. Mr. Peters submitted informational materials about the organization.

Gabriel Silva, Environmental Programs Manager, announced the recipients of the 2010 Outstanding Recycler Awards, in recognition of their efforts in recycling and preserving the environment.

The Mayor and Martin Pastucha, Director of Public Works Department, presented certificates and plaques to recipient representatives in the following categories:

<u>Development of a Reduction, Reuse, or Recycling Program</u>
(Commercial Operation or Nonprofit Organization): High Point Academy

Creative Reuse of Common Objects: Robert Hilton

Education Outreach that Inspires Environmental Stewardship: Washington Middle School

Outstanding Solid Waste Collection/Recycling Hauler
Demonstrating Innovative Environmental Practices and
Stewardship: Consolidated Disposal Service

Overall Recycler of the Year for Outstanding Support and Commitment to Recycling: McKinley Elementary and Middle School

The Mayor and Mary Ellen Schubel, Interim Director of Human Resources Department, recognized the following City employees for their 35 years of service: John Woodley, Steve Garcia, Irene Leung, Theodore Latta, and Charlie Williams. The Mayor presented a commendation to John Woodley.

PUBLIC COMMENT ON MATTERS NOT ON THE AGENDA

No one appeared for public comment.

CONSENT CALENDAR

AUTHORIZE THE CITY MANAGER TO ENTER INTO A CONTRACT WITH CONENGR CORPORATION TO PROVIDE LABOR AND MATERIALS FOR UTILITY STREET REPAIRS FOR THE WATER AND POWER DEPARTMENT, SPECIFICATION WD-10-02

Recommendation:

- (1) Find that the project is exempt from the California Environmental Quality Act (CEQA), pursuant to State CEQA Guidelines Section 15301, existing facilities;
- (2) Accept the bid dated November 3, 2010, submitted by Conengr Corporation, in response to Specification WD-10-02 to provide labor and materials for utility street repairs for the Water and Power Department;
- (3) Reject all other bids; and
- (4) Authorize the City Manager to enter into a contract with Conengr Corporation, for an amount not to exceed \$1,000,000 or a one-year term, whichever comes first, with an option for three additional one-year terms of \$1,000,000 each year. (Contract No. 20,555)

AUTHORIZATION TO EXECUTE A MEMORANDUM OF UNDERSTANDING (MOU) WITH THE LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY (METRO) FOR THE PROPOSITION A DISCRETIONARY INCENTIVE GRANT PROGRAM

Recommendation:

(1) Find that the execution of the Proposition A Discretionary Incentive Grant Program Memorandum of Understanding with Metro is exempt from the California Environmental Quality Act (CEQA), pursuant to State CEQA Guidelines Section 15061(b)(3); and

(2) Authorize the City Manager to execute a Memorandum of Understanding (MOU) with Metro for the Proposition A Discretionary Incentive Grant Program for funding generated by reporting Pasadena Area Rapid Transit System data for Fiscal Year 2008; and further authorize the City Manager to enter into future MOUs for data reported in Fiscal Year 2009 and Fiscal Year 2010. The City is eligible to receive \$322,454 from the Proposition A Discretionary Incentive Grant Program funds for data reported in Fiscal Year 2008; and an invoice for these funds must be submitted to Metro by June 30, 2011. (Agreement No. 20,556)

AUTHORIZATION TO EXTEND THE EXISTING CONTRACT WITH CBS OUTDOOR FOR BUS SHELTERS Recommendation:

- (1) Find that an extension of the current contract with CBS Outdoor for bus shelters is exempt from the California Environmental Quality Act (CEQA), pursuant to State CEQA Guidelines Section 15061(b)(3);
- (2) Competitive bidding is not required, pursuant to City Charter Section 1002(F), contracts for professional or unique services. Grant the proposed contract 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; and
- (3) Authorize the City Manager to enter into a contract with CBS Outdoor for five years with an estimated annual revenue generation of \$360,000, based on a monthly rate of \$300 per shelter. (Contract Amendment No. 17,409-3)

CONTRACT AWARD TO EVERLAST BUILDERS, INC., FOR THE PAINTING OF STREET LIGHT POLES, TRAFFIC SIGNAL POLES, AND TRAFFIC SIGNAL EQUIPMENT IN THE OLD PASADENA AND SOUTH LAKE AVENUE DISTRICTS, AND THE PAINTING OF BICYCLE RACKS IN THE SOUTH LAKE AVENUE DISTRICT FOR AN AMOUNT NOT TO EXCEED \$208,000

Recommendation:

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

(2) Accept the bid dated November 10, 2010, submitted by Everlast Builders, Inc., in response to the Specifications for the Painting of Street Light Poles, Traffic Signal Poles, and Traffic Signal Equipment in the Old Pasadena and South Lake Avenue Districts, and the Painting of Bicycle Racks in the South Lake Avenue District, reject all other bids received, and authorize the City Manager to enter into such contract as is required for an amount not to exceed \$208,000. (Contract No. 20,557)

Item discussed separately at the request of Councilmember Madison.

EXTENSION OF CONTRACT WITH INTER-CON SECURITY SYSTEMS, INC., FOR UP TO THREE MONTHS FOR SECURITY AT PARKS, CITY YARDS AND PARKING STRUCTURES FOR A NOT TO EXCEED AMOUNT OF \$60,000

Item discussed separately at the request of Vice Mayor Gordo and Councilmember McAustin.

MODIFICATION OF TERMS OF CITY FUNDING ASSISTANCE FOR HUDSON OAKS AFFORDABLE SENIOR RENTAL HOUSING PROJECT AT 1267 NORTH HUDSON AVENUE

AUTHORIZATION TO ISSUE A PURCHASE ORDER CONTRACT TO PARAVION TECHNOLOGY INCORPORATED, IN AN AMOUNT NOT TO EXCEED \$155,000 FOR THE PURCHASE OF A GIS/GPS BASED MOVING MAP SYSTEM FOR A POLICE HELICOPTER

Recommendation: Authorize the issuance of a purchase order contract to Paravion Technology Incorporated, in an amount not to exceed \$155,000 for the purchase of an Augmented Reality helicopter mapping system. Competitive bidding is not required, pursuant to City Charter Section 1002(C), contracts for labor, materials, supplies, or services available from only one vendor.

PREPARATION OF AN ORDINANCE AUTHORIZING THE PASADENA PUBLIC HEALTH DEPARTMENT TO CONDUCT WHOLESALE FOOD INSPECTIONS

Recommendation: It is recommended that the City Council direct the City Attorney to prepare and present within 30 days an ordinance authorizing the Pasadena Public Health Department to conduct inspections of wholesale food operations in a manner consistent with California Health and Safety Code – Food Sanitation Act, Sections 11950-112055 and the Sherman Food, Drug and Cosmetic Law (California Health and Safety Code).

ADOPTION OF A RESOLUTION APPROVING A REQUEST TO THE CALPERS BOARD OF ADMINISTRATION FOR AN EMPLOYMENT EXTENSION UNDER CALIFORNIA GOVERNMENT CODE SECTION 21221(H) FOR THE TEMPORARY EMPLOYMENT OF MICHAEL E. KORPAL

Recommendation: Adopt a resolution approving the request to

the CALPERS Board of Administration for an employment extension, per the California Government Code Section 21221(H), for the temporary employment of Deputy Police Chief (CSW Retiree), Michael E. Korpal. (Resolution No. 9078)

ECONOMIC DEVELOPMENT AND TECHNOLOGY COMMITTEE: FIVE YEAR EXTENSION OF AGREEMENT NO. 18,398 WITH THE OLD PASADENA MANAGEMENT DISTRICT, FOR THE MANAGEMENT OF THE SCHOOLHOUSE, DELACEY, AND MARRIOT GARAGES Recommendation:

- (1) Find that an extension of the current contract with the Old Pasadena Management District for garage management is categorically exempt from the California Environmental Quality Act (CEQA), pursuant to State CEQA Guidelines Section 15301, existing facilities;
- (2) Find that competitive bidding is not required, pursuant to City Charter Section 1002(F), contracts for professional or unique services. Grant the proposed contract 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; and
- (3) Authorize the City Manager to extend for five years the existing agreement with the Old Pasadena Management District, for the management of the Schoolhouse, Delacey, and Marriot parking garages to December 31, 2015, in an amount not to exceed \$134,712 the first year. Subsequent years will be tied to the Consumer Price Index, for the Los Angeles-Riverside-Orange County area of all urban consumers, for the most recent 12-month period. (Agreement Amendment No. 18,398-2)

FINANCE COMMITTEE: ADOPTION OF A RESOLUTION TO CONSIDER GRANTING NON-EXCLUSIVE VEHICLE TOWING FRANCHISES AND SETTING A PUBLIC HEARING Recommendation:

- (1) Adopt a resolution to consider the granting of non-exclusive vehicle towing franchises to the following firms:
 - Masters Automotive Tow Services of Pasadena
 - A-Car Auto of Pasadena
 - Freddie Mac Towing Inc. of El Monte
 - J & M Towing of Alhambra
- (2) Set a public hearing for January 10, 2011, at 7:30 p.m., to consider granting these franchises; and
- (3) Direct the City Clerk to publish the resolution at least once in a newspaper of general circulation in the City not less than ten days prior to the date set for the hearing. (Resolution No. 9079)

FINANCE COMMITTEE: QUARTERLY INVESTMENT REPORT – QUARTER ENDING SEPTEMBER 30, 2010

Recommendation: The report is for information only.

FINANCE COMMITTEE: AMENDMENTS TO FISCAL YEAR 2011 ADOPTED BUDGET

Recommendation: Amend the Fiscal Year 2011 Adopted Budget as detailed in the Proposed Budget Amendments section of the agenda report, which includes the addition of 3.07 Full Time Equivalent Positions (FTEs). (Journal Voucher No. 2011-11)

Staff distributed the following correction to the Background section of the agenda report, Proposed Budget Amendments, Item 6.F.: "The funding for these FTEs is included in items $\frac{1}{2}$ A through $\frac{1}{2}$ F above."

FINANCE COMMITTEE: APPROVAL OF A JOURNAL VOUCHER TRANSFERRING \$8,036,000 FROM THE 1999 PENSION OBLIGATION DEBT SERVICE FUND TO THE GENERAL FUND NON-DEPARTMENTAL BUDGET TO COVER THE REQUIRED SUPPLEMENTAL CONTRIBUTION TO THE FIRE AND POLICE RETIREMENT SYSTEM PURSUANT TO CONTRIBUTION AGREEMENT NO. 18,550 BETWEEN THE CITY OF PASADENA AND THE FIRE AND POLICE RETIREMENT SYSTEM

Recommendation: Approve a journal voucher transferring \$8,036,000 from the 1999 Pension Obligation Debt Service Fund to the General Fund Non-Departmental budget and appropriating said amount to account 8043-101-952100, to cover the required supplemental contribution to the Fire and Police Retirement System, pursuant to Contribution Agreement No. 18,550 between the City of Pasadena and the Fire and Police retirement System. (Journal Voucher No. 2011-13)

FINANCE COMMITTEE: APPROVAL OF A JOURNAL VOUCHER APPROPRIATING \$1,429,752 FROM THE REFUSE FUND, AND AUTHORIZE THE ISSUANCE OF A PURCHASE ORDER WITH BOERNER TRUCK CENTER FOR THE PURCHASE OF FIVE CRANE CARRIER SIDE LOADER REFUSE TRUCKS IN AN AMOUNT NOT TO EXCEED \$1,429,752

Recommendation:

- (1) Find that the action is exempt from the 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) Approve a journal voucher recognizing and appropriating \$1,429,752 from the unappropriated Refuse Fund balance to the Department of Public Works' Residential Solid Waste Operations operating budget (account 8505-406-764120); and

(3) Authorize the issuance of a purchase order to Boerner Truck Center, in an amount not to exceed \$1,429,752 for the purchase of five Crane Carrier side loader refuse trucks. (Journal Voucher No. 2011-12)

REVISION OF DESIGNATED CITY OFFICIALS AND **EMPLOYEES REQUIRED TO FILE CONFLICT OF INTEREST STATEMENTS**

Recommendation: Adopt a resolution updating those who will be required to file conflict of interest statements as pertaining to positions within various City departments. (Resolution No. 9080)

REAPPOINTMENT OF DOUGLAS F. TESSITOR, CITY OF GLENDORA, AS CITY OF PASADENA REPRESENTATIVE TO THE METRO GOLD LINE FOOTHILL EXTENSION CONSTRUCTION **AUTHORITY** SERVING AT PLEASURE OF THE COUNCIL FOR A TERM OF 4 YEARS, **COMMENCING JANUARY 1, 2011** (Mayor Bogaard)

APPOINTMENT OF TAMIKA FARR TO THE COMMISSION **ON THE STATUS OF WOMEN** (District 1 Nomination)

CLAIMS	RECEIVED AND	
FILED		

Claim No. 11,265	Farmers' Insurance Group as subrogee for Guido Gutio	\$ 1,856.69
Claim No. 11 266	Alexander (Mike) Babcock	960.00
Claim No. 11,267	Michael G. Wilson	Not Stated
Claim No. 11,268	George E. Rittenhouse	Not Stated
Claim No. 11,269	Ricardo Ortiz	3,000.00
Claim No. 11,270	Ellen Suh	2,138.16
Claim No. 11,271	Allison Alanis	450.00
Claim No. 11,272	Charles E. Couchman IV	265.00

PUBLIC HEARING SET

January 10, 2011, 7:30 p.m. - Consider the Granting of Non-**Exclusive Vehicle Towing Franchises**

It was moved by Councilmember Madison, seconded by Councilmember McAustin, to approve the Consent Calendar, with Item 13 (Amendments to Fiscal Year 2011 Adopted Budget) corrected as cited above, and with the exceptions of Item 5 (Contract with Inter-Con Security Systems, Inc.) and Item 6 (Funding Assistance for Hudson Oaks Affordable Senior Rental Housing Project), which were discussed separately. (Motion unanimously carried) (Absent: Councilmembers Robinson, Tornek)

CONSENT ITEMS DISCUSSED SEPARATELY

EXTENSION OF CONTRACT WITH INTER-CON SECURITY SYSTEMS, INC., FOR UP TO THREE MONTHS FOR SECURITY AT PARKS, CITY YARDS AND PARKING STRUCTURES FOR A NOT TO EXCEED AMOUNT OF \$60,000

Recommendation:

- (1) Find that the extension of Contract No. 18,970-2 with Inter-Con Security Systems, Inc. is exempt from the California Environmental Quality Act (CEQA), pursuant to State CEQA Guidelines Section 15061(b)(3); and
- (2) Authorize the City Manager to extend Contract No. 18,970-2 with Inter-Con Security Systems, Inc., on a month-to-month basis for a maximum of three months and not to exceed amount of \$60,000. (Contract Amendment No. 18,970-3)

In response to Councilmember Madison's questions, Martin Pastucha, Director of Public Works Department, clarified that this was an interim measure to allow additional time for bidding the new contract for these services.

It was moved by Councilmember Madison, seconded by Vice Mayor Gordo, to approve the staff recommendation. (<u>Motion unanimously carried</u>) (Absent: Councilmembers Robinson, Tornek)

MODIFICATION OF TERMS OF CITY FUNDING ASSISTANCE FOR HUDSON OAKS AFFORDABLE SENIOR RENTAL HOUSING PROJECT AT 1267 NORTH HUDSON AVENUE

Recommendation: Modify the terms of funding assistance for the Hudson Oaks housing project by eliminating the reduction in City financial assistance based on the receipt of County of Los Angeles "Industry" funds, thereby allowing the project to receive the full allocation of \$4,456,350 in City housing funding assistance that has been appropriated for the project.

In response to Vice Mayor Gordo's questions, Bill Huang, Director of Housing Department, clarified the project as currently proposed; and summarized the total project funding, including the City's subsidy of the project.

Vice Mayor Gordo thanked staff and the developer for their work in putting this project together.

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

PUBLIC HEARING

PUBLIC HEARING: STREET NAME CHANGE – MERCANTILE PLACE EAST OF RAYMOND AVENUE TO PLOTKIN ALLEY Recommendation:

(1) Find that the proposed street name change from Mercantile Place east of Raymond Avenue to Plotkin Alley is categorically exempt from the California Environmental Quality

Act (CEQA) under Section 15061(b)(3), general rule that CEQA only applies to projects which have the potential for causing a significant effect on the environment; and

(2) Adopt a resolution changing the name of the portion of Mercantile Place east of Raymond Avenue to Plotkin Alley. (Resolution No. 9081)

The Mayor opened the public hearing.

The City Clerk reported 33 copies of the notice of public hearing were posted on November 24, 2010; 23 copies of the notice were mailed on November 24, 2010; and 1 letter in support and 1 letter in opposition were received.

Richard Yee, Principal Engineer, reviewed the agenda report as part of a PowerPoint presentation.

The following persons spoke in support of the name change:

Steve Mulheim, Old Pasadena Management District (OPMD) President and Chief Executive Officer Pete Kutzer, South Pasadena business owner Cynthia Despres, Sunland resident Marsha Rood, Pasadena resident

It was moved by Vice Mayor Gordo, seconded by Councilmember Haderlein, to close the public hearing. (<u>Motion unanimously carried</u>) (Absent: Councilmembers Robinson, Tornek)

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

OFFICERS AND DEPARTMENTS

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASADENA CONFIRMING THE AWARD OF ITS WATER REVENUE BONDS, ISSUE OF 2010, 2010A SERIES (TAXABLE BUILD AMERICA BONDS-DIRECT PAYMENT) AND 2010B SERIES (TAX-EXEMPT)

Recommendation: Adopt a resolution confirming the award of the City's Water Revenue Bonds, 2010A Series, Taxable Build America Bonds, and Water Revenue Refunding Bonds, 2010B Series. (Resolution No. 9082)

Vic Erganian, City Treasurer/Deputy Director of Finance, summarized the agenda report and reported on the bond sale, as part of a PowerPoint presentation; noted that the exact aggregate principal amount of the 2010 Bonds issued and sold was \$30,000,000 and the net purchase price was \$30,004,187.15, as set forth in Exhibits A and B to the resolution, which had been completed after the bond sale took place and distributed by staff.

It was moved by Councilmember Holden, seconded by Councilmember McAustin, to approve the staff recommendation. (Motion unanimously carried) (Absent: Councilmembers Robinson, Tornek)

PUBLIC HEARINGS

PUBLIC HEARING: DESIGNATION OF 2606 DEODAR CIRCLE AS A LANDMARK Recommendation:

(1) Find that the designation of a historic resource is categorically exempt from the California Environmental Quality Act (CEQA) Guidelines Section 15308, Class 8, actions by regulatory agencies for protection of the environment;

(2) Find that the single-family house at 2606 Deodar Circle is significant under Criterion C for designation as a landmark (Pasadena Municipal Code (PMC) Section 17.62.040) because it is a locally significant example of the Cotswold Cottage style, a sub-type of the English Revival architectural style of the early twentieth century with elements of the Arts and Crafts and the Colonial Revival styles; because its design is a work of local architects Sylvanus Marston, Garrett Van Pelt, and Stephen Maybury; and because it retains a high level of integrity;

(3) Adopt the resolution approving a Declaration of Landmark Designation for 2606 Deodar Circle, Pasadena, California;

(4) Authorize the Mayor to execute the Declaration of Landmark Designation for 2606 Deodar Circle, Pasadena, California; and

(5) Direct the City Clerk to record the declaration with the Los Angeles County Recorder. (Resolution No. 9083)

Recommendation of Historic Preservation Commission: On November 1, 2010, at a public hearing, the Historic Preservation Commission recommended that the City Council approve the designation of 2606 Deodar Circle as a landmark under Criterion C of PMC Section 17.62.040.

The Mayor opened the public hearing.

The City Clerk reported 26 copies of the notice of public hearing were posted on November 24, 2010; 119 copies of the notice were mailed on November 24, 2010; and no correspondence was received.

No one appeared for public comment.

It was moved by Councilmember Haderlein, seconded by Councilmember McAustin, to close the public hearing. (Motion unanimously carried) (Absent: Councilmembers Robinson, Tornek)

It was moved by Councilmember Haderlein, seconded by Councilmember McAustin, to approve the staff recommendation. (Motion unanimously carried) (Absent: Councilmembers Robinson, Tornek)

PUBLIC HEARING: ADOPTION OF A ZONE CHANGE TO DESIGNATE A LANDMARK DISTRICT OVERLAY FOR THE WESTON-BUNGALOWCRAFT LANDMARK DISTRICT (LD-18)

Recommendation:

- (1) Find that the application for a zone change to create a landmark district is categorically exempt from environmental review, pursuant to the Guidelines of the California Environmental Quality Act (CEQA), Section 15308, Class 8, actions by regulatory agencies for protection of the environment;
- (2) Acknowledge the determination of the Historic Preservation Commission that the proposed Weston-Bungalowcraft Landmark District (Attachment A of the agenda report) meets the criteria for designation as a landmark district (Pasadena Municipal Code (PMC) Section 17.62.040.F) and the determination of the Planning Commission that the proposed district is consistent with the General Plan (Objective 6 of the Land Use Element, to "promote preservation of historically and architecturally significant buildings and revitalization of traditional neighborhoods"), and the purposes of the zoning ordinance (PMC Section 17.04.030, to "preserve the character and quality of residential neighborhoods");

(3) Acknowledge that signatures from property owners in support of the landmark overlay district petition exceed the 51 percent requirement in PMC Section 17.62.070.D;

(4) Find that the number of contributing properties in the proposed Weston-Bungalowcraft Landmark District exceeds the 60 percent threshold in the zoning code, and that the district represents a grouping of properties of citywide importance:

(5) Find the proposed Weston-Bungalowcraft Landmark District meets the criteria for designation as a landmark district, and approve the landmark district designation and the zoning map overlay for the Weston-Bungalowcraft Landmark District, LD-18: and

(6) Direct the City Attorney to prepare an ordinance within 60 days, amending the official zoning map of the City of Pasadena established by PMC Section 17.20.020 to designate the landmark district with the LD-18 overlay zone.

Recommendation of Historic Preservation Commission: At a public hearing on June 21, 2010, the Historic Preservation Commission determined that the proposed Weston-Bungalowcraft Landmark District meets the criteria for designation in PMC Section 17.62.040 and unanimously recommended approval of the designation.

Recommendation of Planning Commission: At a public hearing on September 8, 2010, the Planning Commission found that the proposed zone change to create a landmark district is consistent with the General Plan and the purposes of the zoning code, certified the final petition with the signatures from at least 51 percent of the property owners, and voted unanimously to recommend that the City Council approve designation of the Weston-Bungalowcraft Landmark District.

The Mayor opened the public hearing.

The City Clerk reported 7 copies of the notice of public hearing were posted on November 24, 2010; 24 copies of the notice were mailed on November 24, 2010; and no correspondence was received.

Bill Woods, Pasadena resident in the proposed landmark district, spoke in support of the landmark district designation.

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

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

PUBLIC HEARING: DESIGNATION OF 808 SOUTH SAN RAFAEL AVENUE AS A HISTORIC MONUMENT Recommendation:

- (1) Find that the designation of a historic resource is categorically exempt from the California Environmental Quality Act (CEQA) Guidelines Section 15308, Class 8, actions by regulatory agencies for protection of the environment;
- (2) Find that the single-family house at 808 South San Rafael Avenue (Young House) is significant under Criterion C for designation as a historic monument (Pasadena Municipal Code (PMC) Section 17.62.040.B.1) because it is a regionally significant example of the Spanish Colonial Revival architectural style of the early twentieth century; because it is a work of the distinguished architect George Washington Smith; and because it retains integrity;
- (3) Approve the designation of the property at 808 South San Rafael Avenue as a historic monument;
- (4) Adopt the resolution approving a Declaration of Historic Monument Designation for 808 South San Rafael Avenue, Pasadena. California:
- (5) Authorize the Mayor to execute the Declaration of Historic Monument Designation for 808 South San Rafael Avenue, Pasadena, California; and
- (6) Direct the City Clerk to record the declaration with the Los Angeles County Recorder. (Resolution No. 9084)

Recommendation of Historic Preservation Commission: On Monday, July 19, 2010, the Historic Preservation Commission recommended that the City Council approve the designation of 808 South San Rafael Avenue as a historic monument under Criterion C of PMC Section 17.62.040.B.1.

The Mayor opened the public hearing.

The City Clerk reported 15 copies of the notice of public hearing were posted on November 24, 2010; 45 copies of the notice were mailed on November 24, 2010; and no correspondence was received.

Kevin Johnson, Planner, summarized the agenda report as part of a PowerPoint presentation.

No one appeared for public comment.

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

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

Councilmember Haderlein was excused at 8:48 p.m.

JOINT PUBLIC HEARING: APPROVAL OF A SUBSTANTIAL AMENDMENT TO THE 2010-2011 ANNUAL ACTION PLAN TO INCREASE FUNDING TO THE LA PINTORESCA TEEN EDUCATION CENTER PROJECT

Recommendation: It is recommended that the City Council and the Pasadena Community Development Commission, following the joint public hearing, adopt a resolution approving the submission, to the U.S. Department of Housing and Urban Development (HUD), of a Substantial Amendment to the 2010-2011 Action Plan, as described in the agenda report. (Resolution No. 9085)

The Mayor opened the public hearing.

The City Clerk reported the notice of public hearing was published on November 12, 2010 in the <u>Pasadena Star-News</u>; and no correspondence was received.

Bill Huang, Director of Housing Department, highlighted the agenda report as part of a PowerPoint presentation, and responded to questions.

No one appeared for public comment.

It was moved by Councilmember McAustin, seconded by Councilmember Holden, to close the public hearing. (<u>Motion unanimously carried</u>) (Absent: Councilmembers Haderlein, Robinson, Tornek)

It was moved by Councilmember McAustin, seconded by Councilmember Holden, to approve the staff recommendation. (Motion unanimously carried) (Absent: Councilmembers Haderlein, Robinson, Tornek)

JOINT PUBLIC HEARING: APPROVAL OF A SUBSTANTIAL AMENDMENT TO THE 2008-2009 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) ANNUAL ACTION PLAN

Recommendation: It is recommended that the City Council and the Pasadena Community Development Commission, following the joint public hearing, adopt a resolution approving the submission, to the U.S. Department of Housing and Urban Development (HUD), of a Substantial Amendment to the 2008-2009 Annual Action Plan, as described in the agenda report. (Resolution No. 9086)

The Mayor opened the public hearing.

Councilmember Haderlein returned at 8:50 p.m.

The City Clerk reported the notice of public hearing was published on October 25 and December 6, 2010 in the <u>Pasadena Star-News</u>; and no correspondence was received.

Bill Huang, Director of Housing Department, summarized the agenda report and responded to questions.

No one appeared for public comment.

Vice Mayor Gordo asked staff to provide an informational report to the Economic Development and Technology Committee on the Chefs Center of California (formerly Mama's Small Business Kitchen Incubator), including the number of City residents served by the program.

It was moved by Councilmember McAustin, seconded by Vice Mayor Gordo, to close the public hearing. (Motion unanimously carried) (Absent: Councilmembers Robinson, Tornek)

It was moved by Councilmember Haderlein, seconded by Councilmember McAustin, to approve the staff recommendation. (Motion unanimously carried) (Absent: Councilmembers Robinson, Tornek)

JOINT PUBLIC HEARING: APPROVAL OF A SUBSTANTIAL AMENDMENT TO THE 2010-2015 CONSOLIDATED PLAN TO UPDATE THE RESIDENTIAL ANTI-DISPLACEMENT AND RELOCATION ASSISTANCE PLAN IN ACCORDANCE WITH SECTION 104(D) OF THE HOUSING COMMUNITY DEVELOPMENT ACT OF 1974 PERTAINING HOUSING AND COMMUNITY DEVELOPMENT PROJECTS ASSISTED WITH COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) AND HOME INVESTMENT PARTNERSHIP ACT (HOME) FEDERAL FUNDS

Recommendation: It is recommended that the City Council and the Pasadena Community Development Commission, following the joint public hearing, adopt a resolution approving the submission, to the U.S. Department of Housing and

Urban Development (HUD), of a Substantial Amendment to the 2010-2015 Consolidated Plan, as described in the agenda report. (Resolution No. 9087)

The Mayor opened the public hearing.

The City Clerk reported the notice of public hearing was published on November 12, 2010 in the <u>Pasadena Star-News</u>; and no correspondence was received.

Bill Huang, Director of Housing Department, reviewed the agenda report and responded to questions.

No one appeared for public comment.

It was moved by Councilmember McAustin, seconded by Councilmember Haderlein, to close the public hearing. (Motion unanimously carried) (Absent: Councilmembers Robinson, Tornek)

It was moved by Councilmember McAustin, seconded by Councilmember Haderlein, to approve the staff recommendation. (<u>Motion unanimously carried</u>) (Absent: Councilmembers Robinson, Tornek)

PUBLIC HEARING: APPEAL OF CONDITIONAL USE <u>5</u>209 PERMIT NO. AND OTHER LAND USE ENTITLEMENTS. PRIVATE TREE REMOVAL. FINAL ENVIRONMENTAL IMPACT REPORT, AND STATEMENT OF OVERRIDING CONSIDERATIONS FOR THE COLORADO AT LAKE MIXED-USE PROJECT AT 880-940 EAST COLORADO **BOULEVARD WITH SHARED PARKING AT 2 NORTH LAKE AVENUE**

Recommendation: It is recommended that the City Council, at the close of the public hearing, take the following actions:

(1) Adopt the resolution certifying the Final Environmental Impact Report (FEIR) and adopting environmental findings in accordance with the California Environmental Quality Act (CEQA) for the Colorado at Lake Project;

(2) Adopt the resolution adopting a Statement of Overriding Considerations and a Mitigation Monitoring and Reporting

Program for the Alternative 3 – Hotel Option Project;

(3) Approve the Findings of Fact (Attachment A of the agenda report), with the Conditions of Approval (Attachment B of the agenda report), the Scope of Development (Attachment C of the agenda report), and the Compliance with the General Plan and Specific Plan (Attachment D of the agenda report) for the Alternative 3 – Hotel Option Project;

(4) Approve the Conditional Use Permit for a new non-residential project that exceeds 25,000 square feet

(Attachment A of the agenda report);

(5) Approve the Conditional Use Permit to establish a Lodging (Hotel) Use in the CD-5 zoning district;

(6) Approve the Minor Conditional Use Permit for a new project that exceeds 15,000 square feet in the Transit-Oriented District (Attachment A of the agenda report);

(7) Approve the Minor Conditional Use Permit for Shared

Parking (Attachment A of the agenda report);

(8) Approve the Minor Conditional Use Permit for Tandem Parking (Attachment A of the agenda report);

(9) Approve the Minor Conditional Use Permit for Valet

Parking (Attachment A of the agenda report);

(10) Approve the Variance for a reduction in the number of required loading spaces (Attachment A of the agenda report);

(11) Approve the Variance for the reductions in the required dimensional requirements for loading spaces (Attachment A of the agenda report); and

(12) Approve the Private Tree Removal Application

(Attachment A of the agenda report).

The Mayor opened the public hearing.

The City Clerk reported 42 copies of the notice of public hearing were posted on November 30, 2010; 869 copies of the notice were mailed on November 30, 2010; and 6 letters in support of, 2 letters in opposition to, and 1 letter expressing concerns regarding the project were received.

John Steinmeyer, Senior Planner, reviewed the agenda report as part of a PowerPoint presentation.

The following persons spoke in support of the appeal and/or expressed various concerns regarding the proposed project:

John McClendon, legal counsel for Pasadena Coalition for Responsible Development (appellant)

Steve Orosz, Orosz Engineering Group, traffic study engineer/consultant for appellant

Peter Dreier, Pasadena resident, submitted a copy of his Pasadena Weekly article titled, "Poverty living at luxury prices."

Rachel Torres, Unite Here, Local 11 representative

Marvin Schachter, Senior Advocacy Council of Pasadena representative

Robert Harrison, Pasadena resident/businessman, submitted a copy of a summons to Charles Dunn Company, Inc. and himself from Singpoli Pacifica, LLC. and Kin Hui.

David Horton, Pasadena resident

Tom Walsh, Unite Here, Local 11 President

Raymond Zakari, Pasadena resident, submitted a notice of eviction letter received by Joyce Dever, former resident of Pasadena Manor.

Bert Newton, Pasadena resident

Ignacio Nuñez, Pasadena Hilton Hotel Workers member Rev. Andy Schwiebert, First Congregational Church of Pasadena Rev. Allison Mark, First United Methodist Church of Pasadena Michelle White, Pasadena Hilton Hotel Workers representative Jill Shook, Pasadena resident Paul Kim, Pasadena resident Michael Cornwell, Pasadena resident

The following persons spoke in opposition to the appeal and in support of the proposed project:

Richard McDonald, legal counsel for Park Place Commercial, LP (applicant)

Robert Ritner, project director for applicant

Paul Little, Pasadena Chamber of Commerce President and Chief Executive Officer

Phil Balderama, Pasadena business owner

Gina Tleel, South Lake Business Association Executive Director

John Walsh, Pasadena resident and business owner Colleen Carey, Altadena resident

The Mayor clarified that if the City Council does not obtain five or more votes in favor of the appeal and takes no further action, the decision of the Board of Zoning Appeals (BOZA) will stand; and that the BOZA decision conforms with the staff recommendation cited above.

Councilmember Madison expressed concerns regarding the lawsuit involving the developer and Charles Dunn Company/Robert Harrison, and suggested that a condition be added to ensure that the developer pays Mr. Harrison and the real estate company for services owed.

Vice Mayor Gordo expressed concerns regarding the credibility of an individual involved in the lawsuit as this pertains to the City's relationship with the developer of the proposed project (which includes this same individual).

In response to various questions, the City Attorney clarified that the Pasadena Manor was classified as a community care facility and regulated by the State as this pertains to the handling of the former Pasadena Manor tenants; and reiterated the information that had been presented to the City Council, at a prior date, regarding the circumstances involving the Manor's tenants. She also clarified the scope of the public hearing as it pertains to the lawsuit involving the developer and Charles Dunn Company/Robert Harrison. She discussed Condition of Approval No. 76 – Indemnification and methods the City can use to ensure that the indemnification is effective and enforceable.

Discussion followed on ways to ensure that the City is protected under the indemnification condition for approval, possible inclusion of a residential component in the proposed project, and parking and loading issues at the site.

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

Mike Bagheri, Transportation Development Manager, and Srinath Raju, Raju Associates (consultant), responded to questions regarding various parking arrangements (shared, tandem, and valet) for the proposed project.

Councilmember Holden encouraged the community to participate in future public discussions to be held on revising the Pasadena Living Wage Ordinance and regulations.

The City Attorney noted that the Council would need to take action on the indemnification condition and/or surety bond, since this was not a part of the action taken by BOZA. She suggested the following language could be added to Condition No. 76 cited in the agenda report: "A surety bond by an approved surety shall be posted in a form and amount approved by the City Attorney to satisfy the indemnification provided for herein." In response to Councilmember Madison's question, the City Attorney indicated that Council could also include language that a personal guarantee is required, if deemed necessary and allowable by the City Attorney.

The City Manager noted that the bond funding for the proposed project must take place by the end of 2010.

Councilmember Madison and Vice Mayor Gordo expressed concerns regarding the objections raised by the public regarding the environmental impact report, the potential integrity of the individual developer, the treatment of former Pasadena Manor residents and commercial tenants, and the living wage/jobs issue.

Following discussion, it was moved by Councilmember Holden, seconded by Councilmember McAustin, to approve Condition of Approval No. 76 – Indemnification as presented in the Analysis and Staff Recommendation section of the agenda report, with the following language to be added to the condition: "A surety bond by an approved surety shall be posted in a form and amount as approved by the City Attorney, from time to time, to satisfy the indemnification provided for herein." (Motion unanimously carried) (Absent: Councilmembers Robinson, Tornek)

The City Council took no further action on this matter. The decision of the Board of Zoning Appeals stands.

OFFICERS AND DEPARTMENTS

AMEND PROJECT DESCRIPTION FOR THE SOUTH ACCESS PEDESTRIAN BRIDGE TO THE SIERRA MADRE VILLA LIGHT RAIL STATION IN THE FISCAL YEAR (FY) 2011 CAPITAL IMPROVEMENT PROGRAM

Recommendation: It is recommended that the City Council direct staff to amend the project description for the South Access Pedestrian Bridge to the Sierra Madre Villa Light Rail Station project in the FY 2011 Capital Improvement Program, to the South Access Pedestrian Corridor Improvements from Colorado Boulevard to the Sierra Madre Villa Light Rail Station.

Martin Pastucha, Director of Public Works Department, responded to questions regarding the proposed changes in the scope and timeframe for design of the project.

Councilmember Haderlein suggested that the public be allowed to comment on the pedestrian improvements prior to finalization of the design process for the project.

Mr. Pastucha indicated that the timetable could include an opportunity for a public meeting in early March 2011 to elicit comments on the proposed pedestrian corridor improvements.

Councilmember McAustin suggested that pedestrian-oriented signage be included in the design process.

It was moved by Councilmember Haderlein, seconded by Councilmember McAustin, to approve the staff recommendation, with the understanding that community input will be included as a component of the design process for the pedestrian corridor improvements. (Motion unanimously carried) (Absent: Councilmembers Robinson, Tornek)

COUNCIL COMMENTS

Councilmember Haderlein congratulated Martin Pastucha on his new position at the City of Santa Monica, and thanked him for his service to the City.

Mr. Pastucha expressed appreciation to the Council, former City Manager Cynthia Kurtz, City Manager Michael Beck, and his staff for the opportunity to work with them in the past years.

<u>ORDINANCE – FIRST</u> READING

Conduct first reading of "AN ORDINANCE OF THE CITY OF PASADENA AMENDING THE LIGHT AND POWER RATE THE PASADENA ORDINANCE, CHAPTER 13.04 OF MUNICIPAL CODE TO ESTABLISH FIXED RATES FOR **TELECOMMUNICATIONS** DEVICES UNMETERED **EQUIPMENT**, AND TO **ESTABLISH** AND OTHER RATES FOR **ELIGIBLE NET ENERGY** METERING **CUSTOMER-GENERATORS**"

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

AYES: Councilmembers Haderlein, Holden, Madison,

McAustin, Vice Mayor Gordo, Mayor Bogaard

NOES: None

ABSENT: Councilmembers Robinson, Tornek

ORDINANCE - ADOPTED

Adopt "A SECOND EXTENSION OF INTERIM, UNCODIFIED ORDINANCE NO. 7180 OF THE CITY OF PASADENA AMENDING TITLE 17 (THE ZONING CODE) TO AUTHORIZE A ONE-YEAR EXTENSION FOR CERTAIN PLANNING PERMITS AND LAND-USE ENTITLEMENTS WITH EXPIRED TIME EXTENSIONS" (Introduced by Councilmember Holden) (Ordinance No. 7202)

The above ordinance was adopted by the following vote:

AYES: Councilmembers Haderlein, Holden, Madison,

McAustin, Vice Mayor Gordo, Mayor Bogaard

NOES: None

ABSENT: Councilmembers Robinson, Tornek

FROM COUNCIL COMMITTEES

FINANCE COMMITTEE

JOINT ACTION: FISCAL YEAR JUNE 30, 2010 ANNUAL FINANCIAL REPORTS

Recommendation: It is recommended that the following audit reports for the year ending June 30, 2010 be received by the City Council and/or Pasadena Community Development Commission:

- A. Comprehensive Annual Financial Report
- B. Single Audit Report on Federal Awards
- C. Pasadena Community Development Commission Annual Financial Report
- D. Management Letter City of Pasadena
- E. Pasadena Center Operating Company Basic Financial Statements
- F. Rose Bowl Operating Company Basic Financial Statements
- G. Pasadena Fire and Police Retirement System Report and Audited Financial Statements and Required Supplemental Information
- H. Air Quality Improvement Fund Financial and Compliance Report
- I. Independent Accountant's Report on Agreed-Upon Procedures Applied to Appropriation Limit Worksheets
- J. Independent Accountant's Report on Agreed-Upon Procedures Applied to Employee Deductions for the Internal Revenue Code Section 457 Deferred Compensation Program
- K. The Auditors Communications with the City's Audit and Finance Committees
- L. Other Post Employment Benefits Actuarial Study

Councilmember Holden, Chair of the Finance Committee, introduced the agenda item.

Bob Ridley, Controller, clarified that additional information on the City's post employment benefits actuarial funding (Item L above) will be presented and discussed as part of the 2012 budget process.

Councilmember McAustin indicated that the City Council will need to deal with the City's future liabilities related to employee benefits in a timely manner.

Michael Harrison, Mayer Hoffman McCann PC (MHM) partner/shareholder (audit consultant), noted that MHM had engaged the accounting firm of Carr Riggs & Ingram, LLC to perform a peer review of MHM's California government accounting and auditing practice.

It was moved by Councilmember Holden, seconded by Councilmember Haderlein, to receive and file the various financial reports. (Motion unanimously carried) (Absent: Councilmembers Robinson, Tornek)

ROSE BOWL ADMISSIONS TAX, GRANDSTAND SEAT SURCHARGE AND GRANDSTAND PERMIT APPLICATION ANNUAL ADJUSTMENTS

Recommendation: Approve scheduled rate increases for Grandstand Permit Application, Rose Bowl Admission Tax, and New Year's Day Related Business Grandstand Seat Surcharge as set forth in the agenda report, effective February 1, 2012 2011.

Andy Green, Director of Finance Department, highlighted the agenda report.

Bob Ridley, Controller, noted that the effective date in the above recommendation should be corrected to reflect a date of February 1, 2011 (not 2012).

It was moved by Vice Mayor Gordo, seconded by Councilmember Holden, to approve the staff recommendation, with the effective date corrected to read February 1, 2011. (Motion unanimously carried) (Absent: Councilmembers Robinson, Tornek)

CONTRACTING AND BUILDING TRADES BUSINESS LICENSE TAX REBATE

Recommendation: Approve an abatement credit for two years to the contractors' license fees under the Contracting and Building Trades Business License Ordinance 5.16.180 in the amount of 30 percent for the first year and an additional 30 percent in the second year. It is recommended that after the two year abatement period, staff will conduct an evaluation of its General Engineering, General Contractor, and Specialty Contractor and Other Building Tradesman license fees and

compare them to other jurisdictions to determine a recommendation by May 2013.

Andy Green, Director of Finance Department, reviewed the agenda report.

It was moved by Councilmember Holden, seconded by Councilmember Haderlein, to approve the staff recommendation. (Motion unanimously carried) (Absent: Councilmembers Robinson, Tornek)

COUNCIL COMMENTS

Councilmember Madison asked that the staff of the Police Department and Rose Bowl Operating Company provide the Safety Committee with a report on the incidents that occurred at the Rose Bowl in conjunction with the recent USC/UCLA football game.

RECESS/ADJOURNMENT

On order of the Mayor, the special meeting of the City Council recessed at 1:32 a.m., December 14, 2010, to discuss the following closed session and thereafter adjourned at 2:15 a.m.:

Councilmember Holden was excused at 2:05 a.m.

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

Title: City Manager

Bill Bogaard, Mayor City of Pasadena

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

ATTEST:

City Clerk