

CITY OF PASADENA  
City Council Minutes  
March 14, 2011 – 5:30 P.M.  
City Hall Council Chamber

REGULAR MEETING

**OPENING:**

Vice Mayor Gordo called the regular meeting to order at 5:48 p.m. (Absent: Councilmember Madison, Mayor Bogaard)

On order of the Vice Mayor, the regular meeting recessed at 5:48 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)**

**Case Name: Pasadena Coalition for Responsible Development v. City of Pasadena, City Council of Pasadena; Real Party in Interest Park Place Commercial, LP, and Does 1-25**

**Case No.: Los Angeles Superior Court No. BS 130039**

Councilmember Tornek was excused at 6:12 p.m., due to a conflict of interest.

**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**

Councilmember Madison arrived at 6:20 p.m.

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

Councilmember Holden was excused at 6:48 p.m.

On order of the Vice Mayor, the regular meeting reconvened at 6:52 p.m. The Pledge of Allegiance was led by Councilmember Madison.

**ROLL CALL:**

Councilmembers:

Mayor Bill Bogaard (Absent)  
Vice Mayor Victor Gordo  
Councilmember Steve Haderlein  
Councilmember Chris Holden (Returned at 6:55 p.m.)  
Councilmember Steve Madison  
Councilmember Margaret McAustin  
Councilmember Jacque Robinson  
Councilmember Terry Tornek

Staff:

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

**CEREMONIAL MATTERS**

Councilmember Holden returned at 6:55 p.m.

The Vice Mayor reported on a KABC-TV/Rose Bowl fundraiser that had been held at the Rose Bowl today to provide financial aid for those who had been impacted by the recent earthquake and tsunami in Japan.

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

Kathy Murrell, Delta Sigma Theta Sorority/Pasadena Chapter President, invited the community to the 9th Annual Young African American Women’s Conference to be held on March 26, 2011 (sponsored by Delta Sigma Theta Sorority, Pasadena City College, and the City of Pasadena).

Rian Williams, Pasadena resident, expressed concerns regarding an incident involving himself and the Pasadena Police Department and a complaint he had filed about his treatment by the police, and asked to be informed about the status of his complaint.

The Vice Mayor noted that Police Commander Darryl Qualls will contact Mr. Williams about the complaint process.

Fred Fehl, Pasadena resident, expressed concerns regarding improper parking and inoperable vehicle compliance violations that he had received, submitted information regarding the violations, and asked the City Council to rescind the violations.

The City Manager indicated that Steve Mermell, Assistant City Manager, will follow up with Mr. Fehl regarding the issue.

**CONSENT CALENDAR**

Item discussed separately at the request of Councilmember McAustin.

**JOINT ACTION: APPROVAL OF KEY BUSINESS TERMS OF AGREEMENT WITH NATIONAL COMMUNITY RENAISSANCE FOR DEVELOPMENT OF PERMANENT SUPPORTIVE HOUSING PROJECT LOCATED AT 131-135 NORTH MAR VISTA AVENUE; CALIFORNIA ENVIRONMENTAL QUALITY ACT – AFFORDABLE HOUSING EXEMPTION; FINDING OF BENEFIT – CALIFORNIA REDEVELOPMENT LAW SECTION 33334.2(G); APPROPRIATION OF \$2,600,000 LOW AND MODERATE INCOME HOUSING TRUST FUNDS**

**ADOPTION OF A RESOLUTION AMENDING THE SALARY RESOLUTION RELATED TO SALARY CONTROL RATES FOR UNREPRESENTED TOP, MIDDLE, AND PROFESSIONAL MANAGEMENT CLASSIFICATIONS**

**Recommendation:** Adopt the resolution amending the Salary Resolution to eliminate the salary increase originally scheduled for April 2011 for the unrepresented Top, Middle, and Professional Management classifications. (Resolution No. 9097)

**FINANCE COMMITTEE: ACCEPTANCE OF THE CALIFORNIA GANG REDUCTION, INTERVENTION AND PREVENTION (CalGRIP) GRANT, 2010/2011; AND**

**AUTHORIZATION TO ENTER INTO A CONTRACT WITH THE FLINTRIDGE CENTER FOR RELATED GANG REDUCTION, INTERVENTION AND PREVENTION SERVICES**

**Recommendation:**

- (1) Recognize and appropriate to the Police Department's Fiscal Year 2011 Operating Budget a grant from the State of California, Emergency Management Agency-CalGRIP in the amount of \$369,309;
- (2) Authorize the City Manager to enter into a contract with the Flintridge Center in an amount not to exceed \$343,965, without competitive bidding, pursuant to City Charter Section 1002(F), contracts for professional or unique services, to operate the CalGRIP grant; and
- (3) Grant the proposed contract an exemption from the competitive selection process of the Competitive Bidding and Purchasing Ordinance, pursuant to Section 4.08.49(B), contracts for which the City's best interests are served. (Journal Voucher No. 2011-18; Contract No. 20,615)

**FINANCE COMMITTEE: QUARTERLY INVESTMENT REPORT – QUARTER ENDING DECEMBER 31, 2010**

**Recommendation:** This report is for information only.

**FINANCE COMMITTEE: RECOGNIZE AND APPROPRIATE STATE HOMELAND SECURITY GRANT PROGRAM FUNDS IN THE AMOUNT OF \$135,900 TO THE DEPARTMENT OF INFORMATION TECHNOLOGY'S FISCAL YEAR 2011 OPERATING BUDGET, COMPUTING AND COMMUNICATIONS FUND 501**

**Recommendation:** Approve a journal voucher recognizing \$135,900 from the Fiscal Year 2008 State Homeland Security Grant Program (SHSGP) and appropriate these funds to the Fiscal Year 2011 Department of Information Technology Operating Budget, Computing and Communications Fund 501. (Journal Voucher No. 2011-19)

**CLAIMS RECEIVED AND FILED**

Claim No. 11,315	Yorkshire Development Corporation – Tricom Building	\$ 126.00
Claim No. 11,316	Mercury Casualty Company as subrogee for Derrick T. Dancer	2,491.07
Claim No. 11,317	21st Century Insurance as subrogee for Anthony Leonard	22,246.50
Claim No. 11,318	Prence Williams	2,700.00
Claim No. 11,319	Larry Quishenberry	956.20
Claim No. 11,320	Andy Mastorakis and Rhonda Mastorakis	3,400.00
Claim No. 11,321	George Evashko	Not Stated
Claim No. 11,322	Elma Heard	\$25,000.00+
Claim No. 11,323	Chester Harvey	Not Stated
Claim No. 11,324	Richard Hopp	Not Stated
Claim No. 11,325	Thomas McLurkin	Not Stated

It was moved by Councilmember McAustin, seconded by Councilmember Haderlein, to approve the Consent Calendar, with the exception of Item 2 (Key Business Terms of Agreement with National Community Renaissance), which was discussed separately. (Motion unanimously carried) (Absent: Mayor Bogaard)

**CONSENT ITEM DISCUSSED SEPARATELY**

**JOINT ACTION: APPROVAL OF KEY BUSINESS TERMS OF AGREEMENT WITH NATIONAL COMMUNITY RENAISSANCE FOR DEVELOPMENT OF PERMANENT SUPPORTIVE HOUSING PROJECT LOCATED AT 131-135 NORTH MAR VISTA AVENUE; CALIFORNIA ENVIRONMENTAL QUALITY ACT – AFFORDABLE HOUSING EXEMPTION; FINDING OF BENEFIT – CALIFORNIA REDEVELOPMENT LAW SECTION 33334.2(G); APPROPRIATION OF \$2,600,000 LOW AND MODERATE INCOME HOUSING TRUST FUNDS**

**Recommendation:**

It is recommended that the City Council take the following actions:

- (1) Acknowledge that the proposed affordable permanent supportive housing project located at 131-135 North Mar Vista Avenue (the Mar Vista Project) is exempt from environmental review, pursuant to the guidelines of the California Environmental Quality Act (CEQA), Public Resources Code Section 21080(b)(9), Administrative Code Title 14, Chapter 3, Class 1, Section 15194, affordable housing exemption, and authorize the City Clerk to file with the County Clerk a Notice of Exemption for the project;
- (2) Approve key business terms of a Predevelopment, Acquisition, Disposition, Development and Loan Agreement, as set forth in the agenda report, for the development by National Community Renaissance of the Mar Vista Project; and
- (3) Authorize the City Manager to approve any documents necessary to implement the Mar Vista Project. (Agreement No. 20,635)

It is recommended that the City Council and Pasadena Community Development Commission (Commission) take the following actions:

- (1) Adopt a joint resolution finding that the expenditure of monies from the Low and Moderate Income Housing Trust Fund for the Mar Vista Project will be of benefit to the Commission's redevelopment project areas; and
- (2) Approve a journal voucher appropriating \$2,600,000 from the Low and Moderate Income Housing Trust Fund balance for the Mar Vista Project. (Resolution No. 9100; Resolution No. CDR-275; Journal Voucher No. 2011-17)

**Recommendation of Community Development Committee:**

At its regular meeting on February 24, 2011, the Community Development Committee considered and unanimously recommended that the City Council/ Commission approve the subject recommendation.

Councilmember Holden was excused at 7:14 p.m.

Bill Huang, Director of Housing Department, and Jim Wong, Senior Project Manager, summarized the project as part of a PowerPoint presentation, clarified that the project will be subject to the City's entitlement and review process, and responded to questions.

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

**REPORTS AND COMMENTS FROM COUNCIL COMMITTEES**

**FINANCE COMMITTEE**

Councilmember Holden returned at 7:17 p.m.

**RESOLUTION AUTHORIZING THE SOLICITATION AND/OR NEGOTIATION OF AND ENTRY INTO ONE OR MORE INTEREST RATE SWAPS; APPROVING AND AUTHORIZING THE ENTRY INTO ONE OR MORE INTEREST RATE SWAP AGREEMENT(S) AND INTEREST RATE SWAP TRANSACTIONS TO REPLACE DEPFA BANK PLC AS SWAP COUNTERPARTY; AND APPROVING AND AUTHORIZING CERTAIN ACTIONS RELATING THERETO**

**Recommendation:**

- (1) Adopt a resolution authorizing entry into one or more interest rate transactions to replace DEPFA BANK, plc (DEPFA) as swap counterparty, and authorizing and approving certain actions related thereto; and
- (2) Terminate the swap associated with the Conference Center bonds and, on either a negotiated or competitive basis, contemporaneously enter into a replacement swap with a qualified swap provider rated in the AA category by Standard & Poor's (S&P) and Aa category by Moody's. (Resolution No. 9098)

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

Andy Green, Director of Finance Department, and Vic Erganian, Deputy Director/City Treasurer, reviewed the agenda report as part of a PowerPoint presentation, and responded to questions.

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

**FISCAL YEAR 2010-2011 MID YEAR BUDGET AMENDMENTS**

**Recommendation:** Authorize elimination from the budget of 34.9 vacant positions to help achieve the goal of eliminating the General Fund structural deficit by Fiscal Year 2014.

Councilmember Holden summarized the agenda report.

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

**PUBLIC HEARING**

**PUBLIC HEARING: ZONING CODE AMENDMENTS – AMENDMENTS TO THE NEIGHBORHOOD (ND) OVERLAY DISTRICT (LOWER HASTINGS RANCH DEVELOPMENT STANDARDS)**

**Recommendation:**

- (1) Adopt the Initial Study (Attachment A of the agenda report) and the Negative Declaration for the proposed Zoning Code Amendments;
- (2) Approve a finding of consistency with the General Plan and a finding that the proposed amendments would not be detrimental to the public interest, health, safety, convenience, or general welfare of the City;
- (3) Approve the proposed Zoning Code Amendments as contained in the agenda report, and as amended by the Planning Commission; and
- (4) Direct the City Attorney to draft an ordinance within 90 days consistent with the provisions set forth herein.

**Recommendation of Planning Commission:** On December 8, 2010, the Planning Commission recommended that the City Council approve the proposed Zoning Code Amendments with the following clarifications to staff's recommendations:

- (1) That front entries, even when they are enclosed, shall also comply with the proposed development standards for front porch; and
- (2) The amendment includes a proposed development standard that requires the second story side walls to be setback a minimum of 5 feet from the existing first floor walls. The existing first floor walls shall be those walls that existed at the date this ordinance becomes effective.

The Vice Mayor opened the public hearing.

The City Clerk reported the notice of public hearing was published on February 28 and March 11, 2011 in the Pasadena Star-News and on March 3, 2011 in the Pasadena Journal; and 2 letters stating concerns were received.

Vince Bertoni, Director of Planning Department, introduced the agenda item, and responded to questions regarding code compliance during the construction process.

Beilin Yu, Associate Planner, reviewed the agenda report as part of a PowerPoint presentation, and responded to questions.

James Brennan, Lower Hastings Ranch Association President, suggested that neighbors receive notification when a permit to add a second story is requested.

Denver Miller, Principal Planner, responded to questions regarding hillside overlay districts as this pertains to the Lower Hastings Ranch area.

Councilmember Haderlein asked staff to determine the slope of the Lower Hastings Ranch area, and include this information when the drafted ordinance on the Zoning Code Amendments is presented to the City Council. He also asked that the ordinance language state that temporary massing poles be required whenever a variance is requested.

The City Attorney clarified steps that can be taken regarding code violations during the construction process.

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

Councilmember McAustin urged the public to report to the City any perceived code violations that might occur during the construction of a project to ensure compliance with the permit that was issued for a project.

Following discussion, it was moved by Councilmember Haderlein, seconded by Councilmember McAustin, to approve the staff recommendation, as amended to direct staff to determine the slope of the Lower Hastings Ranch area and include this information when the ordinance is presented to the City Council for consideration of the first reading, and to include language in the draft ordinance that will require temporary massing poles citywide whenever a variance for a second story addition is requested. (Motion unanimously carried) (Absent: Mayor Bogaard)

**RECOMMENDATIONS  
FROM OFFICERS  
AND DEPARTMENTS**

**REQUEST TO ALLOW COMMISSIONER MEREDITH McKENZIE (WHO HAS MOVED OUT OF PASADENA) TO CONTINUE TO SERVE ON THE PASADENA COMMUNITY ACCESS CORPORATION BOARD THROUGH END OF CURRENT TERM PURSUANT TO PASADENA MUNICIPAL CODE SECTION 2.45.020 (District 1)**

On order of the Vice Mayor, the above item was held to the Council meeting of March 21, 2011.

**APPOINTMENT OF TERRY TORNEK TO THE FIRE AND POLICE RETIREMENT SYSTEM BOARD** (Council Nomination)

The Vice Mayor thanked Councilmember Haderlein for his years of service on the Fire and Police Retirement System Board.

It was moved by Councilmember Haderlein, seconded by Councilmember McAustin, to approve the above appointment. . (Motion unanimously carried) (Absent: Mayor Bogaard)

**CONSIDERATION OF CALL FOR REVIEW OF A HEARING OFFICER DECISION TO THE BOARD OF ZONING APPEALS REGARDING HILLSIDE DEVELOPMENT PERMIT NO. 5518 FOR THE PROPERTY LOCATED AT 450 JUNIPER DRIVE** (Councilmember Madison)

Councilmember Madison stated his concerns regarding the removal of mature trees as part of the project, and noted that the neighborhood had expressed additional concerns.

Denver Miller responded to questions regarding the proposed project and tree removal.

Due to a loud oral disturbance by a member of the public, the Vice Mayor read a statement regarding the City Council's established rules for public comment, and requested that the individual submit a public speaker card if he wished to address the Council. After continued disruptive behavior, the Vice Mayor stated that the person's conduct was interfering with the business of the meeting and ordered the person to stop disrupting the meeting. After further disruptive behavior, the Vice Mayor issued a second advisement to the person and informed him that, under California Penal Code Section 403, it is a misdemeanor to disturb the business of a lawful assembly to the point that the meeting cannot continue; and that he would be escorted from the premises or placed under arrest, if his unlawful behavior continued. There were no further interruptions during the remainder of the meeting, and no further action was taken in regards to this person.

It was moved by Councilmember Madison, seconded by Councilmember Holden, to call this matter for review to the Board of Zoning Appeals. (Motion unanimously carried) (Absent: Mayor Bogaard)



**COUNCIL COMMENTS**

Councilmember Haderlein asked the City Clerk to follow up with the Mayor regarding the correspondence that the City Council had directed be sent to the City's State representatives and to the media regarding the City's strong opposition to the proposed elimination of redevelopment agencies as part of the State's budget reduction measures, with the City Council to be informed about the correspondence.

Councilmember Tornek announced the dedication of the Sidney Tyler pocket park to be held on March 15, 2011 at the park.

The City Clerk noted that a public speaker card from James Peterson, Chapman Manor Homeowners Association Chairman, had been handed in after the period for Public Comment ended at the beginning of the meeting, and that a letter from Mr. Peterson was being distributed to the City Council, with Mr. Peterson's speaker card to be held for him to speak at the next City Council meeting.


**ADJOURNMENT**

On order of the Vice Mayor, the regular meeting of the City Council adjourned at 8:53 p.m., in memory of those who were lost in the devastating earthquake and tsunami that occurred in Japan on March 11, 2011, and in solidarity with the Japanese who are recovering from these disasters.



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Bill Bogaard, Mayor  
City of Pasadena

ATTEST:

  
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City Clerk