

CITY OF PASADENA
City Council Minutes
July 25, 2011 – 5:30 P.M.
City Hall Council Chamber

REGULAR MEETING

OPENING:

Mayor Bogaard called the regular meeting to order at 5:42 p.m.
(Absent: Councilmembers Gordo, Holden, Madison)

On order of the Mayor, the regular meeting recessed at 5:42 p.m., to discuss the following closed sessions:

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

Councilmember Holden arrived at 6:03 p.m.

Agency Designated Representatives: Mary Ellen Schubel, Michael J. Beck
Employee Organization: Pasadena Association of Clerical and Technical Employees/Laborers International Union of North America, Local 777

Councilmember Madison arrived at 6:08 p.m.

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

Agency Designated Representatives: Mary Ellen Schubel, Michael J. Beck
Employee Organization: Pasadena Fire Fighters Association (PFFA)

Councilmember Gordo arrived at 6:32 p.m.

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

Property: 1577 North Fair Oaks Avenue and 25 West Howard Street, Pasadena

Agency Negotiators: Michael J. Beck, Steve Mermell
Negotiating Parties: William Turner, Jr.

Under Negotiation: Price and terms of payment

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

On order of the Mayor, the regular meeting reconvened at 6:40 p.m. The Pledge of Allegiance was led by Councilmember Holden.

ROLL CALL:

Councilmembers:

Mayor Bill Bogaard
Vice Mayor Margaret McAustin
Councilmember Victor Gordo
Councilmember Chris Holden

Councilmember Steve Madison
Councilmember Gene Masuda
Councilmember Jacque Robinson
Councilmember Terry Tornek

Staff:

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

CEREMONIAL MATTERS

The Mayor presented a proclamation declaring July 2011 as Parks and Recreation Month, which was received by Mercy Santoro, Director of Human Services and Recreation Department; Horace Wormely, Neighborhood Services Administrator; and Kenny James, Recreation Supervisor.

PUBLIC COMMENT ON MATTERS NOT ON THE AGENDA

Rainbow Yeung, South Coast Air Quality Management District (AQMD) representative, updated the City Council on AQMD's Draft Air Quality-Related Energy Policy, and submitted a flier on an amnesty program for small businesses.

Robert Gorski, Pasadena resident and City Accessibility Issues Coordinator, honored the memory of the late Alma Dillard, Accessibility and Disability Commissioner.

Timothy Bowles, Youth for Human Rights International Executive Director, invited the community to a forum to be held on July 30, 2011 titled, "Reversing Hunger – The Most Basic Human Right"; and submitted a flier on the event.

CONSENT CALENDAR

ADOPT RESOLUTION APPROVING A MASTER AGREEMENT BETWEEN THE CITY OF PASADENA AND THE STATE OF CALIFORNIA FOR STATE-FUNDED TRANSIT PROJECTS

Recommendation:

(1) Find that the approval of the Master Agreement is exempt from the California Environmental Quality Act (CEQA), pursuant to State CEQA Guidelines Section 15061(b)(3); and
(2) Adopt a resolution approving Master Agreement 64A0056A01 between the City of Pasadena and the State of California, acting through the California Department of Transportation, for State transportation projects. The Master Agreement has a term of ten years. (Resolution No. 9133, Agreement No. 20,723)

AUTHORIZATION TO EXTEND CONTRACT NO. 19,572 WITH SCOTT FAZEKAS & ASSOCIATES, INC. FOR AS NEEDED SPECIALTY BUILDING, MECHANICAL, PLUMBING AND ELECTRICAL PLAN CHECK SERVICES FOR AN ADDITIONAL YEAR

Recommendation: Authorize a one-year extension to Contract No. 19,572 with Scott Fazekas and Associates, Inc., for as needed specialty building, mechanical, plumbing and electrical

plan check services in an amount not to exceed \$100,000.
(Contract Amendment No. 19,572-3)

TERMINATION OF CURRENT CONTRACT WITH ATKINS NORTH AMERICA, INC. (FORMERLY PBS & J) AND AUTHORIZATION TO ENTER INTO CONTRACT WITH THE PLANNING CENTER/DCE TO PROVIDE PROFESSIONAL CONSULTING SERVICES FOR THE UPDATE OF THE GENERAL PLAN LAND USE AND MOBILITY ELEMENTS FOR A NOT TO EXCEED AMOUNT OF \$231,871

Recommendation: Authorize the City Manager to terminate the contract with Atkins North America, Inc., consistent with Section 8.18, termination for convenience (without cause), of the current contract No. 20,498, and authorize the City Manager to enter into a contract with The Planning Center/DCE for professional consulting services to support the completion of the General Plan Land Use and Mobility Elements, for a not to exceed amount of \$231,871. It is further recommended that the City Council 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. (Contract No. 20,717)

The City Clerk cited an amendment to the recommendation, which is shown above. Steve Mermell, Assistant City Manager, explained the need for the amended recommendation.

AUTHORIZATION TO ENTER INTO A CONTRACT WITH OCEAN BLUE ENVIRONMENTAL SERVICES, INC. FOR PROVIDING HAZARDOUS WASTE MANAGEMENT AND EMERGENCY RESPONSE SERVICES FOR BROADWAY, GLENARM, AND AZUSA POWER PLANTS

Recommendation:

(1) Find that the authorization to enter into a contract with Ocean Blue Environmental Services, Inc. is exempt from the California Environmental Quality Act (CEQA), pursuant to Title 14, Chapter 3, Section 15301, Class 1(b), existing facilities;

(2) Authorize the City Manager to enter into a contract with Ocean Blue Environmental Services, Inc., for providing Hazardous Waste Management and Emergency Response Services for Broadway, Glenarm, and Azusa Power Plants for an amount not to exceed \$250,000 for a period of five years, with two optional one-year extensions for not to exceed \$50,000 each, subject to the approval of the City Manager; and

(3) Find that the proposed contract is exempt from competitive bidding, pursuant to City Charter Section 1002(F), contracts for professional or unique services. (Contract No. 20,724)

ADOPTION OF RESOLUTION TO SUPPORT "PARKS MAKE LIFE BETTER" STATEWIDE CAMPAIGN AND DECLARING

JULY 2011 AS PARKS AND RECREATION MONTH

Recommendation: Adopt a resolution to support the "Parks Make Life Better" campaign presented by the California Parks and Recreation Society and declare July 2011 as "Parks and Recreation Month". (Resolution No. 9134)

MEMORANDUM OF UNDERSTANDING FOR SUB-REGIONAL PARATRANSIT SERVICES WITH LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY

Recommendation:

- (1) Find that the City's continued participation in the sub-regional paratransit service program 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 five-year Memorandum of Understanding with the Los Angeles County Metropolitan Transportation Authority (Metro) for continued participation in the Proposition A Discretionary Incentive Grant Program for Sub-Regional Paratransit Services. (Agreement No. 20,725)

MINUTES APPROVED

- March 28, 2011
- April 4, 2011
- April 11, 2011
- April 18, 2011
- April 25, 2011

CLAIMS RECEIVED AND FILED

Claim No. 11,395	Manuel Vaca Torres	\$ 6,796.00
Claim No. 11,396	Suzanne Fernandez	Not Stated
Claim No. 11,397	Timothy Michael Milas	300.00
Claim No. 11,398	Mercury Insurance as subrogee for Jhunaly P. Nolasco	Not Stated
Claim No. 11,399	Dishaun B. Aboulatifa	25,000.00+
Claim No. 11,400	Corina Valenzuela	25,000.00+
Claim No. 11,401	Rosa Cardenas	25,000.00+
Claim No. 11,402	Southern California Gas Company	Not Stated
Claim No. 11,403	Coulter, Vernoff and Pearson Law Offices: Wallace Vernoff	450.00
Claim No. 11,404	Fong Szeto	8,099.11
Claim No. 11,405	Ely Tango	6,937.39
Claim No. 11,406	Daniel Magallon	25,000.00+
Claim No. 11,407	Nuh K. Kimbwala	25,000.00+
Claim No. 11,408	Raquel Garcia	Not Stated
Claim No. 11,409	Raymond Joubran	Not Stated

It was moved by Vice Mayor McAustin, seconded by Councilmember Robinson, to approve all items on the Consent Calendar, with the Item 3 (Contract with The Planning Center/DCE) recommendation amended as cited above. (Motion unanimously carried) (Absent: None)

RECOMMENDATIONS FROM OFFICERS AND DEPARTMENTS

APPOINTMENT OF ALLEN SHAY TO THE NORTHWEST COMMISSION (District 4 Nomination)

APPOINTMENT OF LOUISA NELSON TO THE PLANNING COMMISSION EFFECTIVE SEPTEMBER 1, 2011 (Mayor Nomination /District 7)

ACKNOWLEDGE THE VACANCY CREATED ON THE ACCESSIBILITY AND DISABILITY COMMISSION DUE TO THE DEATH OF ALMA DILLARD (District 4 Nomination)

It was moved by Vice Mayor McAustin, seconded by Councilmember Tornek, to approve the above appointments and acknowledge the vacancy. (Motion unanimously carried) (Absent: None)

ORDINANCES – FIRST READING

Conduct first reading of “AN ORDINANCE OF THE CITY OF PASADENA AMENDING VARIOUS PROVISIONS OF TITLE 17 (THE ZONING CODE) TO REGULATE NEW CONSTRUCTION OF NON-RESIDENTIAL BUILDINGS GREATER THAN 75,000 SQUARE FEET AND CERTAIN MIXED-USE PROJECTS AND TO REQUIRE A CONDITIONAL USE PERMIT FOR CERTAIN NEW CONSTRUCTION PROJECTS GREATER THAN 75,000 SQUARE FEET IN THE SOUTH FAIR OAKS SPECIFIC PLAN OVERLAY DISTRICT”

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

AYES: Councilmembers Gordo, Holden, Madison, Masuda, Robinson, Tornek, Vice Mayor McAustin, Mayor Bogaard

NOES: None

ABSENT: None

Conduct first reading of “AN ORDINANCE OF THE CITY OF PASADENA AMENDING VARIOUS PROVISIONS OF TITLE 17 (THE ZONING CODE) TO REVISE THE DEVELOPMENT STANDARDS FOR THE LOWER HASTINGS RANCH NEIGHBORHOOD OVERLAY DISTRICT AND TO ESTABLISH BUILDING SILHOUETTE REQUIREMENTS”

Tracy Alderson, Lower Hastings Ranch Association representative, spoke in support of the ordinance.

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

AYES: Councilmembers Gordo, Holden, Madison, Masuda, Robinson, Tornek, Vice Mayor McAustin, Mayor Bogaard

NOES: None

ABSENT: None

INFORMATION ITEM

WORKSHOP ON CITY COUNCIL REDISTRICTING: ADMINISTRATIVE PROCESS AND LEGAL FRAMEWORK

Recommendation: It is recommended that the City Council, as part of a workshop, receive information regarding the administrative process and legal framework on redistricting.

The City Clerk provided an overview of the administrative process for City Council redistricting as part of a PowerPoint presentation, and responded to questions.

The City Manager provided the 2010 census figures for the City's 2.4% increase in population over the past 10 years, and indicated that more information will be provided to the City Council in August 2011. He also indicated that additional information on the districting software's use of census/voting precinct/tract data will be provided at that time.

The City Attorney provided an overview of the legal framework for the redistricting process as part of a PowerPoint presentation, and responded to questions.

Bill Crowfoot, Redistricting Task Force Chair, thanked the City Council for allowing time for the Task Force members to receive information prior to the formal meetings that will begin in August.

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

PUBLIC HEARINGS

PUBLIC HEARING: ADOPTION OF THE 2011 ANNUAL CITY OF PASADENA SELF CERTIFICATION REPORT IN CONFORMANCE WITH THE CONGESTION MANAGEMENT PROGRAM FOR LOS ANGELES COUNTY AND THE 2011 LOCAL DEVELOPMENT REPORT IN ACCORDANCE WITH GOVERNMENT CODE SECTION 65089

Recommendation:

- (1) Find that the following proposed actions are exempt from review, pursuant to the California Environmental Quality Act (CEQA), pursuant to State CEQA Guidelines Section 15061(b)(3);
- (2) Adopt a resolution finding the City in conformance with the Congestion Management Program (CMP) for the County of Los Angeles;
- (3) Adopt the 2011 Local Development Report in accordance with California Government Code Section 65089 (Attachment A of the agenda report); and
- (4) Direct staff to file the CMP and Local Development Report with the Los Angeles County Metropolitan Authority (Metro). (Resolution No. 9135)

The Mayor opened the public hearing.

The City Clerk reported the notice of public hearing was published on July 11, 2011 in the Pasadena Star-News; and no correspondence was received.

Fred Dock, Director of Transportation Department, introduced the agenda item.

Mark Yamarone, Transportation Administrator, summarized the agenda report as part of a PowerPoint presentation, and responded to questions.

No one appeared for public comment.

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

It was moved by Vice Mayor McAustin, seconded by Councilmember Tornek, to approve the staff recommendation. (Motion unanimously carried) (Absent: None)

PUBLIC HEARING: CALL FOR REVIEW OF A CODE ENFORCEMENT COMMISSION DECISION TO THE CITY COUNCIL REGARDING MODIFICATION OF THE BUSINESS OPERATING CONDITIONS FOR SUPER LIQUOR LOCATED AT 125 EAST ORANGE GROVE BOULEVARD

Recommendation: It is recommended that the City Council:

- (1) Conduct a public hearing; and
- (2) Following the public hearing, approve applicant's request for modification of Condition No. 3 and Condition No. 19, disapprove applicant's request for modification of Condition Nos. 9, 10, and 18, maintain unchanged Condition Nos. 1, 2, 4, 5, 6, 7, 8, 11, 12, 13, 14, 15, 16, and 17, and modify Condition No. 20.

The Mayor opened the public hearing.

The City Clerk reported the notice of public hearing was published on June 30, 2011 in the Pasadena Journal; 28 copies of the notice were posted on June 28, 2011; 273 copies of the notice were mailed on June 28 2011; and 1 letter in support of and 2 letters in opposition to the Code Enforcement Commission decision were received.

Vince Bertoni, Director of Planning Department, introduced the agenda item, and responded to questions about customizing the conditions of operation.

Jon Pollard, Code Compliance Manager, reviewed the agenda report as part of a PowerPoint presentation, and responded to questions.

Daniel Kessler, Esq., legal counsel for applicant (Super Liquor), spoke in support of Super Liquor's proposed changes to the conditions of operation/Code Enforcement Commission decision.

The following persons spoke in support of the City's approved conditions of operation for Super Liquor and/or expressed concerns regarding the business's operation:

Robert Tait, El Rio/Lake Neighborhood Association
Secretary/Treasurer
Jan Liptak, Pasadena resident
Terrie MacQuarrie, Pasadena resident
James MacQuarrie, Pasadena resident
Michael Chill, Pasadena resident
Gretchen Palmer, Pasadena resident
Laura Liptak, Pasadena resident, provided informational materials
Joe Feinblatt, Pasadena resident

Councilmember Gordo stated his concerns with the impacts on the neighborhood related to the way the Super Liquor business has been and is operated, and stressed the need to retain the conditions of approval that the City Council had previously approved.

The City Attorney clarified the court's rulings in the court case between the City and Super Liquor regarding the sale of individual small-size (airline-size) alcoholic beverages/distilled spirits, and the hours of operation for the business; outlined the parameters of what the City Council may consider regarding the conditions of operation to be retained or changed, and the findings that are necessary; and responded to questions.

Frank Rhemrev, Assistant City Attorney, responded to questions regarding the Department of Alcoholic Beverage Control's (ABC) case with Super Liquor and the City's court case with Super Liquor.

Police Lieutenant Kelly Evans responded to questions regarding police calls in the area of Super Liquor, and distributed informational materials on the police calls.

Councilmember Tornek suggested that the sale of alcohol be limited in the morning and/or restricted to a joint purchase of alcohol with other products.

Vice Mayor McAustin suggested the sale of alcohol be changed to prohibit sales before 8:00 a.m. and after 9:00 p.m.

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

Councilmember Holden noted that the nexus in imposing the conditions has been established with incidents that have occurred over the years and should be seen in context with that history and the City's record.

Following discussion, it was moved by Vice Mayor McAustin, seconded by Councilmember Gordo, to approve the staff recommendation, as amended to modify the conditions as follows:

- Condition No. 3: The sale or stocking of single containers of ~~distilled spirits~~, beer, malt beverages and wine coolers in sizes of 12 oz. or less is prohibited, but may be sold in manufacturer pre-packaged multi-unit quantities.
- Condition No. 19: Business hours of operation shall be between ~~7:00~~ 6:30 A.M. and ~~9:00~~ 10:00 P.M. daily with the sale of alcohol to occur only between the hours of ~~9:00~~ 8:00 a.m. and ~~6:00~~ 9:00 p.m. daily.
- Condition No. 20: A sturdy lock and chain shall be placed across the parking lot entrance promptly at ~~9:00 p.m.~~ at the close of business.

(Motion unanimously carried) (Absent: None)

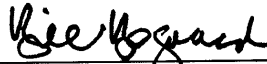
Vice Mayor McAustin and Councilmember Gordo commended the neighborhood and community members for their diligence in addressing the issues that have arisen from the liquor stores in their area.

COUNCIL COMMENTS

Councilmember Gordo, Rose Bowl Operating Company (RBOC) President, noted that a letter had been sent from the RBOC to the City Council regarding the Devil's Gate Dam Sediment Removal Project, with the matter to be considered at a City Council meeting in August 2011 at such a time that he can participate in the discussion.

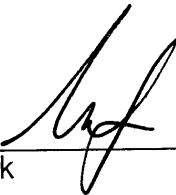
ADJOURNMENT

On order of the Mayor, the regular meeting of the City Council adjourned at 10:16 p.m., in memory of Ralph McKnight, community activist; and Alma Dillard, Accessibility and Disability Commissioner.



Bill Bogaard, Mayor
City of Pasadena

ATTEST:



City Clerk