

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

REGULAR MEETING

**OPENING:**

Mayor Bogaard called the regular meeting to order at 5:38 p.m. (Absent: Councilmember Madison, Vice Mayor McAustin)

On order of the Mayor, the regular meeting recessed at 5:38 p.m., to discuss the following closed session:

**CITY COUNCIL CONFERENCE WITH LABOR NEGOTIATORS pursuant to Government Code Section 54957**

**Agency Designated Representatives: Mary Ellen Schubel, Michael J. Beck**

**Employee Organizations: Unrepresented Management Top, Middle and Professional Employees; Unrepresented Technical and Administrative Employees; Unrepresented Confidential Clerical Employees; Non-Represented Employees; Unrepresented Hourly Employees; and Executive Management Employees**

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

On order of the Mayor, the regular meeting reconvened at 6:32 p.m. The Pledge of Allegiance was led by the Mayor.

**ROLL CALL:**

Councilmembers:

Mayor Bill Bogaard  
Vice Mayor Margaret McAustin (Absent)  
Councilmember Victor Gordo  
Councilmember Chris Holden  
Councilmember Steve Madison (Arrived at 7:29 p.m.)  
Councilmember Gene Masuda  
Councilmember Jacque Robinson  
Councilmember Terry Tornek

Staff:

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

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

James Peterson, Chapman Manor HOA Chair, expressed concerns regarding ongoing problems with rooftop water overflow from a neighboring building located at 155 East Cordova Street, and submitted informational materials.

In response to Councilmember Gordo's question, the City Manager indicated that staff has met and toured the site with Mr. Peterson, and determined that the building in question seems to be up to code.

**CONSENT CALENDAR**

**APPROVAL OF FINAL TRACT MAP NO. 069503, BEING THE CONSOLIDATION OF TWO LAND LOTS INTO ONE LAND LOT AND THE CREATION OF EIGHT AIR PARCELS FOR CONDOMINIUM PURPOSES, AT 1350 NORTH EL MOLINO AVENUE**

**Recommendation:**

- (1) Adopt a resolution to approve Final Tract Map No. 069503;
- (2) Accept the offer of easement dedications for street purposes as shown on said map;
- (3) Abandon those portions of the easement for storm drainage and incidental purposes within the boundary of this map, which were conveyed to the City of Pasadena in document recorded in Book 4302, Page 170 of Deeds, Records of Los Angeles County, not shown on said map; and
- (4) Authorize the City Clerk to execute the Certificate on the map showing the City's approval of said map. (Resolution No. 9157)

**AMENDMENT TO CONTRACT NO. 19,977 WITH RMC WATER AND ENVIRONMENT FOR GENERAL ENGINEERING SERVICES TO EXTEND THE CONTRACT EXPIRATION DATE FROM JULY 28, 2012 TO DECEMBER 31, 2012**

**Recommendation:**

- (1) Find that the amendment of Contract No. 19,977 with RMC Water and Environment (RMC) is exempt from the California Environmental Quality Act (CEQA), pursuant to State CEQA Guidelines Section 15302(c), replacement or reconstruction; and
- (2) Authorize the City Manager to extend Contract No. 19,977 with RMC Water and Environment from July 28, 2012 to December 31, 2012. It is expected that the total cost for contracted design projects for the five-month extension period will not exceed \$240,000. (Contract Amendment No. 19,977-1)

**FINANCE COMMITTEE: RECOGNIZE AND APPROPRIATE GRANT FUNDS IN THE AMOUNT OF \$650,000 TO THE POLICE DEPARTMENT'S FISCAL YEAR 2012 OPERATING BUDGET GRANT FUND; AUTHORIZE THE PURCHASE OF ONE THERMAL IMAGING CAMERA IN AN AMOUNT NOT TO EXCEED \$235,000 FROM FLIR SYSTEMS, INCORPORATED; AND AUTHORIZE THE PURCHASE OF TWO DIGITAL DOWN-LINKING SYSTEMS IN AN AMOUNT NOT TO EXCEED \$100,000 FROM BROADCAST MICROWAVE SERVICES**

**Recommendation:**

- (1) Recognize and appropriate \$650,000 in Homeland Security

Grant Funds to the Police Department's Fiscal Year 2012 Operating Budget;

(2) Authorize issuance of a purchase order contract to FLIR Systems Incorporated, not to exceed \$235,000 for the purchase of a thermal imaging camera; and

(3) Authorize issuance of a purchase order contract to Broadcast Microwave Services, in an amount not to exceed \$100,000 for the purchase of two digital video down-linking systems for the police helicopter fleet. The proposed purchase order contracts are exempt from the competitive bidding process, pursuant to City Charter Section 1002(H), contracts with other governmental entities or their contractors. (Journal Voucher No. 2012-6)

**FINANCE COMMITTEE: AUTHORIZE THE CITY MANAGER TO EXECUTE ALL AGREEMENTS WITH THE LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY (METRO) ASSOCIATED WITH THE RECEIPT OF GRANT FUNDING AND THE IMPLEMENTATION OF THE PASADENA AREA RAPID TRANSIT SYSTEM (ARTS) ENHANCED PASSENGER INFORMATION PROJECT**

**Recommendation:**

(1) Find that the implementation of the Pasadena ARTS Enhanced Passenger Information project is exempt from the California Environmental Quality Act (CEQA), pursuant to State CEQA Guidelines Section 15301, existing facilities;

(2) Authorize the City Manager to execute all agreements with the Metro associated with the receipt of grant funding and the implementation and management of the Pasadena ARTS Enhanced Passenger Information project;

(3) Recognize and approve a journal voucher appropriating the Metro grant of \$683,150 to Account No. 301-773200-75701 for the Transit Vehicle Arrival Information System (TVAIS) project; and

(4) Approve a journal voucher amending the 2012 Capital Improvement Project by recognizing and appropriating \$210,200 from the Gold Line Surplus Funds 301-773200-75521 to the TVAIS project 301-773200-75701. (Agreement No. 20,847; Journal Voucher No. 2012-7)

**FINANCE COMMITTEE: AUTHORIZE THE CITY MANAGER TO EXECUTE ALL AGREEMENTS WITH THE LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY AND CALSTART ASSOCIATED WITH THE RECEIPT OF GRANT FUNDING AND THE IMPLEMENTATION AND MANAGEMENT OF THE FOLDING BICYCLE DEMONSTRATION PROGRAM**

**Recommendation:**

(1) Find that the following proposed actions are exempt from review, pursuant to the California Environmental Quality Act (CEQA), State CEQA Guidelines Section 15061(b)(3);

(2) Authorize the City Manager to execute all agreements with

the Los Angeles County Metropolitan Transit Authority (Metro) and CALSTART associated with the receipt of grant funding and the implementation and management of the program respectively;

(3) Recognize and approve a journal voucher appropriating the Metro grant for \$259,840 to Budget Account No. 6546-209-774513; and

(4) Approve a journal voucher amending the Fiscal Year 2012 Operating Budget by recognizing and appropriating \$64,960 from the Air Quality Improvement Fund 216 unencumbered fund balance to Budget Account No. 8114-209-774513. (Agreements Nos. 20,845 and 20,846; Journal Voucher No. 2012-8)

**FINANCE COMMITTEE: AMENDMENTS TO FISCAL YEAR 2012 ADOPTED BUDGET**

**Recommendation:** Amend the Fiscal Year 2012 Adopted Budget as detailed in the Proposed Budget Amendments section of the agenda report and in Attachment A of the agenda report - Detail of Proposed Budget Amendment Items. (Journal Voucher No. 2012-9)

MINUTES APPROVED

October 17, 2011  
 October 24, 2011  
 October 31, 2011

CLAIMS RECEIVED AND FILED

Claim No. 11,488	Jack Van Furche	\$25,000.00+
Claim No. 11,489	State Farm Insurance as Subrogee for Michael Brown	419.59
Claim No. 11,490	Melanie Calvert	Not Stated
Claim No. 11,491	Fidelity Mortgage Lenders, Inc.	\$25,000.00+

It was moved by Councilmember Gordo, seconded by Councilmember Robinson, to approve all items on the Consent Calendar. (Motion unanimously carried) (Absent: Councilmember Madison, Vice Mayor McAustin)

**REPORTS AND COMMENTS FROM COUNCIL COMMITTEES**

FINANCE COMMITTEE

**ADOPTION OF A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASADENA, CALIFORNIA, AUTHORIZING THE INVITATION OF BIDS FOR THE PURCHASE OF WATER REVENUE REFUNDING BONDS, 2011A SERIES, OF SAID CITY; APPROVING A NOTICE OF INTENTION TO SELL BONDS, A PRELIMINARY OFFICIAL STATEMENT, A NOTICE INVITING BIDS; AUTHORIZING THE PUBLICATION OF A NOTICE OF INTENTION TO SELL BONDS; APPROVING AND RATIFYING THE FORM AND EXECUTION AND DELIVERY OF A FOURTH SUPPLEMENTAL TO WATER REVENUE BOND INDENTURE, AN ESCROW AGREEMENT, AND CONTINUING DISCLOSURE AGREEMENT IN CONNECTION THEREWITH; AND AUTHORIZING CERTAIN OTHER**

**ACTIONS IN CONNECTION THEREWITH**

**Recommendation:** It is recommended that the City Council adopt a resolution of the City of Pasadena authorizing the invitation of bids for the purchase of water revenue refunding bonds, 2011A series, approving a notice of intention to sell bonds, a preliminary official statement, and a notice inviting bids; authorizing the publication of a notice of intention to sell bonds; approving and ratifying the form and execution and delivery of a fourth supplemental to water revenue bond indenture, an escrow agreement, and continuing disclosure agreement in connection therewith; and authorizing certain other actions in connection therewith. (Resolution No. 9158)

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

Vic Erganian, City Treasurer/Deputy Director of Finance Department, summarized the agenda report.

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

**ORDINANCE – FIRST READING**

**Conduct first reading of “AN ORDINANCE OF THE CITY OF PASADENA AMENDING VARIOUS PROVISIONS OF TITLE 17 (ZONING CODE) TO REVISE THE TIME LIMITS ON PLANNING ENTITLEMENTS”**

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

AYES: Councilmembers Gordo, Holden, Masuda, Robinson, Tornek, Mayor Bogaard

NOES: None

ABSENT: Councilmember Madison, Vice Mayor McAustin

**ANNOUNCEMENT**

The City Clerk announced that the Redistricting Task Force will be holding its next public forum meetings on November 16, 2011 at Norma Coombs Elementary School (hosted by District 4) and on November 19 at the Jackie Robinson Community Center (hosted by District 3).

**RECESS**

On order of the Mayor, the regular meeting of the City Council recessed at 6:45 p.m.

**RECONVENED**

On order of the Mayor, the regular meeting of the City Council reconvened at 7:30 p.m. (Absent: Vice Mayor McAustin)

**RECOMMENDATIONS FROM OFFICERS AND DEPARTMENTS**

**CONSIDERATION OF CALL FOR REVIEW OF A HEARING OFFICER DECISION TO THE BOARD OF ZONING APPEALS, REGARDING HILLSIDE DEVELOPMENT PERMIT NO. 5651, TO ALLOW A 204 SQUARE FOOT FIRST**

**FLOOR ADDITION, A NEW 173 SQUARE FOOT COVERED PATIO, AND A NEW 1,002 SQUARE FOOT SECOND FLOOR ADDITION TO AN EXISTING 1,623 SQUARE FOOT SINGLE-FAMILY HOUSE, AT 1245 WABASH STREET (PLN2011-000239) (Councilmember Madison)**

Councilmember Madison briefly outlined several policy/process questions regarding obstruction of views in a hillside area that concerned him.

By consensus and on order of the Mayor, the matter was continued to the Council meeting of November 21, 2011.

**PUBLIC HEARINGS**

Councilmember Tornek recused himself at 7:37 p.m., due to a conflict of interest.

**PUBLIC HEARING: MAJOR CHANGE TO APPROVED PROJECT, PLAYHOUSE PLAZA COMMERCIAL DEVELOPMENT, 680 EAST COLORADO BOULEVARD, A REVISED PROJECT, CONDITIONAL USE PERMIT NO. 5317, ADJUSTMENT PERMIT NO. 11612, PRIVATE TREE REMOVAL, AND ADDENDUM TO FINAL ENVIRONMENTAL IMPACT REPORT**

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

- (1) Adopt the resolution adopting an Addendum to the Final Environmental Impact Report for the 680 East Colorado Boulevard project;
- (2) Approve the Major Change to Approved Project, which consists of:
  - (a) Conditional Use Permit for a new non-residential project that exceeds 25,000 square feet;
  - (b) Minor Conditional Use Permit for a new project that exceeds 15,000 square feet in the Transit-Oriented District;
  - (c) Adjustment Permit for three deviations from the Zoning Code, including: to exceed building height in two height districts; to exceed Floor Area Ratio (FAR) in one FAR district; and to reduce the required number of loading spaces from five to two; and
  - (d) Private Tree Removal of one protected specimen tree; with the Specific Findings of Fact (Attachment A of the agenda report), Conditions of Approval (Attachment B of the agenda report), and the Comprehensive Water Conservation Plan (Attachment C of the agenda report); and
- (3) Agree in concept to fund fifty percent (\$125,000) of the cost of the proposed speed table on El Molino Avenue with funds from the Downtown Redevelopment Project;
- (4) Find that, pursuant to the California Environmental Quality Act (CEQA), the revision to Mitigation Measures TC-1(a)(b)(c) is supported by the analysis presented in the memorandum and agenda report, that the revision results in the same level of mitigation as the original measure, and that the revision does not result in new or adverse environmental effects; and

(5) Approve revised Mitigation Measure TC-1(a)(b)(c) and corresponding Project Condition 53 for the intersection of El Molino Avenue and Colorado, Boulevard. (Resolution No. 9159)

The Mayor opened the public hearing.

The City Clerk reported 51 copies of the notice of public hearing were posted on October 28, 2011; 123 copies of the notice were mailed on October 28, 2011; and 3 letters in support of the proposed project were received.

The City Manager summarized his memorandum containing two supplemental recommendations (Nos. 4 and 5, as cited above), involving traffic mitigation measures and clarifying information, which was distributed by staff.

Vince Bertoni, Director of Planning Department, provided a brief history of the project.

John Steinmeyer, Acting Zoning Administrator, reviewed the agenda report as part of a PowerPoint presentation.

David Saeta, IDS Real Estate Group Senior Vice President (applicant), commented briefly on the three-party settlement agreement involving the original project, and the working group that was formed to address issues contained in the settlement agreement (comprised of members from Pasadenans for a Livable City/Pasadena Heritage, IDS, and City staff); clarified the solutions/responses that were reached in addressing the three primary issues that were raised in the lawsuit; and responded to questions.

Stefanos Polyzoides, applicant's architect, highlighted the redesign process and revised project as part of a PowerPoint presentation, and responded to questions.

The following persons spoke in support of the revised project:

Sid Tyler, Pasadenans for a Livable City (PLC) member  
Nina Chomsky, PLC member  
Lambert Giessinger, Pasadena Heritage Chair  
Sue Mossman, Pasadena Heritage Executive Director  
Marsha Rood, member of the working group that developed the consensus design for the revised project  
Christle Balvin, PLC member  
Louisa Nelson, Pasadena resident

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

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

Councilmember Tornek returned at 8:37 p.m. and thereafter recused himself, due to a conflict of interest.

**CONTINUED PUBLIC HEARING: APPEAL OF PROPOSED WIRELESS TELECOMMUNICATIONS FACILITY AT GRAND AVENUE AND CALIFORNIA BOULEVARD (IE 05372C)**

**Recommendation:**

- (1) Find that this action is statutorily exempt from the California Environmental Quality Act (CEQA) per Section 15268, ministerial projects; and
- (2) Approve the application to allow the installation of a wireless telecommunications facility on top of an existing wood utility pole at the northeast corner of Grand Avenue and California Boulevard with mitigations.

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

The City Clerk reported that, since the public hearing was opened on July 11, 2011, an additional 14 letters in support of, and 5 letters in opposition to and/or expressing concerns regarding, the proposed wireless communications facility were received.

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

Dan Rix, City Engineer, responded to questions regarding facility site location issues and the facility application process.

Jonathan Kramer, City's consultant, summarized his technical review of the proposed alternative sites and recommendation, as set out in his report prepared for the City and attached to the agenda report; and responded to questions.

The City Manager responded to questions regarding the City's regulations/standards for locating telecommunications facilities.

The following persons spoke in support of the proposed site:

Rob Searcy, T-Mobile representative (applicant)  
Ross Selvidge, Pasadena resident

The following persons spoke in opposition to the proposed site, and/or expressed concerns:

Chris Sutton, Pasadena resident  
Gretchen Brickson, Pasadena resident (appellant)  
Dana Ostenson, Pasadena resident



Gabriel Yeung, Pasadena resident, submitted a letter from Jo von Tiehl dated September 2, 2011  
Dr. Raymond Quan, Pasadena resident  
Miriam Nakamura-Quan, Pasadena resident, submitted her written comments

Joan Hearst, West Pasadena Residents Association (WPRA) Board member, expressed the WPRA's appreciation of the steps that staff had implemented to improve the telecommunications facility process; noted that the WPRA had not taken a position on this particular facility location; and, as an individual, expressed concerns.

The City Attorney and Javan Rad, Assistant City Attorney, clarified the legal regulations and constraints that apply to determining the location of a telecommunications facility.

Councilmember Madison stated his opposition to the proposed facility site; expressed concerns regarding line of sight impacts for the neighbors, negative aesthetics, and the lack of revenue generation for the City involving this site; and suggested that a different viable site be sought for the facility, and a comprehensive approach be used in the future positioning of telecommunications facilities for multiple carriers.

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

Discussion followed on exploring the use of alternative sites that would fulfill the applicant's needs, exclusive of the Grand Avenue and California Boulevard site; possible mitigation measures related to the site locations; and the need for carriers to use a "master plan" approach as they plan for service coverage, as a part of the City's process.

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

Councilmember Holden suggested that the City review its policies regarding the telecommunications facilities application process/ordinance in order to better protect neighborhoods, within the constraints of federal regulations.

Councilmember Gordo asked that the policy issues be referred to the Economic Development and Technology Committee for future study and review, and that staff clarify the definition of "existing pole" in the City's ordinance and Council's intent regarding this term when the ordinance was adopted.

The City Attorney clarified various legal constraints in dealing with the current application.

Following further discussion, It was moved by Councilmember Gordo, seconded by Councilmember Madison, to continue the public hearing to December 5, 2011 at 7:00 p.m., with the understanding that staff will work with the applicant and neighbors in exploring an alternative nearby facility site on California Boulevard. (Motion unanimously carried) (Absent: Councilmember Tornek, Vice Mayor McAustin)


**ADJOURNMENT**

On order of the Mayor, the regular meeting of the City Council adjourned at 11:00 p.m.



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Bill Bogaard, Mayor  
City of Pasadena

ATTEST:

  
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City Clerk