

CITY OF PASADENA
City Council Minutes
November 21, 2011 – 5:30 P.M.
City Hall Council Chamber

REGULAR MEETING

OPENING:

Mayor Bogaard called the regular meeting to order at 6:09 p.m.
(Absent: Councilmember Gordo)

On order of the Mayor, the regular meeting recessed at 6:09 p.m., to discuss the following closed sessions:

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; Technical and Administrative, Confidential and Clerical, Non-Represented, Hourly; American Federation of State, County and Municipal Employees (AFSCME) Local 858; International Brotherhood of Electrical Workers (IBEW) Local 18; International Union of Operating Engineers (IUOE) Local 501; Pasadena Association of Clerical and Technical Employees, affiliated with the Laborer's International Union of North America (PACTE/LIUNA) Local 777; Pasadena Management Association (PMA); Pasadena Firefighters Association (PFFA) Local 809; Pasadena Firefighters Management Association (PFMA); Pasadena Police Officers Association (PPOA); Pasadena Police Sergeants Association (PPSA); Service Employees International Union (SEIU) Local 721

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

CITY COUNCIL CONFERENCE WITH LEGAL COUNSEL REGARDING PENDING LITIGATION pursuant to Government Code Section 54956.9(a)

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

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

The above closed session item was not discussed.

On order of the Mayor, the regular meeting reconvened at 6:58 p.m. The Pledge of Allegiance was led by Councilmember Gordo.

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

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

Floyd Folven, Pasadena resident, submitted his request that the City Council make available a complete detailed listing of debt instruments and all contracts with consultants; and stated his understanding of the constraints that the State of California and the Environmental Protection Agency (EPA) have in their regulatory powers involving power plant emissions.

The City Manager indicated that the debt information will be part of the City's Comprehensive Annual Financial Report (CAFR) to be presented at the City Council meeting of December 12, 2011; and that the contract information will be included in his weekly informational letter as soon as practicable.

CONSENT CALENDAR

AMENDMENT TO CONTRACT NO. 20,701 WITH MARTIN A. ROGERS, INC. TO INCREASE THE TOTAL NOT TO EXCEED AMOUNT BY \$50,100 FROM \$108,000 TO \$158,100 FOR THE 2011 PREVENTIVE MAINTENANCE – BRIDGES, MARENGO AVENUE PEDESTRIAN BRIDGE

Recommendation:

(1) Find that on July 11, 2011 the City Council acknowledged the project to be categorically exempt under the California Environmental Quality Act (CEQA) in accordance with Title 14, Chapter 3, Class 1, Sections 15301 and 15302; minor alterations of existing public facilities involving a negligible or no expansion of use beyond that existing at the time of the lead agency's determination, and that there are no changed circumstances or new information which would require further environmental review; and

(2) Authorize the City Manager to amend Contract No. 20,701 with Martin A. Rogers, Inc., to increase the contact amount by \$50,100 for a total not to exceed amount of \$158,100 for additional work as part of the 2011 Preventive Maintenance – Bridges, Marengo Avenue Pedestrian Bridge project. (Contract Amendment No. 20,701-1)

CONTRACT AWARD TO STEINY AND COMPANY, INC. FOR THE MODIFICATION OF TRAFFIC SIGNALS AT LOS ROBLES AVENUE AND UNION STREET, AND AT WASHINGTON BOULEVARD AND HILL AVENUE, FOR AN AMOUNT NOT TO EXCEED \$226,000

Recommendation:

(1) Find the project proposed in the agenda report to be categorically exempt under the California Environmental Quality Act (CEQA) in accordance with Section 15301, Class 1, subsection (c). This exemption includes minor alterations of existing public facilities, including streets, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination, and there are no environmental reviews; and

(2) Accept the bid dated October 12, 2011, submitted by Steiny and Company, Inc., in response to the Project Specifications for the Modification of Traffic Signals at Los Robles Avenue and Union Street, and at Washington Boulevard and Hill Avenue, reject all other bids received, and authorize the City Manager to enter into such contract as is required for an amount not to exceed \$226,000. (Contract No. 20,851)

REJECTION OF ALL BIDS RECEIVED FOR PROVIDING LABOR AND MATERIALS FOR DEEP WELL AND PUMP MAINTENANCE TO THE WATER AND POWER DEPARTMENT

Recommendation: Reject all bids received on October 26, 2011 in response to Specifications WD-11-03 for Providing Labor and Materials for Deep Well and Pump Maintenance to the Water and Power Department.

LEGISLATIVE POLICY COMMITTEE: ADOPTION OF A RESOLUTION IN SUPPORT OF SB 184 TO PROTECT LOCAL AFFORDABLE INCLUSIONARY HOUSING PROGRAMS

Recommendation:

(1) Find that the recommended action is exempt from the California Environmental Quality Act (CEQA), pursuant to State CEQA Guidelines Section 15061(b)(3); and

(2) Adopt a resolution in support of Senate Bill 184 to protect local affordable inclusionary housing programs. (Resolution No. 9160)

AUTHORIZATION TO EXECUTE A CONTRACT WITH WITTMAN ENTERPRISES, LLC FOR PARAMEDIC BILLING SERVICES FOR AN ANNUAL AMOUNT OF \$240,000

Recommendation:

(1) Authorize the City Manager to execute a five-year contract with Wittman Enterprises, LLC, for paramedic billing services. The estimated annual fee will be approximately \$240,000 per year and is based on 5.25 percent applied against net receipts.

The proposed contract is exempt from competitive bidding pursuant to City Charter Section 1002(F), contracts for professional or unique services; and

(2) 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. 20,852)

AUTHORIZE A PURCHASE ORDER WITH WONDRIES FLEET GROUP FOR PURCHASE OF EIGHT NEW REPLACEMENT POLICE VEHICLES FOR A TOTAL OF \$197,722

Recommendation:

(1) Find that this 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) Authorize the issuance of a purchase order to Wondries Fleet Group, in an amount not to exceed \$197,722 for the purchase of eight replacement Police Vehicles. Competitive bidding is not required, pursuant to City Charter Section 1002(H), contracts with other governmental entities or their contractors for labor, materials, supplies, or services; and

(3) Grant the proposed contract an exemption from the competitive selection process of the Competitive Bidding and Purchasing Ordinance, pursuant to Pasadena Municipal Code Section 4.08.048(B), contracts for which the City's best interests are served.

AUTHORIZATION TO ENTER INTO A CONTRACT WITH REWARDS STRATEGY GROUP, INC. TO PROVIDE PROFESSIONAL CONSULTING SERVICES RELATED TO A CLASSIFICATION STUDY

Recommendation: Authorize the City Manager to enter into a contract with Rewards Strategy Group, Inc., for an amount not to exceed \$213,030 to conduct a citywide classification study. (Contract No. 20,853)

ADOPTION OF A RESOLUTION AMENDING THE SALARY RESOLUTION TO ESTABLISH COMPENSATION FOR VARIOUS CLASSIFICATIONS IN THE NON-REPRESENTED TOP, MIDDLE AND PROFESSIONAL MANAGEMENT GROUPS

Recommendation: Adopt the salary resolution to implement salary and benefit adjustments for classifications in the Non-Represented Top, Middle and Professional groups. (Resolution No. 9161)

ADOPTION OF A RESOLUTION AMENDING THE SALARY RESOLUTION TO ESTABLISH COMPENSATION FOR VARIOUS CLASSIFICATIONS IN THE NON-REPRESENTED, TECHNICAL-ADMINISTRATIVE, CONFIDENTIAL-CLERICAL AND HOURLY GROUPS

Recommendation: Adopt the salary resolution to implement salary and benefit adjustments for classifications in the Non-Represented, Technical-Administrative, Confidential-Clerical and Hourly groups. (Resolution No. 9162)

AUTHORIZE THE CITY MANAGER TO ENTER INTO A CONTRACT WITH SOUTHERN CALIFORNIA CONTRACTING COMPANY TO PROVIDE ELECTRICAL UPGRADES TO THE JONES BOOSTER STATION FOR THE WATER AND POWER DEPARTMENT IN AN AMOUNT NOT TO EXCEED \$455,250

Recommendation:

(1) Find that the project is exempt from the California Environmental Quality Act (CEQA), pursuant to State CEQA Guidelines Section 15302, replacement or reconstruction; and
(2) Accept the bid dated September 27, 2011 submitted by Southern California Contracting Company, in response to Specifications WD-07-08 for providing labor and materials for electrical upgrades at Jones Booster Station for the Water and Power Department, reject all other bids received, and authorize the City Manager to issue a Labor and Materials Contract to Southern California Contracting Company for an amount not to exceed \$455,250. (Contract No. 20,854)

VACATE THE INCUMBENCY OF LINDA SCHULTZ FROM THE ACCESSIBILITY AND DISABILITY COMMISSION (District 7 Nomination)

MINUTES APPROVED

November 7, 2011

CLAIMS RECEIVED AND FILED

Claim No. 11,492	Yorkshire Development	\$ 2,203.25
Claim No. 11,493	Edith A. Hightower	3,200.00
Claim No. 11,494	Alliance United Insurance Co.	9,969.45
Claim No. 11,495	Southern California Gas Co.	Not Stated
Claim No. 11,496	Russell Praslin	900.00
Claim No. 11,497	Debbie Hagman	6,411.56

PUBLIC HEARINGS SET

December 5, 2011, 7:00 p.m. – Designation of Raymond-Esther Landmark District Overlay

January 23, 2012, 7:00 p.m. – Open Space and Conservation Element of the General Plan

It was moved by Councilmember Robinson, seconded by Councilmember Masuda, to approve all items on the Consent Calendar. (Motion unanimously carried) (Absent: None)

**RECOMMENDATIONS
FROM OFFICERS AND
DEPARTMENTS**

FIND THAT RENEWABLE ENERGY RESOURCE CONTRACTS PREVIOUSLY EXECUTED BY THE CITY OR APPROVED BY THE CITY COUNCIL MEET THE STATUTORY DEFINITION AND REQUIREMENTS TO QUALIFY FOR RENEWABLE PORTFOLIO STANDARD OBLIGATIONS AND THE PORTFOLIO CONTENT CATEGORY CRITERIA PURSUANT TO SECTION 399.16(b)(1) OF THE CALIFORNIA PUBLIC UTILITIES CODE ESTABLISHED BY SENATE BILL X1-2

Recommendation:

(1) Find that the proposed action is exempt from the California Environmental Quality Act (CEQA) per Section 15061(b)(3);

(2) Find that the renewable electricity resource contracts previously executed by the City of Pasadena (City) or approved by the City Council for Pasadena Water and Power Department (PWP) listed in Attachment 1 of the agenda report:

- (a) Meet the statutory definition and requirements to qualify for Renewable Portfolio Standard (RPS) obligations; and
- (b) Meet the Portfolio Content Category criteria, pursuant to Section 399.16(b)(1) of the California Public Utilities Code (PUC) for the purpose of PWP's compliance with RPS requirements established by Senate Bill X1-2 (SBX1-2).

Vice Mayor McAustin, Chair of the Municipal Services Committee, introduced the agenda item.

Phyllis Currie, General Manager of Water and Power Department, summarized the agenda report.

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

CONSIDERATION OF A 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 expressed concerns regarding staff's interpretation of provisions in the City's hillside ordinance and issues involving the manner in which a decision was reached by the hearing officer.

Vince Bertoni, Director of Planning Department, clarified the appeal and City Council call up for review procedures that are provided by the City.

The following persons spoke in support of the call for review:

Judy Ostrander, Pasadena resident
Nina Chomsky, Linda Vista/Annandale Neighborhood
Association Board member

The following persons spoke in opposition to the call for review:

Celia Alconcel, Pasadena resident (property owner)
David Snider, property owner's architect

It was moved by Councilmember Madison, seconded by Councilmember Gordo, to call this matter for review to the Board of Zoning Appeals. (Motion unanimously carried)
(Absent: None)

**ORDINANCE – FIRST
READING**

Conduct first reading of “AN ORDINANCE OF THE CITY OF PASADENA AMENDING SECTION 10.45.027, OF THE PASADENA MUNICIPAL CODE, TO ALLOCATE NO FEE (OFFICIAL CITY BUSINESS) PARKING PLACARDS ON THE BASIS OF NEED BY CITY DEPARTMENT AND COUNCIL RATHER THAN BY STAFF CLASSIFICATION”

The City Attorney and City Manager clarified that the proposed ordinance is meant to ensure that the parking placards are being use appropriately, as determined by City policy, and at the discretion of the executive management.

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

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

NOES: None

ABSENT: None

ORDINANCE – ADOPTED

Adopt “AN ORDINANCE OF THE CITY OF PASADENA AMENDING VARIOUS PROVISIONS OF TITLE 17 (ZONING CODE) TO REVISE THE TIME LIMITS ON PLANNING ENTITLEMENTS” (Introduced by Councilmember Tornek)
(Ordinance No. 7215)

The above ordinance was adopted by the following vote:

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

NOES: None

ABSENT: None

PUBLIC HEARING

PUBLIC HEARING: APPEAL OF HISTORIC PRESERVATION COMMISSION DECISION – APPROVAL WITH CONDITIONS OF A FRONT-YARD FENCE AND GATES AT 1116 ARMADA DRIVE (PROSPECT HISTORIC DISTRICT)

Recommendation:

- (1) Find that the proposed project is categorically exempt under the California Environmental Quality Act (CEQA), Article 19, Section 15301, Class 1, existing facilities;
- (2) Find that no protected native, specimen, or landmark trees under the tree protection ordinance (Pasadena Municipal Code, Chapter 8.52) will be removed by the new construction;
- (3) Find that the project, when modified by the proposed conditions, complies with the Design Guidelines for Historic Districts in the City of Pasadena and the Secretary of the Interior's Standards for Rehabilitation and Illustrated Guidelines for Rehabilitating Historic Buildings; and
- (4) Approve the application for a Certificate of Appropriateness for a new front-yard fence, pedestrian gate, and motorized driveway gate with the following conditions to be reviewed and approved by staff before a building permit is issued:

Conditions

- (a) Modify the proposal to indicate a satin, rather than glossy, finish for the pickets.
- (b) To improve the aesthetics, transparency, and overall proportions, revise the design to increase the picket height and reduce the solid base.
- (c) To improve the quality of compatibility with the surrounding neighborhood and existing house, replace the tubular steel pickets with wrought iron pickets and a smooth troweled stucco finish, rather than the proposed light sand finish.

Recommendation of Historic Preservation Commission:

On Monday, October 3, 2011, the Historic Preservation Commission voted to approve the Certificate of Appropriateness with the following conditions;

- (1) The fence shall be fabricated from wrought iron (not tubular steel).

New fence design and materials that are similar to those used historically are appropriate. (Design Guidelines for Historic Districts 10.7) The design and materials of a new fence should be compatible with the character of the house and neighborhood. (Design Guidelines for Historic Districts 10.7)

- (2) Remove the low masonry wall from the design.

Fence designs that incorporate a short masonry or concrete wall as the base of the fence are inappropriate. (Design Guidelines for Historic Districts 10.7)

- (3) Remove the pilasters from the fence design.

Masonry or concrete piers that are part of a fence design are not appropriate. (Design Guidelines for Historic Districts 10.7)

- (4) The typical height of the pickets shall be reduced to 3 feet but the arch is allowed a maximum of 4 feet.

Traditionally fences were less than the permitted four feet. Therefore, consider a fence that is three feet in height. (Design Guidelines for Historic Districts 10.7)

(5) Fence shall incorporate Spanish design features that are compatible with the house. Example: twisted wrought iron. *The design and materials of a new fence should be compatible with the character of the house and neighborhood. (Design Guidelines for Historic Districts 10.7)*

(6) The redesigned fence shall be reviewed and approved by Design and Historic Preservation staff for compliance with these conditions prior to issuance of a building permit.

The Mayor opened the public hearing.

The City Clerk reported 26 copies of the notice of public hearing were posted on November 3, 2011; 110 copies of the notice were mailed on November 3, 2011; and 1 letter in support of, and 4 letters expressing concerns regarding, the fence were received. He also reported that staff had submitted and distributed 5 letters in support of, and 4 letters in opposition to, the fence, which had been received by the Historic Preservation Commission.

Emily Stadnicki, Senior Planner, reviewed the agenda report as part of a PowerPoint presentation, and responded to questions.

The following persons spoke in support of staff's recommendation for the fence:

Calogero Drago, Pasadena resident (appellant)
Veronica Drago, Pasadena resident (appellant)
Mohsen Nowrozani, Northridge resident
Philip J. Hess, legal counsel for appellant

The following persons spoke in opposition to, and/or expressed concerns regarding, staff's recommendation for the proposed fence:

Arnold Siegel, Pasadena resident
Emina Darakjy, Pasadena resident

Vince Bertoni, Director of Planning Department, clarified the conditions that may be applied to a fence according to various City regulations/guidelines, and responded to questions.

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

It was moved by Councilmember Robinson, to approve the staff recommendation. (Following discussion, motion withdrawn)

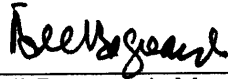
Councilmember Tornek suggested that the appeal be denied and the Historic Preservation Commission decision be upheld in order to provide the minimal impact of the fence on the street/neighborhood.

The City Attorney confirmed that the City Council does not have the authority to deny the construction of a fence, under the City's regulations.

Following additional discussion, it was moved by Councilmember Robinson, seconded by Councilmember Tornek, to sustain the Historic Preservation Commission decision. (Motion unanimously carried) (Absent: None)

ADJOURNMENT

On order of the Mayor, the regular meeting of the City Council adjourned at 8:35 p.m.



Bill Bogaard, Mayor
City of Pasadena

ATTEST:



City Clerk