

CITY OF PASADENA
City Council Minutes
February 25, 2013 – 5:30 P.M.
City Hall Council Chamber

REGULAR MEETING

OPENING: Mayor Bogaard called the regular meeting to order at 5:37 p.m.

On order of the Mayor, the regular meeting recessed at 5:37 p.m., to discuss the following closed sessions:

**CITY COUNCIL CONFERENCE WITH LEGAL COUNSEL
REGARDING ANTICIPATED LITIGATION
Initiation of litigation pursuant Government Code
Section 54956.9(c) (One potential case)**

The Mayor announced that the City Council authorized staff to initiate an action regarding the above closed session item with the details to be disclosed after the action is formally commenced.

**CITY COUNCIL CONFERENCE WITH LEGAL COUNSEL
pursuant to Government Code Section 54956.9(a)
regarding pending litigation
Name of Case: Allstate v. City of Pasadena
Case No.: GC 049376**

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

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

ROLL CALL:
Councilmembers:

Mayor Bill Bogaard
Vice Mayor Margaret McAustin
Councilmember Victor Gordo
Councilmember Joel Bryant
Councilmember Steve Madison
Councilmember Gene Masuda
Councilmember Jacque Robinson (Arrived at 6:49 p.m.)
Councilmember Terry Tornek

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

CEREMONIAL MATTERS

Councilmember Robinson arrived at 6:49 p.m.

The City Clerk administered the oaths of office to Sheryl Turner as Northwest Commissioner and George Falardeau as member of the Pasadena Community Access Corporation Board.

PUBLIC COMMENT ON MATTERS NOT ON THE AGENDA

Larry Faulkner, Pasadena resident, stated his concerns regarding the alleged failure of the Pasadena Human Society (PHS) to provide contractually obligated services to Pasadena.

The following individuals expressed concerns regarding the construction project underway in the Sunset Overlook area of the Hahamongna Watershed Park, requested that the work be delayed to avoid unnecessary damage to the environment, and complained about the lack of sufficient notification to the public regarding the details of the project:

- Dorothy Wong, Altadena resident
- Lori L. Paul, Altadena resident, submitted photos of the construction project
- Mary Barrie, La Canada resident

The City Manager and Siobhan Foster, Director of Public Works, responded to concerns raised during public comment, noted that a biologist is scheduled to visit the site to evaluate the work being done, and that no additional work will be performed until the biologist's findings are determined regarding potential impacts.

CONSENT CALENDAR

ADOPTION OF A RESOLUTION AMENDING THE NON-REPRESENTED MANAGEMENT SALARY RESOLUTION TO ESTABLISH COMPENSATION FOR NEWLY ESTABLISHED CLASSIFICATIONS

Recommendation:

- (1) Amend the Non-Represented Management Salary Resolution to establish new classifications and related salaries;
- and
- (2) Amend the Fiscal Year Operating Budget to include 1.0 FTE for a new position titled 311 Call Center Manager in the Department of Public Works, Administration Division (101-761000/301-761100). (Resolution No. 9265)

RESOLUTION APPROVING TWO PROGRAM SUPPLEMENT AGREEMENTS TO ADMINISTERING AGENCY-STATE AGREEMENT NO. 07-5064R, FOR FAIR OAKS AVENUE/COLORADO BOULEVARD AND LAKE AVENUE/MOUNTAIN STREET, AND FOR PASADENA AVENUE/SR 210 WEST-BOUND (WB) ON-RAMP AT WALNUT STREET

Recommendation:

- (1) Find the project proposed herein 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;

(2) Authorize the City Manager to execute two Program Supplement Agreements for Fair Oaks Avenue/Colorado Boulevard and Lake Avenue/Mountain Street, and for the Pasadena Avenue/SR 210 WB On-Ramp at Walnut Street; and

(3) Adopt a resolution approving the two Program Supplement Agreements Nos. 089-N and 090-N to Administrating Agency-State Agreement No. 07-5064R between the City of Pasadena and the State of California, for State reimbursement of costs for Fair Oaks Avenue/Colorado Boulevard and Lake Avenue/Mountain Street, and for Pasadena Avenue/SR 210 WB On-Ramp at Walnut Street, Federal-Aid Project Nos. HSIPL-5064(074) and HSIPL-5064(075), respectfully. (Agreement Amendment No. 19,323-7; Agreement Amendment No. 19,323-8; Resolution No. 9266)

Item discussed separately, due to request for public comment.

ADOPT A RESOLUTION TO CLOSE THE SOUTH 74 FEET OF MICHENER ALLEY

AUTHORIZATION TO ENTER INTO A CONTRACT WITH MRV OPTICAL COMMUNICATIONS SYSTEMS IN AN AMOUNT NOT TO EXCEED \$244,155 FOR WDM (WAVELENGTH-DIVISION MULTIPLEXING) LIFECYCLE REPLACEMENT EQUIPMENT FOR THE CITY'S FIBER OPTIC RING

Recommendation:

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

(2) Authorize the City Manager to enter into a purchase order contract with MRV Optical Communications Systems for the purchase of WDM (wavelength-division multiplexing) lifecycle replacement equipment for the City's fiber optic ring network in an amount not to exceed \$244,155. Competitive bidding is not required pursuant to City Charter Article X Section 1002(F), contracts for professional or unique services; and

(3) Grant the proposed contract an exemption from the competitive bidding 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 interest are served.

FINANCE COMMITTEE: QUARTERLY INVESTMENT REPORT – QUARTER ENDING DECEMBER 31, 2012
Recommendation: This report is for information purposes only.

FINANCE COMMITTEE: AUTHORIZATION TO ENTER INTO A CONTRACT WITH CELPLAN TECHNOLOGIES, INC., FOR REPLACEMENT OF THE VIDEO SURVEILLANCE SYSTEM IN THE JAIL AND PROPERTY SECTIONS OF THE POLICE DEPARTMENT AND AMENDMENT TO THE FY 2013 CAPITAL IMPROVEMENT PROGRAM BUDGET

Recommendation:

- (1) Find that the proposed contract is exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Sections 15061(b)(3);
- (2) Amend the Fiscal Year 2013 Capital Improvement Program (CIP) Budget to include a new project in the Technology Projects Section entitled "Video Surveillance System Project";
- (3) Appropriate \$350,000 to the new Video Surveillance System Project and decrease appropriations in the Police Department operating budget account 8504-207-401500 in the amount of \$350,000; and
- (4) Authorize the City Manager to enter into a contract without competitive bidding pursuant to City Charter Section 1002(F), contracts for professional or unique services, with CelPlan Technologies, Inc., for an amount not to exceed \$450,000. (Contract No. 21,308; Journal Voucher No. 2013-26)

FINANCE COMMITTEE: REIMBURSEMENT RESOLUTION RELATED TO THE ELECTRIC SYSTEM

Recommendation: It is recommended that the City Council adopt a resolution declaring the City's intention to reimburse itself from the proceeds of one or more tax-exempt financings for certain expenditures made and/or to be made in connection with the acquisition, construction, and equipping of certain capital improvements. (Resolution No. 9267)

FINANCE COMMITTEE: AMENDMENT TO FISCAL YEAR 2013 CAPITAL IMPROVEMENT PROGRAM BUDGET AND APPROPRIATION OF FUNDS FOR THE PURCHASE OF NEW STUDIO EQUIPMENT FOR PASADENA COMMUNITY ACCESS CORPORATION
Recommendation:

- (1) Find that the proposed action is exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15061(b)(3);
- (2) Amend the Fiscal Year 2013 Capital Improvement Program (CIP) Budget to include a new project in the

Technology Projects section entitled "PCAC equipment replacement project"; and
 (3) Appropriate \$493,000 from the unappropriated fund balance of Fund 408 Telecommunications Fund to the new capital project and increase appropriations in Fund 408 by the same amount. (Journal Voucher No. 2013-27)

APPOINTMENT OF CYNTHIA KURTZ AS THE CITY'S REPRESENTATIVE ON THE BOARD OF DIRECTORS OF THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA

Recommendation: It is recommended that the City Council approve and consent to the Mayor's appointment of Cynthia Kurtz as the City's representative on the Board of Directors of the Metropolitan Water District of Southern California for a term ending December 31, 2016, subject to possible future reappointment at the expiration of the term.

CLAIMS RECEIVED AND FILED

Claim No. 11,854	Carol Lee	Not stated
Claim No. 11,855	Jackie Horrick	\$3,119.16
Claim No. 11,856	Maria Lucero	Not stated
Claim No. 11,857	Staci Hardy	408.82
Claim No. 11,858	Wendy Nash	101.13
Claim No. 11,859	Talar Gurunian	Not stated
Claim No. 11,860	Nim-Fong Chan	Not stated
Claim No. 11,861	Arnaldo G. Delgado	21,500.00
Claim No. 11,862	Raymond Gonzales	9,509.84

PUBLIC HEARING SET

April 8, 2013, 7:00 p.m. – Public Hearing to approve and authorize the submittal of the Analysis of Impediments to Fair Housing Choice/Fair Housing Plan to the United States Department of Housing and Urban Development (HUD)

It was moved by Councilmember Gordo, seconded by Councilmember Robinson, to approve all items on the Consent Calendar with the exception of Item 3 (Adopt a Resolution to Close the South 74 Feet of Michener Alley), which was discussed separately. (Motion unanimously carried) (Absent: None)

CONSENT ITEM
DISCUSSED SEPARATELY

ADOPT A RESOLUTION TO CLOSE THE SOUTH 74 FEET OF MICHENER ALLEY

Recommendation:
 (1) Find that the closure of the south 74 feet of Michener Alley is categorically exempt from California Environmental Quality Act (CEQA) in accordance with Article 19, Section 15301, existing facilities; and
 (2) Adopt a resolution to close the south 74 feet of Michener Alley pursuant to Section 21102.1 of the California Vehicle Code. (Resolution No. 9268)

Yannie Wu, Principal Engineer, summarized the agenda report as part of a PowerPoint presentation, and responded to questions.

Councilmember Gordo highlighted a number of issues regarding illegal activity and unsanitary conditions existing in Michener Alley affecting the adjacent neighbors in the area, noted that resources such as the City's Police, Code Enforcement, and Public Works services are being heavily impacted in responding to this location, and suggested that the southern portion of Michener Alley be acquired by one of the adjacent property owners to eliminate the public's right-of-way access to the area, with the City to retain rights to access property for maintenance purposes.

The following persons spoke in support of the closure of the south 74 feet of Michener Alley as proposed by Councilmember Gordo:

Abel Barboza, Pasadena resident
Laura Liptak, Pasadena resident
Katrin Koutassevitch Pasadena resident
Francisco Munoz, Pasadena resident

Councilmember Gordo supported the approval of staff's recommendation as a temporary solution, and suggested it be amended to add lighting in the southern portion of Michener Alley. He also requested that staff return to the City Council as soon as possible with a recommended permanent solution, including options to granting the property to the adjacent property owners, while still maintaining the City's right of access.

Following discussion, it was moved by Councilmember Gordo, seconded by Councilmember Masuda, to approve staff recommendation with the direction to staff to add lighting to the property and explore options for granting the property to the adjacent property owners, with the City to retain access rights to maintain City related facilities. (Motion unanimously carried) (Absent: None)

**RECOMMENDATIONS FROM
OFFICERS AND
DEPARTMENTS**

AN INTERIM URGENCY ORDINANCE OF THE CITY OF PASADENA TEMPORARILY PROHIBITING THE APPROVAL OF NEW RECYCLING FACILITIES, THE EXPANSION OR MODIFICATION OF EXISTING FACILITIES, AND THE RESUMPTION OF DISCONTINUED LEGAL NONCONFORMING STATUS FOR RECYCLING CENTERS
(See related Item 15)

Recommendation:

- (1) Find that the proposed interim ordinance is categorically exempt from the California Environmental Quality Act (CEQA) Guidelines Sections 15060(c)(2) and 15262, because the interim ordinance will not result in a direct or reasonably foreseeable indirect physical change in the environment and because the project involves only feasibility or planning studies for possible future actions which the City has not approved, adopted, or funded, and does not involve adoption of a plan that will have a legally binding effect on later activities;
- (2) Find that the proposed moratorium is consistent with the objectives and policies of the General Plan;
- (3) Find that (a) there is a current and immediate threat to public health, safety and welfare because continued approval of new, the expansion or modification of existing, and the resumption of discontinued legal nonconforming status recycling facilities would have adverse impacts on the public health, safety, or welfare pursuant to the standards and policies set forth in the General Plan, and (b) the proposed interim ordinance is necessary to avoid these adverse impacts;
- (4) Adopt an interim urgency ordinance temporarily prohibiting the approval of new recycling facilities, the expansion or modification of existing facilities, and the resumption of discontinued legal nonconforming status for recycling facilities; and
- (5) Provide direction to staff regarding a permanent ordinance regulating recycling facilities.

The City Clerk reported that 1 letter in support of the proposed moratorium was received and distributed to the City Council.

Vince Bertoni, Director of Planning, introduced the agenda item and David Reyes, Principal Planner, reviewed the agenda report as part of a PowerPoint presentation, and responded to questions.

The following persons spoke in support of the staff recommendation and the approval of the proposed interim urgency ordinance:

Robert Tait, El Rio/Lake Neighborhood Association
Jane Finley, President of El Rio/Lake Neighborhood Association
Ann Tait, Pasadena resident
Joe Feinblatt, Pasadena resident
Daphne Bell, Pasadena resident
Cynthia Adams, Pasadena resident
Mae-Fay Koenig, El Rio/Lake Neighborhood Association

Patrick Ontiveros, President of Washington Square
Neighborhood Association
Simon Kellogg, Pasadena resident
Bob Kneisel, Chair of Pasadena Neighborhood
Coalition
Melissa Ertler, Garfield Heights Neighborhood
Association

Councilmember Gordo requested that staff, as it researches and prepares a permanent ordinance regulating recycling center operations for City Council's consideration during the temporary moratorium period, provide the following:

- Review current business and planning requirements for recycling centers to ensure adequate distance requirements from adjacent businesses and residences
- Include provisions for qualification and size requirements defining small versus large recycling operations
- Provide visibility and screening requirements for recycling centers and small drop-box recycle bins
- Prohibit, where possible, the placement of small recycle bins on street corners or in front of residences
- Include requirements for enforcing cleanliness and proper health and safety practices, maintenance of facilities, providing security, and compliance with adopted design guidelines regulating temporary structures used by recycling centers
- Determine whether or not the City is obligated by the California Beverage Container Recycling and Litter Reduction Act to allow recycling use and operations in the City since the City has a curb-side recycling program, with the City Attorney to advise the Council on the intent of the Act with regard to recycling operations
- Work with the neighbors to ensure that their issues are understood and, where possible, addressed
- Organize a public information meeting to allow individuals in affected neighborhoods an opportunity to provide feedback to the City

Following discussion, it was moved by Councilmember Gordo, seconded by Councilmember Robinson, to approve the staff recommendation, with staff to research the comments made by Councilmember Gordo, as stated above. (Motion unanimously carried) (Absent: None)

**ORDINANCE – FIRST
READING**

Conduct first reading of “AN INTERIM URGENCY ORDINANCE OF THE CITY OF PASADENA TEMPORARILY PROHIBITING THE APPROVAL OF NEW RECYCLING FACILITIES, THE EXPANSION OR MODIFICATION OF EXISTING FACILITIES, AND THE RESUMPTION OF DISCONTINUED LEGAL NONCONFORMING STATUS FOR RECYCLING FACILITIES”

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

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

NOES: None

ABSENT: None

PUBLIC HEARING

PUBLIC HEARING: AMENDMENT TO PASADENA MUNICIPAL CODE CHAPTER 2.75 TO ALLOW HISTORIC DISTRICTS LISTED IN THE NATIONAL REGISTER OF HISTORIC PLACES TO HAVE A VOTING REPRESENTATIVE ON THE HISTORIC PRESERVATION COMMISSION

Recommendation:

(1) Find that the proposed code amendment is exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15061(b)(3), general rule;

(2) Direct the City Clerk to file a Notice of Exemption with the County Recorder;

(3) Find that the proposed amendment is in conformance with the goals, policies, and objectives of the General Plan;

(4) Find that the proposed amendment would not be detrimental to the public interest, health, safety, convenience, or general welfare of the City;

(5) Approve the proposed amendment to Pasadena Municipal Code (PMC) Chapter 2.75 to allow historic districts listed in the National Register of Historic Places to have a voting representative on the Historic Preservation Commission; and

(6) Direct the City Attorney’s office to prepare an ordinance codifying this amendment and return within 60 days for first reading.

Recommendation of Historic Preservation

Commission: At a public meeting on November 5, 2012, the Historic Preservation Commission recommended that the City Council approve the proposed amendment to PMC Chapter 2.75 to allow historic districts listed in the National Register of Historic Places to have a voting representative on the Historic Preservation Commission.

The Mayor opened the public hearing.

The City Clerk reported that the notice of public hearing was published on February 7, 2013 in the Pasadena Journal, and no correspondence was received.

Vince Bertoni, Director of Planning, introduced the agenda item and Leon White, Senior Planner, reviewed the agenda report as part of a PowerPoint presentation, and responded to questions.

Councilmember Madison identified an error in the wording of Pasadena Municipal Code Chapter 2.75.030, and suggested that the word "and" be replaced with "or" to make a distinction between a landmark and a historic district.

Following questions and concerns regarding the selection process, qualifications, and responsibilities of the appointed historic district voting representatives, Vince Bertoni, Planning Director, indicated that staff will respond to the City Council's expressed concerns in terms of a more clear process on appointments at first reading of the ordinance.

The following persons spoke in support of the proposed Master Plan:

Cindy Schnuelle, Orange Heights Neighborhood Association
Robert Crook, Orange Heights Neighborhood Association

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

Following discussion, It was moved by Vice Mayor McAustin, seconded by Councilmember Gordo, to approve the staff recommendation, amended to change the word "and" to "or" in lines 1, 3, 4, 7, and 9 of the Pasadena Municipal Code 2.75.030 (B). (Motion unanimously carried) (Absent: None)

Councilmember Bryant was excused at 8:28 p.m.

PUBLIC HEARING: DESIGNATION OF 182 SOUTH ORANGE GROVE BOULEVARD 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) Acknowledge that the house and its surrounding landscape architecture was evaluated in the Ambassador West Project Final Environmental Impact Report (FEIR), and that the structure and site features recommended for

designation in this report were found to be historically significant in the FEIR;

(3) Find that the house at 182 South Orange Grove Boulevard meets historic monument designation Criterion C in the Pasadena Municipal Code (PMC) Section 17.62.040 as a regionally significant, exceptional example of an Arts and Crafts period house in the Tudor Revival style from 1902, and is an exceptional representation of the work of the regionally significant architect Frederick L. Roehrig;

(4) Find that the landscape architecture features at 182 South Orange Grove Boulevard meet designation Criterion C because they have integral features of the landscape design for Ambassador College Campus Mall (or Great Lawn) designed by EDAW, a noted landscape architecture firm;

(5) Approve the designation of the property at 182 South Orange Grove Boulevard as a Historic Monument;

(6) Adopt the attached resolution approving a Declaration of Historic Monument Designation for 182 South Orange Grove Boulevard, Pasadena, California;

(7) Authorize the Mayor to execute the attached Declaration of Historic Monument Designation for 182 South Orange Grove Boulevard, Pasadena, California; and

(8) Direct the City Clerk to record the declaration with the Los Angeles County Recorder.

Recommendation of Historic Preservation Commission: On Monday, November 5, 2012, the Historic Preservation Commission recommended that the City Council approve the designation of the property at 182 South Orange Grove Boulevard as a Historic Monument under Criterion C of PMC Section 17.62.040. (Resolution No. 9269)

The Mayor opened the public hearing.

The City Clerk reported 9 copies of the notice of public hearing were posted on February 7, 2013; 90 copies of the notice were mailed on February 7, 2013; and no correspondence was received on this item.

Vince Bertoni, Director of Planning, introduced the agenda item and Leon White, Senior 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 McAustin, to close the public hearing. (Motion unanimously carried) (Absent: Councilmember Bryant)

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

INFORMATION ITEMS

Councilmember Bryant returned at 8:31 p.m.

Councilmember Madison was excused at 8:34 p.m.

PREDEVELOPMENT PLAN REVIEW OF PROPOSED DEVELOPMENT PROJECT LOCATED AT 254 EAST UNION STREET

Recommendation: This report is intended to provide information to the City Council, no action is required.

Vince Bertoni, Director of Planning, introduced the agenda item and Kevin Johnson, Planner, reviewed the agenda report as part of a PowerPoint presentation, and responded to questions.

Councilmember Tornek expressed concerns regarding the intensity of use for a relatively small property site, and reminded staff that the existing list of standard conditions are being reviewed to determine if they should be automatically applied to all future development projects.

Councilmember McAustin urged staff to not overlook the allowed density bonuses available to the applicant when reviewing the General Plan and consider the allowed density per acre that a property can support.

By consensus and on order of the Mayor, the report was received and filed.

RECESS/ ADJOURNMENT

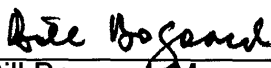
On order of the Mayor, the regular meeting of the City Council recessed at 8:55 p.m., to discuss the following closed session and thereafter adjourned at 9:10 p.m., in memory of Elaine Quinzon, a 23-year employee of the Pasadena Police Department.

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

Agency Designated Representatives: Kristi Recchia and Michael J. Beck


Employee Organization: Pasadena Police Sergeants Association (PPSA)

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



Bill Bogaard, Mayor
City of Pasadena

ATTEST:



City Clerk