

CITY OF PASADENA
City Council Minutes
December 9, 2013 – 5:30 P.M.
City Hall Council Chamber

REGULAR MEETING

OPENING: Mayor Bogaard called the regular meeting to order at 6:32 p.m.
The Pledge of Allegiance was led by Councilmember Gordo.

ROLL CALL:

Councilmembers:

Mayor Bill Bogaard
Vice Mayor Jacque Robinson
Councilmember Victor Gordo
Councilmember John J. Kennedy
Councilmember Steve Madison (Arrived at 6:36 p.m.)
Councilmember Gene Masuda
Councilmember Margaret McAustin
Councilmember Tornek (Absent)

Staff:

City Manager Michael J. Beck
Chief Assistant City Attorney Javan Rad
City Clerk Mark Jomsky

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

Floyd Folven, Pasadena resident, expressed concerns regarding the City's current debt level, as well as various laws recently passed by the State legislature.

Councilmember Madison arrived at 6:36 P.M.

Josh Liddy, Pasadena resident, spoke in opposition to the City's consideration of implementing restrictions on the breeding of specific dog breeds, including future consideration of ordinances requiring the mandatory spay and neuter of pit bulls and pit bull cross breeds.

CONSENT CALENDAR

AUTHORIZATION TO ENTER INTO A CONTRACT WITH WESTERN WATER WORKS SUPPLY COMPANY, INC., TO FURNISH AND DELIVER MISCELLANEOUS WATER UTILITY MATERIALS FOR THE WATER AND POWER DEPARTMENT IN AN AMOUNT NOT TO EXCEED \$1,500,000 PER YEAR FOR TWO YEARS

Recommendation:

(1) Find that the project is exempt from the California Environmental Quality Act ("CEQA") pursuant to State CEQA Guidelines Sections 15301 (Existing Facilities) and 15302 (Replacement or Reconstruction); and

(2) Accept the bid dated November 22, 2013 submitted by Western Water Works Supply Company, Inc., in response to Specification WD-13-03 to furnish and deliver miscellaneous water utility materials to the Water and Power Department (Department) and authorize the City Manager to issue a Purchase Order Contract for the two-year period to Western Water Works Supply Company, Inc., with two optional one-year extensions subject to the approval of the City Manager. The Contract shall not exceed \$1,500,000 annually.

**Item discussed separately
due to the request of public
comment**

AUTHORIZATION TO ENTER INTO A CONTRACT WITH CDM SMITH TO PROVIDE ENVIRONMENTAL CONSULTING SERVICES FOR THE ADAPTIVE REUSE OF THE JULIA MORGAN YWCA BUILDING AT 78 NORTH MARENGO AVENUE FOR A HOTEL PROJECT

APPROVAL OF A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF PASADENA AND THE PASADENA FIREFIGHTERS MANAGEMENT ASSOCIATION FOR THE TERM OF DECEMBER 9, 2013 THROUGH JUNE 30, 2016

Recommendation:

- (1) Approve a successor Memorandum of Understanding (MOU) between the City of Pasadena (City) and the Pasadena Firefighters Management Association (PFMA) for the term of December 9, 2013 through June 30, 2016;
- (2) Adopt a resolution of the City Council of the City of Pasadena to authorize tax deferral of member paid contributions to the California Public Employees' Retirement System for the safety employees in the bargaining unit represented by PFMA; and
- (3) Adopt a resolution of the City Council of the City of Pasadena to report the value of employer paid member contributions (EPMC) for the safety employees represented by PFMA and supersede resolution No. 8163 insofar as it applies to the safety employees represented by PFMA. (Contract No. 21,652, Resolution No. 9325, Resolution No. 9326)

CONTRACT AWARD TO B-ONE CONSTRUCTION COMPANY, INC., FOR LA CASITA DEL ARROYO- HISTORIC REHABILITATION FOR AN AMOUNT NOT TO EXCEED \$407,700

Recommendation:

- (1) Find the proposed project described in the agenda report to be categorically exempt under the California Environmental Quality Act (CEQA) Guidelines in accordance with Title 14, Chapter 3, Class 31, Section 15331, Historical Resource Restoration/Rehabilitation; and

(2) Accept the bid dated October 24, 2013, submitted by B-One Construction Company, Inc., in response to the Project Specifications for La Casita del Arroyo – Historic Rehabilitation and authorize the City Manager to enter into such contract as is required for an amount not to exceed \$407,700. (Contract No. 21,653)

FINANCE COMMITTEE: ANNUAL ADJUSTMENTS TO THE ROSE BOWL ADMISSION TAX, THE GRANDSTAND SEAT SURCHARGE, AND THE GRANDSTAND PERMIT APPLICATION FEE

Recommendation: It is recommended that the City Council approve the scheduled rate increases effective February 1, 2014, for the Grandstand Permit Application, the Rose Bowl Admission Tax, and the New Year's Day Related Business Grandstand Seat Surcharge as set forth in the agenda report.

FINANCE COMMITTEE: FISCAL YEAR JUNE 30, 2013 SINGLE AUDIT REPORTS

Recommendation: It is recommended that the Single Audit Reports on Federal Awards for the year ending June 30, 2013 be received by the City Council.

FINANCE COMMITTEE: APPROVAL OF A JOURNAL VOUCHER TRANSFERRING \$1,164,000 FROM THE 1999 PENSION OBLIGATION DEBT SERVICE FUND TO THE GENERAL FUND NON-DEPARTMENTAL BUDGET TO COVER THE REQUIRED SUPPLEMENTAL CONTRIBUTION TO THE FIRE AND POLICE RETIREMENT SYSTEM PURSUANT TO CONTRIBUTION AGREEMENT NO. 20,823 BETWEEN THE CITY OF PASADENA AND THE FIRE AND POLICE RETIREMENT SYSTEM

Recommendation: It is recommended that the City Council approve a journal voucher transferring \$1,164,000 from the 1999 Pension Obligation Debt Service Fund to the General Fund Non-Departmental budget and appropriating said amount to Account No. 8043-101-952100 to cover the required supplemental contribution to the Fire and Police Retirement System pursuant to Contribution Agreement No. 20,823 between the City of Pasadena and the Fire and Police Retirement System. (Journal Voucher 2014-13)

APPOINTMENT OF JASMINE WARD TO THE HUMAN SERVICES COMMISSION (District 1 Nomination)

MINUTES APPROVED

October 7, 2013
October 14, 2013

CLAIMS RECEIVED AND FILED

Claim No. 12,062	Samuel Wu	\$ 100.00
Claim No. 12,063	Lillian Sandoval	25,000.00+
Claim No. 12,064	John Wesley Williams	25,000.00+
Claim No. 12,065	Mercury Insurance	6,072.08
Claim No. 12,066	Victor M. Riehl	5,702.40
Claim No. 12,067	Clarke Chiasson	25,000.00+
Claim No. 12,068	Anthony Tam	25,000.00+
Claim No. 12,069	Pacific Bell/AT&T/Diane Mancini	3,381.17

PUBLIC HEARING SET

December 16, 2013, 7:00 p.m. – Approval of a Development Agreement between the Norton Simon Art Foundation and the City of Pasadena to Maintain Existing Land-Use Regulations for Property at 267-337 West Colorado Boulevard and 55-77 North St. John Avenue (Rusnak-Pasadena Automobile Dealership Property)

It was moved by Councilmember McAustin, seconded by Vice Mayor Robinson, to approve the Consent Calendar, with the exception of item 2 (Authorization to Enter into a Contract with CDM Smith). (Motion unanimously carried) (Absent: Councilmember Tornek)

Following approval of the Consent Calendar, Councilmember Kennedy asked staff to provide information on whether efforts were made to contact local companies to inform them of the bidding opportunities related to Item 1, Authorization to Enter a Contract with Ester Water Work Supply Company, Inc., to Furnish and Deliver Miscellaneous Water Utility Materials for the Water and Power Department, specifically Christopher Walker.

CONSENT ITEM DISCUSSED SEPERATELY

AUTHORIZATION TO ENTER INTO A CONTRACT WITH CDM SMITH TO PROVIDE ENVIRONMENTAL CONSULTING SERVICES FOR THE ADAPTIVE REUSE OF THE JULIA MORGAN YWCA BUILDING AT 78 NORTH MARENGO AVENUE FOR A HOTEL PROJECT

Recommendation:

- (1) Find that entering into the proposed contract with CDM Smith is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3) (General Rule);
- (2) 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 CDM Smith in an amount not to exceed \$300,620 for the preparation of the Environmental Impact Report (EIR) for the proposed adaptive reuse and hotel project; and

(3) It is further recommended that the City Council grant the proposed contract an exemption from the Competitive Selection Process pursuant to Pasadena Municipal Code Section 4.08.049(B), contracts for which the City's best interests are served. (Contract No. 21,654)

Floyd Folven, Pasadena resident, expressed concern with the amount of money the City expends on Environmental Impact Reports, suggested the City be more strategic in its approach in order to avoid such large expenditures, and asked that the City Council receive more information from staff before acting.

Leon White, Principal Planner, provided a PowerPoint presentation summarizing the agenda report, and responded to questions.

Following discussion, it was moved by Vice Mayor Robinson, seconded by Councilmember Masuda, to approve the staff recommendation. (Motion unanimously carried) (Absent: Councilmember Tornek)

ORDINANCES – FIRST READING

Conduct first reading of “AN URGENCY ORDINANCE OF THE CITY OF PASADENA AMENDING VARIOUS PROVISIONS OF TITLE 17 (THE ZONING CODE) TO ALLOW EMERGENCY SHELTERS, LIMITED”

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

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

NOES: None

ABSENT: Councilmember Tornek

Conduct first reading of “AN ORDINANCE OF THE CITY OF PASADENA AMENDING UNCODIFIED ORDINANCE NOS. 7098 AND 6691 TO REMOVE REFERENCE TO PASADENA ENTERPRISE ZONE, CREATE AND APPLY FINANCIAL INCENTIVES TO THE PASADENA LOCAL DEVELOPMENT AREA, AND AMEND THE TRANSPORTATION TRAFFIC REDUCTION AND TRANSPORTATION IMPROVEMENT FEE SET FORTH IN CHAPTER 4.19 OF THE PASADENA MUNICIPAL CODE”

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

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

NOES: None

ABSENT: Councilmember Tornek

ORDINANCE ADOPTED

Adopt "AN ORDINANCE OF THE CITY OF PASADENA ADOPTING TITLE 24 OF THE CALIFORNIA CODE OF REGULATIONS INCORPORATING THE 2013 CALIFORNIA BUILDING CODE AND APPENDIX CHAPTERS C, D, H, I AND J; THE 2013 CALIFORNIA RESIDENTIAL BUILDING CODE AND APPENDIX E, G AND H; THE 2013 CALIFORNIA MECHANICAL CODE; THE 2013 CALIFORNIA PLUMBING CODE; THE 2013 CALIFORNIA ELECTRICAL CODE; THE 2013 CALIFORNIA FIRE CODE; AND THE 2013 CALIFORNIA GREEN BUILDING STANDARDS CODE" (Introduced by Councilmember Gordo) (Ordinance No. 7234)

The above ordinance was adopted by the following vote:

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

NOES: None

ABSENT: Councilmember Tornek

PUBLIC HEARINGS

CONTINUED PUBLIC HEARING: DRAFT CONSOLIDATED ANNUAL PERFORMANCE AND EVALUATION REPORT (2012-2013 PROGRAM YEAR) FOR PROJECTS FUNDED FROM COMMUNITY DEVELOPMENT BLOCK GRANT, EMERGENCY SOLUTIONS GRANT, HOME INVESTMENT PARTNERSHIP ACT, AND HUMAN SERVICES ENDOWMENT FUND PROGRAMS

Recommendation: It is recommended that the City Council, following the public hearing, approve the submission to the U.S. Department of Housing and Urban Development (HUD), of the Consolidated Annual Performance and Evaluation Report for the 2012-2013 Program Year for projects funded under the Community Development Block Grant, Emergency Solutions Grant, the HOME Investment Partnership Act, and the Human Services Endowment Fund programs.

The Mayor opened the public hearing.

The City Clerk reported the notice of public hearing was published on August 29, 2013 in the Pasadena Journal; and no correspondence was received.

William Huang, Director of Housing, introduced the item, and Anne Lansing, Project Planner, reviewed the agenda report as part of a PowerPoint presentation, and responded to questions.

No one appeared for public comment.

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

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

Following approval of the staff recommendation, Councilmember Kennedy suggested that a Blue Ribbon Committee, Task Force, or City Commission be formed to study issues related to affordable housing in Pasadena, and work to identify funding sources to support housing programs in the future.

PUBLIC HEARING: ADOPTION OF A ZONE CHANGE TO DESIGNATE A LANDMARK DISTRICT OVERLAY FOR THE WOTKYNS-RICHLAND LANDMARK DISTRICT (LD-20)

Recommendation:

Councilmember Kennedy stated that a potential conflict of interest existed, recused himself from consideration, and left the dais at 7:21 p.m.

(1) Find that the application for a zone change to create a landmark district is categorically exempt from environmental review pursuant to the guidelines of the California Environmental Quality Act, (Section 15308: Class 8, Actions by Regulatory Agencies for Protection of the Environment);

(2) Find the proposed Wotkyns-Richland Landmark District meets the criteria for designation as a Landmark District as specified in Section 17.20.040(F) of the Pasadena Municipal Code;

(3) Approve the landmark district designation and the zoning map overlay for the Wotkyns-Richland Landmark District, LD-20; and

(4) Direct the City Attorney to prepare an ordinance within 60 days amending the official zoning map of the City of Pasadena established by Section 17.20.020 of the Pasadena Municipal Code to designate the landmark district with the LD-20 Overlay Zone, including a provision that views from the Arroyo Seco of the rear of the properties are not public views that would be subject to historic preservation ordinance requirements.

Historic Preservation Commission Recommendation: On July 15, 2013, the Historic Preservation Commission determined that the proposed Wotkyns-Richland Landmark District meets the criteria for designation in Section 17.62.040 of the Pasadena Municipal Code (PMC) and unanimously recommended approval of the designation. The Commission further recommended that the implementing ordinance for the landmark district state that views from the Arroyo Seco are not public views that would be subject to historic preservation ordinance requirements.

Planning Commission Recommendation: At a public hearing on September 11, 2013, the Planning Commission found that the proposed zone change to create a landmark district is consistent with the General Plan and the purposes of the zoning code, certified the final petition with the signatures from at least

51 percent of the property owners and voted unanimously to recommend that the City Council approve designation of the Wotkyns-Richland Landmark District.

The Commission further recommended that the implementing ordinance for the landmark district state that views from the Arroyo Seco are not public views that would be subject to historic preservation ordinance requirements.

The Mayor opened the public hearing.

The City Clerk reported the notice of public hearing was posted and mailed on November 21, 2013; and no correspondence was received

No one appeared for public comment.

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

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

INFORMATION ITEMS

Councilmember Kennedy returned at 7:25 p.m.

UPDATE BY COUNTY OF LOS ANGELES ON THE DRAFT ENVIRONMENTAL IMPACT REPORT AND PROPOSED ALTERNATIVES FOR THE DEVIL'S GATE DAM SEDIMENT REMOVAL PROJECT (*To be heard at 7:00 p.m. or thereafter*)
Recommendation: This report is for information only.

Siobhan Foster, Director of Public Works, introduced the item and discussed the timing of the public comment period for the Draft Environmental Impact Report and Proposed Alternatives for the Devil's Gate Dam Sediment Removal Project.

Keith Lilley, Los Angeles County Public Works Civil Engineer, provided a PowerPoint presentation on the proposed sediment removal project, including reasons for sediment removal, the estimated amount of sediment needed to be removed to meet project goals, scope of project and options for removal, and responded to questions.

Several members of the City Council expressed concerns regarding the apparent change in scope of the original project outlined by Los Angeles County Public Works Department and the Los Angeles Flood Control District from the project being presented today, the stated necessity to clear 4 million cubic yards of sediment immediately to increase flood capacity behind the dam in order to prepare for a Designed Debris Event (DDE)

of a 50 year flood, uneasiness that the proposed project's scope might have been changed/increased in order to obtain a \$28 million State grant to offset costs for the sediment removal, and the lack of forward thinking in terms of continuous maintenance of the buildup of sediment over the years so as to avoid a project that will require one truck-trip every minute for three years to achieve project goals in the stated timeframe, which will greatly impact the area and residents.

Vice Mayor Robinson inquired if there were opportunities for local, smaller, more environmentally friendly trucks to be utilized in order to lessen some of the impacts and pollution, and expressed concerns with the closure of hiking trails along the project site.

In response to questions raised by the Vice Mayor and Mayor regarding extending the time-period of the project out as much as 20 years, Mr. Lilley responded that while there may be some flexibility in terms of achieving full project goals over an extended period of time, the Draft Environmental Impact Report (DEIR) precludes the initial portion of the project from being extended beyond the 3 to 5 year time period in order to achieve the necessary capacity in front of the dam for an emergency flood situation.

Councilmember McAustin requested further information and evaluation regarding the County's data and assessment pertaining to sediment accumulation and the flood capacity needed for prior DDE's impacting the Devil's Gate Dam vs. the impacts of a future DDE being used as the basis for the projections for the proposed project.

Councilmember Gordo requested further information from the County's analysts to determine the minimum amount of sediment needed to be removed from Devil's Gate Dam to make the dam safe for the County's projected DDE, so that the City Council can then make an accurate assessment regarding the length of time needed to complete the project.

Councilmember Madison noted that the City would need to issue permits for the proposed project and requested that City staff provide information regarding the necessary permits.

The following individuals spoke in opposition to the project as proposed by the Los Angeles County Public Works Department and Los Angeles Flood Control District:

Councilmember Madison was excused at 8:40 p.m.

Mary Barrie, Friends of Hahamongna
Nina Chomsky, Friends of Hahamongna
Elizabeth Bour, Friends of Hahamongna
Jaime Parker, La Canada resident
Tim Brick, Arroyo Seco Foundation

Councilmember Gordo stated his concerns with the lack of information currently available regarding the project and suggested the City form a working group consisting of City staff and members of the public with experience in this area, guided by a consultant, to provide technical analysis of the project and develop recommendations for City Council consideration that protects the residents from the impacts of the project, as well as ensures the safety of the dam and its purpose to guard against a future flood.

Following discussion, by order of the Mayor and consensus of the City Council, the information was received and filed, with staff to provide recommended comments on the Draft Environmental Impact Report (DEIR) for City Council's consideration at the December 16, 2013 meeting for formal submission to Los Angeles County prior to the January 6, 2014 deadline to comment on the DEIR, and with staff to return as soon as possible with recommendations regarding the formation and structure of a working group of City staff and members of the public with experience in the area of sediment removal, with the group to be appointed by the Mayor, in order to provide technical analysis of the project and develop recommendations for City Council consideration that might protect residents from the impacts of the project, as well as ensure the safety of the dam and its purpose to guard against a future flood.

PREDEVELOPMENT PLAN REVIEW OF PROJECT LOCATED AT 2632 EAST WASHINGTON BOULEVARD ('ST. LUKE'S MEDICAL CENTER')

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

Vince Bertoni, Director of Planning and Development, introduced the item, and David Sinclair, Project Planner, provided a PowerPoint presentation summarizing the agenda report, and responded to questions.

David Balour, applicant representing Denley Investment Management Company, spoke in support of the project and responded to questions regarding the development of the proposed project.

Councilmember McAustin noted that a power generation facility exists at the location and asked staff to report back to the Municipal Services Committee with information on whether the City has a power purchase agreement with the property.

Councilmember Gordo emphasized the need to maintain the stature of the parking structure in relation to the other buildings.

Karla Caprari, Pasadena resident, expressed concerns regarding the project and advocated for neighborhood protections as the development moves forward.

Joel Columbo, interested party, spoke in support of the proposed project.

Following discussion, by order of the Mayor and consensus of the City Council, the report was received and filed.

COUNCIL COMMENTS

Councilmember McAustin asked staff to investigate any protections that might exist to guard against the closure by the U.S. Postal Service of the historic post office located at the corner of Colorado Boulevard and Garfield Avenue.

Councilmember Kennedy noted the passing of Nelson Mandela, a great democratic leader and humanitarian.

Mayor Bogaard invited the City Council, City staff, and community to attend the International Human Rights Day Celebration being held at the Pasadena Central Library on Tuesday, December 10, 2013 at 6:30 p.m.

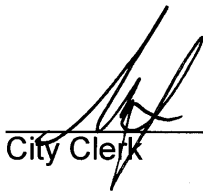
ADJOURNMENT

On order of the Mayor, the regular meeting of the City Council adjourned at 10:04 p.m.



Bill Bogaard, Mayor
City of Pasadena

ATTEST:



City Clerk