

CITY OF PASADENA  
City Council Minutes  
April 28, 2014 – 5:30 P.M.  
City Hall Council Chamber

REGULAR MEETING

**OPENING:**

Mayor Bogaard called the regular meeting to order at 5:32 p.m.

On the order of the Mayor, the regular meeting recessed at 5:32 p.m. to discuss the following closed sessions:

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

**Property Location: 64 North Mar Vista Avenue, No. 133, Pasadena, California**

**Agency Negotiators: Michael J. Beck, Steve Mermell**

**Negotiating Party: Guillermina Arteaga**

**Under Negotiations: Price and terms of payment**

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

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

**Agency Designated Representatives: Kristi Recchia and Michael J. Beck**

**Employee Organization: International Brotherhood of Electrical Workers (IBEW), Local 18**

The above closed session item was not discussed.

On order of the Mayor, the regular meeting reconvened at 6:30 p.m. The Pledge of Allegiance was led by City Attorney Michele Beal Bagneris.

**ROLL CALL:**

Councilmembers:

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

Staff:

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

**CEREMONIAL MATTERS**

Councilmember Gordo provided a summary of Mrs. Vivian Perez's personal and professional history and requested that the City Council adjourn in her memory.

Vice Mayor Robinson arrived at 6:36 p.m.

The Mayor presented a proclamation declaring April 24, 2014 as "Day of Remembrance of the Armenian Genocide" in Pasadena. Aida Dimejian, Armenian National Committee Board Member, received the proclamation, thanked the City Council, and provided information on the Armenian Genocide.

The Mayor presented a proclamation declaring the Week of May 4, 2014 as "Municipal Clerks Week" in Pasadena. Mark Jomsky, City Clerk, received the proclamation with gratitude to the City Council.

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

Coleen Cloherty, Pasadena resident, expressed appreciation to the Pasadena Police Department for their quick response to her call for assistance when her home was burglarized and requested that the City Council consider an ordinance or other legislative action to deter juvenile crime.

Councilmember Madison left the dais at 6:47 p.m.

Margaret Duffy-Friedman, Pasadena resident, urged the City Council to support funding for the Pasadena Police Department.

The following individuals expressed their appreciation for the City Council's support of Art Night, which was well attended and very successful:

Tom Coston, President of Light Bringer  
Eugene Hutchins, Muse/ique  
Peggy Burt, Pasadena Dance Company  
Brad MacNeil, Pasadena Museum of History

**CONSENT CALENDAR**

**APPROVAL OF AN INCREASE TO PURCHASE ORDER NO. 55608 WITH BLAIS & ASSOCIATES, INC., FOR GRANT WRITING PROFESSIONAL SERVICES**

**Recommendation:**

(1) Authorize an increase to Purchase Order No. 55608 with Blais & Associates, Inc., in the amount of \$24,999, thereby increasing the not to exceed amount from \$74,999 to \$99,998 for grant writing professional services; and

(2) Grant the proposed increase 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.

**AUTHORIZE A PURCHASE ORDER WITH EMERGENCY VEHICLE GROUP, INC., FOR PURCHASE OF ONE REPLACEMENT RESCUE AMBULANCE FOR A TOTAL OF \$212,000**

**Recommendation:**

(1) Find that this action is exempt under the California Environmental Quality Act (CEQA) in accordance with Section 15061(b)(3), the General Rule that CEQA only applies to projects that may have an effect on the environment;

(2) Neither competitive bidding nor competitive selection is required pursuant to the City Charter Section 1002 (H), and Pasadena Municipal Code Section 4.08.049; and

(3) Authorize the issuance of a purchase order with Emergency Vehicle Group, Inc. (EVG), in an amount not to exceed \$212,000 for the purchase of one replacement rescue ambulance without competitive bidding pursuant to City Charter section 1002(H), contracts with other governmental entities or their contractors for labor, material, supplies or services.

**AUTHORIZE A PURCHASE ORDER WITH SEAGRAVE FIRE APPARATUS, LLC., FOR THE PURCHASE OF ONE REPLACEMENT 2014 FIRE PUMPER FOR A TOTAL OF \$602,000**

**Recommendation:**

(1) Find that this action is exempt from 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) Neither competitive bidding nor competitive selection is required pursuant to the City Charter Section 1002 (H), and Pasadena Municipal Code Section 4.08.049; and

(3) Authorize the issuance of a purchase order with Seagrave Fire Apparatus, LLC., in an amount not to exceed \$602,000 for the purchase of one replacement Seagrave Fire Pumper without competitive bidding pursuant to City Charter Section 1002(H), contracts with other governmental entities or their contractors for labor, material, supplies or services.

**AUTHORIZATION TO ENTER INTO A PURCHASE ORDER CONTRACT WITH FAIRWAY FORD FOR THE PURCHASE OF ONE SPLICER VAN FOR THE WATER AND POWER DEPARTMENT**

**Recommendation:**

- (1) Find the proposed action is exempt from the California Environmental Quality Act ("CEQA") pursuant to State CEQA Guidelines Section 15301 (Existing Facilities); and
- (2) Accept the bid dated August 13, 2013, submitted by Fairway Ford in response to Specifications LD-13-11; and authorize a purchase order contract for one splicer van for an amount not to exceed \$85,569.

**CONTRACT AWARD TO DOUG MARTIN CONTRACTING COMPANY, INC., FOR SLURRY SEAL OF STREETS – 2014 FOR AN AMOUNT NOT TO EXCEED \$650,000**

**Recommendation:**

- (1) Acknowledge the project to be categorically exempt under the California Environmental Quality Act (CEQA) Guidelines in accordance with Title 14, Chapter 3, Class 1, Section 15301, minor alterations of existing public facilities involving negligible or no expansion of use beyond that previously existing at the time of the lead agency's determination; and
- (2) Accept the bid dated April 2, 2014, submitted by Doug Martin Contracting Company, Inc., in response to the Project Specifications for the Slurry Seal of Streets – 2014, and authorize the City Manager to enter into such contract as is required for an amount not to exceed \$650,000. (Contract No. 21,794)

**AUTHORIZATION TO ENTER INTO A PURCHASE ORDER CONTRACT WITH VPLS SOLUTIONS, LLC., FOR WAVELENGTH DIVISION MULTIPLEXING EQUIPMENT FOR THE CITY'S FIBER OPTIC NETWORK**

**Recommendation:**

- (1) Find that the proposed action is exempt from the California Environmental Quality Act ("CEQA") pursuant to State Guidelines Section 15061(b)(3); general rule; and
- (2) Accept the bid dated April 9, 2014, submitted by VPLS Solutions, LLC., in response to the specifications to furnish materials and supplies for WDM (wavelength division multiplexing) network expansion, reject all other bids received, and authorize the issuance of a purchase order contract in an amount not to exceed \$250,298.

**AMENDMENT TO CONTRACT NO. 21,287 WITH MATRIX ENVIRONMENTAL, LLC., TO INCREASE THE TOTAL NOT-TO-EXCEED AMOUNT BY \$110,900 FROM \$626,016 TO \$736,916 FOR ENVIRONMENTAL CONSULTING SERVICES FOR A NEW PLANNED DEVELOPMENT PROJECT LOCATED AT 100 WEST WALNUT STREET (LINCOLN PROPERTY COMPANY/PARSONS SITE)**

**Recommendation:**

- (1) Find that the amendment to Contract No. 21,287 with Matrix Environmental, LLC., is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3) (General Rule); and
- (2) Authorize the City Manager to amend Contract No. 21,287 with Matrix Environmental, LLC., to increase the contract amount by \$110,900 thereby increasing the total not-to-exceed amount to \$736,916 for the preparation of the Environmental Impact Report (EIR) for a new planned development project located at 100 West Walnut Street (Lincoln Property Company/Parsons Site). (Contract No. 21,287-1)

**AUTHORIZATION TO ENTER INTO A CONTRACT WITH THE CITY OF LOS ANGELES FOR ADMINISTRATION OF THE 2013 URBAN AREA SECURITY INITIATIVE (UASI) GRANT**

**Recommendation:**

- (1) Find that the proposed action is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15061 (b)(3); and
- (2) Authorize the City Manager to enter into a contract with the City of Los Angeles to accept funds and administer Urban Areas Security Initiative (UASI) grant funds on behalf of the City of Pasadena. (Contract No. 21,795)

**Item discussed separately**

**AMENDMENT TO CONTRACT NO. 21,248 WITH SCOTT FAZEKAS AND ASSOCIATES, INC., TO INCREASE THE TOTAL NOT TO EXCEED AMOUNT BY \$500,000 FROM \$100,000 TO \$600,000 TO PROVIDE BUILDING PLAN REVIEW SERVICES AND INCREASE THE REMAINING CONTRACT YEAR EXTENSIONS FROM \$100,000 PER YEAR TO \$300,000 PER YEAR**

**RESIGNATION OF RICHARD LoGUERCIO FROM THE PASADENA CENTER OPERATING COMPANY BOARD (Mayor Nomination/District 7)**

**APPOINTMENT OF YUNY PARADA TO THE PASADENA COMMUNITY ACCESS CORPORATION BOARD (District 5 Nomination)**

**APPOINTMENT OF MILENA ALBERT-MGELADZE TO THE COMMISSION ON THE STATUS OF WOMEN (Mayor Nomination)**

MINUTES APPROVED  
 March 24, 2014  
 March 31, 2014  
 April 7, 2014  
 April 14, 2014

CLAIMS RECEIVED AND FILED	AND	Claim No. 12,146	Don Carlos Court HOA	\$	1,086.23
		Claim No. 12,147	Paris Deshawn Holloway		500,000.00
		Claim No. 12,148	Thelma Landry		25,000.00+
		Claim No. 12,149	Fontaine Su		1,275.00
		Claim No. 12,150	Paula Boyd		Not stated
		Claim No. 12,151	Avetis Pashayan		461.94
		Claim No. 12,152	Mercury Insurance		591.11
		Claim No. 12,153	Raffi Kardjian		5,065.98

PUBLIC HEARINGS SET **May 5, 2014, 7:00 p.m.** – Call for Review of a Board of Zoning Appeals Decision to the City Council of an Application for a Minor Conditional Use Permit (No. 6084 for the Expansion of a Legal, Non-Conforming Use at 1700 East Colorado Boulevard, Pasadena, CA (Chick-Fil-A)

It was moved by Vice Mayor Robinson, seconded by Councilmember McAustin, to approve the Consent Calendar, with the exception of item No. 9 (Amendment to Contract No. 21,248 with Scott Fazekas and Associates, Inc.). (Motion unanimously carried) (Absent: Councilmember Madison)

**CONSENT ITEM DISCUSSED SEPARATELY** **AMENDMENT TO CONTRACT NO. 21,248 WITH SCOTT FAZEKAS AND ASSOCIATES, INC., TO INCREASE THE TOTAL NOT TO EXCEED AMOUNT BY \$500,000 FROM \$100,000 TO \$600,000 TO PROVIDE BUILDING PLAN REVIEW SERVICES AND INCREASE THE REMAINING CONTRACT YEAR EXTENSIONS FROM \$100,000 PER YEAR TO \$300,000 PER YEAR**

**Recommendation:**

- (1) Authorize the City Manager to amend Contract No. 21,248 with Scott Fazekas and Associates, Inc., by increasing the contract amount by \$500,000 thereby increasing the not to exceed amount from \$100,000 to \$600,000 for continued plan check services;
- (2) Authorize the City Manager to extend the contract for up to three additional years for an amount not to exceed \$300,000 per year. It is further recommended that, to the extent that this additional work might be viewed as a separate project which should be competitively bid, the City Council find that this extra work should not be subject to competitive bidding pursuant to

City Charter Section 1002 (F), contracts for professional and unique services; and 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 interests are served; and  
(3) Appropriate \$500,000 from Building Services Fund (8115-204-447200) to the Planning and Community Development Department's fiscal year operating budget to cover expenses related to building plan review services as provided in Contract No. 21,248. (Contract No. 21,248-2 and Journal Voucher No. 2014-26)

Vince Bertoni, Director of Planning, introduced the item and Sarkis Nazerian, Building Official, summarized the agenda report as part of the PowerPoint presentation, and responded to questions.

Councilmember Gordo asked staff to provide an analysis on the appropriate balance between staff and outsourced contracting services.

Following discussion, it was moved by Councilmember Gordo, seconded by Councilmember Tornek, to approve the staff recommendations. (Motion unanimously carried) (Absent: Councilmember Madison)

**ORDINANCES – ADOPTED**

Councilmember Kennedy stated that a potential conflict of interest existed, recused himself, and left the dais at 7:19 p.m.

**Adopt “AN ORDINANCE OF THE CITY OF PASADENA AMENDING VARIOUS PROVISIONS OF TITLE 17 (THE ZONING CODE) TO CODIFY THE LINCOLN AVENUE SPECIFIC PLAN”** (Introduced by Vice Mayor Robinson) (Ordinance No. 7242)

The above ordinance was adopted by the following vote:

AYES: Councilmembers Gordo, Masuda, McAustin, Tornek, Vice Mayor Robinson, Mayor Bogaard  
NOES: None  
ABSENT: Councilmembers Kennedy, Madison

Councilmember Kennedy returned to the dais at 7:20 p.m.

**Adopt “AN UNCODIFIED ORDINANCE OF THE CITY OF PASADENA APPROVING A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF PASADENA AND THE NORTON SIMON ART FOUNDATION TO MAINTAIN EXISTING LAND USE REGULATIONS FOR THE PROPERTY AT 267-377 WEST COLORADO BOULEVARD AND 55-77 NORTH ST. JOHN AVENUE (RUSNA K-PASADENA AUTOMOBILE DEALERSHIP)”** (Introduced by Vice Mayor Robinson) (Ordinance No. 7243)

The above ordinance was adopted by the following vote:

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

NOES: None

ABSENT: Councilmember Madison

## **PUBLIC HEARING**

### **PUBLIC HEARING: TAX EQUITY AND FISCAL RESPONSIBILITY ACT (TEFRA) HEARING AND ADOPTION OF A RESOLUTION APPROVING THE ISSUANCE OF \$20,000,000 OF CALIFORNIA MUNICIPAL FINANCE AUTHORITY (CMFA) REVENUE OBLIGATIONS FOR THE BENEFIT OF MARANATHA HIGH SCHOOL**

**Recommendation:** It is recommended that the City Council hold a TEFRA hearing and adopt a resolution approving the issuance of revenue bonds or execution of a loan transaction by the California Municipal Finance Authority (the CMFA) for the purpose of financing or refinancing the acquisition, construction and improvement of certain facilities for the benefit of Maranatha High School (the Borrower). (Resolution No. 9340)

The Mayor opened the public hearing.

The City Clerk reported the notice of public hearing was published on April 14, 2014 in the Pasadena Star News. No correspondence was received by the City Clerk's office

Vic Erganian, City Treasurer, reviewed the agenda report as part of the PowerPoint presentation, and responded to questions.

No one appeared for public comment.

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

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

### **PUBLIC HEARING: FY 2015 – 2019 RECOMMENDED CAPITAL IMPROVEMENT PROGRAM BUDGET**

#### **Recommendation:**

(1) Open the public hearing on the City Manager's Recommended FY 2015 – 2019 Capital Improvement Program (CIP) Budget; and



(2) Continue the public hearing to May 5, 2014 at 7:00 p.m. and thereafter at each subsequent regular meeting of the City Council until the City Council determines that the public hearing may close and then formally adopt the FY 2015 – 2019 CIP Budget

The Mayor opened the public hearing.

The City Clerk reported the notice of public hearing was published on April 10, 2014 in the Pasadena Journal. No correspondence was received by the City Clerk's office

Councilmember Tornek, Chair of the Finance Committee, introduced the item, provided a summary of the City's Capital Improvement Program budget process, meeting schedule, and responded to questions.

John Walsh, Los Angeles resident, requested consideration for the funding of pedestrian lighting on South Lake Avenue.

In response to Councilmember Kennedy's inquiries regarding the City's Sidewalk Repair Pilot Program, Councilmember Tornek stated that a future policy discussion with the City Council regarding sidewalk repair will be scheduled, with the item to first be discussed by the Municipal Services Committee.

Councilmember Masuda asked staff to provide information as to why Lamanda Park Library is not designated as a park.

Following discussion, it was moved by Councilmember Tornek, seconded by Councilmember McAustin, to approve the staff recommendation and continue the public hearing to May 5, 2014 at 7:00 p.m. (Motion unanimously carried) (Absent: Councilmember Madison)

**REPORTS AND COMMENTS  
FROM COUNCIL  
COMMITTEES**

**MUNICIPAL SERVICES  
COMMITTEE**

**REVIEW OF NON-EXCLUSIVE SOLID WASTE  
COLLECTION FRANCHISE SYSTEM**

**Recommendation:**

- (1) Find that the Non-Exclusive Solid Waste Collection Franchise System Ordinance is exempt from the California Environmental Quality Act (CEQA) per Section 15061(b)(3);
- (2) Retain the closed Non-Exclusive Solid Waste Collection Franchise System and direct staff to report back in three years to the City Council with the next review of authorized haulers to ensure competitive pricing and options for solid waste recycling and disposal; and

(3) Direct the City Manager to officially place all existing franchisees on notice of the City's intent to consider the modification of the current Non-Exclusive Solid Waste Collection Franchise System at the time the five-year notice expires pursuant to California Public Resource Code Section 49520, which allows local agencies to grant exclusive operating rights to solid waste disposal companies

Councilmember McAustin, Chair of the Municipal Services Committee (MSC), introduced the item and reported that MSC unanimously approved staff's recommendation.

Siobhan Foster, Director Public Works, reviewed the agenda report as part of a PowerPoint presentation, and responded to questions.

Brad Fuller, Assistant City Attorney, responded to questions regarding the legalities of an open and close non-exclusive and exclusive solid waste collection franchise system.

In response to the data presented by staff regarding San Francisco Bay area solid waste collection, Councilmember Kennedy requested that staff provide information on local agencies (e.g. Metropolitan Transportation Authority), to illustrate the local environmental impact of solid waste collection.

Councilmember Gordo expressed concerns regarding the ambiguity of the definition of a waste hauler which the company, Waste Less Living is categorized under, due to the organization providing compost service. Mr. Gordo also expressed concerns regarding staff's recommendations, which would provide inequity with a closed list of the current haulers when notice of intent to move to an exclusive system is provided.

**MOTION**

It was moved by Vice Mayor Robinson, seconded by Councilmember Kennedy, to approve staff recommendation No. 1, reject recommendations No. 2 and 3, maintain the current non-exclusive system, open the list to add haulers for a period of time, then close the list at whatever length of time seems reasonable to staff, and provide all haulers with the five-year notice of the City's intent to consider modifications to the existing non-exclusive system.

Councilmember McAustin stated that the City is currently exploring options for a compost pilot program with a report scheduled for MSC at a future meeting, and will consider the composting services provided by companies such as Waste Less Living.

The following individuals spoke in support of Waste Less Living, and/or opening up the waste haulers list to accommodate additional franchisees:

Kristen Haines, High Point Academy  
Lindsay Wetmore-Arkade, Pasadena resident  
Christine Lenches-Hinkel, owner of Waste Less Living  
Heidi Babcock, Pasadena resident  
Yvone Hinkel, Altadena resident  
Craig Hinkel, Altadena resident  
Quoleshna Elbert, Pasadena resident  
Donnie Potter, owner of Clean-Up America  
Janet Loyed-Randolph, Pasadena resident  
Robert E. Milton, Jr., Clean up America  
Diane Whitten, Altadena resident (Distributed a fact sheet  
"Waste Less Living")  
Galit Feinrich, Altadena resident  
Mike Noll, Pasadena resident  
Nancy A. Busacca, Pasadena resident  
Paige Bharne,

Richard Ludt, Pasadena resident, spoke in opposition of the proposed five year sunset notification.

Councilmember Madison returned to the dais at 9:37 p.m.

Councilmember McAustin requested that staff address the issues raised regarding composting companies such as Waste Less Living as part of a future ordinance update, and provide Waste Less Living with an extension to operate to allow them to work in the City until an ordinance revision can be completed so that such companies can be properly regulated. She also suggested that action on the staff recommendation be deferred with direction to staff to provide additional information on construction and demolition (C&D) haulers (including a possible separate C&D franchise system), as well as information on inert material and analysis on whether it would be beneficial to broaden the definition contained in the current ordinance.

Councilmember Kennedy moved to call the question on the pending motion. (Motion failed due to lack of second)

**MOTION WITHDRAWN**

Following discussion, Vice Mayor Robinson expressed support for Councilmember McAustin's suggestions, and withdrew her motion.

It was moved by Councilmember McAustin, seconded by Vice Mayor Robinson to defer action on staff's recommendations No.'s 1, 2, and 3, with direction to staff to prepare an ordinance update to the Solid Waste Collection Ordinance addressing composting companies, provide additional information on construction and demolition haulers, as well as information on inert materials, and report back at a future City Council meeting. (Motion unanimously carried) (Absent: None)

**RECOMMENDATIONS FROM OFFICERS AND DEPARTMENTS**

**CONSIDERATION OF CONDITIONAL USE PERMIT NO. 5209 AND OTHER LAND USE ENTITLEMENTS, PRIVATE TREE REMOVAL, FINAL ENVIRONMENTAL IMPACT REPORT, AND STATEMENT OF OVERRIDING CONSIDERATIONS FOR THE COLORADO AT LAKE MIXED-USE PROJECT AT 880-940 EAST COLORADO BOULEVARD WITH SHARED PARKING AT 2 NORTH LAKE AVENUE (CONSTANCE HOTEL)**

**Recommendation:**

- (1) Adopt the resolution certifying the Final Environmental Impact Report and adopting environmental findings in accordance with the California Environmental Quality Act (CEQA) for the Colorado at Lake Project;
- (2) adopt the resolution adopting a Statement of Overriding Considerations and a Mitigation Monitoring and Reporting Program for the Alternative 3 – Hotel Option Project;
- (3) Uphold the Board of Zoning Appeals' decision and adopt as the Council's decision the following actions:
  - a) Approve the Findings of Fact (Attachment A of the agenda report), with the Conditions of Approval (Attachment B of the agenda report), the Scope of Development (Attachment C of the agenda report), and the Compliance with the General Plan and Specific Plan (Attachment D of the agenda report), for the Alternative 3 – Hotel Option Project;
  - b) Approve the Conditional Use Permit for a new non-residential project that exceeds 25,000 square feet (Attachment A of the agenda report);
  - c) Approve the Conditional Use Permit to establish a Lodging (Hotel) Use in the CD-5 zoning district;
  - d) Approve the Minor Conditional Use Permit for a new project that exceeds 15,000 square feet in the Transit-Oriented District (Attachment A of the agenda report);

- e) Approve the Minor Conditional Use Permit for Shared Parking (Attachment A of the agenda report);
  - f) Approve the Minor Conditional Use Permit for Tandem Parking (Attachment A of the agenda report). Approve the Minor Conditional Use Permit for Valet Parking (Attachment A of the agenda report);
  - g) Approve the Variance for a reduction in the number of required loading spaces (Attachment A of the agenda report);
  - h) Approve the Variance for the reductions in the required dimensional requirements for loading spaces (Attachment A of the agenda report);
  - i) Approve the Private Tree Removal Application (Attachment A of the agenda report); and
- (4) Add a Condition of Approval (Attachment E of the agenda report, Condition No. 76, "Indemnification") regarding not holding the City liable from any potential future legal action. (Resolution Nos. 9341 and 9342)

David Sinclair, Planner, summarized the agenda report as part of the PowerPoint presentation, and responded to questions.

Councilmember Madison expressed concerns regarding current litigation on the item, and requested that staff review and recommend changes to Pasadena Municipal Code Section 17.72.070(B)(5), regarding a failure to act on an appeal or call for review and its relation to CEQA.

Councilmember Kennedy stated for the record that he did not review the tape of the December 2010 public hearing and therefore would abstain from voting on the item.

Councilmember Masuda disclosed that he met with the representatives of Park Place Commercial, L.P., on February 12, 2013.

Richard A. McDonald, representing Park Place Commercial, L.P., provided information on the current legal litigation involving The Pasadena Coalition for Responsible Development and Park Place Commercial, L.P.

The following individuals spoke in support of staff's recommendation:

Marsha Rood, Downtown Pasadena Neighborhood Association  
Greg Gunther, Pasadena resident

Jonathan Edwards, Pasadena resident  
Carla Walecka, Pasadena resident  
John Walsh, Los Angeles resident

Councilmembers Gordo and Madison expressed concerns with taking action on this item while it is currently involved in litigation.

Following discussion, it was moved by Vice Mayor Robinson, seconded by Councilmember Tornek to approve staff's recommendation. (Motion carried) (Abstain: Councilmembers Gordo, Kennedy, Madison) (Absent: None)

### **DRAFT LAND USE AND MOBILITY ELEMENT GOALS AND POLICIES**

**Recommendation:** It is recommended that the City Council direct staff to study the environmental impact of the Draft Land Use and Mobility Element Goals and Policies (Attachment A of the agenda report) within the General Plan Environmental Impact Report.

**Advisory Commission Recommendations:** Prior to bringing the Draft Land Use and Mobility Element Goals and Policies to the City Council, the following Commissions reviewed the draft policies and offered recommendations to the City Council:

- Historic Preservation Commission on February 4, 2014
- Human Services Commission on February 5, 2014
- Design Commission on February 6, 2014
- Northwest Commission on February 11, 2014
- Arts and Culture Commission on February 13, 2014
- Environmental Advisory Commission on February 18, 2014
- Transportation Advisory Commission on February 27, 2014
- Recreation and Parks Commission on March 4, 2014
- Senior Commission on March 11, 2014
- Planning Commission on March 12, 2014.

A copy of the Commissions' comments can be found in Attachment C of the agenda report.

Vince Bertoni, Director of Planning, and Scott Reimers, Senior Planner, summarized the agenda report, including the revised Draft Land Use and Mobility Element Goals and Policies, as part of a PowerPoint presentation.

Councilmember Masuda expressed his opposition to the proposed cap increase of residential units in the East Pasadena Specific Plan (from 850 units to 1,050 units), and requested that staff further study the issue to determine if alternatives exist to maintain the current cap level of 850 units.

The following individuals provided comments on the draft Land Use and Mobility Element Goals and Policies:

Marsha Rood, Pasadena resident, made several inquiries regarding the definitions of context and Urban Form

Jonathan Edwards, Pasadena resident, spoke in favor of the item, specifically Goal 19 related to parking availability

Timothy O'Brien, Pasadena resident, spoke in support of Councilmember Masuda's request to maintain the East Pasadena Specific Plan cap at 850 residential units

Michelle White, Pasadena resident, made several inquiries regarding the proposed housing element changes and expressed her concerns regarding safety issues with the allowance of bicycle riding on City sidewalks

Councilmember Tornek supported Councilmember Masuda's request for further analysis and suggested staff revisit the diagrams to ensure clarity regarding the proposed residential caps.

Following discussion, it was moved by Councilmember McAustin, seconded by Councilmember Tornek, to approve staff recommendation, with direction staff to revisit the residential caps for the East Pasadena Specific Plan. (Motion unanimously carried) (Absent: None)

**REQUEST FOR INFORMATION REGARDING THE POLICY DECISION TO TRANSFER FUTURE CRIMINAL INVESTIGATIONS INVOLVING PASADENA POLICE OFFICER INVOLVED SHOOTINGS TO THE LOS ANGELES COUNTY SHERIFF'S DEPARTMENT** (Councilmember Kennedy)

Councilmember Kennedy expressed concerns regarding the policy decision to transfer future criminal investigations involving Pasadena Police Officer Involved Shootings (OIS) to the Los Angeles County Sheriff's Department (LACSD).

The following individuals expressed concerns and provided comments on the Police Chief's policy decision to transfer future criminal investigations involving Pasadena Police officer involved shootings to the LACSD:

Dale Gronemeier, Eagle Rock resident  
Elbie Hickambottom, Jr., Pasadena National Association  
for the Advancement of Colored People  
Gary Moody, Pasadena National Association for the  
Advancement of Colored People  
Michelle White, American Civil Liberties Union, (also  
distributed a forum informational flyer, Who's Policing  
Law Enforcement)

Councilmember Kennedy requested, for the record, responses to the following questions for information:

1. What document(s) embody the process and procedure to be followed by the Pasadena Police Department for referral of OIS matters to LACSD, the date it was adopted, and please provide a copy?
2. What other agencies were considered for conducting an OIS review?
3. What were the criteria for selecting the LACSD?
4. What members of the City Council were consulted in determining whether to adopt this policy and in selecting LACSD?
5. Given the seemingly lack of public forum in deciding of adopting this process, is there not a danger that it could be revoked as easily as it was adopted?

Michael Beck, City Manager provided a PowerPoint presentation summarizing the Officer Involved Shooting investigation process, and responded to questions.

Phillip Sanchez, Chief of Police, responded to questions regarding the Police Department's independent and administrative reviews, and the lawful mechanisms of the LACSD to conduct OIS investigations.

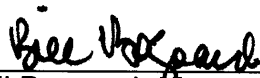
Councilmember Madison noted the complexity of the legal processes and expressed support for the policy decision to transfer future criminal investigations involving Pasadena Police Officer Involved Shootings (OIS) to the LACSD.



Following discussion, on order of the Mayor, and consensus of the City Council, the information was received and filed.


**ADJOURNMENT**

On order of the Mayor, the regular meeting of the City Council adjourned at 12:55 a.m., in memory of Mrs. Vivian Perez, longtime resident, community volunteer, and past President of Community Organization of Pasadena for the Advancement in Education (COPA).



\_\_\_\_\_  
Bill Bogaard, Mayor  
City of Pasadena

ATTEST:

  
\_\_\_\_\_  
City Clerk