

CITY OF PASADENA
City Council Minutes
January 26, 2015 – 5:30 P.M.
City Hall Council Chamber

REGULAR MEETING

OPENING:

Mayor Bogaard called the regular meeting to order at 5:30 p.m.
(Absent: Vice Mayor Robinson and Councilmember Gordo)

On the order of the Mayor, the regular meeting recessed at 5:30
p.m., to discuss the following closed sessions:

Vice Mayor Robinson arrived
at 5:42 p.m.

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

**Property Location: 1207 East Green Street, Pasadena, CA
Agency Negotiators: Michael J. Beck and Steve Mermell
Negotiating Party: Wendy Mendoza
Under Negotiation: Price and terms of payment**

**CITY COUNCIL CONFERENCE REGARDING PUBLIC
EMPLOYEE**

**PERFORMANCE EVALUATION pursuant to Government
Code Section 54957 and CITY COUNCIL CONFERENCE with
Labor Negotiator pursuant to Government Code Section
54957.6**

**Employee Title and Unrepresented Employee: City
Attorney/City Prosecutor
City Representative: Steve Madison**

**CITY COUNCIL CONFERENCE REGARDING PUBLIC
EMPLOYEE**

**PERFORMANCE EVALUATION pursuant to Government
Code Section 54957 and CITY COUNCIL CONFERENCE with
Labor Negotiator pursuant to Government Code Section
54957.6**

**Employee Title and Unrepresented Employee: City Clerk
City Representative: Bill Bogaard**

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

**Agency Designated Representatives: Michael J. Beck and
Kristi Recchia
Employee Organization: Pasadena Management
Association (PMA)**

The above closed session items were discussed, with no
reportable action at this time.

On order of the Mayor, the regular meeting reconvened at 6:49 p.m. The pledge of allegiance was led by Councilmember Madison.

ROLL CALL:

Councilmembers:

Mayor Bill Bogaard
Vice Mayor Jacque Robinson
Councilmember Victor Gordo (Absent)
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

Betty McWilliams, Executive Director of the Foothill Unity Center, Inc., and Mary Ann Lutz, President of the Foothill Unity Center, Inc., (and Mayor of the City of Monrovia), spoke briefly regarding the organization and highlighted the services provided to individuals in need of food, temporary/permanent shelter, and health services, and invited the City Council to join the Foothill Unity Center in celebrating their 35th Year Anniversary through participation in their planned events throughout the year.

Councilmember Madison reported on the passing of Robert DeWitt, a well-respected and accomplished Pasadena resident, and honorary Pasadena Fireman. Fire Chief Bertral Washington and Scott Austin, Firefighter Engineer, spoke on behalf of the Fire Department, and expressed appreciation for Mr. DeWitt's years of community service and dedication to the Pasadena Fire Department.

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

Floyd Folven, Pasadena resident, expressed concerns regarding public safety issues, specifically as it relates to weapons being in the hands of individuals who would harm our country and police officers, highlighted the City's high debt obligations, and suggested that the City sell the Rose Bowl and other assets to manage the debt of the City.

Marion Fry, Pasadena resident, spoke regarding the embezzlement of public funds, suggested that the timing of the announcement was timed to be after the close of the nomination period, and asked that the City consider reopening the nomination period to allow individuals who may be interested to run for office as a result of the recent news regarding the embezzlement.

In response to Ms. Fry's expressed concerns, Mark Jomsky, City Clerk, noted that the California Election Code sets the deadlines for the close of the nomination periods, which he stated cannot be altered.

Philip Koebel, Pasadena resident, expressed concerns regarding the embezzlement investigation, specifically as it relates to the timing of the City Council's knowledge of the embezzlement and when the matter was made public, and suggested that the timing was calculated and purposeful.

In response to Mr. Koebel, the Mayor indicated that the priority of the City Council was to achieve a successful criminal prosecution of the perpetrators regarding the misuse of public funds, which required discretion by City. Councilmember Madison added that the District Attorney handled the prosecution/investigation, including the decision related to the timing of the arrests.

Gary L. Moody, National Association for the Advancement of Colored People (NAACP), and Claude Andrews, a Pasadena resident, expressed disappointment with the Pasadena Police Department, alleging that police officers have harassed Mr. Andrews on numerous occasions, including a false arrest on July 23, 2014, at Jackie Robinson Park, requested transparency as it relates to how the City will address this matter and similar situations in the future. In response, Vice Mayor Robinson noted that she will follow up with Mr. Andrews, and urged the community to report incidents/concerns to their appropriate district representative as soon as possible so that the matter can be addressed in a timely fashion.

CONSENT CALENDAR

CONTRACT AWARD TO ELECNOR BELCO ELECTRIC, INC., FOR INSTALLATION OF IN-FILL LIGHTING ON EAST COLORADO BOULEVARD - PHASE II FROM HILL AVENUE TO ALLEN AVENUE, FEDERAL-AID PROJECT – STPL 5064(077), FOR AN AMOUNT NOT-TO- EXCEED \$770,000

Recommendation:

(1) Find that on April 8, 2013, the City Council acknowledged the project to be 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 find that there are no changes to the project, changed circumstances, or new information that would warrant further environmental review; and

(2) Accept the bid dated January 14, 2015, submitted by Elecnor Belco Electric, Inc., in response to the Specifications for the Installation of In-fill Lighting on East Colorado Boulevard-Phase II from Hill Avenue to Allen Avenue, and authorize the City Manager to enter into such contract for an amount not to exceed \$770,000. (Contract No. 22,128)

APPROVAL OF FINAL TRACT MAP NO. 072678 FOR CREATION OF 34 RESIDENTIAL AIR PARCELS AT 285-290 NORTH WILSON AVENUE, 1065 LOCUST STREET, AND 273-295 NORTH MAR VISTA AVENUE

Recommendation:

(1) Adopt a resolution to approve Final Tract Map No. 072678;

(2) Accept the offer of easement dedications from the property owner for street purposes as shown on said map; and

(3) Authorize the City Clerk to execute the certificate on the map showing the City's approval of said map.

Recommendation of the Hearing Officer: The subject vesting tentative map was approved on August 6, 2014 by the Subdivision Hearing Officer, to be recorded within two years. (Resolution No. 9411)

ADOPTION OF A RESOLUTION TO AUTHORIZE SUBMITTAL OF AN APPLICATION TO THE STATE OF CALIFORNIA FOR HOUSING-RELATED PARKS PROGRAM GRANT FUNDS

Recommendation:

(1) Adopt a resolution authorizing the City to submit a grant application to the State of California under the Housing-Related Parks ("HRP") Program; and

(2) Authorize the City Manager or his designee to approve any documents in connection with the HRP grant application or, in the event that the City receives an award, any HRP grant contract documents that may be required by the State. (Resolution No. 9412)

RESIGNATION OF DARLA DYSON FROM THE COMMISSION ON THE STATUS OF WOMEN (District 2 Nomination)

RESIGNATION OF CHRIS GUTIERREZ FROM THE SENIOR COMMISSION (District 2 Nomination)

APPOINTMENT OF LAURA C. ROMERO TO THE SENIOR COMMISSION (District 7 Nomination)

Item discussed separately **APPROVAL OF EMPLOYMENT AGREEMENT – CITY ATTORNEY/CITY PROSECUTOR – MICHELE BEAL BAGNERIS**

Item discussed separately **APPROVAL OF EMPLOYMENT AGREEMENT – CITY CLERK – MARK JOMSKY**

CLAIMS RECEIVED AND FILED	Claim No. 12,329	Leonila Joanino	\$ 2,000.00
	Claim No. 12,330	Rafael Villagrana	Not Stated
	Claim No. 12,331	Nora Liu	Not Stated
	Claim No. 12,332	Bianca C. Amezcua	352.90
	Claim No. 12,333	Virginia Gentles	25,000.00+
	Claim No. 12, 334	Corey L. Cox	Not Stated
	Claim No. 12,335	Marcus Johns	16,209.95
	Claim No. 12,336	Richard Reyes	4,000.00
	Claim No. 12,337	Claudia Roa	Not Stated
	Claim No. 12,338	Walter Tyrrel Shatford IV	Not Stated
	Claim No. 12,339	Mid-Century Insurance Company as subrogee of Kenya McClendon	948.22
	Claim No. 12,340	Nick Brandsrud	25,000.00+
	Claim No. 12,341	Charlesetta Collins King	1,398.90

It was moved by Councilmember McAustin, seconded by Councilmember Masuda, to approve all items on the Consent Calendar with the exception of Item 7 (Approval of Employment Agreement – City Attorney/City Prosecutor – Michele Beal Bagneris), and Item 8 (Approval of Employment Agreement – City Clerk – Mark Jomsky), which were discussed separately. (Motion unanimously carried) (Absent: Councilmember Gordo)

CONSENT ITEM DISCUSSED SEPARATELY

APPROVAL OF EMPLOYMENT AGREEMENT – CITY ATTORNEY/CITY PROSECUTOR – MICHELE BEAL BAGNERIS

Recommendation: It is recommended that the City Council approve a new employment agreement for City Attorney/City Prosecutor Michele Beal Bagneris, which sets forth the terms and conditions of the employment agreement between the parties. It is further recommended that the Mayor be authorized to sign the employment agreement to reflect City Council approved changes. (Contract No. 22,129)

Floyd Folven, Pasadena resident, spoke regarding the severance provision in the City Attorney’s contract, and submitted written material.

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

**CONSENT ITEM
DISCUSSED SEPARATELY**

**APPROVAL OF EMPLOYMENT AGREEMENT – CITY CLERK
– MARK JOMSKY**

Recommendation: It is recommended that the City Council approve a new employment agreement for City Clerk Mark Jomsky, which sets forth the terms and conditions of the employment agreement between the parties. It is further recommended that the Mayor be authorized to sign the employment agreement to reflect City Council approved changes. (Contract No. 22,130)

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

PUBLIC HEARING

**CONTINUED PUBLIC HEARING: ZONING CODE
AMENDMENT TO PASADENA MUNICIPAL CODE SECTION
17.50.220 (RECYCLING FACILITIES)**

Recommendation:

- (1) Find that the proposed amendments to the Zoning Code are categorically exempt from the California Environmental Quality Act (CEQA) under Section 15308 – Actions by Regulatory Agencies for Protection of the Environment;
- (2) Adopt the Findings of Consistency with the General Plan (Attachment B to the agenda report);
- (3) Approve the proposed Zoning Code Amendments as contained in the agenda report; and
- (4) Conduct first reading of “AN ORDINANCE OF THE CITY OF PASADENA AMENDING VARIOUS PROVISIONS OF TITLE 17 (THE ZONING CODE) OF THE PASADENA MUNICIPAL CODE TO ADD NEW DEVELOPMENT AND OPERATIONAL STANDARDS APPLICABLE TO RECYCLING FACILITIES AND TO REQUIRE EXISTING AND NEW FACILITIES TO OBTAIN CONDITIONAL USE PERMITS”

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

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

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

Laura Peralta, California Grocers Association
Rick Crandall, Albertsons
Brian Jackson, rePlanet Recycling, submitted written material

Councilmember McAustin expressed concern regarding the potential of two of the four existing recycling facilities closing due to the proposed regulations, and suggested that some flexibility be allowed to enable the two recycling facilities to be brought into compliance.

In response to Councilmember McAustin, Councilmember Tornek noted the importance for the City to ensure that both existing and future recycling facilities are in full compliance with the proposed regulations, thereby developing a more viable standard that will not force recycling facilities out of business, but change the way they do business.

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

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

ORDINANCE – FIRST READING

Conduct first reading of “AN ORDINANCE OF THE CITY OF PASADENA AMENDING VARIOUS PROVISIONS OF TITLE 17 (THE ZONING CODE) OF THE PASADENA MUNICIPAL CODE TO ADD NEW DEVELOPMENT AND OPERATIONAL STANDARDS APPLICABLE TO RECYCLING FACILITIES AND TO REQUIRE EXISTING AND NEW FACILITIES TO OBTAIN CONDITIONAL USE PERMITS”

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

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

NOES: None

ABSENT: Councilmember Gordo

RECOMMENDATIONS FROM OFFICERS AND DEPARTMENTS

CONSIDERATION OF A CALL FOR REVIEW OF A HEARING OFFICER DECISION TO THE BOARD OF ZONING APPEALS (BOZA) REGARDING CONDITIONAL USE PERMIT NO. 6224 ALLOWING FOR THE OPERATION OF A “VEHICLE SERVICES – VEHICLE EQUIPMENT REPAIR” WITHIN THE CG (COMMERCIAL GENERAL) ZONING DISTRICT, FOR A PROJECT LOCATED AT 1571 EAST WALNUT STREET (Councilmember McAustin)

Councilmember McAustin introduced the agenda item.

The following persons spoke in opposition to, and/or, expressed concerns regarding the request to Call for Review the BOZA decision:

Floyd Folven, Pasadena resident
Mike Kefalas, Pasadena resident
Sam Youssefian, South Pasadena

Councilmember Kennedy expressed concerns regarding the call for review, and stated that the basis for the proposed action is unclear.

In response to Vice Mayor Robinson, Councilmember McAustin briefly described her issues concerning the proposed project as reasons for the call for review, which she noted to be due to the hearing officer's elimination/withdrawal of the standard condition related to sidewalks, and that the project design needs improvement, and stated that the staff's review of the project was inadequate.

Following discussion, it was moved by Councilmember McAustin, seconded by Councilmember Madison, to approve call for review request. (Motion carried, with Councilmember Kennedy and Vice Mayor Robinson objecting) (Absent: Councilmember Gordo)

INFORMATION ITEM

UPDATE ON MANSIONIZATION AND NEIGHBORHOOD COMPATIBILITY STUDY

Recommendation: This report is provided for information only. No action is required.

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

The following persons spoke in favor of establishing a moratorium on mansionization in the Lower Hastings Ranch neighborhood:

Jan Price, Glen Summer Road Neighbors
Ralph Hubbard, Pasadena resident
Lester B. Williams, Pasadena resident
Lihua Liu, Pasadena resident
Diane Kirby, Lower Hastings Ranch Association (LHRA)
Laura Rodriguez, Pasadena resident
Arturo Leos, Pasadena resident
Jeremy Spears, Pasadena resident
Councilmember Masuda expressed strong support for

establishing a moratorium on mansionization in the Lower Hastings Ranch area, and asked that the matter be agendaized for consideration at a future meeting.

Councilmember Madison expressed concerns regarding the development of incompatible residential houses in neighborhoods, and inquired why the issue of neighborhood compatibility is not a prevailing standard as it relates to design guidelines/standards.

Councilmember Tornek commented on the issue of neighborhood compatibility, inquired about the existing overlay for the Lower Hastings Ranch area and whether or not it contemplated a single-story limit, and suggested that the moratorium process be accelerated for the Lower Hastings Ranch neighborhood. He requested that staff return to the City Council as soon as possible with information regarding the matter.

Councilmember McAustin stated her support for a moratorium on mansionization in the Lower Hastings Ranch area, and suggested that the neighborhoods pursue historic landmark status as a way to protect and preserve the character of their neighborhood.

Vice Mayor Robinson noted that mansionization is an issue citywide, and asked that staff explore ways to potentially expand the moratorium citywide, and for staff to provide information related to the number of projects that would be impacted as a result of the moratorium.

Councilmember Kennedy inquired about the practicality of a citywide moratorium and the timeframe associated with its process, stated his support for a moratorium on mansionization in the Lower Hastings Ranch area, and urged staff to move expeditiously on Phase II for Non-Historic and Non-Hillside areas as well.

Councilmember Madison suggested that staff consider whether it will be more useful to include Glen Summer Road, San Miguel Road, and Annandale Road into the Hillside District, and asked staff to look at best practices of other cities in terms of the requirement of neighborhood compatibility and/or design guidelines. He also encouraged staff to accelerate their work on the matter relating to a moratorium on mansionization in the Lower Hastings Ranch neighborhood and returning to the City Council with information regarding the matter for consideration.

Vince Bertoni noted that staff will bring back to the City Council options as it relates to the geographic areas to be covered

under the moratorium, as well as the types of development/construction that would be subject to the moratorium.

Following discussion, it was moved by Councilmember Masuda, seconded by Vice Mayor Robinson, to receive the information, and direct staff to bring forward a proposed moratorium for the Lower Hasting Ranch area as it relates to single-family residential parcels, allowing for the creation of development standards to ensure more compatible development with neighboring properties through revisions to the City's Zoning Code, with staff to consider possible geographic areas to be covered under the moratorium, and the type of construction that would be subject to the moratorium. (Motion unanimously carried) (Absent: Councilmember Gordo)

COUNCIL COMMENTS

Councilmember Kennedy reported on the upcoming "8th Annual Red, Black and Green Honors Dinner" to be held on January 31, 2015 at the Pasadena Hilton, 7:00 p.m. - 9:00 p.m., which is an event organized by the Black History Parade and Festival Committee to honor local community leaders and business people for their community service. He also invited the community to contact the Jackie Robinson Center at (626) 744-7333 for additional information.

Councilmember Madison also reminded everyone that January 31, 2015 is "Fred Korematsu Day", and that there will be an event held at Pasadena High School from 8:00 a.m. – 12:00 p.m. in remembrance of the life of Fred Korematsu.

In response to Vice Mayor Robinson's request, Councilmember McAustin noted that information related to the proposed amendment to the Power Sales Contract with Intermountain Power Agency (IPA) is forthcoming to the Municipal Service Committee meeting on January 27, 2015 for discussion.

ADJOURNMENT

On order of the Mayor, the regular meeting of the City Council adjourned at 10:19 p.m., in memory of Robert De Witt, a well accomplished and respected Pasadena resident and honorary Pasadena Firefighter.

Terry Tornek, Mayor
City of Pasadena

ATTEST:

City Clerk