

CITY OF PASADENA
City Council Minutes
July 23, 2018– 5:30 P.M.
City Hall Council Chamber

REGULAR MEETING

OPENING:

Mayor Tornek called the regular meeting to order at 5:30 p.m.
(Absent: Councilmembers Hampton, Madison)

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

CITY COUNCIL CONFERENCE WITH LEGAL COUNSEL
regarding pending litigation pursuant to Government Code
Section 54956.9(d)(1)

Name of Case: Natural Resources Defense Council, Inc. v.
City of Pasadena

LASC Case No.: BS171850

Councilmember Madison
arrived at 5:51 p.m.

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

Agency Designated Representatives: Alex Souto and Julie
Gutierrez

Employee Organization: Pasadena Police Officers
Association (PPOA)

Marina Satarelli, Pasadena resident, distributed
correspondence and spoke in support of the PPOA contract
as currently negotiated.

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

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

Property Location: 268 Waverly Dr., Pasadena, CA

Agency Negotiator: Steve Mermell

Negotiating Party: Andrew P. Nierenberg

Under Negotiation: Price and terms of payment

The above closed session item was discussed following the
conclusion of the regular meeting (continued on page 19).

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: Terry Tornek**

The above closed session item was not discussed.

On order of the Mayor, the regular meeting reconvened at 6:41 p.m. The pledge of allegiance was led by Councilmember McAustin.

ROLL CALL:

Councilmembers:

Mayor Terry Tornek
Vice Mayor John J. Kennedy
Councilmember Victor Gordo
Councilmember Tyron Hampton (Absent)
Councilmember Steve Madison
Councilmember Gene Masuda
Councilmember Margaret McAustin
Councilmember Andy Wilson

Staff:

City Manager Steve Mermell
City Attorney/City Prosecutor Michele Beal Bagneris
City Clerk Mark Jomsky

RECOMMENDATIONS FROM OFFICERS AND DEPARTMENTS

ADOPTION OF A RESOLUTION SETTING PRIORITIES FOR THE FILING OF WRITTEN ARGUMENTS PERTAINING TO A PROPOSED LOCAL SALES TAX MEASURE AND RELATED ADVISORY BALLOT MEASURE; AND DIRECTING THE CITY ATTORNEY TO PREPARE AN IMPARTIAL ANALYSIS FOR EACH MEASURE FOR THE CITY OF PASADENA GENERAL MUNICIPAL ELECTION HELD ON TUESDAY, NOVEMBER 6, 2018

Recommendation: It is recommended that the City Council adopt a resolution of the City Council of the City of Pasadena setting priorities for the filing of written arguments pertaining to a proposed local sales tax measure and related advisory ballot measure; and directing the City Attorney to prepare an impartial analysis for each measure. (Resolution No. 9671)

Mark Jomsky, City Clerk, summarized the recommendation, and reported that Mayor Tornek, Vice Mayor Kennedy, and Councilmembers Gordo, Hampton and Masuda have indicated interest in representing the City Council as authors for the argument in support of the sales tax ballot measure; and responded to questions.

Following a brief discussion, it was moved by Councilmember Gordo, seconded by Councilmember Masuda, to approve the staff recommendation and to designate Mayor Tornek, Vice Mayor Kennedy, and Councilmembers Gordo, Hampton and Masuda to sign arguments on behalf of the City Council in support of a sales tax ballot measure. (Motion unanimously carried) (Absent: Councilmember Hampton)

ORDINANCES – ADOPTED

Adopt “AN ORDINANCE OF THE CITY OF PASADENA AMENDING TITLE 4 OF THE PASADENA MUNICIPAL CODE TO ADD A NEW CHAPTER 4.42 ENTITLED “TRANSACTIONS AND USE TAX” TO BE ADMINISTERED BY THE CALIFORNIA DEPARTMENT OF TAX AND FEE ADMINISTRATION, SUBJECT TO ADOPTION BY THE ELECTORATE” (Introduced by Vice Mayor Kennedy) (Ordinance No. 7330)

The above ordinance was adopted by the following vote:

AYES: Councilmembers Gordo, Madison Masuda,
McAustin, Wilson, Vice Mayor Kennedy Mayor
Tornek
NOES: None
ABSENT: Councilmember Hampton
ABSTAIN: None

COUNCIL COMMENTS

Councilmember Gordo, Chair of the Economic Development and Technology Committee, reported on the Committee’s discussion related to the Heritage Square South project, summarized the Committee’s direction to staff, and stated that the item will be agendized for City Council consideration at a meeting in September 2018.

CEREMONIAL MATTERS

The Mayor shared a video prepared by the Pasadena Convention & Visitors Bureau regarding the latest campaign to promote the City, “Where Great Minds Meet.” The video was first presented at the ACCESSE 18 conference and Committee on Space Research (COSPAR) scientific assembly.

The City Clerk administered the oaths of office to Boghos Patatian as Library Commissioner, Steve Olivas as Planning Commissioner, Mark Mastromatteo as Recreation and Parks Commissioner, Jonathan Levy as Environmental Advisory Commissioner, and Juli Canavan as a Commissioner on the Status of Women.

Vice Mayor Kennedy spoke on Mr. Oliva’s professional and personal background and welcomed him as a Planning Commissioner.

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

Councilmember Gordo was excused and left the meeting at 6:51 p.m.

Dana Churchill, Epoch Times, spoke on the various aspects of the Epoch Times newspaper, encouraged reading of the newspaper, and distributed copies of the newspaper.

Genevieve Clavreul, Pasadena resident, expressed concerns with the recent cancellations of the Senior Commission meetings, and spoke on the need for additional traffic enforcement at the intersections of Hudson Avenue and Locust Street, and Carson Avenue and Lake Avenue, where vehicles do not abide by the stop signs.

Gerda Govine Ituarte, Pasadena Rose City Poets, recited poetry.

CONSENT CALENDAR

APPROVAL OF FINAL TRACT MAP NO. 078325 FOR SUBDIVISION OF ONE LAND LOT INTO NINE LAND LOTS FOR RESIDENTIAL PURPOSES AT 655 WESTMINSTER DRIVE

Recommendation:

- (1) Adopt a resolution to approve final Tract Map No. 078325 for the subdivision of one land lot into nine land lots for residential purposes;
- (2) Accept the offer of dedications for public street purposes and for public sewer 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 tentative map was approved on December 2, 2015 by the Subdivision Hearing Officer, to be recorded within three years. (Resolution No. 9673)

Item discussed separately

CONTRACT AWARD TO HARDY & HARPER, INC., FOR RESURFACING AND SLURRY SEAL FISCAL YEAR 2017 AND 2018 FOR AN AMOUNT NOT-TO-EXCEED \$2,660,000

AUTHORIZE AMENDMENT TO CONTRACT WITH AWI BUILDERS, INC. (CONTRACT NO. 30791)

Recommendation:

- (1) Find the project proposed in the agenda report to be categorically exempt under the California Environment Quality Act (CEQA) Guidelines in accordance with Title 14, Chapter 3, Article 19, Section 15301, Class 1, 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 that there are no features that distinguish this project from others in the exempt class, and therefore, there are no unusual circumstances; and

(2) Authorize the City Manager to amend Contract No. 30791 with AWI Builders, Inc., to increase the contract amount by \$456,300 for a total not-to-exceed amount of \$7,715,300. (Contract No. 30791-2)

CONTRACT AWARD TO DM CONTRACTING, INC., FOR ANNUAL ADA SIDEWALK IMPROVEMENT PROGRAM – FISCAL YEAR 2018 AND 2019 FOR AN AMOUNT NOT-TO-EXCEED \$940,000

Recommendation:

(1) Find the project proposed in the agenda report 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 that there are no features that distinguish this project from others in the exempt class, and therefore, there are no unusual circumstances; and

(2) Accept the bid dated July 12, 2018, submitted by DM Contracting, Inc., in response to the plans and specifications for Annual ADA Sidewalk Improvement Program - Fiscal Year 2018 and 2019; reject all other bids; and authorize the City Manager to enter into a contract not-to-exceed \$940,000 which includes the base contract amount of \$854,300 and a contingency of \$85,700 to provide for any necessary change orders. (Contract No. 31265)

ADOPT A RESOLUTION OF INTENTION TO GRANT A FRANCHISE TO SOUTHERN CALIFORNIA GAS COMPANY THROUGH AN ORDINANCE

Recommendation:

(1) Find that the proposed ordinance is not a project subject to the California Environmental Quality Act (CEQA) in accordance with Section 21065 of CEQA and State CEQA Guidelines Sections 15060(c)(2), 15060(c)(3), and 15378, and that the proposed action is exempt from CEQA pursuant to State CEQA Guidelines Section 15061(b)(3);

(2) Adopt a resolution declaring an intent to grant a franchise through an ordinance to Southern California Gas Company (SoCal Gas);

(3) Direct the City Attorney's Office to prepare such an ordinance;

(4) Set a public hearing for Monday, August 20, 2018, at 7:00 p.m. to consider first reading of the proposed Ordinance; and

(5) Direct the City Clerk to publish and post a Notice of Hearing of said hearing. (Resolution No. 9674)

Item discussed separately

CONTRACT AWARD TO TOOLE DESIGN GROUP, LLC FOR THE PREPARATION OF A COMPLETE STREET BLUEPRINT, A FIVE-YEAR PROGRAMMING TOOL THAT IDENTIFIES AND PRIORITIZES CITY COMPLETE STREET DESIGN ELEMENTS BY LOCATION

AUTHORIZATION TO ENTER INTO A CONTRACT WITH ELLEN MACHIKAWA, MD TO PROVIDE MEDICAL OVERSIGHT FOR THE SUBSTANCE ABUSE PROGRAM

Recommendation:

(1) Find that the proposed action is not a project subject to the California Environmental Quality Act ("CEQA") pursuant to Section 21065 of CEQA and Sections 15060(c)(2), 15060(c)(3), and 15378 of the State CEQA Guidelines and, as such, no environmental document pursuant to CEQA is required for the project; and

(2) Authorize the City Manager to enter into a contract with Ellen Machikawa, MD as the result of a competitive selection process, as set forth in Section 4.08.047 of the Pasadena Municipal Code, to serve as the Substance Abuse Program Medical Director in an amount not-to-exceed \$33,600 per year, for five years with the option of two (2) additional one-year extensions not-to-exceed \$33,600 per year, for a grand total not-to-exceed contract amount of \$235,200. (Contract No. 31263)

FINANCE COMMITTEE: RECOGNIZE REVENUE AND APPROPRIATE FUNDS OF \$736,844 TO THE FISCAL YEAR 2019 OPERATING BUDGET AND INCREASE THE PERSONNEL ALLOCATION BY 2.0 FULL-TIME EQUIVALENTS (FTE) FOR THE ACTIVELY COUNTERING THE TOBACCO INDUSTRY IN OUR NEIGHBORHOODS (ACTION) PROGRAM

Recommendation:

(1) Find that the proposed action is not a project subject to the California Environmental Quality Act (CEQA) pursuant to Section 21065 of CEQA and Sections 15060(c)(2), 15060(c)(3), and 15378 of the State CEQA Guidelines and, as such, no environmental documents pursuant to CEQA is required for the project;

(2) Authorize the City Manager to enter into a Memorandum of Understanding (MOU) and all other related documents with the State of California Department of Justice to accept and administer these grant funds on behalf of the City of Pasadena;

(3) Amend the Public Health Department's Fiscal Year 2019 Operating Budget by recognizing and appropriating funds of \$540,556 in State of California Department of Justice tobacco enforcement grant funds and increase the Department's personnel allocation by 2.0 Full-time Equivalent (FTE) limited-term, grant-funded positions; and

(4) Amend the Police Department's Fiscal Year 2019 budget by recognizing and appropriating funds of \$196,288 in State of California Department of Justice tobacco enforcement grant funds. (Contract No. 23,005, Budget Amendment No. 2019-01)

FINANCE COMMITTEE: RECOGNIZE AND APPROPRIATE FUNDS OF \$117,641 TO THE PASADENA PUBLIC HEALTH DEPARTMENT'S FISCAL YEAR 2019 OPERATING BUDGET AND INCREASE THE PERSONNEL ALLOCATION BY 0.50 FULL-TIME EQUIVALENT (FTE) FOR PROJECT SAFE PASADENA

Recommendation:

(1) Find that the proposed action is not a project subject to the California Environmental Quality Act (CEQA) pursuant to Section 21065 of CEQA and Sections 15060(c)(2), 15060(c)(3), and 15378 of the State CEQA Guidelines and, as such, no environmental document pursuant to CEQA is required for the project;

(2) Authorize the City Manager to enter into an agreement with the California Board of State and Community Corrections (BSCC) to accept and administer these grant funds on behalf of the City of Pasadena, and all other related documents; and

(3) Amend the Fiscal Year (FY) 2019 Public Health Department's Operating Budget by recognizing and appropriating funds of \$117,641 in BSCC violence intervention and prevention funding and increasing the Department's personnel allocation by 0.50 full-time equivalent (FTE). (Contract No. 23,004, Budget Amendment No. 2019-02)

FINANCE COMMITTEE: AUTHORIZATION TO ENTER INTO A ONE YEAR CONTRACT WITH TAP INTERNATIONAL, INC., TO AUDIT THE PARKING GARAGES CONTRACTORS FOR AN AMOUNT NOT-TO-EXCEED \$102,000

Recommendation:

(1) Find that the proposed actions are exempt from the California Environmental Quality Act ("CEQA") pursuant to State CEQA Guidelines Section 15061(b)(3) (General Rule);

(2) Amend the adopted Fiscal Year (FY) 2019 budget to appropriate \$102,000 from Off-Street Parking Facilities Fund 407 fund balance, as detailed in the fiscal impact section of the agenda report; and

(3) Authorize the City Manager to enter into a contract, as the result of a competitive selection process, as specified by Section 4.08.047 of the Pasadena Municipal Code, with TAP International, Inc., for a performance audit in an amount not-to-exceed \$102,000, which includes the base contract amount of \$97,014 and a contingency of \$4,986 to provide for

any necessary change orders. Competitive price bidding is not required pursuant to City Charter Section 1002(F) (contracts for professional or unique services). (Contract No. 31267, Budget Amendment No. 2019-03)

PUBLIC SAFETY COMMITTEE: AUTHORIZATION TO AMEND SITE ACCESS AGREEMENT NO. 22,288 WITH THE LOS ANGELES REGIONAL INTEROPERABLE COMMUNICATIONS SYSTEM (LA-RICS) AUTHORITY

Recommendation:

- (1) Find that the following proposed action is exempt from the California Environmental Quality Act ("CEQA") pursuant to Public Resources Code Section 21080.25, the statutory CEQA exemption adopted specifically for the Los Angeles Regional Interoperable Communications System (LA-RICS); and
- (2) Authorize the City Manager to amend the Site Access Agreement Contract No. 22,288 with the Los Angeles Regional Interoperable Communications System (LA-RICS) Authority to install public safety radio communication equipment at additional City owned properties. (Contract No. 22,288-1)

APPOINTMENT OF KENNETH ROTTER TO THE LIBRARY COMMISSION (At Large Nomination/District 2)

APPOINTMENT OF NICHOLAS SAPONARA TO THE TRANSPORTATION ADVISORY COMMISSION (At Large Nomination/District 4)

CLAIMS RECEIVED

Claim No. 13,123	Michael Rottenbiller	\$	3,000.00
Claim No. 13,124	United Financial Casualty Company as subrogee of Porntep Pasaphant		12,979.71
Claim No. 13,125	Law Offices of Andrew Zeytuntsyan, representing Gayane Albert Makaryan		25,000.00+
Claim No. 13,126	Law Offices of Andrew Zeytuntsyan, representing Gary F. Makaryan		25,000.00+
Claim No. 13,127	The Law Offices of Larry H. Parker, Inc., representing Jesus Haro		25,000.00+

Claim No. 13,128	Thon Beck Vanni Callahan & Powell, representing Philip Horlacher	25,000.00+
Claim No. 13,129	Alice Yeghiayan	Not stated

It was moved by Councilmember Wilson, seconded by Councilmember McAustin, to approve all items on the Consent Calendar, with the exception of Item 2 (Contract Award to Hardy & Harper, Inc.) and Item 6 (Contract Award to Toole Design Group, LLC), which were discussed separately. (Motion unanimously carried) (Absent: Councilmembers Gordo, Hampton)

**CONSENT ITEM
DISCUSSED SEPARATELY**

CONTRACT AWARD TO HARDY & HARPER, INC., FOR RESURFACING AND SLURRY SEAL FISCAL YEAR 2017 AND 2018 FOR AN AMOUNT NOT-TO-EXCEED \$2,660,000

Recommendation:

- (1) Find the project in the agenda report 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 that there are no features that distinguish this project from others in the exempt class, and therefore, there are no unusual circumstances; and
- (2) Accept the bid dated July 13, 2018, submitted by Hardy & Harper, Inc., in response to the Specifications for the Resurfacing and Slurry Seal Fiscal Year 2017 and 2018; reject all other bids; and authorize the City Manager to enter into a contract not-to-exceed \$2,660,000 which includes the base contract amount of \$2,424,000 and a contingency of \$236,000 to provide for any necessary change orders. (Contract No. 31266)

Ara Maloyan, Director of Public Works, Randy Rich, Public Works Administrator, responded to questions related to the slurry sealing of City streets for calendar year 2019.

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

CONTRACT AWARD TO TOOLE DESIGN GROUP, LLC FOR THE PREPARATION OF A COMPLETE STREET BLUEPRINT, A FIVE-YEAR PROGRAMMING TOOL THAT IDENTIFIES AND PRIORITIZES CITY COMPLETE STREET DESIGN ELEMENTS BY LOCATION

Recommendation:

- (1) Find that this action 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 with Toole Design Group, LLC (Toole Design Group) for consultant services to provide a five-year programming tool that identifies and prioritizes Complete Street design elements by location in the City for an amount not-to-exceed \$153,205 which includes the base contract amount of \$122,706 and a contingency of \$30,499 to provide for any necessary change orders. Competitive Bidding is not required pursuant to City Charter Section 1002(F), contracts for professional or unique services; and
- (3) 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. 31264)

Fred Dock, Director of Transportation Director of Planning, provided a PowerPoint presentation on the item and responded to questions.

Following discussion, it was moved by Councilmember McAustin, seconded by Vice Mayor Kennedy, to approve the staff recommendation. (Motion unanimously carried) (Absent: Councilmembers Gordo, Hampton)

PUBLIC HEARING

PUBLIC HEARING: CALL FOR REVIEW OF THE DESIGN COMMISSION'S DECISION ON AN APPLICATION FOR CONSOLIDATED DESIGN REVIEW FOR A NEW PUBLIC RESTROOM AND STORAGE FACILITY AT DESIDERIO NEIGHBORHOOD PARK, 10 NORTH ARROYO BOULEVARD

Recommendation:

- (1) Find that the proposed project is exempt from the California Environmental Quality Act (CEQA) pursuant to Public Resources Code Section 21080(b)(9) and the State CEQA Guidelines Section 15303 (California Code of Regulations, Title 14, Article 19, Section 15303, New Construction or Conversion of Small Structures [Class 3]) and there are no features that distinguish this project from others in the exempt class and, therefore, there are no unusual circumstances;

- (2) Acknowledge that on October 27, 2014, the City Council approved PD33 which authorized development of Desiderio Neighborhood Park and included provisions in the PD for future construction of a restroom building;
- (3) Find that the project, upon implementation of the conditions of approval, will be consistent with the purposes of design review and the applicable design guidelines; and
- (4) Based on these findings, uphold the Design Commission's decision and approve the application for Consolidated Design Review for the project, as illustrated in Attachment A of the agenda report, subject to the conditions included in the agenda report, which shall be subject to staff review and approval prior to issuance of a building permit.

The City Clerk opened the public hearing and reported that the City Clerk's Office received 7 letters in opposition to the recommendation, and 2 letters providing comments, which were distributed to the City Council and made part of the public hearing record.

David Reyes, Director of Planning and Community Development, provided introductory comments, and Kevin Johnson, Senior Planner, presented a PowerPoint presentation on the item; and responded to questions.

Councilmember Madison expressed concerns with building a public restroom approximately 80 feet from Pasadena residents located on Vista Del Arroyo, as well as the scale and design of the proposed restroom, and easy access to the restroom from the street.

Ara Maloyan, Director of Public Works, responded to questions related to staff's decision to propose the park public restroom at the recommended site, and costs to build the restroom.

Mr. Maloyan suggested, as additional safety measures, that the City Council direct staff to close the park and public restroom at sundown instead of 10:00 pm. Loren Pluth, Project Manager, responded to questions related to the size, layout and configuration of the proposed public restroom and play area.

The following individuals spoke in opposition to various aspects of the proposed staff recommendation, and provided comments and/or suggestions:

Nikhil Adarkar, Pasadena resident
Nina Chomsky, Linda Vista-Annandale Association

Jeff Michael, Pasadena resident
Marci Solway, Pasadena resident
Stacey Fortner, Vista del Arroyo
Dan Beal, West Pasadena Resident's Association (?)
Omar Leyva, Pasadena resident
Vincent Martinelli, Pasadena resident
Tom Seifert, Pasadena resident
Ann Scheid, Pasadena resident

The following individuals spoke in favor of various aspects of the proposed staff recommendation, and provided comments and/or suggestions:

Rita Moreno, Pasadena resident
Emanuel Najera, Pasadena resident

Following public comment, Vice Mayor Kennedy stated the following for the record, "All of the speakers who have spoken prior to Ms. Moreno, and including Ms. Moreno, I think have legitimate concerns and I want to hear them in the context of their heart, speaking on behalf of their particular views on this subject. So, I am thankful Ms. Moreno that you did not say that you represented the commission that you are on, but as one individual with a history in this community. I find your comments worthy of consideration in this debate and I will not in any way diminish your views or the views of others who have spoken before you."

Councilmember Masuda also expressed concerns with the proposed public restrooms site and its proximity to the Colorado Street bridge; and stated his preference that staff consider other locations and a smaller size design.

Councilmember McAustin stated that the decision to construct a public restroom has previously been approved by the City Council, and she will not support the construction of a park without a public restroom. She spoke in support of moving the public restroom location, agreed with the need to obtain feedback from the new residents of the Desiderio Housing Project, and summarized the allocated funds (City's Residential Impact Fees) to be used to build the public park restroom. She spoke in favor of sending this item back to the Design Commission to reevaluate the design of the proposed bathroom, reviewing other proposed sites for the public restroom. In addition, Ms. McAustin stated her belief that staff did a good job and the recommended design is appropriate for the proposed public restroom.

The Mayor expressed concerns with amending the proposed design, which would require repeating the Planning Development process, when the project is currently under construction with an approved contract; and returning to a discussion related to the site plan. He spoke in favor of relocating the public restroom to be moved in closer proximity to the "Tot-Lot."

Vice Mayor Kennedy stated that he does not believe that events held at the Rose Bowl would cause excess traffic and use at Desiderio Neighborhood Park and public restroom. He spoke on reasonable safety accommodations that can be implemented to address the concerns of the neighbors in the area. Based on the concerns stated, he spoke in favor of relocating the proposed public restroom.

Councilmember Madison stated his preference that the proposed hard scape below the Colorado Street Bridge be reconsidered, due to the amount of suicides occurring from the bridge; expressed concerns with the funding to be used to build the public restroom while asking the residents to vote on a sales tax measure. Mr. Madison recommended that staff consider all input from the stakeholders and return to the City Council with various options that include a smaller profile and different location of the proposed public restroom; and expressed concerns with the single restroom design for all parks concept.

Following discussion, it was moved by Councilmember Wilson, seconded by Councilmember McAustin, to close the public hearing. (Motion unanimously carried) (Absent: Councilmembers Gordo, Hampton)

In response to Councilmember Madison's inquiry, the Mayor asked staff to provide to the City Council a revised drawing with the new location of the public restroom by August 20, 2018.

It was moved by Vice Mayor Kennedy, seconded by Councilmember McAustin, to approve the staff recommendation, amended to move the public restroom immediately north of the "Tot-Lot" and to close the park and public restroom at sundown. (Motion unanimously carried) (Absent: Councilmembers Gordo, Hampton)

CONTINUED PUBLIC HEARING: APPEAL OF BOARD OF ZONING APPEALS' DECISION ON AFFORDABLE HOUSING CONCESSION PERMIT NO. 11866 LOCATED AT 233 NORTH HUDSON AVENUE

Recommendation:

- (1) Find the project to be categorically exempt from environmental review pursuant to the guidelines of the California Environmental Quality Act (Public Resources Code Section 21080(b)(9); Administrative Code, Title 14, Chapter 3, Section 15332, Class 32, In-Fill Development Projects); and
- (2) Uphold the Board of Zoning Appeal's decision and approve Affordable Housing Concession Permit No. 11866.

The City Clerk opened the public hearing and reported that 49 copies of the notice were mailed, and 27 copies of the notice was posted on June 29, 2018; and that one letter in favor and one letter in opposition, to uphold the Board of Zoning Appeal's decision was received by the City Clerk's Office regarding this item, and were distributed to the City Council and made part of the public hearing record.

David Reyes, Director of Planning and Community Development, provided introductory comments, and Beilin Yu, Planner, presented a PowerPoint presentation on the item; and responded to questions. Kathleen Head, Keyser Marston Associates, responded to questions related to the 233 North Hudson Avenue Density Bonus Analysis.

Mark H. Quentin, Hudson Locust, Inc., HOA (Appellant) spoke in opposition to the Board of Zoning Appeal's decision approving the affordable housing concession at 233 North Hudson Avenue, however he noted his support for a project that incorporates the HOA's concerns regarding privacy, setback and height limit exceptions, and floor area ratios.

Richard McDonald, representing the applicant, spoke in favor of the staff recommendation to uphold the Board of Zoning Appeal's decision. He stated the applicant's willingness to discuss concerns at the time of project design review by the Design Commission.

Lisa Torry, Pasadena resident, expressed concerns with her home privacy in proximately to the adjacent property/proposed project, and the heavy traffic on Hudson Avenue.

Vice Mayor expressed concerns as to why the applicant, appellant, and staff were unable to come to an agreement on the expressed concerns, to prevent any party paying fees to speak at a City Council meeting.

Following discussion, it was moved by Councilmember Wilson, seconded by Councilmember Masuda, to close the public hearing. (Motion unanimously carried) (Absent: Councilmembers Gordo, Hampton)

Councilmember McAustin stated that the Finance Committee will review and discuss the analysis used to grant concessions; and expressed concerns in granting an increase of approximately 10,000 square feet of Floor Area Ratio (FAR), when in return the City will only receive three very-low income rental units. She spoke in favor of directing that the Design Commission consider as part of its review the privacy concerns of the adjacent property owners as it pertains to the project's placement of windows and balconies.

Councilmember Wilson echoed concerns with State Density Bonus regulations; and spoke in favor of amending the staff recommendation to include the Design Commission's review of the privacy issues stated by the appellant.

It was moved by Vice Mayor Kennedy, seconded by Councilmember McAustin, to approve the staff recommendation, amended to direct the Design Commission during its review to specifically consider the privacy concerns of the adjacent properties located at 742-748 Locust Street. (Motion unanimously carried) (Absent: Councilmembers Gordo, Hampton)

RECOMMENDATIONS FROM OFFICERS AND DEPARTMENTS

DESIGNATION OF VOTING DELEGATES AND ALTERNATES – LEAGUE OF CALIFORNIA CITIES ANNUAL CONFERENCE, SEPTEMBER 12-14, 2018 – LONG BEACH

Following a brief discussion, it was moved by Vice Mayor Kennedy, seconded by Councilmember Masuda, to designate Mayor Tornek as voting delegate, and Michele Beal Bagneris, City Attorney/City Prosecutor, as voting alternate for the League of California Cities Conference. (Motion unanimously carried) (Absent: Councilmembers Gordo, Hampton)

CONSIDERATION OF A CALL FOR REVIEW OF A DESIGN COMMISSION DECISION TO THE CITY COUNCIL REGARDING THE CONSOLIDATED DESIGN REVIEW FOR NEW CONSTRUCTION OF A 112,205-SQUARE-FOOT, 5-STORY MEDICAL OFFICE AND RETAIL BUILDING AT 550-556 EAST COLORADO BOULEVARD (Councilmember Wilson)

David Reyes, Director of Planning and Community Development, provided introductory comments, and Kevin Johnson, Senior Planner, provided a PowerPoint presentation on the item; and responded to questions.

Councilmember Wilson stated that the purpose of calling the item for review is to address the project's inconsistencies with planned development areas and specific plan requirements for streetscapes and alleyways. Specifically, the alleyway for the proposed project is the primary driveway for parking emergency vehicles, creating a design and citing issue.

The following individuals spoke in favor of a Call for Review to the City Council:

Marsha Rood, Downtown Pasadena Neighborhood Association (DPNA)
Chris Fedukowski, DPNA

Richard A. McDonald, representing the applicant, spoke in opposition to Call for Review to the City Council.

Director Reyes responded to questions and stated that he would work with the applicant to ensure a timely schedule for the City Council's public hearing. City Clerk Jomsky confirmed that the Appeals Fee submitted by the appellant will be returned.

It was moved by Councilmember Wilson, seconded by Vice Mayor Kennedy, to approve the request to Call for Review the Design Commission decision to the City Council regarding the consolidated design review for new construction at 550-556 East Colorado Boulevard. (Motion unanimously carried) (Absent: Councilmembers Gordo, Hampton)

ORDINANCES – ADOPTED

Adopt "AN ORDINANCE OF THE CITY OF PASADENA AMENDING THE OFFICIAL ZONING MAP ESTABLISHED BY TITLE 17 (ZONING CODE), CHAPTER 17.20, SECTION 17.20.020 OF THE PASADENA MUNICIPAL CODE TO CHANGE THE DESIGNATION FOR THE AREA GENERALLY LOCATED ON SOUTH SIDE OF E. FOOTHILL BLVD. EAST OF N. KINNELOA AVE. AND NORTH OF THE 210 FREEWAY THAT COMPRISES THE 3200 FOOTHILL BLVD PLANNED DEVELOPMENT, AND AMENDING APPENDIX A TO THE ZONING CODE TO CREATE PD 36 – 3200 E. FOOTHILL BLVD. PLANNED DEVELOPMENT" (Introduced by Councilmember McAustin) (Ordinance No. 7328)

The above ordinance was adopted by the following vote:
AYES: Councilmembers Madison, McAustin, Wilson, Vice Mayor Kennedy, Mayor Tornek
NOES: Councilmember Masuda,
ABSENT: Councilmembers Gordo, Hampton
ABSTAIN: None

Adopt "AN ORDINANCE OF THE CITY OF PASADENA AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF PASADENA ESTABLISHED BY SECTION 17.20.020 OF THE PASADENA MUNICIPAL CODE FOR THE PROPERTIES AT 870 AND 888 S. RAYMOND AVENUE AND 1111 S. ARROYO PARKWAY (ARTCENTER COLLEGE OF DESIGN)" (Introduced by Councilmember Madison) (Ordinance No. 7329)

The above ordinance was adopted by the following vote:

AYES: Councilmembers Madison, Masuda, McAustin, Wilson, Vice Mayor Kennedy, Mayor Tornek
NOES: None
ABSENT: Councilmembers Gordo, Hampton
ABSTAIN: None

ORDINANCE – FIRST READING

Conduct first reading of "AN UNCODIFIED ORDINANCE OF THE CITY OF PASADENA APPROVING A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF PASADENA AND ARTCENTER COLLEGE OF DESIGN RELATED TO THE MASTER PLAN FOR THE SOUTH CAMPUS (870, 888, 950, AND 988 S. RAYMOND AVENUE AND 1111 S. ARROYO PARKWAY) AND HILLSIDE CAMPUS (1700 LIDA STREET)" (Introduced by Councilmember Madison)

The Mayor reported that staff distributed a memo summarizing the amendments to the ordinance fact sheet.

Councilmember Madison expressed concerns with the language contained in the proposed Development Agreement (DA) stating that if the City Council takes no further action on whether to adopt a policy pertaining to a public benefit fee paid by non-profit agencies, the default position of the DA would require that the ArtCenter College of Design would continue to pay the fee.

Following discussion, it was proposed that the DA be amended as follows: Page 15, Section 5.1.2.6 Public Benefit Payment, include the following change (underlined language), "should the City Council fail to adopt a policy..."

Theresa Fuentes, Assistant City Attorney, noted that any changes to the DA would require that the ordinance undergo another first reading to formalize the changes, which would delay second reading and adoption to the August 20, 2018 City Council meeting.

Rollin Homer, ArtCenter College of Design/applicant, stating ArtCenter's agreement in amending the DA as proposed, with the understanding that this would delay adoption to the August 20, 2018 City Council meeting.

Following discussion, the above ordinance was amended as follows: Section 5.1.2.6 Public Benefit Payment, 2nd paragraph, 3rd sentence, to add the words "fail to adopt", such that the sentence now reads "Should the City Council fail to adopt a policy..." and offered for first reading by Councilmember Madison:

AYES: Councilmembers Madison, Masuda, McAustin,
Wilson, Vice Mayor Kennedy, Mayor Tornek
NOES: None
ABSENT: Councilmembers Gordo, Hampton
ABSTAIN: None

INFORMATION ITEM

PREDEVELOPMENT PLAN REVIEW OF A 90-UNIT RESIDENTIAL CARE FACILITY AT 995 SOUTH FAIR OAKS AVENUE (ARLINGTON REGENCY PARK SENIOR LIVING)

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

David Reyes, Director of Planning and Community Development, provided introductory comments, and Jennifer Driver, Associate Planner, presented a PowerPoint presentation on the item; and responded to questions.

Councilmember Wilson noted that the proposed project's height and density are reasonable and appropriate for the site; and asked staff to provide design review information in order for predevelopment plan review process to be effective.

Richard A. McDonald, representing the applicant, spoke on the type of variance the applicant is requesting; and the entrance of the proposed project.

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

COUNCIL COMMENTS

The Vice Mayor expressed condolences on the passing of Ronald Lewis, long time Pasadena resident, who served on several City Committees and Commissions.

On order of the Mayor, the regular meeting recessed at 11:24 p.m. to discuss the below closed session item (Absent Councilmembers Gordo, Hampton):

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

Property Location: 268 Waverly Dr., Pasadena, CA

Agency Negotiator: Steve Mermell

Negotiating Party: Andrew P. Nierenberg

Under Negotiation: Price and terms of payment

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

ADJOURNMENT

On order of the Mayor, the regular meeting of the City Council adjourned at 11:45 p.m.

Terry Tornek, Mayor
City of Pasadena

ATTEST:

City Clerk