

**MINUTES OF THE REGULAR MEETING OF THE  
CITY COUNCIL/REDEVELOPMENT SUCCESSOR AGENCY  
OF THE CITY OF SOUTH PASADENA  
CONVENED THIS 18<sup>TH</sup> DAY OF APRIL, 2012 7:20 P.M.  
AMEDEE O. "DICK" RICHARDS, JR., COUNCIL CHAMBERS  
1424 MISSION STREET**

**ROLL CALL, INVOCATION,  
PLEDGE OF ALLEGIANCE**

Mayor Cacciotti convened the open session of the regular meeting of the South Pasadena City Council/Redevelopment Successor Agency (Agency) at 7:20 p.m. City Clerk/Agency Secretary Kilby called the roll. City Councilmembers/Agency Members present: Joe, Khubesrian, and Schneider; Mayor Pro Tem/Agency Vice Chair Putnam; and Mayor/Agency Chair Cacciotti. Absent: none. Other officials present: Interim City Manager/Interim Agency Executive Director Gonzalez; City Attorney/Agency Counsel Adams; Police Chief Payne; Fire Chief Wallace; Finance Director Thai; City Librarian Fjeldsted; Public Works Director Toor; Planning and Building Director Watkins; Transportation Manager Woods; Assistant Finance Director Batt; Senior Planner Mayer; Associate Planner Garnett; and City Clerk Kilby.

Councilmember Khubesrian offered the invocation. She invited all to a memorial ceremony to remember the Armenian Genocide 1915-1918. She urged all to increase awareness of bullying in any form. She led the Pledge of Allegiance.

**CLOSED SESSION  
ANNOUNCEMENTS**

City Attorney Adams said that Mayor Cacciotti convened the regular meeting of the South Pasadena City Council/Redevelopment Successor Agency (Agency) shortly after 6:00 p.m. He said there were a couple of members of the public who came forward to give public comment on an item on the Closed Session agenda. Subsequent to those comments, he said that Mayor Cacciotti recessed the meeting into Closed Session to discuss items on the Closed Session agenda. All Councilmembers were present, he said. The first item on the agenda was labor negotiations, he said, allowed into Closed Session pursuant to Government Code Section 54957.6, with all bargaining units in the City, with the exception of the Battalion Chiefs. This item was not discussed as there was no report at this time, he said. The next item

was public employee appointment, he said, which is allowed into Closed Session pursuant to Government Code Section 54957(b)(1), position: City Manager. The City Council met on labor negotiations pursuant to Government Code Section 54957.6, with himself as City Negotiator, regarding an unrepresented employee: prospective City Manager. With both of these items, he reported that the City Council has reached a tentative agreement with Sergio Gonzalez to be the next City Manager of the City of South Pasadena. He said this item should be completed and will be coming back in open session on May 2, 2012, for approval of the contract. In regard to anticipated litigation, which is allowed into Closed Session pursuant to Government Code Section 54956.9(b), he said there was a threat of litigation made in public at the last City Council meeting. He said he provided the City Council with the background on the matter and there was nothing further discussed and no direction given.

**PRESENTATION OF A CERTIFICATE OF APPRECIATION TO COMMUNITY REDEVELOPMENT COMMISSION MEMBERS STUART MORKUN, ANITA MARIE ARTUKOVICH, DOROTHY M. COHEN, PAUL NORLEN, REYNALDO N. RAMIREZ, AND CHAIR JOSEPH "ODOM" STAMPS**

Mayor Cacciotti presented Certificates of Appreciation to Community Redevelopment Commission (CRC) members Dorothy M. Cohen, Paul Norlen, Reynaldo N. Ramirez, and Chair Joseph "Odom" Stamps, who made remarks. Mayor Cacciotti said that Commissioners Stuart Morkun and Anita Marie Artukovich could not attend and would be mailed their certificates. Mayor Cacciotti acknowledged the major contributions made by the CRC on the downtown revitalization project.

**MERCHANT MINUTE:  
TAMARA TOLKIN, ZINNIA**

Mayor Cacciotti introduced Tamara Tolkin, Zinnia, who described her business at 1024 Mission Street.

**COUNCILMEMBERS'  
COMMENTS**

Mayor Pro Tem Putnam reported on an article about Leonard Mlodinow, a South Pasadena author, physicist, and Caltech lecturer. He announced that nominations are open for "Women in Business" awards and provided the form to the City Clerk for any interested parties. He reported on a study of bottled water and urged the City to use tap water instead. He said that many emails about topics on the agenda were received shortly before Council time. He requested that an item be added to a future agenda to consider preparing an automatic email response to

those who submit comments on just prior to a meeting—from the Monday prior to the Wednesday meeting. The message will state that the Council may not be able to review the materials prior to the meeting. This was seconded by Mayor Cacciotti.

Mayor Pro Tem Putnam reported that he met with residents of the SW Monterey Hills. He said that the City Council appointed a subcommittee in 2006, which he said met and developed construction guidelines. He said that construction has now picked up in the area. Some guidelines were implemented and some were left hanging, he said. He recommended that an item be added to a future agenda to consider reconstituting the SW Monterey Hills Committee to pick up where it left off, which was with the City Council adopting the recommended implementations. He said the committee should follow up on which suggestions have been implemented and which ones haven't, why they haven't, and what can be done to implement them. This was seconded by Mayor Cacciotti.

Mayor Pro Tem Putnam noted that when the Gold Line opened, residents living along its path complained about the noise and problems at the intersections. After lengthy litigation, he said, the City reached a settlement, which included mitigation measures that the Gold Line [Blue Line] Authority was supposed to implement, including testing of sound walls. He asked whether the City ever received a report on all the measures. He requested that an item be added to a future City Council meeting to discuss obtaining a status report of those measures and making sure that "we haven't dropped the ball" with regard to residents who live along the Gold Line. This was seconded by Mayor Cacciotti.

Mayor Pro Tem Putnam said the City Council appointed former Councilmember David Sifuentes and himself as an Ad Hoc Committee to look at the Fire Department and consider cost-saving measures. He said Odom Stamps was invited to participate but that this had not been formally approved. He requested that an item be added to the next agenda to approve the addition of former Mayor Odom Stamps to the Ad Hoc Committee on the Fire Department,

seconded by Councilmember Khubesrian.

Councilmember Schneider announced an upcoming event on the topic of "Route 66" and displayed a flyer on the overhead projector. He requested that the City Council formally ask the Freeway and Transportation Commission to look into the Fair Oaks project—to do a forensic study—so that the commission would have this within its purview. This was seconded by Mayor Cacciotti.

Councilmember Schneider complimented all involved in the Pasadena Avenue street project. He said the job was very well done.

Councilmember Khubesrian announced two local awardees of Congressman Adam Schiff's "Women of the Year" award: Kay Moradian and Gretchen Robinette. She described their backgrounds. She reported on the Senior Citizen Commission.

Councilmember Joe reported on the annual Spring Egg-Stravaganza event sponsored by the Community Services Department, accompanied by overhead photographs.

Councilmember Joe requested that a Certificate of Recognition be presented to the South Pasadena Unified School District for Monterey Hills Elementary School having earned a California Distinguished School designation, seconded by Councilmember Schneider.

Mayor Cacciotti announced that April is Autism Awareness Month. He said blue lighting has been installed in the City Hall patio to raise awareness of autism. He introduced John Lesak, a City commissioner, who made a presentation and distributed blue autism-themed T-shirts to the City Council, which he said were donated by Ellen's Silkscreening. He announced an upcoming event at the Rose Bowl.

Mayor Cacciotti announced an upcoming joint meeting of the South Pasadena Unified School District Board of Education and the City Council on Tuesday, April 24, 2012, at the School District.

Mayor Cacciotti introduced former Mayor Mike Ten, who described efforts of two Arroyo Vista Elementary School students to clean up Garfield Park on April 15, 2012. He introduced the boys, Ryan and Justin Smith, and displayed photographs of their project on the overhead projector. Mayor Cacciotti presented them with Certificates of Recognition. The boys made remarks.

Mayor Cacciotti asked staff to prepare a list of all City leases and contracts, e.g., janitorial, trash, along with their duration, expiration, and other important information, and provide them to the City Council, seconded by Councilmember Schneider.

Mayor Cacciotti requested that staff explore the possibility of removing all medians along Fair Oaks Avenue and Huntington Drive in order to partially or totally replace existing vegetation with drought-tolerant plants. He asked that this subject be placed on a future agenda, seconded by Councilmember Khubesrian.

#### **CITY MANAGER COMMUNICATIONS**

Interim City Manager Gonzalez noted that in regard to Item #9, warrants, the printed warrant run in the agenda packet does not contain account numbers. However, he said, the corrected warrant run was distributed to the City Council and will be included in the official record of the meeting.

#### **REORDERING OF AND ADDITIONS TO THE AGENDA**

Interim City Manager Gonzalez said staff is requesting to add an item on an emergency basis to the agenda due to an April 26, 2012 deadline, for a grant application related to the bicycle master plan. City Attorney Adams said that the City Council can add an item to the agenda with a two-thirds vote if a finding can be made that immediate action is required and that it came to the attention of the City after the posting of the agenda. He said the deadline occurs before the City Council's next regularly scheduled meeting, and that the issue came to the City's attention this week—after the agenda's posting.

By roll call vote (5 ayes), the City Council approved adding an item to the agenda on an emergency basis to consider adopting a resolution approving the application for a Bicycle Transportation Account

(BTA) grant, given that the two findings had been made for adding an item to the agenda on an emergency basis.

(Schneider, Joe)

Interim City Manager Gonzalez said that several residents who are interested in Item #23, Rule 20A Underground Utility District, cannot attend tonight. They requested that it be postponed. Mayor Cacciotti said that without opposition, this item is postponed.

**PUBLIC HEARING  
APPEAL OF THE  
PLANNING COMMISSION'S  
DECISION TO DENY A  
PLANNED DEVELOPMENT  
PERMIT FOR 1933-1941  
MILL ROAD AND  
REQUEST TO CONTINUE  
THE HEARING**

Mayor Cacciotti said that on Item #20, there is a request to postpone this public hearing on an appeal of a Planning Commission's denial of a project at 1933-1941 Mill Road. He requested that this be taken before any other items. City Attorney Adams said that since the hearing was noticed for 7:00 p.m., it can be taken up at any time. No objections were voiced.

Mayor Cacciotti said that he measured the distance from his residence to 1933-1941 Mill Road and found that his home is within 500 feet of the property being discussed. On the advice of City Attorney Adams, he recused himself due to a presumed conflict of interest and left the dais.

Mayor Pro Tem Putnam assumed chairmanship of the meeting at that point. He said that regarding this item, an appeal of the Planning Commission's decision to deny a Planned Development Permit for 1933-1941 Mill Road, the staff recommendation is to continue the public hearing to a date certain and to direct staff to form a working group to meet with the applicants to consider possible changes to the project and then to report back to the City Council.

Associate Planner Garnett presented the staff report. He provided an overview of the project. He and City Attorney Adams responded to questions.

Mayor Pro Tem Putnam requested that the City Council open the public hearing to take testimony only on the issue of a continuance and/or the potential of a working group, not the merits or demerits of the project. No opposition was voiced.

Mayor Pro Tem Putnam opened the public hearing. He invited the applicant to speak.

Allan Lowy, who stated he was the attorney for the property owners, said he would like to have a working group to review some of the issues pertaining to the project. He supported staff recommendations.

Mayor Pro Tem Putnam invited those opposed to a continuance/working group to speak.

Cynthia Vargas, 720 Garfield Avenue, expressed opposition to the continuance, stating that this project in various forms has been going on for years. She said the neighbors want finality. Also opposed were Walter Cervantes, 1921 Mill Road, who said this project originated in 2006; Rick Swanson, 1931 Mill Road, who asked why this applicant is being given special consideration; and George Chavez, 1925 Mill Road, who said the Planning Commission has denied this twice.

Mayor Pro Tem Putnam invited the applicant to present a one-minute rebuttal. Mr. Lowy declined.

Discussion on the issue followed. Planner Garnett and City Attorney Adams responded to questions.

Mayor Pro Tem Putnam asked Mr. Lowy how soon he could return to the City Council. Mr. Lowy said he could be ready by the June 6, 2012, meeting.

Mayor Pro Tem Putnam asked if anyone on the City Council wanted to make a motion to establish a working group. Questions followed, responded to by Interim City Manager Gonzalez and City Attorney Adams. Community input can take place without a motion for a working group, City Attorney Adams said. No motion was made.

By roll call vote (4 ayes; 1 recused, conflict of interest, Mayor Cacciotti), the City Council left the public hearing open and continued the public hearing on the appeal of the Planning Commission's decision to deny a Planned Development Permit for 1933-1941 Mill Road to the City Council meeting of June 6,

2012.

(Putnam, Schneider)

Mayor Cacciotti returned to the dais and resumed control of the meeting.

Interim City Manager Gonzalez acknowledged the contributions of Associate Planner Paul Garnett, who is leaving the City after six years of employment.

**MAYOR'S APPOINTMENTS**  
**Ellen Daigle**  
**Mary Urquhart**

By consensus, without opposition, the City Council approved the Mayor's appointment of Ellen Daigle to the Public Safety Commission for an unfulfilled term until 12/31/2014; and Mary Urquhart to the Public Safety Commission for an unfulfilled term until 12/31/12.

(Khubesrian, Schneider)

**APPROVAL OF THE**  
**MINUTES OF THE**  
**REGULAR MEETING OF**  
**MARCH 21, 2012, AND THE**  
**SPECIAL MEETING OF**  
**MARCH 29, 2012**

By roll call vote (5 ayes), the City Council approved the minutes of the regular meeting of March 21, 2012, and the Special Meeting of March 29, 2012.

(Putnam, Khubesrian)

**APPROVAL OF PREPAID**  
**WARRANTS IN THE**  
**AMOUNT OF \$2,020,048.37,**  
**GENERAL CITY**  
**WARRANTS IN THE**  
**AMOUNT OF \$457,858.70**  
**AND PAYROLL IN THE**  
**AMOUNT OF \$828,278.60**

By roll call vote (5 ayes), the City Council approved Prepaid Warrants #172396-172602 in the amount of \$2,020,048.37, General City Warrants #172603-172808 in the amount of \$457,858.70, and payroll 03-30-12 and 04-18-12 in the amount of \$828,278.60 for a total of \$3,306,185.67. The City Council approved Redevelopment Successor Agency warrants for \$160,855.91 (included in above total).

(Putnam, Khubesrian)

**SECOND READING AND**  
**ADOPTION OF ORDI-**  
**NANCE NO. 2233 AMEND-**  
**ING THE ZONING MAP OF**  
**SOUTH PASADENA FROM**  
**RESIDENTIAL SINGLE**  
**FAMILY (RS) TO OPEN**  
**SPACE (OS) AND VICE**  
**VERSA FOR PROPERTY**

By roll call vote (5 ayes), the City Council read by title only for second reading, waiving further reading, and adopted Ordinance No. 2233, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SOUTH PASADENA, CALIFORNIA, AMENDING THE ZONING MAP OF SOUTH PASADENA FROM RESIDENTIAL SINGLE FAMILY (RS) TO OPEN SPACE (OS) AND VICE VERSA FOR PROPERTY LOCATED AT 805 STRATFORD

**LOCATED AT 805  
STRATFORD AVENUE AND  
GARFIELD PARK**

AVENUE AND GARFIELD PARK.

(Putnam, Khubesrian)

**FIRST READING AND  
INTRODUCTION OF AN  
ORDINANCE REPEALING  
ARTICLE IVI OF CHAPTER  
2 OF THE SOUTH  
PASADENA MUNICIPAL  
CODE AND ELIMINATING  
THE COMMUNITY  
REDEVELOPMENT  
COMMISSION**

By roll call vote (5 ayes), the City Council read by title only for first reading, waiving further reading, and introduced AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SOUTH PASADENA, CALIFORNIA, REPEALING ARTICLE IVI (COMMUNITY REDEVELOPMENT COMMISSION) OF CHAPTER 2 (ADMINISTRATION) IN ITS ENTIRETY AND ELIMINATING THE COMMUNITY REDEVELOPMENT COMMISSION.

(Putnam, Khubesrian)

**APPROVAL OF CITY  
COUNCIL SUBCOMMITTEE  
CONSISTING OF  
COUNCILMEMBERS  
ROBERT S. JOE AND  
RICHARD D. SCHNEIDER,  
M.D., TO WORK ON ISSUES  
RELATED TO THE RIALTO  
THEATRE**

By roll call vote (5 ayes), the City Council established a City Council subcommittee consisting of Councilmembers Robert S. Joe and Richard D. Schneider, M.D., to work on issues related to the Rialto Theatre.

(Putnam, Khubesrian)

**RESOLUTION NO. 7219  
AUTHORIZING FILING AN  
APPLICATION FOR THE  
2012 COMPETITIVE TREE  
PLANTING GRANT  
PROGRAM FOR  
WINDSTORM RELATED  
LOSSES**

By roll call vote (5 ayes), the City Council adopted Resolution No. 7219, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOUTH PASADENA, CALIFORNIA, APPROVING THE APPLICATION FOR TREE PLANTING GRANT FUNDS FROM THE LOS ANGELES COUNTY REGIONAL PARK AND OPEN SPACE DISTRICT FOR FIFTH SUPERVISORIAL DISTRICT EXCESS FUNDING FOR SOUTH PASADENA WINDSTORM TREE REPLACEMENT PROJECT.

(Putnam, Khubesrian)

**ACCEPTANCE OF CLEAN  
TRANSPORTATION  
FUNDING FROM THE  
MOBILE SOURCE AIR  
POLLUTION REDUCTION  
REVIEW COMMITTEE  
(MSRC) LOCAL  
GOVERNMENT MATCH**

By roll call vote (5 ayes), the City Council accepted funding in the amount of \$30,000 from the Mobile Source Air Pollution Reduction Review Committee (MSRC) Local Government Match Program for the purchase of one heavy-duty compressed natural gas (CNG) vehicle for the Public Works Department; and approved Resolution No. 7220, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOUTH

**PROGRAM IN THE  
AMOUNT OF \$30,000 TO  
PURCHASE HEAVY DUTY  
CNG VEHICLE**

**RESOLUTION NO. 7220**

**REQUEST BY MAYOR  
CACCIOTTI TO DESIGNATE  
DISCRETIONARY  
FUND ALLOCATIONS  
TOWARDS THE 2012  
CLEAN AIR CAR SHOW  
AND THE GREENEST  
FASTEST MILE, AND CON-  
SIDER ALLOCATING DIS-  
CRETIONARY FUNDS FOR  
NEW COUNCILMEMBERS  
FOR FISCAL YEAR 2011-12  
ENDING ON JUNE 30, 2012**

**ADOPTION OF  
RESOLUTION NO. 7221  
INITIATING THE  
PROCEEDINGS AND  
ORDERING THE  
PREPARATION OF THE  
ENGINEER'S REPORT FOR  
THE FY 2012-13 LIGHTING  
AND LANDSCAPING  
MAINTENANCE DISTRICT**

**AUTHORIZE A LETTER OF  
SUPPORT FOR ASSEMBLY  
BILL 1600 RELATING TO  
THE GOLD LINE  
FOOTHILL EXTENSION  
CONSTRUCTION  
AUTHORITY**

**APPROVAL OF  
RESOLUTION NO. 7222-SA  
OF THE SOUTH PASADENA  
CITY COUNCIL, AS THE**

PASADENA, CALIFORNIA, TO ACCEPT THE MOBILE SOURCE AIR POLLUTION REDUCTION REVIEW COMMITTEE LOCAL GOVERNMENT MATCH PROGRAM GRANT AND AUTHORIZE THE CITY MANAGER SIGNATORY.

(Putnam, Khubesrian)

By roll call vote (5 ayes), the City Council approved a request by Mayor Cacciotti to designate \$2,500 of discretionary fund allocations towards the 2012 Clean-Air Car Show and \$500 towards the Greenest Fastest Mile event on July 4, 2012. The City Council allocated \$2,000 in discretionary funds for new Councilmembers Joe and Khubesrian for the balance of the fiscal year 2011-12 ending on June 30, 2012.

(Putnam, Khubesrian)

By roll call vote (5 ayes), the City Council adopted Resolution No. 7221, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOUTH PASADENA, CALIFORNIA, INITIATING PROCEEDINGS FOR THE 2012-2013 LEVY AND COLLECTION OF ASSESSMENTS FOR CERTAIN MAINTENANCE IN AN EXISTING DISTRICT AND ORDERING THE PREPARATION OF A REPORT PURSUANT TO THE PROVISIONS OF DIVISION 15, PART 2, OF THE STREETS AND HIGHWAYS CODE OF THE STATE OF CALIFORNIA.

(Putnam, Khubesrian)

By roll call vote (5 ayes), the City Council authorized the Mayor to sign and submit the proposed letter of support for Assembly Bill 1600 relating to the duties of the Gold Line Foothill Extension Construction Authority.

(Putnam, Khubesrian)

By roll call vote (5 ayes), the City Council adopted Resolution No. 7222-SA, A RESOLUTION OF THE CITY OF SOUTH PASADENA AS SUCCESSOR AGENCY TO THE SOUTH PASADENA COM-

**SUCCESSOR AGENCY TO THE SOUTH PASADENA COMMUNITY REDEVELOPMENT AGENCY, ADOPTING THE ENFORCEABLE OBLIGATION PAYMENT SCHEDULE AND INITIAL RECOGNIZED OBLIGATION PAYMENT SCHEDULE**

MUNITY REDEVELOPMENT AGENCY ADOPTING THE ENFORCEABLE OBLIGATIONS PAYMENT SCHEDULE (EOPS) AND INITIAL RECOGNIZED OBLIGATIONS PAYMENT SCHEDULE (IROPS) AS REQUIRED BY HEALTH AND SAFETY CODE SECTION 34177.

(Putnam, Khubesrian)

**MONTHLY INVESTMENT REPORTS FOR FEBRUARY 2012**

By roll call vote (5 ayes), the City Council and the City Council as the Successor Agency to the Community Redevelopment Agency approved to receive and file the monthly investment reports for February 2012.

(Putnam, Khubesrian)

**ADOPTION OF RESOLUTION NO. 7218 AUTHORIZING THE CITY TO APPLY FOR BICYCLE TRANSPORTATION ACCOUNT (BTA) GRANTS AND COMMIT TO CONTRIBUTE A LOCAL MATCH OF 10% FOR BICYCLE TRANSPORTATION ACCOUNT GRANTS IF THE CITY IS AWARDED A BTA GRANT**

Mayor Pro Tem Putnam asked whether the City had planned to apply for Bicycle Transportation Account (BTA) funds. He expressed concern about the percentage that the City would have to match if the grant was awarded. Transportation Manager Woods said that the City does not have the funds for items in the Bicycle Master Plan that could be funded by these grant funds. He said that the Freeway and Transportation Commission recommended approval. He and Interim City Manager Gonzalez responded to questions. Discussion continued on bike racks and the City's plan to achieve the required match with professional time.

By roll call vote (5 ayes), the City Council adopted Resolution No. 7218, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOUTH PASADENA, CALIFORNIA, AUTHORIZING THE CITY TO APPLY FOR BICYCLE TRANSPORTATION ACCOUNT (BTA) GRANTS AND TO COMMIT TO CONTRIBUTE A LOCAL MATCH OF 10% FOR BTA GRANTS IF THE CITY IS AWARDED A BTA GRANT.

(Khubesrian, Schneider)

**PUBLIC COMMENT  
Ostrich Farms live/work**

Bahar Bakhtar, 1010 Sycamore Avenue, #106, said she owns a live/work unit at the Ostrich Farms Lofts.

**requirements**

She said she is a full-time employee of the State of California and had no intention of operating a business when she purchased the unit. She said she has been paying fines to the City for not having a business license. She requested that this issue be evaluated.

Mayor Cacciotti asked Interim City Manager Gonzalez to investigate and report back at a future City Council meeting, seconded by Councilmember Joe.

**Proposition 29**

Evelyn Zneimer, 1449 Indiana Avenue, volunteer legislative ambassador and advocate, American Cancer Society, spoke in favor of a ballot measure, Proposition 29, the California Cancer Research Act, on the June 5, 2012, ballot. She said this proposed measure raises the State's tobacco tax by \$1 per pack.

**Nature Park**

Barbara Eisenstein, 1852 Monterey Road, spoke about the work of numerous volunteers at the Nature Park, including Girl Scouts, college students, and others. She said in January 2012, some 300 plants were planted, funded in part through discretionary funds from Councilmember Schneider.

**PUBLIC HEARING TO  
CONSIDER ADOPTION OF  
A MITIGATED NEGATIVE  
DECLARATION IN  
CONNECTION WITH A  
LEASE AGREEMENT WITH  
DONOVAN BROS. GOLF  
LLC REGARDING THE  
ARROYO SECO GOLF  
COURSE**

Community Services Director Pautsch presented the staff report on consideration of adoption of a Mitigated Negative Declaration in connection with a lease agreement with Donovan Bros. Golf LLC regarding the Arroyo Seco Golf Course. She, Planning and Building Director Watkins, Interim City Manager Gonzalez, and Senior Planner Mayer responded to questions.

Mayor Cacciotti opened the public hearing.

Evelyn Zneimer, 1449 Indiana Avenue, acknowledged efforts of staff in this project. She supported the position of the Friends of the Nature Park in its opposition to extending the driving range. She requested permanently deleting any consideration of expanding the Golf Course driving range.

Beverly Biber, 1250 Oak Hill Avenue, supported staff's recommendation to delete the extension of the driving range.

Mayor Cacciotti invited the applicant, Mike

Donovan, to speak, who declined.

Mayor Cacciotti closed the public hearing. Discussion followed. Mayor Pro Tem Putnam requested to sever the motion to permit him to vote against one provision, seconded by Mayor Cacciotti. No objections were voiced.

By roll call vote (5 ayes), the City Council directed staff to modify the existing management agreement with Donovan Bros. Golf LLC to delete references about a proposed lease agreement; and directed staff to revise the Mitigated Negative Declaration (MND) to reflect that the City would implement the capital improvement program for the Golf Course instead of Donovan.

(Joe, Schneider)

By roll call vote (4 ayes; 1 no, Mayor Pro Tem Putnam), the City Council approved deleting from the Arroyo Seco Golf Course Lease Mitigated Negative Declaration the portion that refers to the option to expand the driving range.

(Joe, Schneider)

Interim City Manager Gonzalez confirmed that the finalized revised MND would be brought back to the City Council within a few months.

Councilmembers Joe and Schneider commended the Donovan Bros. operation at the Golf Course.

**CONSIDERATION OF  
SOUTH PASADENA  
FARMERS' MARKET  
REQUEST TO CONTINUE  
SUSPENSION OF THE  
BUSINESS LICENSE TAX  
AND BUSINESS  
IMPROVEMENT TAX  
PORTION OF THE  
BUSINESS LICENSE TAX  
FOR CERTAIN FARMERS'  
MARKET PARTICIPANTS  
FOR THE REMAINING  
DURATION OF FARMERS'  
MARKET OPERATOR**

Finance Director Thai presented the staff report on consideration of South Pasadena Farmers' Market request to continue suspension of the Business License Tax and Business Improvement Tax portion of the business license tax for certain Farmers' Market participants for the remaining duration of Farmers' Market Operator contract, and reduce right-of-way fee. He responded to questions.

Mayor Cacciotti called a brief recess at 9:43 p.m. due to technical difficulties with the audio transmission and resumed the meeting at 9:47 p.m. Another brief recess was called later.

Scott Feldmann, President, South Pasadena Chamber

**CONTRACT, AND REDUCE  
RIGHT-OF-WAY FEE**

of Commerce (Farmers' Market Operator), said the Chamber appreciates the support from the City to exempt farmers from the business license tax. He said that Farmers' Market manager Greta Dunlap is available to respond to questions. He said the Chamber has no position on continuing the exemption from the Business Improvement Tax portion of the business license tax for non-agricultural vendors. However, he said the Chamber requests a reduction in the 5% right-of-way fee to 3% from June 1, 2012, until the end of the contract with the City. He said the basis of this request is that the City required the Chamber to comply with new and different standards than were agreed to in the contract—resulting in a loss of \$14,000.

Mr. Feldmann responded to questions. Discussion followed. Councilmember Khubesrian requested severing the motions to vote on each of the three recommendations separately. No objections were voiced.

Interim City Manager Gonzalez contributed, stating that if the Chamber's request is approved, the City would not collect approximately \$10,000 over the course of the contract. He said unforeseen costs resulted from fire lane requirements or a change in operators. Prior to the Chamber taking over the Farmers' Market, he said the City assumed the cost of closing down the streets, with little or no revenue returned to the City. Discussion followed on fire lane regulations and giving the Chamber a credit to compensate for losses. Finance Director Thai and Chamber President Feldmann responded to questions.

By roll call vote (5 ayes), the City Council approved continuing the 100% exemption from the business license tax for Farmers' Market agricultural producers (farmers) for a period of one year.

(Putnam, Cacciotti)

By roll call vote (3 ayes; 2 noes, Councilmember Schneider and Mayor Pro Tem Putnam), the City Council discontinued the exemption from the Business Improvement Tax (BIT) portion of the business license tax for all 29 Farmers' Market non-agricultural vendors.

(Khubesrian, Cacciotti)

By roll call vote (5 ayes), the City Council approved reducing one portion of the right-of-way fee charged by the City to the Chamber of Commerce for operating the Farmers' Market. Regarding the fee of 2% of gross revenues collected by the City for capital improvements, the City Council confirmed that this fee, as stated in the City/Chamber of Commerce contract, would remain the same. In regard to the additional 5% of gross revenues that the Chamber is contracted to pay to the City as part of the right-of-way fee, the City Council approved decreasing that fee to 3% of gross revenues. On an amendment proposed by Councilmember Schneider and accepted by the maker and seconder of the motion, the City Council approved the reduction only for the time it takes for the Chamber of Commerce to recoup funds lost by the Chamber as a result of unanticipated City requirements/conditions, with this to be assessed annually. It was understood that once the losses were repaid, the fee would return to the original 5% of gross revenues.

(Khubesrian, Putnam)

**RULE 20A UNDERGROUND  
UTILITY DISTRICT AT  
GARFIELD PARK**

This item was postponed due to a request from residents (approved earlier in the meeting).

**APPROVAL OF AN  
AMENDMENT TO THE  
ARROYO SECO RACQUET  
CLUB LEASE WITH  
iTENNIS, INC. PROVIDING  
FURTHER INDEMNIFI-  
CATION FOR THE CITY  
AND CONSENT TO A  
SUBLEASE**

Community Services Director Pautsch presented the staff report on the approval of an amendment to the Arroyo Seco Racquet Club lease with iTennis, Inc., providing further indemnification for the City, and consenting to a sublease between iTennis and Fortanasce & Associates Sports Medicine Center and Physical Therapy. She responded to questions.

Discussion followed about the primary purpose of the facility, which Mayor Pro Tem Putnam stated should be recreational and not medical. Director Pautsch displayed the proposed physical therapy floor plan on the overhead projector and described how the facility would be used for this purpose. Michael Fortanasce of Fortanasce & Associates, responded to questions. Interim City Manager Gonzalez responded to questions. City Attorney Adams said that language

could be included in the agreement to stipulate that a substantial portion of the facility's activity will be dedicated to physical fitness and not physical therapy.

John Letts, no address stated, owner and operator, iTennis, Inc., said that physical therapy and sports training are integrated. Having physical therapy onsite will allow athletes to be treated at the club instead of having to travel to the Fortanasce facility in Arcadia.

Sam Ocefoce, representing the iTennis facility, made additional remarks about the issue. Mr. Letts made additional remarks. [Audio transmission lost for portion of discussion.]

By roll call vote (5 ayes), the City Council approved the proposed amendment to the Arroyo Seco Racquet Club lease with iTennis, Inc., providing further indemnification for the City, and consented in concept to a sublease between iTennis and Fortanasce & Associates Sports Medicine Center and Physical Therapy. It was understood that the sublease Section 1. BASIC LEASE PROVISIONS AND CERTAIN DEFINITIONS Item Q would be modified to require that a substantial portion of the subtenant activity would consist of physical fitness (as opposed to medical). The City Council directed that the modified document consenting to a sublease be added to the Consent Calendar of the next City Council meeting.

(Cacciotti, Joe)

**AN EVALUATION OF THE  
CITY'S RESPONSE TO AND  
RECOVERY FROM A LOCAL  
EMERGENCY CREATED BY  
A SEVERE WINDSTORM  
BEGINNING NOVEMBER 30,  
2011**

Due to the late hour, this item was postponed.

**ADJOURNMENT**

By consensus, the City Council meeting adjourned at 11:26 p.m.

  
Sally Kilby  
City Clerk

  
Michael A. Cacciotti  
Mayor