

**MINUTES OF THE REGULAR MEETING OF THE  
CITY COUNCIL AND COMMUNITY REDEVELOPMENT AGENCY  
OF THE CITY OF SOUTH PASADENA  
CONVENED THIS 2<sup>ND</sup> DAY OF NOVEMBER, 2011 7:33 P.M.  
AMEDEE O. "DICK" RICHARDS, JR., COUNCIL CHAMBERS  
1424 MISSION STREET**

**ROLL CALL**

Mayor Ten convened the open session of the regular meeting of the City Council and the Community Redevelopment Agency (CRA) at 7:33 p.m. City Clerk Kilby called the roll. City Councilmembers/CRA Members present: Putnam, Schneider, and Sifuentes; Mayor Pro Tem/CRA Vice Chair Cacciotti; and Mayor/CRA Chair Ten. Members absent: None. Other officials present: City Manager/CRA Executive Director Davidson; City Attorney/CRA Counsel Adams; Assistant City Manager Gonzalez; Police Chief Payne; Fire Chief Wallace; Finance Director Thai; City Librarian Fjeldsted; Community Services Director Pautsch; Public Works Director Toor; Deputy Public Works Director Furukawa; Planning and Building Department Director Watkins; Transportation Manager Woods; Executive Assistant Lee Ko; and City Clerk/CRA Secretary Kilby.

**INVOCATION/PLEDGE OF ALLEGIANCE**

Councilmember Putnam led the invocation and members of Brownie Troop 16221 from Marengo Elementary School led the Pledge of Allegiance.

**CLOSED SESSION ANNOUNCEMENTS**

City Attorney Adams reported that at approximately 6:30 p.m., Mayor Ten called to order the regular meeting of the South Pasadena City Council and the Community Redevelopment Agency. He said there was no one from the public wishing to comment on items on the Closed Session agenda, so the Mayor recessed the meeting into Closed Session. He said all members of the City Council were present for the items listed on the agenda. He said they met on anticipated litigation pursuant to Government Code Section 54956.9(b), California Regional Water Quality Control Board, with regard to water quality issues, specifically, sewer spills that have occurred over the past few years in the City. He said that he was directed by the City Council to report out the following: that this item has been going on since 2010, and that negotiations have been conducted since April 2011, with the City Council participating in a series of Closed

Sessions and giving direction concerning those negotiations. The Mayor made a presentation, he said, in the past, showing a news clip of coverage concerning the spills, and said that this has been an ongoing issue for the City. He said the City Council directed that a settlement reached with the Water Board, in the form of a Consent Judgment, be brought back in Open Session at the next meeting, November 16, 2011, for approval. There was a news report today regarding this matter, and contrary to that report, he said, the fine in the Consent Decree is \$225,000, which he said could be further reduced up to \$50,000 for the purchase of asset management software. The City intends to buy that software, he said, in order to increase its ability to deal with issues in the sewer system. In addition, he said, the Consent Judgment has adopted, and in part accelerated, the City's own sewer capital program that was being developed to deal with issues resulting from the aging infrastructure. All other deal points in the agreement will be covered in open session at the next meeting, he said. He said they met on a public employee appointment pursuant to Government Code Section 54957(b)(1), with regard to the position of City Manager. In Closed Session, he said, the City Council formally accepted the resignation of the current City Manager, John Davidson, effective November 4, 2011. Finally, he said, the City Council took up Item #5, labor negotiations, allowed into Closed Session pursuant to Government Code Section 54957.6. As the City negotiator for the City Manager's position, he said he provided the City Council with an update, and that the City Council took no action and gave no direction.

#### **ANNOUNCEMENTS OF EVENTS**

Outgoing City Manager Davidson, who began working for the City in March 2009, expressed appreciation to the City Council and management team for their support and efforts. Councilmembers expressed appreciation for Mr. Davidson's contributions. Councilmembers announced upcoming events. Mayor Pro Tem Cacciotti recognized Victoria Pellettieri, who just turned 102. Councilmember Sifuentes made remarks critical of a recent article written by Ron Rosen concerning himself and City Council candidate Art Salinas.

#### **ITEMS REMOVED FROM THE CONSENT CALENDAR**

Mayor Pro Tem Cacciotti requested that Item #5, COPS grant funds, be removed from the Consent Calendar for separate consideration. Mayor Ten said

a member of the public requested that Item #6, consulting services agreement, and #7, discretionary fund allocation request, be removed for separate consideration.

**APPROVAL OF THE  
MINUTES OF THE  
REGULAR MEETING OF  
OCTOBER 5, 2011**

By roll call vote (5 ayes), the City Council approved the minutes of the regular meeting of October 5, 2011.

(Cacciotti, Sifuentes)

**APPROVAL OF PREPAID  
WARRANTS IN THE  
AMOUNT OF \$451,392.49  
GENERAL CITY  
WARRANTS IN THE  
AMOUNT OF \$212,675.33  
AND PAYROLL IN THE  
AMOUNT OF \$429,499.53**

By roll call vote (5 ayes), the City Council approved Prepaid Warrants #170195-170244; General City Warrants #170245-170367; and payroll 10-28-11, a total of \$1,093,567.35. Seated as the Community Redevelopment Agency (CRA), they approved the CRA Warrants totaling \$6,590.68, which are included in the above total.

(Cacciotti, Sifuentes)

**APPROVAL OF THE  
EXPENDITURE OF COPS  
GRANT FUNDS FOR THE  
PURCHASE OF POLICE  
EQUIPMENT**

Mayor Pro Tem Cacciotti asked about alternative fuel vehicles that might have been available to purchase with the Community Oriented Policing Services (COPS) grant funds. Police Chief Payne responded, stating that an alternative fuel vehicle was not available for the selected vehicle, a Chevy Tahoe. He answered questions about a vehicle upgrade. Mayor Pro Tem Cacciotti reminded staff that prior to purchasing vehicles, staff must investigate the availability of alternative fuel vehicles in accord with the Low Emission Vehicle (LEV) policy. Every staff report proposing a vehicle purchase should contain a paragraph outlining the City's findings as to the availability of alternative fuel vehicles, he said.

By roll call vote (5 ayes), the City Council approved the expenditure of the Community Oriented Policing Services (COPS) grant funds for the purchase of police equipment. The City Council authorized the purchase of tactical vest covers and tactical vests in the amount of \$19,782.33 from Quartermaster; authorized the purchase of a Police Package 2012 Chevrolet Tahoe in the amount of \$32,811.54 from Wondries Fleet Group; authorized the purchase of a V-1 Mobile Data Computer in the amount of \$7,352.73 from L3 Communications; authorized the

purchase of a Digital UHF/VHF radio in the amount of \$5,023.86, from Motorola; authorized the outfitting of the 2012 Tahoe, and 2001 Ford F250, with police emergency and tactical operations equipment in the amount of \$53,407.73, from Commline Inc; and authorized the installation of Police Graphics in the amount of \$1,925 from Javier Paramo Graphics. Pursuant to South Pasadena Municipal Code 2.99-29, the City Council waived bidding requirements and authorized a sole-source purchase from Quartermaster, Wondries Fleet Group, L3 communications, Motorola, Commline Inc., and Javier Paramo. The City Council directed that a letter be sent to the committee in Washington, D.C., that is charged with determining which police vehicles will be used in the United States. The letter should convey the City's wishes that alternative fuel police vehicles be manufactured to reduce dependence on foreign oil and to help the City comply with AB 32.

(Cacciotti, Sifuentes)

**AUTHORIZATION TO  
RENEW ENVIRONMENTAL  
CONSULTING SERVICES  
AGREEMENT WITH JOHN  
L. HUNTER &  
ASSOCIATES, INC. FOR  
FISCAL YEAR 2011-12**

Diana Mahmud, 1602 Camden Parkway, opposed approving the renewal of an environmental consulting agreement with John L. Hunter & Associates, Inc., without obtaining competitive bids.

Councilmember Putnam and City Manager Davidson responded. Public Works Director Toor said that bids can be obtained and that this item can be returned to the City Council for approval in December. He stated that John Hunter & Associates is representing numerous municipalities in the area, which results in lower cost.

Mayor Pro Tem Cacciotti said that he has repeatedly raised the issue of the City's deteriorating water and sewer system.

By roll call vote (5 ayes), the City Council directed staff to obtain four to five informal bids for environmental consulting services for Fiscal Year 2011-12 and to return to the City Council for an award of bid.

(Schneider, Cacciotti)

**REQUEST BY  
COUNCILMEMBER  
SIFUENTES TO  
DESIGNATE \$2,000 OF  
DISCRETIONARY FUND  
ALLOCATIONS TOWARDS  
THE TEEN CENTER**

Diana Mahmud, 1602 Camden Parkway, objected to the expenditure of discretionary funds for a Councilmember who is leaving office in the middle of the fiscal year. In addition, since the extension of the City's utility tax is on the ballot November 8<sup>th</sup>, she recommended postponing this item until after the election since the City does not know whether the tax extension will be approved by the voters. She also urged discussion as to where \$1,000 of this requested designation comes from. Discussion followed

By roll call vote (5 ayes), the City Council approved a request by Councilmember Sifuentes to designate \$2,000 of his discretionary fund allocations towards the Teen Center.

(Sifuentes, Putnam)

**PUBLIC COMMENT  
Southern California Edison**

Ron Garcia, Region Manager, Public Affairs Department, Southern California Edison, presented a framed Resolution of Appreciation to the City of South Pasadena, accepted by Mayor Ten. He said Edison is celebrating its 25<sup>th</sup> anniversary.

***Pasadena Star News*  
advertisement for City**

Bob Cook, 5063 Collis Avenue, said that a full-page advertisement for the City appeared in the May 13, 2011, *Pasadena Star News*. He was told that the City paid nothing for this and that it was offered by the City of Industry. He said he has been asking for documentation about this advertisement but has been unable to obtain anything after five months. He asked why the City of Industry paid for the advertisement.

Mayor Pro Tem Cacciotti requested that staff follow up on this request and make a report by the next meeting, seconded by Councilmember Putnam.

**Sewage system issues**

Bill Kelly, 1852 Oxley Street, Member, Natural Resources and Environmental Commission, said residents need a full accounting about sewage spills. He said that almost half of the 18 sewage backups into homes in the City are due to grease from restaurants. He made related remarks. He said this is a public health hazard, and that residents should be notified when a sewer spill occurs.

Mayor Pro Tem Cacciotti directed staff to include

public health-related information as requested by speaker Kelly in the staff report on the sewer spills settlement scheduled for the meeting of November 16, 2011. City Manger Davidson agreed. Councilmember Putnam said a claim in a recent article about the sewer spills in the *Pasadena Star News* that staff may not have reported spills was unfounded; he requested that this be confirmed in the staff report.

**Sewer spills  
Public Works Citizens'  
Advisory Committee**

Gretchen Robinette, 921 Indiana Avenue, who said she is representing Women Involved in South Pasadena Political Action (WISPPA), concurred with Mr. Kelly regarding reporting sewer spills to the public. She said the City needs a permanent Public Works Citizens' Advisory Committee.

**Councilmember Sifuentes'  
opinion piece on former Police  
Chief Watson**

Ron Rosen, no address stated, commented on an opinion piece by Councilmember Sifuentes published in today's *South Pasadena Review* about former Police Chief Dan Watson. He contested statements made in the article. He expanded on his analysis of the non-renewal of former Police Chief Watson's contract and the hiring of current Police Chief Payne. Councilmember Sifuentes responded, stating that these comments are not productive for the City. He advised that Dan Watson should contact him directly about the issue. He said the City Manager saw the need for a change, and there was a change. He made related comments.

**Publication of employee wages  
and employee issues**

David Margrave, 928 Buena Vista Street, said he received a letter from an attorney representing the South Pasadena Firefighters' Association asking him to publish a retraction of the City employees' wages Mr. Margrave published in the *South Pasadena Review*. He distributed copies of the letter and his letter of reply to the City Council. He referred to a letter published by two police officers in the *South Pasadena Review* that was critical of him and read from the letter.

**ADOPTION OF  
RESOLUTION NO. 7186  
APPOINTING AN INTERIM  
CITY MANAGER AND  
ESTABLISHING A  
COMPENSATION RATE**

City Attorney Adams presented the staff report on the proposed resolution to appoint an Interim City Manager and establish a compensation rate. Councilmember Schneider noted that the City Council decided to delay a decision on a permanent City Manager until after the upcoming election.

By roll call vote (5 ayes), the City Council adopted Resolution No. 7186, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOUTH PASADENA, CALIFORNIA, APPOINTING SERGIO GONZALEZ TO SERVE AS INTERIM CITY MANAGER AND ESTABLISHING THE COMPENSATION RATE FOR THE INTERIM CITY MANAGER.

(Putnam, Cacciotti)

**CREATION OF AN AD HOC  
MONTEREY ROAD DESIGN  
ADVISORY COMMITTEE**

Deputy Public Works Director Furukawa presented the staff report on the City Council's direction to create an Ad Hoc Monterey Road Design Advisory Committee. He responded to questions. Councilmember Putnam said the size of the committee should be determined by its scope. Councilmember Schneider recommended putting out a call and taking all those who apply. Councilmember Sifuentes made remarks about avoiding the issues that developed with the recent reconstruction of Fair Oaks Avenue.

Gretchen Robinette, 921 Indiana Avenue; representing Women Involved in South Pasadena Political Action (WISPPA), expressed support for the proposed committee. She recommended establishing a permanent Public Works Citizens' Advisory Committee and distributed a written proposal containing details; she said that it had been emailed to the Council. She read the proposal.

Beverly Biber, 1250 Oak Hill Avenue, said the population impacted by design changes on Monterey Road will be much larger than the residents of the street if traffic patterns are altered. She concurred with speaker Robinette as to the need for diverse input and offered suggestions for membership.

Councilmember Putnam requested adding to a future agenda consideration of a deadline by which materials must be submitted to the City prior to a meeting in order for the City Councilmembers to have sufficient time to review them, seconded by Mayor Pro Tem Cacciotti.

Councilmember Putnam provided an overview of the City Council's plans for improving Monterey Road.

He suggested that the Freeway and Transportation Commission be involved in obtaining resident input. Discussion followed. Deputy Public Works Director Furukawa contributed.

By roll call vote (5 ayes), the City Council directed that an Ad Hoc Monterey Road Design Advisory Committee be established under the Freeway and Transportation Commission to conduct outreach and to elicit input from a variety of individuals as to how Monterey Road should be redesigned prior to the planned reconstruction of Monterey Road from Brent Avenue to the light rail tracks at Pasadena Avenue. The City Council directed that the Commission make recommendations as to how the committee should be organized and report back to the City Council.

(Putnam, Schneider)

**ADOPTION OF  
RESOLUTION NO. 7187  
REVISING THE PARKING  
REGULATIONS FOR THE  
MISSION-MERIDIAN  
PREFERENTIAL PARKING  
DISTRICT, REMOVING  
DAYTIME WEEKEND  
PARKING RESTRICTIONS  
ON MAGNOLIA STREET  
AND RESCINDING  
RESOLUTION NO. 7120**

Transportation Manager Woods presented the staff report on the proposed resolution revising the parking regulations for the Mission-Meridian Preferential Parking District, which will remove daytime weekend parking restrictions on Magnolia Street and rescind Resolution No. 7120.

Brandy Guenveur, 1142 Meridian Avenue, asked about parking regulations described in the staff report. Mayor Ten said that staff would clarify the regulations with her.

Harry Spilman, 1018 Magnolia Street, said the petitions he submitted some months ago only addressed eliminating the permit parking requirement on weekends. He said he made no other requests.

By roll call vote (5 ayes), the City Council adopted Resolution No. 7187, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOUTH PASADENA, CALIFORNIA, RESCINDING RESOLUTION NO. 7120 AND REVISING THE MISSION-MERIDIAN AND THE FARMERS' MARKET PREFERENTIAL PARKING DISTRICTS AND RESPECTIVE PARKING REGULATIONS, which will revise parking regulations for the Mission-Meridian Preferential Parking District to allow for administrative review of weekend parking restrictions and re-

move daytime weekend parking restrictions on a section of Magnolia Street.

(Putnam, Cacciotti)

**APPROVAL OF TENANT  
SELECTION GUIDELINES  
FOR RESIDENTIAL  
PROPERTY ON 308 SAN  
PASCUAL AVENUE  
OWNED BY THE  
COMMUNITY  
REDEVELOPMENT  
AGENCY**

Assistant City Manager Gonzalez presented the staff report on the proposed tenant selection guidelines for the residential property at 308 San Pascual Avenue owned by the Community Redevelopment Agency. He responded to questions. Discussion followed.

By roll call vote (5 ayes), the City Council seated as the Community Redevelopment Agency (CRA) approved the proposed Tenant Selection Guidelines for the CRA-owned residential property at 308 San Pascual Avenue.

(Schneider, Cacciotti)

**PROVIDE DIRECTION  
REGARDING A PROPOSED  
ORDINANCE THAT  
ALLOWS FOR  
ENFORCEMENT OF  
ILLEGAL SIGNS IN THE  
PUBLIC RIGHT-OF-WAY**

Community Improvement Coordinator Ramirez presented the staff report regarding a proposed ordinance allowing for enforcement of illegal signs in the public right-of-way. He and City Attorney Adams responded to questions. Mayor Ten displayed photographs of the signs under discussion on the overhead monitors. Discussion followed. City Attorney Adams provided legal guidance.

Ron Rosen, no address stated, questioned whether the proposed regulations would be constitutional.

Beverly Biber, 1250 Oak Hill Avenue, said she hoped that the ordinance would not be used to cite those posting yard sale or lost/found pet signs.

Discussion continued. City Attorney Adams provided further legal advice.

By roll call vote (5 ayes), the City Council directed staff to return to the City Council with a proposed draft ordinance for first reading to allow for enforcement of illegal signs in the public right-of-way, with a modification in the proposed draft ordinance to allow persons/entities being cited 48 hours instead of 24 hours to abate the nuisance (remove the signs).

(Putnam, Schneider)

**DIRECTION REGARDING  
MOBILE FOOD VENDING  
REGULATIONS**

Police Chief Payne presented the staff report regarding regulations on mobile food vending (food trucks). He and City Attorney Adams responded to questions.

Scott Feldmann, CEO, Chamber of Commerce, said the Chamber of Commerce is in favor of food trucks on a limited basis for special events. It is not in favor of food trucks on a daily basis, he said, as they cannibalize sales from existing restaurants. He advised protecting the Farmers' Market vendors. He recommended offering an event-related business license instead of an annual license. He responded to questions from City Councilmembers.

City Attorney Adams offered legal counsel, stating that the City cannot pass a policy dealing with business competition; the City can pass policies dealing only with public safety. He said the City is limited in its ability to regulate food trucks.

Chris Colburn, 1320 Monterey Road, said that although he is sympathetic to protecting local businesses, the City cannot penalize someone who capitalizes on the lower overhead of a vehicle over a brick-and-mortar establishment. He said his goal was to stop the City from issuing a license and then citing that licensed business for operating.

Discussion continued. Police Chief Payne, Finance Director Thai, City Attorney Adams, Assistant City Manager Gonzalez, and Chamber of Commerce CEO Feldmann responded to questions. Councilmember Putnam recommended amending the parking law so that if food trucks have a valid business license and meet the requirements of state law for food trucks, they will be permitted to park.

By roll call vote (5 ayes), the City Council directed staff to draft a proposed amendment to the South Pasadena Municipal Code Section 19.49 to address the public safety and traffic safety needs as they pertain to the public roadway parking and vending of/from mobile food vending vehicles, also known as food trucks, and that violations of this section be enforced as an infraction consistent with the South Pasadena Municipal Code parking enforcement

ordinances. The City Council directed staff to incorporate any applicable public safety measures that will ensure that the proposed Code changes are compliant with the law.

(Cacciotti, Sifuentes)

**EXPLANATION OF  
CAPITAL IMPROVEMENT  
PROJECT CONTRACT  
STRUCTURES AND  
BUDGETS, AND AN  
ACCOUNTING OF  
CAPITAL PROJECT  
SURPLUSES**

Deputy Public Works Director Furukawa presented the explanation of capital improvement project contract structures and budgets, and an accounting of capital project surpluses, accompanied by PowerPoint slides. He responded to questions.

By voice vote (5 ayes), the City Council approved to receive and file the report on the explanation of capital improvement project contract structures and budgets, and an accounting of capital project surpluses.

(Cacciotti, Putnam)

**RECEIVE AND FILE THE  
QUARTERLY FINANCIAL  
REPORT FOR THE  
ARROYO SECO GOLF  
COURSE**

Community Services Director Pautsch presented the quarterly financial report on the Arroyo Seco Golf Course. She responded to questions. Councilmember Putnam noted that Donovan Bros Golf, the new operator of the Golf Course, is doing a fine job running the facility at a much more professional level than the previous operator. Director Pautsch concurred. In terms of revenues, she said that with the former operator, the City received \$40,000 for three months as compared to \$98,000 for the same three months of this year. Councilmember Sifuentes said staff is extremely pleased with the new operators. Discussion took place about improvements being made and other issues. Mayor Pro Tem Cacciotti requested that the City Council receive a monthly financial report on the Golf Course; Director Pautsch agreed. Mayor Pro Tem Cacciotti commented on unapproved construction that took place at the adjacent racquet centre facility. Discussion took place about the discount program available for youth.

By voice vote (5 ayes), the City Council approved to receive and file the quarterly financial report on the Arroyo Seco Golf Course.

(Cacciotti, Sifuentes)

**PUBLIC COMMENTS**

There were no additional public comments.

**COUNCILMEMBERS'  
COMMENTS**

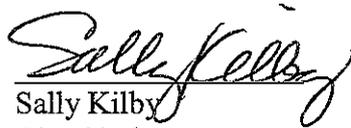
Councilmember Schneider thanked outgoing City Manager Davidson for his outstanding service. Councilmember Sifuentes thanked and wished candidates in the upcoming November 8, 2011, election the best of luck.

**CITY MANAGER  
COMMUNICATIONS**

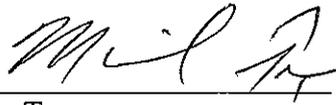
There were no additional City Manager communications.

**ADJOURNMENT**

By consensus, the City Council adjourned the meeting in honor of City Manager John Davidson at 10:58 p.m.



Sally Kilby  
City Clerk  
CRA Secretary



Mike Ten  
Mayor  
Chair, CRA