

**MINUTES OF THE REGULAR MEETING OF THE  
CITY COUNCIL AND COMMUNITY REDEVELOPMENT AGENCY  
OF THE CITY OF SOUTH PASADENA  
CONVENED THIS 5<sup>TH</sup> DAY OF OCTOBER, 2011 7:49 P.M.  
AMEDEE O. "DICK" RICHARDS, JR., COUNCIL CHAMBERS  
1424 MISSION STREET**

**ROLL CALL**

As directed by Mayor Ten, Ryan Nakakura, Vice Chair, Youth Commission, convened the open session of the regular meeting of the City Council and the Community Redevelopment Agency (CRA) at 7:49 p.m. He and the other Youth Commissioners (Alexandra Prime, Aydin Pasebani, and Kei Shao), introduced themselves. 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; Community Services Director Pautsch; City Librarian Fjeldsted; Acting Public Works Director Furukawa; Planning and Building Department Director Watkins; Transportation Manager Woods; Senior Planner Mayer; Human Resources Manager Cody; Community Services Supervisor Braun; and City Clerk/CRA Secretary Kilby. Mayor Ten described the activities of the City Youth Commission.

**INVOCATION/PLEDGE OF ALLEGIANCE**

Mayor Pro Tem Cacciotti offered the invocation and Youth Commission members led the Pledge of Allegiance.

**CLOSED SESSION ANNOUNCEMENTS**

City Attorney Adams reported that Mayor Pro Tem Cacciotti called to order the regular meeting of the South Pasadena City Council and the Community Redevelopment Agency at approximately 6:45 p.m. He said there was no one wishing to comment on items on the Closed Session agenda, so the Council recessed into Closed Session. Ultimately, all members of the Council were present, he said. He said they met on labor negotiations, allowed into Closed Session pursuant to Government Code Section 54957.6, conference with labor negotiators regarding labor negotiations with all of the bargaining units of

the City with the exception of the Battalion Chiefs' Association. City negotiators, he said, were City Manager John Davidson, Assistant City Manager Sergio Gonzalez, and Special Counsel Richard Kreisler. He said the City Council was given a report on the negotiations and gave direction with regard to some of the items. However, he said, the Council took no final action with regard to this matter. It is on the agenda for action later on, he said.

**PRESENTATION OF  
PROCLAMATION  
DECLARING OCTOBER 5,  
2011 AS "WALK OR BIKE  
TO SCHOOL DAY" IN THE  
CITY OF SOUTH  
PASADENA**

Mayor Ten presented a proclamation to members of the Youth Commission declaring October 5, 2011, as "Walk or Bike to School Day" in the City of South Pasadena. Youth Commission Vice Chair Nakakura made remarks.

**PRESENTATION OF CER-  
TIFICATE OF APPRECI-  
ATION TO CESAR RODES,  
LONGTIME AUDIO VISUAL  
AND BROADCASTING  
ENGINEER**

Mayor Ten said that the honoree, Cesar Rodes, is unable to attend tonight's meeting. This will be postponed until the following meeting, he said.

**ANNOUNCEMENTS OF  
EVENTS**

City Manager Davidson introduced Chris Glaeser, Chair, Festival of Balloons 4<sup>th</sup> of July Parade Committee, who made a presentation to Councilmember Sifuentes. The Councilmember's classic 1964 Honda motorcycle was awarded a 4<sup>th</sup> of July parade trophy.

Councilmembers made announcements about past and upcoming events.

Councilmember Sifuentes raised the issue of the bulbouts installed during the recent Fair Oaks Avenue reconstruction. He said that questions can be referred to two of the members who served on the Fair Oaks planning committee: Councilmember Schneider and Council Candidate Bob Joe. He requested that an item be added to a future agenda to consider removing the bulbouts.

Mayor Ten announced that Governor Brown signed AB 751, repealing the Martinez Bill, which had taken away the rights of South Pasadena and other cities to

deny a request to build a surface freeway. He expressed thanks to the Governor and to Assembly-member Gilbert Cedillo. Burbank, Glendale, Pasadena, and the Southern California Association of Governments supported the bill, he said.

**REORDERING OF AGENDA**

Councilmember Putnam made a motion to consider Item #19, employee MOUs, following the Consent Calendar, seconded by Mayor Pro Tem Cacciotti. No objections were voiced.

**ITEMS REMOVED FROM THE CONSENT CALENDAR**

Councilmember Putnam said he would be recusing himself from Item #11, Notice of Completion for a sewer spot repair project. Councilmember Schneider said he wanted to make comments on Item #7, award of contract, Hermosa Street Improvement Project. Mayor Pro Tem Cacciotti said he wanted to make comments on Item #13, Huntington Drive Flashing Crosswalk Project. A member of the public asked to remove Item #10, Memorandum of Understanding, Battalion Chiefs' Association.

**APPROVAL OF THE MINUTES OF THE REGULAR MEETING OF SEPTEMBER 7, 2011**

By roll call vote (5 ayes), the City Council and the City Council seated as the Community Redevelopment Agency (CRA) Board approved the minutes of the regular meeting of September 7, 2011.

(Cacciotti, Sifuentes)

**APPROVAL OF PREPAID WARRANTS IN THE AMOUNT OF \$1,356,365.63, GENERAL CITY WARRANTS IN THE AMOUNT OF \$819,149.49 AND PAYROLL IN THE AMOUNT OF \$846,358.80**

By roll call vote (5 ayes), the City Council approved Prepaid Warrants #169672-169797; General City Warrants #169798-170002; and payroll 09-16-11 and 09-30-11, a total of \$3,021,873.92. Seated as the Community Redevelopment Agency (CRA), they approved the CRA Warrants totaling \$67,107.16, which are included in the above total.

(Cacciotti, Sifuentes)

**AUTHORIZATION TO AMEND DESIGN SERVICES WITH KENNEDY/JENKS CONSULTANTS TO INCLUDE ARCHITECTURAL DESIGN AND CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

By roll call vote (5 ayes), the City Council authorized the City Manager to execute an amendment with Kennedy/Jenks Consultants for an additional not-to-exceed amount of \$86,777 to modify design services of the proposed Garfield Reservoir Replacement Project to include architectural and California Environmental Quality Act (CEQA) services.

**SERVICES FOR THE GARFIELD RESERVOIR REPLACEMENT PROJECT**

(Cacciotti, Sifuentes)

**AWARD OF CONTRACT TO RAFAEL 26 CONSTRUCTION, INC. IN THE AMOUNT OF \$16,320 FOR THE HUNTINGTON FREMONT PEDESTRIAN UNDERPASS CLOSURE PROJECT**

By roll call vote (5 ayes), the City Council accepted a bid dated August 23, 2011, from Rafael 26 Construction, Inc., for the construction of the Huntington Fremont Pedestrian Underpass Closure Project; rejected all other bids received; authorized a budget transfer of \$18,000 from account 101-9000-9356 to account 101-9000-9389 to fund the project; and authorized the City Manager to enter into a contract with Rafael 26 Construction, Inc., for a not-to-exceed amount of \$16,320 for construction services.

(Cacciotti, Sifuentes)

**ACCEPTANCE OF PROJECT COMPLETION AND AUTHORIZATION TO FILE A NOTICE OF COMPLETION FOR THE AMBERWOOD DRIVE, GRACE DRIVE, AND OAK LAWN AVENUE SEWER SPOT REPAIR PROJECT, AND AUTHORIZATION TO RELEASE RETENTION PAYMENT IN THE AMOUNT OF \$5,992 TO MIKE PRLICH AND SONS, INC.**

By roll call vote (4 ayes; 1 recused due to conflict of interest, Councilmember Putnam), the City Council accepted the project improvements and authorized the issuance of a Notice of Completion for the Amberwood Drive, Grace Drive, and Oak Lawn Avenue Sewer Spot Repair Project; and authorized payment of the retention to Mike Prlich and Sons, Inc. in the amount of \$5,992.

(Cacciotti, Sifuentes)

**ACCEPTANCE OF PROJECT COMPLETION AND AUTHORIZATION TO FILE A NOTICE OF COMPLETION FOR THE CITYWIDE INTRUDING SEWER LATERAL REPAIR PROJECT, AND AUTHORIZATION TO RELEASE RETENTION PAYMENT IN THE AMOUNT OF \$2,625 TO PERFORMANCE PIPELINE TECHNOLOGIES**

By roll call vote (5 ayes), the City Council accepted the project improvements and authorized the issuance of a Notice of Completion for the Citywide Intruding Sewer Lateral Repair Project; and authorized payment of the retention to Performance Pipeline Technologies in the amount of \$2,625.

(Cacciotti, Sifuentes)

**AUTHORIZATION TO  
RENEW AS-NEEDED  
CONSULTING TRAFFIC  
ENGINEERING SERVICES  
AGREEMENT WITH  
MINAGAR & ASSOCIATES,  
INC. FOR FISCAL YEAR  
2011/12**

By roll call vote (5 ayes), the City Council authorized the City Manager to renew a consultant services agreement with Minagar & Associates for a not-to-exceed amount of \$50,000 for as-needed consulting engineering services for FY 2011-12.

(Cacciotti, Sifuentes)

**AWARD OF CONTRACT TO  
AA EQUIPMENT IN THE  
AMOUNT OF \$45,810 FOR  
THE PURCHASE OF A 110  
COMPACT FOUR WHEEL  
DRIVE UTILITY TRACTOR  
LOADER BACKHOE**

By roll call vote (5 ayes), the City Council accepted a bid dated July 21, 2011, from AA Equipment for the purchase of a 110 Compact Four Wheel Drive Utility Tractor Loader Backhoe; rejected all other bids received; and authorized the City Manager to enter into a contract with AA Equipment for a not-to-exceed amount of \$45,810.

(Cacciotti, Sifuentes)

**REJECTION OF ALL BIDS  
FOR THE HUNTINGTON  
DRIVE FLASHING  
CROSSWALK PROJECT**

Mayor Pro Tem Cacciotti said he wanted to make sure that staff will consider alternative options and rebid the project at a later date. He said that on page 193 of the staff report, the traffic count on Huntington should say 36,000 vehicles/day, not 3,600. Councilmember Schneider agreed that this project should not be rebid without discussing it again.

By roll call vote (5 ayes), the City Council rejected all bids received for the Huntington Drive Flashing Crosswalk Project, with direction to consider comments made by Councilmember Schneider and Mayor Pro Tem Cacciotti to bring the item back to the City Council prior to going out for rebid.

(Cacciotti, Putnam)

**APPROVAL OF A  
RESOLUTION ADOPTING A  
MEMORANDUM OF  
UNDERSTANDING  
BETWEEN THE CITY OF  
SOUTH PASADENA AND  
THE SOUTH PASADENA  
BATTALION CHIEFS'  
ASSOCIATION  
RESOLUTION NO. 7179**

David Margrave, 928 Buena Vista Street, said that although the Battalion Chiefs have done a tremendous job for the City, they constitute a very expensive item, which the City can no longer afford. He made additional remarks about high employee costs. Councilmember Sifuentes said that salary information published in an ad in the *South Pasadena Review* by Mr. Margrave is false and that the City can provide accurate information. Councilmember Putnam made remarks about outsourcing public safety, to which he said he is opposed. He said that he and Council-

member Sifuentes serve on a sub-committee to study the Battalion Chief issue, and that progress is being made. He said he believed the entire Council is committed to keeping public safety inhouse. Mayor Pro Tem Cacciotti made remarks about the City's efforts to address long-term employee retirement and medical costs. He said employees in the City and at every level of government will now be contributing to retirement costs.

By roll call vote (5 ayes), the City Council adopted Resolution No. 7179, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOUTH PASADENA, CALIFORNIA, ADOPTING A 2011-2013 MEMORANDUM OF UNDERSTANDING WITH THE SOUTH PASADENA BATTALION CHIEFS' ASSOCIATION.

(Cacciotti, Putnam)

**AWARD OF CONTRACT TO SEQUEL CONTRACTORS, INC. IN THE AMOUNT OF \$197,170 FOR CONSTRUCTION OF THE HERMOSA STREET IMPROVEMENT PROJECT**

Councilmember Schneider said he objects to additional costs being added at the last minute for revised design and construction management/inspection for the Hermosa Street Improvement Project, which he said were not approved previously. Acting Public Works Director Furukawa responded, stating that the \$25,000 for construction management had been approved by the City Council. He responded to additional questions. Councilmember Schneider said that this raises a larger issue regarding approval of construction budgets. He said the issue of construction management should be discussed, particularly in regard to performance by DMR Team.

By roll call vote (5 ayes), the City Council accepted a bid dated August 23, 2011, from Sequel Contractors, Inc., for the construction of the Hermosa Street Improvement Project; rejected all other bids received; authorized the City Manager to enter into a contract with Sequel Contractors, Inc., for a not-to-exceed amount of \$197,170; and authorized the transfer of \$64,000 from surplus funds left over in account 101-9000-9356 (South Lane and Warwick Place Street Improvement Project Phase II) to account 101-9000-9357 in order to bridge the funding gap.

(Putnam, Cacciotti)

**PUBLIC COMMENTS**

**Appeal: 661 Forest Avenue**

Joe Solano, 657 Forest Avenue, said he is appealing a variance issued for a project at 661 Forest Avenue. He submitted a copy of an appeal letter that he said he sent to the Planning Department, dated September 12, 2011, with a copy to the City Attorney, and a letter he said he sent to the local newspaper.

Helen Rahder, who stated she moved to the City five years ago, said she is supporting neighbors on the appeal of the variance for 661 Forest Avenue. She contested statements made in the staff report and distributed materials to the City Council.

**Bulbouts on Fair Oaks  
Measure UT**

Carrie Adrian, 602 Garfield Avenue, said the bulbouts on Fair Oaks are not traffic calming, but are creating traffic impediments. They should be looked at in terms of current levels of traffic, she said. As Chair of the Finance Committee and Treasurer of South Pasadena Citizens in Favor of Measure UT, she urged all to read information available on the proposed extension. The tax represents 17% of the operating budget, she said. She said salary levels published in the local newspaper are incorrect. She said it is important to achieve stability in the tax base, especially when going to the bond market for large projects. She made related remarks.

**Bulbouts  
Traffic Control**

Alan Ehrlich, 1633 Maple Street, said that in today's driving rain, the bulbouts are difficult to see. Regarding traffic control, he said he appeared at the February 16<sup>th</sup> City Council meeting and asked the Council to address the problem of a lack of effective traffic control at critical intersections when a traffic signal is inoperative. He said the City has failed to adopt an effective traffic-flow policy, resulting in a costly, unsafe, and dangerous situation for drivers to Marengo Elementary School and the Middle School. Similarly, he said, this resulted in gridlock on Fair Oaks during recent construction. He reported on a situation on September 8, 2011, when he said westbound traffic on Huntington was allowed to back up for more than a mile, resulting in 30-minute traffic delays. He said he attempted to direct traffic and was cited by the Police Department. He described the subsequent intense media interest in the incident. He

said he has met with the City since then, and that staff has developed recommendations to present to the City Council to achieve an effective traffic-flow management solution. He requested that this topic be added to the next City Council agenda.

Acting Public Works Director Furukawa, in response to a question from Mayor Pro Tem Cacciotti, said that on September 8<sup>th</sup>, there was an Edison power outage. He said that after Mr. Ehrlich's February appearance at City Council, a project was undertaken to install new conduit and wiring at the affected signal light.

Councilmember Sifuentes asked to hold a meeting with Mr. Ehrlich and the City Manager in the next few weeks to work toward developing a solution. Mayor Pro Tem Cacciotti seconded this. City Manager Davidson said he would meet with appropriate staff. Mayor Ten said that this motion would place the item on a future agenda.

Mayor Pro Tem Cacciotti requested that the issue of traffic flow management be remanded to the Freeway and Transportation Commission.

**Rialto Theatre Revitalization  
Symposium**

Scott Feldmann, CEO, Chamber of Commerce, no address stated, reported on a recent highly successful symposium on the Rialto Theatre.

**Candidate Forum**

Pat Ford, 628 Park Avenue, announced a City Council Candidate Forum 10/06/11, co-sponsored by the League of Women Voters, Pasadena Area, and Women Involved in South Pasadena Political Action (WISPPA).

**Bulbouts  
Employee MOU item  
Trash collection**

Shlomo Nitzani, South Pasadena Middle School, asked if a traffic study was conducted prior to approving bulbouts on Fair Oaks. He requested that Item #19, employee MOUs, be taken soon since the many employees attending tonight's meeting must go to work tomorrow. In regard to Measure UT, he said when he moved here he was shocked at the trash bill. The City collects a 12% tax for collecting the money for the trash hauler, he said. In another city, payment is sent directly to Athens. He said that he is paying for back yard collection when he doesn't need this. He requested that trash issues be added to the agenda.

**Proposed development at 923 El Centro Street and parking issues**

Brandy Guenveur, 1142 Meridian Avenue, raised parking issues related to the proposed development at 923 El Centro Street. She objected to the many red parking placards being provided to non-residents. She said there is no enforcement for overnight parking regulations. She requested that the City Council re-evaluate the project. Mayor Ten said staff could answer her questions.

**DIRECTION REGARDING UNILATERAL IMPLEMENTATION OF ONE-YEAR MEMORANDUM OF UNDERSTANDINGS BETWEEN THE CITY OF SOUTH PASADENA AND THE FIREFIGHTERS' ASSOCIATION, PUBLIC SERVICE EMPLOYEES' ASSOCIATION—FULL-TIME EMPLOYEES AND PUBLIC SERVICE EMPLOYEES' ASSOCIATION—PART-TIME EMPLOYEES**

Mayor Ten said that this item be taken next. No objections were voiced.

Assistant City Manager Gonzalez presented the staff report regarding the unilateral implementation of one-year Memorandum of Understandings between the City of South Pasadena and the Firefighters' Association; Public Service Employees' Association—Full-time Employees; and Public Service Employees' Association—Part-time Employees, accompanied by PowerPoint slides. He responded to questions.

Speaking against the proposed unilateral implementation of one-year Memoranda of Understandings (MOUs) was Cliff Snider, Association President, South Pasadena Firefighters' Association, 817 Mound Avenue, who described the poor pay and benefits offered by the City as well as the lack of resources. He asked that no further unnecessary cuts be made. Ernie Arnold, 1230 Oak Hill Avenue, said he had no specific action to recommend. He said that residents, business owners, and employees alike face economic hardships. He recommended that all work together to resolve the situation. Ralph Royds, negotiator, Public Service Employees' Association (PSEA)—full time and part time, said that three years ago, the City expressed deep concern about employees falling behind in compensation. He said that this time, while his groups were willing to mutually resolve issues, he found that the City's proposal contained draconian measures. He requested that the City return to the bargaining table. Yolanda Valdez, President, Public Service Employees' Association—full time, and an employee, spoke about the contributions of general employees. She spoke about rising healthcare costs for employees, frozen positions, the loss of benefits, and the association's disappointment in City leadership. She urged returning to the table to reach a more

realistic agreement. Anteneh Tesfaye, employee, described multiple responsibilities assumed by City employees, and the results of employee turnover on quality of service. He described his experience working for the Water Department, which he said has never been fully staffed in his five years of employment. He is now responsible for two major areas due to staff losses. When a long-time employee retired, he said, a new employee joined the City but is now leaving after two years. He urged the Council to consider all aspects of the situation and be fair. Tracey Perkosky, no address stated, an employee and a member of the PSEA, opposed the unilateral implementation of a one-year MOU. She urged returning to the negotiation table. She spoke of rising healthcare costs. She spoke about the contributions she has made to the City in the way of grants. Dane Elcar, Vice President, PSEA—part-time, 631-A Grand Avenue, speaking on behalf of the 70 part-time employees, said a recently negotiated benefit for minimal sick leave is now being rescinded—before any leave had been taken. Yolanda Valdez, representing the PSEA—part time, expressed the group's disappointment with actions taken during negotiations. She urged the Council to return to the bargaining table. Shlomo Nitzani, South Pasadena Middle School, said the City regards itself as the Number 1 city among others, and the employees should be Number 1 in pay.

David Margrave, 928 Buena Vista Street, said residents, businesses, and private employers have lost wages. He urged the Council to review what residents themselves are receiving in salaries. The City would have no problem filling job openings if employees left, he said.

Councilmember Sifuentes said the Councilmembers received a corrected document for the proposed PSEA MOU. He suggested reviewing the changes and taking this up at a future time.

City Negotiator Richard Kreisler responded to questions the about economic pressures faced by cities. He said other cities have asked employees to pay all or part of their California Public Employees' Retirement System (CalPERS) contributions. He

addressed issues raised. Discussion continued.

By roll call vote (3 noes, Councilmember Putnam, Mayor Pro Tem Cacciotti, and Mayor Ten; 2 ayes, Councilmembers Sifuentes and Schneider), a motion failed to postpone adopting the proposed MOUs and to direct staff to return to negotiate with represented employee groups.

(Sifuentes, Schneider)

By roll call vote (4 ayes; 1 no, Councilmember Sifuentes), the City Council approved Resolution No. 7180, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOUTH PASADENA, CALIFORNIA, RESOLVING A FAILURE BY REPRESENTATIVES OF THE CITY AND THE SOUTH PASADENA FIREFIGHTERS' ASSOCIATION, TO AGREE UPON THE TERMS AND CONDITIONS FOR A FISCAL YEAR 2011-12 MEMORANDUM OF UNDERSTANDING BETWEEN REPRESENTATIVES OF THE CITY AND THE SOUTH PASADENA FIREFIGHTERS' ASSOCIATION; Resolution No. 7181, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOUTH PASADENA, CALIFORNIA, RESOLVING A FAILURE BY REPRESENTATIVES OF THE CITY AND THE SOUTH PASADENA PUBLIC SERVICE EMPLOYEES' ASSOCIATION (FULL-TIME), TO AGREE UPON THE TERMS AND CONDITIONS FOR A FISCAL YEAR 2011-12 MEMORANDUM OF UNDERSTANDING BETWEEN REPRESENTATIVES OF THE CITY AND THE SOUTH PASADENA PUBLIC SERVICE EMPLOYEES' ASSOCIATION (FULL-TIME); and Resolution No. 7182, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOUTH PASADENA, CALIFORNIA, RESOLVING A FAILURE BY REPRESENTATIVES OF THE CITY AND THE SOUTH PASADENA PUBLIC SERVICE EMPLOYEES' ASSOCIATION (PART-TIME), TO AGREE UPON THE TERMS AND CONDITIONS FOR A FISCAL YEAR 2011-12 MEMORANDUM OF UNDERSTANDING BETWEEN REPRESENTATIVES OF THE CITY AND THE SOUTH PASADENA PUBLIC SERVICE EMPLOYEES' ASSOCIATION (PART-TIME).

(Putnam, Cacciotti)

**PUBLIC HEARING TO  
CONSIDER THE REMOVAL  
OF AN EXISTING  
CROSSWALK AT 155  
PASADENA AVENUE**

Acting Public Works Director Furukawa presented the staff report on the recommended removal of a crosswalk at 155 Pasadena Avenue, accompanied by PowerPoint slides. He responded to questions.

Mayor Ten opened the public hearing.

Beverly Biber, 1250 Oak Hill Avenue, wanted to make sure that the Council wasn't abandoning the idea of future development in this part of the City.

Mayor Ten closed the public hearing.

By roll call vote (5 ayes), the City Council approved removing the existing crosswalk at 155 Pasadena Avenue.

(Cacciotti, Putnam)

**PUBLIC HEARING  
APPEAL OF THE  
PLANNING COMMISSION'S  
APPROVAL OF A  
CONDITIONAL USE  
PERMIT MODIFICATION  
WITH CONDITIONS THAT  
RESTRICTED THE USE OF  
A MEZZANINE WITHIN A  
MULTI-TENANT BUILDING  
AT 266 MONTEREY ROAD**

Senior Planner Mayer presented the staff report on the appeal of the Planning Commission's approval of a Conditional Use Permit modification with conditions that restricted the use of a mezzanine within a multi-tenant building at 266 Monterey Road. He responded to questions.

Mayor Ten opened the public hearing.

Kelly Margrave, 1401 Ozmun Court, speaking on behalf of Charlie's Coffee House at 266 Monterey Road, which she said has been open for nine months, said the site provides a location for residents on the west side of town to study, converse, and work. She spoke in favor of allowing the mezzanine to be used for this purpose. She submitted a stack of petitions, approximately 450 she said, that support the continued use of the mezzanine space. The petition said, "Please do not permit City staff to force closure of our only free local meeting place on the west side of town. Our children use the mezzanine, as do we to study, meet and consume delicious coffee and cold drinks while reading magazines, papers, and I-pads."

David Margrave, 928 Buena Vista Street, property owner, said it is very difficult to construct a building

in town or to have a business-friendly community. He requested the use of 5,922 square feet. He said he disagreed with numerous conditions of approval. He described the evolution of his development project and provisions for parking.

Senior Planner Mayer clarified that the only conditions that are in question are #70 and #71 that are related to the 300-square-foot mezzanine. He answered additional questions.

Supporting the continued use of the mezzanine at Charlie's Coffee House at 266 Monterey Road and upholding the appeal were Michael Neely, 230 Monterey Road; and Beverly Biber, 1250 Oak Hill Avenue.

Speaking in favor of denying the appeal was Anthony George, 847 Mission Street, Member, Planning Commission. He said the applicant is being asked to agree to what he originally agreed to. He described the complex issues that resulted from the applicant's development and request to use mezzanine space. Staff has been fair and consistent with the application, he said. He said there has been a less than forthright evolution of this building and that its current state is a condition of the appellant's own making. Also urging the Council to deny the appeal was Steve Felice, 1415 Laurel Street, Chair, Planning Commission, who said the use granted by the original permit for the mezzanine was limited to three employees. The conditions that were imposed on the 500-foot second floor use were merely a reiteration of the original conditions, he said. He made related remarks.

Mayor Ten invited the applicant to make a brief rebuttal. David Margrave said the community on the west side is supportive of the mezzanine's current use. He requested that the Council vote in his favor. Kelly Margrave provided examples of businesses with mezzanines. She asked the Council to give consideration to Charlie's Coffee House.

Mayor Ten closed the public hearing. Discussion continued. Senior Planner Mayer responded to questions. City Attorney Adams provided legal

counsel. Mayor Pro Tem Cacciotti made a motion to uphold the Planning Commission's decision to place restrictions on the use of the mezzanine at 266 Monterey Road, and to deny the appeal, seconded by Councilmember Putnam. The motion and the second were withdrawn following discussion. City Attorney Adams spoke about the difficulty of bringing this back for reconsideration once approved. As advised by City Attorney Adams, Mayor Ten invited the applicant to the podium to determine if the conditions in the following motion are acceptable. Kelly Margrave asked questions and a modification was made.

By roll call vote (5 ayes), the City Council adopted Resolution No. 7183, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOUTH PASADENA, CALIFORNIA, APPROVING AN APPEAL AND OVERTURNING THE PLANNING COMMISSION'S RESTRICTIONS ON A 300 SQUARE FOOT MEZZANINE SPACE WITHIN "SUITE A" OF A MULTI-TENANT BUILDING AT 266 MONTEREY ROAD, finding that the proposed project is consistent with all six applicable findings to grant the Conditional Use Permit Modification, with an additional condition that the mezzanine meeting space above "Suite A" be offered at no charge. On an amendment proposed by Councilmember Putnam and agreed to by the maker and seconder of the motion, the following additional conditions will now apply: no more than three adult customers (18 and over) are permitted to use the mezzanine before 10:00 a.m., and after that time, the space is restricted to special use (e.g., students, meeting groups, play groups, functions, events, art shows), or to no more than three adult customers; and a sign indicating the restrictions imposed shall be prominently posted in the space and on the door.

(Cacciotti, Schneider)

**APPROVAL OF A  
CONTRACT IN THE  
AMOUNT OF \$38,483 TO  
COVER COSTS FOR  
ENVIRONMENTAL  
CONSULTANT WORK**

Senior Planner Mayer presented the staff report on the approval of a contract in the amount of \$38,483 to cover costs for environmental consultant work associated with a mixed-use project at 820 Mission Street. He responded to questions. Councilmember Putnam said developers should be allowed to hire

**ASSOCIATED WITH A  
MIXED USE PROJECT AT  
820 MISSION STREET**

their own consultants for such work.

Tom Zanack, owner, 820 Mission Street, said he is interested in moving forward as quickly as possible. He said they accept Rincon and the proposal.

Councilmember Putnam requested adding to a future agenda consideration to alter the process by which the City selects EIR consultants for developers, seconded by Mayor Pro Tem Cacciotti.

By roll call vote (5 ayes), the City Council authorized the City Manager to execute a contract with Rincon Consultants, Inc., for an amount not to exceed \$38,483. The contract with Rincon is to perform environmental analysis and prepare documentation in compliance with the California Environmental Quality Act (CEQA) for a mixed-use project at 820 Mission Street.

(Cacciotti, Ten)

**MOBILE VEHICLE  
VENDING REGULATIONS--  
FOOD TRUCKS (NO STAFF  
REPORT)**

Due to the late hour, this item was postponed. When this comes back, Mayor Ten requested that staff evaluate materials that public speaker Chris Coburn submitted and a recent article about how the City of Pasadena is dealing with the issue of food trucks as well as solutions in order to integrate this information to have a fruitful discussion. City Manager Davidson agreed.

**PROVIDE DIRECTION  
REGARDING A REQUEST  
FOR SUPPLEMENTAL  
BUSINESS IMPROVEMENT  
TAX FUNDING FROM THE  
SOUTH PASADENA  
CHAMBER OF COMMERCE  
TO PROVIDE PARTIAL  
FUNDING FOR A BUY  
LOCAL MARKETING  
CAMPAIGN**

Due to the late hour, this item was postponed.

**ADOPTION OF A NEW  
RESOLUTION REVISING  
THE CITYWIDE TRAFFIC-  
CALMING POLICY AND**

Due to the late hour, this item was postponed.

**RESCINDING  
RESOLUTION NO. 6963**

**ISSUANCE OF A NOTICE  
OF NON-RENEWAL  
RELATED TO A MILLS  
ACT CONTRACT WITH  
PROPERTY OWNERS OF  
1535 RAMONA AVENUE**

Due to the late hour, this item was postponed.

**CONSIDER DIRECTING  
STAFF TO INVESTIGATE  
AND PREPARE REGULA-  
TIONS RELATED TO  
PROTECTING BICYCLISTS**

Due to the late hour, this item was postponed.

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

Due to the late hour, this item was postponed.

**EXPLANATION OF CAPI-  
TAL IMPROVEMENT  
PROJECT CONTRACT  
STRUCTURES AND BUD-  
GETS, AND AN ACCOUNT-  
ING OF CAPITAL PROJECT  
SURPLUSES**

Due to the late hour, this item was postponed.

**PUBLIC COMMENTS**

There were no additional public comments.

**COUNCILMEMBERS' COM-  
MENTS AND CITY MANA-  
GER COMMUNICATIONS**

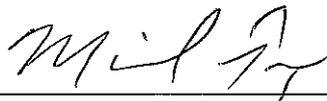
There were no additional Councilmembers' com-  
ments or City Manager communications.

**ADJOURNMENT**

By consensus, the City Council adjourned the  
meeting at 12:03 a.m. 10/06/11.



Sally Kilby  
City Clerk  
CRA Secretary



Mike Ten  
Mayor  
Chair, CRA