

**MINUTES OF THE REGULAR MEETING OF THE  
CITY COUNCIL AND COMMUNITY REDEVELOPMENT AGENCY  
OF THE CITY OF SOUTH PASADENA  
CONVENED THIS 17<sup>TH</sup> DAY OF AUGUST, 2011 7:45 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 7:45 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; Community Services Director Pautsch; Acting Public Works Director Furukawa; Planning and Building Department Director Watkins; Transportation Manager Woods; Associate Planner Garnett; Professional Intern Zneimer; and City Clerk/CRA Secretary Kilby.

**INVOCATION/PLEDGE OF ALLEGIANCE**

Councilmember Schneider offered the invocation and led the Pledge of Allegiance.

**CLOSED SESSION ANNOUNCEMENTS**

City Attorney Adams reported that Mayor Ten called to order the regular meeting of the South Pasadena City Council and the Community Redevelopment Agency at approximately 6:30 p.m. He said there was no one wishing to comment on items on the Closed Session agenda, so Mayor Ten recessed the meeting into Closed Session. All members of the Council were present, he said. He said they met on labor negotiations, which he said is 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. 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 provided with an update and report on the ongoing negotiations with all of the bargaining units, and the City Council gave direction to negotiators but took no final action. The City Council

took up an item on anticipated litigation pursuant to Government Code Section 54956.9(c), South Pasadena Community Redevelopment Agency and potential litigation with regard to the state and its actions to eliminate redevelopment agencies. He provided the City Council with a briefing and a report on the Supreme Court decisions of August 11, 2011, and of today, he said, and the impacts on the City. The remainder of the item will be taken up as part of Item #15 on the open session agenda, he said. No action was taken in Closed Session, he said. The City Council took up an item on anticipated litigation pursuant to Government Code Section 54956.9(b), significant exposure to litigation, he said, concerning the People of the State of California, et al., v. Doug Tessitor, et al., a petition for a Writ of Quo Warranto, with one of the real properties in interest being the City of South Pasadena. He said he provided the City Council with an update on this matter, which is before the Attorney General's Office. The City Council authorized the City Manager to sign the response to the Attorney General's Office with regard to this matter. The City Council took no other action, he said. Regarding Item #6, a personnel item allowed into Closed Session pursuant to Government Code Section 54957(b)(1), performance evaluation of City Attorney, he said the City Council held discussion on this matter and took no action.

#### **ANNOUNCEMENTS OF EVENTS**

Councilmembers announced upcoming events and meetings, reported on awards, and raised issues. City Manager Davidson introduced the City Attorney, who requested that an item be added to the agenda on an emergency basis, as follows.

#### **ADDING AN ITEM TO THE AGENDA ON AN EMERGENCY BASIS**

City Attorney Adams requested that an item be added to tonight's agenda on an emergency basis. He said that the item came to his attention today, following the posting of the agenda last week. He said that a decision needs to be made before the City Council's next regularly scheduled meeting. He asked that consideration to adopt a proposed resolution be added to #15 on tonight's agenda as a Community Redevelopment Agency action item. He said the resolution contains an enforceable obligations payments schedule, which is required under the recent legislation passed by the state with regard to redevelopment

agencies. The California Supreme Court revised its order of last Thursday, he said, and now, clearly, a list must be adopted by all agencies. The list must be submitted to the State Finance Department before August 27, 2011, he said. A two-thirds vote is needed to add the item to the agenda, he said.

By roll call vote (5 ayes), after determining that the criteria for adding an emergency item to the agenda had been met, the City Council approved adding an item to agenda item #15 on tonight's agenda, to consider adopting a Community Redevelopment Agency resolution concerning redevelopment agencies as required by the State of California as specified by the City Attorney above.

(Ten, Cacciotti)

**ITEMS REMOVED FROM  
THE CONSENT CALENDAR**

Mayor Pro Tem Cacciotti requested that Item #8, street improvement project, be removed from the Consent Calendar for separate consideration.

**APPROVAL OF THE  
MINUTES OF THE  
REGULAR MEETING OF  
JULY 20, 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 July 20, 2011.

(Cacciotti, Sifuentes)

**APPROVAL OF PREPAID  
WARRANTS IN THE  
AMOUNT OF \$1,696,944.75,  
GENERAL CITY  
WARRANTS IN THE  
AMOUNT OF \$784,815.99  
AND PAYROLL IN THE  
AMOUNT OF \$855,934.95**

By roll call vote (5 ayes), the City Council approved Prepaid Warrants #168910-169208; General City Warrants #169209-169372, and payroll 07-22-11 and 08-05-11, a total of \$3,337,695.69. Seated as the Community Redevelopment Agency (CRA), they approved the CRA Warrants totaling \$22,230.44, which are included in the above total.

(Cacciotti, Sifuentes)

**REQUEST BY MAYOR TEN  
TO DESIGNATE \$650 OF FY  
2011/12 DISCRETIONARY  
FUND ALLOCATIONS  
TOWARDS THE PURCHASE  
AND INSTALLATION OF  
TWO PALM TREES ON THE  
NORTH SIDE OF MISSION**

By roll call vote (5 ayes), the City Council approved a request by Mayor Ten to designate \$650 of FY 2011/12 discretionary fund allocations towards the purchase and installation of two palm trees on the north side of Mission Street, east of Fair Oaks.

(Cacciotti, Sifuentes)

**STREET, EAST OF FAIR  
OAKS**

**APPROVAL OF A PRO-  
POSED RESOLUTION FOR  
ESTABLISHING GUIDE-  
LINES FOR THE APPLICA-  
TION OF CITY COUNCIL  
DISCRETIONARY BUDGET  
ACCOUNTS**

By roll call vote (5 ayes), the City Council approved Resolution No. 7174, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOUTH PASADENA, CALIFORNIA, ESTABLISHING GUIDELINES FOR THE APPLICATION OF CITY COUNCIL DISCRETIONARY BUDGET ACCOUNTS AND RESCINDING RESOLUTION NO. 6951.

**RESOLUTION NO. 7174**

(Cacciotti, Sifuentes)

**ACCEPTANCE OF PRO-  
JECT COMPLETION AND  
AUTHORIZATION TO FILE  
A NOTICE OF COMPLE-  
TION FOR THE WATER  
TRANSMISSION SLIP-  
LINING PROJECT PHASE  
II, AND AUTHORIZATION  
TO RELEASE RETENTION  
PAYMENT IN THE  
AMOUNT OF \$105,365 TO J.  
FLETCHER CREAMER &  
SON, INC.**

By roll call vote (5 ayes), the City Council accepted the project improvements and authorized the issuance of a Notice of Completion for the Water Transmission Sliplining Project Phase II, and authorized payment of the retention in the amount of \$105,365 to J. Fletcher Creamer & Son, Inc.

(Cacciotti, Sifuentes)

**REJECTION OF ALL BIDS  
FOR THE INDIANA AVE.  
STREET IMPROVEMENT  
PROJECT**

By roll call vote (5 ayes), the City Council rejected all bids for the Indiana Avenue Street Improvement Project, and authorized staff to reduce the scope of the project and to re-advertise the project.

(Cacciotti, Sifuentes)

**AWARD OF CONTRACT  
FOR CATERED SENIOR  
MEALS PROGRAM AT THE  
SOUTH PASADENA SENIOR  
CENTER**

By roll call vote (5 ayes), the City Council awarded the contract for the catered senior meals program at the South Pasadena Senior Center to Catering Systems Incorporated at \$4.18 per meal for a one-year period, with the understanding that the contract can be automatically renewed for up to two additional years in accord with Community Development Block Grant Program regulations.

(Cacciotti, Sifuentes)

**MONTHLY INVESTMENT  
REPORTS FOR APRIL,  
MAY & JUNE 2011**

By roll call vote (5 ayes), the City Council, and the City Council seated as the Community Redevelopment Agency (CRA), approved to receive and file the monthly investment reports for April, May, and June 2011 for the City and the CRA.

(Cacciotti, Sifuentes)

**ACCEPTANCE OF  
PROJECT COMPLETION  
AND AUTHORIZATION TO  
FILE A NOTICE OF  
COMPLETION FOR THE  
SOUTH LANE & WARWICK  
PLACE STREET  
IMPROVEMENT PROJECT  
PHASE II, AND  
AUTHORIZATION TO  
RELEASE RETENTION  
PAYMENT IN THE  
AMOUNT OF \$8,999 TO  
UNITED PAVING CO.**

Mayor Pro Tem Cacciotti asked about savings of \$20,000 that accrued from the South Lane and Warwick Place Street Improvement Project Phase II. Acting Public Works Director Furukawa responded that the funds will be used to supplement projects that go over budget. Director Furukawa said he will be presenting a report on project surpluses and deficits at the September 7, 2011, meeting.

By roll call vote (5 ayes), the City Council accepted the project improvements and authorized the issuance of a Notice of Completion for the South Lane and Warwick Place Street Improvement Project Phase II, and authorized payment of the retention in the amount of \$8,999 to United Paving Co.

(Putnam, Cacciotti)

**PUBLIC COMMENTS  
Food trucks**

Chris Colburn, 1320 Monterey Road, said that food trucks are being blatantly harassed. He said the City's ordinance conflicts with the California Constitution and the California Vehicle Code. He read from the latter.

**Brown Act complaint**

Ron Rosen, 901 Wolford Lane, made comments regarding a letter from the District Attorney about a possible Brown Act violation by the City Council. He said that the City Council was discussing retention of the prior Police Chief in Closed Session, a clear violation.

**Massage parlors**

Gretchen Robinette, 921 Indiana Avenue, who said she is representing Women Involved in South Pasadena Political Action (WISPPA), said that massage parlors have proliferated in the City. She asked the City to deal with this and asked why the Planning Commission reversed its position. She asked how the Council will proceed with this issue.

City Attorney Adams said that this issue will be coming before the City Council September 21, 2011. Legislation was passed by the state on August 3, 2011, he said, that has impacted considerably the City's planned strategy.

**Parking District vehicle hang cards**

Bianca Richards, 1115 Oxley Street, said she received Mission Meridian Preferential Parking District vehicle hang cards in the mail, which she said begin September 1. She said she knew nothing of this. She asked whether tickets will be issued after this date.

Scott Feldmann, CEO, Chamber of Commerce, said that business owners can contact him about the parking hang cards. He said there is no appreciable change between the old and new passes.

**Fair Oaks Avenue businesses "Shop Local" marketing program**

Scott Feldmann, CEO, Chamber of Commerce, no address stated, asked whether the City Council would consider a proposal for funding to develop a "shop local" and "shop South Pasadena" marketing program for businesses impacted by lengthy construction on Fair Oaks. He requested that this funding request by the Chamber of Commerce be placed on a future agenda.

**PUBLIC HEARING  
APPROVAL OF  
RESOLUTION NO. 7175  
ADOPTING A NEGATIVE  
DECLARATION AND AN  
UPDATE TO THE CITY'S  
BICYCLE MASTER PLAN**

Transportation Manager Woods introduced Leslie Scott, Leslie Scott Consulting, and Mark Brown, who have assisted the City with the Bicycle Master Plan. Ms. Scott and Transportation Manager Woods made a presentation on the proposed update to the City's Bicycle Master Plan, accompanied by PowerPoint slides. Mr. Woods described the proposed designations for Grand Avenue and the community's response, and he outlined options for Monterey Road. He described the plan for the Arroyo Seco mixed-use trail and displayed an area map on the overhead projector. Transportation Manager Woods, Consultant Brown, and Professional Intern Zneimer responded to questions.

Mayor Ten opened the public hearing.

Speakers opposing implementing specific bike lanes, primarily on Grand Avenue, were Gene Baca, 645 Grand Avenue (who said Class III would possibly be

acceptable); Joachim Voeltz, 808 Grand Avenue, who opposed striping but would accept a Class III designation if required; Faylin Voeltz, 808 Grand Avenue, who said if a bike route is necessary, she preferred Class III; Carol Kramer, no address stated, who displayed photographs on the overhead projector; Steve Koch, 706 Grand Avenue, who displayed a photograph on the overhead projector and who said he wouldn't oppose a Class III bike classification; Ellen Goodhill, 809 Flores De Oro, who opposed bike lanes on Monterey Road and who asked for left-turn lanes on Monterey at Diamond and Meridian; Shlomo Nitzani, 809 Flores De Oro, who opposed bike lanes on Monterey Road; Christopher Cronin, 427 Grand Avenue; Dr. Bill Sherman, 320 Grand Avenue, who requested a Class III bike route while minimizing roadway markings and signs; Valerie Markle, 208 Grand Avenue; Ellen Pansky, 208 Grand Avenue; Bernadette McCann, 700 Grand Avenue, who sub-mitted a petition signed by approximately 60 Grand Avenue residents opposed to painted bike lanes on Grand; and Katherine Offenhauser, 445 Columbia Street.

Mayor Ten closed the public hearing.

Assistant City Manager Gonzalez, Public Works Director Furukawa, Consultant Brown, Police Chief Payne, Professional Intern Zneimer, and speaker Kramer responded to questions.

By roll call vote (5 ayes), the City Council adopted Resolution No. 7175, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOUTH PASADENA, CALIFORNIA, ADOPTING A NEGATIVE DECLARATION, AND APPROVING AN UPDATE TO THE CITY'S BICYCLE MASTER PLAN, replacing pages 7.1 to 7.3 and pages 7.14 and 7.17 with proposed new pages for Chapter 7 of the Draft Bicycle Master Plan; adopting the new Appendix C (Arroyo Seco Trail); and excluding Grand Avenue and Monterey Road (due to its scheduled redesign and reconstruction and proposed sidewalk modifications to meet Americans with Disabilities (ADA) requirements) from the Plan.

(Sifuentes, Cacciotti)

By roll call vote (3 noes, Councilmembers Schneider and Putnam, and Mayor Pro Tem Cacciotti; 2 ayes, Councilmember Sifuentes and Mayor Ten), a motion to implement a Class III bike route on Grand Avenue with sharrows was defeated.

(Sifuentes, Cacciotti)

**PUBLIC HEARING  
APPEAL OF THE  
PLANNING COMMISSION'S  
APPROVAL OF A  
VARIANCE, CONDITIONAL  
USE PERMIT, AND DESIGN  
REVIEW, AND ADOPTION  
OF A NEGATIVE  
DECLARATION FOR A  
NEW MIXED-USE  
BUILDING AT 923 EL  
CENTRO STREET**

Associate Planner Garnett presented the staff report on the appeal of the Planning Commission's approval of a Variance, Conditional Use Permit, and Design Review, and adoption of a Negative Declaration for a new mixed-use building at 923 El Centro Street. He said the project architect was in attendance to make a presentation. He said a Member and the Chair of the Planning Commission and the Vice Chair of the Design Review Board are present. Mr. Garnett and City Attorney Adams responded to questions.

Mayor Ten opened the public hearing. He invited the applicant to speak.

John Cataldo, with an office at 835 El Centro Street, said he was the project architect. He made a presentation, accompanied by poster board drawings, a built model, and a computerized 3-D simulation of the project from all angles. He said that in response to requests by homeowners of 909 El Centro Street, modifications have been made, and additional changes have been offered. He responded to questions.

Mayor Ten invited speakers supporting the project application to speak.

David Margrave, 923 Buena Vista Street, with a business at 835 El Centro Street, said that this project fits the development very well. City commissioners supporting the project and recommending denial of the appeal were: Steve Felice, 1415 Laurel Street, Chair, Planning Commission; Anthony George, 847 Mission Street, Member, Planning Commission; and Susan Masterman, 1233 Garfield Avenue, Vice Chair, Design Review Board. Vice Chair Masterman responded to questions. Darren Frankel, 1001 El

Centro, representative, Stargate Digital, supported the application.

Mayor Ten invited speakers opposing the project application to speak.

Opposing the project were appellants Karen Neri, 909 El Centro Street; Todd Pratt, who stated he lived in Pasadena, and who said he is assisting the homeowners at 909 El Centro Street on this effort; Brian Shumake, 909 El Centro Street, who said he sent a letter on behalf of the appellants to the City Council asking that the Council accept the letters that have been submitted by the residents of 909 El Centro Street as if they were made orally; and Linda Lau, 909 El Centro Street.

Mayor Ten closed the public hearing. Fire Chief Wallace responded to questions about emergency vehicle access to the property. City Attorney Adams and Associate Planner Garnett responded to questions. Discussion continued.

Mayor Pro Tem Cacciotti made a motion, seconded by Councilmember Schneider, to grant the appeal and deny the project, with a recommendation that the project be remanded back to the Design Review Board. Architect Cataldo responded to questions, stating that compromises have been offered as an alternative. Mayor Pro Tem Cacciotti withdrew the motion; Councilmember Schneider withdrew his second.

Mayor Ten reopened the public hearing.

Todd Pratt, who said he is representing the appellants, responded favorably to a proposal to continue the hearing in order for the appellants to meet with staff and the architect on potential modifications to the development. Speaker Brian Shumake suggested that the City Council look into the possibility that it may have committed a misdemeanor.

By roll call vote (5 ayes), the City Council continued the public hearing on the appeal of the Planning Commission's approval of a Variance, Conditional Use Permit, and Design Review, and adoption of a Negative Declaration for a new mixed-use building at

923 El Centro Street to the regularly scheduled September 7, 2011, City Council meeting, in order to provide an opportunity for the applicant to work with the staff and 909 El Centro Street homeowners on making the changes proposed by the applicant.

(Schneider, Cacciotti)

**ADOPTION OF AN  
URGENCY ORDINANCE,  
FIRST READING AND  
INTRODUCTION OF AN  
ORDINANCE  
AUTHORIZING PAYMENT  
TO THE STATE OF  
CALIFORNIA TO RE-  
ESTABLISH THE SOUTH  
PASADENA COMMUNITY  
REDEVELOPMENT  
AGENCY**

**EMERGENCY ITEM:  
RESOLUTION NO. 2011-04  
OF THE COMMUNITY  
REDEVELOPMENT  
AGENCY (CRA) ADOPTING  
THE ENFORCEABLE  
OBLIGATIONS SCHEDULE  
FOR THE CRA**

City Attorney Adams said that the emergency item approved earlier in the meeting to be added to tonight's agenda is being added to this item. Assistant City Manager Gonzalez presented the staff report on the proposed adoption of an ordinance authorizing payment to the State of California to re-establish the South Pasadena Community Redevelopment Agency (CRA). City Attorney Adams suggested that additional wording be incorporated into the second reading and adoption of the ordinance as stated below; no objections were voiced. The adoption of an urgency ordinance, as proposed in the staff report, was deemed unnecessary. The new time-sensitive item is a proposed CRA resolution containing the obligations payment schedule, Assistant City Manager Gonzalez said, that needs to be adopted. City Attorney Adams described its content and responded to questions. Assistant City Manager Gonzalez responded to questions.

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, TO COMPLY WITH PART 1.9 OF DIVISION 24 OF THE CALIFORNIA HEALTH AND SAFETY CODE AND TAKING CERTAIN ACTIONS IN CONNECTION THEREWITH TO RE-ESTABLISH REDEVELOPMENT, with an amendment proposed by City Attorney Adams and accepted by the maker and the seconder of the motion to add wording when the ordinance is brought back for second reading and adoption as follows: "the ordinance will be operative only if AB X1 26 and AB X1 27 are upheld and the stay is lifted." The City Council, seated as the Community Redevelopment Agency (CRA), adopted Resolution No. 2011-04, A RESOLUTION OF THE AGENCY BOARD OF THE COMMUNITY REDEVELOP-

MENT AGENCY OF THE CITY OF SOUTH PASADENA, CALIFORNIA, ADOPTING THE ENFORCEABLE OBLIGATIONS PAYMENT SCHEDULE FOR THE COMMUNITY REDEVELOPMENT AGENCY FOR THE CITY OF SOUTH PASADENA REQUIRED BY HEALTH AND SAFETY CODE SECTION 34169.

(Putnam, Cacciotti)

**AUTHORIZATION FOR  
THE POLICE  
DEPARTMENT TO  
RECEIVE, TEST AND  
EVALUATE A CNG  
POWERED PATROL  
VEHICLE PROVIDED TO  
THE CITY THROUGH A  
SOUTH COAST AQMD  
GRANT**

Police Chief Payne presented the staff report on the proposed authorization for the Police Department to receive, test, and evaluate a CNG-powered patrol vehicle provided to the City through a South Coast Air Quality Management District (AQMD) grant. He responded to questions.

By roll call vote (5 ayes), the City Council approved a request to allow the South Coast Air Quality Management District (AQMD) to provide the Police Department with a compressed natural gas-powered Ford Crown Victoria Police Interceptor.

(Sifuentes, Cacciotti)

**SECOND READING AND  
ADOPTION OF AN ORDIN-  
ANCE TO ESTABLISH  
CERTAIN PROTECTIONS  
FOR THE CITY RELATED  
TO CABLE PROVIDERS  
AND TO IMPLEMENT A  
PUBLIC EDUCATION GOV-  
ERNMENT (PEG) FEE TO  
BE PAID BY CABLE TELE-  
VISION CUSTOMERS TO  
FUND CAPITAL EQUIP-  
MENT PURCHASES FOR  
PUBLIC, EDUCATION, AND  
GOVERNMENT PROGRAM-  
MING ACCESS VIA TIME  
WARNER CHANNEL 19  
AND AT&T CHANNEL 99;  
AND ADOPTION OF A RE-  
SOLUTION SETTING THE  
PEG FEE AT 1% OF GROSS  
REVENUES**

Due to the late hour, this item was postponed.

**PROVIDE DIRECTION REGARDING AN AMENDMENT TO THE ZONING CODE RELATING TO THE TIME PERIOD FOR EXTENSIONS OF ZONING APPROVALS**

Due to the late hour, this item was postponed.

**PROVIDE DIRECTION REGARDING AMERICANS WITH DISABILITIES ACT ACCESSIBILITY CONSIDERATIONS FOR MONTEREY ROAD**

Due to the late hour, this item was postponed.

**ARROYO SECO GOLF COURSE'S STATUS REPORT ON OPERATIONS AND FINANCES DURING THE TRANSITIONAL PERIOD**

Due to the late hour, this item was postponed.

**PUBLIC COMMENTS**

There were no additional public comments.

**COUNCILMEMBERS' COMMENTS**

Mayor Ten requested adding to a future agenda discussion and examination of the City's ordinance regarding food trucks, seconded by Mayor Pro Tem Cacciotti.

Mayor Ten requested adding to a future agenda discussion and examination of the Chamber of Commerce's request for funding for a marketing plan for the Fair Oaks merchants for a "shop local" campaign, seconded by Mayor Pro Tem Cacciotti.

**CITY MANAGER COMMUNICATIONS**

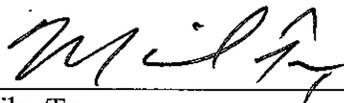
There were no additional City Manager communications.

**ADJOURNMENT**

By consensus, the City Council adjourned the meeting at 11:18 p.m.



Sally Kilby  
City Clerk  
CRA Secretary



Mike Ten  
Mayor  
Chair, CRA