

**MINUTES OF THE REGULAR MEETING OF THE
CITY COUNCIL AND COMMUNITY REDEVELOPMENT AGENCY
OF THE CITY OF SOUTH PASADENA
CONVENED THIS 20TH DAY OF JULY, 2011 8:06 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 8:06 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; Assistant Finance Director Batt; City Librarian Fjeldsted; Community Services Director Pautsch; Acting Public Works Director Furukawa; Planning and Building Department Director Watkins; Transportation Manager Woods; Community Improvement Coordinator Ramirez; and City Clerk/CRA Secretary Kilby.

INVOCATION/PLEDGE OF ALLEGIANCE

Councilmember Putnam 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 participated in the items on the agenda, 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 given an update and information concerning the negotiations, and that the City Council gave direction but took no final action. The City Council took up real property negotiations,

he said, allowed into Closed Session pursuant to Government Code Section 54956.8 regarding the Arroyo Seco Racquet Club, with the City negotiator: Assistant City Manager Sergio Gonzalez, negotiating party: iTennis; under negotiation: terms of lease. The City negotiator provided the Council with an update on the current negotiations, he said, and the City Council gave direction but took no final action. They met on anticipated litigation pursuant to Government Code Section 54956.9(b), he said, concerning an action being brought against the City by the California Regional Water Quality Control Board. The City Council received a report with regard to the negotiations in this matter, he said, and regarding a tolling agreement that's been proposed. The City Council gave direction with regard to the negotiations and unanimously approved the tolling agreement in order to toll any statutes of limitations through December 1, 2011, to give the parties an opportunity to reach a settlement and have that in the form of a stipulated judgment given to the court. No final action, other than the tolling agreement, was taken by the Council, he said. In regard to the item on anticipated litigation pursuant to Government Code Section 54956.9(c), concerning recent legislation of the state with regard to redevelopment legislation and the option for the City to bring suit on constitutional grounds, he said the City Council was not able to get to that item. The City Council is considering going back into Closed Session later to address items not taken up, he said. In regard to real property negotiations pursuant to Government Code Section 54956.8, property: 1503-1507 El Centro Street, he said the City Council was unable to address this item. Regarding Item #5, 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 was unable to address this item. The City Council took up an item on anticipated litigation pursuant to Government Code Section 54956.9(b), significant exposure to litigation 54956.9(b)(3)(C), he said, People of the State of California, et al., v. Doug Tessitor, et al., concerning a writ that has been given to the Attorney General's Office requesting permission to file the lawsuit. The City Council gave direction with regard to this item, he said, but took no final action.

**PRESENTATION OF
CERTIFICATE OF
RECOGNITION TO CLAIRE
ROCHE, 2011 WOMEN IN
BUSINESS AWARD**

Mayor Ten presented a Certificate of Recognition to Claire Roche, who received 2011 Women in Business Award at a recent event sponsored by State Elected Officials. She was recognized for the "Woman in Arts & Entertainment" category, for "Miss Claire's Music & Dance for Kids." She made remarks.

**PRESENTATION OF CER-
TIFICATES OF
APPRECIATION TO
MEMBERS OF THE
ARROYO SECO GOLF
COURSE LEASE
SUBCOMMITTEE**

Mayor Ten presented Certificates of Appreciation to members of the Arroyo Seco Golf Course and Racquet Centre Lease Subcommittee: John Anderson, Fred Rusk, and Scott Feldmann. He said that members Timothy Hummel and Michael Thurman were unable to attend and would be sent their certificates. John Anderson made remarks. Mayor Pro Tem Cacciotti and Councilmember Sifuentes, who served as liaisons to the committee, made comments and praised the committee's work.

**ANNOUNCEMENTS OF
EVENTS**

Councilmembers announced an upcoming household hazardous waste event and concerts in the park. City Manager Davidson announced that the regularly scheduled City Council meeting of August 3, 2011, has been cancelled due to vacations.

**ITEMS REMOVED FROM
THE CONSENT CALENDAR**

Mayor Pro Tem Cacciotti requested that Item #8, Santa Monica Mountains Conservancy, be removed from the Consent Calendar for separate consideration. Councilmember Putnam requested that Item #9, SB 575, be removed. Councilmember Schneider requested that Item #10, City position on the SR-710, be removed. Mayor Ten reported that resident Bob Cook asked that Item #6, warrants, be removed, and that resident Bill Sherman asked to remove Item #10.

**APPROVAL OF THE
MINUTES OF THE
REGULAR MEETING OF
JULY 6, 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 6, 2011.

(Cacciotti, Sifuentes)

**ACCEPTANCE OF
PROJECT COMPLETION
AND AUTHORIZATION TO
FILE A NOTICE OF
COMPLETION FOR THE
CITYWIDE SEWER VIDEO**

By roll call vote (5 ayes), the City Council accepted the project improvements for the Citywide Sewer Video Inspection & Cleaning Project Phase III, authorized the issuance of a Notice of Completion for the project, and authorized payment of the retention payment in the amount of \$5,808.11 to Performance

**INSPECTION & CLEANING
PROJECT PHASE III, AND
AUTHORIZATION TO
RELEASE RETENTION
PAYMENT IN THE
AMOUNT OF \$5,808.11 TO
PERFORMANCE PIPELINE
TECHNOLOGIES**

Pipeline Technologies.

(Cacciotti, Sifuentes)

**APPROVAL OF THE
SOUTH PASADENA TOUR-
NAMENT OF ROSES COM-
MITTEE SLATE OF OF-
FICERS 2011-12, BY-LAWS,
2010-11 BUDGET, AND 2011-
12 PROJECTED BUDGET**

By roll call vote (5 ayes), The City Council approved the South Pasadena Tournament of Roses Committee Slate of Officers 2011-12, By-Laws, 2010-11 Budget (Operating Statement), and 2011-12 Projected Budget.

(Cacciotti, Sifuentes)

**APPROVAL OF PREPAID
WARRANTS IN THE
AMOUNT OF \$2,256,907.33,
GENERAL CITY
WARRANTS IN THE
AMOUNT OF \$639,126.64
AND PAYROLL IN THE
AMOUNT OF \$666,500.24**

Bob Cook, 5063 Collis Avenue, asked for clarification on the warrants (p. 56), where identical entries were listed for police training reimbursement. He asked whether these might be duplicate payments. Assistant Finance Director Batt stated that this can be researched. Mayor Ten asked that Mr. Cook and the Council be notified of his findings.

By roll call vote (5 ayes), the City Council approved Prepaid Warrants #168717-168787; General City Warrants #168788-168909, and payroll 07-08-11 and 07-15-11, a total of \$3,562,534.21. Seated as the Community Redevelopment Agency (CRA), they approved the CRA Warrants totaling \$11,081.45, which are included in the above total.

(Putnam, Cacciotti)

**AUTHORIZE CITY
MANAGER TO EXECUTE A
GRANT AGREEMENT
WITH SANTA MONICA
MOUNTAINS
CONSERVANCY FOR
PROPOSITION 84 FUNDING
FOR THE DESIGN OF THE
ARROYO SECO
PEDESTRIAN & BICYCLE
TRAIL IN THE AMOUNT
OF \$150,000**

Mayor Pro Tem Cacciotti asked for clarification on the grant with the Santa Monica Mountains Conservancy for the design of the Arroyo Seco Pedestrian & Bicycle Trail in the amount of \$150,000. He asked about the exemption for an Environmental Impact Report, the timeline, and trail width. Community Services Director Pautsch and Assistant City Manager Gonzalez responded.

By roll call vote (5 ayes), the City Council authorized the City Manager to execute the proposed grant agreement and all related documents for Proposition

84 funding through the Santa Monica Mountains Conservancy for the design of the Arroyo Seco Pedestrian & Bicycle Trail in the amount of \$150,000.

(Cacciotti, Putnam)

**APPROVAL OF A LETTER
OF SUPPORT FOR SENATE
BILL 575 TO STRENGTHEN
SMOKE-FREE
WORKPLACE LAW**

Councilmember Putnam objected to specific provisions of Senate Bill 575, related to smoking in the workplace, which the City Council is being asked to support via a letter. He disagreed with not exempting small employers and said this bill was not in conformance with a federal law that requires that smoking be permitted in federally funded health facilities.

By roll call vote (4 ayes; 1 no, Councilmember Putnam), the City Council approved the proposed letter of support for the passage of Senate Bill 575 that aims to strengthen the Smoke-Free Workplace Law.

(Cacciotti, Sifuentes)

**ADOPTION OF
RESOLUTION NO. 7172
FURTHER REVISING THE
CITY'S OFFICIAL
POSITION ON THE STATE
ROUTE 710 (SR-710) NORTH
EXTENSION AND
RESCINDING
RESOLUTION NO. 7171**

Transportation Manager Woods presented the staff report on the proposed revision to the resolution outlining the City's official position on the SR-710 North Extension. Councilmember Schneider said that many people are confused by newspaper reports on the City's position. He said that the position has not changed in a major way and outlined the changes. He said the City Council will rescind the resolution if the promised legislation is not enacted.

Dr. Bill Sherman, 320 Grand Avenue, summarized wins and losses in the City's lengthy battle against the SR-710 extension. He urged clearing the City Council of pro-tunnel advocates and other deadwood in the upcoming elections.

Councilmember Putnam made comments about the City's participation in the proposed tunnel's Environmental Impact Report. Mayor Pro Tem Cacciotti commented on future air quality standards.

By roll call vote (5 ayes), the City Council approved Resolution No. 7172, A RESOLUTION OF THE

CITY COUNCIL OF THE CITY OF SOUTH PASADENA, CALIFORNIA, RE-AFFIRMING THE CITY'S OFFICIAL POSITION ON THE STATE ROUTE 710 FREEWAY EXTENSION, SUPPORTING A MULTI-MODAL ALTERNATIVE, AND RESCINDING RESOLUTION NO. 7171.

(Putnam, Cacciotti)

PUBLIC COMMENTS
Advertising space

Bob Cook, 5063 Collis Avenue, asked about a full-page ad for the City appearing in the *Pasadena Star News*. He asked about how payment was made. City Manager Davidson said there was no cost to the City. Mayor Ten said he received a memo from the City of Industry offering mayors of the San Gabriel Valley the city's pre-purchased advertising space. Mayor Ten said he accepted the offer. Mr. Cook asked for further clarification and documentation of the cost. Mayor Ten said staff would investigate and respond to him.

Gold Link

Linda Krausen, 1109 Grevelia Street, urged the City Council to add the issue of the discontinuation of the Gold Link to a future agenda. She made remarks about the service.

PUBLIC HEARING
CONFIRMATION OF THE
CHARGES ASSESSED BY
THE COUNTY OF LOS
ANGELES DEPARTMENT
OF AGRICULTURAL
COMMISSIONER/WEIGHTS
AND MEASURES WEED
ABATEMENT DIVISION
FOR WEED CLEARANCE
ON RESPECTIVE PARCELS
OF LAND OF
UNIMPROVED PRIVATE
PROPERTIES
CONSTITUTING A FIRE
HAZARD

Fire Chief Wallace presented the staff report on the Los Angeles County's annual program of weed clearance of unimproved parcels constituting a fire hazard. He said charges have been posted on the Council Chambers door.

Mayor Ten opened the public hearing. No one came forward and he closed the public hearing.

By roll call vote (5 ayes), the City Council confirmed the weed clearance charges assessed by the County of Los Angeles Department of Agricultural Commissioner/Weights and Measures Weed Abatement Division for weed clearance on respective parcels of land of unimproved private properties constituting a fire hazard.

(Putnam, Cacciotti)

**ADOPTION OF
RESOLUTION NO. 7173
APPROVING THE ANNUAL
AUDITOR'S REPORT AND
AUTHORIZING THE
COLLECTION OF THE
LIBRARY SPECIAL TAX
FOR FISCAL YEAR
2011/2012**

City Librarian Fjeldsted presented the staff report on the proposed resolution approving the Annual Auditor's Report and authorizing the collection of the Library Special Tax for Fiscal Year 2011/2012. A revised report containing updated information had been distributed. He responded to questions.

By roll call vote (5 ayes), the City Council adopted Resolution No. 7173, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOUTH PASADENA, CALIFORNIA, APPROVING THE ANNUAL AUDITOR'S REPORT AND SETTING THE RATE OF THE LIBRARY SPECIAL TAX TO FINANCE LIBRARY SERVICES FOR FISCAL YEAR 2011-12.

(Putnam, Sifuentes)

**INTRODUCTION AND
FIRST READING OF AN
ORDINANCE TO
ESTABLISH CERTAIN
PROTECTIONS FOR THE
CITY RELATED TO CABLE
PROVIDERS AND TO
IMPLEMENT A PUBLIC
EDUCATION
GOVERNMENT (PEG) FEE
TO BE PAID BY CABLE
TELEVISION CUSTOMERS
TO FUND CAPITAL
EQUIPMENT PURCHASES
FOR BROADCASTING
GOVERNMENT AND
EDUCATION
PROGRAMMING VIA TIME
WARNER CHANNEL 19
AND AT&T CHANNEL 99**

City Clerk Kilby presented the staff report on the proposed ordinance related to cable television to establish certain protections for the City and to implement a public, education, government (PEG) fee to be paid by cable customers to fund broadcasting-related equipment purchases. She responded to questions.

Councilmember Putnam said the timing of this ordinance is not good considering that the Utility User's Tax renewal will appear on the November ballot. In addition, he said that cable customers are financially supporting improvements that recipients of web streaming will not be paying for. Mayor Ten confirmed that these fees can be used to purchase equipment to facilitate web access to meetings and programming.

By roll call vote (4 ayes; 1 no, Councilmember Putnam), 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, AMENDING THE SOUTH PASADENA MUNICIPAL CODE WITH THE ADDITION OF CHAPTER 18A (VIDEO FRANCHISES); accepting proposed provisions to provide protections for the City and to direct cable providers to collect from cable customers and distribute up to 1% of gross revenues to the City

to be utilized for public, educational, and government access to cable television, as permitted by law, with the exact percentage to be set by resolution; and directed staff to ascertain capital equipment needs and return to the City Council with a resolution proposing a percentage (1% or lower) of gross revenues to be collected by cable providers and distributed to the City for capital purchases related to access to public, education, and government cable television programming.

(Cacciotti, Schneider)

**DIRECTION REGARDING
ESTABLISHING TENANT
SELECTION GUIDELINES
FOR THE COMMUNITY
REDEVELOPMENT
AGENCY OWNED
PROPERTY LOCATED AT
308 SAN PASCUAL AVENUE**

Assistant City Manager Gonzalez presented the staff report on direction regarding establishing tenant selection guidelines for the Community Redevelopment Agency-owned property located at 308 San Pascual Avenue. He responded to questions.

Don Jones, no address stated, said he is interested in renting the house. He objected to criteria requiring that the tenant be a resident or employee. He said he is willing to pay what the previous tenants were paying.

Councilmembers suggested requiring that the tenant also work in the park or for the City; requiring that a situation of special needs exists; requiring that the tenant has ties to the community; and giving priority to a City resident. It was understood that the applicant must meet low/moderate income requirements. Mayor Pro Tem Cacciotti urged installing energy-efficient appliances and toilets and planting drought-tolerant landscaping. Councilmember Putnam suggested that an asset test be included in the financial screening for potential tenants.

By voice vote (5 ayes), the City Council, and the City Council seated as the Community Redevelopment Agency (CRA), accepted in concept staff recommendations for tenant selection for the property at 308 San Pascual, directed staff to conduct a survey at the Senior Center as to interest in applying for affordable housing; and directed the City Attorney to investigate the legal aspects of various tenant requirements suggested by the City Council and whether the property needs to be ADA (Americans With Disa-

bilities) compliant.

(Sifuentes, Cacciotti)

**DIRECTION REGARDING
CONTRACTING FOR AN
APPRAISAL OF CITY
OWNED PROPERTY
KNOWN AS LOT 117**

Without objection, Mayor Ten took this item next to allow a member of the public to speak in a timely manner.

Community Services Director Pautsch presented the staff report on contracting for an appraisal of City-owned property known as Lot 117. Mayor Ten presented a history of the property, which he said was designated as open space during the development of the Altos. He said many residents opposed the development of a park during a recent community meeting, and that as a result, the Parks and Recreation Commission recommended against developing a park at the site. Councilmember Putnam questioned the value of undertaking an appraisal. Mayor Ten said that if the appraisal would be for residential development, he advised including residential property above the Collis and Kendall corridor. A general valuation can be obtained from a realtor, Councilmember Putnam said, and Mayor Ten said that this would be satisfactory.

Janet Hintzen, 1816 Via Del Rey, said obtaining an appraisal for Lot 117 is a waste of money. She said an economic feasibility analysis had been done in 1970. She provided the City Council with a copy.

Mayor Pro Tem Cacciotti said that appraisals of adjacent land will be conducted shortly by the Santa Monica Mountains Conservancy as part of efforts to acquire significant portions of Elephant Hill as open space.

By roll call vote (4 ayes; 1 no, Mayor Pro Tem Cacciotti), the City Council directed staff to reagendaize this issue to discuss the use of Lot 117. The City Council decided against obtaining a formal appraisal and directed staff to obtain a general valuation as open space and as single-family residential (if rezoned). On an amendment proposed by Mayor Ten and seconded by the maker of the motion, the City Council directed that at the same meeting, the unimproved City-owned property

located in the southwest corner of the City currently zoned for single-family homes be included as part of the discussion, and that staff would include a general valuation (not an appraisal) as single-family as part of the staff report for the discussion item.

(Putnam, Ten)

**PROVIDE DIRECTION
REGARDING
ENFORCEMENT OPTIONS
FOR ILLEGAL SIGNS IN
THE PUBLIC RIGHT-OF-
WAY**

Community Improvement Coordinator Ramirez presented the staff report on the issue of enforcement options for illegal signs in the public right-of-way. Mayor Ten displayed photographs of examples of illegal signs. Discussion followed. City Attorney Adams provided legal guidance.

By roll call vote (5 ayes), the City Council directed the City Attorney to determine the legality and enforceability of an ordinance that would penalize the promoters, sponsors, or venues of events advertised on illegal signs in the City's public right-of-way and to report back to the City Council.

(Ten, Sifuentes)

**PUBLIC COMMENTS
(CONTINUED)**

There were no additional public comments.

**COUNCILMEMBERS'
COMMENTS**

Councilmember Schneider requested information on the City's subsurface water rights and responsibilities for reporting to the State Water Resources Control Board, seconded by Mayor Pro Tem Cacciotti.

Mayor Ten requested that a portion of his discretionary funds be designated to replace two palm trees vandalized at Comerica Bank at a cost of \$325/tree. He requested that this be placed on a future agenda for City Council approval. This was seconded by Mayor Pro Tem Cacciotti.

**CITY MANAGER
COMMUNICATIONS**

There were no additional City Manager communications.

**CLOSED SESSION ITEMS
NOT ADDRESSED**

City Attorney Adams said that three items were not addressed in the earlier Closed Session. One item, the redevelopment legislation, potential litigation, can be brought back to the City Council in open session with a proposed ordinance, he said, well within the time deadline. In regard to real property negotiations,

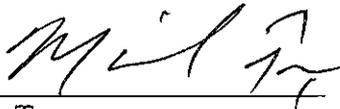
Genton Property Group, he said there is no report. The personnel item is performance evaluation, City Attorney. Mayor Ten said all can be postponed to a future meeting.

ADJOURNMENT

By consensus, the City Council adjourned the meeting at 10:36 p.m.



Sally Kilby
City Clerk
CRA Secretary



Mike Ten
Mayor
Chair, CRA