

**MINUTES OF THE REGULAR MEETING OF THE
CITY COUNCIL AND COMMUNITY REDEVELOPMENT AGENCY
OF THE CITY OF SOUTH PASADENA
CONVENED THIS 15TH DAY OF APRIL, 2009 7:47 P.M.
AMEDEE O. "DICK" RICHARDS, JR., COUNCIL CHAMBERS
1424 MISSION STREET**

ROLL CALL

The regular meeting of the City Council and the Community Redevelopment Agency (CRA) was convened at 7:47 p.m. by Mayor/CRA Chair Sifuentes. City Councilmembers/Agency Members present: Cacciotti, Putnam, and Ten; Mayor Pro tem/CRA Vice Chair Schneider; and Mayor/CRA Chair Sifuentes. Councilmembers/Agency Members absent: None. Other officials present: Interim City Manager/Agency Executive Director Davidson; City Attorney/Agency Counsel Adams; Assistant City Manager Gonzalez; Police Chief Watson; Fire Chief Wallace; Finance Director Thai; City Librarian Fjeldsted; Public Works Director Sweeney; Planning and Building Director Watkins; Transportation Manager Woods; and City Clerk/Agency Secretary Kilby.

Mayor Sifuentes announced that speaker cards must be completed for public comment and that no cards would be accepted after 8:00 p.m. He said no agenda item may be taken after 11:00 p.m.

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

**CLOSED SESSION
ANNOUNCEMENTS**

City Attorney Adams reported that Mayor Sifuentes called the Closed Session portion of the City Council/Community Redevelopment Agency meeting to order at approximately 6:30 p.m. He said there was no one from the public wishing to make public comment. He said ultimately all members of the Council participated in the session. He said the Council recessed into Closed Session to discuss labor negotiations pursuant to Government Code Section 54957.6, employee organizations: Police Officers' Association (POA), and unrepresented employees: part-time employees. City negotiators Richard Kreisler and Interim City Manager John Davidson gave a report to the Council, he said, and the Council gave direction and took no final action, so there is nothing further to report. He said they met with legal counsel on pending and potential litigation pursuant to Government Code Section 54956.9(a), City of South Pasadena et al.,

v. Federal Highway Administration: CA Department of Transportation et al., regarding the proposed 710 freeway extension. Special Counsel Antonio Rossmann provided a briefing to the Council, he said, Council did not take any action on the matter and there is nothing further to report. He reported that the Council met with legal counsel on pending litigation pursuant to Government Code Section 54956.9(a), City of South Pasadena vs. Metropolitan Transportation Authority, a case concerning Measure R and the lack of CEQA review. The Council was given a briefing by Special Counsel Jan Chatten-Brown, he said. She advised the Council that a tentative briefing schedule was adopted for this case that provides for the City to submit its brief in June, with a tentative hearing date of October 13, 2009. The Council was given that briefing and others concerning this matter, he said, and the Council took no action, with nothing further to report. They met with legal counsel on pending litigation pursuant to Government Code Section 54956.9(a), South Pasadena Citizens for Responsible Redevelopment v. City of South Pasadena, et al. That matter came to hearing before the court on March 19, 2009, he said. The Council was briefed on this item, he said, and the briefing indicated that the City was successful in having the writ denied. The court held that the City did not abuse its discretion in certifying the final Environmental Impact Report adopting the Statement of Overriding Considerations approving the amendment of the General Plan, and in granting development and conditional use permits for the downtown revitalization project. He reported that Special Counsel for the City was directed to prepare a judgment, and that will be completed shortly, he said. It has not been entered at this point, he said, so the matter is still pending. The Council took no action so there is nothing further to report, he said. The City Attorney said they met with legal counsel on anticipated litigation pursuant to Government Code Section 54956.9(c) on a claim: L.A. County Flood Control and Los Angeles County v. City of South Pasadena. He said the same claim has been presented to 57 other cities in addition to the City of South Pasadena. The Council voted unanimously to deny the claim and gave direction to the City Attorney on further proceedings in this matter. They took no final action and there is nothing further to report, he said. He said they met on a personnel item pursuant to Government Code Section

54957(b)(1), public employee appointment: City Manager. The City Council was provided with a brief report, he said, and the City Council gave direction to the Interim City Manager and the City Attorney concerning this matter. The Council took no further action and there is nothing further to report, he said.

**PRESENTATION OF
PROCLAMATION
DECLARING "BE KIND
TO ANIMALS WEEK"
IN THE CITY OF
SOUTH PASADENA**

Mayor Sifuentes presented a proclamation declaring "Be Kind to Animals Week" in the City of South Pasadena to Kay Findley, Chair, Animal Commission. She made remarks and invited all to attend a special event May 4, when school children will be awarded certificates for art entries focusing on "Be Kind to Animals Week." Mayor Sifuentes said children and their parents look forward to this event each year.

**COUNCILMEMBERS'
COMMENTS**

Councilmember Schneider requested adding an item to the agenda tonight as an emergency item. He said it concerns an application made to the Parks and Recreation Commission on Monday, April 13, after the agenda for tonight's meeting was posted. It concerns an arts event taking place on May 9 at Heritage Park and environs sponsored by the Chamber of Commerce. The Commission denied the request, he said, due to a City ordinance prohibiting serving alcohol in City parks. He said a decision must be made on this prior to the next Council meeting due to the need for the Chamber to submit an application to serve alcoholic beverages prior to the event and prior to the next meeting. Mayor Pro tem Schneider added that the Council must approve by 4/5 vote adding the item to the agenda. City Attorney Adams confirmed the findings that must be made for an item to be added to the agenda on an emergency basis.

By roll call vote (5 ayes), the Council approved adding to the agenda on an emergency basis consideration for permitting alcohol to be served in Heritage Park at an arts/music event to be sponsored by the Chamber of Commerce on May 9. The Council approved adding the item due to the fact that the issue arose after the agenda had been posted and because it is necessary that action be taken by the Council prior to the next regularly scheduled Council meeting.

(Schneider, Cacciotti)

Mayor Pro tem Schneider suggested that the City establish a sustainability fund to help residents improve their energy efficiency. He requested that this be added to a future agenda. This was seconded by Councilmember Cacciotti.

Councilmember Putnam made remarks about Abraham Lincoln.

Councilmember Ten reported that he rescued a dog in the median on Fair Oaks during the early morning rush hour. He suggested that all keep a spare leash/collar in their car in the event that this happens. He made related comments. He asked for volunteers to deliver senior meals through the Senior Center.

Councilmember Cacciotti requested that an issue related to parking requirements for a school be remanded to the staff and the Planning Commission. He said that the staff report for a recent hearing for an English-language school indicated that other cities require more parking spaces than South Pasadena requires. He requested that the Commission recommend whether to increase the required number of spaces for this specific use. This was seconded by Mayor Sifuentes.

Councilmember Cacciotti acknowledged recent efforts of one motor officer who was enforcing traffic regulations adjacent to Garfield Park.

Councilmember Cacciotti said that a few weeks ago, the City Council approved an application for a grant from the Upper San Gabriel Valley Municipal Water District to obtain funds for drought-resistant native plants in a median near the Los Angeles border. In order to avoid losing the grant for approximately \$25,000-\$30,000, he recommended that staff start working on this project immediately. This was seconded by Mayor Pro tem Schneider. He said that he and Mayor Sifuentes testified at a recent meeting of the District in an attempt to secure \$1.2 million previously set aside for the Wilson Reservoir. The motion failed, he said, 2-2. He asked for authorization to meet with Mayor Sifuentes and consultants Mike Roos and Victor Griego to plan a strategy to lobby the District to acquire a third vote to obtain funding promised in 2005 for Wilson Reservoir.

This was seconded by Councilmember Putnam. He expressed appreciation to staff for conducting the recent Water System tour; he announced another such tour April 25 and described the need for water system infrastructure repair.

Mayor Sifuentes also described testifying at the Water District meeting for funding. He announced a San Gabriel Valley Council of Governments meeting tomorrow that he will be attending. Regarding Garfield Park, he said recently installed lights have been replaced with more appropriate lighting.

**CITY MANAGER
COMMUNICATIONS**

Interim City Manager Davidson expressed appreciation for being appointed Interim City Manager, having been appointed April 1. He said he looks forward to working with the community and the Council during this transitional period. He made additional remarks. He made a correction to Item #8, page 82 of the staff report, under Analysis, stating that the dates in the second to the last paragraph, last line, should read "July 1, 2009 and July 1, 2010," making it a three-year contract. In Item #16, he said that the last page of the Senate Bill was missing and that staff emailed the page to the Council and provided them with a hard copy. The Clerk made a copy for the counter copy of the packet, he said.

Interim City Manager Davidson said staff is recommending that Item #26, Library Special Tax, be moved up on the agenda to be heard after the hearing. No objections were voiced. Councilmember Putnam said that on his recommendation, representatives of the Library Board of Trustees will not arrive until later in the evening; Mayor Sifuentes said the item will not be heard until they arrive.

Interim City Manager Davidson announced that he has an early morning meeting with School Superintendent Brian Bristol.

**ITEMS REMOVED
FROM OR ADDED TO
THE CONSENT
CALENDAR**

Councilmember Ten and two members of the public asked to remove Items #9 through #12 from the Consent Calendar for separate consideration.

**APPROVAL OF THE
MINUTES OF THE
REGULAR MEETING**

By roll call vote (5 ayes), the Council approved the minutes of the regular meeting of April 1, 2009.

OF APRIL 1, 2009

(Cacciotti, Putnam)

**APPROVAL OF
PREPAID WARRANTS
IN THE AMOUNT OF
\$582,260.35, GENERAL
CITY WARRANTS IN
THE AMOUNT OF
\$453,265.21 AND
PAYROLL IN THE
AMOUNT OF \$400,726.18**

By roll call vote (5 ayes), the City Council approved the Prepaid Warrants #157048-157088, General City Warrants #157089-157264, and payroll 04-03-09, for a total of \$1,436,251.74. Sitting as the Community Redevelopment Agency (CRA) Board, they approved the CRA warrants of \$141,639.41 (amount included in above warrants).

(Cacciotti, Putnam)

**SECOND READING—
ZONING CODE AMEND-
MENT DELETING A
SPECIFIC REFERENCE
TO EIR CERTIFICATION
AND PROVIDING A PUB-
LIC NOTICING RE-
QUIREMENT FOR PRO-
JECT IN DESIGNATED
HISTORIC DISTRICTS
(PROJECT NO. 0018-ZCA)
ORDINANCE NO. 2185**

By roll call vote (5 ayes), the Council read by title only for the second time, waiving further reading, and adopted Ordinance No. 2185, AN ORDINANCE OF THE CITY OF SOUTH PASADENA, CALIFORNIA, AMENDING CHAPTER 36 (ZONING) OF THE SOUTH PASADENA MUNICIPAL CODE TO DELETE A SPECIFIC REFERENCE TO EIR CERTIFICATION AND TO PROVIDE A PUBLIC NOTICING REQUIREMENT FOR DESIGN REVIEW WITHIN DESIGNATED HISTORIC DISTRICTS.

(Cacciotti, Putnam)

**APPROVAL OF
RESOLUTION NO. 7036
ADOPTING A MEMO-
RANDUM OF UNDER-
STANDING BETWEEN
THE CITY OF SOUTH
PASADENA AND THE
FIREFIGHTERS' ASSO-
CIATION; RESOLUTION
NO. 7037 ADOPTING A
MEMORANDUM OF
UNDERSTANDING
BETWEEN THE CITY OF
SOUTH PASADENA AND
THE BATTALION
CHIEFS' ASSOCIATION;
RESOLUTION NO. 7038
ADOPTING A MEMO-
RANDUM OF UNDER-
STANDING BETWEEN
THE CITY OF SOUTH
PASADENA AND THE
PUBLIC SERVICE**

By roll call vote (5 ayes), the Council approved Resolution No. 7036, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOUTH PASADENA, CALIFORNIA, ADOPTING A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF SOUTH PASADENA AND THE SOUTH PASADENA FIREFIGHTERS' ASSOCIATION; Resolution No. 7037, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOUTH PASADENA, CALIFORNIA, ADOPTING A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF SOUTH PASADENA AND THE SOUTH PASADENA BATTALION CHIEFS' ASSOCIATION; Resolution No. 7038, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOUTH PASADENA, CALIFORNIA, ADOPTING A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF SOUTH PASADENA AND THE SOUTH PASADENA PUBLIC EMPLOYEES' ASSOCIATION; and Resolution No. 7040, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOUTH PASADENA, CALIFORNIA, ESTABLISHING A PAY SCALE FOR MANAGE-

**EMPLOYEES' ASSOCIATION; AND
RESOLUTION NO. 7040
ESTABLISHING A PAY
SCHEDULE FOR
MANAGEMENT
EMPLOYEES**

MENT EMPLOYEES AND AUTHORIZING THE DISTRIBUTION OF THE UTILITY USERS TAX.

(Cacciotti, Putnam)

**LETTER SUPPORTING
BRUCE SIEVERS AS
POET LAUREATE OF
THE UNITED STATES**

By roll call vote (5 ayes), the Council approved the proposed letter of support for the nomination of Bruce Sievers as Poet Laureate of the United States.

(Cacciotti, Putnam)

**ADOPTION OF
RESOLUTIONS AND
JOINT EXERCISE OF
POWERS AGREEMENT
AUTHORIZING
FORMATION OF THE
SOUTH PASADENA
PUBLIC FINANCING
AUTHORITY IN
PREPARATION OF THE
UPCOMING DEBT
ISSUANCE**

By roll call vote (5 ayes), the Council approved Resolution No. 7039, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOUTH PASADENA, CALIFORNIA, AUTHORIZING FORMATION OF THE SOUTH PASADENA PUBLIC FINANCING AUTHORITY WITH THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF SOUTH PASADENA; approved Resolution No. 2009-02, A RESOLUTION OF THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF SOUTH PASADENA, CALIFORNIA, AUTHORIZING FORMATION OF THE SOUTH PASADENA PUBLIC FINANCING AUTHORITY WITH THE CITY OF SOUTH PASADENA; and approved the Joint Exercise of Powers Agreement by and between the City of South Pasadena and the Community Redevelopment Agency of the City of South Pasadena.

**CITY RESOLUTION
NO. 7039 AND
CRA RESOLUTION
NO. 2009-02**

(Cacciotti, Putnam)

**REQUEST BY COUNCIL-
MEMBER PUTNAM FOR
APPROVAL OF FY
2008/09 DISCRETIONARY
FUND ALLOCATIONS
DESIGNATING \$1,000 TO
THE SOUTH PASADENA
UNIFIED SCHOOL
DISTRICT FOR THE
INSTALLATION OF A
SPECIAL NEEDS
PLAYGROUND AT
MONTEREY HILLS**

The following two members of the public stated they were speaking on the following four items (#9 through #12):

Brenda Low, 1824 Via Del Rey, Monterey Hills Elementary School PTA President, described a three-year project to upgrade the school playground. She showed a drawing of the proposed project on the overhead projector. She said community organizations, including the PTA, parents, staff, and students have contributed, and that the cost will range between \$85,000 and \$92,000. The project, which is ADA-approved, she said, will be completed in the next few months. She said the

SCHOOL

playground doubles as a park for the Altos area.

Leilani Scholtz, 1565 Indiana Avenue, Chair, Operation Playground, Monterey Hills Elementary School, who said she is a pediatric physical therapist, spoke in favor of the play structure selected for the project.

Councilmember Ten expressed appreciation to fellow Councilmembers, who contributed discretionary funds to the project. He said this will be one of the few special needs playgrounds in Los Angeles County.

By roll call vote (5 ayes), the Council approved the request submitted by Councilmember Putnam designating \$1,000 for the South Pasadena Unified School District installation of a special needs playground.

(Putnam, Ten)

REQUEST BY COUNCILMEMBER TEN FOR APPROVAL OF FY 2008/09 DISCRETIONARY FUND ALLOCATIONS DESIGNATING \$4,700 TO THE SOUTH PASADENA UNIFIED SCHOOL DISTRICT FOR THE INSTALLATION OF A SPECIAL NEEDS PLAYGROUND AT MONTEREY HILLS SCHOOL

Public comments made above pertain to this item.

By roll call vote (5 ayes), the Council approved the request submitted by Councilmember Ten designating \$4,700 for the South Pasadena Unified School District installation of a special needs playground.

(Putnam, Ten)

REQUEST BY MAYOR PRO TEM SCHNEIDER FOR APPROVAL OF FY 2008/09 DISCRETIONARY FUND ALLOCATIONS TOWARDS VARIOUS ACTIVITIES AND EXPENSES

Public comments made above pertain to this item in regard to funds designated for the playground at Monterey Hills Elementary School.

By roll call vote (5 ayes), the City Council approved the request submitted by Mayor Pro tem Schneider designating discretionary funds to the following: up to \$500 to pay for the shuttle bus for the May 9th Chamber of Commerce Art Walk; \$500 for the special needs playground at Monterey Hills Elementary School; up to \$1,000 for the Nature Park; with the remainder of his discretionary funds to go to the Natural Resources and Environmental Commission (NREC) to plant trees throughout the City of South Pasadena.

(Putnam, Ten)

REQUEST BY MAYOR SIFUENTES FOR APPROVAL OF FY 2008/09 DISCRETIONARY FUND ALLOCATIONS DESIGNATING \$1,000 TO THE SOUTH PASADENA UNIFIED SCHOOL DISTRICT FOR THE INSTALLATION OF A SPECIAL NEEDS PLAYGROUND AT MONTEREY HILLS SCHOOL

Public comments made above pertain to this item.

By roll call vote (5 ayes), the Council approved the request submitted by Mayor Sifuentes designating \$1,000 for the South Pasadena Unified School District installation of a special needs playground.

Putnam, Ten)

**PUBLIC COMMENTS
Real estate open houses**

John Savage, 1117 Avon Place, spoke against excessive real estate open houses. He recommended the City establish a permitting process to control their frequency.

**Earth Day event:
restenciling storm drain
reminders**

Bill Kelly, 1852 Oxley Street, Chair, Natural Resources and Environmental Commission, announced an upcoming Earth Day volunteer event 04/18/09 to refresh the storm drain stencils reminding people not to litter. He displayed a flyer on the overhead projector.

**Drought-tolerant
parkways**

Barbara Eisenstein, 1852 Monterey Road, said she received a letter from the City stating that vegetation in her parkway is out of compliance with the City code. She displayed photographs of the parkway on the overhead projector and stated the drought-tolerant vegetation needs watering only 3-4 times/year. She says the site has been recognized by the National Wildlife Federation as a Certified Backyard Habitat and described other commendations she has received. She asked that the City grant a reprieve until it has time to reconsider the parkway vegetation ordinance.

Councilmember Cacciotti commended the resident for her efforts. He asked that the issue be remanded to the Natural Resources and Environmental Commission and then returned to the Council with the commission's recommendation. This was seconded by Mayor Pro tem Schneider.

Relay For Life

Odom Stamps, 318 Fairview Avenue, urged all to participate in the Relay For Life this weekend, April 18-

19. He challenged commissioners to participate on the City Lights team to keep members walking the track over the 24-hour period. Councilmembers provided additional information about the community event.

Water system tour

Carrie Adrian, 602 Garfield Avenue, Chair, Finance Committee, complimented staff conducting the recent tour of the City's water system. She encouraged the community to attend the next tour and supported raising rates to fund much-needed infrastructure improvements.

**REORDERING OF
AGENDA**

Mayor Sifuentes said that Item #16, support for Senate Bill 545, would be taken next, followed by Item #26, Library Special Tax, when speakers arrived. No objections were voiced.

**CONSIDERATION TO
SUPPORT PROPOSED
SENATE BILL 545
SPONSORED BY
SENATOR CEDILLO
AMENDING SECTION
100.4 OF THE STREETS
AND HIGHWAY CODE**

RESOLUTION NO. 7041

Transportation Manager Woods presented the staff report on consideration for supporting Senate Bill 545. He said that consultant Mike Roos was present to respond to questions. Questions followed, responded to by Mr. Woods. He said that Special Counsel Antonio Rossmann recommends supporting the bill. Mr. Roos made a presentation, stating that he told Senator Cedillo that the way to engender trust by the City of South Pasadena is "once and for all delete the surface freeway."

Councilmember Ten said that Senator Gilbert Cedillo is the only legislator offering to carry a bill with language that the City's lead attorney says is very important to the City. He said the surface freeway has been removed from most of the planning documents in the Southern California area (MTA, SCAG). The State Highways Code still contains reference to a surface freeway, he said, and this removes it.

Mayor Sifuentes opened the public comment period.

William Sherman, 320 Grand Avenue, who said he was a member of the Transportation Commission speaking as a private citizen, expressed concern that language in the bill is "imprecise and open to vague interpretation." He asked for clarification and language changes. He said subsequent changes could be made in the bill that would be unacceptable, and he noted that the bill could be reversed. Finally, he said the bill does not insure that the Caltrans properties will be sold. He requested that the bill

be presented at a Transportation Commission meeting.

Odom Stamps, 318 Fairview Avenue, who said he was speaking as a newly elected member of the Board of the South Pasadena Preservation Foundation (SPPF), said the position of SPPF is as follows: It supports the Council taking steps to legislatively "close the book" on efforts by the State to connect the two stubs of the SR-710. SPPF still believes that any extension will increase rather than alleviate traffic in the San Gabriel Valley, to the detriment of the City and its historic resources and quality of life. However, he said, there is no specific route in the current Caltrans feasibility study. The possible gains offered by City Senator Cedillo's bill outweigh the risk of the harm. To minimize the risk, he said, SPPF urges that the Council make its support for SB 545 contingent on a guarantee that the bill contains iron-clad language to make irrevocable the agreed-upon elimination of a surface or cut-and-cover 710 freeway gap closure. SPPF urges that the amending language be approved by City Special Counsel Tony Rossmann; that updating the public at regular intervals be made a priority of the new Transportation Manager Dennis Woods; and that tracking the bill through the bureaucratic process of committee hearings and passage without language change be made a primary responsibility of the public relations consultants/lobbyists Victor Griego and Mike Roos. SPPF recommends the Council refer this to the Transportation Commission for review with public comment to tighten the mock-up language prior to the next City Council meeting. Finally, should language be watered down or deleted, SPPF urges the Council to have in place a contingent resolution to allow the City Manager to swiftly denounce any double dealing and immediately oppose the bill in as broad and as public a manner as possible.

Robert Siev, 414 Fairview Avenue, supported Mr. Stamps' position as stated above. He opposed supporting the bill and questioned the Senator's motives, stating that he is in a race to become the next Congressman in another district. He made remarks about the Senator's opponent Judy Chu and Mike Eng, proponents of the proposed 710 freeway. He urged the Council to discuss this and to explain it.

Clarice Knapp, 417 El Centro Street, who said she is speaking for Citizens United, said the organization had serious concerns about the bill. She said they were reassured by Special Counsel Rossmann that this does not concede a tunnel and does not invalidate a "route neutral" position on tunnel research. She urged the Council to insure that Mr. Cedillo is aware of the City's position on the freeway/tunnel. She said the public relations firm needs to be ready immediately with a statement. This bill would remove the surface freeway from the Streets and Highways Code, she said. If a surface route were proposed again, a freeway agreement with the City would be necessary. She suggested language changes: In regard to the description of how the freeway is described (page 291 of the staff report), "you really need to say for subsurface, you need to say full bore tunnel," and "any time you say a surface or above-grade freeway, you need to say depressed cut and cover; it's either surface, depressed, cut and cover, or above-grade freeway." That's the language used by Caltrans, she said, and changing the language would help. She said this should be referred to the Transportation Commission for modification.

Janet Ervin, 801-H Meridian Avenue, who stated she is a former Transportation Commission member, supported statements made by previous speakers. She raised the issue of the City's official position on the 710. She said in regard to the position on sound research on the tunnel, she has yet to see it. She said unless the City changes its official position, it should not be considering this.

Mary Ann Parada, 1710 Ramona Avenue, said that Senator Cedillo is "pulling a campaign tactic." She said she does not trust him, but she does trust Special Counsel Rossmann. On page 295 of the agenda packet, she said a phrase is missing from the mock-up of the bill. She said line number 22 should say ". . . least adverse economic and physical impact on the communities and cities involved . . ." [addition underlined] She said the City should keep tabs on any recommendations that are added.

Mayor Sifuentes closed the public comment period.

Councilmember Cacciotti made a motion to approve the resolution supporting Senate Bill 545 as submitted on

February 27, 2009, with proposed amendments, and to incorporate recommendations presented tonight by Odom Stamps, representing the South Pasadena Preservation Foundation. He asked that an alternate resolution be prepared in the event that the bill is changed to enable consultants to move quickly to present the City's position if it is amended during the legislative process. The motion failed for lack of a second.

Councilmember Putnam said it would be unlikely that the City could achieve all recommendations of the Preservation Foundation. Mayor Pro tem Schneider said there was no urgency to support this as the final draft has not even been written. He urged referring the bill to the Transportation Commission; recommended removing wording from the proposed resolution related to the tunnel; and supported initiating public relations efforts. Councilmember Putnam noted that Special Counsel Rossmann recommended supporting the bill. Discussion continued on possible language changes to the proposed resolution.

Consultant Roos responded that Senator Cedillo is willing to carry a bill that is supported by the City with regard to the absolute unambiguous deletion of the surface freeway. He said the Senator's basic instruction was, "If they're not interested, then there will be no bill." Mr. Roos said the Senator is willing to put to rest this fight . . . that created this gash in the City for close to 50 years. He responded to questions, stating he told the Senator that if he wanted to get the debate going, "you are going to have to delete the surface freeway and return these properties to the tax rolls."

By roll call vote (4 ayes; 1 no, Mayor Pro tem Schneider), the Council adopted Resolution No. 7041, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOUTH PASADENA, CALIFORNIA, IN SUPPORT OF AN AMENDED SENATE BILL 545 (CEDILLO), HIGHWAYS: AMENDING SECTION 100.4 OF THE STREETS AND HIGHWAYS CODE, supporting SB 545 as submitted February 27, 2009, with proposed amendments. They directed that public relations consultant Victor Griego of Diverse Strategies for Organizing, Inc., immediately issue a press release explaining the City's position and what support of the

bill means. On a friendly amendment proposed by Councilmember Cacciotti and approved by the maker and seconder of the motion, Council directed that the legislative intent of the Council be made clear in the resolution so that there is no doubt that when the surface freeway is referred to, it is explicitly clear that this also means no cut and cover freeway. They confirmed that the City's support is for the bill as presented in mock up, and that if there are any changes, the bill must be returned to the Council for review.

(Putnam, Ten)

**MAJOR FIRE IN CITY
YARDS**

Mayor Sifuentes announced that there was a major emergency fire taking place in the City Yards, close to being knocked down. Half of the City Yards is fully engulfed in flames, he said, and evidently firefighters have a good handle on it.

**EMERGENCY ITEM:
SERVING ALCOHOL IN
CITY PARK**

Mayor Pro tem Schneider said that the Chamber of Commerce plans to hold a special outdoor music and art walk on May 9. It planned to serve wine/beer in Heritage Park adjacent to the Meridian Iron Works Museum, and proposed this to the Parks and Recreation Commission. The commission denied the application and referred this to the City Council. Dr. Schneider said the Chamber needs to address this now due to lead time required to obtain a liquor license. City Attorney Adams provided guidance as far as current Municipal Code requirements. He said the Code prohibits alcohol in parks and on streets but is permitted in a facility. He provided options for the Council in order to approve the Chamber's request. The Code does not provide for exemptions, he said. There is insufficient time to amend the Code prior to the upcoming event, he said.

Mayor Pro tem Schneider made a motion not to consider the Mission Meridian area a "park" for the purpose of the South Pasadena Eclectic Music Festival and Art Walk. This was seconded by Mayor Sifuentes. Discussion continued. Councilmember Putnam said that he would not vote in favor of the motion because it sets bad policy. "How do you say a park isn't a park because they have an event you want to support?" he asked. Councilmember Cacciotti said that Heritage Park was considered a park for the Park Improvement Plan. The Mayor and

Councilmembers suggested options for approving the request.

After additional discussion and public comment, followed by a second motion, Mayor Pro tem Schneider withdrew his motion; Mayor Sifuentes withdrew his second.

Mayor Sifuentes opened the public comment period.

Gary Pia, 530 Martos Drive, Chair, Board of Directors, Chamber of Commerce, made a presentation about the Chamber's request to serve wine and beer at an upcoming music and arts event. He said he understood the quandary the request is placing the City and the Chamber in. The purpose of the event, he said, is to create an opportunity for the City to feel good about itself, to draw traffic to beleaguered merchants, and to "brand ourselves as an arts city." He described the event.

Scott Feldmann, 1121 Mission Street, CEO, Chamber of Commerce, suggested that beer/wine be served on the adjacent Gold Line Station plaza, since this is not a "park" He requested that the Council also approve the Chamber's request for an encroachment permit to utilize Heritage Park for the event—since it was denied by the Parks and Recreation Commission.

Mayor Sifuentes closed the public comment period.

The previous motion and second described above were withdrawn, as noted above.

By roll call vote (5 ayes), the Council approved the Chamber of Commerce's request for an encroachment permit to conduct the May 9, 2009 South Pasadena Eclectic Music Festival and Art Walk at Heritage Park and approved its request to sell alcoholic beverages at the event only on the Gold Line Mission Station Patio.

(Putnam, Schneider)

Mayor Pro tem Schneider, seconded by Mayor Sifuentes, requested that staff return to Council with a proposed ordinance to institute an alcoholic beverage permitting process for parks. On a request by Councilmember

Cacciotti, it was agreed that the Parks and Recreation Commission would review the proposal and make a recommendation, perhaps for exemptions for special events.

**LIBRARY SPECIAL
TAX RENEWAL
OPTIONS**

City Clerk Kilby presented the staff report on the renewal of the Library Special Tax. She introduced City Librarian Fjeldsted, who described library services and how the tax contributes to funding these services.

Mayor Sifuentes opened the public comment period.

Margaret Leong, 1672 Camino Lindo, President, Library Board of Trustees, said the Board supports postponing the Library Special Tax renewal election until 2010. This is because of the impact of the June school parcel tax on voters, she said. The Board recommends a renewal term of five years, she said, so that the renewal will coincide with the next regularly scheduled Municipal Election. She said the Board recommends adding an annual Consumer Price Index increase of 3% on the tax.

Anne Penn, 2065 Oak Street, Member, Library Board of Trustees, made remarks about the "tremendous growth" in Library services. She urged the Council to adopt the recommendations of the City Librarian and Board of Trustees. She said the impact of the Library is just as important as the amount of money it takes to fund it.

Mayor Sifuentes closed the public comment period.

Questions followed, responded to by City Clerk Kilby and Finance Director Thai. Discussion followed. Mayor Pro tem Schneider supported putting the renewal on this year's ballot. Councilmember Ten said allocating funds for a special election in 2010 would be money well spent and that currently there are multiple taxes and rate increases being levied on residents. He said the General Fund should support library services. Councilmember Putnam, who attended the Library Board of Trustees meeting at which this was discussed, made remarks about arguments that were made. In response to a question about conducting the election in 2011, Finance Director Thai said that an entire year of funding would be lost due to notification deadlines with the County Assessor's office. Several Councilmembers agreed that the City

eventually should include total funding for the Library in the City budget.

By roll call vote (3 noes, Councilmember Putnam, Mayor Pro tem Schneider, and Mayor Sifuentes; 2 ayes, Councilmember Cacciotti and Councilmember Ten), a motion failed to schedule a Special Municipal Election with the County-run election of November 2, 2010 for the renewal of the Library Special Tax.

(Cacciotti, Ten)

Discussion continued about costs of conducting a Special Municipal Election in November, 2010, with City Clerk Kilby responding to questions.

By roll call vote (3 ayes, Councilmember Cacciotti, Councilmember Putnam, and Mayor Pro tem Schneider; two noes, Councilmember Ten and Mayor Sifuentes), the Council approved placing the renewal of the Library Special Tax on the ballot of the General Municipal Election scheduled for November 3, 2009, and if this fails, to incorporate funding for the Library in future City budgets and to maintain funding in the general budget.

(Schneider, Putnam)

Discussion continued. City Attorney Adams provided legal advice on making the final decision on ballot language.

By consensus, the Council directed staff to prepare ballot language for the renewal of the Library Parcel Tax to be placed on the November 3, 2009 ballot to maintain the existing parcel tax rates with a 3% per year Consumer Price Index increase starting the first year after the enactment of the renewal (per Library Board of Trustees recommendation). They asked that other options be considered for the increase, e.g., an increase of a dollar per year. They directed that the term be extended as long as reasonable (5-7 years), and that the renewal be scheduled to occur at the time of a regularly scheduled General Municipal Election.

**PUBLIC HEARING
AN APPEAL OF A
PLANNING**

Senior Planner Mayer presented the staff report on the appeal of a Planning Commission decision to deny a

**COMMISSION DECISION
TO DENY A MULTI-
TENANT RETAIL
BUILDING AT 258-266
MONTEREY ROAD**

multi-tenant retail building at 258-266 Monterey Road. Questions followed, responded to by Mr. Mayer and City Attorney Adams.

Mayor Sifuentes opened the public hearing and asked the applicant to speak.

David Margrave, 928 Buena Vista Street, made a presentation to demonstrate why his project should be granted a Conditional Use Permit (CUP), which was denied by the Planning Commission. He said no residents have opposed the project. He utilized a large map to point to the project and adjacent properties. He said he has been working with commercial real estate brokers in an attempt to finance or sell a previously approved senior housing project. He distributed to the Council a list of contacts that had been made to identify funding. He explained why he has submitted this second application for the same property. He provided local examples of newly constructed projects that haven't sold. He described the subject project as a beautiful addition to the community. He said there is a lot of landscaping, solar panels with high energy efficient lights, and a unique rainwater runoff landscape watering system. He said he drafted a document containing the six necessary findings and distributed this to the Councilmembers. He specifically addressed findings two and four. He requested having two approved CUPs for the same project and said that with today's economic climate, it is a necessity. He said that if he can finance or sell the senior housing project, he will pursue the original project. If not, the retail project is a back-up plan. He responded to questions from Councilmembers about differences between the two projects and requirements.

No other speakers had submitted speaker cards prior to 8:00 p.m. to speak. Mayor Sifuentes closed the public hearing.

Discussion continued. Mr. Mayer responded to questions. Councilmember Putnam said in earlier discussions about the Ostrich Farm area, residential development was discouraged. Now, he said, the discussion has flipped, so that residential is preferable to commercial. He displayed on the overhead projector a historic picture of the Cawston Ostrich Farm, which existed adjacent to the

subject property. Councilmember Ten said this property is more suited to commercial than senior housing.

Mayor Sifuentes reopened the public hearing.

Vicky Kirkwood, Monterey Road, said the project "sounds good," and urged the Council to "keep it small." She said traffic is a major issue in the area. She said this section of the City is the "stepchild of South Pasadena," and asked the Council not to forget about it.

Bob Siev, 414 Fairview Avenue, recommended approving the appellant's request.

Discussion and questions continued. Senior Planner Mayer responded to a question about the reasons for the Planning Commission's denial and other issues. City Attorney Adams responded to a question about the findings that compare one project to the other. Discussion continued about the required loading dock for the retail project. Mayor Sifuentes said a developer who planned to build a senior project should not be punished because economic conditions have changed. Councilmember Putnam said one Planning Commission Member suggested that solar panels and the proposed movement of water feature might make him change his mind.

By roll call vote (5 ayes), the Council continued the hearing to the May 20, 2009 City Council meeting and directed staff to draft a resolution for the meeting containing alternative findings and conditions required to overturn the Planning Commission decision to deny a Conditional Use Permit and Design Review for a 4,140 square foot multi-tenant retail center located at 258-266 Monterey Road. They asked that the conditions include a requirement for solar panels and a water feature as described by the applicant. In addition, the Council directed staff to prepare appropriate documentation for the California Environmental Quality Act (CEQA) and Conditions of Approval.

(Cacciotti, Ten)

**CONSIDERATION TO
AUTHORIZE A CITY
REPRESENTATIVE(S)
TO APPEAR BEFORE**

Transportation Manager Woods presented the staff report. Mayor Sifuentes suggested that the Transportation Manager represent the City to appear at the State

**THE CALIFORNIA
STATE ASSEMBLY ON
APRIL 20, 2009, IN
SUPPORT OF
ASSEMBLY BILL NO. 113**

Assembly in support of AB 113. Mayor Sifuentes said that he also would attend.

Mayor Sifuentes opened the public comment period.

Bob Siev, 414 Fairview Avenue, said no discussion was needed on such a minor item. In regard to the estimate in the staff report for the revenues that would result from the sale of Caltrans properties, he said the Roberti Bill requires the houses to be sold at a lower price than the estimate assumes.

Mayor Sifuentes closed the public comment period.

By roll call vote (5 ayes), the Council authorized Transportation Manager Dennis Woods to represent the City to appear before the California State Assembly on April 27, 2009 [date change] in support of Assembly Bill 113. They directed that Special Counsel Antonio Rossmann be consulted prior to giving testimony. They directed that in testifying, the City representative should not overstate revenues that might result from the sale of the Caltrans homes.

(Sifuentes, Cacciotti)

**FIRST READING OF
ORDINANCE
AMENDING CHAPTER
30 OF THE MUNICIPAL
CODE RELATING TO
SEWERS, AND ADDING
SECTION 30.12 FOR THE
CONTROL OF FATS,
OILS AND GREASE AND
SECTION 30.13 FOR
ENFORCEMENT**

Public Works Director Sweeney presented the staff report. Environmental consultant John Hunter was available to answer questions, he said. He corrected an error in the title of the section of the Code to be amended. He responded to questions about recoverability of costs and adoption by other cities.

Mayor Sifuentes opened the public comment period; no one came forward and he closed public comment.

By roll call vote (5 ayes), the Council introduced by title only for first reading, waiving further reading, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SOUTH PASADENA, CALIFORNIA, AMENDING CHAPTER 30 (SEWERS) OF THE SOUTH PASADENA MUNICIPAL CODE RELATING TO A FATS, OILS AND GREASE CONTROL PROGRAM.

(Cacciotti, Ten)

**PROPOSAL TO
IMPLEMENT PHASE I
OF THE LIBRARY
EXTERIOR
BEAUTIFICATION
PROJECT**

Due to the time-sensitive nature of this item, it was taken up, in spite of the late hour. City Attorney Adams said the Mayor could waive hearing the staff report and take public comment now. Mayor Sifuentes said he supported the proposal and had no objections to waiving the staff report. No objections were voiced by Councilmembers.

Mayor Sifuentes opened the public comment period; no one came forward and he closed public comment.

By roll call vote (5 ayes), the Council approved the Library recommendations to implement Phase I of its Exterior Beautification Project to enhance the Oxley Street main entrance side of the Library Park.

(Cacciotti, Putnam)

**RESOLUTION
AUTHORIZING
EMERGENCY REPAIR
OF FAIR OAKS
STREETLIGHT BASES**

Due to the late hour, this item was postponed.

RESOLUTION INITIATING THE PROCEEDINGS AND ORDERING THE PREPARATION OF THE ENGINEER'S REPORT FOR FY 2009-10 LIGHTING AND LANDSCAPING MAINTENANCE DISTRICT

Due to the late hour, this item was postponed.

LETTER OF SUPPORT FOR AB 87 – SINGLE USE BAGS

Due to the late hour, this item was postponed.

MUNICIPAL CODE CHANGES TO INSURE CONSISTENCY AND TO IMPROVE EFFICIENCIES IN THE COMMISSION PROCESS: APPROVE INTRODUCTION OF PROPOSED ORDINANCE BY TITLE ONLY FOR FIRST

Due to the late hour, this item was postponed.

**READING, WAIVING
FURTHER READING**

**NATURAL RESOURCES
AND ENVIRONMENTAL
COMMISSION RECOM-
MENDATION FOR A
GREEN PURCHASING
POLICY**

Due to the late hour, this item was postponed.

**ADOPT POLICY TO PRO-
VIDE EACH CITY COM-
MISSION/BOARD WITH
BUSINESS CARDS ON AN
AS-NEEDED BASIS**

Due to the late hour, this item was postponed.

**CONSIDERATION OF A
REQUEST BY MAYOR
SIFUENTES FOR ADOPT-
ING CRITERIA FOR
DETERMINING
APPROPRIATENESS OF
LETTERS SENT BY THE
CITY COUNCIL**

Due to the late hour, this item was postponed.

**PROPOSED LOCAL
RESIDENTIAL
RESTRICTIONS ON
SEX OFFENDERS**

Due to the late hour, this item was postponed.

**PRESENTATION OF THE
QUARTERLY STATUS
REPORT OF CAPITAL
IMPROVEMENT
PROJECTS**

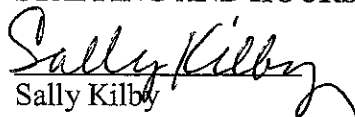
Due to the late hour, this item was postponed.

**UPDATE ON THE AR-
RIVE ALIVE PROGRAM**

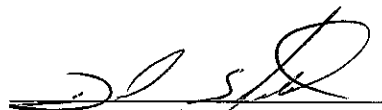
Due to the late hour, this item was postponed.

**REPORT REGARDING
THE CLEAN-AIR CAR
SHOW AND GREEN-
LIVING EXPO BUDGET,
STAFFING AND HOURS**

Due to the late hour, this item was postponed.



Sally Kilby
City Clerk
Secretary, CRA



David Sifuentes
Mayor
Chair, CRA