

CITY OF PASADENA
City Council Minutes
June 18, 2001 - 5:30 P.M.
City Hall Council Chamber

REGULAR MEETING

OPENING:

On order of the Mayor, the regular meeting of the City Council was called to order at 5:50 p.m. (Absent: Councilmember Holden)

On order of the Mayor, the regular meeting of the City Council recessed at 5:50 p.m., to discuss the following closed sessions:

CITY COUNCIL AND COMMISSION CONFERENCE WITH REAL PROPERTY NEGOTIATOR pursuant to Government Code Section 54956.8

**Property: 300 West Green Street, Pasadena, CA
Negotiating Parties: Richard Bruckner, Jay Goldstone; Legacy**

The above item was not discussed.

Councilmember Holden arrived at 5:53 p.m.

**CITY COUNCIL CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION
Significant exposure to litigation pursuant to Government Code Section 54956.9(b): One potential case**

On order of the Mayor, the regular meeting of the City Council reconvened at 6:41 p.m. The Pledge of Allegiance was led by Vice Mayor Little.

ROLL CALL:

Councilmembers:

Mayor Bill Bogaard
Vice Mayor Bill Crowfoot
Councilmember Steve Haderlein
Councilmember Chris Holden (Returned at 6:42 p.m.)
Councilmember Paul Little
Councilmember Steve Madison
Councilmember Joyce Streater (Returned at 6:47 p.m.)
Councilmember Sidney F. Tyler, Jr.

Staff:

City Manager Cynthia J. Kurtz
City Attorney Michele Beal Bagneris
City Clerk Jane Rodriguez

CEREMONIAL MATTERS

Councilmember Holden returned at 6:42 p.m.

Councilmember Streater returned at 6:47 p.m.

Mr. Tim Brick, Member of the Metropolitan Water District ("MWD"), and Adon Ortega, with MWD, presented a check for \$35,500 to the Rose Bowl Operating Company for a drought resistant landscaping project at Brookside Golf Course. The check was accepted by Mr. Darryl Dunn, General Manager of the Rose Bowl.

PUBLIC COMMENT

Ms. Stacey Murphy and Mr. Dave Golonski, City of Burbank Councilmembers, distributed and read a letter from the Burbank City Council requesting the Burbank, Glendale, and Pasadena City Councils meet to discuss the issues of the pending curfew study (known as the Part 161 Study), and enforceable limits on future growth of the Airport.

Councilmember Holden and Councilmember Streater urged the Airport Authority be invited to the table for participation and discussion.

Mayor Bogaard noted the City Manager's Office will work with the City of Burbank in preparing for a joint meeting.

Mr. Roy Begley, Pasadena resident, commented on the different income tax rates in Switzerland, and spoke in support of this process.

CONSENT CALENDAR

AWARD CONTRACT TO ALLHEALTH IN AN AMOUNT NOT TO EXCEED \$140,000 FOR SECURITY SERVICES AT THE PASADENA COMMUNITY HEALTH CENTER

Recommendation of City Manager:

- (a) Authorize the City Manager to enter into a contract in an amount not to exceed \$140,000 with ALLHealth for safety and security services at the Pasadena Community Health Center (PCHC) at 1845 North Fair Oaks Avenue for a period of one year;
- (b) Approve an exemption from formal bidding pursuant to Charter Section 1002(F), professional or unique services, and grant an exemption from competitive selection pursuant to Pasadena Municipal Code 4.09 pursuant to Section 4.09.060(C)(2), Best Interest (Continuity of Service). (Contract No. 17,644)

MINUTES APPROVED

April 23, 2001

CLAIMS RECEIVED AND FILED

Claim No. 8802	Stefano Paolo Merlo	\$	7,557.13
Claim No. 8803	Carol Toogood and Farmers Insurance Exchange		3,448.84

It was moved by Councilmember Tyler, seconded by Councilmember Haderlein, to approve the Consent Calendar. (Motion unanimously carried) (Absent: None)

CONTINUED PUBLIC HEARINGS

CONTINUED PUBLIC HEARING: CALL FOR REVIEW OF VARIANCE NO. 11319, THE RAYMOND THEATER AT 121-129 NORTH RAYMOND AVENUE

Recommendation of City Manager:

- (1) Certify the revised final environmental impact report for the ~~Raymond Theater project~~;
- (2) Adopt Revised Findings of Fact as contained in Attachment A of the Agenda report;
- (3) Adopt a mitigation monitoring program as contained in

Attachment B of the agenda report, adopt a *de minimis* finding as required by California Fish and Game Code 711.4(d)(1) and Title 14, California Code of Regulations Section 735.5(a)(3); and (4) Adopt the revised variance findings contained in Attachment C of the agenda report, the revised conditions of approval contained in Attachment D of the agenda report and approve the proposed variances.

The Mayor announced this was a continued public hearing.

Mr. Denver Miller, Principal Planner, summarized the agenda report and responded to questions. He noted that while Council is being asked to certify the Environmental Impact Report (EIR), Council is not being asked to adopt the statement of overriding consideration for the revised project.

The following individuals spoke in support:

- Mr. Scott Jenkins, on behalf of Mr. & Mrs. Buchanan, property owners
- Mr. Pierce O'Donnell and Mr. Harvey Knell, new buyers of the Theater
- Ms. Sue Mossman, Pasadena Heritage, distributed and summarized a letter from Pasadena Heritage requesting that the findings regarding two alternatives be revised to reflect the language in the final EIR.
- Ms. Jan Muntz, Pasadena resident
- Ms. Trudi Sandmeier, Los Angeles Conservancy
- Mr. Robert Frampton, President of Forecast Foundation
- Mr. Herminia Ortiz, Vecinos Unidos
- Ms. Gina Zamparelli, Friends of the Raymond
- Ms. Tracy Wallace, Friends of the Raymond submitted two letters regarding sponsorship of the theater.
- Mr. Richard Becker, Friends of the Raymond
- Mr. Raymond Dashner, Pasadena resident
- Ms. Aprile Boettcher, Pasadena resident
- Ms. Carmen Balas, Forecast Foundation

The following individuals in spoke in opposition, expressed concerns with certifying the EIR, and expressed concern regarding the need to preserve the Theater:

- Mr. Michael Dickerson, La Crescenta resident
- Mr. Kelly Zirbes, North Hollywood resident
- Mr. Stephen Brandt, Pasadena resident
- Mr. Theodore R. Gooding Sr., Theater Historical Society of America
- Mr. Dale Trader, Pasadena resident
- Mr. Eric Pierce, Altadena resident
- Mr. Larry Herest, resident
- Ms. Renee Rubalcava, Friends of Raymond/Garfield Heights, submitted a petition with 532 signatures
- Mr. Steve Emerson, Friends of the Raymond
- Ms. Philip Salvatti, Friends of the Raymond

Mr. John Subee, resident
Ms. Nancy Parry, Save the Raymond Theater
Ms. Barbara Dane, Pasadena resident
Mr. Ken Grantham, Altadena resident
Ms. Hannah Eisenberg, general contractor and interior designer

Mr. Denver Miller reiterated that staff is asking Council to approve four variances for the residential component of the project, and is not authorizing any particular use for the Theater portion of the building.

In order to relieve some of the tension and concerns expressed by the speakers, Councilmember Streater suggested changing the wording of the staff recommendation so it does not reference the Raymond Theater.

Following a brief discussion, Mr. Miller referred to the June 18, 2001 letter from Pasadena Heritage, and suggested staff's recommendation be amended to include the two findings outlined on Page 2, Item 3, of said letter.

It was moved by Councilmember Madison, seconded by Councilmember Little, to close the public hearing. (Motion unanimously carried) (Absent: None)

The City Attorney clarified staff's recommendation is as presented in the staff report, with the modifications that the revision be with respect to "Theater Restoration and Reuse as a Theater", and "Cultural or Institutional Use", as follows:

Theater Restoration and Reuse as a Theater:

"Studies have indicated that this alternative may be technically feasible and could be economically feasible, provided that skilled, knowledgeable and creative management is provided but may not be financially feasible unless substantial subsidy and capitalization can be secured.

Cultural or Institutional Use

Depending upon the adaptive reuse program pursued, impact on this historic resource could be reduced, however, this alternative would not be financially feasible unless substantial subsidy is acquired.

The City Attorney noted that this modification can be incorporated in the findings set forth in the EIR document before Council for certification. She further clarified City Manager Recommendation No. 1 is revised to delete the words "Raymond Theater" and replace it with the word "project".

It was moved by Councilmember Little, seconded by Councilmember Madison, to approve staff's recommendation, with the modifications outlined above. (Motion unanimously carried) (Absent: None)

CONTINUED PUBLIC HEARING: RECOMMENDED FY 2002 TO 2006 CAPITAL IMPROVEMENT PROGRAM BUDGET

Recommendation of City Manager: Hear public comment and continue the public hearing to each subsequent regular meeting of the City Council at 8:00 p.m. until July 9, 2001, or such other later date as the Council may determine, and at which time the City Council will be asked to close the public hearing and formally adopt the FY 2002-2006 Capital Improvement Program Budget.

The Mayor announced this was a continued public hearing, and opened the floor for public comment.

Mr. Mark Graf, Pasadena resident, referred to the settlement agreement in connection with the Forest City development project on South Lake, and promises by the City to include funding for traffic improvements in the Capital Improvement Program (CIP) Budget for 2001, 2002, and 2003.

Mr. Bernard Gilpin, Director of Public Works and Transportation, responded that all of the projects will be included in the upcoming CIP even though there may be no funding. He noted some funding is dependant on developers and some funding is dependant on available City funds.

Councilmember Streator requested staff provide a list of projects that were agreed to in the settlement agreement.

On order of the Mayor, the public hearing was continued to June 25, 2001, at 8:00 p.m.

PUBLIC HEARING: PROPOSED GENERAL PLAN AMENDMENT AND ZONE CHANGE FOR PROPERTY LOCATED AT 2685 EAST WASHINGTON BOULEVARD

Recommendation of City Manager:

- (a) Approve the Initial Environmental Study and Negative Declaration (Attachment 1 of the agenda report);
- (b) Approve the De Minimis Impact Finding on the State Fish and Wildlife Habitat (Attachment 2 of the agenda report);
- (c) Adopt the findings that the zone change from (OS) Open Space to (CL) Limited Commercial and General Plan Amendment from Open Space to Neighborhood Commercial is consistent with the goals and objectives of the General Plan and the purposes of Title 17;
- (d) Approve the General Plan Amendment from Open Space to Neighborhood Commercial (Attachment 3 of the agenda report), and adopt the resolution contained in Attachment 4 of the agenda report;
- (e) Approve the Zone Change from (OS) Open Space to (CL) Limited Commercial (Attachment 5 of the agenda report), and direct the City Attorney to prepare an ordinance; and
- (f) Direct the City Clerk to file a Notice of Determination (Attachment 6 of the agenda report) and the Certificate of Fee Exemption for the California Department of Fish and Game, with the Los Angeles County Recorder. (Resolution No. 8012)

Mayor Bogaard opened the public hearing.

The City Clerk reported 15 copies of the notice of public hearing were posted on June 4, 2001, and 10 copies were mailed on June 4, 2001; no letters were received.

Mr. David Sinclair, Assistant Planner, summarized the agenda report and responded to questions.

Mr. Robert McClellan, Architect, spoke in support of staff's recommendation.

It was moved by Councilmember Haderlein, seconded by Councilmember Streater, to close the public hearing. (Motion unanimously carried) (Absent: None)

Councilmember Holden was excused at 8:36 p.m.

It was moved by Councilmember Haderlein, seconded by Councilmember Tyler, to approve the City Manager's recommendation. (Motion unanimously carried) (Absent: Councilmember Holden)

**RECOMMENDATIONS
FROM OFFICERS AND
DEPARTMENTS**

PROCESS FOR CITY'S DISTRIBUTION OF 'N SYNC CONCERT TICKETS (Councilmember Holden)

At the request of Councilmember Holden, the above item was held to a future meeting.

REAPPOINTMENT OF PATRICK McKIERNAN TO THE CODE ENFORCEMENT COMMISSION, EFFECTIVE JULY 1, 2001 (District 6 Appointment)

REAPPOINTMENT OF JIM MORRIS TO THE PASADENA CENTER OPERATING COMPANY BOARD, EFFECTIVE JULY 1, 2001 (City Appointment)

REAPPOINTMENT OF JODY GERSTNER TO THE UTILITY ADVISORY COMMISSION, EFFECTIVE JULY 1, 2001 (Mayoral Appointment)

REAPPOINTMENT OF GREG SMITH TO THE SOUTH LAKE PARKING PLACE COMMISSION, EFFECTIVE JULY 1, 2001 (At large/Mayoral recommendation)

APPOINTMENT OF NANCY M. SULLIVAN TO THE HUMAN RELATIONS COMMISSION (District 6 Appointment)

It was moved by Councilmember Streater, seconded by Vice Mayor Little, to approve the above reappointments and appointment. (Motion unanimously carried) (Absent: Councilmember Holden)

RECESS

On order of the Mayor, the regular meeting of the City Council recessed at 8:37 p.m. to the regular meeting of the Community Development Commission.

RECONVENE

On order of the Mayor, the regular meeting of the City Council reconvened at 8:38 p.m. (Absent: Councilmember Holden)

INFORMATION ITEMS

UPDATE ON ELECTRIC POWER ISSUES AND THE IMPACT ON PASADENA CUSTOMERS (Oral report)

On order of the Mayor, the above item was held one week.

PREDEVELOPMENT PLAN REVIEW FOR A PROPOSED "HIGH VOLUME RETAIL" PROJECT LOCATED AT 3202 EAST FOOTHILL BOULEVARD

Recommendation of City Manager: This report is being provided for information purposes only at this time.

On order of the Mayor, the above item was pulled from the agenda.

PREDEVELOPMENT PLAN REVIEW FOR THE RENOVATION OF THE EXISTING VISTA DEL ARROYO HISTORIC BUNGALOWS AND AN ADDITIONAL 28 NEW UNITS FOR A TOTAL 45 RESIDENTIAL UNITS

Recommendation of City Manager: This report is being provided for information purposes only at this time.

Mr. Brian League, Project Manager, summarized the agenda report and responded to questions.

On order of the Mayor, the report was received and filed.

REPORTS AND COMMENTS FROM COUNCIL COMMITTEES
DEREGULATION COMMITTEE

OPPOSITION TO STATE SENATE BILL 1029 - WATER TRANSFERS (SENATOR PERATA)

Recommendation of City Manager: Support Metropolitan Water District's (MWD) opposition to State Senate Bill 1029 as introduced by State Senator Don Perata of East Bay District 9.

Councilmember Gordo was excused at 8:47 p.m.

It was moved by Councilmember Tyler, seconded by Vice Mayor Little, to approve the City Manager's recommendation. (Motion unanimously carried) (Absent: Councilmembers Gordo, Holden)

LEGISLATIVE PRIORITIES ON ENERGY ISSUES

Recommendation of City Manager: It is recommended that:
(a) the City Council approve the attached list of energy priority issues for the State 2001-2002 regular and second extraordinary legislative sessions; and
(b) the Mayor or City Manager be authorized to communicate the City's position on energy bills consistent with the adopted legislative priorities.

Councilmember Gordo returned at 8:49 p.m.

Councilmember Tyler reviewed the agenda report, noting the Deregulation Committee had recommended changes to the City's position on three bills. Staff distributed a memorandum from the City Manager, dated June 18, 2001, outlining the Committee's recommended changes.

It was moved by Councilmember Tyler, seconded by Councilmember Streater, to approve the City Manager's recommendation, as amended by the Deregulation Committee. (Motion unanimously carried) (Absent: Councilmember Holden)

ORDINANCES

Conduct first reading of "AN ORDINANCE OF THE CITY OF PASADENA ADDING A NEW CHAPTER 6.40 TO THE PASADENA MUNICIPAL CODE RESTRICTING THE DISPLAY OF ANIMALS FOR ENTERTAINMENT OR AMUSEMENT PURPOSES"

Mayor Bogaard referred to a letter from the Tournament of Roses Association requesting exclusion from the ordinance for equestrian activities associated with the Tournament of Roses Parade.

The City Attorney distributed and reviewed a revised ordinance and attachment, to exempt horses used during the Tournament of Roses Parade events (reflected on Page 7, Section C). She noted in the event Council would like to go along with the revision, Council would introduce the ordinance distributed this evening.

Ms. Wilma Allen, Director of Public Health and Mr. Mel Lim, Environmental Health Manager, responded to questions.

The following individuals spoke in support of the proposed ordinance:

- Ms. Kristina Munz, Pasadena resident
- Ms. Pamelyn Ferdin, Santa Monica resident
- Dr. Richard McLellan, Animal Legislative Action Network
- Mr. John Dommers, The Humane Society of the United States
- Ms. Priscilla Gargalis, California Lobby for Animal Welfare
- Mr. Eric Mills, Action for Animals
- Dr. Susan Finsen, Redlands resident
- Ms. Nina Chomsky, Pasadena resident
- Ms. Nancy Ramos, Woodland Hills resident
- Ms. Venice Jovanovic, Pasadena resident
- Ms. Theresa Allen, Altadena resident
- Ms. Lucy Shelton, Azusa resident

The following individuals spoke in opposition to the proposed ordinance:

- Ms. Joy Rittenhouse, Move a Child Higher, Inc.
- Ms. George E. Rittenhouse, Move a Child Higher, Inc.
- Mr. Myron E. Etienne, Jr., Salinas resident
- Mr. Bob Fox, Professional Rodeo Cowboys Association
- Ms. Cindy Schonholtz, Professional Rodeo Cowboys Association
- Ms. Jeni McDermott, Professional Rodeo Cowboys Association
- Ms. Elena Medo, Temecula resident, distributed a handout.
- Ms. Cheryl Shawver, resident
- Ms. Kari Johnson, Perris resident
- Ms. Sarah Conley, Los Angeles Circus, distributed a handout.
- Ms. Wini McKay, Los Angeles Foundation of Circus Arts
- Mr. Jim Swafford, resident
- Mr. Robert Kellogg, Burbank resident

Ms. Mary E. Barrie, La Canada Flintridge resident
Mr. James J. Fitzpatrick, Motion Picture Association of America,
distributed handout.
Mr. H. MacKay Jones, Pasadena resident
Ms. Heather Jones, Pasadena resident
Mr. Franklin Rosenberg, Carson and Barnes Circus
Ms. Linda Roberson, Circus Vargas

In the course of Council discussion, the following revisions were made to the proposed ordinance:

Page 2, Section 6.40.030, Paragraph A, second sentence:
"Display shall not include the use or exhibition of animals for educational or therapeutic purposes by institutions that are accredited by the American Zoological Association, by the Association of Sanctuaries, or the ~~local humane society~~ City Poundmaster."

Page 2, Section 6.40.030, Paragraph B, first sentence:
"~~Domesticated~~ Domestic animal' means any animal that is livestock, a companion animal, or both."

Page 4, Section 6.40.030, Paragraph E, revised to read as follows:
"E. 'Rodeo' shall mean a public performance featuring bronco riding, calf roping, steer wrestling, and ~~Brahma~~ bull riding."

Page 5, Section 6.40.050, Paragraph C.1., revised to read:
"1. The proposed use of the animal poses a threat to the public's health and safety, or would qualify as cruel or inhumane treatment of the animal in the opinion reasonable and objective determination of the City Poundmaster."

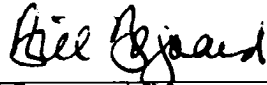
Page 7, Section 6.40.100, Paragraph A, revised to read:
"A. A display of wild or exotic animals for educational or therapeutic purposes under the sponsorship of institutions accredited by the American ~~Zoo and Aquarium~~ Zoological Association, other similar organizations, Association of Sanctuaries, or the City Poundmaster."

Councilmember Streator expressed concerns that we are increasing paperwork for the Poundmaster, expressed her opinion that the ordinance is flawed and has a lot of inequities, and stated she would not be supporting the proposed ordinance.

Councilmember Little offered the ordinance for first reading, as revised above:

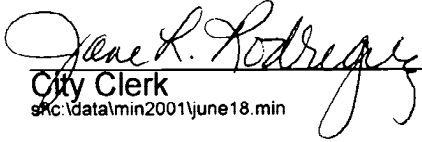
AYES: Councilmembers Gordo, Haderlein, Madison, Tyler,
Vice Mayor Little, Mayor Bogaard
NOES: Councilmember Streator
ABSENT: Councilmember Holden

On order of the Mayor, the regular meeting of the City Council
adjourned at 11:04 p.m.



Bill Bogaard, Mayor
City of Pasadena

ATTEST:



Jane K. Rodriguez
City Clerk
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