

CITY OF PASADENA
City Council Minutes
August 9, 2004 - 5:30 P.M.
City Hall Council Chamber

REGULAR MEETING

OPENING:

Mayor Bogaard called the regular meeting of the City Council to order at 6:32 p.m. The Pledge of Allegiance was led by Councilmember Holden.

ROLL CALL:

Councilmembers:

Mayor Bill Bogaard
Vice Mayor Sidney F. Tyler, Jr.
Councilmember Victor Gordo
Councilmember Steve Haderlein (Absent)
Councilmember Chris Holden
Councilmember Paul Little
Councilmember Steve Madison
Councilmember Joyce Streater

Staff:

City Manager Cynthia J. Kurtz
City Attorney Michele Beal Bagneris
Assistant City Clerk Sharon McCain Johnson

CEREMONIAL MATTERS

The Assistant City Clerk administered oaths of office to Robert Barber as Northwest Commissioner, Mr. Todd Miller as Utility Advisory Commissioner, and Ms. Keri Robinson as Pasadena Center Operating Company Board member.

**PUBLIC COMMENT ON
MATTERS NOT ON THE
AGENDA**

Mr. Nat Nehdar, Human Relations Commissioner, distributed a letter inviting City Council to the 6th annual Peace Through Music benefit concert to be held September 11, 2004.

Mr. Marvin Schachter, Pasadena resident, spoke regarding the third annual anniversary of September 11 and the death toll of the persons serving in the war in Iraq.

Mr. Ralph Williams, Jr. , Pasadena resident, submitted a written complaint to the City Council regarding Community Development Block Grant (CDBG) funding and the processing of several business loans he had received from Pasadena Enterprise Center/Pasadena Development Corporation.

In response to Mr. Williams' comments, the City Attorney informed Council that she had received correspondence from Mr. Williams and had responded to his correspondence. The City Attorney noted that it would be appropriate for her to provide advice to the City Council on what has occurred and if other steps need to be taken by the City.

The Mayor noted that in the near future, on behalf of the Council, a response would be made to the concerns raised by Mr. Williams.

CONSENT CALENDAR

Item discussed separately at the request of Councilmember Tyler.

Item removed for separate action, at the request of Councilmember Madison, due to a potential conflict of interest.

Councilmember Madison recused himself at 6:55 p.m.

RESOLUTION APPROVING A COOPERATIVE AGREEMENT BETWEEN THE CITY OF PASADENA AND THE STATE OF CALIFORNIA FOR STATE ROUTE 110 ADJACENT TO THE RAYMOND AVENUE TO SR 110 CONNECTOR PROJECT

RESOLUTION APPROVING A CONSTRUCTION AGREEMENT BETWEEN THE CITY OF PASADENA AND THE LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY FOR THE STATE ROUTE 710 MITIGATION - RAYMOND AVENUE TO SR 110 CONNECTOR AND CALIFORNIA BOULEVARD RIGHT TURN LANE AT RAYMOND AVENUE PROJECTS

ADOPTION OF A RESOLUTION AMENDING THE SALARY RESOLUTION RELATING TO SALARIES FOR UNREPRESENTED EXECUTIVE MANAGEMENT CLASSIFICATIONS

Recommendation of City Manager: Adopt a resolution amending the Salary Resolution to adjust salary control rates effective April 5, 2004 for the Unrepresented Executive Management classifications as noted on the Exhibit attached to the agenda report; and to provide a further 3.5% adjustment to the control rates effective April 4, 2005. (Resolution No. 8381)

Item discussed separately at the request of Councilmember Tyler.

SUSPENSION OF THE NOISE ORDINANCE RELATING TO THE AGA KHAN PARTNERSHIP WALK, TO BE HELD ON AREA H ON SUNDAY, SEPTEMBER 26, 2004

Recommendation of City Manager:

APPROVAL OF MINUTES

June 14, 2004

CLAIMS RECEIVED AND FILED

Claim No. 9617	Victor M. Lopez	\$ 420.00
Claim No. 9618	James Smith	Not Stated
Claim No. 9619	Deborah Carpenter	Not Stated
Claim No. 9620	Ernesto Tan	3,924.68
Claim No. 9621	Tisha Genice Shaw	50,000.00+
Claim No. 9622	Kimberly Ann Santell	222.18

PUBLIC HEARING SET

September 20, 2004, 8:00 p.m. - Residential Impact Fees

It was moved by Councilmember Little, seconded by Councilmember Streater, to approve the Consent Calendar, with the exception of Item 1 (Cooperative Agreement with State of California), Item 2 (Construction Agreement with MTA), and Item 4 (Suspension of Noise Ordinance), which items were acted upon separately. (Motion unanimously carried) (Absent: Councilmembers Haderlein, Madison)

CONSENT ITEMS
DISCUSSED SEPARATELY

RESOLUTION APPROVING A CONSTRUCTION AGREEMENT BETWEEN THE CITY OF PASADENA AND THE LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY FOR THE STATE ROUTE 710 MITIGATION - RAYMOND AVENUE TO SR 110 CONNECTOR AND CALIFORNIA BOULEVARD RIGHT TURN LANE AT RAYMOND AVENUE PROJECTS

Recommendation of City Manager: Adopt a resolution approving a Construction Agreement between the City of Pasadena and the Los Angeles County Metropolitan Transportation Authority for the State Route 710 Mitigation - Raymond Avenue to SR 110 Connector and California Boulevard Right Turn Lane at Raymond Avenue projects. (Resolution No. 8380, Contract No. 18.593)

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

RESOLUTION APPROVING A COOPERATIVE AGREEMENT BETWEEN THE CITY OF PASADENA AND THE STATE OF CALIFORNIA FOR STATE ROUTE 110 ADJACENT TO THE RAYMOND AVENUE TO SR 110 CONNECTOR PROJECT

Recommendation of City Manager: Adopt a resolution approving a Cooperative Agreement (District Agreement No. 07-4678) between the City of Pasadena and the State of California for State Route 110 adjacent to the Raymond Avenue to SR 110 Connector Project. (Resolution No. 8382)

Mr. Steve Wright, Assistant City Engineer, responded to questions.

Vice Mayor Tyler urged staff to have the proper controls in place in order to not overspend the City's obligation.

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

SUSPENSION OF THE NOISE ORDINANCE RELATING TO THE AGA KHAN PARTNERSHIP WALK, TO BE HELD ON AREA H ON SUNDAY, SEPTEMBER 26, 2004 (*See related item 9.A.1*)

Recommendation of City Manager:

(1) Acknowledge that the proposed Aga Khan Partnership Walk and the lifting of the Noise Ordinance are categorically exempt under California Environmental Quality Act (CEQA) Guidelines Section 15023, Normal Operations of Facilities for Public Gatherings; and

(2) Direct the City Attorney to prepare an ordinance to suspend the Noise Ordinance and a Notice of Exemption and conduct first reading of the same, with respect to the proposed Aga Khan Partnership Walk to be held at Area H on Sunday, September 26, 2004 from 9:00 a.m. to 2:30 p.m.

Councilmember Madison returned at 7:00 p.m.

Mr. Richard Bruckner, Director of Planning and Development, responded to questions.

Councilmember Streator noted Council had requested staff to review what happens when ordinances are waived and what that means in terms of setting noise limits, and Council is still waiting for the report.

The City Manager responded that staff is still reviewing the matter, and also noted that she had discussed the matter with the General Manager of the Rose Bowl to see what language could be placed in contracts with event organizers, so the level of sound would be addressed and not just the hours of the event.

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

**ORDINANCE - FIRST
READING**

Conduct first reading of "AN ORDINANCE OF THE CITY OF PASADENA SUSPENDING SECTIONS 9.36.220 AND 9.36.230 OF THE PASADENA MUNICIPAL CODE RELATING TO LIMITATIONS ON HOURS OF OPERATION OF AMPLIFIED SOUND AND NOISE SOURCES FOR A PERMITTED EVENT AT AREA H FROM 9:00 A.M. - 10:00 A.M. ON SUNDAY, SEPTEMBER 26, 2004 (AGA KHAN PARTNERSHIP WALK)"

The above ordinance was offered for first reading by Councilmember Streator:

AYES: Councilmembers Gordo, Holden, Little, Madison, Streator, Vice Mayor Tyler, Mayor Bogaard
NOES: None
ABSENT: Councilmember Haderlein

**RECOMMENDATIONS
FROM OFFICERS AND
DEPARTMENTS**

CONSIDERATION OF CALL FOR REVIEW OF THE BOARD OF ZONING APPEALS' DECISION FOR CONDITIONAL USE PERMIT NO. 4012 TO THE CITY COUNCIL TO ALLOW CONSTRUCTION OF A 38 SQUARE FOOT SECOND-FLOOR ADDITION OVER A PORTE-COCHERE SUCH THAT THE HOUSE WILL EXCEED 4,000 SQUARE FEET AND A VARIANCE TO ALLOW THE ADDITION TO HAVE A 5'-1" SETBACK WHERE 9'-1" IS REQUIRED LOCATED AT 485 SOUTH GRAND AVENUE (Councilmember Madison)

Mr. Richard Bruckner, Director of Planning and Development, summarized the applicant's project and the review process to date, and responded to questions.

The City Manager responded to additional questions.

Following discussion, it was moved by Councilmember Madison, seconded by Councilmember Gordo, to call for review the above matter to the City Council. (Motion unanimously carried) (Absent:

Councilmember Haderlein)

The Mayor requested that when the above matter is scheduled before Council, staff provide a detailed statement of facts as to when inspections, hearings, and conversations occurred. Mr. Bruckner responded that certain statements have been made on the record before the Board of Zoning Appeals, and those statements would be included.

APPOINTMENT OF CHRIS PECK TO THE DESIGN COMMISSION
(At- Large/District 6 Nomination)

REAPPOINTMENT OF RAY SERAFIN TO THE PASADENA CENTER OPERATING COMPANY (Hotel Nomination)

It was moved by Councilmember Madison, seconded by Councilmember Gordo, to approve the above appointment and reappointment. (Motion unanimously carried) (Absent: Councilmember Haderlein)

EXPANSION OF THE EXISTING RESIDENTIAL PREFERENTIAL PERMIT PARKING DISTRICT IN THE NEIGHBORHOOD SOUTH OF PASADENA CITY COLLEGE

Recommendation of City Manager:

(1) Approve the amendment to the Procedures for Establishing Preferential Permit Parking District (Attachment 1 of the agenda report).

(2) Adopt a resolution that expands the existing residential preferential permit parking district in the neighborhood south of Pasadena City College (District "PCC") to include Bonnie Avenue between Colorado Boulevard and Del Mar Boulevard (Attachment 2 of the agenda report).

(3) Acknowledge this project to be categorically exempted under the California Environmental Quality Act (CEQA) Guidelines, pursuant to Section 15301 Existing Facilities, and authorize the City Manager to execute and the City Clerk to file a Notice of Exemption with the Los Angeles County Clerk. (Resolution No. 8383)

Recommendation of Planning Commission: On April 28, 2004, the Planning Commission reviewed and recommended that the City Council approve the proposed street vacation of a portion of Bonnie Avenue with the added condition that staff initiates discussions with property owners and residents regarding preferential permit parking on Bonnie Avenue.

The City Manager introduced the agenda item.

Ms. Jolene Hayes, Senior Transportation Planner, summarized the agenda report.

Councilmember Little was excused at 7:20 p.m.

Ms. Joyce Amerson, Director of Transportation, responded to a question regarding the use of the \$50,000 fee for traffic mitigation, indicated the funds had not been spent, staff was working with the

neighborhood to determine how the funds would be best utilized, and noted the funds were set aside primarily for Bonnie Avenue but not necessarily exclusively for Bonnie Avenue, and staff would review the entire preferential area.

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

RESOLUTION ADOPTING AMENDMENTS TO THE CIVIC CENTER SPECIFIC PLAN RELATED TO THE MONTANA I AND II DEVELOPMENT PROJECT

Recommendation of City Manager: Adopt a resolution amending the Civic Center Specific Plan related to the Montana I and II development project. (Resolution No. 8384)

Councilmember Little returned at 7:27 p.m.

ORDINANCE – FIRST READING

Conduct first reading of “AN ORDINANCE OF THE CITY OF PASADENA AMENDING TITLE 17 (ZONING CODE) TO ADD PLANNED DEVELOPMENT-31 MONTANA I AND II”

The above two related items were discussed concurrently.

The Mayor noted inconsistencies with Exhibit 1 of the agenda report and provisions of the ordinance, and noted the ordinance contained more detailed provisions. He questioned whether Exhibit 1 of the Resolution was needed, as it could lead to confusion.

Mr. Bill Trimble, Planner, responded that the actions before Council (the resolution and the ordinance) are a combination of amendments to the Civic Center Specific Plan and to the creation of a Planned Development. Exhibit 1 of the Resolution addresses the amendment to the Civic Center Specific Plan, and the ordinance addresses the Planned Development in more detail.

Mr. Trimble reviewed and responded to questions regarding various provisions in the proposed ordinance.

In the course of Council discussion, the following revisions were suggested for the proposed ordinance:

Paragraph C.4., Construction and Demolition Waste Management Recycling Plan. Delete the paragraph, including subparagraphs a-f, and replace with the following sentence: “The applicant shall comply with the provisions of the Pasadena Municipal Code Chapter 8.62.”

Paragraph C.5., Lighting. Add a new sentence to read: “The Design Commission shall review and approve the lighting design.”

Paragraph C.6., Design Guidelines. Revise the sentence to read: “In addition to the standards of the Planned Development,

all development, including the design of the Montana I and II, shall be subject to citywide design principles and to the design guidelines for the Central District, adopted by the City Council on October 21, 2002."

Under Montana I, Paragraph 1, revise the section heading to read "Floor Area and Coverage" and insert a new sentence to read: "Lot coverage shall not exceed 72.8 percent of the parcels on the Montana I block."

It was moved by Councilmember Holden, seconded by Councilmember Gordo, to approve the City Manager's recommendation and adopt a resolution amending the Civic Center Specific Plan related to the Montana I and II development project. (Motion unanimously carried) (Absent: Councilmember Haderlein)

The above ordinance, as presented in the agenda packet and as further revised above, was offered for first reading by Councilmember Holden:

AYES: Councilmembers Gordo, Holden, Little, Madison, Streator, Vice Mayor Tyler, Mayor Bogaard
NOES: None
ABSENT: Councilmember Haderlein

PUBLIC HEARING

PUBLIC HEARING: ADOPTION OF THE 2004 ANNUAL CITY OF PASADENA SELF-CERTIFICATION REPORT OF CONFORMANCE WITH THE CONGESTION MANAGEMENT PROGRAM FOR THE COUNTY OF LOS ANGELES AND THE 2004 LOCAL DEVELOPMENT REPORT IN ACCORDANCE WITH CALIFORNIA GOVERNMENT CODE SECTION 65089

Recommendation of City Manager:

- (1) Adopt a resolution finding the City in conformance with the Congestion Management Program (CMP) for the County of Los Angeles;
- (2) Adopt the 2004 Local Development Report in accordance with California Government Code Section 65089 (Attachment 1 of the agenda report); and
- (3) Direct staff to file the CMP Local Implementation Report with the Los Angeles County Metropolitan Authority (MTA). (Resolution No. 8385)

The Mayor opened the public hearing.

The Assistant City Clerk reported the notice of public hearing was published on July 26, 2004. No correspondence was received.

The City Manager introduced the agenda item.

Mr. Eric Shen, Transportation Planning and Development Manager, summarized the agenda report and responded to questions.

There was no public comment.

It was moved by Councilmember Little, seconded by Councilmember Gordo, to close the public hearing. (Motion unanimously carried) (Absent: Councilmember Haderlein)

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

INFORMATION ITEM

UPDATE ON IMPLEMENTATION OF STUDENT INTERN OPPORTUNITIES WITH CITY COMMISSIONS FOR FALL 2004
Recommendation of City Manager: The agenda report is for information only; no action is required.

Ms. Patsy Lane, Director of Human Services and Recreation, summarized the agenda report and responded to questions.

Vice Mayor Tyler suggested teachers be provided with information on what the requirements are to serve as a student intern.

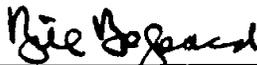
On order of the Mayor, the above information was received and filed.

REPORTS AND COMMENTS FROM COUNCIL COMMITTEES
REPORTS FROM REPRESENTATIVES

Vice Mayor Tyler provide a brief status report on Southern California Association of Governments' (SCAG) Regional Transportation Improvement Plan, which lays out what will be accomplished through the year 2010, and noted the Plan does not appear to be in conformity to U.S. Environmental Protection Agency (EPA) standards unless substitutions are made to the Plan. Vice Mayor Tyler discussed the ramifications of not being in conformance, and responded to questions.

ADJOURNMENT

On order of the Mayor, the regular meeting of the City Council adjourned at 8:37 p.m.



Bill Bogaard, Mayor
City of Pasadena

ATTEST:



Janet Rodriguez
City Clerk