

CITY OF PASADENA
City Council Minutes
October 4, 2004 - 5:00 P.M.
Pasadena Senior Center, Multi-purpose Room
85 East Holly Street

SPECIAL AND REGULAR MEETING

OPENING:

Mayor Bogaard called the special meeting of the City Council to order at 5:15 p.m. (Absent: Councilmember Gordo, Holden)

On order of the Mayor, the special meeting of the City Council recessed at 5:15 p.m., to discuss the following closed sessions:

Councilmember Holden arrived at 5:20 p.m.

CITY COUNCIL CONFERENCE WITH LEGAL COUNSEL REGARDING PENDING LITIGATION pursuant to Government Code Section 54956.9(a)
Case Name: Vanessa Ramirez, et al. v. City of Pasadena; Vanessa Ramirez, et al. v. Superior Court (City of Pasadena, real party in interest)
Case Numbers: BC265409; B173096

Councilmember Gordo arrived at 5:56 p.m.

CLOSED SESSION CONFERENCE WITH REAL PROPERTY NEGOTIATORS pursuant to Government Code Section 54956.8
Property: Rose Bowl Stadium and surrounding parking areas
Agency Negotiators: Cynthia Kurtz, Darryl Dunn, and Jay Goldstone
Negotiating Parties: National Football League
Under Negotiation: Price and terms

The above closed session items were discussed with no reportable action at this time.

On order of the Mayor, the regular meeting of the City Council reconvened at 7:11 p.m. The Pledge of Allegiance was led by Jason Kruckeberg, Interim Assistant to the City Manager.

ROLL CALL:

Councilmembers:

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

Staff:

City Manager Cynthia J. Kurtz
City Attorney Michele Beal Bagneris

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Acting Assistant City Clerk Silvia Flores

CEREMONIAL

The Mayor presented a proclamation declaring October 7 - 14, 2004 as "Lights on After School Week", in recognition of the great value and important contribution of before and after school programs in our community.

Ms. Hilary Crahan, Executive Director of the Boys and Girls Clubs of Pasadena, and Ms. Sue Miele, Partnership for Children, Youth & Families Coordinator, accepted the Proclamation.

PUBLIC COMMENT ON MATTERS NOT ON THE AGENDA

Mr. Ralph McKnight, representing Pasadenans Against the War, spoke regarding the war in Iraq.

Mayor Bogaard announced the Tournament of Roses had established a new award entitled, "The Crown City Innovation Trophy", which is intended to spotlight the Art Center College of Design.

CONSENT CALENDAR

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

APPROVAL OF FINAL TRACT MAP NO. 54108, BEING A SEVEN-UNIT CONDOMINIUM PROJECT AT 2425 MOHAWK STREET

Recommendation of City Manager: Adopt a resolution to:
(1) Approve final Tract Map No. 54108; and
(2) Authorize the City Clerk to execute the certificate on the map showing the City's approval of said map. (Resolution No. 8396)

APPROVAL OF FINAL PARCEL MAP NO. 26941, BEING A FOUR-UNIT CONDOMINIUM PROJECT AT 372 EAST CALIFORNIA BOULEVARD AND 610 SOUTH EUCLID AVENUE

Recommendation of City Manager: Adopt a resolution to:
(1) Approve final Parcel Map No. 26941;
(2) Accept the offer of a dedication for street purposes as shown on Parcel Map No. 26941; and
(3) Authorize the City Clerk to execute the certificate on the map showing the City's approval of said map. (Resolution No. 8397)

ADOPT A RESOLUTION SETTING A DATE FOR PUBLIC HEARING TO CONSIDER THE ESTABLISHMENT OF UNDERGROUND UTILITY DISTRICT NO. 04-2, HILL AVENUE (VILLA STREET TO NORTH CITY LIMIT)

Recommendation of City Manager: Adopt a resolution setting a date for a public hearing to consider the formation of Underground Utility District No. 04-2 on October 25, 2004, at 8:00 p.m. (Resolution No. 8398)

CLAIMS RECEIVED AND FILED

Claim No. 9661	Antoine Peterson	\$	630.00
Claim No. 9662	Minnie Davis		Not stated
Claim No. 9663	SBC/Pacific Bell		957.28
Claim No. 9664	Steven A. Zavala		1,481.63

PUBLIC HEARING SET

November 1, 2004, 8:00 p.m. - Historic Landmark Designation, 141 North Grand Avenue (El Roble)

It was moved by Vice Mayor Tyler, seconded by Councilmember Little, to approve all items on the Consent Calendar. (Motion unanimously carried) (Absent: Councilmember Madison)

REPORTS AND COMMENTS FROM COUNCIL COMMITTEES
MUNICIPAL SERVICES COMMITTEE

Councilmember Madison returned at 7:25 p.m.

ADOPTION OF PASADENA'S TRANSMISSION OWNER TARIFF AND AUTHORIZATION TO ENTER INTO TRANSMISSION CONTROL AGREEMENT WITH THE CALIFORNIA INDEPENDENT SYSTEM OPERATOR

Recommendation of City Manager:

- (1) Authorize the City Manager to enter into a Transmission Control Agreement (TCA), as may be modified periodically, with the California Independent System Operator (ISO) and other Participating Transmission Owners;
- (2) Authorize the City Manager to enter into a Letter Agreement between Southern California Public Power Authority (SCPPA) and Pasadena;
- (3) Adopt the City of Pasadena, California Transmission Owner Tariff (TO Tariff); and
- (4) Approve the following actions that may be required to enable Pasadena Water and Power (PWP) to become a Participating Transmission Owner (PTO):
 - (a) File the TO Tariff with the Federal Energy Regulatory Commission (FERC) as a non-jurisdictional rate filing,
 - (b) Take such actions as are necessary to administer and implement the TO Tariff, including any changes to the TO Tariff necessary for FERC to accept the filing; and
 - (c) Execute such documents as are necessary to render the TO Tariff consistent with ISO Tariff, as it is amended from time to time. (Contract Nos. 18,635 & 18,636)

Vice Mayor Tyler, Chair of the Municipal Services Committee, summarized the report.

Ms. Phyllis Currie, General Manager of Water and Power, responded to questions.

It was moved by Vice Mayor Tyler, seconded by Councilmember Streater, to approve the City Manager's recommendation. (Motion unanimously carried) (Absent: None)

RECOMMENDATIONS FROM OFFICERS AND DEPARTMENTS

APPOINTMENT OF PETER J. BOYLE TO THE FIRE AND POLICE RETIREMENT BOARD (At-large/District 7 Nomination)

APPOINTMENT OF JOHN H. BRINSLEY TO THE FIRE AND POLICE RETIREMENT BOARD (At-large/District 4 Nomination)

In response to questions, Mayor Bogaard briefly reviewed the nomination process for the above appointment.

Councilmember Streater expressed concern that there was something flawed in the nomination process.

Following a brief discussion, it was moved by Vice Mayor Tyler, seconded by Councilmember Haderlein, to approve the above two appointments, with a personal note of appreciation to the prior appointees Mr. Davis and Mr. Phillips. (Motion carried with Councilmember Streater abstaining) (Absent: None)

ORDINANCE - ADOPTED

Adopt "AN ORDINANCE OF THE CITY OF PASADENA AMENDING SECTIONS 9.36.110 OF THE PASADENA MUNICIPAL CODE REGARDING NOISE RELATED TO CONSTRUCTION PROJECTS" (Introduced by Vice Mayor Tyler) (Ordinance No. 6993)

The above ordinance was adopted by the following vote:

AYES: Councilmembers Gordo, Haderlein, Holden, Little, Madison, Streater, Vice Mayor Tyler, Mayor Bogaard

NOES: None

ABSENT: None

INFORMATION ITEM

PREDEVELOPMENT PLAN REVIEW FOR THE PROPOSED "MADRE VILLA ESTATES" SUBDIVISION AND DEVELOPMENT OF TWENTY-EIGHT SINGLE FAMILY PARCELS AT 800 SIERRA MADRE VILLA AVENUE (PPR2004-00024)

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

Mr. Jose D. Jimenez, Assistant Planner, summarized the report and responded to questions. In response to a question, Mr. Jimenez noted this project is not subject to the Inclusionary Housing Ordinance.

Mr. Richard Bruckner, Director of Planning and Development, briefly reviewed the requirements under the Inclusionary Housing Ordinance, and responded to questions.

Councilmembers expressed concern that the project was not subject to the Inclusionary Housing Ordinance and requested a review of the Ordinance with regard to its applicability to single family developments/subdivisions.

Councilmember Haderlein requested information on the potential for parkland through this development.

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

PUBLIC HEARINGS

PUBLIC HEARING: AMENDMENT TO PLANNED DEVELOPMENT-11 (PD-11, FOOTHILL BOULEVARD, CRAIG AVENUE, AND WHITE STREET) ZONING DISTRICT

Recommendation of City Manager: It is recommended that the City Council, following a public hearing:

- (1) Approve the Initial Environmental Study as revised, the Mitigated Negative Declaration, and Mitigation Monitoring Program (Attachment 1 of the agenda report);
- (2) Approve the De Minimis Impact Finding on the State Fish and Wildlife Habitat (Attachment 2 of the agenda report);
- (3) Find that the proposed amendments to the PD-11 are consistent with the policies and goals of the General Plan and the purposes of Title 17 as outlined in the body of the report;
- (4) Direct the City Clerk to file a Notice of Determination and a Certificate of Fee Exemption for the California Department of Fish and Game, with the Los Angeles County Recorder (Attachment 3 of the agenda report);
- (5) Approve the amendments to the PD-11 (Planned Development-11, Foothill Boulevard, Craig Avenue, and White Street) described in the body of the report (Attachment 4 of the agenda report);
- (6) Direct the City Attorney to prepare an ordinance amending the PD-11 (Planned Development-11, Foothill Boulevard, Craig Avenue, and White Street) district.

Recommendation of Planning Commission: The Planning Commission reviewed the proposal at the July 14 and July 28, 2004 meetings. At the latter meeting, the Commission voted 7 to 1 to recommend denial of the proposed PD amendment. As part of the amendment staff had recommended that self-storage use be permitted in the PD-11 district. However the Commission requested that staff explore other options to consider the expansion as a non-conforming use. While staff returned with an alternative, which involved a two-step process, the Commission ultimately recommended denial of the PD amendment. Commission objections focused on the inappropriateness of the use for the area and its lack of benefits to the community in terms of jobs and revenues.

The two-step process is consistent with Ordinance 6925 adopted by the City Council, in that it allows for expansion of existing self-storage facilities under the non-conforming provisions of the Zoning Code. Under this process, the self-storage expansion will involve first a PD amendment to modify the PD site plan and then a Conditional Use Permit (CUP) to review the expansion of the self-storage as a non-conforming use. In essence, the use will remain as a non-conforming use. The two-step process presented to the Commission is now staff's recommendation to the City Council.

Recommendation of Design Commission: The Design Commission reviewed the proposed amendment at its meeting of July 12, 2004 and recommends City Council approval of the setbacks, heights, and other design-related standards for the PD-11 amendment and acknowledged that the proposed new construction, including architectural design will be reviewed by the Design Commission when the City receives applications to entitle the new construction.

The Mayor opened the public hearing.

The Acting Assistant City Clerk reported the notice of public hearing was published on September 20 and October 1, 2004 in the Pasadena Star News, and on September 30, 2004 in the Pasadena Journal; 58 copies of the notice were posted and 65 copies of the notice were mailed on September 16, 2004. No correspondence was received.

Mr. Lanny Woo, Assistant Planner, summarized the report and responded to questions.

Councilmember Haderlein voiced objection regarding the height of the new building and expressed concern that the project, as proposed, is not compatible with the neighborhood.

Councilmember Gordo requested staff look at zoning along White Street, from Craig Avenue to Vista Avenue.

Mr. Brett Barnard, Applicant, spoke in support of the proposed project.

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

Following discussion, it was moved by Councilmember Haderlein, seconded by Councilmember Little, to approve the City Manager's recommendation, with the condition that 25 feet be the maximum height of the building. (Motion unanimously carried) (Absent: None)

PUBLIC HEARING: TO DETERMINE VARIOUS DEFAULTS BY ALTRIO COMMUNICATIONS, INC. IN THE PERFORMANCE OF ITS OPEN VIDEO SYSTEM FRANCHISE AGREEMENT WITH THE CITY OF PASADENA

Recommendation of City Manager: It is recommended that the City Council:

- (1) Conduct a public hearing to determine if Altrio Communications has defaulted in the performance of obligations under its open video system franchise with the City;
- (2) Adopt a Statement of Finding of Facts and Conclusions regarding Altrio Communications' defaults; and
- (3) Direct staff to assess the cash security deposit provided under Subsection 2.5(b) of the Franchise Agreement in the sum of \$10,000 and the construction-related cash security deposit and performance bond provided under Subsection 2.5(a) of the Franchise Agreement in the sum of \$150,000.

The Mayor opened the public hearing.

Ms. Lori Sandoval, Information Technology Planning & Project Manager, reported on the notice of public hearing, summarized the report and responded to questions.

The City Manager and Mr. Scott Rasmussen, Assistant City Attorney, responded to questions.

Mr. Robert Wittry, Pasadena resident, expressed concern that the generator box installation at Atchison Street and Flower Street still has environmental issues to be mitigated.

Mr. Bob Kneisel, Chair, Pasadena Neighborhood Coalition, distributed copies of two letters dated January 26, 2004 and March 31, 2004, from the Coalition, and spoke in support of staff's recommendation.

It was noted for the record that there was no representative present from Altrio Communications Inc.

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

Councilmember Little stressed the need to pursue the balance of the outstanding debt.

It was moved by Councilmember Little, seconded by Councilmember Madison, to approve the City Manager's recommendation. (Motion unanimously carried) (Absent: None)

PUBLIC HEARING

CONTINUED PUBLIC HEARING: PROPOSED CENTRAL DISTRICT SPECIFIC PLAN, AMENDMENTS TO THE LAND USE ELEMENT AND THE MOBILITY ELEMENT OF THE COMPREHENSIVE GENERAL PLAN, AND REVISION OF TITLE 17 OF THE PASADENA MUNICIPAL CODE (ZONING)
Recommendation of City Manager: There is no recommendation. This report is for information and discussion.

Mayor Bogaard announced that now was the time for the continued public hearing.

The City Manager provided introductory comments.

Mr. Bill Trimble, Planner, reviewed Interchangeability and Intensity Standards for the Specific Plan Areas, a white paper prepared by staff in response to Council's request for additional information at the September 27th Council meeting. Mr. Trimble noted that staff's recommendation now is that the caps for the interchangeability not be removed for the Central District area, and he discussed the reasons for this recommendation.

The City Manager and Mr. Trimble responded to questions from Council.

Councilmember Madison questioned what assumptions were carried forward from the 1994 plan into this General Plan update. The City Manager responded that staff could prepare staff's interpretation of what the major assumptions are in a separate document.

Mr. Denver Miller , Principal Planner, reviewed Revisions to the Zoning Code - Transit Oriented Development and Parking Caps.

The City Manager, Mr. Richard Bruckner, Director of Planning and Development, and Mr. Miller responded to questions from Council.

Mr. Pat Gibson, with Kaku and Associates, further responded to questions regarding parking caps in San Diego and other cities.

In response to a question from Councilmember Haderlein regarding the parking ratio at Trader Joe's on Arroyo Parkway, staff noted they did not have those numbers, but would provide that information to Council.

Ms. Laura Dahl, Senior Planner, distributed and reviewed a handout entitled "Summary of the Environmental Impact Report (EIR) for the 2004 Pasadena General Plan Land Use & Mobility Elements, Zoning Code Revisions & Central District Specific Plan", and responded to questions.

Mr. Pat Gibson briefly summarized the Transportation/Traffic Impact Analysis information contained in the handout by staff and responded to questions. In response to a question, Mr. Gibson reviewed the six intersections recommended for traffic improvements.

Councilmember Little requested information on the estimated costs of improvements for the six intersections identified by Mr. Gibson.

Councilmember Holden requested information on what kind of impact the Gold Line has had in regards to traffic.

Staff indicated the requested information would be provided to Council.

Ms. Mary Dee Romney, Pasadena resident, suggested staff take a look at the charts submitted by Mr. Robert Wittry at the last City Council meeting.

Mr. Robert Wittry, Pasadena resident, submitted and summarized a revised chart entitled "Central District Potential New Development From 1999 With Staff 'Plan' Intensities".

Mr. Gordon K. Ekstrand, Developer for proposed project at Arroyo Parkway and Bellevue Drive, spoke in support of the Alternative 3.a. option under the "Revisions to the Zoning Code - Transit Oriented Development and Parking Caps, and referred to the chart

"Comparable Downtown Ratios", and suggested staff give more consideration to parking caps before deciding what to cap those numbers at.

Mr. David T. Romney, West Pasadena Residents Association, expressed concern that October 25th is too soon to certify the EIR and suggested recirculating the EIR.

It was moved by Councilmember Streator, seconded by Vice Mayor Tyler, to continue the public hearing to October 25, 2004 at 8:00 p.m. (Motion unanimously carried) (Absent: None)

COUNCIL COMMENTS

Councilmember Holden referred to a potential problem regarding school buses that stop at major intersections and keep cars from crossing those intersections, and stressed the need to address this issue.

The City Manager indicated she would get more information on this issue and inform Council.

RECESS / CLOSED SESSION

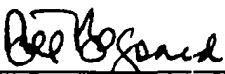
On order of the Mayor, the regular meeting of the City Council recessed at 11:25 p.m. to discuss the following closed session:

CITY COUNCIL CONFERENCE WITH REAL PROPERTY NEGOTIATORS pursuant to Government Code Section 54956.8
Properties: 78 North Marengo Ave., APN: 5723-026-028 & 029
City Negotiators: Cynthia Kurtz and Richard Bruckner
Negotiating Parties: Trove Investments
Under Negotiation: Price and terms

The above closed session was discussed, with no reportable action at this time.

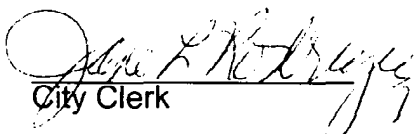
ADJOURNMENT

The regular meeting of the City Council adjourned at 11:40 p.m.



Bill Bogaard, Mayor
City of Pasadena

ATTEST:



City Clerk