

CITY OF PASADENA
City Council Minutes
March 21, 2005 - 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 5:20 p.m. (Absent: Councilmembers Gordo, Madison, Streater)

On order of the Mayor, the regular meeting of the City Council recessed at 5:20 p.m., to discuss the following closed sessions:

CITY COUNCIL CONFERENCE WITH LABOR NEGOTIATORS pursuant to Government Code Section 54957.6

Agency Negotiators: Karyn Ezell, Richard Kunz

Employee Organizations: Pasadena Association of Clerical and Technical Employees/Laborers International Union of North America, Local 777; American Federation of State, County and Municipal Employees, Local 858; Pasadena Management Association; International Brotherhood of Electrical Workers, Local 18; International Union of Operating Engineers, Local 501; Service Employees International Union, Local 347; and all Non-Safety Unrepresented Employees

CITY COUNCIL 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 Party: National Football League

Under Negotiation: Price and terms of payment

The above closed sessions were discussed, with no reportable action at this time.

On order of the Mayor, the regular meeting of the City Council reconvened at 6:52 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
Councilmember Chris Holden
Councilmember Paul Little
Councilmember Steve Madison
Councilmember Joyce Streater (Absent)

Staff:

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

CEREMONIAL MATTERS

The Mayor and Human Services Commission Chair Stephen Marcala, presented the Commission's *Model of Unity Award* to St. Marks Episcopal School, Weizmann Day School, and New Horizon School.

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

Ms. Tricia Thayer, Pasadena resident, spoke regarding her homeless situation and registered a complaint regarding Section 8 office staff.

Ms. Susan Parker, Pasadena resident, spoke regarding her homeless situation and the need for facilities for alcoholics.

CONSENT CALENDAR
Item discussed separately
at the request of Vice
Mayor Tyler

**AUTHORIZE THE ISSUANCE OF A PURCHASE ORDER FOR
PORTABLE RADIOS FROM THE MOTOROLA CORP. IN AN
AMOUNT NOT TO EXCEED \$172,091 FOR THE POLICE
DEPARTMENT AND HEALTH DEPARTMENT**

**AUTHORIZE THE PURCHASE OF A DIGITAL VIDEO DOWNLINK
SYSTEM FOR THE POLICE HELICOPTER**

Recommendation of City Manager: Authorize the purchase of a digital downlink system from Broadcast Microwave Services, Incorporated (BMSI) for the police helicopter in the amount of \$91,611.97, without competitive bidding, pursuant to City Charter Section 1002(H), contracts with other governmental entities or their contractors.

Item discussed separately
at the request of Vice
Mayor Tyler

**AUTHORIZE THE CITY MANAGER TO AMEND THE TERM OF
CONTRACT NO. 14,061 WITH CALIFORNIA INSTITUTE OF
TECHNOLOGY FOR THE TREATMENT OF CONTAMINATED
GROUNDWATER IN THE ARROYO SECO**

**ADOPT A RESOLUTION TO CONSIDER GRANTING NON-
EXCLUSIVE SOLID WASTE FRANCHISES AND SETTING A
PUBLIC HEARING**

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

- (1) Adopt a resolution declaring its intention to consider the granting of non-exclusive franchises for completed applications;
- (2) Set a public hearing for April 25, 2005, at 8:00 p.m., to consider granting these franchises; and
- (3) Direct the City Clerk to publish the resolution at least once in a newspaper of general circulation in the City not less than ten days prior to the date set for the hearing. (Resolution No. 8449)

Mr. Richard Ludt, representing Interior Removal Specialist, Inc., spoke in support of this item.

Item discussed separately
at the request of Vice
Mayor Tyler

**CONTRACT AWARD TO PARISI ASSOCIATES TO PROVIDE
PROFESSIONAL SERVICES TO DEVELOP A "SUGGESTED
ROUTES TO SCHOOL PROGRAM"**

**ADOPT A RESOLUTION APPROVING A GRANT APPLICATION
TO THE CALIFORNIA DEPARTMENT OF TRANSPORTATION
UNDER 49 U.S.C. SECTION 5310 PROGRAM TO REPLACE FIVE
PASADENA DIAL-A-RIDE VEHICLES**

Recommendation of City Manager: Adopt a resolution approving
a grant application to the California Department of Transportation
(Caltrans), in the amount of \$280,000 for the replacement of five
Dial-A-Ride vehicles. (Resolution No. 8450)

**CLAIMS RECEIVED AND
FILED**

Claim No. 9794	Raul Montelongo	\$	Not Stated
Claim No. 9795	Vahe S. Yacoubian		25,000.00+
Claim No. 9796	Phyllis Danon		148.00
Claim No. 9797	Raymond L. Danies		137.96
Claim No. 9798	Del Mar Terrace, Inc.		Not Stated
Claim No. 9799	Peter Magdolen		26,000.00

PUBLIC HEARINGS SET

April 4, 2005, 7:00 p.m. - Approve Tax Exempt Bond Financing to
be issued by the California Statewide Communities Development
Authority to benefit Pasadena Hospital Association LTD, dba,
Huntington Memorial Hospital (TEFRA Hearing)

April 4, 2005, 8:00 p.m. - South Lake Zone Change between
California Boulevard and Oakwood Place

April 11, 2005, 8:00 p.m. - 2004-2014 Polytechnic School Master
Development Plan

April 25, 2005, 8:00 p.m. - Designation of 636 N. Holliston Avenue
as a Landmark

April 25, 2005, 8:00 p.m. - Designation of 494 Bradford Street as a
Historic Monument

It was moved by Councilmember Little, seconded by
Councilmember Haderlein, to approve the Consent Calendar with
the exception of Items 4.A.1 (Issuance of a Purchase Order for
Portable Radios; 4.A.3 (Amend Term of Contract No. 14.061 with
California Institute of Technology), and 4.A.5 (Contract with Parisi
Associates) which were discussed separately. (Motion unanimously
carried) (Absent: Councilmember Streater)

**CONSENT ITEMS
DISCUSSED SEPARATELY**

**AUTHORIZE THE ISSUANCE OF A PURCHASE ORDER FOR
PORTABLE RADIOS FROM THE MOTOROLA CORP. IN AN
AMOUNT NOT TO EXCEED \$172,091 FOR THE POLICE
DEPARTMENT AND HEALTH DEPARTMENT**

Recommendation of City Manager:

- (1) Authorize the issuance of a purchase order to the Motorola Corp. in an amount not to exceed \$172,091 for the purchase of digital radios; and
- (2) Grant the proposed purchase order an exemption from competitive bidding pursuant to City Charter Section 1002(C), contracts for labor, materials, supplies or services available from only one vendor.

Chief Melekian responded to questions from Vice Mayor Tyler indicating that the digital radios will be fully integrated with the Fire Department and other City Departments.

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

Councilmember Madison
recused himself at 7:17 p.m.,
due to a conflict of interest.

AUTHORIZE THE CITY MANAGER TO AMEND THE TERM OF CONTRACT NO. 14,061 WITH CALIFORNIA INSTITUTE OF TECHNOLOGY FOR THE TREATMENT OF CONTAMINATED GROUNDWATER IN THE ARROYO SECO

Recommendation of City Manager: Authorize the City Manager to amend the term of Contract No. 14,061 from March 1, 2005 to May 1, 2005 and include an additional 60-day extension, if necessary. (Contract No. 14,061-8)

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

Councilmember Madison
returned at 7:18 p.m.

CONTRACT AWARD TO PARISI ASSOCIATES TO PROVIDE PROFESSIONAL SERVICES TO DEVELOP A "SUGGESTED ROUTES TO SCHOOL PROGRAM"

Recommendation of City Manager: Authorize the City Manager to enter into a contract with Parisi Associates to provide professional services to develop a "Suggested Routes to School Program" in an amount not to exceed \$110,000, and find that competitive bidding is not required pursuant to City Charter Section 1002(F), professional or unique services. (Contract No. 18,798)

Mr. Richard Yee, Associate Engineer, responded to questions from Vice Mayor Tyler, noting the study would identify safe routes to and from all of the schools.

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

INFORMATION ITEM

REVIEW OF CITY COST-SHARING POLICY REGARDING THE UNDERGROUNDING OF OVERHEAD UTILITIES ON RESIDENTIAL STREETS

Recommendation of City Manager: This report is for information purposes only.

Mr. Danny Wooten, Public Works Analyst III, summarized the agenda report and responded to questions.

The following individuals spoke in support of undergrounding utilities, however, all expressed concerns with respect to the high cost to homeowners:

Ms. Marcy Goodwin, Pasadena resident
Mr. G. Truett Hollis, Pasadena resident
Mr. Carl Cooper, Pasadena resident

Discussion ensued with respect to lowering underground costs by installing portions of the infrastructure above ground, or pad-mounted transformers, in Category 1 areas.

Following discussion, staff was asked to explore pad-mounted transformers relative to reducing the cost to underground utilities, identify possible locations, evaluate the safety risks of placing them above ground, research whether property easements would be required, and to report back to the Council with recommendations.

**REPORTS AND
COMMENTS FROM
COUNCIL COMMITTEES**

Councilmember Holden was excused at 7:45 p.m.

Councilmember Little was excused at 7:46 p.m.

APPROVAL OF ANNUAL REPORT OF THE SOUTH LAKE BUSINESS ASSOCIATION FOR THE SOUTH LAKE BUSINESS IMPROVEMENT DISTRICT AND ADOPTION OF A RESOLUTION OF INTENTION TO HOLD A PUBLIC HEARING TO LEVY ASSESSMENTS WITHIN SAID DISTRICT FOR PROGRAM YEAR 2005

Recommendation of City Manager:

(1) Approve the Annual Report of the South Lake Business Association ("Association") for the South Lake Business Improvement District (the "District") for Program Year 2005 in the form submitted by the Association (Attachment 1 of the agenda report) to allow the public an opportunity to comment.

(2) Adopt a resolution (Attachment 2 of the agenda report) evidencing the intention of the City Council to hold a public hearing on April 4, 2005, at 8:00 p.m., on the continuation of the City Council to levy and collect assessments within the District for Program Year 2005 commencing January 1, 2005.

(3) Direct the City Clerk to give notice of the public hearing by causing the resolution to be published not less than seven days before the public hearing. (Resolution No. 8451)

Councilmember Madison, Chair of the Economic Development & Technology Committee, noted this item was being brought directly to the Council at the request of Vice Mayor Tyler, and had not been discussed at the Committee level, due to time constraints.

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

Councilmember Little
returned at 7:55 p.m.]

ADOPT A RESOLUTION AMENDING ESTABLISHED TITLES ELIGIBLE TO APPLY FOR NO-FEE PARKING METER PLACARDS PURSUANT TO PASADENA MUNICIPAL CODE SECTION 10.45.027

Recommendation of the Mayor: Adopt a resolution amending the established titles eligible to apply for no-fee parking meter placards pursuant to Pasadena Municipal Code, Section 10.45.027 to include two positions located in the Office of the Mayor. (Resolution No. 8452)

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

APPOINTMENT OF NICHOLAS H. LAMBAJIAN TO CODE ENFORCEMENT COMMISSION EFFECTIVE APRIL 1, 2005
(Mayor Nomination)

APPOINTMENT OF JESSICA S. VALENTINE TO ACCESSIBILITY AND DISABILITY COMMISSION (District 1 Nomination)

APPOINTMENT OF JANE REESE-WILKINS TO LIBRARY COMMISSION (District 1 Nomination)

It was moved by Councilmember Little, seconded by Councilmember Gordo, to approve the above appointments. (Motion unanimously carried) (Absent: Councilmembers Holden, Streater)

PUBLIC HEARINGS

Councilmember Holden
returned at 7:56 p.m.

CONSIDERATION OF CALL FOR REVIEW TO THE CITY COUNCIL OF DECISION OF THE SUBDIVISION COMMITTEE APPROVING THE APPLICATION FOR A VESTING TRACT MAP (#062356) AT 635-641 SOUTH LAKE AVENUE TO ALLOW THE CREATION OF TWELVE AIR PARCELS ON ONE LAND LOT FOR CONDOMINIUM PURPOSES (Vice Mayor Tyler)

Vice Mayor Tyler introduced the item and stated he felt that the findings of the Subdivision Committee were not consistent with the surrounding residential neighborhoods to the west and south of the proposed project and asked the Council to support his request to call the matter for review.

The following individuals spoke in support of the call for review:

Mr. Michael Hajar, Pasadena resident
Ms. Maria Tornek, Pasadena resident

It was moved by Vice Mayor Tyler, seconded by Councilmember Little, to call for review to the City Council the decision of the Subdivision Committee for a vesting tract map at 635-641 South Lake Avenue. (Motion unanimously carried) (Absent: Councilmember Streater)

PUBLIC HEARING: RECOMMENDATION FOR AN AMENDMENT TO THE ZONING CODE TO PROHIBIT MEDICAL MARIJUANA DISPENSARIES

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

- (1) Find that the project is exempt from the California Environmental Quality Act (CEQA), pursuant to Section 15061(b)(3);
- (2) Find that the proposed amendment as contained in the agenda report is consistent with the General Plan;
- (3) Approve the recommendation to amend the Zoning Code to define medical marijuana dispensaries and prohibit this use within the City of Pasadena; and
- (4) Direct the City Attorney to prepare an ordinance amending Title 17 of the Pasadena Municipal Code by May 16, 2005.

Recommendation of Planning Commission: The Commission voted to recommend that the City Council approve the amendment as recommended by staff and that the Pasadena Public Health Department monitor changes in State and Federal laws and policies regarding the use of medical marijuana and return at an appropriate time to evaluate the prohibition on medical marijuana dispensaries. The Planning Commission considered this amendment on January 26, 2005.

The Mayor announced this public hearing will be continued to April 25, 2005, at 8:00 p.m.

The following individuals spoke in opposition:

Rachel Lijuan, La Puente resident
Raul Flores, Pasadena resident

On order of the Mayor, the public hearing was continued to April 25, 2005, at 8:00 p.m.

Mayor Bogaard and Councilmember Madison recused themselves at 8:07 p.m., due to conflicts of interest.

PUBLIC HEARING: RECOMMENDED ADOPTION OF A ZONE CHANGE TO DESIGNATE A LANDMARK DISTRICT OVERLAY FOR THE GOVERNOR MARKHAM LANDMARK DISTRICT (LD-9)

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

- (1) Find that the application for a zone change is categorically exempt from environmental review under the California Environmental Quality Act (CEQA) (Class 8, Actions by Regulatory Agencies for Protection of the Environment);
- (2) Find that the proposed zone change is consistent with the General Plan and the purposes of the Zoning Ordinance;
- (3) Acknowledge the decision of the Historic Preservation

Commission on July 19, 2004, that the proposed Governor Markham Landmark District (Attachment 1 of the agenda report) meets the criteria for designation as a landmark district (Pasadena Municipal Code Section 17.52.40);

(4) Acknowledge that the petition with signatures in support of the landmark overlay district petition exceeds the 51 percent requirement in the Pasadena Municipal Code Section 17.52.070;

(5) Based on these findings, approve the landmark district and the zoning map overlay for the Governor Markham Landmark District, LD-9;

(6) Adopt a resolution (Attachment 3 of the agenda report) to approve the supplemental chapter for the Governor Markham Landmark District in the City's *Design Guidelines for Historic Districts* (Attachment 4 of the agenda report); and

(7) Direct the City Attorney to prepare an ordinance amending the official zoning map of the City of Pasadena established by Section 17.08.040 of the Pasadena Municipal Code to designate the landmark district with the LD-9 overlay zone by May 16, 2005. (Resolution No. 8453)

Recommendation of Historic Preservation Commission: At a public hearing on July 19, 2004, the Historic Preservation Commission unanimously determined that the proposed district meets the criteria in Section 17.52.040 of the Pasadena Municipal Code for designation of a landmark district and unanimously recommended approval. At a public meeting on August 16, 2004, the Commission also unanimously recommended approval of the draft chapter for the Governor Markham District for the City's *Design Guidelines for Historic Districts*.

Recommendation of the Planning Commission: Following a public hearing on January 26, 2005, the Planning Commission found that the proposed zone change to create a landmark district is consistent with the General Plan and the purposes of the Zoning Ordinance and voted unanimously to recommend that the City Council approve designation of the Governor Markham Landmark District and the supplemental chapter of the *Design Guidelines*.

Vice Mayor Tyler assumed the Chair and opened the public hearing.

The City Clerk reported that 72 copies of the notice of public hearing were posted and 239 copies of the notice were mailed on March 2, 2005, and that no letters in support or in opposition had been received.

Mr. Jeff Cronin, Principal Planner, summarized the agenda report.

The following individuals spoke in support of the Landmark District:

Ms. Susan Mossman, representing Pasadena Heritage
Ms. Mic Hansen, Pasadena resident
Ms. Leslie Zasa, Pasadena resident
Ms. Lauren Frankel, Pasadena resident

Staff made a correction to the agenda report, noting that with the newly adopted revised Zoning Code, the references in the report to Sections 17.52 of the Pasadena Municipal Code should be 17.62.

It was moved by Councilmember Little, seconded by Councilmember Gordo, to close the public hearing. (Motion unanimously carried) (Absent: Councilmembers Madison, Streater, Mayor Bogaard)

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

RECOMMENDATIONS FROM OFFICERS AND DEPARTMENTS

Mayor Bogaard returned at 8:20 p.m.

AUTHORIZATION TO PURCHASE 29.481 ACRE PROPERTY IN THE UPPER ARROYO SECO SOUTH OF JET PROPULSION LABORATORY AND NORTH OF THE HAHAMONGNA WATERSHED PARK BY THE CITY OF PASADENA FROM THE METROPOLITAN WATER DISTRICT

Recommendation of City Manager:

- (1) Find that the purchase of the property referenced above is categorically exempt under the requirements of the California Environmental Quality Act (CEQA).
- (2) Approve and direct that the property be purchased for \$1,236,000 and authorize the City Manager to take all actions necessary to effectuate the purchase including indemnification of Metropolitan Water District (MWD) and U.S. Forest Service (USFS) for all remaining buildings of the former Oak Grove Ranger Station.
- (3) Adopt a resolution of the City Council approving and authorizing the acquisition of property.
- (4) Approve the addition of Capital Project 77570 - MWD Property Acquisition in the Arroyo Seco Project Group and recognize and appropriate \$1,236,000 from the Charter Capital Fund to Capital Project 77570. (Resolution No. 8454; Contract No. 18,799; Journal Voucher No. 2005-50)

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

CANVASS OF THE MARCH 8, 2005 CONSOLIDATED DISTRICT PRIMARY NOMINATING ELECTION

Recommendation of City Clerk:

- (1) Accept the Certificate of Canvass; and
 - (2) Adopt a resolution declaring the following persons are re-elected:

Chris Holden	Member of the City Council, District 3
Victor M. Gordo	Member of the City Council, District 5
Sidney F. Tyler	Member of the City Council, District 7
- (Resolution No. 8455)

The City Clerk reported on the results of the March 8, 2005 primary nominating election and responded to questions.

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

ORDINANCES - FIRST READING

Conduct first reading of "AN ORDINANCE OF THE CITY OF PASADENA AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF PASADENA ESTABLISHED BY SECTION 17.08.040 OF THE PASADENA MUNICIPAL CODE (CRAWFORDS VISTA LANDMARK OVERLAY DISTRICT)"

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

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

NOES: None

ABSENT: Councilmembers Madison, Streater

Conduct first reading of "AN ORDINANCE OF THE CITY OF PASADENA AMENDING TITLE 17 (THE ZONING CODE) TO CHANGE THE DEVELOPMENT STANDARDS OF THE PLANNED DEVELOPMENT-11 (PD-11, FOOTHILL BOULEVARD, CRAIG AVENUE, AND WHITE STREET) ZONING DISTRICT"

At the request of Councilmember Haderlein, the Council took no action on the above ordinance.

It was noted that the applicant/developer will submit modifications to his proposed project to the Planning Department, which will then be reviewed by the Planning Commission.

INFORMATION ITEM

CITY OF PASADENA RELATIONSHIP WITH THE SAN GABRIEL VALLEY COUNCIL OF GOVERNMENTS

Recommendation of City Manager: This report is for information only.

The above item was held for a future Council meeting.

RECESS/CLOSED SESSION

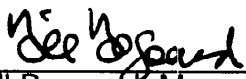
On order of the Mayor, the regular meeting of the City Council recessed at 8:32 p.m. discuss the following closed session:

CITY COUNCIL CONFERENCE WITH LEGAL COUNSEL REGARDING POTENTIAL LITIGATION pursuant to Government Code Section 54956.9(b)(1): One potential case

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

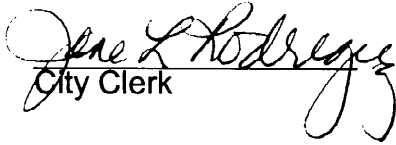
ADJOURNMENT

On order of the Mayor, the regular meeting of the City Council adjourned at 9:22 p.m.



Bill Bogaard, Mayor
City of Pasadena

ATTEST:



City Clerk