

CITY OF PASADENA  
City Council Minutes  
December 19, 2005 – 5:30 P.M.  
Pasadena Senior Center, Multi-Purpose Room  
85 East Holly Street

REGULAR MEETING

**OPENING:**

Mayor Bogaard called the regular meeting to order at 5:50 p.m.  
(Absent: Councilmember Gordo, Vice Mayor Madison)

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

Councilmember Gordo  
arrived at 5:54 p.m.

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

**Agency Negotiators: Karyn Ezell, Richard Kunz  
Employee Organization: Pasadena Management  
Association**

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

**Agency Negotiators: Karyn Ezell, Richard Kunz  
Employee Organization: Unrepresented Top, Middle and  
Professional Employees**

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

**CITY COUNCIL CONFERENCE WITH LEGAL COUNSEL  
regarding pending litigation pursuant to Government Code  
Section 54956.9(a)**

**Name of Cases: Allstate Insurance Company v. City of  
Pasadena; and First American Specialty Insurance  
Company v. City of Pasadena, et al; Case Nos. GC034083;  
04C01903**

It was moved by Councilmember Streater, seconded by  
Councilmember Gordo, to approve a settlement of \$260,000.  
(Motion unanimously carried) (Absent: Vice Mayor Madison)

**COMMUNITY DEVELOPMENT COMMISSION  
CONFERENCE WITH REAL PROPERTY NEGOTIATORS  
pursuant to Government Code Section 54956.8**

**Property: 6 through 46 Peoria Street, 584 through 612  
North Fair Oaks Avenue, 171 Carlton Street, and 502  
Cypress Avenue, Pasadena, California**

**Agency Negotiator: Cynthia J. Kurtz  
Negotiating Parties: Heritage Housing Partners  
Under Negotiation: Price and terms**

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

On order of the Mayor, the regular meeting reconvened at 6:35 p.m. The Pledge of Allegiance was led by Councilmember Gordo.

**ROLL CALL:**

Councilmembers:

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

Staff:

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

**CEREMONIAL MATTERS**

Mr. Mauricio Mejia, Account Manager, presented a plaque to Yorkshire Development representing the Energy Star Award for Small Businesses and Congregations conferred by the Environmental Protection Agency. Mr. Mejia noted that the award was based on Yorkshire Development's Tricom Building located at 2812 East Walnut Street, which met standards for sustainability in building, design, and construction techniques. The plaque was received by Susan Mahlmann, President of Yorkshire Development, who thanked the City for its commitment to the environment and this LEED (Leadership in Energy & Environmental Design) Project.

The Mayor recognized Mr. Mejia for his professional and personal commitment to green building standards.

Mr. Nat Nehdar, Human Relations Commissioner, presented a Model of Unity Award to Lovebirds Café and Bakery, and commented on community services performed by Lovebirds' co-owners, Jahanshah and Jahansooz Jomehri. Mr. Nehdar also acknowledged Kinko's for their support of various Commission programs. Mr. Jahanshah Jomehri accepted the award and thanked the Commission for this recognition.

Mr. Stephen Macala, Human Relations Commission Chair, also presented a Model of Unity Award to the Pasadena Community Access Corporation (PCAC), and commented on services provided by PCAC to community organizations. Mr. Don Repella, Chief Executive Officer of PCAC, accepted the award and introduced PCAC staff members who were present.

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

Mr. Randy Jurado Ertll, Executive Director of El Centro de Acción Social, expressed support for the organization's ongoing programs and for the need to continue building bridges between the city's African-American and Latino communities.

Councilmember Gordo congratulated Mr. Ertll on his new position as Executive Director, and expressed concerns regarding a recent article in the Pasadena Star-News on violent incidents allegedly linked to the relationship between African Americans and Latinos in the city.

Police Chief Bernard Melekian provided an update on a series of incidents that occurred in the time period from September to November 2005 involving day laborers as victims of various crimes and on recent arrests related to these incidents, and commented on the nature of these incidents as occurrences of criminality rather than racism.

Councilmember Streater expressed her opinion on the responsibility of newspapers to report factually on these incidents/issues, and expressed appreciation to Mr. Ertll and Chief Melekian for publicly addressing these issues.

Ms. Tricia Thayer, Pasadena resident, expressed her opinion regarding the treatment of homeless individuals, the operation of Union Station, and the status of her Section 8 housing.

The City Manager indicated Brian Williams, Assistant City Manager, would work with Ms. Thayer regarding her Section 8 housing status.

**CONSENT CALENDAR**

**APPROVAL OF FINAL VESTING TRACT MAP NO. 060228, BEING AN EIGHT-UNIT CONDOMINIUM PROJECT AT 241 WALLIS STREET**

**Recommendation of City Manager:** It is recommended that the City Council adopt a resolution to:

- (1) Approve final Vesting Tract Map No. 060228; and
- (2) Authorize the City Clerk to execute the certificate on the map showing the City's approval of said map. (Resolution No. 8547)

**APPROVAL OF FINAL PARCEL MAP NO. 25524, BEING A SUBDIVISION OF ONE LOT INTO TWO SEPARATE LOTS, AND ACCEPTANCE OF THE OFFER OF A DEDICATION FOR SANITARY SEWER PURPOSES AT 1200 HARTWOOD POINT**

**Recommendation of City Manager:** It is recommended that the City Council adopt a resolution to:

- (1) Approve Final Parcel Map No. 25524;
- (2) Accept the offer of dedication for sanitary sewer purposes as shown on Parcel Map No. 25524; and
- (3) Authorize the City Clerk to execute the certificate on the map showing the City's approval of said map. (Resolution No. 8548)

**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 to expire on December 31, 2005, and to extend the contract an additional forty-five days, if necessary. (Contract Amendment No. 14,061-12)

**REJECTION OF BIDS - INSTALLATION OF WALKWAY LIGHTING IN CENTRAL PARK AND MEMORIAL PARK**  
**Recommendation of City Manager:** Reject all bids received on December 7, 2005, in response to the Specifications for Installation of Walkway Lighting in Central Park and Memorial Park, Federal-Aid Project RPSTPLE-5064(038), and authorize the City Manager to call for new bids.

**ADOPTION OF SALARY RESOLUTION AMENDING THE SALARY RESOLUTION ESTABLISHING SALARY AND BENEFITS FOR THE UNREPRESENTED CLASSIFICATIONS OF POLICE LIEUTENANT, POLICE COMMANDER, POLICE COMMANDER (NON-SWORN) AND DEPUTY POLICE CHIEF**

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

- (1) Adopt a Resolution amending the Salary Resolution to:
  - (a) Adjust control rates for the classifications of Police Lieutenant, Police Commander, Police Commander (Non-Sworn), and Deputy Police Chief to the 75th percentile effective July 11, 2005, as noted in the agenda report;
  - (b) Increase Certification Pay for employees holding a POST Management Certificate to \$625 per month effective April 4, 2005, to \$700 per month effective April 3, 2006, and to \$750 per month effective April 2, 2007;
  - (c) Provide that effective April 4, 2005, employees promoted into Unrepresented Sworn Management classifications will maintain existing Certification Pay;
  - (d) Increase dependent dental contributions to \$40 per month effective July 2005;
  - (e) Provide no escalation in health contributions until the least expensive family plan rate exceeds the contribution; and
  - (f) Report the value of City-provided uniforms as compensation to the California Public Employees Retirement System and the City of Pasadena Fire and Police Retirement System.
- (2) Approve a journal voucher transferring \$250,781 from the General Fund Personnel Reserve to the Police Department FY 2006 Operating Budget. (Resolution No. 8549; Journal Voucher No. 2006-31)

**APPROVAL OF AN AMENDMENT TO THE EMPLOYMENT AGREEMENT WITH CITY ATTORNEY MICHELE BEAL BAGNERIS**

**Recommendation of Mayor:** Approve the Amendment to Contract No. 17,080, the Employment Agreement between the City of Pasadena and City Attorney Michele Beal Bagneris, effective October 3, 2005. (Agreement Amendment No. 17,080-4)

MINUTES APPROVED

December 5, 2005

CLAIM RECEIVED AND FILED

Claim No. 9989 Interinsurance Exchange of \$9,794.48  
the Automobile Club  
subrogee for Nadine Bugarin

PUBLIC HEARINGS SET

February 27, 2006, 8:00 p.m. - Zoning Map Amendments

February 27, 2006, 8:00 p.m. - Zoning Code Amendment to Modify Density Bonus Provisions

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

**OLD BUSINESS**

**PROPOSED VACATION OF A PORTION OF MADIA STREET**  
**Recommendation of City Manager:** Adopt the revised resolution ordering the vacation of a portion of Madia Street from 380 feet east of Linda Vista Avenue to the east end of Madia Street. (Resolution No. 8550)

The Mayor provided an overview of previous discussion on this matter.

The City Manager introduced the agenda item; and responded to questions regarding the valuation of the property, the proposed vacation, and the area of the applicants' property vs. City property.

The City Attorney noted the revised resolution reflects Council's directions to staff regarding the additional language and conditions agreed to by the applicant, and that Exhibit D to the revised resolution contains the applicants' proposed conditions; and responded to questions.

Mr. Martin Pastucha, Director of Public Works Department, responded to questions regarding safety issues in the area and the valuation of the property.

Ms. Bonnie Hopkins, Principal Engineer, described the applicants' property lines.

The Mayor suggested staff provide Council with a summary of the facts for all vacations approved within the past 10 years in order to assist Council in formulating policy for future transactions.

Councilmember Tyler suggested staff also provide information on the guidelines used by staff to determine the value in vacating a street and the public benefit involved.

The following persons spoke in support of the vacation:

Mr. Scott Jenkins, Hahn & Hahn LLP, representing the applicants  
Ms. Shannon Quinn, applicant

The following persons spoke in opposition to the vacation:

Ms. Ann Higginbotham, counsel representing eight Madia Street neighbors (families)  
Mr. Craig Miller, Pasadena resident  
Mr. Robert Bishop, Pasadena resident

Discussion followed on public benefit issues related to the vacation, the neighbors' initial and current positions regarding the vacation, the need to review the guidelines for vacating streets, possible impacts of this vacation on the neighbors, and issues involving access for the neighbors to the vacated property.

Councilmember Haderlein expressed opposition to the vacation as proposed by staff.

Councilmember Tyler expressed concerns regarding, in his opinion, an apparent lack of the establishment of an overriding public benefit in this transaction and the apparent discretionary nature of the proposed conditions on the part of the applicants; and suggested that access to the vacated property and preservation of the view be a right of the neighbors who are property owners on the street, rather than at the discretion of the applicants.

#### FAILED MOTION

It was moved by Councilmember Streater, seconded by Councilmember Gordo, to approve the City Manager's recommendation.

AYES: Councilmembers Gordo, Streater

NOES: Councilmembers Haderlein, Holden, Tyler, Mayor Bogaard

ABSENT: Vice Mayor Madison

ABSTAIN: Councilmember Little

(Motion failed)

The City Attorney responded to questions regarding the key provisions proposed by the applicants vs. the provisions

proposed by the neighbors, clarified that the holders of the covenants would indemnify the property owners against claims arising from the covenant holders' use of the vacated land, and offered alternative language for the resolution as cited below.

## MOTION

Following brief discussion, it was moved by Councilmember Haderlein, seconded by Councilmember Tyler, to approve the City Manager's recommendation, with Exhibit D of the resolution (as presented by staff) to be titled "Quinn Garden Covenant Key Provisions"; with the incorporation of an additional provision into Exhibit D that landscaping shall be done in such a way as to preserve and enhance the view of the mountains and the Arroyo Seco from the remaining portion of Madia Street; with page 3, paragraph (e) of the resolution amended to read: "applicant shall enter into separate and binding covenants with every property owner with frontage on Madia Street to the east of Linda Vista Avenue with, essentially, all of the key provisions set forth on Exhibit "D", attached hereto and incorporated hereat by this reference as modified throughout to provide a covenant that is recorded and runs with the land and in a form approved by the City Attorney."; and with the understanding that the attorneys for the applicants and neighbors will work out the provisions of the covenant. (Motion unanimously carried) (Absent: Vice Mayor Madison)

The City Attorney confirmed that the street vacation would not occur if the applicants and the neighbors could not reach agreement on the covenants.

## REPORTS AND COMMENTS FROM COUNCIL COMMITTEES

### ECONOMIC DEVELOPMENT AND TECHNOLOGY COMMITTEE

## **GREEN BUILDING ORDINANCE AND PROGRAM**

### **Recommendation of City Manager:**

- (1) Acknowledge that the Green Building Ordinance is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines General Rule, Section 15061(b)(3);
- (2) Direct the City Clerk to file a Notice of Exemption with the Los Angeles County Recorder;
- (3) Direct the City Attorney to prepare an ordinance within 60 days amending Title 14 of the Pasadena Municipal Code to implement a Green Building Ordinance as described within the agenda report; and
- (4) Establish a construction tax rebate of \$1,000 for each affordable housing unit provided on-site for projects that meet the requirements of the Green Building Ordinance, effective with the adoption of the 2006-2007 Schedule of Taxes, Fees and Charges.

Councilmember Gordo, Chair of the Economic Development and Technology Committee, summarized the agenda report, noted the Committee had requested that the construction tax rebate program for on-site affordable housing units and ordinance be reviewed by the Committee in 18 months, and responded to questions.

The City Manager clarified that the staff recommendation regarding the construction tax rebate for on-site affordable housing units would apply to the first year of implementation, with staff to review the program for possible extension beyond the year; and responded to questions.

Councilmember Streator asked that the ordinance and tax rebate program be amended to reflect that the program would apply for 18 months, with review by the Committee for possible extension of the rebate program at that time.

Ms. Alice Sterling, Senior Project Manager, reviewed the Green Building Program, highlighted the standards for a green building, acknowledged members of the Green Ribbon Committee in the development of the Green Building Program/Ordinance, and responded to questions.

Mr. Richard Bruckner, Director of Planning and Development Department, responded to questions regarding various components of the Green Building Program.

Mr. Walker Wells, Global Green USA representative and consultant to the City, responded to questions regarding the LEED (Leadership in Energy & Environmental Design) Program.

Councilmember Haderlein responded to questions regarding the Committee's consideration of thresholds for the Green Building Program.

The following persons spoke in support of the Green Building Ordinance and Program:

Ms. Katrina Rosa, Green Ribbon Committee member  
Mr. Todd Lethbridge, JMT Realty representative  
Ms. Lisa Matthiessen, Green Ribbon Committee member

The following person asked for clarification of the transition period for projects in various stages of the permit process under the ordinance:

Mr. Scott Jenkins, Hahn & Hahn LLP, representing various clients

Mr. Bruckner clarified what would occur to projects during the transition period.

The Mayor complimented staff and the community team for their hard work on the Green Building Program/Ordinance.

Councilmember Tyler suggested staff include information in future Predevelopment Plan Reviews (PPRs) regarding steps taken by developers to implement the Green Building Program.



The City Manager indicated information could be included in future PPRs regarding actions taken by the applicant in LEED categories.

It was moved by Councilmember Gordo, seconded by Councilmember Little, to approve the City Manager's recommendation, with the understanding that the construction tax rebate for on-site affordable housing units would apply to the first 18 months of implementation, with the Economic Development and Technology Committee to review the rebate program and ordinance within the 18-month period of time. (Motion unanimously carried) (Absent: Vice Mayor Madison)

Councilmember Little thanked Mr. Wells for his design work on the East Washington Boulevard project.

## **PUBLIC HEARINGS**

### **CONTINUED PUBLIC HEARING: DESIGNATION OF 580 NORTH LAKE AVENUE AS A LANDMARK**

**Recommendation of City Manager:** It is recommended that the City Council continue the public hearing to February 27, 2006, 8:00 p.m.

It was moved by Councilmember Streater, seconded by Councilmember Gordo, to continue the public hearing to February 27, 2006 at 8:00 p.m. (Motion unanimously carried) (Absent: Vice Mayor Madison)

### **CONTINUED PUBLIC HEARING: APPEAL OF ZONING HEARING OFFICER DECISION REGARDING CONDITIONAL USE PERMIT NO. 4501 AND TENTATIVE PARCEL MAP NO. 061201, 500 MADELINE DRIVE**

**Recommendation of City Manager:** It is recommended that the City Council continue the public hearing to February 6, 2006, 8:00 p.m.

It was moved by Councilmember Streater, seconded by Councilmember Gordo, to continue the public hearing to February 6, 2006 at 8:00 p.m. (Motion unanimously carried) (Absent: Vice Mayor Madison)

## **RECOMMENDATIONS FROM OFFICERS AND DEPARTMENTS**

### **ADOPTION OF THE PARKING STUDY AND RECOMMENDATIONS FOR PASADENA PLAYHOUSE DISTRICT AND PARKING ADMINISTRATOR FUNDING**

#### **Recommendation of City Manager:**

(1) Adopt the "Parking Demand and Supply Analysis and Recommendations – Final Report, Revised October 2005" for Pasadena Playhouse District, prepared by Meyer, Mohaddes Associates. The overview is provided in Attachment 1 of the agenda report.

(2) Approve the expansion of the Playhouse District Streetscapes, Walkways & Alleys Plan to the boundaries of the Playhouse Property Based Business Improvement District, provided in Attachment 2 of the agenda report.

(3) Approve implementation of Phase 1 to fund a Playhouse District Parking Program beginning March 1, 2006 in the amount of \$165,000 per year for five years.

The City Manager introduced the agenda item, discussed the possible installation of meters in the Playhouse District and the role of the Playhouse District Parking Administrator, and responded to questions.

Mr. Robert Montano, District Coordinator, reviewed the agenda report and responded to questions.

Discussion followed on the timeframe for reviewing the possibility of installing meters in the Playhouse District, the process for expanding the boundaries of the Playhouse District, the status of the Mill Creek Development Project as this relates to the creation of additional parking spaces, the strategies/options for providing additional parking in the District, the boundaries of the meter district, and balancing the effects of creating more parking spaces with the incentives to use mass transit.

Mr. Richard Bruckner, Director of Planning and Development Department, indicated the issue of expanding the Playhouse District boundaries should be raised when representatives of the District are available to respond to questions.

Councilmember Tyler expressed concerns regarding the lack of documentation on the issues of parking demand and supply in the summary findings cited in the agenda report.

The City Manager corrected page 4 of the agenda report, the last sentence of paragraph 2 to read: "Staff will work with the Playhouse District Parking Administrator to formulate the needs and will bring information back to Council with an operating capital improvement program budget amendment."

Mr. Bahman Janka, Transportation Administrator, discussed the option for installing meters in the District.

The Mayor stressed Council's interest in pursuing development of the Mill Creek Development Project.

Mr. Bruckner indicated Council would be informed on the status of the negotiations on the Project.

The following persons spoke in support of the parking study and funding:

Mr. Joel Sheldon, Playhouse District Association member  
Ms. Catherine Haskett Hany, Playhouse District Association member

Councilmember Streator suggested that staff report to Council six months after the Parking Administrator is in place on the status of the meter installation option.

Following brief discussion, it was moved by Councilmember Holden, seconded by Councilmember Haderlein, to approve the City Manager's recommendation, with staff to report to Council six months after the Parking Administrator is in place on the status of the meter installation option. (Motion unanimously carried) (Absent: Vice Mayor Madison)

**ORDINANCE – FIRST READING**

Councilmember Streator was excused at 9:14 p.m.

**Conduct first reading of "AN ORDINANCE OF THE CITY OF PASADENA AMENDING CHAPTERS 5.04 AND 5.10 OF THE PASADENA MUNICIPAL CODE RELATING TO BUSINESSES REQUIRED TO DISPLAY BUSINESS LICENSE PERMITS ON THEIR VEHICLES"**

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

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

NOES: None

ABSENT: Councilmember Streator, Vice Mayor Madison

**RECESS**

On order of the Mayor, the regular meeting of the City Council recessed at 9:15 p.m. to the regular meeting of the Community Development Commission.

**RECONVENED**

On order of the Mayor, the regular meeting of the City Council reconvened at 9:34 p.m. (Absent: Vice Mayor Madison, Mayor Bogaard)

Council wished a happy holiday and new year to constituents, City employees, and volunteers.

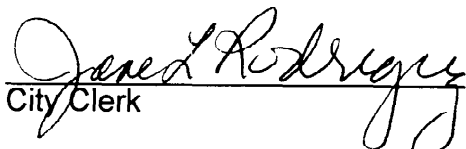
**ADJOURNMENT**

On order of the Mayor, the regular meeting of the City Council adjourned at 9:37 p.m.



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Bill Bogaard, Mayor  
City of Pasadena

ATTEST:



\_\_\_\_\_  
Janet Rodriguez  
City Clerk