

CITY OF PASADENA
City Council Minutes
September 11, 2006 – 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 5:45 p.m. (Absent: Councilmembers Gordo, Holden, Vice Mayor Madison)

On order of the Mayor, the regular meeting recessed at 5:45 p.m., to discuss the following closed sessions:

Vice Mayor Madison arrived at 5:56 p.m.

Councilmember Holden arrived at 5:57 p.m.

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

Name of Case: Ramirez, et al. v. City of Pasadena; Vanessa Ramirez, et al. v. Superior Court (City of Pasadena, real party in interest); Lisa Hernandez, et al. v. City of Pasadena

Case No.: BC 265409; B173096; BS 094864

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

**City Representatives: Karyn S. Ezell and Arthur Chavez
Employee Organization: Pasadena Police Officers Association**

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

Name of Case: 3570 East Foothill Boulevard et al. v City of Pasadena et al.

Case No.: Los Angeles Superior Court No. GC032788; Court of Appeal Case No. B181774

CITY COUNCIL CONFERENCE WITH LEGAL COUNSEL regarding significant exposure to litigation pursuant to Government Code Section 54956.9(b): One potential case

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

On order of the Mayor, the regular meeting reconvened at 6:51 p.m. The Pledge of Allegiance was led by Councilmember Little.

ROLL CALL:

Councilmembers:

Mayor Bill Bogaard
Vice Mayor Steve Madison
Councilmember Victor Gordo (Absent)
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

Councilmember Holden, Burbank-Glendale-Pasadena Airport Authority representative, reported on the Authority's observation of the fifth anniversary of the 9/11 events and the moment of silence held in commemoration of the 9/11 victims, and commented on the dedicated service of the airport personnel.

Councilmember Haderlein expressed support for observance of a moment of silence prior to the beginning of the meeting's business.

At this time, the Mayor led those who were present in a moment of silence for the 9/11 victims.

The Mayor presented a proclamation designating September 22, 2006 as Jessye Norman Day. The proclamation was received by Rachael Worby, Pasadena POPS Orchestra Maestra and John Hancock, POPS Executive Director.

Ms. Worby thanked the City for this recognition of the accomplishments of Jessye Norman.

John Hancock announced that Ms. Norman will be giving an exclusive, free performance with the Pasadena POPS Orchestra for students at Blair High School.

The City Manager thanked Steve Mermell for his dedicated service as Acting Director of Finance and announced Mr. Mermell's promotion to Deputy Finance Director. She also introduced Steve Stark as the recently-hired Director of Finance Department.

Mr. Stark thanked the City Manager and City for the opportunity to serve the City of Pasadena.

PRESENTATION BY ASSEMBLYMEMBER CAROL LIU REGARDING A SACRAMENTO UPDATE

Assemblymember Carol Liu provided an update of State legislative activities, including passage of the 2006-2007 State budget and the status of various bills; noted there was no new borrowing or new general tax increases or fee hikes at colleges and universities; commented on funding currently provided and also still needed for various services (disability service providers, health programs, education programs, gas tax programs, infrastructure bond, extension of Gold Line train services, transportation needs, and affordable housing); and distributed a packet of information on proposed bills and upcoming local events sponsored by her office. She urged the City to renew its efforts regarding the disposition of the disposal of surplus residential rental housing properties owned by Caltrans.

The Mayor thanked Assemblymember Liu for her work on behalf of the District.

PUBLIC COMMENT ON MATTERS NOT ON THE AGENDA

Herminia Ortiz, Pasadena resident, spoke regarding current relocation problems involving alleged poor living conditions in a condominium to be purchased by a former Peoria/Fair Oaks tenant (Rios family). She also inquired about the location of cell phone recycling sites in the City.

The Mayor indicated that staff was aware of the Rios family's problems and referred this matter to Assistant City Manager Brian Williams for review and contact with the family. He indicated staff will contact Ms. Ortiz regarding the location of cell phone recycling sites.

Genevieve Clavreul, Pasadena resident, expressed concerns regarding an alleged lack of response from the City regarding code enforcement issues, and reported a pothole located at the corner of Hudson Avenue and Walnut Street.

The Mayor indicated staff will contact Ms. Clavreul regarding the code enforcement issues and concerns.

Emina Darakjy, Pasadena Beautiful Foundation President, invited the Council and community to the rededication of the Foundation's plant bank (bring a plant-take a plant) program to be held on September 13, 2006 at the Jackie Robinson Center.

Elaine Chappel, Pasadena resident, expressed concerns regarding the City's failure to accommodate disabled homeowners (lack of availability of small trash containers and inability to obtain variances in order to modify house to accommodate disabilities).

The City Manager indicated staff will contact Ms. Chappel regarding her concerns.

Les Hammer, Pasadena resident, expressed continuing concerns regarding the MEChA (Movimiento Estudia Chicano de Aztlan) organization and its actions and a flier that had been distributed in 2005 by Pasadena Area Community College District Board Member candidate Jennifer Bekkedal.

CONSENT CALENDAR

RESOLUTION AUTHORIZING SUBMITTAL OF FUNDING APPLICATION TO THE STATE OF CALIFORNIA DEPARTMENT OF HEALTH SERVICES FOR THE PROPOSITION 50 CHAPTER 4B FUNDING PROGRAM

Recommendation of City Manager: Adopt a resolution required for the funding application to the State of California, Department of Health Services (DHS) for the Proposition 50 Chapter 4b Funding Program. (Resolution No. 8648)

CONTRACT AWARD TO RUSSELL WARNER, INC. DBA ADVANCED SEWER TECHNOLOGIES FOR SEWER INSPECTION PHASE IV FOR AN AMOUNT NOT TO EXCEED \$375,000

Recommendation of City Manager: Accept the bid dated August 23, 2006, submitted by Russell Warner, Inc. dba Advanced Sewer Technologies in response to the Specifications for the Sewer Inspection Phase IV, reject all other bids received, and authorize the City Manager to enter into such contract as is required. (Contract No. 19,193)

AUTHORIZE THE CITY MANAGER TO ENTER INTO A FUNDING AGREEMENT WITH THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA FOR PRELIMINARY DESIGN AND ENVIRONMENTAL COMPLIANCE ON THE RAYMOND BASIN CONJUNCTIVE USE PROGRAM

Recommendation of City Manager: Authorize the City Manager to enter into a funding agreement with the Metropolitan Water District of Southern California (MWD) for preliminary design, environmental studies, and environmental compliance to implement the Raymond Basin Conjunctive Use Program (RBCUP). (Agreement No. 19,197)

SUSPENSION OF THE NOISE ORDINANCE RELATING TO CITY OF HOPE'S YULE LOG JOG, TO BE HELD AT AREA H ON SUNDAY, NOVEMBER 5, 2006

Recommendation of City Manager:

- (1) Acknowledge that the proposed City of Hope's Yule Log Jog and the lifting of the Noise Ordinance are categorically exempt under California Environmental Quality Act (CEQA) Guidelines, Section 15323, Normal Operations of Facilities for Public Gatherings; and
- (2) Approve an ordinance to suspend the Noise Ordinance by

permitting amplified sound on a Sunday beginning at 9:00 a.m. and a Notice of Exemption and hold the first reading of same on Monday, September 11, 2006, with respect to the proposed City of Hope's Yule Log Jog to be held at Area H on Sunday, November 5, 2006 from 8:00 a.m. to 1:00 p.m.

MINUTES APPROVED

July 31, 2006
 August 7, 2006
 August 14, 2006
 August 21, 2006 (Cancelled)
 August 28, 2006 (Cancelled)
 September 4, 2006 (Cancelled)

CLAIMS RECEIVED AND FILED

Claim No. 10,162	Mahmoud Hassan	\$ 1,117.59
Claim No. 10,163	Maria J. Vega	Not Stated
Claim No. 10,164	Ajay J. Panchal	Not Stated
Claim No. 10,165	Jewel Davis	Not Stated
Claim No. 10,166	Alvin Larsuel	Not Stated
Claim No. 10,167	Ana Lares	738.16+
Claim No. 10,168	Tereza Gevorkian	500.00
Claim No. 10,169	Marine Sashoyan	550.00
Claim No. 10,170	Rechelle D. Lubanski	Not Stated
Claim No. 10,171	Adabel Figueroa	Not Stated
Claim No. 10,172	Henry & Elsie Hayashi	812.15
Claim No. 10,173	Daryl Osswald	Not Stated
Claim No. 10,174	Paulette Haban	583.63
Claim No. 10,175	Travis Neal	Not Stated
Claim No. 10,176	Glinda F. Jackson	Not Stated
Claim No. 10,177	Richard Andalon	8,493.81
Claim No. 10,178	Bobbe Ann Davis	180.00
Claim No. 10,179	Nia Montgomery	Not Stated
Claim No. 10,180	Lisa Wines Weithas	7,150.43
Claim No. 10,181	Natalie Anita Stadelhofer	2,625.00
Claim No. 10,182	Sempre Energy Utilities	Not Stated

PUBLIC HEARINGS SET

September 25, 2006, 7:30 p.m. - Hillside District Overlay: Guidelines and Amendments

October 16, 2006, 7:30 p.m. - Appeal of Board of Zoning Decision to the City Council Regarding Conditional Use Permit No. 4664, to Allow the Installation of Four Light Poles (Each 80 Feet in Height) on the Existing La Salle High School Athletic Field

October 16, 2006, 7:30 p.m. - Designation of 1855 East Colorado Boulevard as a Landmark

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

PUBLIC HEARINGS

PUBLIC HEARING: DESIGNATION OF 810 HILLSIDE DRIVE AS A LANDMARK

Recommendation of City Manager:

(1) Acknowledge that the designation of a historic resource is categorically exempt from the California Environmental Quality Act (CEQA) under Class 8, Actions by Regulatory Agencies for Protection of the Environment (CEQA Guidelines, Article 19, Section 15308);

(2) As recommended by the Historic Preservation Commission, find that the house at 810 Hillside Drive is significant under Criterion C for designation as a landmark (Pasadena Municipal Code Section 17.62.040 B) because it is a unique example of a Japanese-influenced California Modern house;

(3) Approve the designation of the property at 810 Hillside Drive as a landmark;

(4) Adopt a resolution approving a Declaration of Landmark Designation for 810 Hillside Drive, Pasadena, California;

(5) Authorize the Mayor to execute a Declaration of Landmark Designation for 810 Hillside Drive, Pasadena, California; and

(6) Direct the City Clerk to record the declaration with the Los Angeles County Recorder. (Resolution No. 8649)

Recommendation of Historic Preservation Commission: On July 17, 2006, at a noticed public hearing, the Historic Preservation Commission voted unanimously to recommend approval of the designation of 810 Hillside Drive as a landmark.

The Mayor opened the public hearing.

The City Clerk reported 53 copies of the notice of public hearing were posted on August 25, 2006; 24 copies of the notice were mailed on August 25, 2006; and no correspondence was received.

Robert Avila, Associate Planner, reviewed the agenda report.

No one appeared for public comment.

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

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

PUBLIC HEARING: ZONING CODE AMENDMENTS - ADULT BUSINESS DEFINITION AND OPERATIONAL REQUIREMENTS

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

- (1) Adopt the Initial Study, Negative Declaration, and De Minimis Impact Finding on the State Fish and Wildlife Habitat for the proposed Zoning Code Amendments (Attachments 1 and 2 of the agenda report);
- (2) Approve a finding of consistency with the General Plan as contained in the agenda report; and
- (3) Adopt an Ordinance of the City of Pasadena amending the Pasadena Municipal Code, Title 17 (Zoning Code), regarding the Regulation of Adult Businesses, which amends the definition of adult businesses, changes the standards for adult businesses, and makes other minor corrections to the City's regulation of adult businesses and hold the first reading on the same Monday, September 11, 2006.

Recommendation of Planning Commission: The Planning Commission will consider the proposed amendments at a special meeting to take place the evening of Thursday, September 7, 2006. Staff will provide the Council with an update on the Planning Commission's actions from this special meeting of the Planning Commission.

The above public hearing was discussed concurrently with the following agenda item and two ordinances and with the items voted on separately.

The Mayor opened the public hearing.

The City Clerk reported the notice of public hearing was published on August 24, 28, 30, September 1, 4, 6, 2006 in the Pasadena Star-News; and 89 pieces of correspondence expressing opposition to and/or concerns regarding adult businesses were received.

The City Manager introduced the agenda items, and noted staff's collaboration with the City Attorney's Office in the preparation of the reports and recommendations because of the legal implications and restrictions that apply to these matters.

John Poindexter, Planning Manager, reviewed the agenda reports and responded to questions.

Planning Commission Recommendations

Staff distributed a handout citing the following Planning Commission recommendations that were approved at the Commission meeting of September 7, 2006:

"That the City Council approve the zoning code amendments regarding adult business definition and operation requirements as recommended by staff with the amendment to make the required separation distance between performer and patron 5 feet instead of 4 feet."

"That the City Council request that staff and the City Attorney conduct a comprehensive study of the adult business

ordinance including an examination of the following proposed amendments:

1. Increase the required separation distance from sensitive uses from 500 feet to 1,000 feet.
2. Include residential zones or uses in the definition of sensitive uses.
3. Include family-day care uses in the definition of sensitive uses.
4. Increase the required separation distance between adult uses from 1,000 feet to 1,500 feet.
5. Make the regulations as restrictive as is legally permissible.
6. Require periodic review [of] the ordinance every two years to address changes in case law.

To the extent necessary for the purpose of further study of other ideas, the Planning Commission additionally recommends that the City Council adopt a moratorium."

The following persons spoke in opposition to and/or expressed concerns regarding adult businesses:

Katherine Robi, Pasadena resident
Gary Pickering, Pasadena resident
Abdo Hanna, Pasadena resident
Linnea Berg, Pasadena resident
June Takenouchi, East Orange Grove Neighborhood Association President
Randall Gorden, Pasadena resident
Robert Meyers, Concerned Citizens Against the Strip Club representative, stated that 3,500+ petition signatures had been received in support of adoption of a Zoning Code amendment that will include a minimum residential setback of 500' from any adult business and in opposition to the development of a sexually-oriented business at 2180 E. Foothill Boulevard, and distributed a binder of information materials regarding the regulation of adult businesses.
Carole Curran, Pasadena resident and business owner
Dr. Peter Lippincott, Pasadena business owner
Harry Kazarian, Pasadena resident and business property owner
Reverend Ralph Torres, Pasadena Foursquare Church
Terry Seidler, Pasadena resident
Robert Neff, Pasadena resident
Ann Bussard, Pasadena resident
Michael DiPietro, St. Philip's Bible Study Group representative
Amer Hanna, Pasadena resident, distributed information materials on adult businesses.
Brett Barnard, Pasadena business property owner
Eugene Tong, Pasadena resident
Dottie Nelson, Villa Esperanza Services representative

Joe Brown, Pasadena National Association for the Advancement of Colored People (NAACP) representative
Allen Clason, Pasadena resident
Gail Price, Pasadena resident
Robert Tyler, Pasadena resident
Bob Terjenian, Pasadena resident and business property owner
Carl Alameda, Pasadena resident

The following person spoke in opposition to the staff recommendations and ordinances on adult businesses:

Roger Diamond, legal counsel for Greg Hakopian, applicant for an adult business use to be located at 2180 E. Foothill Boulevard

Councilmember Holden asked staff to provide maps that will depict various distance separations between adult businesses and neighboring properties of various uses and the impacts that might occur.

The City Attorney briefly commented on adult business use within the City, and responded to questions regarding the moratorium and the study of distance requirements for adult businesses during the moratorium period. She clarified that the proposed ordinances apply to all adult businesses in the City and do not apply to a future or existing specific location or application.

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

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

**ORDINANCE – FIRST
READING**

Conduct first reading of “AN ORDINANCE OF THE CITY OF PASADENA AMENDING THE PASADENA MUNICIPAL CODE, TITLE 17 (THE ZONING CODE), REGARDING THE REGULATION OF ADULT BUSINESSES”

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

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

**RECOMMENDATIONS FROM
OFFICERS AND
DEPARTMENTS**

**INTERIM URGENCY ORDINANCE TEMPORARILY
PROHIBITING THE ISSUANCE OF EXPRESSIVE USE
PERMITS FOR ADULT BUSINESSES FEATURING FULL
NUDITY**

Recommendation of City Manager:

(1) Find the proposed moratorium to be exempt from environmental review pursuant to the California Environmental Quality Act (CEQA), State CEQA Guidelines, Section 15060(C)(2), because the moratorium will not result in a direct or reasonably foreseeable indirect physical change in the environment; and State CEQA Guidelines, Section 15262, because the project involves only feasibility or planning studies for possible future action which the City has not approved, adopted or funded, and does not involve adoption of a plan that will have a legally binding effect on later activities.

(2) Find that the proposed moratorium is consistent with the objectives and policies in the General Plan.

(3) Find that: (a) there is a current and immediate threat to the public health, safety, and welfare because Expressive Use Permits for adult businesses offering full nudity at locations that are directly adjacent to residentially zoned areas of the City are authorized under the current Zoning Code; (b) such Expressive Use Permits could have adverse impacts on residential neighborhoods pursuant to the standards and policies set forth in the General Plan; and (c) an interim ordinance establishing the proposed moratorium is necessary to study ways to reduce these potential impacts.

(4) Adopt an interim urgency ordinance temporarily prohibiting the issuance of Expressive Use permits for adult businesses featuring full nudity, which places a 45 day moratorium on the issuance of Expressive Use Permits to adult businesses which offer full nudity and hold first reading on the same Monday, September 11, 2006.

Following discussion, it was moved by Councilmember Haderlein, seconded by Councilmember Little, to approve the City Manager's recommendation, as amended for the 45-day moratorium to apply to all adult businesses (rather than only those businesses offering full nudity); with City staff and the City Attorney to conduct a comprehensive study, including an examination of the above six points recommended by the Planning Commission and recognizing that these points may need to be modified after the study is completed; with staff to analyze what is in place constitutionally and what other jurisdictions may have in place that has withstood legal challenge; with consideration to be given to amortization for nonconforming uses and to the challenge of creating suitable locations for adult businesses; and with the results of the study and recommended ordinance to come back to the City Council through the Planning Commission. (Motion unanimously carried) (Absent: Councilmember Gordo)

**ORDINANCE – FIRST
READING**

Conduct first reading of “AN INTERIM URGENCY ORDINANCE OF THE CITY OF PASADENA TEMPORARILY PROHIBITING THE ISSUANCE OF EXPRESSIVE USE PERMITS FOR ADULT BUSINESSES FEATURING FULL NUDITY”

The City Attorney read into the record the following revisions to the above proposed ordinance:

- Title to be revised to read: “AN INTERIM URGENCY ORDINANCE OF THE CITY OF PASADENA TEMPORARILY PROHIBITING THE ISSUANCE OF EXPRESSIVE USE PERMITS FOR ADULT BUSINESSES FEATURING FULL NUDITY”
- Fourth recital paragraph to be revised to read: “WHEREAS, the City Council finds that a distance requirement between adult businesses and residential zones would restrict the potential locations for adult businesses, possibly to the extent that the restriction could be found unconstitutional, but finds that further fact-based study and analysis is warranted in order to protect the public health, safety and welfare; and”
- Sixth recital paragraph, first sentence to be revised to read: “WHEREAS, further regulation ~~of and/or banning of full nudity~~ may reduce the secondary effects commonly associated with adult businesses on residential areas in very close proximity to adult businesses, such as increased crime which reduces the quality of City neighborhoods and commercial districts, and the blighting of neighborhoods and the maintenance of property values.”
- Seventh recital paragraph to be revised to read: “WHEREAS, the City Council finds that there is a current and immediate threat to the public health, safety and welfare because, without the moratorium, an Expressive Use Permit to allow ~~full nudity~~ at an adult business could be granted within the City, without full protection to residential zones from the secondary effects of adult businesses ~~offering full nudity~~; and”
- Section 1 to be revised to read: “The provisions of this ordinance temporarily prohibit the issuance of Expressive Use Permits for all adult businesses ~~that would offer full nudity~~. During the effective period of this moratorium, the City will continue to process, ~~and grant if warranted,~~ applications for ~~any other type of an~~ adult business. Any hearing on the application will be postponed during the pendency of this moratorium.”
- Section 2 to be revised to read: “During the effectiveness of this ordinance, the City will undertake a review of its adult business regulations and study whether a ~~permanent ban on full nudity~~ further regulation may reduce the secondary effects commonly associated with

adult businesses on the residential neighborhoods that may necessarily be in very close proximity to an adult business, and in consideration of the goals and policies established in the City's Land Use Element, Social and Economic Development Element, and zoning code."

The City Attorney responded to questions from Council.

Following discussion, the above ordinance, as revised above, was offered for first reading by Councilmember Haderlein:

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

NOES: None

ABSENT: Councilmember Gordo

RECESS

On order of the Mayor, the regular meeting of the City Council recessed at 9:17 p.m. to the special meeting of the Board of Appeals.

RECONVENED

On order of the Mayor, the regular meeting of the City Council reconvened at 9:18 p.m. (Absent: Councilmember Gordo)

OLD BUSINESS

CALL FOR REVIEW OF MINOR VARIANCE NO. 11536, 1149 WOTKYNS DRIVE

Recommendation of City Manager:

- (1) Acknowledge that this action is categorically exempt from the California Environmental Quality Act (CEQA);
- (2) Approve the minor variance application to allow a six-foot tall block wall in the front yard of a single-family residence with the Conditions of Approval in Attachments B and C of the agenda report.

The Mayor and Councilmember Little acknowledged that they had reviewed the video tape and record for the Council meeting of July 31, 2006, during which they had been absent for the hearing of this matter.

David Sinclair, Associate Planner, summarized the agenda report, described his inspection of the wall and its height, and responded to questions.

Councilmember Streator stated her reasons for calling this matter for review; and asked for the variance to be approved, with the understanding that the wall and gate will be brought into conformance with a six-foot height limitation.

Richard Bruckner, Director of Planning and Development Department, discussed options for addressing the issue of those parts of the wall/gate that are not in compliance with the six foot maximum allowable height for the wall if the minor variance is granted, and responded to questions.

The following person spoke in support of the minor variance application:

Walter Dennis, applicant

The following person spoke in opposition to the minor variance application:

Emina Darakjy, Pasadena resident

Discussion followed on the height of the wall, the issue of bringing the height of the wall in compliance with a six-foot height, options to address the height issue, and Council's flexibility and discretion in granting variances in unusual circumstances,

Councilmember Tyler expressed concerns regarding granting the variance when other property owners have followed the City's regulations and built walls based on the four-foot height limitation.

Councilmember Haderlein expressed opposition to the granting of the variance, and expressed support for the City sharing in the financial responsibility for bringing the wall into conformance with the City's regulations.

Councilmember Little expressed support for the variance, with the understanding that the wall would be brought into conformance with the six-foot height allowance.

The Mayor noted the City was entitled to enforce its zoning rules even if there has been a violation caused by a staff error, and suggested the City participate in financially assisting with the process to remedy the violation.

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

AYES: Councilmembers Holden, Little, Streater, Vice Mayor Madison

NOES: Councilmembers Haderlein, Tyler, Mayor Bogaard

ABSENT: Councilmember Gordo

(Motion failed)

It was noted that the lower body decision of the Board of Zoning Appeals (to disapprove the Minor Variance application) now stands and is final.

**REPORTS AND COMMENTS
FROM COUNCIL
COMMITTEES**

**APPROVAL OF A JOURNAL VOUCHER AMENDING
PROJECTS IN THE FISCAL YEAR 2007 CAPITAL
IMPROVEMENT PROGRAM BUDGET
Recommendation of City Manager:**

FINANCE COMMITTEE

(1) Approve a journal voucher in the amount of \$17,912,685 amending 26 projects in the Fiscal Year 2007 Capital Improvement Program as detailed in Attachment A of the agenda report;

(2) Authorize the City Manager to enter into a contract with ARB, Inc., to provide services for the Nondestructive Examinations of Unit B-3 Boiler at the Broadway Power Plant in regards to the B-3, *Renewals, Replacements and Improvements Project (3148)* for an amount not-to-exceed \$406,000. The proposed contract is exempt from competitive bidding pursuant to City Charter Section 1002(F), contracts for professional or unique services.

(3) Authorize the City Manager to execute necessary agreements for a Memorandum of Understanding between the City of Pasadena and the Los Angeles Metropolitan Authority (Metro) in regards to the *Metro Rapid Bus Priority System Project (75508)*; including a third party agreement between City of Pasadena and State of California regarding the use of a proprietary traffic controller software at State-owned intersections along the route of this project; and

(4) Amend the Fiscal Year 2007 Capital Improvement Program budget to create the *Rose Bowl Major and Preventative Maintenance* project and appropriate \$550,000 in Rose Bowl Funds to the project. (Journal Voucher No. 2007-5; Contract No. 19,194; Agreement Nos. 19,195 and 19,200)

Recommendation of Planning Commission: On May 24, 2006, the Planning Commission found the *Rose Bowl Major and Preventative Maintenance* Project to be in compliance with the General Plan.

Councilmember Little, Chair of the Finance Committee, introduced the agenda item.

Martin Pastucha, Director of Public Works Department, responded to questions regarding the Hamilton Park drainage system project, and indicated that information on the time schedule for this project will be provided to Councilmember Haderlein, as requested.

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

FISCAL YEAR 2007 OPERATING BUDGET, GENERAL FEE SCHEDULE AND SCHEDULE OF TAXES, FEES AND CHARGES AMENDMENTS

Recommendation of City Manager:

(1) Authorize a journal voucher implementing certain amendments to the Fiscal Year 2007 Operating Budget as detailed in the background section of the agenda report;

(2) Approve an amendment to the General Fee Schedule to

Vice Mayor Madison was excused at 9:52 p.m.

correct the fee for vehicle impounding (non-victim), add a new fee for Limited Time Signage, Special Curb Markings and Firing Range Usage by Governmental Law Enforcement Agencies; and

(3) Approve an amendment to the Schedule of Taxes, Fees and Charges to correct the maximum amount of the Rose Bowl Admissions Tax for 2006/2007. (Journal Voucher No. 2007-6)

Councilmember Little introduced the agenda item.

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

QUARTERLY INVESTMENT REPORT, QUARTER ENDING JUNE 30, 2006

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

Councilmember Little introduced the agenda item, and thanked Vic Erganian, City Treasurer, for his work on the City's finances. He expressed anticipation for receiving a staff report on the stranded investment fund and how much of this money will be used to reduce utility rates and the timetable for this action.

Vice Mayor Madison returned at 8:59 p.m.

The City Manager reported the Municipal Services Committee had reviewed some information from staff on the stranded investment fund, with staff to provide additional information as requested by the Committee; and indicated staff's schedule for presenting information to the Committee will be included in the City Manager's weekly information letter to Council. She also indicated information on the options for using the monies from the stranded investment fund will be included in the staff report to Council.

It was moved by Councilmember Little, seconded by Councilmember Holden, to receive and file the report. (Motion unanimously carried) (Absent: Councilmember Gordo)

RECOMMENDATIONS FROM OFFICERS AND DEPARTMENTS

APPROVE THE MARKETING PLAN, JOB DESCRIPTION FOR ENTERPRISE ZONE PLANNER, AND UPDATED BOUNDARIES FOR DESIGNATION OF A PASADENA ENTERPRISE ZONE

Recommendation of City Manager:

(1) Authorize staff to submit a marketing plan and job description (Attachments No. 1 and No. 2 of the agenda report) with the application to the California State Department of Housing and Community Development for consideration of a Pasadena Enterprise Zone including the boundaries as proposed in Attachment No. 3 of the agenda report;

- (2) Adopt a resolution approving application to the State for designation of a Pasadena Enterprise Zone (Attachment No. 4 of the agenda report); and
- (3) Acknowledge the addendum to the Negative Declaration prepared pursuant to California Environmental Quality Act (CEQA) Guidelines, Section 15162(b), as adequate for the proposed revisions to the Enterprise Zone boundary change (Attachment No. 5 of the agenda report). (Resolution No. 8650)

The City Manager summarized the agenda report.

Lola Osborne, Northwest Programs Manager, explained the change in enterprise zone boundaries, and responded to questions.

Richard Bruckner, Director of Planning and Development Department, responded to questions regarding the job description and title.

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

APPOINTMENT OF THE COMMUNITY REPRESENTATIVES ON THE DISASTER EMERGENCY SERVICES COUNCIL

Recommendation of City Manager: It is recommended that the City Council appoint the following people to serve as the community representatives for the Disaster Emergency Services Council:

- (A) Sue Clark
- (B) Casimir Scislowicz
- (C) John D. Taylor

The City Manager reviewed the agenda report, explained the role of the Disaster Emergency Services Council, and responded to questions.

Fire Chief Dennis Downs provided background information on the three proposed appointees.

Discussion followed on the role of the Pasadena Unified School District (PUSD) and the private school community in disaster preparedness/planning.

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

LICENSE AGREEMENT WITH THE KSCI CHANNEL 18 TO CONDUCT THE LUNAR NEW YEAR PARADE & FESTIVAL
Recommendation of City Manager:

- (1) Acknowledge that the proposed Lunar New Year Parade & Festival License Agreement and lifting of the Noise Ordinance are categorically exempt under California Environmental Quality Act (CEQA) Guidelines, Section 15323, Normal Operations for Public Gatherings;
- (2) Approve an ordinance to suspend the Noise Ordinance by permitting amplified sound on a Sunday beginning at 9:00 a.m., and Notice of Exemption, and hold the first reading of same on Monday, September 11, 2006, with respect to the Lunar New Year Parade & Festival to be held in Old Pasadena and Central Park on Sunday, February 18, 2007;
- (3) Authorize the City Manager to enter into a license agreement according to the business points set forth in the body of the agenda report with KSCI Channel 18; and
- (4) Direct the City Clerk to file the Notice of Exemption with the Los Angeles County Registrar-Recorder/County Clerk. (Agreement No. 19,196)

The City Manager introduced the agenda item, discussed the "Policy for Large Events in Public Parks" applied to this event, and responded to questions.

Michelle Bernal, Special Events Coordinator, reviewed the agenda report and responded to questions.

Ariel Penn, Film and Special Events Manager, responded to questions regarding the license agreement arrangement for the monetary and in-kind donations to be designated to the City-based non-profit of Friends of the Castle Green. She confirmed that Council had approved a requirement that the co-sponsorship policy for this type of event designate the Recreation and Parks Foundation or Central Library as the recipient of the non-profit monetary and in-kind donations.

Councilmember Streater expressed her objection to the apparent change in the policy that would result in the designation of Friends of the Castle Green as the non-profit recipient. She asked staff to review the fee structure for this type of event as this relates to the benefits received by the City and its non-profits.

Vice Mayor Madison expressed concerns regarding the length of the agreement (three years rather than one year).

Councilmember Haderlein expressed concerns that this event was not being charged at the commercial rate fee and that Central Park was not receiving a direct benefit for an event being held there.

Discussion followed on the permit costs for non-profit vs. commercial events and the terms of the agreement for this event.

The following persons spoke in support of the license agreement/event:

Karim Haamoi, Innovative Productions President –
KSCI-TV representative
Joyce Shimazu, KSCI-TV representative

The Mayor asked to see the final agreement when it is signed and available.

Councilmember Holden suggested that, at some future time, Council re-visit its policy on marketing Pasadena as a destination place to ensure that there is consistency in the message being sent.

Vice Mayor Madison expressed support for a discussion of marketing Pasadena, including participation by the Pasadena Center Operating Company and the Convention and Visitors Bureau.

It was moved by Vice Mayor Madison, seconded by Councilmember Little, to approve the City Manager's recommendation, as amended to provide a one-year agreement for the event and to designate the Recreation and Parks Foundation as the non-profit recipient. (Motion carried, with Councilmember Haderlein objecting) (Absent: Councilmember Gordo)

**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 ON A SUNDAY FROM 9:00 A.M. - 10:00 A.M. AND NOISE SOURCES FOR A PERMITTED EVENT TO BE HELD IN OLD PASADENA AND CENTRAL PARK ON SUNDAY, FEBRUARY 18, 2007 (THE LUNAR NEW YEAR PARADE & FESTIVAL)”

The above ordinance was offered for first reading by Vice Mayor Madison:

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

NOES: None

ABSENT: Councilmember Gordo

**RECOMMENDATIONS FROM
OFFICERS AND
DEPARTMENTS**

RESIGNATION OF CRISTINE SOTO DeBERRY FROM THE HUMAN SERVICES COMMISSION (District 5 Nomination)

APPOINTMENT OF CAROLYN ROBINSON TO THE SOUTH LAKE PARKING PLACE COMMISSION (At Large/District 7 Nomination)

APPOINTMENT OF ROGER GRAY TO THE UTILITY ADVISORY COMMISSION (District 4 Nomination)

APPOINTMENT OF JAMES R. MARLETT TO THE HUMAN SERVICES COMMISSION (District 4 Nomination)

REAPPOINTMENT OF DAVID LEMING TO THE HUMAN RELATIONS COMMISSION (District 4 Nomination)

It was moved by Councilmember Little, seconded by Vice Mayor Madison, to approve the above resignation, appointments, and reappointment. (Motion unanimously carried) (Absent: Councilmember Gordo)

RECESS

On order of the Mayor, the regular meeting of the City Council recessed at 10:50 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 10:52 p.m. (Absent: Councilmember Gordo)

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 TITLE 17, ARTICLE 2 (ZONING MAP) OF THE PASADENA MUNICIPAL CODE (TOURNAMENT FIELDS LANDMARK OVERLAY DISTRICT)”

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

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

NOES: None

ABSENT: Councilmember Gordo

Conduct first reading of “AN ORDINANCE OF THE CITY OF PASADENA AMENDING PASADENA MUNICIPAL CODE CHAPTER 10.44 BY ADDING A NEW SECTION 10.44.130C) TO AUTHORIZE THE DIRECTOR OF TRANSPORTATION TO ISSUE TEMPORARY OVERNIGHT PARKING PERMITS”

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

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

NOES: None

ABSENT: Councilmember Gordo

Conduct first reading of “AN ORDINANCE OF THE CITY OF PASADENA ADDING A NEW CHAPTER 14.27 TO THE PASADENA MUNICIPAL CODE TO INCLUDE FLOODPLAIN MANAGEMENT REGULATIONS REQUIRED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY (“FEMA”)”

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

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

NOES: None

ABSENT: Councilmember Gordo

Conduct first reading of “AN ORDINANCE OF THE CITY OF PASADENA AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF PASADENA ESTABLISHED BY SECTION 17.20.020 OF THE PASADENA MUNICIPAL CODE (SOUTH HUDSON AVENUE LANDMARK OVERLAY DISTRICT)”

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

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

NOES: None

ABSENT: Councilmember Gordo

Councilmember Holden asked staff to provide a map of the landmark districts at some future date.

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 ON A SUNDAY FROM 9:00 A.M. - 10:00 A.M. AND NOISE SOURCES FOR A PERMITTED EVENT AT AREA H ON SUNDAY, NOVEMBER 5, 2006 (THE CITY OF HOPE’S YULE LOG JOG)”

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

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

NOES: None

ABSENT: Councilmember Gordo

ORDINANCES – ADOPTED

Adopt “AN UNCODIFIED ORDINANCE OF THE CITY OF PASADENA FIXING THE TAX RATE FOR THE POLICE BUILDING AND JAIL GENERAL OBLIGATION BONDS AND ESTABLISHING PROCEDURES FOR THE COLLECTION AND ENFORCEMENT OF SAID TAX” (Introduced by Councilmember Streator) (Ordinance No. 7060)

The above ordinance was adopted by the following vote:
AYES: Councilmembers Haderlein, Holden, Little, Streator,
Tyler, Vice Mayor Madison, Mayor Bogaard
NOES: None
ABSENT: Councilmember Gordo

Adopt "AN UNCODIFIED 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 GENERAL NOISE SOURCES FOR SPECIFIED HOURS AND AREAS ON SEPTEMBER 9, SEPTEMBER 30, OCTOBER 7, OCTOBER 28 AND NOVEMBER 11, 2006 (UCLA FOOTBALL)" (Introduced by Councilmember Streator) (Ordinance No. 7061)

The above ordinance was adopted by the following vote:
AYES: Councilmembers Haderlein, Holden, Little, Streator,
Tyler, Vice Mayor Madison, Mayor Bogaard
NOES: None
ABSENT: Councilmember Gordo

Adopt "AN ORDINANCE OF THE CITY OF PASADENA AMENDING CHAPTER 4.04 OF THE PASADENA MUNICIPAL CODE (DISPOSITION OF SALVAGE AND SCRAP PROPERTY) BY AMENDING SECTION 4.04.075 (TRANSFER OF SALVAGE PROPERTY TO PASADENA UNIFIED SCHOOL DISTRICT) TO STREAMLINE THE TRANSFER OF SAID SALVAGE PROPERTY BY GIVING FIRST PRIORITY TO THE PASADENA UNIFIED SCHOOL DISTRICT" (Introduced by Councilmember Little) (Ordinance No. 7062)

The above ordinance was adopted by the following vote:
AYES: Councilmembers Haderlein, Holden, Little, Streator,
Tyler, Vice Mayor Madison, Mayor Bogaard
NOES: None
ABSENT: Councilmember Gordo

COUNCIL COMMENTS

The Mayor asked Council to provide suggested agenda items for the special joint meeting of the Council and Pasadena Unified School District (PUSD) to be held on October 3, 2006.

Councilmember Streator asked for an update on the joint policing services and memorandum of understanding.

Councilmember Little asked for an update on the Superintendent of Schools search process and community involvement in the process, an update on PUSD surplus property, and an update on the location of a continuation high school.

Vice Mayor Madison was excused at 10:58 p.m., due to a conflict of interest.

Vice Mayor Madison asked for an update on the closure of school sites and the 7-11 Community Advisory Committee's final report/recommendations.

Councilmember Little reported on the informal meeting he and Councilmember Holden had attended with the stakeholders of the Madia Street vacation matter, indicated that a process was moving forward to have the parties sign off on the agreement that had been reached within the next few weeks, and noted that a recommendation for an easement supported by a consensus of the stakeholders will be presented to Council as soon as it is possible for this to be scheduled.

Councilmember Holden commented on problems with the light rail crossings in West Pasadena, and suggested staff report on and explore with Council ways to address the rail crossing issues, including possible undergrounding of the trains.

The Mayor described problems with traffic citations being issued to drivers proceeding across the tracks after the cross bars have lifted but before the red lights stop flashing.

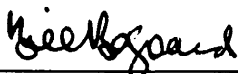
The City Manager clarified the legal responsibility for drivers at a rail crossing.

Councilmember Little state his opinion that the rail system is not being operated in the way that it was originally intended to operated at the crossings (trains are slower, bars stay down longer, gates come down more slowly).

The City Manager indicated staff will update Council on current and proposed projects that address the traffic issues related to the trains.

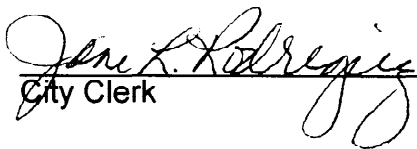
ADJOURNMENT

On order of the Mayor, the regular meeting of the City Council adjourned at 11:08 p.m.



Bill Bogaard, Mayor
City of Pasadena

ATTEST:



Jose L. Rodriguez
City Clerk