

CITY OF PASADENA
City Council Minutes
July 30, 2001 - 5:30 P.M.
City Hall Council Chamber

REGULAR MEETING

OPENING:

On order of the Mayor, the regular meeting of the City Council was called to order at 5:30 p.m. (Absent: Councilmember Madison)

On order of the Mayor, the regular meeting of the City Council recessed at 5:30 p.m., to discuss the following closed session:

**CITY COUNCIL CONFERENCE REGARDING PUBLIC
EMPLOYEE PERFORMANCE EVALUATION pursuant to
Government Code Section 54957
Title: City Manager**

**CITY COUNCIL CONFERENCE WITH LEGAL COUNSEL
REGARDING PENDING LITIGATION pursuant to Government
Code Section 54956.9(a)
Name of Case: Arroyo Seco Foundation v. City of Pasadena,
Los Angeles Superior Court Case No. BS 066513**

The above item not discussed.

On order of the Mayor, the regular meeting of the City Council reconvened at 6:45 p.m. The Pledge of Allegiance was led by City Attorney Michelle Bagneris.

ROLL CALL:

Councilmembers:

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

Staff:

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

With regret, Mayor Bogaard announced the passing of Mr. Richard Nevins over the weekend due to a surfing accident near Oceanside, California. He expressed his condolences to the family and his

gratitude for the contributions and long service to the City of Pasadena, and stated that the City Council meeting would adjourn in honor and memory of Mr. Nevins.

CEREMONIAL MATTERS

The City Clerk administered oaths of office to Jeri Mack as Human Relations Commissioner and John J. Kennedy as Community Health Alliance of Pasadena Board member.

INTRODUCTION OF NEW PASADENA UNIFIED SCHOOL DISTRICT SUPERINTENDENT PERCY CLARK

Mr. Ed Honowitz, Pasadena Unified School Board Member, introduced the new Superintendent Dr. Percy Clark.

Dr. Percy Clark, Pasadena Unified School District Superintendent, greeted the City Council and introduced Mr. Erick Nasarenco, Public Relations Officer, and Ms. Kathy Duba, Assistant Superintendent for Administrative Services & Human Resources. He expressed a desire to begin meeting with City officials. He provided a brief overview of the implementation of the Task Force's recommendations and his plans and goals for improvements such as changes to the current bussing, teachers salaries, academics and accommodations for an educational movement in the City.

Councilmember Madison
arrived at 6:59 p.m.

The City Council welcomed Dr. Percy Clark and expressed support for the Pasadena Unified School District.

PUBLIC COMMENT

Mr. Roy Begley, Pasadena resident, spoke regarding City Hall seismic retrofitting.

Mr. Cheyenne Wimbley, Pasadena resident, commented regarding a recent decision concerning retrofitting a church located at 889 N. Fair Oaks Avenue and requested reconsideration be given to the issue.

The Mayor indicated that he believed Mr. Wimbley's comments were concerning a recent zoning decision regarding the grandfathering of the church due to non-usage.

Councilmember Holden stated that the church was located in his District and indicated his intent to submit a written request for the Council to consider a call for review of the matter.

Mr. Ray Dashner, Pasadena resident, reported debris on Corson Street and requested City staff clean up the area daily. He also reported that it was difficult to utilize the sidewalk on Holly Street due to the overgrowth of bushes; and he believed the areas were being ignored by City staff.

Mr. R.C. "Chappy" Czapiewski, North Hollywood resident, commented regarding his disappointment on the lack of attendance and representation from Pasadena, in comparison to other cities, at the Three City's Airport Authority meeting on the 12th of July.

Councilmember Streator noted that the meeting was conducted on a day that the majority of Councilmembers were not available and that the Airport Authority had been notified of our unavailability prior to the scheduling of the meeting date.

**RECOMMENDATIONS
FROM OFFICERS AND
DEPARTMENTS**

**CONSIDERATION OF CALL FOR REVIEW OF CONDITIONAL
USE PERMIT NO. 3891 (3299 EAST COLORADO BOULEVARD
TO THE BOARD OF ZONING APPEALS (Councilmember
Haderle(n)**

The above item was withdrawn per the request of Councilmember Haderlein.

**WORKSHOP REGARDING THE CALIFORNIA ENVIRONMENTAL
QUALITY ACT (CEQA) AND ITS APPLICATION IN THE CITY OF
PASADENA**

Recommendation of City Manager: This report is for information only. The purpose of the CEQA workshop is to update the City Council on:

- (a) The changes to the State Guidelines for implementing CEQA since 1996;
- (b) Changes in how City staff handles projects subject to CEQA; and
- (c) Preview of changes proposed to the City's Environmental Guidelines.

On order of the Mayor, the above item was rescheduled to the August 20, 2001 meeting.

**CONSIDERATION OF BURBANK-GLENDALE-PASADENA
AIRPORT AUTHORITY ISSUES**

At the request of Councilmember Holden, the above item was rescheduled to the August 6, 2001 meeting.

CONSENT CALENDAR

**CONTRACT AWARD TO MADISON PAVING INC. FOR
IMPROVEMENT OF OAK KNOLL AVENUE FROM GREEN
STREET TO CALIFORNIA BOULEVARD FOR AN AMOUNT NOT
TO EXCEED \$392,000**

Recommendation of City Manager:

- (a) Accept the bid dated July 11, 2001, submitted by Madison Paving Inc. in response to the Specifications for the Improvement of Oak Knoll Avenue from Green Street to California Boulevard, reject all other bids received, and authorize the City Manager to enter into such contract as required.

(b) Acknowledge the project to be categorically exempt under Section 21084 of the California Environmental Quality Act (CEQA) in accordance with Article 19, Section 15301(c) of the Resources Agency of California Guidelines (repair of existing public streets) pursuant to the findings of the Secretary of Resources Agency and authorize the City Manager to execute and the City Clerk to file a Notice of Exemption for the project with the Los Angeles County Clerk. (Contract No. 17,716)

PURCHASE OF ONE SIXTY-FIVE FOOT AERIAL BUCKET TRUCK

Recommendation of City Manager: Authorize the Purchasing Administrator to issue a purchase order contract to Truck Hydraulic Equipment Co., Inc., in an amount not to exceed \$167,040.

MINUTES APPROVED

May 7, 2001
May 8, 2001 (Special)
May 14, 2001
May 21, 2001
May 28, 2001 (Canceled)

CLAIMS RECEIVED AND FILED

Claim No. 8825	Barbara Etes	\$ 4,500.00
Claim No. 8826	Forensis Group, Inc.	922.00
Claim No. 8827	Andrew & Kristin Jared	17,057.13
Claim No. 8828	Michael Quebbeman	Unknown
Claim No. 8829	Alfred Timothy Robateau and Pamela Y. Graham	150.00
Claim No. 8830	Olimpia X. Perez	497.50
Claim No. 8831	Pamela Thomas	1,024.54
Claim No. 8832	Ramin Talab	1,926.48

It was moved by Councilmember Tyler, seconded by Councilmember Streater, to approve Consent Calender. (Motion unanimously carried) (Absent: None)

INFORMATION ITEM

UPDATE ON ELECTRIC POWER ISSUES AND THE IMPACT ON PASADENA CUSTOMERS

Ms. Phillis Currie, General Manager of Water and Power, discussed the current events concerning electric power issues, the Tri City project, and responded to questions. She noted that there had been a decrease in power consumption both citywide and statewide, and that the decrease reduced the potential for rolling blackouts.

Mr. Roy Begley, Pasadena resident, commented concerning the stranded debt fund and usage of nuclear power versus coal.

Mr. Ray Dasher, Pasadena resident, commented regarding notifying the public of rolling black-outs via e-mail; and spoke regarding the stranded debt.

The Mayor spoke regarding the distinction between the reserve being adequately funded versus having no reserve. In addition, he indicated that the Deregulation Committee would be reviewing the issue.

**RECOMMENDATIONS
FROM OFFICERS AND
DEPARTMENTS**

**CONSIDERATION OF CALL FOR REVIEW OF CONDITIONAL
USE PERMIT NO. 3655 (727 SOUTH ARROYO PARKWAY) TO
THE CITY COUNCIL (Councilmember Madison)**

Councilmember Madison provided an overview of the proposed project and indicated that he was requesting a call for review of the proposed Sav-on Pharmacy Drive-thru.

Mr. Anthony J. Palazzolla, representing Design Direction, noted that the applicant was Realty Ban Corp. and Sav-on was a tenant. He further requested that Council focus on the drive-thru issue when reviewing the proposal as the remaining conditions have been accepted, except one.

It was moved by Councilmember Madison, seconded by Councilmember Little, to call for review Conditional Use Permit No. 3655. (Motion unanimously carried) (Absent: None)

PUBLIC HEARINGS

**CONTINUED PUBLIC HEARING - ADOPTION OF THE FY 2002 -
2006 CAPITAL IMPROVEMENT PROGRAM BUDGET**

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

- (1) Amend the Recommended FY 2002-2006 Capital Improvement Program (CIP) as detailed in Attachment I and highlighted in the agenda report;
- (2) Adopt a resolution approving the FY 2002-2006 Capital Improvement Program as amended by the Finance Committee and detailed in Attachments I, II, and III of the agenda report;
- (3) Approve a journal voucher amending the FY 2001 Capital Improvement Program budget resulting in the net decrease of (\$234,000), as detailed in Attachment IV of the agenda report; and
- (4) Recognize \$75,000 of General Fund - Sales Tax and appropriate it to "Intersection Islands - Los Robles/Marengo and Lake/Arden" project (Budget Account 75005) (Resolution No. 8028)

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

Vice Mayor Little provided an overview of the Finance Committee recommendation for approving the CIP. He indicated that the Committee recommended approval of the staff recommendation with an amendment to add an additional \$957,497 to the CIP to complete the funding of various playground equipment upgrades and replacement as identified in the CIP Follow-up Items. Of this amount, \$478,749 would be allocated from Proposition 12 funds and \$478,748 will be allocated from the \$1 million General Fund

Reserve for Playground Equipment; and the remaining balance of the \$1 million will be returned to the General Fund Unappropriated Fund Balance.

In addition, Vice Mayor Little noted that the Committee reviewed the equity issue the budget presented and that there had been many projects throughout the city that remained unfunded such as: Lincoln Avenue Corridor, Lake Avenue Specific Plan, the implementation of Fair Oaks Avenue Specific Plan, and East Pasadena Specific Plan. He further inquired as to whether or not the Council would consider relocating \$400,000 of discretionary funds that had been intended to be spent in District 6 and use the funds in one of the other districts.

Discussion ensued regarding funding equity concerns throughout the districts, anticipated Metropolitan Transit Authority (MTA) and federal grants, and approving the CIP, excluding the portion that dealt with transportation.

The Mayor indicated that it would be appropriate for staff to prepare a report indicating the details about the transportation dollars when the CIP came back to Council.

Councilmember Haderlein requested a list of projects that was currently funded with discretionary dollars that could be funded by the 710 mitigation dollars.

The City Manager indicated that staff would prepare the report for Council and she emphasized that staff makes recommendations, however, the State determines the overall decision as to the funding.

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

The City Manager noted that further discussions would take place concerning the use of the federal dollars and the final decision would be determined by City Council at a future Council meeting.

It was moved by Vice Mayor Little, seconded by Councilmember Haderlein, to approve the City Manager's recommendation with the addition to include playground equipment upgrades and hold approximately \$400,000 for further discussions when Council obtained the appropriate information from staff concerning the research previously requested.

Councilmember Madison voiced objection to the proposed motion, expressing concern that it would hold hostage some of the discretionary funding that District 6 had contributed to the general fund, and noted that District 6 had contributed as much as other

districts in the City. He further expressed concern regarding removing discretionary funding due to receiving federal funds for the 710 corridor.

Councilmember Tyler expressed his appreciation to staff for providing a workplan of the expenditures per project and noted that staff had informed the Finance Committee that it was the first time that a workplan had been provided and it could possibly need to be modified throughout the year. He further indicated that it would be appropriate to have quarterly reviews of the progress of the expenditure of funds and progress made on each project throughout the year; and inquired if the maker of motion would agree to incorporate quarterly reviews in the motion.

After further discussion, Vice Mayor Little amended his motion to include a discussion be held within two weeks of the potential use of discretionary funds and what was currently allocated in the CIP for District 6; and to include quarterly review of the progress of the expenditure of funds.

The City Manager suggested to the Council to take action concerning the CIP and to hold the entire section related to streets and traffic to ensure that nothing was left out unique to a particular type of funding or district.

The maker and seconder of the motion agreed to the City Manager's suggestion.

Prior to voting, it was clarified that the pending motion, as amended, was to approve the City Manager's recommendation, amended to withhold the streets and traffic sections of the CIP for further review; playground equipment and upgrades to be fully funded (as recommended by the Finance Committee); and the CIP workplan for FY 2002 to be reviewed by the Finance Committee on a quarterly basis. (Motion carried, with Councilmember Madison objecting) (Absent: None)

CONTINUED PUBLIC HEARING - CALL FOR REVIEW OF ZONING ADMINISTRATOR CASE NO. 19, SMALL COLLECTION FACILITY/RECYCLING CENTER, 452 NORTH LOS ROBLES AVENUE

Recommendation of City Manager:

- (a) Acknowledge that this action is categorically exempt from CEQA; and
- (b) Overturn the decision of the Board of Zoning Appeals and revoke the permit to operate a Small Collection Facility/Recycling Center at the Farmers Family Foods grocery store on the property located at 452 North Los Robles Avenue.

The Mayor announced now was the time for the continued public hearing.

Councilmember Madison
was excused at 9:00 p.m.

Councilmember Madison
returned at 9:17 p.m.

The City Manager indicated that the recycling center was brought to staff's knowledge from residents indicating the adverse and negative impacts to the neighborhood from the facility.

Mr. Michael Huntley, Assistant Planner, provided an overview of the facility, summarized the staff report, and noted complaints that staff had received concerning the recycling center. He informed the Council of the Board of Zoning Appeals action, discussed the definition for small recycling centers, and responded to questions.

The following people spoke in support of the recycling center and opposition to the staff recommendation:

Mr. Joseph Massey, Applicant
Mr. Cary Reisman, Attorney with Wallin, Kress, Reisman & Kranitz, representing the applicant
Mr. Al Smith, Pasadena resident
Mr. Mel Smith, Pasadena resident
Mr. Ronaldo Garcia, Pasadena resident
Mr. Manual Medina, Pasadena resident
Ms. Anna Belle O'Brian, Pasadena resident
Ms. Marilyne Sforein, owner of New Way Recycling
Ms. Greg Fitzpatrick, Pasadena resident
Ms. M. B. Kalis, Pasadena resident
Mr. Albert Sedacy, Pasadena resident
Ms. Lourdes Larkins, Pasadena resident
Mr. Andy Bales, Pasadena resident
Mr. Bruce Nichols, Pasadena resident
Mr. Mark Insko, Pasadena resident
Ms. Patricia Castaneda, Pasadena resident
Ms. Anne Leos, Pasadena resident
Mr. Elmo Wilson, Pasadena resident
Ms. Janice Thomas, Pasadena resident
Mr. Mack Ross, Jr., Pasadena resident
Mr. Alex Borges Afenso, Pasadena resident
Mr. Johnny Redbone, Pasadena resident
Mr. Lee Crockom, Pasadena resident

The following public members spoke in opposition to the recycling center and support for the staff recommendation:

Ms. Terrie Allen, Pasadena resident
Ms. Mildred Hawkins (submitted a petition with 115 signatures in opposition)

Mr. Massey noted that the facility did not use semi trucks, tractor trailers; he described the pick-up process used; and he explained why he believed other facilities did not pay the same as the New Way Recycling Center.

Mr. Cary Reisman, of Wallin, Kress, Reisman & Kranitz, representing New Way Recycling, noted to the Council that there were only two speakers that provided testimony in opposition to the recycling center. He reiterated that improvements had been made to the facility and patrons were treated well at the establishment. He noted that a petition had been submitted (at a lower level hearing) with 1,100 signatures in support of the recycling center.

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

Councilmember Holden commented that he believed it was an inappropriate site for the operation, that the recycling center was located in a residential area, and that he believed the recycling center was a nuisance. He noted that the Council has demonstrated its support for recycling.

MOTION

It was moved by Councilmember Holden, seconded by Councilmember Gordo, to adopt the findings in the agenda report, finding that the business is operated in a manner that constitutes a public nuisance in the neighborhood; that the permit be revoked; and the owner must cease all recycling facility business operations within 120 days of this action; and in the interim, the operator must comply with the conditions imposed by the Board of Zoning Appeals; and an additional condition be imposed that a security guard be provided on site, one hour before opening and one hour after closing.

Councilmember Madison inquired concerning the compliance to AB939.

Ms. Carolyn Meredith, Recycling Coordinator, indicated that the numbers for the buy back centers have not been factored in, however, the State normally does not provide the numbers unless requested; and she noted that staff believes the goals will be achieved.

Councilmember Gordo noted the compelling testimony concerning many persons supporting themselves by recycling and he requested staff to assist the owners in relocating the center to a new location.

The Mayor asked if there were any suggestions from staff as to how to assist in transitioning or minimizing the impacts.

Mr. Richard Bruckner, Director of Planning and Development, indicated that staff was willing to provide assistance to the applicant in order to help with the transitioning of the recycling center. He noted that the site was extremely small and it would be very difficult to make the operations work on the site, as the testimony stated,

the facility had become more than a neighborhood center but it was used by persons all throughout the city. In addition, he emphasized that staff could look for another site for relocating the recycling center, however, he expressed the difficulty of the task to locate the establishment to an appropriate site due to land economics and the density of the community.

The Council inquired concerning the State requirements and relocating the center.

Mr. Huntley indicated in order to obtain the least land use impacts was to utilize vending machines or locate the recyclables inside the facility and have them shipped out. Staff didn't believe that there was an appropriate site within a ½ mile radius, however, the most appropriate site was at the Vons grocery store located at Fair Oaks and Orange Grove which was slightly outside the convenience requirement.

Discussion ensued concerning a citywide recycling center, disbursement of smaller facilities throughout the City, whether or not the motion precludes the installation of reverse vending machines, and if the time line of 120 days was appropriate.

CLARIFICATION TO MOTION

Mr. Bruckner noted that the motion did not preclude the operator from applying for a conditional use permit under the recently revised zoning ordinance.

Councilmember Holden confirmed that Mr. Bruckner's comment was his intent on the motion.

Vote on the motion, as clarified above:

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

NOES: Councilmember Madison

ABSENT: None

Councilmember Holden was excused at 11:22 p.m.

LOCATION OF ELECTRICAL FACILITY FOR BLUE LINE LIGHT RAIL SYSTEM

Mr. Richard Bruckner provided an overview of the project and highlighted issues concerning the relocation of the electrical facility and responded to questions.

Mr. Dan Rix, City Engineer, summarized circulation issues.

Councilmember Streator was excused at 11:28 p.m.

Police Chief Bernard Melekian discussed safety concerns with the blocking of Morgan Alley.

Councilmember Holden returned at 11:29 p.m.

Discussion ensued concerning the costs of the relocation and redesign of the electrical facility.

Mr. James Lomako, representing the Community Development Committee, indicated that the Committee reviewed the proposal and unanimously agreed with the staff recommendation, and responded to questions.

Mr. Steve Stathatos, representing the Stats Group, indicated that Stats had entered into negotiations with Blue Line staff regarding an acquisition for an easement, particularly concerning the right-of-ways, commented in support of relocating the box to the right-of-way of Mercantile Alley unless the City can talk the Blue Line into placing it underground. In addition, he stated that he was willing to pay for the box, place it on his property underground, and he responded to questions.

Discussion ensued concerning staff working with Mr. Stathatos for underground placement of the box on his property and report back to Council in one week.

Mr. Marc Futterman, representing the Stats Group, provided alternatives for staff's recommendation.

Councilmember Tyler was excused at 11:59 p.m.

The following people spoke in support of relocating the box to the right-of-way of Mercantile Alley and placing it underground:

- Ms. Maggie Campbell, President for the Old Pasadena Management District
- Ms. Georgia Anderson, Pasadena resident
- Dr. Anthony Stein, Pasadena resident
- Mr. Kevin Brogan, Attorney representing owners of Edison/El Rey, Livery Buildings, and Spencer's Restaurant
- Mr. James Plotkin, Streetscape Core Group and Property Owner
- Mr. Gene Buchanon

The following persons spoke in support of staff working with Mr. Stathatos:

- Mr. Jack Dangelo, representing the Old Pasadena Management District
- Mr. Dan Mellinkoff, Pasadena resident

Councilmember Holden was excused at 12:19 a.m.

The City Manager noted that she would be meeting with Blue Line officials to negotiate taking over the easement of the walkway which allows staff to begin the implementation of the Alley Streetscape Plan, and she responded to issues raised. She requested that the Council not preclude the extension of the alley and if the box is moved north of Green Street, that it not obstruct the alley for the eventual extension.

Councilmember Holden
returned at 12:23 p.m.

It was moved by Councilmember Streater, seconded by Councilmember Madison, to direct staff to immediately talk to the Construction Authority about the possibility of taking the offer of placing it on the Stats property, underground, adjacent to the right-of-way. (Motion carried, with Vice Mayor Little abstaining) (Absent: Councilmember Tyler)

The Mayor noted that a report would be forthcoming to Council at the next meeting.

APPOINTMENT OF KEVIN MICHAEL BRANDT TO THE CODE ENFORCEMENT COMMISSION

REAPPOINTMENT OF ANGIE O'BRIEN TO THE HUMAN SERVICES COMMISSION (*Pasadena Unified School District Appointment*)

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

ORDINANCE - ADOPTED

Adopt "AN ORDINANCE OF THE CITY OF PASADENA AMENDING VARIOUS SECTIONS OF TITLE 2 OF THE PASADENA MUNICIPAL CODE REGARDING CITY COUNCIL STANDING COMMITTEES AND THE NEWLY CREATED PLANNING AND DEVELOPMENT DEPARTMENT" (Introduced by Councilmember Tyler) (Ordinance No. 6870)

The above ordinance was adopted by the following vote:

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

NOES: None

ABSENT: Councilmember Tyler

ABSTAIN: None

REDISTRICTING PROCESS

Recommendation of City Attorney: It is recommended that the City Council discuss the redistricting process and give direction to staff on the steps to be taken. Based upon this direction, staff will return to City Council with a workplan and a schedule for this project.

It was moved by Councilmember Streater, seconded by Councilmember Madison, to appoint a Redistricting Task Force and direct staff to begin a Request for Proposal for a consultant, and hire a consultant.

The Mayor noted that he would like to have a nine-member Task Force versus an eight-member body.

After further discussion, Councilmember Streater withdrew her motion.

It was moved by Councilmember Gordo, seconded by Councilmember Madison, to appoint a Task Force Committee with nine members (one at-large appointment) and direct staff to begin the process for the Request for Proposal for hiring a Redistricting Consultant. (Motion carried, with Councilmember Holden and Vice Mayor Little objecting) (Absent: Councilmember Tyler)

RECESS

On order of the Mayor, the regular meeting of the City Council recessed at 12:50 a.m. to the regular meeting of the Community Development Commission.

RECONVENE

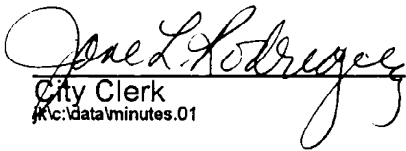
On order of the Mayor, the regular meeting of the City Council reconvened at 12:51 a.m. (Absent: Councilmember Tyler)

On order of the Mayor, the regular meeting of the City Council adjourned in memory of Mr. Richard Nevins at 12:52 a.m.



Bill Bogaard, Mayor
City of Pasadena

ATTEST:



Jane L. Rodriguez
City Clerk
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