

CITY OF PASADENA
City Council Minutes
September 10, 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 5:48 p.m. (Absent: Councilmembers Holden, Streator)

On order of the Mayor, the regular meeting of the City Council recessed at 5:48 p.m., to discuss the following closed sessions:

**CITY COUNCIL CONFERENCE WITH LABOR NEGOTIATOR
pursuant to Government Code Section 54957.6
Agency Negotiator: Karyn Ezell, Steve Lem
Employee Organization: Service Employees International Union**

Discussed; no action.

**CITY COUNCIL CONFERENCE WITH LEGAL COUNSEL -
EXISTING LITIGATION pursuant to Government Code Section
54956.9(a)
Case Name: City of Santa Monica v. Maria Stewart
Case No. SC067033**

Action: It was moved by Vice Mayor Little, seconded by Councilmember Haderlein, to ratify the City's amicus participation in the case. (Motion unanimously carried) (Absent: Councilmembers Holden, Streator)

**CITY COUNCIL CONFERENCE WITH LEGAL COUNSEL -
ANTICIPATED LITIGATION SIGNIFICANT EXPOSURE TO
LITIGATION pursuant to Government Code Section 54956.9(b):
One potential case**

Discussed; no action.

On order of the Mayor, the regular meeting of the City Council reconvened at 6:32 p.m. The Pledge of Allegiance was led by Jay Blackshaw, District 4 Field Representative.

ROLL CALL:

Councilmembers:

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

Staff:

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

CEREMONIAL MATTERS

Councilmember Gordo introduced and gave recognition to NASA Astronaut John D. Olivas, Ph.D., for his contributions to the Pasadena community through his work at the Jet Propulsion Laboratory and student science programs. Councilmember Gordo presented a gift to Dr. Olivas.

Dr. Olivas accepted the gift and discussed the importance of community involvement with our youth.

The City Clerk administered the oath of office to Teresa L. Lamb as Library Commissioner.

PUBLIC COMMENT

Mr. Ray Dashner, Pasadena resident, commented regarding the importance of civic involvement and suggested Mr. Roy Begley be nominated for the Arthur Noble Award.

The Mayor responded that a nomination committee has not been convened in the last year or two, however, when a committee is convened, the nomination will be forwarded for consideration by the committee.

Mr. Harry Anderson and Ms. Martha Kling, street performers, commented regarding a recent incident when the Police Department issued warnings to street performers for future citations for sidewalk performances in Old Pasadena.

The City Manager responded she was not aware of any proposed changes to the street performance regulations. The City Manager offered to have staff further look into the situation and the circumstances involving the incident.

Mr. Kevin Bruce, representing Union Station, announced a collaborative project with the filming industry to donate excess food catering from filming projects to Union Station.

OLD BUSINESS

UPDATE ON STATUS OF POLICE FIRING RANGE PROJECT

Recommendation of City Manager: Direct staff to proceed with the analysis and design of an indoor firing range at the current Eaton Canyon site.

The Mayor indicated that the item was brought back before the City Council due to a misunderstanding with the City and the neighborhood. It was noted that Council had taken action on the item at a prior meeting, but the item was re-agendized to allow an additional opportunity for public comment.

Councilmember Haderlein, Chair of the Public Safety Committee, provided an overview concerning the indoor firing range.

Ms. Joyce Foster, resident on Outpost Lane, suggested the current firing range location be closed and an alternative location be found.

Mr. Kellie Strubinski, resident on Altadena Drive, spoke in support of an indoor firing range and expressed concerns regarding noise and safety with an outdoor range component.

The City Manager clarified for the public that staff is no longer recommending a combination indoor/outdoor range, and noted staff is recommending a totally enclosed range.

Ms. Shirley Spencer, Co-chair of the Committee for Neighborhood Safety, suggested the indoor range proposal be fully pursued in a timely manner, and expressed opposition to any outdoor firing. Ms. Spencer expressed concerns regarding trash in the firing range facility area and urged that the trash be removed.

The City Manager responded that the matter regarding trash removal would be handled.

Dr. Loren Lutz, representing the Society for the Protection and Preservation of Wildlife, expressed concerns regarding wildlife impacts to frogs, toads and quail, and stressed the necessity of an environmental impact report to address all issues.

Mr. Ron Woodford, representing Friends of Eaton Canyon, Pasadena resident, expressed concerns that current gun noise levels exceed and violate the City's Noise Ordinance.

The City Attorney responded that California Civil Code Section 3482.1 provides that target shooting ranges do not have to comply with local noise ordinances.

Mr. Ray Dashner, resident on South Arroyo Boulevard, suggested that sound reflection technology and silencers may be an option for reducing noise.

Deputy Police Chief Wayne Hiltz responded that silencers are not used in training, as the weapon used in training must be the same as that actually used in the field.

It was noted that staff plans to report back to the Public Safety Committee in October with an update report regarding the outcome on the funding issue and additional information regarding the indoor range. It was clarified that staff will not have a design proposal at that time.

It was noted that this item was agendaized to allow an opportunity for additional public comment, and Council has taken action on this matter (approved the City Manager's recommendation on August 20, 2001).

CONSENT CALENDAR

Item removed from the Consent Calendar to allow for public comment.

Councilmember Haderlein was excused at 7:26 p.m.

SUMMARY VACATION OF A STRIP OF PUBLIC RIGHT-OF-WAY ALONG THE SOUTHEAST CORNER OF FAIR OAKS AVENUE AND MOUNTAIN STREET (880-898 NORTH FAIR OAKS AVENUE). THE DECLARATION THAT THIS REAL PROPERTY IS EXEMPT FROM SECTION 4.02 OF THE PASADENA MUNICIPAL CODE AND AUTHORIZATION TO SELL TO THE ONLY ADJACENT LANDOWNER

RECOGNIZE REVENUE FROM THE BEVERAGE CONTAINER RECYCLING AND LITTER PREVENTION GRANT AWARD IN THE AMOUNT OF \$41,380 FROM THE CALIFORNIA DEPARTMENT OF CONSERVATION, DIVISION OF RECYCLING

Recommendation of City Manager:

(a) Authorize the City Manager to enter into an agreement with the California Department of Conservation, Division of Recycling, to promote beverage container recycling and litter prevention activities in the City of Pasadena.

(b) Approve a journal voucher recognizing and appropriating \$41,380 in revenues from the California Department of Conservation, Division of Recycling, to Account No. 6461, Fund No. 406, Organization No. 764140, Project No. 93003, the Beverage Container Recycling and Litter Prevention Grant. (Agreement No. 17,760; Journal Voucher No. 2002-15)

APPROVAL OF RESOLUTION AND AGREEMENT REQUESTING FEDERAL FUNDS FOR SIERRA MADRE BOULEVARD IMPROVEMENTS FROM HERMANOS STREET TO WEST OF WASHINGTON BOULEVARD

Recommendation of City Manager: It is recommended that the City Council adopt a resolution approving Program Supplement No. M049 to Administering Agency-State Agreement No. 07-5064 between the City of Pasadena and the State of California for the Sierra Madre Boulevard Improvements from Hermanos Street to West of Washington Boulevard. (Project No. STPLG-5064[008]); and authorize the City Manager to execute the same on behalf of the City. (Resolution No. 8037; Agreement No. 16,298-6)

HAHAMONGNA WATERSHED PARK SPORTS FIELD RENOVATION: AMENDMENT TO CONTRACT NO. 17,484 WITH MARIPOSA HORTICULTURAL ENTERPRISES, INC FOR \$8,079.04

Recommendation of City Manager: Authorize the City Manager to enter into an amendment to Contract No. 17,484 with Mariposa Horticultural Enterprises, Inc. for the Hahamongna Watershed Park Sports Field Renovation project that will increase the contract "not to exceed" amount from \$176,000 to \$184,079.04 - an increase of \$8,079.04. (Contract Amendment No. 17,484-1)

CONTRACT AWARD TO SULLY-MILLER CONTRACTING COMPANY FOR THE PREVENTIVE MAINTENANCE OF STREETS - 2001 FOR AN AMOUNT NOT TO EXCEED \$1,239,000

Recommendation of City Manager:

(a) Accept the bid dated July 18, 2001 submitted by Sully-Miller Contracting Company in response to the Specifications for the Preventive Maintenance of Streets - 2001, reject all other bids received, and authorize the City Manager to enter into such contract as is required.

(b) Acknowledge the project to be categorically exempt under Section 21084 of the California Environmental Quality Act of 1984 in accordance with Article 19, Section 15301 (Class 1), subsection (c) of the Resources Agency of California Guidelines (maintenance of existing public streets) pursuant to the findings of the Secretary of the 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.

(c) Approve a journal voucher recognizing private capital in the amount of \$40,575 and appropriating it to Budget Account No. 73710, Preventive Maintenance - Asphalt Streets. (Contract No. 17,761; Journal Voucher 2002-16)

CONTRACT AWARD TO ROY ALLAN SLURRY SEAL INCORPORATED FOR THE SLURRY SEAL OF STREETS - 2001 FOR AN AMOUNT NOT TO EXCEED \$317,000

Recommendation of City Manager:

(a) Accept the bid dated August 15, 2001 submitted by Roy Allan Slurry Seal Incorporated in response to the specifications for the Slurry Seal of Streets - 2001, reject all other bids received, and authorize the City Manager to enter into such contract as is 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 (Class 1), subsection (c) of the Resources Agency of California Guidelines (maintenance of existing public streets) 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.

(c) Approve a journal voucher recognizing private capital in the amount of \$10,217.27 and appropriating it to Budget Account No.

73710, Preventive Maintenance - Asphalt Streets. (Contract No. 17,762; Journal Voucher No. 2002-17)

APPROVAL OF AMENDED TRACT MAP NO. 53062 TO SUBDIVIDE TWO EXISTING AIR PARCELS INTO EIGHT AIR PARCELS AT 300 EAST COLORADO BOULEVARD

Recommendation of City Manager: Adopt a resolution:

- (a) Approving the Amended Tract Map No. 53062.
- (b) Accepting the offer of dedication for street purposes as indicated on Amended Tract Map No. 53062.
- (c) Authorizing the City Clerk to execute the Certificate on the map showing the City's approval of said map and acceptance of said dedication. (Resolution No. 8038)

APPROVAL OF CITY'S QUITCLAIM OF A PORTION OF AN EXISTING EASEMENT FOR INGRESS AND EGRESS, SANITARY SEWER AND PUBLIC UTILITY PURPOSES AT 1046 NORTH GARFIELD AVENUE

Recommendation of City Manager: It is recommended that, based upon the information herein, the City Council adopt a resolution:

- (a) Approving the City's quitclaim of all of its interest in a portion of an existing easement for ingress and egress, sanitary sewer and public utility purposes at 1046 North Garfield Avenue.
- (b) Authorizing the City Manager or her designee to execute the Quitclaim Deed on behalf of the City. (Resolution No. 8039; Quitclaim Deed No. 7809)

RATIFIED AGREEMENT BETWEEN THE CITY OF PASADENA AND SERVICE EMPLOYEES INTERNATIONAL UNION (SEIU), LOCAL 347, FOR THE TERM APRIL 27, 2001 THROUGH APRIL 26, 2005

Recommendation of City Manager: Adopt the Successor Memorandum of Understanding (MOU) between the City and SEIU, Local 347 for the period April 27, 2001 through April 26, 2005; and direct the Director of Finance to prepare a journal voucher allocating funds from the Solid Waste Fund to cover the costs of the agreement. (Agreement No. 17,763; Journal Voucher No. 2002-18)

Item removed from the Consent Calendar to allow for public comment.

AUTHORIZATION TO ENTER INTO A NON-EXCLUSIVE LICENSE AGREEMENT WITH R.J. VENDING INC., FOR SNACK VENDING SERVICES AT VARIOUS CITY FACILITIES

CONTRACT AWARD TO AMPCO SYSTEM PARKING FOR MANAGEMENT, OPERATION, AND MAINTENANCE OF THE PASEO COLORADO GARAGES

Recommendation of City Manager: Authorize the City Manager to enter into a contract with Ampco System Parking to manage, operate, and maintain the Paseo Colorado Garages for the City in an amount not to exceed \$4,543,716 for the initial three-year term

of the contract. Competitive bidding is not required pursuant to City Charter Section 1002(F) professional or unique services. (Contract No. 17,764)

Item discussed separately at the request of Councilmember Madison.

AUTHORIZATION TO AMEND CONTRACT NO. 17,528 WITH MEYER MOHADDES ASSOCIATES INC. TO PROVIDE A FINANCIAL ANALYSIS FOR THE PROPOSED SHARED USE OF A PARKING STRUCTURE AS PART OF THE AMBASSADOR CAMPUS DEVELOPMENT PLAN

APPROVAL OF AMENDMENT TO EMPLOYMENT CONTRACT WITH CYNTHIA KURTZ, CITY MANAGER

Recommendation of Mayor: Approve an Amendment to Employment Contract No. 16,858 with the City Manager, to provide for a salary adjustment effective July 2, 2001, and benefit enhancements granted to non-safety department heads, and to authorize a journal voucher allocating funds from the Personnel Services Reserve to the budget for the City Manager's Office. (Contract Amendment No. 16,858-1; Journal Voucher No. 2002-19)

MINUTES APPROVED

- June 18, 2001
- June 25, 2001
- July 2, 2001 (Canceled)
- July 9, 2001
- July 16, 2001
- July 23, 2001

CLAIMS RECEIVED AND FILED

Claim No. 8844	Dina Simily-Rude	\$300,000.00+
Claim No. 8845	Saul De La Rosa	9,000.00
Claim No. 8846	Selami M. Masri	Unknown
Claim No. 8847	Sharlene B. Serrano	1,425.00
Claim No. 8848	Cherie A. Craft	Unknown
Claim No. 8849	Ronald A. Brown	2,055.87
Claim No. 8850	Ruby Jewell	Unknown
Claim No. 8851	Rosemary Jackson	564.71
Claim No. 8852	State Farm Insurance as Subrogee Maria Ruiz Lopez	1,258.39
Claim No. 8853	Mariyam Akmal	775.55
Claim No. 8854	Robert Bemoras	Unknown
Claim No. 8855	Barbara Oleska	10,000.00+
Claim No. 8856	Jacqueline Ajamian	Unknown

PUBLIC HEARING SET

September 17, 2001, 8:00 p.m. - Appeal of Vesting Tentative Parcel Map No. 26398, Predevelopment Plan Review for Project located at 3202 East Foothill Boulevard

It was moved by Vice Mayor Little, seconded by Councilmember Madison, to approve Consent Calendar, with the exception of Item 1 (Summary Vacation), Item 10 (License Agreement with R.J. Vending Inc.), and Item 12 (Contract Amendment with Meyer Mohaddes

Associates Inc.), which items were removed for public comment or discussion. (Motion unanimously carried) (Absent: Councilmembers Haderlein, Holden, Streator)

CONSENT ITEMS
DISCUSSED SEPARATELY

SUMMARY VACATION OF A STRIP OF PUBLIC RIGHT-OF-WAY ALONG THE SOUTHEAST CORNER OF FAIR OAKS AVENUE AND MOUNTAIN STREET (880-898 NORTH FAIR OAKS AVENUE). THE DECLARATION THAT THIS REAL PROPERTY IS EXEMPT FROM SECTION 4.02 OF THE PASADENA MUNICIPAL CODE AND AUTHORIZATION TO SELL TO THE ONLY ADJACENT LANDOWNER

Recommendation of City Manager:

(a) Adopt a resolution summarily vacating a strip of public right-of-way along the southeast corner of Fair Oaks Avenue and Mountain Street (hereinafter referred to as "the Property"), as described in Exhibit "A" of the agenda report and as shown on Exhibit "B" of the agenda report (Public Works and Transpiration Department Drawing No. 5161), pursuant to Sections 8331, 8333, and 8334 of the California Streets and Highways Code;

(b) Acknowledge that the summary vacation and sale of this strip of right-of-way are categorically exempt from California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Sections 15301 Existing Facilities, 15304 Minor Alterations to Land and 15312 Surplus Government Property Sales;

(c) Declare the Property is a remnant and exempt from Section 4.02 of the Pasadena Municipal Code;

(d) Direct that the Property be sold to its only adjoining landowner pursuant to the Pasadena Municipal Code, for the purpose of clearing title to real property owned by landowner, upon payment of a consideration reasonably equal to the City's presumed interest and costs of conveyance, and authorize the City Manager to take all actions necessary to effectuate the sale;

(e) Direct the City Clerk to file a Notice of Exemption with the Los Angeles County Recorder; and

(f) Approve a journal voucher recognizing \$13,000 to the Charter Capital Projects Fund, Land Sale, Account No. 7027-302-000000. (Resolution No. 8040; Deed No. 7810; Journal Voucher No. 2002-14)

Councilmember Haderlein
returned at 7:29 p.m.

Mr. Matthew Sullivan, representing Fair Oaks Partners, spoke in support of this item.

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

AUTHORIZATION TO ENTER INTO A NON-EXCLUSIVE LICENSE AGREEMENT WITH R.J. VENDING INC., FOR SNACK VENDING SERVICES AT VARIOUS CITY FACILITIES

Recommendation of City Manager: Authorize the City Manager to enter into a non-exclusive license agreement, without competitive bidding pursuant to City Charter Section 1002(F), contracts for

professional or unique services, with R.J. Vending that will provide for the placement of snack vending machines at City facilities in exchange for a 20% portion of gross revenues. The term of the Agreement shall be five years with two, three-year optional extension periods subject to the approval of the City Manager and without further City Council consideration.

It is further recommended that the City Council grant the proposed contract an exemption from the Competitive Selection process of the Affirmative Action in Contracting Ordinance, pursuant to Pasadena Municipal Code Section 4.090.060(C), contracts for which the City's best interests are served.

Mr. Ray Dashner, Pasadena resident, spoke in opposition.

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

AUTHORIZATION TO AMEND CONTRACT NO. 17,528 WITH MEYER MOHADDES ASSOCIATES INC. TO PROVIDE A FINANCIAL ANALYSIS FOR THE PROPOSED SHARED USE OF A PARKING STRUCTURE AS PART OF THE AMBASSADOR CAMPUS DEVELOPMENT PLAN

At the request of Councilmember Madison, this item was held one week.

**RECOMMENDATIONS
FROM OFFICERS AND
DEPARTMENTS**

APPROVAL OF THE INCLUSIONARY HOUSING REGULATIONS AND IN-LIEU FEE SCHEDULE

Recommendation of City Manager: Adopt a resolution:

- (a) Approving the Inclusionary Housing Regulations,
- (b) Approving the In-lieu Fee Schedule,
- (c) Approving the waiver of plan check and building permit fees for affordable housing and inclusionary housing units,
- (d) Approving the addition of one Full Time Employee (FTE) Project Manager position to the approved FY 2002 Planning and Development Department Operating Budget (Housing Division) to implement the proposed Inclusionary Housing Ordinance and related duties, and
- (e) Approving a journal voucher transferring \$63,387 from the Low and Moderate Income Housing Trust Fund to Budget Account No. 810-684120-51011. (Resolution Nos. 8042, 8043 & 8044; Journal Voucher NO. 2002-22)

Mr. Greg Robinson, Housing Administrator, summarized the agenda report and responded to questions.

Mr. Michael Estrada, City's outside legal counsel with Richards, Watson & Gershon, referred to a letter from Harding, Larmore, Kutcher & Kozal dated September 10, 2001, which suggested

several modifications to the proposed Regulations. Mr. Estrada suggested that page 11, Paragraph VI.B.4.a. be revised as follows (new language in italics):

"a. In the event of a sale of the Inclusionary Unit to a non-Income-Eligible purchaser (*other than as set forth in Paragraph 3 of this Section VI.B.*), that portion of the actual sales price in excess of the sales price that would have been obtained had the Inclusionary Unit been sold to an Income Eligible purchaser at an Affordable Housing Cost shall be immediately paid to City."

Mr. Roy Begley, Pasadena resident, spoke in opposition.

Ms. Michelle White, representing Affordable Housing Services, expressed concern that sufficient time was not allowed for public review of the housing regulations. She commented that there is not an opportunity for public input on the inclusionary housing agreements or the plan and expressed concern this is a decision made by staff.

Mr. Robinson responded to concerns raised by Ms. White. It was noted that the housing agreements are in draft form, and Mr. Richard Bruckner, Director of Planning Development, offered to have staff meet with Ms. White and other interested parties to hear concerns and work out a mutually agreeable document.

Regarding the In-Lieu Fee Schedule, it was noted that the chart "For Sale Units", Sub Area C, the fees for 10-49 units and 50+ should read "To Be Determined" instead of "\$0". Mr. Bruckner noted that this typographical error will be corrected. He noted that as a track record for projects in this area gets established, staff will come back on an annual basis to set the fees.

Following discussion, it was moved by Vice Mayor Little, seconded by Councilmember Gordo, to approve the City Manager's recommendation and the revision by legal counsel, Mr. Michael Estrada. (Motion carried, with Councilmember Haderlein objecting) (Absent: Councilmembers Holden, Streator).

Mr. Bruckner noted that in addition to the annual review of the fees, the performance of the entire program will be brought back to Council in 36 months.

CALL FOR REVIEW OF CONDITIONAL USE PERMIT NO. 3887, 820 CHULA VISTA (Councilmember Madison)

At the request of Councilmember Madison, the consideration of a call for review of Conditional Use Permit No. 3887 was withdrawn.

APPOINTMENT OF EDWARD W. GOMEZ TO THE PASADENA CENTER OPERATING COMPANY BOARD

APPOINTMENT OF ANN-MARIE VILICANA TO THE PASADENA CENTER OPERATING COMPANY BOARD

It was moved by Councilmember Madison, seconded by Councilmember Haderlein, to approve the above two appointments under Council's new process for appointing such members. (Motion carried, with Vice Mayor Little abstaining) (Absent: Councilmembers Holden, Streator)

RATIFICATION OF APPOINTMENT OF ERIK NASARENKO TO THE PASADENA COMMUNITY ACCESS CORPORATION

APPOINTMENT OF WENDY A. NASH TO THE NORTHWEST COMMISSION

APPOINTMENT OF JARRATT L. BRUNSON TO THE LIBRARY COMMISSION

APPOINTMENT TO THE COMMITTEE ON CITY COUNCILMEMBERS' COMPENSATION

RESIGNATION OF JANET JUANITA IRWIN FROM THE ACCESSIBILITY & DISABILITY COMMISSION

It was moved by Vice Mayor Little, seconded by Councilmember Haderlein, to approve the above appointments and accept the resignation with regrets. (Motion unanimously carried) (Absent: Councilmembers Holden, Streator)

PUBLIC HEARINGS

PUBLIC HEARING: ADOPT THE 2001 ANNUAL CITY OF PASADENA SELF-CERTIFICATION OF CONFORMANCE WITH THE LOS ANGELES COUNTY CONGESTION MANAGEMENT PROGRAM AND 2001 LOCAL IMPLEMENTATION REPORT
Recommendation of City Manager:

- (1) Adopt the 2001 Local Implementation Report, in accordance with California Government Code Section 65089.
- (2) Adopt a resolution finding the City in conformance with the Congestion Management Program (CMP).
- (3) Direct staff to file the 2001 CMP Local Implementation Report with the Los Angeles Metropolitan Transportation Authority. (Resolution No. 8041)

The Mayor opened the public hearing.

The City Clerk reported the notice of public hearing was published on August 23, 2001 in the Pasadena Star News; no letters were received.

The City Manager introduced this item, and Eric Shen, Transportation Planning & Development Manager, responded to questions.

Councilmember Tyler requested a copy of annual traffic count information, and the City Manager responded that this information would be provided to Councilmember Tyler.

Mr. Shen noted that while there are only four intersections monitored under the Congestion Management Program and reported to the Metropolitan Transportation Authority, there are a significant number of intersections in the city that are monitored by the Public Works and Transportation Department and this data is reported to Caltrans on an annual basis. Councilmember Gordo requested that he be provided with copies of the data reported to Caltrans.

Mr. Roy Begley, Pasadena resident, suggested the free market be allowed to supply mini busses to transport people.

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

Following discussion, it was moved by Vice Mayor Little, seconded by Councilmember Gordo, to approve the City Manager's recommendation. (Motion unanimously carried) (Absent: Councilmembers Holden, Streator)

PUBLIC HEARING: CALL FOR REVIEW OF CONDITIONAL USE PERMIT NO. 3655, 727 SOUTH ARROYO PARKWAY

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

- (1) Acknowledge the Initial Environmental Study recommending a Negative Declaration that was adopted by the Zoning Hearing Officer on April 18, 2001.
- (2) Approve the Conditional Use Permit for off-site sale of alcohol with conditions.
- (3) Approve the Sign Exception for three wall signs for the Arroyo Parkway frontage; and
- (4) Deny the Conditional Use Permit for a drive-thru pharmacy.

The Mayor announced that a letter was received from a party representing the developer addressed to Councilmember Madison and distributed to the City Council.

Councilmember Madison stated that pursuant to a letter he received from the developer, the developer believes the project can move forward without the drive-thru pharmacy. He noted that if there is no public hearing and Council action, the matter will stand as the Board of Zoning Appeals (BOZA) directed with no drive-thru pharmacy.

MAIN MOTION

It was moved by Councilmember Madison, seconded by Councilmember Tyler, to not conduct the public hearing on this item.

Vice Mayor Little discussed various conditions he felt should be imposed for this project, and requested the Council conduct the public hearing.

The City Attorney noted that if Council wished to consider any action other than the BOZA decision, then it would need to conduct a public hearing.

SUBSTITUTE MOTION

Following discussion, a substitute motion was offered by Councilmember Madison, seconded by Councilmember Tyler, to continue the public hearing to September 17, 2001, at 8:00 p.m. (Motion unanimously carried) (Absent: Councilmembers Holden, Streater)

PUBLIC HEARING: PROPOSED ZONE CHANGE TO ADD A PK (PARKING) OVERLAY TO A PORTION OF THE PROPERTY LOCATED AT 236 NORTH CHESTER AVENUE

Recommendation of City Manager:

- (1) Approve the Initial Environmental Study and Negative Declaration (Attachment 1 of agenda report);
- (2) Approve the De Minimis Impact Finding on the State Fish and Wildlife Habitat (Attachment 2 of agenda report);
- (3) Adopt the findings that the Zone Change from RM-32 (Multi-family Residential, 0-32 units/acre) to RM-32 PK (Multi-family Residential, 0-32 units/acre - Parking Overlay) is consistent with the goals and objectives of the General Plan and the purposes of Title 17;
- (4) Approve the Zone Change from RM-32 (Multi-family Residential, 0-32 units/acre) to RM-32 PK (Multi-family Residential, 0-32 units/acre - Parking Overlay) (Attachment 3 of agenda report), and direct the City Attorney to prepare an Ordinance; and
- (5) Direct the City Clerk to file a Notice of Determination (Attachment 4 of the agenda report) and the Certificate of Fee Exemption for the California Department of Fish and Game, with the Los Angeles County Recorder.

Planning Commission Recommendation: The Planning Commission considered this case at a public hearing on July 25, 2001. No opposition was present at the hearing although at the neighborhood meeting, residents expressed concerns regarding the proposal's proximity to the multi-family residential site to the north. As a result, the Planning Commission recommended a modification to staff's recommendation to include a landscape plan for screening of the site along the north property line to be approved by the City Arborist, and unanimously voted to approve the Zone Change from RM-32 to RM-32 PK.

The Mayor opened the public hearing.

The City Clerk reported that the notice of public hearing was published on August 31 and September 3, 2001, in the Pasadena Star News, and on September 6, 2001 in the Pasadena Journal. On August 28, 2001, 23 notices were posted and 72 notices were mailed. No letters were received.

Ms. Annabella Atendido, Associate Planner, summarized the agenda report and responded to questions.

There was no public comment.

Vice Mayor Little noted that to the north of the subject property is a condominium complex and the residents have worked very hard to maintain a certain quality of life in the complex. He urged staff to make sure the design is compatible with the nearby residential area and there is adequate shielding of the commercial area by requiring the planting of trees as the project goes through the conditional use permit process.

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

It was moved by Vice Mayor Little, seconded by Councilmember Gordo, to approve the City Manager's recommendation, with the request that as the project moves forward, Vice Mayor Little's office be kept informed. (Motion unanimously carried) (Absent: Councilmembers Holden, Streator)

PUBLIC HEARING - ZONING CODE AMENDMENT TO REMOVE THE TEMPORARY CONDITIONAL USE PERMIT REQUIREMENT FOR LIVE ENTERTAINMENT IN THE CITY HALL COURTYARD AREA (INCLUDING ROTUNDA) AS REQUIRED UNDER SECTION 17.33.060

Recommendation of City Manager:

- (1) Approve the Initial Study (Attachment A of the agenda report) and adopt the Negative Declaration prepared for this zoning code amendment;
- (2) Adopt the de minimis finding of no impact to fish and wildlife;
- (3) Adopt a finding of consistency with the General Plan as contained in the agenda report and approve the zoning code amendment to remove the temporary conditional use permit requirement for temporary live entertainment in the City Hall Courtyard as specified under Section 17.33.060;
- (4) Direct the City Clerk to file for the Notice of Determination, Negative Declaration, and Certificate of Exemption from Fish and Game fees with the Los Angeles County Registrar-Recorder/County Clerk.

The Planning Commission Recommendation:

The Planning Commission reviewed this amendment on May 9, 2001. They voted unanimously to recommend approval of this zoning code amendment. They had a lengthy discussion of the

impact of the proposed amendment particularly as it relates to noise and impacts on adjacent residential uses.

ORDINANCE - FIRST
READING

Conduct first reading of "AN ORDINANCE OF THE CITY OF PASADENA AMENDING TITLE 17 (THE ZONING CODE) TO REMOVE THE TEMPORARY CONDITIONAL USE PERMIT REQUIREMENT FOR LIVE ENTERTAINMENT IN THE CITY HALL COURTYARD AREA (INCLUDING ROTUNDA)"

The above two items were discussed concurrently.

The Mayor opened the public hearing.

The City Clerk reported the notice of public hearing was published in the Pasadena Journal on August 23 & 30, and September 6, 2001; no correspondence was received.

Mr. Denver Miller, Zoning Administrator, summarized the agenda report and responded to questions.

Mr. Martin Truitt, representing Maryland Homeowners Association, spoke in support of the proposed ordinance and noted the situation in the City Hall courtyard area has improved. He encouraged additional discussion of restrictions to address activities that continue past 10:00 p.m.

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

It was moved by Councilmember Tyler, seconded by Councilmember Haderlein, to approve the City Manager's recommendation and to introduce the ordinance for first reading:

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

NOES: None

ABSENT: Councilmembers Holden, Streater

ORDINANCE - FIRST
READING

Conduct first reading of "AN ORDINANCE OF THE CITY OF PASADENA FIXING THE TAX RATE FOR THE POLICE BUILDING AND JAIL GENERAL OBLIGATION BONDS AND ESTABLISHING PROCEDURES FOR COLLECTION AND ENFORCEMENT OF SAID TAX"

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

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

NOES: None

ABSENT: Councilmembers Holden, Streater

RECOMMENDATION FOR APPOINTMENT OF HUMAN SERVICES AGENCY REPRESENTATIVE TO FILL ONE VACANCY ON THE HUMAN SERVICES COMMISSION

Recommendation of Human Services Commission: Appoint nominee Margaret B. Martinez to fill the vacancy for a human service agency representative on the Human Services Commission, for a term beginning October 2001.

It was moved by Vice Mayor Little, seconded by Councilmember Tyler, to approve the Human Services Commission's recommendation. (Motion unanimously carried) (Absent: Councilmembers Holden, Streator)

RECESS

On order of the Mayor, the regular meeting of the City Council recessed at 9:00 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 9:01 p.m. (Absent: Councilmembers Holden, Streator)

**REPORTS AND
COMMENTS FROM
COUNCIL COMMITTEES**

FINANCE COMMITTEE

APPROVAL OF BETTERMENT AGREEMENTS WITH THE LOS ANGELES TO PASADENA METRO BLUE LINE CONSTRUCTION AUTHORITY FOR ADDITIONAL ELEVATORS AT THE SIERRA MADRE VILLA AND ALLEN AVENUE STATIONS FOR AN AMOUNT NOT TO EXCEED \$400,000 AND FOR THE CONSTRUCTION OF QUAD GATES AT THE LIGHT RAIL TRACK CROSSINGS AT DEL MAR AND CALIFORNIA BOULEVARDS FOR AN AMOUNT NOT TO EXCEED \$250,000

Recommendation of City Manager:

(a) Amend the Recommended FY 2002-2006 Capital Improvement Program (CIP) to include a new project, Additional Elevators at the Sierra Madre Villa and Allen Avenue Stations, for an amount not to exceed \$400,000;

(b) Authorize the City Manager to execute Betterment Agreements with the Los Angeles to Pasadena Metro Blue Line Construction Authority to design and construct a second elevator at the Sierra Madre Villa and Allen Avenue Stations. Competitive bidding is not required pursuant to City Charter Section 1002(H) contracts with other governmental entities;

(c) Approve a Journal Voucher appropriating \$400,000 from the Prop. A Reserve for Future Light Rail Projects to install the additional elevators at the Sierra Madre Villa and Allen Avenue Stations (Account No. 75057); and

(d) Authorize the City Manager to execute a Betterment Agreement with the Los Angeles to Pasadena Metro Blue Line Construction Authority to design and construct quad gates at the intersections of the Blue Line Light Rail at Del Mar and California Boulevards. Competitive bidding is not required pursuant to City Charter Section 1002(H) contracts with other governmental entities. (Agreement Nos. 17,766 & 17,767; Journal Voucher No. 2002-20)

Commission Recommendations:

(a) The Light Rail Station Design Review Committee recommended a second elevator at the Sierra Madre Villa and Allen Avenue Stations in July 2001.

(b) The Transportation Advisory Commission recommended the Quad Gates at Del Mar and California Boulevards in March 2000.

Vice Mayor Little, Chair of the Finance Committee, summarized the agenda report.

City staff responded to questions.

Mr. Roy Begley, Pasadena resident, spoke in opposition to the Blue Line Light Rail.

Following discussion, it was moved by Vice Mayor Little, seconded by Councilmember Gordo, to approve the City Manager's recommendation. (Motion unanimously carried) (Absent: Councilmembers Streator, Holden)

QUARTERLY INVESTMENT REPORT - QUARTER ENDING 06/30/01

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

Vice Mayor Little introduced the item.

Mr. Vic Erganian, City Treasurer, summarized the agenda report.

Councilmember Tyler stated the Finance Committee was impressed with the report, and noted the Committee has fulfilled its fiduciary responsibility. He requested that, in the future, a benchmark index be provided for comparison against the City's portfolio.

Mr. Erganian was commended for doing a good job.

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

AMENDMENT TO THE FY 2002 CAPITAL IMPROVEMENT PROGRAM (CIP) TO INCLUDE THE "ALLENDALE LIBRARY JOINT USE PROJECT AND THE LA PINTORESCA BRANCH LIBRARY EXPANSION AND RENOVATION PROJECT" FOR THE PURPOSE OF UNDERTAKING THE PLANNING PROCESS FOR LIBRARY GRANT APPLICATION PROJECTS UNDER THE CALIFORNIA PUBLIC LIBRARY CONSTRUCTION AND RENOVATION ACT (PROPOSITION 14)

Recommendation of Finance Committee:

(a) Approve staff's recommendation to submit the "Allendale Joint Use Project and the La Pintoresca Branch Library Expansion and Renovation Project" for Proposition 14 competitive funding.

(b) Amend the FY 2002 CIP Budget to include a project titled the "Allendale Library Joint Use Project and the La Pintesca Branch Library Expansion and Renovation Project" for the initial planning and design.

(c) Approve a journal voucher transferring \$199,139 from the Bank of America litigation settlement (5085-101) to the CIP account for the "Allendale Library Joint Use Project and the La Pintesca Library Expansion and Renovation Project". (Journal Voucher No. 2002-21)
Library Commission Recommendation: At the August 15, 2001 Library Commission meeting, a motion was made and unanimously approved to support the Library's efforts to apply for Proposition 14 funding for the Allendale and La Pintesca Branch Library projects.

Vice Mayor Little provided an overview of the agenda report.

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

LEGISLATIVE POLICY
COMMITTEE

AUTHORIZATION TO APPLY TO THE GETTY GRANT PROGRAM FOR A "PRESERVE L.A." PLANNING GRANT FOR SIX FOUNTAINS IN THE CIVIC CENTER AND MEMORIAL PARK

Recommendation of City Manager: Authorize the staff to apply to the Getty Grant Program for an \$8,000 grant to develop a conservation plan for the four Bathelder tile fountains in the Civic Center and Memorial Park and the courtyard fountains in City Hall and the Central Library.

It was moved by Vice Mayor Little, seconded by (Unanimously carried) (Absent: Councilmembers Holden, Streater)

Mr. Ray Dashner, Pasadena resident, spoke in opposition.

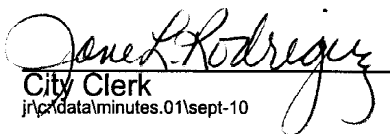
It was moved by Vice Mayor Little, seconded by Councilmember Haderlein, to approve the City Manager's recommendation. (Motion unanimously carried) (Absent: Councilmembers Holden, Streater)

On order of the Mayor, the regular meeting of the City Council adjourned at 9:24 p.m.



Bill Bogaard, Mayor
City of Pasadena

ATTEST:



Janet Rodriguez
City Clerk
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