

CITY OF PASADENA
City Council Minutes
December 17, 2001 - 5:00 P.M.
City Hall Council Chamber

SPECIAL AND REGULAR MEETING

OPENING:

On order of the Mayor, the special meeting of the City Council was called to order at 5:00 p.m. (Absent: Councilmembers Holden, Streater)

PRESENTATION REGARDING CONFLICTS OF INTEREST LAWS

Mr. Craig Steele, with Richards, Watson, & Gershon, distributed and reviewed a handout entitled "Conflicts of Interest 101". He provided an overview of the conflict of interest laws that apply to local officials, how the laws have changed, and the way enforcement authorities look at these laws.

The City Attorney and Mr. Steele responded to questions.

Councilmember Madison suggested agendaizing adoption of a policy to require Councilmembers to exit the room when they have a conflict of interest.

On order of the Mayor, the special meeting recessed at 6:20 p.m. to discuss the following closed session:

Councilmember Holden
arrived at 6:20 p.m.

**CITY COUNCIL CONFERENCE WITH LEGAL COUNSEL -
CONSIDERATION OF INITIATION OF LITIGATION pursuant to
Government Code Section 54956.9(c): One potential case**

Discussion held, no action reported.

On order of the Mayor, the regular meeting of the City Council reconvened at 7:00 p.m. The Pledge of Allegiance was led by Councilmember Madison.

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 (Absent)
Councilmember Sidney F. Tyler, Jr.

Staff:

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

PUBLIC COMMENT

MS. GEMMA MARQUEZ, PARENT, REGARDING EXPULSION OF HER TWO DAUGHTERS FROM THE AAF ROSE BOWL AQUATICS CENTER

Ms. Marquez submitted and read a letter requesting Council's assistance in finding out why her two daughters were removed from the AAF Rose Bowl Aquatics Center Swim Team.

Mayor Bogaard indicated this matter is currently in litigation, and referred Ms. Marquez to the City Attorney's Office to provide advice in due course.

MS. DENISE M. JONES, CHAIR OF THE NORTHWEST COMMISSION, TO PROMOTE THE EVENT "FIRST ANNUAL NORTHWEST RENAISSANCE, GREAT ART, GREAT MUSIC, GREAT PEOPLE" SCHEDULED FOR NATIONAL CHAMPIONSHIP WEEK

Ms. Jones distributed a handout promoting the event "First Annual Northwest Renaissance, Great Art, Great Music, Great People", scheduled for Sunday, December 30, 2001 at Robinson Park and Robinson Center. She thanked City staff for their assistance in coordinating the event.

MS. BETTY KELLER AND DR. PAUL KILIAN, REPRESENTING PASADENA CITY COLLEGE MUSIC DIVISION, TO PROMOTE THE MUSICAL EVENT "REMEMBER THE AMERICAN DREAM" SCHEDULED FOR JANUARY 27, 2002

Ms. Keller spoke and distributed a flyer promoting the event "Pasadena Remembers the American Dream". She requested Council's approval and support to reach out to local businesses to secure donations for this effort.

Ms. Keller was referred to Assistant City Manager Prentice Dadrack.

Mr. Jorge Hilario, Organizacion Vendedores Ambulantes "OVA" - pushcart vendor, distributed material regarding Project Advance and expressed concerns regarding compliance with the rules and regulations of the program. He alleged there is discrimination against some of the vendors, described an incident involving a vendor, and expressed concern that the director of the program did not attend a scheduled meeting to address these issues.

Councilmember Gordo stressed the need to communicate to the organization that it is incumbent upon them to come to the table to meet and resolve the problem.

Councilmember Little noted the program is funded by Community Development Block Grant funds, and indicated the need for the City to look at how this program is being implemented.

Ms. Lourdes Modesto, "OVA", reiterated Mr. Hilario's comments, and stressed the need for an investigation to find out where funds are going.

Councilmember Gordo suggested a meeting be arranged between the City and Project Advance, and that staff report back to the Economic Development Committee with the outcome of the meeting.

Mr. Danny Bakewell, Northwest Leadership Coalition, expressed strong opposition to the recall of Councilmember Holden, and spoke in support of affordable housing.

Mr. Paul M. Lines, Pasadena Jazz Institute, spoke regarding concerts held by the Institute at the Playhouse Balcony Theatre, stated he has been unable to continue his activities at the Theatre due to noise issues, and expressed his desire to continue using the Theatre.

Mr. Roy Begley, Pasadena resident, spoke on the subject of transportation.

Mr. Robert Wittry, Pasadena resident, suggested attachments to agenda reports be available on the Internet. He also expressed concern that the zoning map is not available on the Internet.

Mr. John J. Kennedy, Pasadena resident, spoke in support of Councilmember Holden and in support of affordable housing.

Mr. Kurt Thorgerson, Pasadena resident, distributed a handout, spoke regarding alternate power generation sources, and suggested conducting a study on the impact of a having a large scale power plant in the desert.

Pastor William Turner, Pasadena resident, spoke in support of Councilmember Holden and in support of affordable housing.

Ms. Aletha Harper, Manager of Community Arms Apartments, expressed support for Councilmember Holden and in support of affordable housing.

Mr. Jim Morris, Pasadena resident, spoke in support of Councilmember Holden.

Mr. Daniel G. Sanchez, Pasadena resident and a Falun Gong Practitioner, distributed a handout and spoke regarding the brutal persecution of Falun Gong Disciples by the police in China.

Ms. Mingjing Xue, Falun Gong Practitioner, discussed her experience of persecution in China.

Various Councilmembers noted Pasadena has a Sister City relationship with China, and suggested the Sister Cities Committee and the Human Relations Commission look at this issue closely.

Councilmember Gordo stated if the Human Relations Commission feels the need to, they should denounce this type of activity on our behalf and send a letter to our Sister City in China to do the same thing.

Mr. Raymond Dashner, Pasadena resident, suggested reconvening the Arthur Noble Award Selection Committee.

Ms. Renee Pierson, Pasadena resident, spoke in support of Councilmember Holden, and expressed concern the recall effort is divisive.

OLD BUSINESS

Councilmember Madison was excused at 8:13 p.m.

APPROPRIATION OF \$130,357 FROM THE URBAN PARK AND RECREATION RECOVERY (UPARR) GRANT AND FUNDING FOR A SENSITIVE LAND SURVEY; AND A POTENTIAL POCKET PARK INVENTORY

Recommendation of City Manager:

(a) Recognize the Urban Park and Recreation Recovery (UPARR) program grant in the amount of \$130,357 and appropriate \$112,140 to replace play equipment at Robinson Park (Budget Account No. 78028) and \$18,217 to replace play equipment at Villa Parke (Budget Account No. 78026) and return \$102,433 in General Fund revenue, \$12,023 Residential Development Fees and \$15,901 in Proposition 12 back to their respective funds as detailed in Attachment A of the agenda report;

(b) Approve a journal voucher that re-appropriates the \$102,433 General Fund revenue and an additional \$37,567 from the General Fund unappropriated balance for:

(1) A sensitive hillside land survey in the amount of \$60,000 (Budget Account No. 8115-101-444100); and

(2) An inventory of sites for potential pocket parks in the amount of

\$80,000 (Budget Account No. 8115-101-444100) (Journal Voucher No. 2002-46)

The City Manager summarized the report, and responded to questions.

The following individuals spoke in support:

Mr. Robert Wittry, Pasadena resident

Mr. Carl Siechert, Pasadena resident

Mr. Michael Hurley, Chair of the Recreation and Parks Commission, spoke regarding the need for a vision for the park system as a whole and a framework from which to operate. He requested the Commission be given the opportunity to come back in 45-60 days with a proposed scope and budget for a park master plan.

The City Manager noted Mr. Hurley was referring to the Open Space Element of the General Plan, and indicated the Open Space and Conservation Elements of the General Plan are targeted to be done next year.

Mayor Bogaard suggested the staff brief the Recreation and Parks Commission on the status of the Open Space Element, and on more specific planning for parks citywide.

Mr. Hurley was agreeable to Mayor Bogaard's suggestion.

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

PUBLIC HEARINGS

PUBLIC HEARING: PROPOSED GENERAL PLAN AMENDMENT AND ZONE CHANGE FOR PROPERTY LOCATED AT THE NORTHWEST CORNER OF LINCOLN AVENUE AND MONTANA STREET

Recommendation of City Manager: It is recommended that the public hearing be continued to January 14, 2002, at 8:00 p.m.

On order of the Mayor, the above public hearing was continued to January 14, 2002, at 8:00 p.m.

PUBLIC HEARING: ADOPT A RESOLUTION APPROVING THE ISSUANCE OF MULTI-FAMILY HOUSING REVENUE BONDS BY THE CALIFORNIA STATEWIDE COMMUNITIES DEVELOPMENT AUTHORITY FOR A MULTI-FAMILY RENTAL HOUSING FACILITY KNOWN AS PILGRIM TOWER NORTH

Recommendation of City Manager: Adopt a resolution approving the issuance of Multi-family Housing Revenue Bonds by the California Statewide Communities Development Authority for a multi-family rental housing facility known as Pilgrim Tower North in order for Retirement Housing Foundation (RHF) to acquire the property. (Resolution No. 8071)

The Mayor opened the public hearing.

The City Clerk reported the notice of public hearing was published on December 3, 2001 in the Pasadena Star News.

Mr. Jay Goldstone, Director of Finance, summarized the report and responded to questions.

Mr. Richard Washington, representing the proposed buyer, spoke in support.

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

In response to a question by Councilmember Gordo, the City Attorney noted she would look into the legality of imposing conditions (that there be no evictions) on these types of projects when public funds or City assistance is given.

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

Councilmember Holden was excused at 8:49 p.m.

PUBLIC HEARING: PROPOSED CODE AMENDMENT TO EXTEND DESIGN REVIEW ALONG MAJOR ARTERIALS AND CORRIDORS

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

(1) Find that the proposed code amendment to modify the thresholds for design review in limited areas is categorically exempt from the California Environmental Quality Act (Section 15308, Actions by Regulatory Agencies for Protection of the Environment).

(2) Acknowledge that the General Plan ("implementation strategies" for design standards) directs the City to "examine changes to thresholds and geographic areas subject to design review" and encourages "architectural and design excellence" (Policy 5.5) and enhancement of major public streets and "gateways" (as shown in Attachment 2 of the agenda report) into the City (Policy 5.10);

(3) Find that extending design review along major corridors in the City advances policies and objectives in the General Plan, notably "preservation of the character and scale of Pasadena" (Objective 5), promotion of "well-designed, accessible and human-scaled residential and commercial areas" (Objective 14), and improvement of the "quality of environment" (Objective 18);

(4) Approve an amendment to the Zoning Code to lower the thresholds for design review along major corridors and arterials from the existing 25,000 square feet of new construction to 5,000 square feet of new construction for non-residential and mixed-use projects (except in the Central District and the North Lake Specific Plan area, where the thresholds for design review are already below 5,000 square feet) and include major alternations to existing buildings in this review; and

(5) Direct the City Attorney to prepare an ordinance amending the thresholds for design review in the Zoning Code.

Recommendation of the Planning Commission: At a noticed public hearing on November 14, 2001, the Planning Commission reviewed the proposed code amendment. The Commission voted unanimously to recommend approval of the code amendment with the additional recommendation that E. Washington Boulevard and Lincoln Avenue be included among the corridors with expanded design review. The recommendation in this report concurs with the recommendation from the Planning Commission.

Recommendation of the Design Commission: The Design Commission reviewed the proposed project and zone change at its meeting on September 24, 2001. The Commission voted unanimously to recommend approval of the code amendment with the inclusion of E. Washington Boulevard and Lincoln Avenue among the corridors. The Commission proposed adding these two areas because within the past five years the City has approved streetscape improvement plans for both E. Washington Boulevard and Lincoln Avenue, and it suggested that greater attention to design review in those areas would support those planning initiatives.

The Mayor opened the public hearing.

The City Clerk reported the notice of public hearing was published on December 7 and 10, 2001 in the Pasadena Star News and on December 13, 2001 in the Pasadena Journal; no posting or mailing was required.

Mr. Jeff Cronin, Principal Planner, summarized the report and responded to questions. He clarified all of Colorado Boulevard and Walnut Street are covered in the proposed code amendment.

Vice Mayor Little referred to the definitions of the streets, and stressed the need to ensure that they completely cover the commercial areas that Council wants covered. He noted on East Washington Boulevard, the commercial area starts half a block west of Hill Avenue.

The City Manager indicated staff would make sure the area was properly defined.

Mr. Robert Wittry, Pasadena resident, spoke in support.

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

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

REPORTS AND
COMMENTS FROM
COUNCIL COMMITTEES
PUBLIC SAFETY
COMMITTEE

PERFORMANCE REVIEW OF CONTRACT NO. 17,395 BETWEEN THE CITY OF PASADENA AND THE PASADENA HUMANE SOCIETY

Recommendation of City Manager: The report is for information only. No City Council action is requested.

FINANCE COMMITTEE

REVIEW OF THE PASADENA HUMANE SOCIETY'S ANIMAL CONTROL CONTRACT WITH THE CITY OF PASADENA

Recommendation of City Manager: The report is for information only. No City Council action is requested.

The above two items were discussed concurrently.

Councilmember Haderlein, Chair of the Public Safety Committee, summarized the first report. He noted the two recommendations that came from the discussion with the Humane Society were: 1) if possible, utilize Park Rangers, and 2) the creation of a dog park.

Councilmember Gordo expressed concern with adding responsibilities to Park Rangers and diluting their effectiveness for their intended purpose.

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

Mr. Jay Goldstone, Director of Finance, responded to questions.

Mr. Larry Faulkner, Pasadena resident, expressed concern regarding the lack of patrolling and enforcement of leash laws on City parks by the Humane Society.

Councilmember Holden returned at 9:16 p.m.

Mr. Steve McNall, Executive Director of the Humane Society, noted there is no staging area for trucks, briefly discussed the duties of officers with regards to patrol services, and responded to questions.

Following discussion, it was moved by Councilmember Haderlein, seconded by Vice Mayor Little, to receive and file the above two reports. (Motion unanimously carried) (Absent: Councilmembers Madison, Streater)

PUBLIC SAFETY COMMITTEE

RESOLUTION TO ADOPT ALL-WAY STOP SIGN POLICY FOR RESIDENTIAL STREET INTERSECTIONS

Recommendation of City Manager: Adopt a resolution establishing All-way Stop Sign Warrants for Residential Street Intersections.

Recommendation of Transportation Advisory Commission: The proposed All-way Stop Sign Warrants for Residential Street Intersections was presented to and supported by the Transportation Advisory Commission at their meeting of December 6, 2001.

On order of the Mayor, the above item was held to the meeting of January 7, 2002.

OLD BUSINESS

PASADENA WATER AND POWER ELECTRIC RATE RESTRUCTURING PLAN AND ELIMINATION OF STRANDED INVESTMENT SURCHARGE



Recommendation of City Manager:

- (a) Direct the City Attorney to prepare an ordinance in conjunction with Pasadena Water and Power (PWP) to restructure electric rates as described in the agenda report, to be effective in February 2002.
- (b) Eliminate collection of the non-bypassable, non-taxable Stranded Investment Surcharge (SIS) of \$0.0137 on each kWh delivered to all customers, effective with the implementation date of the new rate design.
- (c) Authorize PWP to refund all SIS charges collected from each customer since July 1, 2001 through the implementation date of the new rates.
- (d) Recognize the Reserve for Stranded Investment (Reserve) balance of approximately \$150 million as of June 30, 2001, and authorize withdrawals from the Reserve to pay debt associated with the Intermountain Power Project (IPP), effective with the implementation of the new rates.
- (e) Eliminate the Underground Surtax Rebate Program, effective with the implementation date of the new rate design.
- (f) Eliminate the Utility Users Tax Rebate Program of 0.17 percent for electric customers, effective with the implementation date of the new rate design.

Councilmember Tyler, Chair of the Municipal Services Committee, summarized the report.

Ms. Phyllis Currie, General Manager of Water and Power, distributed and reviewed the handouts of sample bills, reviewed various charts included in the agenda report, and responded to questions.

The following individuals spoke on this item:

Mr. Bill Sullivan, Chair of Utility Advisory Commission, spoke in support of staff's recommendation.

Mr. Raymond Dashner, Pasadena resident, distributed a handout, expressed concern regarding the lack of public outreach regarding this issue, suggested the use of In-Focus for public outreach, and requested continuation of this item to a future meeting.

Mayor Bogaard responded this subject has been discussed extensively this past year, it has been on public agendas of the Municipal Services Committee, it has been discussed at the City Council level, and that the business community is highly informed. He stated Council is proceeding specifically in accordance with the original principles and approach of deregulation.

Mr. Robert Wittry, Pasadena resident, expressed concerns regarding impacts to the small residential users and concern with the base rate for meter reading.

In response to questions from Councilmember Little, Mr. Jay Panzica, Director of Finance and Administration for Water and Power, further reviewed the sample bills distributed by staff providing information on what a bill would look like without the Stranded Investment Surcharge. He reassured Vice Mayor Little no one will see an increase on their bills.

Ms. Currie noted staff will have a hot line set up and do extensive community outreach.

Vice Mayor Little suggested taking the Stranded Investment Surcharge off as soon as possible and suggested ratepayers receive a check instead of a credit on their bill.

Mayor Bogaard suggested including a notice along with the rebate making it clear to customers that this is a one-time rebate.

The City Manager noted staff will give further thought to whether a separate check is sent out.

Vice Mayor Little stressed the need to revisit the open access question and indicated he would like to see the Municipal Services Committee review this issue in the next two months.

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

**RECOMMENDATIONS
FROM OFFICERS AND
DEPARTMENTS**

COMPENSATION FOR PASADENA REPRESENTATIVE ON METROPOLITAN WATER DISTRICT BOARD OF DIRECTORS

Recommendation of Mayor:

(1) Adopt a resolution to increase the compensation for Pasadena's representative on the Metropolitan Water District (MWD) Board of Directors from \$200 per month to \$1,000 per month.

(2) Direct Pasadena's representative on the Metropolitan Water District Board to present an oral report to the Council at least annually, and work as needed with the Municipal Services Committee. (Resolution No. 8069)

Mayor Bogaard summarized the report and responded to questions.

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

LACK OF COMPLIANCE WITH THE CITY COUNCIL'S ORDER REGARDING THE CLOSURE OF NEW WAY RECYCLING BY DECEMBER 8, 2001 (Councilmember Holden)

Councilmember Holden provided a brief history on this issue and noted the nuisance continues to operate. He asked the City Attorney to articulate the process in a situation when an order of the City has been issued and the applicant has not complied with this order.

The City Attorney provided a brief status, discussed the legal remedies available to the City, and noted the City Attorney's Office is addressing the best way to seek action for immediate compliance. She further noted this item would be best addressed in closed session.

Councilmember Holden indicated the Council is serious about following up on this matter and will continue to monitor this issue.

APPOINTMENT OF LUIS J. RODRIGUEZ TO THE COMMUNITY DEVELOPMENT COMMITTEE (District 5 Nomination)

It was moved by Councilmember Gordo, seconded by Councilmember Tyler, to approve the above appointment. (Motion unanimously carried) (Absent: Councilmembers Madison, Streator)

RECESS

On order of the Mayor, the regular meeting of the City Council recessed at 10:54 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 10:55 p.m. (Absent: Councilmembers Madison, Streator)

INFORMATION ITEMS

PREDEVELOPMENT PLAN REVIEW FOR THE PROPOSED MIXED-USE, RETAIL AND RESIDENTIAL PROJECT, PASADENA COLLECTION (RESIDENTIAL) 160 SOUTH HUDSON WITHIN THE CENTRAL DISTRICT SPECIFIC PLAN SUB-AREA A5
Recommendation of City Manager: This report is being provided for information purposes only at this time.

The Mr. Brian League, Project Planner, summarized the report and responded to questions.

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

SHOPPING CART RETRIEVAL (Oral Report)

Mr. Enrique Martinez, Assistant City Manager, provided a brief update on the discussions held with two shopping cart retrieval services. He noted staff will meet with Sav On, Target, the small mom & pop stores, markets, and will return to Council on January 28 with an update. He indicated staff is looking at requiring stores

to identify carts, hold owners accountable, destroy carts that aren't identified, and encourage markets to pay on a per cart basis rather than per load for the retrieval of carts.

Mr. Robert Wittry, Pasadena resident, spoke regarding the possibility of a requiring a deposit on shopping carts.

CONSENT CALENDAR

AGREEMENT FOR SEWER SERVICE AT 206 INVERNESS DRIVE, CITY OF LA CANADA FLINTRIDGE

Recommendation of City Manager: Adopt a resolution authorizing the City Manager to enter into an agreement among County Sanitation District No. 16 of Los Angeles County, the City of Pasadena, and Thomas W. Davis and Elaine C. Davis governing the conveyance, treatment, and disposal of wastewater from an existing single-family home at 206 Inverness Drive in the City of La Canada Flintridge, and agreeing to the recordation thereof. (Resolution No. 8070; Contract No. 17,865)

APPROVAL OF MINUTES

October 15, 2001
October 22, 2001
October 29, 2001 (Cancelled)

CLAIMS RECEIVED AND FILED

Claim No. 8907	Roberta M. Dunn Cyber Caffe	\$	Unknown
Claim No. 8908	Elizabeth J. Dever		Unknown
Claim No. 8909	Thomas S. Hall, Jr.		600.00

PUBLIC HEARING SET

January 14, 2002, 8:00 p.m. - Omowale School Lease Extension

It was moved by Councilmember Gordo, seconded by Councilmember Haderlein, to approve the Consent Calendar. (Motion unanimously carried) (Absent: Councilmembers Madison, Streater)

COUNCIL COMMENTS

Councilmember Holden referred to the Cirque du Soleil item which was pulled from the agenda at a previous meeting and suggested the Council, through the Mayor's leadership, contact Cirque du Soleil to encourage them to come back to the table to discuss whether or not this is something that can work.

Following a brief discussion, staff was directed to draft a letter to Cirque du Soleil for the Mayor's signature encouraging them to come back to the table.

On order of the Mayor, the regular meeting of the City Council
adjourned at 11:27 p.m.

Bill Bogaard

Bill Bogaard, Mayor
City of Pasadena

ATTEST:

Jane L. Rodriguez

City Clerk