

CITY OF PASADENA
City Council Minutes
January 7, 2002 - 5:30 P.M.
City Hall Council Chamber

REGULAR MEETING

OPENING:

Mayor Bogaard called the regular meeting to order at 5:40 p.m.
(Absent: Councilmember Gordo)

On order of the Mayor, the regular meeting recessed at 5:40 p.m.,
to discuss the following closed sessions:

**CITY COUNCIL CONFERENCE WITH LEGAL COUNSEL -
PENDING LITIGATION pursuant to Government Code Section
54956.9(a)**

Name of Case: Vanessa Ramirez, et al. v. City of Pasadena

The above item was discussed; no reportable action.

Councilmember Gordo arrived
at 6:10 p.m.

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

Action: Direction was given to initiate action and the particulars of
the action will be disclosed once an action is formally commenced.

On order of the Mayor, the regular meeting reconvened at 6:38 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
Councilmember Sidney F. Tyler, Jr.

Staff:

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

The Mayor congratulated the City and community for the January 1,
2002 New Year's celebration and the Rose Bowl Championship
football game. He expressed his appreciation and recognized the
Rose Bowl Operating Company and staff for their efforts.

CEREMONIAL MATTERS

The City Clerk administered the oath of office to Luis J. Rodriguez as member of the Community Development Committee.

OLD BUSINESS

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 item was held pending the completion of review by the Public Safety Committee.

PUBLIC COMMENT ON MATTERS NOT ON THE AGENDA

REVEREND C. R. TILLMAN, ALTADENA REDEVELOPMENT BOARD, REGARDING ADMINISTRATION OF OATHS OF OFFICE FOR ELECTED OFFICIALS

Reverend Tillmann spoke concerning the oath of office and the Constitution; and requested that the entire oath of office be administered to officials.

Mr. Raul Panuco, representing day laborers, spoke concerning recent loitering warnings issued by the Police Department to the day laborers; and he informed the Council that the day laborers would no longer stand in front of the store at Fair Oaks and Villa.

Mr. Prentice Deadrick, Assistant City Manager, responded to questions concerning the established center for day laborers. He indicated that staff would continue outreach and communication with the group.

Mr. Moe Jazquez Gomez, representing day laborers, spoke concerning the location the day laborers congregate and stated that the laborers were only interested in finding work.

Councilmember Gordo explained the reasoning for establishing the center and discussed the legal and safety issues concerning the day laborers congregating at the Fair Oaks/Villa location. He requested that the day laborers inform Council if there are problems at the established location.

Mr. Deadrick and Councilmember Gordo stressed the importance of educating employers of the day laborers to utilize the established center.

Mr. Santosi Perez, representing day laborers, spoke concerning the problems incurred by the day laborers on Villa Street. He noted that many of the contract employers were not familiar with the location of the center for the day laborers, and suggested a camera be placed at the location to verify persons that are causing problems.

The City Manager stated staff would continue to work with the group and would place more emphasis on the employers of the day laborers to hire at the center. In addition, she noted that the Police Department had began enforcement of the loitering laws in the area.

Councilmember Gordo noted a meeting had been scheduled to meet with the day laborers on the property adjacent to Fair Oaks Avenue and Villa Street.

CONSENT CALENDAR

AUTHORIZATION TO AMEND CONTRACT WITH COTTON BRIDGES AND ASSOCIATES INC. FOR COMPLETION OF THE ENVIRONMENTAL IMPACT REPORT FOR THE PLAZA LAS FUENTES PHASE II PROJECT

Recommendation of City Manager: Authorize the City Manager to amend Contract No. 17,639 for an amount not to exceed \$18,000 with Cotton Bridges and Associates Inc. to provide for the completion of the Environmental Impact Report (EIR) for the Plaza Las Fuentes Phase II development. (Contract No. 17,639-1)

MINUTES APPROVED

November 5, 2001
November 12, 2001 (Cancelled)

CLAIMS RECEIVED AND FILED

Claim No. 8910	Marc P. Howard	\$	Unknown
Claim No. 8911	Angie Robins		Unknown
Claim No. 8912	Donna J. Smith		435.90
Claim No. 8913	Amber Escoe		Unknown
Claim No. 8914	Fernando Sanchez, Jr.		Unknown
Claim No. 8915	David Asulin		7,000.00
Claim No. 8916	Cynthia Fox		704.92
Claim No. 8917	Stephan L. Caldwell		5,000.00+
Claim No. 8918	Sequoia Financial Services		
	21 st Century Insurance		2,069.43
Claim No. 8919	Edward & Sandra Contreras		332.56
Claim No. 8920	Christopher & Nancy Carter		Unknown
Claim No. 8921	Enterprise Rent-A-Car		367.71
Claim No. 8922	Heidi Soltesz		412.68

PUBLIC HEARING SET

January 28, 2002, 8:00 p.m. - Proposed Fair Oaks/Orange Grove Specific Plan

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

**RECOMMENDATIONS
FROM OFFICERS AND
DEPARTMENTS**

**PROPOSED "WANGO TANGO" CONCERT AT THE ROSE BOWL
ON JUNE 15, 2002**

Recommendation of Rose Bowl Operating Company:

(a) Authorize a license agreement with Clear Channel Communications for the hosting of the 2002 "Wango Tango" concert on June 15, 2002. This agreement will guarantee one performance, and provide Clear Channel with the option of having a second performance sometime in 2003.

(b) Make the required finding, pursuant to Arroyo Seco Ordinance Section 3.32.270, to authorize the presentation of concerts to be held at the Rose Bowl as displacement events.

(c) Direct the City Attorney to prepare an ordinance to suspend Sections 9.36.220 (Amplified Sound - Regulations), and 9.36.230 (General Noise Sources) of the Pasadena Municipal Code from 12:00 p.m. to 9:00 p.m. on Friday, June 14, 2002 for a sound check and 12:00 p.m. to 11:00 p.m. on Saturday, June 15, 2002 for the presentation of the concert. (Contract No. 17,871)

Mr. Darryl Dunn, Rose Bowl General Manager, summarized the agenda report.

It was moved by Vice Mayor Little, seconded by Councilmember Tyler, to approve the Rose Bowl Operating Company's recommendation. (Motion unanimously carried) (Absent: None)

FY 2000-01 ADVISORY BODY ANNUAL REPORTS AND FY 2001-2002 WORKPLANS

Recommendation: Receive the FY 2000-01 Annual Reports and approve the FY 2001-2002 Workplans from the following City advisory bodies:

- (a) Accessibility and Disability Commission
- (b) Affirmative Action Commission
- (c) Arts Commission
- (d) Code Enforcement Commission
- (e) Commission on the Status of Women
- (f) Community Development Committee
- (g) Cultural Heritage Commission
- (h) Design Commission
- (i) Fair Oaks Avenue Project Area Committee
- (j) Human Relations Commission
- (k) Human Services Commission
- (l) Library Commission
- (m) Northwest Commission
- (n) Old Pasadena Parking Meter Zone Advisory Commission
- (o) Pasadena Center Operating Company
- (p) Pasadena Community Access Corporation Board
- (q) Pasadena Sister Cities Committee
- (r) Planning Commission
- (s) Recreation and Parks Commission
- (t) Rose Bowl Operating Company (report not submitted as of 1/3/02)

- (u) Senior Commission
- (v) South Lake Parking Place Commission
- (w) Transportation Advisory Commission
- (x) Utility Advisory Commission (report not submitted as of 1/3/02)

It was moved by Councilmember Madison, seconded by Vice Mayor Little, to receive the FY 2000-01 Annual Reports and Workplans, excluding the reports not submitted, and schedule for next week an opportunity to have a discussion of the reports and workplans and develop a strategy whereby the Council can look at one or more reports in detail and engage in a dialogue with the advisory bodies in regard to their workplans. (Motion unanimously carried) (Absent: None)

RECESS

On order of the Mayor, the regular meeting of the City Council recessed at 7:24 p.m.

RECONVENE

On order of the Mayor, the regular meeting of the City Council reconvened at 7:25 p.m. (Absent: None)

ORDINANCES - FIRST READING

Conduct first reading of "AN ORDINANCE OF THE CITY OF PASADENA AMENDING TITLE 17, "THE ZONING CODE," OF THE PASADENA MUNICIPAL CODE, TO INCLUDE THE USE CLASSIFICATIONS "RESEARCH AND DEVELOPMENT - OFFICE AND RESEARCH AND DEVELOPMENT - NON-OFFICE" INTO THE LAND USE SCHEDULES FOR THE CO, CL, CG, IG, CD, DISTRICTS AND TO ALLOW THROUGH A MINOR CONDITIONAL USE PERMIT FOR THIS USE TO EXCEED THE HEIGHT LIMIT BY 10 FEET AND TO EXCEED THE MAXIMUM ALLOWABLE APPURTENANCE COVERAGE BY UP TO 50 PERCENT"

The above ordinance was offered for first reading by Councilmember Gordo, with the amendment of the title to read "up to 10 feet":

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

Conduct first reading of "AN UNCODIFIED ORDINANCE OF THE CITY OF PASADENA AMENDING ORDINANCE NO. 6588 TO PROVIDE LOCAL DEVELOPMENT INCENTIVES TO ENCOURAGE DEVELOPMENT OF RESEARCH AND DEVELOPMENT USES IN THE EXPANDED AREA OF THE PASADENA ENTERPRISE ZONE BY WAIVING AND REDUCING CERTAIN FEES AND TAXES"

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

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

Conduct first reading of "AN ORDINANCE OF THE CITY OF PASADENA AMENDING TITLE 4 OF THE PASADENA MUNICIPAL CODE TO PROVIDE A FULL OR PARTIAL WAIVER OF THE CONSTRUCTION TAX FOR RESEARCH AND DEVELOPMENT PROJECTS"

The above ordinance was offered for first reading by Councilmember Haderlein:
AYES: Councilmembers Gordo, Haderlein, Holden, Madison, Streater, Tyler, Vice Mayor Little, Mayor Bogaard
NOES: None
ABSENT: None

RECOMMENDATIONS FROM OFFICERS AND DEPARTMENTS

APPOINTMENT OF STEVE WESSON TO THE RECREATION AND PARKS COMMISSION (District 3 Nomination)

APPOINTMENT OF MICHAEL WARNER TO THE ACCESSIBILITY AND DISABILITY COMMISSION (District 5 Nomination)

APPOINTMENT OF PETER J. WONG TO THE CODE ENFORCEMENT COMMISSION (District 3 Nomination)

It was moved by Vice Mayor Little, seconded by Councilmember Tyler, to approve above the appointments. (Motion unanimously carried). (Absent: None)

PUBLIC COMMENT ON MATTERS NOT ON THE AGENDA (CON'T)

Mr. Robert Hernandez, President of Madison Oakland Neighborhood Association, expressed concerns regarding the continued operations of the recycling center.

Mr. Ray Dashner, Pasadena resident, submitted a letter and spoke concerning Councilmember Holden recusing himself from the agenda item concerning the Raymond Theater.

In response, Councilmember Holden stated that he had conferred with the City Attorney and it was determined that there was no conflict of interest.

Mr. Robert Wittry, Pasadena Resident, expressed concern with an item being pulled from the agenda without advance notice to the public. He also expressed concern a Transportation Advisory Commission meeting was held early in the morning and there was not adequate seating for the public.

Ms. Lucretia Dyer, Pasadena resident, spoke concerning her opposition to the possibility of the relocation of the recycling center at Lake Avenue Church.

OLD BUSINESS

MODIFICATION OF VARIANCE NO. 11319, THE RAYMOND THEATER, AT 121-129 NORTH RAYMOND AVENUE

Recommendation of City Manager:

- (1) Recertify the Raymond Theater Final Environmental Impact Report (FEIR) and certify the Addendum to the Revised Final Environmental Impact Report (Attachment A of the agenda report);
- (2) Adopt Revised Findings of Fact and the Statement of Overriding Considerations (Attachment B of the agenda report).
- (3) Adopt the mitigation monitoring program and adopt a de minimus finding as required by California Fish and Game Code 711.4(d)(1) and Title 14, California Fish and Game Code 711.4(d)(1) and Title 14, California Code of Regulations, Section 735.5(a)(3) as contained in the March 26, 2001 agenda report; and
- (4) Adopt the variance findings and conditions of approval contained in the March 26, 2001 agenda report to the City Council and approve the proposed variances.

The Mayor noted that the public hearing was conducted and closed at the December 10, 2001 meeting.

Ms. Michele Bagneris, City Attorney, noted under due process the City Council is not to consider any information outside of the public hearing in rendering its decision. However, she noted under the Brown Act, the public can speak concerning items on the agenda.

Councilmembers Streator and Holden noted that they were absent from the previous meeting, however, they had viewed the City Council video of the public hearing.

The City Manager corrected the December 10, 2001 agenda report, page one, first paragraph, fourth sentence in the "Background" section to read: "The proposed project heard by the Board of Zoning Appeals consisted of a mixed-use project of 61 units and approximately 28,565 ~~45,000~~ square feet of commercial space ("Modified Original Project")."

Mr. Denver Miller, Principal Planner, responded to questions concerning the proposed project.

Mr. Gene Buchanan, applicant, commented regarding the proposed variance height.

Mr. Richard Bruckner, Director of Planning & Development, briefly summarized the Economics Research Associates (ERA) (Addendum F) report concerning the economic vitality of the Theater with modern usage.

Ms. Ruth Strick, former Arts Commissioner and career counselor, spoke in support of the Raymond Theater.

Ms. Lauren Sand, Urban Development Resource, Corp., read a January 7, 2002 letter from Thomas Nagel, President, Urban Development Resource, Corp., expressing an interest in purchasing the Raymond Theater and adjacent parking lot.

Mr. Don Crumrine, San Marino resident, spoke in support of the development by the property owners.

Discussion ensued concerning affordable housing at the proposed development.

The City Manager indicated that only brief discussions had occurred due to the changes and timing of the project, and staff had not recommended the project include any affordable housing.

The City Attorney informed Council that it could impose conditions that were reasonably related to the impacts of the project.

After further discussion, Mr. Bruckner noted that if the project was developed, there would be approximately 65 employees on-site which would meet the definition for low and moderate income which could support the argument for low and moderate income housing for the site. He stated it was estimated that the project could provide \$85,000 in property taxes and in the range of \$32,000 in sales taxes which would benefit the City.

Discussion ensued concerning affordable housing, the trade off of historic preservation versus affordable housing, and a summary of the parking issues surrounding the project.

Following discussion, it was moved by Councilmember Streator, seconded by Councilmember Holden, that the Statement of Overriding Considerations be modified to indicate that one of the overriding elements is the provision of affordable housing in this project; that the staff recommendations as presented to Council in the report are approved; one of the Conditions of Approval would require that a minimum of 6% affordable housing units be provided; staff is directed to open negotiations with the developer in an effort to increase the amount of affordable housing above 6% and return to the City Council for a report or approval of any negotiated agreement.

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

NOES: Councilmember Gordo, Vice Mayor Little

ABSENT: None

**REPORTS AND
COMMENTS FROM
COUNCIL COMMITTEES**

**LEGISLATIVE POLICY
COMMITTEE**

**OPPOSITION TO STATE ACTIONS RESULTING IN REDUCTION
OF REVENUE TO LOCAL GOVERNMENTS**

Recommendation of City Manager:

- (a) Request the City's State legislators to strongly oppose any 2002-2003 state budget that contains any cuts/reductions to city government revenue or reduces any current state funding to local government such as Vehicle License Fee (VLF) revenues;
- (b) Authorize the Mayor to submit correspondence to the appropriate authorities.

Mayor Bogaard, Chair of the Legislative Policy Committee, summarized the agenda report.

It was moved by Councilmember Streator, seconded by Councilmember Holden, to approve the City Manager's recommendation. (Motion unanimously carried) (Absent: None)

Councilmember Gordo informed Council that the public safety unions were opposing protections for cities. He suggested it be communicated to the fire and police unions, as well as state-wide unions, that they should support our position.

The Mayor noted that the Legislative Policy Committee would review the draft letter.

**CONTRACT AWARD TO KENNETH EMANUELS AND
ASSOCIATES FOR STATE LEGISLATIVE ADVOCACY
SERVICES**

Councilmember Madison was
excused at 9:18 p.m.

Recommendation of City Manager: Authorize the City Manager to enter into a contract with Kenneth Emanuels and Associates for State legislative advocacy services for three years at a rate of \$3,000 per month for the year 2002 and \$3,600 per month for years 2003 and 2004, plus expenses not to exceed \$1,000 per year. The proposed contract is exempt from competitive bidding pursuant to City Charter Section 1002(F), contracts for professional or unique services and the competitive selection process of the Affirmative Action in Contracting Ordinance, pursuant to Section 4.09.060(B)(4), contracts for legislative liaison and lobbying services. (Contract No. 17.872)

Mayor Bogaard summarized the agenda report.

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

SUPPORT FOR FUNDING TO LOCAL GOVERNMENTS FOR EMERGENCY PREPAREDNESS AND HOMELAND DEFENSE

Recommendation of City Manager:

- (a) Support efforts to provide flexible funding for local governments to address their individual needs with regard to emergency preparedness and response;
- (b) Encourage the federal government to allow local governments to be fully integrated into the nation's homeland defense system and have access to timely and coordinated intelligence information; and
- (c) Oppose proposals that would provide assistance only to states and/or counties with no consideration of direct assistance to cities.

Mayor Bogaard summarized the agenda report.

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

SUPPORT FOR H.R. 3131 AND S. 1278 - UNITED STATES INDEPENDENT FILM AND TELEVISION PRODUCTION INCENTIVE ACT OF 2001

Recommendation of City Manager:

- (a) Support H.R. 3131 and S. 1278 - United States Independent Film and Television Production Incentive Act of 2001; and
- (b) Authorize the Mayor to submit correspondence to the appropriate authorities.

Mayor Bogaard summarized the agenda report.

Councilmember Tyler expressed his reservations concerning the proposed legislation due to not having substantial information concerning the differential in costs in the productions here and in Canada.

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

PUBLIC COMMENT ON MATTERS NOT ON THE AGENDA (CON'T)

Councilmembers Streator and Holden were excused at 9:32 p.m.

Mr. Eugene Phillips, Sunset Oaks Neighborhood Association, spoke regarding the need for an increase in street sweeping services.

The City Manager indicated that she would review the matter.

Mr. Elie Brown, representing Friendship Baptist Church, spoke concerning traffic and parking issues at 80 West Dayton. He requested an extension in parking hours, and requested that some parking tickets issued at the site be invalidated.

The City Manager responded that she was aware of the matter and it has been referred to the Public Works Director as to whether there is a need to make any administrative changes for an extension in parking hours. Regarding invalidating parking tickets, it was suggested that Mr. Brown provide his name to the Assistant to the City Manager for a form to request an administrative hearing to appeal the tickets.

Mr. Rhene Lee, Pasadena resident, spoke concerning the closure of St. Luke's Hospital.

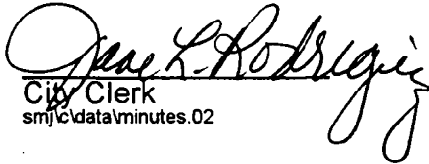
Councilmember Haderlein noted that the Public Safety Committee and the Health Department have been requested to review all the impacts of the closure of the hospital.

On order of the Mayor, the regular meeting of the City Council adjourned at 9:38 p.m.



Bill Bogaard
Mayor

ATTEST:



City Clerk
smj/cdata/minutes.02