

CITY OF PASADENA
City Council Minutes
February 25, 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 Holden)

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

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

**CITY COUNCIL CONFERENCE WITH LEGAL COUNSEL -
EXISTING LITIGATION**
Name of Case: Liney Hamilton v. City of Pasadena, et al.
LASC Case No. GCO14700

**CITY COUNCIL CONFERENCE WITH REAL PROPERTY
NEGOTIATORS** pursuant to Government Code Section 54956.8
Property: 300 West Green Street, Pasadena
Agency Negotiator: Richard Bruckner
Negotiating parties: Legacy Partners

**CITY COUNCIL CONFERENCE WITH REAL PROPERTY
NEGOTIATORS** pursuant to Government Code Section 54956.8
Property: 300 East Green Street, Pasadena
Negotiators: Cynthia Kurtz, Richard Bruckner; Pasadena Ice
Skating Center, Inc.

The above closed session items were discussed, with no action
reported.

On order of the Mayor, the regular meeting reconvened at
6:30 p.m. The Pledge of Allegiance was led by Vice Mayor Little.

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 Streator
Councilmember Sidney F. Tyler, Jr.

Staff:

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

CEREMONIAL MATTERS

Mayor Bogaard announced that tonight's meeting would adjourn in memory of Roy Begley.

The City Clerk administered the oath of office to David Jason Hauser as Human Relations Commissioner.

Mayor Bogaard presented a commendation in recognition of Villa Esperanza's 40th Anniversary. The commendation was accepted by Ms. R-lene Mijares DeLang, Ms. Katie Nack, and Ms. Dottie Nelson.

Mayor Bogaard gave recognition to the Boys Flag Football Team, winner of the Southern California Municipal Athletic Federation Tournament. Recognition was also given to participants in the Junior Olympics.

**PUBLIC COMMENT ON
MATTERS NOT ON THE
AGENDA**

Mr. Raymond Dashner, Pasadena resident, spoke in commemoration of Mr. Roy Begley. Mr. Dashner highlighted the accomplishments of Mr. Begley to the community, and distributed a CD of various compositions of Mr. Begley.

Ms. Julia Begley and Mr. Dermot Begley spoke in commemoration of their father and announced a memorial fund is being established to spearhead a design competition for a bench in the Lower Arroyo in memory of their father.

The Mayor and members of the Council acknowledged the volunteer work of Mr. Begley and Mr. Dashner. It was noted many areas in the Arroyo are now accessible due to the volunteer efforts of Mr. Begley and Mr. Dashner. It was suggested that the memorial be placed in a suitable location in an accessible area in the Arroyo.

Mr. Darryl Henriques, South Pasadena resident, spoke regarding the Rose Bowl Aquatics Center's record of compliance with its agreement with the City.

Mr. Robert Wittry, Pasadena resident, spoke on the topic of property setbacks and stressed the need to review setback requirements to make sure they do not impact City trees.

Mayor Bogaard announced public comment for items not on the agenda would be continued to the end of the Council meeting.

OLD BUSINESS

**CLOSURE OF ST. LUKE MEDICAL CENTER: ISSUES, IMPACTS
AND RESPONSES**

At the request of Councilmember Haderlein, Chair of the Public Safety Committee, this item was held for the meeting of March 4, 2002, to allow additional information to be gathered and reviewed by the Public Safety Committee.

COUNCIL COMMENTS

Councilmember Tyler referenced an article in the February issue of Sunset Magazine and noted that Pasadena and the Bungalow Heaven area was listed as the West's best place to live.

Councilmember Madison provided a brief update regarding the matter concerning two oak trees on Hurlbut Street, which was discussed at the last Council meeting two weeks ago. He reported one tree was trimmed, \$20,000 of mitigation funds was received for fresh planting of trees, and the larger second oak tree was trimmed instead of removed. He noted three arborists have reviewed the larger tree and expect that it will survive the trimming. He stressed the importance in getting the pending Tree Protection Ordinance before the Council for adoption as quickly as possible, and to make sure the ordinance addresses both public and private trees and that systems are in place to make sure that this type of situation is not overlooked in the future.

The City Manager added that the oak tree that was expected to be removed received a heavy trim and it is expected the tree will survive the trimming and staff will continue to monitor the tree. She indicated that the Tree Protection Ordinance is scheduled to be reviewed by Council in 30 days, and noted the Urban Forestry Advisory Committee is currently working on the ordinance. The City Manager stated that she will provide information to Council on what staff is doing now as far as the administrative process in reviewing trees in conjunction with development projects, and noted the ordinance will add to this process.

INFORMATION ITEM

PRESENTATION BY LARY KAPLAN, TRUST FOR PUBLIC LANDS

Mr. Kaplan distributed an informational packet regarding the Trust for Public Land, summarized the work of the organization, and responded to questions from Council.

The City Manager reminded the Council that approval was given to move forward with an inventory of land citywide that might be used as a pocket park or as open space, and noted she would be pleased to work with Mr. Kaplan in identifying the best opportunities for pocket parks or open space.

Councilmember Gordo noted that Washington Park is going through the master plan process, expressed the hope that the park can be expanded, and welcomed representatives from the Trust for Public Land to attend these planning meetings.

Mr. Kaplan responded that he or a representative would be happy to attend the planning meetings.

The Mayor and Councilmembers thanked Mr. Kaplan for his presentation.

CONSENT CALENDAR

APPROVAL OF FINAL TRACT MAP NO. 50959, BEING A 10-UNIT CONDOMINIUM PROJECT AT 247-49 OHIO STREET

Recommendation of City Manager: Adopt a resolution approving the final Tract Map No. 50959 and authorize the City Clerk to execute the Certificate on the map showing the City's approval of said map. (Resolution No. 8085)

AUTHORIZATION OF THE SUBMITTAL OF A GRANT APPLICATION FOR THE 2002-2003 USED OIL RECYCLING BLOCK GRANT IN THE AMOUNT OF \$62,452 FROM THE CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Recommendation of City Manager:

(a) Adopt a resolution approving the application for a grant from the California Integrated Waste Management Board for Used Oil Recycling funds.

(b) Authorize the City Manager or designee to enter into an agreement with the California Integrated Waste Management Board to promote used oil recycling projects in the City of Pasadena. (Resolution No. 8086; Agreement No. 17,891)

TAX SHARING RESOLUTION IN CONNECTION WITH ANNEXATION NO. 26 TO COUNTY SANITATION DISTRICT NO. 16 OF LOS ANGELES COUNTY: ASSESSOR'S PARCEL NO. 5860-026-016, 5860-026-007, AND 5860-026-018

Recommendation of City Manager: Adopt a resolution authorizing the City Manager to execute on behalf of the City a resolution agreeing to a negotiated exchange of incremental tax increase due to the inclusion of Assessor's Parcel Nos. 5860-026-016 (1190 and 1200 Hartwood Point Drive), 5860-026-007 (1262 Hartwood Point Drive), and 5860-026-018 in Annexation No. 26 to County Sanitation District No. 16 of Los Angeles County. (Resolution No. 8087)

ADOPTION OF RESOLUTIONS FOR APPLICATION FOR THE RIPARIAN AND RIVERINE HABITANT GRANT PROGRAM AND THE URBAN PARK AND RECREATION RECOVERY PROGRAM

Recommendation of City Manager:

(a) Adopt a resolution approving the City of Pasadena's Riparian and Riverine Habitant Grant Program for \$365,000 for the implementation of a portion of the perimeter trail at Hahamongna; and

(b) Adopt a resolution approving the Urban and Recreation Recovery Program for \$1,000,000 for the replacement of recreational facilities at Robinson Park. (Resolution Nos. 8088 & 8089)

APPROVAL OF MINUTES

November 15, 2001 (Special)

CLAIMS RECEIVED AND FILED

Claim No. 8944	Harry Brener	\$ Unknown
Claim No. 8945	Juanita Alvarez	150,000.00+
Claim No. 8946	Billy Loc Pham	25,000.00
Claim No. 8947	Elena Cubas	1,334.43
Claim No. 8948	Anneli Gerd Hitchcock	Unknown
Claim No. 8949	Carlos A. Rojas	50,000.00
Claim No. 8950	Makoto Ono	2,043.17
Claim No. 8951	Paul M. Beach	5,000.00
Claim No. 8952	Ardelia M. Wright	Unknown
Claim No. 8953	SWRD, Inc dba Solid Waste Recycling & Disposal	8,507.83
Claim No. 8954	Mary C. Kaplan	Unknown
Claim No. 8955	Arnica Noelle Wilson	Unknown

It was moved by Vice Mayor Little, seconded by Councilmember Gordo, to approve the Consent Calendar. (Motion unanimously carried) (Absent: Councilmember Holden)

REPORTS AND COMMENTS FROM COUNCIL COMMITTEES

ECONOMIC DEVELOPMENT AND TECHNOLOGY COMMITTEE

AUTHORIZATION TO PURCHASE CERTAIN NON-CONTIGUOUS ABANDONED RAILROAD RIGHT-OF-WAY ALONG THE NORTH SIDE OF WALNUT STREET FROM FOOTHILL BOULEVARD TO SUNNYSLOPE AVENUE AND SALE THEREOF TO THE ADJACENT LAND OWNERS

Recommendation of City Manager:

(a) Find and determine that the certain abandoned railroad right-of-way along the north side of Walnut Street between the Foothill Boulevard and Sunnyslope Avenue falls under Class 12 of categorically exempt projects and thus, exempt from the requirements of the California Environmental Quality Act ("CEQA"), and direct the City Clerk to file a Notice of Exemption with the Los Angeles County Recorder;

(b) Declare that this certain abandoned railroad right-of-way segment is exempt from the competitive sale requirements of Chapter 4.02 of the Pasadena Municipal Code; and

(c) Authorize the City Manager or her designee to negotiate with the Los Angeles to Pasadena Blue Line Construction Authority and the land owners adjacent to and south of the abandoned railroad right-of-way segment, and to enter into and execute on behalf of the City of Pasadena the contracts, deeds and/or other documents required to acquire and convey the City's interests therein.

Councilmember Madison, Chair of the Economic Development and Technology Committee, introduced the item.

The City Manager summarized the agenda report.

City Attorney Michele Bagneris clarified that this sale is exempt from the competitive sale requirements of Chapter 4.02 of the Pasadena

Municipal Code because the property does not meet the definition of surplus property as defined in Section 4.02.010 of said Code. She stated the definition of surplus property applies to property which is not needed for the purpose for which it was acquired, and noted this property is being sold for the same purpose for which it was acquired and thus it does not meet the definition of surplus property.

Mr. Richard Bruckner, Director of Planning and Development, responded to questions from Council.

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

FINANCE COMMITTEE

QUARTERLY INVESTMENT REPORT - QUARTER ENDING 12/31/01

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

Vice Mayor Little, Chair of the Finance Committee, introduced the item, noted the City is being very careful in its investments, and commended staff for a good job.

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

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

RECOMMENDATIONS FROM OFFICERS AND DEPARTMENTS

APPOINTMENT OF DENNIS HARRIS TO THE NORTHWEST COMMISSION

APPOINTMENT OF MARIA ISENBERG TO THE NORTHWEST COMMISSION

It was moved by Councilmember Madison, seconded by Councilmember Gordo, to approve the above appointments. (Motion unanimously carried) (Absent: Councilmember Holden)

RECOMMENDATION FOR ESTABLISHING ORDINANCES AND OTHER REMEDIES TO ADDRESS NUISANCES CAUSED BY ABANDONED SHOPPING CARTS ON PUBLIC RIGHTS OF WAYS

Recommendation of City Manager:

(a) Direct the City Attorney to draft an ordinance that will require all businesses that utilize shopping carts to:

(1) provide a detailed "Abandoned Cart Prevention Plan" to prevent the unauthorized removal of any cart from the owner's premises and, if removed, to retrieve the cart within 24 hours of the

removal; and

(2) contract with a shopping cart retrieval service that displays a Pasadena business license or pay an additional fee to the City of Pasadena when they apply for a new, or renew, a business license.

(b) Direct staff to prepare an amendment to the Schedule of Taxes, Fees and Charges to include an additional business license fee for markets that utilize shopping carts as part of their daily business operations but do not contract with a cart retrieval service.

(c) Direct the City Attorney to amend the Municipal Code to allow code enforcement to issue citations for a business' unauthorized use or possession of another business' shopping cart.

Assistant City Manager Enrique Martinez summarized the agenda report and responded to questions from Council.

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

It was requested that staff continue to outreach to stores and businesses to get them involved with resolving this problem and to inform them of the pending ordinance.

AUTHORIZE APPLICATION TO THE STATE OF CALIFORNIA HERITAGE GRANTS PROGRAM FOR A \$1,000,000 MATCHING GRANT FOR HISTORIC PRESERVATION OF THE EXTERIOR OF CITY HALL

Recommendation of City Manager:

(1) Adopt a resolution approving the filing of an application to the California Heritage Fund Grants Program under the Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Bond Act of 2000 in the amount of \$1,000,000 for exterior preservation of City Hall.

(2) Authorize the City Manager or designee to execute and submit all documents that may be necessary for application to and funding by the California Heritage Fund Grants Program under the Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Bond Act of 2000. (Resolution No. 8090)

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

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

Councilmember Haderlein
was excused at 8:00 p.m.

RECESS

On order of the Mayor, the regular meeting of the City Council recessed at 8:01 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 8:03 p.m. (Absent: Councilmember Holden)

WORKSHOP TO DESCRIBE THE WORLDWIDE CHURCH OF GOD AMBASSADOR CAMPUS PROJECT AS PROPOSED BY LEGACY PARTNERS

Due to the large audience attendance for this item, the above informational matter was held one week with a larger venue to be arranged to accommodate the public interest in this item.

Staff was asked to send notification to interested parties and persons who had turned in speaker cards for this evening.

ORDINANCES ADOPTED

Councilmember Madison was excused at 8:18 p.m.

Adopt "AN UNCODIFIED ORDINANCE OF THE CITY OF PASADENA SUSPENDING SECTIONS 9.36.220 AND 9.36.230 OF THE PASADENA MUNICIPAL CODE RELATING TO LIMITATIONS ON HOURS OF OPERATION OF AMPLIFIED SOUND AND NOISE SOURCES FOR SPECIFIED HOURS AT THE ROSE BOWL ON JUNE 14 AND 15, 2002" (WANGO TANGO CONCERT) (Introduced by Vice Mayor Little) (Ordinance No. 6887)

The above ordinance was adopted by the following vote:

AYES: Councilmembers Gordon, Haderlein, Streator, Tyler,
Vice Mayor Little, Mayor Bogaard

NOES: None

ABSENT: Councilmembers Holden, Madison

Adopt "AN ORDINANCE OF THE CITY OF PASADENA SUSPENDING SECTIONS 9.36.220 AND 9.36.230 OF THE PASADENA MUNICIPAL CODE RELATING TO LIMITATIONS ON HOURS OF OPERATION OF AMPLIFIED SOUND AND NOISE SOURCES FOR A PERMITTED EVENT AT VICTORY PARK FOR SPECIFIED HOURS ON SUNDAY, MARCH 31, 2002" (EASTER SUNRISE SERVICE) (Introduced by Councilmember Haderlein) (Ordinance No. 6888)

The above ordinance was adopted by the following vote:

AYES: Councilmembers Gordon, Haderlein, Streator, Tyler,
Vice Mayor Little, Mayor Bogaard

NOES: None

ABSENT: Councilmembers Holden, Madison

PUBLIC COMMENT ON MATTERS NOT ON THE AGENDA (Continued)

Councilmember Madison returned at 8:21 p.m.

Mr. Alan Bair, Pasadena resident, referred to the incident of the mature oak tree on Hurlbut Street that was heavily trimmed due to a development project, raised several questions regarding the City's current tree policy and what steps are being taken to ensure this type of situation does not happen again, and stressed the importance of adopting the pending Tree Protection Ordinance as soon as possible.

The Mayor requested the City Manager take Mr. Bair's questions under advisement and inform the Council of her response.

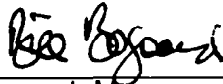
The City Manager stated she will provide a response to Council within one week, and will also provide Mr. Bair with a copy of her response to the questions raised.

Mr. James Smith, production director of "A Raisin in the Sun" starring Eliot Middle School students, promoted the play to be held on March 9, 2002, 7:00 p.m., at Eliot Middle School Auditorium. He distributed a flier of the event and encouraged the Council and community to attend.

Mr. Richard Davis, resident, suggested that rubber dampers be installed on the Council Chamber doors.

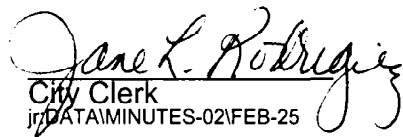
ADJOURNMENT

On order of the Mayor, the regular meeting of the City Council adjourned at 8:33 p.m. in memory of Mr. Roy Begley.



Bill Bogaard, Mayor
City of Pasadena

ATTEST:



Jane L. Rodriguez
City Clerk
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