

CITY OF PASADENA
City Council Minutes
March 25, 2002 - 5:30 P.M.
City Hall Council Chamber

REGULAR MEETING

OPENING:

Vice Mayor Little called the regular meeting to order at 5:30 p.m.
(Absent: Mayor Bogaard)

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

CITY COUNCIL CONFERENCE WITH LABOR NEGOTIATOR
pursuant to Government Code Section 54957.6
Agency Negotiators: Karyn Ezell, Steve Lem
Employees Organizations: Pasadena Police Officers Association and Pasadena Police Sergeants Association

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
Under Negotiation: Price and terms

The above closed sessions were discussed, with no reportable action.

On order of the Vice Mayor, the regular meeting reconvened at 6:50 p.m. The Pledge of Allegiance was led by Councilmember Gordo.

ROLL CALL:

Councilmembers:

Mayor Bill Bogaard (Absent)
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

CEREMONIAL MATTERS

The City Clerk administered the oath of office to Ms. Dorothy R. Lindsey as Code Enforcement Commissioner.

Vice Mayor Little acknowledged this is Prentice Deadrick's last Council meeting as Assistant City Manager before going into the private sector, and expressed thanks and appreciation to Mr. Deadrick for his service to the City and the community.

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

Mr. Robert Wittry, Pasadena resident, distributed a handout and spoke concerning accessible documents for the disabled. He requested the City newsletter In Focus be translated in Braille and be provided on audio tape.

The City Manager noted funds were allocated for a Braille embosser in the Human Resources Department. The City Manager indicated she would verify whether or not the equipment was purchased and, if so, how it was being used, and would inform the Council and Mr. Wittry.

OLD BUSINESS

**APPOINTMENT OF ROBERTA MARTINEZ TO THE PASADENA
COMMUNITY ACCESS CORPORATION BOARD (District 4
Nomination)**

Councilmember Haderlein noted two issues were raised on this item: (1) potential conflict of interest and (2) service on two advisory bodies. Councilmember Haderlein noted he was comfortable with the appointment because (1) Ms. Martinez would recuse herself from any decisions where there may be a conflict of interest, and (2) Ms. Martinez is highly qualified and talented to fill a position that has been vacant for a period of time.

Vice Mayor Little noted that at Council's prior meeting, it was determined that there was no conflict of interest. He questioned how long Ms. Martinez would be expected to serve.

Councilmember Haderlein noted Ms. Martinez would serve the remainder of the term, which expires June 2002, at which time there would be consideration of whether Ms. Martinez wished to continue serving in this capacity, and there would be no obligation for Ms. Martinez to step off the Commission.

Councilmember Streater expressed concern that Council should not set a precedent of appointing people to serve on more than one body at the same time, with the exception of a few commissions such as Planning Commission and Design Commission which may require service on another body. She noted her only concern with this appointment was the policy issue and setting a precedent, and not Ms. Martinez's qualifications. Councilmember Streater stressed the need for Council to address the policy issue.

Councilmember Gordo noted there currently is no formal policy for serving on more than one body, noted this appointment is for a short period, and suggested Council determine a policy prior to expiration of this term.

Councilmember Tyler noted the important issue to him is that people are willing to step forward and serve that are competent and well qualified and that have the time to serve and do a good job. He noted Ms. Martinez is well qualified and voiced support for the appointment.

Councilmember Holden concurred with the need to have a policy discussion and suggested this discussion occur before the appointment expires. He noted valid concerns have been raised, but absent a formal policy, this appointment should move forward.

Following discussion, it was moved by Councilmember Haderlein, seconded by Councilmember Gordo, to approve the above appointment. (Motion carried, with Councilmember Streater objecting) (Absent: Mayor Bogaard)

It was requested that staff agendize a policy discussion concerning serving on Commissions, Committees, and Boards within six to eight weeks.

CONSENT CALENDAR

Item discussed separately at the request of Councilmember Tyler.

Councilmember Haderlein was excused at 7:16 p.m.

LICENSE AGREEMENT BETWEEN THE CITY OF PASADENA AND SNK PEABODY PASADENA LLC, FOR THE INSTALLATION OF DECORATIVE BRICK PAVERS AND A MODIFIED DRIVE APPROACH IN THE PUBLIC RIGHT-OF-WAY AT 325 CORDOVA STREET

ARMORY CENTER FOR THE ARTS LEASE AMENDMENT FOR CITY OWNED PROPERTY AT 965 NORTH FAIR OAKS AVENUE
Recommendation of City Manager:

(1) Approve the terms and provisions of the proposed lease amendment between the Armory Center for the Arts (ACA) and the City of Pasadena that will extend the term 18 months from the date of Council authorization for the property at 965 North Fair Oaks Avenue. The amendment will contain a clause that will allow the City or Armory to terminate the lease by giving 90-days notice.

(2) Authorize the City Manager to execute the lease amendment and all other documents pertaining thereto and to perform such other and further acts, as required under the lease amendment. (Lease Amendment No. 17,543-1)

Recommendation of Fair Oaks Project Area Committee: The Fair Oaks Project Area Committee at its meeting on March 6, 2002, recommended the proposed lease amendment for the Armory Center for the Arts at 965 North Fair Oaks Avenue be for one year.

Recommendation of Northwest Commission: On March 12, 2002, the Northwest Commission recommended the proposed 18-month lease extension with 90-days termination clause for the Armory for the Arts at 965 North Fair Oaks Avenue.

Mr. Robert Wittry, Pasadena resident, spoke in support of the Armory Center.

CLAIMS RECEIVED AND FILED

Claim No. 8973
Claim No. 8974

Robert A. Foster
Sempra Energy

\$3,440.00
194.76

PUBLIC HEARING SET

April 29, 2002, 8:00 p.m. - Revised Sign Ordinance

It was moved by Councilmember Tyler, seconded by Councilmember Gordo, to approve Consent Calendar, with the exception of Item 1 (License Agreement with SNK Peabody Pasadena) which was discussed separately. (Motion unanimously carried) (Absent: Councilmember Haderlein, Mayor Bogaard)

CONSENT ITEM DISCUSSED SEPARATELY

Councilmember Holden was excused at 7:17 p.m.

LICENSE AGREEMENT BETWEEN THE CITY OF PASADENA AND SNK PEABODY PASADENA LLC, FOR THE INSTALLATION OF DECORATIVE BRICK PAVERS AND A MODIFIED DRIVE APPROACH IN THE PUBLIC RIGHT-OF-WAY AT 325 CORDOVA STREET

Recommendation of City Manager: Adopt a resolution approving a License Agreement with SNK Peabody Pasadena LLC, located at 325 Cordova Street, with the terms and conditions as set forth in the background section of the agenda report, and authorize the City Manager to execute and the City Clerk to attest said License Agreement on behalf of the City of Pasadena.

Staff responded to questions from Council regarding the construction error, concerns pertaining to liability due to the error, and recordation to ensure the City does not assume liability for the error in the future.

Councilmember Streator requested that the item be carried for one week to allow the City Manager to revise the language in the resolution.

Vice Mayor Little expressed concern with the possible flooding of the garage. He requested staff verify where the breakdown occurred in the process that allowed construction that was not according to the approved plans.

The City Manager indicated that she would review the information as to why the error occurred, work with the City Attorney's Office to ensure the resolution addresses liability to the property owner rather than the City, find out the cost of correcting the construction error, and bring the item back to the Council in a week.

REPORTS AND COMMENTS FROM COUNCIL COMMITTEES

FINANCE COMMITTEE

Councilmember Holden returned at 7:23 p.m.

RECOMMENDATION TO DEVELOP A PILOT, TEMPORARY SKATEPARK PROJECT ON TENNIS COURT AT LA PINTORESCA PARK

Recommendation of City Manager:

- (1) Approve the development of a temporary, pilot skatepark facility on the existing tennis court at La Pintaresca Park, located at 45 East Washington Boulevard, Pasadena; and
- (2) Appropriate \$32,900 from the General Fund unappropriated fund balance to La Pintaresca Park Account No. 8114-101-643320

for this project, to include site modifications (removal of posts, fencing), design, purchase and installation of skatepark equipment, and site supervision during operating hours for a pilot period not to exceed four months. (Journal Voucher No. 2002-59)

Recommendation of Recreation and Parks Commission: At their meeting of February 2, 2002, the Recreation and Parks Commission unanimously recommended approval of this action.

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

Ms. Patsy Lane, Director of Human Services, Recreation and Neighborhoods, summarized the operations of the proposed skatepark and responded to questions.

Councilmember Haderlein returned at 7:28 p.m.

Councilmember Streator noted that approximately one year ago at the La Pintaresca Family Fun Day, a group of young persons approached her with a petition and a request for a skatepark. She indicated that the librarians of La Pintaresca Library had asked the youths to research the information as an educational lesson in how such requests were handled through local government. She commended the youth who advocated for this project and expressed appreciation to staff for their work.

In response to a question, Ms. Lane noted the skatepark would be evaluated in four months to see how it operates from the school year into the summer. She noted staff would return with a long-term recommendation as to the best way to address the skatepark interest.

Mr. Robert Wittry, Pasadena resident, spoke in support of the project.

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

FISCAL YEAR 2002 OPERATING BUDGET AMENDMENTS

Recommendation of City Manager: Approve a journal voucher implementing certain amendments to the Fiscal Year 2002 Operating Budget for Pasadena Water and Power as detailed in the agenda report. (Journal Voucher No. 2002-60)

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

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

Following discussion, it was moved by Councilmember Tyler, seconded by Councilmember Streator, to approve the City

**RECOMMENDATIONS
FROM OFFICERS AND
DEPARTMENTS**

Manager's recommendation. (Motion unanimously carried) (Absent: Mayor Bogaard)

RESIGNATION OF AIDA MORALES FROM THE COMMISSION ON THE STATUS OF WOMEN (District 2 Nomination)

APPOINTMENT OF AIDA MORALES TO THE NORTHWEST COMMISSION (District 2 Nomination)

It was moved by Councilmember Streater, seconded by Councilmember Tyler, to accept the above resignation with regret and approve the above appointment. (Motion unanimously carried) (Absent: Mayor Bogaard)

AUTHORIZATION TO NEGOTIATE A CONTRACT FOR CONSULTANT SERVICES FOR A HOUSING AFFORDABILITY FORUM AND AFFORDABLE HOUSING IMPLEMENTATION TASK FORCE

Recommendation of City Manager:

- (1) Authorize the City Manager to negotiate a contract with the Enterprise Foundation in an amount not to exceed \$90,000, to provide consultant services for a forum on housing affordability and to provide support to an Affordable Housing Implementation Task Force. Competitive bidding is not required pursuant to City Charter Section 1002(F), contracts for professional or unique services;
- (2) Grant the proposed contract an exemption from the competitive selection process of the Affirmative Action in Contracting Ordinance pursuant to Pasadena Municipal Code Section 4.09.060, contracts for which the contractor is the sole source;
- (3) Approve appropriation of \$90,000 from the Housing Trust Fund, Fund Balance, Account No. 8115-810-684120-51011, Consultant Services;
- (4) Designate a list of stakeholder organizations to be represented in the Affordable Housing Implementation Task Force. (Contract No. 17,910; Journal Voucher No. 2002-61)

The City Manager summarized the agenda report.

Mr. Robert Wittry, Pasadena resident, spoke in support and suggested neighborhood associations and housing advocates be included as stakeholders.

Ms. Michelle White, Affordable Housing Services, stated Enterprise Foundation is a good selection as a consultant, but noted there may be other groups such as Southern California Association of Nonprofit Housing that could provide these consultant services. She also suggested that neighborhood groups, low-income renters and disability groups be included as stakeholders.

Regarding the suggestion to include other groups as stakeholders, it was noted that Task Force stakeholders are not limited to organizations listed in the staff report.

Mr. Richard Bruckner, Director of Planning & Development, provided background information on the proposed consultant's experience in facilitating this type of a forum, and noted the consultant has a strong relationship with Housing and Urban Development (HUD).

It was noted the process for Council to appoint Task Force members should be similar to the process used for selecting Charter Reform Task Force members. It was suggested the stakeholder organizations listed in the report, as well as individuals representing neighborhood groups and activist organizations, be allowed an opportunity to apply to serve on the Task Force.

The City Manager noted that applications could be utilized, and the housing forum could be used to initiate the application process.

Mr. Bruckner noted that the forum could be used to outline the issues to be addressed, identify the stakeholders, and encourage people to apply to serve on the Task Force.

It was noted that Council would be reviewing the applications, but it was requested that staff first review the applications, categorize them to facilitate Council's review and to help achieve balance in representation of the various groups, and that an effort be made to achieve geographic balance as well.

Councilmember Holden suggested that the housing forum not give the impression that everything is going to be set in concrete at that point, and noted that issue identification would continue once the Task Force is in place. He stressed the importance of the Task Force interfacing with the community, hearing ideas and suggestions from the community, and with staff support and guidance, the Task Force would bring recommendations to Council.

In response to questions regarding the intended work product of the Task Force, the City Manager responded that the goal is to have the Task Force bring specific recommendations to the Council, and that the recommendations would be in a priority order in the event there is not funding to do all the recommendations.

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

REQUIRED FINDINGS AND CONDITIONS OF APPROVAL FOR TOMMY'S ORIGINAL HAMBURGER AT 162-180 NORTH HILL AVENUE (CONDITIONAL USE PERMIT NO. 3890)

Recommendation of City Manager:

- (1) Acknowledge that this action is categorically exempt from California Environmental Quality Act (CEQA);
- (2) Consistent with the City Council action on March 11, 2002, adopt the required findings and conditions of approval to approve Conditional Use Permit No. 3890 to allow a Tommy's Original Hamburger at 162-180 North Hill Avenue.

The City Manager presented the Findings and Conditions of Approval for Tommy's Original Hamburger.

The following were suggested as modifications to the Conditions of Approval:

Mr. Richard Bruckner, Director of Housing and Development, noted a modification to Condition No. 2 to read: "There shall be an 8-foot high wall along the east property line and the top portion may not be a solid portion as prescribed by storm drain restrictions."

The City Attorney suggested modification to Condition No. 14 to read: "The Zoning Administrator can will review the approved conditions 12 months after this approval and thereafter at any time. These conditions may be modified or new conditions added following a duly noticed public hearing as allowed by the Zoning Ordinance." The City Attorney noted this modification is to address concerns that may arise from adjacent neighbors.

Councilmember Gordo requested modification to Condition No. 17 to read: "There shall be no pick-ups by trash trucks or other trucks or deliveries prior to 8:00 a.m. Monday through Friday and 10:00 a.m. Saturday and Sunday and no deliveries after 6:00 p.m. on any day."

Vice Mayor Little requested modification to Condition No. 18 to read: "Mature landscaping shall be planted along the entire length of the east property line. The type and size of landscaping shall be included in the final landscape plan to screen the property from the adjacent residential use."

Mr. Mitch Halper, Board of Realtors, spoke in opposition to the proposed project.

Mr. Robert Wittry, Pasadena resident, spoke in support of the proposed project.

Mr. Brent Maire, Tommy's Original Hamburger, spoke in support of the proposed project. He requested Council reconsider Condition No. 16 and discussed problems associated with the condition. He further recommended, in place of the condition, the developer be allowed to install a speaker box and construct an insulated sound wall and trellis that would enclose the order taking area.

Discussion ensued regarding noise associated with a speaker box, and support was not expressed for granting Mr. Maire's request.

Following discussion, it was moved by Councilmember Gordo, seconded by Councilmember Tyler, to approve the City Manager's recommendation with the above modifications to Conditions No. 2, 14, 17, and 18. (Motion unanimously carried) (Absent: Mayor Bogaard)

CLOSED SESSION

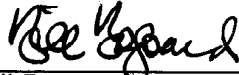
On order of the Vice Mayor, the regular meeting of the City Council recessed at 8:22 p.m. to discuss the following closed session item:

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

The above closed session item was discussed, with no reportable action.

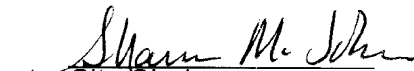
ADJOURNMENT

On order of the Vice Mayor, the regular meeting of the City Council adjourned at 9:25 p.m.



Bill Bogaard
Mayor

ATTEST:



City Clerk
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