

CITY OF PASADENA  
City Council Minutes  
April 15, 2002 - 5:30 P.M.  
City Hall Council Chamber

REGULAR MEETING

**OPENING:**

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

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

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

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

**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.

On order of the Mayor, the regular meeting reconvened at 6:51 p.m.  
The Pledge of Allegiance was led by Councilmember Haderlein.

**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 ON  
MATTERS NOT ON THE  
AGENDA**

Robert Wittry, Pasadena resident, spoke concerning bicycle routes  
and pedestrian mobility.

## CONSENT CALENDAR

### **AUTHORIZATION TO ENTER INTO A CONTRACT WITH FHI PLANT SERVICES, INC. FOR UNIT B3 BOILER NONDESTRUCTIVE EXAMINATIONS**

**Recommendation of City Manager:** Authorize the City Manager to enter into a contract with FHI Plant Services, Inc. for providing services for Unit B3 Boiler nondestructive examinations at the Broadway Power Plant for an amount not to exceed \$170,000. The proposed contract is exempt from competitive bidding pursuant to the City Charter Section 1002 (F), contracts for professional or unique services. (Contract No. 17,922)

### **AUTHORIZATION TO ISSUE A PURCHASE ORDER CONTRACT TO ACRO AEROSPACE, INC. FOR OVERHAUL AND REPAIR OF A HELICOPTER TURBINE ENGINE IN THE AMOUNT OF \$90,000**

**Recommendation of City Manager:** It is recommended that the City Council authorize the issuance of a purchase order to Acro Aerospace, Inc. in the amount of \$90,000 for the overhaul and repair of a helicopter turbine engine. The proposed purchase order is exempt from competitive bidding pursuant to City Charter Section 1002(H), contracts with other governmental entities or their contractors for labor, material, supplies or services.

It is further recommended that the proposed purchase order be granted an exemption from the competitive selection process of the Affirmative Action in Contracting Ordinance pursuant to Pasadena Municipal Code Section 4.09.060(C), contracts for which the City's best interests are served.

Mr. Robert Wittry expressed his support for the purchase order contract for the helicopters but raised concerns regarding the noise.

In response, Councilmember Haderlein indicated that the Public Safety Committee reviewed the noise issue surrounding the helicopters in detail but noted the challenges of controlling the noise of the airspace from other helicopters that fly over the City.

## **APPROVAL OF MINUTES**

February 25, 2002

## **CLAIMS RECEIVED AND FILED**

Claim No. 8990	Gorana Zubac	\$10,000.00
Claim No. 8991	Lucy Blasi	560.00
Claim No. 8992	Charles Fortune	220.00

## **PUBLIC HEARING SET**

May 6, 2002, 8:00 p.m. - Fiscal Year 2003 Recommended Operating Budget

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

**REPORTS AND  
COMMENTS FROM  
COUNCIL COMMITTEES**

**PUBLIC SAFETY  
COMMITTEE**

**DESTRUCTION OF POLICE DEPARTMENT INTERNAL AFFAIRS  
RECORDS**

**Recommendation of City Manager:** Adopt a resolution authorizing the Chief of Police to destroy internal affairs files regarding investigations concluded in 1996 or earlier. (Resolution No. 8097)

Councilmember Haderlein, Chair of the Public Safety Committee, summarized the agenda review.

Police Chief Bernard Melekian responded to questions.

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

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

**AUTHORIZATION TO SUBMIT AN APPLICATION TO THE  
DEPARTMENT OF HEALTH AND HUMAN SERVICES, HEALTH  
RESOURCES SERVICES ADMINISTRATION, FOR A  
COMMUNITY ACCESS PROGRAM GRANT IN THE AMOUNT OF  
\$1,000,000**

**Recommendation of City Manager:**

(1) Adopt a resolution authorizing submittal of a Community Access Program grant application to the Health Resources and Services Administration; and

(2) Authorize the City Manager to execute a grant agreement, amendments, and any other documents necessary to secure and implement such grant. (Resolution No. 8098)

Councilmember Haderlein summarized the agenda report.

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

Ms. Wilma Allen, Director of Health and Safety, provided an overview of the contributions and impacts the grant would have on the health services, and she highlighted measures the grant would accomplish.

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

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

**RECESS**

On order of the Mayor, the regular meeting of the City Council recessed at 7:17 p.m. to the Community Development Commission.

**RECONVENED**

On order of the Mayor, the regular meeting of the City Council reconvened at 7:32 p.m. (Absent: Councilmember Streater)

**RECOMMENDATIONS  
FROM OFFICERS AND  
DEPARTMENTS**

**RESIGNATION OF BRIAN K. WILLIAMS FROM THE COMMUNITY  
DEVELOPMENT COMMITTEE (District 1 Nomination)**

**RESIGNATION OF MICHAEL R. BROWN FROM THE  
COMMUNITY DEVELOPMENT COMMITTEE (District 3  
Nomination)**

**APPOINTMENT OF SCOTT WARD TO THE OLD PASADENA  
PARKING METER ZONE ADVISORY COMMISSION (At  
Large/District 3 Nomination)**

It was moved by Vice Mayor Little, seconded by Councilmember Gordo, to accept the above resignations with regret and approve the above appointment. (Motion unanimously carried) (Absent: Councilmember Streator)

**ORDINANCE - FIRST  
READING**

**Conduct first reading of "AN ORDINANCE OF THE CITY OF  
PASADENA ADDING A NEW CHAPTER 8.14 TO THE  
PASADENA MUNICIPAL CODE TO PROHIBIT FOOD SERVICE  
ESTABLISHMENT DISPOSAL OF FATS, OILS AND GREASE IN  
THE CITY'S SEWER SYSTEM"**

The above ordinance was offered by Vice Mayor Little.

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

NOES: None

ABSENT: Councilmember Streator

**ORDINANCES - ADOPTED**

**Adopt "AN UNCODIFIED ORDINANCE OF THE CITY OF  
PASADENA, APPROVING MAGNOLIA POWER PROJECT  
POWER SALES AGREEMENT" (Introduced by Councilmember  
Tyler) (Ordinance No. 6892)**

The above ordinance was adopted by the following vote:

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

NOES: None

ABSENT: Councilmember Streator

**Adopt "AN ORDINANCE OF THE CITY OF PASADENA ADDING  
A NEW CHAPTER 9.62 TO THE PASADENA MUNICIPAL CODE  
CONCERNING THE PREVENTION AND ABATEMENT OF  
ABANDONED SHOPPING CARTS" (Introduced by Councilmember  
Holden) (Ordinance No. 6891)**

The above ordinance was adopted by the following vote:  
AYES: Councilmembers Gordo, Haderlein, Holden, Madison,  
Tyler, Vice Mayor Little, Mayor Bogaard  
NOES: None  
ABSENT: Councilmember Streator

### **COUNCIL COMMENTS**

The Mayor provided a brief update on the recently held Rachmaninoff Piano concert. He indicated that the concert had been viewed as a success throughout the community and interest had been expressed from various parties for the concert to become a practice in the City of Pasadena.

Councilmember Madison was excused at 7:35 p.m.

Councilmember Holden suggested having additional advertising and outreach, should another concert event be scheduled.

Councilmember Madison returned at 7:41 pm.

Councilmember Madison acknowledged other events over the past weekend in the City: Mayor Bogaard and Ms. Claire Bogaard were honored by El Centro at its annual dinner, the opening of Jennifer Lopez' restaurant (Madre's), and a performance by the Beach Boys.

### **RECESS**

On order of the Mayor, the regular meeting of the City Council recessed at 7:44 p.m.

### **RECONVENED**

On order of the Mayor, the regular meeting of the City Council reconvened at 8:00 p.m. (Absent: Councilmembers Streator, Holden)

### **PUBLIC HEARINGS**

#### **PUBLIC HEARING: FY 2003 - 2008 RECOMMENDED CAPITAL IMPROVEMENT PROGRAM BUDGET**

##### **Recommendation of City Manager:**

- (1) Open the public hearing on the City Manager's Recommended FY 2003 - 2008 Capital Improvement Program Budget; and
- (2) Continue this public hearing to each subsequent meeting of the Council at 8:00 p.m. until May 6, 2002, or such other later date as the City Council may determine, and at which time the City Council will be asked to close the public hearing and formally adopt the FY 2003-2008 Capital Improvement Program Budget.

The Mayor opened the public hearing.

The City Clerk reported the notice of public hearing was published on March 29, 2002 in the Pasadena Star News; no letters were received concerning the hearing.

Ms. Cynthia Kurtz, City Manager, presented the Finance Committee schedule for reviewing the Capital Improvement Program.

Mr. Robert Wittry, Pasadena resident, spoke concerning the need for tactile pedestrian adapters at major intersections for pedestrian safety, Fair Oaks/Orange Grove street improvements, and the format in which the Capital Improvement Program was presented.

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

**PUBLIC HEARING: AN ORDINANCE OF THE CITY OF PASADENA AMENDING CHAPTER 8.52 OF THE PASADENA MUNICIPAL CODE, ENTITLED "CITY TREES AND TREE PROTECTION ORDINANCE" AND AMENDING RELATED SECTIONS OF TITLE 17 AND CHAPTER 1.25**

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

- (1) Conduct first reading of "AN ORDINANCE OF THE CITY OF PASADENA AMENDING CHAPTER 8.52 OF THE PASADENA MUNICIPAL CODE (PMC), ENTITLED "CITY TREES AND TREE PROTECTION ORDINANCE" AND AMENDING RELATED SECTIONS OF TITLE 17 AND CHAPTER 1.25", which includes staff's recommended changes (Attachment A of the Ordinance Fact Sheet);
- (2) Adopt by resolution the Tree Protection Guidelines and Specimen Tree List;
- (3) Acknowledge that the Tree Protection Ordinance is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Sections 15061(b)(3);
- (4) Direct the City Clerk to file a Notice of Exemption with the Los Angeles County Recorder;
- (5) Direct the City Attorney to prepare an amendment to the Pasadena Municipal Code Chapter 2.80 to add the Urban Forestry Advisory Committee as a subcommittee of the Design Commission. (Resolution No. 8099)

**Recommendation of Planning Commission:** The Planning Commission held a public hearing to receive public comment on the Tree Protection Ordinance, Tree Protection Guidelines, Tree Protection Plan Submittal Requirements, and Specimen Tree List on April 3, 2002. After the hearing, the Commission voted unanimously to approve the ordinance with staff recommendations and supporting materials included in the agenda report with the following additional recommendations:

- (1) Modify 8.52.030 J to include a record of the tree's status including the need for replacement in the comprehensive inventory of public trees.
- (2) Modify 8.52.050 to establish the Urban Forestry Advisory Committee as a separate commission, and to replace the Design Commission as it applies to this ordinance.
- (3) Modify 8.52.075 A (1) to remove "there is a public benefit" because it is not defined in the present ordinance.

- (4) Modify 8.52.075 A (6) to delete finding which states "the project will result in a greater tree canopy coverage."
- (5) Modify 8.52.120 to add "nail" after "sign".
- (6) Modify 8.53.170 to add the ability of the City Council to "call up" a decision made by the City Manager.
- (7) Modify Section 15 to add "and/or health" following "To ensure the protection. . . ."
- (8) Modify Section 15 - add "public trees" following "specimen trees".

The Mayor opened the public hearing.

The City Clerk reported the notice of public hearing was published on April 5 and 8, 2002 in the Pasadena Star News and on April 11, 2002 in the Pasadena Journal; one letter was received in opposition and one letter was received questioning the ordinance as it relates to pruning.

The City Manager summarized the agenda report and recommendations.

Mr. Rod Olguin, Building & Neighborhood Revitalization Manager, reviewed the provisions of the proposed ordinance and responded to questions.

Ms. Maribel Medina, Assistant City Attorney, responded to questions concerning the protection of trees as designated landmark.

Councilmember Tyler requested clarification concerning tree protection exceptions listed on Page 7 of the agenda report, specifically when determined it is necessary to remove a tree for the "public health, safety or welfare"; Page 15 of the proposed ordinance dealing with the six different occasions in which a permit could be obtained, particularly No. 6 stated "a landscape design plan which will result in a tree canopy coverage of greater significance than the tree canopy coverage being removed" and asked if the provisions could be considered loop holes for tree removal; and would the fee schedule include replacement requirements for trees that were removed both legally and illegally.

Mr. Nicholas Rodriguez, Assistant City Attorney, defined the term "public health, safety or welfare" as an epithet in municipal legal language. The term referred to the exercising of police powers in which the city traditionally engages. Specifically, it would distinguish public health from public safety as it provides for discretion in which a tree could interfere with sewer, drainage, public street, falling within utility lines; and he indicated "welfare" would be similar within the same context.

The Mayor inquired if it would be appropriate that when the City Manager utilizes such discretion under the exception, notification be given promptly to the City Council of the action taken and if so, would it be inconsistent with the general structure of the ordinance.

Mr. Rodriguez responded that it would not be inconsistent with the general structure of the ordinance to have that administrative notice provision in place.

In response to the request for clarification as it related to tree canopy coverage, Mr. Richard Bruckner, Director of Planning and Development, indicated that the intent was to evaluate the loss of one or more trees with the replacement of a great garden or landscape area.

Mr. Olguin indicated for the legal removal of trees as part of a discretionary action would be captured in the conditions of approval as part of the project approval process. However, for trees that were illegally removed, a mechanism would need to come back to Council for replacement.

Ms. Constance Orozco, Acting Chief Prosecutor, and Ms. Kathy Woods, Parks & Natural Resources Administrator, responded to questions concerning seeking restitution for illegally removed trees.

Following clarification concerning the Tree Protection Zone on Page 3, Section D, No. 4, of the Tree Protection Guidelines, Councilmember Tyler requested the language be modified to be consistent with the Root Protection Zone.

Ms. Julie Gutierrez, Acting Public Works Director, indicated staff would revise the language for consistency.

Councilmember Madison inquired if an Arborist participated in the process, noted that there were several types of trees that he believed were prevalent in the community that were not referenced in the Tree List, such as Canary Island Pine, Redwood, Douglas Fir, different varieties of Elm, and Crepe Myrtle.

Ms. Woods and Mr. Olguin confirmed that Ms. Rebecca Fisher, Arborist, and Ms. Alice Sterling, Landscape Architect, assisted throughout the process. However, it was noted that they were not involved with the final drafting of the documents, and all tree species were not included in the Tree List. It was noted staff had anticipated adding other tree species after adoption of the resolution.

The City Manager indicated staff attempted to capture native trees and suggested Council provide the names of additional trees and staff would prepare a list.



Discussion ensued concerning the process for obtaining permits for pruning landmark trees and outreach of the pruning standards.

Councilmember Madison requested staff address the letter received from Mr. Charles McKenney regarding public trees obscuring signage.

The City Manager indicated that pruning for store fronts and signage had occurred in the past. However, the proposed ordinance did not contemplate the removal of trees due to facade or signage.

Councilmember Gordo expressed concerns regarding the hardship of a tree obscuring businesses and requested consideration be given for such instances in the ordinance.

Mr. Rodriguez noted that the ordinance relates to the removal of private property trees not public trees which would be under a separate set of guidelines.

Discussion ensued pertaining to the ordinance restrictions regarding the removal of trees when trees obscure businesses, potential revisions to the guidelines, and allowances for the pruning of trees.

Following discussion, Councilmember Gordo emphasized the need to have a mechanism for a private property owner to be allowed to prune trees.

In response, Mr. Rodriguez stated that there was a mechanism for someone to pay a fine and make a request to staff for the pruning of trees.

Mr. Greg Hankins, Chair of Design Commission, spoke in support of the proposed ordinance, expressed his preference the Urban Forestry Advisory Committee (UFAC) be staffed by Parks and Natural Resources, and not be a subcommittee of the Design Commission.

Mr. Arnold Siegel, Planning Commission, Design Commission, UFAC, spoke concerning the role and composition of UFAC and expressed that UFAC needs to be its own body with its own staff, that it was crucial that only City staff or arborists prune City trees, and that he believed it would be a big mistake to remove the pruning element from the ordinance.

Mr. Robert Wittry, Pasadena resident, spoke in support of the proposed ordinance and requested that the Planning Commission recommendations be included in the ordinance.

Ms. Jo Barker, Pasadena resident, spoke in support of the proposed ordinance, raised issues concerning regulatory taking and hardship issues. She further expressed the need for a provision to incorporate historic districts, bungalows and courts within the overall scheme, and guidelines for tree maintenance.

Ms. Polly Wheaton, representing Pasadena Beautiful Foundation, spoke in support of maintaining the urban forest.

Mr. Kevin Shea, Pasadena resident, expressed concerns regarding the notification and public participation process used for the proposed ordinance, spoke in support of the proposed ordinance pertaining to elements dealing with trees on public property, but raised concerns regarding the City taking control of the protection of trees on private property.

Vice Mayor Little noted a public meeting held in District 2 approximately a year ago, where a considerable amount of public input had taken place allowing staff to incorporate the input received into the ordinance.

Ms. Nina Chomsky, Pasadena Beautiful Foundation, spoke in support of the proposed ordinance and suggested that the sign ordinance address public trees and signage and that staff ensure the ordinances are consistent, requested UFAC become a separate Committee, and that all of the Planning Commission language be incorporated into the ordinance.

Ms. Emina Darakjy, representing Pasadena Beautiful Foundation, spoke in support of the proposed ordinance and suggested increasing the UFAC Committee to nine members.

Mr. John Cooper, Pasadena resident, spoke in support of ordinance.

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

The above ordinance was offered for first reading by Councilmember Tyler with an amendment to Page 16, Section 8.52.080, Paragraph D, to read "No permit is required for city employees or contractors of the city to do the following: to prune native, public or specimen trees under the direction of the city manager; to prune native, public or specimen trees as required for compliance with statewide regulations applicable to trees around electrical lines; to injure or remove native, public or specimen trees as the city manager has determined is necessary or prudent for the public health, safety or welfare provided advance notice is given by the city manager to the city council unless advance notice is not feasible, in which case notice will be given promptly thereafter. All

tree removal shall be otherwise consistent with adopted public tree removal criteria.”; and Page 12, Section 8.52.030 to add the following language: “Develop maintenance standards as they relate to trees in public places.”

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

NOES: None

ABSENT: Councilmembers Holden, Streator

It was moved by Councilmember Tyler, seconded by Councilmember Madison, to approve the City Manager's recommendation with modification to include in the Tree List Douglas Fir, Redwood, Crepe Myrtle, Canary Island Pine, and trees in the Elm family. (Motion unanimously carried) (Absent: Councilmembers Holden, Streator)

The Council expressed its appreciation to staff for all of their work, and suggested the Tree List be reviewed by a second Arborist.

#### **REDISTRICTING TASK FORCE FINAL REPORT**

**Recommendation of the Redistricting Task Force:** It is recommended that the City Council:

- (a) Receive and review the Redistricting Task Force's recommended redistricting plan and related demographic data (Attachment A of the agenda report entitled "Recommended Redistricting Plan approved March 6, 2002 by the Redistricting Task Force");
- (b) Hold a public hearing to receive public comment on the Task Force's recommended plan, or any other proposals to adjust the boundaries of the districts;
- (c) As appropriate, direct the City Attorney to prepare an ordinance for formal adoption of the final Redistricting Plan; and
- (d) Set a public hearing to approve the final redistricting plan and give first reading to the ordinance adopting such plan.

The Mayor opened the public hearing.

The City Clerk reported the notice of public hearing was published in the Pasadena Journal and Pasadena Weekly on April 4, 2002 and published in the Pasadena Star News on April 5, 2002. No mailing or posting was required.

Mr. William Crowfoot, Chair of the Redistricting Task Force, introduced Ms. Vannia de la Cuba, Vice Chair of the Redistricting Task Force, Mr. David Ely, Redistricting Consultant, and Task Force members. Mr. Crowfoot summarized the agenda report and responded to questions.

The City Clerk informed Council that it was necessary to schedule another public hearing and recommended the date of May 20, 2002 at 8:00 p.m. She stated the redistricting lines would affect the 2003 municipal election; and noted the maps of the redistricting lines were available on the City's web site.

Vice Mayor Little expressed his support for the recommendation prior to being excused.

Vice Mayor Little was excused at 10:01 p.m.

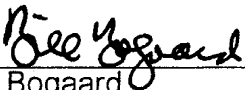
Mr. Robert Wittry, Pasadena resident, spoke in support.

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

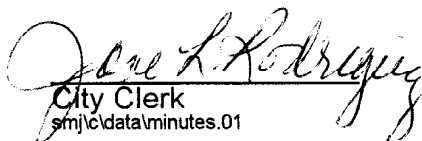
On order of the Mayor, the next public hearing was scheduled for May 20, 2002 at 8:00 p.m.

It was moved by Councilmember Tyler, seconded by Councilmember Gordo, to approve the Redistricting Task Force recommendation. (Motion was unanimously carried) (Absent: Councilmembers Holden, Streater, Vice Mayor Little).

On order of the Mayor, the regular meeting of the City Council adjourned at 10:05 p.m.

  
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Bill Bogaard  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Clerk  
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