

CITY OF PASADENA
City Council Minutes
September 9, 2002 - 5:30 P.M.
City Hall Council Chamber

REGULAR MEETING

OPENING:

Mayor Bogaard called the regular meeting to order at 5:43 p.m.
(Absent: Councilmembers Holden, Madison)

On order of the Mayor, the regular meeting recessed at 5:43 p.m.,
to discuss the following closed sessions:

Councilmember Gordo arrived
at 5:50 p.m.

Councilmember Madison
arrived at 6:15 p.m.

Councilmember Holden
arrived at 6:25 p.m.

**CITY COUNCIL CONFERENCE WITH LABOR NEGOTIATOR
pursuant to Government Code Section 54957.6
Agency Negotiators: Karyn Ezell, Steve Lem
Employee Organizations: Pasadena Police Officers
Association; Pasadena Police Sergeants Association;
Pasadena Fire Fighters Association, Local 809; Pasadena
Firefighters Management Association**

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

On order of the Mayor, the regular meeting reconvened at 7:03 p.m.
The Pledge of Allegiance was led by Councilmember Streator.

ROLL CALL:

Councilmembers:

Mayor Bill Bogaard
Vice Mayor Paul Little
Councilmember Victor Gordo
Councilmember Steve Haderlein
Councilmember Chris Holden
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

The City Clerk administered oaths of office to Cranston Komuro as
member of the Community Development Committee, Bettye S.
Holliday as Arts Commissioner, and Dr. James C. Caillouette as
member of the Commission on the Status of Women.

Councilmember Gordo gave recognition and presented Certificates
of Appreciation to persons who helped with the Health Fair, which
was held this past weekend.

PUBLIC COMMENT

Ms. Juliet Cabigas, Sunset Oaks Neighborhood Association President, submitted a petition with 253 signatures opposing the establishment of a school at the site adjacent to Jackie Robinson Park at Fair Oaks/Mountain.

Councilmember Holden questioned whether the City received a response from the School District regarding its consideration of the Highland Plastics property south of Jackie Robinson Park as a school site, and stated he believed the time had expired for the School District to respond.

The City Manager responded that shortly after Council's last discussion of this matter, a written communication was received from the District that this site is still a location on the District's short list of possible sites, but noted she has not received any subsequent communications on how the District intends to move forward.

Councilmember Holden noted there is considerable momentum to move forward in identifying funds for the Robinson Park project. He stated it may be an appropriate time for the Council to look at the Highland Plastics site, and given the initiative that is underway to utilize this site for expansion of the Park, the City should be clear and maybe definitive on this particular location. He noted it would be helpful, instead of prolonging or giving the impression that there is silent consent, and considering the momentum to move forward with the Robinson Park project, that the City not give the impression that this site should be considered for a public school. He suggested such a statement be sent to the School District so the District can spend its time more effectively identifying a new school site that can lead to consensus within the community. Councilmember Holden suggested this matter be agendized at the next Council meeting, that such a statement be made, and that the City continue to look for ways to work with the District to identify an appropriate location, but also indicate to the District that we have plans for this particular site.

Mayor Bogaard suggested Council receive an update from the School District between now and the time of that discussion as to where the District is in its research of various sites, and what the District's thinking is as to this particular site. Councilmember Haderlein added that it would be helpful to know what the District's timeline is in terms of making a decision, so Council is making a decision with all the information in front of it.

Mr. Al Sorkin, URDC Human Services Corp., expressed concern regarding the closure of the Bill Moore Community Health Clinic located at 1460 N. Lake Avenue.

Following a brief discussion, it was the consensus of Council to agendize this item for the September 16, 2002 meeting.

Ms. Doris Stewart, Pasadena resident, referred to the filming of "Alias" in Hahamongna, and expressed concern regarding explosives, loud noise, and the lack of noticing to people being affected by this. She suggested the Permits Division check out the area before a permit is issued.

In response to a question, the City Manager stated staff is looking at changing the area of notification and the fines associated with the violation of filming rules. She further indicated she would follow up on Ms. Stewart's comments.

Ms. Margie Grossman, representing Pasadena Senior Center, invited Council to attend "The Pasadena Follies" to be held on October 13, 2002. She presented Mayor Bogaard with a gift in appreciation for his participation in this event.

CONSENT CALENDAR

Item discussed separately due to public comment.

Item discussed separately at the request of Vice Mayor Little.

REJECTION OF ALL BIDS FOR PROVIDING LABOR AND MATERIALS FOR DEEP WELL AND PUMP MAINTENANCE FOR THE WATER AND POWER DEPARTMENT, SPECIFICATION WD-02-01

APPROVAL OF FINAL TRACT MAP NO. 53225, BEING A 10-UNIT CONDOMINIUM PROJECT AT 268 NORTH MAR VISTA AVENUE

AUTHORIZATION TO ENTER INTO A CONTRACT WITH METRO VIDEO SYSTEMS, INC. TO FURNISH AND INSTALL FIBER OPTICS, A CLOSED CIRCUIT TV CAMERA AND CONTROL EQUIPMENT AT THE INTERSECTION OF COLORADO BOULEVARD AT SAN RAFAEL AVENUE AND AT THE TRAFFIC MANAGEMENT CENTER (TMC)

Recommendation of City Manager:

(a) Authorize the City Manager to enter into a contract not to exceed \$215,000 with Metro Video Systems to furnish and install a closed circuit TV (CCTV) camera at the intersection of Colorado Boulevard at San Rafael Avenue and to furnish and install fiber optics cable from Colorado Boulevard at San Rafael Avenue to City Hall. As to the services, competitive bidding is not required pursuant to City Charter Section 1002(F), contracts for professional or unique services. For the equipment, competitive bidding is not required pursuant to City Charter Section 1002(H), contracts with other governmental entities or their contractors.

(b) Grant this contract an exemption from the competitive selection process of the Competitive Bidding and Purchasing Ordinance, pursuant to Section 4.08.047(B), contracts for which the City's best interests are served. (Contract No. 18,068)

Mr. Bahman Janka, Transportation Administrator, responded to questions.

The City Manager indicated she would send information to Council regarding where the other five cameras are located.

AUTHORIZATION FOR THE CITY MANAGER TO ENTER INTO A CONTRACT WITH KENNEDY/JENKS CONSULTANTS TO CONDUCT A VULNERABILITY ASSESSMENT, REVIEW AND UPDATE THE EMERGENCY RESPONSE PLANS, AND PREPARE PLANS AND DESIGNS FOR SECURITY IMPROVEMENTS FOR THE WATER DIVISION

Recommendation of City Manager:

(1) Authorize the City Manager to enter into a contract with Kennedy/Jenks Consultants in an amount not to exceed \$137,640 for the purpose of conducting a Vulnerability Assessment, reviewing and updating the Emergency Response Plans and Preparing Plans and Designs for Security Improvements for the Water Division. Competitive bidding is not required pursuant to City Charter Section 1002(H), contracts with other governmental entities' contractors exempt from competitive bidding.

(2) Grant the proposed contract an exemption from the competitive selection process of the Competitive Bidding and Purchasing Ordinance pursuant to Section 4.08.049(B), contracts for which the City's best interests are served. (Contract No. 18,069)

APPROVAL OF MINUTES

June 10, 2002

CLAIMS RECEIVED AND FILED

Claim No. 9076	Audrie Whittington	\$ 6,202.68
Claim No. 9077	Anthony Patrick Miranda	1,267.69+
Claim No. 9078	Donald Gilbertson	25,000.00+
Claim No. 9079	Sunday Sims II	Unknown
Claim No. 9080	Greg Hust	3,044.58
Claim No. 9081	Madkour S. Mansour	138.00
Claim No. 9082	Ross S. Heckmann	256.08
Claim No. 9083	Jasspreet (Jesse) Singh	Unknown
Claim No. 9084	Patricia Crook	240.00
Claim No. 9085	Irene Estrada	25,000.00+
Claim No. 9086	John Itomura dba IHOP	275.00
Claim No. 9087	Manuel Gomez Gutierrez	176.64
Claim No. 9088	Kenneth A. Barber	25,000.00+
Claim No. 9089	Cecilia Quintero	1,256.00
Claim No. 9090	Kathryn Karetski	50,000.00
Claim No. 9091	Lucila Ilanes	1,619.00
Claim No. 9092	Dr. Druciel Ford	25,000.00+
Claim No. 9093	Darshan Singh & Surinder Kaur Yugrail Singh & Yugraj Singh for Harminder Kaur, deceased	Unknown
Claim No. 9094	Randal Ruiz	Unknown

PUBLIC HEARINGS SET

October 7, 2002, 8:00 p.m. - Application for Landmark Designation of the Clark Residence, 1780 Devon Road. The action requested is to designate the 1957 Richard Neutra-designed Clark Residence as a Landmark

October 7, 2002, 8:00 p.m. - Application for Landmark Designation of St. Luke Medical Center, 2632 East Washington Boulevard. The action requested is to designate the original 1933 hospital block, 1945 annex, and 1947 convent and chapel as a Landmark

It was moved by Councilmember Tyler, seconded by Councilmember Madison, to approve the Consent Calendar with the exception of Item 1 (Rejection of All Bids for Deep Well and Pump Maintenance) and Item 2 (Approval of Final Tract Map No. 53225), which were discussed separately. (Motion unanimously carried) (Absent: None)

**CONSENT CALENDAR
ITEMS DISCUSSED
SEPARATELY**

REJECTION OF ALL BIDS FOR PROVIDING LABOR AND MATERIALS FOR DEEP WELL AND PUMP MAINTENANCE FOR THE WATER AND POWER DEPARTMENT, SPECIFICATION WD-02-01

Recommendation of City Manager: Reject all bids for Providing Labor and Materials for Deep Well and Pump Maintenance for the Water and Power Department, Specification WD-02-01.

Mr. Terry Dipple and Mr. Mike Bodart, with General Pump Company, submitted a handout and voiced opposition to the rejection of all bids, and urged the Council to award the contract to General Pump Company.

Ms. Phyllis Currie, Water and Power General Manager, and Mr. Scott Rasmussen, Assistant City Attorney, responded to questions.

Councilmember Gordo suggested holding this item one week to allow staff to further review the language used in previous bid documents.

It was moved by Councilmember Tyler, seconded by Councilmember Madison, to approve the City Manager's recommendation. (Motion carried, with Councilmember Gordo objecting) (Absent: None)

APPROVAL OF FINAL TRACT MAP NO. 53225, BEING A 10-UNIT CONDOMINIUM PROJECT AT 268 NORTH MAR VISTA AVENUE

Recommendation of City Manager: Adopt a resolution to approve final Tract Map No. 53225 and authorize the City Clerk to execute the certificate on the map showing the City's approval of said map.

The above item was held one week for staff to respond to questions from Vice Mayor Little.

**REPORTS AND
COMMENTS FROM
COUNCIL COMMITTEES**

FINANCE COMMITTEE

APPROVAL OF A JOURNAL VOUCHER RECOGNIZING AND APPROPRIATING \$1.0 MILLION TO THE PASADENA LRT AUTOMATIC TRAFFIC CONTROL SYSTEM PROJECT AND AUTHORIZATION TO AWARD A CONTRACT

Recommendation of City Manager:

(1) Approve a journal voucher recognizing and appropriating

\$500,000 of Light Rail Reserves (Proposition A) to the *Pasadena LRT - Automatic Traffic Control System* CIP project (Budget Account No. 75023).

(2) Approve a journal voucher recognizing and appropriating \$500,000 from the Los Angeles to Pasadena Metro Blue Line Construction Authority's MTA funding (SB 1457) to the *Pasadena LRT - Automatic Traffic Control System* CIP project (Budget Account No. 75023).

(3) Authorize the City Manager to enter into a contract with BiTran Systems, Inc. in an amount not to exceed \$307,000 for providing the *LRT-Automatic Traffic Control System*. The proposed contract is exempt from competitive bidding pursuant to City Charter Section 1002(F), contracts for professional or unique services. (Contract No. 18,070; Journal Voucher 2003-16)

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

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

PUBLIC HEARINGS

PUBLIC HEARING: ADOPT THE CITY OF PASADENA 2002 ANNUAL SELF-CERTIFICATION OF CONFORMANCE WITH THE LOS ANGELES COUNTY CONGESTION MANAGEMENT PROGRAM AND THE 2002 LOCAL IMPLEMENTATION REPORT

Recommendation of City Manager: After conducting a public hearing, it is recommended that the City Council:

(1) Adopt the 2002 Local Implementation Report, in accordance with California Government Code Section 65089.

(2) Adopt a resolution finding the City in conformance with the Congestion Management Program.

(3) Direct staff to file the 2002 Congestion Management Program Local Implementation Report with the Los Angeles County Metropolitan Transportation Authority. (Resolution No. 8143)

Mayor Bogaard opened the public hearing.

The City Clerk reported the notice of public hearing was published on August 26 and September 4, 2002 in the Pasadena Star News and on August 29, 2002 in the Pasadena Journal; no letters were received.

Ms. Judi Masuda, Transportation Planner, summarized the report and responded to questions.

There was no public comment.

It was moved by Councilmember Holden, seconded by Councilmember Haderlein, to close the public hearing. (Motion unanimously carried) (Absent: None)

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

CONTINUED PUBLIC HEARING: ZONING PARKING CREDIT PROGRAM MODIFICATIONS FOR THE OLD PASADENA PARKING DISTRICT

Recommendation of City Manager:

- (1) Approve the Initial Study (Exhibit A of the agenda report) and adopt the Negative Declaration prepared for this Zoning Code amendment;
- (2) Adopt the De Minimus Finding of no impact to fish and wildlife;
- (3) Change the boundary of the Old Pasadena Parking Fund Boundary to include the block bound by Walnut Street to the north, Holly Street to the south, Fair Oaks Avenue to the west and Raymond Avenue to the east;
- (4) Amend the Zoning Code to allow a 50 percent over-subscription of zoning parking credits in the Marriott facility, and adopt a finding of General Plan consistency as contained in the agenda report;
- (5) Allow staff to assign zoning parking credits to the Marriott Subterranean Public Parking Facility;
- (6) Assign future zoning parking credits to contributing buildings in the Old Pasadena National Register Historic District and existing buildings that will require additional parking; require property owners to provide replacement parking, to the extent possible, prior to applying for zoning parking credits;
- (7) Modify guidelines and regulations for assignment of all future zoning parking credits to property owners only;
- (8) Modify the General Fee Schedule to increase the cost of any new assignment of zoning parking credits from \$119.63 annually per credit to \$720 so that it is implemented in a phased approach as follows: \$240 per credit for Fiscal Year 2003, \$520 for Fiscal Year 2004, and \$720 for Fiscal Year 2005. Any further adjustments to the cost of zoning parking credits shall be based on a study of the market rate at that time; and
- (9) Direct the City Attorney to prepare an ordinance amending the Zoning Code and prepare a resolution amending the Old Pasadena Parking Fund Boundary and Zoning Parking Credit Guidelines.

Recommendation of Old Pasadena Parking Meter Zone Advisory

Commission: The Old Pasadena Parking Meter Zone Advisory Commission met on June 20, 2002 to review staff's recommendations regarding assignment of zoning parking credits to the Marriott Subterranean Parking Facility. The Commission supported staff's recommendations with the additions that: a) the property owners of contributing and existing buildings be required to provide replacement parking to the extent possible prior to applying for zoning parking credits; b) mechanisms be put in place to ensure that property owners complete the zoning parking credit application and have a signed, recorded contract prior to issuance of a building permit; c) the new contract holders pay the existing rate as adopted in the General Fee Schedule until a study is completed involving the business community to determine the appropriate fee for the zoning

parking credits.

Recommendation of Planning Commission: On July 24, 2002, the Planning Commission considered the recommendation presented by staff and concurred with staff's recommendations by a vote of 6-2 with the following amended language for Recommendation 8:

- (a) Undertake a study with public input to clarify public policy on parking in Old Pasadena with respect to property owners, tenants and residents;
- (b) Work towards eliminating caps in future contracts and also examine those that currently exist;
- (c) Strive for a policy to achieve equity as far as payment;
- (d) Develop a fee schedule that includes a legal review of existing contracts to determine whether an "escape" clause exists for contracts with current caps of \$200 and \$400; and
- (e) Approve an interim rate of \$240 per year and complete a study as quickly as possible to determine the rates of existing and future contracts.

The Mayor opened the public hearing.

The City Clerk reported the notice of public hearing was published in the Pasadena Journal on August 8 and 15, 2002 and on August 13, 2002 in the Pasadena Star News; no letters were received.

Vice Mayor Little, Chair of the Finance Committee, summarized the report. He indicated this item was approved by the Committee, with the addition that staff look at the entire zoning parking credit program for Old Pasadena and do a thorough analysis of the program and come back with recommendations on the program.

The City Manager introduced the item providing a brief history of the program.

Ms. Frances Banerjee, Interim Director of the Department of Transportation, reviewed the staff recommendations and highlights of the program.

Mr. Jay Goldstone, Director of Finance, reviewed sales tax history and responded to questions.

Mr. Steve Harding and Mr. John Yonai, of Rosenow Spevacek Group Inc, discussed their analysis and the economic impact of an increase in the parking credit fee. Mr. Harding discussed merchant profit margins, and expressed the opinion that businesses can absorb this cost. They responded to questions from Council.

Councilmembers Gordo and Madison referred to Recommendation No. 8 and in expressed concerns regarding the financial impact on businesses, especially the small businesses.

Mr. Robert Wittry, Pasadena resident, expressed support for the program. He expressed concern regarding the lack of parking and the need for the construction of additional parking.

The following individuals voiced opposition to Recommendation No. 8, expressing various concerns regarding the contemplated rate increases and the financial impact on businesses:

Mr. Doug Huberman, local businessman, distributed copies of four photographs of vacant buildings near his business in Old Pasadena.

Ms. Maggie Campbell, Old Pasadena Management District President, indicated the Board's official position is that they are in support of all the City Manager's recommendation, with the exception of Recommendation No. 8 (fee increases), and that there should not be any fee increase until there is a third party qualified analysis and study.

Mr. Don Smith, businessman at 12 E. Colorado Blvd.

Ms. Marilyn Buchanan, Old Pasadena Parking Meter Advisory Commission member

Mr. Gene A. Buchanan, Old Pasadena property owner

Mr. Burke Farrar, Odyssey Development Services

Mr. Ernie Cruz, Old Pasadena landlord

It was moved by Councilmember Holden, seconded by Councilmember Tyler, to close the public hearing. (Motion unanimously carried) (Absent: None)

Following discussion, it was moved by Councilmember Holden to approve the City Manager's recommendation, but modify Recommendation No. 8 to reflect the Old Pasadena Parking Meter Zone Advisory Commission's recommendation, and that the study be completed by the end of the year, and that the City Manager make a recommendation to the Council on the composition of the committee. (Motion died due to lack of a second.)

The City Manager suggested that if Council does not desire to increase the cost of credits this evening, that Council not direct a study, stating the City has done many studies in Old Pasadena.

Following further discussion, it was moved by Councilmember Madison, seconded by Councilmember Gordo, to approve the City Manager's recommendation, except for the fee increase.

Vice Mayor Little reiterated his support for the staff recommendation and a study of market rates.

Councilmember Haderlein expressed support for the Planning Commission's recommendation and on placing a \$200 cap.

Vote on the motion:

AYES: Councilmembers Gordo, Madison, Streator, Tyler, Mayor Bogaard

NOES: Councilmembers Haderlein, Holden, Vice Mayor Little

ABSENT: None

Councilmembers Gordo and Madison encouraged a dialogue at the Economic Development and Technology Committee.

Council thanked the staff for all their hard work.

**RECOMMENDATIONS
FROM OFFICERS AND
DEPARTMENTS**

Councilmember Madison was excused at 10:39 p.m.

APPOINTMENT OF DOUG HUBERMAN TO THE OLD PASADENA PARKING METER ZONE ADVISORY COMMISSION (At-large/District 3 Nomination)

REAPPOINTMENT OF DAVID J. HAUSER TO THE HUMAN RELATIONS COMMISSION (District 5 Nomination)

RESIGNATION OF ALEXI HAKIM FROM THE PASADENA CENTER OPERATING COMPANY (Hotel Representative)

RATIFICATION OF JANICE VANDE STEEG FROM THE PASADENA CENTER OPERATING COMPANY (Hotel Representative)

It was moved by Councilmember Gordo, seconded by Councilmember Haderlein, to approve the above appointment, reappointment, ratification, and accept the above resignation. (Motion unanimously carried) (Absent: Councilmember Madison)

ADOPTION OF A RESOLUTION AMENDING THE SALARY RESOLUTION TO ADD THE CLASSIFICATION OF MATERIALS AND WAREHOUSE MANAGER, MODIFY PROVISIONS RELATING TO THE POLICE EXECUTIVE COMMANDER ASSIGNMENT, AND PROVIDE SALARY INCREASES TO SPECIFIED CLASSIFICATIONS IN THE CONFIDENTIAL-CLERICAL GROUP
Recommendation of City Manager: Adopt a resolution amending the salary resolution to accomplish the following:

- (1) Establish the new classification of Materials and Warehouse Manager and eliminate the classification of Warehouse Supervisor effective September 9, 2002;
- (2) Eliminate the language regarding a time limit on an assignment as Police Executive Commander effective September 9, 2002; and
- (3) Provide a 2.0% increase to the salary range for six classifications in the Confidential Clerical group, effective July 1, 2001. (Resolution No. 8144)

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

APPROVAL OF RESOLUTION INTERPRETING THE INCLUSIONARY HOUSING ORDINANCE'S ONE-YEAR INTERIM REQUIREMENTS

Councilmember Gordo was excused at 10:41 p.m.

Recommendation of City Attorney: Adopt a resolution approving the City Attorney's interpretation of the Inclusionary Housing Ordinance's one-year interim requirements. (Resolution No. 8145)

Councilmember Madison returned at 10:42 p.m.

The City Attorney summarized the report and responded to questions.

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

RECESS

On order of the Mayor, the regular meeting of the City Council recessed at 10:44 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 10:45 p.m. (Absent: None)

ORDINANCE - FIRST READING

Councilmember Haderlein was excused at 10:46 p.m.

First reading of "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 AND AREAS ON FEBRUARY 21 AND 22, 2003" (THE CALL ASSEMBLY)

The above ordinance was offered for first reading by Vice Mayor Little:

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

NOES: None

ABSTAIN: Councilmember Streator

ABSENT: Councilmember Haderlein

ORDINANCE - ADOPTED

Councilmember Haderlein returned at 10:47 p.m.

Adopt "AN ORDINANCE OF THE CITY OF PASADENA FIXING THE FY 2003 TAX RATE FOR THE POLICE BUILDING AND JAIL GENERAL OBLIGATION BONDS AND ESTABLISHING PROCEDURES FOR COLLECTION AND ENFORCEMENT OF SAID TAX" (Introduced by Councilmember Streator) (Ordinance No. 6906)

The above ordinance was adopted by the following vote:

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

NOES: None

ABSENT: None

INFORMATION ITEM

PREDEVELOPMENT PLAN REVIEW FOR THE PROPOSED MIXED-USE PROJECT, "LOFTS ON LAKE AVENUE," 85 SOUTH LAKE AVENUE

Recommendation of City Manager: The agenda report is for information.

Mr. Jeff Cronin, Principal Planner, summarized the report and responded to questions.

Mr. Eric Kenny, Hanover Co, applicant, discussed the timeline for the project.

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

RECOMMENDATIONS FROM OFFICERS AND DEPARTMENTS

CONSIDERATION OF A MORATORIUM ON APPROVAL OF ALTRIO BOXES (Councilmember Holden)

Councilmember Holden introduced the item and expressed concern regarding the disproportionate number of concerns being raised by residents at the onset of this process. He indicated he would like Council to reflect on what it is that Altrio is doing at this present time in regards to the installation of boxes within neighborhoods.

The City Attorney stated she had a telephone conversation with the attorney for Altrio during which their attorney indicated if the City proceeds with some type of a moratorium, Altrio will be forced to proceed with litigation to protect its rights, and that Altrio would need to take such action immediately, probably before the next City Council meeting. She noted that based on that information, it would be advisable for the City Council to consider adding a Closed Session discussion to the agenda this evening, which would allow Council to receive legal advise regarding the implications of such a discussion and the impact of a such a discussion on the current contract in the context of statutory provisions. She further stated since the information came to the attention of the City after the agenda was posted, and there would be a need to take immediate action in the form of receiving advice, it would appear if the Council determines that it is necessary to add a Closed Session to the agenda, to adopt a motion to add a Closed Session discussion to the agenda to discuss anticipated litigation pursuant to Government Code Section 54956.9(b) to discussion one potential case.

Vice Mayor Little informed Council that Altrio has been before the Economic Development & Technology Committee twice, and he provided a brief summary of the discussions held with Altrio at the Committee level. He also distributed copies of a notice that he had received from Altrio, shared pictures of excavation work being done in front of his house, and expressed concern regarding the lack of notification from Altrio with regards to this work. Vice Mayor Little indicated he had requested at the Committee level that the City Attorney take a complete and comprehensive look at the contract, with an eye towards seeing to what degree and in what instances

Altrio had violated its contract, and what remedies were possible. He also suggested the City Attorney's Office look at whether or not an environmental impact report should have been required.

It was moved by Councilmember Streater, seconded by Councilmember Haderlein, to recess to a closed session for purposes of obtaining legal advise. (Motion unanimously carried) (Absent: None)

RECESS

On order of the Mayor, the regular meeting of the City Council recessed at 11:11 p.m. to discuss the following closed session:

CITY COUNCIL CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED 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.

RECONVENE

On order of the Mayor, the regular meeting of the City Council reconvened at 11:34 p.m. (Absent: Councilmembers Gordo, Streater, Tyler)

CONSIDERATION OF A MORATORIUM ON APPROVAL OF ALTRIO BOXES (Continued from above)

The following individuals expressed concerns regarding overhead cables, generator boxes, the notification process, improper trimming of trees by Altrio, and the lack of an environmental impact report:

- Mr. Bob Kneisel, Vice President, Bungalow Heaven Neighborhood Association
- Ms. Rosalind Makuh, Pasadena resident
- Mr. Robert Wittry, Pasadena resident
- Mr. Sterling Louviera, President, Historic Highlands Association

Mr. Dan Rix, City Engineer, provided an update on the improvements verbally agreed to by Altrio with regards to notification, landscaping and location of boxes, and responded to questions from Council.

Mr. Kenneth Graham, City Arborist, responded to questions regarding the inspection of City trees as part of the contract.

Ms. Brenda Trainer, Vice President of Public Policy, Altrio, discussed Altrio's revised noticing procedures. She expressed Altrio's commitment to the community and indicated its willingness to continue to work with staff to further refine these in response to the needs of the residents.

Following an open and closed session discussion, Council requested that the contract be reviewed and final conclusions drawn, both as

to the City's obligation regarding the progress of the project and the identification of all of the obligations of Altrio in proceeding with its construction contract. Council requested staff to work out an arrangement with Altrio with respect to whatever activities take place to assure that there is compliance with the contract, including noticing and other concerns raised by the public and Council. Staff was asked to obtain Altrio's verbal agreements for improved notification in writing.

PUBLIC COMMENT

Mr. Robert Wittry, Pasadena resident, expressed concern regarding electric costs. He also spoke regarding the need for the installation of adaptive pedestrian signals when traffic signals are installed.

In response to public comment speakers who submitted cards and left earlier in the meeting, the City Manager indicated a update report on the Bicycle Master Plan will come to Council within two weeks.

Councilmember Haderlein requested an answer to the following questions when the report comes before Council: (1) how will the first phase of dollars, as it is spent, fit with the current Master Plan, and (2) is it possible to spend other dollars and then reimburse ourselves when grant dollars come in?

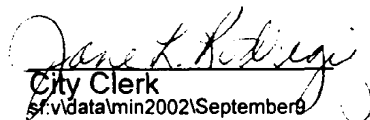
Ms. Maria Jimenez, Pasadena resident, alleged discrimination at the Community Job Center; requested the Pasadena Unified School District be held accountable for the recommendations made in the Charter Reform Task Force Report; expressed opposition to the sale of alcohol at the proposed Sav On on the corner of Orange Grove Boulevard and Fair Oaks Avenue; and spoke in opposition to using the property adjacent to Robinson Park as a school site.

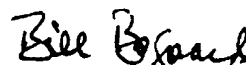
COUNCIL COMMENTS

Councilmember Madison announced that on Wednesday, at 8:30 a.m. there would be a ceremony on the steps of City Hall to commemorate September 11. He expressed concern regarding the use of Arts funds for the ceremony and suggested staff look at other sources of funding for this event.

On order of the Mayor, the regular meeting of the City Council adjourned at 12:25 a.m, September 10, 2002.

ATTEST:


City Clerk
sf:\data\min2002\September



Bill Bogaard
Mayor