

CITY OF PASADENA  
City Council Minutes  
October 14, 2002 – 5:30 P.M.  
City Hall Council Chamber

SPECIAL MEETING

**OPENING:** Mayor Bogaard called the special meeting to order at 5:07 p.m.

**ROLL CALL:**  
Councilmembers:

Mayor Bill Bogaard  
Vice Mayor Paul Little  
Councilmember Victor Gordo  
Councilmember Steve Haderlein  
Councilmember Chris Holden  
Councilmember Steve Madison (Absent)  
Councilmember Joyce Streater  
Councilmember Sidney F. Tyler, Jr.

Staff:

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

The Pledge of Allegiance was led by Councilmember Haderlein.

**PUBLIC HEARINGS**

**PUBLIC HEARING: 2000-2005 HOUSING ELEMENT OF THE GENERAL PLAN**

**Recommendation of City Manager:**

- (1) Adopt the Initial Environmental Study and Negative Declaration, with the appropriate findings (Attachment C of the agenda report);
- (2) Adopt a resolution adopting the 2000-2005 Housing Element of the Comprehensive General Plan (Attachment D of the agenda report);
- (3) Approve the De Minimis Impact finding on State Fish and Wildlife Habitat; and
- (4) Direct the City Clerk to file a Notice of Determination and Certificate of Fee Exemption for the California Department of Fish and Game with the Los Angeles County Recorder (Attachment E of the agenda report).

**Recommendation of Planning Commission:** The Planning Commission held a public hearing and reviewed the proposed 2000-2005 Housing Element at its regular meeting on September 25, 2002. The Commission unanimously adopted the staff recommendation that the City Council adopt the 2000-2005 Housing Element and related environmental documents. In addition, the Commission recommended that Policy 1.10 be added to the proposed 2000-2005 Housing Element. The additional policy, which is incorporated into the 2000-2005 Housing Element as recommended to the City Council, states: Promote the preservation

of existing affordable housing stock. The Commission also recommended that the City of Pasadena should be actively involved in the Regional Housing Needs Assessment, which is prepared by the Southern California Association of Governments, and to question the allocation of housing needs assigned to the City.

The Mayor opened the public hearing.

The City Clerk reported the notice of public hearing was published September 26, 2002 in the Pasadena Journal and published October 7 and 11, 2002 in the Pasadena Star News; four letters were received expressing various concerns regarding the Housing Element.

Mr. John Spalding, Planning Consultant, reviewed a handout of an overview of the General Plan process and schedule for the various elements.

Mr. Bill Trimble, Planner, summarized the agenda report and responded to questions.

Councilmember Holden  
arrived 5:28 p.m.

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

Discussion ensued pertaining to the State's requirements for housing allocation, the processes as it relates to Southern California Association of Governments (SCAG), and whether or not sanctions would be imposed on the City for not meeting its target.

Mr. Trimble explained the process conducted by SCAG for its determination of household forecasts.

Mr. Bruckner confirmed that if the Housing Element was submitted and approved by the State, the City would be in compliance and sanctions would not occur for not meeting its target.

Mr. Trimble and Mr. Bruckner further discussed the housing programs, definitions of affordable housing, funding, and the purchase assistance program for home ownership.

Councilmember Holden expressed concern regarding affordable housing in the City of Pasadena and suggested reviewing how to increase earned incomes to make home ownership and renting in the City more affordable.

Mr. Bruckner indicated that he would provide Council with the amount in the purchase assistance program and the grants provided each year.

The following persons spoke in opposition or raised concerns regarding the proposed Housing Element:

Mr. Robert Wittry, Pasadena resident  
Mr. George Courville, Pasadena resident  
Ms. Mary Dee Romney, Pasadena resident

Ms. Maribel Medina, Assistant City Attorney, responded to questions.

Mr. Marvin Schachter, Pasadena resident, submitted a handout regarding the housing crisis in California, and urged Council to support Proposition 46.

Councilmember Gordo was excused at 6:30 p.m.

Ms. Serenn Marie Sanfilipo, Pasadena resident, spoke concerning a personal housing issue. The Mayor informed Ms. Sanfilipo that this hearing was not the appropriate place to discuss her issue and referred the matter to staff.

Councilmember Holden inquired concerning extending the review period and its impact.

Councilmember Gordo returned at 6:35 p.m.

The City Manager indicated that the public comment period had been opened for a couple of months and extending it would not have a direct impact for adopting the Housing Element.

The City Attorney stressed that it was important for Council to be comfortable with the Housing Element and the information received.

The City Manager informed Council that there would be approximately one year of work for the environmental work and the Mobility Element.

Following discussion, it was moved by Councilmember Haderlein, seconded by Councilmember Gordo, to continue the public hearing to November 4, 2002, at 8:00 p.m., to allow staff time to respond to comments received this evening; and for the City Attorney to be prepared to inform Council of (1) the status of the two legal actions that SCAG is involved in specifically, challenging the numbers or the whole process; and (2) the matter that involved the City and the lack of an approved Housing Element. (Motion unanimously carried) (Absent: Councilmember Madison)

**RECESS / CLOSED SESSIONS**

On order of the Mayor, the special meeting of the City Council recessed at 6:47 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**  
**Employee Organizations: Pasadena Police Officers Association and Pasadena Firefighters Management Association**

**CITY COUNCIL CONFERENCE WITH REAL PROPERTY NEGOTIATORS pursuant to Government Code Section 54956.8**  
**Property: Fee title interest in portions of public street right-of-way along Colorado Boulevard between Los Robles Avenue and Euclid Avenue; Euclid Avenue between Colorado**

**Boulevard and Union Street; and Los Robles Avenue between Colorado Boulevard and Union Street**

**City Negotiators: Richard Bruckner and Kirk Pelser**

**Negotiating Parties: Heirs and devisees of George E. McHarry, Pasadena Hotel Corporation, and Broadway Hale Stores, Inc. (Formerly known as Broadway Department Store, Inc.)**

**Under Negotiation: Price and Terms**

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

**RECONVENED**

On order of the Mayor, the special meeting of the City Council reconvened at 7:30 p.m. (Absent: Councilmember Madison)

**PUBLIC HEARINGS**

**CONTINUED PUBLIC HEARING: UPDATED GENERAL PLAN NOISE ELEMENT**

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

- (1) Adopt the Initial Environmental Study and Final Negative Declaration and make the appropriate findings (Attachment 5 of the agenda report); and
- (2) Receive the *Existing and Future Conditions* report (Attachment 1 of the agenda report), as amended (see Attachment 3 of the agenda report), as the basis of the updated *Noise Element*; and
- (3) Adopt a resolution adopting the updated *Noise Element* (i.e., the *Objectives, Policies, and Implementation* report - Attachment 2 of the agenda report), as amended (see Attachment 3 of the agenda report); and
- (4) Direct the City Clerk to file a Notice of Determination and a Certificate of Fee Exemption for the California Department of Fish and Game (Attachment 6 of the agenda report) with the Los Angeles County Recorder. (Resolution No. 8161)

**Recommendation of the Planning Commission:** The Planning Commission considered the proposed amendments at its regular meeting of April 24, 2002, and unanimously voted to recommend approval of the updated *Noise Element* with the following changes:

- (1) Revise policies regarding traffic noise to recognize the City's limitations on controlling such noise;
- (2) Clarify the City's commitment to working to reduce traffic noise on residential streets;
- (3) Include a cross-reference to Implementation Measure 13 in Policy 3b;
- (4) Revise policies regarding aircraft noise to recognize the City's limitations on controlling such noise;
- (5) Add an additional policy regarding the Rose Bowl to minimize noise when the *Noise Restrictions Ordinance* [Pasadena Municipal

Code (P.M.C.) Chapter 9.36 - Attachment 8 of the agenda report] is suspended;

(6) Add an additional policy regarding the Rose Bowl to require annual reporting on noise complaints;

(7) Commit the City to updating the *Noise Restrictions Ordinance* (P.M.C. Chapter 9.36 - Attachment 8 of the agenda report) within one year and revise it every three years thereafter; and

(8) Commit the City to requiring mitigation from light rail noise.

Staff proposes to incorporate Recommendation Nos. 1, 2, 3, 4, and 8, and to modify Recommendation No. 7 (Attachment 3).

## **INFORMATION ITEM**

### **CALTRANS AND METROPOLITAN TRANSIT AUTHORITY UPDATE ON FREEWAY SOUND WALLS (Oral Report)**

The above item was discussed concurrently with the Updated General Plan Noise Element.

The Mayor opened the public hearing.

The City Clerk reported the notice of hearing was published in the Pasadena Star News on May 24 and 31, 2002, and published in the Pasadena Journal on May 30, 2002; 165 copies of the notice were mailed on May 21, 2002, no letters were received.

Mr. Joshua Hart, Associate Planner, summarized the agenda report and responded to questions.

Councilmember Gordo expressed concerns regarding traffic noise and deliver truck noise.

In response, Mr. Richard Bruckner, Director of Housing and Development, stated that refinements to the Zoning Code would address timeframes for loading and pick-ups for trash, and he noted that the issue would return to Council on November 25, 2002, which staff believed would address the concerns raised.

Mr. David Olivo, Transportation Planning Manager, Metropolitan Transportation Authority (MTA), briefly provided an overview of the sound wall program and identified areas on the 210 Freeway for the sound walls for Phase I, and responded to questions.

Mr. Dan Novak, Project Manager, Tetra Tech, Inc., discussed High Occupancy Vehicle (HOV) lanes, the Noise Barrier Scope Summary Report (NBSSR), reviewed Phase I of the project and the aesthetics of the sound walls, and responded to questions.

The City Manager responded to questions.

Mr. Chester Britt, representing Arellano & Associates, discussed MTA's public outreach process regarding freeway sound walls, which will focus on education, community input, and communication of study results. Mr. Britt responded to questions and noted his firm will be doing a newsletter which will be sent out to the community

within two blocks of the freeway corridor, and noted an open house will also be held for the public.

Discussion ensued concerning the prioritization of the projects associated with the HOV lanes, and concern that priority for sound walls is given to areas where there are HOV lanes, rather than where noise mitigation is needed most.

Councilmember Streater emphasized the need for Caltrans and the MTA to address the issue of freeways that were built in existing residential neighborhoods, and noted Caltrans and the MTA have not adequately answered the environmental need to build sufficient sound walls. She stressed the need for sound walls along the north 210 Freeway. Councilmember Streater expressed further concern that Caltrans and the MTA are not answering their prior negligence in making whole those communities who have suffered the longest in the existing residential areas. She further requested staff research the City's legal position on mitigations that were not completed at the time the State constructed the freeways in our existing residential areas.

It was suggested that specific outreach be made to Mr. Hal Bernson, Chair of the MTA, to encourage him to address the concerns raised by Councilmember Streater.

It was also suggested that the MTA address why there is a gap in sound walls between Areas 30 and 31. Mr. Chester indicated that the MTA could further look at this issue.

The Mayor suggested that the MTA include in its newsletter the time and place of its first public outreach meeting to be held in the first quarter of 2003.

Councilmember Gordo requested that the meeting notices also be provided in Spanish. Mr. Chester indicated that his firm would provide the notices in Spanish as requested.

Mayor Bogaard noted now was the time for public comment on the Noise Element.

Mr. Robert Wittry, Pasadena resident, commented in opposition to the proposed Noise Element and expressed concern that helicopter noise is not being properly addressed.

Ms. Maria Jimenez, Pasadena resident, expressed concern regarding the process and suggested the need to allow for modifications to the Noise Element once the light rail system is operating, and concurred that the MTA needs to do outreach regarding the sound walls in both English and Spanish.

Councilmember Haderlein inquired as to when sound monitoring will occur when the light rail system is operational. The City Manager responded that staff could commit to doing so within the first six months in 2003.

Ms. Emina Darakjy, representing East Arroyo Residents Association, distributed a letter from the Association and expressed concern regarding the need for additional sound walls, and urged Council and other elected officials to lobby for sound walls on behalf of the residents.

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

MAIN MOTION

Following discussion, it was moved by Vice Mayor Little, seconded by Councilmember Haderlein, to approve the City Manager's recommendation.

AMENDMENT

It was moved by Councilmember Gordo, seconded by Councilmember Tyler, to amend the main motion to revise Measure 23 (Attachment 2 of the agenda report, page 11 of the Revised Noise Element, Objectives, Policies and Implementation) to limit deliveries and trash pick-ups from 7:00 a.m. to 9:00 p.m., Monday through Friday, 9:00 a.m. to 5:00 p.m. on Saturday, with no deliveries or pick-ups allowed on Sunday.

Vote to approve the City Manager's recommendation, with the above revision to Measure 23:

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

NOES: None

ABSENT: Councilmember Madison

The following motion was made regarding the information item pertaining to the Update on Freeway Sound Walls:

It was moved by Councilmember Streator, seconded by Councilmember Holden, to direct the City Attorney to determine whether or not there is a basis for legal action for sound walls, initiate action regarding MTA and Caltrans' lack of response to taking remedial action for sound walls, that communications start with the City's elected representatives regarding the issues; the above actions occur concurrently, rather than sequentially; and for the issues to be reviewed by the Legislative Policy Committee.

Councilmember Holden inquired as to when the City Attorney could report back to Council regarding a basis for taking legal action.

The City Attorney indicated that staff could return within 30 to 60 days.

The City Manager suggested the issue be looked at as staff puts together the legislative platforms and priorities for 2003, which is typically brought before Council in January, both for Federal and State legislation.

Councilmember Streator stressed the need to take priority action now, and noted that the matter has been pending for a long time. The City Manager briefly reported on her contacts and

communications with top MTA and Caltrans officials on the issue of sound walls. The City Manager expressed concern that staff has done what it can at the staff level, and she suggested that Councilmembers may need to make phone calls to the officials making decisions regarding the sound walls. She offered to put together a list of officials to be contacted.

The Mayor requested the City Manager return to Council with the advocacy information, independently from the City Attorney's research, and suggested that the item be agendized for discussion at a future Legislative Policy Committee meeting.

Vote on Councilmember Streator's motion regarding sound walls:  
AYES: Councilmembers Gordo, Haderlein, Holden, Streator,  
Tyler, Vice Mayor Little, Mayor Bogaard  
NOES: None  
ABSENT: Councilmember Madison

Mayor Bogaard turned Council's attention back to the Noise Element, in particular Planning Commission Recommendations 6 and 7. He noted these recommendations were not included in the staff recommendation, as staff felt that these particular requirements should not be part of the Noise Element of the General Plan.

Brief discussion ensued regarding the Planning Commission's recommendation to require the Rose Bowl to do annual reporting on noise complaints. There was a general consensus that if there are issues pertaining to noise at the Rose Bowl, Councilmembers Streator and Madison, representing constituents in the Rose Bowl area, can request the issue be agendized and discussed by the City Council rather than requiring these annual reports. Mayor Bogaard offered to follow-up with absent Councilmember Madison to confirm that he concurs.

#### **PUBLIC HEARING: REVISION OF GENERAL PLAN SAFETY ELEMENT**

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

- (1) Approve the Initial Environmental Study and Negative Declaration and make the appropriate findings (Attachment 1 of the agenda report);
- (2) Approve the De Minimis Impact Finding of the State Fish and Wildlife Habitat (Attachment 2 of the agenda report);
- (3) Receive the Technical Background Report to the Safety Element of the General Plan (Attachment 6 of the agenda report) as the basis of the updated Safety Element;
- (4) Approve the updated Safety Element (i.e., the Goals, Policies, and Programs Report) (Attachment 7 of the agenda report);
- (5) Adopt a resolution (Attachment 4 of the agenda report) adopting the updated Safety Element (i.e., the Goals, Policies, and Program Report); and



(6) Direct the City Clerk to file a Notice of Determination (Attachment 3 of the agenda report) and a Certificate of Fee Exemption for the California Department of Fish and Game, with the Los Angeles County Recorder. (Resolution No. 8162)

**Recommendation of Planning Commission:** The Planning Commission reviewed the draft Safety Element at its regular meeting of August 28, 2002, and voted unanimously to recommend approval of the updated Safety Element of the General Plan.

The Mayor opened the public hearing.

Councilmember Holden was excused at 9:01 p.m.

The City Clerk reported the notice of hearing was published in the Pasadena Star News on September 24 and October 7, 2002, and published in the Pasadena Journal on October 10, 2002; no letters were received.

Mr. Lanny Woo, Associate Planner, and Mr. John Spaulding, Planning Consultant, summarized the agenda report and responded to questions.

Mr. Richard Bruckner, Director of Planning and Development, Fire Chief Ernest Mitchell, and the City Manager responded to additional questions.

There was no public comment.

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

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

**CONTINUED PUBLIC HEARING: ADOPTION OF UPDATED DESIGN GUIDELINES AND NEW GUIDELINES FOR THE CENTRAL DISTRICT SPECIFIC PLAN**

Councilmember Holden returned at 9:14 p.m.

**Recommendation of City Manager:** It is recommended the City Council continue the public hearing to October 21, 2002, at 5:00 p.m.

On order of the Mayor, the public hearing was continued to October 21, 2002, at 5:00 p.m.

**PROPOSED SERVICE CHANGES TO THE PASADENA AREA RAPID TRANSIT SYSTEM (ARTS)**

**Recommendation of City Manager:** It is recommended that the City Council delay discussion regarding changes to the Pasadena Area Rapid Transit System until the City Council meeting of October 28, 2002.

Vice Mayor Little, Chair of the Finance Committee, reported on the Committee's review of this item, noted that City and School District staff have been meeting to discuss the proposal to reallocate \$200,000, and staff plans to have a recommendation for the October 28 Council meeting.

Councilmember Streator, member of the Finance Committee, made additional comments and noted that the \$200,000 was for subsidized student bus passes. The Committee recommended that if the goal of this expansion is to transport people to the Gold Line, then another funding source should be looked at to meet that goal and that the \$200,000 be used to meet the goal of increasing the frequency of service for students who may need to use the ARTS system to get to school. She noted the Committee also asked staff to look at the cost impacts to students to take the ARTS buses if we make the bus system a fare ride.

Councilmember Gordo expressed support for reallocating the \$200,000, and suggested that the School District may want to consider allocating student bus pass funds to the ARTS system to improve service along lines near schools to have greater efficiencies.

The City Manager responded to questions pertaining to communication between City and School District officials.

Councilmember Haderlein requested the following suggestion be presented to School District officials, for consideration of the Board of Education at its October 22 meeting: That the School District take the \$500,000 it allocates for student bus passes and allocate these funds for the ARTS system which serves the needs of PUSD students. He noted that if the District has concerns regarding students in Altadena and Sierra Madre, that the School District utilize a portion of the \$500,000 for bus passes for those students, and invest the remainder of funds in the ARTS system.

Councilmember Haderlein noted that it is recommended to continue this matter for two weeks, and he expressed his intention to see on October 28 the staff report presented to Council on October 7, as well as the School District's response to his questions raised above.

Mayor Bogaard noted that the strategic approach suggested above to have the School District invest in our ARTS bus system would require a significant investment of the District's transportation dollars. He noted that this may need to be placed on a different track from the proposal before Council, in order to move forward with this expansion of the ARTS system.

The City Manager noted that the funds being discussed were not for the current school year but would impact the 2003 school year.

Vice Mayor Little noted this is not a simple matter and there are a lot of questions to be answered, which the joint City/School District committee will be discussing, and noted these issues will subsequently come to Council.

Mr. Robert Wittry, Pasadena resident, spoke in opposition to coin fares for the ARTS system and expressed concern regarding possible delays in service.

On order of the Mayor, the above item was continued to October 28, 2002; with the City Manager to follow-up with questions to the Pasadena Unified School District.

**ORDINANCES - ADOPTED**

**Adopt "AN ORDINANCE OF THE CITY OF PASADENA AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF PASADENA ESTABLISHED BY SECTION 17.08.040 OF THE PASADENA MUNICIPAL CODE TO CHANGE THE DESIGNATION FOR THE PROPERTY LOCATED ON THE WEST SIDE OF ALTADENA DRIVE BETWEEN VILLA STREET AND WAGNER STREET (435 NORTH ALTADENA DRIVE)" (Ordinance No. 6911) (Introduced by Councilmember Haderlein)**

The above ordinance was adopted by the following vote:

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

**Adopt "AN ORDINANCE OF THE CITY OF PASADENA ADDING CHAPTER 17.53 TO THE PASADENA MUNICIPAL CODE CONCERNING HISTORIC PROPERTY CONTRACTS (MILLS ACT CONTRACTS), A PROPERTY TAX REDUCTION INCENTIVE TO ENCOURAGE PRESERVATION OF QUALIFIED HISTORIC PROPERTIES" (Introduced by Vice Mayor Little) (Ordinance No. 6912)**

The above ordinance was adopted by the following vote:

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

**RECESS/CLOSED SESSION**

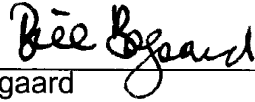
On order of the Mayor, the special meeting of the City Council recessed at 9:23 p.m. to discuss the following closed session:

**CITY COUNCIL CONFERENCE WITH LEGAL COUNSEL regarding pending litigation pursuant to Government Code Section 54956.9(a)**

**Name of Case: Riggins v. City of Pasadena**  
**Case No. GC 20604**

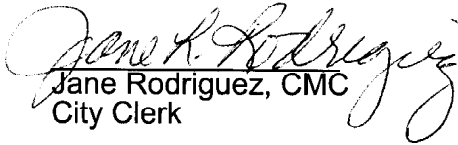
The above closed session item was discussed, with no reportable action at this time.

On order of the Mayor, the special meeting of the City Council adjourned at 10:15 p.m.



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Bill Bogaard  
Mayor

ATTEST:



Jane Rodriguez, CMC  
City Clerk

sj:DATA/MINUTES-02/OCT-14