

CITY OF PASADENA
City Council Minutes
December 9, 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 Gordo)

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

**CITY COUNCIL CONFERENCE WITH LEGAL COUNSEL -
EXISTING LITIGATION pursuant to Government Code Section
54956.9(a)**

**Name of Case: Julia Galindo v. City of Pasadena, et al.
Case No.: LASC GC028114**

**CITY COUNCIL CONFERENCE WITH LEGAL COUNSEL -
EXISTING LITIGATION pursuant to Government Code Section
54956.9(a)**

**Name of Case: Hamilton v. City of Pasadena, et al.
Case No.: LASC GC014770**

**CITY COUNCIL CONFERENCE WITH LEGAL COUNSEL -
EXISTING LITIGATION pursuant to Government Code Section
54956.9(a)**

**Name of Case: Nina Scotti v. City of Pasadena Fire Department;
City of Pasadena and DOES 1 through 100, Inclusive
Case No.: LASC BC269081**

**CITY CONFERENCE WITH LABOR NEGOTIATOR pursuant to
Government Code Section 54957.6**

**Agency Negotiators: Karyn Ezell, Steve Lem
Employee Organization: Pasadena Police Officers Association**

The above closed sessions were discussed with no reportable
action at this time.

On order of the Mayor, the regular meeting reconvened at 6:45 p.m.
The Pledge of Allegiance was led by Vice Mayor Little.

ROLL CALL:

Councilmembers:

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

Councilmember Steve Madison
Councilmember Joyce Streater
Councilmember Sidney F. Tyler, Jr.

Staff:

Assistant City Manager Nabar Enrique Martinez
City Attorney Michele Beal Bagneris
City Clerk Jane L. Rodriguez

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

Mr. Greg Wertime, Pasadena resident, expressed concerns regarding an increase of soft core pornographic magazines being displayed at stores in Old Pasadena.

Ms. Martha Annee Sherkenberg, Pasadena resident, distributed to Council copies of The Pasadena Insider's City Guide 2003.

Mr. Scott Phelps, Pasadena resident, referred to the final report of the Charter Reform Task Force on School District Governance and emphasized the need for the Board of Education to do a full management audit.

Mr. Kenneth Olesen, Altadena resident, expressed concerns regarding proposed water rates.

Mr. Vincent De Stefano, representing Pasadena Organization of Canine Habitats (POOCH), noted \$60,000 has been raised by POOCH toward the cost of an off-leash dog park in Eaton Wash, and offered pro bono services of a noted architect for the total design of the dog park in an effort to reduce costs for the dog park.

Assistant City Manager Enrique Martinez expressed his appreciation for the offer and stated that staff would set up a meeting with Mr. De Stefano and Parks staff to determine what the offered donation would entail and return to City Council with factual information.

Mr. Robert Wittry, Pasadena resident, expressed safety concerns with gas meters next to Altrio's cable boxes, and stressed the need for automatic shut-off valves.

Ms. Jonetta Greathouse, Pasadena resident, expressed concerns regarding living conditions at the Pasadena Motor Inn and her opinion there has been a lack of assistance from City Prosecutor's staff.

The Mayor stated that staff would continue to monitor the issues concerning the living conditions at Pasadena Motor Inn. The City Attorney agreed to meet with Ms. Greathouse to further discuss her concerns.

CONSENT CALENDAR

HERMOSA ROAD SANITARY SEWER PROJECT: EXCHANGE OF PUBLIC UTILITY EASEMENTS AT 1155 HERMOSA ROAD

Recommendation of City Manager: Adopt a resolution to:

- (1) Approve and accept a Grant of Easement for public utility purposes at 1155 Hermosa Road and consenting to the recordation thereof; and
- (2) Direct the City Manager to execute, on behalf of the City, a Quitclaim Deed releasing all of the City's right, title, and interest in the public utility easement at 1155 Hermosa Road acquired in 1938. (Resolution No. 8187, Easement No. 7827, Deed No. 7828)

AUTHORIZATION TO ENTER INTO A CONTRACT WITH DAVID EVANS AND ASSOCIATES IN THE AMOUNT OF \$320,000 FOR PROJECT MANAGEMENT SERVICES FOR PARK CAPITAL IMPROVEMENT PROJECTS

Recommendation of City Manager: Authorize the City Manager to enter into a contract with David Evans and Associates for project management services for park capital improvement projects in an amount not to exceed \$320,000 pursuant to Charter Section 1002(F), contracts for professional or unique services. (Contract No. 18,126)

APPROVAL AND ACCEPTANCE OF PROPOSED EASEMENT DEDICATION FOR STREET PURPOSES ON THE SOUTH SIDE OF CONVERSE ALLEY BETWEEN OAKLAND AVENUE AND MADISON AVENUE AT 40 SOUTH OAKLAND AVENUE

Recommendation of City Manager: Adopt a resolution approving and accepting the proposed easement dedication for street purposes on the south side of Converse Alley between Oakland Avenue and Madison Avenue at 40 South Oakland Avenue. (Resolution No. 8188)

CLAIMS RECEIVED AND FILED

Claim No. 9155	Barbara M. Hill	\$50,000.00+
Claim No. 9156	Andrea Harris	Unknown
Claim No. 9157	Donna Henson	2,640.00+
Claim No. 9158	Mi Hee Yang	285.00
Claim No. 9159	Carlos Yanez Alvares	2,500.00
Claim No. 9160	Manuel L. Armenta	Unknown
Claim No. 9161	Ram Kumar Subramanyan, MD	Unknown
Claim No. 9162	Jose Medrano	1,189.52
Claim No. 9163	Rosa Banuelos Lopez	3,224.00
Claim No. 9164	Gweneth Hourihan	199.34
Claim No. 9165	Ya-Qing Yuan	3,208.14
Claim No. 9166	Selma Blunk	4,800.00
Claim No. 9167	Braxton C. Gregg	Unknown

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

**REPORTS AND
COMMENTS FROM
COUNCIL COMMITTEES**

FINANCE COMMITTEE

**APPROVAL OF AN AGREEMENT WITH THE OLD PASADENA
MANAGEMENT DISTRICT FOR THE MANAGEMENT OF THE
SCHOOLHOUSE, DELACEY AND MARRIOTT GARAGES**

Recommendation of City Manager: Authorize the City Manager to enter into an agreement with the Old Pasadena Management District (OPMD) authorizing the OPMD to manage the Schoolhouse, Delacey and Marriott garages (Old Pasadena garages) consistent with the terms and conditions discussed in the agenda report.

It is also recommended that the City Attorney be directed to prepare an ordinance amending Title II of the Municipal Code to reflect that so long as this management agreement is in place, the Old Pasadena Parking Meter Commission will not have oversight responsibilities of the Old Pasadena garages. (Contract No. 18.127)

Recommendation of Old Pasadena Parking Meter Zone Advisory Commission: The proposal was reviewed by the Old Pasadena Parking Meter Zone Advisory Commission (Commission) and was unanimously approved along with the stipulation that the final contract be presented to the Commission.

Vice Mayor Little, Chair of the Finance Committee, summarized the agenda report and noted the Committee made one amendment to the staff recommendation: that the City retain its ability to set the rates for parking in the garages with notice to the Old Pasadena Management District (OPMD). In addition, the Committee requested the pro forma and the contract between the City and OPMD return to the Finance Committee and City Council when negotiations are complete and the contract is ready for signatures.

Vice Mayor Little clarified that the Finance Committee's recommendation essentially would keep the rate-making ability within the purview of the City Council without outside approval.

Mr. Jay Goldstone, Director of Finance, reviewed the staff report and key points of the framework for the proposed agreement, and responded to questions.

The following persons spoke in support:

Mr. Burke Farrar, Pasadena resident
Mr. John Wilson, Pasadena resident

Ms. Maggie Campbell, President of the Old Pasadena Management District, spoke in support but expressed concerns regarding the burden of the indebtedness of the garages, stated repayment of the re-financed debt could not be accelerated because of the bonds, requested a provision be allowed in the security contract allowing a provision to have authority over the contract when a contractor is not performing. She noted that the role of the Parking Commission was generally discussed at the Parking Commission meeting and the OPMD Board of Director's meeting, and neither body had any knowledge that staff was recommending that the role of the Parking

Commission be changed. She requested that if OPMD is doing its job relative to the rates and performance measures, that Council reconsider that the parking rates not be changed unless the OMPD is not meeting its performance measures. In response to a question, Ms. Campbell clarified that the OPMD is recommending that the rates not be changed unless the OPMD recommends a change during the term of the agreement.

Following discussion, it was moved by Vice Mayor Little, seconded by Councilmember Madison, to approve the Finance Committee's recommendation. (Motion unanimously carried) (Absent: Councilmember Gordo)

It was noted that the final language of the agreement, with all measurements and pro forma, would return to the Finance Committee and City Council for approval.

Councilmember Tyler requested that when the agreement returns to Council, that it include a projected income statement for each of the three years of the contract for the parking garages that shows considerable financial improvement of the bottom line over the three-year period; and that the parties consider an incentive for OPMD in exceeding the goals that are placed in the budget from year to year.

**RECOMMENDATIONS
FROM OFFICERS AND
DEPARTMENTS**

ZONING PARKING CREDIT PROGRAM MODIFICATIONS

Recommendation of City Manager:

- (1) Adopt a resolution approving the revised boundaries for the Old Pasadena Development Subfund.
- (2) Approve the revised Old Pasadena Zoning Parking Credit Parking Program Guidelines. (Resolution No. 8189)

Ms. Joyce Amerson, Director of Transportation, summarized the agenda report and responded to questions.

The following persons spoke in support:

Mr. Burke Farrar, Pasadena resident,
Mr. John P. Wilson, Pasadena resident

Councilmember Madison emphasized the need to move forward with the zoning parking credit program as well as expediting the processing of the contracts.

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

ORDINANCE - FIRST READING

Conduct first reading of "AN ORDINANCE OF THE CITY OF PASADENA AMENDING TITLE 17 (THE ZONING CODE) TO ALLOW FOR OVERSUBSCRIPTION OF PARKING CREDITS IN THE CD-15 (MEMORIAL PARK) SUBDISTRICT"

The City Attorney corrected Section 2 of the ordinance to reflect the ordinance would take effect upon publication rather than taking effect 30 days after publication.

The above ordinance was offered for first reading by Councilmember Madison, with the modification that the ordinance take effect upon its publication:

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

NOES: None

ABSENT: Councilmember Gordo

REPORTS AND COMMENTS FROM COUNCIL COMMITTEES

FINANCE COMMITTEE

JOURNAL VOUCHER TRANSFER FOR THE PURCHASE OF CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION (CAL OSHA) REQUIRED SAFETY EQUIPMENT FOR THE POWER DELIVERY BUSINESS UNIT'S UNDERGROUND DISTRIBUTION DIVISION

Recommendation of City Manager: Approve a journal voucher transferring not to exceed \$60,000 from the unappropriated Power Fund fund balance to Account No. 401-8101-843220-0584. (Journal Voucher No. 2003-25)

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

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

MUNICIPAL SERVICES COMMITTEE

AUTHORIZATION TO PARTICIPATE IN CO-SPONSORED WATER CONSERVATION PROGRAMS WITH THE METROPOLITAN WATER DISTRICT (MWD); AND AUTHORIZATION TO ACCEPT A DEPARTMENT OF WATER RESOURCES GRANT

Recommendation of City Manager:

(1) Authorize the City Manager to execute agreements with the MWD as needed to implement the following MWD co-sponsored residential water conservation programs: a) High Efficiency Clothes Washers, and b) Evapotranspiration Landscape Irrigation Controllers.

(2) Authorize the City Manager to amend the existing Ultra Low Flow Toilet (ULFT) residential water conservation program agreement with MWD to include the Dual Flush Toilet Program.

(3) Certify that the demand-side water management programs authorized in Item 1 above are categorically exempt from the California Environmental Quality Act (CEQA), Public Resources Code Section 21084, in accordance with Title 14 of the California

Councilmember Haderlein was excused at 7:58 p.m.

Administrative Code Sections 15301 and 15304, and hereby authorize the City Manager to execute, and the City Clerk to file a Notice of Exemption with the Los Angeles County Clerk.

(4) Adopt a resolution to: a) authorize PWP to submit a grant application to the Department of Water Resources (DWR) for the direct installation of zero consumption urinals at PWP commercial customer sites; b) authorize PWP to accept approved grant application funds; c) designate PWP's General Manager as the authorized representative to sign a funding contract with DWR; and d) designate PWP's General Manager to approve Partial Payment Estimates. (Resolution No. 8190; Contract N. 17,752-1; Contract No. 18,134)

Councilmember Tyler, Chair of the Municipal Services Committee, summarized the agenda report.

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

AUTHORIZATION TO ENTER INTO A CONTRACT WITH THE AYZENBERG GROUP TO PROVIDE ADVERTISING SERVICES FOR PASADENA WATER AND POWER

Recommendation of City Manager: Authorize the General Manager of Pasadena Water and Power (PWP) to enter into a contract with the Ayzenberg Group to provide creative design, copy development and advisory services in an amount not to exceed \$130,000 for a period of six months with an option to extend the contract for one additional year. Competitive bidding is not required pursuant to City Charter Section 1002(F), contracts for professional or unique services. (Contract No. 18,128)

Councilmember Tyler, Chair of the Municipal Services Committee, summarized the agenda report.

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

PUBLIC HEARINGS

PUBLIC HEARING: COST RECOVERY FOR DEMOLITION OF 1809 NORTH LOS ROBLES - UNSAFE STRUCTURE

Recommendation of City Manager: It is recommended that the City Council continue the above hearing to January 6, 2003, 8:00 p.m.

On order of the Mayor, the above public hearing was continued to January 6, 2003 at 8:00 p.m.

PUBLIC HEARING: ADJUSTMENT OF RESIDENTIAL IMPACT FEES

Recommendation of City Manager: It is recommended that the City Council continue the above public hearing to December 16, 2002, 8:00 p.m.

On order of the Mayor, the above public hearing was continued to December 16, 2003 at 8:00 p.m.

CONTINUED PUBLIC HEARING: VACATION OF PORTIONS OF MADELINE DRIVE (WEST), ZONE CHANGE AND AMENDMENT TO THE GENERAL PLAN LAND USE DESIGNATION OF A PARCEL (235 MADELINE DRIVE) AND WESTRIDGE SCHOOL MASTER DEVELOPMENT PLAN AMENDMENT (MDPA), 324 MADELINE DRIVE

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

- (1) Approve the Initial Environmental Study and Negative Declaration (Attachment 4 of the agenda report);
- (2) Approve the De Minimis Impact Finding on the State Fish and Game (Attachment 5 of the agenda report);
- (3) Find that the proposed vacation of Madeline Drive from approximately 250 feet east of Orange Grove Boulevard to the east end of the cul-de-sac is consistent with the 1994 Comprehensive General Plan Mobility Element ("Plan"), as Madeline Drive is not a through street nor is it a designated mobility corridor, and the vacation of this segment is consistent with the Improved Pedestrian Environment measures K and M of the Plan, which includes the expansion of open space and pedestrian facilities and the improvement of child-pedestrian safety, respectively;
- (4) Adopt a Resolution of Vacation (Attachment 2 of the agenda report) of portions of Madeline Drive (west) from approximately 250 feet east of Orange Grove Boulevard to the east end of the cul-de-sac and in accordance with the requirements and recommendations of the Public Works Department;
- (5) Authorize the City Manager to execute a Condition Satisfaction Contract between the City and the applicant (re: Street Vacation);
- (6) Find that the proposed zone change from RS-4 (0-4 units per acre) to PS (Public, Semi-Public) and amendment to the General Plan land use designation from Low Density Residential, 0-6 units per acre, to Institutional from the parcel located at 235 Madeline Drive are consistent with the goals, objectives and policies of the General Plan and the purposes of Chapter 17.40 (PS, Public, Semi-Public District) of the Zoning Code;
- (7) Approve the proposed amendment to the General Plan land use designation from Low Density Residential (0-6 units per acre) to Institutional for the parcel located at 235 Madeline Drive, and approve the proposed zone change from RS-4 (Single-Family Residential, 0-4 units per acre), to PS (Public, Semi-Public);
- (8) Make the findings pursuant to Section 17.98.040 of the Zoning Code as herein contained in the agenda report, and approve the Amendment to the Westridge School for Girls Master

Development Plan (MDPA2) (Exhibit B of Attachment 3 of the agenda report);

(9) Adopt a resolution (Attachment 3 of the agenda report) approving the Westridge School Master Development Plan Amendment, including the amendment to the General Plan land use designation of the parcel at 235 Madeline Drive;

(10) Direct the City Attorney to prepare an ordinance amending the official zoning map of the City of Pasadena established by Section 17.080.040 of the Pasadena Municipal Code for the parcel at 235 Madeline Drive, from RS-4 (Single-Family Residential, 0-4 units per acre) to PS (Public, Semi-Public); and

(11) Direct the City Clerk to file a Notice of Determination (Attachment 6 of the agenda report) in accordance with Section 15075 of the State of California Environmental Quality Act (CEQA) Guidelines with the Los Angeles County Recorder. (Resolution No. 8191; Contract No. 18,129; Resolution No. 8192)

Recommendation of Planning Commission: On September 25 and October 9, 2002, the Planning Commission reviewed and recommended approval of the proposed amendment to the Master Development Plan (MDP), including the proposed vacation of portions of Madeline Drive, and the proposed zone change and amendment to the General Plan, and other components of the MDP. The Commission recommended modification of condition of approval No. 14 allowing for a fence or wall height of "up to 7 feet" between the Pitcaim House and the abutting property to the east (267 W. State Street). This condition has been included in the MDP amendment.

Recommendation of Design Commission: On September 23, 2002, the Design Commission reviewed and provided advisory comments supporting the proposed MDP amendment. Staff forwarded the Design Commission's comments to the Planning Commission.

Recommendation of Cultural Heritage Commission: On September 3, 2002, the Cultural Heritage Commission reviewed and recommended approval of the MDP amendment. At the same meeting, the Commission reviewed and approved with the condition the proposed removal of a residence at 235 Madeline Drive. The condition of approval has been included in the MDP amendment.

Recommendation of Transportation Advisory Commission: On November 12, 2002, the Transportation Advisory Commission reviewed the recommended approval of the vacation of portions of Madeline (west) according to staff's recommendation.

The Mayor opened the public hearing.

Councilmember Haderlein returned at 8:03 p.m.

The City Clerk reported that the notice of hearing of public hearing was published in the Pasadena Star News on November 1, 2002 and November 7 and 14, 2002 in the Pasadena Journal; on October 30, 2002, 89 copies of the notices were posted and 283 copies of the notices were mailed; no letters were received.

Mr. Dan Rix, Transportation and Development Manager, discussed issues pertaining to the proposed vacation and responded to questions.

Ms. Annabella Altendido, Associate Planner, summarized the agenda report, provided an overview of the Westridge School Master Development Plan, and responded to questions.

Councilmember Haderlein returned at 8:17 p.m.

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

The Mayor read a statement from Mr. David Arnay, Pasadena resident, submitted into the record expressing concern regarding the destruction of streets and pedestrian access from East Madeline Drive lowering the quality and beauty of the neighborhood.

Councilmember Madison indicated that he was familiar with Mr. Arnay's concern read into the record and noted that currently there is pedestrian access to the campus, however, he noted the proposed development would not allow access and the issue was not under the purview of the City.

Ms. Fran Scobel, Head of Westridge School, spoke in support and discussed planned improvements and responded to questions concerning excess parking and security at the school site.

Ms. Maureen Sullivan, architect for Westridge School, informed Council of the meetings held with the local neighbors and summarized planned improvements for the school campus.

Mr. Robert Silverstein, Attorney representing Ms. Charlotte Hayden, adjacent resident, noted objections raised at the Planning Commission and expressed concerns regarding noise and sound from the expansion of the athletic/ballfield and sports activities at the school. He further requested a sound wall be designed, based upon the recommendations of a qualified sound engineer, between Ms. Hayden's rear yard and the athletic/ballfield.

Mr. Bruckner stated staff would review the wall and consult with the appropriate engineers to do its professional best to work with Mr. Silverstein's client.

Mr. Robert Wittry, Pasadena resident, expressed concern regarding sound, dust, and traffic impacts, stated there should have been a Mitigated Negative Declaration, and urged that the Noise Ordinance be enforced.

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

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

PUBLIC HEARING: APPROVAL OF A RESOLUTION OF NECESSITY FOR THE ACQUISITION IN EMINENT DOMAIN OF TEMPORARY TIE-BACK EASEMENTS ON REAL PROPERTY LOCATED WITHIN THE PUBLIC RIGHT OF WAY, UNDER THE NORTH SIDE OF COLORADO BOULEVARD, AND UNDER THE WEST SIDE OF LOS ROBLES AVENUE, IN THE CITY OF PASADENA, IN CONNECTION WITH THE CONSTRUCTION OF THE WESTERN ASSET PLAZA PROJECT, AND ALL USES NECESSARY AND CONVENIENT THERETO

Vice Mayor Little was excused at 8:30 p.m.

Recommendation of City Manager:

(1) Consider the Resolution of Necessity of the City of Pasadena declaring certain real property interests necessary for public purposes and authorizing the acquisition thereof, in connection with the temporary shoring within the public right of way in connection with the construction of the Western Asset Plaza Project, and all uses necessary or convenient thereto; and

(2) If the Resolution of Necessity is approved, authorize the City Manager to execute all necessary documents and authorize the City Attorney's Office and staff to take all necessary steps to file and prosecute eminent domain proceedings to acquire the subject property interests. (Resolution No. 8193)

The Mayor opened the public hearing.

The City Clerk reported no publication or posting was required; a notice of the proposed eminent domain proceeding was mailed to CT Corporation System on October 15, 2002.

Mr. Kirk Peltser, Development Administrator, summarized the agenda report.

Ms. Regina Danner, outside counsel for the City, responded to questions.

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

There was no public comment.

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

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

PUBLIC HEARING: APPROVAL OF A RESOLUTION OF NECESSITY FOR THE ACQUISITION IN EMINENT DOMAIN OF TEMPORARY TIE-BACK EASEMENTS ON REAL PROPERTY LOCATED WITHIN THE PUBLIC RIGHT OF WAY, UNDER THE NORTH SIDE OF COLORADO BOULEVARD, AND UNDER THE PUBLIC RIGHT OF WAY BETWEEN EUCLID AND LOS ROBLES AVENUES, IN THE CITY OF PASADENA, IN CONNECTION WITH THE CONSTRUCTION OF THE WESTERN ASSET PLAZA PROJECT, AND ALL USES NECESSARY AND CONVENIENT THERETO

Recommendation of City Manager:

(1) Consider the Resolution of Necessity of the City of Pasadena declaring certain real property interests necessary for public purposes and authorizing the acquisition thereof, in connection with the temporary shoring within the public right of way in connection with the construction of the Western Asset Plaza Project, and all uses necessary or convenient thereto; and

(2) If the Resolution of Necessity is approved, authorize the City Manager to execute all necessary documents and authorize the City Attorney's Office and staff to take all necessary steps to file and prosecute eminent domain proceedings to acquire the subject property interests. (Resolution No. 8194)

The Mayor opened the public hearing.

The City Clerk reported no publication or posting was required; a notice of eminent domain proceeding was mailed on October 15, and November 15, 2002 to the Pasadena Hotel Corporation. No letters were received.

There was no public comment.

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

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

PUBLIC HEARING: APPROVAL OF A RESOLUTION OF NECESSITY FOR THE ACQUISITION IN EMINENT DOMAIN OF TEMPORARY TIE-BACK EASEMENTS ON REAL PROPERTY LOCATED WITHIN THE PUBLIC RIGHT OF WAY, UNDER THE NORTH SIDE OF COLORADO BOULEVARD, AND UNDER THE EAST SIDE OF EUCLID AVENUE, IN THE CITY OF PASADENA, IN CONNECTION WITH THE CONSTRUCTION OF THE WESTERN ASSET PLAZA PROJECT, AND ALL USES NECESSARY AND CONVENIENT THERETO

Councilmember Haderlein was excused at 8:43 p.m.

Vice Mayor Little returned at 8:43 p.m.

Recommendation of City Manager:

(1) Consider the Resolution of Necessity of the City of Pasadena declaring certain real property interests necessary for public purposes and authorizing the acquisition thereof, in connection with the temporary shoring within the public right of way in connection with the construction of the Western Asset Plaza Project, and all uses necessary or convenient thereto; and
(2) If the Resolution of Necessity is approved, authorize the City Manager to execute all necessary documents and authorize the City Attorney's Office and staff to take all necessary steps to file and prosecute eminent domain proceedings to acquire the subject property interests. (Resolution No. 8195)

The Mayor opened the public hearing.

The City Clerk reported no publication or posting was required. After exercising due diligence, per outside counsel, all public records were researched to locate persons associated with or related to this property. No information was found, therefore, no mailing occurred.

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 Gordo, Haderlein)

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

RECOMMENDATIONS FROM OFFICERS AND DEPARTMENTS

Councilmember Haderlein returned at 8:50 p.m.

Councilmember Streator was excused at 8:51 p.m.

ADVISORY BODY ANNUAL REPORTS AND WORK PLANS

Recommendation of the Mayor: In regard to the annual reports and work plans received from our advisory boards and commissions, it is recommended that such reports be referred to an appropriate Council committee for review and report back to the Council. In cases where the committee deems it appropriate, the reports for an advisory body could then be placed on the Council agenda for further consideration.

The Mayor reviewed his report and recommendation.

Councilmember Tyler expressed his support for the Committees to review the annual reports and requested the reports be provided earlier to Council in the process so that Council will be in a better position to comment on what is planned for the balance of the year.

In response, the Assistant City Manager indicated that the reports could be expedited.

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

APPOINTMENT OF STEPHEN MACALA TO THE HUMAN RELATIONS COMMISSION (District 7 Nomination)

APPOINTMENT OF JAMES HALFERTY TO THE PASADENA CENTER OPERATING COMPANY (Mayor/Property Owner Nomination)

APPOINTMENT OF JOANNA FOSTER TO THE CULTURAL HERITAGE COMMISSION (Banbury Oaks Nomination)

APPOINTMENT OF ANTHONY O'KEEFE TO THE CITY HALL RESTORATION OVERSIGHT COMMITTEE (City Nomination)

APPOINTMENT OF ALLAN R. PORUSH TO THE CITY HALL RESTORATION OVERSIGHT COMMITTEE (City Nomination)

APPOINTMENT OF WILLIAM FAY TO THE CITY HALL RESTORATION OVERSIGHT COMMITTEE (City Nomination)

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

CONSIDERATION OF CALL FOR REVIEW OF CONDITIONAL USE PERMIT NO. 4061 TO THE CITY COUNCIL, 1190 NORTH FAIR OAKS, OFF-SITE LIMITED ALCOHOL SALES (BEER AND WINE) AT HOME FOODS MARKET (Councilmember Holden)

Councilmember Holden informed Council there was considerable public opinion in support of the business and operator, but considerable opposition to the use in terms of the ability to sell alcohol. He further described the challenges with the request for the conditional use permit as the Council had recently adopted an ordinance and the Fair Oaks Specific Plan. He requested that the City Attorney clarify her interpretation of the law as to what actions the Council could take related to the request for a call for review.

In response, the City Attorney indicated an ordinance was adopted by the Council that would take effect December 28, 2002 which states there shall be no conditional use permits issued for new alcohol beverage licenses for off-site consumption. She further indicated the application considered is for the sale of alcoholic beverages for off-site consumption and under statutory and case law, the City's interpretation of its laws is when an item is considered, the law should be applied at the time of the decision. Therefore, if Council were to call the conditional use permit up for

review, it would need to consider the law in effect at the time of the public hearing. The City Attorney also informed Council that if it would like to reverse the lower body's decision for the conditional use permit, it would need to conduct a special meeting, prior to the ordinance taking effect on December 28, 2002.

Mr. Dawit Ghebresellasie, owner of Home Food Market, provided an overview of the available products at the market and requested a stay of denial and a call for review of the conditional use permit by Council for reconsideration of the sale of alcoholic beverages for off-site consumption.

The following persons commented in favor of the call for review:

- Mr. Ralph Poole, Pasadena resident
- Ms. Georgia Holloway, Pasadena resident, also expressed concern regarding removing the conditional use process in the Specific Plan and stressed the need for redevelopment in the area
- Ms. Kongit Haile, Pasadena resident

The following person spoke in opposition to the call for review:

- Mr. Robert Wittry, Pasadena resident
- Ms. Lisa Cavelier, representing Day One, Inc.
- Mr. Steve Lipira, Pasadena resident
- Ms. Joan Chin, representing Sunset Oaks Neighborhood Association, also expressed the need for redevelopment in the area

Mr. Dawit Ghebresellasie rebutted comments received in opposition to his request for the call for review of the conditional use permit.

Councilmember Holden stated that after reviewing the legality of the request, he believed Council's hands were tied. However, if the Specific Plan omitted a process allowing for a plan to have an option for a conditional use permit process, a review of the Plan seemed reasonable. He further suggested having an advisory body, possibly the Northwest Commission, conduct a public discussion within 60 days, on the conditional use process allowing community input, if modifications were needed.

Councilmember Holden then withdrew his request for the call for review.

The Mayor requested that further information be provided to Council regarding the provision that bans consideration of liquor licenses.

In response to Councilmember Holden's comments, Mr. Richard Bruckner, Director of Planning and Development, clarified that he was requesting a forum be held through the Northwest Commission to hear all points of view and for staff to report back to Council. He

Councilmember Streator
returned at 8:56 p.m.

further noted it would take some time to send notice to the community, therefore, staff would probably report back in late January or February 2003.

The Mayor also noted he was interested in the Police and Health Departments providing the information to the community that was reflected in the correspondence in the record presented to Council and referenced the November 13, 2002 memo from the Police Department and the memo from the Health Department dated November 5, 2002, and relay to the community concerns expressed at earlier hearings.

In conclusion, Councilmember Holden noted it may be appropriate for a process to be incorporated into the Specific Plan.

RECESS

On order of the Mayor, the regular meeting of the City Council recessed at 9:40 p.m.

RECONVENED

On order of the Mayor, the regular meeting of the City Council reconvened at 9:41 p.m. (Absent: Councilmember Gordo)

**ORDINANCE - FIRST
READING**

Conduct first reading of "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 FOR THE PARCELS ALONG RAYMOND AND SUMMIT AVENUES, BETWEEN MAPLE AND VILLA STREETS"

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

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

NOES: None

ABSENT: Councilmember Gordo

ORDINANCE - ADOPTED

Adopt "AN ORDINANCE OF THE CITY OF PASADENA AMENDING CHAPTER 4.08 OF THE PASADENA MUNICIPAL CODE, THE COMPETITIVE BIDDING AND PURCHASING ORDINANCE, TO ELIMINATE CONFLICT WITH CONTRACTING GUIDELINES FOR FEDERALLY OR STATE FUNDED PROJECTS" (Introduced by Councilmember Streator) (Ordinance No. 6921)

The above ordinance was adopted by the following vote:

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

NOES: None

ABSENT: Councilmember Gordo

COUNCIL COMMENTS

Vice Mayor Little congratulated Mr. Bahman Janka on the birth of his first son; and Mr. Bill Pompey on his 100th birthday.


Councilmember Streater informed Council that at the National League of California Cities Conference there was a strong request made by the incoming President for members of every City Council, individually, to write to the President of the United States with copies to their congressional representatives and to the League asking that the President place high on his priority list funding for first defenders of emergencies in every city and county. She further noted all burden had been placed on local Police and Fire officials and despite many promises, no funding was earmarked to the cities as part of the homeland security defense.

Councilmember Holden apprised the Council that at the Tri-City Meeting (December 4, 2002), there was an agreement to go to Washington and meet with the FAA, however, the Airport Authority was not clear as to what requests would be made at the meeting. He further commended the Mayor on his comments at the meeting.

The Mayor stated that he would review the issues discussed at the Tri-City meeting with the Assistant City Manager and City Manager.

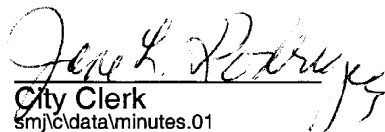
ADJOURNMENT

On order of the Mayor, the regular meeting of the City Council adjourned at 9:47 p.m.



Bill Bogaard, Mayor
City of Pasadena

ATTEST:



City Clerk
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