

CITY OF PASADENA
City Council Minutes
February 10, 2003 - 5:30 P.M.
City Hall Council Chamber

REGULAR MEETING

OPENING:

Mayor Bogaard called the regular meeting of the City Council to order at 6:30 p.m. (Absent: Councilmember Streator)

The Pledge of Allegiance was led by Vice Mayor Little.

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 (Absent)
Councilmember Sidney F. Tyler, Jr.

Staff:

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

CEREMONIAL MATTERS

The City Clerk administered the oath of office to Ms. Estella Casas as Cultural Heritage Commissioner.

Mr. Nat Nader, Chair of the Human Relations Commission, introduced Vice Chair Nancy Sullivan of the Human Relations Commission.

Ms. Sullivan announced the winners of the 10th Annual Pasadena Human Relations Commission essay contest entitled "What Can I Do to Improve Human Relations in the Pasadena Area?"

In the absence and on behalf of Councilmember Streator, the Mayor recognized and announced that the meeting would adjourn in memory of Dr. Wesley Bing Leung, who passed away on January 21, 2003.

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

Rector Ed Bacon, All Saints Church, spoke in opposition to a war with Iraq, expressed concerns regarding the costs and impacts of the war with Iraq on the City, and announced the scheduling of two community meetings on the topic.

Ms. Sue Miele, Pasadena resident, commented regarding upcoming budget cuts and voiced opposition to a war with Iraq.

Ms. Lorna Miller, Pasadena resident, expressed concerns regarding possible budget reductions to after school programs, the effects to Pasadena students, and voiced opposition to a war.

Reverend George Regas, All Saints Church, spoke in opposition to a war with Iraq and requested Council attend upcoming public meetings scheduled for Sunday, February 23, 2003, at 4:00 p.m. and Thursday, March 6, at 7:00 p.m., possibly at McKinley School.

All Councilmembers indicated they would make every effort to attend one of the upcoming public meetings.

Councilmember Holden stated he believed that the Council would be requested to adopt a resolution opposing the war as other cities have done. He noted the Human Relations Commission usually reviews matters such as this, and requested that the City Manager or City Attorney research the other cities that have adopted resolutions.

Following a brief discussion regarding the appropriateness of dedicating staff and Commission time to research the issue, Councilmember Madison requested to have the war issue agendized for the March 10 Council meeting.

The City Manager offered to have staff gather information from the 70 plus cities that have adopted resolutions and summarize the information.

Mr. Lloyd Allan Roth, Pasadena resident, spoke in opposition to a war with Iraq and requested adoption of a resolution. He also commented that nothing has been done about the trees on Madeline Drive as mentioned at last week's Council meeting.

Mr. Philip Koebel, Pasadena resident and Mayoral candidate, commented regarding a resolution in opposition to a war in Iraq and requested that the issue be agendized. He urged everyone to vote on March 4th and announced the upcoming Black History parade on February 15.

A letter from Kathleen Morris, Altadena resident, was submitted and distributed in lieu of oral public comment, requesting Council adopt an anti-war resolution.

OLD BUSINESS

CONSIDERATION OF A CALL FOR REVIEW FOR CONDITIONAL USE PERMIT NO. 4145 TO THE BOARD OF ZONING APPEALS (686 SOUTH ARROYO PARKWAY - TO RELOCATE AN EXISTING DRIVE-THRU COFFEE SHOP (GOTTA JAVA) TO THE SITE, ASSOCIATED VARIANCE FOR TAKE-OUT RESTAURANT AND REDUCTION IN FRONT YARD, AND SIGN EXCEPTION TO ALLOW A ROOF SIGN) (Councilmember Madison)

Councilmember Madison briefly summarized the history of the site, the issues concerning the conditional use permit, and requested a call for review to the Board of Zoning Appeals.

It was moved by Councilmember Madison, seconded by Councilmember Gordo, to call the matter for review to the Board of Zoning Appeals. (Motion unanimously carried) (Absent: Councilmember Streator)

CONSENT CALENDAR

LICENSE AGREEMENT BETWEEN THE CITY OF PASADENA, AND PCOR LLC AND CORDOVA-HUDSON LTD, FOR THE INSTALLATION OF TEMPORARY SOIL NAILS UNDER THE PUBLIC RIGHT-OF-WAY FOR SUBTERRANEAN PARKING AT 175 SOUTH LAKE AVENUE AND 160 SOUTH HUDSON AVENUE
Recommendation of City Manager: Adopt a resolution approving a License Agreement with PCOR LLC and Cordova-Hudson LTD for property located at 175 South Lake Avenue and 160 South Hudson Avenue, with the terms and conditions as set forth in the agenda report, and authorize the City Manager to execute and the City Clerk to attest said License Agreement on behalf of the City of Pasadena. (Resolution 8209; Contract 18,167)

APPROVAL AND ACCEPTANCE OF PROPOSED EASEMENT DEDICATION FOR STREET PURPOSES AT 22 WEST GREEN STREET

Recommendation of City Manager: Adopt a resolution approving and accepting the proposed easement dedication for street purposes at 22 West Green Street. (Resolution No. 8210)

APPROVAL OF MINUTES

October 28, 2003

CLAIMS RECEIVED AND FILED

Claim No. 9212

Hubert Lee Carr

\$1,266.45

PUBLIC HEARING SET

February 24, 2003, 8:00 p.m. - Proposed Amendment to the General Fee Schedule for Fiscal Year 2003 Relating to the Residential Impact Fee

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

INFORMATION ITEM

PRESENTATION BY MR. CHRIS MCKENZIE, LEAGUE OF CALIFORNIA CITIES, REGARDING STATUS OF LOCAL REVENUES FROM THE STATE

Mr. McKenzie provided a power point presentation on the relationship between the State and local governments, on the current state budget crisis, and responded to questions.

**REPORTS AND
COMMENTS FROM
COUNCIL COMMITTEES**

FINANCE COMMITTEE

LICENSE AGREEMENT WITH THE LEVITT FOUNDATION FOR IMPROVEMENTS TO THE MEMORIAL PARK BAND SHELL AND NAME CHANGE TO THE LEVITT PAVILION; AND APPROPRIATION OF RESIDENTIAL IMPACT FEES FOR PARK IMPROVEMENTS

Recommendation of City Manager:

(1) Adopt the Negative Declaration and the de minimis finding of no impact on fish and wildlife.

(2) Amend the FY 2003 Capital Improvement Program Budget to recognize and appropriate \$78,926 residential impact fees and \$26,074 residential impact fee interest to the Memorial Park Implement Master Plan Project.

(3) Authorize the City Manager to enter into a license agreement according to the business points set forth in the agenda report with the Friends of the Levitt Pavilion and the Mortimer Levitt Foundation.

(4) Direct the City Clerk to file the Notice of Determination and Certificate of Fee Exemption from State Fish and Game fees with the Los Angeles County Registrar-Recorder/County Clerk. (Contract No. 18,168; Journal Voucher No. 2003-33)

Recommendation of Recreation and Parks Commission: At its February 4, 2003 meeting, the Recreation and Parks Commission unanimously recommended approval of the Levitt Pavilion proposal including appropriation of west district residential impact fees.

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

Mr. Todd Holmes, Landscape Architect, Parks and Natural Resources, displayed a diagram of Memorial Park and discussed the proposed improvements to the park.

Ms. Ariel Penn, Filming and Special Events Manager, discussed proposed elements to mitigate noise to the neighborhood, and responded to questions.

The City Manager noted the local neighborhood had been notified of the proposal and no letters or phone calls had been received in protest.

In response to a question, Ms. Penn noted one of the business points is that Friends of the Levitt Pavilion and the Mortimer Levitt Foundation will be required to research all the users of the park during the summer period for the last five years, and meet with them to come up with an acceptable schedule.

Councilmember Gordo referred to business point number seven of the license agreement, and requested that the same policy be implemented as at the Rose Bowl, and that no tobacco or hard alcohol sponsors be permitted.

Councilmember Madison requested information regarding residential impact fee zones and how that revenue is applied.

The following individuals spoke in support:

Mr. Doug Huberman, Friends of Levitt Pavilion
Ms. Barbosa Polverini, Friends of Levitt Pavilion
Ms. Liz Hirsch, Friends of Levitt Pavilion
Ms. Maggie Campbell, Old Pasadena Management District
Mr. Michael Hurley, Recreation and Parks Commissioner

In response to questions from Councilmember Tyler, the City Manager indicated staff will provide Council with information on the costs and alternatives for preservation of the library memorial.

Mayor Bogaard acknowledge the staff who worked on this project, and expressed appreciation on behalf of City Council.

It was moved by Vice Mayor Little, seconded by Councilmember Tyler, to approve the City Manager's recommendation, amending Condition No. 7 to read: "FLP will be permitted to grant naming rights of its concert series to a sponsor, however, there may be no tobacco sponsors and no alcoholic beverage sponsors (beer and wine sponsors are allowed). FLP may provide sponsorship opportunities for the funding of new amphitheater benches with a tasteful plaque approved by the City." (Motion unanimously carried) (Absent: Councilmember Streater)

Councilmember Holden requested a status report on the project after the first season, possibly in October of 2003.

CITY HALL SEISMIC RETROFIT PROJECT UPDATE
Recommendation of City Hall Restoration Oversight Committee:
The agenda report is for information only.

Vice Mayor Little, Chair of the Finance Committee, introduced the item.

Dr. Paul Jennings, Chair of the Restoration Oversight Committee, and Ms. Julie Gutierrez, Director of Public Works, summarized the agenda report and responded to questions.

The City Manager provided a brief summary of the public meetings held, the results of the citizen survey, and proposed funding for the project.

Councilmember Holden stressed the need to continue to present information to the community regarding this project.

The Mayor commented that the same should occur with other important projects throughout the City.

Councilmember Holden suggested Council be brought up to date soon on other Civic Center improvements.

The City Manager noted an update from the City Center Task Force would be agendized.

Mr. Robert Wittry, Pasadena resident, expressed support for the project, but voiced opposition to the construction of a moat.

On order of the Mayor, the report was received and filed. The Mayor thanked the Committee for its oversight of the project.

INFORMATION ITEM

PROPOSAL FOR FUNDING PARK MASTER PLANS AND CAPITAL REPLACEMENT

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

Recommendation of Recreation and Parks Commission: On February 4, 2003, the Recreation and Parks Commission voted unanimously to recommend that the agenda report be received by the City Council as an information item rather than an action item. The Commission believes that there is not enough information available at this time to determine the total funding needs for park development and capital replacement. The Commission was concerned that costs for capital replacement may be underestimated, that costs for the Arroyo Master Plan cannot be calculated until the plan is adopted, that costs be based on standards adopted for all parks throughout the City, and that a survey of needs be completed prior to developing those criteria.

Mr. Todd Holmes, Landscape Architect, Parks and Natural Resources, and Ms. Julie Gutierrez, Director of Public Works, summarized the agenda report.

The City Manager briefly discussed the timeline for the Arroyo Seco Master Plan and for pocket parks, and responded to questions.

Councilmember Holden referred to funding options, the need for a concrete plan, and stressed the need for the Recreation and Parks Commission to make this a high priority work assignment.

Mr. Michael Hurley, Chair of the Recreation and Parks Commission, responded the Commission would double their efforts to look at this issue. He briefly discussed the Commission's recommendation and the Commission's concern regarding the \$6.2 million identified as an unfunded need, and stated that this amount seemed insufficient.

Councilmember Haderlein also expressed concern regarding the \$6.2 million, and requested a list of capital replacement projects.

Following discussion, the City Manager indicated staff would continue to work with the Commission and return to Council with a recommendation.

On order of the Mayor, the report was received.

Councilmembers expressed appreciation to Ms. Gutierrez for her tenure with the City of Pasadena and wished her well in her new position.

LEGISLATIVE POLICY
COMMITTEE

**RECOMMENDED PROJECTS FOR THE TRANSPORTATION
EQUITY ACT FOR THE 21ST CENTURY (TEA-21)**

Recommendation of City Manager: Approve the list of projects contained in the agenda report and direct staff to submit the projects for funding consideration under the TEA-21 legislation.

Mayor Bogaard, Chair of the Legislative Policy Committee, summarized the agenda report.

In response to a question regarding soundwalls, the City Manager indicated the sound study being conducted by Tetrattech would be completed by the end of February.

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

**RECOMMENDATIONS
FROM OFFICERS AND
DEPARTMENTS**

**RESIGNATION OF LORNA L. MOORE FROM THE
TRANSPORTATION ADVISORY COMMISSION (District 6
Nomination)**

It was moved by Councilmember Madison, seconded by Vice Mayor Little, to accept the above resignation with regrets. (Motion unanimously carried) (Absent: Councilmember Streator)

**ORDINANCE - FIRST
READING**

**Conduct first reading of "AN ORDINANCE OF THE CITY OF
PASADENA AMENDING THE WATER RATE ORDINANCE,
CHAPTER 13.20 OF THE PASADENA MUNICIPAL CODE"**

Mr. Robert Wittry, Pasadena resident, expressed concern whether the extra costs for the program are being distributed equitably.

The above ordinance was offered for first reading by Councilmember Tyler:

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

NOES: None

ABSENT: Councilmember Streator

ORDINANCES - ADOPTED

**Adopt "AN ORDINANCE OF THE CITY OF PASADENA
AMENDING VARIOUS CHAPTERS OF TITLE 2 OF THE
PASADENA MUNICIPAL CODE TO REVISE THE SCHEDULE
FOR SUBMITTAL OF ANNUAL REPORTS FROM ADVISORY
COMMISSIONS" (Introduced by Councilmember Tyler) (Ordinance
No. 6930)**

The above ordinance was adopted by the following vote:

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

NOES: None

ABSENT: Councilmember Streator

Adopt "AN INTERIM URGENCY ORDINANCE OF THE CITY OF PASADENA ADOPTED PURSUANT TO GOVERNMENT CODE SECTION 65858 TEMPORARILY PROHIBITING DEMOLITION OF RESIDENTIAL STRUCTURES 20 YEARS OR OLDER IN DESIGNATED STUDY AREA 12" (Introduced by Councilmember Streater) (Ordinance No. 6931)

The above ordinance was adopted by the following vote:

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

RECESS

On order of the Mayor, the regular meeting of the City Council recessed at 10:02 p.m. to the regular meeting of the Community Development Commission.

RECONVENE

On order of the Mayor, the regular meeting of the City Council reconvened at 10:23 p.m. (Absent: Councilmembers Gordo, Streater)

PUBLIC COMMENT
(Continued)

Mr. Robert Wittry, Pasadena resident, spoke about the importance of public comment, and noted this coming Sunday marks the anniversary of Mr. Roy Begley's death.

A moment of silence was held in memory of Dr. Wesley Bing Leung, who passed away on January 21, 2003.

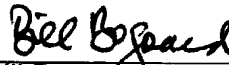
RECESS

On order of the Mayor, the regular meeting of the City Council recessed at 10:28 p.m., to discuss the following closed session, and adjourned thereafter:

CLOSED SESSION

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

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



Bill Bogaard
Mayor

ATTEST:



Jane L. Rodriguez
City Clerk
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