

CITY OF PASADENA  
City Council Minutes  
March 24, 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 5:30 p.m. (Absent: Councilmember Streator)

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

**CITY COUNCIL CONFERENCE WITH LABOR NEGOTIATORS pursuant to Government Code Section 54957.6**

**Agency Negotiators:** Karyn Ezell, Steve Lem  
**Employee Organizations:** Pasadena Fire Fighters Association, Local 809; Pasadena Firefighters Management Association; Pasadena Police Officers Association; and Pasadena Police Sergeants Association

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

**Name of Cases:** San Diego Gas & Electric Company v. Sellers of Energy and Ancillary Service into Markets Operated by the California Independent System Operator and the California Power Exchange (FERC Docket No. EL00-95-075) and Investigation of Practices of the California Independent System Operator and the California Power Exchange (FERC Docket No. EL00-98-063)

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

On order of the Mayor, the regular meeting of the City Council reconvened at 6:56 p.m. The Pledge of Allegiance was led by Mayor Bogaard.

**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**

On order of the Mayor, there was a moment of silence to commemorate the men and women serving in the war with Iraq.

Mr. Nat Nehdar and Mr. Stephen Macala, of the Human Relations Commission, recognized the YWCA and Pasadena Junior Chamber of Commerce organizations as Model of Unity Award recipients.

The City Clerk administered the oath of office to Mr. Sam Gennaway as member of the Pasadena Center Operating Company Board.

Ms. Joyce Amerson, Director of Transportation, introduced Mr. Amir Sedadi, as the new Parking Manager.

**R E P O R T S     A N D**  
**C O M M E N T S   F R O M**  
**O F F I C E R S     A N D**  
**D E P A R T M E N T S**  
**MUNICIPAL SERVICES**  
**COMMITTEE**

**AUTHORIZATION TO ENTER INTO CONTRACT WITH TURBINE TECHNOLOGY SERVICES CORPORATION DBA SERMATECH POWER SOLUTIONS FOR CONSTRUCTION AND INSTALLATION OF GAS TURBINE UNITS 3 AND 4 AT THE GLENARM POWER PLANT IN AN AMOUNT NOT TO EXCEED \$19,850,000**

The Mayor announced the above item was pulled from the agenda at the request of the City Manager to allow for additional review.

**PUBLIC COMMENT**

Mr. Lloyd Allan Roth, Pasadena resident, informed Council he had not received the Arborist report he had requested. He also expressed his appreciation to the three Councilmembers that supported the resolution against the war with Iraq.

In response, the City Manager stated she would ensure that the report would be available the next business day.

Mr. Tom Selinske, Pasadena resident, expressed concern regarding funding for schools and State budget cuts.

Ms. Terrie Allen, Accessibility and Disability Commissioner, distributed a handout regarding accessible viewing areas for the 2003 Rose Parade, and thanked the City for its support.

Mr. Michael Durand, Durand Productions, announced the availability of a safety video produced for Los Angeles County and expressed appreciation to Pasadena's leaders for their support of the project.

Mr. Gary Klein, Pasadena resident, expressed concerns regarding budget reductions within the Pasadena Unified School District and encouraged a stronger partnership between the City and School District.

Mr. Chip Ossman, Pasadena resident, submitted a handout, referred to the Glenarm Power Plant construction contract bid item, and commented on the cost of project labor agreements.

The Mayor noted this item had been removed from the agenda and was expected to come back to Council in the next week or two.

**INFORMATION ITEM**

**ORAL PRESENTATION REGARDING A 710 FREEWAY TUNNEL, AND CONSIDERATION OF CITY COUNCIL TAKING A POSITION TO FURTHER STUDY THE MATTER**

Mr. Roger Snoble, Chief Executive Officer, Metropolitan Transportation Authority (MTA), submitted and summarized a handout entitled "710 Gap Closure Alternative Solutions", describing a freeway tunnel alternative, and responded to questions.

Mr. Mark Pisano, Southern California Association of Governments (SCAG), provided a brief update on the discussions held with the City of South Pasadena regarding this alternative; noted they had not yet appeared before the Council of El Sereno to discuss this issue; and responded to questions.

Mr. Doug Failing, Caltrans, stated the concept has some benefits to the community in retaining housing, in retaining community interconnection, but also recognized there are some technical complexities in tunneling projects. He noted it is a very interesting proposal, and indicated an important next step is to be able to understand where the community is before a lot of time and money is spent on technical studies.

Councilmember Madison was excused at 8:01 p.m.

Mr. Snoble and Mr. Pisano responded to questions regarding financing of the project, sound walls, and truck traffic.

Following discussion, there was a general consensus of Council to direct City staff to work with MTA, SCAG, and Caltrans staff to develop a strategy or recommendation to bring back to Council for further action to help advance the discussion beyond the presentation this evening.

It was also requested that Council concerns regarding heavy truck traffic, that this not be a toll freeway, and the need to mitigate noise by installing soundwalls on the North 210 freeway and treat together as one project, be addressed.

**CONSENT CALENDAR**

Councilmember Haderlein was excused at 8:19 p.m.

**CONTRACT AWARD TO PK CONSTRUCTION FOR MISCELLANEOUS CONCRETE REPAIR 2003 FOR AN AMOUNT NOT TO EXCEED \$232,000**

**Recommendation of City Manager:**

- (1) Accept the bid dated February 26, 2003 submitted by PK Construction in response to the Specifications for Miscellaneous Concrete Repair - 2003, reject all other bids received, and authorize the City Manager to enter into such contract as is required.
- (2) Acknowledge the project to be categorically exempt under Section 21084 of the California Environmental Quality Act of 1984 in accordance with Article 19, Section 5301 (Class 1), subsection (c) of the Resources Agency of California Guidelines (maintenance of existing public streets), pursuant to the findings of the Secretary of

the Resources Agency and authorize the City Manager to execute and the City Clerk to file a Notice of Exemption for the project with the Los Angeles County Clerk.

(3) Approve a journal voucher recognizing private capital in the amount of \$2,140 and appropriating it to Budget Account No. 73710, Preventive Maintenance - Asphalt Streets. (Contract No. 18,202; Journal Voucher No. 2003-38)

**CONDEMNATION OF RIGHT-OF-WAY FOR PUBLIC ALLEY, GLADYS COURT EAST SIDE STORM DRAIN**

**Recommendation of City Manager:** It is recommended that the City Council set a public hearing date of June 2, 2003, 8:00 p.m. to consider the adoption of a resolution authorizing the condemnation of the property known as "Lot A" of Tract No. 265 as per Map recorded in Book 14, Page 32 of maps in the Office of the Recorder of Los Angeles County (location map attached to the agenda report).

**QUITCLAIM OF DRAINAGE EASEMENT RUBIO WASH - STORM DRAIN NO. 2**

**Recommendation of City Manager:** Adopt a resolution and authorize the City Manager to execute, on behalf of the City, a Quitclaim Deed releasing all of the City's right, title, and interest in a drainage easement for the Rubio Wash - Storm Drain No. 2. (Resolution No. 8219; Easement No. 7836)

**AUTHORIZE THE EXECUTION OF AN APPROVAL CERTIFICATE AUTHORIZING PRINCIPLES, INC. TO REFINANCE CERTAIN DEBT ISSUED FOR CERTAIN SUBSTANCE ABUSE FACILITIES THROUGH THE ISSUANCE OF TAX-EXEMPT OBLIGATIONS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$3.0 MILLION**

**Recommendation of City Manager:** Authorize the execution of an Approval Certificate authorizing Principles, Inc. (Impact Drug and Alcohol Treatment Center) to refinance certain debt issued for certain substance abuse facilities with the issuance of tax-exempt obligations in an aggregate principal amount not to exceed \$3.0 million.

APPROVAL OF MINUTES

November 18, 2002

CLAIMS RECEIVED AND FILED

Claim No. 9235	Howard Askins	\$ 2,263.27
Claim No. 9236	Southern California Gas Co.	838.03
Claim No. 9237	Gail & Rick McFadden	Unknown
Claim No. 9238	Pasadena Heritage, Madison Heights Neighborhood Association, Pride II and South Los Robles Caucus	Unknown
Claim No. 9239	Edward James/Green Tree Apt. 065	805.00
Claim No. 9240	Joseph R. Zuzow	500.00+
Claim No. 9241	Evelyn C. Miller	Unknown
Claim No. 9242	H. Ray Coleman	5,000.00

PUBLIC HEARING SET

April 21, 2003, 8:00 p.m. - Designation of 646 South Madison Avenue as a Historic Landmark

It was moved by Vice Mayor Little, seconded by Councilmember Gordo, to approve all items on the Consent Calendar. (Motion unanimously carried) (Absent: Councilmembers Haderlein, Madison, Streater)

**REPORTS AND COMMENTS FROM COUNCIL COMMITTEES**

ECONOMIC DEVELOPMENT AND TECHNOLOGY COMMITTEE

**DIRECT THE CITY ATTORNEY TO PREPARE AN ORDINANCE PROHIBITING COMMERCIAL ACTIVITY IN CERTAIN PUBLIC RIGHT-OF-WAYS WITHIN THE CITY**

**Recommendation of City Manager:** Direct the City Attorney to prepare an ordinance that prohibits business and commercial activity in public right-of-ways where curb markings or signs are installed and prepare an amendment to the Pasadena Municipal Code to codify appropriate penalties, signage or other types of regulations to control this commercial activity.

The City Manager summarized the agenda report, reviewed proposed incentives to increase participation in the Job Center, and responded to questions.

Councilmember Haderlein returned at 8:25 p.m.

The City Attorney noted our ordinance as proposed would address only those traveling in a vehicle, and it would be appropriately posted. She indicated the maximum fines that could be imposed would be \$500 for the third offense. The first time in a year would be \$100, the second time \$200, and the third or successive times in a 12 month period would be \$500 dollars.

The following persons spoke in opposition to the proposed ordinance:

- Mr. Marlom Portillo, Instituto de Educación Popular del Sur de California (IDEPSCA) running the Pasadena Community Job Center, submitted a memorandum dated March 24, 2003 to the City Council in response to the proposed ordinance.
- Mr. Maurilio Castillo, representing day laborers
- Ms. Hermina Ortiz, Asociación de Vecinos Unidos
- Ms. Nadine Pensis, Pasadena resident

The following persons spoke in support of the proposed ordinance:

- Ms. Georgia Holloway, Pasadena resident
- Ms. Toby Osos, Madison-Oakland Neighborhood Association
- Ms. Daphne Hernandez, Madison-Oakland Neighborhood Association
- Ms. Lucretia Dyer, Madison-Oakland Neighborhood Association
- Mr. Robert Hernandez, Madison-Oakland Neighborhood Association
- Ms. Sharon Weldy, Pasadena resident,
- Ms. Carol Maund, Madison-Oakland Neighborhood Association
- Mr. Peter Alexandre, Pasadena resident
- Ms. Deborah Lee Thomson, Pasadena resident

Councilmember Madison returned at 8:58 p.m.

Mr. Tom Murray, Pasadena resident  
Ms. Marcia Sola, Pasadena resident  
Mr. George Throop, George Throop Co.  
Ms. Julie Brooks, Pasadena resident  
Ms. Anita Kias, Pasadena resident

Councilmember Madison, Chair of the Economic Development and Technology Committee, and Councilmember Haderlein, Committee member, briefly summarized the discussions held at the Committee level.

In response to a question, the City Manager noted the Economic Development and Technology Committee had requested that staff report back to the Committee six months after the ordinance goes into effect. She indicated it would be appropriate for staff to report back to Council at the same time.

Councilmember Gordo stressed the need for proper enforcement and proper signage for the proposed ordinance.

Councilmember Tyler suggested staff continue to meet with the employers to understand why they are not utilizing the Center, and how to get them to use the Center.

Following discussion, it was moved by Councilmember Holden, seconded by Councilmember Haderlein, to approve the Economic Development and Technology Committee's recommendation, with staff to report back to Council six months after the ordinance is in effect. A committee of stakeholder representatives to be formed to assist in marketing and education. (Motion unanimously carried) (Absent: Councilmember Streator)

RECESS

On order of the Mayor, the regular meeting of the City Council recessed at 9:50 p.m.

RECONVENED

On order of the Mayor, the regular meeting of the City Council reconvened at 10:00 p.m. (Absent: Councilmembers Haderlein, Streator)

**INFORMATION ITEM**

**PREDEVELOPMENT PLAN REVIEW FOR THE PROPOSED AMBASSADOR CAMPUS MASTER PLAN (300 WEST GREEN STREET), WITHIN THE WEST GATEWAY SPECIFIC PLAN AREA**  
**Recommendation of City Manager:** The agenda report is for information only

Councilmember Haderlein returned at 10:01 p.m.

Mr. Brian League, Project Planner, summarized the agenda report and responded to questions.

The City Manager and Mr. Richard Bruckner, Director fo Planning and Development also responded to questions.

Councilmember Madison expressed concern regarding the 45 day comment period.

Councilmember Gordo expressed concern the 45 days were during the holiday period.

The following individuals spoke in support:

- Mr. Bob Yoder, representing Shea Homes, provided an overview of the project and responded to questions.
- Mr. Don Nollar, representing Worldwide Church of God, stressed the Church's commitment to maintain the Auditorium.
- Ms. Ann Marie Villicana, former District 6 Councilmember and nearby property owner and realtor
- Mr. Tony Vazquez, Southern California Regional Director, California Futures Network
- Ms. Rita Sahlein, President, Pasadena-Foothills Association of Realtors

The following individuals expressed opposition to the project as proposed:

- Mr. Charles McKenney, President, West Pasadena Residents Association
- Mr. Fred Zepeda, West Pasadena Residents Association
- Mr. David Romney, West Pasadena Residents Association
- Mr. Gordon Odell, Co-Chairman, Save South Orange Grove
- Mr. Paul Vert, Co-Chairman, Save South Orange Grove
- Mr. Michael Vogler, Executive Director, Save South Orange Grove, submitted and summarized a handout
- Ms. Lisa Weinberg, Attorney, Gaines & Stacey, LLP

Following discussion, the City Manager committed to having a 60 day review period to receive public comment on the draft Environmental Impact Report, and to try and schedule it earlier in the process to avoid the holiday period.

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

**RECOMMENDATIONS  
FROM OFFICERS AND  
DEPARTMENTS**

Councilmember Madison recused himself at 11:37 p.m., due to a conflict of interest.

Councilmember Holden was excused at 11:38 p.m.

**AUTHORIZATION TO ENTER INTO A CONTRACT WITH ENVIRONMENTAL PLANNING ASSOCIATES FOR AN AMOUNT NOT TO EXCEED \$430,000, TO PREPARE ENVIRONMENTAL DOCUMENTS INCLUDING AN ENVIRONMENTAL IMPACT REPORT FOR THE AMBASSADOR CAMPUS REUSE PROJECT**  
**Recommendation of City Manager:** Authorize the City Manager to enter into a contract not to exceed \$430,000 with Environmental Planning Associates to prepare an Environmental Impact Report, Initial Study and related documents for the Ambassador Campus Reuse Project. Competitive bidding is not required pursuant to City Charter Section 1002(F), contracts for professional or unique services. (Contract No. 18,203)

Mr. Brian League, Project Planner, summarized the report and responded to questions.

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

**REPORTS AND COMMENTS FROM COUNCIL COMMITTEES**

**LEGISLATIVE POLICY COMMITTEE**

Councilmember Holden returned at 11:40 p.m.

Councilmember Haderlein was excused at 11:41 p.m.

**APPROVAL OF A GRANT APPLICATION TO THE RIVERS AND MOUNTAINS CONSERVANCY FOR THE AGENCY'S GENERAL GRANT PROGRAM IN THE AMOUNT OF \$331,543.84**

**Recommendation of City Manager:** Adopt a resolution approving the City of Pasadena's grant application to the Rivers and Mountains Conservancy in the amount of \$331,543.84 for a drought tolerant garden project at Washington Park General Grant Program.

**Recommendation of Recreation and Parks Commission:** At its February 20, 2003 special meeting, the Recreation and Parks Commission unanimously supported the City of Pasadena's application to the Rivers and Mountains Conservancy for the General Grant Program. (Resolution No. 8220)

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

**RESOLUTION OF THE CITY OF PASADENA AND PASADENA UNIFIED SCHOOL DISTRICT PERTAINING TO THE IMPACTS OF THE STATE'S BUDGET CRISIS**

**Recommendation of City Manager:** Adopt a resolution between the City of Pasadena and the Pasadena Unified School District (PUSD) expressing a concern for the State's budget crisis and adopting a cooperative effort to maintain local services. (Resolution 8221)

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

RECESS

On order of the Mayor, the regular meeting of the City Council recessed at 11:41 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 11:47 p.m. (Absent: Councilmembers Haderlein, Madison, Streator)

**RECOMMENDATIONS FROM OFFICERS AND DEPARTMENTS**

**APPOINTMENT OF CHARLES E. OWENS TO THE NORTHWEST COMMISSION (District 7 Nomination)**

**APPOINTMENT OF TIMOTHY E. ALDERSON TO THE RECREATION AND PARKS COMMISSION (District 4 Nomination)**



**RESIGNATION OF VICTOR FRANCO, JR . FROM THE TRANSPORTATION ADVISORY COMMISSION (At-large Nomination)**

**RESIGNATION OF NELSON VANSANT FROM THE COMMUNITY DEVELOPMENT COMMITTEE (District 4 Nomination)**

**RESIGNATION OF LYNNE C. HESS FROM THE HUMAN SERVICES COMMISSION (District 4 Nomination)**

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

Councilmember Madison returned at 11:49 p.m.

**COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM CITY SET-ASIDE RECOMMENDATIONS (2003-2004 PROGRAM YEAR)**

**Recommendation of City Manager:** Approve the allocation of \$851,100 in 2003-2004 Community Development Block Grant (CDBG) Program funds for three eligible City administered non-public service projects; \$859,559 for Section 108 Loan Repayment and CDBG Program Administration for a total CDBG City Set-Aside of \$1,710,659.

The City Manager summarized the agenda report and responded to questions.

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

Councilmember Haderlein returned at 11:50 p.m.

**CONSIDERATION OF A RESOLUTION AUTHORIZING PAYMENT OF SALARY DIFFERENTIALS AND BENEFITS TO CITY EMPLOYEES WHO ARE INVOLUNTARILY CALLED TO ACTIVE MILITARY DUTY, AND REPEALING COUNCIL RESOLUTION NO. 8063**

**Recommendation of City Manager:** Adopt a resolution providing for salary supplements and the continuation of benefits, including health insurance contributions, to City employees who are members of the Armed Forces Reserves or the California National Guard Reserves, and who are involuntarily ordered to active duty in the War on Terrorism, for a period not to exceed 23 months. (Resolution No. 8223)

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

Councilmember Gordo was excused at 11:53 p.m.

**CANVASS OF THE MARCH 4, 2003 CONSOLIDATED PRIMARY NOMINATING ELECTION**

**Recommendation of City Clerk:** It is recommended that the City Council:

- (1) Accept the Certificate of Canvass.
- (2) Adopt a resolution declaring:
  - (a) The following persons are re-elected to the following offices:
    - Bill Bogaard Mayor of the City of Pasadena
    - Joyce Streator Member of the City Council, District 1
    - Paul Little Member of the City Council, District 2
    - Steve Haderlein Member of the City Council, District 4
    - Steve Madison Member of the City Council, District 6

(b) The result of votes cast for Measure A (Charter Amendment to allow the City Council and the Board of Education the option to hold elections in which the primary or only method of voting is by mail, known as "all-mail" ballot elections) and Measure B (Charter amendment to allow the spouse of a deceased Fire and Police Retirement System public safety member to continue to receive pension benefits if he/she remarries), are as follows:

	<u>Yes</u>	<u>No</u>	
Measure A	6,861 (49.0%)	7,148 (51.0%)	Failed
Measure B (Resolution No. 8222)	5,470 (51.2%)	5,209 (48.8%)	Passed

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

**ORDINANCES - ADOPTED**

Councilmember Gordo returned at 11:57 p.m.

**Adopt "AN 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 A PERMITTED EVENT AT VICTORY PARK FOR SPECIFIED HOURS ON SUNDAY, APRIL 20, 2003 (EASTER SUNRISE SERVICE)" (Introduced by Councilmember Haderlein) (Ordinance No. 6935)**

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

**INFORMATION ITEM**

**MID-YEAR PROJECT PERFORMANCE ASSESSMENT FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG), EMERGENCY SHELTER GRANT (ESG) PROGRAMS, HUMAN SERVICES ENDOWMENT FUND (HSEF) 2002-2003 PROGRAM YEAR (PY) AND THE HOME INVESTMENT PARTNERSHIP ACT (HOME PROGRAM)**

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

Ms. Eunice Gray, Project Planner, responded to questions.

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

RECESS/ADJOURNMENT

On order of the Mayor, the regular meeting of the City Council adjourned at 12:00 a.m., March 25, 2003.



Bill Bogard  
Mayor

ATTEST:

  
for City Clerk  
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