

CITY OF PASADENA
City Council Minutes
December 8, 2003 – 5:30 P.M.
City Hall Council Chamber

REGULAR MEETING

OPENING:

Mayor Bogaard called the regular meeting to order at 5:31 p.m.
(Absent: Councilmembers Gordo, Holden, Madison)

On order of the Mayor, the regular meeting recessed at 5:31 p.m., to discuss the following closed sessions:

Councilmember Gordo arrived at 5:51 p.m.

Councilmember Madison arrived at 5:54 p.m.

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

**Agency Negotiators: Karyn Ezell, Richard Kunz
Employee Organization: International Brotherhood of Electrical Workers**

CITY COUNCIL CONFERENCE WITH LEGAL COUNSEL REGARDING POTENTIAL LITIGATION - CONSIDERATION OF INITIATION OF LITIGATION pursuant to Government Code Section 54956.9(c): One potential case

Councilmember Holden arrived at 6:15 p.m.

CITY COUNCIL CONFERENCE WITH LEGAL COUNSEL REGARDING POTENTIAL LITIGATION - Significant exposure to litigation pursuant to Government Code Section 54956.9(b): Claim No. 9303 filed by Pasadena Fire and Police Retirement System

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

On order of the Mayor, the regular meeting reconvened at 6:31 p.m. The Pledge of Allegiance was led by Councilmember Streator.

ROLL CALL:

Councilmembers:

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

Staff:

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

CEREMONIAL MATTERS

Mr. Ronald Lewis, Homeownership Manager for Pasadena Neighborhood Housing Services, Inc. (PNHS), introduced students Clinton Foster and Ivonne Partida, whose families had been assisted by PNHS. Mr. Lewis outlined the services provided by PNHS, and submitted a report on the CalHome First Time Homebuyer Program (Mortgage Assistance Program) conducted by PNHS.

Mr. Kelvin James, PNHS Board member (E-Trade), introduced various program participants and representatives from the PNHS Board of Directors in attendance.

Ms. Varnessa Aaron-Seymour, PNHS Board member (Fannie Mae), briefly discussed the partnership between PNHS and the business community/lenders in creating homeownership.

The Mayor expressed appreciation for the important services provided by PNHS to the community.

The City Clerk administered the oath of office to Joseph Feinblatt as Historic Preservation Commissioner.

Vice Mayor Tyler distributed replicas of the New Zealand kiwi and takahe birds, representing endangered species threatened by deforestation and predators introduced into their habitat, and commented on the need to protect the environment.

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

Mr. Tarik Ross, Pasadena National Association for the Advancement of Colored People (NAACP) representative, read from a letter that had been previously sent to Council regarding the ongoing exclusion of African Americans in employment opportunities involving local development projects, expressed concern regarding the impact of this situation on public policy issues of equity in employment, and requested the City take action to address these issues and monitor future projects.

The Mayor indicated the letter had been recently received, and the City would address the concerns expressed involving job opportunities.

In response to Councilmember Holden's question, the City Manager provided a brief update on the meetings the City had held with local developers and businesses, Danny Bakewell and other community leaders, and the Chamber of Commerce regarding training opportunities and diversity in employment. The City Manager indicated follow up meetings would be held with Mr. Bakewell and members of the community by the end of this year. She noted staff was examining procurement rules in the cities of San Francisco, Berkeley, and Beverly Hills; and task forces were being formed to explore solutions to the identified problems.

Councilmember Holden suggested a report of the results of the various groups' and task forces' discussions and staff studies be provided to Council in January 2004.

Mr. Marvin Schachter, Senior Advocacy Council of Pasadena representative, discussed State budget issues involving reduced funding for numerous services for the elderly and children, and urged Council to voice the City's objections to cutting these services.

Councilmember Gordo suggested the City lobby at the State level for services that do not come through the City budget process.

Councilmember Holden proposed the City organize a forum of State representatives, representatives from area constituencies in the San Gabriel Valley, and service agencies to discuss State budget issues and the impacts on services at the local level. He suggested the City Manager create a general framework for a forum to be held in January/February 2004 that could be discussed at the Council meeting of December 15, 2003.

The Mayor indicated local leaders could also be identified to assist in the development of a forum program along with input from the Legislative Policy Committee.

The City Manager agreed to provide suggestions for a forum that would look at the State budget and local services issues on a political rather than administrative level.

**RECOMMENDATIONS FROM
OFFICERS AND
DEPARTMENTS**

**CONSIDERATION OF CALL FOR REVIEW OF
CONDITIONAL USE PERMIT NO. 4257 TO THE BOARD OF
ZONING APPEALS [TO ALLOW THE ON-SITE SALE OF
ALCOHOL (BEER AND WINE) IN CONJUNCTION WITH THE
EXPANSION OF EXISTING RESTAURANT (HOOTERS), 102
E. COLORADO BOULEVARD] (Councilmember Madison)**

Councilmember Madison outlined concerns regarding the findings on the proposed project presented in the report.

The City Attorney clarified Council's procedural responsibility in discussing only those issues regarding the referral of this item for review by the Board of Zoning Appeals (BOZA), without discussing evidentiary aspects or the merits of the matter.

The following persons spoke in opposition to the call for review:
Mr. Steven Dahl, Dahl Architects, Inc., architect for Hooters
Mr. Fred Sigmund, Manager of Hooters

Mr. Richard Bruckner, Director of Planning and Development Department, discussed scheduling aspects of the review process and responded to questions.

Police Chief Bernard Melekian affirmed the findings in the report pertaining to law enforcement information at this location.

Following brief discussion, it was moved by Councilmember Madison, seconded by Councilmember Little, to call the matter for review to the Board of Zoning Appeals:

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

NOES: Councilmember Streator

ABSENT: None

CONSIDERATION OF CALL FOR REVIEW OF APPLICATION FOR PRIVATE TREE REMOVALS (TR#2003-00417), 3267 NEW YORK DRIVE, TO THE BOARD OF ZONING APPEALS (Councilmember Haderlein)

Councilmember Haderlein discussed concerns regarding the removal of mature trees.

It was moved by Councilmember Haderlein, seconded by Councilmember Little, to call for the matter for review to the Board of Zoning Appeals.

Mr. Carl Siechert, Pasadena resident, voiced objections to the accuracy of the tree survey and the City's analysis, noted that a number of trees had already been removed, and expressed support for a call for review.

The City Manager clarified the staff's role in the tree review process and its work on this project.

Mr. Larry Lachner, applicant, discussed the status of the trees in question, circulated photos of trees on the property for Council's viewing, and voiced support for solving this matter through additional informal discussion.

Mr. Richard Bruckner, Director of Planning and Development Department, clarified that there was apparently only one tree that would be protected under the City's ordinance.

Discussion followed on options for clarifying the confusion regarding the trees being considered for removal, and the possibility and consequences of postponing Council action.

Councilmember Haderlein requested this item be held to the meeting of January 5, 2004.

By consensus, the motion to call the matter for review was tabled to the Council meeting of January 5, 2004, to allow time for additional informal discussion with the applicant and for staff to clarify the facts in this project and decision.

OLD BUSINESS

CONSIDERATION OF CITY OF PASADENA'S WITHDRAWAL FROM PROJECT D.A.Y. (DIVERSION ALTERNATIVES FOR YOUTH) JOINT POWERS AUTHORITY (Councilmember Little) *(Pending motion by Councilmember Little that the City of Pasadena withdraw from the Joint Powers Authority and after December 31, 2003, stop the City's financial involvement.)*

Councilmember Madison, City representative on Project D.A.Y.'s Board, reported on the recent Board meeting, and discussed the agency's financial status and ongoing services. He commended Finance Director Jay Goldstone and Finance Department staff for providing technical assistance to Project D.A.Y.

Discussion followed on Los Angeles County's and Pasadena Unified School District's roles in Project D.A.Y.'s funding, various parties' responsibilities under the Joint Powers Authority, and plans for meeting the counseling needs of current clients.

The City Manager indicated the agency was responsible for paying housekeeping and utility costs to the City for use of City space.

Mr. Jay Goldstone reviewed the financial aspects of the City's involvement with Project D.A.Y. and the agency's current revenue status as it has been identified at this time.

Councilmember Little stated he would support a motion to continue this matter if it would include a proviso that the City would not be responsible for funding any deficits for this agency.

It was moved by Councilmember Madison, seconded by Vice Mayor Tyler, to continue this item to the Council meeting of January 12, 2004. (Motion carried, with Councilmember Little objecting) (Absent: None)

CONSENT CALENDAR

RECOGNIZE REVENUE FROM A STATE OFFICE OF TRAFFIC SAFETY MINI-GRANT FOR CONDUCTING DRIVING UNDER THE INFLUENCE (DUI) CHECKPOINTS
Recommendation of City Manager:

- (1) Approve a journal voucher recognizing revenue from the Office of Traffic Safety Driving Under the Influence grant program in the amount of \$41,112.
- (2) Approve a journal voucher increasing appropriations to the

Police Department Traffic Section overtime Account No. 8011-101-407800 by \$41,112. (Journal Voucher No. 2004-20)

AUTHORIZATION FOR THE CITY MANAGER TO INCREASE THE PURCHASE ORDER WITH GEOSYNTEC CONSULTANTS FOR AN ADDITIONAL \$300,000 FOR ENGINEERING CONSULTING SERVICES RELATED TO PERCHLORATE GROUNDWATER CONTAMINATION

Recommendation of City Manager: It is recommended that the City Council authorize the City Manager to increase the purchase order with GeoSyntec Consultants (GeoSyntec) for an additional \$300,000 for engineering consultant services related to perchlorate groundwater contamination. Competitive bidding is not required pursuant to City Charter Section 1002(F), contracts for professional or unique services.

It is recommended that the City Council grant the proposed amendment an exemption from the competitive selection process, pursuant to Section 4.08.049(B), contracts for which the City's best interests are served.

MINUTES APPROVED

November 3, 2003
November 10, 2003 (Cancelled)

CLAIMS RECEIVED AND FILED

Claim No. 9429	Sallie Horn	\$ 1,950.19
Claim No. 9430	Marcel Stewart	Unknown
Claim No. 9431	Wilfred Roberts	581.80
Claim No. 9432	Voided number	
Claim No. 9433	William K. Fukutaki	Unknown
Claim No. 9434	Alex Harutunian	2,044.37
Claim No. 9435	SBC c/o Diane Mancini	1,054.16
Claim No. 9436	SBC c/o Diane Mancini	13,896.68
Claim No. 9437	Guadalupe Avina Escoto	3,332.00
Claim No. 9438	Darcy Harris	2,000.00
Claim No. 9439	Frances J. Kopec	Unknown
Claim No. 9440	Eric Maurice Watts	7,000.00
Claim No. 9441	Interinsurance Exchange of the Automobile Club for Karina L. Edmonds	1,833.49
Claim No. 9442	Patsy Ann Bennett	Unknown

It was moved by Councilmember Little, seconded by Councilmember Haderlein, to approve all items on the Consent Calendar. (Motion unanimously carried) (Absent: None)

ORDINANCE – ADOPTED

Adopt “AN ORDINANCE OF THE CITY OF PASADENA ADDING A NEW CHAPTER 8.13 TO THE PASADENA MUNICIPAL CODE TO MANDATE THE POSTING OF CURRENT HEALTH INSPECTION SUMMARY REPORTS IN RETAIL FOOD ESTABLISHMENTS” (Introduced by Councilmember Gordo) (Ordinance No. 6959)

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

RECESS

On order of the Mayor, the regular meeting of the City Council recessed at 8:17 p.m. to the regular meeting of the Community Development Commission.

RECONVENED

On order of the Mayor, the regular meeting of the City Council reconvened at 8:18 p.m. (Absent: None)

PUBLIC HEARINGS

CONTINUED PUBLIC HEARING: REVISIONS TO THE ZONING CODE - TRIP REDUCTION REQUIREMENTS

Recommendation of City Manager: It is recommended that City Council continue the public hearing to February 9, 2004, at 8:00 p.m.

On order of the Mayor, the above public hearing was continued to February 9, 2004 at 8:00 p.m.

PUBLIC HEARING: REVISIONS TO THE ZONING CODE REGARDING PARKING FOR TAKE OUT RESTAURANTS, RENTAL OF BEDROOMS, CONDITIONAL USE PERMIT FOR SIGNIFICANT TOBACCO SALES, APPEALS AND CALLS FOR REVIEW AND OTHER MINOR AMENDMENTS

Recommendation of City Manager: It is recommended that the City Council continue the public hearing to December 15, 2003, at 8:00 p.m.

On order of the Mayor, the above public hearing was continued to December 15, 2003 at 8:00 p.m., at which time the City Manager will propose a Council meeting date in January 2004 that will ensure the availability of staff and the Councilmembers on the Public Safety Committee.

PUBLIC HEARING: DRAFT CENTRAL DISTRICT SPECIFIC PLAN

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

- (1) Conceptually approve the draft Central District Specific Plan as modified by the Planning Commission comments; and
- (2) Direct staff to complete an environmental impact report on the Central District Specific Plan; and the previously approved Zoning Code Update, Land Use, and Mobility Elements of the General Plan.

Recommendation of Planning Commission: On October 22, 2003, the Planning Commission adopted the following motion regarding the draft Central District Specific Plan: Recommend that the City Council conceptually approve the draft Central

District Specific Plan with the following recommended changes:

- Page 179 - As part of the Urban Residential standards, add a new requirement to the Specific Plan and Zoning Ordinance that mandates that the required open space in residential projects be visible from the public street.
- Pages 188-189 - Change the implementation measure on pocket park development to a short to mid-term priority. Pages 80-81 - Add language to the Specific Plan to allow pocket parks to be acquired through purchase, lease, license, or other appropriate methods.
- Add a policy to allow residential developments to develop a small public/private park on part of the site in-lieu of providing the required open space. This could take the form of a small public park (of minimum size) in an accessible part of the site that is open to the public for at least daylight hours. To encourage these small parks, other incentives could be provided, such as granting the 10% floor area ratio (FAR) bonus or reducing the total community space requirement if part of it is in a public park.
- Page 86 - Increase the required front setbacks from 10' minimum to 20' minimum on Oakland, Madison and Oak Knoll Avenues between Walnut and Corson Streets; and on Locust Street between El Molino and Hudson Avenues.
- Page 93 - With approval of the Design Commission, allow a height of up to 50' and 4 stories on corner lots in the Old Pasadena core area - at those locations that are within 75' from an intersection.

In addition, the Planning Commission identified the following issues and recommended that they receive further study in the Environmental Impact Report (EIR) or during the Specific Plan refinement process:

- Because transferability between residential and non-residential development as allowed in the Specific Plan could result in one of the limits provided in the General Plan being exceeded with a corresponding decrease to the other use, staff and the City Attorney should study the transferability provision to ensure that it is consistent with the General Plan and not subject to legal challenge.
- The plan should examine ways to provide more incentives for the creation of publicly accessible open space.
- The EIR and the plan should examine an alternative wherein parking requirements were not capped by virtue of inclusion in Transit Oriented Development Districts (TODs), but instead determined by the market.
- There should be an examination of recent population and demographic data to verify that the 1994 General Plan assumptions relative to population growth and family size are still relevant.
- The Specific Plan should study the possibility of providing incentives for the development of public parking.

In response to the Planning Commission concerns, staff will also examine a mechanism to inform the Planning Commission and City Council when the overall amount of housing or commercial development proposed in the Central District approaches the limit set forth in the 1994 General Plan.

The Mayor opened the public hearing.

The City Clerk reported the notice of public hearing was published on November 28 and December 1, 2003 in the Pasadena Star-News and on December 4, 2003 in the Pasadena Journal; 932 copies of the notice were mailed on November 24, 2003; and one letter was received in support of approval of the draft plan and one letter was received from the property owner at 590 S. Fair Oaks Avenue objecting to inclusion of this property site in the draft plan area.

The City Manager introduced the agenda item.

Mr. John Spalding, Planning Consultant, provided an overview of the development of the draft Central District Specific Plan and responded to questions.

Ms. Laura Dahl, Senior Planner, reviewed the agenda report and responded to questions. She clarified the current status of the development cap numbers for housing units and commercial square footage as stated in the General Plan, and indicated the property in question at 590 S. Fair Oaks Avenue would remain in the Fair Oaks Specific Plan.

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

Discussion followed regarding the transferability between residential and commercial development cap numbers for number of units and square footage of buildings, the adjustment of the Floor Area Ratio (FAR) in particular areas of the Plan, possible increase of the cap numbers contained in the General Plan vs. retaining the numbers within the General Plan, alternatives to be analyzed in the Environmental Impact Report (EIR), and creation of small public/private parks by developers.

The City Attorney clarified that the General Plan would need to be amended if cap numbers were increased, but that transferability of numbers could be allowed.

The following persons spoke in support of the draft Specific Plan:

Mr. Arnold Siegel, Planning Commission Chair
Ms. Sue Mossman, Pasadena Heritage representative
Mr. Richard Janisch, Planning Commissioner

The following persons expressed concerns involving the Specific Plan:

Ms. Maggie Campbell, Old Pasadena Management District (OPMD) President, asked Council to consider a refinement of the project for the EIR that would allow the scoping to evaluate a higher level of density in the transit corridor and the redistribution of FAR allocations within the OPMD

Mr. Neil Kleinman, Madison Heights Neighborhood Association representative

Mr. Steven Stathatos, Stats property/business owner

Mr. Richard McDonald, Planning Commissioner, distributed Planning Commission reports dated September 24 and October 8, 2003

Mr. Dan Mellinkoff, OPMD member

Ms. Sally Lunetta, One Colorado General Manager, submitted a letter from David Friedman, property owner for One Colorado

Mr. David Romney, Pasadena resident

Mr. James Plotkin, Pasadena business owner

Mr. Patrick Perry, Fuller Theological Seminary representative

Ms. Helen Bunt Smith, Pasadena business owner

Mr. Patrick Chragchian, Pasadena business owner

Mr. Marc Futterman, Stats Group representative, asked Council to consider refining the concept of higher density in the Specific Plan project to a ¼ mile area around the transit station for the EIR, and offered to provide a copy of the book *Transit Villages for the 21st Century* to Councilmember Haderlein, at his request

Ms. Catherine Haskett Hany, Playhouse District Association Executive Director, referred to a letter previously submitted to the City dated December 3, 2003

Ms. Suzanne Marks, Pasadena business owner

Mr. William Norsetter, OPMD member

Mr. Pete Kutzer, property management firm representative

Mr. Michael Hurley, Pasadena resident, suggested Council approve a recommendation to adopt a policy to set a residential impact fee that would be sufficient to provide for public parks

The City Manager distinguished between a refinement of the proposed Plan vs. an alternative to be studied during the EIR process.

Mr. John Poindexter, Planning Manager, responded to questions regarding the master plan that was being developed by Fuller Theological Seminary.

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

Councilmember Madison suggested the Plan be refined to look at slightly increasing the FAR within ¼ mile of the Del Mar Station, and balancing out the FAR within the OPMD.

Councilmember Haderlein suggested staff study parking caps/limitations in transit areas and the design of a model for transit-oriented developments.

Councilmember Streator suggested staff study ways to provide incentives for developers of increased FARs and height bonuses to create open public space, and noted the need to clarify how FARs are calculated.

Councilmember Little asked for an analysis of the visual impacts of the height and density of buildings and modeling for the proposed Plan and alternatives.

Councilmember Gordo asked that the incentives to create open public space be applied throughout the Specific Plan and also contain a bonus if the developer provides an off-site public park space.

The City Manager clarified that bonuses are applied on top of (not as a part of) the caps and confirmed that height considerations can be handled under a variance process.

Discussion continued on clarifying the calculation of FARs, and the balancing of commercial and residential development.

The Mayor asked staff to provide information on the square footage of units being constructed as this relates to the 1000' baseline figure used by staff and that the Plan show where increases/reductions will be made if cap numbers are transferred.

The Mayor, Vice Mayor Tyler, and Councilmember Little expressed concerns regarding the use of a 3.5 FAR baseline as a refinement of the project in the recommendation.

It was moved by Councilmember Madison, seconded by Councilmember Holden, to approve the City Manager's recommendation, which incorporates the Planning Commission's recommendation, and conceptually approve the draft Central District Specific Plan and move forward with completing the Environmental Impact Report; and refine the Specific Plan to increase the Floor Area Ratios (FARs) to 3.5 within ¼-mile of the Del Mar Station, and balance out the FARs within the Old Pasadena sub-district. Staff was directed to look

at more restrictive parking caps within the ¼-mile zone of the Del Mar Station; carefully study whether incentives for public parking are needed; look at incentives of increased FARs and height bonuses to create public green space; and staff to study alternatives that show maximum shifting of residential and non-residential allowed under the Plan as proposed. It was clarified that Council is not amending the caps, but the options in the Plan allow for trading between residential and non-residential.

AYES: Councilmembers Gordo, Haderlein, Holden, Madison, Streater

NOES: Councilmember Little, Vice Mayor Tyler, Mayor Bogaard

ABSENT: None

Following approval of the above motion, it was noted that staff would also study the alternative of a 2.5 FAR and staff would also do a model and prepare some sketches showing 3.5 FAR.

Councilmember Madison commended staff for the extensive amount of work in development of the draft Specific Plan.

The Mayor also expressed appreciation to the Planning Commission and members of the community for their input.

**REPORTS AND COMMENTS
FROM COUNCIL
COMMITTEES**

FINANCE COMMITTEE

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

Recommendation of City Manager:

(1) Approve the final agreement (Attachment 1 of the agenda report) between the City and Old Pasadena Management District (OPMD) authorizing the OPMD to manage the Schoolhouse, Delacey and Marriott parking garages (Old Pasadena Garages); (Agreement No. 18,398)

(2) Authorize the City Manager to amend and assign Contract No. 17,320-2 between the City and Ampco System Parking for management and operation of the Old Pasadena Garages to the OPMD; (Contract No. 17,320-3)

(3) Authorize the City Manager to amend and assign that portion of Contract No. 17,310-1 between the City and Inter-Con Systems, Inc. with respect to security services for the Old Pasadena Garages to the OPMD. The total amount of the assignment to the OPMD under this contract will be \$380,300; (Contract No. 17,310-2)

(4) Authorize the City Manager to amend Contract No. 17,680 between the City and Morlin Management Corporation with respect to the management and operation of the trash compactor area in the Schoolhouse parking garage, for which responsibility will be transferred to the OPMD under the agreement, and decrease the not to exceed amount by \$21,700; (Contract No. 17,680-1)

(5) Authorize the City Manager to amend Contract No. 18,093

between the City and Western Elevator, Inc. with respect to the maintenance of the elevators in the Old Pasadena Garages, for which responsibility will be transferred to the OPMD under the agreement, and decrease the not to exceed amount by \$7,920 for year two and by \$8,640 for each subsequent year; and (Contract No. 18,093-1)

(6) Prepare a journal voucher amending the FY 2004 Adopted Operating Budget for the Old Pasadena Parking Structure Fund (407), decreasing it by \$286,803 along various line items in accord with year one of the pro forma included as Exhibit C in Attachment 1 of the agenda report. (Journal Voucher No. 2004-22)

Recommendation of Old Pasadena Parking Meter Zone

Advisory Commission: This initial proposal was reviewed by the Old Pasadena Parking Meter Zone Advisory Commission (Commission) and unanimously approved on November 21, 2002 along with the stipulation that the final agreement be presented to the Commission. Following approval of the final agreement (Attachment 1 of the agenda report) by the OPMD Board on November 24, 2003, the Commission reviewed the final agreement at a special meeting on December 4, 2003 and voted unanimously in support of it.

Councilmember Little, Chair of the Finance Committee, reviewed the agenda report.

It was moved by Councilmember Little, seconded by Councilmember Streater, to approve the City Manager's and Commission's recommendations. (Motion unanimously carried) (Absent: None)

FISCAL YEAR 2004 OPERATING BUDGET AMENDMENTS

Recommendation of City Manager: Approve a journal voucher implementing certain amendments to the fiscal year 2004 Operating Budget as detailed in the background section of the agenda report. (Journal Voucher No. 2004-21)

Councilmembers Gordo and Madison were excused at 12:27 a.m.

Councilmember Little summarized the agenda report and noted the following corrections to the Background section of the agenda report:

Item 2, second sentence: "On ~~April 21, 2003~~ June 30, 2003 the City Council added refuse rates for residential and commercial service to the General Fee schedule."

Item 4, second sentence: "This request is to reappropriate unspent ~~Hazardous Waste~~ Department of Conservation grant funds that were appropriated in fiscal year 2003 but unspent."

It was moved by Councilmember Little, seconded by Vice Mayor Tyler, to approve the City Manager's recommendation with the two above-cited corrections. (Motion unanimously carried) (Absent: Councilmembers Gordo, Madison)

RECOMMENDATIONS FROM OFFICERS AND DEPARTMENTS

REVISIONS TO ADVISORY COMMISSION OVERSIGHT OF OLD PASADENA PARKING GARAGES

Recommendation of City Manager:

(1) Revise the role of the Old Pasadena Parking Meter Zone Advisory Commission to reflect the delegation of responsibilities to the Old Pasadena Management District; and (2) Rescind direction to the City Attorney to prepare an ordinance to amend the Pasadena Municipal Code to revise the role of the Old Pasadena Parking Meter Zone Advisory Commission, acknowledging that no such amendment is necessary to enact these particular changes.

CITY-OWNED PARKING GARAGE MANAGEMENT FOR OLD PASADENA PARKING GARAGES BY OLD PASADENA MANAGEMENT DISTRICT

Recommendation of Old Pasadena Parking Meter Zone Advisory Commission (OPPMZAC):

It is recommended that the City Council authorize the OPPMZAC to continue to be the public body that oversees the management of the three parking structures in Old Pasadena. It is also recommended that the contract being proposed between the City of Pasadena and the Old Pasadena Management District be approved.

The above two agenda items were discussed concurrently.

Councilmember Madison returned at 12:29 a.m.

The City Manager reviewed the agenda reports and responded to questions. She clarified that oversight responsibilities would be shifted to the Old Pasadena Management District (OPMD) with Council having the option to designate the Old Pasadena Parking Meter Zone Advisory Commission (OPPMZAC) to continue to advise Council regarding parking credits, the Capital Budget, the Operating Budget, and any rate changes.

The Mayor cited the Pasadena Municipal Code section related to the Commission's purpose and responsibilities.

Ms. Sally Lunetta, OPPMZAC Vice Chair, stated the Commission's position for continuing to provide oversight for these Old Pasadena parking structures.

Councilmember Streator reported the Finance Committee's review and support of the City Manager's recommendation.

It was moved by Councilmember Streator, seconded by Vice Mayor Tyler, to approve the City Manager's recommendation and designate the Old Pasadena Parking Meter Zone Advisory Commission to provide oversight and advise Council regarding parking credits, the Capital Budget, the Operating Budget, and any rate changes. (Motion unanimously approved) (Absent: Councilmember Gordo)

On order of the Mayor, the report by the OPPMZAC was received and filed with no action taken.

RESIGNATION OF JOSEPH FEINBLATT FROM THE UTILITY ADVISORY COMMISSION (District 5 Nomination)

It was moved by Councilmember Little, seconded by Vice Mayor Tyler, to accept the above resignation with regret. (Motion unanimously approved) (Absent: Councilmember Gordo)

ORAL UPDATE ON VEHICLE LICENSE FEE BACKFILL (Councilmember Haderlein)

The City Manager announced the State legislature had recessed until January 6, 2004 without taking action to provide the vehicle license fee backfill to local jurisdictions, provided an update of legislative action, and distributed a handout of a Desert Sun Sacramento Bureau article discussing the backfill situation. She also noted that Council would be informed of ongoing State action; and that recommendations for changes to the City's budget, as affected by State action, would be presented to the Finance Committee and Council in late January/early February.

Mr. Jay Goldstone, Director of Finance Department, discussed the financial implications of the backfill situation.

On order of the Mayor, the information was received.

SUPPORT FOR THE LOCAL TAXPAYERS AND PUBLIC SAFETY PROTECTION ACT SPONSORED BY THE LEAGUE OF CALIFORNIA CITIES

Recommendation of City Manager:

(1) Adopt a resolution to support the Local Taxpayers and Public Safety Protection Act to be placed on the November 2004 ballot; and

(2) Authorize the Mayor to communicate Pasadena's position to appropriate authorities. (Resolution No. 8319)

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

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

RECOMMENDATIONS FROM OFFICERS AND DEPARTMENTS

CONSIDERATION OF CALL FOR REVIEW OF VARIANCE NO. 11455 TO THE BOARD OF ZONING APPEALS (3074 EAST CALIFORNIA BOULEVARD, TO ALLOW A FENCE IN THE FRONT YARD THAT EXCEEDS THE MAXIMUM

**HEIGHT, AND TO ALLOW AN ADDITION TO ENCROACH INTO THE REQUIRED 25-FOOT REAR YARD SET BACK)
(Councilmember Haderlein)**

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

INFORMATION ITEM

Councilmember Streator was excused at 12:54 a.m.

ORAL STATUS REPORT REGARDING HEALTH BENEFITS FOR RETIREES

The City Manager distributed a list of retirees that had called or personally met with City staff, and a comparison of the current and replacement health plans.

Ms. Karyn Ezell, Director of Human Resources Department, distributed copies of correspondence sent to retirees, confirmed California Public Employees' Retirement System's (PERS) position regarding retirees, outlined requests from retirees regarding vision insurance and payment for various health benefits, and responded to questions.

Following brief discussion, Councilmember Madison suggested the City supplement 50% of the cost of vision care for retirees during the first year of the new benefit plan, and asked to receive an update for pending PERS legislation when it is available.

Mr. Al Cullen, representing non-represented management retirees, requested the City place this group of former employees [who were not covered by the Pasadena Management Association (PMA) during their service] under a current represented group that is continuing with PERS coverage, and questioned the City's cost savings in moving forward with the new health plans in relation to recent negotiations of the recently-approved contract with PMA.

The City Manager indicated the City did not have the discretion to place the retirees in any employment group that was continuing with PERS coverage.

There was no formal action on this information item, and the handout material was received and filed.

COUNCIL COMMENTS

Councilmember Little briefly discussed allocated funding by the Metropolitan Transportation Authority in regards to Gold Line construction, and noted a financial report would be presented in the near future.

ADJOURNMENT

On order of the Mayor, the regular meeting of the City Council adjourned at 1:15 a.m. on December 9, 2003.

Bill Bogaard

Bill Bogaard, Mayor
City of Pasadena

ATTEST:

Jose L. Rodriguez

City Clerk

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