

CITY OF PASADENA  
City Council Minutes  
January 5, 2004 – 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 Holden)

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

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

**Agency Negotiators: Karyn Ezell, Richard Kunz  
Employee Organizations: Pasadena Fire Fighters Association, Local 809; Pasadena Firefighters Management Association; Pasadena Police Officers Association; Pasadena Sergeants Association; and Non-Represented Police and Fire Management Employees**

Councilmember Holden arrived at 5:47 p.m.

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

On order of the Mayor, the regular meeting reconvened at 6:30 p.m. The Pledge of Allegiance was led by Councilmember Gordo.

**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**

The Mayor congratulated the Tournament of Roses and City staff for the successful presentation of the Tournament of Roses Parade and football game, and praised the promotion and use of the Gold Line and shuttle transportation in moving visitors and citizens to these events.

Councilmember Streator requested a report from the Metropolitan Transportation Authority (MTA) on the use of the Gold Line and shuttle systems for this special event.

Councilmember Haderlein also expressed appreciation for the use of the Gold Line and shuttles for the post parade float viewing, which reduced the impact on District 4 neighborhoods.

The Mayor lauded NASA's Jet Propulsion Laboratory for the successful Mars mission and landing of the Spirit rover on Mars on January 4, 2004.

Ms. Wilma Allen, Director of Public Health Department, introduced Dr. Takashi Wada as the City's Health Director.

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

Mr. Nat Nehdar, Human Relations Commissioner, invited the Council and community to "Rekindling the Light of Peace," a program honoring Dr. Martin Luther King, Jr. to be held on the steps of City Hall on January 10, 2004, and distributed a flyer for the event.

Mr. Paul Lines, Pasadena Jazz Institute representative, invited the Council and community to attend a series of events produced in association with the Brehm Center for the Arts to be held during the month of February (Black History Month). Mr. Lines distributed material regarding these events that will celebrate the great cultural contributions of leading jazz masters, and also commented on the Institute's participation in a Tournament of Roses post-parade music event.

The Mayor, Vice Mayor Tyler, and Councilmember Little complimented Mr. Lines for effectively campaigning on behalf of the Institute's numerous activities in promoting jazz in the community.

Pastor William Turner described events regarding a church revival to be held during the month of January, invited Council to the revival, expressed concerns regarding recent problems with the Church's hanging of a banner across Orange Grove Boulevard, and asked Council to assist the Church in having the banner rehung in a timely manner.

Councilmember Little was excused at 6:59 p.m.

The City Manager indicated staff would contact Pastor Turner to resolve issues with the permit process that would allow the banner to be rehung.

Ms. Serena-Marie Sanfilipo, Pasadena resident, spoke regarding peer counseling and expressed concerns regarding the continuation of her Section 8 housing arrangement.

**OLD BUSINESS**

**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) *(Pending motion by Councilmember Haderlein to call the matter for review to the Board of Zoning Appeals.)*

Mr. Michael Huntley, Senior Planner, briefly outlined and updated the circumstances regarding the private tree removal application.

The City Manager clarified the status of the work that had been done at the site and responded to questions.

Mr. Larry Lachner, applicant, spoke in opposition to the call for review.

Mr. Carl Siechert, Pasadena resident, questioned the accuracy of the tree preservation plan, expressed concern the plan was not being followed according to the permit, and spoke in support of a call for review of the application.

Mr. Richard Bruckner, Director of Planning and Development Department, responded to questions regarding the application process and subsequent activities at the site.

Councilmember Haderlein indicated it appeared the facts regarding the tree plan and the applicant's activities needed clarification, and reaffirmed his position in calling the matter for review.

PENDING MOTION OF  
DECEMBER 8, 2003

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

Councilmember Holden suggested the matter should receive special consideration in scheduling the appeal process, since the Council had continued this matter to the possible detriment to the applicant.

The City Manager indicated staff would look at scheduling options to move the appeal forward in a timely manner, within noticing requirements.

**CONSENT CALENDAR**

MINUTES APPROVED

November 24, 2003  
December 1, 2003 (Cancelled)  
December 8, 2003

CLAIMS RECEIVED AND  
FILED

Claim No. 9447	Jeri Fowler	\$ 165.00
Claim No. 9448	Juan Vazquez	1,215.00
Claim No. 9449	Astrid Soegaard	4,000.00

Claim No. 9450	Nancy Sensenbach	50.00
Claim No. 9451	Diana Palmer	10,000.00+
Claim No. 9452	Mercury Insurance Group for Jae G. Lee	200.00
Claim No. 9453	Anthony L. Stone	400.00
Claim No. 9454	Kevin Chapman	198.06
Claim No. 9455	Rebecca Ann Krueger	366.87

**Setting of public hearing discussed separately due to a request for public comment.**

February 9, 2004, 8:00 p.m. - Amendments to the Civic Center Specific Plan and Establishment of a Planned Development Zone for the Proposed Montana Mixed-Use Development

It was moved by Vice Mayor Tyler, seconded by Councilmember Haderlein, to approve the Consent Calendar, with the exception of the public hearing to be set. (Motion unanimously carried) (Absent: Councilmember Little)

**CONSENT ITEM DISCUSSED SEPARATELY**

PUBLIC HEARING SET

**FEBRUARY 9, 2004, 8:00 P.M. - AMENDMENTS TO THE CIVIC CENTER SPECIFIC PLAN AND ESTABLISHMENT OF A PLANNED DEVELOPMENT ZONE FOR THE PROPOSED MONTANA MIXED-USE DEVELOPMENT**

Ms. Diana Peterson-More, Planning Commissioner, reported the above development had been rejected by a majority vote of the Planning Commission; and asked the Council to request the Planning Commission to present a list of the concerns expressed at the Planning Commission meeting, outline the conditions that had been proposed as part of the discussion, and categorize the conditions for Council's consideration. Ms. Peterson-More summarized the minority position regarding the development, and responded to questions regarding the Planning Commission's deliberations.

Mr. Richard Bruckner, Director of Planning and Development Department, noted there had also been extensive deliberations by other commissions that would be a part of the future report to Council on this matter, and responded to questions.

Discussion followed on the timeframe and process for setting the public hearing and obtaining additional information from the Planning Commission regarding its deliberations, the need for a complete and thorough report from the Planning Commission regarding its discussion of the development, and a proposed request to the Planning Commission to provide majority and minority reports regarding the Planning Commission's position on the development.

The City Manager noted the public hearing could be continued to provide additional time to accommodate the Planning Commission.

It was moved by Councilmember Haderlein, seconded by Councilmember Holden, to refer this matter back to the Planning Commission for its meeting of January 28, 2004 in order to provide a summary of its deliberations and a listing of the pros and cons of the project, urge the Planning Commission to complete this assignment in one meeting, and schedule the public hearing for February 9, 2004 at 8:00 p.m. (Motion unanimously carried) (Absent: Councilmember Little)

It was noted that if the Planning Commission does not complete this assignment prior to the scheduled public hearing, then the February 9th public hearing would be continued.

**REPORTS AND COMMENTS  
FROM COUNCIL  
COMMITTEES**

**PUBLIC SAFETY  
COMMITTEE**

Councilmember Haderlein, Chair of the Public Safety Committee, reported on the Committee's discussion of the Los Angeles County anti-gang ordinance that had been presented for the City's consideration by the Los Angeles Board of Supervisors, and noted the Committee had chosen not to pursue this matter. He indicated a letter would be sent to the Board of Supervisors stating the Committee's decision.

Councilmember Holden suggested information outlining the City ordinance vs. the County ordinance regarding enforcement issues involving gangs be presented to Council as an information item from the City Manager and Chief of Police.

**RECOMMENDATIONS FROM  
OFFICERS AND  
DEPARTMENTS**

**CONSIDERATION OF CALL FOR REVIEW OF  
MODIFICATION TO MINOR CONDITIONAL USE PERMIT  
NO. 3976 TO THE BOARD OF ZONING APPEALS (1300  
GLEN OAKS BOULEVARD - TO BUILD A NEW HOUSE IN  
THE HILLSIDE OVERLAY DISTRICT) (Councilmember  
Madison)**

Councilmember Madison withdrew the request for consideration of a call for review. It was noted the underlying decision is now effective.

**CONSIDERATION OF CALL FOR REVIEW OF  
MODIFICATION TO MINOR CONDITIONAL USE PERMIT  
NO. 3977 TO THE BOARD OF ZONING APPEALS (1294  
GLEN OAKS BOULEVARD - TO BUILD A NEW HOUSE IN  
THE HILLSIDE OVERLAY DISTRICT) (Councilmember  
Madison)**

Councilmember Madison withdrew the request for consideration of a call for review. It was noted the underlying decision is now effective.

**CONSIDERATION OF CALL FOR REVIEW OF  
CONDITIONAL USE PERMIT NO. 4274 TO THE BOARD OF  
ZONING APPEALS (1825 BRAEMAR ROAD - TO ALLOW A  
NEW HOME TO BE BUILT IN THE HILLSIDE OVERLAY**

**DISTRICT THAT IS OVER 4,000 SQUARE FEET. THE EXISTING HOME ON THE LOT WILL BE DEMOLISHED. A VARIANCE IS ALSO REQUESTED TO ALLOW THE APPLICANT TO ENCROACH INTO THE REQUIRED REAR YARD SETBACK) (Councilmember Madison)**

Councilmember Little returned at 7:53 p.m.

Mr. Michael Huntley, Senior Planner, summarized the project and responded to questions.

Councilmember Holden was excused at 7:53 p.m.

Councilmember Madison expressed concerns regarding the issuance of a variance to allow the construction of a rear deck.

Mr. Richard Bruckner, Director of Planning and Development Department, responded to questions regarding aspects of the project.

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 Holden)

RECESS

On order of the Mayor, the regular meeting of the City Council recessed at 7:57 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 7:58 p.m. (Absent: Councilmember Holden)

**ORDINANCE - ADOPTED**

**Adopt "AN ORDINANCE OF THE CITY OF PASADENA AMENDING TITLE 17 OF THE PASADENA MUNICIPAL CODE, THE REVISED ZONING CODE TO CREATE THE HEIGHT LIMIT (HL-1) OVERLAY DISTRICT, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF PASADENA ESTABLISHED BY SECTION 17.08.040 OF THE PASADENA MUNICIPAL CODE TO APPLY THE HEIGHT LIMIT OVERLAY ON CERTAIN LOTS IN ZONING STUDY AREAS 1C, 2 AND 12" (Introduced by Vice Mayor Tyler) (Ordinance No. 6960)**

The above ordinance was adopted by the following vote:

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

NOES: None

ABSENT: Councilmember Holden

**RECOMMENDATIONS FROM OFFICERS AND DEPARTMENTS**

Councilmember Holden returned at 8:00 p.m.

**BUDGET UPDATE**

**Recommendation of City Manager:** No action is requested. This item is for information only.

The City Manager provided an overview of the agenda report, briefly discussed current impacts on the budget from cost increases and State reductions for local funding, and

responded to questions. She indicated she hoped to return to Council within 30-45 days with recommendations for mid-year budget adjustments.

Mr. Jay Goldstone, Director of Finance Department, discussed budget aspects contained in the attachments to the agenda report, the use of discretionary cash, and the City's reserve policy, and responded to questions.

Discussion followed regarding a lawsuit being pursued by a group of cities to recover funding for local governments being held by the State at this time, Council's support of the League of California Cities' ballot initiative to require voter approval before the State government may take tax funds designated for local governments, possible effects of the proposed "triple flip" that would allow the State to reduce the City's sales tax revenue with a promise to make this up with additional property tax revenue, issues regarding property tax assessments for residential and commercial properties, and legal issues and challenges involved with Proposition 13 and property tax assessments. Discussion also included the use of various City reserve funds, the transfer of monies from various City funds to the General Fund, and increases in City personnel costs.

In response to Councilmember Gordo's question, the City Manager explained staff's position to not join the group of cities' lawsuit until the magnitude of the funding cuts become known and then revisit the City's participation in this action when the financial impacts on the City can be enumerated.

Councilmember Streator suggested the City Attorney review the lawsuit and provide Council with the legal merits of the case, advantages of the City's participation as a friend vs. a party to the lawsuit, and associated costs of participating in the lawsuit.

Councilmember Gordo questioned loopholes that allowed corporations to avoid property tax assessments and the effects on local revenues.

Mr. Goldstone indicated he would look into possible problems regarding property reassessment and how the County handles residential vs. commercial property assessments. In response to Vice Mayor Tyler's question, he indicated monies owed by the State would be reflected in future budget presentations. Mr. Goldstone also noted he would provide Council with updated information on revenues lost by the City through various State actions and mandates.

Councilmember Little suggested exploring opportunities for funding from the City's enterprises.

Councilmember Holden suggested looking at funding block grant programs in the private sector for some services currently provided by the City.

The Mayor discussed the need to go beyond the General Fund concerns and determine where decreased/eliminated funding of social services will be jeopardized, who will be impacted, and how these needs can be addressed.

Vice Mayor Tyler discussed the need to consider various elements of personnel expenses and rethink future negotiations of Memorandum of Understandings (MOUs) and the Employee Benefit Option Fund (EBOF).

Following discussion, the City Manager indicated she would coordinate with the City Attorney to provide additional information to Council on the group of cities' lawsuit and the League of California Cities' ballot initiative. She confirmed there was no written policy on the use of the City's reserve funds, discussed prior uses of various reserve funds, and noted that information on prior use of the fleet fund reserve would be provided to Council. She noted staff would consider Council's discussion and suggestions, and would be exploring across-the-board budget cuts as well as altering services in a way that will result in the least impact on the City.

Discussion continued on the State's role in creating local budget/financial problems; and the need to examine efficiencies at the State and local levels, to review City reserves and personnel policies, and to prioritize the City's central services.

Councilmember Streator suggested specific recommendations regarding these funding issues be given to the City's local representatives for action by the State in assisting local governments.

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

#### **COUNCIL COMMENTS**

Councilmember Holden requested a presentation on the recent decisions regarding funding for completion of the 710 Freeway.

Councilmember Streator asked that this presentation be scheduled for a meeting when she will be in attendance.

#### **ADJOURNMENT**

The Mayor and Councilmembers Holden, Gordo, Little, and Streator commented on the years of leadership and many civic contributions Elbie Hickambottom had provided to the community.



On order of the Mayor, the regular meeting of the City Council adjourned at 9:55 p.m., in memory of Elbie Hickambottom and his long service to the community.

*Bill Bogaard*

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Bill Bogaard, Mayor  
City of Pasadena

ATTEST:

*Daniel Rodriguez*  
\_\_\_\_\_  
City Clerk

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