

CITY OF PASADENA
City Council Minutes
February 2, 2004 - 5:30 P.M.
City Hall Council Chamber

REGULAR MEETING

OPENING:

Mayor Bogaard called the regular meeting of the City Council to order at 5:54 p.m. (Absent: Councilmembers Gordo, Madison, Tyler)

On order of the Mayor, the regular meeting of the City Council recessed at 5:54 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, Richard Kunz
Employee Organization: Pasadena Firefighters Management
Association**

Councilmember Madison
arrived at 5:58 p.m.

Councilmember Gordo
arrived at 5:59 p.m.

**CITY COUNCIL CONFERENCE WITH LABOR NEGOTIATORS
pursuant to Government Code Section 54957.6
Agency Negotiators: Karyn Ezell, Richard Kunz
Employee Organizations: American Federation of State, County
and Municipal Employees, Local 858**

**CITY COUNCIL CONFERENCE WITH LEGAL COUNSEL
regarding significant exposure to litigation pursuant to
Government Code Section 54956.9(b): One potential case**

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 6:30 p.m. The Pledge of Allegiance was led by Councilmember Holden.

ROLL CALL:

Councilmembers:

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

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 Richard E. Kelly as Library Commissioner.

PUBLIC COMMENT ON MATTERS NOT ON THE AGENDA

Mr. Kurt Thorgerson, Pasadena resident, referred to the City's recycling program and suggested the recycling of trees as a way of augmenting the program.

Mr. Ben Green, Senior Center Chief Executive Officer, thanked the City Council for choosing the Pasadena Senior Center as the location to hold City Council meetings while the retrofit of City Hall is taking place.

CONSENT CALENDAR

Councilmember Madison was excused at 6:35 p.m.

AWARD OF CONTRACT TO CEDARWOOD YOUNG CORP., DBA ALLAN COMPANY FOR PROCESSING RESIDENTIAL RECYCLING MATERIAL; VALLEY VISTA SERVICES, INC. FOR PROCESSING BULKY AND ABANDONED ITEMS; AND COMMUNITY RECYCLING FOR PROCESSING STREET SWEEPING MATERIAL

Recommendation of City Manager: Accept the bids dated January 7, 2004, submitted by Cedarwood Young Corp., DBA Allan Company, for processing recycling material; Valley Vista Services, Inc. for processing bulky and abandoned items; and Community Recycling for processing street sweeping material, in response to the Specifications for Residential and Commercial Waste - Material Recovery; reject all other bids received; and authorize the City Manager to enter into such contracts as are required. (Contract Nos. 18,427 - 18,429)

AUTHORIZATION TO ENTER INTO TWO CONTRACTS WITH SKS CONSTRUCTION, FOR STRUCTURAL STEEL IN AN AMOUNT NOT TO EXCEED \$642,240 AND FOR CONCRETE AND REBAR IN AN AMOUNT NOT TO EXCEED \$248,600 FOR THE GLENARM POWER PLANT SEISMIC REPAIRS, PHASE I

Recommendation of City Manager: It is recommended that the City Council:

(1) Recognize and appropriate \$1,157,300 in unanticipated income from Federal Emergency Management Agency (FEMA) and appropriate \$1,157,300 to Account No. 71138, Glenarm Power Plant Seismic Repairs, Phase I, to cover the cost of services provided. FEMA will reimburse the City for eligible expenses from this funding.

(2) Authorize the City Manager to enter into two contracts with SKS Construction for Structural Steel in an amount not to exceed \$642,240 and Concrete and Rebar in an amount not to exceed \$248,600 for the Glenarm Power Plant Seismic Repairs, Phase I. (Contract Nos. 18,430 & 18,431; Journal Voucher No. 2004-25)

Item removed from the agenda at the request of the City Manager.

LEASE AMENDMENT FOR THE TRANSPORTATION DEPARTMENT AT PARK CENTER LOCATED AT 221 E. WALNUT STREET

Item removed from the agenda at the request of the City Manager.

LEASE EXTENSION FOR CITY PROSECUTOR AND NEW LEASE FOR CITY ATTORNEY AT WALNUT PLAZA LOCATED AT 215 N. MARENGO AVENUE

CONTRACT AWARD TO FIELD OPERATIONS TO PROVIDE DESIGN SERVICES FOR THE ARROYO PARKWAY STREET ENHANCEMENT PROJECT

Recommendation of City Manager: Authorize the City Manager to enter into a contract with Field Operations for design services related to the SR 710 Mitigation-Arroyo Parkway Street Enhancement Project in an amount not to exceed \$189,000. Competitive bidding is not required pursuant to City Charter Section 1002 (F), professional or unique services.

It is further recommended that the City Council grant the proposed contract an exemption from the competitive selection process of the Competitive Bidding and Purchasing Ordinance pursuant to Pasadena Municipal Code Section 4.08.049(B), contracts for which the City's best interests are served. (Contract No. 18,432)

APPROVAL OF MINUTES

January 5, 2004

CLAIMS RECEIVED AND FILED

| | | |
|----------------|-------------------------|------------|
| Claim No. 9473 | Richard Koshalek | \$ Unknown |
| Claim No. 9474 | Alfonso Sandoval Torres | Unknown |
| Claim No. 9475 | Joseph Tringali | 111.72 |
| Claim No. 9476 | Phillip Taylor | 1,568.00 |
| Claim No. 9477 | Jim Sugawara | 3,090.45 |

PUBLIC HEARINGS SET

February 23, 2004, 8:00 p.m. - Central District Specific Plan - Del Mar Gold Line Station Area Density Clarification

March 22, 2003, 8:00 p.m. - Amendment to Bungalow Heaven Landmark District

March 29, 2004, 8:00 p.m. - HUD required Public Housing Agency 5 Year Plan (2005-2008) and the Public Housing Agency Annual Plan

It was moved by Councilmember Little, seconded by Councilmember Streater, to approve the Consent Calendar with the exception of Item 3 (Lease Amendment for the Transportation Department) and Item 4 (Lease Extension for City Prosecutor and New Lease for City Attorney), which were removed from the agenda. Motion unanimously carried (Absent: Councilmember Madison, Vice Mayor Tyler).

ORDINANCES - ADOPTED

Adopt "AN ORDINANCE OF THE CITY OF PASADENA AMENDING TITLE 8 OF THE PASADENA MUNICIPAL CODE TO ESTABLISH TOBACCO-FREE AND SMOKE-FREE CITY PARKS AND PROHIBIT MOBILE VENDING OF CIGARETTES; AMENDING TITLE 5 TO ADD CHAPTER 5.74 TO REQUIRE

Councilmember Madison
returned at 6:37 p.m.

LICENSING OF TOBACCO RETAILERS; AND AMENDING TITLE 17 TO REQUIRE A CONDITIONAL USE PERMIT FOR SIGNIFICANT TOBACCO RETAILERS IN THE CG, IG, AND CD ZONING DISTRICTS” (Introduced by Councilmember Little) (Ordinance No. 6962)

Mr. Gilbert Canizales, Director, Local Government Relations, California Grocers Association, summarized his letter dated February 2, 2004, expressing opposition to the tobacco licensing component of the ordinance.

The above ordinance was adopted by the following vote:

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

RECESS

On order of the Mayor, the regular meeting of the City Council recessed at 6:42 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 6:43 p.m. (Absent: Vice Mayor Tyler)

RECOMMENDATIONS FROM OFFICERS AND DEPARTMENTS

APPOINTMENT OF THELMA JOHNSON TO THE ARTS COMMISSION (District 3 Nomination)

It was moved by Councilmember Holden, seconded by Councilmember Little, to approve the above appointment. Motion unanimously carried (Absent: Vice Mayor Tyler)

CONSIDERATION OF CALL FOR REVIEW OF CONDITIONAL USE PERMIT NO. 4212 TO THE CITY COUNCIL [716 SOUTH FAIR OAKS AVENUE - THE EXPANSION OF A NON-CONFORMING USE. SPECIFICALLY, THE EXISTING NURSING HOME IS CLASSIFIED AS A CONVALESCENT FACILITY AND WAS MADE NON-CONFORMING WHEN THE CITY ZONED THE PROPERTY AS IG (INDUSTRY, GENERAL) IN 1985. THE APPLICANT IS PROPOSING ADDING TWO SINGLE-STORY ADDITIONS TOTALING 5,500 SQUARE FEET TO THE EXISTING 20,100 SQUARE FOOT FACILITY] (Councilmember Madison)

Mr. David Sinclair, Planner, provided a brief summary of the project.

Councilmember Madison briefly discussed the project and the basis for the call for review.

It was moved by Councilmember Madison, seconded by Councilmember Gordo, to call for review Conditional Use Permit No. 4212 to the City Council and have a hearing on the merits. Motion unanimously carried (Absent: Vice Mayor Tyler)

CONSIDERATION OF CALL FOR REVIEW OF CONDITIONAL USE PERMIT NO. 4257 TO THE CITY COUNCIL [102 EAST COLORADO BOULEVARD - TO ALLOW THE ON-SITE SALE OF ALCOHOL (BEER AND WINE) IN CONJUNCTION WITH THE EXPANSION OF AN EXISTING RESTAURANT (HOOTERS)]
(Councilmember Madison)

Mr. David Sinclair, Planner, summarized the proposed project.

Councilmember Madison briefly discussed the basis for the call up, the findings that must be made for the application to be granted, and expressed doubts as to whether these findings can be met. He also noted for the record receipt of a letter to City Council dated January 28, 2004 from Mr. Fred Glick, President/Chief Operating Officer with Hooters.

It was moved by Councilmember Madison, seconded by Councilmember Gordo, to call for review Conditional Use Permit No. 4257 to the City Council.

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

Mr. Chris Sutton, Attorney for Pasadena Wings, LLC DBA Hooters Restaurant, referred to his correspondence to Council dated February 2, 2004.
Mr. Steven P. Dahl, AIA, architect for Hooters
Mr. Fred Glick, President, Pasadena Wings, LLC/Hooters
Mr. Fred Sigmund, representing Hooters

Ms. Tahra Goraya, Day One, spoke in support of the call for review.

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

Councilmember Madison referred to Finding No. 2: *The proposed location of the conditional use will not result in an undesirable concentration of premises for the sale of alcoholic beverages in the area.* He questioned how an "undesirable" concentration is determined.

The City Attorney responded she would need check into that.

Councilmember Madison indicated he would be interested in the answer irrespective of this item.

Vote on the motion to call the matter for review:

AYES: Councilmembers Gordo, Little, Madison,

NOES: Councilmembers Haderlein, Holden, Streator, Mayor Bogaard

ABSENT: Vice Mayor Tyler

(Motion failed)

UPDATE BY J.L. MOSELEY COMPANY REGARDING THE LINCOLN VILLAGE PROJECT AND MUSTANGS ON THE MOVE YOUTH PROGRAM (Mayor Bogaard)

Mr. Charles Boyd, Chair of the Lincoln Avenue Task Force, provided a brief update on the Lincoln Village noting the project seeks to make Lincoln Avenue Corridor a more thriving, vibrant corridor.

Task Force members and Pasadena Unified School District students provided a brief description of the Task Force, discussed the activities, progress, and future plans for improving Lincoln Avenue.

Mr. Boyd thanked Councilmember Streator for making Lincoln Avenue one of her priorities and thanked City staff for their assistance. He requested City officials sign and display a banner during the month of February entitled "Lincoln Village".

Mr. Tom Coston, representing "Mustangs on the Move" program, provided a brief update on the program, noting this a new after school initiative underway at John Muir High School.

John Muir High School students and program participants described the program, their participation in the program, and distributed information on a public forum to be held at John Muir High School on February 10, 2004 at 4:30 p.m.

Mayor Bogaard expressed gratitude to all the individuals who have been involved in this effort.

PRESENTATION OF A PROPOSAL TO ADD STUDENT INTERN POSITIONS TO CITY ADVISORY BODIES (Mayor Bogaard)

John Muir High School students spoke on the importance of commissions, presented a proposal and discussed the advantages of adding student interns to each City commission. They indicated an assessment of each commission has been prepared and presented three assessments as examples. The students also presented a recommendation for Commissions to consider.

In response to questions, Ms. Patsy Lane, Director of Human Services and Recreation, described a project regarding an update to the Pasadena Youth Council, and noted the findings and recommendations from this project will be presented to the Human Services Commission in March. She clarified the student intern project and the update to the Pasadena Youth Council are two different projects.

The following individuals spoke in support of the student intern proposal:

Ms. Renee Morgan-Hampton, Pasadena resident
Ms. Elaine Kramer, Human Services Commissioner

Councilmember Little expressed support for the proposal and indicated he would like to see a process that is open to any interested student.

Councilmember Holden also voiced support for the proposal and suggested agendaizing on the City Council/School District's joint meeting agenda the ability for students to get credit which would apply towards graduation.

The City Manager noted staff will look at the proposal and report back to Council within 30 days.

Councilmember Streator acknowledged and thanked Jaylene Moseley for spearheading the project.

CONSIDERATION OF CONSTITUTING A WORKING GROUP TO STUDY NUISANCE ALCOHOL OUTLETS (Councilmember Gordo)

Councilmember Gordo provided a brief history on the City's conditional use permit process and expressed concern regarding the lack of power by the City to regulate establishments that were grandfathered in when the City adopted this process. He spoke regarding problem establishments, the need for local control, the need for changes in State law, and the need to take an aggressive and comprehensive approach. He asked that City Council constitute a working group that will look at developing specific recommendations; look at ordinances adopted by other cities as a possible solution in Pasadena; look at providing gap funding as part of redevelopment; possibly asking neighbors to remove walls or fence properties off; look at the issue of amortization; and look at presenting specific changes to state law.

MOTION

It was moved by Councilmember Gordo, seconded by Councilmember Little, to direct the City Manager and City Attorney to come back with a recommendation with regard to the composition of the working group, how it would operate, with such group to be able to take public comment.

The following individuals spoke in support of a working group and/or expressed concern regarding the impact on their neighborhood (Summit Avenue and Orange Grove Boulevard) due to public intoxication, loitering, prostitution, drugs, and littering:

Mr. Bob Kneisel, Chair, Pasadena Neighborhood Coalition
Mr. John Wright, Pasadena resident
Mr. Joe Brown, President, NAACP Pasadena

Ms. June Takenouchi, Pasadena resident
Ms. Gretchen Bailey, Pasadena resident
Ms. Neidi Dominguez, Pasadena resident
Ms. Terri MacQuarrie and Mr. James MacQuarrie, Pasadena residents, displayed and distributed copies of photographs
Mr. Roland Sprewell, Pasadena resident
Mr. Bryan Reese, President, Bungalow Heaven Neighborhood Association
Ms. Maggie Campbell, President, Old Pasadena Management Association
Pastor Inman Moore, Grace United Methodist Church
Ms. Maria Salas, Pasadena resident, submitted a handout with names of people in support.
Ms. Betty Sword, President, Friends of Washington Park
Mr. Joe Feinblatt, Pasadena resident
Ms. Renee Rubalcava, representing Garfield Heights
Mr. John Kennedy, Pasadena resident,
Ms. Georgia Holloway, Pasadena resident
Ms. Heidi Sprewell, Pasadena resident
Ms. Juliet Y. Cabigns, representing Sunset Oaks Neighborhood Association

Mr. Blake Bailey, Pasadena resident, stated the liquor stores are not the problem.

Ms. Herminia Ortiz, Pasadena resident, spoke in opposition.

The Police Chief discussed law enforcement efforts pertaining to the concerns expressed by the speakers and stressed the need to deal with the core problem.

Councilmember Gordo expressed a desire to have our State legislative representatives work with the City to ensure that whatever legislation is crafted, that it is as comprehensive as possible.

AMENDMENT TO MOTION

Councilmember Holden suggested that Assemblymember Carol Liu and Senator Jack Scott each designate a representative on the working group so that they are part of the deliberation, and direct staff to report back within three weeks on strategies for the City condemning or acquiring properties through eminent domain.

Councilmember Gordo accepted the suggestion by Councilmember Holden as an amendment to his motion.

Councilmember Holden stated the focus of tonight's presentation has been on two liquor stores that are on Summit Avenue and Orange Grove Boulevard, so that would be the subject of the staff's report back in terms of potential condemnation.

Vote on the motion:

AYES: Councilmembers Gordo, Haderlein, Holden, Little,
Madison, Streater, Mayor Bogaard

NOES: None

ABSENT: Vice Mayor Tyler

PUBLIC COMMENT

(Continued)

Ms. June Takenouchi, Pasadena resident, expressed concerns regarding safety of bike lanes in some parts of the City, particularly in the Orange Grove Boulevard area.

COUNCIL COMMENTS

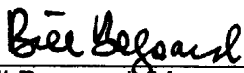
Councilmember Little asked the City Attorney to advise him if he would be conflicted out in decisions regarding Bungalow Heaven.

Councilmember Gordo noted he owns a house on Michigan Avenue.

The City Attorney responded she would look into the matter and advise both Councilmembers

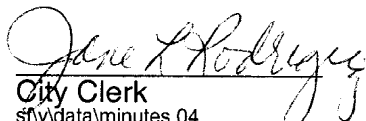
ADJOURNMENT

On order of the Mayor, the regular meeting of the City Council adjourned at 9:31 p.m.



Bill Bogaard, Mayor
City of Pasadena

ATTEST:



City Clerk
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