

CITY OF PASADENA
City Council Minutes
March 15, 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 5:42 p.m. (Absent: None)

**PUBLIC COMMENT ON
CLOSED SESSION ITEM**

The following persons spoke regarding labor negotiations, and voiced opposition to changing the 3-12 work schedule to a 4-10 schedule:

Mr. Joseph Perez, President of Pasadena Police Officers Association
Pasadena Police Officer Darryl Harris

On order of the Mayor, the regular meeting of the City Council recessed at 5:50 p.m., to discuss the following closed sessions:

**CITY COUNCIL CONFERENCE WITH LABOR NEGOTIATORS
pursuant to Government Code Section 54957.6
Employee Organization: Pasadena Police Officers Association
and Pasadena Police Sergeants Association**

**CITY COUNCIL CONFERENCE WITH REAL PROPERTY
NEGOTIATORS pursuant to Government Code Section 54956.8
Properties: 62-100 North El Molino Avenue and 686-700 Union
Street, Pasadena
Agency Negotiator: Richard Bruckner
Negotiating Parties: Mill Creek Development**

The above closed session items were discussed, with instructions given to negotiators.

On order of the Mayor, the regular meeting of the City Council reconvened at 6:54 p.m. The Pledge of Allegiance was led by Councilmember Little.

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

The Mayor reported that during the closed session, regarding real property negotiations, the City Council gave instructions to its representatives, with respect to a proposed development project, which included certain properties owned by the City. Staff would pursue the discussion, pursuant to the parameters Council provided.

The Mayor also reported during the closed session regarding labor negotiators concerning the police officers, considerable discussion occurred and Council adopted a staff recommendation that a schedule change would be put into effect for a trial period commencing April 2004 through February 2005. The trial period would be a 4-10 schedule for patrol and investigation officers. During the trial period, careful review and monitoring of the operations would be done pursuant to a number of factors: productivity, workers compensation claims, vehicle accidents, recruitment and retention, sick leave usage, morale, overtime, patrol response times and staffing, and availability. If the Police Chief, by using the criteria above, determines that there is a negative impact or there is no benefit to the operations of the Department due to the change, the previous schedule will return.

CEREMONIAL MATTERS

The Mayor proclaimed March 27, 2004 as Arbor Day in Pasadena. The proclamation was received by Ms. Jan Muntz, President of Pasadena Beautiful Foundation, and Ms. Kathy Woods and Ms. Darya Barar of Parks and Natural Resources.

The City Clerk administered an oath of office to Ms. Maura J. Harrington as Human Services Commissioner.

Councilmembers Gordo and Holden expressed their condolences and acknowledged the great loss of Mr. Tom Hamilton, Pasadena High School Coach and Athletic Director.

PUBLIC COMMENT

The following persons commented in opposition to the police officer work schedule change:

Ms. Herminia Ortiz, Pasadena resident
Ms. Maria Salas, Pasadena resident

CONSENT CALENDAR

Item discussed separately
at the request of Vice
Mayor Tyler.

**RESOLUTION INCREASING THE COMBINED TRANSFERS
FROM THE LIGHT AND POWER FUND TO THE GENERAL FUND
FROM 7.5% TO 8.35% OF GROSS REVENUE NOT TO EXCEED
NET INCOME**

Item discussed separately at the request of Councilmember Little.

APPROVAL OF CITY'S QUITCLAIM OF AN EASEMENT FOR STATE AND HIGHWAY PURPOSES AT 2220 EAST FOOTHILL BOULEVARD

Item discussed separately at the request of Councilmember Little.

APPROVAL AND ACCEPTANCE OF PROPOSED EASEMENT DEDICATION FOR SIDEWALK PURPOSES AT 65 WEST DAYTON STREET

AUTHORIZATION TO ISSUE A PURCHASE ORDER CONTRACT TO NEXTIRAONE IN AN AMOUNT NOT TO EXCEED \$362,292

Recommendation of City Manager: It is recommended that the City Council authorize a purchase order contract with NextiraOne, LLC for the acquisition and installation of telephone infrastructure required to support employee relocation during the renovation of City Hall for an amount not to exceed \$362,292. Competitive bidding is not required pursuant to City Charter Section 1002[C], contracts for labor, materials, supplies or services available from only one vendor.

CLAIMS RECEIVED AND FILED

Claim No. 9501	Manuel Marguez Carbajal	\$	Unknown
Claim No. 9502	Richard & Elizabeth Kosbalek		49,108.24
Claim No. 9503	SBC West Facilities		1,288.28
Claim No. 9504	Antonette Marie Hudson		2,401.62

It was moved by Councilmember Little, seconded by Vice Mayor Tyler, to approve the Consent Calendar with the exception of Item 1 (Resolution Increasing the Combined Transfers from the Light and Power Fund), Item 2 (Quit Claim of Easement for State and Highway Purposes), and Item 3 (Proposed Easement Dedication). (Motion unanimously carried) (Absent: None)

CONSENT ITEMS DISCUSSED SEPARATELY

RESOLUTION INCREASING THE COMBINED TRANSFERS FROM THE LIGHT AND POWER FUND TO THE GENERAL FUND FROM 7.5% TO 8.35% OF GROSS REVENUE NOT TO EXCEED NET INCOME

Recommendation of City Manager: It is recommended that the City Council adopt a resolution increasing the combined transfers from the Light and Power Fund to the General Fund from 7.5% to 8.35% of gross revenue not to exceed net income. (Resolution No. 8335)

Vice Mayor Tyler noted Council should be adopting a resolution every year for the transfers from the General Fund, per City Charter Sections 1407 and 1408. He offered a modification to the resolution to change "fiscal year 2003" to "fiscal years 2004 and 2005" and suggested staff return as part of the budget process for the transfers in fiscal year 2006. He further stated, if reviewed annually, the Council could determine whether or not to continue the amount, reconsider the add-on, or to reallocate it between City Hall or another use. In addition, he suggested that within one year,

during the next review, he would like to see what effect the transfer may have on the Light and Power Fund and maintenance and operations of the utility.

Mr. Jay Goldstone, Director of Finance, responded to questions pertaining to the transfer of funds.

It was moved by Vice Mayor Tyler, seconded by Councilmember Streator, to approve the City Manager's recommendation with modifications to Paragraphs 1 and 2 of the resolution to replace "fiscal year 2003" with "fiscal years 2004 and 2005" and revise the fourth "whereas" clause to state the improvements are "for improvements related to the City Hall project". (Motion unanimously carried). (Absent: None)

APPROVAL OF CITY'S QUITCLAIM OF AN EASEMENT FOR STATE AND HIGHWAY PURPOSES AT 2220 EAST FOOTHILL BOULEVARD

Recommendation of City Manager: It is recommended that the City Council adopt a resolution quitclaiming an easement for street and highway purposes at 2220 East Foothill Boulevard and authorize the City Manager or her designee to execute the Quitclaim Deed. (Resolution No. 8332)

Mr. Martin Pastucha, Director of the Public Works Department, responded to questions.

It was moved by Councilmember Little, seconded by Vice Mayor Tyler, to approve the City Manager's recommendation. (Motion unanimously carried) (Absent: None)

APPROVAL AND ACCEPTANCE OF PROPOSED EASEMENT DEDICATION FOR SIDEWALK PURPOSES AT 65 WEST DAYTON STREET

Recommendation of City Manager: It is recommended that the City Council adopt a resolution approving and accepting the proposed easement dedication for sidewalk purposes at 65 West Dayton Street. (Resolution No. 8334)

Mr. Martin Pastucha, Director of the Public Works Department, responded to questions.

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

**RECOMMENDATIONS
FROM OFFICERS AND
DEPARTMENTS**

RESIGNATION OF ERIN VARGAS FROM THE HUMAN SERVICES COMMISSION (District 2 Nomination)

It was moved by Councilmember Little, seconded by Councilmember Gordo, to accept the above resignation with regret. (Motion unanimously carried) (Absent: None)

COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM CITY SET-ASIDE RECOMMENDATIONS (2004-2005 PROGRAM YEAR)

Recommendation of City Manager : It is recommended that City Council approve 2004-2005 Community Development Block Grant (CDBG) Program City Set-Aside of \$1,654,672 allocating \$908,100 for four eligible City administered non-public service projects and \$746,572 for the Section 108 Loan Repayment and CDBG Program Administration.

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

Discussion ensued concerning how the day labor/employment hall was working and if it was as successful as originally intended.

The City Manager noted that staff believed the employment hall had reduced the number of people on the streets and several reports had gone out in the weekly information letter, however, it had not gone to the full Council. She further informed Council that the Economic Development and Technology Committee would receive an information report on March 17, 2004, which would reflect the number of people reporting to the day labor site as well as the number of people hired had increased at the site. She further indicated the site was not the ideal location but staff would continue to take steps to make the location on Lake Avenue work the best it can.

Following additional discussion regarding the center, Councilmember Gordo stated that when the item returns, he would be reviewing the level of enforcement resources that was committed to make sure the approach was comprehensive and complete, and he would like to hear from the non-profits, specifically the North Lake Avenue Church, concerning the mixed message that was being sent encouraging people to "hang out" on Villa Street.

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

IMPLEMENTATION OF STUDENT INTERN OPPORTUNITIES WITH CITY COMMISSIONS

Recommendation of City Manager: It is recommended that City Council adopt the program outlined in the report to offer local high school students the opportunity to serve as interns on City commissions.

Ms. Patsy Lane, Director of Human Services, Recreation and Neighborhoods, summarized the agenda report and responded to questions.

In response to a question concerning whether the Commissions had been made aware of the recommendation and program, Ms. Lane stated the Human Services Commission was aware of the program but staff would be informing other Commissions prior to the target date to begin the plan in September 2004.

The following persons spoke in support:

Ms. Alexis Jeffries, representing A Young Woman's Voice
Ms. Ashley Morgan, representing A Young Woman's Voice

Discussion ensued and it was suggested that contact be made with the Chairs to receive their input and ideas for the best way to integrate the students; require that two students serving on the same Commission be from different schools; that clear descriptions of the Commissions be provided that the students can understand and the requirements of the students to serve on the Commissions; that the operating companies be invited to participate in the program; inform the School District and private schools of what is being planned and inquire as to the best way to include academic or community service credits; that the students be allowed to chair or co-chair a meeting to allow the experience to be more meaningful; that the students be asked to provide a written evaluation at the conclusion of their experience; and the need to identify a point person (City or PUSD staff) for the program.

In response to a question regarding implementation of the program and when the proposed program would return to Council, the City Manager indicated the proposal was expected to return to Council middle or late summer, with outreach occurring during youth month (August), however, applications would need to be worked out with the District.

Councilmember Streator noted that the program proposed a 45-day application review period for the Chairs and expressed concern with the start of the school year being September 2004. The City Manager indicated she would review the schedule again and inform Council.

Following discussion, it was moved by Councilmember Streator, seconded by Councilmember Little, to conceptually approve the City Manager's recommendation. (Motion unanimously carried) (Absent: None)

Councilmember Little suggested that One City-One Story could also be a great opportunity to involve the input of young people.

The Mayor indicated that he and the City Manager would communicate the suggestion to Mr. Luis Herrera, Director of Library and Information Services.

ORDINANCE - FIRST READING

Conduct first reading of "AN ORDINANCE OF THE CITY OF PASADENA AMENDING SECTIONS 2.175.030 (A) AND 2.175.070 (B) OF THE PASADENA MUNICIPAL CODE REGARDING APPOINTMENT OF A REPRESENTATIVE FROM UCLA TO THE BOARD OF DIRECTORS OF THE ROSE BOWL OPERATING COMPANY"

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

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

INFORMATION ITEMS

UPDATE ON LONDON PLANE TREES FOR HOLLY STREET AS PART OF THE CIVIC CENTER/MIDTOWN DISTRICT DESIGN PROJECT

Recommendation of City Manager: This report is for information only.

Councilmember Little was excused at 8:10 p.m.

Ms. Kathleen Woods, Administrator of Parks and Natural Resources, summarized the agenda report and responded to questions.

The City Manager responded to questions.

Ms. Darya Barar, Program Coordinator, responded to questions regarding varieties of trees that would grow in the Southern California region.

It was moved by Vice Mayor Tyler, seconded by Councilmember Madison, to refer the report to the Urban Forestry Advisory Committee. (Motion unanimously carried) (Absent: None)

It was requested that if the Urban Forestry Advisory Committee disagreed with the report the matter would return to City Council.

STATUS OF URGENT CARE SERVICES IN PASADENA

Recommendation of City Manager: This report is for information only.

On order of the Mayor, the above item was held due to time constraints.

PUBLIC HEARINGS

PUBLIC HEARING: CALL FOR REVIEW OF CONDITIONAL USE PERMIT NO. 4212 TO ALLOW THE EXPANSION OF A NON-CONFORMING USE (GEM TRANSITIONAL CARE), 716 SOUTH FAIR OAKS AVENUE

Recommendation of City Manager:

- (1) It is recommended that the City Council acknowledge that this action is categorically exempt from CEQA; and
- (2) Uphold the decision of the Board of Zoning Appeals to deny the conditional use permit application to allow the addition of 5,500 square feet to the existing convalescent facility at 716 South Fair Oaks Avenue.

Councilmember Little arrived at 8:23 p.m.

The Mayor opened the public hearing.

The City Clerk reported the notice of public hearing was published in the Pasadena Star-News on March 1 and 12, 2004 and on March 4, 2004 in the Pasadena Journal; 24 copies of the notice were posted and 18 copies were mailed on February 23, 2004. One letter from staff to the applicant had been received and distributed to Council, at the request of the applicant; and one additional letter of support had been received and distributed.

Mr. David Sinclair, Assistant Planner, presented an overview of the agenda report and responded to questions.

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

Discussion ensued concerning whether the applicant knew of other alternatives for the project other than a conditional use permit, such as a Specific Plan amendment.

In response, Mr. Sinclair indicated staff did not suggest the Specific Plan amendment option to the applicant, however, the applicant was aware that staff would not support the project under the current Pasadena Municipal Code.

Following discussion pertaining to the single lot, the importance of the facility and the use benefitting the community, and the possibility of making findings not to oppose the project, the City Attorney referenced the Pasadena Municipal Code and cautioned the Council concerning diverting from what the Code specifically states regarding requirements. She further stated that in order to grant the conditional use permit, the Council would need to make findings.

She also informed Council that the applicant had proposed findings, but she had not yet reviewed the documentation because she had just received them prior to the meeting.

In response to a question regarding what would need to take place for an amendment to the Specific Plan to make the proposed use possible at the site, the City Attorney indicated it would need to go through the process.

Mr. Bruckner also indicated that Council would want to avoid spot zoning and it would need to review the entire area which would allow additional uses and would change the land use designation in the area. He also reminded Council that one of the principles of the General Plan was to maintain the industrial lands in the City, so it too would need to be reviewed.

In response to a question concerning the applicant offering a cross covenant and the possibility of a lot line adjustment, the City Attorney confirmed the Code stated a legally established lot, however, she would need to look into the matter because she did not feel comfortable making a statement specific that it was within the Code requirements.

The City Manager responded to questions regarding the possibility of a lot line adjustment at the site.

Following the discussion, it was suggested that since the biotechnology corridor did not seem to be materializing and conditions in the area were changing, to agendize the Specific Plan pro-actively through the Planning Commission. In addition, the City Attorney also noted she could research whether the applicant's offer to record a covenant would be considered a legal lot.

It was also suggested that staff look at the subarea (south of Pico, along South Fair Oaks Avenue, past Fillmore Street, to Bellefontaine Nursery, and the east side of Edmonson Alley) for possible Specific Plan changes that could be recommend to the Planning Commission and subsequently City Council.

Mr. Anthony Palazzola, representing Design Direction Group, spoke in support.

It was moved by Councilmember Madison, seconded by Councilmember Streator, to continue the public hearing to April 12, 2004 at 8:00 p.m. (Motion unanimously carried) (Absent: None)

PUBLIC HEARING: CONSIDERATION OF A MORATORIUM ON NEW CONSTRUCTION IN THE HILLSIDE DEVELOPMENT OVERLAY DISTRICT (HD)

Recommendation of City Manager: It is recommended that, following a public hearing, the City Council:

(1) Find the proposed project to be exempt from environmental review pursuant to the guidelines of the California Environmental Quality Act, CEQA Guidelines, Section 15060(C)(2), as the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment;

(2) Approve a moratorium for an initial period of 45 days on new construction on all parcels affected by the Hillside Development Overlay District (HD) zoning designation;

(3) Find that the proposed moratorium is consistent with the goals and policies of the General Plan;

(4) Find that (a) continued approval of construction in the Hillside Development Overlay District under the existing requirements would have adverse impacts upon the public health, safety, or welfare pursuant to the standards and policies set forth in the General Plan and (b) an interim ordinance establishing the proposed moratorium is necessary to avoid these adverse impacts and provide time for an analysis of the existing standards and consideration of revisions to the Hillside Development Overlay District; and

(5) Direct the City Attorney to prepare an interim ordinance implementing this recommendation.

Recommendation of Planning Commission: The Planning Commission reviewed the proposed moratorium on March 10, 2004. Following extensive testimony, the Commission recommended unanimous approval of staff's recommendation with an added exception for projects that have already submitted an application to the Planning Department and had that application deemed complete. The Commission felt that to uphold fairness within the application process, projects submitted for discretionary action such as a Conditional Use Permit, Minor Conditional Use Permit, or Variance and deemed complete would be exempt from the ordinance. The Commission recommended that all applications deemed complete as of March 10, 2004 be exempt from the impacts of the moratorium.

The Mayor opened the public hearing.

The City Clerk reported the notice of public hearing was published in the Pasadena Star-News on March 3, 2004; two letters in support and two letters requesting a re-zone had been received.

Mr. Jason Kruckeberg, Planner, summarized the agenda report and responded to questions.

It was requested that when the ordinance returns to Council, to include areas that had already been identified that do not meet the definition of a hillside parcel in the revisions.

In response to a question regarding whether the moratorium excluded projects in the pipeline, the City Manager indicated that completed applications for projects had been excluded from the moratorium and there were approximately 15 such cases.

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

The following persons spoke in support of the moratorium:

- Mr. Roger Wolf, President of Safety & Open Space First Pasadena
- Mr. George Reich, Pasadena resident
- Mr. Albert Chiang, representing Putney Area Neighbors
- Mr. Mike Udell, representing Putney Area Neighbors
- Ms. Sharon Scull, representing Putney Area Neighbors, and submitted a letter
- Ms. Carolyn Naber, Pasadena residents, and submitted a letter
- Ms. Nina Chomsky, member of Linda Vista Annandale Association
- Mr. Norman Parker, representing Linda Vista Annandale Association
- Mr. Ed-Layo Ogunlalaka, Pasadena resident, requested an exemption
- Mr. Mike Wilson, Pasadena resident
- Mr. David Romney, representing West Pasadena Residents Association, and requested Council take into consideration those in the process
- Mr. David Czamanske, Vice Chair of Pasadena Sierra Club

The following persons spoke in opposition to the moratorium:

- Mr. Steve Jennings, Pasadena resident
- Ms. Ann Higginbotham, Attorney representing Steve Jennings
- Ms. Dana Jones and Mr. Albert Jones, Pasadena residents, and requested exemptions for those in the process
- Mr. Philip Hand, Pasadena resident
- Ms. Joan Frankel and Mr. Kenneth Frankel, Pasadena residents, and requested they be granted an exemption
- Mr. Robert Tyler, Pasadena resident
- Mr. Gordon Kirk, Pasadena resident, and requested an exemption for those in the process
- Mr. Paul Anderson, Pasadena resident, and requested an exemption for his project
- Mr. Ara Tchaghlassian, Pasadena resident, and requested an exemption for his project
- Mr. Bedros Darkjian, Duarte resident, and requested an exemption

Ms. Joan Moseley, Pasadena resident, and submitted a petition, with 65 signatures requesting the Hillside Overlay Districts be redefined and to provide relief for homeowners of flat properties.

Mr. and Mrs. Douglas Madsen, Pasadena residents, stated they were not for or against the moratorium, however they urged Council to grant fairness and equity by grandfathering in the projects in the process

In response to whether the findings had been made to support the moratorium, the City Attorney stated that there was sufficient evidence to support the findings in favor of an urgency ordinance as set forth in the staff report.

In response to Ms. and Mr. Jones' request to be exempted, Mr. Bruckner stated staff would take another look at the exemptions.

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

Following brief discussion regarding the planning and discretionary process, the City Attorney confirmed that staff would develop recommendations as to not require property owners to double pay fees.

It was moved by Councilmember Madison, seconded by Councilmember Holden, to approve the City Manager's recommendation. (Motion unanimously carried) (Absent: None)

COUNCIL COMMENTS

Councilmember Holden inquired concerning whether the street signs undergoing replacement would be available to the general public. He also informed Council of a recent conversation with Senator Feinstein regarding a ban on the sale of assault weapons and he requested that the item be agendaized for the City to consider supporting re-authorizing the legislation.

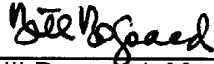
In response to the inquiry regarding the availability of the replaced street signs, the City Manager indicated she was not sure what was being done with the older signs but she would check into the matter and see if the signage could be made available for purchase by the public.

Councilmember Gordo referenced a recent shooting incident in his District where there was an absentee landlord. He questioned whether or not a property owner could be legally notified by the City when serious disturbances or events occur when there is an absentee landlord, and if a process could be formalized for doing so.

The City Attorney informed Council that in many incidents the City had notified landlords when there has been a series of incidents, as well as provided information to landlords as to what could be done. She further indicated she would work with the Police Department in response to Councilmember Gordo's inquiry.

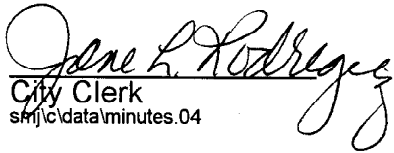
ADJOURNMENT

On order of the Mayor, the regular meeting of the City Council adjourned at 10:19 p.m. in memory of Mr. Tom Hamilton, former Pasadena High School Football Coach and Athletic Director.



Bill Bogaard, Mayor
City of Pasadena

ATTEST:



Jane L. Rodriguez
City Clerk
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