

CITY OF PASADENA
City Council Minutes
April 5, 2004 – 5:30 P.M.
City Hall Council Chamber

REGULAR MEETING

OPENING:

Mayor Bogaard called the regular meeting to order at 5:32 p.m.
(Absent: Councilmember Madison)

On order of the Mayor, the regular meeting recessed at 5:32 p.m., to discuss the following closed session:

CITY COUNCIL CONFERENCE WITH LEGAL COUNSEL regarding anticipated litigation pursuant to Government Code Section 54956.9(b)(1): Debra Anderson v. City of Pasadena, EEOC charge 340-2004-00568

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

On order of the Mayor, the regular meeting reconvened at 6:31 p.m. The Pledge of Allegiance was led by Executive Assistant Fire Chief Calvin Wells.

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 (Absent)
Councilmember Joyce Streater

Staff:

City Manager Cynthia Kurtz
Assistant City Attorney Scott Rasmussen
City Clerk Jane L. Rodriguez

CEREMONIAL MATTERS

The City Manager introduced the new Fire Chief, Dennis J. Downs and his wife, Dale; and outlined Chief Downs' professional and personal accomplishments.

Fire Chief Downs expressed appreciation to members of the Fire Department and City for their welcome.

The Mayor presented commendations to Douglas Kosobayashi and Billie Williams as co-owners of the Berry & Sweeney Pharmacy for the past 35 years and for their many civic and professional contributions to the youth and residents of the City and Northwest Pasadena.

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

Mr. Kosobayashi and Mr. Williams expressed appreciation for the honors bestowed by the City and for the City's partnership in their activities in Northwest Pasadena.

Councilmembers Holden and Streater acknowledged Mr. Kosobayashi and Mr. Williams for their service to the City and their activism in Northwest Pasadena.

Mr. Kurt Thorgerson, resident, suggested the City explore a partnership with service organizations and private property owners in the development of a free fruit distribution program for the homeless.

Mr. André Houlemard, Pasadena resident, described problems his daughter was having in obtaining an overnight parking permit and asked for assistance in solving this issue.

The City Manager indicated a letter from Mr. Houlemard had been received and forwarded to the Transportation Department for review and response at the staff level, rather than through the appeal process; and suggested Mr. Houlemard follow up with the City Manager's office regarding the outcome of the review.

Ms. Jill Shook, Interfaith Coalition Affordable Housing Sub-Committee Chair, submitted a letter outlining the Coalition's concerns regarding the need for more affordable housing and expressing support for second units in the City.

Councilmember Haderlein asked Ms. Shook to provide a copy of the list of recommendations that had been previously sent to the Planning Commission and Council, since this list had not been attached to the letter submitted by Ms. Shook.

Mr. Victor Barrajas, Pasadena resident, outlined problems he had experienced related to rent increases occurring as rental units are resold with no improvements being made to the units.

Ms. Marilyn Buchanan, Pasadena resident and property owner/developer of the Raymond Theatre project, stated concerns regarding the inappropriate behavior and demeanor of certain members of the Design Commission towards both staff and persons presenting the Raymond Theatre project during the Commission's recent public hearing on the project; questioned the Commission's actions in reviewing aspects of the interior of the building and whether this fell within the scope of the Commission's responsibilities at the hearing; and noted that recommendations had not been offered regarding the exterior of the building, as had been expected, that would allow the project to move forward.

The City Manager indicated information gathered from various persons and staff who were present at the public hearing seemed to reflect that the Commission had inquired about areas that were outside of the review that had been requested by Council and had asked staff to follow up on questions that may be off track of the review the Commission was asked to do.

Assistant City Attorney Frank Rhemrev reminded Council this matter was still in litigation and would be subject to further litigation. He noted he had attended the meeting being discussed; concerns were raised in regards to the hearing that needed to be addressed; and he is working with Jeff Cronin, Principal Planner, on a presentation for the Design Commission that would provide guidance in relationship to the scope of the Commission's duties under the Pasadena Municipal Code (PMC) and guidelines for the review of the project. Mr. Rhemrev outlined the ongoing process for this project.

Councilmember Holden stressed the need for Commissioners to realize the importance of their roles as agents of the Council in this matter.

Councilmember Streator expressed concern that Commissioners be made aware of the need to conduct their meetings with civility.

In response to questions, the City Manager briefly discussed the City's Code of Conduct that would apply to all Commissioners and the usual process followed by the City Manager's staff in responding to questions that are felt to be outside of any Commission's purview.

Mr. Rhemrev discussed the general roles of staff and Commissioners in operating within a Commission's purview of review, and responded to questions.

Councilmember Little suggested the issue of impartiality also be addressed in relation to a Commission's operation under the Code and the City's exposure to potential liability.

Mr. Rhemrev indicated Council's comments would be included in the presentation to the Design Commission.

CONSENT CALENDAR

AUTHORIZATION TO ENTER INTO A CONTRACT WITH EATON ELECTRICAL c/o YOUNG COMPANY FOR FURNISHING STATIC EXCITER FOR BROADWAY UNIT B-3
Recommendation of City Manager: Accept the bid dated February 24, 2004, submitted by Eaton Electrical c/o Young Company in response to Specifications for Furnishing Static

Exciter for Broadway Unit B-3, reject all other bids, and authorize the City Manager to enter into such contract for an amount not to exceed \$138,018.75. (Contract No. 18,468)

AUTHORIZE THE CITY MANAGER TO ENTER INTO A FIBER AND CONDUIT LICENSE AGREEMENT WITH THE CALIFORNIA INSTITUTE OF TECHNOLOGY

Recommendation of City Manager: Authorize the City Manager to enter into a license agreement with the California Institute of Technology (Caltech) for use of a portion of the City's fiber optic backbone and power system conduit to link the main Caltech campus and its facility at the former St. Luke Hospital. (Contract No. 18,469)

AUTHORIZE THE CITY MANAGER TO ENTER INTO A CONTRACT WITH EXSELL SALES ASSOCIATES FOR SPLICING AND TESTING OF FIBER OPTIC CABLE, SUPPORTING CITY HALL RETROFIT AND OTHER FIBER PROJECTS

Recommendation of City Manager: It is recommended that the City Council (i) accept the bid dated March 30, 2004, submitted by Exsell Sales Associates; (ii) reject all other bids; and (iii) authorize the City Manager to enter into a contract with Exsell Sales Associates for an amount not to exceed \$114,773 for splicing and testing of fiber optic cable, supporting the City Hall Retrofit Project and other fiber projects. (Contract No. 18,470)

APPROVAL OF THE MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF PASADENA AND THE AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES FOR THE TERM JULY 7, 2003 THROUGH JULY 2, 2006

Recommendation of City Manager: Approve a successor Memorandum of Understanding between the City of Pasadena and the American Federation of State, County and Municipal Employees (AFSCME) for the period July 7, 2003 through July 2, 2006. (Contract No. 18,471)

MINUTES APPROVED

March 8, 2004

CLAIMS RECEIVED AND FILED

| | | | |
|----------------|---------------------------------------|----|---------------|
| Claim No. 9519 | Guadalupe A. Sheets | \$ | 1,012.81 |
| Claim No. 9520 | Edith M. Holmes | | Unknown |
| Claim No. 9521 | Robin B. Valentine | | Unknown |
| Claim No. 9522 | Hovannes Bederian | | Unknown |
| Claim No. 9523 | Frances E. Drury | | Unknown |
| Claim No. 9524 | Raymond Gustin | | 2,000.00 |
| Claim No. 9525 | Jeffrey A. Hayden | | Unknown |
| Claim No. 9526 | Melissa Enoch | | 283.00 |
| Claim No. 9527 | Antonio Cervantes and Betina Gomez | | 4,100.00 |
| Claim No. 9528 | James Williams | | 20,000,000.00 |

Claim No. 9529 Adville-USA,
Owner Vicki Walls

390.00

Item discussed separately due to a request for public comment.

April 19, 2004, 8:00 p.m. - Proposed Moratorium on Residential and Mixed-Use Development in the Central District

Item discussed separately at the request of Vice Mayor Tyler.

April 19, 2004, 8:00 p.m. - City Manager's Recommended FY 2005 - 2010 Capital Improvement Program

It was moved by Vice Mayor Tyler, seconded by Councilmember Gordo, to approve the Consent Calendar, with the exception of the setting of the two public hearings on April 19, 2004, which were discussed separately. (Motion unanimously carried) (Absent: Councilmember Madison)

CONSENT ITEMS
DISCUSSED SEPARATELY

Public Hearing Set - April 19, 2004, 8:00 p.m. - Proposed Moratorium on Residential and Mixed-Use Development in the Central District

Mr. Omel Nieves, Chair of Pasadena Chamber of Commerce, expressed opposition to the consideration of a moratorium that could be seen as an act to deter continued responsible growth in the City.

The City Manager explained the moratorium that was being proposed, staff's concern regarding projects in process that might not meet the new regulations being developed for the Central District, and the process and timeframe for the upcoming presentation of the Environmental Impact Report (EIR) that would include the Central District area.

Councilmember Haderlein requested information on the top ten major projects approved in the past year or so, whether the approved projects were consistent with the current rules, and whether proposed projects in the pipeline would comply with the new proposed rules.

The Mayor commented on Council's discretion in approving some proposed projects under the new rules and on the legal right of developers that might occur which would allow a project to move forward that strictly complies with the current rules, even if the project conflicts with the goals and visions of the new rules.

Councilmember Streator indicated she was hesitant to approve another moratorium and suggested the possibility of agendizing a discussion of issues involving the inconsistent rules regarding development.

Councilmembers Little and Streator were excused at 7:39 p.m.

Brief discussion followed on the benefits afforded by a moratorium.

It was moved by Vice Mayor Tyler, seconded by Councilmember Haderlein, to set a public hearing on April 19, 2004 at 8:00 p.m. for a Proposed Moratorium on Residential and Mixed-Use Development in the Central District. (Motion unanimously carried) (Absent: Councilmembers Little, Madison, Streator)

Councilmembers Little and Streator returned at 7:42 p.m.

Public Hearing Set - April 19, 2004, 8:00 p.m. - City Manager's Recommended FY 2005 - 2010 Capital Improvement Program

Councilmember Holden was excused at 7:44 p.m.

The City Manager outlined the process and typical timeframe followed in considering and adopting the Capital Improvement Program.

It was moved by Councilmember Streator, seconded by Councilmember Haderlein, to set a public hearing on April 19, 2004 at 8:00 p.m. for the City Manager's Recommended FY 2005-2010 Capital Improvement Program. (Motion unanimously carried) (Absent: Councilmembers Holden, Madison)

RECOMMENDATIONS FROM OFFICERS AND DEPARTMENTS

RESCIND CONTRACT NO. 18,450 WITH DESIGN SPACE MODULAR BUILDINGS AND AWARD A CONTRACT TO BRANDALL MODULAR CORPORATION

On order of the Mayor, the above item was pulled from the agenda at the request of the City Manager in order to continue negotiations.

RATIFICATION OF APPOINTMENT OF OMEL NIEVES TO THE NUISANCE LIQUOR STORE WORKING GROUP (Chamber of Commerce Representative)

RATIFICATION OF APPOINTMENT OF JACQUELYNNE CORBY TO THE NUISANCE LIQUOR STORE WORKING GROUP (Senator Scott Representative)

RATIFICATION OF APPOINTMENT OF MAGGIE CAMPBELL TO THE NUISANCE LIQUOR STORE WORKING GROUP (Old Pasadena Management District Representative)

Councilmember Haderlein was excused at 7:46 p.m.

RATIFICATION OF APPOINTMENT OF LENA KENNEDY TO THE NUISANCE LIQUOR STORE WORKING GROUP (Assemblymember Liu Representative)

It was moved by Councilmember Gordo, seconded by Councilmember Streator, to ratify the above four appointments. (Motion unanimously carried) (Absent: Councilmembers Haderlein, Holden, Madison)

Councilmember Gordo announced the first public meeting of the Nuisance Liquor Store Working Group is scheduled for April 27, 2004 at 6:30 p.m. in the Hale Building at 175 N. Garfield Avenue, Pasadena.

APPROVAL OF AGREEMENT WITH THE LOS ANGELES TO PASADENA METRO BLUE LINE CONSTRUCTION AUTHORITY FOR THE DISTRIBUTION OF SURPLUS FUNDS FROM GOLD LINE PHASE I

Councilmember Haderlein
returned at 7:48 p.m.

Recommendation of City Manager: Authorize the City Manager to execute an agreement with the Los Angeles to Pasadena Metro Blue Line Construction Authority for the distribution of surplus funds from Gold Line Phase I. (Agreement No. 18,472)

Councilmember Little, Chair of the Los Angeles to Pasadena Metro Blue Line Construction Authority, summarized the agenda report; noted the Background section of the agenda report should be corrected to refer to the disbursement of surplus funds only, not carryover funds; and clarified that disbursement of carryover funds had not as yet been determined by the Authority. He discussed various noise mitigation issues, proposed establishment of a standard of noise level that could be applied to all affected cities, and funds being held by the Metropolitan Transportation Authority (MTA); and responded to questions.

At the request of Councilmember Haderlein, the City Manager indicated a list of projects compiled by staff regarding improvements and/or mitigation measures involving the Gold Line will be distributed to Council by the end of the week.

Mr. Dan Rix, City Engineer, outlined the projects, some of which are contained in the Capital Improvement Program (CIP), and noted the list will be prioritized for Council's consideration during the CIP budget process.

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

RECESS

On order of the Mayor, the regular meeting of the City Council recessed at 7:58 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 7:59 p.m. (Absent: Councilmembers Holden, Madison)

**ORDINANCE – FIRST
READING**

Conduct first reading of “AN UNCODIFIED ORDINANCE OF THE CITY OF PASADENA SUSPENDING SECTIONS 9.36.220 AND 9.36.230 OF THE PASADENA MUNICIPAL CODE RELATING TO LIMITATIONS ON HOURS OF OPERATION OF AMPLIFIED SOUND AND NOISE SOURCES FOR SPECIFIED HOURS AND AREAS ON MAY 14 AND 15, 2004 (WANGO TANGO)”

The above ordinance was offered by Councilmember Little:
AYES: Councilmembers Gordo, Haderlein, Little, Streator,
Vice Mayor Tyler, Mayor Bogaard
NOES: None
ABSENT: Councilmembers Holden, Madison

ORDINANCE – ADOPTED

Adopt “AN ORDINANCE OF THE CITY OF PASADENA AMENDING SUBSECTION 1.30.030(A) OF THE PASADENA MUNICIPAL CODE RELATED TO CODE ENFORCEMENT COST RECOVERY” (Introduced by Councilmember Gordo) (Ordinance No. 6968)

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

Councilmember Gordo highlighted this action as a means to allow the City to correct its ability to recoup costs of code enforcement.

INFORMATION ITEM

PREDEVELOPMENT PLAN REVIEW FOR THE PROPOSED “UNION VILLAGE” PROJECT AT THE NORTHEAST AND SOUTHEAST CORNERS OF UNION STREET AND EL MOLINO AVENUE
Recommendation of City Manager: The agenda report is being provided for information purposes only at this time.

Mr. Rod Olguin, Permit Center Manager, introduced the agenda item.

Mr. Leon White, Project Planner, reviewed the agenda report.

Mr. Jason Kruckeberg, Planner, related the project to existing and proposed development standards and review processes, discussed the possible impacts on the project if it is defined as a mixed-use rather than residential project, and responded to questions. He confirmed that developers are advised by staff regarding options available under both the current and proposed development standards and zoning codes (e.g. mixed-use vs. residential vs. commercial).

Mr. Ken McCormick, applicant/property owner, commented on the mixed-use aspects of the project.

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

ADJOURNMENT

On order of the Mayor, the regular meeting of the City Council adjourned at 8:21 p.m.

Bill Bogaard

Bill Bogaard, Mayor
City of Pasadena

ATTEST:

Sharon McCain

for City Clerk

kv:Data\Minutes\min-april52004