

CITY OF PASADENA
City Council Minutes
April 19, 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 5:45 p.m. (Absent: Councilmembers Holden, Madison)

On order of the Mayor, the regular meeting of the City Council recessed at 5: 45 p.m., to discuss the following closed sessions:

Councilmember Holden arrived at 5:53 p.m.

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

**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**

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 6:37 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 (Arrived 8:02 p.m.)
Councilmember Joyce Streator

Staff:

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

CEREMONIAL MATTERS

Mayor Bogaard presented a proclamation declaring April 23, 2004 as Children's Memorial Flag Day. Ms. Helen Morran-Wolfe,

Executive Director of Foothill Family Services, accepted the proclamation.

Mayor Bogaard presented a proclamation declaring April 30, 2004 as "Dia de Los Niños/Dia de los Libros", "Children's Day/Book Day". Mr. Mauricio Mejia, member of Leadership Pasadena, accepted the proclamation.

PUBLIC COMMENT ON MATTERS NOT ON THE AGENDA

Ms. Roxanne Mayo Turner, Chair, Commission on the Status of Women, reported on the National Association of Commissions for Women Convention to be held in Pasadena this July.

Mr. Kurt Thorgerson, Pasadena resident, spoke regarding public power, conservation, and green power.

Mr. Henry Shaw, Pasadena resident, expressed concern regarding reduced public access to Brookside Park tennis courts due to private tennis instructions by a contractor, and concern that if the program continues to expand the tennis courts will not be accessible to the public.

The City Manager briefly discussed the tennis program, noted staff would ensure the contractor is staying within the hours that they are allowed to be teaching tennis, indicated staff would contact Mr. Shaw tomorrow and provide clarification on the number of courts being used.

Mr. Ozzie Aranda and Ms. Sarah Mendoza, City employees and representatives for Pasadena Cinco de Mayo, announced and invited Council and the community to the Cinco de Mayo celebration to be held on April 30, May 1 and 2, in Area H adjacent to the Rose Bowl.

Ms. Jill Shook, Interfaith Coalition, and Ms. Alicia Chavez, spoke regarding the need for affordable housing and in support of second units. Ms. Shook submitted the Coalition's recommendations regarding second units.

RECOMMENDATIONS FROM OFFICERS AND DEPARTMENTS

PROPOSED MEMORANDUM OF UNDERSTANDING AND AGREEMENT BETWEEN LOS ANGELES TO PASADENA METRO BLUE LINE CONSTRUCTION AUTHORITY AND GOLD LINE FOOTHILL EXTENSION JOINT POWERS AUTHORITY (JPA)

Mayor Bogaard noted there had been recent developments and an exchange of correspondence which is expected to lead to bilateral discussions between the JPA and the Construction Authority to work out the Memorandum of Understanding.

At the suggestion of the Mayor, the above item was removed from the agenda.

OLD BUSINESS

GOLD LINE PHASE II GOVERNANCE/DUES (Councilmember Haderlein)

The City Attorney distributed and reviewed an e-mail from Mr. Joseph Silvey, Attorney representing the JPA, suggesting the following additional language be added to Section 26a of the proposed JPA amendment.

“ except that this limitation shall not apply to any obligation, liability or cost for which a Member is responsible under any implementation agreement, as defined in Section 20 of this Agreement, or any obligation, liability, or cost for which a Member is individually responsible in connection with the planning, design, construction and/or operation of any component of the Gold Line Phase II that is within the jurisdiction of the Member. “

The City Attorney indicated she had no opposition to the suggested additional language.

The following individuals expressed concern regarding the proposed language in Amendment Two amending Section 29e, limiting the use of dues, and voiced concern that the proposed language might be too restrictive and stressed the need to come up with language that is acceptable to the other members:

Mr. Joseph Silvey, legal counsel for the Joint Powers Authority
Bart Doyle, Mayor of the City of Sierra Madre & Chair of the
San Gabriel Valley Council of Governments
John Fasana, Mayor of the City of Duarte

Councilmember Little noted that Pasadena’s intent in revising the language is to limit Pasadena’s liability in the event of some unforeseen financial occurrence, and not to limit what the Joint Powers Authority can do. He clarified that Council’s discussion of the prior week was to make sure that Pasadena’s finances are not exposed as a result of an action of the JPA, beyond the cost of Pasadena’s dues, and that the intent was to only restrict the liability Pasadena would have toward future construction costs, legal costs, and tort liability. He noted the proposed language may have gone beyond that intent, and suggested there may need to be another attempt to revise the language to achieve that without undermining the ability of the JPA to do its work.

Following discussion, there was a general consensus to refer the item for two weeks to allow further revisions to language to limit Pasadena’s liability and attempt to have language that would be mutually acceptable to all the parties.

CONSENT CALENDAR

AMENDMENT TO THE GENERAL FEE SCHEDULE FOR CIVIL PARKING VIOLATION PENALTIES
Recommendation of City Manager:

- (1) Adopt a resolution amending the General Fee Schedule to increase the penalties for civil parking violations as outlined in Attachment 1 of the agenda report; and
- (2) Recognize \$131,000 in additional parking citations revenue for FY 2004 in Revenue Account 6901-101. (Resolution No. 8343; Journal Voucher No. 2004-36)

Councilmember Little suggested publicizing the increase in penalties for parking violations.

APPROVAL OF MINUTES

March 22, 2004

CLAIMS RECEIVED AND FILED

Claim No. 9535 Jennifer Campbell	\$ Not stated
Claim No. 9536 LuLu Zhang	3,869.73
Claim No. 9537 Mary Louise Session	1,142.74

PUBLIC HEARINGS SET

May 17, 2004, 8:00 p.m. - Fiscal Year 2005 Recommended Operating Budget

May 24, 2004, 8:00 p.m. - Approval of Annual Action Plan (2004 - 2005) for the City's Participation in the U.S. Department of Housing and Urban Development (HUD) Community Development Block Grant (CDBG); Emergency Shelter Grant (ESG); Home Investment Partnership Act (HOME); American Dream Down Payment Initiative (ADDI); Housing Opportunities for Persons with Aids (HOPWA) Programs; and Related Human Services Endowment Fund (HSEF) Allocations

It was moved by Councilmember Little, seconded by Councilmember Gordo, to approve the Consent Calendar. (Motion unanimously carried) (Absent: Councilmember Madison)

R E P O R T S A N D
C O M M E N T S F R O M
C O U N C I L C O M M I T T E E S

GREEN SPACE/RECREATION/CONSERVATION ELEMENT TO BE RENAMED GREEN SPACE/RECREATION ELEMENT AND PARKS MASTER PLAN - CHANGE IN PROJECT SCOPE OF WORK

Recommendation of City Manager: Approve the changes to the scope of work for updating the Green Space/Recreation Element of the General Plan as outlined in the agenda report, to incorporate the Parks Master Plan and delay the update of the Conservation Element.

Recommendation of Planning Update Policy Coordinating Committee: The change in project scope was presented to the Planning Update Policy Coordinating Committee at its meeting of March 23, 2004. The Committee discussed the proposed change in project scope, and was unable to reach a consensus. Therefore, there was no action taken.

Recommendation of Recreation and Parks Commission: The Recreation and Parks Commission met on this item on April 13, 2004. The Commission supported the proposed change in the project scope to incorporate the Parks Master Plan with the update

of the Green Space/Recreation Element, and delay the Conservation Element.

Councilmember Haderlein, Chair of the Public Safety Committee, summarized the report.

Councilmember Madison arrived at 8:02 p.m.

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

In response to a question from Councilmember Little, Mr. Bruckner noted staff will put together a public campaign.

Ms. Patrice Martin, Senior Planner, briefly described the scope of work for the Green Space/Recreation Elements.

Mr. James Lomako, member of the General Plan Update Coordinating Committee, expressed concerns regarding the proposed change in project scope, and spoke in support of working on the General Plan elements separate and before the Parks Master Plan.

Vice Mayor Tyler stated with regard to the Park Master Plan, if Council at the end got a thorough careful analysis of what the City has in the way of physical facilities and resources, measured against current and projected demand for those resources, that would be an enormously useful document. He stressed the need to keep that element at the top of the list.

The City Manager noted that should be a critical piece of the work.

Councilmember Little stressed the need for aggressive public outreach.

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

**RECOMMENDATIONS
FROM OFFICERS AND
DEPARTMENTS**

EMERGENCY REPAIRS - SINKHOLE IN ARROYO BOULEVARD AT STANTON STREET AND SEWER REPAIRS AT SAN PASCUAL STREET AND GREENWOOD AVENUE AND REVISION OF PASADENA MUNICIPAL CODE SECTION 4.08.150 TO INCREASE EMERGENCY PURCHASE LIMITS FROM \$25,000 TO \$75,000

Recommendation of City Manager:

- (1) Receive the following report on emergency repair of a sinkhole in Arroyo Boulevard at Stanton Street, and emergency sewer repairs at San Pascual Street and Greenwood Avenue; and
- (2) Direct the City Attorney to prepare an ordinance amending Pasadena Municipal Code Section 4.08.150 to increase the amount at which emergency purchases are to be reported to the City Council from \$25,000 to \$75,000.

Councilmember Holden was excused at 8:20 p.m.

The City Manager summarized the report.

Councilmember Little requested that Council continue to be notified of emergency repairs in a less formal manner.

The City Manager noted she would keep the Council informed through her weekly letter.

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

PUBLIC HEARINGS

PUBLIC HEARING: FY 2005-2010 RECOMMENDED CAPITAL IMPROVEMENT PROGRAM BUDGET

Recommendation of City Manager:

- (1) Open the public hearing on the City Manager's Recommended FY 2005- 2010 Capital Improvement Program Budget;
- (2) Continue this public hearing to each subsequent regular meeting of the City Council at 8:00 p.m. until May 24, 2004 or such other later date as the City Council may determine, and at which time the City Council will be asked to close the public hearing and formally adopt the FY 2005-2010 Capital Improvement Program Budget; and
- (3) Refer the City Manager's Recommended FY 2005-2010 Capital Improvement Program Budget to the Finance Committee.

The Mayor opened the public hearing.

The City Clerk reported the notice of public hearing was published on April 5 - April 16, 2004, in the Pasadena Star News.

Councilmember Madison was excused at 8:24 p.m.

The City Manager introduced the item.

Mr. Martin Pastucha, Director of Public Works, reviewed the schedule for reviewing the 2005-2010 CIP Budget.

Councilmember Holden returned at 8:26 p.m.

Councilmember Haderlein suggested referring the CIP Budget to the Finance Committee to be held as joint meetings with the City Council.

No one appeared for public comment.

It was moved by Councilmember Little, seconded by Vice Mayor Tyler, to approve the City Manager's recommendation, continue the public hearing to April 26, 2004 at 8:00 p.m., and refer to the Finance Committee as joint Finance Committee and City Council meetings. (Motion unanimously carried) (Absent: Councilmember Madison)

PUBLIC HEARING: RESOLUTION AMENDING THE GENERAL FEE SCHEDULE TO ADD TWO NEW RECREATION FEES AND INCREASING OTHER EXISTING RECREATION FEES

Councilmember Madison
returned at 8:35 p.m.

Recommendation of City Manager: Adopt a resolution establishing two new recreation fees and increasing several other existing recreation fees as set forth in the body of the agenda report. (Resolution No. 8344)

The Mayor opened the public hearing.

The City Clerk reported the notice was published on April 9 and 12, 2004 in the Pasadena Star News.

The City Manager summarized the report.

Ms. Patsy Lane, Director of Human Services and Recreation, responded to questions.

No one appeared for public comment.

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

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

PUBLIC HEARING: CONSIDERATION OF A MORATORIUM ON NEW RESIDENTIAL AND MIXED-USE CONSTRUCTION IN THE CENTRAL DISTRICT SPECIFIC PLAN AREA

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

(1) Find the proposed moratorium to be exempt from environmental review pursuant to the guidelines of the California Environmental Quality Act, CEQA Guidelines, Section 15060(C)(2), because the moratorium 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, as described on Attachment B of the agenda report, on parcels within the Central District Specific Plan Area, except for parcels in Central District subdistricts CD-7 and CD-7A, Planned Developments and Master Development Plans, as shown and described on Attachments A and B in the agenda report;

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

(4) Find that (a) continued approval of residential and mixed-use construction in the Central District Specific Plan Area under the existing requirements would have adverse impacts on 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 to provide time for an analysis of the Draft Central District Specific Plan and implementing revisions of the Zoning Code; and

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

Recommendation of Planning Commission: The Planning Commission held a public hearing on April 14, 2004. The Planning Commission, by a vote of seven to two, approved the staff recommendation with two modifications. Both modifications are related to the categories of projects that would be excepted (i.e., exempted) from the moratorium on building permits. First, projects with applications for Predevelopment Plan Review ("PPR") submitted on or before December 8, 2003, would be excepted. Second, projects that are subject to a Master Development Plan would be excepted, in addition to those with Planned Developments.

Mayor Bogaard opened the public hearing.

The City Clerk reported the notice of public hearing was published on April 9, 12, and 16, 2004, in the Pasadena Star News; 29 letters in support, 5 letters in opposition, and 1 letter expressing various concerns were received.

The City Manager introduced the item and responded to questions.

Mr. Bill Trimble, Planner, summarized the staff report and responded to question.

Mr. John Poindexter, Planning Manager, responded to questions regarding the number of projects that would be affected under the staff recommendation and the Planning Commission recommendation.

The following persons spoke in support of a moratorium:

Mr. James Plotkin, Old Pasadena property owner
Mr. Bob Kneisel, Chair, Pasadena Neighborhood Coalition, and submitted a flyer promoting a city-wide Growth Symposium
Ms. Mary Dee Romney, Pasadena resident
Ms. Suzanne Marks, Chair, Old Pasadena Management District, and submitted a letter
Mr. David Romney, representing West Pasadena Residents Association
Mr. Lee Merritt, representing Fuller Theological Seminary
Ms. Catherine Haskett Hany, Executive Director, Playhouse District Association, and submitted a letter
Ms. Sue Mossman, representing Pasadena Heritage
Mr. Michael Vogler, representing Save South Orange Grove
Ms. Reneé Rubalcava, Pasadena resident
Mr. Michael Hajar, developer of a project at Cordova and Marengo

The following persons spoke in opposition to a moratorium:

Mr. Ron Penner, Pasadena resident and business owner
Ms. Lynne Hess, President and Chief Executive Officer of the Chamber of Commerce, and submitted a letter
Mr. Omel Nieves, Chair of the Pasadena Chamber of Commerce
Mr. Tom Paradise, Director of Land Acquisitions, Standard Pacific Homes, developer of a mixed-use project at 220 N. Lake Avenue
Mr. Lee Johnson, Western Urban Ventures, Santa Monica development firm
Mr. Ron Dalah, Western Urban Ventures, developer of the project at 215 S. Marengo Avenue
Mr. Marios Savvides, Western Urban Ventures
Mr. Mike Balian, developer of mixed-use project at 250 S. DeLacey Avenue
Mr. John Grech, Pasadena resident

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

The City Manager responded to questions and noted of 22 projects in the pipeline, 8 projects would fall within the moratorium under the staff recommendation, and 4 projects would fall within the moratorium under the Planning Commission recommendation. Of the 8 projects in the staff recommendation, 6 are inconsistent with the Draft Central District Specific Plan, and under the Planning Commission recommendation, all 4 projects that would fall within the moratorium are inconsistent.

Councilmember Streater expressed concerns there are issues which still need to be addressed in the Specific Plan; that the EIR needs to be reviewed as to what Council really wants to accomplish, particularly regarding Floor Area Ratios and density around the transit hubs; concern with stopping the production of housing; the need to be clear about what the rules are; concern with the length of time in finalizing the Central District Specific Plan and completing the EIR; and concern with being able to make the urgency findings.

The City Attorney and City Manager responded to additional questions.

Councilmember Little stressed that a definition of "mixed use" needs to be in place because there is a considerable amount of confusion as to what is or is not considered a mixed use.

The City Manager responded that more work and the crafting of language need to be done on the issue of mixed use, and staff is obtaining input from the business community and information from other cities. She noted that besides doing regular outreach during the 45-day public comment period for the EIR, a day-long

community symposium or workshop is proposed to discuss what is in the documents, and the issue of mixed-use would be a good discussion item to schedule either before or after the symposium.

Vice Mayor Tyler urged the Planning Department to mobilize all its resources to finalize the Central District Specific Plan and complete the EIR and get them before the Planning Commission and City Council.

The City Manager responded that legal requirements set by the State drive how soon the EIR can be done, and noted the EIR will not be able to be submitted to Council within 45 days. She noted that at the end of the 45-day period, another decision would need to be made as to whether the moratorium should be extended.

In response to further questions, the City Manager noted that of the 8 projects impacted by the staff recommendation, 3 projects are consistent with current land use regulations in the Central District and 5 are not consistent with current regulations and these 5 would require variances or discretionary actions.

In response to a prior meeting request from Councilmember Haderlein for information on an analysis of major projects and variances issued, the City Manager distributed and reviewed a handout entitled "Status of Recent Projects of Community-Wide Significance."

MAIN MOTION

Following discussion, it was moved by Councilmember Madison, seconded by Vice Mayor Tyler, to approve the City Manager's recommendation.

AMENDMENT

Councilmember Holden amended the main motion, with the consent of the maker and seconder, to exempt projects that meet current and existing zoning and land use requirements, with April 19, 2004 as the cut-off date for applications submitted.

Councilmember Holden clarified that of the 8 projects that would fall within the moratorium under the staff recommendation, that the amendment would exempt the 3 projects that meet current zoning and land use requirements, and these 3 projects would be permitted to go forward, and no new applications would be exempted from the moratorium.

Vote on the motion, as amended:

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

NOES: Councilmember Streater

ABSENT: None

**RECOMMENDATIONS
FROM OFFICERS AND
DEPARTMENTS**

**APPOINTMENT OF MICHELLE BAILEY TO THE HUMAN
RELATIONS COMMISSION (District 5 Nomination)**

RATIFICATION OF JOE BROWN TO THE NUISANCE LIQUOR STORE WORKING GROUP (NAACP Representative)

It was moved by Councilmember Little, seconded by Councilmember Haderlein, to approve the above appointment and ratification. (Motion unanimously carried) (Absent: None)

RECESS

On order of the Mayor, the regular meeting of the City Council recessed at 10:38 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 10:39 p.m. (Absent: None)

CONSIDERATION OF CALL FOR REVIEW OF DESIGN COMMISSION DECISION TO CITY COUNCIL REGARDING APPLICATION FOR CONCEPT DESIGN APPROVAL NO. PLN 2004-00002 FOR THE RAYMOND THEATER MIXED-USE DEVELOPMENT PROJECT LOCATED AT 121-129 NORTH RAYMOND AVENUE (Councilmember Holden)

Councilmember Madison was excused at 10:41 p.m.

Mr. John Poindexter, Planning Manager, provided a brief background on the project, reviewed the recommendation of the Design Commission, and responded to questions.

Councilmember Holden noted the focus of the call up was on the condition that dealt with the elimination of the skylights and indicated he would like to know to what extent that condition would impact the project.

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

- Mr. Ray Dashner, Pasadena resident
- Ms. Kay Tornborg, member of Pasadena Heritage
- Mr. John M. Woodburn, Pasadena resident
- Mr. Richard Becker, representing Friends of the Raymond Theatre
- Mr. Danny Miller, Los Angeles resident
- Ms. Natalie Dunbar, Pasadena resident
- Ms. Gina Zamparelli, representing Friends of the Raymond Theatre
- Ms. Catherine O'Brien, former Board member of Pasadena Heritage
- Mr. Dave Monks, Hollywood resident and member of Hollywood Heritage
- Mr. Dale Trader, Pasadena resident
- Mr. Richard Guerra, San Dimas resident
- Mr. Renee Rubalcava, representing Garfield Heights Landmark District
- Ms. Carmen Balas, Pasadena resident
- Ms. Roxane Frampton, Pasadena resident
- Mr. James Lomako, member of the Design Commission

Ms. Susan N. Mossman, Pasadena Heritage
Mr. Larry Herbst, resident
Mr. Eric Pierce, Pasadena resident

The following individuals spoke in support of the call for review:

Mr. Gene Buchanan, project applicant
Mr. Scott Jenkins, attorney representing applicant and developer,
Buchanan Perkins Ltd Partnership

It was moved by Councilmember Holden, seconded by Councilmember Haderlein, to call the matter for review to the City Council. (Motion carried with Vice Mayor Tyler objecting) (Absent: Councilmember Madison)

There was a general consensus to schedule the public hearing for May 17, 2004.

Mayor Bogaard requested staff provide information as to the process by which staff assures that Council decisions with respect to building projects are enforced.

The City Manager indicated staff would prepare an information report and bring it back to Council before the May 17th hearing.

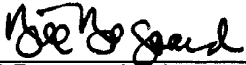
Councilmember Streater referred to statements from public speakers regarding the preservation of spaces to rent out for performances, and requested clarification from staff whether that was a part of Council's decision.

The City Manager indicated she would need to look that information up.

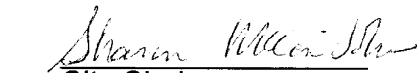
ADJOURNMENT

On order of the Mayor, the regular meeting of the City Council adjourned at 11:55 p.m.

ATTEST:



Bill Bogaard, Mayor
City of Pasadena



Sharon Wilkins
City Clerk