

CITY OF PASADENA
City Council Minutes
June 28, 2004 – 5:30 P.M.
City Hall Council Chamber

REGULAR MEETING

OPENING:

Vice Mayor Tyler called the regular meeting to order at 5:30 p.m.
(Absent: Mayor Bogaard)

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

CITY COUNCIL CONFERENCE WITH LEGAL COUNSEL regarding consideration of initiation of litigation pursuant to Government Code Section 54956.9(c): Three potential cases

CITY COUNCIL CONFERENCE WITH REAL PROPERTY NEGOTIATORS pursuant to Government Code Section 54956.8

**Property: 3600 E. Foothill Blvd., Pasadena, CA
Agency Negotiators: Cynthia Kurtz and Richard Bruckner
Negotiating Parties: Symes Automotive Group
Under Negotiation: Price and terms of payment**

CITY COUNCIL CONFERENCE WITH LEGAL COUNSEL REGARDING PENDING LITIGATION pursuant to Government Code Section 54956.9(a)

**Case Names: Vanessa Ramirez, et al. v. City of Pasadena;
Vanessa Ramirez, et al. v. Superior Court (City of Pasadena, real party in interest)**

Case Numbers: BC 265409; B173096

The above three closed session items were discussed, with no reportable action at this time.

On order of the Vice Mayor, the regular meeting reconvened at 6:57 p.m. The Pledge of Allegiance was led by the City Manager.

ROLL CALL:

Councilmembers:

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

Staff:

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

CEREMONIAL MATTERS

The City Clerk administered the oath of office to Ruth R. Peck as Historic Preservation Commissioner.

Vice Mayor Tyler announced future meetings of the City Council would be held at the Pasadena Senior Center, beginning with the Council meeting of July 19, 2004.

Councilmember Madison asked for an update of the status of the California oak tree located in the bird sanctuary area of Brookside Park.

The City Manager reported the Urban Forestry Advisory Committee (UFAC) had suggested the area around the tree be fenced, with staff to monitor the status of the tree for at least six months to determine what the next steps would be in addressing any issues concerning the condition of the tree. She noted this suggestion was being followed, Council and the community would continue to be updated on the tree, and UFAC and the community would be included in discussions of any proposed steps to be taken in regards to the possible removal of the tree. She also noted the fencing would not involve any change in the park improvements located in this area.

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

Mr. David Romney, West Pasadena Residents Association (WPRA) representative, asked Council to agendaize a request by WPRA and a number of neighborhood associations for a 60-day extension for public comment on the Environmental Impact Report (EIR) for the Central District Specific Plan, Land Use Element, and Mobility Element; direct staff to prepare an executive summary that would identify existing provisions that are being changed, what the changes are, and why the changes are being made; and present a model of how the area would be built out according to the proposed Central District Specific Plan.

The City Manager discussed the timeframe and process for public comment on the EIR and other documents, indicated staff would have a recommendation to Council on a possible extension of the public comment period before the next Council meeting, agreed to explore the generation of an executive summary, and announced a public workshop regarding the EIR and other documents would be held on July 10, 2004 in the Continuing Education Center on Foothill Boulevard.

At the request of Councilmember Madison, the City Manager agreed to inform Council of staff's recommendation regarding the public comment extension 10 days prior to the currently established comment deadline of July 24, 2004.

Ms. Lynne Hess, Pasadena resident, acknowledged the Council and the Council Chamber for this last meeting prior to the City Hall closing for retrofit and for providing a wonderful experience and site for her to participate in public comment for the past 10 years.

Ms. Serena-Marie Sanfilippo, Pasadena resident, asked for assistance in obtaining Section 8 housing and spoke in support of peer counseling.

Mr. Ray Dashner, Pasadena resident, expressed concern regarding safety issues involving large fallen tree limbs that had been identified in a pathway area near the La Casita del Arroyo building area, distributed a photograph of a fallen tree limb, and asked staff to assess the trees/limbs in question for possible removal. He also requested consideration be given to requiring stop signs at the exits of commercial properties to protect pedestrians using sidewalks located at these sites.

Mr. Bob Kneisel, Chair of the Pasadena Neighborhood Coalition, asked Council to consider a 60-day extension for public comment on the Environmental Impact Report for the Central District Specific Plan, staff to provide tables outlining the proposed changes and the rationale for the changes in the Plan, and staff to present a model representing the proposed Plan.

Ms. Maggie Campbell, President and Chief Executive Officer of the Old Pasadena Management District, asked Council to consider a 60-day extension for public comment on the Environmental Impact Report for the Central District Specific Plan.

CONSENT CALENDAR
Item discussed separately
at the request of
Councilmember Gordo.

AUTHORIZATION TO ENTER INTO A PURCHASE ORDER CONTRACT WITH G&W ELECTRIC COMPANY TO FURNISH AND DELIVER HIGH VOLTAGE GAS-INSULATED SWITCHES FOR THE WATER AND POWER DEPARTMENT

AUTHORIZATION TO PURCHASE TWO STAKE-BED TRUCKS FROM VICTOR BUICK-GMC TRUCK, INC. IN THE AMOUNT OF \$84,677.41

Recommendation of City Manager:

- (1) Accept the bid dated June 8, 2004 from Victor Buick-GMC Truck, Inc. in response to a Specification for Two 18-foot Stake-Bed Trucks for the Water and Power Department;
- (2) Reject all other bids; and
- (3) Authorize the Purchasing Administrator to issue a purchase agreement to affect the above purchases in the amount of \$84,677.41.

REJECTION OF ALL BIDS TO FURNISH AND DELIVER COLD WATER METERS, SPECIFICATIONS WD-04-01

Recommendation of City Manager: Reject all bids received to

Furnish and Deliver Cold Water Meters for the Water and Power Department, Specifications WD-04-01.

AUTHORIZATION TO INCREASE THE AMOUNT OF CONTRACT NO. 18,124 WITH PCR SERVICES CORPORATION TO PROVIDE ADDITIONAL ENVIRONMENTAL SERVICES FOR THE PASADENA CONFERENCE CENTER EXPANSION PROJECT

Recommendation of City Manager: Authorize the City Manager to amend Contract No. 18,124 with PCR Services Corporation to provide additional consultant services for the preparation of the Pasadena Conference Center Expansion Project Environmental Impact Report in the amount of \$53,156. The new total contract amount will be \$163,156. (Contract No. 18,124-1)

CONTRACT AWARDS TO STEINY AND COMPANY, INC. AND NILAND COMPANY FOR THE STREET LIGHTING IMPROVEMENTS ON LAKE AVENUE FROM MAPLE STREET TO ELIZABETH STREET AND OTHER LOCATIONS, FOR AMOUNTS NOT TO EXCEED \$328,600.00 AND \$346,500.00, RESPECTIVELY

Recommendation of City Manager:

(1) Accept the bid dated June 2, 2004, submitted by Steiny and Company, Inc. in response to the Specifications for Street Lighting Improvements on Lake Avenue from Maple Street to Elizabeth Street and Other Locations, reject all other bids received, and authorize the City Manager to enter into a contract not to exceed \$328,600.00 which includes the base bid of \$298,731.00 and \$29,869.00 for any additional work the City may order pursuant to the project specifications. (Contract No. 18,551)

(2) Accept the bid dated June 2, 2004, submitted by Niland Company in response to the Specifications for Furnishing and Delivering Street Light Standards for the North Lake Specific Plan Area, reject all other bids received, and authorize the City Manager to enter into a contract not to exceed \$346,500.00 which includes the base bid of \$329,998.90, and \$16,501.10 for any additional work the City may order pursuant to the project specifications. (Contract No. 18,552)

(3) Acknowledge the project to be categorically exempt under Section 21084 of the California Environmental Quality Act of 1984 in accordance with Article 19, Section 15301 (Class 1), subsection (c) of the Resources Agency of California Guidelines (minor alterations involving negligible expansion of use beyond that previously existing) pursuant to the findings of the Secretary of the Resources Agency and authorize the City Manager to execute and the City Clerk to file a Notice of Exemption for the project with the Los Angeles County Clerk.

PURCHASE ORDER CONTRACT TO TRUCK HYDRAULIC EQUIPMENT CO. FOR THE PURCHASE OF THREE 36-FOOT AERIAL BUCKET TRUCKS WITH UTILITY BODY, IN AN AMOUNT NOT TO EXCEED \$220,438

Recommendation of City Manager:

- (1) Accept the bid dated March 4, 2004, submitted by Truck Hydraulic Equipment Co., Inc. in response to Specifications for Three 36-foot Aerial Bucket Trucks with Utility Body;
- (2) Reject all other bids; and
- (3) Authorize the Purchasing Administrator to issue a purchase order contract to Truck Hydraulic Equipment, Co., Inc. in an amount not to exceed \$220,438.

CONTRACT AWARD TO SEQUEL CONTRACTORS, INC. FOR IMPROVEMENT OF WALNUT STREET - DAISY AVENUE TO SUNNYSLOPE AVENUE, FOR AN AMOUNT NOT TO EXCEED \$377,000

Recommendation of City Manager:

- (1) Accept the bid dated June 9, 2004, submitted by Sequel Contractors, Inc. in response to the Specifications for the Improvement of Walnut Street - Daisy Avenue to Sunnyslope Avenue, reject all other bids received and authorize the City Manager to enter into a contract not to exceed \$377,000, which includes the base bid of \$342,492 and \$34,508 for any additional work the City may order pursuant to the project specifications.
- (2) Acknowledge the project to be categorically exempt under Section 21084 of the California Environmental Quality Act of 1984 in accordance with Article 19, Section 15301 (Class 1), subsection (c) of the Resources Agency of California Guidelines (minor alterations involving negligible expansion of use beyond that previously existing) pursuant to the findings of the Secretary of the Resources Agency and authorize the City Manager to execute and the City Clerk to file a Notice of Exemption for the project with the Los Angeles County Clerk. (Contract No. 18,553)

ADOPTION OF A RESOLUTION OF THE CITY COUNCIL CANCELING A \$6,038,106 DEBENTURE ISSUED TO THE FIRE AND POLICE RETIREMENT SYSTEM ON JANUARY 2, 2004 AND AUTHORIZING THE ISSUANCE OF ONE OR MORE CITY OF PASADENA PENSION OBLIGATION DEBENTURES IN THE AMOUNT OF \$13,735,616 AND AUTHORIZING OTHER MATTERS RELATING THERETO

Recommendation of City Manager: Adopt a resolution canceling a \$6,038,106 debenture issued to the Fire and Police Retirement System (FPRS) on January 2, 2004 and authorizing the issuance of one or more City of Pasadena Pension Obligation Debentures in the amount of \$13,735,616 and authorizing other matters relating thereto. (Resolution No. 8367)

MINUTES APPROVED

May 10, 2004

CLAIMS RECEIVED AND FILED

Claim No. 9580	Aram Makinadjian, a minor, by guardian Anait Makinadjian	\$ 25,000.00+
Claim No. 9581	Southern California Gas Co.	Not stated
Claim No. 9582	Angelica Moreno	622.58
Claim No. 9583	John C. Hall	396.00
Claim No. 9584	Jose Robles	400.00
Claim No. 9585	Rose Marie Lee	Not stated
Claim No. 9586	Front Porch Communities and Services, a California Corporation dba Villa Gardens Retirement Home, as indemnity for Perla Dinsay (Schuler & Brown, Attorney at Law)	50,000.00
Claim No. 9587	Ananit Pakhanyan & Hripsine Bartholomew	1,035.00
Claim No. 9588	Susan N. Williams	250.00

PUBLIC HEARINGS SET

July 26, 2004, 8:00 p.m. - Appeal of Historic Preservation's decision to the City Council to deny Certificate of Appropriateness for installation of a front yard fence located at 1029 N. Marengo Avenue

August 9, 2004, 8:00 p.m. - 2004 Annual City of Pasadena Self-Certification Report of Conformance with the Congestion Management Program for the County of Los Angeles and the 2004 Local Development Report in Accordance with California Government Code Section 65089

It was moved by Councilmember Haderlein, seconded by Councilmember Streater, to approve the Consent Calendar with the exception of Item 1 (Purchase Order Contract with G&W Electric Company), which was discussed separately. (Motion unanimously carried) (Absent: Mayor Bogaard)

**CONSENT ITEM
DISCUSSED SEPARATELY**

AUTHORIZATION TO ENTER INTO A PURCHASE ORDER CONTRACT WITH G&W ELECTRIC COMPANY TO FURNISH AND DELIVER HIGH VOLTAGE GAS-INSULATED SWITCHES FOR THE WATER AND POWER DEPARTMENT

Recommendation of City Manager:

- (1) Accept the bid dated June 2, 2004 submitted by G&W Electric Company to furnish and deliver High Voltage Gas-Insulated Switches for the Water and Power Department;
- (2) Reject all other bids; and
- (3) Authorize the issuance of a purchase order contract for a period of four years or until \$5,092,622 is expended, whichever occurs first, with two optional one-year extensions, each not to exceed \$1,273,156 per year.

Councilmember Holden was excused at 7:26 p.m.

Ms. Phyllis Currie, General Manager of the Water and Power Department, and Mr. George Wilson, Jr., Director of Power Delivery Services, responded to questions regarding the replacement of oil-insulated switches.

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

PUBLIC HEARING

CONTINUED PUBLIC HEARING: ADOPTION OF THE FISCAL YEAR 2005 OPERATING BUDGET AND AMENDMENT TO LEASE NO. 16,315 WITH COMMUNITY HEALTH ALLIANCE OF PASADENA

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

- (i) Adopt by resolution the City's Fiscal Year 2005 Operating Budget as detailed in Attachment A of the agenda report and as amended by the recommended modifications outlined in the Background section of the agenda report, including the Old Pasadena Parking Meter Fund (213) Budget and direct staff to return within 90 days with a plan to address the projected 2005 operating deficit in that fund; and
- (ii) Authorize the City Manager to enter into an amendment to Lease No. 16,315 with the Community Health Alliance of Pasadena (CHAP) that reduces the annual rent to \$1 effective May 1, 2003. (Resolution No. 8368; Agreement Amendment No. 16,315-4)

Councilmember Holden returned at 7:29 p.m.

Vice Mayor Tyler announced now was the time for the continued public hearing.

Councilmember Little, Chair of the Finance Committee, summarized the agenda report and responded to questions. Mr. Little noted the Finance Committee urges that the general fund monies used to support the Old Pasadena Parking Meter Fund be spent to enhance the summer youth employment program or MASH program. In addition, he added the Finance Committee's recommendation to: "Reduce appropriations in the Community Development Commission FY 2005 Operating Budget by \$70,000, thereby eliminating funding for the retail recruitment and survey effort, and direct staff to return as soon as possible with alternative uses for these funds, including repayment of a general fund loan and the subsequent use of those proceeds to support summer employment programs for local youth, or citywide marketing plan, etc.", as stated in the City Manager's memorandum dated June 28, 2004.

The City Manager responded to questions regarding the Old Pasadena Parking Meter Fund deficit, park maintenance funding, and expansion of the ARTS bus service.

Ms. Joyce Amerson, Director of Transportation Department, discussed the factors and possible alternatives that would be studied in addressing the Old Pasadena Parking Meter Fund deficit.

Ms. Cathi Cole, Transit Manager, listed items involving expansion of the ARTS bus service that would be discussed with the Transportation Advisory Commission, indicated recommendations for changes in the bus service would be brought to Council at a later date, and outlined steps staff is exploring to provide information/maps at transit stops and to provide outreach to local employers regarding transit options.

Ms. Maggie Campbell, President and Chief Executive Officer of the Old Pasadena Management District (OPMD), cautioned Council to be careful when considering an increase in parking rates in Old Pasadena, and asked that OPMD be included in the discussions regarding addressing the Parking Fund deficit.

It was moved by Councilmember Little, seconded by Councilmember Streater, to close the public hearing. (Motion unanimously carried) (Absent: Mayor Bogaard)

It was moved by Councilmember Little, seconded by Councilmember Streater, to approve the City Manager's recommendation and the Finance Committee's recommendation regarding the Community Development Commission FY 2005 Operating Budget, as stated above. (Motion unanimously carried) (Absent: Mayor Bogaard)

The City Manager acknowledged Jay Goldstone, Director of Finance Department, and Steve Mermell, Budget Administrator, for their efforts in developing and presenting the FY 2005 budgets.

RECESS

On order of the Vice Mayor, the regular meeting of the City Council recessed at 7:41 p.m. to the regular meeting of the Community Development Commission.

RECONVENED

On order of the Vice Mayor, the regular meeting of the City Council reconvened at 7:44 p.m. (Absent: Mayor Bogaard)

**ORDINANCE – FIRST
READING**

Conduct first reading of "AN UNCODIFIED ORDINANCE OF THE CITY OF PASADENA AMENDING ORDINANCE NO. 6964 AND 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 NOVEMBER 17, 18, 19, 20 AND 21, 2004" (GREATER LOS ANGELES BILLY GRAHAM CRUSADE)

Councilmember Haderlein was excused at 7:45 p.m.

The City Attorney noted Council had previously approved an ordinance for this event, the event had been postponed due to Billy Graham's illness, and the same provisions apply to this ordinance.

Following discussion, Councilmember Streater asked the City Attorney to explore setting limits for noise levels during future events when events request a waive/suspension of the City's amplified sound and noise restrictions.

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

AYES: Councilmembers Gordo, Holden, Little, Madison, Streater, Vice Mayor Tyler

NOES: None

ABSENT: Councilmember Haderlein, Mayor Bogaard

**REPORTS AND
COMMENTS FROM
COUNCIL COMMITTEES**

**MUNICIPAL SERVICES
COMMITTEE**

AUTHORIZATION TO ENTER INTO CONTRACTS WITH THE SOUTHERN CALIFORNIA PUBLIC POWER AUTHORITY FOR A MAXIMUM 2.25% SHARE OF THE NATURAL GAS PROJECT DEVELOPMENT AGREEMENT

Recommendation of City Manager: Authorize the City Manager to contract with the Southern California Public Power Authority ("SCPPA") for a 1,000 million British Thermal Units ("MMBtu") per day (maximum 2.25%) share of the SCPPA Natural Gas Project Development Agreement ("Contract") in an amount not to exceed \$97,560.

The contract is exempt from competitive bidding pursuant to City Charter Section 1002(H), contracts with other governmental agencies or their contractors. (Contract No. 18,554)

Recommendation of Utility Advisory Commission: The Utility Advisory Commission recommends that the City Council approve the staff recommendation.

Councilmember Haderlein returned at 7:53 p.m.

Vice Mayor Tyler, Chair of the Municipal Services Committee, summarized the agenda report

Mr. Eric Klinkner, Business Unit Director, provided an overview of the contracting process.

Ms. Phyllis Currie, General Manager of Water and Power Department, confirmed this action would include a due diligence process and examination/evaluation of risks involved with the total contracting strategy.

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

AUTHORIZATION TO ENTER INTO METERED SUBSYSTEM AGREEMENT WITH THE CALIFORNIA INDEPENDENT SYSTEM OPERATOR

Recommendation of City Manager: Authorize the City Manager to enter into a Metered Subsystem Agreement with the California Independent System Operator.

It is further recommended that the City Council authorize the City Manager to sign amendments to existing contracts with the

California Independent System Operator that may be required from time to time. (Contract No. 18,555)

Councilmember Haderlein was excused at 7:56 p.m.

Ms. Phyllis Currie, General Manager of Water and Power Department, introduced the agenda item.

Mr. Eric Klinkner, Business Unit Director, reviewed the agenda report.

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

Councilmember Little complimented staff for addressing the issue of the City's relationship with the California Independent System Operator.

PUBLIC HEARINGS

PUBLIC HEARING: CALL FOR REVIEW OF DESIGN COMMISSION DECISION TO APPROVE A MITIGATED NEGATIVE DECLARATION AND CONCEPT DESIGN REVIEW FOR A NEW MIXED-USE BUILDING AT 220 NORTH LAKE AVENUE

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

Environmental Determination and Land Use Entitlements

- (1) Affirm the conclusions of the revised mitigated negative declaration – with technical corrections added on April 26, 2004 – that the proposed project will not create any significant adverse effects on the environment that cannot be mitigated to a level of insignificance;
- (2) Approve the revised Mitigated Negative Declaration with Mitigation Measures and a Mitigation Monitoring Program for the project; and
- (3) Direct the City Clerk to file a Notice of Determination with the County Clerk.

Findings for Removal of Protected Native, Specimen, and Landmark Trees

(1) Acknowledge that the environmental mitigation measures for the project requires a dedication of land to widen portions of North Mentor Avenue, East Walnut Street, and North Lake Avenue; and that the widening of these streets will cause the removal of four public trees, two *Brachychiton populneus* and a Camphor tree along Mentor Avenue, and a California Sycamore along Lake Avenue. The replacement of these trees and new planting of street trees will be reviewed by the Public Works Department.

Findings for Concept Design Approval

(1) Find that the concept-level design is consistent with the Design Guidelines for the Central District (including the Lake Avenue sub-district), Citywide Design Principles in the Land Use Element of the General Plan, and the Purposes of Design

Review in Section 17.92.010 of the Zoning Code;

(2) Based on these findings, approve the application for concept design review with the following conditions:

- a) Redesign the residential component to be distinctively residential in character.
- b) Restudy the articulation and massing of the upper level walkways visible through openings along Walnut Street, the architectural fins, balconies, and two-story base-element, and possible increase in upper-level step-backs.
- c) Study the possibility of a setback along the residential components of the project, which need not be continuous and could include landscape planters.
- d) The Design Commission shall also conduct an advisory, 50% design review of the project before the applicant files an application for final design review.
- e) The Design Commission shall conduct final design review.
- f) Among the issues to be evaluated during 50% review and/or final design are:
 - a sign program (consider sign locations and integrate with architecture)
 - the window assemblies
 - architectural canopy at entrance lobby
 - balcony guardrail detail
 - detailing of raised planters
 - the screening of mechanical equipment, backflow preventor/utility vault/gas meters, dryer vents, etc.

Recommendation of Design Commission: The recommendation from the Design Commission was to approve the project with the conditions listed in the City Manager's recommendation.

Councilmember Haderlein returned at 8:06 p.m.

Vice Mayor Tyler opened the public hearing.

The City Clerk reported 24 copies of the notice of public hearing were posted on June 14, 2004; 29 copies of the notice were mailed on June 14, 2004; and no correspondence was received.

Councilmember Gordo reported the developer had worked with District 5 constituents and neighborhood associations to address concerns involving the project, the developer had agreed to provide a \$50,000 deposit for implementation of mitigation measures for traffic and lighting problems, and staff would be provided with a list of concerns/measures compiled in the meetings with the developer.

The City Manager responded to questions.

Mr. David Sieving, Pasadena resident, spoke in support of the project.

Mr. Steve Ross, Standard Pacific Homes (the applicant) representative, spoke in support of the project; thanked various parties for their cooperation in moving the project forward; and offered to revisit the amount of money to be provided for mitigation measures, if it appeared that \$50,000 would not be sufficient to achieve the mitigation improvements.

Discussion followed on funding sources to cover the costs of the mitigation studies/analyses and implementation of the mitigation measures, and the understanding between the developer and the residents regarding mitigation issues that had been discussed.

It was moved by Councilmember Gordo, seconded by Councilmember Little, to close the public hearing. (Motion unanimously carried) (Absent: Mayor Bogaard)

Following additional discussion, it was moved by Councilmember Gordo, seconded by Councilmember Little, to approve the City Manager's recommendation, as amended to add a new condition that the developer be required to deposit \$50,000 with the City to be used to pay for the implementation of mitigation measures related to this project (e.g. traffic neighborhood protection and lighting improvements, to include cut-through traffic issues at the intersections of Catalina Avenue and Corson Street and Locust Street and Wilson Avenue). (Motion unanimously carried) (Absent: Mayor Bogaard)

PUBLIC HEARING: VACATION OF A 15-FOOT WIDE STRIP OF LAND ALONG THE WEST SIDE OF BONNIE AVENUE FROM DEL MAR BOULEVARD TO APPROXIMATELY 700 FEET NORTH OF DEL MAR BOULEVARD FOR PASADENA CITY COLLEGE

Recommendation of City Manager: It is recommended that the City Council take the following actions:

(1) Hold a public hearing on the proposed vacation and hear evidence offered by persons interested;

(2) Adopt a resolution that:

(a) Affirms that the City Council has acknowledged that the Final Environmental Impact Report (FEIR) prepared for the Pasadena City College (PCC) Master Plan 2010 concluded that all potential impacts will be reduced to an acceptable level after implementation of mitigation measures, except for noise for which a Statement of Overriding Consideration was adopted. The improvement and narrowing of Bonnie Avenue in connection with this vacation was a component of the project analyzed by the FEIR;

(b) Finds that the proposed vacation of the subject portion of Bonnie Avenue is consistent with the General Plan Mobility Element and is unnecessary for present or prospective public use for traffic purposes; and

(c) Orders the vacation of the subject portion of Bonnie

Avenue based on certain conditions set forth in Exhibit "C" attached to the agenda report, and the additional condition of the expansion of the Preferential Permit Parking District in the area south of Pasadena City College, if and only if those certain conditions are met;

(3) Declare that the City's interest in the proposed vacated strip of land is an easement, only, with a fair market value of less than \$1,000, and therefore, the City's interest in the property is not subject to the provisions of Chapter 4.02 of the Pasadena Municipal Code as indicated in Section 4.02.040(A) of said chapter; and

(4) Authorize the City Manager to execute a Condition Satisfaction Contract between the City and the applicant. (Resolution No. 8369; Contract No. 18,556)

Recommendation of Planning Commission: On April 28, 2004, the Planning Commission reviewed and recommended that the City Council approve the proposed street vacation with the added condition that staff initiate discussions with property owners and residents regarding parking on the east side of Bonnie Avenue and discussions on the possible establishment of a Residential Preferential Parking Program, following City guidelines.

Recommendation of Urban Forestry Advisory Committee: The Urban Forestry Advisory Committee recommended approval of staff's recommendation to allow removal of one tree. Only one tree will need to be removed to allow room for a new drive approach for the new parking structure at PCC. The applicant shall be responsible for the appraised value of this tree and is required to plant trees in the new parkway, of which the number of trees and locations will be determined by the Parks and Natural Resources Division of the Department of Public Works.

Vice Mayor Tyler opened the public hearing.

The City Clerk reported the notice of public hearing was published in the Pasadena Star-News on June 18, 2004; 60 copies of the notice were posted on June 18, 2004; 72 copies of the notice were mailed on June 18, 2004; and no correspondence was received.

Ms. Bonnie Hopkins, Principal Engineer, reviewed the agenda report and responded to questions.

Mr. Eric Shen, Transportation Planning and Development Manager, confirmed that an adequate number of residents have agreed to implement a residential parking zone in this area, and responded to questions regarding parking issues.

The City Manager discussed the process for implementing a preferential parking zone in this area.

The following persons spoke in support of the vacation and/or the preferential parking zone:

Ms. Lynne Hess, Pasadena resident
Ms. Julie Liu, Pasadena resident
Ms. Kimberly Edds, Pasadena resident

The following person spoke in opposition to and expressed concerns regarding the vacation:

Mr. Eric Huelsman, Pasadena resident

Mr. Martin Pastucha, Director of Public Works Department, indicated staff would meet with Pasadena City College and their contractor to address the dirt issue related to the College construction project as outlined by Mr. Huelsman.

In response to traffic issues, the City Manager indicated staff would meet with Mr. Huelsman to consider alternatives to address the Bonnie Avenue residents' concerns.

The City Attorney explained the City is restricted in placing covenants on land owned by other governmental entities.

It was moved by Councilmember Little, seconded by Councilmember Gordo, to close the public hearing. (Motion unanimously carried) (Absent: Mayor Bogaard)

It was moved by Councilmember Little, seconded by Councilmember Gordo, to approve the City Manager's recommendation. (Motion unanimously carried) (Absent: Mayor Bogaard)

APPEAL HEARING: APPLICANT APPEAL OF A DENIED PERMIT TO OPERATE A MESSAGE ESTABLISHMENT (DAMING LAKE HEALTH CENTER, 2846 EAST FOOTHILL BOULEVARD)

Recommendation of City Manager: Uphold the decision from the City Manager's Office denying a massage establishment permit for a proposed massage establishment at 2846 E. Foothill Boulevard, to be owned and operated by Mr. Guoqing Li.

Vice Mayor Tyler opened the appeal hearing.

Police Chief Bernard Melekian reviewed the agenda report and responded to questions.

The City Attorney noted Council would have a basis for denial of the applicant's appeal based on a number of sections in the Pasadena Municipal Code [Sections 5.48.350(F), 5.48.150, 5.48.260, 5.48.370(A)] along with the findings provided in the agenda report, and responded to questions.

Mr. Roger Hsu, attorney representing Quoqing Li (applicant), addressed issues regarding the business ownership, various applications for the massage establishment permit, charges brought against masseuses at various places of business, inconsistent statements made by police officers, and evidence presented against Mr. Li in the agenda report; and requested Council overturn the decision to deny the permit.

Councilmember Gordo expressed concern regarding apparent false and misleading statements made by the applicant during the application process.

It was moved by Councilmember Haderlein, seconded by Councilmember Gordo, to close the public hearing. (Motion unanimously carried) (Absent: Mayor Bogaard)

The City Attorney clarified the Pasadena Municipal Code was silent as to the Council taking no action on this particular type of appeal; and indicated it was advisable for Council to take an action to affirm, reverse, or modify the decision to deny the permit.

It was moved by Councilmember Haderlein, seconded by Councilmember Little, to affirm the decision of the City Manager's Office to deny the massage establishment permit. (Motion unanimously carried) (Absent: Mayor Bogaard)

Following brief discussion, Chief Melekian indicated the permits for Mr. Li's other massage establishments would be reviewed.

**RECOMMENDATIONS
FROM OFFICERS AND
DEPARTMENTS**

EFFORTS TO INCREASE EMPLOYMENT AND BUSINESS OPPORTUNITIES FOR LOCAL RESIDENTS AND BUSINESSES

Recommendation of City Manager:

- (1) Direct the City Attorney to prepare a First Source Hiring Ordinance to support a Hire Pasadena Resident Program and its various components;
- (2) Direct the City Attorney to prepare an amendment to Pasadena Municipal Code Chapter 4.08 to adopt a small business preference policy for City procurements;
- (3) Require developers doing business with the City and receiving any public assistance to enter into a First Source Agreement with the City; and
- (4) Direct the City Attorney to amend Pasadena Municipal Code Chapter 4.32 to provide a construction tax rebate to benefit local developers who voluntarily enter into a First Source Agreement with the City and return to the City Council for approval.

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

Mr. Mario Leonard, Northwest Programs Manager, noted staff was continuing to examine and explore suggested policies/programs from community groups, residents, and cities that have already implemented similar programs; and noted additions to the proposed programs and policies would be presented to Council as implementation of the current recommendation occurs.

Discussion followed on the establishment of the tax rebate; monitoring of the programs; development of jobs and placement for MASH trainees/graduates; expansion of job programs into areas other than construction; legal restrictions involving preference programs; the need to measure the number of jobs created for local residents and the number of local businesses that have been able to participate in the programs; and development of partnerships with Pasadena City College, Skills Center, and local high schools in creating curriculums to train workers.

Councilmember Holden suggested a staff person be committed to monitor job opportunities and to link local businesses with the hiring of local workers.

The following persons spoke in support of the recommendation and offered additional suggestions:

Councilmember Haderlein was excused at 9:35 p.m.

Mr. Joe Brown, President of Pasadena National Association for the Advancement of Colored People (NAACP)
Ms. Roberta Martinez, Pasadena resident
Ms. Michelle White, Northwest Pasadena Coalition member
Mr. Ralph McKnight, Northwest Pasadena Coalition member
Mr. Gary Moody, CMI Consultants representative
Mr. Charles Boyd, African-American Fatherhood Support Group member

The following person expressed concerns regarding the recommendation and suggested the matter be held for additional discussion:

Mr. Harden Carter, Northwest Pasadena Coalition member

The City Manager discussed the development agreement process and inclusion of the setting of community rules and standards for projects in this process.

Councilmember Little asked that the ordinances being crafted take into account those measures/actions that have worked in other communities (e.g. San Francisco, Oakland, Berkeley, San Jose, Petaluma, etc.) and been defended against legal challenges; and that staff pursue measures that reflect Council's level of comfort in doing as much as possible to increase local employment and business opportunities.

The City Attorney advised Council caution would need to be taken in adhering to State restrictions/regulations when developing the proposed programs.

The City Manager discussed dedication of staff to the implementation of the first phase of the program and expansion into other areas and possible funding of a new staff position with these responsibilities.

Councilmember Holden encouraged the City Manager to return with a proposal to address the staffing issue as soon as possible, and urged that community input continue to be sought for additional suggestions as the programs are expanded.

Councilmember Streator suggested an additional recommendation be added that would direct the City Manager to implement the expansion of the MASH program as outlined on page 6 of the Background section of the agenda report; and stressed that monitoring of the programs by staff was essential.

Councilmember Gordo clarified that job opportunities for MASH graduates would include full time employment with the City, as well as in the private sector.

The City Manager discussed the monitoring problems with the Maguire/Western Asset project, and noted an update report on training would be presented to Council in the near future.

It was moved by Councilmember Holden, seconded by Councilmember Streator, to approve the City Manager's recommendation, and to direct the City Manager to implement the expansion of the MASH program as outlined on page 6 of the Background section of the agenda report. (Motion unanimously carried) (Absent: Councilmember Haderlein, Mayor Bogaard)

Councilmember Streator and the City Manager commended the community volunteers and staff (Mario Leonard, Steve Mermell, Greg Robinson, and Phillip Dunn) for their efforts during this process.

APPROVAL OF AN AMENDMENT TO THE EMPLOYMENT AGREEMENT WITH CITY MANAGER CYNTHIA J. KURTZ
Recommendation of Mayor: Approve the amendment to Contract No. 18,196, the Employment Agreement between the City of Pasadena and City Manager Cynthia J. Kurtz, effective September 1, 2003; and approve a journal voucher appropriating the necessary funds from the FY 2005 Personnel Reserve to the FY 2005 Operating Budget. (Agreement Amendment No. 18,196-1)

APPOINTMENT OF DOREEN MOORE TO THE SENIOR COMMISSION (District 4 Nomination)

REAPPOINTMENT OF INMAN MOORE TO THE HUMAN RELATIONS COMMISSION (District 2 Nomination)

REAPPOINTMENT OF MARTIN ZITTER TO THE CODE ENFORCEMENT COMMISSION (District 2 Nomination)

It was moved by Councilmember Streator, seconded by Councilmember Little, to approve the above Mayor's recommendation, appointment, and reappointments. (Motion unanimously carried) (Absent: Councilmember Haderlein, Mayor Bogaard)

PRELIMINARY APPROVAL OF A REVISION TO THE MASTER PLAN FOR EATON WASH PARK

Recommendation of City Manager: Approve in concept a revision to the Eaton Wash Master Plan (Attachment A of the agenda report) pending completion of the environmental review of the project.

Recommendation of Recreation and Parks Commission: On June 8, 2004, this recommendation was presented to the Recreation and Parks Commission for consideration. The Commission voted unanimously to recommend that the revision be approved, with the following modifications:

- A no-parking zone be established on the west side of Avocado Avenue extending 100 feet north and south of the proposed park entrance; and
- Street lighting be installed on the west side of Avocado Avenue adjacent to the park entrance.

Staff concurs with these recommendations, however, they are outside of the boundaries of the Park Master Plan. Staff will explore options that will improve the parking and lighting concerns as well as their financial impacts.

Councilmember Haderlein returned at 10:12 p.m.

The City Manager introduced the agenda item.

Mr. Todd Holmes, Landscape Architect, reviewed the agenda report and responded to questions.

Ms. Elizabeth Pomeroy, Chair of the Recreation and Parks Commission, spoke in support of the revised plan.

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

RESIDENTIAL IMPACT FEE NEXUS ANALYSIS AND RECOMMENDATION TO CHANGE THE METHODOLOGY USED TO DETERMINE THE FEE AMOUNT

Recommendation of City Manager: Direct the City Attorney to amend Ordinance No. 6252 - the New Residential Impact Fee to change the methodology used to determine the fee amount.

Recommendation of the Recreation and Parks Commission: At their June 8, 2004 meeting, the Recreation and Parks Commission approved in concept the methodology to be used to calculate a new Residential Impact Fee. Their fee amount recommendation will be presented to the City Council along with the staff recommendation at a later date.

The City Manager introduced the agenda item and responded to questions.

Ms. Brenda Harvey-Williams, Finance and Management Services Administrator, reviewed the agenda report.

Ms. JoAnne Brion, Brion & Associates, responded to questions regarding the consultant's report titled "Final Nexus Study – Park and Recreation Impact Fee Nexus Study – City of Pasadena."

Mr. Martin Pastucha, Director of Department of Public Works, discussed the option for the developer to dedicate land and create a park in lieu of paying the Residential Impact Fee and the City's role in this decision-making process; and responded to questions.

The following persons spoke in support of the change in methodology:

Ms. Anita Fromholz, Recreation and Parks Commissioner
Ms. Elizabeth Pomeroy, Chair of the Recreation and Parks Commission
Ms. Michael Hurley, Pasadena resident, submitted a handout comparing factors in the Nexus Study, staff recommendation, and maximum allowed under the Quimby Act.

The City Attorney indicated staff would return with a draft ordinance at the end of July/beginning of August.

Councilmember Haderlein expressed concern with developers dedicating park land rather than paying a fee, the number of park projects that remain unfunded, and competition for funding sources between existing and new parks.

Councilmember Madison expressed concern with not tying the need for additional park space to a development as a mitigation measure for that project.

Following discussion regarding the option to dedicate park land and the City's role in this process, the City Manager indicated information on the criteria to be considered by Council in

deciding whether the option would be allowed for a project would be included when the ordinance was presented.

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

INFORMATION ITEM

OUTSIDE INDEPENDENT INVESTIGATION OF RECENT POLICE SHOOTING

This agenda report is for information only. Should the Council desire to conduct an additional outside independent investigation of the recent police shooting, the appropriate action would be a motion directing staff to return to Council with information regarding proposals to conduct Council's desired level of investigation.

The City Attorney summarized the agenda report.

Police Chief Bernard Melekian briefly discussed the various ongoing investigations and reports to be issued, and responded to questions.

Brief discussion followed regarding the option to request an additional outside investigation of the shooting.

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

COUNCIL COMMENTS

At the request of Councilmember Madison, the City Manager agreed to provide information regarding the West Nile disease situation in the City to Council prior to the next Council meeting.

Councilmember Little, Los Angeles to Pasadena Blue Line Construction Authority representative, reported on Authority activities involving the release of surplus funds, and suggested the City consider submitting a request for funding of previously identified City projects.

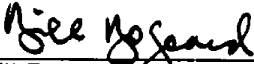
Councilmember Holden suggested the City send representatives to a Los Angeles County Board of Supervisors meeting to testify regarding the proposed November ballot measure to increase the sales tax by ½ per cent to fund public safety measures.

The City Manager indicated representatives from the Police and Fire Departments would be attending the meeting.

Councilmember Madison reported on a recent trip he and Councilmember Streater took with Rose Bowl Operating Company representatives to Lambeau Field in Green Bay, Wisconsin related to the City's proposal to bring an NFL team to the Rose Bowl.

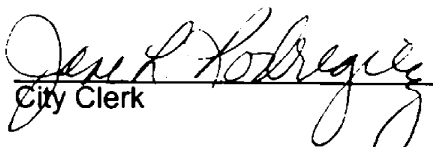
ADJOURNMENT

On order of the Mayor, the regular meeting of the City Council adjourned at 11:21 p.m.



Bill Bogaard, Mayor
City of Pasadena

ATTEST:



City Clerk
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