

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

REGULAR MEETING

OPENING:

Vice Mayor Tyler called the regular meeting of the City Council to order at 5:40 p.m. (Absent: Councilmembers Little, Streator, Mayor Bogaard)

On order of the Vice Mayor, the regular meeting of the City Council recessed at 5:40 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): One potential case

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

Name of Case: SDG&E v. Sellers of Energy and Ancillary Services into Markets Operated by the California Independent System Operator and the California Power Exchange (FERC Docket No. EL00-95-075 and related dockets)

The above closed session items were discussed, with no reportable action.

On order of the Vice Mayor, the regular meeting of the City Council reconvened at 6:51 p.m. The Pledge of Allegiance was led by Councilmember Holden.

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 (Absent)
Councilmember Steve Madison
Councilmember Joyce Streator (Absent)

Staff:

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

CEREMONIAL MATTERS

The City Clerk administered an oath of office to Ms. Julie A. Dercle as Historic Preservation Commissioner.

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

Mr. Dave Romney, representing West Pasadena Neighborhood Association, expressed concerns pertaining to the Open Space and Parks Element, ongoing negotiations with the NFL and its Environmental Impact Report for the Rose Bowl, and zoning in the Central District.

In response to Mr. Romney's comments, the City Manager stated that funding for the Open Space and Parks Element has been obtained and part of it would be a citywide Park Plan and she would prepare a schedule of meetings for the Element and also provide a copy to Mr. Romney.

Ms. Christina Gloria, representing Day One, distributed a flyer and calendar for Youth Month 2004 and invited Council to a talent show on August 6, 2004 at Muir High School.

Ms. Kris Ockershauser, Pasadena resident, submitted a handout and expressed concerns regarding the cost of the war in Iraq.

CONSENT CALENDAR

CONTRACT AWARD TO DALAJ INTERNATIONAL CORP. FOR COVERING THE EAST SIDE STORM DRAIN FROM BELVIDERE STREET TO MOUNTAIN STREET FOR AN AMOUNT NOT TO EXCEED \$920,000

Recommendation of City Manager: Accept the bid dated July 21, 2004, submitted by Dalaj International Corp. in response to the Specifications for Covering the East Side Storm Drain, from Belvidere Street to Mountain Street; reject all other bids received; and authorize the City Manager to enter into a contract not to exceed \$920,000, which includes a base bid of \$835,592.50 and \$84,407.50 for any additional work the City may order pursuant to the Project Specifications. (Contract No. 18,575)

Mr. Dan Rix, City Engineer, responded to questions regarding the eminent domain proceedings and the final condemnation order.

AMENDMENT TO THE MASTER STREET TREE PLAN

Recommendation of City Manager: Approve the following change to the Master Street Tree Plan to allow for the planting of a *Cedrus deodara*, Deodar Cedar in one location just east of the Prospect Street Bridge shown on the map attached to the agenda report.

Recommendation of Urban Forestry Advisory Committee: The Urban Forestry Advisory Committee recommended approval of the staff recommendation at its regular meeting of February 18, 2004.

Recommendation of Design Commission: The Design Commission recommended approval of the staff recommendation at its regular meeting on June 14, 2004.

Ms. Emina Darakjy, representing East Arroyo Residents Association, spoke in favor of the City Manager's recommendation.

APPROVAL OF THE MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF PASADENA AND THE INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS (IBEW) FOR THE TERM JULY 1, 2003 THROUGH JUNE 30, 2006.

Recommendation of City Manager: Approve a successor Memorandum of Understanding between the City of Pasadena and the International Brotherhood of Electrical Workers (IBEW) for the period July 1, 2003 through June 30, 2006, and authorize a journal voucher appropriating the necessary funds from the unappropriated fund balance and the Personnel Reserves to cover these increased costs. (Contract No. 18,576; Journal Voucher 2005-2)

APPROVAL OF MINUTES

May 24, 2004
May 31, 2004 (Cancelled)
June 7, 2004

CLAIMS RECEIVED AND FILED

| | | |
|----------------|----------------------|---------------|
| Claim No. 9612 | Gyongyver Sovago | \$ Not Stated |
| Claim No. 9613 | Harry L. Anderson | Not Stated |
| Claim No. 9614 | Moises V. Raymundo | 2,003.00 |
| Claim No. 9615 | Gloria M. Rubenfield | 135.00 |
| Claim No. 9616 | Linda K. Robinson | 4,500.00 |

PUBLIC HEARING SET

August 23, 2004, 8:00 p.m. - Public Health Goals (PHG) Report on Water Quality

September 13, 2004, 8:00 p.m. - Call for Review of Application for Final Design Review to the City Council for New Construction of a Five-Story Mixed-Use Project located at 155 East Cordova Street

September 13, 2004, 8:00 p.m. - Normandie Heights Landmark District

Councilmember Haderlein asked if the residential impact fee is set to return to Council as an ordinance in early September and if there would be a public hearing.

The City Manager indicated the fee amount is not part of the ordinance and the City Attorney responded after adoption, the ordinance would take effect after publishing. However, if there was a change in the dollar amount, a public hearing would need to be set. The City Manager confirmed the public hearing would be scheduled on September 13, 2004.

It was moved by Councilmember Gordo, seconded by Councilmember Haderlein, to approve the Consent Calendar items. (Motion unanimously carried) (Absent: Councilmembers Little, Streater, Mayor Bogaard)

**REPORTS AND
COMMENTS FROM
COUNCIL COMMITTEES**

**PUBLIC SAFETY
COMMITTEE**

**RECOMMENDATIONS
FROM OFFICERS AND
DEPARTMENTS**

ANIMAL GUARDIAN CAMPAIGN

On order of the Vice Mayor, the above item was held due to the cancelled Public Safety Committee meeting, to be rescheduled before the Public Safety Committee on August 16, 2004, with the subsequent Council date to be determined.

**RESIGNATION OF SHEILA LEWIS FROM THE NORTHWEST
COMMISSION (District 5 Nomination)**

**APPOINTMENT OF KERI ROBINSON TO THE PASADENA
CENTER OPERATING COMPANY (Hotel Nomination)**

**REAPPOINTMENT OF TERRIE ANN ALLEN TO THE
ACCESSIBILITY AND DISABILITY COMMISSION (District 3
Nomination)**

**REAPPOINTMENT OF ANNE HARDY TO THE COMMISSION ON
THE STATUS OF WOMEN (District 3 Nomination)**

**REAPPOINTMENT OF RENEE MORGAN-HAMPTON TO THE
HISTORIC PRESERVATION COMMISSION (District 3 Nomination)**

**REAPPOINTMENT OF TERESA LAMB SIMPSON TO THE
LIBRARY COMMISSION (District 3 Nomination)**

**REAPPOINTMENT OF WENDY NASH TO THE NORTHWEST
COMMISSION (District 3 Nomination)**

**APPOINTMENT OF WILLIAM H. CORMIER TO THE ROSE BOWL
OPERATING COMPANY (UCLA Nomination)**

**REAPPOINTMENT OF BEN GREEN TO THE SENIOR
COMMISSION (Mayor Nomination)**

**APPOINTMENT OF TODD MILLER TO THE UTILITY ADVISORY
COMMISSION (At-Large/District 2)**

It was moved by Councilmember Holden, seconded by Councilmember Haderlein, to accept the above resignation with regret and approve the above appointments and reappointments. (Motion unanimously carried) (Absent: Councilmembers Little, Streater, Mayor Bogaard)

**AMENDMENT TO PASADENA MUNICIPAL CODE SECTION
9.36.110 (CONSTRUCTION PROJECTS) RELATING TO
CONSTRUCTION HOURS**

Recommendation of City Manager: It is recommended that the City Council direct the City Attorney to prepare an ordinance to amend the Pasadena Municipal Code Section 9.36.110 (Construction Projects) to:

- (1) Reduce hours for construction or repair work on buildings, structures or projects within a residential district or within a radius of 500 feet from a residential district from:
 - (a) From 7:00 a.m. to 9:00 p.m. to 7:00 a.m. to 7:00 p.m. Monday thru Friday;
 - (b) From 7:00 a.m. to 9:00 p.m. on Saturdays to 8:00 a.m. to 5:00 p.m. on Saturdays;
 - (c) Construction is prohibited on Sundays and this will remain unchanged; and
 - (d) Add a provision to prohibit construction on holidays.
- (2) Delete the requirement of unanimous consent of the households adjacent to the construction site and retain the 65% consent of households within 500 feet.

Mr. Sarkis Nazerian, Deputy Building Official, summarized the agenda report and responded to questions.

The City Manager responded to questions.

Following discussion concerning Recommendation No. 2 concerning unanimous consent for adjacent properties to construction sites, it was moved by Councilmember Gordo, seconded by Councilmember Haderlein, to approve the City Manager's Recommendation 1 (a) through (d) and to delete Recommendation No. 2. (Motion unanimously carried) (Absent: Councilmembers Little, Streator, Mayor Bogaard)

RECESS

On order of the Vice Mayor, the regular meeting of the City Council recessed at 7:20 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 7:21 p.m. (Absent: Councilmembers Little, Streator, Mayor Bogaard)

ORDINANCES- ADOPTED

Adopt "AN ORDINANCE OF THE CITY OF PASADENA AMENDING CHAPTER 2.250 OF THE PASADENA MUNICIPAL CODE REGARDING IN-SERVICE DISTRIBUTION OF A PORTION OF EMPLOYEES' FIRE AND POLICE RETIREMENT SYSTEM CONTRIBUTIONS" (Introduced by Councilmember Streator) (Ordinance No. 6983)

The above ordinance was adopted by the following vote:

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

Adopt "AN ORDINANCE OF THE CITY OF PASADENA AMENDING CHAPTER 4.08 OF THE PASADENA MUNICIPAL CODE (COMPETITIVE BIDDING AND PURCHASING) TO ADOPT LOCAL PREFERENCE PROVISIONS AND A SMALL/MICRO BUSINESS PREFERENCE POLICY FOR CERTAIN CITY PROCUREMENTS" (Introduced by Councilmember Gordo) (Ordinance No. 6984)

The above ordinance was adopted by the following vote:

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

NOES: None

ABSENT: Councilmembers Little, Streator, Mayor Bogaard

INFORMATION ITEMS

WEST NILE VIRUS PREVENTION (Oral report)

Dr. Takashi Wada, Health Officer, provided an oral report on the status of the West Nile virus, he noted the impacts of the virus have not been as significant as predicted in the City of Pasadena, informed Council of the Health Department's public awareness campaign, and responded to questions.

RECOMMENDATIONS FROM OFFICERS AND DEPARTMENTS

CONSIDERATION OF CALL FOR REVIEW OF ZONING HEARING OFFICER'S DECISION OF CONDITIONAL USE PERMIT NO. 4335 TO THE BOARD OF ZONING APPEALS TO ALLOW THE EXPANSION OF AN EMERGENCY SHELTER (UNION STATION) AND A VARIANCE TO REDUCE PARKING LOCATED AT 412 SOUTH RAYMOND AVENUE (Vice Mayor Tyler)

Mr. David Sinclair, Assistant Planner, summarized the applicant's requests for the project and responded to questions.

Vice Mayor Tyler explained after reviewing the agenda report, he believed there was an important element when dealing with homeless women and children in shelters that may not have been reflected in the Zoning Hearing Officer's deliberations and public comments. He further indicated he believed there is a broader issue with respect to what the City is trying to do and what the Union Station is doing in this setting, particularly in the change that the City is seeing in the mix of homeless persons.

Councilmember Holden inquired concerning the applicant's appeal.

Vice Mayor Tyler confirmed the applicant filed an appeal the same day as he requested the call for review.

The City Manager noted if Council determined to call up the matter, the applicant will be reimbursed the appeal fees. However, if Council does not vote to call up the matter, the appeal will move forward.

Councilmember Madison indicated that the issue was very complicated and he would like to see the appeal filing fee either be refunded to the applicant for services or to mitigate some impacts to the neighbors, rather than the fee going into the City's General Fund.

The following persons spoke in opposition to the expansion of the project:

Mr. Nicholas Plati, Adjacent Building Owner to Union Station
Mr. Anthony J. Palazzolia, Pasadena resident
Ms. Vivian Leis, representing Kids Klub-Child Development Center

Ms. Pat Bedford, Pasadena resident, commented that the area is having horrible problems and requested the matter be reviewed in depth, prior to making any decision.

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

It was moved by Vice Mayor Tyler, seconded by Councilmember Madison, to call the above matter for review to the Board of Zoning Appeals. (Motion unanimously carried) (Absent: Councilmembers Little, Streater, Mayor Bogaard)

CONTINUED PUBLIC HEARINGS

CONTINUED HEARING: APPEAL OF A DECISION OF THE HISTORIC PRESERVATION COMMISSION TO DENY A CERTIFICATE OF APPROPRIATENESS FOR NEW CONSTRUCTION OF A FENCE AT 1029 NORTH MARENGO AVENUE IN THE GARFIELD HEIGHTS LANDMARK DISTRICT
Recommendation of City Manager:

(1) Acknowledge that the application for a Certificate of Appropriateness for a new front yard fence in a landmark district is categorically exempt from environmental review pursuant to the guidelines of the California Environmental Quality Act (Section 15308: Class 8, Actions by Regulatory Agencies for Protection of the Environment).

(2) Find that the design of the proposed fence - if modified - complies with the Secretary of the Interior's Standards, the Design Guidelines for Historic Districts and the Garfield Heights Conservation Plan; and

(3) Approve the application for a Certificate of Appropriateness with the following conditions:

(a) The second pier on the south side of the front yard shall be removed (to create more transparency), and the spacing of the piers on the south side of the front yard shall be consistent with the spacing along the front of the lot. *[source: maintain a "transparent character, allowing views into the yard and providing interest to pedestrians" Design Guidelines for Historic Districts, p. 80]*

(b) The applicant shall continue to work with the staff on an appropriate design for the tubular-steel pickets, and final details of the pickets (finish, dimensions, welded joints, spacing) shall be submitted to the staff for final review and approval.

(c) The applicant is encouraged to soften the visual impact of the fence by planting shrubs or other suitable plant material along the base of the fence in the front yard.

Recommendation of Historic Preservation Commission: On June 7, 2004, at a public hearing, the Historic Preservation Commission considered the application for a Certificate of Appropriateness for new construction of the front yard fence. The Commission denied the application based on a finding that the design of the fence was inconsistent with the adopted guidelines for front yard fences in landmark districts. Members of the Commission encouraged the applicants to work with the staff on a redesign of the fence and to submit a new application.

The Vice Mayor opened the continued public hearing.

Ms. Mary Jo Winder, Senior Planner, summarized the agenda report and responded to questions.

Councilmember Holden noted he reviewed the tape of the previous meeting and is prepared to move forward from where the Council left off at its previous meeting.

The following persons spoke in opposition to the City Manager's recommendation and of the fence:

Ms. Mamie Washington, representing Garfield Heights Landmark District

Ms. Renee Rubalcava, representing Garfield Heights Landmark District, and submitted photographs with suggested fence options

Mr. Rufus L. Lamar, Pasadena resident

The following persons spoke in favor of the City Manager's recommendation:

Ms. Danielle Mushonga, Pasadena resident

Ms. Ruth Jones, Applicant

Mr. George Jenkins, family member representing the Applicant, stated he would comply with the conditions of approval by placing shrubs or trees around the perimeter of the fence

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

The City Manager responded to questions regarding the design guidelines and recommendations of the Historic Preservation Commission.

It was moved by Councilmember Holden, seconded by Councilmember Haderlein, to approve the City Manager's recommendation, with amendments to Recommendation No. 3 (c) as "~~The applicant is encouraged to soften the visual impact of the fence by planting shrubs or other suitable plant material along the base of the fence in the front yard~~ shall install landscaping around the perimeter of the fence in a manner approved by the Director of Planning and Development to soften the effects of the fence." (Motion unanimously carried) (Absent: Councilmembers Little, Streater, Mayor Bogaard)

Councilmember Holden also requested that staff return to Council with an informational report indicating the end result of the fence.

Mr. Richard Bruckner, Director of Planning and Development, responded to questions concerning work done in the city without the proper permits, public education for when permits are required, and enforcement.

Councilmember Gordo requested staff make sure new hires for Enforcement Officer are willing to work weekends.

PUBLIC COMMENT
(Continued)

Mr. Michael Hajar, Applicant of 155 East Cordova Street, requested the scheduling of a call for review hearing at the subject address (Consent Calendar item acted upon earlier in the meeting) be set for August 16, 2004 instead of September 13, 2004.

Following brief discussion, the City Manager and City Attorney responded to questions concerning the setting of the hearing date and there was a consensus of Council to let the hearing date remain September 13, 2004, as approved earlier on the Consent Calendar.

MISCELLANEOUS
COMMENTS

Vice Mayor Tyler referenced a recent article regarding large cities that suffered cuts from HUD for the Section 8 Rental Assistance Programs and asked if the City of Pasadena expects a reduction in FY 2005.

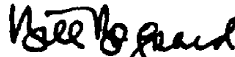
The City Manager responded that there have been talks of a reduction of approximately \$450,000. She informed Council that staff is in communication with representatives in Washington as well as looking into in-house funding reserves, and she was optimistic that \$160,000 may be recovered.

Councilmember Holden also referenced an article concerning potential targets for terrorist activities and requested a briefing from the City Manager, Police Chief, or Congressional representative as to what could be done to be better informed and to prepare the community.

The City Manager indicated more thought would need to be given, however, the Police Chief could provide a presentation on the process and how information is received. She also emphasized that there has been no indication that there is a threat in Southern California or to the City of Pasadena, but she would discuss it with Police Chief Melekian as to the best way to address a communication plan at a public meeting.

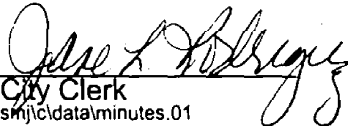
ADJOURNMENT

On order of the Mayor, the regular meeting of the City Council adjourned at 8:50 p.m.



Bill Bogaard, Mayor
City of Pasadena

ATTEST:



City Clerk
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