CITY OF PASADENA City Council Minutes March 26, 2007 – 5:30 P.M. Pasadena Senior Center, Multi-Purpose Room 85 East Holly Street

REGULAR MEETING

OPENING:

Mayor Bogaard called the regular meeting to order at 5:50 p.m. (Absent: Councilmembers Holden, Streator, Vice Mayor Madison)

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

CITY COUNCIL CONFERENCE WITH LEGAL COUNSEL to discuss pending litigation pursuant to Government Code Section 54956.9(a)

Name of Case: Vargas v. City of Pasadena

Case No.: Los Angeles Superior Court Case No. GC034767

CITY COUNCIL CONFERENCE WITH LEGAL COUNSEL to discuss pending litigation pursuant to Government Code Section 54956.9(a)

Case Name: Grassie v. McDonald, et al.

Case No.: Los Angeles Superior Court Case No. GC035400

CITY COUNCIL CONFERENCE WITH LEGAL COUNSEL to discuss pending litigation pursuant to Government Code Section 54956.9(a)

Case Name: City of Pasadena v. Hakopyan, et al.

Case No.: Los Angeles Superior Court Case No. GC038367

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

On order of the Mayor, the regular meeting reconvened at 6:38 p.m. The Pledge of Allegiance was led by Councilmember Haderlein.

ROLL CALL:

Councilmembers:

Mayor Bill Bogaard

Vice Mayor Steve Madison (Absent)

Councilmember Victor Gordo
Councilmember Steve Haderlein

Councilmember Chris Holden (Absent)

Councilmember Paul Little

Councilmember Joyce Streator (Absent)

Councilmember Sidney F. Tyler

Staff:

City Manager Cynthia Kurtz City Attorney Michele Beal Bagneris Senior Assistant City Clerk Mark Jomsky

CEREMONIAL MATTERS

The Senior Assistant City Clerk administered the oaths of office to Michael I. De Leon as Pasadena Center Operating Company Board member and Fred Lowe as Rose Bowl Operating Company Board member.

The Mayor presented a proclamation designating March 26, 2007 as Cesar Chavez Day. The proclamation was received by Roberta Martinez, Latino Heritage Association Executive Director, who briefly commented on the City's program with the Pasadena Unified School District (PUSD) involving City staff dialogues with PUSD students to explain the different public/civil services provided by the City at various administrative and support staff positions.

PUBLIC COMMENT ON MATTERS NOT ON THE AGENDA

No one appeared for public comment.

CONSENT CALENDAR

A RESOLUTION OF THE CITY OF PASADENA TO THE STATE OF CALIFORNIA APPROVING A FIVE-YEAR RUBBERIZED ASPHALT CONCRETE USE GRANT PROGRAM APPLICATION AND AGREEMENT

Recommendation of City Manager:

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- (1) Adopt a resolution approving a rubberized asphalt concrete use grant program between the City of Pasadena and the State of California; and
- (2) Authorize the City Manager to execute all necessary applications, contracts, agreements, amendments, and payment requests hereto for the purposes of securing grant funds and to implement and carry out the purposes specified in the grant application, on behalf of the City of Pasadena. (Resolution No. 8719)

APPROVAL OF THE MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF PASADENA AND THE SERVICE EMPLOYEES INTERNATIONAL UNION (SEIU) FOR THE TERM APRIL 27, 2005, THROUGH APRIL 26, 2009

Recommendation of City Manager: Approve a successor Memorandum of Understating between the City of Pasadena and the Service Employees International Union (SEIU) for a four-year term covering the period April 27, 2005, through April 26, 2009; and approve a journal voucher to appropriate funds from the unappropriated Refuse Fund balance as may be necessary. (Agreement No. 19,333; Journal Voucher No. 2007-23)

APPROVAL OF AN AMENDMENT TO THE EMPLOYMENT CONTRACT WITH CITY ATTORNEY MICHELE BEAL **BAGNERIS**

Recommendation of the Mayor: Approve the Amendment to Contract No. 17,080, the Employment Agreement between the City of Pasadena and City Attorney Michele Beal Bagneris, effective March 26, 2007; and approve a journal voucher appropriating the necessary funds from the Personnel Reserve to the FY 2007 Operating Budget. (Contract Amendment No. 17,080-5; Journal Voucher No. 2007-24)

MINUTES APPROVED

January 29, 2007 February 5, 2007 February 12, 2007 February 19, 2007

CLAIMS RECEIVED AND FILED

Claim No. 10,316	Nasser Zomorod \$	25,000.00-
Claim No. 10,317	Leslie Mitchell	Not stated
Claim No. 10,318	The Original Whistle Stop, Inc.	2,098.50
Claim No. 10,319		Not stated
	21st Century Insurance for	2,600.00
•	Harbort Cohen	,

Herbert Cohen

Claim No. 10,321 Cheryl Lewis Not stated

It was moved by Councilmember Little, seconded by Councilmember Haderlein, to approve all items on the Consent Calendar. (Motion unanimously carried) (Absent: Councilmembers Holden, Streator, Vice Mayor Madison)

REPORTS AND COMMENTS FROM COUNCIL COMMITTEES

FINANCE COMMITTEE

CITY HALL SEISMIC RETROFIT PROJECT - APPROVAL OF CONTINGENCY ADJUSTMENTS AND CHANGE ORDER NO. 10 TO THE GENERAL CONTRACTOR

Recommendation of City Manager:

(1) Approve the allocation of \$539,138 for Project Contingency for unforeseen conditions and project activities, as identified in Attachment No. 1 of the agenda report, that were discovered during the retrofit of City Hall, thereby reducing the amount of Project Contingency from \$5,125,966 to \$4,586,828; and

(2) Authorize the City Manager to execute Change Order No. 10 to Contract No. 18,768-1 with Clark Construction Group - California, LP (Clark Construction) for increases in scope of work due to unforeseen conditions discovered during the retrofit of City Hall, as identified in Attachment No. 1 of the agenda report, thereby increasing the contract amount by \$539,138 from \$82,321,946 to \$82,861,084.

Recommendation of City Hall Restoration Oversight <u>Committee</u>: On March 14, 2007, the City Hall Restoration Oversight Committee reviewed the topics of contingency adjustments, General Contractor Change Order No. 10. The Committee concurred that the recommendations under Change Order No. 10 are reasonable and consistent with ongoing construction activities of similar projects. It was recommended

that the City Council authorize the allocation of \$539,138 from Project Contingency, which includes an increase to Contract No. 18,768-1 with Clark Construction of \$539,138.

Councilmember Little, Chair of the Finance Committee, summarized the agenda report.

In response to Councilmember Haderlein's question, Martin Pastucha, Director of Public Works Department, indicated that the funding for the project should be closed out in Fall of 2007.

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

OFFICERS AND **DEPARTMENTS**

RECOMMENDATIONS FROM REAPPOINTMENT OF DEBBIE MEYMARIAN TO THE OLD PASADENA PARKING METER ZONE **ADVISORY COMMISSION** (Mayor Nomination/Lessee/District 3)

> REAPPOINTMENT OF THELMA JOHNSON TO THE ARTS **COMMISSION** (District 3 Nomination)

> REAPPOINTMENT OF AARON WHEELER TO THE PASADENA COMMUNITY ACCESS CORPORATION **BOARD** (District 3 Nomination)

> It was moved by Councilmember Gordo, seconded by Councilmember Little, to approve the above reappointments. (Motion unanimously carried) (Absent: Councilmembers Holden, Streator, Vice Mayor Madison)

RECESS

On order of the Mayor, the regular meeting of the City Council recessed at 6:50 p.m. to the regular meeting of the Community **Development Commission.**

RECONVENED

On order of the Mayor, the regular meeting of the City Council reconvened at 7:00 p.m. (Absent: Councilmembers Holden, Streator, Vice Mayor Madison)

RECOMMENDATIONS FROM OFFICERS AND **DEPARTMENTS**

PRESENTATION BY GIBSON CONSULTING GROUP REGARDING THE PASADENA UNIFIED SCHOOL DISTRICT MANAGEMENT AUDIT REPORT (Councilmember Tyler)

Councilmember Tyler, Council representative the on Management Audit Advisory Committee, introduced agenda item, provided a brief history of the process in performing the Pasadena Unified School District (PUSD) Management Audit, and responded to guestions.

Greg Gibson, Gibson Consulting Group President, summarized the audit report's scope and findings: an examination of the District's decision-making policies and processes at the senior staff and PUSD Board levels, including an evaluation of the information technology systems used to support these policies/processes; an analysis of the District's organizational structure from the director level and higher; and an examination of the Human Resources Department and Personnel Commission organization and functions. He highlighted the report's recommendations as presented in the Executive Summary, and responded to questions regarding the findings and recommendations.

Discussion followed regarding the definition of site-based decision making and integration of various decision-making frameworks, possible future measurement of the implementation of Board decisions, concerns regarding the format and effectiveness of the information received by the Board which is then used in the decision-making process, and the need for future collaboration between the District and City in monitoring the progress of the implementation of the audit's recommendations.

The following persons commented on the Management Audit and implementation of the recommendations and/or expressed concerns regarding aspects of the Management Audit:

Peter Soelter, PUSD Board President, expressed support for continuation of the Management Audit Advisory Committee.

Ed Honowitz. PUSD Board member Edwin Diaz, PUSD Superintendent Mary Dee Romney, Pasadena resident Monica Watts, Altadena resident

Councilmember Gordo encouraged the District to address the issues identified with organization misalignments and missing functions that impact accountability.

Councilmember Tyler reported that the three City members of the Management Audit Advisory Committee (Pasadena, Altadena, and Sierra Madre) were suggesting that the Committee remain constituted in order to support and assist the District in framing some of the changes that will be implemented as a result of the audit.

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

PUBLIC HEARING

PUBLIC HEARING: ZONING CODE AMENDMENT - REGULATION OF GROUP HOMES IN RESIDENTIAL DISTRICTS

Recommendation of City Manager: It is recommended that

the City Council, after a public hearing:

(1) Acknowledge the addendum to the Negative Declaration which was approved by the City Council on December 18, 2006 (Attachment A of the agenda report);

(2) Approve a finding of consistency with the General Plan as

contained in the agenda report;

(3) Approve the proposed amendments to Title 17 (Zoning Code) and Title 8 as contained in the agenda report; and

(4) Direct the City Attorney to prepare an ordinance within sixty days amending the Zoning Code definition of boarding houses and Title 8 to require operators of unlicensed group homes to obtain a permit.

Recommendation of Planning Commission: The Planning Commission recommends that the City Council:

(1) Acknowledge the addendum to the Negative Declaration;

(2) Approve a finding of consistency with the General Plan as

contained in the agenda report; and

(3) Approve the proposed amendments but codify the amendments into the Zoning Code and require a conditional use permit (CUP) for the establishment of an unlicensed care facility in the RS, RM-12 and RM-16 districts.

The Mayor opened the public hearing.

The Senior Assistant City Clerk reported the notice of public hearing was published on March 12, 2007 in the <u>Pasadena Star-News</u> and on March 15 and 22, 2007 in the <u>Pasadena Journal</u>; and one letter expressing concerns was received.

The City Manager introduced the agenda item.

Denver Miller, Principal Planner, reviewed the agenda report and responded to questions.

The City Attorney clarified that State-licensed facilities, by law, are treated as single-family residences; discussed the legal issues related to imposing a distance requirement between unlicensed facilities and the rationale for setting the distance at 250 feet between unlicensed facilities and between unlicensed and licensed facilities; and responded to questions regarding the legal defensibility of the proposed amendments and notification of residents during the application process.

Frank Rhemrev, Assistant City Attorney, outlined the differences between State-licensed vs. unlicensed facilities by definition and responded to questions.

Councilmember Gordo expressed concerns that the proposed amendments did not aggressively address residents' concerns related to the over concentration of unlicensed facilities (group homes) and that the 250 feet distance requirement was not sufficient. He suggested the distance requirement be

expanded to 500 feet between unlicensed facilities and between licensed and unlicensed facilities in RM-32 and RM-48 districts, recognizing that if someone wanted to be reasonably accommodated, the expanded distance could be relaxed for accommodation purposes.

Discussion followed on the adequacy of the 250 feet distance requirement, possible legal issues related to setting the allowable distance between unlicensed facilities, legal differences in regulating licensed vs. unlicensed facilities, impacts of the Americans with Disabilities Act (ADA) on the proposed amendments, and setting limitations on the number of occupants of boarding homes.

The following persons spoke in support of the proposed amendments to Title 17 and Title 8 and/or expressed concerns:

Mark Russakow, Pasadena resident, displayed a map of group home facilities.

Bruce Evans, North Arroyo Boulevard Coalition of Concerned Citizens member

Pilar Munoz, North Arroyo Boulevard Coalition of Concerned Citizens member

Clarinda Ganter, North Arroyo Boulevard Coalition of Concerned Citizens member

Barbara King, North Arroyo Boulevard Coalition of Concerned Citizens member

Ann Tait, Pasadena resident

Connie Richardson, Pasadena resident

Susan Goldman, Altadena resident

Arlene Anderson, Altadena resident

Fritz Puelicher, Pasadena resident

The following person spoke in opposition to the proposed amendments to Title 17 and Title 8:

Michelle White, Affordable Housing Services representative

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

Councilmember Haderlein expressed concerns regarding the need to establish a notification process to inform residents of applications being filed.

Discussion continued on an acceptable distance between a State-licensed facility and an unlicensed facility and the distance between unlicensed facilities, legal issues related to setting this distance vs. providing reasonable accommodation, treatment of existing group homes under the proposed

amendments, and the standard for determining a nuisance activity.

It was moved by Councilmember Gordo, seconded by Councilmember Little, to approve the City Manager's recommendation, as amended to increase the distance of boarding homes and licensed facilities from other boarding homes and licensed facilities to 500 feet in multi-family zoning districts RM-32 and RM-48, and to apply reasonable accommodation in RS, RM-12, and RM-16 zoning districts. (Motion unanimously carried) (Absent: Councilmembers Holden, Streator, Vice Mayor Madison)

RECESS/JOINT MEETING

On order of the Mayor, the regular meeting of the City Council recessed at 9:43 p.m. to a joint meeting with the Community Development Commission. (Absent: Councilmembers Holden, Streator, Vice Mayor Madison)

PUBLIC HEARING

JOINT PUBLIC **HEARING:** RECOMMENDATION REGARDING ORDINANCES TO EXTEND THE PLAN LIMITS OF THE DOWNTOWN, ORANGE GROVE, VILLA-PARKE, FAIR OAKS AVENUE, OLD PASADENA, LAKE/WASHINGTON. AND LINCOLN REDEVELOPMENT PLANS AS AUTHORIZED BY SENATE **BILL 1096**

Recommendation of City Manager/Chief Executive Officer: It is recommended that the City Council and Community Development Commission ("Commission") direct the City Attorney to prepare ordinances extending the Plan effectiveness dates and the debt repayment and receipt of tax increment dates by two years for the Downtown, Orange Grove, Villa-Parke, Fair Oaks Avenue, Old Pasadena, Lake/Washington, and Lincoln Avenue Redevelopment Plans and Project Areas as authorized by Senate Bill 1096 ("SB 1096") for reading on April 23, 2007.

The Mayor opened the public hearing.

The Senior Assistant City Clerk reported the notice of public hearing was published on March 5 and 9, 2007 in the Pasadena Star-News; and no correspondence was received.

Councilmember Gordo, Chair of the Economic Development and Technology Committee, summarized the agenda report.

The City Manager and Richard Bruckner, Director of Planning and Development Department, responded to questions regarding the financial implications of the extensions of the various Plans and Project Areas.

The following persons expressed concerns regarding allocation and use of the available funds:

Mary Dee Romney, Pasadena resident Michelle White, Affordable Housing Services representative

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

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

RECONVENED

On order of the Mayor, the joint meeting with the Community Development Commission adjourned at 9:53 p.m. and the regular meeting of the City Council reconvened at this time. (Absent: Councilmembers Holden, Streator, Vice Mayor Madison)

RECOMMENDATIONS FROM OFFICERS AND DEPARTMENTS

PASADENA POLICY ON CHILDREN, YOUTH AND FAMILIES – 2006 UPDATE

<u>Recommendation of City Manager</u>: Approve the Pasadena Policy on Children, Youth and Families - 2006 Update.

Recommendation of Human Services Commission: At their meeting on November 8, 2006, the Human Services Commission recommended that the City Council adopt the Pasadena Policy on Children, Youth, and Families - 2006 Update. The Commission further recommended to City Council that:

- (1) The Human Services Commission conduct biennial reviews of the Policy and when needed, recommend updates or changes to City Council for consideration; and
- (2) The City create a Children, Youth, and Family Coordinator staff position with the responsibility for ongoing implementation of the Policy.

The City Manager introduced the agenda item and responded to questions regarding the six Strategies for Action.

Patsy Lane, Director of Human Services and Recreation Department, reviewed the agenda report and responded to questions.

Gregory Harrison, Human Services Commission Chair, acknowledged all members of the Policy Review Task Force and Rosanna Esparza (Chair), and contributor Judith Wolfe (City Program Coordinator) for their work on the updated

Policy; and stressed the need to implement the Policy and consider the creation of a Children, Youth and Family Coordinator staff position to assist with implementation of the Policy.

Councilmember Little noted that the Pasadena Unified School District (PUSD) was in charge of the education system, not the City; expressed concerns regarding the proposed wording of the strategy on 5.0 Education section; and suggested that the updated wording in the Education section, 5.1 and 5.2 items be prefaced with wording that reflects a collaborative/cooperative relationship between the City and PUSD, other educational institutions at all levels, and faith-based institutions and that the wording in the strategy on Safety and Survival, 2.3 item specify that affordable housing should be provided to Pasadena families that need it. He also suggested the Policy be presented to the PUSD Board of Education and Superintendent for their comments and the creation of the staff position be discussed during the 2008 City budget process; and commented on the recruitment process for the position, if it is created.

The Mayor suggested that faith-based organizations be added to Page 1, the third paragraph in the introduction to the Policy.

Discussion followed on participation by youth in City governance (e.g., Youth Council) and financing of the Plan's implementation.

The following persons spoke in support of the Pasadena Policy on Children, Youth and Families Policy – 2006 Update and/or expressed concerns regarding implementation of the Policy:

Milena Albert, Pasadena resident

Jeanette Mann, Pasadena City College trustee speaking as an individual and on behalf of the Foster Care Project at All Saints Church

Dianne Segura, YWCA Pasadena-Foothill Valley Executive Director

Davilena Bailey O'Connor, YWCA Pasadena-Foothill Valley representative

Rosanna Esparza, Policy Review Task Force Chair

Councilmember Tyler suggested that the Education section, 5.3 item specify the revival of the Youth Council; and expressed support for a biennial review of the Policy based on defined benchmarks/targets/objectives that have been relayed to the Council.

Councilmember Gordo also expressed support for a separate document outlining the plans for implementation of the Policy to be presented to Council, and suggested the Policy be

approved in memory of Judith Wolfe, long-time City employee who had contributed to this and many other policies.

It was moved by Councilmember Little, seconded by Councilmember Gordo, to approve the City Manager's recommendation, incorporating the suggestions stated above by the Mayor and Councilmembers Little and Tyler, and with the understanding that the Human Resources Commission will perform a biennial review to be presented to Council as a separate document. (Motion unanimously carried) (Absent: Councilmembers Holden, Streator, Vice Mayor Madison) The motion was approved in the memory of Judith Wolfe.

The Mayor thanked those persons who were present for their extensive work on the updated Policy.

DIRECT THE CITY ATTORNEY TO PREPARE AN AMENDMENT TO CHAPTER 4.56 OF THE PASADENA MUNICIPAL CODE ("UTILITY USER TAX") TO CLARIFY ITS ORIGINAL INTENT AND TO REMOVE OBSOLETE REFERENCES IN THE TELEPHONE USERS TAX Recommendation of City Manager: Direct the City Attorney to

Recommendation of City Manager: Direct the City Attorney to prepare an amendment, and return within 60 days, to Chapter 4.56 of the Pasadena Municipal Code ("Utility User Tax") to clarify its original intent and to remove obsolete references in the telephone users tax.

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

PROCESS FOR CONSIDERATION OF GRANTING CONDITIONAL USE PERMITS (CUP) FOR MASSAGE PARLORS, A REQUIREMENT THAT **BACKGROUND** CHECKS BE CONDUCTED ON OPERATORS PRIOR TO HEARING A CUP APPLICATION. CONSIDERATION OF IMPOSING REQUIREMENTS THAT SUCH OPERATIONS BE 500 FEET FROM RESIDENTIAL AT LEAST NEIGHBORHOODS AND NOT LESS THAN 1/4 MILE FROM A SIMILAR OPERATION UNLESS IT IS IN THE CENTRAL BUSINESS DISTRICT, AND DISCUSSION REGARDING A POSSIBLE MORATORIUM ON SUCH USES UNTIL CITY **REGULATIONS ARE REVISED** (Councilmember Little)

Councilmember Little expressed concerns regarding various incidents and complaints involving local massage parlors, the lack of a background check prior to approval of a Conditional Use Permit (CUP), and the lack of distance restrictions between massage parlors and residential neighborhoods; and distributed a copy of a Los Angeles Times article titled "Six

Charged in Southland Prostitution Ring". He suggested consideration be given to a requirement that background checks be conducted prior to a CUP hearing, a distance of at least 500 feet between a massage parlor and a residential neighborhood and a distance of not less than 1/4 mile from a similar operation be required, except in the Central Business District; and a 45-day moratorium on such uses be imposed until the regulations are revised. He also suggested staff explore ways to revoke a CUP.

Police Chief Bernard Melekian responded to questions regarding local massage parlor operations, background checks on the operators/technicians, and problems with existing massage parlors; indicated that staff would provide information on investigations that have been conducted on massage parlors; and commented on the number of existing regulations that allow the police to deal with problems that arise with these businesses.

The City Manager discussed factors involved in conducting a background check and granting a CUP based on a land use process rather than an operations/permit process, and responded to questions.

The City Attorney discussed grounds for suspension or revocation of a CUP.

Councilmember Gordo suggested a broader approach be taken that would have staff also explore ways to change the permit process/regulations to more easily allow revocation of the license rather than going through a CUP process, with a Council committee to review the proposed recommendations.

Councilmember Haderlein suggested that staff explore ways to improve enforcement of existing ordinances in addressing any problems with massage parlors and possible limitations on the number of massage parlors that are licensed, and indicated the Public Safety Committee could review this matter.

Richard Bruckner, Director of Planning and Development Department, indicated staff will gather information on the trends in the number of massage parlors being permitted.

It was moved by Councilmember Gordo, seconded by Councilmember Tyler, to direct the City Attorney to prepare an ordinance to implement a 45-day moratorium on massage establishments; to direct staff to review the process for regulating the operation of massage parlor businesses (e.g. set backs, distance requirements for such establishments in proximity to similar businesses and to residential neighborhoods) in order to broaden the review beyond the conditional use process to determine the best way to handle

this matter, and to refer the matter to the Public Safety Committee for consideration of a proposed ordinance. (<u>Motion unanimously carried</u>) (Absent: Councilmembers Holden, Streator, Vice Mayor Madison)

<u>ADJOURNMENT</u>

On order of the Mayor, the regular meeting of the City Council adjourned at 10:59 p.m.

Bill Bogaard, Mayor City of Pasadena

ATTEST:

Council Minutes