CITY OF PASADENA City Council Minutes June 18, 2007 – 5:30 P.M. City Hall Council Chamber

Teleconference Location: Hotel Arts Barcelona, Room 210 Marina 19-21, Barcelona, Spain 8005

**REGULAR MEETING** 

**OPENING**:

Mayor Bogaard called the regular meeting to order at 6:05 p.m. (Absent: Councilmember Madison)

On order of the Mayor, the regular meeting recessed at 6:05 p.m., to discuss the following closed session:

CITY COUNCIL AND COMMUNITY DEVELOPMENT COMMISSION CONFERENCE WITH REAL PROPERTY NEGOTIATORS pursuant to Government Code Section 54956.8

Property Locations: 19-25 East Orange Grove Boulevard; 710-722 North Fair Oaks Avenue; 730 North Fair Oaks Avenue; 738 and 750 North Fair Oaks Avenue; 756 North Fair Oaks Avenue; 768 North Fair Oaks Avenue; 782 North Fair Oaks Avenue; 784 and 788 North Fair Oaks Avenue; 770 North Fair Oaks Avenue

Negotiating Parties: Cynthia J. Kurtz and Brian Williams; The Bakewell Company and Century Housing Corporation Under Negotiation: Price and terms

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

On order of the Mayor, the regular meeting reconvened at 6:34 p.m. The Pledge of Allegiance was led by Councilmember Robinson.

# ROLL CALL:

Councilmembers:

Mayor Bill Bogaard Vice Mayor Steve Haderlein Councilmember Victor Gordo Councilmember Chris Holden Councilmember Steve Madison (Participated via teleconference beginning at 6:34 p.m.) Councilmember Margaret McAustin Councilmember Jacque Robinson Councilmember Sidney F. Tyler Staff:

## PUBLIC COMMENT ON MATTERS NOT ON THE AGENDA

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

Roger Wolf, Open Space Now representative, spoke in support of the importance of funding the development of an Open Space Element.

Mary Lee Gorman, San Gabriel Progressives for Dennis Kucinich representative, spoke in support of the candidacy of Dennis Kucinich for U.S. President, invited Council and the community to a meeting with the candidate to be held on June 24, 2007, and submitted a flier about the meeting.

The following persons spoke in support of naming the fully accessible playground to be built near Kid's Space in Brookside Park "Reese's Retreat" in honor of Reese Sellers and the efforts of his mother (Marchelle Sellers) in advocating for accessible parks for disabled children:

- Terrie Allen, Accessibility and Disability Commission Chair, submitted materials to the City Manager formally requesting the naming of the playground area.
- Donna Pomerantz, Accessibility and Disability Commissioner Vice Chair

Larry Faulkner, Pasadena resident, expressed concerns regarding the accuracy of the workforce utilization reports kept by the Pasadena Humane Society.

Marcia Secord, Leadership Pasadena representative, announced that the organization is taking applications for the 2007/2008 Leadership Pasadena Class, and submitted a flier on the program and free information session to be held on June 21, 2007.

Paul Ramirez, Pasadena resident, expressed concerns regarding smoking in public places, and submitted a letter dated June 18, 2007 describing his proposal to adopt a citywide smoking ban for Council's consideration.

Vice Mayor Haderlein requested that staff provide information on the status of the City's ordinance on smoking as compared to more recently-adopted ordinances from other cities and the proposal outlined in Mr. Ramirez's letter.

Councilmember Gordo suggested this information be reviewed by the Public Safety Committee.

The City Manager indicated a report would be presented to the Public Safety Committee for its next meeting.

Nadine Pensis, Pasadena resident, asked for assistance in a dispute with the City regarding the disconnection of her utilities and related penalty charges.

Councilmember Gordo suggested staff confer with his field representative regarding historical information about the situation involving Ms. Pensis.

The Mayor indicated staff would contact Ms. Pensis regarding this matter.

#### INFORMATION ITEM PRELIMINARY PLAN REVIEW FOR THE NEW CONSTRUCTION OF A 641,601 SQUARE FOOT CORPORATE OFFICE CAMPUS DEVELOPMENT

Vice Mayor Haderlein noted the applicant had requested this matter be held.

On order of the Mayor, the above item was held for a future meeting.

#### **CONSENT CALENDAR AUTHORIZATION TO PURCHASE THE LITERATURE RESOURCE CENTER DIGITAL ARCHIVE Recommendation of City Manager**: Authorize the City Manager to enter into a purchase order with The Gale Group, Inc., for the Information Services Department to purchase the Literature Resource Center Digital Archive in the amount of \$113,204 in FY 2007.

April 9, 2007 (Special Joint Meeting) April 9, 2007 April 16, 2007 (Special Joint Meeting) April 16, 2007

CLAIMS RECEIVED AND	Claim No. 10,384	Mitch Mircea Voda	\$	500.00
FILED	Claim No. 10,385	Danielle R. Taylor		10.00
	Claim No. 10,386	Virginia N. Petty		560.00
	Claim No. 10,387	Pamela T. Wright		2,297.00
	Claim No. 10,388	Norman & Carol Schmidt	N	lot Stated

It was moved by Councilmember Tyler, seconded by Councilmember McAustin, to approve all items on the Consent Calendar:

- AYES: Councilmembers Gordo, Holden, Madison, McAustin, Robinson, Tyler, Vice Mayor Haderlein, Mayor Bogaard
- NOES: None
- ABSENT: None

**RECESS/JOINT MEETING** 

MINUTES APPROVED

On order of the Mayor, the regular meeting of the City Council recessed at 7:04 p.m. to a joint meeting with the Community Development Commission. (Absent: None)

## REPORTS AND COMMENTS FROM COUNCIL COMMITTEES

FINANCE COMMITTEE

#### JOINT ACTION: RECOMMENDATION REGARDING CONVEYANCE AGREEMENT BY AND BETWEEN THE CITY OF PASADENA AND THE MULTI MODAL OPERATION AND DEVELOPMENT ENTITY FOR THE PURCHASE OF DEL MAR GOLD LINE STATION PARKING

**Recommendation of City Manager/Chief Executive Officer**: It is recommended that City Council/Community Development Commission:

(1) Authorize the City Manager/Chief Executive Officer to enter into a Conveyance Agreement ("Agreement") by and between the City of Pasadena ("City") and the Multi-Modal Operation and Development Entity ("MODE") for the purchase of 600 parking spaces located in the existing parking structure at the Del Mar Gold Line Station for a purchase price not to exceed \$2,450,000, including the terms and conditions as identified in the agenda report;

(2) Authorize the City Manager/Chief Executive Officer to amend the existing Contract No. 18,934 for parking operations with Modern Parking Incorporated to provide parking operations in the facility and increase the total not to exceed amount of the contract to \$5,007,933;

(3) Approve a journal voucher appropriating \$2,626,000 for: A) the purchase of the 600 parking spaces located in the Del Mar Gold Line Station parking facility for a total amount of \$2,450,000; and B) an appropriation for the one-time \$176,000 capital expenditure upgrade for the garage from the Old Pasadena (\$1,313,000) and Downtown (\$1,313,000) Redevelopment Project Area fund balances. This is a loan from Commission funds which is to be repaid in the future from the net receipts when they become available;

(4) Forgive the \$50,000 no interest loan provided to the MODE per City Council action of March 1, 2004;

(5) Direct the Finance Department to establish a separate Parking Garage Fund to account for revenues and expenses derived from garage operations. As part of the adoption of the FY 2008 operating budget, staff will bring forward recommended appropriations for the operation of the garage; and

(6) Establish the hourly transient rates as follows: first 90 minutes free, thereafter \$2 an hour or portion thereof, with a maximum charge of \$6 per day. A \$5 flat rate shall be charged for those vehicles entering the garage after 10:00 p.m. and before 5:00 a.m. Monthly unreserved parking shall be \$50 per month on a first-come, first-served month-to-month basis. (Agreement No. 19,376; Contract Amendment No. 18,934-3; Journal Voucher No. 2007-36)

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

Councilmember Madison, City representative on the governing board for the Multi-Modal Operation and Development Entity

(MODE), reported that the MODE will be dissolving once this sale closes; and requested that, as part of the record, Council give him the authority to consent to the dissolution of the MODE Authority as the City's representative.

Vice Mayor Haderlein noted that the Finance Committee had asked for an annual review of the usage of the 600 transit spaces that the City is acquiring to ensure that there is always capacity for Gold Line riders, and affirmed an understanding that Gold Line riders are the primary users of the facility and parking will always be made available to them.

The City Manager reported the following findings are part of the record:

- The Del Mar Gold Line Station Parking spaces that are being purchased by the Commission are of benefit to the Old Pasadena and Downtown Redevelopment Project Areas; and
- 2. There are no other reasonable means of financing the purchase of these parking spaces available to the City; and
- 3. The use of the Commission funds to purchase these parking spaces will assist in the elimination of one or more blighting conditions within the Old Pasadena and Downtown Redevelopment Project Areas.

It was moved by Councilmember Madison, seconded by Vice Mayor Haderlein, to approve the City Manager's/Chief Executive Officer's recommendations, as amended to include: adoption of the findings cited above, the condition that Councilmember Madison is authorized to consent to the dissolution of the MODE Authority, an annual review of the usage of the 600 transit spaces will be conducted to ensure Gold for there is always capacity Line riders. and the understanding that Gold Line riders are the primary users of the facility and parking will be made available to them. AYES: Councilmembers Gordo, Holden, Madison.

McAustin, Robinson, Tyler, Vice Mayor Haderlein, Mayor Bogaard

NOES: None

ABSENT: None

On order of the Mayor, the joint meeting with the Community Development Commission recessed at 7:10 p.m. to the regular meeting of the City Council. (Absent: None)

Conduct first reading of "AN ORDINANCE OF THE CITY OF PASADENA AMENDING THE OFFICIAL MAP OF THE CITY OF PASADENA ESTABLISHED BY SECTION 17.20.020 OF THE PASADENA MUNICIPAL CODE TO CHANGE THE ZONING DESIGNATION FOR 112 AND 130 SOUTH HOLLISTON AVENUE"

RECONVENE

ORDINANCE – FIRST READING

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

- AYES: Councilmembers Gordo, Holden, Madison, McAustin, Robinson, Tyler, Vice Mayor Haderlein, Mayor Bogaard
- NOES: None

ABSENT: None

#### **ORDINANCES – ADOPTED**

Adopt "AN ORDINANCE OF THE CITY OF PASADENA AMENDING CHAPTER 4.17 OF THE PASADENA MUNICIPAL CODE RELATING TO DEFINITIONS APPLICABLE TO RESIDENTIAL IMPACT FEES" (Introduced by Councilmember Madison) (Ordinance No. 7101)

Councilmember Tyler expressed concerns regarding the clarity of the definition of skilled nursing care units in the ordinance.

The City Attorney and Martin Pastucha, Director of Public Works Department, clarified the definition as provided in Section 4.17.030 of the ordinance.

The above ordinance was adopted by the following vote:

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

NOES: None

ABSENT: None

Adopt "AN EXTENSION OF THE INTERIM URGENCY ORDINANCE OF THE CITY OF PASADENA TEMPORARILY PROHIBITING THE ISSUANCE OF MASSAGE PERMITS PURSUANT TO TITLE 17 OF THE PASADENA MUNICIPAL CODE" (Introduced by Vice Mayor Haderlein) (Ordinance No. 7102)

The above ordinance was adopted by the following vote:

AYES: Councilmembers Gordo, Holden, McAustin, Robinson, Tyler, Vice Mayor Haderlein, Mayor Bogaard

NOES: None

ABSENT: Councilmember Madison

Mayor Bogaard recused himself at 7:17 p.m., due to a conflict of interest. Vice Mayor Haderlein assumed the Chair.

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Councilmember Madison was

excused at 7:16 p.m.

Councilmember Madison returned at 7:17 p.m.

Adopt "AN ORDINANCE OF THE CITY OF PASADENA SUSPENDING SECTIONS 9.36.220 AND 9.36.230 OF THE PASADENA MUNICIPAL CODE RELATING то LIMITATIONS ON HOURS OF OPERATION OF AMPLIFIED SOUND ON A SATURDAY FROM 10:00 P.M. - 10:30 P.M. AND NOISE SOURCES FOR A PERMITTED EVENT TO BE HELD IN DEFENDER'S PARK AND THE COLORADO STREET BRIDGE ON SATURDAY, JULY 14, 2007 (THE BRIDGE)" CELEBRATION ON THE (Introduced bv Councilmember Gordo) (Ordinance No. 7103)

In response to Councilmember Holden's questions, the City Manager noted that the Colorado Bridge could be closed for public parties/functions only and discussed factors involving the attendance at such a party/function.

The above ordinance was adopted by the following vote:

AYES: Councilmembers Gordo, Holden, Madison, McAustin, Robinson, Tyler, Vice Mayor Haderlein NOES: None

ABSENT: Mayor Bogaard

Mayor Bogaard returned at 7:18 p.m.

Adopt "AN INTERIM URGENCY ORDINANCE OF THE CITY OF PASADENA TEMPORARILY PROHIBITING THE ISSUANCE OF PERMITS FOR THE PLACEMENT, CONSTRUCTION. OF GROUND-AND MODIFICATION MOUNTED COMMERCIAL WIRELESS FACILITIES IN RESIDENTIAL ZONING DISTRICTS" (Introduced by Councilmember Tyler) (Ordinance No. 7104)

The following persons expressed support for the ordinance and/or expressed concerns regarding wireless facilities:

Nadine Rondinella, Pasadena resident

Miriam Nakamura-Quan, Pasadena resident

Joan Dooley, Save the Hill Neighborhood Alliance member Tomoko Copon, Save the Hill Neighborhood Alliance

member

Freddie Hannan, Save the Hill Neighborhood Alliance member

Raymond Quan, MD, Pasadena resident

Julia Posey, Save the Hill Neighborhood Alliance member

The City Attorney clarified that the proposed wireless facility application for the Avenue 64 site would not fall under the moratorium since it would not be located in a residential zone, discussed the process followed during the moratorium, and noted that suggestions and concerns from the public are being included in the ordinance drafting process.

The City Manager described the process for developing the ordinance to regulate wireless facilities using staff from various City departments (City Attorney, Planning and Development, Public Works, and Finance-IT section), with review of the proposed ordinance by the Planning Commission and perhaps other advisory bodies. She noted the lead for the work being done on the ordinance is the Planning Division, since this is being treated as a land use issue, and that input received from the community would be included in the ordinance, when possible.

Councilmember Madison was excused at 7:30 p.m.

Councilmember Holden suggested that interested members of the community submit their input in writing to the Mayor, City Council, City Manager, or City Attorney.

Vice Mayor Haderlein suggested inclusion of a distance requirement between homes and a wireless facility that would prevent these facilities from impacting residential homes that abut commercially-zoned areas.

The above ordinance was adopted by the following vote:

Gordo, AYES: Councilmembers Holden, McAustin. Robinson, Tyler, Vice Mayor Haderlein, Mayor Bogaard

NOES: None

ABSENT: Councilmember Madison

APPOINTMENT OF DON BREMNER TO THE RECREATION **RECOMMENDATIONS FROM OFFICERS AND** AND PARKS COMMISSION EFFECTIVE JULY 1 19, 2007 DEPARTMENTS (Mayor Nomination)

> APPOINTMENT OF LINDA STOWITTS TO THE LIBRARY **COMMISSION** (District 7 Nomination)

#### **RESIGNATION OF AARON PROCTOR FROM THE HUMAN RELATIONS COMMISSION** (Mayor Nomination)

The Mayor noted that the appointment of Don Bremner to the Recreation and Parks Commission would be effective July 19, 2007 to allow the current Mayoral appointee to attend an additional Commission meeting during which the Parks Master Plan will be brought to a conclusion.

It was moved by Councilmember Gordo, seconded by Councilmember Robinson, to accept the resignation with regrets and approve the above appointments, with the appointment of Don Bremner to the Recreation and Parks Commission to be revised to an effective date of July 19, 2007. (Motion unanimously carried) (Absent: Councilmember Madison)

On order of the Mayor, the regular meeting of the City Council recessed at 7:54 p.m. to the regular meeting of the Community **Development Commission.** 

On order of the Mayor, the regular meeting of the City Council reconvened at 7:55 p.m. (Absent: Councilmember Madison)

#### CITY HALL SEISMIC RETROFIT PROJECT - APPROVAL **REPORTS AND COMMENTS FROM COUNCIL** OF CONTINGENCY ADJUSTMENTS AND CHANGE ORDER COMMITTEES **NO. 12 TO THE GENERAL CONTRACTOR** Recommendation of City Manager: FINANCE COMMITTEE

(1) Approve the allocation of \$1,268,820 from Project

RECESS

RECONVENED

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Contingency for unforeseen conditions and project activities, as identified in Attachment No. 1 of the agenda report, discovered during the retrofit of City Hall, thereby reducing the amount of Project Contingency from \$4,160,311 to \$2,891,491; and

(2) Authorize the City Manager to execute Change Order No. 12 to Contract No. 18,768-1 with Clark Construction Group-California, LP (Clark Construction) for increases in scope of work due to unforeseen conditions and project activities discovered during the retrofit of City Hall, as identified in Attachment No. 1 of the agenda report, thereby increasing the contract amount by \$1,268,820 from \$83,216,859 to \$84,485.679.

**Recommendation of City Hall Restoration Oversight** <u>Committee</u>: On June 13, 2007, the City Hall Restoration Oversight Committee reviewed the topics of contingency adjustments contained in General Contract Change Order No. 12. The Committee concurred that the recommendations under Changer Order No. 12 are reasonable and consistent with ongoing construction activities of similar projects. Thus, it was recommended that the City Council authorize the allocation of \$1,268,820 form Project Contingency which includes an increase to Contract No. 18,768-1 with Clark Construction by \$1,268,820.

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

It was moved by Councilmember Tyler, seconded by Councilmember Holden, to approve the City Manager's recommendation. (<u>Motion unanimously carried</u>) (Absent: Councilmember Madison)

 

 PUBLIC HEARINGS
 CONTINUED PUBLIC HEARING: CALL FOR REVIEW TO THE CITY COUNCIL OF CONDITIONAL USE PERMIT NO. 4657 FOR 940 AVENUE 64 (INSTALLATION, OPERATION, AND MAINTENANCE OF UNMANNED TELECOMMUNICATIONS EQUIPMENT FOR CINGULAR WIRELESS)

 Recommendation of City Manager: It is recommended that

the City Council continue the public hearing to October 22, 2007, at 7:30 p.m.

It was moved by Vice Mayor Haderlein, seconded by Councilmember Holden, to continue the public hearing to October 22, 2007 at 7:30 p.m. (<u>Motion unanimously carried</u>) (Absent: Councilmember Madison)

#### <u>CONTINUED PUBLIC HEARING</u>: CITY MANAGER'S RECOMMENDED FISCAL YEAR 2008 OPERATING BUDGET

**Recommendation of City Manager**: Receive public comment and continue the public hearing to June 25, 2007 at 7:30 p.m.

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or such other later date as the City Council may determine, and at which time the City Council will be asked to close the public hearing and formally adopt the Operating Budget.

The Mayor announced now was the time for the continued public hearing.

Councilmember Tyler, Chair of the Finance Committee, reported on the discussion of various department and operating company budgets (Public Health, Transportation, Water and Power, Public Works, Rose Bowl Operating Company, and Pasadena Center Operating Company) at the special joint meeting of the City Council and Finance Committee held on June 18, 2007; and announced the next special joint meeting was scheduled for June 20, 2007 at 4:45 p.m. He noted that Councilmember Gordo had asked staff to explore a way in which additional manpower and resources could be put into looking for and picking up large abandoned items.

Councilmember Gordo noted that staff would be looking citywide at the abandoned bulky items issue to see where the complaint calls are coming from in order to assess where the need is for this service, particularly in the Northwest, as Community Development Block Grant (CDBG) funds may be used to augment the costs of the service in the Northwest. He also noted that the City needs to be more aggressive about tracking and fining the property owners who are responsible for the abandoned bulky items or allow this to happen.

Brief discussion followed on possible use of a dedicated crew to pick up abandoned bulky items and documentation regarding these items to assist in determining the parties responsible for this occurrence.

The City Manager commented on the funding plan that would be developed using General Fund and CDBG funds for the increase in the pick up services.

The following person spoke in support of funding an Open Space Element in the Operating Budget:

Edwina Travis-Chin, Open Space Now member, submitted a letter dated June 18, 2007, in support of the Open Space Element.

The Mayor noted that Vice Mayor Haderlein had requested staff to develop a specific proposal for a \$250,000 allocation for funding of the development of an Open Space Element in the 2008 fiscal year.

On order of the Mayor, the public hearing was continued to June 25, 2007 at 7:30 p.m.

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RECESS On order of the Mayor, the regular meeting of the City Council recessed at 8:15 p.m. to the regular meeting of the Community Development Commission.

RECESSED/JOINT MEETING On order of the Mayor, the regular meeting of the City Council reconvened at 8:20 p.m. and recessed to a joint meeting with the Community Development Commission at this time. (Absent: Councilmember Madison)

JOINT PUBLIC HEARING: DISPOSITION OF CITY-OWNED LAND AND PURCHASE OF PARKING EASEMENT IN THE MADISON COMPANY DEVELOPMENT PROJECT Recommendation of City Manager/Chief Executive Officer:

It is recommended that the City Council and Community Development Commission cancel the public hearing.

On order of the Mayor, the above public hearing was cancelled.

RECONVENED On order of the Mayor, the regular meeting of the City Council reconvened at 8:21 p.m. (Absent: Councilmember Madison)

### PUBLIC HEARING: LEVY OF ASSESSMENT AGAINST HOTEL AND MOTEL BUSINESSES FOR FISCAL YEAR 2007-08 IN CONNECTION WITH THE PASADENA TOURISM BUSINESS IMPROVEMENT DISTRICT

**Recommendation of Pasadena Center Operating Company**: It is recommended that the City Council (1) conduct a public hearing on the levy of an assessment against Hotel and Motel Businesses for Fiscal Year 2007-2008 in connection with the Pasadena Tourism Business Improvement District (the "District") and (2) at the conclusion of the public hearing, in the absence of a majority protest, adopt a resolution confirming the Annual Report of the Advisory Board as originally filed and levying the assessment for Fiscal Year 2007-08 in connection with the District. (Resolution No. 8751)

The Mayor opened the public hearing.

The City Clerk reported the notice of public hearing was published on June 8, 2007 in the <u>Pasadena Star-News</u>; and no correspondence was received.

Michael Ross, Pasadena Center Operating Company (PCOC) Chief Executive Officer, summarized the agenda report and responded to questions.

No one appeared for public comment.

It was moved by Councilmember Holden, seconded by Councilmember Gordo, to close the public hearing. (<u>Motion</u> <u>unanimously carried</u>) (Absent: Councilmember Madison) It was moved by Councilmember Gordo, seconded by Councilmember Holden, to approve the Pasadena Center Operating Company's recommendation. (Motion unanimously carried) (Absent: Councilmember Madison)

ADOPTION OF A RESOLUTION AMENDING THE SALARY RESOLUTION TO ESTABLISH CONTROL RATES FOR THE CLASSIFICATION OF DIRECTOR OF PUBLIC HEALTH/HEALTH OFFICER AND THE NEW CLASSIFICATION OF DEPUTY DIRECTOR OF PUBLIC HEALTH

**Recommendation of City Manager**: It is recommended that the City Council adopt a resolution amending the Salary Resolution to establish control rates for the classification of Director of Public Health/Health Officer and the new classification of Deputy Director of Public Health effective June 18, 2007. (Resolution No. 8752)

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

On order of the Mayor, the regular meeting of the City Council adjourned at 8:25 p.m., in memory of noted architect and former Mayor Mortimer J. Matthews.

Bill Bogaard, Mayor City of Pasadena

ATTEST:

ADJOURNMENT

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