

CITY OF PASADENA  
City Council Minutes  
June 8, 2009 – 5:30 P.M.  
City Hall Council Chamber

REGULAR MEETING

**OPENING:**

Mayor Bogaard called the regular meeting to order at 5:38 p.m.  
(Absent: Councilmember Madison)

On order of the Mayor, the regular meeting recessed at 5:38 p.m., to discuss the following closed sessions:

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

Property Location: Assessor's Parcel Nos. 5730-028-058, 059, 060, and 061 (North Lake Square Retail Center – 1241 through 1337 North Lake Avenue)

Agency Negotiators: Michael J. Beck and Richard Bruckner

Negotiating Party: Yury Orlov

Under Negotiation: Price and terms of payment

Councilmember Madison arrived at 6:10 p.m.

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

Case Name: South Allen Neighborhood Association v. City of San Marino; Real Parties in Interest the Huntington and City of Pasadena

Case No.: Los Angeles Superior Court Case No. BS120281

Councilmember Madison was excused at 6:30 p.m.

The above two closed session items were 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 Tornek.

**ROLL CALL:**

Councilmembers:

Mayor Bill Bogaard  
Vice Mayor Victor Gordo  
Councilmember Steve Haderlein  
Councilmember Chris Holden  
Councilmember Steve Madison (Returned at 6:43 p.m.)  
Councilmember Margaret McAustin  
Councilmember Jacque Robinson  
Councilmember Terry Tornek

Staff:

City Manager Michael J. Beck  
City Attorney Michele Beal Bagneris  
City Clerk Mark Jomsky

**CEREMONIAL MATTERS**

**THE COUNTY OF LOS ANGELES GREEN LEADERSHIP  
AWARD FOR INNOVATIVE INITIATIVES THAT  
ENCOURAGE SUSTAINABILITY PRESENTED TO THE CITY  
OF PASADENA'S GREEN TRAINING PROGRAM**

Los Angeles County Supervisor Michael D. Antonovich presented a proclamation to the City as a recipient of the County of Los Angeles Green Leadership Award, for innovative initiatives that encourage sustainability, as exhibited by the City's Green Training Program. The Mayor received the proclamation on behalf of the City and the Planning and Development Department.

Councilmember Madison  
returned at 6:43 p.m.

Vice Mayor Gordo thanked Supervisor Antonovich for his efforts associated with the Gold Line extension, on behalf of the City.

The City Clerk administered the oaths of office to Sandra Clark Davis as Historic Preservation Commissioner; Nat Nehdar as Human Relations Commissioner; and Yuny Parada and Theresa Doran as Human Services Commissioners.

The Mayor announced that middle school students enrolled in the Ragan Art Academy at the Armory Center for the Arts had created sculptures depicting the theme of "Envisioning the Future of Pasadena", in anticipation of the General Plan update process; and that the three-dimensional artworks, along with a documentary video depicting the art project process, were now on display at the Hale Building. Staff provided a PowerPoint presentation on the artworks project; the Mayor acknowledged those art students who were in attendance; and Lena Kennedy, representing State Senator Carol Liu's office, presented certificates of recognition to the students.

Councilmember Madison acknowledged Nicky Trujillo and Leo Galvin, members of Boy Scout Troop 5 from the Polytechnic School, who were attending the Council meeting in conjunction with earning their Citizenship badges.

Councilmember Robinson expressed her condolences to the family of Eugene "Booney" Taylor; and introduced Kathy Woods, Parks and Natural Resources Administrator, who delivered a brief biographical sketch of Mr. Taylor, a Public Works employee who worked for the City for over 50 years.

## **INFORMATION ITEM**

### **GENERAL PLAN UPDATE COMMUNITY ENGAGEMENT PROGRAMS FOR SUMMER AND FALL**

Stephanie DeWolfe, Deputy Director of Planning and Development, provided an overview of the upcoming community outreach programs to be conducted during the General Plan Update Phase I process as part of a PowerPoint presentation, and responded to questions.

Carolyn Naber and Dante Hall, General Plan Update Advisory Committee (GPUAC) members, provided details on the public outreach component, upcoming activities, and issues to be discussed as part of the General Plan Update Phase I.

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

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

David Powell, Pasadena resident, commented on the recharge of the Raymond Basin groundwater by runoff water from sprinkling/irrigation activities, and expressed concerns regarding the level of expertise of persons contributing to the City's water conservation plan.

Nancy Nelson, Pasadena resident, invited the Council and community to the Community Dialogues (a series of topic discussions), which will begin on June 27, 2009, at the Central Library Auditorium; and expressed concerns regarding traffic issues involving buses running red lights in the Paseo Colorado area.

The following persons spoke regarding a health care clinic satellite being opened on July 1, 2009, at 2750 East Washington Boulevard, by the Community Health Alliance of Pasadena (CHAP):

Sid Tyler, CHAP Board Treasurer  
Margie Martinez, CHAP Chief Executive Officer

## **RECOMMENDATIONS FROM OFFICERS AND DEPARTMENTS**

### **CONSIDERATION OF CALL FOR REVIEW OF A HEARING OFFICER DECISION TO THE BOARD OF ZONING APPEALS REGARDING CONDITIONAL USE PERMIT NO. 5257, FOR 877 NORTH ORANGE GROVE BOULEVARD (Councilmember Holden)**

Councilmember Holden stated that he was withdrawing his request for consideration of a call for review, since the developer had addressed his concerns regarding parking issues related to the site/project.

By consensus and on order of the Mayor, the request for consideration of a call for review was withdrawn. The decision of the hearing officer stands.

**CONSIDERATION OF CALL FOR REVIEW TO THE CITY COUNCIL OF BOARD OF ZONING APPEALS DECISION, REGARDING ZONING ADMINISTRATOR INTERPRETATION NO. 32, FOR 217 SOUTH MICHIGAN AVENUE, EDDIE'S MARKET (Vice Mayor Gordo)**

Vice Mayor Gordo summarized his reasoning for calling the matter for review. He expressed his concerns regarding the question of when the one-year period commences and lapses for a legal nonconforming use that has ceased to operate; and whether such a decision might set precedence for future situations involving legal nonconforming uses. He asked staff and the City Attorney to examine this matter for consistency with prior instances/decisions involving legal nonconforming uses, and to assess whether the ordinance language covering this type of occurrence needs clarification so that the language more clearly meets the intent of a 12-month period of time.

Richard Bruckner, Director of Planning and Development Department, discussed the possible ambiguity of the ordinance language on legal nonconforming uses, and the need to clarify the ordinance language for future matters to ensure that consistent interpretation of the ordinance occurs.

The City Attorney commented on the timeframe for drafting an amendment to the ordinance that would clarify the language regarding the one-year timeline and would then apply to future occurrences of this type.

Scott Carlson, appellant's representative, spoke in opposition to the call for review.

Nancy Nelson, Pasadena resident, spoke in support of the call for review.

Councilmember Madison expressed concerns regarding possible delay of the applicant's project that would be contingent on the review process.

It was moved by Vice Mayor Gordo, seconded by Councilmember McAustin, to call this matter for review to the City Council; and to direct staff to prepare an ordinance that would clarify the Pasadena Municipal Code provisions regarding the 12-month timeline for legal nonconforming uses to be applied to all future cases. (Motion carried, with Councilmembers Madison, Tornek objecting) (Absent: None)

**CONSENT CALENDAR**

**CLAIMS RECEIVED AND  
FILED**

Claim No. 10,881	Abel Ortiz, Attorney for Pasadena Towers, LLC.	\$10,000.00+
Claim No. 10,882	Steven A. Friedman, Esq., for Roxanne Renee Pacheco	25,000.00+
Claim No. 10,883	Jocelyn Manilay	10,000.00+

Claim No. 10,884	Jennifer B. Smith, Attorney for	25,000.00+
	Jason O'Keefe	
Claim No. 10,885	Kevin Hall	25,000.00+
Claim No. 10,886	Annie Lorraine Lau	60.00

**PUBLIC HEARING SET**

July 13, 2009, 7:30 p.m. - Determination of the Existence of a Level 1 Water Supply Shortage and the Need for a 10% Water Conservation Target to Address the Water Shortage Pursuant to Section 7 of Ordinance No. 7165; and Consideration of Additional Water Conservation Measures Provided in Section 8 of Ordinance No. 7165

It was moved by Councilmember McAustin, seconded by Councilmember Robinson, to approve all items on the Consent Calendar. (Motion unanimously carried) (Absent: None)

**RECOMMENDATIONS FROM OFFICERS AND DEPARTMENTS**

**APPOINTMENT OF ARMAND MONTIEL TO THE HUMAN SERVICES COMMISSION** (District 2 Nomination)

**RESIGNATION OF FELICIA WILLIAMS FROM THE TRANSPORTATION ADVISORY COMMISSION** (Mayor Nomination)

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

**RESIGNATION OF ANDREW WILSON FROM THE DESIGN COMMISSION** (At Large/District 7 Nomination)

**APPOINTMENT OF ANDREW WILSON TO THE PLANNING COMMISSION** (District 7 Nomination)

It was moved by Councilmember Haderlein, seconded by Councilmember Robinson, to approve the above appointments and reappointment, and accept the above resignations with regrets. (Motion unanimously carried) (Absent: None)

**REPORTS AND COMMENTS FROM COUNCIL COMMITTEES**

ECONOMIC DEVELOPMENT AND TECHNOLOGY COMMITTEE

**JOINT ACTION: REFINANCING OF LAKE/WASHINGTON RETAIL CENTER UNDER DISPOSITION AND DEVELOPMENT AGREEMENT (DDA) BETWEEN COMMUNITY DEVELOPMENT COMMISSION AND WATT/JOHNSON COMMERCIAL VENTURE (DEVELOPER)**  
**Recommendation of City Manager/Chief Executive Officer:**

It is recommended that the City Council and Community Development Commission (Commission) adopt a resolution approving Watt/Johnson's request to redeem and retire all of the outstanding 1984 demand certificates of participation, which were used to initially finance the development of the property, and replace them with a conventional mortgage loan.

**Recommendation of Community Development Committee:**  
 On April 23, 2009, the Community Development Committee recommended that the Community Development Commission

approve Watt/Johnson's request to redeem and retire all outstanding 1984 demand certificates of participation (COP), which were used to initially finance the development of the property, and replace them with a conventional mortgage loan.

The Mayor indicated that various Councilmembers had requested staff to provide additional information on this matter.

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

## **PUBLIC HEARINGS**

### **CONTINUED PUBLIC HEARING: CITY MANAGER'S RECOMMENDED FISCAL YEAR 2010 OPERATING BUDGET AND FISCAL YEAR 2010-2014 CAPITAL IMPROVEMENT PROGRAM**

**Recommendation of City Manager:** Receive public comment and continue the public hearing to each subsequent regular meeting of the City Council at 7:30 p.m. until June 15, 2009, 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 Fiscal Year 2010 Operating Budget and the Fiscal Year 2010-2014 Capital Improvement Program Budget.

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

Councilmember Holden, Chair of the Finance Department, reported that staff had presented additional information on various budget issues that had been requested in prior meetings as part of a wrap up discussion at the budget workshop/special joint meeting of the City Council and Finance Committee held on June 8, 2008. He also reported on a priority list of "add back" items/projects that will be considered by Council in September 2009, when an update on the 2010 operating budget is presented by staff; and an informational report on the residential impact fee that will be presented to Council as part of a future policy discussion.

Andy Green, Director of Finance Department, provided an overview of the proposed 2010 budgets and managed savings as part of a PowerPoint presentation.

LaRonda Hartfield, Pasadena resident, commented on and submitted a handout titled, "The Crown", a proposal for an emergency shelter for the homeless and a youth center for junior and senior high school students.

It was moved by Councilmember McAustin, seconded by Councilmember Holden, to continue the public hearing to June 15, 2009 at 7:30 p.m. (Motion unanimously carried) (Absent: None)

Councilmember Haderlein was excused at 10:01 p.m.

**PUBLIC HEARING: PROPOSED WATER RATE INCREASES AND IMPLEMENTATION OF WATER RATE PROPOSAL**

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

- (1) Open a Public Hearing to Receive Public Comment on the Proposed Water Rate Increases in accordance with the requirements of Proposition 218;
- (2) Have City Clerk or department representative report on timely written protests received; and
- (3) Continue the Public Hearing to June 22, 2009.

The Mayor opened the public hearing.

The City Clerk reported 38,165 copies of the notice of public hearing were mailed on April, 24, 2009, with an amended notice mailed on May 5, 2009; and 32 letters of protest and 1 letter in support were received. No majority protest exists.

Councilmember McAustin, Chair of the Municipal Services Committee, introduced the agenda item, and noted that the Committee would again be discussing this matter at a special Municipal Services Committee meeting to be held on June 17, 2009, after having the benefit of the public comment during this public hearing.

Phyllis Currie, General Manager of Water and Power Department, reviewed the Department's budget as part of a PowerPoint presentation, and responded to questions regarding the proposed rate increases.

Shari Thomas, Assistant General Manager/Finance, reviewed the agenda report as part of a PowerPoint presentation, and responded to questions.

The City Manager discussed the City's plan to move to a budget-based water rate system.

Councilmember Madison urged staff to move to a budget-based water rate system as quickly as possible.

The following persons spoke in opposition to and/or expressed various concerns regarding the proposed water rate increases:

Paul Little, Chamber of Commerce President and Chief Executive Officer  
David Powell, Pasadena resident  
Carl E. Lewis, Pasadena resident  
Tina Murphy, Arroyo Grande HOA representative  
Kimberly Gyle, 625 Management dba Pasadena Highlands representative  
Toni Beach, Pasadena resident

Ariyan A. Johnson, Pasadena resident  
Yvonne Savio, Pasadena resident  
William F. Renter, Pasadena resident  
Allen Clason, Pasadena resident  
Brian Bonham, Pasadena resident  
Monica Berbée, Pasadena resident  
Adrienne Thomas, Pasadena resident  
Mary Dee Romney, Pasadena resident  
Donna Diener, Pasadena resident  
Greg Haines, Altadena resident  
John Cressey, Altadena resident  
Helen Gatterdam, Altadena resident  
Kenneth Hill, Altadena resident  
Alan Bair, Pasadena resident  
Nancy Nelson, Pasadena resident  
Darryl Dunn, Rose Bowl Operating Company (RBOC)  
General Manager  
Scott Mathers, Los Angeles resident

Vice Mayor Gordo asked staff to explore the use of recycled/reclaimed water with the Los Angeles County Sanitation District.

Discussion followed on the increased water rates, cost issues included in the water rates, recycled/reclaimed water issues, use of a budget-based rate system, and impacts of new development on water usage.

Councilmember McAustin asked staff to provide additional information on the following issues at the continued public hearing on this matter: a no net new water connections policy, determining water use generated by new developments and cost impacts on existing residents, providing timely water usage information to customers and comparisons of customer usage, and the use of gray water.

Councilmember Tornek asked staff to provide additional information on the variety of connection sizes (residential vs. commercial), and impacts of customers' efforts to conserve water; and to better analyze the impacts of new developments on the environmental and cost impacts of water usage.

Councilmember Holden asked staff to provide additional information on the capital improvement projects that will move forward under the next budget, proposed phasing of the rate increases, an outline of the appeals process, and possible additional reductions in the Water and Power Department's budget.

Councilmember Madison asked staff to provide information on costs associated with the use of internal vs. external personnel for testing water, and water-related requirements imposed on



the Sares-Regis project; and to explore imposing on developers the full costs of supplying water for a project.

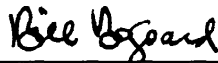
The Mayor asked staff to provide information on the City taking an action that would stop the issuing of any water permits and would identify the benefits to the residents of such an action, on the rationale for charging Altadena customers a premium rate for their water, and on opportunities for Altadena customers to opt out of receiving their water from Pasadena.

Vice Mayor Gordo asked that staff provide the requested additional information to Council in a timeframe that would allow for Council to review the information prior to the continued public hearing, if possible.

It was moved by Councilmember Robinson, seconded by Councilmember Holden, to continue the public hearing to June 22, 2009 at 7:30 p.m. (Motion unanimously carried)  
(Absent: Councilmember Haderlein)

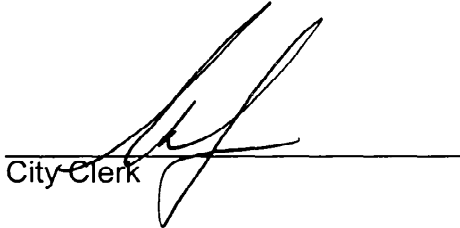
## **ADJOURNMENT**

On order of the Mayor, the regular meeting of the City Council adjourned at 11:03 p.m., in memory of Eugene "Booney" Taylor, a 50-year City Public Works employee.



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Bill Bogaard, Mayor  
City of Pasadena

ATTEST:



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City Clerk