

Agenda Report

June 13, 2016

TO: Vice Mayor and City Council

FROM: Mayor Terry Tornek

SUBJECT: CONSIDERATION OF PLACING A MEASURE ON THE NOVEMBER 8, 2016 GENERAL ELECTION BALLOT TO REPEAL MEASURE A AND UNCODIFIED ORDINANCE NO. 5861, ADOPTED BY A VOTE OF THE PEOPLE IN 2001, THEREBY RESCINDING THE POLICY REQUIRING THE CITY OF PASADENA TO SUPPORT THE COMPLETION OF THE 710 FREEWAY

RECOMMENDATION:

It is recommended that the City Council:

1. Find that the proposed action is exempt from the California Environmental Quality Act ("CEQA") pursuant to State CEQA Guidelines Section 15061(b)(3), the General Rule that CEQA only applies to projects that may have an effect on the environment; and
2. Direct the City Attorney to prepare the necessary resolutions calling a Special Election on November 8, 2016 to repeal Measure A, and any related documents in connection therewith.

BACKGROUND:

In 1998, the Federal Highway Administration (FHA) approved a plan to complete the 710 Freeway between the I-10 Freeway in Alhambra and the I-210 Freeway in Pasadena. However, work on the project stalled when a federal judge issued an injunction as residents fought to halt the project, citing negative impacts of the planned freeway route that passed through residential areas in South Pasadena and Pasadena.

In April 2000, the Pasadena City Council adopted Resolution No. 7865, reversing prior City support for the 710 Freeway extension and resolving that "the City of Pasadena opposes the completion of construction of the 710 Freeway through Pasadena" because it was deemed to be in the best interest of Pasadena residents "to devote public resources to mitigation of traffic and congestion in ways other than seeking completion of construction of the 710 Freeway through Pasadena."

In response to this action, an initiative petition was circulated by proponents supporting the 710 Freeway extension. The petition effort was successful, and Measure A was submitted to the voters at the March 6, 2001 Municipal election, as follows: "Shall an Initiative Ordinance of the City of Pasadena be adopted to declare the policy of the City of Pasadena to be in favor of completing the 710 Freeway extension between the I-210 and the I-10 Freeways, and to declare that such policy could not be changed or repealed without a vote of the people?" Measure A was approved by the voters, receiving a 58% majority, with 9,654 votes in favor compared to 6,908 votes against.

Following the passage of Measure A, the project continued to be mired in controversy and litigation. In December 2003, the FHA suspended its support of the plan and ordered state officials to conduct a new environmental impact study of the project. In November 2008, the voters approved Measure R, providing the Los Angeles County Metropolitan Transportation Authority (Metro) with an infusion of funds for transportation projects, and reviving interest in the 710 Freeway project.

At the August 13, 2012 City Council meeting, Metro staff presented the latest proposals to complete the freeway connection as part of the SR-710 Draft Environmental Impact Report (EIR). In response to the presentation, the City Council voted unanimously to adopt Resolution No. 9225, opposing alternatives H-2 (Arterial Road along Avenue 64), H-6 (Highway along Huntington Drive/Fair Oaks Avenue/Pasadena Avenue), and F-5 (Freeway Tunnel), citing "detrimental impacts to the City of Pasadena, its residents, historic residential neighborhoods, schools, businesses, families, and children," and requesting the withdrawal of these alternatives from further consideration and study.

On August 23, 2012, Metro staff released a reduced project list of five alternatives to be studied as part of the EIR, but continued to include the F-5 (Freeway Tunnel) option. Since that time, the City Council has contended with the implications of the proposed tunnel alternative, as well as the legal constraints resulting from Measure A. In 2012, the City received outside legal advice from Fredric Woocher of the Strumwasser & Woocher law firm, who has particular expertise in California Election law. Mr. Woocher's advice stated that the text of Measure A prohibits the City from taking a position against completion of any freeway proposals that would connect the I-10 and I-210 Freeways. Further, it was stated the City is also limited in its ability to comment on (or criticize) specific aspects of new freeway proposals, if such comments could be viewed as contrary to the City's official position under Measure A to support completing the SR-710 Freeway extension. Mr. Woocher concluded that if the City Council wished to take a position or to advocate against any of the proposals for extending the 710 Freeway, such as the proposed Freeway Tunnel alternative, it should submit a ballot measure to the voters to amend or repeal Measure A.

COUNCIL POLICY CONSIDERATION:

Since Metro's unveiling of the Freeway Tunnel alternative in 2012, local opposition to the project has increasingly grown. Metro has yet to produce substantive responses to the thousands of questions and comments received as part of the public's review of the SR-710 Draft EIR. The City Council, concerned with the impacts created by the

proposed tunnel, took an action on April 13, 2015 to formally oppose the Tunnel Alternative and offered a package of alternatives to Metro developed by a citizen committee. However, this action has had little weight with Metro in spite of continuous efforts by the Mayor and individual City Councilmembers, along with allies from surrounding communities.

In the upcoming November 8, 2016 General Election, Metro will submit Measure R2 to the voters. This is a giant, long term transportation sales tax measure which purportedly will exclude new funding for the 710 Freeway Extension project. While Metro and the San Gabriel Valley Council of Governments (SGVCOG) have refused to disavow the tunnel alternative, they are unwilling to have any further discussion on the subject prior to November, lest it jeopardize the success of Measure R2. It appears that as soon as the R2 Measure is resolved, efforts to move the 710 project ahead will be resumed with some vigor. Both the SGVCOG and the incoming Metro Chair are strong proponents of the project.

In light of the magnitude of the project and impact this will have on Pasadena and quality of life issues, the City Council must reinsert the City's voice and legal standing to express opposition. The only way to accomplish this goal is to submit a ballot measure and repeal Measure A by a vote of the people.

Pursuit of this effort is consistent with the City Council's goals to increase conservation and sustainability; improve mobility and accessibility throughout the City; support and promote the quality of life and the local economy; and ensure public safety.

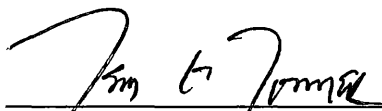
ENVIRONMENTAL ANALYSIS:

The proposed action, namely advocacy based on a policy position regarding a construction project already undergoing independent environmental review as described above, will not itself have the potential for significant effect on the environment, and, and would be exempt from CEQA review in accordance with Section 15061(b)(3), the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment.

FISCAL IMPACT:

Per the Los Angeles County Registrar Recorder/County Clerk, the estimated cost to place a measure on the November 8, 2016 General Election ballot is \$152,000. It is recommended that the City Council repurpose funds in the City Clerk's budget previously allocated for a Charter Reform Task Force (\$150,000) for this purpose.

Respectfully submitted,



TERRY TORNEK
Mayor