

THIGPEN LEGAL, P.C.

Jordanna Thigpen
9465 Wilshire Blvd. Suite 300
Beverly Hills, CA 90212
T: (310) 210-7491 F: (310) 362-0456
jt@thigpenlegal.com

RECEIVED

2026 MAR -5 PM 5:45

CITY CLERK
CITY OF PASADENA

March 5, 2026

City Clerk, Mark Jomsky
City Attorney, Michelle Bagneris
City of Pasadena
100 N. Garfield Avenue, Room N-210
Pasadena, CA 91109

VIA EMAIL and US MAIL: mjomsky@cityofpasadena.net, mbagneris@cityofpasadena.net

Dear Mr. Jomsky and Ms. Bagneris:

Please provide this letter and its exhibits to the City Council for the March 9, 2026 hearing.

My client Martin Truitt has a pending Petition with the Los Angeles Superior Court. As you know, that Petition contests the right of the City Council to proceed with what appears to be an intention to hold a March 9, 2026 “vote” to “rescind” or “reopen” the final Council decision made on November 17, 2025, relating to MCUP # 7318 (the proposed “safe parking” land use on a commercial parking lot at 202 N. Euclid Avenue (the “November 17, 2025 Decision.”))

I. The November 17, 2025 Decision Was Final and Cannot Be Rescinded, Reopened, Renewed, Redone, Reconsidered, and/or Revisited

Numerous items in the existing record confirm the finality of the November 17, 2025 Decision. The Council’s minutes from that day, and the video recording of the proceeding, reflect that Ms. Bagneris initially sought to correctly advise the Council that the CEQA determination had to be approved before the permit could be approved. A motion to approve was denied. Ms. Bagneris also advised the Council that a motion for reconsideration on the failed motion would be appropriate to be made *at the same meeting*. No such motion was made. A motion to reopen and continue the hearing was made, and it failed. That vote was not reconsidered at the same meeting. That decision, too, was final.

II. The January 26, 2026 Vote to hold a February 2, 2026 Vote to “Rescind,” and the Subsequent February 2, 2026 Vote, Were Improper and Unlawful

The Council next voted on January 26, 2026 to hold a February 2, 2026 to “rescind” the November 17, 2025 Decision and “reopen” the November 17, 2025 appeal. This was improper.

There was a final decision on the CEQA determination, and it was deemed denied at the *de novo* hearing held expressly on November 17, 2025 for the two appeals. Without a CEQA finding the Council could not proceed to vote on the merits of the MCUP. The January 21, 2025 Decision Letter sent to All Saints expressly notes that the decision was final; I understand that a copy of that letter has been provided to the Council to include with the record.

On February 2, 2026, the Council voted to hold some type of unspecified March 9, 2026 proceeding. The hearing cannot be legally be reopened under applicable provisions of the Pasadena Municipal Code and California State law. Copies of those provisions are attached hereto as **Exhibit 1**. The November 17, 2025 Decision was final. The decision not to reopen and continue the November 17, 2025 appeal hearing was final. Applicant's rights were to appeal to the Superior Court in a timely manner, which did not happen. The law does not permit the Council to "reopen," "rescind," "renew," or do anything except follow the law with regards to the finality of quasi-judicial proceedings. This has been the Council's understanding since at least November 2001, when City Attorney Bagneris so advised the Council at a meeting at which Mayor Gordo was present; Councilmember Madison was coincidentally also absent from most of that meeting as well, including, during the discussion about the finality of decisions. Copies of those minutes are attached hereto as **Exhibit 2**.

III. The Proposed March 9, 2026 "Hearing" Is Unlawful and Thus the Subject of Objection

My client objects to the holding of any further proceedings relating to MCUP # 7318, whether on March 9, 2026, or any other date. My client's legal position – supported by decades of California law, the Pasadena Municipal Code, and the Government Code – is that the Council is without jurisdiction to proceed with any further proceedings on this matter.

My client further requests that, to preserve public resources, and to ensure the Council is following State and local law, that the Council decline to engage in any further proceedings relating to MCUP # 7318, including but not limited to holding any hearings on March 9 or any other date, that relate in any way to MCUP # 7318. The March 9, 2026 item relating to MCUP # 7318 should not even appear on the Council's calendar, but if it does, Councilmembers are requested to vote not to hear the matter on the basis that further proceedings before the Council on MCUP # 7318 are beyond the scope of its jurisdiction, violate State and local law, and violate well-established principals of finality for quasi-judicial proceedings.

Even if the proposed March 9 proceeding on MCUP # 7318 was proper – and it is not – then it is totally unclear what the Council is going to vote on. At what point in the process is the vote being "reopened"? From inception? From halfway through? From the last point (which was after a final vote)? Is it really the vote that is being reopened, or the hearing itself? Who will be

allowed to participate? Who is reopening it? Certainly not the actual appellants. The Code does not permit the Council to appeal an appeal to itself over two months after a final decision was rendered. Standing to appeal is vested only in the appellants, and they lack the ability to “rescind” or “reopen” any decision, or have any “do over.”

Finally, the notion that “Robert’s Rules of Order” somehow supersedes state and local law is not just ludicrous, but dangerous. My client’s Petition requests in part that the Council be required to pass legislation confirming that Robert’s Rules of Order only applies when it is not in conflict with other law, just as many other cities around the country have done (including Glendale next door to you). Even if Robert’s Rules of Order could somehow control over state or local law, the Council did not even follow Robert’s Rules of Order with its improper January 26 and February 2 actions relating to MCUP # 7318,

For all these reasons, to the extent it is not clear from the filing of the Petition, and to the extent that there is going to be any new hearing at all, my client objects to any such proceeding in its entirety.

IV. Merits Objections Are Unnecessary, But Follow to Avoid Any Waiver

My client disputes that any objections on the merits for this permit are necessary at this juncture, because the hearing is unlawful and constitutes a void act. To the extent that merits objections are necessary to avoid the waiver of any rights, and to avoid excessive duplication of the record, my client hereby incorporates all the objections made by The Maryland to date and in connection with the March 9, 2026 proceeding, and provides further objections as follows.

- **Issuing any additional permit to All Saints is reckless.** According to the extensive public records that have been collected and submitted, including police and criminal court records, it appears that All Saints has repeatedly violated conditions associated with its existing permit. There is a video recording of a representative of All Saints in which he admits that for years, All Saints directed drug users encamped on its property to leave the property and go into the surrounding neighborhood to do illegal drugs. Public records involving “Erica Stafford Tamblyn,” the formal applicant and apparent manager of the safe parking program, indicate that she was convicted of felony driving under the influence which resulted in the death of another person. At least one of the agents for “Shower of Hope” associated with the proposed land use was also convicted of four counts of second degree murder for an incident involving a vehicle and the deaths of four people. Public records support these assertions.

- **City staff explicitly excluded the proposed site from the eligible site maps** during presentations to the Planning Commission, City Council and the public when the legislation authorizing a Safe Parking program was being considered and voted on.

- **Numerous Councilmembers and other public officials have demonstrated bias and/or prejudged the matter.**

- Planning Commissioner Delgado – whose decision was the subject of the November 17, 2025 appeal – lobbied and communicated with at least four of the eight Councilmembers (Rivas, Madison, Cole, and Lyon) who will presumably be voting on March 9, 2026. Commissioner Delgado suggested a course of action for the Council to take for a “Redo” of the decision rejecting her BZA findings, and the Councilmembers in question dutifully followed her direction.

- Councilmember Rivas has prejudged any merits consideration by claiming the November 17, 2025 Decision was “shameful.”

- Councilmember Madison has prejudged this matter by (1) stating after November 17, 2025 meeting that he supported this permit; (2) moving repeatedly to “Rescind” and “reopen” the November 17, 2025 Decision, solely on the basis that he was absent from the November 17, 2025 meeting; and (3) showed demonstrable bias and enmity against my client for many years, including publicly stating that the City should deny permits to people who do business with my client, and falsely accusing my client of unethical and nefarious conduct. My client is not just a resident of appellant The Maryland and well known to Councilmember Madison, but he is an active participant in City government who has actively worked on campaigns opposing Councilmember Madison.

- Councilmember Lyon has not only prejudged this matter, but he is conflicted because his campaign received \$5,900 from a warden of All Saints who is not only a participant in the process but is a named party in this matter given that the ownership of the land is vested in the “Rector, *Wardens*, and Vestry of All Saints Church of Pasadena.” (emph. added.) Following the November 17, 2025 Decision and deemed denial, Lyon stated in a video posted on his “official” Councilmember Facebook page that the appellant (The Maryland Homeowners Association) had “won” and it was not “our finest hour.” At the February 2, 2026 hearing, Councilmember Lyon claimed that the word “final” does not appear anywhere in the Pasadena Municipal Code. That is not true, and anyone can read the Code to confirm reality.

- The City Attorney released a statement to the *Daily Journal* claiming that the City Attorney's office “will vigorously defend the lawsuits, including the allegations against councilmembers.” There are no “allegations against councilmembers.” The Petitions seek to arrest these improper, wasteful, unlawful proceedings. Background information relating to alleged bias and improper conduct on the part of certain Councilmembers has been alleged as

part of the basis for prohibiting the Council from proceeding in an unlawful manner and compelling it to follow State and local law. My client cannot “charge” or prosecute anyone with campaign finance violations under State or local law, but regardless, the City Attorney is not being compensated to “defend” individual Councilmembers from any potential FPPC or Levine Act violations

This is not an exclusive list of the objections to the merits and all rights are reserved, given I have multiple public records requests pending which are as yet unfilled.

Please deem this a threat of litigation for purposes of the Brown Act. I recommend considering agendaizing a closed-session for advice from legal counsel prior to the vote on reopening the hearing to discuss the legality of what is being proposed and I implore you not to proceed with these unlawful actions. If the Council authorizes a permit on March 9 or on any other date as it relates to this site, I will have no choice but to amend my client’s Petition and seek a stay until the matter is litigated to finality.

Mr. Jomsky, would you please distribute this message to all Council members?

Thank you for your attention to this matter.

Sincerely,

Jordanna G. Thigpen

EXHIBIT 1

Section 503. - PROCEEDINGS.

Rules for the conduct of the City Council proceedings shall be established by ordinance.

(Sec. 503 amended by vote of the people 3-9-1993.)

Section 506. - ACTION BY CITY COUNCIL.

No action of the City Council, including the adoption of ordinances, resolutions and motions, shall be valid unless it receives the affirmative vote of five members.

(Sec. 506 amended by vote of the people 11-3-1998: Sec. 506 amended by vote of the people 3-9-1993.)

1.08.010 - Definitions.

The following words and phrases, whenever used in the ordinances of the city of Pasadena, shall be construed as defined in this section, unless from the context a different meaning is intended or unless different meaning is specifically defined and more particularly directed to the use of such words or phrases:

- A. "Board of directors" means the board of directors of the city of Pasadena. "All its members" or "all directors" means the total number of directors provided by the charter of the city.
- B. "City" means the city of Pasadena, California, or the area within the territorial limits of the city of Pasadena, California, and such territory outside of the city over which the city has jurisdiction or control by virtue of any constitutional or statutory provision.
- C. "Computation of time" means the time within which an act is to be done. It shall be computed by excluding the first day and including the last day; and if the last day is Sunday or a legal holiday, that day shall be excluded.
- D. "County" means the county of Los Angeles, California.
- E. "Law" denotes applicable federal law, the constitution and statutes of the state of California, the ordinances of the city of Pasadena, and when appropriate, any and all rules and regulations which may be promulgated thereunder.
- F. "May" is permissive.
- G. "Month" means a calendar month.
- H. "Must" and "Shall." Each is mandatory.
- I. "Oath" shall be construed to include an affirmation or declaration in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words "swear" and "sworn" shall be equivalent to the words "affirm" and "affirmed."
- J. "Ordinance" means a law of the city; provided that a temporary or special law, administrative action, order or directive may be in the form of a resolution.

- K. "Owner" applied to a building or land includes any part owner, joint owner, tenant in common, joint tenant or tenant by the entirety, of the whole or a part of such building or land.
- L. "Person" means natural person, joint venture, joint stock company, partnership, association, club, company, corporation, business, trust, organization or the manager, lessee, agent, servant, officer or employee of any of them.
- M. "Personal property" includes money, goods, chattels, things in action and evidences of debt.
- N. "Preceding" and "following" mean next before and next after, respectively.
- O. "Property" includes real and personal property.
- P. "Real property" includes lands, tenements and hereditaments.
- Q. "Sidewalk" means that portion of a street between the curb line and the adjacent property line intended for the use of pedestrians.
- R. "State" means the state of California.
- S. "Street" includes all streets, highways, avenues, lanes, alleys, courts, places, squares, curbs or other public ways in this city which have been or may hereafter be dedicated and open to public use, or such other public property so designated in any law of this state.
- T. "Tenant" and "occupant," applied to a building or land, includes any person who occupies all or a part of such building or land, whether alone or with others.
- U. Title of Office. Use of the title of any officer, employee, department, board or commission means that officer, employee, department, board or commission of the city.
- V. "Written" includes printed, typewritten, mimeographed or multigraphed.
- W. "Year" means a calendar year.
- X. All words and phrases shall be construed and understood according to the common and approved usage of the language; but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in the law shall be construed and understood according to such peculiar and appropriate meaning.
- Y. When an act is required by an ordinance the same being such that it may be done as well by an agent as by the principal, such requirement shall be construed as to include all such acts performed by an authorized agent.
- Z. "Fee" means an amount of money which is to be collected as a charge, rent, expense or cost for the provision or allowance of any service, use, item or other action by the city of Pasadena.

(Ord. 5568 § 1, 1982; Ord. 5164 § 1, 1974)

17.10.010 - Purpose of the Zoning Code

The purpose of the Pasadena Zoning Code is to protect and promote the public health, safety and general welfare, and to implement the policies of the General Plan by classifying and regulating the uses of land and structures within the City of Pasadena in a manner consistent with the General Plan. To achieve this purpose, it is the intent of this Zoning Code to:

- A. Provide standards for the orderly development of the City and continue a stable pattern of land uses;
- B. Conserve and protect the historical integrity and character of the City's neighborhoods;
- C. Maintain and protect the value of property;
- D. Ensure the provision of adequate open space for light, air, and fire safety;
- E. Promote the economic stability of existing land uses that conform to the General Plan and protect them from intrusions by inharmonious or harmful land uses;
- F. Permit the development of office, commercial, industrial, and transportation-related land uses in accordance with the general plan in order to strengthen the City's economic base;
- G. Ensure compatibility between land uses; and
- H. Encourage a pedestrian-friendly community by promoting a mix of land uses and pedestrian-oriented development in commercial areas.

17.10.020 - Authority

This Zoning Code is enacted based on the authority vested in the City of Pasadena by the State of California, including but not limited to: the State Constitution; the Planning and Zoning Law (Government Code Sections 65000 et seq.); the Subdivision Map Act (Government Code Sections 66410 et seq.); and the California Health and Safety Code.

17.64.010 - Purpose of Chapter

This Chapter provides requirements for the implementation or "exercising" of the permits required by this Zoning Code, including time limits and extensions, changes to approved projects, voluntary relinquishments, resubmittals, and covenants for easements.

17.64.020 - Effective Dates

- A. 11th day.A decision of the Director, Zoning Administrator, Hearing Officer, Film Liaison, Environmental Administrator, Board of Zoning Appeals (BZA), Design Commission, Historic Preservation Commission (HPC), or certification of an EIR shall become effective on the 11th day

following the date of decision on the application by the appropriate review authority, unless an appeal or a Call for Review of the review authority's decision has been filed before the effective date in compliance with Chapter 17.72 (Appeals).

- B. Open office hours.When a deadline prescribed by this Chapter falls on a day when the City offices are closed, the deadline shall be extended through the next day when the offices are open.
- C. Withdrawal or failure of an appeal or Call for Review.If an appeal or a Call for Review filed in compliance with Chapter 17.72 (Appeals) is withdrawn, or a Call for Review fails, the remaining days of the appeal or Call for Review period (e.g., 10 days) shall start from the date on which the appeal or Call for Review is withdrawn or fails.
- D. Council's action is final.
 - 1. Council's action on any matter (e.g., appeals, Calls for Review, etc.), except for the adoption of an ordinance, shall be final and effective on the date the final decision is made.
 - 2. Council's action on the adoption of an ordinance, except for an urgency ordinance, shall become effective on the 31st day following the adoption of an ordinance by the Council.

Chapter 17.72 - Appeals

Footnotes:

17.72.010 - Purpose of Chapter

This Chapter establishes procedures for the initiation of appeals and Calls for Review of a decision rendered by the Director, Zoning Administrator, Hearing Officer, Film Liaison, Environmental Administrator, Board of Zoning Appeals, Design Commission, Arts and Culture Commission, Historic Preservation Commission, Advisory Agency (as defined in Section 16.08.020), and Commission.

(Ord. 7160 § 65, 2009; Ord. 7099 § 53 (Exh.27), 2007)

17.72.020 - Review Authority

- A. **Board of Zoning Appeals.** The Board of Zoning Appeals shall serve as the review authority for decisions of the Director, Zoning Administrator, Hearing Officer, Film Liaison, Advisory Agency, and Environmental Administrator.
- B.

Historic Preservation Commission. The Historic Preservation Commission shall serve as the review authority for decisions of the Director in compliance with Chapter 17.62 (Historic Preservation).

C. **Design Commission.** The Design Commission shall serve as the review authority for decisions of the Director regarding design review matters and decisions in compliance with Chapter 17.62.

D. **Council.** The Council shall serve as the review authority for decisions of the Design Commission, Arts and Culture Commission, Commission, Historic Preservation Commission, and the Board of Zoning Appeals.

(Ord. 7163 § 13, 2009; Ord. 7160 § 66, 2009; Ord. 7099 Ord. § 53 (Exh. 27), 2007)

17.72.030 - Eligibility

An appeal may be filed by any person affected by a determination, decision, or action rendered by the Director, Zoning Administrator, Hearing Officer, Board of Zoning Appeals, Environmental Administrator, Design Commission, Arts and Culture Commission, Historic Preservation Commission, Advisory Agency or Commission.

(Ord. 7160 § 67, 2009; Ord. 7099 Ord. § 53 (Exh. 27), 2007)

17.72.040 - Scope of Appeals

Determinations, decisions, and actions that may be appealed and the authority to act upon an appeals shall be as follows.

A. **Determinations.** The following determinations of the Director, Zoning Administrator, Hearing Officer, Film Liaison, and Environmental Administrator may be appealed to the Board of Zoning Appeals:

1. Interpretations of the meaning and determinations on the applicability of the provisions of this Zoning Code that are believed to be in error;
2. A determination that a permit application or information submitted with the application is incomplete, in compliance with State law (Government Code Section 65943); and
3. An enforcement action in compliance with Chapter 17.78 (Enforcement).

B. **Permit/entitlement and hearing decisions.** Decisions and actions by the Director, Zoning Administrator, Hearing Officer, Film Liaison, Advisory Agency, and Environmental Administrator may be appealed to the Board of Zoning Appeals.

C. **Director decisions.** Decisions by the Director, in compliance with Chapter 17.62 (Historic Preservation), may be appealed to the Historic Preservation Commission (or to the Design Commission as specified in Section 17.62.030). Decisions by the Director, in compliance with Section 17.61.030, may be appealed to the Design Commission.

D.

Commission, Design Commission Arts and Culture Commission and Historic Preservation Commission decisions. Decisions by the Commission, Design Commission Arts and Culture Commission and the Historic Preservation Commission may be appealed to the Council.

E. Appeal of CEQA decisions.

1. **Appeal of CEQA decisions to the Council.** When any CEQA document or decision is certified or approved, it may be appealed to the Council.
2. **Appeal shall include the entire decision.** Recognizing that it is difficult to separate the decision on the environmental document from the project itself, the appeal to the Council shall include the entire decision. For example, if, after CEQA document certification or approval, the Board of Zoning Appeals approves a land use permit, the appeal shall include both the CEQA document certification or approval and the accompanying land use permit. Such an appeal shall be reviewed in a *de novo* hearing.

F. Subdivision Map Act decisions. All decisions made by the Advisory Agency pursuant to the Subdivision Map Act, and appealed to the Board of Zoning Appeals, have a final right of appeal to the City Council.

(Ord. 7160 § 68, 2009; Ord. 7099 § 53 (Exh. 27), 2007)

17.72.050 - Appeal Application Filing

A. Timing and form of appeal.

1. **Application submittal.** An appeal application shall be submitted:
 - a. Before the effective date established by Section 17.64.020 (Effective Dates) of the decision being appealed;
 - b. While City offices are open and before the end of the final day of the appeal period (or the following workday if the appeal period ends on a day when the City Hall is closed); and
 - c. In person only. No mailed appeal applications will be accepted.
2. **Filed in writing.** An appeal shall be filed in writing with the Secretary or Clerk of the applicable review authority.
3. **The appeal application shall:**
 - a. Specifically state the pertinent facts of the case and the reason(s) for the appeal;
 - b. Be accompanied by the information identified in the Department handout for appeal applications; and
 - c. Be accompanied by the filing fee established by the Council's Fee Resolution.

B. Effect of appeal. The filing of an appeal shall stay the effective date of a decision until the review authority can make a decision on the appeal request.

C.

Withdrawal of appeal. If an appeal is withdrawn after filing, the remaining days of the appeal period (e.g., 10 days) shall start from the date on which the appeal is withdrawn.

D. Joining an appeal.

1. Only those persons who file an appeal within the specified appeal period shall be considered appellants of the matter under appeal.
2. Any person who wishes to join an appeal shall follow the same procedures as the appellant.
3. A person(s) shall not be allowed to join an appeal after the end of the specified appeal period.

(Ord. 7099 § 53 (Exh. 27), 2007)

17.72.060 - Calls for Review

A. Authority and final decision. The authority and final decision for a Call for Review is as follows:

1. Historic Preservation Commission's review.

- a. **Review.** The Historic Preservation Commission may choose to Call for Review a decision by the Director's action on Historic Preservation applications in compliance with Chapter 17.62, including applications for Certificate of Appropriateness, Relief from the Replacement Building Permit Requirements, demolition/alteration of a historic resource without a permit and disapproval of applications for designation of historic properties and districts.
- b. **Decision final.** The decision of the Historic Preservation Commission shall be final unless Called for Review by the Council or an appeal is filed in compliance with this Chapter.

2. Design Commission's review.

- a. **Review.** The Design Commission may choose to Call for Review a decision by the Director regarding the Director's action on a Design Review in compliance with Section 17.61.030 and decisions authorized under Section 17.62.020.
- b. **Decision final.** The decision of the Design Commission shall be final unless Called for Review by the Council or an appeal is filed in compliance with this Section.

3. Board of Zoning Appeals' review.

- a. **Review.** The Planning Commission may choose to Call for Review a decision rendered by the Director, (except decisions in compliance with Section 17.61.030 or Chapter 17.62) Zoning Administrator, Hearing Officer, Film Liaison, or Environmental Administrator to the Board of Zoning Appeals.
- b. **Decision final.** The decision of the Board of Zoning Appeals shall be final unless Called for Review by the Council or an appeal is filed in compliance with this Section.

4. Council's review.

- a.

Review. The Council may choose to review a decision rendered by the Director, Zoning Administrator, Environmental Administrator, Hearing Officer, Board of Zoning Appeals, Planning Commission, Design Commission, Arts and Culture Commission or the Historic Preservation Commission. When such decisions are called for review, they shall be reviewed by the Review Authority as contained in 17.72.020.

b. **Decision final.** The decision of the Council on the appeal shall be final and shall become effective upon adoption by the Council.

5. **Filing of an appeal pending a Call for Review.**

a. **Right to file an appeal.** An eligible person affected by a determination, decision, or action, as specified in Section 17.72.030 (Eligibility) may file a timely appeal in compliance with this Chapter even though a Call for Review has been filed in compliance with this Section.

b. **Effect of filing an appeal.** The filing of the appeal shall serve to protect the rights of the appellant(s) in the event the Call for Review is subsequently withdrawn or fails.

6. **Withdrawal or failure of a Call for Review.** If a request for a Call for Review is withdrawn after filing, or fails, the remaining days of the Call for Review period shall start from the date on which the Call for Review is withdrawn or fails.

B. **Procedures.**

1. **Initiation.**

a. A member of a review authority with Call for Review authority may initiate a Call for Review by filing a written request with the Secretary or Clerk of the body with Call for Review authority.

b. A member of the Design Commission may initiate a Call for Review at a regular meeting of the Design Commission without filing a written request before the meeting.

2. **Agenda.** The Secretary or Clerk shall place the request on the next available regular meeting agenda.

3. **Date to file.** A Call for Review of a permit shall be filed before its effective date in compliance with Section 17.64.020 (Effective Dates).

4. **Effect of Call for Review.**

a. A request for a Call for Review by a member of a review authority shall stay the effective date of a decision until the review authority can make a decision on the Call for Review request.

b. The timely filing of a Call for Review does not extend the time in which an appeal of a decision shall be filed; the normal appeal period shall continue to run in compliance with Subsection 17.72.050 A. (Timing and form of appeal) above.

c. If the review authority decides to Call for Review the subject decision, then the previous decision shall be vacated.

d. If the review authority decides not to Call for Review the subject decision, then the decision shall become final unless the appeal period has not expired.

5. **Required votes.** The number of affirmative votes required to Call for Review a decision shall be as identified in Title 2 of the Municipal Code.

(Ord. 7372 § 9, 2021; Ord. No. 7163 § 14, 2009; Ord. 7160 § 69, 2009; Ord. 7099 Ord. § 53 (Exh. 27), 2007)

17.72.070 - Processing and Action on Appeals or Calls for Review

A. **Notice and public hearing.** An appeal or a call for review hearing shall be a public hearing if the original decision required a public hearing. Notice of the public hearing shall be the same as the original decision, in compliance with Chapter 17.76 (Public Hearings).

B. **Action on appeals or calls for review.**

1. **Scope of review and decision.** When reviewing an appeal or a call for review, the review authority may:

- a. Consider any issues associated with the decision being appealed or called for review, in addition to the specific grounds for the appeal or call for review;
- b. Reverse, modify, or affirm, in whole or in part, the determination, decision, or action that is the subject of the appeal or call for review; and
- c. Adopt additional conditions of approval that were not considered or imposed by the original applicable review authority, deemed reasonable and necessary.

2. **Consideration of submitted application, plans, and materials.**

- a. At the hearing, the review authority shall consider the same application, plans, and materials submitted by the applicant for the original decision.
- b. If the applicant submits new plans and materials that differ substantially, as determined by the Zoning Administrator, from the materials submitted for the original decision, the hearing shall be terminated and the applicant shall file a new application.
- c. Changes to the original submittal to address objections of the review authority need not be the subject of a new application.
- d. Revised materials shall be submitted at least 14 days before the public hearing on the application. However, the Zoning Administrator may choose to accept minor revised materials after that time, upon determining that there is sufficient time to review the materials before the hearing date. In addition, the review authority may continue an application until the next available meeting date in order to adequately evaluate the revised materials.

3. **New evidence.** If new or different evidence is presented during the hearing, the applicable review authority (e.g., Board of Zoning Appeals, Design Commission, Historic Preservation Commission, or Council) may refer the matter back to the Director, Zoning Administrator,

Hearing Officer, Environmental Administrator, Design Commission, or Historic Preservation Commission, as applicable, for a report on the new or different evidence before a final decision on the appeal.

4. **Findings.** When reviewing an appeal or a call for review, the review authority shall adopt findings in support of the intended action on the application. The nature of the findings shall be in compliance with the findings adopted by the original review authority (e.g., Adjustment Permits — Section 17.61.070, Conditional Use Permits — Section 17.61.050, and Variances — Section 17.61.080, etc.).
5. **Failure to act.** If the review authority fails to act upon an appeal or a call for review, the decision from which the appeal or call for review was taken shall be deemed affirmed, except that there must be an affirmative vote to approve or certify any action taken pursuant to the California Environmental Quality Act. A failure to affirmatively approve or certify any CEQA action shall be deemed a denial thereof. A failure to act, and any action taken pursuant to CEQA, shall be considered a decision and may be called for review or appealed.
6. **Effect of appeal or call for review.** A decision on an appeal or a call for review vacates (i.e., voids) the previous decision from which the decision was taken, except as otherwise identified in Paragraph 5 (Failure to act), above.
7. **Effective date.** A decision regarding an appeal or a call for review shall become effective in compliance with Section 17.64.020 (Effective Dates).

(Ord. 7099 § 53 (Exh. 27), 2007; Ord. No. 7250, § 9, 11-17-2014)

Chapter 17.76 - Public Hearings

17.76.010 - Purpose of Chapter

This Chapter establishes procedures for public hearings before the Zoning Administrator, Film Liaison, Environmental Administrator, Board of Zoning Appeals (BZA), Design Commission (DC), Historic Preservation Commission (HPC), Commission, and Council.

(Ord. 7057 § 26, 2006)

17.76.020 - Notice of Hearing

When a land-use permit, or other matter requires a public hearing, the public shall be provided notice of the hearing in compliance with State law (Government Code Sections 65090, 65091, 65094, and 66451.3, and Public Resources Code 21000 et seq.), and as required by this Chapter.

A. **Contents of notice.** Notice of a public hearing shall include:

1. **Hearing information.** The date, time, place, and purpose of the hearing and the name of the hearing body; and the phone number and street address of the Department, where an interested person could call or visit to obtain additional information;
 2. **Project information.** The name of the applicant; the City's project case number (if the case is assigned a number) assigned to the application; a general explanation of the matter to be considered; a general explanation of the purpose of the application; a general description, in text and/or by diagram, of the location of the property that is the subject of the hearing; and
 3. **Statement on environmental document.** If a draft Negative Declaration (ND), Mitigated Negative Declaration (MND), or Environmental Impact Report (EIR) has been prepared for the project, or if the project has been determined to be exempt, in compliance with the provisions of the California Environmental Quality Act (CEQA) and the City's *Environmental Policy Guidelines*, the hearing notice shall include a statement that the hearing body will also consider approval of the draft Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report.
- B. **Method of notice distribution.** Notice of a public hearing required by this Chapter for an amendment, appeal, or entitlement shall be given as follows:
1. **Mailing.**
 - a. Notice shall be mailed, at least 14 days before the hearing, through the United States mail service, to:
 - (1) The owner(s) of the property being considered, or the owner's agent, and the applicant(s);
 - (2) Each local agency expected to provide schools, water, or other essential facilities or services to the project, whose ability to provide the facilities and services may be significantly affected;
 - (3) All owners of real property as shown on the County's latest equalized property tax assessment roll within a 500-foot radius of the subject site's boundaries; or within a 300-foot radius for minor variances, minor use permits, variances for historic resources and sign exceptions, and
 - (4) Any person who has filed a written request for notice with the Director and has paid the fee established by the Council's Fee Resolution for the notice.
 - b. The radius shall be measured from the subject site's exterior boundaries to the exterior boundaries of the neighboring lots, without reference to structures existing on either lot(s).
 2. **Additional required notice.** If the notice is mailed as required above, then the notice shall also be:
 - a.

Posted along public streets. Posted, at least 14 days before the public hearing, along public streets within 500 feet of the subject site's boundaries or 300 feet for minor variances, minor use permits and sign exceptions.

- b. **On-site posting requirements.** The sign shall be posted, at least 14 days before the public hearing, in the following manner:
 - (1) For corner lots, signs shall be posted on each street frontage.
 - (2) The sign(s) shall be located in a conspicuous place on the property abutting a street not more than 10 feet inside the property line but no closer than five feet to a property line.
 - (3) The sign(s) may be posted in windows when there is an existing structure on site that is not set back from the street.
 - (4) The Zoning Administrator may approve deviations to these requirements in order to meet the intent of these noticing provisions.
 - (5) Each sign shall comply with the following:
 - a. The sign shall be 12 feet square in sign area, generally measuring three feet by four feet.
 - b. The sign shall not exceed six feet in height from the ground level; provided, that if the property is surrounded by fences, walls, or hedges at or near the street property line, additional height may be provided as necessary to ensure visibility of the sign from the public right-of-way.
 - c. The sign shall not be illuminated.
 - d. The sign shall include all of the factual information about the pending application in compliance with Subsection A. (Contents of notice), above.
 - e. The size, style, and color of the sign's lettering shall be the specifications approved by the Zoning Administrator.
 - f. Support elements for the sign shall be made of four-inch by four-inch wood posts.
 - g. A Building Permit shall not be required for the posting of a sign installed in compliance with this Subparagraph.
 - h. The sign shall remain in place until the expiration of the appeal period following a decision by the review authority. If the application has been appealed or called for review, the sign shall remain in place with the new hearing date noted until the final decision is rendered. The sign shall be removed within 10 days of either the appeal period or the final decision, whichever applies.
 - i.

The applicant shall submit to the Zoning Administrator an affidavit verifying that the sign was posted on the subject site in a timely manner in compliance with this Subparagraph.

- (6) Failure to post the sign, to include the required information, or to comply with applicable placement or graphic standards or requirements may result in the delay of the required public hearing.
 - (7) To ensure consistency in appearance and information on the sign, the sign would be printed on card stock by the City and given to the applicant. The applicant would then staple or nail the sign to the plywood or posts or locate the sign on a storefront window.
- c. **Alternative to mailing.** If the number of property owners to whom notice would be mailed in compliance with Subsection B.1 above is more than 1,000, the Director may choose to provide the alternative notice allowed by State law (Government Code Section 65091(a)(3)).
- d. **Additional optional notice.** In addition to the types of notice required by Subsections B. and C., above, the Director may provide additional notice with content or use a distribution method as the Director determines is necessary or desirable (e.g., use of a greater radius for notice, use of the Internet, etc.).

(Ord. No. 7414, § 13, 9-11-2023; Ord. 7160 § 70, 2009; Ord. 7074, § 8, 2006)

17.76.030 - Scheduling of Hearing

After the completion of environmental documents required by the California Environmental Quality Act (CEQA) and the City's *Environmental Policy Guidelines*, the matter shall be scheduled for public hearing on a Hearing Officer, Environmental Administrator, Board of Zoning Appeals (BZA), Design Commission (DC), Historic Preservation Commission (HPC), Commission, or Council agenda (as applicable).

(Ord. 7057 § 27, 2006)

17.76.040 - Hearing Procedures

- A. **Holding of hearings.** The applicable review authority shall conduct the public hearing at the date, time, and place described in the public notice required by this Chapter.
- B. **Testimony.** The applicable review authority shall hear testimony regarding the subject application from any interested party.
- C. **Continuances.** If a hearing cannot be completed on the scheduled date, the presiding review authority, before the adjournment or recess of the hearing, may continue the hearing by publicly announcing the date, time, and place to which the hearing will be continued. A hearing may be

continued two times in a 90-day period. After two continuances or a 90-day period, the hearing shall be renoticed in accordance with Chapter 17.76 (Public Notice). Upon renoticing, a case may be continued two times in a 90-day period before renoticing is required again.

D. **Additional notice not required.** Additional notice for the continued hearing shall not be required. (Ord. 7169, § 24, 2009)

17.76.050 - Review Authority Decision and Notice

A. **Decision.**

1. The review authority (Hearing Officer, Environmental Administrator, Board of Zoning Appeals (BZA), Design Commission (DC), Historic Preservation Commission (HPC), Commission, or Council, as applicable) shall announce and record its decision on the matter being considered at the conclusion of a scheduled hearing, or defer action and continue the matter to a later meeting agenda in compliance with Section 17.76.040 (Hearing Procedures).
2. The Hearing Officer may instead refer the matter directly to the Board of Zoning Appeals (BZA) for a determination. A referral will require a new noticed hearing before the Board of Zoning Appeals (BZA), as applicable.
3. The decision of the Council on any matter shall be final.

B. **Notice of decision.** The notice of decision shall contain any conditions of approval, and reporting/monitoring requirements deemed necessary to mitigate any impacts and protect the public convenience, health, interest, safety, or general welfare of the City.

C. **Mailing of notice.**

1. Following the date that the final decision or recommendation is rendered by the applicable review authority, notice of the decision shall be mailed to the applicant at the address shown on the application.
2. A copy of the notice of decision shall also be sent to the property owner, if different from the applicant, and to all other persons who have filed a written request for the notice.

(Ord. 7057 § 28, 2006)

17.76.060 - Recommendation by Commission

A. **Commission's action.** At the conclusion of a public hearing on an Amendment (e.g., Adjustment Permit, General Plan, Zoning Code, or Zoning Map), a Development Agreement, Master Plan, or a Specific Plan, the Commission shall forward a written recommendation, including all required findings, to the Council for final action.

B. **Mailing of recommendation.** Following the hearing, a copy of the Commission's recommendation shall be mailed to the applicant at the address shown on the application.

EXHIBIT 2

CITY OF PASADENA
City Council Minutes
November 5, 2001 - 5:30 P.M.
City Hall Council Chamber

REGULAR MEETING

OPENING:

Mayor Bogaard called the regular meeting to order at 5:45 p.m.

On order of the Mayor, the regular meeting recessed at 5:45 p.m., to discuss the following closed sessions:

Councilmembers Holden & Vice Mayor Little arrived at 5:49 p.m.

CITY COUNCIL CONFERENCE WITH LEGAL COUNSEL REGARDING PENDING LITIGATION pursuant to Government Code Section 54956.9(a)
Name of Case: DeJong v. AAF Rose Bowl Aquatics Center, Case No. BC 241315

CITY COUNCIL CONFERENCE WITH LEGAL COUNSEL REGARDING CONSIDERATION OF INITIATION OF LITIGATION pursuant to Government Code Section 54956.9(c): One potential case

The above closed sessions were discussed, with no action reported.

On order of the Mayor, the regular meeting reconvened at 6:44 p.m. The Pledge of Allegiance was led by Councilmember Holden.

ROLL CALL:

Councilmembers:

Mayor Bill Bogaard
Vice Mayor Paul Little
Councilmember Victor Gordo
Councilmember Steve Haderlein
Councilmember Chris Holden
Councilmember Steve Madison
Councilmember Joyce Streater
Councilmember Sidney F. Tyler, Jr.

Staff:

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

PUBLIC COMMENT

MR. INMAN MOORE, REPRESENTING ACT, REQUESTING COUNCIL RECONSIDER ITS PRIOR ACTION TAKEN REGARDING THE RECYCLING CENTER AT 452 NORTH LOS ROBLES AVENUE

Mr. Moore expressed concerns regarding the December 8 closure of the recycling center and requested an extension of several months to find another adequate location.

**MR. KURT THORGERSON, PASADENA RESIDENT,
REGARDING ENERGY CONSERVATION AND ALTERNATIVE
ENERGY CHOICES**

Mr. Thorgerson discussed his ideas for energy conservation and promoted use of alternative energy fuels.

Ms. Mildred Hawkins, representing the senior citizens at Pilgrim Tower East and West, expressed opposition to the recycling center and urge that it be relocated.

The following persons spoke in opposition to the continued operation of the recycling center on Los Robles Avenue at Villa Street:

Ms. Terrie Allen, representing the Villa Parke Neighborhood Center

Mr. David K. Robinson, member of the Pasadena Senior Commission

Mr. Melvin L. May, Pasadena resident

Mr. Virgil Wilson, Pasadena resident, spoke in support of the recycling center.

Mr. Robert McCordic, Pasadena resident, alleged theft of his funds by a bank in Pasadena.

Regarding public comments made pertaining to the recycling center, the Mayor noted City Council has taken action on this matter previously and had determined that the recycling center was not properly placed.

Councilmember Holden indicated the Council granted four months time for the applicant to relocate the center and noted the Council never stated that some form of a recycling center could not be operated from the current location, just not the heavy, industrial-type operation that has been existing there for some time.

The City Attorney noted a full noticed public hearing was conducted by the City Council on this matter at which time Council took final action. She cautioned Council is not in a position to consider or reconsider or rescind the action that was taken and stated if there are new or changed circumstances, the owner would need to file a new application.

In response to questions from Councilmember Gordo, the City Manager indicated staff had reviewed various locations and that one location was currently under consideration. She noted staff would continue to work with the owner.

Mayor Bogaard announced public comment would continue at the end of the meeting. He reiterated that the Council is not in a position to reconsider its decision regarding the recycling center and

**RECOMMENDATIONS
FROM OFFICERS AND
DEPARTMENTS**

**REPORTS AND
COMMENTS FROM
COUNCIL COMMITTEES**

**ECONOMIC
DEVELOPMENT AND
TECHNOLOGY
COMMITTEE**

that any further consideration of the current site as such would require an application to be filed.

**REGIONAL ECONOMIC PRESENTATION BY JACK KYSER,
CHIEF ECONOMIST, LOS ANGELES COUNTY ECONOMIC
DEVELOPMENT CORPORATION (Councilmember Holden)**

Mr. Jack Kyser provided an overview of the state of the present economy. He encouraged local government to be attentive to the small business needs and he stated the City can position itself by looking to local resources such as grants, Art Center College of Design, and Caltech.

In response to questions from Councilmembers, Mr. Kyser noted retail is a very competitive area and the importance of determining who are the competitors in the retail base; that existing land needs to be used in good fashion; and that ways be found for local companies to expand.

**ACTIONS ON PRE-DEVELOPMENT PLAN FOR PASADENA
CONFERENCE CENTER EXPANSION**

Recommendation of Pasadena Center Operating Company (PCOC): It is recommended that the City Council authorize the procurement of \$1,000,000 in short-term financing on behalf of the PCOC from the City, whichever is most cost-effective. These funds are to be used for pre-development expenses on the Pasadena Conference Center Expansion. It is also recommended that the City Council authorize the PCOC to enter into Agreements with Daniel, Mann, Johnson, Mendenhall, Holmes and Narver for an amount not to exceed \$200,000 for pre-development program management services and with Zimmer, Gunsul, Frasca Partnership for an amount not to exceed \$600,000 for architectural design services.

Councilmember Madison provided a brief overview of the Predevelopment Plan for the Pasadena Conference Center expansion.

Mr. Joel Sheldon, Pasadena Center Operating Company President, and Mr. Roger Smith, Chief Executive Officer, summarized the agenda report and handout, discussed why the expansion was needed at this time, and various financing options.

Mr. Jay Goldstone, Director of Finance, responded to questions from Councilmembers regarding the loan repayment schedule.

The City Attorney noted her staff is looking into whether a business improvement district could be used in the manner being proposed as well as other means of financing alternatives.

Mayor Bogaard noted for the purposes of this discussion, it is important to remember we are talking about predevelopment, \$1 million which can be repaid and a full and unfettered opportunity

for the Council and staff to evaluate a development plan at some point in the future when it comes forward.

Mr. Michael McAlpine, of Daniel, Mann, Johnson, Mendenhall, Holmes and Narver, architectural consultants, responded to questions from Councilmember Tyler regarding the scope of the project and its feasibility.

Councilmember Holden suggested Council receive regular updates on this item.

Following discussion, it was moved by Councilmember Gordo, seconded by Councilmember Streater, to approve the Pasadena Center Operating Company's recommendation (Motion unanimously carried) (Absent: None)

PUBLIC HEARINGS

Councilmember Madison recused himself at 9:00 p.m. due to a possible conflict of interest in that Wells Fargo Bank is a client and it may benefit from this action.

Councilmember Haderlein recused himself at 9:00 p.m. due to a conflict of interest, as his spouse is an employee of Huntington Hospital.

PUBLIC HEARING: ADOPTION OF RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF A MASTER FINANCING AGREEMENT FOR THE HUNTINGTON MEMORIAL TRUST IN AN AMOUNT NOT TO EXCEED \$10 MILLION AND AUTHORIZING CERTAIN OTHER ACTIONS RELATING THERETO

Recommendation of City Manager: It is recommended that the City Council hold a public hearing and adopt a resolution authorizing the execution and delivery of a master financing agreement and authorizing certain other actions relating thereto. (Resolution No. 8061; Contract No. 17,838)

The Mayor opened the public hearing.

The City Clerk reported the notice of public hearing was published on October 22, 2001 in the Pasadena Star News; no posting or mailing was required and no correspondence was received.

Mr. Jay Goldstone, Director of Finance, summarized the agenda report and responded to questions.

No one appeared for public comment.

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

Councilmember Tyler noted there are two good, competing hospitals in Pasadena, and expressed concern this action may benefit one hospital and not the other.

Following discussion, it was moved by Councilmember Gordo, seconded by Vice Mayor Little, to approve the City Manager's recommendation.

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

PUBLIC HEARING: PROPOSED ZONE CHANGE FROM PUBLIC/SEMI-PUBLIC (PS) TO PLANNED DEVELOPMENT (PD) FOR THE VISTA DEL ARROYO BUNGALOWS

Recommendation of City Manager: It is recommended that the City Council following a public hearing:

Councilmembers Haderlein and Madison returned at 9:08 p.m.

Councilmember Holden was excused at 9:10 p.m.

- (1) Adopt the final Mitigated Negative Declaration and Initial Study (Attachment 4 of the agenda report); and
- (2) Adopt a Mitigation Monitoring and Reporting Program (Attachment 5 of the agenda report); and
- (3) Find that the proposed project will not have a significant effect on the environment (Attachment 6 of the agenda report); and
- (4) Approve the De Minimis Impact on State Fish and Wildlife Habitat (Attachment 8 of the agenda report); and
- (5) Find the proposed Zone Change consistent with the policies of the General Plan and the purposes of the Zoning Ordinance, as stated in the body of the report; and
- (6) Approve the Zone Change from *Public/Semi-Public (PS)* to *Planned Development (PD)* for the property shown on the map (Attachment 1 of the agenda report); and
- (7) Direct the City Clerk to file a Notice of Determination (Attachment 7 of the agenda report) and a Certificate of Fee Exemption for the California Department of Fish and Game, with the Los Angeles County Recorder; and
- (8) Waive plan check, permit (including construction tax), and City impact fees associated with rehabilitating the eight existing bungalows; and
- (9) Conduct first reading of **"AN ORDINANCE OF THE CITY OF PASADENA AMENDING TITLE 17, THE ZONING CODE, TO ADD PD-25 VISTA DEL ARROYO BUNGALOWS AND TO RECLASSIFY CERTAIN PROPERTY KNOWN AS THE VISTA DEL ARROYO BUNGALOWS IN THE PS ZONING DISTRICT TO PD-25."**

The Mayor opened the public hearing.

The City Clerk reported the notice of public hearing was published in the Pasadena Star News on October 26 & 30, 2001, and in the Pasadena Journal on November 1, 2001; 69 copies of the notice were posted and 208 copies of the notice were mailed on October 22, 2001.

The City Manager introduced the agenda item.

Mr. Brian League, Project Manager, summarized the agenda report and responded to questions regarding traffic issues and impacts.

The following persons spoke in opposition to this item:

Ms. Barbara Dane, Pasadena resident
Mr. Hamilton C. de Jong, Pasadena resident

The following persons spoke in support of this item:

Mr. Vince Farhat, representing West Pasadena Residents Association
Mr. Raymond Dashner, Pasadena resident
Ms. Sue Mossman, Executive Director, Pasadena Heritage

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

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

Conduct first reading of "AN ORDINANCE OF THE CITY OF PASADENA AMENDING TITLE 17, THE ZONING CODE, TO ADD PD-25 VISTA DEL ARROYO BUNGALOWS AND TO RECLASSIFY CERTAIN PROPERTY KNOWN AS THE VISTA DEL ARROYO BUNGALOWS IN THE PS ZONING DISTRICT TO PD-25"

The above ordinance was introduced for first reading by Councilmember Madison:

AYES: Councilmembers Gordo, Haderlein, Madison, Streater, Tyler, Vice Mayor Little, Mayor Bogaard
NOES: None
Absent: Councilmember Holden

CONSENT CALENDAR

FURNISHING AND DELIVERY OF A VACUUM OIL PURIFIER/DEGASIFIER

Recommendation of City Manager: Accept the bid dated October 9, 2001, submitted by Enervac Corporation, in response to the specifications to furnish and deliver a vacuum oil purifier/degasifier and authorize the issuance of a purchase order not to exceed \$89,561.

TRANSFER OF SURPLUS PROPERTY TO THE INSTITUTE OF POPULAR EDUCATION OF SOUTHERN CALIFORNIA (IDEPSCA)

Recommendation of City Manager: Authorize the transfer of thirteen surplus personal computers to the Institute of Popular Education of Southern California (IDEPSCA). It is further recommended that the City Council, based upon the information contained herein, find that a public purpose is served by exempting the proposed transfer from the provisions of the Surplus Equipment and Goods Ordinance, Pasadena Municipal Code Chapter 4.04, pursuant to Section 4.04.080.

VICTORY PARK TURF RENOVATION: AMENDMENT TO PURCHASE ORDER NO. 12751 IN THE AMOUNT OF \$8,000

Recommendation of City Manager: Authorize the Purchasing Administrator to increase Purchase Order No. 12751 to Pacific Earth Resources in the amount of \$8,000 for a new total of \$117,000.

AUTHORIZATION TO INCREASE THE NOT TO EXCEED AMOUNT OF PURCHASE ORDER CONTRACT NO. 13,562 WITH GRUEN AND ASSOCIATES IN AN AMOUNT NOT TO EXCEED \$25,000, FOR A NEW NOT TO EXCEED AMOUNT OF \$49,999 TO PROVIDE ADDITIONAL COMMUNITY OUTREACH SERVICES FOR THE FAIR OAKS/ORANGE GROVE SPECIFIC PLAN

Recommendation of City Manager: Authorize the increase of purchase order Contract No. 13,562 with Gruen and Associates for an additional \$25,000, for a new not to exceed amount of \$49,999 to complete the community outreach portion of the Fair Oaks Orange Grove Specific Plan. Competitive bidding is not required pursuant to City Charter Section 1002(F), contracts for professional or unique services.

It is further recommended that the City Council grant this purchase order an exemption from the competitive selection process of the Affirmative Action in Contracting Ordinance pursuant to Section 4.09.060(C), contracts for which the City's best interests are served.

AUTHORIZATION TO SUBMIT THE "INSTALLATION OF SOD AND IRRIGATION SYSTEMS ON NORTH LAKE AVENUE BETWEEN BELL STREET AND BOYLSTON STREET" PROJECT TO CALTRANS UNDER THE COMMUNITY BASED TRANSPORTATION PLANNING GRANTS

Recommendation of City Manager:

(a) Adopt a resolution approving the submission of the "Installation of Sod and Irrigation Systems on North Lake Avenue between Bell Street and Boylston Street" Project to Caltrans under the Community Based Transportation Planning Grant Program, which supports the livable community concepts.

(b) Authorize the City Manager to complete all materials associated with the application and agreement for the acceptance of the grant for the proposed project. (Resolution No. 8062)

Advisory Commission Review and Recommendation: Staff planned to take this recommendation to the Transportation Advisory Commission (TAC) at their regularly scheduled meeting on November 2nd, the first Friday of the month. Due to a rescheduling of this meeting to November 15th and given the time constraint of the application deadline, staff was not able to obtain the Commission's concurrence. In the past, however, the TAC has been supportive in pursuing grant opportunities.

At the request of Councilmember Madison, item removed for separate vote.

LEASE AGREEMENT FOR USE OF WEST ANNEX PARKING STRUCTURE OF THE PARSONS INFRASTRUCTURE & TECHNOLOGY GROUP, INC. AND SUB-LEASE OF SPACES TO RUSNAK DEALERSHIPS

MINUTES APPROVED

September 10, 2001
September 17, 2001

CLAIMS RECEIVED & FILED

Claim No. 8880	Wilma J. Naranjo	\$ 544.67
Claim No. 8881	Sequoia Financial Svs	659.58
Claim No. 8882	Rosemary & Michael Davis	2,925.00
Claim No. 8883-A	Gavino Flores, minor, by Josephina Reyes Mejia, parent	Unknown
Claim No. 8883-B	María Mejia	Unknown
Claim No. 8883-C	Josephina Reyes Mejia	Unknown
Claim No. 8884	(voided number)	
Claim No. 8885	SRO Properties, L.P.	2,381.57
Claim No. 8886	Deborah Lewis	3,000.00
Claim No. 8887	Sempra Energy	138.47

It was moved by Vice Mayor Little , seconded by Councilmember Tyler, to approve the Consent Calendar, except Item 6 (Lease Agreement for Use of West Annex Parking Structure), which was removed for a separate vote. (Motion unanimously carried) (Absent: Councilmember Holden)

CONSENT ITEM VOTED ON SEPARATELY

LEASE AGREEMENT FOR USE OF WEST ANNEX PARKING STRUCTURE OF THE PARSONS INFRASTRUCTURE & TECHNOLOGY GROUP, INC. AND SUB-LEASE OF SPACES TO RUSNAK DEALERSHIPS

Recommendation of City Manager:

- (a) Authorize the City Manager to amend Lease Agreement No. 16,785 with Parsons Infrastructure & Technology Group, Inc. for lease parking spaces in the West Annex Parking Structure;
- (b) Authorize the City Manager to amend the sub-lease of said parking spaces with Rusnak Dealerships (Lease Agreement No. 16,876); and
- (c) Approve a journal voucher recognizing \$24,800 from increased revenue from Rusnak Dealerships and \$24,800 from an increase in sales tax revenue and appropriate them to the West Gateway Parking (8114-225-763232). (Contract Nos. 16,785-1 & 16,786-1; Journal Voucher No. 2002-33)

Councilmember Holden returned at 9:38 p.m.

Councilmember Madison recused himself at 9:39 p.m. due to a conflict of interest as Parsons is a client.

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

INFORMATION ITEM

Councilmember Madison returned at 9:42 p.m.

REVISION OF CENSUS DATA FOR COUNCIL DISTRICTS (Oral Report)

Mr. Bill Crowfoot, Chair of the Redistricting Task Force, discussed and reviewed revised census figures, and responded to questions.

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

**RECOMMENDATIONS
FROM OFFICERS AND
DEPARTMENTS**

LICENSE AGREEMENT WITH INTER/FOREVER SPORTS FOR THE PRESENTATION OF "GOLD CUP," A SOCCER TOURNAMENT TO OCCUR AT THE ROSE BOWL FROM JANUARY 19 THROUGH FEBRUARY 2, 2002

Recommendation of Rose Bowl Operating Company:

(a) Authorize a license agreement with Inter/Forever Sports, Inc. (IFS) for the hosting of the 2002 "Gold Cup" soccer tournament, consisting of 6 doubleheaders beginning January 19 through February 2, 2002.

(b) Make the required findings, pursuant to Arroyo Seco Ordinance Section 3.32.270, to authorize the presentation of soccer games to be held at the Rose Bowl as displacement events numbers 12-17 for 2002.

(c) Direct the City Attorney to prepare an ordinance to suspend Sections 9.36.220 (Amplified Sound - Regulations), and 9.36.230 (General Noise Sources) of the Pasadena Municipal Code until 11:00 p.m. on Wednesday, January 23, and Wednesday, January 30, for the hosting of the soccer games. (Contract No. 17.839)

Mr. Darryl Dunn, Rose Bowl General Manager, provided an overview of the agenda report, and responded to questions.

It was moved by Councilmember Holden, seconded by Vice Mayor Little, to approve the Rose Bowl Operating Company's recommendation. (Motion unanimously carried) (Absent: None)

**REPORTS AND
COMMENTS FROM
COUNCIL COMMITTEES**

**ECONOMIC
DEVELOPMENT AND
TECHNOLOGY
COMMITTEE**

Councilmember Madison recused himself at 10:01 p.m. due to a possible conflict of interest, as Caltech and JPL are clients.

TELECOMMUNICATIONS MARKET ASSESSMENT STUDY RESULTS

Recommendation of City Manager:

(1) Receive the Telecommunications Market Assessment prepared by Uptown Services, LLC;

(2) Direct staff to take the following actions to implement study recommendations 1, 2, 4, 5 and 6:

(a) Collaborate with JPL and Caltech to develop a plan for their use of a portion of the City's fiber optic backbone to create a network that will draw new hi-tech firms to Pasadena;

(b) Research the issues surrounding placement of a telecom hotel in Pasadena and determine if the City should provide any remedies for current roadblocks or incentives for telecom hotel development to proceed;

(c) Work with Pacific Bell to target commercial areas of the city for expanded DSL coverage and to find creative solutions for siting of required above-ground facilities;

(d) Build awareness of the third-party Neighborhood Link website to provide a common forum for sharing city and community information; and

(e) Work with cellular providers to improve coverage in Pasadena and identify impediments to resolving coverage problems.

(3) Concur with Uptown Services' recommendations 7 and 8 to not install additional fiber in the City's ring and to not build a full service network to provide telecommunications services to Pasadena residents and businesses.

The City Manager introduced the item.

Ms. Lori B. Sandoval, Information and Technology Project Manager, presented the agenda report and summarized the telecommunication assessment study.

Discussion ensued concerning the placement/permitting process, site selection criteria, the need for design guidelines, whether a conditional use permit (CUP) is required, the need to review all telecommunication advances, and the need to streamline procedures.

In response to a question from Councilmember Streator, the City Manager indicated she would provide Councilmembers with a list of requested site locations as well as existing site locations. The City Manager offered to confirm whether a CUP is required. She also offered to have staff look further into the suggestion for design guidelines, especially for facilities located in parkways.

It was moved by Councilmember Holden, seconded by Councilmember Haderlein, to approve the City Manager's recommendation.

Councilmember Gordo amended the motion, with the consent of the maker and seconder, to amend the City Manager's recommendation as follows: (1) Revise Recommendation 2.(c) to read: "Work with Pacific Bell all the companies to target commercial areas of the city for expanded DSL coverage advanced telecommunications and to find creative solutions for siting of required above-ground facilities"; and (2) identify an individual, not necessarily a full-time position, to work directly with the various companies.

In response to a question, the City Manager indicated she would report back to the Council in December if it was determined amendments to the fee structure were needed to fund a new position.

In response to questions from Councilmember Haderlein, the City Manager indicated she would return to the Council in the first quarter of 2002 with an update on the telecom hotel placement and the collaboration effort with Jet Propulsion Laboratory and Caltech to use a portion of the City's fiber optic backbone.

In response to questions regarding a lease with Time Warner Communications, Mr. John Pratt, Information and Technology Director, offered to provide an update to Council in January on this matter.

The following individuals spoke in support of this item:

Mr. William Cumbie, Vice President of Cingular Wireless
Mr. Rich Roche, representing Pacific Bell
Ms. Brenda Trainor, President of Altrio Communications

Vote on the motion, as amended:

AYES: Councilmembers Gordo, Haderlein, Holden, Streater,
Tyler, Vice Mayor Little, Mayor Bogaard

NOES: None

ABSENT: Councilmember Madison

**RECOMMENDATIONS
FROM OFFICER AND
DEPARTMENTS**

**APPOINTMENT OF JUAN CARLOS VELASQUEZ TO THE
TRANSPORTATION ADVISORY COMMISSION** (District 3
Appointment)

**APPOINTMENT OF JUDITH ZITTER TO THE PASADENA
CENTER OPERATING COMPANY** (City Appointment/District 5
Recommendation)

**APPOINTMENT OF GERALDINE LEWIS TO THE ACCESSIBILITY
AND DISABILITY COMMISSION** (District 1 Appointment)

**REAPPOINTMENT OF ARNETTA COLE TO THE COMMUNITY
DEVELOPMENT COMMITTEE** (Tenant Appointment/District 1
Recommendation)

**APPOINTMENT OF TERRIE ALLEN TO THE ACCESSIBILITY
AND DISABILITY COMMISSION** (District 3 Appointment)

**APPOINTMENT OF STEVE HADERLEIN TO THE PASADENA
UNIFIED SCHOOL DISTRICT SCHOOL SAFETY COMMISSION**

It was moved by Vice Mayor Little, seconded by Councilmember
Streater, to approve the above appointments and reappointments.
(Motion unanimously carried) (Absent: Councilmember Madison)

**PROPOSED INTERIM EXPANSION PLAN FOR THE PASADENA
ARTS TRANSIT SERVICE**

Recommendation of City Manager:

(a) Approve the route structure and service plan for the Pasadena
Area Rapid Transit System (ARTS) shown on Attachment 1 and
Table 1 of the agenda report.

(b) Authorize the City Manager to amend the contract approved by
City Council on September 24, 2001, with Coach U.S.A. Transit
Services in an amount not to exceed \$16,074,125 for an initial
period of five years (this amount includes a change order amount of
\$75,000) with the option to extend the contract for two one-year
periods. (See Table 2 in the agenda report for a comparison of the
contract rates);

(c) Approve a journal voucher amending the FY 2002 Operating
Budget and appropriate \$453,900 to the ARTS program (account
detail provided in Table 3 of the agenda report) and recognize
revenue funds in the amount of \$453,900 for ARTS (Fund 209) to
offset this budget.

(d) Approve a reduction in the set aside amount of Reserve for
Future projects from 20 percent to 10 percent. (Contract No.
17,789-1; Journal Voucher 2002-34)

Recommendation of Transportation Advisory Commission: The Transportation Advisory Commission reviewed this item on October 11, 2001. The Commission supported the interim route restructuring and service plan and the reduction in the set aside amount of Reserve for Future projects from 20 percent to 10 percent.

The City Manager presented the agenda report.

In response to questions from Councilmember Haderlein. Transit Manager Cathi Cole stated staff would publish new time schedules for the various routes and would work to maintain comparable distances between stops. Councilmember Haderlein also voiced his objection to increasing the headway time of Route 40 and encouraged staff to maintain the current headway time.

Discussion ensued with respect to maintaining consistent headways and/or reducing them; the need for additional uptown route relief; financial impacts of expanding the bus service, and the need to provide service to school students.

Councilmember Gordo was excused at 11:10 p.m.

Councilmember Streater expressed her frustration in the need to implement additional relief on the uptown route between now and March, 2002.

The City Manager indicated if it was the Council's desire to add additional bus service to the uptown route, she would report on the financial impact at the Council's November 19 meeting with implementation sometime in December.

Mr. Robert Wittry, representing Flowers of Marengo Neighborhood Association, suggested the Council reconsider Route 40 running on Orange Grove Boulevard.

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

Councilmember Gordo returned at 11:18 p.m.

Councilman Gordo requested that the record reflect his support for the proposal even though he was absent during the vote.

ADOPTION OF A RESOLUTION AUTHORIZING THE PAYMENT OF SALARY DIFFERENTIALS AND EMPLOYEE BENEFITS TO CITY EMPLOYEES WHO HAVE BEEN ORDERED TO ACTIVE MILITARY DUTY FOR OPERATION ENDURING FREEDOM

Recommendation of City Manager: Adopt a resolution providing for the continuation of employee benefits and for the payment of the difference, if any, between a City employee's regular City salary and his or her military salary including allowances, for a period of up to five months, for those permanent City employees ordered to active military duty as a result of Operation Enduring Freedom. (Resolution 8063)

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

ORDINANCES - FIRST READING

Councilmember Streator was excused at 11:20 p.m.

Conduct first reading of "AN ORDINANCE OF THE CITY OF PASADENA AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF PASADENA ESTABLISHED BY SECTION 17.08.040 OF THE PASADENA MUNICIPAL CODE TO CHANGE THE DESIGNATION FOR THE PROPERTY LOCATED AT 2685 EAST WASHINGTON BOULEVARD"

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

AYES: Councilmembers Gordo, Haderlein, Holden, Tyler, Vice Mayor Little, Mayor Bogaard

NOES: None

ABSENT: Councilmembers Madison, Streator

Conduct first reading of "AN ORDINANCE OF THE CITY OF PASADENA AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF PASADENA ESTABLISHED BY SECTION 17.08.040 OF THE PASADENA MUNICIPAL CODE TO CHANGE THE DESIGNATION OF THE PROPERTIES LOCATED AT 1703-1735 OUTPOST LANE"

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

AYES: Councilmembers Gordo, Haderlein, Holden, Tyler, Vice Mayor Little, Mayor Bogaard

NOES: None

ABSENT: Councilmembers Madison, Streator

RECESS

On order of the Mayor, the regular meeting of the City Council recessed at 11:19 p.m., to the Community Development Commission meeting

RECONVENE

On order of the Mayor, the regular meeting of the City Council reconvened at 11:20 p.m. (Absent: Councilmember Madison)

PUBLIC COMMENT
(Continued)

Mr. Andy Bales, Pasadena resident, spoke in support of the recycling center at Los Robles Avenue and Villa Street.

Mr. Robert Wittry, Pasadena resident, commented on the need to underground Blue Line crossings.

Ruth Ellersieck, Pasadena resident, spoke in support of the recycling center.

Councilmember Streator requested that the City Attorney explain the Council's limitations with respect to the recycling center.

The City Attorney noted that Council has taken final action on this matter, and if the business owner wishes the Council to look at this

matter again, the business owner would need to submit an application based on new information or evidence.

The City Manager indicated that the owner or applicant must apply for a minor conditional use permit; and that they must provide the information to demonstrate that the facility will not be a nuisance.

The Mayor requested that the City Attorney explain the reconsideration process.

The City Attorney indicated that reconsideration of Council's prior action must take place the same day of action according to Roberts Rules of Order, and at this time it is not appropriate.

Councilmember Gordo stressed the need to work with the applicant to find another appropriate site for the recycling facility.

COUNCIL COMMENTS

The Mayor indicated he had received several calls concerning the Cirque du Soleil and inquired as to the approval process.

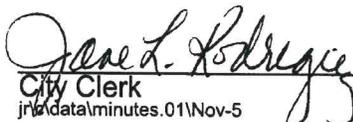
The City Manager indicated any contract agreement negotiated with Cirque du Soleil would need Council approval. She noted some environmental work needs to be done. In response to a question, she offered to check on whether a conditional use permit is required.

On order of the Mayor, the regular meeting of the City Council adjourned at 11:39 p.m.



Bill Bogaard
Mayor

ATTEST:



Jane L. Rodriguez
City Clerk
jlr\data\minutes.01\Nov-5