

CITY OF PASADENA
City Council Minutes
October 3, 2005 – 5:30 P.M.
Pasadena Senior Center, Multi-Purpose Room
85 East Holly Street

REGULAR MEETING

OPENING: Mayor Bogaard called the regular meeting to order at 6:34 p.m. (Absent: Councilmembers Gordo, Holden, Vice Mayor Madison) The Pledge of Allegiance was led by Councilmember Little.

ROLL CALL:

Councilmembers:

Mayor Bill Bogaard
Vice Mayor Steve Madison (Arrived at 7:11 p.m.)
Councilmember Victor Gordo (Arrived at 6:42 p.m.)
Councilmember Steve Haderlein
Councilmember Chris Holden (Arrived at 6:49 p.m.)
Councilmember Paul Little
Councilmember Joyce Streater
Councilmember Sidney F. Tyler

Staff:

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

CEREMONIAL MATTERS

The City Clerk administered the oath of office to Brian L. Holman as Utility Advisory Commissioner.

The Mayor presented a proclamation designating October 2005 as National Arts and Humanities Month. The proclamation was received by Jerri Price, Arts and Culture Commission Chair.

Ms. Price invited the community to participate in ArtNight Pasadena on October 7, 2005, which involves free admission to many of the City's cultural venues; and thanked Council for supporting the Cultural Nexus Plan.

Councilmember Gordo arrived at 6:42 p.m.

The Mayor presented a proclamation designating October 3-8, 2005 as Barbershop Harmony Week. The proclamation was received by E. Phil Aydon and the Pasadena Crown City Chorus.

Mr. Aydon announced the 2005 Convention and Competition Show of Champions presented by the Barbershop Harmony Society to be held on October 15, 2005 at the Pasadena Civic Auditorium.

Police Chief Bernard Melekian informed Council that the City's HOPE (Homeless Outreach Psychological Evaluation) Team

Councilmember Holden arrived at 6:49 p.m.

program had been selected by the International Association of Chiefs of Police as first runner-up from 148 police departments around the world for its community outreach. The Chief recognized the three HOPE Teams for their work in dealing with the homeless and mentally-ill populations of the City, and provided information and statistics on the HOPE Teams and their accomplishments. Chief Melekian presented the award to Officer Bill Shipman as a member of one of the HOPE Teams, and noted the award would be on display at the Police Department.

The Mayor commended the HOPE Teams for their service to the City's homeless population.

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

Ms. Merrilee Fellows, Pasadena resident, and Mr. Ben Green, Pasadena Senior Center Executive Director, invited the Council and community to the 2005 Pasadena Follies to be held on October 23, 2005 at the Pasadena Senior Center, with the proceeds to benefit the Senior Center.

Mr. Marvin Schachter, Pasadena resident, congratulated Council for the prompt response to a suit filed in regards to protecting free speech rights by agreeing to review the City's practices and ordinances as this relates to the City's sign ordinance, expressed support for Council's actions in defending the Constitutional rights of its citizens, commented on the issue of local media being owned by interests outside of the community, and commended the American Civil Liberties Union (ACLU) for its work on behalf of the City's residents.

Ms. Consuelo Canizales, Pasadena resident, described problems involving a building permit, a loan application for repairs to the house, and a lien that had been placed on her home (allegedly by a City inspector), and asked for assistance in addressing these problems.

Brief discussion followed on the circumstances involving the lien and the City's process for taking this type of action.

Councilmember Streator indicated it was her understanding that Ms. Canizales had also presented the lien issue to the Northwest Commission, that there apparently is no lien, and that Ms. Canizales had been referred to Neighborhood Housing Services to help her understand what is going on with the situation.

The City Manager indicated staff would look into the matter and contact Ms. Canizales.

Councilmember Gordo asked the City Manager to inform Council of the outcome in her weekly letter to Council.

Ms. Herminia Ortiz, Pasadena resident, expressed concerns regarding various violations of the civil rights of residents (e.g. issues involving the sign ordinance, building inspections, and equality in the issuance of various permits), and asked for an investigation of these issues.

The Mayor indicated staff would look into the above matters and inform Council of the results.

CONSENT CALENDAR

APPROVAL OF FINAL TRACT MAP NO. 060877, BEING A MIXED-USE PROJECT COMPRISED OF 33 RESIDENTIAL CONDOMINIUM UNITS AND ONE COMMERCIAL SPACE, AT 35 NORTH RAYMOND AVENUE

Recommendation of City Manager: It is recommended that the City Council adopt the following resolution to:

- (1) Approve final Tract Map No. 060877; and
- (2) Authorize the City Clerk to execute the certificate on the map showing the City's approval of said map. (Resolution No. 8515)

Item discussed separately at the request of Councilmember Tyler.

APPROVE THE SALE OF AN EASEMENT AND ADOPTION OF A RESOLUTION TO GRANT AN EASEMENT FOR THE PROJECTION OF GLASS-ENCLOSED PORCHES INTO THE PUBLIC RIGHT-OF-WAY LOCATED AT 355 EAST COLORADO BOULEVARD

ADOPT A RESOLUTION OF INTENT TO VACATE A PORTION OF MADIA STREET FROM APPROXIMATELY 380 FEET EAST OF LINDA VISTA AVENUE TO THE EAST END OF MADIA STREET

Recommendation of City Manager:

- (1) Adopt a Resolution of Intention to vacate a portion of Madia Street from approximately 380 feet east of Linda Vista Avenue to the east end of Madia Street.
- (2) Set a public hearing for Monday, November 7, 2005, at 8:00 p.m., to consider the proposed street vacation prior to adoption of the resolution ordering the vacation in accordance with the requirements and recommendations contained in the agenda report and subject to the conditions stated therein.
- (3) Direct the City Clerk to publish and post a notice of hearing in accordance with the requirements of Streets and Highways Code Sections 8320, et seq. (Resolution No. 8516)

Recommendation of Planning Commission: On Wednesday, July 21, 2005, the Planning Commission reviewed and recommended that the City Council approve the proposed street vacation as presented by staff.

ADOPTION OF RESOLUTION AUTHORIZING SUBMITTAL OF A GRANT APPLICATION FOR THE CALIFORNIA RIVER PARKWAYS PROGRAM FUNDED BY THE WATER SECURITY, CLEAN DRINKING WATER, COASTAL AND BEACH PROTECTION ACT OF 2002 (PROPOSITION 50)

Recommendation of City Manager: Approve the City of Pasadena's application and adopt a resolution authorizing submittal of a grant application to the State of California Resources Agency, Department of Parks and Recreation, for the California River Parkways Program (Proposition 50) in the amount of \$1,478,000 to implement the Berkshire Creek Improvements Project included in the Hahamongna Watershed Park - Implement Master Plan Project No. 77565 in the Fiscal Year 2006 Capital Improvement Program. (Resolution No. 8517)

Recommendation of Recreation and Parks Commission: At its regular meeting of September 13, 2005, the Recreation and Parks Commission unanimously recommended that the City Council approve the City of Pasadena's application to the State of California Resources Agency, Department of Parks and Recreation, for the California River Parkways Program (Proposition 50) in the amount of \$1,478,000 to implement the Berkshire Creek Improvements Project.

MINUTES APPROVED

September 19, 2005

CLAIMS RECEIVED AND FILED

Claim No. 9923	Olga Mouradian	\$	362.77
Claim No. 9924	Emily Miller		149.00
Claim No. 9925	Lucy Moya		Not Stated
Claim No. 9926	Safeco Insurance Company of America, subrogee of Bruce Wartlieb		900.07
Claim No. 9927	Hin Ki Tang		850.00
Claim No. 9928	Moiya Fields		Not Stated
Claim No. 9929	Griselda Saucedo		3,748.00
Claim No. 9930	Robert A. Leon		185.00
Claim No. 9931	Apichart Luyapan		1,285.00
Claim No. 9932	Interinsurance Exchange of the Automobile Club, subrogee of Dershan Li		26,311.30
Claim No. 9933	Richard King		Not Stated

PUBLIC HEARING SET

November 14, 2005, 8:00 p.m. - Zoning Code Amendment to Modify the Multi-Family Residential Development Standards (aka City of Gardens Standards)

It was moved by Councilmember Little, seconded by Councilmember Streater, to approve the Consent Calendar, with the exception of Item 2 (Easement at 355 East Colorado Boulevard), which was discussed separately. (Motion unanimously carried) (Absent: Vice Mayor Madison)

CONSENT ITEM DISCUSSED SEPARATELY

APPROVE THE SALE OF AN EASEMENT AND ADOPTION OF A RESOLUTION TO GRANT AN EASEMENT FOR THE PROJECTION OF GLASS-ENCLOSED PORCHES INTO THE PUBLIC RIGHT-OF-WAY LOCATED AT 355 EAST COLORADO BOULEVARD

Recommendation of City Manager: It is recommended that the City Council take the following actions to approve the sale of an easement and the adoption of a resolution to grant an easement for glass-enclosed porches into the public right-of-way located at 355 East Colorado Boulevard. (Resolution No. 8518)

Recommendation of Design Commission: On January 10, 2005, the Design Commission approved with conditions the concept design of the project. One of these conditions was that the Commission will conduct an advisory 50% review to analyze the configuration of the Solaria prior to the final design review. This review was conducted on June 27, 2005. Final design review is expected to occur in late October or November.

In its review of the project, the Design Commission supported the glazed Solaria because they add transparency to the walls of the building, extrude the massing, and lighten the volume. A rendering of the building is attached to the agenda report.

Vice Mayor Madison arrived at 7:11 p.m.

In response to Councilmember Tyler's questions, Mr. Dan Rix, City Engineer, provided information on the glass Solaria and the impacts of the easement.

The City Manager indicated that similar easements had been approved in the past.

Councilmember Haderlein asked staff to provide calculations of the fair market value for the added space in the easement.

It was moved by Councilmember Tyler, seconded by Councilmember Streater, to approve the City Manager's recommendation. (Motion unanimously carried) (Absent: None)

**REPORTS AND COMMENTS
FROM COUNCIL
COMMITTEES**

**LEGISLATIVE POLICY
COMMITTEE**

**OPPOSITION TO SB 1504 - BROADBAND INVESTMENT
AND CONSUMER CHOICE ACT, SB 1349 - VIDEO CHOICE
ACT, AND HR 3146 - VIDEO CHOICE ACT**

Recommendation of City Manager:

(1) Oppose the following three Federal Bills: SB 1504 (Ensign/McCain) - Broadband Investment and Consumer Choice Act of 2005; SB 1349 (Smith/Rockefeller) - Video Choice Act of 2005; and HR 3146 (Blackburn/Wynn) - Video Choice Act of 2005 and any other legislation that would negatively impact local governments.

(2) Authorize the Mayor to send correspondence to the appropriate authorities advocating Pasadena's position.

The Mayor, Chair of the Legislative Policy Committee, introduced the agenda item.

Ms. Lori Sandoval, IT Planning and Project Manager, highlighted the agenda report.

It was moved by Councilmember Streater, seconded by Councilmember Holden, to approve the City Manager's recommendation. (Motion unanimously carried) (Absent: None)

SUPPORT OF ASSEMBLY BILL 231 (RUNNER) AND SENATE BILL 588 (RUNNER): SEXUAL PREDATOR PUNISHMENT AND CONTROL ACT

Recommendation of City Manager:

(1) Support Assembly Bill 231 (Sharon Runner), which strengthens punishments, expands parole periods, keeps sex offenders away from schools and places where children frequently play, provides tools for tracking and control of paroled offenders and toughens punishments for the use of "date rape" drugs, child pornography and using the internet to lure children into sex crimes.

(2) Support Senate Bill 588 (George Runner), which is the same proposed legislation as AB 231, but being carried through the Senate by Senator George Runner, Assembly Member Sharon Runner's spouse.

(3) Authorize the Mayor to send correspondence to the appropriate authorities stating Pasadena's position.

The City Manager introduced the agenda item.

Police Chief Bernard Melekian reviewed the agenda report and responded to questions.

It was moved by Councilmember Holden, seconded by Councilmember Tyler, to approve the City Manager's recommendation. (Motion unanimously carried) (Absent: None)

RECOMMENDATIONS FROM OFFICERS AND DEPARTMENTS

DESIGNATION OF VOTING DELEGATE AND ALTERNATE FOR THE NATIONAL LEAGUE OF CITIES ANNUAL BUSINESS MEETING ON DECEMBER 10, 2005 IN CHARLOTTE, NORTH CAROLINA

It was moved by Councilmember Tyler, seconded by Councilmember Little, to designate Councilmember Streater as the Voting Delegate and Mayor Bogaard as Alternate Voting Delegate for the National League of Cities Annual Business Meeting. (Motion unanimously carried) (Absent: None)

CONSIDERATION OF APPOINTMENT OF JOHN VAN DE KAMP AS CHAIR TO THE TASK FORCE ON GOOD GOVERNMENT

BUDGET, STAFFING, AND CHARGE FOR THE TASK FORCE ON GOOD GOVERNMENT

Recommendation of City Clerk: It is recommended that the City Council approve the proposed budget, staffing and charge for the Task Force and approve a journal voucher appropriating \$80,000 from the Unappropriated General Fund balance to the FY 2006 City Clerk's Office Budget. (Journal Voucher No. 2006-13)

The above two agenda items were discussed concurrently.

The City Clerk summarized the agenda report.

The Mayor reviewed a draft charge statement which was distributed at the meeting.

Vice Mayor Madison requested the budget be amended to include an additional \$18,000 to provide for videotaping all of the Task Force's meetings, spoke in support of exploring the establishment of local regulations for campaign finance and related ethics in government issues, discussed elements of the Oaks Initiative (Measure B), and expressed support for the appointment of John Van de Camp as Chair of the Task Force.

The Mayor stated his understanding of the charge as the Task Force getting a clear notion of the rules at all levels of government that are applicable to the ethical, responsible conduct of those serving in public office (including elected officials and senior decision-making staff), which would include Measure B, and then recommending what changes, if any, might be appropriate to achieve regulation to assure ethical government without violating the Constitutional rights of any stakeholders. The Mayor stated his opinion that the credibility of this effort in establishing the Task Force would be determined by the appointments made by Council and the merits of the recommendations offered by the Task Force, which will be formulated in a public process and available for public examination. He noted that if Council should place a measure on the ballot, the community will have the opportunity to determine if there is a better way to achieve the goals of responsible conduct on the part of elected and appointed public officials that appear to be required of Measure B.

Discussion followed on the scope of the charge to the Task Force, the possible limitation of the charge to a focus on the Oaks Initiative, and the need to explore campaign limitations and other issues.

Councilmember Holden suggested the charge stay focused on the Oaks Initiative and how the perceived defects/deficiencies can be corrected to make it work more efficiently and effectively and to accomplish the intent of the voters, while protecting

individuals' Constitutional rights; and discussed the opportunity to challenge the constitutionality of the Oaks Initiative at some time in the future.

Councilmember Little expressed concerns regarding a charge and/or Task Force that could create additional problems, expressed support for a process that ensures full disclosure of all campaign contributions/financing, and suggested pursuing a lawsuit that challenges those parts of Measure B that may be unconstitutional.

Councilmember Haderlein expressed opposition to a Task Force, commented on Measure B and campaign financing reform, and expressed concerns regarding the precedent being set and other issues related to the formation of the Task Force.

Councilmember Streator suggested the charge to the Task Force be deferred to allow time for the City Attorney to draft alternative language for Council's consideration.

It was moved by Vice Mayor Madison, seconded by Councilmember Streator, to appoint John Van de Kamp as Chair to the Task Force on Good Government, to approve the City Clerk's recommendation on the budget and staffing for the Task Force, to amend the budget to include an additional \$18,000 for a new total of \$98,000 to provide videotaping of all Task Force meetings with delayed broadcast on 55KPAS, and to defer consideration of the charge for the Task Force to the Council meeting of October 10, 2005 to allow time for additional revisions and review of the charge. (Motion carried, with Councilmembers Haderlein and Little objecting) (Absent: None)

The Mayor noted that the City Attorney would provide a draft charge to the Task Force that would capture Council's comments, and Council would be provided with a list of possible appointees to the Task Force at the Council meeting of October 10, 2005.

CONSIDERATION OF CALL FOR REVIEW OF DESIGN COMMISSION DECISION TO THE CITY COUNCIL FOR CONSOLIDATED DESIGN REVIEW FOR THE DEMOLITION OF SEVEN UNITS AND GARAGE STRUCTURES ON TWO LOTS AND CONSTRUCTION OF A 12-UNIT CONDOMINIUM FLANKING A MAIN GARDEN AT 635-647 SOUTH LAKE AVENUE, CASE NO. PLN2004-00497 (Councilmember Tyler)

Mr. Vincent Gonzalez, Senior Planner, provided an overview of the status of the project and responded to questions.

Councilmember Tyler expressed concerns regarding the need to protect a liquid amber tree on the property, rather than

remove it; and asked for a delay to allow time for staff and the applicant to explore design options that would preserve the tree.

The following persons spoke in opposition to the call for review:

Mr. Michael Hajar, Chateau de Lis LLC representative
(applicant)
Ms. Ann Higginbotham, legal representative for applicant

The following persons outlined issues discussed by the Design Commission:

Mr. Chris Peck, Design Commissioner speaking as an individual
Mr. Don Barker, Design Commissioner speaking as an individual

Mr. Richard Bruckner, Director of Planning and Development Department, clarified the relevance of the Tree Protection Ordinance to this situation.

The City Attorney discussed the process for presenting findings at a public hearing in conjunction with determining an action to preserve or remove the tree in question.

Councilmember Holden expressed concerns regarding a precedent that would seem to be set by calling this vested project for review.

Councilmember Streator expressed concern with this project being before Council as a call for review for a second time, and agreed with the applicant regarding the difficulty of designing a project around this tree.

It was moved by Councilmember Tyler, seconded by Councilmember Haderlein, to call this matter for review to the City Council:

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

NOES: Councilmembers Holden, Streator

ABSENT: None

PUBLIC HEARINGS

CONTINUED PUBLIC HEARING: DESIGNATION OF 580 NORTH LAKE AVENUE AS A LANDMARK **Recommendation of City Manager:**

(1) Acknowledge that the designation of a historic resource is categorically exempt from the California Environmental Quality Act (Section 15308);

(2) As recommended by the Historic Preservation Commission, find that the house at 580 North Lake Avenue is significant under Criterion b for designation as a landmark

[Pasadena Municipal Code Section 17.62.040(B)] because the property has an important association with Charles F. Saunders who was an influential author and naturalist, and lived in the house during his productive life;

(3) Adopt a resolution designating 580 North Lake Avenue as a landmark (Attachment A of the agenda report);

(4) Authorize the Mayor to execute the declaration of designation (Attachment B of the agenda report); and

(5) Direct the City Clerk to record the declaration with the Los Angeles County Recorder.

Recommendation of the Historic Preservation Commission: On May 16, 2005, at a noticed public hearing, the Historic Preservation Commission voted unanimously to recommend approval of the designation of 580 North Lake Avenue as a landmark.

The Mayor opened the continued public hearing.

The City Clerk reported the notice of public hearing was posted and mailed on July 7, 2005; and no new correspondence was received, with six letters in support of the landmark designation distributed to Council during the public hearing of July 25, 2005.

The City Manager provided an overview of the outstanding issues for the project.

Mr. John Andrews, Senior Project Manager, reviewed the parking issues related to the project and responded to questions.

Ms. Mary Jo Winder, Senior Planner, responded to questions regarding the variance process under a historic landmark designation and responded to questions.

Mr. Richard Bruckner, Director of Planning and Development Department, clarified that parking spaces in the front yard of the building would require approval of a variance, provided background on the development of the design and parking for the project, commented on the protected trees on the property, and responded to questions.

The following persons spoke in support of the landmark designation:

Mr. Bob Kneisel, co-applicant and Pasadena resident, noted he had a petition with 24 signatures in support of a variance for parking.

Mr. Dale Trader, co-applicant and Pasadena resident

The following person spoke in opposition to the landmark designation:

Mr. David Darwish, property owner, indicated staff had agreed to work out a variance for parking in the front of the property, if he would preserve the outside of the property, and explained problems in preserving the property caused by the uncertainty of the status of the permits and landmark designation processes.

Discussion followed on the plans for the project, options for providing adequate parking for the property, the possibility for moving the building, the condition of the building, and the timing involved with the variance process as this relates to action on the landmark designation.

Mr. Bruckner indicated that staff could recommend a variance regarding parking, but that any variance would need to be handled through the formal approval process, which could be completed within a 90-day period. He confirmed the need for Mr. Darwish to secure the property during the ongoing processes for the landmark designation and variance approvals.

The City Attorney indicated the property owner is required to initiate the variance process, the neighbors could support the property owner in this process, and findings would need to be determined in a way that would support the issuance of the variance.

The City Manager noted the public hearing on the landmark designation could be continued until the necessary variance has been processed and a continued hearing could be re-scheduled when the outcome of the variance application is known.

Councilmember Holden expressed concerns regarding a fairness issue involving the property owner's rights in this situation.

Vice Mayor Madison was excused at 9:30 p.m.

Councilmember Gordo discussed the responsibility of the proponents of the landmark designation in assisting the property owner during the 90-day variance process, and encouraged the property owner to move forward with the variance process. He stated he would find it difficult to support the landmark designation if the variance process was not approved because of the fairness issue.

It was moved by Councilmember Gordo, seconded by Councilmember Streater, to continue and re-notice the public hearing and encourage the parties (applicants and property owner) to work together to secure a variance, with staff to move forward with the hearing process as quickly as possible. (Motion unanimously carried) (Absent: Vice Mayor Madison)

PUBLIC HEARING: DESIGNATION OF 985 NORTH LOS ROBLES AVENUE AS A LOCAL LANDMARK

Recommendation of City Manager:

- (1) Acknowledge that the designation of a historic resource is categorically exempt from the California Environmental Quality Act (Section 15308);
- (2) As recommended by the Historic Preservation Commission, find that the house at 985 North Los Robles Avenue is significant under Criterion c for designation as a landmark [Pasadena Municipal Code, Section 17.62.040(B)] because the property is an architecturally intact and outstanding representation of early twentieth century Colonial Revival design by architect Sylvanus Marston;
- (3) Adopt a resolution designating 985 North Los Robles Avenue as a landmark (Attachment A of the agenda report);
- (4) Authorize the Mayor to execute a declaration of designation (Attachment B of the agenda report); and
- (5) Direct the City Clerk to record the declaration with the Los Angeles County Recorder. (Resolution No. 8519)

Recommendation of the Historic Preservation Commission: On August 15, 2005, at a noticed public hearing, the Historic Preservation Commission voted unanimously to recommend approval of the designation of 985 North Los Robles Avenue as a landmark.

Vice Mayor Madison returned at 9:35 p.m.

The Mayor opened the public hearing.

The City Clerk reported 41 copies of the notice of public hearing were posted on September 19, 2005; 118 copies of the notice were mailed on September 19, 2005; and no correspondence was received.

Ms. Mary Jo Winder, Senior Planner, summarized the agenda report.

The following persons spoke in support of the landmark designation:

Mr. Mark Mortenson, Pasadena resident (property owner)
Ms. Karen Bateman, Pasadena resident (applicant)

It was moved by Councilmember Holden, seconded by Councilmember Little, to close the public hearing. (Motion unanimously carried) (Absent: None)

Councilmember Gordo commended the property owners for their care and preservation of the home.

It was moved by Councilmember Gordo, seconded by Councilmember Streater, to approve the City Manager's

recommendation. (Motion unanimously carried) (Absent: None)

PUBLIC HEARING: NOMINATION FOR LANDMARK DESIGNATION - 433-435 MARTELO AVENUE

Recommendation of City Manager:

(1) Acknowledge that the designation of a historic landmark is categorically exempt from the California Environmental Quality Act (Section 15308);

(2) As recommended by the Historic Preservation Commission, find that the two-story, single-family residence located at 433-435 Martelo Avenue meets Criterion c for designation as a landmark [Pasadena Municipal Code, Section 17.62.040(B)]; and

(3) Adopt a resolution designating 433-435 Martelo Avenue as a landmark (Attachment 1 of the agenda report); and

(4) Authorize the Mayor to execute the attached declaration of designation (Attachment 2 of the agenda report); and

(5) Direct the City Clerk to record the declaration with the Los Angeles County Recorder. (Resolution No. 8520)

Recommendation of Historic Preservation Commission:

On August 10, 2005, the Commission voted unanimously to recommend that the City Council find that 433-435 Martelo Avenue meets the criteria for designation as a landmark and approve the designation.

The Mayor opened the public hearing.

The City Clerk reported 29 copies of the notice of public hearing were posted on September 19, 2005; 85 copies of the notice were mailed on September 19, 2005; and no correspondence was received.

Mr. Robert Avila, Associate Planner, summarized the agenda report and responded to questions.

Mr. Albert Reyes, Pasadena resident (applicant), spoke in support of the landmark designation; asked that the house be named the "Ingrid Adams James House" in honor of Ms. James; and submitted a biography of Ingrid Adams James, the tenant/primary caretaker of the house for the past 22 years.

It was moved by Councilmember Streater, seconded by Councilmember Little, to close the public hearing. (Motion unanimously carried) (Absent: None)

It was moved by Councilmember Haderlein, seconded by Councilmember Gordo, to approve the City Manager's recommendation. (Motion unanimously carried) (Absent: None)

The Mayor indicated staff would work with Mr. Reyes in issuing a commendation that would confirm the naming of the house and the reasons for bestowing this honor on behalf of Ms. James.

In response to Councilmember Tyler's question, Mr. Richard Bruckner, Director of Planning and Development Department, confirmed that Council receives an annual report on the monies lost as property tax revenue in conjunction with the designation of historic landmarks under the Mills Act.

PUBLIC HEARING: AMENDMENT TO THE SCHEDULE OF TAXES, FEES AND CHARGES TO INCLUDE THE REVISED RESIDENTIAL IMPACT FEE

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

(1) Adopt a resolution to change the Residential Impact Fee structure in the following manner:

(a) From the flat fee of \$10,977 per unit to a variable fee based on the number of bedrooms within a residential unit as outlined in Table 1 of the agenda report, which ranges from \$14,588 for a studio apartment to \$27,003 for a five or more bedroom unit;

(b) Affordable housing units, student housing on property owned by and/or developed in conjunction with an accredited post-secondary educational institution, and skilled nursing units shall be assessed a fee of \$756 per unit. If the required amount of affordable housing units are built on-site per Title 17.42 of the Pasadena Municipal Code, the non-affordable units shall receive a thirty percent discount on the Residential Impact Fee;

(c) If at least fifteen percent of a development is workforce housing within the price range of 121 to 150 percent of Average Median Income (AMI) for Los Angeles County, the workforce housing is eligible for a fifty percent rebate on the Residential Impact Fee; and

(d) If at least fifteen percent of a development is workforce housing within the price range of 151 to 180 percent of AMI, the workforce housing is eligible for a thirty-five percent rebate on the Residential Impact Fee.

(2) Find this amendment is not subject to the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15378(b)(4) (definition of project excludes government fiscal activities which do not involve any commitment to any special project); and

(3) Establish the following transition criteria for projects to which the current Residential Impact Fee would apply:

(a) Any project which has submitted a complete set of plans for building permits and paid all plan check fees prior to the effective date of the Residential Impact Fee Resolution. (Resolution No. 8521)

Councilmember Holden was excused at 9:55 p.m.

The Mayor opened the public hearing.

The City Clerk reported the notice of public hearing was published on September 19, 2005 in the Pasadena Star-News and on September 22 and 29, 2005 in the Pasadena Journal; and no correspondence was received.

The City Manager summarized the agenda report and responded to questions.

Mr. Martin Pastucha, Director of Public Works Department, clarified the transition criteria.

No one appeared for public comment.

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

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

ORDINANCE – FIRST READING

Conduct first reading of “AN ORDINANCE OF THE CITY OF PASADENA AMENDING CHAPTER 4.17 OF THE PASADENA MUNICIPAL CODE RELATING TO METHODOLOGY FOR CALCULATING RESIDENTIAL IMPACT FEES”

Deputy City Attorney Theresa Fuentes, the City Attorney, and the City Manager responded to questions regarding workforce housing.

Following discussion, the City Attorney revised Page 2 of the ordinance to read: Section 1.C. “Workforce housing,” for purposes of this Chapter 4.17 only, is defined as residences offered to persons or families who live or work in the City of Pasadena and earn between 121-180 percent of the average median income for Los Angeles County (“AMI”); and which are restricted by a covenant recorded with the County of Los Angeles, to remain as workforce housing for a minimum of fifteen years; as may be further clarified in regulations which may be adopted by the City. The City Attorney distributed a memorandum dated October 3, 2005 and a handout of Page 3 of the redlined form of the ordinance and discussed the revision that removes reference to the residential impact fee nexus study from the text of the ordinance, and retains reference to the nexus study in the ordinance's recital section.

The ordinance, as revised above, was offered for first reading by Councilmember Little:

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

NOES: None

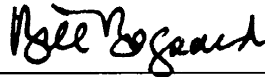
ABSENT: Councilmember Holden

RECESS

On order of the Mayor, the regular meeting of the City Council recessed at 10:08 p.m. to the regular meeting of the Community Development Commission.

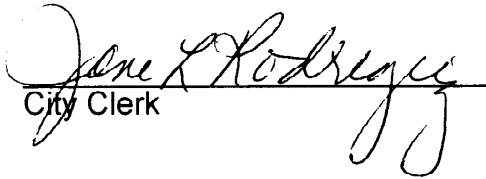
ADJOURNMENT

On order of the Mayor, the regular meeting of the City Council reconvened at 10:09 p.m. and adjourned at this time.



Bill Bogaard, Mayor
City of Pasadena

ATTEST:



Jane L. Rodriguez
City Clerk