

CITY OF PASADENA
City Council Minutes
March 6, 2006 – 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 5:51 p.m.
(Absent: Councilmember Holden, Vice Mayor Madison)

On order of the Mayor, the regular meeting recessed at 5:51 p.m., to discuss the following closed sessions:

Councilmember Holden
arrived at 6:12 p.m.

**CITY COUNCIL CONFERENCE WITH LEGAL COUNSEL
regarding significant exposure to litigation pursuant to
Government Code Section 54956.9(b): One potential case**

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

On order of the Mayor, the regular meeting reconvened at 6:33 p.m. The Pledge of Allegiance was led by Councilmember Gordo.

ROLL CALL:

Councilmembers:

Mayor Bill Bogaard
Vice Mayor Steve Madison (Arrived at 6:38 p.m.)
Councilmember Victor Gordo
Councilmember Steve Haderlein
Councilmember Chris Holden
Councilmember Paul Little
Councilmember Joyce Streater
Councilmember Sidney F. Tyler

Staff:

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

CEREMONIAL MATTERS

Vice Mayor Madison arrived
at 6:38 p.m.

The Mayor presented a proclamation declaring March 2006 as Red Cross Month. The proclamation was accepted by Gayle Wayne, Director of Financial Development for the San Gabriel/Pomona Valley Division of the Red Cross.

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

Mr. Kurt Thorgerson, member of the public and no longer a resident of Pasadena, spoke on issues related to the City and requested a town hall meeting in order to allow community members an opportunity to express concerns to City officials.

In response, the Mayor indicated that a community-wide meeting regarding housing affordability will be held on Friday, March 10, 2006 at the Church of the Nazarene in East Pasadena.

CONSENT CALENDAR

AUTHORIZATION TO ENTER INTO PURCHASE ORDER CONTRACTS WITH MYERS POWER PRODUCTS TO FURNISH AND DELIVER A WALK-IN METAL CLAD SWITCHGEAR UNIT AND WITH FORTUNE ELECTRIC COMPANY TO FURNISH AND DELIVER TWO POWER TRANSFORMERS FOR THE CITY OF PASADENA

Recommendation of City Manager:

- (1) Accept the bid dated January 27, 2006, submitted by Fortune Electric Company, in response to Specification LD-05-14, and approve the purchase of two power transformers;
- (2) Accept the bid dated February 1, 2006, submitted by Myers Power Products in response to Specification LD-05-13, and approve the purchase of one walk-in metal clad switchgear;
- (3) Reject all other bids;
- (4) Authorize the issuance of a purchase order contract to Fortune Electric Company for a total amount not to exceed \$1,395,198; and
- (5) Authorize the issuance of a purchase order contract to Myers Power Products for a total amount not to exceed \$927,460.

Item acted upon separately at the request of Councilmember Little.

APPROVAL OF FINAL TRACT MAP NO. 062147, BEING A MIXED-USE PROJECT COMPRISED OF 55 AIR PARCELS FOR RESIDENTIAL CONDOMINIUM PURPOSES AND ONE COMMERCIAL SPACE, AT 240-260 SOUTH ARROYO PARKWAY

SUSPENSION OF THE NOISE ORDINANCE RELATING TO CALVARY CHAPEL OF PASADENA'S EASTER SUNRISE SERVICE, TO BE HELD AT VICTORY PARK ON SUNDAY, APRIL 16, 2006

Recommendation of City Manager:

- (1) Acknowledge that the proposed Calvary Chapel of Pasadena's Easter Sunrise Service and the lifting of the Noise Ordinance are categorically exempt under California Environmental Quality Act (CEQA) Guidelines Section 15023, Normal Operations of Facilities for Public Gatherings; and
- (2) Adopt an ordinance to suspend the Noise Ordinance by permitting amplified sound on a Sunday beginning at 7:00 a.m. and a Notice of Exemption and hold the first reading of same on Monday, March 6, 2006, with respect to the proposed Calvary Chapel of Pasadena's Easter Sunrise Service to be held at Victory Park on Sunday, April 16, 2006 from 7:00 a.m. to 8:30 a.m.

CLAIMS RECEIVED AND FILED

Claim No. 10,041	Ronald S. Bonds	\$	239.52
Claim No. 10,042	Franklin Nguyen		245.00
Claim No. 10,043	Mercury Insurance for Sako and Manouk Tabakian		1,725.09

Claim No. 10,044	Rose Ingber and Lawrence Ingber	638.03
Claim No. 10,045	Alice L. Elwell	Not stated
Claim No. 10,046	Paul and Allison Alanis	80.00
Claim No. 10,047	Orrillius Whitehead	7,500.00
Claim No. 10,048	Kathleen Tesar	450.00+
Claim No. 10,049	Edwin E. Garrido	220.00

PUBLIC HEARINGS SET

March 27, 2006, 8:00 p.m. - Los Robles/Adena Zone Change and General Plan Amendment

April 3, 2006, 8:00 p.m. - Zoning Code Amendments – Series I

It was moved by Councilmember Streator, seconded by Councilmember Tyler, to approve the Consent Calendar with the exception of Item 2 (Approval of Final Tract Map No. 062147), which was acted upon separately. (Motion unanimously carried) (Absent: None)

CONSENT ITEM ACTED UPON SEPARATELY

APPROVAL OF FINAL TRACT MAP NO. 062147, BEING A MIXED-USE PROJECT COMPRISED OF 55 AIR PARCELS FOR RESIDENTIAL CONDOMINIUM PURPOSES AND ONE COMMERCIAL SPACE, AT 240-260 SOUTH ARROYO PARKWAY

Recommendation of City Manager: Adopt a resolution to:

- (1) Approve final Tract Map No. 062147;
- (2) Accept the offer of an easement dedication for street purposes as shown on Tract Map No. 062147; and
- (3) Authorize the City Clerk to execute the certificate on the map showing the City's approval of said map and acceptance of said dedication. (Resolution No. 8567)

The City Manager and Dan Rix, City Engineer, responded to questions raised by Councilmember Little regarding a proposed 20-foot radius property line corner being reduced to 17.5 feet.

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

REPORTS AND COMMENTS FROM COUNCIL COMMITTEES

MUNICIPAL SERVICES COMMITTEE

ADOPT ELIGIBILITY AND BENEFIT CHANGES TO THE WATER AND POWER DEPARTMENT LOW INCOME ASSISTANCE PROGRAMS AND DIRECT THE CITY ATTORNEY TO PREPARE AN ORDINANCE TO IMPLEMENT RECOMMENDED CHANGES

Recommendation of City Manager: It is recommended that the City Council authorize the following eligibility and benefit changes to the Pasadena Water and Power (PWP) low income assistance programs effective July 1, 2006:

- (1) Eliminate the existing Utility Assistance and Lifeline programs;
- (2) Create a new Electric Utility Assistance Program (EUAP) that provides for increased customer participation and improved benefits as described in the agenda report; and
- (3) Enables PWP to automatically enroll existing Utility Assistance and Lifeline customers in the EUAP and periodically recertify EUAP participants.

It is further recommended that the City Council direct the City Attorney to prepare the necessary ordinance to implement the recommended changes in eligibility and benefits as described in the agenda report. PWP will return to the City Council within 60 days for approval of the new ordinance.

Recommendation of Utility Advisory Commission: On October 12, 2005, the Utility Advisory Commission concurred with the recommended changes to the low income assistance programs.

Councilmember Tyler, Chair of the Municipal Services Committee, summarized the agenda report. Eric Klinkner, Assistant General Manager, responded to questions.

Councilmember Tyler discussed following modifications recommended by the Municipal Services Committee to clarify and update the original agenda report dated December 5, 2005:

“Customers shall only be eligible for one EUAP program, either the Basic Benefit or the Pasadena Cares Benefit. Customers will only receive a single benefit even if they meet multiple eligibility requirements.

The "EUAP Medical Assistance Eligibility Criteria" section on Page 4 of the agenda report be rewritten as shown below in order to: (i) Clarify that devices qualifying for the Medical Assistance Program (MAP) benefit are doctor prescribed and require electric utility power to operate; (ii) eliminate mobility devices; and (iii) clarify the associated participation level and costs:

EUAP Medical Assistance Eligibility Criteria

It is proposed that customers with doctor-prescribed, utility-powered electrical life support equipment be eligible for the EUAP Basic Benefit, regardless of income. To qualify for EUAP under the Medical Assistance Criteria, a customer must provide satisfactory proof (Doctor's note and proof of residency) that a full-time occupant of the premise requires an eligible life support device, including: aerosol tents, apnea monitors, compressors/concentrators, electrostatic nebulizers, electric nerve

stimulators, hemodialysis machines, kidney dialysis machines, intermittent positive pressure breathing (IPPB) machine, iron lungs, pressure pads, pressure pumps, respirators (all types), suction machines, and ultrasonic nebulizers. Equipment not listed above will be reviewed on a case-by-case basis.

PWP estimates that 200 to 250 customers may qualify for this benefit at an annual cost of \$12,000 to \$15,000 per year. These participants and costs are included in the totals for "Basic Benefit" in Table 3 of the agenda report."

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

RECOMMENDATIONS FROM OFFICERS AND DEPARTMENTS

RESIGNATION OF JUNE TAKENOUCI FROM CODE ENFORCEMENT COMMISSION (District 4 Nomination)

It was moved by Councilmember Haderlein, seconded by Councilmember Little, to accept the above resignation with regrets. (Motion unanimously carried) (Absent: None)

ORDINANCES – FIRST READING

Conduct first reading of "AN ORDINANCE OF THE CITY OF PASADENA SUSPENDING SECTIONS 9.36.220(B) AND 9.36.230 OF THE PASADENA MUNICIPAL CODE RELATING TO THE TEMPORARY SUSPENSION OF THE HOURS OF AMPLIFIED SOUND AND NOISE SOURCES FOR A PERMITTED EVENT AT VICTORY PARK FROM 7:00 AM - 9:30 AM ON SUNDAY, APRIL 16, 2006 (THE CALVARY CHAPEL OF PASADENA'S EASTER SUNRISE SERVICE)"

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

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

NOES: None

ABSENT: None

Conduct first reading of "AN ORDINANCE OF THE CITY OF PASADENA ADDING A NEW CHAPTER 14.90 TO THE PASADENA MUNICIPAL CODE RELATING TO GREEN BUILDING PRACTICES"

The City Attorney distributed a revised ordinance to the City Council with the following amended language on Page 8:

“Section 5. This ordinance shall apply to projects for which no conditional use permit, variance, vesting subdivision, or design review approval has been granted, or for which no valid building permit has been lawfully issued by the city prior to the effective date of this ordinance.”

Councilmember Tyler expressed concerns that the ordinance does not capture mixed-use projects of three and four-story buildings.

A brief discussion ensued on this issue.

Mr. Richard Bruckner, Director of Planning and Development, noted that the LEED (Leadership in Energy and Environmental Design) Guidelines at this time are not geared to one, two, and three-story buildings, and it is expected that this issue will be addressed in one year.

In response to Councilmember Tyler’s concern, the City Attorney provided the following amended language to replace Section 14.90.040(A)(4) on Page 5:

“4. Mixed-use projects and multi-family residential projects that include a residential building which has four stories in height, or more, of new construction.”

The above ordinance was offered for first reading by Vice Mayor Madison, as amended:

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

NOES: None

ABSENT: None

**REPORTS AND COMMENTS
FROM COUNCIL
COMMITTEES**

**LEGISLATIVE POLICY
COMMITTEE**

**OPPOSE THE BORDER PROTECTION, ANTITERRORISM,
AND ILLEGAL IMMIGRATION CONTROL ACT OF 2005 (HR
4437)**

Recommendation of City Manager:

- (1) Oppose HR 4437 in its current form, as it proposes overly punitive measures while ignoring the positive role that immigrants play in society; and
- (2) Urge Congress to approve comprehensive immigration reform legislation that acknowledges and enables the continuation of the significant contributions immigrants have made to local economies and culture, while also reaffirming that enforcement of federal immigration law should not be a local responsibility.

The Mayor, Chair of the Legislative Policy Committee, summarized the agenda report.

The following persons spoke in opposition to HR 4437 and urged the City Council to take formal action to oppose the proposed legislation:

Mr. Oscar Manzanares, Pasadena resident
Ms. Susana Zamorano, Latino Parents from the City of Pasadena (APPLE) representative
Mr. Raul Añorve, Institute of Popular Education of Southern California (IDEPSCA) representative
Ms. Cynthia Valenzuela, Mexican American Legal Defense & Educational Fund
Ms. Lori Rizzia, Peace & Justice (All Saints Church) representative
Mr. Randy Jurado Ertll, El Centro de Acción Social representative
Mr. Mayron Payes, One LA – IAF representative
Mr. Jaime Villegas, Pasadena resident

The following person spoke in favor of HR 4437:

Mr. Donald Lawin, Pasadena resident

Councilmember Holden urged the Council to approve the recommendation to oppose HR 4437 and suggested that the Mayor send correspondence not only to the U.S. Congress, but also to the President of the United States, declaring the City's opposition.

It was moved by Councilmember Gordo, seconded by Councilmember Little, to approve the City Manager's recommendation with the addition of the Mayor sending correspondence in opposition to HR 4437 to the President of the United States. (Motion unanimously carried) (Absent: None)

OPPOSE THE ENDANGERED SPECIES RECOVERY ACT (HR 3824) IN ITS CURRENT FORM

Recommendation of City Manager: It is recommended that the City Council urge Congress to oppose HR 3824 as currently written and address reform to the Endangered Species Act in such a manner that would not discourage further species protections, while maintaining a role for local jurisdictions in the decision-making process.

The Mayor summarized the agenda report.

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

**RECOMMENDATIONS FROM
OFFICERS AND
DEPARTMENTS**

**FLOOR AREA RATIO ADJUSTMENT FOR “FLAT LOTS” IN
THE HILLSIDE OVERLAY DISTRICT**

Recommendation of City Manager:

- (1) Acknowledge the Initial Environmental Study and Negative Declaration approved by City Council on December 5, 2005;
- (2) Approve an amendment to Section 17.29.080 of the Zoning Code, related to floor area ratio calculations on flat lots in the Hillside Overlay District (Attachment A of the agenda report) with the recommended criteria included in the agenda report; and
- (3) Direct the City Attorney to prepare an ordinance that establishes criteria to allow adjustments to floor area ratio for flat lots and return within 60 days.

Recommendation of Planning Commission: The Planning Commission reviewed the proposed floor area ratio adjustment as part of the overall Hillside Rezoning Study on September 21, 2005. Following public testimony, the Planning Commission recommended approval of the Hillside Rezoning Study with the proposed floor area ratio adjustment. The vote on this action was 5-2 in favor of the staff recommendation.

The City Manager and Jason Kruckeberg, Senior Planner, summarized the agenda report and responded to questions.

Responding to concerns raised by Councilmember Tyler, Mr. Kruckeberg stated that as part of the process staff would review those properties with engineered slopes whose grading occurred after the adoption of the original Hillside Ordinance in June 1980. He also confirmed that criteria could be added that stated that no protected tree under the Tree Ordinance could be removed as a result of a project that was adjusted to exceed the floor area ratio. The City Attorney clarified that an applicant could still apply for an adjustment if a protected tree was on the property, but the protected tree would need to remain on the lot and could not be removed.

The following persons spoke in favor of the proposed modification to the Zoning Code:

Mr. Robert Morris, Pasadena resident
Ms. Callace Walcott-Rounds, Pasadena resident
Ms. Peggy Phelps, Pasadena resident

The following person spoke in opposition to the proposed modification to the Zoning Code:

Mr. Michael Hurley, Linda Vista/Annandale Neighborhood Association representative

Vice Mayor Madison expressed concerns with the proposed allowance of hillside lots with slopes of 15% or less to have the same floor area ratio as flat lots in other areas, and suggested that the Hillside Overlay boundary be adjusted to include those residences on the east side of California Terrace.

Mr. Richard Bruckner, Director of Planning and Development, provided clarification regarding the approval process for properties with slopes of 15% or less within the Hillside Overlay District, stating that the process is the same as those with greater slope percentages but that additional flexibility exists for the lots with slopes of 15% or less.

Mr. Bruckner agreed to work with the City Attorney in preparing language for the proposed ordinance that addresses the issues of lots with engineered slopes whose grading occurred after the adoption of the original Hillside Ordinance in June 1980, and to maintain the protection of protected trees under the Tree Ordinance during the floor area ratio approval process.

It was moved by Councilmember Streator, seconded by Councilmember Holden, to approve the City Manager's recommendation (Motion carried, with Vice Mayor Madison objecting) (Absent: None)

PUBLIC HEARINGS

PUBLIC HEARING: APPEAL OF HISTORIC PRESERVATION COMMISSION DECISION TO DENY WINDOW REPLACEMENT AND NEW FENCE AT 920 PALM TERRACE, PASADENA, IN THE WASHINGTON SQUARE LANDMARK DISTRICT

Recommendation of City Manager: It is recommended that the City Council continue the public hearing to March 13, 2006, at 8:00 p.m.

On order of the Mayor, the above public hearing was continued to March 13, 2006 at 8:00 p.m.

CONTINUED PUBLIC HEARING: ZONING MAP AMENDMENTS

Recommendation of City Manager:

- (1) Acknowledge that these map amendments do not have the potential for causing a significant effect on the environment and thus under the California Environmental Quality Act Guidelines Article 5 [Section 15061(b)(3)] are exempt because they do not have the potential for having an impact on the environment;
- (2) Find that the proposed amendments to the Zoning Map are consistent with the goals and policies of the General Plan as contained in the agenda report;

- (3) Approve the Zoning Map changes as shown in Attachment B of the agenda report; and
- (4) Direct the City Attorney to prepare an ordinance that implements these recommendations as described in the agenda report and return within 60 days for first reading.

Recommendation of Planning Commission: The Planning Commission recommends approval of these amendments.

The Mayor opened the public hearing.

The City Clerk reported that a notice of public hearing was published in the Pasadena Star News on February 13, 2006; 4,426 copies of the notice were mailed on February 9, 2006; and one letter in opposition was received.

The City Manager introduced the agenda item.

Mr. Jose Jimenez, Assistant Planner, reviewed the agenda report. Mr. Richard Bruckner, Director of Planning and Development, and Mr. Denver Miller, Principal Planner, responded to questions.

Councilmember Tyler expressed concerns that the proposed amendment changing the existing zoning from PD-8 to RM-32-OC in the area on South Marengo Avenue may allow new developments to construct three-story buildings that would stand out in contrast to the buildings currently located in the area, and asked that staff be directed to review this amendment and report back on the impacts of the proposed change.

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

It was moved by Councilmember Holden, seconded by Councilmember Little, to approve the City Manager's recommendation except the proposed change of PD-8 to RM-32-OC (South Marengo Avenue), with staff to review the amendment and report back on whether this proposed change would allow a three-story building to be built. (Motion unanimously carried) (Absent: None)

CONTINUED PUBLIC HEARING: ZONING CODE AMENDMENT TO MODIFY DENSITY BONUS PROVISIONS

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

- (1) Adopt the Initial Study and Negative Declaration (Attachment D of the agenda report);

(2) Find that the proposed amendment to Title 17 of the Pasadena Municipal Code is consistent with the goals, policies and objectives of the General Plan as contained in the agenda report;

(3) Approve an amendment to Title 17 specifying how the City of Pasadena complies with the State of California law concerning density bonuses, as described in the agenda report; and

(4) Direct the City Attorney to prepare an ordinance amending Title 17 as described in the agenda report and return within 60 days for first reading.

Recommendation of Planning Commission: The Planning Commission approved the staff recommendation that the City Council approve the amendment to the Zoning Code.

The Mayor opened the public hearing.

The City Clerk reported that a notice of public hearing was published in the Pasadena Star News on February 13, 2006 and in the Pasadena Journal on February 16 and 23, 2006; and no correspondence was received.

The City Manager introduced the agenda item.

Mr. Bill Trimble, Senior Planner, reviewed the agenda report and responded to questions.

Councilmember Little reminded the Council of a previous discussion regarding the reduction of the size of developments subject to inclusionary housing requirements from 10 units to as few as 5 units, and suggested that due to the inclusion under State density bonus legislation of projects smaller than 10 units, the City Council should reevaluate the proposed reduction of smaller developments to be included under the City's regulations when the Inclusionary Housing Ordinance is reviewed in one year.

The City Attorney clarified that the City Council decided not to apply Inclusionary Housing benefits to low income projects under 10 units because a project would benefit not only under State density bonus legislation but also under the City's Inclusionary Housing benefits.

Councilmember Tyler expressed concerns that affordable housing projects that are out of scale with the surrounding buildings in the area, different from the approved development standards and contrary to the approved development zoning, may still receive approval under State law, and requested that the Councilmembers and neighbors in the surrounding area receive timely notification prior to the project's review through the City's approval process.

Mr. Bruckner and Mr. Trimble reviewed the City's process for notification of Councilmembers and affected residents impacted by such projects. The City Manager also clarified that the notification process, which happens prior to a review of the project, goes beyond State requirements because the City believes in the importance of notification.

Councilmember Holden suggested that the City review the policies and procedures for housing projects that pose public safety hazards but may be protected by the State's affordable housing guidelines. Mr. Bruckner responded that the City remains vigilant in maintaining policies and procedures to handle public safety issues created by affordable housing projects. The City Manager agreed to review the City's policies with regard to protection from public safety issues.

Councilmember Little requested information regarding the actions of Pasadena's State representatives in passing legislation that would pose a threat to the City's public health and welfare. He also asked the City Attorney, when preparing the ordinance, to determine whether State legislation allowing affordable housing based on density bonuses undermines the City's zoning regulations.

Councilmember Haderlein suggested that information regarding the voting records for State representatives in the Pasadena area be provided with the ordinance to the City Council.

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

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

On order of the Mayor, the regular meeting of the City Council adjourned at 9:01 p.m.

ADJOURNMENT



Bill Bogaard, Mayor
City of Pasadena

ATTEST:



Jane L. Rodriguez
City Clerk