CITY OF PASADENA City Council Minutes July 24, 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 5:45 p.m. (Absent: Councilmembers Gordo, Streator)

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

Councilmember Streator arrived at 5:49 p.m.

Councilmember Gordo arrived at 5:59 p.m.

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

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

Property Locations: 19-25 East Orange Grove Boulevard (APN Nos. 5725-002-004 and 5725-002-022); 710-722 North Fair Oaks Avenue (APN Nos. 5725-002-006 and 5725-002-038)

Negotiating Parties: Cynthia J. Kurtz; Aaron Young, Kamran Habeed; Brown Memorial African Methodist Episcopal Church, Inc., and Pastor Carlton Rickman Under Negotiation: Price and terms

The above two closed session items were discussed, with no reportable action at this time.

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

ROLL CALL:

Councilmembers:

Mayor Bill Bogaard

Vice Mayor Steve Madison (Returned at 6:50 p.m.)

Councilmember Victor Gordo
Councilmember Steve Haderlein
Councilmember Chris Holden
Councilmember Paul Little
Councilmember Joyce Streator
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 Gilbert V. Gonzales as Accessibility and Disability Commissioner.

The Mayor acknowledged Gary Scott, <u>Pasadena Star-News</u> reporter, for his work in covering news about the City and Council and his departure from the newspaper for a new career opportunity.

PUBLIC COMMENT ON MATTERS NOT ON THE AGENDA

No one appeared for public comment.

CONSENT CALENDAR

Vice Mayor Madison returned at 6:50 p.m.

Councilmember Gordo recused himself at 6:50 p.m., due to a conflict of interest.

CLAIM RECEIVED AND FILED

PUBLIC HEARINGS SET

APPROVAL OF THE MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF PASADENA AND THE PASADENA ASSOCIATION OF CLERICAL & TECHNICAL EMPLOYEES FOR A THREE YEAR TERM COVERING THE PERIOD OCTOBER 1, 2005 THROUGH SEPTEMBER 30, 2008

Recommendation of City Manager: Approve a successor Memorandum of Understating between the City of Pasadena and the Pasadena Association of Clerical & Technical Employees for a 3-year term covering the period of October 1, 2005 through September 30, 2008; and approve a journal voucher allocating funds from the General Fund Personnel Reserve as may be necessary. (Agreement No. 19,160; Journal Voucher No. 2007-2)

Claim No. 10,140 Ashok Abhat (for Ashok \$2,126.00 and Priti Abhat)

July 31, 2006, 7:30 p.m. - Extend the Permit Moratorium in the Area Served by B-7 Electric Circuit

August 14, 2006, 7:30 p.m. - Partial Closure of Rose Drive Between Cooley and Whitefield Associated with the Pasadena High School Drop-Off Plan

September 11, 2006, 7:30 p.m. - Designation of 810 Hillside Drive as a Landmark

It was moved by Councilmember Little, seconded by Councilmember Haderlein, to approve all items on the Consent Calendar. (Motion unanimously carried) (Absent: Councilmember Gordo)

REPORTS AND COMMENTS FROM COUNCIL COMMITTEES

FINANCE COMMITTEE

CITY HALL SEISMIC RETROFIT PROJECT - QUARTERLY UPDATE

Recommendation of City Hall Restoration Oversight Committee: This report is for information purposes only.

CITY HALL SEISMIC RETROFIT PROJECT - APPROVAL OF CONTINGENCY ADJUSTMENTS AND CHANGE ORDER NO. 6 TO THE GENERAL CONTRACTOR AND A

Councilmember Gordo returned at 6:51 p.m.

CONTRACT AMENDMENT FOR CONSTRUCTION MANAGEMENT

Recommendation of City Manager:

- of \$300,283 from allocation Project (1) Approve an Contingency for unforeseen conditions and activities, as identified in Attachment No. 1 of the agenda report, that were discovered during the retrofit of City Hall, thereby reducing the amount of Project Contingency from \$7,328,232 to \$7,027,949; (2) Authorize the City Manager to execute Change Order No. 6 to Contract No. 18,768-1 with Clark Construction Group -California LP (Clark Construction), for increases in scope of work due to unforeseen conditions discovered during the retrofit of City Hall, as identified in Attachment No. 1 of the agenda report, thereby increasing the contract amount by \$208,283 from \$80,206,680 to \$80,414,963; and
- (3) Authorize the City Manager to execute an amendment to Contract No. 16,976-1 with Daniel, Mann, Johnson, and Mendenhall (DMJM) for additional construction management services and move coordination services in connection with the restoration and seismic retrofit of City Hall, as identified in Attachment No. 1 of the agenda report, to increase the "not-to-exceed" amount by \$325,000 from \$3,370,588 to \$3,695,588. (Contract Amendment No. 16.976-4)

Recommendation of City Hall Restoration Oversight Committee: On June 14, 2006 and July 12, 2006, the City Hall Restoration Oversight Committee reviewed and discussed the above topics of contingency adjustments, General Contractor Change Order No. 6, and the contract amendment with DMJM for construction management services and recommended the following:

The Committee concurred that theses changes are reasonable and consistent with ongoing construction activities of similar projects. The Committee recommended that the City Council authorize the allocation of \$300,283 from Project Contingency and increase Contract No. 18,768-1 with Clark Construction by \$208,283 and increase Contract No. 16,976-1 with DMJM by \$325,000.

The above two agenda items were discussed concurrently.

Councilmember Little, Chair of the Finance Committee, introduced the agenda items.

Dr. Paul Jennings, City Hall Restoration Oversight Committee Chair, summarized the agenda reports.

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

The Mayor and Councilmember Little thanked Dr. Jennings, the Oversight Committee, and staff for their continued diligence and outstanding job on this project.

OLD BUSINESS

FINAL RECOMMENDATIONS OF THE TASK FORCE ON GOOD GOVERNMENT

Recommendation of Task Force on Good Government: It is recommended that the City Council:

- (A) Concur with the Task Force on Good Government's proposed changes to the City Charter, Article XVII, Taxpayer Protection Act, as set forth in the "redline" text shown on Exhibit 1 of the agenda report to accomplish the following:
- (1) **Non-profits** The ban on receiving personal or campaign advantages should not apply to officers and directors from 501 (c)(3), (4), and (6) organizations (other than officers and directors of political action committees or who control political action committees controlled by such organizations), except that disclosure of such persons would continue to be required. Section 1703 (b) (2).
- (2) Contracts with the City The TPA should be amended so that its provisions also cover persons who are bidding on or negotiating for contracts that are worth over \$25,000 except those who are bidding on or receiving low bid contracts. Section 1704 (c).
- (3) Contribution Limitations The TPA should be amended to apply contribution limits to Pasadena races: \$1,000 per election for City Council and \$2,000 per election for Mayor, adjusted for cost of living increases every two years, rounded off to the nearest \$100. Section 1706.5.
- (4) **Ballot Measure Committees** The TPA should also cover Pasadena public officials who raise money for local ballot measure committees that the official controls. Section 1703 (c) (3).
- (5) Outside Election Races The TPA should only apply to officials and candidates in city races and not elections outside of Pasadena. Section 1703 (c) (3).
- (6) **Enforcement** The City should authorize the City Attorney to bring criminal actions except in cases involving elected City officials in which case the City Attorney should refer the complaint to the L.A. County District Attorney's office. The current law that allows citizens to bring private civil actions should not be changed. Section 1707 (a) and (c).
- (7) **Subpoena Power** The TPA should give subpoena authority to the City Attorney and where referrals are made to it, the L.A. County District Attorney. Section 1707 (d).
- (8) Agencies Outside the City The TPA should only apply to Councilmembers or other City officials serving on outside boards as City representatives (e.g., the Burbank Airport Authority), if these other agencies have reporting requirements allowing compliance with the TPA. Section 1704 (b).

- (9) **Thresholds** The thresholds for determining which decisions should be affected by the TPA should be the same (over \$25,000) in most instances. The only exceptions would be the grant of a tax abatement, exception or benefit, which should remain at over \$5,000 in a twelve-month period and awarding of franchises worth over \$50,000 in gross receipts. The thresholds should be adjusted for cost of living increases every five years and rounded off to the nearest \$1,000. Section 1703 (a) (7) and (9).
- (10) **Disclosure Implementation** The files of the City listing those persons who would be prohibited from providing personal advantages to City officials who have made a decision benefiting them should be posted on the internet so that the records are available to the public in an easy-to-use and timely mariner. Section 1705 (c).
- (11) **Cumulation** The TPA should eliminate the need to cumulate public benefits in amounts under \$5,000 unless it is clear that the amounts will meet or exceed the thresholds. Section 1703 (a) (8).
- (12) **Franchises** The TPA should be clarified to require that the franchise has to be awarded by the City. Section 1703 (a) (4).
- (B) It is further recommended that the City Council cause to be placed on the ballot at the next available city-wide election the Task Force on Good Government's proposed changes to the City Charter, Article XVII, Taxpayer Protection Amendment.

Recommendations of the Legislative Policy Committee: At a special meeting held on June 7, 2006, the Legislative Policy Committee took straw poll votes on the recommendations of the Task Force, as follows:

The Committee recommends support of all of the Task Force recommendations. The Committee's straw poll votes were unanimous on Task Force Recommendations (2) Contracts with the City; (4) Ballot Measure Committees; (5) Outside Election Races; (6) Enforcement; (7) Subpoena Power; (8) Agencies Outside the City; (9) Thresholds; (10) Disclosure Implementation; (11) Cumulation; and (12) Franchises.

There was majority consensus of the Committee to recommend support of Task Force Recommendations (1) Non-Profits and (3) Contribution Limits, with Councilmember Holden objecting.

The following are actions of the Committee pertaining to the issues referenced in the City Attorney's June 7, 2006 memorandum entitled "Proposed General Changes to TPA" (Attachment A of City Clerk's cover memorandum):

<u>Pre-Contract Black Out Period</u> – There was unanimous consensus of the Committee to not delete the words "person or" (as recommended by the City Attorney) in proposed Charter language for Section 1704 (c), with the first sentence to remain as proposed by the Task Force, as follows: "No person or entity who bids on a contract with the City, or enters" There was also unanimous consensus of the Committee to

replace the City Attorney's proposed new second sentence for said section ("Excluded from this prohibition are all employees or individual members of the entity.") with the following replacement sentence: "The prohibition on campaign contributions set forth in the preceding sentence shall also apply to officers, directors, trustees and 10% shareholders of the entity bidding on a contract with the City, but shall not apply to employees of the entity who are not officers, directors, trustees or 10% shareholders thereof."

Application of the TPA to Non-Incumbent Candidates – There was unanimous consensus of the Committee to have no recommendation on applying the TPA to non-incumbents, and allow the full Council to address the issue.

Restrictions on Employees – There was unanimous consensus of the Committee to recommend that Section 1704 of the TPA be amended, with the amendment to apply to employees only (and not elected officials or appointed officials serving on advisory bodies), to keep the current one-year restriction after the official's departure from office, but change the current five-year restriction to two years from the date the official (employee) approves the public benefit.

Replacing Ban With a Contribution Cap — There was majority consensus of the Committee (Chair Bogaard and Councilmember Tyler) to recommend that there be no change to the current total ban on campaign contributions that may be given by public benefit recipients. (Councilmember Holden objected, and voiced support for a \$250 campaign contribution cap.)

The following are actions of the Committee pertaining to issues referenced in the City Attorney's June 7, 2006 memorandum entitled "Proposed Changes to TPA As Applied to Land Use Matters" (Attachment B of City Clerk's cover memorandum) and City Attorney's February 23, 2006 memorandum entitled "Task Force on Good Government's Final Recommendations" (attached to Task Force's final report):

Administrative Burden of TPA as Applied to Land Use Matters – There was unanimous consensus of the Committee to recommend that the extent of the TPA's application to land use decisions be addressed through administrative guidelines.

Authority to Issue Guidelines and Interpretations – There was unanimous consensus of the Committee to recommend approval of the City Attorney's recommendation (see City Attorney's memorandum dated February 23, 2006, attached to the Task Force's final report) to amend Section 1707 (e) with specific Charter language to grant authority to the City to adopt guidelines for implementation of the TPA that are consistent with the findings and declarations set forth in Section 1702 of the TPA.

Task Force Recommendation to Place Recommendations on the Next Available City-wide Election - The Committee acknowledged that should the City Council reach a conclusion

on these approaches by the end of July 2006, these recommendations could be placed on the November 7, 2006 ballot for consideration by the voters.

The City Clerk reported on the pending motion.

The following person spoke in support of the Task Force on Good Government and Legislative Policy Committee recommendations:

Carmen Balber, Foundation for Taxpayer and Consumer Rights (FTCR) representative

The City Attorney confirmed that alternative action might be taken by Council if the pending motion failed, and responded to questions.

PENDING MOTION

Following brief discussion, the vote was taken on the pending motion of July 17, 2006, which was moved by Vice Mayor Madison, seconded by Councilmember Haderlein, to approve the recommendations of the Task Force on Good Government and the Legislative Policy Committee recommendations to support the Task Force recommendations, including the additional Committee recommendations regarding: Pre-Contract Black Out Period, Restrictions on Employees, Administrative Burden of TPA as Applied to Land Use Matters, Authority to Issue Guidelines and Interpretations, and Task Force Recommendation to Place Recommendations on the Next Available Citywide Election.

AYES: Councilmembers Haderlein, Tyler, Vice Mayor

Madison, Mayor Bogaard

NOES: Councilmembers Gordo, Holden, Little, Streator

ABSENT: None (Motion failed)

MAIN MOTION

It was moved by Vice Mayor Madison, seconded by Councilmember Tyler, to approve the recommendations of the Task Force on Good Government, with the exception of Recommendation A(3), Contribution Limitations, and the Legislative Policy Committee recommendations to support the Task Force recommendations, including the additional Committee recommendations regarding: Pre-Contract Black Out Period, Restrictions on Employees, Administrative Burden of TPA as Applied to Land Use Matters, Authority to Issue Guidelines and Interpretations. Task and Recommendation to Place Recommendations on the Next Available Citywide Election.

Councilmember Holden expressed concerns regarding the provisions on campaign contributions (ban and/or limitation) and possible unintended consequences or equity issues involving the campaign ban and/or limitation provisions. He

offered a friendly amendment to the motion that would remove the ban from the Taxpayer Protection Amendment (TPA) and would put in place a cap on contributions from those entities receiving a public benefit.

Following brief discussion, Vice Mayor Madison, as maker of the motion, did not accept Councilmember Holden's friendly amendment to the motion.

MOTION TO AMEND MAIN MOTION

It was moved by Councilmember Holden, to delete the TPA contribution ban and replace the ban with a contribution cap for all public benefit recipients, based on the gift limit amount set by the Fair Political Practices Commission (FPPC). (Motion died due to lack of a second)

Discussion followed on issues related to the timeframe applying to employment restrictions on employees vs. elected officials/commissioners and issues related to contribution limitations.

John Van de Kamp, Chair of the Task Force on Good Government, outlined the Task Force's discussions of the restrictions on employment for both elected officials and employees and on issues related to contribution limitations and contributions from non-profit organizations, and responded to questions,

Robert Stern, Consultant to the Task Force on Good Government, responded to questions on the non-profit exemption related to campaign contributions.

Councilmember Little expressed his opinion on the TPA, opposition to the TPA amendments, and support for public financing of all political campaigns or complete sunshine on the contributions process at all levels.

Councilmember Holden requested bifurcation of the motion in order to remove the recommendations related to the campaign contribution ban and the non-profits, which would allow his supporting vote on the remainder of the Task Force and Legislative Policy Committee recommendations covered by the main motion.

Discussion followed on the process for bifurcating the motion, since bifurcation would include an action on the contribution ban that was not contained in the main motion.

Councilmember Tyler, seconder of the motion, expressed opposition to bifurcation of the motion.

VOTE ON MAIN MOTION

Vote on the main motion by Vice Mayor Madison, which was seconded by Councilmember Tyler, to approve recommendations of the Task Force on Good Government, with the exception of Recommendation A(3), Contribution Legislative Policy Committee Limitations. and the recommendations to support the Task Force recommendations, Committee recommendations including the additional regarding: Pre-Contract Black Out Period, Restrictions on Employees, Administrative Burden of TPA as Applied to Land Use Matters, Authority to Issue Guidelines and Interpretations, and Task Force Recommendation to Place Recommendations on the Next Available Citywide Election.

AYES: Councilmembers Gordo, Haderlein, Streator, Tyler,

Vice Mayor Madison, Mayor Bogaard

NOES: Councilmembers Holden, Little

ABSENT: None

It was noted staff will return with formal resolutions and proposed ballot language at the meeting of August 7, 2006.

Vice Mayor Madison expressed appreciation for the efforts of Chair John Van de Kamp and Consultant Robert Stern on this matter.

The Mayor also expressed appreciation to the City Clerk for her staff support provided to the Task Force.

RECOMMENDATIONS FROM OFFICERS AND DEPARTMENTS

INFORMATION ON THE CITY'S DESIGN PRINCIPLES AND DESIGN GUIDELINES (Councilmember Little)

At the request of Councilmember Little and on order of the Mayor, the above agenda item was held to the meeting of August 7, 2006, due to time constraints.

PUBLIC HEARING

CONTINUED PUBLIC HEARING: 220 NORTH SAN RAFAEL AVENUE—PROPOSED GENERAL PLAN AMENDMENT FROM INSTITUTIONAL TO LOW DENSITY RESIDENTIAL; ZONE CHANGE FROM PS (PUBLIC AND SEMI-PUBLIC) TO RS-2-HD (RESIDENTIAL SINGLE-FAMILY 2 DWELLING UNITS PER NET ACRE—HILLSIDE DISTRICT OVERLAY); TWO PARCEL SUBDIVISION AND VARIANCE FOR LOT WIDTH

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

(1) Adopt the Initial Environmental Study and Negative Declaration (Attachment E of the agenda report);

(2) Adopt the De Minimis Impact Finding on the State Fish and Wildlife Habitat (Attachment F of the agenda report);

(3) Adopt the findings that the proposed General Plan Amendment is consistent with the General Plan and approve a Land Use Diagram Map Amendment from Institutional to Low-Density Residential (0-6 dwelling units/net acre) (Attachment A of the agenda report);

(4) Adopt the findings that the proposed Zone Change is consistent with the Zoning Code and approve a Zoning Map Amendment from PS (Public and Semi-Public) to RS-2-HD (Single-Family Residential/2 du/net acre-Hillside District Overlay) (Attachment A of the agenda report);

(5) Adopt findings that the variance for lot width submitted with the revised parcel map application, that there are exceptional circumstances and conditions applicable to the subject site that do not apply generally to sites in the same zoning district; and approve the variance for lot width (Attachment A of the agenda report);

(6) Find that the proposed two-parcel subdivision is consistent with the goals, objectives, policies, and land uses of the general plan and the Pasadena Municipal Code Titles 16 and

17, and approve the proposed subdivision; and

(7) Direct the City Attorney to prepare a resolution amending the official Land Use Diagram established by Section 2.105.110 of the Municipal Charter for the General Plan amendment from Institutional to Low-Density Residential (0-6 du/acre).

(8) Direct the City Attorney to prepare an ordinance to change the existing zoning from PS (Public/Semi-Public District) to RS-2-HD (Single-family Residential 2 du/net acre/Hillside District

Overlay) within 60 days.

Recommendation of Planning Commission: On January 25, 2006, the Planning Commission recommended that the City Council 1) adopt the staff recommendations on the environmental analysis and the General Plan, Zoning Map Amendments; and deny the variance for the lot width; and 2) deny both proposals to subdivide the property. The applicant was not asked to return to the Planning Commission with additional information. However, since the public hearing, the applicant has developed a potential development concept, including footprints, to facilitate discussion of the proposed subdivision.

Recommendation of Historic Preservation Commission: On November 7, 2005, the Historic Preservation Commission 1) acknowledged that the proposed project would maintain the Charles Richter Laboratory and garage; 2) found that the proposed General Plan, Zoning Map Amendments and two-parcel subdivision would not result in an adverse impact to the historic resources on site; and 3) recommended approval of the proposed General Plan and Zoning Map Amendments.

The Mayor opened the public hearing.

The City Clerk reported the notice of public hearing was published on July 10, 14, and 21, 2006 in the <u>Pasadena Star-News</u>; 20 copies of the notice were posted on July 6, 2006; 37 copies of the notice were mailed on July 6, 2006; and one letter in full support of the zone change/subdivision/variance

and one letter in support of the zone change, but opposed to the subdivision, were received.

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

Richard Bruckner, Director of Planning and Development Department, explained the issues involving various options to subdivide the property that had been considered during this process and the applicant's current proposal for subdividing the site, underscored that any development proposal will require review to obtain a Hillside Development permit, and responded to questions.

Vice Mayor Madison discussed neighbors' concerns regarding possible further subdivision of the property in the future and the level of Council discretion that will be allowed in reviewing any additional subdivision of the property, and suggested consideration of setting a condition that the applicant will not be able to further subdivide the property in the future, which would address the neighbors' concerns.

The following persons spoke in support of the Zoning Map Amendment, subdivision, and variance:

William Delvac, Latham & Watkins LLP (legal counsel for applicant), submitted a letter dated July 24, 2006 clarifying information regarding the project.

Rod Youngson, applicant, submitted informational materials regarding the project.

The following persons spoke in opposition to and/or expressed concerns involving the Zoning Map Amendment, subdivision, and/or variance:

Patrick Gaganidze, Pasadena resident Roland Hernandez, Pasadena resident Margarita Hernandez, Pasadena resident Dan Sheehan, Pasadena resident Shirley Goldsmith, Pasadena resident

Roger Wolf, Linda Vista/Annandale Association (LVAA) Vice President, submitted a copy of an email letter dated July 23, 2006 from the LVAA, and summarized the letter's suggestions regarding the project and proceedings.

Don Chavez, Pasadena resident

Discussion followed on various scenarios for subdividing the property, possible protections against further subdivision of the property in the future, and the process and possibility for resubdivision of the property in the future.

The City Attorney indicated that if a project meets the findings in the Pasadena Municipal Code (PMC), it would be problematic to deny subdivision of a property; and briefly discussed problems that might occur if Council imposed a condition regarding future subdivision of the property.

Councilmember Streator suggested this matter be returned to the Planning Commission for additional review of the changes made to the proposed subdivision since the Commission's initial review of the project, to allow the Commission an opportunity to work out an agreement with the applicant at a public meeting on the subdivision and variance issues.

Vice Mayor Madison suggested the public hearing be continued to allow the applicant and neighbors an opportunity to discuss or work out the future subdivision issue.

Councilmember Holden expressed concerns regarding the costs being incurred by the applicant that may be negatively impacted by a delay if this is referred to the Planning Commission.

Councilmember Streator expressed concerns regarding continuing the matter for two weeks, with the possibility of further delay on a Council decision if the matter should then be referred back to the Planning Commission for additional review.

It was moved by Vice Mayor Madison, seconded by Councilmember Gordo, to continue the public hearing to August 7, 2006 at 7:30 p.m. (Motion carried, with Councilmember Streator objecting) (Absent: None)

On order of the Mayor, the regular meeting of the City Council recessed at 9:10 p.m. to the special meeting of the Board of Appeals.

On order of the Mayor, the regular meeting of the City Council reconvened at 9:11 p.m. (Absent: None)

<u>PUBLIC HEARING</u>: ADOPTION OF A ZONE CHANGE TO DESIGNATE A LANDMARK DISTRICT OVERLAY FOR THE TOURNAMENT FIELDS LANDMARK DISTRICT (LD-15) - SOUTH MENTOR AVENUE AND CORNELL ROAD

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

- (1) Find that the application for a zone change to establish a landmark district is categorically exempt from environmental review under the California Environmental Quality Act, (Class 8, Actions by Regulatory Agencies for Protection of the Environment).
- (2) Find that the proposed zone change is consistent with the General Plan and the purposes of the zoning ordinance.

RECESS

RECONVENED

PUBLIC HEARINGS

(3) Acknowledge the decision of the Historic Preservation Commission on May 1, 2006, that the proposed Tournament Fields Landmark District (Attachment A of the agenda report) meets the criteria for designation as a landmark district (Section 17.62.040(E) Pasadena Municipal Code (PMC)).

(4) Acknowledge that the petition with signatures in support of the landmark overlay district petition exceeds the 51 percent

requirement in PMC Section 17.62.070(D).

(5) Based on these findings, approve the landmark district and the zoning map overlay for the Tournament Fields Landmark

District, LD-15, (Attachment A of the agenda report).

(6) Direct the City Attorney to prepare an ordinance within 60 days amending the official zoning map of the City of Pasadena established by Section 17.20.020 of the Pasadena Municipal Code to designate the landmark district with the LD-15 overlay zone.

Recommendation of Historic Preservation Commission: At a public hearing on May 1, 2006, the Historic Preservation Commission determined that the proposed district meets the criteria in Section 17.62.040 of the Pasadena Municipal Code for designation of a landmark district and unanimously recommended approval with the boundaries requested by residents of the neighborhood.

Recommendation of Planning Commission: Following a public hearing on May 24, 2006, the Planning Commission found that the proposed zone change to create a landmark district is consistent with the General Plan and the purposes of the zoning ordinance, and voted 6 - 1 to recommend that the City Council approve designation of the Tournament Fields Landmark District with the boundaries requested by residents of the neighborhood.

Councilmember Holden was excused at 9:12 p.m.

The Mayor opened the public hearing.

The City Clerk reported 11 copies of the notice of public hearing were posted on July 6, 2006; 58 copies of the notice were mailed on July 6, 2006; and no correspondence was received.

Jeff Cronin, Principal Planner, summarized the agenda report.

The following persons spoke in support of the landmark district overlay:

Christopher Patton, South Mentor Avenue and Cornell Road residents' representative Mic Hansen, Historic Preservation Commission Chair

It was moved by Councilmember Tyler, seconded by Councilmember Little, to close the public hearing. (<u>Motion unanimously carried</u>) (Absent: Councilmember Holden)

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

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. (Resolution No. 8627)

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 announced now was the time for the continued public hearing.

The City Clerk confirmed 28 copies of the notice of public hearing were posted on December 2, 2005; 76 copies of the notice were mailed on December 2, 2005; six letters and a petition with 24 signatures in support were received.

The City Manager introduced the agenda item.

Jeff Cronin, Principal Planner, reported on the current status of the property and landmark designation process, and responded to questions.

Richard Bruckner, Director of Planning and Development Department, reported on the Variance for Historic Purposes that was granted by the Board of Zoning Appeals (BOZA) involving parking arrangements for the property.

John Andrews, Senior Project Manager, clarified that the applicants/property owners had exhausted all efforts to obtain agreement for the lease of off-site parking and that

consequently this required condition had been deleted by BOZA, and responded to questions.

Councilmember Gordo indicated that staff had allayed his concern that this Variance would set a precedent for allowing parking in the front yard of a property.

The following persons spoke in support of the landmark designation and/or waiver of assessed fines:

David Darwish, applicant/property owner, requested Council's assistance in obtaining a waiver of the code violation fines assessed against the property prior to the restoration of the building.

Bob Kneisel, Pasadena resident Dale Trader, Pasadena resident

The Mayor expressed Council's sympathetic position on Mr. Darwish's plight with the outstanding fines, and urged staff to consider the total history of the project in addressing the fines issue.

Mr. Bruckner indicated staff will work with Mr. Darwish and the Code Enforcement Commission to address the fines matter.

The City Manager noted that John Andrews would work with the collection agency and Mr. Darwish in working through the issue of the fines.

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

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

Councilmember Little commended Mr. Darwish on his restoration of the building.

OFFICERS AND DEPARTMENTS

DISCUSSION REGARDING SELECTION PROCESS FOR PASADENA UNIFIED SCHOOL DISTRICT (PUSD) SUPERINTENDENT, CONTINUATION SCHOOLS, AND UPDATE REGARDING PUSD 7-11 COMMITTEE (Councilmember Little)

Councilmember Little explained his request for information on the above three items involving the Pasadena Unified School District (PUSD) that may impact the City. Prentice Deadrick, PUSD Board of Education President, updated Council on the status of the search for a Superintendent of Schools and the selection process, indicated the Board had selected a recruitment firm and would be discussing strategies with the recruiter in the next couple of weeks, and commented on the community's role in the selection process. Mr. Deadrick discussed strategies involved with assisting students who were not experiencing success at school (at-risk/drop out students), and the differences in operation strategies for proposed continuation schools vs. Rose City High School; and responded to questions.

Councilmember Little asked the District to clarify for him, at some time in the future, some of the information about the continuation program plan that is being developed; urged the District to look into the Whittier Union High School District and Bonita Unified School District continuation school program models, and commented on the need to engage all stakeholders on discussions/decisions involving the proposed continuation school sites and the superintendent selection process.

Mr. Deadrick noted that no recommendation has been made regarding continuation school sites at this time and that public discussions would be held prior to a decision being made, and noted the selection process for the superintendent may take 5 to 6 months.

The following persons expressed concerns contained in a letter submitted by Walter Olszewski dated July 24, 2006 regarding the implementation of an annual address on the state of the District to be delivered by the Board of Education President as required in the Pasadena City Charter, financial matters involving the District, and pending lawsuits against PUSD:

Walter Olszewski, Altadena Town Council Member, speaking as an individual Bonita Olszewski, Altadena resident

Stepan Haytayan, 7-11 Community Advisory Committee Chair, explained the purpose of the Committee to assist the Board in making determinations about surplus property and act as a conduit and a source of expertise for the community and Board, outlined the Committee's process in reviewing proposed properties and uses for the properties, provided demographic information and projections for the District as this relates to possible surplus property, discussed discretionary vs. non-discretionary/limited uses of the District's surplus property, and described various discretionary uses for surplus properties. In response to questions, Mr. Haytayan indicated the Committee will be developing a priority list of options for the sites, and

Councilmember Holden returned at 9:55 p.m.

distinguished the differences between school closure and declaring a property surplus.

Councilmember Little expressed concerns regarding the need for the District and Committee to consider the financial impacts and other issues on recommendations made regarding the use of surplus properties, and the need for the District to keep the City Council informed about the property uses being considered.

The Mayor thanked Mr. Deadrick and Mr. Haytayan for the information provided to Council, and expressed Council's continued interest in supporting the efforts of the District/Committee in these matters.

INFORMATION ITEMS

UPDATE ON THE POLICE DEPARTMENT'S POLICING SERVICES TO PASADENA UNIFIED SCHOOL DISTRICT

Police Chief Bernard Melekian updated Council on discussions held with the Pasadena Unified School District (PUSD) regarding City policing services to be provided to the District, on the status of the City's police unit for the District to be titled Safe Schools Team (staffing, training, logistics), on the City's ongoing review of the PUSD security officers, and on development of a draft Memorandum of Understanding (MOU) for the security officers that could be available for review by the City Manager in the next 2 to 3 weeks. Chief Melekian noted the following determinations had been made regarding the Safe Schools Team and its interaction with PUSD security officers: daily briefing sessions will be held together, informal training sessions will be held, standardized reporting processes will be developed, site inspections will be performed, and City personnel will participate in some manner in oral and written performance evaluations of the security officers. He noted that formal training for the Team and security officers will be held and a uniform for the security officers will be developed. clarified that the MOU is meant to set out the day-to-day operational relationship so there is no ambiguity as to span of control, and responded to questions.

Councilmember Little expressed concerns regarding the relationship between the Team, school site personnel, and students involving issues that might arise involving the duties/responsibilities and expectations of the Team, school personnel, and students.

Vice Mayor Madison was excused at 10:25 p.m.

The City Manager indicated the MOU will be handled on an administrative level if it involves rules of operation and will come to Council only if it involves financial implications or policy decisions.

Councilmember Streator expressed concerns regarding the City's ability to control the use of the security officers, and requested Council be provided with copies of the MOU when it is finalized.

The Mayor expressed concerns regarding the need to provide a way to deal with operational problems that might come out of the working relationship that will be developed between the Police Department and District personnel at various levels.

In response to the Mayor's concerns, Chief Melekian indicated he would be providing briefings to the City Manager on the working relationship between the Team and District staff and any operational problems that might develop, and reported that discussions with the District on the policing services plan were going well at this time.

On order of the Mayor, the information was received.

UPDATE ON THE INFANT AND TODDLER PROGRAM AT WASHINGTON SCHOOL CHILD CARE CENTER

The City Manager provided a brief history of the City's recent role in funding the continuation, for the short term, of the Pasadena Unified School District (PUSD) Infant and Toddler Program at the Washington School Child Care Center.

Patsy Lane, Director of Human Services and Recreation Department, provided an update of the status of and the critical need for the program; discussed viable options for securing another operator for the program, going through the request for proposal (RFP) or request for qualifications (RFQ) process, and possible timeframe for the RFP or RFQ process or using a subcontractor for the program; clarified the City's funding allocation to the District to assure that the program is funded through August 31, 2006; and responded to questions.

Discussion followed on ways to operate and fund the program in the future, and issues involving use of a subcontractor as this relates to licensing requirements with the State,

Prentice Deadrick, PUSD Board of Education President, clarified that the program will be funded by the School District for the next fiscal year but that funding of the program has not as yet been identified; and discussed funding issues, subcontracting possibilities, and related union issues involving personnel in the program.

On order of the Mayor, the information was received.

OFFICERS AND **DEPARTMENTS**

RECOMMENDATIONS FROM REQUEST FOR CLARIFICATION OF CITY COUNCIL ACTION ON DECEMBER 19, 2005, CONCERNING THE VACATION OF 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: It is recommended that the City Council clarify their action on December 19, 2005, regarding their intent on a specific condition imposed for the requested vacation of a portion of Madia Street. Specifically, did the City Council intend that:

- (a) The applicant meets the conditions of the vacation as described in adopted Resolution No. 8550, by recording a covenant running with the land which obligates the applicant to provide specific benefits to each and every property owner on Madia Street east of Linda Vista Avenue and not requiring that those property owners provide written acceptance of the covenant: or
- (b) The applicant meets the conditions of the vacation as described in the adopted resolution, only by securing "written consent" of each and every property owner prior to the recordation of such covenant.

The City Attorney noted for the record that Vice Mayor Madison is not participating in this item due to a potential conflict of interest.

The City Manager reviewed the agenda report and the neighbors' response to the approved action.

The City Attorney explained the difference between a covenant and an easement, described possible actions the Council could take to amend the Council action of December 19, 2005, and responded to questions.

Discussion followed on Council's expectations and intentions regarding the actions that would be taken by the applicants/property owners and affected neighbors involving the covenants that would be entered into prior to the vacation of the property, on issues involving the proposed usage rules. and on the draft provisions contained in Attachment D of the agenda report ("Declaration of Covenants, Conditions and Restrictions and Establishment of Easement Affecting Land").

Councilmembers Little and Streator indicated it was their expectation that the applicants/property owners would agree to comply with the provisions set forth in the minutes, and it was not their intent that the neighbors must sign written documents in order to move forward with the vacation.

John Quinn. applicant/property owner. described the negotiation process with the neighbors.

Discussion continued on the possible alternative to request that the covenant agreement be converted to an easement as this relates to meeting the conditions approved by Council on December 19, 2005, and the legal issues involving the amendment of Resolution No. 8550.

Councilmember Haderlein expressed concerns regarding changing Council's prior decision from a (bilateral) covenant to a (unilateral) easement without the affected neighbors being given adequate notice of the proceeding, because the agenda posting does not reflect this type of action.

The City Attorney stated her position on Council's authority to amend Resolution No. 8550 and the wording of the agenda item.

Councilmember Streator asked that a clarification be made that, in her mind, Council's prior approval of "covenant with the land" did not mean that every person on the street would need to sign the covenant, and that what she had in mind as a "covenant with the land" could be in the form of an easement granting in perpetuity the right of the neighbors to use the land, rather than having separate contracts.

During a discussion of Attachment D of the agenda report ("Declaration of Covenants, Conditions and Restrictions and Establishment of Easement Affecting Land"), the applicants/property owners agreed to the following corrections/changes:

 Page 4, Paragraph No. 7, No Interference With Grantee's Right of Access – sentence to be corrected to read: "In the event that Grantor does interfere with Grantee's right of access, such right of access shall be restored immediately and Grantor Grantee shall recover any damages incurred as a result of such interference."

 Page 3, Paragraph No. 5, Termination for Material Brach of Rules – penalty for second violation within six (6) months to be changed from in perpetuity to a shorter

period of time (e.g. 3, 5, or 7 years)

Page 2, Paragraph No. 4, No Interference With Grantor's Use and Enjoyment – sentence to be amended to read: "Grantee shall not interfere with Grantor's use or enjoyment of the Vacated Property; but Grantee's use of the Vacated Property in compliance with the following rules (the "Vacated Property Rules") shall not be deemed to interfere with Grantor's use or enjoyment."

 The City Attorney noted staff will discuss with the applicants/property owners how to address Page 4, Paragraph No. 6, Financial Responsibility and Indemnity and any other areas of the document that will

need to be addressed.

It was moved by Councilmember Streator, seconded by Councilmember Gordo, to direct the City Attorney to review an easement prepared by the applicants/property owners, with the matter to be re-agendized for approval of an easement, and with the posted agenda item to clearly reflect the proposed action. (Motion unanimously carried) (Absent: Vice Mayor Madison)

CONSIDERATION OF A CALL FOR REVIEW OF A HEARING OFFICER DECISION TO THE BOARD OF ZONING APPEALS FOR VARIANCE NO. 11519 TO ALLOW SURFACE PARKING IN THE FRONT 60% OF THE SITE, EXCEED THE REQUIRED ONE-STORY HEIGHT LIMIT AT THE FRONT SETBACK LINE, AND EXCEED THE MAXIMUM ALLOWABLE ELEVATION FOR THE MAIN GARDEN – 351 ADENA STREET (Councilmember Gordo)

Councilmember Gordo withdrew his request for consideration of the call for review and no further action was taken.

AMENDMENT TO TRAFFIC REDUCTION AND TRANSPORTATION IMPROVEMENT FEE TO EXEMPT ENTERPRISE ZONE PROJECTS FROM THE NEW FEE

Councilmember Holden explained his above request for consideration of an exemption for Enterprise Zone projects from the Traffic Reduction and Transportation Improvement Fee based on a rationale of creating development and growth and encouraging businesses to relocate to the Zone, and asked that this request be referred to the Finance Committee for review, with staff to provide information on the implications of the proposed amendment to exempt Enterprise Zone projects from the fee.

With the consensus of the Finance Committee and on order of the Mayor, the above matter was referred to the Finance Committee for review.

ADOPTION OF THE PASADENA PEDESTRIAN PLAN
Recommendation of City Manager: It is recommended that

the City Council approve the Pasadena Pedestrian Plan (Attachment 1 of the agenda report) and adopt a Negative Declaration for the project in accordance with the California Environmental Quality Act (CEQA) (Attachment 2 of the agenda report).

Recommendation of Advisory Bodies: The Pedestrian Plan has been presented to and recommended for adoption by the Planning Commission, the Design Commission, and the Transportation Advisory Commission. It has also been reviewed and endorsed by the Accessibility and Disability

Councilmember Tyler was excused at 11:25 p.m.

Councilmember Gordo recused himself at 11:26, due to a conflict of interest.

(Councilmember Holden)

Commission, the Northwest Commission, the Old Pasadena Parking Meter Zone Advisory Commission, the Senior Commission, and the South Lake Parking Place Commission.

The City Manager introduced the agenda item and responded to questions.

Frankee Banerjee, Banerjee and Associates (consultant), reviewed the reasons for development of the Pedestrian Plan, highlighted elements of the Plan development process and uses for the information gathered for the Plan, and responded to questions.

Joyce Amerson, Director of Transportation Department, responded to questions regarding the Plan.

Discussion followed on the use of Traffic Reduction and Transportation Improvement Fee funds for capital improvement projects identified in the Plan and funding of various projects identified in the Plan.

Councilmember Haderlein requested that an update on the bike transit center at the Metro Gold Line Memorial Park station be included in the City Manager's weekly information letter to Council, and that the identification of a funding source for a citywide sidewalk repair program in the City be referred to the Finance Committee.

The following person spoke in support of the Pedestrian Plan, and suggested the additional development of two large walking paths (one path on the east side of the City and another path on the west side of the City), with transportation to be provided to the paths, including cost reductions for low-income persons:

Al Sorkin, URDC Human Services Corporation

Councilmember Holden expressed concerns regarding littering and other problems related to dense population and heavy pedestrian usage at the corner of Orange Grove Boulevard and Los Robles Avenue and other areas of Northwest Pasadena, and stressed the need to focus on keeping these areas clean and providing incentives to back up these efforts.

It was moved by Councilmember Holden, seconded by Councilmember Haderlein, to approve the City Manager's recommendation, with the issue of identifying a funding source for a citywide sidewalk repair program to be referred to the Finance Committee. (Motion unanimously carried) (Absent: Councilmembers Gordo, Tyler, Vice Mayor Madison)

RESIGNATION OF KERI ROBINSON FROM THE PASADENA CENTER OPERATING COMPANY (Westin Hotel Nomination)

REAPPOINTMENT OF MARTIN ZITTER TO THE CODE ENFORCEMENT COMMISSION (District 2 Nomination)

REAPPOINTMENT OF GREGORY HARRISON TO THE HUMAN SERVICES COMMISSION (District 2 Nomination)

REAPPOINTMENT OF SAMUEL THOMAS TO THE SENIOR COMMISSION (District 3 Nomination)

APPOINTMENT OF TARIK ROSS TO THE NORTHWEST COMMISSION (District 3 Nomination)

APPOINTMENT OF JONATHAN LITVACK TO THE PASADENA CENTER OPERATING COMPANY (Westin Hotel Nomination)

It was moved by Councilmember Streator, seconded by Councilmember Holden, to approve the above resignation, reappointments, and appointments. (<u>Motion unanimously carried</u>) (Absent: Councilmembers Gordo, Tyler, Vice Mayor Madison)

RECESS

On order of the Mayor, the regular meeting of the City Council recessed at 11:50 p.m. to the special meeting of the Board of Appeals.

RECONVENED

On order of the Mayor, the regular meeting of the City Council reconvened at 11:51 p.m. (Absent: Councilmembers Gordo, Tyler, Vice Mayor Madison)

RECOMMENDATIONS FROM OFFICERS AND DEPARTMENTS

GENERAL AMENDMENT FOR PLAN **VARIOUS** PROPERTIES THROUGHOUT THE CITY AS ADOPTED BY THE ZONING MAP AMENDMENTS TO REMAIN WITH THE CONSISTENT NEW ZONING CODE Recommendation of City Manager: Adopt a resolution to amend the Land Use Diagram found in the General Plan Land Use Element. (Resolution No. 8628)

ORDINANCE – FIRST READING

Conduct first reading of "AN ORDINANCE OF THE CITY OF PASADENA AMENDING THE OFFICIAL ZONING MAP ESTABLISHED BY TITLE 17, CHAPTER 20, SECTION 17.20.020 OF THE PASADENA MUNICIPAL CODE, AND AMENDING TITLE 17 (THE ZONING CODE) TO REMOVE SPECIFIC ZONING DISTRICTS"

The above agenda item and first reading of an ordinance were discussed concurrently.

07/24/2006

It was moved by Councilmember Little, seconded by Councilmember Streator, to approve the City Manager's recommendation and offer the ordinance for first reading:

AYES: Council

Councilmembers Haderlein, Holden, Little, Streator,

Mayor Bogaard

NOES: None

ABSENT: Councilmembers Gordo, Tyler, Vice Mayor Madison

OFFICERS AND DEPARTMENTS

DESIGNATION OF VOTING DELEGATE AND ALTERNATE FOR THE 2006 LEAGUE OF CALIFORNIA CITIES ANNUAL CONFERENCE ON SEPTEMBER 6, 2006 THROUGH SEPTEMBER 9, 2006, IN SAN DIEGO, CALIFORNIA

The Mayor suggested that Councilmember Streator be designated the voting delegate and the Mayor be designated the alternative for the 2006 League of California Cities Annual Conference.

It was moved by Councilmember Holden, seconded by Councilmember Little, to approve the designations of Councilmember Streator as voting delegate and Mayor Bogaard as alternative for the 2006 League of California Cities Annual Conference. (Motion unanimously carried) (Absent: Councilmembers Gordo, Tyler, Vice Mayor Madison)

<u>ORDINANCES – FIRST</u> READING

Conduct first reading of "AN ORDINANCE OF THE CITY OF PASADENA AMENDING THE DENSITY BONUS PROVISIONS OF TITLE 17 (THE ZONING CODE) TO COMPLY WITH RECENT CHANGES IN STATE LAW REGARDING DENSITY BONUS"

In response to Councilmember Streator's question, the Mayor confirmed that the City did not have the option to refuse to comply with the recent changes in State law regarding the density bonus.

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

AYES:

Councilmembers Haderlein, Holden, Little, Streator,

Mayor Bogaard

NOES: None

ABSENT: Councilmembers Gordo, Tyler, Vice Mayor Madison

Conduct first reading of "AN ORDINANCE OF THE CITY OF PASADENA AMENDING TITLE 17 (THE ZONING CODE), – SERIES I – INCLUDING CONVERSION OF HISTORIC STRUCTURES TO OFFICES IN THE WEST GATEWAY SPECIFIC PLAN AREA, INCREASING THE ALLOWABLE SIZE OF ACCESSORY STRUCTURES IN THE RM-12 DISTRICT, TRANSFERRING ZONING ADMINISTRATOR HEARINGS TO THE HEARING OFFICER, AND OTHER

AMENDMENTS, INCLUDING CODIFICATION OF INTERPRETATIONS AND CORRECTIONS"

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

AYES:

Councilmembers Haderlein, Holden, Little, Streator,

Mayor Bogaard

NOES: None

ABSENT: Councilmembers Gordo, Tyler, Vice Mayor Madison

ADJOURNMENT

On order of the Mayor, the regular meeting of the City Council adjourned at 11:57 p.m., in memory of William Pompey, long-time City resident, business owner, and Tournament of Roses volunteer.

Bill Bogaard, Mayor City of Pasadena

ATTEST:

L Kudryke