

CITY OF PASADENA
City Council Minutes
August 7, 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 5:59 p.m.
(Absent: Councilmembers Holden, Streator)

On order of the Mayor, the regular meeting recessed at 5:59 p.m., to discuss the following closed sessions:

**CITY COUNCIL CONFERENCE WITH LABOR NEGOTIATOR
pursuant to Government Code Section 54957.6
City Representatives: Karyn S. Ezell and Arthur Chavez
Employee Organization: Unrepresented Technical and
Administrative, Confidential Clerical, Non-Represented and
Hourly Employees**

**CITY COUNCIL CONFERENCE WITH REAL PROPERTY
NEGOTIATORS pursuant to Government Code Section
54956.8
Property: 72 E. Glenarm Street, Pasadena, California
Negotiators: Cynthia Kurtz, Richard Bruckner; Richard
Koshalek, George Falardeau, and Fred Nicholas
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 6:47 p.m. The Pledge of Allegiance was led by the Mayor.

ROLL CALL:

Councilmembers:

Mayor Bill Bogaard
Vice Mayor Steve Madison (Returned at 6:54 p.m.)
Councilmember Victor Gordo
Councilmember Steve Haderlein
Councilmember Chris Holden (Absent)
Councilmember Paul Little
Councilmember Joyce Streator (Absent)
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 Mildred Hawkins as Human Services Commissioner.

The Mayor presented a proclamation designating August 6-12, 2006 as National Community Health Center Week. The proclamation was received by Brian Hayes, Community Health Alliance of Pasadena (CHAP) member, and Margaret B. Martinez, CHAP Executive Director.

Ms. Martinez and Mr. Hayes expressed appreciation for the support of the Council and community in CHAP's efforts to provide health care to underserved members of the community needing these services.

Vice Mayor Madison returned at 6:54 p.m.

Councilmember Tyler, CHAP Board member, commended CHAP for the services it provides and the City for its assistance to CHAP.

PUBLIC COMMENT

The following persons spoke in support of the use of electric cars and in opposition to the request from Nissan to the City to return the electric cars that the City is leasing:

Paul Scott, Plug In America representative, submitted a pamphlet titled "Why Plug-in Cars?"

Bill Provence, Pasadena resident, submitted information materials on the Nissan electric car issue.

David Czamanske, Sierra Club Pasadena Group Conservation Co-Chair

The Mayor asked Mr. Scott to submit a written proposal to staff of actions Plug In America is willing to undertake in attempting to dissuade Nissan from retrieving the City's leased electric cars.

The following persons spoke in opposition to the use of Southern California Edison (SCE) right-of-way land for a proposed Public Storage Partners project and in support of the use of Edison land for open space/designated public purposes:

Dale Trader, Pasadena Neighborhood Coalition Chair, submitted a letter stating the Coalition's opposition to the proposed use of SCE land.

Michele Zack, Altadena Watershed Committee Chair

Kathleen Thorne-Thomsen, Pasadena resident and Pasadena Neighborhood Coalition member

The Mayor noted that staff will be able to offer a more comprehensive view of this land use issue within the next 45-90 days as to what will be possible in regards to the SCE land, with additional dialogue from the community to be solicited at that time.

Marvin Schachter, Senior Advocacy Council representative, invited the Council and community to attend a program to be held on August 11, 2006 in the Pasadena Senior Center that

will discuss the issue of providing health care, and submitted an information flier on the program.

CONSENT CALENDAR

APPROVAL OF FINAL TRACT MAP NO. 054332, BEING A 12-UNIT CONDOMINIUM PROJECT, AT 1430 NORTH FAIR OAKS AVENUE

Recommendation of City Manager: Adopt a resolution to:
(1) Approve Final Tract Map No. 054332; and
(2) 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. 8636)

DIRECT THE CITY ATTORNEY TO PREPARE AN ORDINANCE ADDING CHAPTER 14.27 TO THE PASADENA MUNICIPAL CODE TO INCLUDE FLOODPLAIN MANAGEMENT REGULATIONS REQUIRED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY

Recommendation of City Manager: Direct the City Attorney to prepare an ordinance adding Chapter 14.27 to the Pasadena Municipal Code to include Floodplain Management regulations required by the Federal Emergency Management Agency within 45 days.

RESOLUTION AMENDING THE SALARY RESOLUTION ESTABLISHING SALARY CONTROL RATES FOR THE UNREPRESENTED EXECUTIVE MANAGEMENT CLASSIFICATION OF DIRECTOR OF FINANCE

Recommendation of City Manager: Adopt a resolution amending the Salary Resolution to adjust the control rate for the Unrepresented Executive Management classification of Director of Finance effective August 21, 2006. (Resolution No. 8637)

APPROVE THE SALE OF AN EASEMENT AND ADOPTION OF A RESOLUTION TO GRANT AN EASEMENT FOR THE ENCROACHMENT OF A DRIVEWAY AND PARKING/STORAGE AREA INTO THE PUBLIC RIGHT-OF-WAY LOCATED AT 65 NORTH ARROYO 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 a driveway, parking/storage area in the public right-of-way, located at 65 North Arroyo Boulevard. (Resolution No. 8638)

MINUTES APPROVED

July 24, 2006

CLAIMS RECEIVED AND FILED

Claim No. 10,151	Elizabeth A. Coffee	\$	370.00
Claim No. 10,152	Martin Nobler		Not Stated
Claim No. 10,153	Noah Smith		311.25
Claim No. 10,154	Clarence Drayton		1,600.00
Claim No. 10,155	Nasser Zomorod		1,076.46

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

**RECOMMENDATIONS
FROM OFFICERS AND
DEPARTMENTS**

RESOLUTIONS RELATED TO ORDERING THE SUBMISSION OF MEASURE B TO AMEND THE CITY CHARTER, ARTICLE XVII – TAXPAYER PROTECTION AMENDMENT, AT THE SPECIAL MUNICIPAL ELECTION ON TUESDAY, NOVEMBER 7, 2006; AND APPROPRIATING FUNDS FOR ELECTION-RELATED COSTS

Recommendation of City Clerk:

(1) Adopt the following resolutions related to placing the Task Force on Good Government recommendations and Legislative Policy Committee recommendations on the November 7, 2006 special municipal election ballot:

(a) A resolution of the City Council of the City of Pasadena ordering the submission to the qualified electors of the City of Pasadena a proposed measure to amend the City Charter, Article XVII – Taxpayer Protection Amendment, at the special municipal election to be held in said City on Tuesday, November 7, 2006, as called by Resolution No. 8587. (Resolution No. 8633)

(b) A resolution of the City Council of the City of Pasadena setting priorities for filing written arguments pertaining to a proposed measure to amend the City Charter, Article XVII – Taxpayer Protection Amendment, and directing the City Attorney to prepare an impartial analysis. (Resolution No. 8634)

(c) A resolution of the City Council of the City of Pasadena providing for the filing of rebuttal arguments with respect to the measure. (Resolution No. 8635)

(2) Direct the City Clerk to print the full text of the proposed Charter amendment text in a bilingual (English/Spanish) supplemental voter information pamphlet.

(3) Approve a journal voucher appropriating \$229,396 from the Unappropriated General Fund balance to the City Clerk's Election Account No. 8114-101-263000 for total election-related costs for the November 7, 2006 special municipal election for two measures (NFL/Rose Bowl Stadium Renovation Initiative and Taxpayer Protection Amendment). (Journal Voucher No. 2007-3)

The City Clerk summarized the agenda report and responded to questions. She noted the City Attorney had distributed a memorandum dated August 7, 2006 that recommended that Council modify the Legislative Policy Committee's additional sentence on Page 4 of the proposed language of the Taxpayer Protection Amendment (TPA) as follows, so that it is internally consistent with the remainder of the TPA and so that it more fully captures the intent of the amendment to Section 1704(d) as discussed by the Legislative Policy Committee:

"The prohibition on campaign contributions set forth in the preceding sentence shall also apply to trustees, directors, partners, officers, and 10% ~~shareholders of the equity, participation, or revenue interest holders~~ of the entity bidding on a contract with the City, but shall not apply to employees of the entity who are not trustees, directors, partners, officers, ~~or~~ and 10% ~~shareholders thereof~~ equity, participation, or revenue interest holders of the entity."

The City Attorney clarified the above modification to the Legislative Policy Committee's TPA language and responded to questions.

Discussion followed on the amount of the election costs and the parties to be designated to file an argument in favor of the measure.

The Mayor noted he would be advocating for the measure as a reflection of his support for the proposed changes to the TPA.

It was moved by Vice Mayor Madison, seconded by Councilmember Tyler, to approve the City Clerk's recommendation, with the additional City Attorney's recommendation for modified language on Page 4 of the Taxpayer Protection Amendment as cited above, and with the designation of Councilmembers Gordo and Tyler and Vice Mayor Madison to file an argument in favor of Measure B. (Motion carried, with Councilmember Little objecting) (Absent: Councilmembers Holden, Streator)

OLD BUSINESS

APPROVAL OF FINAL TRACT MAP NO. 062016 FOR THE CONVERSION OF 98 EXISTING APARTMENT UNITS INTO 92 CONDOMINIUM UNITS AT 64 MAR VISTA AVENUE

Recommendation of City Manager: Adopt a resolution to:

- (1) Approve Final Tract Map No. 062016; and
- (2) Authorize the City Clerk to execute the certificate on the map showing the City's approval of said map. (Resolution No. 8639)

The City Manager reviewed Councilmember Streator's prior question regarding the number of affordable housing units that will be a part of the project, reported that the 20 units cited in the report are a carryover of the coveted units in the original 98-unit project, and indicated Councilmember Streator will be updated on this information and Council action on the item.

Jim Wong, Project Manager, clarified that the current 20 units that have been designated as affordable will have covenants recorded against them in the names of the new owners as the units are sold, and responded to questions.

The Mayor and Councilmember Little commended staff in maintaining the original number of coveted affordable units in the project to convert to condominiums.

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

PUBLIC HEARINGS

PUBLIC HEARING: ESTABLISHMENT OF THE PLAYHOUSE DISTRICT ASSOCIATION PROPERTY-BASED BUSINESS IMPROVEMENT DISTRICT

Recommendation of City Manager: It is recommended that the City Council continue the public hearing to August 14, 2006, at 7:30 p.m.

It was moved by Vice Mayor Madison, seconded by Councilmember Tyler, to continue the public hearing to August 14, 2006 at 7:30 p.m. (Motion unanimously carried) (Absent: Councilmembers Holden, Streator)

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 conditions;

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

(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 announced now was the time for the continued public hearing.

The Vice Mayor provided an update on the discussions held by the interested parties during the past two weeks.

William Delvac, Latham & Watkins LLP (legal counsel for applicant), asked for a one-week continuance to allow time to finalize an agreement between the applicant and the neighbors.

It was moved by Vice Mayor Madison, seconded by Councilmember Little, to continue the public hearing to August 14, 2006 at 7:30 p.m. (Motion unanimously carried) (Absent: Councilmembers Holden, Streator)

PUBLIC HEARING: ADOPTION OF THE 2006 ANNUAL CITY OF PASADENA SELF CERTIFICATION REPORT IN CONFORMANCE WITH THE CONGESTION MANAGEMENT PROGRAM FOR LOS ANGELES COUNTY AND THE 2006 LOCAL DEVELOPMENT REPORT IN ACCORDANCE WITH GOVERNMENT CODE SECTION 65089

Recommendation of City Manager:

- (1) Adopt a resolution finding the City in conformance with the Congestion Management Program (CMP) for the County of Los Angeles;
- (2) Adopt the 2006 Local Development Report in accordance with California Government Code Section 65089 (Attachment A of the agenda report); and
- (3) Direct staff to file the CMP Local Implementation Report with the Los Angeles County Metropolitan Transportation Authority (MTA). (Resolution No. 8640)

The Mayor opened the public hearing.

The City Clerk reported the notice of public hearing was published on July 24, 2006 in the Pasadena Star-News; and no correspondence was received.

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

Vice Mayor Madison was excused at 7:45 p.m.

Mark Yamarone, Principal Transportation Planner, summarized the agenda report and responded to questions.

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

Vice Mayor Madison returned at 7:47 p.m.

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

PUBLIC HEARING: ZONING CODE AMENDMENT TO CREATE THE WORKFORCE HOUSING OVERLAY DISTRICT

Councilmember Gordo recused himself at 7:48 p.m., due to a conflict of interest.

Recommendation of City Manager: It is recommended that the City Council, following a public hearing, approve an amendment to Title 17 (Zoning Code) to create the Workforce Housing Overlay District.

Conduct first reading of "AN ORDINANCE OF THE CITY OF PASADENA AMENDING THE ZONING CODE (TITLE 17) TO CREATE THE WORKFORCE HOUSING OVERLAY DISTRICT"

Conduct first reading of "AN ORDINANCE OF THE CITY OF PASADENA AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF PASADENA ESTABLISHED BY TITLE 17, CHAPTER 20, SECTION 17.20.020 OF THE PASADENA MUNICIPAL CODE TO IMPLEMENT THE WORKFORCE OVERLAY DISTRICT"

The above agenda item and first readings of the ordinances were discussed concurrently.

The Mayor opened the public hearing.

The City Clerk reported the notice of public hearing was published on July 24, 2006 in the Pasadena Star-News and on July 27 and August 3, 2006 in the Pasadena Journal; and no correspondence was received.

The City Manager introduced the agenda item.

Scott Reimers, Associate Planner, provided a brief history of the development of the Workforce Housing Overlay District, reviewed the agenda report, and responded to questions.

The following persons spoke in opposition to and/or expressed concerns regarding the Zoning Code amendment and alleged legal issues involving the proposed changes:

Joanne Kim, attorney with Neighborhood Legal Services of Los Angeles County
Eric Winter, South Pasadena resident
Michelle White, Affordable Housing Services representative, submitted a letter stating opposition.

The City Attorney noted that staff felt the proposed Zoning Code amendment and ordinances were legally defensible.

Theresa Fuentes, Deputy City Attorney, restated staff's position on the above alleged California code compliance issues that had been previously addressed in a memorandum from the City Attorney's office distributed at the June 26, 2006 Council meeting, and responded to questions.

Richard Bruckner, Director of Planning and Development Department, explained the rationale for the differences between the density bonus for affordable housing vs. workforce housing in this area.

Councilmember Little suggested the same density bonus allowed for workforce housing be applied to affordable housing in this area.

The City Manager expressed a comfort level for possible impacts on development if the 50% density bonus was applied to both workforce housing and affordable housing when development waivers are not used or if the 35% density bonus was applied to affordable housing when development waivers are used.

Following brief discussion, Ms. Fuentes indicated new ordinances will be brought back to Council for first reading that will take the workforce overlay idea, which is separate from the State density bonus, and apply it to income categories of workforce, very low, low, and moderate, while maintaining the difference between the density bonus and the workforce overlay.

The City Attorney indicated staff will return with the revised ordinances by the end of September.

It was moved by Councilmember Little, seconded by Councilmember Haderlein, to continue the public hearing to September 25, 2006 at 7:30 p.m., and to direct the City Attorney to return with revised ordinances that are consistent with Councilmember Little's suggestion and the Deputy City Attorney's proposed plan of action as this relates to the density bonuses for workforce housing and affordable housing as stated above. (Motion unanimously carried) (Absent: Councilmembers Gordo, Holden, Streater)

**RECOMMENDATIONS
FROM OFFICERS AND
DEPARTMENTS**

Councilmember Gordo returned at 8:14 p.m.

APPOINTMENT OF DENNIS M. MURPHY TO THE ROSE BOWL OPERATING COMPANY (District 2 Nomination)

APPOINTMENT OF MARGARET BELTON TO THE RECREATION AND PARKS COMMISSION (District 3 Nomination)

It was moved by Councilmember Little, seconded by Councilmember Tyler, to approve the above appointments. (Motion unanimously carried) (Absent: Councilmembers Holden, Streater)

CONSIDERATION OF A CALL FOR REVIEW TO THE BOARD OF ZONING APPEALS CONDITIONAL USE PERMIT NO. 4715, VARIANCE, HILLSIDE DEVELOPMENT PERMIT, AND CERTIFICATE OF EXCEPTION (TO RELOCATE AN EXISTING HISTORIC HOUSE AND ATTACHED GARAGE FROM THE CITY OF LOS ANGELES TO A VACANT PARCEL AT 50 S. SAN RAFAEL AVENUE, PASADENA) Vice Mayor Madison)

Vice Mayor Madison commented briefly on his request for a call for review of the Hearing Officer's decisions on the Conditional Use Permit, Hillside Development Permit, Variance for Historic

Resources, and Certificate of Exception for relocation of an existing historic house.

It was moved by Vice Mayor Madison, seconded by Councilmember Little, to call this matter for review to the Board of Zoning Appeals, with the filing fee to be refunded to the appellant (West Pasadena Residents Association). (Motion unanimously carried) (Absent: Councilmembers Holden, Streater)

The City Manager indicated that this would likely be scheduled for a meeting in late September 2006 as agreed upon by the applicant and appellant.

RECESS

On order of the Mayor, the regular meeting of the City Council recessed at 8:19 p.m. to the regular meeting of the Community Development Commission.

RECONVENED

On order of the Mayor, the regular meeting of the City Council reconvened at 8:20 p.m. (Absent: Councilmembers Holden, Streater)

ORDINANCE – FIRST READING

Conduct first reading of “AN INTERIM ORDINANCE OF THE CITY OF PASADENA TEMPORARILY PROHIBITING THE PROCESSING AND APPROVAL OF ADULT BUSINESS USE APPLICATIONS”

The following persons spoke in opposition to the ordinance and also commented on possible violation of constitutional (first amendment) rights that might apply to denial of any application which complies with the City’s current regulations and zoning:

Roger Diamond, legal counsel for applicant for an adult business use to be located at 2180 E. Foothill Boulevard
Shawn Bayliss, representing applicant of Expressive Use Permit No. 200600412 (adult business use)

The City Attorney noted that the ordinance title should be corrected to read: “AN INTERIM URGENCY ORDINANCE OF THE CITY OF PASADENA TEMPORARILY PROHIBITING THE PROCESSING AND APPROVAL OF ADULT BUSINESS USE APPLICATIONS”, and commented on the City’s position as to the legal validity of the interim urgency ordinance in relationship to the concerns involving constitutional rights expressed by the above speakers. She noted that the ordinance involved a temporary moratorium that would allow time for studies to be conducted on the City’s zoning regulations and treatment of adult businesses, especially as this pertains to current case law. She also noted that a third party had called into question the constitutional validity of the City’s current ordinance and its adequacy, and suggested the above applicants’ representatives contact the City Attorney’s

office with any additional comments they might have on the proposed moratorium.

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

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

NOES: None

ABSENT: Councilmembers Holden, Streator

ORDINANCE – ADOPTED

Adopt “AN EXTENSION OF THE INTERIM URGENCY ORDINANCE OF THE CITY OF PASADENA TEMPORARILY PROHIBITING THE ISSUANCE OF BUILDING, MECHANICAL, AND ELECTRICAL PERMITS IN THE B-7 ELECTRIC CIRCUIT AREA OF THE CITY” (Introduced by Councilmember Streator) (Ordinance No. 7059)

The above ordinance was adopted by the following vote:

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

NOES: None

ABSENT: Councilmembers Holden, Streator

REPORTS AND COMMENTS FROM COUNCIL COMMITTEES

LEGISLATIVE POLICY COMMITTEE

OPPOSITION TO AB 1368 (UMBERG) WORKERS’ COMPENSATION: APPORTIONMENT: PRESUMPTIONS

Recommendation of City Manager: Oppose AB 1368 (Umberg) *Worker’s Compensation: Apportionment: Presumptions*, and authorize the Mayor to send letters to the appropriate authorities stating Pasadena’s position.

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

Steve Mermell, Acting Director of Finance Department, responded to questions regarding the proposed changes.

Julie Gutierrez, Assistant City Manager, explained the proposed elimination of apportionment for workers’ compensation injuries to public safety employees involving conditions for which there is a rebuttable presumption, and responded to questions.

Councilmember Gordo spoke in support of the legislation, and questioned the application of an apportionment provision to public safety employees and the requirement for safety employees to prove an injury.

Vice Mayor Madison concurred with Councilmember Gordo in supporting the legislation and the elimination of apportionment.

The City Manager indicated the Police Chief and Fire Chief felt that the current laws serve as adequate protection for public

safety employees injured on the job, and commented on possible fiscal impacts of the proposed vs. current legislation.

Discussion followed on the impacts of eliminating the apportionment provision in the law, the need for a comparison study of injuries under the existing vs. proposed legislation (e.g., during the past two years), the burden of the injured safety employee to prove an injury vs. the burden of the taxpayer to pay for what may not be a work-related injury, and the status of the legislation.

Councilmember Haderlein requested staff provide statistical data for injuries during the past two years with a comparison of how the injuries might have been handled differently based on using and not using apportionment.

Councilmember Gordo requested staff provide a complete list of the conditions for which there is a rebuttable presumption.

Following discussion and on order of the Mayor, the agenda item was held one week to allow time for staff to provide additional information requested by Council.

**RECOMMENDATION TO SUPPORT SENATE
CONSTITUTIONAL AMENDMENT (SCA) 3 (LOWENTHAL)
ELECTIONS: REDISTRICTING**

Recommendation of City Manager: Support Senate Constitutional Amendment 3 "Election Redistricting" authored by Senator Alan Lowenthal and Senator Roy Ashburn, which will reform the redistricting process, and authorize the Mayor to send correspondence to the appropriate authorities stating Pasadena's position.

The Mayor reviewed the agenda report.

Julie Gutierrez, Assistant City Manager, reported on the current status of the bill and the outstanding issues of opponents, and responded to questions.

The following person spoke in support of Senate Constitutional Amendment 3:

Sondra Hauge, League of Women Voters Pasadena Area
President

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

OLD BUSINESS

DISCUSSION OF THE CITY'S DESIGN PRINCIPLES AND DESIGN GUIDELINES (Councilmember Little)

Councilmember Little commented on feedback he had received from the community regarding what residents think about how buildings should look and how this relates to what is being built and the City's design principles and guidelines. He expressed concerns with building entryways flush with the sidewalk rather than recessed, window treatments and the look of multi-story buildings, bulky-looking and dense buildings/projects, a lack of quality materials being used, and buildings that change the character of the city/neighborhood. He suggested staff gather information from Council on the concerns being expressed by the community, which can be studied by staff to determine if there are changes that can be made to the building standards and design principles/guidelines that could address these concerns in order to ensure a high quality of building and architecture.

Councilmember Tyler expressed concerns regarding single-family residential projects/remodels/expansions/new additions (e.g., projects that are out of scale or incompatible with the neighborhood, lot usage that results in more structure and less landscaping). He suggested staff address the need for a general template or guidelines for residential projects.

Councilmember Gordo expressed support for exploring the development of more specific neighborhood standards to address concerns regarding compatibility, size/scale of a project in relationship to the area, and style of design.

Jeff Cronin, Principal Planner, responded to questions on the City's design guidelines.

Richard Bruckner, Director of Planning and Development Department, commented on the development of the Central District Plan Design Guidelines, stressed the positive influence of a quality architect using quality materials on a project, and responded to questions.

The City Manager commented on factors that the City has put in place that affect the building designs that are being presented for approval (e.g., accessibility ramp requirements that may have caused an increase in corner turrets and rounded shapes for corner buildings), and responded to questions.

Chris Peck, Design Commission Chair, commented on the Commission's role in the development of a project, the need to balance standards with financial factors in a project, possible development of a way to codify how much review a project will receive by the Commission depending on the scale of the

project and its impact on the City, the impacts of the Zoning Code on design decisions, and the compatibility provision in the Code as it is used by the Commission. He suggested the City consider a competition for architects in solving some design issue facing the City as a way of encouraging the development of creative and quality architecture.

The Mayor suggested staff and the Design Commission also provide their input into identifying the issues and solutions to the issues involving design and architecture. He noted it might be time to fine-tune the design principles and guidelines in certain areas in order to improve future development, and commented on the opportunity to leverage the status of the City to attract architects who will build quality projects and add value to the architecture in the City.

Discussion followed on inclusion of landscaping as a factor in the project design, the need to change current building standards and design that will ensure the development of projects that compliment the neighborhood and are an asset to the community, issues growing out of attempts to legislate taste and/or style, and the need to encourage quality architects with innovative projects.

Mr. Bruckner indicated staff will return to Council in several months with a workplan and schedule to address Council's comments, with staff to also develop a community outreach process that will involve several commissions.

Vice Mayor Madison suggested staff pursue development of a City Council goal that deals with land use issues including design and development standards.

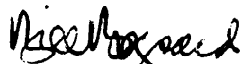
On order of the Mayor, the information was received and filed.

COUNCIL COMMENTS

Councilmember Little commended the Water and Power Department staff for their prompt efforts in replacing transformers during the July heat wave.

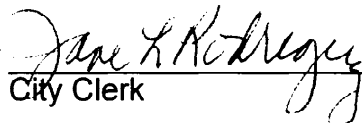
ADJOURNMENT

On order of the Mayor, the regular meeting of the City Council adjourned at 9:53 p.m.



Bill Bogaard, Mayor
City of Pasadena

ATTEST:



Jane L. Rodriguez
City Clerk