

CITY OF PASADENA
City Council Minutes
August 14, 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 5:38 p.m. (Absent: Councilmembers Gordo, Holden, Vice Mayor Madison)

On order of the Mayor, the regular meeting recessed at 5:38 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: Service Employees International Union, Local 347

Councilmember Holden and Vice Mayor Madison arrived at 5:51 p.m.

CITY COUNCIL CONFERENCE WITH LABOR NEGOTIATOR pursuant to Government Code Section 54957.6
City Representatives: Karyn S. Ezell and Arthur Chavez
Employee Organization: International Union of Operating Engineers, Local 501

CITY COUNCIL CONFERENCE WITH LEGAL COUNSEL REGARDING PENDING LITIGATION pursuant to Government Code Section 54956.9(a)
Name of Case: 3570 East Foothill Boulevard et al. v City of Pasadena et al.
Case No.: Los Angeles Superior Court No. GC032788; Court of Appeal Case No. B181774

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

The above four closed sessions were discussed, with no reportable action at this time.

On order of the Mayor, the regular meeting reconvened at 6:40 p.m. The Pledge of Allegiance was led by Councilmember Little.

ROLL CALL:

Councilmembers:

Mayor Bill Bogaard
Vice Mayor Steve Madison
Councilmember Victor Gordo (Absent)
Councilmember Steve Haderlein (Returned at 6:50 p.m.)
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 L. Rodriguez

CEREMONIAL MATTERS

The Mayor presented Certificates of Recognition to the following entities for being "Good Corporate Citizens" and maintaining full compliance with the Los Angeles County Sanitation District's industrial wastewater discharge requirements during 2005:

Avery Research Center, received by Roger Recupero, Facility Manager, who commented on Avery's attempts to double the regulations that are set by Los Angeles County.

Pasadena Water and Power Department, received by Dan Angeles, Plant Engineer, and Gurcharan Bawa, Principal Engineer, who commented on the Department's commitment to these environmental efforts.

Councilmember Streater commended the recipients on this recognition of their efforts.

PUBLIC COMMENT ON MATTERS NOT ON THE AGENDA

Angie Gomez, Sister Cities Committee member, invited the community to a Japan night to be hosted by the Committee and held on August 17, 2006.

Councilmember Haderlein returned at 6:50 p.m.

The following Sister Cities exchange students from Mishima, Japan introduced themselves: Emi Sato and Fumika Kanda.

The Mayor welcomed the students to the Council meeting and invited them back to visit Pasadena in the future.

Kevin Wheeler, Pasadena resident, expressed opposition to the proposed stadium lights at LaSalle High School.

Robert Meyers, Pasadena business owner, urged Council to adopt a moratorium on the licensing of adult businesses and to adopt an adult business ordinance that will address residents' concerns regarding these businesses and their proximity to residential homes.

The Mayor noted that the City is focused on this issue at the present time and considering the types of changes/options in

the City's existing ordinance that are intended to strike a balance between adult businesses and the community's concerns.

Kathleen Diener, Flowers of Marengo representative, expressed concerns regarding speeding by vehicles, dirt bikes, and pocket bikes; and asked the City to convert the corner of Flower Street and Garfield Avenue from a two-way stop to a four-way stop to address these traffic issues.

The Mayor indicated staff will review this request, with information to be provided to Council on the result of the review.

**ORDINANCE – SECOND
READING**

Adopt “AN INTERIM URGENCY ORDINANCE OF THE CITY OF PASADENA TEMPORARILY PROHIBITING THE PROCESSING AND APPROVAL OF ADULT BUSINESS USE APPLICATIONS” (Introduced by Councilmember Haderlein)

The Mayor announced the second reading of the ordinance was being removed from the agenda, having in mind the complicated constitutional context in which these matters are handled, and confirmed the City's commitment to continue a study of the existing ordinance in order to make it as strong as it can possibly be.

On order of the Mayor, the above ordinance was removed from the agenda.

**REPORTS AND COMMENTS
FROM COUNCIL
COMMITTEES**

FINANCE COMMITTEE

RESOLUTION APPROVING THE EXECUTION AND DELIVERY OF NOT TO EXCEED \$165,000,000 AGGREGATE PRINCIPAL AMOUNT OF CERTIFICATES OF PARTICIPATION (CONFERENCE CENTER PROJECT), SERIES 2006A AND SERIES 2006B, APPROVING THE FORM OF, AND AUTHORIZING THE EXECUTION AND DELIVERY OF A SECOND SUPPLEMENTAL TRUST AGREEMENT, A SUPPLEMENTAL NO. 2 TO LEASE, A SUPPLEMENTAL NO. 2 TO SUBLEASE, PURCHASE AGREEMENTS, A CONTINUING DISCLOSURE AGREEMENT, AN AUCTION AGENCY AGREEMENT, AN INTEREST RATE SWAP AGREEMENT AND OTHER RELATED DOCUMENTS, AUTHORIZING THE DISTRIBUTION OF OFFICIAL STATEMENTS AND APPROVING OTHER RELATED ACTIONS IN CONNECTION THEREWITH

Recommendation of City Manager: Adopt a resolution approving the execution and delivery of a not to exceed \$165,000,000 aggregate principal amount of Certificates of Participation (Conference Center Project), Series 2006A and Series 2006B, approving the form of, and authorizing the execution and delivery of a second Supplemental Trust Agreement, a Supplemental No. 2 to Lease, a Supplemental

No. 2 to Sublease, Purchase Agreements, a Continuing Disclosure Agreement, an Auction Agency Agreement, an Interest Rate Swap Agreement and other related documents, authorizing the distribution of one or more official statements, and approving other related actions in connection therewith. (Resolution No. 8641)

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

Steve Mermell, Acting Director of Finance Department, summarized the agenda report.

Vic Erganian, City Treasurer, responded to questions regarding the interest rate in the swap.

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

RECESS

On order of the Mayor, the regular meeting of the City Council recessed at 7:04 p.m. to the special meeting of the Pasadena Public Financing Authority.

RECONVENED

On order of the Mayor, the regular meeting of the City Council reconvened at 7:05 p.m. (Absent: Councilmember Gordo)

RECOMMENDATIONS FROM OFFICERS AND DEPARTMENTS

CONSIDERATION OF A CALL FOR REVIEW OF A BOARD OF ZONING APPEALS DECISION TO THE CITY COUNCIL REGARDING MINOR CONDITIONAL USE PERMIT NO. 4703 TO REDEVELOP THE FORMER AMBASSADOR COLLEGE EAST CAMPUS LOCATED AT 134 WEST VALLEY STREET (WESTGATE PASADENA) INTO A MIXED-USE URBAN HOUSING PROJECT (Vice Mayor Madison)

Councilmember Streator was excused at 7:08 p.m.

Vice Mayor Madison explained his reasons for having the Board of Zoning Appeals decision on the largest housing project in the history of the City reviewed by Council.

The following persons spoke in support of the call for review:

- Bill Albert, Sares-Regis Group President (applicant)
- Fred Zepeda, West Pasadena Residents Association President

In response to Councilmember Holden's question, the City Manager clarified that Council will be reviewing two discretionary actions [Environmental Impact Report (EIR) and Minor Conditional Use Permit (MCUP) with conditions], and indicated any decision regarding the designation of park land would be reviewed by the Council.

In response to Councilmember Haderlein's question, Richard Bruckner, Director of Planning and Development Department, clarified the applicant's decision to pay the residential impact fee for the project.

It was moved by Vice Mayor Madison, seconded by Councilmember Tyler, to call this matter for review to the City Council. (Motion unanimously carried) (Absent: Councilmembers Gordo, Streator)

CONSENT CALENDAR

Item discussed separately at the request of Councilmember Little.

Councilmember Streator returned at 7:16 p.m.

APPROVAL OF FINAL TRACT MAP NO. 054151, BEING A 15-UNIT CONDOMINIUM PROJECT AT 460 NORTH CATALINA AVENUE

CONTRACT AWARD TO HARDY & HARPER, INC., FOR THE PREVENTIVE MAINTENANCE OF STREETS - 2006 FOR AN AMOUNT NOT TO EXCEED \$653,000

Recommendation of City Manager:

(1) Accept the bid dated July 26, 2006, submitted by Hardy & Harper, Inc., in response to the Specifications for the Preventive Maintenance of Streets - 2006, reject all other bids received, and authorize the City Manager to enter into a contract not to exceed \$653,000.

(2) Acknowledge the project to be categorically exempt under Section 21084 of the California Environmental Quality Act (CEQA) in accordance with Article 19, Section 15301 (Class 1), subsection (c) of the Resources Agency of California Guidelines (repair of existing public streets) pursuant to the findings of the Secretary of the Resources Agency and authorize the City Manager to execute, and the City Clerk to file, a Notice of Exemption for the project with the Los Angeles County Clerk. (Contract No. 19,182)

APPROVAL OF A CHANGE IN THE SCOPE OF WORK FOR THE INSTALLATION OF AN IN-ROADWAY ILLUMINATED MARKER SYSTEM AT ORANGE GROVE BOULEVARD AND SUNNYSLOPE AVENUE AND OTHER LOCATIONS

Recommendation of City Manager:

(1) Approve an exemption from competitive bidding based on impracticality for the addition of the intersection of Orange Grove Boulevard and Pasadena Avenue to Contract No. 19,108 with Christopher R. Morales, Inc., for the installation of an In-roadway Illuminated Marker System at Orange Grove Boulevard and Sunnyslope Avenue and other locations; and

(2) Authorize the City Manager to execute a change order to Contract No. 19,108 with Christopher R. Morales, Inc., deleting the intersection of Lake Avenue and Elizabeth Street and adding the intersection of Orange Grove Boulevard and Pasadena Avenue with no change in cost.

APPROVAL OF A MEMORANDUM OF UNDERSTANDING BETWEEN THE LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY AND THE CITY OF PASADENA FOR THE SOUTH ACCESS PEDESTRIAN BRIDGE TO THE SIERRA MADRE VILLA LIGHT RAIL STATION

Recommendation of City Manager: Adopt a resolution authorizing the City Manager to execute a Memorandum of Understanding (MOU) with the Los Angeles County Metropolitan Transportation Authority (METRO) for the South Access Pedestrian Bridge to the Sierra Madre Villa Light Rail Station. (Resolution No. 8642; Agreement No. 19,187)

AWARD CONTRACT TO ALLHEALTH SECURITY SERVICES IN AN AMOUNT NOT TO EXCEED \$118,000 FOR SECURITY SERVICES AT THE PASADENA COMMUNITY HEALTH CENTER

Recommendation of City Manager: Authorize the City Manager to enter into a contract not to exceed \$118,000 with AllHealth Security Services for safety and security services at the Pasadena Community Health Center (PCHC) for one year with the option for up to three one-year extensions provided the annual cost increases do not exceed the most recent 12-month change in the Consumer Price Index (CPI). (Contract No. 19,183)

RESOLUTION AUTHORIZING SUBMITTAL OF AN APPLICATION TO THE LOS ANGELES COUNTY REGIONAL PARK AND OPEN SPACE DISTRICT FOR THE FIFTH SUPERVISORIAL DISTRICT EXCESS FUNDING PROGRAM FROM THE PARK BOND ACT OF 1992 AND 1996 (PROPOSITION A) IN THE AMOUNT OF \$149,750 FOR THE CENTRAL ARROYO TRAIL RESTORATION PROJECT

Recommendation of City Manager: Adopt a resolution authorizing submittal of an application to the Los Angeles County Regional Park and Open Space District for the Fifth Supervisorial District Excess Funding Program from the Park Bond Act of 1992 and 1996 (Proposition A) in the amount of \$149,750 for the Central Arroyo Trail Restoration Project, a project under the Central Arroyo Improvement Project (CIP) identified as Trail and Rubble Wall Restoration (No. 77371). (Resolution No. 8643)

Recommendation of Recreation and Parks Commission: At their regular meeting on August 1, 2006, the Recreation and Parks Commission unanimously recommended approval of the City of Pasadena's application to the Los Angeles County Regional Park and Open Space District for the Fifth Supervisorial District Excess Funding from the Park Bond Act of 1992 and 1996 (Proposition A) in the amount of \$149,750 for the Central Arroyo Trail Restoration Project.

RESTATED AND AMENDED SUBLEASE TO AGREEMENT NO. 14,930 BETWEEN THE CITY OF PASADENA AND SU JA LEE, 36 SOUTH FAIR OAKS AVENUE (OLD PASADENA SCHOOLHOUSE BLOCK PARKING STRUCTURE)

Recommendation of City Manager: Approve the terms and conditions of, and authorize the City Manager to execute, a restated and amended sublease to Agreement No. 14,930, originally between the City of Pasadena, as sublessor, and Su Ja Lee, as sublessee. (Agreement No. 19,185)

RESTATED AND AMENDED SUBLEASE TO AGREEMENT NO. 16,168 BETWEEN THE CITY OF PASADENA AND HAESUK VIVIAN YOON, 30 SOUTH FAIR OAKS AVENUE (OLD PASADENA SCHOOLHOUSE BLOCK PARKING STRUCTURE)

Recommendation of City Manager: Approve the terms and conditions of, and authorize the City Manager to execute, a restated and amended sublease to Agreement No. 16,168, originally between the City of Pasadena, as sublessor, and Haesuk Vivian Yoon, as sublessee. (Agreement No. 19,186)

REJECTION OF BIDS - PROVIDE LABOR AND MATERIALS FOR THE CONSTRUCTION OF GLENARM UNIT IV SUBSTATION FOR THE CITY OF PASADENA

Recommendation of City Manager: Reject the bid received on August 2, 2006 in response to Specifications LD-06-5 to provide labor and material for the construction of the Glenarm Unit IV Substation.

AUTHORIZATION TO INCREASE THE AMOUNT OF CONTRACT NO. 18,845 WITH ENVIRONMENTAL SCIENCE ASSOCIATES, INC. (ESA), TO PROVIDE ADDITIONAL ENVIRONMENTAL SERVICES FOR THE ENVIRONMENTAL IMPACT REPORT (EIR) FOR THE WESTGATE PASADENA DEVELOPMENT IN OLD PASADENA

Recommendation of City Manager: Authorize the City Manager to amend Contract No. 18,845 with Environmental Science Associates, Inc. (ESA), to provide additional consultant services for the preparation of the Environmental Impact Report (EIR) for the Westgate Pasadena Development in Old Pasadena for the amount not to exceed \$45,000. The new total contract amount will be \$295,000. (Contract Amendment No. 18,845-1)

ADOPTION OF A RESOLUTION AMENDING THE SALARY RESOLUTION RELATING TO SALARY AND BENEFITS FOR VARIOUS UNREPRESENTED CLASSIFICATIONS

Recommendation of City Manager: Adopt a resolution amending the Salary Resolution covering various unrepresented, non-management classifications to reflect salary increases and benefit changes, and approve a journal

voucher allocating funds from the General Fund Personnel Reserve and the unappropriated fund balances as may be necessary. (Resolution No. 8644; Journal Voucher No. 2007-4)

CLAIMS RECEIVED AND FILED

Claim No. 10,156	Isai Gonzalez	\$	10,000.00+
Claim No. 10,157	Karl J. Moris		100,000.00
Claim No. 10,158	Maria Oleszkiewicz		2,201.00
Claim No. 10,159	Cynthia Lewis		Not Stated
Claim No. 10,160	Lynn Mehl		185.58
Claim No. 10,161	Filomena Rivadelo		7,430.10

PUBLIC HEARINGS SET

September 25, 2006, 7:30 p.m. - La Loma Bridge Environmental Impact Report

October 9, 2006, 7:30 p.m. - Public Hearing to Consider Incorporating Federal Standards for Net Power Metering, Smart Power Metering, and Interconnection Standards in Pasadena Municipal Code Chapter 13.04

It was moved by Councilmember Little, seconded by Councilmember Tyler, to approve the Consent Calendar, with the exception of Item 1 (Approval of Final Tract Map No. 054151), which was discussed separately. (Motion unanimously carried) (Absent: Councilmember Gordo)

CONSENT ITEM DISCUSSED SEPARATELY

The City Manager recused herself at 7:17 p.m., due to a conflict of interest.

APPROVAL OF FINAL TRACT MAP NO. 054151, BEING A 15-UNIT CONDOMINIUM PROJECT AT 460 NORTH CATALINA AVENUE

Recommendation of City Manager: Adopt a resolution to:

- (1) Approve Final Tract Map No. 054151;
- (2) Accept the offer of an easement dedication for street purposes as shown on said map; and
- (3) Authorize the City Clerk to execute the certificate on the map showing the City's approval of said map. (Resolution No. 8645)

Councilmember Little requested that future reports on housing projects be amended to include information on whether a lot is vacant (empty), whether an existing building is vacant or occupied, if people are being displaced from existing units, and if the displaced people are receiving relocation funds. He also suggested staff provide a report to Council, at some future time, on how affordable housing is being affected by housing projects in terms of affordable units being replaced by market units and the impacts this is having on the City's affordable housing stock.

The Mayor indicated he would discuss with the City Manager the possibility of staff providing a report on affordable housing as suggested by Councilmember Little.

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

INFORMATION ITEM

PRESENTATION AND DISCUSSION OF "ROUTE 710 TUNNEL TECHNICAL FEASIBILITY ASSESSMENT"

The City Manager introduced the agenda item.

Doug Failing, California Department of Transportation (Caltrans) District 7 Director, introduced Lynda Bybee, Deputy Executive Officer of Los Angeles County Metropolitan Transportation Authority (Metro) Community Relations (representing Roger Snoble, Metro Chief Executive Officer), and responded to questions.

Ms. Bybee introduced Sam Tso, Parsons Brinckerhoff representative (consulting firm that performed the "Route 710 Tunnel Technical Feasibility Assessment"), and responded to questions.

Mr. Tso conducted a PowerPoint presentation that highlighted the following elements of the feasibility study for an option to construct a tunnel to complete the 710 Freeway gap (hard copy of presentation provided for the record):

- study area and illustrative alignments
- physical aspects of the project [traffic modeling analysis, tunnel profile options, subsurface conditions, tunneling method considerations and techniques, Huntington Drive interchange option, and operations (control center, systems)]
- environmental aspects of the project [noise, air quality, aesthetics (portals, vent stacks)], hazardous waste, soil disposal, storm water discharge, construction and operations impacts
- financial impacts of the project

Mr. Tso summarized findings that support the physical feasibility of the tunnel, outlined findings that support environmental improvements from the project and the need to mitigate certain negative impacts on the environment, noted that additional financial study would need to be conducted on the financial feasibility of a tunnel, and responded to questions.

Discussion followed on the timing and scope of an environmental impact report for the project, location of the portals, traffic load projections and possible impacts on the 210 and 134 Freeways, steps to be taken in moving the tunnel proposal forward, funding for additional feasibility review, possible routes for the tunnel, and vent stack location and design options.

The following persons expressed opposition to and/or concerns regarding the Route 710 tunnel feasibility study:

Christopher Sutton, Pasadena resident
Mary Ann Parada, South Pasadena resident, submitted a handout titled "AQMD Advisor, Volume 13, Number 4, July 2006."
Susan Mossman, Pasadena Heritage representative

The following person expressed support for the tunnel study:

Don Jones, Pasadena resident

Councilmember Streator suggested Council present comments and questions to staff to be forwarded to a Metro representative prior to the September 15, 2006 deadline for comments that will be included with the final report on the feasibility study to be presented to the Metro Board.

The City Manager indicated staff will relay questions on the study to the Metro staff and/or consultant for them to answer and will decide at a later date how the responses/information will be conveyed to Council.

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

PUBLIC HEARINGS

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

Recommendation of City Manager: It is recommended that the City Council:

(1) Conduct a public hearing on the proposed establishment of the Playhouse District Association Property-based Business Improvement District (PBID).

It is further recommended that upon the closing of the public hearing, that the City Council:

(2) Order the tabulation of all ballots received and not withdrawn, and request a report on the tabulation results as soon as possible.

Upon receipt of the report on the tabulation of ballots, if the results of said tabulation show that a majority protest does not exist, it is recommended that the City Council:

(3) Adopt a final resolution establishing the Playhouse District Association, Property-based Business Improvement District, Attachment 1 of the agenda report.

(4) Adopt the baseline services and authorize the City Manager to enter into a financial agreement and baseline services contract with the Playhouse District Association, Attachment 2 of the agenda report. (Resolution No. 8646)

The Mayor opened the public hearing.

The City Clerk reported assessment ballots were mailed to 330 owners of record for parcels in the District on June 26, 2006; and no correspondence was received.

The City Manager briefly described the process to be followed in processing the ballots and reporting the results, and responded to questions regarding the City's contribution to the Property-Based Business Improvement District (PBID).

Robert Montano, Business District Coordinator, responded to questions regarding funding for the PBID.

The following persons spoke in support of the PBID and/or asked questions regarding the PBID:

Joel Sheldon, Playhouse District Association
Ante Trinidad, Pasadena business property owner

The following person spoke in opposition to the amount of the assessment for the PBID:

Elizabeth Keese, Pasadena business property owner at
84 N. Los Robles Avenue

Councilmember Streater asked staff to meet with Ante Trinidad regarding his questions as the ballots are counted.

It was moved by Vice Mayor Madison, seconded by Councilmember Streater, to close the public hearing and to order the immediate tabulation of the ballots in a public area of the Pasadena Senior Center. (Motion unanimously carried) (Absent: Councilmember Gordo)

Following tabulation of the assessment ballots, Mr. Montano reported 130 ballots had been received with the following results:

\$190,645.21 in financial obligation ballots cast in support of the proposed assessment
\$ 98,425.10 in financial obligation ballots cast in opposition to the proposed assessment
(65.95% of ballots cast in support)

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

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 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.

Vice Mayor Madison reported that the applicant and neighbors had arrived at an agreement on this matter.

William Delvac, Latham & Watkins LLP (legal counsel for applicant), indicated that the concerns of the neighbors had been resolved and that Rod Youngson and the Linda Vista/Annandale Association (LVAA) had entered into a private agreement calling for a covenant that will run with the land that restricts construction at the northwest corner of one of the lots adjacent to San Rafael Avenue.

The following persons spoke in support of the City Manager's recommendation:

Nina Chomsky, LVAA Board member
Scott Carlson, LVAA member

Richard Bruckner, Director of Planning and Development Department, commented on the effects of the private agreement on the staff recommendation, and noted the agenda report should be corrected to delete Condition No. 3 on Attachment B and Condition No. 3 on Attachment C of the agenda report, which will bring the staff recommendation into conformance with the private agreement between the applicant and LVAA (elimination of a driveway access onto San Rafael Avenue at the north end of the site).

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

It was moved by Vice Mayor Madison, seconded by Councilmember Streater, to approve the City Manager's recommendation, with the deletion of Condition 3 on Attachment B and Condition 3 on Attachment C of the agenda report. (Motion unanimously carried) (Absent: Councilmember Gordo)

Vice Mayor Madison expressed appreciation to Mr. Youngson (applicant), neighbors, and staff for their efforts in coming to an agreement on this matter.

RECESS

On order of the Mayor, the regular meeting of the City Council recessed at 8:54 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 8:55 p.m. (Absent: Councilmember Gordo)

PUBLIC HEARING: RESOLUTION APPROVING THE TEMPORARY PARTIAL ROAD CLOSURE ON ROSE AVENUE AT COOLEY PLACE

Recommendation of City Manager: It is recommended that the City Council take the following actions:

- (1) Hold a public hearing on the proposed temporary partial closure and hear evidence offered by persons interested; and
- (2) Adopt a resolution in accordance with California Vehicle Code Section 21101(f) to temporarily partially close Rose Avenue at Cooley place to prohibit northbound movement onto Rose Avenue from Cooley Place by installing a raised island, striping, and signage. (Resolution No. 8647)

Recommendation of Transportation Advisory Commission: In spring 2006, the Transportation Advisory Commission reviewed the project as part of the Capital Improvement Program (CIP) Project No. 75504, entitled the "Pasadena High School Pick-up and Drop-Off Plan," and recommended the project to be included in the FY 2007 CIP.

Recommendation of Planning Commission: At its meeting on Wednesday, July 26, 2006, staff presented a proposed development for 1000 Rose Avenue. The Planning Commission recommended approval of a Mitigated Negative Declaration and Mitigation Monitoring Plan including mitigation measures. One of these mitigation measures was the implementation of the Pasadena High School Pick-Up and Drop-Off Plan, which includes the temporary partial closure of Rose Avenue at Cooley Place.

The Mayor opened the public hearing.

The City Clerk reported the notice of public hearing was published on July 31, 2006 in the Pasadena Start-News; and two letters in opposition were received.

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

Dan Rix, City Engineer, reviewed the proposed drop-off plan, provided a brief history of the development of the plan, outlined the timeframe for the various improvements related to the plan, distributed a map illustrating the Pasadena High School proposed student drop-off plan, and responded to questions.

The following person spoke in support of the proposed temporary partial road closure and street/traffic improvements:

Prentice Deadrick, Pasadena Unified School District (PUSD) Board of Education President

The following persons spoke in opposition to and expressed concerns regarding the proposed temporary partial road closure and street/traffic improvements::

Mike Zekich, Pasadena resident, submitted photos.
Carolyn Zekich, Pasadena resident
Donald Westenhaver, Jr., Pasadena resident
Vaughan Sakae, Pasadena resident representing Rose Avenue residents
Kathryn Pertum, Pasadena resident

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

Discussion followed on the traffic configuration related to the proposed cul-de-sac, traffic impacts on various neighborhood streets related to the drop-off plan, development of the plan and community input, and possible use of a PUSD access road as part of the plan.

Councilmember Haderlein suggested staff consider the problem related to illegal U-turns that might occur on Rose Avenue as the proposed plan is enforced and ways to more immediately address the illegal U-turns if this problem occurs prior to a scheduled review of the plan.

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

In response to Council's questions, Dr. Derick Evans, Pasadena High School Principal, described problems and safety issues involving students and teachers if the school access road were to be used as a component of the drop-off plan.

Councilmember Little suggested a six-month review of the plan by the Transportation Advisory Commission.

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

Mr. Rix indicated staff will be reviewing street/traffic work within the first couple of months of the initial changes being made and

will hold public meetings if operational problems arise, in order to assure the safety of the impacted neighborhood.

It was moved by Councilmember Haderlein, seconded by Councilmember Little, to approve the City Manager's recommendation, with a review by the Transportation Advisory Commission in six months. (Motion unanimously carried) (Absent: Councilmember Gordo)

PUBLIC HEARING: PROPOSED PLANNED DEVELOPMENT, ZONE CHANGE, AND SUBDIVISION TO CONSTRUCT 35 SINGLE-FAMILY RESIDENCES LOCATED AT 1000 ROSE AVENUE

Recommendation of City Manager:

- (1) Approve the Initial Environmental Study and Mitigated Negative Declaration (Attachment 1 of the agenda report);
- (2) Approve the De Minimis Impact Finding on the State Fish and Wildlife Habitat (Attachment 2 of the agenda report);
- (3) Adopt the findings that the zone change from RS-1 (one unit per acre) to Planned Development (PD) are consistent with the goals and objectives of the General Plan and the purposes of Title 17 as outlined in the body of the agenda report;
- (4) Approve the Zone Change from RS-1 to Planned Development-32, Rose Avenue (PD-32, Rose Avenue), and approve the recommended development standards (Attachment 6 of the agenda report);
- (5) Direct the City Clerk to file a Notice of Determination and a Certificate of Fee Exemption for the California Department of Fish and Game with the Los Angeles County Recorder (Attachment 3 of the agenda report);
- (6) Adopt and approve the findings for the Vesting Tentative Tract Map No. 53880 (Attachment 7 of the agenda report); and
- (7) Direct the City Attorney to prepare an ordinance amending the official zoning map of the City of Pasadena established by Section 17.08.040 of the Pasadena Municipal Code for the zone change from RS-1 (one unit per acre) to Planned Development-32 (PD-32).

Recommendation of Planning Commission: On July 26, 2006, the Planning Commission unanimously recommended approval of the Planned Development, Zone Change, and Subdivision (Vesting Tentative Tract Map), and adopted the staff recommendations listed above. The Commission recommended the adoption of the development standards proposed by staff with modifications including an adjustment to Floor Area Ratio, addition of yard encroachments and accessory structures, sidewalk widths, the project entry to be improved as a proper street as opposed to a curb cut, and addition of street trees along Rose Avenue. Further, the Planning Commission recommended that the Housing Division work with the developer to find and produce affordable housing as opposed to paying the in-lieu Inclusionary fee. In general, the Planning Commission incorporated all of the Design

Commission's comments on the project site design and aesthetics.

The Commission further recommended that the Initial Environmental Study be approved with the understanding that it is based on the Memorandum of Understanding between the City and the Pasadena Unified School District to implement the Pasadena High School Traffic Improvements Program identified in the Traffic Improvement Consolidated Report, dated July 2006. The Initial Environmental Study cites the conceptual approval of the Pasadena High School Traffic Improvement Program.

The Planning Commission's recommended modifications have been incorporated into the proposed Development Standards, with the exception of one recommendation. Condition No. 27, regarding the project entry must be improved as private driveways to reinforce to subdivision residents and the public that the development is in a private area, as opposed to the Planning Commission's recommendation to improve as a proper street.

Recommendation of Design Commission: On July 26, 2006, the Design Commission conducted an advisory review of the project. The Commission made the following comments on the site design and aesthetics:

- The development should not be a gated community. (Developer does not intend to gate the subdivision, a condition of approval has been added accordingly.)
- The entries to the project should be defined as a proper street rather than a curb cut (discussed above).
- Front-facing garages should be minimized as much as possible. (There has been an adjustment.)
- Maximize more on-street parking on Street A and reorganize the curb line bump outs to be more flowing, to undulate more naturally, and to be less arbitrary.

Other comments:

- Areas of concern are sidewalks, guest parking, and insufficient community space amenities.
- Some variation in plan (such as double-up driveways; through-block passageway) may create more interest.
- Some units on Street A could be rearranged to accommodate guest parking.

The applicant has agreed to explore the other comments provided above by the Design Commission. A condition of approval has been added that the applicant shall submit a preliminary plan which attempts to examine these areas of concern.

The Mayor opened the public hearing.

The City Clerk reported the notice of public hearing was published on July 31, 2006 in the Pasadena Star-News; 48 copies of the notice were posted on July 28, 2006; 285 copies of the notice were mailed on July 28, 2006; and five letters in support of and one letter in opposition were received.

Patrice Martin, Senior Planner, reviewed the agenda report and responded to questions.

The City Manager commented on the look of the project entry as a driveway rather than a street, affirmed that staff would be willing to refund the in-lieu fee if the developer was able to locate an affordable housing project at a later date, and responded to questions.

Richard Bruckner, Director of Planning and Development Department, responded to questions regarding the project.

The following persons spoke in support of the planned development project:

Bob May, applicant (Trebor Builders/Province Group), commented on the buildings facing on Rose Avenue, options to address the project entry and private street issues, and attempts to create a tree canopy. He asked that staff allow the street transition from the public to private area to be made more typical (grade to grade orientation), that planting of trees on both sides of the sidewalk be allowed as long as there is proper clearance, that flexibility be given to repeat two semi-custom plans on lots 18 and 35 of the project as a transition between the project and the neighborhood, and that air conditioner condensers be allowed in side yards. He noted that the in-lieu fee would be paid initially but asked that a two-year period be granted to allow time to locate property that could be used for affordable or workforce housing (within the District, if possible), with a refund of the fee to be made if an affordable/workforce housing project can be developed.

Prentice Dadrick, Pasadena Unified School District (PUSD) Board of Education President

Burke Farrar, Odyssey Development, representing applicant

The following persons spoke in opposition to and expressed concerns regarding the planned development project:

Mike Zekich, Pasadena resident

Donald Westenhaver, Jr., Pasadena resident

Discussion followed on the entry to the project being improved to look like a driveway vs. a street and inclusion of affordable and/or workforce housing in the project.

Councilmember Streater expressed support for the Planning and Design Commissions' recommendations that the project entry be improved as a proper street.

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

Councilmember Haderlein requested the street transition for the project entry be made to look more like a traditional street and that tree pockets be allowed so that trees can be placed on both sides of the sidewalks, with the applicant's requests regarding the location of air conditioner condensers in the side yards and the styles of housing to be located on Lots 18 and 35 to be deferred to staff for further consideration.

It was moved by Councilmember Haderlein, seconded by Vice Mayor Madison, to approve the City Manager's recommendation, with the understanding that the street transition for the project entry will incorporate design features that will make the entry look like a private entry but will use traditional street curb cuts, that tree pockets will be allowed so that trees can be placed on both sides of the sidewalks in the project where there is proper clearance, with the applicant's requests regarding the location of air conditioner condensers in side yards and the styles of housing to be located on Lots 18 and 35 to be deferred to staff's discretionary decision on these matters, and with the applicant to pay the in-lieu fee and be granted two years to develop an affordable housing project that would allow for the fee to be refunded. (Motion unanimously carried) (Absent: Councilmember Gordo)

RECOMMENDATIONS FROM OFFICERS AND DEPARTMENTS

REAPPOINTMENT OF ESTELLA CASAS TO THE HISTORIC PRESERVATION COMMISSION (Banbury Oaks Nomination)

APPOINTMENT OF KENNETH C. HARDY TO THE HUMAN RELATIONS COMMISSION (District 6 Nomination)

APPOINTMENT OF AARON WHEELER TO THE PASADENA COMMUNITY ACCESS CORPORATION (District 3 Nomination)

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

OLD BUSINESS

Vice Mayor Madison recused himself at 10:26 p.m., due to a conflict of interest.

PROPOSED VACATION OF A PORTION OF MADIA STREET, AMENDMENT OF RESOLUTION NO. 8550 TO CHANGE A CONDITION OF VACATION FROM A COVENANT TO AN EASEMENT FOR INGRESS AND EGRESS TO VACATED PROPERTY FOR ADJOINING OWNERS

Recommendation of City Attorney: Pursuant to the direction of the City Council at its meeting of July 24, 2006, an amendment to Resolution No. 8550 and the referenced

Easement for Ingress and Egress to Vacated Property ("proposed Easement") are presented to City Council for consideration. If the City Council approves the use of the proposed Easement to satisfy its intent in vacating the property, then it should adopt the Amendment to Resolution No. 8550.

The Mayor introduced the agenda item.

The City Attorney summarized her memorandum dated August 14, 2006, regarding a proposed easement in regards to the vacation of a portion of Madia Street.

The following persons spoke in support of the easement and vacation of property:

John Quinn, applicant, reviewed information on the negotiations that had occurred with the neighbors and past Council action regarding the proposed vacated property, which was included in his letter dated August 14, 2006 and submitted to Council.

The following persons spoke in opposition to the easement and vacation of property and/or expressed concerns:

Robert Bishop, Pasadena resident, submitted a written statement of concerns and opposition.
Nina Chomsky, Linda Vista/Annandale Association Board member
Sharon Miller, Pasadena resident, submitted a letter from Joan Lindgren that was read into the record.
Wendy Crump, Pasadena resident
Tim Terrio, representing Mike Fisher (father-in-law), Pasadena resident
Charles Parcell, property owner on Madia Street
Chad Pratt, attorney representing Charles Parcell
Scott Carlson, legal counsel representing property owners on Madia Street, submitted a letter of opposition to the vacation.

Discussion followed on the negotiation process and the unresolved issues regarding the terms of the proposed covenant/easement.

Councilmember Holden encouraged another step in attempting to broker an agreement, in a reasonable period of time, between the applicant and neighbors on the terms for the proposed covenant or easement.

Councilmember Haderlein expressed a reluctance to impose an easement on the neighbors without a greater percentage of the neighbors in agreement on the terms.

Councilmembers Little and Holden offered to meet with the applicant and neighbors and mediate this matter.

On order of the Mayor, this matter was held to allow Councilmembers Little and Holden to meet with the applicant and interested parties to mediate this matter.

RECOMMENDATIONS FROM OFFICERS AND DEPARTMENTS

ORDINANCE SUSPENDING PASADENA MUNICIPAL CODE SECTIONS 9.36.220 (AMPLIFIED SOUND) AND 9.36.230 (GENERAL NOISE SOURCE) FOR THE 2006 SCHEDULED UCLA COLLEGE FOOTBALL NIGHT GAMES

Recommendation of Rose Bowl Operating Company:
Approve suspending Pasadena Municipal Code Sections 9.36.220 (Amplified Sound) and 9.36.230 (General Noise Source) for four potential UCLA night games occurring on the following dates - September 9 versus Rice University, September 30 versus Stanford, October 7 versus Arizona, October 28 versus Washington State, and November 11 versus Oregon State.

ORDINANCES – FIRST READING

Conduct first reading of “AN UNCODIFIED ORDINANCE OF THE CITY OF PASADENA SUSPENDING SECTIONS 9.36.220 AND 9.36.230 OF THE PASADENA MUNICIPAL CODE RELATING TO LIMITATIONS ON HOURS OF OPERATION OF AMPLIFIED SOUND AND GENERAL NOISE SOURCES FOR SPECIFIED HOURS AND AREAS ON SEPTEMBER 9, SEPTEMBER 30, OCTOBER 7, OCTOBER 28 AND NOVEMBER 11, 2006 (UCLA FOOTBALL)”

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

It was moved by Councilmember Streater, seconded by Councilmember Little, to approve the Rose Bowl Operating Company's recommendation and offer the ordinance for first reading:

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

NOES: None

ABSENT: Councilmember Gordo, Vice Mayor Madison

Conduct first reading of “AN UNCODIFIED ORDINANCE OF THE CITY OF PASADENA FIXING THE TAX RATE FOR THE POLICE BUILDING AND JAIL GENERAL OBLIGATION BONDS AND ESTABLISHING PROCEDURES FOR THE COLLECTION AND ENFORCEMENT OF SAID TAX”

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

AYES: Councilmembers Haderlein, Holden, Little, Streator, Tyler, Mayor Bogaard

NOES: None

ABSENT: Councilmember Gordo, Vice Mayor Madison

Conduct first reading of "AN ORDINANCE OF THE CITY OF PASADENA AMENDING CHAPTER 4.04 OF THE PASADENA MUNICIPAL CODE (DISPOSITION OF SALVAGE AND SCRAP PROPERTY) BY AMENDING SECTION 4.04.075 (TRANSFER OF SALVAGE PROPERTY TO PASADENA UNIFIED SCHOOL DISTRICT) TO STREAMLINE THE TRANSFER OF SAID SALVAGE PROPERTY BY GIVING FIRST PRIORITY TO THE PASADENA UNIFIED SCHOOL DISTRICT"

In response to Councilmember Streator's question, the City Attorney confirmed that property involved in any transaction with the District could be either salvaged, scrapped or sold at the Council's direction.

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

AYES: Councilmembers Haderlein, Holden, Little, Streator, Tyler, Mayor Bogaard

NOES: None

ABSENT: Councilmember Gordo, Vice Mayor Madison

**REPORTS AND COMMENTS
FROM COUNCIL
COMMITTEES**

**REPORTS FROM
REPRESENTATIVES**

ORAL UPDATE REGARDING PASADENA UNIFIED SCHOOL DISTRICT (PUSD) MANAGEMENT AUDIT ADVISORY COMMITTEE'S RECOMMENDATION TO THE BOARD OF EDUCATION TO ACCEPT THE PROPOSAL FROM GIBSON & CO. FOR MANAGEMENT AUDIT SERVICES, AND REQUEST THAT PASADENA CONTRIBUTE UP TO \$61,600 FOR COSTS OF THE AUDIT (Councilmember Tyler)

Councilmember Tyler, Council representative on the Pasadena Unified School District (PUSD) Management Audit Advisory Committee, reported on the Committee's request for proposal (RFP) process and the scope of work, commented on the recommended audit firm, discussed the Committee's role in the audit process, and responded to questions.

Discussion followed on the shared responsibility of the District's management audit, the methodology in determining the shared costs of the audit, and concerns regarding the need to monitor implementation of the audit findings and recommendations.

Councilmember Streator expressed concerns regarding the request for the City to assist in paying for a management audit

that the community asked the District to perform and that is the District's responsibility, and questioned whether the City should be expected to share the costs of performing the audit.

The Mayor commented on the community's stake in the success of its public schools, the City's participation in shaping the shape of the audit, and cooperative efforts in the relationship between the City and PUSD; and noted his openness in considering the shared costs for the audit.

Councilmember Haderlein expressed concerns regarding the implementation of the audit findings and recommendations, and suggested the Management Audit Advisory Committee be maintained in order to receive status reports from the District on the implementation of the findings and recommendations.

Councilmember Little suggested the management audit firm present its report to the City Council and respond to Council's questions on the findings and recommendations, followed by the Board President informing Council on how the District plans to implement the findings and recommendations.

Following brief discussion, it was moved by Councilmember Tyler, seconded by Councilmember Haderlein, to approve a City contribution of up to \$61,600 for costs of the PUSD management audit, with the PUSD Management Audit Advisory Committee to be maintained to monitor the implementation of the audit findings and recommendations and with the management audit firm (Gibson & Co.) to report its findings to the City Council. (Motion unanimously carried) (Absent: Councilmember Gordo, Vice Mayor Madison)

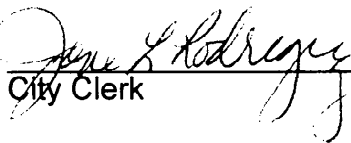
ADJOURNMENT

On order of the Mayor, the regular meeting of the City Council adjourned at 11:58 p.m., in memory of Evelyn Finn, the first woman appointed as City Attorney for the City.



Bill Bogaard, Mayor
City of Pasadena

ATTEST:



Jane S. Rodriguez
City Clerk