

CITY OF PASADENA  
City Council Minutes  
February 25, 2008 – 5:30 P.M.  
City Hall Council Chamber

REGULAR MEETING

**OPENING:**

Mayor Bogaard called the regular meeting to order at 5:55 p.m.  
(Absent: Councilmembers Madison, McAustin)

On order of the Mayor, the regular meeting recessed at 5:55 p.m., to discuss the following closed session:

Councilmember Madison  
arrived at 6:08 p.m.

**CITY COUNCIL CONSULTATION WITH PASADENA POLICE DEPARTMENT pursuant to Government Code Section 54957 regarding matters posing a threat to security of public buildings or facilities**

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

On order of the Mayor, the regular meeting reconvened at 6:30 p.m. The Pledge of Allegiance was led by Vice Mayor Haderlein.

**ROLL CALL:**

Councilmembers:

Mayor Bill Bogaard  
Vice Mayor Steve Haderlein  
Councilmember Victor Gordo  
Councilmember Chris Holden  
Councilmember Steve Madison  
Councilmember Margaret McAustin (Absent)  
Councilmember Jacque Robinson  
Councilmember Sidney F. Tyler

Staff:

City Manager Bernard K. Melekian  
City Attorney Michele Beal Bagneris  
Senior Assistant City Clerk Mark Jomsky

**CEREMONIAL MATTERS**

The Mayor commented on the conclusion of Black History Month, events held during the month of February, and contributions made by African Americans in support of the community.

Councilmember Robinson recognized and honored Henry T. Wilfong, the first African American elected to the City's Board of Directors (representing District 3 - 1973-1977) and a prominent Certified Public Accountant who also served on numerous national boards and committees that assisted small and minority-owned firms to reach their potential.

Tyrone Hampton, a relative speaking on behalf of Henry Wilfong (who currently resides in Texas and could not be present) conveyed Mr. Wilfong's gratitude for this recognition and spoke about I Dreams, a nonprofit organization that he and Mr. Wilfong are involved in that serves the youth of Pasadena by creating a community of overachievers.

Councilmember Holden expressed appreciation for the leadership and trailblazing that Mr. Wilfong performed for the City.

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

Emina Darakjy, Pasadena resident, asked Council to recognize the City's fallen soldiers of the Iraq War by displaying banners in their honor; and submitted photos of banners in a sampling of communities (Chino Hills, Diamond Bar, Glendora, La Crescenta, La Verne, Monrovia, Rancho Cucamonga, Temple City, Walnut, and West Covina).

The City Manager indicated that Assistant City Manager Julie Gutierrez and Martin Pastucha, Director of Public Works Department, were working on programs that would honor the City's fallen soldiers of the Iraq War through banners in Memorial Park, would recognize the City's soldiers serving in the Iraq War, and would expand the Memorial Day activities in regards to the City's soldiers; and indicated Council would be kept informed of the programs as they are developed.

Sadie Harris, Bethel Missionary Baptist Church representative, expressed concerns regarding injustices of the police performed against young African-American females in Northwest Pasadena during traffic stops and profiling activities by the police in this area.

Pastor John McCall, Bethel Missionary Baptist Church, expressed concerns regarding police profiling of young African Americans during traffic stops and the need to understand the community's feelings about this police activity/policy, and asked Council to examine the policies regarding the profiling issue.

The City Manager discussed the policies for police operations and the complaint process for situations like those described above; and suggested that, if Pastor McCall is agreeable, a community meeting could be arranged with himself, the Acting Police Chief, and staff to discuss the issues raised about police practices and community concerns regarding the profiling issue.

Pastor McCall agreed to a meeting but stressed that the profiling issue was one of policy, rather than practice, and that any discussion must also include the culture of the African-American community and how it feels.

Councilmember Holden suggested the community meeting be open to Councilmembers also.

The City Manager indicated the Acting Police Chief would contact Pastor McCall about setting up a community meeting, and emphasized the need for residents to file a formal complaint about any police officer who they feel has acted inappropriately.

## **CONSENT CALENDAR**

### **AUTHORIZE PURCHASE ORDER WITH SEAGRAVE MANUFACTURING INC. FOR PURCHASE OF TWO NEW REPLACEMENT 2008 SEAGRAVE FIRE ENGINES FOR AN AMOUNT NOT TO EXCEED \$957,301**

#### **Recommendation of City Manager:**

- (1) Authorize the issuance of a purchase order to Seagrave Manufacturing Inc., in an amount not to exceed \$957,301 for the purchase of two Seagrave Fire Engines; and
- (2) Grant the proposed purchase order an exemption from competitive bidding pursuant to City Charter Section 1002(H), contracts with other governmental entities or their contractors for labor, material, supplies or services.

### **AUTHORIZE PURCHASE ORDER WITH ROAD RESCUE FOR PURCHASE OF ONE NEW REPLACEMENT RESCUE AMBULANCE FOR AN AMOUNT NOT TO EXCEED \$157,566**

#### **Recommendation of City Manager:**

- (1) Authorize the issuance of a purchase order to Road Rescue in an amount not to exceed \$157,566 for the purchase of one Rescue Ambulance; and
- (2) Grant the proposed purchase order an exemption from competitive bidding pursuant to City Charter Section 1002(H), contracts with other governmental entities or their contractors for labor, material, supplies, or services.

### **AUTHORIZATION TO ENTER INTO A CONTRACT WITH HYDROLOGUE, INC. TO PERFORM GEOTECHNICAL AND ENVIRONMENTAL ENGINEERING SERVICES ASSOCIATED WITH THE REPOWERING PROJECT AT THE BROADWAY PLANT FOR AN AMOUNT NOT TO EXCEED \$250,000**

#### **Recommendation of City Manager:**

- (1) Authorize the City Manager to enter into a contract with Hydrologue, Inc., to perform geotechnical and environmental engineering services associated with the Repowering Project at the Broadway Plant for an amount not to exceed \$250,000.
- (2) Acknowledge that the proposed contract is exempt from competitive bidding pursuant to City Charter Section 1002(F), contracts for professional or unique services. (Contract No. 19,545)

### **APPROVAL TO ISSUE A PURCHASE ORDER CONTRACT TO BASE-X , INC., FOR ACQUISITION OF PUBLIC HEALTH**

**DEPARTMENT FIELD TENTS TO BE USED FOR POINTS OF DISPENSING AND ALTERNATE MEDICAL CARE SITES**

**Recommendation of City Manager:**

- (1) Authorize the Purchasing Administrator to issue a purchase order to Base-X, Inc., in the amount of \$115,000 to acquire rapidly deployable shelter units (field tents) for Public Health Department Points of Dispensing and alternate medical care sites which serve the entire community of Pasadena.
- (2) Authorize the City Manager to issue up to two additional annual purchase orders to Base-X, Inc., in total annual amounts not to exceed \$190,000 to acquire rapidly deployable shelter units (field tents) for additional Public Health Department Point of Dispensing sites.
- (3) Grant the proposed purchase order an exemption from the competitive bidding process of the Competitive Bidding and Purchasing Ordinance, Pasadena Municipal Code 4.08, pursuant to City Charter Section 1002(H), contracts with other governmental entities or their contractors for labor, material, supplies or services.

**ADOPTION OF SEVERAL RESOLUTIONS FROM THE CALIFORNIA DEPARTMENT OF FORESTRY AND FIRE PROTECTION'S URBAN FORESTRY GRANT PROGRAM FOR EDUCATION, INVENTORY AND ARROYO SECO MANAGEMENT PLAN**

**Recommendation of City Manager:**

- (1) Adopt a resolution authorizing an application for the competitive Urban Forestry Education Grant program of 2007-2008 in the amount of \$65,000 to educate the public on the specific and direct benefits of trees in the urban environment, with a focus on sustainability; and
- (2) Adopt a resolution authorizing an application for the competitive Urban Forestry Inventory Grant program of 2007-2008 in the amount of \$120,000 to implement new software, data collection processes, and update information on the City's street tree canopy; and
- (3) Adopt a resolution authorizing an application for the competitive Urban Forestry Management Plan Grant program of 2007-2008 in the amount of \$100,000 for the development and implementation of a management plan for the Arroyo Seco. (Resolution Nos. 8824 through 8826)

MINUTES APPROVED

February 4, 2008  
February 11, 2008  
February 18, 2008

CLAIMS RECEIVED AND FILED

Claim No. 10,534	Craig Stewart	\$	Not stated
Claim No. 10,535	John K. Moon		440.67
Claim No. 10,536	Estate of Ebony Huel, Latonya Samuels, Debrone Huel, Cameron Thomas		Not stated
Claim No. 10,537	Esther Barsoumian		780.00

Claim No. 10,538	Shelly Denison	Not stated
Claim No. 10,539	Michael McLain Harrison	25,000.00+
Claim No. 10,540	Farmers Insurance Group as subrogee for Jonathan Kawaye	1,701.76
Claim No. 10,541	Dario A. Sanchez	10.00
Claim No. 10,542	Juan Gonzalez/Olga Martinez	200.00
Claim No. 10,543	Mona Siu	25,000.00+
Claim No. 10,544	Wayne Siu	25,000.00+
Claim No. 10,545	Christopher McCreary	1,508.96

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

**RECOMMENDATIONS  
FROM OFFICERS AND  
DEPARTMENTS**

**TRIP REDUCTION ORDINANCE UPDATE**

**Recommendation of City Manager:** It is recommended that the City Council direct the City Attorney to prepare an ordinance within 60 days amending the Pasadena Municipal Code and the Trip Reduction Ordinance to codify the changes as adopted on March 19, 2007, less the monetary penalties for not achieving the Average Vehicle Ridership (AVR) targets.

**Recommendation of the Transportation Advisory Commission:** The Transportation Advisory Commission (TAC) Trip Reduction Ordinance Update Subcommittee met on January 25, 2008. At this meeting, the Subcommittee received public comments from members of the business community who are opposed to the proposed fine for not achieving the proposed Average Vehicle Ridership (AVR) targets.

At the February 7, 2008 meeting, TAC reviewed the Trip Reduction Ordinance Update and heard public comments from several members of the business community. TAC also heard from the Trip Reduction Ordinance Update Subcommittee members. TAC concurred with the comments of the Subcommittee that the proposed monetary penalties for not achieving the AVR targets does not encourage compliance among the regulated worksites and could be counter productive if regulated businesses opt to pay a fine rather than fund employee trip reduction programs.

TAC approved the following motions regarding the proposed Trip Reduction Ordinance:

- (1) Recommend that the City Council review the issues associated with the implementation of a daily monetary penalty for properties that do not attain target Average Vehicle Ridership (AVR) targets.
- (2) Recommend that the City Council remove from the Trip Reduction Ordinance Update the proposed monetary penalty for not achieving the AVR targets proposed in the Ordinance Update.

Fred Dock, Director of Transportation Department, introduced the agenda item, noted that staff was exploring options for

providing incentives for compliance with the Trip Reduction Ordinance (TRO) through outreach with the business community and could provide a report on these efforts to Council in six months, and responded to questions.

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

The City Attorney responded to questions regarding the City's ability to assess penalties/fines for noncompliance.

Discussion followed on the process for setting up a ride share program and how the program could operate, current incentives for compliance with the TRO (e.g., administrative assistance and recognition), cooperation with other communities on carpooling and mass transit operations, use of penalties/fines for noncompliance, various impediments to achieving compliance with the proposed Average Vehicle Ridership (AVR) targets, the role of a mass transit component in the trip reduction program, barriers involving single tenant vs. multiple tenant occupancy of a building in achieving compliance, and targeting tenants vs. property owners/managers in achieving compliance.

The following persons spoke in support of the proposed TRO update:

Vince Farhat, Transportation Advisory Commission (TAC) Chair  
Alan Clelland, TAC member  
Paul Little, Chamber of Commerce President and Chief Executive Officer  
Martha Cox-Nitikman, Building Owners and Managers Association representative  
Aamir Raza, Glendale developer

The following persons expressed concerns and/or spoke in opposition to the proposed TRO update:

Brandon Ito, CB Richard Ellis representative (Gateway Plaza)  
Carlton Maese, Pasadena businessman  
Becky Rios, 200 S. Los Robles Senior Manager  
Rita Essaian, Huntington Memorial Hospital representative

Councilmember Holden stressed the need to provide incentives for compliance with the TRO, and suggested staff explore an incentive that would provide free ARTS bus passes to employers located in the City for their employees who reside in the City.

Vice Mayor Haderlein requested that information on the business community's responses regarding what level of service improvement they believe is needed in the area of mass transit in order to achieve the goal of traffic reduction be included in staff's report to Council on an incentives program.

Councilmember Tyler emphasized the need to provide significant recognition to the larger employers who are meeting the requirements of the TRO and assisting in traffic reduction.

It was moved by Councilmember Gordo, seconded by Councilmember Tyler, to approve the City Manager's recommendation, with staff to return with an update report on the Trip Reduction Ordinance in six months. (Motion unanimously carried) (Absent: Councilmember McAustin)

The Mayor thanked staff and the business community for their efforts in reducing traffic in the City.

**RESIGNATION OF ALAN CLELLAND FROM THE TRANSPORTATION ADVISORY COMMISSION EFFECTIVE MARCH 1, 2008** (At Large/District 4 Nomination)

**APPOINTMENT OF CECILA JACKSON TO THE TRANSPORTATION ADVISORY COMMISSION** (District 3 Nomination)

**APPOINTMENT OF PATRICK J. CONYERS TO THE ARTS AND CULTURE COMMISSION** (District 4 Nomination)

It was moved by Vice Mayor Haderlein, seconded by Councilmember Gordo, to approve the above appointments and to accept the resignation with regrets. (Motion unanimously carried) (Absent: Councilmember McAustin)

**PUBLIC HEARINGS**

**CONTINUED PUBLIC HEARING: AMENDMENT TO THE SCHEDULE OF TAXES, FEES AND CHARGES TO INCREASE THE SEWER USE CHARGE AND AMENDMENT TO THE OPERATING BUDGET TO INCLUDE FOUR NEW STAFF POSITIONS AND RELATED EQUIPMENT**

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

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

(2) Adopt a resolution amending the Schedule of Taxes, Fees and Charges to increase the Sewer Use Charge by twenty percent in FY 2008, ten percent in FY 2009, and a final ten percent in FY 2010 except if there is a majority written protest

against the increase;

(3) Amend the FY 2008 Department of Public Works' Operating Budget (Budget Account 764320) to add three Public Works Maintenance Worker II positions, one Public Works Maintenance Worker III position, a sewer televising truck and appurtenant equipment, and a sewer cleaning hydro combo unit; and

(4) Approve a journal voucher appropriating \$848,835 from the unencumbered fund balance of the Sewer Construction and Maintenance Fund to Budget Account 764320 for the increase in staff and equipment listed above. (Resolution No. 8827; Journal Voucher No. 2008-18)

The Mayor opened the public hearing.

The Senior Assistant City Clerk reported the notice of public hearing was published on November 26, 2007 in the Pasadena Star-News; 35,378 copies of the notice were mailed on October 22, 2007; and 3 letters expressing concerns were received.

Martin Pastucha, Director of Public Works Department, introduced the agenda item, clarified that caps for residential sewer use charges are not allowed for commercial users, and responded to questions.

Bob Gardner, Principal Engineer, provided an overview of the Master Sewer Plan (Plan elements on proper maintenance, effects of wear and tear on the system, and capacity demands); and reviewed the agenda report.

No one appeared for public comment.

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

Councilmember Tyler noted the sewer use charges will also be impacted by the annual Consumer Price Index (CPI) adjustment.

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

**PUBLIC HEARING: ISSUANCE OF VARIABLE RATE DEMAND STUDENT HOUSING REVENUE BONDS BY THE COLORADO EDUCATIONAL AND CULTURAL FACILITIES AUTHORITY TO FINANCE PROJECT FOR FULLER THEOLOGICAL SEMINARY**



The Mayor announced that the City Manager had requested the public hearing be continued to allow additional time for staff to respond to questions raised by a Councilmember.

Councilmember Tyler requested the City Attorney to provide a statement for the record confirming that the City will not carry any liability or responsibility related to the issuance of the bonds by Fuller Theological Seminary.

On order of the Mayor, the public hearing was continued to March 10, 2008 at 7:30 p.m.

Vice Mayor Haderlein recused himself at 7:22 p.m., due to a conflict of interest.

**PUBLIC HEARING: HUNTINGTON MEMORIAL HOSPITAL MASTER DEVELOPMENT PLAN AMENDMENT – EMERGENCY DEPARTMENT AND VERTICAL EXPANSION Recommendation of City Manager:** It is recommended that

- City Council, following a public hearing:
- (1) Adopt the Initial Study, Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program (Attachment C of the agenda report);
  - (2) Find the Master Development Plan amendment is consistent with the goals, objectives and policies of the General Plan and make the findings required by the Pasadena Municipal Code (Attachment A of the agenda report);
  - (3) Approve a Permit for Removal of Twelve Private Trees, as described in the report, with the Findings (Attachment B of the agenda report); and
  - (4) Adopt a resolution to amend the Huntington Memorial Hospital Master Development Plan to allow development of the Emergency Department and Vertical Expansion addition to the east tower. (Resolution No. 8828)

**Recommendation of Planning Commission:** On January 23, 2008, the Planning Commission recommended approval, with two conditions in addition to those recommended by staff to the Commission. The two additional conditions of approval are:

- (1) The applicant shall submit to the City of Pasadena a complete Master Development Plan application for the Huntington Memorial Hospital campus, including among other requirements a campus circulation plan with signage and impacts of the Master Development Plan on adjacent streets, an updated employee Trip Reduction Plan including benchmarks, and a campus landscape plan, prior to occupying the Emergency Department space of the project;
- (2) Before the second and third levels of the Expansion are occupied, HMM shall vacate floor area elsewhere on the campus equal to the floor area of the second and third levels, or HMM shall demonstrate that occupancy of the two levels results in no net intensification on the HMM campus. A revised Master Development Plan for the campus as a whole may establish a new limit on development.

The Conditions of Approval (Exhibit 2 of the agenda report) include the two additional conditions recommended by the Planning Commission, Conditions 5 and 6.

The Commission also recommended that a master circulation plan for corridors near Huntington Memorial Hospital be included in the next update of the City's General Plan Mobility Element. The Commission did not recommend that preparation of the master circulation plan be a condition of approval for the Emergency Department and Vertical Expansion amendment to the Master Development Plan. Rather, it recommended that the City initiate the plan while preparing the Mobility Element update.

Staff reviewed the recommendation, including the proposed boundaries for the proposed plan, and suggest the area corridor plan be required in conjunction with the future Master Development Plan application for the Hospital campus. Appropriate boundaries would be set at a future date.

**Recommendation of Design Commission:** The Design Commission considered the proposed amendment on November 26, 2007. All Commissioners spoke in favor of the proposed amendment, with a condition of approval requiring replacement of the canopy provided by the 40 trees proposed for removal. Some commented on the need to incorporate the replacement tree canopy in a landscape design of the Hospital campus as a whole and requested the Planning Commission recommend a large open space area on the main axis be included in the campus-wide landscape design.

The Mayor opened the public hearing.

The Senior Assistant City Clerk reported 62 copies of the notice of public hearing were posted on February 8, 2008; 89 copies of the notice were mailed on February 8, 2008; and no correspondence was received.

Eric Duyshart, Business Development Manager, introduced the agenda item, commented on possible traffic issues at the intersection of Fairmount Avenue and Congress Street and traffic flow for these two streets, and responded to questions.

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

Fred Dock, Director of Transportation Department, described traffic circulation in the area of the intersection of Fairmount Avenue and Congress Street, briefly reviewed the traffic impact analysis for the project, and discussed staff's review of the proposed project and traffic issues in context with approved and in-process projects in the surrounding area.

The following persons expressed concerns regarding aspects of the proposed project (traffic safety issues):

Stephen Del Guercio, legal counsel for 39 Congress LP, submitted a letter of concerns dated February 15, 2008.  
John Muggridge, 39 Congress LP representative  
Anthony Palazzola, Design Direction Group representative

The following person spoke in support of the proposed project, with a request for deletion of Condition of Approval Nos. 5 and 6 as listed in Exhibit 2 of the agenda report.

Scott Jenkins, legal counsel for the Huntington Memorial Hospital (HMH) (applicant)

Discussion followed on the traffic circulation on Fairmount Avenue and Congress Street, ramifications of a conversion of Fairmount Avenue to a one-way street, development of a revised Master Development Plan for HMH, proposed vehicle access to the Emergency Department, possible removal of the stop sign at the 39 Congress building intersection, issues that could trigger an Environmental Impact Report (EIR), and possible deletion of the Condition of Approval regarding submission of a revised Master Development Plan prior to occupancy of the Emergency Department space.

Councilmember Madison expressed concerns regarding the traffic issues involving the 39 Congress building subterranean parking lot exit and the traffic flow involving Fairmount Avenue and Congress Street; and urged the City, applicant, and 39 Congress property owners to work together to resolve any safety issues related to traffic flow at the intersection.

The City Manager responded to questions about traffic issues regarding the Fairmount/Congress intersection and development of the revised Master Development Plan for HMH.

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

In response to the request from the applicant's legal counsel, Mr. Trimble offered staff's suggestion to insert language into Condition of Approval No. 5 that would allow HMH to occupy the Emergency Department space, with Council approval, if the space was completed and ready for occupancy prior to the submittal of the revised Master Development Plan.

Following discussion, it was moved by Councilmember Madison, seconded by Councilmember Gordo, to approve the City Manager's recommendation, as amended to add the

following language to Condition of Approval No. 5: "With approval of the City Council, Huntington Memorial Hospital may occupy the Emergency Department space prior to submittal of the Master Development Plan application." (Motion unanimously carried) (Absent: Councilmember McAustin, Vice Mayor Haderlein)

Vice Mayor Haderlein returned at 9:31 p.m.

Councilmember Gordo recused himself at 9:31 p.m., since he had not been present for or reviewed the prior discussion of the matter.

**CONTINUED PUBLIC HEARING: CALL FOR REVIEW – APPLICATION FOR CONSOLIDATED DESIGN REVIEW – NEW CONSTRUCTION OF TWENTY-ONE UNIT CONDOMINIUM AT 229-247 SOUTH MARENGO AVENUE**

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

**Environmental Determination**

(1) Find that the proposed project is consistent with the General Plan designation, with the General Plan goals and policies for the area, and with the applicable zoning designation and regulations; and that the project site has no value as a habitat for endangered or threatened species, and can be served by utilities and public services;

(2) Find that approval of the project will not result in any significant effects relating to traffic, pursuant to the approval of the traffic assessment by the Department of Transportation on July 25, 2006;

(3) Find that approval of the project will not result in any significant effects relating to noise, air quality or water quality;

(4) Acknowledge that none of the buildings on the property meets the criteria for designation as landmarks, historic monuments, or for listing in the California or National Registers (and that the project will, therefore, have no effect on historic resources); and

(5) Conclude, therefore, that the project is categorically exempt from the California Environmental Quality Act (CEQA) under Section 15332, (Class 32) "in-fill development projects."

**Findings for Removal of Specimen Trees and Replacement Trees**

(1) Acknowledge that the new development will cause the removal of one protected tree, a Cinnamomum Camphora (camphor tree), with a 36-inch DBH (Tree No. 6 on Sheet L-PD – Attachment B of the agenda report); and

(2) Approve the removal based on the finding that the canopy of the replacement trees (43 new trees at 24" box or larger – tree legend, Sheet L-PD – Attachment B of the agenda report) will result in a tree canopy coverage of greater significance than the tree canopy coverage being removed within a reasonable time after completion of the project (Section 8.52.075 A, finding No. 6, of the Pasadena Municipal Code).

**Findings of Consolidated Design Approval:** Find that the design of the project complies with the Citywide Design Principles in the Land Use Element of the General Plan; the Multi-family Residential Development Standards in Chapter

17.22 of the Pasadena Municipal Code, and the Design Guidelines for Windows in Multi-unit Residential projects.

Based on these findings, affirm the decision of the Design Commission of November 26, 2007 to approve the application for consolidated Design Review for 229-247 South Marengo with the following conditions, subject to final review and approval by the staff:

(1) The paving material shall relate to the base course cast-stone veneer represented on the elevations. The base course material shall be selected with special attention to the detailing of the corners and the interface with wood and stucco elements on the building.

(2) The elevation drawings shall be revised to include wood facias on all eyebrow elements of the building.

(3) The architect shall revise and coordinate the floor plans to reflect the final [approved] design.

(4) The cast-stone cap detail on the balcony rail/parapet shall be included and shall reference the base material used on the building.

(5) The corner element detail where two windows come together shall be reevaluated. (It may be wood or clear aluminum.)

(6) The scale of the [pedestrian] entry gates shall be reinvestigated to consider making this element more substantial. The relocation of this element farther back from the street elevation shall be considered.

(7) The dimension of the horizontal railings on the balconies shall be reexamined to insure that they are sturdy/strong enough instead of the half-inch dimension presented in the drawings.

(8) The door selection (size and material) shall be reexamined on the front [street-facing] elevation.

**Decision of the Design Commission:** The Design Commission at its meeting on November 26, 2007 voted to approve the application for consolidated Design Review for 229-247 South Marengo Avenue (following four previous reviews during 2007) with the eight conditions of approval cited above (Attachment D of the agenda report).

The Mayor announced now was the time for the continued public hearing.

Richard Bruckner, Director of Planning and Development Department, clarified staff's responses to Council's questions cited in the City Manager's memorandum dated February 25, 2008; and responded to questions.

The City Attorney clarified the scope of review pertaining to design components that are under Council consideration, and emphasized the critical necessity of having evidence in the record to support any finding Council might make in rejecting the project.

Councilmember Madison explained his concerns regarding the project (e.g., increase in density and massing, loss of affordable rental units, lack of compatibility with the neighborhood, and traffic issues).

Councilmember Tyler suggested the project was not compatible with the architectural styles of the surrounding buildings; lacked landscape barriers that had been called for on the north and south sides of the property; and, in his opinion, does not seem to fit some of the City's design guidelines.

Jeff Cronin, Principal Planner, explained the setback and landscaping requirements under the Pasadena Municipal Code (PMC), and responded to questions.

Jose Jimenez, Associate Planner, responded to questions regarding the building height requirements and building heights in the area.

Discussion followed on the requirements for projects located within Transit-Oriented Development (TOD) boundaries as this relates to the Central District Specific Plan and the proposed project, compatibility of the project with the neighborhood, consideration of a moratorium for this area, the apparent loss of affordable units, the impact of the project on quality of life issues for the residents in the neighborhood, and the cumulative impact of various projects on the residents of the area.

Councilmember Holden noted that the project seemed to meet the City's standards; and expressed support for some type of a planning process that would carve out this area in order to study issues such as density, compatibility, and parking/traffic and would include neighborhood participation.

Councilmember Robinson suggested the City's design guidelines be examined for future projects and that staff study a process for staggering future projects that would address the cumulative impact of developments on residents in neighborhoods where this is occurring.

The City Manager indicated staff could report to the Planning Commission in 90-120 days with a discussion of a zoning amendment to address the issues being faced by this neighborhood that is in transition.

The following persons spoke in support for the project:

Ann Higginbotham, legal counsel for Prominent Victoria Group (applicant)  
James Li, Prominent Victoria Group (applicant)  
Burke Farrar, Odyssey Development Services representative  
Richard Moss, Pasadena resident  
Hugo Suarez, Suarez Architects, Inc. (applicant's architect)

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

Lori Salvatti, Pasadena resident  
Myrna Sandoval, Pasadena resident  
Ines Puma, Pasadena resident  
Mark Jackson, Pasadena resident, provided a PowerPoint presentation of photos of the surrounding neighborhood.

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

The City Attorney explained the ramifications of a potential law suit if Council should decide to not approve the project.

Councilmember Madison suggested the matter be continued to allow Councilmember McAustin to be present for the discussion and to allow time for a closed session for discussion of Council's options regarding the project.

Ann Higginbotham, legal counsel for the applicant, did not concur to a continuance.

It was moved by Councilmember Madison to re-open and continue the public hearing. (Motion died due to lack of a second)

#### FAILED MOTION

Following discussion, it was moved by Councilmember Robinson, seconded by Councilmember Holden, to approve the City Manager's recommendation, with the caveat to direct staff to conduct a study of how the situation involving this project as discussed above can be avoided in the future.

AYES: Councilmembers Holden, Robinson

NOES: Councilmembers Madison, Tyler, Vice Mayor Haderlein, Mayor Bogaard

ABSENT: Councilmembers Gordo, McAustin

(Motion failed)

The Mayor noted that if Council takes no action, the decision of the lower body will stand and the project will go forward.

It was moved by Vice Mayor Haderlein, seconded by Councilmember Robinson, to direct staff to report to Council regarding:

- current City procedures that review/analyze post construction
- the City's ability to reject projects that cause a reduction in the affordable housing stock

- evaluation or identification of residential neighborhoods that are experiencing the cumulative impacts from development that are similar to those of the South Marengo Avenue neighborhood

Following discussion, the maker and seconder withdrew the motion.

Councilmember Holden state his opinion that the Council owed the concerned neighbors an apology for not responding to their original concerns that had been expressed in the past regarding development in this area and the need for a moratorium, and he apologized for not taking the responsibility of dialoguing with the South Marengo neighbors regarding the past concerns expressed by the neighbors about development in this area.

During continued discussion and by consensus, the following concerns/issues were offered by Council to be addressed in a study/report by staff:

- negative impacts on quality of life issues for residents in the neighborhood of a project
- traffic issues on South Marengo Avenue
- compatibility of a project with heights of surrounding buildings
- staggering of construction projects in a neighborhood
- review of current design guidelines as this relates to compatibility of design with surrounding neighborhood structures
- zoning issues involving density in transitioning neighborhoods
- concentration of construction projects in a neighborhood
- loss of affordable housing units as existing structures are demolished
- allegations of noncompliance with the entitlement on the Cinema Lofts project (verification of what was approved by the City and what was built)
- review process for post construction compliance to ensure that the project design approved is the project built
- City's ability/discretion to deny a project based on affordable (or what is presumed to be affordable) housing stock being reduced or lost and how to define affordable units
- impacts of infill development on neighborhoods in transition and the cumulative impacts of projects on a neighborhood
- evaluation of projects in the pipeline in the South Marengo Avenue area to determine if a moratorium is necessary



The City Manager indicated staff could return to Council with:

- a general action plan that would frame a discussion of how to address the issues raised in the above Council comments to be presented in 30 days
- a follow up on questions raised about the process for evaluating post construction compliance to be presented within the next few weeks (e.g., Cinema lofts specifically and all projects in general)
- a determination on whether a moratorium in the South Marengo Avenue area is called for to be communicated within the next few days

The City Manager also indicated staff would present a report to the Planning Commission in 90-120 days on a zoning review for the South Marengo Avenue area.

No further action was taken and the decision of the lower body now stands.

**REPORTS AND COMMENTS  
FROM COUNCIL  
COMMITTEES**

FINANCE COMMITTEE

**FISCAL YEAR 2008 OPERATING BUDGET AMENDMENTS  
AND AMEND CONTRACT NO. 19,071 WITH DAVIS  
LANGDON TO CONTINUE PROVIDING GREEN BUILDING  
REVIEW AND CONSULTANT SERVICES**

**Recommendation of City Manager:**

(1) Authorize a journal voucher implementing certain amendments to the Fiscal Year 2008 Operating Budget as detailed in the background and fiscal impact sections of the agenda report.

(2) Authorize the City Manager to execute an amendment to Contract No. 19,071 with Davis Langdon to increase the total contract "not to exceed" amount from \$155,000 to \$255,000 to continue providing green building review and consultant services. (Journal Voucher No. 2008-16; Contract Amendment No. 19,071-1)

Councilmember Tyler, Chair of the Finance Committee, summarized the agenda report.

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

**AUTHORIZATION TO ENTER INTO A CONTRACT AND  
APPROPRIATE ADDITIONAL FUNDS WITH GRC  
REDEVELOPMENT CONSULTANTS INCORPORATED, TO  
PROVIDE PROFESSIONAL CONSULTING SERVICES TO  
MERGE THE FIVE EXISTING NORTHWEST  
REDEVELOPMENT PROJECT AREAS**

**Recommendation of City Manager:**

(1) Authorize the City Manager to enter into a contract with GRC Redevelopment Consultants, Incorporated (GRC), in an amount not to exceed \$181,450 to provide professional

consulting services to merge the five existing Northwest Redevelopment Project Areas;

(2) Approve a journal voucher appropriation of \$56,450 from the Pasadena Community Development Commission unappropriated fund balance to off-set the \$125,000 already approved in FY 2008 for this project; and

(3) The proposed contract is exempt from competitive bidding pursuant to City Charter Section 1002(F), contracts for professional or unique services. (Contract No. 19,546; Journal Voucher No. 2008-17)

Councilmember Tyler introduced the agenda item.

The City Manager summarized the agenda report.

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

#### LEGISLATIVE POLICY COMMITTEE

#### **2008 STATE LEGISLATIVE PLATFORM**

**Recommendation of City Manager:** It is recommended that the City Council adopt the State Legislative Platform for 2008.

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

The City Manager responded to questions regarding Density Bonus legislation.

Discussion followed on Council's position on changing the current Density Bonus legislation in order to restore local control over zoning regulations involving the level of density allowed in development, and on the status of current and pending legislation involving Density Bonus law.

Following discussion, it was moved by Councilmember Holden, seconded by Councilmember Robinson, to approve the City Manager's recommendation, to include the modifications cited in the City Manager's memorandum dated February 25, 2008, with staff directed to be aggressive in pursuing changes in the current Density Bonus legislation either through pending or new legislation (as stated in the Legislative Priorities section of the 2008 State Legislative Priorities – Part II, attached to the agenda report). (Motion unanimously carried) (Absent: Councilmembers Gordo, McAustin)

#### **RECOMMENDATIONS FROM OFFICERS AND DEPARTMENTS**

**AGREEMENT BETWEEN THE CITY OF PASADENA , CITY OF SOUTH PASADENA, CITY OF LA CANADA FLINTRIDGE, CITY OF LOS ANGELES, THE RAYMOND BASIN MANAGEMENT BOARD, AND THE LOS ANGELES COUNTY FLOOD CONTROL DISTRICT FOR THE**

**PREPARATION OF THE ARROYO SECO WATERSHED  
FEASIBILITY STUDY BY THE U.S. ARMY CORPS OF  
ENGINEERS**

**Recommendation of City Manager:**

(1) Authorize the City Manager, or his designee, to enter into an Agreement by and between the City of Pasadena, the City of Los Angeles, the City of La Canada Flintridge, the City of South Pasadena, the Raymond Basin Management Board and the Los Angeles County Flood Control District for a Watershed Feasibility Study including the participation in a cost-sharing agreement (Exhibit C of the agenda report); and

(2) Support the City's 24.6 percent share of the total study cost estimate of \$2,682,000 with future appropriations from the following departments: \$148,533 from the Department of Public Works, \$117,262 from the Department of Water and Power, and \$46,905 from the Rose Bowl (Exhibit B of the agenda report). (Agreement No. 19,547)

**Recommendation of Rose Bowl Operating Company:** At its regular meeting of February 7, 2008, the Rose Bowl Operating Company (RBOC), with the recommendation of the Golf Course Committee of the RBOC, recommended its unanimous support for the staff recommendation to enter into an agreement between the City of Pasadena and the three other municipalities, the Raymond Basin Management Board and the Los Angeles County Flood Control District for the subject study and agreement.

The City Manager introduced the agenda item.

Rosa Laveaga, Arroyo Seco Project Supervisor, highlighted the City's participation in the feasibility study and the projects that will be derived from the study.

Martin Pastucha, Director of Public Works Department, clarified the funding aspect for future proposed projects; and acknowledged Dan Sharpe with the County of Los Angeles, Public Works Department, Watershed Division (lead agency on the project), who was in attendance.

Discussion followed on the integration of the feasibility study with the Arroyo Seco Central Stream Restoration Project.

The following person spoke in support of the feasibility study:

Meredith McKenzie, Arroyo Seco Foundation  
representative

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

RECESS

On order of the Mayor, the regular meeting of the City Council recessed at 11:22 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 11:23 p.m. (Absent: Councilmembers Gordo, McAustin)

**COUNCIL COMMENTS**

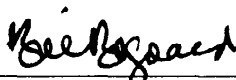
In response to Vice Mayor Haderlein's questions, Ann Erdman, Public Information Officer, confirmed that the deadline for applications on the task force to work with staff on the Open Space and Conservation Element closed today (February 25).

The City Manager indicated staff would report to Council on the extent of the applications and a proposed selection process for Council consideration.

The Mayor announced community meetings on the Housing Element to be held on February 28 and March 25, 2008.

**ADJOURNMENT**

On order of the Mayor, the regular meeting of the City Council adjourned at 11:26 p.m., in memory of Dr. William H. Wright, distinguished neurosurgeon, member of the Tournament of Roses Association, and husband of the first woman President of the Tournament of Roses Association (Libby Evans Wright), and Dios Marrero, Executive Director of the Bob Hope Airport.



\_\_\_\_\_  
Bill Bogaard, Mayor  
City of Pasadena

ATTEST:



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Jane K. Rodriguez  
City Clerk