

CITY OF PASADENA
City Council Minutes
September 15, 2008 – 5:30 P.M.
City Hall Council Chamber

REGULAR MEETING

OPENING:

Mayor Bogaard called the regular meeting to order at 6:03 p.m.
(Absent: Councilmember Gordo, Vice Mayor Haderlein)

On order of the Mayor, the regular meeting recessed at 6:03 p.m., to discuss the following closed session:

Councilmember Gordo arrived at 6:30 p.m.

CITY COUNCIL CONFERENCE REGARDING PUBLIC EMPLOYMENT pursuant to Government Code Section 54957 and with Labor Negotiators pursuant to Government Code Section 54957.6
City Representative: Bill Bogaard
Employee Title: City Manager

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

On order of the Mayor, the regular meeting reconvened at 7:03 p.m. The Pledge of Allegiance was led by Acting Police Chief Chris Vicino.

ROLL CALL:

Councilmembers:

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

Staff:

Assistant City Manager Julie Gutierrez
City Attorney Michele Beal Bagneris
City Clerk Mark Jomsky

CEREMONIAL MATTERS

The City Clerk administered the oath of office to Juan Gutierrez as member of the Pasadena Community Access Corporation Board.

Acting Police Chief Chris Vicino introduced Sergeant John Mercado, who will be serving as Sergeant-at-Arms for the next three months.

Fred Alcantar, Sister Cities Committee Board President, introduced Mike Warner, German Subcommittee Chair. Mr. Warner thanked City staff for their support with the Committee's internship program and activities, acknowledged three host families who were present in the audience; and introduced Katharina Poignée, an intern from the sister city of Ludwigshafen, Germany. Ms. Poignée briefly described her internship work with several City departments/organizations in providing services to children and adults with special needs.

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

The following persons from the Pasadena Affordable Housing Group (PAHG) expressed various concerns regarding affordable housing issues that need to be addressed in the Draft Housing Element currently being developed by the City, and submitted copies of PAHG's letters to the Council and Planning Commission that stated their concerns and suggestions:

Rev. Hannah Petrie, PAHG member (affiliated with Neighborhood Church)
Marvin Schachter, PAHG member (affiliated with AARP California and Senior Advocacy Council)
Jill Shook, PAHG member (affiliated with First Baptist Church and Missions Door)
Tim Peters, PAHG member (affiliated with Door of Hope)
Ashley Phillips, PAHG member (affiliated with YWCA Pasadena-Foothill Valley)
Michelle White, PAHG member (affiliated with Affordable Housing Services)

The Assistant City Manager indicated PAHG's comments would be reviewed by staff and various Commissions as a part of the Draft Housing Element process. She indicated she would confirm that the Element would be reviewed by the Economic Development and Technology Committee prior to being presented to Council, and would inform Council on the timeframe for hiring a Director for the recently-established Housing Department.

Vice Mayor Haderlein asked that the following information be provided when the Draft Housing Element is presented to Council: the possibility of eliminating the in lieu fee that is included in the Inclusionary Housing Ordinance, and the recent history in housing production and the percentage of affordable units in the housing stocks for cities comparable to Pasadena (e.g., Glendale, Burbank, Long Beach, and Santa Monica).

Fritz Puelicher, Pasadena resident, reiterated his previously-expressed concerns regarding alleged conduct by Vice Mayor Haderlein and his request for a public and written apology from Vice Mayor Haderlein.

CONSENT CALENDAR

Item discussed separately at the request of Councilmember McAustin.

ADOPTION OF A RESOLUTION APPROVING SUBMITTAL OF A GRANT APPLICATION FOR \$242,000 FOR THE EAST ARROYO NEIGHBORHOOD CONNECTOR TRAIL RECONSTRUCTION PROJECT TO THE RECREATIONAL TRAILS PROGRAM UNDER THE SAFE, ACCOUNTABLE, FLEXIBLE, EFFICIENT TRANSPORTATION EQUITY ACT: A LEGACY FOR USERS

CONTRACT AWARD TO GENTRY BROTHERS, INC., FOR THE PREVENTIVE MAINTENANCE OF STREETS - 2008 FOR AN AMOUNT NOT TO EXCEED \$800,000

Recommendation of City Manager:

(1) Accept the bid dated September 2, 2008, submitted by Gentry Brothers, Inc., in response to the Project Specifications for the Preventive Maintenance of Streets - 2008, reject all other bids received, and authorize the City Manager to enter into such contract as is required for an amount not to exceed \$800,000; and

(2) Acknowledge the project to be categorically exempt under Section 21084 of the Public Resources Code in accordance with Article 19, Section 15301 (Class 1), subsection (c) (maintenance 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. 19,743)

CONTRACT AWARD TO CIVIC RESOURCE GROUP FOR REDESIGN AND IMPLEMENTATION SERVICES RELATED TO THE CITY OF PASADENA WEBSITE

Recommendation of City Manager:

(1) Accept the proposal dated April 10, 2008, submitted by Civic Resource Group, in response to the Request for Proposal for Website Redesign and Implementation;

(2) Reject all other proposals received; and

(3) Authorize the City Manager to enter into a contract with Civic Resource Group for redesign and implementation services related to the City website in an amount not to exceed \$220,000. The contract amount includes a 10% contingency of \$20,000. (Contract No. 19,744)

CLAIMS RECEIVED AND FILED

Claim No. 10,677	Nancy Cook and Emily Tellez	\$ 516.45
Claim No. 10,678	Jose Villagomez	3,200.00
Claim No. 10,679	Malcolm Heys	1,555.00
Claim No. 10,680	Varoujean Salatian	25,000.00+
Claim No. 10,681	Luis M. Solis	4,283.35
Claim No. 10,682	Eugene Fortner	25,000.00
Claim No. 10,683	Juana Vilches	Not Stated
Claim No. 10,684	Margarita Vallejo	10,000.00
Claim No. 10,685	Virginia Razo, heir to Martin-Razo Godinez	25,000.00+
Claim No. 10,686	Frank Malinowski	357.66

Claim No. 10,687	William G. Carter	1,139.01
Claim No. 10,688	Gabrielle Samaha-Grace	138.55
Claim No. 10,689	Salvador G. Velez	1,189.35
Claim No. 10,690	Ashlee Sandridge	200.00
Claim No. 10,691	Lyndsay Hicks	220.00
Claim No. 10,692	Hector S. Luque	200.00
Claim No. 10,693	Alicia Espinoza	3,461.33

It was moved by Councilmember Gordo, seconded by Councilmember Robinson, to approve the Consent Calendar, with the exception of Item 1 (Grant Application for East Arroyo Neighborhood Connector Trail Reconstruction Project), which was discussed separately. (Motion unanimously carried) (Absent: None)

CONSENT ITEM DISCUSSED SEPARATELY

ADOPTION OF A RESOLUTION APPROVING SUBMITTAL OF A GRANT APPLICATION FOR \$242,000 FOR THE EAST ARROYO NEIGHBORHOOD CONNECTOR TRAIL RECONSTRUCTION PROJECT TO THE RECREATIONAL TRAILS PROGRAM UNDER THE SAFE, ACCOUNTABLE, FLEXIBLE, EFFICIENT TRANSPORTATION EQUITY ACT: A LEGACY FOR USERS

Recommendation of City Manager: Adopt a resolution authorizing the application for the Recreational Trails Program grant in the amount of \$242,000 for the planning and construction of its East Arroyo Neighborhood Connector Trail Reconstruction Project. (Resolution No. 8888)

Recommendation of Recreation and Parks Commission: At their regular meeting on September 9, 2008, the Recreation and Parks Commission reviewed the application to the Recreational Trails Program for the amount of \$242,000 to implement the East Arroyo Neighborhood Connector Trail Reconstruction Project in the Central Arroyo Seco. The Commission recommended supporting the City of Pasadena's grant application to the Recreational Trails Program in the amount of \$242,000 for the planning and constructing of its East Arroyo Neighborhood Connector Trail Reconstruction Project.

Councilmember McAustin stated that although she supported the grant application and project, it was her position that Residential Impact Fee funds were meant to be used for the purchase of new park land and open space and should not be spent on this project, and that other funding sources should be identified for the project. She suggested Council be provided with information on how the Residential Impact Fees have been spent to date and what new park land has been created from the Fees; and that Council discuss, at some later date, how the Fees have been used and how the Fees should be used in the future.

The Assistant City Manager indicated staff would confirm whether use of Residential Impact Fee funds would be allowed as a funding source for the project, if the grant is awarded and the project returns to Council for approval.

Vice Mayor Haderlein asked staff to provide Council with information that clarifies the full extent of permissible uses of Residential Impact Fee funds.

Martin Pastucha, Director of Public Works Department, confirmed that the Recreation and Parks Commission did not question the use of Residential Impact Fee funds when this matter was reviewed by the Commission.

The Mayor noted that staff would be presenting a report to the Finance Committee on the Residential Impact Fee funds issue (amount already spent, projects that were funded, available balance of funds, and eligible uses for the funds).

The City Attorney clarified for the record that the above staff recommendation includes a finding that the project is categorically exempt from the California Environmental Quality Act (Environment Impact section of the agenda report).

It was moved by Councilmember McAustin, seconded by Councilmember Tyler, to approve the City Manager's recommendation, as amended to include a finding that the project is categorically exempt from the California Environmental Quality Act (CEQA). (Motion unanimously carried) (Absent: None)

PUBLIC HEARINGS

PUBLIC HEARING: DESIGNATION OF 200 LA VEREDA ROAD AS A LANDMARK

Recommendation of City Manager:

(1) Acknowledge that the designation of a historic resource is categorically exempt from the California Environmental Quality Act under Class 8, Actions by Regulatory Agencies for Protection of the Environment (CEQA Guidelines, Article 19, Section 15308);

(2) As recommended by the Historic Preservation Commission, find that the property at 200 La Vereda Road is significant under Criterion C for designation as a landmark (Pasadena Municipal Code Section 17.62.040 C) because it retains a high level of historic integrity, embodies the distinctive characteristics of English Tudor Revival residential architecture, and is a locally significant work of architect David A. Ogilvie;

(3) Approve the designation of the property at 200 La Vereda Road as a landmark;

(4) Adopt a resolution approving a Declaration of Landmark Designation for 200 La Vereda Road, Pasadena, California;

(5) Authorize the Mayor to execute the Declaration of Landmark Designation for 200 La Vereda Road, Pasadena,

California; and

(6) Direct the City Clerk to record the declaration with the Los Angeles County Recorder. (Resolution No. 8890)

Recommendation of Historic Preservation Commission: On August 18, 2008, at a noticed public hearing, the Historic Preservation Commission voted unanimously to recommend approval of the designation of 200 La Vereda Road as a landmark.

The Mayor opened the public hearing.

The City Clerk reported 15 copies of the notice of public hearing were posted on August 28, 2008; 32 copies of the notice were mailed on August 28, 2008; and no correspondence was received.

Councilmember Madison introduced the agenda item.

No one appeared for public comment.

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

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

PUBLIC HEARING: DESIGNATION OF 100 WEST GREEN STREET AS A LANDMARK

Recommendation of City Manager:

(1) Find that the designation of a historic resource is categorically exempt from the California Environmental Quality Act under Class 8, Actions by Regulatory Agencies for Protection of the Environment (CEQA Guidelines, Article 19, Section 15308);

(2) As recommended by the Historic Preservation Commission, find that the property at 100 West Green Street is significant under Criterion C for designation as a landmark (Pasadena Municipal Code Section 17.62.040 C) because it is an excellent example of Mid-century Modern architecture, and for its association with a prominent local architecture firm, Smith and Williams;

(3) Approve the designation of the property at 100 West Green Street as a landmark;

(4) Adopt a resolution approving a Declaration of Landmark Designation for 100 West Green Street, Pasadena, California;

(5) Authorize the Mayor to execute the Declaration of Landmark Designation for 100 West Green Street, Pasadena, California; and

(6) Direct the City Clerk to record the declaration with the Los Angeles County Recorder. (Resolution No. 8889)

Recommendation of Historic Preservation Commission:

On August 18, 2008, at a noticed public hearing, the Historic Preservation Commission voted unanimously to recommend approval of the designation of 100 West Green Street as a landmark.

The Mayor opened the public hearing.

The City Clerk reported 28 copies of the notice of public hearing were posted on August 28, 2008; 133 copies of the notice were mailed on August 28, 2008; and no correspondence was received.

Councilmember Madison introduced the agenda item.

No one appeared for public comment.

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

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

PUBLIC HEARING: ZONING CODE AMENDMENTS – SERIES III – AMENDMENTS INCLUDING BICYCLE SHOWER AND LOCKER FACILITIES, REGULATIONS FOR DONATION COLLECTION FACILITIES, WALL SIGNS IN THE CENTRAL DISTRICT, BOARDING HOUSES, A SERIES OF MINOR AMENDMENTS, CORRECTIONS AND CODIFICATION OF INTERPRETATIONS AND PRACTICES

Recommendation of City Manager:

- (1) Adoption of the Initial Study (Attachment C of the agenda report) and the Negative Declaration for the proposed Zoning Code amendments;
- (2) Direct the City Clerk to file a Notice of Determination;
- (3) Approval of a finding of consistency with the General Plan; and
- (4) Approval of the proposed Zoning Code amendments as contained in the agenda report.

Recommendation of Planning Commission: The Planning Commission recommends approval of this series of Zoning Code amendments with the exception of Amendment No. 5 (Page 4 of the agenda report) related to parking caps, which the Commission recommended disapproval.

Recommendation of Transportation Advisory Commission: The Transportation Advisory Commission recommends approval of the Zoning Code amendment regarding bicyclist shower and locker facilities for nonresidential projects (Amendment No. 1 of the Zoning Code Amendments).

The Mayor opened the public hearing.

The City Clerk reported the notice of public hearing was published on September 1, 2008 in the Pasadena Star-News and on September 4 and 11, 2008 in the Pasadena Journal; and 1 letter in support of the amendment to include bicyclist shower and locker facilities and 1 letter in opposition to the amendment to include bicyclist shower and locker facilities were received.

The Assistant City Manager introduced the agenda item.

Denver Miller, Principal Planner, reviewed the agenda report and responded to questions.

Richard Bruckner, Director of Planning and Development Department, responded to questions regarding various major Zoning Code amendments for bicyclist shower and locker facilities, donation collection facilities, signs in the Central District, parking caps, and planter walls in the City of Gardens provisions.

Discussion followed on the Code amendment for bicyclist shower and locker facilities; an option for use of an in lieu fee in conjunction with the Code amendment for these facilities; additional options/incentives to achieve the goal of promoting bicycle commuting; and the relationship between the Transportation Demand Management (TDM) plan, the Leadership in Energy and Environmental Design (LEED) requirements, and the proposed requirement for shower and locker facilities.

Councilmember Tyler suggested staff explore the inclusion of institutions of higher learning in the Code amendment for bicyclist shower and locker facilities.

Councilmember Holden suggested incentives rather than a mandate be used to promote bicycle commuting.

Councilmember Gordo suggested the TDM plan be used to assist developers/property owners in determining how best to achieve the goal of traffic reduction through various available options/incentives, rather than mandating shower and locker facilities; and expressed concerns regarding the possible negative impact of City mandates on a developer's decision to implement other options that might more effectively impact conservation measures.

Councilmember McAustin encouraged flexibility for developers/property owners to decide which actions/measures should be taken to achieve traffic reduction goals on a project-by-project basis.

Vice Mayor Haderlein expressed support for a requirement for bicyclist shower and locker facilities and the promotion of bicycle commuting, and suggested the distance allowed for off-site shower and locker facilities be shortened from 1,500 to 500 or 750 feet.

Councilmember Tyler suggested the related issues of the shower and locker facilities mandate, TDM plan implementation, and Trip Reduction Strategies study be discussed at a later date, after staff has had an opportunity to relate this to possible alternatives to achieve the broader policy/goal of changing the mode of transportation away from automobiles.

Discussion followed on the Code amendment for donation collection facilities, problems occurring at the drop-off sites, and possible additional restrictions on the drop-off bins and site operations.

Councilmember Gordo suggested the distance between a donation collection facility and a neighborhood be increased to provide a wider buffer zone, and requirement of a minor conditional use permit for the facilities/bins be considered. He asked that, if necessary, Council consider a moratorium until strict regulations can be put in place.

The Mayor suggested a distinction between profit and nonprofit owner/operators be considered in regulating the facilities/bins.

Councilmember McAustin asked that a permit process be put in place for operation of the donation bin sites, and that a limitation of one bin (either for donation or recycling) per site be considered in order to avoid the aggregation of donation and recycling operations.

Mr. Bruckner clarified that there are currently no regulations on the donation bins and operations at the sites, and that staff could return to Council in several weeks with alternate recommendations based on the above suggestions.

The following persons spoke in opposition to and/or expressed concerns regarding the Zoning Code amendments:

Paul Little, Chamber of Commerce President and Chief
Executive Officer
Michelle White, Affordable Housing Services
representative

Following additional discussion, the City Attorney discussed the status of the ordinance implementing the TDM plan, which will be presented for second reading at a future date.

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

It was moved by Councilmember Tyler, seconded by Councilmember Madison, to hold the proposed Zoning Code amendment regarding bicyclist shower and locker facilities to a future Council meeting to allow staff time to provide additional information on possible alternatives to achieve the broader policy/goal of changing the mode of transportation away from automobiles. (Motion unanimously carried) (Absent: None)

Following discussion, it was moved by Councilmember McAustin, seconded by Councilmember Robinson, to direct staff to look at additional stricter criteria for regulating donation collection facilities and return to Council with recommendations prior to the first reading of the Zoning Code amendments ordinance. (Motion unanimously carried) (Absent: None)

Vice Mayor Haderlein noted the following corrections to Attachment A, page 14 of the agenda report:

F. Corrections to Table 3-8 East Pasadena Subarea d2 Standards - Setbacks - Residential and Nonresidential: the reference to Sierra Madre Boulevard should be changed to Sierra Madre Villa and the last sentence of the paragraph should be deleted.

Councilmember Tyler asked that Attachment A, page 10 of the agenda report be changed to refer to "planter" walls: "13. Garden Planter Wall Height in City of Gardens".

Following discussion, it was moved by Councilmember Holden, seconded by Councilmember Gordo, to approve the above City Manager recommendation Nos. 1, 2, and 3; to approve the staff recommendations on Major Policy Changes for No. 3 - Signs in the Central District, No. 4 - Separation Requirement for Boarding Houses, and No. 5 - Parking Caps (as contained in the Background section of the agenda report) and the staff recommendations on Minor Amendments (as contained in Attachment A), including the corrections/changes to pages 10 and 14 as stated above; and to direct the City Attorney to prepare an ordinance for the approved Zoning Code amendments within 60 days. (Motion unanimously carried) (Absent: None)

Discussion continued on the possible need for a moratorium on the placement of donation collection facilities until such time as regulations are approved.

The City Attorney indicated staff would return with the necessary moratorium ordinance regarding the placement of donation collection facilities at the next Council meeting, if staff determines this is necessary.

INFORMATION ITEMS

Councilmember Madison and Vice Mayor Haderlein recused themselves at 9:08 p.m., due to a conflict of interest.

PREDEVELOPMENT PLAN REVIEW FOR A NEW HUNTINGTON MEDICAL RESEARCH INSTITUTES (HMRI) BIOMEDICAL RESEARCH LABORATORY BUILDING AT 660-686 SOUTH FAIR OAKS AVENUE

Recommendation of City Manager: This report is being provided for information only.

Erin Clark, Associate Planner, reviewed the agenda report and responded to questions.

Richard Bruckner, Director of Planning and Development Department, clarified that staff would continue to work with the applicant on possible variances/conditional use permits as the planning process progresses, and responded to questions regarding the project.

Brief discussion followed on the green building standards that must be met, parking requirements, and potential jobs to be created by the future research laboratory.

The following persons spoke in support of the project:

Dr. William Opel, Huntington Medical Research Institutes (HMRI) Executive Director (applicant)
Burke Farrar, Odyssey Development Services, representing the applicant

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

Vice Mayor Haderlein returned at 9:32 p.m.

EMERGENCY PURCHASE ORDER ISSUED TO MONTES PACIFIC ENGINEERING ON JUNE 19, 2008 FOR THE NINA STREET SEWER REPAIR FROM SAN GABRIEL BOULEVARD TO DAISY STREET FOR AN AMOUNT NOT TO EXCEED \$100,000

Recommendation of City Manager: This item is for information only.

Vice Mayor Haderlein summarized the agenda report, and thanked staff for their prompt attention to this matter.

Dan Rix, City Engineer, stated that all of the City's sewer mains have been televised.

It was moved by Vice Mayor Haderlein, seconded by Councilmember McAustin, to receive and file the report. (Motion unanimously carried) (Absent: Councilmember Madison)

RECOMMENDATIONS FROM OFFICERS AND DEPARTMENTS

RESIGNATION OF DANIEL ACOSTA FROM THE HUMAN RELATIONS COMMISSION (At Large/District 1 Nomination)

It was moved by Councilmember McAustin, seconded by Councilmember Robinson, to accept the above resignation with regrets. (Motion unanimously carried) (Absent: Councilmember Madison)

RECESS

On order of the Mayor, the regular meeting of the City Council recessed at 9:34 p.m. to the regular meeting of the Community Development Commission.

ADJOURNMENT

On order of the Mayor, the regular meeting of the City Council reconvened at 9:50 p.m. and adjourned at this time.



Bill Bogaard, Mayor
City of Pasadena

ATTEST:



City Clerk