

CITY OF PASADENA
City Council Minutes
February 2, 2009 – 5:30 P.M.
City Hall Council Chamber

REGULAR MEETING

OPENING:

Mayor Bogaard called the regular meeting to order at 5:48 p.m.
(Absent: Councilmember Madison)

On order of the Mayor, the regular meeting recessed at 5:48 p.m., to discuss the following closed sessions:

CITY COUNCIL CONFERENCE WITH REAL PROPERTY NEGOTIATORS pursuant to Government Code Section 54956.8

Properties: 1420 Wierfield Avenue, Pasadena, CA (also known as "Annandale Canyon Estates") and 1410 Wierfield Avenue, Pasadena, CA

Agency Negotiators: Michael J. Beck; Richard J. Bruckner
Negotiating Parties: Annandale Canyon Estates, LLC; and Camille Hinkle

Under Negotiation: Price and terms of payment

Councilmember Madison arrived at 6:03 p.m.

CITY COUNCIL CONFERENCE WITH REAL PROPERTY NEGOTIATORS pursuant to Government Code Section 54956.8

Properties: 3026 East Orange Grove Boulevard, Pasadena, CA; 3005 East Foothill Boulevard, Pasadena, CA

Agency Negotiators: Michael J. Beck; Richard J. Bruckner
Negotiating Parties: Los Angeles Kings in partnership with Polar Ice Ventures, LLC (PIV)

Under Negotiation: Price and terms of payment

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

CITY COUNCIL CONFERENCE WITH LEGAL COUNSEL to discuss pending litigation pursuant to Government Code Section 54956.9(a)

Case Name: Dumbacher v. City of Pasadena

Case No.: Los Angeles Superior Court Case No. BC382910

The above closed session item was not held.

On order of the Mayor, the regular meeting reconvened at 6:36 p.m. The Pledge of Allegiance was led by City Attorney Michele Beal Bagneris.

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:

City Manager Michael J. Beck
City Attorney Michele Beal Bagneris
City Clerk Mark Jomsky

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

The following persons expressed concerns regarding various code enforcement practices in the North Lake business area and the need for equity in citywide enforcement of the City's regulations:

Jose Luis Correa, North Lake Village Business Association member
Ron Carter, North Lake Village Business Association member

Councilmember Gordo suggested a code enforcement officer attend the next meeting of the North Lake Village Business Association in order to respond to the concerns and questions of the Association's members.

Councilmember McAustin asked that, after the Association meeting is held, the City Manager provide her with an update on the issues, since she represents a portion of the North Lake area.

The City Manager indicated staff would meet with Mr. Correa prior to the Association meeting to ensure that staff is aware of the issues and can respond to the concerns being raised during the Association meeting.

Juanita West-Tillman and Bernie White, Delta Sigma Theta Sorority Pasadena Alumnae Chapter members, invited the City Council and community to the 7th Annual Young African American Women's Conference titled, "Change, Challenge and Choice: A Recipe for Success", to be held on February 28, 2009 at Pasadena City College; and submitted an informational flyer on the event.

Weston De Walt, Pasadena resident, expressed concerns regarding Council's decision to reject the recommendation of the Arts and Culture Commission for the public artworks selection for the Pasadena Center Renovation Project, the actions of the Pasadena Center Operating Company (PCOC)

related to the public artworks selection process, and the recent press release provided by the City's Public Information Officer regarding this matter. Mr. DeWalt asked Council to rescind the Council action taken on January 26, 2009, and to move forward with the Arts And Culture Commission's recommendation for its artworks selection.

The following persons described the opportunities offered by the free Pasadena/Altadena Apprenticeship Preparation Program (a 16-week course):

Brian Biery, Flintridge Operating Foundation Program Director, submitted a fact sheet and informational brochure on the Apprenticeship Preparation Program.

Barry Johnson, graduate of the Apprenticeship Preparation Program and Flintridge Operating Foundation recruiter for the Program

Diane Escher, Pasadena resident, outlined problems with her electricity being shut off and resulting damages, asked for Council's assistance regarding her claim against the City for these damages, and submitted informational materials on her claim.

The City Manager indicated Assistant City Manager Steve Mermell would meet with Ms. Escher regarding her claim and would follow up with her, after staff had reviewed Ms. Escher's situation.

The City Manager announced a free "Save Your Home Workshop" to be held on March 21, 2009 at the Lake Avenue Church and facilitated by the City's Housing Department; noted that the event arose from a suggestion made by Councilmember McAustin, and responded to questions regarding the workshop that targets those persons in a pre-foreclosure process status.

Councilmember McAustin encouraged the community to take advantage of this opportunity for residents to address mortgage and possible foreclosure issues.

CONSENT CALENDAR

Item discussed separately at the request of Councilmember Madison.

AUTHORIZATION TO AMEND CONTRACT NO. 18,459 WITH CALTECH (JPL) FOR UPGRADE OF A FIBER CONNECTION AND INCREASE TO THE FIBER LEASE RATE

MINUTES APPROVED

January 12, 2009

CLAIMS RECEIVED AND FILED

Claim No. 10,779	Paul D. Cass, Attorney for \$ Alice Tang	Not Stated
Claim No. 10,780	Eric Winter	529.00
Claim No. 10,781	Nextel Boost Mobile of California, LLC	121,498.08+
Claim No. 10,782	AT&T/Diane Mancini	533.25
Claim No. 10,783	AT&T/Diane Mancini	377.45
Claim No. 10,784	Timothy Skinner	33.12
Claim No. 10,785	Phoebe Mulhern	22,800.00+
Claim No. 10,786	David M. Gonor, Attorney for James Clark	25,000.00+
Claim No. 10,787	Kyle Drevlo	Not Stated

It was moved by Councilmember Madison, seconded by Vice Mayor Haderlein, to approve the Consent Calendar, with the exception of Item 1 (Amend Contract with Caltech), which was discussed separately. (Motion unanimously carried) (Absent: None)

CONSENT ITEM DISCUSSED SEPARATELY

Councilmember Madison recused himself at 7:12 p.m., due to a conflict of interest.

AUTHORIZATION TO AMEND CONTRACT NO. 18,459 WITH CALTECH (JPL) FOR UPGRADE OF A FIBER CONNECTION AND INCREASE TO THE FIBER LEASE RATE

Recommendation of City Manager:

(1) Find that the Jet Propulsion Laboratory (JPL) fiber optic upgrade project is exempt from California Environmental Quality Act (CEQA) review, pursuant to State CEQA Guidelines Section 15303 (New Construction or Conversion of Small Structures).

(2) Authorize the City Manager to amend Contract No. 18,459, granting the City authority to upgrade the fiber connection between two JPL facilities and increase the annual fiber lease rate from \$2,070 to \$8,280, charged for use of the upgraded fiber connection. (Contract Amendment No. 18,459-2)

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

OLD BUSINESS

Councilmember Madison returned at 7:13 p.m.

STRATEGIC PLANNING PROCESS

Recommendation of City Manager: This is an informational report on the strategic planning process and no City Council action is required.

The City Manager reviewed the agenda report as part of a PowerPoint presentation and responded to questions.

Vice Mayor Haderlein expressed concerns that the prior goals to Improve Our Public Schools and to Focus on Planning, Programming and Reinvesting in Our Parks and Parklands are not more clearly reflected in the three-year goals that were

recently developed; and indicated he would have suggested a different process with a stronger role for Council when developing the current goals.

The City Manager commented on capturing the specificity of Vice Mayor Haderlein's concerns regarding schools and parks through the objectives that are developed to achieve the broad three-year goals that have been developed.

Councilmember Tyler expressed support for the strategic planning process used to bring a Council consensus to update the City's goals for the next three years, indicated that he felt that the goal to Maintain Fiscal Responsibility and Stability was the most important goal, suggested the goals and objectives be used as a part of the review process for the 2010 operating and capital budgets, and stressed the need for Council to take a more focused and detailed look at the operational and financial structure of each department during the 2010 budget process and take more time for these budget reviews.

Councilmember McAustin expressed support for the strategic planning process, for refining the budget process to make it more meaningful for the Council and the public, and for placing and then updating this information on the City's web site so that the public can track the City's progress in meeting the goals and objectives.

The City Manager indicated that the online Strategic Plan Objectives Matrix would be updated for the public; and that the timeframe for the budget discussions would be adjusted to meet the requests of the Council in considering the operating and capital budgets.

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

PUBLIC HEARINGS

JOINT PUBLIC HEARING: ORDINANCES TO EXTEND THE PLAN EFFECTIVENESS DEADLINES AND TAX INCREMENT DEADLINES FOR THE DOWNTOWN, FAIR OAKS, LAKE/WASHINGTON, LINCOLN AVENUE, OLD PASADENA, ORANGE GROVE, AND VILLA PARKE REDEVELOPMENT PLANS PURSUANT TO HEALTH AND SAFETY CODE SECTION 33333.6(e)(2)(C)

Recommendation of City Manager/Chief Executive Officer:

It is recommended that the City Council and Community Development Commission ("Commission") direct the City Attorney to prepare ordinances extending the Plan effectiveness dates and the debt repayment and receipt of tax increment dates by one year for the Downtown, Fair Oaks, Lake/Washington, Lincoln Avenue, Old Pasadena, Orange Grove, and Villa Parke Redevelopment Plans and Project Areas as authorized by Senate Bill 1045 ("SB 1045").

Recommendation of Community Development Committee:
On December 11, 2008, the Community Development Committee recommended that the City Council and Community Development Commission approve ordinances extending the Plan effectiveness dates and the debt repayment and receipt of tax increment dates by one year for the Downtown, Fair Oaks, Lake/Washington, Lincoln Avenue, Old Pasadena, Orange Grove, and Villa Parke Redevelopment Plans and Project Areas as authorized by Senate Bill 1045.

The Mayor opened the public hearing.

The City Clerk reported the notice of public hearing was published on January 16, 2009 in the Pasadena Star-News and on January 22, 2009 in the Pasadena Journal; 8 copies of the notice were mailed on December 22, 2008; and no correspondence was received.

Councilmember Gordo, Chair of the Economic Development and Technology Committee, summarized the agenda report.

Richard Bruckner, Director of Planning and Development Department, responded to questions regarding the debts being repaid through this action.

Jill Shook, Pasadena Affordable Housing Group (PAHG) member, commented on her understanding that there is a requirement that 30% of the tax increment funds resulting from this one-year extension are to be set aside for affordable housing; that the City has not met its commitment to set aside 20% of these funds for affordable housing during past years; and submitted informational material regarding this funding for affordable housing.

Mr. Bruckner clarified that the State legislation regarding the Redevelopment Plans' extensions did not require a set-aside for affordable housing; and that staff would examine Ms. Shook's materials regarding the set asides for prior years, analyze the impacts of the legislation on the proposed future consolidation of the various redevelopment plans, and provide Council with information at a future date.

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

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

PUBLIC HEARING: DESIGNATION OF 726 RIO GRANDE STREET AS A LANDMARK

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

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

(2) Find that the single-family house at 726 Rio Grande Street is significant under Criterion C for designation as a landmark (Pasadena Municipal Code Section [PMC] 17.62.040), because it is an exceptional local example of the French Provincial Revival architectural style of the early twentieth century and retains its integrity;

(3) Approve the designation of the property at 726 Rio Grande Street as a landmark;

(4) Adopt a resolution approving a Declaration of Landmark Designation for 726 Rio Grande Street, Pasadena, California;

(5) Authorize the Mayor to execute the Declaration of Landmark Designation for 726 Rio Grande Street, Pasadena, California; and

(6) Direct the City Clerk to record the declaration with the Los Angeles County Recorder. (Resolution No. 8920)

Recommendation of Historic Preservation Commission: On November 3, 2008, at a noticed public hearing, the Historic Preservation Commission voted unanimously to recommend approval of the designation of 726 Rio Grande Street as a landmark under Criterion C of PMC Section 17.62.040.

The Mayor opened the public hearing.

The City Clerk reported 18 copies of the notice of public hearing were posted on January 15, 2009; 125 copies of the notice were mailed on January 15, 2009; and no correspondence was received.

Richard Bruckner, Director of Planning and Development Department, introduced the agenda item.

Darrell Cozen, Senior Planner, reviewed the agenda report as part of a PowerPoint presentation.

Robert Tait, El Rio/Lake Neighborhood Association Board member, spoke in support of the landmark designation.

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

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

PUBLIC HEARING: MUNICIPAL CODE AMENDMENTS - PROPOSED TITLE 12 REGULATIONS FOR REGULATING TELECOMMUNICATION EQUIPMENT FACILITIES IN THE PUBLIC RIGHT-OF-WAY, UPDATES TO EXISTING TITLE 17 REGULATIONS FOR WIRELESS TELECOMMUNICATION FACILITIES ON PRIVATE PROPERTY AND MINOR AMENDMENTS TO TITLE 18 CABLE COMMUNICATIONS SYSTEMS TO REFLECT THE PROPOSED AMENDMENTS TO TITLES 12 AND 17

Recommendation of City Manager:

(1) Adopt the Initial Study (Attachment E of the agenda report) and the Negative Declaration for the proposed Code Amendments and direct the City Clerk to file a Notice of Determination;

(2) Approve staff's recommendation to amend Titles 12, 17, and 18 of the Pasadena Municipal Code, and to repeal related uncodified resolutions as described in the agenda report;

(3) Approve a finding of consistency with the General Plan; and

(4) Direct the City Attorney to return within 60 days with (1) an ordinance amending the City's telecommunications facilities regulations in Titles 12, 17, and 18, as described in the agenda report; (2) a resolution repealing Resolution No. 7542 concerning the standard license agreement for wireless facilities; (3) a resolution amending Resolution No. 7559 concerning design guidelines pertaining to wireless facilities on property within the City; and (4) any such other and further actions or documents, to implement the recommendations described in the agenda report.

Recommendation of Planning Commission: On December 10, 2008, the Planning Commission recommended the proposed code amendments, as prepared by staff, with the following changes:

- The proposed appeal process for Title 12 applications should be modified to include interested persons in addition to the project applicant;
- Department of Public Works staff should establish a bond payment system that ensures funds required for removal of abandoned equipment in the public right-of-way; and
- Staff should ensure that applications are not deemed complete for processing until all required information is submitted.

These changes are discussed in the agenda report.

The Mayor opened the public hearing.

The City Clerk reported the notice of public hearing was published on January 19, 2009 in the Pasadena Star-News; and 4 letters in opposition were received.

Richard Bruckner, Director of Planning and Development Department, introduced the agenda item and responded to questions.

Jennifer Paige-Saeki, Senior Planner, reviewed the agenda report as part of a PowerPoint presentation and responded to questions.

Dan Rix, City Engineer, responded to questions regarding the permit process for the telecommunication facilities/equipment.

Javan Rad Deputy City Attorney, responded to questions regarding the status and scope of current litigation involving federal and state legal restrictions on a city's ability to regulate this equipment in the public right-of-way.

Jonathan Kramer, Esq., City's outside counsel, responded to questions regarding the regulations.

Discussion followed on the need for protections against abandoned equipment, legal restrictions on the City's ability to regulate this equipment in the public right-of-way, the proposed permit process and appeal process, impacts of the proposed regulations on residential areas, and the need to consider protection of views in locating this equipment.

Councilmember Gordo suggested that a bond from wireless telecommunication providers be required to cover costs for removal of abandoned equipment, rather than use of a permit fee to cover these costs; and that staff explore opportunities with the Pasadena Unified School District (PUSD) and other public entities for co-location of this equipment on private properties owned by these entities.

Vice Mayor Haderlein requested staff to verify whether the equipment located at the corner of Eaton Drive and Villa Street is located on a private or City-owned parcel.

The following persons spoke in opposition to and/or expressed concerns regarding portions of the proposed regulations:

John McMahon, Glendale resident
Todd Sandberg, Pasadena resident
Raymond Quan, MD, submitted informational materials on a CTIA petition before the Federal Communications Commission.
Jody Donnelly, Pasadena Friends of the Altadena Neighborhood Alliance member
Robert Fundter, Altadena Neighborhood Alliance member and Friends of St. Elizabeth member
Miriam Nakamura-Quan, Pasadena resident
Joan Dooley, Save the Hill Neighborhood Alliance member, submitted her written comments.
Julia Posey, Save the Hill Neighborhood Alliance member speaking as an individual
Freddie Hannan, Pasadena resident

Nadine Rondinella, Pasadena resident, submitted a handout titled, "Recommendations for Changes and Additions to Title 17.50.310 and Proposed Changes to Title 12 Telecommunication Facilities and Equipment Standards".

Sally Hampton, Windsor Hills Neighborhood Association member

Bob Kneisel, Pasadena resident

Dale Trader, Pasadena Neighborhood Coalition member speaking as an individual, submitted informational materials.

Councilmember McAustin requested staff to provide information on the Legislative Policy Committee's past discussion of the CTIA petition dated July 11, 2008, and the City's position on joining this action.

Councilmember Madison suggested that staff bring back the most aggressive position that the City can take in regulating telecommunications facilities/equipment, within the confines of current statutory and case law.

The City Manager indicated that staff had provided regulations that they felt were legally defensible, but that a more aggressive position could be presented to Council, with the expectation that this could bring legal challenges.

In response to Councilmember Madison's question regarding the possibility of rezoning an institutional zone to an open space zone, Mr. Bruckner indicated that it would be best to do this as part of a General Plan/Zoning Map amendment action, rather than as part of the proposed action.

Councilmember McAustin requested that a regulation be added to require re-notification when an applicant asks for continuances beyond the required time schedule.

The City Attorney commented on the enforcement mechanisms and civil/criminal remedies that could be used to address violations of the regulations.

Councilmember Holden suggested that further discussion is needed on Council's suggestions for additional regulations, on the justification study/proof of signal gap, and on provisions to address abandoned equipment issues; and requested that Council be provided with a comparison of the City's ordinance with the San Diego County ordinance, to be used during the additional discussion.

Councilmember Gordo expressed support for continuing the public hearing, and suggested recessing into a closed session at a future date to allow the City Attorney to advise Council on the legal defensibility of an ordinance that would be more aggressive in areas that concern the Council.

The City Attorney indicated that staff would determine if the basis for a closed session would be appropriate and is possible.

It was moved by Councilmember Holden, seconded by Councilmember McAustin, to continue the public hearing to February 23, 2009 at 7:30 p.m., to allow time for staff to prepare a matrix comparing the San Diego County ordinance with the City's proposed ordinances. (Motion unanimously carried) (Absent: None)

RECOMMENDATIONS FROM OFFICERS AND DEPARTMENTS

AUTHORIZATION TO AMEND THE CONTRACT WITH CEDARWOOD YOUNG CORP., DBA ALLAN COMPANY, TO PROCESS RECYCLING MATERIAL COLLECTED IN THE CITY OF PASADENA

Recommendation of City Manager: Authorize the City Manager to amend the contract with the Cedarwood Young Corp., dba Allan Company, for payment to the City for recycling material collected from the City of Pasadena's Curbside Recycling program reducing the payment from \$42.15 per ton to \$15.00 per ton for the period January 1, 2009 to April 1, 2009, with a second three-month extension to July 1, 2009, based upon a review of recycling market conditions at the end of the first three-month period.

Arlington Rodgers, Administrator for Street Maintenance and Integrated Waste Management, summarized the agenda report as part of a PowerPoint presentation.

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

RESIGNATION OF WALEED DELAWARI FROM THE NORTHWEST COMMISSION (District 6 Nomination)

It was moved by Councilmember Madison, seconded by Councilmember Gordo, to accept the above resignation with regrets. (Motion unanimously carried) (Absent: None)

CONSIDERATION OF A MOTION TO RESCIND OR AMEND THE CITY COUNCIL ACTION TAKEN ON JANUARY 12, 2009, TO APPROVE A CONTRACT AWARD TO GRACE BUILDING MAINTENANCE CO., INC., FOR THE PLANTING OF STREET TREES ON COLORADO BOULEVARD FROM LOS ROBLES AVENUE TO LAKE AVENUE, FOR AN AMOUNT NOT TO EXCEED \$130,000 (Councilmember Tyler)

Councilmember Tyler stated his position that the contract with Grace Building Maintenance Co., Inc. (Grace Building) should be rescinded because of the proposed removal of 35 trees and the types of trees that were selected to be planted (ginkgos

and palms). He indicated he would like to see staff return with alternatives for the species of street trees that will be planted, with special consideration given to planting trees that are native, drought tolerant, and provide a significantly improved shade canopy than those proposed in the contract. He also indicated that the safety issues involving the ficus trees currently located in this area of the Playhouse District could be addressed by staff.

Martin Pastucha, Director of Public Works Department, introduced the agenda item, discussed the City's practice in removing trees and implementing the City's street tree plans, and responded to questions.

Dan Rix, City Engineer, reviewed the agenda report and various support materials as part of a PowerPoint presentation, outlined 4 staff options regarding the number of trees to be removed and the species of trees to be planted, and responded to questions.

Darya Barar, Program Coordinator, responded to questions regarding various species of trees and the tree protection ordinance.

Kathy Woods, Parks Administrator, responded to questions regarding the tree protection ordinance.

The City Attorney indicated that the contract with Grace Building had not been executed and that it was in Council's discretion to rescind or take other actions in regards to the contract. She noted that this was a low bid contract, and discussed the implications of significantly modifying the scope of the contract and the normal practice followed during the contract process. She outlined possible actions that Council could take on this matter; and noted that, if Council took no action on this item, the Council action of January 12, 2009 would stand.

Discussion followed on City policy and practice involving street tree removals and tree replacement, instances when street trees have been removed and replaced, City policy for removing healthy trees as part of a project or implementation of a street tree plan, options for providing a tree canopy in this area (Playhouse District), the City's street tree plan for the Playhouse District, options to address problems with trees that are damaging sidewalks and sewer lines, replacement of trees through an attrition process, size options for the trees to be planted, and the status of the phased street tree plan implementation in this area.

Chris Peck, Planning Commission representative on the Urban Forestry Advisory Committee (UFAC), provided a brief summary of UFAC's involvement with this matter and UFAC's support of the City's current policy not to remove healthy trees; and distributed a handout titled, "Selected Trees in the Playhouse District on Colorado Boulevard Slated for Removal".

The following persons spoke in support of the contract with Grace Building, and the street tree plan for the Playhouse District:

Paul Jacoy, Playhouse District Association President, submitted color photos of trees.
Carla Walecka, Playhouse District Association Vice President, submitted photos of tree hazards.
Joel Sheldon, Playhouse District Association member
Ken McCormick, Playhouse District Association member
Erlinda Romo, Playhouse District Association Executive Director

The following persons spoke in opposition to the contract with Grace Building, and/or expressed concerns regarding the proposed street tree plan and removal of trees:

Robert Chave, Pasadena resident
Jessica Harley-James, Cordova Park Villas residents' representative, submitted a petition with 61 signatures titled, "Pasadena Residents Against the Removal of the Playhouse District Trees".
Margot Cameron, Pasadena resident
Lori Paul, Pasadena resident, submitted a handout titled, "Comments from In Sight Pasadena".
Tim Callahan, Altadena resident
Emina Darakjy, UFAC member speaking as an individual, submitted her written comments.
Nina Chomsky, Pasadena resident
Bette Cooper, Pasadena Beautiful President
Ann Scheid, Pasadena resident
Polly Wheaton, Pasadena resident
Paul Cahill, Pasadena resident, submitted copies of emails sent to Mayor Bogaard.
James Peterson, Pasadena resident

Councilmember Holden commented on the conflicting issues of implementing a street tree plan derived from a public process, preserving healthy trees and reconsidering the trees to be planted in light of current environmental policies, and equity factors related to the costs needed to address problems with the existing trees.

Councilmember McAustin discussed support for moving forward with a plan that would consider trees being used as a natural resource, rather than as a part of an urban planning

process; and stated her opposition to a plan that would remove healthy trees. She asked staff to evaluate the responsibilities of the business owner/residential property owner and the City in instances where sidewalks/sewer lines are compromised by tree root invasion, with this information to be used in the development of a process to address these problems. Given these parameters, she suggested this matter be referred to UFAC and an outside arborist, to evaluate the street tree plan for consistency with the City's current environmental policies (e.g., tree canopy and sustainability) and with the understanding that healthy trees would not be removed in the plan.

Councilmember Tyler suggested staff and the property owners work together on a program that would address the current sidewalk damage issues related to the ficus and other existing street trees (e.g., enlarge the tree wells) and would preserve the healthy trees; and suggested an outside arborist be used to determine a species of tree to be substituted for the ginkgo, when a replacement tree is needed.

It was moved by Councilmember Tyler, to rescind the contract awarded to Grace Building, with staff to return to Council with a plan of alternatives that would retain as many of the significant shade trees as possible and would provide a greater shade canopy than is provided for in the current plan.
(Motion failed, for lack of a second)

Following discussion, it was moved by Vice Mayor Haderlein, seconded by Councilmember Robinson, to rescind the contract awarded to Grace Building; and to move forward with staff's Option 2 to remove 20 carrotwood and 2 London plane trees, to replace the ficus trees (as they die) with a species of tree to be determined, to implement a sidewalk repair process for the problem areas in the Playhouse District, to work with property owners to resolve the root invasion issue involving the sewer lines, and to refer this matter to UFAC and an arborist to determine a replacement tree for the ginkgo proposed in the current street tree plan for this area.

Councilmember Robinson noted that her second of the motion was predicated on adhering to Option 2's use of ginkgos and fan palms as the replacement trees, expressed support for moving forward with the street tree plan for this area, and withdrew her second of Vice Mayor Haderlein's motion. Vice Mayor Haderlein subsequently withdrew his motion.
(Motion withdrawn)

Councilmember Gordo expressed concerns regarding the removal of healthy trees, stressed the need to maintain the consistency of the street tree plan previously adopted by Council by using the plan's designated tree species when

replacing trees in this area, and suggested UFAC review the existing ficus trees for possible removal based on safety issues or circumstances affecting property owners that cannot be mitigated.

Councilmember Madison stressed the need for Council to base their decision on policy.

Discussion continued on City policy and practice involving street tree removals and tree replacement and the City's current policy of not removing healthy trees.

The Mayor noted that early phases of the master street tree plan in the downtown area had been substantially implemented and that persons had expectations based on the plan.

Councilmember Holden suggested the stakeholders (Playhouse District, UFAC, Pasadena Beautiful) be given an opportunity to meet with the Mayor, Councilmember Tyler, additional Councilmembers who may be selected, and staff to work out a recommendation for Council to consider at a future meeting, with respect given to the current street tree plan that has already received public input and to the City's guiding principles and policies.

It was moved by Councilmember Tyler, seconded by Councilmember Robinson, to rescind the contract with Grace Building, and to refer this matter to a group of representatives from various stakeholders (the Mayor, Councilmember Tyler, additional Councilmembers who may be selected, staff, an arborist consultant, Playhouse District, UFAC, and Pasadena Beautiful) to work out a recommendation for Council to consider at a future meeting regarding the street tree plan for that area of Colorado Boulevard in the Playhouse District, with the understanding that healthy trees will be preserved.

Following clarification of the motion by Councilmember Tyler, Councilmember Robinson withdrew her second of the motion, since the motion did not include the street tree plan for the entire Playhouse District.

(Motion failed, for lack of a second)

Councilmember Holden suggested the City Manager provide a recommendation for Council to consider at the next Council meeting, which would take into consideration the various issues and policies discussed by Council above.

Discussion continued on implementation of the street tree plan, retaining healthy trees, and mitigation of the problems caused by the ficus trees.

The City Manager indicated staff would work with the City Attorney to determine the need for rescinding the contract based on the level of significance of any proposed changes to the scope of the contract that might arise from Council action; and discussed the process of moving forward under staff's Option 1 to remove no trees and to plant 15 ginkgo trees and 30 Mexican palm trees, with staff to assess the existing trees for possible removal based on public safety factors.

Mr. Rix discussed steps that could be taken within the scope of the contract with Grace Building (e.g., sidewalk repairs around existing trees and enlarging the tree wells).

The Mayor restated Councilmember Tyler's earlier motion, which lacked a second after Councilmember Robinson withdrew her second. Councilmember Tyler affirmed the following motion to:

- (1) Direct staff to pursue staff's Option 1 (to remove no trees and to plant 15 ginkgo trees and 30 Mexican palm trees);
- (2) Either affirm or rescind the contract with Grace Building, as is appropriate in the circumstances, after careful analysis and in consultation with counsel;
- (3) Review the ficus trees that are in place for either solving existing problems with the trees or making a recommendation regarding their future – solutions to the problems must be achieved in fairness to the effected property owners; and
- (4) Use 36" box ginkgos for planned plantings.

It was noted that the future of the street tree plan and other aspects in the Playhouse District remains open and the timing for the implementation of the street tree plan in this area is left unresolved.

Councilmember Madison reiterated his concerns that the street tree plan was not being adhered to in this area, given the timing of the planting process, with a different process being followed in the Playhouse District when contrasted with other areas where the street tree plan has been implemented.

It was moved by Councilmember Tyler, seconded by Councilmember McAustin, to rescind the contract with Grace Building Maintenance Co., Inc., and to direct staff to proceed with staff's Option 1 to remove no trees and go forward with the rest of the plantings per the plan.

Following further discussion, it was moved by Councilmember Gordo, seconded by Councilmember Madison, to table the motion, to allow time for the City Manager to provide additional information, with the understanding that staff will notify Grace Building Maintenance Co., Inc. regarding the tabled motion. (Motion unanimously carried) (Absent: None)

The City Manager indicated that staff would provide information on the impacts of the 4 alternative staff options and what this would look like on the street, for consideration at the Council meeting of February 9, 2009.


ADJOURNMENT

On order of the Mayor, the regular meeting of the City Council adjourned at 1:12 a.m., February 3, 2009.



Bill Bogaard, Mayor
City of Pasadena

ATTEST:



City Clerk