

CITY OF PASADENA
City Council Minutes
November 16, 2009 – 5:30 P.M.
City Hall Council Chamber

REGULAR MEETING

OPENING:

Mayor Bogaard called the regular meeting to order at 5:32 p.m.
(Absent: Councilmember Holden, Vice Mayor Gordo)

On order of the Mayor, the regular meeting recessed
at 5:32 p.m., to discuss the following closed sessions:

Councilmember Holden
arrived at 5:45 p.m.

**CITY COUNCIL CONFERENCE WITH LABOR
NEGOTIATORS pursuant to Government Code
Section 54957.6**
Agency Negotiator: Karyn Ezell
**Employee Organization: Pasadena Management
Association**

**CITY COUNCIL CONFERENCE WITH LABOR
NEGOTIATORS pursuant to Government Code
Section 54957.6**
Agency Negotiator: Karyn Ezell
**Employee Organizations: American Federation of State,
County and Municipal Employees, Local 858; International
Brotherhood of Electrical Workers, Local 18; International
Union of Operating Engineers, Local 501; Pasadena Fire
Fighters Association, Local 809; Pasadena Fire Fighters
Management Association; Pasadena Police Officers
Association; Pasadena Police Sergeants Association;
Pasadena Management Association; Service Employees
International Union, Local 721; Pasadena Association of
Clerical and Technical Employees, LIUNA Local 777; and
all Unrepresented Employees**

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

The Mayor was excused
at 6:28 p.m.

Vice Mayor Gordo arrived
at 6:28 p.m.

The Mayor returned
at 6:35 p.m.

**CITY COUNCIL CONFERENCE WITH REAL PROPERTY
NEGOTIATORS pursuant to Government Code
Section 54956.8**
Property Location: 500 North Lake Avenue
**Agency Negotiators: Michael J. Beck and Richard
Bruckner**
Negotiating Party: David Pourbaba
Under Negotiation: Price and terms of payment

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

On order of the Mayor, the regular meeting reconvened at 6:38 p.m. The Pledge of Allegiance was led by Webelos 1 Scouts, Pack 357-Pasadena, who were attending the Council meeting as part of their work on their Citizenship badges.

ROLL CALL:

Councilmembers:

Mayor Bill Bogaard
Vice Mayor Victor Gordo
Councilmember Steve Haderlein
Councilmember Chris Holden
Councilmember Steve Madison
Councilmember Margaret McAustin
Councilmember Jacque Robinson
Councilmember Terry Tornek

Staff:

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

PUBLIC COMMENT ON MATTERS NOT ON THE AGENDA

Les Hammer, Pasadena resident, expressed concerns regarding illegal immigration and activities of the ACORN organization, and asked the City to confirm if any City monies had been given/granted to ACORN.

RECOMMENDATIONS FROM OFFICERS AND DEPARTMENTS

APPOINTMENT OF COUNCILMEMBER TERRY TORNEK AS PRIMARY DELEGATE TO THE SAN GABRIEL VALLEY COUNCIL OF GOVERNMENTS (SGVCOG) GOVERNING BOARD AND COUNCILMEMBER MARGARET McAUSTIN AS ALTERNATE, EFFECTIVE NOVEMBER 20, 2009 (Council Nomination)

It was moved by Councilmember Haderlein, seconded by Vice Mayor Gordo, to approve the appointment of Councilmember Tornek as primary delegate and Councilmember McAustin as alternate to the SGVCOG Governing Board. (Motion unanimously carried) (Absent: None)

ORDINANCE – ADOPTED

Adopt “AN ORDINANCE OF THE CITY OF PASADENA AMENDING CHAPTER 3.22 AND CHAPTER 8.60.250 OF THE PASADENA MUNICIPAL CODE REGARDING PUBLIC SAFETY AT SPECIAL EVENTS, CURBSIDE HAZARDS, AND CURBSIDE DUMPING AT SPECIAL EVENTS” (Introduced by Councilmember Madison) (Ordinance No. 7181)

The above ordinance was adopted by the following vote:

AYES: Councilmembers Haderlein, Holden, Madison, McAustin, Robinson, Tornek, Vice Mayor Gordo, Mayor Bogaard

NOES: None

ABSENT: None

RECOMMENDATIONS FROM OFFICERS AND DEPARTMENTS

FINAL REPORT FROM CITY COUNCIL YOUTH, FAMILIES AND NEIGHBORHOODS AD HOC COMMITTEE

Recommendation of City Manager:

- (1) Receive the final report from the City Council Youth, Families and Neighborhoods Ad Hoc Committee, consisting of the Gap Analysis and recommendations prepared by Harder and Company; and
- (2) Direct staff to pursue and return to the Public Safety Committee within 120 days, with a report on the potential for an existing nonprofit entity to serve as the community-based institutional home and convener of organizations directly addressing community violence, as recommended in the Gap Analysis report.

Councilmember Robinson, Chair of City Council Youth, Families and Neighborhoods Ad Hoc Committee (YFNAHC), introduced the agenda item and responded to questions regarding the Committee's final report.

Steve Mermell, Assistant City Manager, reviewed the agenda report as part of a PowerPoint presentation and responded to questions.

Morgan Lyons, PhD, Harder+Company Community Research Senior Vice President (co-author of the "Gap Analysis & Recommendations" report), briefly discussed the focus of the Gap Analysis report, recommendations presented in the report, the concept of a community-based institutional home, and the leadership role of the City Council in the violence-prevention initiative; and responded to questions.

The City Manager responded to questions regarding the institutional home concept.

Vice Mayor Gordo expressed concerns regarding the concept of using a community-based institutional home and the possible competition for funding between the institutional home and existing service providers in the community.

The following persons spoke in support of various recommendations in the Gap Analysis, the creation of a City Commission to focus on youth and violence prevention, and/or expressed concerns regarding needs not covered in the report:

Jeanette Mann, Pasadena City College Board President and member of the YFNAHC, submitted a handout titled, "Pasadena City College Inventory of Programs that Reduce Student Dropout".

Prentice Deadrick, Pasadena resident
Nicole Bernard, Day One youth advocate
Ana Luviano, Teens in Action President
Karen Cosio, Teens in Action member

Hector Escobedo, Neighborhood Outreach Workers (NOW) member
Ashley De Leon, Day One youth advocate
Imani Britton, Outward Bound Los Angeles (OBLA) member
Ebony Vaughns, NOW member
Laura Viera, OBLA member
Charles Thomas, OBLA Executive Director speaking as an individual
Brandon Jackson, OBLA member
Randy Broadnax, Jr., NOW member
John Paul Martin, NOW member
Ricky Pickens, Vision 20/20 member
Brian Biery, 20/20 Initiative-Children, Youth and Families member
Gracie Trimble, OBLA supporter
Brenda Garcia, Day One youth advocate speaking as an individual
Myra Martin Booker, PhD, 20/20 Initiative-Children, Youth and Families member
Angela Oh, Western Justice Center Foundation Executive Director
Tim Kelly, Altadena resident
Pastor Kerwin Manning, Vision 20/20 member
Porfirio Frausto, Pasadena resident
Karen Evans, Vision 20/20 member
Gary Moody, NAACP Pasadena representative

In response to Councilmember Holden's questions, Mr. Mermell confirmed that staff would confer with the service providers in the community about the designation of a community-based institutional home and the scope of work to be performed by this entity prior to any future report being presented to the Public Safety Committee and Council.

Vice Mayor Gordo requested that the Public Safety Committee consider using existing City resources/systems to provide oversight of the institutional home (e.g., Human Services Commission, Youth Council, and Public Safety Committee).

Following discussion, it was moved by Councilmember Madison, seconded by Councilmember Robinson, to approve the City Manager's recommendation, as amended to direct staff to return to the Public Safety Committee in 90 days, with staff to consider the concept of a community-based institutional home as recommended in the Gap Analysis report, and also consider one or more methods for creating a link between the City Council and the institutional home in order to provide oversight/accountability of this entity (e.g., through a new commission or advisory body, an existing Council commission, or an existing Council committee). (Motion unanimously carried) (Absent: None)

The Mayor confirmed that the City Council Youth, Families and Neighborhoods Ad Hoc Committee's final report was received and filed, and the Ad Hoc Committee was sunsetted.

CONSENT CALENDAR

APPROVAL OF FINAL TRACT MAP NO. 065620, BEING A FIVE-UNIT CONDOMINIUM PROJECT, AT 28 SOUTH PARKWOOD AVENUE

Recommendation of City Manager:

- (1) Adopt a resolution to approve Final Tract Map No. 065620; and
- (2) Authorize the City Clerk to execute the certificate on the map showing the City's approval of said map. (Resolution No. 8994)

RESOLUTION APPROVING PROGRAM SUPPLEMENT NO. 080-N TO ADMINISTERING AGENCY – STATE AGREEMENT FOR FEDERAL-AID PROJECT NO. 07-5064R FOR THE PASADENA ITS PHASE I SAFETEA-LU PROJECT, FEDERAL-AID PROJECT NO. HPLUL-5064 (057)

Recommendation of City Manager:

- (1) Adopt a resolution approving Program Supplement No. 080-N to Administering Agency – State Agreement for Federal Aid Project No. 07-5064 between the City of Pasadena and the State of California, for State Reimbursement for the Pasadena ITS Phase I SAFETEA-LU Project, Federal-Aid Project No. HPLUL-5064 (057); and
- (2) Authorize the City Manager to execute Program Supplement No. 080-N for the Pasadena ITS Phase I SAFETEA-LU Project. (Resolution No. 8995; Agreement Amendment No. 16,298-32)

MINUTES APPROVED

October 12, 2009
October 19, 2009

CLAIMS RECEIVED AND FILED

Claim No. 10,981	M. O'Connor, Esq., Attorney for Andre Cunningham, a minor	\$ 25,000.00+
Claim No. 10,982	AT&T/Diane Mancini	Not stated
Claim No. 10,983	Loretta Lee	1,426.75
Claim No. 10,984	Joann Anderson	698.39
Claim No. 10,985	Dereck Andrade	25,000.00+
Claim No. 10,986	Angela Mavridis	400.36
Claim No. 10,987	Jennifer L. Washington	4,070.00
Claim No. 10,988	State Farm Mutual Insurance Co., as subrogee for Sandra Hume and Mark Butnuh	4,795.56
Claim No. 10,989	Wendy Ann Milici	100.00
Claim No. 10,990	Patrick Beijer	Not stated

It was moved by Councilmember Haderlein, seconded by Councilmember Robinson, to approve all items on the Consent Calendar. (Motion unanimously carried) (Absent: None)

PUBLIC HEARINGS

The Mayor was excused at 8:51 p.m.

CONTINUED PUBLIC HEARING: CALL FOR REVIEW OF ZONING ADMINISTRATOR INTERPRETATION (ZA NO. 32), 217 SOUTH MICHIGAN AVENUE (EDDIE’S MARKET)

Recommendation of City Manager: It is recommended that the City Council continue the public hearing to December 7, 2009 at 7:30 p.m.

The Vice Mayor noted that the applicant had requested a continuance of the public hearing to the meeting of December 7, 2009.

It was moved by Councilmember Haderlein, seconded by Councilmember Robinson, to continue the public hearing to December 7, 2009 at 7:30 p.m. (Motion unanimously carried) (Absent: Mayor Bogaard)

PUBLIC HEARING: APPROVAL OF ASSOCIATE MEMBERSHIP AGREEMENT WITH THE CALIFORNIA ENTERPRISE DEVELOPMENT AUTHORITY, TAX EQUITY AND FISCAL RESPONSIBILITY ACT (TEFRA) HEARING AND ADOPTION OF A RESOLUTION APPROVING THE ISSUANCE OF \$9,800,000 OF CALIFORNIA ENTERPRISE DEVELOPMENT AUTHORITY REVENUE OBLIGATIONS FOR THE BENEFIT OF THE CHANDLER SCHOOL

Recommendation of City Manager:

- (1) Adopt a resolution approving the execution and delivery of an Associate Membership Agreement with the California Enterprise Development Authority (the Authority);
- (2) Conduct a Tax Equity and Fiscal Responsibility Act public hearing; and
- (3) Adopt a resolution approving the issuance by the California Enterprise Development Authority (the Authority) of not to exceed \$9,800,000 of the Authority's Revenue Obligations (the Obligations) for the benefit of the Chandler School (the Corporation). (Resolution Nos. 8996 and 8997; Agreement No. 20,132)

The Vice Mayor opened the public hearing.

The City Clerk reported the notice of public hearing was published on November 2, 2009 in the Pasadena Star-News; and no correspondence was received.

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

It was moved by Councilmember Robinson, seconded by Councilmember Holden, to approve the City Manager's recommendation. (Motion unanimously carried) (Absent: Mayor Bogaard)

RECOMMENDATIONS FROM OFFICERS AND DEPARTMENTS

AMENDMENT TO THE MASTER STREET TREE PLAN

Recommendation of City Manager: Approve an amendment to the Master Street Tree Plan to allow the planting of the *Podocarpus gracilior*, Fern Pine, in lieu of *Brahea edulis*, Guadalupe Palm, on Granite Drive between South Lake Avenue and its eastern terminus.

Find that the Master Street Tree Plan amendment for Granite Drive is exempt from California Environmental Quality Act (CEQA) review, pursuant to State CEQA Guidelines Sections 15301, Existing Facilities and 15304, Minor Alterations to Land.

Recommendation of Urban Forestry Advisory Committee:

At its special meeting of August 12, 2009, the Urban Forestry Advisory Committee (UFAC) voted unanimously to support the staff recommendation to amend the Master Street Tree Plan to allow the planting of the *Podocarpus gracilior*, Fern Pine, in lieu of *Brahea edulis*, Guadalupe Palm, on Granite Drive between South Lake Avenue and its eastern terminus.

Recommendation of Design Commission: At its regular meeting of October 12, 2009, the Design Commission voted unanimously to support the staff recommendation to amend the Master Street Tree Plan to allow the planting of the *Podocarpus gracilior*, Fern Pine, in lieu of *Brahea edulis*, Guadalupe Palm, on Granite Drive between South Lake Avenue and its eastern terminus.

Councilmember Haderlein suggested that, as amendments to the Master Street Tree Plan are proposed, a strong consensus be sought from effected property owners in the area, the Urban Forestry Advisory Committee, and the Design Commission.

Marianne Liggett, TGP, Inc. Landscape Architecture representative, spoke in support of the proposed amendment.

It was moved by Councilmember Holden, seconded by Councilmember Robinson, to approve the City Manager's recommendation. (Motion unanimously carried) (Absent: Mayor Bogaard)

PUBLIC HEARING

Councilmember Tornek recused himself at 8:57 p.m.

CONTINUED PUBLIC HEARING: CONDITIONAL USE PERMIT NO. 5317 (INCLUDES ADDITIONAL MINOR CONDITIONAL USE PERMITS), ADJUSTMENT PERMIT NO. 11612, FLOOR AREA INCREASE OF TEN PERCENT, PRIVATE TREE REMOVAL, FINAL ENVIRONMENTAL IMPACT REPORT, AND STATEMENT OF OVERRIDING CONSIDERATIONS, FOR IDS PLAYHOUSE COMMERCIAL DEVELOPMENT PROJECT AT 680 EAST COLORADO BOULEVARD

Recommendation of City Manager: It is recommended that the City Council, at the close of the public hearing, take the following actions:

(1) Adopt the resolution certifying the Final Environmental

Impact Report, adopting Environmental Findings, a Statement of Overriding Considerations, and a Mitigation Monitoring and Reporting Program;

(2) Approve the Findings of Fact (Attachment A of the agenda report) with the Conditions of Approval (Attachment B of the agenda report) and the Comprehensive Water Conservation Plan (Attachment C of the agenda report);

(3) Approve the Conditional Use Permit for a new non-residential project that exceeds 25,000 square feet (Attachment A of the agenda report);

(4) Approve the Minor Conditional Use Permit for a new project that exceeds 15,000 square feet in the Transit-Oriented District (Attachment A of the agenda report);

(5) Approve the Minor Conditional Use Permit to establish a commercial parking use (Attachment A of the agenda report);

(6) Approve the Adjustment Permit for four deviations from the Zoning Code, including: building height; to exceed Floor Area Ratio (FAR) in one FAR district; to not construct the building at the property lines on East Colorado Boulevard and South El Molino Avenue; and to reduce the required number of loading spaces from five to two (Attachment A of the agenda report);

(7) Approve a Floor Area Ratio (FAR) increase of 10 percent (Attachment A of the agenda report); and

(8) Approve the Private Tree Removal Application (Attachment A of the agenda report). (Resolution No. 8998)

Recommendation of Design Commission: On July 13, 2009, the Design Commission conducted advisory review of the project. The Commission concluded by majority vote that the project is generally consistent with the design-related findings, and that the Commission shall have some flexibility in the final review and approval of the project's site plan, building massing and modulation, arrangement of floor plates, in addition to the details that are reviewed in Final Design. The Commission also made some specific recommendations to further modulate and articulate the building.

Recommendation of Planning Commission: On July 22, 2009, the Planning Commission conducted advisory review of the project that was reviewed by the Design Commission. By unanimous vote, the Commission recommended that the Council disapprove all requested entitlements and not to certify the EIR. The Commission made an additional recommendation (by a 5-3 vote) that if the Council approves any version of the proposed project, that it should be designed to comply with all applicable development standards (e.g., no adjustments or variances for height, floor area, etc.), that it does not include a FAR increase, and that the 155 public parking spaces are omitted from the project. Further, the Commission added that if such a project is approved, the EIR should be revised to re-analyze potential traffic and pedestrian safety impacts of the revised project. The majority of the Commissioners asserted that the proposed building is too large

and incompatible with other development in the vicinity. Following the meeting, the Commission sent a memorandum to the City Council summarizing its action. It is in Attachment L of the agenda report.

The Vice Mayor opened the public hearing.

The City Clerk reported 45 copies of the notice of public hearing were posted on September 24, 2009; 197 copies of the notice were mailed on September 24, 2009; and 10 letters in support of the project and 34 letters in opposition to the project were received.

The Mayor returned
at 9:04 p.m.

John Steinmeyer, Senior Planner, reviewed the agenda report as part of a PowerPoint presentation and responded to questions.

Richard Bruckner, Director of Planning and Development Department, responded to questions regarding the project's compliance with transit-oriented requirements, control of the parking area (public and tenant), parking issues in the Playhouse District, components of the Environmental Impact Report (EIR), and the timing for various pre-construction approvals.

Cori Thomas, Rincon Consultants, Inc. Project Manager (City's consultant), responded to questions regarding the Final Environmental Impact Report (FEIR) and responded to questions.

Robert Montano, Project Planner, responded to questions regarding the parking component of the project, parking in the Playhouse District, and the 2005 parking study for the Playhouse District.

Mike Bagheri, Transportation Development Manager, discussed issues involving a possible mid-block pedestrian crosswalk on El Molino Avenue between Colorado Boulevard and Green Street, and responded to questions.

Fred Dock, Director of Transportation Department, clarified both the traffic safety and urban design components that will be included as a part of the study process for adding a mid-block pedestrian crosswalk on El Molino Avenue to the project.

The following persons spoke in support of the proposed project:

David Saeta, IDS Real Estate Group Senior Vice President (applicant), provided a PowerPoint presentation of the project and responded to questions.

Mike D'Antuono, Chamber of Commerce Vice Chair
Advocacy
Tom Breen, Pasadena resident
Michele Dedeaux Engemann, Pasadena Playhouse Board
Chair
Mark Smutny, Playhouse District Association Board
member
Sheldon Epps, Pasadena Playhouse Artistic Director
Bill Ukropina, Pasadena resident
Phillip Cutting, Pasadena resident
Abel Ramirez, El Portal restaurant owner
Brian Kite, architect
R. Todd Doney, San Marino resident
Mark Nay, Pasadena resident
Al Moses, member of IDS project development team
Scott Jenkins, IDS Real Estate Group legal counsel
responded to questions.

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

Teresa Grimes, Pasadena Heritage Board member
Susan Mossman, Pasadena Heritage Executive Director
John Walsh, Pasadena resident
Tom Virgil, MMV Properties, LLC (co-owner of Arcade
Lane)
Sid Tyler, Pasadena resident
Louisa Nelson, Pasadena resident
Mike Vogler, Pasadena resident
Joan Hearst, West Pasadena Residents Association Board
member
Carolyn Naber, Planning Commissioner speaking as an
individual
Marsha Rood, Pasadena resident
Terry Tornek, Pasadena resident

Richard McDonald, Planning Commission Chair, clarified the Planning Commission's deliberations and recommendations, responded to questions, and distributed a copy of the Commission's minutes for the meeting of July 22, 2009, when this project was discussed.

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

Discussion followed on parking issues for the Playhouse District, pedestrian safety issues in the mid-block of El Molino Avenue and possible inclusion of a pedestrian crosswalk, and the adequacy of the Environmental Impact Report.

MOTION

Following discussion, it was moved by Councilmember Haderlein, seconded by Councilmember Robinson, to approve the City Manager's recommendation, as amended to direct staff to study a mid-block pedestrian crosswalk, with staff to return to City Council with a cost and impact analysis.

Councilmember McAustin stated her objections to the project; suggested that additional work should be performed on the Environmental Impact Report (e.g., cumulative traffic impacts, impacts of ingress and egress to the parking garage, and pedestrian crossing issues on El Molino); and supported the Planning Commission recommendation.

Theresa Fuentes, Assistant City Attorney, clarified that Council could ask staff to study construction of a mid-block pedestrian crosswalk as a new project that is not a part of the proposed IDS project, with staff to report to Council on the crosswalk project as part of a separate process; and noted that this language could be included in Condition of Approval No. 62, contained in Attachment B of the agenda report.

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

David Saeta (applicant) responded to questions regarding the proposed parking operations and garage, and confirmed that IDS had previously agreed to pay for a study of a mid-block pedestrian crosswalk.

The City Manager discussed possible impacts of a proposed crosswalk as this relates to street design/construction and integrating the implementation and costs of a crosswalk into the proposed project.

Jim Rabe, Keyser Marston Associates Senior Principal (City's consultant), responded to questions regarding their analysis of the proposed Floor Area Ratio (FAR) Bonus request and financial scenarios.

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

SUBSTITUTE MOTION

Following additional discussion, it was moved by Councilmember Haderlein, seconded by Councilmember Robinson, to approve the City Manager's recommendation, as amended to include the following additional language in Condition of Approval No. 62: "Implement measures identified in Study that improve the public safety and convenience to and from parking structures/businesses along El Molino Avenue between Green Street and Colorado Boulevard" and to amend

the resolution to reflect the same additional language as set out in Condition No. 62, with the understanding that the Study will return to the Public Safety Committee in six months:

AYES: Councilmembers Haderlein, Holden, Madison, Robinson, Vice Mayor Gordo, Mayor Bogaard

NOES: Councilmember McAustin

ABSENT: Councilmember Tornek

Councilmember Madison requested that staff provide Council with updates on the Study as the process moves forward.

PUBLIC COMMENT

(Continued)

Charlene Brown, Give Light Initiative-Solar Lights representative, encouraged the City Council and community to support an initiative to use solar lights for decorating during the holiday season, and distributed a flier on various solar-powered holiday lights.

COUNCIL COMMENTS


Councilmember Madison asked that a letter from State Senator Alex Padilla regarding the prohibition of tobacco sales near schools be referred to the Economic Development and Technology Committee for review. He also asked that staff explore requiring the presence of an ambulance at football games involving students.

The City Manager indicated staff would provide a report to the Public Safety Committee on various ways to provide ambulance services.

Councilmember Robinson thanked Emina Darakjy for her work on the Prospect Park Pillars project and ribbon-cutting event on Lincoln Avenue.

ADJOURNMENT

On order of the Mayor, the regular meeting of the City Council adjourned at 1:39 a.m., November 17, 2009.



Bill Bogaard, Mayor
City of Pasadena

ATTEST:



for City Clerk