

CITY OF PASADENA  
City Council Minutes  
April 23, 2001 - 5:30 P.M.  
City Hall Council Chamber

REGULAR MEETING

**OPENING:**

On order of the Mayor, the regular meeting of the City Council was called to order at 5:35 p.m. (Absent: Councilmembers Holden, Madison, Vice Mayor Crowfoot)

On order of the Mayor, the regular meeting of the City Council recessed at 5:35 p.m., to discuss the following closed session:

Councilmember Madison  
arrived 5:45 p.m.

**CITY COUNCIL CONFERENCE WITH LEGAL COUNSEL-  
PENDING LITIGATION pursuant to Government Code Section  
54956.9(a)**

**Name of Case: Nelson v. City of Pasadena, Case No. BS  
064064**

Vice Mayor Crowfoot  
arrived 6:10 p.m.

**CITY COUNCIL CONFERENCE WITH LEGAL COUNSEL-  
ANTICIPATED LITIGATION pursuant to Government Code  
Section 54956.9(b): One potential case related to the City's  
consideration of an inclusionary housing ordinance**

The following closed session items were not discussed:

Councilmember Holden  
arrived 6:28 p.m.

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

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

On order of the Mayor, the regular meeting of the City Council reconvened at 6:32 p.m. The Pledge of Allegiance was led by Councilmember Streator.

**ROLL CALL:**

Councilmembers:

Mayor Bill Bogaard  
Vice Mayor Bill Crowfoot  
Councilmember Steve Haderlein  
Councilmember Chris Holden (Returned 6:57 p.m.)  
Councilmember Paul Little  
Councilmember Steve Madison  
Councilmember Joyce Streator  
Councilmember Sidney F. Tyler, Jr.

Staff:

City Manager Cynthia J. Kurtz  
City Attorney Michele Beal Bagneris  
City Clerk Jane Rodriguez

### **CEREMONIAL MATTERS**

Mayor Bogaard proclaimed April 24, 2001, as "A Day of Remembrance for the Armenian Genocide." The proclamation was accepted by Abraham Chorbajian, Armenian National Committee, Ara Aharonian, Armenian Rights Council, and Vahe Atchabahian, Armenian Council of America.

Mayor Bogaard proclaimed April 22-28, 2001, as "Infant Immunization Week," and the month of May as "Toddler Immunization Month." The proclamations were accepted by Wilma Allen, Director of Public Health.

Mayor Bogaard proclaimed April 28, 2001, as "Arbor Day." The proclamation was accepted by Joan Chin, Sunset Oaks Neighborhood Association, and Rene Morgan Hampton, Banberry Oaks Neighborhood Association.

Mayor Bogaard proclaimed May 12, 2001, as "Letter Carriers Food Drive Day." The proclamation was accepted by Jan Siechert, Post Office Food Drive Coordinator.

Michele Bagneris, City Attorney, introduced Mr. Kerry White as the newly-hired Chief Prosecutor.

### **PUBLIC COMMENT**

Councilmember Holden  
returned at 6:57 p.m.

Mr. Dawson Jackson, Sunset Oaks Neighborhood Association, spoke in opposition to the School District's consideration of building a new public school at the property abutting Jackie Robinson Park, and spoke in support of expansion of Jackie Robinson Park.

Mr. Roy Begley, Pasadena resident, spoke in support of the use of nuclear power.

Mr. R.C. "Chappy" Czapiewski, North Hollywood resident, spoke regarding the terms of office of Burbank-Glendale-Pasadena Airport Authority Commissioners, and distributed copies of materials from the City of Burbank and the Attorney General's Office expressing the opinion that the Airport Authority should comply with Public Utilities Code Section 21661.6.

Mr. Ray Dashner, Pasadena resident, requested signage on Orange Grove Boulevard providing direction to the South Lake Business District be removed, and expressed his opinion the signage does not comply with zoning regulations. He also requested signage on Arroyo Parkway regarding the use of radar to check for speed violations be removed.

The Mayor requested the City Manager advise Council on zoning regulations that govern the use of directional signs.

Mr. Gregory W. Mosley, President of W.D. Edson Neighborhood Association, and Chair of the Robinson Park Master Plan Committee, spoke in opposition to any proposal to build a new school on the Highland Plastics property abutting Jackie Robinson Park. He stated the Master Plan Committee is opposed to submitting "A" and "B" proposals for the Park Master Plan, and distributed copies of drawings of the Park endorsed by the Master Plan Committee.

Councilmember Holden briefly reported on recent meetings he attended with impacted neighborhood associations, and noted the associations oppose placing a new school at this site. Councilmember Holden expressed his opinion there needs to be more of a focus on using the Highland Plastics property as part of Jackie Robinson Park, noted the need for a community effort to select an appropriate location for a new school in Northwest Pasadena, and suggested it would be helpful to Council to have additional information and a status of efforts underway from the Robinson Park Master Plan Committee within the next 30 days.

Ms. Renee Morgan-Hampton, Banbury Oaks Neighborhood Association, spoke in opposition to building a new school adjacent to Jackie Robinson Park.

## **OLD BUSINESS**

### **PROPOSED ZONING CODE AMENDMENT TO THE PD-21 (PLANNED DEVELOPMENT-21, MONTGOMERY ENGINEERING) ZONING DISTRICT FOR PROPERTIES LOCATED AT 270-280 NORTH MADISON AVENUE**

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

- (1) Approve the Initial Environmental Study and Negative Declaration (Attachment 1 of the agenda report);
- (2) Approve the De Minimis Impact Finding on the State Fish and Wildlife Habitat (Attachment 2 of the agenda report);
- (3) Adopt the findings that the proposed zoning code amendment is consistent with the policies of the General Plan and the purposes of Title 17;
- (4) Approve the zoning code amendment and amended development standards to the PD-21 (Planned Development-21, Montgomery Engineering) zoning district (Attachment 3 of the agenda report);
- (5) Direct the City Attorney to prepare an ordinance amending the PD-21 (Planned Development-21, Montgomery Engineering) zoning district; and
- (6) Direct the City Clerk to file a Notice of Determination and a Certificate of Fee Exemption for the California Department of Fish and Game, with the Los Angeles County Recorder (Attachment 4 of the agenda report).

Vice Mayor Crowfoot noted, for the record, that this site is located in Councilmember Holden's district.

Councilmember Madison suggested in the future, staff include on land use agenda items a reference to the affected Council district.

Vice Mayor Crowfoot and Councilmember Holden noted, for the record, that they had viewed the video tape of the April 9, 2001 public hearing on this matter.

The City Manager provided a brief summary of the staff report.

The Mayor opened the floor for public comment.

Mr. Chris Sutton, attorney representing Mr. Roger Kislingbury, referred to his letter presented at the April 9th public hearing regarding solar access issues, expressed concern that analyses are being done on a piece-meal basis, requested the City do a full Environmental Impact Report (EIR) considering the cumulative impacts of all developments in the area, and requested the setback be 60 feet.

Mr. David Czamanske, representing the Sierra Club, expressed concerns regarding the impacts of the proposed project on the historical Lukens house and the view corridor of the mountains, and concurred with Mr. Sutton's request for a full EIR.

Mr. Edwin Sundareson, representing the Olson Company (the developer), spoke in support of the project and summarized the proposed project.

The City Manager noted the proposed project is within the requirements of the General Plan, and as long as it stays within these requirements, it is covered by the EIR reviews of the General Plan. The City Manager also noted there was a sun and shade study performed which was presented to the Planning Commission for its review prior to making a recommendation to the City Council, and she briefly reviewed the results of the study.

Councilmember Tyler noted the staff report states the project complies with the 1983 Energy Element of the General Plan and Title 24 of the Building Code. He suggested that with all the new developments taking place in the city, the energy requirements for water and power should be updated. The City Manager responded the Building Code has been updated since 1983 with respect to water and energy conservation, and offered to have staff check into the energy requirements in the Building Code and Energy Element. She acknowledged this would be a good topic for Council discussion in the future.

Following discussion, it was moved by Councilmember Holden, seconded by Vice Mayor Crowfoot, to approve the City Manager's recommendation. (Motion unanimously carried) Absent: None)

## CONSENT CALENDAR

### **RECOGNIZE \$49,532 FROM THE 2000-2001 USED OIL RECYCLING BLOCK GRANT FROM THE CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD**

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

(a) Authorize the City Manager or her designee to enter into an agreement with the California Integrated Waste Management Board

to promote used motor oil recycling projects in the city of Pasadena.  
(b) Approve a journal voucher recognizing and appropriating \$49,532 in revenue from the California Integrated Waste Management Board to the Used Oil Recycling Grant Account No. 6461-406-764200-93000. (Contract No. 17,573; Journal Voucher No. 2001-82)

**LAGUNA ROAD TRUNK SEWER - PHASE 1 PROJECT:  
AMENDMENT TO CONTRACT NO. 17,264 WITH JOHN NEREY  
DBA J&C UNDERGROUND GENERAL ENGINEERING  
CONTRACTORS FOR \$2,327.23**

**Recommendation of City Manager:** Authorize the City Manager to enter into an amendment to Contract No. 17,264 with John Nerey dba J&C Underground General Engineering Contractors for the Laguna Road Trunk Sewer - Phase 1 project that will increase the contract "not to exceed" amount from \$105,000.00 to \$107,327.23 - an increase of \$2,327.23 - because of changed site conditions. (Contract No. 17,264-1)

**AMENDMENT TO PURCHASE ORDER CONTRACT WITH L & N  
UNIFORM SUPPLY COMPANY TO SUPPLY FLAME  
RETARDANT UNIFORMS TO CITY EMPLOYEES**

**Recommendation of City Manager:** Authorize a \$36,000 increase to the not to exceed amount of the Purchase Order Contract with L & N Uniform Supply Company, to supply flame-retardant uniforms to City employees. As a result of this increase, the not to exceed amount of the contract will be changed from \$90,000 annually to \$126,000 annually. It is further recommended that the City Council exempt this transaction from competitive bidding based on impracticality.

Item discussed separately  
at the request of  
Councilmember Madison.

**AUTHORIZATION TO ENTER INTO A CONTRACT WITH  
PARSONS HARLAND BARTHOLOMEW & ASSOCIATES IN THE  
AMOUNT OF \$70,000 FOR THE PREPARATION OF  
ENVIRONMENTAL DOCUMENTATION TO EVALUATE PROJECT  
SPECIFIC IMPACTS OF THE PROPOSED "HUNTINGTON  
GATEWAY" PROJECT**

**PURCHASE OF POLICE PORTABLE RADIOS**

**Recommendation of City Manager:**

(a) Authorize the Purchasing Administrator to issue a purchase order in the amount of \$67,972.04. The proposed purchase order is exempt from competitive bidding pursuant to City Charter Section 1002(H), contracts with other governmental entities or their contractors for labor, material, supplies or services.

(b) Grant an exemption from the provisions of the competitive selection process of the Affirmative Action in Contracting Ordinance, pursuant to Pasadena Municipal Code Section 4.09.060(C), contracts for which the City's best interests are served.

**CORRECTION OF THE NAME OF THE CONTRACTING PARTY  
FOR MAJOR LEAGUE SOCCER AT THE ROSE BOWL FROM  
ANSCHUTZ ENTERTAINMENT GROUP TO MAJOR LEAGUE  
SOCCER L.L.C.**

**Recommendation of Rose Bowl Operating Company:** It is recommended that the City Council approve a name change for the contract related to the Los Angeles Galaxy from Anschutz Entertainment Group (AEG) to Major League Soccer, L.L.C. (MLS).

**CLAIMS RECEIVED AND FILED**

Claim No. 8748	Sempra Energy	\$	282.66
Claim No. 8749	He Zhen Shen		Unknown
Claim No. 8750	Hertz Claim Management		378.76
Claim No. 8751	Mercury Insurance Co.		Unknown
Claim No. 8752	Cecil Lawson		Unknown
Claim No. 8753	Mary E. Miller Saenz		Unknown
Claim No. 8754	Sequoia Financial ASO Tina Price		1,710.87
Claim No. 8755	Claudia Loayza		500.00
Claim No. 8756	Steve Rayburn		250.00
Claim No. 8757	Brant Wassall		Unknown
Claim No. 8758	Violeta Wassall		Unknown
Claim No. 8759	Natalie Wassall		Unknown
Claim No. 8760	Arnaldo Gonzalez		Unknown
Claim No. 8761	William R. Bergner		3,260.12
Claim No. 8762	Rocky Paneno		5,000,000.00

**PUBLIC HEARINGS SET**

May 14, 2001, 8:00 p.m. - FY 2002 Operating Budget and FY 2002-2006 Capital Improvement Budget

May 21, 2001, 8:00 p.m. - Joint Public Hearing regarding the Community Development block Grant (CDBG) Annual Plan (2001-2002)

May 21, 2001, 8:00 p.m. - Community Development Commission Public Hearing regarding Public Housing Agency (PHA) Annual Plan (2001-2002)

It was moved by Councilmember, seconded by Councilmember, to approve the Consent Calendar, with the exception of Item 4 (Contract with Parsons Harland Bartholomew & Associates) which was removed for separate discussion. (Motion unanimously carried) (Absent: None)

**CONSENT CALENDAR ITEM DISCUSSED SEPARATELY**

Councilmember Haderlein recused himself at 7:45 p.m. due to a conflict of interest

**AUTHORIZATION TO ENTER INTO A CONTRACT WITH PARSONS HARLAND BARTHOLOMEW & ASSOCIATES IN THE AMOUNT OF \$70,000 FOR THE PREPARATION OF ENVIRONMENTAL DOCUMENTATION TO EVALUATE PROJECT SPECIFIC IMPACTS OF THE PROPOSED "HUNTINGTON GATEWAY" PROJECT**

**Recommendation of City Manager:**

(a) Authorize the City Manager to enter into a contract with Parsons Harland Bartholomew & Associates for an amount not to exceed \$70,000 to prepare an Initial Study and a Supplemental Environmental Impact Report for the South Fair Oaks Specific Plan. The proposed contract is exempt from competitive bidding pursuant to City Charter Section 1002(F), contracts for professional or unique services.

(b) Grant this contract an exemption from the competitive selection process of the Affirmative Action in Contracting Ordinance

pursuant to Pasadena Municipal Code Section 4.09.060(C), contracts for which the City's best interests are served. (Contract No. 17,574)

Councilmember Madison noted that the Huntington Hospital Master Plan and the South Fair Oaks Specific Plan have some inconsistencies, and requested reassurance that this study does not reflect that the City is making any final decisions as to the Huntington Gateway project.

The City Manager responded that the proposed action is to hire a consultant to review the environmental impacts of the project that has been submitted. She noted the two referenced plans govern pieces of the proposed project and there are inconsistencies among the two plans regarding setbacks.

Mr. Tony Canzoneri, representing the developer for the proposed project, noted that theoretically one could conceive of a project that met the requirements of both plans, but he noted that as the project is looked at in more detail, it may not be practical to meet the requirements of both plans. He noted the proposed action before Council is merely to have the matter looked at and it does not point to any conclusions or approvals to be reached from that analysis.

Following discussion, it was moved by Councilmember Madison, seconded by Councilmember Little, to approve the City Manager's recommendation. (Motion unanimously carried) (Absent: Councilmember Haderlein)

**REPORTS AND  
COMMENTS FROM  
COUNCIL  
BUSINESS ENTERPRISE  
COMMITTEE**

Councilmember Haderlein  
returned at 8:00 p.m.

**AUTHORIZATION TO ENTER INTO A CORPORATE SPONSORSHIP/MARKETING AGREEMENT WITH COCA-COLA**  
**Recommendation of City Manager:** Authorize the City Manager to enter into a corporate sponsorship/marketing agreement, without competitive bidding pursuant to City Charter Section 1002(F), contracts for professional or unique services, with Coca-Cola that will provide for the placement of beverage vending machines at City facilities in exchange for a 40% portion of revenues as well as other promotional support. The term of the agreement shall be five years with two, three-year optional extension periods subject to the approval of the City Manager and without further City Council consideration. (Contract No. 17,575)

**Recommendation of Recreation & Parks Commission:** On April 3, 2001, the Recreation & Parks Commission unanimously endorsed the staff recommendation.

Vice Mayor Crowfoot disclosed that he and Mayor Bogaard, members of the Business Enterprise Committee, both own small amounts of stock in the Coca-Cola Company and these amounts do not go above the threshold for a conflict of interest under state regulations.

Councilmember Madison  
was excused at 8:04 p.m.

Mr. Steve Mermell, Purchasing Administrator, summarized the staff report and responded to questions from Council.

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

**DEREGULATION  
COMMITTEE**

Item removed from the agenda at the request of the City Manager.

**ORDINANCES**

**AUTHORIZE THE GENERAL MANAGER OF THE CITY OF PASADENA'S WATER AND POWER DEPARTMENT TO ENTER INTO A CONTRACT WITH THE BUILDING OWNERS AND MANAGERS OF GREATER LOS ANGELES (BOMA) AND THE RAND CORPORATION (RAND) FOR NON-PBC FUNDED ENERGY CONSERVATION PROGRAMS**

**Introduced "AN ORDINANCE OF THE CITY OF PASADENA AMENDING CHAPTER 4.56 OF THE PASADENA MUNICIPAL CODE RELATING TO THE UTILITY USERS TAX ORDINANCE"**

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

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

NOES: None

ABSENT: Councilmember Madison

**Adopt "AMENDMENT TO THE LIGHT AND POWER RATE ORDINANCE, CHAPTERS 13.04.095(C), 13.04.096, AND 13.04.170 OF THE PASADENA MUNICIPAL CODE, TO REPLACE THE ENERGY COST ADJUSTMENT CHARGE (ECAC) AND DIRECT ACCESS ENERGY CREDIT (DAEC) WITH THE FOLLOWING CHARGES: ENERGY CHARGE; TRANSMISSION ACCESS CHARGE (TAC); AND DIRECT ACCESS TRANSITION CHARGE (DATC)" (Introduced by Councilmember Tyler) (Ordinance No. 6856)**

The above ordinance was adopted by the following vote:

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

NOES: None

ABSENT: Councilmember Madison

Councilmember Madison returned at 8:08 p.m.

**Introduced "AN ORDINANCE OF THE CITY OF PASADENA AMENDING CHAPTER 10.41 OF THE PASADENA MUNICIPAL CODE ("PREFERENTIAL PARKING") BY ADDING A NEW SECTION 10.41.095 REGARDING PREFERENTIAL PARKING PERMITS" (Introduced by Councilmember Tyler) (Ordinance No. 6855)**

The above ordinance was adopted by the following vote:

AYES: Councilmembers Haderlein, Holden, Little, Madison, Tyler, Vice Mayor Crowfoot, Mayor Bogaard

NOES: Councilmember Streator

ABSENT: None



**First reading of "AN ORDINANCE OF THE CITY OF PASADENA AMENDING CHAPTER 2.250 OF THE PASADENA MUNICIPAL CODE TO ADD A NEW SECTION 2.250.180 REGARDING RECIPROCITY WITH THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM"**

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

AYES: Councilmembers Haderlein, Holden, Little, Madison, Streator, Tyler, Vice Mayor Crowfoot, Mayor Bogaard

NOES: None

ABSENT: None

**RECOMMENDATIONS FROM OFFICERS AND DEPARTMENTS**

Councilmember Little was excused at 8:10 p.m.

**REPORTS AND COMMENTS FROM COUNCIL COMMITTEES**

LEGISLATIVE POLICY COMMITTEE

**RESIGNATION OF SHARON G. SMITH FROM COMMISSION ON THE STATUS OF WOMEN (District 1 Appointment)**

**APPOINTMENT OF BILL THOMSON TO ROSE BOWL OPERATING COMPANY (Mayor's Appointment)**

It was moved by Councilmember Streator, seconded by Councilmember Tyler, to accept the above resignation with regret, and approve the above appointment. (Motion unanimously carried) (Absent: Councilmember Little)

**OPPOSE SENATE BILL 829 (KARNETTE) TRANSPORTATION: FUNDING**

**Recommendation of City Manager:**

(a) Oppose Senate Bill 829 (Karnette) Transportation: Funding unless amended to ensure the increase in transit dollars goes to local cities; and

(b) Authorize the Mayor to send letters to the appropriate authorities stating Pasadena's position.

**OPPOSE SENATE BILL 910 (DUNN) HOUSING ELEMENTS: FINES, PENALTIES, AND LAWSUITS/SEIZURE OF LOCAL GAS TAX FUNDS**

**Recommendation of City Manager:**

(a) Oppose Senate Bill 910 (Dunn) Housing Elements: Fines, Penalties, and Lawsuits/Seizure of Local Gas Tax Funds; and

(b) Authorize the Mayor to send letters to the appropriate authorities stating Pasadena's position.

**SUPPORT ASSEMBLY BILL 1481 (FROMMER), URBAN PARK, RECREATION, AND YOUTH SERVICE FUND**

**Recommendation of City Manager:**

(a) Support Assembly Bill 1481 (Frommer), Urban Park, Recreation, and Youth Service Fund; and

(b) Authorize the Mayor to send letters to the appropriate authorities stating Pasadena's position.

**ROSE BOWL ACCESS MITIGATION PROJECT**

**Recommendation of City Manager:** It is recommended that the City Council include the Rose Bowl Access Mitigation Project in the program of projects for future State and Federal grant funding. This

project is designed to improve access to the Arroyo Seco for special events at the Rose Bowl.

**SUPPORT FOR ASSEMBLY BILL 1525 (LIU) SUBSIDIZED CHILD CARE WAIVER**

**Recommendation of City Manager:**

- (a) Support Assembly Bill 1525 (Liu) Subsidized Child Care Waiver; and
- (b) Support State and Federal legislation to expand, increase, and improve the availability of child care subsidies for low and moderate-income families; and
- (c) Authorize the Mayor to send letters to the appropriate authorities stating Pasadena's position.

It was moved by Vice Mayor Crowfoot, seconded by Councilmember Tyler, to approve the City Manager's recommendations on the above five items. (Motion unanimously carried) (Absent: Councilmember Little)

Councilmember Little returned at 8:13 p.m.

It was suggested that staff track how our legislative representatives have voted on bills the City has taken a position on. The City Manager offered to bring this information to the Legislative Policy Committee, and provide copies of the information to the full Council as well.

**PUBLIC HEARINGS**

**PUBLIC HEARING: AMENDMENTS TO THE GENERAL FEE SCHEDULE (COST OF SERVICE STUDY ANNUAL ADJUSTMENTS)**

**Recommendation of City Manager:** Continue the public hearing to May 21, 2001, at 8:00 p.m.

On order of the Mayor, the public hearing was continued to May 21, 2001, at 8:00 p.m.

**PUBLIC HEARING: NOMINATION OF FIRST LUTHERAN CHURCH FOR DESIGNATION AS LANDMARK, 808 N. LOS ROBLES AVENUE (COUNCIL DISTRICT NO. 5)**

**Recommendation of City Manager:**

- (1) Acknowledge that the application for designation of the First Lutheran Church at 808 N. Los Robles Avenue as a landmark is categorically exempt from the California Environmental Quality Act (Class 31);
- (2) Find that the First Lutheran Church meets criteria C, D, and G for designation as a landmark in Pasadena Municipal Code Section 2.75.130, as recommended by the Cultural Heritage Commission;
- (3) Acknowledge the written consent to the proposed designation by the Church's representative (Attachment 1 of the agenda report);
- (4) Adopt a resolution designating the First Lutheran Church as a landmark (Attachment 2 of the agenda report);
- (5) Authorize the Mayor to execute the declaration of designation (Attachment 3 to the agenda report); and
- (6) Direct the City Clerk to record the declaration with the Los Angeles County Recorder. (Resolution No. 7993)

Councilmember Holden was excused at 8:20 p.m.

Mayor Bogaard opened the public hearing.

The City Clerk reported 74 copies of the notice of public hearing were mailed on April 9, 2001 and 19 copies of the notice were posted on April 9, 2001.

No one appeared for public comment.

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

Following discussion, it was moved by Vice Mayor Crowfoot, seconded by Councilmember Little, to approve the City Manager's recommendation. (Motion unanimously carried) (Absent: Councilmember Holden)

### INFORMATION ITEM

Councilmember Holden returned at 8:24 p.m.

### **TREE PROTECTION ORDINANCE - UPDATE**

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

The City Manager briefly summarized the staff report and noted staff plans to bring an ordinance to Council in August.

It was noted that community meetings are being held throughout the Council districts to inform the public of the proposed ordinance. It was stressed that these meetings should be noticed so that the public is fully informed of the impacts of the proposed ordinance.

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

### ORDINANCE

**Conduct first reading of "AN ORDINANCE OF THE CITY OF PASADENA ADDING A NEW CHAPTER 6.40 TO THE PASADENA MUNICIPAL CODE RESTRICTING THE DISPLAY OF ANIMALS FOR ENTERTAINMENT OR AMUSEMENT PURPOSES."**

Due to time constraints, the above ordinance was rescheduled for first reading at the June 18, 2001 Council meeting.

Vice Mayor noted he would no longer be on the Council when the proposed ordinance returns to Council, and he discussed the intent of the proposed ordinance and voiced his support for the ordinance.

### PUBLIC HEARING

**CONTINUED PUBLIC HEARING: ZONING CODE AMENDMENT TO REQUIRE A SHARE OF AFFORDABLE HOUSING IN RESIDENTIAL AND MIXED-USE DEVELOPMENT PROJECTS ("INCLUSIONARY HOUSING CODE AMENDMENT"), AND ADDENDUM**

**Recommendation of City Manager:**

- (a) Adopt the Negative Declaration prepared for the Inclusionary Housing Code Amendment;
- (b) Adopt a finding that the proposed amendment is consistent with the policies of the General Plan and the purposes of Title 17 of

with the policies of the General Plan and the purposes of Title 17 of the Pasadena Municipal Code;

(c) Approve the proposed amendment to Title 17 of the Pasadena Municipal Code requiring residential development projects and mixed-use projects with housing to include a share of units that are affordable to moderate- and low-income households ("inclusionary housing code amendment");

(d) Direct the City Attorney to prepare (1) an ordinance amending Title 17 and (2) regulations to implement the amendment.

Mayor Bogaard stated now was the time for the continued public hearing on this matter.

Mr. Richard Bruckner, Director of Planning and Development, briefly outlined the format for the staff and consultant presentations this evening.

Mr. Greg Robinson, Housing Administrator, provided background information on various policies and plans recommending implementation of an inclusionary housing program, and discussed the reasons for implementing such a program.

Mr. Tad Reed, Santa Monica Housing Coordinator, distributed a handout entitled "City of Santa Monica Inclusionary Housing Program," provided an overview of Santa Monica's inclusionary housing program, discussed legal challenges to Santa Monica's ordinance, and responded to questions from Council.

Mr. William Trimble, Planner, reviewed a handout from the April 2, 2001 public hearing entitled "Summary of Staff and Planning Commission Recommendations." He reviewed the differences between the staff recommendations and Planning Commission recommendations. Minutes of the March 22, 2001, Community Development Committee meeting were distributed, and Mr. Trimble summarized comments of the Community Development Committee pertaining to the proposed ordinance.

Ms. Kathleen Head, Keyser Marston Associates Inc. (City consultant), distributed and reviewed two memoranda dated April 23, 2001, from Ms. Head to Mr. Greg Robinson, pertaining to the density bonus impact and a comparison of inclusionary requirements. She reviewed the various financial analyses performed by Keyser Marston, discussed impacts on land values, and responded to questions from Council.

## MAIN MOTION

It was moved by Councilmember Holden, seconded by Councilmember Little, to endorse or support the recommendations of the staff and Planning Commission where the recommendations are of the same view, and the motion includes reference to an in-lieu fee schedule to be worked out later and included with the ordinance.

The Mayor stated the pending motion is based upon the "Summary of Staff and Planning Commission Recommendations" (see

Attachment 1 to these minutes), and noted the motion attempts to resolve the issues where the staff and Planning Commission are of the same view. The Mayor noted the other areas are open to be resolved in some proper time frame based on testimony, further study, and any additional information that the staff may be requested to provide.

The following individuals spoke in support of the proposal for an inclusionary housing ordinance:

Councilmember Madison  
was excused at 10:16 p.m.

Ms. Terrie Allen, representing the Human Relations Commission  
Ms. Mildred Hawkins, representing the Senior Commission  
Mr. David K. Robinson, representing the Senior Commission  
Mr. Ralph Poole, Pasadena resident  
Ms. Guadalupe Estrada, Affordable Housing Action  
Ms. Josefina Lopez, Becinos Unidas (spoke through translator Leticia Ortiz)  
Mr. Gonzalo Herrera, Affordable Housing Action  
Ms. Dorothea DeGroot, Pasadena resident  
Rev. Bert Newton, Pasadena Mennonite Church  
Mr. Ray Heer, Pasadena resident  
Ms. Ruth Pozo, Pasadena resident (spoke through translator Shawn McDougal)  
Ms. Laura Olhasso, Pasadena-Foothills Association of Realtors  
Mr. Harold James, Pasadena resident, spoke in support of the Planning Commission's recommendation  
Mr. Marvin Schachter, Senior Advocacy Council  
Mr. Hector Manuel Briones, Center for Community and Family Services, and the Housing and Homeless Network  
Mr. Shawn McDougal, Affordable Housing Action  
Mr. Gary Rhoades, Director of Litigation at the Housing and Homeless Network, spoke in support of the Planning Commission's recommendation  
Ms. La Shay Grayes, Pasadena resident  
Mr. Vic Aguilar, Pasadena resident

The following individuals expressed concerns regarding various aspects of the ordinance as proposed:

Ms. Maggie Campbell, President/Chief Executive Officer, Old Pasadena Management District  
Ms. Lisa Hirsch Medina, attorney with Neighborhood Legal Services  
Mr. Ken Kutcher, attorney representing California Housing Council Apartment Association of Greater Los Angeles  
Mr. Hugh Smith, apartment owner  
Mr. Alex Wong, Trammell Crow Residential  
Mr. Frank B. Clark, representing the vestry of All Saints Church  
Ms. Roberta H. Martinez, Pasadena resident  
Mr. Tom Larmore, representing California Housing Council Apartment Association of Greater Los Angeles  
Ms. Chancela Al-Mansour, attorney with Neighborhood Legal Services  
Mr. Bob Hunt, Chair-elect of the Pasadena Chamber of Commerce

Mr. Burke Farrar, Pasadena resident  
Mr. Robert Pertersen, Los Angeles resident  
Mr. Philip Koebel, Pasadena resident  
Mr. Roobik Ovanesian, real estate broker  
Mr. Joseph Hall, San Gabriel Valley Green Party

Ms. Linda Jordan, Pasadena resident, stated she and her children are newly homeless, and expressed concern with the lack of assistance from various agencies.

Ms. Jordan was referred to the City's Housing Division to see what assistance the City can provide to her current situation.

Councilmember Streator expressed concern with the pending motion, in particular, that projects with certain discretionary approvals (e.g., Concept Design Review, Variances) are exempt, if a building permit is issued during the first year. She suggested that if there is going to be a phase-in, there should be no exemptions, and that the 6% requirement should apply across the board.

In response to a question, staff noted that approximately 1,000 units would be exempt. Discussion ensued regarding the exemption provision, the need to define how far in the pipeline a project is if there is an exemption, and whether we are required to provide alternatives.

Assistant City Attorney Michael Estrada responded that the City is not required to provide alternatives, but it is recommended that alternatives be provided as it allows for more flexibility and would help increase the defensibility of the ordinance. The City Manager expressed concern that without alternatives and in-lieu fees, smaller projects could be costed out of the market.

City consultant Kathleen Head responded to questions pertaining to the economics of projects and impacts on land values.

In response to concern regarding the impacts to smaller projects, Mr. Bruckner acknowledged that staff would need to modify that and provide relief for small developments. He noted that there are a couple ways to accomplish that, which staff needs to further examine and come back to Council with a recommendation. He stated one way is to either lower the percentage -- the split between low and moderate income, or deal with an in-lieu fee that has a sliding scale, and as you get to smaller projects the fee would go down.

In response to a question, Mr. Bruckner noted staff is not proposing to change the Development Standards at this time, but staff is going through an analysis of the Zoning Code and staff will be taking a hard look at what has been produced through the Zoning Code. He stated this is separate and apart from the affordable housing discussion. He noted staff was recently made aware of the significant impact to small projects, and staff will need to modify its proposal to accommodate the impact to small projects.

Discussion ensued regarding the impact of the City of Gardens Ordinance, and Mr. Bruckner noted the Zoning Code review would include the Development Standards and whether they are still appropriate and what has been the impact of those Standards and if they provide quality housing.

Councilmember Haderlein expressed concern that the staff report states that changes to the Development Standards are closely tied to the success of the inclusionary housing requirement. He stated he would be abstaining on voting on the ordinance this evening, as staff still needs to review the Development Standards and there are unanswered questions. He also questioned whether this would address very low income housing.

Mr. Bruckner responded that through analysis, staff has discovered that very low income units place a very high burden on the private sector, and it is staff's intent for the City and the Pasadena Community Development Commission to use its funds to produce those very low income units. He noted very low income units place an unfair burden on the private sector, and this could be achieved either working through private development and providing additional subsidies to go from low to very low income housing, or working with private and non-profit developers to produce very low income housing.

Councilmember Holden clarified his motion does not include those elements on the Summary page of staff and Planning Commission recommendations where there is a difference between the two recommendations. He noted on said Summary page, Item B, Basic Requirements and Mix of Income, there is a difference on the recommendations and this is left as an open item, and there needs to be additional staff work on the In-Lieu Fee Schedule, Phase-In and Exemptions. He further noted that Council has been made aware that the density bonus helps large developments but may negatively impact small developments, while the in-lieu fee schedule may help small developments and may hurt larger developments, and this information needs to be integrated into the staff's analysis which is not before Council this evening. He expressed a desire to move forward tonight in those areas where both the staff and Planning Commission are in agreement in their recommendations.

FIRST AMENDMENT TO  
MAIN MOTION

Councilmember Streator offered an amendment to the pending motion, which was accepted by the maker and seconder, to approve the staff recommendations with the caveat that the exemptions have to be defined very specifically -- there has to be some significant movement into the pipeline in order for a project to be exempted. The motion includes the following:

- a phase-in period of 6%
- exemption for a limited number
- the expectation that Development Agreements would, at the minimum, have 6%
- 15% for projects -- rentals as well as ownership projects
- rental projects would remain permanently affordable; ownership units would have a 30-year covenant.

Regarding the portion of the motion pertaining to exemptions to be defined very specifically, Councilmember Streator stated that, in her opinion, a project that has had concept design review is not in the pipeline any more than a project which has been filed, because that is just the first step, and she stressed the need for there to be significant movement into the pipeline in order to be exempted.

In response to a question, Mr. Bruckner noted that if the amended motion is approved this evening, staff would prepare to do the additional research that was mentioned by Councilmember Holden, as well as move forward with drafting a proposed ordinance.

Regarding the proposed amended motion, Councilmember Holden stated that regarding Item B, Basic Requirement and Mix of Incomes on the Summary page, the reason he was not set on making a decision between the staff recommendation and the Planning Commission recommendation was because of the issue of the density bonus. He noted the 20 percent requirement for more than 200 units (Planning Commission's recommendation), and stated these larger projects have the density bonus at their disposal. He stated that earlier in the meeting he had questioned whether staff had incorporated the consultant's analysis (regarding the density bonus) into the recommendation, and the response was no they had not. Councilmember Holden expressed a desire to leave this open so staff could take that into consideration and, when staff comes back, it may be significant enough to convince him to support the Planning Commission recommendation at it relates to Item B on the Summary page.

Discussion ensued regarding the suggestion to keep Item B open for further study, which areas of the city the density bonus would apply, and acknowledgment that the density bonus already exists. Staff clarified that if a project did 10% very low income units or 20% low income units, it would satisfy the density bonus requirements and the inclusionary housing requirements.

Mr. Bruckner clarified that additional work to be done is (1) clarifying the exemptions so they are narrowed, and (2) dealing with the smaller ownership projects to come back with an alternative to the current recommendation to ensure that this recommendation is not as financially onerous to those developers.

SECOND AMENDMENT TO  
MAIN MOTION

The pending amended motion by Councilmember Streator was further amended by the maker of the main motion, Councilmember Holden, with consent of the seconder Councilmember Little, as well as Councilmember Streator (maker of the first amended motion), pertaining to Item B, Basic Requirement and Mix of Incomes of said Summary page, for staff to return to Council with ordinance language for both the staff's recommendation on this item as well as alternative language for the Planning Commission's recommendation on Item B.

Councilmember Holden stated his reason for requesting both language is that he is interested in the issue of the density bonus



and how that works. He noted that staff will come back with more clarity on the in-lieu fee and how that works for smaller projects. He also noted that regarding Item E, Phase-In and Exemptions of said Summary page, there will be an effort by staff to define the cut-off by staff, and noted Councilmember Streater had indicated a different standard of division should be described. Councilmember Holden noted there is one approach, but if there is a way to expand on what Councilmember Streater had suggested in coming up with other criteria, then that would be good to measure against what is before Council now.

The Mayor noted that there would still be some areas where additional facts and alternatives would be appropriate before the ordinance becomes final. Councilmember Streater noted that all of Item D, Alternatives including In-Lieu Fees, would have to be explored. She noted that in theory the staff and Planning Commission recommendations are in agreement, but there are no details. She stated Council will need to make decisions on this, and that may influence other areas.

Regarding Item E, Phase-In and Exemptions, the Mayor stated that Councilmember Streater had expressed her desire to see tighter criteria regarding certain discretionary approvals, and noted, so there would be no surprises later, that he was very comfortable with the direction, and staff will provide more specific language.

Prior to taking action on the twice amended motion, it was noted the public hearing should be closed.

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

Vote on the main motion, as amended by Councilmember Streater, and further amended by Councilmember Holden:

AYES: Councilmembers Holden, Little, Streater, Tyler,  
Vice Mayor Crowfoot, Mayor Bogaard  
NOES: None  
ABSENT: Councilmember Madison  
ABSTAINED: Councilmember Haderlein

It was noted that staff will report back within 60 days with a proposed ordinance. Brief discussion ensued regarding whether in-lieu wording will be included in the proposed ordinance. Councilmember Streater noted that areas to be further explored regarding the in-lieu fee are the level of the in-lieu fee; how to differentiate between the large projects and the small projects; and what other alternatives may be offered and under what conditions.

At the suggestion of Vice Mayor Crowfoot, there was general consensus regarding the in-lieu fee that, in terms of drafting the ordinance, the ordinance contain language that would put in place an in-lieu fee that would relate to the schedule. The schedule calculation could be done based on the analysis, and the proposed

schedule could have variants. A desire was expressed to get back as much of the complete text as possible, perhaps with alternative sections, so that when this comes back to Council, an ordinance can be adopted and time is not lost going back and forth to staff. The Mayor concluded this item by noting the City Manager is in agreement with that point.

**CONSIDERATION OF DIRECTION TO MAYOR TO SEND A LETTER AND ORDINANCE NO. 6851 (AN UNCODIFIED ORDINANCE OF THE CITY OF PASADENA IN FAVOR OF COMPLETING THE 710 FREEWAY) TO GOVERNMENTAL AGENCIES, INDIVIDUAL GOVERNMENTAL REPRESENTATIVES AND OTHER ENTITIES WITH INTEREST IN COMPLETION OF THE 710 FREEWAY**

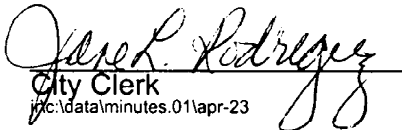
Councilmember Holden introduced this item, noted the Council will be having a transportation workshop in May, and stated a legislative committee hearing was held in Sacramento today regarding funding for the 710 Freeway. He also noted the Metropolitan Transportation Authority (MTA) will be holding a hearing on Thursday to discuss funding long-term projects as well as the 710 Freeway project. He urged that the Mayor begin a lobbying effort with various governmental agencies for action to complete the 710 Freeway, and stressed that staff should start begin working with Sacramento officials and others as these issues go forward.


The Mayor responded that he has personally not made any appearances, but the staff has made it clear in submissions to both the MTA and Southern California Association of Governments (SCAG) that the City's official position is in support of the Freeway. The Mayor offered to follow-up regarding the upcoming MTA meeting on Thursday, and stated either he, the Vice Mayor, or a representative of the Council would attend Thursday's MTA meeting.

Councilmember Holden stated that a formal Council action was not required on this item. There was recognition that communication needs to be made with key officials (State, MTA, SCAG, etc.) and the City's position be made clear, and an effort needs to be made not only by staff, but by the Council as well, to represent that view.

On order of the Mayor, the regular meeting of the City Council adjourned at 1:19 a.m., March 24, 2001.

ATTEST:

  
Janet L. Rodriguez  
City Clerk  
jrc:\data\minutes.01\apr-23

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

**INCLUSIONARY HOUSING CODE AMENDMENT  
APRIL 2, 2001**

**SUMMARY OF  
STAFF AND PLANNING COMMISSION RECOMMENDATIONS**

ISSUE	STAFF RECOMMENDATION	PLANNING COMMISSION RECOMMENDATION
A. Applicability	Projects of 10 or more units, new and substantial rehab	Same
B. Basic Requirement and Mix of Incomes	For ownership projects, 15 percent affordable to moderate-income households	For ownership projects, 15 percent affordable to moderate-income households in projects of 10-200 units; 20 percent in projects of more than 200 units
	For rental projects, 15 percent, with 10 percent affordable to low-income households and 5 percent for moderate-income	For rental projects, 15 percent, with 3 percent affordable to very low-income households, 10 percent for low-income, and 2 percent for moderate-income in projects of 10-200 units; 20 percent in projects of more than 200 units
	Requirement is not applied to additional units provided as a density bonus	Same
C. Covenants and Requirements	Rental units remain permanently affordable	Same
	Ownership units have 30-year covenant; if owner does not sell at moderate-income price to moderate-income household, the City recaptures (1) difference between initial affordable price and initial appraised value plus (2) a share of appreciation	Same

04/02/2001  
6.C. (8:00 P.M.)  
Handout by Staff

	Units are dispersed in project and proportional	Same
D. Alternatives, including In-Lieu Fees	Provides three alternatives: Construct on another comparable site; Donate another comparable site; Pay fee in-lieu of construction	Same
E. Phase-In and Exemptions	For non-exempt projects, the requirement is 6 percent during the first year	Full 15 percent, or 20 percent, is required immediately
	Projects with certain discretionary approvals (e.g., Concept Design Review, Variance) are exempt, if building permit is issued during first year	Same
	Policy is that projects with a Development Agreement meeting certain requirements must provide at least 6 percent of units as affordable	Policy is that projects with a Development Agreement must meet requirements consistent with the policies of the ordinance listed above
	Projects with agreements with the Pasadena Community Development Commission (PCDC) meeting certain criteria, with at least 6 percent of units as affordable, are exempt from the ordinance but subject to the terms of the agreements	Projects with agreements with the PCDC must meet requirements consistent with the policies of the ordinance listed above
F. Regulations	To be adopted after Council approval of the amendment	Same
G. In-Lieu Fee Schedule	To be adopted after Council approval of the amendment	Same