

CITY OF PASADENA
City Council Minutes
March 22, 2004 – 5:30 P.M.
City Hall Council Chamber

REGULAR MEETING

OPENING:

Mayor Bogaard called the regular meeting to order at 5:45 p.m.
(Absent: Councilmembers Holden, Madison, Streater)

On order of the Mayor, the regular meeting recessed at 5:45 p.m., to discuss the following closed sessions:

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

Councilmember Holden arrived at 5:51 p.m.

Properties: 524 Raymond Avenue, Pasadena, CA; 525 S. Arroyo Parkway, Pasadena, CA; 160 N. Lake Avenue, Pasadena, CA

Agency Negotiator: Martin Pastucha

Negotiating Parties: U-Haul Real Estate Co.; John R. Anderson, IV, Trustee of the Anderson Family Trust; Heirs or devisees of Jenny Tufeld

Under Negotiation: Price and terms of payment

Councilmember Holden was excused at 6:01 p.m.

CITY COUNCIL CONFERENCE WITH LABOR NEGOTIATORS pursuant to Government Code Section 54957.6

Employee Organization: American Federation of State County and Municipal Employees (AFSCME), Local 858

Negotiators: Karyn Ezell, Richard Kunz

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

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

Properties: 181 Columbia Street; 163 State Street; 180 State Street; and 1200 South Pasadena Avenue, Pasadena, CA

Negotiating Party: State of California (Caltrans)

Agency Negotiator: Richard Bruckner

Under Negotiation: Price and terms of payment

The above closed session item was not discussed.

On order of the Mayor, the regular meeting reconvened at 6:32 p.m. The Pledge of Allegiance was led by Ms. Christina Mills, LaSalle High School student.

Councilmember Little congratulated Ms. Mills for receiving a National Achievement scholarship.

ROLL CALL:

Councilmembers:

Mayor Bill Bogaard
Vice Mayor Sidney F. Tyler, Jr.
Councilmember Victor Gordo
Councilmember Steve Haderlein
Councilmember Chris Holden (Returned at 8:31 p.m.)
Councilmember Paul Little
Councilmember Steve Madison (Arrived at 8:47 p.m.)
Councilmember Joyce Streater (Absent)

Staff:

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

CEREMONIAL MATTERS

Mr. Nat Nehdar, Human Relations Commissioner, described the Commission's Model of Unity program, and acknowledged the Model of Unity award recipients. The Mayor presented the awards to Monique Lehman and Citibank, represented by Alfred Ayala, Vice President/Community Relations Officer.

Ms. Lehman accepted the award for her efforts in a project that created a tapestry with contributions from artists worldwide in honor of the 9/11 victims and as a symbol of peace and justice and that served as the focus of a dialogue on these principles.

Mr. Ayala highlighted Citibank's work in conjunction with a music mentoring program organized with the Pasadena Pops and Sycamores School youth, a homebuyers' program with Pasadena Neighborhood Housing Services, business opportunities through the Enterprise Center, and activities with the Pasadena Boys and Girls Club.

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

Ms. Serena-Marie Sanfilippo, Pasadena resident, spoke in support of funding for peer counseling.

The following persons voiced complaints regarding alleged abusive practices carried out by the City's police officers against day laborers; expressed concerns regarding photographing of day laborers by police and citizens, various problems with the operation of the Job Center, and unfair enforcement of the non-solicitation ordinance; questioned what authority was directing the police's enforcement of the ordinance; and asked Council's assistance in correcting these problems:

Ms. Herminia Ortiz, Pasadena resident,
Mr. Maurilio Castillo, Pasadena resident representing day laborers
Mr. Jesus Rodriguez, Pasadena resident

The City Manager indicated the police officers were acting to enforce the City's non-solicitation ordinance, offered to convene a meeting with representatives of the day laborers and the Job Center to reach a resolution regarding problems with the Center, and noted the Police Department would be contacted regarding the treatment of day laborers.

Councilmember Gordo noted the Job Center was being used effectively by a number of day laborers; and voiced support for the need to ensure the safety of day laborers and appropriate behavior in neighborhoods, enforce the non-solicitation law, and reward those day laborers who are following rules. He reiterated the City Manager's statement that allegations regarding the actions taken by police officers in the enforcement of the ordinance would be examined and asked the speakers to provide information to the City Manager regarding inappropriate behavior by police officers.

The City Attorney noted the non-solicitation ordinance was not designed to issue tickets to day laborers and any tickets issued to the laborers would have been issued for alleged violations other than the non-solicitation ordinance.

Ms. Tania Flores, with Neighborhood Connections, translated the City Manager's following comments into Spanish:

- Police are enforcing the non-solicitation ordinance passed by the City Council.
- The City's concern is for safety and looking for work on the streets is not always safe.
- The City pays for the Job Center so there is a place for people to look for work.
- If the Job Center is not working, the City will set up a meeting between representatives of the laborers and the Center to try to find a solution.

OLD BUSINESS

STATUS OF URGENT CARE SERVICES IN PASADENA

Recommendation of City Manager: The agenda report is for information only.

The City Manager introduced the agenda item, distributed a handout of response statistics for 2001-2003 that had been requested by Fire Chief Ernest Mitchell and provided by the Verdugo Fire Dispatch System, and responded to questions.

Ms. Wilma Allen, Director of Public Health Department, summarized the agenda report, reported on fund raising opportunities to support urgent care services, and responded to questions.

Fire Battalion Chief Ray Gordon discussed problems with gathering data regarding the emergency transport system and responded to questions.

Councilmember Gordo suggested data regarding the loss of medical benefits be gathered as clients seek help, and data regarding substance abuse be tracked for possible use in justifying the imposition of a "sin tax" to mitigate health-related costs in the future.

Vice Mayor Tyler suggested staff track the distribution of funds to community hospitals collected under Measure B to ensure that the City trauma center (Huntington Memorial Hospital) receives a fair share of this funding; and noted that a political alliance of cities might be formed to address funding issues (e.g. distribution of funds) with the County.

Ms. Allen highlighted the Los Angeles County Auditor's spending plan for Measure B funds in the current fiscal year.

Councilmember Little suggested the City explore a collaboration with Huntington Memorial Hospital, the Community Health Alliance of Pasadena (CHAP), and the University of Southern California (USC) to develop a rough needs assessment to determine what urgent care services are being provided in the City, where the gaps in services exist, options to fill the gaps, and costs for filling the gaps. He noted this information could be used to identify underserved areas and assist Council to prioritize needs and raise funds.

The City Manager discussed the role of the Verdugo Fire Dispatch System principal members of Pasadena, Glendale, and Burbank in backing each other on responses to medical/emergency service calls, and indicated the Verdugo annual report would be available for distribution to the Council in the near future.

Councilmember Gordo asked that the Verdugo reports be requested on a quarterly basis to assist in monitoring the Fire Department's needs for manpower and tools to ensure that consistency in services is maintained as service incidents increase.

Council expressed its appreciation to the Fire Department/Paramedics for their continued prompt emergency services.

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

RESOLUTION INCREASING THE COMBINED TRANSFERS FROM THE LIGHT AND POWER FUND TO THE GENERAL FUND FROM 7.5% TO 8.35% OF GROSS REVENUE NOT TO

EXCEED NET INCOME, AND SUPPLEMENTAL REPORT

Recommendation of City Manager:

- (1) Rescind Resolution No. 8335 adopted on March 15, 2004; and
- (2) Adopt a resolution increasing the combined transfers from the Light and Power Fund to the General Fund from 7.5% to 8.35% of gross revenue not to exceed net income. (Resolution No. 8336)

Vice Mayor Tyler introduced the agenda item.

It was moved by Vice Mayor Tyler, seconded by Councilmember Little, to approve the City Manager's recommendation. (Motion unanimously carried) (Absent: Councilmembers Holden, Madison, Streator)

CONSENT CALENDAR

AUTHORIZATION TO ENTER INTO A PURCHASE ORDER CONTRACT WITH SOUTHWEST POWER, INC. FOR FURNISHING AND DELIVERING MISCELLANEOUS ELECTRIC UTILITY MATERIALS FOR THE WATER AND POWER DEPARTMENT

Recommendation of City Manager:

- (1) Accept the bid dated February 24, 2004, submitted by Southwest Power, Inc. to furnish and deliver miscellaneous electric utility materials for the Water and Power Department; and
- (2) Authorize the City Manager to issue a purchase order contract for a period of four years or until \$2.9 million is expended, whichever occurs first, with two optional one-year extensions each not to exceed \$725,000 per year.

AUTHORIZE PURCHASE ORDER WITH ROAD RESCUE FOR PURCHASE OF TWO RESCUE AMBULANCES FOR A TOTAL OF \$240,304

Recommendation of City Manager:

- (1) Authorize the issuance of a purchase order to Road Rescue in an amount not to exceed \$240,304 for the purchase of two Rescue Ambulances; and
- (2) Grant the proposed purchase order an exemption from competitive bidding pursuant to City Charter Section 1002(H), contracts with other governmental entities or their contractors for labor, material, supplies or services.

AUTHORIZE PURCHASE ORDER WITH WONDRIES FLEET GROUP FOR PURCHASE OF FOURTEEN NEW POLICE PURSUIT VEHICLES FOR A TOTAL OF \$327,126

Recommendation of City Manager:

- (1) Accept formal bid dated December 25, 2003, by Wondries Fleet Group;
- (2) Reject all other bids presented; and
- (3) Authorize the issuance of a purchase order to Wondries

Fleet Group in an amount not to exceed \$327,126 for the purchase of Fourteen Police Pursuit Vehicles.

CONTRACT AWARD TO C.J. CONSTRUCTION, INC. FOR MISCELLANEOUS CONCRETE REPAIR 2004 FOR AN AMOUNT NOT TO EXCEED \$230,000

Recommendation of City Manager:

(1) Accept the bid dated March 10, 2004, submitted by C.J. Construction, Inc. in response to the Specifications for Miscellaneous Concrete Repair - 2004, reject all other bids received, and authorize the City Manager to enter into such contract as is required.

(2) Acknowledge the project to be categorically exempt under Section 21084 of the California Environmental Quality Act of 1984 in accordance with Article 19, Section 5301 (Class1), subsection (c) of the Resources Agency of California Guidelines (maintenance of existing public streets) pursuant to the findings of the Secretary of the Resources Agency and authorize the City Manager to execute and the City Clerk to file a Notice of Exemption for the project with the Los Angeles County Clerk.

(3) Approve a journal voucher recognizing private capital in the amount of \$6,150 and appropriating it to Budget Account No. 73710, Preventive Maintenance - Asphalt Streets. (Contract No. 18,452; Journal Voucher No. 2004-29)

Item discussed separately at the request of Vice Mayor Tyler.

Approval of Minutes – February 23, 2004

CLAIMS RECEIVED AND FILED

Claim No. 9505	Susan T. Bull	\$ Unknown
Claim No. 9506	Voided number	
Claim No. 9507	Charles L. Follett	Unknown
Claim No. 9508	Mercury Insurance Group for Darci L. Roller	4,003.85
Claim No. 9509	Maria E. Gonzalez	2,799.59+
Claim No. 9510	Michael A. Madera	Unknown
Claim No. 9511	Tanya Stewart	4,103.45
Claim No. 9512	Jose Martinez Alatraste	4,274.24
Claim No. 9513	Gabor Kozinc	25,000.00+

PUBLIC HEARINGS SET

April 26, 2004, 7:00 p.m. - Proposed Amendment to Title 17 (Zoning Code) of the Pasadena Municipal Code to Allow for Second Units in Single-Family Residential Zoning Districts (Rescheduled from April 19, 2004)

May 10, 2004, 8:00 p.m. - Schedule of Taxes, Fees and Charges (Rescheduled from April 19, 2004)

May 10, 2004, 8:00 p.m. - General Fee Schedule (Annual Revisions)

It was moved by Councilmember Little, seconded by Vice Mayor Tyler, to approve the Consent Calendar, with the exception of the Approval of Minutes for February 23, 2004, which was discussed separately. (Motion unanimously carried) (Absent: Councilmembers Holden, Madison, Streater)

CONSENT ITEM DISCUSSED SEPARATELY

Approval of Minutes – February 23, 2004

Vice Mayor Tyler requested page 8 of the minutes (Fiscal Year 2004 Operating Budget Amendments) be revised to clarify that he had reported (rather than “noted”) that the Finance Committee recommendation also requested staff to examine business license tax collections in building trades, such as licenses for contractors and sub-contractors (rather than “in certain areas”).

It was moved by Vice Mayor Tyler, seconded by Councilmember Little, to approve the minutes of February 23, 2004, as revised. (Motion unanimously carried) (Absent: Councilmembers Holden, Madison, Streater)

REPORTS AND COMMENTS FROM COUNCIL COMMITTEES

FINANCE COMMITTEE

APPROVAL OF FY 2004 BUDGET AMENDMENTS FOR VARIOUS PUBLIC HEALTH DEPARTMENT PROGRAMS

Councilmember Little, Chair of the Finance Committee, reported the above item had been held by the Committee for one week.

RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF REFUNDING CERTIFICATES OF PARTICIPATION, SERIES 2004A AND SERIES 2004B, APPROVING THE FORM OF AND AUTHORIZING THE EXECUTION AND DELIVERY OF A FIRST SUPPLEMENTAL TRUST AGREEMENT, A SUPPLEMENT NO. 1 TO LEASE, A SUPPLEMENT NO. 1 TO SUBLEASE, A PURCHASE AGREEMENT, ESCROW AGREEMENTS, A CONTINUING DISCLOSURE AGREEMENT, AN AUCTION AGENCY AGREEMENT AND OTHER RELATED DOCUMENTS, AUTHORIZING THE DISTRIBUTION OF AN OFFICIAL STATEMENT AND APPROVING OTHER RELATED ACTIONS IN CONNECTION THEREWITH IN AN AMOUNT NOT TO EXCEED \$41.5 MILLION

Recommendation of City Manager: Adopt a resolution authorizing the execution and delivery of refunding Certificates of Participation, Series 2004A and Series 2004B, a First Supplemental Trust Agreement, a Supplement No. 1 to Lease, a Supplement No. 1 to Sublease, a Purchase Agreement, Escrow Agreements, a Continuing Disclosure Agreement, an Auction Agency Agreement and other related documents, authorizing the distribution of an Official Statement and approving other related actions in connection therewith in an amount not to exceed \$41.5 million. (Resolution No. 8337)

Councilmember Little introduced the agenda item.

Mr. Jay Goldstone, Director of Finance Department, reviewed the agenda report and responded to questions.

It was moved by Councilmember Little, seconded by Councilmember Haderlein, to approve the City Manager's recommendation. (Motion unanimously carried) (Absent: Councilmembers Holden, Madison, Streator)

RECESS

On order of the Mayor, the regular meeting of the City Council recessed at 7:53 p.m. to the special meeting of the Pasadena Public Financing Authority.

RECONVENE

On order of the Mayor, the regular meeting of the City Council reconvened at 7:54 p.m. (Absent: Councilmembers Holden, Madison, Streator)

**REPORTS AND COMMENTS
FROM COUNCIL
COMMITTEES**

**MUNICIPAL SERVICES
COMMITTEE**

**AUTHORIZATION TO ENTER INTO A CONTRACT WITH RW
BECK FOR THE DEVELOPMENT OF AN ELECTRIC
DISTRIBUTION SYSTEM MASTER PLAN**

Recommendation of City Manager: Authorize the City Manager to enter into a contract with RW Beck for an amount not to exceed \$498,493 to provide consulting services to the Water and Power Department for the development of an Electric Distribution System Master Plan. The proposed contract is exempt from competitive bidding pursuant to City Charter Section 1002(F), contract for professional or unique services. (Contract No. 18,453)

Vice Mayor Tyler, Chair of the Municipal Services Committee, reported on the Committee's review of issues involving the disparity in the bid amounts between the high and low bids, equitable treatment of all parties submitting bids on the project, and sufficiency of the criteria for awarding the bid as stated in the request for proposal.

Ms. Phyllis Currie, General Manager of the Water and Power Department, responded to questions regarding the bid process.

It was moved by Vice Chair Tyler, seconded by Councilmember Little, to approve the City Manager's recommendation. (Motion unanimously carried) (Absent: Councilmembers Holden, Madison, Streator)

**RECOMMENDATIONS FROM
OFFICERS AND
DEPARTMENTS**

**APPOINTMENT OF SANDEEP BAWEJA TO THE UTILITY
ADVISORY COMMISSION (District 3 Nomination)**

**APPOINTMENT OF REBECCA L. MEDINA TO THE
COMMISSION ON THE STATUS OF WOMEN (At
Large/District 1 Nomination)**

APPOINTMENT OF YESCENI RAMIREZ TO THE COMMISSION ON THE STATUS OF WOMEN (District 5 Nomination)

RESIGNATION OF DAVID J. HAUSER FROM THE HUMAN RELATIONS COMMISSION (District 5 Nomination)

It was moved by Councilmember Little, seconded by Councilmember Gordo, to approve the above three appointments and accept the above resignation with regrets. (Motion unanimously carried) (Absent: Councilmembers Holden, Madison, Streater)

APPOINTMENTS TO NUISANCE LIQUOR STORE WORKING GROUP

The Mayor provided a brief background of the purpose of the Working Group and the proposed membership of the Group.

Councilmember Gordo noted that Day One, Inc. had inadvertently been omitted as an agency in the Working Group membership and should be included in the Group. He asked staff to inform the two liquor store owners that had submitted applications for the Working Group and the liquor store owners/outlets that do not have conditional use permits (CUPs) regarding the Working Group's meetings and information on the Group's activities, and urged these liquor store owners/outlets to participate in this process. He proposed the following members for the Working Group:

- Neidi Dominguez, student intern (non-voting member)
- Jalila Walker, student intern (non-voting member)
- Tahra Goraya, agency representative (Day One, Inc.)
- Bob Kneisel, neighborhood representative
- Stephen Lipira, neighborhood representative
- James MacQuarrie, neighborhood representative
- Maria Salas, neighborhood representative

Councilmember Gordo confirmed the above proposed appointments would be voting members of the Group, except for the student interns, with the appointments for the remaining three voting agency representatives (National Association for the Advancement of Colored People [NAACP], Old Pasadena Business District Association, and Chamber of Commerce) and the two voting State legislative representatives to be named as the information is received.

The City Attorney suggested the remaining appointments of voting members be ratified by Council action when this information is known.

It was moved by Councilmember Gordo, seconded by Councilmember Little, to approve the seven appointments as listed above. (Motion unanimously carried) (Absent: Councilmembers Holden, Madison, Streator)

Councilmember Gordo thanked the applicants for their interest and encouraged those who had submitted applications and not been placed on the Group to attend meetings and provide input.

The Mayor indicated letters would also be sent to the applicants that were not appointed to invite them to participate in the meetings.

Following discussion, it was moved by Councilmember Gordo, seconded by Councilmember Little, to approve the designation of Councilmember Gordo as non-voting Chair of the Working Group, and Councilmembers Haderlein and Holden as non-voting members. (Motion unanimously carried) (Absent: Councilmembers Holden, Madison, Streator)

**ORDINANCE – SECOND
READING**

Adopt “AN ORDINANCE OF THE CITY OF PASADENA AMENDING SECTIONS 2.175.030 (A) AND 2.175.070 (B) OF THE PASADENA MUNICIPAL CODE REGARDING APPOINTMENT OF A REPRESENTATIVE FROM UCLA TO THE BOARD OF DIRECTORS OF THE ROSE BOWL OPERATING COMPANY” (Introduced by Councilmember Streator) (Ordinance No. 6966)

The above ordinance was adopted by the following vote:

AYES: Councilmembers Gordo, Haderlein, Little, Vice Mayor Tyler, Mayor Bogaard

NOES: None

ABSENT: Councilmembers Holden, Madison, Streator

**RECOMMENDATIONS FROM
OFFICERS AND
DEPARTMENTS**

DIRECTION TO PREPARE AN ORDINANCE AMENDING THE MUNICIPAL CODE TO IMPLEMENT AN INCREASED BENEFIT TO RETIRING MEMBERS OF THE FIRE AND POLICE RETIREMENT SYSTEM

Recommendation of Fire and Police Retirement Board: The Fire and Police Retirement Board is recommending that the City Council direct the City Attorney to prepare an Ordinance amending the Municipal Code to implement a Credit for Unused Sick Leave Provision for police and fire members of the Police and Fire Retirement System that is consistent with the benefit provided to the fire and police members of the California Public Employees Retirement System (CALPERS). The effective date of this amendment is anticipated to be retroactive to November 3, 2003.

Mr. Jay Goldstone, Director of Finance Department, reviewed the agenda report and responded to questions.

The City Manager briefly reviewed the history of this recommendation as part of prior labor negotiations for the Memorandums of Understanding and responded to questions.

Assistant City Attorney Tim Halford noted the numerical figures on line 3 of the Fiscal Impact section of the agenda report should be corrected to read "~~200,577,096 to \$260,734,318 or \$77,223~~ \$200,557,096 to \$200,734,319 or \$177,223."

It was moved by Councilmember Gordo, seconded by Councilmember Haderlein, to approve the Fire and Police Retirement Board's recommendation. (Motion unanimously carried) (Absent: Councilmembers Holden, Madison, Streator)

RECESS

On order of the Mayor, the regular meeting of the City Council recessed at 8:27 p.m. to the regular meeting of the Community Development Commission.

RECONVENED

On order of the Mayor, the regular meeting of the City Council reconvened at 8:28 p.m. (Absent: Councilmembers Holden, Madison, Streator)

PUBLIC HEARING

Councilmember Holden returned at 8:31 p.m. and Councilmember Little recused himself at this time, due to a conflict of interest.

PUBLIC HEARING: ZONE CHANGE TO ADD 137 PROPERTIES TO BUNGALOW HEAVEN LANDMARK DISTRICT/AMENDMENT TO (LD-1) OVERLAY DISTRICT

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

- (1) Acknowledge that the application to amend the LD-1 landmark district overlay is categorically exempt from environmental review pursuant to the guidelines of the California Environmental Quality Act (Section 15308: Class 8, Actions by Regulatory Agencies for Protection of the Environment);
- (2) Acknowledge the decision of the Historic Preservation Commission on September 15, 2003, that the North Holliston grouping of 137 houses meets the criteria for designation as a landmark district (Pasadena Municipal Code Section 17.52.40);
- (3) Acknowledge that the petition in support of the designation has at least 51% of the owners' signatures;
- (4) Find that the proposed zone change is consistent with the General Plan (Objective 6 of the Land Use Element, "to promote preservation of historically and architecturally significant buildings and revitalization of traditional neighborhoods.) and the purposes of the zoning ordinance (P.M.C. Section 17.04.030, "preserve the character and quality of residential neighborhoods.");
- (5) Approve the zone change to add the North Holliston grouping to the LD-1 Bungalow Heaven Landmark District zoning map overlay; and
- (6) Direct the City Attorney to prepare an ordinance amending the official zoning map of the City of Pasadena established by Section 17.08.040 of the Pasadena Municipal Code by

amending the Bungalow Heaven Landmark District (LD-1).

Recommendation of Historic Preservation Commission: On September 15, 2003, the Historic Preservation Commission determined that the proposed district meets the criteria in P.M.C. Section 17.52.040 for establishment of a landmark district and voted unanimously to recommend approval of the amendment to the zoning map and the designation to the Planning Commission and the City Council.

Recommendation of Planning Commission: Following a public hearing on January 28, 2004, the Planning Commission found that the proposed zone change to create a landmark district is consistent with the General Plan and the purposes of the zoning ordinance and voted unanimously to recommend that the City Council approve the amendment to the LD-1 zoning map overlay for the Bungalow Heaven Landmark District.

The Mayor opened the public hearing.

The City Clerk reported 47 copies of the notice of public hearing were posted on March 8, 2004; 476 copies of the notice were mailed on March 8, 2004; and no letters were received.

The City Manager introduced the agenda item.

Ms. Mary Jo Winder, Senior Planner, reviewed the agenda report.

The following persons spoke in support of the addition of the properties to the landmark district:

Mr. John Ripley, Pasadena resident
Mr. Bryan Reese, Bungalow Heaven Neighborhood Association President
Mr. James Collins, Pasadena resident
Mr. Bob Kneisel, Bungalow Heaven Neighborhood Association member

It was moved by Councilmember Gordo, seconded by Councilmember Holden, to close the public hearing. (Motion unanimously carried) (Absent: Councilmembers Little, Madison, Streater)

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

RECOMMENDATIONS FROM OFFICERS AND DEPARTMENTS

HOUSING AFFORDABILITY TASK FORCE FINAL REPORT TO THE PASADENA CITY COUNCIL - STAFF RECOMMENDATIONS

Councilmember Little returned at 8:41 p.m.

Recommendation of City Manager:

(1) It is recommended that the City Council direct the City Attorney to prepare:

(A) Amendments to the appropriate Pasadena Affordable Housing Fee Waivers Ordinances and Resolutions establishing new Affordable Housing Flat Fee Waivers for the Building Permit Fee and Construction Tax, effective with the adoption of the 2004-2005 City Fee Schedule, replacing the existing fee waiver structure;

(B) An amendment to the Pasadena Municipal Code, Title 2, Chapter 2.380 Housing Mediation Contractor, Sections 2.380.110 and 2.380.120 clarifying the intent of the provisions and requirements for participating in the mediation process;

(C) An amendment to the Pasadena Municipal Code, Title 16, Chapter 16.46 Standards for Conversion Projects to incorporate added tenant protections in cases of residential conversions; and

(D) A Rental Housing Protections Ordinance for added tenant protections especially for tenants in good standing whom are evicted or displaced from rental housing units.

(2) Refer the recommendation for a Commercial Linkage Fee to the City Council Special Committee on Inclusionary Housing.

Recommendation of Community Development Committee:

The Community Development Committee, at its meeting of February 26, 2004, recommended approval of the staff recommendation for Increased Tenant Protections with certain revisions to the previously proposed amendments of Title 2, Chapter 2.380 Housing Mediation Contractor.

The City Manager introduced the agenda item.

Mr. Greg Robinson, Housing and Community Development Administrator, reviewed the agenda report and responded to questions.

The City Manager indicated staff had taken the recommendations of the Housing Affordability Task Force that were stated in general terms and given the recommendations in this agenda report more specificity, and responded to questions.

Councilmember Madison arrived at 8:47 p.m.

Mr. Richard Bruckner, Director of Planning and Development Department, responded to questions.

The following person spoke in support of the Tenant Protection recommendations:

Ms. Susan MacLean, Coalition for Zero Violence representative

The following persons expressed concerns regarding the Tenant Protections recommendations B and C on page 4 of the

Councilmember Gordo
recused himself at 9:02 p.m.,
due to a conflict of interest.

agenda report and/or requested deletion of all or parts of Items B and C under the Increased Tenant Protections section and/or requested referral of these two items back to the Task Force or a committee:

Mr. Gene Prickett, Pasadena resident
Ms. Joyce Kristensson, Pasadena-Foothills Association of Realtors representative
Mr. Jesus Esparza, Pasadenans United for Solutions on Housing (PUSH) Chair
Mr. John Grech, Pasadena resident and Housing Affordability Task Force member
Mr. John Gordon, PUSH member, submitted a letter asking for the deletion of Items B and C on page 4 of the agenda report.
Mr. Marvin Meadows, David Schultz, Inc. representative
Ms. Diane Lee, Pasadena resident
Mr. Paul DeJoseph, realtor and member of PUSH
Mr. Glen Welch, rental property owner
Mr. Jeff Levine, Pasadena resident
Mr. Alan Bair, apartment manager

Discussion followed on development of criteria regarding the standards for conversion projects; issues involving evictions, relocation costs, and availability of bilingual materials/assistance; and efforts to facilitate tenants' ability to access their rights.

Councilmember Holden suggested referring Items B and C ("New Rental Housing Protections Ordinance" and "Standards for Conversion Projects") on page 4 of the agenda report to the Community Development Committee (CDC) for additional review with staff and the public.

The City Manager indicated these two areas could be reviewed and a report presented to Council within 60 days.

The Mayor explained the Affordability Housing Task Force had been sunsetted and the CDC would be the advisory body to review these types of issues.

Councilmember Haderlein suggested past members of the Task Force be contacted and encouraged to participate in this process.

In response to Councilmember Madison's question, the City Manager confirmed the City's current policy exempted affordable housing units from the last increase in residential impact fees; and indicated a report is coming back to Council, perhaps in April, regarding residential impact fees adjustments.

Councilmember Madison asked that an analysis of the fee increase exemption for affordable housing as this relates to providing parks for residents of affordable housing be included when the discussion on the fees adjustments takes place, and indicated he would provide the City Manager with an article regarding giving preference for affordable housing to local residents/city employees that could also be considered by staff.

Vice Mayor Tyler asked that the rental housing protections ordinance be clarified as to how the provisions would be implemented, administered, and enforced, with the impacts on landlords and tenants outlined in the report when this is presented to Council, and expressed concern that these provisions might act as a disincentive to the development of affordable housing.

Following additional discussion, it was moved by Councilmember Holden, seconded by Councilmember Haderlein, to approve City Manager Recommendations 1.A., 1.B., and 2., and to refer Recommendations 1.C. and 1.D. to the Community Development Committee for additional review with staff and the public. (Motion unanimously carried)
(Absent: Councilmembers Gordo, Streater)

By consensus, the report regarding issues referred to the Community Development Committee will be presented to Council within 60 days.

**ORDINANCE – FIRST
READING**

Councilmember Gordo returned
at 10:00 p.m.

**Conduct first reading of “AN INTERIM URGENCY
ORDINANCE OF THE CITY OF PASADENA ADOPTED
PURSUANT TO GOVERNMENT CODE SECTION 65858
TEMPORARILY PROHIBITING NEW DEVELOPMENT IN
THE HILLSIDE DEVELOPMENT OVERLAY DISTRICT
(SECTION 17.48 OF THE PASADENA MUNICIPAL CODE)”**

Mr. Robert Lawson, Jr., Pasadena resident, asked to have his property excluded from the overlay district because it does not meet the criteria of a hillside designation, confirmed that excavation of this property was being delayed because of this ordinance, and asserted there was a series of properties that should not be categorized under the hillside property ordinance.

The City Manager indicated staff could include this location as part of a rezoning study for properties captured in the overlay district, and described the rezoning process.

Mr. Richard Bruckner, Director of Planning and Development Department, agreed to meet with Mr. Lawson to explore possible options regarding the property in question.

Mr. Steve Jennings, developer, asked for clarification of the process that would be followed under the moratorium for projects that are in compliance with the proposed regulations and the status of fees that are collected for projects in various phases of the process.

The City Manager indicated projects that would comply with the new regulations would not be charged with double fees because of the moratorium and that staff was studying the fees issue in regards to projects in the pipeline or impacted by the moratorium.

Ms. Nina Chomsky, Linda Vista Annandale Association representative, expressed concern regarding the need to clearly define a hillside lot.

The City Attorney noted two amendments to the ordinance: page 4, line 4, should read: "a ~~complete~~ letter of completion" and page 5, line 1, should read: "its ~~effective~~ date of adoption."

The above ordinance was offered by Councilmember Madison, as amended:

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

NOES: None

ABSENT: Councilmember Streator

RECOMMENDATIONS FROM OFFICERS AND DEPARTMENTS

CONSIDERATION OF CALL FOR REVIEW OF MINOR CONDITIONAL USE PERMIT NO. 3990 TO THE BOARD OF ZONING APPEALS (1374 EDGEHILL PLACE - TO ALLOW THE CONSTRUCTION OF A NEW SINGLE-FAMILY DWELLING OVER 4,000 SQUARE FEET IN THE HILLSIDE OVERLAY DISTRICT) (Councilmember Madison)

CONSIDERATION OF CALL FOR REVIEW OF MINOR CONDITIONAL USE PERMIT NO. 3989 TO THE BOARD OF ZONING APPEALS (1378 EDGEHILL PLACE - TO ALLOW THE CONSTRUCTION OF A NEW SINGLE-FAMILY DWELLING OVER 4,000 SQUARE FEET IN THE HILLSIDE OVERLAY DISTRICT) (Councilmember Madison)

The above two items were discussed concurrently.

Mr. Michael Huntley, Senior Planner, reviewed the Zoning Hearing proceedings on the two properties and responded to questions.

Councilmember Madison asked that future reports for calls for review include a paragraph written by staff that outlines the basic issues involved with the matters.

Mr. Richard Bruckner, Director of Planning and Development Department, noted the projects do not meet the regulations for the hillside overlay district and responded to questions.

The following persons spoke in support of the Hearing Officer's decision to grant the minor conditional use permit:

Mr. Steve Jennings, project developer, distributed information materials regarding the two projects.

Ms. Vicki McCluggage, Pasadena resident and property owner of the projects

The following persons spoke in opposition to the Hearing Officer's decision to grant the minor conditional use permit:

Mr. Robert Carpenter, Putney Area Neighbors representative
Ms. Sharon Scull, Putney Area Neighbors Committee for Responsible Development representative

Ms. Nina Chomsky, Linda Vista Annandale Association Zoning Committee representative

Discussion followed regarding the status of these projects in conjunction with the timing of the permit process, the call up process, the hillside moratorium ordinance, and proposed new criteria in the hillside ordinance that will be presented to Council.

The City Attorney clarified that the projects would be subject to the moratorium if they were called up and that any project exemptions considered in future actions would be based on categories rather than projects.

Councilmember Madison indicated a preference for having the issues considered by the Board of Zoning Appeals rather than a single hearing officer, and supported further consideration of the concerns expressed in neighborhood opposition to the projects.

Following additional discussion, it was moved by Councilmember Madison, seconded by Councilmember Haderlein, to call the above two matters for review to the Board of Zoning Appeals:

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

NOES: Councilmembers Gordo, Holden, Little

ABSENT: Councilmember Streator

(Motion failed)

The Mayor noted the Hearing Officer's decisions were upheld and the minor conditional use permits were approved in accordance with the submitted plans and conditions listed.

ADJOURNMENT

On order of the Mayor, the regular meeting of the City Council adjourned at 11:23 p.m. in memory of William Pickering, for his 22 years of service as director of the Jet Propulsion Laboratory and for his work on the first U.S. satellite, Explorer I, and James Gamble, longtime Pasadena resident and civic leader who served as chair of the Board at Huntington Memorial Hospital for more than 33 years and trustee for numerous institutions, and who played a significant role in the transfer of the Gamble House to City ownership.

Bill Bogaard

Bill Bogaard, Mayor
City of Pasadena

ATTEST:

Sharon McCon

for City Clerk

kv:Data\Minutes\min-march222004