

CITY OF PASADENA
City Council Minutes
March 29, 2004 - 5:30 P.M.
City Hall Council Chamber

REGULAR MEETING

OPENING:

Mayor Bogaard called the regular meeting of the City Council to order at 5:50 p.m. (Absent: Councilmember Madison, Mayor Bogaard)

On order of the Mayor, the regular meeting of the City Council recessed at 5:50 p.m., to discuss the following closed session:

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 Parties: State of California (Caltrans) Agency Negotiator: Richard Bruckner Under Negotiation: Price and terms of payment

The above item was discussed, with no reportable action.

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 Little.

ROLL CALL:

Councilmembers:

Mayor Bill Bogaard
Vice Mayor Sidney F. Tyler, Jr.
Councilmember Victor Gordo
Councilmember Steve Haderlein
Councilmember Chris Holden
Councilmember Paul Little
Councilmember Steve Madison
Councilmember Joyce Streater

Staff:

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

CEREMONIAL MATTERS

The Mayor presented a proclamation to Dr. Takashi Wada, Pasadena Public Health Officer, declaring April 5 through April 11, 2004 as Pasadena Public Health Week. Dr. Wada and Ms. Jennifer Pilapil, Program Coordinator II, accepted the proclamation and provided an overview of the upcoming activities at the Cherry Festival on April 3 and 4, 2004. Ms. Pilapil also recognized staff members who would be assisting at the festivities.

The City Clerk administered oaths of office to Ms. Yesceni Ramirez and Ms. Rebecca L. Medina as members of the Commission on the Status of Women, and Mr. Sandeep Baweja as Utility Advisory Commissioner.

Vice Mayor Tyler reported on March 27, 2004, over 300 rose bushes were planted in the median of South Fair Oaks by volunteers headed by Pasadena Beautiful and staff. He expressed his appreciation to all of the volunteers, staff members from the Department of Public Works, Water and Power, and representatives from the County of Los Angeles for enhancing the green space and beautifying the City. In addition, he presented a Tree City Growth Award for the City and a \$44,000 check to the City, accepted by Mr. Martin Pastucha, Director of the Public Works Department.

PUBLIC COMMENT

The following persons spoke in support of the Pasadena Community Job Center:

- Mr. Raúl Anorvé, representing Institute of Popular Education (IDEPSCA)
- Mr. Mario Lopez, Manager at the Pasadena Community Job Center
- Mr. Sergio Salis, Pasadena resident
- Mr. Ruben Ramos, Pasadena resident
- Mr. Pablo Alvarado, representing National Day Labor Organization Network
- Mr. Hiram Mazariegos, Pasadena resident

In addition to the above speakers, approximately 50 persons present stood demonstrating their support for the Job Center.

In response to the comments regarding the Job Center, the Council noted its support for the Job Center and the recently approved funding for the Center. Councilmember Gordo also acknowledged the attention being given to the Center was partially in response to the Council Committee meetings and a recent article in the press. He explained that there were three important elements missing from the recent reports: 1) that many people using the Center follow the rules and contribute positively to making it a success while seeking employment; 2) enforcement is always contemplated in the plan; and 3) enforcement re-emphasizes the commitment to protecting the neighborhoods.

Ms. Alberta Kmarch, Pasadena resident, expressed concern regarding her water bill and requested an inspection of her water meter and that her meter be changed.

The matter was referred to the City Manager for handling.

CONSENT CALENDAR

RESOLUTION TO CONSIDER GRANTING NON-EXCLUSIVE SOLID WASTE FRANCHISES AND THE SETTING OF A PUBLIC HEARING

Recommendation of City Manager:

- (1) Adopt a resolution declaring its intention to consider the granting of non-exclusive franchises for completed applications;
- (2) Set a public hearing for April 26, 2004 at 8:00 p.m. to consider granting these franchises; and
- (3) Direct the City Clerk to publish the resolution at least once in a newspaper of general circulation in the City, not less than ten days prior to the date set for the hearing. (Resolution No. 8338)

AUTHORIZATION OF THE SUBMITTAL OF A REQUEST FOR FUNDS TO THE CALIFORNIA DEPARTMENT OF CONSERVATION, DIVISION OF RECYCLING, FOR BEVERAGE CONTAINER RECYCLING AND LITTER CLEANUP ACTIVITIES

Recommendation of City Manager:

- (1) Adopt a resolution approving a request for pre-designated funds in the amount of \$39,463 for the Fiscal Year 2004/2005 from the California Department of Conservation for beverage container recycling and litter cleanup activities.
- (2) Authorize the City Manager or her designee to enter into an agreement with the California Department of Conservation's Division of Recycling to execute all necessary forms for the purpose of securing payments and to carry out the required activities under the program to encourage beverage container recycling and to reduce litter. (Resolution No. 8339; Contract No. 18,461)

PURCHASE ORDER WITH MUNICIPAL MAINTENANCE EQUIPMENT FOR \$352,039 FOR TWO NEW 2004 VAC-CON HIGH PRESSURE SEWER CLEANERS

Recommendation of City Manager: Authorize the Purchasing Administrator to issue a purchase order to Municipal Maintenance Equipment, in an amount of \$352,039, without competitive bidding pursuant to Pasadena City Charter Section 1002(H), (contracts with other governmental entities or their contractors) for the purchase of two Jet Rodder Sewer Trucks.

PURCHASE ORDER WITH WESTERN GCS FOR \$403,585 FOR TWO STREET SWEEPERS

Recommendation of City Manager: Authorize the Purchasing Administrator to issue a purchase order to Western GCS in the amount of \$403,585 without competitive bidding pursuant to Pasadena City Charter Section 1002(H), (contracts with other governmental entities or their contractors) for the purchase of two Tymco Street Sweepers.

PURCHASE ORDER WITH CARMENITA TRUCK CENTER FOR \$416,384 FOR TWO REFUSE AUTOMATED SIDE LOADERS

Recommendation of City Manager:

- (1) Authorize the Purchasing Administrator to issue a purchase order to Carmenita Truck Center in an amount of \$416,384 without

competitive bidding pursuant to City Charter Section 1002(H), (contracts with other governmental entities or their contractors) for the purchase of two Refuse Automated Side Loaders; and
 (2) Approve a journal voucher appropriating \$416,384 to Budget Account No. 406-764120 Residential Solid Waste Operations for the purchase of the vehicles. The funds to cover this appropriation came from proceeds of 1999 Lease Financing for said purpose. (Journal Voucher No. 2004-30)

APPROVAL OF FINAL VESTING TRACT MAP NO. 53506, BEING A DEVELOPMENT COMPRISED OF ONE AIR PARCEL FOR COMMERCIAL PURPOSES AND 53 AIR PARCELS FOR RESIDENTIAL CONDOMINIUM PURPOSES, AT 128 NORTH OAK KNOLL AVENUE

Recommendation of City Manager: Adopt a resolution to approve final Vesting Tract Map No. 53506 and authorize the City Clerk to execute the Certificate on the map showing the City's approval of said map. (Resolution No. 8340)

Item discussed separately at the request of Councilmember Holden.

LEASE AGREEMENT FOR THE HOUSING DIVISION OF THE PLANNING AND DEVELOPMENT DEPARTMENT AT THE FAIR OAKS RENAISSANCE PLAZA LOCATED AT 665 NORTH FAIR OAKS AVENUE

AMENDMENT TO THE OFFICE SPACE LEASE AT 117 EAST COLORADO BOULEVARD (AGREEMENT NO. 18,355) TO CONSTRUCT THE DATA CENTER TENANT IMPROVEMENTS FOR AN AMOUNT NOT TO EXCEED \$544,000

Recommendation of City Manager: Authorize the City Manager to execute a lease amendment for the office space at 117 East Colorado Boulevard for data center tenant improvement expenses in an amount not to exceed \$544,000. (Contract No. 18,355-1)

APPROVAL OF MINUTES

March 1, 2004

CLAIMS RECEIVED AND FILED

Claim No. 9514	SBC/Diane Mancini	\$ 4,579.52
Claim No. 9515	Linda Jordan, Carlton Crayton, Michael Miller, James Patton, Paris Jordan	Unknown
Claim No. 9516	Steven Burks	19,510.34
Claim No. 9517	Maureen Wilson	Unknown
Claim No. 9518	State Farm Insurance	2,137.08

It was moved by Vice Mayor Tyler, seconded by Councilmember Gordo, to approve the Consent Calendar, with the exception of Item 7 (Lease Agreement for the Housing Division and Development Department at the Fair Oaks Renaissance Plaza), which was discussed separately. (Motion unanimously carried) (Absent: None)

CONSENT ITEM
DISCUSSED SEPARATELY

LEASE AGREEMENT FOR THE HOUSING DIVISION OF THE PLANNING AND DEVELOPMENT DEPARTMENT AT THE FAIR OAKS RENAISSANCE PLAZA LOCATED AT 665 NORTH FAIR OAKS AVENUE

Recommendation of City Manager: Approve the terms and conditions, as generally described in the agenda report and authorize the City Manager to execute a lease agreement and any other documents necessary to carry out this transaction. (Contract No. 18,462)

Councilmember Madison was excused at 7:20 p.m.

Councilmember Holden raised questions regarding the utilization of space by the Housing Division, space remaining in the lease not utilized by the Housing Division, and whether a Community Room is still planned to be built. The City Manager responded the Housing Division is utilizing approximately 6,000 square feet, confirmed that as part of the lease, a Community Room will be built and available at the time of the move-out for use by the Housing Division and the community. She noted a small amount of space is still available on the floor for use by a tenant.

Mr. Foster Hildreth, Seismic Retrofit Project Manager, distributed the proposed floor plan and responded to questions.

Ms. Michelle White, Pasadena resident, suggested the City lease the entire space.

Councilmember Streator expressed concern that the remaining space should be utilized by the Housing Division so the City will have control over the whole floor, better security, and more windows for the offices.

The City Manager noted there are budget impacts in leasing the whole floor, and the Division will have approximately 1,000 more square feet than it currently has now.

Councilmember Holden suggested staff consider utilizing the additional space for lease for some type of City use that involves community interface or customer service, such as paying utility bills, or at the least that the City have first right of refusal to lease the additional space. The City Manager offered to give the suggestion some additional thought.

The City Manager expressed the desire to move forward with the plan as proposed as the design has been completed and in order to meet the June deadline for the move out of City Hall, and noted that even if the City expanded its space, the offices would be built out as planned.

In response to questions, Mr. Richard Bruckner, Director of Planning and Development, noted that details regarding signage will be worked out after the lease is in place.

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

ORDINANCE - ADOPTED

Councilmember Madison returned at 7:24 p.m.

Adopt "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) (Introduced by Councilmember Madison) (Ordinance No. 6967)

The above ordinance was adopted by the following vote:

AYES: Councilmembers Gordo, Haderlein, Holden, Little, Madison, Streator, Vice Mayor Tyler, Mayor Bogaard
NOES: None
ABSENT : None

REPORTS AND COMMENTS FROM COUNCIL COMMITTEES

FINANCE COMMITTEE

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

Recommendation of City Manager:

- (1) Approve journal vouchers adjusting the estimated FY 2004 revenues and appropriations in Public Health Department operating budget accounts, as detailed in Attachment A of the agenda report, for a net increase of \$273,666;
- (2) Approve the elimination of 4.0 FTEs (vacant positions) and approve the addition of 19.15 FTEs to various Public Health Department operating budget accounts, for a net increase of 15.15 FTEs (from 90.625 FTEs to 105.775 FTEs) as detailed in Attachments B & C of the agenda report; and
- (3) Appropriate \$321,388 from the unappropriated Health Fund balance, of which \$78,500 is from the Power Fund, via the General Fund, to offset the cost of electrical usage, to the FY 2004 operating budget to support various programs, as detailed in Attachment D of the agenda report. (Journal Voucher No. 2004-31)

Councilmember Little, Chair of the Finance Committee, summarized the agenda report.

Vice Mayor Tyler stated that he would abstain on the item and indicated he needed more information demonstrating how the amendments would save the Department more money.

Ms. Wilma Allen, Director of Public Health, responded to questions.

It was moved by Councilmember Little, seconded by Councilmember Streator, to approve the City Manager's recommendation. (Motion carried, with Vice Mayor Tyler abstaining) (Absent: None)

AWARD OF CONSTRUCTION CONTRACT TO HANAN CONSTRUCTION COMPANY, INCORPORATED, FOR THE CONSTRUCTION OF A NEW INDOOR FIRING RANGE FOR AN AMOUNT NOT TO EXCEED \$1,994,362

Recommendation of City Manager:

- (1) Approve a journal voucher recognizing \$450,000 from the unencumbered Public Safety Augmentation Fund balance (#202), and appropriating it to the Indoor Firing Range at Eaton Capital Improvement Program project (Account No. 71139).
- (2) Approve a journal voucher transferring \$100,000 from the East Pasadena Sub Station program budget (Account No. 8114-101-403160), to the Indoor Firing Range at Eaton Canyon CIP project (Account No. 71139).
- (3) Approve a journal voucher transferring \$77,000 from the Asset Forfeiture (Account No. 8114-207-401500) to the Indoor Firing Range at Eaton Canyon CIP project (Account No. 71139).
- (4) Recognize and appropriate \$20,100 from the Charter Capital Fund to Account No. 71139, Indoor Firing Range.
- (5) Accept the bid, dated February 18, 2004, submitted by Hanan Construction Company, Incorporated, and reject all other bids.
- (6) Authorize the City Manager to enter into a contract with Hanan Construction Company, Incorporated, in an amount not to exceed \$1,994,362 for the construction of a new Indoor Firing Range. (Journal Voucher No. 2004-32; Contract No. 18,463)

Councilmember Little summarized the agenda report and noted the Committee recommends Recommendation No. 6 be revised as follows:

“(6) Authorize the City Manager to enter into a contract with Hanan Construction Company, Incorporated in an amount not to exceed \$1,875,000, and authorize the City Manager to approve up to \$119,362 in change orders, without further City Council approval, should such be necessary, for a total not to exceed authorization of \$1,994,362.”

The following persons spoke in support of the contract and expressed their appreciation to Councilmembers and staff who worked on the project:

Ms. Josephine De Carolis, Co-Chair of Committee for Neighborhood Safety
Ms. Shirley Spencer, President of Kinneloa Canyon Association

Mr. Segun Abegunrin, Acting City Architect, responded to questions regarding the design and aesthetics of the firing range.

Mr. Martin Pastucha, Director of the Department of Public Works, responded to questions pertaining to the contingency costs.

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

Councilmember Gordo expressed his appreciation to everyone who participated on the project.

RECESS

On order of the Mayor, the regular meeting of the City Council recessed at 7:49 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 7:50 p.m. (Absent: None)

ORDINANCE - FIRST READING

Conduct first reading of "AN ORDINANCE OF THE CITY OF PASADENA AMENDING SUBSECTION 1.30.030(A) OF THE PASADENA MUNICIPAL CODE RELATED TO CODE ENFORCEMENT COST RECOVERY"

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

AYES: Councilmembers Gordo, Haderlein, Holden, Little, Madison, Streator, Vice Mayor Tyler, Mayor Bogaard
NOES: None
ABSENT: None

INFORMATION ITEMS

POLICY ON ESTABLISHMENT OF CITYWIDE UNDERGROUND UTILITY DISTRICT

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

Mr. Danny R. Wooten, Management Analyst III, summarized the agenda report, noted staff would return to Council within 60 to 90 days to request the establishment of Los Robles as Utility District 04-1, and responded to questions.

The City Manager and Mr. Martin Pastucha, Director of the Department of Public Works, responded to questions.

Discussion ensued regarding accelerating the underground utility program and the costs; negotiating the issues concerning the placement of boxes; and encouraging the franchisee to place the overhead in the backyards to keep it from becoming a problem as with the agreement with Altrio.

In response, the City Manager indicated staff believed the purchaser of the Altrio system was not anticipating a need to expand or replace the boxes but it was looking to operate the system in place and increasing its customers. She also noted as part of the transfer of

the franchise, discussions were needed with Council as to setting a criteria on how to place new boxes in order to ensure staff is more proactive, based on the experiences with Altrio.

In response to an inquiry regarding a Benefit Assessment District and imposing a fee for accelerating Phase I projects for the neighborhoods who were interested, the City Manager indicated the Benefit Assessment District did not have to be placed on a ballot, however, it could be voted on within the entities of the District as was done in the Old Pasadena District. She indicated it was necessary to receive a formal vote of the members, approved by City Council; and she noted if a neighborhood was interested in becoming a Benefit Assessment District, it should contact her office or the Department of Public Works.

Councilmember Holden indicated he would like to see the Utility Advisory Commission take the project on and look at having community meetings throughout the City and accelerating a discussion to see feasible ways to establish the Benefit Assessment Districts; and possibly in 6-9 months return to Council and share the issues.

The City Manager stated staff would put some information together regarding minimum size districts and place it on a Utility Advisory Commission agenda to begin the discussion.

Mr. Dan Rix, City Engineer, responded to questions regarding creating a Benefit Assessment District and the program that is in place for doing so.

Councilmember Haderlein requested a summary of the program for distributing to the neighbors who are interested and a range of costs.

The City Manager also noted staff could also provide the average cost per mile.

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

RECESS/JOINT MEETING

On order of the Mayor, the regular meeting of the City Council recessed at 8:12 p.m., to a joint meeting with the Community Development Commission. (Absent: None)

PUBLIC HEARING

Mayor Bogaard recused himself at 8:12 p.m. to avoid any possible appearance of a conflict of interest.

JOINT PUBLIC HEARING: APPROVAL OF OWNER PARTICIPATION AND LOAN AGREEMENT BETWEEN HERITAGE HOUSING PARTNERS AND PASADENA COMMUNITY DEVELOPMENT COMMISSION FOR THE FAIR OAKS COURT DEVELOPMENT FROM 6-46 PEORIA STREET AND FROM 584-612 NORTH FAIR OAKS AVENUE; REPLACEMENT HOUSING PLAN; RELOCATION PLAN; AMENDMENT TO AFFORDABLE HOUSING AGREEMENT NO. CDC-480 AND INITIAL STUDY

Recommendation of City Manager/Chief Executive Officer: It is recommended that the City Council and Pasadena Community Development Commission take the following actions:

(1) The City Council and the Pasadena Community Development Commission ("Commission") hold a joint public hearing to consider the proposed Fair Oaks Court Development (the "Project") in accordance with the terms and provisions of the Owner Participation and Loan Agreement ("OPLA") between Heritage Housing Partners (the "Developer") and the Commission.

(2) The Commission adopt a resolution:

(a) Finding and determining on the basis of the Initial Study prepared for the Project that there is no substantial evidence that the Project will have a significant effect on the environment nor any potential for adverse effect on wildlife resources if certain mitigation measures are implemented;

(b) Approving the Mitigated Negative Declaration and directing the Secretary of the Commission to concurrently file with the Clerk of Los Angeles County a Certificate of Fee Exemption and a Notice of Determination;

(c) Finding and determining that the Project: (i) is consistent with the City of Pasadena General Plan, Villa-Parke Redevelopment Plan and the Fair Oaks/Orange Grove Specific Plan; (ii) will assist in the elimination of blight and provide housing for low and moderate-income households; (iii) is consistent with the Commission's Five-Year Implementation Plan;

(d) Approving the terms and conditions of the OPLA;

(e) Approving the Replacement Housing Plan and the Relocation Plan;

(f) Approving an amendment of certain terms and conditions of the existing Affordable Housing Agreement (CDC-480) and related documents;

(g) Approving a journal voucher appropriating Commission funds in an amount not to exceed \$3,196,000 from the Housing Opportunity Fund for the Project; and

(h) Authorizing the Chief Executive Officer to take the necessary actions to complete the Project.

(3) The City Council adopt a resolution:

(a) Finding and determining on the basis of the Initial Study prepared for the Project, that there is no substantial evidence that the Project will have a significant effect on the environment nor any potential for adverse effect on wildlife resources if certain mitigation measures are implemented;

(b) Approving the Mitigated Negative Declaration;

(c) Authorizing the Commission to enter into the OPLA;

(d) Authorizing the transfer of the BEGIN Program grant award (\$930,000) to the Commission for down payment assistance loans to eligible first time homebuyers of the Project; and

(e) Authorizing the City Manager to take the necessary actions to complete the Project. (Resolution No. 8341; Journal Voucher No. 2004-33)

Recommendation of the Northwest Commission: On March 23, 2004, the staff recommendations were presented to the Northwest

Commission. After review of this matter, the Northwest Commission voted unanimously to recommend the Council/Commission approval of the staff recommendations.

Recommendation of Community Development Committee: On March 25, 2004, at the Community Development Committee's (CDC) regular meeting, the staff recommendations were presented. A written report will be provided to Council/Commission of the actions taken by the CDC on this item.

Vice Mayor Tyler opened the public hearing.

The City Clerk reported the notice of public hearing was published on March 15, 19, and 26, 2004 in the Pasadena Star-News; no correspondence had been received.

Mr. Kermit E. Mahan, Project Manager, summarized the agenda report and responded to questions.

Councilmembers Haderlein was excused at 8:18 p.m.

Mr. Richard Bruckner, Director of Planning and Development, and Mr. Gregory Robinson, Housing and Community Development Administrator, responded to questions.

The following persons spoke in favor of the project:

Councilmember Madison was excused at 8:29 p.m.

- Ms. Michele White, representing Affordable Housing Services, and expressed that the project did not return to the Project Area Committee (PAC) for comments
- Mr. Charles Loveman, representing Heritage Housing Partners, and submitted a letter
- Ms. Wendy Rodriguez, Pasadena resident
- Ms. Nancy Vicencio, representing Pasadena Heritage Housing
- Ms. Maria Sanchez, Pasadena resident
- Ms. Herminia Ortiz, Pasadena resident
- Ms. Sofia Mota, Pasadena resident
- Ms. Marcia Sola, Pasadena resident
- Ms. Wendy Soo Hoo, Pasadena resident, and submitted letters with 45 signatures in support
- Ms. Lee Thomson, Pasadena resident, and submitted a letter
- Mr. Ralph Poole, representing Fair Oaks Project Area Committee, and expressed concern regarding the lack of input by the Project Area Committee
- Mr. Obsualdo Armenta, Pasadena resident
- Ms. Sue Mossman, representing Pasadena Heritage Housing, and submitted a letter
- Ms. Peter Alexandre, Pasadena resident
- Mr. James P. MacQuarrie, Pasadena resident

In response to the concerns expressed regarding the PAC not being able to comment on the project, the City Attorney indicated that the area was outside of the PAC's jurisdiction and legally it was not required to consider projects beyond its boundaries.

Mr. Richard Bruckner, Director of Planning and Development, also noted that the project was reviewed by the Northwest Commission on several occasions and the Community Development Committee; and as the project progressed, it was determined to be outside of the PAC's boundaries, however, the PAC was invited to the Northwest Commission.

In response to a question regarding the past practice of the PAC being involved when there is a significant project within the sphere of influence, even when the law did not require doing so, the City Attorney stated that she could not speak concerning the past practice, however, the question was raised and analyzed as to whether it was appropriate for the PAC to consider this project, a written opinion was prepared, and a copy of the opinion could be provided to the Council.

In response to a question whether a PAC was needed in the Villa-Park neighborhood to expend redevelopment dollars and gain input according to State law, the City Manager indicated that when the Northwest Commission and PAC discussion comes back to Council, it would be a more appropriate time to discuss the issue and to ensure that the Villa-Park area has representation.

Councilmembers Haderlein and Madison returned at 8:54 p.m.

Mr. Loveman briefly responded to questions regarding the loan process.

Councilmember Gordo stressed the need to ensure that the current tenants are treated fairly and that they have the best opportunity to qualify.

Mr. Loveman noted that only Pasadena residents would be hired, as stated on the OPLA clause, to work on the project.

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

It was moved by Councilmember Gordo, seconded by Councilmember Little, to approve the City Manager/Chief Executive Officer's recommendation. (Motion carried) (Absent: Mayor Bogaard)

Mayor Bogaard returned at 9:15 p.m.

Councilmember Gordo commended Pasadena Heritage and the community for their contributions on the project.

On order of the Mayor, the joint meeting of the City Council and Community Development Committee adjourned at 9:15 p.m., and the regular meeting of the City Council recessed at this time to the regular meeting of Community Development Commission.

On order of the Mayor, the regular meeting of the City Council reconvened at 9:27 p.m. (Absent: Vice Mayor Tyler)

PUBLIC HEARING:

Vice Mayor Tyler returned at 9:30 p.m.

PUBLIC HEARING: AMENDMENTS TO THE CIVIC CENTER SPECIFIC PLAN AND A PLANNED DEVELOPMENT RELATED TO THE MONTANA I AND II PROJECTS (355 EAST COLORADO BOULEVARD AND 380 EAST UNION STREET)

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

- (1) Adopt an Initial Environmental Study with Mitigated Negative Declaration;
- (2) Find that the proposed Civic Center Specific Plan amendments are consistent with the General Plan;
- (3) Find that the proposed Planned Development is consistent with the goals, objectives and policies of the General Plan and the purposes of the Pasadena Municipal Code Title 17 (Zoning), as outlined in the body of the report;
- (4) Approve the amendments to the Civic Center Specific Plan that relate to the site of The Montana I and II projects, described in the body of the report;
- (5) Approve the Planned Development for the site that includes the Montana I and II projects, described in the body of the report;
- (6) Direct the City Attorney to prepare an ordinance amending the Pasadena Municipal Code and the zoning map to establish the Planned Development with the provisions described in the report and to prepare a resolution amending the Civic Center Specific Plan with the provisions described in the report;
- (7) Approve the De Minimis Impact finding on State Fish and Wildlife Habitat; and
- (8) 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.

The Mayor opened the public hearing.

The City Clerk reported the notice of public hearing was published on March 19, 2004 in the Pasadena Star-News; 31 copies of the notice were posted on March 16, 2004; 33 copies of the notice were mailed on March 16, 2004; and one new letter was received in support.

The City Manager provided a brief history of the Planned Development (PD) and staff's review of the revised projects as requested by Council in light of the Draft Central District Specific Plan (DCDSP) and comments from various advisory bodies and the public; distributed a handout with eight revised recommendations for consideration if Council decides to approve the PD; and responded to questions.

Mr. Bill Trimble, Planner, noted the revised PD had been presented by the developer at a Planning Commission meeting as an information item and without a staff presentation, with no action taken by the Commission.

The City Attorney confirmed the Planning Commission had held public meetings on the PD, and Council could refer the project back

to the Commission if significant changes had been made to the project.

The City Clerk confirmed there was no pending motion on this agenda item.

Mr. Trimble summarized the supplemental staff report, reviewed the changes to the PD, and responded to questions.

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

The City Manager indicated the recommendations listed in the staff handout dated March 29, 2004 amended staff's original recommendations dated February 9, 2004 and incorporated the modifications to the projects being presented to Council, and noted there were still technical areas that remained to be discussed and finalized with the developer.

Mr. Scott Jenkins, Hahn and Hahn LLP, representing the developer, described and explained the current modified PD as demonstrated in a model and artist's renditions displayed for viewing, and responded to questions.

Mr. Steve Nakada, Nakada+Associates Inc., architect for the developer, responded to questions.

Mr. Chris Turner, West Builders, Inc., contractor for the project, briefly discussed the proposed change in the lot line and responded to questions.

Mr. Charlie Munger, project developer, commented on the economic impacts of the changes in the projects.

The following persons spoke in opposition to the PD and/or expressed concerns regarding the projects:

Ms. Andrea Rawlings, Design Commissioner, reviewed the Design Commission's recommendations, and suggested imposing a condition for the Montana II project that would result in lot coverage comparable to the Western Asset project and a condition for the Montana I project that would reduce the square footage area to the figure of the original project.

Mr. Arnold Siegel, Chair of Planning Commission, described the process involved with the developer's presentation at the Planning Commission's meeting of March 24, 2004.

Ms. Liz Trussell, Pasadena resident

Ms. Sue Mossman, Pasadena Heritage representative

Ms. Catherine Phelps, Pasadena resident

Mr. Richard Davis, Pasadena resident

Ms. Mic Hansen, Chair of Pasadena Heritage

The following persons spoke in opposition to the PD and/or expressed concerns regarding the projects and suggested the PD be returned to the Planning Commission for additional review:

Mr. David Romney, Pasadena resident
Mr. Bob Kneisel, Chair of Pasadena Neighborhood Coalition
Mr. James Lomako, Pasadena resident

The following person spoke in support of the PD project:

Mr. Martin Truitt, Chair of Maryland Homeowners Association

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

Vice Mayor Tyler expressed concerns regarding the elimination of the concept of at least one interior courtyard that can be seen into from the street that is a precept of the Civic Center Specific Plan (CCSP) and the apparent substitution of passageways as courtyards in the PD, and noted the CCSP and DCDSF referred to new buildings having interior courtyards. He requested a breakdown in the number of subterranean parking spaces and above ground parking spaces in the Montana I project parking structure.

Discussion followed on the proposed Civic Center Specific Plan amendments, provisions for interior vs. midblock courtyards, determination of the PD area in terms of lot lines for the Mutual Savings block, and possible modifications to the bank building.

The City Manager clarified the staff recommendations listed in the handout took into consideration the developer's proposal as presented through March 23, 2004 and did not include the developer's later proposals to paint the bank building and to trellis the parking structure on the Mutual Savings block.

MAIN MOTION

It was moved by Councilmember Holden, seconded by Councilmember Streater, to approve the City Manager's recommendations 1-8 as listed in the staff handout:

- (1) Adopt an Initial Environmental Study with Mitigated Negative Declaration;
- (2) Find that the proposed Civic Center Specific Plan amendments (Attachment D, report of February 9, 2004) are consistent with the General Plan;
- (3) Find that the proposed Planned Development is consistent with the goals, objectives and policies of the General Plan and the purposes of the Pasadena Municipal Code Title 17 (Zoning), as outlined in the body of the report of February 9, 2004;
- (4) Amend the Civic Center Specific Plan amendments that relate to the site of The Montana I and II (Attachment D, report of February 9, 2004) to be consistent with the applicant's proposal of March 23, 2004, and approve the amendments;

- (5) Amend the Planned Development (Attachment E, report of February 9, 2004) to be consistent with the applicant's proposal of March 23, 2004, and approve the amended Planned Development;
- (6) Direct the City Attorney to prepare an ordinance amending the Pasadena Municipal Code and the zoning map to establish the Planned Development with provisions that are consistent with the applicant's proposal of March 23, 2004 and to prepare a resolution amending the Civic Center Specific Plan with provisions consistent with the applicant's proposal of March 23, 2004;
- (7) Approve the De Minimis Impact finding on State Fish and Wildlife Habitat; and
- (8) 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; and to include the requirements to repaint the bank building and provide exterior façade improvements for the parking structure.

Discussion continued regarding massing issues of the Montana I project and allocation of FARs for the PD, possible review of the massing issues by the Planning Commission, and the role of the Design Commission in future project reviews.

The City Attorney indicated the ordinance regarding the establishment of the PD could return to Council within a timeframe of 45-60 days, which could also allow time for the Planning Commission to address any issues Council might refer back to the Commission and make recommendations.

SUBSTITUTE MOTION

It was moved by Councilmember Madison, seconded by Vice Mayor Tyler, to refer the PD to the Planning Commission for review and recommendations and a report to Council within 45 days:

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

NOES: Councilmembers Gordo, Holden, Little, Streator

ABSENT: None

(Motion failed)

Following discussion, it was moved by Councilmember Haderlein, seconded by Vice Mayor Tyler, to reopen the public hearing. (Motion unanimously carried) (Absent: None)

Mr. Siegel asked for clarification of Council's directions for the Planning Commission's review and recommendations regarding massing.

The Mayor expressed concern regarding the need to continue to follow the City's process in moving the project forward.

Vice Mayor Tyler expressed concern the Civic Center Specific Plan was not also being used as a basis for recommendations by the Planning Commission.

VOTE ON MAIN MOTION

Following additional discussion, the main motion by Councilmember Holden, seconded by Councilmember Streater, was restated as follows: to approve the City Manager's recommendations 1-8 as listed from the handout; include the requirements to repaint the bank building and provide exterior façade improvements for the parking structure; and direct the issue of massing on the Montana I project be referred back to the Planning Commission and be returned to Council in 45 days, during the same time period in which the City Attorney prepares the ordinance.

It was clarified that the Planning Commission would provide recommendations on three areas regarding massing issues: Floor Area Ratios (FAR) of 3.0 and whether the FAR can be increased to 3.3 if specific findings can be made, if specific findings can be made in regards to the height of the building, and articulation issues.

It was also clarified that Council is not locking itself into approval of the project, and is directing the City Attorney to prepare an ordinance that will need subsequent action by the Council. Based on the recommendations of the Planning Commission, the Council may or may not revise the proposed ordinance presented at that time. It was further clarified that the Planning Commission would be basing its recommendations on the Draft Central District Specific Plan.

Vote on the motion:

- AYES: Councilmembers Gordo, Haderlein, Holden, Little, Madison, Streater
- NOES: Vice Mayor Tyler, Mayor Bogaard
- ABSENT: None

COUNCIL COMMENTS

Councilmember Madison asked for a report on an oak tree issue in the bird sanctuary area of the Arroyo that has been reported to the Public Works Department, with the assurance that status quo for the tree can be maintained until the issue can be discussed.

Bill Bogaard

Bill Bogaard, Mayor
City of Pasadena

ATTEST:

Sharon McCain Johnson

City Clerk