

CITY OF PASADENA
City Council Minutes
May 3, 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 5:44 p.m. (Absent: Councilmembers Gordo, Holden, Madison)

On order of the Mayor, the regular meeting of the City Council recessed at 5:44 p.m., to discuss the following closed sessions:

Councilmembers Gordo and Holden arrived at 6:00 p.m.

Councilmember Madison arrived at 6:19 p.m.

CITY COUNCIL CONFERENCE WITH REAL PROPERTY NEGOTIATORS pursuant to Government Code Section 54956.8
Property: 78 North Marengo Avenue, Pasadena
City Negotiators: Cynthia Kurtz & Richard Bruckner
Negotiating Party: Trove Investments
Under Negotiation: Price and Terms

CITY COUNCIL CONFERENCE WITH LABOR NEGOTIATORS pursuant to Government Code Section 54957.6
Agency Representatives: Karyn Ezell and Richard Kunz
Employee Organization: International Brotherhood of Electrical Workers

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

On order of the Mayor, the regular meeting of the City Council reconvened at 6:56 p.m. The Pledge of the Allegiance was led by Vice Mayor Tyler.

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

ANNUAL REORGANIZATION

The Mayor announced it was time for the annual reorganization of the City Council, and it was time to adjourn the City Council as currently constituted.

MOTION TO ADJOURN COUNCIL - SINE DIE

It was moved by Councilmember Streater, seconded by Councilmember Gordo, to adjourn this City Council sine die. (Motion unanimously carried) (Absent: None)

ELECTION OF VICE MAYOR

The Mayor opened nominations for Vice Mayor.

It was moved by Councilmember Little, seconded by Councilmember Haderlein, to nominate Sidney F. Tyler, Jr. as Vice Mayor for a second term. There being no further nominations, the nominations were closed and the following vote was taken:

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

Mayor Bogaard congratulated Vice Mayor Tyler on his re-election.

REMARKS BY ELECTED VICE MAYOR

Vice Mayor Tyler expressed his thanks to his colleagues and stated it was an honor to serve as Vice Mayor and he hoped to make great progress.

REMARKS BY MAYOR/ COUNCILMEMBERS

Councilmember Holden stated the Council as a whole has done a very good job over the past year and that there had not been a shortage of major issues to deal with, notwithstanding the State budget deficit which will carry over to this year. He also noted the City Hall retrofitting project will be a visible indication to the community of how the City is looking to the future but yet recognizes the past. He stated and it was a pleasure to serve with the Council and expressed appreciation to the City Manager, City Attorney and City Clerk for their work efforts.

The Mayor also noted it had been a successful year and the Council had dealt with a lot of tough issues.

INFORMATION ITEM

TEN-YEAR HISTORY OF PARK APPROPRIATIONS AND EXPENDITURES

Recommendation of City Manager: The agenda report is for information only and no action is recommended.

On order of the Mayor, the above item was deferred one to two weeks.

Councilmember Madison suggested a 20 or 25 year duration of history and review of the State or County web site to see what the funding was and where it has gone.

In response, the City Manager indicated if Council would like 20 or more years, it would require additional time to review the grants. However, if Council wanted staff to review what was available in grants for capital purposes only in parks, staff could do so. She noted that capital improvements could be made through the Capital Improvement Budget or Operating Budget, but the information available may not be fully accurate.

Councilmember Streator suggested staff not do any more work until there is a discussion on the material already produced.

PUBLIC COMMENT FOR MATTERS NOT ON THE AGENDA

Councilmember Haderlein was excused at 7:10 p.m.

Ms. Serena-Marie Sanfilipo, Pasadena resident, spoke concerning her housing situation and the need for education and peer counseling for youth.

Ms. Anne M. Alderson, Pasadena resident, distributed a letter with photographs depicting mold, asbestos and vermin, and requested the City's assistance in requiring Caltrans to bring its rental homes up to Code.

In response to Ms. Alderson's comments, the Mayor indicated the City Manager would be responsible for ensuring communication with her within the next couple of days.

Councilmember Madison inquired if there was still a legal issue whether the City has code enforcement authority over the homes of Caltrans.

The City Manager indicated there was a difference of agreement with Caltrans on the issue, noted the seriousness of Ms. Alderson's concerns regarding health and safety, and offered to follow-up on the matter.

OLD BUSINESS

Councilmember Haderlein returned at 7:18 p.m.

FISCAL YEAR 2004 OPERATING BUDGET AMENDMENT - POLICE FIRING RANGE PROJECT

Recommendation of City Manager: Approve a journal voucher recognizing revenue in the amount of \$100,000 from the Hasting Village-Public Safety Deferred Revenue Account No. 3291 and appropriate it to the East Pasadena Sub-Station program budget Account No. 8114-101-403160, and appropriate \$77,000 from the Asset Forfeiture Fund (Fund 207) unappropriated fund balance to Account No. 207-8114-401500. (Journal Voucher No. 2004-39)

Councilmember Haderlein briefly reported on the ground breaking ceremony held on April 28, 2004 for the Police Firing Range.

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

CONSENT CALENDAR

AUTHORIZE THE CITY MANAGER TO ENTER INTO A CONTRACT WITH INNERVISION TECHNOLOGY RELOCATION COMPANY FOR TECHNOLOGY RELOCATION SERVICES IN THE AMOUNT OF \$48,443

Recommendation of City Manager: Authorize the City Manager to enter into a contract with InnerVision Technology Relocation Company for technology relocation services, not to exceed the amount of \$48,443, which includes \$42,143 for the base scope of services and \$6,300 for any additional services the City may request. (Contract No. 18,483)

RESOLUTION APPROVING A HAZARDOUS SUBSTANCES INDEMNIFICATION AGREEMENT BETWEEN THE CITY OF PASADENA AND THE STATE OF CALIFORNIA FOR STATE ROUTE 110 ADJACENT TO THE RAYMOND AVENUE TO SR 110 CONNECTOR PROJECT

Recommendation of City Manager: Adopt a resolution approving a Hazardous Substances Indemnification Agreement between the City of Pasadena and the State of California for State Route 110 adjacent to the Raymond Avenue to SR 110 Connector Project. (Resolution No. 8348; Contract No. 18,484)

ESTABLISHMENT OF UNDERGROUND UTILITY DISTRICT NO. 04-1 LOS ROBLES AVENUE (WASHINGTON BOULEVARD TO NORTH CITY LIMIT)

Recommendation of City Manager: Adopt a resolution setting a date for a public hearing to consider the formation of Underground Utility District No. 04-1. The suggested date for the public hearing is May 24, 2004, at 8:00 p.m. (Resolution No. 8347)

APPROVAL OF MINUTES

March 29, 2004
April 5, 2004

CLAIMS RECEIVED AND FILED

Claim No. 9542	Mercury Insurance Company fo\$ Julie McCabe	4,939.99
Claim No. 9543	Edward Craney	Not Stated
Claim No. 9544	Zohrab Svajian	200.00
Claim No. 9545	Jean Murphy and Robert Bullock	2,500.00
Claim No. 9546	Southern California Gas Company Maria Jimenez	418.94
Claim No. 9547	Cherylene Eilers-Dearden	896.40

It was moved by Vice Mayor Tyler, seconded by Councilmember Gordo, to approve the Consent Calendar items, with a correction to the March 29, 2004 City Council minutes on Page 9, left column, under Joint Public Hearing: Approval of Owner Participation and Loan Agreement with Heritage Housing Partners, to state Mayor Bogaard recused himself at 8:12 p.m. due to a conflict of interest to avoid any possible appearance of a conflict of interest. (Motion unanimously carried) (Absent: None)

**RECOMMENDATIONS
FROM OFFICERS AND
DEPARTMENTS**

Councilmember Madison
was excused at 7:23 p.m.

**APPOINTMENT OF BRYAN L. REESE TO THE UTILITY
ADVISORY COMMISSION (District 5 Nomination)**

It was moved by Councilmember Streator, seconded by Councilmember Haderlein, to approve the above appointment. (Motion unanimously carried) (Absent: None)

**DESIGNATION OF VOTING DELEGATE AND ALTERNATE FOR
A SPECIAL MEETING OF THE LEAGUE OF CALIFORNIA CITIES
GENERAL ASSEMBLY ON MAY 13, 2004, IN SACRAMENTO**

Mayor Bogaard nominated Councilmember Streator as delegate and Councilmember Holden as alternative delegate.

It was moved by Councilmember Little, seconded by Vice Mayor Tyler, to designate Councilmember Streator as delegate and Councilmember Holden as alternate delegate. (Motion unanimously carried) (Absent: Councilmember Madison)

**LICENSE AGREEMENT WITH SOCCER UNITED MARKETING
(SUM) AND/OR ANSCHUTZ ENTERTAINMENT GROUP (AEG)
FOR AN INTERNATIONAL SOCCER MATCH TO BE PLAYED ON
AUGUST 4, 2004**

Recommendation of Rose Bowl Operating Company (RBOC):

It is the recommendation of the RBOC that the City Council:
(1) Affirm action of the RBOC to approve a license agreement with SUM and/or AEG for the promotion of an international soccer match involving Real Madrid on August 4, 2004 at the Rose Bowl.
(2) Make the required finding, pursuant to Arroyo Seco Ordinance Section 3.32.270, to authorize the presentation of a soccer game to be held at the Rose Bowl as a displacement event.
(3) Acknowledge that on February 23, 2004, the City Council approved 25 displacement events at the Rose Bowl pursuant to the environmental clearance provided by the Master Environmental Impact Report for the Arroyo Seco Master Plans certified on April 14, 2003. In addition, acknowledge that this action is also categorically exempt under the California Environmental Quality Act ("CEQA") pursuant to Section 15301 of the CEQA Guidelines, Class 1 which consists of the leasing or licensing of existing public facilities, and Section 15323 of the CEQA Guidelines, Class 23 which consists of the normal operations of existing facilities for public gathering for which the facility was designed, where there is a past history of the facility being used for the same or similar kind of purpose. (Contract No. 18,485)

Mr. Darryl Dunn, General Manager of the Rose Bowl Operating Company, summarized the agenda report and responded to questions.

It was moved by Councilmember Little, seconded by Councilmember Holden, to approve the Rose Bowl Operating Company's recommendation. (Motion unanimously carried) (Absent: Councilmember Madison)

RECESS

On order of the Mayor, the regular meeting of the City Council recessed at 7:27 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 7:28 p.m. (Absent: Councilmember Madison)

**ORDINANCE - FIRST
READING**

Councilmember Madison
returned at 7:29 p.m.

Conduct first reading of "AN ORDINANCE OF THE CITY OF PASADENA AMENDING CHAPTER 4.08 OF THE PASADENA MUNICIPAL CODE, THE COMPETITIVE BIDDING AND PURCHASING ORDINANCE, INCREASING THE AMOUNT AT WHICH EMERGENCY PURCHASES ARE TO BE REPORTED TO THE CITY COUNCIL FROM \$25,000 TO \$75,000"

The City Manager responded to questions regarding emergency purchases.

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

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

Councilmember Holden was
excused at 7:34 p.m.

CITY HALL SEISMIC RETROFIT PROJECT UPDATE

**Recommendation of City Hall Restoration Oversight
Committee:** It is recommended that the City Council receive and file the agenda report.

Mr. Paul C. Jennings, Chair of the City Hall Restoration Oversight Committee, summarized the agenda report, cautioned the Council of the unexpected cost increase of steel, and responded to questions.

Mr. Foster Hildreth, Seismic Retrofit Project Manager, responded to questions regarding steel costs.

The Mayor distributed copies of an article entitled Another Leap by China, with Steel Leading Again.

Councilmember Madison suggested the present City Council attend the reorganization meeting for the opening of the retrofitted City Hall and ribbon cutting ceremony in May of 2007.

In response, the City Manager stated staff was planning to have the ribbon cutting ceremony in April or May of 2007 so that the people who made some of the decisions regarding the City Hall retrofit are present.

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

MODIFICATIONS TO CITY HALL SEISMIC RETROFIT PROJECT SCOPE, AWARD A PROFESSIONAL SERVICES CONTRACT TO HISTORICAL RESOURCES GROUP AND A CONTRACT AMENDMENT FOR THE PROJECT ARCHITECT, ARCHITECTURAL RESOURCES GROUP

Recommendation of City Manager:

(1) Approve a revision to project scope and corresponding reduction in costs by \$180,000 in order to reduce the imbalance between the City Hall Seismic Retrofit project cost estimate and the budget approved by the City Council on August 11, 2003.

(2) Authorize a professional services contract for an amount not to exceed \$225,000 to Historical Resources Group to perform the services of the Historical Preservation Consultant as required by FEMA and the State Historical Preservation Office.

(3) Authorize an amendment to Contract No. 16,899-1 with Architectural Resources Group ("ARG") in the amount of \$104,500, thereby increasing the contract amount from \$6,342,754 to \$6,447,254 as follows:

A. Audio visual design services	\$ 41,500
B. Exterior lighting design services	24,000
C. Code signage design services	10,000
D. Structural engineering re-design (moat wall shoring)	29,000
Total	\$104,500

Councilmember Madison was excused at 7:49 p.m.

To the extent any of the proposed amendments represent work that may be considered separate and should be bid separately, it is recommended that the City Council grant the proposed amendments an exemption from the competitive selection process of the Competitive Bidding and Purchasing Ordinance, pursuant to Pasadena Municipal Code Section 4.08.049(B), contracts for which the City's best interests are served. Competitive bidding is not required for any of these services pursuant to City Charter Section 1002(F), contracts for professional or unique services. (Contract Nos. 18,486 & 16,899-3)

Councilmember Holden returned at 7:51 p.m.

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

In response to a question regarding how it was determined that there were no local agencies or groups capable of performing exterior lighting design services or technology related design services, Mr. Gee Heckscher, Senior Associate representing Architectural Resources Group, described the outreach process used to solicit consultants with local firms by utilizing the yellow pages, Internet, and phone calls.

Councilmembers Streater and Holden expressed concern regarding the outreach process for local firms.

The City Manager indicated staff had been focusing on the construction phase and was a little behind on the design phase, and staff would try and do a better job in the future.

Councilmember Little stressed the importance of follow-up, the need to have certain targets in local hiring, and for someone to monitor that targets are met. He also suggested advertising in the City newsletter In Focus for upcoming projects.

Councilmember Gordo suggested the work be unbundled to smaller projects in order to allow more firms to qualify.

In response, the City Manager indicated staff would sit down and create a list of the types of contractors that will be solicited and network with contractors so that some pre-development work is done. She also indicated an article would be placed in In Focus.

Councilmember Holden suggested the City Manager return in a reasonable time to update Council on the outreach strategy and how much contract dollars are available for the work.

Councilmember Gordo was excused at 8:07 p.m.

The City Manager stated the information would be provided, and noted the request ties in with another program that was being developed with the Northwest Coalition regarding local hiring, however, the strategy needs to be specific with this project.

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

PUBLIC HEARINGS

Councilmember Madison returned at 8:09 p.m.

Councilmember Gordo returned at 8:11 p.m.

CONTINUED PUBLIC HEARING: FY 2005 - 2010 RECOMMENDED CAPITAL IMPROVEMENT PROGRAM BUDGET Recommendation of City Manager: Receive public comment and continue the public hearing to each subsequent regular meeting of the City Council at 8:00 p.m. until May 24, 2004, or such other later date as the City Council may determine, and at which time the City Council will be asked to close the public hearing and formally adopt the FY 2005-2010 Capital Improvement Program Budget.

Councilmember Little, Chair of the Finance Committee, reported the Finance Committee began reviewing the Capital Improvement Program budget for next year and the foreseeable future, briefly noted the Operating Budget would also be reviewed at the next joint Finance Committee meeting, and invited the public to attend.

There was no public comment.

On order of the Mayor, the public hearing was continued to May 10, 2004, 8:00 p.m.

PUBLIC HEARING: REVISIONS TO THE HILLSIDE DEVELOPMENT OVERLAY DISTRICTS

Recommendation of City Manager It is recommended that, following a public hearing, the City Council:
(1) Approve the Initial Environmental Study and Negative Declaration (Attachment B of the agenda report);

- (2) Approve the De Minimis Impact Finding on the State Fish and Wildlife Habitat (Attachment C of the agenda report);
- (3) Approve the revisions to Section 17.48 and 17.49 of the Municipal Code (Hillside Development Overlay Districts), as shown in Attachment D of the agenda report; and Title 10, Traffic and Vehicles;
- (4) Approve the Overlay Zone Change from HD (Hillside District) to HD-SR (Hillside District, San Rafael) for the portion of the Hillside District known generally as the San Rafael Hills area and shown on Attachment A of the agenda report as HD-SR; and
- (5) Find that the proposed revisions to the Hillside Development Overlay Districts and the grading ordinance are consistent with the goals and policies of the General Plan;
- (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; and
- (7) Direct the City Attorney to prepare an ordinance that implements this recommendation and develops a methodology for processing existing cases and plans for hillside projects.

Recommendation of Planning Commission: The Planning Commission reviewed the proposed hillside development standards on April 14, 2004. Following extensive testimony, the item was continued until April 28, 2004. On April 28, the Planning Commission voted 8-0 to approve the standards as proposed with the recommended modifications described in Attachment F of the agenda report. The Planning Commission held a second vote regarding solely the issue of the deduction of the 50% sloped area of a lot from the floor area ratio calculation. The Commission separated the votes because the 50% slope deduction issue was the only proposed standard that garnered differing opinions. The Commission voted 5-3 to remove the 50% slope deduction from the revisions and removed the 3,000 square foot limitation for homes on steep lots impacted by 50% slopes (Section 17.48.060.A.3 and 17.48.060.A.6). This vote included a recommended modification to the existing slope reduction formula that reduces the allowed floor area that can be built (Section 17.48.060.A.4). The Commission found that this change, in addition to new regulations on neighborhood compatibility, ridgeline and view protection, and height restriction will adequately regulate hillside development. The staff agrees with the Planning Commission recommendation with the exception of the removal of the 50% slope deduction.

The Mayor opened the public hearing.

The City Clerk reported the notice of public hearing was published April 12, 19, and 26, 2004 in the Pasadena Star-News; eight letters were received in support; 32 pieces of correspondence were received in opposition and/or expressing various concerns regarding the recommended changes to the revisions to the Hillside Development Overlay Districts.

The City Manager introduced the item.

Mr. Jason Kruckeberg, Planner, summarized the agenda report, noted the community meetings held to obtain issues and concerns from the public, and provided an overview of the new proposed thresholds for the District, and responded to questions.

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

In response to a question regarding certain properties being in the Overlay District that should not be, Mr. Kruckeberg indicated staff was taking a comprehensive look at the matter and indicated it would be reviewed in a separate process.

In response to the timing of when staff would complete its review of those in the Overlay District that should not be in the District, Mr. Bruckner stated he would return with the timetable and it needs to be worked into the Department's work program.

Discussion ensued concerning projects already within the process and imposing new rules on these projects.

Ms. Maribel Medina, Assistant City Attorney, indicated Council did have the discretion to have a certain category of projects be analyzed based on the current standards as opposed to the new standards that would be adopted, however, it would need to be stated in the ordinance.

Councilmember Madison suggested that the recommendation be amended to include a provision for projects already in the process rather than changing the standards, and he noted that there were approximately six to eight projects in his District that would fall into that category.

Mr. Kruckeberg explained the formula used for calculating the sloped lots and responded to questions regarding how the proposed ordinance would provide view protection. He indicated views had been looked at from abutting lots and that the ridgeline protection would be a larger scale of protection.

The following persons spoke in support of the City Manager's recommendation:

- Ms. Sharon Scull, representing Putney Area Neighbors, submitted a letter
- Mr. Michael John, Pasadena resident, supports either the staff or the Planning Commission recommendation
- Mr. Bruce Gabala, Pasadena resident
- Ms. Nina Chomsky, representing Linda Vista/Annandale Association
- Ms. Christiane Christiansen, Pasadena resident, supports either the staff or the Planning Commission recommendation
- Mr. Joseph Dumbacher, Pasadena resident, supports either the staff or Planning Commission recommendation

Mr. Michael Hurley, Pasadena resident.
Mr. Roger Wolf, representing Safety and Open Space First Pasadena
Mr. Carolyn Naber, Pasadena resident, submitted a letter
Mr. Richard A. McDonald, member of the Planning Commission
Mr. David T. Romney, Pasadena resident, and submitted a letter
Mr. Mike Wilson, Pasadena resident

The following persons spoke in support of the Planning Commission recommendation:

Mr. Kenneth Frankel, representing Citizens for Responsible Hillside Development, and submitted a letter
Ms. Ann Higginbotham, Pasadena resident
Ms. Robbie Davis, Pasadena resident
Mr. Douglas F. Madsen, Pasadena resident

The following persons spoke in opposition to the recommended revisions:

Mr. Robert Tyler, Pasadena resident
Ms. Susan MacLean, Pasadena resident
Mr. Bill Podley, Pasadena resident
Ms. Carolyn Bruno, Pasadena resident
Mr. Steve Jennings, Pasadena resident, and submitted a letter
Ms. Martha (Marcy) Goodwin, Pasadena resident
Mr. Gordon Kirk, Pasadena resident, and submitted an email
Mr. Michael G. Fortanasce, Pasadena resident
Mr. Bedros Darkjian, Duarte resident.

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

The City Manager responded to questions regarding projects currently in the pipeline.

Mr. Richard Bruckner, Director of Planning and Development, responded to questions regarding the work efforts and the possible costs to complete an application.

The City Attorney responded to questions.

Discussion ensued regarding view corridors. The City Manager indicated that staff had tried to address view corridors within the hills, how to do view corridors from any place in the Arroyo, how one would judge the places to look from, and who would determine what could be seen, and she noted that staff was not sure how to administer this.

Councilmember Haderlein suggested the issue of view corridors be revisited in six months.

Following discussion, it was moved by Councilmember Madison, seconded by Councilmember Little, to approve the City Manager's recommendation, with the amendment that any project as of today, May 3, 2004, that has a completed application for a discretionary action essentially go forward under the rules as they exist prior to this ordinance.

At the request of Councilmember Haderlein, the maker and seconder agreed to amend the motion to add that Council revisit the issue of view corridors in six months. (Motion, as amended, unanimously carried) (Absent: None)

ORDINANCE - FIRST READING

Conduct first reading of "AN INTERIM URGENCY ORDINANCE OF THE CITY OF PASADENA ADOPTED PURSUANT TO GOVERNMENT CODE SECTION 65858 TEMPORARILY PROHIBITING NEW RESIDENTIAL AND MIXED-USE CONSTRUCTION IN THE CENTRAL DISTRICT SPECIFIC PLAN AREA"

The City Attorney summarized the Ordinance Fact Sheet and the reasons for re-introducing the proposed ordinance. and responded to questions..

The above ordinance was offered for re-introduction of first reading by Councilmember Madison:

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

ORDINANCE - ADOPTED

Adopt "AN ORDINANCE OF THE CITY OF PASADENA AMENDING CHAPTER 2.250 OF THE PASADENA MUNICIPAL CODE RELATING TO BENEFITS PROVIDED TO MEMBERS OF THE FIRE AND POLICE RETIREMENT SYSTEM" (Introduced by Councilmember Haderlein) (Ordinance No. 6970)

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

INFORMATION ITEMS

Councilmembers Gordo and Madison were excused at 10:30 p.m.

PROCEDURES FOR CONSISTENCY FINDINGS IN DEVELOPMENT PROJECTS

Mr. John Poindexter, Planning Manager, provided an overview of the consistency findings, the approval process for development projects, and responded to questions.

Councilmember Holden was excused at 10:40 p.m.

Mr. Richard Bruckner, Director of Planning and Development, and the City Manager responded to questions related to the project approval process and how projects can evolve during the approval process.

In response to a question regarding whether Council is notified if a project has significant changes, the City Manager responded that Council is not notified of changes to a project as long as the project is deemed consistent and it meets the Zoning Code, City regulations, conditions of approval, and there is no impact outside the environmental document. If the project is not consistent, the project stops until it is brought back into consistency. If there is disagreement with the staff ruling, there is an appeal process to the Board of Zoning Appeals. The City Manager noted that regarding the Raymond Theater project, staff did not believe the changes were inconsistent.

Mayor Bogaard expressed concern that there is not a process for Council to be notified of staff decisions regarding consistency findings, and an opportunity to appeal or call for review the consistency findings. The City Manager responded that most projects have additional reviews, such as design review, and there are opportunities to appeal or call for a review.

Mayor Bogaard also expressed concern that the project description for the Raymond Theater, which was the basis for the consistency finding, reflected 11,383 square feet of commercial space, while tonight's agenda report, using the Raymond Theater as an example, reflects 32,500 square feet of commercial space. Mr. Poindexter responded there were both typographic and mathematical errors that were in the consistency report as initially presented to the Design Commission, which have been recently corrected and would not change the nature of the environmental impacts.

Copies of the conditions of approval for the Raymond Theater were distributed, and the Mayor expressed concern whether the project complies with the eleven conditions of approval which Council had approved two years ago, and questioned whether the environmental consultant firm considered these conditions as an integral part of its review of the project as now proposed. Mr. Poindexter responded that there was a division of workload among staff and the consultant, with the consultant analyzing the project as to its environmental impacts and staff evaluating the project as to its consistency with the conditions of approval.

The Mayor also questioned whether the Design Commission has been given an opportunity to approve the changes to the project, and this is information he would like when the matter is heard before Council in two weeks.

The City Attorney advised Council that it would not be appropriate to get into the details of specifics of the Raymond Theater project this evening.

Councilmember Streator stated her concern is trying to understand how a project can evolve to such an extent and still be considered consistent. She also commented that this meeting may not be the appropriate time to address the issues, but she would like to know what elements the Council approved two years ago when it thought it was approving a total project (Raymond Theater); what elements were contained in there that were not approved by the Council but described what the project was like and are included in the environmental report; where the project is now; and how does the staff reconcile these changes into a consistency finding.

The Mayor clarified that in two weeks, staff will demonstrate to the Council how each of the eleven conditions of approval have been complied with in the Raymond Theater project. He also expressed concern that staff and the City Attorney's Office told the Design Commission that it was not permitted to appeal or address the question of consistency. He expressed concern that there seems to be inconsistency between the conditions the Council approved two years ago and what is being suggested as being totally consistent with the entitlement process.

Vice Mayor Tyler requested information regarding the consistency between what Council initially sees in a predevelopment project review and what comes up later; and he indicated it would make sense to have either a reminder or a discussion of what the thresholds are by which the Council is to see a predevelopment project review and how the Council is informed when a project takes a significantly different shape.

The Mayor inquired of the City Attorney as to when the Council will have an opportunity to satisfy itself, through all necessary information, that the Council's approval of the Raymond Theater project was faithfully carried out, having in mind that this calls for approval of the changes made in the project by the Design Commission.

Councilmember Streator was excused at 11:05 p.m.

The City Attorney and City Manager responded that Council can be provided with responses to questions raised in two weeks.


The Mayor noted that the Council had lost its quorum, and thus the meeting would need to adjourn without hearing public comment on this item.

Due to a lack of quorum, the above item was held, with staff to respond to Council questions and report back on May 17, 2004.

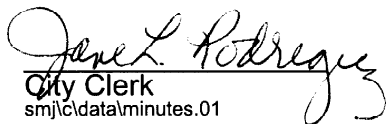
ADJOURNMENT

On order of the Mayor, the regular meeting of the City Council adjourned at 11:13 p.m., due to a lack of quorum.

ATTEST:



Bill Bogaard, Mayor
City of Pasadena



City Clerk
smj\c\data\minutes.01