

CITY OF PASADENA
City Council Minutes
May 17, 2004 – 5:30 P.M.
City Hall Council Chamber

REGULAR MEETING

OPENING:

Mayor Bogaard called the regular meeting to order at 5:40 p.m.
(Absent: Councilmembers Gordo, Holden, Madison)

On order of the Mayor, the regular meeting recessed at 5:40 p.m., to discuss the following closed sessions:

Councilmember Holden arrived at 5:46 p.m.

Councilmember Gordo arrived at 6:05 p.m.

Councilmember Madison arrived at 6:25 p.m.

CITY COUNCIL CONFERENCE WITH LEGAL COUNSEL REGARDING POTENTIAL LITIGATION - Significant exposure to litigation pursuant to Government Code Section 54956.9(b): Claim No. 9303 filed by Pasadena Fire and Police Retirement System

CITY COUNCIL CONFERENCE WITH LEGAL COUNSEL - Existing Litigation pursuant to Government Code Section 54956.9(a):

Case Name: Javier Quezada v Steven Arcand, et al.

Case No.: United States District Court, Central District, Case Number CV-03-2301 DDP (SHx)

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

On order of the Mayor, the regular meeting reconvened at 6:45 p.m. The Pledge of Allegiance was led by two members of Boy Scout Troop 27.

ROLL CALL:

Councilmembers:

Mayor Bill Bogaard
Vice Mayor Sidney F. Tyler, Jr.
Councilmember Victor Gordo
Councilmember Steve Haderlein (Returned at 6:58 p.m.)
Councilmember Chris Holden
Councilmember Paul Little
Councilmember Steve Madison
Councilmember Joyce Streator (Returned at 6:50 p.m.)

Staff:

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

CEREMONIAL MATTERS

The Mayor presented a proclamation declaring May 16-22, 2004 as "National Public Works Week." Mr. Martin Pastucha, Director of Public Works Department, accepted the

Councilmember Streator returned at 6:50 p.m.

PUBLIC COMMENT ON MATTERS NOT ON THE AGENDA

Councilmember Haderlein returned at 6:58 p.m.

proclamation, and expressed appreciation for this recognition of the work performed by the City's Public Works employees.

Ms. Mary Dee Romney, Pasadena resident, commented on the Growth Symposium held on May 1, 2004 and hosted by the Pasadena Neighborhood Coalition (PNC); noted the event had been videotaped and would be aired on the local cable television channel (55-KPAS); and thanked Council for their attendance or representation by field representatives at the Symposium.

Ms. Donna Pomerantz, Chair of the Accessibility and Disability Commission, and Ms. Fran Kitrell, Commission member, outlined concerns regarding accessibility and safety issues at various Gold Line stations, and asked Council's assistance in contacting the Blue Line Construction Authority to address these issues.

The Mayor noted the Commission's letter listing concerns had been received for consideration.

The City Manager indicated staff would attend a Commission meeting to discuss the concerns identified in the letter; offered the City's assistance in contacting the appropriate agencies (Blue Line Construction Authority, Metropolitan Transportation Authority (MTA), and cities with Gold Line stations) to assist in resolving the accessibility and safety issues; and pledged the City's assistance in addressing any issues involved with local stations.

Mr. James Lomako, Pasadena resident, commented on the 50th anniversary of the U.S. Supreme Court decision involving the Brown v. Board of Education case.

Mr. Dan Daugherty, Pasadena resident, commented on the obligation of local government to represent the community to the national government as this pertains to the war in Iraq, and submitted a "Fraudulent Event Note" to illustrate this position.

RECOMMENDATIONS FROM OFFICERS AND DEPARTMENTS

AUTHORIZATION TO PROVIDE CREDIT ENHANCEMENT TO A LOAN BETWEEN PASADENA PLAYHOUSE STATE THEATRE AND A BANK TO BE DETERMINED IN A PRINCIPAL AMOUNT NOT TO EXCEED \$750,000

Recommendation of City Manager: Authorize the City Manager to enter into an agreement with the Pasadena Playhouse State Theatre to utilize the City's credit quality in order to provide credit enhancement to a loan between Pasadena Playhouse State Theatre (PPST) and a bank to be determined in a principal amount not to exceed \$750,000. (Agreement No. 18,490)

The City Manager highlighted the agenda report.

Mr. Jay Goldstone, Director of Finance Department, responded to questions.

Councilmember Haderlein suggested excess dollars collected through the ticket charge described in the agenda report be placed in a reserve account for payment of the loan.

Mr. Kerry McCluggage, Chairman of the Board of Pasadena Playhouse State Theatre (PPST), spoke in support of the proposed agreement.

It was moved by Councilmember Madison, seconded by Councilmember Streater, to approve the City Manager's recommendation, with the understanding that excess dollars collected through the ticket charge would be placed in a reserve account for payment of the loan. (Motion unanimously carried) (Absent: None)

Councilmember Little praised the Playhouse programs and encouraged the community to support the Theatre's productions.

LEVY OF ASSESSMENT AGAINST HOTEL AND MOTEL BUSINESSES FOR FISCAL YEAR 2004-2005 IN CONNECTION WITH THE PASADENA TOURISM BUSINESS IMPROVEMENT DISTRICT

Recommendation of Pasadena Center Operating Company:

It is recommended that the City Council adopt a resolution approving the Report of the Advisory Board for Fiscal Year 2004-2005, declaring its intention to levy Assessments within the Pasadena Tourism Business Improvement District for Fiscal Year 2004-2005 and setting a public hearing on June 14, 2004 at 8:00 p.m. (Resolution No. 8352)

Mr. Roger Smith, Chief Executive Officer of Pasadena Center Operating Company (PCOC), summarized the agenda report and responded to questions.

It was moved by Councilmember Madison, seconded by Councilmember Haderlein, to approve the Pasadena Center Operating Company's recommendation. (Motion unanimously carried) (Absent: None)

ADOPTION OF A RESOLUTION OF INTENT AND FIRST READING OF AN ORDINANCE TO AMEND THE CALPERS CONTRACT TO ESTABLISH AN OPEN WAIVER PERIOD FOR ALL SAFETY EMPLOYEES CURRENTLY PARTICIPATING IN THE FIRE AND POLICE RETIREMENT SYSTEM WHO MAY WISH TO TRANSFER TO PERS

Recommendation of City Manager: It is recommended that the City Council adopt a Resolution of Intention and conduct

**ORDINANCE – FIRST
READING**

first reading of “AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PASADENA AMENDING THE CONTRACT BETWEEN THE CITY OF PASADENA AND THE BOARD OF ADMINISTRATION OF THE CALIFORNIA PUBLIC EMPLOYEES RETIREMENT SYSTEM TO PROVIDE FOR A SUBSEQUENT LOCAL SYSTEM WAIVER PERIOD FOR LOCAL SAFETY MEMBERS” currently participating in the Fire and Police Retirement System (FPRS) and allow any such member who wishes to transfer from FPRS to PERS to do so no later than June 30, 2004. (Resolution No. 8353)

Councilmember Little noted this action could provide potential savings to the City.

It was moved by Councilmember Streator, seconded by Councilmember Little, to approve the City Manager’s recommendation and offer the ordinance for first reading:

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

NOES: None

ABSENT: None

**RECOMMENDATIONS FROM
OFFICERS AND
DEPARTMENTS**

APPOINTMENT OF CONCEPCION ARECHABALA TO THE SENIOR COMMISSION (At Large/District 7 Nomination)

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

ORDINANCES – ADOPTED

Adopt “AN ORDINANCE OF THE CITY OF PASADENA SUSPENDING SECTIONS 9.36.220 AND 9.36.230 OF THE PASADENA MUNICIPAL CODE RELATING TO AN EXEMPTION FROM THE NOISE ORDINANCE FOR A PERMITTED EVENT AT HAHAMONGNA WATERSHED FOR SUNDAY, JUNE 13, 2004 (MIKE ANTONOVICH TRAIL RIDE)” (Introduced by Councilmember Streator) (Ordinance No. 6973)

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

Adopt “AN ORDINANCE OF THE CITY OF PASADENA AMENDING CHAPTER 14.05 OF THE MUNICIPAL CODE (EXCAVATION AND GRADING IN HILLSIDE AREAS), CHAPTER 10.52 (TRUCK ROUTES) AND TITLE 17 (ZONING CODE)” (Introduced by Councilmember Madison) (Ordinance No. 6974)

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

CONSENT CALENDAR
MINUTES APPROVED

April 19, 2004

**CLAIMS RECEIVED AND
 FILED**

Claim No. 9553	Alan Devery	\$ 128.00
Claim No. 9554	Philip Diaz	1,500.00
Claim No. 9555	VeriClaim/ SAFECO Insurance Company/ Andrew Lerner	1,402.99
Claim No. 9556	Dr. Lynch Foundation	978.46
Claim No. 9557	Southern California Gas Company	280.73
Claim No. 9558	Jerry McClane	134.00
Claim No. 9559	California Automobile Insurance Company for Eddie R. Ballard	6,268.66

PUBLIC HEARING SET

June 14, 2004, 8:00 p.m. - Request to designate property located at 683 South Los Robles Avenue as a Landmark

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

OLD BUSINESS

**PROCEDURES FOR CONSISTENCY FINDINGS IN
 DEVELOPMENT PROJECTS AND APPLICATION OF THE
 PROCESS TO THE RAYMOND THEATER PROJECT**

The Mayor provided a brief history of prior discussions and staff presentations leading to the preparation of the staff report, and outlined the focus and parameters for current discussion.

The City Manager discussed the overall process for making consistency findings as development projects move through the approval process, and responded to questions.

Mr. John Poindexter, Planning Manager, reviewed the staff report as it pertained to the Raymond Theater project, discussed discrepancies/problems in comparing project plans as the project was developed and modified, and responded to questions.

Mr. Richard Bruckner, Director of Planning and Development Department, noted the project would continue to be submitted to consistency findings during the approval process, and responded to questions.

Mr. Denver Miller, Principal Planner, responded to questions.

Discussion followed regarding the project description; comparison of the baseline project with the current project in terms of the conditions imposed by the Council as the project moved through the approval process (regarding commercial square footage, total square footage of the project, parking space requirements, and skylights); efforts involved with the condition for marketing of the theater space; site plan review; parameters of the upcoming public hearing discussion on the call for review of the Raymond Theater project; and jurisdiction of the Design Commission in reviewing the project.

The City Attorney confirmed that discussion during the call for review of the project would be constrained to the scope of design review; and that the documents presented as attachments to the staff report under current discussion would be a part of the record for the call for review discussion, provided the materials had been presented to the Design Commission. She also discussed the jurisdiction of the Design Commission as described in the Pasadena Municipal Code (PMC) and Council's option to refer matters to the Commission that are outside of this jurisdiction.

In response to the Mayor's question, the City Manager confirmed that the consistency findings material dated May 12, 2004 had not been presented to the Design Commission for review.

The City Attorney reiterated the upcoming hearing on the call for review would focus on the scope of a concept design review and the current discussion would address the issue of the procedure for consistency findings in general or as applied to the Raymond Theater project.

The Mayor stated his position that the Council would be sitting as if it was the Design Commission taking the matter up for the first time in the *de novo* hearing on the call for review.

The following persons expressed concerns regarding the findings related to and/or the significance of changes made to the Raymond Theater project:

Mr. Ray Dashner, Pasadena resident, submitted a letter stating concerns.

Mr. Glenn de Veer, Design Commission Chair speaking as an individual

Mr. Mark Nay, Design Commissioner speaking as an individual

Mr. Richard Becker, Pasadena resident, submitted a letter requesting clarification on determining consistency.

Ms. Gina Zamparelli, Friends of the Raymond Theatre representative, submitted materials regarding the findings and conditions for the Raymond Theater Project, and asked for clarification on submitting an appeal of Council's decisions regarding the Raymond Theater matter.

Mr. Robert Nudelman, Hollywood Heritage representative
Mr. Dale Trader, Pasadena resident
Mr. Larry Herbst, Pasadena resident
Mr. James Lomako, Pasadena resident
Mr. Dave Monks, Hollywood Heritage representative

The Mayor indicated the City Clerk should be contacted regarding an appeal of the upcoming call for review of the concept design review.

The following persons spoke in support of the findings related to the Raymond Theater project:

Mr. Gene Buchanan, Raymond Theater applicant
Ms. Marilyn Buchanan, Raymond Theater applicant
Ms. Maggie Campbell, Old Pasadena Management District President

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

**REPORTS AND COMMENTS
FROM COUNCIL
COMMITTEES**

FINANCE COMMITTEE

Vice Mayor Tyler and Councilmember Haderlein were excused at 8:47 p.m.

INFORMATION ITEMS

Councilmember Haderlein returned at 8:51 p.m.

Vice Mayor Tyler returned at 8:53 p.m.

QUARTERLY INVESTMENT REPORT - QUARTER ENDING MARCH 31, 2004

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

Councilmember Little, Chair of the Finance Committee, introduced the agenda item and complimented the City Treasurer Vic Erganian for his competent work with the City's investments.

Mr. Erganian summarized the agenda report.

It was moved by Councilmember Little, seconded by Councilmember Streater, to receive and file the report. (Motion unanimously carried) (Absent: Councilmember Haderlein, Vice Mayor Tyler)

ABANDONED SHOPPING CART PROGRAM UPDATE

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

Assistant City Manager Enrique Martinez introduced the agenda report and responded to questions.

Mr. Jon Pollard, Code Compliance Manager, reviewed the agenda report and responded to questions.

Mr. Rod Olguin, Permit Center Manager, discussed staff's work with storeowners in obtaining compliance with the City's abandoned shopping cart ordinance.

Discussion followed on maintaining a focus to ensure continued compliance with the ordinance and on related costs and fees related to enforcement.

Councilmember Gordo suggested staff also explore strengthening ordinances that address cleanliness issues in parking lots (e.g. litter and steam cleaning).

Mr. Martinez indicated the next update to Council to be given in six to nine months would include information on the ongoing costs of the cart program.

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

EQUAL OPPORTUNITY IN EMPLOYMENT ANNUAL REPORT: JANUARY 1, 2003 - DECEMBER 31, 2003

Recommendation of City Manager: Receive and file the Equal Opportunity in Employment Annual Report. The agenda report is based on the calendar year, and reflects all individuals employed in regular full-time positions during 2003.

The City Manager summarized the agenda report.

Ms. Karyn Ezell, Director of Human Resources Department, responded to questions.

Councilmember Little asked Ms. Ezell to provide information in the Council green sheet on the total number of employees who are Pasadena residents.

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

ANNUAL REPORT ON CITY PROCUREMENT - CALENDAR YEAR 2003

Recommendation of City Manager: Receive the annual report on City Procurement for calendar year 2003.

The City Manager summarized the agenda report and responded to questions.

Mr. Steve Mermell, Budget Administrator, responded to questions.

The City Manager indicated staff would examine ways to more fully track hiring/employee information for subcontractors; and noted statistics for the City Attorney's Department were tracked separately, would be provided to Council, and would be

included with the annual report on City procurement in the future.

Councilmember Holden asked that the City's operating companies (Rose Bowl Operating Company and Pasadena Center Operating Company) also submit procurement data to Council, suggested staff provide a plan to Council that would discuss procurement and hiring strategies related to the use of local companies and minorities in the City Hall seismic retrofit project, and encouraged the use of local media and City newsletters in publicizing the plan.

The City Manager noted the development of a plan had been previously discussed and would be presented to Council in June 2004.

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

OLD BUSINESS

AB 1829 - (LIU) - OFFSHORING STATE SERVICE CONTRACTS

Recommendation of City Manager: It is recommended that the City Council oppose AB 1829.

The Mayor summarized the agenda report and responded to questions.

Discussion followed regarding problems that could arise from a mandate regarding the City's ability to control the awarding of contracts.

Councilmember Little expressed concerns regarding the scope of the bill as it would affect local contracting.

Councilmember Gordo voiced support for the bill in terms of sending a message regarding the offshoring of jobs.

It was moved by Councilmember Holden, seconded by Councilmember Haderlein, to approve the City Manager's recommendation. (Motion carried, with Councilmembers Gordo and Madison objecting and Councilmember Little abstaining)
(Absent: None)

SUPPORT FOR AB 2446 - (MONTANEZ) - EXPANDING THE LIST OF SCHOOL CONSTRUCTION PROJECTS ELIGIBLE FOR JOINT USE FUNDING TO ALSO INCLUDE PARKS, RECREATION CENTERS, CULTURAL ARTS CENTERS, TECHNOLOGY CENTERS, HEALTH CLINICS AND ATHLETIC FIELDS

Recommendation of City Manager:

(1) Support AB 2446, (MONTANEZ) which expands the list of school construction projects eligible for joint use funding to also include parks, recreation centers, cultural arts centers,

technology centers, health clinics and athletic fields; and
(2) Authorize the Mayor to send letters of support to the appropriate authorities stating this position.

Ms. Lisa Fowler, Special Assistant to the City Manager, reviewed the agenda report and responded to questions.

Ms. Mary Dee Romney, Pasadena resident, spoke in opposition to the bill as it would apply to local schools.

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

PUBLIC HEARINGS

PUBLIC HEARING: FISCAL YEAR 2005 RECOMMENDED OPERATING BUDGET

Recommendation of City Manager: It is recommended that the City Council:

- (1) Open the public hearing on the City Manager's Recommended Fiscal Year 2005 Operating Budget; and
- (2) Receive public comment and continue the public hearing to each subsequent regular meeting of the City Council at 8:00 p.m. until June 21, 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 Operating Budget.

The Mayor opened the public hearing.

The City Clerk reported the notice of public hearing was published on April 23, 2004 in the Pasadena Star-News, and no letters were received.

The City Manager highlighted portions of the recommended budget.

Mr. Jay Goldstone, Director of Finance Department, reviewed the proposed schedule and location of the special joint City Council/Finance Committee meetings involving discussion/consideration of the Operating Budget, and responded to questions.

Councilmember Holden mentioned that the Nuisance Liquor Store Working Group was discussing a possible recommendation regarding the creation of a local code enforcement position that could impact budget expenditures.

No one appeared for public comment.

On order of the Mayor, the public hearing was continued to the Council meeting of May 24, 2004 at 8:00 p.m.

**CONTINUED PUBLIC HEARING: FY 2005 - 2010
RECOMMENDED CAPITAL IMPROVEMENT 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.

The Mayor announced now was the time for the continued public hearing.

Councilmember Little, Chair of the Finance Committee, reported the discussion/consideration of the Capital Improvement Program budget had been completed in the special joint meeting of the City Council/Finance Committee held on May 17, 2004, and the budget would be presented for approval at the Council meeting of May 24, 2004.

No one appeared for public comment.

On order of the Mayor, the public hearing was continued to the Council meeting of May 24, 2004 at 8:00 p.m.

**PUBLIC HEARING: CALL FOR REVIEW: CONCEPT DESIGN
REVIEW FOR RAYMOND THEATER REUSE AND MIXED-
USE PROJECT, 121-129 NORTH RAYMOND AVENUE**

Recommendation of City Manager: It is recommended that the City Council:

Environmental Determination

Acknowledge that on January 7, 2002, the City Council certified a revised Final Environmental Impact Report (revised FEIR) with findings of fact and a statement of overriding considerations for the Raymond Theater Reuse and Mixed-Use Project.

Findings for Compliance with the Tree Protection Ordinance

Acknowledge that none of the trees on the site qualifies as a protected native, specimen, or landmark tree.

Findings for Concept Design Approval

(1) Acknowledge that the memorandum from Historic Resources Group (Attachment E of the agenda report) documents the rehabilitation/restoration of the Raymond Theater building and analyzes its compliance with the Secretary of the Interior's Standards for Rehabilitation & Guidelines for Rehabilitating Historic Buildings.

(2) Find that the proposed rehabilitation and restoration of the exterior of the Raymond Theater building is consistent with the Secretary of the Interior's Standards for Rehabilitation & Guidelines for Rehabilitating Historic Buildings;

(3) Find that the design of the adjacent new construction -

if modified to comply with the recommended conditions of approval - is consistent with the Citywide Design Principles in the General Plan, the Design Guidelines for the Central District Specific Plan, the Purposes of Design Review in the Municipal Code, the Secretary of the Interior's Standards for Rehabilitation & Guidelines for Rehabilitating Historic Buildings (new construction adjacent to a historic resource); and

(4) Based on these findings, approve the application for concept design for the rehabilitation/restoration of the theater and the adjacent new construction with the conditions in Attachment A of the agenda report, which include three conditions that differ from the recommendation from the Design Commission: 1) retaining without modification, the environmental mitigation measure for treatment of the exterior brickwork on the Raymond Theater building; 2) approving the proposed installation of 12 skylights in the roof of the theater auditorium; and 3) omitting the requirement that Pasadena Heritage "must...sign off" on its easement before a 50% design review of the project.

Recommendation of the Design Commission: The recommendation from the Design Commission to approve the project with conditions includes all of the staff recommendations, with three exceptions, found in Attachment B of the agenda report.

The Mayor opened the public hearing.

The City Clerk reported 26 copies of the public notice were posted on May 3, 2004; 54 copies of the notice were mailed on May 3, 2004; and 4 letters were received in support of the project, 6 letters were received in opposition; and 11 letters expressed concerns.

Mr. Jeff Cronin, Principal Planner, reviewed the design review aspects of the agenda report and the roles and actions of the Zoning Administrator and Design Commission in conjunction with the Raymond Theater review process; noted that Attachment B of the agenda report should be corrected to read: "Recommendation from the Design Commission, April 12, 2002 2004, Conditions of Approval;" and responded to questions.

The City Manager briefly discussed the role of the Design Commission during the Theater project review, outlined design aspects of the Conditions of Approval, and responded to questions.

Mr. Richard Bruckner, Director of Planning and Development Department, outlined the various steps in the project review process, indicated there would be confirmed compliance of the Conditions of Approval, and responded to questions.

Discussion followed on the Pasadena Heritage façade easement, use of the "theater" space in relationship to the Conditions of Approval, authority of the Design Commission, and scope of the discussion on the call for review.

Councilmember Madison expressed concern regarding legal issues involving the façade easement held by Pasadena Heritage.

The City Attorney confirmed that the Zoning Code sets out the extent of design review to be performed by the Design Commission as referenced in the design review guidelines.

The following persons spoke in support of the proposed project:

- Ms. Marilyn Buchanan, project applicant
- Mr. Gene Buchanan, project applicant
- Ms. Suzanne Marks, Old Pasadena Management District representative
- Mr. Peyton Hall, historic consultant to applicant
- Mr. Scott Jenkins, Hahn and Hahn LLP, representing the applicant

The following persons expressed opposition and/or concerns regarding the proposed project:

- Mr. Ray Dashner, Pasadena resident, submitted letter stating concerns.
- Ms. Maryann Hosseinzadeh, Save the Raymond Theater representative
- Mr. Mark Nay, Design Commissioner
- Ms. Denielle Guerra, Los Angeles resident
- Mr. Richard Guerra, San Dimas resident
- Mr. John Woodburn, Pasadena resident, asked for a formal written report by the City Attorney as to whether or not the City can approve a condominium project for these parcels in light of the historic preservation easement prohibiting subdivision.
- Ms. Catherine O'Brien, Pasadena resident
- Mr. Dave Monks, Los Angeles resident
- Ms. Fran Reichenbach, Franklin-Hollywood Hills Community Council, submitted letter stating concern.
- Ms. Kay Tornborg, Hollywood Heritage representative
- Ms. Mary Zickefoose, Hollywood Heritage representative
- Mr. Ken Bernstein, Los Angeles Conservancy representative
- Mr. Danny Miller, Los Angeles resident
- Ms. Gina Zamparelli, Friends of the Raymond Theater representative
- Ms. Natalie Dunbar, Pasadena resident
- Mr. Richard Becker, Pasadena resident, submitted letter stating concern.

Mr. Dale Trader, Pasadena resident
Mr. Robert Nudelman, Hollywood Heritage representative
Ms. Carmen Balas, Pasadena resident, submitted letter stating concern.
Ms. Roxane Frampton, Pasadena resident
Mr. Robert Frampton, Pasadena resident, submitted letter stating concern.
Ms. Mic Hansen, Pasadena Heritage representative, stated their position on the easement held on the project by Pasadena Heritage.
Mr. James Lomako, Pasadena resident
Mr. Larry Herbst, Pasadena resident
Ms. Barbara Cole, Design Commissioner
Mr. Bob Kneisel, Pasadena resident

Following Councilmember Gordo's question regarding the affordable housing condition, the Mayor noted the Council meeting minutes for January 7, 2002 stated: "... staff is directed to open negotiations with the developer in an effort to increase the amount of affordable housing above 6% and return to the City Council for a report or approval of any negotiated agreement."

Mr. Jenkins affirmed that the applicant was still open to negotiating the affordable housing terms as stated above.

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

Discussion continued on the scope of the action to be taken by Council.

Councilmember Haderlein expressed appreciation for the Design Commission's review of the project.

The City Manager provided background regarding the affordable housing requirements for the project and the process that will be followed by staff in negotiating the affordable housing terms with the applicant.

The Mayor stated he felt it was unfortunate that staff had not as yet dealt with several conditions that might have been attended to at this point in the process, when there are substantial and material uncertainties as to how these matters will be resolved.

The City Manager indicated the project was not entitled at the time and would not move forward to construction until the conditions have been approved, and Council could request project updates as this moves forward.

Councilmember Madison noted the applicant, as an active member of the community, could be trusted in moving forward.

Councilmember Little expressed his opinion that more creative uses of this venue could be explored; noted he was troubled with the treatment of the applicants by certain parties and in the questioning of staff's judgment during this process; and commended staff for their work on the project.

It was moved by Councilmember Holden, seconded by Councilmember Streater, to approve the City Manager's recommendation:

AYES: Councilmembers Gordo, Haderlein, Holden, Madison, Streater

NOES: Councilmember Little, Vice Mayor Tyler, Mayor Bogaard

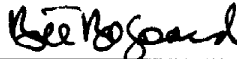
ABSENT: None

RECESS

On order of the Mayor, the regular meeting of the City Council recessed at 12:06 a.m., May 18, 2004 to the regular meeting of the Community Development Commission.

ADJOURNMENT

There being no further business, the regular meeting of the City Council adjourned at 12:07 a.m., May 18, 2004.



Bill Bogaard, Mayor
City of Pasadena

ATTEST:



City Clerk

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