

CITY OF PASADENA
City Council Minutes
June 21, 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 5:45 p.m. (Absent: Councilmember Madison)

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

CITY COUNCIL CONFERENCE WITH LABOR NEGOTIATOR
pursuant to California Government Code Section 54957.6
Agency Negotiator: Cynthia Kurtz
Employee Group: All Unrepresented Executive Employees

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

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 6:33 p.m. The Pledge of Allegiance was led by Sergeant John Dewar of the Pasadena Police Department.

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 (Arrived 6:55 p.m.)
Councilmember Joyce Streater

Staff:

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

PUBLIC COMMENT FOR
MATTERS NOT ON THE
AGENDA

Ms. Michelle White, representing Justice in Action, spoke regarding a community campaign concerning affordable rent and preparation to circulate an initiative petition for rent control.

The following persons spoke in favor of rent control:

Ms. Susana Zamorano, representing Justice in Action
Mr. Shawn McDougal, representing Justice in Action, and his goal to get a measure on the ballot by November 2004
Mr. Raul Borbon, representing Justice in Action
Mr. Philip Koebel, representing Justice in Action
Mr. Peter Hartgens, representing Justice in Action
Ms. Maria Isabel Medina, representing Institute of Popular Education of Southern California (IDEPSCA)
Mr. Edgar Varalen, Institute of Popular Education of Southern California (IDEPSCA)
Ms. Olga Cruz, Pasadena resident
Ms. Lucia Sanchez, Pasadena resident

Ms. Terrie Allen, representing the Accessibility and Disability Commission, submitted a handout entitled "Do You Have a Disability? Do you Know Someone Who Does?" and she spoke regarding residential evacuation plan known as S.A.F.E. (Strategy, Assess, Friends network, Empower)

Councilmember Madison arrived at 6:55 p.m.

Mr. John Wright, Pasadena resident, submitted handouts entitled "Discriminatory Housing in Pasadena" and "Affordable Housing II", and expressed concern regarding affordable housing and illegal immigrants obtaining benefits. He also requested Council have the Police Chief return Maurice Clark's car to his father.

In response to correspondence received, Councilmember Haderlein inquired as to when it would be appropriate to make a decision to delay the Central District Specific Plan Environmental Impact Report (EIR).

In response, the City Manager informed Council the decision to delay the EIR is an administrative decision, however, Council has the ability to question staff's decision, and she noted that a decision had not been made.

Councilmember Madison expressed concern regarding both the public comment period and making a decision over the summer months concerning the EIR, and suggested the City Manager reconsider the timing of the review period and the scheduling of a decision.

CONSENT CALENDAR

AUTHORIZATION TO ENTER INTO A CONTRACT WITH MOINE BROTHERS TO FURNISH AND INSTALL A MINERAL OIL STORAGE TANKS FOR THE WATER AND POWER DEPARTMENT

Recommendation of City Manager:

- (1) Accept the bid dated May 18, 2004, submitted by Moine Brothers to furnish and install a Mineral Oil Storage Tank for the Water and Power Department;
- (2) Reject all other bids; and

(3) Authorize the issuance of a contract not to exceed \$217,250, which includes the base amount of \$197,500 and a contingency of \$19,750 for any necessary change orders. (Contract No. 18,541)

REJECTION OF BID PACKAGE FOR TWO FLATBED TRUCKS
Recommendation of City Manager: Reject all bids received for the purchase of two flatbed trucks.

ADOPTION OF APPROPRIATIONS LIMIT FOR FY 2005
Recommendation of City Manager: It is recommended that the City Council adopt a resolution that:
(1) Selects the California Per Capita Income and the population increase for the City of Pasadena as the indices to be used in calculating the Appropriations Limit for FY 2005;
(2) Establishes the Appropriations Limit for Fiscal Year 2005 at \$169,827,664; and
(3) Establishes Appropriations Subject to the Limit for Fiscal Year 2005 at \$93,724,986. (Resolution No. 8336)

APPROVAL OF MINUTES

May 3, 2004
May 3, 2004 (Special Joint Meeting)

CLAIMS RECEIVED AND FILED

Claim No. 9575	Donna Martin	\$Unknown
Claim No. 9576	Gustavo Zendejas Barboza	Unknown
Claim No. 9577	Medel R. Mercado	6,705.12
Claim No. 9578	E. Butler	250.00
Claim No. 9579	Stephen Docherty	550.00

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

RECOMMENDATIONS FROM OFFICERS AND DEPARTMENTS

CONSIDERATION OF CALL FOR REVIEW OF ZONING HEARING OFFICER'S DECISION TO THE BOARD OF ZONING APPEALS FOR CONDITIONAL USE PERMIT NO. 4334 AT 953-955 NORTH CATALINA AVENUE - TO PERMIT THE EXPANSION OF AN EXISTING NON-CONFORMING USE (TWO-UNITS IN A ZONING DISTRICT WHERE ONLY ONE IS PERMITTED) AND A VARIANCE TO LOCATE A CARPORT VISIBLE FROM THE PUBLIC STREET (Councilmember Little)

Councilmember Holden was excused at 7:07 p.m.

Mr. Richard Bruckner, Director of Planning and Development, summarized the issues concerning the conditional use permit and responded to questions.

Councilmember Little, expressed his concerns regarding the conditional use permit setting a precedent in the Landmark District and suggested consideration for a call up to the Board of Zoning Appeals.

Councilmember Holden
return at 7:10 p.m.

Mr. William Marsh, Pasadena resident, spoke in opposition to the call for review before the Board of Zoning Appeals and responded to questions.

Following a brief discussion and questions regarding the scheduling of the hearing, Councilmember Little withdrew his request for consideration of the call for review.

APPOINTMENT OF RUTH B. PECK TO THE HISTORIC PRESERVATION COMMISSION (District 4 Nomination)

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

RECESS

On order of the Mayor, the regular meeting of the City Council recessed at 7:20 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 7:25 p.m. (Absent: None)

PUBLIC HEARINGS

CONTINUED PUBLIC HEARING: PROPOSED AMENDMENT TO TITLE 17 (ZONING CODE) OF THE PASADENA MUNICIPAL CODE TO ALLOW FOR SECOND UNITS IN SINGLE-FAMILY RESIDENTIAL ZONING DISTRICTS

(Pending motion of March 1, 2004 by Councilmember Streater, to approve the City Manager's recommendation, with the understanding that staff will come back to Council with information about affordability covenants and a specific recommendation as to how that could be applied and at what level.)

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

(1) Acknowledge that this amendment to Title 17 (Zoning Code) of the Pasadena Municipal Code is exempt from environmental review pursuant to the guidelines of the California Environmental Quality Act (CEQA), Public Resources Code Section 21080.17. CEQA is not applicable to local ordinances regulating construction of second units;

(2) Approve a proposed amendment to the Zoning Code that would allow for the development of second units in single-family residential zoning districts subject to the specific development standards outlined in Attachment A of the agenda report;

(3) Direct the City Attorney to prepare an ordinance amending Title 17 (Zoning Code) of the Pasadena Municipal Code to allow second units in single-family districts subject to the specific development standards outlined in the agenda report; and

(4) Direct the City Clerk to file a Notice of Exemption with the Los Angeles County Recorder.

Recommendation of Planning Commission: On January 14, 2004, the Planning Commission recommended approval of staff's recommendation. The Commission also recommended that second

units in Landmark Districts be subject to the same standards that currently exist for additions to single-family homes in these districts.

Recommendation of Northwest Commission: On November 11, 2003, the Northwest Commission recommended approval of the proposed ordinance as recommended by staff.

Recommendation of Transportation Advisory Commission: The Transportation Advisory Commission heard this item at its April 15, 2004 meeting. The Commission unanimously did not support staff's recommendation. The recommendation prepared by the Commission is included as Attachment 2 of the agenda report.

Recommendation of Housing Affordability Task Force: As part of its Final Report to the City Council in 2003, the Task Force recommended the creation of a second unit ordinance as a way to increase the housing stock in Pasadena. The development standards recommended by the Task Force for second units is included as part of Attachment A of the report.

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

The City Clerk reported the notice of public hearing was published on June 7 and 16, 2004 in the Pasadena Star News and on June 10, 2004 in the Pasadena Journal, 250 copies of the notice were mailed on June 9, 2004. In addition, over 500 persons were e-mailed through a distribution from the Public Information Office and Neighborhood Connections; six letters were received in support; 19 letters were received in opposition; and 21 letters were received expressing various concerns or suggestions.

Mr. Ariel Soccarras, Associate Planner, summarized the agenda report and responded to questions.

Mr. Richard Bruckner, Director of Planning and Development, and Michele Bagneris, City Attorney, responded to additional questions.

In response to a question as to whether new legislation or amendments are being proposed, the City Manager briefly explained that AB 2702 (Steinberg) was currently moving towards the Senate and the Bill would preclude City's from requiring that one of the units be occupied by the owner. The City Manager also informed Council, just late this afternoon, the Bill was reviewed and approved by the Senate Housing and Community Development Committee by a vote of 6:0. The Bill was now moving towards the Senate and if the Bill was adopted, staff would need to return to Council to revise its recommendation.

Mr. Ruben Duran, Outside Legal Counsel from Alvarez-Glasman & Colvin, responded to questions.

Councilmember Streator was excused at 8:00 p.m.

Councilmember Little referenced the displayed map and requested staff provide the density and the number of existing multi-family

units in the City in order to obtain an accurate accounting of the demands of the infrastructure in the neighborhoods.

In response to a question regarding whether the Affordable Housing Task Force recommendation was unanimous, the Mayor indicated staff would provide the vote to Council.

Councilmembers Streater
returned at 8:20 p.m.

Mr. Denver Miller, Principal Planner, responded to questions regarding developing second units in the Hillside District.

The following persons made various comments and suggestions regarding second units:

- Mr. Richard Quirk, Chair of the Transportation Advisory Commission (TAC), supports TAC's recommendations
- Ms. Kathy Watson, Pasadena resident, supports second units
- Ms. Jill Shook, representing Pasadena Altadena Churches, supports second units
- Ms. Robyn Navarro, Pasadena resident, suggested a minimum lot size of 7,500 and maximum unit size of 1,000 square feet
- Mr. Don Miner, representing Pasadena Altadena Churches, submitted a handout and suggested a smaller minimum lot size
- Ms. Joyce Kristensson, representing Pasadena Foothills Association of Realtors, supports second units
- Mr. Jesus Esparza, representing Pasadena Foothill Association of Realtors, offered suggestions regarding supplying affordable housing, and objected to an affordable covenant and opposes rent control
- Ms. Margaret McAustin, Pasadena resident, suggested a minimum lot size of 15,000 square feet
- Mr. Michael Vogler, representing Save South Orange Grove, submitted a handout entitled "Save South Orange Grove", and supports TAC's recommendation
- Mr. Bryan Reese, President of Bungalow Haven Neighborhood Association, supports TAC's recommendation
- Mr. David Schonhardt, Pasadena resident, supports second units
- Mr. Vernon Brown, Pasadena resident, and supports second units and suggested lot coverage be used at a guideline instead of a maximum unit size
- Mr. Vince Farhat, member of TAC, supports TAC's recommendation, and suggested an inventory of existing second units in the city
- Mr. Kenneth Nichols, Pasadena resident, voiced opposition to second units and suggested the minimum lot size be increased to 15,000 square feet
- Ms. Michele White, representing Justice in Action, spoke in support of second units, and suggested in lieu fees be eliminated and require affordable housing to be built
- Ms. Diane Kirby, representing Lower Hastings Ranch Association, spoke in opposition to second units and

suggested increasing the minimum lot size and decreasing the maximum unit size

- Mr. Bob Kneisel, representing Pasadena Neighborhood Coalition, spoke in opposition to second units
- Mr. Jonathon Fuhrman, Pasadena resident, spoke in support of second units, and suggested reducing the minimum lot size to 5,000 square feet and do not require an affordability covenant
- Ms. Mary Dee Romney, Pasadena resident, spoke in opposition to second units
- Mr. Steve Lipira, Pasadena resident, spoke in support of TAC's recommendation
- Mr. David T. Romney, representing West Pasadena Residents Association (WPRA), supports TAC's recommendation
- Mr. Tom Selinske, Pasadena resident, urged conservative and restrictive guidelines, suggested minimum lot size be increased to 15,000 square feet
- Pastor Camelia Joseph-Lloyd, Pasadena resident, spoke in support of second units and requested a reduction in lot size to meet the community's housing needs
- Mr. David Delgado, Pasadena resident, spoke in opposition to second units and urged Council to challenge the legality of the State statute
- Mr. Julie Dercle, Pasadena resident, spoke in opposition to second units
- Ms. Nancy Phillips, Pasadena resident, spoke in opposition to second units and suggested the minimum lot size be increased as much as possible
- Mr. Gary Floyd, Pasadena resident, expressed concerns regarding quality of life and the need to address enforcement issues with the current housing stock
- Mr. Michael Hurley, representing Linda Vista Annandale Association, supports staff recommendation with modifications, including increasing the minimum lot size to 15,000 square feet and require an affordability covenant
- Ms. Emina Darakjy, representing East Arroyo Residents Association, requested Council require an affordability covenant, a common driveway and no overnight street parking, a minimum lot size of 15,000 square feet, all set backs conform to the Municipal Code, the maximum size of a unit be 800 square feet, and protect the historic integrity in the Historic Districts and not just in the Landmark districts
- Mr. Inman Moore, President, Arroyo Democratic Club, submitted a letter with suggested modifications to the Inclusionary Housing Ordinance, and supports reducing the 10,000 square foot minimum lot size
- Ms. Mic Hansen, Pasadena resident, supports TAC's recommendation
- Ms. Mary Fick, Pasadena resident, supports second units
- Mr. Marvin Schactner, Pasadena resident, supports second units and increasing affordable housing

Councilmember Tyler was excused at 8:42 p.m.

Councilmember Tyler returned at 8:54 p.m.

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

The Mayor noted that there was an existing pending motion to approve the City Manager's recommendation.

Councilmember Little indicated although there was a pending motion, he had serious objections regarding the State's requirements, expressed concerns regarding the impacts to the City's sewer and electrical systems; and requested staff make an effort to make the findings on Council's behalf and on the residents of the single-family neighborhoods. He also suggested that staff consider inventorying the second units at a later time.

SUBSTITUTE MOTION

Following discussion, it was moved by Councilmember Little, seconded by Vice Mayor Tyler, to approve the City Manager's recommendation, as amended by the Transportation Advisory Commission (TAC), with further revisions to TAC's recommendations as follows:

- Add a new requirement that all second units be detached, with no duplexes allowed.
- Increase the minimum lot size to 15,000 square feet;
- A dispersal requirement of 500 feet should be included in the ordinance to control the concentration of new second units;
- The City should limit the total number of second units that can be built in any given year to 20 units per year, with no more than 200 units in a ten-year period.
- Delete TAC's recommendation "The City should consider requiring an affordability covenant for new second units."
- Delete TAC's recommendation "City staff should conduct an inventory of existing second units in Pasadena."
- Delete TAC's recommendation "City staff should conduct an analysis to determine how many new trips would be generated by full build-out of second units."

In response to a question regarding how many persons can occupy an 800 square foot unit, Mr. Bruckner indicated it was limited to the number of persons per room allowed in the Housing Code, and he would provide the information to Council.

In response to a question, the City Attorney noted that staff would propose findings for the caps when the ordinance returns to Council.

VOTE ON SUBSTITUTE MOTION

Vote on the substitute motion:

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

NOES: Councilmembers Gordo, Holden, Streater

ABSENT: None

The City Attorney indicated it was her goal to return to Council in late July with the proposed ordinance.

CONTINUED PUBLIC HEARING: ADOPTION OF THE FISCAL YEAR 2005 OPERATING BUDGET AND AMENDMENT TO LEASE NO. 16,315 WITH COMMUNITY HEALTH ALLIANCE OF PASADENA

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

Councilmember Streator was excused at 11:18 p.m.

(i) Adopt by resolution the City's Fiscal Year 2005 Operating Budget as detailed in Attachment A of the agenda report and as amended by the recommended modifications outlined in the Background section of the agenda report, including the Old Pasadena Parking Meter Fund (213) Budget and direct staff to return within 90 days with a plan to address the projected 2005 operating deficit in that fund; and

(ii) Authorize the City Manager to enter into an amendment to Lease No. 16,315 with the Community Health Alliance of Pasadena (CHAP) that reduces the annual rent to \$1 effective May 1, 2003.

Councilmember Little, Chair of the Finance Committee, reviewed a handout indicating the Finance Committee's added recommendation to reduce appropriations in the Community Development Commission FY 05 Operating Budget by \$70,000 thereby eliminating funding for the retail recruitment and survey effort, and direct staff to return as soon as possible with alternative uses for these funds, including repayment of a general fund loan and the subsequent use of those proceeds to support summer employment programs for local youth, or citywide marketing plan, etc.

Councilmember Haderlein requested to be provided additional information at next week's meeting as to what is being done for park maintenance due to increasing the amount of park space and the expansion of the ARTS shuttle system.

On order of the Mayor, the above hearing was continued to June 28, 2004 at 7:00 p.m.

**CITY COUNCIL
COMMENTS**

Vice Mayor Tyler reported on June 17, 2004, at the Gold Line Extension Committee meeting, a motion was carried by the Committee to support opening negotiations with the Blue Line Construction Authority on developing a mutually satisfactory memorandum of understanding governing the governments and it was an objective to accomplish it by June 25, 2004. If that does not succeed, the motion stated to pursue AB 712 with full political effort. He reported the Committee also took an action to oppose the three amendments the MTA put on the table.

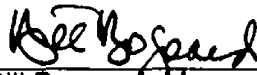
Councilmember Little indicated a meeting had been requested and a document was received from either the Joint Powers Authority or the Council of Governments, however, according to the agreement at the Ad Hoc meeting, what was presented was unacceptable.

Councilmember Madison indicated he recently attended a dedication ceremony at the Ronald McDonald House on Pasadena Avenue. He complimented the recent improvements made, and suggested the other City Council members tour the facility. He further commended the organization and the City for its work on the renovation project; noted the issue of the oak tree in the bird sanctuary area of the Arroyo is agendized for the next City Council meeting as it was an important issue in the community; and he requested that the lawsuit involving Ramirez vs. the City of Pasadena be agendized as a closed session matter at the June 28, 2004 meeting.

The City Attorney stated she would need to verify the date of the Court date and once verified, she would communicate with Council.

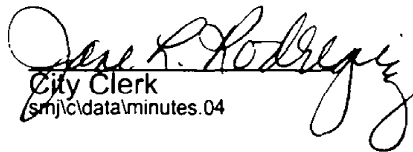
ADJOURNMENT

On order of the Mayor, the regular meeting of the City Council adjourned at 11:34 p.m.



Bill Bogaard Mayor
City of Pasadena

ATTEST:



Jose R. Rodriguez
City Clerk
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