

CITY OF PASADENA
City Council Minutes
December 6, 2004 - 5:30 P.M.
Pasadena Senior Center, Multi-purpose Room
85 East Holly Street

REGULAR MEETING

OPENING:

In absence of the Mayor, the Vice Mayor called the regular meeting of the City Council to order at 5: 49 p.m. (Absent: Councilmembers Gordo, Madison, Mayor Bogaard)

On order of the Vice Mayor, the regular meeting of the City Council recessed at 5:49 p.m., to discuss the following closed sessions:

Councilmember Gordo
arrived at 6:06 p.m.

CITY COUNCIL CONFERENCE WITH REAL PROPERTY NEGOTIATORS pursuant to Government Code Section 54956.8
Properties: 177 Glenarm St.; 925 & 935 Jane Place; 584, 600, 602, 620, 628, 640, 646, 650, 670, 676-678, 696, 714, 726, 734, & 762 St. John Ave.; 866, 1100, 1112, 1120, 1128, 1140-1142, 1150, 1190, & 1220 Pasadena Ave.; 165 Hurlbut St.; 265 & 268 Waverly Dr.; 169 & 170 Arlington Dr.; 245 Wigmore Dr.; 172 & 242 Bellefontaine St.; 269 Palmetto Dr., Pasadena, CA.
Agency Negotiators: Cynthia Kurtz and Fred Jones
Negotiating Party: California Department of Transportation (CALTRANS)
Under Negotiation: Price and terms of payment

CITY COUNCIL CONFERENCE WITH LABOR NEGOTIATORS pursuant to Government Code Section 54957.6
Agency Negotiators: Karyn Ezell, Richard Kunz
Employee Organization: Unrepresented Employees: Unrepresented Police Lieutenants and Commanders

CITY COUNCIL CONFERENCE WITH LEGAL COUNSEL REGARDING POTENTIAL LITIGATION pursuant to Government Code Section 54956.9(b)(1): One potential case

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

Mayor Bogaard arrived
at 6:30 p.m.

On order of the Mayor, the regular meeting of the City Council reconvened at 6:38 p.m. The Pledge of Allegiance was led by Councilmember Haderlein.

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 at 6:59 p.m.)
Councilmember Joyce Streater

Staff:

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

Mayor Bogaard announced, at the request of Councilmember Little, the meeting would adjourn in memory of Caltech Professor Robert Bacher, first provost of Caltech, responsible for recruiting eventual Nobel Prize winners, a central figure in the Manhattan Project which ended World War II, and a leader in developing Caltech into the institution that it is today.

Mr. Hall Daily, California Institute of Technology, informed Council on the passing of Cornelius Neil Pings. He stated Mr. Pings was a former Vice Provost and Graduate Dean at Caltech, former Provost at USC, a one time President of The American Association of Universities, a long time resident of Pasadena, former member and Chair of the Pasadena Redevelopment Agency, a recipient of Caltech's Alumnus Award, Trustee of Mayfield School, member of the Twilight Club, and Arthur Noble Award recipient.

Mayor Bogaard expressed condolences to the Pings family and the Caltech community. The Mayor indicated the meeting would also adjourn in memory of Mr. Pings.

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

Mr. Kurt Thorgerson, Pasadena resident, spoke on the issue of environmental safety and global warming, and requested the City adopt a green energy policy.

Vice Mayor Tyler reminded the public that the City does have a green power program and that next year work would begin on a green building program.

The City Manager added that in three weeks there would be a special edition of In-Focus dedicated to conservation and green power efforts.

Mr. Ray Dashner, Pasadena resident, inquired regarding the missing clock tower at the east station of the Lake Avenue Gold Line Station. He also requested that bike racks be installed at this station.

In response to comments made regarding the clock tower, the City Manager provided a brief update and indicated the project had gone out to bid and is expected to start at the beginning of the year.

In response to comments regarding bike racks, Councilmember Haderlein noted he thought a bike facility would be installed adjacent to the Lake Avenue Station.

The City Manager responded she would need to check and report back.

CONSENT CALENDAR

AUTHORIZATION TO ENTER INTO A LABOR AND MATERIALS CONTRACT WITH PERRY C. THOMAS CONSTRUCTION TO PROVIDE FOR CONSTRUCTION OF UNDERGROUND ELECTRICAL CONDUIT SYSTEMS IN RAYMOND AVENUE FROM DEL MAR BOULEVARD TO GLENARM STREET

Recommendation of City Manager:

- (1) Accept the bid dated November 5, 2004, submitted by Perry C. Thomas Construction in response to Specifications LD-03-7 to provide for the construction of underground electrical conduit systems along Raymond Avenue from Del Mar Boulevard to Glenarm Street for the Water and Power Department;
- (2) Reject all other bids;
- (3) Authorize the issuance of a contract not-to-exceed \$820,831, which includes the base amount of \$746,210, and a contingency of \$74,621, for any necessary change orders. (Contract No. 18,725)

APPROVAL AND ACCEPTANCE OF AN EASEMENT DEDICATION FOR PUBLIC STREET PURPOSES ALONG DEL MAR BOULEVARD AT 290 SOUTH ARROYO PARKWAY

Recommendation of City Manager: Adopt a resolution approving and accepting a proposed easement dedication for public street purposes along Del Mar Boulevard at 290 South Arroyo Parkway. (Resolution No. 8422)

APPROVAL AND ACCEPTANCE OF AN EASEMENT DEDICATION FOR PUBLIC STREET PURPOSES AT THE NORTHWEST CORNER OF LAKE AVENUE AND ORANGE GROVE BOULEVARD

Recommendation of City Manager: Adopt a resolution approving and accepting a proposed easement dedication for public street purposes at the northwest corner of Lake Avenue and Orange Grove Boulevard. (Resolution No. 8423)

Councilmember Little requested a copy of the project plans.

CONTRACT AWARD TO L.M.T. ENTERPRISE, INC., dba TYNER PAVING COMPANY FOR IMPROVEMENT OF WALNUT STREET - COOK AVENUE TO ALTADENA DRIVE FOR AN AMOUNT NOT TO EXCEED \$95,000

Recommendation of City Manager:

- (1) Accept the bid dated November 3, 2004, submitted by L.M.T. Enterprises, Inc., dba Tyner Paving Company in response to the Specifications for the Improvement of Walnut Street - Cook Avenue to Altadena Drive, reject all other bids received and authorize the City Manager to enter into a contract not to exceed \$95,000, which

includes the base bid of \$86,149 and \$8,851, for any additional work the City may order pursuant to the project specifications.

(2) Acknowledge the project to be categorically exempt under Section 21084 of the California Environmental Quality Act of 1984 in accordance with Article 19, Section 15301 (Class 1), subsection (c) of the Resources Agency of California Guidelines (minor alterations involving negligible expansion of use beyond that previously existing) pursuant to the findings of the Secretary of the Resources Agency and authorize the City Manager to execute and the City Clerk to file a Notice of Exemption for the project with the Los Angeles County Clerk. (Contract No. 18,726)

APPROVAL OF FINAL VESTING TRACT MAP NO. 53981, BEING AN 11-UNIT CONDOMINIUM PROJECT AT 1088 SOUTH MARENGO AVENUE

Recommendation of City Manager: Adopt a resolution to:

- (1) Approve final Vesting Tract Map No. 53981;
- (2) Accept the offer of a dedication for street purposes as shown on Vesting Tract Map No. 53981; and
- (3) Authorize the City Clerk to execute the certificate on the map showing the City's approval of said map. (Resolution No. 8424)

APPROVAL OF FINAL TRACT MAP NO. 060861, BEING A CONVERSION OF 32 EXISTING APARTMENT UNITS INTO 32 CONDOMINIUM UNITS AT 221 SOUTH OAK KNOLL AVENUE

Recommendation of City Manager: Adopt a resolution to:

- (1) Approve final Tract Map No. 060861; and
- (2) Authorize the City Clerk to execute the certificate on the map showing the City's approval of said map. (Resolution No. 8425)

APPROVAL OF MINUTES

October 18, 2004
October 25, 2004
November 1, 2004

CLAIMS RECEIVED AND FILED

Claim No. 9707	Jan Comras	\$ 560.00
Claim No. 9708	Lawrence J. Dunn	25,000.00+
Claim No. 9709	Stephanie Leifer and Peter Sercel	12,815.64
Claim No. 9710	Maral Ouzounain	25,000.00+
Claim No. 9711	William M. Marsh	1,775.52
Claim No. 9712	Darnell McMullen	Not stated
Claim No. 9713	Darnell McMullen	Not stated
Claim No. 9414	Victor E. Murray	Not stated

PUBLIC HEARING SET

January 24, 2005, 8:00 p.m. - Boylston Road Partial Road Closure between Lake Avenue and Mentor Avenue

It was moved by Councilmember Little, seconded by Councilmember Streator, to approve all items on the Consent Calendar. (Motion unanimously carried) (Absent: Councilmember Madison)

**RECOMMENDATIONS
FROM OFFICERS AND
DEPARTMENTS**

**APPROVAL OF AN AMENDMENT TO THE EMPLOYMENT
CONTRACT WITH CITY MANAGER CYNTHIA J. KURTZ**

Recommendation of Mayor: It is recommended that the City Council approve the Amendment to Contract No. 18,196, the Employment Agreement between the City of Pasadena and City Manager Cynthia J. Kurtz, effective September 6, 2004; and approve a journal voucher appropriating the necessary funds from the FY 2005 Personnel Reserve to the FY 2005 Operating Budget. (Contract No. 18,196-2; Journal Voucher No. 2005-31)

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

**APPOINTMENT OF CHANNA ARVISO TO THE NORTHWEST
COMMISSION (District 3 Nomination)**

**REAPPOINTMENT OF JUAN CARLOS VELASQUEZ TO THE
TRANSPORTATION ADVISORY COMMISSION (District 3
Nomination)**

It was moved by Councilmember Holden, seconded by Vice Mayor Tyler, to approve the above appointment and reappointment. (Motion unanimously carried) (Absent: Councilmember Madison)

**DISCUSSION REGARDING INCLUSIONARY HOUSING
REQUIREMENT RELATED TO THE DEVELOPMENT PROJECT
AT 3360 EAST FOOTHILL BOULEVARD, PASADENA
(Councilmember Holden)**

Following a brief discussion, there was a general consensus that the Mayor send a strong letter to the developer urging that further consideration be given by the developer to build affordable units at this project.

Councilmember Madison
arrived at 6:59 p.m.

Councilmember Little stated when the project was proposed to the Construction Authority, they had discussed having affordable housing on site, and noted he would check to see if that was part of the transaction.

Councilmember Gordo requested staff return to Council with a recommendation regarding projects that receive public subsidy, and strongly encourage or mandate that they build affordable housing on site.

Following a brief discussion, the City Attorney indicated staff could investigate other methods of ensuring that the City is staying up to date with respect to what the in-lieu fee might be.

Councilmember Haderlein requested information on other cities that mandate that the affordable housing be on site and do not provide the in-lieu fee option.

RECESS

On order of the Mayor, the regular meeting of the City Council recessed at 7:05 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 7:06 p.m. (Absent: None)

ORDINANCES - ADOPTED

Adopt "AN ORDINANCE OF THE CITY OF PASADENA SUSPENDING SECTIONS 9.36.220(B) AND 9.36.230 OF THE PASADENA MUNICIPAL CODE RELATING TO THE TEMPORARY SUSPENSION OF THE HOURS OF AMPLIFIED SOUND AND NOISE SOURCES FOR A PERMITTED EVENT AT AREA H FROM 9:00 A.M. - 10:00 A.M. ON SUNDAY, FEBRUARY 27, 2005 (THE SUSAN G. KOMEN FOUNDATION'S RACE FOR THE CURE RUN/WALK)" (Introduced by Councilmember Streator) (Ordinance No. 6997)

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 ITEM

PREDEVELOPMENT PLAN REVIEW FOR NEW CONSTRUCTION OF A MIXED-USE PROJECT OF 66 UNITS AT 240 SOUTH ARROYO PARKWAY
Recommendation of City Manager: This report is for information.

Mr. Bill Trimble, Senior Planner, summarized the report and responded to questions.

Vice Mayor Tyler noted he would like to have information in a more timely manner of when the initial studies, particularly the transportation impact components, are done.

Councilmember Haderlein requested a follow up information item regarding reconciling parking caps for parking requirements.

The following individuals voiced opposition to the proposed development, expressing concern regarding the notification process to residents in the area and the impact to the neighborhood due to high density of development in the neighborhood:

- Ms. Lori Salvatti, Pasadena resident
- Mr. Phil Salvatti, Pasadena resident

Vice Mayor Tyler suggested a future discussion regarding the notification process to residents in the affected area.

In response to a question, Mr. Richard Bruckner, Director of Planning and Development, briefly discussed new requirements for

posting of signs on site by applicants and noted he would follow up on whether that also applies to Design Commission.

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

OLD BUSINESS

REQUEST TO NAME A PATH IN THE LOWER ARROYO "THE ROY BEGLEY WALK" *(Pending motion by Councilmember Little to approve City Manager's recommendation.)*

Recommendation of City Manager: It is recommended that the City Council approve the request to name a path in the Lower Arroyo in honor of Roy Begley.

Recommendation of the Recreation and Parks Commission: At the October 5, 2004 meeting of the Recreation and Parks Commission, the Commission unanimously supported this request.

Pending motion by Councilmember Little, seconded by Councilmember Holden, to approve the City Manager's recommendation. (Motion unanimously carried) (Absent: None)

CONSIDERATION OF MODIFICATION OF THE RESIDENTIAL IMPACT FEE (Councilmember Streator) (Resolution No. 8392-2)

Councilmember Streator provided opening statements, and stated she hoped that Council would reconsider modifying or rescinding the prior resolution so it does not have a negative impact on affordable housing.

The following individuals spoke in opposition to the current fee, and/or requested Council consider a sliding scale based on size of unit and size of developments, exemption for student housing, grandfathering in projects that have completed the predevelopment plan review, provide credit for open space in project, and provide for a phase in period:

Mr. Joe Brown, representing Pasadena NAACP
Ms. Joyce Kristensson, President of Pasadena-Foothills Association of Realtors
Mr. Herb Herr, Pasadena resident
Mr. George Falardeau, Senior Vice President of Real Estate Operations for Art Center College of Design
Ms. Helen Bunt Smith, Pasadena resident
Ms. Lynne C. Hess, President and Chief Executive Officer, Chamber of Commerce
Mr. Geoffrey L. Stack, representing Sares Regis Group
Mr. Ed Eyeran, representing Sares Regis Group
Mr. Rob Hunter, Pasadena resident and commercial property owner
Mr. Mike Winter, representing Sares Regis Group
Mr. Bill Montgomery, representing Sares Regis Group
Mr. Allan Kotin, real estate economist
Mr. Scott Jenkins, representing Sunrise Senior Living
Mr. Patrick Perry, representing Sares Regis Group

Mr. Hall Daily, representing Caltech
Mr. Steven Ross, representing Standard Pacific Homes
Mr. Mr. Danny Bakewell, representing the Black Northwest Coalition
Mr. Jim Morris, representing the Black Northwest Coalition
Mr. John Kennedy, representing the Black Northwest Coalition
Ms. Pamela Sapetto, representing Sares Regis Group
Ms. Maggie Campbell, President and Chief Executive Officer, Old Pasadena Management District, submitted a letter.
Mr. Joel Bryant, Pasadena resident and developer
Ms. Pamela Hemann, Pasadena resident and representing the Building Industry Association
Mr. Stuart Proffitt, representing Champion Development Group
Mr. Hugo Suarez, representing Suarez Architects
Ms. Sonia Ransom, representing Sares Regis Group
Mr. Al Moses, Pasadena resident, Attorney, and representing three development projects

The following individuals spoke in support of retaining the current fee:

Mr. Joe Feinblatt, Pasadena resident,
Mr. Tom Selinske, Pasadena resident
Mr. Bob Kneisel, Chair, Pasadena Neighborhood Coalition
Ms. Elizabeth Pomeroy, Recreation and Parks Commissioner
Ms. Joan Hearst, Pasadena resident
Ms. Anita B. Fromholz, Recreation and Parks Commissioner
Mr. Tim Alderson, Recreation and Parks Commissioner
Ms. Betty Sword, Recreation and Parks Commissioner
Mr. Frank Osen, Recreation and Parks Commissioner
Ms. Louisa Nelson, Pasadena resident
Mr. Michael Hurley, Pasadena resident

MOTION

Following discussion, it was moved by Councilmember Streater, seconded by Councilmember Holden, to modify Resolution No. 8392 and return to the base fee originally recommended by staff of \$10,977 per unit, direct staff to return with a modified ordinance that retains the reduced fee for affordable housing, but provides a provision for reduction in fee for student housing, senior housing, and workforce housing, and that we ask staff to provide a program that allows for a credit provision for on-site dedicated parkland open to the public or substantial improvements of existing parks.

Mr. Martin Pastucha, Director of Public Works, Mr. Richard Bruckner, Director of Planning and Development, and the City Attorney, responded to questions.

AMENDMENT TO MAIN MOTION

Councilmember Gordo amended the motion, with consent of the maker and seconder, to keep the base fee of \$19,743, but provide for a phase-in period, year one \$10,977, year two \$19,743; that the City Manager put together a committee to report back in two months, and that the committee focus on incentives for increasing

affordable housing on-site, incentives for workforce housing, and incentives for variable rates depending on size of units and size of project.

Prior to voting, the City Clerk stated the motion, as amended, as follows:

MOTION AS AMENDED

Modify Resolution No. 8392 to keep the base fee of \$19,743, but provide for a phase-in period, year one \$10,977, year two \$19,743; retain the reduced fee for affordable housing and ask staff to come back with a recommendation for a reduced fee for student housing and senior housing; that staff provide a program that provides credit for on-site, dedicated park land or substantial improvements to parks; and that the City Manager put together a committee to report back in two months, and that the committee focus on incentives for increasing affordable housing on-site, incentives for work force housing, and incentives for variable fee rates depending on size of units and size of projects.

Councilmembers Haderlein and Madison voiced opposition to the phasing in of the fee.

It was clarified that the resolution would take effective immediately, and the ordinance would be modified.

Mr. Martinez requested Council consider giving staff an extension of the two-month deadline for the committee to report back to Council.

Councilmember Gordo suggested staff return to Council if they were unable to meet the two-month deadline.

VOTE ON MOTION

Vote on the motion:

AYES: Councilmembers Gordo, Holden, Little, Streater, Mayor Bogaard


NOES: Councilmembers Haderlein, Madison, Vice Mayor Tyler

ABSENT: None

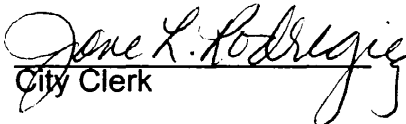
ADJOURNMENT

On order of the Mayor, the City Council adjourned at 11:46 p.m. , in memory of Cornelius Neil Pings and Robert Bacher.

ATTEST:



Bill Bogaard, Mayor
City of Pasadena



Jane L. Rodriguez
City Clerk