

CITY OF PASADENA
City Council Minutes
August 1, 2005 – 5:30 P.M.
Pasadena Senior Center, Multi-Purpose Room
85 East Holly Street

REGULAR MEETING

OPENING: Mayor Bogaard called the regular meeting to order at 6:34 p.m. The Pledge of Allegiance was led by Assistant City Manager Brian Williams.

ROLL CALL:

Councilmembers:

Mayor Bill Bogaard
Vice Mayor Steve Madison (Arrived at 7:20 p.m.)
Councilmember Victor Gordo
Councilmember Steve Haderlein (Absent)
Councilmember Chris Holden
Councilmember Paul Little
Councilmember Joyce Streater (Absent)
Councilmember Sidney F. Tyler, Jr.

Staff:

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

CEREMONIAL MATTERS

The City Clerk administered the oaths of office to Raul Borbon as Northwest Commissioner, Tahra Goraya as Northwest Commissioner, Angie O'Brien as Senior Commissioner, and Patty Watson-Wood as Senior Commissioner.

The Mayor expressed gratitude to Representative Adam Schiff, Senator Dianne Feinstein, and Senator Barbara Boxer for their roles in obtaining funding that was recently approved by the U.S. Congress to be allocated for various local projects (Information Technology System Traffic Management, soundwall construction, and perchlorate cleanup).

PUBLIC COMMENT

The following speakers expressed concerns regarding a three-story development project located at the corner of Allen Avenue and Brigden Road, and discussed related issues that will negatively impact the quality of life in the neighborhood. They asked that the zoning permit for the project be reevaluated, and that Council appoint a City staff member to act as a liaison between the developer and the Brigden Ranch Neighborhood Association to assist in resolving these issues:

Ms. Liane Enkelis, Brigden Ranch Neighborhood Association member, submitted a packet of information and petitions (111 signatures) requesting to reopen the hearing on the application of Ara Tchagniassian regarding Tentative Tract Map No. 062725, located at

1150 N. Allen Avenue.
Mr. Stacy Lewis, Brigden Ranch Neighborhood Association
member
Mr. Robert Lydon, Brigden Ranch Neighborhood
Association member

Councilmember Little briefly discussed the problems with the project, and suggested the building permits be revoked and staff work with the developer to arrive at some accommodation to reduce the negative impacts on the neighborhood.

The City Manager indicated staff will meet with the developer about the project and the concerns expressed by the neighbors, and confirmed that staff is looking at parcels that are zoned for multi-family and mixed-use buildings that abut single-family buildings, so this may be taken into consideration in protecting the edge of single-family homes in the future.

Councilmembers Holden, Gordo, and Tyler expressed support for Councilmember Little's concerns.

Councilmember Holden asked the City Attorney to provide Council with the legal options that are available regarding the project, and encouraged staff to meet with the developer to see what can be done to bring the project into conformance with the character of the neighborhood.

Mr. Lamarr Mills, Day One Youth Advocate, announced the celebration of Youth Month in August, outlined some of the activities and programs planned for Youth Month, and submitted an informational brochure/calendar of events.

CONSENT CALENDAR

CONTRACT AWARD TO ALL AMERICAN ASPHALT FOR THE PREVENTIVE MAINTENANCE OF STREETS - 2005 FOR AN AMOUNT NOT TO EXCEED \$1,122,000

Recommendation of City Manager:

(1) Accept the bid dated July 5, 2005 submitted by All American Asphalt, in response to the Specifications for the Preventive Maintenance of Streets - 2005, reject all other bids received, and authorize the City Manager to enter into a contract not to exceed \$1,122,000, which includes the base bid of \$1,019,504 and \$102,496 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 (CEQA) in accordance with Article 19, Section 15301 (Class1), subsection (c) of the Resources Agency of California Guidelines (Repair of Existing Public Streets) 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. 18,905)

MINUTES APPROVED

June 27, 2005
July 4, 2005 (Cancelled meeting)

CLAIMS RECEIVED AND
FILED

Claim No. 9873	James V. Gates	\$	226.65
Claim No. 9874	Avery Dennison		5,375.00

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

**RECOMMENDATIONS
FROM OFFICERS AND
DEPARTMENTS**

**CONSIDERATION OF PREFERENCES IN HOUSING FOR
LOCAL RESIDENTS AND LOCAL EMPLOYEES**

The Mayor introduced the agenda item and briefly discussed workforce housing and affordable housing.

Discussion followed on the development of a definition for workforce housing, implementation of a policy to maintain diversity in the City, the mechanism to implement local preference policies/ordinances, options for singling out types of employment, and issues involved with the use of public, Federal, or private funds in the development of preferences for affordable and/or workforce housing.

The City Attorney responded to questions regarding projects financed with public vs. private funds and restrictions that may be imposed with the use of Federal funding, the legality of adopting a local preferences ordinance, and general information on how cities have implemented preferences.

The City Manager responded to questions on information that had been gathered by staff on local preferences and a process for moving the policy decisions into development of an ordinance and a mechanism for implementation.

Councilmember Holden suggested the next step in the process to adopt local preferences for housing be based on Council's conceptual approval of the preferences derived from Council's answers to the questions posed in the City Manager's memorandum dated July 28, 2005, with the City Manager and City Attorney to prepare a report of the information from cities who have implemented local preference policies and the ordinances that were adopted and an analysis of the options to be considered by Council and how they would be implemented, including legal impacts. This report could be used for a further discussion of the preferences that had received conceptual approval and in conjunction with a draft ordinance prepared by the City Attorney.

Vice Mayor Madison arrived at
7:19 p.m.

Councilmember Tyler suggested the next discussion include consideration of those persons who are prospective employees

in the City for those occupations where there is a difficulty in recruiting.

Council considered the following questions as stated in the City Manager's memorandum dated July 28, 2005:

1. Should the City of Pasadena adopt a local preference for access to affordable housing for Pasadena residents?
2. Should the City of Pasadena adopt a local preference for access to affordable housing for persons working in Pasadena?
3. Should specific types of employees (e.g. teachers, city maintenance workers) have preferences for affordable housing?
4. Should City Council decide to adopt any preferences, should they only apply to housing constructed with local public funding or also privately funded projects?
5. Should City Council decide to adopt any preferences, should they apply to affordable housing and workforce housing (if workforce housing is later defined by the City Council)?

It was moved by Councilmember Holden, seconded by Councilmember Tyler, to direct the City Manager to prepare a report with a set of recommendations for the City Council to review in concert with the City Attorney's drafting of an ordinance to allow for preferences in affordable and workforce housing in Pasadena, based on local residents and local employment. Council provided direction to staff on the five questions posed in the City Manager's July 28, 2005 memorandum, as follows: Question 1 - yes; Question 2 - yes; Question 3 - yes; Question 4 - Should the Council decide to adopt any preferences, they should apply to all affordable housing unless funding used for the project, such as certain Federal funding programs, prohibits such preferences, and also apply to privately funded projects; Question 5 - Should the Council decide to adopt any preferences, they should apply to both affordable housing and workforce housing. (Motion unanimously carried) (Absent: Councilmembers Haderlein, Streator)

ADOPTION OF A RESOLUTION ESTABLISHING GUIDELINES FOR IMPLEMENTATION OF THE TAXPAYER PROTECTION AMENDMENT (PASADENA CITY CHARTER, ARTICLE XVII)

Recommendation of City Attorney: Adopt a resolution establishing guidelines for the implementation of the Taxpayer Protection Amendment (Pasadena City Charter, Article XVII), in the form attached to the agenda report. (Resolution No. 8500)

The City Attorney reviewed the agenda report and responded to questions.

Councilmember Holden noted it was necessary to implement the legislation, commented on the Amendment as flawed legislation because of possible Constitutional issues and

concerns as stated in the Executive Summary of the agenda report, and suggested the City continue to examine how the legislation can be either repealed or amended through the initiative process, with the involvement of the community in the process.

Vice Mayor Madison expressed support for placing a measure on the June 2006 ballot which would supersede the Amendment and address campaign reform issues, and suggested a discussion of the possible establishment of a Task Force be agendized in the near future.

The City Clerk clarified the timeframe and process for placing a measure on the ballot.

Discussion followed regarding the options for placing a measure on the ballot, the scope of the measure in terms of addressing only those provisions in the Amendment or in addressing additional campaign reform issues, and possible establishment of a Task Force.

If a Task Force is formed, Councilmember Little suggested the members be asked to explore the development of a more open reporting process pertaining to campaign contributions.

The City Attorney indicated staff was continuing to address issues identified by those persons who will be subject to the Amendment and developing the procedures for implementation of the Amendment.

Vice Mayor Madison requested a written response from the City Attorney regarding the legal ramifications for various scenarios involving his employment.

It was moved by Councilmember Holden, seconded by Councilmember Tyler, to approve the City Attorney's recommendation. (Motion unanimously carried) (Absent: Councilmembers Haderlein, Streater)

RECOMMENDED ACTIONS FOR IMPLEMENTATION OF THE TAXPAYER PROTECTION AMENDMENT (PASADENA CITY CHARTER, ARTICLE XVII)

Recommendation of City Manager: It is recommended that the City Council adopt the following recommendations in order to allow implementation of the Taxpayer Protection Amendment (Pasadena City Charter, Article XVII) requirements:

- (1) Amend the Fiscal Year 2006 Operating Budget to add 1.0 Full Time Employee (FTE) Management Analyst IV position to be shared by the City Clerk and City Manager Offices;
- (2) Appropriate \$92,150 from the General Fund Unappropriated Fund Balance for the cost of the FTE (\$90,700 for 10 months) and related equipment (\$1,450) to FY 2006

Operating Budget Account Nos. 141000 and 261000, City Manager and City Clerk, respectively;

(3) Direct the City Attorney to prepare an ordinance amending Pasadena Municipal Code Section 16.08.020, Advisory Agency, dissolving the Subdivision Committee and transferring its responsibilities to a Hearing Officer within 60 days; and

(4) Amend the FY 2006 Operating Budget for the Planning and Development Department Account No. 444100-8115, Planning Administration by \$20,000 for additional Hearing Officer services. (Journal Voucher No. 2006-4).

The City Manager reviewed the agenda report, noted the budget figures for the additional position, as shown in the Fiscal Impact section of the agenda report, should be corrected to reflect that this represents salary plus benefits for the position, and responded to questions. In response to questions, the City Manager will provide Council with information on the legal public notification requirements for the Subdivision Committee meetings.

The City Attorney quoted sections of the Pasadena Municipal Code regarding public notification requirements.

Vice Mayor Madison asked that the public record reflect that Council was taking this action because it was necessary, and this action did not reflect his belief that this was good public policy.

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

RECESS

On order of the Mayor, the regular meeting of the City Council recessed at 8:15 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 8:16 p.m. (Absent: Councilmembers Haderlein, Streator)

ORDINANCES - ADOPTED

Adopt "AN ORDINANCE OF THE CITY OF PASADENA AMENDING THE OFFICIAL MAP OF THE CITY OF PASADENA ESTABLISHED BY SECTION 17.20.020 OF THE PASADENA MUNICIPAL CODE TO ESTABLISH THE HEIGHT LIMIT OVERLAY DISTRICT (HL-1) IN THE SOUTH LAKE STUDY AREA" (Introduced by Councilmember Tyler) (Ordinance No. 7011)

The above ordinance was adopted by the following vote:

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

NOES: None
ABSENT: Councilmembers Haderlein, Streator

Adopt “AN ORDINANCE OF THE CITY OF PASADENA SUSPENDING SECTIONS 9.36.220 AND 9.36.230 OF THE PASADENA MUNICIPAL CODE RELATING TO LIMITATION ON HOURS OF OPERATION OF AMPLIFIED SOUND ON A SUNDAY FROM 9:00 A.M. - 10:00 A.M. AND NOISE SOURCES FOR A PERMITTED EVENT AT AREA H ON SUNDAY, SEPTEMBER 25, 2005 (THE AGA KHAN FOUNDATION’S PARTNERSHIP WALK)” (Introduced by Vice Mayor Madison) (Ordinance No. 7012)

The above ordinance was adopted by the following vote:
AYES: Councilmembers Gordo, Holden, Little, Tyler,
Vice Mayor Madison, Mayor Bogaard
NOES: None
ABSENT: Councilmembers Haderlein, Streator

PUBLIC HEARING

PUBLIC HEARING: ADOPTION OF THE 2005 ANNUAL CITY OF PASADENA SELF CERTIFICATION REPORT IN CONFORMANCE WITH THE CONGESTION MANAGEMENT PROGRAM FOR LOS ANGELES COUNTY AND THE 2005 LOCAL DEVELOPMENT REPORT IN ACCORDANCE WITH GOVERNMENT CODE SECTION 65089

Recommendation of City Manager:

- (1) Adopt a resolution finding the City in conformance with the Congestion Management Program (CMP) for the County of Los Angeles;
- (2) Adopt the 2005 Local Development Report in accordance with California Government Code Section 65089 (Attachment 1 of the agenda report); and
- (3) Direct staff to file the CMP Local Implementation Report with the Los Angeles County Metropolitan Transportation Authority (MTA). (Resolution No. 8501)

The Mayor opened the public hearing.

The City Clerk reported the notice of public hearing was published on July 18, 2005 in the Pasadena Star-News; and no correspondence was received.

The City Manager introduced the agenda item.

Mr. Mark Yamarone, Principal Transportation Planner, reviewed the agenda report.

No one appeared for public comment.

It was moved by Councilmember Holden, seconded by Councilmember Little, to close the public hearing. (Motion unanimously carried) (Absent: Councilmembers Haderlein, Streator)

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

RECESS

On order of the Mayor, the regular meeting of the City Council recessed at 8:21 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 8:48 p.m. (Absent: Councilmembers Haderlein, Streator)

INFORMATION ITEM

PRELIMINARY PLAN REVIEW FOR PROPOSED REDEVELOPMENT PROJECT ON THE AMBASSADOR WEST CAMPUS AT 300 WEST GREEN STREET

Recommendation of City Manager: This report is being provided for information only at this time.

Mr. Darrell Cozen, Senior Planner, reviewed the agenda report and responded to questions.

Mr. Richard Bruckner, Director of Planning and Development Department, indicated staff would be making a determination regarding the applicability of the Inclusionary Housing Ordinance to the various senior housing units, discussed components of the timeline schedule and review of the Environmental Impact Report (EIR), and responded to questions on the project.

Discussion followed on the following issues: the application of the Inclusionary Housing Ordinance to the various proposed types of senior housing units, the height and massing of the project, the density transfers (Transfer Development Rights – TDRs) within the project that are being requested by the developer, the proposal to dedicate public open space located in the center area of the project site, determination of the economic value of the open space and its accessibility to the public as this relates to the Residential Impact Fee, the role of various advisory bodies in reviewing the project, and the EIR process and timeline.

The City Manager confirmed that the Council and Transportation Advisory Commission (TAC) had reviewed the thresholds set for the review of a project by TAC and that the modifications recommended by TAC had been incorporated into the administrative rules, and responded to questions on the project.

Vice Mayor Madison requested the developer be required to produce a model of the project.

Councilmember Little requested the Recreation and Parks Commission review the project as to the proposed provision of public access and use of open space on the property as this relates to park land use for the City and the Residential Impact Fee.

Councilmember Holden encouraged staff to coordinate the various advisory bodies' reviews of the project to assist in moving the project forward in an efficient and timely manner.

The Mayor asked that the Planning Commission be given an adequate period of time to perform its review and prepare recommendations on the Environmental Impact Report (EIR), and suggested the EIR documentation be delivered to the Commission members 2-3 weeks prior to the Commission meeting.

The City Manager indicated staff will review the project timeline and make adjustments, if necessary, to allow time for review by the advisory bodies, and will provide a more detailed update of the schedule for Council.

Ms. Margaret McAustin, Ambassador West Development Team member speaking for the applicant, introduced Team representatives who were present from: Standard Pacific Homes (Steve Ross), Sunrise Senior Living (Wayne Sant), Onyx Architects (Dale Brown), Dorn Platz and Company (Laura Whelan), and Hahn and Hahn LLP (Scott Jenkins), who were present; and spoke in favor of the project.

Mr. Dale Brown, Onyx Architects, lead architect for the project, highlighted elements of the project and responded to questions.

Mr. Wayne Sant, Sunrise Senior Living, responded to questions regarding the various senior living units.

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

ADJOURNMENT

On order of the Mayor, the regular meeting of the City Council adjourned at 9:34 p.m.



Bill Bogaard, Mayor
City of Pasadena

ATTEST:



Janet Rodriguez
City Clerk