

CITY OF PASADENA
Community Development Commission Minutes
December 10, 2007 – 5:30 P.M.
City Hall Council Chamber

REGULAR MEETING

OPENING: Chair Bogaard called the regular meeting to order at 8:02 p.m.

ROLL CALL:
Commissioners:

Chair Bill Bogaard
Vice Chair Steve Haderlein (Absent)
Commissioner Victor Gordo
Commissioner Chris Holden
Commissioner Steve Madison
Commissioner Margaret McAustin
Commissioner Jacque Robinson
Commissioner Sidney F. Tyler

Staff:

Chief Executive Officer Cynthia Kurtz
General Counsel Michele Beal Bagneris
Secretary Jane L. Rodriguez

PUBLIC COMMENT No one appeared for public comment.

MINUTES APPROVED November 19, 2007
November 26, 2007

It was moved by Commissioner McAustin, seconded by Commissioner Robinson, to approve the above minutes, as submitted. (Motion unanimously carried) (Absent: Vice Chair Haderlein)

**HERITAGE SQUARE PROJECT; RFQ PROCESS;
SELECTION OF DEVELOPER FOR EXCLUSIVE
NEGOTIATIONS**

Recommendation of Chief Executive Officer:

(1) It is recommended that the Pasadena Community Development Commission (Commission) enter into an Exclusive Negotiation Agreement with Retirement Housing Foundation for the Heritage Square Project.

(2) It is recommended that the Commission consider the community comments on the proposed concept design of the Heritage Square Project and adopt the proposed concept for the site as shown in Attachment D of the agenda report.

(3) It is recommended that staff return to the Commission within 180 days with a staff recommendation regarding the terms and conditions of a development and financing agreement. (Agreement No. CDC-618)

The Chief Executive Officer provided an overview of the Request for Qualifications (RFQ) Process; noted that the proposed concept design had received review by the Northwest Commission, Fair Oaks Project Area Committee (PAC), and community, but not by the Planning Commission or Community Development Committee; agreed to make the point breakdown for the oral interviews available to the Commission; and responded to questions regarding the various selection processes used since the project was originally proposed.

Sylvia Ruiz, Interim Housing Manager, reviewed the developer selection process, criteria used, and how the proposals/developers were evaluated; clarified the occurrence of deficiencies in the RFQ materials that were submitted and the opportunity provided to all developers to cure any deficiencies during an extended time period for submission of the written RFQ materials; and responded to questions regarding the review/selection process.

Paul Silvern, Partner in HR&A Advisors, responded to questions regarding his knowledge of the project and community, his role in the review/selection process, and components in the review process and the proposed concept design.

Steven Wraight, Wraight Architects representative, responded to questions regarding his knowledge of the project and community, his role in the review/selection process, and components in the review process.

Brad Fuller, Assistant City Attorney, responded to questions about acquiring funding as this relates to segregating senior from family housing and fair housing issues that have been raised.

The City Attorney and Mr. Fuller responded to questions regarding a PAC's statutory/advisory role involving a redevelopment area.

Commissioner Holden expressed disappointment that the community was not made a part of the selection process, and urged the Council to be responsive to the community and allow opportunities for the neighborhood to be heard on and included in this process.

Discussion followed on the qualifications of the Selection Review Committee members and their knowledge of the community in which the project will be built, the timing and components of the evaluation process, ethnic diversity in the RFQ review process, consideration of weighted preference to be given to owner participants/stakeholders in the redevelopment area, the process followed in reviewing the

developers/proposals, and the aspect of subjectivity involved in evaluating the proposals.

The following persons expressed concerns regarding the review/selection process and/or opposition to the selection recommendation or project:

Georgia Holloway, Fair Oaks PAC member
Pastor Byron Smith, Sr., Calvary C.M.E. Church
Bryant Lyles, Fair Oaks PAC member, submitted a letter addressed to the City Manager dated December 10, 2007 stating the PAC's request for funding of an outside investigator selected by the PAC to answer pertinent questions and obtain definitive answers to questions regarding the three processes involving the Heritage Square Project process and the investigation performed by Gowing and Associates.
Ishmael Trone, Fair Oaks PAC member, submitted a second copy of the PAC letter of December 10, 2007 cited above.
Kelly Briscoe, Pasadena resident
Michelle White, Affordable Housing Services representative

The following person spoke in opposition to approval of the proposed concept design:

Marvin Schachter, Pasadena Senior Advocacy Council representative

The following person responded to questions regarding the selected proposal:

Richard Washington, Retirement Housing Foundation, Vice President of Business Development

Discussion continued on the occurrence of developers not being identified for various components of the proposals, criteria for the oral interviews, the Exclusive Negotiation Agreement (ENA) procedure, determination of the terms and conditions to be used in the ENA, age restrictions to be used for the senior components, leasing/sale procedures to be established for the units, the need for affordable assisted-living units for elderly residents, consideration of possible changes in the project concept, funding options for the various components of the project, the status of the negotiations for the Church's Chicken parcel, concerns regarding the compatibility of a drive through for Church's Chicken in the proposed project, and the role of community participation in decisions involving a community redevelopment area.

Commissioner Tyler asked that the Commission be allowed to review the terms and conditions for the ENA prior to the City entering into the ENA (e.g., City's maximum contribution, configuration of project by type of unit, and parameters for payback of City's contribution).

Councilmember Gordo requested staff provide information on whether a drive through (for Church's Chicken in the proposed project) would be allowed under the Specific Plan as a part of the proposed project.

Commissioner Holden expressed concerns regarding the need to tie up loose ends involving the project details and selection process; and suggested an additional step be taken using a Request for Proposal (RFP) process to be worked out by the Chief Executive Officer and presented to the top three scoring developers (identified by the RFQ process) for their response and to include a community participation component in the process.

FAILED MOTION

It was moved by Commissioner Holden, seconded by Commissioner Robinson, to approve the top three developer teams, with the Chief Executive Officer to prepare a Request for Proposal (RFP) which would be presented to the top three developer teams, with the teams to respond to the RFP within a 45- or 60-day period, with the Chief Executive Officer to return to the Commission with a recommendation on how the review process would be conducted and what part of the review process would include community participation, and with the proposed project concept to be reviewed by the Planning Commission:

AYES: Commissioners Holden, Robinson

NOES: Commissioners Gordo, Madison, McAustin, Tyler,
Chair Bogaard

ABSENT: Vice Chair Haderlein

Commissioner Holden was excused at 10:21 p.m.

Discussion continued on the Commission's prior action as this relates to the RFQ process and the selection of a developer, options in response to the letter from the Fair Oaks PAC submitted by Bryant Lyles as cited above, possible further review of the project configuration, and the need for the proposed concept design to be reviewed by the Planning Commission.

The Chief Executive Officer discussed the Commission's action giving staff the discretion to present a recommendation for one or more developers to be considered for approval by the Commission when the RFQ and selection process had been completed, and noted that the financial analysis would be performed as a part of the ENA.

Commissioner Gordo suggested the Council Ad Hoc Committee (on the Heritage Square selection) continue to listen to concerns/issues raised by the public at the Ad Hoc Committee's meeting of December 11, 2007, with the Committee to refer any issues raised by the public at the December 11th Committee meeting to the City Attorney to perform a preliminary inquiry and refer issues to an outside independent agency, if necessary.

By consensus, Council agreed to proceed with the action proposed by Councilmember Gordo.

MOTION

Following discussion, it was moved by Commissioner McAustin, seconded by Commissioner Gordo, to refer the current proposed concept design to the Planning Commission for its comments on the concept design (e.g., compatibility with the Specific Plan, drive through issue, land use consistency with the Zoning Code, height, and setbacks). (Motion unanimously carried) (Absent: Commissioner Holden, Vice Mayor Haderlein)

Discussion followed regarding options for selecting a developer for the project.

MOTION

Following discussion, it was moved by Commissioner Gordo, seconded by Commissioner Tyler, to approve the Chief Executive Officer's recommendation, with the Commission to be provided a list of terms and conditions for review (in closed session) prior to entering into the Exclusive Negotiation Agreement (ENA), and with the Commission to be provided a status report at the end of 90 days of the 180-day ENA negotiation period. (Motion unanimously carried) (Motion carried, with Commissioner Robinson abstaining) (Absent: Commissioner Holden, Vice Mayor Haderlein)

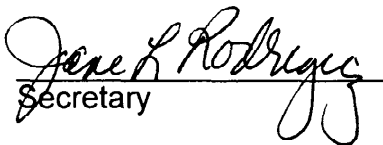
During the meeting, Commissioner Robinson asked to have the record modified to show a change of her vote and to reflect an abstention on the above motion (see modification above).

On order of the Chair, the regular meeting of the Community Development Commission adjourned at 10:40 p.m.



Bill Bogaard, Chair
Community Development Commission

ATTEST:


Secretary