

CITY OF PASADENA  
City Council Minutes  
October 8, 2007 – 5:30 P.M.  
City Hall Council Chamber

REGULAR MEETING

**OPENING:**

Mayor Bogaard called the regular meeting to order at 5:41 p.m.  
(Absent: Councilmembers Madison, McAustin)

On order of the Mayor, the regular meeting recessed at 5:41 p.m., to discuss the following closed sessions:

Councilmember McAustin  
arrived at 5:47 p.m.

**CITY COUNCIL AND COMMUNITY DEVELOPMENT  
COMMISSION CONFERENCE WITH REAL PROPERTY  
NEGOTIATORS pursuant to Government Code Section  
54956.8**

**Property: 841-853 East Washington Boulevard, Pasadena,  
CA**

**Agency Negotiators: Cynthia Kurtz and Richard Bruckner  
Negotiating party: Jacob's Ladder, LLC (Gagik and  
Jacqueline Buickians)**

**Under negotiation: Price and terms of payment**

**CITY COUNCIL CONFERENCE REGARDING PUBLIC  
EMPLOYEE PERFORMANCE EVALUATION pursuant to  
Government Code Section 54957**

**Title: City Manager**

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 6:38 p.m. The Pledge of Allegiance was led by Assistant City Manager Brian Williams.

**ROLL CALL:**

Councilmembers:

Mayor Bill Bogaard  
Vice Mayor Steve Haderlein  
Councilmember Victor Gordo  
Councilmember Chris Holden  
Councilmember Steve Madison  
Councilmember Margaret McAustin  
Councilmember Jacque Robinson  
Councilmember Sidney F. Tyler

Staff:

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

## **CEREMONIAL MATTERS**

Martin Pastucha, Director of Public Works Department, announced that the City had received the following awards related to the City Hall retrofit/restoration project:

San Gabriel Valley Economic Partnership City Beautification Heritage Award for continued commitment to preserving the unique history and architecture of the San Gabriel Valley  
American Institute of Architecture-Pasadena/Foothill Chapter Heritage Award for preserving City Hall and recognitions from Assemblymember Anthony Portantino and the State Board of Equalization

The Mayor acknowledged the City Manager's leadership in bringing the City Hall retrofit/restoration project in on time and under budget.

The City Clerk administered the oaths of office to Christopher Walker and Elona C. Jackson-Hinton as Community Development Committee members.

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

Dawn O'Keeffe, Invest in PUSD Kids representative, invited the Council and community to participate in a community forum titled "Civic Investment in Our Schools" to be held on November 4, 2007, which will provide a discussion of various issues facing the public school system; and submitted a flier on the forum. Ms. O'Keeffe confirmed that relevant research will be presented and available at the forum, with a white paper to be issued after the forum.

Bill Watkins, Pasadena resident, spoke in support of Hillary Clinton, expressed concerns regarding bicycle traffic, and thanked the City Manager for her service.

Ann Lau, Visual Artists Guild representative, described her experience at a Tournament of Roses event held on October 8, 2007 involving the Pasadena Police Department and alleged violation of her free speech rights, and submitted her written statement with an Associated Press news release dated October 8, 2007 and a copy of a letter dated July 10, 2007 from the Reporters without Borders to the Tournament of Roses.

The Mayor indicated that the incident involving Ms. Lau would be reviewed by the Police Department, and that a report from the Human Relations Commission regarding Chinese human rights issues would be agendized for a future Council meeting.

John Li, Caltech Falun Gong Club representative, expressed concerns regarding alleged human rights violations in China and opposition to inclusion of a Chinese float in the 2008 Tournament of Roses Parade.

Councilmember Tyler was excused at 7:06 p.m.

Stan Kong, Arts and Culture Commission Chair, announced various events scheduled for Art Night and Art Weekend to be held this weekend, and distributed informational materials.

### **CONSENT CALENDAR**

### **ACCEPTANCE OF THE RENEWAL OF GRANT FUNDS FROM THE STATE OF CALIFORNIA, OFFICE OF EMERGENCY SERVICES; AUTHORIZATION TO ENTER INTO A CONTRACT WITH HERITAGE CLINIC, TO OPERATE THE ELDER ABUSE ADVOCACY AND OUTREACH PROGRAM**

#### **Recommendation of City Manager:**

- (1) Accept the grant from the State of California, Office of Emergency Services - Elder Abuse Advocacy and Outreach Program, in the amount of \$90,000 (Grant No. EA 06097625);
- (2) Authorize the City Manager to enter into a contract with the Heritage Clinic in an amount not to exceed \$80,873 without competitive bidding pursuant to City Charter Section 1002(F), contracts for professional or unique services, to operate the Elder Abuse Advocacy and Outreach Program. The remaining balance will offset the Police Department's administrative costs; and
- (3) Grant the proposed contract an exemption from the competitive selection process of the Competitive Bidding and Purchasing Ordinance, pursuant to Section 4.08.049(B), contracts for which the City's best interests are served. (Contract No. 19,458)

### **MINUTES APPROVED**

September 24, 2007

### **CLAIMS RECEIVED AND FILED**

Claim No. 10,452	Rick Button	\$	450.64
Claim No. 10,453	James J. Griesgraber		500.00
Claim No. 10,454	Saundra Easter Williams		565.00
Claim No. 10,455	Frances Lee Quiones		50.00
Claim No. 10,456	Karina Campos		1,077.24
Claim No. 10,457	Thomas McKey		1,711.66
Claim No. 10,458	Carol Stirling		200.00
Claim No. 10,459	Fair Oak LLC		9,237.75

### **PUBLIC HEARINGS SET**

October 22, 2007, 7:30 p.m. - Establishment of the Sewer Facility Charge

November 5, 2007, 7:30 p.m. - Designation of 1495 North Lake Avenue as a landmark

November 5, 2007, 7:30 p.m. - Designation of 1000 East Cordova Street as a historic monument

November 19, 2007, 7:30 p.m. - Designation of 72 East Glenarm Street (Glenarm Power Plant) as a historic monument

November 19, 2007, 7:30 p.m. - Designation of 1154 South Fair Oaks Avenue (Pacific Electric Substation No. 2) as a landmark

November 19, 2007, 7:30 p.m. - Designation of 160- 162 North Altadena Drive (Lamanda Park Substation) as a landmark

November 19, 2007, 7:30 p.m. - Designation of 1879 East Walnut Street (Woodbury Well) as a landmark

December 3, 2007, 7:30 p.m. - Designation of the Historic Highlands as a landmark district

December 10, 2007, 7:30 p.m. - Proposed Increase in the Sewer Use Charge

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

**REPORTS AND COMMENTS  
FROM COUNCIL  
COMMITTEES**

**FINANCE COMMITTEE**

**FISCAL YEAR 2008 OPERATING BUDGET AMENDMENTS**

**Recommendation of City Manager:**

(1) Authorize a journal voucher implementing certain amendments to the fiscal year 2008 Operating Budget as detailed in the background section of the agenda report. The net effect of these amendments to the various fund balances is as follows: a reduction to General Fund of \$388,734; a reduction to First 5 Early Literacy Project Fund of \$45,000; a reduction to Old Pasadena Parking Fund of \$159,303; a reduction to the Sewer Maintenance and Construction Fund of \$35,170. In addition, there will be a decrease of \$6,125 to the HOME Investment Partnership Fund; and  
(2) Authorize the addition of four positions to the Police Department consisting of one Sergeant and three Police Officers. (Journal Voucher No. 2008-6)

Vice Mayor Haderlein, Finance Committee member, reviewed the agenda report and responded to questions.

The City Manager clarified the deployment of these additional officers to Patrol, and commented on possible expansion of the Safe Schools Team to middle schools and cost sharing for this service with the Pasadena Unified School District (PUSD).

Police Chief Bernard Melekian responded to questions regarding the level of Patrol Officer staffing and the impacts of staffing the Safe School Team and other special programs on the Department's staffing.

Councilmember Madison suggested trying to place officers at the middle schools by the time students return from the holiday break.

The following person expressed concerns regarding noise involving police helicopters:

Michelle White, Pasadena resident

The City Manager noted the additional Patrol Officers would not impact the use of the police helicopters, and indicated that the helicopter issues would be addressed separately.

Vice Mayor Haderlein announced that the Public Safety Committee would be addressing the police helicopter issues at the Committee meeting of November 5, 2007.

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

Vice Mayor Haderlein reported on the status of the ice skating rink negotiations and further directions to staff by the Finance Committee.

The City Manager briefly discussed the ongoing negotiations, and noted the schedule for the ice rink project would not be impacted.

**RECOMMENDATIONS  
FROM OFFICERS AND  
DEPARTMENTS**

**REQUEST FOR A MORATORIUM ON THE CONVERSION  
OF CONDOMINIUM UNITS DURING THE STUDY PERIOD  
BY THE PLANNING COMMISSION** (Councilmember Holden)

Councilmember Holden commented on policy decisions to be considered as this relates to the City's affordable housing needs and concerns regarding a diminishing stock of affordable housing units, and on the benefits of a moratorium to allow time for recommendations to be developed during the study period being conducted by the Planning Commission.

Councilmember Tyler  
returned at 7:38 p.m.

The City Manager indicated a task force (comprised of nine members representing various factions of housing interests) was being formed to discuss condominium conversion issues and the proposed ordinance that had been presented by staff to the Planning Commission for their review; noted that a report from the task force was scheduled to be presented to Council in conjunction with the end of the 45-day moratorium, if possible; and responded to questions regarding the City's affordable housing inventory and the Regional Housing Needs Assessment (RHNA) allocations. The City Manager confirmed that a report on affordable housing issues would be presented to Council by the end of 2007 as a follow up to the Affordable Housing Plan that was presented to Council in April 2007.

The City Attorney discussed the moratorium process and timeframe; indicated that Council would need to provide direction to the City Attorney regarding who would be covered by the moratorium depending on whether an applicant was vested (e.g., vesting map or building permit); explained the findings that would need to be made if the moratorium was extended beyond the 45-day period; and responded to questions.

Brian Williams, Assistant City Manager, responded to questions regarding affordable housing units in the City.

Councilmember Gordo asked staff to provide a flow chart showing the timing for different steps in the conversion process to assist in judging the fairness of when an application would be covered by the moratorium, and expressed concerns regarding driving up the price of condominiums and making it more difficult for renters/buyers to enter the ownership market.

Councilmember Madison expressed concerns regarding possible negative impacts of condominium conversions on the City's RHNA allocations.

Discussion followed on the condominium conversion process, difficulties with tracking the level of affordability for units that are converted to condominiums, parking requirements for rental vs. condominium units, and possible tracking of the number of rental units that are renting at what would be considered an affordable rent level.

The following persons spoke in support of a proposed moratorium ordinance on the conversion of condominium units and/or expressed concerns regarding the need for affordable housing:

Marvin Schachter, AARP and Pasadena Senior Advocacy  
Council representative  
Luther Renfro, Senior Commissioner  
Shirley Spencer, League of Women Voters Pasadena Area  
representative, submitted a letter from the League in  
support of the moratorium and affordable housing.  
Gloria Reynolds, AARP representative  
Joseph Bautista, Pasadena resident  
Arnold Siegel, Pasadena resident  
Rabbi Marvin Gross, Union Station Foundation Executive  
Director  
Sieglinde von Deffner, Pasadena resident  
Trixie Lewis, Pasadena Affordable Housing Group  
representative  
Joyce Dever, Pasadena Affordable Housing Group  
representative  
Ashley Phillips, Pasadena resident  
Michelle White, Affordable Housing Services  
representative

Jill Shook, Pasadena Affordable Housing Alliance (PAHA)  
representative  
Sayuri Buell, National Alliance for the Mentally Ill (NAMI)  
representative  
Dr. Nicholas Benson, pastor of First Summit Evangelical  
Church of Pasadena

The following person spoke in opposition to the proposed moratorium ordinance on the conversion of condominium units:

Eric Winter, South Pasadena

Discussion continued on the moratorium process and the possible impact of condominium conversions on the City's RHNA allocations, and the need to address the regional aspect of affordable housing needs.

Councilmember Holden suggested staff provide information on the status of the immediate, mid and long term initiatives set out in the Affordable Housing Plan and the strategies for implementing the housing initiatives when staff reports at the end of the 45-day moratorium period, if possible, or at some Council meeting before the end of the year.

Councilmember Gordo asked that Council revisit the in-lieu fee and include this as a part of future comprehensive discussions on affordable housing.

Councilmember Tyler stressed the need to provide affordable housing for people who live and work in the City.

It was moved by Councilmember Holden, seconded by Councilmember Robinson, to direct the City Attorney to draft a 45-day moratorium ordinance on the conversion of condominium units. (Motion unanimously carried) (Absent: None)

RECESS

On order of the Mayor, the regular meeting of the City Council recessed at 8:54 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 9:34 p.m. (Absent: None)

### **ORDINANCES – ADOPTED**

**Adopt “AN ORDINANCE OF THE CITY OF PASADENA AMENDING CHAPTERS 2.130 AND 10.45 OF THE PASADENA MUNICIPAL CODE TO ENABLE THE SOUTH LAKE PARKING PLACE COMMISSION TO ACT AS A PARKING METER ADVISORY BODY AND TO ESTABLISH THE SOUTH LAKE PARKING METER ZONE”** (Introduced by Councilmember Tyler) (Ordinance No. 7117)

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

**Adopt “AN UNCODIFIED ORDINANCE OF THE CITY OF PASADENA APPROVING A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF PASADENA AND SMV TECHNOLOGY PARTNERS LLC”** (Introduced by Vice Mayor Haderlein) (Ordinance No. 7118)

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

### **COUNCIL COMMENTS**

Councilmember Holden commented on the City Manager's recent letter of resignation that had been received by the Council, and expressed appreciation to the City Manager for her leadership, exemplary service, and dedication to the City and her staff.

Councilmember Holden was excused at 9:36 p.m.

The Mayor noted that there would be opportunities to offer compliments, congratulations, and gratitude for all the work the City Manager has accomplished.

RECESS/JOINT MEETING

On order of the Mayor, the regular meeting of the City Council recessed at 9:36 p.m. to a joint meeting with the Design Commission. (Absent: Councilmember Holden)

The following members of the Design Commission were present: Andrew Wilson (Chair), Abe Chorbajian, Julianna Delgado, James Ipekjian, Chris Peck, and Richard Quirk (Vice Chair).

### **OVERVIEW OF DESIGN COMMISSION'S WORK PROGRAM**

Chair Andrew Wilson provided an overview of the Design Commission's work (urban infill to mesh with historic buildings and design process); highlighted key projects from the work plan (Westgate and Ambassador Campus); commented on the progress made in constructively criticizing and working with architects on projects; recognized Jeff Cronin (Principal Planner) for his assistance; and responded to questions.

Discussion followed on the Ambassador Campus project process, latitude provided to the Design Commission in interpreting Council's directions on a project, and available



means for the Commission to optimize their role in enhancing the design of a project.

Commissioners Peck and Quirk responded to questions regarding the Ambassador Campus project.

Richard Bruckner, Director of Planning and Development Department, discussed Council's directions regarding the Ambassador Campus project.

On order of the Mayor, the oral report was received.

## **DISCUSSION OF URBAN FORESTRY ADVISORY COMMITTEE**

**Recommendation of City Manager:** This report is provided for information

The City Manager introduced the agenda item.

Chair Wilson commented on the Design Commission's questions as to whether the Urban Forestry Advisory Committee (UFAC), which is currently structured as a subcommittee of the Design Commission, should be restructured as an independent committee; and noted the Commission's consensus that the structure issue should be reviewed by the staff and Council.

Commissioner Peck briefly described the matters that are reviewed by UFAC and the level of involvement that might be needed for Design Commissioners in the decisions on these matters; and discussed proposals that might partition the day-to-day tree-related matters from those matters that impact design issues of a project and/or change the Pasadena Municipal Code (PMC) to reduce the Design Commission membership on UFAC from two members to one member.

Discussion followed on possible restructuring of UFAC membership, the jurisdiction of UFAC, the relationship between the Design Commission and UFAC in reviewing matters involving trees, and possible changes in UFAC's charge.

The City Manager noted that UFAC should be consulted on the proposal to change its membership, and that the Pasadena Beautiful Foundation might be interested in an opportunity to fill a second position on the Committee; and responded to questions.

Richard Bruckner, Director of Planning and Development Department, and Martin Pastucha, Director of Public Works Department, clarified UFAC's jurisdiction regarding private and public trees, and the City's use of an arborist or landscape architect in evaluating larger projects.

Vice Mayor Haderlein suggested staff discuss the proposal for a change in UFAC membership with the Recreation and Parks Commission to obtain their possible support of a proposal that would also reduce the Recreation and Parks Commission's UFAC membership from two members to one member, which would then result in two UFAC positions that could be opened to the public.

Councilmember Gordo suggested a possible change to the PMC that would require that the Design Commission refer landscape design plans to UFAC for review, and consideration of possible changes in the composition and charge of UFAC.

Commissioner Chorbajian suggested that a threshold be used/set in referring landscape design plans to UFAC.

Councilmember McAustin suggested staff explore a requirement for an arborist and landscape architect to be provided by the developer of larger projects as this relates to design review and tree or canopy preservation/planning, with staff review to be conducted for smaller projects.

Commissioner Peck reported that UFAC was preparing a report to be sent to the Design Commission and then to Council regarding the City's tree protection ordinance and how it is working and not working.

By consensus, staff will discuss the proposed changes in membership composition and charge of the Urban Forestry Advisory Committee with UFAC and with the Recreation and Parks Commission, as applicable, and as discussed above, with staff to return to Council (through the Design Commission) with a recommendation.

#### **AMENDMENT TO DESIGN COMMISSION CHAPTER IN MUNICIPAL CODE (CHAPTER 2.80) FOR REVIEWS OF PUBLIC PROJECTS**

**Recommendation of City Manager:** It is recommended that the City Council direct the City Attorney to prepare a code amendment (within 60 days) to amend the procedures for design review of public projects to match those required for private projects including:

- (1) Public projects requiring design review at the Commission level will include: a) new construction of more than 5,000 square feet; and b) major rehabilitation or significant alteration of existing structures of more than 10,000 square feet;
- (2) Public projects will be required to proceed through the same stages of design review required of private projects including preliminary, concept and final design, or consolidated review when allowed under the code;
- (3) Where the actions of the Design Commission regarding

public buildings are currently only advisory to the City Council, actions in the future will be final decisions (as they are for private projects), with some exceptions. In cases where the Design Commission action would impact budget or schedule, or in cases where the Commission action and the neighborhood request are not compatible for the site, the case would automatically be referred to the City Council for final action; and

(4) As with private projects, staff (the applicant) would have the ability to appeal the decision to City Council or for Council to call-up a decision.

It is also recommended that regarding historic structures, the specifications in Section 2.80.110 be amended to match the more current provisions in Section 17.62.020, which does not limit design review to a specific list of buildings or interiors but instead applies review to "historic resources" as defined elsewhere in the Pasadena Municipal Code.

Chair Wilson introduced the agenda item, and discussed the benefits of design review for public projects at an earlier stage in the review process. He suggested that Recommendation No. 3 be amended to "~~impact~~ exceed budget or miss the schedule".

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

Commissioner Peck noted that the recommendation does not include the possibility for 50% design review.

Commissioner Chorbajian suggested the Design Commission be used as a resource to identify architects for various types of projects.

Councilmember Tyler was  
excused at 11:15

In response to Commissioner Chorbajian's concern, the City Manager indicated a call for review of a Design Commission decision would be signed off at a high department level.

Discussion followed on the exceptions where the Design Commission action would not be final, changes in the review process for public projects, and the status of the ice rink project as it relates to the proposed amendments.

Following discussion, it was moved by Vice Mayor Haderlein, seconded by Councilmember Madison, to approve the City Manager's recommendation, with Recommendation No. 3 amended to read: "Where the actions of the Design Commission regarding public buildings are currently only advisory to the City Council, actions in the future will be final decisions (as they are for private projects), with some exceptions. In cases where the Design Commission action would ~~impact~~ result in exceeding the budget or missing the

schedule, or in cases where the Commission action and the neighborhood request are not compatible for the site, the case would automatically be referred to the City Council for final action;" with the understanding that the Municipal Code amendments would apply to projects that have not been reviewed by the Design Commission. (Motion unanimously carried) (Absent: Councilmembers Holden, Tyler)

The City Manager noted that staff would look at the Design Commission comments regarding the modular restrooms for use at various parks to determine if further action should be taken to resolve any outstanding issues.

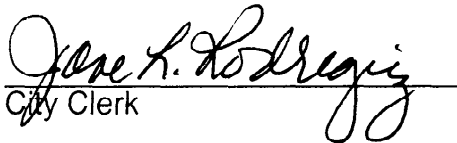
**ADJOURNMENT**

On order of the Mayor, the regular meeting of the City Council adjourned at 11:38 p.m.



\_\_\_\_\_  
Bill Bogaard, Mayor  
City of Pasadena

ATTEST:

  
\_\_\_\_\_  
City Clerk