

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

REGULAR MEETING

OPENING:

Mayor Bogaard called the regular meeting to order at 5:44 p.m.
(Absent: Councilmember McAustin)

On order of the Mayor, the regular meeting recessed at 5:44 p.m., to discuss the following closed sessions:

Councilmember McAustin
arrived at 5:47 p.m.

**CITY COUNCIL CONFERENCE WITH LABOR
NEGOTIATORS pursuant to Government Code Section
54957.6**

**City Representatives: Cynthia J. Kurtz and Karyn S. Ezell
Employee Organization: Unrepresented Executive
Management Employees**

**CITY COUNCIL CONFERENCE REGARDING PUBLIC
EMPLOYMENT 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 6:48 p.m. The Pledge of Allegiance was led by members of Brownie Girl Scout Troop No. 254 ((Mt. Wilson Vista Council).

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

Councilmember McAustin noted that Brownie Girl Scout Troop No. 254 was attending the Council meeting as a part of their work on the Making Choices and Voting section for the Citizens Far and Near badge.

Troop Leader Nancy Andriuzzo thanked the City for the troop's tour of City Hall and Council meeting experience.

The Mayor presented a commendation to the Siemens Competition in Math, Science, and Technology (Siemens Corporation/Foundation) for its commitment to youth and the development of future mathematicians and scientists. The commendation was received by Hall Daily, California Institute of Technology (Caltech) Vice President of Government and Community Relations, who announced that the Region 1 presentations would be made to the Competition winners at Caltech on November 10, 2007.

Vice Mayor Haderlein invited the community to participate in a Veterans Day event that was being co-sponsored by the City on November 11, 2007 at Memorial Park.

PUBLIC COMMENT ON MATTERS NOT ON THE AGENDA

The following persons expressed concerns regarding alleged human rights violations in China and/or opposition to inclusion of a Chinese float in the 2008 Tournament of Roses Parade:

Theresa Marie Moreau, La Crescenta resident, submitted various written statements.

Yaning Liu, Caltech Falun Gong Club member, submitted papers related to her petition for the Mayor/Council to write a letter to Chinese officials requesting the release of her mother from a labor camp.

The Mayor indicated a response would be sent to Ms. Liu regarding her request.

John Li, Caltech Falun Gong Club President, asked for assistance in obtaining a permit for holding the Human Rights Torch Relay on January 1, 2008.

The City Manager outlined the activities and timing for the Tournament of Roses Parade and events, and indicated options could be explored with Mr. Li for holding the Relay.

Kurt Thorgerson, Monrovia resident, expressed concerns regarding the current water shortage, and suggested the City consider methods for recovery and use of storm drain water and penalties for over watering lawns/green areas in order to address the water shortage issue.

Quincy O'Neal, LaRouche Political Action Committee (LPAC) representative, expressed concerns regarding possible

problems related to potential foreclosures on homes and a banking crisis, asked the Council to sign a petition in support of the Homeowners and Bank Protection Act of 2007, and submitted informational materials on the Act.

Marvin Schachter, Pasadena Senior Advocacy Council representative, commented on the Universal Declaration of Human Rights that was adopted by the United Nations (UN) in 1948; and asked the Council and community to discuss the broad concepts and issues expressed in the Declaration, especially at the Council meeting of December 10, 2007, the 59th anniversary of the adoption of the Declaration by the UN.

The following persons expressed concerns regarding an ongoing labor dispute with First Transit, which contracts with the City to operate the City's Area Rapid Transit System (ARTS) and Dial-A-Ride programs, and asked the City to consider terminating its contract with First Transit:

Eric Tate, Teamsters/Pasadena bus drivers representative
Dr. Rosanna Esparza, Local 848/First Transit representative

Tony Gubringer, First Transit employee, submitted an earnings statement for Antonio Perez, Jr., First Transit employee.

The City Manager clarified the City's position in terms of the labor negotiations and termination of the contract, and noted that First Transit had offered its assurance to the City that service would not be interrupted during the labor negotiations.

Councilmember Gordo asked staff to provide information on the contractor's past and current compliance with the Living Wage Ordinance and on Council's options in regards to the First Transit contract.

The City Manager indicated staff would confirm that First Transit is complying with the City's Living Wage Ordinance, and information on compliance with the Ordinance and Council's options in regards to the contract would be included in her weekly information letter to Council.

CONSENT CALENDAR

AUTHORIZATION TO ENTER INTO A CONTRACT WITH JA SALAZAR CONSTRUCTION & SUPPLY CORPORATION TO PROVIDE LABOR AND MATERIALS FOR WATER MAIN LINE INSTALLATIONS IN EL MOLINO AVENUE FROM CALIFORNIA BOULEVARD TO WOODLAND ROAD FOR THE WATER AND POWER DEPARTMENT, SPECIFICATION WD-07-06

Recommendation of City Manager:

(1) Accept the bid dated October 19, 2007 submitted by JA Salazar Construction & Supply Corporation in response to

Specification WD-07-06 for providing labor and materials for Water Main Line Installations in El Molino Avenue from California Boulevard to Woodland Road for the Water and Power Department;

(2) Reject all other bids; and

(3) Authorize the City Manager to enter into a contract between the City of Pasadena and JA Salazar Construction & Supply Corporation not to exceed \$879,966. (Contract No. 19,472)

Item discussed separately due to a request for public comment.

CONTRACT AWARD TO LIGHTPOLE RESTORATION SPECIALISTS, INC., FOR THE PAINTING OF PLAYHOUSE DISTRICT STREET LIGHT POLES FOR AN AMOUNT NOT TO EXCEED \$135,000

SUSPENSION OF THE NOISE ORDINANCE RELATING TO THE CHILDREN'S HOSPITAL LOS ANGELES KIDS ON THE RUN 5k/10k, TO BE HELD AT BROOKSIDE PARK ON SUNDAY, FEBRUARY 17, 2008

Recommendation of City Manager:

(1) Acknowledge that the proposed Children's Hospital of Los Angeles Kids on the Run 5k/10k and the lifting of the Noise Ordinance are categorically exempt under California Environmental Quality Act (CEQA) Guidelines Section 15323, Normal Operations of Facilities for Public Gatherings; and

(2) Approve an ordinance to suspend the Noise Ordinance by permitting amplified sound on a Sunday beginning at 9:00 a.m. and a Notice of Exemption and hold the first reading of same on Monday, November 5, 2007, with respect to the proposed Children's Hospital of Los Angeles Kids on the Run 5k/10k to be held at Brookside Park on Sunday, February 17, 2008 from 9:00 a.m. - 12:00 p.m.

RESOLUTION AMENDING THE SALARY RESOLUTION TO ESTABLISH COMPENSATION FOR VARIOUS CLASSIFICATIONS IN THE NON-REPRESENTED, TOP, MIDDLE AND PROFESSIONAL MANAGEMENT GROUPS

Recommendation of City Manager: Adopt a resolution amending the Salary Resolution to establish compensation for various classifications in the Non-Represented, Top, Middle and Professional Management groups effective April 2, 2007, and authorize a journal voucher transferring funds from the personnel reserve and/or the unappropriated fund balances as may be necessary. (Resolution No. 8788; Journal Voucher No. 2008-7)

Item discussed separately at the request of Vice Mayor Haderlein.

AWARD OF CONTRACT TO GOLDEN STATE CONTRACTORS, INC., FOR CONSTRUCTION OF HAMILTON PARK FIELD DRAINAGE RENOVATION IN THE AMOUNT OF \$98,094

AUTHORIZE PURCHASE OF 46 MODEL 2070L TRAFFIC SIGNAL CONTROLLERS ACCORDING TO TERMS AND CONDITIONS OF EXISTING CONTRACT BETWEEN SIEMENS ITS AND CITY OF LOS ANGELES

Recommendation of City Manager:

(1) Authorize the City Manager to execute a Purchase Agreement to enable the purchase of 46 Model 2070L traffic signal controllers under same terms and conditions as stipulated in existing purchasing contract between City of Los Angeles and Siemens ITS in an amount not to exceed \$100,000; and

(2) Recognize that this transaction is exempt from the competitive selection process of the Competitive Bidding and Purchasing Ordinance, pursuant to Pasadena Municipal Code Section 4.08.049(A)(3), contracts with other governmental entities.

APPROVAL OF AN AMENDED RESOLUTION FOR THE ENTERPRISE ZONE TARGET EMPLOYMENT AREA

Recommendation of City Manager: Adopt a resolution designating and formally approving the addition of two census tracts to the Targeted Employment Area for the Enterprise Zone and such other action as set forth in the agenda report, as required by State law. (Resolution No. 8789)

MINUTES APPROVED

October 15, 2007

CLAIMS RECEIVED AND FILED

Claim No. 10,473	Willia D. McClain	\$ Not stated
Claim No. 10,474	Suswanti Surowiec	2,719.48
Claim No. 10,475	Juan Martinez	Not stated
Claim No. 10,476	Giovanni Sciulli	110.00
Claim No. 10,477	Rita G. Williams	470.65
Claim No. 10,478	Mark Underwood,	Not stated
	Wendy Bahnsen, Britain Bahnsen,	
	Nikki Dibartolomed	

PUBLIC HEARINGS SET

December 3, 2007, 7:30 p.m. - Designation of 3060 San Pasqual Street as a Landmark

December 3, 2007, 7:30 p.m. - Designation of 314 Del Rey Avenue as a Landmark

December 10, 2007, 7:30 p.m. - Residential Refuse Collection Fees Increase

December 17, 2007, 7:30 p.m. - Public Hearing Concerning the Existence of a Water Shortage and Implementation of Water Shortage Plan 1 (PMC 13.10.040)

It was moved by Councilmember Tyler, seconded by Councilmember Gordo, to approve the Consent Calendar with the exceptions of Item 2 (Contract with Lightpole Restoration

Specialists, Inc.) and Item 5 (Contract with Golden State Contractors, Inc.), which were discussed separately. (Motion unanimously carried) (Absent: None)

**CONSENT ITEMS
DISCUSSED SEPARATELY**

CONTRACT AWARD TO LIGHTPOLE RESTORATION SPECIALISTS, INC., FOR THE PAINTING OF PLAYHOUSE DISTRICT STREET LIGHT POLES FOR AN AMOUNT NOT TO EXCEED \$135,000

Recommendation of City Manager:

(1) Accept the bid dated October 16, 2007, submitted by Lightpole Restoration Specialists, Inc., in response to the Specifications for the Painting of Playhouse District Street Light Poles, reject all bids received, and authorize the City Manager to enter into such contract as is required for an amount not to exceed \$135,000; and

(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 (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. 19,474)

The following person spoke in support of the contract award:

Erlinda Romo, Playhouse District Association Executive Director

It was moved by Councilmember Madison, seconded by Councilmember Tyler, to approve the City Manager's recommendation. (Motion unanimously carried) (Absent: None)

AWARD OF CONTRACT TO GOLDEN STATE CONTRACTORS, INC., FOR CONSTRUCTION OF HAMILTON PARK FIELD DRAINAGE RENOVATION IN THE AMOUNT OF \$98,094

Recommendation of City Manager: Accept the bid dated October 17, 2007, submitted by Golden State Constructors, Inc., in response to the Specifications for Hamilton Park Field Drainage Renovation; reject all other bids received; and authorize the City Manager to enter into a contract not to exceed \$98,094, which includes the base bid of \$89,176 and \$8,918 for any additional work the City may order pursuant to the project specifications. (Contract No. 19,473)

Martin Pastucha, Director of Public Works Department, and Todd Holmes, Landscape Architect, responded to Vice Mayor Haderlein's questions on the project.

It was moved by Vice Mayor Haderlein, seconded by Councilmember Gordo, to approve the City Manager's recommendation. (Motion unanimously carried) (Absent: None)

PUBLIC HEARINGS

PUBLIC HEARING: DESIGNATION OF 1495 NORTH LAKE AVENUE AS A LANDMARK

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

(1) Acknowledge that the designation of a historic resource is categorically exempt from the California Environmental Quality Act under Class 8, Actions by Regulatory Agencies for Protection of the Environment (CEQA Guidelines, Article 19, Section 15308);

(2) Find that the single-family residence (converted to office use) and garage at 1495 North Lake Avenue are significant under Criterion "C" for designation as a landmark (Pasadena Municipal Code Section 17.62.040) because they are exceptional in the embodiment of the distinctive characteristics of an Arts and Crafts period house in the Swiss chalet subtype;

(3) Approve the designation of the property at 1495 North Lake Avenue as a landmark;

(4) Adopt a resolution approving a Declaration of Landmark Designation for 1495 North Lake Avenue, Pasadena, California;

(5) Authorize the Mayor to execute the Declaration of Landmark Designation for 1495 North Lake Avenue, Pasadena, California; and

(6) Direct the City Clerk to record the declaration with the Los Angeles County Recorder. (Resolution No. 8790)

Recommendation of Historic Preservation Commission: On September 17, 2007, at a noticed public hearing, the Historic Preservation Commission voted unanimously to recommend approval of the designation of 1495 North Lake Avenue as a landmark under Criterion C of Pasadena Municipal Code Section 17.62.040.

The Mayor opened the public hearing.

The City Clerk reported 32 copies of the notice of public hearing were posted on October 19, 2007; 131 copies of the notice were mailed on October 19, 2007; and no correspondence was received.

Councilmember McAustin was excused at 7:35 p.m.

The City Manager introduced the agenda item.

Kevin Johnson, Planner, summarized the agenda report.

No one appeared for public comment.

It was moved by Councilmember Madison, seconded by Councilmember Gordo, to close the public hearing. (Motion unanimously carried) (Absent: Councilmember McAustin)

Councilmember McAustin returned at 7:39 p.m.

Councilmember Tyler recused himself at 7:40 p.m. due to a conflict of interest.

It was moved by Councilmember McAustin, seconded by Councilmember Madison, to approve the City Manager's recommendation. (Motion unanimously carried) (Absent: None)

PUBLIC HEARING: DESIGNATION OF 1000 EAST CORDOVA STREET AS A LANDMARK

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

(1) Acknowledge that the designation of a historic resource is categorically exempt from the California Environmental Quality Act under Class 8, Actions by Regulatory Agencies for Protection of the Environment (CEQA Guidelines, Article 19, Section 15308);

(2) Find that the multi-family condominium complex located at 1000 East Cordova Street, known as Whispering Waters, is significant under Criterion "C" for designation as a landmark (Pasadena Municipal Code Section 17.62.040) because the property is a good intact example of the work of developer Lionel V. Mayell (under the title Lionel Mayell Enterprises), who pioneered the development of own-your-own apartments in California during the mid-twentieth century, and because it embodies the distinctive characteristics of the modern garden-apartment property type as applied to a modified mid-rise apartment building, and because of the incorporation of the unique water feature as a landscape element;

(3) Approve the designation of the property at 1000 East Cordova Street as a landmark;

(4) Adopt a resolution approving a Declaration of Landmark Designation for 1000 East Cordova Street, Pasadena, California;

(5) Authorize the Mayor to execute the Declaration of Landmark Designation for 1000 East Cordova Street, Pasadena, California; and

(6) Direct the City Clerk to record the declaration with the Los Angeles County Recorder.

Recommendation of Historic Preservation Commission: On September 17, 2007, at a noticed public hearing, the Historic Preservation Commission voted unanimously to recommend approval of the designation of 1000 East Cordova Street as a landmark under Criterion C of PMC Section 17.62.040.

The Mayor opened the public hearing.

The City Clerk reported 52 copies of the notice of public hearing were posted on October 19, 2007; 314 copies of the notice were mailed on October 19, 2007; and 1 letter in support was received.

The City Manager introduced the agenda item, noted that the Whispering Waters Home Owners Association had taken a neutral position on the landmark designation, and responded to

questions regarding the landmark designation application/process.

John English, Acting Senior Planner, reviewed the agenda report and responded to questions.

Richard Bruckner, Director of Planning and Development Department, outlined the process for declaring a landmark designation for a condominium building with multiple owners vs. a district (neighborhood), stated the City's intent that renovation of the water feature would not be required if a landmark designation was approved, and responded to questions regarding the designation application/process.

Discussion followed on the Home Owners Association's neutral position on the designation, the positions of the various condominium owners regarding the designation, Council's role and authority in designating a landmark over the objections of the owners, and possible impacts of renovation of the "ponds" on the owners.

Councilmember Gordo expressed concerns regarding the neutral position taken by the Home Owners Association and the lack of a City policy that sets a threshold to be met by the condominium owners as part of the landmark designation process, and suggested a policy be explored that would set a percentage threshold for the condominium owners (similar to that used for districts/neighborhoods) that must be met prior to any decision on a landmark designation.

The following persons spoke in support of the landmark designation:

Marsha Rood, Pasadena resident
Lambert Giessinger, Pasadena Heritage Board member
John Walsh, Pasadena resident
Ken Perry, Pasadena resident
Marion White, Pasadena resident
Mary Grover-Stifel, Altadena resident
Fried Wilson, Pasadena resident
Matt Dillhoefer, Whispering Waters Home Owners Association Board member speaking as an individual
Dale Trader, Pasadena resident

The following person spoke in opposition to the landmark designation:

Larry M. Roberts, Esq., representing some of the Whispering Waters Home Owners Association members, submitted materials from 20 of the 30 condominium owners who were opposed to the landmark designation.

It was moved by Councilmember Gordo, seconded by Councilmember McAustin, to close the public hearing. (Motion unanimously carried) (Absent: Councilmember Tyler)

Although Councilmember Gordo expressed support for the landmark designation, he suggested staff meet with the Home Owners Association to provide the members with additional information and clear up possible misinformation about the landmark designation prior to taking action on this designation. He requested staff return with a policy that would set a percentage threshold of support by the condominium owners (similar to that used for districts/neighborhoods) as part of the landmark designation process for condominiums.

Councilmember McAustin expressed concerns regarding possible misinformation given to the owners, and support for educating the owners on aspects of the landmark designation and then approving the designation.

Mr. Bruckner clarified possible impacts on the owners if the water feature should be renovated and/or improved in the future.

Discussion continued on impacts of renovating the water feature and the need to educate the condominium owners on the landmark designation and process.

Following discussion, it was moved by Councilmember McAustin, seconded by Councilmember Gordo, to re-open the public hearing and to continue the matter to the Council meeting of January 28, 2008 at 7:30 p.m., to allow time for a meeting with members of the Whispering Waters Home Owners Association in order to clarify the landmark designation process and ramifications of a landmark designation. (Motion unanimously carried) (Absent: Councilmember Tyler)

OLD BUSINESS

RESOLUTIONS RELATED TO ORDERING THE SUBMISSION OF MEASURE D, PASADENA UTILITY USERS TAX CONTINUATION MEASURE, A PROPOSED ORDINANCE TO AMEND CHAPTER 4.56 OF THE CITY OF PASADENA MUNICIPAL CODE TO MODERNIZE THE APPLICATION OF THE UTILITY USERS TAX, AT THE SPECIAL MUNICIPAL ELECTION ON TUESDAY, FEBRUARY 5, 2008; AND APPROPRIATING FUNDS FOR ELECTION-RELATED COSTS

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

(1) Adopt the following resolutions related to ordering the submission of Measure D, Pasadena Utility Users Tax Continuation Measure, on the February 5, 2008 Special Municipal Election ballot:

(a) A resolution of the City Council of the City of

Pasadena calling and giving notice of a Special Municipal Election to be held Tuesday, February 5, 2008, to submit to the voters of the City of Pasadena an ordinance amending Chapter 4.56 of Title 4 of the Pasadena Municipal Code, the Utility Users Tax. (Resolution No. 8791)

(b) A resolution of the City Council of the City of Pasadena requesting the Board of Supervisors of the County of Los Angeles to authorize and order the consolidation of a Special Municipal Election of the City of Pasadena with the statewide Presidential Primary Election to be held on Tuesday, February 5, 2008, and requesting the County Clerk/Registrar of Voters to provide certain services. (Resolution No. 8792)

(c) A resolution of the City Council of the City of Pasadena setting priorities for filing written arguments pertaining to a proposed ordinance amending Chapter 4.56 of Title 4 of the Pasadena Municipal Code, the Utility Users Tax, and directing the City Attorney to prepare an impartial analysis. (Resolution No. 8793)

(d) A resolution of the City Council of the City of Pasadena providing for the filing of rebuttal arguments for said proposed measure. (Resolution No. 8794)

(2) Direct the City Clerk to print the full text of the proposed ordinance, including arguments and impartial analysis, in a bilingual (English/Spanish) supplemental voter information pamphlet to be mailed to each registered voter, and to print and mail bilingual (English/Chinese) supplemental voter information pamphlets to voters requesting Chinese translations.

(3) Approve a journal voucher appropriating \$432,000 from the General Fund Utility Users Tax Reserve to the City Clerk's Election Account No. 8114-101-263000 for estimated election-related costs for the February 5, 2008 Special Municipal Election. (Journal Voucher No. 2008-9)

The City Attorney noted that the proposed ballot label language had been changed to reflect Council direction, discussed the process for designating signators for the written argument in support of the measure, and responded to questions.

The City Manager indicated that the differences between the Pasadena Municipal Code (PMC) and the Utility Users Tax (UUT) definitions for low-income would be addressed separately in an amendment to the PMC language, as necessary; discussed what could or would be audited as part of the required independent annual audits; outlined options for use of the current UUT reserves; and responded to questions.

Councilmember McAustin expressed concerns regarding the need to clarify what is being audited in the required "independent annual audits" cited in the ballot language.

Discussion followed on options for the signators for the written argument, possible need for clarification of the ballot language concerning required audits, determination of what is being audited according to the ordinance, the role of the Audit Committee in the audit process, and the disposition of the current UUT reserves.

Councilmember Tyler suggested the required audits be part of the City's annual audit plan.

The City Attorney noted that the ballot language could be revised to read: "Shall an ordinance be adopted to ratify and continue Pasadena's existing Utility Users Tax to fund general city services, including essential municipal services such as police, fire, street repair, parks and libraries, provided that low-income seniors and disabled residents remain exempt, the ordinance is updated to treat taxpayers equally regardless of technology used, and independent annual audits of the tax are required?"

Following discussion, it was moved by Councilmember Madison, seconded by Councilmember McAustin, to approve the City Manager's/City Attorney's recommendation, with the revised ballot language cited above; and to authorize Mayor Bogaard, Vice Mayor Haderlein, and Councilmembers Madison, McAustin, and Tyler to sign the written ballot argument in favor of the measure. (Motion unanimously carried) (Absent: None)

PUBLIC HEARINGS

PUBLIC HEARING: DRAFT CONSOLIDATED ANNUAL PERFORMANCE AND EVALUATION REPORT (CAPER) FOR JULY 1, 2006 - JUNE 30, 2007 FOR COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG); EMERGENCY SHELTER GRANT (ESG); HOME INVESTMENT PARTNERSHIP ACT (HOME); HUMAN SERVICES ENDOWMENT FUND (HSEF); OTHER FEDERAL GRANT PROGRAMS; APPROVAL OF THE NEEDS ASSESSMENTS/PROGRAM PRIORITIES FOR PROJECTS UNDER THE CDBG/ESG/HSEF PROGRAMS FOR THE 2008-2009 PROGRAM YEAR AND APPROVE THE RELEASE OF THE CDBG/ESG/HSEF REQUEST FOR PROPOSALS FOR THE 2008-2009 PROGRAM YEAR

Recommendation of City Manager: It is recommended that City Council take the following actions:

(1) Hold a public hearing to receive public comment on the Draft Consolidated Annual Performance and Evaluation Report (CAPER) 2006-2007; which includes the Project Performance Assessment for the CDBG/ESG/HSEF and HOME funded projects, (Exhibits A-C of the agenda report); and

(2) Upon close of the public hearing approve:

(a) Program Priorities for activities funded by the CDBG/ESG/HSEF Programs for the 2008-2009 Program Year

as described in the agenda report:

- Public/Human Services: Community Violence and Safety; Education; Employment and Training; Food and Nutrition Programs; Health Care Services; Homeless Prevention and Intervention; and Services for Youth and Young Adults;
- Non-Public Services Priorities: Housing; Economic Development; Code Enforcement; Public Facilities and Improvements; and Planning and Administration.

(b) Release of Request for Proposal (RFP) 2008-2009 Program Year.

Recommendation of Human Services Commission: On September 12, 2007, the Human Services Commission reviewed the public/human services needs assessment and program priorities for 2008-2009 and recommended City Council approve the staff recommendations. On October 10, 2007, this Commission reviewed the annual performance assessment of CDBG/ESG/ HSEF public/human service projects for the year ended June 30, 2007 and the Draft Request for Proposal, and recommended City Council approve the staff recommendations.

Recommendation of Northwest Commission: On October 11, 2007, the Northwest Commission reviewed the annual performance assessment of CDBG non-public service and HOME/Housing Trust projects for the year ended June 30, 2007, the non-public services needs assessment and program priorities for 2008-2009, and the Draft Request for Proposal, and recommended City Council approve the staff recommendations.

The Mayor opened the public hearing.

The City Clerk reported the notice of public hearing was published on October 18, 2007 in the Pasadena Journal; and no correspondence was received.

Councilmember Madison was excused at 8:54 p.m.

Brian Williams, Assistant City Manager, introduced the agenda item, and introduced Sylvia Ruiz as Interim Housing Manager.

John DePew, Program Coordinator, summarized the agenda report.

No one appeared for public comment.

It was moved by Councilmember Holden, seconded by Vice Mayor Haderlein, to close the public hearing. (Motion unanimously carried) (Absent: Councilmember Madison)

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

PUBLIC HEARING: GREEN SPACE, RECREATION AND PARKS ELEMENT OF THE GENERAL PLAN AND MASTER PLAN

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

- (1) Adopt the Initial Environmental Study and Negative Declaration (Exhibit 1 of the Resolution); and
- (2) Adopt a Resolution approving the Green Space, Recreation and Parks Element of the General Plan (Exhibit 2 of the Resolution) and the Green Space, Recreation and Parks Master Plan (Exhibit 3 of the Resolution). (Resolution No. 8795)

Recommendation of Recreation and Parks Commission: On July 17, 2007, the Recreation and Parks Commission unanimously voted to recommend that the City Council approve the Green Space, Recreation and Parks Element and Master Plan.

Recommendation of Planning Commission: On September 26, 2007, following a public hearing, the Planning Commission unanimously voted to recommend that the City Council:

- (1) Adopt the staff recommendation with the following changes to the Green Space, Recreation and Parks Master Plan:

- 5.1.1, Recommendations, Bullet Point #5 regarding Eaton Canyon to read as follows: "Existing open space in ~~the easement area~~ these areas should be preserved ~~to the extent feasible and practical~~ to enhance the trail experience."
- 5.1.2, Recommendations, Bullet Point #1 regarding citywide Open Space zoning to read as follows: "These areas ~~should~~ will retain their Open Space zoning ~~to the maximum extent feasible and should~~ will be used for recreation-related or open space uses."

- (2) Concurrent with consideration and adoption of the Green Space, Recreation and Parks Master Plan, City Council shall appoint a citizen-based task force to work with staff on the Open Space and Conservation Element of the General Plan.

- The Open Space and Conservation Element shall include a detailed land acquisition plan (funding and implementation).

- (3) Within 90 days of City Council's adoption of the Green Space, Recreation and Parks Master Plan, City staff shall report the following information to the Planning Commission regarding the Residential Impact Fee:

- Fees collected to date
- Potential for fees to be used for land acquisition
- Identification of publicly-available, for sale properties in the Central District

Staff concurs with the Planning Commission's recommendations 2 and 3. On recommendation 1, staff concurs with the Planning Commission's recommended

changes to 5.1.1 regarding Eaton Canyon but recommends the original language be retained on recommendation 5.1.2 regarding Citywide open space. Per the City Attorney's Office, the recommended language by the Planning Commission for 5.1.2 would fix the use at a site not owned by the City, and in that regard could result in legal claims by private users who do not currently maintain recreation-related or open space uses on their property. Further, the language recommended by the Planning Commission for 5.1.2 is more restrictive than the Zoning Code land use regulations for Open Space (OS) zoning. A large part of the OS zoned property in the City is owned by other regional agencies/utilities whose primary use may not be compatible with recreational uses and over which the City does not have jurisdiction.

The Mayor opened the public hearing.

The City Clerk reported the notice of public hearing was published on October 15, 2007 in the Pasadena Star-News; and no correspondence was received.

Councilmember Madison
returned at 9:06 p.m.

The City Manager introduced the agenda item; thanked the Recreation and Parks Commission and the Planning Commission for their extensive work on the Green Space, Recreation and Parks Element and Master Plan; discussed the process for developing the Master Plan; and responded to questions.

Laura Dahl, Senior Planner, reviewed the agenda report and responded to questions.

Richard Bruckner, Director of Planning and Development Department, responded to questions regarding privately-owned lands and utility easements that are zoned as Open Space, and the methodology for evaluating open space needs in the Master Plan.

The City Attorney affirmed that the Zoning Code would govern use of open space land.

Patsy Lane, Director of Human Services and Recreation Department, provided an overview of the evaluation/analysis of recreation needs and responded to questions.

Martin Pastucha, Director of Public Works Department, discussed the relationship between the Capital Improvement Program (CIP) Budget and the needs outlined in the Master Plan.

Discussion followed on possible legal issues involving jurisdiction and use of areas that are zoned as Open Space and are privately owned or involve utility easements, the

process for evaluating open space needs citywide, the prioritization process for funding the open space/recreation/parks needs, and funding options for implementation of the Master Plan.

Councilmember Madison expressed concerns regarding the lack of information on the nexus between the Needs Assessment and the identification of defined areas/zones where the needs occur, and suggested standards be set for prioritizing the needs that will ensure that service needs for an area are being fulfilled.

Councilmember Tyler expressed concerns regarding the lack of prioritization of the Master Plan recommendations [to be based on the Needs Assessment and accomplished in a time framework (5 or 10 or 15 years) for implementation of the Master Plan].

Vice Mayor Haderlein suggested the list of recommendations in the Master Plan be referred to the Recreation and Parks Commission to prioritize the recommendations (e.g., high, medium, low) with a report back to Council; and expressed support for consideration of an option to locate a park over the 210 Freeway.

The following persons spoke in support of the Green Space, Recreation and Parks Element and/or Master Plan:

Nina Chomsky, Open Space Now representative
Gene Masuda, Pasadena resident
Gregor Edwards, Recreation and Parks Commission Chair
Anita Fromholz, Recreation and Parks Commissioner
Tim Wendler, Recreation and Parks Commissioner
Edwina Travis Chin, Open Space Now representative
Bob Kneisel, Open Space Now representative
Dale Trader, Pasadena resident

The following persons expressed concerns regarding components of the Green Space, Recreation and Parks Element and/or Master Plan

Jack Levy, Pasadena resident
Christle Balvin, Pasadena resident
Michael Hurley, Environmental Advisory Commission Chair
speaking as an individual

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

Councilmember Holden expressed concerns regarding the need to reconcile the number of existing park projects that

remain unfunded in the CIP Budget with the additional projects/needs contained in the Master Plan and the necessary funding that has yet to be identified. He expressed support for development of the Centennial Square area as an open space project.

Discussion continued on the possibility of a future ballot measure that would address the issue of funding park projects, overlap of the CIP Budget with the Master Plan, and ways to prioritize the projects/needs into categories.

The City Manager indicated that staff could provide Council with a matrix of projects based on the level of priority (low, medium, and high) and the timeframe for implementation (short-term, medium-term, and long-term) that could be reviewed by Council; and indicated that the Centennial Square project referenced by Councilmember Holden could now move forward, since the Square was no longer being used as a staging area for the City Hall Seismic Retrofit Project.

Councilmember Holden clarified that the staff matrix could be reviewed and approved by Council and then referred to the Recreation and Parks Commission for their recommendation on the prioritization of the projects/needs as set out in the matrix.

Vice Mayor Haderlein requested the matrix also include CIP projects and possible funding sources (e.g., residential impact fees, sources of City funding, and funding sources from outside of the City); and suggested that after the prioritization/timeframe work is completed, Council take a look at a projection of what the park system will look like, if the projects are built out, in order to compare service levels in different areas of the City and to determine if adequate service is being provided throughout the community.

Councilmember McAustin suggested the information on the Residential Impact Fee referred to in Planning Commission Recommendation No. 3 also be reported to the Recreation and Parks Commission.

Following discussion, it was moved by Vice Mayor Haderlein, seconded by Councilmember Holden, to approve the City Manager's recommendation (which concurs with the Planning Commission's recommendation, except Bullet Point 5.1.2); with Bullet Point 5.1.2 regarding Open Space zoning revised to read: "These areas ~~should~~ will retain their Open Space zoning to the maximum extent feasible and ~~should be used for recreation-related or open space uses.~~"; with the information on the Residential Impact Fee cited in Planning Commission Recommendation No. 3 to be reported to the Planning Commission and the Recreation and Parks Commission; and

with staff directed to return to Council in December 2008 with a matrix of projects as discussed above. (Motion unanimously carried) (Absent: None)

The Mayor thanked staff, the Commissions, and the community for all of the hard work that went into the development of the Green Space, Recreation and Parks Element and Master Plan.

RECOMMENDATIONS FROM OFFICERS AND DEPARTMENTS

ESTABLISHMENT OF A COMMITTEE TO WORK WITH CITY STAFF TO PREPARE AN OPEN SPACE AND CONSERVATION ELEMENT OF THE GENERAL PLAN

Recommendation of City Manager: It is recommended that the City Council establish a twelve-member committee to work with City staff and consultants to prepare an Open Space and Conservation Element of the General Plan. The committee shall be comprised of:

- Two members of the Planning Commission
- Two members of the Recreation and Parks Commission
- Two members of the Environmental Advisory Commission
- Four Pasadena residents - two from the business community and two representing community or neighborhood groups
- One representative of the Santa Monica Mountains Conservancy (non-voting)
- One representative of the San Gabriel and Lower Los Angeles Rivers and Mountains Conservancy (non-voting)

The following persons expressed concerns/suggestions regarding the composition of the committee and its charge:

Nina Chomsky, Open Space Now representative
Marsha Rood, Open Space Now and Pasadena Open Space Preservation representative, submitted a memo to the Council containing suggestions from Open Space Now and Pasadena Open Space Preservation.
Christle Balvin, Open Space Now representative

Richard Bruckner, Director of Planning and Development Department, responded to questions regarding the composition and scope of the committee.

The City Manager discussed possible composition of the committee.

Discussion followed on the scope of the Open Space and Conservation Element and membership on the committee.

Following discussion, it was moved by Vice Mayor Haderlein, seconded by Councilmember Gordo, to approve the City Manager's recommendation, as amended to establish a ~~twelve~~ nine-member committee comprised of:

- ~~Two~~ One members of the Planning Commission, plus an alternate
- ~~Two~~ One members of the Recreation and Parks Commission, plus an alternate
- ~~Two~~ One members of the Environmental Advisory Commission, plus an alternate
- Four Pasadena residents – ~~two from the business community and two representing community or neighborhood groups~~ appointed by the City Council
- One representative of the Santa Monica Mountains Conservancy (~~non~~-voting) (City residency not required)
- One representative of the San Gabriel and Lower Los Angeles Rivers and Mountains Conservancy (~~non~~-voting) (City residency not required)

(Motion unanimously carried) (Absent: None)

APPROVAL OF OWNER PARTICIPATION AND LOAN AGREEMENT BETWEEN COMMUNITY BUILDERS GROUP AND CITY OF PASADENA FOR THE CLASSICS AT LAMANDA PARK DEVELOPMENT AT 2490 EAST MOHAWK STREET AND 97-105 SOUTH ALTADENA DRIVE

Recommendation of City Manager: It is recommended the City Council (the "City") take the following actions:

(1) Consider a proposed 18-unit mixed-income rental development (the "Development") located at 2490 East Mohawk Street and 97-105 South Altadena Drive (the "Property") in accordance with the terms and provisions of that certain Owner Participation Loan Agreement, (the "OPLA") between the Community Builders Group ("Developer") and the City as described in the agenda report;

(2) Adopt a resolution:

(a) Finding and determining that the proposed Development is exempt from the California Environmental Quality Act (CEQA) pursuant to Article 19, Section 15332: Class 32; In-fill Development. The proposed Development will not result in a significant effect on the environment; and

(b) Approving the Key Terms and Conditions of the OPLA (Attachment "A" of the agenda report);

(3) Approve a journal voucher transferring funds in the amount of \$3,000,000 (the "City Loan") from the Housing Opportunity Fund to Project 51406, The Classics at Lamanda Park Development; and

(4) Authorize the City Manager to execute, and the City Clerk to attest, the OPLA and to take all actions necessary to implement the OPLA and complete the Development. (Resolution No. 8796; Agreement No. 19,480; Journal Voucher No. 2008-8)

Recommendation of Community Development Committee:

On October 30, 2007, the Community Development Committee (the "Committee") at its regular meeting considered proposed Key Terms and Conditions for an OPLA regarding the proposed Development. Upon deliberation the Committee unanimously approved the proposed Key Terms and Conditions and recommendations for an OPLA.

The City Manager and Brian Williams, Assistant City Manager, introduced the agenda item.

Kermit Mahan, Project Manager, reviewed the agenda report and responded to questions.

Marty Nohe, Springsted representative (City's consultant), responded to Councilmember Tyler's questions regarding the financial arrangements.

Councilmember Tyler indicated he thought it was a problem that the monitoring/auditing of the cash flow of the project will be conducted by the Finance Department rather than the Housing Division, but that this issue could be discussed at another time.

It was moved by Councilmember Tyler, seconded by Councilmember Gordo, to approve the City Manager's recommendation. (Motion unanimously carried) (Absent: None)

APPOINTMENT OF SANDRA ESPADAS TO THE HUMAN SERVICES COMMISSION (Agency Nomination)

APPOINTMENT OF JACQUE ROBINSON TO THE WORKFORCE INVESTMENT POLICY BOARD (Mayor/District 1 Nomination)

APPOINTMENT OF EMILY STORK TO THE RECREATION AND PARKS COMMISSION (District 5 Nomination)

APPOINTMENT OF RICHARD L. CHINEN TO THE ROSE BOWL OPERATING COMPANY (Tournament Nomination)

It was moved by Councilmember Gordo, seconded by Vice Mayor Haderlein, to approve the above appointments. (Motion unanimously carried) (Absent: None)

RECESS

On order of the Mayor, the regular meeting of the City Council recessed at 11:20 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 11:21 p.m. (Absent: None)

**ORDINANCES – FIRST
READING**

Conduct first reading of “AN ORDINANCE OF THE CITY OF PASADENA SUSPENDING SECTIONS 9.36.220 AND 9.36.230 OF THE PASADENA MUNICIPAL CODE RELATING TO LIMITATIONS ON HOURS OF OPERATION OF AMPLIFIED SOUND ON A SUNDAY, FEBRUARY 17, 2008 FROM 9:00 AM - 10:00 AM AND NOISE SOURCES FOR A PERMITTED EVENT AT BROOKSIDE PARK ON SUNDAY, FEBRUARY 17, 2008 (THE CHILDREN’S HOSPITAL OF LOS ANGELES KIDS ON THE RUN 5K/10K)”

The above ordinance was offered for first reading by Vice Mayor Haderlein:

AYES: Councilmembers Gordo, Holden, Madison, McAustin, Robinson, Tyler, Vice Mayor Haderlein, Mayor Bogaard

NOES: None

ABSENT: None

Conduct first reading of “AN ORDINANCE OF THE CITY OF PASADENA AMENDING THE LIGHT AND POWER RATE ORDINANCE, CHAPTER 13.04 OF THE PASADENA MUNICIPAL CODE TO REVISE THE PUBLIC BENEFIT CHARGE”

Councilmember Tyler questioned whether the ordinance language reflects Council’s action at the meeting of September 24, 2007 and his recollection that the increase would be keyed to the adopted budget and not an automatic adjustment.

The City Attorney asked that this item be held to allow time for staff to research Councilmember Tyler’s question.

On order of the Mayor, the above item was held to the meeting of November 19, 2007.

**REPORTS AND COMMENTS
FROM COUNCIL
COMMITTEES**

Reports from Representatives

Councilmember Robinson, Youth Development and Violence Prevention Committee Vice Chair, reported on the Committee’s focus on policy with the aim to create the resources and action items necessary to implement the policy, and on the need for the Committee to establish a budget and to solicit financial assistance from the various bodies involved in the Committee. She noted that a subcommittee would present a recommendation to the full committee on the contribution amounts that will be proposed to each body at its first meeting in December 2007. She clarified that the budget funds will cover staff support expenses for a consultant or consultant team to work with the Committee and Western Justice Center and for reimbursement of the services provided to the Committee by the Western Justice Center.

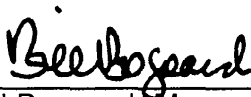
Councilmember Gordo, Youth Development and Violence Prevention Committee member, noted that the Committee will need assistance in drafting a master plan for youth development, and that each of the participating bodies on the Committee was being notified that a request for a financial contribution from each body would be presented in the near future.

COUNCIL COMMENTS

Councilmember Gordo requested that consideration of a letter from the League of California Cities in support of adoption of a resolution urging the U.S. Postal Service to issue a commemorative postage stamp for the late former City of Los Angeles Mayor Tom Bradley's achievements and legacy be agendaized for a meeting in the near future.

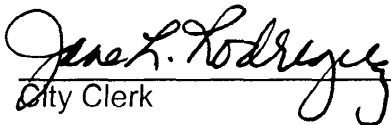
ADJOURNMENT

On order of the Mayor, the regular meeting of the City Council adjourned at 11:35 p.m.



Bill Bogaard, Mayor
City of Pasadena

ATTEST:



City Clerk