

CITY OF PASADENA
City Council Minutes
November 24, 2008 – 5:30 P.M.
City Hall Council Chamber

REGULAR MEETING

OPENING:

Mayor Bogaard called the regular meeting to order at 5:45 p.m.
(Absent: Councilmembers Madison, Robinson)

On order of the Mayor, the regular meeting recessed at 5:45 p.m., to discuss the following closed sessions:

Councilmember Madison arrived at 5:57 p.m.

CITY COUNCIL CONFERENCE WITH LABOR NEGOTIATORS pursuant to Government Code Section 54957.6
City Representative: Karyn S. Ezell
Employee Organization: Unrepresented Management Employees

Vice Mayor Haderlein was excused at 6:21 p.m.

CITY COUNCIL CONFERENCE WITH REAL PROPERTY NEGOTIATORS pursuant to Government Code Section 54956.8:
Property Locations: 40 North Altadena Drive; 3018 and 3030 East Colorado Boulevard; 3160 East Del Mar Boulevard
Agency Negotiators: Michael J. Beck, Stephanie DeWolfe
Negotiating Parties: Eva Kwok, Property Manager/Leasing Agent; Carlo Matricardi and Douglas Cancienne, Brokers; Wendy Karsten
Under Negotiation: Price and terms of payment

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 6:39 p.m. The Pledge of Allegiance was led by Councilmember Madison.

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 (Absent)
Councilmember Sidney F. Tyler

Staff:

City Manager Michael J. Beck
City Attorney Michele Beal Bagneris
City Clerk Mark Jomsky

CEREMONIAL MATTERS

The City Clerk administered the oaths of office to Palencia Jean Turner as Arts and Culture Commissioner; Lisa Manning-Pratt as Human Relations Commissioner; and Lynne Tuite as member of the Commission on the Status of Women.

PUBLIC COMMENT ON MATTERS NOT ON THE AGENDA

Fritz Puelicher, Pasadena resident, reiterated his previous request for an apology from Vice Mayor Haderlein for alleged conduct by the Vice Mayor, and submitted his request in writing.

Vice Mayor Haderlein responded to Mr. Puelicher's allegations and again defended his actions related to alleged inappropriate behavior by Mr. Puelicher.

CONSENT CALENDAR

AMENDMENT TO CONTRACT NO. 19,575 WITH INSITUFORM TECHNOLOGIES, INC., FOR 2008 RELINING OF CORRUGATED METAL PIPE (CMP) STORM DRAINS TO INCREASE THE TOTAL NOT TO EXCEED AMOUNT BY \$30,000 FROM \$175,000 TO \$205,000

Recommendation of City Manager: Amend Contract No. 19,575 with Insituform Technologies, Inc., to increase the contract by \$30,000 for a total of \$205,000 for additional scope of work as part of the 2008 Relining of Corrugated Metal Pipe (CMP) Storm Drain project. (Contract Amendment No. 19,575-1)

Item discussed separately
at the request of
Councilmember Tyler.

AUTHORIZATION TO ENTER INTO A CONTRACT EXTENSION WITH FIRST TRANSIT FOR THE OPERATION OF THE PASADENA AREA RAPID TRANSIT SYSTEM (ARTS) AND PASADENA DIAL-A-RIDE FROM DECEMBER 1, 2008 THROUGH JANUARY 31, 2009

MINUTES APPROVED

November 3, 2008
November 10, 2008

CLAIMS RECEIVED AND
FILED

Claim No. 10,738	Robert Ray Knerl	\$ 112.93
Claim No. 10,739	Diane Escher	569.00
Claim No. 10,740	Carrie Y. Kent	8,950.00

It was moved by Councilmember McAustin, seconded by Vice Mayor Haderlein, to approve the Consent Calendar, with the exception of Item 2 (Contract Extension with First Transit), which was discussed separately. (Motion unanimously carried)
(Absent: Councilmember Robinson)

CONSENT ITEM DISCUSSED SEPARATELY

AUTHORIZATION TO ENTER INTO A CONTRACT EXTENSION WITH FIRST TRANSIT FOR THE OPERATION OF THE PASADENA AREA RAPID TRANSIT SYSTEM

**(ARTS) AND PASADENA DIAL-A-RIDE FROM
DECEMBER 1, 2008 THROUGH JANUARY 31, 2009**

Recommendation of City Manager: Authorize the execution of a contract extension with First Transit to continue operation of the Pasadena Area Rapid Transit System (ARTS) and Pasadena Dial-A-Ride from December 1, 2008 through January 31, 2009 for an amount not to exceed \$763,000. (Contract Amendment No. 17,789-6)

In response to Councilmember Tyler's questions, Cathi Cole, Transit Manager, reported a projected reduction of approximately 20% in Proposition A and Proposition C sales tax funds to support this contract.

Vice Mayor Haderlein asked staff to provide Council with information on the ARTS bus ridership statistics in the City Manager's weekly information letter.

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

**RECOMMENDATIONS FROM
OFFICERS AND
DEPARTMENTS**

**TEN YEAR LEASE EXTENSION AGREEMENT WITH
CALTRANS FOR THE ARLINGTON GARDEN LOCATED AT
275 ARLINGTON DRIVE**

Recommendation of City Manager: Authorize the City Manager to extend the lease agreement between the City of Pasadena and the California Department of Transportation (Caltrans) for property located at 275 Arlington Drive (Arlington Garden) for an additional term of ten years at a cost of \$100 per year. (Agreement Amendment No. 18,371-1)

Recommendation of Recreation and Parks Commission: The Recreation and Parks Commission voted unanimously to support the extension of the lease between the City of Pasadena and Caltrans at its November 18, 2008 meeting.

Kathy Woods, Administrator of Parks and Natural Resources, reviewed the agenda report.

Councilmember Madison acknowledged Betty and Charles ("Kicker") McKinney for their leadership in support of the Arlington Garden project; and thanked the City staff and community for their ongoing work on this great example of a private/public partnership.

Charles McKinney, Pasadena resident, thanked the Water and Power Department and Public Works Department for their assistance with the garden, and commented on elements of the garden that are continuing to evolve.

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

**REPORTS AND COMMENTS
FROM COUNCIL
COMMITTEES**

FINANCE COMMITTEE

AUTHORIZATION TO ENTER INTO A CONTRACT WITH PERRY C. THOMAS TO PROVIDE LABOR AND MATERIALS FOR CONSTRUCTION OF UNDERGROUND ELECTRICAL CONDUIT SYSTEMS FOR THE WATER AND POWER DEPARTMENT

Recommendation of City Manager:

(1) Find that the project is exempt from California Environmental Quality Act (CEQA) review pursuant to State CEQA Guidelines Section 15302(c), replacement or reconstruction of existing utility systems and/or facilities involving negligible or no expansion of capacity;

(2) Accept the bid dated September 19, 2008 submitted by Perry C. Thomas Construction in response to Specifications LD-08-8 for construction of underground electrical conduit equipment along Alameda Street, Sierra Bonita Avenue and Altadena Drive; reject all other bids; and authorize a contract to Perry C. Thomas not to exceed \$1,545,505, which includes the base amount of \$1,405,005 plus a 10% contingency of \$140,500 for any necessary change orders; and

(3) Approve a journal voucher recognizing and appropriating \$1,500,000 in Power Funds from the unappropriated Power fund balance to Capital Improvement Fund 3002, Distribution System Expansion. (Contract No. 19,806; Journal Voucher No. 2009-13)

Councilmember Tyler, Chair of the Finance Committee, summarized the agenda report.

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

AMENDMENT TO THE FY 2009 CAPITAL IMPROVEMENT PROGRAM (CIP) BUDGET TO INCLUDE THE "TREE REPLACEMENT/PLANTING – PHASE III" PROJECT AND APPROPRIATION OF ENVIRONMENTAL ENHANCEMENT AND MITIGATION GRANT FUNDING

Recommendation of City Manager:

(1) Amend the FY 2009 Capital Improvement Program (CIP) budget to include the "Tree Replacement/Planting – Phase III" project in the *Parks and Landscaping* section;

(2) Approve a journal voucher recognizing and appropriating \$250,000 of Environmental Enhancement and Mitigation Grant funding to the "Tree Replacement/Planting – Phase III" project (Budget Account No. 78956); and

(3) Approve a journal voucher recognizing and appropriating

\$100,000 of Environmental Enhancement and Mitigation Grant funding to the "Lower Arroyo Habitat Restoration" CIP project (Budget Account No. 77422). (Journal Voucher No. 2009-14)

Recommendation of Planning Commission: On November 12, 2008, the Planning Commission found the "Tree Replacement/Planting – Phase III" project to be consistent with the General Plan.

Recommendation of Recreation and Parks Commission: On November 18, 2008, the Recreation and Parks Commission unanimously supported this new project.

Councilmember Tyler reviewed the agenda report.

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

FISCAL YEAR 2009 OPERATING BUDGET AMENDMENTS

Recommendation of City Manager: Authorize a journal voucher implementing certain amendments to the fiscal year 2009 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 \$48,500; a reduction to the Building Services Fund of \$48,500; a reduction to Library Services Fund of \$20,000; a reduction to Computing and Communications Fund of \$200,000; and a reduction to the Pasadena Community Development Commission Funds of \$2,232,491. In addition, the following funds' revenues will be affected as follows: an increase of \$48,228 to the General Fund and an increase of \$200,000 to the Library Services Fund. (Journal Voucher No. 2009-15)

Recommendation of Community Development Committee: The Community Development Committee at a scheduled meeting on November 13, 2008 unanimously supported the recommendation to appropriate funds for payment to the State as required by AB 1389, a trailer bill to the State's adopted budget.

Councilmember Tyler summarized the agenda report, and highlighted the Committee's discussion of the City's payment to be made to the State as required by Assembly Bill 1389 and a possible strategy the City might take in conjunction with other entities to support a discontinuance of this payment.

Steve Mermell, Acting Director of Finance Department, commented on the State Legislative Analyst's most recent proposed recommendations for an increase in the amount to be paid under AB 1389 that could be made permanent, and responded to questions.

Councilmember Gordo was excused at 7:18 p.m.

Councilmember Gordo
returned at 7:19 p.m.

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

CITY HALL SEISMIC RETROFIT PROJECT – APPROVAL OF CONTINGENCY ADJUSTMENTS AND CHANGE ORDER NO. 14 TO THE GENERAL CONTRACTOR

Recommendation of City Manager:

(1) Approve the allocation of \$376,000 from Project Contingency for unforeseen conditions and project activities, as identified in Attachment No. 1 of the agenda report, discovered during the retrofit of City Hall, thereby reducing the amount of Project Contingency from \$620,403 to \$244,403; and
(2) Authorize the City Manager to execute Change Order No. 14 to Contract No. 18,768-1 with Clark Construction Group-California, LP (Clark Construction) for increases in scope of work due to unforeseen conditions and project activities discovered during the retrofit of City Hall, as identified in Attachment No. 1 of the agenda report, thereby increasing the contract amount by \$376,000 from \$84,556,767 to \$84,932,767. (Journal Voucher No. 2009-16)

Councilmember Tyler reviewed the agenda report, and noted that at a future Council meeting, staff would be presenting Council with a recommendation on the disposition and disbursement of the remaining Project Contingency.

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

QUARTERLY INVESTMENT REPORT, QUARTER ENDING SEPTEMBER 30, 2008

Recommendation of City Manager: This report is for information purposes only.

Councilmember Tyler introduced the agenda item.

Vic Erganian, Acting Deputy Director of Finance Department, summarized the agenda report and responded to questions.

The Mayor confirmed that the City's legislative advocates were consulting with staff on actions being taken in the Washington political arena related to the economic crisis and impacts of these actions on the City's finances.

It was moved by Councilmember Tyler, seconded by Councilmember McAustin, to receive and file the report. (Motion unanimously carried) (Absent: Councilmember Robinson)

JOINT ACTION OF CITY COUNCIL AND COMMUNITY DEVELOPMENT COMMISSION: 2008-2009 INVESTMENT POLICY

Recommendation of City Manager/Chief Executive Officer:

It is recommended that the City Council and the Pasadena Community Development Commission adopt the City Treasurer's Statement of Investment Policy and Investment Strategy for Fiscal Year 2009 including variable rate demand bonds as authorized investments.

Councilmember Tyler summarized the agenda report.

Vic Erganian, Acting Deputy Director of Finance Department, clarified the rationale for inclusion of variable rate demand bonds as authorized investments.

It was moved by Councilmember Tyler, seconded by Councilmember Gordo, to approve the City Manager's/Chief Executive Officer's recommendations. (Motion unanimously carried) (Absent: Councilmember Robinson)

PUBLIC HEARINGS

PUBLIC HEARING: DESIGNATION OF 1155 NORTH HILL AVENUE AS A LANDMARK

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

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

(2) As recommended by the Historic Preservation Commission, find that the property at 1155 North Hill Avenue is significant under Criterion C for designation as a landmark (Pasadena Municipal Code Section 17.62.040) because it is an excellent example of Italian Renaissance Revival architecture, and for its association with a prominent local architect, John Cyril Bennett;

(3) Approve the designation of the property at 1155 North Hill Avenue as a landmark;

(4) Adopt a resolution approving a Declaration of Landmark Designation for 1155 North Hill Avenue, Pasadena, California;

(5) Authorize the Mayor to execute the Declaration of Landmark Designation for 1155 North Hill Avenue, Pasadena, California; and

(6) Direct the City Clerk to record the declaration with the Los Angeles County Recorder. (Resolution No. 8906)

Recommendation of Historic Preservation Commission: On September 15, 2008, at a noticed public hearing, the Historic Preservation Commission voted unanimously to recommend approval of the designation of 1155 North Hill Avenue as a landmark.

The Mayor opened the public hearing and introduced the agenda item.

The City Clerk reported 12 copies of the notice of public hearing were posted on November 6, 2008; 116 copies of the notice were mailed on November 6, 2008; and no correspondence was received.

No one appeared for public comment.

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

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

PUBLIC HEARING: DESIGNATION OF 1265 EAST GREEN STREET AS A LANDMARK

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

- (1) Find that the designation of a historic resource is categorically exempt from the California Environmental Quality Act (CEQA) under Class 8, Actions by Regulatory Agencies for Protection of the Environment (CEQA Guidelines, Article 19, Section 15308);
- (2) Find that the service station complex at 1265 East Green Street is significant under Criterion C for designation as a landmark (Pasadena Municipal Code Section 17.62.040) because it embodies the distinctive characteristics of a historic resource property type, the gasoline service station, and retains a high level of integrity;
- (3) Approve the designation of the property at 1265 East Green Street as a landmark;
- (4) Adopt a resolution approving a Declaration of Landmark Designation for 1265 East Green Street, Pasadena, California;
- (5) Authorize the Mayor to execute the Declaration of Landmark Designation for 1265 East Green Street, Pasadena, California; and
- (6) Direct the City Clerk to record the declaration with the Los Angeles County Recorder. (Resolution No. 8907)

Recommendation of Historic Preservation Commission: On September 15, 2008, at a noticed public hearing, the Historic Preservation Commission voted unanimously to recommend approval of the designation of 1265 East Green Street as a landmark under criterion C of Pasadena Municipal Code Section 17.62.040.

The Mayor opened the public hearing.

The City Clerk reported 28 copies of the notice of public hearing were posted on November 6, 2008; 64 copies of the notice were mailed on November 6, 2008; and no correspondence was received.

Richard Bruckner, Director of Planning and Development Department, affirmed that the owner of the property supported the landmark designation.

No one appeared for public comment.

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

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

PUBLIC HEARING: DESIGNATION OF 940 EAST COLORADO BOULEVARD AS A LANDMARK

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

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

(2) As recommended by the Historic Preservation Commission, find that the property at 940 East Colorado Boulevard is significant under Criterion A for landmark designation (Pasadena Municipal Code Section 17.52.040) as a representative example of the tourist hotel property type constructed during a significant period in the City's history under the historic context theme of tourism;

(3) Approve the designation of the property at 940 East Colorado Boulevard as a landmark;

(4) Adopt a resolution approving Declaration of Landmark Designation for 940 East Colorado Boulevard, Pasadena, California;

(5) Authorize the Mayor to execute the Declaration of Landmark Designation for 940 East Colorado Boulevard, Pasadena, California; and

(6) Direct the City Clerk to record the declaration with the Los Angeles County Recorder. (Resolution No. 8908)

Recommendation of Historic Preservation Commission: On November 3, 2008, at a noticed public hearing, the Historic Preservation Commission voted unanimously to recommend approval of the designation of 940 East Colorado Boulevard as a landmark.

The Mayor opened the public hearing.

The City Clerk reported 32 copies of the notice of public hearing were posted on November 6, 2008; 169 copies of the notice were mailed on November 6, 2008; and no correspondence was received.

No one appeared for public comment.

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

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

RECOMMENDATIONS FROM OFFICERS AND DEPARTMENTS

APPOINTMENT OF ANN SCHEID TO THE RECREATION AND PARKS COMMISSION (District 6 Nomination)

It was moved by Councilmember Madison, seconded by Councilmember Holden, to approve the above appointment. (Motion unanimously carried) (Absent: Councilmember Robinson)

ORDINANCE – ADOPTED

Adopt “AN ORDINANCE OF THE CITY OF PASADENA AMENDING TITLE 17 (THE ZONING CODE) AND AMENDING TITLE 10 (VEHICLES AND TRAFFIC) TO MODIFY TRIP REDUCTION REQUIREMENTS FOR NEW DEVELOPMENT” (Introduced by Vice Mayor Haderlein) (Ordinance No. 7157)

The above ordinance was adopted by the following vote:

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

NOES: None

ABSENT: Councilmember Robinson

REPORTS AND COMMENTS FROM COUNCIL COMMITTEES

ECONOMIC DEVELOPMENT AND TECHNOLOGY COMMITTEE

DRAFT 2008-2014 HOUSING ELEMENT – SUBMITTAL TO HOUSING AND COMMUNITY DEVELOPMENT FOR COMMENTS

Recommendation of City Manager: Authorize submittal of the Draft 2008-2014 Housing Element, with modifications as described in the agenda report, to the California Department of Housing and Community Development for comments.

Recommendation of Planning Commission: The Planning Commission recommended submittal of the Draft 2008-2014 Housing Element with additions and modifications to certain programs. The Commission recommended the following changes:

- specify that reconsideration of the standards for second units (Program 7C) be completed by March 2009, rather than December 2009;
- modify the proposal (Program 13B) for considering creation

of a Pasadena Housing Nonprofit during the planning period to, instead, require creation of a Nonprofit by December 2008;

- modify the proposal (Program 8A) for studying modifications to the Inclusionary Housing Ordinance during 2009 by adding an emphasis on low - and very low - income rental housing;
- add a program (Program 9D) to develop an Affordable Housing Land Trust by December 2008, concurrent with creation of a Housing Nonprofit; and
- add a program (Program 6C) to analyze alternatives for the disposition of housing owned by Caltrans in December 2009.

The changes are discussed in the agenda report.

Councilmember Gordo, Chair of the Economic Development and Technology (EDTech) Committee, introduced the agenda item; and indicated that the EDTech Committee had reviewed the Draft 2008-2014 Housing Element materials and was not offering a Committee recommendation at this time, with the understanding that the full Council would consider staff's recommendations, the changes offered by the Planning Commission, and the public's input on the Draft Housing Element in their deliberations. Mr. Gordo reported on EDTech's suggestion to staff that the Housing Element be considered during the updates of the Land Use and Mobility Elements, with special attention to be paid to the inter-relationship of the Housing, Land Use, and Mobility Elements so that the Housing Element revisions do not contradict the Land Use and Mobility Elements. He suggested the Legislative Policy Committee take up the issues of pursuing legislation that would allow credit for rehabilitation of existing affordable housing units in future Regional Housing Needs Assessment (RHNA) allocations and would ensure that neighboring cities meet their RHNA allocations.

The City Manager distinguished between the Housing Element and the Housing Agenda for Action (an implementation plan that will be presented at a later date), and responded to questions.

Bill Trimble, Senior Planner, reviewed the agenda report, provided a PowerPoint presentation on the Draft 2008-2014 Housing Element, and responded to questions.

Richard Bruckner, Director of Planning and Development Department, responded to questions regarding the RHNA information, issues related to providing housing for different levels, and the process and timeframe for adopting a final Housing Element.

Discussion followed on requirements for complying with the RHNA allocations and penalties for noncompliance, regional issues in providing affordable housing, possible inclusion of a policy for preservation of housing for the middle class, the State's bias for new construction rather than rehabilitated affordable housing units when determining RHNA credits, the logistics of forming a Housing Nonprofit and an Affordable Housing Land Trust, future reviews of the Inclusionary Housing Ordinance and second unit standards, and the status of the Caltrans properties.

The following persons expressed concerns regarding various components of the Draft Housing Element and/or offered suggested changes to the Draft:

Kimberly Boyce, Pacific Clinics (Pasadena) representative
Christopher Sutton, Pasadena resident
Michael L. Watkins, Pasadena resident
Ashley Phillips, Pasadena Affordable Housing Group (PAHG) member
Jill Fosselman, PAHG member
Nina Chomsky, Linda Vista/Annandale Association member
Tim Peters, PAHG member and Door of Hope Executive Director
Marvin Schachter, Pasadena Senior Advocacy Council and AARP-California representative, submitted an article from the Los Angeles Times titled, "Home Economics: Feeling the Pinch".
Michelle White, PAHG member and Affordable Housing Services Executive Director
Jill Shook, PAHG member

Vice Mayor Haderlein asked staff to provide Council with a legislative history of Council's discussions and actions on second unit standards.

Councilmember McAustin suggested staff explore a timetable that would align the study of the second units issue with the update on the Land Use Element so the process allows these two discussions to coincide.

Councilmember Madison suggested staff explore use of a point of sale fee (fee charged each time a home changes hands).

Following discussion, it was moved by Councilmember Holden, seconded by Vice Mayor Haderlein, to approve the City Manager's recommendation, as amended to direct staff to return to Council in mid-February 2009 with a report that provides additional information and refined timelines on the Planning Commission's five bulleted changes listed above in order to facilitate potential inclusion of changes in the Draft

Housing Element prior to final approval in 2009; and with the understanding that staff will provide Council with a legal analysis of the feasibility of elimination of the inclusionary housing in-lieu fee, including information for those cities that have eliminated this fee; and with a proposed timeframe that would align the process for reconsideration of the second unit standards with the process for the Land Use Element update. (Motion unanimously carried) (Absent: Councilmember Robinson)

PUBLIC HEARING

Mayor Bogaard and Councilmember Gordo recused themselves at 9:24 p.m., due to a conflict of interest. Vice Mayor Haderlein assumed the Chair.

CONTINUED PUBLIC HEARING: AMENDMENTS TO THE ZONING CODE AND THE ZONING MAP, TO CREATE AND IMPLEMENT THE NORTH LOS ROBLES OVERLAY DISTRICT

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

(1) Adopt the Negative Declaration of Environmental Impact and Environmental Initial Study (Attachment 8 of the agenda report) for the Zoning Map and Zoning Code amendment described in the agenda report and direct the Planning and Development Department to file a Notice of Determination and a Certificate of No Effect with the Los Angeles County Recorder.

(2) Find that the proposed Zoning Map and Zoning Code amendments are consistent with the goals and policies of the General Plan and the Zoning Code as described in Attachment 7 of the agenda report.

(3) Amend the Zoning Map by reclassifying from RM-16 (Multi-Family Residential, City of Gardens, 16 units per acre) to RM-16-NLR (Multi-Family Residential, City of Gardens, 16 units per acre, with the North Los Robles Overlay) those properties shown on Attachment 1 of the agenda report so as to permit the development of affordable housing up to 24 units/acre and concurrently conduct first reading of the ordinance enabling the map amendment.

(4) Concurrently conduct a first reading of the ordinance amending the Zoning Code by adding the North Los Robles Overlay District to be designated as Section 17.28.085, which will allow for up to 24 units/acre when affordable housing is provided.

Recommendation of Planning Commission: The Planning Commission reviewed the proposed Zoning Code and Zoning Map amendments at a public hearing on October 22, 2008 and unanimously recommended against approving the above recommendation.

ORDINANCE – FIRST READING

Conduct first reading of “AN ORDINANCE OF THE CITY OF PASADENA AMENDING THE ZONING CODE (TITLE 17) TO CREATE THE NORTH LOS ROBLES OVERLAY DISTRICT, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF PASADENA ESTABLISHED BY TITLE 17, CHAPTER 20, SECTION 17.20.020 OF THE PASADENA MUNICIPAL CODE TO IMPLEMENT THE NORTH LOS ROBLES OVERLAY DISTRICT”

The above public hearing and first reading of the ordinance were discussed concurrently.

The Vice Mayor announced now was the time for the continued public hearing.

The City Clerk reported the notice of public hearing was published on November 3 and 10, 2008 in the Pasadena Star-News and on November 6, 2008 in the Pasadena Journal; 76 copies of the notice were posted on October 31, 2008; 320 copies of the notice were mailed on October 31, 2008; and 8 letters and a petition with 3 signatures in opposition to the overlay district were received.

Richard Bruckner, Director of Planning and Development Department, highlighted Council's prior action on this matter and additional discussion with the community that had taken place; discussed the possibility of establishing a landmark district in this North Los Robles Avenue area, and responded to questions.

Scott Reimers, Associate Planner, reviewed the information and revised recommendations stated in the City Manager's memorandum to Council dated November 24, 2008, provided a PowerPoint presentation on this matter, and responded to questions.

The City Attorney clarified the maximum amount of units allowed in the revised recommendations, discussed the legal ramifications of the settlement agreement in a pending law suit relative to the proposed overlay district, and responded to questions.

Councilmember Holden commented on the issues that were discussed during the meeting that he and staff held with interested parties from the community during this past week regarding the proposed overlay district and its impacts on the neighborhood.

The following persons spoke in opposition to and/or expressed concerns regarding the proposed overlay district:

Michelle White, Affordable Housing Services Executive Director

Allen Kirkland, Pasadena resident

Paul Daze, Pasadena resident

Michael Pierce, Pasadena resident, submitted information on traffic collisions in this area.

Renee Rubalcava, Pasadena resident

Michael Stern, Garfield Heights Neighborhood Association representative

Sue Mossman, Pasadena Heritage representative

Buddy Renzullo, Pasadena resident
Robert D. Brugge, Pasadena resident
Robert J. Bryg, Pasadena resident

The following person spoke in support of the overlay district, as amended:

Jill Shook, Pasadena resident

In response to Michael Stern's complaint, the City Manager asked Mr. Stern to call the City Manager's office if palm fronds or trash in the public right of way are not picked up in a timely manner by the City.

It was moved by Councilmember Holden, seconded by Councilmember Tyler, to close the public hearing. (Motion unanimously carried) (Absent: Councilmembers Gordo, Robinson, Mayor Bogaard)

Discussion followed on the development standards for the proposed overlay district, the maximum density for the proposed overlay district, and traffic problems in this area.

Councilmember McAustin stated she could not support the increased number of units in the proposed overlay district.

Following discussion, it was moved by Councilmember Holden, seconded by Councilmember Tyler, to approve the City Manager's recommendation, as amended by the following recommendations cited in the City Manager's memorandum to Council dated November 24, 2008:

- A. Recommendation: Instruct the staff of the Planning and Development Department to work with and assist any interested property owner or an appropriate neighborhood organization in the expansion or creation of a landmark district that includes but is not limited to the boundaries of this zone change. Within a landmark district's boundaries, a minimum of 60 percent of the properties must qualify as contributing.
- B. Recommendation: Amend the Zoning Map by reclassifying from RM-16 (Multi-Family Residential, City of Gardens 16 units per acre) to RM-16-NLR (Multi-Family Residential, City of Gardens 16 units per acre, with the North Los Robles Overlay) those properties along the west side of N. Los Robles Avenue between Douglas Street and Adena Street (as demonstrated in Attachment A of the memorandum) so as to permit residential development with densities up to 24 units/acre and concurrently conduct first reading of the ordinance enabling the map amendment.

Staff is also directed to return to Council with a process to increase the building standards for lots in the overlay district that are located adjacent to historic landmarks or historic

landmark districts, and staff is directed to consider a special study of this area (as a part of the Mobility Element update) regarding traffic impacts and how traffic may be reduced on N. Los Robles Avenue (between Orange Grove Boulevard to Washington Boulevard):

AYES: Councilmembers Holden, Tyler, Vice Mayor Haderlein

NOES: Councilmembers Madison, McAustin

ABSENT: Councilmembers Gordo, Robinson, Mayor Bogaard
Motion failed. No further action was taken on the item and the related ordinance.

The City Attorney confirmed that the current zoning would remain in effect for this area.

**PUBLIC COMMENT ON
MATTERS NOT ON THE
AGENDA** (Continued)

Valentina Arakelyan, Pasadena resident, asked for Council's assistance in addressing problems she is having with the Planning and Development Department regarding a proposed project to construct an underground accessory structure on her property, and submitted various informational materials.

Councilmember McAustin noted that her office and City staff had held a number of conversations with Ms. Arakelyan, but that a satisfactory resolution had not been achieved.


Richard Bruckner, Director of Planning and Development Department, indicated that staff could continue to work with Ms. Arakelyan on the project so that it would meet the necessary City regulations.

Michelle White, Pasadena resident, asked if it was possible for an advocacy group to request up-zoning of an area.

Mr. Bruckner asked Ms. White to contact staff, who will confirm what is prescribed in the Pasadena Municipal Code for requesting Zoning Map changes.

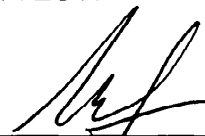
ADJOURNMENT

On order of the Vice Mayor, the regular meeting of the City Council adjourned at 10:51 p.m.



Bill Bogaard, Mayor
City of Pasadena

ATTEST:



City Clerk