

CITY OF PASADENA
City Council Minutes
February 23, 2009 – 5:30 P.M.
City Hall Council Chamber

REGULAR MEETING

OPENING:

Mayor Bogaard called the regular meeting to order at 6:16 p.m.
(Absent: Councilmembers Madison, McAustin)

On order of the Mayor, the regular meeting recessed at 6:16 p.m., to discuss the following closed sessions:

CITY COUNCIL CONFERENCE REGARDING PUBLIC EMPLOYMENT pursuant to Government Code Section 54957 and with Labor Negotiators pursuant to Government Code Section 54957.6
City Representative: Bill Bogaard
Employee Title: City Attorney

The above closed session item was discussed, with no reportable action at this time.

CITY COUNCIL CONFERENCE WITH LEGAL COUNSEL REGARDING PENDING LITIGATION pursuant to Government Code Section 54956.9(a)
Case Name: Hindman v. City of Pasadena, et al.
Case No.: BC369577

The above closed session item was not discussed.

On order of the Mayor, the regular meeting reconvened at 6:44 p.m. The Pledge of Allegiance was led by Assistant City Manager Steve Mermell.

ROLL CALL:

Councilmembers:

Mayor Bill Bogaard
Vice Mayor Steve Haderlein
Councilmember Victor Gordo
Councilmember Chris Holden
Councilmember Steve Madison (Arrived at 7:02 p.m.)
Councilmember Margaret McAustin (Absent)
Councilmember Jacque Robinson
Councilmember Sidney F. Tyler

Staff:

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

ANNOUNCEMENT

Police Chief Bernard Melekian reported on an officer-involved shooting that took place on February 19, 2009 and resulted in the death of an individual by the name of Leroy Barnes; and noted details of the investigation process. He expressed the Police Department's sympathy to the Barnes family for their loss.

PUBLIC COMMENT ON MATTERS NOT ON THE AGENDA

Councilmember Madison arrived at 7:02 p.m.

Paul Little, Pasadena Chamber of Commerce President and Chief Executive Officer, commented on an analysis and report regarding commercial real estate that had been prepared by the Chamber of Commerce; and submitted a copy of the report titled, "The Case for Commercial Real Estate: Office – Building a Strong Economic Future for Pasadena." He asked Council to refer this report for review by: the Community Development Committee, Design Commission, Environmental Advisory Commission, Planning Commission, Transportation Advisory Commission, and the Economic Development and Technology Committee (EDTech), with Council to agendize a discussion of this information once the reviews are completed.

Councilmember Gordo suggested EDTech review the report before it is sent on to the various advisory bodies, so that the issues and questions for discussion can be outlined prior to the advisory body reviews.

Dale Trader, Pasadena resident, expressed support for the development of a Greater Pasadena Region Trolley Plan, and submitted informational materials regarding this concept.

Emina Darakjy, Pasadena resident, expressed opposition to the removal of healthy public trees and concerns regarding the recent removal of healthy trees from Colorado Boulevard.

The Mayor noted that correspondence regarding the above tree issue received by the Offices of the Mayor, City Manager, and City Clerk prior to the Council meeting would be made a part of the public record.

The following persons spoke in support of the completion of the Playhouse District tree streetscape plan:

Paul Jacoy, Playhouse District Association President
Ken McCormick, Playhouse District Association member

Councilmember Holden suggested the Playhouse District tree streetscape plan be agendized as soon as possible to discuss a possible re-evaluation of the plan, with further removal of healthy street trees to be stopped until the discussion can take place.

The Mayor discussed the distinction between issues related to the current status of the tree plan for the Playhouse District on Colorado Boulevard vs. the larger issue related to citywide tree protection and preservation policies.

In response to Councilmember Tyler's questions, the City Manager indicated that staff could return in two to three weeks with a framework (timeframe and scope of analysis) for the review of the Master Street Tree Plan previously requested by Council, along with identification of the street tree plans that will be considered in the review, with the comprehensive review to be completed in four months and referred to the Urban Forestry Advisory Committee (UFAC), if directed by Council.

(Public comment on the tree issue continued on Page 16.)

Councilmember Tyler requested that an item to consider a moratorium on the removal of healthy street trees be agendized for the next Council meeting, with the Playhouse District street trees to be exempted.

The following persons expressed concerns regarding the officer-involved shooting of Leroy Barnes and/or other police actions in Northwest Pasadena, the lack of communication from the Police Department and City, and the alleged disinformation being provided by the City regarding the shooting:

Nicholas Whitaker, Pasadena resident

Adena Cole, Pasadena resident

Clarence Nelson, Empowering Lives/Northwest Community representative

The Mayor indicated that, as a result of the complicated nature of the above incident, information would be released as it becomes available through an investigation of the facts by the Police Department and verification of this information by outside agencies. The Mayor noted that the Police Chief and Councilmember Robinson were scheduled to meet with the Barnes family on Tuesday (February 24th).

Councilmember Holden offered his condolences to the Barnes family.

CONSENT CALENDAR

Vice Mayor Haderlein was excused at 7:31 p.m.

Councilmember Madison was excused at 7:33 p.m.

AUTHORIZATION TO ENTER INTO A CONTRACT WITH G&E ENGINEERING SYSTEMS, INC., TO PROVIDE CIVIL AND STRUCTURAL ENGINEERING SERVICES FOR BROADWAY, GLENARM, AND AZUSA POWER PLANTS

Recommendation of City Manager:

(1) Authorize the City Manager to enter into a contract with G&E Engineering Systems, Inc. (G&E), to provide civil and structural engineering services in the implementation of various capital improvement projects at the City's Broadway and Glenarm Power Plants, as well as Azusa Hydro Electric Plant,

for an amount not to exceed \$300,000; and

(2) Find that the proposed contract is exempt from competitive bidding pursuant to City Charter Section 1002(F), contracts for professional or unique services. (Contract No. 19,858)

ADOPTION OF A RESOLUTION URGING THE LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY BOARD OF DIRECTORS TO AMEND THE DRAFT 2009 LONG RANGE TRANSPORTATION PLAN FOR LOS ANGELES COUNTY TO EXPEDITE FUNDING FOR THE GOLD LINE FOOTHILL EXTENSION PROJECT AT A LEVEL NECESSARY TO BEGIN CONSTRUCTION IN 2010, AND THAT THE METRO BOARD APPROVE THE FUND TRANSFER AGREEMENT TO THE METRO GOLD LINE FOOTHILL EXTENSION CONSTRUCTION AUTHORITY

Recommendation of City Manager: Adopt a resolution urging the Los Angeles County Metropolitan Transportation Authority Board of Directors to amend the draft 2009 Long Range Transportation Plan (LRTP) for Los Angeles County to expedite funding for the Gold Line Foothill Extension Project at a level necessary to begin construction in 2010, and that the Metro Board approve the fund transfer agreement to the Metro Gold Line Foothill Extension Construction Authority. (Resolution No. 8926)

AMENDED AND RESTATED MEMORANDUM OF UNDERSTANDING/LETTER OF AGREEMENT APPROVAL FOR GOLD LINE PEDESTRIAN ENHANCEMENTS ON HALSTEAD STREET

Recommendation of City Manager: Approve the Amended and Restated Memorandum of Understanding/Letter of Agreement (MOU/LOA) for the Gold Line Pedestrian Enhancements on Halstead Street, superseding and replacing the original MOU/LOA for the Blue (Gold) Line Pedestrian Enhancements dated March 19, 2003. (Agreement No. 19,860)

AUTHORIZATION TO ENTER INTO A CONTRACT WITH ARMORCAST PRODUCTS COMPANY FOR FURNISHING AND DELIVERY OF WATER METER BOXES FOR THE WATER AND POWER DEPARTMENT, SPECIFICATION WD-08-04

Recommendation of City Manager:

(1) Accept the bid dated January 28, 2009, submitted by Armorcast Products Company in response to Specification WD-08-04, for Furnishing and Delivery of Water Meter Boxes for the Water and Power Department;

(2) Reject all other bids; and

(3) Authorize the Purchasing Administrator to issue a purchase order contract in the amount of \$77,190 to Armorcast Products Company for a two-year period, with two optional one-year extensions not to exceed \$38,595 annually.

MINUTES APPROVED

January 26, 2009 (City Council)

The City Clerk noted that the draft City Council minutes of January 26, 2009 contained a clerical error that had been corrected (Michael Cornwell's name had been duplicated in the public speaker section): Page 11, Michael Cornwell was correctly shown in the list of persons who spoke in support of the Arts and Culture Commission recommendation, and was removed from the list of persons who spoke in support of an amended artist selection process.

CLAIMS RECEIVED AND FILED

Claim No. 10,793	Brian C. Nutt, Esq., Attorney for Diana R. Larson	25,000.00+
Claim No. 10,794	Clydanna Decot	1,645.97+
Claim No. 10,795	Stephanie Sales	20.00+
Claim No. 10,796	Gregory T. Fong, Attorney for Dedranette White	25,000.00+
Claim No. 10,797	Richard Allen	636.00
Claim No. 10,798	Ricardo Vara Carrillo	498.71
Claim No. 10,799	Jolene Sanchez	575.22
Claim No. 10,800	Constance B. Brines and Jonathan M. Samet	85.70
Claim No. 10,801	Andrea Gomez	1,002.44
Claim No. 10,802	Daniel V. Estrada and Lourdes Romero	1,009.70+
Claim No. 10,803	Uniguard Insurance, subrogee for James W. Rider	2,676.16
Claim No. 10,804	Vanessa Preisler	10,000.00

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

REPORTS AND COMMENTS FROM COUNCIL COMMITTEES

FINANCE COMMITTEE

Councilmember Madison returned at 7:41 p.m.

QUARTERLY INVESTMENT REPORT – QUARTER ENDING DECEMBER 31, 2008

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

Councilmember Tyler, Chair of the Finance Committee, introduced the agenda item.

Vic Erganian, Acting Deputy Director of Finance Department/City Treasurer, reviewed the agenda report.

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

APPROVAL OF A NEW PROJECT AND JOURNAL VOUCHER AMENDING PROJECTS IN THE FISCAL YEAR 2009 CAPITAL IMPROVEMENT PROGRAM BUDGET

Recommendation of City Manager:

(1) Amend the Fiscal Year 2009 Capital Improvement Program

budget to include the *Old Pasadena Streetscapes and Alley Walkway Improvements* project in the Streets and Streetscapes section; and

(2) Approve a journal voucher with a net increase of \$3,654,615, amending 15 projects in the Fiscal Year 2009 Capital Improvement Program, as detailed in Attachment A of the agenda report. (Journal Voucher No. 2009-24)

Recommendation of Planning Commission: On February 11, 2009, the Planning Commission found the *Old Pasadena Streetscapes and Alley Walkway Improvements* project consistent with the General Plan.

Councilmember Tyler summarized the agenda report and responded to questions.

In response to Councilmember Madison's questions, Martin Pastucha, Director of Public Works Department, discussed various funding alterations to the listed existing projects.

Councilmember Gordo clarified that the State was still able to pull back funding for City projects in which the funds were allocated but not encumbered by approved contracts.

Norman Parker, Linda Vista/Annandale Association President, expressed concerns regarding the project involving lighting replacement in Rose Bowl Parking Lot K (e.g., height of light posts/standards could interfere with sight line and view of Arroyo neighbors and cause potential problems with light disbursement); and asked that a demonstration of the proposed lighting be included as part of the Conditional Use Permit process.

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

AMENDMENT TO CONTRACT NO. 19,747 WITH DIVERSIFIED LANDSCAPE MANAGEMENT, INC., TO INCREASE THE TOTAL NOT TO EXCEED AMOUNT BY \$146,550 FROM \$87,500 TO \$234,050 FOR EXPANSION OF THE NEW YORK DRIVE MEDIAN ISLAND PROJECT, AND THE PASADENA AVENUE AND BELLEFONTAINE MEDIAN LANDSCAPING PROJECT

Recommendation of City Manager:

(1) Find the Pasadena Avenue and Bellefontaine Median Landscaping project to be categorically exempt under Article 19, Section 15302 of the California Environmental Quality Act (CEQA);

(2) Amend Contract No. 19,747 with Diversified Landscape Management, Inc. (DMLI), to increase the contract by \$146,550 for a total not to exceed amount of \$234,050, for additional

scope of work as part of the Landscaping of New York Drive Median Island project;

(3) Approve a journal voucher recognizing and appropriating \$124,000 of Commercial Development Fees – East to the New York Drive Median Island project, Budget Account 78803;

(4) Approve a journal voucher recognizing and appropriating \$46,750 of Commercial Development Fees – West to the Pasadena Avenue and Bellefontaine Median Landscaping project, Budget Account 78150; and

(5) Exempt this amendment from competitive bidding based on impracticality, although some of this work may be viewed as a separate project which should be competitively bid. (Agreement Amendment No. 19,747-1; Journal Voucher No. 2009-25)

Councilmember Tyler introduced the agenda item.

Vice Mayor Haderlein returned at 7:54 p.m.

Steve Wright, Assistant City Engineer, reviewed the agenda report as part of a PowerPoint presentation, and responded to questions.

Vice Mayor Haderlein thanked staff for their efforts in completing the City's New York Drive median project; and asked staff to evaluate the adjoining median section of New York Drive that falls within Los Angeles County's jurisdiction to determine if this section of median could also be improved and to pursue funding from Los Angeles County for a median project that would complete the median streetscape improvement along this area of New York Drive.

It was moved by Councilmember Tyler, seconded by Councilmember Madison, to approve the City Manager's recommendation, as amended to direct staff to evaluate the adjoining median section of New York Drive that falls within Los Angeles County's jurisdiction to determine if this section of median could also be improved and to pursue funding from Los Angeles County for a median project that would complete the median streetscape improvement along this area of New York Drive. (Motion unanimously carried) (Absent: Councilmember McAustin)

PUBLIC HEARING

CONTINUED PUBLIC HEARING: MUNICIPAL CODE AMENDMENTS - PROPOSED TITLE 12 REGULATIONS FOR REGULATING TELECOMMUNICATION EQUIPMENT FACILITIES IN THE PUBLIC RIGHT-OF-WAY, UPDATES TO EXISTING TITLE 17 REGULATIONS FOR WIRELESS TELECOMMUNICATION FACILITIES ON PRIVATE PROPERTY AND MINOR AMENDMENTS TO TITLE 18 CABLE COMMUNICATIONS SYSTEMS TO REFLECT THE PROPOSED AMENDMENTS TO TITLES 12 AND 17

Revised Recommendation of City Manager:

(1) Adopt the Initial Study and the Negative Declaration for the

proposed Code Amendments and direct the City Clerk to file a Notice of Determination;

(2) Approve staff's recommendation to amend Titles 12, 17, and 18 of the Pasadena Municipal Code as described in the February 2, 2009 City Council agenda report (Attachment B of the agenda report), and as amended in the agenda report; and to repeal related uncodified resolutions as described in the February 2, 2009 City Council agenda report;

(3) Approve a finding of consistency with the General Plan; and

(4) Direct the City Attorney to return within 60 days with: 1) an ordinance amending the City's telecommunications facilities regulations in Titles 12, 17, and 18, as described in the February 2, 2009 City Council agenda report, and as amended in this agenda report; 2) a resolution repealing Resolution No. 7542 concerning the standard license agreement for wireless facilities; 3) a resolution amending Resolution No. 7559 concerning design guidelines pertaining to wireless facilities on property within the City; and 4) any such other and further actions or documents to implement the recommendations described in the agenda report.

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

Jennifer Paige-Saeki, Senior Planner, reviewed the supplemental agenda report and revised recommendation as part of a PowerPoint presentation, and responded to questions.

Javan Rad, Deputy City Attorney, discussed the legal status of the San Diego County ordinance; the differences between the appeal and application processes for video vs. wireless facilities/equipment; issues related to setting standards as part of the ordinance (e.g., number of allowable facilities/equipment on a property, appearance of facilities/equipment, and mitigation measures); and requirements for justification studies. He clarified use of code enforcement to ensure that the permittee is meeting the conditions of the permit, and responded to questions regarding the Code amendments.

Richard Bruckner, Director of Planning and Development Department, responded to questions regarding various proposed regulations, and the appeal and application processes.

The City Attorney commented on possible complications arising from setting standards in the ordinance rather than considering applications on a case-by-case basis.

Councilmember Madison stressed the need to have consistent, similar, straightforward application and appeal processes for both video and wireless facilities/equipment, with appropriate

time provided for input and appeals by the public; and suggested all appeals be heard by the Council, to include both wireless and wireline (video) facilities.

In response to Councilmember Madison's suggestion, the City Manager discussed the appeals processes and indicated that all appeals (video and wireless) and applications involving City-owned properties could be heard by the City Council. He discussed the balance between locating the facilities/equipment on the public right-of-way with locating the facilities/equipment on sites from the Opportunities Site Map, and responded to questions regarding staff's efforts to respond to Council's suggestions regarding provisions to be included in the proposed Code amendments.

Councilmember Tyler expressed concerns regarding properties on the Opportunities Site Map that are located adjacent to residential properties, the related impacts on neighborhoods, and possible over concentration of the facilities/equipment.

Councilmember Gordo discussed the need for setting a standard in the ordinance so that the issue of over concentration is clearly addressed; and suggested a bond be required for both private and public property, and an appeal process be provided when a permit is being renewed at the end of the 10-year permit period, with the Council and public to be notified of the administrative renewal.

Discussion followed on the differences between the proposed regulations for video vs. wireless facilities/equipment, requirements for justification studies, use of the Opportunities Site Map, the timeframes for applications and appeals, issues related to locating the facilities/equipment on public vs. private property, concerns regarding over concentration of equipment on a property, impacts of the facilities/equipment on neighborhoods, options for an appeal process for permit renewals, options for ensuring Code compliance with conditions to the permit, and use of buffer zones to protect neighborhoods.

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

Robert C. Holmes, West Pasadena Residents Association (WPRA) Board member, submitted a letter stating his questions and comments.

Jody Donnelly, Pasadena Friends of Altadena Neighborhood Alliance representative

Joan Dooley, Save the Hill Neighborhood Alliance member

Raymond Quan, MD, Pasadena resident

Elise Kalfayan, Glendale resident

Miriam Nakamura-Quan, Pasadena Neighborhood Coalition representative, submitted written comments.
Freddie Hannan, Save the Hill Neighborhood Alliance and WPRA member
Nadine Rondinella, Pasadena resident
Sally Hampton, Los Angeles resident
Gene Masuda, Pasadena resident
Nina Chomsky, Linda Vista/Annandale Association Board member

The following persons spoke in support of the proposed Code amendments:

Dale Trader, Pasadena resident

Dan Rix, City Engineer, commented on issues involving the undergrounding of facilities/equipment, and responded to questions.

Jonathan Kramer, Esq., City's outside consultant, responded to questions regarding limitations on undergrounding and federal and state legal restrictions and implications of the proposed regulations.

Discussion continued regarding public notification practices, and limitations on undergrounding requirements of the facilities/equipment.

Mr. Bruckner listed the following items that could be included in the revised recommendation, if directed by Council to do so:

- 1) at the end of the 10-year permit period and administrative review, the City Council and Planning Commission will be notified and can call up the permit renewal for review
- 2) all appeals of decisions on right-of-way applications will be heard by the City Council
- 3) surety bonds will be required for facilities/equipment on public and private property
- 4) City Council will consider all permit applications for properties located on the Opportunities Site Map
- 5) after one year, a review of the Code changes will be conducted to determine if they are operationally burdensome to City Council and if the changes are achieving the intended objectives within the boundaries of the law

Councilmember Robinson asked that one copy of a public notice be sent to each address, when noticing is required (rather than sending notice only to the property owner).

Mr. Bruckner confirmed that, in addition to mailing, public notices are currently posted on light poles and a notification board could also be placed at the site of the proposed facilities/equipment.

Vice Mayor Haderlein suggested that the review to be conducted at the end of a year of implementation of the Code amendments also include a review of the case law, as this relates to possible additional changes to the Code.

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

Following discussion, it was moved by Councilmember Holden, seconded by Councilmember Madison, to approve the City Manager's revised recommendation, as amended to include that: 1) at the end of the 10-year permit period and administrative review, the City Council and Planning Commission will be notified and can call up the permit renewal for review; 2) all appeals of decisions on right-of-way applications will be heard by the City Council; 3) surety bonds will be required for facilities/equipment on public and private property; 4) City Council will consider all permit applications for properties located on the Opportunities Site Map; 5) after one year, a review of the Code changes will be conducted to determine if they are operationally burdensome to City Council and if the changes are achieving the intended objectives within the boundaries of the law, with current case law to be included in the review; and 6) a copy of one public notice will be sent to each address, when noticing is required (resident and property owner); and with the understanding that the stated intent of the City Council is to have the strongest ordinance in terms of neighborhood protection that is consistent with current laws. (Motion unanimously carried) (Absent: Councilmember McAustin)

The Mayor thanked the community for their participation in this lengthy process.

LEGISLATIVE POLICY COMMITTEE

CONTRACT AWARD TO EMANUELS JONES AND ASSOCIATES FOR STATE LEGISLATIVE ADVOCACY SERVICES

Recommendation of Mayor:

- (1) Authorize the Mayor to enter into a contract with Emanuels Jones and Associates for State legislative advocacy services, for a period of one year with three optional one-year extension periods, at a rate of \$4,000 per month, plus expenses not to exceed \$1,000 per year; and
- (2) Exempt the proposed contract from the competitive selection process of the Competitive Bidding and Purchasing Ordinance, pursuant to Pasadena Municipal Code Section 4.08.049(B), contracts for which the City's best interests are served. (Contract Amendment No. 18,785-4)

MUNICIPAL SERVICES
COMMITTEE

The Mayor, Chair of the Legislative Policy Committee, summarized the agenda report.

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

RECOMMENDATION TO SET A PUBLIC HEARING ON APRIL 20, 2009 REGARDING PROPOSED RESIDENTIAL REFUSE COLLECTION FEE INCREASES

Recommendation of City Manager: Authorize the initiation of the state-mandated public hearing process to increase the Residential Refuse Collection Fees by 2.97 percent due to higher landfill charges, establish a new street sweeping surcharge of \$0.79 per month for residential refuse customers, and set a public hearing for April 20, 2009.

Councilmember Tyler, Municipal Services Committee member, introduced the agenda item.

Brenda Harvey-Williams, Finance and Manager Services Administrator, reviewed the agenda report as part of a PowerPoint presentation, and responded to questions.

The City Manager clarified the setting of the public hearing; noted that the public hearing date should be corrected to read April 27, 2009 (since the Council meeting on April 20 is cancelled); and responded to questions regarding the proposed street sweeping changes.

Martin Pastucha, Director of Public Works Department, responded to questions regarding the street sweeping changes.

Councilmember Madison expressed concerns regarding the changes in the street sweeping process, and stressed the need for public outreach about these changes.

Councilmember Gordo expressed support for the daytime street sweeping concept; expressed concerns regarding signage in historic districts; and suggested the street sweeping changes be phased in so that neighborhoods can opt in or out of the daytime sweeping schedule, and so that unintended consequences can be addressed.

Councilmember Robinson distributed email correspondence that she had received from Laura Eilersieck, Pasadena resident; and asked that staff respond to the questions raised in the email when the public hearing is held on this matter.

Vice Mayor Haderlein indicated he was skeptical of the benefits of implementing the daytime street sweeping operation citywide, and asked staff to provide financial data on the costs for increasing the frequency of street sweeping.

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

Dale Trader, Pasadena resident
Michelle White, Affordable Housing Services representative

Councilmember Tyler asked staff to expand on the public hearing notice format and include more information on the proposed changes and the resultant benefits to residents.

It was moved by Councilmember Tyler, seconded by Councilmember Gordo, to approve the City Manager's recommendation, as amended to set the public hearing on April 27, 2009 at 7:30 p.m. (Motion unanimously carried) (Absent: Councilmember McAustin)

RECOMMENDATIONS FROM OFFICERS AND DEPARTMENTS

ZONING CODE AMENDMENTS – SERIES III – AMENDMENT FOR DONATION COLLECTION FACILITIES

Recommendation of City Manager: Approve the revised Zoning Code Amendment as it relates to donation collection facilities.

ORDINANCE – FIRST READING

Conduct first reading of “AN ORDINANCE OF THE CITY OF PASADENA AMENDING VARIOUS PROVISIONS OF TITLE 17 (THE ZONING CODE), TO ADD NEW REQUIREMENTS FOR DONATION COLLECTION FACILITIES”

The above agenda item and first reading of the ordinance were discussed concurrently.

Richard Bruckner, Director of Planning and Development Department, introduced the agenda item, and responded to questions regarding the proposed changes.

Denver Miller, Principal Planner, reviewed the agenda report as part of a PowerPoint presentation, and responded to questions.

Michelle White, Affordable Housing Services representative, expressed concerns regarding possible negative impacts of the proposed ordinance on the ability of nonprofit organizations to raise donations for the social services they provide in the community, and asked that nonprofit organizations be treated differently from for profit organizations.

The Mayor suggested the ordinance be reviewed at the end of a year of implementation to determine if adjustments to the ordinance are called for in regards to nonprofit organizations.

It was moved by Councilmember Gordo, seconded by Councilmember Robinson, to approve the City Manager's recommendation, and to offer the ordinance for first reading, with staff to provide a review of the impacts of the ordinance at the end of one year:

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

NOES: None

ABSENT: Councilmember McAustin

RECOMMENDATIONS FROM OFFICERS AND DEPARTMENTS

FORMATION OF CITY COUNCIL AD HOC SUBCOMMITTEE REGARDING NOMINATIONS TO THE GENERAL PLAN UPDATE ADVISORY COMMITTEE

Recommendation of City Manager: Form an ad hoc subcommittee to review the applications for participation on the General Plan Update Advisory Committee, and make recommendations to the full City Council on or before March 16, 2009.

The City Manager summarized the agenda report.

The Mayor reported that Councilmembers Madison, Robinson, and Vice Mayor Haderlein had agreed to serve on the Council Ad Hoc Subcommittee.

By consensus and on order of the Mayor, the City Manager's recommendation was approved, and the Council Ad Hoc Subcommittee appointments were approved.

ORDINANCES – FIRST READING

Councilmember Robinson was excused at 10:17 p.m.

Conduct first reading of “AN ORDINANCE OF THE CITY OF PASADENA AMENDING VARIOUS PROVISIONS OF TITLE 17 (THE ZONING CODE), INCLUDING CLARIFICATION OF SIGN REQUIREMENTS IN THE CENTRAL DISTRICT; ADDING DISTANCE REQUIREMENTS BETWEEN BOARDING HOUSES; ALLOWING MODIFICATION OF PARKING REQUIREMENTS; AND CODIFYING EXISTING ZONING CODE INTERPRETATIONS”

Richard Bruckner confirmed that a public hearing had been held, during which these amendments were discussed by Council.

The City Attorney noted that the redline version of the Code changes was now before the Council.

Councilmember Tyler asked staff to provide him with a copy of the agenda report from the public hearing, prior to the second reading and adoption of the proposed ordinance.

Michelle White, Affordable Housing Services and Pasadena Affordable Housing Group (PAHG) representative, expressed concerns about possible negative impacts of the distance requirements between boarding houses in providing housing for persons with disabilities.

The above ordinance was offered for first reading by Councilmember Gordo:

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

NOES: None

ABSENT: Councilmembers McAustin, Robinson

Councilmember Gordo
recused himself at 10:18 p.m.,
due to a conflict of interest.

Councilmember Robinson
returned at 10:18 p.m.

Conduct first reading of 'AN ORDINANCE OF THE CITY OF PASADENA AMENDING SECTIONS 10.18.010 AND 10.48.030 OF THE PASADENA MUNICIPAL CODE REGARDING SPEED LIMITS IN THE CITY OF PASADENA (LIDA STREET, RAYMOND AVENUE, ROSEMONT AVENUE, AND WEST DRIVE)

The above ordinance was offered for first reading by Councilmember Madison:

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

NOES: None

ABSENT: Councilmembers Gordo, McAustin

ORDINANCE - ADOPTED

Adopt "AN UNCODIFIED ORDINANCE OF THE CITY OF PASADENA TO EXTEND THE PLAN EFFECTIVENESS AND TAX INCREMENT DEADLINES FOR THE DOWNTOWN, FAIR OAKS ORIGINAL, FAIR OAKS ADDED, LAKE/WASHINGTON, LINCOLN AVENUE, OLD PASADENA, ORANGE GROVE, AND VILLA-PARKE REDEVELOPMENT PLANS, PURSUANT TO HEALTH AND SAFETY CODE SECTIONS 33333.6(e)(2)(C) and (D)" (Introduced by Councilmember Gordo) (Ordinance No. 7158)

Michelle White, Affordable Housing Services representative, expressed concerns regarding the cap imposed for affordable housing in the downtown area, and asked to have this cap removed or tied to a cost of living increase.

The City Attorney indicated staff will confirm the legal status of the cap discussed by Ms. White above.

The above ordinance was adopted by the following vote:

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

NOES: None

ABSENT: Councilmember McAustin

PUBLIC COMMENT
(Continued)

Pastor Henry Sideropoulos, Pastors for Pasadena representative, invited the Council and community to participate in a day of fasting and prayer on March 26, 2009, and submitted a copy of his statement.

Weston DeWalt, Pasadena resident, asked that the public record for the Council meeting of January 26, 2009 reflect that, as a part of the discussion, it was affirmed that the artworks recommended by the Arts and Culture Commission would remain contenders in any alternatives to be considered during the Pasadena Convention Center public artworks selection process; and commented on the possible preferential treatment given to the Pasadena Center Operating Company (PCOC) in the public arts project selection process and recommendation.

Nancy Nelson, Pasadena resident, commented on President Obama's call for ethics, and issues related to a personal incident involving a landlord dispute and alleged police force.

Richard McDonald, Pasadena resident, discussed and submitted a newspaper article on the electric car/mobility issues ("While Detroit Slept" by Thomas Friedman, The New York Times, dated December 10, 2008) and an article on the census and migration trends ("Migration Gives South and West Big Gains, Census Bureau Statistics Show" by Michael Barone, Thomas Jefferson Street blog, dated February 15, 2009), for Council's consideration in future discussions on the Mobility Element Update and the impact of the census count on planning issues.

Les Hammer, Pasadena resident, expressed concerns regarding the MEChA (Movimiento Estudia Chicano de Aztlan) organization and its actions; stated his opinion that Jennifer Bekkedal (former Pasadena Area Community College District Board Member candidate) was owed an apology for her criticism of MEChA; and submitted an article titled, "Augustin Cebada Brown Berets".

(Public comment on the tree issue continued from Page 3)

The following persons expressed concerns regarding the tree removal situation on Colorado Boulevard (Playhouse District), the need for a review of the various streetscape/tree plans, and/or asked for a moratorium on the cutting down of any healthy trees:

Branislav Kecman, Save Our Trees representative
Allan Spring, Pasadena resident
Bette Cooper, Pasadena Beautiful Foundation President
Nina Chomsky, Pasadena resident
Emily Stork, Pasadena resident

Tina Vaughan, Earth and Media representative, asked questions regarding the City's policies and recent actions related to the removal of trees.

The following persons expressed support for completing the streetscape/tree project in the Playhouse District:

Erlinda Romo, Playhouse District Association Executive Director
Caroline Cotten, Pasadena resident
Carla Walecka, Playhouse District Association Vice President

The Mayor summarized Council concerns and requests made earlier in the meeting regarding the tree removal issues; and commented on the need to review the Urban Forestry Advisory Committee's (UFAC) role/responsibilities and UFAC's relationship with staff.

Councilmember Tyler reiterated his request to agendize an item to consider a moratorium on healthy tree removals until new policies are in place, which would not preclude completion of the Playhouse District project. Councilmember Tyler clarified that the prior direction to staff (approved at the Council meeting of February 9, 2009) regarding a review of the City's Master Street Tree Plan and streetscape plans would also include information on the City's current policies on the removal of healthy trees as part of any plan, whether these policies should be amended, and whether current designated species of replacement trees are appropriate given Council's current environmental policies, as suggested by Councilmember Gordo.

Councilmember Gordo requested that staff also include information on streetscape/tree plans (excluding the Playhouse District) that have not been implemented or for which action has not been taken, and a timeline for taking these plans to UFAC for review and recommendations on possible amendments to the plans (e.g., a review of plans that contemplate the removal of healthy trees).

Vice Mayor Haderlein requested that a review of UFAC's role be agendized for a future Council meeting.

COUNCIL COMMENTS

Councilmember Robinson indicated that she had received correspondence from Supervisor Antonovich asking for support on legislation involving additional residential restrictions on sex offenders, and requested that this be referred to the Public Safety Committee.

Vice Mayor Haderlein, Chair of Public Safety Committee, asked staff to provide a comparative analysis of Los Angeles County's sex offender ordinance, when this issue is brought to the Committee.

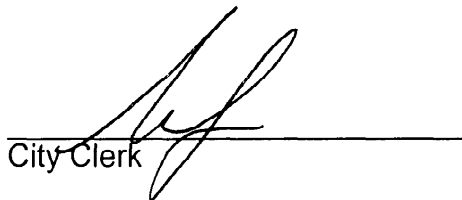
ADJOURNMENT

On order of the Mayor, the regular meeting of the City Council adjourned at 11:19 p.m.



Bill Bogaard, Mayor
City of Pasadena

ATTEST:



City Clerk