CITY OF PASADENA
City Council Minutes
November 17, 2014 – 5:30 P.M.
City Hall Council Chamber

REGULAR MEETING

OPENING:

Mayor Bogaard called the regular meeting to order at 5:31 p.m. (Absent: Councilmember Madison and Vice Mayor Robinson)

On the order of the Mayor, the regular meeting recessed at 5:31 p.m., to discuss the following closed sessions:

CITY COUNCIL CONFERENCE WITH REAL PROPERTY NEGOTIATORS pursuant to Government Code Section 54956.8
Property Location: 275 East Cordova Street, Pasadena, California
Agency Negotiators: Michael J. Beck and Steve Mermell
Negotiating Party: Anders Plett
Under Negotiation: Price and terms of payment

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

CITY COUNCIL CONFERENCE WITH REAL PROPERTY NEGOTIATORS pursuant to Government Code Section 54956.8
Property Location: 750 North Fair Oaks Avenue, Pasadena, California
Agency Negotiators: Michael J. Beck and Steve Mermell
Negotiating Party: Kimberly McKay
Under Negotiation: Price and terms of payment

The above closed session item was not discussed.

CITY COUNCIL CONFERENCE REGARDING PUBLIC EMPLOYEE PERFORMANCE EVALUATION pursuant to Government Code Section 54957
Title: City Manager

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

On order of the Mayor, the regular meeting reconvened at 7:05 p.m. The pledge of allegiance was led by Councilmember Kennedy.
ROLL CALL:
Councilmembers: Mayor Bill Bogaard
Vice Mayor Jacque Robinson (Absent)
Councilmember Victor Gordo
Councilmember John J. Kennedy
Councilmember Margaret McAustin
Councilmember Steve Madison (Arrived at 7:12 p.m.)
Councilmember Gene Masuda
Councilmember Terry Tornek

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

PUBLIC COMMENT ON MATTERS NOT ON THE AGENDA
Genevieve Clavreul, Pasadena resident, expressed concerns regarding the California Nurses Association and its alleged misrepresentation of the nurses at Huntington Memorial Hospital, and submitted written material.

Councilmember Madison arrived at 7:12 p.m.

Michael Warner, Pasadena Sister Cities Committee, thanked Councilmember Kennedy for joining the Committee on its recent trip to China, and reminded the City Council about the upcoming photo exhibition to be held on December 1-7, 2014, with a reception on December 4, 2014 at 4:00 p.m., at the Central Library.

Art Hernandez, Pasadena resident, express concerns and questioned building code compliance/building inspection practices of the City.

Nina Chomsky, Friends of Hahamongna/Sediment Working Group, reiterated her concerns regarding the Devil’s Gate Dam Sediment Removal project, and urged the City Council to be active and explore ways to reduce the scope of the project.

Mary Dee Romney, San Rafael Neighborhoods Association (SRNA), expressed concerns regarding the establishment of approximately 350,000 acres of land in the San Gabriel Mountains as a national monument and its potential impact on water rights and other local control issues, and submitted written material.

Antonio Jones, SEIU/United Long Term Care Workers (ULTCW), spoke on behalf of the home care providers employed by the County of Los Angeles, asked that the City Council recognize these workers for their hard work and dedication, and to consider adopting a resolution in support of the local home care providers.
Tim Brick, Arroyo Seco Foundation, expressed disappointment with the recent decision of the Los Angeles County Board of Supervisors regarding the Devil's Gate Dam Sediment Removal project. He asked that the City Council request from staff an outline of the City’s legal rights, and urged the City to take aggressive action to reduce the scope of the project.

**CONSENT CALENDAR**

**AUTHORIZATION TO ENTER INTO AN AGREEMENT WITH LOS ANGELES COUNTY TO RECEIVE A PROPOSITION A CITIES EXCESS FUNDS GRANT IN THE AMOUNT OF $500,000, AMEND THE FISCAL YEAR 2015 CAPITAL IMPROVEMENT PROGRAM BUDGET TO INCREASE THE TOTAL ESTIMATED COST OF THE SOCCER FIELD – MUIR HIGH SCHOOL PROJECT, PURCHASE FIELD LIGHTING EQUIPMENT FROM MUSCO SPORTS LIGHTING, PURCHASE A PREFABRICATED RESTROOM BUILDING INCLUDING INSTALLATION FROM CXT INCORPORATED, AND ENTER INTO A CONTRACT WITH MALLCRAFT, INC. FOR THE RENOVATION OF MUIR HIGH SCHOOL ATHLETIC FIELD**

**Recommendation:**

1. Find that the project is exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15303 – New Construction;
2. Authorize the City Manager to enter into an agreement with Los Angeles County to receive a Proposition A Cities Excess Funds grant in the amount of $500,000;
3. Recognize and appropriate $500,000 in Proposition A grant funds to the Soccer Field – Muir High School Project (budget account 78055);
4. Amend the Fiscal Year 2015 Capital Improvement Program Budget to increase the total estimated cost of the Soccer Field – Muir High School Project (budget account 78055) by $500,000 to $2,000,000, change the name to Muir High School South Sports Field Improvements and modify the description to include softball field renovations;
5. Find that the purchase order contract with Musco Sports Lighting is exempt from competitive bidding pursuant to City Charter Section 1002(H), contracts with other governmental entities or their contractors for labor, material, supplies or services;
6. Authorize the City Manager to enter into a purchase order contract with Musco Sports Lighting for the purchase of field lighting equipment for Muir High School for an amount not to exceed $191,000;
7. Find that the purchase order contract with CXT, Incorporated is exempt from competitive bidding pursuant to City Charter Section 1002(H), contracts with other governmental entities or their contractors for labor, material, supplies or services;
(8) Authorize the City Manager to enter into a purchase order contract with CXT, Incorporated for the purchase and installation of a prefabricated restroom building for Muir High School for an amount not to exceed $240,000; and

(9) Accept the bid, dated October 15, 2014, submitted by Mallcraft, Inc. in response to the Project Specifications for Muir High School Athletic Field Renovation for installation and construction of project, reject all other bids received, and authorize the City Manager to enter into a contract not to exceed $1,064,000. (Contract Nos. 22,065 and 22,101; Journal Voucher No. 2015-12)

AMENDMENT TO CONTRACT NO. 19,944 WITH DOKKEN ENGINEERING TO INCREASE TOTAL NOT-TO-EXCEED AMOUNT BY $137,500 FROM $501,522 TO $639,022 FOR CONSTRUCTION SUPPORT INCLUDING ENVIRONMENTAL AND HISTORIC MONITORING FOR LA LOMA BRIDGE REHABILITATION PROJECT

Recommendation:
(1) Acknowledge the Final Environmental Impact Report for the project, which was certified on September 25, 2006, and the Notice of Determination which was filed with the Los Angeles County Recorder’s Office on September 28, 2006; and
(2) Authorize the City Manager to enter into a contract amendment with Dokken Engineering to increase total not-to-exceed amount by $137,500 from $501,522 to $639,022 for construction support including environmental and historic monitoring for La Loma Bridge Rehabilitation Project. Competitive bidding is not required pursuant to City Charter Section 1002(F) Contracts for Professional or Unique Services. (Contract Amendment No. 19,944-2)

AUTHORIZATION TO ENTER INTO A PURCHASE ORDER CONTRACT WITH FRONTIER FORD FOR THE PURCHASE OF THREE FORD F250 SUPER CAB PICK-UP TRUCKS FOR THE WATER AND POWER DEPARTMENT

Recommendation:
(1) Find the proposed action is exempt from the California Environmental Quality Act (“CEQA”) in accordance with Section 15061(b)(3), the General Rule that CEQA only applies to projects that may have an effect on the environment; and
(2) Accept the bid received on August 24, 2014 September 3, 2014, submitted by Frontier Ford in response to Specifications LD-14-11, and authorize a Purchase Order Contract with Frontier Ford in an amount not to exceed $76,871.25 for the purchase of three Ford F250 Super Cab pick-up trucks.
The Mayor noted that staff recommendation No. 2 inadvertently reflects August 21, 2014 as the date in which the bid was received, and stated that the correct date is September 3, 2014.

**AUTHORIZE THE CITY MANAGER TO ENTER INTO A FIBER LICENSE AGREEMENT WITH RAYTHEON TECHNICAL SERVICES COMPANY, LLC**

**Recommendation:**
(1) Find that the proposed contract amendment is exempt from the California Environmental Quality Act ("CEQA") pursuant to State CEQA Guidelines Section 15061 (b)(3); and
(2) Authorize the City Manager to enter into a license agreement with Raytheon Technical Services Company, LLC for use of City fiber, resulting in $82,280 in revenue to the City over the three year term of the agreement. (Contract No. 22,066)

**Item discussed separately**

**APPROVAL OF EMPLOYMENT AGREEMENT – CITY MANAGER MICHAEL J. BECK**

**MINUTES APPROVED**

October 20, 2014

**CLAIMS RECEIVED AND FILED**

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Claim No. 12,287

It was moved by Councilmember McAustin, seconded by Councilmember Masuda, to approve all items on the Consent Calendar, with the exception of Item 5 (Approval of Employment Agreement – City Manager Michael J. Beck) (Motion unanimously carried) (Absent: Vice Mayor Robinson-)

**CONSENT ITEM DISCUSSED SEPARATELY**

**APPROVAL OF EMPLOYMENT AGREEMENT – CITY MANAGER MICHAEL J. BECK**

**Recommendation:** It is recommended that the City Council approve a new employment agreement for City Manager Michael J. Beck which sets for the terms and conditions of the employment agreement between the parties. It is further recommended that the Mayor be authorized to sign this employment agreement to reflect City Council approved changes.

Dale Gronemeier, Eagle Rock, CA, expressed concerns regarding the City Manager’s proposed employment agreement, citing the absence of a missing provision passed by the State legislature that voids severance pay for public officials in the
event that the official commits a crime in the course of duty. He also stated that the contract lacks transparency as it relates to the true value of his salary and benefits.

The City Attorney noted that she will examine the specific legislation referenced by Mr. Gronemeier, and will report her findings to the City Council later in the meeting.

**RECOMMENDATIONS FROM OFFICERS AND DEPARTMENTS**

**APPROVAL OF THE GOVERNANCE STRUCTURE FOR COLLABORATE PASADENA, FORMERLY KNOWN AS THE SCHOOL/CITY/COMMUNITY WORK PLAN**

Recommendation:

1. Find that the recommended action is exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA guidelines per Section 15061(b)(3); and
2. Approve the governance structure for Collaborate PASadena, formerly known as the School/City/Community Work Plan.

Councilmember Tornek introduced the agenda item, and Kimberly Kenne and Tom Selinske, Pasadena Unified School District (PUSD) Board Members, provided an overview of the agenda item as part of a PowerPoint presentation, and responded to questions.

Councilmember Kennedy thanked the Mayor for the opportunity to serve on the Collaborate PASadena Governance Ad Hoc Committee, stated his support for the staff recommendation, and invited the community to join in their efforts.

Mary Dee Romney, Pasadena resident, spoke regarding the years of joint efforts/work with PUSD, and expressed concerns regarding future costs associated with its current effort.

Councilmember Gordo stated his support of Collaborate PASadena, however, he expressed reservations regarding the use of City funds to support the collaborative effort while the City’s Child Care Coordinator position remains unfunded, noting that the existing Early Child Care policy calls for a Child Care Coordinator position for pre-kindergarten services, and that this is an important component to the collaborative process.

In response to Councilmember Gordo, Councilmember Tornek, stated that staff will bring forward a report regarding the unfunded Child Care Coordinator position and with specific information as to how it can be implemented.
Councilmember Gordo highlighted the benefits gained from a Child Care Coordinator, and stressed the need for the position to be funded sooner than later. He also stated his support for the staff recommendation, with the amendment that the Early Child Care Policy and funding for the Child Care Coordinator position (or a similar position) come back to the City Council for consideration prior to any future funding related to Collaborate PASadena.

Following discussion, it was moved by Councilmember Gordo, seconded by Councilmember Tornek, to approve the staff recommendation, with the amendment that the Early Child Care Policy and funding for the Child Care Coordinator position (or a similar position) come back to City Council for consideration concurrent with, or prior to, any future funding related to Collaborate PASadena. (Motion unanimously carried) (Absent: Vice Mayor Robinson)

CONSENT ITEM DISCUSSED SEPARATELY
(CONTINUED DISCUSSION)

APPROVAL OF EMPLOYMENT AGREEMENT – CITY MANAGER MICHAEL J. BECK

Recommendation: It is recommended that the City Council approve a new employment agreement for City Manager Michael J. Beck which sets forth the terms and conditions of the employment agreement between the parties. It is further recommended that the Mayor be authorized to sign this employment agreement to reflect City Council approved changes. (Contract No. 22,067)

Upon review of the applicable State laws, City Attorney Bagneris concurred with Mr. Gronemeier’s assessment regarding the missing condition in the City Manager’s employment contract, and therefore, offered appropriate amendments to the employment agreement to correct the deficiencies. She also responded to Mr. Gronemeier’s concerns related to the specifics in terms of the costs of the City Manager’s employment contract, noting that any changes in the terms were included in the staff report in terms of the proposed fiscal impact, and provided the recommendation to amend Section 7 (Termination and Severance) of the City Manager’s employment contract by adding paragraph “E”.

Councilmember Kennedy stressed the importance of being transparent as it relates to the City Manager’s full compensation, and suggested that staff include in future agenda reports a breakdown in the total value of benefits, including detail regarding deferred compensation, City issued vehicle, and other costs that comprise the full compensation package for the City Manager.
Councilmember Gordo and Kennedy expressed appreciation to the City Manager for his work, and stated their support for the staff recommendation.

Following discussion, it was moved by Councilmember Gordo, seconded by Councilmember McAustin, to approve the staff recommendation, as amended to add Paragraph “E” to Section 7 of the employment agreement. (Motion unanimously carried) (Absent: Vice Mayor Robinson)

INFORMATION ITEM

PRESENTATION BY THE PUBLIC HEALTH DEPARTMENT REGARDING DISEASE SURVEILLANCE AND INVESTIGATION

Steve Mermell, Acting Public Health Director/Assistant City Manager, introduced the agenda item, and Dr. Ying Ying Goh, Health Officer, provided an overview of the agenda item as part of a PowerPoint presentation, and responded to questions on the City’s emergency preparedness as it relates to a contagious disease outbreak, isolation orders, and enforcement/police powers.

The following nurses expressed concerns regarding the alleged lack of preparedness of Huntington Memorial Hospital as it relates to Ebola:

Guillermo Landeros, Duarte resident
Jacqueline Hauffen, residence unknown
Dolly Wilson, California Nurses Association
Joan Hardie, Glendale resident
JoAnne Picard, Pasadena resident

The following Huntington Memorial Hospital nurses highlighted the hospital efforts as it relates to Ebola preparedness:

Janet Henderson, La Crescenta resident
Jennifer Waldron, Oak Park resident

Members of the City Council thanked the staff for their informative presentation, as well as the members of the community for their interest and input on the matter.

On the order of the Mayor, and by consensus of the City Council, the information was received and filed.

PUBLIC HEARING

PUBLIC HEARING: APPEAL OF PLANNING COMMISSION DECISION: CONDITIONAL USE PERMIT NO. 6072, ASSOCIATED LAND USE ENTITLEMENTS, AND MITIGATED NEGATIVE DECLARATION, AT 260-400 EAST COLORADO
BOULEVARD (PASEO COLORADO REDEVELOPMENT PROJECT)

Recommendation:
(1) Adopt the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program in Attachment C of the agenda report; and
(2) Adopt:
  a. The findings in Attachment A of the agenda report and conditions of approval in Attachment B of the agenda report to:
     i. Approve a Conditional Use Permit to allow the construction of a non-residential project over 25,000 square feet in size ('Major Project');
     ii. Approve a Conditional Use Permit to allow a "Lodging – Hotels, Motels" use;
     iii. Approve a Minor Conditional Use Permit to allow the construction of a non-residential project over 15,000 square feet in size within the Transit-Oriented Development (TOD) Area;
     iv. Approve a Minor Conditional Use Permit to allow shared parking;
     v. Approve a Minor Conditional Use Permit to allow on-site valet parking; and
     vi. Approve a Minor Variance to allow the ground floor of the hotel building to be set back at least 50 feet from Green Street where the maximum allowable setback is five feet.

The Mayor opened the public hearing.

The City Clerk reported 196 copies of the notice were posted on October 30, 2014; 75 copies of the notice were mailed on October 30, 2014; and 3 letters (1 letter of support /1 letter in opposition/1 letter requesting noise mitigation measures) were received by the City Clerk's Office regarding the recommended action.

Vince Bertoni, Director of Planning and Community Development, introduced the agenda item, and David Reyes, Deputy Director of Planning and Community Development, summarized the agenda report as part of a PowerPoint presentation, and responded to questions.

The following persons spoke in opposition to, and/or, expressed concerns regarding the staff recommendation, specifically as it relates to the variance for the proposed setback:
Greg Gunther, Downtown Pasadena Neighborhood Association (DPNA) (appellant)
Christine Fedukowski, Downtown Pasadena Neighborhood Association (DPNA) (appellant)
Jonathan Edewards, Downtown Pasadena Neighborhood Association (DPNA) (appellant)
Marsha Rood, Downtown Pasadena Neighborhood Association (DPNA) (appellant)
Mitchell Tsai, Downtown Pasadena Neighborhood Association (DPNA) (appellant)

The following persons spoke in support of the staff recommendation:

- Richard McDonald, Esq., applicant’s legal counsel
- David Goodale, Gonzalez Goodale Architects (applicant’s architect), provided a PowerPoint presentation and responded to questions
- Rachel Torres, UNITE HERE Local 11
- Nina Chomsky, Pasadena resident
- Jamie Potter, Pasadena resident

Bruce Alberts, Chief Financial Officer for Western Asset Management Company, spoke on behalf of the Company, stated his support for the proposed project, but also expressed concerns regarding potential disruptions to his business as a result of the construction project, and requested various mitigation measures.

In response to Mr. Alberts comments, Councilmember Madison inquired whether or not there is some impediment to slightly broadening the scope of the mitigation, and encouraged City staff to look into the matter given the close proximity of Western Asset to the proposed project.

Jonathan Edewards, Downtown Pasadena Neighborhood Association (DPNA), spoke on behalf of the Association, and strongly recommended that the City Council reject the variance for the proposed setback, and instead require the applicant to design a program that fits within the City’s existing rules/plans.

Richard McDonald, Esq., applicant’s legal counsel, highlighted the special circumstances for a minor variance, urged the City Council to consider the evidence presented and to approve the staff recommendation, and responded to questions.
Councilmember Madison stated his support for the project, noting that it is a viable proposal to bring in essential development into the City (hotel, restaurants, and residential), stated his support of the staff recommendation, with staff to address the concerns raised by Western Asset Management Company.

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

It was moved by Councilmember Kennedy, seconded by Councilmember Tornek, to reopen the public hearing. (Motion unanimously carried) (Absent: Vice Mayor Robinson)

In response to Councilmember Tornek's question regarding the role of the Design Commission with regard to the proposed project, Theresa Fuentes, Assistant City Attorney, highlighted Pasadena Municipal Code (PMC) Section 17.61.030(1)(5)(a), and noted that the Design Commission is restricted in the approvals that are granted by the City Council but it can continue to "move around" height or mass as allowed by the Zoning Code.

Councilmember McAustin suggested that the architects revised drawings (slide 70 of the staff's PowerPoint presentation) be the starting point for the Design Commission's review as it relates to addressing revised Condition of Approval No. 11, commented on the need to address the concerns of all the neighbors/businesses adjacent to the proposed project in terms of noise mitigation measures and construction impacts. She also stated her support of the staff recommendation with the inclusion of the aforementioned recommendations.

The City Manager recommended that as part of the condition of approval, that staff work with Western Asset Management Company and the developer to identify ways to address some of the concerns raised by Western Asset Management Company, with the City Council agreeing to include the recommendation in the motion.

Councilmember Gordo expressed concerns with regard to the variance findings and the appearance of "self-imposed hardships" on the part of the developer, urged staff to give some consideration to other parcels that are similarly situated where someone might claim the same type of hardship, and therefore, claim entitlement to a variance, and stated that the City Council should discuss the matter before additional projects come forward with variance requests.
It was moved by Councilmember Madison, seconded by Councilmember Gordo, to close the public hearing. (Motion unanimously carried) (Absent: Vice Mayor Robinson)

It was moved by Councilmember Madison, seconded by Councilmember Masuda, to approve the staff recommendation amended by directing staff to work with Western Asset Management Company and the Developer to help resolve and address the concerns raised by Western Asset Management Company; and with the revised architect drawings (slide 70 of staff’s PowerPoint presentation) being designated as the starting point for the Design Commission’s review of the project as it relates to addressing revised Condition of Approval No. 11. (Motion unanimously carried) (Absent: Vice Mayor Robinson)

Conduct first reading of “AN ORDINANCE OF THE CITY OF PASADENA AMENDING THE OFFICIAL ZONING MAP ESTABLISHED BY SECTION 17.20.020 OF THE PASADENA MUNICIPAL CODE TO CHANGE THE DESIGNATION FOR THE NINE PARCELS THAT COMPRISE THE VILLA ESPERANZA MASTER PLAN”

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

AYES: Councilmembers Gordo, Kennedy, Madison, Masuda, McAustin, Tornek, Mayor Bogaard
NOES: None
ABSENT: Vice Mayor Robinson

ADOPT

Adopt “AN ORDINANCE OF THE CITY OF PASADENA AMENDING VARIOUS PROVISIONS OF TITLE 2 (ORGANIZATION AND ADMINISTRATION) AND TITLE 17 (ZONING CODE) OF THE PASADENA MUNICIPAL CODE TO AUTHORIZE THE ADOPTION/CERTIFICATION OF CALIFORNIA ENVIRONMENTAL QUALITY ACT REVIEWS BY NON-ELECTED DECISION MAKERS AND TO REQUIRE AN AFFIRMATIVE VOTE ON CALIFORNIA ENVIRONMENTAL QUALITY ACT REVIEWS UNDER APPEAL OR CALL FOR REVIEW” (Introduced by Councilmember McAustin) (Ordinance No. 7250)

The above ordinance was adopted by the following vote:

AYES: Councilmembers Gordo, Kennedy, Madison, Masuda, McAustin, Tornek, Mayor Bogaard
NOES: None
ABSENT: Vice Mayor Robinson
RECOMMENDATIONS FROM OFFICERS AND DEPARTMENTS

RECOMMENDED CHANGES TO THE DEVELOPMENT REVIEW PROCESS RELATED TO DESIGN REVIEW

Recommendation:

(1) Find that the review of changes related to the development review process are exempt from CEQA pursuant to Section 15061(b)(3) the General Rule; and

(2) Direct staff to prepare amendments to the Municipal Code which:
   A. Eliminate the “optional” 50% Concept Review in the Design Review process;
   B. Modify the make-up of the Design Commission, by reducing the number of members from the current nine to seven; and
   C. Establish specific qualifications for the members of the Design Commission.

By consensus and on order of the Mayor, the above item was deferred to a future meeting.

COUNCIL COMMENTS

Councilmember Kennedy requested an opportunity to present and share the positive cultural exchange experienced on his recent trip to China with the Pasadena Sister Cities Committee.

Councilmember Tornek requested that staff agendize for a future discussion the matter related to the Los Angeles County Board of Supervisors recent decision regarding the Hahamongna Sediment Removal project, and stated that such action does not preclude further discussion and intervention by the City in terms of mitigating some of the inevitable impacts.

In response to Councilmember Tornek, the City Manager suggested reconvening the Devil's Gate Reservoir Sediment Removal and Management Project Working Group to obtain additional input as it relates to the current status of the project and efforts to move forward prior to returning to City Council for discussion. Councilmember Tornek agreed with his suggestion.

ADJOURNMENT

On order of the Mayor, the regular meeting of the City Council adjourned at 12:16 a.m.

Bill Bogaard, Mayor
City of Pasadena

ATTEST:

City Clerk