

CITY OF PASADENA
City Council Minutes
July 20, 2015 – 5:30 P.M.
City Hall Council Chamber

REGULAR MEETING

OPENING:

Mayor Tornek called the regular meeting to order at 5:55 p.m. (Absent: Councilmembers Gordo and Hampton)

On the order of the Mayor, the regular meeting recessed at 5:55 p.m., to discuss the following closed sessions:

Councilmember Hampton
arrived at 6:07 p.m.

**CITY COUNCIL CONFERENCE WITH LEGAL COUNSEL
regarding pending litigation pursuant to Government
Code Section 54956.9(d)(1)
Name of Case: City of Pasadena v. Wooten
LASC Case No.: BC585988**

**CITY COUNCIL CONFERENCE WITH REAL PROPERTY
NEGOTIATORS pursuant to Government Code Section
54956.8**

**Property Location: 299 North Euclid Avenue,
Pasadena, CA
Agency Negotiator: Michael J. Beck, City Manager
Negotiating Party: Spencer Rose
Under Negotiation: Price and terms of payment**

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

The above closed session items were discussed, with no reportable action at this time.

On order of the Mayor, the regular meeting reconvened at 6:49 p.m. The Pledge of Allegiance was led by Councilmember Madison.

ROLL CALL:

Councilmembers:

Mayor Terry Tornek
Vice Mayor Gene Masuda
Councilmember Victor Gordo (Absent)
Councilmember Tyron Hampton
Councilmember John J. Kennedy
Councilmember Steve Madison
Councilmember Margaret McAustin
Councilmember Andy Wilson

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 Jason Hardin as Senior Commissioner, Juan de la Cruz as Historic Preservation Commissioner, Victoria Dominguez as Northwest Commissioner, and Archie C. Purvis as member of Pasadena Center Operating Company Board.

AIR QUALITY UPDATES: PRESENTATION BY MICHAEL CACCIOTTI, SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT (SCAQMD) BOARD MEMBER

Michael Cacciotti, South Coast Air Quality Management District (SCAQMD) Board Member, representing the eastern region cities of Los Angeles County, provided an air quality update as part of a PowerPoint presentation, and responded to questions.

Daniel J. Mabe, President of The Greenstation, provided a brief demonstration of his battery operated zero emission lawn maintenance equipment.

Councilmember McAustin suggested that SQAQMD consider placing air quality monitoring stations closer to pollution filled areas such as freeways.

In response to Councilmember Hampton's question, the City Manager indicated that he will confirm with staff that all grant monies from SCAQMD are being sought out and/or utilized as it relates to forming bike lanes in the City.

Following discussion, and on order of the Mayor, the information was received.

CONSENT CALENDAR

AUTHORIZATION TO ENTER INTO A CONTRACT WITH PERRY C. THOMAS CONSTRUCTION, INC., FOR UNDERGROUND ELECTRICAL CONDUIT SYSTEMS ON ALPINE STREET FOR THE WATER AND POWER DEPARTMENT

Recommendation:

- (1) Find the proposed action to be categorically exempt under the California Environmental Quality Act ("CEQA") pursuant to State CEQA Guidelines Section 15061(b)(3), General Rule;
- (2) Accept the bid dated June 23, 2015, submitted by Perry C. Thomas Construction, Inc., in response to

Specifications LD-15-02 for construction of underground electrical conduit systems along Alpine Street; reject all other bids received; and authorize the City Manager to enter into a contract with Perry C. Thomas Construction, Inc., for an amount not-to-exceed \$1,601,256; and

(3) Approve a journal voucher to transfer \$1,750,000 from the Alpine Street – Electrical System Undergrounding, Marengo Avenue to El Molino Avenue, Capital Improvement Budget No. 74801 to the Utility Undergrounding Power Capital Improvement Project No 3174. (Contract No. 30136; Budget Amendment-2016-01)

APPROVE PURCHASE ORDER NO. 59110 WITH FLOWSERVE CORPORATION FOR THE REPAIR OF THE BROADWAY UNIT 3 STEAM DRIVE BOILER FEED PUMP FOR AN AMOUNT NOT-TO-EXCEED \$177,572.77 ISSUED UNDER EMERGENCY PURCHASE PROVISIONS

Recommendation:

(1) Find that contracting with Flowserve Corporation (“Flowserve”) for the repair of the boiler feed pump is exempt from the California Environmental Quality Act (“CEQA”) pursuant to State CEQA Guidelines Section 15301, Class 1, Existing Facilities;

(2) Direct the City Council to approve Purchase Order No. 59110 with Flowserve for the repair of the Broadway Unit 3 Steam Drive Boiler Feed Pump for \$177,572.77 issued by the City Manager under the emergency purchase provisions of the Pasadena Municipal Code, Section 4.08.150; and

(3) Find that competitive bidding is not required pursuant to City Charter Section 1002(G) contracts for emergency work. It is further recommended that the City Council grant this contract an exemption from the Competitive Selection process of the Competitive Bidding and Purchasing Ordinance, pursuant to Section 4.08.049(B), contracts for which the City’s best interests are served.

CALTRANS LEASE EXTENSION FOR PROPERTIES LOCATED AT 182 AND 234 BELLEFONTAINE STREET

Recommendation:

(1) Find the proposed action is exempt from the California Environmental Quality Act (“CEQA”) pursuant to CEQA State Guidelines Section 15061(b)(3), the General Rule that CEQA only applies to projects that may have an effect on the environment; and

(2) Authorize the City Manager to extend the lease agreement between the City of Pasadena and the California Department of Transportation (Caltrans) for the vacant lands, containing approximately 78,547 square feet, located South Westerly and South Easterly of Pasadena Avenue and South of Bellefontaine Street, as well as the triangle portion in between in the City of Pasadena as outlined on the map attached to the agenda report, for an additional two years at a cost of \$100 a year. (Contract No.19,871-2)

Item discussed separately

MUNICIPAL SERVICES COMMITTEE: AMENDMENT TO CHAPTER 8.60 OF THE PASADENA MUNICIPAL CODE, SOLID WASTE, TO ENHANCE AND UPDATE THE ANTI-SCAVENGING ORDINANCE

APPOINTMENT OF EDGAR GUTIERREZ TO THE RECREATION AND PARKS COMMISSION (District 1 Nomination)

APPOINTMENT OF ANN MARIE HICKAMBOTTOM TO THE PASADENA COMMUNITY ACCESS CORPORATION BOARD (District 1 Nomination)

APPOINTMENT OF GARY FLOYD TO THE DESIGN COMMISSION (Historic Preservation Commission Nomination)

MINUTES APPROVED

March 23, 2015
 March 25, 2015 (Special Joint Meeting with Supervisor Antonovich)

CLAIMS RECEIVED AND FILED

Claim No. 12,446	Yong Ha Kang	\$ 332.50
Claim No. 12,447	Matt Longwell	5,972.27
Claim No. 12,448	Mercury Insurance as subrogee for Armando Carlos	Not stated
Claim No. 12,449	Seth Davidson, Esq., representing Daniel Perry Barr	25,000.00+
Claim No. 12,450	Mary A. Lulucki	Not stated
Claim No. 12,451	Charles Peretz	350.00

PUBLIC HEARING SET

August 17, 2015, 7:00 p.m. – General Plan Update – Final Adoption of the Land Use and Mobility Elements

It was moved by Vice Mayor Masuda, seconded by Councilmember McAustin, to approve all items on the Consent Calendar, with the exception of Item 4 (Amendment to Chapter 8.60 of the Pasadena Municipal Code, Solid Waste, to Enhance and Update the Anti-Scavenging Ordinance), which was discussed separately. (Motion unanimously carried) (Absent: Councilmember Gordo)

**CONSENT ITEM
DISCUSSED SEPARATELY**

**MUNICIPAL SERVICES COMMITTEE: AMENDMENT TO
CHAPTER 8.60 OF THE PASADENA MUNICIPAL CODE,
SOLID WASTE, TO ENHANCE AND UPDATE THE ANTI-
SCAVENGING ORDINANCE**

Recommendation:

- (1) Find that the proposed amendment to the Anti-Scavenging Ordinance is exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15061(b)(3) (General Rule);
- (2) Approve the proposed changes to the Anti-scavenging Ordinance to deter theft of City recyclables and receive full diversion credit for material; and
- (3) Direct the City Attorney to draft an ordinance amendment within 60 days consistent with the provisions set forth in the agenda report.

Recommendation of Municipal Service Committee: On July 14, 2015, staff presented the proposed amendment to the Anti-Scavenging Ordinance to the Municipal Services Committee (MSC). The MSC recommended modifying the definition of scavenging to clarify that all collection containers serviced by the City of Pasadena or the City's franchise haulers are covered by the ordinance. Also, since the cost for additional enforcement has been contemplated and included in the FY 2016 budget, the Committee recommended adding this information to the agenda report. With these modifications, MSC voted unanimously to approve the amendment to the Anti-Scavenging Ordinance.

Recommendation of the Environmental Advisory Commission: On March 17, 2015, staff presented the proposed amendment to the Anti-Scavenging Ordinance to the Environmental Advisory Commission (EAC). The EAC recommended modifying the definition of scavenging to clarify that residential and commercial City of Pasadena containers are covered by the ordinance. With these modifications, EAC voted unanimously to approve the amendment to the Anti-Scavenging Ordinance.

Julie Gutierrez, Assistant City Manager/Acting Director of Public Works, introduced the agenda item, and Gabriel Silva, Management Analyst, reviewed the agenda report as part of a PowerPoint presentation, and responded to questions.

Councilmember Kennedy expressed concerns regarding the proposed ordinance and the potential impacts this will have on those individuals that depend on materials collected as a source of income.

In response to Councilmember Kennedy's question regarding whether there is case law on individuals foraging through trash receptacles as opposed to recyclable receptacles on public property, the City Attorney indicated that she is unaware of any case authority on the matter, however, she noted that she will include any related information as part of a future ordinance presented for City Council consideration.

Following discussion, Councilmember Hampton expressed strong concerns regarding the effect the ordinance will have on the homeless population, and suggested that the ordinance be modified to focus on commercial scavenging operations.

Members of the City Council noted their sensitivity to the matter, but highlighted the existing scavenging problem, and pointed out that the goal of the proposed ordinance modification is to allow for better enforcement efforts.

Following additional discussion, it was moved by Councilmember McAustin, seconded by Councilmember Wilson, to approve the staff recommendation. (Motion unanimously carried) (Absent: Councilmember Gordo)

**REPORTS AND COMMENTS
FROM COUNCIL
COMMITTEES**

APPROVAL OF KEY BUSINESS TERMS OF A LOAN AGREEMENT WITH COMMUNITY HOUSING WORKS AND COMMITMENT OF HOME INVESTMENT PARTNERSHIP ACT FUNDS IN THE AMOUNT OF \$470,000 TO REHABILITATE THE NORTHWEST MANORS II APARTMENT BUILDINGS AT 700 EAST MOUNTAIN STREET AND 965 NORTH RAYMOND AVENUE

Recommendation:

(1) Find that the rehabilitation of the 44-unit Northwest Manors II apartment buildings at 700 East Mountain Street and 965 North Raymond Avenue (the "Project") does not have a significant effect on the environment and has been

determined to be categorically exempt under Class 1 (Existing Facilities) of the State of California Environmental Quality Act ("CEQA"), and, specifically, Section 15301 of the State CEQA Guidelines;

(2) Approve the key business terms of the Home Investment Partnership Act Loan Agreement ("HOME Agreement"), as described in the agenda report, between the City and Community Housing Works as a City-certified Community Housing Development Organization;

(3) Recognize revenues (6229-221-68411) and increase appropriations (8167-221-68411) in the Housing and Career Services Department FY 2016 Operating Budget in the Home Investment Partnership Act ("HOME") Fund (Fund 221) in the amount of \$470,000 for the Northwest Manors II project; and

(4) Authorize the City Manager to approve the HOME Agreement, certifications, and other documents as necessary to implement the staff recommendations.

Recommendation of the Northwest Commission: The key business terms of the subject agreement and funding commitment will be brought to the Northwest Commission at its regular meeting of July 14, 2015 for consideration of a recommendation to the City Council. (Journal Entry No. 626; Contract No. 30252)

William Huang, Director of Housing and Career Services, introduced the agenda item, and Jim Wong, Senior Project Manager, summarized the agenda report as part of a PowerPoint presentation, and responded to questions.

Mary Jane Jagodzinski, Vice President of Development with Community Housing Works, responded to City Council questions and noted that consideration will be given in providing free Wi-Fi internet access at the property.

Following discussion, it was moved by Councilmember Kennedy, seconded by Vice Mayor Masuda, to approve the staff recommendation. (Motion unanimously carried) (Absent: Councilmember Gordo)

PUBLIC COMMENT ON MATTERS NOT ON THE AGENDA

Stanley Washington, Pasadena resident, spoke regarding his proposal for staging an international women's soccer event at the Rose Bowl, and requested to meet with the City Council to further discuss his vision.

REPORTS AND COMMENTS FROM COUNCIL COMMITTEES (Continued)

APPROVAL OF THE INTERMOUNTAIN POWER PROJECT ("IPP") RENEWAL AGREEMENTS BETWEEN THE INTERMOUNTAIN POWER AGENCY AND THE CITY OF PASADENA

Recommendation:

- (1) Find that the approval of the Second Amendatory Power Sales Contract ("Contract Amendment"), Renewal Power Sales Contract ("Renewal Contract"), and Agreement for Sale of Renewal Excess Power ("Excess Renewal Agreement") (together, the "IPP Renewal Agreements") with the Intermountain Power Agency ("IPA") is categorically exempt from the California Environmental Quality Act ("CEQA") pursuant to State CEQA Guidelines, Sections 15301, 15302, and 15061(b)(3);
- (2) Authorize the City Manager or his designee to execute the IPP Renewal Agreements under the terms and conditions specified in the agenda report;
- (3) Authorize the City Manager or his designee(s) to participate in the subscription process associated with the Renewal Contract and Excess Renewal Agreement administered by the IPA for a project participation share of up to 40 MW;
- (4) Direct the City Manager or his designee(s), upon completion of the IPP Renewal Project subscription process, to report back to the City Council with the final subscription result, particularly in terms of the Renewal Contract and Excess Renewal Agreement MW and percentage entitlement shares allocated to Pasadena Water and Power ("PWP"), and any adjustment in the ultimate renewal project capacity as a result of the renewal subscription process;
- (5) Authorize the City Manager, or his designee(s), to execute any documents necessary to effectuate and administer the IPP Renewal Agreements that are consistent with the policies established by the City Council; and
- (6) Direct the City Clerk to file a Notice of Exemption pursuant to CEQA by July 31, 2015. (Contract No. 11,462-2)

Gurcharan Bawa, Assistant General Manager, introduced the agenda item and reviewed the agenda report as part of a PowerPoint presentation, and responded to questions.

Councilmember McAustin, Chair of the Municipal Services Committee, briefly described discussions held at the Municipal Services Committee (MSC).

Councilmember Hampton commended the work of the City staff and the MSC, and inquired about the cost impacts on customers as a result of the proposed action.

Following discussion, it was moved by Councilmember McAustin, seconded by Councilmember Madison, to approve the staff recommendation. (Motion carried, with Councilmember Kennedy objecting) (Absent: Councilmember Gordo)

PUBLIC HEARING

PUBLIC HEARING: HILLSIDES RESIDENTIAL CARE AND EDUCATIONAL CENTER MASTER PLAN – 940 AVENUE 64

Recommendation:

- (1) Find that the proposed Master Plan is exempt from the California Environmental Quality Act (“CEQA”) pursuant to State CEQA Guidelines Section 15301: Existing Facilities, and that Sections 15311: Accessory Structures, 15314: Minor Addition to Schools, and 15331: Historical Resource Restoration/Rehabilitation, also apply;
- (2) Adopt by resolution the specific findings (Attachment A of the agenda report) for the approval of the Hillside Master Plan (Exhibit 1 & 2 of the resolution) acknowledging that the Master Plan, as conditioned, is consistent with General Plan and Zoning Ordinance;
- (3) Approve the proposed removal of eight protected trees and nine mature trees, acknowledging that the replacement tree canopy is sustainable over the long term by adhering to the adopted replacement matrix; and
- (4) Direct the Department of Transportation staff to further review the street segments at Church Street and Avenue 64 and explore additional traffic management measures as part of the Neighborhood Traffic Management Program (“NTMP”), separate from the proposed Master Plan.

Recommendation of the Planning Commission: On May 13, 2015, the Planning Commission voted unanimously to recommend approval of the Master Plan to the City Council. The Commission discussed monitoring of parking conditions, tree removal, existing traffic condition, and addressing neighborhood concerns such as overall intensity, parking and construction-related impacts. In addition to recommending approval of the Master Plan, the Planning Commission requested that the City Council direct the Department of Transportation staff to further review the street segment at Church Street and Avenue 64 and explore additional traffic management measures as part of the Neighborhood Traffic Management Program (“NTMP”), separate from the proposed Master Plan.

Recommendation of the Design Commission: On December 9, 2014, the Design Commission reviewed the proposed Master Plan. The Design Commission recognized that the services provided by the institution are very valuable to the community, and expressed general

support of the project as the proposed plan will ultimately improve functionality of the facility and reduce parking impacts within the surrounding neighborhood. The Design Commission also commented: 1) the design of the new multi-purpose building needs further refinement; 2) periodic dialogue with neighbors during construction is encouraged; 3) construction impacts need to be addressed; and 4) impacts to historic resources should be analyzed. (Resolution No. 9446)

The City Clerk opened the public hearing and reported that 37 copies of the public hearing notice were posted on June 25, 2015; 263 copies of the public hearing notice were mailed on June 25, 2015; and no correspondence was received.

Vince Bertoni, Director of Planning and Community Development, introduced the agenda item, and Arthi Varma, Principal Planner, reviewed the agenda report as part of a PowerPoint presentation, and responded to questions.

Following discussion, the following persons spoke in support for the Hillside Residential Care and Educational Center Master Plan:

Richard A. McDonald, Esq., Applicant representative
Joe Costa, President of Hillside
Brent M. Mason, Chair of the Hillside Board
Fred Wesley, Architect
William S. Woods, II, Church of the Angels

The following person spoke in opposition to, and/or, expressed concerns regarding the Hillside Residential Care and Educational Center Master Plan:

Pilar Raynaldo, Pasadena resident, submitted written material

Councilmember Hampton requested that a discussion be conducted by the Public Safety Committee to review locally related traffic and safety issues.

Following discussion, it was moved by Councilmember Madison, seconded by Councilmember Hampton, to close the public hearing. (Motion unanimously carried) (Absent: Councilmember Gordo)

It was moved by Councilmember Madison, seconded by Councilmember Kennedy, to approve the staff recommendation. (Motion unanimously carried) (Absent: Councilmember Gordo)

RECOMMENDATIONS FROM OFFICERS AND DEPARTMENTS

APPROVAL OF CONTRACT WITH PASADENA HUMANE SOCIETY & SPCA TO PROVIDE ANIMAL CONTROL SERVICES FOR FIVE YEARS AT AN ANNUAL COST OF \$1,148,117

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;
- (2) Authorize the City Manager to enter into a contract with the Pasadena Humane Society & SPCA without competitive bidding pursuant to the City Charter Section 1002 (F), contracts for professional or unique services;
- (3) Grant this contract an exemption 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;
- (4) Authorize the City Manager to enter into a contract with Pasadena Humane Society & SPCA for five years in an amount not-to-exceed \$1,148,117 per year in years one and two, and which escalates by Consumer Price Index (CPI) for the remaining three years of the contract; and
- (5) Authorize the Pasadena Humane Society & SPCA to retain the first \$80,000 of the animal licensing revenue and split the remainder with the City on a 50/50 basis in consideration of operating the animal licensing and canvassing program. (Contract No. 30173)

The Mayor introduced the agenda item, and Brenda Harvey-Williams, Public Works Finance and Management Services Administrator, reviewed the agenda report as part of a PowerPoint presentation, and responded to questions.

Councilmember Wilson noted that information reflecting the City's current financial obligation in comparison to prior years was not included in the staff report, and suggested that staff provide historical fiscal analysis when presenting recommended contract renewals in the future.

Following additional discussion, it was moved by Councilmember Madison, seconded by Councilmember McAustin, to approve the staff recommendation. (Motion unanimously carried) (Absent: Councilmember Gordo)

ORDINANCES – ADOPTED

Adopt “AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PASADENA AMENDING PASADENA MUNICIPAL CODE TITLE 2, CHAPTER 2.40, CITY MANAGER’S DEPARTMENT TO ADD THE ECONOMIC DEVELOPMENT PROGRAM TO THE DEPARTMENT FUNCTIONS AND TO REMOVE THE ARTS PROGRAM FROM THE DEPARTMENT FUNCTIONS; CHAPTER 2.95, NORTHWEST COMMISSION TO EXPAND THE PURPOSE AND FUNCTIONS OF THE NORTHWEST COMMISSION; CHAPTER 2.270 TO RENAME THE PLANNING AND DEVELOPMENT DEPARTMENT TO BECOME THE PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT AND TO REMOVE ECONOMIC DEVELOPMENT ACTIVITIES FROM THE DEPARTMENT FUNCTIONS; CHAPTER 2.680 TO RENAME THE HOUSING DEPARTMENT TO BECOME THE HOUSING AND CAREER SERVICES DEPARTMENT AND TO INCLUDE CAREER SERVICES IN THE DEPARTMENT FUNCTIONS; AND ELIMINATING CHAPTER 2.10, COMMUNITY DEVELOPMENT COMMISSION, IN ITS ENTIRETY” (Introduced by Vice Mayor Masuda) (Ordinance No. 7263)

The above ordinance was adopted by the following vote:

AYES: Councilmembers Hampton, Kennedy, Madison, McAustin, Wilson, Vice Mayor Masuda, Mayor Tornek

NOES: None

ABSENT: Councilmember Gordo

Adopt “AN ORDINANCE OF THE CITY OF PASADENA AMENDING CHAPTER 8.60 (SOLID WASTE) AND CHAPTER 8.61 (SOLID WASTE COLLECTION FRANCHISE SYSTEM) OF THE PASADENA MUNICIPAL CODE TO OPEN THE FRANCHISE SYSTEM TO COMPOSTING HAULERS, CORRECT OMISSIONS FROM THE ORIGINAL ORDINANCES, CLARIFY AND/OR ADD DEFINITIONS AND REQUIREMENTS FOR COMPOSTING, CONSTRUCTION AND DEMOLITION DEBRIS, AND OTHER HAULERS, AND TO ALLOW COMPOSTING ENTITIES TO COLLECT SPECIFIED MATERIAL FROM COMMERCIAL ENTITIES AND SINGLE FAMILY RESIDENCES” (Introduced by Councilmember McAustin) (Ordinance No. 7264)

The above ordinance was adopted by the following vote:
AYES: Councilmembers Hampton, Kennedy, Madison,
McAustin, Wilson, Vice Mayor Masuda, Mayor
Tornek
NOES: None
ABSENT: Councilmember Gordo

COUNCIL COMMENTS

Councilmember Madison reported on a recent productive joint meeting of the Burbank-Glendale-Pasadena Airport Authority and Burbank City Council regarding a proposed replacement terminal at the airport.

Councilmember Kennedy thanked Councilmember Wilson and others involved in facilitating a tour of Idealab for a delegation from China.

The City Manager reminded everyone about the upcoming international soccer game at the Rose Bowl on July 21, 2015, and stated that additional information related to the event can be found on the City's website.

ADJOURNMENT

On order of the Mayor, the regular meeting of the City Council adjourned at 10:01 p.m., in memory of Michael D. Schneickert, a successful Pasadena businessman and active community member.

Terry Tornek, Mayor
City of Pasadena

ATTEST:

City Clerk