

CITY OF PASADENA
City Council Minutes
March 7, 2016 – 5:30 P.M.
City Hall Council Chamber

REGULAR MEETING

OPENING:

Mayor Tornek called the regular meeting to order at 5:49 p.m.
(Absent: None)

On the order of the Mayor, the regular meeting recessed at 5:49 p.m., to discuss the following closed session:

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

Agency Designated Representative: Steve Mermell and Jennifer Curtis
Employee Organization: Pasadena Management Association (PMA)

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: 275 East Cordova Street, Pasadena, California

Agency Negotiators: Steve Mermell
Negotiating Party: Anders Plett

Under Negotiation: Price and terms of payment

CITY COUNCIL CONFERENCE REGARDING PUBLIC EMPLOYEE PERFORMANCE EVALUATION pursuant to Government Code Section 54957

Title: Interim City Manager

The above two closed session items were not discussed.

CITY COUNCIL CONFERENCE REGARDING PUBLIC EMPLOYEE PERFORMANCE EVALUATION pursuant to Government Code Section 54957 and **CITY COUNCIL CONFERENCE** with Labor Negotiator pursuant to Government Code Section 54957.6

Position Title and Unrepresented Employee: City Attorney/City Prosecutor

City Representative: Terry Tornek

The above closed session item was discussed following the conclusion of the regular meeting (see below).

On order of the Mayor, the regular meeting reconvened at 6:33 p.m. The pledge of allegiance was led by Vice Mayor Masuda.

ROLL CALL:

Councilmembers:

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

Staff:

Interim City Manager Steve Mermell
City Attorney Michele Beal Bagneris
City Clerk Mark Jomsky

CEREMONIAL MATTERS

Nat Nehdar and Justin Jones, Human Relations Commissioners, and joined by Mayor Tornek, presented the Models of Unity Award to Dr. Steven Kwon of Nutrition & Education International, for his humanitarian work in Afghanistan and other provinces.

**PUBLIC COMMENT ON
MATTERS NOT ON THE
AGENDA**

Floyd Folven, Pasadena resident, restated his comments from the February 22, 2016 Finance Committee meeting regarding the City's financial status, along with his public safety concerns.

Fritz Puelicher, Pasadena resident, urged the City to protect the open space land in East Pasadena.

David Llanes, Pasadena Police Officers' Association, expressed concerns regarding the retention of Pasadena Police Officers and the ability to meet the City's demands for police presence throughout the City.

Jen Suh, California Nurses Association, distributed information and spoke on litigation matters between the National Labor Relations Board and Huntington Memorial hospital; and asked the City Council to mediate the issues between hospital administration and nurses to resolve the labor conflict.

Josh Liddy, Los Angeles resident, spoke on the California Public Records Act (CPRA) as it relates to his inability to receive requested documents from the Pasadena Humane Society (PHS), and asked for the City's assistance in procuring the requested documents.

In response to Mr. Liddy's inquiry, Michele Beal Bagneris, City Attorney, responded that as a non-profit agency, PHS may not be subject to the same disclosure requirements under the CPRA as a public agency such as the City, but stated her Office would review the legal standing of a non-profit receiving public funding and the impacts this may have on their obligation to respond to CPRA requests.

Councilmember Gordo, Chair of EDTech, informed the City Attorney that at the March 3, 2016 EDTech meeting, he requested that staff research the question of CPRA obligations for City contractors, including PRA requirements through contractual agreements; and expressed concerns with any lack of transparency for City contracted services.

CONSENT CALENDAR

Item discussed separately

Item discussed separately

APPROVAL OF AN INCREASE TO PURCHASE ORDER CONTRACT NO. 1160093 WITH MV CHENG & ASSOCIATES FOR TEMPORARY STAFFING ASSISTANCE

AUTHORIZATION TO ENTER INTO A PURCHASE ORDER CONTRACT WITH FRONTIER FORD FOR THE PURCHASE OF SIX ½-TON PICKUP TRUCKS FOR THE WATER AND POWER DEPARTMENT

AMENDMENT TO SECTION 3.24.090 OF THE PASADENA MUNICIPAL CODE TO ALLOW FOR THE SERVICE OF ALCOHOL AT CASITA DEL ARROYO

Recommendation:

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

(2) Direct the City Attorney to prepare and return within 60 days with an amendment to Section 3.24.090 of the Pasadena Municipal Code to add Casita del Arroyo to the list of city-owned properties at which the City Manager may permit the serving of alcoholic beverages.

Recommendation of the Recreation and Parks

Commission: On March 1, 2016, the Recreation and Parks Commission recommended that the City Council direct the City Attorney to prepare and return within 60 days with an amendment to Section 3.24.090 of the Pasadena Municipal Code to add Casita del Arroyo to the list of city-owned properties at which the City Manager may permit the serving of alcoholic beverages.

MINUTES APPROVED

January 13, 2014
February 22, 2016

CLAIMS RECEIVED AND FILED

| | | |
|------------------|--|------------|
| Claim No. 12,587 | William Cheng | \$ 479.60 |
| Claim No. 12,588 | Anh Luu | 728.66 |
| Claim No. 12,589 | Richard M. Laden, Esq. attorney for Maria Rodriguez Escobedo | 25,000.00+ |
| Claim No. 12,590 | United financial Insurance as subrogee for Warren Leonard | 1,919.74 |
| Claim No. 12,591 | Demetrius Nelson | Not Stated |

PUBLIC HEARING SET

April 4, 2016, 7:00 p.m. – Public Hearing To Consider Certification of the Environmental Impact Report (EIR) for the Music and Arts Festival in the Arroyo Seco and Related Project Approvals

April 18, 2016, 7:00 p.m. – Amendment No. 3 to the Annual Action Plan (Program Year 2015-2016) for the Community Development Block Grant Program

April 25, 2016, 7:00 p.m. – Fiscal Year 2017-2021 Recommended Capital Improvement Program Budget

May 2, 2016, 7:00 p.m. – Approval of the Annual Action Plan (2016-2017) and Related Funding Applications for the Community Development Block Grant, Home Investment Partnership Act, and Emergency Solutions Grant Programs

It was moved by Councilmember Kennedy, seconded by Councilmember Madison, to approve all items on the Consent Calendar, with the exception of Item 1 (Approval of an Increase to Purchase Order Contract No. 1160093 with MV Cheng & Associates) and Item 2 (Authorization to Enter into a Purchase Order Contract with Frontier Ford), which were discussed separately. (Motion unanimously carried) (Absent: None)

CONSENT ITEMS DISCUSSED SEPARATELY

APPROVAL OF AN INCREASE TO PURCHASE ORDER CONTRACT NO. 1160093 WITH MV CHENG & ASSOCIATES FOR TEMPORARY STAFFING ASSISTANCE
Recommendation:

(1) Find that the proposed action is not subject to the California Environmental Quality Act (CEQA) as defined in Section 21065 of CEQA and Section 15378 of the State CEQA Guidelines and, as such, no environmental document pursuant to CEQA is required for the project;

(2) Authorize an increase to Purchase Order Contract No. 1160093 with MV Cheng & Associates from the current not-to-exceed amount of \$250,000 to a new not-to-exceed amount of \$370,000. Competitive bidding is not required pursuant to City Charter Section 1002(F), contracts for professional or unique services; and

(3) To the extent this could be considered a separate transaction subject to competitive selection, grant the proposed transaction an exemption pursuant to Pasadena Municipal Code Section 4.08.049(B), contracts for which the City's best interests are served.

Floyd Folven, Pasadena resident, expressed concerns with the City contracting out key positions in the Finance Department.

Councilmember Wilson asked staff to provide recruitment data on key positions in the various departments of the City, and information regarding recruiting plans to procure quality applicants.

Following discussion, it was moved by Vice Mayor Masuda, seconded by Councilmember Gordo, to approve the staff recommendation. (Motion unanimously carried) (Absent: None)

AUTHORIZATION TO ENTER INTO A PURCHASE ORDER CONTRACT WITH FRONTIER FORD FOR THE PURCHASE OF SIX ½-TON PICKUP TRUCKS FOR THE WATER AND POWER DEPARTMENT

Recommendation:

(1) Find that 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) Accept the bid dated December 15, 2015, submitted by Frontier Ford, in response to a Notice Inviting Bids to Furnish and Deliver Six ½-ton Crew Cab Short Bed Trucks for the Water and Power Department; and

(3) Authorize the issuance of a purchase order contract with Frontier Ford for an amount not-to-exceed \$178,594.50, for the purchase of six ½-ton crew cab short bed trucks.

Steve Mermell, Interim City Manager, and Michele Bagneris, City Attorney, responded to questions regarding the thresholds for the City's professional services and competitive bidding processes.

Councilmember Hampton requested information on the steps required for the City Council to amend the competitive bidding process to provide local vendors with a greater preference.

Following discussion, it was moved by Vice Mayor Masuda, seconded by Councilmember McAustin, to approve the staff recommendation. (Motion carried, with Councilmember Hampton objecting) (Absent: None)

OLD BUSINESS

ORAL PRESENTATION ON LEVEL 4 WATER SUPPLY SHORTAGE AND METROPOLITAN WATER DISTRICT (MWD) SHUTDOWN (*To be heard at 6:45 p.m., or thereafter*)

Shari Thomas, Interim General Manager, Water and Power, provided an oral update on the City's conservation efforts, MWD's construction project, the City's water usage levels, and thanked the residents for conserving water during the shutdown; and responded to questions.

Following a brief discussion, by consensus of the City Council, and on order of the Mayor, the information was received and filed.

PUBLIC HEARINGS

Councilmember Kennedy was excused at 7:14 p.m., and left the dais.

PUBLIC HEARING: APPROVAL OF SUBSTANTIAL AMENDMENT TO ANNUAL ACTION PLAN 2015-2016 PERTAINING TO HOME INVESTMENT PARTNERSHIPS PROGRAM FUNDING

Recommendation: It is recommended that the City Council continue the public hearing to the March 14, 2016 City Council meeting at 7:00 p.m.

It was moved by Councilmember McAustin, seconded by Councilmember Gordo, to approve the staff recommendation to continue the public hearing listed above to March 14, 2016, at 7:00 p.m. (Motion unanimously carried) (Absent: Councilmember Kennedy)

ORDINANCE – FIRST READING

Councilmember Kennedy returned at 7:23 p.m.

Conduct first reading of "AN ORDINANCE OF THE CITY OF PASADENA ADDING CHAPTER 5.02 TO TITLE 5, ARTICLE I OF THE PASADENA MUNICIPAL CODE TO REQUIRE THE PAYMENT OF A CITY-WIDE MINIMUM WAGE"

City Attorney Bagneris noted that on page 7 of the Ordinance, Section 5.02.065, paragraph B3, the date July 1, 2021 has been corrected to read, "July 1, 2022", which is consistent with the direction provided by City Council at the February 1, 2016 City Council meeting.

Councilmember Wilson asked that the Economic Development and Technology Committee (EDTech) develop the metrics to be used to monitor impacts of the city-wide minimum wage as the basis for staff's annual reporting to the City Council.

The following individuals spoke in favor of the City adopting the above noted ordinance and provided comments and/or suggestions regarding various aspects of the item:

Rosa Valderas, Pasadena resident, distributed thank you cards to the City Council
Frank Trejo, Fight for \$15LA
Ed Washatka, Pasadenans for a Livable Wage (PLW)
Kushan Dasgupta, Restaurant Opportunities Center (ROC)
Dale Gronemeier, Eagle Rock resident
Pablo Alvarado, Day Worker Center, distributed copies of cases of victims of wage theft

Councilmember Gordo, EDTech Chair, reported that a working group has formed to discuss the enforcement aspects of the City's wage ordinance and a recommendation (developed through EDTech) will be presented to the City Council in 60 to 90 days addressing the legal and practical issues of the City's ordinance, enforcement roles, and outreach/education plan.

Councilmember Madison reiterated his preference that the provision requiring a second action of the City Council in February 18, 2019 be removed, so as not to impede the hourly wage from automatically rising to \$15.00 on July 1, 2020, and suggested that a Consumer Price Index (CPI) wage increase be effective in 2019 and not be linked to the ordinance. He also requested that the ordinance be amended to include retaliatory rebuttable presumption language.

Councilmembers McAustin and Kennedy stated their support for amending the ordinance to include retaliatory rebuttable presumption language.

City Attorney Bagneris proposed the following language to be included in the City's ordinance: page 4, Section 5.02.030 Retaliatory Action Prohibited, "Taking adverse action against a person within ninety (90) days of the person's exercise of rights protected under this chapter, in a civil or administrative proceeding, shall raise a rebuttable presumption of having done so in retaliation for the exercise of such rights." and page 5, Section 5.02.050 Implementation, Enforcement, and Remedies, end of paragraphs A and B "...and for each and every employee or person as to whom the violation occurred or continued."

The above ordinance was offered for first reading by Councilmember Gordo with the date correction and additional language as noted above:

AYES: Councilmembers Gordo, Hampton, Kennedy,
Madison, McAustin, Wilson, Vice Mayor Masuda,
Mayor Tornek
NOES: None
ABSENT: None
ABSTAIN: None

CONSIDERATION OF A CALL FOR REVIEW OF A HEARING OFFICER DECISION TO THE BOARD OF ZONING APPEALS DECISION TO THE CITY COUNCIL REGARDING HILLSIDE DEVELOPMENT PERMIT NO. 6315 ALLOWING FOR THE CONSTRUCTION OF A 577 SQUARE-FOOT TWO-STORY ADDITION TO AN EXISTING 1,547 SQUARE-FOOT, SINGLE-STORY, SINGLE-FAMILY RESIDENCE WITH A 329 SQUARE-FOOT DETACHED GARAGE IN THE RS-6-HD-SR ZONING DISTRICT, FOR THE PROJECT LOCATED AT 518 GLEN HOLLY DRIVE (Councilmember Madison)

The City Clerk clarified that the item title is amended to remove "HEARING OFFICER DECISION" and include "...DECISION TO THE CITY COUNCIL" as corrected above.

Following staff's confirmation that a public hearing would be held by the City Council to consider an appeal of the Board of Zoning Appeals decision, Councilmember Madison withdrew his request for a Call for Review of the matter.

The following individuals submitted public speaker cards and/or spoke in opposition to a Call for Review of the project:

Floyd Folven, Pasadena resident
Jerri Johnson, Pasadena resident
Ronald Johnson, Pasadena resident
Blaine Cavena, Pasadena resident
Scott Street, Pasadena resident
Emily Street, Pasadena resident
Paul Watson, Pasadena resident
Stacie Mayoras, Pasadena resident
Kim Kolbek, Pasadena resident
Diana Van de Kamp, Pasadena resident
Prescindia Behr, Pasadena resident
Richard McDonald, Counsel for applicant
Burke Farrar, Representing property owner

In response to claims of construction without proper permits by a public speaker, Councilmember Kennedy asked staff to research the project address (518 Glen Holly Drive) to ensure the proper permits were applied for by the applicant and issued by the City.

Following a brief discussion, by consensus of the City Council, and on order of the Mayor, the information was received and filed.

CITY OF PASADENA DEFERRED COMPENSATION PLAN PERFORMANCE REVIEW - PERIOD ENDING DECEMBER 31, 2015; AND AMENDMENTS TO THE CITY'S DEFERRED COMPENSATION PLAN, TO UPDATE THE CURRENT LANGUAGE TO REFLECT THE PROCESS USED TO APPOINT AND ELECT COMMITTEE MEMBERS

Recommendation: It is recommended that the City Council/Plan Trustees:

- (1) Find that the proposed action is not a project subject to California Environmental Quality Act (CEQA) as defined in Section 21065 of CEQA and Section 15378 of the State CEQA Guidelines and, as such, no environmental document pursuant to CEQA is required for the project;
- (2) Receive the performance review for the City's Deferred Compensation Plan for the period ending June 30, 2015; and
- (3) Approve the amendments to the Plan Document to reflect the process used to appoint and elect members of the Deferred Compensation Oversight Committee.

Steve Mermell, Interim City Manager and Deferred Compensation Plan Committee Chair, introduced the agenda item, provided information on the City's Deferred Compensation Committee Board, and responded to questions.

Jayson Davidson, Consultant for the Hyas Group, provided a PowerPoint presentation on the item, and responded to questions.

Following discussion, it was moved by Councilmember Kennedy, seconded by Councilmember Wilson, to approve the staff recommendation. (Motion unanimously carried) (Absent: None)

ORDINANCE – ADOPTED

Adopt "AN ORDINANCE OF THE CITY OF PASADENA AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF PASADENA ESTABLISHED BY SECTION 17.20.020 OF THE PASADENA MUNICIPAL CODE (TARGETED IMPLEMENTATION OF THE GENERAL PLAN LAND USE

DIAGRAM)" (Introduced by Councilmember McAustin)
(Ordinance No. 7275)

The above ordinance was adopted by the following vote:

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

NOES: None

ABSENT: None

ABSTAIN: None

**Adopt "AN ORDINANCE OF THE CITY OF PASADENA
AMENDING VARIOUS PROVISIONS OF TITLE 17 (ZONING
CODE) OF THE PASADENA MUNICIPAL CODE TO ALLOW
HOSPITAL USES WITH A CONDITIONAL USE PERMIT
WITHIN THE SOUTH FAIR OAKS SPECIFIC
PLAN"(Introduced by Councilmember Madison) (Ordinance No.
7276)**

The above ordinance was adopted by the following vote:

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

NOES: None

ABSENT: None

ABSTAIN: None

**Adopt "AN ORDINANCE OF THE CITY OF PASADENA
AMENDING VARIOUS PROVISIONS OF TITLE 17 (ZONING
CODE) OF THE PASADENA MUNICIPAL CODE TO DELETE
THE REQUIREMENT THAT NEW PLANNED
DEVELOPMENTS ARE CONSISTENT WITH THE ALLOWED
LAND USES IN THE EXISTING SPECIFIC PLANS, TO
ALLOW INCREASED FAR AND RESIDENTIAL DENSITY IN
NEW PLANNED DEVELOPMENTS, AND TO REMOVE
REFERENCES TO DEVELOPMENT CAPACITIES IN THE
EAST COLORADO SPECIFIC PLAN AND EAST PASADENA
SPECIFIC PLAN" (Introduced by Councilmember Kennedy)
(Ordinance No. 7277)**

The following individuals spoke in opposition of adopting the
above noted ordinance:

Meena Pennington, Pasadena resident

Bob Kneisel, Pasadena resident

Following discussion, the above ordinance was adopted by the
following vote:

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

NOES: None

ABSENT: None

ABSTAIN: None

**RECOMMENDATIONS FROM
OFFICERS AND
DEPARTMENTS**

**REQUEST FOR DIRECTION REGARDING THE FORMATION
OF A CHARTER STUDY TASK FORCE**

Recommendation:

(1) Find that the proposed action is exempt from California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15061(b)(3), ("General Rule");

(2) Review a list of potential charter amendment issues and provide direction to staff on whether to proceed with the formation of a Charter Study Task Force to study potential amendments to the City Charter; and

(3) Direct staff to prepare a Request for Proposals seeking consultant services to lead the Charter Study process.

Recommendation of the Legislative Policy Committee: On January 26, 2016, the Legislative Policy Committee received a report from staff regarding the California Voter Participation Rights Act (Elections Code Sections 14050 – 14057) and a request for direction regarding the formation of a Charter Study Task Force. Following discussion, it was the direction of the Committee to forward the matter to the full City Council for consideration on how to proceed.

Mark Jomsky, City Clerk, reviewed the agenda item as part of a PowerPoint presentation, and responded to questions.

Councilmember Kennedy expressed his preference for staff to organize community meetings to receive feedback from voters on charter reform issues that are relevant to the community prior to forming a taskforce and contracting consulting services.

Councilmember McAustin expressed concerns with the Voter Participation Rights Act enacted by State legislation that could potentially force the City to move to state election dates, citing a number of negative impacts on City and School District elections.

Councilmember Hampton expressed reservations on the proposed budget for consultant services to lead the Charter Study process, as well as the relevancy of the issues cited by staff to Pasadena voters.

Councilmember Gordo voiced support for a charter amendment that would provide all Councilmembers from any district equal opportunity to run for the Office of Mayor, noting that Councilmembers from Districts 1, 2, 4, and 6 are required to choose between running for incumbent seats or for the Office of Mayor due to the concurrent scheduling of these races on the same election cycle.

In addition, Councilmember Gordo requested that the City Attorney work with other charter cities and the League of Cities to send a letter to the Attorney General for a determination on whether the California Voter Participation Rights Act applies to charter cities, and any resulting liability or exposure Pasadena may have under the new law.

The following individuals spoke in favor of the item and provided comments and/or suggestions regarding potential topics to be reviewed by a Charter Study Committee:

Dale Gronemeier, Coalition for Increased Civilian Oversight
for the Pasadena Police
Richard McDonald, Pasadena resident

Councilmember Wilson voiced support for a charter study task force, however, requested collecting data on budgetary context and compliance requirements in synchronizing the City's voting calendar.

Following discussion, and by consensus of the City Council, the City Attorney was directed to send a letter to the Attorney General, potentially working with Assemblymember Chris Holden, other Charter cities, and the California League of Cities, requesting guidance/clarity regarding the applicability of the California Voter Participation Rights Act on charter cities, as well as any potential liability that may exist, and tabled this item, to be agendaized at a future City Council meeting when further information has been received.

INFORMATION ITEM

STATUS UPDATE FOR THE BICYCLE TRANSPORTATION ACTION PLAN

Recommendation: This report is intended to provide information to the City Council; therefore, no action is required.

Fred Dock, Director of Transportation and Richard Dilluvio, Pedestrian and Bicycle Coordinator, provided a PowerPoint presentation on the agenda item and responded to questions.

Councilmember Kennedy suggested that staff visit other cities such as Palo Alto and San Jose, to study other models of bike lanes, and return to the City Council with an update.

Following a brief discussion, by consensus of the City Council, and on order of the Mayor, the information was received and filed.

On the order of the Mayor, the regular meeting recessed at 11:06 p.m.

CITY COUNCIL CONFERENCE REGARDING PUBLIC EMPLOYEE PERFORMANCE EVALUATION pursuant to Government Code Section 54957 and CITY COUNCIL CONFERENCE with Labor Negotiator pursuant to Government Code Section 54957.6

Position Title and Unrepresented Employee: City Attorney/City Prosecutor

City Representative: Terry Tornek

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

ADJOURNMENT

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

Terry Tornek, Mayor
City of Pasadena

ATTEST:

City Clerk