

CITY OF PASADENA
City Council Minutes
November 16, 2015 – 5:30 P.M.
City Hall Council Chamber

REGULAR MEETING

OPENING:

Mayor Tornek called the regular meeting to order at 5:53 p.m. (Absent: Councilmember Madison)

On the order of the Mayor, the regular meeting recessed at 5:53 p.m., to discuss the following closed sessions:

CITY COUNCIL CONFERENCE WITH LEGAL COUNSEL regarding pending litigation pursuant to Government Code Section 54956.9(d)(1)

**Name of Case: City of Pasadena, et al. v. Cohen, et al.
Court of Appeal Case No. C079582**

**CITY COUNCIL CLOSED SESSION WITH LEGAL COUNSEL REGARDING CONSIDERATION OF INITIATION OF LITIGATION pursuant to paragraph (4) subdivision (d) of Government Code Section 54956.9:
One potential case**

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

Property Locations: 1855 North Fair Oaks Avenue, Pasadena, CA

Agency Negotiators: Michael J. Beck and Steve Mermell

Negotiating Party: Sergio Bautista

Under Negotiation: Price and terms of payment

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

Property Locations: 1845 North Fair Oaks Avenue, Pasadena, CA

Agency Negotiators: Michael J. Beck and Steve Mermell

Negotiating Party): Al Ballesteros and Michael Johnson

Under Negotiation: Price and terms of payment

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 Hampton.

ROLL CALL:

Councilmembers:

Mayor Terry Tornek
Vice Mayor Gene Masuda
Councilmember Victor Gordo
Councilmember Tyron Hampton
Councilmember John J. Kennedy (Arrived at 6:50 p.m.)
Councilmember Steve Madison (Absent)
Councilmember Margaret McAustin
Councilmember Andy Wilson

Staff:

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

CEREMONIAL MATTERS

The Mayor introduced Dr. Rajen Vurdien, Superintendent-President of Pasadena City College (PCC), and provided the City Council with a brief description on his professional background and achievements. Dr. Vurdien mentioned a number of PCC's and student accomplishments over the years.

Dale L. Gronemeier, representing the National Association for the Advancement of Colored People (NAACP), ACT Pasadena, Interdenominational Ministerial Alliance (IMA), Anya Slaughter, and Kris Ockershauser, spoke regarding the Office of Independent Review's (OIR) report concerning the officer involved shooting of Kendrec McDade, and strongly urged the City to support the release of the maximum amount of information that can legally be released.

In response to Councilmember Kennedy, the City Attorney briefly clarified to the City Council the City's position on the matter related to the release of the OIR report.

Marla Tauscher, Shelter Track, expressed her concerns regarding the Pasadena Humane Society (PHS) as it relates to PHS's operations and finances, alleged that significant discrepancies exist between PHS's and the City's revenue reports for the collection of dog license fees, and requested the City's support in addressing the matter.

Councilmember Hampton noted that he has received correspondence from his constituents regarding the PHS, and requested that a presentation be made by the organization to address some of concerns raised by the

speaker, with Councilmember Gordo suggesting that the presentation be made at a future Economic Development and Technology Committee meeting to allow for a discussion on service related matters, as well as to address concerns regarding the dog licensing program.

The following individuals expressed concerns regarding the lack of signage for the Reese's Retreat accessible playground:

Terrie Allen, Residence unknown
Donna Pomerantz, Pasadena resident
Graham Sellers, South Pasadena, spoke regarding signage at Reese's Retreat, and stated his desire to reinstate "paperboys" for the delivery of mail packages in the City, and submitted written material.
Marchelle Sellers, South Pasadena

In response to Councilmembers Hampton and McAustin, the City Manager noted that a status update on the signage at Reese's Retreat will be provided in the City Manager's Weekly newsletter, and mentioned that a response will be sent directly to the speakers.

Dave Llanes, Pasadena Police Officers Association (PPOA), announced the merger of the PPOA and the Pasadena Police Sergeants Association (PPSA) into one bargaining unit, briefly commented on the release of the OIR report, noting that the PPOA is not against its release, and submitted written material regarding the merger.

Michelle White, American Civil Liberties Union (ACLU), reiterated concerns regarding the release of the OIR report, asked that the City support the public's right to review all information that can legally be released at this time, and requested that the City Attorney oppose the PPOA position on the matter.

CONSENT CALENDAR

CONTRACT AWARD TO CALTEC CORPORATION FOR RESTROOM REPLACEMENT AT EATON-BLANCHE PARK FOR AN AMOUNT NOT-TO-EXCEED \$678,000

CONTRACT AWARD TO THE NAZERIAN GROUP FOR RESTROOM REPLACEMENT AT CENTRAL PARK FOR AN AMOUNT NOT-TO-EXCEED \$676,000

Recommendation:

(1) Find the project proposed in the agenda report to be categorically exempt under the California Environmental Quality Act (CEQA) Guidelines in accordance with Title 14, Chapter 3, Class 2, Section 15302, replacement of a

commercial structure with a new structure of substantially the same size, purpose, and capacity; and (2) Accept the bid dated October 14, 2015, submitted by The Nazerian Group in response to the Project Specifications for Restroom Replacement at Central Park, and authorize the City Manager to enter into such contract as is required for an amount not-to-exceed \$676,000. (Contract No. 30391)

EXTENSION OF SERVICES CONTRACT NUMBER 21,261-2 WITH APEX SECURITY GROUP FOR SUPPLEMENTAL TRAFFIC CONTROL SERVICES AT SPECIAL EVENTS

Recommendation:

(1) Find that the extension of Services Contract No. 21,261-2 with Apex Security Group 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.

(2) Extend the term of Contract No. 21,261-2 with Apex Security Group for supplemental traffic control services at special events from its current termination date of December 31, 2015 to June 30, 2016 at a total not-to-exceed amount for the extension period of \$100,000; and

(3) To the extent this transaction could be considered a separate procurement subject to competitive selection, grant the proposed contract with Apex Security Group an exemption from the Competitive Selection process set forth in 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 No. 21,261-3)

AMENDMENT TO CONTRACT NO. 30091 WITH ENVIRONMENTAL SCIENCE ASSOCIATES (ESA), TO INCREASE THE TOTAL NOT-TO-EXCEED AMOUNT BY \$113,982 FROM \$503,918 TO \$617,900 FOR THE PREPARATION OF ENVIRONMENTAL DOCUMENTS FOR THE PROPOSED ARROYO SECO MUSIC AND ARTS FESTIVAL

Recommendation

(1) Find that the amendment to Contract No. 30091 with Environmental Science Associates (ESA) is exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15061(b)(3) (General Rule);

(2) Authorize the City Manager to amend Contract No. 30091 with Environmental Science Associates (ESA) by increasing the total not-to-exceed amount by \$113,982

from \$503,918 to \$617,900 for the continued preparation of environmental documents related to the proposed Arroyo Seco Music and Arts Festival; and

(3) To the extent this transaction could be considered a separate procurement subject to competitive selection, grant the proposed contract an exemption from the Competitive Selection process set forth in the Competitive Bidding and Purchasing Ordinance pursuant to Pasadena Municipal Code Section 4.08.049 (B), contract for which the City's best interests are served. (Contract No. 30091-1)

ADOPT A RESOLUTION AND ESTABLISH A NEW CLASSIFICATION OF BUILDING INSPECTION SUPERVISOR AND SET SALARY CONTROL RATE

Recommendation: It is recommended that the City Council adopt a resolution and establish a new classification of Building Inspection Supervisor and set the salary control rate. (Resolution No. 9471)

APPROVAL OF NON-REPRESENTED NON-MANAGEMENT SALARY RESOLUTION

Recommendation: It is recommended that the City Council approve the Non-Represented Non-Management salary resolution. (Resolution No. 9470)

CONTRACT AWARD TO VART CONSTRUCTION, INC., FOR SRYS-5064(071), SAFE ROUTES TO SCHOOL – LINCOLN AVENUE FOR AN AMOUNT NOT-TO-EXCEED \$315,000

AUTHORIZATION TO ENTER INTO MASTER CONTRACTS WITH VERIZON WIRELESS AND SPRINT SOLUTIONS, INC., TO PROVIDE WIRELESS VOICE AND BROADBAND SERVICES AND EQUIPMENT

Recommendation:

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

(2) Authorize the City Manager to enter into a master contract with Verizon Wireless to provide wireless voice and broadband services and equipment (smartphones, cell phones, tablets, netbooks, hotspots, and accessories) in an amount not-to-exceed \$255,000 per fiscal year for four years through June 30, 2019, for a grand total not-to-exceed of \$1,020,000. The proposed contract is exempt from the competitive bidding requirements pursuant to Charter Section 1002(H), contract with other governmental entities or their contractors for labor, material, supplies, or services;

(3) Authorize the City Manager to enter into a master contract with Sprint Solutions, Inc., to provide wireless voice and broadband services and equipment (smartphones, cell phones, tablets, netbooks, hotspots, and accessories) in an amount not-to-exceed \$60,000 per fiscal year for four years through June 30, 2019, for a grand total not-to-exceed of \$240,000. The proposed contract is exempt from the competitive bidding requirements pursuant to Charter Section 1002(H), contracts with other governmental entities or their contractors for labor, material, supplies, or services; and
 (4) Grant the proposed contract an exemption from the Competitive Selection process pursuant to Pasadena Municipal Code Section 4.08.049(B), contracts for which the City's best interests are served. (Contract Nos 30455 and 30422)

APPOINTMENT OF PATRICIA KEANE TO THE PLANNING COMMISSION (District 2 Nomination)

APPOINTMENT OF ALEXANDER BOEKELHEIDE TO THE PASADENA COMMUNITY ACCESS CORPORATION BOARD (Pasadena City College Nomination)

MINUTES APPROVED

August 31, 2015
 September 7, 2015
 September 14, 2015
 September 21, 2015

CLAIMS RECEIVED AND FILED

Claim No. 12,513	James B. Copelan	\$ 434.13
Claim No. 12,514	Corey W. Glave, Attorney for Ivis Moran	25,000.00+
Claim No. 12,515	Law Office of Carol D. Kellogg, representing Ronald Gomez, Jr.	25,000.00+
Claim No. 12,516	David Tsang	180.00
Claim No. 12,517	Mercury Insurance as Subrogee for Lucy Jarrad McCray	1,611.79
Claim No. 12,518	Fernando Roldan c/o Metz & Harrison, LLP	25,000.00+
Claim No. 12,519	Robert Arnaud	300.00
Claim No. 12,520	Victoria Portillo	160.45
Claim No. 12,521	Clarisa Hernandez	180.00

It was moved by Councilmember McAustin, seconded by Councilmember Kennedy, to approve all items on the Consent Calendar, with the exception of Item 1 (Contract Award to CALTEC Corporation for Restroom Replacement at Eaton-Blanche Park), Item 7 (Contract Award to Vart Construction, Inc., for SRTS-5064(071)), Safe Routes to School – Lincoln Avenue), which were discussed separately. (Motion unanimously carried) (Absent: Councilmember Madison)

CONSENT ITEM
DISCUSSED SEPARATELY

CONTRACT AWARD TO CALTEC CORPORATION FOR RESTROOM REPLACEMENT AT EATON-BLANCHE PARK FOR AN AMOUNT NOT-TO-EXCEED \$678,000

Recommendation:

- (1) Find the project proposed in the agenda report to be categorically exempt under the California Environmental Quality Act (CEQA) Guidelines in accordance with Title 14, Chapter 3, Class 2, Section 15302, replacement of a commercial structure with a new structure of substantially the same size, purpose, and capacity; and
- (2) Accept the bid dated September 30, 2015, submitted by CALTEC Corporation in response to the Project Specifications for Restroom Replacement at Eaton-Blanche Park, and authorize the City Manager to enter into such contract as is required for an amount not-to-exceed \$678,000. (Contract No. 30390)

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

CONTRACT AWARD TO VART CONSTRUCTION, INC., FOR SRTS-5064(071), SAFE ROUTES TO SCHOOL – LINCOLN AVENUE FOR AN AMOUNT NOT-TO-EXCEED \$315,000

Recommendation:

- (1) Find the project in the agenda report to be categorically exempt under the California Environmental Quality Act (CEQA) Guidelines in accordance with Title 14, Chapter 3, Class 1, Section 15301, minor alterations of existing public facilities involving negligible or no expansion of use beyond that previously existing at the time of the lead agency's determination; and
- (2) Accept the bid dated October 23, 2015, submitted by Vart Construction, Inc., in response to the Specifications for Safe Routes to School – Lincoln Avenue, and authorize the City Manager to enter into such contract for an amount not-to-exceed \$315,000. (Contract No. 30392)

Councilmember Kennedy left at 7:43 p.m.

In response to questions from Councilmember Wilson, Steve Wright, City Engineer, agreed to provide historical data to Councilmember Wilson as it relates to the number of projects that have been covered under the "Federal Safe Routes to School" program, including the current status and costs for each project.

It was moved by Councilmember Wilson, seconded by Vice Mayor Masuda, to approve the staff recommendation. (Motion unanimously carried) (Absent: Councilmembers Kennedy and Madison)

RECOMMENDATIONS FROM OFFICERS AND DEPARTMENTS

Councilmember Kennedy returned at 7:46 p.m.

PRESENTATION AND SUBMITTAL OF SUMMARY REPORT FROM TASK FORCE ON FINANCIAL ADMINISTRATION AND INTERNAL CONTROLS (Mayor Tornek)

Doug Kranwinkle, Chair of the Task Force on Financial Administration and Internal Controls, recognized and expressed appreciation to all the members of the Task Force for their work, highlighted the Task Force's three general areas of focus: Internal Controls, Financial Statements and Financial Information, and Ethical Training; reviewed several key recommendations, and responded to questions.

Councilmember McAustin expressed her support for the recommendation for the City Council to consider an on-going citizen-based Audit Advisory Committee, and agreed that such an advisory body could provide substantial value to the City.

Following discussion, Councilmember Gordo agreed with the need to establish a timeline to address recommendations, as well as for the City to have an "approved vendor master list", and requested that staff bring the matter to the Finance Committee for discussion at a future date, specifically as it relates to the process and requirements to becoming an approved vendor with the City.

Councilmember Hampton commented on the matter related to transparency of financial reports and data, and stated strong support for the recommendation that the City make financial reports/information understandable, searchable, and accessible to the public on the City's website, and suggested that the Finance Committee consider the matter.

Following discussion, the City Council and the City Manager expressed gratitude to the Task Force for the thorough and extraordinary work on the matter.

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

STATUS UPDATE ON THE IMPLEMENTATION OF RECOMMENDATIONS MADE BY KPMG LLP, THE TASK FORCE ON FINANCIAL ADMINISTRATION AND INTERNAL CONTROLS, AND MANAGEMENT PARTNERS IN REGARD TO STEPS TO ENHANCE OPERATIONAL AND FINANCIAL OVERSIGHT

Recommendation: The following report is for information only and is intended as a status update on the implementation of recommendations made by KPMG LLP, the Mayor's Task Force on Financial Administration and Internal Controls, and Management Partners, in regard to steps to enhance operational and financial oversight.

Michael Beck, City Manager, introduced the agenda item, highlighting efforts made by staff over the last year to strengthen the organization and restore the public's trust/confidence in the City; and Julie Gutierrez, Assistant City Manager, reviewed a matrix of recommendations from KPMG, the Task Force on Financial Administration and Internal Controls, and Management Partners as part of a PowerPoint presentation, and responded to questions.

The Mayor commented on the need to hold people accountable for their actions, and stressed the importance for the City to make sure that employees clearly understand the consequences for failing to abide by the rules.

Councilmember McAustin and Wilson stated their support of the recommendation for the City to make financial statements/information more accessible, searchable, and understandable on the City's website, with Councilmember McAustin noting that such action is one way that the City can be responsive to the public as it relates to the recent embezzlement of City funds.

In response to Councilmember McAustin, the City Manager stated that staff will include information regarding the City's top 100 vendors on the City's website as soon as possible; and Matthew Hawkesworth, Director of Finance, noted that the Finance Department is in critical need for four additional staff members at this time.

Following discussion, and in response to Councilmembers McAustin and Kennedy, the Mayor noted that staff will bring forward information to the Finance Committee related to a timeline to implement/complete the recommendations.

Councilmember Kennedy suggested that there be a document for a potential vendor to sign under penalty of perjury related to an ethical code of behavior prior to doing business with the City, with the City Attorney noting that she will look into matter. He also expressed concerns regarding the Department of Water and Power being excluded from the initial fraud risk assessment for six major City departments, and urged staff to reconsider the matter and determine whether or not it would be appropriate to include Water and Power in the fraud assessment, and if not, to provide an explanation as to why such a large organization is not part of the fraud risk assessment.

Following discussion, Ruth Holden, Internal Audit Manager, spoke briefly regarding the upcoming fraud risk assessment, and responded to questions.

Following additional discussion, the Mayor recommended that the City Council review the distributed revised matrix of recommendations, and convey questions to him or staff prior to the matter being discussed at the Finance Committee level.

By consensus and on order of the Mayor, the information was received and filed.

**REPORTS AND COMMENTS
FROM COUNCIL
COMMITTEES**

RECOMMENDATION TO SET THE DATE OF JANUARY 11, 2016 TO CONDUCT A PUBLIC HEARING TO IMPLEMENT THE WATER SYSTEM CAPITAL IMPROVEMENTS CHARGE FORMULA PURSUANT TO PASADENA MUNICIPAL CODE CHAPTER 13.20.035

Recommendation:

(1) Find that the recommended Water Capital Improvement Charge ("CIC") formula is exempt from the California Environmental Quality Act ("CEQA") pursuant to State CEQA Guidelines Section 15273 (Rates, Tolls, Fares, and Charges); and

(2) Set the date of January 11, 2016 for a public hearing to:

(a) Approve the implementation of the CIC formula as defined in the Water Rate Ordinance to recover the capital improvement costs of the water distribution system. Based on the currently adopted Fiscal Year ("FY") 2016 Water Fund Capital Improvement Program ("CIP")

budget, this would result in system average increase of \$0.45 per billing unit ("BU") to the Capital Improvement Charge ("CIC") effective January 18, 2016; and

(b) Authorize implementation of the CIC formula for Fiscal Year 2017 based upon adoption of the CIP budget.

Mark Jomsky, City Clerk, clarified that the proposed public hearing will be held on January 11, 2016 at 7:00 p.m.

Eric Klinkner, Interim General Manager of Water and Power, introduced the agenda item, and Shari Thomas, Assistant General Manager, reviewed the agenda report as part of a PowerPoint presentation, noted a correction on page 5 of the agenda report where it references a section of the Water Rate Ordinance, which she noted should read "Water Rate Ordinance Section 13.20.035", and responded to questions.

Councilmember McAustin, Chair of the Municipal Services Committee, summarized the discussions held at the Committee level on the matter.

Ken Kules, Pasadena resident, stated his support for a water rate increase but mentioned that he opposes the staff methodology, and urged the City to reconsider the matter.

In response to the Mayor, Mr. Klinkner indicated that staff will look into whether or not the 25% differential applies to the Capital Improvement Charge (CIC) rate, with the Mayor noting that an adjustment can be made at the public hearing if necessary.

Following discussion, it was moved by Councilmember McAustin, seconded by Councilmember Kennedy, to approve the staff recommendation, amended to set the public hearing on January 11, 2016 at 7:00 p.m. (Motion carried, with Councilmember Hampton objecting) (Absent: Councilmember Madison)

COUNCIL COMMENTS

Councilmember McAustin reported on a trip (also attended by Councilmember Wilson) to the City's solar power investments in the Antelope Valley ("Kingbird" and "Columbia Two"), which she noted to be a great opportunity and learning experience for Councilmembers.

Councilmember Kennedy invited the City Council and the Community to his District 3 meeting on Wednesday, November 18, 2015, to discuss the issue of homelessness in the City.

Councilmember Wilson announced that he and the Mayor participated in the event, "Principal for a Day", and thanked the Pasadena Unified School District and Pasadena Education Foundation for the great experience. He also mentioned that he has received several complaints regarding filming in his district, advised the City Council that a film permit allows filming from 7:00 a.m. – 7:00 p.m., 7 days a week, and suggested that it may be worthwhile to discuss this issue at a future City Council meeting.

The Mayor, on behalf of Councilmember Madison, reminded the City Council and the community about the upcoming community meeting at the Pasadena Convention Center on December 1, 2015, at 7:00 p.m., to discuss the City's preparation for an El Nino event.

Councilmember McAustin announced that she and the 5-Cities Alliance will be taking a trip to Sacramento to meet with the Transportation Secretary and a representative from the Governor's Office to discuss matters regarding the 710 freeway project, with a specific request to eliminate the tunnel alternative and to consider other alternatives to improve regional transportation.

Vice Mayor Masuda announced that he will be hosting a District 4 meeting on Thursday, November 19, 2015, and highlighted several topics to be discussed.

ADJOURNMENT

On order of the Mayor, the regular meeting of the City Council adjourned at 10:52 p.m., in memory of the individuals who lost their lives in a recent attack in Paris.

Terry Tornek, Mayor
City of Pasadena

ATTEST:

City Clerk