



OFFICE OF THE CITY CLERK

MEMORANDUM - CITY OF PASADENA

TO: Honorable Mayor and City Council
FROM: Mark Jomsky, City Clerk
DATE: March 11, 2016
RE: Revision: February 29, 2016 City Council Minutes

Attached, please find an amended version of the City Council minutes for the February 29, 2016 meeting that was distributed yesterday for City Council consideration, and as is agendaized for the March 14, 2016 meeting. Per the City Attorney's Office, the reported action from closed session requires additional language to clarify the City Council's direction to staff (clarifying the definition of civil abatement actions per Pasadena Municipal Code Section 17.78.110, as well as some additional language).

Original language submitted to the City Clerk's Office, Page 11:

"Following discussion of the above two closed session items, the City Council reiterated the direction given to staff on July 21, 2014 to initiate civil abatement actions against illegal marijuana dispensaries, and gave direction to initiate additional civil abatement actions; the actions, defendants and other participants, once formally commenced, will be disclosed upon inquiry, unless doing so at the time will not be required pursuant to the Government Code."

Amended language requested (highlighted below), Page 11:

Following discussion of the above two closed session items, the City Council reiterated the direction given to staff on July 21, 2014 to initiate civil abatement actions, **to include injunction, abatement proceeding, and/or nuisance abatement** against illegal **medical marijuana dispensaries operating in the City**, and gave direction to **staff to** initiate additional civil abatement actions; the actions, defendants and other participants, once formally commenced, will be disclosed upon inquiry, unless doing so at the time will not be required pursuant to the Government Code.

Hard copies of the attached minutes will be placed around the dais for your convenience. In addition, City Clerk staff will post this memo and the updated minutes on the website for public review. Please let me know if you have any questions.

CITY OF PASADENA
City Council Minutes
February 29, 2016 – 5:30 P.M.
City Hall Council Chamber

REGULAR MEETING

OPENING:

Mayor Tornek called the regular meeting to order at 5:30 p.m.
(Absent: Councilmember Hampton)

On the order of the Mayor, the regular meeting recessed at 5:30 p.m., to discuss the following closed sessions:

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

Property Location: 3160 East Del Mar Boulevard, Pasadena, CA

Agency Negotiator: Steve Mermell

Negotiating Party: David Lee

Under Negotiation: Price and terms of payment

CITY COUNCIL CONFERENCE WITH REAL PROPERTY NEGOTIATORS

pursuant to Government Code Section 54956.8

Property Location: 3160 E. Del Mar Blvd., Pasadena, CA

Agency Negotiator: Steve Mermell

Negotiating Party: Margaret B. Martinez

Under Negotiation: Price and terms of payment

CITY COUNCIL CONFERENCE WITH LEGAL COUNSEL REGARDING PENDING LITIGATION pursuant to Government Code Section 54956.9(d)(1)

Name of Case: Rodeo Holdings v. City of Pasadena (LASC Case No. BC 542643)

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

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

**Agency Designated Representative: Jennifer Curtis
Employee Organization: Pasadena Management Association**

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

Title: Interim City Manager

Councilmember Madison left the meeting at 5:50 p.m.

Councilmember Madison returned to the meeting at 6:00 p.m.

Councilmember Hampton arrived at 6:07 p.m.

The above two closed session items were not discussed.

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. Medical Cannabis Caregivers, et al (LASC Case No. BC 552019); Shaun Szameit, et al v. City of Pasadena (LASC Case No. BC 558633); Urgent Care Medical Services, et al v. City of Pasadena (LASC Case No. 606339); City of Pasadena v. Urgent Care Medical Services, et al (LASC Case No. 607613); Nu Remedy Health Care, et al v. City of Pasadena (LASC Case No. 606861)

CITY COUNCIL CONFERENCE WITH LEGAL COUNSEL REGARDING CONSIDERATION OF INITIATION OF LITIGATION pursuant to Government Code Section 54956.9(d)(4): 5 potential cases

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 three closed session items were discussed following the conclusion of the regular meeting (see below).

On order of the Mayor, the regular meeting reconvened at 6:42 p.m. The pledge of allegiance was led by Councilmember Gordo.

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:

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 Sally Howell as a Pasadena Community Access Corporation Board Member, and Jack Huang as an Old Pasadena Parking Meter Zone Advisory Commissioner.

Councilmembers Kennedy and Hampton, and Vice Mayor Masuda expressed sympathies and condolences in the passing of Mr. Walter Jackson, long time Pasadena businessman, and civic leader; and requested that the meeting be adjourned in his memory.

PUBLIC COMMENT ON MATTERS NOT ON THE AGENDA

Floyd Folven, Pasadena resident, distributed and spoke on a letter of correspondence he sent to Assemblymember Chris Holden regarding assisted suicide; voiced concerns with the City's financial status, and the reduction of Pasadena Police officers.

Sandy Greenstein, Annette Spence, and Akila Gibbs, representing the Pasadena Senior Center, distributed copies of their monthly magazine, "Pasadena Senior Center", and provided information on upcoming events provided by the Pasadena Senior Center honoring Black History Month.

Councilmember Kennedy asked that City staff assist the Pasadena Senior Center in addressing parking concerns and expansion.

Meena Pennington, Pasadena resident, voiced her disapproval of a street closure in her neighborhood without sufficient prior notification.

In response to Ms. Pennington's concerns, Councilmember Gordo stated that Sheldon Epps of the Pasadena Playhouse contacted the neighborhood by phone and e-mail to inform the residents in the area of the street closures.

Fritz Puelicher, Pasadena resident, urged the City to protect the open space land located at 175 and 200 South Kinneloa Avenue.

INFORMATION ITEM

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 of start of the MWD shutdown, the need for Pasadena customers to comply with the Level 4 Water Restrictions (no outdoor watering), and the impacts of the shutdown on the City's reservoirs; and responded to questions.

Shan Kwan, Assistant General Manager, Water and Power, responded to questions regarding the City's emergency connections and water supplies.

Councilmember Kennedy requested that the City's water contingency plan and water levels be agendaized at a future Municipal Services Committee meeting for discussion and review.

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

CONSENT CALENDAR

AUTHORIZATION TO ENTER INTO A CONTRACT WITH EYESTONE ENVIRONMENTAL FOR AN AMOUNT NOT-TO-EXCEED \$601,210 TO PROVIDE ENVIRONMENTAL CONSULTING SERVICES FOR THE PREPARATION OF AN ENVIRONMENTAL IMPACT REPORT (EIR) FOR THE ART CENTER COLLEGE OF DESIGN MASTER PLAN

Recommendation:

- (1) Find the actions proposed in the agenda report are exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15061(b)(3) (General Rule); and
- (2) Authorize the City Manager to enter into a contract without competitive bidding pursuant to City Charter Section 1002(F), Contracts for Professional or Unique Services, with Eyestone Environmental for an amount not-to-exceed \$601,210 for the preparation of an Environmental Impact Report (EIR) for the Art Center College of Design Master Plan. (Contract No. 30533)

AUTHORIZE PURCHASE ORDER CONTRACT WITH MARCO EQUIPMENT COMPANY FOR PURCHASE OF TWO REPLACEMENT COMPRESSED NATURAL GAS STREET SWEEPERS FOR AN AMOUNT NOT-TO-EXCEED \$618,658

Recommendation:

- (1) Find that this action is exempt under 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) Grant an exemption for this contract pursuant to Pasadena Municipal Code (PMC) Section 4.08.049(B) where the best interests of the City are served by a direct award of a contract without competitive selection process. This contract is exempt from competitive bidding pursuant to the City Charter Section 1002(H), contracts with other governmental entities or their contractors for labor, material, supplies or services; and

(3) Authorize the issuance of a purchase order contract with MAR-CO Equipment Company for an amount not-to-exceed \$618,658 for the purchase of two TYMCO compressed natural gas (CNG) street sweeper vehicles.

CONTRACT AWARD TO AMERICAN CHEMICAL & SANITARY SUPPLY, INC., TO FURNISH AND SUPPLY RESTROOM SUPPLIES FOR AN AMOUNT NOT-TO-EXCEED \$298,863

Recommendation:

- (1) Find that this action is exempt under 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 October 20, 2015, submitted by American Chemical & Sanitary Supply, Inc., to provide restroom supplies for City facilities; and
- (3) Authorize the City Manager to enter into a contract with American Chemical & Sanitary Supply, Inc., in an amount not-to-exceed \$298,863 over a three-year period for restroom supplies. (Contract No. 30534)

RESCISSION OF CONTRACT AWARD TO THE NAZERIAN GROUP AND REJECTION OF ALL BIDS FOR RESTROOM REPLACEMENT AT CENTRAL PARK

Recommendation:

- (1) Rescind the City Council's November 16, 2015 action authorizing award of a contract to The Nazerian Group for the Restroom Replacement at Central Park; and
- (2) Reject all bids received on October 14, 2015, in response to the Project Specifications for the Restroom Replacement at Central Park. (Rescind Contract No. 30391)

AUTHORIZE THE CITY MANAGER, OR DESIGNEE, TO EXECUTE THE MEMORANDUM OF AGREEMENT ON THE PACIFIC DIRECT CURRENT INTERTIE ("PDCI")

Recommendation:

- (1) Find that the recommended action is an administrative activity and not a project 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; and
- (2) Authorize the City Manager or designee to execute the "Memorandum of Agreement on the Pacific Direct Current Intertie ("PDCI")" among the United States of America, Department of Energy, acting by and through the Bonneville Power Administration ("BPA"), the Los Angeles Department of

Water and Power ("LADWP"), Southern California Edison Company ("SCE"), the City of Burbank ("Burbank"), the City of Glendale ("Glendale"), and the City of Pasadena ("Pasadena").
(Contract No. 22,507)

MINUTES APPROVED

February 8, 2016
February 8, 2016 (Special Joint Meeting)
February 15, 2016

The City Clerk distributed amended February 8, 2016 Special Joint Meeting minutes.

CLAIMS FILED	RECEIVED	AND	Claim No.	Claimant	\$	Amount
			12,581	Brittnee Michell Saunders		10,000.00+
			12,582	Tim Mathern		408.00
			12,583	Vanlochem & Associates, representing Ally Financial Incorporated		10,000.00+
			12,584	Alliance United Insurance Company as subrogee for Ruth Judit Tedmori		4,218.37
			12,585	Cassandra Williams- Brown		180.00
			12,586	Vartkes Mesrobian		9,600.00

It was moved by Councilmember Gordo, seconded by Councilmember Kennedy, to approve all items on the Consent Calendar, including the amended February 8, 2016 Special Joint Meeting minutes, as noted above. (Motion unanimously carried) (Absent: None)

PUBLIC HEARINGS

PUBLIC HEARING: APPEAL OF BOARD OF ZONING APPEALS' DECISION ON CONDITIONAL USE PERMIT NO. 6116: 325 SOUTH OAK KNOLL AVENUE (MCKINLEY SCHOOL)

Recommendation:

- (1) Adopt the Environmental Determination that the proposed project is exempt from environmental review pursuant to the guidelines of the California Environmental Quality Act (CEQA) (Public Resources Code Section 21080(b)(9); Administrative Code, Title 14, Chapter 3, Class 1, Section 15301, Existing Facilities); and
- (2) Uphold the Board of Zoning Appeals' decision and approve Conditional Use Permit No. 6116.

The City Clerk opened the public hearing and reported 50 copies of the notice were posted on February 11, 2016 and 488 copies of the notice were mailed on February 11, 2016; and 5 letters expressing opposition and/or concerns were received by the City Clerk's Office regarding the recommended action.

David Reyes, Interim Director of Planning & Development, introduced the item, and Kelvin Parker, Principal Planner, and Kellee O'Rourke, Management Analyst IV, provided a PowerPoint presentation on the item, and responded to questions.

The following individuals spoke in opposition, expressed concerns, and/or provided suggestions regarding the proposed staff recommendation:

Howard Kabakow, Hak Twenty-Eight Street Corporation
(Appellant)
Adelaide Lau, Pasadena resident
Jack Young, Pasadena resident
Wendy Chen, Pasadena resident

Councilmember Hampton was excused at 7:58 p.m., and left the dais.

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

Councilmember Wilson suggested that the basketball tournaments held at McKinley School be limited to two days.

Following discussion, Mr. Reyes stated that Condition of Approval No. 11 should be amended to read as follows, "The attendance at any given time shall not exceed 100 participants, except for four tournaments per calendar year, allowing for no more than 200 participants per day, and no more than two days per tournament."

Councilmember Hampton returned at 8:08 p.m.

Horace Wormely, Director of Human Services, responded to questions regarding the proposed tournament events to be held at McKinley School.

Following discussion it was moved by Councilmember Wilson, seconded by Councilmember Kennedy, to approve the staff recommendation, amended to include the change to Condition of Approval No. 11, as noted above. (Motion unanimously carried) (Absent: None)

OLD BUSINESS

RECOMMENDED STRATEGY TO IMPLEMENT THE GENERAL PLAN

Recommendation: It is recommended that the City Council endorse the recommended strategy to implement the 2015 General Plan, as revised in the agenda report.

David Reyes, Interim Director of Planning & Development, introduced the item, and Anita Cerna, Senior Planner, provided a PowerPoint presentation, which included the following revised recommended strategy to implement the 2015 General Plan:

- Develop new citywide Zoning Districts to ensure subsequent development and land uses are consistent with the recently adopted Land Use Diagram of the Land Use Element;
- Consolidate existing design guidelines and revise as necessary to establish Citywide Design Guidelines;
- Update each Specific Plan with tailored development regulations; and
- Conduct focused community outreach

Councilmember Gordo requested that staff continue to engage community stakeholders during the development of work programs for the individual Specific Plans, wherever necessary.

In response to Councilmember Wilson's questions regarding the Zoning Code and Design Guidelines for setbacks from the sidewalk to the building face, Mr. Reyes confirmed that this issue will be addressed within each individual Specific Plan.

Steve Mermell, Interim City Manager, and Mr. Reyes responded to questions regarding interim solutions for existing projects. Mr. Reyes stated that staff would develop a discretionary process, for those project development applications that comply with the adopted General Plan with respect to use and density (i.e. Floor Area Ratio) but may not meet existing specific plan and other zoning regulations (i.e. height, setbacks, etc.). The discretionary process would allow each project to be judged on the merits of the project but would also include adopted findings to ensure not only the timely handling of existing projects, but also ensure that the future development is consistent with the vision of the adopted General Plan. Mr. Reyes stated that staff would present the discretionary process and findings to the Planning Commission and return thereafter to the City Council for approval.

Councilmember Hampton asked staff to provide periodic updates on the General Plan update process to the City Council.

The following individuals spoke in opposition to the proposed staff recommendations, expressed concerns with aspects of the implementation strategy, and/or provided suggestions regarding the process for updating the City's Specific Plan areas:

Meena Pennington, Pasadena resident, Catalyst 4 Change
Richard McDonald, Esq., Pasadena resident
John Byram, Pasadena resident

The Mayor and Councilmember Gordo asked staff to post for public review the draft Request For Proposals (RFP) prior to soliciting consultant work to implement the General Plan, and present the RFP's through the Economic Development and Technology Committee to ensure that the public is able to provide feedback prior to engaging consultant work.

Councilmember McAustin supported a process where staff and the consultants engage the public following the development of the work plans for each Specific Plan, when community input can focus on the details of each Plan.

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

**ORDINANCE – FIRST
READING**

Conduct first reading of “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)”

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

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

NOES: None

ABSENT: None

ABSTAIN: None

Conduct first reading of “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”

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

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

Conduct first reading of "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"

Richard McDonald, Esq., Pasadena resident, suggested that the Design Commission's findings should occur after the Environmental Impact Report.

Councilmember McAustin was excused at 9:55 p.m.

Following discussion, the above ordinance was offered for first reading, by Councilmember Kennedy:

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

Councilmember Wilson invited the City Council to attend a STEAM: CODERS event, in conjunction with the NAACP Pasadena Branch, presenting Education & Opportunity, on Tuesday, March 1, 2016, at the Pasadena City College, where he will be a guest speaker.

Councilmember McAustin returned at 9:59 p.m.

Councilmember Kennedy thanked the Fire Department staff, Lisa Derderian, Program Coordinator, and Robinson Park employees for their assistance with the Council District 3 CERT training and tour of Fire Station 36.

Councilmember Gordo thanked Sheldon Epps and the Pasadena Playhouse staff for the successful District 5 block party and community play event held on Saturday, February 27, 2016.

The Mayor thanked the Pasadena Police Department for their management of a political march held on Saturday, February 27, 2016 in front of City Hall; reminded the City Council that on Wednesday, March 2, 2016, 8:00 a.m. there will be a special joint meeting with Supervisor Michael Antonovich in the Council Chambers; and announced the start of a new express bus service from Pasadena to North Hollywood, providing connection service to Metro's Orange line and to the San Gabriel and San Fernando Valleys.

On the order of the Mayor, the regular meeting recessed at 10:04 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. Medical Cannabis Caregivers, et al (LASC Case No. BC 552019); Shaun Szameit, et al v. City of Pasadena (LASC Case No. BC 558633); Urgent Care Medical Services, et al v. City of Pasadena (LASC Case No. 606339); City of Pasadena v. Urgent Care Medical Services, et al (LASC Case No. 607613); Nu Remedy Health Care, et al v. City of Pasadena (LASC Case No. 606861)

CITY COUNCIL CONFERENCE WITH LEGAL COUNSEL REGARDING CONSIDERATION OF INITIATION OF LITIGATION pursuant to Government Code Section 54956.9(d)(4): 5 potential cases

Following discussion of the above two closed session items, the City Council reiterated the direction given to staff on July 21, 2014 to initiate civil abatement actions, to include injunction, abatement proceeding, and/or nuisance abatement against illegal medical marijuana dispensaries operating in the city, and gave direction to initiate additional civil abatement actions; the actions, defendants and other participants, once formally commenced, will be disclosed upon inquiry, unless doing so at the time will not be required pursuant to the Government Code.

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 10:35 p.m., in memory of Mr. Walter Jackson, long-time Pasadena businessman, and civic leader.

Terry Tornek, Mayor
City of Pasadena

ATTEST:

City Clerk