CITY OF PASADENA City Council Minutes June 13, 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 REAL PROPERTY NEGOTIATORS pursuant to Government Code Section 54956.8

Property Location: 78 North Marengo Avenue

Agency Negotiator: Steve Mermell

Negotiating Parties: Jesse Stein and Joe Long Under Negotiation: Price and terms of Payment

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

CITY COUNCIL CONFERENCE REGARDING PUBLIC EMPLOYMENT pursuant to Government Code Section 54957 Position Title: City Manager City Representative: Terry Tornek

The above closed session item was discussed, with the Mayor providing a report and update as part of the following agenda item: Update Regarding the City Manager Selection Process (see Page 13 below).

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

Due to time constraints, the above closed session item was not discussed.

On the order of the Mayor, the regular meeting reconvened at 6:58 p.m. The pledge of allegiance was led by Councilmember Madison.

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/City Prosecutor Michele Beal Bagneris

City Clerk Mark Jomsky

CEREMONIAL MATTERS

The City Clerk administered the oaths of office to Deborah Dentler as Environmental Advisory Commissioner and Joe Ford as Human Services Commissioner.

Councilmember Madison requested that the meeting be adjourned in memory of the victims in Orlando, Florida with calls for solidarity, acceptance of others, and healing in response to the tragedy.

Mayor Tornek expressed sympathies and condolences in the passing of former Pasadena Police Chief Robert McGowan, and requested that the meeting also be adjourned in his memory.

PUBLIC COMMENT ON MATTERS NOT ON THE AGENDA

The following individuals spoke on behalf of Jasmin Richards (Jasmin Abdullah) and in opposition to her prosecution in connection with a Los Angeles County court case, requesting that the City intervene and advocate for leniency:

Paul S., residence not stated
Audrey Georg, White People for Black Lives
Michele Dumont, White People for Black Lives
Genevieve Ameduri, Covina resident
Michael Williams, Black Lives Matter Pasadena
Kamilah Moore, residence not stated
Sirgei Agalzoff, Peace and Social Concerns Committee
Juan, residence not stated

David Llanes, Pasadena Police Officers' Association, spoke on behalf of Pasadena Police Officers and their service to keep peace in the City.

Bill Watkins, Friendship Baptist, advocated for better law enforcement and foot patrols throughout the City, and requested that staff consider increased budget allocations to support safety and infrastructure in the City.

David Whitehead and Ann Scheid, Pasadena residents, spoke on the need for additional public comment and transparency regarding the 78 North Marengo property (YWCA/Kimpton project).

In response to public comment, Steve Mermell, Interim City Manager, reported on the number of public meetings held and provided future timeline information regarding the YWCA property.

CONSENT CALENDAR

Item discussed separately

AUTHORIZATION TO ENTER INTO CONTRACT WITH W.A. RASIC CONSTRUCTION COMPANY, INC., TO FURNISH LABOR AND MISCELLANEOUS MATERIALS FOR THE MONK HILL TREATMENT PLANT FOR THE PASADENA WATER AND POWER DEPARTMENT, SPECIFICATION WD-16-03

Item discussed separately

AUTHORIZATION TO ENTER INTO A PURCHASE ORDER WITH CALGON CARBON CORPORATION TO FURNISH AND DELIVER ION EXCHANGE RESIN AND GRANULAR ACTIVATED CARBON FOR THE MONK HILL TREATMENT PLANT FOR THE PASADENA WATER AND POWER DEPARTMENT

QUARTERLY INVESTMENT REPORT: QUARTER ENDING MARCH 31, 2016

Recommendation: This report is for information purposes only.

AUTHORIZATION TO INCREASE PURCHASE ORDER NO. 1162062 WITH CALE AMERICA BY \$24,000 FOR A TOTAL AMOUNT NOT-TO-EXCEED \$98,930 FOR CALE WEB OFFICE FEES AND PURCHASE OF METER REPLACEMENT PARTS 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) Authorize the Interim City Manager to approve an increase to Purchase Order No. 1162062, without competitive bidding pursuant to City Charter Section 1002(C), contracts for labor, materials, supplies or contract services available from only one vendor, with Cale America, for \$24,000 for a total purchase order amount not-to-exceed \$98,930 for Cale Web Office fees and purchase of meter replacement parts; and
- (3) It is further recommended that the City Council grant the proposed action 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.

RESTROOM REPLACEMENT AT CENTRAL PARK FOR AMOUNT NOT-TO-EXCEED \$650,000 Item discussed separately AUTHORIZATION AND APPROVAL TO RENEW PROPLAND CASUALTY INSURANCE FOR THE CITY PASADENA FOR FISCAL YEAR 2017 RESIGNATION OF ROSEMARY TALIBA CARR FROM	OPERTY TY OF OM THE (Mayor
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Claim No. 12,658 Law Offices of Raymond 25,000. Ghermezian, representing Florene Smith	
Claim No. 12,659 Safeco Insurance as 13,162. subrogee for Laura Koza	80.20

It was moved by Councilmember Kennedy, seconded by Councilmember McAustin, to approve all items on the Consent Calendar, excluding Item No. 1 (Authorization to Enter Into Contract with W.A. Rasic Construction Company, Inc.), Item No.

2 (Authorization to Enter Into a Purchase Order with Calgon Carbon Corporation), Item No. 5 (Contract Award to Shenk Developers), and Item No. 6 (Authorization and Approval to Renew Property and Casualty Insurance), which were discussed separately. (Motion unanimously carried) (Absent: None)

CONSENT ITEMS DISCUSSED SEPARATELY

AUTHORIZATION TO ENTER INTO CONTRACT WITH W.A. RASIC CONSTRUCTION COMPANY, INC., TO FURNISH LABOR AND MISCELLANEOUS MATERIALS FOR THE MONK HILL TREATMENT PLANT FOR THE PASADENA WATER AND POWER DEPARTMENT, SPECIFICATION WD-16-03

Recommendation:

- (1) Find that the project is exempt from the California Environmental Quality Act ("CEQA") pursuant to State CEQA Guidelines Section 15301 (Existing Facilities); and
- (2) Accept the bid dated April 29, 2016, submitted by W.A. Rasic Construction Company, Inc., in response to Specification WD-16-03 to furnish labor and miscellaneous materials for the Monk Hill Treatment Plant for the Pasadena Water and Power Department ("PWP"), and authorize the Interim City Manager to enter into a contract for a one year period with W.A. Rasic Construction Company, Inc., for an amount not-to-exceed \$91,305. (Contract No. 30639)

AUTHORIZATION TO ENTER INTO A PURCHASE ORDER WITH CALGON CARBON CORPORATION TO FURNISH AND DELIVER ION EXCHANGE RESIN AND GRANULAR ACTIVATED CARBON FOR THE MONK HILL TREATMENT PLANT FOR THE PASADENA WATER AND POWER DEPARTMENT

Recommendation:

- (1) Find that the project is exempt from the California Environmental Quality Act ("CEQA") pursuant to State CEQA Guidelines Section 15301 (Existing Facilities); and
- (2) Authorize the Interim City Manager to enter into a purchase order contract without competitive bidding pursuant to the City Charter Section 1002(F), Contracts for Professional or Unique Services, with Calgon Carbon Corporation ("Calgon") to furnish and deliver ion exchange ("IX") resin and granular activated carbon ("GAC") for the Monk Hill Treatment Plant for an amount not-to-exceed \$583,807 for an initial period of one year, or until funds are expended, whichever occurs first, with an option for two additional one-year terms, each year not-to-exceed \$583,807, or until the funds are expended, whichever occurs first. If the two additional one-year terms are exercised, the total contract amount will be \$1,751,421.

The above two items were discussed consecutively.

Eric Klinkner, Assistant General Manager of Water and Power, and Michele Carina, Principal Engineer, responded to questions regarding the bid process and proposals received, and the staff's variation of the project's estimate.

Following a brief discussion, it was moved by Councilmember Hampton, seconded by Councilmember Kennedy, to approve the staff recommendations for Item No. 1 (Authorization To Enter Into Contract With W.A. Rasic Construction Company, Inc.), and Item No. 2 (Authorization To Enter Into A Purchase Order With Calgon Carbon Corporation) as detailed above. (Motion unanimously carried) (Absent: None)

CONTRACT AWARD TO SHENK DEVELOPERS FOR RESTROOM REPLACEMENT AT CENTRAL PARK FOR AN AMOUNT NOT-TO-EXCEED \$650,000 Recommendation:

- (1) Find the project proposed in the agenda report to be categorically exempt under the California Environmental Quality Act (CEQA) State 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 May 18, 2016, submitted by Shenk Developers in response to the Project Specifications for Restroom Replacement at Central Park; reject all other bids received; and authorize the Interim City Manager to enter into a contract not-to-exceed \$650,000 which includes the base contract amount of \$588,500 and a contingency of \$61,500 to provide for necessary change orders. (Contract No. 30651)

Councilmember Kennedy was excused at 7:52 p.m., and left the dais.

Steve Mermell, Interim City Manager, Ara Maloyan, Director of Public Works, and Steve Wright, Public Works City Engineer, responded to questions regarding the bid proposals, due diligence by City staff in recommending award of the bid to the contractor, and the project's security bond requirements.

Councilmember Hampton asked staff to provide periodic updates to the City Council as the project develops.

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

Councilmember Kennedy returned at 8:05 p.m.

AUTHORIZATION AND APPROVAL TO RENEW PROPERTY AND CASUALTY INSURANCE FOR THE CITY OF PASADENA FOR FISCAL YEAR 2017

Recommendation:

- (1) Find that the proposed action is exempt from the California Environmental Quality Act ("CEQA") pursuant to State CEQA Guidelines Section 15378:
- (2) Authorize the City Manager and the City Attorney/City Prosecutor to place and bind the City's Property and Casualty Insurance coverages outlined in the agenda report effective July 1, 2016, with the total premium amount not-to-exceed \$3,226,012; and
- (3) Grant an exemption from the competitive selection process of the Competitive Bidding and Purchasing Ordinance, Pasadena Municipal Code Chapter 4.08, pursuant to Section 4.08.049(B), contracts which the City's best interests are served. The proposed insurance coverages are exempt from the competitive bidding process pursuant to the City Charter Section 1002(F), Contracts for Professional or Unique Services. (Contract No. 21,278-1)

Michele Bagneris, City Attorney/City Prosecutor introduced the item and Aarti Kaushal, Claims Coordinator, provided a PowerPoint presentation on the item, and responded to questions.

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

OLD BUSINESS

AUTHORIZATION TO ENTER INTO A CONTRACT WITH TASER INTERNATIONAL FOR A POLICE BODY WORN CAMERA SYSTEM

Recommendation:

- (1) Find that the proposed contract is exempt from the California Environmental Quality Act ("CEQA") pursuant to State CEQA Guidelines Section 15061(b)(3);
- (2) Authorize the Interim City Manager to enter into a five-year contract with Taser International, Inc., to furnish and deliver software, hardware, and services for a Body Worn Camera System (BWCS) in an amount not-to-exceed \$1,532,258, which includes the base contract amount of \$1,392,962 and a contingency of \$139,296. Competitive bidding is not required pursuant to City Charter Section 1002(F), Contracts for Professional or Unique Services; and

(3) Authorize the addition of two new full-time equivalent (FTE) positions to the Police Department's Fiscal Year (FY) 2016 Operating Budget, increasing the department total FTE count from 369.75 to 371.75. (Contract No. 30630)

Chief of Police, Phillip Sanchez, introduced the agenda item and Police Officer Joshua Jones and Christina Kuo, Project Manager with the Department of Information Technology (DoIT), provided a PowerPoint presentation on the item, and responded to questions.

Steve Mermell, Interim City Manager, provided information and responded to written comments submitted by an unsuccessful vendor.

Councilmember Kennedy stated the following for the record, "I would like to share with the public and my colleagues that several meetings of the Public Safety Committee were cancelled because of a number of factors: one, several of my respected colleagues were unavailable; also, in deference to our Monday meetings for finance, budget, and audit, we had to cancel several Public Safety Committee meetings; and then some of my colleagues just had to travel, so certain of my colleagues including myself have asked a number of questions here because we did not have the benefit of having the presentation through the normal chain of command, which would have been a visit to Public Safety Committee first and then onto the Council depending on the action of Public Safety and the request by my colleagues. It is the expectation in somewhat answering Councilmember McAustin's question that we will receive a full policy and have a full policy hearing at the Public Safety Committee level and we are hopefully having members polled for that purpose. And let me just say preliminarily, the work of the Police Chief and staff looks extremely promising and first in class without saying anymore because it has not been presented to my colleagues and myself."

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

PUBLIC HEARING

PUBLIC HEARING: LEVY OF ASSESSMENT AGAINST HOTEL AND MOTEL BUSINESSES FOR FISCAL YEAR 2017 IN CONNECTION WITH THE PASADENA TOURISM BUSINESS IMPROVEMENT DISTRICT

Recommendation: It is recommended that the City Council (i) conduct a Public Hearing on the levy of an assessment against Hotel and Motel Businesses for Fiscal Year (FY) 2017 in connection with the Pasadena Tourism Business Improvement District (the "District") and (ii) at the conclusion of the public hearing in the absence of a majority protest, adopt a resolution confirming the Annual Report of the Advisory Board as originally filed and levying the assessment for FY 2017 in connection with the District. (Resolution No. 9505)

The City Clerk opened the public hearing, reported that Resolution 9500 was published on June 13, 2016 in the <u>Pasadena Journal</u>, and no correspondence was received by the City Clerk's Office.

Michael Ross, Pasadena Center Operating Company, introduced the item, and responded to questions.

The City Clerk stated that no majority protest existed.

It was moved by Councilmember Madison, seconded by Councilmember Hampton, to close the public hearing. (<u>Motion unanimously carried</u>) (Absent: None)

It was moved by Councilmember Madison, seconded by Councilmember Hampton, in the absence of a majority protest, to approve the staff recommendation. (Motion unanimously carried) (Absent: None)

<u>PUBLIC HEARING</u>: ADOPTION OF THE 2015 URBAN WATER MANAGEMENT PLAN

Recommendation:

- (1) Find that the 2015 Urban Water Management Plan ("UWMP") is exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15282(v), which exempts from CEQA the preparation and adoption of urban water management plans pursuant to the Water Code; and
- (2) Adopt a resolution approving the 2015 UWMP immediately following the public hearing and incorporating any changes the Council deems necessary.

Recommendation of the Municipal Services Committee: On May 10, 2016, the Municipal Services Committee ("MSC") recommended that the City Council adopt a resolution approving the 2015 UWMP.

Recommendation of the Environmental Advisory Commission: On May 10, 2016, the Environmental Advisory Commission ("EAC") recommended that the City Council adopt a resolution approving the 2015 UWMP. (Resolution No. 9504)

The City Clerk opened the public hearing, reported that the public hearing notice was published on April 22, 2016 and April 29, 2016 in the <u>Pasadena Star News</u>, and no correspondence was received by the City Clerk's Office.

Councilmember McAustin, Chair of the Municipal Services Committee, introduced the item, and reported the unanimous support of MSC at a recent Committee meeting.

Eric Klinkner, Assistant General Manager of Water and Power, introduced the item, Elisa Venture, Principal Engineer for Water and Power, provided a PowerPoint presentation, and Shan Kwan, Assistant General Manager of Water and Power, responded to questions regarding non-potable water.

Councilmember Hampton expressed concerns with the City's return on the investment in the non-potable water project, and requested information on projections for positive returns on the project and/or positive impacts to stabilize the City's water prices.

Following discussion, it was moved by Councilmember McAustin, seconded by Vice Mayor Masuda to close the public hearing. (Motion unanimously carried) (Absent: None)

It was moved by Councilmember McAustin, seconded by Councilmember Hampton, to approve the staff recommendation. (Motion unanimously carried) (Absent: None)

RECOMMENDATIONS FROM OFFICERS AND DEPARTMENTS

CONSIDERATION OF PLACING A MEASURE ON THE NOVEMBER 8, 2016 GENERAL ELECTION BALLOT TO REPEAL MEASURE A AND UNCODIFIED ORDINANCE NO. 5861, ADOPTED BY A VOTE OF THE PEOPLE IN 2001, THEREBY RESCINDING THE POLICY REQUIRING THE CITY OF PASADENA TO SUPPORT THE COMPLETION OF THE 710 FREEWAY

Recommendation of Mayor:

- (1) Find that the proposed action 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 the necessary resolutions calling a Special Election on November 8, 2016 to repeal Measure A, and any related documents in connection therewith.

Mayor Tornek provided an overview of the agenda report, various meetings held regarding the 710 freeway extension and proposed tunnel alternative, and Los Angeles County Metropolitan Transportation Authority (Metro) proposals and actions related to Ballot Measure R; and responded to questions.

Councilmember Madison expressed concerns with placing a measure on the November 8, 2016 General Election ballot. He suggested seeking legal advice to understand the different scenarios that may occur if the proposed measure succeeds or fails, and expressed concerns with the amount of time available to fully focus and discuss the issue.

Councilmember Hampton expressed his support for calling a Special Election on November 8, 2016 to repeal Measure A.

Following discussion, the following individuals spoke in opposition to, and/or provided suggestions regarding the recommended action:

Councilmember Steven Ly, City of Rosemead
Councilmember Hans Liang, City of Monterey Park/710
Coalition
Chris Hannan, Los Angeles/Orange County Building and
Construction Trades Council
Carl Sierra, Operating Engineer Local 12
Myung-Soo Seok, Iron Workers Union Local 416
Donald Norberg, San Marino resident

Following discussion, the following individuals spoke in support of, and/or provided suggestions regarding, various aspects of the recommended action:

Geoffrey Baum, Pasadena resident Kenyon Harbison, West Pasadena Residents' Association Jan SooHoo, La Canada resident David Whitehead, Pasadena resident Carol Koch, No 710 Action Committee Claire Bogaard, No 710 Action Committee Mic Hansen, No 710 Action Committee

Councilmember Gordo suggested a closed session discussion on the item to discuss legal concerns and implications, as well as the timing of the proposed measure. Councilmember Wilson stated that he believes the City is not prepared to take action on Measure A at this time and suggested educating the voters. In addition, Mr. Wilson asked staff to analyze and compare a Special Election vs. a Municipal Election.

Councilmember McAustin stated that she believes the repeal of Measure A should be voted on by Pasadena voters, however expressed concerns with submitting the measure as part of the Statewide General Election on November 8, 2016, and suggested a municipal election would likely provide a better opportunity to educate and inform voters on Measure A and the significant impacts of the 710 Freeway tunnel alternatives.

Mark Jomsky, City Clerk, responded to questions regarding the estimated budget required for submitting the measure as part of a Special Municipal Election, the November General Election, and the regular City election in Spring 2017.

Following discussion, it was moved by Councilmember Hampton to approve the Mayor's recommendation. (MOTION FAILED due to lack of second)

In response to Councilmember Gordo's suggestion of meeting with the Los Angeles/Orange County Building and Construction Trades Council representatives to inform them of what options the City supports of the 710 Freeway Extension project, the Mayor stated that he would schedule a meeting.

Following further discussion, by order of the Mayor, and consensus of the City Council, the item will return at a future City Council meeting, including a closed session discussion to discuss legal concerns and implications related to the Measure A and opposition to the 710 tunnel alternative.

PUBLIC HEARING (Continued)

CONTINUED PUBLIC HEARING: CITY MANAGER'S RECOMMENDED FISCAL YEAR 2017 OPERATING BUDGET Recommendation: Receive public comment and continue this public hearing to each subsequent regular meeting of the City Council at 7:00 p.m., until June 20, 2016 or such other date as the City Council may determine, and, at which time, the City Council will be asked to close the public hearing and formally adopt the Fiscal Year 2017 Operating Budget.

<u>CONTINUED PUBLIC HEARING</u>: FISCAL YEAR 2017 RECOMMENDED GENERAL FEE SCHEDULE

Recommendation: Receive public comment and continue the public hearing to each subsequent regular meeting of the City Council at 7:00 p.m., until June 20, 2016 or such other date as the City Council may determine, and at which time the City Council will be asked to close the public hearing and formally adopt the Fiscal Year 2017 General Fee Schedule.

CONTINUED PUBLIC HEARING: FISCAL YEAR 2017 RECOMMENDED SCHEDULE OF TAXES, FEES, AND CHARGES

Recommendation: Receive public comment and continue the public hearing to each subsequent regular meeting of the City Council at 7:00 p.m., until June 20, 2016 or such other date as the City Council may determine, and at which time the City Council will be asked to close the public hearing and formally adopt the Fiscal Year 2017 Schedule of Taxes, Fees, and Charges.

The above three continued public hearings were discussed concurrently, with Mayor Tornek providing an update regarding the budget presentations received at the Joint Finance Committee and City Council meeting that occurred at 3:00 p.m.

It was moved by Councilmember Hampton, seconded by Vice Mayor Masuda, to continue the public hearings for the Fiscal Year 2017 Recommended Operating Budget, the Fiscal Year 2017 Recommended General Fee Schedule, and the Fiscal Year 2017 Recommended Schedule of Taxes, Fees, and Charges, to June 20, 2016 at 7:00 p.m., noting the continued Joint Finance Committee and City Council meeting that will occur at 3:00 p.m. on June 20, 2016. (Motion unanimously carried) (Absent: None)

RECOMMENDATIONS FROM OFFICERS AND DEPARTMENTS (Continued)

UPDATE REGARDING THE CITY MANAGER SELECTION PROCESS (Mayor Tornek)

Mayor Tornek reported that the Ad Hoc Committee of the City Council has reviewed voluminous City Manager applications and submitted candidates to be interviewed by the City Council commencing Friday, June 17, 2016, with anticipation of a final recommendation the first week of July 2016.

COUNCIL COMMENTS

Councilmember Kennedy thanked staff who assisted with the Garfield Heights Neighborhood Association community event held on Saturday, June 11, 2016, which was well attended.

The Mayor and Councilmember Wilson reported on the 125th Anniversary Celebration of the City of Pasadena.

ADJOURNMENT

On order of the Mayor, the regular meeting of the City Council adjourned at 11:19 p.m., in memory of the victims in Orlando, Florida, as well as in memory of former Police Chief Robert McGowan.

Terry Tornek, Mayor City of Pasadena

ATTEST:

City Clerk