

CITY OF PASADENA
City Council Minutes
August 15, 2016 – 5:30 P.M.
City Hall Council Chamber

REGULAR MEETING

OPENING:

Mayor Tornek called the regular meeting to order at 5:51 p.m. (Absent: Councilmember Gordo)

On the order of the Mayor, the regular meeting recessed at 5:51 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 Party: Jesse Stein

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: City of Pasadena v. Wooten

LASC Case No.: BC585988

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. Brown Armstrong Accountancy Corp.

LASC Case No.: BC620201

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. Mayer Hoffman McCann
U.S. District Court, Central District of California, Case No.: 16-04092**

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

On the order of the Mayor, the regular meeting reconvened at 6:34 p.m. The pledge of allegiance was led by Councilmember Hampton.

ROLL CALL:

Councilmembers:

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

Staff:

City Manager Steve Mermell
City Attorney/City Prosecutor Michele Beal Bagneris
City Clerk Mark Jomsky

CEREMONIAL MATTERS

The City Clerk administered the oaths of office to Grant Scott McComb, Pasadena Community Access Corporation Boardmember, Lorraine Montgomery, Commissioner on the Status of Women, and Traude Gomez Rhine, Library Commissioner.

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

Carla Samoth and Gerda G. Ituarte, Poetry Within Reach, recited poetry and distributed a flyer inviting the City Council to attend the Poetry Within Reach event to be held on August 17, 2016.

Jill Shook, Pasadena resident, suggested that Pasadena create a work program similar to the City of Atlanta that employs homeless individuals to clean the streets, with the dual purpose of providing income to homeless individuals and providing a much needed service to the City.

Chase Andre, Los Angeles resident, distributed a handout on Second Unit Ordinances and spoke on the City's ordinance and Assembly Bill 1866 regarding the creation of second-units (granny flats).

Robert Gorski, Pasadena resident, asked the City Council to consider changing the name of Downtown Pasadena to Canyon Lands Pasadena due to the change in development of the area.

David Wolf, Pasadena resident, asked the City Council to provide feedback on his book entitled, "My City," based on the Pasadena's beautiful movement.

Harolyn Rhu, Pasadena resident, requested assistance from the City by providing her with permanent affordable housing, specifically an apartment on Los Robles Avenue.

CONSENT CALENDAR

Item discussed separately

APPROVAL OF KEY BUSINESS TERMS OF A HOUSING GRANT AGREEMENT WITH COMMUNITY ARMS, L.P., AND A COMMITMENT OF HOUSING FUNDS IN THE AMOUNT OF \$463,000 FOR SECURITY UPGRADES AT THE COMMUNITY ARMS APARTMENT COMPLEX AT 151 EAST ORANGE GROVE BOULEVARD.

AUTHORIZE ISSUANCE OF A PURCHASE ORDER WITH MT2 FOR LEAD AND HEAVY METALS ABATEMENT AND REPAIRS FOR PASADENA POLICE DEPARTMENT INDOOR FIRING RANGE FOR AN AMOUNT NOT-TO-EXCEED \$230,000

Recommendation:

- (1) Find the project proposed in the agenda report to be exempt under the California Environmental Quality Act (CEQA) Guidelines in accordance with Title 14, Chapter 3, Article 19, Class 1, Section 15031, 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 find that there are no changes to the project, changed circumstances or new information that would warrant further environmental review;
- (2) Authorize the issuance of a purchase order with MT2 in an amount not-to-exceed \$230,000 to perform abatement work and repairs to mitigate hazardous health conditions and re-open the indoor firing range for use by Pasadena Police Department; and
- (3) Grant the proposed purchase order an exemption from competitive selection process pursuant to Pasadena Municipal Code (PMC) Section 4.08.049(B), Contracts for which the City's best interests are served. Competitive bidding is not required pursuant to City Charter Section 1002(F), contracts for professional or unique services.

AUTHORIZATION TO ISSUE A PURCHASE ORDER TO ADAMSON POLICE PRODUCTS FOR PURCHASE OF EMERGENCY VEHICLE AUXILIARY EQUIPMENT FOR AN AMOUNT NOT-TO-EXCEED \$260,000

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 a purchase order to Adamson Police Products for the purchase of emergency vehicle auxiliary equipment in an amount not-to-exceed \$260,000. Competitive bidding is not required pursuant to City Charter Section 1002(H), contracts with other governmental entities or their contractors; and

(3) Grant the proposed purchase order an exemption from the Competitive Selection process pursuant to Pasadena Municipal Code (PMC) Section 4.08.049(B) contracts for which the City's best interests are served.

APPROVAL OF SUBMISSION OF THE 2016 CONTINUUM OF CARE HOMELESS ASSISTANCE APPLICATION TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Recommendation:

- (1) Find that the recommended action is exempt from the California Environmental Quality Act ("CEQA") pursuant to State CEQA Guidelines per Section 15061(b)(3), the "General Rule" that CEQA only applies to projects that may have an effect on the environment;
- (2) Authorize the filing with the U.S. Department of Housing and Urban Development (HUD), the 2016 Continuum of Care (CoC) Homeless Assistance Application for a funding request in the amount of \$3,330,756 for sixteen projects; and
- (3) Authorize the City Manager to execute, and the City Clerk to attest, the 2016 CoC Homeless Assistance Application and all other related documents, agreements and amendments.

APPROVE AN AMENDMENT TO THE MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF PASADENA AND THE PASADENA MANAGEMENT ASSOCIATION FOR THE TERM OF OCTOBER 19, 2015 – JUNE 30, 2018

Recommendation:

- (1) Find that the action proposed in the agenda report is not a "project" as defined in the California Environmental Quality Act (CEQA), Public Resources Code Section 21065 and Section 15378(b)(2) of the State CEQA Guidelines and, as such, is not subject to environmental review; and
- (2) Approve an amendment to the Memorandum of Understanding between the City of Pasadena and the Pasadena Management Association for the term of October 19, 2015 – June 30, 2018. (Contract No. 30308-1)

Item discussed separately

AMENDMENT TO CONTRACT NO. 30276 WITH LIFE ASSIST, INCORPORATED, TO INCREASE THE TOTAL NOT-TO-EXCEED AMOUNT BY \$50,000, FROM \$150,000 TO \$200,000, FOR PURCHASING ADDITIONAL SUPPLIES TO REPLACE REQUIRED INVENTORY ON OUR FIRE APPARATUS FOR EMERGENCY PRE-HOSPITAL CARE AND TRANSPORT OF THE SICK AND INJURED

MINUTES APPROVED

June 8, 2015 Pasadena Pubic Financing Authority
December 14, 2015 Pasadena Public Financing Authority
May 16, 2016 Special joint meeting with Finance Committee
June 6, 2016 Special joint meeting with Finance Committee
June 13, 2016 Special joint meeting with Finance Committee
June 20, 2016 Special joint meeting with Finance Committee

**CLAIMS RECEIVED
AND FILED**

Claim No. 12,700	Deborah Carol Jones	\$ 25,000.00+
Claim No. 12,701	Ayako Okuno	578.30
Claim No. 12,702	Victor V. J. Kaleta	4,000.00
		1,000.00

It was moved by Vice Mayor Masuda, seconded by Councilmember Hampton, to approve all items on the Consent Calendar, with the exception of Item 1 (Approval of Key Business Terms of A Housing Grant Agreement with Community Arms, L.P.), and Item 6 (Amendment to Contract No. 30276 with Life Assistant Incorporated), which were discussed separately; and amending Claim No. 12,702, changing the middle initial from "V" to "J", and the amount from "\$4,000" to "\$1,000." (Motion unanimously carried) (Absent: Councilmember Gordo)

**CONSENT ITEMS
DISCUSSED SEPARATELY**

APPROVAL OF KEY BUSINESS TERMS OF A HOUSING GRANT AGREEMENT WITH COMMUNITY ARMS, L.P., AND A COMMITMENT OF HOUSING FUNDS IN THE AMOUNT OF \$463,000 FOR SECURITY UPGRADES AT THE COMMUNITY ARMS APARTMENT COMPLEX AT 151 EAST ORANGE GROVE BOULEVARD

Recommendation:

- (1) Find that the installation of specified security upgrades at the Community Arms apartment complex at 151 East Orange Grove Boulevard does not have a significant effect on the environment and has been determined to be categorically exempt under Class I (Existing Facilities) of the State California Environmental Quality Act ("CEQA"), and, specifically, Section 15301 of the State CEQA Guidelines;
- (2) Approve the key business terms of the Housing Grant Agreement (the "Grant Agreement"), as described in the agenda report; between the City and Community Arms, L.P. ("Owner");
- (3) Approve a carry forward in the amount of \$420,000 in Home Investment Partnerships program ("HOME") funds (HUD program Year 2015);
- (4) Approve an amendment to the Fiscal Year 2017 Operating Budget of the Housing and Career Services Department by appropriating an amount of \$43,000 in Inclusionary Housing funds from unappropriated fund balance; and

(5) Authorize the City Manager to enter into the Housing Grant Agreement with Owner in an amount not-to-exceed \$463,000, and approve other documents as necessary to implement the staff recommendation. (Contract No. 30714; Budget Amendment No. 2017-03)

Recommendation of the Northwest Commission: The staff proposal for City funding of the Project was brought to the Northwest Commission at its regular meeting of August 9, 2016 for consideration of a recommendation to the City Council. The Northwest Commission unanimously approved a recommendation which allows the City funding to be structured in such a way that facilitates the Owners current negotiations with the existing limited partner investors and, ultimately, to refinance the project.

Councilmember McAustin expressed concerns with Staff Recommendation No. 4, and stated her preference that inclusionary housing funds be used to build affordable housing.

Councilmember Kennedy suggested that staff work with Community Arms, L.P., to find another way to close the funding gap for the proposed project without utilizing \$43,000 in inclusionary housing funds, stating that Community Arms should be able to cover the remaining project funding gap.

William Huang, Director of Housing introduced the item, and Jim Wong, Senior Project Manager, provided a PowerPoint presentation; and responded to questions.

Councilmember Hampton stated that the security cameras are required as a quality of life for the current occupants at Community Arms and expressed concerns that the project will be delayed if the staff's recommendation is not approved as proposed.

Hugh Martinez, Pasadena resident, supported removing Staff Recommendation No. 4 from the proposed action, with Community Arms to cover the remaining project funding gap of \$43,000, and expressed concerns regarding the bidding process.

Following discussion, it was moved by Councilmember McAustin, seconded by Councilmember Kennedy, to approve the staff recommendation, amended by removing Staff Recommendation No. 4, and reducing the project funding (Inclusionary Housing funds) by \$43,000 for a total amount of \$420,000. (Motion unanimously carried) (Absent: Councilmember Gordo)

AMENDMENT TO CONTRACT NO. 30276 WITH LIFE ASSIST, INCORPORATED, TO INCREASE THE TOTAL NOT-TO-EXCEED AMOUNT BY \$50,000, FROM \$150,000 TO \$200,000, FOR PURCHASING ADDITIONAL SUPPLIES TO REPLACE REQUIRED INVENTORY ON OUR FIRE APPARATUS FOR EMERGENCY PRE-HOSPITAL CARE AND TRANSPORT OF THE SICK AND INJURED

Recommended:

- (1) Find that the proposed action is not a project subject to the California Environmental Quality Act (CEQA) pursuant to Section 21065 of CEQA and Sections 15060 (c)(2), 15060 (c)(3), and 15378 of the State CEQA Guidelines and, as such, no environmental document pursuant to CEQA is required for the project; and
- (2) Authorize the City Manager to amend Contract No. 30276 with Life Assist, Inc., to increase the contract amount by \$50,000, thereby increasing the total not-to-exceed amount from \$150,000 to \$200,000, for contract year from August 2016 to August 2017.

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

PUBLIC HEARING

PUBLIC HEARING: CONDITIONAL USE PERMIT NO. 6279 TO ALLOW REHABILITATION OF THE HISTORIC YWCA BUILDING AND CONSTRUCTION OF A TWO-TO-SIX STORY BUILDING FOR USE AS A 179-ROOM HOTEL AT 78 NORTH MARENGO AVENUE

Recommendation:

- (1) Adopt the findings [by resolution] in Attachment P of the agenda report certifying the Final Environmental Impact Report (FEIR) for the YWCA/Kimpton Hotel project;
- (2) Adopt the Mitigation Monitoring and Reporting Program for the project in Attachment C of the agenda report;
- (3) Adopt the Findings in Attachment A of the agenda report and approve Conditional Use Permit No. 6279 with the conditions of approval in Attachment B of the agenda report:
 - a. Surplus Property declaration and exemption from competitive sale requirement: To determine that real property of the City is not needed for the purpose for which it was acquired or for any other public purpose and to allow the City to enter into a long-term lease with the developer most suited to successfully rehabilitate the YWCA building rather than to the highest bidder;

- b. Conditional Use Permit: To allow the construction of a non-residential project over \$25,000 square feet in size ('Major Project');
- c. Conditional Use Permit: To allow a 'Lodging – Hotels, Motels' use;
- d. Conditional Use Permit: To allow the sale of a full line of alcoholic beverages for on-site consumption;
- e. Minor Conditional Use Permit: To allow the construction of a non-residential project over 15,000 square feet in size within the Transit-Oriented Development (TOD) Area;
- f. Minor Conditional Use Permit: To allow shared parking;
- g. Minor Conditional Use Permit: To allow reduced parking;
- h. Variance: To allow the ground floor of the hotel building to be nine feet high where the minimum required ground floor height is 15 feet;
- i. Variance: To allow one loading space where six loading spaces are required and to modify the required design of the loading space as required in the Zoning Code;
- j. Public Tree Removal: To allow the removal of 23 public trees in fair to good condition to accommodate the proposed development (The Parks and Natural Resources Division of the Department of Public Works determined that 13 additional trees will be removed due to their poor condition); and

(4) Approve the location, setbacks and general massing of the project presented in the Alternative 2A design study with a maximum of 185 rooms as depicted in Attachment N of the agenda report, with the conditions of approval recommended in Attachment B of the agenda report. (Resolution No. 9514)

Recommendation of the Planning Commission: At its regular meeting of July 13, 2016, the Planning Commission recommended that the City Council approve the project entitlements listed in the staff recommendation above (with the exception of the Public Tree Removal), with the following additional recommended conditions:

1. That the setback from Garfield Avenue be maximized to the greatest extent possible without compromising the design of the project; and
2. That the interior courtyard be open to the public during the day.

Staff has drafted conditions for the City Council's consideration in response to the above two recommendations (see Attachment B of the agenda report, recommended condition Nos. 23 and 24).

A number of public comment letters expressing concerns about the project and the FEIR were submitted to the Planning Commission at the July 13, 2015 meeting. These letters are

included in Attachment O of the agenda report, along with written responses prepared by staff.

Recommendation of the Urban Forestry Advisory Committee: At a special meeting on August 3, 2016, the Urban Forestry Advisory Committee (UFAC) voted to recommend that project alternatives that have a lesser impact on public trees, particularly the Sister City Trees, be considered and also continued the consideration of the public tree removals until after the Design Commission reviews the project in order to allow the Committee to review a landscape plan for the project. In addition, UFAC recommended that all trees in fair to good condition that are proposed to be removed be reviewed by a Certified Arborist to determine potential candidates for relocation.

The City Clerk opened the public hearing and reported that 63 copies of the notice were posted and 59 copies of the notice were mailed on August 15, 2016; and that the City Clerk's Office received 15 letters in support of staff recommendation, 47 letters and 53 comment cards in opposition to the staff recommendation, and 1 letter requesting additional information on the long term financial benefits of the proposed project, which were distributed to the City Council and made part of the record.

Steve Mermell, City Manager, presented an introductory PowerPoint presentation on the history of the Julia Morgan YWCA building; and David Reyes, Director of Planning and Community Development, and Kevin Johnson, Senior Planner presented a PowerPoint presentation providing an overview of the project, the Draft Environmental Impact Report, and staff's recommendation; and responded to questions.

Councilmember Madison expressed the need to conserve open space on the east side of the YWCA project site along Garfield Avenue, and Councilmembers Madison and McAustin confirmed the need for staff to ensure that the final project will be symmetrically consistent with the adjacent northern parcel (YMCA building) on Holly Street and Garfield Avenue.

In addition, Councilmember McAustin also pointed out the lack of green space in Centennial Place and reiterated her request that staff agendaize a discussion regarding the need for pocket parks in the City, leveraging available residential impact fees.

Councilmember Kennedy suggested that staff study the east side of the proposed building design and ensure an aesthetic consistency with City Hall and the Robinson Memorial area; and spoke in favor of the Alternative 2A design study.

The following individuals spoke in favor of the proposed project and/or various aspects of the proposed project, provided comments and/or suggestions regarding various aspects of the proposed staff recommendation:

Richard A. McDonald, representing the applicant
Joe Long, Applicant and Executive Vice President,
Kimpton Hotel & Restaurant Group, LLC
Michael Warner, Pasadena Sister Cities
David Llanes, Pasadena Police Officers Association
Claire Bogaard, Pasadena resident
Susan N. Mossman, Pasadena Heritage
Bill Bogaard, Pasadena resident

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

Amy Minter, representing Pasadena Civic Center
Coalition (PCCC)
Jay Kavoian, PCCC
Avram Gold, West Pasadena Residents Association
Christine Fedukowski, PCCC
Marsha Rood, PCCC
Barbara Bell, Downtown Pasadena Neighborhood
Association
Jonathan Edwards, PCCC
Ann Scheid, Pasadena resident
Joe Feinblatt, Pasadena resident
Bob Snodgrass, Pasadena resident
David Whitehead, Pasadena resident
Barbara Lamprich, Pasadena resident
Christie Balvin, Pasadena resident
George Patton, Throop Church
Greg Marquez, Altadena resident
Nina Chomsky, Pasadena resident
David Cutter, Pasadena resident
Mic Hansen, Pasadena resident
Tim Martinez, Pasadena resident
John Byram, Pasadena resident
Hugh Martinez, Pasadena resident
Juan Ashton, Pasadena resident
Roberto Martinez, Pasadena resident
Lambert Giessinger, PCCC
Michael Cornwell, Pasadena resident
Matt Dillhoefer, Pasadena resident

It was moved by Vice Mayor Masuda, seconded by Councilmember Madison, to close the public hearing. (Motion unanimously carried) (Absent: Councilmember Gordo)

Following discussion, it was moved by Councilmember Kennedy, seconded by Vice Mayor Masuda, to re-open the public hearing. (Motion unanimously carried) (Absent: Councilmember Gordo)

Sue Mossman, Pasadena Heritage, responded to questions from Vice Mayor Masuda regarding the project and specifically regarding the greenspace and plans for the Sister City trees.

Joe Long, applicant and Executive Vice President, Kimpton Hotel & Restaurant Group, LLC, responded to questions regarding the size of a boutique hotel, and affirmed the long-term commitment by Kimpton Hotels to remain at this location.

Councilmember Madison spoke in support of the staff recommendation, asked staff to return to the City Council with building and site designs to ensure that the final project will be symmetrically consistent with the adjacent northern parcel (YMCA building), and suggested that open space be incorporated within the design along Garfield Avenue, with consideration given to removing or pushing back parking spaces to incorporate green space.

Councilmember McAustin asked that included in the motion that the City Council give specific direction to the Design Commission to address further architectural refinements, with particular attention to the Garfield Avenue and Union Street corner, stepping down the building from the east to the west side on Union Street, and overall height and articulation of the buildings. In addition, Ms. McAustin requested that staff provide a report to the City Council with the current Centennial Square plan, and the availability of residential impact fees to support park development within the area, and determine the feasibility of any suggested improvements.

Councilmember Wilson requested that staff make every effort to preserve and relocate the Sister Cities trees within the landscape plan and on-site of the project, and activate pedestrian use at the east entry of the project.

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

It was agreed by consensus to incorporate the following amendments as part of the motion approving the staff recommendation: Direct the Design Commission to address further architectural refinements with particular attention to the Garfield Avenue and Union Street corner, stepping down the building from the east to the west side on Union Street, and overall height and articulation of the building; and amend the Conditions of Approval for Conditional Use Permit No. 6279, No. 73, to include "and existing trees shall be preserved to the maximum extent feasible."

The City Clerk clarified that Staff Recommendation No. 1 included the adoption of the environmental findings by resolution.

It was moved by Councilmember McAustin, seconded by Councilmember Gordo, to approve the staff recommendation and the amendments detailed above. (Motion unanimously carried) (Absent: Councilmember Gordo)

COUNCIL COMMENTS

Councilmember Madison distributed flyers regarding the Hollywood Burbank Airport, which included information on the proposed replacement terminal.

Councilmember Hampton asked staff to contact the California Department of Transportation (Caltrans) requesting that they provide additional notification of future freeway closures. In addition, Mr. Hampton asked staff to follow up on the availability of a 6-month temporary street parking permit.

Councilmember Kennedy reported on the 28th Annual Michael Bryant Back To School Event and thanked the City staff and community for their assistance in this successful event.

ADJOURNMENT

On order of the Mayor, the regular meeting of the City Council adjourned at 12:21 a.m.

Terry Tornek, Mayor
City of Pasadena

ATTEST:

City Clerk