

CITY OF PASADENA
City Council Minutes
June 12, 2017 – 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 Wilson)

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

**CITY COUNCIL CONFERENCE WITH LEGAL COUNSEL –
LIABILITY CLAIMS Receipt of a claim pursuant to the
Government Claims Act pursuant to Government Code
Section 54956.9(e)(3)**

Claimant: ARB, Inc.

Agency claimed against: City of Pasadena

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

On the order of the Mayor, the regular meeting reconvened at 6:31 p.m. The pledge of allegiance was led by Councilmember Hampton.

ROLL CALL:

Councilmembers:

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

Staff:

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

CEREMONIAL MATTERS

The City Clerk administered the oath of office to Deborah Raupp as Senior Commissioner.

Nat Nehdar and Justin Jones, Human Relations Commissioners, joined by Mayor Tornek, presented the Raymond J. Pitts Award to Raymond Ealy, Executive Director/Founder Steam Coders; Model of Unity Award to Lt. Tracey J. Ibarra, Pasadena Police Department; and the Harry Sheldon Award to Coach Alon Margalit, Blair High School, for their positive impacts to the community.

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

Jimmy Taggart, Pasadena resident, expressed concerns with the development in the City, and the lack of affordable housing.

Tom Beck, Pasadena property owner, expressed concerns with the cannabis store located at 1110 East Green Street, and asked the City to consider banning the sale of cannabis in the City.

Shahé Mankerian, a member of the Pasadena Rose Poets, recited poetry.

Gwohua Ghiloni, young Sierra Madre resident, spoke on his visit to an African- American museum and his feelings regarding the treatment of black people.

Isabela Ghiloni, young Sierra Madre resident, recited poetry.

CONSENT CALENDAR

AUTHORIZATION TO SUBMIT GRANT APPLICATION FOR THE 2016-2017 ENVIRONMENTAL ENHANCEMENT MITIGATION PROGRAM

Recommendation:

- (1) Find that the action proposed in the agenda report, authorization to apply for grants for tree plantings, is exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15304(b) (Minor Alterations to Land – New Landscaping); and
- (2) Adopt a resolution authorizing submittal of a grant application to the Environmental Enhancement Mitigation Program for the planting of trees at various locations along City streets, City parks and City facilities. (Resolution No. 9572)

CONTRACT AWARD TO DOUG MARTIN CONTRACTING COMPANY, INC., FOR SLURRY SEAL OF STREETS – 2017 FOR AN AMOUNT NOT-TO-EXCEED \$486,000

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 May 24, 2017, submitted by Doug Martin Contracting Company, Inc., in response to the Specifications for the Slurry Seal of Streets -2017, and authorize the City Manager to enter into such contract for an amount not-to-exceed \$486,000. (Contract No. 30913)

AUTHORIZATION TO EXECUTE A FIVE YEAR CONTRACT WITH WITTMAN ENTERPRISES, LLC FOR PARAMEDIC BILLING SERVICES WITH A FEE OF 3.75 PERCENT OF NET COLLECTIONS, ESTIMATED TO BE \$206,250 PER YEAR

Recommendation:

(1) Find that the proposed action is not a project subject to the California Environmental Quality Act (CEQA) as defined in 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 enter into a contract, without competitive bidding pursuant to City Charter Section 1002(F), contracts for professional or unique services, with Wittman Enterprises, LLC, for 3.75 percent of net receipts. The estimated annual fee will be approximately \$206,250 per year based on 3.75 percent applied against net receipts.

APPOINTMENT OF FELICIA WILLIAMS TO THE PLANNING COMMISSION EFFECTIVE JULY 1, 2017 (Mayor Nomination)

APPOINTMENT OF C. ROBERT KURKJIAN TO THE ENVIRONMENTAL ADVISORY COMMISSION EFFECTIVE JULY 1, 2017 (At Large/District 4 Nomination)

APPOINTMENT OF MARK WATERSON TO THE ACCESSIBILITY AND DISABILITY COMMISSION EFFECTIVE JULY 1, 2017 (At Large/District 6 Nomination)

APPOINTMENT OF JENNIFER VANORE TO THE RECREATION AND PARKS COMMISSION EFFECTIVE JULY 1, 2017 (At Large/District 6 Nomination)

APPOINTMENT OF LOUISA NELSON TO THE PASADENA CENTER OPERATING COMPANY BOARD EFFECTIVE JULY 1, 2017 (At Large/District 7 Nomination)

APPOINTMENT OF FRED PICKEL TO THE HISTORIC PRESERVATION COMMISSION EFFECTIVE JULY 1, 2017 (Garfield Heights Nomination)

REAPPOINTMENT OF TERRY TORNEK TO THE PASADENA FIRE AND POLICE RETIREMENT SYSTEM BOARD EFFECTIVE JULY 1, 2017 (City Council Nomination)

REAPPOINTMENT OF WILLIAM JOSEPH MILLIGAN TO THE PASADENA FIRE AND POLICE RETIREMENT SYSTEM BOARD EFFECTIVE JULY 1, 2017 (Fire Department Nomination)

REAPPOINTMENT OF MARC REUSSER TO THE HISTORIC PRESERVATION COMMISSION EFFECTIVE JULY 1, 2017 (Historic Highlands Nomination)

REAPPOINTMENT OF EMILY STADNICKI TO THE HISTORIC PRESERVATION COMMISSION EFFECTIVE JULY 1, 2017 (North Pasadena Heights Nomination)

REAPPOINTMENT OF EMINA DARAKJY TO THE HISTORIC PRESERVATION COMMISSION EFFECTIVE JULY 1, 2017 (Prospect Historic District Nomination)

REAPPOINTMENT OF KRISTEN TACHIKI TO THE SENIOR COMMISSION EFFECTIVE JULY 1, 2017 (Huntington Hospital Senior Care Network Nomination)

REAPPOINTMENT OF AKILA GIBBS TO THE SENIOR COMMISSION EFFECTIVE JULY 1, 2017 (Pasadena Senior Center Nomination)

MINUTES APPROVED

May 22, 2017
May 29, 2017

CLAIMS RECEIVED AND FILED

Claim No. 12,887	Kevin A. Dorse, Theodora Oringer PC representing ARB, Inc.	\$ 25,000.00+
Claim No. 12,888	Project Resources Group for Charter Spectrum Cable	3,433.85
Claim No. 12,889	Law Offices of Marian Kab representing Carmen Pacheco	25,000.00+
Claim No. 12,890	David Wheatley	25,000.00+
Claim No. 12,891	Antolino Venegas	4,521.93
Claim No. 12,892	Juan Carlos Carrillo	375.00
Claim No. 12,893	Roberta Lyon, DBA: Style on the Green	2,500.00
Claim No. 12,894	Law Offices of Gary Berkovich representing Savannah Salcido	1,148.03

It was moved by Councilmember Gordo, seconded by Councilmember McAustin, to approve all items on the Consent Calendar. (Motion unanimously carried) (Absent: Councilmember Wilson)

REPORTS AND COMMENTS FROM COUNCIL COMMITTEE

PROPOSED FISCAL STRATEGY TO ADDRESS CURRENT AND FUTURE FINANCIAL LIABILITIES

Recommendation:

- (1) Find that the recommended action in the agenda report is exempt from the California Environmental Quality Act ("CEQA") pursuant to State CEQA Guidelines Section 15061(b)(3); and
- (2) Approve the following actions to address current and future financial liabilities of the City. Specifically:
 - a. Direct staff to return to the City Council with a revised Fund Balance Policy which would cap the General Fund Emergency Contingency Reserve at 15% of appropriations and create a General Fund Operating Reserve of 5% of appropriations;
 - b. Direct Staff to bring forward for approval the establishment of a Section 115 Trust in order to pre-fund the City's pension and Other Post-Employment Benefits (OPEB), with an initial deposit of \$12 million from unassigned General Fund Balance; \$10 million towards pensions and \$2 million towards OPEB;
 - c. Approve an allocation of \$1 million of unassigned General Fund Fund Balance to the Workers Compensation Fund; and
 - d. Approve an allocation of \$1 million of unassigned General Fund Fund Balance to the General Liability Fund. (Budget Amendment No. 2017-25)

Steve Mermell, City Manager, and Matt Hawkesworth, Director of Finance, reviewed the agenda report as part of a PowerPoint presentation, and responded to questions.

Vice Mayor Kennedy spoke on the need to effectively manage the City's Fire & Police Retirement System (FPRS), as well as future unfunded pension obligations projected by the California Public Employees' Retirement System (CalPERS). He also stated his preference for the City to utilize available unappropriated funding to address affordable housing issues impacting such communities as the African-American community in the City.

Councilmember Hampton agreed with the need to allocate funding for the development of additional affordable housing in the City, and spoke in favor of increasing the housing in-lieu fees.

Councilmember Madison asked staff to provide information on the return rate reported by CalPERS for Fiscal Year 2017

In response to Councilmember McAustin's inquiry regarding the City's ability to seek litigation or recourse against the CalPERS Board for malfeasance (due to reported mismanagement and fraud), Michele Beal Bagneris, City Attorney/City Prosecutor, responded that the City Council may consider communicating with the CalPERS Board and State legislative officials and bodies in a political manner in terms of how to proceed.

Councilmember Gordo asked staff to provide information on the reported CalPERS 10-year historic average rate of return, as well as the 20 and 25 year return rates; expressed his hesitancy in pursuing the funding of a pension trust fund, citing the complexity of developing, establishing and managing such a portfolio with the City acting as administrators.

The Mayor and Councilmember McAustin stated that the establishment of various reserve accounts may cause public confusion, and requested that staff ensure that any such funds be clearly identified in the City's financial statements, and similarly noted in the City's financial documents that the stated goal in building such reserves is to address the City's future pension liabilities.

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

OPTIONS FOR REVENUE ENHANCEMENTS TO FUND OPERATING OR CAPITAL PROGRAMS

Recommendation:

- (1) Find that the recommended action in the agenda report is exempt from the California Environmental Quality Act ("CEQA") pursuant to State CEQA Guidelines Section 15061(b)(3); and
- (2) Consider whether to pursue some form of voter-approved revenue measure to fund operating or capital programs and direct staff accordingly.

Matthew Hawkesworth, Director of Finance, provided a PowerPoint presentation on the item, and responded to questions.

Vice Mayor Kennedy stated that the information is lacking resident input and spoke in favor of developing a citizens group or conduct a citizen survey to develop recommendations on revenue enhancements.

The Mayor spoke on the need to identify and prioritize the City's most pressing needs, prior to developing funding mechanisms, and recommended that the discussion be agendized at the Finance Committee in order to prioritize the City's capital programs.

Councilmember Hampton stated his preference that before taxes are increased, staff should consider internal cuts within all departments, and spoke in favor of taxing Airbnb rentals and future cannabis sales in the City.

Councilmember McAustin asked staff to provide a list of the City's capital programs so that the City Council may prioritize the programs in order to provide the information to the public.

Following discussion, by consensus of the City Council, this matter was referred to the Finance Committee for discussion to consider identifying and prioritizing the City's capital programs and existing or expanded services, and with direction to return to the City Council at a future meeting with a recommendation.

PUBLIC HEARINGS

PUBLIC HEARING: BRIDGE NAME CHANGE – LA LOMA BRIDGE TO JOHN K. VAN DE KAMP BRIDGE

Recommendation:

- (1) Find that the proposed bridge name change from La Loma Bridge to John K. Van de Kamp Bridge is categorically exempt from the California Environmental Quality Act (CEQA) under Section 15061(b)(3), the general rule that CEQA only applies to projects which have the potential for causing a significant effect on the environment; and
- (2) Adopt a resolution changing the name of La Loma Bridge to John K. Van de Kamp Bridge. (Resolution No. 9573)

The City Clerk opened the public hearing; reported that the public hearing notice was published in the Pasadena Star News on May 29, 2017; and that the City Clerk's Office received 3 letters in support and 15 letters in opposition of staff's recommendation, which were distributed to the City Council and made part of the public hearing record.

Ara Maloyan, Director of Public Works, provided a PowerPoint presentation on the item, and responded to questions.

Councilmember Madison stated that additional letters/e-mails were received by his office but appeared not to be part of the City Clerk's record for the public hearing item.

Councilmember Hampton asked staff to provide additional information on the City's adopted street and bridge renaming process, and suggested a thorough discussion would be beneficial, and that future renaming efforts should include greater public input from residents.

The following individuals spoke in favor of the proposed bridge name change, and provided comments:

Geoffrey Baum, Pasadena resident
Doug Kranwinkle, Pasadena resident
Helen Pashgian, Pasadena resident
Joan Favvre, Pasadena resident

Councilmember Madison spoke on the many personal and professional accomplishments of Mr. John K. Van de Kamp and in support of the staff recommendation; and addressed the concerns raised regarding the bridge renaming process, as well as some of the community concerns with renaming the bridge.

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

Councilmember Gordo suggested that in addition to the staff recommendation, staff be directed to contact the Board of Supervisors and request their consideration in renaming the Pasadena Superior Courthouse in honor of Mr. Van de Kamp.

Councilmember McAustin expressed her admiration and respect for Mr. Van de Kamp, but stated her hesitation in renaming the bridge (preferring the practice of naming a bridge after the street it connects); spoke in favor of requesting that the Board of Supervisors consider renaming the Pasadena Courthouse in honor of Mr. Van de Kamp; and supported a future discussion on the process of renaming bridges in the City.

Following discussion, it was moved by Councilmember Madison, seconded by Vice Mayor Kennedy, to approve the staff recommendation, amended with direction to staff to contact the Board of Supervisors and request consideration in renaming the Pasadena Courthouse in honor Mr. John K. Van de Kamp. (Motion unanimously carried) (Absent: Councilmember Wilson)

CONTINUED PUBLIC HEARING: ADOPTION OF FISCAL YEAR 2018 RECOMMENDED SCHEDULE OF TAXES, FEES, AND CHARGES

Recommendation: It is recommended that the City Council close the public hearing and adopt the Fiscal Year (FY) 2018 Recommended Schedule of Taxes, Fees, and Charges.

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

Matt Hawkesworth, Director of Finance, responded to questions regarding the increase of charges that are based on the Consumer Price Index (CPI).

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

CONTINUED PUBLIC HEARING: ADOPTION OF FISCAL YEAR 2018 RECOMMENDED GENERAL FEE SCHEDULE

Recommendation: It is recommended that the City Council close the public hearing and adopt the Fiscal Year (FY) 2018 Recommended General Fee Schedule.

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

City Manager Mermell responded to questions regarding the City's General Fee Schedule fees, which are based on cost of service.

Michael Johnson, Director of Public Health, responded to questions regard the Health Department's fee increases, which he stated are set to recover actual costs.

Councilmember Hampton stated his preference that the installation of fire sprinklers for multi and single-family households should be reduced in order to promote fire safety, and requested a copy of any cost study/analysis conducted by the Fire Department to determine fire sprinkler permit fees.

Bryan Frieders, Fire Bureau Chief, responded to questions regarding costs associated with fire sprinkler plan approvals and inspections.

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

PUBLIC HEARING: ZONING CODE AMENDMENT - HILLSIDE OVERLAY DISTRICTS (HD, HD-1, HD-SR)

Recommendation: It is recommended that the City Council continue the Public Hearing to June 19, 2017 at 7:00 p.m.

It was moved by Councilmember McAustin, seconded by Councilmember Masuda, to continue the public hearing on the item to June 19, 2017 at 7:00 p.m. (Motion unanimously carried) (Absent: Councilmember Wilson)

CONTINUED PUBLIC HEARING: FISCAL YEAR 2018 RECOMMENDED 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 19, 2017 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 adopt the Fiscal Year 2018 Recommended Operating Budget

The Mayor reported that at the Joint Finance and City Council meeting held at 3:00 p.m. today, the department budget presentations have been concluded.

It was moved by Councilmember Gordo, seconded by Vice Mayor Kennedy, to continue the public hearing on the item to June 19, 2017 at 7:00 p.m. (Motion unanimously carried) (Absent: Councilmember Wilson)

RECOMMENDATION TO HOLD A PUBLIC HEARING AND APPROVE THE PROPOSED INCREASES TO THE ELECTRIC DISTRIBUTION AND CUSTOMER CHARGES FOR ALL CUSTOMER GROUPS

Recommendation:

(1) Find that the Public Hearing for Proposed Changes to the Electric Rates is exempt from the California Environmental Quality Act ("CEQA") pursuant to State CEQA guidelines Section 15273 (Rates, Tolls, Fares, and Charges);

(2) Open a Public Hearing to receive public comment on the Recommended Electric Rate Increases, to be effective on July 1, 2017 or as soon as practical thereafter:

- a. Increase the Electric Distribution Charges to generate an additional \$4.8 million annually, thereby increasing the overall Power Fund operating revenues by 2.3%;
- b. Increase the Electric Customer Charges to generate an additional \$0.54 million annually, thereby increasing the overall Power Fund operating revenues by 0.3%;

(3) Direct the City Clerk to report on written comments received from the public;

(4) Close the Public Hearing

(5) Approve the aforementioned Recommended Electric Rate Increases; and

(6) Direct the City Attorney to prepare an amendment to the Light and Power Rate Ordinance ("Ordinance") implementing the changes to the electric rates described in the agenda report

Recommendation of the Municipal Services Committee: The Municipal Services Committee recommended that the City Council approve these recommendations at their May 9, 2017 meeting.

The City Clerk opened the public hearing; reported that the public hearing notice was published in the Pasadena Journal and Pasadena Weekly on May 25, 2017; no correspondence was received by the City Clerk's office regarding this item.

Gurcharan Bawa, General Manager of Water and Power, provided introductory comments; and Shari Thomas, Assistant General Manager of Water and Power, provided a PowerPoint presentation on the item and responded to questions. Councilmember Madison spoke in favor of using the City's water and power rates to incentivize conservation.

Councilmember McAustin, Chair of the Municipal Services Committee, reported on the Committee's discussion and ultimate decision to support the item; and spoke on the Water and Power Department's budget cuts.

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

It was moved by Councilmember McAustin, seconded by Councilmember Masuda, to approve the staff recommendation. (Motion unanimously carried) (Absent: Councilmember Wilson)

ORDINANCE – FIRST READING

Conduct first reading of “AN ORDINANCE OF THE CITY OF PASADENA AMENDING THE LIGHT AND POWER RATE ORDINANCE, TITLE 13, CHAPTER 13.04 OF THE PASADENA MUNICIPAL CODE””

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

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

COUNCIL COMMENTS

Councilmember McAustin, Board member of the Executive Board of Foothill Transit, reported on the Board's initiatives, budget decisions, and partnership with Los Angeles County Metropolitan Transportation Authority (METRO). In addition, Ms. McAustin reported on the discussion of the State's Affordable Housing Committee meeting, including discussion on the following items that City staff should continue to follow closely: California Assembly Bill 45, California School Employee Housing Assistance Grant Program, and Assembly Bill 649, Community Choice Aggregators, as well as a number of proposed ballot initiatives.

Councilmember Gordo reminded the City Council and the public that the Arroyo Seco Music and Arts Festival event will be held on the weekend of June 24-25, 2017 in the Arroyo Seco and areas surrounding the Rose Bowl.

Councilmember Kennedy provided updates on various events he attended that were held throughout the community on June 10, 2017: the Union Station Homeless Services March Home event, the Garfield Heights Neighborhood Association Block Party, and the 44th Annual Jackie Robinson Merit Awards Ceremony. He also spoke on the Voices from the Heart 2017 event, Honoring Alma Stokes, which was held on June 11, 2017; and reminded the City Council and public of the following upcoming events: graduation of Pasadena Police Explorers Academy, scheduled for June 21, 2017, and Pasadena Police Department's 16th Annual Father's Day Car Show to be held on June 18, 2017

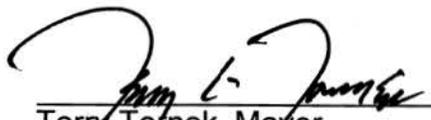
The Mayor reported on the Pasadena Museum of History's Happy Birthday Pasadena; Chalk Up Another Year! Event, celebrating the City's 131st birthday, held on June 11, 2017.

Councilmember Hampton reported on community events he attended, including a Youth Football Clinic featuring Marcus Robertson and Chad Brown, held on June 10, 2017 at the Rose Bowl Stadium, John Muir High School Alumni Association meeting, and First AME Church graduation ceremony. He also reported on the Indivisible Alta-Pasadena organization meeting that he attended.

In response to Councilmember Hampton's request, City Manager Mermell responded that he will provide additional information on the California Department of Transportation (Caltrans) impending freeway closures scheduled for the upcoming weekend in the weekly newsletter.

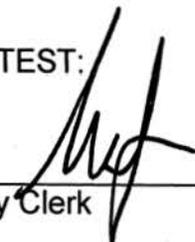
ADJOURNMENT

On order of the Mayor, the regular meeting of the City Council adjourned at 10:31 p.m.



Terry Tornek, Mayor
City of Pasadena

ATTEST:



City Clerk