

CITY OF PASADENA  
City Council Minutes  
October 23, 2017 – 5:30 P.M.  
City Hall Council Chamber

REGULAR MEETING

Teleconference Location:  
Renaissance Inn  
Business Center  
201 Tallapoosa Street  
Montgomery, Alabama 36104

**OPENING:**

Mayor Tornek called the regular meeting to order at 5:30 p.m.  
(Absent: Councilmember None)

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

Councilmember Hampton  
arrived at 5:38 p.m.

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

**Name of Case: Garcia v. American Golf Corporation et. al.  
LASC Case No.: GC 050056**

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

**Agency Designated Representatives: Jennifer Curtis and  
Steve Mermell**

**Employee Organization: International Union of Operating  
Engineers (IUOE)**

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

**Property Locations: 717 -721 East Union Street, Pasadena CA**

**Agency Negotiator: Steve Mermell**

**Negotiating Party: Union Oak LP (Charles Wee)**

**Under Negotiation: Price and terms of payment**

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

**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**

**Employee Title and Unrepresented Employee: City Manager  
City Representative: Terry Tornek**

The above closed session item was not discussed.

On the order of the Mayor, the regular meeting reconvened at 6:37 p.m. The pledge of allegiance was led Councilmember Gordo.

**ROLL CALL:**

Councilmembers:

Mayor Terry Tornek  
Vice Mayor John J. Kennedy  
Councilmember Victor Gordo  
Councilmember Tyron Hampton  
Councilmember Steve Madison (participated via teleconference)  
Councilmember Gene Masuda  
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 oath of office to Theresa Robinett as Human Relations Commissioner.

Paul Worley, County of Los Angeles Department of Agriculture Commission, presented information on the Counties' Citrus Pest and Disease Prevention Program; and responded to questions.

Vice Mayor Kennedy asked that the City's Public Information Officer assist in distributing the information to the City's residents.

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

Michael Gutierrez, residence not stated, spoke on safety concerns for bicyclists on West Drive and the Rose Bowl loop, and asked the City to consider additional safety measures at the loop.

In response to the public comment, Councilmember Gordo asked staff to agendize for future discussion the safety analysis of recreational activities occurring around the Rose Bowl loop, including information on potentially banning vehicles during high-use periods in order to improve safety.

City Manager Mermell responded that staff is currently working on recommendations to improve the safety around the Rose Bowl loop, and will present a report to the Recreation and Parks Commission, as well as the City Council, in the near future for discussion.

Vice Mayor Kennedy asked that staff present the recommendations to the Public Safety Committee prior to the City Council for discussion.

Carla Sameth, Pasadena Rose Poets, recited poetry.

Jonathan Fuhrman, Pasadena resident, spoke on the City's election process and suggested that the City Council consider changing the City's election format to one election occurring in November of even years, on the same date but separately from the statewide General election, utilizing instant run-off voting, and an All Mail Ballot voting system.

Mary Dee Romney, San Rafael Neighborhood Association, spoke in opposition to Congressman Adam Schiff's re-introducing the Rim of the Valley Corridor Preservation Act, and asked the City Council to direct staff to confirm the boundaries in the proposal.

Councilmember Hampton spoke in support of staff identifying a map of the boundaries related to the Rim of the Valley Corridor Preservation Act, with City Manager Mermell agreeing to circulate a map if available.

### **CONSENT CALENDAR**

#### **APPROVAL OF MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF PASADENA AND THE INTERNATIONAL UNION OF OPERATING ENGINEERS FOR THE TERM OF JULY 1, 2017 – JUNE 30, 2020**

##### **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 a Memorandum of Understanding (MOU) between the City of Pasadena (City) and the International Union of Operating Engineers (IUOE) for the term of July 1, 2017 through June 30, 2020. (Contract No. 22,858)

#### **ADOPTION OF A RESOLUTION AUTHORIZING PRE-TAX TREATMENT OF COST-SHARING CONTRIBUTIONS TO THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM PAID BY MEMBERS OF THE INTERNATIONAL UNION OF OPERATING ENGINEERS UNDER SECTION 414(H)(2) OF THE INTERNAL REVENUE CODE**

##### **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) Adopt a resolution authorizing the pre-tax treatment of cost-sharing contributions paid by members of International Union of Operating Engineers (IUOE) to the California Public Employees' Retirement System. (Resolution No. 9601)

**PURCHASE ORDER AWARD TO GORDY'S GARAGE AND TOWING FOR AS-NEEDED TOWING AND RECOVERY SERVICES FOR CITY VEHICLES FOR A NOT-TO-EXCEED AMOUNT OF \$120,000**

**Recommendation:**

(1) Find that this action is exempt from 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; and

(2) Accept the bid dated September 9, 2017, submitted by Gordy's Garage and Towing (Gordy's) in response to specifications for towing and recovery services, and authorize the issuance of a purchase order with Gordy's in an amount not-to-exceed \$120,000 over a three-year period with the option for two additional one-year terms in the annual amount of \$40,000, subject to the approval of the City Manager, for a maximum total contract length of five years and a total contract amount of \$200,000.

Item discussed separately

**FINANCE COMMITTEE: AMENDMENTS TO FISCAL YEAR 2018 CAPITAL IMPROVEMENT PROGRAM BUDGET**

**FINANCE COMMITTEE: CONTRACT AWARD TO ACCESS PACIFIC, INC., FOR LOWER ARROYO MAIN ENTRANCE IMPROVEMENTS FOR AN AMOUNT NOT-TO-EXCEED \$132,000 AND AMENDMENT TO FISCAL YEAR (FY) 2018 CAPITAL IMPROVEMENT PROGRAM (CIP) BUDGET**

**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, Article 19, Class 1, Section 15301, Existing Facilities, which exempts repair or minor alteration of existing public facilities where no expansion of existing use will take place;

(2) Amend the Fiscal Year 2018 Capital Improvement Program Budget by appropriating \$66,000 in Residential Impact Fees to the Lower Arroyo – Implement Master Plan – Main Entrance Improvements (77407) project; and

(3) Accept the bid dated October 6, 2017, submitted by Access Pacific, Inc., in response to the Project Plans and Specifications for Lower Arroyo Main Entrance Improvements, reject all other bids, and authorize the City Manager to enter into such contract for an amount not-to-exceed \$132,000. (Contract No. 31048, Budget Amendment No. 2018-12)

**FINANCE COMMITTEE: AMENDMENTS TO FISCAL YEAR 2018 ADOPTED OPERATING BUDGET**

**Recommendation:**

- (1) Find that the proposed action is exempt from 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; and
- (2) Amend the Fiscal Year (FY) 2018 Adopted Operating Budget as detailed in the "Proposed Budget Amendments" section of the agenda report. (Budget Amendment No. 2018-13)

**MINUTES APPROVED**

October 2, 2017  
October 9, 2017

**CLAIMS RECEIVED  
AND FILED**

Claim No. 12,981	William Eric Phillips	\$ 75.00
Claim No. 12,982	Daniel Ellner	25,000.00+
<del>Claim No. 12,983</del>	<del>Lawyers for Workplace Fairness, representing Tremaine McGinnis</del>	<del>Not stated</del>
Claim No. 12,984	Ariel Law Group, representing Maria Trinidad Ramirez Rangel	25,000.00+
Claim No. 12,985	Bobbie Smith	676.00

**PUBLIC HEARING SET**

**November 13, 2017, 7:00 p.m.** – Consideration of the Polytechnic School Master Plan

The Mayor informed the City Council that Claim No. 12,983 was pulled from the Consent Calendar.

It was moved by Vice Mayor Kennedy, seconded by Councilmember Hampton, to approve all items on the Consent Calendar, with the exception of Item 4 (Amendments to FY18 CIP Budget), which was discussed separately; and to remove Claim No. 12,983 from the agenda list of claims to receive and file:

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

NOES: None

ABSENT: None

ABSTAIN: None

**CONSENT ITEMS  
DISCUSSED SEPARATELY**

**FINANCE COMMITTEE: AMENDMENTS TO FISCAL YEAR  
2018 CAPITAL IMPROVEMENT PROGRAM BUDGET**

**Recommendation:**

- (1) Find that the proposed actions are not "projects" as defined in the California Environmental Quality Act (CEQA), Public Resources Code Section 21065 and Section 15378(b)(4) and (5) of the State CEQA Guidelines and, as such, are not subject to environmental review; and

(2) Approve a journal voucher with a net increase of \$1,293,990 amending 24 projects in the Fiscal Year 2018 Capital Improvement Program Budget as detailed in Attachment A of the agenda report. (Budget Amendment No. 2018-11)

Kris Markarian, City Engineer, distributed copies of the Community Development Block Grant Sidewalk Project Map, and responded to questions related to sidewalk repair locations.

Following a brief discussion, it was moved by Councilmember Hampton, seconded by Councilmember Masuda, to approve the staff recommendation:

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

## **OLD BUSINESS**

**AUTHORIZATION TO ENTER INTO A CONTRACT WITH LAZ PARKING FOR THE MANAGEMENT, OPERATION AND MAINTENANCE OF PASEO SUBTERRANEAN, MARENGO, LOS ROBLES, HOLLY STREET, DEL MAR STATION, SCHOOLHOUSE, DELACEY AND MARRIOTT PARKING GARAGES IN AN AMOUNT NOT-TO-EXCEED \$9,373,284 FOR A THREE-YEAR TERM, WITH THE OPTION FOR TWO ADDITIONAL ONE-YEAR TERMS**

### **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 effect on the environment; and

(2) Authorize the City Manager to enter into a contract, based on a competitive selection process, pursuant to Pasadena Municipal Code Section 4.08.047, with LAZ Parking for the management, operation and maintenance of the Paseo Subterranean, Marengo, Los Robles, Holly Street, Del Mar Station, Schoolhouse, DeLacey and Marriott parking garages for an amount not-to-exceed \$9,373,284 for three years, with the option for two additional one-year terms at \$3,124,428 annually at the discretion of the City Manager. If all options are exercised, the five year total is \$15,622,140. Competitive bidding is not required pursuant to City Charter Section 1002(F), Professional or Unique Services.

City Manager Mermell introduced the agenda item. Fred Dock, Director of Transportation, and Brenda Harvey-Williams, Finance & Management Services Administrator, presented a PowerPoint presentation, and responded to questions.

Councilmember Hampton stated his opposition to the staff recommendation, expressing concerns with LAZ Parking's involvement in recent litigation, and his preference that a local vendor be given an opportunity to manage the City's garages. In addition, Mr. Hampton stated that the technology helping to manage the City's garages should be updated prior to awarding a contract to any vendor.

Councilmember Gordo distributed copies of recent news articles regarding LAZ Parking's management of garages for the Massachusetts Bay Transportation Authority (MBTA) and the resulting litigation involving charges of embezzlement, expressed his concerns with the City awarding a contract to a vendor with a recent history of embezzlement, and spoke in opposition to the recommended action given the allegations and legal findings related to LAZ Parking and MBTA.

Councilmember Madison suggested that the City consider a stepped approach and more deliberative process in reorganizing all nine City garages, and spoke in favor of utilizing more than one operator to manage the various City garages.

In response to questions, Michele Beal Bagneris, City Attorney/City Prosecutor, informed the City Council that Laz Parking is not disqualified from participating, but rather is subject to the competitive selection process allowing the City Council to make a determination based on the information presented, including news articles, staff information, and public comment.

Councilmember McAustin stated her support for one operator to manage all the City's garages in order to ensure a better customer experience, which is also consistent with the City's internal audit recommendations/findings and will provide better oversight and control of the City's garages.

Michael Woolson, Management Analyst, responded to questions and reviewed the auditing schedule/reconciliation of invoices and cash received from City garage operations.

Vice Mayor Kennedy stated that given the City's 2015 embezzlement scandal, the proposed action to provide a contract to a vendor that is accused of embezzlement may be considered irresponsible, and stated his opposition to the staff recommendation.

The following individuals spoke in opposition to the staff recommendation, and/or provided comments and/or suggestions:

Scott Jenkins, representing Parking Concepts, Inc.  
Gary Pitts, Modern Parking

Manuel Rubio, Modern Parking  
Steve Mulheim, Old Pasadena Management  
Emanuel Najera, Pasadena resident

The following individuals spoke in favor of the staff recommendation:

Michael Harth, LAZ Parking  
Al Lazowski, LAZ Parking  
Jeff Karp, LAZ Parking  
Mike Kuziak, LAZ Parking  
John Svenblad, LAZ Parking

Councilmember Wilson spoke on the need for staff to upgrade the parking technology and resolve equipment issues reported by the public, expressed concerns with the LAZ Parking litigation settlement, and stated his opposition to awarding a contract to LAZ parking under the current circumstances. Mr. Wilson spoke in favor of awarding contracts to the two current vendors, Modern Parking, Inc., and Parking Concepts, Inc., under the current management format and with the proposed contractual terms.

Councilmember Masuda stated his support for staff's recommendation.

Councilmember McAustin agreed with the need for one operator to operate and manage the City's garages, and stated her support for LAZ Parking as recommended by City staff.

Councilmember Gordo suggested sending the item to the Finance Committee or the Economic Development and Technology Committee for further analysis in order to determine if the current process is salvageable, or whether the City should begin the process from the beginning.

#### ORIGINAL MOTION

Following discussion, it was moved by Councilmember McAustin, seconded by Councilmember Masuda to approve the staff recommendation.

The Mayor suggested that staff retain the two current operators for one additional year, with staff to return prior to the one-year period with a recommendation regarding a single operator for the City garages, which he believes will be more efficient for the City.

#### SUBSTITUTE MOTION

Following further discussion, it was moved by Mayor Tornek, seconded by Vice Mayor Kennedy, to direct staff to extend the current contracts and retain the two current operators, Modern Parking, Inc. and Parking Concepts, Inc. for one year, with staff to return with a recommendation on consolidating to one operator for the eight City garages between the two contractual operators:



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

### **PUBLIC HEARING**

Councilmember Madison was excused at 9:49 p.m. and left the meeting.

Councilmember Wilson recused himself and left the dais at 9:51 p.m.

### **PUBLIC HEARING: APPEAL OF THE BOARD OF ZONING APPEALS' DECISION ON MODIFICATION TO HILLSIDE DEVELOPMENT PERMIT NO. 6303 REGARDING THE PROPERTY LOCATED AT 800 FAIRFIELD CIRCLE**

#### **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 (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 Modification to Hillside Development Permit No. 6303.

The City Clerk opened the public hearing and reported 14 copies of the notice were posted and 52 copies of the notice were mailed on October 6, 2017; with the City Clerk's Office receiving 5 letters in favor of the appeal of the Board of Zoning Appeals' (BOZA) decision and 5 letters in opposition to the BOZA appeal, which were distributed to the City Council and made part of the public hearing record.

David Reyes, Director of Planning and Community Development, provided introductory comments, and stated for the record, "In looking through the PowerPoint, that if the variance is denied, the house is the same; the housing mass, height, nothing changes from the way it is today versus how it would be in the future except that we would require the applicant to fill in those areas of unpermitted basement". Luis Rocha, Senior Planner provided a PowerPoint presentation on the item, and responded to questions.

The following persons spoke in opposition to the appeal, provided details regarding the proposed project, and requested that the City Council uphold the BOZA decision:

Richard McDonald, attorney representing the applicant  
John P. Reddy, Applicant  
John A. Irvine, Principal Geologist & Engineer

The following persons spoke in support of the appeal, requested the City Council overturn the BOZA decision, and not approve the staff recommendation:

Kenneth McCormick, Appellant  
Tracy McCormick, Appellant  
Nina Chomsky Pasadena resident

The Mayor spoke on the City's adoption of the General Plan and other complicated and specific zoning regulations that take into consideration various measures and requirements in the Hillside Development area of the City; and expressed strong concerns with staff findings that the proposed project's total square footage limitation was not the controlling piece of evidence to determine the findings and recommendations. In addition, the Mayor stated that he cannot support Findings 10 and 12 of Hillside Development Permit No. 6303, because he believes that staff was incorrect in determining that the requested variance was appropriate.

Councilmember McAustin stated that she believes that the high standards required to make the findings cannot be met to support the requested variance, including Findings 9 and 10 as proposed in Hillside Development Permit No. 6303; and spoke in favor of the Hearing Officer's decision to disapprove the Modification to the Hillside Development Permit at the May 17, 2017 public hearing.

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

Vice Mayor Kennedy stated that he believes that it is not clear if the City can or cannot make the findings required to approve the variance, and will not support confirming the Hearing Officer's decision.

Following further discussion, it was moved by Councilmember McAustin, seconded by Councilmember Hampton, to confirm the Hearing Officer decision to disapprove the Modification to the Hillside Development Permit No. 6303 at the public hearing on May 17, 2017, amended to allow the modification for the additional 12 square feet for the pool bathroom:

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

Michele Beal Bagneris, City Attorney/City Prosecutor, explained that in light of the failed motion, the City Council still needs to vote on the environmental CEQA findings.

Following additional discussion, it was moved by Councilmember McAustin, seconded by Councilmember Gordo, to approve the staff recommendation No. 1: Adopt the Environmental Determination that the proposed project is exempt from

environmental review pursuant to the guidelines of the California Environmental Quality Act (Public Resources Code Section 21080(b)(9); Administrative Code, Title 14, Chapter 3, Class 1, Section 15301, Existing Facilities):

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

#### **ORDINANCES – ADOPTED**

Councilmember Wilson  
returned to the dais at 11:26  
p.m.

**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 (CRAFTSMAN HEIGHTS LANDMARK  
OVERLAY DISTRICT) (Introduced by Vice Mayor Kennedy)  
(Ordinance No. 7312)**

The above ordinance was adopted by the following vote:

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

#### **ADJOURNMENT**

On order of the Mayor, the regular meeting of the City Council  
adjourned at 11:27 p.m.

\_\_\_\_\_  
Terry Tornek, Mayor  
City of Pasadena

ATTEST:

\_\_\_\_\_  
City Clerk