

CITY OF PASADENA
City Council Minutes
November 19, 2018 – 5:30 P.M.
City Hall Council Chamber

REGULAR MEETING

OPENING:

Mayor Tornek called the regular meeting to order at 6:07 p.m.
(Absent: Councilmembers Masuda, McAustin)

On the order of the Mayor, the regular meeting recessed at 6:07 p.m. to discuss the following closed session:

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

Property Location: 275 East Cordova Street, Pasadena, California

Agency Negotiator: Steve Mermell

Negotiating Party: Anders Plett

Under Negotiation: Price and terms of payment

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

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

ROLL CALL:

Councilmembers:

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

Staff:

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

City Manager Mermell spoke on the local fires burning in Ventura and Los Angeles counties, as well as the Camp Fire in Northern California. He reported that the Pasadena Fire Department has deployed a strike team to Los Angeles and Ventura counties, as well as an Urban Search and Rescue Regional team to northern California to assist in recovery efforts.

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

Bert Newton, Pasadena resident, advocated for affordable housing, and spoke in favor of increasing housing density in the City.

Christle Balvin, Pasadena resident, thanked the City Council and staff for complying with SB 100 – California Renewables Portfolio Standard Program: Emissions of Greenhouse Gases and phasing out fossil fuels.

Mary Dee Romney, Pasadena resident, pointed out that City administration is lacking a process regarding the prioritization and expenditure of new sales tax revenues; expressed concerns that funds will be utilized for employee salaries; and spoke on the need to address Arroyo Seco fire dangers that currently exist.

Following public comment, the Mayor clarified that the voter approved sales tax rate will be 10.25 percent, and not 10.75 percent as referenced by the speaker. He also noted that sales tax funds will not be received by the City until July 2019, and stated that prioritization and expenditure of new sales tax revenues will be discussed at length as part of the City Council's public consideration of the Fiscal Year 2020 budget.

Following discussion, the City Council asked staff to provide a report to the Public Safety Committee regarding fire dangers present in the Arroyo Seco, including brush clearance efforts that may exist in cooperation with Los Angeles County and other agencies having jurisdiction in the Arroyo Seco/foothill mountains.

CONSENT CALENDAR

CONTRACT AWARD TO ALL CITY MANAGEMENT SERVICES, INC., FOR CROSSING GUARD SERVICES AT SELECT PASADENA UNIFIED SCHOOL DISTRICT SITES

Recommendation:

(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) 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 All City Management Services, Inc., for crossing guard services in an amount not-to-exceed \$244,124 for one year with the option of two additional one-year terms at \$269,821 annually at the discretion of the City Manager. If all options are exercised, the three year total is \$783,766. Competitive bidding is not required pursuant to City Charter Section 1002(F) (Professional or unique services). (Contract No. 31343)

ADOPTION OF EXECUTIVE MANAGEMENT, NON-REPRESENTED MANAGEMENT, AND NON-REPRESENTED NON-MANAGEMENT SALARY RESOLUTIONS

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;
- (2) Adopt the Executive Management Salary Resolution;
- (3) Adopt the Non-Represented Management Salary Resolution; and
- (4) Adopt the Non-Represented Non-Management Salary Resolution. (Resolution Nos. 9688, 9689, 9690)

AUTHORIZATION TO ENTER INTO A PURCHASE ORDER WITH COASTLINE EQUIPMENT COMPANY IN AN AMOUNT NOT-TO-EXCEED \$501,520 TO FURNISH AND DELIVER THREE BACKHOES

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;
- (2) Authorize a purchase order with Coastline Equipment Company for the purchase, extended warranty, and preventative maintenance of three backhoe loaders for the Water and Power Department ("PWP") in an amount not-to-exceed \$501,520 for three years. Competitive bidding is not required pursuant to City Charter Section 1002(H), contracts with other governmental entities or their contractors for labor, materials, supplies or services; and
- (3) Grant the proposed purchase order 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.

AUTHORIZATION TO ENTER INTO A PURCHASE ORDER WITH HERC RENTALS INC., TO FURNISH AND DELIVER HEAVY CONSTRUCTION EQUIPMENT RENTAL SERVICES FOR AN AMOUNT NOT-TO-EXCEED \$182,291 PER YEAR

Recommendation:

- (1) Find that the proposed action is not considered a "project" per Section 21065 of the California Environmental Quality Act ("CEQA") and is therefore not subject to CEQA review pursuant to Sections 15060(c)(2), 15060(c)(3), and 15378 of the CEQA State Guidelines; as such, no environmental document pursuant to CEQA is required for the project;

(2) Accept the bid dated October 23, 2018, submitted by Herc Rentals, Inc., in response to Specifications WD-18-08, to furnish and deliver heavy construction equipment rental services for the Water and Power Department ("PWP"), reject all other bids, and authorize the City Manager to enter into a purchase order contract with Herc Rentals, Inc., for an amount not-to-exceed \$182,291 for one year; and

(3) Authorize the City Manager to extend the purchase order for three optional one-year terms not-to-exceed \$182,291 per year. If the three additional one-year terms are exercised, the total purchase order contract amount is \$729,164 for a maximum duration of four years.

APPROVE AN AMENDMENT IN THE AMOUNT OF \$100,074 TO CONTRACT NO. 21,739 WITH ARB, INC., FOR A TOTAL NOT-TO-EXCEED \$1,050,000 TO PROVIDE LABOR AND MATERIALS FOR ONGOING FIELD SERVICES FOR VARIOUS PROJECTS AT THE BROADWAY, GLENARM, AND AZUSA POWER PLANTS

Recommendation:

(1) Find that the proposed actions are exempt from the California Environmental Quality Act ("CEQA") in accordance with California Code of Regulations, Title 14, Division 6, Chapter 3, Article 19, Section 15301, Class 1, Existing Facilities; California Code of Regulations, Title 14, Division 6, Chapter 3, Article 18, Section 15269, Emergency Projects; and Public Resources Code, Division 13, Chapter 2.6, Section 21080.21, which exempts from environmental review any pipeline project of less than one mile in length within a public street or highway or any other public right-of-way, Title 14, Chapter 3, Section 15301, Class 1, Existing Facilities and Section 15302, Class 2, Replacement and Reconstruction; and

(2) Authorize the City Manager to execute an amendment to Contract No. 21,739 increasing the total amount of the contract by \$100,074 from \$949,926 to \$1,050,000 to provide ongoing field services for various projects at the Broadway, Glenarm, and Azusa power plants for the remainder of the contract term through August 9, 2019. (Contract No. 21,739)

CONTRACT AWARD TO JCL TRAFFIC SERVICES FOR WATER WALL BARRICADE RENTAL ALONG THE TOURNAMENT OF ROSES PARADE ROUTE FOR A NOT-TO-EXCEED AMOUNT OF \$153,000

Recommendation:

(1) Find that the project proposed in the agenda report is exempt under the California Environmental Quality Act (CEQA) State Guidelines Section 15061(b)(3), the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment; and

(2) Accept the bid dated October 30, 2018, submitted by JCL Traffic Services in response to specifications for Water Wall Barricade Rental; reject all other bids received, and authorize the City Manager to enter into a contract with JCL Traffic Services in an amount not-to-exceed \$51,000 over a one-year period with the option for two additional one-year extensions in the annual amount of \$51,000 at the discretion of the City Manager, for a maximum total contract length of three years. The amount includes a contingency for any necessary change orders. (Contract No. TBD)

APPROVAL OF SECOND AMENDMENT TO EMPLOYMENT AGREEMENT FOR CITY MANAGER

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 employment agreement for City Manager Steven B. Mermell to provide an increase to his annual salary and vehicle allowance. It is further recommended that the Mayor be authorized to sign the amendment to the employment agreement to reflect City Council approved changes. (Contract No. 22,636-2)

APPOINTMENT OF KIMBERLY FERREIRA TO THE COMMISSION ON THE STATUS OF WOMEN (District 7 Nomination)

APPOINTMENT OF ALFRED LOMAX CARR TO THE HUMAN SERVICES COMMISSION (District 1 Nomination)

APPROVAL OF MINUTES

October 22, 2018
 October 29, 2018
 November 5, 2018
 November 12, 2018

CLAIMS RECEIVED

Claim No. 13,186	Liandra Sapien	\$	456.92
Claim No. 13,187	Farid Saffar		Not stated
Claim No. 13,188	Dordulian Law Group, representing Zabela Isabel Azanoyan		25,000.00+
Claim No. 13,189	State Farm Mutual Automobile Insurance Company as subrogee for John B. Rushing		3,955.45
Claim No. 13,190	Henry C. Guerrero		249.00

Claim No. 13,191	Lisa Cervantes-Sandoval	1,344.88
Claim No. 13,192	Sepassi & Tarighati, LLP, representing Tiba Minuta and Adanech Habtewold	25,000.00+
Claim No. 13,193	Wawanesa Insurance Company Gregory Chalekian	6,059.38
Claim No. 13,194	Rafii & Nazarian, LLP, representing Cyd Cunanan	25,000.00+

The Mayor announced the compensation approvals related to Item 2 (Adoption of Executive Management, Non-represented Management, and Non-represented Non-management Salary Resolutions), and Item 7 (Approval of Second Amendment to Employment Agreement for City Manager), including an overview of the staff report and compensation provided as part of each recommended action.

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

OLD BUSINESS

MUNICIPAL SERVICES COMMITTEE: AMEND PASADENA MUNICIPAL CODE TITLE 13, CHAPTER 13.04, SECTION 13.04.100 AND CHAPTER 13.20, SECTION 13.20.270 TO AUTHORIZE THE GENERAL MANAGER OF THE WATER & POWER DEPARTMENT TO REVISE SERVICE REGULATIONS FROM TIME TO TIME

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 Section 15378 of the State CEQA Guidelines and, as such, no environmental document pursuant to CEQA is required for this project;
- (2) Approve recommended amendments to Pasadena Municipal Code ("PMC") Sections 13.04.100 (Service regulations and charges) and 13.20.270 (Service regulations and charge) to allow the General Manager of the Pasadena Water and Power Department ("PWP") to make changes in service regulations that do not impact rates or fees. This will replace the current practice of the "Board of Directors of the City" adopting any changes to the service regulations, including those that do not impact rates or fees, by resolution; and

(3) Direct the City Attorney to prepare an ordinance to amend Pasadena Municipal Code (PMC) Title 13, Chapter 13.04, "Power Rates and Regulations" and Chapter 13.20, "Water Service and Rates" as described in the agenda report.

Gurcharan Bawa, General Manager of Pasadena Water and Power (PWP), summarized the prior City Council discussion on the item that occurred at the October 29, 2018 meeting, highlighted the changes to the proposed ordinance, and responded to questions.

Michele Beal Bagneris, City Attorney/City Prosecutor, stated that the City Council or any member of the public could review, consider, and/or provide comment on an administrative action taken by the General Manager of PWP.

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

PUBLIC HEARING

PUBLIC HEARING: DESIGNATION OF THE HOUSE AT 817 RIO GRANDE STREET AS A LANDMARK

Recommendation:

- (1) Find that the designation of a historic resource is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15308 Class 8 of the CEQA State Guidelines pertaining to Actions by Regulatory Agencies for Protection of the Environment and there are no features that distinguish this project from others in the exempt class and, therefore, there are no unusual circumstances;
- (2) Find that the house and detached garage at 817 Rio Grande Street meet landmark designation criterion C in Pasadena Municipal Code (P.M.C.) Section 17.62.040(C)(2)(c) because they embody the distinctive characteristics of a locally significant property type, architectural style and period. The house and detached garage are a locally significant, intact example of an Arts and Crafts period California Bungalow, and retain integrity;
- (3) Adopt a resolution approving a Declaration of Landmark Designation for 817 Rio Grande Street, Pasadena, California;
- (4) Authorize the Mayor to execute the Declaration of Landmark Designation for 817 Rio Grande Street, Pasadena, California; and
- (5) Direct the City Clerk to record the declaration with the Los Angeles County Recorder. (Resolution No. 9691)

Recommendation of the Historic Preservation Commission:

At its regular meeting of July 3, 2018, the Historic Preservation Commission recommended that the City Council approve the designation of the house and garage at 817 Rio Grande Street as a Landmark under Criterion "C" of PMC Section 17.62.040.

The City Clerk opened the public hearing, and reported that 315 copies of the notice were mailed and 24 copies of the notice were posted on November 5, 2018, and that the City Clerk's Office received 1 letter in favor of the item, which was distributed to the City Council, posted online, and made part of the public hearing record.

David Reyes, Director of Planning and Community Development, provided introductory comments, and Amanda Landry, Planner, provided a PowerPoint presentation on the item, and responded to questions.

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

It was moved by Councilmember Gordo, seconded by Vice Mayor Kennedy, to approve the staff recommendation. (Motion unanimously carried) (Absent: Councilmembers Masuda, McAustin)

PUBLIC HEARING: DESIGNATION OF THE HOUSE AT 200 FERN DRIVE AS A HISTORIC MONUMENT

Recommendation:

- (1) Find that the designation of a historic resource is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15308 Class 8 of the CEQA State Guidelines pertaining to Actions by Regulatory Agencies for Protection of the Environment and there are no features that distinguish this project from others in the exempt class and, therefore, there are no unusual circumstances;
- (2) Find that the house and accessory structures at 200 Fern Drive meet Historic Monument designation Criteria B and C in Pasadena Municipal Code (P.M.C.) Section 17.62.040(B)(1)(b) and (c) because they are exceptional examples of a custom-designed, Mediterranean Revival Style estate designed by regionally significant architect Paul R. Williams and was resided in and owned by nationally significant doctor and pharmaceutical entrepreneur V. Mott Pierce during his period of significance;
- (3) Adopt a resolution approving a Declaration of Landmark Designation for 200 Fern Drive, Pasadena, California;

- (4) Authorize the Mayor to execute the Declaration of Landmark Designation for 200 Fern Drive, Pasadena, California; and
- (5) Direct the City Clerk to record the declaration with the Los Angeles County Recorder. (Resolution No. 9692)

Recommendation of the Historic Preservation Commission:

At its regular meeting of September 4, 2018, the Historic Preservation Commission recommended that the City Council approve the designation of the house and accessory structures at 200 Fern Drive as a Historic Monument under Criteria B and C in P.M.C. Section 17.62.040(B)(1)(b) and (c).

The City Clerk opened the public hearing, and reported that 68 copies of the notice were mailed and 7 copies of the notice were posted on November 5, 2018, and that the City Clerk's Office received 2 letters in favor of the item, which were distributed to the City Council, posted online, and made part of the public hearing record.

Amanda Landry, Planner, provided a PowerPoint presentation on the item, and responded to questions.

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

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

RECOMMENDATIONS FROM OFFICERS AND DEPARTMENTS

DISCUSSION REGARDING IMPLEMENTATION OF MEASURE J

Recommendation: The following report is for information only, no City Council action is required at this time; however, staff currently intends to bring forward a recommendation to the City Council on December 3, 2018 based on the discussions this evening.

City Manager Mermell provided a PowerPoint presentation on the item, and reported on the current updated election results provided by the Los Angeles County Register-Recorder/County Clerk, with Measure I receiving an approval rate of 68.21% and Measure J receiving an approval rate of 71.79%.

Councilmember Madison spoke on the need to provide fiscal accountability to City constituents on where and how City money is being spent to support the Pasadena Unified School District

(PUSD). He stated that if the City were to provide services directly (i.e. after school programs, school policing, libraries, etc.), than the City would need to maintain authority and accountability on such expenditures. He also expressed the need for a thoughtful process, with PUSD to provide information on current budgetary challenges, a clear and detailed plan on how best to utilize future sales tax revenues, an approved agreement that allows for annual review, and the need for the establishment of a liaison between PUSD and the City. He expressed concerns with allowing Measure J funds to be used for PUSD to establish required budget reserves, questioned the need for such an action by the City, and asked staff to provide detailed information on the consequences of a Los Angeles County Office of Education (LACOE) takeover of PUSD.

Councilmember Wilson expressed the desire to collaborate with PUSD, but expressed concerns with the lack of information and understanding of PUSD economics. He echoed the stated concerns related to using Measure J funds to establish PUSD budget reserves. He suggested replicating the Pasadena Educational Foundation's model of "grant funding" programs to provide accountability to City taxpayers.

Councilmember Gordo expressed concerns with a takeover of PUSD by LACOE, stating that voters have clearly advised the City to support PUSD. He noted that if the City Council were to act on providing PUSD with the 3% budget reserve, LACOE must provide assurances that all other PUSD issues are resolved and that they would not take away local control. He spoke on the need to act first, and then focus on accountability issues to the City's constituents, including the potential for an ad hoc committee, bi-annual or yearly reports with current budget information, and providing yearly approval of Measure J funds to PUSD. He also suggested that an ad hoc committee of the City Council meet with PUSD and LACOE to address concerns and try to resolve issues.

Vice Mayor Kennedy spoke on the need for PUSD to recognize that any type of real estate swap or sale should be presented to the City Council prior to any agreement taking place, and agreed on the need for City staff to work with PUSD to review their budget and develop a plan of action. He also spoke on the need to work on the perception of public schools in the City, asked staff to provide information on PUSD property that may become disposable, and requested a checklist (obtained from LACOE) on what is required by PUSD to avoid a take over of local control.

The following individuals provided suggestions and/or comments related to the implementation of Measure J funds to PUSD:

Steve Cole, Parent Teacher Association Council
Mikala Rahn, Sierra Madre resident
Emanuel Najera, Pasadena resident
Pat Cahalan, Pasadena resident
Latasha Jamal, Pasadena resident

Councilmember Hampton spoke in favor of supporting PUSD and ensuring that LACOE does not take away local control of PUSD; expressed concerns with the City determining what PUSD programs should be funded; and expressed an interest in serving as a member of an ad hoc committee of the City Council and PUSD on the use of Measure J funding.

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

INFORMATION ITEM

EQUAL OPPORTUNITY IN EMPLOYMENT ANNUAL REPORT JANUARY 1 – DECEMBER 31, 2017

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) Receive the Equal Opportunity in Employment Annual Report, which is submitted for information only.

City Manager Mermell provided introductory comments, and Jennifer Curtis, Director of Human Resources, provided a PowerPoint presentation on the item; and responded to questions.

Vice Mayor Kennedy asked staff to provide a breakdown of contract employees with the Rose Bowl Operating Company; and applauded and thanked Ms. Curtis for her leadership and good work as Human Resources Director.

Councilmember Hampton requested that staff conduct an analysis and provide information of all City employee's on the basis of ethnicities and take home salary, in order to determine any variances in City staff salaries by ethnicity.

Councilmember Gordo requested that staff provide information on the trends of the City's full-time regular work force for the last few years, including the utilization by group code as referenced in Exhibit 1 of the staff report.

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

COUNCIL COMMENTS

Vice Mayor Kennedy spoke on the Veterans Day Community event held on November 11, 2018, which was well attended by Councilmembers, civic leaders, military veterans, active military members, and the community.

The Mayor spoke on the inspirational Pasadena Adaptive Sports Festival, a day of sports and fitness activities for all ages and abilities, held on November 10, 2018, hosted by the Triumph Foundation and the Pasadena Human Services and Recreation Department; and thanked the residents of Pasadena for passing Measures J and I.

Sergeant-of Arms Greg Afsharian spoke on the Pasadena Police Department's program, "No-Shave November", a nationwide campaign to raise awareness and support for cancer research for St. Jude Children's Research Hospital.

Councilmember Hampton asked staff to review the midsection crosswalk on Marengo Avenue and Bellevue Drive, and consider the installation of flashing blinking lights, due to safety concerns raised by constituents.

Councilmember Gordo asked staff to provide an update on his request that the City's Health Department provide additional services to Veterans.

ADJOURNMENT

On order of the Mayor, the regular meeting of the City Council adjourned at 9:42 p.m.

Terry Tornek, Mayor
City of Pasadena

ATTEST:

City Clerk