

CITY OF PASADENA
City Council Minutes
December 3, 2018 – 5:30 P.M.
City Hall Council Chamber

REGULAR MEETING

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

Property Location: 700 Seco Street, Pasadena, CA

Agency Negotiator: Steve Mermell

Negotiating Party: David Eads

Under Negotiation: Price and terms of payment

The above closed session item was not discussed.

OPENING:

Mayor Tornek called the regular meeting to order at 6:30 p.m.
The pledge of allegiance was led by Councilmember McAustin.

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

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 Alfred Lomax Carr as Human Services Commissioner, and Kimberly Ferreira as Commission on the Status of Women Commissioner.

Councilmember Gordo spoke on the passing of Maria E. Salas, long time Pasadena resident, community leader, and advocate; expressed sympathy on her passing, and asked that the meeting be adjourned in her memory.

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

Shaun Szameit, Pasadena resident, advocated for Golden State Collective being treated fairly by the City given its history as a responsible medical marijuana collective operating in the City.

Emanuel Najera, Pasadena resident, expressed concerns with electric scooters being abandoned on City streets, and inquired when the City will develop regulations for these scooters.

In response to public comment, City Manager Mermell stated that currently dockless electric scooters are not permitted in the City. He stated that Public Works staff have been instructed to pick-up abandoned scooters left on City sidewalks, and staff is continuing to research regulations adopted by other jurisdictions to determine the best approach to regulate and enforce should it be decided by the City Council to permit these types of scooters in the City. Councilmember McAustin summarized the discussion on best practices for dockless bicycles and scooters, which was the subject of a recent discussion at the Municipal Services Committee meeting.

Councilmember Hampton asked staff to contact Bird to inform the company that scooters are not permitted in the City.

Betty Sword, President of Washington Park, submitted correspondence advocating for renovating the public restrooms at Washington Park.

CONSENT CALENDAR

CONTRACT AWARD TO SPICERS PAPER, INC., KELLY PAPER COMPANY, AND SOUTHLAND ENVELOPE CO. INC., FOR PAPER AND ENVELOPE SUPPLY NOT-TO-EXCEED \$378,430, \$193,767 AND \$82,904, RESPECTIVELY

Recommendation:

(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;

(2) Accept the bid dated August 22, 2018, submitted by Spicers Paper, Inc., in response to specifications to furnish copy paper, sheet-cut paper and NCR-Carbonless, and authorize the City Manager to enter into a contract with Spicers Paper, Inc., for three years in an amount not-to-exceed \$227,058 with the option for two additional one-year terms in the annual amount of \$151,372, at the discretion of the City Manager, for a total of \$378,430 for five years; (Contract No. 31357)

(3) Accept the bid dated August 22, 2018, submitted by Kelly Paper Co. in response to specifications to furnish parent sheet paper, and authorize the City Manager to enter into a contract with Kelly Paper Co. for three years in an amount not-to-exceed \$116,260 with the option for two additional one-year terms in the annual amount of \$77,507, at the discretion of the City Manager, for a total of \$193,767 for five years; (Contract No. 31358)

(4) Accept the bid dated August 22, 2018, submitted by Southland Envelope Co., Inc., in response to specifications to

furnish envelopes, and authorize the City Manager to enter into a contract with Southland Envelope Co., Inc., for three years in an amount not-to-exceed \$49,742 with the option for two additional one-year terms in the annual amount of \$33,162, at the discretion of the City Manager, for a total of \$82,904 for five years; and (Contract No. 31359)

(5) Reject all other bids received.

Item discussed separately

AUTHORIZATION TO SUBMIT A FUNDING APPLICATION WITH THE STATE OF CALIFORNIA IN RESPONSE TO A NOTICE OF FUNDING AVAILABILITY FOR HOMELESS EMERGENCY AID PROGRAM GRANT FUNDS

Item was pulled from the agenda to be discuss at a later date

AUTHORIZATION TO ENTER INTO CONTRACT WITH PINNACLE PETROLEUM, INC., TO PROVIDE RENEWABLE DIESEL FUEL FOR AN AMOUNT NOT-TO-EXCEED \$495,000

CONTRACT AWARD TO G TEAM LANDSCAPE CONSTRUCTION, INC., FOR HAHAMONGNA WATERSHED PARK – HABITAT RESTORATION FOR AN AMOUNT NOT-TO-EXCEED \$230,000

Recommendation:

(1) Find the project proposed in the agenda report to be categorically exempt under the California Environmental Quality Act (CEQA) in accordance with State CEQA Guidelines Title 14, Chapter 3, Section 15304, Class 4, minor alterations to land, and Section 15333, Class 32, small habitat restoration projects; and
(2) Accept the bid dated November 20, 2018, submitted by G Team Landscape Construction, Inc., in response to the Project Plans and Specifications for Hahamongna Watershed Park – Habitat Restoration, reject all other bids received November 20, 2018, and authorize the City Manager to enter into a contract not-to-exceed \$230,000 which includes the base contract amount of \$168,697 and a contingency of \$61,303 to provide for any necessary change orders. (Contract No. 31351)

Item discussed separately

APPROVAL OF MEMORANDUM OF UNDERSTANDING AND AGREEMENT BETWEEN THE CITY OF PASADENA AND THE PASADENA UNIFIED SCHOOL DISTRICT FOR THE CONSTRUCTION OF A NEW RESTROOM AT THE JOHN MUIR HIGH SCHOOL SOUTH SPORTS FIELDS

Item discussed separately

PUBLIC SAFETY COMMITTEE: DIRECTION TO PREPARE AN ORDINANCE AMENDING PASADENA MUNICIPAL CODE RELATING TO SIDEWALK VENDORS IN PASADENA

PUBLIC SAFETY COMMITTEE: ADOPTION OF A RESOLUTION GIVING NOTICE OF APPLICATIONS RECEIVED FOR NON-EXCLUSIVE POLICE TOWING FRANCHISES AND SETTING A PUBLIC HEARING

Recommendation:

- (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;
- (2) Adopt a resolution giving notice of applications received for a non-exclusive police towing franchise from eight firms as set forth in the Agenda Report; and setting a public hearing for January 14, 2019, at 7:00 pm to consider the granting of police towing franchises; and
- (3) Direct the City Clerk to publish the resolution at least once in a newspaper of general circulation in the City not less than ten days prior to the date set for the hearing. (Resolution No. 9693)

APPOINTMENT OF ROBIN CARDER, CITY OF LA VERNE, AS CITY OF PASADENA REPRESENTATIVE TO THE METRO GOLD LINE FOOTHILL EXTENSION CONSTRUCTION AUTHORITY SERVING AT THE PLEASURE OF THE COUNCIL FOR A TERM OF FOUR YEARS, COMMENCING JANUARY 1, 2019 (Mayor Tornek)

APPOINTMENT OF TAMMY SILVER TO THE SOUTH LAKE PARKING PLACE COMMISSION (At Large Nomination/District 7)

APPOINTMENT OF MICHELLE LEON TO THE ARTS AND CULTURE COMMISSION (Mayor Nomination)

APPOINTMENT OF VALINDA M. BOWENS TO THE COMMISSION ON THE STATUS OF WOMEN (District 3 Nomination)

APPROVAL OF MINUTES

November 19, 2018
November 26, 2018

The City Clerk noted a correction to the November 19, 2018 minutes as follows: Page 1, to reflect that the two Councilmembers that were absent were Councilmembers Masuda and McAustin.

CLAIMS RECEIVED

Claim No. 13,195	Jabril Battle Jr.	\$	603.87
Claim No. 13,196	Cliffard Hamilton Jr.		400.00
Claim No. 13,197	Patrick Haynes		400,000.00

It was moved by Vice Mayor Kennedy, seconded by Councilmember Wilson, to approve all items on the Consent Calendar, with the exception of Item 2 (Authorization to Submit a Funding Application with the State of California), Item 5 (Approval of Memorandum of Understanding and Agreement Between the City of Pasadena and the Pasadena Unified School District) and Item 6 (Direction to Prepare and Ordinance Amending Pasadena Municipal Code Relating to Sidewalk Vendors in Pasadena), which was discussed separately; Item 3 (Authorization to Enter Into a Contract with Pinnacle Petroleum, Inc.), which was pulled from the agenda to be discussed at a later date; and noting the correction to the November 19, 2018 City Council minutes, as detailed above. (Motion unanimously carried) (Absent: None)

**CONSENT ITEM
DISCUSSED SEPARATELY**

AUTHORIZATION TO SUBMIT A FUNDING APPLICATION WITH THE STATE OF CALIFORNIA IN RESPONSE TO A NOTICE OF FUNDING AVAILABILITY FOR HOMELESS EMERGENCY AID PROGRAM GRANT FUNDS

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 submittal of an Application in the amount of \$1,428,216 in response to the Notice of Funding Availability ("NOFA") issued by the State of California Business, Consumer Services and Housing Agency to receive Homeless Emergency Aid Program funding for eligible homeless programs; and
- (3) Authorize the City Manager to certify or execute, and the City Clerk to attest, the Application and all other related documents, agreements and amendments.

William Huang, Director of Housing, provided introductory comments, and Jennifer O'Reilly-Jones, Program Coordinator, provided a PowerPoint presentation on the item; and jointly responded to questions.

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

APPROVAL OF MEMORANDUM OF UNDERSTANDING AND AGREEMENT BETWEEN THE CITY OF PASADENA AND THE PASADENA UNIFIED SCHOOL DISTRICT FOR THE CONSTRUCTION OF A NEW RESTROOM AT THE JOHN MUIR HIGH SCHOOL SOUTH SPORTS FIELDS

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 5, 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 Section 15378(b)(4), definition of "project" does not include certain government funding mechanisms; and

(2) Approve a Memorandum of Understanding and Agreement (MOU) between the City of Pasadena (City) and the Pasadena Unified School District (District) for the partial funding of construction of a new restroom at the John Muir High School South Sports Fields for a total City contribution amount not-to-exceed \$300,000.

City Manager Mermell responded to questions related to the use of residential impact fees and joint use projects in the City. Ara Maloyan, Director of Public Works, and Kris Markarian, City Engineer, responded to questions related to the grant funding, construction, and permitting of the proposed new restroom.

Councilmember Madison suggested that staff consider utilizing sales tax revenue collected under Measure I and appropriate it to the Pasadena Unified School District in consideration of Measure J (noting that the City could advance funds until sales tax revenues are collected) and use the Residential Impact Fee (RIF) funds for City park needs.

Councilmember Hampton spoke in support of the staff recommendation and stated that he believes the use of RIF funds for the proposed project is appropriate as the sports fields are used by the public.

Councilmember Gordo spoke on the need for the City to be able replenish the RIF funds that are to be used for the proposed project, from sales tax revenues collected in the future, if the City Council chooses to do so at a future date.

Councilmember McAustin spoke on the agreement with the City and Pasadena Unified School District, echoed agreement on the appropriateness to use RIF funds to build the restroom; and

stated that she will not support recovering the RIF funds from sales tax revenues, as the City agreed to assist with the construction of the restroom prior to the voters approving Measure I (sales tax increase) and supporting the use of sales tax revenues to support Pasadena public schools, as indicated by the advisory vote support for Measure J.

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

PUBLIC SAFETY COMMITTEE: DIRECTION TO PREPARE AN ORDINANCE AMENDING PASADENA MUNICIPAL CODE RELATING TO SIDEWALK VENDORS IN PASADENA

Recommendation:

- (1) Find that the proposed ordinance is exempt from the California Environmental Quality Act ("CEQA") pursuant to State CEQA Guidelines Section 15061(b)(3) (General Rule);
- (2) In order to find that the proposed ordinance is directly related to objective health, safety, and/or welfare concerns; and
- (3) Direct the City Attorney to draft an ordinance within 30 days consistent with the provisions set forth in the agenda report to address new state laws and to continue local regulations of sidewalk vendors.

Vice Mayor Kennedy, Chair of the Public Safety Committee, summarized the discussion on the item at the Committee.

City Manager Mermell provided introductory comments, and Michael Johnson, Director of Public Health, provided a PowerPoint presentation on the item, and responded to questions.

Councilmember Gordo spoke on the importance of grappling with the stationary sidewalk vendor issue; and asked that staff consider in their second phase of regulations to consider adding distance requirements from buildings or doorways for public safety purposes, and allowing the display of goods in the public right-of-way.

Councilmember McAustin expressed concerns with the effects that sidewalk vending will have on City business districts, should vendors pop up right next door to brick-and-mortar retailers; and asked staff to investigate further and confirm if Senate Bill 946 applies to Charter Cities.

Councilmember Wilson expressed concerns on relying on the Pasadena Police Department for enforcement of sidewalk vending, and asked staff to consider additional resources, incorporating a cost recover model, and building in costs as part of permitting fees.

Councilmember Hampton requested that staff return with information on the enforcement component related to sidewalk vending and suggested that staff determine if the City's contractor responsible for issuing parking citations can be used to also issue street vendor citations; and spoke on the need to protect residential neighborhoods from sidewalk vendors.

The following individuals provided suggestions and/or comments related to sidewalk vendors in the City:

Nina Chomsky, Linda Vista-Annandale Association
Erika Foy, Pasadena resident
Steve Mulheim, Old Pasadena Management

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

PUBLIC HEARING

CONTINUED PUBLIC HEARING: CALL FOR REVIEW OF THE DESIGN COMMISSION'S DECISION ON AN APPLICATION FOR CONSOLIDATED DESIGN REVIEW FOR A NEW 112,205-SQUARE-FOOT, 5-STORY MEDICAL OFFICE AND RETAIL BUILDING AT 550-566 EAST COLORADO BOULEVARD

Recommendation: It is recommended that the City Council continue the public hearing to January 28, 2019 at 7:00 p.m.

It was moved by Councilmember Gordo, seconded by Councilmember Wilson, to continue the public hearing to January 28, 2019, at 7:00 p.m. (Motion unanimously carried) (Absent: None)

PUBLIC HEARING: APPEAL OF THE DESIGN COMMISSION'S DECISION ON AN APPLICATION FOR CONCEPT DESIGN FOR A NEW FIVE-STORY, MIXED-USE DEVELOPMENT WITH 42 RESIDENTIAL UNITS AND 5,729 SQUARE FEET OF COMMERCIAL SPACE WITH THREE LEVELS OF SUBTERRANEAN PARKING LOCATED AT 737 WALNUT STREET/233 NORTH HUDSON AVENUE

Recommendation: It is recommended that the City Council cancel the public hearing, as the appeal has been withdrawn.

It was moved by Councilmember McAustin, seconded by Councilmember Gordo, to cancel the public hearing. (Motion unanimously carried) (Absent: None)

RECOMMENDATIONS FROM OFFICERS AND DEPARTMENTS

AUTHORIZATION TO ENTER INTO A CONTRACT WITH TMG UTILITY ADVISORY SERVICES, INC., TO PROVIDE PROJECT MANAGEMENT, QUALITY ASSURANCE, AND TEST SUPPORT SERVICES FOR THE CUSTOMER INFORMATION SYSTEM, CUSTOMER SELF SERVICE AND ELECTRONIC BILL PRESENTMENT AND PAYMENT PROJECT

Recommendation:

- (1) Find that the proposed action is not a project subject to the California Environmental Quality Act ("CEQA") pursuant to State CEQA Guidelines Section 21065, 15060(c)(2), 15060(c)(3), and 15378, and as such, no environmental document pursuant to CEQA is required for the project; and
- (2) Authorize the City Manager to enter into a services contract, based on a competitive selection process pursuant to Pasadena Municipal Code Section 4.08.047, with TMG Utility Advisory Services, Inc., to provide project management and quality assurance services for the Customer Information System, Customer Self Service and Electronic Bill Presentment and Payment project in an amount not-to-exceed \$1,709,900; with an option to provide testing support services, in an amount not-to-exceed \$1,037,610 for a total not-to-exceed \$2,747,510. (Contract No. 31367)

Gurcharan Bawa, General Manager of Water and Power, and Shari Thomas, Assistant General Manager of Water and Power, jointly, provided a PowerPoint presentation on the item, and responded to questions.

The Mayor expressed concern with the 85 percent threshold selection process that resulted in 90 applications downloaded, 8 proposals submitted, and only four vendors with acceptable bids.

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

INFORMATION ITEM

Councilmember Madison was excused and left the meeting at 8:56 p.m.

ANNUAL REPORT ON CITY PROCUREMENT – CALENDAR YEARS 2015, 2016, AND 2017

Recommendation: It is recommended that the City Council receive the annual report on City procurement for calendar years 2015, 2016, and 2017.

City Manager Mermell and Matt Hawkesworth, Director of Finance provided introductory comments, and Antonio Watson, Project Manager, provided a PowerPoint presentation on the item, and responded to questions.

Vice Mayor Kennedy asked staff to consider adding stronger elements to the City's local hiring program and advance the program from a policy prospective, including encouraging developers to utilize locally sourced materials and supplies. He spoke on the importance of the Arts & Culture Program, and asked staff to consider how this program might be expanded based on the size of the development. He suggested a percentage based program, or a portion of a development with private or public funding, for future development projects to encourage developers to purchase locally.

City Manager Mermell stated that he would speak with the Cultural Affairs Manager and Planning Department staff regarding the City's ability to expand the Arts & Culture program.

Councilmember Hampton asked staff to provide information on the number of businesses that have attended the Finance Department's Local Hire workshops, as well as the number of attendees awarded a contract with the City. He spoke on the need to strengthen the number of department procurement awards to women and minority-owned businesses by increasing outreach and awareness to these types of vendors; and reiterated his request that a Croson study be conducted in the City.

Michele Beal Bagneris, City Attorney/City Prosecutor, responded to questions related to a Croson study and the City's preference percentage rates.

Following discussion, it was moved by Vice Mayor Kennedy, seconded by Councilmember Gordo, to receive and file the information. (Motion unanimously carried) (Absent: Councilmember Madison)

COUNCIL COMMENTS

Vice Mayor Kennedy spoke on his well-attended District 3 Community Meeting and Holiday Celebration event held on December 2, 2018; and thanked staff and the community for their assistance and participation.

The Mayor reported that Sen. Anthony Portantino and California Department of Transportation (Caltrans) announced the finalized Environmental Impact Report (EIR) and Environmental Impact

Statement (EIS) reports in relation to the proposed 710 Freeway Extension/Tunnel Project, which now endorses local street improvements instead of a freeway tunnel, essentially ending the possibility of a 710 Freeway connection. He also spoke on the Mayor's 33rd Annual Christmas Party for Children, held on December 2, 2018 at the Pasadena Rose Bowl Locker Room; the opening today of the Pasadena Convention & Visitors Bureau's 35th Annual Visitors Hotline; the Mayor's Annual Holiday Tree Lighting Ceremony to be held on Friday, December 7, 2018 at City Hall; and the United Nations Association Pasadena Chapter's Human Rights Day event to be held on December 8, 2018 at Marshall Fundamental High School.

ADJOURNMENT

On order of the Mayor, the regular meeting of the City Council adjourned at 9:28 p.m., in memory of Maria E. Salas, long time Pasadena resident, community leader, and advocate.

Terry Tornek, Mayor
City of Pasadena

ATTEST:

City Clerk