

CITY OF PASADENA
City Council Minutes
December 11, 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: Councilmembers Hampton, Madison, Wilson)

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

Councilmembers Wilson
arrived at 5:41 p.m., Madison
arrived at 5:50 p.m., and
Hampton arrived at 5:53 p.m.

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

**Property Location: 3160 East Del Mar Boulevard
Agency Negotiators: Steve Mermell and Eric Duyshart
Negotiating Party: Lori Morgan
Under Negotiation: Price and terms of payment**

**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 items were discussed, with no reportable
action at this time.

**CITY COUNCIL CONFERENCE WITH LEGAL COUNSEL -
ANTICIPATED LITIGATION - CONSIDERATION OF INITIATION
OF LITIGATION pursuant to subdivision (d)(4) of Government
Code Section 54956.9 - One potential case**

The above closed session item was discussed following the
conclusion of the regular meeting (continued on page 18).

On the order of the Mayor, the regular meeting reconvened at 6:37
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 Mayor highlighted the City's status as an international leader in the fields of STEAM – Science, Technology, Engineering, Art, and Mathematics, and introduced Dianne Philibosian and Joan Aarestad, STEAM 18 organizers, who spoke on the launch of the 2018 STEAM project, highlighted the joint partnership with Pasadena Center Operating Company and other stakeholders, and promoted various STEAM related activities, events and curriculum, including the COSPAR2018 convention to be held in Pasadena, July 14-22, 2018.

Monique McMillan, Pasadena Ponies Football Division representative, thanked the City Council for the opportunity to recognize the success of the Pasadena Ponies youth football organization, and introduced three undefeated Pasadena Ponies youth football teams.

Human Resources Director Jennifer Curtis and Mayor Tornek, along with various Department Executives and Deputy Directors introduced the following City employees and presented commendations to each employee for 35 and 40 years of dedicated service to Pasadena:

40 Years of Service

Peter Hetteema, Police Department

35 Years of Service

Rina Muradian, Finance Department

Dora Marin, Library and Information Services
Department (not present)

Penny Sands, Library and Information Services
Department

Tony Pollerana, Public Works Department

Donnie Reddix, Public Works Department

Vincent Martinez, Water and Power Department (not
present)

Jesus Reyes, Water and Power Department

Vice Mayor Kennedy and Councilmember Hampton thanked the recognized employees for their many years of dedicated service to the City.

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

Miguel Angel Victoria, Pasadena resident, expressed strong concerns with the behavior of two Pasadena Police Officers during a police investigation, and asked the City Council for an update on his complaint against the Pasadena Police Department.

In response, the Mayor stated that staff will follow up with Mr. Victoria regarding his concerns and complaint.

Reci C., residence not stated, asked the City Council for assistance with immediate housing.

Following discussion, City Manager Mermell stated that he would contact the Housing Department staff to determine what, if any, immediate assistance can be provided to the public speaker.

Erika Foy, Madison Heights Neighborhood Association, distributed information and expressed concerns with the high density on the Los Robles corridor and the negative impacts to the surrounding neighborhood.

David Whitehead, Pasadena resident, requested that the Public Hearing agenda item on Accessory Dwelling Units be discussed as soon as possible.

Gerda Govine, Pasadena Rose Poets, recited poetry and invited the City Council and public to an art event, "Word to the World Family Day" at the Huntington Library, Art Collections and Botanical Gardens, on December 30, 2017.

The following individuals spoke on an officer involved excessive force video that occurred on November 9, 2017, which was posted on social media, and expressed concerns with alleged racial profiling and excessive force used by Pasadena Police officers:

Todd Jones, Altadena resident
Sonya Ballew, Altadena resident
Byran Witt, Pasadena resident
Melissa Michelson, Feel the Bern Democratic Club
Geoffrey Jost, Altadena resident

In response to public comment, City Manger Mermell stated that he would reach out to speak directly with Ms. Ballew tomorrow; that the referenced incident occurring on November 9, 2017 regarding a struggle between two Pasadena Police Officers and an individual is currently under a Use-of-Force review in accordance with Department policies and procedures; that the body worn camera video footage of the incident will be released for public review; and that he and Police Chief Sanchez will meet with representatives of the National Association for the Advancement of Colored People (NAACP) to discuss community concerns regarding this incident.

CONSENT CALENDAR

AUTHORIZATION TO ENTER INTO A PURCHASE ORDER WITH RACEWAY FORD IN AN AMOUNT NOT-TO-EXCEED \$340,158.42 TO FURNISH AND DELIVER FOUR WATER SERVICES VEHICLES

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) Accept the bid dated November 14, 2017, submitted by Raceway Ford for Sections 2, 3 and 4 in response to Specifications to Furnish and Deliver 2018 Water Services Vehicles for the Water and Power Department ("PWP") and authorize a purchase order with Raceway Ford for an amount not-to-exceed \$340,158.42.

PURCHASE ORDER AWARD TO KALMIKOV ENTERPRISES, INC., FOR PURCHASE OF SEAGRAVE PARTS FOR SEAGRAVE FIRE ENGINES FOR A NOT-TO-EXCEED AMOUNT OF \$270,000

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 November 7, 2017, submitted by Kalmikov Enterprises, Inc., in response to specifications for Seagrave Original Equipment Manufacturer (OEM) parts and authorize the issuance of a purchase order with Kalmikov Enterprises, Inc., in an amount not-to-exceed \$270,000 over a three-year period with the option for two additional one-year terms in the annual amount of \$90,000, subject to the approval of the City Manager, for a maximum total contract length of five years and a total contract amount of \$450,000.

PURCHASE ORDER AWARD TO SOUTH COAST EMERGENCY VEHICLE SERVICE FOR PURCHASE OF PIERCE PARTS FOR PIERCE FIRE ENGINES 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;

(2) Authorize the issuance of a purchase order, without competitive bidding pursuant to City Charter Section 1002(f), contracts for labor, material, supplies, or services available from only one vendor, with South Coast Emergency Vehicle Service 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; 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.

AUTHORIZE PURCHASE ORDER WITH HAAKER EQUIPMENT COMPANY FOR PURCHASE OF ONE VACTOR COMPRESSED NATURAL GAS SEWER JETTER TRUCK FOR AN AMOUNT NOT-TO-EXCEED \$342,735

Recommendation:

- (1) Find that this action is exempt under the California Environmental Quality Act (CEQA) in accordance with Section 15061(b)(3), the General Rule that CEQA only applies to projects that may have an effect on the environment;
- (2) Authorize a purchase order with Haaker Equipment Company for the purchase of one Vactor compressed natural gas sewer jetter truck in the amount of \$342,735. 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.

PURCHASE ORDER AWARD TO CROP PRODUCTION SERVICES, INC. FOR AGRONOMIC FERTILIZER, SEED, AND HERBICIDE PRODUCTS FOR AN AMOUNT NOT-TO-EXCEED \$255,761

Recommendation:

- (1) Find that the project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA State Guidelines in accordance with Title 14, Chapter 3, Article 19, Class 1, Section 15031, Existing Facilities, which exempts minor alterations of existing public facilities where no expansion of use will take place; and
- (2) Accept the bid dated October 19, 2017, submitted by Crop Production Services, Inc., in response to specifications for agronomic fertilizer, seed, and herbicide, reject all other bids, and authorize the City Manager to enter into a purchase order with Crop Production Services, Inc., in an amount not-to-exceed \$139,506 with a 10% contingency of \$13,951 over a three-year period with the option for two additional one-year terms in the annual amount of \$46,502 with a 10% contingency of \$4,650, subject to the approval of the City Manager, for a maximum contract length of five years and a total contract amount of \$255,761.

REJECT BIDS FOR THE INSTALLATION OF DUCTILE IRON WATER MAINS IN OAK KNOLL AVENUE AND AVENUE 64 FOR THE PASADENA WATER AND POWER DEPARTMENT, SPECIFICATIONS WD-17-10

Recommendation:

(1) Find that the rejection of bids is statutorily exempt from the California Environmental Quality Act ("CEQA") pursuant to CEQA Section 21080(b)(5) and Section 15270 of the State CEQA Guidelines; and

(2) It is recommended that the City Council reject all bids received on October 24, 2017, in response to Specifications WD-17-10 for the installation of ductile iron water mains in Oak Knoll Avenue and Avenue 64 for the Pasadena Water and Power Department ("PWP").

AUTHORIZE TO INCREASE PURCHASE ORDER NO. 1181389 WITH MY BARK CO. INC., BY \$214,990 FOR A TOTAL AMOUNT NOT-TO-EXCEED \$264,990 FOR FIBAR ENGINEERED WOOD FIBER MATERIALS

Recommendation:

(1) Find that the project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA State Guidelines in accordance with Title 14, Chapter 3, Article 19, Class 1, Section 15031, Existing Facilities, which exempts minor alterations of existing public facilities where no expansion of use will take place; and

(2) Authorize an increase to Purchase Order No. 1181389 with My Bark Co. Inc., in an amount not-to-exceed \$52,998 annually to purchase Fibar engineered wood fiber materials, for an amount of \$158,994 for a three-year period; with the option for two additional one-year terms each not-to exceed \$52,998 subject to approval of the City Manager, for a maximum contract length of five years and a total contract amount of \$264,990.

EXTENSION OF AGREEMENT NO. 18,398 WITH THE OLD PASADENA MANAGEMENT DISTRICT FOR THE MANAGEMENT OF THE SCHOOLHOUSE, DE LACEY, AND MARRIOTT GARAGES

Recommendation:

(1) Find that a contract with the Old Pasadena Management District (OPMD) for garage management is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15301 (Existing Facilities);

(2) Authorize the City Manager to extend Contract No. 18,398 with the OPMD for the management of the Schoolhouse, De Lacey, and Marriott parking garages through January 31, 2019, for a revised contract amount of \$2,398,300 as detailed in the Fiscal Impact section of the agenda report; and

(3) To the extent this transaction could be considered a separate procurement subject to competitive selection, grant the proposed contract with OPMD an exemption from the Competitive Bidding and Competitive Selection processes pursuant to City Charter Section 1002(F), contract for professional or unique services, and Pasadena Municipal Code Section 4.08.049(B), contracts for which the City's best interests are served. (Contract No. 18,398-5)

ADOPT A RESOLUTION DESIGNATING THE GENERAL MANAGER AND ASSISTANT GENERAL MANAGER(S) OF THE WATER AND POWER DEPARTMENT AS AUTHORIZED ADMINISTRATORS UNDER THE LOW CARBON FUEL STANDARD PROGRAM OF THE CALIFORNIA AIR RESOURCES BOARD

Recommendation:

- (1) Find that the proposed resolution is exempt from the California Environmental Quality Act ("CEQA") pursuant to State CEQA Guidelines Section 15061(b)(3)(General Rule); and
- (2) Adopt a resolution to designate the General Manager and the Assistant General Manager(s) of the Water and Power Department ("PWP") as the "Authorized Administrator(s)" under the Low Carbon Fuel Standard ("LCFS") Program, established by the California Air Resources Board ("CARB"). (Resolution No. 9610)

REJECTION OF BID FOR INSTALLATION OF FIBER OPTIC CONNECTIONS TO CENTRAL AND MEMORIAL PARKS

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)(General Rule); and
- (2) Reject the bid received on November 28, 2017 in response to the Notice Inviting Bids for Installation of Fiber Optic Connections to Central and Memorial Parks.

Item pulled from the agenda, to be considered at a later date

FINANCE COMMITTEE: AUTHORIZING THE CITY MANAGER TO SIGN ALL AGREEMENTS INCLUDING THE ASSURANCES AND UNDERSTANDINGS REQUIRED TO RECEIVE MEASURE M LOCAL RETURN FUNDS

FINANCE COMMITTEE: AMENDMENTS TO THE FISCAL YEAR 2018 GENERAL FEE SCHEDULE

Recommendation: It is recommended that the City Council adopt a resolution amending the Fiscal Year (FY) 2018 General Fee Schedule as detailed in the "Proposed Fee Schedule Amendments" section of the agenda report. (Resolution No. 9611)

FINANCE COMMITTEE: ANNUAL ADJUSTMENTS TO THE FISCAL YEAR 2018 SCHEDULE OF TAXES, FEES, AND CHARGES RELATED TO NEW YEAR'S DAY AND THE ROSE BOWL

Recommendation:

- (1) Find that the proposed rate increases are exempt from the California Environmental Quality Act ("CEQA") pursuant to State CEQA Guidelines Section 15061(b)(3)(General Rule); and
- (2) Approve the scheduled rate increases effective February 1, 2018 for the Grandstand Permit Application, the Rose Bowl Admission Tax, and the New Year's Day Related Business Grandstand Seat Surcharge as set forth in the body of the agenda report.

**FINANCE COMMITTEE: QUARTERLY INVESTMENT REPORT –
QUARTER ENDING SEPTEMBER 30, 2017**

Recommendation: This report is for information purposes only.

**APPOINTMENT OF D. JASON LYON TO THE HISTORIC
PRESERVATION COMMISSION (Mayor Nomination)**

Claim No. 13,013	Boardwalk Capital, LP	\$	25,000.00+
Claim No. 13,014	21 st Century Insurance as subrogee of Elizabeth Lyles		149.08
Claim No. 13,015	Dennis James McCarthy		Not stated
Claim No. 13,016	Regency Del Mar Condominium Owner's Association		779.59
Claim No. 13,017	Alissa Peralez		350.00

It was moved by Vice Mayor Kennedy, seconded by Councilmember Wilson, to approve all items on the Consent Calendar, with the exception of Item 11 (Authorize the City Manager to Sign all Agreements to Receive Measure M Local Return Funds), which was discussed separately. (Motion unanimously carried) (Absent: None)

**CONSENT ITEMS
DISCUSSED SEPARATELY**

**FINANCE COMMITTEE: AUTHORIZING THE CITY MANAGER
TO SIGN ALL AGREEMENTS INCLUDING THE ASSURANCES
AND UNDERSTANDINGS REQUIRED TO RECEIVE MEASURE
M LOCAL RETURN FUNDS**

Recommendation:

- (1) Find that the following proposed action is exempt from the California Environmental Quality Act ("CEQA"), pursuant to State CEQA Guidelines per section 15061(b)(3), the "General Rule";
- (2) Authorize the City Manager to sign all agreements, including the Assurances and Understandings required to receive Measure M Local Return Funds; and
- (3) Amend the Department of Transportation's Fiscal Year 2018 Operating Budget to recognize and appropriate \$1,756,776 in Measure M as described in the Fiscal Impact section for transit operations. (Budget Amendment No. 2018-17)

Fred Dock, Director of Transportation, and Sebastian Hernandez, Senior Planner, provided a PowerPoint presentation regarding the agenda item, and responded to questions.

Felicia Williams, Pasadena resident, encouraged staff to consider replacing the City's bus fleet with electric buses.

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

**REPORTS AND COMMENTS
FROM COUNCIL
COMMITTEES**

Councilmember McAustin stated a potential conflict related to this item, recused herself, and left the meeting at 7:39 p.m.

APPROVAL OF KEY BUSINESS TERMS OF RESTATED DEVELOPMENT AND LOAN AGREEMENTS WITH HERITAGE HOUSING PARTNERS FOR AFFORDABLE HOMEOWNERSHIP PROJECTS AT 1661 N. FAIR OAKS AVENUE AND 1669 N. FAIR OAKS AVENUE, INCLUDING ADDITIONAL CITY HOUSING FUNDS ASSISTANCE IN THE AMOUNT OF \$3,007,982

Recommendation: It is recommended that the City Council take the following actions:

(1) Amend the Fiscal Year (FY) 2018 Adopted Operating Budget of the Housing and Career Services Department by appropriating a total of \$3,007,982 in City affordable housing funds consisting of \$2,782,982 from HOME Investment Partnerships funds ("HOME"), and \$225,000 from Inclusionary Housing Trust Funds to assist the development of two (2) affordable homeownership projects located at 1661 N. Fair Oaks Avenue ("Decker Court") and 1669 N. Fair Oaks Avenue ("Gill Court"), both to be developed by Heritage Housing Partners ("HHP");

(2) Find that the recommended action to approve the key business terms, as described in the agenda report, of the respective Restated Development and Loan Agreements (the "Restated DLAs") with HHP in connection with the proposed development of the Decker Court and Gill Court projects are consistent with the In-Fill Development Projects exemption under Section 15332 of the California Environmental Quality Act;

(3) Approve the key business terms of Restated DLA for the Decker Court project, including an additional \$1,177,254 in City housing funds consisting of \$952,254 in federal HOME and \$225,000 in Inclusionary funds;

(4) Approve the key business terms of Restated DLA for the Gill Court project,

including an additional \$1,830,728 in federal HOME funds; and

(5) Authorize the City Manager to execute, and the City Clerk to attest, the Restated DLAs and all other related documents, agreements, or amendments that may be required to implement the Restated DLAs and effectuate the development of the Decker Court and Gill Court projects. (Budget Amendment No. 2018-18, Contract No. [to be determined])

Recommendation of the Northwest Commission: The key business terms of the proposed Restated Development and Loan Agreements for the Decker Court and Gill Court projects were presented to the Northwest Commission at its regular meeting of November 14, 2017 for consideration of a recommendation to the City Council. The Northwest Commission unanimously recommended to the City Council approval of key business terms of restated development and loan agreements with Heritage Housing Partners for affordable homeownership projects at 1661 North Fair Oaks Avenue and 1669 North Fair Oaks Avenue and approval of additional funds totaling \$3 million. The Commission further recommended that the Northwest Commission collaborate and participate in the review of the outreach process and criteria for selection of the residents for the projects.

William Huang, Director of Housing and Career Services, provided introductory comments, and Jim Wong, Senior Project Manager, presented a PowerPoint presentation on the agenda item, and responded to questions.

Councilmember Hampton, member of the Economic Development Technology Committee, reported on the Committee's unanimous support of the item, and spoke in favor of staff's recommendation.

Vice Mayor Kennedy expressed concerns with the staff recommendation and the representation in the staff report that Heritage Housing Partners had received a verbal commitment from Bank of America for a New Market Tax Credit (NMTC) allocation of \$4.49 million, noting that the allocation of funds is subject to meeting certain criteria and provisions; and if not successful, could result in an increase of the City's total subsidy for the two projects in order to move forward.

City Manager Mermell spoke on the City's actions to provide a Notice of Funding Availability (NOFA) to ensure the development community is aware of available funds and that adequate funding is secured, and noted the challenges associated with the Decker House project.

The following individuals spoke in favor of staff recommendation and provided comments and/or suggestions on the item:

Charles Loveman, Heritage Housing Partners
Dale Gronemeier, Sierra Madre resident
Jill Shook, Pasadena resident

Councilmember Wilson requested that provisions related to the original pro forma, including that the developer secure a certain amount of the necessary financing, be accounted for by staff.

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

PUBLIC HEARINGS

Councilmember McAustin returned to the dais at 8:26 p.m.

PUBLIC HEARING: DESIGNATION OF 545 WESTGATE STREET AS A LANDMARK

Recommendation:

- (1) Find that the designation of a historic resource is categorically exempt from the California Environmental Quality Act (CEQA) State Guidelines Section 15308: Class 8 – Actions by Regulatory Agencies for Protection of the Environment);
- (2) Find that the house at 545 Westgate Street meets landmark designation Criteria B and C in Pasadena Municipal Code (P.M.C.) Section 17.62.040(C)(2)(c) because it associated with the lives of persons who are significant in the history of the City and embodies

the distinctive characteristics of a locally significant property type, architectural style and period. It is a locally significant example of a Folk Victorian house associated with the productive life of civil rights activist Ruby McKnight Williams;

- (3) Adopt a resolution approving a Declaration of Landmark Designation for 545 Westgate Street, Pasadena, California;
- (4) Authorize the Mayor to execute the Declaration of Landmark Designation for 545 Westgate Street, Pasadena, California; and
- (5) Direct the City Clerk to record the declaration with the Los Angeles County Recorder. (Resolution No. 9612)

Recommendation of the Historic Preservation Commission: At its regular meeting of November 7, 2017, the Historic Preservation Commission recommended that the City Council approve the designation of 545 Westgate Street as a landmark under Criterion B & C of PMC Section 17.62.040.

The City Clerk opened the public hearing and reported that 35 copies of the notice were posted and 327 copies of the notice were mailed on November 22, 2017; no correspondence was received by the City Clerk's office regarding this item.

The following individuals spoke in favor of the staff recommendation:

Andrew Lewellen, Pasadena resident (Applicant)
Ron Lewis, Pasadena resident

Following discussion, it was moved by Councilmember Hampton, seconded by Vice Mayor Kennedy, to close the public hearing. (Motion unanimously carried) (Absent: None)

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

PUBLIC HEARING: ZONING CODE TEXT AMENDMENTS TO SECTION 17.50.275 TO REVISE THE CITY'S ACCESSORY DWELLING UNIT REGULATIONS

Recommendation:

- (1) Acknowledge that the proposed Zoning Code text amendments are exempt from the California Environmental Quality Act (CEQA) under Public Resources Code Section 21080.17;
- (2) Adopt the Findings of Consistency (Attachment A of the agenda report);
- (3) Approve the proposed Zoning Code Text Amendments to Section 17.50.275 of Title 17 of the Pasadena Municipal Code as contained in the agenda report; and
- (4) Direct the City Attorney to prepare an ordinance within 60 days amending the Pasadena Municipal Code as presented in the agenda report.

Recommendation of the Planning Commission: On May 24, 2017, the Planning Commission considered a series of proposed amendments to the City's existing Accessory Dwelling Unit regulations, and voted to recommend the approval of the staff recommendation, with two additional modifications as follows:

1. The minimum lot size requirement applicable to Accessory Dwelling Units created by adding new square footage be lowered to 5,000 square feet; and
2. Require that the size of detached Accessory Dwelling Unit be smaller than the existing primary dwelling.

In addition, the Planning Commission requested the ordinance language clearly state: 1) standards applicable to Accessory Dwelling Units located within Landmark Overlay Districts are also applied to Accessory Dwelling Units located within National Register Districts; 2) standards applicable to original windows and doors for Accessory Dwelling Units located within historic districts and individually designated properties are also applied to non-original windows and doors that previously replaced original windows and doors with an approval of a Certificate of Appropriateness; and 3) the difference between accessory structures and Accessory Dwelling Units.

PUBLIC HEARING: PASADENA MUNICIPAL CODE AMENDMENTS RELATED TO DEVELOPMENT IMPACT FEES APPLICABLE TO ACCESSORY DWELLING UNITS

Recommendation:

- (1) Find that the proposed text amendments are not a "project" and are therefore not subject to environmental review pursuant to State CEQA Guidelines Section 15378(b)(4) (definition of project excludes government fiscal activities which do not involve any commitment to any specific project);
- (2) Approve the proposed Municipal Code Amendments related to development impact fees (Chapters 4.17 and 4.19) applicable to Accessory Dwelling Units; and
- (3) Direct the City Attorney to prepare an ordinance within 60 days amending the Pasadena Municipal Code as presented in the agenda report.

The City Clerk reported that the public hearings for Items 19 (Zoning Code Text Amendments to Section 17.50.275 to Revise the City's Accessory Dwelling Unit Regulations) and 20 (Pasadena Municipal Code Amendments Related to Development Impact Fees Applicable to Accessory Dwelling Units) would be heard and considered jointly, however, any action taken on either two public hearing items by the City Council would be done separately.

The City Clerk opened the public hearing on the Zoning Code Text Amendments to Section 17.50.275 to Revise the City's Accessory Dwelling Unit Regulation; reported that the public hearing notice was published in the Pasadena Journal and Pasadena Weekly on November 23, 2017, November 30, 2017, and December 7, 2017.

The City Clerk also opened the public hearing on the Pasadena Municipal Code Amendments Related to Development Impact Fees Applicable to Accessory Dwelling Units; reported that the public hearing notice was published in the Pasadena Journal and Pasadena Weekly on November 30, 2017; and that seven letters were received in support and three letters in opposition to staff's recommendations; and twenty-five letters were received advocating for additional flexibility and allowances for Accessory Dwelling Units (ADU's) then those proposed by the staff recommendations.

David Reyes, Director of Planning and Community Development, provided introductory comments, and David Sinclair, Planner, provided a PowerPoint presentation on the items; and responded to questions.

Councilmember Gordo distributed copies of an article titled, "Finding the L.A. Real Estate Gold Rush – in Compton, Watts and South L.A." written by Steve Lopez, and expressed his concerns with "house flippers" or developers acquiring property in Pasadena, building Accessory Dwelling Units (ADU's) on the property, and selling the property for almost double the original purchase price, resulting in a negative impact on the City's affordable housing market. He advocated for provisions or regulations that would allow the City to recoup costs associated with ADU City fee waivers should the sale of properties occur within a predetermined timeframe.

Councilmember McAustin spoke on the high costs of Residential Impact Fees (RIF) that are assessed and required as part of the construction of ADU's, limiting the affordability of such units, and asked staff to consider a significantly reduced RIF fee structure for property owners to encourage the building of more affordable units.

Councilmember Hampton spoke in favor of staff's recommendation that new ADU's units be covenanted-restricted affordable in order to be eligible for the proposed reduced RIF assessment of \$957.30; and suggested that staff consider a five-year covenant timeframe associated with any ADU fee reductions to ensure increased affordable housing stock and protect against the "flipping" of property for profit.

Councilmember Madison spoke on the importance of collecting building fees (i.e. RIF, Traffic Reduction & Transportation Impact) that are directly related to costs the City will incur if new residential units are developed.

The following individuals spoke in support of reduced/low cost fees, greater flexibility and allowances to encourage the building of affordable ADU units, and/or provided comments and/or suggestions to improve on the staff recommendation:

Cara Corngold, Pasadena resident
Donna Van Allen, Pasadena resident
Anthony Manousos, Pasadena resident
David Whitehead, Pasadena resident
Liz Matteo, Pasadena resident
Phil Burns, Greater Pasadena Affordable Housing Group
(GPAHG)
Areta Cowell, GPAHG
Ed Washatka, Pasadenans Organizing for Progress (POP)
Gloria Mushonga Roberts, GPAHG
Jill Shook, Pasadena resident
Pastor Kerwin Manning, Pasadena resident
Jochen Strack, Pasadena resident
Lorinda Hawkins Smith, GPAHG
Blair Miller, Pasadena resident
Dale Gronemeier, POP
Bert Newton, Pasadena resident
Jordan Vannini, Pasadena resident
Mic Hansen, Pasadena resident
Rosemary Elizondo, GPAHG
Mary Michelena Monroe, Madison Heights
Elsa M. Rodriguez, Pasadena resident
Michelle White, Affordable Housing Services
Philip Koebel, Pasadena resident
Jason Neville, Los Angeles resident
Mary Green, residence not stated
Rabbi Jonathan Klein, Clergy & Laity United for Economic
Justice (CLUE)

The following individuals advocating for additional protections to avoid over-development, and/or provided comments and/or suggestions to improve on the staff recommendation:

Joyce Jackson, Pasadena resident
Marge Nichols, League of Women Voters
Jim Ipekjian, Pasadena resident
Felicia Williams, Pasadena resident
Nina Chomsky, Linda Vista-Annandale Association
Brian Williams, Pasadena resident
Robert Nolty, Pasadena resident

Vice Mayor Kennedy requested additional information on the number of ADU's built within other municipalities in Los Angeles County under a zero lot size requirement.

Councilmember Wilson echoed concerns regarding the waiving of fees without covenants/protections to ensure that affordable units remain affordable for a certain amount of time. He also expressed concerns with the proposed maximum ADU size of 800 square feet on a property that is one or two acres in size, suggesting that a tiered approach regarding maximum ADU size be established for larger properties.

Theresa Fuentes, Assistant City Attorney, and City Manager Mermell responded to questions regarding development impact fees, fee waivers applicable to ADU's, and enforcement challenges when considering family-related ADU's and the waiver of fees.

Councilmember Madison requested that any policy decision made by the City Council include a one-year review/update by staff, as well as information on the number of permits issued for ADU's. He also stated his support for an affordable housing fee waiver so long as it was deed-restricted/covenanted with an affordability clause for a certain number of years.

Councilmember McAustin stated her support for the recommended lot size of 7,200 square feet, staff's recommendation to eliminate the City's Traffic Reduction & Transportation Improvement Fee and reducing the Residential Impact Fee related to new ADU's, as well Councilmember Wilson's suggestion of a tiered approach regarding the maximum ADU's size allowed on large properties, not-to-exceed 1,200 square feet.

Councilmember Gordo asked staff to consider allowing smaller lot sizes for ADU construction in areas zoned Multi-Family Residential (RM zoned), with an existing home on the property. In addition, Mr. Gordo spoke on the importance of a deed-restricted covenant that incorporates an affordability clause, but stated that he believes a 35-year covenant, for example, is too long. He spoke in favor of a tiered approach regarding the maximum size of ADU's (not-to-exceed 1,200 square feet) on large properties, and suggested that staff consider and recommend a covenant period that allows the City to amortize the costs in a reasonable manner. Finally, he asked staff to clarify the issues regarding multi-family residential neighborhoods and determine whether the City's ordinance would treat it the same as a single-family residential neighborhood.

The City Council thanked Mr. Reyes and staff for their hard work with this complicated issue and readable staff report.

Motion: Following discussion, it was moved by Councilmember Gordo, seconded by Councilmember McAustin, to close the public hearings. (Motion unanimously carried) (Absent: None)

Motion: It was moved by Councilmember Gordo, seconded by Councilmember Madison, to approve the staff recommendations related to ZONING CODE TEXT AMENDMENTS TO SECTION 17.50.275 TO REVISE THE CITY'S ACCESSORY DWELLING UNIT REGULATIONS, with the following amendments: staff to report back to the City Council clarifying whether Multi-Family Residential (RM zoned) properties allow ADU's, include provisions allowing for a maximum building size for ADU construction of up to 1,200 square feet for larger sized lots, with a sliding scale of 10,000

to 15,000 square feet or greater, and with staff to report back to the City Council in one year providing a review/update on the policy impacts, as well as information on the number of permits issued for ADU's. (Motion unanimously carried) (Absent: None)

Councilmember Hampton requested information on the lot sizes of the various Multi-Family Residential (RM zoned) properties.

In response to Councilmember Gordo's concerns regarding individuals that may be in the process of building an ADU, and in light of the affordable deed/covenant discussion by the City Council that might enable the reduction of some of the residential impact fees, City Manager Mermell replied that any in-process permits for ADU's where the applicant is willing to abide by an affordable deed/covenant, staff can administratively toll the fee until this matter is resolved.

Motion:

Following discussion, it was moved by Councilmember McAustin, seconded Vice Mayor Kennedy, to approve the staff recommendation related to PASADENA MUNICIPAL CODE AMENDMENTS RELATED TO DEVELOPMENT IMPACT FEES APPLICABLE TO ACCESSORY DWELLING UNITS

Councilmember Hampton offered a friendly amendment to the motion to include a five-year check and balance provision, whereby if an individual sells a property within a five year frame after paying the reduced fees for an ADU unit, the property owner would be required to pay the full amount of the permit fees associated with the ADU (the friendly amendment was not accepted).

Vote on motion:

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

MOTION FAILED

Following further discussion, by consensus of the City Council, and on order of the Mayor, staff was directed to prepare an ordinance allowing for the adoption of Development Impact Fees applicable to Accessory Dwelling Units that would consider and incorporate a reasonable affordable deed/covenant provision setting the minimum time-period that an ADU must be affordable to warrant development impact fee reductions, with staff to administratively handle the tolling of fees of any in-process permits where the applicant is willing to abide by an affordable deed/covenant until final action of the City Council is taken, to clarify the issues regarding multi-family residential neighborhoods, and with staff to return to the City Council with the requested information.

**ORDINANCE – FIRST
READING**

Councilmember Madison reiterated a potential conflict related to this item, recused himself, and left the meeting at 11:32 p.m.

Conduct first reading of “AN ORDINANCE OF THE CITY OF PASADENA AMENDING THE ZONING CODE (TITLE 17) TO ADD SECTION 17.50.296 TO CHAPTER 17.50 OF THE PASADENA MUNICIPAL CODE PERTAINING TO SHORT-TERM RENTALS”

The City Clerk reported that an amendment to the ordinance was submitted by staff, and Theresa Fuentes, Assistant City Attorney, stated that two typographical errors were corrected (“transit” was corrected to “transient” on pages 1 and 11 of the ordinance) and for clarification purposes the paragraph on Page 7, Item No. 4, **Suspensions and Revocations** was removed.

The following individuals spoke in favor of the item and/or provided comments:

Liane Enkelis, Pasadena Home Sharing Network
Carol Ebbinghouse, Pasadena resident

The above amended ordinance was offered for first reading by Councilmember Hampton:

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

Councilmember Madison returned to the meeting at 11:38 p.m.

Conduct first reading of “AN ORDINANCE OF THE CITY OF PASADENA AMENDING PASADENA MUNICIPAL CODE TITLE 2, CHAPTER 2.355, SECTION 2.355.050(B) RELATING TO ADMINISTRATIVE FINES”

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

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

**RECOMMENDATIONS
FROM OFFICERS AND
DEPARTMENTS**

ADOPT A RESOLUTION APPROVING A PLAN TO COMPLY WITH THE CALIFORNIA VOTER PARTICIPATION RIGHTS ACT (CVPRA)

Recommendation:

- (1) Find that the proposed action is exempt from California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15061(b)(3), (“General Rule”);

- (2) Adopt a resolution approving the City's Plan to comply with the California Voter Participation Rights Act (CVPRA); and
(3) Receive information on the Community Forum conducted jointly by the League of Women Voters Pasadena Area and the Pasadena City Clerk's Office on the topic of the "Future of Pasadena Elections" held on November 27, 2017. (Resolution No. 9613)

The City Clerk summarized the agenda report as part of the PowerPoint presentation and responded to questions.

Councilmember McAustin stated for the record, "In terms of the question of whether we should do plurality or continue with the primary and run-off elections, the time between which would be 9 months, I think we should let the voters choose. I think we should put that on the ballot for the voters, should it be plurality or should it be primary and run-off."

Emanuel Najera, Pasadena resident, spoke in favor of complying with the California Voter Participation Rights Act (CVPRA).

The City Clerk stated that a letter was received on this item, and distributed to the City Council.

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

On order of the Mayor, the regular meeting recessed at 11:49 p.m. to discuss the following closed session item (Absent: None):

CITY COUNCIL CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION - CONSIDERATION OF INITIATION OF LITIGATION pursuant to subdivision (d)(4) of Government Code Section 54956.9 - One potential case

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

ADJOURNMENT

On order of the Mayor, the regular meeting of the City Council adjourned at 12:30 a.m.

Terry Tornek, Mayor
City of Pasadena

ATTEST:



City Clerk

