

CITY OF PASADENA
City Council Minutes
May 7, 2018– 5:30 P.M.
City Hall Council Chamber

REGULAR MEETING

OPENING:

Mayor Tornek called the regular meeting to order at 5:30 p.m.
(Absent: Councilmember Hampton)

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 6:15 p.m.

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

Name of Case: Ballew v. City of Pasadena
USDC Case No.: 2:18-CV-00712-FMO-AS

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

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

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

ANNUAL REORGANIZATION

The Mayor announced it was time for the annual Organizational meeting of the City Council.

**ADJOURN OUTGOING
COUNCIL - SINE DIE**

It was moved by Councilmember Hampton, seconded by Councilmember Wilson, to adjourn this City Council sine die.
(Motion unanimously carried) (Absent: None)

ELECTION OF VICE MAYOR

The Mayor summarized Measure AA, an election-related Charter Amendment ballot measure, and stated that should the voters approve Measure AA, the City Council will again consider the election of Vice Mayor on December 10, 2018.

The Mayor then opened nominations for Vice Mayor.

It was moved by Councilmember Hampton, seconded by Councilmember Wilson, to nominate John J. Kennedy as Vice Mayor for a term of one year. There being no further nominations, the Mayor declared the nominations closed, and directed the City Clerk to conduct a roll call vote, as follows:

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

NOES: None

ABSENT: None

ABSTAIN: None

**STATEMENTS/CONCLUDING
REMARKS**

Vice Mayor Kennedy thanked the Mayor and Councilmembers for his re-election as Vice Mayor.

RECONVENED

It was moved by Councilmember Hampton, seconded by Councilmember Masuda, to reconvene the regular meeting of the City Council at 6:37 p.m. (Motion unanimously carried) (Absent: None)

CEREMONIAL MATTERS

The Mayor spoke on "Fair Trade" an innovative, market-based system of commerce intended to promote a sustainable environment, fair labor practices and safe, healthy working conditions for laborers, their families and communities, to celebrate World Fair Trade Day on May 12, 2018.

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

Mitch Halpern, Pasadena resident, asked the City Council to convert the pickleball court at Allendale Park back to tennis courts and to consider converting the lawn bowling area at Central Park to grass tennis courts.

In response to public comment, Councilmember Wilson stated that staff has reached out to the Pasadena Unified School District (PUSD) seeking access to Blair High School's tennis courts for public use.

Peter Hartgens, Pasadena resident, spoke on the need to examine the role and strategies of Police Departments and law enforcement agencies to protect the public, and thanked Interim Chief of Police for reaching out to the community.

Teresa Mei Chuc, Pasadena Rose Poet, recited poetry.

Kipp Kreutzberg, Business owner at Hastings Ranch Marketplace, expressed concerns and requested assistance with illegal and dangerous activities by homeless individuals in the area of his business, which he believes are a threat to the public, business owners, and workers.

In response to the public comments made, City Manager Mermell provided information on the Recreation and Parks Commission's opposition to grass tennis courts at Central Park. He noted that at a future meeting with PUSD, he will discuss the tennis courts at Blair High School. Lastly, he responded to concerns regarding recycling centers, and provided information on the State's requirements pertaining to recycling centers. The Mayor stated that staff would contact Mr. Kreutzberg to address his concerns.

CONSENT CALENDAR

AUTHORIZATION TO ENTER INTO CONTRACT WITH MUNICIPAL EMERGENCY SERVICES (MES), INC., TO PROVIDE STRUCTURAL FIREFIGHTING TURNOUT GEAR FOR AN AMOUNT NOT-TO-EXCEED \$850,000

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; and

(2) Accept the bid dated April 3, 2018, submitted by MES, Inc., in response to specifications for structural firefighter turnout gear, and authorize the City Manager to enter into a contract not-to-exceed \$850,000 which includes \$570,000 for an initial three year term and two optional one-year terms with each year not-to-exceed \$140,000, subject to approval by the City Manager. (Contract No. 31199)

AUTHORIZATION TO ENTER INTO CONTRACTS WITH BRODART CO. FOR AN AMOUNT NOT-TO-EXCEED \$4,335,000 AND BAKER & TAYLOR, LLC FOR AN AMOUNT NOT-TO-EXCEED \$1,109,995 OVER FIVE YEARS TO PROVIDE BOOK AND AUDIOVISUAL MATERIALS AND SERVICES

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) Authorize the City Manager to enter into contracts pursuant to the results of a competitive selection process as set forth in Section 4.08.047, as follows for library materials and services:

- a) Brodart Co. for an amount not-to-exceed \$2,601,000 for the provision of books and cataloging/processing services over a three-year period with the option for two additional one-year terms in the annual amount of \$867,000, subject to the approval of the City Manager, for a maximum total contract amount of \$4,335,000; (Contract No. 31200) and

- b) Baker & Taylor, LLC for an amount not-to-exceed \$665,997 for the provision of books and audiovisual materials and cataloging/processing services over a three-year period with the option for two additional one-year terms in the annual amount of \$221,999, subject to the approval of the City Manager, for a maximum total contract amount of \$1,109,995. (Contract No. 31201)

AUTHORIZATION TO ENTER INTO A PURCHASE ORDER WITH IMPEX TECHNOLOGIES, INC., FOR VIRTUAL DESKTOP INFRASTRUCTURE LIFECYCLE HARDWARE REPLACEMENT IN AN AMOUNT NOT-TO-EXCEED \$258,020

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) Accept the bid dated April 24, 2018, submitted by IMPEX Technologies, Inc., in response to specifications for Virtual Desktop Infrastructure Lifecycle Hardware Replacement; reject all other bids received; and authorize the issuance of a purchase order in an amount not-to-exceed \$258,020, which includes the base contract amount of \$234,564, and a contingency of \$23,456 to provide for any necessary change orders.

RESIGNATION OF VERA JEAN VIGNES FROM THE HUMAN SERVICES COMMISSION EFFECTIVE JUNE 30, 2018 (District 7 Nomination)

MINUTES APPROVED

April 23, 2018

CLAIMS RECEIVED

Claim No. 13,084	Luna Richard Manuel, Sr.	Not stated
Claim No. 13,085	Pacific Bell/AT&T/Diane Mancini	\$ 2,086.76
Claim No. 13,086	State Farm Insurance as subrogee of Betty Bechirian	2,448.64
Claim No. 13,087	Gloria Nunn	3,807.97
Claim No. 13,088	Juicy Wingz	Not stated

It was moved by Councilmember Gordo, seconded by Councilmember McAustin, to approve all items on the Consent Calendar. (Motion unanimously carried) (Absent: None)

RECOMMENDATIONS FROM OFFICERS AND DEPARTMENTS

PROPOSED AMENDMENTS TO CHAPTER 14.16 "INSPECTION ORDINANCE" RELATED TO THE OCCUPANCY INSPECTION PROGRAM (OIP)

Recommendation:

- (1) Find that the proposed Pasadena Municipal Code Amendments are exempt from environmental review under Section 15061(b)(3) (general rule) of the California Environmental Quality Act ("CEQA"); and
- (2) Direct the City Attorney to prepare an ordinance within 60 days amending Pasadena Municipal Code Section 14.16 "Inspection Ordinance" and the associated "Rules and Regulations" as outlined in the agenda report.

David Reyes, Director of Planning and Community Development, provided introductory comments, and Israel Del Toro, Acting Code Compliance Manager, provided a PowerPoint presentation on the item, and responded to questions.

Vice Mayor Kennedy spoke in favor of staff's recommended Option C, to discontinue the City's Occupancy Inspection Program (OIP), stating his belief that the program is antiquated.

Councilmember Hampton expressed frustration with the OIP program, which he believes to be redundant, counterproductive, and a waste of City resources; and spoke in favor of Option C, to discontinue the City's Occupancy Inspection Program (OIP).

Councilmember Gordo asked staff to consider eliminating the need for an inspection at the point of sale in instances when a private inspector is responsible for inspecting the property, which would put the responsibility, cost and timing on the buyer and seller.

The following individuals spoke in favor of discontinuing the City's Occupancy Inspection Program (OIP):

Bill Podley, Pasadena Foothills Association of Realtors
(PFAR)
Armen Sarkissian, PFAR
Carla Dane, PFAR
Todd Hays, PFAR
Emilie Broughton, PFAR
Laura Olhasso, PFAR
Carol Lollich, Pasadena resident
Loring Greene, La Canada resident

City Manager Mermell responded to questions regarding the City's sidewalk repair program as it relates to the OIP.

Michele Beal Bagneris, City Attorney/City Prosecutor, responded to concerns regarding the City's legal ability to retrieve a warrant in order to conduct an inspection.

Councilmember Madison expressed his legal concern with the City's OIP, specifically related to consent to inspection where the City requires an occupancy inspection in order to complete a pending real estate sale, and therefore, the consent to inspect might be coerced. In addition, he suggested that staff might consider randomizing inspections of properties (as opposed to requiring every pending sale to be inspected) as a possible alternative.

Councilmember McAustin expressed concerns with the City's OIP, citing her belief that the program has outlived its usefulness, and does not take into account the well-regulated process of selling/purchasing a home. She also stated concerns with continuing the program in light of the City's current budget constraints.

The Mayor spoke in support of the City's Occupancy Inspection Program, stating the fundamental objective of the program (to identify and correct major violations), remains valid. He suggested that the City consider eliminating inspections for minor violations, allowing for self-certification, and adjust the primary focus of inspections on issues pertaining to life and safety violations, as recommended by staff. In addition, the Mayor agreed that the quadrennial program (inspection of multi-unit rental housing) is critical, but requires modification in order to complete inspections in a timely manner and clear backlogs.

Councilmember Wilson expressed concerns with the elimination of the City's OIP and the repercussions this might have on recently changed provisions related to Accessory Dwelling Units.

Following discussion, it was moved by Councilmember McAustin, seconded by Vice Mayor Kennedy, to discontinue the City's Occupancy Inspection Program:

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

Councilmember Gordo suggested that staff explore options for utilizing inspection reports completed by 3rd party private inspectors as an alternative to requiring separate City inspections, with the results to be filed with the City and calling out any major violations pertaining to life and safety issues.

Following discussion, the City Council directed staff to determine the feasibility of developing an alternative to the OIP program that will make use of private inspections, allowing for a greater measure for self-certification, a limited amount of City involvement in the process, simplifying the program to life and safety issues; and to work with the Pasadena Foothills Association of Realtors to ensure their concerns are addressed.

City Manager Mermell stated that the Planning Department will return within 30 days with a recommendation to the City Council.

By consensus of the City Council, and on order of the Mayor, the information was received and filed.

PUBLIC HEARING

PUBLIC HEARING: ADOPTION OF FISCAL YEAR 2019 – 2023 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) Adopt by resolution the City's Fiscal Year (FY) 2019 – 2023 Capital Improvement Program (CIP) Budget as summarized in Exhibit B contained in the resolution and any changes passed by a motion of the City Council at the May 7, 2018 meeting. (Resolution No. 9649)

Recommendation of the Recreation and Parks Commission:

On March 6, 2018, the Recreation and Parks Commission voted to support the Parks and Landscaping and Arroyo Projects sections of the Recommended FY 2019 – 2023 CIP Budget.

Recommendation of the Northwest Commission: On March 13, 2018, the Northwest Commission voted to support the projects located completely or partially in Northwest Pasadena in the Recommended FY 2019 – 2023 CIP Budget.

Recommendation of the Transportation Advisory Commission: On March 22, 2018, the Transportation Advisory Commission voted to support the Streets and Streetscapes and Transportation sections of the Recommended FY 2019 – 2023 CIP Budget.

Recommendation of the Planning Commission: On March 28, 2018, the Planning Commission found all recommended new projects consistent with the General Plan. On April 25, 2018, the Planning Commission was presented one additional project: Colorado Street Bridge – Suicide Mitigation Enhancements, and found the project consistent with the General Plan.

Ara Maloyan, Director of Public Works, provided a PowerPoint presentation on the Department of Public Works Capital Improvement Program Budget, and responded to questions.

City Manager Mermell provided information on the YWCA Building, and an update on the work of the Civic Center Task Force in its review of the potential solutions for the building. He stated that a report will be presented to the City Council in the near future. He also responded to questions related to the budget funding options for the Robinson Park Recreation pool study.

Councilmember Hampton expressed concerns with providing additional funding to the YWCA building for structural shoring, without a plan in place for the site, as well as his opposition to funding the Non-Potable Water Project in light of the uncertainty of the project moving forward.

Fred Dock, Director of Transportation responded to questions related to the traffic signal on Fair Oaks Avenue and Bellevue Drive, and the City's implementation of the bicycle transportation master plan.

Councilmember Madison asked staff to consider a right turn movement at the traffic corner on Fair Oaks Avenue and Bellevue to alleviate vehicle traffic caused by parents dropping off/picking up students at the nearby school. With regard to the Robinson Park Recreation Center Pool study, he expressed concerns with reallocating funds from various funded projects for this purpose.

Vice Mayor Kennedy requested information on the total amount spent to maintain the YWCA building. He also advocated for a design study of the Robinson Park Recreation Center Pool, which he believes should be replaced, citing the benefit of the pool to the City as a whole, and the surrounding community specifically. He suggested that \$300,000 in unspent funding from the Central Park - Implementation Master Plan could be re-appropriated to fund the pool study. He asked staff to research whether the City Council has in the past reduced appropriations from one project to fund a project in another area of the City within the last 10 years. He also stated that the \$300,000 would be returned to the Central Park – Implementation Master Plan project upon the future collection of Residential Impact Fees generated from the Parsons/Lincoln Property project.

Gurcharan Bawa, General Manager Water and Power, and Gary Takara, Principal Engineer, responded to questions related to appropriations of the underground utility funds and the Non-Potable Water project.

Councilmember Gordo requested the addition of the Washington Park Restroom Renovation Project as a priority-funded project in next year's Capital Improvement Program budget. He also expressed concerns with reallocating current appropriated funds from other active park projects, and asked staff to research the availability of State or County funding for the study of the pool at Robinson Park or other identified park projects, to free up available funds that can be appropriated for design study of the Robinson Park Pool project.

The Mayor asked staff to provide additional information on the \$300,000 budget for the design work of the pool and pool house, including a specific breakdown of the budget and available resources.

Phyllis Hallowell, Management Analyst V, responded to questions related to the anticipated Residential Impact Fees for the Parsons/Lincoln Property project.

Councilmember Hampton requested that the meeting record reflect his general support for the Adoption of the Fiscal Year 2019 – 2023 Capital Improvement Program Budget, but also record his opposition ("No Vote") to the YWCA Building Closure and Protection Project, and the Non-Potable Water Project.

Following discussion, the City Council agreed by consensus to amend the staff recommendation, as follows:

- Determine the earliest available funding for the rehabilitation/design of the pool and pool house improvement at Robinson Park in the amount of \$300,000; and
- Prioritize the Washington Park Restroom Renovation project for fiscal year 2019.

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

It was moved by Vice Mayor Kennedy, seconded by Councilmember McAustin, to approve the staff recommendation, as amended, and with the record reflecting the opposition by Councilmember Hampton, as detailed above. (Motion unanimously carried) (Absent: None)

Vice Mayor Kennedy left the meeting and was excused at 10:04 p.m.

PUBLIC HEARING: FISCAL YEAR 2019 RECOMMENDED SCHEDULE OF TAXES, FEES, AND CHARGES

Recommendation:

- (1) Open the public hearing for the Fiscal Year 2019 Recommended Schedule of Taxes, Fees, and Charges; and
- (2) Continue the public hearing to each subsequent regular meeting of the City Council at 7:00 p.m., until May 14, 2018 or other such date as the City Council may determine, and at which time the City Council will be asked to close the public hearing and formally adopt the FY 2019 Schedule of Taxes, Fees, and Charges.

The City Clerk reported that the Public Hearing on the item was opened at the special joint Finance and City Council meeting, today, May 7, 2018 at 3:00 p.m.

It was moved by Councilmember Hampton, seconded by Councilmember McAustin, to continue the public hearing to May 14, 2018, at 7:00 p.m. (Motion unanimously carried) (Absent: Vice Mayor Kennedy)

RECOMMENDATIONS FROM OFFICERS AND DEPARTMENTS Continued

FISCAL YEAR 2019 RECOMMENDED OPERATING BUDGET

Recommendation: It is recommended that the City Council receive the City Manager's presentation of the Fiscal Year 2019 Recommended Operating Budget.

City Manager Mermell provided a PowerPoint presentation summarizing the item, reported that the detailed review of the City department budgets will be conducted during the Special Joint Finance Committee and City Council meetings over the coming weeks in the afternoon sessions, and responded to questions.

Councilmember Hampton expressed concerns with nature of the "Join the Conversation" survey questions, suggesting that the survey responses should be organic and not pre-scripted.

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

ADOPTION OF FISCAL YEAR 2019 RECOMMENDED GENERAL FEE SCHEDULE

Recommendation: It is recommended that the City Council adopt a resolution approving the Fiscal Year (FY) 2019 General Fee Schedule.

Following discussion, by consensus of the City Council, and on order of the Mayor, the discussion on the item was continued to the May 14, 2018 City Council meeting.

ORDINANCES – ADOPTED

Adopt “AN ORDINANCE OF THE CITY OF PASADENA AMENDING TITLE 8, CHAPTER 8.52 (CITY TREES AND TREE PROTECTION ORDINANCE) OF THE PASADENA MUNICIPAL CODE” (Introduced by Councilmember Hampton) (Ordinance No. 7322)

The above ordinance was adopted by the following vote:

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

COUNCIL COMMENTS

Councilmember Gordo reminded the City Council and the public that the Pasadena Police Department will be hosting their 2nd Annual Pasadena PD Open House event on Saturday, May 12, 2018.

ADJOURNMENT

On order of the Mayor, the regular meeting of the City Council adjourned at 10:32 p.m.

Terry Tornek, Mayor
City of Pasadena

ATTEST:

City Clerk