

CITY OF PASADENA
City Council Minutes
March 12, 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: Councilmembers Hampton, Madison)

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

Councilmember Hampton
arrived at 5:56 p.m.

**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 Clerk
City Representative: Terry Tornek

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Employee Title and Unrepresented Employee: City
Attorney/City Prosecutor
City Representative: Terry Tornek

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

Agency Designated Representative: Jennifer Curtis and Steve
Mermell

Employee Organization: Pasadena Management Association
(PMA)

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

On the order of the Mayor, the regular meeting reconvened at 6:39
p.m. The pledge of allegiance was led by Councilmember Masuda.

ROLL CALL:

Councilmembers:

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

Councilmember Margaret McAustin
Councilmember Andy Wilson

Staff:

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

CEREMONIAL MATTERS

The City Clerk administered the oath of office to Del Lile as South Lake Parking Place Commissioner.

The Mayor presented a proclamation declaring March 24, 2018 as "Arbor Day" in Pasadena, which was received by Kenneth Graham, Public Works Superintendent, Michael King, Program Coordinator, and Charles Livingstone, President of the Pasadena Beautiful Foundation.

Vice Mayor Kennedy recognized Xavier Leon, Public Works Supervisor, and members of the Roadway Repair Section team, for outstanding work in repairing sidewalks in Pasadena, with the program receiving the United States Congressional Award of Excellence presented by Congresswoman Judy Chu. Mr. Leon introduced the members of the team and thanked the City Council for the recognition.

Councilmember McAustin, stated that the Hill Avenue Utility Undergrounding project is complete, and recognized and thanked the following employees: Jerome Bragg, Project Manager, Jeff Barber, Power Distribution Manager, Jason Niccoli, Principal Engineer, Varoojan Avedian, Engineering Manager, John Orolfo, Principal Engineer, Richard Thompson, Principal Engineer, Wendy De Leon, Marketing Manager, Joe Awad, Assistant General Manager Water and Power, and Steve Wright, Engineer.

PUBLIC COMMENT ON MATTERS NOT ON THE AGENDA

The following individuals expressed concerns with the proposed reconfiguration of Orange Grove Boulevard, and provided comments:

Frank Duerr, Pasadena resident
Jill Field-Duerr, Pasadena resident
Mike Frankovich, Pasadena resident
Mark Harmsen, Pasadena resident
Carol Fletcher, Pasadena resident
Janet Waldron Stanhope, Pasadena resident
Jeanette Mann, Pasadena resident
Michael Carr, Pasadena resident
Marion White, Pasadena resident
Kevin C. Castang, Pasadena resident

The following individuals spoke in favor of the proposed reconfiguration of Orange Grove Boulevard, and provided comments:

Blair Miller, Pasadena resident
Jennifer Jimenez, Pasadena resident
Jessica Martinez, Pasadena resident

CONSENT CALENDAR

CONTRACT AWARD TO PACIFIC COAST ELEVATOR CORPORATION, DBA: AMTECH ELEVATOR SERVICES, FOR ELEVATOR MODERNIZATION AT COMMUNITY HEALTH CENTER FOR AN AMOUNT NOT-TO-EXCEED \$747,520

Recommendation:

- (1) Find that this action is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines in accordance with Title 14, Chapter 3, Article 19, Class 1, Section 15301, Existing Facilities, which exempts minor alteration of existing public facilities where no expansion of existing use will take place; and
- (2) Accept the bid dated February 1, 2018, submitted by Pacific Coast Elevator Corporation, dba: Amtech Elevator Services (Amtech), in response to the Specifications for Elevator Modernization, reject all other bids received, and authorize the City Manager to enter into such contract for an amount not-to-exceed \$747,520. (Contract No. 31158)

AUTHORIZE PURCHASE ORDER WITH NATIONAL AUTO FLEET GROUP FOR PURCHASE OF FOUR FULLY OUTFITTED REPLACEMENT FORD EXPLORER POLICE INTERCEPTOR VEHICLES FOR A TOTAL OF \$229,159

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 National Auto Fleet Group for the purchase of four fully outfitted replacement Ford Explorer Police Interceptor vehicles in an amount not-to-exceed \$229,159. Competitive bidding is not required pursuant to City Charter Section 1002(H) contracts with other governmental entities or their contractors; 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.

FINANCE COMMITTEE: QUARTERLY INVESTMENT REPORT – QUARTER ENDING DECEMBER 31, 2017

Recommendation: This report is for information purposes only.

FINANCE COMMITTEE: REDEMPTION AND PAYOFF OF THE OUTSTANDING BALANCE OF THE 2006 LEASE REVENUE BONDS RELATED TO CITY HALL FINANCING

Recommendation:

(1) Find that the proposed action is not a project subject to 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 the project;

(2) Recognize revenue of \$2,215,208 in the Redevelopment Property Tax Trust Fund and transfer the same to the Off-Street Parking Facility Fund;

(3) Authorize the transfer of \$4,518,864 from the Off-Street Parking Facilities Fund to the General Fund and authorize the use of this revenue for the early redemption and payoff of the outstanding debt related to the 2006 Lease Revenue Bonds which totals \$3,940,000; and

(4) Authorize the allocation of the remaining balance of \$578,864 (after payoff of outstanding debt) to the Section 115 Trust in order to continue pre-funding the City's pension contribution and Other Post-Employment Benefit (OPEB) liabilities. (Budget Amendment No. 2018-30)

RESIGNATION OF FRANK T. SATA FROM THE SENIOR COMMISSION (District 3 Nomination)

MINUTES APPROVED

February 15, 2018

CLAIMS RECEIVED AND FILED

Claim No. 13,061	Dan and Roanna Edens	\$	960.00
Claim No. 13,062	Cynthia Catron		13,999.50
Claim No. 13,063	Bral & Associates, representing Brigitte Bergman		25,000.00+
Claim No. 13,064	Javier Castellanos		Not stated

It was moved by Vice Mayor Kennedy, seconded by Councilmember McAustin, to approve all items on the Consent Calendar. (Motion unanimously carried) (Absent: Councilmember Madison)

RECOMMENDATIONS FROM OFFICERS AND DEPARTMENTS

PUBLIC MEETING ON THE ESTABLISHMENT OF THE PASADENA TOURISM BUSINESS IMPROVEMENT DISTRICT

Recommendation of the Pasadena Center Operating Company: It is recommended that the City Council open a public meeting to allow members of the public to comment on the establishment of the proposed Pasadena Tourism Improvement District (PTBID) under the Property and Business Improvement Law of 1994, Streets and Highways Code Section 36600 et seq., and then close the public meeting.

Dianne Philibosian, Chair of the Pasadena Center Operating Company (PCOC) Board, provided introductory comments, and Michael Ross, CEO of the Pasadena Center Operating Company,

reviewed the item as part of a PowerPoint presentation, and responded to questions.

The Mayor noted that the proposed changes highlighted in the presentation related to the composition of the PCOC board will need to be reviewed by staff, as they would likely require amendments to the Pasadena Municipal Code (PMC). He also reported that a formal public hearing on this matter is scheduled for April 16, 2018 at 7:00 p.m.

Vice Mayor Kennedy requested that a discussion on the composition of the PCOC board members, specifically as it relates to nominations made by City Councilmembers, be agendaized for discussion at a future meeting.

It was moved by Councilmember Hampton, seconded by Councilmember Gordo, to approve the Pasadena Center Operating Company recommendation. (Motion unanimously carried) (Absent: Councilmember Madison)

OLD BUSINESS

ACCESSORY DWELLING UNITS: MAXIMUM UNIT SIZE AND RESIDENTIAL IMPACT FEE

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) Acknowledge that the proposed changes to covenants for affordable Accessory Dwelling Units and the new landlord agreement is not a "project" and are therefore not subject to environmental review pursuant to State California Environmental Quality Act (CEQA), the Guidelines Section 15378(b)(4) (definition of project excludes government fiscal activities which do not involve any commitment to any specific project);
- (3) Approve the proposed Zoning Code Text Amendments to Section 17.50.275 of Title 17 of the Pasadena Municipal Code to regulate the maximum allowable size Newly Constructed Accessory Dwelling Units;
- (4) Approve the proposed changes to the Inclusionary Housing Regulations to include Accessory Dwelling Units; and
- (5) Direct the City Attorney to return within 30 days with:
 - a. An ordinance amending the Pasadena Municipal Code as presented in the agenda report; and
 - b. An amended Inclusionary Housing Regulations as presented in the agenda report.

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

Bill Huang, Director of Housing responded to questions regarding Section 8 rental rates that are set by the U.S. Department of Housing and Urban Development (HUD), and the landlord Section 8 and affordability covenant agreements enforcement.

Councilmember Gordo spoke in favor of the proposed affordability covenant units, and expressed concerns on setting limits on how much a family member can contribute towards the costs of Accessory Dwelling Units (ADU).

The following individuals provided comments and/or suggestions on the staff recommendation:

Avram Gold, Pasadena resident
Nina Chomsky, Linda Vista-Annandale Association
David Whitehead, Pasadena resident
Anthony Manousos, Greater Pasadena Affordable Housing Group (GPAHG)
Gloria Mushonga-Roberts, Pasadena resident
Barbara Bowman, GPAHG
Lesley Fera-Michal, Pasadena resident
Mic Hansen, Pasadena resident
Philip Koebel, Pasadena resident
Kevin Wheeler, Pasadena resident
Anne Marie Molina, residence not stated
Francois Dubucheron, Pasadena resident
Cheryl Dubucheron, Pasadena resident
Sylvester Williams, Pasadena resident
Lorynne Young, Pasadena resident
Mary Osborn-Fick, Pasadena resident
George Patton, GPAHG
Emily Van Cise, Throop Unitarian Universalist Church
Mercedes Young, GPAHG
Linda Doran, GPAHG
Michelle White, Pasadena resident
Jill Shook, GPAHG
Hardyn Rhue, GPAHG

Councilmember Hampton stated his preference that the term of the affordability covenant requirement be lowered from 7 years to 5 years. He also supported regulations for RM-zoned properties to be treated the same as 10,000 square feet lots providing the ability to build an ADU up to 1,200 square feet so long as it is no larger than the primary structure on the lot. He also stated his support to expand the definition of "Family Member," and agreed that the rent limit for family members should be at the discretion of the homeowner/family.

Vice Mayor Kennedy thanked staff for the presentation and voiced support to change the Residential Impact Fee (RIF) for affordable ADU's to \$957.30.

Councilmember McAustin suggested that the current RIF fee for ADU units be lowered from approximately \$19,000 to \$957.30, thus eliminating the need for covenants/landlord agreements and regulations. In addition, she suggested that if an individual wanted to build an ADU unit for Section 8 renters, then the regulations should allow for the RIF to be waived.

Councilmember Wilson spoke in favor of establishing a sliding scale to appropriately determine the size of ADU's, which would be based on the lot size of the property. For properties with lots that are 10,000 square feet, the maximum size of ADU would be 800 square feet; for properties with lot sizes that are 12,500 square feet, the maximum size of the ADU would be 1,000 square feet; and for properties with lot sizes that are 15,000 square feet or greater, the maximum size of the ADU would 1,200 square feet. In addition, Mr. Wilson spoke in favor of a broader definition for family member, and providing an exclusion or reduction in fees for ADU's rented to members of the family.

Councilmember Gordo stated his opposition to a blanket reduction of Residential Impact Fees, but supported a reduction for affordable units that include an affordability covenant, as well as units rented to family members. Mr. Gordo provided some suggestions on how to broaden the definition of "Family Member" (based on the law of intestate succession, etc.); and noted that the regulations should be constructed in a way that ensures a homeowner that moves into an ADU can eligible for lowered fees.

Michele Beal Bagneris, City Attorney/City Prosecutor, responded that the City staff may broaden the definition of "Family Member" to be more inclusive, and suggested other models to define family members could be used.

The Mayor agreed with Councilmember Gordo's suggestion that RIF's should only be waived if the owner agrees to an affordability covenant, however, he expressed concerns with charging approximately \$19,000 in RIF for a 400 square feet unit, which he believes is excessive. Given the scale of ADU units and the City encouraging people to build ADU's, the Mayor suggested that RIF be reduced to \$10,000 or \$5,000.

Motion:

Following discussion, it was moved by Councilmember McAustin, seconded by Vice Mayor Kennedy, to establish the Residential Impact Fee for all Accessory Dwelling Units at \$957.30, except if the unit will be used for Section 8 tenants, in which case the RIF will be waived:

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

Motion: It was moved by Councilmember Hampton to reduce the term of the affordability covenant from 7 years to 5 years. (MOTION FAILED due to lack of second)

Motion: It was moved by Councilmember Gordo, seconded by Councilmember Wilson, to eliminate rental rate provisions for family members, to remove regulations setting limits on how much a family member can contribute towards the costs of Accessory Dwelling Units, and expand the definition of "Family Member", consistent with the discussion detailed above:

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

Motion: Following discussion, it was moved by Councilmember Wilson, seconded by Councilmember McAustin, to establish a sliding scale for Accessory Dwelling Units (ADU's), as detailed above:

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

Motion: Following discussion, it was moved by Councilmember Gordo, seconded by Councilmember Hampton, to establish regulations for RM-zoned properties allowing for Accessory Dwelling Units to exceed the 50 percent building limitation, so long as the Accessory Dwelling Unit is subordinate to the main house and the owner agrees to an affordability covenant:

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

Following discussion, Theresa Fuentes, Assistant City Attorney, informed the City Council that a change to the Residential Impact Fee (RIF) is not currently agendized for discussion, except as related to affordability covenants for ADU's. Any changes to amend the RIF for all ADU's would require an amendment to the Pasadena Municipal Code, Title 4, and a separate public hearing.

Motion: Following further discussion, it was moved by Councilmember McAustin, seconded by Mayor Tornek, to direct staff to return to the City Council with an amendment to Title 4, to reduce Residential Impact Fees for all Accessory Dwelling Units to \$10,000:

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

Motion: It was moved by Councilmember Hampton, seconded by Councilmember Gordo, to approve the staff recommendation, amended to incorporate adopted changes related to family members and RM-zoned properties, as detailed above. (Motion unanimously carried) (Absent: Councilmember Madison)

**ORDINANCE – FIRST
READING**

Conduct first reading of “AN ORDINANCE OF THE CITY OF PASADENA AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF PASADENA ESTABLISHED BY SECTION 17.20.020 OF THE PASADENA MUNICIPAL CODE (MAGNOLIA LANDMARK OVERLAY DISTRICT)”

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

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

INFORMATION ITEM

HOMELESS STREET OUTREACH IN PASADENA OVERVIEW
Recommendation: This report is intended to provide information to the City Council, no action is required.

Bill Huang, Director of Housing and Career Services, provided a PowerPoint and video presentation on the item, and responded to questions.

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

Barbara Bowman, Union Station Homeless Services
Jenni O'Reilly-Jones, Pasadena resident
Ryan Izell, Union Station Homeless Services

Councilmember Wilson suggested that staff include bus and train stations located throughout the City to the list of street outreach locations.

Anne Lansing, Project Planner, responded to questions regarding the City's ability to provide information on homeless individuals.

Vice Mayor Kennedy spoke on the need to prioritize and allocate funding to the City's homeless population and build affordable and permanent supportive housing throughout the community.

Councilmember McAustin stated the need to agendize for discussion sites in that City that may be used for permanent supportive housing projects for evaluation.

Councilmember Gordo agreed with the need to distribute permanent supportive housing throughout the City, in order to avoid an over concentration of affordable units in any single neighborhood.

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

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

The following individuals requested assistance for the family of Reginald Thomas, Jr., in obtaining his death certificate, and/or spoke on Police Chief Sanchez's announced retirement, the need for training of Pasadena Police Officers in community policing practices, noted the Pasadena Police Officer's Association political contributions, the incident involving Mr. Christopher Ballew and two Pasadena Police officers, and the need for an independent investigation into the incident, and/or made additional comments:

Rev. M. Burnes, Pasadena resident
Todd Jones, Altadena resident
Ian Burke Jameson, Pasadenans and Altadenans Against
Police Violence
Sonya Ballew, Altadena Resident
Mr. Caver, Black Lives Matter

City Manager Mermell, responded to public comment stating he would look into the delay of the issuance of a death certificate for Mr. Reginald Thomas, Jr.

Gerda Govine Ituarte, Pasadena Rose City Poets, recited poetry; and invited the public to the Pasadena Rose City Poets poetry event, to be held March 14, 2018 in the City Council Chamber.

Nina Chomsky, Linda Vista-Annandale Association, asked staff to follow up and provide information on a proposed power plant project on the Scholl Canyon Landfill located in Glendale, CA.

City Manager Mermell responded to public comment, that the Planning staff reviewed documentation related to a proposal of a small, single digit, megawatt power plant. The Mayor stated the he would review the documents and respond to Ms. Chomsky's concerns.

Ken Perry, Pasadena resident, expressed concern with the proposed Orange Grove Boulevard road diet.

COUNCIL COMMENTS

Councilmember McAustin provided information on a meeting led by Metro CEO Phil Washington and Los Angeles Mayor Eric Garcetti on Measure M funding, numerous Measure M job opportunities, and the need to coordinate/notify Pasadena City College (PCC) regarding these employment opportunities for PCC students. In addition, Ms. McAustin stated that in the City of San Francisco implemented a twenty cent charge on Uber and Lyft rides, and suggested that staff evaluate a similar action for Pasadena.

The Mayor informed the City Council that he has drafted the argument language for the three ballot measures scheduled for the June 5, 2018 election, and encouraged Councilmembers to provide feedback/suggestions/modifications as soon as possible but before the Thursday, March 15, 2018 deadline; and to respond if any Councilmember is interested in being a signatory on the ballot measures.

City Manager Mermell announced the retirement of Police Chief Philip Sanchez, effective April 18, 2018, and the appointment of Deputy Police Chief John Perez as Interim Chief of Police during the search/recruitment for a permanent successor.

ADJOURNMENT

On order of the Mayor, the regular meeting of the City Council adjourned at 11:33 p.m.


Terry Tornek, Mayor
City of Pasadena

ATTEST:



City Clerk