

CITY OF PASADENA
City Council Minutes
August 27, 2018– 5:30 P.M.
City Hall Council Chamber

REGULAR MEETING

OPENING:

Mayor Tornek called the regular meeting to order at 5:33 p.m.
(Absent: Councilmember Madison)

On the order of the Mayor, the regular meeting recessed at 5:33 p.m. to discuss the following closed session:

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

**Name of Case: Veronica Szikszoy v. City of Pasadena, et al.
LASC Case No.: BC604709**

Councilmember Madison
arrived at 6:00 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 items were discussed, with no reportable action at this time.

On order of the Mayor, the regular meeting reconvened at 6:32 p.m. The pledge of allegiance was led by Councilmember Madison.

ROLL CALL:

Councilmembers:

Mayor Terry Tornek
Vice Mayor John J. Kennedy
Councilmember Victor Gordo
Councilmember Tyron Hampton
Councilmember Steve Madison
Councilmember Gene Masuda
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 Jura Slattery as Northwest Commissioner, and Mireya Asturias Jones, as Commissioner on the Status of Women.

The Mayor and Vice Mayor Kennedy recognized and presented a certificate of appreciation to Horace Wormely, Director of Human Services and Recreation, on his upcoming retirement after 37 years of service to the City of Pasadena.

The City Council acknowledged and thanked Mr. Wormely for his many years of dedicated service to the City, and wished him well on his retirement.

Robert Monzon, Co-Chair of the Latino Heritage Organizing Committee, spoke on the various activities scheduled in recognition of Hispanic & Latino Heritage Month, September 15, 2018 through October 15, 2018.

Vice Mayor Kennedy presented a certificate of recognition to Kyla Coates, Girl Scout Member, and Ayesha Lindsey Randall, Troop Leader, both representing Girl Scouts Troop No. 4601 for their positive activities in the community.

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

The following individuals spoke in opposition and expressed concerns with the proposed construction of Desiderio Neighborhood Park and public restroom:

Vincent Montanelli, Pasadena resident
Bill Knauf, Pasadena resident
Ashwin Akarkar, Pasadena resident

Gerda Govine Ituarte, Pasadena Rose City Poets, recited poetry.

Genevieve Clavreul, Pasadena resident, expressed her concerns regarding the need for traffic enforcement on Hudson Avenue and Locust Street, Carson Avenue and Lake Avenue, where vehicles do not abide by the stop signs

Betty Shanklin, Pasadena resident, submitted documents and asked for assistance with her placement on the City's Maintenance Assistance for Homeowners (MASH) wait list and an easement encroachment issue with her neighbor.

In response to public comment, City Manager Mermell stated that staff would follow up with her concerns and contact her with an update.

Emanuel Najera, Pasadena resident, spoke on the need for sidewalk repairs, specifically at 1410 El Sereno Avenue; and spoke in favor of building parks throughout the City.

In response to public comment, City Manager Mermell stated that staff would follow up with his concerns related to sidewalk repair.

Following a discussion regarding public comment received regarding Desiderio Park, Councilmember Madison requested an agenda item on whether the City Council supported a reconsideration of the Desiderio Neighborhood Park Design and Public Restroom. By consensus of the City Council, the Mayor agreed to agendize the initial question to determine whether there were five Councilmembers prepared to support reconsideration of the item. The full discussion of the park design and restroom would then occur at a separate future meeting of the City Council, pending a successful vote on reconsideration (requiring five affirmative votes).

CONSENT CALENDAR

CONTRACT AWARDS TO W.A. RASIC CONSTRUCTION COMPANY, INC., IN AN AMOUNT NOT-TO-EXCEED \$383,790 AND HOT LINE CONSTRUCTION, INC., IN AN AMOUNT NOT-TO-EXCEED \$550,000 FOR VAULT REINFORCEMENT FOR THE WATER AND POWER DEPARTMENT, WHICH INCLUDES A 10% CONTINGENCY FOR EACH CONTRACT

Recommendation:

(1) Find the proposed action to be categorically exempt under the California Environmental Quality Act ("CEQA") pursuant to State CEQA Guidelines Section 15301 (Existing Facilities) and that there are no features that distinguish this project from others in the exempt class, and therefore, there are no unusual circumstances; and

(2) Accept the bids from W.A. Rasic Construction Company, Inc., ("W.A. Rasic") dated April 9, 2018 and Hot Line Construction, Inc., ("Hot Line") dated April 6, 2018 in response to Specifications LD-18-05 for Vault Reinforcing for the Water and Power Department, reject all other bids, and authorize the City Manager to enter into contracts with W.A. Rasic Construction Company, Inc., in an amount not-to-exceed \$383,790 and Hot Line Construction, Inc., in an amount not-to-exceed \$550,000, which includes a 10% contingency for each contract. (Contract Nos. 31304, 31305)

AUTHORIZATION TO ENTER INTO A CONTRACT WITH CONSOLIDATED ELECTRICAL DISTRIBUTORS, INC., TO FURNISH POWERSTRUT EQUIPMENT AND MISCELLANEOUS ELECTRICAL PARTS AND SUPPLIES FOR THE WATER AND POWER DEPARTMENT

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 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 June 12, 2018, submitted by Consolidated Electrical Distributors, Inc., in response to Specifications for Powerstrut Equipment and Miscellaneous Electrical Parts and Supplies; reject all other bids received; and authorize the City Manager to enter into a contract with Consolidated Electrical Distributors, Inc., for a period of two years or until an amount of \$687,000 is expended, whichever occurs first, with two optional one-year extensions not-to- exceed \$343,600 each. (Contract No. 31301)

Item discussed separately

CONTRACT AWARD TO ITERIS, INC., FOR CONSULTANT SERVICES TO DESIGN AND IMPLEMENT TRAFFIC SIGNAL SYNCHRONIZATION TIMING AS PART OF THE PASADENA ITS PHASE III PROJECT

CONTRACT AWARD TO TORO ENTERPRISES, INC., FOR RESURFACING OF ALPINE STREET BETWEEN MARENGO AVENUE AND OAK KNOLL AVENUE FOR AN AMOUNT NOT-TO-EXCEED \$382,000

Recommendation:

(1) Find the project in the agenda report to be categorically exempt under the California Environmental Quality Act (CEQA) Guidelines in accordance with Title 14, Chapter 3, Section 15301, minor alterations of existing public facilities involving negligible or no expansion of use beyond that previously existing at the time of the lead agency's determination and that there are no features that distinguish this project from others in the exempt class, and therefore, there are no unusual circumstances; and

(2) Accept the bid dated August 8, 2018, submitted by Toro Enterprises, Inc., in response to the Specifications for the Resurfacing of Alpine Street between Marengo Avenue and Oak Knoll Avenue; reject all other bids; and authorize the City Manager to enter into a contract not-to-exceed \$382,000 which includes the base contract amount of \$347,478 and a contingency of \$34,522 to provide for any necessary change orders. (Contract No. 31298)

CONTRACT AWARD TO CALIFORNIA PROFESSIONAL ENGINEERING, INC., FOR FISCAL YEAR 2019 PEDESTRIAN CROSSING ENHANCEMENTS PROGRAM FOR AN AMOUNT NOT-TO-EXCEED \$214,000

Recommendation:

(1) Find the project in the agenda report to be categorically exempt under the California Environmental Quality Act (CEQA) Guidelines in accordance with Title 14, Chapter 3, Class 1, Section 15301, minor alterations of existing public facilities involving negligible or no expansion of use beyond that

previously existing at the time of the lead agency's determination, and find that there are no features that distinguish this project from others in the exempt class, and therefore, there are no unusual circumstances; and

(2) Accept the bid dated August 10, 2018, submitted by California Professional Engineering, Inc., in response to the specifications for the Pedestrian Crossing Enhancements on Los Robles Avenue at Buckeye Street and other Locations project; reject all other bids received; and authorize the City Manager to enter into a contract not-to-exceed \$214,000, which includes the base contract amount of \$185,110 and a contingency of \$28,890 to provide for any necessary change orders. (Contract No. 31299)

Item discussed separately

APPROVAL OF SUBMISSION OF THE 2018 CONTINUUM OF CARE HOMELESS ASSISTANCE APPLICATION TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

FINANCE COMMITTEE: AMENDMENT OF CONTRACT NO. 31029 WITH THE ECUMENICAL COUNCIL OF PASADENA AREA CONGREGATIONS, DBA FRIENDS IN DEED, AND THE APPROPRIATION OF \$18,921 IN HOUSING SUCCESSOR FUNDS FOR THE HOMELESS PREVENTION PROJECT

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

(1) Find that the proposed actions are exempt from the California Environmental Quality Act ("CEQA") pursuant to State CEQA Guidelines Section 15061(b)(3) (General Rule);

(2) Amend the Fiscal Year (FY) 2019 adopted operating budget of the Housing and Career Services Department by appropriating an amount of \$18,757 from the Housing Successor fund balance to the Homeless Prevention Project;

(3) Authorize the City Manager to amend Contract No. 31029 with Ecumenical Council of Pasadena Area Congregations, dba Friends in Deed, with modifications as described in the agenda report, including the extension of the contract term through December 31, 2018; and

(4) To the extent this could be considered a separate procurement subject to the Competitive Selection Process, it is further recommended that the City Council grant the proposed contract an exemption from the Competitive Selection Process pursuant to Pasadena Municipal Code (P.M.C.) Section 4.08.049(B), contracts for which the City's best interests are served. (Contract No. 31029-1, Budget Amendment No. 2019-05)

FINANCE COMMITTEE: AMENDMENTS TO FISCAL YEAR 2018 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), and as such, are not subject to environmental review; and
- (2) Amend the Fiscal Year (FY) 2018 Capital Improvement Program Budget with a net decrease in appropriations of \$1,474,016 as detailed in Attachment A of the agenda report.

Item discussed separately

FINANCE COMMITTEE: ENTER INTO A TEN-YEAR CONTRACT WITH TIBA PARKING SYSTEMS, LLC IN AN AMOUNT NOT-TO-EXCEED \$4,459,686, AND INCREASE BUDGET APPROPRIATIONS TO FUND 407 OFF-STREET PARKING FACILITIES FOR NEW PARKING ACCESS AND REVENUE CONTROL SYSTEM

FINANCE COMMITTEE: ACCEPTANCE OF CALIFORNIA OFFICE OF TRAFFIC SAFETY GRANT FOR THE PEDESTRIAN AND BICYCLE SAFETY OUTREACH PROGRAM

Recommendation:

- (1) Find that acceptance of this grant is exempt from the California Environmental Quality Act (CEQA), Section 15061(b)(3) (General Rule) of the State CEQA Guidelines;
- (2) Authorize the City Manager to enter into an agreement with the California Office of Traffic Safety (OTS) to receive Fiscal Year (FY) 2019 grant funding for the Pedestrian and Bicycle Safety Outreach Program in the amount of \$175,000 and any subsequent agreements regarding this grant award; and
- (3) Amend the Department of Transportation's FY 2019 Operating Budget to recognize and appropriate \$175,000 in grant funds awarded by OTS for the Pedestrian and Bicycle Safety Outreach Program as detailed in the Fiscal Impact section of the agenda report. (Contract No. 23,015, Budget Amendment No. 2019-06)

PUBLIC SAFETY COMMITTEE: AMENDMENT TO SERVICES CONTRACT NUMBER 30,771 WITH APEX SECURITY GROUP TO INCREASE THE TOTAL NOT-TO-EXCEED AMOUNT FROM \$250,000 TO \$450,000 AND EXTEND THE TERM OF THE CONTRACT FOR SUPPLEMENTAL TRAFFIC CONTROL AT MAJOR EVENTS WITHIN THE CITY OF PASADENA

Recommendation:

- (1) Find that the project proposed in the agenda report is categorically exempt under the California Environmental Quality

Act (CEQA) Guidelines Section 15061(b)(3), the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment;

(2) Authorize the City Manager to amend the existing services Contract No. 30,771 with Apex Security Group by increasing the maximum annual contract value from \$250,000 to a new not-to-exceed amount of \$450,000 per year for supplemental traffic control at major events within the City of Pasadena;

(3) To the extent this transaction could be considered a separate procurement subject to competitive selection, grant the proposed amended contract with Apex Security Group an exemption from the Competitive Selection process set forth in the Competitive Bidding and Purchasing Ordinance pursuant to Pasadena Municipal Code Section 4.08.049(B), contracts for which the City's best interests are served; and

(4) Authorize the City Manager to extend the contract for up to six months following the end of the current term in an amount not-to-exceed \$225,000. (Contract No. 30771-1)

PUBLIC SAFETY COMMITTEE: ADOPT A RESOLUTION REVISING THE POLICE TOWING FRANCHISE FEE, IMPOUND AND STORAGE RATES

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 Section 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 that establishes the non-exclusive police towing franchise fee of \$22,500 per participating tow operator; and

(3) Adjust the current rates utilized by franchise towing companies to \$151 per impound and \$42 for the daily storage rate. (Resolution No. 9675)

PUBLIC SAFETY COMMITTEE: RESPONSE TO LOS ANGELES COUNTY CIVIL GRAND JURY FINAL REPORT 2017-2018 – POLICING THE POLICE

Recommendation: It is recommended that the City Council authorize the Mayor to transmit the proposed responses, which appear in the body of the agenda report, to the Presiding Judge of the Los Angeles County Superior Court for those portions of the Civil Grand Jury's final report 2017-2018 – Policing the police that address the City of Pasadena, in order to comply with the recommendation listed in the report.

APPROVAL OF EMPLOYMENT AGREEMENT FOR CITY ATTORNEY/CITY PROSECUTOR

Recommendation:

(1) Find that the action proposed in the agenda report is not a "project" as defined in the California Environmental Quality Act (CEQA), Public Resources Code Section 21065 and Section 15378(b)(2) of the State CEQA Guidelines, and as such, is not subject to environmental review; and

(2) To approve a new employment agreement for City Attorney/City Prosecutor Michele Beal Bagneris which sets forth the terms and conditions of the employment agreement between the parties. It is further recommended that the Mayor be authorized to sign the employment agreement to reflect City Council approved changes. (Contract No. 23,016)

The Mayor summarized the compensation amounts provided to the City Attorney/City Prosecutor as part of the proposed contract approval listed above

RESIGNATION OF NICHELLE HOLLIDAY FROM THE COMMISSION ON THE STATUS OF WOMEN (District 3 Nomination)

APPOINTMENT OF HARVEY CORDNER TO THE CODE ENFORCEMENT COMMISSION (District 4 Nomination)

APPOINTMENT OF MATTIE BETTS TO THE SENIOR COMMISSION (District 3 Nomination)

CLAIMS RECEIVED

Claim No. 13,147	Jane Rickert	\$	5,000.00
Claim No. 13,148	William Graves		Not stated

PUBLIC HEARINGS SET

September 17, 2018, 7:00 p.m. - Appeal of the Historic Preservation Commission's Decision on an Application for a Certificate of Appropriateness for the Installation of a Bathroom Window Replacement - 1000 San Pasqual Street

October 1, 2018, 7:00 p.m. - Call for Review of a Design Commission Decision to the City Council regarding the Consolidated Design Review for New Construction at 550-556 East Colorado Boulevard

It was moved by Vice Mayor Kennedy, seconded by Councilmember Wilson, to approve all items on the Consent Calendar, with the exception of Item 3 (Contract Award to Iteris, Inc.), Item 6 (Approval of Submission of the 2018 Continuum of Care Home Assistance Application), and Item 9 (Enter Into A

Contract with TIBA Parking Systems, LLC), which were discussed separately. (Motion unanimously carried) (Absent: None)

CONSENT ITEMS
DISCUSSED SEPARATELY

CONTRACT AWARD TO ITERIS, INC., FOR CONSULTANT SERVICES TO DESIGN AND IMPLEMENT TRAFFIC SIGNAL SYNCHRONIZATION TIMING AS PART OF THE PASADENA ITS PHASE III PROJECT

Recommendation:

- (1) Find that the following proposed actions are exempt from review pursuant to 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 a contract with Iteris, Inc., as the result of a competitive selection process, as set forth in Section 4.08.047 of the Pasadena Municipal Code, for an amount not-to-exceed \$122,705 for Consultant Services to Design and Implement Traffic Signal Synchronization Timing along Bicycle Detection Corridors. (Contract No. 31302)

Genevieve Clavreul, Pasadena resident, stated her opinion that the traffic signal synchronization timing should be amended to provide additional time for pedestrians to safely cross the street.

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

APPROVAL OF SUBMISSION OF THE 2018 CONTINUUM OF CARE (COC) HOMELESS ASSISTANCE APPLICATION TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

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 filing with the U.S. Department of Housing and Urban Development (HUD), the 2018 Continuum of Care (CoC) Homeless Assistance Application for a funding request in the amount of \$3,592,457 for fourteen projects; and
- (3) Authorize the City Manager to execute, and the City Clerk to attest, the 2018 CoC Homeless Assistance Application and all other related documents, agreements and amendments.

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

Councilmember Hampton asked staff to provide additional information on the amount of funding provided to COC programs to prevent and end homelessness, including staff salaries, housing, and rent subsidies.

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

FINANCE COMMITTEE: ENTER INTO A TEN-YEAR CONTRACT WITH TIBA PARKING SYSTEMS, LLC IN AN AMOUNT NOT-TO-EXCEED \$4,459,686, AND INCREASE BUDGET APPROPRIATIONS TO FUND 407 OFF-STREET PARKING FACILITIES FOR NEW PARKING ACCESS AND REVENUE CONTROL SYSTEM

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 the City Manager to enter into a ten-year contract, as the result of a competitive selection process, as specified by Section 4.08.047 of the Pasadena Municipal Code, with TIBA Parking Systems, LLC for the purchase, installation and maintenance of a new parking access and revenue control system (PARCS) for the Paseo Subterranean, Marengo, Los Robles, Holly Street, Del Mar Station, Schoolhouse, DeLacey and Marriott garages for an amount not-to-exceed \$4,459,686, which includes a 15 percent contingency. Competitive bidding is not required pursuant to City Charter Section 1002(F) (contracts for professional or unique services); and
- (3) Appropriate \$3,740,598 for capital purchase from Fund 407 Off-Street Parking Facilities unappropriated fund balance to the various garage organizations in Fund 407 as listed in the Fiscal Impact section of the agenda report. The Off- Street Parking Fund will pay the full amount up front and be reimbursed through financing.

Wade Bettisworth, Amano McGann, Inc. stated his belief that an error was made during the evaluation and pricing of Amano McGann, Inc's proposal which affected their score and ranking; and asked staff to reevaluate their bid.

Following public comment, City Manager Mermell requested that this item be removed from the consent calendar, to provide staff with additional time to review the evaluations related to the Request for Proposals (RFP), and speak with Mr. Bettiworth to address his concerns.

Councilmember Wilson asked staff to provide additional information related to the equipment lease agreement and financing related to the new Parking Access and Revenue Control System (PARCS).

Vice Mayor Kennedy requested that staff ensure that the City is receiving the best warranty options available from the RFP responders for PARCS.

Councilmember Hampton spoke on the importance of providing maximum warranty benefits to the City as part of this project; and asked staff to provide the number of vendors who erroneously submitted RFP's with a ten-year warranty pricing.

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

RECOMMENDATIONS FROM OFFICERS AND DEPARTMENTS

RECOMMENDATION FROM PASADENA SISTER CITIES COMMITTEE REGARDING THE ESTABLISHMENT OF A SISTER CITY IN AFRICA *(To be heard at 6:45 p.m. or thereafter.)*

Recommendation: It is recommended that the City Council approve Dakar-Plateau, Senegal, as Pasadena's next sister city.

Vice Mayor Kennedy commended and thanked Boualem Bouseloub, Chair of the Ad Hoc Committee on Africa Pasadena Sister Cities, and the Pasadena Sister Cities Committee for their hard work, provided introductory comments, including historical information on the Sister Cities program.

Fred Alcantar, President of Pasadena Sister Cities Committee, provided introductory comments, and Boualem Bouseloub, Dr. Deborah Mindry, and Taleen Hindoyan, all members of the Ad Hoc Committee on Africa Pasadena Sister Cities Committee, provided a PowerPoint presentation on the item, and responded to questions.

The following individuals spoke in favor of the Sister Cities Committee's recommendation and provided comments:

Garry L. Moody, Ad Hoc on Africa Sisters Cities Committee (AHASCC)
Mamadou Diallo, Pasadena resident
Emanuel Najera, Pasadena resident
Rev. Nicolette B. Wilson, Sister Cities Committee (SCC)
Mame MBaye, Los Angeles resident
Michael Warner, Pasadena resident
Melvin Scheer, residence not stated
Alicia Randall, Girl Scout Troop #4601
Anneliese Airitam, Girl Scout Troop #4601
Alina Rodriguez-Gould, Girl Scout Troop #4601
Patrice Marshall McKenzie, Alpha Kappa Alpha Sorority, Inc., Pasadena Chapter
Pastor Kerwin Manning, SCC
Okorie Ezieme, Pasadena resident

The following individuals expressed concerns related to the Sister Cities Committee recommendation and provided comments:

Robert M. Brown II, Altadena resident
David Ashby, Pasadena resident

Vice Mayor Kennedy spoke on his visit to Dakar-Plateau, Senegal, and reiterated his appreciation and acknowledgment to the Ad Hoc Committee on Africa Pasadena Sister Cities Committee members for their hard work.

Councilmember Hampton and the Mayor thanked the Ad Hoc Committee members, spoke on the City's Sister Cities program, and spoke in support of the recommendation.

Following discussion, it was moved by Vice Mayor Kennedy, seconded by Councilmember Hampton, to approve the Pasadena Sister Cities Committee recommendation to approve Dakar-Plateau, Senegal, as Pasadena's next sister city. (Motion unanimously carried) (Absent: None)

**REPORTS AND COMMENTS
FROM COUNCIL
COMMITTEES**

ADOPT A RESOLUTION GOVERNING THE ADVANCEMENT AND REPAYMENT OF RESIDENTIAL IMPACT FEES FROM ONE PARK IMPACT FEE DISTRICT TO ANOTHER AND AMEND THE FISCAL YEAR 2019 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;

(2) Adopt a resolution governing the advancement and repayment of Residential Impact Fees from one Park Impact Fee District to another; and

(3) Amend the Fiscal Year 2019 Capital Improvement Program Budget by appropriating \$4,600,000 to two projects as detailed in the body of the agenda report.

Ara Maloyan, Director of Public Works, presented a PowerPoint presentation on the item, and responded to questions. City Manager Mermell provided information on the Central District Residential Impact fees budget, and future projects in the Washington Park Master Plan Capital Improvement Project costs.

City Attorney/City Prosecutor Michele Beal Bagneris responded to questions related to the City's policy on the schedule of dispersing funds per a resolution.

Councilmember Madison expressed concern with the staff recommendation, spoke on current case law related to imposing Residential Impact Fees (RIF), noting the need for a nexus between the project and the new residents; and stated his preference for a percentage of Residential Impact Fees to be used within a short distance from the development from which the fees were collected. He asked staff to provide information on how the policy of park districts was created. He also expressed concerns with the haste of building a public restroom at Desiderio Park, and stated his preference that funds be used to protect the area from suicides occurring on Colorado Street Bridge.

Loren Pluth, Parks/Forest Project Manager, responded to questions related to the Washington Park Master Plan.

Councilmember Gordo spoke on the immediate need to begin work on the Washington Park Master Plan and Villa Parke capital improvements, including the soccer field.

City Manager Mermell responded to questions related to the Central District RIF funds, staff's recommended strategy to fund the two projects that are ready to proceed, and staff's projection on the Lincoln Properties Project, noting that the collection of Residential Impact Fees from the project is contingent upon the project actually proceeding.

Members of the City Council expressed concerns with moving RIF funds from the Central Park District to another park district at this time, noting the lack of a complete list of projects to consider, which could help to determine project priorities; and expressed preferences that the RIF funds be spent on parks in the district in which the funds were collected.

Councilmember McAustin provided an overview of the direction given to staff by the City Council to facilitate the funding for the Desiderio public restroom and the park construction simultaneously. However, she noted that since the RIF funds will be available within a few months as part of the Lincoln Properties project, she suggested that the staff recommendation be tabled until such time as the RIF funds are collected and the City Council can better determine the best way to utilize the funds. She expressed concerns with the ability to prioritize the Capital Improvement Program (CIP) projects, and asked the Mayor and City Manager to recommend a process for the City Council to prioritize the City's CIP projects.

Councilmember Madison requested that the City Attorney provide a briefing on the policy and rules related to the City's use of RIF funds, restricted use by districts, time constraints that may be present to use the funds, any requirements in terms of proximity to projects providing RIF funding, and the nexus between projects and new residential needs.

Vice Mayor Kennedy spoke on the pressing need to complete the capital improvements at Robinson Park pool, especially during record heat, which is used by all children in the City. He requested that the proposed resolution be modified to allow a portion of the RIF funds collected from the Lincoln Properties Project be used for the design of the pool house and pool at Robinson Park.

The Mayor summarized previous discussions on the direction to staff related to the transfer of funds and the proposed CIP projects, and voiced his preference that staff return with proposed amendments to the CIP project list when the RIF funds from the Lincoln Properties project becomes available for disbursement.

The following individuals spoke in opposition to the staff recommendation and/or provided comments:

Joe Feinblauz, Friends of Washington Park
Emanuel Najera, Pasadena resident
Jill Shook, Pasadena resident

Vice Mayor Kennedy asked staff to provide data related to park usage for each park in the City.

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

RECOMMENDATIONS FROM OFFICERS AND DEPARTMENTS Continued

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");
- (2) Direct the City Attorney to prepare an ordinance within 60 days amending Pasadena Municipal Code Section 14.16 "Inspection Ordinance" as outlined in the agenda report; and
- (3) Authorize the City Manager to update, without further Council action, the adopted "Rules and Regulations" which outline the administrative enforcement and implementation of the inspection program.

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

City Manager Mermell responded to questions related to the proposed Occupancy Inspection Program (OIP) and cost recovery associated with the costs of providing the service.

Councilmember Gordo expressed concerns with the self-certification under penalty of perjury, citing potential issues if a resident inadvertently errs while completing forms resulting in legal ramifications, and suggested that the following language appear on all legal forms where applicable, "the seller, to the best of their knowledge is aware/not aware of such a violation". He also expressed concerns with a required site and floor plan of the OIP self-certification process as it would result in additional costs associated in acquiring a plan.

Laura Olhasso, Pasadena Foothill Association of Realtors, advocated for the elimination of the OIP program, spoke in favor of the staff recommendation, spoke in opposition to require home buyers to provide site and floor plans, and requested that staff review the program in a year to

determine if any changes or improvements to the program are required.

Councilmember Hampton thanked staff for their diligent work, and reiterated his support for eliminating the OIP program and the site and floor plan requirement.

The Mayor stated his opposition in changing the program as proposed, especially eliminating the required City inspections and replacing them with a self-certification program, citing the number of yielded major violations discovered as part of the City OIP program; and stated his preference that the current program be reformed and maintained.

Councilmember McAustin asked staff to maintain due diligence in terms of the City's housing stock, specifically the problem areas and properties in the City.

Following discussion, it was moved by Councilmember Hampton, seconded by Councilmember Gordo, to approve the staff recommendation, amended to exclude the mandatory site-plan and floor-plan and incorporate a one-year review of the program as part of the proposed action:

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

PUBLIC HEARING

Councilmember Madison was excused and left the meeting at 10:58 p.m.

Councilmembers Gordo and Vice Mayor Kennedy were excused and left the meeting at 11:08 p.m. and 11:09 p.m., respectively

PUBLIC HEARING: PROPOSED ADJUSTMENTS TO INCLUSIONARY IN-LIEU FEE RATES

Recommendation: It is recommended that at the conclusion of the public hearing, the City Council take the following actions:

- (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; and
- (2) Approve the recommended Inclusionary In-Lieu Fee rates shown in the table and the implementation schedule as described in the agenda report.

City Manager Mermell reported that a broader discussion related to inclusionary in-lieu fees rates and development capacity of density bonuses will be agendized at the September 24, 2018 City Council meeting.

The City Clerk opened the public hearing; and reported that the public hearing notice was published in the Pasadena Star-News on August 17, 2018, and the Pasadena Journal and the Pasadena Weekly on August 23, 2018; no correspondence was received by the City Clerk's office regarding this item.

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

The Mayor emphasized the importance that a full City Council be present for the discussion when the item is considered, reported that staff is currently working on additional issues such as other housing and land-use modifications, and therefore, suggested that the matter to be continued to September 24, 2018, at 7:00 p.m.

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

Carol Daley, Monrovia resident
Rev. Connie Millsap, First United Methodist Church
Anthony Manousos, Greater Pasadena Affordable Housing Group (GPAHG)
John Tamrin, GPAHG
Gloria Mushonga Roberts, GPAHG
Jill Shook, GPAHG
George Patton, Throop Church
Daniel Orellana-Rogers, GPAHG
Bert Newton, Pasadena resident

The following individuals spoke in opposition to the staff recommendation and provided comments:

Greg McLamore, residence not stated
Michelle White, Pasadena resident
Steffanos Polyzoides, Pasadena resident
Richard A. McDonald, Pasadena resident

The Mayor asked staff to provide information on whether the proposed recommendations would generate additional maximum density projects, clarify whether AB 1505 "The Palmer Fix" would allow the City to void Inclusionary In-Lieu Fees, and include information on the recommended fees for projects that are the size of 50 units or fewer.

Councilmember McAustin, member of the Finance Committee, asked staff to also provide information on the following items that were discussed during the Finance Committee meeting:

- Provide information on the City of Hollywood's Inclusionary In-Lieu Fee program where some project sizes are not allowed to pay an In-Lieu fee;
- Review the community benefits component;
- Determine whether units with more bedrooms should be given more consideration;
- Address the issues related to condos;
- Consider whether the City is effectively downzoning;
- Determine whether City in-lieu fees are set so high that affordable housing is less available in the City; and
- Address SB1818 concerns.

It was moved by Councilmember Hampton, seconded by Councilmember Masuda, to continue the public hearing to September 24, 2018, at 7:00 p.m. (Motion unanimously carried) (Absent: Councilmembers Gordo, Madison, Vice Mayor Kennedy)

CONTINUED PUBLIC HEARING: CONDUCT PUBLIC HEARING AND FIRST READING OF AN ORDINANCE TO GRANT A FRANCHISE TO SOUTHERN CALIFORNIA GAS COMPANY

Recommendation:

(1) Find that the proposed ordinance is not a project subject to the California Environmental Quality Act (CEQA) in accordance with Section 21065 of CEQA and State CEQA Guidelines Sections 15060(c)(2), 15060(c)(3), and 15378, and that the proposed action is exempt from CEQA pursuant to State CEQA Guidelines Section 15061(b)(3); and

(2) Following a public hearing, conduct first reading of an ordinance to grant a franchise to Southern California Gas Company.

The City Clerk opened the public hearing; and reported that the public hearing notice was published in the Pasadena Journal and the Pasadena Weekly on August 16, 2018; no correspondence was received by the City Clerk's office regarding this item.

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

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

ORDINANCE – FIRST READING

Conduct first reading of “AN ORDINANCE OF THE CITY OF PASADENA GRANTING TO THE SOUTHERN CALIFORNIA GAS COMPANY, ITS SUCCESSORS AND ASSIGNS THE FRANCHISE TO CONSTRUCT, MAINTAIN, USE, REPAIR AND REPLACE GAS PIPES AND APPURTENANCES THERETO, ALONG, UPON, AND ACROSS ALL PUBLIC STREETS, LANES, ALLEYS, COURTS, OR OTHER PUBLIC PLACES IN THE CITY OF PASADENA, FOR THE PURPOSE OF TRANSMITTING AND OR DISTRIBUTING GAS FOR ANY AND ALL OTHER PURPOSES”

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

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

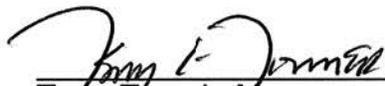
INFORMATION ONLY

CIVIL GRAND JURY PROCESS IN CALIFORNIA
Recommendation: This report is intended to provide information to the City Council, no action is required.

Due to time constraints, the City Council agreed to defer the discussion on the above item to a future City Council meeting.

ADJOURNMENT

On order of the Mayor, the regular meeting of the City Council adjourned at 12:51 a.m., in memory of Judge John Henry Sandoz, long time Pasadena resident.



Terry Tornek, Mayor
City of Pasadena

ATTEST:


City Clerk