

CITY OF PASADENA  
City Council Minutes  
October 29, 2018– 5:30 P.M.  
City Hall Council Chamber

REGULAR MEETING

**OPENING:**

Mayor Tornek called the regular meeting to order at 5:38 p.m.  
(Absent: None)

On the order of the Mayor, the regular meeting recessed at 5:38 p.m. to discuss the following closed session:

**POTENTIAL THREATS TO SECURITY OF PUBLIC BUILDINGS OR FACILITIES pursuant to Government Code Section 54957**

**Consultation with: Pasadena Interim Police Chief John Perez**

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

On order of the Mayor, the regular meeting reconvened at 6:30 p.m. The pledge of allegiance was led by Councilmember Gordo.

**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  
Assistant City Manager, Nicholas Rodriguez  
City Attorney/City Prosecutor Michele Beal Bagneris  
City Clerk Mark Jomsky

**CEREMONIAL MATTERS**

The Mayor spoke on the October 27, 2018 mass shooting of eleven individuals at the Tree of Life Congregation Synagogue, in Pittsburgh, Pennsylvania, expressed condolences to the victims and their families, and stated that the meeting will be adjourned in the memory of the victims.

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

Ray Newman, representing Eden Garden Bar & Grill, Inc., requested assistance in receiving an exemption from the City's no smoking ordinance.

City Manager Mermell and Michele Beal Bagneris, City Attorney/City Prosecutor, provided information on the City's prohibition on smoking in public areas, cited Pasadena Municipal

Code, Chapter 8.78, and explained that the City does not have a process for the requested exemption, but suggested that changes to the entity's operation might accommodate this business operation (changing from a restaurant to a private smoking lounge).

Councilmember Gordo suggested that Mr. Newman look into private smoking lounges as a vehicle to apply and qualify for smoking lounge business status under the City's Municipal Code.

James R. Steinberg, Pasadena resident, advocated for current medical marijuana collectives to be grandfathered and classified as legal operators in the City.

## CONSENT CALENDAR

### **APPROVAL OF A CONTRACT IN AN AMOUNT NOT-TO-EXCEED \$1,000,000 BETWEEN THE CITY OF PASADENA, ACTING AS AGENT FOR THE FOOTHILL WORKFORCE DEVELOPMENT BOARD, AND THE SOUTH BAY WORKFORCE INVESTMENT BOARD, INC., TO PROVIDE INDIVIDUAL TRAINING ACCOUNT SERVICES**

#### **Recommendation:**

- (1) Find that the recommended 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 contract between the City of Pasadena (acting as an agent for the Foothill Workforce Development Board) and the South Bay Workforce Investment Board to provide Individual Account Training Services in an amount not-to-exceed \$1,000,000. Neither Competitive Bidding nor Competitive Selection are required pursuant to City Charter Section 1002(H) and Pasadena Municipal Code Section 4.08.049(A)(3), contracts with other governmental entities. (Contract No. 31336)

### **AUTHORIZATION TO ENTER INTO A PURCHASE ORDER WITH RUSH TRUCK CENTERS OF CALIFORNIA, INC., TO PROVIDE CUMMINS PARTS FOR CUMMINS ENGINES FOR AN AMOUNT NOT-TO-EXCEED \$210,000**

#### **Recommendation:**

- (1) Find that the 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 August 29, 2018, submitted by Rush Truck Centers of California, Inc., (Rush) in response to specifications for Cummins Original Equipment Manufacturer (OEM) Engine Parts, reject all other bids received, and authorize the City Manager to enter into a purchase order with Rush for an

amount not-to-exceed \$210,000 for a three-year period, inclusive of Consumer Price Index (CPI) increases, and two one-year options in an amount not-to-exceed \$70,000 annually, subject to the approval of the City Manager, for a maximum purchase order length of five years and a total purchase order amount of \$350,000.

**AUTHORIZATION TO ENTER INTO A PURCHASE ORDER WITH H&H AUTO PARTS WHOLESALE TO PROVIDE GENERAL MOTORS AND A/C DELCO PARTS FOR FORD ENGINES FOR AN AMOUNT NOT-TO-EXCEED \$240,000**

**Recommendation:**

(1) Find that the 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 September 11, 2018, submitted by H&H Auto Parts Wholesale (H&H Auto Parts) in response to specifications for General Motors (GM) Original Equipment Manufacturer (OEM) and A/C Delco Engine Parts, reject all other bids received, and authorize the City Manager to enter into a purchase order with H&H Auto Parts for an amount not-to-exceed \$240,000 for a three-year period, inclusive of Consumer Price Index (CPI) increases, and two one-year options in an amount not-to-exceed \$80,000 annually, subject to the approval of the City Manager, for a maximum purchase order length of five years and a total purchase order amount of \$400,000.

**THREE YEAR LEASE EXTENSION AGREEMENT WITH CALTRANS FOR THE ARLINGTON GARDEN LOCATED AT 275 ARLINGTON DRIVE**

**Recommendation:**

(1) Find the project to be categorically exempt under State CEQA Guidelines Section 15301 (Class 1, existing facilities), that there are no features that distinguish this project from others in the exempt class, and therefore there are no unusual circumstances, and authorize the City Clerk to file a Notice of Exemption for the project with the Los Angeles County Clerk; and

(2) Authorize the City Manager to extend the lease agreement between the City of Pasadena and the California Department of Transportation (Caltrans) for the property located at 275 Arlington Drive (Arlington Gardens) for an additional three years at a cost of \$100 per year. (Contract No. 18,371-2)

**Recommendation of the Recreation and Parks Commission:**

The Recreation and Parks Commission voted unanimously to support the extension of the lease between the City of Pasadena and Caltrans at its October 2, 2018 meeting.

Item discussed separately

**MUNICIPAL SERVICES COMMITTEE: AMEND PASADENA MUNICIPAL CODE TITLE 13, CHAPTER 13.04, SECTION 13.04.100 AND CHAPTER 13.20, SECTION 13.20.270 TO AUTHORIZE THE GENERAL MANAGER OF THE WATER & POWER DEPARTMENT TO REVISE SERVICE REGULATIONS FROM TIME TO TIME**

**RECOGNIZE REVENUE AND APPROPRIATE EXPENDITURES OF \$108,347 TO THE FISCAL YEAR 2019 OPERATING BUDGET AND INCREASE THE PERSONNEL ALLOCATION BY 1.5 FULL-TIME EQUIVALENTS (FTE) FOR THE PRIVACY AND PIRACY FUND**

**Recommendation:**

- (1) Find that the proposed action is exempt from the California Environmental Quality Act ("CEQA") pursuant to Section 21065 of CEQA and State CEQA Guidelines Sections 15060(c)(2), 15060(c)(3) and 15378; and as such, no environmental document pursuant to CEQA is required for the project;
- (2) Authorize the City Manager to enter into a Memorandum of Understanding (MOU) with the State of California Department of Justice to accept and administer these grant funds on behalf of the City of Pasadena; and
- (3) Amend the City Attorney/City Prosecutor's Office's Fiscal Year 2019 operating budget by recognizing and appropriating expenditures of \$108,347 in State of California Department of Justice Privacy and Piracy grant funds and increase the department's personnel allocation by 1.5 FTE limited-term, grant-funded positions. (Contract No. 23,052; Budget Amendment No. 2019-13)

**ADOPT A RESOLUTION APPROVING THE AMENDED BYLAWS OF THE PASADENA CENTER OPERATING COMPANY**

**Recommendation of the Pasadena Center Operating Company (PCOC):**

- (1) Find that the recommended action is exempt from the California Environmental Quality Act ("CEQA") pursuant to State CEQA Guidelines Section 15061(b)(3), the general rule that CEQA only applies to projects that may have an effect on the environment; and
- (2) Adopt a resolution approving the proposed amendments to the Pasadena Center Operating Company Bylaws. (Resolution No. 9680)

**CLAIMS RECEIVED**

Claim No. 13,174	MKP Law Group, representing Frances Morales	\$ 25,000.00+
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Claim No. 13,175	METIS Law Group, LLP, representing Buran Chanthorn	25,000.00+
Claim No. 13,176	Leslie Croaker, Jr.	475.00
Claim No. 13,177	Ryan W. Thompson	369.00
Claim No. 13,178	Allstate Northbrook Indemnity Company as subrogee for Stephanie Graves	3,129.19
Claim No. 13,179	Law Offices of Joe C. Hopkins, representing Jesse F. Chapman	25,000.00+
Claim No. 13,180	Melody Parman, Attorney, representing Jaime Medina	25,000.00+
Claim No. 13,181	46 W. Colorado Blvd LLC	6,049.08
Claim No. 13,182	Brett Klaeser	10,000.00+

Councilmember Madison requested information on the number of Pasadena residents that have benefited from the South Bay Workforce Investment Board in the last few years

Following discussion, it was moved by Councilmember Gordo, seconded by Vice Mayor Kennedy, to approve all items on the Consent Calendar, with the exception of Item 5 (Amend PMC to Revise Service Regulations from Time to Time), which was discussed separately. (Motion unanimously carried) (Absent: None)

**CONSENT ITEMS  
DISCUSSED SEPARATELY**

**MUNICIPAL SERVICES COMMITTEE: AMEND PASADENA  
MUNICIPAL CODE TITLE 13, CHAPTER 13.04, SECTION  
13.04.100 AND CHAPTER 13.20, SECTION 13.20.270 TO  
AUTHORIZE THE GENERAL MANAGER OF THE WATER &  
POWER DEPARTMENT TO REVISE SERVICE  
REGULATIONS FROM TIME TO TIME**

**Recommendation:**

- (1) Find that the proposed action is not a project subject to the 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 this project;
- (2) Approve recommended amendments to Pasadena Municipal Code ("PMC") Sections 13.04.100 (Service regulations and charges) and 13.20.270 (Service regulations and charge) to allow the General Manager of the Pasadena Water and Power Department ("PWP") to make changes in service regulations that do not impact rates or fees. This will replace the current practice

of the "Board of Directors of the City" adopting any changes to the service regulations, including those that do not impact rates or fees, by resolution; and

(3) Direct the City Attorney to prepare an ordinance to amend Pasadena Municipal Code (PMC) Title 13, Chapter 13.04, "Power Rates and Regulations" and Chapter 13.20, "Water Service and Rates" as described in the agenda report.

William Hooper, Pasadena resident spoke in opposition to the staff recommendation; and advocated for an alternative process to adopt regulations.

City Manager Mermell and Eric Klinkner, Assistant General Manager of Water and Power, provided introductory comments, and Marvin Moon, General Manager Power Delivery, provided a PowerPoint presentation on the item, and responded to questions.

Councilmember McAustin, Chair of the Municipal Services Committee, reported on the Committee's discussion, stated that the staff recommendation is consistent and fairly routine, noted the unanimous support by the Committee of the proposed action, and stated that any discussion related to rate or fee changes would continue to be presented to the City Council for consideration.

**MOTION:**

Following discussion, it was moved Councilmember Wilson, seconded by Councilmember Hampton, to direct staff to amend staff's recommended action to include in the proposed ordinance protections similar to investor-owned utilities in California, whereby utility rules include, "just and reasonable" provisions.

Councilmembers McAustin and Gordo expressed concerns with amending the staff recommendation to include information that is already implied and making changes without careful consideration.

Councilmember Gordo requested that staff review the proposed ordinance in relation to the suggested amendments to determine if such changes are required, and return to the City Council for consideration.

**MOTION WITHDRAWN:**

It was agreed by Councilmember Wilson and Councilmember Hampton to withdraw their motion.

Following discussion, by consensus of the City Council, and on order of the Mayor, no action was taken on the staff recommendation, with direction given to staff to review the suggested changes in relation to the proposed ordinance, determine if such changes are necessary or warranted, and return to the City Council for further consideration.

**REPORTS AND COMMENTS  
FROM COUNCIL  
COMMITTEES**

**TERMINATION OF INTERMOUNTAIN POWER PROJECT  
RENEWAL POWER SALES CONTRACT**

**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), the "General Rule"; and
- (2) Ratify the decision of the City Manager providing notice to the Intermountain Power Agency ("IPA") pursuant to Section 34 of the Renewal Power Sales Contract dated as of January 16, 2017 between IPA and the City of Pasadena ("Contract") that the City of Pasadena is exercising its rights under Section 42 of the Contract to terminate the Contract.

Eric Klinkner, Assistant General Manager of Water and Power, provided a PowerPoint presentation on the item, and responded to questions.

Councilmember McAustin, Chair of the Municipal Services Committee, reported on the Committees unanimous support of the staff recommendation, which is consistent with the City's goal to reduce greenhouse gas emissions and eliminate coal from the City's energy portfolio.

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

**PUBLIC HEARINGS**

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

**Recommendation:** It is recommended that the City Council continue the public hearing to December 3, 2018 at 7:00 p.m.

It was moved by Councilmember Madison, seconded by Councilmember McAustin, to continue the public hearing to December 3, 2018, at 7:00 p.m. (Motion unanimously carried) (Absent: None)

**PUBLIC HEARING: DESIGNATION OF THE HOUSE AT 901 LAGUNA ROAD 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 Puelicher House at 901 Laguna Road meets Criterion "C" for designation as a landmark pursuant to Pasadena Municipal Code (PMC) Section 17.62.040 because it embodies the distinctive characteristics of a locally significant property type, architectural style and period to the City. It is a locally significant example of an International Style single-family house designed by locally significant architect Boyd Georgi;
- (3) Adopt a resolution approving a Declaration of Landmark Designation for 901 Laguna Road, Pasadena, California;
- (4) Authorize the Mayor to execute the Declaration of Landmark Designation for 901 Laguna Road, Pasadena, California; and
- (5) Direct the City Clerk to record the declaration with the Los Angeles County Recorder. (Resolution No.9681)

**Recommendation of the Historic Preservation Commission:**

At its regular meeting of July 17, 2018, the Historic Preservation Commission recommended that the City Council approve the designation of 901 Laguna Road as a landmark under Criterion C of Pasadena Municipal Code, Section 17.62.040.

The City Clerk opened the public hearing and reported that 141 copies of the notice were mailed, and 19 copies of the notice were posted on October 15, 2018; and that one letter in favor in of the staff recommendation was received by the City Clerk's Office regarding this item, and was distributed to the City Council and made part of the public hearing record.

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

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

**PUBLIC HEARING: DESIGNATION OF A STRUCTURE AT 171 SOUTH GRAND AVENUE 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 former single-family residence at 171 South Grand Avenue meets Criteria "B" and "C" for designation as a landmark pursuant to Pasadena Municipal Code (PMC) Section 17.62.040(C)(2)(b) and (c) because it is 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 and represents the work of an architect whose work is of significance to the City. It is a locally significant example of a single-family residential structure designed in the Italian Renaissance Revival style by local architects Sylvanus Marston and Edgar Maybury and is associated with the productive life of Josephine Pettengill Everett, locally significant as a patron of the arts;
- (3) Adopt a resolution approving a Declaration of Landmark Designation for 171 South Grand Avenue, Pasadena, California;
- (4) Authorize the Mayor to execute the Declaration of Landmark Designation for 171 South Grand Avenue, Pasadena, California; and
- (5) Direct the City Clerk to record the declaration with the Los Angeles County Recorder. (Resolution No. 9682)

**Recommendation of the Historic Preservation Commission:**  
At its regular meeting of July 3, 2018, the Historic Preservation Commission recommended that the City Council approve the designation of 171 South Grand Avenue as a landmark under Criterion B and C of Pasadena Municipal Code, Section 17.62.040(C).

The City Clerk opened the public hearing and reported that 297 copies of the notice were mailed, and 24 copies of the notice were posted on October 15, 2018; and that one letter in favor in of the staff recommendation was received by the City Clerk's Office regarding this item, and was distributed to the City Council and made part of the public hearing record.

Councilmember Madison spoke in favor of the staff recommendation.

Janet Beggs, and Marsha Rood, representing the Shakespeare Club, spoke in favor of the staff recommendation.

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

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

**RECOMMENDATIONS FROM OFFICERS AND DEPARTMENTS**

**AMENDMENTS TO THE FISCAL YEAR 2019 GENERAL FEE SCHEDULE TO ADD COMMERCIAL CANNABIS FEES**

**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 action; and

(2) Adopt a resolution amending the Fiscal Year 2019 General Fee Schedule to add Commercial Cannabis fees as detailed in the "Proposed Fee Schedule Amendments" section of the agenda report. (Resolution No. 9683)

David Reyes, Director of Planning and Community Development, provided introductory comments, and Alex Hernandez, Management Analyst IV, provided a PowerPoint presentation on the item, and responded to questions.

Councilmember Hampton left the dais at 7:31 p.m.

Councilmember Madison was excused and left the meeting at 7:34 p.m.

Vice Mayor Kennedy requested information on the areas in the City where commercial cannabis businesses would be permitted based on the voter-approved regulations, with the information provided by City Council district.

Councilmember Gordo left the dais at 7:35 p.m.

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

**MEASURE M MULTI-YEAR SUBREGIONAL PROGRAM: PASADENA'S PROJECT LIST**

**Recommendation:**

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

(2) Approve the list of projects reference in Attachment A of the agenda report to be reviewed by the Arroyo Verdugo Communities Joint Powers Authority (AVCJPA) Technical Advisory Committee before submittal to the AVCJPA Governing Board for final adoption and submittal to Metro as part of the five-year Measure M Multi-year Subregional Plan (MSP) and request for funding.

**Recommendation of the Transportation Advisory Commission:** A draft list of potential projects was presented at the September 27, 2018 regular meeting of the Transportation Advisory Commission and suggestions for projects were received from the public and from the Commission.

Councilmember Hampton returned to the dais at 7:43 p.m.

Councilmember Gordo returned to the dais at 7:43 p.m.

Fred Dock, Director of Transportation, provided introductory comments, Bahman Janka, Transportation Administrator, and Jon Overman, Cambridge Systematics (Consultant), provided PowerPoint presentations on the item, and responded to questions.

Councilmember Gordo stated that his constituents have expressed concerns with the Gold Line train stations, including safety, security access, and lighting improvements. He also noted issues with the intersections at Lake Avenue/Maple Avenue and Lake Avenue/Villa Street. He noted that these improvements are not prioritized in the City's Proposed Measure M MSP Projects list, and requested that staff consider revising the priorities to address these safety issues.

Councilmember Wilson spoke on the need to develop a priority list within the Multi-Year Subregional Program (MSP) allocated funds, and advocated for the Lake Avenue Gold Line station accessibility improvements. He suggested that staff work on a larger number of smaller transportation projects (i.e. signals, crosswalk improvements, etc.) which he believes would be more impactful to the community.

Councilmember McAustin stated that it should be the responsibility of the Los Angeles County Metropolitan Transportation Authority (METRO) to address light rail station improvements in the City, and opposed the use of the City's MSP funds for maintenance repairs to the Gold Line stations.

The Mayor spoke on the limited resources provide by Measure M; spoke in favor of the staff recommendation; and asked staff to provide information on whether the projects on the MSP list can be reprioritized.

Councilmember Wilson spoke on the City Council's rigorous Capital Improvement Program (CIP) review and allocation process, and stated the need to consider the Measure M MSP Projects priority list during the CIP budget discussions.

Betty La Cavera, Pasadena resident, expressed safety concerns at the Lake Avenue Gold Line station in the City.

Following discussion, it was moved by Vice Mayor Kennedy, seconded by Councilmember McAustin, to approve the staff recommendation, with a caveat that the Proposed Measure M MSP Projects priority list be further evaluated by staff, and submitted to the City Council for further discussion and consideration:

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

**INFORMATION ITEM**

**5-MINUTE CITY ATTORNEY/CITY PROSECUTOR BRIEFING”  
REGARDING CITY PROSECUTOR’S ANNUAL REPORT**

**Recommendation:** This report is intended to provide information to the City Council, no action is required.

Michele Beal Bagneris, City Attorney/City Prosecutor, provided introductory comments, and Michael Dowd, Chief Prosecutor, presented a PowerPoint presentation on the item, and jointly, responded to questions.

The City Council thanked Mr. Dowd for his exemplary work as Chief Prosecutor.

Councilmember Gordo asked that staff reconsider the quality of life issues and criminal activity in neighborhoods, which he believes should be the priority of local government and prosecutorial resources.

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

**COUNCIL COMMENTS**

Councilmember Hampton requested that staff provide a twice-yearly report to the Public Safety Committee regarding safety concerns at METRO Gold Line stations in the City. He also asked staff to consider any possible actions that might help address the closing of churches in the City.

**ADJOURNMENT**

On order of the Mayor, the regular meeting of the City Council adjourned at 9:38 p.m., in memory of the eleven victims that lost their lives in the mass shooting, which occurred on October 27, 2018 at the Tree of Life Congregation Synagogue, in Pittsburgh, Pennsylvania.

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Terry Tornek, Mayor  
City of Pasadena

ATTEST:

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City Clerk