

CITY OF PASADENA
City Council Minutes
February 4, 2019– 5:30 P.M.
City Hall Council Chamber

REGULAR MEETING

OPENING:

Mayor Tornek called the regular meeting to order at 5:32 p.m.
(Absent: None)

On the order of the Mayor, the regular meeting recessed at 5:32 p.m. to discuss the following closed session:

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 Attorney/City Prosecutor

City Representative: Terry Tornek

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

Name of Case: Edward Ruffalo, Jr. v. City of Pasadena

LASC Case No.: BC694856

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

On order of the Mayor, the regular meeting reconvened at 6:46 p.m. The pledge of allegiance was led by Councilmember McAustin.

ROLL CALL:

Councilmembers:

Mayor Terry Tornek
Vice Mayor John J. Kennedy
Councilmember Victor Gordo
Councilmember Tyron Hampton
Councilmember Steve Madison
Councilmember Gene Masuda
Councilmember Margaret McAustin
Councilmember Andy Wilson

Staff:

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

CEREMONIAL MATTERS

The City Clerk administered the oath of office to Craig Chrisney as Old Pasadena Parking Meter Zone Advisory Commissioner.

Debbie Lamb, C-Span Cities Tour Coordinating Producer, provided information on her weeklong history and author tour of the City, which included the Tournament of Roses, Latino history in the City, visiting the Pasadena Museum of History, Gamble House, other important sites throughout the City, and meeting with various authors from the City.

Vice Mayor Kennedy spoke on the Jackie Robinson's 100th Birthday Celebration held on Saturday, February 2, 2019 at the Jackie Robinson Community Center; and thanked City staff and participants for their contributions.

Councilmember Hampton spoke on the Cleveland Elementary School's, Jackie Robinson's 100th Birthday Celebration he attended on Friday, February 1, 2019; and praised City staff for the various events held throughout the City celebrating Black History Month.

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

Emanuel Najera, Pasadena resident, expressed concerns related to the condition of Victory Park baseball field; and spoke in favor of discussing Measure CC – Commercial Cannabis Regulations, which he believes is too limiting.

In response to public comment and Councilmember Hampton's inquiry, City Manager Mermell stated he would follow up with staff regarding the Victory Park baseball field.

Michelle White, Orange Grove Friends Meeting, advocated and asked the City to support efforts requesting the United States Postal Service honor Bayard Rustin with a stamp.

The following individuals advocated for legislation to increase the City's minimum wage, and/or provided comments:

- Jessica Kubel, Pasadena resident
- Soila Munoz, Pasadena resident
- Julie McKune, Democrats of Pasadena Foothills
- Dorothy Keane, League of Women Voters
- Bernardo Acosta, Pasadena resident
- Julianne Hines, Planned Parenthood Pasadena & SGV
- Pablo Alvarado, Pasadena resident
- Allison Henry, Pasadena resident
- Elizabeth Pomeroy, Pasadena resident
- Tomosa Hernandez, Pasadena resident
- Brooke Teal Robbins, Indivisible Suffragists

Charles Leone, SEIU Local 721, advocated for the approval of the City's sanitation employees' proposed contract.

Jasmine Abdullah, Black Lives Matter Pasadena, provided comments related to the City's cannabis legislation, advocated for the continued operation of existing medical marijuana dispensaries and commercial cannabis businesses. She expressed concerns with what she believes is harassing behavior from the Pasadena Police; and spoke on the need to provide upgrades to the restrooms at La Pintoresca Park.

CONSENT CALENDAR

AUTHORIZATION TO ENTER INTO A CONTRACT WITH SOFTWAREONE, INC., FOR LICENSING OF MICROSOFT SOFTWARE

Recommendation:

- (1) Find that the proposed contracts are exempt from the California Environmental Quality Act ("CEQA") pursuant to State CEQA Guidelines Section 15061(b)(3);
- (2) Approve a renewal of an Enterprise License Agreement (ELA) with Microsoft for a period of three years from April 1, 2019 to March 31, 2022;
- (3) Authorize the City Manager to enter into a contract with SoftwareOne, Inc., for the licensing of Microsoft software and services under the Microsoft ELA in an amount not-to-exceed \$3,300,000 for a period of three years from April 1, 2019 to March 31, 2022. Competitive Bidding is not required pursuant to City Charter Section 1002(H), contracts with other governmental entities or their contractors for labor, materials, supplies or services;
- (4) It is further recommended that the City Council grant the proposed SoftwareOne contract 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; and
- (5) Authorize the City Manager to increase Contract No. 30526 with SoftwareOne, Inc., by \$200,000, thereby increasing the total not-to-exceed amount from \$1,850,000 to \$2,050,000. (Contract Nos. 30526-3, 31413)

Item discussed separately

PUBLIC SAFETY COMMITTEE: AUTHORIZATION TO ENTER INTO A JOINT POWERS AGREEMENT FOR THE LOS ANGELES AREA REGIONAL TRAINING GROUP OF FIRE PROTECTION AGENCIES

CLAIMS RECEIVED

Claim No. 13,232	Dennis Wang	\$	2,306.16
Claim No. 13,233	Sharon Schlarb		451.91
Claim No. 13,234	Eric Williams		836.20

Claim No. 13,235	An Yun Zhou	Not stated
Claim No. 13,236	Ana Maria Noguez	Not stated
Claim No. 13,237	Gary B. White	7,376.00
Claim No. 13,238	Ryar De La Torre	2,696.10

It was moved by Vice Mayor Kennedy, seconded by Councilmember Madison, to approve the items on the Consent Calendar, with the exception of Item 2 (Authorization to Enter Into A Joint Powers Agreement for the Los Angeles Area Regional Training Group of Fire Protection Agencies), which was discussed separately. (Motion unanimously carried) (Absent: None)

CONSENT ITEM
DISCUSSED SEPARATELY

PUBLIC SAFETY COMMITTEE: AUTHORIZATION TO ENTER INTO A JOINT POWERS AGREEMENT FOR THE LOS ANGELES AREA REGIONAL TRAINING GROUP OF FIRE PROTECTION AGENCIES

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) Adopt a resolution authorizing the City's membership in the Los Angeles Area Regional Training Group Joint Powers Authority to participate in a regional effort to integrate resources and information related to training firefighters and researching fire protection and safety issues that are crucial to the City and its surrounding population. (Contract No. 23,106; Resolution No. 9705)

Fire Chief Bertral Washington responded to questions related to the proposed contract funding, impacts to the City's budget, and regional and local training.

Vice Mayor Kennedy, Chair of the Public Safety Committee, reported on the Committee's discussion.

Councilmember McAustin requested that in the future, staff include additional details and information related to recommended actions to enter into a Joint Powers Agreement with other agencies, as part of the agenda report, so the City Council can better understand the parameters of the proposed agreement.

Councilmember Hampton left the dais at 7:45 p.m.

Following discussion, it was moved by Vice Mayor Kennedy, seconded by Councilmember Madison, to approve the staff recommendation. (Motion unanimously carried) (Absent: Councilmember Hampton)

**REPORTS AND COMMENTS
FROM COUNCIL
COMMITTEES**

Councilmember Hampton returned to the dais at 7:51 p.m.

Councilmember Gordo stated a potential conflict and recused himself from the item at 7:56 p.m.

UNDERGROUND UTILITIES SPECIAL ACTIVITY FUND

Recommendation: It is recommended that the City Council:
(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 the project;
(2) Maintain the existing light and power surtax per Pasadena Municipal Code ("PMC") Chapter 4.24 – underground utilities special activity fund ("Underground Surtax") and use the Underground Surtax funds, subject to City Council review and approval, for the purposes stated in PMC Section 4.24.050; and
(3) Continue construction of underground utility projects in both existing and future underground utility districts created pursuant to PMC Chapter 13.14 – underground utility districts ("Underground Utility Districts Program").

Recommendation of the Municipal Services Committee: On February 13, 2018, the Municipal Services Committee approved the staff recommendation with two votes in favor, one member abstaining, and one not present.

The Mayor announced that Vice Mayor Kennedy would chair the discussion to allow the Mayor to more fully participate in the City Council's deliberations.

City Manager Mermell provided introductory comments, and Gurcharan Bawa, General Manager of Water and Power, provided a PowerPoint presentation on the item, and responded to questions. City Manager Mermell spoke on the staff's recommendation to maintain the Underground Surtax to utilize for various capital projects; and responded to questions.

Councilmember Madison asked staff to research the process for programs where neighbors can decide to help finance the undergrounding in order to accelerate the schedule in their neighborhoods; and stated that his constituents are in favor of the Underground Utility Districts Program. Mr. Madison spoke in opposition to terminating the collection of the Underground Surtax.

Councilmember McAustin stated that her constituents are in favor of continuing the undergrounding program regardless of the costs or time to complete projects. She spoke in favor of continuing the Underground Utility Districts Program and to also continue to collect the Underground Surtax. However, due to the large balance of the Underground Surtax Fund, she advocated that the City Council consider suspending collection of the tax for a period of time until the balance of the funds has been spent down.

Councilmember Hampton stated that his constituents are in favor of discontinuing the Underground Utility Districts Program; and spoke in favor of Councilmember McAustin's direction to continue the Underground Utility Districts Program, but to pause the collection of the Underground Surtax until the balance is spent down.

The Mayor provided a PowerPoint presentation on the reasons why the Undergrounding District Program should be terminated immediately (except the Hill and Alpine model), noting that the project is tremendously complex, provides marginal improvements in terms of system reliability, will take hundreds of years to complete at the current pace, and is extraordinarily expensive. He spoke in favor of terminating the Underground Utility Districts Program immediately, maintain the Underground Surtax Fund, and suspend it until the fund balance is reduced to \$10,000,000, and spend the funds on other eligible activities.

Michelle White, Pasadena resident, inquired if there is an equitable amount of undergrounding work completed in the City, expressed concerns that Northwest Pasadena will be left out due to the economic, dense and ethnic levels.

Councilmember Wilson stated his lack of support for the Underground Utility Districts Program, including the costs associated with the program, however, stated that many of his constituents are supportive of the program.

Councilmember Masuda stated that many his constituents are not supportive of the Underground Utility Districts Program, and are requesting a refund from the Underground Surtax as a result of the extended period of time it will take to benefit from the program, and likely that it will not occur in their neighborhood.

Vice Mayor Kennedy expressed concerns with the miscommunication to the City's rate payers, that some areas in the City would not be undergrounded; and stated that many of his constituents are in favor of the Underground Utility Districts Program, therefore he will vote in favor of continuing the program. He also expressed concerns with the City's ability to fairly rebate the Underground Surtax funds.

Original Motion:

It was moved by Councilmember McAustin, seconded by Councilmember Wilson, to approve the staff recommendation, amended to continue collection of the Underground Surtax, but suspend the collection until the balance is spent down to \$10,000,000 (maintaining a \$10,000,000 fund balance) and continue with the Undergrounding Utility Districts Program (including non-districts).

Substitute Motion:

Following discussion, it was moved by Mayor Tornek, seconded by Councilmember Hampton, to approve the staff recommendation, amended to suspend the Underground Surtax collection until the balance is reduced down to \$10,000,000, continuing underground work of the program, but stop the Underground Utility Districts (complete the Hill and Alpine Districts only), with the intent to spend the funds on other eligible activities.:

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

Vote on Original Motion:

Following additional discussion, it was moved by Councilmember McAustin, seconded by Councilmember Wilson, to approve the staff recommendation, amended to direct staff to continue the Underground Surtax, but suspend the collection until the balance is reduced down to \$10,000,000 and continue with the Undergrounding Utility Districts Program (including non-districts):

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

Motion:

Following further discussion, it was moved by Councilmember Wilson, seconded by Vice Mayor Kennedy, to approve the staff recommendation, amended to direct staff to provide an update to the City Council on the Undergrounding Utility District Program, implementing a 10-year cycle to reevaluate alternative technologies and solutions, and amend the undergrounding ordinance to take advantage of such technologies as alternatives to traditional undergrounding methodologies:

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

Councilmember Madison thanked staff for their diligent work on this complex subject matter.

Vice Mayor Kennedy requested that the City Attorney further research and determine if Councilmember Gordo is required to recuse himself from the citywide Underground Utility Program discussion, so that Councilmember Gordo may participate in future discussions on the Underground Utilities Program.

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

Councilmember Gordo returned to the dais at 9:28 p.m.

AMENDMENT TO FISCAL YEAR 2019 CAPITAL IMPROVEMENT PROGRAM BUDGET TO APPROPRIATE RESIDENTIAL IMPACT FEES RECEIVED FROM THE LINCOLN PROPERTIES DEVELOPMENT

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) Amend the Fiscal Year 2019 Capital Improvement Program Budget by appropriating \$6,685,000 of residential impact fees to seven projects as detailed in the body of the agenda report.

Ara Maloyan, Direct of Public Works, provided a PowerPoint presentation on the item; and responded to questions. City Manager Mermell responded to questions related to costs associated with the Robinson Park – Pool and Pool Building Renovations project and funding for projects at Central Park and Memorial Park.

Councilmember Madison expressed concerns with using Residential Impact Fees (RIF) for parking lot improvements at Carmelita Park – Norton Simon Museum, as the fees are intended to provide parks and recreation for new residents. He also spoke on members of the community in District 6 not supporting the project: Installation of a Restroom Building at Desiderio Park – Construction Phase. Mr. Madison spoke on the need for a nexus on the funds and park related projects to better understand the financial needs of the proposed projects; and expressed concerns on the lack of funding for projects at Central Park and Memorial Park.

Councilmember Hampton spoke on the community benefits provided by Norton Simon Museum; and asked staff to consider upgrades (i.e. swing set, water park and skate park upgrades, and bathrooms) at La Pintoresca Park.

Councilmember Wilson asked that the staff park assessment report be made available as part of the City Council's discussion on the upcoming fiscal year Capital Improvement Project budget; and stated the need to invest the RIF's from the Lincoln Properties Development to the parks that would be most impacted by the new development.

Councilmember Gordo expressed concerns with making the proposed recommendation without viewing the other CIP needs in the City, spoke in favor of funding projects that will increase recreational opportunities, and echoed concerns related to funding the parking lot improvements at Carmelita Park – Norton Simon Museum. Mr. Gordo clarified for the record that funds are not being barrowed from other park districts to fund the proposed projects.

The following individuals provided comments on various aspects of the staff recommendation:

Mary Dee Romney, San Rafael Neighborhoods Association
Steve Mulheim, Old Pasadena Management
Michelle White, Affordable Housing Services

Vice Mayor Kennedy requested that the following statement be part of the official record: "As an African-American, I am very sensitive to slurs and I think it is inappropriate for anyone to speak in the manner that they [a public comment speaker] have to our Mayor and our City Manager. To essentially refer to them as "Transplant Mobsters from the east." Both of them, I have vehemently disagreed with on a number of matters but I would not stoop so low, ever to refer to them in the manner one of the speakers, that I had thought for many years was a respected leader in our community. Our Mayor is an accomplished, planning background leader and our City Manager is essentially a 30-year professional with the City. And for us to allow anyone to make such an attack on both of them is... I'm not willing to do that, and I think the speaker owes both of them an apology because it was a subtle slur. They are not mobsters. And I understand the speaker when she said that she is not planning to be conciliatory and that's what's happening in this country right now. That we feel that we can say and do anything because we've been empowered by ignorance. And you owe Steve Mermell and Mayor Terry Tornek an apology and you should feel very uncomfortable leaving here tonight without doing that."

Motion: It was moved by Vice Mayor Kennedy to approve the staff recommendation amended to exclude the Parking Lot Improvements at City Facilities (Carmelita Park – Norton Simon Museum) – (71909) in the amount of \$495,000 and provide staff an opportunity to determine if Norton Simon Museum will pay for the parking lot improvements. (MOTION FAILED due to lack of second)

The Mayor stated that the parking lot improvements at Carmelita Park – Norton Simon Museum does require additional research, noted that the City Council has already voted on the Desiderio Park restroom project, and spoke on the actions of individuals who oppose the restroom project.

Motion: Following discussion, it was moved by Councilmember Madison, seconded by Councilmember Wilson, to approve the staff recommendation, amended to exclude the Parking Lot Improvements at City Facilities (Carmelita Park – Norton Simon Museum) – (71909) in the amount of \$495,000 and the Installation of Restroom Building at Desiderio Park – Construction Phase (78059) in the amount of \$700,000 and reallocate the funds to Central Park and Memorial Park projects.

Substitute Motion: Following further discussion, it was moved by Councilmember Hampton, seconded by Vice Mayor Kennedy, to approve the staff recommendation, amended to exclude the Parking Lot Improvements at City Facilities (Carmelita Park – Norton Simon Museum) – (71909) in the amount of \$495,000:

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

ORDINANCES-ADOPTED

Adopt "AN ORDINANCE OF THE CITY OF PASADENA AMENDING PASADENA MUNICIPAL CODE TITLE 14, CHAPTER 14.16 TO AMEND THE OCCUPANCY INSPECTION PROGRAM AND ADDING A NEW CHAPTER 14.17 ENTITLED "PRESALE SELF-CERTIFICATION PROGRAM" (Introduced by Councilmember Hampton) (Ordinance No. 7337)

The above ordinance was adopted by the following vote:

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

Adopt "AN ORDINANCE OF THE CITY OF PASADENA AMENDING 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 AND POWER DEPARTMENT TO REVISE SERVICE REGULATIONS FROM TIME TO TIME" (Introduced by Councilmember Wilson) (Ordinance No. 7338)

The above ordinance was adopted by the following vote:

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

INFORMATION ITEM

PREDEVELOPMENT PLAN REVIEW OF A SINGLE-ROOM OCCUPANCY (SRO) FACILITY PROPOSED AT 226 N. HOLLISTON AVENUE AND 231 N. HILL AVENUE

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

David Reyes, Director of Planning and Community Development, provided introductory comments, and Jason Van Patten, Associate Planner, provided a PowerPoint presentation on the item, and jointly responded to questions.

Councilmember McAustin expressed concerns with the limited amount of proposed sidewalk to be included with the project.

Councilmember Hampton expressed concerns with the proposed height of the project, while taking into account the neighboring single-family homes; and asked staff to provide an informational map depicting where Single-Family Resident Only (SRO) units may be developed in the City.

Rob Tyler, Applicant, responded to questions related to the proposed unit amenities, affordability, preliminary drawings submitted, proposed rental fees, and the design.

Vice Mayor Kennedy asked the applicant to focus additional attention on the design of the proposed project in order to avoid square or rectangle building structures.

Michelle White, Pasadena resident, expressed concerns with the amount of the proposed rental fees estimated for the units; and spoke on the need to provide the public with more opportunity to give feedback on development projects.

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

ADJOURNMENT

On order of the Mayor, the regular meeting of the City Council adjourned at 11:13 p.m.

Terry Tornek, Mayor
City of Pasadena

ATTEST:

City Clerk