

CITY OF PASADENA
City Council Minutes
February 25, 2019 – 5:30 P.M.
City Hall Council Chamber

REGULAR MEETING

OPENING:

Mayor Tornek called the regular meeting to order at 5:31 p.m.
(Absent: Councilmembers Madison, McAustin)

On the order of the Mayor, the regular meeting recessed at 5:31 p.m. to discuss the following closed session:

Councilmember McAustin
arrived at 5:46 p.m.

**CITY COUNCIL CONFERENCE WITH LABOR NEGOTIATORS
pursuant to Government Code Section 54957.6
Agency Designated Representatives: Steve Mermell and
Jennifer Curtis
Employee Organization: Service Employees International
Union, Local 721 (SEIU)**

**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**

Councilmember Madison
arrived at 6:35 p.m.

**CITY COUNCIL CONFERENCE WITH REAL PROPERTY
NEGOTIATORS pursuant to Government Code Section
54956.8
Properties: 155 East Green Street, 300 East Colorado
Boulevard, 400 East Green Street
Agency Negotiator: Steve Mermell
Negotiating Party: Lance Taylor
Under Negotiation: Price and terms of payment**

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

On order of the Mayor, the regular meeting reconvened at 6:45 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

Vice Mayor Kennedy spoke on the passing of Joan Williams, Ms. Crown City 1958, and Clarence Joseph Broussard, Jr., community member, and asked that the meeting be adjourned in their memory. Robert (Chip) Williams Jr., eulogized his mother speaking on Ms. Williams' personal and professional life, and thanked the City Council for honoring her passing. Justin Chapman, writer for Pasadena Weekly, summarized the story he wrote related to Ms. Williams being denied the honor of riding on the City's Rose Parade float. Jim Morris, Pasadena resident, thanked the City Council and staff for honoring Ms. Williams. Connie Broussard, eulogized her father and thanked the City Council for honoring his passing.

The City Council echoed the Vice Mayor's words of sympathy on the passing of Ms. Joan Williams and Mr. Joseph Broussard.

AIR QUALITY UPDATES: PRESENTATION BY MICHAEL CACCIOTTI, SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT (SCAQMD) BOARD MEMBER

Michael Cacciotti, Board Member of South Coast Air Quality Management District (SCAQMD), provided a PowerPoint presentation update on air quality, including air monitoring efforts, challenges in meeting air quality health standards, health impacts and incentive programs; and responded to questions.

PUBLIC COMMENT ON MATTERS NOT ON THE AGENDA

The following individuals spoke on the City's cannabis regulations, and advocated for the continued operation of existing commercial cannabis businesses in the City:

Juan R. Almanza, Jr., Pasadena resident
Jazzmin Gomez, Pasadena resident
Taylor M., Pasadena resident
Elizabeth Cortez, Pasadena resident
Susan Gomez, Pasadena resident
George Bernales, Pasadena resident
Corey Thomas, Pasadena resident
Jasmine Abdullah, Black Lives Matter Pasadena

Toni Mosley, Pasadena Rose City Poets, recited poetry.

The following individuals advocated for the approval of the City's proposed contract with Service Employees International Union, Local 721 (SEIU):

Charles Leone, SEIU Local 721
Jose Munoz, Pasadena employee
Victor Holloway, Pasadena employee

Following public comment, Vice Mayor Kennedy requested that staff provide additional information on "High Entry Cabs."

CONSENT CALENDAR

PURCHASE ORDER AWARD TO VALLEY WIDE AIR CORPORATION TO PROVIDE AND INSTALL AN UNINTERRUPTIBLE POWER SUPPLY SYSTEM FOR AN AMOUNT NOT-TO-EXCEED \$79,800

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 a significant effect on the environment; and
- (2) Accept the bid dated January 8, 2019, submitted by Valley Wide Air Corporation (Valley Wide) in response to the specifications to provide and install an Uninterruptible Power Supply (UPS) system, and authorize issuance of purchase order with Valley Wide for an amount not-to-exceed \$79,800.

AUTHORIZE PURCHASE ORDER WITH SEAGRAVE FIRE APPARATUS, LLC FOR PURCHASE OF ONE REPLACEMENT 2019 SEAGRAVE MODEL DB50CT PUMPER TRUCK FOR A TOTAL OF \$968,621

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 Seagrave Fire Apparatus, LLC for the purchase of one 2019 Seagrave model DB50CT Capitol Pumper in an amount not-to-exceed \$968,621. 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; 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.

AUTHORIZATION TO ENTER INTO A CONTRACT WITH CARAHSOFT TECHNOLOGY CORPORATION FOR THE PURCHASE AND IMPLEMENTATION OF SERVICENOW INFORMATION TECHNOLOGY SERVICE MANAGEMENT (ITSM) 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), General Rule;
- (2) Authorize the City Manager to enter into a contract, as a result of a competitive selection process, as specified by Section 4.08.047 of the Pasadena Municipal Code, with Carahsoft Technology Corporation for professional services associated with the implementation of ServiceNow ITSM software for an amount not-to-exceed \$164,802, which includes a ten percent contingency;
- (3) Authorize the City Manager to enter into a contract with Carahsoft Technology Corporation for ServiceNow ITSM software licenses under GSA Contract No. GS-35F-0119Y in an amount not-to-exceed \$161,784 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; and
- (4) It is further recommended that the City Council grant the proposed contract for ServiceNow ITSM software licenses 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. (Contract No. 31429)

AUTHORIZATION TO ENTER INTO A CONTRACT WITH ELECNR BELCO ELECTRIC, INC., FOR FIBER OPTIC SPLICING, TESTING, AND EMERGENCY TROUBLESHOOTING FOR THE CITY'S FIBER OPTIC NETWORK

Recommendation:

- (1) Find that the following proposed action is exempt from the California Environmental Quality Act ("CEQA") pursuant to State CEQA Guidelines Section 15061(b)(3), General Rule; and
- (2) Accept the bid dated February 6, 2019, submitted by Elecnr Belco Electric, Inc., in response to the specifications to furnish labor and materials for splicing, testing, and troubleshooting of fiber optic cable, reject all other bids received, and authorize the issuance of a contract with a total not-to-exceed amount of \$405,928. This contract will have a three year term. (Contract No. 31423)

CONTRACT AWARD TO DAY ONE FOR CONSULTANT SERVICES TO IMPLEMENT A SAFE ROUTES TO SCHOOL EDUCATION AND ENCOURAGEMENT PROGRAM

Recommendation:

- (1) Find that acceptance of this grant is exempt from the California Environmental Quality Act (CEQA), Section 15061(b)(3) of the State CEQA Guidelines; and
- (2) Authorize the City Manager to enter into a contract, as the result of a competitive selection process, as specified by Section 4.08.047 of the Pasadena Municipal Code, with Day One for consultant services to conduct a Safe Routes to School Education and Encouragement Program in an amount not-to-exceed \$608,500, which includes the base contract amount of \$550,000 and a contingency of \$58,500 to provide for any necessary change orders. (Contract No. 31424)

CONTRACT AWARD TO DAY ONE FOR CONSULTANT SERVICES TO IMPLEMENT A PEDESTRIAN AND BICYCLE SAFETY OUTREACH PROGRAM

Recommendation:

- (1) Find that acceptance of this grant is exempt from the California Environmental Quality Act (CEQA) in accordance with Section 15061(b)(3) of the State CEQA Guidelines; and
- (2) Authorize the City Manager to enter into a contract, as the result of a competitive selection process, as specified by Section 4.08.047 of the Pasadena Municipal Code, with Day One for consultant services to conduct a Pedestrian and Bicycle Safety Outreach Campaign Targeted to Motorists in an amount not-to-exceed \$96,898, which includes the base contract amount of \$88,089 and a contingency of \$8,809 to provide for any necessary change orders. (Contract No.31425)

Item discussed separately

ADOPT A RESOLUTION OF THE CITY OF PASADENA APPROVING THE SUBMITTAL OF A FUNCTIONAL CLASSIFICATION CHANGE FOR LOCAL STREETS AND ROADS TO THE STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION

QUARTERLY INVESTMENT REPORT – QUARTER ENDING DECEMBER 31, 2018

Recommendation: This report is for information only

RESIGNATION OF CARL SPRAYBERRY FROM THE PASADENA CENTER OPERATING COMPANY BOARD EFFECTIVE MARCH 1, 2019 (Hotel Nomination)

APPOINTMENT OF HARALD ZECHNER TO THE SENIOR COMMISSION (District 4 Nomination)

APPOINTMENT OF TERRY MADIGAN TO THE ROSE BOWL OPERATING COMPANY BOARD (Tournament of Roses Nomination)

APPROVAL OF FIRST AMENDMENT TO EMPLOYMENT AGREEMENT FOR CITY ATTORNEY/CITY PROSECUTOR

Recommendation:

(1) Find that 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) Approve an amendment to the employment agreement for City Attorney/City Prosecutor Michele Beal Bagneris to provide an increase to salary and the classification's salary control rate. It is further recommended that the Mayor be authorized to sign the amendment to the employment agreement to reflect City Council approved changes. (Contract No. 23016-1)

APPROVAL OF MINUTES

February 4, 2019

CLAIMS RECEIVED

Claim No. 13,245	Kevin Leung	\$	857.68
Claim No. 13,246	Brent R. Poydras		10,000.00
Claim No. 13,247	Shannae Hart		401.50
Claim No. 13,248	William E. Ferguson		25,000.00+
Claim No. 13,249	Margarita Contreras		180.00
Claim No. 13,250	Ruben Anthony Anguiano		314.93
Claim No. 13,251	Kendal Brenneman		73.86
Claim No. 13,252	Mathew & George Attorneys at Law (Abraham Mathew), representing Robin Turrentine		25,000.00+
Claim No. 13,253	Viren Moret, Jr.		5,000,000.00
Claim No. 13,254	Brent R. Poydras		10,000.00+
Claim No. 13,255	Brent R. Poydras		25,000.00+
Claim No. 13,256	Brent R. Poydras		15,000.00
Claim No. 13,257	Daniel Acosta		699.44
Claim No. 13,258	Rosemarie Gonzales		1,510.75
Claim No. 13,259	Liam De Stefano		733.54
Claim No. 13,260	Jason Urbanski		Not stated

Claim No. 13,261 Bonholtzer & Ball (Eric 25,000.00+
Bonholtzer),
representing Lena
Azaryan

Regarding the first amendment to the employment agreement with the City Attorney/City Prosecutor, the Mayor provided an overview of the staff report and compensation provided as part of the recommended action.

It was moved by Councilmember McAustin, seconded by Councilmember Masuda, to approve the items on the Consent Calendar, with the exception of Item 7 (Adopt a Resolution of the City of Pasadena Approving the Submittal of a Functional Classification Change for Local Streets and Roads), which was discussed separately. (Motion unanimously carried) (Absent: None)

**CONSENT ITEM
DISCUSSED SEPARATELY**

ADOPT A RESOLUTION OF THE CITY OF PASADENA APPROVING THE SUBMITTAL OF A FUNCTIONAL CLASSIFICATION CHANGE FOR LOCAL STREETS AND ROADS TO THE STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION

Recommendation:

- (1) Find that the proposed action is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the State CEQA Guidelines; and
- (2) Adopt a resolution of the City of Pasadena approving the submittal of a functional classification change for local streets and roads to the State of California Department of Transportation. (Resolution No. 9706)

Fred Dock, Director of Transportation, provided introductory comments, and Joaquin Siques, Traffic Engineering Manager, provided a PowerPoint presentation on the item, and responded to questions.

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

REGULATIONS REQUIRING RETROFIT OF WOOD SOFT-STORY RESIDENTIAL BUILDINGS

Recommendation:

- (1) Find that the proposed regulations are exempt from the California Environmental Quality Act (CEQA), pursuant to State CEQA Guidelines Section 15301 "Existing Facilities" (Class 1), 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) Direct the City Attorney to prepare an ordinance within 60 days amending Title 14 of the Pasadena Municipal Code (Buildings and Construction) as presented in the agenda report.

David Reyes, Director of Planning and Community Development, provided introductory comments, and Sarkis Nazerian, Building Official, provided a PowerPoint presentation on the item, and responded to questions.

Councilmember Gordo questioned the estimated costs related to seismic retrofitting as provided by staff, stating he believes the costs will be substantially higher. He also stated the need for staff to apply for any available state grant funding opportunities that might assist owners of wood soft-story residential buildings with helping to fund the necessary improvements. Mr. Gordo also suggested identifying and qualifying vendors who are licensed to provide the required seismic retrofit work on soft-story residential buildings.

Vice Mayor Kennedy spoke on the life/safety aspect of requiring seismic retrofit of wood soft-story residential buildings, and stated his support to move forward with the proposed regulations, noting the City's obligation to ensure all the residents and visitors are safe.

Councilmember McAustin stated that buildings with 1 to 4 units are considered residential and those properties have difficulty acquiring commercial financing. She spoke in favor of amending the applicable buildings by exempting properties with 4 units or less, and extending the timeline for compliance to 7 years for Priority 3 properties to allow owners of such buildings additional time to complete the seismic retrofit. She asked staff to stay abreast of state legislation that may provide funding for earthquake retrofits.

Councilmember Madison expressed concerns with the unintended consequences in imposing additional costs to property owners that may negatively affect affordable housing, and asked staff to consider actions for property owners who in the past voluntarily made retrofits to their units.

Councilmember Hampton stated his support for Councilmember McAustin's suggested amendments. He also spoke on the need for the City to help identify available funding sources for property owners to complete seismic retrofit work to their units, and

suggested, as an example, utilizing funds from the Health Department in order to preserve the City's affordable housing stock.

City Manager Mermell responded that there are no resources available within the Housing Department or any other City department to offset costs related to the retrofit improvements.

The following individuals expressed concerns and/or provided comments on the proposed regulations to require retrofit of wood soft-story residential buildings:

Janet Gagnon, Apartment Association of Greater Los Angeles
David Deland, Pasadena resident
Bill Puget, Pasadena resident
Eugenia, Pasadena resident
John Gordon, Pasadena resident
Laura Olhasso, Pasadena-Foothills Association of Realtors
James Lugo, Pasadena resident
Jeanette Vebele, Santa Anita Housing
Hazel Michelson, Pasadena resident
Justin Tomlinson, Pasadena resident

Mauricio Castellanos, Monterey Park resident, spoke in favor of the staff recommendation, and spoke on the need to extend the time to allow property owners sufficient time to upgrade their properties.

Daniel Zepeda, Degenkolb Engineers (City Consultant), stated that contractors and engineers are working together to provide building seismic retrofit works in order to speed up the permit and construction process; and responded to questions.

Councilmember Masuda spoke in support of extending the timeline for compliance from 5 years to 7 years to allow property owners sufficient time to complete the seismic retrofit; and spoke in opposition to providing interest free loans or City funds to property owners required to complete seismic retrofit on their units.

Councilmember Wilson asked staff to provide information to property owners on the economic savings on insurance premiums that might be gained by completing the retrofits; expressed concerns with the proposed penalties for non-compliance, specifically the imprisonment; and suggested not tying the proposed ordinance to the City's Tenant Protection Ordinance to

lessen the impacts to property owners related to tenant displacement during seismic retrofitting of units.

Following discussion, it was moved by Councilmember McAustin, seconded by Vice Mayor Kennedy, to approve the staff recommendation, amended to exempt properties with 4 units or less (to apply to properties with 5 units and more), and to extend the timeframe for building modification compliance, as follows: Priority 1 buildings within 5 years, Priority 2 buildings within 6 years, and Priority 3 buildings within 7 years. (Motion unanimously carried) (Absent: None)

**RECOMMENDATIONS FROM
OFFICERS AND
DEPARTMENTS**

UPDATE ON IMPLEMENTATION OF MEASURE J

Recommendation: The following report is for information only; no City Council action is required.

Mayor Tornek provided a PowerPoint presentation on the item, reviewed the make-up of the Ad Hoc Committee, summarized the discussion that occurred at the two Ad Hoc Committee meetings, including the determination by the Ad Hoc Committee on the key priorities for PUSD in utilizing Measure J funding, and responded to questions.

Councilmember Madison expressed disappointment with the report, and questioned the assertion that the City Council must assist the School District in its efforts to retain local control against the Los Angeles County's regulatory oversight of the Pasadena Unified School District (PUSD). He expressed concerns with the accountability to constituents of the City and how to measure PUSD's performance.

Councilmember Gordo voiced support for the first priority, Fiscal Stabilization, of the Ad Hoc Committee's recommendation for use of Measure J funds; and stated the need for additional information on the second and third stated priorities (Restoring/Maintaining existing Programs and Other District Priorities, respectively).

Councilmembers Masuda and Wilson suggested that PUSD should maintain more than the 3% of required reserves. Councilmember Wilson also suggested that reports from PUSD be reviewed by a third party to ensure accuracy and integrity.

City Manager Mermell spoke on PUSD's reporting, which will illustrate how funds are being allocated and detail program expenses.

Vice Mayor Kennedy thanked Councilmembers Hampton and McAustin, and the Mayor for participating in the Ad Hoc Committee. He spoke on the need to be restrictive of the revenue funds from a policy standpoint with a matrix measurement. Following discussion, by consensus of the City Council, and on order of the Mayor, the information was received and filed.

AMENDING TITLE 5, CHAPTER 5.45 OF THE MUNICIPAL CODE TO UPDATE BUSINESS LICENSE AND REGULATIONS RELATING TO SEXUALLY ORIENTED BUSINESSES

Recommendation:

(1) Find that the Municipal Code Amendments are exempt from the California Environmental Quality Act ("CEQA") pursuant to the CEQA Guidelines Section 15061(b)(3) – that there is no possibility that the amendments will have a significant effect on the environment; and

(2) Introduce and conduct the first reading of an ordinance amending Chapter 5.45 of the Pasadena Municipal Code (Sexually Oriented Businesses).

Recommendation of Advisory Commission/Board/City Council Committee: The proposed amendments to Title 5 of the Pasadena Municipal Code are not subject to recommendation by any advisory commissions or City Council Committees.

David Reyes, Director of Planning and Community Development, provided introductory comments, and Scott Bergthold, (legal consultant), provided a PowerPoint presentation on the item, and responded to questions.

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

ORDINANCE – FIRST READING

Conduct first reading of "AN ORDINANCE OF THE CITY OF PASADENA AMENDING CHAPTER 5.45 (SEXUALLY ORIENTED BUSINESSES) OF THE PASADENA MUNICIPAL CODE"

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

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

ORDINANCES – ADOPTED

Adopt "AN ORDINANCE OF THE CITY OF PASADENA AMENDING CHAPTER 5.72 OF THE PASADENA MUNICIPAL CODE (VEHICLES FOR HIRE)" (Introduced by Vice Mayor Kennedy) (Ordinance No. 7339)

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

ADJOURNMENT

On order of the Mayor, the regular meeting of the City Council adjourned at 10:50 p.m. in memory of Joan Williams, and Clarence Joseph Broussard, Jr.

Terry Tornek, Mayor
City of Pasadena

ATTEST:

City Clerk