

CITY OF PASADENA
City Council Minutes
September 9, 2019 – 5:30 P.M.
City Hall Council Chamber

REGULAR MEETING

OPENING:

Mayor Tornek called the regular meeting to order at 5:30 p.m.
(Absent: Councilmember Kennedy)

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

Armando Herman, residence not stated, provided comment on closed session items.

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

Agency Designated Representatives: Jennifer Curtis and Steve Mermell

Employee Organizations: American Federation of State, County and Municipal Employees (AFSCME), Local 858

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

Agency Designated Representatives: Jennifer Curtis and Steve Mermell

Employee Organization: International Brotherhood of Electrical Workers (IBEW)

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

**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 Manager
City Representative: Terry Tornek**

The above closed session item was discussed following the conclusion of the regular meeting (continued on page 8).

On order of the Mayor, the regular meeting reconvened at 6:51 p.m. The pledge of allegiance was led by Councilmember Madison.

ROLL CALL:

Councilmembers:

Mayor Terry Tornek
Vice Mayor Tyron Hampton
Councilmember Victor Gordo
Councilmember John J. Kennedy
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

Police Chief John Perez, introduced the new Sergeant-at-Arms, Sergeant Mike Gligorijevic, and extended his appreciation to Sergeant Jonathan Buchholz for his service as the previous Sergeant-at-Arms.

Robert Monzon, Co-Chair of the Latino Heritage Organizing Committee, introduced members of the Committee, provided a PowerPoint presentation on the various activities scheduled in recognition of Hispanic & Latino Heritage Month, September 15, 2019 through October 15, 2019, including the Latino Heritage Parade and Festival to take place on October 19, 2019. Rex Mayreis, Pasadena resident, urged the City Council and the community to support the Latino Heritage Parade and Festival.

Councilmembers McAustin and Gordo spoke on the passing of Ken Miedema, a long time Pasadena resident, one of the founding members of Bungalow Heaven, and former Historic Preservation Commissioner; and asked that the meeting be adjourned in his memory.

The Mayor announced that the scheduled 7:00 p.m. Public Hearing, **"APPEAL OF BOARD OF ZONING APPEAL'S DECISION ON AFFORDABLE HOUSING CONCESSION PERMIT NO. 11879 LOCATED AT 127 AND 141 NORTH MADISON AVENUE"** will be continued to Monday, September 16, 2019.

PUBLIC COMMENT ON MATTERS NOT ON THE AGENDA

Councilmember Kennedy was excused and left the dais and meeting at 7:03 p.m.

The following individuals spoke on local supportive housing projects, "Homeless to Housed Bus Tour," the need to provide permanent supportive housing, and/or support for homeless individuals:

Anthony Manousos, Greater Pasadena Affordable Housing Group (GPAHG)
Sonja Berndt, Pasadena resident
June Williams, Pasadena resident
Curtis Yarbrough, Pasadena resident

Faithanne Truong, Sierra Madre resident
Naja Benson, Pasadena resident

Genevieve Clavreul, Pasadena resident, reiterated 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; and her concerns regarding the elevator at the METRO Gold Line, Lake Avenue Station, which is often unsanitary and creates an unsafe environment for the public.

Councilmember Gordo requested that staff follow up with the Pasadena Police Department on traffic enforcement updates. In response, City Manager Mermell responded that he will speak with Police Chief Perez to dispatch traffic enforcement in those areas; and noted that staff continues to engage with METRO staff to address these concerns regarding public safety issues.

Armando Herman, residence not stated, provided comment.

Ronald Welch, Pasadena resident, expressed concerns with Pasadena Police Officers who harass him while he is enjoying Jefferson Park amenities.

Allen Shay, Pasadena resident, advocated for the City Council to agendaize for discussion the need for a resolution requiring respect and decorum by all Councilmembers.

CONSENT CALENDAR

AUTHORIZE AN AGREEMENT WITH ALTERNATIVE ENERGY SYSTEMS CONSULTING, INC., ("AESC") FOR TECHNICAL SUPPORT ON ENERGY EFFICIENCY AND ELECTRIFICATION PROGRAMS

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) (Common Sense Exemption or General Rule);
- (2) Authorize the City Manager, or his designee, to enter into a contract without competitive bidding pursuant to City Charter Section 1002(F) Contracts for professional or unique services, with AESC for technical support on energy efficiency and electrification programs in an amount not-to-exceed \$300,000 or two years, whichever comes first, with three optional one-year extensions of up to \$150,000 each, subject to the approval of the City Manager. If these options are exercised the total contract amount would be up to \$750,000; and

(3) It is further recommended that the City Council grant the proposed contract an exemption from the Competitive Selection process pursuant to Pasadena Municipal Code ("PMC") Section 4.08.049(B), contracts for which the City's best interests are served. (Contract No. TBD)

ESTABLISH NEW CLASSIFICATIONS AND SALARIES

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) Adopt a resolution, establishing new classifications and setting salary control rates. (Resolution No. 9737)

FINANCE COMMITTEE: AUTHORIZATION TO ENTER INTO PURCHASE ORDERS WITH WARREN-ANDERSON FORD DBA FRITTS FORD AND UAG CERRITOS 1 DBA PENSKE CHEVROLET OF CERRITOS IN AMOUNTS NOT-TO-EXCEED \$225,500 AND \$91,324, RESPECTIVELY, TO FURNISH AND DELIVER SIX VEHICLES FOR THE WATER AND POWER DEPARTMENT

Recommendation:

- (1) Find that the proposed actions are 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;
- (2) Accept the bid dated May 20, 2019, submitted by Warren-Anderson Ford in response to the Specification to furnish and deliver three 2019 or newer 1-½-ton super cab trucks for the Water and Power Department, and authorize the issuance of a purchase order in an amount not-to-exceed \$225,500;
- (3) Accept the bid dated June 4, 2019, submitted by Penske Chevrolet of Cerritos in response to the Specification to furnish and deliver three 2019 or newer ½ - ton pickup trucks, with tool boxes, for the Water and Power Department, reject all other bids received, and authorize the issuance of a purchase order in an amount not-to-exceed \$91,324; and
- (4) Amend the Fiscal Year 2020 Operating Budget by appropriating \$316,824 from the Power Capital Fund 411 to the Automotive Equipment Account 850510 in the Water and Power Department. (Budget Amendment No. 2020-05)

FINANCE COMMITTEE: AUTHORIZATION TO ENTER INTO A PURCHASE ORDER WITH REBAS INCORPORATED, DBA TOYOTA MATERIAL HANDLING SOLUTIONS, IN AN AMOUNT NOT-TO-EXCEED \$227,092 TO FURNISH AND DELIVER ONE HEAVY DUTY PROPANE-FUELED FORKLIFT

Recommendation:

(1) Find that the proposed action is exempt from the California Environmental Quality Act ("CEQA") in accordance with Section 15061(b)(3), the Common Sense Exemption (formerly the General Rule) that CEQA only applies to projects that may have an effect on the environment;

(2) Accept the bid dated June 18, 2019, submitted by Rebas Incorporated, DBA Toyota Material Handling Solutions; reject all other bids received; authorize the issuance of a purchase order in the amount of \$227,092 for one heavy duty propane-fueled forklift and the associated three-year warranty for the Water and Power Department; and

(2) Amend the Fiscal Year 2020 Operating Budget by appropriating \$147,610 from the Power Fund balance to the Power Capital Fund 411, and \$79,482 from the Water Fund balance to the Water Capital Fund 412 in Automotive Equipment Account 850510 in the Water and Power Department. (Budget Amendment No. 2020-06)

APPROVAL OF MINUTES

August 19, 2019

CLAIMS RECEIVED

Claim No. 13,378	Rene Diamante	\$	300.00
Claim No. 13,379	Rickie Thompson		50,000.00
Claim No. 13,380	New Horizon School Pasadena		1,550.00
Claim No. 13,381	The Atrium Group, LLC, c/o Chris Berman, Chief Operating Officer		25,000.00+
Claim No. 13,382	The Atrium Group, LLC, c/o Chris Berman, Chief Operating Officer		25,000.00+
Claim No. 13,383	Melvin Amador Nunez		2,148.20
Claim No. 13,384	Susan Lee Yu, Esq. representing Diego Gaona		25,000.00+
Claim No. 13,385	Elisa Duke		500.00

Armando Herman, residence not stated, provided public comment on the Consent Calendar.

Following discussion, it was moved by Councilmember McAustin, seconded by Councilmember Wilson, to approve all items on the Consent Calendar. (Motion unanimously carried) (Absent: Councilmember Kennedy)

CONTINUED PUBLIC HEARING: APPEAL OF BOARD OF ZONING APPEAL'S DECISION ON AFFORDABLE HOUSING CONCESSION PERMIT NO. 11879 LOCATED AT 127 AND 141 NORTH MADISON AVENUE

Recommendation:

- (1) Adopt the Environmental Determination that the proposed project is exempt from environmental review pursuant to the guidelines of the California Environmental Quality Act (Public Resources Code Section 21080(b)(9); Administrative Code, Title 14, Chapter 3, Section 15332, Class 32, In-Fill Development Projects) and that there are no features that distinguish this project from others in the exempt class. Therefore, there are no unusual circumstances; and
- (2) Uphold the Board of Zoning Appeal's decision and approve Affordable Housing Concession Permit No.11879.

Armando Herman, residence not stated, provided public comment on the item.

Following public comment, it was moved by Councilmember Masuda, seconded by Councilmember Wilson, to continue the public hearing to September 16, 2019, at 7:00 p.m. (Motion unanimously carried) (Absent: Councilmember Kennedy)

PUBLIC COMMENT ON REGULAR BUSINESS ITEMS

Armando Herman, residence not stated, spoke on a shooting incident in Hacienda Heights and expressed concerns with the increase of rents in the City.

REPORTS AND COMMENTS FROM COUNCIL COMMITTEES

ADOPTION OF MANAGEMENT POLICIES FOR CITY-OWNED RENTAL HOUSING

Recommendation: It is recommended that the Economic Development and Technology Committee recommend to the City Council that it take the following actions:

- (1) Find that the proposed action is exempt from the California Environmental Quality Act ("CEQA") in accordance with 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) Authorize the City Manager to adopt policies for the management of City-owned rental housing properties as set forth in the agenda report, and as such policies may be modified by City Council.

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

Councilmember Gordo, Chair of the Economic Development and Technology Committee, summarized the Committee's discussion on the item and the Committee's unanimous support of the staff recommendations. He thanked staff for their excellent work on such a complex issue.

Councilmember Madison expressed concerns with State-owned unoccupied dwellings, specifically along the former "710 Corridor" that may be used for housing; and spoke on the need for staff to strenuously insist that the state release those properties as soon as possible.

Councilmember Wilson asked staff to monitor the increase of affordable housing in-lieu fees paid by developers and the associated in lieu fee fund balance, and asked that staff provide data regarding the number of affordable units built onsite.

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

INFORMATION ITEM

ORAL PRESENTATION BY CITY ATTORNEY: "5 MINUTE BRIEFING" ON QUASI-JUDICIAL HEARINGS

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

Michele Beal Bagneris, City Attorney/City Prosecutor, presented a PowerPoint presentation on quasi-judicial decisions, avoiding due process problems, avoiding bias, the particulars in conducting de novo reviews; and responded to questions.

Councilmember Madison asked staff to note on future agendas (for applicable agenda items) when the City Council will be acting in the capacity of a quasi-judicial body. He also expressed concerns with the lack of transparency related to individuals who offer advocacy services to individuals having business with the City and City Council, and suggested that such individuals be required to register as lobbyist and disclose their advocacy roles. He recommended staff review the regulatory schemes implemented in the cities of Beverly Hills, San Francisco, Oakland, Los Angeles, and other cities/counties.

Councilmember Gordo supported reviewing lobbyist policies of other cities, and suggested that staff take a broad look when it comes to individuals who have business before the City, and ensure that any policy have clarity on when and under what

circumstances disclosure and report outs of private meetings are required. He suggested City staff take a look at the City of Los Angeles' ethics model.

Councilmember Wilson expressed concerns with the Pre-Development Plan Review (PPR) process and Councilmembers making comments about these future projects, which later may be misconstrued as bias.

Councilmember McAustin expressed concerns with Councilmembers expressing opinions on a proposed project prior to the completion of public comment for the item, and suggested that the Mayor remind the Council at the beginning of the item to avoid statements prior to the completion of public comment, as it may suggest a Councilmember's mind is made up prematurely.

The following individuals provided comments:

Ed Washatka, Pasadenans Organizing for Progress (POP!)
Wayne Spindler, Encino resident

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

COUNCIL COMMENTS

The Mayor announced that The Huntington Library, Art Museum and Botanical Gardens launched its centennial celebration, which includes a year-long series of exhibitions and programs; and the Fiestas Patrias, an event celebrating the Independence of 18 Latin American countries, will be held on Friday, September 13, 2019 at Villa-Parke.

On order of the Mayor, the regular meeting recessed at 8:40 p.m. to discuss the following closed session (Absent: Councilmember Kennedy):

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 Manager
City Representative: Terry Tornek

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

ADJOURNMENT

On order of the Mayor, the regular meeting of the City Council adjourned at 9:30 p.m. in memory of Mr. Ken Miedema.

Terry Tornek, Mayor
City of Pasadena

ATTEST:

City Clerk