

CITY OF PASADENA
City Council Minutes
January 14, 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: Councilmembers Hampton, Gordo, Vice Mayor Kennedy)

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

CITY COUNCIL CONFERENCE WITH REAL PROPERTY NEGOTIATORS

pursuant to Government Code Section 54956.8

Property Locations: APN: 5830-001-906, 5823-015-902, 5830-001-905, 5823-015-904, 5823-003-911

Agency Negotiator: Steve Mermell

Negotiating Party: Gary Gray

Under Negotiation: Price and terms of payment

Councilmember Hampton arrived at 5:50 p.m.

CITY COUNCIL CONFERENCE REGARDING PUBLIC EMPLOYEE PERFORMANCE EVALUATION pursuant to Government Code Section 54957

Employee Title and Unrepresented Employee: City Attorney/City Prosecutor

City Representative: Terry Tornek

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 Masuda.

ROLL CALL:

Councilmembers:

Mayor Terry Tornek
Vice Mayor John J. Kennedy (Absent)
Councilmember Victor Gordo (Absent)
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

Police Chief John Perez introduced the new Sergeant-at-Arms, Sergeant Roger Roldan.

Councilmember McAustin spoke on the passing of David Czamanske, environmental and political activist, who was an active member of the Pasadena Group of the Sierra Club, expressed sympathy on his passing, and asked that the meeting be adjourned in his memory.

PUBLIC COMMENT ON MATTERS NOT ON THE AGENDA

The following individuals provided comments related to the City's cannabis legislation, commercial cannabis industry, and advocated for the continued operation of existing medical marijuana dispensaries and commercial cannabis businesses in the City:

- Van-Martien Rowe, Pasadena resident
- Shaun Szameit, Pasadena resident
- Kevin Huebner, Urban Farms Delivery
- Alma Gavia, Pasadena resident
- Elizabeth Cortez, Pasadena resident
- Vincent Torres, Pasadena resident
- Mike Marks, Pasadena resident
- Jasmine Abdullah, Black Lives Matter Pasadena

Stephanie Ballard, Sierra Madre resident, representing White People for Racial Justice, expressed concerns with the Pasadena Police Department's police officers allegedly violating Jasmine Abdulla's civil rights.

CONSENT CALENDAR

AUTHORIZATION TO ENTER INTO A CONTRACT WITH R.I.C. CONSTRUCTION CO. INC., TO PROVIDE LABOR AND MATERIALS FOR ARROYO BOOSTER STATION UPGRADES IN RESPONSE TO SPECIFICATION WD-17-12

Recommendation:

- (1) Find that the proposed authorization is exempt from the California Environmental Quality Act ("CEQA") pursuant to State CEQA Guidelines Section 15301 (Existing Facilities) and 15302 (Replacement or Reconstruction) 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 November 20, 2018, submitted by R.I.C. Construction Co. Inc., in response to Specification WD-17-12 for providing labor and materials for the Arroyo Booster Station Upgrades for the Water and Power Department, reject all other bids, and authorize the City Manager to enter into a labor and materials contract with R.I.C. Construction Co. Inc., for an amount not-to-exceed \$2,205,900. (Contract No. 31396)

Item discussed separately

CONTRACT AWARD TO UNITED PACIFIC SERVICES, INC., FOR HARDWOOD TREE PRUNING FOR AN AMOUNT NOT-TO-EXCEED \$2,906,750

Item discussed separately

CONTRACT AWARD TO MARIPOSA LANDSCAPES, INC., FOR PALM TREE PRUNING FOR AN AMOUNT NOT-TO-EXCEED \$1,666,000

Item discussed separately

CONTRACT AWARD TO AMERICAN RECLAMATION, INC., FOR GREEN WASTE DISPOSAL FOR AN AMOUNT NOT-TO-EXCEED \$161,425 FOR UP TO FIVE YEARS

CONTRACT AWARD TO CALIFORNIA PROFESSIONAL ENGINEERING, INC., FOR CONCRETE TRAFFIC SIGNAL/STREET LIGHTING POLE REPLACEMENT – PHASE I FOR AN AMOUNT NOT-TO-EXCEED \$206,000

Recommendation:

(1) Find the project proposed in the agenda report to be categorically exempt under the California Environmental Quality Act (CEQA) State Guidelines in accordance with Title 14, Chapter 3, Article 19, Section 15301, Class 1, 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 December 19, 2018, submitted by California Professional Engineering, Inc., in response to the project plans and specifications for Concrete Traffic Signal/Street Lighting Pole Replacement Project, reject all other bids received, and authorize the City Manager to enter into a contract not-to-exceed \$206,000, which includes the base contract amount of \$188,087 and a contingency of \$17,913 to provide for any necessary change orders. (Contract No. 31383)

APPROVAL OF FINAL TRACT MAP NO. 074608 FOR CREATION OF 105 AIR PARCELS FOR RESIDENTIAL CONDOMINIUM PURPOSES AND SIX AIR PARCELS FOR COMMERCIAL CONDOMINIUM PURPOSES AT 245 SOUTH LOS ROBLES AVENUE

Recommendation:

(1) Adopt a resolution to approve final Tract Map No. 074608 for the creation of 105 air parcels for residential condominium purposes and six air parcels for commercial condominium purposes; and

(2) Authorize the City Clerk to execute the Certificate on the map showing the City's approval of said map. (Resolution No. 9701)

Recommendation of the Hearing Officer: The subject tentative map was approved on May 17, 2017 by the Subdivision Hearing Officer, to be recorded within three years.

AUTHORIZE AMENDMENT TO CONTRACT NO. 31010 WITH SINTRA GROUP INC., FOR PRE-EMPLOYMENT BACKGROUND INVESTIGATION SERVICES TO INCREASE THE TOTAL NOT-TO-EXCEED AMOUNT BY \$40,000, FROM \$72,000 TO \$112,000

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 15378 of the State CEQA Guidelines, and as such, no environmental document pursuant to CEQA is required for the project; and

(2) Authorize the City Manager to amend Contract No. 31010 with Sintra Group Inc., for pre-employment background investigation services which have been awarded pursuant to a competitive selection process, to increase the total not-to-exceed amount by \$40,000, from \$72,000 to \$112,000. (Contract No. 31010-2)

AUTHORIZATION TO INCREASE PURCHASE ORDER NO. 1190660 WITH IPC (USA), INC., BY \$35,000 FOR A TOTAL AMOUNT NOT-TO-EXCEED \$109,000 FOR THE PURCHASE OF RENEWABLE DIESEL FUEL

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 21065, 15060(c)(2), 15060(c)(3), and 15378, and as such, no environmental document pursuant to CEQA is required for the project; and

(2) Authorize an increase to Purchase Order No. 1190660 with IPC (USA), Inc., which had been awarded pursuant to a competitive bidding process from \$74,000 by \$35,000, for a total amount not-to-exceed \$109,000 for the continued purchase of renewable diesel fuel.

Item discussed separately

APPROVAL OF MEASURE H FUNDING RECOMMENDATIONS IN THE TOTAL AMOUNT OF \$1,087,925 FOR FISCAL YEARS 2018 AND 2019 AND AUTHORIZATION TO ENTER INTO CONTRACTS WITH UNION STATION HOMELESS SERVICES, ECUMENICAL COUNCIL OF PASADENA AREA CONGREGATIONS, DBA FRIENDS IN DEED, AND HATHAWAY-SYCAMORES CHILD AND FAMILY SERVICES TO PROVIDE HOMELESS SUPPORTIVE SERVICES

APPROVAL OF MINUTES

December 10, 2018
 December 17, 2018
 December 24, 2018
 December 31, 2018
 January 7, 2019

CLAIMS RECEIVED

Claim No. 13,206	CPUS Pasadena, LP	\$ 12,312.00
Claim No. 13,207	Tomasz Zielinski	25,000.00+
Claim No. 13,208	Chandra Castillo and Daniel Castillo	Not stated
Claim No. 13,209	Downtown LA Law Group, representing Joel Zavala	25,000.00+
Claim No. 13,210	Mary M. Burusco c/o Christophe H. Burusco	3,406.09
Claim No. 13,211	Christian Escarsega	963.07
Claim No. 13,212	Law Offices of Paul Wong, representing Martha Vasquez Ramirez	10,000.00+
Claim No. 13,213	Phillip G. Dominguez	378.00
Claim No. 13,214	Jaime Parker	Not stated
Claim No. 13,215	Law Offices of William W. Green & Associates, representing Victor Alfonso Barrera	25,000.00+
Claim No. 13,216	Lawrence Crane	1,556.19
Claim No. 13,217	Gus and Dioanna Cardenas	120.00
Claim No. 13,218	Shane Hapuarachy, Esq., Cheong Denove Rowell Bennett & Hapuarachy, representing Rafik Refaat	25,000.00+
Claim No. 13,219	The Dominguez Firm, representing Jose M. Rico	25,000.00+
Claim No. 13,220	Heleena Barre	1,563.00

It was moved by Councilmember Wilson, seconded by Councilmember McAustin, to approve the items on the Consent Calendar, with the exception of Item 2 (Contract Award to United Pacific Services, Inc.), Item 3 (Contract Award to Mariposa Landscapes, Inc.) Item 4 (Contract Award to American Reclamation, Inc.), and Item 9 (Approval of Measure H Funding Recommendations), which were discussed separately. (Motion unanimously carried) (Absent: Councilmember Gordo, Vice Mayor Kennedy)

CONSENT ITEM
DISCUSSED SEPARATELY

**CONTRACT AWARD TO UNITED PACIFIC SERVICES, INC.,
FOR HARDWOOD TREE PRUNING FOR AN AMOUNT NOT-
TO-EXCEED \$2,906,750**

Recommendation:

(1) Find that the project is exempt from the California Environmental Quality Act ("CEQA") pursuant to State CEQA Guidelines in accordance with Article 19, Class 1, Section 15031, Existing Facilities, Subsection (h) which exempts maintenance of existing landscaping; and

(2) Accept the bid dated December 28, 2018, submitted by United Pacific Services, Inc., in response to Notice Inviting Bids for Tree Trimming and Tree Maintenance, reject all other bids received, and authorize the City Manager to enter into such contract for hardwood tree pruning for an amount not-to-exceed \$1,744,050 (which includes a contingency of \$158,550) over a three-year period; and authorize the City Manager to extend the contract for up to two additional one-year terms in the annual amount of \$581,350 (which includes a contingency of \$52,850), subject to the approval of the City Manager, for a maximum contract length of five years and a total contract amount of \$2,906,750. (Contract No. 31388)

Charles Peretz, Public Works Administrator with Parks and Natural Resources, provided a PowerPoint presentation on the item; and responded to questions.

Councilmember McAustin expressed concerns with the poor condition of camphor trees in her neighborhood. She requested additional information on the 25 percent pruning requirement; and the complaint process for contractors, including staff follow up; and inquired if staff reviews complaint history prior to awarding a contract to a vendor. She spoke on the importance that the City contractors interact with the residents in a professional and respectful manner, as representatives of the City.

City Manager Mermell stated that staff divided the tree pruning contracts at the direction of the City Council in order to provide an opportunity for smaller and local businesses to submit proposals.

Councilmember Madison expressed concerns with the identical vendors bidding on similar tree pruning contracts; and spoke in favor of combining the pruning tree contracts, which would save City funds, and suggested imposing, as much as legally permissible, a local vendor element to the contract.

Councilmember Hampton conveyed concerns he received from residents regarding local tree pruning vendors, questioned the City's tree pruning requirements for vendors compared to other municipalities, specifically related to the size of the boom truck, and asked staff to provide information on the City's requirements in comparison to other municipalities, including the City of Glendale and Ventura County.

Councilmember Wilson asked staff to provide information on the City's tree trimming, related to utility line clearance and if the City's arborist is involved when making those types of tree pruning.

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

**CONTRACT AWARD TO MARIPOSA LANDSCAPES, INC.,
FOR PALM TREE PRUNING FOR AN AMOUNT NOT-TO-
EXCEED \$1,666,000**

Councilmember Hampton inquired why the City's requirement of a boom truck is approximately ten feet higher than other municipalities.

Councilmember Madison reiterated his preference for combining the pruning tree contracts, which would save City funds.

Charles Peretz, Public Works Administrator with Parks and Natural Resources, responded that staff will research boom truck requirements in surrounding municipalities and provide additional information at a future City Council meeting.

Following discussion, on the order of the Mayor and by consensus of the City Council, this item was held until a future City Council meeting in order for staff to provide the information requested above.

**CONTRACT AWARD TO AMERICAN RECLAMATION, INC.,
FOR GREEN WASTE DISPOSAL FOR AN AMOUNT NOT-TO-
EXCEED \$161,425 FOR UP TO FIVE YEARS**

Recommendation:

- (1) Find that the project is exempt from the California Environmental Quality Act ("CEQA") pursuant to State CEQA Guidelines in accordance with Article 19, Class 1, Section 15031, Existing Facilities, Subsection (h) which exempts maintenance of existing landscaping; and

(2) Accept the bid dated December 26, 2018, submitted by American Reclamation, Inc., in response to Notice Inviting Bids for Green Waste Disposal, and authorize the City Manager to enter into such contract for an amount not-to-exceed \$96,855 (which includes a contingency of \$8,805) over a three-year period, and authorize the City Manager to extend the contract for up to two additional one-year terms in the annual amount of \$32,285 (which includes a contingency of \$2,935), subject to the approval of the City Manager, for a maximum contract length of five years and a total contract amount of \$161,425. (Contract No. 31406)

Charles Peretz, Public Works Administrator with Parks and Natural Resources, responded to questions related to the City's disposal of green waste.

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

APPROVAL OF MEASURE H FUNDING RECOMMENDATIONS IN THE TOTAL AMOUNT OF \$1,087,925 FOR FISCAL YEARS 2018 AND 2019 AND AUTHORIZATION TO ENTER INTO CONTRACTS WITH UNION STATION HOMELESS SERVICES, ECUMENICAL COUNCIL OF PASADENA AREA CONGREGATIONS, DBA FRIENDS IN DEED, AND HATHAWAY-SYCAMORES CHILD AND FAMILY SERVICES TO PROVIDE HOMELESS SUPPORTIVE SERVICES

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) Approve the 2018 Measure H funding recommendations as the result of a competitive selection process, as specified by Section 4.08.047 of the Pasadena Municipal Code;

(3) Authorize the City Manager to enter into three contracts with terms not-to- exceed eighteen months and concluding on June 30, 2020 to provide rapid rehousing, coordinated entry, and emergency shelter services to people experiencing homelessness with Union Station Homeless Services for the total amount of \$660,017; (Contract Nos. 31386, 31391, 31392)

(4) Authorize the City Manager to enter into two contracts with terms not-to- exceed eighteen months and concluding on June 30, 2020 to provide homelessness prevention and emergency shelter services to people at-risk of or experiencing homelessness with

Ecumenical Council of Pasadena Area Congregations, dba Friends In Deed, for the total amount of \$277,908; (Contract Nos. 31393, 91394)

(5) Authorize the City Manager to enter into a contract with a term not-to-exceed eighteen months and concluding on June 30, 2020, to provide rapid rehousing services to Transitional Age Youth experiencing homelessness with Hathaway-Sycamores Child and Family Services in the amount of \$150,000; and (Contract No. 31395)

(6) Authorize the City Manager to approve amendments to the contracts specified under Recommendations 3, 4, and 5 such that, subject to additional funding, the total contract award may be increased to a level that does not exceed the amount of any additional Measure H funds allocated by the Los Angeles County Chief Executive Office through the Los Angeles Homeless Services Authority, and that the term of the contract may be extended for up to three one-year periods.

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

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

PUBLIC HEARING

PUBLIC HEARING: AWARD OF NON-EXCLUSIVE POLICE TOWING FRANCHISES AND ADOPTION OF RESOLUTION SETTING MINIMUM INSURANCE REQUIREMENTS FOR FRANCHISEES

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;

(2) Following a public hearing, (a) conduct first reading of an uncodified ordinance awarding non-exclusive police towing franchises to Masters Automotive Tow Services, A-Car Auto Repair Services, Freddie Mac's Inc., J&M Towing LLC, Navarro's Towing, Henry's Towing and Recovery, Mid-Valley Towing Inc., and M&M Action Towing; and (b) authorize the City Manager to execute franchise agreements with these entities for a term of one

year, with annual renewal options of up to four additional one-year terms, subject to the approval of the City Manager; and
(3) Adopt a resolution setting the minimum levels and standards of liability insurance for non-exclusive police towing franchises. (Resolution No. 9702)

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 December 13, 2018; no correspondence was received by the City Clerk's office regarding this item.

Pasadena Police Lieutenant Mark Goodman provided a PowerPoint presentation on the item and responded to questions.

Emanuel Najera, Pasadena resident expressed concerns with tow truck companies illegally towing vehicles and the location/distance (El Monte) of one of the proposed non-exclusive police towing franchisees.

In response to the public comment, City Manager Mermell stated that the proposed non-exclusive police towing franchisee vendor services are requested by the Pasadena Police Department, therefore vehicle towing would be legal; and stated that El Monte is within the allotted radius (7 miles) from the City.

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

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

Conduct first reading of "AN UNCODIFIED ORDINANCE OF THE CITY OF PASADENA GRANTING NON-EXCLUSIVE POLICE TOWING FRANCHISES"

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

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

Conduct first reading of "AN ORDINANCE OF THE CITY OF PASADENA AMENDING CHAPTER 12.22 OF THE PASADENA MUNICIPAL CODE (TELECOMMUNICATIONS FACILITIES)"

Recommendation: It is recommended that the City Council:

- (1) Find that this action is exempt from review under the California Environmental Quality Act (CEQA), pursuant to State CEQA Guidelines Section 15061(b)(3), the "general rule" that CEQA only applies to projects which have the potential for causing a significant effect on the environment, and pursuant to CEQA Guidelines Section 15303 (Class 3 - New Construction or Conversion of Small Structures), 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) Introduce an ordinance amending Chapter 12.22 of the Pasadena Municipal Code (Telecommunications Facilities), and conduct first reading of the ordinance.

Michele Beal Bagneris, City Attorney/City Prosecutor, distributed amended copies of the proposed ordinance, stated that Page 6, includes a new Section 7 to read as follows: "Section 7. Pasadena Municipal Code, Title 12, Chapter 12.22, Section 12.22.120 (Additional installation standards applicable to wireless telecommunications facilities), subdivision (B) is hereby amended as follows: B. No wireless telecommunications facility shall be located on a pole that is less than **25 21** feet in height," and renumber the remaining sections of the ordinance; and responded to questions.

The following individuals requested additional protections to be provided by carriers:

Miriam Nakamura, Keven Canyon Neighborhood Association
Joan Chin, Pasadena resident
Ray Quan, residence not stated

Daisy Uy Kimpang, representing Verizon Wireless, distributed pictures and a letter dated January 11, 2019, and spoke in opposition to the City's ordinance but offered to work with the City to address staff and resident concerns.

Javan Rad, Chief Assistant City Attorney, responded to questions related to the creation of the three tiers to process small cell applications, and related Federal Communications Commission regulations. Kris Markarian, City Engineer, responded to questions related to the research conducted to develop the three small cell tier volume limitations.

Following discussion It was moved by Councilmember McAustin, seconded by Councilmember Wilson, to approve the California Environmental Quality Act (CEQA) findings. (Motion unanimously carried) (Absent: Councilmember Gordo, Vice Mayor Kennedy)

The ordinance as amended, was offered for first reading by Mayor Tornek:

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

COUNCIL COMMENTS

Michele Beal Bagneris, City Attorney/City Prosecutor, reported on the criminal sentencing of Danny R. Wooten, former City employee, who was convicted of embezzlement charges against the City, and Tyrone E. Collins, co-defendant. The Mayor spoke on the institutional changes to the City's internal controls and audit functions to ensure this type of crime does not reoccur.

The Mayor reminded the public that the Mayor's State of The City 2019 will be held at Pasadena High School, on January 17, 2019; spoke on the various upcoming celebratory events in honor of Martin Luther King (MLK) Day, including the McKinley Elementary School event to be held on January 21, 2019, and the Robinson Park Recreation Center Grand Re-Opening, to be held on January 26, 2019.

Councilmember McAustin thanked the Mayor and City staff for the correspondence sent to Senator Scott Wiener related to SB-50 Planning and Zoning: Housing Development: Equitable communities Incentive, informing the Senator of the progress the City has made in providing affordable housing and offered suggestions to modify the bill.

ADJOURNMENT

On order of the Mayor, the regular meeting of the City Council adjourned at 8:26 p.m. in memory of David Czamanske, environmental and political activist.

Terry Tornek, Mayor
City of Pasadena

ATTEST:

City Clerk