

CITY OF PASADENA
City Council Minutes
October 26, 2015 – 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 Hampton and Madison)

**CITY COUNCIL CONFERENCE WITH REAL PROPERTY
NEGOTIATORS pursuant to Government Code Section
54956.8**

**Property Location: 64 North Mar Vista Avenue, No. 128,
Pasadena, California**

Agency Negotiators: Michael J. Beck

Negotiating Party: Jorge Camarena and Estella Martinez

Under Negotiation: Price and terms of payment

Councilmember Madison
arrived at 5:53 p.m.

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

Name of Case: Sipple v. City of Alameda

Los Angeles County Superior Court Case No. BC462270

The above two closed session items were 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
Madison.

ROLL CALL:

Councilmembers:

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

Staff:

City Manager Michael J. Beck
City Attorney Michele Beal Bagneris
City Clerk Mark Jomsky

CEREMONIAL MATTERS

The City Clerk administered the oaths of office to Paul
Backstrom as Transportation Advisory Commissioner, Norma
Aceituno as Senior Commissioner, and Terrence Roberts as
Northwest Commissioner.

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

Dale Gronemeier, Eagle Rock, spoke on the deployment of body worn cameras and the policies surrounding the issue, and urged the City Council to be involved in crafting the broader policy issues as well as operational decisions.

Christian Cruz, City Council District 3 Field Representative, announced his upcoming end of service as District 3 Field Representative, and expressed his appreciation to Councilmember Kennedy, as well as to the City Council, Field Representatives, City employees, and the community.

Robert Gorski, Pasadena resident, spoke regarding the potential for an El Nino event and the need for the City to proactively prepare itself for damage caused by a severe and steady rainy season.

Lilian De Loza-Gutierrez, Los Angeles County Metropolitan Transportation Authority (Metro) representative, introduced herself and noted that she is serving as the L.A. County Metro San Fernando Valley Area Deputy.

CONSENT CALENDAR

ADOPT A RESOLUTION APPROVING PROGRAM SUPPLEMENT AGREEMENT NO. 098-N TO AGENCY-STATE AGREEMENT NO. 07-5064R FOR HOLLY STREET BRIDGE SEISMIC RETROFIT AND REHABILITATION PROJECT, FEDERAL-AID PROJECT NO. BHLS-5064(078)

Recommendation:

- (1) Acknowledge the environmental documents have not been prepared. This agreement will allow the City to begin preparation of environmental documents and preliminary engineering;
- (2) Adopt a resolution approving a Program Supplement Agreement to Administering Agency-State Agreement No. 07-5064R between the City of Pasadena and the State of California, for State reimbursement of costs for the preparation of environmental documents and preliminary engineering of the Holly Street Bridge Seismic Retrofit and Rehabilitation Project, Federal-Aid Project No. BHLS-5064(078), Program Supplement Agreement No. 098-N; and
- (3) Authorize the City Manager to execute the Program Supplement Agreement for preparation of environmental documents and preliminary engineering for the Holly Street Bridge Seismic Retrofit and Rehabilitation Project in the City of Pasadena. (Resolution No. 9467; Contract No. 16,298-42)

The Mayor clarified that the proposed action above is to provide a study for the Holly Street Bridge, which will include Rose Bowl traffic implications.

AUTHORIZATION TO ENTER INTO CONTRACTS WITH EARTH SYSTEMS AND GEOCON WEST, INC., TO PROVIDE ON-CALL GEOTECHNICAL ENGINEERING SERVICES FOR TWO YEARS IN AN AMOUNT NOT-TO-EXCEED \$200,000 FOR EACH CONSULTANT

Recommendation:

(1) Find the proposed 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;

(2) Authorize the City Manager to enter into a contract without competitive bidding pursuant to City Charter Section 1002(F) "Contract for Professional or Unique Services" with Earth Systems for On-Call Geotechnical Engineering Services for two years in an amount not-to-exceed \$200,000; and

(3) Authorize the City Manager to enter into a contract without competitive bidding pursuant to City Charter Section 1002(F) "Contract for Professional or Unique Services" with Geocon West, Inc., for On-Call Geotechnical Engineering Services for two years in an amount not-to-exceed \$200,000. (Contract Nos. 30330 and 30331)

Item discussed separately

AMENDMENT TO LETTER AGREEMENT (CONTRACT NO. 20,946 20,943) WITH SOUTHERN CALIFORNIA EDISON TO INCREASE THE TOTAL NOT-TO-EXCEED AMOUNT FROM \$326,544 TO \$652,574 FOR THE REPLACEMENT OF DAMAGED DISCONNECT SWITCHES AT THE T.M. GOODRICH RECEIVING STATION

ITEM HELD TO A FUTURE MEETING

AUTHORIZE AN INCREASE TO THE CONTRACT WITH SHI INTERNATIONAL CORPORATION FOR THE PURCHASE OF AN ADDITIONAL 292 GLOBAL POSITIONING SATELLITE TRACKING SYSTEMS FOR AN ADDITIONAL NOT-TO-EXCEED AMOUNT OF \$472,810

Item discussed separately

AUTHORIZATION TO ENTER INTO A CONTRACT WITH CWS SYSTEMS, INC., FOR THE CONSTRUCTION OF A SECURITY WALL AT T.M. GOODRICH RECEIVING STATION FOR THE WATER AND POWER DEPARTMENT

Item discussed separately

AUTHORIZATION TO ENTER INTO A CONTRACT WITH MACIAS GINI & O'CONNELL, LLP TO PERFORM A FRAUD RISK ASSESSMENT

FINANCE COMMITTEE: RECOGNITION AND APPROPRIATION OF STATE OFFICE OF TRAFFIC SAFETY (OTS), SELECTIVE TRAFFIC ENFORCEMENT PROGRAM (STEP), GRANT REVENUES TO CONDUCT DRIVING UNDER THE INFLUENCE EDUCATION AND ENFORCEMENT PROGRAMS

Recommendation:

- (1) Amend the Police Department's Fiscal Year (FY) 2016 Operating Budget by recognizing \$309,000 in grant funds awarded by the California Office of Traffic Safety, Selective Traffic Enforcement Program (STEP) as detailed in the Fiscal Impact section of the agenda report;
- (2) Authorize the City Manager to enter into any agreement required by the State of California for acceptance of these funds; and
- (3) Find that acceptance of this grant is exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines, Article 19, Categorical Exemption Section 15323. (Budget Amendment No. 2016-12)

RESIGNATION OF SAHAR FARMANESH FROM THE HUMAN RELATIONS COMMISSION EFFECTIVE OCTOBER 31, 2015 (Mayor Nomination/District 6)

APPOINTMENT OF BARBARA RICHARDSON KING TO THE NORTHWEST COMMISSION (District 1 Nomination)

APPOINTMENT OF HOWARD HADERMAN HABERMAN TO THE PASADENA CENTER OPERATING COMPANY BOARD (Hotel Nomination)

APPOINTMENT OF ANN RECTOR TO THE HUMAN SERVICES COMMISSION EFFECTIVE NOVEMBER 2, 2015 (PUSD Nomination)

CLAIMS FILED	RECEIVED	AND	Claim No. 12,504	Pamela Irene Dart	\$ 25,000.00
			Claim No. 12,505	Law Offices of C. Ray Carlson, representing Oretha Harris Bolton	25,000.00+
			Claim No. 12,506	Anthony G. Humphreys	2,961.58
			Claim No. 12,507	Mercury Insurance, as subrogee for Oretha Bolton	Not Stated

It was moved by Vice Mayor Masuda, seconded by Councilmember Wilson, to approve all items on the Consent Calendar, with the exception of Item 3 (Amendment to Letter Agreement with Southern California Edison), Item 5 (Authorization to Enter into a Contract with CWS Systems, Inc.), and Item 6 (Authorization to Enter into a Contract with Macias Gini & O'Connell, LLP), which were discussed separately; and with Item 4 (Authorize an Increase to the Contract with Shi International Corporation for the Purchase of an Additional 292 Global Positioning Satellite Tracking Systems), held to a future meeting date. (Motion unanimously carried) (Absent: None)

CONSENT ITEMS
DISCUSSED SEPARATELY

AMENDMENT TO LETTER AGREEMENT (CONTRACT NO. 20,946 20,943) WITH SOUTHERN CALIFORNIA EDISON TO INCREASE THE TOTAL NOT-TO-EXCEED AMOUNT FROM \$326,544 TO \$652,574 FOR THE REPLACEMENT OF DAMAGED DISCONNECT SWITCHES AT THE T.M. GOODRICH RECEIVING STATION

Recommendation:

(1) Find that the project is exempt from the California Environmental Quality Act ("CEQA") pursuant to the State CEQA Guidelines, Section 15302 (Replacement or Reconstruction); and

(2) Authorize the City Manager to amend the Letter Agreement (Contract No. 20,946 20,943) with Southern California Edison to increase the total not-to-exceed amount from \$326,544 to \$652,574 for the replacement of two disconnect switches at the T.M. Goodrich Receiving Station. (Contract No. 20,943-1)

Joe Awad, Assistant General Manager of Water and Power, introduced the agenda item and reviewed the agenda report as part of a PowerPoint presentation, and responded to questions.

Councilmember McAustin and Kennedy expressed concerns regarding the significant increase in cost for the project, and requested clarification on the matter.

In response, Loring Fiske-Phillips, representing Southern California Edison (SCE), highlighted several errors in the estimate that resulted in an increase in the final cost, and assured the City Council that this will not happen again.

Councilmember Hampton stated his opposition to the proposed action.

Following discussion, it was moved by Vice Mayor Masuda, seconded by Councilmember McAustin, to approve the staff recommendation. (Motion unanimously carried, with Councilmember Hampton objecting) (Absent: None)

AUTHORIZATION TO ENTER INTO A CONTRACT WITH CWS SYSTEMS, INC., FOR THE CONSTRUCTION OF A SECURITY WALL AT T.M. GOODRICH RECEIVING STATION FOR THE WATER AND POWER DEPARTMENT

Recommendation:

(1) Find the proposed action to be categorically exempt under the California Environmental Quality Act ("CEQA") pursuant to State CEQA Guidelines, Section 15301, Chapter 3, Class 1(b), existing facilities of both investor and publicly-owned utilities used to provide electric power, natural gas, sewerage, or other public utility services;

- (2) Accept the bid dated August 18, 2015, submitted by CWS Systems, Inc., in response to Specifications LD-15-03 for Construction of Security Wall at T.M. Goodrich Receiving Station;
- (3) Reject all other bids received; and
- (4) Authorize the City Manager to enter into a contract with CWS Systems, Inc., for an amount not-to-exceed \$2,124,583. (Contract No. 30335)

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

AUTHORIZATION TO ENTER INTO A CONTRACT WITH MACIAS GINI & O'CONNELL, LLP TO PERFORM A FRAUD RISK ASSESSMENT

Recommendation:

- (1) Find that the proposed action is not 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) Grant an exemption for this contract pursuant to Pasadena Municipal Code (PMC) Section 4.08.030 (1002)(F), contracts for professional services where the City is best served by a direct award of a contract without a further competitive selection process. This contract is exempt from competitive bidding pursuant to City Charter Section 1002(F), contracts for professional or unique services; and
- (3) Authorize the City Manager to execute a contract with Macias Gini & O'Connell, LLP, to perform a fraud risk assessment for six major City departments in an amount not-to-exceed \$171,400 with a one-year term. (Contract No. 30387)

In response to Councilmember Wilson, Julie Gutierrez, Assistant City Manager, noted that staff is working to complete a comprehensive matrix of issues/recommendations by KPMG, Management Partners, and the Task Force on Financial Administration and Internal Controls, including information from the work plans presented by the previous Directors of Finance and Public Works; which she noted would be brought back to the Finance Committee/Audit Committee, and ultimately, to the full City Council for consideration.

In response to Councilmember Kennedy, the City Manager noted that direction to perform a fraud risk assessment was approved at a prior meeting, and noted that the City Council is awarding the contract to Macias Gini & O'Connell, LLP to perform such work.

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

REPORTS AND COMMENTS
FROM COUNCIL
COMMITTEES

FINANCE COMMITTEE/AUDIT
COMMITTEE

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASADENA APPROVING THE EXECUTION AND DELIVERY OF NOT-TO-EXCEED \$60 MILLION AGGREGATE INITIAL PRINCIPAL AMOUNT OF REFUNDING CERTIFICATES OF PARTICIPATION, SERIES 2015A, APPROVING THE FORM OF AND AUTHORIZING THE EXECUTION AND DELIVERY OF A SIXTH SUPPLEMENTAL TRUST AGREEMENT, A SUPPLEMENT NO. 6 TO LEASE, A SUPPLEMENT NO. 6 TO SUBLEASE, A CONTRACT OF PURCHASE, A CONTINUING DISCLOSURE AGREEMENT, AN ESCROW AGREEMENT AND OTHER RELATED DOCUMENTS, AUTHORIZING THE DISTRIBUTION OF AN OFFICIAL STATEMENT AND APPROVING OTHER RELATED ACTIONS IN CONNECTION THEREWITH

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 the project; and
- (2) Adopt a resolution of the City Council of the City of Pasadena approving the execution and delivery of not-to-exceed \$60 million aggregate initial principal amount of Refunding Certificates of Participation, Series 2015A, approving the form and authorizing the execution and delivery of a Sixth Supplement Trust Agreement, a Supplement No. 6 to Lease, a Supplement No. 6 to Sublease, a Contract of Purchase, a Continuing Disclosure Agreement, an Escrow Agreement and other related documents, authorizing the distribution of an official statement and approving other related actions in connection therewith. (Resolution No. 9468)

Vic Erganian, Deputy Director of Finance/City Treasurer, introduced the agenda item and reviewed the agenda report as part of a PowerPoint presentation, and responded to questions.

In response to Vice Mayor Masuda, Mr. Erganian noted that he will provide him with the requested additional information as it relates to Eaton Wash Park improvements.

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

**REPORTS AND COMMENTS
FROM COUNCIL
COMMITTEES**

**RECOMMENDED RESIDENTIAL IMPACT FEE
DISTRIBUTION METHODOLOGY CHANGE**

Recommendation:

(1) Find the amendments proposed in the agenda report are exempt from environmental review pursuant to State California Environmental Quality Act (CEQA) Guidelines, Section 15061(b)(3) ("General Rule"), and Section 15378(b)(4) (Definition of project excludes governmental fiscal activities which do not involve any commitment to any specific project);

(2) Adopt a resolution governing the Residential Impact Fee (RIF) by:

(a) Amending the distribution methodology to allow 20 percent of each fee collected to be placed in a reserve that can fund projects in any of the City's RIF park zones;

(b) Allow for 100 percent of the entire available RIF Fund balance to be used for park acquisition and/or projects of citywide significance when recommended by the Recreation and Parks Commission and approved by the City Council; and

(3) Direct the City Attorney to prepare an ordinance within 60 days amending Section 4.17.030 of the Pasadena Municipal Code (PMC) to add the definition of "projects of citywide significance" as projects that acquire and/or develop new park space in an identified gap area; identify park and/or recreation deficiency and serve a broad section of the Pasadena population; and create or enhance a one-of-a-kind recreation facility within the City.

Recommendation of the Recreation and Parks

Commission: On July 7, 2015, the Recreation and Parks Commission supported the staff recommendations to:

(1) Amend the RIF distribution methodology to allow 20 percent of each fee collected to be placed in a new reserve available to fund certain park projects in any of the City's RIF park zones;

(2) Allow for 100 percent of the entire available RIF Fund balance to be used for park acquisition and projects of citywide significance, when determined by the Recreation and Parks Commission and approved by the City Council; and

(3) Define "projects of citywide significance" as projects that acquire and/or develop new park space in an identified gap area; identify park and/or recreation deficiency and serve a broad section of the Pasadena population; and create or enhance a one-of-a-kind recreation facility within the City.

Mayor Tornek, Chair of the Finance Committee, introduced the agenda item, and Brenda Harvey-Williams, Finance and Management Services Administrator, summarized the agenda report as part of a PowerPoint presentation, and responded to questions.

Vice Mayor Masuda, and Councilmembers Kennedy and Madison expressed concerns regarding the proposed action, citing the need to use collected Residential Impact Fees (RIF) to mitigate the impact of new residential development on City parks, with Councilmember Madison suggesting that the City look at other methods for raising monies for citywide park needs such as a bond or perhaps some other approach.

The City Clerk reported 8 letters of correspondence were received by the City Clerk's Office (7 letters in opposition of the proposed action; and 1 letter advocating for parks used by children).

The following persons spoke in opposition, expressed concerns, and/or provided suggestions regarding the proposed action:

Darrell Clarke, Pasadena resident
Ken McCormick, Pasadena resident, presented information as part of a PowerPoint presentation
Marsha Rood, Pasadena resident, Downtown Pasadena Neighborhood Association (DPNA)
Jonathan Edwards, Downtown Pasadena Neighborhood Association (DPNA)
Brian Wallace, Playhouse District Association

Councilmember Gordo stated that the staff recommendation is a good concept, but noted the need for additional information as it relates to potential opportunities to acquire, construct, and improve existing and new parks/pocket parks, ensure that the City is mitigating impacts of increased residential development in the Central District, and maximizing the value of the RIF dollars. He asked staff to return to the City Council with information regarding potential opportunities for pocket parks in the Central District (including estimated costs), what acquisition opportunities might exist in the Central District or elsewhere in close proximity, a list of needed improvements at various parks, including a plan for the improvement of high-use citywide park assets such as the Rose Bowl loop and existing park fields.

Councilmember McAustin pointed out that since 2005 the City has collected \$31 million in RIF's and noted that only 18% had been used to fund new parks, and noted the need to improve in this area. She suggested that the City use the General Plan/Land Use Maps as a guide to identify new park/pocket park locations in advance, and in proximity, to new residential development, and stated the importance to expend funds based on a plan and not an opportunity.

Councilmember Wilson indicated that the City has the resources but no vision/plan in place, stated his support for some dollars being allocated for citywide parks, but emphasized the need to develop a park plan in proximity to new residential development.

The Mayor stated that the 100% reallocation model for citywide parks is a “non-starter”, noted that there is some merit to the notion of allocating 10% to Citywide parks and preserving 20% as flexible reserve monies, agreed on the need to identify opportunities and meritorious projects, as well as how to fund them, utilize the General Plan to examine and understand new residential development opportunities and patterns, with the goal being to fashion a program that makes sense. He also thanked staff for their work on the matter.

Councilmember McAustin encouraged the City Council to be mindful of the 5-year period in which the collected RIF’s must be spent, and urged progressive action in terms of developing a plan to determine how the dollars will be expended.

Following discussion, by consensus, the City Council directed staff to report back with the requested information noted above to allow for an additional, and more informed, discussion on the matter.

ORDINANCE – FIRST READING

Conduct first reading of “AN ORDINANCE OF THE CITY OF PASADENA AMENDING CHAPTER 2.120 (SENIOR COMMISSION) OF THE PASADENA MUNICIPAL CODE, INCREASING THE MEMBERSHIP OF THE SENIOR COMMISSION FROM 11 TO 13 MEMBERS”

Following discussion, the above ordinance was offered for first reading by Councilmember Kennedy:

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

COUNCIL COMMENTS

Councilmember Wilson reported on the success of Pasadena Connect Week for Innovate Pasadena, and highlighted the ribbon cutting event for the new “The Planetarium Society”.

Councilmember Madison announced that the 2016 Rose Queen, Erika Winter, is a resident of District 6, and also reported that a deal has been reached with regard to the Burbank Bob Hope Airport moving forward on the construction of a replacement terminal at the Airport.

Councilmember Kennedy reported on the success of the City's "17th Annual Latino Heritage Parade and Jamaica" on Saturday, October 24, 2015.

Vice Mayor Masuda announced that the Foothill Gold Line Extension is scheduled to open on March 5, 2016, which he noted will extend from Sierra Madre Villa Station in Pasadena to Azusa.

ADJOURNMENT

On order of the Mayor, the regular meeting of the City Council adjourned at 8:59 p.m.

Terry Tornek, Mayor
City of Pasadena

ATTEST:

City Clerk