

CITY OF PASADENA
City Council Minutes
January 12, 2015 – 5:30 P.M.
City Hall Council Chamber

REGULAR MEETING

OPENING:

Mayor Bogaard called the regular meeting to order at 5:30 p.m.
(Absent: None)

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

CITY COUNCIL CLOSED SESSION WITH LEGAL COUNSEL REGARDING CONSIDERATION OF INITIATION OF LITIGATION pursuant to Government Code Section 54956.9(d)(4): One potential case

The City Attorney was directed to engage outside counsel and pursue litigation as appropriate related to the Underground Utility invoice investigation audit.

It was moved by Councilmember Gordo, seconded by Councilmember McAustin, to approve direction to the City Attorney. (Motion unanimously carried) (Absent: None)

On order of the Mayor, the regular meeting reconvened at 6:42 p.m. The pledge of allegiance was led by Councilmember McAustin.

ROLL CALL:

Councilmembers:

Mayor Bill Bogaard
Vice Mayor Jacque Robinson
Councilmember Victor Gordo
Councilmember John J. Kennedy
Councilmember Steve Madison
Councilmember Gene Masuda
Councilmember Margaret McAustin
Councilmember Terry Tornek

Staff:

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

CEREMONIAL MATTERS

Police Chief Phillip Sanchez introduced the new Sergeant-at-Arms, Sergeant Bobby Crees, and extended thanks to Sergeant Greg Afsharian for his service as previous Sergeant-at-Arms.

OLD BUSINESS

UPDATE REGARDING THE UNDERGROUND UTILITIES PROGRAM AUDIT

The Mayor introduced the agenda item, provided an update regarding the invoice investigation audit and how the City is addressing the breakdown of internal controls governing expenditures of the City's utilities undergrounding account, reported on the newly created City Council Ad Hoc Committee and named its members: Councilmembers Madison (Chair), Gordo, Kennedy, and McAustin. The Mayor highlighted the purpose of the Council Ad Hoc Committee, namely to work with outside consultants and City staff to examine the activities related to the embezzled funds, to identify any potential issues concerning other funds, work with the City Attorney and outside counsel/hired experts on matters related to potential litigation and limited personnel matters, and to keep the full City Council and the public informed as information becomes available. He also noted that a citizen-based task force of 5-7, fully qualified members of the community will be created, with the purpose of the task force to conduct public meetings, review a citywide risk assessment, ensure that the program for the assessment is appropriate and sufficient for identifying risks in City operations, consider the issue of creating an audit advisory committee that would meet regularly with the Finance/Audit Committee to provide advice, and present questions as it relates to the City's audit practices/procedures, as well as consider the need for, and practicality of, a review of the 131 separate funds that are part of City operations, and with the task force to report to the City Council on its findings.

The City Manager reported that the City will retain an outside investigator to undertake the personnel investigation that will identify individuals that were aware of, or should have been aware of, the failures to follow the City's policy, as well as who failed to provide appropriate supervision that enabled the embezzlement to occur. He also indicated that a study of all accounts payable payments/transactions between 2007-2014 is currently underway, which includes all transactions related to the City's 131 fund accounts, including identifying the policies and procedures applied to the payments (e.g. via a contract/purchase order), and noted that the Finance Committee and the full City Council will receive regular updates as it relates to the study and its findings.

The following individuals expressed strong concerns regarding the embezzlement of public funds:

Dale Gronemeier, Eagle Rock, Ca
Herminia Ortiz, Pasadena resident
Sole Teramae, Pasadena resident.

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

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

Jim Lissner, Hermosa Beach resident, expressed concerns regarding the “spot speed survey” conducted by a City technician at California/El Molino Avenue, suggested that the survey is not reflective of the actual speed of traffic for the area, thereby, creating a potential “speed trap”, asked the City to look into the matter and to consider refunding individuals the costs associated with their speeding ticket, and submitted written material.

Stacey Rain Strickler, Pasadena resident, spoke regarding the need for speed bumps on Summit Avenue, installation of additional trash receptacles to address the excessive littering problem in the area, expressed concerns regarding the fees associated with the sidewalk repair program and the lack of work being done, and urged the City to closely monitor the program. She also commented on the successful designation of her property as a historic landmark, however, expressed disappointment with the failed benefit of a reduction in her property taxes, and asked that the City support her efforts in improving the beautification and safety of her neighborhood.

In response to Ms. Strickler’s expressed concerns, Councilmember Kennedy, requested that the appropriate staff meet with Ms. Strickler to review the Mills Act (Historic Property Contract Program) guidelines/requirements, the City’s policy for speed bumps, as well as to address the issue raised concerning the need for placement of trash receptacles on City owned land in an effort to reduce littering, and asked staff to report back to the City Council regarding the matter.

Jason Hunter, Riverside resident, spoke regarding the Southern California Public Power Authority (SCPPA) Internship Program, and expressed concerns as it relates to family members of City executives at cities that are SCPPA agency members participating in the SCPPA internship program, specifically noted concerns regarding a relative of the City Manager employed with the City of Riverside as part of the internship program.

Vivian Moreno, Riverside resident, expressed disappointment as it relates to the embezzlement of the public funds, and concerns regarding the employment of Michael Beck, City Manager, and Siobhan Foster, Director of Public Works.

Ralph R. Walker, Covina resident, expressed disappointment with the 2015 Rose Parade, and the City’s lack of recognition of Joan Williams (the 1958 Queen who was denied the honor to ride on a float in the Rose Parade due to her African American

heritage), who was chosen by the Tournament of Roses to lead the floats in the "2015 Rose Parade: Inspiring Stories" but not included in the parade's broadcast of inspiring stories.

CONSENT CALENDAR

CONTRACT AWARD TO HARDY & HARPER, INC., FOR PREVENTIVE MAINTENANCE OF STREETS 2014, FEDERAL AID PROJECT NO. STPL-5064(081), FOR AN AMOUNT NOT-TO-EXCEED \$1,470,000

Recommendation:

(1) Find the proposed project to be categorically exempt under the California Environmental Quality Act (CEQA) Guidelines in accordance with Title 14, Chapter 3, Class 1, Section 15301, 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

(2) Accept the bid dated November 12, 2014, submitted by Hardy & Harper, Inc., in response to the project specifications for Preventive Maintenance of Streets 2014, and authorize the City Manager to enter into such contract as is required for an amount not-to-exceed \$1,470,000. (Contract No. 22,117)

CONTRACT AWARD TO A.Y. NURSERY TO FURNISH MATERIALS AND SUPPLIES FOR PLANT MATERIAL IN AN AMOUNT NOT-TO-EXCEED \$124,252

Recommendation:

(1) Find the proposed action to be categorically exempt under Section 21084(a) of the California Environmental Quality Act (CEQA) of 1984 in accordance with Article 19, Section 15301 (Class 1), Subsection (h) of the Guidelines (maintenance of existing landscaping), and authorize the City Clerk to file a Notice of Exemption for the project with the Los Angeles County Clerk; and

(2) Accept the bid dated November 11, 2014, submitted by A.Y. Nursery in response to the Notice Inviting Bids to Furnish Materials and Supplies for Plant Material, and authorize the City Manager to enter into a contract for such work as is required for an amount not-to-exceed \$124,252. This contract will have an option of two one-year terms not-to-exceed an annual amount of \$124,252 renewable at the discretion of the City Manager, for a total contract length of three years. (Contract No. 22,118)

CONTRACT AWARD TO ELECNOR BELCO ELECTRIC, INC., FOR INSTALLATION OF IN-FILL LIGHTING ON FAIR OAKS AVENUE FROM CEDAR STREET TO NORTH CITY LIMIT FEDERAL-AID PROJECT – RSTPLE 5064(080), FOR AN AMOUNT NOT-TO-EXCEED \$350,000

Recommendation:

(1) Find that on October 27, 2014, the City Council found the project to be exempt from the California Environmental Quality Act (CEQA) Guidelines in accordance with Title 14, Chapter 3, Class 1, Section 15301, 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 changes to the project, changed circumstances or new information that would warrant further environmental review; and

(2) Accept the bid dated December 17, 2014, submitted by Elecnor Belco Electric, Inc., in response to the Specifications for the Installation of In-Fill Lighting on Fair Oaks Avenue from Cedar Street to North City Limit, and authorize the City Manager to enter into such contract for an amount not-to-exceed \$350,000. (Contract No. 22,119)

CONTRACT AWARD TO SLATER WATERPROOFING, INC., FOR THE ARROYO PARKWAY STORM DRAIN REHABILITATION – PHASE 3 FOR AN AMOUNT NOT-TO-EXCEED \$100,000

Recommendation:

(1) Find the project to be categorically exempt from the California Environmental Quality Act (CEQA) Guidelines in accordance with Title 14, Chapter 3, Class 1, Section 15301 and 15302, 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

(2) Accept the bid dated November 19, 2014, submitted by Slater Waterproofing, Inc., in response to the Project Plans and Specifications for the Arroyo Parkway Storm Drain Rehabilitation – Phase 3, and authorize the City Manager to enter into such contract as is required for an amount not-to-exceed \$100,000. (Contract No. 22,120)

Item discussed separately

CONTRACT AWARD TO POWELL CONSTRUCTORS, INC., FOR I-210 SOUNDWALL – PASADENA AVENUE, FEDERAL AID PROJECT NO. HPLUL-5064(058) FOR AN AMOUNT NOT-TO-EXCEED \$526,724

AMENDMENT TO CONTRACT NO. 21,260 WITH CDM SMITH, INC., TO INCREASE THE TOTAL NOT-TO-EXCEED AMOUNT BY \$26,602 FROM \$264,879 TO \$291,481 AND TO EXTEND THE TIME OF PERFORMANCE FOR ENVIRONMENTAL CONSULTING SERVICES FOR THE PROPOSED GREEN HOTEL APARTMENT PROJECT AT 86 SOUTH FAIR OAKS AVENUE

Recommendation:

(1) Find that the proposed action is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to 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 amend Contract No. 21,260 with CDM Smith, Inc., by increasing the contract amount by \$26,602, thereby increasing the not-to-exceed amount from \$264,879 to \$291,481 for the preparation of environmental documentation for the proposed Green Hotel Apartment Project and extend the contract duration for one additional year to February 6, 2016. (Contract No. 21,260-1)

AUTHORIZATION TO ENTER INTO A CONTRACT WITH ALL-CITY MANAGEMENT SERVICES, INC., TO PROVIDE CROSSING GUARD SERVICES IN AN AMOUNT NOT-TO-EXCEED \$435,744

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) "Contracts for professional or unique services" with All-City Management Services, Inc., for crossing guard services in a total amount not-to-exceed \$435,744 from February 1, 2015 through June 30, 2017; and

(3) Authorize the City Manager to have the option to extend the agreement for two (2) additional one-year terms, for an amount not to exceed \$175,000 each year. (Contract No. 22,121)

AUTHORIZATION TO INCREASE THE NOT-TO-EXCEED AMOUNT OF PURCHASE ORDER CONTRACT NO. 57373 WITH MAXIM HEALTHCARE SERVICES, INC., FOR THE PROVISION OF PROFESSIONAL TEMPORARY NURSE STAFFING FOR THE PASADENA PUBLIC HEALTH DEPARTMENT

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) as it will not have a potentially significant environmental effect, and therefore, falls under the "general rule" exemption;

(2) Authorize the City Manager to increase the not-to-exceed amount of Purchase Order Contract No. 57373 with Maxim Healthcare Services, Inc., by \$35,000, thereby bringing the total not-to-exceed amount to \$110,000; and

(3) To the extent this transaction could be considered a separate transaction subject to competitive selection, grant the purchase order 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.

TECHNICAL CORRECTIONS TO THE DESCRIPTIONS OF THE TRANSPORTATION PERFORMANCE MEASURES FOR TRANSPORTATION IMPACT ANALYSIS AND THE DEFINITIONS OF THE THRESHOLDS OF SIGNIFICANCE FOR CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Recommendation:

(1) Find that the following proposed actions are exempt from review pursuant to the California Environmental Quality Act (CEQA), pursuant to State CEQA Guidelines Section 15061(b)(3); and

(2) Adopt a resolution with the correct definitions and descriptions for the existing Transportation Performance Measures and Thresholds of Significance for CEQA for the measures. (Resolution No, 9409)

AUTHORIZATION TO EXTEND CONTRACT NO. 20,518 WITH UC SYNERGETIC AND CONTRACT NO. 20,519 WITH VTA CONSULTING ENGINEERS FOR ENGINEERING SERVICES FOR THE WATER AND POWER DEPARTMENT

Recommendation:

(1) Find that the action is exempt from environmental review pursuant to the guidelines of the California Environmental Quality Act ("CEQA") Section 15061(b)(3);

(2) Authorize the City Manager to issue and sign a change order to extend Contract No. 20,518 with UC Synergetic for up to two additional years or until the balance authorized under the current contract is exhausted, whichever comes first; and

(3) Authorize the City Manager to issue and sign a change order to extend Contract No. 20,519 with VTA Consulting Engineers for up to two additional years or until the balance authorized under the current contract is exhausted, whichever comes first. (Contract Nos. 20,518-1 and 20,519-1)

CONFIRM THE RECOMMENDATION FOR A CONTRACT AUTHORIZATION WITH ENFORCEMENT VIDEO, LLC, DOING BUSINESS AS WATCHGUARD VIDEO, TO REFLECT THE FULL BUSINESS ENTITY NAME

Recommendation:

(1) Find that the proposed contract is exempt from the California Environmental Quality Act ("CEQA") pursuant to State CEQA Guidelines Section 15061(b)(3); and

(2) Confirm the prior contract authorization with Enforcement Video, LLC, doing business as Watchguard Video, to reflect the full business entity name.

FINANCE COMMITTEE: INCREASE TOTAL ESTIMATED COST OF TRAFFIC SIGNAL IMPROVEMENTS AT PASADENA AVENUE AND WALNUT STREET CAPITAL IMPROVEMENT PROJECT (CIP) TO \$158,900 AND APPROVE A JOURNAL VOUCHER APPROPRIATING \$50,000 FROM TRAFFIC REDUCTION AND TRANSPORTATION IMPROVEMENT FEE FUND BALANCE TO TRAFFIC SIGNAL IMPROVEMENTS AT PASADENA AVENUE AND WALNUT STREET CIP PROJECT

Recommendation:

(1) Increase the total estimated cost of the Traffic Signal Improvements at Pasadena Avenue and Walnut Street CIP Project (Budget Account No. 75049) by \$50,000 to \$158,900; and

(2) Approve a journal voucher appropriating \$50,000 from the Traffic Reduction and Transportation Improvement Fee Fund Balance (Fund No. 313) to the Traffic Signal Improvements at Pasadena Avenue and Walnut Street CIP Project (Budget Account No. 75049). (Journal Voucher No. 2015-15)

FINANCE COMMITTEE: AMENDMENT TO THE SCHEDULE OF TAXES, FEES, AND CHARGES TO INCLUDE A REDUCED BUSINESS LICENSE TAX FOR QUALIFIED FIRST-YEAR BUSINESSES

Recommendation: It is recommended that the City Council amend the Schedule of Taxes, Fees, and Charges to include a reduced business license tax for qualified first-year businesses located in Pasadena.

FINANCE COMMITTEE: RECOGNIZE AND APPROPRIATE FUNDS IN THE AMOUNT OF \$500,000 TO THE PUBLIC HEALTH DEPARTMENT FISCAL YEAR 2015 OPERATING BUDGET AND APPROVE AN INCREASE OF 1.22 FULL-TIME EQUIVALENT (FTE) LIMITED-TERM GRANT-FUNDED POSITIONS FOR THE CENTERS FOR DISEASE CONTROL (CDC) REACH PROGRAM

Recommendation:

(1) Find that the proposed action is exempt from the California Environmental Quality Act pursuant to State CEQA Guidelines Section 15061(b)(3) as it will not have a potentially significant environmental effect, and therefore, falls under the "general rule" exemption;

(2) Recognize and appropriate \$500,000 from the Centers for Disease Control & Prevention (CDC) Racial and Ethnic Approaches to Community Health (REACH) grant to the Pasadena Public Health Department Fiscal Year 2015 Operating Budget; and

(3) Amend the FY 2015 Operating Budget to add 1.22 full-time equivalents (FTEs) for two (2) new limited-term grant-funded positions, thereby increasing the total Public Health Department FTE allocation from 125.45 FTEs to 126.67 FTEs. (Journal Voucher No. 2015-16)

APPOINTMENT OF JUSTIN CHAPMAN TO THE NORTHWEST COMMISSION (District 6 Nomination)

APPOINTMENT OF RICHARD M. SCHAMMEL TO THE ROSE BOWL OPERATING COMPANY BOARD (District 7 Nomination)

MINUTES APPROVED

November 3, 2014
November 10, 2014

CLAIMS FILED	RECEIVED	AND	Claim No.	Beneficiary	Amount
			12,310	Rita Gail Williams	\$25,000.00+
			12,311	Hakem RBSR Waheed Casper's Foundation	Not stated
			12,312	Mark Saigh	4,673.70
			12,313	Alfredo Roman Flores	497.28
			12,314	Carol Hanson	145.99
			12,315	Allstate Insurance As Subrogee of Cynthia Almaraz	5,585.39
			12,316	Alexander Thacher	25,000.00+
			12,317	Sanders D. Joseph	405.00
			12,318	Gabriela Kohler	154.50
			12,319	Annette C. Barajas	10,000.00+
			12,320	Vincent Mastro	9,015.00
			12,321	Rosalinda Mastro	9,985.00
			12,322	Mercury Insurance Group of California as Subrogee of Raymond M.Jaurequi	2,862.00
			12,323	Trung Q. Ta (California Nails)	Not stated
			12,324	Mervin D. Shannon	25,000.00+
			12,325	Andrew J. Porter	25,000.00+
			12,326	Dr. Dion Regelson	25,000.00+
			12,327	John Royal	1,500.00

Claim No. 12,328 Nora Hanna c/o Ara 25,000.00+
Aroustamian &
Associates

Councilmember Kennedy stressed the importance for the City Council to receive information related to whether or not a selected contractor has an existing or prior contract with the City, and requested that such information be included for all contract related items listed under the Consent Calendar for City Council approval.

It was moved by Vice Mayor Robinson, seconded by Councilmember McAustin, to approve all items on the Consent Calendar, with the exception of Item 5 (Contract Award to Powell Constructors, Inc., for I-210 Soundwall – Pasadena Avenue) (Motion unanimously carried) (Absent: None)

CONSENT ITEM
DISCUSSED SEPARATELY

Councilmember McAustin was excused at 7:42 p.m. and left the dais.

CONTRACT AWARD TO POWELL CONSTRUCTORS, INC., FOR I-210 SOUNDWALL – PASADENA AVENUE, FEDERAL AID PROJECT NO. HPLUL-5064(058) FOR AN AMOUNT NOT-TO-EXCEED \$526,724

Recommendation:

- (1) Find the project to be categorically exempt from the California Environmental Quality Act (CEQA) Guidelines in accordance with the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) Section 6004, 23 CFR 771, activity (c), the installation of noise barriers to provide for noise reduction; and
- (2) Accept the bid dated December 16, 2014, submitted by Powell Constructors, Inc., in response to the Project Specifications for I-210 Soundwall – Pasadena Avenue, and authorize the City Manager to enter into such contract as is required for an amount not-to-exceed \$526,724. (Contract No. 22,160)

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

PUBLIC HEARINGS

PUBLIC HEARING: DESIGNATION OF THE HOUSE AT 817 SOUTH MADISON AVENUE AS A LANDMARK

Recommendation:

- (1) Find that the designation of a historic resource is categorically exempt from the California Environmental Quality Act (CEQA) Guidelines, Section 15308: ----Class 8 – Actions by Regulatory Agencies for the Protection of the Environment;
- (2) Find that the house at 817 South Madison Avenue is significant under Criterion “C” for designation as a landmark (Pasadena Municipal Code (PMC), Section 17.62.040) because

it is an intact example of a Colonial Revival house designed by significant architect, Sylvanus Marston;

(3) Adopt a resolution approving a Declaration of Landmark Designation for 817 South Madison Avenue, Pasadena, California;

(4) Authorize the Mayor to execute the Declaration of Landmark Designation for 817 South Madison Avenue, Pasadena, California; and

(5) Direct the City Clerk to record the declaration with the Los Angeles County Recorder.

Recommendation of Historic Preservation Commission: At its regular meeting of October 7, 2014, the Historic Preservation Commission recommended that the City Council approve the designation of the house at 817 South Madison Avenue as a landmark under Criterion "C" of PMC, Section 17.62.040. (Resolution No. 9410)

The Mayor opened the public hearing.

The City Clerk reported 35 copies of the notice were posted on December 19, 2014; 85 copies of the notice were mailed on December 19, 2014; and no correspondence was received.

Vince Bertoni, Director of Planning and Community Development, introduced the agenda item, and Kevin Johnson, Senior Planner, summarized the agenda report as part of a PowerPoint presentation.

No one appeared for public comment.

It was moved by Councilmember Tornek, seconded by Vice Mayor Robinson, to close the public hearing. (Motion unanimously carried) (Absent: Councilmember McAustin)

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

PUBLIC HEARING: ZONING CODE AMENDMENT TO PASADENA MUNICIPAL CODE SECTION 17.50.220 (RECYCLING FACILITIES)

Recommendation:

(1) Find that the proposed amendments to the Zoning Code are categorically exempt from the California Environmental Quality Act (CEQA) under Section 15308 – Actions by Regulatory Agencies for Protection of the Environment;

(2) Adopt the Findings of Consistency with the General Plan (Attachment A to the agenda report);

Councilmember McAustin
returned at 7:50 p.m.

(3) Approve the proposed Zoning Code Amendments as contained in the agenda report; and

(4) Conduct first reading of "AN ORDINANCE OF THE CITY OF PASADENA AMENDING VARIOUS PROVISIONS OF TITLE 17 (THE ZONING CODE) OF THE PASADENA MUNICIPAL CODE TO ADD NEW DEVELOPMENT AND OPERATIONAL STANDARDS APPLICABLE TO RECYCLING FACILITIES AND TO REQUIRE EXISTING AND NEW FACILITIES TO OBTAIN CONDITIONAL USE PERMITS"

Recommendation of Economic Development and Technology Committee: On November 3, 2014, the Economic Development and Technology Committee recommended additional development standards to include enclosure of recycling facilities and waste disposal plan for liquid waste. These are included in the staff recommendation.

Recommendation of Planning Commission: On January 8, 2014, the Planning Commission recommended that the City Council adopt the staff's recommendations regarding amending the Zoning Code to add additional development standards and permit review for recycling facilities with the additional requirement that landscaping and screening requirements be applied to recycling facilities.

Recommendation of the Environmental Advisory Commission: On December 17, 2013, the Environmental Advisory Commission (EAC) recommended that the City Council approve the proposed Zoning Code amendments.

The Mayor opened the public hearing.

The City Clerk reported the notice of public hearing was published on December 25, 2014, January 1 and 8, 2015 in the Pasadena Journal; and 2 letters of correspondence (1 letter of support, and 1 letter expressing concerns) were received by the City Clerk's Office regarding the recommended action.

Vince Bertoni, Director of Planning and Community Development, introduced the agenda item, and David Reyes, Deputy Director of Planning and Community Development, reviewed the agenda report as part of a PowerPoint presentation, and responded to questions.

Councilmember Gordo stressed the need for recycling centers to be strongly regulated, suggested that recycling facilities be regularly steam cleaned, enclosures be attached to the building, increase the proposed 30 feet separation of recycling facilities from the public right-of-way to 100 feet from street, require a minimum of 200 feet separation from residential and sensitive uses such as childcare centers and churches (and other sensitive uses defined by staff), mandate that refuse bins be properly maintained and clear of waste water/debris, as well as

a 200 feet radius cleaning requirement, and suggested limits be applied to hours of operation allowing 30 hours maximum: 10 a.m. – 4 p.m. weekdays and 10 a.m. – 3 p.m. on Saturdays, with the potential for exceptions to be allowed through the Conditional Use Permit (CUP) process. He also noted that there should be a standard list of conditions applied to anyone that submits an application for a CUP related to a recycling facility.

Vice Mayor Robinson and Councilmember Tornek expressed concerns as to whether or not the proposed 6-months is a sufficient amount of time to allow the existing four recycling facilities to be brought into compliance with the new regulations, specifically as it relates to the timeframe associated with the hearing/CUP process, building permit, and the completion of construction. Councilmember Tornek also suggested that since the objective is to bring the recycling facilities into conformity, that staff specify the “completion of the work”, reflecting what the total elapsed time should be.

In response to Councilmember Gordo, Mr. Bertoni noted that landscaping and screening requirements for recycling facilities will be included in the ordinance, with Councilmember Gordo requesting that staff bring back the standard list of conditions of approval with the ordinance for the City Council’s review and consideration.

The following persons spoke in support of the proposed action:

Erlinda Romo, Playhouse District Association
Cindy Schnuelle, Pasadena resident
Nancy Tom, Pasadena resident
Joanne Wendler, Pasadena resident

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

Laura Peralta, California Grocers Association
Brian Jackson, rePlanet Recycling
Doug Sanchez, rePlanet Recycling
Joe Perez, rePlanet Recycling

In response to Councilmember Kennedy’s question, Mr. Brian Jackson, rePlanet Recycling, noted for the record that his organization disassociates itself from known offenders of anti-social behaviors, and are allowed to refuse service to any such persons with assistance from cities with local Police Departments.

Councilmember Kennedy stated that a significant number of individuals that regularly utilize recycling services and facilities are seniors, unemployed persons, under-employed, and persons that may be experiencing a “more difficult time at life”, and stressed the need to be empathetic to such individuals.

Councilmember McAustin agreed on the need to regulate recycling centers in terms of safety and cleanliness, however, expressed concerns with the proposed regulations and whether the existing small recycling facilities will be able to comply with the new regulations, specifically as it relates to the 500 square feet requirement for small recycling centers, requested that staff meet with the recycling facilities operators to determine if a larger or differently configured space can be accommodated within regulation, and suggested that the hours of operation be extended to 7:00 p.m. during daylight savings time.

Councilmember Gordo directed staff to incorporate his recommended changes, and to include Councilmember McAustin’s suggestion that staff work with rePlanet Recycling to determine whether the City can accommodate a larger or differently configured structure that will accomplish the City’s goals.

With the assistance of the City Council, Mr. Bertoni clarified the recommended changes/modifications, which were:

- Enclosure – Explore different ways on how to define the 500 square feet requirement for small recycling centers to ensure appropriate operation/storage space, with staff to research different models of enclosures available to the operators
- Separation from Public Right-of-Way – Recycling facilities should be 100 feet from the public right-of-way instead of 30 feet, and not to allow the reduction to 20 feet from the public right-of-way for special circumstances
- Separation from Sensitive Uses – Require recycling facilities to be a minimum of 200 feet from sensitive/residential uses, and not allow for a reduction to 150 feet as part of the CUP process
- Refuse Bins – Require that refuse bins at recycling facilities be maintained clear of water, debris, or any liquid during non-operational hours
- Litter/Debris Removal Plan – Include a 200 feet radius cleaning requirement
- Non-Conforming Facilities – Determine if the proposed 6 months is an appropriate timeframe to bring operators into compliance in terms of obtaining discretionary

entitlements, CUP, building permits, and for all construction to occur

- Screening and Landscaping – Include as an additional requirement to be applied to recycling facilities.
- Hours of Operation – Reducing the hours of operation further to Monday through Saturday, 9:00 a.m. – 4:00 p.m., (except during daylight savings time – Monday through Saturday 9:00 a.m. – 7:00 p.m.), with direction to staff to look carefully at sensitive/residential uses during the CUP process as it relates to the hours of operation, and at the staff’s discretion, reduce hours of operation where appropriate.
- Include a list of standard conditions of approval when the ordinance returns to City Council for introduction.
- Waste Management Plan – Include a Comprehensive Waste Management regulation.

The City Attorney advised the City Council that the proposed ordinance will replace a moratorium ordinance that is due to expire in early March 2015, and suggested that the ordinance be introduced at the January 26, 2015 City Council meeting, with adoption on February 2, 2015, to ensure that the ordinance is effective before the moratorium expires.

Following discussion, it was moved by Councilmember Gordo, seconded by Councilmember McAustin, to direct staff to incorporate the above noted changes/modifications, and to work with rePlanet Recycling to determine whether the City can accommodate a larger or differently configured structure that will accomplish the City’s goals, and to continue the public hearing to January 26, 2015, at 7:00 p.m. (Motion unanimously carried) (Absent: None)

**REPORTS AND COMMENTS
FROM COUNCIL
COMMITTEES**

FINANCE COMMITTEE

Councilmember Madison was excused at 9:53 p.m., and left the meeting.

FISCAL YEAR JUNE 30, 2014 ANNUAL FINANCIAL REPORTS

Recommendation: It is recommended that the following reports for the year ending June 30, 2014 be received by the City Council and/or the Successor Agency to the Pasadena Community Development Commission.

- A. Comprehensive Annual Financial Report (CAFR)
- B. Single Audit Reports
- C. Management Letter – City of Pasadena
- D. Pasadena Center Operating Company Basic Financial Statements
- E. Rose Bowl Operating Company Basic Financial Statements
- F. Pasadena Community Access Corporation Basic Financial Statements

- G. Pasadena Fire and Police Retirement System Report and Audited Financial Statements and Required Supplemental Information
- H. Air Quality Improvement Fund Financial and Compliance Report
- I. Independent Accountant's Report on Agreed-Upon Procedures Applied Appropriation Limit Worksheets
- J. Independent Accountant's Report on Agreed-Upon Procedures Applied to Employee Deductions for the Internal Revenue Code Section 457 Deferred Compensation Program
- K. The Auditor's Communications with the City's Audit and Finance Committee
- L. Independent Auditor's Report on Internal Control Over Financial Reporting and on Compliance and Other Matters Based on an Audit of Financial Statements Performed in Accordance with Government Auditing Standards

Councilmember Tornek, Chair of the Finance Committee, introduced the agenda item, and noted that due to the short length of time the Committee had to review the material, and the recent events associated with the misappropriation of public funds, that the Finance Committee requests an opportunity to further review the material.

Andy Green, Director of Finance, introduced the agenda item, Robert Ridley, City Controller, and Andrew J. Paulden, Certified Public Accountant (CPA) representing the Brown Armstrong Accountancy Corporation, reviewed the agenda report as part of a PowerPoint presentation, and responded to questions regarding the auditor's function, the City's internal control system, and the auditor's random sampling process.

In response to Councilmember Tornek, Mr. Paulden noted that, in the future, he and staff will work together to provide better organized reports in terms of appropriately identifying items being presented for review.

Councilmember Masuda inquired about the number of funds that are administered by one or two individuals, and suggested that a forensic audit be conducted on those particular funds. In response, the City Manager noted that staff is thoroughly reviewing all 131 funds, including sub-programs within the funds, to determine if there are any areas where a single staff person manages all aspects of a program, which creates a greater potential for fraud.

Councilmember Gordo noted that there will be an opportunity to probe deeper into all of the funds through the citywide risk assessment, at which point, potential weaknesses can be identified.

Jim Lissner, Hermosa Beach resident, raised questions regarding the unassigned funds in the General Fund listed in the CAFR and the Project Management Capital Project funds.

Following discussion, it was moved by Councilmember Tornek, seconded by Vice Mayor Robinson, to receive and file the Fiscal Year June 30, 2014 Annual Financial Reports, with the understanding that the Finance Committee will continue to review the audit reports, and will report back to the City Council if there are any specific issues that require further discussion. (Motion unanimously carried) (Absent: Councilmember Madison)

NOT DISCUSSED

Conduct first reading of “AN ORDINANCE OF THE CITY OF PASADENA AMENDING VARIOUS PROVISIONS OF TITLE 17 (THE ZONING CODE) OF THE PASADENA MUNICIPAL CODE TO ADD NEW DEVELOPMENT AND OPERATIONAL STANDARDS APPLICABLE TO RECYCLING FACILITIES AND TO REQUIRE EXISTING AND NEW FACILITIES TO OBTAIN CONDITIONAL USE PERMITS”

The above item was not considered.

ORDINANCE – ADOPTED

Adopt “AN ORDINANCE OF THE CITY OF PASADENA AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF PASADENA ESTABLISHED BY SECTION 17.20.020 OF THE PASADENA MUNICIPAL CODE TO CHANGE THE DESIGNATION FOR THE THREE PARCELS THAT COMPRISE THE DESIDERIO PLANNED DEVELOPMENT, AND AMENDING THE ZONING CODE (TITLE 17) TO CREATE PD-33-DESIDERIO” (Introduced by Councilmember Madison) (Ordinance No. 7253)

The above ordinance was adopted by the following vote:

AYES: Councilmembers Gordo, Kennedy, Masuda, McAustin, Tornek, Vice Mayor Robinson, Mayor Bogaard

NOES: None

ABSENT: Councilmember Madison

Adopt “AN ORDINANCE OF THE CITY OF PASADENA AMENDING CHAPTER 4.19 AND CHAPTER 8.16 OF THE PASADENA MUNICIPAL CODE TO REMOVE PROVISIONS ALLOWING FINANCIAL INCENTIVES FOR SPECIFIC TYPES OF BUSINESSES WITHIN THE PASADENA LOCAL DEVELOPMENT AREA AND REPEALING THOSE UNCODIFIED ORDINANCES NUMBERED 6131, 6140, 6312, 6588, 6883, 7098, AND 7236, ALL REGARDING FINANCIAL INCENTIVES FOR THE PASADENA ENTERPRISE ZONE AND THE PASADENA LOCAL DEVELOPMENT AREA” (Introduced by Councilmember McAustin) (Ordinance No. 7254)

The above ordinance was adopted by the following vote:

AYES: Councilmembers Gordo, Kennedy, Masuda, McAustin, Tornek, Vice Mayor Robinson, Mayor Bogaard

NOES: None

ABSENT: Councilmember Madison

INFORMATION ITEM

INFORMATIONAL UPDATE ON LOCAL HIRE PROGRAM FOR THE HERITAGE SQUARE HOUSING PROJECT

Recommendation: This update is provided for information only. No action is required.

William Huang, Director of Housing and Career Services Department, introduced the agenda item, and Charles Bryant, Vice President of MasBuild, Inc., summarized the agenda report as part of a PowerPoint presentation, and responded to questions.

Councilmember Kennedy thanked the staff and Mr. Bryant for the brief update related to the Heritage Square Housing Project, requested that the City Council receive regular future updates on the project throughout the process, stated that the City Council is committed to local hiring, informed the community of the opportunity to participate on the Heritage Square Housing Project, and urged interested persons to contact Charles Bryant at (626) 808-4360.

In response to Councilmember Tornek, Mr. Huang stated that information related to the “Decker House” project is forthcoming to the City Council in February 2015.

Following discussion, by consensus and on order of the Mayor, the report was received and filed.

ADJOURNMENT

On order of the Mayor, the regular meeting of the City Council adjourned at 10:49 p.m., in memory of Meta McCullough, a former member of the Human Relations Commission, Commission on the Status of Women, and a well-known and respected community activist; and Bruce Rankin, a well-respected 27-year employee of the City of Pasadena.

Terry Tornek, Mayor
City of Pasadena

ATTEST:

City Clerk