

CITY OF PASADENA
City Council Minutes
February 2, 2015 – 5:30 P.M.
City Hall Council Chamber

REGULAR MEETING

OPENING: Mayor Bogaard called the regular meeting to order at 5:32 p.m. (Absent: None)

On order of the Mayor, the regular meeting recessed at 5:32 p.m. to discuss the following closed sessions:

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

Agency Designated Representatives: Michael J. Beck and Kristi Recchia

Employees: International Union of Operating Engineers, Local 501 (IUOE)

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

On order of the Mayor, the regular meeting reconvened at 6:33 p.m. The Pledge of Allegiance was led by Councilmember Kennedy.

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

ADOPTION OF A RESOLUTION RECOGNIZING THE MONTH OF FEBRUARY AS BLACK HISTORY MONTH IN PASADENA (Resolution No. 9413)

The Mayor introduced the agenda item and highlighted the proposed resolution officially declaring February of each year as "Black History Month".

Del Yarbrough, member of the Black History Planning Committee, spoke on behalf of the Committee, and thanked the City Council for the many years of supporting the Committee and its work.

It was moved by Vice Mayor Robinson, seconded by Councilmember Kennedy, to approve a resolution recognizing the month of February as "Black History Month" in Pasadena. (Motion unanimously carried) (Absent: None)

PUBLIC COMMENT ON MATTERS NOT ON THE AGENDA

Genevieve Clavreul, Pasadena resident, spoke on nursing issues at Huntington Hospital, alleged comments made by a Councilmember on nursing issues at Huntington, and submitted written material.

Mary Dee Romney, Pasadena resident, expressed concerns with Congressman Schiff's Rim of the Valley proposal and the potential impact to the local water supply as a result of designating the area a "National Monument", and asked that the City contact Congressman Schiff regarding the project, and submitted written material.

Vivian Moreno, Riverside resident, noted that the case "Baca vs. Moreno Valley", allows for the public to lawfully "call out" by name a Mayor, Councilmember, or staff member during the public comment session at a public meeting, and expressed concerns as it relates to the past salaries and recent severance pay to Siobhan Foster, former Director of Public Works, and Andrew Green, former Director of Finance.

Marilyn Whitney, representing Agricultural Park Family, expressed disappointment with two former City of Riverside employees, Siobhan Foster, former Director of Public Works, and Michael Beck, City Manager, and their alleged involvement in managing a toxic spill in her neighborhood of Agricultural Park (Riverside) in 2003, which she stated was left contaminated due to a "lack in City funds", and stated that such action resulted in numerous deaths and health issues.

CONSENT CALENDAR

AUTHORIZATION TO INCREASE THE NOT-TO-EXCEED AMOUNT OF PURCHASE ORDER CONTRACT NO. 57494 WITH BLAIS & ASSOCIATES FOR THE PROVISION OF PROFESSIONAL GRANT WRITING SERVICES FOR THE PASADENA PUBLIC HEALTH DEPARTMENT

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 increase the not-to-exceed amount of purchase order contract No. 57494 with Blais & Associates, Inc., by \$40,000, thereby bringing the total not-to-exceed amount from \$60,000 to \$100,000 for grant writing professional services through June 30, 2015; 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.

AUTHORIZATION TO ENTER INTO A CONTRACT WITH SUPPLY DOC, INC., FOR THE PROVISION OF GENERAL DENTAL MATERIALS AND SUPPLIES

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; and

(2) Accept the bid dated December 23, 2014 submitted by Supply Doc, Inc., in response to specifications for the furnishing and delivery of general dental materials and supplies; reject all other bids received; authorize the issuance of a purchase order contract with Supply Doc, Inc., in an amount not-to-exceed \$45,000, or one year, whichever occurs first; and authorize the City Manager to extend the purchase order contract for up to three additional one-year periods.

APPROVAL OF INCREASE TO CONTRACT NO. 21,719 WITH VIVIAN YEH, MD, INCREASING THE NOT-TO-EXCEED AMOUNT FROM \$74,999 TO \$135,000 PER YEAR FOR SPECIALIZED INFECTIOUS DISEASE MEDICAL CARE

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 an increase to the not-to-exceed amount of Contract No. 21,719 with Vivian Yeh, MD, from \$74,999 to \$135,000 per calendar year to provide specialized HIV/AIDS, Sexually Transmitted Infection (STI) and other infectious disease medical treatment for the Andrew Escajeda Comprehensive Care Service Program;
- (3) Authorize the City Manager to extend the contract for up to three additional one-year periods under the same terms and conditions; and
- (4) 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. 21,719-1)

RESOLUTION FOR NON-CALPERS HOURLY EMPLOYEES TO PARTICIPATE IN THE CALPERS MEDICAL PLANS

Recommendation: Adopt a resolution of the City Council of the City of Pasadena electing to be subject to Public Employees' Medical and Hospital Care Act with respect to the Non-Represented Non-PERS Hourly Employees and fixing the employer's contribution at an amount equal to or greater than that prescribed by Government Code Section 22892(b). (Resolution No. 9414)

Item discussed separately

ECONOMIC DEVELOPMENT AND TECHNOLOGY COMMITTEE: APPROVAL OF KEY BUSINESS TERMS OF A SECOND AMENDMENT TO DEVELOPMENT, LOAN, AND LEASE AGREEMENT WITH HERITAGE SQUARE HOUSING PARTNERS, LP, FOR THE RELOCATION OF THE DECKER HOUSE FROM 750 NORTH FAIR OAKS AVENUE TO 738 NORTH FAIR OAKS AVENUE; APPROPRIATION OF HOUSING FUNDS IN THE AMOUNT OF \$225,000

FINANCE COMMITTEE: INCREASE TOTAL ESTIMATED COST OF TRAFFIC MITIGATION IMPROVEMENTS – PHASE I CAPITAL IMPROVEMENT PROGRAM (CIP) PROJECT TO \$683,000 AND APPROVE JOURNAL VOUCHER APPROPRIATING \$183,000 FROM GENERAL FUND, FUND BALANCE TO TRAFFIC MITIGATION IMPROVEMENTS – PHASE I CAPITAL IMPROVEMENT PROGRAM PROJECT

Recommendation:

- (1) Increase the total estimated cost of the Traffic Mitigation Improvements – Phase I CIP project (Budget Account No. 75711) by \$183,000 to \$683,000; and
- (2) Approve a journal voucher appropriating \$183,000 from the General Fund, Fund Balance (Fund 101) to the Traffic Mitigation Improvements – Phase I CIP project (Budget Account No. 75711). (Journal Voucher No. 2015-18)

FINANCE COMMITTEE: RECOGNIZE AND APPROPRIATE GRANT FUNDS TOTALING \$689,217 AND AUTHORIZE THE PURCHASE OF SELF CONTAINED BREATHING APPARATUS (SCBA) FROM ALL STAR FIRE EQUIPMENT IN AN AMOUNT NOT-TO-EXCEED \$765,797

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;
- (2) Recognize and appropriate \$689,217 in the Fiscal Year 2015 Fire Department Operating Budget;
- (3) Accept the bid dated December 9, 2014, submitted by All Star Fire Equipment, in response to specifications for the purchase of self-contained breathing apparatus equipment, reject all other bids, and authorize the issuance of a purchase order contract for an amount not-to-exceed \$765,797; and
- (4) Approve the trade-in of existing Self Contained Breathing Apparatus (SCBA) between 9 and 15 years old, pursuant to Pasadena Municipal Code Section 4.04.010, disposition of salvage and scrap property for which the Pasadena Fire Department will receive fair-market-value of \$65,595 as a credit applied to the gross purchase per the submitted bid. (Journal Voucher No. 2015-19)

FINANCE COMMITTEE: AUTHORIZATION OF ADDITIONAL LIMITED-TERM, FULL-TIME EQUIVALENT (FTE) POSITIONS FOR THE ENTERPRISE RESOURCE PLANNING (ERP) PROJECT AND RECEIVE THE QUARTERLY PROJECT STATUS AND FINANCIAL SUMMARY REPORTS THROUGH DECEMBER 31, 2014

Recommendation:

- (1) Authorize the addition of six new limited-term full-time equivalent (FTE) positions to the Department of Information Technology FY2015 Operating Budget funded by the ERP Project No. 71149 in the Project Management Fund (301), increasing the Department total FTE count from 71.50 to 77.50, and authorize staff to make necessary adjustments to the budget; and

(2) Receive the ERP Quarterly Project Status Report (Attachment A of the agenda report) and Financial Summary Report (Attachment B of the agenda report) through December 31, 2014 for information purposes.

FINANCE COMMITTEE: AMENDMENTS TO FISCAL YEAR 2015 ADOPTED BUDGET

Recommendation:

- (1) Amend the Fiscal Year 2015 Adopted Budget as detailed in the Proposed Budget Amendments section of the agenda report;
- (2) Adopt the Health proposed fees listed in Item 2 of the agenda report; and
- (3) Authorize staff to incorporate the proposed fees listed in Item 2 of the agenda report into the City of Pasadena's General Fee Schedule. (Journal Voucher No. 2015-20)

REVISION OF DESIGNATED CITY OFFICIALS AND EMPLOYEES REQUIRED TO FILE CONFLICT OF INTEREST STATEMENTS

Recommendation: Adopt a resolution updating those who will be required to file conflict of interest statements as pertaining to positions within various City departments. (Resolution No. 9415)

MINUTES APPROVED

November 17, 2014
November 24, 2014

CLAIMS RECEIVED AND FILED

Claim No. 12,342	Raymond Jaurequi and Mary Jaurequi	\$ 3,362.00
Claim No. 12,343	Maria Pulido	3,559.65
Claim No. 12,344	Pat Courtney	155.00

It was moved by Vice Mayor Robinson, seconded by Councilmember Gordo, to approve all items on the Consent Calendar with the exception of Item 5 (Approval of Key Business Terms of a Second Amendment to Development, Loan, and Lease Agreement with Heritage Square Housing Partners, LP, for the Relocation of the Decker House), which was discussed separately. (Motion unanimously carried) (Absent: None)

CONSENT ITEM DISCUSSED SEPARATELY

ECONOMIC DEVELOPMENT AND TECHNOLOGY COMMITTEE: APPROVAL OF KEY BUSINESS TERMS OF A SECOND AMENDMENT TO DEVELOPMENT, LOAN, AND LEASE AGREEMENT WITH HERITAGE SQUARE HOUSING PARTNERS, LP, FOR THE RELOCATION OF THE DECKER HOUSE FROM

750 NORTH FAIR OAKS AVENUE TO 738 NORTH FAIR OAKS AVENUE; APPROPRIATION OF HOUSING FUNDS IN THE AMOUNT OF \$225,000

Recommendation:

(1) Find that the proposed business terms, as described in the agenda report, of the Second Amendment to Development, Loan, and Lease Agreement with Heritage Square Housing Partners, LP, for the relocation of the Decker House from 750 North Fair Oaks Avenue to 738 North Fair Oaks Avenue are consistent with the Categorical Exemption Class 31 under Section 15331 of the California Environmental Quality Act (CEQA) Guidelines for Historical Resource Restoration/Rehabilitation;

(2) Approve key business terms of the Second Amendment to the Development, Loan, and Lease Agreement as set forth in the agenda report; and

(3) Amend Fiscal Year 2015 Operating Budget of Housing and Career Services Department and approve a journal voucher appropriating \$225,000 from Inclusionary Housing Trust Fund balance (Fund 619) to the Heritage Square Project (Account No. 8167-619-684140-55-51333) in connection with the relocation of the Decker House.

Recommendation of Northwest Commission: At a special meeting on January 22, 2015, the Northwest Commission voted to recommend to the City Council approval of the staff recommendation, but with the provision that all contracts between the City and Heritage Square Housing Partners, LP, include a 24-hour construction clause as a means to ensure that the senior housing project is completed and placed in service within the timeframe set forth by the State tax credit program requirements. (Contract No. 20,998-2; Journal Voucher No. 2015-17)

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

Councilmember Madison expressed concerns regarding the proposed action, specifically with regard to relocating the Decker House with no anticipated use or appropriate funding, stating that there was an earlier request/proposal from the Waverly School to the City to relocate and restore the Decker House for educational program purposes, which was, unfortunately, removed from consideration by the City Council, and noted that he could not support the proposed action.

Councilmember Kennedy commended the staff for their diligent work on the matter, specifically in terms of the difficult hurdles as it relates to funding, and inquired about the RFP process for relocating the Decker House, and stated that although the proposed plan is an “imperfect solution” that he will support the staff recommendation.

In response to Councilmember Kennedy, Mr. Huang noted that Waverly School proposed to move the Decker House to a property owned by the California Department of Transportation (Caltrans), but later received a site control letter from Caltrans prohibiting the placement of a historic building on the site, and stated that there will not be a Request for Proposal (RFP) process, but instead an advertised open bid opportunity on the work to move the Decker House from one location to another

Councilmember Gordo echoed Councilmember Madison’s concerns, but noted that it is important to move forward with the project to prevent the City from being at risk of losing funds for the entirety of the project.

Vice Mayor Robinson stated her support for the project moving forward, and confidence in the staff’s ability to find an appropriate location for the Decker House.

Councilmember Madison noted for the record that Caltrans has historic homes on most of their parcels and that the notion that they would not accept the Decker House, a historic structure, is difficult to understand. He also stated that he is confident that Waverly School’s proposal would have worked if the City Council had an opportunity to weigh in with Caltrans.

Following discussion, it was moved by Councilmember Kennedy, seconded by Vice Mayor Robinson, to approve the staff recommendation.

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

NOES: None

ABSTAIN: Councilmember Madison

ABSENT: None

ORDINANCE – ADOPTED

Adopt “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” (Introduced by Councilmember Masuda)
(Ordinance No. 7255)

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

NOES: None

ABSENT: None

RECOMMENDATIONS FROM OFFICERS AND DEPARTMENTS

UPDATE AND DISCUSSION ON INCREASED VIOLENCE IN THE COMMUNITY (Councilmember Gordo)

The Mayor introduced the agenda item.

Police Chief Sanchez provided an overview of the recent violent incidents in the City, and highlighted the steps being taken by the Pasadena Police Department to address the matter, which includes the creation of a Police Task Force, and responded to questions.

Councilmember Gordo, in conferring with the City Manager and Police Chief, noted that an immediate action of the City will be to increase park security at two of the affected parks, and suggested that the additional security resources be available during the hours of 2:00 p.m. to closing, with the City Manager and the Police Chief to determine the exact hours. He also stressed the importance of enforcing the park hours and locking parking lots at closing.

In addition, Councilmember Gordo requested that the City Attorney work with Code Enforcement Division to identify problem properties in each district and citywide to address and mitigate some of the problems/issues that stem from such properties, and to look closely at the Neighborhood Action Team (NAT) to assist in identifying neighborhood issues.

Councilmember Gordo also suggested that a full assessment be conducted on staffing levels at the Police Department (sworn and un-sworn) and Code Compliance/Enforcement to ensure that adequate resources exist to address issues, including a full assessment of the staffing levels at parks and community centers based on the needs of the surrounding neighborhood, review the City Resources Against Substandard Housing (CRASH) program and the Community Action Program (CAP), and to work with

Section 8 Housing to address some of the problems that may be caused by tenants residing in City subsidized housing projects, and stated that some of the issues/problems in the neighborhood and parks will need to be directly and aggressively addressed.

The following persons expressed concerns regarding the issue of increased violence in the community:

Floyd Folven, Pasadena resident, submitted written material
Christian Jones, Pasadena resident
Betty Sword, Friends of Washington Park
Joe Feinblatt, Pasadena resident
Rita Moreno, Pasadena resident
Joanne Wendler, Pasadena resident
Buddy Renzullo, Pasadena resident
Gretchen Palmer, Pasadena resident
Jura Slattery, Co-President of Garfield Heights
Fred Pickel, Pasadena resident
Catalina Gonzalez, Pasadena resident
James MacQuarrie, Pasadena resident
Holly Hawkins, Pasadena resident
Jose Noel Toro, Pasadena resident
Gary Megregian, Pasadena resident
Pastor Jean Burch, Community Bible Church of Greater Pasadena
Cindy Schnuelle, Pasadena resident
Ricky Pickens, Pasadena resident
Nicole J. Alexander, Pasadena resident
Joan Chin, Pasadena resident
Emanuel Najera, Pasadena resident

Following discussion, Vice Mayor Robinson thanked the community members present for their interest in the matter, as well as acknowledged the Police Department for their work. She urged the City Council to prioritize funds to address public safety, suggested that the City strengthen and adequately fund some of the existing successful community-based programs, such as park programs, Maintenance Assistance and Services to Homeowner (MASH), Pasadena/Altadena Reintegration Council, Summer Rose program, Pasadena Police Activities League (P.A.L.), and the Ambassador Youth Program. She also advocated for investing additional resources into the Flintridge Center Foundation and requested that the Foundation provide an update on their work to the full City Council, as opposed to just the Public Safety Committee, stated her support for Councilmember Gordo's

recommendations, and suggested that discussions on long term investments in successful community-based programs be included as part of the City's operating budget discussions beginning in April 2015.

Councilmember Masuda stressed the need for the City to explore ways to fund the employment of additional Police Officers as added protection in the community and at public schools.

Councilmember Gordo inquired about both the "Park Safety Specialist" and "Park Ranger" positions, and whether or not it would be more efficient to consolidate the two operations, and asked staff to report back on that possibility. He also asked the City Manager and the Police Chief to conduct an assessment of the Police Department, specifically in terms of fully staffing currently budgeted positions, including the issue of retention and recruitment of Police Officers, and directed staff to report back to the Finance Committee with their findings. In response, the City Manager noted that such an evaluation of the Police Department is currently underway, and stated that he will report back to the appropriate body with information regarding the matter.

Councilmember Kennedy noted that enforcement alone will not solve the problem of community violence, stated that it is critical that the parks are fully staffed and urged the City Council to find a way to fund the positions that were eliminated such as at Washington Park, stressed the need for community involvement/engagement and working together to build one united community to impact the current situation, urged strong support for additional programs that are sponsored by the City in conjunction with a host of other businesses/organizations during the budget process, specifically programs that will have a positive impact on the youth locally in terms of job training and employment, and noted that he strongly advocates for additional resources to fund existing successful programs such as the Rose and MASH programs. He also applauded the Police Department for their work, and the Mayor and City Council for their leadership.

Councilmember Madison expressed concerns regarding staffing levels in the Police Department in terms of Police Officers and inquired about the steps being taken to fill the budgeted yet un-filled positions. He also cited concerns regarding the proliferation of firearms in the community.

Police Chief Sanchez spoke directly to the community and requested that gun owners be “responsible gun owners” in terms of locking up their guns in a safe, and provided an option for individuals to surrender guns to the Police Department when a gun is not wanted in the home.

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

PROPOSAL FOR LOWER ARROYO ARCHERY RANGE AND DEAL POINTS FOR NEW AGREEMENT WITH PASADENA ROVING ARCHERS *(To be heard at 8:00 p.m. or thereafter)*

Recommendation:

- (1) Find that the actions proposed in the agenda report are exempt from environmental review, pursuant to the California Environmental Quality Act (CEQA), State CEQA guidelines Section 15301, none of the exceptions to the exemptions set forth in State CEQA guidelines Section 15300.2 apply, and that there is no reasonable possibility that the proposed actions will have a significant effect on the environment due to unusual circumstances;
- (2) Amend the Pasadena Municipal Code (PMC) to authorize the City Manager to determine where archery is permitted and promulgate rules for archery activities on public lands consistent with those discussed in the agenda report;
- (3) Approve the development of a new license and operating agreement with the Pasadena Roving Archers (PRA) using the deal points contained in the agenda report;
- (4) Direct the City Manager to work with the Pasadena Roving Archers and residents to pursue the identification of a suitable alternate site for archery activity in order to allow the southern range in the Lower Arroyo to be used for passive recreational uses on weekdays and roving archery on weekends; and
- (5) Approve a correction of language in the Lower Arroyo Master Plan (LAMP) to remove references to the number of targets in the southern archery range.

Recommendation of Recreation and Parks

Commission: On December 3, 2013, the Recreation and Parks Commission voted unanimously to support the following Department of Public Works recommendations:

- 1) Find that the proposed actions are exempt from environmental review, pursuant to the California Environmental Quality Act (CEQA), State CEQA guidelines Sections 15301 and 15302, minor alteration – archery range, Section 15301, licensing – Pasadena Roving

Archers, and 15061(b)(3), general rule – Pasadena Municipal Code (PMC) amendment, rules for archery use and text correction Lower Arroyo Master Plan (LAMP);

2) Amend the PMC to authorize the City Manager to determine where archery is permitted and promulgate rules for archery activities on public lands consistent with those discussed in the agenda report; and

3) Approve a correction of language in the LAMP to remove reference to the number of targets in the southern archery range.

At that time, the Recreation and Parks Commission requested additional time to review the proposed deal points.

On February 4, 2014, the Recreation and Parks Commission voted 6 to 1 to approve the agreement deal points recommended by the Department of Public Works with the following amendments:

1. Remove the membership roster requirement, but retain the requirement to provide a participant list to the City;

2. Ensure that the requirement to take and pass a safety training class is thoroughly publicized; and

3. Remove the prohibition of using the Lower Arroyo parking lot during invitational tournaments and include a provision that carpooling and alternative transportation should be encouraged.

Recommendation of Design Commission: On June 24, 2013, the Design Commission reviewed design concepts for archery-related signage, natural barriers, and target enclosures. The Design Commission requested additional information to allow for a more detailed review of these project elements. Additional information about the design of natural barriers and the Master Signage Plan for the Arroyo Seco will be presented to the Design Commission subsequent to the City Council's action. (Contract No. 22,139)

The Mayor stated for the record that in response to written requests received by a person interested in the matter (a Los Angeles resident), calling for the Mayor's recusal and disqualification from participation in the decision/voting on the matter due to the Mayor's alleged bias in the matter, (specifically as it relates to his spouse's advocacy for certain restrictions on archery activities in the Lower Arroyo), the Mayor stated that he was selected by the voters to make thoughtful and balance decisions based on the record (e.g. material submitted by staff, correspondence, and public testimony) and that he takes such responsibilities seriously, and therefore, after careful

consideration and conferring with the City Attorney, he has determined that it is appropriate for him to participate in the discussion; and to do so with an open mind and intention to listen carefully to the various presentations, proposals, and opinions expressed.

Julie Gutierrez, Acting Director of Public Works/Assistant City Manager, introduced the agenda item, and Charles Peretz, Parks Administrator, reviewed the agenda report as part of a PowerPoint presentation, and responded to questions.

The City Clerk noted that 197 letters, 207 postcards (received by the Roving Archers), 3300 (approximate) online petition signatures, and 917 paper petition signatures were received by the City Clerk's Office in support of archery in the Arroyo. In addition, the City Clerk's Office received 28 letters in opposition and 24 letters expressing concerns with archery in the Lower Arroyo.

Michael Beck, City Manager, briefly highlighted the suggested terms of the proposed agreement between the City and Pasadena Roving Archers.

In response to Vice Mayor Robinson, the City Manager clarified that Recommendation No. 2 of the staff report, "Amend the Pasadena Municipal Code (PMC) to authorize the City Manager to determine where archery is permitted and promulgate rules for archery activities on public lands" does not imply that such action will occur without discourse with the City Council, specifically with regard to any relocation of archery activities out of the Lower Arroyo and into a different location.

Councilmember Kennedy stated for the record his support to allow the PRA to maintain their use of the Lower Arroyo for archery activities, but also supported making modifications to archery use as it relates to health and safety.

The following persons spoke in support of the staff recommendation, with the exception of Recommendation No. 4:

Gary Spiers, President of the Pasadena Roving Archers (PRA), Pasadena resident
Tryphena Elliott, Pasadena Roving Archers (PRA), Alhambra resident

Carolyn Gruss, Pasadena Roving Archers (PRA), La
Crescenta resident
Ruchi Parikh, Pasadena resident
Amelia Ludt, Pasadena resident
Richard Ludt, Pasadena resident
Rita Moreno, Recreation and Parks Commission
Mary Dee Romney, San Rafael Neighborhood
Association (SRNA)
Justin Molenda, San Dimas resident
Terri MacQuarrie, Pasadena Roving Archers (PRA),
Pasadena resident
Anthony Hardwick, Pasadena resident
Aaron Kiely, La Canada resident
Melinda Kiely, La Canada resident
Thomas Kiely, Pasadena Roving Archers (PRA),
La Canada resident
San Htu, Pasadena resident
Edward B. Goral, Montrose resident
Amanda Tamayo, Pasadena Roving Archers (PRA),
Pasadena resident
Sam Doliner, Sunland resident
Amanda Ramirez, Alhambra resident
Dianne Bougher, Los Angeles resident
Julie Robinson, Pasadena Roving Archers (PRA), San
Gabriel resident
Andrew Post, Pasadena resident
Marc Kamm, Los Angeles resident
Daniel Stafford, Marina Del Rey resident
Lauren Aghajanian, Pasadena Roving Archers (PRA),
Altadena resident
Kristy Clougherty, Pasadena resident
Kitty Cahalan, Pasadena resident
Don Zachary, Glendale resident
Salvador Ochoa, Eagle Rock resident
Richard Barron, Los Angeles resident
Jessica Tseang, Pasadena Roving Archers (PRA),
Pasadena resident
John Whitaker, Pasadena resident
Steve Lee, Pasadena resident
Suzy Almblade, Los Angeles resident
Blaine Cavena, Treasurer of West Pasadena Residents'
Association (WPRA), Pasadena resident
Tricia Keane, Pasadena resident
James MacQuarrie, Pasadena resident
Ken Villars, Pasadena Roving Archers (PRA), Apple
Valley resident

The following persons spoke in opposition, and/or, expressed concerns regarding the archery activities in the Lower Arroyo:

Mitchell M. Tsai, Attorney representing "The Stewards for Public Land"

Robert Silverstein, The Silverstein Law Firm, representing the "Gertmenian's", displayed arrows that were allegedly found on a resident's property, and submitted written material

Tom Gertmenian, Pasadena resident

Sally Barngrove, Pasadena resident

Dianne Philibosian, Pasadena resident

Timothy Brick, Arroyo Seco Foundation

Tom Seifert, Pasadena resident

Ann Scheid, Pasadena resident, submitted written material

Councilmember Kennedy stated for the record that he supports the Mayor's decision to participate in the discussion regarding the proposal for the Lower Arroyo Archery Range and deal points for a new agreement with the Pasadena Roving Archers.

Councilmember Madison suggested that staff consider a higher limit in terms of liability insurance coverage, stating that a \$1 million policy appears to be inadequate for insuring potential mishaps that may occur as a result of shooting bows and arrows.

In response to Councilmember Madison, David Serrano, Liability Claims Coordinator, indicated that under the California Government Code there are certain indemnity issues with respect to the City for hazardous recreational activities such as archery, which will provide some immunity and protection.

Councilmember Madison also stated that he received correspondence regarding signs that are posted at the Lower Arroyo Archery Range that reference outdated sections of the Pasadena Municipal Code, and asked staff to look into matter.

In response to a question from Councilmember Masuda, Mr. Peretz indicated that staff will work with PRA to ensure that information about the safety training requirement and credential program is included in their promotional materials, as well as on the City's website, and in the Human Services and Recreation brochures.

ORIGINAL MOTION

It was moved by Councilmember Masuda, seconded by Vice Mayor Robinson, to approve the staff recommendation, with the exception of staff recommendation No. 4.

Vice Mayor Robinson expressed concerns regarding the City using any additional fees generated as a result of the new requirements related to archery activities in the Lower Arroyo as a revenue generating source, commented on the perceived issue involving safety and the lack of record supporting the complaints of bows and arrows landing in neighboring yards, stated that she will support the motion although she disagrees with the need to establish the proposed rules for a use that has no record of being a public safety issue.

Councilmember McAustin suggested that staff recommendation No. 4 be removed from any motion, noting that it has been determined that the Lower Arroyo is the appropriate location for archery activities.

In response to a question from Councilmember McAustin, the City Attorney restated Mr. Serrano's comment that there are California Government Code immunities that will apply in the event of an archery accident, but also noted that there is an assumption of risk associated with such activities as well, thus protecting the City from liability in such instances.

Councilmember Madison stated his opposition to granting exclusive use of a significant portion of the Lower Arroyo to PRA for archery activities, stressed the need for the City to verify PRA as 501(c)(3) organization in good standing with the Secretary of State, urged the City to verify/receive PRA's certification from the National Field Archery Association (NFAA), and establish a process that ensures that anyone participating in archery in the Lower Arroyo receive certification by PRA and would therefore be covered under PRA's general liability insurance. He also welcomed the idea of having range masters, encouraged a review of the fee structure associated with archery activities, noting that such fees are not comparable to the fees charged for participation in other organized sporting groups, specifically as it relates to the fee for non-residents, and to ensure that such use in the Lower Arroyo does not jeopardize future grant funding (e.g. Army Corp of Engineers) that may become available in the future to naturalize/beautify the area.

Councilmember Tornek stated his support for archery activities in the Lower Arroyo but expressed concerns regarding the intensification of use for archery, noted that a joint-use alternative is not a viable option for safety reasons, and therefore, stated his support for staff recommendation No. 4, with the deletion of “in order to allow the southern range in the Lower Arroyo to be used for passive recreational uses on weekdays and roving archery on weekends”. He stated his support for the City Manager to work with PRA and residents to pursue the identification of a suitable “additional site”, as opposed to an “alternate site”, to accommodate PRA’s growth/expansion. He also commented on the issues related to liability, suggested that it be required that any individual certified by the PRA becomes a member of the PRA, thereby, ensuring that participants in archery activities in the Lower Arroyo are insured under PRA’s liability insurance, which he strongly recommended be increased well beyond the current minimum requirement of \$1 million.

Councilmember Gordo commented on the proposed agreement with the PRA and the safeguards that will be put in place as a result, agreed with Councilmember Tornek as it relates to the City Manager working with PRA and residents to pursue a suitable “additional site” as opposed to an “alternate site” to accommodate anticipated future growth; however, suggested that the direction be given apart from staff recommendation No. 4. He stated his opposition to staff recommendation No. 4, noting that it is essentially delegating authority to the City Manager, and/or his staff, thereby amending the Lower Arroyo Master Plan (LAMP) outside of a public process, and expressed concern that such a change is an inappropriate delegation of duty. He also suggested further review of the liability insurance issue, as well as other safety issues, such as signage.

Following discussion, Councilmember Kennedy strongly urged that staff recommendation No. 4 be removed from consideration, and stated his opposition to the language included in staff recommendation No. 2, which reads, “determine where archery is permitted”, and echoed Councilmember Madison’s concerns as it relates to PRA’s status as a valid 501(c)(3) organization in good standing with the State.

The City Attorney indicated that the approval framework and deal points of the agreement can be subject to confirmation of the PRA’s 501(c)(3) good standing status.

In response to Councilmember Kennedy, Gary Spiers, President of the Pasadena Roving Archers, confirmed that the State of California website currently reflects that the Pasadena Roving Archers is not listed as a valid organization, and noted that the renewal notice was overlooked and that the matter will be corrected as soon as possible.

Following discussion, Vice Mayor Robinson suggested that the City Council proceed with the proposed action, with the approval being contingent on PRA providing the City with appropriate documentation that verifies their non-profit status and insurance coverage.

Following discussion, Councilmember Madison suggested that proof of certification from the NFAA be included as a condition of approval in the agreement, and that the matter related to liability insurance coverage be addressed.

With regard to a discussion on the amount of liability insurance coverage to be required, Vice Mayor Robinson indicated that it may be more appropriate for staff to determine the appropriate limit of liability insurance, and report back to City Council with the information.

AMENDED MOTION

Following additional discussion, it was moved by Councilmember Masuda, seconded by Vice Mayor Robinson, to approve the staff recommendation, with the exception of Recommendation No. 4, and contingent on verification of the Pasadena Roving Archer's 501(c)(3) non-profit status, and that it is in good standing with the State.

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

NOES: Councilmembers Madison, Tornek, Mayor Bogaard

ABSENT: None

In response to further questions on the liability insurance issue, the City Manager indicated that the desire of the City Council is clear in terms of the need for a higher limit in liability insurance coverage, but stated that he is uncertain if \$5 or \$10 million in coverage would be acceptable to PRA's insurance carrier, and noted that staff will follow-up and report back to the City Council.


SECOND MOTION

Following discussion, it was moved by Councilmember Gordo, seconded by Councilmember Tornek, to direct the City Manager to work with the Pasadena Roving Archers and residents to pursue the identification of a suitable additional site for archery activity.

AYES: Councilmembers Gordo, Madison, McAustin,
Tornek, Vice Mayor Robinson, Mayor Bogaard
NOES: Councilmembers Kennedy and Masuda
ABSENT: None

ADJOURNMENT

On order of the Mayor, the regular meeting of the City Council adjourned at 2:19 a.m.



Terry Tornek, Mayor
City of Pasadena

ATTEST:



City Clerk