

CITY OF PASADENA
City Council Minutes
May 9, 2016 – 5:30 P.M.
City Hall Council Chamber

REGULAR MEETING

OPENING:

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

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

**CITY COUNCIL CONFERENCE WITH LEGAL COUNSEL
REGARDING PENDING LITIGATION pursuant to
Government Code Section 54956.9(d)(1)
Name of Case: Rodeo Holdings v. City of Pasadena
LASC Case No.: BC 542643**

The above closed session item was not discussed.

On the order of the Mayor, the regular meeting reconvened at 6:33 p.m. The pledge of allegiance was led by Councilmember Gordo.

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 Andy Wilson

Staff:

Interim City Manager Steve Mermell
City Attorney Michele Beal Bagneris
City Clerk Mark Jomsky

CEREMONIAL MATTERS

Bryan Takeda, Pasadena Sister Cities Committee, introduced Nancy Geren, Portland-based mixed media artist, creator and donor of the City's gift/artwork to the City's sister-city of Mishima, Japan. The Mayor presented Ms. Green a certificate of recognition in appreciation and gratitude for her donated artwork.

Councilmember Wilson introduced Joe Brisbois who provided a PowerPoint presentation on the 2016 NASA Space Apps Pasadena program. The Mayor presented Mr. Bisbois a certificate of recognition for his effort in bringing the program to Pasadena.

Councilmember Kennedy expressed sympathies and condolences in the passing of Mr. Victor Wright, member of John Muir High School Alumni Hall of Fame, and requested that the meeting be adjourned in his memory.

CONSENT CALENDAR

AUTHORIZATION TO ENTER INTO A CONTRACT WITH MNR CONSTRUCTION, INC., TO PROVIDE LABOR AND MATERIALS FOR THE INSTALLATION OF DUCTILE IRON WATER MAINS IN FOREST AVENUE AND DEL MAR BOULEVARD FOR THE PASADENA WATER AND POWER DEPARTMENT, SPECIFICATION WD-16-02

Recommendation:

- (1) Find that the project is exempt from the California Environmental Quality Act ("CEQA") pursuant to State CEQA Guidelines Sections 15301 (Existing Facilities) and 15302 (Replacement or Reconstruction); and
- (2) Accept the bid dated April 7, 2016, submitted by MNR Construction, Inc., in response to Specification WD-16-02 to provide labor and materials for the installation of ductile iron water mains in Forest Avenue from Lincoln Avenue to Del Monte Street and in Del Mar Boulevard from Lake Avenue to Michigan Avenue for the Pasadena Water and Power Department ("PWP"), and authorize the Interim City Manager to enter into a contract with MNR Construction, Inc., for an amount not-to-exceed \$1,470,557. (Contract No. 30596)

Item discussed separately

AWARD OF CONTRACT TO ADMINISURE FOR WORKERS' COMPENSATION CLAIMS ADMINISTRATION FOR THE CITY'S WORKERS' COMPENSATION PROGRAM

MINUTES APPROVED

April 25, 2016

CLAIMS RECEIVED AND FILED

Claim No. 12,634	Robert Shepherd	\$ 825.00
Claim No. 12,635	Dennis J. Hovelsen	500.00
Claim No. 12,636	Safeco Insurance as subrogee for David and Elaine Hodgkinson	1,896.84
Claim No. 12,637	Crispin Baltazar	551.70

It was moved by Councilmember Gordo, seconded by Vice Mayor Masuda, to approve all items on the Consent Calendar, with the exception of Item 2 (Award of Contract to Adminisure), which was discussed separately. (Motion unanimously carried) (Absent: None)

CONSENT ITEMS DISCUSSED SEPARATELY

AWARD OF CONTRACT TO ADMINISURE FOR WORKERS' COMPENSATION CLAIMS ADMINISTRATION FOR THE CITY'S WORKERS' COMPENSATION PROGRAM

Recommendation:

- (1) Find that the action proposed in the agenda report is not a "project" as defined in the California Environmental Quality Act (CEQA), Public Resources Code Section 21065 and Section 15378(b)(2) of the State CEQA Guidelines and, as such, is not subject to environmental review; and
- (2) Authorize the Interim City Manager to enter into a contract, without competitive bidding pursuant to City Charter Section 1002(F), contracts for professional or unique services, with AdminSure for workers' compensation administration of claims in an amount not-to-exceed \$613,110, with four (4) optional, one-year periods in an amount not-to-exceed \$646,475 per year without further City Council authorization. (Contract No. 30604)

Jennifer Curtis, Director of Human Resources, and Antoinette Joseph, Workers Compensation Supervisor, responded to questions regarding the current workers' compensation claim administration and fiscal components of the proposed contract.

Councilmember Wilson requested information on the bid amounts submitted by all vendors bidding on the contract and suggested that future criteria used by staff include ability to perform when awarding contracts.

Councilmember Gordo requested that staff prepare performance metrics to track and better understand Adminsure's performance in administering the City's Workers Compensation program. In addition, Mr. Gordo requested information on the current number of active workers' compensation claims, the timeliness of a claim's progress through the process, and data related to employees' ability to return to work in a timely manner.

Councilmember Hampton requested information on the yearly number of workers compensation claims filed, with multiple claims by the same employee noted, and the City's actions to address complaints.

Steve Mermell, Interim City Manager, responded that the information requested above will be provided in the City Manager's weekly newsletter.

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

**ORDINANCE – FIRST
READING**

Conduct first reading of “AN ORDINANCE OF THE CITY OF PASADENA AMENDING TITLE 3, CHAPTER 3.24, SECTION 3.24.090 OF THE PASADENA MUNICIPAL CODE TO ALLOW FOR THE SERVICE OF ALCOHOL AT LA CASITA DEL ARROYO”

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

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

PUBLIC HEARING

**CONTINUED PUBLIC HEARING: FISCAL YEAR 2017-2021
RECOMMENDED CAPITAL IMPROVEMENT PROGRAM
BUDGET**

Recommendation: Receive public comment and continue the public hearing to May 16, 2016 at 7:00 p.m. and thereafter at each subsequent regular meeting of the City Council until the City Council determines that the public hearing may close and then formally adopt the FY 2017-2021 CIP Budget.

Mayor Tornek, Chair of the Finance Committee, provided a brief summary of the presentations and proposed CIP projects discussed at the special Joint Finance Committee and City Council meeting held at 2:30 p.m., and stated that the CIP budget review will continue on May 16, 2016 at 3:00 p.m.

Following a brief discussion, it was moved by Councilmember Gordo, seconded by Vice Mayor Masuda, to continue the public hearing listed above to May 16, 2016 at 7:00 p.m., noting a special Joint Finance Committee and City Council meeting will occur at 3:00 p.m. to continue the CIP Budget review. (Motion unanimously carried) (Absent: None)

**PUBLIC HEARING: FISCAL YEAR 2017 RECOMMENDED
OPERATING BUDGET**

Recommendation:
(1) Open the public hearing for the Fiscal Year 2017 Recommended Operating Budget; and
(2) Continue the public hearing to each subsequent regular meeting of the City Council at 7:00 p.m., until June 20, 2016 or such other date as the City Council may determine, and at which time the City Council will be asked to close the public hearing and formally adopt the Fiscal Year 2017 Recommended Operating Budget.

The City Clerk opened the public hearing; reported that the notice of public hearing was published in the Pasadena Journal on April 21, 2016; and no correspondence was received by the City Clerk's office regarding this item.

Steve Mermell, Interim City Manager, provided a PowerPoint presentation on the Fiscal Year 2017 Recommended Operating Budget, and responded to questions. Matthew Hawkesworth, Finance Director, respond to questions regarding full time employees supported by General Fund monies, budget appropriations, and general revenue taxes.

Councilmember Hampton suggested that staff evaluate the City's services provided across City departments, to identify overlapping or obsolete services that may exist and potential efficiencies that can be gained.

Councilmembers Wilson, Hampton, and Gordo stated their support for staff to review the Transient Occupancy Tax (TOT) agreement with Pasadena Center Operating Company (PCOC) in order to identify the appropriate percentage of tax revenue needed to fund PCOC operations, with the remaining amount to be directed to the City's General Fund to fund City services.

Councilmember Madison expressed concerns with using TOT funds without an established policy, and that the PCOC Board be consulted prior to any action taken by the City. In addition, Mr. Madison requested information on the percentage of the City's general fund spent on public safety in comparison to the cities of Burbank and Glendale, and an implementation status update on the recommendations directed by the Task Force on Financial Administration and Internal Controls.

Councilmember Gordo requested that the Interim City Manager provide a report with recommendations on a cost recovery analysis for City services, review of legacy services that may no longer be needed, and review of potential revenue opportunities in the City, with consideration given to convening a revenue generation task force or contracting a consultant. Mr. Gordo also suggested the City explore a parcel tax to fund public safety and the Pasadena Police Department.

Following discussion, it was moved by Councilmember Kennedy, seconded by Councilmember Hampton, to continue the public hearing listed above to May 16, 2016 at 7:00 p.m., noting the continued Joint Finance Committee and City Council meeting will occur at 3:00 p.m. (Motion unanimously carried) (Absent: None)

PUBLIC HEARING: FISCAL YEAR 2017 RECOMMENDED SCHEDULE OF TAXES, FEES, AND CHARGES Recommendation:

- (1) Open the public hearing on the Fiscal Year (FY) 2017 Recommended Schedule of Taxes, Fees, and Charges; and
- (2) Continue the public hearing to each subsequent regular meeting of the City Council at 7:00 p.m., until June 20, 2016 or such other date as the City Council may determine, and at which time the City Council will be asked to close the public hearing and formally adopt the Fiscal Year 2017 Schedule of Taxes, Fees, and Charges.

The City Clerk opened the public hearing; reported that the notice of public hearing was published in the Pasadena Journal on March 24, 2016, March 31, 2016, and April 7, 2016; and on April 14, 2016 and April 21, 2016 an amended notice of public hearing was published in the Pasadena Journal. No correspondence was received by the City Clerk's office regarding this item.

It was moved by Councilmember McAustin, seconded by Councilmember Kennedy, to continue the public hearing listed above to May 16, 2016 at 7:00 p.m. (Motion unanimously carried) (Absent: None)

PUBLIC HEARING: FISCAL YEAR 2017 RECOMMENDED GENERAL FEE SCHEDULE

Recommendation:

- (1) Open the public hearing on the Fiscal Year (FY) 2017 Recommended General Fee Schedule; and
- (2) Continue the public hearing to each subsequent regular meeting of the City Council at 7:00 p.m., until June 20, 2016 or such other date as the City Council may determine, and at which time the City Council will be asked to close the public hearing and formally adopt the Fiscal Year 2017 General Fee Schedule.

The City Clerk opened the public hearing; reported that the notice of public hearing was published in the Pasadena Journal on March 31, 2016, and April 7, 2016; no correspondence was received by the City Clerk's office regarding this item.

It was moved by Councilmember McAustin, seconded by Councilmember Kennedy, to continue the public hearing listed above to May 16, 2016 at 7:00 p.m. (Motion unanimously carried) (Absent: None)

**REPORTS AND COMMENTS
FROM COUNCIL
COMMITTEES**

POLYSTYRENE FOOD PACKAGING ORDINANCE

Recommendation:

(1) Find that the Polystyrene Food Packaging Ordinance is exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15061(b)(3) (General Rule) and also under Section 15308 as an action by a regulatory agency (the City of Pasadena) for the protection of the environment; and

(2) Direct the City Attorney to draft the Polystyrene Food Packaging Ordinance, to reduce and prevent polystyrene food packaging in the environment and promote environmentally sustainable practices in the City, within 60 days consistent with the provisions set forth in the agenda report.

Recommendation of the Municipal Services Committee: On December 8, 2015, staff presented the draft Polystyrene Ordinance to the Municipal Services Committee (MSC) and was directed to further explore the potential economic impacts on restaurants, especially small businesses that may be using polystyrene packaging, and the cumulative impacts of the pending minimum wage increase and the Affordable Care Act.

On April 26, 2016, staff returned to MSC with the requested additional information. MSC acknowledged the importance of an education and outreach campaign to the success of the ordinance and recommended that it be comprehensive in including residents as well as business owners. MSC voted to approve the Polystyrene Food Packaging Ordinance.

Recommendation of the Environmental Advisory

Commission: On October 20, 2015, Department of Public Works staff presented the draft Polystyrene Food Packaging Ordinance to the Environmental Advisory Commission (EAC). The EAC recommended some minor language edits (that were incorporated by staff) and voted unanimously to recommend that City Council approve the draft Polystyrene Food Packaging Ordinance.

Ara Maloyan, Director of Public Works introduced the agenda item, Gabriel Silva, Environmental Programs Manager, presented a PowerPoint presentation on the item, and responded to questions.

Councilmember McAustin, Chair of the Municipal Services Committee, summarized the Municipal Services Committee's discussion regarding the proposed action.

Councilmember Hampton stated his support for the staff's recommendation and asked staff to explore the possibility of a second Materials Reclamation Facility (MRF) where the current recycle facility is located, and asked staff to provide information on other cities that have banned Styrofoam in grocery markets, including meat departments.

Councilmember Kennedy stated for the record that he will be investing in a company that repurposes polystyrene. Mr. Kennedy suggested a more restrictive recommendation that includes banning polystyrene completely within the City.

The following individuals spoke in favor of the staff recommendation and provided comments and/or suggestions regarding various aspects of the proposed staff recommendation:

Christy Zamani, Pasadena resident
Claudia Morales, Pasadena resident
Jazmin Jimenez, Pasadena resident
Lin Griffith, Altadena resident
Tom Brady, All Saints Church Environmental Ministry
Teresa Chuc, Pasadena resident (submitted letters from her 9th grade students)
Therese Brummel, Pasadena resident (submitted petition with signatures of support)
George Patton, Los Angeles resident
Ginko Lee, Pasadena resident
Hans Rosenberger, Arroyo Food Co-op
January Nordman, Altadena resident
Ken Kules, residence not stated
Morey Wolfson, Pasadena resident
Michiko Lynch, Good-To-Go Campaign
Alan Lamson, Pasadena resident
Jim Waterhouse, Pasadena resident
Robert Haw, Citizen Climate Lobby-Pasadena
Joan Sander, residence not stated
Laura Garrett, Environmental Advisory Commission
Jazmine De La Torre, Pasadena resident
Qrys Cunningham, Pasadena resident
Craig Cadwallander, Surfrider Foundation South Bay Chapter
Leah Dilbeck, La Canada Flintridge resident
Emina Darakjy, Pasadena resident
Susan Campisi, Altadena resident
Suzannah Ferron, Sunland resident
Rabbi Jonathan Klein, Faith Action for Animals
Tim Martinez, Arroyo Seco Foundation
Alice Cablayan, The Langham Huntington Pasadena Hotel
Catalina Gonzalez, Pasadena resident
Bryan Zaragoza, Pasadena resident
Wesley Reutmann, Pasadena resident
David Cutter, Pasadena resident
Karen Flores, residence not stated

The following individuals spoke in opposition to staff's recommendation, and expressed concerns and/or provided suggestions regarding the item:

Anson So, El Pollo Unico
Robert Korinke, Dart Container
Dan Rodriguez, Los Angeles County Business Federation
Veronica Perez, California Restaurant Association
Samantha Martinez, Plastic Food Service Packaging Group

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

Councilmember McAustin expressed concerns with the amount of election signage being posted in public rights-of-way and requested that staff enforce the City's sign regulations for these areas.

Mayor Tornek reported that the advertisement for the recruiting of a City Manager has been widely circulated, with an application submittal deadline of May 13, 2016.

ADJOURNMENT

On order of the Mayor, the regular meeting of the City Council adjourned at 9:59 p.m., in memory of Mr. Victor Wright, member of John Muir High School Alumni Hall of Fame.

Terry Tornek, Mayor
City of Pasadena

ATTEST:

City Clerk