

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

REGULAR MEETING

OPENING:

Mayor Tornek called the regular meeting to order at 6:35 p.m. (Absent: Councilmember Hampton) The pledge of allegiance was led by Vice Mayor Masuda.

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

Property Locations: 430 and 470 N. Lake Avenue, Pasadena, CA

Agency Negotiator: Steve Mermell

Negotiating Party(ies): Mano Leventakis

Under Negotiation: Price and terms of payment

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

Name of Case: Pasadena Chapter of the NAACP and Michelle White v. Steve Mermell, Phillip Sanchez and City of Pasadena
LASC Case No.: BS166191

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

Addresses of Properties: 391 South Orange Grove Boulevard, Pasadena; 835 South Raymond Avenue, Pasadena; 700 Seco Street, Pasadena; and 360 North Arroyo Boulevard, Pasadena

Agency Negotiator: Steve Mermell

Negotiating Party: Tournament of Roses Association, Bill Flinn

Under Negotiation: Price and terms of payment

CITY COUNCIL CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to Government Code Section 54956.9(d)(2) (one potential case)

Dale Gronemeier, representing the National Association for the Advancement of Colored People (NAACP), spoke on the City Council's ability to write City legislation and policies.

The above closed session items were discussed following the conclusion of the regular meeting (see page 10).

ROLL CALL:

Councilmembers:

Mayor Terry Tornek
Vice Mayor Gene Masuda
Councilmember Victor Gordo
Councilmember Tyron Hampton (Arrived at 6:41 p.m.)
Councilmember John J. Kennedy
Councilmember Steve Madison
Councilmember Margaret McAustin
Councilmember Andy Wilson

Staff:

City Manager Steve Mermell
City Attorney/City Prosecutor Michele Beal Bagneris
City Clerk Mark Jomsky

CEREMONIAL MATTERS

Councilmember Hampton
arrived at 6:41 p.m.

Jennifer Curtis, Director of Human Resources, Mayor Tornek, Steve Mermell, City Manager, Phillip LeClair, Chief Information Officer, Matt Hawkesworth, Director of Finance, Bill Huang, Director of Housing, Chief of Police Phillip Sanchez, and Gurcharan Bawa, Interim General Manager of Water and Power, introduced the following City employees and presented commendations for 35 and 40 years of dedicated service to Pasadena:

35 Years of Service

Horace Wormely, Human Services and Recreation
Department
Bryan Sands, Department of Information Technology
Kimberly Tucker, Finance Department
Piedad Melgoza, Housing Department
Robin Rae Evans, Police Department
Darryl Qualls, Police Department (not present)
Jesus Reyes, Water and Power Department
Lan Nguyen, Water and Power Department
Jose Reyes, Public Works Department (not present)
Paul Tomeck, Public Works Department (not present)

40 Years of Service

Barbara Ayala, Libraries and Information Services
Department (not present)

Councilmember Hampton thanked the recognized employees for their many years of dedicated service to the City.

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

Dale Gronemeier, representing the NAACP, asked the City Council to reject the Pasadena Police Body Worn Camera Policy and the process used to develop and approve the policy.

Ernesto Najera, Pasadena resident, asked that City staff respond to concerns regarding any proposal or action to apply Utility Users Tax (UUT) to Over the Top Television (OTT) services (i.e. Netflix, Hulu) that was referenced on local news channels.

He also asked that the City Council reiterate the City's position on immigration issues and plans to become a sanctuary City.

Jasmine Abdullah, Black Lives Matter Pasadena, spoke on the death of Reginald Thomas Jr., the Kendrick McDade case, and expressed concerns with the Pasadena Police Body Worn Camera Policy.

Rodger Roldan, Pasadena Police Officers' Association, spoke in support of the Pasadena Police Body Worn Camera Policy.

In response to public comment related to any potential action by the City to apply Utility Users Tax (UUT) to Over the Top Television (OTT) services (i.e. Netflix, Hulu, etc.), Michele Beal Bagneris City Attorney/City Prosecutor, stated that the City has not made any changes to the existing UUT tax.

In response to the public comment regarding immigration concerns, Steve Mermell, City Manager, read the following statement taken from the City's 2016 Federal Legislative Platform: "The City of Pasadena strongly believes that immigrants strengthen the community economically and culturally and welcome their contribution to society. With regard to federal legislation aimed at reforming federal immigration laws, the City would urge Congress and the President to reaffirm that addressing unlawful immigration in a compassionate manner is the primary responsibility of the federal government, and that sufficient resources must be committed on the federal level for this purpose. In a resolution adopted by the City Council in October 2013, the City of Pasadena hereby supports a humane and comprehensive immigration reform proposal with the following principles: provides an attainable and affordable pathway to full citizenship for nearly 11 million undocumented immigrants in the United States; family unity as a cornerstone of our immigration system; provides due process and labor protections; allows access to key essential services such as health care; and local governments should not be mandated to enforce federal immigration laws, particularly when resources necessary to enforce local laws are already stretched."

In addition, Mr. Mermell stated that Police Chief Sanchez is currently reviewing and updating the Pasadena Police Department's policy statement on immigration and will provide an update in the near future.

Councilmember Kennedy asked staff to provide a copy of the Sanctuary City Policy adopted by the San Francisco Board of Supervisors to the Chair of the Legislative Policy Committee for review and consideration.

Councilmember Madison asked that the discussion on immigration and the City's status as a Sanctuary City be agendaized as soon as possible, and stated the need for the City to weigh in on the Deferred Action for Childhood Arrivals (DACA) program, and provide assurances to the community so as to address and calm the anxiety expressed by many individuals at a recent community meeting.

CONSENT CALENDAR

SIX MONTH EXTENSION TO CONTRACT NO. 20852 WITH WITTMAN ENTERPRISES, LLC FOR PARAMEDIC BILLING SERVICES, AND DECREASE CONTRACT RATE FROM 5.25% TO 5.0% OF NET COLLECTIONS

Recommendation:

(1) Find that the proposed action is not a project subject to the California Environmental Quality Act (CEQA) as defined in Section 21065 of CEQA and Sections 15060(c)(2), 15060(c)(3), and 15378 of the State CEQA Guidelines and, as such, no environmental document pursuant to CEQA is required for the project;

(2) To the extent this could be considered a separate procurement, grant the proposed contract amendment 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. Competitive Bidding is not required pursuant to City Charter Section 1002(F) contracts for professional or unique services; and

(3) Authorize the City Manager to amend Contract No. 20852 by decreasing the contract rate from 5.25% to 5.0% of net collections for Paramedic Billing Services and extend the contract up to six months. (Contract No. 20,852-1)

Item discussed separately

AMENDMENT TO CONTRACT NO. 30119 WITH RINCON CONSULTANTS TO INCREASE THE NOT-TO-EXCEED AMOUNT FROM \$100,958 TO \$175,976 FOR THE PREPARATION OF A CLIMATE ACTION PLAN

CONTRACT AWARD TO VART CONSTRUCTION, INC., FOR DRAINAGE IMPROVEMENTS OF FLAT STREETS 2016-2017 FOR AN AMOUNT NOT-TO-EXCEED \$670,000

Recommendation:

(1) Find the project proposed in the agenda report to be categorically exempt under the California Environmental Quality Act (CEQA) State Guidelines in accordance with Title 14, Chapter 3, 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 23, 2016, submitted by Vart Construction, Inc., in response to specifications for Drainage Improvements of Flat Streets 2016-2017 and authorize the City Manager to enter into a contract not-to-exceed \$670,000 which includes the base contract amount of \$609,500 and a contingency of \$60,500 to provide for any necessary change orders. (Contract No. 30773)

Item discussed separately

APPROVAL OF FINAL TRACT MAP NO. 073027 FOR CREATION OF EIGHT RESIDENTIAL AIR PARCELS FOR CONDOMINIUM PURPOSES AT 728-730 SOUTH MARENGO AVENUE

APPROVAL OF FINAL TRACT MAP NO. 070884 FOR CONSOLIDATION OF FIVE LOTS INTO TWO LOTS AT 1690-1734 KAWEAH DRIVE

Recommendation:

- (1) Adopt a resolution to approve Final Tract Map No. 070884 for the consolidation of five lots into two lots; and
- (2) Authorize the City Clerk to execute the certificate on the map showing the City's approval of said map.

Recommendation of the Hearing Officer: The subject tentative map was approved on December 2, 2009 by the Subdivision Hearing Officer, to be recorded within three years. In 2008, the State passed Senate Bill 1185, which automatically granted a one-year extension to all approved tentative maps. In 2009, the State passed Assembly Bill 333, which allows that all tentative maps with an expiration date prior to January 1, 2011, to be automatically extended by 12 months. In 2011, the State passed Assembly Bill 208, which allows that all tentative maps with an expiration date prior to January 1, 2014, to be automatically extended by 24 months. In 2013, the State passed Assembly Bill 116, which allows all tentative maps with an expiration date prior to January 1, 2016, to be automatically extended by 24 months. The extensions allowed by the aforementioned Bills are accumulative, and therefore, the amended expiration date of the Final Tract Map is December 2, 2017. (Resolution No. 9538)

AUTHORIZE INCREASE TO PURCHASE ORDER WITH MUNICIPAL EMERGENCY SERVICES, INC., BY \$149,000 FOR A TOTAL AMOUNT NOT-TO-EXCEED \$298,000 FOR THE PURCHASE OF PERSONAL PROTECTIVE EQUIPMENT (PPE) FOR THE FIRE DEPARTMENT

Recommendation:

- (1) Find that the proposed action is not a project subject to the California Environmental Quality Act (CEQA) pursuant to Section 21065 of CEQA and Sections 15060(c)(2), 15060(c)(3), and 15378 of the State CEQA Guidelines and, as such, no environmental document pursuant to CEQA is required for the project;

(2) Authorize an increase to Purchase Order No. 1171145, with Municipal Emergency Services Incorporated (MES) by \$149,000 for a total amount not-to-exceed \$298,000 for the purchase of Personal Protective Equipment. Competitive Bidding is not required pursuant to City Charter Section 1002(H), contracts with other governmental entities or their contractors for labor, materials, supplies or services; and

(3) Grant the proposed 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.

Item discussed separately

AUTHORIZE PURCHASE ORDER WITH NATIONAL AUTO FLEET GROUP FOR PURCHASE OF TEN REPLACEMENT FORD EXPLORER POLICE INTERCEPTOR VEHICLES FOR A TOTAL OF \$293,200

APPOINTMENT OF ROGELIO RAMIREZ TO THE NORTHWEST COMMISSION (District 3 Nomination)

APPOINTMENT OF FRANK T. SATA TO THE SENIOR COMMISSION (District 3 Nomination)

APPOINTMENT OF TIMOTHY S. SALES TO THE TRANSPORTATION ADVISORY COMMISSION (District 5 Nomination)

MINUTES APPROVED

November 14, 2016

November 21, 2016

November 28, 2016

CLAIMS RECEIVED
AND FILED

Claim No. 12,760	The Joseph A. Tang Law Firm, representing Joshua White	\$ 25,000.00+
Claim No. 12,761	William B. Mujica, Jr.	25,000.00+
Claim No. 12,762	Stone Busailah, LLP, representing Michael Bugh	25,000.00+
Claim No. 12,763	Samantha Longo	500.00
Claim No. 12,764	Paliwoda & Paliwoda, representing Kia Espinda	25,000.00+
Claim No. 12,765	Law Offices of Norman R. Nadel, representing Cindy Vega	25,000.00+
Claim No. 12,766	Ada L. Romero	1,751.45

PUBLIC HEARING SET

March 20, 2017, 7:00 p.m. – Submission of Public Housing Agency Annual Plan (2017) to the U.S. Department of Housing and Urban Development

It was moved by Councilmember Gordo, seconded by Councilmember Madison, to approve all items on the Consent Calendar, with the exception of Item 2 (Amendment to Contract No. 30119), Item 4 (Approval of Final Tract Map No. 073027), and Item 7 (Authorize Purchase Order With National Auto Fleet Group), which were discussed separately. (Motion unanimously carried) (Absent: None)

CONSENT ITEMS
DISCUSSED SEPARATELY

AMENDMENT TO CONTRACT NO. 30119 WITH RINCON CONSULTANTS TO INCREASE THE NOT-TO-EXCEED AMOUNT FROM \$100,958 TO \$175,976 FOR THE PREPARATION OF A CLIMATE ACTION PLAN

Recommendation:

- (1) Find that the amendment to Contract No. 30119 with Rincon Consultants is exempt from California Environmental Quality Act (CEQA) pursuant to CEQA State Guidelines Section 15061(b)(3)(General Rule); and
- (2) Authorize the City Manager to amend Contract No. 30119 with Rincon Consultants to increase the contract amount by \$75,018, thereby increasing the not-to-exceed amount from \$100,958 to \$175,976 for the completion of the Climate Action Plan. (Contract No. 30119-1)

David Reyes, Director of Planning, summarized the agenda report, and responded to questions.

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

APPROVAL OF FINAL TRACT MAP NO. 073027 FOR CREATION OF EIGHT RESIDENTIAL AIR PARCELS FOR CONDOMINIUM PURPOSES AT 728-730 SOUTH MARENGO AVENUE

Recommendation:

- (1) Adopt a resolution to approve Final Tract Map No. 073027 for the creation of eight residential air parcels for condominium purposes; and
- (2) Authorize the City Clerk to execute the certificate on the map showing the City's approval of said map. (Resolution No. 9539)

Recommendation of the Hearing Officer: The subject tentative map was approved on November 5, 2014 by the Subdivision Hearing Officer, to be recorded within three years. In 2008, the State passed Senate Bill 1185, which automatically granted a one-year extension to all approved tentative maps. In 2013, the State passed Assembly Bill 116, which allows all tentative maps with an expiration date prior to January 1, 2016, to be automatically extended by 24 months. The 24-month extension is in addition to the one-year extension granted by Senate Bill 1185. Therefore, the amended expiration date of this Final Tract Map is November 5, 2020.

Erika Foy, Pasadena resident, raised concerns with the proposed development in relation to increasing the number of units from six to eight, setbacks, design, parking concerns, and increased traffic.

Kristen Harrison, Pasadena resident, stated her belief that the property located on Marengo Avenue and California Boulevard should not be considered for a large-scale project and expressed concerns with losing green space.

Kelly Holmes, Pasadena resident, expressed concerns with the redevelopment of single-family homes and low-density homes along Marengo Avenue and California Boulevard; and future development on Arroyo Parkway.

Steve Mermell, City Manager, responded that David Reyes, Planning Director and staff have met with the public speakers and have agreed to participate in a site visit to review the areas of concern cited by the speakers.

In response to the Mayors request to clarify the process of the approval of the final tract map, Mr. Reyes explained the process and requirements required in procuring a subdivision tentative and final tract map.

Councilmember Wilson spoke in favor of staff reviewing the existing City of Gardens project standards, which are outside of specific plan areas, and addressing the public comment concerns.

Following discussion, it was moved by Councilmember Gordo, seconded by Vice Mayor Masuda, to approve the staff recommendation:

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

NOES: Councilmember Wilson

ABSENT: None

ABSTAIN: None

AUTHORIZE PURCHASE ORDER WITH NATIONAL AUTO FLEET GROUP FOR PURCHASE OF TEN REPLACEMENT FORD EXPLORER POLICE INTERCEPTOR VEHICLES FOR A TOTAL OF \$293,200

Recommendation:

(1) Find that this action is exempt under 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; and

(2) Authorize a purchase order with National Auto Fleet Group for the purchase of ten replacement Ford Explorer Police Interceptor vehicles in an amount not-to-exceed \$293,200. Neither competitive bidding nor competitive selection is required pursuant to City Charter Section 1002(H) and Pasadena Municipal Code Section 4.08.049(A)(3) contracts with other governmental entities.

Councilmember Hampton reiterated his concerns with staff's recommendation to award a contract without fully utilizing the City's competitive selection process and finding ways to provide local vendors with increased incentives and opportunities to submit bids.

In response to Councilmember Hampton's request, City Manager Steve Mermell stated that he would provide fiscal information on the City's auctioned vehicles.

Ara Maloyan, Director of Public Works, and Randy Rich, Public Works Administrator, responded to questions regarding staff's decision to recommend contract award to the proposed vendor; and provided information on Pasadena car dealers that were contacted as part of the bidding process.

In response to Councilmember Hampton's concerns, City Manager Steve Mermell stated that staff will provide bid specifications for the Police Interceptor Vehicles to all the Pasadena car dealerships, and provide comparison price data for each dealership and National Auto Fleet group to the City Council.

Councilmember Kennedy asked staff to confirm whether or not the local entity would receive sales tax revenue if a supplier or manufacturer provides vehicles to a local dealership.

Following discussion, it was moved by Councilmember Gordo, seconded by Councilmember McAustin, to approve the staff recommendation:

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

**ORDINANCE – FIRST
READING**

Conduct first reading of "AN ORDINANCE OF THE CITY OF PASADENA AMENDING PASADENA MUNICIPAL CODE TITLE 14 AND ADOPTING TITLE 24 OF THE CALIFORNIA CODE OF REGULATIONS INCORPORATING THE 2016 CALIFORNIA BUILDING CODE AND APPENDIX CHAPTERS

C, D, H, I, AND J; THE 2016 CALIFORNIA RESIDENTIAL BUILDING CODE AND APPENDIX E, G, AND H; THE 2016 CALIFORNIA MECHANICAL CODE; THE 2016 CALIFORNIA PLUMBING CODE; THE 2016 CALIFORNIA ELECTRICAL CODE; THE 2016 CALIFORNIA FIRE CODE; AND THE 2016 CALIFORNIA GREEN BUILDINGS STANDARDS CODE"

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

AYES: Councilmembers Gordo, Hampton, Kennedy, Madison, McAustin, Wilson, Vice Mayor Masuda, Mayor Tornek

NOES: None

ABSENT: None

ABSTAIN: None

COUNCIL COMMENTS

Councilmember Madison invited the City Council and public to attend the ceremonial plaque unveiling to commemorate President Barack Obama's college days in Pasadena scheduled on December 17, 2016, at 253 East Glenarm. In addition, Mr. Madison spoke on the alleged illegally removal of two palms trees at the former Twin Palm restaurant and asked staff to pursue all legal remedies to the maximum extent of the law, and agendize an item for the City Council (or the appropriate Council Committee) to discuss the City's regulations on illegal tree removal to determine whether the current policy adequately deters flagrant illegal conduct of this nature. Furthermore, Mr. Madison spoke on the November edition of the Southwest Airlines In-flight Magazine article, "Your Adventure in Pasadena" that highlights Pasadena.

Councilmember Kennedy acknowledged and thanked Councilmember Gordo on the highly attended and successful community event, "Great Day of Service" held on Friday, November 25, 2016, in Council Districts 3 and 5.

Councilmember Gordo asked the City Council to consider sponsoring a day-of-service event throughout the City.

The Mayor reported on Pasadena's Annual Tree Lighting and Holiday Event held on December 2, 2016 at City Hall and the Mayor's Christmas Dinner held on December 4, 2016; and thanked Director Horace Wormely and the rest of the Human Services and Recreation Department staff that assisted and participated in the setup of these events.

On the order of the Mayor, the regular meeting recessed at 7:46 p.m. to discuss the following closed session items:

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

**Property Locations: 430 and 470 N. Lake Avenue, Pasadena,
CA**

Agency Negotiator: Steve Mermell

Negotiating Party: Mano Leventakis

Under Negotiation: Price and terms of payment

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

**Name of Case: Pasadena Chapter of the NAACP and Michelle
White v. Steve Mermell, Phillip Sanchez and City of Pasadena
LASC Case No.: BS166191**

**CITY COUNCIL CONFERENCE WITH LEGAL COUNSEL –
ANTICIPATED LITIGATION**

**Significant exposure to litigation pursuant to Government
Code Section 54956.9(d)(2) (one potential case)**

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

**Addresses of Properties: 391 South Orange Grove
Boulevard, Pasadena; 835 South Raymond Avenue,
Pasadena; 700 Seco Street, Pasadena; and 360 North Arroyo
Boulevard, Pasadena**

Agency Negotiator: Steve Mermell


**Negotiating Party: Tournament of Roses Association, Bill
Flinn**

Under Negotiation: Price and terms of payment

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

ADJOURNMENT

On order of the Mayor, the regular meeting of the City Council
adjourned at 10:06 p.m.


Terry Tornek, Mayor
City of Pasadena

ATTEST:



City Clerk