

CITY OF PASADENA
City Council Minutes
July 24 2017 – 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: Councilmembers Hampton, Madison)

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 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, David Eads

Under Negotiation: Price and terms of payment

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

Property Location: 835 South Raymond Avenue

Agency Negotiator: Steve Mermell

Negotiating Party: Gilles d'Amecourt

Under Negotiation: Price and terms of payment

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

On the order of the Mayor, the regular meeting reconvened at 6:32 p.m. The pledge of allegiance was led Councilmember Wilson.

ROLL CALL:

Councilmembers:

Mayor Terry Tornek

Vice Mayor John J. Kennedy

Councilmember Victor Gordo

Councilmember Tyron Hampton

Councilmember Steve Madison (Absent)

Councilmember Gene Masuda

Councilmember Margaret McAustin

Councilmember Andy Wilson

Staff:

City Manager Steve Mermell
Chief Assistant City Attorney Javan Rad
City Clerk Mark Jomsky

CEREMONIAL MATTERS

The City Clerk administered the oath of office to Beverly Sim as Northwest Commissioner.

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

Joe Brown, Pasadena resident, commended Vice Mayor Kennedy and the City Council for their positions and policy on immigration, and Police Chief Sanchez for his critical advocacy role in the City.

Maria Bejarano and Herminia Ortiz, Pasadena residents, spoke on the parking challenges on Esther Street and asked the City to consider parking alternatives for impacted residents.

In response to public comment, City Manager Mermell stated that staff would contact Ms. Bejarano and Ms. Ortiz to address their concerns.

Annette Wong, Pasadena Rose City Poets, recited poetry.

Amari Stewart, Black Lives Matter, and Emoni Waiters, Pasadena resident, spoke on the need for affordable opportunities and resources in Northwest Pasadena for youths; and expressed concerns with any cameras installed in La Pintoresca Park.

In response to Councilmember Hampton's inquiry regarding cameras in the City's parks, City Manager Mermell stated that the City does not have a program with cameras in parks, however the Pasadena Police Department has deployed cameras for a short period, and will confirm with staff if there are cameras at La Pintoresca Park.

Vice Mayor Kennedy stated that he would work with staff, and the community, to address Ms. Stewart and Ms. Waiters concerns related to the costs associated with La Pintoresca Teen Education Center.

Jasmine Abdulla, Black Lives Matter, expressed concerns with cameras in the City's parks; and recent news regarding Pasadena Police personnel and firearm waivers.

Nadine Pensis, Pasadena resident, expressed concerns with illegal activities in her neighborhood and asked the City for assistance.

In response to public comment, Councilmember Gordo asked that Pasadena Police and Code Enforcement staff investigate Ms. Pensis concerns, and report back to the City Council.

CONSENT CALENDAR

Item discussed separately

AUTHORIZATION TO ENTER INTO A CONTRACT WITH LIFE-ASSIST, INC., TO FURNISH AND DELIVER MEDICAL SUPPLIES AS REQUIRED FOR AN AMOUNT NOT-TO-EXCEED \$1,000,000

AMENDMENT TO CONTRACT NO. 30092 WITH ESA PCR TO INCREASE THE NOT-TO-EXCEED AMOUNT FROM \$199,713 TO \$237,893 FOR ENVIRONMENTAL SERVICES FOR THE HUNTINGTON MEMORIAL HOSPITAL MASTER PLAN AMENDMENT PROJECT

Recommendation:

- (1) Find that the amendment to Contract No. 30092 with ESA PCR is exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15061(b)(3) (General Rule); and
- (2) Authorize the City Manager to amend Contract No. 30092 with ESA PCR to increase the contract amount by \$38,180, thereby increasing the not-to-exceed amount from \$199,713 to \$237,893 for the amendment to the Final Environmental Impact Report (EIR) for the Huntington Memorial Hospital Master Plan Amendment project. (Contract No. 30092-6)

AUTHORIZATION TO ENTER INTO A CONTRACT WITH VOCOM INTERNATIONAL TELECOMMUNICATION, INC., FOR FIBER OPTIC CABLE AND MICRODUCT

Recommendation:

- (1) Find that the proposed action is exempt from the California Environmental Quality Act ("CEQA") pursuant to State CEQA Guidelines Section 15301 (Existing Facilities);
- (2) Accept the bid dated June 28, 2017, submitted by Vocom International Telecommunication, Inc., in response to the specifications to furnish fiber optic cable and microduct, rejecting all other bids received; and
- (3) Authorize the City Manager to enter into a two-year contract with Vocom International Telecommunication, Inc., with a total not-to-exceed amount of \$258,000. (Contract No. 30969)

AUTHORIZATION TO ENTER INTO A CONTRACT WITH ACCO ENGINEERED SYSTEMS, INC., TO PROVIDE MAINTENANCE, INSPECTION AND REPAIR SERVICES FOR THE GLENARM POWER PLANT GAS TURBINES INLET AIR CHILLERS

Recommendation:

- (1) Find that the authorization to enter into a contract with ACCO Engineered Systems, Inc., is exempt from the California Environmental Quality Act ("CEQA") pursuant to State CEQA Guidelines Section 15301, Existing Facilities; and

(2) Authorize the City Manager to enter into a contract with ACCO Engineered Systems, Inc., without competitive bidding pursuant to City Charter Section 1002(F), contracts for professional or unique services, for maintenance, inspection, and repair services for the Glenarm Power Plant Gas Turbines Inlet Air Chillers in an amount not-to-exceed \$310,000 over a period of five years. The contract would include an optional two-year extension not-to-exceed \$124,000, subject to the approval of the City Manager. If this option is exercised the total contract amount would be \$434,000. (Contract No. 30970)

PURCHASE ORDER AWARD TO BODYWORKS EQUIPMENT, INC., FOR AS-NEEDED LABOR AND REPAIR ON REFUSE COLLECTION VEHICLES FOR A NOT-TO-EXCEED AMOUNT OF \$330,000

Recommendation:

(1) Find that 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; and

(2) Accept the bid dated June 5, 2017, submitted by Bodyworks Equipment, Inc., in response to specifications for Certified Heil Labor and Repair, and authorize the issuance of a purchase order with Bodyworks Equipment, Inc., in an amount not-to-exceed \$330,000 over a three-year period with the option for two additional one-year terms in the annual amount of \$110,000, at the discretion of the City Manager, for a maximum total contract length of five years and a total contract amount of \$550,000.

PURCHASE ORDER AWARD TO THORSON GMC BUICK MOTOR COMPANY FOR AS-NEEDED LABOR AND REPAIR ON GENERAL MOTORS VEHICLES FOR A NOT-TO-EXCEED AMOUNT OF \$225,000

Recommendation:

(1) Find that 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; and

(2) Accept the bid dated June 6, 2017, submitted by Thorson GMC Buick Motor Company in response to specifications for Certified General Motors Labor and Repair, and authorize the issuance of a purchase order with Thorson GMC Buick Motor Company in an amount not-to-exceed \$225,000 over a three-year period with the option for two additional one-year terms in the annual amount of \$75,000, at the discretion of the City Manager, for a maximum total contract length of five years and a total contract amount of \$375,000.

Item discussed separately

CONTRACT AWARD TO COMMERCIAL ROOFING SYSTEMS, INC., FOR SENIOR CENTER ROOF RESTORATION PROJECT FOR AN AMOUNT NOT-TO-EXCEED \$107,883

CONTRACT AWARD TO HARDY AND HARPER, INC., FOR RESURFACING OF HILL AVENUE BETWEEN NORTH CITY LIMIT AND MAPLE STREET FOR AN AMOUNT NOT-TO-EXCEED \$700,000

Recommendation:

(1) Find the project in the agenda report to be categorically exempt under the California Environmental Quality Act (CEQA) State Guidelines in accordance with Title 14, Chapter 3, Article 19, Section 15301, Class 1, 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 June 30, 2017, submitted by Hardy & Harper, Inc., in response to the Plans and Specifications for the Resurfacing of Hill Avenue between North City Limit and Maple Street, and authorize the City Manager to enter into such contract for an amount not-to-exceed \$700,000. (Contract No. 30960)

Item discussed separately

AUTHORIZE THE GENERAL MANAGER OF THE WATER AND POWER DEPARTMENT TO ENTER INTO A FUNDING AGREEMENT WITH THE UNITED STATES DEPARTMENT OF THE INTERIOR, BUREAU OF RECLAMATION FOR THE PASADENA NON-POTABLE WATER PROJECT, PHASE 1

AUTHORIZATION TO ENTER INTO A PURCHASE ORDER WITH STORAGE BATTERY SYSTEM FOR AN AMOUNT NOT-TO-EXCEED \$80,162 TO FURNISH AND DELIVER VALVE-REGULATED LEAD ACID BATTERIES; AND AUTHORIZATION TO ENTER INTO A PURCHASE ORDER WITH ONE SOURCE DISTRIBUTORS FOR AN AMOUNT NOT-TO-EXCEED \$284,985 TO FURNISH AND DELIVER FLOOD-TYPE LEAD ACID BATTERIES

Recommendation:

(1) Find that the proposed action is exempt from the California Environmental Quality Act ("CEQA") pursuant to State CEQA Guidelines Section 15302 (Class 2 Replacement and Reconstruction);

(2) Accept the bid received on April 25, 2017, submitted by Storage Battery System in response to Specification LD-17-05 Valve-Regulated Lead-Acid Batteries; reject all other bids, and authorize the issuance of a Purchase Order with Storage Battery System for Valve-Regulated Lead Acid Batteries in an amount not-to-exceed \$80,162; and

(3) Accept the bid received on May 30, 2017, submitted by One Source Distributors in response to Specification LD-17-01 Flood-Type Lead Acid Batteries; reject all other bids, and authorize the issuance of a Purchase Order with One Source Distributors for Flood-Type Lead Acid Batteries in an amount not-to-exceed \$284,985

Item discussed separately

AUTHORIZE A SERVICES CONTRACT WITH CABLE ENGINEERING SERVICES FOR AN AMOUNT NOT-TO-EXCEED \$350,000 FOR THE WATER AND POWER DEPARTMENT

Item discussed separately

JOINT TAX TRANSFER RESOLUTION BETWEEN THE SAN GABRIEL VALLEY MOSQUITO AND VECTOR CONTROL DISTRICT, LOS ANGELES COUNTY, AND THE CITY OF PASADENA (ANNEXATION 2016-34)

AUTHORIZATION TO ENTER INTO A CONTRACT WITH TMG CONSULTING TO PERFORM A REQUIREMENTS DEFINITION AND NEEDS ASSESSMENT FOR A UTILITY CUSTOMER INFORMATION SYSTEM

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) (General Rule); and
- (2) Authorize the City Manager to enter into a services contract with TMG Consulting to perform a Requirements Definition and Needs Assessment for a Customer Information System in an amount not-to-exceed \$285,120. Competitive Bidding is not required pursuant to City Charter Article X Section 1002(F), Contracts for professional or unique services. (Contract No. 30967)

Vice Mayor Kennedy stated for the record: "In educating the Council, Steve, I believe that it would have been helpful to find out, maybe I missed it, but I did read it, what other agencies were doing in this area, in reference to the Utility Customer Information System. One, on the private sector level and on the public sector as well. For example, LADWP, and our neighbor just to the south is obviously in operation in the City of Pasadena as well, not providing electric services, but certainly they have lines transmission and otherwise and that's Edison. So, I felt that the report was a little less circumspect in terms of educating the Council; and then at least some information would have been helpful, if what is contemplated in the Agenda Item 13, is there a relationship between the \$7,000,000 investment that we are making in Tyler Munis with what is contemplated here, because it's an additional cost associated with Agenda Item 13.

So, we don't have that...I believe we don't have that information, but it is certainly something maybe you can come back to us on in the City Manager's News Letter."

In response to Vice Mayor Kennedy's comments, City Manager Mermell, responded that the City's goal, with the assistance of the consulting firm, is to assess the City's utility billing system and determine whether to upgrade the current platform or replace the billing system; and agreed to provide further information in the newsletter.

Gurcharan Bawa, General Manager of Water and Power, responded that the scope of the analysis for the consultant includes analyzing all the City's systems that interface with the Water and Power's billing system.

RESIGNATION OF SAHAG YEDALIAN FROM THE HUMAN RELATIONS COMMISSION (District 2 Nomination)

RESIGNATION OF MANDIP SAMRA FROM THE HUMAN RELATIONS COMMISSION (District 7 Nomination)

CLAIMS RECEIVED AND FILED

Claim No. 12,914	Wilshire Law Firm, representing Erick Schellenger	\$ 25,000.00+
Claim No. 12,915	State Farm Insurance as subrogee for Luis Cendejas	3,248.36
Claim No. 12,916	Wilshire Law Firm, representing Nereida Rodriguez	25,000.00+
Claim No. 12,917	Wesley G. Ouchi, The Ouchi Law Firm, representing Salvador Flores	25,000.00+
Claim No. 12,918	Heather Justice	3,053.00
Claim No. 12,919	Margaret Ewing	136.49
Claim No. 12,920	Mercury Insurance Group	2,700.00
Claim No. 12,921	Kenneth Romo	25,000.00+
Claim No. 12,922	James P. Leuper	507.03
Claim No. 12,923	State Farm Mutual Automobile Insurance Company as subrogee for Hwannie Shen	3,463.29

It was moved by Councilmember Gordo, seconded by Councilmember Hampton, to approve all items on the Consent Calendar, with the exception of Item 1 (Authorization to Enter into A Contract With Life-Assist), Item 7 (Contract Award to Commercial Roofing Systems, Inc.), Item 9 (Agreement With The United States Department of The Interior), Item 11 (Authorize A Services Contract with Cable Engineering Services), and Item 12

(Joint Tax Transfer Resolution Between The San Gabriel Valley Mosquito and Victor Control District), which were discussed separately. (Motion unanimously carried) (Absent: Councilmember Madison)

CONSENT ITEMS
DISCUSSED SEPARATELY

AUTHORIZATION TO ENTER INTO A CONTRACT WITH LIFE-ASSIST, INC., TO FURNISH AND DELIVER MEDICAL SUPPLIES AS REQUIRED FOR AN AMOUNT NOT-TO-EXCEED \$1,000,000

Recommendation:

(1) Find that the proposed action in the agenda report is exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15061(b)(3) (General Rule); and
(2) Accept the bid dated June 5, 2017, submitted by Life-Assist, Inc., in response to a Bid Invitation to furnish and deliver medical supplies as requested, reject all other bids received, and authorize the City Manager to enter into a contract with Life-Assist, Inc., for an amount not-to-exceed \$1,000,000, which includes \$600,000 for an initial three year terms and two optional one-year terms with each year not-to-exceed \$200,000 subject to approval by the City Manager. (Contract No. 30966)

CONTRACT AWARD TO COMMERCIAL ROOFING SYSTEMS, INC., FOR SENIOR CENTER ROOF RESTORATION PROJECT FOR AN AMOUNT NOT-TO-EXCEED \$107,883

Recommendation:

(1) Find that the project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines in accordance with Title 14, Chapter 3, Article 19, Class 1, Section 15301, Existing Facilities, which exempts minor alteration of existing public facilities where no expansion of the use will take place; and
(2) Accept the bid dated July 5, 2017, submitted by Commercial Roofing Systems, Inc., in response to the Project Plans and Specifications for the Senior Center Roof Restoration Project, and authorize the City Manager to enter into such contract for an amount not-to-exceed \$107,883. (Contract No. 30959)

The above two items were discussed concurrently.

Vice Mayor Kennedy spoke on the need for staff to encourage Pasadena-based businesses to participate in the bidding process for City contracts, and suggested that staff actively call local business to inform them of the City's bid opportunities.

Steve Mermell, City Manager, responded to questions regarding City staff's outreach and notification efforts to Pasadena businesses regarding bidding opportunities, stated that the Finance Department will host and schedule a local community workshop, "Doing Business with the City", and that staff can include the names of all bidders in future staff reports.

Councilmember Hampton expressed concerns with including the name of unresponsive bidders in the agenda reports due to possible negative impacts to the company labeled as unresponsive; and echoed Vice Mayor Kennedy's suggestion regarding outreach to local business on bidding opportunities.

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

AUTHORIZE THE GENERAL MANAGER OF THE WATER AND POWER DEPARTMENT TO ENTER INTO A FUNDING AGREEMENT WITH THE UNITED STATES DEPARTMENT OF THE INTERIOR, BUREAU OF RECLAMATION FOR THE PASADENA NON-POTABLE WATER PROJECT, PHASE 1

Recommendation:

(1) Find that the federal funding from the United States Department of the Interior, Bureau of Reclamation ("USBR") for the Pasadena Non-Potable Water Project, Phase I was subject to adequate environmental review in the Environmental Impact Report certified by City Council on February 22, 2016, and there are no changes to the project, changed circumstances or new information, proposed with this action which would trigger additional environmental review; and

(2) Authorize the General Manager of the Water and Power Department ("PWP") to sign on behalf of the City of Pasadena the funding agreement with the USBR for the Pasadena Non-Potable Water Project, Phase I; conduct all negotiations with the federal agency; and execute all documents including other agreements, amendments, payment requests, and others, as may be necessary to implement the funding agreement, including potential future increases to the maximum grant amount awarded for Phase I. (Contract No. 22,807)

Nina Chomsky, Linda Vista - Annandale Association, spoke on the need for the City to provide with certainty on the funding for Pasadena Non-Potable Water Project, Phase I.

Avis Kawahara, Pasadena resident, expressed concerns with the funding of the project related to the start of construction on the project and water rates increase.

Gurcharan Bawa, General Manager of Water and Power, responded to public comment, and provided a brief update on grant funding and obtaining necessary permits.

Councilmember McAustin, Chair of the Municipal Services Committee, spoke in support of the staff recommendation allowing the City to recover associated project costs incurred.

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

AUTHORIZE A SERVICES CONTRACT WITH CABLE ENGINEERING SERVICES FOR AN AMOUNT NOT-TO-EXCEED \$350,000 FOR THE WATER AND POWER 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) (General Rule); and
- (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 Cable Engineering Services dba Prescott Communication for three years in the amount of \$210,000 with two additional one-year options each not-to-exceed \$70,000 subject to the approval of the City Manager for Pole Asset Management. (Contract No. 30957)

Following a brief discussion, it was moved by Vice Mayor Kennedy, seconded by Councilmember Masuda, to approve the staff recommendations. (Motion unanimously carried) (Absent: Councilmember Madison)

JOINT TAX TRANSFER RESOLUTION BETWEEN THE SAN GABRIEL VALLEY MOSQUITO AND VECTOR CONTROL DISTRICT, LOS ANGELES COUNTY, AND THE CITY OF PASADENA (ANNEXATION 2016-34)

Recommendation:

- (1) Find that the proposed action is exempt from the California Environmental Quality Act ("CEQA") pursuant to State CEQA Guidelines Section 15319 Annexations of Existing Facilities and Lots for Exempt Projects and ~~Section 15320 Changes in Organization of Local Agencies~~; and
- (2) Adopt a resolution approving a joint tax transfer between the San Gabriel Valley Mosquito and Vector District ("District"), Los Angeles County, and the City of Pasadena ("City"). (Resolution No. 9585)

Michael Johnson, Director of Public Health, stated that a correction to the agenda report is necessary, as follows, remove the following language from Recommendation No. 1: "and Section 15320 Changes in Organization of Local Agencies."

In addition, Mr. Johnson responded to questions regarding the proposed revenue stream, Local Agency Formation Commission for the County of Los Angeles (LAFCO) annexation process, and services provided to the community.

Councilmember McAustin asked staff to ensure robust outreach to all Pasadena property owners and to provide notification of the new tax assessment.

Jared Dever, District Manager San Gabriel Valley Mosquito and Vector Control District (District), responded to questions regarding LAFCO public meetings, the protest process, and the District's notification process and response to a mosquito vector emergency; and stated that the District will host, in collaboration with the City's Health Department, community meetings to address public concerns and ensure transparency.

Councilmember Hampton expressed concerns with the tax increase to Pasadena property owners and the possible financial burden that the proposed tax assessment will create without proper outreach.

Steve Mermell, City Manager, spoke on the importance of the annexation into the District in the event of an emergency outbreak, and responded to questions regard the City's role in such an outbreak.

Councilmember Wilson suggested that proactive notification letters are mailed to Pasadena property owners with educational information on mosquito-borne viruses, and the costs associated with the program.

Following discussion, it was moved by Councilmember Wilson, seconded by Councilmember McAustin, to approve the amended staff recommendations, as detailed above:

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

PUBLIC HEARING

PUBLIC HEARING: MODIFICATION TO CITY COUNCIL APPROVAL OF CONDITIONAL USE PERMIT NO. 6222 AND ASSOCIATED MITIGATED NEGATIVE DECLARATION FOR THE ARROYO SECO CANYON PROJECT

Recommendation:

(1) Acknowledge that the Final Initial Study/Mitigated Negative Declaration ("IS/MND") and Conditional Use Permit No. 6222 ("CUP") for the Arroyo Seco Canyon Project ("Project") were approved by City Council at a public hearing on June 1, 2015; a lawsuit was filed against the City seeking to invalidate the City's approval of the IS/MND and CUP for the underlying Project; the Los Angeles Superior Court issued its Statement of Decision on March 20, 2017 against the City; and that the Court entered

Judgment Granting a Peremptory Writ of Mandate on June 26, 2017 (Attachment A of the agenda report) that severs the defectively analyzed Project elements and allows the remainder of the Project to proceed; and

(2) Consistent with the Writ of Mandate and as detailed in the staff report, rescind the approval of the CUP and IS/MND for the Project components that were found by the court to have been inadequately analyzed under the California Environmental Quality Act, and are severable from the remainder of the Project, thereby leaving in place the IS/MND and CUP for the remainder of the Project.

The City Clerk opened the public hearing; reported that the public hearing notice was published in the Pasadena Star News on July 10, 2017; no correspondence was received by the City Clerk's office regarding this item.

Gurcharan Bawa, General Manager of Water and Power, provided historical information and introductory comments, and Theresa Fuentes, Assistant City Attorney, presented a PowerPoint presentation on the item, and responded to questions.

Tim Brick, Arroyo Seco Foundation (ASF), spoke in favor of the staff recommendation; and discussed the role and goals of ASF related to the Arroyo Seco Canyon project.

Following discussion, it was moved by Councilmember McAustin, seconded by Councilmember Hampton, to close the public hearing. (Motion unanimously carried) (Absent: Councilmember Madison)

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

PUBLIC HEARING: AMENDMENT TO PASADENA MUNICIPAL CODE SECTION 4.19 – TRAFFIC REDUCTION AND TRANSPORTATION IMPROVEMENT FEE

Recommendation:

(1) Find that the action proposed in the agenda report is exempt from environmental review under the California Environmental Quality Act (CEQA), pursuant to State CEQA Guidelines Section 15378(b)(4)(definition of "project" does not include funding which does not commit to a project);

(2) Find that the Transportation Development Impact Fee Study complies with California Government Code Section 66001 by establishing the basis for imposition of fees on new development;

(3) Amend Municipal Code Section 4.19.040(A) – Fees of Chapter 4.19 – Traffic Reduction and Transportation Improvement Fee to set the following fee at:

- a. \$1.13 per square of net new industrial use
- b. \$10.79 per square foot of net new retail use
- c. \$8.13 per square foot for net new office use
- d. \$3,448 per net new unit multi-family residential
- e. \$8,905 per net new of single family residential;

(4) Replace Municipal Code Sections 4.19.050(B) and (C) with an exemption that provides a transition period of six months for development projects to pay at a level equivalent to the current fees;

(5) Amend Municipal Code Section 4.19.060 to enumerate the list of transportation improvements funded through the fee as set forth in Attachment A of the agenda report; and

(6) Direct the City Attorney to prepare an ordinance within 60 days amending Municipal Code Section 4.19 as set forth above.

Recommendation of the Transportation Advisory Commission (TAC): On May 25, 2017, TAC unanimously supported staff's recommendation with a vote of 6 members in favor, 1 member against, and 2 members absent for adoption of the updated fee and additionally recommended that for-profit educational institutions be subject to the updated fee. Staff did not recommend that for-profit institutions be subject to the fee.

Recommendation of the Planning Commission: On June 14, 2017, staff presented the updated fee to the Planning Commission. Staff's response to Commission's comments has been provided in attachment D of the agenda report.

The City Clerk opened the public hearing; reported that the public hearing notice was published in the Pasadena Star News on July 14, 2017 and July 19, 2017; and that the City Clerk's Office received 3 letters in opposition and 1 letter providing comments and concerns, which were distributed to the City Council and made part of the public hearing record.

Fred Dock, Director of Transportation, provided introductory comments and reported that the staff agenda report is amended to reflect the recommendation of the Transportation Advisory Commission as follows: remove "unanimously" and add in the words "with a vote of 6 members in favor, 1 member against, and 2 members absent...."

Mike Bagheri, Transportation Development Manager, presented a PowerPoint presentation on the item, and responded to questions.

David Taussig, consultant, responded to questions regarding the Transportation Development Impact Fee study and information on the Vehicle Miles Traveled criteria utilized by CEQA.

Vice Mayor Kennedy expressed concerns with the Traffic Reduction and Transportation Impact Fee's (TR/TIF), Single-Family (per family unit) proposed increase from \$2,889.70 to \$8,905 and stated his opposition to the staff's recommendation.

The following individuals spoke in opposition to the staff recommendation, and/or provided comments and/or suggestions:

David Whitehead, Pasadena resident
DeAndre Valencia, Business Industry Association-Los Angeles Ventura Chapter
Jill Shook, Greater Pasadena Affordable Housing Group
Michelle White, Pasadena resident

The following individuals spoke in favor of the staff recommendation, and/or provided comments and/or suggestions:

Dr. Gene Ester, Pasadena resident
Blair Miller, Pasadena resident
David Azevedo, Pasadena Complete Streets Coalition
Wesley Reutimann, Pasadena resident
Jonathan Edwards, Pasadena resident

Following public comment, it was moved by Councilmember McAustin, seconded by Councilmember Hampton, to close the public hearing. (Motion unanimously carried) (Absent: Councilmember Madison)

Councilmember Wilson spoke in support of staff's recommendation, specifically with regard to the citywide Complete Street projects, as well as the need to conduct a refresh cycle during the project. In addition, Mr. Wilson requested that staff confirm whether the proposed project considered the impact fees to Accessory Dwelling Units (ADU) that were not contemplated in the General Plan.

In response, staff agreed to go back and confirm whether the zoning classifications incorporated ADU's and will return with any necessary amendments.

Councilmember McAustin, spoke in support of staff's recommendation, stating residents of permanent supportive housing are heavy public transit users and the TR/TIF's will be used to upgrade and expand the City's public transit system. In addition, Ms. McAustin asked staff to consider when discussing ADU's and the related layering of applicable fees, that staff does not inadvertently create a disincentive of ADU's.

Councilmember Gordo, Chair of the Economic Development and Technology Committee, stated that he would ask staff to consider the applicability of TR/TIF to ADU's at a future EdTech Committee meeting.

Vice Mayor Kennedy suggested moderate increases to TR/TIF's for Single-Family (per family unit), based on Consumer Price Index increases.

City Manager Mermell responded that the TR/TIF's are in the General Fee Schedule, which is submitted yearly to the City Council for review, approval and/or rejection.

Following discussion, it was moved by Councilmember Wilson, seconded by Councilmember Hampton, to close the public hearing. (Motion unanimously carried) (Absent: Councilmember Madison)

Motion: Following discussion, it was moved by Vice Mayor Kennedy, seconded by Councilmember Hampton, to approve the recommendation, amended to maintain the current Traffic Reduction and Transportation Impact Fee for Single Family (per family unit) at \$2,889.70 (not increase to \$8,905):

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

Motion: It was moved by Councilmember McAustin, seconded by Councilmember Wilson, to approve the staff recommendation, with the amendment to the Transportation Advisory Committee recommendation, as detailed above:

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

RECOMMENDATIONS FROM OFFICERS AND DEPARTMENTS

SET A PUBLIC HEARING FOR THE PROPOSED CHANGES TO THE WATER RATE STRUCTURE AND ADJUSTMENTS TO THE WATER RATES

Recommendation:

(1) Find that the Public Hearing for Proposed Changes to the Water Rates are exempt from the California Environmental Quality Act ("CEQA") pursuant to State CEQA Guidelines Section 15273 (Rates, Tolls, Fares, and Charges); and

(2) Establish a date of September 25, 2017 to conduct a public hearing on the Proposed Changes to the Water Rate Structure and Water Rates as described in the agenda report.

Gurcharan Bawa, General Manager of Water and Power, and Steve Mermell, City Manager, summarized the agenda report, and responded to questions.

Vice Mayor Kennedy asked staff to provide information on water rate structures of similarly sized cities, and how water rates are determined by those municipalities.

Following a brief discussion, it was moved by Vice Mayor Kennedy, seconded by Councilmember Hampton, to approve the staff recommendations. (Motion unanimously carried) (Absent: Councilmember Madison)

AUTHORIZATION TO ENTER INTO A CONTRACT WITH LAZ PARKING FOR THE MANAGEMENT, OPERATION AND MAINTENANCE OF THE PASEO SUBTERRANEAN, MARENGO, LOS ROBLES, HOLLY STREET, DEL MAR STATION, SCHOOLHOUSE, DE LACEY AND MARRIOTT PARKING GARAGES IN AN AMOUNT NOT-TO-EXCEED \$9,665,500 FOR THREE-YEAR TERMS

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 the City Manager to enter into a contract, based on a competitive selection process pursuant to Pasadena Municipal Code Section 4.08.047, with LAZ Parking for the management of the Paseo Subterranean, Marengo, Los Robles, Holly Street, Del Mar Station, Schoolhouse, DeLacey and Marriott parking garages for an amount not-to-exceed \$9,665,500 for three-years, with the option for two additional one-year terms at the discretion of the City Manager.

Fred Dock, Director of Transportation provided introductory comments, and Mike Woolson, Management Analyst, presented a PowerPoint presentation on the item, and responded to questions.

Vice Mayor Kennedy stated for the record: "I have met with a number of parking contractors over my four and half years on the Council. I don't believe anything that I have done will preclude me from participating tonight, but I think it's important for transparency sake that I make that admission."

Councilmember Gordo expressed concerns regarding the evaluated pricing criteria and the low percentage it received in terms of grading and importance; and the lack of knowledge and experience the committee members who reviewed and evaluated the proposals have with the City's current parking garage structure (i.e. familiarity with Pasadena, mixed-use components, reliance of parking by retail establishments, etc.). Furthermore, Mr. Gordo spoke on the need to conduct background checks of all proposers as it relates to cash handling and other performance audits, to ensure that the awarded vendor is qualified, responsible and does not have any outstanding issues in other jurisdictions; asked staff to provide information on the level of consideration given when evaluating proposals from companies that may have active negative actions in other jurisdictions; and the City Council's notification or review process.

City Manager Mermell responded to questions regarding the percentage distribution on the criteria used to evaluate the submitted proposals, and spoke on the importance of cash management, accurate reporting, and audit trails.

Jon Hamblen, Parking Manager, responded to questions and stated he would provide additional information on the selection committee members' professional experience.

The Mayor echoed Councilmember Gordo's concerns regarding the rating panel and expressed additional concern as to why staff (with the most experience managing the City's garages) did not evaluate the proposals, and suggested that a future committee be comprised of a combination of staff and peers from other agencies to review proposals.

Javan Rad, Chief Assistant City Attorney, responded to questions regarding staff's purview on active actions in other jurisdictions that have not been resolved during the competitive selection process, and the City's inability to compel local hiring.

Councilmember Wilson expressed concerns with the possibility of committee members who reviewed and evaluated the proposals, whom may have professional relationships with the vendors who submitted proposals.

Gary Pitts, Modern Parking, Inc. submitted articles regarding LAZ Parking, spoke in opposition to the Request For Proposal (RFP) process and staff recommendation.

Rio Lupisan, LAZ Parking, spoke in favor of the staff recommendation; and responded to concerns regarding disclosed information, and working relations with other customers pertaining to LAZ Parking.

In response to Councilmember McAustin's inquiry on how to proceed in light of new information, City Manager Mermell stated that at the City Council's direction, the staff can reject all proposals and commence a new RFP process, or reconstitute the proposals received to an internal staff review, with the proposers allowed to submit supplemental information pertinent to the issues raised, consulting the City Attorney as to what information can be considered during the reevaluation.

Councilmember McAustin spoke in support of asking staff to conduct an internal reevaluation of the proposals.

Councilmember Gordo asked staff to address the concerns raised by the proposers regarding the lack of adherence to the RFP and give the proposers an opportunity to provide additional information.

The Mayor expressed concerns with the City's purchasing standards on requesting reports on "faults and determination" which he believes are not sufficient, and asked staff to consider requiring additional reporting information from proposers.

Councilmember Wilson expressed concerns with the Better Business Bureau's rating on LAZ Parking, and asked staff to consider the procurement activity (cash handling) involved with the contracts and suggested requiring additional credit reporting from proposers.

Following discussion, by consensus of the City Council, and on order of the Mayor, the City Council directed staff to reconstitute the proposals received from the RFP, conduct an internal staff review, if necessary request supplemental information from the proposers, in consultation with the City Attorney's Office as to the appropriate information to be considered during the re-evaluation.

DESIGNATION OF A VOTING DELEGATE AND AN ALTERNATE FOR THE LEAGUE OF CALIFORNIA CITIES ANNUAL CONFERENCE ON SEPTEMBER 13, 2017 TO SEPTEMBER 15, 2017 IN SACRAMENTO, CALIFORNIA

Mayor Tornek introduced the item and provided historical information on the item.

Following a brief discussion, it was moved by Councilmember McAustin, seconded by Councilmember Wilson, to designate Steve Mermell, City Manager, as voting delegate, and Julie Gutierrez, Assistant City Manager, as alternate, for the League of California Cities Annual Conference on September 13, 2017 to September 15, 2017 in Sacramento, California. (Motion unanimously carried) (Absent: Councilmember Madison)

CERTIFICATION OF SUFFICIENCY OF A REFERENDUM PETITION AGAINST ORDINANCE NO. 7302 ADOPTED BY THE PASADENA CITY COUNCIL ON MAY 22, 2017, PERMITTING SUSPENSION OF CITY UTILITY SERVICES FOR VIOLATION OF SPECIFIED SECTIONS OF THE PASADENA MUNICIPAL CODE, AND AMENDING TITLE 14, CHAPTER 14.04, SECTION 14.04.030 (VIOLATIONS) OF THE PASADENA MUNICIPAL CODE REGARDING ADDITIONAL ENFORCEMENT PROVISIONS

Recommendation:

- (1) Find that the proposed actions are exempt from review pursuant to the California Environmental Quality Act ("CEQA") and in accordance with State CEQA Guidelines Section 15061(b)(3) (General Rule);
- (2) Receive and accept the certification (Attachment A of the agenda report) of the sufficiency of a referendum petition against Ordinance No. 7302 adopted on May 22, 2017 by the City Council based upon the examination and verification of signatures by the Los Angeles County Registrar-Recorder/County Clerk's Office;
- (3) Pursuant to California Elections Code (EC) Section 9241, the City Council shall do one of the following:
 - a. Direct the City Attorney to prepare an ordinance to repeal Ordinance No. 7302, in its entirety; or
 - b. Submit Ordinance No. 7302 to the voters, either at the next regular municipal election occurring not less than 88 days after the order of the legislative body (March 2019), or at a special election called for the purpose, not less than 88 days after the order of the legislative body. The ordinance shall not become effective until a majority of the voters voting on the ordinance vote in favor of it.

The City Clerk summarized the agenda report as part of the PowerPoint presentation and responded to questions.

Theresa Fuentes, Assistant City Attorney, responded to questions regarding the content of future ordinances pertaining to this item.

Councilmember Wilson asked the City Attorney to determine if there is an alternative solution that will provide the City with additional enforcement capability within the City's land-use policies.

Following discussion, it was moved by Councilmember Hampton McAustin, seconded by Councilmember Hampton, to approve staff recommendations Nos. 1 and 2. (Motion unanimously carried) (Absent: Councilmember Madison)

**ORDINANCE – FIRST
READING**

Conduct first reading of “AN ORDINANCE OF THE CITY OF PASADENA AMENDING TITLE 9, CHAPTER 9.75 (TENANT PROTECTION) OF THE PASADENA MUNICIPAL CODE CLARIFYING THE CONDITIONS UNDER WHICH TENANTS ARE ELIGIBLE TO RECEIVE RELOCATION ALLOWANCE AND MOVING EXPENSE ALLOWANCE AND UPDATING THE ORDINANCE”

Michelle White and Jill Shook, Affordable Housing Services, expressed concerns with the ordinance language regarding relocation benefits and retaining low income renters in the City.

Brad Fuller, Assistant City Attorney, responded to questions regarding the proposed ordinance compliance with state law, tenant privileges, and leases.

The Mayor asked the staff to amend ordinance, Section 2, Chapter 9.75.020 – Definitions, Item H (page 2), ““Tenant in good standing” means a tenant that, as of the date of eviction, is in compliance with all terms and conditions of the lease, written or un-written...”

Jim Wong, Senior Project Manager, responded to questions regarding the Housing Department’s outreach to apartment owners, realtors associations, educational institutions, and housing advocates.

Following discussion, the above ordinance, with the amendment detailed above, was offered for first reading by Councilmember Hampton:

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

UPDATE REGARDING THE CALIFORNIA VOTER PARTICIPATION RIGHTS ACT (CVPRA) AND STATE ATTORNEY GENERAL’S ISSUED OPINION NO. 16-603

Recommendation: The following report is for information only; no City Council action is required

The City Clerk summarized the agenda report as part of the PowerPoint presentation and responded to questions.

The Mayor asked the City Council to review the illustration of election dates provided in the PowerPoint presentation, and send questions and/or alternatives to the City Clerk for response, and consideration.

Dale Gronemeier, Eagle Rock resident, spoke against transitioning from the City's odd-year election cycle to statewide election dates, citing down ballot issue concerns and local races having to compete with well-funded state and federal races for attention; and stated his belief that the State Attorney General's opinion is inaccurate.

Javan Rad, Chief Assistant City Attorney, responded to questions regarding the City's next steps related to the State Attorney General's opinion.

The Mayor asked the City Attorney's Office to provide input on the City's ability to seek a declaratory judgement regarding the City's requirement to participate in CVPRA.

Councilmember Masuda asked the City Clerk to provide information on the number of Cities that will be moving their elections to statewide election dates.

Councilmember Hampton stated his preference that the City not transition to a statewide election dates in order to protect local control as a Charter City.

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

On order of the Mayor, the regular meeting of the City Council adjourned at 11:50 p.m.

ADJOURNMENT

Terry Tornek, Mayor
City of Pasadena

ATTEST:

City Clerk