

CITY OF PASADENA
City Council Minutes
April 3, 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 LABOR NEGOTIATORS
pursuant to Government Code Section 54957.6**

Councilmember Hampton
arrived at 5:43 p.m.

**Agency Designated Representatives: Jennifer Curtis and
Steve Mermell**

**Employee Organization: Pasadena Fire Management
Association (PFMA)**

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

Property Location: 78 North Marengo Avenue

Agency Negotiator: Steve Mermell

Negotiating Party: Jesse Stein

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 6:34 p.m. The pledge of allegiance was led by Boy Scout Troop 131.

ROLL CALL:

Councilmembers:

Mayor Terry Tornek
Vice Mayor Gene Masuda
Councilmember Victor Gordo
Councilmember Tyron Hampton
Councilmember John J. Kennedy
Councilmember Steve Madison (Absent)
Councilmember Margaret McAustin
Councilmember Andy Wilson

Staff:

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

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

Mercedes Blackehart, Pasadena resident, and Christopher Sutton, representing Caltrans Tenants of the 710 Corridor and United Caltrans Tenants, spoke on recent Caltrans evictions along the 710 corridor, and ask the City to intervene on behalf of the tenants.

In response to public comment, the Mayor stated that the City Manager would provide information on staff's efforts to contact Caltrans and the City's ability to intervene.

Councilmember Kennedy requested that this item be agendized at a future City Council meeting for discussion.

Carolyn Bhiloni, Sierra Madre resident, spoke on the need to build stronger trust and relationships between the Pasadena Police Department and the community.

Mark Hannah, Pasadena resident, expressed concerns regarding homelessness and transients loitering in East Pasadena.

CONSENT CALENDAR

APPROVAL OF AMENDED AND RESTATED MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF PASADENA AND THE PASADENA POLICE OFFICERS ASSOCIATION – APRIL 3, 2017 THROUGH JUNE 30, 2018

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) Approve a Memorandum of Understanding (MOU) between the City of Pasadena (City) and the Pasadena Police Officers Association for the term of April 3, 2017 through June 30, 2018. (Contract No. 22,732)

Item discussed separately

CONTRACT AWARD TO ALTA PLANNING AND DESIGN FOR CONSULTANT SERVICES TO CONDUCT SAFETY OUTREACH AND UPDATE THE SUGGESTED ROUTES TO SCHOOL MAPS FOR THE SAFER STREETS PASADENA – SCHOOL AREA SAFETY PROGRAM

APPOINTMENT OF DAVID WILLIAMS TO THE RECREATION AND PARKS COMMISSION (District 6 Nomination)

MINUTES APPROVED

March 20, 2017

CLAIMS RECEIVED AND FILED

Claim No. 12,829	Heather Nye	\$	235.00
Claim No. 12,830	Yelisabeta Cole		Not stated
Claim No. 12,831	California Institute of Technology		4,388.25

Claim No. 12,832	Law Offices of Richard A. Fisher representing Inri Coba, a minor, by and through his mother and guardian, Karla Cabrera	25,000.00+
Claim No. 12,833	Shield Global Partners, LLC	5,050.00
Claim No. 12,834	Unicraft Properties, LLC by its attorney of record, John A. Peterson	Not stated
Claim No. 12,835	Rosslyn Lawson	600.00

PUBLIC HEARING SET

April 24, 2017, 7:00 p.m. – Tax Equity and Fiscal Responsibility Act (TEFRA) Hearing and Adoption of a Resolution Approving the Issuance of Not-to-Exceed \$22,000,000 of Educational Facilities Revenue Notes by the Illinois Finance Authority for the Purpose of Financing the Acquisition and Renovation of Facilities by Pacific Oaks Education Corporation

April 24, 2017, 7:00 p.m. – Zoning Code Amendment Regulating Residential Short -Term Rentals

May 8, 2017, 7:00 p.m. – Appeal of the Board of Zoning Appeals' Decision on Modification to Expressive Use Permit No. 3537 regarding the Property Located at 490 East Union Street

It was moved by Vice Mayor Masuda, seconded by Councilmember Gordo, to approve all items on the Consent Calendar, with the exception of Item 2 (Contract Award to Alta Planning and Design), which was discussed separately. (Motion unanimously carried) (Absent: Councilmember Madison)

**CONSENT ITEMS
DISCUSSED SEPARATELY**

CONTRACT AWARD TO ALTA PLANNING AND DESIGN FOR CONSULTANT SERVICES TO CONDUCT SAFETY OUTREACH AND UPDATE THE SUGGESTED ROUTES TO SCHOOL MAPS FOR THE SAFER STREETS PASADENA – SCHOOL AREA SAFETY PROGRAM

Recommendation:

- (1) Find that acceptance of this grant is exempt from the California Environmental Quality Act (CEQA), Section 15061(b)(3) (General Rule) of the State CEQA Guidelines; 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 Alta Planning and Design for an amount not-to-exceed \$143,000 for consultant services to conduct safety outreach and update the Suggested Routes to School Maps for the Safer Streets Pasadena – School Area Safety Program. (Contract No. 30867)

Fred Dock, Director of Transportation, introduced the item, and Joaquin Siques, Engineer with the Department of Transportation, presented a PowerPoint, and responded to questions.

Councilmember Wilson asked staff to increase outreach and include private schools when developing routes to further encourage walking and biking in surrounding neighborhoods.

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

**REPORTS AND COMMENTS
FROM COUNCIL
COMMITTEES**

PROPOSED AMENDMENTS TO THE TENANT PROTECTION ORDINANCE, CHAPTER 9.75, PASADENA MUNICIPAL CODE
Recommendation:

(1) Find that the recommended action is exempt from the California Environmental Quality Act ("CEQA") pursuant to State CEQA Guidelines per Section 15061(b)(3), the General Rule that CEQA only applies to projects that may have an effect on the environment; and

(2) Direct the City Attorney to prepare an amendment to the Tenant Protection Ordinance (Chapter 9.75, Pasadena Municipal Code) in accordance with the proposed modifications contained in the agenda report, and return within 60 days.

Bill Huang, Director of Housing, provided introductory comments, and Jim Wong, Senior Project Manager, presented a PowerPoint presentation on the item, and responded to questions.

Councilmember Gordo, Chair of the Economic Development and Technology Committee, reported on the Committee's review and discussion of the item; and commented on the recommended exemption of residential care facilities for the elderly from the Tenant Protection Ordinance.

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

Joe Feinblatt, Pasadena resident
Peter Hartgens, Pasadena resident
Darrell Cozen, Greater Pasadena Affordable Housing Group
(GPAHG)
Jill Shook, GPAHG

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

**AMENDMENT TO PASADENA MUNICIPAL CODE TITLE 8,
CHAPTER 8.52, CITY TREES AND TREE PROTECTION
ORDINANCE**

Recommendation:

(1) Find that the recommended actions to safeguard City trees is exempt from the California Environmental Quality Act (CEQA) pursuant to Article 5, Section 15061(b)(3) (General Rule); and
(2) Direct the City Attorney to prepare an amendment to the Pasadena Municipal Code (PMC) Title 8, Chapter 8.52, the City of Pasadena City Trees and Tree Protection Ordinance (TPO) as described in the agenda report.

Recommendation of the Urban Forestry Advisory Committee:

On February 8, 2017, the Urban Forestry Advisory Committee unanimously supported the Department of Public Works' recommendation to amend the PMC to strengthen the City's Tree Protection Ordinance.

Ara Maloyan, Director of Public Works, presented a PowerPoint presentation on the item, and responded to questions.

Michele Beal Bagneris, City Attorney/City Prosecutor, responded to questions regarding criminal and administrative fines and penalties associated with violations against the Tree Protection Ordinance.

Councilmember Kennedy asked staff to consider more onerous penalties for willful, intentional, and malicious violators of the Tree Protection Ordinance.

Following discussion the City Council directed staff to include language in the amended ordinance, which addresses both public and private trees when the item returns to the City Council.

Councilmember Wilson spoke on valuing the City's tree canopy and inventory in order to amplify the importance of those assets to the City.

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

Ann Scheid, Pasadena resident
Ariel Green, Pasadena resident
Christle Balvin, Pasadena resident
Emanuel Najera, Pasadena resident
Nina Chomsky, Pasadena resident

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

PUBLIC HEARINGS

CONTINUED PUBLIC HEARING: APPEAL OF BOARD OF ZONING APPEALS' DECISION ON TIME EXTENSION FOR VARIANCE NO. 11738 REGARDING THE PROPERTY LOCATED AT 167 EAST WALNUT STREET

Recommendation:

- (1) Find that an Initial Study with a Mitigated Negative Declaration was adopted for the project by the Hearing Officer at a public hearing on June 6, 2012, and that there are no changes to the project, changed circumstances or new information that would trigger further environmental review; and
- (2) Uphold the Hearing Officer's decision and approve Time Extension for Variance No. 11738.

The City Clerk opened the public hearing and reported 34 copies of the notice were posted and 25 copies of the notice were mailed on March 10, 2017; no correspondence was received by the City Clerk's office regarding this item.

David Reyes, Director of Planning, provided introductory comments, and Beilin Yu, Planner, presented a PowerPoint presentation on the item, and responded to questions

Jon Warfel, Applicant, distributed communication noting that the original appellant that appealed their project is now supportive and provided a PowerPoint presentation on the project; and Marcos Velayos, representing Walnut Marengo Investors, LLC, spoke in favor of the staff recommendation.

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

It was moved by Councilmember Kennedy, seconded by Councilmember Gordo, to approve the staff recommendation. (Motion unanimously carried) (Absent: Councilmember Madison)

PUBLIC HEARING: ECONOMIC DEVELOPMENT SUBSIDY REPORT PURSUANT TO GOVERNMENT CODE SECTION 53083 FOR A GROUND LEASE AGREEMENT BY AND BETWEEN THE CITY OF PASADENA AND KHP III PASADENA LLC (KHP)

Recommendation:

- (1) Find that on August 15, 2016, the City Council adopted findings pursuant to the California Environmental Quality Act ("CEQA") certifying an Environmental Impact Report, adopted a Mitigation Monitoring and Reporting Program, and approved the YWCA/KHP Hotel Project, and that there are no changes to the Project, changed circumstances, or new information which would trigger further environmental review; and

(2) Adopt a motion accepting and approving the Economic Development Subsidy Report pursuant to Government Code Section 53083 for a Ground Lease Agreement by and between City of Pasadena and KHP III Pasadena LLC.

The City Clerk opened the public hearing; reported that the public hearing notice was published in the Pasadena Journal and Pasadena Weekly on March 23, 2017; and that the City Clerk's Office received 7 letters in opposition and 1 letter with questions requesting clarification, which were distributed to the City Council and made part of the public hearing record.

Steve Mermell, City Manager and Eric Duyshart, Business Development Administrator, provided introductory comments, and David Klug, Senior Project Manager, presented a PowerPoint presentation on the item, and responded to questions.

Councilmember Gordo expressed concerns with the significant increase of the project's budget, inquired if staff has a clear grasp on what drove up the costs and/or if the developer potentially caused the increase due to not moving forward with the project in a timely manner.

Kevin Engstrom, representing Keyser Marston Associates, responded to questions regarding their analysis and feasibility review of the proposed KHP Hotel project.

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

Richard McDonald, KHP III Pasadena LLC (representing the applicant)

Susan N. Mossman, Pasadena Heritage

Joe Long, KHP III Pasadena LLC (applicant) responded to questions regarding the proposed project.

The following individuals spoke in opposition of the item, and/or provided comments and/or suggestions:

Joe Feinblatt, Pasadena resident

Nina Chomsky, Pasadena resident

Christle Balvin, Pasadena resident

Mic Hansen, Pasadena resident

Jay Kavoian, Civic Center Coalition

Erika Foy, Pasadena resident

Ann Sche'd, Pasadena resident

Marsha Rood, Pasadena resident

John Baram, Pasadena resident

Bryan Witt, Pasadena resident

Jonathan Edwards, Pasadena resident
Chris Fedukowski, Civic Center Coalition
Meena Pennington, Pasadena resident
Darrell Cozen, Pasadena Civic Center Coalition
Emanuel Najera, Pasadena resident
Wesley Reutimann, Pasadena resident
Avram Gold, Pasadena resident
Arnold Siegel, Pasadena resident

Following discussion, Councilmember Kennedy stated the following for the record:

"If the hotel is a Double Tree hotel, I don't know when you required it, but I have stayed at that particular hotel at least in two, possibly three occasions and I just want to put that on the record and no one can come back later and say, "have you ever stayed at that particular hotel?"

Councilmember Gordo asked staff to ensure that the developer, KHP III Pasadena LLC, provides assurances to the City that they will commit to construct and operate the hotel, and in the event of a sale in the future, any new owner will be of the same quality and caliber as KHP III Pasadena LLC.

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

The Mayor and Vice Mayor expressed concern with repeating the request for proposals process, which may be a risky enterprise and voiced support of the proposed project, which will save and renovate the historic Julia Morgan Building.

Original Motion:

It was moved by Councilmember Kennedy, second by Vice Mayor Masuda, to approve the staff recommendation, with the added provision that if the developer, during the time allotment that staff negotiates and communicates back to the City Council, is not able to perform the construction and operation of the proposed hotel with the proposed subsidy as recommended, that staff would move expeditiously to end the City's relationship with the developer, and go back out to bid, as a competitive bid process, with the selected project's goal to save and preserve the Julian Morgan Building.

Councilmembers McAustin and Wilson stated their support of the various components (i.e. KHP III Pasadena LLC, renovate the Julian Morgan building), but expressed their concerns with the costs, size of the project, and design; and therefore stated they were not able to support staff's recommendation at this time.

Councilmember Hampton expressed interest in exploring alternative opportunities for the site.

Councilmember Wilson asked that staff conduct a cost benefit analysis in converting the building for municipal uses.

Substitute Motion:

Following further discussion, it was moved by Councilmember Gordo, seconded by Councilmember Hampton, to direct staff to delay moving forward with the project, direct staff to work with the developer to get a better understanding of the reasons behind the project cost increase, review concurrently any other viable alternatives to the proposed project, including a municipal office building, and to look at the local hire component (applicable during construction and operation of the project) prior to moving forward with the current or potential alternate proposals:

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

RECOMMENDATIONS FROM OFFICERS AND DEPARTMENTS

FORMALIZATION OF THE ARROYO VERDUGO SUBREGION STEERING COMMITTEE INTO A JOINT POWERS AUTHORITY WITH THE CITIES OF BURBANK, GLENDALE, LA CANADA FLINTRIDGE, SOUTH PASADENA, AND COUNTY OF LOS ANGELES FOR THE PURPOSES OF COORDINATED TRANSPORTATION PLANNING AND OTHER PURPOSES

Recommendation:

- (1) Find that the action proposed in the agenda report is exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15320 (Changes in Organization of Local Agencies);
- (2) Authorize the City Manager to enter into an "Arroyo Verdugo Communities Joint Powers Authority" Agreement in substantially the form attached to the agenda report with final form approved by the City Attorney's Office; and
- (3) Appoint a Representative and Alternate Representative to the Authority's Governing Board. (Contract No. 22,731)

Julie Gutierrez, Assistant City Manager, presented a PowerPoint presentation on the item, and responded to questions.

Councilmember McAustin, the City's representative on the Arroyo Verdugo Sub-region Steering Committee, spoke in favor of staff's recommendation, which is required in order to receive Measure M funds.

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

COUNCIL COMMENTS

Councilmember Kennedy reported on a group of individuals invited from the City's Sister City, Sechuan, China to attend a food festival in April of 2017.

Councilmember McAustin, member of the League of Cities Housing and Community Development Task Force, reported on the Task Force's policy meeting, including information on affordable housing funding, as well as the Task Force's lengthy discussions regarding the Governor's transportation bill.

ADJOURNMENT

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

Terry Tornek, Mayor
City of Pasadena

ATTEST:

City Clerk