

CITY OF PASADENA
City Council Minutes
March 27, 2017 – 5:30 P.M.
City Hall Council Chamber

REGULAR MEETING

Teleconference Locations:
Washington Hilton, Business Center
1919 Connecticut Avenue NW
Washington, D.C. 20009

OPENING:

Mayor Tornek called the regular meeting to order at 5:30 p.m.
(Absent: Councilmembers Madison, McAustin)

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

Property Location: 671 E. Washington Blvd, #107, Pasadena, CA

Agency Negotiator: Steve Mermell

Negotiating Party: Patrick Montoya

Under Negotiation: Price and terms of payment

Councilmember Madison arrived at 6:00 p.m.

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

Name of Case: Isabel v. City of Pasadena, et al.

LASC Case No.: BC492188

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

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

Agency Designated Representatives: Jennifer Curtis and Steve Mermell

Employee Organization: Pasadena Fire Management Association (PFMA)

The above closed session item was not discussed.

On the order of the Mayor, the regular meeting reconvened at 6:38 p.m. The pledge of allegiance was led by Councilmember Kennedy.

ROLL CALL:

Councilmembers:

Mayor Terry Tornek
Vice Mayor Gene Masuda
Councilmember Victor Gordo
Councilmember Tyron Hampton (participated via teleconference beginning at 6:33 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

PUBLIC COMMENT ON MATTERS NOT ON THE AGENDA

Brigitte Bergman, Pasadena resident, spoke on her experience as a California Department of Transportation (Caltrans) tenant, her eviction notice, and asked the City for assistance.

Mercedes Blackheart, Pasadena resident, asked the City to intervene on behalf of the City's Caltrans tenants whom wish to remain in their homes.

Christopher Sutton, representing Caltrans Tenants of 710 Corridor, spoke on Caltrans evictions of several tenants in the City, and asked the City to intervene on behalf of the tenants.

Gerda Govine, Pasadena Rose Poets, recited poetry and dedicated the poem to all immigrants.

CONSENT CALENDAR

AUTHORIZATION TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT WITH DAVID PAUL ROSEN & ASSOCIATES IN AN AMOUNT NOT-TO-EXCEED \$90,000 TO PROVIDE FINANCIAL CONSULTING SERVICES FOR THE CONCORD SENIOR HOUSING PROJECT

Recommendation:

(1) Find that the recommended action is exempt from the California Environmental Quality Act ("CEQA") pursuant to State CEQA Guidelines Section 15061(b)(3), as it will not have a potentially significant environmental effect and, therefore, falls under the "General Rule" exemption; and

(2) 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 David Paul Rosen & Associates in an amount not-to-exceed \$90,000 for Professional Consultant Services in connection with the Concord Senior Housing project. (Contract No. 30855)

AUTHORIZATION TO ENTER INTO CONTRACT WITH ONYX ARCHITECTS FOR PROFESSIONAL SERVICES FOR DESIGN OF VICTORY AND DESIDERIO PARKS RESTROOMS FOR AN AMOUNT NOT-TO-EXCEED \$126,210

Recommendation:

(1) Find that the proposed action is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines section 15061(b)(3), the general rule 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, without competitive bidding pursuant to City Charter Section 1002(F), contracts for professional or unique services, with ONYX Architects for architectural and engineering design services for the Victory Park Restroom Replacement and Restroom Building at Desiderio Park project in an amount not-to-exceed \$126,210. (Contract No. 30857)

Item discussed separately

FINANCE COMMITTEE: AMENDMENTS TO FISCAL YEAR 2017 CAPITAL IMPROVEMENT PROGRAM BUDGET

MINUTES APPROVED

March 13, 2017

CLAIMS RECEIVED AND FILED

Claim No. 12,827	Joan Phillips	\$	962.41
Claim No. 12,828	Vinh Nguyen		2,144.07

PUBLIC HEARING SET

May 15, 2017, 7:00 p.m. – Renewal of the South Lake Avenue Property and Business Improvement District (SLA PBID)

It was moved by Councilmember Kennedy, seconded by Councilmember McAustin, to approve all items on the Consent Calendar, with the exception of Item 3 (Amendments to Fiscal Year 2017 Capital Improvement Program Budget), which was discussed separately:

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

NOES: None

ABSENT: None

ABSTAIN: None

CONSENT ITEMS DISCUSSED SEPARATELY

FINANCE COMMITTEE: AMENDMENTS TO FISCAL YEAR 2017 CAPITAL IMPROVEMENT PROGRAM BUDGET

Recommendation:

(1) Find that the proposed actions are not "projects" as defined in the California Environmental Quality Act (CEQA), Public Resources Code Section 21065 and Section 15378(b)(4) and (5) of the State CEQA Guidelines and, as such, are not subject to environmental review; and

(2) Approve a journal voucher with a net increase of \$2,569,044 amending 18 projects in the Fiscal Year 2017 Capital Improvement Program Budget as detailed in Attachment A of the agenda report. (Budget Amendment No. 2017-20)

Ara Maloyan, Director of Public Works, and Steve Mermell, City Manager, responded to questions regarding the Citywide Sidewalk Improvements Project; and George Cunningham, Chief Operating Officer of the Rose Bowl Stadium, responded to questions regarding the Rose Bowl Major Improvement Projects – Fiscal Year 2017.

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

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

**RECOMMENDATIONS FROM
OFFICERS AND
DEPARTMENTS**

**CONSIDERATION OF CITY POLICY IN REGARD TO
IMMIGRATION ISSUES**

Recommendation: *(To be heard at 6:45 p.m. or thereafter concurrently with Item No. 8)*

(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 15061(b)(3), as it will not have a potentially significant environmental effect and, therefore, falls under the “general rule” exemption;

(2) Approve the City’s Legislative Platform, Item No. 8 on the City Council agenda, including the support for the reforming of federal immigration law, as detailed in the Platform and in the Background section of the agenda report; and

(3) Consider what, if any, additional actions the City Council may wish to take beyond those being implemented at the staff level, as described in the agenda report and its attachments, in regard to federal immigration issues. (Resolution No. 9557)

Agenda Item 12 (Consideration of City Policy In Regard To Immigration Issues) and Item 8 (Approval of The Federal & State Legislative Platforms for Calendar Year 2017) were discussed concurrently.

Steve Mermell, City Manager, and Chief of Police Phillip Sanchez, presented a PowerPoint presentation on the City's current legislation, the California Senate Bill 54: Law Enforcement: sharing data, and the Pasadena Police Policy 428, Immigration Policy; and responded to questions.

Councilmember Gordo distributed a draft resolution, prepared in consultation with the City Attorney, which proposes a policy stating that the City's position with regards to the enforcement of federal immigration law; and asked the City Council to adopt the resolution.

Following discussion, the following individuals speaking in favor of the item and/or various aspects of the proposed recommendation, advocated for the City not to enforce federal immigration law, and providing comments and/or suggestions on the City's role with regard to federal immigration policy:

James Lamako, Pasadena resident
Ed Washatka, Pasadenans Organizing for Progress (POP)
Peter Dreyer, POP
Marvin Gross, POP
Krystal Lopez Padley, Pasadena resident
Rev. Mike Kinman, All Saints Episcopal Church
Rev. Hannah Petrie, POP
Juan Mejia, Pasadena resident
Rev. Andy Schwiebert, First Congregational Church of Pasadena
Jose Lopez, Pasadena resident
Elizabeth Lashley-Haynes, La Crescenta resident
Christina Felipe, National Day Laborer Organizing Network (NDLON)
Angel Olvera, Pasadena resident
Kris Ockershauser, American Civil Liberties Union (ACLU)
Lizbeth Mateo, POP
Valerie Ohsayqueda, La Puente resident
Ashley Ramierz, Los Angeles resident
Jill Shook, Pasadena resident
Ana Ortiz, NDLON
Estebon Lopez, Pasadena resident
Brett Shears, Pasadena resident
Robert Antall, Pasadena resident
Patricia Guzman, Pasadena resident
Ron Garber, Duarte resident
Ruth Richardson, Pasadena resident
Bravillo Lopez, Pasadena resident
Laura Joseph, POP
Cal Soto, Pasadena resident
Rabbi Jonathan Klein, Clergy and Laity United for Economic Justice (CLUE)
Bert Newton, Reformation Church Pasadena

Allan Spring, Pasadena resident
Julie McKune, Altadena resident
Randall Heyn-Lamb, Pasadena resident
Sheila Einkel, Los Angeles resident
Aida Morales, POP
Emi MacLean, NDLO
Pablo Alvarado, NDLO
Jennipha Nielson, ACLU
Mari Lopez, By Any Means Necessary (BAMN)
Jose A., BAMN
Abel Medrano, San Gabriel Valley Progressive Alliance
Brian Berry, Pasadena resident
Rita Moreno, Pasadena resident
Susan Dembowski, Pasadena resident
Moises Gomez, People Power
Nancy Youngblut, Pasadena resident
Cheryl Auger, Pasadena resident
Ernesto Najera, Pasadena resident

Councilmember Madison spoke on certain benefits and resources provided by the U.S. Immigration and Customs Enforcement (ICE) agency, especially with regards to violent federal criminal law, and asked the City Attorney to ensure the proposed legislation is compatible with federal law to avoid any unintentional violation of federal law.

Councilmember Gordo suggested that the Chief of Police and/or the City Manager consider amending the Pasadena Police Department's Immigration Policy 428, and provided the following suggested changes to the policy:

- Section 428.4 Civil vs. Criminal Federal Offenses, to include, "The Pasadena Police Department will not enforce Federal Civil Immigration Law," in the first paragraph, and remove the words "or civil";
- Section 428.72, Notice To Individuals, and under Section 428.7.3 ICE Interviews, include a sentence that the Pasadena Police Department will not notify ICE, unless required by law or court order.

In response to Councilmember Gordo's recommendations, the City Manager noted that staff has determined that Pasadena Police Departments Immigration Policy 428, Section 428.4, second paragraph, second sentence will be amended to read: "The Pasadena Police Department will not enforce Federal Civil Immigration Law unless required by law, or the narrow exception of investigations involving national security concerns such as terrorism or transnational criminal activity (e.g. human, drug or weapon trafficking), the Department shall not investigate, detain, arrest or book any individual solely for federal criminal ~~or civil~~ immigration law even when undocumented status has been revealed."

Hasmik Collins, Deputy City Attorney, responded to questions regarding ICE agency interview procedures for individuals in custody and consent.

In addition, Councilmember Gordo suggested that the proposed resolution distributed to the City Council, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASADENA, CALIFORNIA ENHANCING SAFETY, REFUGE AND EQUAL OPPORTUNITY FOR ALL", be amended by moving the last sentence on page 1, "No City employee will use City funds or resources to assist in the enforcement of federal immigration law or to gather or disseminate information regarding the immigration status of individuals in the City unless such assistance is required by federal and state statute, regulation or court decision," to page 2, under Section 3.

Councilmembers McAustin and Gordo requested that the Police Department provide a report of any contacts between the Pasadena Police Department and ICE agency personnel on matters not pertaining to civil immigration enforcement, including information on the number of requests made, and type of requests and convictions made in order to encourage transparency between the Police and community.

In response to Councilmembers McAustin and Gordo's request, the Chief Sanchez replied that he would request to agendaize the reporting of ICE involved incidents to a future Public Safety Committee meeting.

Councilmember Kennedy raised concerns with the City Council's policy setting role as part of tonight's discussion on immigration in terms of the City's administrative policies, when compared to limitations set forth by staff in making policy suggestions as part of the recent adoption of the Police Department's Body Worn Camera policy.

Following discussion, it was moved by Councilmember Gordo, seconded by Councilmember Madison, to approve the staff recommendation, adopt the proposed resolution as amended (details above) and with direction to staff to report periodically to the Public Safety Committee on any contact, interaction with or known activity of the U.S. Immigration and Customs Enforcement (ICE) Agency in the City of Pasadena:

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

NOES: None

ABSENT: None

ABSTAIN: None

**REPORTS AND COMMENTS
FROM COUNCIL
COMMITTEES**

**APPROVAL OF THE FEDERAL & STATE LEGISLATIVE
PLATFORMS FOR CALENDAR YEAR 2017**

Recommendation: *(To be heard at 6:45 p.m. or thereafter concurrently with Item No. 12)*

(1) Find that the proposed action is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15061(b)(3), the general rule that CEQA only applies to projects that may have an effect on the environment; and

(2) Approve the Federal Legislative Platform and the State Legislative Platform for calendar year 2017.

Recommendation of the Legislative Policy Committee: At the regular meeting of the Legislative Policy Committee on January 24, 2017, staff presented both the Federal and State Platforms for 2017. The Committee recommended forwarding both Platforms to the City Council with minor revisions as well as the inclusion of support for the Deferred Action for Childhood Arrivals (DACA) to the City Council.

Following discussion, Councilmember Kennedy stated for the record that he would like the following items to be considered for the Federal & State Legislative Platforms:

1. "Finance: grants to states, no cuts in arts and funding CDBG;
2. Public Safety, a sound policy around gun ownership training and banning in large numbers of magazines ([high capacity] "banana" clips, etc.), resources to stem the flow of illegal fire arms locally;
3. Federal monies passed through [to] the County to underground the Gold Line [rail crossings] at Del Mar and California Boulevards for public safety reasons; and
4. Human Services, whether we need to talk in terms of gangs or do we need to talk in terms of community violence reduction initiatives and training opportunities, to really get at root causes of violence in our community"

In response to Councilmember Kennedy's request, the Mayor stated that he would discuss his proposed additions/items at a future Legislative Policy Committee meeting.

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

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

PUBLIC HEARING

PUBLIC HEARING: ESTABLISH A 20% WATER CONSERVATION TARGET AND IMPLEMENT A LEVEL 1 WATER SUPPLY SHORTAGE PLAN AS DESCRIBED IN PASADENA MUNICIPAL CODE (“PMC”) TITLE 13, CHAPTER 13.10

Recommendation:

(1) Find that the action recommended in the agenda report is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15307 (Actions by Regulatory Agencies for the Protection of Natural Resources);

(2) Adopt a water conservation target of 20% compared to Calendar Year 2013 water use; and

(3) Adopt implementation of the Level 1 Water Supply Shortage measures effective April 1, 2017, by way of public proclamation (Attachment A of the agenda report) pursuant to Pasadena’s Water Waste Prohibitions and Water Supply Shortage Plans Ordinance (Pasadena Municipal Code Chapter 13.10). (Proclamation No. 2017-1)

Recommendation of the Municipal Services Committee: On March 14, 2017, the Municipal Services Committee approved the recommended actions.

The City Clerk opened the public hearing; reported that the public hearing notice was published in the Pasadena Journal and Pasadena Weekly on March 16, 2017; and that the City Clerk’s Office received 1 letter in opposition, which was distributed to the City Council and made part of the public hearing record.

Gurcharan Bawa, General Manager of Water and Power, provided introductory comments, and Ursula Schmidt, Water Conservation Program Manager, presented a PowerPoint presentation on the item, and responded to questions.

It was moved by Councilmember Madison, seconded by Councilmember McAustin, to close the public hearing:

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

Councilmember McAustin, Chair of the Municipal Services Committee, reported on the Committee's review and discussion of the item.

The Mayor expressed his strenuous opposition to the staff recommendation due to concerns with retaining current water conservation efforts and causing confusion to the City's residents regarding water usage.

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

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

PUBLIC HEARING: SUBSTANTIAL AMENDMENT TO THE ANNUAL ACTION PLAN (2016-2017) FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

Recommendation: It is recommended that upon close of the public hearing the City Council take the following actions:

- (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) Approve the submission to the U.S. Department of Housing and Urban Development of a Substantial Amendment to the Annual Action Plan (2016-2017) as described in the agenda report to reprogram \$140,000 in Community Development Block Grant funds.

The City Clerk opened the public hearing; reported that the public hearing notice was published in the Pasadena Journal and Pasadena Weekly on March 2, 2017, March 9, 2017, March 16, 2017, and March 23, 2017. No correspondence was received by the City Clerk's office regarding this item.

Bill Huang, Director of Housing summarized the agenda report and responded to questions.

Following a brief discussion, it was moved by Councilmember Kennedy, seconded by Councilmember Gordo, to close the public hearing:

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

It was moved by Councilmember Kennedy, seconded by
Councilmember Hampton, to approve the staff recommendation:

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

Councilmember Hampton was
excused at 10:18 p.m.

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

Recommendation: It is recommended that the City Council
continue the public hearing to April 3, 2017 at 7:00 p.m.

It was moved by Councilmember Kennedy, seconded by
Councilmember McAustin, to continue the public hearing to April
3, 2017 at 7:00 p.m.:

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

ADJOURNMENT

On order of the Mayor, the regular meeting of the City Council
adjourned at 10:19 p.m.

Terry Tornek, Mayor
City of Pasadena

ATTEST:

City Clerk