

CITY OF PASADENA
City Council Minutes
November 13, 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 Gordo, Hampton, Madison)

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

Councilmember Hampton
arrived at 5:57 p.m.

**CITY COUNCIL CONFERENCE REGARDING PUBLIC
EMPLOYEE PERFORMANCE EVALUATION pursuant to
Government Code Section 54957 and CITY COUNCIL
CONFERENCE with Labor Negotiator pursuant to
Government Code Section 54957.6
Employee Title and Unrepresented Employee: City Manager
City Representative: Terry Tornek**

The above closed session item was discussed, with no reportable action at this time.

On the order of the Mayor, the regular meeting reconvened at 6:41 p.m. The pledge of allegiance was led by Councilmember Madison.

ROLL CALL:

Councilmembers:

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

Michael Patton, Pacific Oaks College, provided an overview of Pacific Oaks College community partnership programs, and scholarships offered to Pasadena advocates.

Councilmember Hampton asked Mr. Patton to provide the program and scholarship information to all the Councilmembers so that the information may be further distributed to the public.

Teresa Mei Chuc, Pasadena Rose City Poets, recited poetry and asked that the City continue to advocate for the homeless population.

The Mayor replied that an item to address the issue of homelessness is agendaized for action on the consent calendar for tonight's City Council meeting.

CONSENT CALENDAR

Item discussed separately

Item discussed separately

AUTHORIZATION TO ENTER INTO A CONTRACT WITH PSOMAS TO PROVIDE THE ARROYO SECO DIVERSION HABITAT MODELING STUDY FOR AN AMOUNT NOT-TO-EXCEED \$115,000

ADOPT A RESOLUTION TO UPDATE THE HEALTHY FOOD AND BEVERAGE VENDING AND PROCUREMENT POLICY

MODIFY CURRENT CLASSIFICATIONS AND SALARIES WITHIN THE PASADENA MANAGEMENT ASSOCIATION

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) Adopt a resolution establishing new classifications and setting salary control rates. (Resolution No. 9603)

ADOPTION OF EXECUTIVE MANAGEMENT, NON-REPRESENTED MANAGEMENT AND NON-REPRESENTED NON-MANAGEMENT SALARY RESOLUTIONS; AND ADOPTION OF A RESOLUTION PROVIDING FOR THE PICK UP UNDER INTERNAL REVENUE CODE SECTION 414(H)(2) OF PRE-TAX COST-SHARING CONTRIBUTIONS TO CALPERS FOR EMPLOYEES COVERED UNDER THE EXECUTIVE MANAGEMENT, NON-REPRESENTED MANAGEMENT AND NON-REPRESENTED NON-MANAGEMENT SALARY RESOLUTIONS

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;
- (2) Adopt the Executive Management Salary Resolution;
- (3) Adopt the Non-Represented Management Salary Resolution;
- (4) Adopt the Non-Represented Non-Management Salary Resolution; and

(5) Adopt a resolution to authorize the pre-tax treatment of cost-sharing contributions paid by non-represented employees. (Resolution Nos. 9604, 9605, 9606, 9607)

Item discussed separately

FINANCE COMMITTEE: RECOGNIZE REVENUE AND APPROPRIATE EXPENDITURES OF \$429,121 TO THE PUBLIC HEALTH DEPARTMENT'S FISCAL YEAR 2018 OPERATING BUDGET AND INCREASE THE DEPARTMENTAL PERSONNEL ALLOCATION BY 3.0 FULL-TIME EQUIVALENTS (FTE) FOR THE SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION (SAMHSA) GRANT FOR THE BENEFIT OF HOMELESS INDIVIDUALS (GBHI) PROGRAM

FINANCE COMMITTEE: RECOGNIZE REVENUE AND APPROPRIATE EXPENDITURES OF \$300,000 OF FEDERAL GRANT FUNDS TO THE PUBLIC HEALTH DEPARTMENT'S FISCAL YEAR 2018 OPERATING BUDGET FOR THE HEALTH RESOURCES SERVICES ADMINISTRATION (HRSA) GRANT OPERATION LINK V.2.0 HIV RELATED HOMELESS SERVICES PROGRAM

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) Recognize revenue and appropriate expenditures of \$300,000 of Health Resources Services Administration (HRSA) federal grant funds;

(3) 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 Union Station Homeless Services for HIV related housing outreach and case management services in an amount not-to-exceed \$242,312 for a period of two years; and

(4) It is further recommended that the City Council 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. (Contract No. 31082, Budget Amendment No. 2018-16)

MINUTES APPROVED

October 23, 2017

CLAIMS RECEIVED
AND FILED

Claim No. 12,994	Erika Burciaga	\$	799.00
Claim No. 12,995	Monica Parfait		1,702.00
Claim No. 12,996	Law Offices of Raymond Ghermezian, representing Marcia Guzman		25,000.00+

Claim No. 12,997	Billy Ray Burton	25,000.00+
Claim No. 12,998	Gregory Peutet	1,279.40
Claim No. 12,999	LaSummer James	Not stated

It was moved by Councilmember McAustin, seconded by Councilmember Madison, to approve all items on the Consent Calendar, with the exception of Item 1 (Authorization to Enter into A Contract With PSOMAS), Item 2 (Adopt a Resolution to Update the Healthy Food and Beverage Policy), and Item 5 (Recognize Revenue and Appropriate Expenditures related to the Public Health Department), which were discussed separately. (Motion unanimously carried) (Absent: Councilmember Gordo)

CONSENT ITEMS
DISCUSSED SEPARATELY

AUTHORIZATION TO ENTER INTO A CONTRACT WITH PSOMAS TO PROVIDE THE ARROYO SECO DIVERSION HABITAT MODELING STUDY FOR AN AMOUNT NOT-TO-EXCEED \$115,000

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 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 Psomas for the Arroyo Seco Diversion Habitat Modeling Study in an amount not-to-exceed \$115,000 over a period of two (2) years; 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. (Contract No. 31071)

Tim Brick, Arroyo Seco Foundation, spoke in favor of the Arroyo Seco Canyon project and the staff recommendation; and asked for consideration regarding the development of a low-flow stream maintenance program (environmental flow or instream flow programs) to benefit aquatic life.

Eric Klinkner, Assistant General Manager of Water and Power, and City Manager Mermell provided information on the study to be completed by the proposed vendor.

Councilmember McAustin asked staff to consider an environmental flow or instream flow program as the City evaluates water projects in the Arroyo Seco in the future.

Following discussion, it was moved by Councilmember Member McAustin, seconded by Councilmember Masuda, to approve the staff recommendations. (Motion unanimously carried) (Absent: Councilmember Gordo)

ADOPT A RESOLUTION TO UPDATE THE HEALTHY FOOD AND BEVERAGE VENDING AND PROCUREMENT POLICY

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; and

(2) Adopt a resolution to allow the City Manager or his designee to periodically update the City of Pasadena Healthy Food and Beverage Vending and Procurement Policy to remain consistent with federal updates of the U.S. Dietary Guidelines for Americans. (Resolution No. 9608)

Michael Johnson, Director of Public Health, provided an overview of the staff recommendation and the proposed resolution.

Councilmember Hampton requested that staff include in the Policy and the proposed resolution all vendors selling food in any City public park, and asked that this item be agendized at a future Economic Development and Technology Committee (EDTech) for discussion.

Councilmember Wilson asked that mobile food trucks be included in the discussion at the EDTech Committee.

In response, City Manager Mermell stated that staff would agendize the issue of vending in the City at a future EDTech Committee meeting for discussion.

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

FINANCE COMMITTEE: RECOGNIZE REVENUE AND APPROPRIATE EXPENDITURES OF \$429,121 TO THE PUBLIC HEALTH DEPARTMENT'S FISCAL YEAR 2018 OPERATING BUDGET AND INCREASE THE DEPARTMENTAL PERSONNEL ALLOCATION BY 3.0 FULL-TIME EQUIVALENTS (FTE) FOR THE SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION (SAMHSA) GRANT FOR THE BENEFIT OF HOMELESS INDIVIDUALS (GBHI) PROGRAM

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) Recognize revenue and appropriate expenditures of \$399,121 of federal grant funds, \$22,500 in Medi-Cal revenue, and \$7,500 in Medicare revenue to the Public Health Department's Fiscal Year (FY) 2018 Operating Budget and increase the Departmental personnel allocation by 3.0 Full-Time Equivalents (FTE) limited term grant-funded positions;

(3) 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 Union Station Homeless Services for outreach and engagement services for homeless populations in an amount not-to-exceed \$251,290 for a period of five years. Term shall commence on date of approval; and

(4) 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. (Contract No. 31083, Budget Amendment No. 2018-15)

Michael Johnson, Director of Public Health, responded to questions related to the funding of the grants, Measure H funds, programs to assist mental health concerns related to homeless individuals, and the Union Station funding agreement.

The Mayor, Chair of the Finance Committee, reported on the Committee's discussion and the unanimous support of the Committee to approve the staff recommendation.

Following discussion, it was moved by Councilmember Wilson, seconded by Councilmember McAustin, to approve the staff recommendations. (Motion unanimously carried) (Absent: Councilmember Gordo)

PUBLIC HEARING

**PUBLIC HEARING: POLYTECHNIC SCHOOL MASTER PLAN
– 1030 EAST CALIFORNIA BOULEVARD**

Recommendation:

(1) Find that the proposed Polytechnic Master Plan is categorically exempt from environmental review pursuant to the guidelines of the California Environmental Quality Act (Public Resources Code Section 21080(b)(1); Administrative Code, Title 14, Chapter 3, Section 15314 – Minor Additions to Schools and that there are no features that distinguish this project from others in the exempt class and, therefore, there are no unusual

circumstances;

(2) Adopt the Findings of Consistency and Conditions of Approval (Attachments A and B, respectively, to the staff report) for the approval of the Polytechnic School Master Plan, acknowledging that the Master Plan, as conditioned, is consistent with the General Plan and Zoning Ordinance; and

(3) Adopt a resolution of the City Council of the City of Pasadena approving a 15-year Master Plan for Polytechnic School located at 1030 East California Boulevard. (Resolution No. 9609).

Recommendation of the Planning Commission: On September 27, 2017, the Planning Commission voted to recommend approval of the Master Plan to the City Council. At the meeting, the Planning Commission discussed a variety of topics, including potential intersection improvements at Cornell Road and Mentor Avenue and conditions of approval related to maximum number of vehicle trips and the athletic program events. Overall, the Planning Commission expressed that the proposed Master Plan as conditioned provides the means for the school to modernize its facilities while being sensitive to the surrounding residential neighborhoods.

Recommendation of the Design Commission (Advisory Review): On May 10, 2016, the Design Commission conducted an Advisory Review of the proposed Master Plan. The Design Commission's review focused on urban design issues related to architecture, landscaping, and site planning of the new gym. Among the four preliminary design options for the new gym that were presented, the Design Commission favored Option B based on the low profile that engages pedestrians more, which gives a better sense of way-finding. Overall, the Design Commission appreciated the pedestrian-friendly approach to the new gym entrance, and that the school has been in on-going discussions with neighbors. In addition, the Design Commission encouraged the school to consider an open green space or corridor in the middle of the new gym.

The City Clerk opened the public hearing and reported 89 copies of the notice were posted and 292 copies of the notice were mailed on October 26, 2017; no correspondence was received by the City Clerk's office regarding this item.

David Reyes, Director of Planning and Community Development, provided introductory comments, and David Sinclair, Planner, provided a PowerPoint presentation on the agenda item, and responded to questions.

Councilmember Wilson reported that his children attend Polytechnic School, he receives no financial benefit from the school, and his office assisted with convening the neighbors, Polytechnic School, and the Department of Transportation to ensure traffic concerns were properly vetted, addressed, and

considered. In addition, Mr. Wilson stated that any decision related to this matter by him will reflect only the materials and testimony presented tonight at the City Council meeting.

Mike Bagheri, Transportation Development Manager, responded to questions regarding the conditional of approval related to a crosswalk at Lakewood Place and Cornell Road, and the City's unannounced vehicle trip monitoring survey's to be conducted by the City.

The City Council thanked and congratulated City staff, the community, neighbors, and Polytechnic School on the cooperative engagement, interaction, participation, and actions related to this project.

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

John Bracker, Polytechnic School (Applicant)
Saeed Jaffer, Polytechnic School (Applicant)
Melany Hunt, Polytechnic School (Applicant)
Christopher Patton, Pasadena resident
Margaret Sabbag, Polytechnic School

Following public comment, the applicant and staff agreed to amend (Attachment B, Page 5), Conditions Of Approval, Number 35: Vehicle Trip Monitoring (first paragraph, second sentence) to read as follows: "The first survey shall occur during the first school year in which the student enrollment increase occurs, and shall continue for the following four academic years, then every three academic years afterwards (i.e. year 1, 2, 3, 4, 5, 8, 11, 14).

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

Following further discussion, it was moved by Councilmember Masuda, seconded by Councilmember Madison, to approve the staff recommendations with the amendment to the Conditions Of Approval, Number 35: Vehicle Trip Monitoring as detailed above. (Motion unanimously carried) (Absent: Councilmember Gordo)

ORDINANCES – ADOPTED

Adopt "AN ORDINANCE OF THE CITY OF PASADENA TO PROTECT ITS RESIDENTS AND RESIDENTIAL NEIGHBORHOODS FROM UNREGULATED AND UNTAXED COMMERCIAL MARIJUANA ACTIVITY (AMENDING TITLE 17, THE ZONING CODE)" (Introduced by Councilmember Gordo) (Ordinance No. 7313)

The above ordinance was adopted by the following vote:

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

**Adopt "AN ORDINANCE OF THE CITY OF PASADENA
AMENDING TITLE 8 (HEALTH AND SAFETY), CHAPTER 8.77
(PROHIBITION OF COMMERCIAL MARIJUANA ACTIVITY) OF
THE PASADENA MUNICIPAL CODE TO ALLOW MEDICAL
MARIJUANA DELIVERY INTO THE CITY"** (Introduced by
Councilmember Gordo) (Ordinance No. 7314)

The above ordinance was adopted by the following vote:

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

**Adopt "AN ORDINANCE OF THE CITY OF PASADENA
AMENDING TITLE 8 (HEALTH AND SAFETY), CHAPTER 8.78
(TOBACCO USE PREVENTION) OF THE PASADENA
MUNICIPAL CODE TO CLARIFY PROHIBITIONS ON THE
SMOKING OF CANNABIS"** (Introduced by Councilmember
Hampton) (Ordinance No. 7315)

The above ordinance was adopted by the following vote:

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

COUNCIL COMMENTS

Councilmember Madison congratulated and commended the Public Work's department staff, and all other contributing City departments on the La Loma Bridge selection as a Best 2017 project by American Public Works Association (APWA)

**RECOMMENDATION FROM
OFFICERS AND
DEPARTMENTS**

AUTHORIZE THE CITY MANAGER TO EXECUTE CONTRACTS WITH AECOM AND DYETT AND BHATIA; AMEND EXISTING CONTRACTS WITH PLACEWORKS AND MIG TO PROVIDE GENERAL PLAN IMPLEMENTATION SERVICES

Recommendation:

- (1) Find that actions proposed in the agenda report is not a project subject to the California Environmental Quality Act ("CEQA") as defined in Section 21065 of CEQA and the State CEQA Guidelines Section 15060(c)(2), 15060(c)(3), and 15378;
- (2) Authorize the City Manager to enter into contracts, as a result of a Competitive Selection Process, as specified in Section 4.08.047 of the Pasadena Municipal Code, for a total amount of \$2,427,071, which is a base fee amount of \$2,206,428 and a 10% contingency of \$220,642, more specifically as follows:
 - (a) AECOM for a total amount not-to-exceed \$1,711,587 (\$1,555,988 base fee plus 10% contingency) for specific plan and planning and urban design services;
 - (b) Dyett & Bhatia for a total amount not-to-exceed \$715,484 (650,440 base fee plus 10% contingency) for planning and urban design services;
- (3) Authorize the City Manager to amend Contract No. 30819 with PlaceWorks to increase the not-to-exceed amount by \$887,933, for a new total amount not-to-exceed \$2,967,932 (\$2,698,121 base fee plus 10% contingency) for specific plan, planning and urban design, and environmental analysis services;
- (4) Authorize the City Manager to amend contract No. 30820 with MIG to increase the not-to-exceed amount by \$110,000, for a new total amount not-to-exceed \$385,000 (\$350,000 base fee plus 10% contingency) for public outreach services; and
- (5) To the extent the contract amendments could be considered a separate procurement subject to the Competitive Selection process, grant the proposed amendments for PlaceWorks and MIG 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. (Contract Nos. 31073, 31074, 30819-1, 30820-1)

Councilmember Madison stated a potential conflict related to this item, recused himself, and left the meeting at 7:46 p.m.

David Reyes, Director of Planning and Community Development, provided introductory comments, and Anita Cerna, Senior Planner, provided a PowerPoint presentation on the agenda item, and responded to questions.

The City Council thanked staff for undertaking a second Requests For Proposal (RFP) process to competitively seek out consultants to update the remaining specific plan areas.

Councilmember Wilson spoke on the importance of form-based codes which are followed through, and especially during Zoning Code changes.

Vivian Kahn, Associate Planner at Dyett & Bhatia, responded to questions regarding her qualifications and experience, and their work plan related to the City's planning and urban design.

Arthi Varma, Principal Planner, spoke on the City's and MIG's work plan that will include utilizing the services of the City's Ambassador Student Program; and responded to questions related to MIG's scope of work.

Councilmember Hampton asked staff to determine if students who attend schools in the City, and are considering urban planning as a career path, will have an opportunity to engage with the proposed vendor related to this project; and expressed his desire to see additional local vendors awarded City contracts.

Esmeralda Garcia, Principal with MIG, introduced herself and provided information on MIG's outreach services including utilizing social media to illicit public input on the project.

Bill Anderson, Principal and Susan Ambrosini, Senior Associate with AECOM introduced themselves and spoke on their professional experience and spoke on the opportunity to work with the City staff and community.

Woodie Tescher, Principal with PlaceWorks, introduced himself and spoke on his professional experience with the City thanked the City for the opportunity to continue to work with the City and community; and responded to questions.

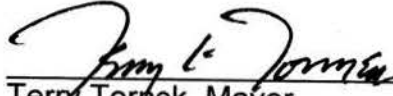
The Mayor spoke on the need to reenergize the community on this item, expressed concerns with the slow movement of the project, however, noted his belief that the current team assembled is qualified and will help to ensure forward progress.

Following discussion, it was moved by Vice Mayor Kennedy, seconded by Councilmember Hampton, to approve the staff recommendations:

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

ADJOURNMENT

On order of the Mayor, the regular meeting of the City Council adjourned at 8:48 p.m.


Terry Tornek, Mayor
City of Pasadena

ATTEST:



City Clerk