#### CITY OF PASADENA City Council Minutes February 6, 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 Councilmember Madison)

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

Councilmember Madison arrived at 5 53 p m

CITY COUNCIL CONFERENCE WITH LABOR NEGOTIATORS pursuant to Government Code Section 54957.6
Agency Designated Representatives: Jennifer Curtis and Steve Mermell

Employee Organization: Pasadena Firefighters Association (PFFA)

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

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

CITY COUNCIL CONFERENCE WITH LEGAL COUNSEL REGARDING POTENTIAL LITIGATION - Consideration of initiation of litigation pursuant to Government Code Section 54956.9(d)(4) (one potential case)

The above two closed session items were discussed following the conclusion of the regular meeting (continued on page 13)

On the order of the Mayor, the regular meeting reconvened at 6 44 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
Councilmember John J Kennedy
Councilmember Steve Madison
Councilmember Margaret McAustin
Councilmember Andy Wilson

Staff

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

CEREMONIAL MATTERS

The City Clerk administered the oath of office to Philip Chiao, Design Commissioner

Councilmember Kennedy stated the following for the record

"My fellow colleagues, Pasadena residents, neighbors and friends, Black History Month honors the influence and contributions of African Americans to United States history Black history is, and has been since the beginnings of our great country, American history The observance evolved from "Negro History Week," which was announced and created by renowned historian Carter G Woodson and the Association for the Study of Negro Life and History in 1926 Since 1976, every U S president has officially designated the month of February as Black History Month

Like other cities as well as states around the country, the city of Pasadena proudly celebrates Black History Month. We do so with the knowledge that Pasadena has and continues to occupy a prominent place in black history and correspondingly in American history. Most know of the pioneering roles of Pasadenans Mack and Jackie Robinson in the field of sports and business. The landmark 1970 decision in <a href="Spangler v Pasadena Board of Education">Spangler v Pasadena Board of Education</a> desegregated Pasadena public schools and provided a precedent that guided many subsequent school desegregation cases.

Currently, Pasadena is home to many accomplished, noteworthy African American citizens. One of them is Pasadena civic leader and businessman Robert C. Davidson, Jr., Chairman of the Boards of famed Morehouse College in Atlanta, Georgia and the Art Center of Design here in Pasadena. Another one of our neighbors in Pasadena is Medal of Freedom and Congressional Gold Medal recipient Dr. Terrence Roberts, one of the nine students who desegregated Central High School in Little Rock, Arkansas. Additionally, we must not forget the contributions of Arzella and Fred Valentine, owners of Woods. & Valentine Mortuary on Fair Oaks Avenue, and the hugely successful real estate investor duo Brenda and William Galloway of Summit Enterprises.

The 2017 Black History Month theme focuses on the crucial role of education in the history of African Americans. Newly freed slaves pushed for the establishment of free public schools as well as colleges. Their thirst for knowledge played a role in the movement to universally accepted and expected government supported, free public school education throughout America.

As we pause to celebrate the significant progress we have made in our nation to provide our youth with liberties, freedoms and educational opportunities, let us remember why newly freed slaves and so many others have battled for equal access to education Education provides one of the most powerful equalizing forces in society and accordingly every child in America deserves a quality public education

We study history for a compelling reason – if we fail to learn from our past mistakes, we are doomed to repeat them. The new administration in Washington apparently needs a reminder of the importance of the preceding sentence. I encourage all of us to be informed and concerned citizens who know our history and use the knowledge to guide us to a better future for all

Finally, there are many, many other neighbors and friends deserving of recognition for their contributions to the fabric of America during Black History Month. You know who they are and I would simply ask that you take a moment during this special month to share your love and gratitude for them. Additionally, please remember that we each have the power to make and shape history. The refusal of one woman, Rosa Parks, to give up her seat on a public bus in Montgomery, Alabama in 1955 ignited a movement and changed the world. I hope that the spirit of Rosa Parks inspires each of us to do what we can, where we can, when we can to make history and make the world a better place. In so doing, we appropriately honor Black History Month.

Thank you God Bless the City of Pasadena and the United States of America "

## PUBLIC COMMENT ON MATTERS NOT ON THE AGENDA

Steve Stafford, Pasadena resident, spoke on the need for police assistance, and specifically the HOPE team, in dealing with aggressive panhandlers in Pasadena, and those requiring mental assistance

Isabela Ghloni and Guohia Ghloni, Black Lives Matter, spoke on the need to treat African Americans fairly, and spoke in favor of peace throughout the nation

In response to public comment, Councilmember Wilson spoke on a round table meeting with Chief Sanchez and members of the Boys and Girls Club of Pasadena which covered the same issues and problems detailed above

Tim Martinez, on behalf of Pasadena ECO Advocates, invited the City Council to the Pasadena Candidate Forum on environment, health and sustainability to be held on February 23, 2017

#### CONSENT CALENDAR

Item discussed separately

ADOPTION OF A RESOLUTION DESIGNATING THE CITY OF PASADENA AS A HOUSING-RELATED PUBLIC ENTITY IN CONNECTION WITH THE CALIFORNIA DEPARTMENT OF TRANSPORTATION DISPOSITION PROCESS FOR SR-710 SURPLUS PROPERTIES

ADOPTION OF A RESOLUTION TO AUTHORIZE SUBMITTAL OF AN APPLICATION TO THE STATE OF CALIFORNIA FOR PROGRAM YEAR 2016 HOUSING-RELATED PARKS PROGRAM GRANT FUNDS

#### 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 project that may have an effect on the environment,
- (2) Adopt a resolution authorizing the City to submit a grant application to the State of California under the Housing-Related Parks ("HRP") Program, and
- (3) Authorize the City Manager or his designee to approve any documents in connection with the HRP grant application or, in the event that the City receives an award, any HRP grant contract documents that may be required by the State (Resolution No 9548)

The City Manager reported that the agenda report has been modified Page 2, second paragraph, to note that the City's application amount changed from \$280,000 to \$340,000, and the resolution, Page 1, No 1, Standard Agreement from \$336,000 to \$408,000

Item discussed separately

PROPOSAL TO ESTABLISH THE QUORUM OF COUNCIL COMMITTEES AS TWO MEMBERS

Item discussed separately

MUNICIPAL SERVICES COMMITTEE: AUTHORIZE A CONTRACT WITH DNV GL ENERGY SERVICES USA, INC., FOR THE PROVISION OF RESIDENTIAL ENERGY AND WATER DIRECT INSTALLATION PROGRAM SERVICES

APPOINTMENT OF JONATHAN EDEWARDS TO THE DESIGN COMMISSION (Transportation Advisory Commission Nomination)

MINUTES APPROVED

January 23, 2017

CLAIMS RECEIVED AND FILED

Claım No	12,801	Robin Allen	\$ 1,075 66
Claim No	12,802	Peter S Lee	2,662 20
Claım No	12,803	Farmers Insurance as subrogee for Paul Hoegel	8,945 26
Claım No	12,804	Law Office of Phillip J Holman, representing	25,000 00+
Claım No	12.805	Deena C Rusch Steve Mann	2 682 25

Following a brief discussion, it was moved by Councilmember Kennedy, seconded by Councilmember McAustin, to approve all items on the Consent Calendar, with the exception of Item 1 (Adoption of A Resolution Designating the City of Pasadena as a Housing-Related Public Entity), Item 3 (Proposal to Establish the

Quorum of Council Committees as Two Members), and Item 4 (Authorize A Contract With DNV GL Energy Services USA, Inc.), which were discussed separately, and to incorporate the amendment to Item 2 (Adoption of A Resolution to Authorize Submittal of an Application To The State of Ca.), as detailed above (Motion unanimously carried) (Absent None)

### CONSENT ITEMS DISCUSSED SEPARATELY

ADOPTION OF A RESOLUTION DESIGNATING THE CITY OF PASADENA AS A HOUSING-RELATED PUBLIC ENTITY IN CONNECTION WITH THE CALIFORNIA DEPARTMENT OF TRANSPORTATION DISPOSITION PROCESS FOR SR-710 SURPLUS PROPERTIES

#### Recommendation:

(1) Find that the recommended action to adopt the subject resolution 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) Adopt a resolution designating the City of Pasadena as a housing-related public entity in connection with the disposition process administered by the California Department of Transportation for State-owned SR-710 surplus properties (Resolutions No 9549)

Christopher Sutton, on behalf of Caltrans Tenants of 710 Corridor and United Caltrans Tenants, spoke on various aspects of the proposed resolution, and the need for the City staff to develop a plan to assist renters to purchase the California Department of Transportation (Caltrans) properties

Robert Flores, South Pasadena resident, spoke on the need for the City's proposed resolution to reference the Roberti Bill, and expressed concerns that very poor tenants will not be able to afford to purchase the properties for sale without the City's assistance

Jasmine Abdullah Richards, Black Lives Matter Pasadena, spoke on the need for social programs for adults and children in the City

The City Manager stated that the staff recommendation is the first step required by the City, to designate the City as a housing related entity, which is required in order for the City to pursue acquisition of any property from Caltrans

Bill Huang, Director of Housing, responded to questions regarding the Caltrans surplus properties for sale and affordable housing applicability Following discussion, it was moved by Councilmember Madison, seconded by Councilmember Gordo, to approve the staff recommendation (Motion unanimously carried) (Absent None)

## PROPOSAL TO ESTABLISH THE QUORUM OF COUNCIL COMMITTEES AS TWO MEMBERS

#### Recommendation:

- (1) Find that the proposed action is not a project subject to the California Environmental Quality Act ("CEQA") as defined in Public Resources Code Section 21065 and Section 15378 of the State CEQA Guidelines, and
- (2) Conduct first reading of "An Ordinance of the City of Pasadena Amending Title 2, Chapter 2 05, Sections 2 05 160 through 2 05 200 of the Pasadena Municipal Code to Establish the Quorum of City Council Committees as Two Members"

The following individuals spoke in opposition to the staff recommendation

Emanuel Najera, Pasadena resident David Llanes, Pasadena Police Officer Association

Councilmembers Gordo, McAustin, and Wilson and Vice Mayor Masuda expressed concerns in establishing a two-member quorum of City Council Committees with four members

Councilmember Gordo stated his interest in joining the Public Safety Committee

The Mayor and Councilmember Hampton voiced support for the staff recommendation, identifying one of the benefits to such a change in allowing City Council Committee meetings to be conducted and begin in a timely manner

Vice Mayor Masuda expressed concerns on lowering the number of Committee members to two, which he believes will lower the standards of discussion and reduce community representation

In response to public comment, Councilmember Kennedy stated the following for the record

"As a former Deputy Chief of Police in a major city, Richmond, Virginia, it would be unusual for a member of a bargaining unit to level veiled threats at an elected official and I want to be clear and on the record, that you have delivered a veiled threat that is not based on fact. So I am watching as well and I want you to understand that "

Councilmember Wilson recommended that the City Clerk's Office track attendance of City Council Committee meetings, in particular meetings that are delayed from starting on time or must be cancelled due to a lack of a quorum

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

# MUNICIPAL SERVICES COMMITTEE: AUTHORIZE A CONTRACT WITH DNV GL ENERGY SERVICES USA, INC., FOR THE PROVISION OF RESIDENTIAL ENERGY AND WATER DIRECT INSTALLATION PROGRAM SERVICES Recommendation:

- (1) Find that the proposed action is exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15301 (Class 1 Existing Facilities), 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 DNV GL Energy Services USA, Inc , ("DNV GL") in an amount not-to-exceed \$5,500,000 over a maximum five-year term for the installation of energy and water-conservation devices and services in residential homes under the Water and Power Department Residential Direct Installation Program (Contract No 30822)

Recommendation of the Municipal Services Committee: The Municipal Services Committee recommended that the City Council approve these recommendations at their January 24, 2017 meeting The Committee further directed staff to closely monitor the program to ensure it meets program goals and report findings, progress and performance to the Committee at least annually

Gurcharan Bawa, Acting General Manager of Water and Power, introduced the item and Wendy De Leon, Marketing Manager, presented a PowerPoint presentation on the item, and responded to questions

Councilmember Kennedy expressed concerns with the lack of outreach for the City's "Under One Roof" program, and other available programs and rebates for the City's low and very low income customers. He stated the need for a robust outreach plan on the proposed new residential efficiency direct install program and requested that staff establish additional local firms to provide the services in the program.

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

AYES Councilmembers Gordo, Hampton, Madison,

McAustin, Wilson, Vice Mayor Masuda, Mayor Tornek

NOES Councilmember Kennedy

ABSENT None ABSTAIN None

#### FROM COUNCIL COMMITTEES

## PROPOSAL TO SUPPORT MEASURE H, THE LOS ANGELES COUNTY PLAN TO PREVENT AND COMBAT HOMELESSNESS, ON THE MARCH 2017 BALLOT 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) Adopt a resolution in support of Measure H, the Los Angeles County Plan to Prevent and Combat Homelessness, a ¼ cent special sales tax to fund homeless services that has been placed on the March 7, 2017 ballot with approval of the Los Angeles County Board of Supervisors (Resolution No 9550)

Bill Huang, Director of Housing, introduced the item and Ann Lansing, Project Planner, presented a PowerPoint presentation on the item, and responded to questions

Councilmember Gordo asked City staff to ensure that Measure H (if approved) provides Charter Cities with appropriate funding, as well as to review that an appropriate allocation plan is in place

The following individuals spoke in favor of the item and/or various aspects of the proposed recommendation, and provided comments and/or suggestions

Marvin Gross, Sierra Madre resident Sieglinde Von Deffner, Union Station Homeless Services Michael Watkins, Pasadena resident Emily Bradley, Pasadena COC Board

Jasmine Abdullah Richards, Black Lives Matter Pasadena, spoke on the need for housing for youth and people of color in the City

Councilmember Wilson commented on the need to support Measure H to provide the necessary funding that will ensure the wrap-around services, such as mental health and addiction care, to the homeless population

Mayor Tornek, Chair of the Legislative Policy Committee, reported on the Committee's discussion and the unanimous decision of the Committee to support Measure H

Following discussion, it was moved by Councilmember Hampton, seconded by Councilmember Kennedy, to approve the staff recommendation (Motion unanimously carried) (Absent None)

AMEND PASADENA MUNICIPAL CODE TITLE 13, CHAPTER 13.10, THE CITY OF PASADENA WATER WASTE PROHIBITIONS AND WATER SUPPLY SHORTAGE PLANS ORDINANCE

#### Recommendation:

- (1) Find that the recommended actions to encourage water conservation and prevent water waste are 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), and
- (2) Direct the City Attorney to prepare an ordinance to amend Pasadena Municipal Code ("PMC") Title 13, Chapter 13 10, the City of Pasadena Water Waste Prohibitions and Water Supply Shortage Plan Ordinance ("Water Waste Ordinance"), as described in the agenda report and enumerated in Attachment A of the agenda report

Recommendation of the Municipal Services Committee: On January 24, 2017, the Municipal Services Committee unanimously approved the recommended actions with the following changes

- Remove requirements duplicative of existing building code requirements, and
- 2 Addition of language clarifying that a public hearing would be needed to discontinue a water shortage declaration

Gurcharan Bawa, Acting General Manager of Water and Power, introduced the item and Ursula Schmidt, Water Conservation Program Manager, presented a PowerPoint presentation on the item, and responded to questions

Councilmember McAustin, Chair of the Municipal Services Committee, summarized the Municipal Services Committee's discussion regarding the proposed action

Councilmember Wilson asked staff to provide a water conservation levels assessment before the summer period starts on April 1, 2017

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

RECOMMENDATIONS FROM OFFICERS AND DEPARTMENTS

AUTHORIZATION TO ENTER INTO A CONTRACT WITH VARIOUS CONSULTANTS FOR AN AMOUNT NOT-TO-EXCEED \$5,557,433 TO PROVIDE GENERAL PLAN IMPLEMENTATION SERVICES Recommendation:

- (1) Find that the proposed action 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, and (2) Authorize the City Manager to enter into contracts, without competitive bidding pursuant to City Charter Section 1002(F) professional or unique services, with the following consulting firms for General Plan Implementation Services
  - (a) Placeworks for an amount not-to-exceed \$2,079,999 (\$1,890,909 base fee plus 10% contingency) for specific plan, planning and urban design, and environmental analysis services, (Contract No 30819)
  - (b) Opticos for an amount not-to-exceed \$2,302,434 (\$2,093,122 base fee plus 10% contingency) for specific plan, form based coding and development standards, and planning and urban design services, (Contract No 30821)
  - (c) Moule & Polyzoides for an amount not-to-exceed \$899,999 (\$818,181 base fee plus 10% contingency) for planning and urban design services, and (<u>Contract No</u> 30824)
  - (d) MIG for an amount not-to-exceed \$275,000 (\$250,000 base fee plus 10% contingency) for public outreach services (Contract No 30820)

David Reyes, Director of Planning, introduced the item and Anita Cerna, Senior Planner, presented a PowerPoint presentation on the item, and responded to questions

Councilmember Gordo asked staff to provide the Councilmembers with developed timelines and meeting outreach dates in order to provide information to City residents

Councilmember Wilson spoke on the importance of the outreach aspect during the implementation of the General Plan in order to allow his constituents to provide feedback and the need for transparency

Councilmember McAustin spoke on the importance in addressing the Specific Plan updates as part of this effort

Councilmember Kennedy asked staff and the consulting firms to consider employing Pasadena High School and Pasadena City College students and/or other education institution students, which would demonstrate to the community the diversity and commitment from the City

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

AYES Councilmembers Gordo, Hampton, Kennedy,

Madison, McAustin, Vice Mayor Masuda, Mayor

Tornek

NOES None ABSENT None

ABSTAIN Councilmember Wilson

#### <u>ORDINANCE – FIRST</u> READING

Conduct first reading of "AN ORDINANCE OF THE CITY OF PASADENA AMENDING TITLE 2, CHAPTER 2.05, SECTIONS 2.05.160 THROUGH 2.05.200 OF THE PASADENA MUNICIPAL CODE TO ESTABLISH THE QUORUM OF CITY COUNCIL COMMITTEES AS TWO MEMBERS"

By consensus, no action was taken on this item

Conduct first reading of "AN ORDINANCE OF THE CITY OF PASADENA AMENDING THE OFFICIAL ZONING MAP ESTABLISHED BY TITLE 17 (ZONING CODE), CHAPTER 17.20, SECTION 17.20.020 OF THE PASADENA MUNICIPAL CODE TO CHANGE THE DESIGNATION FOR THE AREAS GENERALLY LOCATED ON EITHER SIDE OF EAST COLORADO BOULEVARD BETWEEN NORTH HILL AND NORTH HOLLISTON AVENUES THAT COMPRISE THE COLORADO HILL PLANNED DEVELOPMENT, AND AMENDING THE ZONING CODE TO CREATE PD-35 - COLORADO HILL PLANNED DEVELOPMENT"

The above ordinance was offered for first reading by Councilmember McAustin

AYES Councilmembers Gordo Hampton, Kennedy,

Madison, McAustin, Wilson, Vice Mayor Masuda,

Mayor Tornek

NOES None ABSENT None ABSTAIN None

Conduct first reading of "AN ORDINANCE OF THE CITY OF PASADENA AMENDING CHAPTER 10.08 AND CHAPTER 10.45 OF TITLE 10 OF THE PASADENA MUNICIPAL CODE TO CLARIFY PARKING METER OPERATIONS"

The above ordinance was offered for first reading by Councilmember Hampton

AYES Councilmembers Gordo, Hampton, Kennedy,

Madison, McAustin, Wilson, Vice Mayor Masuda,

Mayor Tornek

NOES None ABSENT None ABSTAIN None

#### ORDINANCES - ADOPTED

Adopt "AN ORDINANCE OF THE CITY OF PASADENA AMENDING SECTIONS 17.22.030, 17.50.275 AND 17.80.020 OF TITLE 17 (ZONING CODE) OF THE PASADENA MUNICIPAL CODE TO REVISE THE CITY'S SECOND DWELLING UNIT REGULATIONS" (Introduced by Councilmember McAustin) (Ordinance No 7295)

The above ordinance was adopted by the following vote

AYES

Councilmembers Gordo, Hampton, Kennedy,

Madison, McAustin, Wilson, Vice Mayor Masuda,

Mayor Tornek

NOES None ABSENT None ABSTAIN None

COUNCIL COMMENTS

In response to Councilmember Kennedy's inquiry of when staff will provide an analysis report on the current 15,000 square footage requirement of the Accessory Dwelling/Second Dwelling Unit regulation, Steve Mermell, City Manager reported that staff will conduct community outreach in March and April 2017, provide a report to the Planning Commission for discussion and consideration, and agendize for City Council discussion in June 2017

PUBLIC COMMENT ON MATTERS NOT ON THE AGENDA (Continued)

Roger Jelliffe, Pasadena resident, expressed his belief that staff should be sympathetic and more responsive to public comments made by Black Lives Matter representatives during public comments

On order of the Mayor, the regular meeting recessed at 9 23 to discuss the below closed session items (Absent Councilmember Kennedy)

CITY COUNCIL CONFERENCE WITH LEGAL COUNSEL REGARDING POTENTIAL LITIGATION - Consideration of initiation of litigation pursuant to Government Code Section 54956.9(d)(4) (one potential case)

Following discussion, it was moved by Councilmember McAustin, seconded by Vice Mayor Masuda to settle insurance matter regarding May 4, 2010, GT-1 turbine incident

AYES

Councilmembers Gordo, Hampton, Madison,

McAustin, Wilson, Vice Mayor Masuda, Mayor Tornek

NOES None

ABSENT Councilmember Kennedy

ABSTAIN None

## Councilmember Kennedy arrived at 9 32 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 Clerk City Representative: Terry Tornek

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

On order of the Mayor, the regular meeting of the City Council adjourned at 9 41 p m

#### **ADJOURNMENT**

Terry Tørnek, Mayor City of Pasadena

ATTEST

City-Clerk