

CITY OF PASADENA
City Council Minutes
April 9, 2018 – 5:30 P.M.
City Hall Council Chamber

REGULAR MEETING

Teleconference Location:
JW Marriott Washington, DC
1331 Pennsylvania Avenue NW
Washington, District of Columbia, 20004 USA

OPENING:

Mayor Tornek called the regular meeting to order at 5:31 p.m.
(Absent: Councilmembers Gordo, Hampton, Madison)

On the order of the Mayor, the regular meeting recessed at 5:31 p.m., to discuss the following closed session:

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

Name of Case: Oretha Bolton v. City of Pasadena
LASC Case No.: BC616812

Councilmember Madison
joined the meeting
telephonically at 5:39 p.m.

Councilmember Hampton
arrived at 5:58 p.m.

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

Name of Case: Shainie Lindsey et al v. City of Pasadena et al
USDC Case No.: 2:16-cv-08602-SJO-RAO

**CLOSED SESSION CONFERENCE WITH REAL PROPERTY
NEGOTIATORS** pursuant to Government Code Section
54956.8

Property Location: 1001 Rose Bowl Drive, Pasadena,
California

Agency Negotiator: Darryl Dunn

Negotiating Party: Chris Klein, Anschutz Entertainment Group
/Los Angeles Galaxy

Under Negotiations: Price and terms of payment

The above 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 Police Officers
Association (PPOA)

The above closed session item was not discussed.

On the order of the Mayor, the regular meeting reconvened at 6:58 p.m. The pledge of allegiance was led by Councilmember Gordo.

ROLL CALL:

Councilmembers:

Mayor Terry Tornek
Vice Mayor John J. Kennedy
Councilmember Victor Gordo
Councilmember Tyron Hampton
Councilmember Steve Madison (participated telephonically)
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

CEREMONIAL MATTERS

Fred Alcantar, President of Pasadena Sister Cities Committee, introduced Student Exchange Program participants, Titta Hurme, Markku Nissinen, Veikko Kamppinen, Maisa Ruohonen, Heikki Simojoki, Miko Vatka, Milka Koskipirtti, and Oskari Hakanen, from Järvenpää, Finland, who thanked the City Council and staff for the opportunity to participate in the program.

Vice Mayor Kennedy and Councilmember Gordo, expressed sympathies and condolences on the passing of Timothy Rhambo, community activist, and Valencia Galloway, Pasadena community member, and requested that the meeting be adjourned in memory of the two individuals and their contributions to Pasadena.

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

Cathy Morfopoulos, Glendale resident, distributed literature and spoke in opposition to the City's Measure CC, Commercial Cannabis Regulations, and Measure DD, Cannabis Business Tax.

Ian Burke Jameson, Pasadenans and Altadenans Against Police Violence, requested that the incident involving Mr. Christopher Ballew and two Pasadena Police Officers be investigated by an independent review board, the City fire the two Police Officers involved in the incident, hire an independent police auditor, and commented generally on the Police Department and City staff.

Veronica Jones, Altadena Town Council, distributed flyers and invited the City Council to the Days of Dialogue event to be held on April 11, 2018, to provide the community a forum to speak with law enforcement and policy makers.

Genevieve Clavreul, Pasadena resident, reiterated her request that the City address graffiti on public property in her neighborhood; and asked the Pubic Work's department to submit an itemized receipt for sidewalk repair.

In response to public comment, City Manager Mermell stated that he would follow up with staff and respond to Ms. Clavreul's concerns.

Michael Feinstein, Santa Monica resident, spoke on a plan for a new California State Legislature, and asked the City Council to agendaize the item for discussion and support this proposal.

Gerda Govine Ituarte, Pasadena Rose City Poets, recited poetry; and invited the public to the Pasadena Rose City Poets poetry event celebrating poetry month in the City, to be held on April 11, 2018 in the City Hall Council Chamber.

Niles Livingston Sr., residence not provided, expressed concerns with the violence in all communities and encouraged the public to read and abide by biblical scripture.

Councilmember Madison was excused and disconnected from the meeting at 7:20 p.m.

Pastor Burnes, Pasadena resident, supported the community providing input on the selection process for a new Police Chief; and expressed concerns regarding the Reginald Thomas Jr. lawsuit settlement.

City Manager Mermell stated that he would contact Mr. Burnes to discuss his concerns.

Peter Hartgens, Pasadenans and Altadenans Against Police Violence, spoke on the need to examine the role and strategies of Police Departments and law enforcement agencies to protect the public.

CONSENT CALENDAR

CONTRACT AWARD TO PERRY C. THOMAS CONSTRUCTION, INC., FOR THE CONSTRUCTION OF AN OIL CONTAINMENT SYSTEM AT THE DEL MAR SUBSTATION FOR AN AMOUNT NOT-TO-EXCEED \$799,986

Recommendation:

- (1) Find that the proposed action is exempt from the California Environmental Quality Act ("CEQA") pursuant to State CEQA Guidelines Section 15301(b) (Existing Facilities) and that there are no features that distinguish this project from others in the exempt class and, therefore, there are no unusual circumstances;
- (2) Accept the bid dated December 28, 2017, submitted by Perry C. Thomas Construction, Inc., in response to specifications for the construction of an oil containment system at the Del Mar Substation for the Water and Power Department; and authorize the City Manager to enter into a contract with Perry C. Thomas Construction, Inc., for an amount not-to-exceed \$799,986, which includes the base bid amount of \$727,260 plus a 10% contingency of \$72,726 to provide for any necessary change orders; and
- (3) Reject all other bids. (Contract No. 31184)

AUTHORIZATION TO AMEND CONTRACT NO. 22,276 WITH ANDERSON PENNA PARTNERS, INC., TO INCREASE THE TOTAL NOT-TO-EXCEED AMOUNT BY \$150,000 FROM \$473,000 TO \$623,000 FOR CONTRACT CODE COMPLIANCE SERVICES

Recommendation:

- (1) Find that actions proposed in the agenda report are exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15061(b)(3)(General Rule);
- (2) Authorize the City Manager to amend Contract No. 22,276 with Anderson Penna Partners, Inc., to increase the contract amount by \$150,000, thereby increasing the total not-to-exceed amount from \$473,000 to \$623,000; and
- (3) To the extent this could be considered a separate procurement subject to the Competitive Selection Process, it is further recommended that the City Council
- (4) Grant the proposed contract an exemption from the Competitive Selection Process pursuant to Pasadena Municipal Code (P.M.C.) Section 4.08.049(B), contracts for which the City's best interests are served. (Contract No. 22,726-4)

This item was discussed was separately

AUTHORIZATION TO ENTER INTO A CONTRACT WITH FOOTHILL UNITY CENTER FOR RAPID REHOUSING IN THE AMOUNT OF \$76,750 IN STATE OF CALIFORNIA EMERGENCY SOLUTIONS GRANT FUNDS

LEGISLATIVE POLICY COMMITTEE: CONTRACT AWARD TO EMANUELS JONES & ASSOCIATES FOR STATE LEGISLATIVE ADVOCACY SERVICES

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) Approve a five-year contract renewal with Emanuels Jones and Associates for State legislative advocacy services, effective July 1, 2018 through June 30, 2023 for an annual contract cost of \$54,800 in the first year; \$60,080 in the second year and \$65,888 for years three through five. Competitive bidding is not required pursuant to City Charter Section 1002(F) contracts for professional or unique services; and
- (3) Exempt the proposed contract from the competitive selection process of the Competitive Bidding and Purchasing Ordinance, pursuant to Pasadena Municipal Code (PMC) Section 4.08.049(B), contracts for which the City's best interests are served. (Contract No. 18,785-9)

MUNICIPAL SERVICES COMMITTEE: AUTHORIZE THE GENERAL MANAGER TO ENTER INTO A CONTRACT WITH POWEREX CORP. FOR THE PURCHASE OF RENEWABLE ENERGY

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 General Manager to enter into an eleven year contract with Powerex Corp. ("Powerex") for the purchase of renewable energy in an amount not-to-exceed \$12,932,000, pursuant to Resolution No. 4184-2, which grants the General Manager authority to execute contracts without public bidding for purchases, sales, exchanges, transmission or storage of electric energy or capacity; and pursuant to Resolution No. 9063, which grants the General Manager authority to enter into agreements for the purchase of Renewable Energy Credits ("RECs"). As a result, Competitive Bidding and Competitive Selection are not required. (Contract No. 31181)

MINUTES APPROVED

February 26, 2018 Special meeting
March 26, 2018
April 2, 2018

CLAIMS RECEIVED AND FILED

Claim No. 13,072	Luther Burbank Savings	\$	3,325.00
Claim No. 13,073	Wilber & Associates, P.C., representing USAA/James Crevier		10,736.16
Claim No. 13,074	Law Office of Paul Green, representing Mona Delitsky		95,000.00
Claim No. 13,075	Nisarot Potchanatayparuk		114.28
Claim No. 13,076	Raymond Tabandeh		300.00
Claim No. 13,077	O'Neil & Matusek, LLP representing Allene Rose		25,000.00+
Claim No. 13,078	Edward Quigley		925.00

PUBLIC HEARINGS SET

April 23, 2018, 7:00 p.m. - Zoning Code Amendment to Amend Existing Landscaping, Planting and Irrigation Requirements in Title 17 (Zoning) for Consistency with the State Model Water Efficient Landscape Ordinance and to Repeal Section 13.22 (Water Efficient Landscape)

May 21, 2018, 7:00 p.m. - Approval of Substantial Amendment to PY2017-18 Annual Action Plan Related to Community Development Block Grant (CDBG) Program

May 21, 2018, 7:00 p.m. - Approval of the Annual Action Plan (2018-2019) and Related Funding Applications for the Community Development Block Grant, Home Investment Partnership Act, and Emergency Solutions Grant Programs

It was moved by Councilmember McAustin, seconded by Vice Mayor Kennedy, to approve all items on the Consent Calendar, with the exception of Item 3 (Authorization to Enter Into A Contract With Foothill Unity Center), which was discussed separately. (Motion unanimously carried) (Absent: Councilmember Madison)

**CONSENT ITEM
DISCUSSED SEPARATELY**

**AUTHORIZATION TO ENTER INTO A CONTRACT WITH
FOOTHILL UNITY CENTER FOR RAPID REHOUSING IN THE
AMOUNT OF \$76,750 IN STATE OF CALIFORNIA EMERGENCY
SOLUTIONS 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 projects that may have an effect on the environment; and

(2) Authorize the City Manager to enter into a contract with Foothill Unity Center as a result of a competitive selection process, as specified by Section 4.08.047 of the Pasadena Municipal Code, in connection with the award of State of California Emergency Solutions Grant Funds for the Rapid Rehousing Program in the amount of \$76,750 for one year, with the option to renew for one additional year for a total funding of up to \$153,500 over two years, subject to approval of the City Manager. (Contract No. 31182)

Bill Huang, Director of Housing and Career Services, provided introductory comments, and Anne Lansing, Project Planner, provided a PowerPoint presentation on the item, and responded to questions.

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

PUBLIC HEARING

**PUBLIC HEARING: SUBMISSION OF PUBLIC HOUSING
AGENCY ANNUAL PLAN (2018) TO THE U.S. DEPARTMENT
OF HOUSING AND URBAN DEVELOPMENT**

Recommendation: It is recommended that the City Council continue the public hearing to April 16, 2018 at 7:00 p.m.

it was moved by Councilmember Masuda, seconded by Councilmember Hampton, to continue the public hearing to April 16, 2018 at 7:00 p.m. (Motion unanimously carried) (Absent: Councilmember Madison)

**RECOMMENDATIONS FROM
OFFICERS AND
DEPARTMENTS**

**APPROVAL TO HOST "AMERICAFEST" ON JULY 4, 2018
Recommendation of the Rose Bowl Operating Company
(RBOC):**

- (1) Find that the event proposed in the agenda report is categorically exempt under the California Environmental Quality Act (CEQA) Guidelines Section 15323 (Normal Operations of Facilities for Public Gatherings); and
- (2) Make the required finding, pursuant to Pasadena Municipal Code Section 3.32.270, to authorize the presentation of the proposed concert to be held at the Rose Bowl as the 19th displacement event of 2018, and recommend the same to the City Council.

Darryl Dunn, General Manager of RBOC, summarized the agenda report as part of the oral presentation, and responded to questions.

Vice Mayor Kennedy requested an itemized breakdown of the primary cost categories and financial impacts (specifically, the Public Safety/Neighborhood Management component) necessary to stage the Americafest Fireworks event.

Following discussion, It was moved by Councilmember Gordo, seconded by Councilmember Masuda, to approve the Rose Bowl Operating Company recommendation. (Motion unanimously carried) (Absent: Councilmember Madison)

LICENSE AGREEMENT WITH AEG/LOS ANGELES GALAXY FOR TWO INTERNATIONAL SOCCER MATCHES TO BE HELD WEDNESDAY, JULY 25TH, AND SATURDAY, JULY 28, 2018

Recommendation of the Rose Bowl Operating Company (RBOC):

- (1) Find that the license agreements proposed in the agenda report are categorically exempt under the California Environmental Quality Act (CEQA) Guidelines Section 15323 (Normal Operations of Facilities for Public Gatherings);
- (2) Make the required finding, pursuant to Pasadena Municipal Code Section 3.32.270, to authorize the presentation of the proposed soccer matches to be held at the Rose Bowl as displacement events; and
- (3) Acknowledge that the RBOC Board has authorized the General Manager of the RBOC to finalize negotiations and enter into license agreements with AEG for the presentation of international soccer matches on July 25, 2018 and July 28, 2018. (Contract No. 22,934)

Darryl Dunn, General Manager of RBOC, provided introductory comments, and Jen Weiden, Chief Revenue Officer, summarized the agenda report, and responded to questions.

Vice Mayor Kennedy asked staff to consider working with AEG to design an internship opportunity for the community.

Councilmember Hampton asked staff to strengthen the Rose Bowl's management of these events in terms of restricting illegal parking (similar to concert measures), including providing security to guard against this issue in the northern portion of the Arroyo.

Councilmember McAustin reiterated her concerns on the lack of context in reports submitted by Rose Bowl staff related to financial decisions; and requested that future reports include a 5-year budget projection/spending plan.

Following discussion, it was moved by Vice Mayor Kennedy, seconded by Councilmember Gordo, to approve the Rose Bowl Operating Company recommendation. (Motion unanimously carried) (Absent: Councilmember Madison)

10 YEAR SOCCER EXCLUSIVITY WITH AEG/LA GALAXY

The Mayor noted that the above item has been withdrawn from the agenda and will return for future consideration at a later date.

ORAL PRESENTATION AND STUDY SESSION ON GROWTH AND DEVELOPMENT IN PASADENA

Steve Mermell, City Manager, provided introductory comments, and David Reyes, Director of Planning and Community Development, provided a PowerPoint presentation on the City's management growth and development tools, historical growth trends, recent development activities in the City, impacts on local development in light of recent changes to state housing laws, and responded to questions.

Councilmember Hampton asked staff to provide information on the number of Pasadena residents that were able to acquire very low income units, and research the City's ability to adjust the "very low income" wage requirements by \$1,000 to accommodate Pasadena residents.

Andre Sahakian, Associate Planner, responded to questions related to information on the City's progress towards low, moderate, and above moderate income housing affordability as measured in the Regional Housing Needs Assessment (RHNA).

Councilmember Wilson stated his concerns with mixed-use projects, especially those with a very large commercial component, where developers tie the 15% low income requirement to the residential portion, enabling them to take advantage of building an extra story on a project, and diminishing the City's ability to control the density of these type of projects. He also stated his concerns with the City's ability to protect neighborhoods that are not in a City Specific Plan area and zoned multi-family, which are eligible for

density bonuses, and may significantly affect the neighborhood's quality of life, including impacts related to SB 827 Planning and Zoning: transit-rich housing bonus.

Councilmember McAustin spoke on the need to down-zone specific areas immediately adjacent to single-family residential areas; and asked staff to work with the City's state representatives to make needed changes to state laws related to density bonuses, or provide rewards to those cities making measureable progress towards RHNA requirements and penalize those cities that are not making progress.

Councilmember Gordo echoed Councilmember McAustin's suggestion to work with the City's State legislators to address the concerns stated, and suggested that staff and the Legislative Policy Committee develop a Pasadena-specific proposal as alternative legislation. In addition, Mr. Gordo spoke on the need to adopt interim regulations on height restrictions and reduce density in certain areas to respond to SB 1818 – State Density Bonus Law. He also requested that staff research potential areas of concern found within and outside Specific Plan areas, in terms of density, heights, and other aspects of the City's adopted General Plan where the State law may be encroaching, and address these issues through a comprehensive approach, taking into account the number of amendments to the General Plan allowed per year. He also spoke in favor of down-zoning areas (in compliance with SB 1818), with the City providing exceptions (at the City's discretion) to the general rule.

The Mayor agreed that interim regulations are needed to respond to the new density bonus requirements, in a fair and strategic manner, and for staff to determine what areas are threatened or sensitive (citing the North Lake area as an example); and spoke in favor of fine-tuning the Specific Plan development process, which may be subject to challenge.

Following discussion the City Council agreed by consensus to direct staff to develop the following initiatives:

- A legislative proposal specific to Pasadena, addressing issues related to the impacts of pending state legislation;
- Interim regulations that deal with the immediate issues, with a focus on protecting sensitive parts of the City that may be susceptible to density bonus developments and are immediately adjacent to single-family residential neighborhoods (i.e. North Lake, Washington Boulevard, Fair Oaks Avenue, East Pasadena, Foothill Boulevard, Colorado Boulevard); and

- Hybrid legislation with the possibility of down-zoning where appropriate, including a package of exceptions, were the burden is shifted to developers to explain their projects' consistency with the City's General Plan and the community benefits the project will provide.

The following individuals provided comments and recommendations on items related to development in Pasadena:

Blair Miller, Pasadena resident
Nina Chomsky, Pasadena resident
Michelle White, Affordable Housing Services
Jonathan Horton, Pasadena resident
Jill Shook, Pasadena resident

Councilmember Wilson asked staff to consider what actions may be taken in terms of providing density bonuses and development concessions, such that developers would more often be required to build affordable units as part of the project, as opposed to paying the affordable housing in-lieu fee.

Following discussion, the Mayor stated that staff will work to develop an action plan to be presented at the Planning Commission meeting on April 25, 2018, while also working on legislative solutions, and return to the City Council for further discussion.

By consensus of the City Council, and on order of the Mayor, the information was received and filed.

**ORDINANCE – FIRST
READING**

Conduct first reading of "AN ORDINANCE OF THE CITY OF PASADENA AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF PASADENA ESTABLISHED BY TITLE 17, CHAPTER 17.20, SECTION 17.20.020 OF THE PASADENA MUNICIPAL CODE FOR THE PARCEL AT 620-624 SOUTH PASADENA AVENUE"

The above ordinance was offered for first reading by Vice Mayor Kennedy:

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

NOES: None

ABSENT: Councilmember Madison

ABSTAIN: None

Conduct first reading of "AN ORDINANCE OF THE CITY OF PASADENA AMENDING VARIOUS PROVISIONS OF TITLE 17 (ZONING CODE) OF THE PASADENA MUNICIPAL CODE TO REVISE THE CITY'S ACCESSORY DWELLING UNIT REGULATIONS"

David Reyes, Director of Planning and Community Development, stated in response to public correspondence, staff recommended amending the ordinance (as distributed), delete Section E related to Parking and Circulation standards, which is inconsistent with the ordinance, and renumber the section for sequential order; and responded to questions.

The following individuals spoke on various aspects of the proposed ordinance, and provided comments and/or suggestions:

Nina Chomsky, Linda Vista-Annandale Association
Allison Allain, Monrovia resident
George Korzen, Pasadena resident
David Whitehead, Pasadena resident
Jill Shook, Greater Pasadena Affordable Housing Group

David Sinclair, Planner, responded to questions regarding Accessory Dwelling Units utilizing the covenant regulations in order to reduce the amount of residential impact fees collected.

Councilmember Gordo asked staff to monitor the impact of the adopted ADU regulations and return in a year with an update and information for City Council consideration.

Following discussion, the above amended ordinance was offered for first reading by Councilmember Hampton, incorporating the changes submitted by staff, as well as the direction to return to the City Council for a one-year review:

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

NOES: None

ABSENT: Councilmember Madison

ABSTAIN: None

ORDINANCES – ADOPTED

Adopt "AN ORDINANCE OF THE CITY OF PASADENA AMENDING CHAPTER 2.140 OF TITLE 2 (ORGANIZATION AND ADMINISTRATION) OF THE PASADENA MUNICIPAL CODE TO REVISE THE PURPOSE AND FUNCTIONS OF THE ENVIRONMENTAL ADVISORY COMMISSION" (Introduced by Councilmember Madison) (Resolution No. 7319)

The above ordinance was adopted by the following vote:

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

COUNCIL COMMENTS

Vice Mayor Kennedy spoke on his trip to Dakar, Senegal, which was part of fact-finding trip to explore the possibility of Dakar becoming a future Sister-City, and informed the City Council that Boualem Bouseloub, Board Member of Pasadena Sister Cities Committee, will provided a presentation on this opportunity in the near future.

Councilmember McAustin provided information on the Democratic Policing: Citizen Participation in Policing Policy event she attended, which was held on April 5, 2018, and was also attended by the Mayor and City Manager.

The Mayor provided information on a joint event of the City of Pasadena and Los Angeles County, attended by Supervisor Kathryn Barger, the Mayor, City staff, and the community, celebrating the launch of a pilot transit-to-trail bus service, from Memorial Park to North Lake Avenue, held on April 7, 2018, and thanked the Department of Transportation staff for their work on this project.

ADJOURNMENT

On order of the Mayor, the regular meeting of the City Council adjourned at 10:26 p.m., in memory of Timothy Rhambo, community activist, and Valencia Galloway, Pasadena community member.

Terry Tornek, Mayor
City of Pasadena

ATTEST:

City Clerk