

CITY OF PASADENA
City Council Minutes
December 4, 2017 – 5:30 P.M.
City Hall Council Chamber

REGULAR MEETING

OPENING:

Mayor Tornek called the regular meeting to order at 5:34 p.m.
(Absent: Councilmember Madison)

On the order of the Mayor, the regular meeting recessed at 5:34 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: Howard Jarvis Taxpayers Assn. v. City of
Pasadena**

Los Angeles County Superior Court Case No. BC550394

**CITY COUNCIL CONFERENCE WITH LEGAL COUNSEL -
ANTICIPATED LITIGATION - CONSIDERATION OF INITIATION
OF LITIGATION pursuant to subdivision (d)(4) of Government
Code Section 54956.9 - One potential case**

**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**

**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
Attorney/City Prosecutor
City Representative: Terry Tornek**

**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**

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

**Property Location: 3160 East Del Mar Blvd.
Agency Negotiators: Steve Mermell and Eric Duyshart
Negotiating Party: Lori Morgan
Under Negotiation: Price and terms of payment**

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

On the order of the Mayor, the regular meeting reconvened at 6:50 p.m. The pledge of allegiance was led by Councilmember Masuda.

ROLL CALL:

Councilmembers:

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

David Czamanske, Pasadena Group of Sierra Club, presented the City Council with 2018 Wilderness calendars and thanked them for supporting environmental matters.

Annette Wong, Pasadena Rose Poets, recited poetry.

Delano Yarbrough, Pasadena National Association of the Advancement of Colored People (NAACP), expressed deep concerns with an incident involving two Pasadena Police Officers that occurred on November 9, 2017 regarding the force and tactics used during the arrest of an individual, and requested information related to the incident.

Kris Ockershauser, American Civil Liberties Union (ACLU) and Coalition for Increased Civilian Oversight of Pasadena Police (CICOPP), spoke on the City's policy governing the Pasadena Police body worn cameras and requested that any videos involving Pasadena Police conduct be released to the public.

Vice Mayor Kennedy and Councilmember Hampton spoke on the video capturing the incident that occurred on November 9, 2017 and supported the City releasing the video to the public for transparency purposes.

City Manager Mermell stated that Use of Force investigations involving Pasadena Police Officers are reviewed according to Departmental policy; and that he will meet with the Chief of Police Sanchez to discuss the incident and respond to Mr. Yarbrough, the community, and the City Council once staff has reviewed the matter more thoroughly.

CONSENT CALENDAR

CONTRACT AWARD TO INSITUFORM TECHNOLOGIES, LLC FOR 2017 SEWER RELINING AND POINT REPAIR PROJECT FOR AN AMOUNT NOT-TO-EXCEED \$1,330,000

Recommendation:

(1) Find the project proposed in the agenda report to be categorically exempt under the California Environmental Quality Act (CEQA) State Guidelines in accordance with Title 14, Chapter 3, Article 19, Section 15301, Class 1, minor alterations of existing public facilities involving negligible or no expansion of use beyond that previously existing at the time of the lead agency's determination and that there are no features that distinguish this project from others in the exempt class, and therefore, there are no unusual circumstances; and

(2) Accept the bid dated November 3, 2017, submitted by Insituform Technologies, LLC in response to the Plans and Specifications for the 2017 Sewer Relining and Point Repair Project, reject all other bids, and authorize the City Manager to enter into a contract for an amount not-to-exceed \$1,330,000. (Contract No. 31096)

CONTRACT AWARD TO CALIFORNIA PROFESSIONAL ENGINEERING, INC., FOR STREET LIGHTING IMPROVEMENTS AT VARIOUS DEVELOPMENT LOCATIONS – PHASE II FOR AN AMOUNT NOT-TO-EXCEED \$289,335

Recommendation:

(1) Find the project proposed in the agenda report to be categorically exempt under the California Environmental Quality Act (CEQA) State Guidelines in accordance with Title 14, Chapter 3, Article 19, Class 3, Section 15303, New Construction or Conversion of Small Structures, and find that there are no features that distinguish this project from others in the exempt class, and therefore, there are no unusual circumstances; and

(2) Accept the bid dated November 15, 2017, submitted by California Professional Engineering, Inc., in response to the Project Specifications for Street Lighting Improvements at Various Development Locations Phase II, reject all other bids, and authorize the City Manager to enter into a contract for an amount not-to-exceed \$289,335. (Contract No. 31097)

AUTHORIZE THE CITY MANAGER TO EXECUTE ALL AGREEMENTS WITH THE LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY ASSOCIATED WITH THE RECEIPT OF GRANT FUNDING AND THE IMPLEMENTATION OF THE PASADENA TRANSIT, TRANSIT SIGNAL PRIORITY PROJECT

Recommendation:

(1) Find that the Pasadena Transit, Transit Signal Priority Project is exempt from review pursuant to the California Environmental Quality Act (CEQA), pursuant to State CEQA Guidelines Section 15301, Existing Facilities, and identified as an activity listed in 23 CFR 771.117(c)(21); and

(2) Authorize the City Manager to execute all agreements with the Los Angeles County Metropolitan Transportation Authority (Metro) associated with the receipt of \$1,157,647 in reimbursable grant funding for the implementation of the Pasadena Transit, Transit Signal Priority Project (Capital Improvement Program [CIP] Project No. 75094).

AUTHORIZE THE CITY MANAGER TO EXECUTE ALL AGREEMENTS WITH THE LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY ASSOCIATED WITH THE RECEIPT OF GRANT FUNDING AND THE IMPLEMENTATION OF THE ADAPTIVE TRAFFIC CONTROL NETWORK PHASE II PROJECT

Recommendation:

(1) Find that the Adaptive Traffic Control Network Phase II Project is exempt from review pursuant to the California Environmental Quality Act (CEQA), pursuant to State CEQA Guidelines Section 15301, Existing Facilities, and identified as an activity listed in 23 CFR 771.117(c)(21); and

(2) Authorize the City Manager to execute all agreements with the Los Angeles County Metropolitan Transportation Authority (Metro) associated with the receipt of \$1,657,413 in reimbursable grant funding for the implementation of the Adaptive Traffic Control Network Phase II Project (Capital Improvement Program [CIP] Project No. 75095).

AUTHORIZATION TO EXTEND CONTRACT NO. 21,296 WITH COGENT COMMUNICATIONS, INC., FOR DATA CENTER COLOCATION AND NETWORK SERVICES

Recommendation:

(1) Find that the proposed actions 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 extend Contract No. 21,296, without competitive bidding pursuant to City Charter Section 1002(F), contracts for professional or unique services, with Cogent Communications, Inc., for data center colocation and network services in an amount not-to-exceed \$1,250,000 over five years beginning March 1, 2018; 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. 21,296-1)

Item discussed separately

MASTER STREET TREE PLAN AMENDMENTS FOR POOR PERFORMING TREE SPECIES

PUBLIC SAFETY COMMITTEE: AUTHORIZATION TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH THE CITY OF GLENDALE TO SHARE INFRASTRUCTURE AND OPERATIONS OF A COMBINED RADIO SYSTEM

Recommendation:

- (1) Find that the following 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 City Manager to execute a Memorandum of Understanding (MOU) with the City of Glendale to share infrastructure and operations of a combined radio system. Neither competitive bidding nor competitive selection are required pursuant to City Charter Section 1002(H), and Pasadena Municipal Code Selection 4.08.049(A)(3), contracts with other governmental entities. (Contract No. 22,868)

APPROVAL OF AMENDMENTS TO EMPLOYMENT AGREEMENTS FOR CITY ATTORNEY/CITY PROSECUTOR AND CITY CLERK

Recommendation:

- (1) Find that the action proposed in the agenda report is not a "project" as defined in the California Environmental Quality Act (CEQA), Public Resources Code Section 21065 and Section 15378(b)(2) of the State CEQA Guidelines and, as such, is not subject to environmental review; and
- (2) Approve amendments to the employment agreements for City Attorney/City Prosecutor Michele B. Bagneris and City Clerk Mark Jomsky to provide a Cost of Living Adjustment timed with an increase in employee-paid pension contribution as well as an increase to the salary control rates for both classifications. It is further recommended that the Mayor be authorized to sign the third amendments to the employment agreements to reflect City Council approved changes. (Contract No. 22,129-3, 22,130-3)

REQUEST PREPARATION OF AN ORDINANCE AMENDING THE PASADENA MUNICIPAL CODE TO CHANGE MAXIMUM FINE AMOUNTS FROM \$50.00 TO \$1,000.00 TO CONFORM TO THE MAXIMUM FINE AMOUNTS LISTED IN CALIFORNIA GOVERNMENT CODE SECTIONS 36900 AND 36901

Recommendation:

- (1) Find that the proposed ordinance is exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15060; and
- Direct the City Attorney to draft an ordinance within 60 days consistent with the provisions set forth in the agenda report.

MINUTES APPROVED

- October 30, 2017
- November 6, 2017
- November 13, 2017
- November 20, 2017
- November 27, 2017

The City Clerk reported that the November 6, 2017 minutes were revised, related to the PUBLIC HEARING: MUNICIPAL CODE AMENDMENTS – MARIJUANA REGULATIONS, on page 6, the following paragraph was inserted, "Following discussion and clarification by City staff, Councilmember Madison requested that the staff recommendation be amended to only allow the delivery of medical marijuana and marijuana products into the City from commercial marijuana businesses located in other jurisdictions."

CLAIMS RECEIVED AND FILED

Claim No. 13,000	Betsy Mitchell	\$ 2,870.54
Claim No. 13,001	Robert Morris	3,100.00
Claim No. 13,002	Christopher Ballew	Not stated
Claim No. 13,003	Derek C. Hsieh	Not stated
Claim No. 13,004	Southern California Gas Company	Not stated
Claim No. 13,005	Milagro Esquivel	25,000.00+
Claim No. 13,006	Marilyn Evans	3,966.38
Claim No. 13,007	Marsha E. Gifford	2,246.00
Claim No. 13,008	Thomas Chang	500.00
Claim No. 13,009	Mercury Insurance as subrogee of Angela Stevenson	1,531.04
Claim No. 13,010	Mable B. Branch	1,690.00
Claim No. 13,011	California Churascaria Corp.	3,593.00
Claim No. 13,012	Pacific Bell/AT&T/Diane Mancini	2,198.12

PUBLIC HEARINGS SET

- December 11, 2017, 7:00 p.m.** – Designation of 545 Westgate Street as a Landmark
- December 11, 2017, 7:00 p.m.** – Pasadena Municipal Code Amendments Related to Development Impact Fees Applicable to Accessory Dwelling Units

It was moved by Vice Mayor Kennedy, seconded by Councilmember McAustin, to approve all items on the Consent Calendar, with the exception of Item 6 (Master Street Tree Plan Amendments), which was discussed separately; and including the amendment to the November 6, 2017 City Council minutes to add additional detail to page 6 of the minutes, as detailed above. (Motion unanimously carried) (Absent: Councilmember Madison)

CONSENT ITEM
DISCUSSED SEPARATELY

MASTER STREET TREE PLAN AMENDMENTS FOR POOR PERFORMING TREE SPECIES

Recommendation:

- (1) Find that the proposal to replace poor performing tree species from the City Master Street Tree Plan (MSTP) as described in the agenda report is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Chapter 3, Article 19, Section 15304(b) – Minor Alterations to Land; and
- (2) Adopt the proposed amendments to the MSTP to replace the following tree species Silver Maple, *Acer saccharinum*; Tulip, *Liriodendron tulipifera*; and Purple Leaf Plum, *Prunus cerasifera* as described in the agenda report.

Recommendation of the Urban Forestry Advisory Committee:

On May 10, 2017, the Urban Forestry Advisory Committee (UFAC) supported the staff recommendation to replace Silver Maple tree as described. UFAC also supported the recommendation to replace Tulip tree and Purple Leaf Plum Tree as described on August 9, 2017, and on October 11, 2017, respectively.

Recommendation of the Design Commission: On November 28, 2017, the Design Commission considered the Department of Public Works' recommendation to replace Silver Maple tree, Tulip tree, and Purple Leaf Plum tree as described, and amend the MSTP accordingly. The recommended replacement tree species that were presented to the Design Commission, were recommended from the previous UFAC meetings. During the Design Commission meeting, public comment was received regarding the recommended replacement tree species. After deliberation, the Design Commission made a motion to support staff's recommended replacement tree species as presented, with an amendment to change the recommended species on Arden Road, from Fern Pine to Crape Myrtle; and the recommended species on Miles Street, from Crape Myrtle to Chinese Pistache. The current list of replacement tree species noted on Table 1 was unanimously supported by the Design Commission to replace Silver Maple tree, Tulip tree, and Purple Leaf Plum tree, respectively.

Ara Maloyan, Director of Public Works, and Michael King, Program Coordinator, responded to questions regarding the watering of the City's tree canopy, the proposed tree species changes (including those proposed on Arden Road and Miles Street), the timeline for planting of trees in vacant locations, and the average number of tree-related inquiries made monthly through the City's Citizen Center App.

Councilmember Wilson requested that future tree canopy information identify: how many tree locations are impacted by the changes; the number of locations with healthy trees and vacant locations; and a breakdown on the number of locations where new tree species will be planted and old tree species remain.

Councilmember Masuda stated that a correction should be noted on page 3 of the staff report, St. John Avenue, State Street, and Fair Oaks Avenue are located in District 6.

Councilmember Hampton noted complaints received from constituents regarding delayed response when submitting inquiries through the City's Citizen Center App; but commended the Public Work's staff, specifically Kenneth Graham, Public Works Superintendent, on managing the City's tree canopy.

Following discussion, it was moved by Councilmember Member Wilson, seconded by Councilmember Masuda, to approve the staff recommendations, noting the correction to the staff report, as detailed above (Motion unanimously carried) (Absent: Councilmember Madison)

CONTINUED PUBLIC HEARING

Councilmember McAustin stated a potential conflict related to this item, recused herself, and left the meeting at 7:26 p.m.

CONTINUED PUBLIC HEARING: SUBSTANTIAL AMENDMENT TO THE ANNUAL ACTION PLAN (2017-2018) FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM AND HOME INVESTMENT PARTNERSHIP 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 (2017-2018) as described in the agenda report to: a) reduce funding by \$40,000 in Community Development Block Grant funds for the Public Health Department; and b) increase funding by \$2,782,981 in Home Investment Partnership funds for the Decker Court and Gill Court housing projects.

The City Clerk opened the public hearing; reported that the public hearing notice was published in the Pasadena Journal and Pasadena Weekly on October 19, 2017, November 2, 2017, November 9, 2017, and a revised public hearing notice was published on November 16, 2017 in the Pasadena Journal and Pasadena Weekly; and that no correspondence was received by the City Clerk's office regarding this item.

William Huang, Director of Housing and Career Services, provided introductory comments, and Randy Mabson, Program Coordinator II, presented a PowerPoint presentation on the agenda item, and responded to questions.

Councilmember Wilson left the dais at 7:39 p.m.

Jim Wong, Senior Project Manager, responded to questions related to the project's fiscal budget.

It was noted by the Mayor that the Economic Development and Technology Committee (EDTech) will review the proposed project at a special meeting scheduled on December 5, 2017. Vice Mayor Kennedy requested that the EDTech Committee carefully examine the developer's financing plan for the project, specifically the proposed funding related to New Markets Tax Credit (NMTC).

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

It was moved by Councilmember Hampton, seconded by Councilmember Gordo, to approve the staff recommendations. (Motion unanimously carried) (Absent: Councilmembers Madison, McAustin, Wilson)

COUNCIL COMMENTS

Vice Mayor Kennedy acknowledged Mario Clark, a Community Outreach Coordinator for the Rose Bowl, on his professional sports career and recent induction into the University of Oregon Sports Hall of Fame. In addition, Mr. Kennedy spoke on the memorial service for Andre Jones, retired Pasadena firefighter, held on December 2, 2017.

Councilmember Gordo spoke on the recent unveiling of the Jackie Robinson statue at the Rose Bowl that was held on November 29, 2017; distributed, on behalf the Rose Bowl, signed limited edition poster copies of the artist rendering of the statue, and requested that a framed version of the picture be temporarily displayed at City Hall and then moved to the new Robinson Center once the Center's construction is completed.

The Mayor congratulated the Rose Bowl Operating Company on the Jackie Robinson statue, including the information provided to educate the public; and thanked everyone, who attended the Mayor's Annual Holiday Tree Lighting event held on December 1, 2017 in front of City Hall.

ADJOURNMENT

On order of the Mayor, the regular meeting of the City Council adjourned at 7:54 p.m.

Terry Tornek, Mayor
City of Pasadena

ATTEST:

City Clerk