

CITY OF PASADENA
City Council Minutes
May 14, 2018– 5:30 P.M.
City Hall Council Chamber

REGULAR MEETING

OPENING:

Mayor Tornek called the regular meeting to order at 5:40 p.m.
(Absent: None)

On the order of the Mayor, the regular meeting recessed at 5:40 p.m. to discuss the following closed session:

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 WITH REAL PROPERTY NEGOTIATORS pursuant to Government Code Section 54956.8

Property Locations: 2097-2131 East Colorado Blvd., Pasadena, CA

Agency Negotiator: Steve Mermell

Negotiating Party: Henry Liu

Under Negotiation: Price and terms of payment

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

On order of the Mayor, the regular meeting reconvened at 6:30 p.m. The pledge of allegiance was led by Councilmember Wilson.

ROLL CALL:

Councilmembers:

Mayor Terry Tornek
Vice Mayor John J. Kennedy
Councilmember Victor Gordo
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

CEREMONIAL MATTERS

Interim Chief John Perez introduced the new Sergeant-at-Arms, Sergeant Anthony Russo, and extended his appreciation to Sergeants Michael Gligorijevic and Glen Thompson for their services as previous Sergeants-at-Arms.

PUBLIC COMMENT ON MATTERS NOT ON THE AGENDA

Mitch Halpern, Pasadena resident, spoke in support of the City's Occupancy Inspection Program and the need to continue the program.

Pastor Burnes, distributed a handout and invited the City Council and staff to the North Fair Oaks Empowerment Initiative Corridor meeting to discuss discrimination and the Pasadena Police Department scheduled on May 18, 2018 at Rosewood Court.

Micheal O'Leary, Culver City resident, spoke on the upcoming State Board of Equalization election and distributed his contact information.

The following individuals expressed concerns regarding the potential closure of the Eaton Canyon Golf Course:

- Kevin Gilbert, Pasadena resident
- William Larr, Pasadena resident
- Chris Bolder, Sierra Madre resident
- Diana Bohler, Sierra Madre resident
- Maurice Mischook, Altadena resident
- Scott Wright, Pasadena resident
- Joe Keros, Eaton Canyon membership
- Marv Good, Save Eaton Canyon Golf Course
- Barbara West, Eaton Canyon Golf Club

In response to the public comments, Mayor Tornek stated that Los Angeles County (current owner of the Eaton Canyon Golf Course) is evaluating the status of the course.

Gerda Govine Ituarte, Pasadena Rose City Poets, recited poetry and distributed information on an art event, New Sculptures to be held on May 18, 2018 in Pasadena.

CONSENT CALENDAR

AUDIT/FINANCE COMMITTEE: AUTHORIZATION TO EXTEND CONTRACT WITH LANCE, SOLL & LUNGHARD, LLP, CERTIFIED PUBLIC ACCOUNTANTS FOR AUDIT SERVICES FOR FISCAL YEARS 2018 AND 2019

Recommendation:

(1) Find that the proposed action is not a project subject to the California Environmental Quality Act (CEQA) as defined in 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 execute a ~~two~~ one-year extension to Contract No. 22,282 with Lance, Soll & Lunghard LLP, Certified Public Accountants (LSL) to perform the annual audits of the financial statements of the City of Pasadena, the Successor to the Pasadena Community Development Commission, the Rose Bowl Operating Company, the Pasadena Center Operating Company, and the Pasadena Community Access Corporation, in a total amount not-to-exceed \$501,804-247,085 for audits of fiscal years 2018 ~~and 2019~~; and
- (3) Grant the proposed extension 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. 22,282-1)

The Mayor, Chair of the Finance Committee, reported that the recommendation above was amended to, "Authorize the City Manager to execute a one-year extension..." and "total amount not-to-exceed \$247,052..." with staff to provide an update in one year.

MINUTES APPROVED

April 30, 2018

CLAIMS RECEIVED

Claim No. 13,089	Becker Law Group, representing Tengchao Li, Yanhua Sun, and Xiaomin Yang	\$ 25,000.00+
Claim No. 13,090	Beloryan & Manukyan, LLP for Arayik Arakelyan	25,000.00+
Claim No. 13,091	Beloryan & Manukyan, LLP for Ruzanna Kazaryan	25,000.00+
Claim No. 13,092	Avrek Law Firm, representing Jamie Ledesma Medina	Not stated
Claim No. 13,093	Gloria D. Nunn	354.35

PUBLIC HEARING SET

June 11, 2018, 7:00 p.m. - Approval of the Terms of Agreements to Transfer Housing Successor Funds in a Total Sum Not-to-Exceed \$472,399 to the Housing Authority of the County of Los Angeles to Assist Permanent Supportive Housing

It was moved by Councilmember Gordo, seconded by Councilmember Masuda, to approve all items on the Consent Calendar, including the amendments to Item 1 (Contract with Lance, Soll & Lunghard LLP), as detailed above. (Motion unanimously carried) (Absent: None)

OLD BUSINESS

ADOPTION OF FISCAL YEAR 2019 RECOMMENDED GENERAL FEE SCHEDULE

Recommendation: It is recommended that the City Council adopt a resolution approving the Fiscal Year (FY) 2019 General Fee Schedule. (Resolution No. 9650)

Matt Hawkesworth, Director of Finance, introduced the item, and Byanca Banaga, Administrative Analyst, provided a PowerPoint presentation on the item, and responded to questions.

Following discussion, it was moved by Councilmember Gordo, seconded by Councilmember Masuda, to approve the staff recommendation. (Motion unanimously carried) (Absent: None)

PUBLIC HEARING

CONTINUED PUBLIC HEARING: FISCAL YEAR 2019 RECOMMENDED SCHEDULE OF TAXES, FEES, AND CHARGES

Recommendation: It is recommended that the City Council close the public hearing and adopt the Fiscal Year (FY) 2019 Recommended Schedule of Taxes, Fees, and Charges.

Following a brief discussion, it was moved by Councilmember Gordo, seconded by Councilmember Masuda, to close the public hearing. (Motion unanimously carried) (Absent: None)

It was moved by Councilmember Gordo, seconded by Councilmember Masuda, to approve the staff recommendation. (Motion unanimously carried) (Absent: None)

REPORTS AND COMMENTS FROM COUNCIL COMMITTEES

FISCAL YEAR JUNE 30, 2017 SINGLE AUDIT REPORT

Recommendation: It is recommended that the Single Audit Report on Federal Awards for the year ending June 30, 2017 be received by the City Council.

Matt Hawkesworth, Director of Finance, summarized the discussion on the item, which was presented at the joint Finance Committee and City Council meeting held earlier today at 3:00 p.m.

It was moved by Councilmember Masuda, seconded by Councilmember McAustin, to approve the staff recommendation. (Motion unanimously carried) (Absent: None)

RECOMMENDATIONS FROM OFFICERS AND DEPARTMENTS

DIRECTION TO PREPARE AN ORDINANCE MODIFYING PASADENA MUNICIPAL CODE SECTIONS 14.30.020 AND 14.30.050 TO ADD LANGUAGE MAKING 14.30.020 APPLICABLE TO PROPERTY OWNERS AND TENANTS WHO ALLOW FIREWORKS TO BE USED, POSSESSED, SOLD OR

DISCHARGED ON THEIR PROPERTY, AND CHANGE THE PUNISHMENT FOR VIOLATIONS OF SECTION 14.30 OF THE PASADENA MUNICIPAL CODE

Recommendation:

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

Fire Chief Bertral Washington, provided introductory comments, and Wendell Eaton, Fire Battalion Chief, presented a PowerPoint presentation on the item and responded to questions. Michael Dowd, Chief Prosecutor, responded to questions related to the legal terms and definitions contained in the proposed ordinance, as well as questions on administrative citations, criminal prosecution, and deterrent efforts by City staff.

The City Clerk reported that two letters of correspondence were received, one in favor of, and one opposition to, the staff recommendation, which were distributed to the City Council.

Councilmember Gordo asked staff to provide information on the enforcement mechanisms and resources to be utilized. He also spoke in favor of staff developing strong administrative guidelines for enforcement to better define infractions and misdemeanors, and provide clarity for property owners or tenants that illegally set off fireworks in the City. Lastly, Councilmember Gordo requested baseline information on the number of citations issued for illegal fireworks within the last five years; and suggested that staff initially issue warnings or courtesy notices to property owners that set-off fireworks in the adjacent public right-of-way.

Councilmember Wilson requested that historical data be provided in similar agenda reports requiring legislative action and asked staff to include confiscated fireworks as part of the baseline information to ensure the ordinance has the intended affect.

Councilmember Madison asked staff to provide information on surrounding municipalities with similar ordinances prior to the second reading, which may model best practices.

Councilmember Hampton spoke in favor of the staff recommendation that puts the onus on the property owners, but stated that citations should not be issued to youths that are using

sparklers during various family events, which may lead to unintended negative consequences for minors.

Vice Mayor Kennedy expressed concerns that the item was not presented to the Public Safety Committee prior to the City Council, and stated the following for the record: "I don't believe this proposed ordinance moves in the direction of criminalizing the behavior of children. But I want to make sure that our law enforcement personnel, whether they be fire (personnel) acting in this instance as law enforcement, and our Police Officers are not doing exactly in any way what the ordinance doesn't reference...that is criminalizing such behavior of our children because we do not want infractions or misdemeanors following them. That doesn't make sense. We are trying to encourage them to become responsible young people and citizens in our community." In addition, Mr. Kennedy spoke in favor of the staff recommendation echoing Councilmember Hampton's thoughts that youths should be excluded from citation, and that rather, staff provide engagement and guidance.

Emanuel Najera, Pasadena resident expressed concerns on what actions the City will take with individuals who illegally set off fireworks on City streets.

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

**ORDINANCE – FIRST
READING**

Conduct first reading of "AN ORDINANCE OF THE CITY OF PASADENA AMENDING PASADENA MUNICIPAL CODE TITLE 14, CHAPTER 14.30 RELATING TO PROHIBITION OF FIREWORKS"

The above amended ordinance was offered for first reading by Councilmember Hampton:

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

NOES: None

ABSENT: None

ABSTAIN: None

**FISCAL YEAR 2019 RECOMMENDED OPERATING BUDGET
Recommendation:** It is recommended that the City Council continue their discussion on the City Manager's Fiscal Year 2019 Recommended Operating Budget.

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

COUNCIL COMMENTS

Councilmember Wilson and Mayor Tornek spoke on the Centennial Celebration event for Richard Feynman, beloved physicist, Nobel Prize-winner, held on May 11, 2018, held at the California Institute of Technology.

ADJOURNMENT

On order of the Mayor, the regular meeting of the City Council adjourned at 8:04 p.m.

Terry Tornek, Mayor
City of Pasadena

ATTEST:

City Clerk