

CITY OF PASADENA  
City Council Minutes  
January 22, 2018 – 5:30 P.M.  
City Hall Council Chamber

REGULAR MEETING

**OPENING:**

Mayor Tornek called the regular meeting to order at 5:31 p.m.  
(Absent: None)

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

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 to Government  
Code Section 54957.6**

**Employee Title and Unrepresented Employee: City Clerk  
City Representative: Terry Tornek**

The above closed session item was not discussed

**CITY COUNCIL CONFERENCE WITH LEGAL COUNSEL -  
ANTICIPATED LITIGATION**

**Significant exposure to litigation pursuant to Government  
Code Section 54956.9(d)(2) (one potential case)**

The above closed session item was discussed following the conclusion of the regular meeting (continued on page 11).

On the order of the Mayor, the regular meeting reconvened at 6:43 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

Del Yarbrough, community member, and Horace Wormely, Director of Human Services and Recreation, spoke on the various upcoming events to be held throughout the City in celebration of Black History Month, and responded to questions.

## PUBLIC COMMENT ON MATTERS NOT ON THE AGENDA

Valerie Wilson, Patrons of Von's Store, submitted literature and expressed concerns with the closing of the Von's store located on Washington Boulevard and Allen Avenue.

In response to public comment, Councilmember McAustin stated the following for the record, "The Von's store is closing at the end of April and Stater Bros. will be taking over that location. They will be commencing their improvements in May and they will be opening a store in the Fall of this year."

David Gevorkyan, Los Angeles County Assessor's Office, spoke on the Board of Supervisor's declaring January as Homeowners' Exemption Month, and urged all homeowners to apply for available tax assessment exclusions, exemptions and property saving programs; and responded to questions.

Gerda Govine Ituarte, Pasadena Rose City Poets, recited poetry; and invited the public to the Pasadena Rose City Poets poetry series event, held every second Monday of each month, in the City Council Chamber.

Rev. M. Burnes, Pasadena resident, spoke on the incident involving Mr. Christopher Ballew involving an altercation with Pasadena Police officers, expressed concerns with the officers continuing to actively work patrols, and the need for change in the Pasadena Police Department.

## CONSENT CALENDAR

**AUTHORIZATION TO ENTER INTO A CONTRACT WITH  
IMPACT SCIENCES, INC., FOR AN AMOUNT NOT-TO-EXCEED  
\$207,826 TO PROVIDE ENVIRONMENTAL CONSULTING  
SERVICES FOR THE PREPARATION OF ENVIRONMENTAL  
DOCUMENTATION FOR THE 86 SOUTH FAIR OAKS AVENUE  
MIXED-USE PROJECT**

### Recommendation:

- (1) Find that actions proposed in the agenda report are exempt from the California Environmental Quality Act (CEQA) State Guidelines Section 15061 (b)(3)(General Rule); and
- (2) Authorize the City Manager to enter into a contract, based on a competitive selection process, pursuant to Pasadena Municipal Code Section 4.08.047 for preparation of environmental

documentation for the 86 S. Fair Oaks Avenue Mixed-Use Project with Impact Sciences, Inc., in an amount not-to-exceed \$207,826. (Contract No. 31123)

**AUTHORIZE INCREASE TO PURCHASE ORDER NO. 1181565 WITH JADA SYSTEMS INC., BY \$120,404 FOR A TOTAL NOT-TO-EXCEED AMOUNT OF \$155,000 FOR IT TEMPORARY STAFFING SERVICES**

**Recommendation:**

- (1) Find that the proposed contract is exempt from the California Environmental Quality Act ("CEQA") pursuant to State CEQA Guidelines Section 15061(b)(3); and
- (2) Authorize the City Manager to increase Purchase Order No. 1181565, with Jada Systems, Inc., by \$120,404, thereby increasing the total not-to-exceed amount from \$34,596 to \$155,000; and
- (3) To the extent this could be considered a separate procurement subject to the Competitive Selection Process, it is recommended that the City Council grant the contract an exemption pursuant to Pasadena Municipal Code (PMC) Section 4.08.049(B), contracts for which the City's best interests are served.

**AUTHORIZATION TO ENTER INTO A CONTRACT WITH ENVIRONMENTAL SYSTEMS RESEARCH INSTITUTE, INC., (ESRI) FOR AN ENTERPRISE LICENSE AGREEMENT OF GIS SOFTWARE**

**Recommendation:**

- (1) Find that the proposed contract is 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 enter into a contract with Environmental Systems Research Institute, Inc., (ESRI) for an Enterprise License Agreement (ELA) of GIS software in an amount not-to-exceed \$400,000 for a period of three and a half years. Competitive bidding is not required pursuant to City Charter Section 1002(C), contracts for labor, material, supplies, or services available from only one vendor; and
- (3) Grant the proposed contract an exemption from the competitive selection process of the Competitive Bidding and Purchasing Ordinance, Chapter 4.08 of the Pasadena Municipal Code, pursuant to Section 4.08.049(B), contracts for which the City's best interests are served. (Contract No. 31126)

**CONTRACT AWARD TO KOA CORPORATION FOR THE PREPARATION OF PRELIMINARY ENGINEERING, COST ESTIMATES, PREPARATION OF CONCEPTUAL PLANS AND COMMUNITY OUTREACH FOR ACCESS ENHANCEMENTS TO METRO GOLD LINE ALLEN STATION – CONCEPT STUDY**

**Recommendation:**

- (1) Find that this action is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA State Guidelines Section 15061(b)(3) (General Rule); and
- (2) Authorize the City Manager to enter into a contract as a result of a competitive selection process as specified in Section 4.08.047 of the Pasadena Municipal Code with KOA Corporation for consultant services for the preparation of preliminary engineering, cost estimates, preparation of conceptual plans, and community outreach for the Access Enhancements to Metro Gold Line Allen Avenue Station – Concept Study, for an amount not-to-exceed \$178,400. (Contract No. 31124)

**FINANCE COMMITTEE: AMENDMENTS TO FISCAL YEAR 2018 ADOPTED OPERATING BUDGET**

**Recommendation:**

- (1) Find that the proposed action is exempt from the California Environmental Quality Act ("CEQA") in accordance with Section 15061(b)(3), the General Rule that CEQA only applies to projects that may have an effect on the environment; and
- (2) Amend the Fiscal Year (FY) 2018 Adopted Operating Budget as detailed in the "Proposed Budget Amendments" section of the agenda report. (Budget Amendment No. 2018-21)

**FINANCE COMMITTEE: AMENDMENTS TO FISCAL YEAR 2018 GENERAL FEE SCHEDULE**

**Recommendation:**

- (1) Find that the proposed action is exempt from the California Environmental Quality Act ("CEQA") in accordance with 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 amending a fee and adding a new fee for the Fiscal Year (FY) 2018 General Fee Schedule as detailed in the "Proposed Fee Schedule Amendments" section of the agenda report. (Resolution No. 9616)

**MINUTES APPROVED**

January 8, 2018  
January 15, 2018

**CLAIMS RECEIVED  
AND FILED**

Claim No. 13,032	AAA a/s/o Lauren Paz and Daniel Paz	\$ 1,848.87
Claim No. 13,033	AAA a/s/o John Padden	4,264.74
Claim No. 13,034	Ken Evans	1,085.00
Claim No. 13,035	Thon Beck Vanni Callahan & Powell, representing Brett Bell, a minor	25,000.00+
Claim No. 13,036	Joseph D. Hough, Esq. of Hough & Hough L.C., representing Evan Hasbun	25,000.00+

Claim No. 13,037	Joseph D. Hough, Esq. of Hough & Hough L.C., representing Penelope Moad	25,000.00+
Claim No. 13,038	Chwenjy Chang	550.00
Claim No. 13,039	Dorothy Lee Lewis	187.00
Claim No. 13,040	Pacific Bell/AT&T/Diana Mancini	Not stated
Claim No. 13,041	Bob's Paint & Body Shop, Inc.	4,200.50
Claim No. 13,042	Kathryn Smith	79.13

#### PUBLIC HEARINGS SET

**March 5, 2018, 7:00p.m. – Pasadena Climate Action Plan**

It was moved by Vice Mayor Kennedy, seconded by Councilmember Wilson, to approve all items on the Consent Calendar. (Motion unanimously carried) (Absent: None)

#### **REPORTS AND COMMENTS FROM COUNCIL COMMITTEES**

#### **FISCAL YEAR JUNE 30, 2017 ANNUAL FINANCIAL REPORTS**

**Recommendation:** It is recommended that the following reports for the year ending June 30, 2017 be reviewed, discussed, and filed by the City Council and/or the Successor Agency to Pasadena Community Development Commission:

- A. Comprehensive Annual Financial Report \*
- B. Single Audit Report (To be presented at a later meeting.)
- C. Independent Auditor's Report on Internal Control Over Financial Reporting and on Compliance and Other Matters Based on an Audit of Financial Statements Performed in Accordance with Government Auditing Standards (This replaces what was called the "Management Letter.")
- D. Pasadena Center Operating Company Basic Financial Statements
- E. Rose Bowl Operating Company Basic Financial Statements
- F. Pasadena Community Access Corporation Basic Financial Statements
- G. Pasadena Fire and Police Retirement System Independent Auditor's Report and Basic Financial Statements with Required Supplemental Information
- H. Air Quality Improvement Fund Financial and Compliance Report
- I. Independent Accountant's Report on Agreed-Upon Procedures Applied to Appropriation Limit Worksheets
- J. Independent Accountant's Report on Agreed-Upon Procedures Applied to Employee Deductions for the Internal Revenue Code Section 457 Deferred Compensation Program
- K. The Auditor's Communications with the City's Audit and Finance Committee
- L. Pasadena Housing Successor Report on Compliance and Internal Control Over Compliance and Housing Successor



Annual Report Regarding the Low and Moderate Income  
Housing Asset Fund \*

\* Reports previously delivered

Matt Hawkesworth, Director of Finance provided introductory comments, Robert Ridley, City Controller, and the City's independent auditor, Rich Kikuchi, Lance, Soll & Lunghard, LLP (LSL), provided PowerPoint presentations on the various annual financial reports, and respond to questions.

The Mayor, Chair of the Finance Committee, reported that the Committee discussed with staff the deficiencies identified in the report submitted by LSL, regarding capital assets and cash reconciliation items.

City Manager Mermell responded to questions related to the Housing Successor Agency excess surplus funds for the Heritage Housing site II project (Orange Grove Boulevard and Fair Oaks Avenue), and the City's actions related to pursuing permanent supportive housing in the City.

Vice Mayor Kennedy expressed his hope that staff will bring forward a proposed project for the Heritage Housing South site, requested that staff research any direction given to staff related to the project, and report back in a timely manner. In addition Mr. Kennedy urged to make every effort to ensure that grant funds related to housing are utilized to the greatest extent possible and not returned to the grantor, and stated the need to discuss the grant funding process at a future City Council meeting.

Councilmember Gordo asked staff to review the City's current affordable housing stock that may need rehabilitation as one strategy for utilizing available affordable housing grant funds awarded to the City and to avoid any loss of such funds that are in high demand, as well as explore opportunities to use any remaining funds outside the City, within a 15 mile radius, to assist other communities in the construction of affordable housing needed in the region.

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

**JOINT ACTION OF THE CITY COUNCIL AND PASADENA  
PUBLIC FINANCING AUTHORITY (PPFA): EXTENSION OF THE  
MANDATORY TENDER OF THE OUTSTANDING 2006, 2013A,  
AND 2013B ROSE BOWL LEASE REVENUE BONDS TO 2019**

**Recommendation:** It is recommended that the City Council:

(1) Find that the proposed action is not a project subject to California Environmental Quality Act (CEQA) as defined in Section

21065 of CEQA and Section 15378 of the State CEQA Guidelines and, as such, no environmental document pursuant to CEQA is required for the project;

(2) Adopt a resolution of the City Council of the City of Pasadena authorizing execution and delivery of supplemental bond indentures and one or more continuing covenant agreements with MUFG Union Bank N.A., relating to the Pasadena Public Financing Authority Variable Rate Demand Lease Revenue Bonds (Rose Bowl Refinancing and Improvement Projects) Series 2006, the Pasadena Public Financing Authority Variable Rate Demand Lease Revenue Bonds (Rose Bowl Renovation Project) Series 2013a (Tax-Exempt), and the Pasadena Public Financing Authority Variable Rate Demand Lease Revenue Bonds (Rose Bowl Renovation Project) Series 2013b (Taxable), and authorizing certain other actions relating thereto.

**Recommendation:** It is recommended that the Pasadena Public Financing Authority adopt a resolution of the Board of the Pasadena Public Financing Authority authorizing execution and delivery of supplemental bond indentures and one or more continuing covenant agreements with MUFG Union Bank N.A. relating to the Pasadena Public Financing Authority Variable Rate Demand Lease Revenue Bonds (Rose Bowl Refinancing and Improvement Projects) Series 2006, the Pasadena Public Financing Authority Variable Rate Demand Lease Revenue Bonds (Rose Bowl Renovation Project) Series 2013A (Tax-Exempt), and the Pasadena Public Financing Authority Variable Rate Demand Lease Revenue Bonds (Rose Bowl Renovation Project) Series 2013B (Taxable), and authorizing certain other actions relating thereto. (Resolution Nos. 9615, PPFA-26)

Matt Hawkesworth, Director of Finance provided introductory comments and Vic Erganian, City Treasurer, provided a PowerPoint presentation on the staff recommendations, and respond to questions.

The Mayor, Chair of the Finance Committee, summarized the Committee's discussion on the item and support for the staff recommendation, stating that this item will return to the City Council within a year for additional action.

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

**RECOMMENDATIONS FROM  
OFFICERS AND  
DEPARTMENTS**

**ADOPT A RESOLUTION FOR EXCEPTION TO THE 180-DAY  
WAIT PERIOD IN ACCORDANCE WITH CALIFORNIA  
GOVERNMENT CODE SECTIONS 7522.56 AND 21224  
RELATED TO HIRING IN THE PASADENA POLICE  
DEPARTMENT**

**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 for exception to the 180-day wait period for hiring retiree. (Resolution No. 9617)

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

## **CONSIDERATION OF POSSIBLE ACTION REGARDING CANNABIS REGULATIONS**

### **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 clearance is required for the action; and
- (2) Direct Staff to prepare and return to the City Council for its consideration, all documents necessary to place one or more possible ballot initiatives on the June 5, 2018 ballot related to cannabis regulations and taxation.

City Manager Mermell provided introductory comments, and David Reyes, Director of Planning, provided a PowerPoint presentation on the item, and jointly respond to questions.

Councilmember Hampton stated his support for the staff's recommended approach; asked the City Attorney to publically post information regarding illegal marijuana dispensaries (suggesting the City's website) to better inform residents of the City's knowledge of locations and actions being pursued to address the illegal activities taking place. He also suggested that staff consider eminent domain as a potential for nuisance property owners who continuously allow illegal uses of property locations.

Councilmember McAustin suggested that staff consider revising the City's existing ordinances and have the City Council adopt regulations related to commercial cannabis as opposed to seeking a City initiated ballot measure; and expressed concerns with the term "emergency" finding, which most individuals believe the term to mean emerging danger.

Mark Jomsky, City Clerk, responded to questions regarding the differences between proponent driven referendum and initiative processes; and provided information on the number of signatures needed should any City ordinance adopted by the City Council be subject to a referendum process.



Michele Beal Bagneris, City Attorney/City Prosecutor, responded to questions regarding the legal process and procedures on the closing of illegal marijuana dispensaries; and recouping the City's expenses; and stated that City staff utilizing "emergency" findings, is appropriate as long as staff can provide facts and conclusions that reasonably lead to an "emergency" finding determination.

Councilmember Gordo stated that any City-proposed ballot measure that would adopt regulations for legalized commercial marijuana must include provisions that refute any assertion that an existing property has somehow gained legal non-conforming use status simply by operating in violation of the adopted City prohibition and current Zoning Code regulations; and asked staff to strengthen the City's enforcement capacity of regulating the packaging and/or marketing of edible marijuana products to target or appeal to minors.

Theresa Fuentes, Assistant City Attorney, provided information on the percentage of affirmative votes required to pass a ballot measure.

Vice Mayor Kennedy was excused and left the meeting dais at 8:37 p.m.

Emanuel Najera, Pasadena resident, spoke in favor of implementing legalized marijuana regulations through the City's ordinance process instead of pursuing a ballot initiative as part of the June 5, 2018 election.

The Mayor expressed his support for the ordinance approach to legalize and regulate commercial marijuana, which would provide the City additional time and gain experience from other municipalities but also supported placing the tax measure on the ballot in the June 2018 election.

Councilmember Gordo suggested that staff be given the opportunity to move forward with preparations for a ballot measure, and not limit the options at this time.

Councilmember Wilson stated his preference that the community be involved in setting parameters related to an initiative.

Following discussion, it was moved by Councilmember Gordo, seconded by Councilmember Hampton to approve the staff recommendation, with staff to return to the City Council on February 26, 2018 with proposed ballot measure language and land use regulations for legalized commercial marijuana for City Council's consideration and discussion. (Motion unanimously carried) (Absent: Vice Mayor Kennedy)

## INFORMATION ITEM

### **PREDEVELOPMENT PLAN REVIEW OF A NEW MIXED-USE DEVELOPMENT AT 86 SOUTH FAIR OAKS AVENUE**

**Recommendation:** This report is intended to provide information to the City Council, no action is required.

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

The City Council expressed general concerns with elements of the project that included design, density, scale, and size for that location, which is in close proximity to the Green Hotel and Central Park.

Councilmember Hampton suggested that staff consider putting regulations in place to mandate solar panels be utilized for large projects in the City.

The following individuals spoke in opposition and/or provided comments on the proposed new mixed-use development:

Heidi Preschler, Pasadena resident  
Stefan Fauble, The Maryland Apartments  
David Woodbury, Pasadena resident  
Avram Gold, The West Pasadena Resident Association  
Jack Green, Castle Green Home Owners Association  
Constantine Evans, Castle Green Board of Governors  
Randy Chong, Los Angeles resident  
Sue Mossman, Pasadena Heritage  
Susan Futterman, Friends of the Castle Green  
Richard Ycaza, Pasadena resident

The Mayor stated that the proposed very high density project will be reviewed by the Design Commission, suggested that the project as constituted may be too large for the proposed site, and questioned whether the City's adopted density bonus may have gone too far in terms of what should be permitted in the City.

Councilmember McAustin also expressed concerns with current density bonus provisions, as well as recently adopted state legislation related to housing; and stated the need for staff to take a comprehensive look at the impacts of adopted density bonus provisions, suggesting that perhaps a housing workshop or the Planning Commission can evaluate the City Council's concerns and make recommendations to address the general issues raised.

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

On order of the Mayor, the regular meeting recessed at 10:05 p.m. to discuss the below closed session items (Absent Vice Mayor Kennedy):

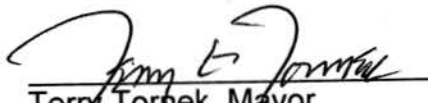
**CITY COUNCIL CONFERENCE WITH LEGAL COUNSEL -  
ANTICIPATED LITIGATION**

**Significant exposure to litigation pursuant to Government  
Code Section 54956.9(d)(2) (one potential case)**


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

**ADJOURNMENT**

On order of the Mayor, the regular meeting of the City Council adjourned at 11:15 p.m.

  
Terry Tornek, Mayor  
City of Pasadena

ATTEST:

  
\_\_\_\_\_  
City Clerk