

CITY OF PASADENA
City Council Minutes
July 22, 2019 – 5:30 P.M.
City Hall Council Chamber

REGULAR MEETING

OPENING: On order of the Mayor, the regular meeting was called to order at 6:42 p.m. The pledge of allegiance was led by Councilmember Gordo.

ROLL CALL:
Councilmembers:
Mayor Terry Tornek
Vice Mayor Tyron Hampton
Councilmember Victor Gordo
Councilmember John J. Kennedy
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 The Mayor presented the Pasadena Transit 25th anniversary recognition to Laura Cornejo, Department of Transportation Director, who thanked the City Council and staff, including Valerie Gibson, Transit Manager, and Sebastian Hernandez, Senior Planner.

The City Clerk administered the oath of office to Chelsea Dickerson as Library Commissioner, Andrea Jennings as Accessibility and Disability Commissioner, and Blair Miller as Planning Commissioner.

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

The following expressed concerns with a commercial waste hauler operating in the City, citing issues with treatment of union employees and creating a hostile work environment:

Robert Nothoff, Director of the Waste and Recycling project with Los Angeles Alliance for a New Economy (LAANE)
Miguel Castro, Teamsters,
Jim Smith, Political Coordinator with Teamsters, Local 396
(distributed correspondence)
Randall H., Pasadena resident

Following public comment, Councilmember Gordo requested that staff review the documents submitted by the public speakers, as well as the City's franchisee regulations, to ensure the organization is not in violation of the terms and conditions. Councilmember Madison asked staff to determine if the City's franchise agreement includes provisions that might apply to similar situations, to determine if violations within the City would call for scrutiny.

The following individuals advocated for the approval of the City's proposed contract with American Federation of State, County and Municipal Employees (AFSCME), Local 858, including pay raises:

Jeff Bigalow, AFSCME
David Edgar, AFSCME
Alex De La Pena, AFSCME
Matthew Zamayoa, AFSME

Armando Herman, residence not stated, commented on public speech.

PJ Johnson, representing the "Washington 16", advocated for rent control and additional tenant protections; and expressed concerns with the City's current Tenant Protection Ordinance.

In response to public comment, City Manager Mermell responded that staff would reach out to Ms. Johnson to address her concerns.

CONSENT CALENDAR

AUTHORIZATION TO ENTER INTO A PURCHASE ORDER WITH SUPPLYMATES NOT-TO-EXCEED AMOUNT OF \$300,000

Recommendation:

- (1) Find that the project proposed in the agenda report is exempt under the California Environmental Quality Act (CEQA) State Guidelines Section 15061(b)(3), the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment;
- (2) Authorize staff to extend a one year purchase order with Supplymates for office supplies and materials, for an additional term of two years, consistent with a competitive bidding process, and to authorize two additional one year extensions, at the sole discretion of the City Manager. Staff had entered into a one year purchase order on a trial basis, and City Council approval is required for an extension. The total is not to exceed the amount of \$60,000 for each year of the purchase order. If all extensions are authorized, the maximum length would be 5 years, and the total is not-to-exceed the amount of \$300,000.

AUTHORIZATION TO ENTER INTO A PURCHASE ORDER WITH CALGON CARBON CORPORATION TO FURNISH AND DELIVER GRANULAR ACTIVATED CARBON FOR AN INITIAL TERM OF ONE YEAR WITH FOUR OPTIONAL ONE-YEAR TERMS NOT-TO-EXCEED \$383,034 PER YEAR

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; and
- (2) Accept the bid dated June 7, 2019, submitted by Calgon Carbon Corporation ("Calgon") in response to Specification WD-19-04 to furnish and deliver granular activated carbon for the Water and Power Department ("PWP"), and authorize the City Manager to enter into a purchase order for an amount not-to-exceed \$383,034 for an initial period of one year, or until funds are expended, whichever occurs first; with four optional one-year terms of \$383,034 each or until the funds are expended, whichever occurs first. If the four additional one-year terms are exercised, the total contract value would be \$1,915,170 for a maximum contract duration of five years.

AUTHORIZATION TO ENTER INTO A PURCHASE ORDER WITH ONESOURCE DISTRIBUTORS, LLC IN AN AMOUNT NOT-TO-EXCEED \$756,066 TO FURNISH AND DELIVER ELECTRIC VEHICLE CHARGERS

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 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 July 9, 2019, submitted by OneSource Distributors, LLC in response to Specification LD-19-05 Marengo Garage Electric Vehicle Chargers, reject all other bids received, and authorize the issuance of a purchase order ("PO") with OneSource Distributors, LLC in an amount not-to-exceed \$756,066, which includes the base contract amount of \$687,332 and a 10% contingency (\$68,734) to provide for any necessary change orders.

AUTHORIZATION TO ENTER INTO CONTRACT WITH MONTROSE AIR QUALITY SERVICES, LLC. FOR PROVIDING AIR EMISSIONS TESTING SERVICES AT THE GLENARM POWER PLANT

Recommendation:

(1) Find that the authorization to enter into contract with Montrose Air Quality Services, LLC. 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; and

(2) Authorize the City Manager to enter into a contract, as the result of a competitive selection process, as specified by Section 4.08.047 of the Pasadena Municipal Code, with Montrose Air Quality Services, LLC. to provide Air Emissions Testing Services at the Glenarm Power Plant for an amount not-to-exceed \$360,000 for a period of five years, with one optional two year extension not-to-exceed \$144,000 subject to the approval of the City Manager. If this option is exercised, the total contract amount would be \$504,000. (Contract No. 31524)

AUTHORIZATION TO ENTER INTO AN AGREEMENT WITH SOUTHERN CALIFORNIA EDISON TO UPGRADE PROTECTION AND TELECOMMUNICATION EQUIPMENT OF THE 220kV LAGUNA BELL – T.M. GOODRICH TRANSMISSION LINE AT THE T.M. GOODRICH RECEIVING STATION FOR AN AMOUNT NOT-TO-EXCEED \$965,800

Recommendation:

(1) Find that the project is exempt from the California Environmental Quality Act ("CEQA") pursuant to the State CEQA Guidelines Sections 15301 (Existing Facilities) and 15302 (Replacement or Reconstruction) and that there are no features that distinguish this project from others in the exempt class and, therefore, there are no unusual circumstances;

(2) Authorize the City Manager, or his designee, to enter into an Agreement without competitive bidding pursuant to City Charter Section 1002(C) Contracts for labor, material, supplies, or services available from only one vendor, with Southern California Edison ("SCE") to upgrade protection and telecommunication equipment of the 220kV Laguna Bell – T.M. Goodrich transmission line at the T.M. Goodrich Receiving Station ("TMG") for an amount not-to-exceed \$965,800 which includes a base contract amount of \$878,000 and a 10% contingency (\$87,800) for the upgrade work; and

(3) It is further recommended that the City Council grant the proposed contract an exemption from the Competitive Selection process pursuant to Pasadena Municipal Code ("PMC") Section 4.08.049(B), contracts for which the City's best interests are served. (Contract No. 31518)

**AUTHORIZATION TO ENTER INTO A CONTRACT WITH
POWER & TELEPHONE SUPPLY COMPANY FOR FIBER
OPTIC CABLE AND MICRODUCT**

Recommendation:

- (1) Find that the following proposed action is exempt from the California Environmental Quality Act ("CEQA") pursuant to State CEQA Guidelines Section 15301 (Existing Facilities); and
- (2) Accept the bid dated June 25, 2019, submitted by Power & Telephone Supply Company in response to the specifications to furnish fiber optic cable and microduct, rejecting all other bids received, and authorize the issuance of a contract with a total not-to-exceed amount of \$141,156. (Contract No. 30516)

**CONTRACT AWARD TO KELLY PAPER COMPANY FOR
PAPER SUPPLY NOT-TO-EXCEED \$381,370**

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; and
- (2) Accept the bid dated May 6, 2019, submitted by Kelly Paper Co. in response to specifications to furnish copy paper and sheet-cut paper; reject all other bids received; and authorize the City Manager to enter into a contract with Kelly Paper Co. for three years in an amount not-to-exceed \$228,822, with the option for two additional one-year terms in an amount not-to-exceed \$152,548 at the discretion of the City Manager, for a total of \$381,370 for five years. (Contract No. 31517)

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
PASADENA CONFIRMING THE AWARD OF ITS ELECTRIC
REVENUE/REFUNDING BONDS 2019A SERIES**

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 Section 15378 of the State CEQA Guidelines, and as such, no environmental document pursuant to CEQA is required for the project; and
- (2) Adopt a resolution confirming the award of the City of Pasadena Electric Revenue/Refunding Bonds, 2019A Series. (Resolution No. 9731)

The City Manager reported the following correction to the agenda report, on Page 3, under Fiscal Impact, second sentence should read as follows:

"The refunding of the 2009 Electric Revenue Bonds is estimated to generate at least \$750,000 million of net present value savings or 6.3 percent of the existing principal amount of the refunded bonds."

Item discussed separately

CONTRACT AWARD TO CYBERTECH CONSTRUCTION COMPANY, INC., FOR INSTALLATION OF RESTROOM BUILDING AT DESIDERIO PARK FOR AN AMOUNT NOT-TO-EXCEED \$550,000 AND AMENDMENT TO CONTRACT WITH ONYX ARCHITECTS (NO. 30857) FOR PROFESSIONAL SERVICES

CONTRACT AWARD TO UNITED IRRIGATION, INCORPORATED FOR BERKSHIRE CREEK AREA IMPROVEMENTS FOR AN AMOUNT NOT-TO-EXCEED \$1,300,000

Recommendation:

(1) Find on the basis of the whole record before it (including the initial study and any comments received), that there is no substantial evidence that the project will have a significant effect on the environment and that the mitigated negative declaration reflects the lead agency's independent judgment and analysis; and therefore, adopt a Mitigated Negative Declaration for the Berkshire Creek Area Improvements Project pursuant to the California Environmental Quality Act, and adopt a Mitigation Monitoring and Reporting Program; and

(2) Accept the bid dated July 16, 2019, submitted by United Irrigation, Incorporated in response to the Project Plans and Specifications for the Berkshire Creek Area Improvements; reject all other bids received; authorize the City Manager to enter into a contract for an amount not-to-exceed \$1,300,000, which includes the base contract amount of \$1,149,805 and a contingency of \$150,195 to provide for any necessary change orders. (Contract No. 31521)

Item discussed separately

AUTHORIZATION TO AWARD A THREE-YEAR CONTRACT IN THE AMOUNT OF \$450,000 TO ARDURRA GROUP, INC., DBA ANDERSON PENNA PARTNERS FOR CONTRACTED CODE ENFORCEMENT SERVICES

Item was pulled from the agenda

~~**AUTHORIZE AN AGREEMENT WITH THE SOUTHERN CALIFORNIA PUBLIC POWER AUTHORITY AND THE ALLIANCE FOR COOPERATIVE ENERGY SERVICES POWER MARKETING, LLC. FOR ENERGY PORTFOLIO MANAGEMENT SERVICES**~~

AUTHORIZE THE CITY MANAGER TO EXECUTE AGREEMENTS WITH GLENDALE, BURBANK AND CALSTART AND ADOPT A RESOLUTION TO AUTHORIZE THE CITY MANAGER TO EXECUTE AGREEMENTS WITH CALTRANS ASSOCIATED WITH THE RECEIPT OF GRANT FUNDING FOR THE TRANSIT FLEET ELECTRIFICATION STUDY FOR THE ARROYO VERDUGO TRANSIT OPERATORS

Recommendation:

- (1) Find that the following proposed action is exempt from the California Environmental Quality Act ("CEQA"), pursuant to State CEQA Guidelines per Section 15061(b)(3);
- (2) Adopt a resolution authorizing the City Manager to execute all agreements with the California Department of Transportation (Caltrans) associated with the receipt of grant funding for the Transit Fleet Electrification Feasibility Study for the Arroyo Verdugo transit operators;
- (3) Authorize the City Manager to execute all agreements with CALSTART, in a total amount not-to-exceed \$407,997, and the cities of Glendale and Burbank for their local-match commitment as described in the Financial Impact Section of the agenda report for the implementation and management of the Transit Fleet Electrification Feasibility Study for the Arroyo Verdugo transit operators; and
- (4) It is further recommended that the City Council grant the proposed contract(s) 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. (Resolution No. 9732)

Item discussed separately

FINANCE COMMITTEE: AUTHORIZATION TO ENTER INTO A CONTRACT WITH PRESIDIO NETWORKED SOLUTIONS GROUP, LLC FOR FIRE MOBILE DATA COMPUTER AND DATA CONNECTIVITY UPGRADES

FINANCE COMMITTEE: RECOGNITION AND APPROPRIATION OF 2018 URBAN AREA SECURITY INITIATIVE (UASI) GRANT FUNDS

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) Authorize the City Manager to enter into a contract with the City of Los Angeles to accept and administer 2018 Urban Area Security Initiative (UASI) grant funds on behalf of the City of Pasadena; and

(3) Amend the Fiscal Year 2020 operating budget by recognizing revenue and appropriating expenditures of \$125,437 awarded by UASI as detailed in the fiscal impact section of the agenda report. (Contract No. 23,225, Budget Amendment No. 2020-04)

FINANCE COMMITTEE: JOINT ACTION 2019-2020 INVESTMENT POLICY AND INVESTMENT STRATEGY

Recommendation: It is recommended that the City Council and the Successor Agency to the Pasadena Community Development Commission:

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

(2) Adopt the City Treasurer's recommended Investment Policy and Investment Strategy for Fiscal Year 2019-2020.

PUBLIC SAFETY COMMITTEE: AUTHORIZATION TO ENTER INTO AN AUTOMATIC AID AGREEMENT FOR EXCHANGE OF FIRE PROTECTION, SPECIALIZED, RESCUE AND EMERGENCY MEDICAL SERVICES BETWEEN THE CITY OF LOS ANGELES AND THE CITIES OF BURBANK, GLENDALE AND PASADENA (THE TRI-CITIES)

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; and

(2) Authorize the City Manager to execute the Automatic Aid Agreement between the City of Los Angeles and The Tri-Cities which outlines the procedures for carrying out and exchanging Automatic Aid responses for fire protection, specialized, rescue and emergency medical services. (Contract No. 23,224)

PUBLIC SAFETY COMMITTEE: ADOPTION OF THE CITY OF PASADENA LOCAL HAZARD MITIGATION PLAN

Recommendation:

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

RESIGNATIONS,
APPOINTMENTS &
REAPPOINTMENTS

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; and

(2) Adopt the City of Pasadena Local Hazard Mitigation Plan as approved by the California Governor's Office of Emergency Services (Cal OES) and the Federal Emergency Management Agency (FEMA) and as is required by FEMA.

APPOINTMENT OF JAY WALTERS TO THE ROSE BOWL AQUATICS CENTER BOARD (City Nomination)

APPOINTMENT OF NICOLE COBLEIGH TO THE ENVIRONMENTAL ADVISORY COMMISSION (Mayor Nomination)

APPOINTMENT OF JUAN DE LA CRUZ TO THE HISTORIC PRESERVATION COMMISSION (Mayor Nomination)

APPOINTMENT OF GREGG GOLDMAN TO THE ROSE BOWL OPERATING COMPANY BOARD (UCLA Nomination)

APPOINTMENT OF JAMES B. HARNAGEL TO THE ARTS AND CULTURE COMMISSION (District 7 Nomination)

APPOINTMENT OF JESSICA XIE TO THE HUMAN SERVICES COMMISSION (District 7 Nomination)

REAPPOINTMENT OF RAPHY TIMOUR TO THE DEFERRED COMPENSATION OVERSIGHT COMMITTEE EFFECTIVE SEPTEMBER 1, 2019 (City Council Nomination)

ADJUSTMENTS TO GOLF FEES AT BROOKSIDE GOLF COURSE

Recommendation of the Rose Bowl Operating Company (RBOC):

(1) Find that the action proposed in the agenda report is exempt from the environmental review pursuant to State CEQA Guidelines Section 15061(b)(3), the General Rule that CEQA only applies to projects that may have a significant effect on the environment; and

(2) Authorize an amendment between American Golf Corporation (AGC) and the Rose Bowl Operating Company (RBOC), which modifies the Current Schedule of Golf Course Fees on a trial basis. (Contract No. 22960-1)

CLAIMS RECEIVED

Claim No. 13,352	John C. Blair	\$	1,713.93
Claim No. 13,353	Armando M. Herman		10,000.00

The following individuals provided comment on the consent calendar:

- Armando Herman, residence not stated
- Tim Brick, Arroyo Seco Foundation
- Christopher Sutton, Pasadena resident (Distributed literature)
- Mike Greenspan, residence not stated
- Mario Mariotta, Pasadena resident

Councilmember Gordo asked staff to provide an update on the City Council's discussion related to a vacant structure ordinance.

It was moved by Councilmember Kennedy, seconded by Councilmember McAustin, to approve the items on the Consent Calendar, including the correction to Item 8 (A Resolution of the City of Pasadena), which is detailed above; the exception of Item 12 (Authorize an Agreement With The Southern California Public Power Authority and The Alliance for Cooperative Energy Services Power Marking, LLC.), which was removed from the agenda with no action taken; and Item 9 (Contract Award to Cybertech Construction Company, Inc.), Item 11 (Authorization to Award Three-Year Contract to Ardurra Group, Inc.), and Item 14 (Authorization to Enter Into A Contract With Presidio Networked Solutions Group, LLC), which were discussed separately. (Motion unanimously carried) (Absent: None)

CONSENT ITEM
DISCUSSED SEPARATELY

CONTRACT AWARD TO CYBERTECH CONSTRUCTION COMPANY, INC., FOR INSTALLATION OF RESTROOM BUILDING AT DESIDERIO PARK FOR AN AMOUNT NOT-TO-EXCEED \$550,000 AND AMENDMENT TO CONTRACT WITH ONYX ARCHITECTS (NO. 30857) FOR PROFESSIONAL SERVICES

Recommendation:

(1) Find the contract 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 15303 – New Construction or Conversion of Small Structures [Class 3]. Class 3 exempts from environmental review construction and location of limited numbers of new, small facilities or structures including accessory (appurtenant) structures such as garages, carports, patios, swimming pools, and fences, 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 July 9, 2019, submitted by Cybertech Construction Company, Inc., in response to the Project Plans and Specifications for Installation of Restroom Building at Desiderio Park, reject all other bids received July 9, 2019, and authorize the City Manager to enter into such contract for an amount not-to-exceed \$550,000, which includes the base contract amount of \$446,777 and a contingency of \$103,223 to provide for any necessary change orders; and

(3) Authorize the City Manager to amend Contract No. 30857 with ONYX Architects to increase the contract amount by \$30,000 for a total not-to-exceed amount of \$156,210. (Contract Nos. 31522, 30857-1)

Councilmembers Madison, Gordo and Wilson spoke against the Installation of the Restroom Building at Desiderio Park project and stated their opposition to the staff recommendation.

City Manager Mermell responded to questions related to the time-frame of evaluating bids and agendizing contracts for City Council approval.

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

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

AUTHORIZATION TO AWARD A THREE-YEAR CONTRACT IN THE AMOUNT OF \$450,000 TO ARDURRA GROUP, INC., DBA ANDERSON PENNA PARTNERS FOR CONTRACTED CODE ENFORCEMENT SERVICES

Recommendation:

(1) Find that actions proposed in the agenda report are exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA State Guidelines Section 15061(b)(3) (General Rule/Common 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 contract code enforcement services with Ardurra Group, Inc., dba Anderson Penna Partners in an amount not-to-exceed \$450,000 or three years, whichever occurs first. (Contract No. 31519)

David Reyes, Director of Planning and Community Development and City Manager Mermell, provided information on the various services provided by the City's Code Compliance staff, and historic information related to the proposed contract service.

Councilmember Madison commended staff on the amount of work related to enforcement of short-term rentals.

Councilmember Masuda expressed concerns with employee turnover in the Code Compliance Department, which may result in neglect of responsibilities, specifically as it relates to the building at 3841 E. Sierra Madre.

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

FINANCE COMMITTEE: AUTHORIZATION TO ENTER INTO A CONTRACT WITH PRESIDIO NETWORKED SOLUTIONS GROUP, LLC FOR FIRE MOBILE DATA COMPUTER AND DATA CONNECTIVITY UPGRADES

Recommendation:

- (1) Find that the action in the agenda report is exempt from the California Environmental Quality Act ("CEQA") pursuant to State CEQA Guidelines Sections 15061(b)(3);
- (2) Authorize the issuance of a contract with Presidio Networked Solutions Group, LLC. for fire mobile data computer and data connectivity upgrades in an amount not-to-exceed \$154,387, which includes a ten percent contingency. Competitive Bidding is not required pursuant to City Charter Section 1002(H), contracts with other governmental entities or their contractors for labor, materials, supplies, or services;
- (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; and
- (4) Amend the Fiscal Year 2020 Capital Improvement Program Budget by appropriating \$57,387 to the Fire Mobile Data Computer and Data Connectivity Upgrades Project, 71164, from the Fire Department's General Fund operating budget. (Contract No. 31523, Budget Amendment No. 2020-03)

Mayor Tornek, Chair of the Finance Committee, summarized the Committee's discussion in the item; and responded to questions.

Councilmember Wilson requested that the Department of Information Technology provide additional information on the scope of work related to the contract.

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

PUBLIC HEARINGS

The City Clerk opened the public hearings (additional information per public hearing is detailed below):

PUBLIC COMMENT ON MULTIPLE PUBLIC HEARINGS

The following individuals provided comments on multiple public hearings:

Armando Herman, residence not stated
Suze Boyer, Madison Heights Neighborhood Association (MHNA)
Nina Chomsky, Pasadena resident
Leigh Ann Greenfield, Pasadena resident
Joshua Blumenkopt, Abundant Housing LA
Megan Foker, Livable Pasadena
Chris Fedukowski, Pasadena resident
Mike Greenspan, residence not stated

PUBLIC HEARING: ADOPTION OF A ZONE CHANGE TO DESIGNATE A LANDMARK DISTRICT OVERLAY FOR THE ARDEN ROAD LANDMARK DISTRICT (LD-28)

Recommendation:

- (1) Find that the application for a zone change to create a landmark district is categorically exempt from environmental review pursuant to the guidelines of the California Environmental Quality Act, (Section 15308: Class 8, Actions by Regulatory Agencies for Protection of the Environment);
- (2) Find that the proposed Arden Road Landmark District meets the criteria for designation as a Landmark District as specified in Section 17.62.040.F of the Pasadena Municipal Code;
- (3) Find that the proposed zoning map amendment is consistent with the General Plan;
- (4) Find that the proposed zoning map amendment would not be detrimental to the public interest, health, safety, convenience, or general welfare of the City;
- (5) Approve the landmark district designation and the zoning map amendment for the Arden Road Landmark District, LD-28; and
- (6) Direct the City Attorney to prepare an ordinance within 60 days amending the official zoning map of the City of Pasadena established by Section 17.20.020 of the Pasadena Municipal

Code to designate the landmark district with the LD-28 Overlay Zone.

Recommendation of the Historic Preservation Commission:

On December 4, 2018, the Historic Preservation Commission determined that the proposed Arden Road Landmark District meets the criteria for designation in Section 17.62.040.F of the Pasadena Municipal Code and unanimously recommended approval of the designation.

Recommendation of the Planning Commission: At a public hearing on March 13, 2019, the Planning Commission acknowledged the determination of the Historic Preservation Commission that the proposed landmark district meets the criteria for designation in Section 17.62.040.F of the Pasadena Municipal Code, confirmed that the designation has written support from at least 51% of the owners of individual parcels in the district, found that the proposed zoning map amendment to create a landmark district is consistent with the General Plan and voted unanimously to recommend that the City Council approve designation of the Arden Road Landmark District.

The City Clerk reported that 28 copies of the notice were mailed and 22 copies of the notice were posted on July 8, 2019; and that 1 letter in support of Arden Road Landmark District was received by the City Clerk's office, which was distributed to the City Council, posted online, and made part of the public hearing record.

Kevin Johnson, Senior Planner, presented a PowerPoint presentation on the item and responded to questions.

Councilmember Kennedy asked staff to provide information related to the City's ability to tax vacant properties, with the funds to be used to build additional affordable housing units.

The following individuals spoke in favor of the staff recommendation:

Amy Kessel, Arden Road Landmark District
Bill Thompson, Arden Road Landmark District

Following public comment, it was moved by Councilmember Kennedy, seconded by Councilmember Gordo, to close the public hearing. (Motion unanimously carried) (Absent: None)

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

PUBLIC HEARING: CALL FOR REVIEW OF BOARD OF ZONING APPEAL'S DECISION ON AFFORDABLE HOUSING CONCESSION PERMIT NO. 11869 LOCATED AT 253 SOUTH LOS ROBLES AVENUE

Recommendation:

- (1) Adopt the Environmental Determination that the proposed project is exempt from environmental review pursuant to the guidelines of the California Environmental Quality Act (Public Resources Code Section 21080(b)(9); Administrative Code, Title 14, Chapter 3, Section 15332, Class 32, In-Fill Development Projects) and that there are no features that distinguish this project from others in the exempt class. Therefore, there are no unusual circumstances; and
- (2) Uphold the Board of Zoning Appeal's decision and approve Affordable Housing Concession Permit No. 11869.

The City Clerk reported that 60 copies of the notice were mailed and 40 copies of the notice were posted on July 8, 2019; and that 1 letter in support and 17 letters in opposition to the proposed project at 253 South Los Robles Avenue were received by the City Clerk's office, which were distributed to the City Council, posted online, and made part of the public hearing record.

In light of alleged bias on this matter, Councilmember Wilson and the Mayor each stated that they will look at the matter objectively and base their decisions on the testimony and record presented this evening during the public hearing.

David Reyes, Director of Planning and Community Development, provided introductory comments, and Talyn Mirzakhanian, Principal Planner, Barbara Kautz, Attorney with Goldfarb & Lipman LLP, and Kathe Head, Managing principal with Keyser Marston Associates, jointly provided a PowerPoint presentation on the item, and responded to questions. Jon Bellas, California Environmental Quality Act (CEQA) Planner, responded to questions related to the City's analyzation of cumulative impacts for the proposed project.

City Manager Mermell responded to questions related to the number of affordable housing units in City Council District 6; and provided information on the City's inclusionary housing ordinance.

In response to a question, Michele Beal Bagneris, City Attorney/City Prosecutor, provided information on the City's liability in the event that the staff recommendation is not approved.

Councilmember Gordo asked staff to provide information on the proposed project's apparent lack of consistency with the City's General Plan and the strategy to protect neighborhoods to the south by encouraging high density development closer to the Central District. He also inquired as to the rationale for the allowance of a height increase from 60 feet to 80 feet. Mr. Gordo expressed concerns regarding the cumulative impacts of the proposed project (given other projects in the area), and requested an explanation regarding the basis of staff's finding that there is no substantial evidence of cumulative impacts with three projects in the same vicinity, within close proximity.

Vice Mayor Hampton expressed concerns with the proposed height allowance of the project and the small number of affordable housing units to be provided for the additional concessions.

Councilmember Wilson asked staff to avoid providing information on the height averages, as he believes it is misleading to the public.

The following persons spoke in support of the staff recommendation, uphold the Board of Zoning Appeal's decision, and approve the Affordable Housing Concession Permit No. 11869:

Richard A. McDonald, attorney representing the applicant
Burke Farrar, Odyssey Development Services
Jon Kelly, Tyler+Kelly Architecture
Emanuel Najera, Pasadena resident

The following persons spoke in opposition to the staff recommendation, not uphold the Board of Zoning Appeal's decision, and reject the Affordable Housing Concession Permit No. 11869:

Molly Kennington, Pasadena resident
John Latta, Madison Heights Neighborhood
Association(MHNA) (Distributed literature)
Kristen Harrison, MHNA (Distributed literature)
Harlan Thompson, MHNA
Ronald R. Manzke, MHNA (Distributed literature)
Erika Foy, MHNA (Distributed literature)
Kelly Holmes, Pasadena resident
Page Malloy, Pasadena resident
Susan Mossman, Pasadena Heritage
Andrew Salman, Pasadena Heritage

Councilmember Madison suggested that there may be substantial environmental impact issues related to the project, and therefore, preferred an Environmental Impact Report (EIR) process be conducted. He also expressed concerns with the economics of the project.

Councilmember Gordo suggested the need to study the cumulative impacts of development on the surrounding neighborhood to better understand the scope of an appropriate project in the Los Robles corridor; and for staff to consider whether or not the threshold for cumulative impacts should be revised. He also stated that he does not believe the proposed project qualifies for categorical exemption.

Councilmember McAustin stated that she believes there is a cumulative impact in terms of traffic in the Los Robles corridor, and spoke on the need to change the City's standards to define and register significant cumulative impacts. She suggested that staff or the Planning Commission review the City's General Plan or revise the City's Inclusionary Housing Ordinance to allow the City to target development.

Mayor Tornek stated that he believes the studies completed are thorough and does not support repeating these studies. He spoke in support of the staff recommendation.

Motion:

Following discussion, it was moved by Councilmember Madison, seconded by Vice Mayor Hampton, to close the public hearing. (Motion unanimously carried) (Absent: None)

Councilmember Wilson expressed his lack of enthusiasm towards the proposed project, however, he stated that the City Council is acting in a judicial capacity rather than a legislative capacity. In this case, he stated he would uphold the law, and support the staff recommendation.

Vice Mayor Hampton also spoke on the need for staff to review the City's General Plan in order to avoid repetitive discussions related to affordable housing concessions.

Councilmember Kennedy spoke in favor of a full review of the City's General Plan; and stated the need for the City Council to determine how to provide homeownership and affordable housing for low income earners in the City to ensure diversity. He stated that he does not believe there is sufficient empirical data to deny the developer the requested affordable housing concession, and will therefore support the staff recommendation.

Councilmember Masuda expressed frustration with state regulations related to affordable housing projects that basically entitle these types of concessions, and stated that he agreed with the residents and would be voting in opposition to the project.

Motion:

It was moved by Councilmember Madison, seconded by Councilmember Gordo, to reject the staff recommendation and direct staff to prepare an Environmental Impact Report (EIR) analysis, as substantial evidence exists to demonstrate the exemption may not apply:

AYES: Councilmembers Gordo, Madison, Masuda, Vice Mayor Hampton

NOES: Councilmembers Kennedy, McAustin, Wilson, Mayor Tornek

ABSENT: None

ABSTAIN: None

(MOTION FAILED)

Theresa Fuentes, Assistant City Attorney, responded to questions regarding the implications of the City Council denying the categorical exemption, direction to staff to complete an EIR, and CEQA requirements related to including additional low income units in the proposed project.

Councilmember McAustin noted that the Board of Zoning Appeals (BOZA) decision related to the proposed project was made by three members, but should have been made by five members, expressed concerns as to why BOZA has only three members voting on such important issues, and asked staff to provide additional information on quorum issues with BOZA.

Motion:

It was moved by Councilmember McAustin, seconded by Councilmember Kennedy, to open the public hearing to allow the proposed project developer to respond to questions. (Motion unanimously carried) (Absent: None)

Richard A. McDonald, attorney representing the applicant, responded to questions related to the project, including providing additional affordable units, as well as the proposed additional environmental reviews.

Motion:

Following discussion, it was moved by Councilmember Kennedy, seconded by Vice Mayor Hampton, to close the public hearing (Motion unanimously carried) (Absent: None)

Councilmember Wilson expressed concerns with the City Council brokering a deal "on the fly" that is not reflective of what is required under state regulations for affordable housing concessions.

Motion:

Following discussion, it was moved by Councilmember Kennedy, seconded by Councilmember McAustin, to approve the staff recommendation, amended to require three additional affordable units as part of the project, for total of 11 very low income affordable units, subject to a written acknowledgement of the terms by the developer, and release of all lawsuits and claims:

AYES: Councilmembers Kennedy, McAustin, Vice Mayor Hampton, Mayor Tornek

NOES: Councilmembers Gordo, Madison, Masuda, Wilson

ABSENT: None

ABSTAIN: None

(MOTION FAILED)

Following discussion, no additional motion was offered, no further action was taken, and the project was therefore denied.

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

The following individuals advocated for the City to permit the use of nicotine/tobacco free hookah smoking in their establishments:

Tania Moriarty, Eden Garden Bar and Grill
Tarek Jamal, Eden Garden Bar and Grill
Almira Bazrbachi, Pasadena resident
Sylvia Jabourian, Pasadena resident
Hratch Mike Jabourian, Pasadena resident
Kevork Baghdassarian, Pasadena resident
Sarkis Terzian, Pasadena resident

City Manager Mermell and Michele Beal Bagneris, City Attorney/City Prosecutor, provided information on the City's Tobacco Use Prevention ordinance, regulations related to smoking and businesses, and cigar lounge regulations.

In response to Mr. Baghdassarian comments, the Mayor stated that staff would contact him to discuss his concerns.

Mario Mariotta, Pasadena Audubon Society, expressed concerns with the City trimming trees that negatively impact nesting birds, and stated his interest in collaborating with the City to protect those birds.

In response to Councilmember Madison's inquiry, City Manager Mermell responded that Public Work staff would contact Mr. Mariotta to discuss his concerns.

PUBLIC HEARING Continued

PUBLIC HEARING: APPEAL OF BOARD OF ZONING APPEAL'S DECISION ON AFFORDABLE HOUSING CONCESSION PERMIT NO. 11879 LOCATED AT 127 AND 141 NORTH MADISON AVENUE

Following discussion, it was moved by Councilmember Kennedy, seconded by Councilmember Madison, to continue the public hearing to August 19, 2019 at 7:00 p.m. (Motion unanimously carried) (Absent: None)

ADJOURNMENT

On order of the Mayor, the regular meeting of the City Council adjourned at 1:31 a.m.

Terry Tornek, Mayor
City of Pasadena

ATTEST:

City Clerk