



Wednesday, May 4, 2016
Minutes of the Regular Meeting of the
Joint City Council/Redevelopment Successor Agency

CALL TO ORDER

A Regular Meeting of the South Pasadena Joint City Council/Redevelopment Successor Agency was called to order by Mayor Mahmud on Wednesday, May 4, 2016, at 7:45 p.m., in the Amedee O. "Dick" Richards, Jr., Council Chamber, located at 1424 Mission Street, South Pasadena, California.

ROLL CALL

Present: Councilmembers/Redevelopment Successor Agency Members Joe, Khubesrian, and Schneider; Mayor Pro Tem/Agency Vice Chair Cacciotti; and Mayor/Agency Chair Mahmud.

Absent: None.

City Staff

Present: Sergio Gonzalez, City Manager/Agency Executive Director; Teresa L. Highsmith, City Attorney/Agency Counsel; Evelyn G. Zneimer, City Clerk; Anthony J. Mejia, Chief Deputy City Clerk/Chief Deputy Agency Secretary were present at Roll Call. Other staff members presented reports or responded to questions as indicated in the minutes.

INVOCATION

Councilmember Schneider gave the invocation.

PLEDGE OF ALLEGIANCE

Councilmember Schneider led the Pledge of Allegiance.

CLOSED SESSION ANNOUNCEMENTS

1. Closed Session Announcements

The Regular Closed Session of the City Council of May 4, 2016, was called to order by Mayor Mahmud at 6:30 p.m., with all Councilmembers present.

The meeting convened into Closed Session to discuss the following items as listed on the Closed Session Regular Meeting Agenda:

A. CONFERENCE WITH LABOR NEGOTIATOR, Pursuant to Government Code Section 54957.6

Conference with Labor Negotiators regarding labor negotiations with Unrepresented Management Employees

City Negotiators: City Manager Sergio Gonzalez and Teresa L. Highsmith City Attorney

B. CONFERENCE WITH LEGAL COUNSEL – INITIATION OF LITIGATION, Pursuant to Government Code Section 54956.9 (d)(4):
Number of Cases: 1

C. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION, Pursuant to Government Code Section 54956.9 (d)(1):

Name of case: City of Gardena. v. Los Angeles Regional Water Quality Control Board and State Water Resources Control Board, et al. Orange County Superior Court Case No. BS156342

D. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION, Pursuant to Government Code Section 54956.9 (d)(1):

Name of case: Mark Nansen, et al. v. City of South Pasadena, et al. Case No. BC543533

City Attorney Highsmith reported that City Council provided direction to staff regarding the agenda items, but did not take any reportable action.

PRESENTATIONS

2. **Presentation of a Proclamation declaring May 2016, as “Preservation Month” in the City of South Pasadena**

Mayor Mahmud presented a Proclamation to Larry McGrail, on behalf of the South Pasadena Preservation Foundation, declaring May 2016 as “Preservation Month” in the City of South Pasadena.

3. **Presentation of a Proclamation declaring May 1-7, 2016, as “Municipal Clerks Week” in the City of South Pasadena**

Mayor Mahmud presented a Proclamation to Evelyn Zneimer, City Clerk, and Anthony Mejia, Chief Deputy City Clerk, declaring May 1-7, 2016, as “Municipal Clerks Week” in the City of South Pasadena. Chief Deputy City Clerk Mejia commended Deputy City Clerk Jimenez for obtaining her designation as a Certified Municipal Clerk.

4. Presentation of a Proclamation declaring May 15-21, 2016, as “Public Works Week” in the City of South Pasadena

Mayor Mahmud presented a Proclamation to Kristine Courdy, Anteneh Tesfaye, Francois Brard, Gonzalo Maravilla, and Felipe Morales, representing the Public Works Department, declaring May 15-21, 2016, as “Public Works Week” in the City of South Pasadena.

COMMISSION APPOINTMENTS

5. Commission Appointments

MOTION BY MAYOR PRO TEM CACCIOTTI, SECOND BY COUNCILMEMBER JOE, CARRIED 5-0, to:

1. Appoint Ellen Wood to the Finance Commission for a full three-year term ending December 31, 2018.
2. Appoint Robert M. Ettinger to the Public Safety Commission for a partial term ending December 31, 2018.
3. Appoint Herb Shon to the Senior Citizen Commission for a partial term ending December 31, 2016.

COMMUNICATIONS

6. Councilmembers Communications

Councilmember Joe commended the Community Emergency Response Team (CERT) for their willingness to assist with the Amgen Tour of California; noted that a CERT refresher class will be held on May 14, 2016; requested that City Council agendize consideration of allocating \$100 of his discretionary funds for the Community Emergency Response Team (CERT) Luncheon, seconded by Councilmember Schneider.

Councilmember Khubesrian requested that City Council agendize consideration of allocating \$2,000 of her discretionary funds to the SPACE Arts Center for a public art project, seconded by Mayor Pro Tem Cacciotti; reported on her attendance at the City Council and South Pasadena Unified School District (SPUSD) Ad Hoc Committee Meeting which discussed lessons learned from the Mission Place Project; noted that SPUSD will soon be discussing the possibility of submitting a bond measure to the residents.

Councilmember Schneider requested that City Council agendize consideration of allocating \$2,000 of his discretionary funds to the SPACE Arts Center for a public art project, seconded by Councilmember Khubesrian; requested that the City Council direct staff to evaluate the City of San Diego’s pledge to be 100% sustainable energy and return to City Council for discussion, seconded by Mayor Pro Tem Cacciotti.

Mayor Pro Tem Cacciotti commended staff for hosting “Doggie Day with Cats too,” noting the success of the event; advised that he has received complaints regarding short-term rentals and requested that City Council agenda discussion regarding the possibility of regulating short-term rentals, seconded by Councilmember Khubesrian; requested that City Council direct staff to draft a letter to Metro regarding the need to address overcrowding on the Gold Line and the timing of the at-grade crossing arms, seconded by Councilmember Khubesrian; encouraged residents to participate in the “626 CicLAvia” event on June 6, 2016.

Mayor Mahmud commended the Youth Commission for hosting the Senior Citizen Prom and “Doggie Day with Cats too,” noting that the events were well-attended and successful; spoke on her attendance at the Animal Commission’s “Be Kind to Animals” Recognition Ceremony, noting that approximately 100 children and parents participated in the event; encouraged residents to participate in the Chamber of Commerce’s Eclectic Music Festival on May 14, 2016; requested that City Council agenda a status report from the Arroyo Seco Golf Course Subcommittee, Renewable Energy Council, and San Pascual Stables Subcommittee, seconded by Mayor Pro Tem Cacciotti.

7. City Manager Communications

City Manager Gonzalez announced that Chief Deputy City Clerk Mejia received the City Clerk Award of Distinction from the City Clerks Association of California; noted that South Pasadena will be hosting the second stage of the Amgen Tour of California on May 16, 2016.

8. Reordering of and Additions to the Agenda

None.

PUBLIC COMMENTS

Steve Mouradian, South Pasadena resident, voiced concerns regarding the lack of parking for residents on Brent Avenue, between Hope Street and Grevelia Street; noted that employees of Bristol Farms are told to park on Brent Avenue; stated that he has attempted to work with Bristol Farms management to resolve the issue but the problem persists; suggested that Brent Avenue should become a parking district.

Mayor Mahmud requested that City Manager Gonzalez and Police Chief Miller contact Mr. Mouradian to further discuss his concerns.

Anita Arnell, South Pasadena resident, advised that she received a \$48 parking violation when dropping off books at the library; stated that she was only one minute over the parking time limit; opined that the parking violation fee is exorbitantly high and that City Council should take action to reduce the fee.

Mary Ferrero, South Pasadena resident, spoke on the need for the City to install traffic calming devices on Fremont Avenue; stated that residents on Fremont Avenue have difficulty leaving their driveway during rush hours and that during non-rush hours drivers are speeding on Fremont Avenue.

Mayor Mahmud requested that the Police Department place a portable speed feedback sign on Fremont Street.

Ron Rosen, South Pasadena resident, spoke on his experience riding the train from Staples Center back to South Pasadena; voiced disappointment that the trains were running slow, noting that it took him over two hours to return home; requested that City Council forward his concerns to the Metro Authority.

Anne Bagasao, South Pasadena resident, urged City Council to be proactive in addressing resident concerns regarding short-term rentals; voiced concerns related to potential impacts on public safety, noise, and neighborhood stability.

Dollie Chapman, South Pasadena resident, stated that residents on Fremont Avenue wait 3-5 minutes to leave their driveways, due to the heavy traffic; urged City Council to prioritize Fremont Avenue for traffic relief measures.

Mary Edmiston, South Pasadena resident, thanked Mayor Pro Tem Cacciotti for bring the matter of short-term rentals to the City Council's attention for future discussion.

Xiuhong (Lisa) Li, South Pasadena resident, voiced concern that short-term rentals are a threat to public safety and residents' quality of life.

CONSENT CALENDAR

MOTION BY MAYOR PRO TEM CACCIOTTI, SECOND BY COUNCILMEMBER JOE, CARRIED 5-0, to approve the Consent Calendar Item Nos. 10 through 17, with Item Nos. 11, 13, 14, and 18 pulled for separate consideration.

9. Prepaid Warrants, General City Warrants, Redevelopment Successor Agency Check Summary, and Payroll

MOTION BY MAYOR PRO TEM CACCIOTTI, SECOND BY COUNCILMEMBER JOE, CARRIED 5-0, to approve the City of South Pasadena Prepaid Warrants Nos. 193243 through 193278 in the amount of \$678,230.26; General City Warrants Nos. 193279 through 193436 in the amount of \$714,680.13, and Payroll, dated April 22, 2016, in the amount of \$424,430.76. Seated as the Successor Agency to the Community Redevelopment Agency, approve Payroll, dated April 22, 2016, in the amount of \$5,972.35 (included in the above totals).

10. Adoption of a Resolution Approving Submittal of the Arroyo Seco Bicycle and Pedestrian Trail Project Application for Grant Funds for the Los Angeles County Metropolitan Transportation Authority (Metro) ExpressLanes Net Toll Revenue Re-Investment Grant Program

MOTION BY MAYOR PRO TEM CACCIOTTI, SECOND BY COUNCILMEMBER JOE, CARRIED 5-0, to:

1. Adopt Resolution No. 7460 entitled "A Resolution of the City Council of the City of South Pasadena, California, approving the Arroyo Seco Bicycle and Pedestrian Trail Project application for grant funds for the Los Angeles County Metropolitan Transportation Authority ExpressLanes Net Toll Revenue Re-Investment Grant Program."
2. Authorize the City Manager to sign all documents related to the grant for the Arroyo Seco Bicycle and Pedestrian Trail.

12. Authorization to Enter into an Agreement with General Pump Company, Inc. to Provide Redevelopment and Testing Services for the Wilson Well #2 Project

MOTION BY MAYOR PRO TEM CACCIOTTI, SECOND BY COUNCILMEMBER JOE, CARRIED 5-0, to authorize the City Manager to execute an agreement with General Pump Company, Inc., for a not-to-exceed amount of \$159,960 to provide redevelopment and testing services required to bring Wilson Well #2 back into service.

15. Acceptance of Project Completion and Authorization to File a Notice of Completion for the El Centro Street Improvement Project Phase I and Phase II, and Authorization to Release Retention Payment in the Amount of \$59,760 to Vido Samarzich, Inc.

MOTION BY MAYOR PRO TEM CACCIOTTI, SECOND BY COUNCILMEMBER JOE, CARRIED 5-0, to:

1. Accept the project improvements as complete and authorize the issuance of a Notice of Completion for the El Centro Street Improvement Project Phase I and II.
2. Authorize payment of the retention to Vido Samarzich, Inc., in the amount of \$59,760.

16. Adoption of a Resolution Approving the Fiscal Year 2016-17 Engineer's Report Declaring the City's Intention to Provide for an Annual Levy and Collection of Assessments and Setting a Date and Time for a Public Hearing for the FY 2016-17 Lighting and Landscaping Maintenance District

MOTION BY MAYOR PRO TEM CACCIOTTI, SECOND BY COUNCILMEMBER JOE, CARRIED 5-0, to:

1. Adopt Resolution No. 7461 entitled "A Resolution of the City Council of the City of South Pasadena, California, declaring its intention to provide an annual levy and collection of assessments for certain maintenance in an existing district, pursuant to the provisions of Division 15, Part 2 of the Streets and Highways Code of the State of California and setting a time and place for a Public Hearing."
2. Schedule the Public Hearing for the FY 2016-17 Lighting and Landscaping Maintenance District for June 1, 2016, at 7:30 p.m.

17. Approval of Contract Amendment with Toro Enterprises, Inc., for Construction of the Arroyo Seco Golf Course Sanitary Sewer Lift Station and Force Main Project

MOTION BY MAYOR PRO TEM CACCIOTTI, SECOND BY COUNCILMEMBER JOE, CARRIED 5-0, to approve, and authorize the City Manager to execute, the first amendment to the contract with Toro Enterprises, Inc., in the amount of \$76,155 (for a new total of \$496,005) for additional work required as a result of unforeseen conditions encountered during construction for the Arroyo Seco Golf Course Sanitary Sewer Lift Station and Force Main Project.

ITEM REMOVED FROM THE CONSENT CALENDAR FOR DISCUSSION

11. Second Reading and Adoption of an Ordinance Amending Chapter 19 (Motor Vehicles and Traffic) Section 19.55-4 Parking Permit Required During Certain Hours in City-owned and Operated Facility

Linda Krausen, South Pasadena resident, questioned and received clarification that the parking permit hours at the Mission-Meridian Village Parking Garage will be adjusted to allow other users to park in the garage starting at noon.

MOTION BY MAYOR PRO TEM CACCIOTTI, SECOND BY COUNCILMEMBER JOE, CARRIED 5-0, to adopt Ordinance No. 2295 entitled "An Ordinance of the City Council of the City of South Pasadena, California, amending Division 1 (Generally) of Article III (Stopping, Standing and Parking) of Chapter 19 (Motor Vehicles and Traffic) Section 19.55-4 (Parking Permit required during certain hours in City-owned and operated facility) of the South Pasadena Municipal Code relating hours of parking in the Mission-Meridian Village Public Parking Garage," and waive further reading.

13. Approval of Contract Amendment with Engineering Resources of Southern California for Additional Inspection and Construction Management Services for El Centro Street Improvement Project Phase I and Phase II

In response to City Council inquiry, Public Works Director Toor explained that project contingency funds are pooled together each fiscal year; advised that a previously approved scope of work addition, for an unrelated project, drew down the contingency pool by approximately \$250,000, which is now necessitating an additional allocation from the General Fund Undesignated Reserve.

During the course of discussion, City Council questioned whether the Engineer's estimates are too low and resulting in higher change orders and contingency costs; requested that the Public Works Department reconcile the Engineer's estimate to actual bids submitted to determine whether the project remains financially feasible.

MOTION BY COUNCILMEMBER SCHNEIDER, SECOND BY MAYOR PRO TEM CACCIOTTI, CARRIED 5-0, to approve, and authorize the City Manager to execute, the first amendment to the contract with Engineering Resources of Southern California, Inc., in the amount of \$31,478 (for a new total of \$110,178) for additional Inspection and Construction Management Services for the El Centro Street Improvement Project Phase I and Phase II."

14. Approval of a Contract Amendment with Vido Samarzich, Inc., for Construction of the El Centro Street Improvement Project Phase I and Phase II

MOTION BY COUNCILMEMBER SCHNEIDER, SECOND BY MAYOR PRO TEM CACCIOTTI, CARRIED 5-0, to:

1. Authorize the City Manager to execute the first amendment to the contract with Vido Samarzich, Inc., in the amount of \$147,845 (for a new total of \$1,196,410) for the El Centro Street Improvement Project Phase I and Phase II as a result of unforeseen conditions encountered during construction.
2. Appropriate the amount of \$60,000 from General Fund Reserves to Account No. 101-9000-9203-9203 to fund additional street improvement related work.
3. Appropriate the amount of \$87,845 from the Water Fund Reserves to Account No. 500-9000-9300-9300 to fund additional water improvement related work.

18. Award a Contract to Ortco, Inc. in the Amount of \$83,674.61 for the Playground Surfacing for Garfield Park and Orange Grove Park

Councilmember Khubesrian recommended that City Council reconsider its decision to replace the unitary rubberized surfacing with engineered wood chips, noting that the sand play area would be severely reduced or removed as a result; pointed out that toddlers and parents enjoy the sand play area and would be disappointed if the area were removed.

MOTION BY COUNCILMEMBER KHUBESRIAN, SECOND BY MAYOR MAHMUD, CARRIED 5-0, to not award the contract and direct staff to move forward with replacing the unitary rubberized surfacing for Garfield Parks and Orange Grove Park.

ACTION/DISCUSSION

19. First Reading and Introduction of an Ordinance Prohibiting the use of Inflatable Structures and Other Carnival Devices in City Parks

Community Services Director Pautsch presented the staff report and responded to City Council inquiries.

Mayor Mahmud opened and closed the Public Comment period, there being no one desiring to speak on this item.

MOTION BY COUNCILMEMBER KHUBESRIAN, SECOND BY MAYOR PRO TEM CACCIOTTI, CARRIED 5-0, to introduce Ordinance No. 2296 entitled "An Ordinance of the City Council of the City of South Pasadena, California, adding a new Section 21.25 ("Carnival Devices") to Chapter 21 ("Parks") of the South Pasadena Municipal Code to regulate the use of carnival devices," and waive further reading.

20. Direction Regarding a Possible Increase in the Park Impact Fee

Community Services Director Pautsch narrated a PowerPoint presentation entitled "Park Impact Fee" and responded to City Council inquiries.

Mayor Mahmud opened and closed the Public Comment period, there being no one desiring to speak on this item.

City Council discussion ensued relative to whether an automatic annual adjustment should be included in the Park Impact Fee; whether rate increases should be phased in over the course of several years; the growing need for recreational amenities for families, particularly near multi-family housing units; whether increasing the Park Impact Fee would negatively impact future large-scale developments.

Following discussion, it was agreed by City Council that staff should return to the City Council in two years to review the Park Impact Fee for additional consideration.

MOTION BY COUNCILMEMBER JOE, SECOND BY MAYOR PRO TEM CACCIOTTI, CARRIED 5-0, to direct staff to move forward with increasing the Park Impact Fee by 30% (\$7.65 per square foot) and maintain existing exemptions and reduced rates for senior affordable housing.

21. Receive and File of the South Pasadena Public Library Operations Study, Final Report, April 12, 2016

Director of Library, Arts, and Culture Fjeldsted presented the staff report and responded to City Council inquiries.

Mayor Mahmud opened and closed the Public Comment period, there being no one desiring to speak on this item.

MOTION BY COUNCILMEMBER SCHNEIDER, SECOND BY MAYOR PRO TEM CACCIOTTI, CARRIED 5-0, to approve the “South Pasadena Public Library Operations Study, Final Report, April 12, 2016” and direct staff to provide the City Council with updates periodically in regards to the implementation of the recommendations.

22. Discussion regarding Appropriateness of Staff Recommendations on Appeals to City Council

City Manager Gonzalez presented the staff report and responded to City Council inquiries.

Councilmember Schneider pointed out that staff provides its recommendation to the applicable Commission before that matter is appealed to the City Council; suggested that upon appeal, staff should remain neutral on the matter and advise City Council on the discussion that transpired rather than presenting its recommendation; noted that if staff were to remain neutral during appeals, it would insulate staff from contentious community issues and accusations of favoring a particular appellant.

Mayor Mahmud opened the Public Comment period.

Linda Krausen, South Pasadena resident, spoke in opposition to staff providing recommendations on appeals to the City Council; opined that appellants expect to receive an impartial hearing before City Council, stating that staff's recommendation may have significant influence on the City Council's decision.

Ron Rosen, South Pasadena resident, opined that staff should not provide a recommendation on appeals to the City Council; suggested that Commissioners be invited to participate in the public hearing, not subject to public comment time limitations.

There being no others desiring to speak on this item, Mayor Mahmud closed the Public Comment period.

In response to City Council inquiry, Planning and Building Director Watkins advised that staff, on occasion, has modified its recommendations following the Commission's public hearing based upon new information that was obtained during the hearing.

Councilmember Khubesrian spoke in support of staff providing a recommendation on appeals to City Council, noting that staff is positioned to provide contextual history on the matter; pointed out that appeals before City Council are considered “de novo” and that new evidence and testimony are introduced which may impact staff’s original recommendation.

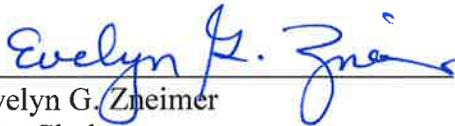
Mayor Mahmud opined that the City Council would be at a disadvantage if staff, which has a working knowledge of the City’s Codes, was unable to inform City Council that the Commission may have made a mistake in applying the City’s Codes on a particular project.

Following discussion, MOTION BY COUNCILMEMBER KHUBESRIAN, SECOND BY MAYOR PRO TEM CACCIOTTI, CARRIED 4-1 (COUNCILMEMBER SCHNEIDER VOTING NO), to:

1. Maintain the current practice of staff providing recommendations on appeals to the City Council.
2. Request that staff include details regarding dissenting votes/opinions from that of the Commission majority.

ADJOURNMENT

Mayor Mahmud adjourned the Joint City Council/Redevelopment Successor Agency meeting at 10:20 p.m.



Evelyn G. Zneimer
City Clerk



Diana Mahmud
Mayor

Minutes approved by the South Pasadena City Council on June 1, 2016.