



Wednesday, November 18, 2015
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 Joe on Wednesday, November 18, 2015, at 7:38 p.m., in the Amedee O. "Dick" Richards, Jr., Council Chambers, located at 1424 Mission Street, South Pasadena, California.

ROLL CALL

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

Absent: None

City Staff

Present: Sergio Gonzalez, City Manager/Agency Executive Director; Teresa L. Highsmith, City Attorney/Agency Counsel; Evelyn G. Zneimer, City Clerk/Agency Secretary; 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

Mayor Pro Tem Mahmud gave the invocation.

PLEDGE OF ALLEGIANCE

Mayor Pro Tem Mahmud led the Pledge of Allegiance.

CLOSED SESSION ANNOUNCEMENTS

The Regular Closed Session of the City Council of November 18, 2015, was called to order by Mayor Joe at 6:30 p.m., with all Councilmembers present.

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

1. Conference with Legal Counsel – Initiation of Litigation
Pursuant to Government Code Section 54956.9 (d)(4)
Number of Cases: 1

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

1. **SOUTH PASADENA TOURNAMENT OF ROSES COMMITTEE ANNUAL FLOAT FUNDRAISER DRAWING FOR THE ULTIMATE TOURNAMENT OF ROSES EXPERIENCE**

Mayor Joe, Ted Shaw, and Alan Vlacich conducted the South Pasadena Tournament of Roses Committee's Annual Float Fundraiser drawing for the Ultimate Tournament of Roses Experience.

2. **PRESENTATION OF THE FISCAL YEAR 2014-15 ANNUAL REPORT OF THE NATURAL RESOURCES AND ENVIRONMENTAL COMMISSION**

Kim Hughes, Chair of the Natural Resources and Environmental Commission (NREC), presented the Fiscal Year 2014-15 Annual Report of the NREC.

Councilmember Khubesrian suggested that the NREC consider creating a program which recognizes businesses that eliminate use of polystyrene products, such as providing a window decal or publishing a list of converted businesses.

3. **PRESENTATION OF THE FISCAL YEAR 2014-15 ANNUAL REPORT OF THE SENIOR CITIZEN COMMISSION**

Alexandria Levitt, Chair of the Senior Citizen Commission (SCC), presented the Fiscal Year 2014-15 Annual Report of the SCC.

4. **PRESENTATION OF THE FISCAL YEAR 2014-15 ANNUAL REPORT OF THE ANIMAL COMMISSION (AC)**

Erin Fleming, Chair of the Animal Commission (AC), presented the Fiscal Year 2014-15 Annual Report of the AC.

5. **COUNCILMEMBERS' COMMENTS**

Councilmember Khubesrian applauded City Commissioners for their enthusiasm and willingness to volunteer; addressed the importance of taking proper care of and being kind to animals; suggested that the Animal Commission consider advertising "No-Kill Los Angeles" pet adoption events on its webpage; expressed thankfulness for the opportunity to enjoy friends and family during the upcoming Thanksgiving holiday, encouraging residents to be kind to each other and to resolve differences peacefully.

Councilmember Schneider reported on his attendance at the meetings of the Public Safety Commission, Cultural Heritage Commission, Arroyo Seco Golf Course Subcommittee, and Renewable Energy Council; urged the community to remember those killed in recent tragedies in Paris, Syria, Beirut, Yemen, and the Russian plane bombing; commended the South Pasadena Arts Council and artists on the beauty of the Utility Box Art Project.

Councilmember Cacciotti displayed PowerPoint slides and reported on his trip to China as part of a delegation of southern California public officials and entrepreneurs to discuss the future of a low carbon economy; encouraged residents to sign-up for the Cool California Challenge to track efforts to reduce carbon footprints; thanked City staff for securing a grant from the South Coast Air Quality Management District to allow for the hosting of a "Golden Streets" event in South Pasadena.

Mayor Pro Tem Mahmud reported on her attendance at the Los Angeles Regional Water Quality Control Board (LARWQCD) workshop on stormwater funding, noting that municipal government representatives expressed concerns regarding unfunded liabilities for stormwater compliance; pointed out that LARWQCD Board Members expressed concern regarding the lack of support from local water districts to help address storm water compliance; advised that she is now serving on the Stormwater Funding Options Steering Group; noted that the Library Board of Trustees recently adopted an alcohol use policy for the Library Community Room which is consistent with the established City policy for alcohol service at the War Memorial Building and Senior Center; spoke on her attendance at a Cap and Trade workshop sponsored by the Southern California Association of Governments and Southern California Gas Company which focused on affordable housing and sustainable community projects.

Mayor Joe invited the community to attend the 2015 State of the City Address on December 9, 2015, at 6:00 p.m., in the Library Community Room.

6. CITY MANAGER COMMUNICATIONS

City Manager Gonzalez advised that the Amgen Local Organizing Committee has been established and recently held its first meeting, noting that South Pasadena will be a Host City in May 2016; announced that City Hall will be closed starting November 25, 2015 through November 27, 2015, in order for staff to perform critical upgrades to the City's Information Technology system; commended the Police Department for successfully hosting its Teen Academy; advised that South Pasadena residents are eligible to receive up to a \$3,000 rebate for earthquake retrofitting.

In response to City Council inquiry, Police Chief Miller explained that the Teen Academy allows local teens to interact with South Pasadena Police Officers in a non-threatening manner and helps promote community policing; advised that a Citizens Academy for adults is anticipated to begin spring 2016.

7. REORDERING OF AND ADDITIONS TO THE AGENDA

None.

PUBLIC COMMENTS

Amedee Barry, South Pasadena resident, thanked City Council and staff for their efforts to help resolve parking issues on Adelaine Avenue; pointed out that a 1-hour parking restriction may not result in a successful resolution to the residents parking concerns, noting that most Trader Joe's customers complete their shopping within one hour.

CONSENT CALENDAR

MOTION BY COUNCILMEMBER CACCIOTTI, SECOND BY MAYOR PRO TEM MAHMUD, CARRIED 5-0, to approve the Consent Calendar Item Nos. 8 through 17, with Item Nos. 11, 12, 13, and 14 pulled for separate consideration.

8. MINUTES OF THE CITY COUNCIL MEETING OF OCTOBER 21, 2015

MOTION BY COUNCILMEMBER CACCIOTTI, SECOND BY MAYOR PRO TEM MAHMUD, CARRIED 5-0, to approve the minutes of the City Council Meeting of October 21, 2015.

9. PREPAID WARRANTS, GENERAL CITY WARRANTS, REDEVELOPMENT SUCCESSOR AGENCY CHECK SUMMARY, AND PAYROLL

MOTION BY COUNCILMEMBER CACCIOTTI, SECOND BY MAYOR PRO TEM MAHMUD, CARRIED 5-0, to approve the City of South Pasadena Prepaid Warrants in the amount of \$541,869.78, General City Warrants in the amount of \$267,200.05, and Payroll in the amount of \$435,015.10.

10. MONTHLY INVESTMENT REPORTS FOR SEPTEMBER 2015

MOTION BY COUNCILMEMBER CACCIOTTI, SECOND BY MAYOR PRO TEM MAHMUD, CARRIED 5-0, to receive and file the monthly investment reports for September 2015 for the City Council, the Successor Agency to the Community Redevelopment Agency, and the Public Financing Authority.

15. ADOPTION OF A RESOLUTION APPROVING FINAL PARCEL MAP NO. 73010 FOR 1413 LYNDON STREET

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

1. Adopt Resolution No. 7432 entitled "A Resolution of the City Council of the City of South Pasadena, California, approving Final Parcel Map No. 73010 (Parcel Map) for 1413 Lyndon Street."
2. Authorize the recordation of the Final Parcel Map with the Los Angeles County Registrar-Recorder/County Clerk.

16. ACCEPTANCE OF PROJECT COMPLETION AND AUTHORIZATION TO FILE A NOTICE OF COMPLETION FOR LIBRARY CARPET REPLACEMENT PROJECT

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

1. Accept the Library Carpet Replacement Project and authorize the issuance of a Notice of Completion for the project.
2. Authorize release of retention payment to Premier Carpet, Inc., in the amount of \$2,350.

17. IMPLEMENTATION OF COLLECTION OF UTILITY USERS TAX ON PREPAID WIRELESS SERVICES, AGREEMENT WITH BOARD OF EQUALIZATION, AND AUTHORIZATION FOR EXAMINATION OF PREPAID MOBILE TELEPHONE SERVICE SURCHARGES AND LOCAL CHARGE RECORDS

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

1. Adopt Resolution No 7433 entitled "A Resolution of the City of South Pasadena, authorizing the City Manager to execute agreement with the Board of Equalization for implementation of the Local Prepaid Mobile Telephony Service Collection Act."
2. Adopt Resolution No. 7434 entitled "A Resolution authorizing the examination of Prepaid Mobile Telephony Services Surcharge and Local Charge Records."

ITEMS REMOVED FROM THE CONSENT CALENDAR FOR DISCUSSION

11. ADOPTION OF A RESOLUTION TO DESTROY EXPIRED RECORDS, PER THE CITY OF SOUTH PASADENA'S RECORD RETENTION SCHEDULE

Linda Krausen, South Pasadena resident, requested clarification as to the type of records sought to be destroyed and their expiration period.

Chief Deputy City Clerk Mejia advised that pursuant to the City's adopted Records Retention Schedule, the Human Resources Division is requesting destruction of testing and recruitment files and Community Services Department is requesting destruction of transit-related documents; noted that the destruction sheet should be amended to delete reference to Community Services Department Driver Daily Sheets for 2011 and 2012, noting that they are not yet eligible for destruction.

MOTION BY MAYOR PRO TEM MAHMUD, SECOND BY COUNCILMEMBER CACCIOTTI, CARRIED 5-0, to adopt Resolution No. 7431 entitled "A Resolution of the City Council of the City of South Pasadena, California, approving the destruction of certain City records from the Community Services Department and Management Services Department," as amended to delete reference to Community Services Department Driver Daily Sheets for Years 2011 and 2012.

12. AWARD OF CONTRACT TO KABBARA ENGINEERING FOR ENGINEERING DESIGN SERVICES FOR THE LIBRARY DRAINAGE IMPROVEMENT PROJECT

Mayor Pro Tem Mahmud pointed out that the contracts for Item Nos. 12 and 13 do not appear to conform to the City's standard contract template and requested that City Council authorize her to work with staff to ensure all necessary terms and provisions are included in the final executed contract.

Following discussion, MOTION BY MAYOR PRO TEM MAHMUD, SECOND BY COUNCILMEMBER CACCIOTTI, CARRIED 5-0, to:

1. Accept a proposal dated October 15, 2015, from Kabbara Engineering for engineering design services for the Library Drainage Improvement Project and authorize the City Manager to execute an agreement with Kabbara Engineering for a not-to-exceed amount of \$64,660.
2. Reject all other proposals received.
3. Authorize a budget transfer in the amount of \$64,660 from General Fund reserves.
4. Authorize Mayor Pro Tem Mahmud to work with staff to ensure all necessary terms and provisions are included in the final executed contract.

13. AWARD OF CONTRACT TO MICHAEL BAKER INTERNATIONAL, INC. FOR ENVIRONMENTAL SERVICES FOR THE DOG PARK PROJECT

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

1. Accept a proposal dated October 22, 2015, from Michael Baker International, Inc. for environmental services for the Dog Park Project (Project) and reject all other proposals received.
2. Approve, and authorize the City Manager to execute, a contract with Michael Baker International, Inc., for environmental services for the Project in an amount not-to-exceed \$26,845.
3. Authorize Mayor Pro Tem Mahmud to work with staff to ensure all necessary terms and provisions are included in the final executed contract.

14. APPROVAL OF A CONTRACT AMENDMENT FOR ADDITIONAL CONSTRUCTION ENGINEERING SUPPORT SERVICES FOR THE CHELTEN WAY, COLLIS AVENUE, AND HILL DRIVE STREET IMPROVEMENT PROJECT

In response to City Council inquiry, Public Works Director Toor advised that during the construction phase of the subject project, unforeseen soil conditions were discovered, and as a result additional engineering design support services are needed; advised that surplus soil from Garfield Reservoir is being transported to backfill the trenches at the project sites to ensure that proper soil compaction can be achieved.

MOTION BY MAYOR PRO TEM MAHMUD, SECOND BY COUNCILMEMBER CACCIOTTI, CARRIED 5-0, to approve, and authorize the City Manager to execute, the second amendment to the contract with Kabbara Engineering in the amount of \$14,400 for additional construction engineering support services for the Cheltenham Way, Collis Avenue, and Hill Drive Street Improvement Project.

PUBLIC HEARING

18. ADOPTION OF A RESOLUTION AUTHORIZING REMOVAL OF AN EXISTING UNCONTROLLED MARKED CROSSWALK AT THE INTERSECTION OF FAIR OAKS AVENUE AND LYNDON STREET

Public Works Director Toor presented the staff report and responded to City Council inquiries.

Mayor Joe opened and closed the Public Hearing, there being no one desiring to speak to this issue.

In response to City Council inquiry, City Attorney Highsmith advised that to her understanding Public Works staff have executed the necessary public notification procedures for removal of a crosswalk.

Councilmember Schneider opined that uncontrolled marked crosswalks pose a significant danger to pedestrians, particularly at crosswalks which extend over six lanes; stated that uncontrolled marked crosswalks at major streets such as Huntington Drive and Fair Oaks Avenue should be eliminated.

Councilmember Cacciotti explained that on streets with multiple lanes, it can be difficult to see pedestrians at uncontrolled marked crosswalks due to the stopped vehicles blocking view of the pedestrians; addressed the importance of ensuring that crosswalk markings be removed completely rather than painted over.

Mayor Pro Tem Mahmud suggested that staff investigate the history of the subject crosswalk to determine if there was a necessity or citizen request which prompted installation of the crosswalk; expressed concern that removal of the subject crosswalk would worsen pedestrian safety at the intersection; opined that the crosswalk markings serve as a visual cue to drivers that a pedestrian may be crossing.

Public Works Director Toor explained that uncontrolled intersections provide pedestrians with a false perception of safety, noting that drivers in the number one lane of a three lane street have difficulty seeing pedestrians; advised that pedestrian safety enhancements at Lyndon Street would consist of expanding the median island and installing in-roadway warning lights, estimated to cost \$350,000.

Councilmember Khubesrian spoke on her experience driving on Fair Oaks Avenue and receiving a ticket for failure to yield to a pedestrian, pointing out that she was driving in the number one lane and could not see the pedestrian beginning to cross; opined that pedestrians are more likely to use caution crossing at an unmarked crosswalk.

Councilmember Schneider requested that outreach efforts be taken to inform parents and students of the importance to use the controlled crosswalks rather than crossing at Lyndon Street.

MOTION BY COUNCILMEMBER CACCIOTTI, SECOND BY COUNCILMEMBER KHUBESRIAN, to:

1. Adopt a resolution entitled "A Resolution of the City Council of the City of South Pasadena, California, authorizing the removal of the existing uncontrolled marked crosswalk at the intersection of Fair Oaks Avenue and Lyndon Street."
2. Direct staff to develop and implement an educational outreach program that informs nearby schools, students, and parents of the removal of the subject crosswalk and the importance of maintaining safe driving speeds near crosswalks.

Mayor Pro Tem Mahmud indicated her opposition to the motion on the table, stating that she does not have adequate information related to the history of the installation of the crosswalk at Lyndon Street and whether or not removal of a marked crosswalk results in decreased pedestrian crossings at the intersection.

SUBSTITUTE MOTION BY MAYOR PRO TEM MAHMUD, SECOND BY COUNCILMEMBER SCHNEIDER, CARRIED 5-0, to continue the Public Hearing to the Regular City Council Meeting of December 16, 2015, with direction that staff provide City Council with information regarding the history of the existing uncontrolled marked crosswalk at the intersection of Fair Oaks Avenue and Lyndon Street, installation of the controlled crosswalk at Bank Street, and empirical data as to whether pedestrians decrease use of previously marked crosswalks.

Councilmember Cacciotti noted that staff should develop an educational outreach program that informs nearby schools, students, and parents of the removal of the subject crosswalk and the importance of maintaining safe speeds near crosswalks.

ACTION/DISCUSSION**19. INTRODUCTION OF AN ORDINANCE ESTABLISHING A STREET CUT MORATORIUM ON NEWLY PAVED STREETS**

Public Works Director Toor presented the staff report and responded to City Council inquiries.

Mayor Joe opened and closed the Public Comments period, there being no one desiring to speak to this issue.

Mayor Pro Tem Mahmud recommended that staff notify local utility companies of upcoming street improvements, including a reminder that a street cut moratorium will be in place for a five year period after completion of a project.

Public Works Director Toor advised that staff currently practices notifying local utility companies of upcoming projects once project design is approved and invites them to preconstruction meetings; noted that utility companies are typically provided 90-120 days advance notice of upcoming projects.

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

1. Introduce an Ordinance entitled “An Ordinance of the City Council of the City of South Pasadena, California, amending Chapter 31, Article II of the South Pasadena Municipal Code adding Section 31.28 establishing a street cut moratorium on newly paved streets,” and waive further reading.
2. Direct staff to notify local utility companies of planned street improvements, including a reminder that a street cut moratorium will be in place for a five year period after completion of a project.

20. DIRECTION REGARDING THE REGULATION OF MEDICAL MARIJUANA DISPENSARIES, MOBILE DISPENSARIES AND CULTIVATION

Planning and Building Director Watkins presented the staff report and responded to City Council inquiries.

In response to City Council inquiry, City Attorney Highsmith advised that the proposed ordinance is intended to prohibit the commercial cultivation of medical marijuana as a land use; noted that the ordinance is not intended to prohibit an individual’s cultivation of medical marijuana for personal use and that staff can refine the proposed ordinance to clarify the distinction between commercial versus residential cultivation.

In response to City Council inquiry, Planning and Building Director Watkins advised that if the City does not take action regarding commercial cultivation of medical marijuana, after March 1, 2016, new State regulations will preempt the City’s regulatory ability.

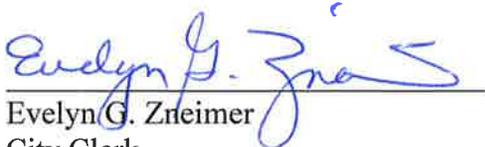
Mayor Joe opened and closed the Public Comments period, there being no one desiring to speak to this issue.

Councilmember Khubesrian opined that commercial cultivation of medical marijuana would be incompatible with the character of South Pasadena and therefore the City Council should move forward with amendments to the Municipal Code.

MOTION BY COUNCILMEMBER KHUBESRIAN, SECOND BY COUNCILMEMBER CACCIOTTI, CARRIED 5-0, to direct staff to continue the prohibition of fixed and mobile medical marijuana dispensaries in any zoning district as currently provided by South Pasadena Municipal Code Section 36.350.240 and to move forward with amendments to the Municipal Code to prohibit cultivation.

ADJOURNMENT

Mayor Joe adjourned the Joint City Council/Redevelopment Successor Agency at 9:58 p.m.



Evelyn G. Zreimer
City Clerk



Robert S. Joe
Mayor

Minutes approved by the South Pasadena City Council on December 16, 2015.