



Wednesday, August 19, 2020
Minutes of the Regular Meeting of the City Council

CALL TO ORDER

A Regular Meeting of the South Pasadena City Council was called to order by Mayor Joe on Wednesday, August 19, 2020, at 8:30 p.m., in the Council Chamber, located at 1424 Mission Street, South Pasadena, California.

ROLL CALL

Present via Zoom: Councilmembers Cacciotti, and Schneider; Mayor Pro Tem Mahmud; and Mayor Joe.

Absent: None

City Staff Present: City Manager Stephanie DeWolfe (in attendance via Zoom); City Attorney Teresa Highsmith (in attendance via Zoom); and Chief City Clerk Ayala were present at Roll Call.

PLEDGE OF ALLEGIANCE

Given that a Special City Council Meeting immediately preceded this Regular Meeting, the Pledge of Allegiance was not repeated, as it was conducted at the beginning of the Special Meeting.

Mayor Joe made brief announcements of the changes in procedures of how public comment will be conducted during the meeting.

5. Reordering of and Additions to the Agenda

Mayor Joe proposed to consider reordering the following agenda items to be heard at the beginning of the meeting:

- Agenda Item No. 25 will be heard first
- Agenda Item No. 24 will be heard second

Mayor Joe also announced that Agenda Item No. 13 will be removed from the agenda and not considered at this time.

City Council concurred.

INFORMATION REPORTS

25. Audit Presentation By Rogers, Anderson, Malody & Scott LLP

Karen Aceves, Finance Director, provided an introduction for the item.

Brianna Schultz, representatives of Rogers, Anderson, Malody & Scott LLP (RAMS), provided a verbal report on the current status of the City's 2018-19 Fiscal Year audit.

City Council had various questions and comments regarding: Management Discussion & Analysis (MD&A); account balances; RAMS years of service with the City; reasons for audit delays; future presentations; management comment report; ADP implementation; order of operations following the audit competition; concerns regarding financial controls; RAMS field work; etc.

Director Aceves and Representative Schultz answered all questions accordingly.

Chief City Clerk Ayala played the public comment audio recording.

Public Comment:

- Ron Rosen – Expressed concerns regarding the City's audit and provided suggestions for City Council to consider.
- Patricia and Shalimar Duff – Expressed concerns for the delays on the City's audit and finances.

24. Presentation Regarding Black Lives Matter Mural

Margaret Lin, Manager of Long Range Planning and Economic Development, provided an introduction for the item.

A presentation was provided by the South Pasadena High School Anti-Bias Club.

City Council had various questions and comments regarding: the location of the mural; maintenance and preservation of the mural; City commission and board approval; contract with mural artist; fundraising and donations; etc.

City Attorney Highsmith, Manager Lin, Noah Kuhn and Lulu Talesnick, South Pasadena High School Students, answered all questions accordingly.

Chief City Clerk Ayala played the public comment audio recording.

Public Comment:

- Josh Atlas – Expressed comments regarding the City’s issues on racial injustice and inequality.
- Josh Albrektson – Expressed support for the item and provided comments regarding the City’s history of racial injustice and inequality.

1. CLOSED SESSION ANNOUNCEMENTS

A. LABOR NEGOTIATIONS

CONFERENCE WITH LABOR NEGOTIATOR, Pursuant to Government Code Section 54957.6

Conference with Labor Negotiators regarding labor negotiations with the following groups:

- Unrepresented Management Employees
- South Pasadena Police Officers’ Association
- South Pasadena Firefighters’ Association
- South Pasadena Public Service Employees’ Association
- South Pasadena Public Service Part Time Employees’ Association

City Negotiators: City Manager Stephanie DeWolfe; Interim Human Resources Manager Michael Casalou; Terri Highsmith, City Attorney

B. CONFERENCE WITH LEGAL COUNSEL—ANTICIPATED LITIGATION

Pursuant to Government Code Section 54956.9(d)(2)

Significant Exposure: A point has been reached where, in the opinion of the legislative body of the local agency on the advice of its legal counsel, based on existing facts and circumstances, there is a significant exposure to litigation against the local agency.

C. Initiation of Litigation

CONFERENCE WITH LEGAL COUNSEL—Initiation of Litigation, Pursuant to Government Code Section 54956.9(d)(4):

Number of Potential Cases: 1

City Attorney Highsmith reported the following:

Item A – City Council received a briefing by the City’s Labor Negotiator regarding the status of negotiations with the City’s bargaining units. No action was taken by City Council, but direction was provided to City’s Labor Negotiator.

Item B – City Council received a briefing from Legal Counsel regarding a matter of Anticipated Litigation. No action was taken by City Council, but direction was provided to City Staff.

Item C – City Council received a briefing form Legal Counsel regarding a matter of Initiation of Litigation. No action was taken by City Council, but direction was provided to City Staff.

Mayor Pro Tem Mahmud asked the City Council to consider moving Item Nos. 2, 3, and 4 to the end of the meeting for purposes of time.

City Council concurred.

CONSENT CALENDAR

Mayor Pro Tem Mahmud announced Additional Documents for agenda Item Nos. 6, 12, and 18.

Councilmember Cacciotti pulled Item Nos. 10 and 14 for individual discussion.

Chief City Clerk Ayala announced public comments were received for Item Nos. 8, 10, and 14.

MOTION BY COUNCILMEMBER SCHNEIDER, SECOND BY COUNCILMEMBER CACCIOTTI, CARRIED 4-0, to approve Consent Calendar Items Nos. 6-9, 11, 12, and 15-17.

6. Approval of Prepaid Warrants in the Amount of \$177,866.96; General City Warrants in the Amount of \$2,604,430.88; General City Warrant Voids in the Amount of (\$49,029.71); Supplemental ACH Payments in the Amount of \$156,778.25

City Council approved the Warrants as presented.

An Additional Document was considered in the motion of the breakdown of the credit card payments for the August 2020 Umpqua Statement.

7. Monthly Investment Reports for June 2020

City Council received and filed the monthly investment reports for June 2020.

8. Award of Contract to RKA Consulting Group for the Engineering Design, Construction Management and Inspection Services of Fiscal Year 2019-20 Street Improvement Projects in an Amount Not-to-Exceed \$202,636

Chief City Clerk Ayala played and audio recording of the public comment.

Public Comment:

- Patricia and Shalimar Duff – Expressed concern for City’s amount of spending considering that the City has not approved a budget. (This comment was also submitted for Item Nos. 9-14, 16, 19, and 20.)

City Council:

1. Accepted a proposal dated April 17, 2020, from RKA Consulting Group for the Engineering Design, Construction Management and Inspection Services of Fiscal Year (FY) 2019-20 Street Improvement Projects; and
2. Authorized the City Manager to execute the agreement and any amendments with RKA Consulting Group for a not-to-exceed amount of \$202,636 (\$184,215 for the proposal amount and \$18,421 for 10% contingency); and
3. Rejected all other proposals received.

9. Award of Contract to Interwest Consulting Group, Inc. for the On-Call Public Works Engineering Plan Checking Services Starting in Fiscal Year 2020-21 in an Amount Not-to-Exceed \$55,000

City Council:

1. Accepted a proposal dated June 29, 2020, from Interwest Consulting Group, Inc. for the On-Call Public Works Engineering Plan Checking Services Starting in Fiscal Year (FY) 2020-21; and
2. Authorized the City Manager to execute the agreement and any amendments with Interwest Consulting Group, Inc. for a not-to-exceed amount of \$55,000 (\$50,000 for the proposal amount and \$5,000 for 10% contingency); and
3. Rejected all other proposals received; and
4. Authorized Interwest Consulting Group, Inc. to provide the on-call “Deputy Inspector” services in accordance with the Southwest Monterey Hills Construction Regulations which are pass through costs to the City paid by the project developers through deposits provided by the City.

11. Execution of the Fund Transfer Agreement to Receive Safe Clean Water Program’s Fiscal Year 2020-21 Municipal Fund

City Council authorized the City Manager to execute the Fund Transfer Agreement with the Los Angeles County Flood Control District to receive Safe Clean Water Program’s Fiscal Year 2020-21 Municipal Fund.

12. Adoption of Resolution No. 7675 Approving Application for Urban Counties Per Capita Grant Funds and Approval of Memorandum of Understanding (MOU) with City of Pasadena

City Council:

1. Adopted **Resolution No. 7675** approving application for Urban Counties Per Capita Grant Program; and
2. Approved and authorize the City Manager to execute a Memorandum of Understanding (MOU) with the City of Pasadena; and
3. Authorized the fund transfer of \$200,000 from Arroyo Golf Course/Bike Trail Reserve Fund and \$237,500 from Renewable Energy Source Reserve Fund to Measure W –

Stormwater Operations and Maintenance – Special Department Services (239-6010-6011-8020).

An Additional Document was considered in the motion to provide additional information about the FY21/22 Safe Clean Water Program (SCWP) project.

13. Discretionary Fund Request from Councilmember Khubesrian in the Amount of \$3,870 for a Black Lives Matter Mural

Recommendation

~~It is recommended that the City Council approve the Discretionary Fund request by Councilmember Khubesrian to allocate \$3,870 for the creation and installation of a Black Lives Matter mural by the South Pasadena High School Anti-Bias Club.~~

Agenda Item No. 13 was pulled from the City Council agenda and not considered as announced by Mayor Joe.

15. Adoption of Resolution No. 7676 for Summary Vacation of an Existing Slope Easement at 1230 Kollé Avenue

City Council approved **Resolution No. 7676** (see Attachment 1) to summarily vacate an existing slope easement at 1230 Kollé Avenue.

16. Resolution No. 7677 Initiating the Salary Reopener Provision Contained in the 2019-2022 Memorandums of Understanding with the South Pasadena Police Officers' Association, South Pasadena Firefighters' Association, and the South Pasadena Public Service Employees' Association

City Council approved the proposed **Resolution No. 7677**, to initiate the salary reopener provision of the 2019-2022 Memorandums of Understanding (MOUs) for the South Pasadena Police Officers' Association, South Pasadena Firefighters' Association, and South Pasadena's Public Service Employees' Association.

17. Adoption of Resolution No. 7678 Continuing the Proclamation of a Local Emergency Due to the Outbreak of COVID-19, Authorizing the Expansion of the Al Fresco Dining and Retail Program to Include the Use of the Public Right-of-Way, and Authorizing the City Manager to Take All Necessary Actions as the Director of Emergency Services

City Council approved the attached **Resolution No. 7678**:

1. Continuing the proclamation of a local emergency due to the outbreak of COVID-19; and
2. Authorizing the expansion of the Al Fresco Dining and Retail Program to include the use of the public right-of-way for outdoor dining and retail; and

3. Authorizing the City Manager to take all necessary actions as the Director of Emergency Services.

ITEMS PULLED FROM CONSENT

10. Award of Purchase Contract with Long Beach BMW for Three (3) Fully Outfitted BMW RT-P Police Motorcycles in the Amount of \$114,338

Chief City Clerk Ayala played an audio recording of the public comment.

Public Comment:

- Helen Tran and Ella Hushagen – Expressed opposition for the item and provided various reasons for the opposition. (Signed by 73 individuals)
- Sam Burgess – Expressed concerns for the City’s traffic issues and traffic enforcement.

City Council had various questions and comments regarding: the luxury model; City’s low emissions policy; traffic issues/enforcement; grants funding purchase; electric motorcycles; vehicles used by traffic enforcement; concerns on emissions; etc.

Joe Ortiz, Police Chief, answered all questions accordingly.

MOTION BY MAYOR PRO TEM MAHMUD, SECOND BY COUNCILMEMBER SCHNEIDER, CARRIED 3-1 (CACCIOTTI), to:

1. Award the purchase contract to Long Beach BMW in response to specification for three (3) police patrol motorcycles in the amount of \$92,657; and
2. Award the purchase contract to Motorola Solutions for three digital police radios in the amount of \$21,270; and
3. Award the purchase contract to Prime Graphix for the installation of police graphics in the amount of \$410.

14. Acceptance and Approval of the San Gabriel Valley Council of Governments Homelessness Grant Award in the Amount of \$165,000 for the City’s Homeless Plan Implementation and the Development and Implementation of a Prevention and Diversion Program to Prevent City Residents from Becoming Homeless

Chief City Clerk Ayala played an audio recording of the public comment.

Public Comment:

- Helen Tran and Ella Hushagen – Expressed opposition for the item and provided various reasons for the opposition. (Signed by 75 individuals)

City Council had various comments and questions regarding: City's Police Department homeless assistance services; integrating mental health professionals; housing services; etc.

Chief Ortiz, Randy Wise (Police Corporal), and Marisol Romero (Management Analyst), provided information on the services the grant would fund and the categories those funds can be allocated towards.

City Council held a discussion regarding the dollar amounts in the categories provided on the MOA.

MOTION BY MAYOR PRO TEM MAHMUD, SECOND BY COUNCILMEMBER CACCIOTTI, CARRIED 4-0, to authorize the City Manager to execute a Memorandum of Agreement (MOA) with the San Gabriel Valley Council of Governments (SGVCOG) for \$165,000 for the following programs:

- 1) Implementation of the City's Homeless Plan in the amount of \$150,000.
- 2) Development and implementation of a Prevention and Diversion Program to prevent City residents from becoming homeless in the amount of \$15,000.

An amendment by Councilmember Cacciotti was considered in the motion to allocate an additional \$10,000 from the Non-Enforcement Homeless Outreach category to the Housing Navigator Services.

PUBLIC HEARING

18. Public Hearing for First Reading and Introduction of an Ordinance to Add Article IX (Pool Maintenance) to Chapter 17 (Health and Sanitation) of the South Pasadena Municipal Code

A staff report was provided by Manager Lin.

MOTION BY MAYOR PRO TEM MAHMUD, SECOND BY COUNCILMEMBER CACCIOTTI, CARRIED 4-0, to: conduct a public hearing for first reading and introduction of an Ordinance to add Article IX (Pool Maintenance) to Chapter 17 (Health and Sanitation) of the South Pasadena Municipal Code (SPMC).

An Additional Document was considered in the motion providing a revised ordinance and details of the modifications.

ACTION/DISCUSSION ITEMS

19. Master Lease of Seven Wireless Facilities by Tower Ventures

Sheila Pautsch, Community Services Director, provided a PowerPoint presentation.

City Council had various questions and comments regarding: number of tower sites; City's revenue; current market conditions; new cell tower installment; various offers received; acquiring streetlights; new tower locations; etc.

Director Pautsch and Matthew Summers, Assistant City Attorney, answered all questions accordingly.

MOTION BY COUNCILMEMBER SCHNEIDER, SECOND BY MAYOR PRO TEM MAHMUD, CARRIED 4-0, to: approve the proposed Master Lease and Escrow Agreement with Tower Ventures and direct the City Manager to execute all necessary documents to complete the transaction.

An Additional Document was considered in the motion providing a revised red lined Lease Agreement – TVT and City of South Pasadena, and details of the modifications.

20. Al Fresco Dining and Retail Pilot Program - Phase 2

Manager Lin provided a PowerPoint presentation.

City Council had various questions and comments regarding: number of applications; purchase of used K-Rails; painting and decorating K-rails; number of K-rails being used for the program; Proposition C funds; Public Art Commission involvement in the program; etc.

Joanna Hankamer, Director of Planning and Community Development, Shahid Abbas, Director of Public Works, and Manager Lin answered all questions accordingly.

Chief City Clerk Ayala played an audio recording of the public comment.

Public Comment:

- Erin Mascho – Expressed support for the item and the importance of the program to local businesses.

MOTION BY MAYOR PRO TEM MAHMUD, SECOND BY COUNCILMEMBER CACCIOTTI, CARRIED 4-0, to:

1. Approve Phase 2 of the Al Fresco Dining and Retail Pilot Program (Program) authorizing Staff to review and approve applications for use of parking lanes, where feasible, in the public right of way; and
2. Approve the use of up to \$50,000 of Proposition C Local Return Funds to implement concrete barriers for the roll-out of the Phase 2 parking lane closures; and
3. Authorize the City Manager to execute an on-call contract with Right-of-Way, Inc. in an amount not to exceed \$50,000 to implement concrete barriers for Phase 2 parking lane closures.

An amendment by Councilmember Schneider was considered in the motion to consult the Public Arts Commission on improvements to the aesthetic of the K-rails being implemented, without any delay to the implementation of the Al Fresco program.

21. Authorize Statement of Revenues and Expenditures for Fiscal Year 2020-2021 in Accordance with Government Code Section 53901 and Provide Direction on Budget Process

Director Aceves provided an introduction of the item and a PowerPoint presentation.

City Council held a brief discussion regarding: public comment/input; Finance Department priorities; Finance Commission input; etc.

MOTION BY COUNCILMEMBER CACCIOTTI, SECOND BY COUNCILMEMBER SCHNEIDER, CARRIED 4-0, to: authorize the submittal of the anticipated statement of revenues and expenditures for Fiscal Year (FY) 2020/21 in accordance with government code section 53901 and provide direction on budget process.

INFORMATION REPORTS

22. Discussion of Fremont Avenue Traffic Calming

Director Abbas provided a PowerPoint Presentation.

City Council had various questions and comments regarding: raised intersection locations; parking; short-term improvements; etc.

Director Abbas answered all questions accordingly.

Chief City Clerk Ayala played an audio recording of the public comment.

Public Comment:

- Families on Fremont – Expressed support for the plans Director Abbas has for Fremont Ave. (Signed by 23 individuals)
- Josh Albrektson – Expressed comments regarding street improvements needed on Mission St.

23. Discussion of Meridian Traffic Calming Measures

Director Abbas provided a PowerPoint Presentation.

City Council has various questions and comments regarding: speeding vehicles; pedestrian safety; stop sign analysis; slowing traffic down; slow street signs; etc.

City Manager DeWolfe, and Director Abbas answered all questions accordingly.

Chief City Clerk Ayala played an audio recording of the public comment.

Public Comment:

- Delaine Shane and Susan Sulsky – Expressed comments regarding traffic concerns and possible solutions, on behalf of SMART Families.
- Lawrence Abelson – Expressed concerns regarding the stop sign analysis previously conducted.

City Council provided direction to staff to proceed work on traffic flow improvements and obtain a bid on needed street signs.

2. Public Comments - General

Chief City Clerk Ayala played an audio recording of the public comments received.

Public Comments:

- William Kelly – Expressed concern regarding the delay of the city’s financial reports and provided suggestions for City Council to consider.
- Stephen Rossi – Expressed comments regarding the City Manager’s leadership and the City Attorney’s fiduciary.
- Anne and Bill Michel, Josefina and Danny Johnson, and Brian and Meg Aldrich – Expressed concerns for traffic/pedestrians on Arroyo Drive and provided suggestions for City Council to consider.
- Josh Albrektson – Expressed concerns regarding the number of ADU’s the City will be producing as part of the Housing Element.
- Delaine Shane – Asked City Council to consider placing Agenda Item No. 25 “Audit Presentation By Rogers, Anderson, Malody & Scott LLP” before the consent calendar.
- Ella Hushagen and Helen Tran – Expressed comments regarding the City’s Cooling Centers. (Signed by 68 individuals)
- Anne Bagasao – Expressed comments regarding a former councilmember, and the City’s public comments during City Council meetings.
- Tom Williams – Expressed concerns regarding the Planning Commission’s approval of the Moffat Private Street Extension.
- Patricia and Shalimar Duff – Expressed comments regarding the City’s current litigation discussions during the Closed Session meeting.

- Micah Haserjian – Expressed concerns regarding the Planning Commission’s approval of the Moffat Private Street Extension.
- Alan Ehrlich – Expressed concerns for current records destruction policy and asked City Council to consider a moratorium all records destruction.

COMMUNICATIONS

3. Councilmembers Communications

Mayor Joe provided brief comments regarding the length of the City Council meeting.

4. City Manager Communications

No City Manager communications were made.

ADJOURNMENT

Mayor Joe announced a next Regular City Council meeting on September 2nd.

There being no further business, at 12:45 a.m., August 20, 2020, Mayor Joe adjourned the meeting.

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Evelyn G. Zneimer, Esq.
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Evelyn G. Zneimer
City Clerk

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Robert S. Joe
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Robert S. Joe
Mayor