



Wednesday, February 1, 2017
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 Cacciotti on Wednesday, February 1, 2017, at 7:43 p.m., in the Amedee O. "Dick" Richards, Jr., Council Chamber, located at 1424 Mission Street, South Pasadena, California.

ROLL CALL

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

Absent: None.

City Staff

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

INVOCATION

Councilmember Joe gave the invocation.

PLEDGE OF ALLEGIANCE

Katie Hohman and Andrew Cheung, representing the South Pasadena Middle School ASB, led the Pledge of Allegiance.

CLOSED SESSION ANNOUNCEMENTS

1. Closed Session Announcements

The Regular Closed Session of the City Council of February 1, 2017, was called to order by Mayor Pro Tem Schneider at 6:30 p.m.

Chris Sutton, Attorney, Pasadena resident, requested that the City Council consider providing mortgage assistance for the tenants of the Caltrans SR-710 properties; explained that several tenants earn slightly above the personal income limit to qualify for affordable housing discounts.

The following individuals spoke in support of the request presented by Mr. Sutton:

Bruce Tiede, South Pasadena resident

Linda Krausen, South Pasadena resident

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

- A. CONFERENCE WITH LEGAL COUNSEL – INITIATION OF LITIGATION, Pursuant to Government Code Section 54956.9 (d)(4):

Number of Cases: 1

- B. 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, Los Angeles County Superior Court Case No. BS156342

- C. CONFERENCE WITH LEGAL COUNSEL – LABOR NEGOTIATIONS, Pursuant to Government Code Section 54957.6:

City Negotiators: City Manager Sergio Gonzalez, Human Resources Manager Mariam Lee Ko, and City Attorney Teresa L. Highsmith

Represented Employee

Organizations: Firefighters' Association (FFA)
Police Officers' Association (POA)
Public Service Employees' Association (PSEA) Full Time Unit
PSEA– Part Time Unit

Unrepresented Employees: Management Employees

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

PRESENTATIONS**2. Proclamation declaring February 9, 2017 as "Nelbert Chouinard Day" in the City of South Pasadena**

Mayor Cacciotti presented a Proclamation to Doris Olga Gotsinas Kouyias and Nancy Armitage, of the Nelbert Chouinard Foundation, declaring February 9, 2017, as "Nelbert Chouinard Day" in the City of South Pasadena.

3. Presentation by the County of Los Angeles on the Community Choice Aggregation

Gary Gero, County of Los Angeles Chief Sustainability Officer, narrated a PowerPoint presentation entitled "Los Angeles Community Choice Energy (LACCE)" and responded to City Council inquiries.

Councilmember Khubesrian requested that the City Council refer evaluation of Community Choice Aggregation to the Finance Commission. Mayor Cacciotti requested that the matter also be referred to the Renewable Energy Council, seconded by Mayor Cacciotti.

4. Presentation by the Pasadena Humane Society on Available Animal Adoptions

Julie Bank, Pasadena Humane Society (PHS) President/CEO, encouraged residents to visit the adoption center, noting that fee-waived adoptions will be available on February 3-4, 2017.

COMMISSION APPOINTMENTS**5. Commission Appointments and Re-appointments**

MOTION BY COUNCILMEMBER MAHMUD, SECOND BY COUNCILMEMBER KHUBESRIAN, CARRIED 5-0, to:

1. Appoint the following individuals to a full three-year term ending December 31, 2019: Rebecca Thompson to the Cultural Heritage Commission; Jon "Scott" Kuhn to the Freeway and Transportation Commission; Brendan Durrett to the Library Board of Trustees; Alan H. Jutzi to the Library Board of Trustees; Daniel Snowden-Ifft to the Natural Resources and Environmental Commission; David Beadle to the Parks and Recreation Commission; Andrew Vogel to the Parks and Recreation Commission; and Andrew Vogel to the Renewable Energy Council.
2. Appoint Edward Corey to the Finance Commission to a partial two-year term ending December 31, 2018.

(City Council action continued on next page)

3. Re-appoint the following individuals to a full three-year term ending December 31, 2019: Katherine Offenhauser to the Animal Commission; Richard Helgeson to the Freeway and Transportation Commission; Noah Puni to the Natural Resources and Environmental Commission; Steven P. Dahl to the Planning Commission; Lawrence A. Abelson to the Public Works Commission; Gayle Glauz to the Public Works Commission; Herb Shon to the Senior Citizen Commission; and Robert Vanderwall to the Senior Citizen Commission.
4. Re-appoint Jeffrey T. Burke to the Finance Commission to a full three-year term ending December 31, 2019.

COMMUNICATIONS

6. Councilmembers Communications

Councilmember Mahmud reported on her recent activities related to groundwater conservation and stormwater management; noted that the local area remains in a drought and that residents should continue to conserve water; stated that the San Gabriel Valley Council of Governments Board is considering allowing the Alameda Corridor-East Construction Authority to take responsibility for certain traffic improvements funded by Measure M; announced that “Tech Day” for seniors will be held on February 6, 2017, at the Senior Center; invited residents to attend a presentation on natural gardens and butterflies on February 4, 2017, at the Library Community Room.

Councilmember Mahmud requested that the City Council agendaize 1) a resolution supporting participation in the Los Angeles Community Choice Energy Program, and 2) an update regarding the Hope Street/Mound Avenue Parking Lot, seconded by Mayor Cacciotti; requested that the City Council agendaize an update regarding the recent “moment in time” homeless count for South Pasadena, seconded by Mayor Pro Tem Schneider.

Councilmember Khubesrian displayed photos depicting the Landscape and Lighting Maintenance District ballot tabulation and the Women’s March held on January 21, 2017; requested that the City Council agendaize a presentation from the South Pasadena Arts Council (SPARC) regarding the Utility Box Art Project, seconded by Councilmember Mahmud.

Mayor Pro Tem Schneider requested that the City Council agendaize consideration of a Municipal Code amendment to require all demolition permits to be reviewed by the Cultural Heritage Commission, seconded by Councilmember Mahmud; requested that the City Council agendaize consideration of a mortgage assistance program proposal to be submitted by Attorney Chris Sutton related to the Caltrans SR-710 properties, seconded by Mayor Cacciotti.

Mayor Cacciotti displayed photos depicting a crossing guard safely walking children across Mission Street and Marengo Avenue, the 3rd Annual San Gabriel Lunar New Year Festival, and the San Pascual Sables and Garfield Park; reported on his attendance at the Santa Monica Mountains Conservancy meeting; encouraged residents to participate in upcoming General Plan meetings.

7. City Manager Communications

City Manager Gonzalez announced that City Hall will be serving as a designated ballot drop-off location for the March 7, 2017 election; provided an update regarding the City's tree planting program.

In response to City Council inquiry, Public Works Director Toor explained that City staff utilizes an approved list of acceptable trees and works with neighborhoods in determining appropriate trees plantings.

Police Chief Miller advised that the Police Department does not inquire about immigration status, noting that immigration officials may have an opportunity to question arrestees at the County jail.

Police Corporal Bernal invited residents to participate in the newly created Police Department Citizens Academy, noting that participants will undertake a six-week in-depth class on Police Department activities.

8. Reordering of and Additions to the Agenda

None.

PUBLIC COMMENTS

Jose Zavala, South Pasadena resident, spoke on the success of the recent Tiger Run; invited the community to participate in the 626 Golden Streets Festival on March 5, 2017.

CONSENT CALENDAR

MOTION BY COUNCILMEMBER KHUBESRIAN, SECOND BY COUNCILMEMBER JOE, CARRIED 5-0, to approve the Consent Calendar Item Nos. 9-12.

9. Prepaid Warrants, General City Warrants, and Payroll

MOTION BY COUNCILMEMBER KHUBESRIAN, SECOND BY COUNCILMEMBER JOE, CARRIED 5-0, to approve the City of South Pasadena Prepaid Warrants Nos. 196896 through 196947 in the amount of \$641,235.54; General City Warrants Nos.196948 through 197057 in the amount of \$610,056.71 and Payroll dated January 27, 2017, in the amount of \$427,660.96.

10. Resolution Authorizing the Inspection and Abatement of Brush and Native Vegetation Fire Hazards Authorizing the County of Los Angeles Agriculture Commissioner to Inspect and Abate Weeds, Brush and Native Vegetation Declared to be an Existing or Potential Fire Hazard, and Schedule a Public Hearing to be Held on February 15, 2017 to Hear Objections or Protests to the Vegetation Management Program

MOTION BY COUNCILMEMBER KHUBESRIAN, SECOND BY COUNCILMEMBER JOE, CARRIED 5-0, to adopt Resolution No. 7498 entitled “A Resolution of the City Council of the City of South Pasadena, California, declaring that weeds, brush, rubbish and refuse upon or in front of specified property in the City are a seasonal and recurrent public nuisance and declaring its intention to provide for the abatement thereof,” and setting a Public Hearing to be held on February 15, 2017.

11. Adoption of a Resolution Approving the Administering Agency-State Agreement No. 07-5071F15 for Federal-Aid Projects

MOTION BY COUNCILMEMBER KHUBESRIAN, SECOND BY COUNCILMEMBER JOE, CARRIED 5-0, to:

1. Authorize the City Manager to execute the Administering Agency-State Agreement No. 07-5071F15 (Master Agreement) with the State of California Department of Transportation (Caltrans) for Federal-Aid Projects.
2. Adopt Resolution No. 7499 entitled “A Resolution of the City Council of the City of South Pasadena, California, authorizing the City Manager to execute the Administering Agency-State Agreement No. 07-5071F15 for Federal-Aid Projects.”

12. Acceptance of Project Completion and Authorization to File a Notice of Completion for the Preventative Maintenance Project and Authorization to Release Retention Payment in the Amount of \$12,102 to Hardy and Harper, Inc.

MOTION BY COUNCILMEMBER KHUBESRIAN, 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 Preventative Maintenance Project.
2. Authorize payment of the retention to Hardy and Harper, Inc., in the amount of \$12,102 subsequent to the recordation of the Notice of Completion with the Los Angeles County Registrar-Recorder/County Clerk.

PUBLIC HEARING**13. Adoption of a Resolution Confirming Summary Abatement Cost Incurred by the City for 1854 Hanscom Drive**

Community Improvement Coordinator Ramirez narrated a PowerPoint presentation entitled “Confirmation of Summary Abatement Cost” and responded to City Council inquiries.

Public Works Director Toor advised that there is no imminent threat that the fallen retaining wall will damage the City’s retaining wall while the City continues to work with the property owner to repair the wall.

City Attorney Highsmith explained that following the rainy season the City will need to evaluate its enforcement tools to determine if receivership is necessary for the long-term repair of the wall; noted a correction to the “Record of Cost for Summary Abatement” increasing the number of City Attorney hours from 2.2 to 4.5 hours.

Mayor Cacciotti opened the Public Hearing.

Laura Gladding, South Pasadena resident, reported that Mr. Cotter previously caused a retaining wall between their properties to fail, forcing her to suspend ongoing home improvements; stated that there is video of Mr. Cotter digging up the subject retaining to cause it to fail and collapse; voiced concern that that subject wall slab is a public safety issue, noting that the street does not have sidewalks.

Cambria Tortorelli, Holy Family Catholic Church, advised that she is representing Mr. Cotter, a parishioner of the Church; requested that the City Council postpone action to provide her an opportunity to work with Mr. Cotter to resolve the situation.

There being no others desiring to speak on this item, Mayor Cacciotti closed the Public Hearing.

Councilmember Mahmud suggested that the City Council should proceed with the confirmation of summary abatement costs, but could delay consideration of the lien assessment for 30 days.

MOTION BY COUNCILMEMBER KHUBESRIAN, SECOND BY COUNCILMEMBER MAHMUD, CARRIED 5-0, to adopt Resolution No. 7500 entitled “A Resolution of the City Council of the City of South Pasadena, California, confirming a report for summary abatement costs,” with the correction to the “Record of Cost for Summary Abatement” for City Attorney hours from 2.2 to 4.5 hours.

14. Adoption of an Urgency Ordinance and First Reading and Introduction of an Ordinance Adding Subsections 26 and 27 to Section 24.02 (Nuisances and Property Maintenance) of the South Pasadena Municipal Code

Community Improvement Coordinator Ramirez presented the staff report and responded to City Council inquiries.

In response to City Council inquiries, Police Captain Solinsky and City Attorney Highsmith advised that the Police Department could have removed the occupants of the subject property at the property owner's request; explained that the property owner had not made such a request and allowed the occupants to remain on the property for over 30 days; advised that the property owner will need to seek an unlawful detainer action against the occupants.

Mayor Cacciotti opened the Public Hearing.

Jenny Hertz-Newman, South Pasadena resident, voiced concern that the proposed ordinance is overly broad and will criminalize homelessness.

Eric Post, Attorney, voiced concern that the proposed ordinance may violate the Religious Land Use and Institutionalized Persons Act (RLUIPA); stated that the ordinance would prohibit a church from allowing a family to reside in their vehicle on its property overnight; questioned the City's authority to enact such an ordinance under urgency provisions.

City Attorney Highsmith advised that there is no intent that the proposed ordinance would infringe upon the RLUIPA and that the ordinance could be modified to clarify the City's intent as well as create a permit process to allow occupancy between 5-29 days.

Erik Gammell, South Pasadena resident, expressed gratitude to the City Council and staff for their support to address the ongoing issue on Windsor Place; pointed out that the property owner resides in South Pasadena and has allowed his property on Windsor Place to become a backyard encampment.

Randy Troast, South Pasadena resident, voiced support for the proposed ordinance, noting that he resides adjacent to the property on Windsor Place that is being used as a backyard encampment.

John Srebalus, South Pasadena resident, spoke in opposition to the proposed ordinance, opining that it does not reflect the City's principles of being an inclusive and diverse community; asserted that the proposed ordinance will criminalize homelessness and allow for the potential of discriminatory enforcement.

Cambria Tortorelli, Holy Family Catholic Church, spoke in opposition to any ordinance that would limit religious institutions from utilizing their property to provide a temporary residence to homeless individuals and families.

Buddy Bell, South Pasadena resident, expressed concern that the proposed ordinance is overly broad, noting reference to public property and residing in recreational vehicles (RV) and campers on private property; opined that religious institutions should not be subject to acquiring permits from the City for the use of their property.

Adam Murray, South Pasadena resident, asserted that the City's existing public nuisance provisions are sufficient for the City to address the situation at Windsor Place, voicing opposition to the proposed ordinance.

There being no others desiring to speak on this item, Mayor Cacciotti closed the Public Hearing.

In response to public comments, City Attorney Highsmith explained that the City's existing public nuisance provisions are insufficient to address a property owner that allows their property to be used to erect temporary structures, create fire hazards, and health, safety, and sanitation hazards; noted that cargo containers and RV and camper vehicles create similar hazards in that sanitation facilities are not available to the occupants; suggested that a free permit could be provided to religious institutions to allow for occupancy between 5-29 days provided that sanitation facilities are available.

Councilmember Mahmud spoke on the importance of balancing the needs of a neighborhood and the issue of homelessness; pointed out that the proposed ordinance does not criminalize homelessness, noting that it is the property owner who will be assessed a civil penalty; requested that City staff investigate if the property on Windsor Place has a rodent infestations and to pursue municipal code compliance as necessary.

Mayor Cacciotti noted that the staff report, resolution, staff presentation, and the City Council discussion demonstrates that it is not the City's intent to criminalize homelessness, but rather to address a neighborhood dispute in which a property owner has neglected his property and created a public nuisance.

Following discussion, MOTION BY COUNCILMEMBER MAHMUD, SECOND BY COUNCILMEMBER KHUBESRIAN, CARRIED 5-0, to:

1. Adopt urgency Ordinance No. 7312 entitled "An Urgency Ordinance of the City Council of the City of South Pasadena, California, adding Subsections 26 and 27 to Section 24.02 (Nuisances and Property Maintenance) of Chapter 24 (Nuisances) of the South Pasadena Municipal Code," as amended to include a provision to allow faith based and non-profit organizations to seek permits to allow use of their private property as a temporary shelter provided access to on-site sanitary facilities and not to exceed 29 days of occupancy.
2. Introduce an ordinance entitled "An Ordinance of the City Council of the City of South Pasadena, California, adding Subsections 26 and 27 to Section 24.02 (Nuisances and Property Maintenance) of Chapter 24 (Nuisances) of the South Pasadena Municipal Code," as amended in Ordinance No. 7312.

ACTION/DISCUSSION**15. Approval of Mayor's List of City Council Liaison and Regional Group Appointments and Adoption of a Resolution Appointing Delegates, Representatives, and Alternates to Various Agencies and Organizations**

Chief City Clerk Mejia presented the staff report and responded to City Council inquiries.

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

MOTION BY COUNCILMEMBER MAHMUD, SECOND BY COUNCILMEMBER KHUBESRIAN, CARRIED 5-0, to:

1. Approve the Mayor's list of City Council Liaison and Regional Group Appointments to various commissions, boards, and committees.
2. Adopt Resolution No. 7501 entitled "A Resolution of the City Council of the City of South Pasadena, California, appointing delegates, representatives, and alternates as official representatives of the City of South Pasadena."

REPORTS**16. Adopt a Resolution Declaring the Results of the Landscape and Lighting Maintenance District No. 2016-1 Final Ballot Tabulation and to Confirm a Majority Protest**

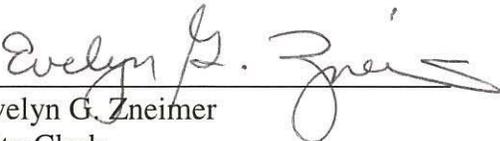
Public Works Director Toor presented the staff report and responded to City Council inquiries.

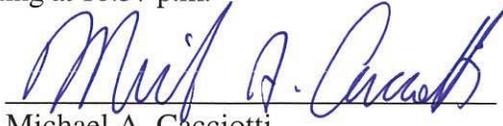
Mayor Cacciotti opened and closed the Public Comment period, there being no one desiring to speak on this item.

MOTION BY COUNCILMEMBER MAHMUD, SECOND BY MAYOR PRO TEM SCHNEIDER, CARRIED 5-0, to adopt Resolution No. 7502 entitled "A Resolution of the City Council of the City of South Pasadena, California, declaring the results of the assessment ballot tabulation for the City of South Pasadena Landscape and Lighting Maintenance District 2016-1."

ADJOURNMENT

Mayor Cacciotti adjourned the Regular City Council meeting at 10:57 p.m.


Evelyn G. Zneimer
City Clerk


Michael A. Cacciotti
Mayor

Minutes approved by the South Pasadena City Council on March 1, 2017.