



**Wednesday, July 19, 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, July 19, 2017, at 7:48 p.m., in the South Pasadena Unified School District, located at 1020 El Centro Street, South Pasadena, California.

Mayor Cacciotti noted that the Amedee O. "Dick" Richards, Jr., Council Chamber could not be used for tonight's meeting due to a recent sewer overflow.

**ROLL CALL**

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

**Absent:** None.

**City Staff**

**Present:** Elaine Aguilar, Interim City Manager; Teresa L. Highsmith, City Attorney; Evelyn G. Zneimer, City Clerk; and 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 Khubesrian gave the invocation.

**PLEDGE OF ALLEGIANCE**

Councilmember Khubesrian led the Pledge of Allegiance.

**CLOSED SESSION ANNOUNCEMENTS**

**1. Closed Session Announcements**

The Regular Closed Session of the City Council of July 19, 2017, was called to order by Mayor Pro Tem Schneider at 6:30 p.m.

Mary Urquhart, South Pasadena resident, opined that the City of South Pasadena has not violated the California Voting Rights Act as alleged by Kevin Shenkman; noted that the City Council must choose whether to defend against a legal challenge or voluntarily transition to district elections.

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 – ANTICIPATED LITIGATION, Pursuant to Government Code Section 54956.9 (d)(2):

Number of Cases: 2

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

City Negotiators: Interim City Manager Elaine Aguilar Gonzalez, Human Resources Manager Mariam Lee Ko, City Attorney Teresa L. Highsmith; and Attorney Steve Berliner

Represented Employee

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

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

Number of Cases: 1

D. CONFERENCE WITH REAL PROPERTY NEGOTIATION, Pursuant to Government Code Section 54956.8:

Property: Phase I Caltrans Surplus Properties

Negotiating Parties: Caltrans and City of South Pasadena,  
Elaine Aguilar, Interim City Manager

Under Negotiation: Price and Terms

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

**PRESENTATIONS****2. Presentation of a Certificate of Appreciation to the Colburn School Adult Wind Symphony for its Patriotic Concert Performance at Library Park**

Mayor Cacciotti presented a Certificate of Appreciation to Nate Zeisler, on behalf of the Colburn School Adult Wind Symphony, for its patriotic concert performance at the Library Park.

**3. Status Update Regarding the Metro Gold Line Foothill Extension Construction Authority**

Daniel Evans, Non-Voting Member of the Metro Gold Foothill Line Extension Construction Authority, provided a status update regarding the Gold Line Extension Project Phase 2 from Azusa to Montclair; announced that the ground breaking ceremony for Phase 2 is scheduled for October 2017, noting that construction is not expected to be complete until 2026.

In response to City Council inquiry, Public Works Director Toor advised that Metro has funded and awarded a contract for an additional disabled access ramp at the South Pasadena Metro Gold Line Station.

**APPOINTMENTS****4. Appointment to the Los Angeles Community Choice Energy Board of Directors**

MOTION BY COUNCILMEMBER KHBUESRIAN, SECOND BY COUNCILMEMBER JOE, CARRIED 5-0, to appoint Kim Hughes as an Alternate Director to the Los Angeles Community Choice Energy Board of Directors.

**5. Commission Appointment**

MOTION BY MAYOR PRO TEM SCHNEIDER, SECOND BY COUNCILMEMBER MAHMUD, CARRIED 5-0, to appoint Michael Lejeune to the Design Review Board for a three-year term ending December 31, 2020.

**COMMUNICATIONS****6. Councilmembers Communications**

Councilmember Khubesian expressed condolences to the mother of Aramazd Andressian Jr.; reported on her attendance at a meeting between Los Angeles County Supervisors Barger and Solis and San Gabriel Valley city representatives to discuss the next steps forward to improve regional traffic issues; summarized the results of a recent South Pasadena Unified School District survey regarding community priorities.

Councilmember Mahmud expressed gratitude to Police Chief Miller and the South Pasadena Police Department for supporting Ana Estevez throughout the search and during the funeral for her son Aramazd Andressian Jr.; reported that two subcommittees intend to bring forward recommendations to the City Council regarding water and sewer rates and immigration status policies in the near future; thanked former and current Cultural Heritage Commissioners for participating in a meeting to discuss concerns regarding the Cultural Heritage Ordinance; summarized recent regional activities to address stormwater compliance regulations and liabilities.

Councilmember Joe displayed photos and reported on the re-opening of the Senior Center computer lab; noted that the computer lab had to be closed due to roof leaks and mold remediation; expressed gratitude to the Public Works Department for expediting the repairs.

Mayor Pro Tem Schneider noted that a City Council subcommittee recently met regarding the Rialto Theatre and is hopeful that progress will be forthcoming.

Mayor Cacciotti requested that the City Council agendaize consideration of allocating \$7,500 from his discretionary funds towards an electric-vehicle charging station at the Hope Street and Mound Avenue Parking Lot, seconded by Councilmember Mahmud; reported on and displayed photos regarding the Arroyo Seco Bicycle and Pedestrian Trail groundbreaking, new business ribbon cuttings, General Plan update meetings, recent Senior Center lunch, Concerts in the Park, Arts Crawl, and a new all-electric shuttle van.

#### **7. City Manager Communications**

City Manager Aguilar reported that the next Farmers Market will offer a free bicycle valet service; invited the community to attend a celebration in recognition of being the first all-electric equipment maintained Golf Course; announced upcoming community events including concerts and movies in the park.

Library, Arts and Culture Director Fjeldsted introduced recently-hired Assistant Library Director Cathy Billings.

#### **8. Merchant Minute**

Mayor Cacciotti introduced Chef Bruno Morin, of Bistro De La Gare, who invited the community to visit his restaurant, noting that it specializes in French-Italian bistro cuisine and located adjacent to the Metro Gold Line Station.

#### **9. Reordering of and Additions to the Agenda**

None.

**PUBLIC COMMENTS**

Robert Brown, Los Angeles resident, asserted that the Arroyo Seco Golf Course is underutilized and the restrooms are in disrepair; advised that he intends to submit a proposal to operate the Golf Course and hopes that the City Council will consider replacing the existing operator; reported that his proposal will offer capital improvements, including new restroom facilities and ADA improvements, and annual revenue growth guarantees.

Mayor Cacciotti suggested that Mr. Brown attend the meetings of the Arroyo Seco Golf Course Subcommittee and Parks and Recreation Commission.

Zhen Wang, Alhambra resident, requested that the City Council partner with him to implement his dock-less bicycle sharing application.

The City Council requested that the City Manager determine the appropriate City Commission to refer Mr. Wang's proposal for further consideration.

Christopher Sutton, Pasadena attorney, distributed a preliminary listing of Caltrans-owned properties related to the State Route 710 (SR-710) North Extension Project; requested that the City Council agendaize consideration of requesting that Caltrans declare all of the SR-710 properties as surplus.

Councilmember Mahmud requested that Mr. Sutton forward the final list of properties to the City Manager.

Al Benzoni, South Pasadena resident, suggested that the City implement an automated service request system; asserted that he should have been allowed to appeal the tree removal permit issued for the Hydrogen Fueling Station at 1200 Fair Oaks Avenue; stated that the Hydrogen Fueling Station is not complying with all conditions of approval.

The City Council requested that the City Manager follow-up on the complaints discussed by Mr. Benzoni.

Jesus Banuelos, South Pasadena resident, reported that he has been the victim of attempted bicycle thefts at the Metro Gold Line Station; suggested that the City install security cameras near the Station.

The City Council requested that the City Manager evaluate the possibility of installing bicycle lockers and security cameras at the Gold Line Metro Station.

Kelly Koldus, South Pasadena resident, pointed out multi-family unit residents do not have access to electric-vehicle charging stations and no public stations are located in South Pasadena; noted that she shops and dines in nearby cities so that she can charge her vehicle.

In response to City Council inquiry, Joshua Torres, Government Affairs Representative for Southern California Edison (SCE), advised that SCE has incentives for multi-family units to install electric-vehicle charging stations, but the program funding has since been depleted; stated that SCE is seeking California Public Utilities Commission authorization to offer additional incentives for electric-vehicle charging stations and infrastructure.

The City Council suggested that the General Plan update address regulations for the installation of electric-vehicle charging stations at new construction multi-family housing projects.

## **CONSENT CALENDAR**

MOTION BY COUNCILMEMBER MAHMUD, SECOND BY COUNCILMEMBER JOE, CARRIED 5-0, to approve the Consent Calendar Item Nos. 10-13, 15, and 21-24; with Item Nos. 14, 16-20 pulled for separate discussion.

### **10. Minutes of the City Council Meetings of June 7, 2017, June 21, 2017, and July 10, 2017**

MOTION BY COUNCILMEMBER MAHMUD, SECOND BY COUNCILMEMBER JOE, CARRIED 5-0, to approve the minutes of the June 7, 2017, June 21, 2017, and July 10, 2017 City Council Meetings.

### **11. Prepaid Warrants, General City Warrants, and Payroll**

City Manager Aguilar noted that staff will correct an error related to payment entries for Mike Roos.

MOTION BY COUNCILMEMBER MAHMUD, SECOND BY COUNCILMEMBER JOE, CARRIED 5-0, to approve the City of South Pasadena Prepaid Warrants Nos. 198859 through 199152 in the amount of \$3,166,947.89; General City Warrants Nos. 199153 through 199243 in the amount of \$381,306.20; Payroll dated June 30, 2017, in the amount of \$464,165.40, and Payroll dated July 14, 2017 in the amount of \$609,287.17, as amended.

### **12. Monthly Investment Reports for May 2017**

MOTION BY COUNCILMEMBER MAHMUD, SECOND BY COUNCILMEMBER JOE, CARRIED 5-0, to receive and file the Monthly Investment Reports for May 2017.

### **13. Discretionary Fund Requests from Mayor Cacciotti, Mayor Pro Tem Schneider, Councilmember Joe, Councilmember Khubesrian, and Councilmember Mahmud for the Purpose of Purchasing Native Plants for the South Pasadena Nature Park**

MOTION BY COUNCILMEMBER MAHMUD, SECOND BY COUNCILMEMBER JOE, CARRIED 5-0, to approve the discretionary fund requests by Mayor Cacciotti designating \$200, Mayor Pro Tem Schneider designating \$250, Councilmember Joe designating \$250, Councilmember Khubesrian designating \$250, and Councilmember Mahmud designating \$250 for the purpose of purchasing native plants for the South Pasadena Nature Park.”

**15. Second Reading and Adoption of an Ordinance Approving the Joint Powers Agreement for Los Angeles Community Choice Energy and Authorizing the Implementation of a Community Choice Aggregation Program**

MOTION BY COUNCILMEMBER MAHMUD, SECOND BY COUNCILMEMBER JOE, CARRIED 5-0, to adopt Ordinance No. 2316 entitled “An Ordinance of the City Council of the City of South Pasadena, California, approving the Joint Powers Agreement for Los Angeles Community Choice Energy and authorizing the implementation of a Community Choice Aggregation Program.”

**21. Acceptance of the Citywide Roof Replacement Project and Authorization to Release Retention Payment to Universal Coatings, Inc.**

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

1. Accept the Citywide Roof Replacement Project as complete and authorize to record a Notice of Completion with the Los Angeles County Registrar-Recorder County Clerk.
2. Authorize release of retention payment to Universal Coatings, Inc. in the amount of \$5,654.66.

**22. Adoption of a Resolution Approving the Annual Auditor’s Report and Authorizing the Collection of the Library Special Tax for Fiscal Year 2017-18**

MOTION BY COUNCILMEMBER MAHMUD, SECOND BY COUNCILMEMBER JOE, CARRIED 5-0, to adopt Resolution No. 7523 entitled “A Resolution of the City Council of the City of South Pasadena, California, approving the Annual Auditor’s Report and setting the rate of the Library Special Tax to finance Library Services for Fiscal Year 2017-18.”

**23. Authorization to Amend Contract with Southwest Pipeline & Trenchless Corporation for the Sewer Rehabilitation and Replacement Project Phase 2**

MOTION BY COUNCILMEMBER MAHMUD, SECOND BY COUNCILMEMBER JOE, CARRIED 5-0, to authorize the City Manager to execute a contract amendment with Southwest Pipeline and Trenchless Corporation for additional work to the Sewer Rehabilitation and Replacement Project Phase 2 for a not-to-exceed amount of \$408,779.20.

**24. Authorization to Amend Contract with Valley Construction Management for the Construction Management and Inspection Services for the Sewer Rehabilitation and Replacement Project Phase 2**

MOTION BY COUNCILMEMBER MAHMUD, SECOND BY COUNCILMEMBER JOE, CARRIED 5-0, to authorize the City Manager to execute a contract amendment with Valley Construction Management (Consultant) for additional professional services for the Sewer Rehabilitation and Replacement Project Phase 2 (Project) for a not-to-exceed amount of \$49,560.

**ITEMS REMOVED FROM THE CONSENT CALENDAR FOR DISCUSSION****14. Second Reading and Adoption of an Ordinance Amending the South Pasadena Municipal Code to Update the City of South Pasadena Historic Preservation Ordinance**

Glen Duncan, South Pasadena resident, spoke on the history and benefits of the Historic Preservation Ordinance; suggested that there should be a strong outreach effort to garner community interest as the City considers future amendments to the Ordinance.

Odom Stamps, South Pasadena resident, conveyed support for the proposed ordinance; expressed a desire for the Cultural Heritage Commission (CHC) to retain oversight of designated and eligible Historic Districts.

Mark Gallatin, South Pasadena resident and Vice Chair of the CHC, stated that the CHC is prepared to consider and provide recommendations for amendments to improve the Historic Preservation Ordinance; urged the City Council to adopt the subject ordinance.

Marina Khrustaleva, South Pasadena resident, commended the City for developing a comprehensive Historic Preservation Ordinance.

Steven Lawrence, South Pasadena resident, urged the City Council to facilitate a community discussion regarding future amendments to the Historic Preservation Ordinance.

John Lesak, South Pasadena resident and Cultural Heritage Commissioner, thanked Councilmember Mahmud and Mayor Pro Tem Schneider for facilitating a meeting to discuss the proposed ordinance.

MOTION BY MAYOR PRO TEM SCHNEIDER, SECOND BY COUNCILMEMBER MAHMUD, CARRIED 5-0, to adopt Ordinance No 2315 entitled "An Ordinance of the City Council of the City of South Pasadena, California, repealing and replacing Article IVH (Cultural Heritage Commission) of Chapter 2 (Administration) with a new Article IVH (Cultural Heritage Commission) of the South Pasadena Municipal Code to update the legal framework needed to protect the City's Cultural Resources."

**16. Approve an Amended and Restated Agreement with Acorn Technology Corporation for Information Technology Services**

City Manager Aguilar noted that an updated agreement was placed on the dais containing minor modifications.

In response to City Council inquiry, Assistant to the City Manager Demirjian advised that Acorn Technology Corporation ensures that the City's information systems are properly secured and data is stored on emergency recovery devices.

MOTION BY MAYOR CACCIOTTI, SECOND BY COUNCILMEMBER MAHMUD, CARRIED 5-0, to approve an amended and restated agreement with Acorn Technology Corporation for Information Technology Services, as amended on the dais.



**17. Authorize the City Manager to Execute a Professional Services Agreement with Nelson Nygaard Consulting Associates for Transportation Consulting Services to Identify Projects for the Remaining Measure R Funds**

Principal Management Analyst Lin presented the staff report and responded to City Council inquiries.

Alexander Swanson, South Pasadena resident, voiced concern regarding the traffic volume and speed on Fremont Avenue, between Grevelia and Columbia Streets; stated that vehicular accidents routinely occur on Fremont Avenue; urged that the Consultant prioritizes this area and that the City Council consider reducing the speed limit and increasing police enforcement in the immediate future.

Andrea Fox, South Pasadena resident, spoke on the importance of prioritizing Fremont Avenue for traffic relief improvements, noting that the area is residential; stated that the speed limit was recently increased to 30 mph without seeking neighborhood input; requested that the City engage Fremont Avenue residents in the General Plan update process.

Councilmember Mahmud suggested that concerned residents attend the meetings of the Public Works Commission who discuss speed limit modifications in detail; noted that the City has engaged in extensive community outreach regarding the General Plan and encouraged Ms. Fox to attend upcoming meetings.

In response to City Council inquiries, Public Works Director Toor advised that speed limits are established under the provisions of the California Vehicle Code; explained that a traffic engineer conducts field surveys and considers several factors to establish appropriate speed limits; pointed out that local jurisdictions have limited discretion to modify speed limits outside of the traffic engineer's findings.

Councilmember Khubesrian suggested that the Consultant evaluate prioritization of signal synchronization on Fremont Avenue and Columbia Street.

Kim Hughes, South Pasadena resident, suggested that contracts related to traffic issues be presented first to the Public Works Commission and Freeway and Transportation Commission for a recommendation to the City Council; encouraged the City to ensure that the Consultant's study be conducted on street-by-street level instead of a macro-level.

Deane Ng, South Pasadena resident, stated that she was discouraged to see the Public Works Commission increase the speed limit on Fremont Avenue in response to commuters speeding; voiced concern regarding pedestrian safety on Fremont Avenue at the light rail crossing, noting there is no crosswalk to access the available sidewalk.

The City Council requested that the Police Department increase enforcement activities on Fremont Avenue, between Grevelia Street and Columbia Street.

The City Council requested that staff explore options to address the pedestrian crossing on the east-side of Fremont Avenue at the light rail crossing and whether there are available grant funds to conduct a citywide pedestrian safety survey.

Mayor Cacciotti suggested that if the City proceeds with the contract option of a City Council workshop, that the workshop include the Public Works Commission and Freeway and Transportation Commission.

Councilmember Khubesrian suggested that the City Council explore consideration of a Vision Zero Policy, as a commitment to eliminate all traffic-related fatalities.

MOTION BY COUNCILMEMBER MAHMUD, SECOND BY MAYOR PRO TEM SCHNEIDER, CARRIED 5-0, to authorize the City Manager to execute a Professional Services Agreement with Nelson Nygaard Consulting Associates for transportation consulting services to identify appropriate transportation projects for the City of South Pasadena from the remaining Measure R funds, as amended on the dais.

**18. Approval of a Letter to the Los Angeles County Metropolitan Transportation Authority Regarding Security on the Metro Gold Line**

Mayor Cacciotti reported on a marked decrease in the presence of law enforcement and security personal and rise in recent disturbances on the Metro Gold Line, particularly at or near the South Pasadena station.

MOTION BY COUNCILMEMBER MAHMUD, SECOND BY MAYOR PRO TEM SCHNEIDER, CARRIED 5-0, to approve a letter to the Los Angeles County Metropolitan Transportation Authority regarding security on the Metro Gold Line, as amended to request that a Metro representative provide an update at the next City Council meeting.

**19. Award of Contract to Judge Netting, Inc., for the Construction of the Driving Range Fence for the Preparation of the Arroyo Seco Bicycle and Pedestrian Trail**

In response to City Council inquiry, Community Services Director Pautsch advised that staff will make every effort to minimize the closure time of the driving range.

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

1. Accept a bid dated June 12, 2017, from Judge Netting Inc. for the construction of the driving range fence.
2. Authorize the City Manager to execute an agreement with Judge Netting, Inc. for the amount of \$153,600 and reject all other bids.
3. Appropriate a sum of \$153,600 from the Arroyo Seco Golf Course account.

**20. Award of Construction Contract to Clean Fuel Connection, Inc. to Upgrade the Compressed Natural Gas Station**

Mayor Cacciotti noted that the proposed project includes modifications to the entry gate, suggesting that staff take into consideration that the City's Maintenance Yard may be relocated near the Compressed Natural Gas station in the future.

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

1. Accept a bid dated April 11, 2017, from Clean Fuel Connection, Inc. for the design and construction of the Compressed Natural Gas Station Upgrade Project and authorize the City Manager to enter into a contract with the Contractor for an amount of \$300,000.
2. Appropriate a sum of \$80,000 from Proposition C to Account No. 207-9000-9307-9307 and \$100,535 from the Sewer Reserve Fund to Account No. 210-9000-9307-9307.

**PUBLIC HEARING**

**25. Public Hearing Confirming Charges Assessed for the Abatement of Seasonal Growth of Hazardous Weeds on Respective Parcels of Land of Unimproved Private Properties Constituting a Fire Hazard**

Deputy Fire Chief Riddle presented the staff report.

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

MOTION BY COUNCILMEMBER MAHMUD, SECOND BY COUNCILMEMBER JOE, CARRIED 5-0, to confirm the cost of abating the seasonal growth of hazardous weeds on respective parcels of land of unimproved private properties constituting a fire hazard.

**ACTION/DISCUSSION**

**26. Consideration of Whether to Transition from an At-Large Electoral System to a District-Based Electoral System for Members of the City Council**

Chief City Clerk Mejia narrated a PowerPoint presentation entitled "Consideration of a District-Based Electoral System" and responded to City Council inquiries.

Mayor Cacciotti opened the Public Comment period.

Kelly Koldus, South Pasadena resident, noted that she has volunteered as a pollworker in South Pasadena for six years and objects to the assertion of racially-polarized voting in South Pasadena.

Harry Knapp, South Pasadena resident, opined that South Pasadena residents are diverse and civically engaged, noting that minority citizens have previously and currently serve on the City Council; noted that the first Latina Councilmember was elected in the 1980s and lost to the first Asian American elected to the City Council; stated that he would hope that the Courts would find that South Pasadena voters would not benefit from district elections.

Sam Burgess, South Pasadena resident, urged the City Council to refuse to change to district elections and to defend itself in a lawsuit, if necessary; asserted that the legislation is a racist shakedown for the benefit of attorneys.

Kim Hughes, South Pasadena resident, stated that cities that have adopted district elections are typically larger in area and population; opined that South Pasadena is a diverse, integrated, and cohesive community; recommended that the City Council choose to defend itself in litigation, noting that it is disappointing that Courts can be used for inappropriate lawsuits.

Brandy Guenveur, South Pasadena resident, noted that the City Council and community works together to accomplish common goals; opined that district elections will cause divisiveness in the community; stated that the City Council should fight against litigation regardless of cost.

Odom Stamps, South Pasadena resident and former South Pasadena Mayor, voiced support for the issuance of a response letter to Mr. Shenkman refuting his claims of violating state law; opined that South Pasadena is too small in population to configure appropriately populated voting districts; recommended that cities coordinate with the League of California Cities to seek legislative amendments; advised that his mother was a Mexican immigrant and that he too was a Latino elected to the City Council.

Lisa Roa, South Pasadena resident, voiced opposition to Mr. Shenkman's assertion that her Latina vote would be better served or less diluted under district elections; stated that she has always believed that her local vote always counted and reflected her best interest; submitted for the record that Lourdes Aguirre and Maribel Valdez concur with her comments; expressed fear that district elections may result in a disenfranchised Latino electorate.

Ron Rosen, South Pasadena resident, opined that district elections would dilute the quality of candidates by preventing the election of candidates if they are within the same district; stated that laws which allow attorneys to extort cities must be changed; pointed out that South Pasadena does not have racially segregated neighborhoods and district voting would not benefit any racial group.

Glen Duncan, South Pasadena resident, expressed opposition to district elections, opining that there is no conceivable way to divide South Pasadena in a more equitable community; noted that the City Council is diverse and cooperative and district elections would do nothing but ensure that the incumbents will face head to head elections.

Councilmember Khubesrian read an email from Frank Cardenas, South Pasadena resident, in which noted that he previously served as the Executive Director of the Los Angeles City Redistricting Commission; opined that the alleged application of the California Voting Rights Act (CVRA) against South Pasadena is misplaced and he has witnessed no evidence of racially-polarized voting in South Pasadena; opined that minority populations are widely dispersed and integrated into the community; asserted that district elections will likely cause minority voter dilution and that it would be unjust if he could not vote for the candidates of his choice in each municipal election.

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

In response to City Council inquiries, City Attorney Highsmith explained the differences between the Federal Voting Rights Act (FVRA) and the CVRA, noting that the CVRA does not consider whether district elections would effectively cause dilution of minority votes; noted that no city has yet to prevail in a CVRA lawsuit, pointing out that the Plaintiff's burden of proof is very low and in their favor; advised that the would be a range of \$250,000 to \$500,000 for the City to attempt to defend itself in a CVRA lawsuit.

Mayor Cacciotti spoke on the unpredictable and widely varying estimates to defend against lawsuits, noting that the Metro Gold Line litigation was significantly higher than estimated and that the City could not invest in infrastructure during that period.

City Attorney Highsmith explained that if the City were to prevail in litigation, it would be prevented from receiving a reimbursement for its legal costs; advised that if the Plaintiff prevails in litigation, the Court may award a Private Attorney General multiplier for its attorney fees; explained that if the City voluntarily enacts district elections it may create its own district zones, pointing out that in litigation a Court would likely impose a plaintiff's proposed district map upon the City; explained that if no minority-majority districts can be formed, district elections may result in greater minority voter dilution, noting that the FVRA would take this result into consideration; advised that a Charter city has additional legal arguments under its Charter, if it specifically addresses the conduct of elections.

In response to City Council inquiry, Chief City Clerk Mejia noted that neighboring cities also received letters alleging violations of the CVRA and subsequently adopted resolutions of intent to transition to district elections, including the Cities of Glendora and Arcadia.

Odom Stamps, South Pasadena resident, suggested that the City Council explore the possibility of converting to a Charter City.

Chief City Clerk Mejia explained that a Charter proposal would be required to be submitted as a ballot measure at a General Municipal Election; noted that the City would likely already be in litigation under the original alleged violation of the CVRA and could potentially be challenged on whether the ballot measure vote resulted in racially-polarized voting.

Councilmember Mahmud pointed out that if the Legislature declares that a particular piece of legislation is of statewide concern, it is presumed to preempt local Charter provisions.

Councilmember Khubesrian reviewed written correspondence submitted to the City Council, noting that all were in opposition to transitioning to district elections with the exception of one letter which expressed concern regarding the financial risk of litigation; opined that a Glendora Councilmember aptly characterized this situation as legalized extortion; noted that Mr. Shenkman has no understanding of the progressive nature of the community and celebrations of diversity.

City Attorney Highsmith highlighted that Mr. Shenkman is aware of the City's draft response letter and its' refuting of his allegations and continues to threaten litigation in the media, revealing his disregard for facts.

Ron Rosen, South Pasadena resident, stated that the City Council is in a terrible position and has no real choice other than to proceed with the resolution of intent; questioned why cities have not previously created coalitions to advocate for legislative amendments.

City Attorney Highsmith explained that the CVRA was recently amended to create safe harbor periods and catalyst fee caps, noting that the legislation has the unintentional consequence of creating the conditions in which incentivize threats of litigation.

Councilmember Mahmud conveyed her anger as a Latina voter that the CVRA is being perversely applied against communities like South Pasadena; urged residents to call for state legislators to modify the CVRA to prevent these unfair and unjust results against minority voters.

Mayor Cacciotti spoke on the importance of being the financial steward of the City and ensuring that the City can invest in street, water, and sewer infrastructure; noted that this litigation would be stacked against the City and the City would ultimately have to decide when to cut its loses and expend hundreds of thousands of dollars to the Plaintiff's attorney.

The City Council directed the City Attorney to draft a letter to local state legislators requesting a legislative amendment to the CVRA for City Council consideration.

MOTION BY COUNCILMEMBER MAHMUD, SECOND BY MAYOR PRO TEM SCHNEIDER, CARRIED 5-0, to adopt Resolution No. 7524 entitled "A Resolution of the City Council of the City of South Pasadena, California, declaring its intent to transition from at-large elections for City Council to district-based elections for City Council pursuant to Elections Code Section 10010," with a modified schedule of Public Hearings (Exhibit A).

**27. First Reading and Introduction of an Ordinance to Amend the South Pasadena Municipal Code to Establish City Campaign Contribution Regulations**

This matter was continued to a future City Council meeting, without discussion.

**28. Discussion of the San Gabriel Valley Council of Governments' Integration of the Alameda Corridor East**

This matter was continued to a future City Council meeting, without discussion.

**29. Water Conservation Rebate Program for Fiscal Year 2017-18**

Senior Management Analyst Shimmin presented the staff report responded to City Council inquiries.

Mayor Cacciotti opened the Public Comment period.

Kim Hughes, South Pasadena resident, voiced support for providing turf removal and high-efficiency toilet replacement incentives.

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

Following discussion, MOTION BY COUNCILMEMBER MAHMUD, SECOND BY COUNCILMEMBER KHUBESRIAN, CARRIED 5-0, to approve the water conservation rebate program for Fiscal Year 2017-18, as amended.

**30. Authorize the City Manager to enter into a Cooperative Agreement with the City of San Marino for the Sharing of Fire Department Command Staff**

Deputy Fire Chief Riddle narrated a PowerPoint presentation entitled "Shared Fire Command Agreement" and responded to City Council inquiries.

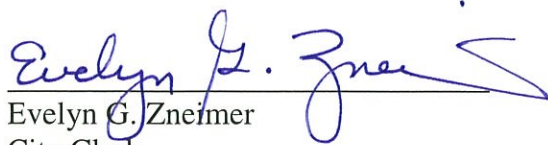
Mayor Cacciotti opened and closed the Public Comment period, there being no one desiring to speak on this item.

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

1. Authorize the City Manager to enter into an Cooperative Agreement with the City of San Marino for the sharing of Fire Department Command Staff.
2. Authorize the City Manager to increase the number of full-time employees in the South Pasadena Fire Department by two (2) Division Chiefs.

**ADJOURNMENT**

MOTION BY COUNCILMEMBER MAHMUD, SECOND BY COUNCILMEMBER KHUBESRIAN, CARRIED 5-0, to adjourn the City Council Meeting at 11:53 p.m., in memory of Aramazd Andressian Jr.

  
Evelyn G. Zneimer  
City Clerk

  
Michael A. Cacciotti  
Mayor

Minutes approved by the South Pasadena City Council on August 16, 2017.