



Additional Documents List Regular City Council Meeting February 5, 2020

Item No.	Agenda Item Description	Distributor	Document
12	Adoption of a Resolution Approving a Memorandum of Understanding (MOU) Between the City of South Pasadena and the Los Angeles Regional Interoperable Communications System (LA-RICS) Joint Powers Authority	Joe Ortiz, Police Chief	Memo
14	Second Reading and Adoption of an Ordinance Adopting by Reference the 2019 California Fire Code with Certain Amendments, Additions, and Deletions thereto Chapter 14 of the South Pasadena Municipal Code with Certain Amendments, Additions, and Deletions thereto Chapter 14 of the South Pasadena Municipal Code	Paul Riddle, Fire Chief	Memo
15	Approve the First Reading and Introduction of Two Ordinances: 1) Restructure and Rename the Freeway and Transportation Commission to Create the Mobility and Transportation Infrastructure Commission with Updated Responsibilities; and 2) Restructure the Public Works Commission with Updated Roles and Responsibilities	Shahid Abbas, Public Works Director Kristine Courdy, Deputy Public Works Director	Memo

<p>PC re. 15 and 16</p>	<p>15. Approve the First Reading and Introduction of Two Ordinances: 1) Restructure and Rename the Freeway and Transportation Commission to Create the Mobility and Transportation Infrastructure Commission with Updated Responsibilities; and 2) Restructure the Public Works Commission with Updated Roles and Responsibilities</p> <p>16. Receive and File Ramona Street Neighborhood Traffic Management Plan</p>	<p>Public Comment (Various)</p>	<p>Emails</p>
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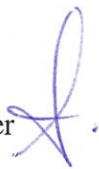



City of South Pasadena
Police Department

Memo

Date: February 5, 2020

To: The Honorable City Council

Via: Stephanie DeWolfe, City Manager 

From: Joe Ortiz, Chief of Police 

Re: February 5, 2020 City Council Meeting Item No. 12 Additional Document – Adoption of a Resolution Approving a Memorandum of Understanding (MOU) Between the City of South Pasadena and the Los Angeles Regional Interoperable Communications System (LA-RICS) Joint Powers Authority

The Resolution was revised to do the following:

- (1) state the title of the joint powers agreement in the title of the resolution,
- (2) describe the term “LTE connectivity,”
- (3) delegate authority to the City Manager to approve and execute any future amendments to the MOU up to \$25,000
- (4) make additional clerical revisions.

While the City of Los Angeles was a founding member of the Los Angeles Regional Interoperable Communications System in 2009, it has since withdrawn its membership. The current members are noted in Exhibit A to the Memorandum of Understanding.

Attachments:

- Resolution adopting an MOU between the City and the Los Angeles Regional Interoperable Communications System Join Powers Authority (LA-RICS)

MEMO ATTACHMENT 1

Resolution adopting an MOU between the City
and the Los Angeles Regional Interposable
Communications System Joint Powers Authority
(LA-RICS)

RESOLUTION NO. ____

**A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF SOUTH PASADENA, CALIFORNIA, APPROVING
THE LOS ANGELES INTEROPERABLE COMMUNICATIONS SYSTEM
AUTHORITY JOINT POWERS AGREEMENT AND JOINING
THE LOS ANGELES RADIO INTEROPERABLE COMMUNICATIONS SYSTEM (LA-
RICS) FOR THE PURPOSE OF MAINTAINING REGIONAL RADIO
COMMUNICATIONS CAPABILITIES FOR THE SOUTH PASADENA POLICE
DEPARTMENT**

WHEREAS, the City of South Pasadena recognizes the need for a wide-area and interoperable communication system to better respond to regional crises and disaster related events; and,

WHEREAS, the Los Angeles Radio Interoperable Communications System (LA-RICS) created via a joint powers agreement (JPA); can provide quality regional radio communication capabilities; and,

WHEREAS, there has been sufficient information received by the City to warrant joining LA-RICS as the service provider of regional radio communications capabilities; and,

WHEREAS, LA-RICS has agreed to provide the regional radio communication capabilities pursuant to a JPA, and to ultimately achieve Long-Term Evolution (LTE) connectivity — a standard for wireless broadband communication for mobile devices and data terminals that increases capacity and speed.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SOUTH PASADENA HEREBY RESOLVE AS FOLLOWS:

SECTION 1: Pursuant to the City's authority under the Joint Exercise of Powers Act in California Government Code Section 6500 et. Seq., the Los Angeles Regional Interoperable Communications System Authority Joint Powers Agreement, attached hereto and incorporated herein, is approved thereby authorizing the City's membership in the Los Angeles Regional Interoperable Communication System Authority; and,

SECTION 2: This Resolution is effective upon adoption; and,

SECTION 3: The Mayor is hereby authorized to affix his signature to this Resolution signifying its adoption and the City Clerk, or her duly appointed deputy, is directed to attest thereto.

PASSED, APPROVED AND ADOPTED on this 5th day of February, 2020.

Robert Joe, Mayor

ATTEST:

APPROVED AS TO FORM:

Evelyn G. Zneimer, City Clerk
(seal)

Teresa L. Highsmith, City Attorney

I HEREBY CERTIFY the foregoing resolution was duly adopted by the City Council of the City of South Pasadena, California, at a regular meeting held on the 5th day of February, 2020, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAINED:

Evelyn G. Zneimer, City Clerk
(seal)

MEMO ATTACHMENT 2
The Los Angeles Interoperable Communications
System Authority (LA-RICS) Joint Powers
Agreement



**The Los Angeles
Regional Interoperable
Communications System
Authority**

Joint Powers Agreement

January 2009

**The Los Angeles Regional Interoperable Communications System Authority
Joint Powers Agreement
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**The Los Angeles Regional Interoperable Communications System Authority
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**Joint Powers Agreement to Establish
The Los Angeles Regional
Interoperable Communications System Authority**

THIS JOINT POWERS AGREEMENT (the "Agreement") is made as of the Effective Date by and between the public agencies set forth in Exhibit A.

Each public agency executing this Agreement shall be referred to individually as "Member," with all referred to collectively as "Members."

RECITALS

Whereas the Members require wide area and interoperable communications, and Members acting independently have limited resources to construct a communications network providing these capabilities; and,

Whereas the Members have determined that working in concert to share radio communications resources is in the public interest, as doing so would provide the most effective and economical radio communications network for all participating public agencies; and,

Whereas the Members agree that the collective goal is to evaluate, establish, and participate in a public safety radio network to meet or enhance current public safety radio communications needs of Members and to provide an architecture capable of expanding to meet future needs; and,

Whereas, the Members have the authority under the Joint Exercise of Powers Act, in California Government Code Section 6500 et. seq., (the "Act") to enter into this Agreement.

NOW, THEREFORE, in consideration of the recitals and mutual obligations of the Members as herein contained, the Members agree as follows:

Article I - GENERAL PROVISIONS

1.01 Purpose.

This Agreement is to create an agency to exercise the powers shared in common by its Members to engage in regional and cooperative planning and coordination of governmental services to establish a wide-area interoperable public safety communications network (hereinafter referred to as the "Los Angeles Regional Interoperable Communications System", "LA-RICS", or the "System"). As part of this

purpose, Members will seek to meet or enhance the current public safety communications needs with a System capable of expanding to meet future needs; develop funding mechanisms; and resolve technical and operational issues in the development and management of the System. Such purposes are to be accomplished and said common power exercised in the manner hereinafter set forth.

1.02 Creation of Authority.

Pursuant to the Act, the Members hereby create a public entity to be known as the “Los Angeles Regional Interoperable Communications System Authority” (hereinafter, the “Authority”). The Authority shall be a public entity separate and apart from the Members who shall administer this Agreement. The jurisdiction of the Authority shall be all territory within the geographic boundaries of the Members; however the Authority may undertake any action outside such geographic boundaries as is necessary and incidental to the accomplishment of its purpose.

1.03 Membership in the Authority.

Participation in the Authority is limited to public agencies, as defined by the Act, in the greater Los Angeles area that have approved and executed this Agreement, and contributed resources of any kind toward the construction and/or on-going operation of the System (including, but not limited to financial, personnel, frequency, equipment, radio site, real estate or other resources), as approved by the Board of Directors.

1.04 Term.

This Agreement shall become effective, and the Authority shall come into existence, when each of the following occurs (the “Effective Date”):

- (a) The Agreement is authorized and executed by the City of Los Angeles and the County of Los Angeles; and
- (b) Forty-five days has elapsed after the authorization and execution of the Agreement by both the City of Los Angeles and County of Los Angeles.

Prior to the Effective Date, public agencies may become Members of the Authority, without Board approval, by adoption and execution of this Agreement. After the Effective Date, membership is subject to approval by the Board as set forth in Section 7.02(a) of this document.

Article II - Board of Directors.**2.01 Composition of the Board**

The Authority shall be administered by a Board of Directors (the "Board") consisting of a minimum of eight (8) Directors and not more than seventeen (17) Directors identified by the following appointing authorities:

1. The City of Los Angeles City Administrative Officer
2. The City of Los Angeles Fire Chief
3. The City of Los Angeles Police Chief
4. The City of Los Angeles Chief Legislative Analyst
5. The County of Los Angeles Chief Executive Officer
6. The County of Los Angeles Fire Chief
7. The Sheriff of Los Angeles County
8. The County of Los Angeles Department of Health Services Director
9. The Los Angeles Unified School District Police Chief
10. The City of Long Beach
11. The Los Angeles Area Fire Chiefs Association
12. The Los Angeles County Police Chiefs Association
13. The California Contract Cities Association
14. At Large
15. At Large
16. At Large
17. At Large

2.02 Appointment of Directors

- (a) Each of the officials listed in 1 through 9 above may appoint one Director and one Alternate Director to the Board when the agency such official represents becomes a Member.
- (b) The City of Long Beach may appoint one Director and one Alternate Director to the Board when the City of Long Beach becomes a Member.
- (c) Each of the Associations listed in 11 and 12 above may appoint one Director and one Alternate Director to the Board when at least one member of their respective Association becomes a Member of the Authority.
- (d) The California Contract Cities Association may appoint one Director and one Alternate Director to the Board when at least one member of the Association becomes a Member of the Authority. In order to participate in the selection process, Association members must also be Members of the Authority.

(e) At Large Directors and Alternate Directors shall be selected by a majority vote of Member cities, other than the Cities of Los Angeles and Long Beach, as follows:

- (1) One At Large Director (and one Alternate Director) must represent a Member city that operates both independent police and fire departments;
- (2) Two At Large Directors (and two Alternates) must represent Member cities that operate an independent police department and/or an independent fire department; and
- (3) One At Large Director (and one Alternate Director) must represent a Member city not otherwise represented on the Board.

(f) Within fifteen (15) days after the Effective Date, eligible Member cities shall endeavor to meet and provide for the selection of the At Large Directors and Alternate Directors, and all other entities shall endeavor to appoint their Directors and Alternates. The logistics for filling the At Large Director and Alternate Director vacancies shall be provided for in the bylaws.

(g) At the time of appointment and for the duration of service, Directors and Alternate Directors shall be employees or officers of Members. All Directors and Alternate Directors shall be non-elected officials, with the sole exception of the Los Angeles County Sheriff.

(h) The term of office of each Director and Alternate Director shall be two years, or until a successor has been appointed. Directors and Alternate Directors may serve an unlimited number of terms.

(i) No Member can hold more than one seat on the Board concurrently, except that the County of Los Angeles and the City of Los Angeles can hold the Board seats designated by the eight individuals listed in items 1 through 8 in Section 2.01.

(j) An Alternate Director may act in their Director's absence and shall exercise all rights and privileges of a Director.

(k) Each Director and each Alternate Director shall serve at the pleasure of the appointing authority and may be removed by the appointing authority at any time without notice.

(l) Notice of any removal or appointment of a Director or Alternate Director shall be provided in writing to the Chair of the Board.

2.03 Purpose of Board.

The general purpose of the Board is to:

- (a) Provide structure for administrative and fiscal oversight;
- (b) Identify and pursue funding sources;
- (c) Set policy;
- (d) Maximize the utilization of available resources; and
- (e) Oversee all Committee activities.

2.04 Specific Responsibilities of the Board.

The specific responsibilities of the Board shall be as follows:

- (a) Identify participating entities needs and requirements;
- (b) Develop and implement a funding plan (the "Funding Plan") for the construction and on-going operation of a shared voice and data system;
- (c) Formulate and adopt the budget prior to the commencement of the fiscal year;
- (d) Hire necessary and sufficient staff and adopt personnel rules and regulations;
- (e) Adopt rules for procuring supplies, equipment and services;
- (f) Adopt rules for the disposal of surplus property;
- (g) Establish committees as necessary to ensure that the interests and concerns of each user agency are represented and to ensure operational, technical and financial issues are thoroughly researched and analyzed;
- (h) Provide for System implementation and monitoring;
- (i) Determine the most appropriate and cost effective maintenance plan for the System;
- (j) Provide for System maintenance;
- (k) Adopt and revise System operating policies and procedures, as well as technical and maintenance requirements;
- (l) Review and adopt recommendations regarding the establishment of System priorities and talk groups;
- (m) Address concerns of all System user agencies;
- (n) Oversee the establishment of long-range plans;

- (o) Conduct and oversee System audits at intervals not to exceed three years;
- (p) Arrange for an annual independent fiscal audit;
- (q) Adopt such bylaws, rules and regulations as are necessary for the purposes hereof; provided that nothing in the bylaws, rules and regulations shall be inconsistent with this Agreement; and
- (r) Discharge other duties as appropriate or required by statute.

2.05 Startup Responsibilities

The Authority shall have the duty to do the following within the specified timeframe or, if no time is specified, within a reasonable time:

- (a) To establish within three (3) months of the Effective Date of this Agreement the Advisory Committees designated in Section 3.07;
- (b) To use its best efforts to develop and adopt within nine (9) months of the Effective Date of this Agreement:
 - (1) A plan specifying a means or formula for determining the timing and sequencing of construction of the System consistent with the functional specifications; and
 - (2) A Funding Plan specifying a means or formula for funding the construction, operation and maintenance of the System; such Funding Plan shall include an allocation of costs among the Members, subscribers, and other funding sources;
- (c) To establish System participation pricing including start-up costs, and ongoing Subscriber/Member unit pricing to cover System operations, technical upgrades, and System replacement reserves;
- (d) To encourage other governmental and quasi-governmental agencies, including but not limited to, the State and Federal government, and special districts, to participate in LA-RICS;
- (e) To establish policies and procedures for the voluntary transfer and/or sharing of assets from Members;
- (f) To retain legal counsel; and
- (g) To evaluate the need for, acquire and maintain necessary insurance.

2.06 Meetings of the Board.

- (a) Regular Meetings. The Board shall provide for its regular meetings provided, however, that at least one regular meeting shall be held quarterly. The date, hour and location of regular meetings shall be fixed by resolution of the Board and a copy of the resolution shall be transmitted to each of the Members.
- (b) Special Meetings. Special meetings of the Board may be called by the Chair or as provided for in the bylaws.
- (c) Call, Notice and Conduct of Meetings. All meetings of the Board, including without limitation, regular, adjourned regular and special meetings, shall be called noticed, held and conducted in accordance with the provisions of the Ralph M. Brown Act (commencing with California Government Code section 54950). As soon as practicable, but no later than the time of posting, the Secretary shall provide notice and the agenda to each Member, Director and Alternate Director.
- (d) First Meeting. The first meeting of the Board shall be no sooner than fifteen (15) days after the Effective Date.

2.07 Minutes.

The Secretary shall cause to be kept minutes of the meetings of the Board and shall, as soon as practicable after each meeting, cause a copy of the minutes to be made available to each Director, the Members and other parties upon request.

2.08 Voting.

All voting power of the Authority shall reside in the Board. Each Director shall have one vote. An Alternate Director may participate and vote in the proceedings of the Board only in the absence of that Alternate's Director. No absentee ballot or proxy shall be permitted.

2.09 Quorum; Required Votes; Approvals.

A majority of the appointed Directors shall constitute a quorum of the Board for the transaction of business except that less than a quorum or the Secretary may adjourn meetings of the Board from time-to-time. The affirmative votes of a majority of the appointed Directors shall be required to take any action by the Board, except, two-thirds vote (or such greater vote as required by state law) of the appointed Directors shall be required to take any action on the following:

- (a) Establish start-up contributions from Members;
- (b) Adopt a Funding Plan;

- (c) Subject to prior approval by the passage of an authorizing ordinance or other legally sufficient action by the affected jurisdiction, levy and collect, or cause to be collected, communication impact fees on new residential, commercial, and industrial development, as authorized by local, state, and federal law;
- (d) Change the designation of Treasurer or Auditor of the Authority;
- (e) Issue bonds or other forms of debt;
- (f) Adopt or amend the bylaws; and
- (g) Subject to prior approval by the passage of an authorizing ordinance or other legally sufficient action by the affected jurisdiction, exercise the power of eminent domain.

Article III - OFFICERS, EMPLOYEES AND ADVISORY COMMITTEES

3.01 Chairperson, Vice-Chairperson and Secretary.

For each fiscal year, the Board shall elect a Chairperson and Vice-Chairperson from among the Directors, and shall appoint a Secretary, who need not be a Director. In the event that the Chairperson, the Vice-Chairperson or Secretary so elected resigns from such office or his/her represented Member ceases to be a Member of the Authority, the resulting vacancy shall be filled at the next regular meeting of the Board held after such vacancy occurs or as soon as practicable thereafter. Succeeding officers shall perform the duties normal to said offices. The Chairperson shall sign all contracts on behalf of the Authority, and shall perform such other duties as may be imposed by the Board. In the absence of the Chairperson, the Vice-Chairperson shall sign contracts and perform all of the Chairperson's duties.

3.02 Treasurer.

The Treasurer and Tax Collector of the County of Los Angeles shall be the Treasurer of the Authority. To the extent permitted by the Act, the Board may change, by resolution, the Treasurer of the Authority.

The Treasurer shall be the depository, shall have custody of the accounts, funds and money of the Authority from whatever source, and shall have the duties and obligations set forth in the Act. For grants awarded to Members or third parties for use with the System, the Treasurer will work with the Member or third party to put in place appropriate fiscal controls to meet the grant requirements.

3.03 Auditor.

The Auditor-Controller of the County of Los Angeles shall be the Auditor of the Authority. To the extent permitted by the Act, the Board may change, by resolution, the Auditor of the Authority.

The Auditor shall perform the functions of auditor for the Authority and shall make or cause an independent annual audit of the accounts and records of the Authority by a certified public accountant, in compliance with the requirements of the Act and generally accepted auditing standards.

3.04 Bonding of Persons Having Access to Property.

Pursuant to the Act, the Board shall designate the public officer or officers or person or persons who have charge of, handle, or have access to any property of the Authority and shall require such public officer or officers or person or persons to file an official bond in an amount to be fixed by the Board.

3.05 Other Employees.

The Board shall have the power by resolution to appoint and employ such other officers, employees, consultants and independent contractors as may be necessary to carry-out the purpose of this Agreement.

3.06 Privileges and Immunities from Liability.

All of the privileges and immunities from liability, exemption from laws, ordinances and rules, all pension, relief, disability, workers' compensation and other benefits which apply to the activities of officers, agents or employees of a public agency when performing their respective functions shall apply to the officers, agents or employees of the Authority to the same degree and extent while engaged in the performance of any of the functions and other duties of such officers, agents or employees under this Agreement. None of the officers, agents or employees directly employed by the Board shall be deemed, by reason of their employment by the Board to be employed by the Members or by reason of their employment by the Board, to be subject to any of the requirements of the Members.

3.07 Advisory Committees.

The Board shall establish the following Advisory committees:

- (a) Operations Committee – The Operations Committee's primary purpose is to review and recommend to the Board operating policies and procedures that will ensure the System resources are used efficiently to meet the needs of all Members.
- (b) Technical Committee – The Technical Committee's primary purpose is to review and recommend to the Board policies and procedures related to System performance, maintenance and other technical issues.

(c) Finance Committee – The Finance Committee’s primary purpose is to review and recommend to the Board:

- (1) The Funding Plan;
- (2) A fiscal year budget; and
- (3) Financial policies and procedures to ensure equitable contributions by Members.

(d) Legislative Committee – The Legislative Committee’s primary purpose is to review and recommend to the Board a plan for securing funding from state and federal governments and to advise the Board on regulatory and legislative matters.

3.08 Membership of Advisory Committees.

Each Director shall appoint one voting member to each Advisory Committee.

3.09 Meetings of Advisory Committees.

All meetings of each Advisory Committee shall be held in accordance with the Ralph M. Brown Act. For the purposes of convening meetings and conducting business, unless otherwise provided in the bylaws, a majority of the members of the committee shall constitute a quorum for the transaction of business, except that less than a quorum or the secretary of each Advisory Committee may adjourn meetings from time-to-time. As soon as practicable, but no later than the time of posting, the Secretary of the Committee shall provide notice and the agenda to each Member, Director and Alternate Director.

3.10 Officers of Advisory Committees.

Unless otherwise determined by the Board, each Advisory Committee shall choose its officers, comprised of a Chairperson, a Vice-Chairperson and a Secretary.

Article IV - POWERS

4.01 General Powers.

The Authority shall have the powers common to the Members and which are necessary or convenient to the accomplishment of the purposes of this Agreement, subject to the restrictions set forth in Section 4.04. As provided in the Act, the Authority shall be a public entity separate from the Members.

4.02 Power to Issue Bonds.

The Authority shall have all of the powers provided in Articles 2 and 4 of Chapter 5, Division 7, Title 1 of the California Government Code, including the power to issue bonds thereunder.

4.03 Specific Powers.

The Authority is hereby authorized, in its own name, to perform all acts necessary for the exercise of the foregoing powers, including but not limited to, any or all of the following:

- (a) To make and enter into contracts, including but not limited to, agreements for the purpose of acquiring real and/or personal property, equipment, employment contracts and professional services agreements;
- (b) To make and enter into contracts with subscribers who desire to utilize the System for their primary radio communications and affiliates who desire to utilize the System only for mutual or automatic aid;
- (c) To acquire, construct, maintain, or operate telecommunications systems or service and to provide the equipment necessary to deliver public services therefrom;
- (d) To acquire, construct, manage, maintain or operate any building, works or improvements;
- (e) To acquire, hold, lease, or dispose of property;
- (f) To employ or engage contractors, agents, or employees;
- (g) To sue and be sued in its own name;
- (h) To apply for, receive and utilize grants and loans from federal, state or local governments or from any other available source in order to pursue the purposes of the Authority;
- (i) To issue bonds and to otherwise incur debts, liabilities and obligations, provided that no such bond, debt, liability or obligation shall constitute a debt, liability or obligation to the individual respective Members;
- (j) To invest any money in the treasury, pursuant to the Act, which is not required for the immediate necessities of the Authority, as the Authority determines is advisable, in the same manner and upon the same conditions as local agencies, pursuant to Section 53601 of the California Government Code; and
- (k) To promulgate, adopt, and enforce any rules and regulations, as may be necessary and proper to implement and effectuate the terms, provisions, and purposes of this Agreement.

4.04 Limitation on Exercise of Powers.

All common powers exercised by the Board shall be exercised in a manner consistent with, and subject to, the restrictions and limitations upon the exercise of such powers as are applicable to the County of Los Angeles, as may be amended from time to time.

4.05 Obligations of Authority.

The debts, liabilities and obligations of the Authority shall not be the debts, liabilities and obligations of the Members. In addition, pursuant to the Act, no Director shall be personally liable on the bonds or subject to any personal liability or accountability by reason of the issuance of bonds.

4.06 Additional Powers to be Exercised.

In addition to those powers common to each of the Members, the Authority shall have those powers that may be conferred upon it by subsequently enacted legislation.

Article V - CONTRIBUTIONS; ACCOUNTS AND REPORTS; FUNDS**5.01 Adoption of Funding Plan.**

It is a critical goal of the Authority to develop a Funding Plan that identifies funding sources and mechanisms, including a development schedule and phasing plan, which will permit the maximum feasible participation by Members. The Funding Plan shall be descriptive as to the contributions required from Members.

Prior to committing resources for the construction of the System, a proposed Funding Plan as designated in Section 2.05(b)(2) shall be developed.

In order for the Funding Plan to be considered by the Members prior to its adoption, the Board shall distribute the proposed Funding Plan to Members pursuant to Section 7.01. The proposed Funding Plan shall be accompanied by a description of the System, and reports and studies to allow Members to determine the System capability, cost, financing and the effects on individual Members. The Board shall also designate a period, which shall be not less than 60 days, during which Members may provide comments to the Board regarding the proposed Funding Plan.

After the comment period has expired, the Board may:

- (a) Adopt the Funding plan as proposed;
- (b) Revise the Funding Plan to address some or all of the Member comments; or
- (c) Reconsider the Funding Plan at a later date.

Notice shall be given to Members pursuant to Section 7.01 within five days of adoption of the Funding Plan. The notice shall include a copy of the adopted Funding Plan. The Board shall also designate a period, which shall be not less than 35 days after the Funding Plan is adopted, during which Members may submit written notice of immediate withdrawal from the Authority. There will be no costs for any Member that withdraws from the Authority within this time period.

After the Funding Plan has been adopted, and until contracts are awarded to design and/or construct the System, if the Funding Plan is revised in a manner which will substantially increase the financial obligations of the Members, then any Member so affected will have a further right to withdraw within a period designated by the Board, which shall be not less than 45 days after the adoption of the Revised Funding Plan. There will be no costs for any Member that withdraws from the Authority within this time period, except for obligations incurred prior to the adoption of the Revised Funding Plan.

5.02 Contributions.

The Members may, in the appropriate circumstance, or when required hereunder:

- (a) Make contributions from their treasuries for the purposes set forth herein;
- (b) Make payments of public funds to defray the cost of such purposes;
- (c) Make advances of public funds for such purposes, such advances to be repaid as provided by written agreement; or
- (d) Use its personnel, equipment or property in lieu of other contributions or advances.

No Member shall be required to adopt any tax, assessment, fee or charge under any circumstances.

5.03 Accounts and Reports.

The Treasurer shall establish and maintain such funds and accounts as may be required by good accounting practice or by any provision of any trust agreement entered into with respect to the proceeds of any bonds issued by the Authority. The books and records of the Authority in the hands of the Treasurer shall be open to inspection at all reasonable times by duly appointed representatives of the Members. The Treasurer, within 180 days after the close of each fiscal year, shall give a complete written report of all financial activities for such fiscal year to the Members.

5.04 Funds.

The Treasurer shall receive, have custody of and/or disburse Authority funds in accordance with the laws applicable to public agencies and generally accepted

accounting practices, and shall make the disbursements required by this Agreement in order to carry out any of the purposes of this Agreement.

5.05 Sharing of Frequencies.

Members holding Federal Communication Commission (FCC) licenses to frequencies ("Licensee(s)") shall authorize the Authority to share the use of such frequencies and/or radio stations. Such use shall be in accordance with the Code of Federal Regulations, (47 CFR 90.179).

Any authorization for the use of such license shall be made pursuant to a written agreement between the Member and Authority. Revoking such authorization requires Member to provide twelve (12) months advance written notice to the Authority unless otherwise identified in written agreement. Licenses shall remain primary to the Member holding the license. Only the Member is allowed to make any modifications to its license(s) on behalf of the Authority, and the Authority shall pay all associated fees.

5.06 Violations.

Payment of fines and penalties imposed for operational or equipment violations shall be the responsibility of the entity committing the violation. If the entity responsible for a violation is not the FCC Licensee, then the responsible entity shall pay forthwith any fines imposed upon the Licensee, as specified in the bylaws.

5.07 System Components.

The System is comprised of components that include physical plant, infrastructure, frequencies, user equipment, and dispatch center equipment (the "System Components") as described in this Section 5.07. Members shall retain ownership of System Components that they contribute to construct or operate the System, unless otherwise agreed to in writing. The Authority shall retain ownership of System Components purchased by the Authority, unless otherwise agreed to in writing.

(a) **Physical Plant:** The Physical Plant includes the following: real estate, shelters, environmental controls, antenna support structures, power systems, security systems, and other site structures. The maintenance of the Physical Plant shall be in accordance with the requirements specified by the Authority and is the responsibility of the contributing Member, unless otherwise agreed to in writing.

(b) **Infrastructure:** Infrastructure includes the following: antenna systems, base station repeaters, diagnostic and alarm systems, microwave systems, backhaul systems, control equipment and all other related electronic equipment and software. The Authority is responsible for the operation and maintenance of Infrastructure.

(c) **Frequencies:** Frequencies are radio channels that have been licensed by the FCC in accordance with the Code of Federal Regulations. Licensees shall authorize

the Authority to share the use of such frequencies and/or radio stations subject to a separate frequency sharing agreement.

(d) **User Equipment:** User Equipment includes the following: mobile radios, portable radios, mobile data computers, radio data modems, control stations, and other related equipment. All User Equipment shall meet or exceed the minimum acceptable standards established by the Authority. In the event that any User Equipment is determined to be affecting the proper operation of the overall System as identified by the Authority, such User Equipment shall be immediately removed from service and shall not be returned to service until any deficiencies are resolved to the satisfaction of the Authority. The Authority shall maintain a list of User Equipment approved for operation on the System. Any changes to the User Equipment list shall be approved by the Authority. Such approval shall not be unreasonably withheld.

(e) **Dispatch Center Equipment:** Dispatch Center Equipment includes the following: dispatch consoles, logging recorders, system interfaces, and other ancillary equipment. The Authority shall maintain a list of Dispatch Center Equipment approved for operation on the System. Any changes to the Dispatch Center Equipment list shall be approved by the Authority. Such approval shall not be unreasonably withheld.

5.08 Adverse Impacts on System.

No Member, subscriber or affiliate shall take any action that adversely impacts the System. If the System is impacted by actions of a Member, subscriber or affiliate, the offending party shall take immediate action to return the System to its full operating state. The Authority, or its designee as set forth in the bylaws, shall make the sole determination of whether Member, subscriber or affiliate equipment or operations adversely impact the System.

Article VI - WITHDRAWAL AND TERMINATION

6.01 Withdrawal by Members.

After the periods referred to in Section 5.01, Members may withdraw from the Authority by giving notice as follows:

(a) Members who do not provide Infrastructure, Frequencies or Physical Plant to System shall provide to the Chairperson ninety (90) days advanced written notice of its intent to withdraw from the Authority;

(b) Members who provide Infrastructure, Frequencies or Physical Plant to System shall provide to the Chairperson twelve (12) months advanced written notice of its intent to withdraw from the Authority.

6.02 Financial Liabilities of Withdrawing Members.

Except as otherwise provided in Section 5.01:

- (a) A withdrawing Member shall remain liable for all financial liabilities incurred during its membership in the Authority; however, the Member shall not be liable for any new financial liabilities incurred after submitting written notice to withdraw.
- (b) The withdrawing Member must continue to pay its share of operating costs during the ninety day or twelve month period, as applicable, after submitting its written notice of the intent to withdraw.
- (c) The Authority and the withdrawing Member may negotiate a buy-out agreement for early termination of membership to retire any ongoing financial obligations the Member shares with the Authority.
- (d) If a withdrawing Member holds a seat on the Board, that Member's participation on the Board shall immediately cease when the written notice to withdraw is submitted.

6.03 Retention of Assets by Withdrawing Members.

Each Member shall hold its licenses and retain sole ownership of its licenses, including those authorized for use by the Member to the Authority. The licenses and any System Components provided by a Member to the Authority shall remain the sole asset of that Member unless otherwise negotiated. If requested by the Authority, the withdrawing Member shall consider options for the Authority's continued use of Member assets. Acceptance of any option is at the sole discretion of the withdrawing Member. In addition, the use by the Authority of the withdrawing Member's System Components shall be terminated upon the effective date of withdrawal (twelve months from initial notice), and such System Components shall remain the sole asset of the withdrawing Member, unless otherwise agreed. Such withdrawing Member shall have no interest or claim in any remaining assets of the Authority, the Board, or of any of the remaining Members.

6.04 Termination of Authority and Disposition of Authority Assets.

Upon termination of this Agreement and dissolution of the Authority by all Members, and after payment of all obligations of the Authority, the Board:

- (a) May sell or liquidate Authority property; and

- (b) Shall distribute assets, including real or personal property, in proportion to the contributions made by Members.

Any System Components provided by a Member to the Authority shall remain the asset of that Member and shall not be subject to distribution under this section.

Article VII - MISCELLANEOUS PROVISIONS

7.01 Notices.

Any notice required or permitted to be made hereunder shall be in writing and shall be delivered in the manner prescribed herein at the principal place of business of each party. The parties may give notice by:

- (a) Personal delivery;
- (b) E-mail;
- (c) U.S. Mail, first class postage prepaid;
- (d) "Certified" U.S. mail, postage prepaid, return receipt requested;
- (e) Facsimile; or
- (f) Any other method deemed appropriate by the Board.

At any time, by providing written notice to the other parties to this Agreement, any party may change the place, facsimile number or e-mail for giving notice. All written notices or correspondence sent in the described manner will be deemed given to a party on whichever date occurs earliest:

- (a) The date of personal delivery;
- (b) The third business day following deposit in the U.S. mail, when sent by "first class" mail;
- (c) The date on which the party or its agent either signed the return receipt or refused to accept delivery, as noted on the return receipt or other U.S. Postal Service form, when sent by "certified" mail; or
- (d) The date of transmission, when sent by e-mail or facsimile.

7.02 Amendment; Addition of Members.

(a) In addition to the original signatories to this Agreement, other public agencies may join the Authority as a Member, subject to the provisions of Section 1.03. The addition of any Member shall become effective upon:

- (1) The execution on behalf of such entity of a counterpart of this Agreement and the delivery of such executed counterpart to the Board; and
- (2) The adoption of a resolution of the Board admitting that agency to the Authority.

(b) This Agreement may only be amended by two-thirds of the Members, which must include the affirmative votes of the City of Los Angeles and the County of Los Angeles, evidenced by the execution of a written amendment to this Agreement. However, this Agreement shall not be amended, modified or otherwise revised, changed or rescinded, if such action would:

- (1) Materially and adversely affect either the rating of bonds issued by the Authority, or bondholders holding such bonds; or
- (2) Limit or reduce the obligations of the Members to make, in the aggregate, payments which are for the benefit of the owners of the bonds.

7.03 Fiscal Year.

The Authority's 12-month fiscal year shall be specified in the Authority's bylaws.

7.04 Consents and Approvals.

Any consents or approvals required under this Agreement shall not be unreasonably withheld.

7.05 Amendments to Act.

The provisions of the Act, as it may be amended from time to time, which are required to be included in this Agreement, are hereby incorporated into this Agreement by reference.

7.06 Enforcement of Authority.

The Authority is hereby authorized to take any or all legal or equitable actions, including but not limited to injunction and specific performance, necessary or permitted by law to enforce this Agreement.

7.07 Severability.

If any one or more of the terms, provisions, promises, covenants, or conditions of this Agreement were, to any extent, adjudged invalid, unenforceable, void, or voidable for

any reason whatsoever by a court of competent jurisdiction, each and all of the remaining terms, provisions, promises, covenants, and conditions of this Agreement shall not be affected thereby and shall be valid and enforceable to the fullest extent permitted by law.

7.08 Successors.

This Agreement shall be binding upon and shall inure to the benefit of the successors of each Member.

7.09 Assignment.

No Member shall assign any rights or obligations under this Agreement without the prior written consent of the Board.

7.10 Governing Law.

This Agreement is made and to be performed in the County of Los Angeles, State of California, and as such California substantive and procedural law shall apply.

7.11 Headings.

The section headings herein are for convenience only and are not to be construed as modifying or governing the language of this Agreement.

7.12 Counterparts.

This Agreement may be executed in counterparts.

7.13 No Third Party Beneficiaries.

This Agreement and the obligations hereunder are not intended to benefit any party other than the Authority and its Members, except as expressly provided otherwise herein. No entity that is not a signatory to this Agreement shall have any rights or causes of action against any party to this Agreement as a result of that party's performance or non-performance under this Agreement, except as expressly provided otherwise herein.

7.14 Filing of Notice of Agreement.

Within 30 days after the Effective Date, or amendment thereto, the Secretary shall cause to be filed with the Secretary of State the notice of Agreement required by the Act.

7.15 Conflict of Interest Code.

The Board shall adopt a conflict of interest code as required by law.

7.16 Indemnification.

The Authority shall defend, indemnify and hold harmless each Member (and each Member's officers, agents, and employees) from any and all liability, including but not limited to claims, losses, suits, injuries, damages, costs and expenses (including

attorney's fees), arising from or as a result of any acts, errors or omissions of the Authority or its officers, agents or employees.

7.17 Dispute Resolution/Legal Proceedings.

Disputes regarding the interpretation or application of any provision of this Agreement shall, to the extent reasonably feasible, be resolved through good faith negotiations between the Members and/or the Authority.

IN WITNESS WHEREOF, each Member has caused this Agreement to be executed and attested by its proper officers thereunto duly authorized, its official seals to be hereto affixed, as follows:



**City of _____ Authorization
For Membership in the Los Angeles Regional Interoperability
Communications System Authority (LA-RICS)**

IN WITNESS WHEREOF, the City of _____, by order of its City Council, has caused this Joint Powers Agreement to be executed on its behalf by the Mayor, and attested by the City Clerk, as of the date so attested below.

MAYOR

DATE

ATTEST:

CITY CLERK

DATE

Exhibit A - Members

The following entities are Members of the Los Angeles Regional Interoperable Communications System Authority:

1. Avalon
2. Azusa
3. Bell
4. Cerritos
5. Claremont
6. Compton
7. County of Los Angeles
8. Covina
9. Glendora
10. Hawaiian Gardens
11. Inglewood
12. Inglewood Unified SD
13. Irwindale
14. La Puente
15. La Verne
16. Lynwood
17. Maywood
18. Pasadena
19. Rancho Palos Verdes
20. San Fernando
21. Sierra Madre
22. Signal Hill
23. UCLA
24. West Covina





**City of South Pasadena
FIRE**

Memo

Date: February 5, 2020

To: The Honorable City Council

Via: Stephanie DeWolfe, City Manager 

From: Paul Riddle, Fire Chief 

Re: February 5, 2020 City Council Meeting Item No.14 Additional Document –
Second Reading and Adoption of 2019 California Fire Code

Attached is an additional document which provides a spelling correction to the staff report and Ordinance changing the word “boarder” to border.




City Council Agenda Report

ITEM NO. _____

DATE: February 5, 2020

FROM: Stephanie DeWolfe, City Manager

PREPARED BY: Paul Riddle, Fire Chief 

SUBJECT: **Second Reading and Adoption of an Ordinance Adopting by Reference the 2019 California Fire Code with Certain Amendments, Additions, and Deletions thereto Chapter 14 of the South Pasadena Municipal Code**

Recommendation

It is recommended that the City Council read by title only and waive further reading of an ordinance adopting by reference and amending the 2019 California Fire Code (CFC).

Discussion/Analysis

Every three years, the State adopts new codes (known collectively as the California Building Standards Code or "Title 24") to establish uniform standards for the construction and maintenance of buildings, electrical systems, plumbing systems, mechanical systems, and fire and life safety systems. While State law requires local governments to enforce California Title 24, the law allows local governments to enact additional local amendments, but only where the Council can make a finding that these amendments are based on local climatic, geological, or topographical conditions. These findings are identified in the attached ordinance and include such conditions as the City's close proximity to major fault lines, the fact that the City is subject to long periods of dry, hot, and windy conditions and the fact that the City's water system is directly affected by the topographical layout of the City.

Background

On January 15, 2020, the City Council approved an Urgency Ordinance adopting the 2019 CFC by reference with certain amendments, additions, and deletions. During the same action, the City Council also conducted a first reading and introduced a non-Urgency Ordinance that will take effect 30 days after the 2nd reading and adoption of the non-urgency ordinance. The City Council approved the non-Urgency Ordinance with the following revisions:

- The language in section 14.1.1 be revised to read, "High Fire Risk Area is defined as those properties located south of Monterey Road, extending to the City border, and West of Meridian Avenue, extending to the City border."

- A map outlining the High Fire Risk Area will be included in Chapter 14.

The identified revisions are included in the attached non-Urgency Ordinance.

Legal Review

The City Attorney has reviewed this item.

Fiscal Impact

There is no fiscal impact associated with the adoption of the CFC, 2019 edition.

Public Notification of Agenda Item

The public was made aware that this item was to be considered this evening by virtue of its inclusion on the legally publicly noticed agenda, posting of the same agenda and reports on the City's website and/or notice in the *South Pasadena Review* and/or the *Pasadena Star-News*.

Attachments:

1. Proposed City Ordinance to adopt by reference and amend the 2019 California Fire Code
2. Staff Report dated January 15, 2020
3. Exhibit B: Express Findings as Required
Due to the size of the 2019 California Fire Code, one copy has been filed with the City Clerk for review. The document can also be viewed at the following link:
California Codes can be viewed at <https://www.dgs.ca.gov/BSC/Codes>
4. Map of High Fire Area

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SOUTH PASADENA, CALIFORNIA, MAKING CERTAIN FINDINGS; AMENDING THE CITY OF SOUTH PASADENA MUNICIPAL CODE BY MODIFYING CHAPTER 14 (FIRE PREVENTION) THEROF ADOPTING BY REFERENCE THE 2019 CALIFORNIA CODE WITH CERTAIN AMENDMENTS, ADDITIONS AND DELETIONS THERETO

WHEREAS, the 2019 California Fire Code, has been published by the International Code Council (2018 International Fire Code), and the California Building Standards Commission; and

WHEREAS, the City may amend the provisions of the California Code of Regulations Title 24 provided express findings for each amendment, addition or deletion is made based upon climatic, topographical, or geological conditions; and

WHEREAS, the City shall file the amendments, additions, or deletions with California Building Standards Commission; and

WHEREAS, the City is located in the County of Los Angeles, and is subject to long periods of dry, hot, and windy climates, which increase the chance of a fire occurring and predispose the City to large destructive fires. These dry climatic conditions and winds contribute to the rapid spread of even small fires originating in moderate density housing or vegetation. These fires spread very quickly and create a need for increased levels for fire prevention and protection; and

WHEREAS, the geographic layout and contours of the City create barriers for accessibility for fire suppression forces. Due to the City's close proximity to major fault lines; there is a significant possibility for multiple fires spreading out of control due to ruptured gas lines and multiple structural collapses. Because of the major earthquake hazard, and due to some older nonconforming buildings, it is necessary during new construction or building renovation to use the City ordinance to control and minimize conditions hazardous to life and property, which may result from fire, hazardous materials or an explosion; and

WHEREAS, the water supply (domestic and fire flow) system within the City is directly affected by the topographical layout of City. The distribution system consists of high-low pressure and gravity systems zones, which carry the water from various reservoirs and storage tanks to different zones via water pipes. These street mains consist of high-pressure lines and low-pressure lines where the pressure and flows are adequate in most of the areas of the City. This variation of pressure causes major problems to development, as well as fire suppression operations. The southwest quadrant of South Pasadena has been designated as a High Fire Hazard Area as provided by state law; and

WHEREAS, the findings supporting the necessity for the amendments to building standards herein are contained in Exhibit B to this ordinance in accordance with California Health and Safety Code Section 18941.5, and are incorporated by reference Herein; and

WHEREAS, in accordance with Section 15061(b)(3) of Title 14 of the California Code of Regulations, the adoption of local amendments to the California Building Standards Code, and amending the South Pasadena Municipal Code, are exempt from the provisions of the California Environmental Quality Act.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SOUTH PASADENA, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. The City of South Pasadena Municipal Code is hereby amended by repealing Chapter 14 (Fire Prevention) and substituting new Chapter 14 (Fire Prevention) in lieu thereof as set forth in this ordinance.

SECTION 2. The City Council hereby declares that, should any provision, section, subsection, paragraph, sentence, clause, phrase, or word of this ordinance or any part thereof, be rendered or declared invalid or unconstitutional by any final court action in a court of competent jurisdiction or by reason of any preemptive legislation, such decision or action shall not affect the validity of the remaining section or portions of the ordinance or part thereof. The City Council hereby declares that it would have independently adopted the remaining provisions, sections, subsections, paragraphs, sentences, clauses, phrases, or words of this ordinance irrespective of the fact that any one or more provisions, sections, subsections, paragraphs, sentences, clauses, phrases, or words may be declared invalid or unconstitutional.

SECTION 3. This ordinance shall take effect on January 15, 2020, and within fifteen (15) days after its passage the City Clerk of the City of South Pasadena shall certify to the passage and adoption of this ordinance and to its approval by the Mayor and City Council, shall cause the same to be published in a newspaper in the manner required by law, and shall cause the same to be filed with the California Building Standards Commission at 2525 Natomas Park Drive, Suite 130, Sacramento, CA 95833.

CHAPTER 14
FIRE PREVENTION

- 14.1 HIGH FIRE RISK AREA AND SPECIAL PROVISIONS RELATED TO ROOF TYPES**
- 14.2 FIREWORKS-PROHIBITED**
- 14.3 FIRECODE ADOPTED – WHERE FILED**
- 14.4 FIRE CODE – MODIFIED**
- 14.5 EFFECT OF ADOPTION**
- 14.6 PENALTY, VIOLATIONS**

14.1 HIGH RISK FIRE AREA AND SPECIAL PROVISIONS RELATED TO ROOF TYPES.

14.1.1 High Risk Fire Area: High Risk Fire Area is defined as those properties located South of Monterey Road, extending to the City border, and West of Meridian Avenue, extending to the City border.

14.1.2 Special provisions related to roof types. Except as permitted below, roof covering assemblies shall be Class A.

The following exceptions shall only apply to structures not located within the High Risk Fire Area as defined in section **14.1.1**:

Exceptions:

1. Replacements, within any 12-month period of time that are not more than twenty-five percent (25%) of the total roof area of any individual structure shall be not less than Class C;
2. Replacements, within any 12-month period of time that are not more than fifty percent (50%) of the total roof area of any individual structure shall be not less than Class B;
3. Entirely noncombustible roof assemblies of masonry or concrete construction;
4. Clay or concrete roof tile installed on an entirely noncombustible substructure;
5. Roof assemblies of ferrous or copper shingles or sheets installed on an entirely noncombustible substructure;
6. Where the Fire Chief makes a written finding that a less fire resistive roof covering is permissible based on existing conditions;

In no case shall any roof covering be less fire resistive than required by Chapter 15 of the current South Pasadena Building Code or Chapter 9 of the current South Pasadena Residential Code.

14.2 FIREWORKS- PROHIBITED

The manufacturing, possession, storage, sale, use and handling of all fireworks, including without limitation, "Safe and Sane" fireworks, is prohibited.

Exception: Fire Official is authorized to permit special events pyrotechnics with Fire Department supervision when the event permitted by the City.

14.3 FIRECODE ADOPTED – WHERE FILED

Chapters 1 through 80 and Section 503 of the Chapter 5 and Appendices Chapter 4, B, BB, C, CC,D, H, I, K, N of 2019 California Fire Code, Title 24 Part 9 of California Code of Regulations, as published by the California Building Standards Commission are hereby adopted by reference pursuant to the provisions of Sections 50022.1 through 50022.10 of the Government Code of the State of California as though fully set forth herein, and made a part of the South Pasadena Municipal Code with the same force and effect as though set out herein in full, including all of the regulations, revisions, conditions and terms contained therein except that those certain sections thereof which are necessary to meet local conditions as hereinafter set forth in Section 14.4 of this Code are hereby repealed, added or amended to read as set forth therein.

In accordance with Section 50022.6 of the California Government Code, not less than one copy of said Title 24 Part 9 of the California Code of Regulations together with any and all amendments thereto proposed by the City of South Pasadena, has been and is now filed in the office of the Fire Chief and shall be remain on file with the Fire Chief, shall collectively be known as the *City of South Pasadena Fire Code* and may be cited as Chapter 14 of the South Pasadena Municipal Code.

14.4 FIRE CODE – MODIFIED

Chapters 1, 6 and 9 of Title 24, Part 9 of the California Code of Regulations (2019 California Fire Code) adopted by reference as the Fire Code of the City of South Pasadena are hereby amended, deleted or added as follow:

1. Section 101.1 is amended in its entirety to read:

101.1 Title. These regulations adopted by reference and amended as in Section 14.3 and 14.4 shall be known as the Fire Code of City of South Pasadena, hereinafter referred to as "this code."

2. Section 104.6 is deleted in its entirety.

3. Section 105.2.3 is amended in its entirety to read:

105.2.3 Time limitation of application. An application for a permit for any proposed work or operation shall be deemed to have been abandoned one year after the date of filing, unless such application has been diligently prosecuted or a permit shall have been issued.

4. Section 105.2.4 is amended in its entirety to read:

105.2.4 Action on application. When requested in writing by the applicant prior to or not more than 90 days after the expiration of application, the fire official may extend the time for action by the applicant. The time for action by the applicant shall not be extended beyond the effective date of a more current Code.

5. Section 105.3.1 is amended in its entirety to read:

105.3.1 Expiration. An operational permit shall remain in effect until reissued, renewed or revoked, or for such a period of time as specified in the permit. Construction permits issued by the fire official under the provisions of this Code shall expire automatically by limitation and become null and void one year after the date of the last required inspection approval by the fire official, or if work authorized by such permit is not commenced within one year from the issuance date of such permit. Before such work can be commenced or recommenced, a new permit shall be first obtained. Supplementary permit(s) shall not expire so long as the associated building permit remains active.

6. Section 105.3.2 is deleted in its entirety.

7. Section 105.4.6 is deleted in its entirety.

8. Section 105.6.14 is deleted in its entirety.

9. Section 105.7.21 is deleted in its entirety.

10. Section 106.1 is amended in its entirety to read:

106.1 Fees. Plan review fees and permit fees shall be as adopted by separate resolution and/or ordinance. Plan review fees shall be paid at the time of plan review submittal. In addition to the aforementioned fees, the fire code official may require additional charges for review required by changes, additions or revisions of approved plans or reports, and for services beyond the first and second check due to changes, omissions or errors the part of the applicant. Permit fees shall be paid at the time of permit issuance.

11. A new section 109.4 added to read:

109.4 Board of Appeals Fees. A filing fee established by separate fee resolution or ordinance shall be paid to the fire official whenever a person requests a hearing or a

rehearing before the appeals boards provided for in this section. All requests to appeal determinations, orders or actions of the fire official or to seek modifications of previous orders of the appeals boards shall be presented in writing.

12. A new section 109.5 added to read:

109.5 Any aggrieved party may appeal any of the following decisions of the fire code official no later than 60 calendar days from the date of action being appealed:

1. Disapproval of any application.
2. Refusal to grant any permit applied for when it is claimed that the provisions of this code do not apply.
3. Interpretation of this code.
4. Determination of suitability of alternate materials or types of construction or methods.

13. Section 110.4 is amended in its entirety to read:

110.4. Violation penalties. Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the fire code official, or of a permit or certificate used under provisions of this code, shall be guilty of a misdemeanor, punishable by a fine of not more than five hundred (\$500.00) dollars or by imprisonment not exceeding six (6) months, or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

14. Section 112.4 is amended in its entirety to read:

112.4 Failure to comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, be liable to a fine of not less than five hundred (\$500.00) dollars or more than one thousand (\$1,000.00) dollars.

15. A new section 114 added to read:

114 Definitions. In additions to the definitions specified in Chapter 2 of this Code, the following certain terms, phrases, words and their derivatives shall be construed as specified in this section. Terms, phrases and words used in the masculine gender include the feminine and the feminine the masculine. In the event of conflicts between these definitions and definitions that appear elsewhere in this Code, these definitions shall govern and be applicable.

BUILDING CODE shall mean the City of South Pasadena Building Code.

ELECTRICAL CODE shall mean the City of South Pasadena Electrical Code.

FIRE CHIEF shall mean the Chief Officer of the City of South Pasadena Fire Department.

FIRE CODE shall mean the California Code of Regulations Title 24, Part 9, as adopted and amended by the City of South Pasadena, depending on the context.

FIRE CODE OFFICIAL shall mean the Fire Chief or other member of the fire service appointed by the Fire Chief, charged with the administration and enforcement of this Code.

MECHANICAL CODE shall mean the City of South Pasadena Mechanical Code.

PLUMBING CODE shall mean the City of South Pasadena Plumbing Code.

RESIDENTIAL CODE shall mean the City of South Pasadena Residential Code.

16. Section 603.8.2 is amended in its entirety to read:

603.8.2 Spark Arrestor. Each chimney and incinerator in conjunction with any fireplace or heating appliance in which solid or liquid fuel is used shall be maintained with an approved spark arrestor having openings not larger than one-half inch and constructed of iron, heavy wire mesh or other noncombustible material.

17. Section 903.2.1.1 Group A-1, Item number 1 is amended in its entirety to read:

The fire area exceeds 6,000 square feet

18. Section 903.2.1.2 Group A-2, Item number 1 is amended in its entirety to read:

The fire area exceeds 2,250 square feet

19. Section 903.2.1.3 Group A-3, Item number 1 is amended in its entirety to read:

The fire area exceeds 6,000 square feet

20. Section 903.2.1.4 Group A-4, Item number 1 is amended in its entirety to read:

The fire area exceeds 6,000 square feet

21. Section 903.2.3 Group E, Item number 1 is amended in its entirety to read:

Throughout all Group E fire areas greater than 6,000 square feet in fire area or with a calculated occupant load of 100 persons.

22. Section 903.2.4 Group F-1, Item number 1 is amended in its entirety to read:

A Group F-1 fire area exceeds 6,000 square feet.

23. Section 903.2.4 Group F-1, Item number 3 is amended in its entirety to read:

The combined area of all Group F-1 fire areas on all floors including any mezzanines, exceeds 12,000 square feet.

24. Section 903.2.7 Group M, Item number 1 is amended in its entirety to read:

Group M fire area exceeds 6,000 square feet.

25. Section 903.2.7 Group M, Item number 3 is amended in its entirety to read:

The combined area of all Group M fire areas on all floors including any mezzanines, exceeds 12,000 square feet.

26. Section 903.2.8 Group R, Exception, Numbers 1 through 4 are deleted.

27. Section 903.2.9 Group S-1, Item number 1 is amended in its entirety to read:

A Group S-1 fire area exceeds 6,000 square feet.

28. Section 903.2.9 Group S-1, Item number 3 is amended in its entirety to read:

The combined area of all Group S-1 fire areas on all floors including any mezzanines exceeds 12,000 square feet.

29. Section 903.2.9.1 Repair Garages, Item number 1 is amended in its entirety to read:

Buildings having two or more stories above grade plane, including basements, with a fire area containing a repair garage exceeding 5,000 square feet.

30. Section 903.2.9.1 Repair Garages, Item number 2 is amended in its entirety to read:

Buildings no more than one story above grade plane, with a fire area containing a repair garage exceeding 6,000 square feet.

31. A new section 903.2.11.7 added to read:

Buildings three or more stories in height. Regardless of occupancy type, an automatic sprinkler system shall be installed throughout all buildings or structures, three or more stories in height above grade plane.

Exceptions:

1. Open parking structures.

32. A new section 903.2.11.8 added to read:

Structures exceeding 6,000 square feet in fire area. Regardless of occupancy type, an automatic sprinkler system shall be installed throughout all buildings or structures, exceeding 6,000 square feet in total fire area.

Exception: Open parking structures.

33. A new section 903.2.11.9 added to read:

Additions and alterations. All existing buildings and structures, regardless of the type of construction, type of occupancy or area, shall be provided with an automatic sprinkler system conforming to Section 903.3 and this code upon the occurrence of any of the following conditions:

1. An addition of over 750 square feet to any building or structure which creates a fire area large enough that if the existing building or structure plus proposed work were being built new today, an automatic sprinkler system would be required under this code;
2. Any addition to an existing building which has fire sprinklers installed.
3. Within any twelve (12) calendar month period of time, any alteration, including repairs, to any existing building or structure, where the valuation of the proposed work exceeds fifty percent (50%) of the valuation of the entire building or structure, as determined by the Building Official, and where such alteration, including repairs, creates or alters a fire area large enough that if the existing building or structure were being built new today, an automatic sprinkler system would be required by this code.
4. Within any twelve (12) calendar month period of time, combination of any addition and alteration to any existing building or structure where the valuation of the proposed work exceeds fifty percent (50%) of the valuation of the entire building or structure, as determined by the Building Official, and where such addition and alteration creates or alters a fire area large enough that if the existing building or structure were being built new today, an automatic sprinkler system would be required by this code.

5. An automatic sprinkler system shall be installed throughout any existing Group R Occupancy building when the floor area of the Alteration or Combination of an Addition and Alteration, within any twelve (12) calendar month, is 50% or more of area and or valuation of the existing structure and where the scope of the work exposes building framing and facilitates sprinkler installation and is such that the Fire Code Official determines that the complexity of installing a sprinkler system would be similar as in a new building.

34. Section 907.2 is amended in its entirety to read:

907.2 Where required—new buildings and structures. An approved fire alarm system installed in accordance with the provisions of this code and NFPA 72 shall be provided in new buildings and structures in accordance with Sections 907.2.1 through 907.2.23 and provide occupant notification in accordance with Section 907.5, unless other requirements are provided by another section of this code.

Regardless of the Occupancy Group an approved manual, automatic or manual and automatic fire alarm system complying with Sections 907.2.1 through 907.2.29 shall be provided in all new buildings with a fire area exceeding 3,000 square feet and where other sections of this code allow elimination of fire alarm system, such exceptions shall not apply.

A minimum of one manual fire alarm box shall be provided in an approved location to initiate a fire alarm signal for fire alarm systems employing automatic fire detectors or water-flow detection devices. Where other sections of this code allow elimination of fire alarm boxes due to sprinklers or automatic fire alarm systems, a single fire alarm box shall be installed at a location approved by the enforcing agency

Exceptions:

1. The manual fire alarm box is not required for fire alarm control units dedicated to elevator recall control, supervisory service and fire sprinkler monitoring.
2. The manual fire alarm box is not required for Group R-2 occupancies unless required by the fire code official to provide a means for fire watch personnel to initiate an alarm during a sprinkler system impairment event. Where provided, the manual fire alarm box shall not be located in an area that is accessible to the public.
3. The manual fire alarm box is not required to be installed when approved by the fire code official.

14.5 EFFECT OF ADOPTION

The adoption of the City Fire Code and the repeal, addition or amendment of ordinances by this code shall not affect the following matters:

1. Actions and proceedings which began the effective date of this code.
2. Prosecution for ordinance violations committed before the effective date of this code.
3. Licenses and penalties due and unpaid at the effective date of this code, and the collection of these licenses and penalties.
4. Bonds and cash deposits required to be posted, filed or deposited pursuant to any ordinance.
5. Matters of record which refer to or are connected with ordinances the substances of which are included in this code; these references shall be construed to apply to the corresponding provisions of the code.

14.6 PENALTY; VIOLATIONS

1. General penalty; continuing violations. Every act prohibited or declared unlawful and every failure to perform an act required by this code is a misdemeanor or an infraction as set forth in the said respective pertinent sections of this code and any person causing or permitting a violation of any such section of said code shall be subject to the penalties ascribed to each such section as set forth herein.
2. Violations including aiding, abetting, and concealing. Every person who causes, aids, abets or conceals the fact of a violation of this code is guilty of violating this code.
3. Enforcement by civil action. In addition to the penalties provided herein, the said code may be enforced by civil action. Any condition existing in violation of this code is a public nuisance and may be summarily abated by the city.

PASSED, APPROVED, AND ADOPTED this 5th day of February, 2020.

Robert S. Joe, Mayor

ATTEST:

APPROVED AS TO FORM:

Evelyn G. Zneimer, City Clerk
(seal)

Teresa L. Highsmith, City Attorney

Date: _____

I HEREBY CERTIFY the foregoing ordinance was duly adopted by the City Council of the City of South Pasadena, California, at a regular meeting held on the 5th day of February, 2020, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAINED:

Evelyn G. Zneimer, City Clerk
(seal)

EXHIBIT "B"

EXPRESS FINDINGS AS REQUIRED 1.1.8

CODE SECTION	CONDITION	EXPRESS FINDINGS
Chapter I Division II	ADMINISTRATIVE	N/A
603.8.2 Spark Arrestor	CLIMATIC	Due to City's densely populated municipality located in the County of Los Angeles and is subject to long periods of dry, hot climate and exposed to Santa Ana winds which increase the possibility of fire occurring
Section 903.2.1.1 Group A-1 Item No. 1	CLIMATIC/GEOGRAPHIC TOPOGRAPHICAL	The City of South Pasadena is a densely populated municipality, located in the County of Los Angeles with some hillside developments and is subject to long period of dry, hot climate, which increase the chance of a fire occurring. Fire sprinklers will control a small fire before it reached the flashover temperature, which causes loss of life and property damage.
Section 903.2.1.2 Group A-2 Item No. 1	CLIMATIC/GEOGRAPHIC TOPOGRAPHICAL	The City of South Pasadena is a densely populated municipality, located in the County of Los Angeles with some hillside developments and is subject to long period of dry, hot climate, which increase the chance of a fire occurring. Fire sprinklers will control a small fire before it reached the flashover temperature, which causes loss of life and property damage.
Section 903.2.1.3 Group A-3 Item No. 1	CLIMATIC/GEOGRAPHIC TOPOGRAPHICAL	The City of South Pasadena is a densely populated municipality, located in the County of Los Angeles with some hillside developments and is subject to long period of dry, hot climate, which increase the chance of a fire occurring. Fire sprinklers will control a small fire before it reached the flashover temperature, which causes loss of life and property damage.
Section 903.2.1.4 Group A-4 Item No. 1	CLIMATIC/GEOGRAPHIC TOPOGRAPHICAL	The City of South Pasadena is a densely populated municipality, located in the County of Los Angeles with some hillside developments and is subject to long period of dry, hot climate, which increase the chance of a fire occurring. Fire sprinklers

		will control a small fire before it reached the flashover temperature, which causes loss of life and property damage.
Section 903.2.3 Group E Item number 1	CLIMATIC/GEOGRAPHIC TOPOGRAPHICAL	The City of South Pasadena is a densely populated municipality, located in the County of Los Angeles with some hillside developments and is subject to long period of dry, hot climate, which increase the chance of a fire occurring. Fire sprinklers will control a small fire before it reached the flashover temperature, which causes loss of life and property damage.
Section 903.2.4 Group F-1 Item number 1	CLIMATIC/GEOGRAPHIC TOPOGRAPHICAL	The City of South Pasadena is a densely populated municipality, located in the County of Los Angeles with some hillside developments and is subject to long period of dry, hot climate, which increase the chance of a fire occurring. Fire sprinklers will control a small fire before it reached the flashover temperature, which causes loss of life and property damage.
Section 903.2.4 Group F-1 Item number 3	CLIMATIC/GEOGRAPHIC TOPOGRAPHICAL	The City of South Pasadena is a densely populated municipality, located in the County of Los Angeles with some hillside developments and is subject to long period of dry, hot climate, which increase the chance of a fire occurring. Fire sprinklers will control a small fire before it reached the flashover temperature, which causes loss of life and property damage.
Section 903.2.7 Group M Item number 1	CLIMATIC/GEOGRAPHIC TOPOGRAPHICAL	The City of South Pasadena is a densely populated municipality, located in the County of Los Angeles with some hillside developments and is subject to long period of dry, hot climate, which increase the chance of a fire occurring. Fire sprinklers will control a small fire before it reached the flashover temperature, which causes loss of life and property damage.
Section 903.2.7 Group M Item number 3	CLIMATIC/GEOGRAPHIC TOPOGRAPHICAL	The City of South Pasadena is a densely populated municipality, located in the County of Los Angeles with some hillside developments and is subject to long period of dry, hot climate, which increase the chance of a fire occurring. Fire sprinklers will control a small fire before it reached

		the flashover temperature, which causes loss of life and property damage.
Section 903.2.8 Group R. Exception Numbers 1 through 4	CLIMATIC/GEOGRAPHIC TOPOGRAPHICAL	The City of South Pasadena is a densely populated municipality, located in the County of Los Angeles with some hillside developments and is subject to long period of dry, hot climate, which increase the chance of a fire occurring. Fire sprinklers will control a small fire before it reached the flashover temperature, which causes loss of life and property damage.
Section 903.2.9 Group S-1 Item number 1	CLIMATIC/GEOGRAPHIC TOPOGRAPHICAL	The City of South Pasadena is a densely populated municipality, located in the County of Los Angeles with some hillside developments and is subject to long period of dry, hot climate, which increase the chance of a fire occurring. Fire sprinklers will control a small fire before it reached the flashover temperature, which causes loss of life and property damage.
Section 903.2.9 Group S-1 Item number 3	CLIMATIC/GEOGRAPHIC TOPOGRAPHICAL	The City of South Pasadena is a densely populated municipality, located in the County of Los Angeles with some hillside developments and is subject to long period of dry, hot climate, which increase the chance of a fire occurring. Fire sprinklers will control a small fire before it reached the flashover temperature, which causes loss of life and property damage.
Section 903.2.9.1 Repair Garages Item number 1	CLIMATIC/GEOGRAPHIC TOPOGRAPHICAL	The City of South Pasadena is a densely populated municipality, located in the County of Los Angeles with some hillside developments and is subject to long period of dry, hot climate, which increase the chance of a fire occurring. Fire sprinklers will control a small fire before it reached the flashover temperature, which causes loss of life and property damage.
Section 903.2.9.1 Repair Garages Item number 2	CLIMATIC/GEOGRAPHIC TOPOGRAPHICAL	The City of South Pasadena is a densely populated municipality, located in the County of Los Angeles with some hillside developments and is subject to long period of dry, hot climate, which increase the chance of a fire occurring. Fire sprinklers will control a small fire before it reached

		the flashover temperature, which causes loss of life and property damage.
A new section 903.2.11.7	CLIMATIC/GEOGRAPHIC TOPOGRAPHICAL	The City of South Pasadena is a densely populated municipality, located in the County of Los Angeles with some hillside developments and is subject to long period of dry, hot climate, which increase the chance of a fire occurring. Fire sprinklers will control a small fire before it reached the flashover temperature, which causes loss of life and property damage.
A new section 903.2.11.8	CLIMATIC/GEOGRAPHIC TOPOGRAPHICAL	The City of South Pasadena is a densely populated municipality, located in the County of Los Angeles with some hillside developments and is subject to long period of dry, hot climate, which increase the chance of a fire occurring. Fire sprinklers will control a small fire before it reached the flashover temperature, which causes loss of life and property damage.
A new section 903.2.11.9	CLIMATIC/GEOGRAPHIC TOPOGRAPHICAL	The City of South Pasadena is a densely populated municipality, located in the County of Los Angeles with some hillside developments and is subject to long period of dry, hot climate, which increase the chance of a fire occurring. Fire sprinklers will control a small fire before it reached the flashover temperature, which causes loss of life and property damage.
Section 907.2	CLIMATIC/GEOGRAPHIC TOPOGRAPHICAL	The City of South Pasadena is a densely populated municipality, located in the County of Los Angeles with some hillside developments and is subject to long period of dry, hot climate, which increase the chance of a fire occurring. South Pasadena topography includes significant hillside with narrow and winding access which makes timely response by fire suppression vehicles difficult. alarm system in place may decrease the time of response before a small fire reaches the flashover temperature which causes loss of life and property damage.



City of South Pasadena Public Works Department

Memo

Date: February 5, 2019

To: The Honorable City Council

Via: Stephanie DeWolfe, City Manager

From: Shahid Abbas, Director of Public Works
Kristine Courdy, Deputy Director of Public Works

Re: February 5, 2020, City Council Meeting Item No. 15 Additional Document – Approve the First Reading and Introduction of Two Ordinances: 1) Restructure and Rename the Freeway and Transportation Commission to Create the Mobility and Transportation Infrastructure Commission with Updated Responsibilities; and 2) Restructure the Public Works Commission with Updated Roles and Responsibilities

This memo provides redline corrections to the Ordinance establishing the Mobility and Transportation Infrastructure Commission (MTIC), Ordinance establishing a new Public Works Commission (PWC) and the associated staff report (see attachments). At the suggestion of Councilmember Diana Mahmud, the following changes to the PWC commissioner qualifications are recommended:

The city shall make a concerted effort to recruit at least one registered civil engineer with an active license, and professionals with expertise in other areas such as ~~utilities,~~ structural engineering, architecture, landscape architecture, ~~water,~~ stormwater, ~~sewers, and contracting~~ ~~or~~ construction ~~contracts,~~ ~~construction law,~~ ~~or construction~~ management ~~and or~~ inspection.

The MTIC charter originally specified that one of their responsibilities was regarding regional transportation funding and planning. In order to capture a broader perspective of transportation it is recommended to update the MTIC charter to include federal, state, regional and local transportation funding and planning.

The staff report discussed the initial composition and term lengths of the commissioners recommending that one commissioner be appointed by each councilmember and their term lengths be staggered, resulting in varying term lengths. However, staff did not specify which councilmember would appoint a commissioner of what term length. To clarify, staff is recommending that the initial term length appointment by councilmembers for each commission should be determined by lottery.

Attachments:

- 1) Staff Report – Redline
- 2) Ordinance to Establish the Mobility and Transportation Infrastructure Commission – Redline
- 3) Ordinance to Establish the new Public Works Commission – Redline



City Council Agenda Report

ITEM NO. _____

DATE: February 5, 2020

FROM: Stephanie DeWolfe, City Manager

PREPARED BY: Shahid Abbas, Director of Public Works
Kristine Courdy, Deputy Director of Public Works

SUBJECT: **Approve the First Reading and Introduction of Two Ordinances: 1) Restructure and Rename the Freeway and Transportation Commission to Create the Mobility and Transportation Infrastructure Commission with Updated Responsibilities; and 2) Restructure the Public Works Commission with Updated Roles and Responsibilities**

Recommendation

It is recommended that the City Council:

- 1) Read by title only for first reading, waiving further reading, and introduce an Ordinance to repeal Article IVD (Freeway and Transportation Commission) of Chapter 2 “Administration” of the South Pasadena Municipal Code (SPMC) and add a new Article IVD (Mobility and Transportation Infrastructure Commission) to SPMC Chapter 2 to restructure and rename the Freeway and Transportation Commission (FTC) to create the Mobility and Transportation Infrastructure Commission (MTIC) with updated roles and responsibilities to focus on mobility policy and transportation infrastructure; and
- 2) Read by title only for first reading, waiving further reading, and introduce an Ordinance to repeal Article IVK (Public Works Commission) of SPMC Chapter 2 “Administration” and add a new Article IVK (Public Works Commission) to restructure the Public Works Commission (PWC) with updated roles and responsibilities to focus on non-transportation infrastructure including water, sewer, stormwater, buildings, and City facilities.

Executive Summary

The City of South Pasadena is at a crossroads in terms of mobility and transportation. After more than 60 years of struggling with potential impacts of the State Route 710 (SR-710) freeway, and little investment in street infrastructure or technology during that time, the freeway is now dead. For the first time in decades, the City is in a position to consider the future of mobility without the freeway dividing and impacting the City. At the same time, almost \$100 million in regional funding has been granted to the City for traffic and mobility projects. This creates a landmark opportunity for the City to not only envision, but implement, a new mobility

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Commission with Updated Roles and Responsibilities

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blueprint for the community that anticipates and plans for the needs and desires of future generations.

At this juncture, the development of an overarching mobility strategy, and associated community engagement, is a critical framework needed to define allocation of current and future dollars. This unprecedented opportunity to create a comprehensive vision that will drive the City's mobility, land use and economic future. While numerous studies have been conducted over the past several decades, those studies must be knit together, and in some cases updated, to create a current definition of objectives and priorities.

The City has had a FTC charged with oversight of all things related to the now-dead freeway, and a PWC charged with oversight of major street construction projects. The scope of each is somewhat narrow and focused on specific issues that were of concern at the time the commissions were formed. The City now finds itself in a new position, needing broad policy support regarding the creation of a framework to guide the expenditure of an extraordinary amount of grant funding. As currently stated in the City's Municipal Code, this task does not fall within the purview of either commission.

At Council's direction, staff is proposing to restructure both the FTC and PWC to have clearly defined roles and responsibilities that do not overlap. The FTC would be restructured to create the Mobility and Transportation Infrastructure Commission (MTIC) to include a broader focus on mobility policy and transportation infrastructure. The PWC would be restructured to focus on non-transportation infrastructure including water, sewer, stormwater, buildings and city facilities. This alternative retains the current composition of both commissions, while still effectively generating a cohesive framework for future mobility and infrastructure planning.

Commission Review and Recommendation

On June 19, 2019, the Council established an Ad Hoc Committee comprised of Mayor Khubesrian, Councilmember Schneider, FTC Chair Nuckols, and PWC Vice-Chair Abelson to explore the possibility of merging the two commissions to address the overlapping roles and responsibilities of the two commissions.

On October 16, 2019, the Ad Hoc Committee met to discuss the potential FTC and PWC merger. There was consensus regarding the need for citizen oversight, however, the Ad Hoc Committee was split on the decision to merge. Following the Ad Hoc Committee, the FTC and PWC met in a special joint meeting to discuss the potential merger of the two commissions. The commissions were split on the decision whether to merge or to remain as two separate commissions (4-4).

On November 19, 2019, the Ad Hoc Committee met to discuss the purview of both commissions. The Ad Hoc Committee agreed that both commissions provide valuable policy recommendations to the Council and the Ad Hoc Committee recommended keeping the PWC as a permanent commission. In order to address the overlap between the commission purviews, the Ad Hoc Committee suggested that the PWC should provide policy oversight over large local projects (Capital Improvement Plan, Measure M Multi-year Subregional Plan, and mobility initiatives)

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and the FTC should provide oversight over regional and legislative issues related to mobility and transportation items surrounding the SR-710.

Discussion/Analysis

The original intent of the FTC was to provide support to the City Council regarding the fight against the SR-710. On October 12, 2019, Governor Newsom signed Assembly Bill 29 (Holden) and Senate Bill 7 (Portantino) to remove the SR-710 from the State Streets and Highway Code and deem the SR-710 North Project Freeway Alternatives as infeasible. The PWC was established seven years ago for oversight of large capital improvement projects, an outgrowth of specific concern with construction on Fair Oaks Avenue. Both commissions have successfully accomplished the goals set forth by the City Council.

At this juncture however, the City now finds itself in a new position, needing broad policy support regarding the creation of a framework to guide the expenditure of an extraordinary amount of grant funding. As currently stated in the City's Municipal Code, this task does not fall within the purview of either commission.

In the Municipal Code, the PWC was initially set to sunset in November of 2018. Prior to that date, City Council discussed the potential merger of the commissions, rather than a sunset of PWC, in the context of the lack of a future role for the FTC once the freeway was dead. Although there was consensus regarding a need to reexamine the commission structure, council determined that it was too early to consider because final action on the freeway was still pending. The Council voted at that time to extend the sunset date of the PWC to December 31, 2019. On December 4, 2019, council discussed the issue and directed staff to return on December 18, 2019 with an outline of potential alternatives.

On December 18, 2019, staff presented, and the City Council considered, two alternatives: 1) Merge the two commissions to establish a Mobility and Infrastructure Commission (MIC); or 2) establish the PWC as a permanent commission and establish clear roles and responsibilities for each of the two commissions. The City Council also discussed a modified second alternative which included restructuring the FTC as the Mobility and Transportation Infrastructure Commission (MTIC) to include a broader focus on mobility policy and transportation infrastructure and restructuring the PWC to focus on non-transportation infrastructure including water, sewer, stormwater, buildings and city facilities. The City Council directed Staff to bring back an updated staff report with further information on this alternative. Below is a discussion of the roles and responsibilities of each commission as requested by the Council.

Mobility and Transportation Infrastructure Commission (MTIC)

The FTC would be restructured as the MTIC, expanding its purview to include a broader focus on mobility policy and transportation infrastructure, including the development of a framework for expenditure of the \$100 million in transportation grant funding. All mobility and transportation policy would be consolidated under one advisory body, eliminating overlap and friction between the FTC and PWC.

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Metro and Caltrans have recently discussed the need for the City to complete a feasibility study of the corridor to provide data and analysis that supports implementation of specific projects such as the proposed State Route 110 Hook Ramp project. This feasibility analysis will likely generate multiple technical options that may or may not align with prior studies and will need to be weighed in consideration of current community priorities and funding availability. In addition to the regional transportation funding opportunities, the City is currently undertaking major planning efforts such as the development of long-term Capital Improvement Program (CIP), Neighborhood Traffic Management Plan, Pavement Management Information System Plan, and has a pending grant application for an Active Transportation Plan. All of these plans are interconnected and complement each other.

The new MTIC would be established for the purpose of advising the City Council on policy matters regarding traffic, multi-modal transportation, new transportation technologies, and transportation infrastructure. As proposed, the MTIC would have the following roles and responsibilities:

- Advise the City Council on policy matters related to transportation and mobility including traffic management plans, transit, multi-modal transportation and active transportation, evolving transportation and mobility technologies, parking management, and regional transportation matters;
- Advise the City Council on regional transportation funding and planning;
- Provide input on mobility and transportation policies such as the transportation related CIP items, Neighborhood Traffic Management Plan, Active Transportation Plan, etc.; and
- Provide a forum for community input on mobility topics.

A single commission with a new focus on guiding mobility policy and community engagement may be the most effective structure to meet these pressing needs. Having one commission to link these components together and advise the City Council on mobility and transportation infrastructure policy matters is prudent and an effective way to oversee an integrated process.

Public Works Commission (PWC)

The Public Works Commission (PWC) would be restructured to focus on non-transportation infrastructure including water, sewer, stormwater, buildings and city facilities. The restructured PWC would advise on the integrated water/wastewater plan and non-transportation portions of the CIP. This structure would allow for a new focus on non-transportation infrastructure and policy that is currently secondary under the existing commission structure. In addition, water utility management and stormwater are not within the scope of any city commission, but new focus and funding at the local and state level in these areas is likely to present a number of critical policy issues that would benefit from commission perspective. As proposed, the PWC would have the following roles and responsibilities:

- Advise the City Council on policy matters related non-transportation infrastructure including water, sewer, stormwater, buildings and city facilities.

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- Advise the City Council on regional non-transportation infrastructure funding and planning.
- Advise the City Council on policy matters related to utility management including water, sewer and stormwater.
- Provide input on infrastructure policies and plans such as the utility and infrastructure CIP items (non-transportation), Integrated Water and Wastewater Resource Management Plan, Safe Clean Water and Measure W Plans, Facility Assessment Plan, etc.; and
- Provide a forum for community input on infrastructure topics.

Due to the long-term nature of utility and infrastructure planning and projects, staff would recommend that the PWC meet bi-monthly with the provision that special meetings can be scheduled if needed.

MTIC and PWC Composition of Members

Due to the technical nature of the proposed MTIC and PWC, it is proposed that the City make a concerted effort to recruit members with technical expertise:

MTIC: All members shall have an expressed interest in and knowledge of mobility policy, multi-modal transportation, and transportation infrastructure. The City shall make a concerted effort to recruit at least one registered civil engineer or traffic engineer with an active license, and professionals with expertise in other areas such as traffic engineering, mobility planning, transportation infrastructure, contracting or construction, construction law, or construction management and inspection.

PWC: All members shall have an expressed interest in and knowledge of public works projects, methods and procedures. The City shall make a concerted effort to recruit at least one registered civil engineer with an active license, and professionals with expertise in other areas such as ~~as utilities,~~ structural engineering, architecture, landscape architecture, ~~water,~~ stormwater, ~~sewers, and contracting or~~ construction contracts, ~~construction law, or~~ ~~construction~~-management ~~and or~~ inspection.

The SPMC would be updated to include new sections for each commission effectively creating two new commissions. The initial composition of the commission shall consist of one member being appointed by each councilmember and their term lengths will be staggered as follows: one member will serve one three-year term; two members will serve one year and then be eligible for one additional three-year term; and the remaining two members will serve two years and then be eligible for one additional three-year term. The initial term length appointment by councilmembers for each commission will be determined by lottery. Future appointments will be made by the mayor pursuant to SPMC 2.23 (Composition, appointment and removal of members).

Establish a Mobility and Transportation Infrastructure Commission and Public Works
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Background

The PWC was formed on November 7, 2012, for a period of six years and was set to sunset on November 7, 2018. In September 19, 2018, the Council adopted Ordinance No. 2324 to extend the sunset of the PWC by an additional year, to sunset on December 31, 2019. In November 2018, to address the overlap in roles and responsibilities between the PWC and FTC, the City Council considered merging the PWC and FTC. At that time the State of California legislation regarding the SR-710 was not finalized, therefore the Council directed staff to return in one year with recommendations regarding merging the two commissions. On June 19, 2019, the City Council established an Ad Hoc Committee to explore the possibility of merging the two commissions. The Ad Hoc Committee has had several meetings and discussions regarding this matter. Several alternatives have been discussed regarding the two commissions, whether to merge into one commission or remain as two separate commissions.

Legal Review

The City Attorney has reviewed this item.

Fiscal Impact

There is no fiscal impact.

Public Notification of Agenda Item

The public was made aware that this item was to be considered this evening by virtue of its inclusion on the legally publicly noticed agenda, posting of the same agenda and reports on the City's website and/or notice in the *South Pasadena Review* and/or the *Pasadena Star-News*.

Attachments:

- 1) Ordinance to Establish the Mobility and Transportation Infrastructure Commission
- 2) Ordinance to Establish the new Public Works Commission

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL
OF THE CITY OF SOUTH PASADENA, CALIFORNIA
REPEALING ARTICLE IVD (FREEWAY AND TRANSPORTATION
COMMISSION) AND ADDING A NEW ARTICLE IVD (MOBILITY AND
TRANSPORTATION INFRASTRUCTURE COMMISSION)
OF THE SOUTH PASADENA MUNICIPAL CODE

SECTION 1. Article IVD (Freeway and Transportation Commission), Sections 2.47 through 2.50, is repealed.

SECTION 2. A new and renumbered Article IVD (Mobility and Transportation Infrastructure Commission), Sections 2.47-1 through 2.47- 5, is added to Chapter 2 (Administration) to read as follows:

"ARTICLE IVD. MOBILITY AND TRANSPORTATION INFRASTRUCTURE
COMMISSION

2.47-1 Creation.

There is hereby created a five-member Mobility and Transportation Infrastructure Commission.

2.47-2 Responsibilities.

It shall be the responsibility of the Mobility and Transportation Infrastructure Commission to serve in an advisory capacity to the city council, as directed by the city council or city manager, on policies regarding:

- (a) Mobility policy matters related to transportation and mobility including traffic management plans, transit, multi-modal transportation and active transportation, evolving transportation and mobility technologies, parking management, and regional transportation matters;
- (b) ~~Federal, state, R~~regional and local transportation funding and planning;
- (c) Input on transportation and mobility ~~and transportation~~ policies such as the transportation related CIP items, Neighborhood Traffic Management Plan, Active Transportation Plan, etc.; and
- (d) A forum for community input on mobility topics.

2.47-3 Limitations.

The Mobility and Transportation Infrastructure Commission may discharge its responsibilities in the manner and means selected by it, except as follows:

- (a) Unless expressly authorized to do so by the city council, it shall not represent itself to be, nor in any way act for or on behalf of the city council, nor shall it commit the officers, employees or staff of the city in any manner to any course of

action; to the contrary, it shall act as a study center and clearinghouse for advisory action to the city council; and

- (b) It shall not encroach upon any area preempted by state or federal law; and
- (c) It shall forward all of its findings and recommendations to the city manager and the city council prior to public release.

2.47-4 Composition of members.

- (a) The initial composition of the commission shall consist of one member being appointed by each councilmember and their term lengths will be staggered as follows: one member will serve one three-year term; two members will serve one year and then be eligible for one additional three-year term; and the remaining two members will serve two years and then be eligible for one additional three-year term. Future appointments will be made by the mayor pursuant to SPMC 2.23 (Composition, appointment and removal of members).
- (b) All members shall have an expressed interest in and knowledge of mobility policy, multi-modal transportation, and transportation infrastructure. The city shall make a concerted effort to recruit at least one registered civil engineer or traffic engineer with an active license, and professionals with expertise in other areas such as traffic engineering, mobility planning, transportation infrastructure, contracting or construction, construction law, or construction management and inspection.

2.47-5 Meetings.

The Mobility and Transportation Infrastructure Commission shall hold up to one regular meeting each month. The chair may call for a special meeting if needed with concurrence of the commission."

SECTION 3. SEVERABILITY. If any provision, section, paragraph, sentence or word of this ordinance, or the application thereof to any person or circumstance, is rendered or declared invalid by any court of competent jurisdiction, the remaining provisions, sections, paragraphs, sentences or words of this ordinance, and their application to other persons or circumstances, shall not be affected thereby and shall remain in full force and effect and, to that end, the provisions of this ordinance are severable.

SECTION 4. CEQA. This ordinance is exempt from the California Environmental Quality Act (CEQA) pursuant to 14 Cal. Code Regs. Section 15378(b)(5) as an agency organizational or administrative activity that produces no physical changes to the environment.

SECTION 5. EFFECTIVE DATE. This ordinance shall take effect thirty days after its passage and adoption pursuant to California Government Code Section 36937.

SECTION 6. This ordinance shall take effect thirty (30) days after its final passage and within fifteen (15) days after its passage, the City Clerk of the City of South Pasadena shall

certify to the passage and adoption of this ordinance and to its approval by the Mayor and City Council and shall cause the same to be published in a newspaper in the manner required by law.

PASSED, APPROVED, AND ADOPTED this 19th day of February, 2020.

Robert S. Joe, Mayor

ATTEST:

APPROVED AS TO FORM:

Evelyn G. Zneimer, City Clerk
(seal)

Teresa L. Highsmith, City Attorney

Date: _____

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I HEREBY CERTIFY the foregoing ordinance was duly adopted by the City Council of the City of South Pasadena, California, at a regular meeting held on the 19th day of February, 2020, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAINED:

Evelyn G. Zneimer, City Clerk
(seal)

ORDINANCE NO. ____

**AN ORDINANCE OF THE CITY COUNCIL
OF THE CITY OF SOUTH PASADENA, CALIFORNIA
REPEALING ARTICLE IVK (PUBLIC WORKS
COMMISSION) AND ADDING A NEW ARTICLE IVK (PUBLIC
WORKS COMMISSION)
OF THE SOUTH PASADENA MUNICIPAL CODE**

SECTION 1. Article IVK (Public Works Commission), Sections 2.79-1 through 2.79-6, is repealed.

SECTION 2. A new and renumbered Article IVK (Public Works Commission), Sections 2.79-1 through 2.79- 5, is added to Chapter 2 (Administration) to read as follows:

"ARTICLE IVK. PUBLIC WORKS COMMISSION

2.79-1 Creation.

There is hereby created a five-member Public Works Commission.

2.79-2 Responsibilities.

It shall be the responsibility of the Public Works Commission to serve in an advisory capacity to the city council, as directed by the city council or city manager, on policies regarding:

- (a) Policy matters related to non-transportation infrastructure including water, sewer, stormwater, buildings and city facilities;
- (b) Regional non-transportation infrastructure funding and planning;
- (c) Utility management including water, sewer and stormwater;
- (d) Input on infrastructure policies and plans such as the utility and infrastructure CIP items (non-transportation), Integrated Water and Wastewater Resource Management Plan, Safe Clean Water and Measure W Plans, Facility Assessment Plan, etc.; and
- (e) A forum for community input on infrastructure topics.

2.79-3 Limitations.

The Public Works Commission may discharge its responsibilities in the manner and means selected by it, except as follows:

- (a) Unless expressly authorized to do so by the city council, it shall not represent itself to be, nor in any way act for or on behalf of the city council, nor shall it commit the officers, employees or staff of the city in any manner to any course of action; to the contrary, it shall act as a study center and clearinghouse for advisory action to the city council; and
- (b) It shall not encroach upon any area preempted by state or federal law; and

- (c) It shall forward all of its findings and recommendations to the city manager and the city council prior to public release.

2.79-4 Composition of members.

- (a) The initial composition of the commission shall consist of one member being appointed by each councilmember and their term lengths will be staggered as follows: one member will serve one three-year term; two members will serve one year and then be eligible for one additional three-year term; and the remaining two members will serve two years and then be eligible for one additional three-year term. Future appointments will be made by the mayor pursuant to SPMC 2.23 (Composition, appointment and removal of members).
- (b) All members shall have an expressed interest in and knowledge of public works projects, methods and procedures. The city shall make a concerted effort to recruit at least one registered civil engineer with an active license, and professionals with expertise in other areas such as ~~utilities~~, structural engineering, architecture, landscape architecture, water, stormwater, sewers, and ~~contracting or~~ construction contracts, ~~construction law, or construction~~ management and or inspection.

2.79-5 Meetings.

The Public Works Commission shall hold up to one regular meeting every other month. The chair may call for a special meeting if needed with concurrence of the commission."

SECTION 3. SEVERABILITY. If any provision, section, paragraph, sentence or word of this ordinance, or the application thereof to any person or circumstance, is rendered or declared invalid by any court of competent jurisdiction, the remaining provisions, sections, paragraphs, sentences or words of this ordinance, and their application to other persons or circumstances, shall not be affected thereby and shall remain in full force and effect and, to that end, the provisions of this ordinance are severable.

SECTION 4. CEQA. This ordinance is exempt from the California Environmental Quality Act (CEQA) pursuant to 14 Cal. Code Regs. Section 15378(b)(5) as an agency organizational or administrative activity that produces no physical changes to the environment.

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SECTION 6. This ordinance shall take effect thirty (30) days after its final passage and within fifteen (15) days after its passage, the City Clerk of the City of South Pasadena shall certify to the passage and adoption of this ordinance and to its approval by the Mayor and City Council and shall cause the same to be published in a newspaper in the manner required by law.

PASSED, APPROVED, AND ADOPTED this 19th day of February, 2020.

Robert S. Joe, Mayor

ATTEST:

APPROVED AS TO FORM:

Evelyn G. Zneimer, City Clerk
(seal)

Teresa L. Highsmith, City Attorney

Date: _____

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I HEREBY CERTIFY the foregoing ordinance was duly adopted by the City Council of the City of South Pasadena, California, at a regular meeting held on the 19th day of February, 2020, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAINED:

Evelyn G. Zneimer, City Clerk
(seal)

Maria Ayala

From: Abelson, Lawrence [REDACTED]
Sent: Wednesday, February 5, 2020 1:34 PM
To: CCO
Cc: Maria Ayala
Subject: 2/5/20 City Council Meeting - Brief comments on regular session agenda items 15 and 16

CAUTION: This email originated from outside of the City of South Pasadena. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Honorable Mayor Joe and Councilmembers Cacciotti, Khubesrian, Mahmud and Schneider,

I was hoping to be able to attend tonight's City Council meeting to share some thoughts on the Mobility/Public Works Commission item and the Ramon Street traffic plan item (items 15 and 16 on the regular session agenda), but a conflict has developed. While I have much to say, I haven't had the time to sit down and put together a comprehensive discussion. Also, I have been involved in numerous meetings and discussions on these topics over an extended period of time, so much of it could be duplicative. In light of all of this and the fact that the meeting is tonight, and out of respect for your time in preparing for tonight, I will be brief.

Item 15 – New Mobility and Transportation Infrastructure Commission and Restructuring of Public Works Commission

My focus is on the Responsibilities component of the proposed ordinance, sec. 2.47-2 on page 15-8 of the agenda packet.

First, **I would delete the clause “as directed by the city council or city manager, on policies” in the first paragraph.** The scope of the commission is clearly set forth in paragraphs (a) through (d). Adding this additional limitation creates confusion and is nonsensical when read in conjunction with (d) and is duplicative when applied to (a) and (c). Also, including this clause could have the effect of quashing one of the most important benefits of any commission, which is to provide ground-up ideas and support on matters within its purview. This includes not only providing a forum for community input on, in this case, traffic and transportation matters, but also serving as a vehicle for developing recommendations in response thereto (or in response to observations and experience of its own members). That cannot happen if the approach is “top down,” where everything it discusses must first be approved by the city manager or city council.

Second, noticeably absent from this commission's responsibilities is the **recommendation of street capital improvement projects** to the City Council for the next fiscal year, currently handled by the PWC but not covered by either proposed ordinance included in tonight's packet. Also, there is no provision for the commission to be able to **review and provide recommendations on street, mobility and other transportation-related projects**. This is critical if the City wants to continue to avoid the kinds of outcomes it experienced with the Fair Oaks project designed and constructed with the Rogan funds.

Please consider making these changes to the draft ordinance.

Item 16 – Ramona Street Traffic Management Plan

At more than one meeting of the Public Works Commission (PWC), I and other members requested that this proposed plan be shared with the Commission for our review and input. That never happened. Instead, it went straight to a presentation to the community. I found out about the plan from an impacted neighbor just recently. Even then, what was provided did not include the first 20 pages of the report you were provided for tonight's meeting. I would suggest that, before any further development, the plan is sent to the new Mobility and Transportation Infrastructure Commission (Mobility Commission) for its review and comment.

One of the catalysts for the formation of the PWC was the unfortunate result of the Fair Oaks reconstruction project completed approximately 10 years ago. The goal was to ensure that, going forward, the City had a citizen commission comprised of knowledgeable, experienced individuals who could provide recommendations, input and oversight for such projects, so that the problems on Fair Oaks with which we continue to live today are not repeated. The PWC has successfully initiated, advised on and supported a host of successful roadway and other transportation, parking and other projects throughout the City, many of which have already been implemented and others we hope to see accomplished with, among other things, the Measure M and Measure R funding. I can think of only one significant project with a serious flaw while serving on the PWC. Unfortunately, the design was not reviewed by the PWC, and, when we discovered and raised the issue, our recommendations for correction were not implemented. Public Works staff is stretched thin, and while the advice of third party consultants is important, they do not and cannot know the needs of what will/won't work in our City better than knowledgeable citizens who care, are interested and want to make a difference and can help bridge that gap. So, bottom line, I request and highly recommend that staff be directed to submit the Ramona plan to the Mobility Commission for input and feedback as soon as possible and certainly before it is finalized and the projects are decided.

Thank you for your time and consideration,

Larry Abelson

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Maria Ayala

From: Andrew Berk [REDACTED]
Sent: Wednesday, February 5, 2020 3:58 PM
To: CCO
Subject: Email the Council

CAUTION: This email originated from outside of the City of South Pasadena. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I understand the Ramona Street Neighborhood Traffic Management Plan is the last City of South Pasadena City Council agenda item for tonight & in 16th position - meaning that it will be most likely be late into the evening (closed door council meeting being held immediately prior as well) when it's presented, addressed and open for any public comment and possible call to action by the city. We as concerned stakeholders and adjacent neighbors, have not had adequate time to review and comment on the Plan, as we were only this past weekend notified via hard mail notice that it was being done and that the city would be open for comment in this Feb 5, 2020 South Pasadena City Council meeting. Most of our neighbors and affected stakeholders may also either not have been notified and/or need more time to review it all before the City hears any presentations, recommendations, or certainly any action or inaction on this agenda item.

We invite and strongly encourage the South Pasadena City Council and relevant staff to physically look with their own eyes as to the traffic and parking activity and impact on our streets surrounding Holy Family School throughout the school day so that they can be fully informed and look it all themselves to see the traffic and parking impact and before someone in our community, including one of our children, gets seriously injured due to the critically concerning circumstances here. The Traffic Plan from what I could gather at this point seems woefully inadequate and inaccurate.

Additionally, as it relates to Holy Family's in progress Master Plan (which the neighborhood has been mostly excluded from and notified about) the interest in the school expansion. We all need to address this as a whole as it relates to the impact on the neighboring community, our quality of life, quiet enjoyment, and everyone's safety here.

Andrew Berk
[REDACTED]

Sent from [Mail](#) for Windows 10