

CITY OF PASADENA
City Council Minutes
November 4, 2019 – 5:30 P.M.
City Hall Council Chamber

REGULAR MEETING

OPENING:

Mayor Tornek called the regular meeting to order at 5:30 p.m.
(Absent:)

Armando Herman, residence not stated, provided comment
on closed session items.

On the order of the Mayor, the regular meeting recessed at 5:33
p.m. to discuss the following closed session:

**CONSIDERATION OF INITIATION OF LITIGATION pursuant to
Government Code Section 54956.9(d)(4) (one potential case)**

**CITY COUNCIL CONFERENCE WITH LEGAL COUNSEL
regarding pending litigation pursuant to Government Code
Section 54956.9(d)(1)**

**Name of Case: M.J.L.H. v. City of Pasadena, et al.
U.S. Ninth Circuit Court of Appeals Case No. 1955685**

The above closed session items were discussed, with no
reportable action at this time.

**CITY COUNCIL CONFERENCE WITH LABOR NEGOTIATORS
pursuant to Government Code Section 54957.6**

**Agency Designated Representatives: Jennifer Curtis and
Steve Mermell**

**Employee Organization: International Brotherhood of
Electrical Workers (IBEW)**

**CITY COUNCIL CONFERENCE REGARDING PUBLIC
EMPLOYEE PERFORMANCE EVALUATION pursuant to
Government Code Section 54957**

**Employee Title and Unrepresented Employee: City
Attorney/City Prosecutor**

City Representative: Terry Tornek

**CITY COUNCIL CONFERENCE WITH LABOR NEGOTIATORS
pursuant to Government Code Section 54957.6**

**Agency Designated Representatives: Jennifer Curtis and
Steve Mermell**

Employee Organization: Non-Represented Executive, Non-Represented Management, and Non-Represented Non-Management

CITY COUNCIL CONFERENCE WITH LABOR NEGOTIATORS pursuant to Government Code Section 54957.6

Agency Designated Representatives: Jennifer Curtis and Steve Mermell

Employee Organizations: American Federation of State, County and Municipal Employees (AFSCME), Local 858

The above closed session items were discussed, following the conclusion of the regular meeting (continued on Page 11 below).

On order of the Mayor, the regular meeting reconvened at 6:46 p.m. The pledge of allegiance was led by Councilmember Madison.

ROLL CALL:
Councilmembers:

Mayor Terry Tornek
Vice Mayor Tyron Hampton
Councilmember Victor Gordo
Councilmember John J. Kennedy
Councilmember Steve Madison
Councilmember Gene Masuda
Councilmember Margaret McAustin
Councilmember Andy Wilson

Staff:

City Manager Steve Mermell
City Attorney/City Prosecutor Michele Beal Bagneris
City Clerk Mark Jomsky

CEREMONIAL MATTERS

The City Clerk administered the oath of office to Erica Gutierrez as Arts & Culture Commissioner.

The Mayor announced that a Veterans Day event to honor military veterans will be held on Monday, November 11, 2019 in Centennial Plaza in front of City Hall.

Councilmember Madison expressed sympathy on the passing of Bill Johnstone, long time Pasadena resident and former Tournament of Roses President; and asked that the City Council be adjourned in his memory.

PUBLIC COMMENT ON MATTERS NOT ON THE AGENDA

The following individuals spoke in support and advocated for affordable housing efforts, including rent control, and tenant protection:

Deborah Johnson, Pasadena resident
Anne Marie Molina, Pasadena resident

Herman, residence not stated

Toni Mosley, Hazel Clayton, and Gerda Govine Ituarte, all representing Pasadena Rose Poets, spoke on their organization and recited poetry.

Erika Foy, Pasadena resident, distributed information and expressed concerns with staff reviewing applications related to a proposed cannabis dispensary to be located on Colorado Boulevard in the City.

Ryan Panzarello, Madison Heights Neighborhood Associations, advocated for stricter standards and regulations to protect historical homes from demolition in the City.

Councilmember Kennedy spoke on the need for the community to be educated on what construction is allowed related to historical homes and development. He requested that staff agendaize at a future City Council meeting the policy on the demolition of historic homes and the process to protect those homes.

Councilmember Wilson spoke in favor of agendaizing an item on the City's demolition regulations and protections of historic homes in the City.

Mike Greenspan spoke on the UCLA football team and college football conference.

CONSENT CALENDAR

PUBLIC SAFETY COMMITTEE: AUTHORIZATION TO ENTER INTO A PURCHASE ORDER WITH APEX SECURITY GROUP FOR SUPPLEMENTAL TRAFFIC CONTROL SERVICES AT NEW YEAR'S ACTIVITIES

Recommendation:

(1) Find the proposed action is exempt from the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines Section 15061(b)(3), the General Rule that CEQA only applies to projects that may have an effect on the environment; and

(2) Authorize the City Manager to enter into a purchase order, based on a competitive selection process pursuant to Pasadena Municipal Code Section 4.08.047, with Apex Security Group for supplemental traffic control and security services at New Year's Activities for one year in an amount not-to-exceed \$80,000, with the option of four one-year extensions, subject to the approval of the City Manager, for a maximum of \$440,000 for five years.

RESIGNATIONS,
APPOINTMENTS, &
REAPPOINTMENTS

APPOINTMENT OF ERICA JARAMILLO TO THE HUMAN SERVICES COMMISSION (District 2 Nomination)

APPROVAL OF MINUTES

October 21, 2019

CLAIMS RECEIVED

Claim No. 13,415 Mercury Insurance as \$ 2,920.39
subrogee for Voltaire
Llana

PUBLIC HEARING SET

November 18, 2019, 7:00 p.m. – Designation of 2940 East Foothill Boulevard as a Landmark

Herman, residence not stated, provided public comment on the Consent Calendar, and submitted documents.

Following discussion, it was moved by Councilmember Kennedy, seconded by Councilmember Gordo, to approve all items on the Consent Calendar. (Motion unanimously carried) (Absent: None)

**PUBLIC COMMENT ON
REGULAR BUSINESS ITEMS**

The following individuals spoke on multiple regular business items:

- Sean McMorris, San Gabriel resident
- Ed Washatka, Pasadenans Organizing for Progress (POP!)
- Allison Henry, Pasadena Tenants Union
- Charla Bolton, Pasadena resident
- Herman, residence not stated

**RECOMMENDATIONS FROM
OFFICERS AND
DEPARTMENTS**

Councilmember Gordo recused himself due to a potential conflict and left the dais at 7:46 p.m.

CONDUCT FIRST READING OF AN ORDINANCE ADOPTING THE TENANT PROTECTION ACT OF 2019

Recommendation: It is recommended that the City Council:

- (1) Find that the recommended action is exempt from the California Environmental Quality Act ("CEQA") pursuant to State CEQA Guidelines Section 15061(b)(3), the General Rule that CEQA only applies to projects that may have an effect on the environment; and
- (2) Conduct first reading of an ordinance adopting the Tenant Protection Act of 2019.

William Huang, Director of Housing, provided introductory comments, and Jim Wong, Senior Project Manager, presented a PowerPoint presentation on the item, and jointly, responded to questions.

Michele Beal Bagneris, City Attorney/City Prosecutor, and Javan Rad, Chief Assistant City Attorney, responded to questions related to the proposed ordinance effective date, enforcement

actions, enforcement effective date, Assembly Bill-1482 Tenant Protection Act of 2019, and the City's severability cause.

Vice Mayor Hampton voiced concerns based on feedback from constituents/residents regarding the Housing Rights Community Center and requested an assessment and update on the Center at a future meeting. He spoke in favor of amending the proposed Tenant Protection Act of 2019, with a start date of March 15, 2019, matching the City of Los Angeles's ordinance.

Councilmembers McAustin and Kennedy asked staff to post all the information related to the Tenant Protection Act of 2019 and resources (i.e. TPO Ordinance, Housing Rights Center contact, legal aid contacts, etc.) on the City's website.

Councilmember Kennedy supported the Vice Mayor's request regarding the Housing Rights Community Center, and asked staff to provide information on the Center's success rates, effectiveness, staffing levels and expertise, and determine if there is an opportunity for the City to provide additional resources to support the work of the Center.

The following individuals spoke in favor of the staff recommendation and/or provided comment related to the item:

Debra Johnson, Pasadena resident
Robert Nelson, Pasadena resident
PJ Johnson, Pasadena resident
Rene Gonzales, representing Padres
Oralia Ordaz, Pasadena resident
Jacque Robinson Pasadena resident
Victoria Ronald, Pasadena resident
Allan Spring, Pasadena resident
Matthew Sorrenti, Pasadena Tenants Union (PTU)
Janis Reid, Pasadena resident
Jorge Rivera, PTU
Tina Williams, Pasadena resident
Aida Morales, Pasadena resident
Jonathan Jager, Legal Aid Foundation of Los Angeles
Jane Panangaden, PTU
Marie Perez, Pasadena resident
Charles Xu, Pasadena resident
Michael Kinmay, All Saints Church
Ryan Bell, PTU
Philip Koebel, Pasadena resident

The Mayor spoke on details/provisions contained in the ordinance and his support for maintaining the October 8, 2019 effective date.

Councilmember Kennedy suggested eliminating the date of "October 8, 2019" found in Section 4 of the proposed ordinance in order to protect the maximum number of Pasadena residents.

Mr. Kennedy stated the following for the record, "I have already considered the implications [of the proposed ordinance] as it relates to my ownership and it would not apply..."

In response to Councilmember Kennedy's request, City Attorney Bagneris stated that Section 4 of the propose ordinance would need to be amended to read as follows: "As applied to notices of termination issued prior to the effective date of this ordinance, this ordinance shall apply to tenancies where ~~an owner has issued a notice of termination of tenancy to a tenant on or after October 8, 2019 and where~~, as of the effective date of this ordinance, said tenant remains in possession and/or any eviction lawsuit has not reached a final judgement or issuance of a final order, after all appeals have been exhausted. This ordinance may be asserted as an affirmative defense in an lawful detainer action."

Councilmembers Masuda, Madison, and Wilson spoke in support of the staff recommendation and the proposed amendment to remove the October 8, 2019 date.

Councilmember McAustin stated her support of the ordinance, but only if it protects tenants who are being evicted without cause, and requested that the term "without cause" be defined term in the proposed ordinance. She also asked staff to include language related to the presumption of retaliatory action from landlords.

In response to Councilmember McAustin's request, City Attorney Bagneris suggested including the following sentence in the proposed ordinance, Section 4: "This ordinance shall not be read to prohibit any terminations of tenancy with just cause, as these terms are used in AB 1482."

Councilmember Wilson echoed the support for staff to ensure the Housing Rights Community Center is assessed to ensure it has the resources it needs to adequately assist the community.

City Manager Mermell stated that he will work with Housing Department and Internal Audit staff to assess the capacity of the Housing Rights Center.

Motion: Following discussion, it was moved by Councilmember Kennedy, seconded by Vice Mayor Hampton, to approve the proposed amendments to Section 4 of the ordinance, as detailed above:

AYES: Councilmembers Kennedy, Madison, Masuda,
McAustin, Wilson, Vice Mayor Hampton
NOES: Mayor Tornek
ABSENT: Councilmember Gordo
ABSTAIN: None

Motion: Following additional discussion, it was moved by Councilmember Kennedy, seconded by Vice Mayor Hampton, to approve the staff recommendation:

AYES: Councilmembers Kennedy, Madison, Masuda,
McAustin, Wilson, Vice Mayor Hampton, Mayor
Tornek
NOES: None
ABSENT: Councilmember Gordo
ABSTAIN: None

**ORDINANCES – FIRST
READING**

Conduct first reading of "AN UNCODIFIED ORDINANCE OF THE CITY OF PASADENA ADOPTING THE TENANT PROTECTION ACT OF 2019 RELATING TO THE PROHIBITION OF NO-FAULT TERMINATIONS OF TENANCY AND EVICTIONS AND LIMITING RENT INCREASES FOR RESIDENTIAL REAL PROPERTY THROUGH DECEMBER 31, 2019"

Following discussion, the amended ordinance (as detailed above) was offered for first reading by Vice Mayor Hampton:

AYES: Councilmembers Kennedy, Madison, Masuda,
McAustin, Wilson, Vice Mayor Hampton, Mayor
Tornek
NOES: None
ABSENT: Councilmember Gordo
ABSTAIN: None

On the order of the Mayor, the regular meeting recessed at 9:38 p.m. and reconvened at 9:44 p.m.

PUBLIC HEARING

Councilmember Gordo returned to the dais and meeting at 9:38 p.m.

PUBLIC HEARING: TAX EQUITY AND FISCAL RESPONSIBILITY ACT (TEFRA) HEARING AND RESOLUTION FOR THE CALIFORNIA STATEWIDE COMMUNITIES DEVELOPMENT AUTHORITY REVENUE BONDS FOR THE CONCORD RHF PARTNERS, LP

Councilmember McAustin left the dais and meeting at 9:38 p.m.

Recommendation: It is recommended that the City Council hold a TEFRA hearing and:

(1) Find that the proposed action is not a "project" subject to California Environmental Quality Act (CEQA) as defined in Section 15378(b)(4) of the State CEQA Guidelines, and as such, no environmental document pursuant to CEQA is required for the project; and

(2) Adopt a resolution of the City Council of the City of Pasadena approving the issuance by California Statewide Communities Development Authority (CSCDA) of one or more series of revenue bonds or notes, from time to time, pursuant to a plan of financing, in an aggregate principal amount not-to-exceed \$55,000,000 for the purpose of financing and refinancing all or any portion of the acquisition, rehabilitation, construction, improvement, renovation and equipping of a multifamily senior housing facility operated by Concord RHF Partners, LP, Retirement Housing Foundation, or an affiliate of either and owned by Concord RHF Partners, LP or an affiliate thereof, and certain other matters relating thereto. (Resolution No. 9749)

The City Clerk reported that the public hearing notice was published in the Pasadena Journal and the Pasadena Weekly on October 17, 2019; no correspondence was received by the City Clerk's Office regarding this item.

Matt Hawkesworth, Director of Finance, provided introductory comments, and Vic Erganian, City Treasurer, presented a PowerPoint presentation on the item, and jointly, responded to questions.

It was moved by Councilmember Gordo, seconded by Councilmember Masuda, to close the public hearing. (Motion unanimously carried) (Absent: Councilmember McAustin)

Following a brief discussion, it was moved by Councilmember Wilson, seconded by Councilmember Gordo, to approve the staff recommendation. (Motion unanimously carried) (Absent: Councilmember McAustin)

RECOMMENDATIONS FROM OFFICERS AND DEPARTMENTS

Councilmember McAustin returned to the meeting and dais at 9:47 p.m.

RESPONSES TO REQUEST FOR PROPOSALS FOR THE YWCA BUILDING REHABILITATION, ADAPTIVE REUSE AND NEW BUILDING OPPORTUNITIES IN THE CIVIC CENTER

Recommendation: It is recommended that the City Council:

(1) Find that the proposed action is exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15061(b)(3), General Rule; and

(2) Direct staff to further analyze responses to the City's Request for Proposals for the YWCA Building Rehabilitation, Adaptive Reuse and New Building Opportunities in the Civic Center received from:

- a. Carpenter & Company, Inc.
- b. Continental Assets Management
- c. Edgewood Realty Partners, LLC
- d. HRI Properties, LLC
- e. The Ratkovich Company/National Community Renaissance

City Manager Mermell provided introductory comments, and David Klug, Senior Project Manager, presented a PowerPoint presentation on the item, and jointly, responded to questions.

Councilmember Gordo pointed to a lack of an analysis on the Civic Center's vision in relation to the proposals, and requested that staff consider this vision when further analyzing the projects that continue in the process, including which project would activate the Civic Center, while also giving deference to City Hall. In addition, he asked staff to consider how best to receive public feedback on pivotal issues (i.e. impacts to City Hall, Civic Center, and Specific Plans). Finally, he spoke on the need for the proposed developers to be provided an opportunity to amend their proposals once feedback is provided by the City Council and the community.

The following individuals provided various comments related to the item:

Teresa Eilers, Everyone In-United Way
Pablo Garnica, residence not stated
Anne Miskey, Union Station Homeless Services
Sonja Berndt, Pasadena resident
Jay Belloli, All Saints Foster Care Project
Jeanette Mann, All Saints Church Foster Care Project
Bert Newton, Greater Pasadena Affordable Housing Group (GPAHG)
Chris Espe, Pasadena resident
Daniel Russell, GPAHG
Anthony Manousos, GPAHG
Juliana Serrano, All Saints Church
Beau Wommack, Northland Village Church
Kevin Chin, National Community Renaissance
Wayne Ratkovich, The Ratkovich Company/Core
Andrew Salimian, Pasadena Heritage
Sue Mossman, Pasadena Heritage
Ann Scheid, Pasadena resident

Chris Olson, Alhambra resident
John Byram, Pasadena resident
Marsha Rood, Pasadena resident
Diane Acevedo, Applicant Civic Center
Richard A. McDonald, Pasadena resident
Jill Shook, GPAHG
Albert Lemus, residence not stated
Jorge Raziell, residence not stated

Councilmember Kennedy suggested staff conduct a citywide survey, engaging the students at Caltech, to receive feedback from the community and suggesting that staff consider conducting a charrette process as part of community meetings.

Councilmember Wilson spoke in favor of reducing the number of proposals to five, and moving forward in a manner that incorporates community involvement, as well as engaging a consultant to review the financial portfolios of the proposals. He asked staff to return to the City Council with information on a process that thoroughly captures community involvement in order to inform the public and provide transparency. He noted other areas of importance, including the restoration of the building, and activating and respecting the Civic Center.

Councilmember Gordo spoke in favor of directing staff to proceed with analyzing the five proposals, and concurrently, developing a process that is clear and transparent; and present the process to the City Council prior to the completion of analyzing the proposals. The process should incorporate community and participant engagement with the project goals and timeline.

Councilmember Madison expressed concerns with developing additional bloated process, which he believes will ultimately further delay the rehabilitation of the building. He spoke in favor of choosing three proposals for staff to analyze.

The Mayor spoke on the need to proceed with an expedited process and spoke in favor of the staff recommendation.

Following discussion, it was moved by Councilmember Kennedy, seconded by Vice Mayor Hampton, to approve the staff recommendation with direction to staff as detailed above. (Motion unanimously carried) (Absent: None)

INFORMATION ITEM

REPORT ON AFFORDABLE HOUSING

Recommendation: This report is intended to provide information to the City Council, no action is required.

The following individuals provided various comments related to the item:

Michelle White, Affordable Housing Services
Reverend Rae Chen Huang, LA Voice
John Tamkin, Greater Pasadena Affordable Housing

Due to time constraints, the City Council agreed to delay the discussion on the above item at a future meeting.

ORDINANCE – ADOPTED

Adopt “AN ORDINANCE OF THE CITY OF PASADENA AMENDING SECTION 17.42.040 AND ADDING SECTION 17.43.050 TO TITLE 17 (ZONING CODE) OF THE PASADENA MUNICIPAL CODE TO INCREASE THE MINIMUM INCLUSIONARY HOUSING UNIT REQUIREMENT, ELIMINATE INCLUSIONARY TRADE-DOWN CREDITS, AND ESTABLISH AN AFFORDABLE HOUSING CONCESSION MENU” (Introduced by Councilmember McAustin) (Ordinance No. 7353)

The above ordinance was adopted by the following vote:

AYES: Councilmembers Gordo, Kennedy, Madison, Masuda, McAustin, Wilson, Vice Mayor Hampton, Mayor Tornek
NOES: None
ABSENT: None
ABSTAIN: None

COUNCIL COMMENTS

Councilmember Kennedy requested that staff provide an update at a future City Council meeting on the Lincoln Properties project, specifically the monument art surrounding the property, the 20 percent local hire mandate, the 15 percent local materials sourcing, and the 20 percent local contracting.

On order of the Mayor, the regular meeting recessed at 12:04 a.m. to conduct a special meeting.

On order of the Mayor, the regular meeting reconvened at 12:06 a.m. to discuss the following closed session (Absent: Councilmember Kennedy):

**CITY COUNCIL CONFERENCE WITH LABOR NEGOTIATORS pursuant to Government Code Section 54957.6
Agency Designated Representatives: Jennifer Curtis and Steve Mermell**

Councilmember Kennedy joined the meeting at 12:12 a.m.

Employee Organizations: American Federation of State, County and Municipal Employees (AFSCME), Local 858

CITY COUNCIL CONFERENCE WITH LABOR NEGOTIATORS pursuant to Government Code Section 54957.6

Agency Designated Representatives: Jennifer Curtis and Steve Mermell

Employee Organization: Non-Represented Executive, Non-Represented Management, and Non-Represented Non-Management

Councilmember Madison was excused and left the meeting at 12:22 a.m.

CITY COUNCIL CONFERENCE WITH LABOR NEGOTIATORS pursuant to Government Code Section 54957.6

Agency Designated Representatives: Jennifer Curtis and Steve Mermell

Employee Organization: International Brotherhood of Electrical Workers (IBEW)

CITY COUNCIL CONFERENCE REGARDING PUBLIC EMPLOYEE PERFORMANCE EVALUATION pursuant to Government Code Section 54957

Employee Title and Unrepresented Employee: City Attorney/City Prosecutor

City Representative: Terry Tornek

The above closed session items were discussed, with no reportable action at this time.

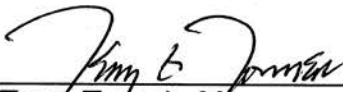
ADJOURNMENT

Following closed session discussion, on order of the Mayor, the regular meeting of the City Council adjourned in honor and memory Bill Johnstone, long time Pasadena resident and former Tournament of Roses President, at 12:50 a.m.

ATTEST:



City Clerk



Terry Tornek, Mayor
City of Pasadena