

CITY OF PASADENA
City Council Minutes
September 16, 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: Councilmembers Kennedy, Madison, Vice Mayor Hampton)

On the order of the Mayor, the regular meeting recessed at 5:30 p.m. to discuss the following closed session:

Vice Mayor Hampton arrived at 5:47p.m.

Councilmember Kennedy arrived at 5:58 p.m.

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

**Name of Case: Margarita Perez v. City of Pasadena
LASC Case Nos.: BC623336**

CITY COUNCIL CONFERENCE REGARDING PUBLIC EMPLOYEE PERFORMANCE EVALUATION pursuant to Government Code Section 54957 and CITY COUNCIL CONFERENCE with Labor Negotiator pursuant to Government Code Section 54957.6

**Employee Title and Unrepresented Employee: City Manager
City Representative: Terry Tornek**

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

On order of the Mayor, the regular meeting reconvened at 6:48 p.m. The pledge of allegiance was led by Vice Mayor Hampton.

ROLL CALL:

Councilmembers:

Mayor Terry Tornek
Vice Mayor Tyron Hampton
Councilmember Victor Gordo
Councilmember John J. Kennedy
Councilmember Steve Madison (Absent)
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

Allen Edson, President of the Pasadena Chapter of the National Association for the Advancement of Colored People (NAACP),

provided historical information on the organization's actions to advocate for equality of human rights, and continued efforts by the NAACP to support equality in Pasadena. He invited the City Council to the "34th Annual Ruby McKnight Williams Awards Dinner" on October 3, 2019 at the Pasadena Hilton.

Councilmember Kennedy and Vice Mayor Hampton thanked Mr. Edson and the NAACP for all their work in Pasadena.

**PUBLIC COMMENT ON
MATTERS NOT ON THE
AGENDA**

The following individuals spoke in support of affordable housing efforts, including utilizing the YWCA building for such a purpose:

Anthony Manousos, Greater Pasadena Affordable Housing Group (GPAHG)

Bert Newman, GPAHG

Cameron Howard, Pasadena resident, provided information on her current housing issues and the need for affordable housing for young adults

Joshua Christensen, representing Southwest Regional Council of Carpenters, spoke on the benefits of working as a carpenter, the need for safety and standards for all skilled carpenters, and advocated for the rights of workers.

Vice Mayor Hampton requested that Housing Department staff contact Ms. Howard to address her concerns.

CONSENT CALENDAR

PURCHASE ORDER TO MERIDIAN RAPID DEFENSE GROUP, LLC FOR ANTI-TERRORISM VEHICLE BARRIER RENTAL ALONG THE TOURNAMENT OF ROSES PARADE ROUTE FOR A NOT-TO-EXCEED AMOUNT OF \$550,000

Recommendation:

- (1) Find that the project proposed in the agenda report is exempt under the California Environmental Quality Act (CEQA) State Guidelines Section 15061(b)(3), the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment;
- (2) Authorize a purchase order with Meridian Rapid Defense Group, LLC (DBA Meridian Rental Group) for Anti-Terrorism Vehicle Barriers in an amount not-to-exceed \$110,000. Competitive Bidding is not required pursuant to City Charter Section 1002(C) contracts for labor, material, supplies, or services available from only one vendor; and
- (3) Authorize the City Manager to extend the purchase order up to four additional one year terms in the annual amount of \$110,000 for a total of \$550,000 for five years.

APPROVAL OF SUBMISSION OF THE 2019 CONTINUUM OF CARE CONSOLIDATED APPLICATION TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT FOR HOMELESS SERVICES FUNDING

Recommendation:

- (1) Find that the recommended action is exempt from the California Environmental Quality Act ("CEQA") pursuant to State CEQA Guidelines per Section 15061(b)(3), the "General Rule" that CEQA only applies to projects that may have an effect on the environment;
- (2) Authorize the filing of the 2019 Continuum of Care (CoC) Consolidated Application with the U.S. Department of Housing and Urban Development (HUD) for a funding request in the amount of \$3,889,606 for fourteen projects;
- (3) Authorize the City Manager to execute, and the City Clerk to attest, the 2019 CoC Consolidated Application and all other related documents, agreements and amendments;
- (4) Authorize the City Manager to enter into contracts with the administering agencies of projects selected for funding in the Fiscal Year (FY) 2019 CoC Program Competition for up to 15% higher than the original application request; and
- (5) Authorize the City Manager to approve five amendments to the contracts specified under Recommendation 4 such that each amendment extends the contract term for twelve months with an additional year of funding equal to the amount awarded by HUD, but not greater than 115% of the prior year's award.

Item discussed separately

AMENDMENT TO CONTRACT NO. 21,192 WITH T2 SYSTEMS, INC., FOR AN INTEGRATED PARKING MANAGEMENT SYSTEM

APPROVAL OF MINUTES

August 26, 2019
September 2, 2019

CLAIMS RECEIVED

Claim No. 13,386	Pacific Bell/AT&T/Diane Mancini	\$	1,338.80
Claim No. 13,387	Raquel M. Raices		7,785.59
Claim No. 13,388	Melissa Gail Maniscalco-Lettice		15,000.00+
Claim No. 13,389	Joash Cooley		Not stated
Claim No. 13,390	Han-Hsin lin		9,751.94
Claim No. 13,391	Kornelius Subadya		470.33

PUBLIC HEARTING SET

October 21, 2019, 7:00 p.m. - Designation of 873 North Hill Avenue as a Landmark

October 21, 2019, 7:00 p.m. - Designation of 180 South San Rafael Avenue as a Landmark

Following discussion, it was moved by Councilmember Kennedy, seconded by Councilmember McAustin, to approve all items on the Consent Calendar with the exception of Item 3 (Amendment to Contract No. 21,192 with T2 Systems, Inc.), which was discussed separately. (Motion unanimously carried) (Absent: Councilmember Madison)

**CONSENT ITEMS
DISCUSSED SEPARATELY**

AMENDMENT TO CONTRACT NO. 21,192 WITH T2 SYSTEMS, INC., FOR AN INTEGRATED PARKING MANAGEMENT SYSTEM

Recommendation:

- (1) Find that the proposed actions are exempt from the California Environmental Quality Act ("CEQA") pursuant to State CEQA Guidelines Section 15061(b)(3), General Rule;
- (2) Authorize the City Manager to amend Contract No. 21,192 with T2 Systems, Inc., to increase the contract amount by \$119,034 (inclusive of a 10% contingency), thereby increasing the total not-to-exceed amount from \$945,502 to \$1,064,536 through October 31, 2020; and
- (3) To the extent this could be considered a separate procurement subject to the Competitive Selection process, it is further recommended that the City Council grant the proposed contract an exemption from the Competitive Selection Process pursuant to Pasadena Municipal Code (P.M.C.) Section 4.08.049(B), contracts for which the City's best interests are served. (Contract No. 21,192-3)

In response to Vice Mayor Hampton's inquiry related to the proposed contract amount, including the 10% budgetary contingency, City Manager Mermell stated that staff is requesting a one-year extension not-to-exceed the requested contingency amount and staff does not anticipate requesting additional funds.

Following discussion, it was moved by Vice Mayor Hampton, seconded by Councilmember McAustin, to approve the staff recommendation. (Motion unanimously carried) (Absent: Councilmember Madison)

PUBLIC HEARING

CONTINUED PUBLIC HEARING: APPEAL OF BOARD OF ZONING APPEAL'S DECISION ON AFFORDABLE HOUSING CONCESSION PERMIT NO. 11879 LOCATED AT 127 AND 141 NORTH MADISON AVENUE

Recommendation: It is recommended that the City Council conduct a quasi-judicial public hearing and take the following action:

(1) Adopt the Environmental Determination that the proposed project is exempt from environmental review pursuant to the guidelines of the California Environmental Quality Act (Public Resources Code Section 21080(b)(9); Administrative Code, Title 14, Chapter 3, Section 15332, Class 32, In-Fill Development Projects) and that there are no features that distinguish this project from others in the exempt class. Therefore, there are no unusual circumstances; and

(2) Uphold the Board of Zoning Appeal's decision and approve Affordable Housing Concession Permit No.11879.

The City Clerk reported that 79 letters were received in opposition to the proposed project, 4 letters received in favor of the proposed project and 3 letters providing comments were received by the City Clerk's office, which were distributed to the City Council, posted online, and made part of the public hearing record.

David Reyes, Director of Planning and Community Development, and Jason Van Patten, Associate Planner, provided a PowerPoint presentation on the item, reviewed amendments to Conditions of Approval Nos. 100, 101, and 102, and jointly, responded to questions.

The following individuals (appellants) expressed concerns with the Board of Zoning Appeals (BZA) to approve Affordable Housing Concession Permit No. 11879, and expressed appreciation to the applicant in submitting a revised project:

Sue Mossman, Pasadena Heritage
Annie Perez, Women's City Club
Bill Ellinger, Blinn House Foundation
Andrew Salimian, Pasadena Heritage

Richard A. McDonald, representing the applicant, spoke on the work done by the Applicant's development team to build consensus (i.e. meeting with Pasadena Heritage and other representatives of the appellants), and spoke in favor of the staff recommendation.

The following individuals provided comment on the item:

Nina Chomsky, Pasadena resident
Emily Murray, representing Allen Matkins (distributed literature)
Ken McCormick, Pasadena resident
Jill Shook, Pasadena resident
Kelley Holmes, Pasadena resident

Ed Washatka, Pasadenans Organizing for Progress (POP!)
Tina Salcedo, Pasadena resident
Erika Foy, Pasadena resident (distributed literature)
Lynn Kolberg, Pasadena Heritage

Councilmember Kennedy spoke in favor of the staff recommendation and asked staff to consider amending a Condition of Approval that will address the tree canopy issues shared by surrounding property owners.

In response to Councilmember Kennedy's request to address the tree canopy, Jennifer Paige, Deputy Director of Planning, stated that staff recommends amending Condition of Approval No. 93 to include the following sentence, "The plan shall also consider protected trees on adjacent properties to ensure they continue to survive post-construction."

The City Council thanked the community, appellants, and applicant/developers for working together to develop a project that is acceptable to all parties involved.

Vice Mayor Hampton stated his appreciation for the consensus building performed as part of this project, and suggested that such steps be taken by developers with the community for similar projects proposed within the City. He spoke in favor of agendizing a general discussion on California Environmental Quality Act (CEQA) process; and ensure projects include a description of all environmental impacts on surrounding neighborhoods/areas. He also reiterated his request to agendize a review of the City's General Plan at a future City Council meeting.

In response to Vice Mayor Hampton's request, Mayor Tornek stated that staff and the Legislative Policy Committee are waiting to learn the status of new state-sponsored legislation, which will require staff to analyze the impacts of the new legislation, with staff to return to the City Council with an update.

Councilmember Wilson requested that staff review the City's traffic model to ensure it is updated with current state legislation; and expressed concerns with weaknesses in the City's current tree protection ordinance that does not protect mature trees. He asked staff to review the ordinance and consider proposing additional tree protections, as well as provisions that would be more restrictive on tree replacement practices for development projects.

Councilmember Gordo expressed concerns that the project does not meet the CEQA Class 32 Exemption (In-Fill Development) and requested that a workshop be held to discuss and understand the criteria related to Class 32 exemptions. He also asked staff to review and revise the City's mixed-use standard designations, thresholds, setbacks, and open space requirements.

Following discussion, it was moved by Councilmember Kennedy, seconded by Councilmember McAustin, to close the public hearing. (Motion unanimously carried) (Absent: Councilmember Madison)

It was moved by Councilmember Kennedy, seconded by Councilmember Masuda, to approve the staff recommendation, including amendments to Conditions of Approval Nos. 100, 101, and 102 suggested by staff, and amend Condition of Approval No. 93, as detailed above. (Motion unanimously carried) (Absent: Councilmember Madison)

**REPORTS AND COMMENTS
FROM COUNCIL
COMMITTEES**

Councilmember Gordo left the dais at 10:18 p.m.

Councilmember Kennedy left the dais at 10:23 p.m.

PASADENA CLIMATE ACTION PLAN (CAP), 2018 ANNUAL REPORT

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

David Reyes, Director of Planning and Community Development, provided introductory comments, and Ana Espanola, Associate Planner, provided a PowerPoint presentation on the item, and jointly, responded to questions.

Councilmember McAustin, Chair of the Municipal Services Committee, summarized the Committee's discussion on the item and expressed appreciation to the Environmental Advisory Commission (EAC) for their work with the CAP.

Vice Chair Hampton asked staff to distribute the CAP report to the community and suggested providing the information in the City's In-Focus newsletter.

Following discussion, by consensus of the City Council, and on order of the Mayor, the information was received and filed.

**RECOMMENDATIONS FROM
OFFICERS AND
DEPARTMENTS**

CONSIDERATION OF A CALL FOR REVIEW OF A HEARING OFFICER DECISION TO THE BOARD OF ZONING APPEALS TO APPROVE CONDITIONAL USE PERMIT NO. 6709 TO ESTABLISH A LODGING – HOTELS, MOTELS LAND USE (HOTEL) WITH ASSOCIATED RETAIL SALES AND SERVICES USES AT 1336 EAST COLORADO BOULEVARD (Councilmember Wilson)

Councilmember Kennedy returned at 10:30 p.m.

Councilmember Gordo returned at 10:31 p.m.

David Reyes, Director of Planning and Community Development, provided introductory comments, and Jason Van Patten, Associate Planner, provided a PowerPoint presentation on the item, and jointly, responded to questions.

Councilmember Wilson requested that the Board of Zoning Appeals (BOZA) review the proposed project in terms of the appropriate use at the location as it relates to the adopted specific plan.

The following individuals spoke in support of the request:

Jill Shook, Pasadena resident
Ed Washatka, representing POP!

Richard A. McDonald, representing the project applicant, spoke in opposition to the Call for Review to BOZA.

Following discussion, it was moved by Councilmember Wilson, seconded by Councilmember McAustin, to approve the call for review to the Board of Zoning Appeals Conditional Use Permit No. 6709 (Motion unanimously carried) (Absent: Councilmember Madison)

CERTIFICATION OF SUFFICIENCY OF AN INITIATIVE PETITION TO ALLOW OPERATION OF CANNABIS BUSINESSES THAT PREVIOUSLY OPERATED ILLEGALLY, IN VIOLATION OF THE PASADENA MUNICIPAL CODE

Recommendation:

- (1) Find that the proposed actions are exempt from review pursuant to the California Environmental Quality Act ("CEQA") and in accordance with State CEQA Guidelines Section 15061(b)(3) (General Rule);
- (2) Receive and accept the certification (Attachment A) of the sufficiency of an initiative petition to allow operation of cannabis businesses that previously operated illegally, in violation of the Pasadena Municipal Code, as confirmed by the examination and verification of signatures by the Los Angeles County Registrar-Recorder/County Clerk's Office; and
- (3) Pursuant to California Elections Code (EC) Section 9215, the City Council shall do one of the following:
 - (a) Adopt the ordinance, without alteration, at the regular meeting at which the certification of the petition is presented, or within 10 days after it is presented.
 - (b) Submit the ordinance, without alteration, to the voters.

- (c) Direct City staff to prepare a report on the impacts of the proposed initiative measure within 30 days of the certification of the petition. When the report is presented, the City Council shall either adopt the ordinance within 10 days or order an election.

Mark Jomsky, City Clerk, summarized the agenda report as part of a PowerPoint presentation, and responded to questions.

The following individuals spoke in support of the initiative petition:

Craig Pasta Jardula, Pasadena resident
Alma Galvia, Pasadena resident
Alan Jay, Pasadena resident
Jasmine Richards Abdullah, representing Black Lives Matter
Clarissa Resendez, Pasadena resident

Councilmember Gordo spoke in favor of directing staff to prepare a report on the impacts of the proposed initiative measure and requested the report include information on the following:

- The impact of the proposed initiative in light of the City's adopted regulations approved by the voters in Measure CC;
- Impacts to protections to sensitive areas, including setbacks and limits on overconcentration, for neighborhoods, parks, schools, libraries, etc.;
- Impacts to the City's current process, in the event illegal operators are grandfathered in and allowed to operate, whether legal operators must continue in the City's current process, and whether illegal operators will be subject to a permitting process;
- Which illegal operators stand to benefit from the proposed initiative, how many of these operators have been cited, how many criminal prosecutions, and how much has been spent on enforcement;
- What recourse does the City have if circulators misrepresented the initiative petition and any action the City Council can take to protect the integrity of the electoral process;
- Can the proposed initiative invalidate what a court has already deemed illegal;

- The City's ability to include a counter measure to reconfirm current adopted regulations; and
- Staff to consider any "clean-ups" that may be required for the current regulation, any information if available on.

Vice Mayor Hampton and Councilmembers Masuda, McAustin, and Wilson also spoke in favor of directing City staff to prepare a report on the impacts of the proposed initiative measure. Councilmember Wilson suggested that staff consider outside resources to assist in conducting the analysis as part of the report due to the short timeline.

Following discussion, it was moved by Councilmember Gordo, seconded by Vice Mayor Hampton, to approve the staff recommendation, including No. 3c to direct staff to prepare a report on the impacts of the proposed initiative measure. (Motion unanimously carried) (Absent: Councilmember Madison)

COUNCIL COMMENTS

Councilmember Kennedy reported on his trip to Washington, DC to attend the Congressional Black Caucus Foundation Annual Legislative Conference held on September 11-15, 2019.

Vice Mayor Hampton spoke on the grand opening of the Pacific Pace, a program by WelBeHealth to assist seniors with medical care and isolation, located at 50 Alessandro Place, which he attended earlier in the day, on September 16, 2019

ADJOURNMENT

On order of the Mayor, the regular meeting of the City Council adjourned at 11:32 p.m.

Terry Tornek, Mayor
City of Pasadena

ATTEST:

City Clerk