

CITY OF PASADENA
City Council Minutes
October 7, 2019 – 5:30 P.M.
City Hall Council Chamber

REGULAR MEETING

OPENING: Mayor Tornek called the regular meeting to order at 7:00 p.m. The pledge of allegiance was led by Councilmember Gordo.

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

The Mayor presented a proclamation to Michelle Perera, Library Director, declaring October 2019 in Pasadena, as “Bullying Prevention Awareness Month.” Ms. Perera recognized various Pasadena youth advocates, spoke on the importance of bullying prevention, and thanked the City Council for their support of this worthy cause.

The Mayor also presented a proclamation to Ali Everett, Accessibility and Disability Coordinator, and Martin Sweeney, Chair of the Accessibility and Disability Commission, declaring October 2019 in Pasadena, as “Employment of Persons with Disabilities Month.” Ms. Everett and Mr. Sweeney spoke on the importance of providing employment opportunities to the disabled community. Suzi Hope, President of the Civitan Club, provided information on the Civitan Club, and invited the City Council and community to the 90th anniversary luncheon honoring local businesses that employ individuals with disabilities to be held on October 30, 2019.

The Mayor presented a proclamation to Laura Cornejo, Director of Transportation, and members of Pasadena Complete Streets Coalition, declaring, October 2019 in Pasadena, as “National Pedestrian Safety Month.” Ms. Cornejo spoke on the importance of pedestrian safety, and thanked the City Council for the recognition.

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

Councilmember Wilson thanked Pasadena Complete Streets Coalition and staff for their work; and encouraged the community to consider walking instead of driving to local areas.

The following individuals spoke in support and advocated for affordable housing projects for homeless individuals, citing the YWCA building as an affordable housing opportunity:

Evelyn Stewart, Pasadena Mennonite Church
Timothy Reardon, Pasadena Mennonite Church
Dannette Fernandez, Los Angeles resident

Lisa Davis and Darryl Davis, submitted a copy of their complaint, expressed concerns with their safety as it relates to the actions of several Pasadena Police Officers that they believe are harassing Mr. Davis, and requested an update on their multiple police misconduct complaints filed with the Department.

In response to Councilmember Kennedy's inquiry related to staff's commitment to follow up with the public speakers, City Manager Mermell responded that staff will review the complaints submitted by the speakers and once completed, will contact the speakers to address their concerns.

Vice Mayor Hampton also asked staff to address the safety concerns of the public speakers.

Raymond Monge Jr, transient, expressed concerns with Pasadena Police Officers who harass transients while in in the public right of way.

Faithanne Truong, Sierra Madre resident, expressed concerns with policies and laws that have a negative impact on homeless individuals in Pasadena; and advocated for the City to make available storage facilities for homeless individuals to store their personal belongings.

Deidra Duncan, Pasadena resident, reiterated her request for assistance with releasing a towed vehicle, as well as with the excessive impound fees.

In response to the public speaker, City Manager Mermell requested that the owner of the registered vehicle contact his office so that the City's fees may be waived.

Councilmember Gordo asked staff to provide information on fees related to towing and impounded vehicles.

Rafael, San Fernando resident, expressed concerns with, the lack of food sources on the planet, and global warming.

CONSENT CALENDAR

AUTHORIZATION TO ENTER INTO A CONTRACT WITH PERRY C. THOMAS CONSTRUCTION, INC., FOR SEISMIC ANCHORAGE OF ELECTRICAL UNITS AT THE VILLA SUBSTATION FOR AN AMOUNT NOT-TO-EXCEED \$201,354

Recommendation:

- (1) Find the proposed action to be categorically exempt under the California Environmental Quality Act ("CEQA") pursuant to Section 15301 (Existing Facilities) and that there are no features that distinguish this project from others in the exempt class and, therefore, there are no unusual circumstances; and
- (2) Accept the bid dated July 17, 2019, submitted by Perry C. Thomas Construction, Inc., in response to Specifications LD-19-03 to furnish labor and materials for Seismic Anchorage of Electrical Units at the Villa Substation; reject all other bids received, and authorize the City Manager, or his designee, to enter into a contract with Perry C. Thomas Construction, Inc., for an amount not-to-exceed \$201,354, which includes a base contract amount of \$183,049 and a 10% contingency of \$18,305 to provide for any unforeseen change orders. (Contract No. 31585)

Item discussed separately

AUTHORIZATION TO ENTER INTO CONTRACTS WITH CDM SMITH INC., DUDEK, ECO TIERRA CONSULTING INC., ENVIRONMENTAL SCIENCE ASSOCIATES, EYESTONE-JONES ENVIRONMENTAL, LLC, GALVIN PRESERVATION ASSOCIATES INC., IMPACT SCIENCES, INC., MICHAEL BAKER INTERNATIONAL, INC., AND PSOMAS FOR PREPARATION OF ENVIRONMENTAL DOCUMENTS AND TECHNICAL STUDIES

AUTHORIZATION TO ENTER INTO A CONTRACT WITH THE CITY OF LOS ANGELES TO PROVIDE HOUSING OPPORTUNITIES FOR PEOPLE WITH AIDS TENANT-BASED RENTAL ASSISTANCE

Recommendation:

- (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 a significant effect on the environment;
- (2) Authorize the City of Pasadena to enter into a contract with the City of Los Angeles in the amount of \$180,670 to provide Housing Opportunities for People with AIDS (HOPWA) – funded rental assistance; and
- (3) Authorize the City Manager to execute, and the City Clerk to attest, all related documents, agreements and amendments. (Contract No. 23,269)

ECONOMIC DEVELOPMENT AND TECHNOLOGY COMMITTEE: APPROVAL OF KEY BUSINESS TERMS OF DISPOSITION, DEVELOPMENT AND LOAN AGREEMENT WITH SAN GABRIEL VALLEY HABITAT FOR HUMANITY FOR THE DEVELOPMENT OF 136-138 W. HOWARD STREET AS A TWO-UNIT AFFORDABLE HOMEOWNERSHIP PROJECT

Recommendation: It is recommended that the Economic Development and Technology Committee recommend to the City Council that it take the following actions:

- (1) Find that the City provision of loan assistance to San Gabriel Valley Habitat for Humanity ("SGV Habitat") for the acquisition of City-owned property at 136-138 W. Howard Street ("Property") and the construction of two housing units do not have a significant effect on the environment and has been determined to be categorically exempt under Class 3 (New Construction or Conversion of Small Structures) of the State California Environmental Quality Act ("CEQA") and, specifically, Section 15303 of the State CEQA Guidelines; and
- (2) Approve key business terms of the Disposition, Development and Loan Agreement, as set forth in the agenda report, with SGV Habitat for the development of an affordable two-unit homeownership project on the Property. (Contract No. 23,273)

Recommendation of the Northwest Commission: At its regular meeting of September 10, 2019, the Northwest Commission considered the subject matter and unanimously recommended City Council approval of the staff recommendation.

MUNICIPAL SERVICES COMMITTEE: AUTHORIZATION TO ENTER INTO CONTRACTS WITH RED CLAY CONSULTING, ACCELERATED INNOVATIONS, INFOSEND, INC., AND PAYMENTUS CORP. TO PROVIDE RESPECTIVELY: IMPLEMENTATION SERVICES, SOFTWARE LICENSING AND SUPPORT SERVICES, CUSTOMER SELF-SERVICE, AND ELECTRONIC BILL PRESENTMENT AND PAYMENT SOLUTIONS FOR A NEW UTILITY CUSTOMER INFORMATION SYSTEM

Recommendation:

- (1) Find that the proposed action is exempt from the California Environmental Quality Act ("CEQA") pursuant to State CEQA Guidelines Section 15061(b)(3) (Common Sense Exemption or General Rule);
- (2) Authorize the City Manager to enter into a services contract with Red Clay Consulting for an amount not-to-exceed \$8,209,048, pursuant to a competitive selection process, as specified by Section 4.08.047 to provide implementation services for the Customer Information System ("CIS"), Customer Self-

Service ("CSS"), and Electronic Bill Payment and Presentment ("EBPP") Project (collectively "Project"); (Contract No. 31589)

(3) Authorize the City Manager to enter into a seven year services contract with Accelerated Innovations for an amount not-to-exceed \$536,500 with approval for two additional two year extensions for an amount not-to-exceed \$214,600 each, pursuant to a competitive selection process, as specified by Section 4.08.047 of the Pasadena Municipal Code, to furnish and deliver software licenses and support services for a cloud-based CSS portal. Total contract amount will not exceed \$965,700; (Contract No. 31591)

(4) Authorize the City Manager to enter into a seven year services contract with Infosend Inc., for an amount not-to-exceed \$2,389,520 with approval for two additional two year extensions for an amount not-to-exceed \$955,808 each, pursuant to a competitive selection process, as specified by Section 4.08.047 of the Pasadena Municipal Code, to provide EBPP bill presentment, printing and mailing services. Total contract amount will not exceed \$4,301,136; (Contract No. 31592)

(5) Authorize the City Manager to enter into a seven year services contract with Paymentus Corp. for an amount not-to-exceed \$534,881 with approval for two additional two year extensions for an amount not-to-exceed \$247,088 each, pursuant to a competitive selection process, as specified by Section 4.08.047 of the Pasadena Municipal Code, to provide EBPP payment processing services. Total contract amount will not exceed \$1,029,057; and (Contract No. 31593)

(6) Approve amendment of the Fiscal Year (FY) 2020 Capital Improvement Program with an appropriation from the Light and Power Fund balance of \$5,335,881 to Capital Improvement Program ("CIP") No. 3022 in the Power Capital Fund and from the Water Fund balance of \$2,873,167 to CIP No. 1012 in the Water Capital Fund. (Budget Amendment No. 2020-11)

Recommendation of the Municipal Services Committee: On September 24, 2019, the Municipal Services Committee unanimously approved the staff's recommendation to the City Council. The Committee requested additional information about the necessity and importance of the CIS Project, which has been added to the background section of the agenda report. The Committee also requested information about each recommended vendor, scoring of vendor proposals and estimated project budget, which are included in Attachments A, B, and D, respectively.

PUBLIC SAFETY COMMITTEE: PREPARATION OF AN ORDINANCE ADOPTING THE CALIFORNIA CODE OF REGULATIONS TITLE 24 PARTS 1-12 INCORPORATING THE 2019 CALIFORNIA BUILDING CODE AND APPENDIX

CHAPTERS C, D, H, I, AND J; THE 2019 CALIFORNIA RESIDENTIAL CODE APPENDIX CHAPTERS H, J, AND V; THE 2019 CALIFORNIA GREEN BUILDING STANDARDS CODE; THE 2019 CALIFORNIA ELECTRICAL CODE; THE 2019 CALIFORNIA MECHANICAL CODE; THE 2019 CALIFORNIA PLUMBING CODE; THE 2019 CALIFORNIA ADMINISTRATIVE CODE; 2019 CALIFORNIA ENERGY CODE; THE 2019 CALIFORNIA FIRE CODE AND APPENDIX CHAPTER 4 AND APPENDICES B THROUGH O; THE 2019 CALIFORNIA HISTORICAL BUILDING CODE; THE 2019 CALIFORNIA REFERENCED STANDARDS CODE AND 2019 CALIFORNIA EXISTING BUILDING CODE

Recommendation:

(1) Find that the amendments proposed in the agenda report are exempt from the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines Section 15061(b)(3) (General Rule); and

(2) Direct the City Attorney to prepare an ordinance and return within 60 days adopting the California Code of Regulations Title 24, incorporating the 2019 California Building Code and Appendix Chapters C, D, H, I, and J; 2019 California Residential Code and Appendix Chapters H, J, and V; 2019 California Mechanical Code; 2019 California Plumbing Code; 2019 California Electrical Code; 2019 California Fire Code and Appendix Chapter 4 and appendices B through O; 2019 California Green Buildings Standards Code, 2019 California Administrative Code; 2019 California Energy Code; 2019 California Historical Code; 2019 California Referenced Standards Code and 2019 California Existing Building Code with modifications as detailed in the background section of the agenda report.

Item discussed separately

PUBLIC SAFETY COMMITTEE: AUTHORIZATION TO ENTER INTO A CONTRACT WITH MOTOROLA SOLUTIONS INC., FOR A TOTAL NOT-TO-EXCEED OF \$8,000,000 FOR RADIO COMMUNICATIONS EQUIPMENT AND ACCESSORIES

Item discussed separately

AUTHORIZATION TO ENTER INTO NOVATION AND AMENDMENT AGREEMENT BETWEEN GAMBLE HEIRS, CITY OF PASADENA, UNIVERSITY OF SOUTHERN CALIFORNIA, AND THE GAMBLE HOUSE CONSERVANCY AND SEEK COURT APPROVAL THEREOF; AND SUBSEQUENTLY TO ENTER INTO AN OPERATING AGREEMENT WITH THE GAMBLE HOUSE CONSERVANCY AND CONCURRENTLY TERMINATE LICENSE AGREEMENT WITH UNIVERSITY OF SOUTHERN CALIFORNIA

RESIGNATIONS,
APPOINTMENTS, &
REAPPOINTMENTS

RESIGNATION OF ROGELIO RAMIREZ FROM THE NORTHWEST COMMISSION (District 3 Nomination)

APPOINTMENT OF SRINIVAS M. RAO TO THE DESIGN COMMISSION (At Large Nomination/District 6)

APPOINTMENT OF WILLIAM H. CHU TO THE PASADENA CENTER OPERATING COMPANY BOARD (At Large Nomination/District 7)

APPOINTMENT OF ESTELLE CAMPBELL TO THE ARTS AND CULTURE COMMISSION (District 4 Nomination)

APPOINTMENT OF MIKE OWEN TO THE PASADENA CENTER OPERATING COMPANY BOARD (Hotel Nomination)

APPOINTMENT OF ANASTASCIA MEHMOOD TO THE LIBRARY COMMISSION (District 3 Nomination)

APPROVAL OF MINUTES

September 16, 2019

CLAIMS RECEIVED

| | | | |
|------------------|---|----|------------|
| Claim No. 13,397 | Law Offices of Andrew D. Sitzer, representing Nicholas Griffith | \$ | Not stated |
| Claim No. 13,398 | B&D Law Group, APLC, representing Sandra Partida | | 25,000.00+ |
| Claim No. 13,399 | Lake BD Investments, LLC | | 475.00 |
| Claim No. 13,400 | Javaherian & Ruszecki, PC, representing Young Suk Song | | 25,000.00+ |
| Claim No. 13,401 | Alisa Nadjaryan | | 209.50 |
| Claim No. 13,402 | Enrique Gomez | | 6,343.91 |
| Claim No. 13,403 | Bentley & More LLP, representing Eric Cantley | | 25,000.00+ |
| Claim No. 13,404 | Mercury Insurance as subrogee for Joseph Collins | | 8,208.41 |
| Claim No. 13,405 | Janette E. Thomas | | Not stated |
| Claim No. 13,406 | Maiya Sims | | Not stated |

PUBLIC HEARTINGS SET

October 28, 2019, 7:00 p.m. – Designation of 873 North Hill Avenue as a Landmark

October 28, 2019, 7:00 p.m. – Designation of 180 South San Rafael Avenue as a Landmark

November 4, 2019, 7:00 p.m. – 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

Following discussion, it was moved by Councilmember McAustin, seconded by Councilmember Gordo, to approve all items on the Consent Calendar with the exception of Item 2 (Authorization to enter into contracts for Preparation of Environmental Documents and Technical Studies), Item 7 (Authorization to Enter Into A Contract With Motorola Solutions, Inc.), and Item 8 (Authorization to Enter Into a Novation and Amendment Agreement Between Gamble Heirs, City of Pasadena USC, and The Gamble House Conservancy), which were discussed separately. (Motion unanimously carried) (Absent: Councilmember Madison)

**CONSENT ITEMS
DISCUSSED SEPARATELY**

AUTHORIZATION TO ENTER INTO CONTRACTS WITH CDM SMITH INC., DUDEK, ECO TIERRA CONSULTING INC., ENVIRONMENTAL SCIENCE ASSOCIATES, EYESTONE-JONES ENVIRONMENTAL, LLC, GALVIN PRESERVATION ASSOCIATES INC., IMPACT SCIENCES, INC., MICHAEL BAKER INTERNATIONAL, INC., AND PSOMAS FOR PREPARATION OF ENVIRONMENTAL DOCUMENTS AND TECHNICAL STUDIES

Recommendation:

(1) Find that actions proposed in the agenda report are exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3)(General Rule);

(2) Authorize the City Manager to enter into contracts for an amount not-to-exceed \$600,000 or three years, whichever occurs first, based on a competitive selection process, pursuant to Pasadena Municipal Code Section 4.08.047 for preparation of environmental documents and technical studies to:

- | | |
|---------------------------------------|--|
| (a) CDM Smith Inc. | (f) Dudek |
| (b) EcoTierra Consulting Inc. | (g) Environmental Science Associates |
| (c) Eyestone-Jones Environmental, LCC | (h) Galvin Preservation Associates Inc |
| (d) Impact Sciences Inc. | (i) Michael Baker International, Inc. |
| (e) Psomas | |

(3) Authorize the City Manager to extend contracts for up to two additional one-year periods in amounts not-to-exceed \$200,000 per contract, per year. (Contract Nos. 31578, 31588, 31581, 31582, 31584, 31579, 31580, 31590, 31583)

Eric Reese, residence not stated, advocated for staff to conduct a technical study on the possibility of using porous reflective pavement as the preferred roadway and building material in the City.

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

PUBLIC SAFETY COMMITTEE: AUTHORIZATION TO ENTER INTO A CONTRACT WITH MOTOROLA SOLUTIONS INC., FOR A TOTAL NOT-TO-EXCEED OF \$8,000,000 FOR RADIO COMMUNICATIONS EQUIPMENT AND ACCESSORIES

Recommendation:

- (1) Find that the proposed contract is exempt from the California Environmental Quality Act ("CEQA") pursuant to State CEQA Guidelines Section 15061(b)(3);
- (2) Authorize the City Manager to enter into a contract with Motorola Solutions, Inc., for an amount not-to-exceed \$8,000,000 for radio communications equipment and accessories. Competitive Bidding is not required pursuant to City Charter Section 1002(H), contracts with other government entities or their contractors for labor, material, supplies or services;
- (3) Grant the proposed contract an exemption from the competitive selection process of the Competitive Bidding and Purchasing Ordinance, Chapter 4.08 of the Pasadena Municipal Code, pursuant to Section 4.08.049(B), contracts for which the City's best interests are served; and
- (4) Amend the Fiscal Year (FY) 2020 Capital Improvement Program with an appropriation of \$6,000,000 to the Radio Communication Equipment Upgrade and Replacement Project No. 71166 from an equipment lease instrument. (Contract No. 31595, Budget Amendment No. 2020-12)

Phillip Leclair, Chief Information Officer, presented a PowerPoint presentation on the item, and responded to questions. City Manager Mermell responded to questions related to the City's replacement fund of rolling stock vehicles, and various communication systems. Matt Hawkesworth, Director of Finance, responded to questions related to the financing of the radio communication equipment. Ken Gurwell, Telecommunications Supervisor, responded to questions related to the equipment specifications and standards.

Councilmember Kennedy, Chair of the Public Safety Committee, summarized the Committee's discussion on the item, expressed concerns with the proposed discount related to per unit costs; and asked staff to make available the recommended lifecycle of the radios to be purchased and in the future ensure critical equipment is replaced. He stated the following for the record, "What we currently have in place in terms of equipment, if it is going to be declared surplus, that we would give an opportunity, possibly to one of our sister cities organizations to have an opportunity to either bid on it or actually gift the surplus property according to whatever the requirements are set by state law and local ordinance."

Scott Auston, Pasadena Firefighters Association, spoke in support of the staff recommendation.

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

AUTHORIZATION TO ENTER INTO NOVATION AND AMENDMENT AGREEMENT BETWEEN GAMBLE HEIRS, CITY OF PASADENA, UNIVERSITY OF SOUTHERN CALIFORNIA, AND THE GAMBLE HOUSE CONSERVANCY AND SEEK COURT APPROVAL THEREOF; AND SUBSEQUENTLY TO ENTER INTO AN OPERATING AGREEMENT WITH THE GAMBLE HOUSE CONSERVANCY AND CONCURRENTLY TERMINATE LICENSE AGREEMENT WITH UNIVERSITY OF SOUTHERN CALIFORNIA

Recommendation:

- (1) Find that the actions proposed in the agenda report are exempt from environmental review pursuant to State CEQA Guidelines Section 15301 (existing facilities), there are no features that distinguish this project from others in the exempt class, and no unusual circumstances exist;
- (2) Authorize the City Manager or his designee to finalize negotiations and enter into a Novation and Amendment Agreement between the Gamble Heirs, the City of Pasadena, the University of Southern California, and the Gamble House Conservancy, and then seek court approval of such Novation and Amendment Agreement; and
- (3) If such court approval is granted, finalize negotiations and enter into an operating agreement with the Gamble House Conservancy regarding licensing and operating the Gamble House, and concurrently terminate a License Agreement with the University of Southern California regarding the Gamble House.

Theresa Fuentes, Assistant City Attorney, responded to questions related to the proposed agreement submittal requirements; and fiscal data related to property maintenance.

The Mayor responded to questions related to the property maintenance expenses and property insurance; and thanked the Gamble House Conservancy representatives for their work in creating a new non-profit organization.

Councilmember Gordo requested that staff agendaize for future discussion the creation of a policy for requiring non-profit organizations to report back to the City on the use of funding where the City played a role in facilitating, subsidizing, or securing funds for the non-profit. He stated his belief that the City should be made aware of how the funding was spent, with nonprofits to be required to submit yearly reports to the City.

Councilmember Wilson spoke in favor of a policy discussion on City subsidized non-profit organization reporting, and determine the levels and categories of such reporting.

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

**PUBLIC COMMENT ON
REGULAR BUSINESS ITEMS**

Jon Fuhrman, Pasadena resident, spoke in favor of denying the Board of Zoning Appeal's decision related to the Conditional Use Permit submitted by the applicant Sweetflower; and in favor of adopting the initiative petition to allow the operation of cannabis business the previously operated illegally.

**RECOMMENDATIONS FROM
OFFICERS AND
DEPARTMENTS**

APPEAL OF BOARD OF ZONING APPEAL'S DECISION ON DIRECTOR DECISION THAT THE "CONDITIONAL USE PERMIT: CANNABIS RETAIL" APPLICATION FOR 827 EAST COLORADO BOULEVARD SUBMITTED BY SWEETFLOWER PASADENA, LLC IS INCOMPLETE (PLN2019-00386)

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

- (1) Adopt a determination that the proposed action is exempt from the California Environmental Quality Act (CEQA) under Section 15061(b)(3) of the State CEQA Guidelines. This exemption applies where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment; and

(2) Uphold the Board of Zoning Appeal's decision that SweetFlower Pasadena, LLC's "Conditional Use Permit: Cannabis Retailer" application is incomplete because it did not provide required information of which it had notice, specifically a location map prepared by a license surveyor.

Councilmember Wilson reported the following, "At the request of residents, I did have coffee with representatives from SweetFlower. The discussion was informal and didn't delve into the material aspects of the appeal. I informed them it would be inappropriate for me to state an opinion regarding their application before their hearing and I have an open mind for this hearing and will base my decision on what is presented on the record tonight."

Vice Mayor Hampton disclosed the following, "I did not meet with the applicant themselves, but the property owner lives in my district that the applicant is potentially going to lease, so I just wanted to mention that I have had conversations with the property owner. She lives in my district. She is a neighbor."

Councilmember Kennedy stated the following for the record, "The property owner, I know, I've had lunch with [the owner] when I lived in District 1, at the corner of Westgate and Arroyo. I believe the applicant lives probably within 50 yards or less from my former residence; and I believe I can be objective as it relates to the matter, Agenda Item No. 13."

David Reyes, Director of Planning and Community Development, provided Guillermina Nunez, Management Analyst, jointly provided a PowerPoint presentation on the item, and responded to questions. Jennifer Paige, Deputy Director of Planning, responded to questions related to the June 12, 2019 workshop held by staff. City Manager Mermell responded to questions related to the designated selection committee comprised of the City's consultants Hindlerliter, de Llamas & Associates Companies.

Michele Beal Bagneris, City Attorney/City Prosecutor, provided information on the quasi-judicial standard of review for land use approvals. Theresa Fuentes, Assistant City Attorney, provided information on the permit streamlining act; and responded to questions.

On the order of the Mayor, the regular meeting recessed at 10:21 p.m. and reconvened at 10:26 p.m.

Timothy Dodd, CEO of SweetFlower Pasadena, LLC, presented a PowerPoint presentation on his organization, expressed concerns with the City's Conditional Use Permit (CUP) process related to cannabis retail, spoke in opposition to the staff recommendation, and responded to questions.

The following individuals spoke in opposition to the staff recommendation to uphold the Board of Zoning Appeal's (BOZA's) decision that SweetFlower Pasadena, LLC's "Conditional Use Permit: Cannabis Retailer" application is incomplete:

John Kasparian, SweetFlower
Pattyl Kasparian, Pasadena resident

The following individuals spoke in favor of the staff recommendation to uphold BOZA's decision that SweetFlower Pasadena, LLC's "Conditional Use Permit: Cannabis Retailer" application is incomplete:

Jordan Ferguson, representing Harvest Pasadena
Richard A. McDonald, representing Integral Associates
Ben Kimbro, representing Harvest of Pasadena

Councilmember Wilson expressed concerns with the dynamics of fairness related to the cannabis retail CUP process.

Councilmembers McAustin and Masuda, and Mayor Tornek spoke on the applicant's CUP application and the need to be fair to all applicants; and spoke in support of the staff recommendation to uphold BOZA's decision related to SweetFlower's application.

Vice Mayor Hampton expressed concerns with application process, the definition of a complete application and stated his disagreement with the staff recommendation.

Councilmember Kennedy spoke on the need to comply with the City's application process; and spoke in support of the staff recommendation to uphold BOZA's decision related to SweetFlower's application. He also spoke on the need to fix regulations that provided four cannabis shops in the City, as he believes the City's voters anticipated more than 4 operators in the City.

Councilmember Gordo distributed a map and expressed concerns with the application process, noting inconsistencies/deficiencies in certain documents. He stated his belief that the rating sheets, and various communications, should be made available to the public to ensure transparency.

It was moved by Councilmember McAustin, seconded by Mayor Tornek, to approve the staff recommendation, and uphold the the Board of Zoning Appeal's decision that SweetFlower Pasadena, LLC's "Conditional Use Permit: Cannabis Retailer" application is incomplete:

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

**RECOMMENDATIONS FROM
OFFICERS AND
DEPARTMENTS**

**REPORT ON IMPACTS OF INITIATIVE PETITION TO ALLOW
OPERATION OF CANNABIS BUSINESSES THAT
PREVIOUSLY OPERATED ILLEGALLY, IN VIOLATION OF
THE PASADENA MUNICIPAL CODE**

- (1) Accept the Report on Impacts of Initiative Petition to Allow Operation of Cannabis Businesses That Previously Operated Illegally, In Violation of the Pasadena Municipal Code; and
- (2) Direct one of the following:
 - a. Adopt the ordinance set forth in the Initiative Petition within 10 days, or
 - b. Order an election thereon, and direct the City Clerk to prepare the necessary resolutions calling the election (March 3, 2020 as part of the City's regular primary municipal election).

Michele Beal Bagneris, City Attorney/City Prosecutor, provided introductory comments, and Theresa Fuentes, Assistant City Attorney presented a PowerPoint presentation on the item and responded to questions. Mark Jomsky, City Clerk, provided information related to the resolutions calling the March 3, 2020 election.

Councilmember Gordo expressed concerns with the Initiative Petition's proposed ordinance, which allows illegal cannabis businesses to operate in the City. He spoke in favor of ordering an election. He ask staff to prepare a competing measure for the City Council's consideration that will take a strong stance against the Initiative Petition's proposed ordinance.

Vice Mayor Hampton asked staff to provide information on the costs associated with including a competing measure on the March 3, 2020 election; and stated that he does not support utilizing City's resources to include a competing measure. He stated the need to discuss amending the zoning regulations related to cannabis retailers to allow for more than four retailers to receive permits to operate.

Councilmember McAustin spoke in support of including a competing ballot measure on the March 3, 2020 election and on the importance of educating the public regarding the initiative petition ballot measure.

Councilmember Kennedy stated the need for the City Council to ask staff to return to the City Council with recommendations on how the City may allow six cannabis retailers in the City.

Following discussion, it was moved by Councilmember Gordo, seconded by Councilmember McAustin, to approve the Staff Recommendations No. 1 and No. 2B, directing staff to prepare the necessary resolutions to place the initiative petition ballot measure on the March 3, 2020 Primary Municipal Election. In addition, staff was directed to prepare language for a competing ballot measure and return for City Council consideration. (Motion unanimously carried) (Absent: Councilmember Madison)

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

Bryant Matthews, Pasadena resident, thanked the City Council for supporting the Pasadena Unified School District (PUSD), specifically in terms of Measure J funds; and asked the City Council to encourage closing a high school and middle school facility so that funds can be used to reinvest in PUSD teachers and student support.

Todd Terrazas, President of AI LA, invited the City Council and community to participate in their event, Life Summit with Innovate Pasadena, on October 17, 2019 at Caltech, 1200 E. California Boulevard.

COUNCIL COMMENTS


Mayor Tornek reported that PUSD's Board of Education voted to close Franklin, Jefferson, and Roosevelt elementary schools; and on Thursday, October 10, 2019, will discuss closing secondary schools. He spoke on the well-attended 34th Annual Ruby McKnight Williams Awards dinner, which celebrated their 100th year anniversary, held on Thursday, October 3, 2019.

Vice Mayor Hampton asked staff to agendize at the City Council or Economic Development and Technology Committee (EDTech) a discussion on businesses that are closing and a list of services the City's various departments can provide to retain such businesses in the City.

In response, City Manager Mermell stated he would provide an update to the EDTech Committee at a future meeting.

ADJOURNMENT

On order of the Mayor, the regular meeting of the City Council adjourned at 12:40 a.m.



Terry Tornek, Mayor
City of Pasadena

ATTEST:



City Clerk