

CITY OF PASADENA
City Council Minutes
March 17, 2020 – 11:40 A.M.
City Hall Council Chamber

SPECIAL MEETING

OPENING: Vice Mayor Hampton called the special meeting to order at 11:40 a.m. The pledge of allegiance was led by Councilmember Gordo.

ROLL CALL:
Councilmembers: Mayor Terry Tornek (Absent)
Vice Mayor Tyron Hampton
Councilmember Victor Gordo
Councilmember John J. Kennedy (Participated telephonically)
Councilmember Steve Madison (Participated telephonically)
Councilmember Gene Masuda (Participated telephonically)
Councilmember Margaret McAustin (Participated telephonically)
Councilmember Andy Wilson (Participated telephonically)

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

**ORAL UPDATE – RESPONSE TO COVID-19 OUTBREAK –
CITY MANAGER**

City Manager Mermell presented a PowerPoint presentation on the City's actions and objectives during the COVID-19 outbreak, and responded to questions. Dr. Ying Ying Goh, MD, Director of Public Health, provided world, national, and local data on the COVID-19 outbreak and responded to questions. Patrick Cahalan, Pasadena Unified School District (PUSD), provided information on PUSD's actions and objectives to keep students and their families safe from COVID-19 outbreak, and discussed school closures, child care programs, and student meal programs; and responded to questions. Akila Gibbs, Executive Director of Pasadena Senior Center, provided information on the changes of services provided to seniors to prevent the spread of COVID-19, and responded to questions.

Councilmember Kennedy suggested that staff look into the actions taken by Wuhan, China officials as a learning model, and make any necessary implementations to prepare for worst case scenarios of a COVID-19 outbreak in Pasadena. He also suggested staff contact City of Hope representatives to discuss any assistance that may be required during the COVID-19 outbreak.

Councilmember Madison requested that staff determine if there is a shortage of blood supply at Huntington Memorial Hospital.

Councilmember McAustin spoke in favor of staff working with surrounding municipalities and Los Angeles County, to pursue a short, aggressive, and intensive stay-at-home order, for approximately 14 to 21 days.

Councilmember Wilson expressed concerns with the staff's Emergency Operations Committee, which does not include a representative from the Huntington Memorial Hospital, and encouraged staff to seek out representatives from the hospital, as well as PUSD. He also asked staff to put effort into ensuring the availability of COVID-19 testing within the community and by City partners such as the Huntington Hospital.

Councilmember Gordo spoke on the importance of working and coordinating with surrounding communities including cities that are members of the San Gabriel Valley Council of Governments, and the need to consider rejoining (SCVCOG). He asked staff to:

- Work with PUSD to determine the capacity of providing meals to students and the ability to expand the program to provide meals to the most vulnerable in the community including children, adults, seniors and disabled individuals;
- Work with PUSD to identify foster care facilities to ensure these facilities have necessary provisions and are following all the correct protocols;
- Work with Los Angeles County staff to implement a moratorium on foster care kids being graduated from the foster care system during the COVID-19 crisis;
- Provide information on the authority to declare all City employees disaster service workers; and
- Consider how staff can be redirected to begin cleaning public areas (i.e. train stations, bus stops, public restrooms).

Felicia Williams, Pasadena resident, expressed concerns with the COVID-19, specifically the impacts to small businesses; asked staff to involve small businesses by having them provide meals to those in need using City funds to pay small businesses; and spoke on the need to address emotional impacts of the outbreak.

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

ACTION ITEM: ADOPTION OF A RESOLUTION OF THE CITY COUNCIL RATIFYING THE CITY MANAGER'S DECLARATION OF LOCAL EMERGENCY IN RESPONSE TO COVID-19 PANDEMIC

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) (Common Sense Exemption);
2. Adopt a resolution ratifying the March 16, 2020, City Manager declaration of a local emergency in response to COVID-19; and
3. Ratify **THE DECLARATION OF LOCAL EMERGENCY – CORONAVIRUS (COVID-19), AND FIRST SUPPLEMENT TO THE DECLARATION OF LOCAL EMERGENCY – CORONAVIRUS (COVID-19)** instituted by the City Manager to protect members of the public and City workers from an undue risk of contracting COVID-19 virus, and related actions. (Resolution No. 9769)

City Manager Mermell responded to questions related to the distinction of actions between the City's Local Public Health Emergency and the staff recommendation; and stated that staff is taking every action necessary and possible for the City to claim federal reimbursement for expenses related to the COVID-19 pandemic.

Councilmember Gordo requested that the proposed action of the City include required language and follow all necessary steps in order to ensure that local businesses will be able to qualify for loan modifications/assistance under the new Small Business Administration (SBA) guidelines.

In response to Councilmember Gordo's inquiry related to SBA guidelines, City Attorney/City Prosecutor Michele Beal Bagneris stated that she is not aware of any SBA loan modifications, however, the proposed resolution includes specific language that refers to the California Disaster Assistance Act.

Motion:

Following discussion, it was moved by Councilmember Kennedy, seconded by Councilmember Madison, to approve the staff recommendation, amended to include direction to the City Manager and City Attorney to conform City actions to be applicable to Federal and State requirements, ensuring City access to emergency funding, including funding to assist small businesses:

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

Councilmember McAustin asked staff to consider, evaluate and prepare a stay-at-home order to be effective as soon as possible,

which would effectively require people to stay at home, only allowed to leave for essential services, modeled after the San Francisco stay-at-home mandate, as she believes this action is the most effective in stopping the virus from spreading.

Councilmembers Madison, Kennedy, and Gordo expressed concerns with prematurely moving forward with a stay-at-home order that may have unattended consequences related to the economic well-being of the community, with Councilmember Gordo advocating for a regional approach. Councilmember Gordo asked staff to contact representatives from the County of Los Angeles and the San Gabriel Valley Council of Governments to determine if a regional plan is being developed.

Councilmember Wilson and Vice Mayor Hampton spoke in support of staff preparing a stay-at-home order and to be proactive and prepared.

City Manager Mermell spoke on the City's plans to work with Los Angeles County and other surrounding cities to reach a consensus on a regional stay-at-home order.

Councilmember Madison stated the following for the record, "The fact that I don't support the motion [or suggestion] does not mean I'm simply hoping that this will go away. What I understand, is the City Manager doesn't need any help from us at this particular moment in terms of being prepared to respond [quickly] with whatever steps are necessary including the kind of curfew that is being discussed."

Councilmember Wilson asked staff to work collaboratively with local healthcare providers to rapidly and radically deploy broad-based drive-thru testing and to build significant hospital surge capacity in our community, including the allocation of staff time and City funds.

ACTION ITEM: CONSIDERATION OF ACTION TO REDUCE THE IMPACTS ON RESIDENTS AND LOCAL BUSINESSES RELATED TO THE COVID-19 PANDEMIC

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) (Common Sense Exemption); and
2. Consider and provide direction on various options to reduce the financial burden on residents and local businesses during the period of Local Emergency related to the COVID-19 Pandemic.

City Manager Mermell reported that he spoke with local business representatives related to City action to prevent the spread of COVID-19 during the current pandemic, and summarized the

agenda report related to staff's recommended mitigation actions and responded to questions. Michele Beal Bagneris, City Attorney/City Prosecutor, responded to questions related to the City's ability to provide fair relief to small businesses in the City. Matt Hawkesworth, Director of Finance, responded to questions related to the City's action to save money, market liquidity, and public debt. Laura Cornejo, Director of Transportation, and Jon Hamblen, Parking Manager, responded to questions related to impacts of relaxing overnight street parking.

Florence Annang and Julieta Aragor, Pasadena residents, spoke in opposition to employers in the City postponing the minimum wage increase scheduled for July 1, 2020.

Kate Spear, representing UNITE HERE! Local 11, asked that the City take steps to protect workers by including just cause provisions for terminations as part of the City's emergency legislation in order to protect hospitality workers.

City Clerk Jomsky reported that staff received 11 letters of correspondence providing comments on the item, which were distributed to the City Council and posted online.

Councilmember Wilson asked staff to provide additional analysis on business tax revenue projections by business type and size.

Councilmember Gordo requested that staff redeploy career services workers to assist residents who are having to apply for unemployment benefits. He spoke on the need to provide relief to small business owners, suggested that staff explore the possibility of the City utilizing reserves to issue loans to small businesses, provide assistance by temporarily reduce or halt the collection of utility fees, license fees, and health inspection fees. In addition, Mr. Gordo requested that staff provide data on the number of businesses that have been directly impacted by COVID-19. Councilmember Gordo asked staff to consider partnering with non-profit organizations to begin meal programs for senior citizens, setting aside money from the City's emergency reserves to fund such a program for the next 30 to 60 days for those seniors that are unable to leave their homes, go shopping, or prepare their own meals.

Councilmember Kennedy, asked staff to work with Vallarta Supermarket in Pasadena, as a possible contractor or consultant, to provide food services or food preparation, and advocated for the City to conduct food distribution through the Jackie Robinson Community Center. He spoke in favor of staff assisting small business owners to access Small Business Administration (SBA) very low interest rate loans, Federal Emergency Management Agency (FEMA) grants, and other entities in the federal

government, prior to considering the utilization of critical general fund dollars to outside entities. He also spoke on the need to provide disinfectants and food to the disabled, physically challenged, and boarding care facilities. Councilmember Kennedy spoke in favor of the City Council authorizing the City Manager to spend up to \$150,000 to work with vendors who have been prequalified by the City's Health Department to provide meals, specifically for the elderly, disabled, and other individuals the City Council determines are in need.

Councilmember McAustin asked staff to amend Recommended Action C of the staff report to include relaxing overnight parking restrictions on a citywide basis; as well as easing parking restrictions in both major and smaller business district areas, but to ensure not to make any changes to the current regulations related to preferential parking for residents. She spoke in support of Councilmembers Kennedy's request for City staff to assist small business owners and help them access SBA and FEMA loans. She also spoke in favor of providing financial assistance to organizations (i.e. community kitchens, restaurants) to work together with non-profit organizations to provide meals to seniors and individuals who are home-bound; and for staff to suspend the collection of the City's Underground Utility Surtax, and asked staff to agendaize a discussion on the item at a future meeting.

Councilmember Madison expressed concerns with the City Council establishing complex economic policies without giving staff an opportunity to carefully consider the recommended policy changes. He spoke in favor of adopting UNITE HERE! Local 11's proposed ordinance to help minimum wage and low income workers who may be laid off; and providing emergency loans to small businesses.

Councilmember Masuda spoke in favor of the staff recommendation, the suspension of City's Underground Surtax, contacting grocery markets requesting special operating hours for seniors, and providing meals for seniors and for those individuals with special needs.

Vice Mayor Hampton asked staff to contact local groceries to provide an hour of "Senior Shopping" only. He spoke in favor of relaxing overnight restriction parking throughout the City and advocated for rental assistance for residents who are unable to pay their rent.

Motion:

Following discussion, it was moved by Councilmember Gordo, seconded by Vice Mayor Hampton, to approve the staff recommendation Nos. 1 and 2:

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

Councilmember Wilson spoke on the need to take action to prepare for an economic recession caused by COVID-19, asking staff to consider long-term repercussions, and allocate the City's resources in a responsible manner.

City Manager Mermell stated that once the City Council has allocated funds to provide meals for seniors and individuals in need, staff will provide information on costs associated with providing such meals on a weekly and monthly basis, and report to the City Council as soon as possible.

Original Motion:

Following discussion, it was moved by Vice Mayor Hampton, seconded by Councilmember Gordo, to authorize the City Manager to expend up to \$250,000 to provide meals to vulnerable individuals, such as, seniors, disabled and others in need, and keep the City Council closely apprised of food-insecurity issues.

Substitute Motion:

Following further discussion, it was moved by Councilmember Kennedy, seconded by Councilmember McAustin, to authorize the City Manager to expend up to \$150,000 to provide meals to vulnerable individuals, such as seniors, disabled, and other Pasadena residents in need, and keep the City closely apprised of food-insecurity issues.

Councilmember Gordo requested that the substitute motion be amended to include the appropriation of \$150,000, but also provide the City Manager with authority to expend up to an additional \$100,000 for meals for the City's vulnerable population, at his discretion, but require that such authority include the consent of the City Attorney. (The friendly amendment was not accepted)

Motion:

Following discussion, it was moved by Councilmember Madison, seconded by Councilmember Gordo to table the substitute motion:

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

Revised Substitute Motion:

Following further discussion, it was moved by Councilmember Kennedy, seconded by Councilmember McAustin, to authorize the City Manager to expend up to \$150,000 to provide meals to the most vulnerable individuals in the City, with the understanding that the City Manager return as soon as necessary with further analysis on the need for additional funding:

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

ADOPT A RESOLUTION OF THE CITY COUNCIL ENACTING A MORATORIUM ON EVICTION FOR NON-PAYMENT OF RENT BY TENANTS IMPACTED BY THE COVID-19 PANDEMIC AND CONDUCT FIRST READING OF "AN UNCODIFIED ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PASADENA ENACTING A MORATORIUM ON EVICTION FOR NON-PAYMENT OF RENT BY TENANTS IMPACTED BY THE COVID-19 PANDEMIC"

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;
2. Adopt a resolution of the City Council relating to a moratorium on eviction for non-payment of rent by residential tenants impacted by the COVID-19 Pandemic; and (Resolution No. 9770)
3. Conduct first reading of **"AN UNCODIFIED ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PASADENA ENACTING A MORATORIUM ON EVICTION FOR NON-PAYMENT OF RENT BY RESIDENTIAL TENANTS IMPACTED BY THE COVID-19 PANDEMIC"**

City Manager Mermell summarized the staff report as apart of the oral presentation on the item and responded to questions. Michele Beal Bagneris, City Attorney/City Prosecutor and Javan Rad, Chief Assistant City Attorney, provided information related to moratoriums on eviction for non-payment income restrictions, the residential and commercial requirements of providing proof of financial impacts; and responded to questions. Bill Huang, Director of Housing, provided information on Measure H and State homeless funds and allocations; and responded to questions.

City Clerk Jomsky reported that 76 letters in support and 3 letters in opposition of the staff recommendation were received by the City Clerk's Office, which were distributed to the City Council, posted online, and made part of the public record.

The following individuals spoke in favor of a moratorium on eviction for non-payment of rent, and/or provided comments related to the staff recommendation:

Charles Xu, Pasadena resident
Allison Henry, representing Pasadena Tenants Union
Juliana Serrano, Pasadena resident
Pablo Alvarado, Pasadena resident

The following individuals expressed concerns, and/or provided comments related to the staff recommendation:

Todd Hays, Pasadena resident
Adam Bray-Aly, Business owner

Councilmember Wilson asked staff to consider applying income restrictions to the moratorium on eviction for non-payment of rent by residential tenants impacted by the COVID-19 Pandemic.

Councilmember McAustin spoke in favor of the staff recommendation.

Councilmember Madison expressed concerns with the documentation requirements that residential tenants must provide to support the claim of lost income, which may potentially provide a landlord too much discretion to simply reject a tenant's claim.

In response to Council Madison's request, Javan Rad, Chief Assistant City Attorney, stated that staff will amend the Resolution, Exhibit A, Page 2, Section 2A to read as follows: "For residential properties, no landlord shall endeavor to evict a tenant in either of the following situations: (1) for non-payment of rent if the tenant ~~demonstrates that the tenant~~ is unable to pay rent due to financial impacts related to COVID-19 or..."

Javan Rad, Chief Assistant City Attorney stated that the City Council is requested to direct the City Manager to sign the "Emergency Declarations."

Councilmember Masuda spoke in favor of the staff recommendation.

Councilmember Kennedy spoke on the need to be fair to tenants and landlords; and spoke in favor of the staff recommendation.

Councilmember Gordo requested that staff ensure that the homeless preventions funds are being used for that purpose.

Motion:

Following discussion, it was moved by Councilmember Madison to approve the staff recommendation, including the amendment to Exhibit A, Page 2, Item 2A as detailed above. (MOTION FAILED DUE TO LACK OF SECOND)

Following further discussion, Michele Beal Bagneris, Attorney/City Prosecutor, advised that the recommendation from Councilmember Madison to amend the verbiage to be consistent with both the tenant and landlord standards.

Councilmember Wilson was excused and left the meeting at 5:16 p.m.

Councilmember Gordo requested that staff immediately notify interested parties, including Pasadena-Foothills Association of Realtors, tenant rights groups, and tenant unions, that there may be homeless prevention dollars for their rental tenants. He also asked that small property owners be notified providing details on the process to request relief funds for their tenants who are unable to pay their rent. Councilmember Gordo asked staff to consider if the City should prefund homeless prevention dollars in the event the City Council needs to take action.

Vice Mayor Hampton requested that staff send a letter to all tenants in the City to inform them of the City's homeless prevention funds.

Motion

Following discussion, it was moved by Vice Mayor Hampton, Seconded by Councilmember Gordo, to direct the City Manager to execute the Second Supplement to Declaration of Local Emergency:

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

Motion

It was moved by Councilmember Kennedy, Seconded by Councilmember Masuda, to approve the staff recommendation, amended to incorporate the changes to the Resolution, Exhibit A, Page 2, Item 2A, as detailed above:

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

“AN UNCODIFIED ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PASADENA ENACTING A MORATORIUM ON EVICTION FOR NON-PAYMENT OF RENT BY RESIDENTIAL TENANTS IMPACTED BY THE COVID-19 PANDEMIC”

The above ordinance was offered for first reading by Vice Mayor Hampton, amended to include the following changes to the Ordinance, Page 4, Section 4A, as follows: "For residential properties, no landlord shall endeavor to evict a tenant in either of the following situations: (1) for non-payment of rent if the tenant demonstrates that the tenant is unable to pay rent due to financial impacts related to COVID-19 or...":

AYES: Councilmembers Gordo, Kennedy, Madison, Masuda, McAustin, Vice Mayor Hampton

NOES: None

ABSENT: Councilmember Wilson, Mayor Tornek

ABSTAIN: None

Councilmember McAustin, and Vice Mayor Hampton expressed appreciation to City Manager Steve Mermell and staff for their work to address the COVID-19 Pandemic.

In response to Councilmember Madison's request related to a clerical error, Michele Beal Bagneris, Attorney/City Prosecutor, stated that staff would correct the scrivener's error on Page 2, first sentence, and replace "regular meeting" with "special meeting" as part of the approved resolution.

ADJOURNMENT

On order of Vice Mayor Hampton, the special meeting of the City Council adjourned at 5:27 p.m.

Terry Tornek, Mayor
City of Pasadena

ATTEST:

City Clerk