

CITY OF PASADENA
City Council Minutes
June 29, 2020 – 2:00 P.M.
City Hall Council Chamber

SPECIAL MEETING

The virtual meeting was convened pursuant to Executive Order N-29-20 issued by Governor Gavin Newsom on March 17, 2020, and was held solely by videoconference/teleconference

OPENING: Mayor Tornek called the special meeting to order at 2:03 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 Mayor Tornek requested that the meeting be adjourned in memory of those that have suffered due to death and illness caused by COVID-19.

CONSENT CALENDAR **AUTHORIZATION TO ENTER INTO A CONTRACT WITH ST. GEORGE'S MEDICAL CLINIC FOR VARIOUS MEDICAL SERVICES FOR A TERM OF THREE YEARS OR UNTIL \$600,000 IS EXPENDED, WHICHEVER OCCURS FIRST**

Recommendation: It is recommended that the City Council:

(1) Find that the action proposed in the agenda report is not a "project" as defined in the California Environmental Quality Act (CEQA), Public Resources Code Section 21065 and Section 15378(b)(2) of the State CEQA Guidelines and, as such, is not subject to environmental review; and

(2) Authorize the City Manager to enter into a contract with St. George's Medical Clinic following a competitive selection process pursuant to Pasadena Municipal Code Section 4.08.047, for pre-employment medical review and physicals, OSHA mandated physicals and medical monitoring, occupational therapy, and drug screens for a term of three years or in an amount not-to-exceed \$600,000, whichever occurs first. Competitive Bidding is not required pursuant to City Charter Section 1002(F), Contracts for Professional or Unique Services. (Contract No. 31758)

RESIGNATIONS,
APPOINTMENTS, &
REAPPOINTMENTS

RESIGNATION OF ANN RECTOR FROM THE HUMAN SERVICES COMMISSION (PUSD Nomination)

REAPPOINTMENT OF MATTIE BETTS TO THE SENIOR COMMISSION EFFECTIVE JULY 1, 2020 (District 3 Nomination)

APPROVAL OF MINUTES

May 11, 2020

CLAIMS RECEIVED

Claim No. 13,550	Milan Tannous	\$	Not stated
Claim No. 13,551	Alan Goldstein, Esq, The Bloom Firm, representing Giovanni Clark		25,000.00+
Claim No. 13,552	Stanislava Zupan-Overholt		404.79
Claim No. 13,553	Afni Insurance Services/AAA Insurance, as subrogee for Wayne Campbell		1,785.75
Claim No. 13,554	Karen Irene Husman		10,000.00+
Claim No. 13,555	Guy R. Bayley/Sarah King		400.00
Claim No. 13,556	Martin W. Nicholson		25,000.00+

It was moved by Councilmember Kennedy, seconded by Councilmember Wilson, to approve the Consent Calendar:

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

OLD BUSINESS

ADOPT A RESOLUTION AUTHORIZING THE CITY OF PASADENA TO JOIN PUBLIC RISK INNOVATION, SOLUTIONS, AND MANAGEMENT (PRISM) FOR FISCAL YEAR 2021 GENERAL AND EXCESS MUNICIPAL LIABILITY INSURANCE COVERAGE

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 15378;
- (2) Adopt a resolution authorizing the City of Pasadena ("City") to join Public Risk Innovation, Solutions, and Management (PRISM) for the City's general and excess municipal liability insurance coverages effective July 1, 2020 to July 1, 2021, if such option is determined to be in the City's best interest; and
- (3) Grant an exemption from the competitive selection process of the Competitive Bidding and Purchasing Ordinance, Pasadena Municipal Code Chapter 4.08, pursuant to Section 4.08.049(B) contracts which the City's best interests are served. The proposed insurance coverages are exempt from the competitive bidding process pursuant to the City Charter Section 1002(F), contracts

for professional or unique services. (Contract No. 23,392, Resolution No. 9793)

Vice Mayor Hampton connected to the meeting at 2:14 p.m.

Michele Beal Bagneris, City Attorney/City Prosecutor provided introductory comments, and Arlene Gallardo, Risk and Insurance Administrator, presented a PowerPoint presentation on the item, and responded to questions.

Gordon B DesCombes, Executive Vice President of Alliance Insurance Services, Inc., provided information on PRISM's liability 1 and 2 programs, shared risks and structures, historical membership revocation, and operations and program structures; and responded to questions.

Following discussion, it was moved by Councilmember Kennedy, seconded by Councilmember Wilson, to approve the staff recommendation:

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

**REPORTS AND COMMENTS
FROM COUNCIL
COMMITTEES**

HOTEL WORKER PROTECTIONS

Recommendation: It is recommended that the City Council receive the following report and consider whether to direct any further action.

City Manager Mermell provided introductory comments, and Eric Duyshart, Businesses Development Administrator, presented a PowerPoint presentation on the item, and responded to questions.

Councilmember Gordo, Chair of the Economic Development and Technology (EDTech) Committee, reported that the Committee voted to forward this item to the City Council for consideration; and asked staff to provide additional information on the ownership groups of the hotels in the City. He spoke in support of a hotel worker protection ordinance.

Councilmember Kennedy expressed concerns with the lack of effort to obtain data from hotel employees. He spoke in favor of staff developing a fair ordinance, which states that hotels that were affected by the COVID-19 pandemic, and were required to lay off employees, should be required to provide those employees with an opportunity to return to their jobs. He also spoke in favor of the City adopting an ordinance similar to the Los Angeles County's, Right of Recall ordinance.

Councilmember Madison spoke on surrounding cities that have adopted Hotel Worker protection ordinances; and expressed his disappointment on the lack of information on legal challenges and rulings related to hotel worker protections. He spoke in favor of directing staff to develop a hotel worker protection ordinance for hotels with 50 or more rooms.

Javan Rad, Chief Assistant City Attorney, provided information on worker protection laws, and responded to questions.

Councilmember Wilson spoke on the need for staff to clarify that if the City adopts an ordinance, the ordinance does not mandate that hotels will re-open and reinstate hotel jobs immediately; and expressed concerns with expanding the City's scope of authority into areas that may not be permissible.

Councilmember Masuda spoke on the need for staff to determine why hotel operators are being singled out for worker protections. He expressed concerns with forcing hotels to abide by worker retention regulations as California is an at-will employment state.

City Manager Mermell summarized past City Council and EDTech Committee discussions on the item, with those discussions providing the reasons for the focus on the hospitality industry, and specifically hotels, and responded to questions.

Councilmember McAustin sympathized with hospitality workers during this difficult time, however, expressed concerns with City government inserting itself between labor and management.

Vice Mayor Hampton stated that hoteliers pay Transient Occupancy Tax fees, which is a return on the City's investment. He spoke in favor of an ordinance for hotel worker protections that includes a sunset date related to the end of the COVID-19 pandemic.

City Clerk Jomsky reported that 456 letters in support and 1 letter expressing opposition of hotel worker protections were received, distributed to the City Council, posted on-line, and made part of the public record. The following comments were read aloud, and/or summarized, in support of hotel worker protections, from the following individuals:

Gladis Avila, Pasadena resident
Baltimore Cuadra, Pasadena resident
Gabino Trejo, Pasadena resident
Salvador Benitez, Pasadena resident
Patrica Acevedo, Pasadena resident
Joemara Pariaso, Pasadena resident
Yuliana Estrada, Pasadena resident

Teresa Gomez DeLeon, Pasadena resident
Daniel Flaming, residence not noted
Joan Harper, residence not noted
Rev. Donald Wilson, Inglewood resident
Pastor Bridie Roberts, Director of UNITE HERE Local 11
Carol Wallace, residence not noted
Ron Herrera, Los Angeles resident
Christina Honchell, Pasadena resident
Anita Davis, residence not noted
Jann Lacoss, Pasadena resident
Lisa Conner, Pasadena resident
Juliana Serrano, representing All Saints Church
Karin Luster, Pasadena resident
J. Donald Thomas, Pasadena resident
Matthew Bertieri, Pasadena resident
Simone Boudriot, Pasadena resident
Erendira Saucedo-Guzman, Pasadena resident
Pablo Escot, Pasadena resident
Yesenia Ortiz, Pasadena resident
Miriam P. French, residence not noted
Juan Arias, Huntington Park resident
Izhar Bouraoui, residence not noted
Marla L. Smith-Bregni, Pasadena resident
Roman Leos, Pasadena resident
Kevin Rendon, Los Angeles resident
Derick Hayes, Pasadena resident
Darwin Vasquez, Pasadena resident
Nadia Rivera, Azusa resident
Angela LeBlanc, Pasadena resident
Cesar Galvan, San Dimas resident
Ana Villafuente, North Hollywood resident
Alberto Tostado, Monrovia resident
Daniel Jimenez, Pasadena resident
Jesus Escobar, Pasadena resident
Brigetta Martin, residence not noted
Miguel Rodriguez, Los Angeles resident
Fredrika Xiomara Aparicio, Pasadena resident
Daniel Rodriguez, Pasadena resident
Damon Zambrano, Pasadena resident
Adriana Avila, Los Angeles resident
Albert Apadaca, Los Angeles resident
Cristian Hernandez Franco, Pasadena resident
Sandra Garcia, Pasadena resident
Clarissa Ebigwu, Pasadena resident
Sandra Barber, Pasadena resident
Alberto Medina, Glendale resident
Douglas Guevara, Los Angeles resident
Sonia Bautista, North Hollywood resident
Alice J. Stanford, Pasadena resident
Allan Spring, Pasadena resident
Hannah Johnson, Pasadena resident

City Clerk Jomsky also read aloud comments expressing concerns with the City adopting an ordinance on hotel worker protections, from the following individuals:

Siamak Nassirpour, representing The Westin Pasadena
Paul Little, representing Pasadena Chamber of Commerce
Aline, Pasadena resident

Councilmember Madison informed the City Council that on June 16, 2020, the City of Glendale, CA, adopted similar Hospitality Worker protections.

Vice Mayor Hampton requested that the direction to staff include a report back to the City Council with an update 12 months after the COVID-19 emergency order is lifted.

Councilmember Wilson expressed sympathy to low wage earners who are economically impacted by the COVID-19 pandemic, however, he struggles with singling out one component of the City's economy. He stated that he does not believe this action is within the purview of municipal affairs to be employment arbiters, and therefore is unable to support the motion.

Mayor Tornek expressed concerns similar to those of Councilmembers McAustin, Masuda and Wilson regarding the City inserting itself between labor and management groups, however, he stated his support for the motion. He disclosed that he has met with hoteliers, representatives of UNITE HERE Local 11, and hotel workers to discuss hotel worker protections.

Following discussion, it was moved by Councilmember Madison, seconded by Councilmember Kennedy, to direct staff to prepare an ordinance securing the Right of Recall, Worker Retention, and Private Right of Action, applicable to hotels of 50 rooms or more, with staff to return to the City Council with a report on the efficacy of the Ordinance, 12 months after the COVID-19 emergency order is lifted:

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

Mayor Tornek, Chair of the Finance Committee, reported on the Committee's meeting and summarized the discussion on the City's updated detailed COVID-19 pandemic impact report, accuracy of income projections; and that the Committee asked staff to restate how the City allocates both General and Non-General funds. He also reported, as Chair of the Legislative Policy Committee, that the Committee discussed a package of housing

bills that if adopted, will have far reaching ramifications to the City. He stated that the Committee will continue to track and monitor these bills and report back to the City Council. He congratulated the Rose Bowl Operating Company for organizing the upcoming virtual AmericaFest 4th of July Celebration; and spoke on the need for the community to continue to practice social distancing due to COVID-19 pandemic.

Councilmember Gordo requested that the City Council begin preparations for revenue losses, so that the City is prepared to make difficult decisions in terms of services and staffing, which also involves difficult discussions with collective bargaining units; and asked that staff provide a comparative analysis on the differences in Emergency Health Orders between the City of Los Angeles, County of Los Angeles, and City of Long Beach.

Councilmember McAustin, Chair of the Municipal Services Committee, reported that the Committee reviewed some of the changes underway at Pasadena Transit due to the COVID-19 pandemic; and held a discussion on additional testing by the City at the Power Plant to comply with insurance requirements.

Councilmember Kennedy, Chair of the Public Safety Committee, reported on the efforts of the Fire and Police Departments as they work to curtail illegal fireworks in the City; discussion on the consideration of civilian police oversight model and the development of the framework of such a model with the Mayor, and with input from a number of experts from the City; and responded to questions.

City Manager Mermell provided a brief update on the State's closures of bars in various counties due to elevated COVID-19 case rates; and responded to questions.

Councilmember Gordo, Chair of the Economic Development and Technology Committee, stated the Committee continues to monitor the re-opening of local businesses in the City.

Vice Mayor Hampton spoke on the need to engage various City departments to assist with the prevention of illegal fireworks in the City, and thanked the Pasadena Fire and Police Departments for their work in patrolling and attempting to stop the use of illegal fireworks in the City.

City Clerk Jomsky reported on the number of Census self-response rates of 64% in the City and encouraged the public to log onto: www.my2020census.gov to complete the 2020 Census.

On order of the Mayor, the regular meeting recessed at 5:14 p.m. to discuss the following closed session:

CLOSED SESSION

CITY COUNCIL CONFERENCE WITH LEGAL COUNSEL regarding pending litigation pursuant to Government Code Section 54956.9(d)(1), Name of Case: Ivis Moran v. City of Pasadena et al CA Ct. App. Case Nos.: B299155, B305929; USDC Case No: 2:15-cv-09136-JAK-MRW

The Mayor called the closed session to order at 5:14 p.m. (Absent: None):

The above closed session item was discussed, with no reportable action at this time.

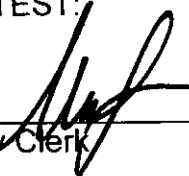
ADJOURNMENT

On order of the Mayor, the special meeting of the City Council adjourned 5:50 p.m., in memory of all those that have lost their lives during the COVID-19 pandemic.

/s/ Terry Tornek

Terry Tornek, Mayor
City of Pasadena

ATTEST:



City Clerk