

CITY OF PASADENA
City Council Minutes
September 14, 2020 – 1:00 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 1:03 p.m. The (Absent: Hampton, Madison)

CLOSED SESSION:

On the order of the Mayor, the special meeting recessed at 1:03 p.m., to discuss the following closed session:

Councilmember Madison and Vice Mayor Hampton, connected to the meeting at 1:05 p.m. and 1:08 p.m., respectively

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

Name of Case: City of Pasadena v. Urban Commons, LLC, et al

LASC Case No.: 20GDCV00393

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

Agency Designated Representatives: Jennifer Curtis and Steve Mermell

Employee Organizations: International Union of Operating Engineers (IUOE), Pasadena Firefighters Association (PFFA), Pasadena Fire Management Association (PFMA), Pasadena Management Association (PMA), Non-Represented Executive, Non-Represented Management, and Non-Represented Non-Management

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

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 item was discussed, following the conclusion of the special meeting (continued on Page 20 below).

On order of the Mayor, the regular meeting reconvened at 2:11 p.m. The pledge of allegiance was led by Councilmember Masuda.

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; all first responders and individuals suffering due to the wild fires throughout California; and the victims of recent gun violence in the City.

Mayor Tornek introduced and welcomed the new Sergeant-at-Arms, Sergeant Thomas Blanchard, and extended appreciation to Sergeant Monica Cuellar for her service.

Mayor Tornek recognized and spoke on Hispanic & Latino Heritage Month, from September 15, 2020 through October 15, 2020, and read a proclamation honoring its importance to the City and community members.

Vice Mayor Hampton, and Councilmembers Gordo, and Kennedy spoke on the need to visually recognize Hispanic & Latino Heritage month abiding by social distancing regulations and safety measures. Councilmember Gordo requested that the Pasadena Central Library commence a reading program or highlight movies/documentaries as an effort to raise awareness and recognize the contributions of Latinos; and to continue such a program with all heritages that make up the community of Pasadena.

Steve Mermell, City Manager responded that he would meet with staff to determine alternative methods to commemorate Hispanic & Latino Heritage month. He provided an update on the Los Angeles Bobcat Fire, including information on evacuation orders and warnings to effected city residents, and responded to questions.

Councilmembers Kennedy and Gordo, and Vice Mayor Hampton spoke on recent gun violence in the City, specifically the shooting of two minors, and the shooting of two Los Angeles Police Officers, and on Pasadena Police Officers' efforts to keep the community safe. Councilmember Gordo spoke in favor of the City joining with the City of Los Angeles in asking for peace.

Vice Mayor Hampton requested that staff provide information on air quality and smoke inhalation impacts affecting the public and Pasadena's community members.

Councilmember Masuda asked staff to provide information on the Pasadena Local Emergency Alert System (PLEAS) and Nixle alerts related to the Bobcat Fire.

CONSENT CALENDAR

TAX EQUITY AND FISCAL RESPONSIBILITY ACT RESOLUTION FOR THE CALIFORNIA MUNICIPAL FINANCE AUTHORITY BONDS FOR THE BENEFIT OF MARANATHA HIGH SCHOOL

Recommendation: It is recommended that the City Council:
(1) Find that the proposed action is not a "project" subject to California Environmental Quality Act (CEQA) as defined in Section 15378(b)(4) of the State CEQA Guidelines and, as such, no environmental document pursuant to CEQA is required for the project; and
(2) Adopt a resolution approving the financing to be undertaken by the California Municipal Finance Authority (CMFA) for the benefit of Maranatha High School in a maximum aggregate principal amount not-to-exceed \$18,500,000 for the purpose of refunding certain bonds and financing and/or refinancing certain facilities, and other matter related thereto. (Resolution No. 9804)

CONTRACT AWARD TO EWING IRRIGATION PRODUCTS FOR THE PURCHASE OF IRRIGATION SUPPLIES

Recommendation: It is recommended that the City Council:
(1) Find that the project (Irrigation Supplies) is exempt under Section 21084(a) of the California Environmental Quality Act ("CEQA") pursuant to State CEQA Guidelines with Article 19, Section 15301 (Class 1), Subsection (h) of the Guidelines (Maintenance of Existing Landscaping), and authorize the City Clerk to file a Notice of Exemption for the project with the Los Angeles County Clerk; and
(2) Accept the bid dated July 21, 2020, submitted by Ewing Irrigation in response to the specifications to provide irrigation supplies, reject all other bids, and authorize the issuance of a purchase order with Ewing Irrigation Products in an amount not-to-exceed \$255,000 over a three-year period with the option of two one-year extensions in the annual amount of \$85,000, at the discretion of the City Manager, for a maximum total contract length of five years and a grand total contract amount of \$425,000.

AUTHORIZATION TO ENTER INTO A PURCHASE ORDER WITH ANIXTER INC., TO FURNISH AND DELIVER MISCELLANEOUS ELECTRIC UTILITY PARTS AND MATERIALS

Recommendation: It is recommended that the City Council:

(1) Find that the proposed action is not a project subject to the California Environmental Quality Act (CEQA) pursuant to Section 21065 of CEQA and Sections 15060(c)(2), 15060(c)(3), and 15378 of the State CEQA Guidelines and, as such, no environmental document pursuant to CEQA is required for the project; and

(2) Accept the bid dated August 10, 2020, submitted by Anixter Inc., in response to Specification titled "Purchase of Electric Materials and Supplies to Furnish and Deliver Electric Utility Equipment"; reject all other bids after successful execution of contract with Anixter Inc., and authorize the issuance of a Purchase Order ("PO") Contract with Anixter Inc., for an amount not-to-exceed \$12,750,000 for a period of five years, whichever occurs first, with two one-year optional extensions of \$2,550,000 each, whichever occurs first. For a maximum total contract length of seven years and a total contract amount of \$17,850,000.

AUTHORIZE A PURCHASE ORDER WITH GENUINE PARTS COMPANY (DBA: NAPA AUTO PARTS) FOR PURCHASE OF AUTOMOTIVE AND TRUCK PARTS, ACCESSORIES AND SUPPLIES IN AN AMOUNT NOT-TO-EXCEED \$315,000 FOR ONE YEAR

Recommendation: It is recommended that the City Council:

(1) Find that this action is exempt under the California Environmental Quality Act (CEQA) in accordance with Section 15061(b)(3), the General Rule that CEQA only applies to projects that may have an effect on the environment;

(2) Authorize the City Manager to enter into a purchase order without competitive bidding, pursuant to City Charter Section 1002(H) contracts with other governmental entities or their contractors for labor, materials, supplies or services, with Genuine Parts Company dba NAPA Auto Parts (GPC) for automotive and truck parts, accessories, and supplies in an amount not-to-exceed 315,000 for one year; and

(3) Grant the proposed purchase order an exemption from the Competitive Selection process pursuant to Pasadena Municipal Code Section 4.08.049(B) contracts for which the City's best interests are served.

CONTRACT AWARD TO PACIFIC LIFT AND EQUIPMENT COMPANY INCORPORATED FOR AUTOMATIC LUBRICATION SYSTEM INSTALLATION ON SANITATION TRUCKS FOR A NOT-TO-EXCEED AMOUNT OF \$82,803 FOR ONE YEAR

Recommendation: It is recommended that the City Council:

(1) Find that this action is exempt under the California Environmental Quality Act (CEQA) in accordance with Section 15061(b)(3), the General Rule that CEQA only applies to projects that may have an effect on the environment; and

(2) Accept the bid dated July 28, 2020, submitted by Pacific Lift and Equipment Company Incorporated (Pacific Lift and Equipment) for an automatic lubrication system installation on sanitation trucks, authorize the City Manager to enter into a contract with Pacific Lift and Equipment in a not-to-exceed amount of \$82,803 (which includes a contingency of \$3,943) over a one-year period. (Contract No. 31852)

CONTRACT AWARD TO SAN JOAQUIN CHEMICALS, INC., FOR HEATING VENTILATION AND AIR CONDITIONING WATER TREATMENT SERVICES FOR A NOT-TO-EXCEED AMOUNT OF \$96,105 FOR UP TO FIVE YEARS

Recommendation: It is recommended that the City Council:

(1) Find that this action is exempt under the California Environmental Quality Act (CEQA) in accordance with Section 15061(b)(3), the General Rule that CEQA only applies to projects that may have an effect on the environment; and

(2) Accept the bid dated August 4, 2020, submitted by San Joaquin Chemicals, Inc., (San Joaquin Chemicals) to provide Heating, Ventilation, and Air Conditioning (HVAC) Water Treatment Services; reject all other bids submitted; and authorize the City Manager to enter into a contract with San Joaquin Chemicals in a not-to-exceed amount of \$57,663 (which includes a contingency of \$2,745) over a three-year period with the option for two, one-year extensions in the annual amount of \$19,221 (which includes a contingency of \$915) at the discretion of the City Manager, for a maximum total contract length of five years and a total contract amount of \$96,105. (Contract No. 31844)

Item discussed separately

CONTRACT AWARD TO UNITED PACIFIC SERVICES, INC., FOR CITYWIDE TREE AND STUMP REMOVAL SERVICES FOR AN AMOUNT NOT-TO-EXCEED \$625,750 FOR FIVE YEARS

Item discussed separately

AUTHORIZATION TO ENTER INTO CONTRACTS WITH DUDEK AND WALLACE & ASSOCIATES CONSULTING, INC., TO PROVIDE ON-CALL CONSTRUCTION MANAGEMENT AND INSPECTION SERVICES FOR THE WATER AND POWER DEPARTMENT

Item discussed separately

AUTHORIZATION TO ENTER INTO A CONTRACT WITH BIRDI SYSTEMS, INC., DBA BIRDI & ASSOCIATES, INC., FOR ENTERPRISE BUILDING SECURITY MANAGEMENT, PHASE 2, SECURITY ENHANCEMENTS AT THE VILLA PARKE COMMUNITY CENTER AND THE LA PINTORESCA AND VILLA PARKE BRANCH LIBRARIES

AMENDMENTS TO GENERAL FEE SCHEDULE DUE TO COVID

Recommendation: It is recommended that the City Council:
(1) Find that this action is exempt under the California Environmental Quality Act (CEQA) in accordance with Section 15061(b)(3) (Common Sense Exemption);
(2) Adopt a resolution amending the Fiscal Year 2021 General Fee Schedule to add a new Modified (COVID) After School Program fee, as detailed in the "Proposed New Fee" section of the agenda report; and
(3) Suspend collection of various fees listed in the body of the agenda report in order to assist PUSD families and fitness businesses financially impacted by COVID. (Resolution No. 9805)

Mark Jomsky, City Clerk, reported on the staff report/attachments containing scrivener errors, which have been corrected.

Item discussed separately

FINANCE COMMITTEE: PASADENA ARTS & CULTURE RELIEF GRANT PROGRAM

FINANCE COMMITTEE: QUARTERLY INVESTMENT REPORT – QUARTER ENDING JUNE 30, 2020

Recommendation: This report is for information only

Item discussed separately

FINANCE COMMITTEE: RESIDENTIAL IMPACT FEE 2020 NEXUS STUDY UPDATE

FINANCE COMMITTEE: ADOPTION OF A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASADENA CONSENTING TO THE INCLUSION OF PROPERTIES WITHIN THE TERRITORY OF THE CITY IN THE CALIFORNIA STATEWIDE COMMUNITY DEVELOPMENT AUTHORITY (CSCDA) COMMERCIAL OPEN PROPERTY ASSESSED CLEAN ENERGY (PACE) PROGRAM; AND OTHER MATTERS RELATED THERETO

Recommendation: It is recommended that the City Council:
(1) Find that the proposed action is not a project subject to the California Environmental Quality Act (CEQA) as defined in Section 21065 of CEQA and Sections 15060(c)(2), 15060(c)(3), and 15378 of the State CEQA Guidelines and, as such, no environmental document pursuant to CEQA is required for the project; and
(2) Adopt a resolution authorizing the City's participation in the CSCDA commercial Open PACE, which will enable property owners to finance permanently fixed renewable energy, energy efficiency, water efficiency, and seismic strengthening improvements as well as electric vehicle charging infrastructure. (Resolution No. 9806)

RESIGNATIONS,
APPOINTMENTS, &
REAPPOINTMENTS

RESIGNATION OF KEVIN LITWIN FROM THE OLD PASADENA PARKING METER ZONE ADVISORY COMMISSION (At Large Nomination/District 2)

APPOINTMENT OF BLAIR S. HANSEN TO THE ARTS AND CULTURE COMMISSION (At Large Nomination/District 1)

APPOINTMENT OF HAMED SHIRMOHAMMADI TO THE HUMAN RELATIONS COMMISSION (At Large Nomination/District 4)

APPOINTMENT OF JENNIFER HIGGINBOTHAM TO THE RECREATION AND PARKS COMMISSION (At Large Nomination/District 7)

APPOINTMENT OF JAMES DE PIETRO TO THE SOUTH LAKE PARKING PLACE COMMISSION (At Large Nomination/District 7)

APPROVAL OF MINUTES

July 20, 2020
July 27, 2020

It was moved by Councilmember Kennedy, seconded by Councilmember Madison, to approve all items on the Consent Calendar, with the exception of Item 7 (Contract Award to United Pacific Services, Inc.), Item 8 (Authorization to Enter Into A Contract Dudek and Wallace & Associates Consulting, Inc.), Item 9 (Authorization to Enter Into A Contract with Birdi Systems, Inc. dba Birdi & Associates, Inc.), Item 11 (Pasadena Arts & Culture Relief Grant Program), Item 13 (Residential Impact Fee 2020 Nexus Study Update), and Item 17 (Receive and File Claims Against the City of Pasadena), which were discussed separately:

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

Vice Mayor Hampton asked staff to research the necessity of a roll call vote, as he believes it is too time consuming.

CONSENT ITEMS DISCUSSED SEPARATELY

CONTRACT AWARD TO UNITED PACIFIC SERVICES, INC., FOR CITYWIDE TREE AND STUMP REMOVAL SERVICES FOR AN AMOUNT NOT-TO-EXCEED \$625,750 FOR FIVE YEARS

Recommendation: It is recommended that the City Council:
(1) Find that the project is exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines in accordance with Article 19, Class 1, Section 15301, Existing Facilities, Subsection (h) which exempts maintenance of existing landscaping; and

(2) Accept the bid dated August 18, 2020, submitted by United Pacific Services, Inc., in response to Notice Inviting Bids for Citywide Tree and Stump Removal, reject all other bids received, authorize the City Manager to enter into such contract for tree and stump removal services for an amount not-to-exceed \$375,450 over a three-year period; and authorize the City Manager to extend the contract for up to two additional one-year terms in the annual amount of \$125,150, subject to the approval of the City Manager, for a maximum contract length of five years and a total contract amount of \$625,750. (Contract No. 31851)

Vice Mayor Hampton reported on concerns he is receiving from prospective vendors regarding the proposed contract award. In addition, he stated his belief that the contractor that cuts and trims the City's tree should also remove the tree stumps, which are possible safety hazards, and are an eyesore. He spoke in favor of approving the contract for just a three-year period only, in order to provide local contractors opportunities to bid on the contract.

Ara Maloyan, Director of Public Works, provided information on the scope of the project, which includes tree cutting and stump removal, and responded to questions.

City Manager Mermell provided information on the bid and the various amendments; and responded to questions.

Following discussion, it was moved by Vice Mayor Hampton, seconded by Councilmember Kennedy, to approve the staff recommendation, amended to return to the City Council for any additional extensions to the contract:

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

NOES: None

ABSENT: None

ABSTAIN: None

AUTHORIZATION TO ENTER INTO CONTRACTS WITH DUDEK AND WALLACE & ASSOCIATES CONSULTING, INC., TO PROVIDE ON-CALL CONSTRUCTION MANAGEMENT AND INSPECTION SERVICES FOR THE WATER AND POWER DEPARTMENT

Recommendation: It is recommended that the City Council:

(1) Find that the proposed action is not a project subject to the California Environmental Quality Act ("CEQA") pursuant to Section 21065 of CEQA and Sections 15060(c)(2), 15060(c)(3), and 15378 of the State CEQA Guidelines and, as such, no environmental document pursuant to CEQA is required;

(2) Authorize the City Manager to enter into a contract for an amount not-to-exceed \$2,000,000 or three years, whichever comes first, as the result of a competitive selection process, pursuant to Pasadena Municipal Code Section 4.08.047, with Dudek to provide on-call construction management and inspection services; and (Contract No. 31837)

(3) Authorize the City Manager to enter into a contract for an amount not-to-exceed \$2,000,000 or three years, whichever comes first, as the result of a competitive selection process, pursuant to Pasadena Municipal Code Section 4.08.047, with Wallace & Associates Consulting, Inc., ("Wallace") to provide on-call construction management and inspection services. (Contract No. 31838)

City Clerk Jomsky read aloud comments from William Papanian, Pasadena resident, expressing concerns with the staff recommendation.

Gurcharan Bawa, General Manager of Water and Power, provided information on the scope of work related to on-call services of the Sunset Reservoir project, and the required expertise and knowledge related to water treatments; and responded to questions. City Manager Mermell provided information on the City Internal Audit Manager's auditing responsibilities and the scoring of the two contract awardees.

Councilmember Kennedy asked staff to determine if the Internal Audit Manager is able to audit and review repeated awardee contracts.

Councilmember Gordo spoke on the need for staff to review the City's contracting process and decisions to outsource services to determine if such actions are efficient and effective use of City resources. He asked for information on the actual funds spent on previous contracts, staff to consider conducting a cost-benefit analysis on large contracts, and requested that such information be included in the agenda reports, and to provide an update to the City Council.

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

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

NOES: None

ABSENT: None

ABSTAIN: None

AUTHORIZATION TO ENTER INTO A CONTRACT WITH BIRDI SYSTEMS, INC., DBA BIRDI & ASSOCIATES, INC., FOR ENTERPRISE BUILDING SECURITY MANAGEMENT, PHASE 2, SECURITY ENHANCEMENTS AT THE VILLA PARKE COMMUNITY CENTER AND THE LA PINTORESCA AND VILLA PARKE BRANCH LIBRARIES

Recommendation: It is recommended that the City Council:

- (1) Find that the proposed contract is exempt from the California Environmental Quality Act ("CEQA") pursuant to State CEQA Guidelines Section 15061(b)(3); and
- (2) Accept the bid dated August 4, 2020, submitted by Birdi Systems, Inc., DBA Birdi & Associates, Inc., in response to specifications for Enterprise Building Security Management, Phase 2, reject all others bids received, and authorize the issuance of a contract for an amount not-to-exceed \$234,300, which includes the base contract amount of \$213,000 and a contingency of \$21,300 for any necessary change orders. (Contract No. 31842)

Vice Mayor Hampton spoke in favor of the staff recommendation; and asked Councilmember Kennedy, Chair of the Public Safety Committee (PSC), to agendize at a future PSC meeting, a discussion on the creation of a program to provide a local hire pool for the Pasadena Police Department (PPD).

Councilmember Kennedy asked staff to agendize a discussion on a program to promote local recruiting of the PPD at a future PSC meeting.

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

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

FINANCE COMMITTEE: PASADENA ARTS & CULTURE RELIEF GRANT PROGRAM

Recommendation: It is recommended that the City Council:

- (1) Find that the proposed action is not a project subject to the California Environmental Quality Act (CEQA) pursuant to Section 21065 of CEQA and Sections 15060(c)(2), 15060(c)(3), and 15378 of the State CEQA Guidelines and, as such, no environmental document pursuant to CEQA is required; and

(2) Appropriate \$500,000 from the Cultural Trust Fund unappropriated fund balance to the Fiscal Year 2021 Planning and Community Development Department's Operating Budget, account 61321002-815300, to provide for the Pasadena Arts & Culture Relief Grant Program, as described in the Background section of the agenda report. (Budget Amendment No. 2021-09)

Councilmember Gordo spoke in favor of the staff recommendation; and on the opportunity for the philanthropic community to match funding. He asked staff to agendize a discussion on a matching funds program at a future Economic Development and Technology Committee (EDTech); and stated he will provide information on a Pasadena family that would like to provide funds to the Pasadena Arts & Relief program.

Michele Beal Bagneris, City Attorney/City Prosecutor, stated that staff will research to what extent staff can agendize the programmatic aspect of a matching funds program at EDETech as the topic has been agendized at another City Council Sub-Committee meeting.

Rochelle Branch, Cultural Affairs Manager, provided information on a private individual who would like to provide grant funds to the Pasadena Arts & Relief program, and responded to questions.

Councilmember Wilson spoke in favor of agendizing the development of a matching fund program at a future EDETech meeting.

Following discussion, it was moved by Councilmember Gordo, seconded by Councilmember McAustin, to approve the staff recommendation:

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

Councilmember Kennedy spoke on the recent drug overdoses in the City, and on the need for the community to be vigilant and share information with the Pasadena Police Department related to the drug overdoses.

FINANCE COMMITTEE: RESIDENTIAL IMPACT FEE 2020 NEXUS STUDY UPDATE

Recommendation: It is recommended that the City Council:

(1) Find the amendments proposed in the agenda report are exempt from environmental review pursuant to State California

Environmental Quality Act (CEQA) Guidelines Section 15061(b)(3) ("general rule") Section 15378(b)(4) (definition of project excludes government fiscal activities which do not involve any commitment to any specific project);

(2) Receive and file the Park and Recreation Residential Impact Fee Nexus Study Update; and

(3) Maintain the current Residential Impact Fee (RIF) rates with no increase.

Recommendation of the Recreation and Park Commission:

On July 7, 2020, the Recreation and Park Commission was presented, as information only, the RIF 2020 Nexus Study Update and the staff recommendation to not increase the RIF fee at this time. The Commission discussed and received the Nexus Study update. In addition, the Commission requested this item returned to them in three months to further discuss increasing the RIF fees.

Ara Maloyan, Director of Public Works, provided information contained in the agenda report that was difficult to read due to copying issues; and responded to questions.

Mayor Tornek, Chair of the Finance Committee, summarized the Committee's discussion on the item.

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

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

NOES: None

ABSENT: None

ABSTAIN: None

CLAIMS RECEIVED

| | | |
|------------------|--|-------------|
| Claim No. 13,598 | Mercury Insurance as subrogee for Angelo Romanelli | \$ 2,378.16 |
| Claim No. 13,599 | Geico as subrogee for Ajoa Jones | 3,980.94 |
| Claim No. 13,600 | Hongchi Fei | 20,000.00 |
| Claim No. 13,601 | Chudacoff, Friedman, Simon, Graff & Cherin representing Emiko Elizabeth Carlin | 25,000.00+ |
| Claim No. 13,602 | Donald J. Radcliff | 1,000.00 |
| Claim No. 13,603 | National Service Bureau Inc., on behalf of State Farm Insurance Co. | 3,626.66 |
| Claim No. 13,604 | Carrillo Law Firm, LLP, representing Archie Barry | Not stated |

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| Claim No. 13,605 | 21 st Century Insurance as subrogee for Bronwen Townsend | 1,491.09 |
| Claim No. 13,606 | Robert Kikkawa | 1,798.19 |
| Claim No. 13,607 | Israel Simon Maklouf Elmekies | 1,100,000.00 |
| Claim No. 13,608 | Law Office of James P. Segall-Gutierrez, representing Nafissatou Kaba and Natori Beard | 1,000,000.00+ |
| Claim No. 13,609 | Cristina Enriquez Rini | Not stated |
| Claim No. 13,610 | Law Offices of Caree Harper, representing Diondra Williams, Solemuli Afaese, Irene Bailey, Oasha Bales | 25,000.00+ |
| Claim No. 13,611 | Pacific Bell Telephone Company, DBA AT&T California | 6,508.25 |
| Claim No. 13,612 | Law Offices of Dale K.Galipo, representing Kimberly Jenkins, as guardian for BAM, a Minor, and as Successor in Interest on BAM's Behalf to Anthony McClain, Deceased | Not stated |
| Claim No. 13,613 | Dina E. Raya | 25,000.00+ |

City Clerk Jomsky reported that the City Clerks office received correspondence expressing concerns on the shooting of Anthony McClain by a Pasadena Police Officer, and providing comments on the matter from Cindy Schnuelle and Ken Kules, both Pasadena residents. In addition, he read aloud comments expressing concerns on the shooting of Anthony McClain by a Pasadena Police Officer, and providing comments on the matter from the following individuals:

Allan Shay, Pasadena resident
Zachary Moldof, Pasadena resident
Olden Denham, Pasadena resident

Vice Mayor Hampton spoke on the need for the City to take disciplinary action against the Police Officer involved in the shooting of Anthony McClain, who he believes did not follow Pasadena Police Department policy.

Following discussion, it was moved by Councilmember McAustin, seconded by Councilmember Wilson, to receive and file Claim Nos. 13,598 through 13,613:

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

PUBLIC HEARING

This public hearing was canceled, removed from the agenda, and the item was not considered

~~**PUBLIC HEARING: ADOPTION OF REAUTHORIZATION RESOLUTION FOR 78 NORTH MARENGO AVENUE, PASADENA, CALIFORNIA, REAFFIRMING 2010 EMINENT DOMAIN ACTION FOR A PUBLIC USE, NAMELY, FOR HISTORIC PRESERVATION PURPOSES (THIS ITEM IS NOT RELATED TO THE EVALUATION OF ANY RE-USE PROPOSALS FOR THE YWCA JULIA MORGAN BUILDING)**~~

REPORTS AND COMMENTS FROM COUNCIL COMMITTEES

ADOPTION OF A RESOLUTION AND THE FIRST READING OF AN ORDINANCE AUTHORIZING THE INVITATION OF BIDS FOR THE PURCHASE OF WATER REVENUE/REFUNDING BONDS, 2020A SERIES OF SAID CITY; APPROVING A NOTICE OF INTENTION TO SELL BONDS, A PRELIMINARY OFFICIAL STATEMENT, AND A NOTICE INVITING BIDS; AUTHORIZING THE PUBLICATION OF A NOTICE OF INTENTION TO SELL BONDS; AUTHORIZING THE ISSUANCE BY THE CITY OF NOT-TO-EXCEED \$50,425,000 AGGREGATE PRINCIPAL AMOUNT OF CITY OF PASADENA WATER REVENUE/REFUNDING BONDS, 2020A SERIES, PAYABLE OUT OF THE WATER FUND; APPROVING THE EXECUTION AND DELIVERY OF A SIXTH SUPPLEMENT TO WATER REVENUE BOND INDENTURE, A CONTINUING DISCLOSURE AGREEMENT, AND AUTHORIZING CERTAIN ACTIONS IN CONNECTION THEREWITH

Recommendation: It is recommended that the City Council:

1. Find that the proposed action is not a project subject to California Environmental Quality Act (CEQA) as defined in Section 21065 of CEQA and Section 15378 of the State CEQA Guidelines and, as such, no environmental document pursuant to CEQA is required for the project;
2. Adopt a resolution authorizing the invitation of bids for the purchase of water revenue refunding bonds, 2020A series of said city, approving a notice of intention to sell bonds, a preliminary official statement, and a notice inviting bids, authorizing the publication of a notice of intention to sell bonds, and authorizing certain other actions in connection therewith; and (Resolution No. 9807)
3. Conduct the first reading of "AN ORDINANCE OF THE CITY OF PASADENA AUTHORIZING THE ISSUANCE BY THE CITY OF NOT-TO-EXCEED \$50,425,000 AGGREGATE PRINCIPAL

AMOUNT OF CITY OF PASADENA WATER REVENUE/REFUNDING BONDS, 2020A SERIES, PAYABLE OUT OF THE WATER FUND, AND APPROVING THE EXECUTION AND DELIVERY OF A SIXTH SUPPLEMENT TO WATER REVENUE BOND INDENTURE, AND A CONTINUING DISCLOSURE AGREEMENT IN CONNECTION THEREWITH.”

Conduct first reading of “AN ORDINANCE OF THE CITY OF PASADENA AUTHORIZING THE ISSUANCE BY THE CITY OF NOT TO EXCEED \$50,425,000 AGGREGATE PRINCIPAL AMOUNT OF CITY OF PASADENA WATER REVENUE/REFUNDING BONDS, 2020A SERIES, PAYABLE OUT OF THE WATER FUND, AND APPROVING THE EXECUTION AND DELIVERY OF A SIXTH SUPPLEMENT TO WATER REVENUE BOND INDENTURE AND A CONTINUING DISCLOSURE AGREEMENT IN CONNECTION THEREWITH”

The two above agenda items were discussed concurrently.

Matt Hawkesworth, Director of Finance, summarized the agenda item, and reported on the unanimous support of the staff recommendation by the Finance Committee; and responded to questions. Vic Erganian, City Treasurer, provided information on the single offering bond to be issued, and responded to questions.

Gurcharan Bawa, General Manager of Water and Power, provided information on the Glendale Recycled Water project; and responded to questions.

Following discussion, it was moved by Councilmember Gordo, seconded by Councilmember McAustin, to approve the staff recommendation:

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

**ORDINANCE-FIRST
READING**

The above ordinance was offered for first reading by Councilmember Kennedy:

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

**RECOMMENDATIONS
FROM OFFICERS AND
DEPARTMENTS**

REGIONAL HOUSING NEEDS ASSESSMENT (RHNA AND HOUSING ELEMENT UPDATE)

Recommendation: It is recommended that the City Council receive the report on the Regional Housing Needs Assessment and provide any related direction to staff.

AUTHORIZATION TO ENTER INTO A CONTRACT WITH MIG FOR AN AMOUNT NOT-TO-EXCEED \$374,655 TO PROVIDE CONSULTING SERVICES FOR THE PREPARATION OF THE 2021-2029 HOUSING ELEMENT UPDATE

Recommendation: It is recommended that the City Council:

- (1) Find that the action proposed in the agenda report is not a project subject to the California Environmental Quality Act ("CEQA") as defined in Section 21065 of CEQA and the State CEQA Guidelines Section 15060(c)(2), 15060(c)(3), and 15378; and
- (2) Authorize the City Manager to enter into a contract as a result of a competitive selection process pursuant to Pasadena Municipal Code Section 4.08.047 with MIG for an amount not-to-exceed \$374,655 for the preparation of the 2021-2029 Housing Element update. (Contract No. 31843)

The two above agenda items were discussed concurrently.

David Reyes, Director of Planning and Community Development, provided introductory comments, and Arlene Granadosin-Jones, City Planner, presented a PowerPoint presentation on the item, with both responding to questions.

Councilmember Gordo spoke in favor of utilizing the same consultant that is being recommended to assist the City with the preparation of the 2021-2029 Housing Element update, to develop an appeal on the Regional Housing Needs Assessment (RHNA) allocations. He spoke in favor of appealing the RHNA's allocation, and consider joining with other large municipalities, including cities in the region and the San Gabriel Valley. He also spoke in favor of joining surrounding municipalities in litigation action against Southern California Association of Governments (SCAG) for the unachievable allocation numbers and encroachment into local control. He expressed strong concerns regarding the unfair treatment of Pasadena in light of other cities that have not made good faith efforts to construct affordable housing towards the regional housing goals. He spoke in favor of rejoining the San Gabriel Valley Council of Governments and partnering with surrounding cities to advocate as a region.

Councilmembers Masuda and Wilson spoke in favor of challenging the COG in setting unrealistic and unattainable RHNA's allocations.

Councilmember McAustin spoke in favor of challenging the RHNA's allocations on several levels, appealing the RHNA's allocations, and the need to continue to approach the City's land use on a sustainability basis. In addition, she also spoke on the need to educate the California Department of Housing and Community Development (HCD), in a meaningful and methodical manner, on the City's support of housing within the scope of a sustainable community, the City's track record in building affordable housing (in comparison to other municipalities), and the City's desire to provide its share of affordable housing within the confines of the City's ability to provide such housing.

City Manager Mermell suggested that the City Council consider approving an additional allocation of \$30,000 with MIG (separate item on the agenda for preparation of the City's 2021-2029 Housing Element) to allow the consultant to provide advice and preparation of the RHNA allocation appeal.

Councilmember Madison expressed concerns with RHNA allocation that mandates the City to severely increase housing density and impact the character of the community; and spoke in favor of appealing the RHNA allocation and all options, including litigation, becoming part of a consortium cities for this effort, and lobbying the State's legislative bodies including the State Senate. Councilmember Kennedy requested that staff provide information to the City Council on the pros and cons of filing a RHNA allocation appeal. He spoke on the need for the City Council to make a policy decision to build one thousand units of housing in a three-year period. The units should be for extremely-low, very-low, and low income salary categories.

City Clerk Jomsky reported that letters in support of building additional housing units, suggestions on how to meet RHNA allocations, expressing concerns with the RHNA allocation, advocating support for appealing RHNA allocations, and/or providing comments on the item, were received, distributed and make part of the public record from the following individuals:

Jill Shook, representing Making Housing and Community Happen (MHCH)
Anthony Manousos, MHCH
Sonja Berndt, MHCH
Bert Newton, MHCH
Ann Marie Molina, MHCH
Nina Chomsky, representing Linda Vista-Annandale Association
John Latta, representing Madison Heights Neighborhood Association
Dan Beal, representing West Pasadena Residents' Association

Ken McCormick, Pasadena resident
Richard Luczynski, residence not stated
Megan Foker, representing Livable Pasadena
Allison Henry, Pasadena resident
Claire W. Bogaard, Pasadena resident

He read aloud comments in support of the RHNA allocations, advocating for additional affordable housing, expressing concerns with the City filing an appeal of the RHNA allocation, and providing comments/suggestions on the item from the following individuals:

Sonja Berndt, Pasadena resident
Areta Crowell, Pasadena resident
Anne Marie Molina, Pasadena resident
Martha Kriley, Pasadena resident
Bert Newton, Pasadena resident
George Korzen, Pasadena resident
Phillip Burns, representing Making Housing and Community Happen
Carol Daley, Monrovia resident

In addition, he read aloud, comments in opposition to the RHNA allocation, support for filing an appeal related to the City's RHNA allocations, and provided comments/suggestions from the following individuals:

Susan Barry Baggot, Pasadena resident
Erika Foy, Pasadena resident
Livable Pasadena
Nina Chomsky, representing Linda Vista-Annandale Association
Dan Beal, Pasadena resident
Mic Hansen, representing West Pasadena Residents' Association
Andrew Salimian, representing Pasadena Heritage

Councilmember Wilson spoke in support of advocating for manageable affordable housing development with state legislative representatives that promotes a sustainable community; and recommended that staff be directed to initiate the appeal process of the RHNA allocation, with staff to return with information on the pros and cons of an appeal, as well as details on the arguments to be used to support the City's appeal. In addition, he spoke in support of the additional allocation of funds for the appeal, and to direct the MIG consultant and staff to determine the City's housing unit targets that reflect the needs of the community and the City's goals.

Councilmember McAustin spoke in favor of a Councilmember Kennedy's recommendation to develop a policy on the City

building one thousand units of affordable housing in a three-year period.

Mayor Tornek spoke in favor of an appeal of the RHNA allocation and summarized the staff direction as: direct the staff to quickly provide a recommended appeal argument, including pros and cons of an appeal, and information on the likelihood of success.

Councilmember Gordo stated that his motion includes that the City Council approves the appeal of the City's DRAFT RHNA allocation by SCAG and HCD; and simultaneously moves forward with staff to return on litigation aspects, direct the consultant to begin preparing the City's Housing Element to ensure the City's continued compliance, the consultant to provide information on real achievable goals, and staff to provide information on best strategies and pitfalls related to the appeal process and litigation.

City Clerk Jomsky read aloud comments in support of the contract agreement with MIG to provide consulting services, from Anthony Manousos, Pasadena resident.

David Reyes, Director of Planning and Community Development, presented a PowerPoint on the MIG Consulting Contract agenda item; and responded to questions.

Councilmember Gordo spoke in favor of the staff recommendation, and also advocated for the recommended amendment to increase the proposed contract by an amount of \$30,000 and to utilize the consultant to assist in the preparation of the RHNA allocation appeal process (as discussed and detailed above), assisting staff and the City Council in setting realistic housing goals for the City. He suggested a closed session meeting with City Council and the consultant to discuss litigation, the potential appeal, and help identify reasonable goals regarding the number of affordable housing units to construct in Pasadena.

Councilmember Kennedy stated that he will reticently support the motion as he believes the City Council should display a united front on the item, however, he noted that he believes information is missing (pros and cons of an appeal), and would like that information to return at a future City Council meeting.

Following discussion, it was moved by Councilmember Gordo, seconded by Councilmember Wilson, to direct staff to work with MIG to prepare an appeal of the City's DRAFT RHNA allocation; consider joining with other large municipalities, including cities in the region and the San Gabriel Valley, in preparing a regional approach and effort to oppose and reduce the proposed RHNA requirements, including the possibility of exploring potential litigation; and approve the staff recommendation to enter into a

contract with MIG for an amount not-to-exceed \$374,655 for the preparation of the 2021-2029 Housing Element update, amended to include an additional allocation to MIG in the amount of \$30,000 for consultant services to support the RHNA allocation appeal process:

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

CLOSED SESSION (cont.):

On the order of the Mayor, the special meeting recessed back into closed session at 5:20 p.m. to discuss the following item:

**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 item was discussed, with no reportable action at this time.

ADJOURNMENT

Following closed session discussion, on order of the Mayor, the special meeting of the City Council adjourned at 5:48 p.m. in memory of all those that have lost their lives during the COVID-19 pandemic, victims of recent violence in the community and elsewhere, and those negatively impacted by the fires throughout California.

/s/ Terry Tornek

Terry Tornek, Mayor
City of Pasadena

ATTEST:



City Clerk