

CITY OF PASADENA
City Council Minutes
February 8, 2021 – 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 Gordo called the special meeting to order at 2:04 p.m. The pledge of allegiance was led by Councilmember Rivas.

ROLL CALL: Mayor Victor M. Gordo
Councilmembers: Vice Mayor Andy Wilson
Councilmember Tyron Hampton
Councilmember John J. Kennedy
Councilmember Steve Madison
Councilmember Gene Masuda
Councilmember Jessica Rivas
Councilmember Felicia Williams

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

CEREMONIAL MATTERS Mayor Gordo requested that the meeting be adjourned in memory of those that have suffered due to death and illness caused by COVID-19 in Pasadena, the nation, and around the world.

SPECIAL ITEM **COVID-19 UPDATE FROM DR. YING-YING GOH, PUBLIC HEALTH OFFICER**

Councilmember Hampton connected to the meeting at 2:13 p.m. Steve Mermell, City Manager, provided introductory comments, and Dr. Ying-Ying Goh, Public Health Officer, provided an update on COVID-19 positive cases, including the number of cases where people gather (work, socially or otherwise), amended thresholds for opening schools, information on COVID-19 vaccines provided to adults 65 years and older, as well as first responders, and Public Health Department's outreach in administering the COVID-19 vaccines; and responded to questions.

Vice Mayor Wilson thanked Dr. Goh and her staff for their work administering the COVID-19 vaccine to the senior community and first responders.

Councilmember Hampton thanked Dr. Goh for her work in assisting the schools that have opened for in-class learning; and advocated for the City to issue a statement regarding the recent Supreme Court ruling to eliminate the state's prohibition on indoor worship.

Councilmember Madison expressed concerns with the City issuing any statement on the Supreme Court ruling stating he believes the reaction by the state and the City's Health Director were appropriate. He spoke on the need to meet with Pasadena Unified School District (PUSD) Board to discuss the reopening of public schools and a mandatory vaccination policy for staff and students.

Mark Jomsky, City Clerk, responded that the annual joint meeting of the PUSD Board of Education and the City Council is scheduled for Monday, March 1, 2021.

Mayor Gordo spoke on the importance of recognizing how much families and kids are struggling with remote learning, and the increasing need and demand for a return to in-class instruction and extracurricular activities. He asked staff to develop a "basic tool kit" to distribute to the schools to help them prepare for the re-opening and return of in-person learning at Pasadena schools.

City Clerk Jomsky reported that a number of letters and emails advocating for the reopening of schools in Pasadena, were received, which were distributed to the City Council, posted on-line, and made part of the public record from the following individuals:

Erika Foy, representing Save California Students Now
Gary Stern, representing Pasadena Area School Heads (PASH)
Tonya Beilstein, Jon Bracker, Julia Fanara, Sister Carolyn McCormack, Elizabeth McGregor, Kate Morin, Amy Patzlaff, Gary Stern, and Baudelia Taylor, Heal of School (for various schools)

In addition, Latasha Reese, Assistant City Clerk, together with the City Clerk, read aloud comments advocating for the reopening of schools in Pasadena, and providing comments/suggestions from the following individuals:

Mary Forrest, Pasadena resident
Marisa Zakaria, Pasadena resident
Harper Burge, Pasadena resident
Caroline Botsford, Pasadena resident
Nicole Anido, Pasadena resident
Catherine Roheim, Pasadena resident
Brian Botsford, Pasadena resident
Marissa Bell, Pasadena resident
Melissa K. Eaves, Pasadena resident
Laurie Smith, Pasadena resident
Julianne Webb, San Marino resident
Henry Burge, Pasadena resident
Frances Morrison, Pasadena resident
Ryan Forrest, Pasadena resident

Greg Chapman, Pasadena resident
Hayley Boaz, Pasadena resident
Alyson Pernecky, Pasadena resident
Dana Banta, Pasadena resident
Denise Walklett, Pasadena resident
Celene Lyddon, Pasadena resident
Diana Sala, Pasadena resident
Angela Buchanan, Pasadena resident
Noelle Aloe, San Marino resident
Toi Treister, Pasadena resident
Erika Foy, Pasadena resident

Mayor Gordo asked staff to include on his upcoming Joint Mayors Meeting agenda (with Mayor Garcetti of Los Angeles and Mayor Garcia of the City of Long Beach) the topic of reopening and returning to in-class instruction as a discussion topic for the meeting scheduled for Wednesday, February 10, 2021. He spoke on the need for staff to distinguish the issue related to the City being tied to Los Angeles County in terms of COVID-19 case numbers.

Councilmember Williams stated that at some point the City will need to have a discussion to determine if it is necessary to continue on the same path and follow the State of California regulations, or to consider a separate path and develop specific health and safety guidelines for the City of Pasadena as it relates to COVID-19.

Vice Mayor Wilson spoke on the mental health risks and educational impacts of remote learning for school age students, and asked Dr. Goh to advise the City Council when she feels the costs of remote learning exceeds the health benefits gained in adhering to COVID-19 safety protocols.

The City Council recessed at 3:30 pm., and reconvened at 4:01 p.m.

Councilmember Hampton advocated for the reopening of in-class instruction for all grade levels; and spoke in favor of pushing back on California regulations related to the reopening of in-class instruction, stating that the mental health impacts to the children are of grave concern.

Councilmember Williams stated that she believes there is a structural problem with the Emergency Orders, which she believes has eviscerated decision-making authority and power of the City Council, and spoke in favor of amending the Emergency Orders to allow public policy decisions to return to the City Council.

Michele Bagneris, City Attorney/City Prosecutor, clarified that the State Legislature, through adopted statutes, provided the Governor with the authority to enact statewide emergency orders, and the City may develop orders more restrictive but not less restrictive.

Councilmember Madison stated that he strongly supports complying with state legislation and the legally issued emergency declarations of the Governor.

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

CONSENT CALENDAR

AUTHORIZATION TO ENTER INTO A CONTRACT WITH UTILITY TREE SERVICE, LLC, TO PROVIDE POWER LINE CLEARANCE TREE TRIMMING SERVICES FOR THE WATER AND POWER DEPARTMENT FOR A MAXIMUM CONTRACT AMOUNT NOT-TO-EXCEED \$15,720,000

Recommendation: It is recommended that the City Council:

- (1) Find that the proposed action is categorically exempt from the California Environmental Quality Act ("CEQA") pursuant to State CEQA Guidelines Section 15301 (Class 1 – 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;
- (2) Accept the letter from Flintridge Tree Care, Inc., dated January 13, 2021 rescinding their bid to provide power line clearance tree trimming services for the Water and Power Department; and
- (3) Accept the bid dated August 10, 2020 from Utility Tree Service, LLC, ("UTS") in response to Specifications for Tree Trimming Services for the Water and Power Department; and authorize the City Manager, or his designee, to enter into a contract for an initial period not-to-exceed three years or until \$9,432,000 has been expended, whichever occurs first; with two optional one-year extensions, each not-to-exceed \$3,144,000. (Contract No. 31978)

CONTRACT AWARD TO TRANSCORE, LLC FOR \$368,000 TO PROVIDE ADAPTIVE CONTROL SERVICES AS PART OF THE ADAPTIVE TRAFFIC CONTROL NETWORK PHASE II METRO GRANT FUNDED PROJECT

Recommendation: It is recommended that the City Council:

- (1) Find that the following proposed actions are exempt from review pursuant to the California Environmental Quality Act ("CEQA"), pursuant to State CEQA Guidelines Section 15061(b)(3) Review for Exemption;
- (2) Authorize the City Manager to enter into a contract, without competitive bidding pursuant to City Charter Section 1002(F), contracts for professional or unique services, with Transcore, LLC for the expansion of the Sydney Coordinated Adaptive Traffic System (SCATS), as described in the scope of work for the Adaptive Traffic Control Network-Phase II Metro funded project (FA No. 920000000F7318), for an amount not-to-exceed \$368,000, which includes a base contract amount of \$335,000 and contingency amount of \$33,000 for the provision of necessary change orders, if any; and

(3) It is further recommended that the City Council grant the proposed contract an exemption from the Competitive Selection process pursuant to Pasadena Municipal Code Section 4.08.049B, contracts for which the City's best interests are served. (Contract No. 31980)

FINANCE COMMITTEE: AUTHORIZATION TO ENTER INTO A PURCHASE ORDER WITH ELLIS EQUIPMENT INC., TO FURNISH AND DELIVER CONCRETE K-RAILS AND TL2 SLEDs FOR THE ON-STREET DINING PROGRAM NOT-TO-EXCEED \$230,000

Recommendation: It is recommended that the City Council:

(1) Find this action is exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15061(b)(3), Review for Exemption;

(2) Authorize the City Manager to enter into a purchase order, without competitive bidding pursuant to City Charter Section 1002(F), contracts for professional or unique services, with Ellis Equipment Inc., for the procurement of concrete K-rail and TL2 SLEDs for the on-street dining program in an amount not-to-exceed \$230,000, which includes the base purchase amount of \$190,000 and an optional contingency of \$40,000;

(3) Appropriate \$35,000 from the General Fund operating reserve for the on-street dining program to the Department of Transportation Fiscal Year 2021 Operating Budget contract services account 10124003-811400; and (Budget Amendment No. 2021-27)

(4) It is further recommended that the City Council grant the proposed purchase order an exemption from the Competitive Selection process set forth in the Competitive Bidding and Purchasing Ordinance pursuant to Pasadena Municipal Code Section 4.08.049(B), contracts for which the City's best interests are served.

**RESIGNATIONS,
APPOINTMENTS, &
REAPPOINTMENTS**

RESIGNATION OF NORMA ESTELA FERNANDEZ FROM THE COMMISSION ON THE STATUS OF WOMEN (Mayor Nomination)

RESIGNATION OF JESSICA C. RIVAS FROM THE NORTHWEST COMMISSION (District 5 Nomination)

APPOINTMENT OF CASEY JAGUSCH TO THE ACCESSIBILITY AND DISABILITY COMMISSION (District 2 Nomination)

APPROVAL OF MINUTES

January 11, 2021
January 18, 2021
January 25, 2021

CLAIMS RECEIVED

Claim No. 13,673 Sassan Amini \$ 10,000.00+

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

PUBLIC HEARING

PUBLIC HEARING: CONSIDERATION OF AMENDMENTS TO DEVELOPMENT AGREEMENT NO. 30469, PLANNED DEVELOPMENT NO. 34, 100 WEST WALNUT (LINCOLN/PARSONS PROJECT, PROJECT PROPERTY LOCATED AT 10 WEST WALNUT AVENUE)

Recommendation: It is recommended that the City Council:

- (1) Find that the proposed amendments to the Development Agreement do not involve physical changes to the environment and, if adopted, are therefore exempt from the requirements of CEQA pursuant to Section 15061(b)(3);
- (2) Direct the City Manager to negotiate amendments to the Development Agreement pursuant to Pasadena Municipal Code (PMC) 17.66.080(A) consistent with the topics identified in the agenda report; and
- (3) Direct the City Attorney to prepare an amended Development Agreement within 60 days for City Council consideration of the terms to which the parties agree at a subsequent meeting. (Contract No. 30469-1)

Mark Jomsky, City Clerk, opened the public hearing; reported that the public hearing notice was published in the Pasadena Press on January 21, 2021; and that a number of letters and emails providing comments/suggestions related to local hiring and contracting, which were distributed to the City Council, posted on-line, and made part of the public record were received from the following individuals:

Rick Olsen, representing Letner Roofing Co.
Cliff Smith, representing United Union of Roofers,
Waterproofers, and Allied Workers
Sanfilippo Construction
Logan Shea, residence not stated
Gor Grishyan, representing Giniani Corporation
Adam Preciado, representing Tinco Sheet Metal

City Manager Mermell provided introductory comments, David Reyes, Director of Planning and Community Development, presented a PowerPoint presentation on the item, and responded to questions.

Mayor Gordo expressed concerns with the dismal results of the project developer in complying with provisions contained in the Development Agreement related to local hire and procurement.

Vice Mayor Wilson stated the following for the record, "As a result of outreach from the applicant and one of their representatives, I had a conversation with them about this project just to get some information. This occurred before I was on the Council, so I just want the record to reflect that."

Rob Kane, representing Lincoln Property West, provided an oral overview of the local hire and procurement efforts made by Lincoln Property West (Lincoln/Parsons Project, Project Property Located At 10 West Walnut Avenue) and the various community benefits these efforts have resulted for Pasadena residents and businesses, including fees paid for transportation, utilities, and permits, fees paid towards affordable housing and infrastructure improvements, funds spent to purchase local materials and supplies, and commitment to public accessibility to open space. He provided information on their outreach for their local hire program; and responded to questions.

City Clerk Jomsky read aloud comments, concerns, support, and suggestions on the matter from the following individuals:

Ken Girvets, Pasadena resident
John Davidson, Pasadena resident
Josh McCurry, Pasadena resident
Zach Floyd, Santa Clarita resident
Keith Baraka, Santa Anita resident
Matthew Wise, Pasadena resident
Jamie Montano Jr., Pasadena resident
Jermain Huston, Pasadena resident
Paul Pissos, Pasadena resident
Jon Oeser, representing Tru Line Carpentry
Shelly Carillo, Pasadena resident
Charles Harris, Pasadena resident
Gerald Bell, Pasadena resident
Richard Andersen, Valencia resident
Hugo Sanchez, Pasadena resident
Scott Rock, Pasadena resident
Jonathan Wyndon, Pasadena resident
Paul Scott, Pasadena resident
Dianne Russel, representing Foothill Workforce Development Board
Yung Truong, representing T Graphics
Marco Flores, Pasadena resident
Nick Morton, Altadena resident
Peter Matich, Pasadena resident
Jonathan Miller, Pasadena resident
Dan McAuliffe, Santa Monica resident

Councilmember Kennedy requested the following for the record: "Mr. Kane for the record, from your perspective in the terms of the 20%, 20% and 15% what is the dollar number if you had in fact reached what we are calling "goals" under those three categories?"

In response to Councilmember Kennedy's question, Mr. Kane responded by saying that over the next 60 days the development team will work closely and collaboratively with the City to develop a strategy to address those numbers.

Mr. Kennedy also requested the following for the record, "So, my rough on the napkin arithmetic would lead me to believe that the total benefit in terms of a dollar amount is about \$70 million if we had been successful on this project. And \$70 million is significantly more than the approximate \$20 million that has been floated earlier today and is in the staff report, Mr. Kane. So I just want to put that on the record. It is not hard and fast, and I've asked you to give me your number so we would all be on the same page as it relates to what is spent on hiring, contracting and local sourcing of materials."

Councilmember Hampton expressed concerns with the lack of fiscal data in the staff report and from the developer related to 20% of the project budget that would have been spent on local hire and procurement; and spoke on the Pasadena City College training program where students were shown the project site, but not hired to work on the project.

In response to Councilmember Masuda's inquiry related to the City's assistance to the developer with local hiring, City Manager Mermell reported that City staff, the City's First Source Program, and additional contractual staff (Mr. Prentice Deadrick) have been working with the developer to help meet their local hire and procurement goals.

Councilmember Rivas spoke on the need to seek reimbursement from the developer for any City costs incurred associated with hiring additional staff to provide assistance to the developer to meet their local hire and procurement goals.

Mayor Gordo recommended that staff be directed to negotiate with the developer on a Community Benefit Agreement or Project Labor Agreement that will allow the developer to have access to pre-apprenticeship and apprenticeship programs (i.e. Flintridge Center) as a way to support the achievement of the Development Agreement contract goals; and spoke in favor of seeking reimbursement of the costs incurred by the City associated with providing assistance to the developer.

Councilmember Masuda and Williams spoke in favor of staff negotiating with the developer.

Councilmembers Hampton and Kennedy spoke in favor of holding the developer accountable in Phases I and II of the “Lincoln Project” as the developer agreed to the percentages related to local hire and procurement detailed in the Development Agreement No. 30469.

Councilmember Kennedy requested that the direction to staff as part of the Development Agreement amendment, negotiate reimbursement of expenses incurred by the City; ensure staff “true-ups” the percentages related to local hire, contracting, and sourcing procurement without excuse (with the developer willing to divide major contracts to reach the negotiated numbers that the City Council approves); and renegotiate the Development Agreement for the current phase of the project, and not only Phase II of the project. He spoke on the necessity of the developer to further commit to local contracting and local sourcing efforts.

Vice Mayor Wilson spoke in favor of directing staff to amend Development Agreement No. 30469 to look for alternative opportunities for the developer to provide community benefits and capture value in a different method.

Mayor Gordo requested staff return to the City Council with an amended Development Agreement proposal that addresses both the contribution to the City’s expenses, as well as provides real opportunities for pre-apprenticeship and apprenticeship programs. He requested that staff work with the developer to provide a breakdown of the 112 positions hired by the developer and the number of hours worked at each position related to the project.

Following discussion, it was moved by Councilmember Kennedy, seconded by Vice Mayor Wilson, to close the public hearing:

AYES: Councilmembers Hampton, Kennedy, Madison,
Masuda, Rivas, Williams, Vice Mayor Wilson, Mayor
Gordo

NOES: None

ABSENT: None

ABSTAIN: None

Following discussion, it was moved by Councilmember Kennedy, seconded by Vice Mayor Wilson, to approve the staff recommendation, with direction to staff to negotiate changes to Development Agreement No. 30469 to modify targets and minimum standards related to local hire, local contracts, and local procurement; seek reimbursement of City expenses; and to ensure a minimum percentage of investment by the developer occurs in the form of local jobs and materials, apprenticeship programs, and direct financial investment:

form of local jobs and materials, apprenticeship programs, and direct financial investment:

AYES: Councilmembers Hampton, Kennedy, Madison, Masuda, Rivas, Williams, Vice Mayor Wilson, Mayor Gordo

NOES: None

ABSENT: None

ABSTAIN: None

**REPORTS AND
COMMENTS FROM
COUNCIL COMMITTEES**

PROPOSED AMENDMENTS TO BALANCE THE FISCAL YEAR 2021 GENERAL FUND OPERATING BUDGET

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 State CEQA Guidelines Section 15378(b);
- (2) Approve the proposed amendments to the Fiscal Year (FY) 2021 Operating Budget;
- (3) Amend the City Council Department's FY 2021 Operating Budget by adding a 1.0 Full-time Equivalent (FTE) City Council District Liaison and appropriating \$60,000 from the unappropriated General Fund balance; and
- (4) Amend the City Attorney's Office FY 2021 Operating Budget by adding a 1.0 FTE Management Analyst II and appropriating \$38,500 from the unappropriated General Fund balance. (Budget Amendment Nos. 2021-28, 2021-28a, 2021-28b)

Mayor Gordo, Chair of the Finance Committee, reported that the item was discussed at the Committee meeting, and was forwarded to the City Council for approval. Mayor Gordo asked staff to provide an update on the City's reserve account balances to the City Council.

City Manager Mermell provided information on the City's General Fund Operating Budget, and responded to questions.

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

AYES: Councilmembers Hampton, Kennedy, Madison, Masuda, Rivas, Williams, Vice Mayor Wilson, Mayor Gordo

NOES: None

ABSENT: None

ABSTAIN: None

**ORDINANCE – FIRST
READING**

Conduct first reading of "AN ORDINANCE OF THE CITY OF PASADENA AMENDING TITLE 14 (BUILDINGS AND CONSTRUCTION) AND VARIOUS PROVISIONS OF TITLE 17 (THE ZONING CODE) TO REVISE THE DEVELOPMENT STANDARDS FOR SINGLE FAMILY RESIDENTIAL DISTRICTS

City Clerk Jomsky read aloud comments from Andrew Salimian, representing Pasadena Heritage, in support of the ordinance and providing comments/suggestions.

Following public comments, the above ordinance was offered for first reading by Councilmember Hampton:

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

Conduct first reading of “AN ORDINANCE OF THE CITY OF PASADENA AMENDING VARIOUS PROVISIONS OF TITLE 17 (ZONING CODE) OF THE PASADENA MUNICIPAL CODE RELATED TO HISTORIC PRESERVATION”

City Clerk Jomsky reported that Matthew Gelfend, representing Californians for Homeownership, submitted a letter expressing concerns related to the ordinance, which was distributed to the City Council, posted on-line, and made part of the public record.

City Clerk Jomsky read aloud comments from Andrew Salimian, representing Pasadena Heritage, in support of the ordinance and providing comments/suggestions; and Matthew Gelfend, Californians for Homeownership, expressing concerns related to the ordinance.

In response to public comment, Michele Beal Bagneris, City Attorney/City Prosecutor, reported that her office is confident that the ordinance meets all the requirements to be enforceable and consistent with applicable state law. David Reyes, Director of Planning and Community Development, reported that staff worked closely with the City Attorney’s Office and outside counsel to develop both ordinances; and responded to questions.

Theresa Fuentes, Assistant City Attorney, reported on minor modifications made to the ordinance, with the updated ordinance having been distributed to the City Council and posted on-line.

Following discussion, the above ordinance (incorporating the minor modifications) was offered for first reading by Councilmember Hampton:

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

CLOSED SESSION

City Clerk Jomsky read aloud comments from Paul Little, representing Pasadena Chamber of Commerce, in support of the developer and project related to 417 North Madison Avenue, and providing comments/suggestions.

On order of the Mayor, the regular meeting recessed at 6:12 p.m. to discuss the following closed session (Absent None):

**CITY COUNCIL CONFERENCE WITH LEGAL COUNSEL—
ANTICIPATED LITIGATION
SIGNIFICANT EXPOSURE TO LITIGATION PURSUANT TO
GOVERNMENT CODE SECTION 54956.9(d)(2): One potential
case**

**CITY COUNCIL CONFERENCE WITH LEGAL COUNSEL
REGARDING PENDING LITIGATION pursuant to Government
Code Section 54956.9(d)**

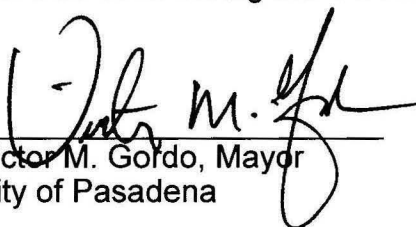
**Name of Case: Pasadena Tournament of Roses Association v.
City of Pasadena**

Case No.: U.S. District Court Case No. 2:2-cv-01051

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

ADJOURNMENT

On order of the Mayor, the special meeting of the City Council adjourned at 8:28 p.m., in memory of all those that are ill and have lost their lives during the COVID-19 pandemic.



Victor M. Gordo, Mayor
City of Pasadena

ATTEST:



City Clerk