

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

6OPENING: Mayor Tornek called the special meeting to order at 2:04 p.m. The pledge of allegiance was led by Councilmember McAustin.

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
Chief Assistant City Attorney Javan Rad
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 in Pasadena, the nation, and around the world.

CONSENT CALENDAR **REJECTION OF BIDS TO FURNISH LABOR AND MATERIALS FOR ENTERPRISE BUILDING SECURITY MANAGEMENT, PHASE 2, SECURITY ENHANCEMENTS AT THE VILLA PARKE COMMUNITY CENTER AND LA PINTORESCA BRANCH LIBRARY**

Recommendation: It is recommended that the City Council:
(1) Find that the proposed action is statutorily exempt from the California Environmental Quality Act (CEQA) pursuant to Public Resources Code Section 21080(b)(5) (projects which a public agency rejects or disapproves) and Section 15270 of the State CEQA Guidelines; and
(2) Reject the bids received on May 18, 2020 in response to the Notice Inviting Bids for Enterprise Building Security Management, Phase 2.

CONTRACT AWARD TO SELECT ELECTRIC INC., FOR TRAFFIC SIGNAL IMPROVEMENTS AT VARIOUS LOCATIONS FOR AN AMOUNT NOT-TO-EXCEED \$210,000

Recommendation: It is recommended that the City Council:
(1) Find the project proposed in the agenda report to be categorically exempt under the California Environmental Quality Act

(CEQA) Guidelines in accordance with Title 14, Chapter 3, Article 19, Section 15301, Class 1, minor alterations of existing public facilities involving negligible or no expansion of use beyond that previously existing at the time of the lead agency's determination, and find that there are no features that distinguish this project from others in the exempt class, and therefore, there are no unusual circumstances; and

(2) Accept the bid dated May 28, 2020, submitted by Select Electric Inc., in response to the project plans and specifications for Traffic Signal Improvements at Various Locations Project, reject all other bids received, and authorize the City Manager to enter into a contract not-to-exceed \$210,000, which includes the base contract amount of \$174,903 and a contingency of \$35,097 to provide for any necessary change orders. (Contract No. 31756)

AUTHORIZE PURCHASE ORDER WITH CB PROCUREMENT FOR PURCHASE OF STREET LIGHT MATERIALS FOR HIGH VOLTAGE SERIES STREET LIGHT CONVERSION - PHASE 1 PROJECT FOR AN AMOUNT NOT-TO-EXCEED \$135,000

Recommendation: It is recommended that the City Council:

(1) Find the project proposed in the agenda report to be categorically exempt under the California Environmental Quality Act (CEQA) Guidelines in accordance with Title 14, Chapter 3, Article 19, Sections 15301 (Class 1 Existing Facilities) and 15302 (Class 2 Replacement or Reconstruction). There would be minor alterations of existing public facilities involving negligible or no expansion of use beyond that previously existing at the time of the lead agency's determination, and that there are no features that distinguish this project from others in the exempt class, and therefore, there are no unusual circumstances; and

(2) Accept the bid dated May 27, 2020, submitted by CB Procurement, in response to project specifications for the purchase of Street Light Materials for South Arroyo Boulevard Lighting Conversion Project, reject all other bids, and authorize the City Manager to enter into a contract not-to-exceed \$135,000 which includes the base contract amount of \$116,338 and a contingency of \$18,662 to provide for any necessary change orders.

AUTHORIZATION TO ENTER INTO A PURCHASE ORDER WITH JCI JONES CHEMICALS, INC., TO FURNISH AND DELIVER 12.5% SODIUM HYPOCHLORITE FOR AN AMOUNT NOT-TO-EXCEED \$41,895 PER YEAR

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) Accept the bid dated April 7, 2020, submitted by JCI Jones Chemicals, Inc., ("JCI") in response to Specification WD-20-02, to

furnish and deliver 12.5% Sodium Hypochlorite for the Water and Power Department ("PWP"); reject all other bids received, and authorize the City Manager to enter into a purchase order with JCI for an amount not-to-exceed \$41,895 for an initial term of one year; and

(3) Authorize the City Manager to extend the purchase order for four optional one-year terms each year not-to-exceed \$41,895 per year, allowing for a unit price increase that shall not exceed the change in the rate of the current Producer Price Index (PPI). If the four additional one-year terms are exercised, the total purchase order amount is \$209,475 for a maximum duration of five years.

REJECTION OF BIDS FOR POWER LINE CLEARANCE TREE TRIMMING SERVICES FOR THE WATER AND POWER DEPARTMENT

Recommendation: It is recommended that the City Council:

(1) Find that the proposed actions are exempt from the California Environmental Quality Act ("CEQA") in accordance with Section 15061(b)(3), the common sense exemption (formerly the General Rule) that CEQA only applies to projects that may have an effect on the environment; and

(2) Reject all bids received on March 24 and March 26, 2020 in response to the Notice Inviting Bids for Tree Trimming Services for the Water and Power Department.

Item discussed separately

APPROVE CONTRACT EXTENSION NO. 30173-2 WITH PASADENA HUMANE SOCIETY & SPCA TO PROVIDE ANIMAL CONTROL SERVICES FOR ONE YEAR AT A COST OF \$1,625,887 AND RESTRUCTURE DOG LICENSE FEE

AUTHORIZATION TO INCREASE THE NOT-TO-EXCEED AMOUNT OF CONTRACT NO. 31372 WITH TIBA PARKING SYSTEMS

Recommendation: It is recommended that the City Council:

(1) Find that the increase in Contract No. 31372 with TIBA Parking Systems is exempt from the California Environmental Quality Act ("CEQA") pursuant to State CEQA Guidelines Section 15061(b)(3);

(2) Authorize the City Manager to increase the not-to-exceed amount for Contract No. 31372 with TIBA Parking Systems for the installation of a new parking access and revenue control system in eight city-owned garages by \$108,000, from \$3,258,594 to \$3,366,594, as detailed in the Fiscal Impact section of the agenda report; and

(3) To the extent this transaction could be considered a separate procurement subject to competitive selection, grant the proposed contract with TIBA 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. (Contract No. 31372-1)

RECOGNIZE REVENUE AND APPROPRIATE FUNDS OF \$111,618 TO THE FISCAL YEAR 2020 OPERATING BUDGET FOR THE BUREAU OF JUSTICE ASSISTANCE CORONAVIRUS EMERGENCY SUPPLEMENTAL FUNDING PROGRAM

Recommendation: It is recommended that the City Council:

- (1) Find that the proposed actions are exempt from 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) Approve the submittal of a grant application for the Bureau of Justice Assistance Coronavirus Emergency Supplemental Funding Program;
- (3) Authorize the City Manager to execute, and the City Clerk to attest the grant application, certifications, and any and all other documents deemed necessary by the U.S. Department of Justice to obtain the allocation of the aforementioned federal funds; and
- (4) Amend the Fiscal Year 2020 Operating Budget to recognize revenues in the amount of \$111,618 and appropriate expenditures in the amount of \$111,618. (Budget Amendment No. 2020-51)

Mark Jomsky, City Clerk, read aloud comments from Juliet Ryan-Davis, advocating for the defunding of the Pasadena Police Department.

Item discussed separately

APPROVAL OF COMMITMENT OF GENERAL FUND BALANCE FOR THE GENERAL FUND EMERGENCY CONTINGENCY COMMITMENT AND GENERAL FUND OPERATING RESERVE FOR FISCAL YEAR 2020

RESIGNATIONS, APPOINTMENTS, & REAPPOINTMENTS

RESIGNATION OF MIREYA ASTURIAS JONES FROM THE COMMISSION ON THE STATUS OF WOMEN (District 6 Nomination

Item discussed separately

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

CLAIMS RECEIVED

Claim No. 13,542	David Hancock	\$ 1,376.58
Claim No. 13,543	Kevin Brown	20,000.00
Claim No. 13,544	Glendale Medical Center Adventist Health	23,108.02
Claim No. 13,545	Law Office of Kevin S. Conlogue, representing Keith Anderson	10,000,000.00
Claim No. 13,546	Law Office of Kevin S. Conlogue, representing Lorena McCaigue	10,000,000.00

Claim No. 13,547	The Portasha Moore Law Firm, representing Andrew Urbina	500,000.00
Claim No. 13,548	Theodore Philpot	173.22
Claim No. 13,549	Southern California Gas Company	10,000.00+

PUBLIC HEARINGS SET

July 20, 2020, 2:00 p.m. - Approval and Authorization of the Submittal to the U.S. Department of Housing & Urban Development (HUD) of the 2020 Analysis of Impediments (AI) to Fair Housing Report

July 20, 2020, 2:00 p.m. - Approval of the Five-Year Consolidated Plan (2020-2024), the Annual Action Plan (2020-2021) and Related Funding Applications for the Community Development Block Grant, Home Investment Partnership Act, and Emergency Solutions Grant Programs

It was moved by Councilmember Kennedy, seconded by Councilmember Masuda, to approve all items on the Consent Calendar, with the exception of Item 6 (Approve Contract Extension No. 30173-2), Item 9 (Approval of Commitment of General Fund Balance for the General Fund Emergency Contingency Commitment), and Item 11 (Adopt a Resolution Authorizing the City of Pasadena to Join PRISM), which were discussed separately:

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

CONSENT ITEM
DISCUSSED SEPARATELY

APPROVE CONTRACT EXTENSION NO. 30173-2 WITH PASADENA HUMANE SOCIETY & SPCA TO PROVIDE ANIMAL CONTROL SERVICES FOR ONE YEAR AT A COST OF \$1,625,887 AND RESTRUCTURE DOG LICENSE FEE

Recommendation: It is recommended that the City Council: (1) Find the proposed action is exempt from the California Environmental Quality Act (CEQA) in accordance with Section 15061(b)(3). The Common Sense Exemption states that CEQA only applies to projects that may have an effect on the environment; (2) Authorize the City Manager to extend the term of Contract No. 30173 with the Pasadena Humane Society & SPCA for a period of one year for a total not-to-exceed amount of \$1,625,887. Competitive bidding is not required pursuant to the City Charter Section 1002(F), contracts for professional or unique services; (3) Grant the proposed contract extension an exemption from the competitive selection process of the Competitive Bidding and Purchasing Ordinance pursuant to Pasadena Municipal Code (PMC) 4.08.049(B), contracts for which the City's best interests are served;

- (4) Authorize the Pasadena Humane Society & SPCA to retain the first \$80,000 of the animal licensing revenue and split the remainder with the City on a 50/50 basis in consideration of operating the animal licensing and canvassing program;
- (5) Direct the City Attorney to amend Chapter 6.16 of the PMC to eliminate dog license fee proration; and
- (6) Direct staff to amend the Schedule of Taxes, Fees, and Charges to round down dog license fees to a whole dollar amount effective August 1, 2020 (Contract No. 30173-2)

Steve Mermell, City Manager, provided information on the City's contracting history with the Pasadena Humane Society (PHS), PHS's new cost allocation methodology, the resulting significant increase to the City's contract with PHS, potential alternatives for the City's animal control service needs; and responded to questions.

Vice Mayor Hampton requested that this item be agendaized at a future Public Safety Committee meeting in order to provide detailed information to the community on PHS's contractual agreement with the City.

Councilmember McAustin expressed concerns with PHS's cost increases, and the lack of transparency related to their costs for animal control services to cities served by PHS.

Councilmember Gordo asked staff to provide an update on PHS's canvassing of dog licensing in Pasadena and a recommendation on how to improve the program. He asked staff to investigate other options for animal control services, including City of Los Angeles' Humane Society and other municipalities. He also asked staff to ensure when reviewing other agencies or animal control models, that only no-kill shelters are considered as options for Pasadena.

Councilmember Wilson asked staff to work with other municipalities to benchmark animal control service costs to determine if PHS is providing market pricing.

Mark Jomsky, City Clerk, read aloud comments from Marla Tauscher, Pasadena resident, advocating for the City to develop a no-kill animal control agency.

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

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

APPROVAL OF COMMITMENT OF GENERAL FUND BALANCE FOR THE GENERAL FUND EMERGENCY CONTINGENCY COMMITMENT AND GENERAL FUND OPERATING RESERVE FOR FISCAL YEAR 2020

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); and
- (2) Adopt a resolution approving the City of Pasadena General Fund Emergency Contingency commitment of \$42,427,200 and General Fund Operating Reserve commitment of up to \$12,692,400 (with the final amount to be determined upon conclusion of Fiscal Year 2020 financial statement preparation) from fund balance of the General Fund for Fiscal Year 2020. (Resolution No. 9792)

City Manager Mermell provided introductory comments, Matt Hawkesworth, Director of Finance and Robert Ridley, Controller, presented a PowerPoint presentation on the item, and responded questions.

Councilmember Madison expressed concerns with information he believes is missing in the staff report and possibly misleading the residents on the status of the City's current reserve balance. He asked staff to provide additional information on all reserve funds, including operating reserves versus emergency reserves. In addition, he stated that the transfer of funds to cover the Rose Bowl Operating Company's debt as "operating funds" should be an expenditure related to an emergency.

Councilmember Gordo supported the point made regarding the staff report's lack of clarity and transparency on fund balance expenditures; and also that it does not address the City's expected revenue short falls anticipated for Fiscal Year (FY) 2021. He asked staff to provide an information sheet on FY 2021 budget assumptions used to forecast projections related to revenue loss. He stated that it is absolutely necessary for the City Manager to present a contingency plan with information on what essential services may need to be eliminated to correct revenue losses.

In response, Mr. Hawkesworth stated that as part of the Finance Committee packet, Attachment A to the agenda report provides a new look at General Fund revenues, including data projections and actuals through the end of May 2020, as well as key assumptions used in the budget reports, which will be discussed at the Finance Committee meeting scheduled for Thursday, June 25, 2020.

City Clerk Jomsky, read aloud comments from Ralf Tiede, Pasadena resident, advocating for the City to defund and demilitarize the Pasadena Police Department.

Following public comment, it was moved by Councilmember Kennedy, seconded by Councilmember Masuda, to approve the staff recommendation:

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

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.

Arlene Gallardo, Risk and Insurance Administrator, presented a PowerPoint presentation on the item and responded to questions. Robert Lowe, Vice President of Alliant Insurance Services, provided information on "stand alone" insurance coverage, costs associated with such coverage; and responded to questions. Javan Rad, Chief Assistant City Attorney, stated that the City is currently negotiating a contract with PRISM for a more favorable deal; and responded to questions.

Councilmember Wilson expressed concerns with the lack of information related to the City participating in a risk sharing pool as opposed to a traditional third party insurance underwriter, and asked that this item be agendaized at a future Finance Committee meeting for further review and discussion.

City Manager Mermell stated that an important aspect of joining PRISM is that the City would keep the self-insured retention for police related claims at \$5 million as opposed to \$7.5 million, which would occur if no change was made; and responded to questions.

Councilmember McAustin spoke on the need to consider customer service when renewing the City's liability insurance coverage.

Councilmember Gordo requested information on the liability and experience for each City and collectively that are members of PRISM; and expressed concerns with potentially buying into the liability of other cities.

Mayor Tornek asked Mr. Lowe to provide information on the City's potential exposure and liability if the City were to join PRISM.

Following discussion, by consensus of the City Council, and on order of the Mayor, staff was asked to reagendaize the item to the next City Council meeting and provide the information as detailed above.

**RECOMMENDATIONS
FROM OFFICERS AND
DEPARTMENTS**

COVID-19 UPDATE FROM CITY MANAGER:

ORAL REPORT ON UPDATED HEALTH ORDER

Dr. Ying Ying Go, MD, Director of Public Health, provided an update on the City's Health Orders to allow expanded personal services with strict protocols; the State mandate related to face coverings; the number of cases and deaths related to the COVID-19 pandemic occurring in Pasadena, as well as data on a national and worldwide scale; and responded to questions. Interim Fire Chief Bryan Frieders, provide information on the Fire Department and joint efforts of other City departments with regard to the evacuation of residents at a skilled nursing facility in the City; and responded to questions. Javan Rad, Chief Assistant City Attorney, provided information on the process related to the revocation of state licensing for the skilled nursing facility; and responded to questions. City Manager Mermell reported that the State Attorney General is conducting a criminal investigation into the nursing facility; and responded to questions.

Councilmember Kennedy spoke on the need for staff to provide hyper-vigilance and due diligence to all skilled nursing facilities in the City.

In response to Councilmember Kennedy's suggestions, Dr. Goh stated that staff will reach out to Pasadena Unified School District, Pasadena City College, and other educational institutions in the City to coordinate messaging related to the State's face-covering mandate and protective equipment requirements.

Councilmember Gordo asked staff to provide a detailed report on the City's jurisdiction over and affirmative responsibilities/oversight of skilled nursing facilities in Pasadena, a response from the City Attorney's Office on which governmental entities have jurisdiction over communicable diseases and licensing, as well as responsibility for conducting inspections for purposes of stopping communicable diseases.

Vice Mayor Hampton spoke in support of Councilmember Gordo's request for a timely report on the City's jurisdiction and details on the City's affirmative responsibilities.

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

On order of the Mayor, the regular meeting recessed at 4:34 p.m. to discuss the following closed session (Absent: None):

CLOSED SESSION

CITY COUNCIL CONFERENCE WITH REAL PROPERTY NEGOTIATORS (pursuant to Government Code Section 54956.8)

Properties: A) 55 S. Raymond Ave.; B) 65 S. Raymond Ave.; C) 36 S. Fair Oaks Ave.; D) 41 S. DeLacey Ave.; E) 48 S. Fair Oaks Ave.; F) 30 S. Fair Oaks Ave.; G) 42 S. Fair Oaks Ave.; H) 100 N. El Molino & 44 Madison Ave.

Agency negotiator: Steve Mermell

Negotiating parties: A) Amara Barroeta, dba Amara Chocolate & Coffee; B) Jo Wee, Ananya Chai, LLC, dba Fig Sprout; C) Uttam Adhikari, Kapil Adhikari, dba Himalayan Group; D) Yan Agaev, Linked Progress, Inc. dba White Horse; E) Chukiat Navasu, dba City Thai Restaurant; F) Dae Kyu, Insu Choi, Sena La, Indason Corp., dba Old Pasadena General Store; G) Nghi Hue Duong, N&N Beauty Salon, LLC; H) Jay Reisbaum, dba Laemmle Theaters

Under negotiation: Price and terms of payment

CITY COUNCIL CONFERENCE WITH REAL PROPERTY NEGOTIATORS (pursuant to Government Code Section 54956.8)

Property: APN: 5827-008-272, Parking lot (13,578 SF) west of 787 W. Woodbury Road, Altadena

Agency negotiator: Steve Mermell

Negotiating parties: Paul P. Locker, Locker Realty Management; 787 W. Woodbury Road, LLC

Under negotiation: Price and terms of payment

CITY COUNCIL CONFERENCE WITH REAL PROPERTY NEGOTIATORS (pursuant to Government Code Section 54956.8)

Property: 280 Ramona Street (APN 5723-018-910) and 78 N. Marengo Avenue (APNs 5723-026-902, 5723-026-903 and 5723-026-900)

Agency negotiator: Steve Mermell

Negotiating parties: Abode Communities; a joint venture of East to West Development Corporation and HDS Group, LLC; and National Community Renaissance of California

Under negotiation: Price and terms of payment

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 at 5:42 p.m., in memory of all those that have lost their lives during the COVID-19 pandemic.

Terry Tornek, Mayor
City of Pasadena

ATTEST:

City Clerk