

CITY OF PASADENA
City Council Minutes
December 16, 2019 – 5:30 P.M.
City Hall Council Chamber

REGULAR MEETING

OPENING: Mayor Tornek called the regular meeting to order at 6:39 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
City Attorney/City Prosecutor Michele Beal Bagneris
City Clerk Mark Jomsky

CEREMONIAL MATTERS Fred Alcantar, President of Pasadena Sister Cities Committee, provided introductory comments, and Hannah Gray and Jade Roman, Marshal Fundamental High School students, spoke on their experience visiting Pasadena Sister Cities in Finland and Armenia, respectively; and thanked the Committee for the experience.

Councilmember Kennedy spoke on the Sister Cities Committee's goal to visit Sister City, Dakar-Plateau, Senegal; and the need to expedite the rebuilding of a school in Armenia.

Michele Beal Bagneris, City Attorney/City Prosecutor, reported that last week, Superior Court Judge Mary H. Strobel, granted the City's pre-election challenge to the initiative petition ballot measure seeking to allow previously illegal cannabis businesses to operate legally and ordered the measure removed from the upcoming March 3, 2020 Primary Nominating Municipal Election ballot.

**PUBLIC COMMENT ON
MATTERS NOT ON THE
AGENDA**

The following individuals, advocated for affordable housing and permanent supportive housing for homeless individuals and seniors, and/or provided general comments related to housing:

Sonja Berndt, Pasadena resident
Anthony Manousos , Greater Pasadena Affordable Housing
Group (GPAHG)

Pastor J. Edwards, Pasadena resident
Bert Newton, GPAHG
Debra A. Johnson, Pasadena resident

Herman, residence not stated, provided comment.

Councilmember Gordo stated for the record, "The last speaker directed comments toward our City Attorney who is an employee here and this is her work environment and he is causing in my view, the City Attorney to make a decision to either keep her job and stay here advising the Council and suffer through some of these comments or leave her job and that's not right. This is...besides a public forum, also a work environment for all of our employees and I believe the Council needs to take action to protect that work environment. Not only is it a work environment, sticking to a public discord, and the public business that is taking place here, there are people who have to make a decision whether or not to participate in their own local government and if they choose to do so, as long as this guy is directing hate speech, not only to homeless people, now he is asking people to take violent action against homeless people. He is directing comments at specific City employees and members of the public have to make a decision, if they want to participate they have to subjectify themselves to this hateful speech or leave, and that too is wrong. I believe the Council should take action to protect the public as well."

Councilmember Kennedy and Vice Mayor Hampton expressed concerns with the public speaker's vitriolic and hate-filled speech, noting specific references to the City Attorney. They would like the staff to utilize internal and/or external counsel to advise the City on what measures may be immediately taken to prevent the speaker and others from repeating hate speech at future City Council meetings.

Genevieve Clavreul, Pasadena resident, thanked the City Council for addressing the hate speech issue, and reiterated her concerns regarding the elevator at the METRO Gold Line, Lake Avenue Station, which is out of order, often unsanitary with graffiti on the walls and creates an unsafe environment for the public.

Kurt Thorgerson, Upland resident, thanked the City Council for addressing the hate speech issue, and distributed information and spoke on his idea to create giant solar powered energy stations.

Jill Shook, GPAHG, distributed literature and spoke on a comparative study on impacts of existing Accessory Dwelling Units (ADU) in the City.

CONSENT CALENDAR

AUTHORIZE PURCHASE ORDER WITH HUNTINGTON BEACH MOTORSPORTS, INC., FOR AS-NEEDED LABOR AND REPAIR ON HONDA POLICE MOTORCYCLES FOR A NOT-TO-EXCEED AMOUNT OF \$450,000

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 November 26, 2019, submitted by Huntington Beach Motorsports, Inc., doing business as Huntington Beach Honda (HBH), in response to specifications for as-needed Honda police motorcycle repair and maintenance, and authorize the issuance of a purchase order with HBH in an amount not-to-exceed \$450,000 over a three-year period with the option of two one-year extensions in the annual amount of \$150,000, at the discretion of the City Manager, for a maximum total contract length of five years and a total contract amount of \$750,000.

AUTHORIZE PURCHASE ORDER WITH 72 HOUR LLC FOR PURCHASE OF ONE FULLY OUTFITTED STENCIL TRUCK FOR A TOTAL OF \$121,812

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 a purchase order with 72 Hour LLC (72 Hour) for the purchase of one fully outfitted stencil truck, in an amount not-to-exceed \$121,812. Competitive bidding is not required pursuant to City Charter Section 1002(H), contracts with other governmental entities or their contractors; 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.

Item discussed separately

CONTRACT AWARD TO DMS FACILITY SERVICES, INC., TO PROVIDE CITYWIDE JANITORIAL SERVICES FOR AN AMOUNT NOT-TO-EXCEED \$12,032,488

RESOLUTION AUTHORIZING SUBMISSION OF A LABOR COMPLIANCE PROGRAM FOR PROJECTS FINANCED BY PROPOSITION 84 FUNDS

Recommendation: It is recommended that the City Council:
(1) Acknowledge that the Labor Compliance Program is exempt from the California Environmental Quality Act (CEQA) pursuant to

Division 13, Section 21000 et seq. of the Public Resources Code and Title 14, Sections 15061(b)(3) and 15308; and

(2) Adopt a resolution approving the submittal of a Labor Compliance Program (LCP) for the purpose of implementing a policy relative to the labor compliance provisions of state and federally funded public works contracts. This LCP is applicable to all public works projects that are funded in any part by the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006 (Proposition 84) (Resolution No. 9758)

Item discussed separately

AUTHORIZE INCREASES TO CONTRACT NO. 30455 WITH CELLCO PARTNERSHIP (DBA VERIZON WIRELESS), TO CONTRACT NO. 30536 WITH AT&T MOBILITY II LLC, AND TO CONTRACT NO. 30422 WITH SPRINT SOLUTIONS INC., TO PROVIDE WIRELESS VOICE AND BROADBAND SERVICES AND EQUIPMENT

RESCIND CONTRACT AWARD TO VOX NETWORK SOLUTIONS, INC., FOR 24/7 TELECOM SYSTEMS MAINTENANCE COVERAGE AND PROFESSIONAL SERVICES FOR \$241,445

Recommendation: It is recommended that the City Council:

(1) Find that the proposed action is exempt from the California Environmental Quality Act ("CEQA") pursuant to State CEQA Guidelines Section 15061(b)(3); and

(2) Rescind the contract award in response to specifications for 24/7 Telecom Systems Maintenance Coverage including monitoring, labor, hardware, and professional services and support for the City's voice systems; Telephone, Contact Center, Voicemail and Interactive Voice Response (IVR) originally awarded to Vox Network Solutions, Inc., on June 10, 2019, for \$241,445.

APPROVAL OF A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF PASADENA AND THE INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS, LOCAL 18 FOR THE TERM OF JULY 1, 2019 – JUNE 30, 2022

Recommendation: It is recommended that the City Council:

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

(2) Approve a Memorandum of Understanding between the City of Pasadena and the International Brotherhood of Electrical Workers, Local 18 for the term of July 1, 2019 – June 30, 2022. (Contract No. 23,296)

ADOPTION OF A RESOLUTION AUTHORIZING PRE-TAX TREATMENT OF COST-SHARING CONTRIBUTIONS TO THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM PAID BY MEMBERS OF THE INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS, LOCAL 18, UNDER SECTION 414(H)2 OF THE INTERNAL REVENUE CODE

Recommendation: It is recommended that the City Council:

- (1) Find that the action proposed in the agenda report is not a "project" as defined in the California Environmental Quality Act (CEQA), Public Resources Code Section 21065 and Section 15378(b)(2) of the State CEQA Guidelines, and as such, is not subject to environmental review; and
- (2) Adopt a resolution to authorize the pre-tax treatment of cost-sharing contributions paid by members of the International Brotherhood of Electrical Workers, Local 18, to the California Public Employees' Retirement System. (Resolution No. 9759)

MUNICIPAL SERVICES COMMITTEE: ADOPTION OF SEWER SYSTEM MANAGEMENT PLAN

Recommendation: It is recommended that the City Council:

- (1) Acknowledge that the Sewer System Management Plan is exempt from the California Environmental Quality Act (CEQA) pursuant to Division 13, Section 21000 et seq. of the Public Resources Code and Title 14, Sections 15061(b)(3) and 15308;
- (2) Adopt a resolution approving the Sewer System Management Plan (SSMP) document prepared by Dudek dated November 2019, included as Exhibit A to the agenda report; and
- (3) Authorize the Director of Public Works to certify and submit the Sewer System Management Plan document to the California State Water Resources Control Board (SWRCB). (Resolution No. 9760)

MUNICIPAL SERVICES COMMITTEE: AUTHORIZATION TO ENTER INTO AGREEMENTS WITH THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA TO PURCHASE WATER THROUGH THE CYCLIC STORAGE PROGRAM

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 per Section 15061(b)(3), the "Common Sense

Exemption" in that CEQA applies only to projects which have the potential for causing a significant effect on the environment; and (2) Authorize the City Manager, or his designee(s), to execute an agreement ("Cyclic Agreement") with the Metropolitan Water District of Southern California ("Metropolitan") for deliveries of water up to 10,000 Acre Feet ("AF") at any point in time in the cyclic account during the term of 10 years; and any other documents and agreements to effectuate and administer the Cyclic Agreement.

The proposed contracts are exempt from Competitive Bidding and Competitive Selection pursuant to City Charter Section 1002(H), contracts with other governmental entities or their contractors for labor, materials, supplies or services; and Pasadena Municipal Code Section 4.08.049(A), contracts with other governmental entities. (Contract Nos. 31612, 31639)

Recommendation of the Municipal Services Committee: At its December 10, 2019 meeting, the Municipal Services Committee expressed general support for the concepts but did not take action on the staff recommendation. The Committee advised staff to bring forward an updated Agenda Report directly to the City Council and provided numerous suggestions that have been incorporated in the revised agenda report.

APPROVAL OF MINUTES

November 18, 2019

RESIGNATIONS,
APPOINTMENTS, &
REAPPOINTMENTS

**APPOINTMENT OF ALFRED LOMAX CARR TO THE
NORTHWEST COMMISSION (District 1 Nomination)**

CLAIMS RECEIVED

Claim No. 13,440	Cornelia Barker Minkey	Not stated
Claim No. 13,441	Law Offices of Arash Khorsandi, PC, representing Maria MarroQuin De Navarro	\$ 25,000.00+
Claim No. 13,442	Law Offices of Arash Khorsandi, PC, representing Rafael Armando Navarro	25,000.00+
Claim No. 13,443	Law Offices of Arash Khorsandi, PC, representing Rafael Armando Navarro, Jr.	25,000.00+

The following individuals provided general remarks related to the consent calendar:

Councilmember Madison left the dais at 7:28 p.m.

Herman, residence not stated (submitted documents)
Mike Greenspan, residence not stated
Korey Schmidt, residence not stated
Wayne from Encino, residence not stated

Following public comment, it was moved by Councilmember Kennedy, seconded by Councilmember Wilson, to approve all items on the Consent Calendar with the exception of Item 3 (Contract Award to DMS Facility Services, Inc.), and Item 5 (Authorization Increases to Contract Nos. 30455, 30536, 30422), which were discussed separately. (Motion unanimously carried) (Absent: Councilmember Madison)

**CONSENT ITEMS
DISCUSSED SEPARATELY**

Councilmember Madison returned to the dais at 7:46 p.m.

CONTRACT AWARD TO DMS FACILITY SERVICES, INC., TO PROVIDE CITYWIDE JANITORIAL SERVICES FOR AN AMOUNT NOT-TO-EXCEED \$12,032,488

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 a significant effect on the environment; and
- (2) Authorize the City Manager to enter into a contract, based on a competitive selection process pursuant to Pasadena Municipal Code Section 4.08.047, with DMS Facility Services, Incorporated (DMS) for citywide janitorial services for three years for an amount not-to-exceed \$7,016,054 with the option of two one-year extensions in the annual amount of \$2,473,254 for option year one, and \$2,543,180 for option year two, subject to the approval of the City Manager, for a maximum contract length of five years and a total contract amount of \$12,032,488.

Ara Maloyan, Director of Public Works, responded to questions related to past and current vendors that provide janitorial services. Randy Rich, Administrator, responded to questions related to the experience of DMS Facility Services, past performance, and their employees. City Manager Mermell responded to questions related to the City's Request For Proposal (RFP) outreach efforts focused on local vendors, and the wages of the awarded firm's employees. Michele Beal Bagneris, City Attorney/City Prosecutor, responded to questions regarding the City of Pasadena's local preference thresholds and legislation.

Councilmember Kennedy stated that he believes the 5% local preference is not sufficient in addressing the City Council's objective to recruit additional local businesses to contract with the City, spoke in favor of increasing the percentage, and requested that staff provide information including costs associated with increasing the current 5% local preference to ensure Pasadena

based companies receive necessary preferences in local contracting. He spoke on the need for additional aggressive outreach to local business to assist them in being competitive in the City's RFP process. In addition, he requested that staff confirm the number of janitors employed under the current vendor that live in Pasadena and provide that information in the weekly newsletter.

Councilmember Madison was excused and left the meeting at 7:54 p.m.

Vice Mayor Hampton suggested breaking up the contract to provide additional contracts to local vendors; and also spoke on the need for additional active outreach to local and/or small vendors. He spoke in favor of rejecting the staff recommendation and conducting a new RFP with additional active local outreaching, including contacting small or local vendors by phone.

Councilmember Gordo spoke in favor of staff contacting local vendors to gauge their level of interest and capacity to bid on the contract in order to provide an analysis to determine if a different approach is required to award the contract. He asked staff to table the staff recommendation, conduct an analysis and an audit to ensure the City Council has the information to determine if the staff recommendation should be rejected. Staff should include information on the costs associated with breaking-up the contract, and rebidding the project, including management costs. Councilmember Gordo reiterated his concerns related to local preferences, which may inadvertently trigger retaliatory actions by other jurisdictions that ultimately hurt Pasadena local businesses.

Councilmember McAustin echoed Councilmember Gordo's concerns related to the complexity of managing various contracts. She stated it is better for the City to manage one vendor, similar to the system used to manage the City's parking garages. She suggested that the proposed vendor should focus on local hiring instead of the City awarding multiple contracts to local businesses.

Following discussion, it was moved by Vice Mayor Hampton, seconded by Councilmember Kennedy, to table the item to allow for staff to assess the capacity of local firms to be competitive with the proposed scope of work; consider the financial impacts of awarding multiple contracts, assuming there are Pasadena firms with some level of capacity, consider breaking up the scope of work to provide greater opportunities to such firms, and return to the City Council by February 2020 with an update. Motion unanimously carried (Absent: Councilmember Madison)

Councilmember Kennedy requested an update and reiterated his request that the City Attorney review the 10 West Walnut Development Agreement and the audio recording from the April

27, 2015 City Council meeting to determine the commitments made and obligations agreed upon by the project developer, Lincoln Properties, that resulted in the approval of the project.

Councilmember Wilson recused himself due to a potential conflict and left the dais at 8:17 p.m.

AUTHORIZE INCREASES TO CONTRACT NO. 30455 WITH CELLCO PARTNERSHIP (DBA VERIZON WIRELESS), TO CONTRACT NO. 30536 WITH AT&T MOBILITY II LLC, AND TO CONTRACT NO. 30422 WITH SPRINT SOLUTIONS INC., TO PROVIDE WIRELESS VOICE AND BROADBAND SERVICES AND EQUIPMENT

Recommendation: It is recommended that the City Council:

(1) Find that the proposed contracts are exempt from the California Environmental Quality Act ("CEQA") pursuant to State CEQA Guidelines Section 15061(b)(3), General Rule;

(2) Authorize the City Manager to increase Contract No. 30455 with Cellco Partnership (dba Verizon Wireless) by \$1,600,000, and extend the term of the contract through December 31, 2023 for City departments that rely on wireless services to meet the operational needs; (A Purchase Order was issued)

(3) Authorize the City Manager to increase Contract No. 30536 with AT&T Mobility II LLC by \$300,000, and extend the term of the contract through December 31, 2023 for City departments that rely on wireless services to meet the operational needs; (A Purchase Order was issued)

(4) Authorize the City Manager to increase Contract No. 30422 with Sprint Solutions, Inc., by \$150,000, and extend the term of the contract through December 31, 2023 for City departments that rely on wireless services to meet the operational needs; and (A Purchase Order was issued)

(5) To the extent these could be considered separate procurements subject to the Competitive Selection Process, it is recommended that the City Council grant these contracts an exemption pursuant to Pasadena Municipal Code (PMC) Section 4.08.049(B), contracts for which the City's best interests are served.

It was moved by Councilmember McAustin, seconded by Councilmember Gordo, to approve the staff recommendation. (Motion unanimously carried) (Absent: Councilmembers Madison, Wilson)

RECOMMENDATIONS FROM OFFICERS AND DEPARTMENTS

Councilmember Wilson returned to the dais at 8:18p.m.

AUTHORIZATION TO APPROPRIATE FUNDING IN THE AMOUNT OF \$75,000 AND AMEND CONTRACT NO. 31272 WITH SOUTHERN CALIFORNIA HOUSING RIGHTS CENTER TO EXPAND THE PROVISION OF LANDLORD/TENANT SERVICES

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 per Section 15061(b)(3), the General Rule that CEQA only applies to projects that may have an effect on the environment;
- (2) Approve a budget amendment transferring \$75,000 from the City General Fund unappropriated reserves to the Housing Department's Other Housing Fund 238 in the FY 2020 Operating Budget to fund an amended contract with the Southern California Housing Rights Center (SCHRC) (Contract No. 31272) to expand the provision of tenant/landlord services;
- (3) Authorize the City Manager to execute an amendment agreement to Contract No. 31272 for a two-year period with other key terms as described in the agenda report, without competitive bidding pursuant to City Charter Section 1002(F), contracts for professional or unique services, with SCHRC for an amount not-to-exceed \$75,000 per year; and
- (4) It is further recommended that the City Council grant the proposed contract an exemption from the Competitive Selection and Purchasing Ordinance, Pasadena Municipal Code Section 4.08.049(B), contracts for which the City's best interests are served. (Contract Nos. 31272-1)

William Huang, Director of Housing, responded to questions related to the amount of funding to be appropriated to Southern California Housing Rights Center (SCHRC). Chancela Al-Mansour, Executive Director with SCHRC, provided information on the costs associated with the contractual services provided by SCHRC, and responded to questions.

Councilmember Wilson expressed concerns with the amount of proposed funding to SCHRC, which he believes is somewhat arbitrarily recommended; and spoke in favor of providing additional resources to SCHRC. He requested that when staff conducts an assessment of SCHRC, that they include data and information on their performance.

Vice Mayor Hampton and Councilmember Kennedy echoed concerns related to the amount of funds provided to SCHRC, and also spoke in favor of providing additional funding. Vice Mayor Hampton asked whether the City Attorney can provide legal advice and enforcement assistance to SCHRC.

Councilmember Kennedy requested staff to determine if SCHRC's offices may be consolidated to Robinson Park, a central location, where he believes there are the greatest number of residents needing SCHRC's services.

Councilmember Gordo requested that SCHRC provide an outreach proposal and budget, with the assistance of City staff, and return to the City Council with an updated plan and scope of work.

Councilmember McAustin requested that SCHRC provide information on their scope of services, the number of locations, range of services, and background information (i.e. funding sources, number of years in operation). In addition, she requested that SCHRC collect data on the number of Pasadena residents served, information on the assistance provided, additional information on SCHRC's interface with the State, and a comprehensive review of their strengths and weaknesses.

City Manager Mermell stated that the amount to be appropriated to SCHRC is an estimate, and that staff will be assessing the needs of SCHRC, and if the amount is insufficient, staff will return to the City Council with a recommendation; and responded to questions.

Michele Beal Bagneris, City Attorney/City Prosecutor, responded that she will research information on what extent the City may become involved in issues between tenants and landlords to determine what assistance may be provided to SCHRC

The following individuals provided comments related to the staff recommendation and/or tenant protection assistance:

Jill Shook, GPAHG
Allison Henry, (Distributed literature)
Michelle White, Pasadena resident

Following public comment, it was moved by Councilmember Kennedy, seconded by Councilmember Wilson, to approve the staff recommendation. (Motion unanimously carried) (Absent: Councilmember Madison)

PUBLIC HEARINGS

The City Clerk opened the public hearings (additional information for each public hearing is detailed below):

PUBLIC COMMENT ON MULTIPLE PUBLIC HEARINGS

The following individuals provided comments on multiple public hearings:

Herman, residence not stated (submitted documents)
Mike Greenspan, residence not stated
Korey Schmidt, residence not stated
Wayne from Encino, residence not stated

PUBLIC HEARING: QUASI-JUDICIAL ACTION - APPEAL OF PLANNING COMMISSION DECISION ON CONDITIONAL USE PERMIT NO. 6757 FOR APPROVAL OF A COMMERCIAL CANNABIS RETAILER AT 169 WEST COLORADO BOULEVARD SUBMITTED BY HARVEST OF PASADENA, LLC (PLN2019-00337)

Recommendation: It is recommended that the City Council conduct a quasi-judicial appeal hearing and take the following action:

- (1) Find that the proposed action is exempt from environmental review pursuant to the California Environmental Quality Act (CEQA) in accordance with State CEQA Guidelines Section 15301, Class 1, Existing Facilities, and Section 15303, Class 3, New Construction or Conversion of Small Structures; no exceptions to the exemptions apply; and there are no features that distinguish this project from others in the exempt class; therefore, there are no unusual circumstances; and
- (2) Uphold the Planning Commission's decision approving Harvest of Pasadena, LLC "Conditional Use Permit: Cannabis Retailer" application subject to the Findings contained in Attachment A and the Conditions of Approval contained in Attachment B to the agenda report.

The City Clerk reported that 59 copies of the notice were mailed and 39 copies of the notice were posted on November 27, 2019; and that 1 letter in support, 166 letters in opposition of the staff recommendation, and 1 letter providing comments, were received by the City Clerk's office, which were distributed to the City Council, posted online, and made part of the public hearing record.

Michele Beal Bagneris, City Attorney/City Prosecutor, reminded the City Council that the item to be presented is a quasi-judicial hearing, and information presented to the City Council relate to due process where individual Councilmembers must avoid bias issues when deciding such matters; and responded to questions. Theresa Fuentes, Assistant City Attorney, responded to questions, related to land-use considerations, and the City's evaluation of completeness application.

Guille Nunez, Management Analyst, presented a PowerPoint presentation on the item, including the City's commercial cannabis permit program, conditional use permits for cannabis retailers,

commercial cannabis regulations, Planning Commission's decision, location requirements, General Plan consistency, and the staff recommendation; and responded to questions. David Reyes, Director of Planning and Community Development, responded to questions related to Harvest of Pasadena, LLC application, and the next steps related to the cannabis business applications. City Manager Mermell provided information on the City's challenges related to distance requirements for proposed cannabis retailer sites.

Tim Dodd, CEO of Sweetflower Pasadena, LLC (Appellant), presented a PowerPoint presentation as to why the appellant believes the applicant's Conditional Use Permit (CUP) application fails the City's compliance standards, spoke in opposition to the staff recommendation; and responded to questions.

Chris Berman, COO of The Atrium Group, LLC (Appellant), summarized their report on their concerns related to the City advancing the applicant's screening and CUP applications; and responded to questions.

Ben Kimbro, Director of Public Affairs of Harvest, Inc. (representing the applicant), presented a PowerPoint presentation on information related to their organization, the quality of their permit and CUP applications; and responded to questions.

The following individuals provided comment on the item and/or issues related to cannabis retailers in the City:

Jane Laudeman, Pasadena resident
Valerie Leiva, Pasadena resident
Tom McGovern, Pasadena resident
James Cherry, San Marino resident
Tami McGovern, Pasadena resident
Erika Foy, Pasadena resident
Kevin Hurley, Pasadena resident
Richard Kim, Pasadena resident

Councilmember Masuda stated that he believes the proposed cannabis retailer site (169 West Colorado Boulevard) is an appropriate location.

Mayor Tornek spoke on the proposed cannabis retailer site (169 West Colorado Boulevard), which he believes the site to be an outlier location as opposed to a gateway site; and spoke in favor of supporting the Planning Commission's decision approving Harvest of Pasadena, LLC's CUP.

Councilmember Gordo expressed concerns based on what he believes are fundamental issues of fairness with the application process, and ultimately deficient. He spoke on the need to address the procedural process concerns to determine if the application submitted by Harvest of Pasadena was properly submitted. He stated that he believes the information provided on the application and by staff caused individuals to detrimentally rely on staff's interpretation resulting in problems. Councilmember Gordo spoke on the proposed cannabis retailer site (169 West Colorado Boulevard), which he views as a primary downtown gateway to the City.

Vice Mayor Hampton expressed concerns with proposed cannabis retailer site (169 West Colorado Boulevard) adjacent to an identified sensitive use site of a library; and the fairness of the CUP process. He also echoed concerns related to the proposed cannabis retailer site (169 West Colorado Boulevard), which he believes is a gateway to the City; and spoke in opposition to the staff recommendation.

Councilmember McAustin stated that she does not believe the proposed cannabis retailer site (169 West Colorado Boulevard) meets the criteria of a "gateway" into the City; and the findings for the land-use CUP can be made, which meets the location criteria. She spoke in favor of the staff recommendation.

Councilmember Wilson spoke on the City residents voting to allow cannabis retailer shops on the City; and echoed concerns related to the fairness of the process, including the complete versus compliant process of the application.

Councilmember Kennedy spoke on the need for staff to clarify to the City Council the value of a business license. He stated he does not believe that the proposed cannabis retailer site (169 West Colorado Boulevard), will negatively impact Old Pasadena.

Motion: It was moved by Vice Mayor Hampton, seconded Councilmember McAustin, to close the public hearing. (Motion unanimously carried) (Absent: Councilmember Madison)

Motion: Following discussion, it was moved by Councilmember Kennedy, seconded by Councilmember McAustin, to approve staff recommendation number 1:

AYES: Councilmembers Kennedy, Masuda, McAustin, Wilson, Mayor Tornek

NOES: Councilmember Gordo, Vice Mayor Hampton

ABSENT: Councilmember Madison
ABSTAIN: None

Motion:

Following further discussion, it was moved by Councilmember Kennedy, seconded by Councilmember McAustin, to approve staff recommendation number 2:

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

PUBLIC HEARING: APPEAL OF PLANNING COMMISSION'S DECISION ON CONDITIONAL USE PERMIT: CANNABIS RETAILER APPLICATION NO. 6759 FOR A PROPOSED CANNABIS RETAILER AT 908 EAST COLORADO BOULEVARD BY INTEGRAL ASSOCIATES DENA, LLC

Recommendation: It is recommended that the City Council continue the public hearing to January 27, 2020 at 7:00 p.m.

It was moved by Councilmember Gordo, seconded by Vice Mayor Hampton, to continue the public hearing to January 27, 2020, at 7:00 p.m. (Motion unanimously carried) (Absent: Councilmember Madison)

**PUBLIC COMMENT ON
REGULAR BUSINESS ITEMS**

The following individuals provided comments on regular business items:

Herman, residence not stated
Korey Schmidt, residence not stated
Wayne from Encino, residence not stated

**RECOMMENDATIONS FROM
OFFICERS AND
DEPARTMENTS**

Continued

TRANSFER OF THE FRANK AND ANNA DECKER HOUSE LANDMARK DESIGNATION FROM 750 NORTH FAIR OAKS AVENUE TO 1655 NORTH FAIR OAKS AVENUE

Recommendation: It is recommended that the City Council:
(1) Find that the transfer of a designation of a historic resource is categorically exempt from the California Environmental Quality Act (CEQA Guidelines Section 15308: Class 8 – Actions by Regulatory Agencies for Protection of the Environment);
(2) Find that after review and permitting by the Planning & Community Development Department, the Frank & Anna Decker House was physically moved from the property at 750 North Fair Oaks Avenue to the property at 1655 North Fair Oaks Avenue;
(3) Adopt a resolution approving a transfer of a Declaration of Landmark Designation from 750 North Fair Oaks Avenue to 1655 North Fair Oaks Avenue, Pasadena, California;

(4) Authorize the Mayor to execute the Declaration of Landmark Designation Transfer for 750 North Fair Oak Avenue and 1655 North Fair Oaks Avenue, Pasadena, California; and

(5) Direct the City Clerk to record the declaration with the Los Angeles County Recorder. (Resolution No. 9761)

Action of the Design Commission: At its regular meeting of February 24, 2015, the Design Commission, acting under the provisions of Section 17.61.030, and following advisory review by the Historic Preservation Commission on February 17, 2015, approved an application for Certificate of Appropriateness for the relocation of a City-owned historic resource, the Frank & Anna Decker House from the property at 750 North Fair Oaks Avenue to a temporary location at 19 East Orange Grove Boulevard.

Action of the Historic Preservation Commission: At its regular meeting of December 6, 2015, the Historic Preservation Commission (HPC), acting under the provisions of Chapter 17.62 of the Pasadena Municipal Code, approved an application for Certificate of Appropriateness for relocation of the Frank and Anna Decker House from the property at 19 East Orange Grove Boulevard to the property at 1661 North Fair Oaks Avenue. Subsequently, due to expiration of this approval, and following a change of the property's address, the HPC, at its regular meeting of May 7, 2019, approved a second application for Certificate of Appropriateness for relocation of the Frank and Anna Decker House from the property at 19 East Orange Grove Boulevard to the property at 1655 N. Fair Oaks Avenue.

It was moved by Vice Mayor Hampton, seconded by Councilmember Kennedy, to approve the staff recommendation. (Motion unanimously carried) (Absent: Councilmember Madison)

ORDINANCE – ADOPTED

Adopt “AN EXTENSION OF THE INTERIM URGENCY ORDINANCE OF THE CITY OF PASADENA TEMPORARILY PROHIBITING DEMOLITION AND “MAJOR PROJECTS” AFFECTING ELIGIBLE, UNDESIGNATED HISTORIC RESOURCES” (Introduced by Councilmember Masuda) (Ordinance No. 7356)

The above ordinance was adopted by the following vote:

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

INFORMATION ITEM

PREDEVELOPMENT PLAN REVIEW OF A PLANNED DEVELOPMENT ZONING DISTRICT AT 491-577 SOUTH ARROYO PARKWAY

Due to time constraints, the City Council agreed to delay the discussion on the above agenda item to the next available City Council meeting.

PUBLIC COMMENT ON MATTERS NOT ON THE AGENDA Continued

Mike Greenspan, residence not stated, spoke on college football.

Kory Schmidt, residence not stated, made public comment.

Wayne from Encino, residence not stated, made public comment

COUNCIL COMMENTS

Councilmember Kennedy recognized and thanked all parties involved who put together the Baseball Reliquary, A Swinging Centennial: Jackie Robinson at 100, held on December 15, 2019 at Robinson Park Recreation Center.

ADJOURNMENT

On order of the Mayor, the regular meeting of the City Council adjourned at 1:05 a.m.

Terry Tornek, Mayor
City of Pasadena

ATTEST:

City Clerk