

CITY OF PASADENA
City Council Minutes
November 25, 2019 – 5:30 P.M.
City Hall Council Chamber

REGULAR MEETING

OPENING:

On order of the Mayor, the regular meeting was called to order at 6:32 p.m. The pledge of allegiance was led by Vice Mayor Hampton.

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 (Absent)
Councilmember Andy Wilson

Staff:

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

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

Genevieve Clavreul, Pasadena resident, reiterated her concerns regarding the elevator at the METRO Gold Line, Lake Avenue Station, which is often unsanitary and creates an unsafe environment for the public.

Councilmember Gordo spoke on the need to be more aggressive in resolving issues at METRO stations, and asked staff to invite representatives from METRO to a City Council meeting to respond to the public's many safety concerns at the METRO stations in the City.

In response to comments, City Manager Mermell stated that he has and will continue to follow-up with the CEO of METRO to express the community's concerns.

Armando Herman, residence not stated, provided comment and submitted documents.

Debra "Smile Lady" Jonson, residence not stated, requested data related to claims of racial profiling by the Pasadena Police Department.

Sonia Berndt, Pasadena resident, spoke in favor of the transitional housing project proposed for development on Daisy Avenue in Pasadena.

The following individuals spoke in favor of various affordable housing projects throughout the City, as well as the need for the City to get dedicated housing funding sources:

Jill Shook, representing Greater Pasadena Affordable Housing Group (GPAHG)
Miriam Tellez, Pasadena resident

Mike Greenspan spoke on the UCLA football team and the college football conference.

Cathy Morfopoulos, Glendale resident, distributed information and spoke on the need for drug prevention and education as it relates to cannabis activities in the City.

CONSENT CALENDAR

AUTHORIZATION TO AMEND THE ENTERPRISE LICENSE AGREEMENT WITH VERTEX U.S. HOLDINGS, INC., DBA ORCOM SOLUTIONS, LLC FOR CUSTOMER INFORMATION SYSTEM

Recommendation:

- (1) Find that the proposed action is exempt from the California Environmental Quality Act ("CEQA") pursuant to State CEQA Guidelines Section 15061(b)(3), (General Rule);
- (2) Authorize the City Manager, or his designee, to amend Contract No. 17,296 with Vertex U.S. Holdings, Inc., DBA Orcom Solutions LLC ("Orcom") without competitive bidding pursuant to City Charter Section 1002(C), Contracts for labor, material, supplies, or services available from only one vendor, to extend Enterprise Customer Information System ("ECIS") software licenses and support by an amount not-to-exceed \$946,700, which includes a base contract amount of \$921,700 and a contingency of \$25,000; and
- (3) Grant the proposed contract 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 No. 17,296-1)

AUTHORIZATION TO ENTER INTO A CONTRACT WITH CONVERGINT TECHNOLOGIES LLC FOR THE PURCHASE AND INSTALLATION OF BUILDING SECURITY MANAGEMENT ACCESS CONTROLS AT THE CITY HALL AND POLICE DEPARTMENT FACILITIES

Recommendation:

- (1) Find that the proposed contract is exempt from the California Environmental Quality Act ("CEQA") pursuant to State CEQA Guidelines Section 15061(b)(3), General Rule; and
- (2) Authorize the City Manager to enter into a contract, as a result of a competitive selection process, as specified by Section

4.08.047 of the Pasadena Municipal Code, with Convergent Technologies, LLC for the purchase and installation of building security management access controls at the City Hall and Police Department facilities for an amount not-to-exceed \$785,911, which includes a ten percent contingency. (Contract No. 31628)

AUTHORIZATION TO EXTEND CONTRACTS FOR PARKING OPERATIONS INCLUDING OLD PASADENA MANAGEMENT DISTRICT, PARKING CONCEPTS, INC., AND MODERN PARKING, INC., FOR TWO ADDITIONAL YEARS

Recommendation:

(1) Find that the extensions of Contract No. 18,934 with Modern Parking, Inc., (MPI); Contract No. 31188 with Parking Concepts, Inc., (PCI); and Contract No. 18,398 with the Old Pasadena Management District (OPMD) 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 extend Contract No. 18,934 with MPI for the management of the Holly Street, Del Mar, Paseo Subterranean, Los Robles, and Marengo garages through no later than January 31, 2022, for an additional contract amount of \$6,251,132 as detailed in the Fiscal Impact section of the agenda report; (Contract No. 18,934-14)

(3) Authorize the City Manager to extend Contract No. 31188 with PCI for the management of the Schoolhouse, De Lacey, and Marriott parking garages through no later than January 31, 2022, for an additional contract amount of \$4,034,975 as detailed in the Fiscal Impact section of the agenda report; (Contract No. 31188-2)

(4) Authorize the City Manager to extend Contract No. 18,398 with OPMD for assistance with the management of the Schoolhouse, De Lacey, and Marriott parking garages through no later than January 31, 2022, for an additional contract amount as detailed in the Fiscal Impact section of the agenda report; and (Contract No. 18,398-7)

(5) To the extent these transactions could be considered separate procurements subject to competitive selection, grant the proposed contracts with MPI, PCI, and OPMD 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.

AMENDMENT TO CONTRACT NO. 31434 WITH POINT C, LLC (POINT C) FOR CONSULTANT SERVICES TO CONDUCT A STATE ROUTE 710 NORTHERN STUB REPURPOSING TECHNICAL FEASIBILITY ASSESSMENT

Recommendation:

- (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 amend Contract No. 31434 with Point C, to increase the contract amount by \$269,568, thereby increasing the total not-to-exceed amount from \$184,000 to \$453,568 through December 31, 2020, for consultant services to conduct a SR 710 northern stub repurposing technical feasibility analysis; and
- (3) To the extent this could be considered a separate procurement subject to the Competitive Selection Process, it is further recommended that the City Council grant the proposed contract an exemption from the Competitive Selection Process pursuant to Pasadena Municipal Code (P.M.C.) Section 4.08.049(B), contracts for which the City's best interests are served (Contract No. 31434-1)

APPROVAL OF A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF PASADENA AND THE AMERICAN FEDERATION OF STATE, COUNTY, AND MUNICIPAL EMPLOYEES, LOCAL 858 FOR THE TERM OF JULY 1, 2019 – JUNE 30, 2022

Recommendation:

- (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 American Federation of State, County and Municipal Employees, Local 858 for the term of July 1, 2019 – June 30, 2022. (Contract No. 23,288)

FINANCE COMMITTEE: QUARTERLY INVESTMENT REPORT – QUARTER ENDING SEPTEMBER 30, 2019

Recommendation: This report is for information only.

Item discussed separately

FINANCE COMMITTEE: AMENDMENTS TO THE CAPITAL IMPROVEMENT PROGRAM AND OPERATING BUDGETS

FINANCE COMMITTEE: RECOGNITION AND APPROPRIATION OF THE JUSTICE ASSISTANCE GRANT (JAG) PROGRAM MENTAL HEALTH TRAINING GRANT

Recommendation:

(1) Find that acceptance of this grant is exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Article 19, Categorical Exemption Section 15323;

(2) Amend the Police Department's Fiscal Year 2020 Operating Budget by recognizing revenue and appropriating \$5,940 in JAG Program grant funds awarded through the Board of State and Community Corrections (BSCC) as detailed in the Fiscal Impact section of the agenda report; and

(3) Authorize the City Manager to enter into any agreement required by the BSCC for acceptance of these funds. (Budget Amendment No. 2020-20)

PUBLIC SAFETY COMMITTEE: AUTHORIZATION TO ENTER INTO CONTRACT WITH STRYKER SALES CORPORATION TO PROVIDE EMERGENCY RESPONSE MONITORS/DEFIBRILLATORS FOR AN AMOUNT NOT-TO-EXCEED \$100,000

Recommendation:

(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 Section 15378 of the State CEQA Guidelines, and as such, no environmental document pursuant to CEQA is required for the action; and

(2) Accept the bid dated August 27, 2019, submitted by Stryker Sales Corporation in response to specifications for emergency response monitors/defibrillators, reject all other bids received, and authorize the City Manager to enter into a three-year contract with Stryker Sales Corporation for an amount not-to-exceed \$100,000. (Contract No. 31627)

**RESIGNATIONS,
APPOINTMENTS &
REAPPOINTMENTS**

RESIGNATION OF DR. SONIA SINGLA FROM THE HUMAN RELATIONS COMMISSION (District 6 Nomination)

REAPPOINTMENT OF BETSY NATHANE TO THE URBAN FORESTRY ADVISORY COMMITTEE (City Nomination)

MINUTES

November 4, 2019
November 5, 2019
November 11, 2019

CLAIMS RECEIVED

Claim No. 13,428	ClouseSpaniac Attorneys, representing J.S. Bicos Enterprises, Inc.; James S. Bicos Living Trust; James S. Bicos	Not stated
Claim No. 13,429	Reza Darvishi	\$ 134.67

PUBLIC HEARING SET

December 9, 2019, 7:00 p.m. - Consideration of an Extension of the Interim Urgency Ordinance of the City of Pasadena Temporarily Prohibiting Demolition and "Major Projects" Affecting Eligible, Undesignated Historic Resources

The following individuals provided comment on the consent calendar:

Armando Herman, residence not stated
Debra "Smile Lady" Jonson, residence not stated
Mike Greenspan, residence not stated
Wayne from Encino, residence not stated

Councilmember Kennedy requested information on the abolition of redevelopment law, including impacts related to the exponential increase in homelessness in the City, and suggested that staff work with college graduate interns to analyze information and provide empirical data so that the City Council may make informed decisions.

City Manager Mermell responded that redevelopment legislation ended in 2012 and believes the City has been making steady progress reducing its homeless numbers since then, however, he noted that he will confirm the data and report back to the City Council. He also stated that the majority of the tax increment funds were used to support the City's funding obligations for the Pasadena Fire and Police Retirement System.

It was moved by Councilmember Kennedy, seconded by Councilmember Wilson to approve the items on the Consent Calendar, with the exception of Item 7 (Amendments To The Capital Improvement Program and Operations), which was discussed separately. (Motion unanimously carried) (Absent: Councilmember McAustin)

**CONSENT ITEM
DISCUSSED SEPARATELY**

**FINANCE COMMITTEE: AMENDMENTS TO THE CAPITAL
IMPROVEMENT PROGRAM AND OPERATING BUDGETS**

Recommendation:

- (1) Find that the proposed action is not a project subject to the California Environmental Quality Act (CEQA) in accordance with Section 15061(b)(3), the General Rule that CEQA only applies to projects that have an effect on the environment;
- (2) Amend the Fiscal Year (FY) 2020 Capital Improvement Program Budget and authorize the appropriation of General Fund fund balance in the amount of \$3,875,000 to fund the Police Computer-Aided Dispatch and Records Management System, Project 71168; and

Amend the FY 2020 Operating Budget and authorize the appropriation of General Fund fund balance in the amount of \$5.0 million and transfer said funds to the General Liability Fund. (Budget Amendment No. 2020-19)

City Manager Mermell and Matt Hawkesworth, Director of Finance, provided a PowerPoint presentation on the item, and jointly, responded to questions.

Councilmember Madison requested a copy of the City's Budget in Brief memo for fiscal year 2020.

Councilmember Gordo requested an update on the hiring of an additional Park Safety Specialist, as well as the top down review of the Police Department that staff was undertaking to determine if additional positions could be achieved with existing resources.

Following discussion, it was moved by Councilmember Wilson, seconded by Vice Mayor Hampton, to approve the staff recommendation. (Motion unanimously carried) (Absent: Councilmember McAustin)

PUBLIC HEARING

PUBLIC HEARING: PROPOSED ZONING CODE AMENDMENTS TO THE CITY'S CANNABIS REGULATIONS

Recommendation: It is recommended that the City Council:

- (1) Find that the actions proposed in the agenda report are exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15061(b)(3), Common Sense Exemption; and 15301 (Existing Facilities); there are no features that distinguish this action from others in the exempt class, and there are no unique circumstances; and
- (2) Direct the City Attorney's Office to prepare an ordinance to amend the Zoning Code to adopt the proposed City cannabis regulations with the findings as contained in attachment A of the agenda report.

The City Clerk reported that the public hearing notice was published in the Pasadena Star News on November 15, 2019; and that 1 letter in favor of the staff recommendation, 41 letters in opposition to the staff recommendation, and 1 letter providing comment was received by the City Clerk's Office, which were distributed to the City Council, posted online, and made part of the public hearing record.

City Manager Mermell and David Reyes, Director of Planning, jointly presented a PowerPoint presentation on the item, and responded to questions. Michele Beal Bagneris, City Attorney/City

Prosecutor, responded to questions related to the language in Measure CC, pending litigation related to the City's cannabis ordinance, the City's cannabis permitting process, and pending public records request. Jennifer Paige, Deputy Director of Planning, responded to questions related to the proposed amendment to the Zoning Code regulations for cannabis retailers, and signage regulations.

Councilmember Kennedy expressed serious reservations with staff's proposed revisions to the Zoning Code that would allow up to 3 cannabis operators in any one Council District.

Councilmember Masuda stated his strong preference to maintain the current regulation of only one cannabis retail operator per Council District, as written in Measure CC.

Councilmember Wilson stated his concern that the proposed changes would result in an overconcentration of cannabis operators, noting the importance of the distance requirements between such uses within the City. He also expressed concerns with the possibility of a resurgent number of illegal cannabis operators returning to the City.

Councilmember Madison stated his opposition to a proposed cannabis retail store at the "gateway" to Old Pasadena; and spoke in support of City staff whose integrity was questioned by applicants and/or their representatives during this process.

Councilmember Gordo expressed concerns with the City's retail cannabis permitting process; the proposed recommendations that are being recommended to resolve pending litigation; and unforeseen impacts that may develop by amending the City's Zoning Code to allow additional cannabis operators. He stated that the only reason to amend the City's Zoning Code related to retail cannabis should be to meet the will of the voters, in a responsible manner. He spoke on the importance of the separation requirements, which he believes contributed greatly to the adoption of Measure CC; and asked staff to confirm that language in the Zoning Code clearly states that no retailer shall be established or located within 600 feet, measured from the nearest parcel/property lines of the closest affected residential parcel. Mr. Gordo stated that if staff is going to amend the Zoning Code, then staff must ensure that residents are provided with a clear map that displays current and future cannabis retailers that may be permitted.

In response to Councilmember Gordo concern that staff is proposing the staff recommendation due to litigation, Michele Beal Bagneris, City Attorney/City Prosecutor, respond that staff recommendation is a byproduct of litigation, and that legislative action is distinct from the litigation.

The following individuals spoke in opposition to the staff recommendation and/or provided comments on various aspects of the staff recommendation:

Megan Foker, Livable Pasadena
Armando Herman, residence not stated
Valerie Leiva, Pasadena resident
Tami McGovern, Pasadena resident
Jane Laudeman, Pasadena resident
Richard A. McDonald, Pasadena resident
Wayne from Encino, residence not stated
Kelley Fitzgerald Holmes, Pasadena resident
Rosemarie Goulden, Pasadena resident
Jessica Gutierrez, Pasadena resident
Erika Foy, representing Protect Pasadena Kids
Mike Greenspan, residence not stated
Jason Lyon, Pasadena resident

The following individuals spoke in favor of the staff recommendation and/or provided comments on various aspects of the staff recommendation:

Timothy Dodd, Sweet Flower
McGara Bautista, Sweet Flower
Pattyl Kasparian, Pasadena resident
Ashley Browder, with Margolin & Lawrence
Chris Berman, The Atrium Group

Councilmember Wilson spoke on the need for additional analysis, and stated his preference to wait until the approved retail cannabis operators begin operating in order to better evaluate the impacts of retail cannabis. He suggested that the City Council and staff could revisit this discussion in the future once the approved cannabis retail shops are operating.

The Mayor echoed Councilmember Wilson's suggestion to move forward without amendments, which would allow the City to demonstrate to the voters that the City is on the path to permitting legal cannabis operators; and stated his opposition to the staff recommendation.

Councilmember Gordo echoed Mr. Wilson's comments and stated that for the purpose of resolving litigation, if zoning code amendments are necessary, staff should provide an analysis and return to the City Council at a future meeting with proposed amendments.

Councilmember Masuda voiced support for tabling the item, to be revisited at a future meeting.

Councilmember Gordo left the dais at 10:23 p.m.

Councilmember Madison expressed concerns with the City cannabis regulations that only allow legal cannabis operators in three of the six Council Districts.

Councilmember Kennedy spoke in favor of resolving existing litigation, but not at the expense of the number of operators that would be concentrated in Council District 3. He requested that when the discussion on the item returns to the City Council, staff provide options to judiciously resolve the litigation.

Motion:

Following discussion, it was moved by Vice Mayor Hampton, seconded by Councilmember Masuda, to close the public hearing. (Motion unanimously carried) (Absent: Councilmembers Gordo, McAustin)

Councilmember Gordo returned to the dais at 10:27 p.m.

Vice Mayor Hampton spoke on the need to move forward with a path to allow six cannabis retailers in the City, and to avoid the possibility of an increase of illegal cannabis retailers in the City.

Motion:

Following further discussion, it was moved by Councilmember Wilson, seconded by Councilmember Masuda, to table the item. (Absent: Councilmember McAustin)

Following further discussion, on order of the Mayor and consensus of the City Council, staff was asked to revisit the discussion on the City's cannabis regulations once three cannabis retailers are operational so that staff can evaluate the impacts on the City and the cannabis market.

**PUBLIC COMMENT ON
REGULAR BUSINESS ITEMS**

The following individuals spoke on multiple regular business items:

Armando Herman, residence not stated
Wayne from Encino, residence not stated

**REPORTS AND COMMENTS
FROM COUNCIL
COMMITTEES**

APPROVAL OF THE KEY BUSINESS TERMS OF AN AFFORDABLE HOUSING LOAN AGREEMENT WITH THE SALVATION ARMY AND A BUDGET AMENDMENT FOR FUNDING IN AN AMOUNT NOT-TO-EXCEED \$1,000,000 FOR

THE DEVELOPMENT OF A 66-UNIT PERMANENT SUPPORTIVE HOUSING PROJECT AT 1000 E. WALNUT STREET

Recommendation:

- (1) Find that the recommended actions do not constitute a "project" subject to the California Environmental Quality Act (CEQA) pursuant to Section 21065 of CEQA and Sections 15004(b)(4) and 15378 of the State CEQA Guidelines, and as such, no environmental document pursuant to CEQA is required;
- (2) Approve a budget amendment appropriating \$1,000,000 from the Housing Successor Low Income Housing Asset Fund unappropriated fund balance to fund the proposed City loan through the Housing Department's FY 2020 Operating Budget for The Salvation Army Hope Center project;
- (3) Approve the key business terms of an Affordable Housing Loan Agreement with the Salvation Army for the potential development of The Salvation Army Hope Center project at 1000 E. Walnut Street, as described in the agenda report; and
- (4) Authorize the City Manager to execute, and the City Clerk to attest, any and all documents necessary to effectuate the staff recommendation. (Contract No. 23,289; Budget Amendment No. 2020-21)

William Huang, Director of Housing, provided introductory comments, and Jim Wong, Senior Project Manager, presented a PowerPoint presentation on the item, and jointly, responded to questions. Jennifer O'Reilly-Jones, Program Coordinator II, responded to questions related to homeless individuals.

Victor Gordo, Chair of the Economic Development and Technology Committee, summarized the Committee's discussion on the item, including the direction to staff to focus on the modeling of the proposed type of project so that other developers may embrace such projects; and the support for the staff recommendation. Mr. Gordo requested that staff ask the developer to work with existing small business owners, as they transition to other locations; and to ensure the quality and design of the proposed development is set to the highest standards. In addition, he noted that information on the funds contributed and invested by the City should clearly state the City's total contribution to the project.

Vice Mayor Hampton asked staff to provide information on the number of individuals who have been processed and are ready to be housed, the number of housing units required to house homeless individuals, and the length of time to build the needed

housing. He also reiterated his request that the project be "fast tracked" through the City's approval process.

The following individuals spoke in favor of the staff recommendation and provided comments:

Teresa Eilers, United Way-Everyone In
Sonja Berndt, Pasadena resident
Jill Shook, GPAHG
Meriam Tellez, Pasadena resident
Captain Terry Masango, representing the Salvation Army,
Pasadena

Following discussion, it was moved by Councilmember Gordo, seconded by Councilmember Kennedy, to approve the staff recommendation. (Motion unanimously carried) (Absent: Councilmember McAustin)

ORDINANCES – ADOPTED

Adopt "AN INTERIM URGENCY ORDINANCE OF THE CITY OF PASADENA TEMPORARILY PROHIBITING DEMOLITION AND "MAJOR PROJECTS" AFFECTING ELIGIBLE, UNDESIGNATED HISTORIC RESOURCES" (Introduced by Councilmember Kennedy) (Ordinance No. 7354)

The above ordinance was adopted by the following vote:

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

Adopt "AN ORDINANCE OF THE CITY OF PASADENA ADOPTING TITLE 24 OF THE CALIFORNIA CODE OF REGULATIONS, PARTS 1-12, INCORPORATING THE 2019 CALIFORNIA BUILDING CODE AND APPENDIX CHAPTERS C, D, H, I AND J; THE 2019 CALIFORNIA RESIDENTIAL CODE APPENDIX CHAPTERS H, J, AND V; THE 2019 CALIFORNIA GREEN BUILDING STANDARDS CODE; THE 2019 CALIFORNIA ELECTRICAL CODE; THE 2019 CALIFORNIA MECHANICAL CODE; THE 2019 CALIFORNIA PLUMBING CODE; THE 2019 CALIFORNIA ADMINISTRATIVE CODE; THE 2019 CALIFORNIA ENERGY CODE; THE 2019 CALIFORNIA FIRE CODE AND APPENDIX CHAPTER 4 AND APPENDICES B THROUGH O; THE 2019 CALIFORNIA HISTORICAL BUILDING CODE; THE 2019 CALIFORNIA REFERENCED STANDARDS CODE AND THE 2019 CALIFORNIA EXISTING

BUILDING CODE” (Introduced by Vice Mayor Hampton)
(Ordinance No. 7355)

The above ordinance was adopted by the following vote:

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

COUNCIL COMMENTS

Councilmember Gordo congratulated Pasadena High School Varsity football team and John Muir High School Varsity football team for successful seasons.

Councilmember Kennedy spoke on a marriage ceremony of Tina Rios, (Intern) he attended on November 23, 2019, where the Mayor was the officiant.

ADJOURNMENT

On order of the Mayor, the regular meeting of the City Council adjourned at 11:24 p.m.

Terry Tornek, Mayor
City of Pasadena

ATTEST:

City Clerk