

CITY OF PASADENA
City Council Minutes
August 3, 2020 – 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

6OPENING: Mayor Tornek called the special meeting to order at 2:05 p.m. The pledge of allegiance was led by Councilmember Gordo.

ROLL CALL:
Councilmembers: Mayor Terry Tornek
Vice Mayor Tyron Hampton
Councilmember Victor Gordo
Councilmember John J. Kennedy
Councilmember Steve Madison
Councilmember Gene Masuda
Councilmember Margaret McAustin
Councilmember Andy Wilson

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

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

Councilmember Kennedy and Vice Mayor Hampton spoke on the passing of Reverend Michael Bernard Burnes, Sr., and asked that the meeting be adjourned in his memory.

Councilmember Kennedy stated the following for the record:

“Reverend Michael Bernard Burnes, Sr., was born October 11, 1962 to Emma Jean Young & Marcus Jewel Burnes in Los Angeles, California. Michael attended Washington, Longfellow, Altadena and Franklin elementary schools. As well as Eliot Middle School and Pasadena High School where he graduated a year early, which he was proud to brag about. Michael was lovingly raised by his mother Jean, his papa Russ (Russell Williams) and his very special uncle, Tommy West, who helped with his formative years of his life.

As a young boy, Michael was a member in the church choir as well as on the usher board. During his early life, in his mid-twenties, he studied theology at Fuller Theological Seminary in Pasadena, and became an ordained minister under the late Reverend Billie C. Bochum. He was lovingly referred to as Reverend Mike or Michael

due to his youthfulness in the ministry and continued until he departed this life.

In Michael's early years he worked a number of odd jobs, including a dishwasher and a water boy for the Pasadena Bull Pups. He began his venture into law enforcement graduating from Rio Honda College and becoming a police officer for the California State University Dominguez Hills. He then became a landscaper followed by a plumber working for some of today's biggest companies such as Rescue Rooter, Mr. Rooter Plumbing, leading him to work for himself, opening up Low Cost Rooter and Plumbing.

He was a coach and President of the Pasadena Panthers. Michael was huge on volunteering and advocating. He was a volunteer alongside his wife for the John Muir High School Football Booster Club. He was a regular at the Pasadena City Council meetings. He was also the Chaplin for the Pasadena Police Department.

The family of Michael B. Burnes would like to say thank you to everyone that has stopped by, called, texted, messaged, and provided food or flowers, or simply prayed."

Steve Mermell, City Manager, and the Mayor spoke on the passing of Terry Cannon, former City employee and creator of the Baseball Reliquary, a non-profit, educational organization, dedicated to fostering an appreciation of American art and culture through the content of baseball history, and also requested that the meeting be adjourned in his memory.

RECOMMENDATIONS FROM OFFICERS AND DEPARTMENTS

COVID-19 UPDATE FROM CITY MANAGER:

ORAL REPORTS FROM DR. YING-YING GOH, PUBLIC HEALTH OFFICER, AND DR. LORI MORGAN, PRESIDENT OF HUNTINGTON HOSPITAL

Dr. Ying Ying Goh, MD, Director of Public Health, provided an update on the number of cases and deaths related to the COVID-19 pandemic occurring in Pasadena, as well as on a national and worldwide scale. She also provided information on COVID-19 testing in the City, intensive case investigation and contact tracing, education and culture change through public messaging; and responded to questions. Dr. Lori Morgan, President of Huntington Hospital, presented a PowerPoint presentation on data related to COVID-19 patients at the hospital; and responded to questions. City Manager Mermell provided information on the public information materials posted throughout the City reminding the community to wear face coverings; and responded to questions.

Councilmember Kennedy asked staff to distribute informational flyers on COVID-19 widely throughout Council District Nos. 1, 3 & 5, including private establishments (i.e. restaurants, markets, etc.), distribute City-branded face coverings to help ensure the availability of personal protective equipment supplies, work with local pastors to distribute COVID-19 information to their constituents/congregations, and utilize joint messaging from City and Pasadena Unified School District elected officials, leaders, and executives to widely distribute and provide information that will help to protect the community from COVID-19.

Steve Mermell, City Manager, provided information on current efforts of the City's Code Division to engage and inform community members on noncompliance issues related to COVID-19 throughout the City; and responded to questions.

Councilmember Gordo asked staff to provide information on the number of Code Compliance Officers who speak Spanish; and the number of Code Compliance Officers assigned to the Health Department to conduct outreach for COVID-19 compliance purposes for businesses in Pasadena. He asked staff to provide a thorough report and strategy plan on COVID-19 compliance efforts to reach the Latino community, including businesses in the City. Councilmember Gordo asked Dr. Morgan to provide a list of actions the City can take to be supportive of Huntington Hospital's response efforts.

Councilmember Kennedy stated the following for the record, "I do not support any kind of enhanced enforcement in the black and brown community. Not in District 3, and I certainly don't support it anywhere in the City of Pasadena." Councilmember Kennedy spoke in favor of increased education to the community so that they will abide by COVID-19 regulations.

Vice Mayor Hampton asked staff and Dr. Morgan to provide copies of death certificates related to skilled nursing facilities and COVID-19. He also asked Dr. Goh to share her extensive research on racial inequalities and racism as a health crisis with Huntington Hospital staff. He reiterated his request to agendaize a discussion on the inspection process for skilled nursing facilities.

In response to Vice Mayor Hampton's request to agendaize items, City Manager Mermell stated that it is his understanding that the Vice Mayor has requested six items to be considered and those items will be agendaized at the next City Council meeting.

Mark Jomsky, City Clerk, read aloud comments from the following individuals, expressing concerns with events at the Rose Bowl and tenants in the City who have been negatively affected by COVID-19:

M. E. Sarotte, Pasadena resident
Allison Henry, Pasadena resident

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

UPDATE FROM THE FINANCE DIRECTOR ON THE FINANCIAL IMPACT OF COVID-19

City Manager Mermell provided introductory comments, and Matt Hawkesworth, Director of Finance, presented a PowerPoint presentation on the item, including COVID-19 financial impacts to the City, and responded to questions.

Councilmember Wilson asked staff to include in the next City Manager Newsletter, a breakdown of information on the City's General Fund Revenue Projections, including the City's recovery funds, and expenditures made as a result of the COVID-19 pandemic.

Councilmember Gordo asked staff to track the City's reserve funds on a regular basis, and to provide information regarding the total General Fund balance, dedicated reserves, and undedicated reserves as part of a memo at the next City Council meeting, with information on each individual balance of the three funds that have yet to be dedicated to COVID-19 response, or to be used to offset revenue shortages.

Councilmember Madison stated that due to the COVID-19 pandemic, staff should consider limiting the amount of Measure J funds that the City grants to the Pasadena Unified School District.

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

CONSENT CALENDAR

MUNICIPAL SERVICES COMMITTEE: APPROVE THE RECOMMENDED WATER LEAK ASSISTANCE PROGRAM AND AUTHORIZE THE GENERAL MANAGER OF THE WATER AND POWER DEPARTMENT TO MAKE ADJUSTMENTS TO WATER UTILITY BILLS FOR HIGH USAGE CAUSED BY PRIVATE PROPERTY WATER SYSTEM LEAKS

Recommendation: It is recommended that the City Council:
(1) Find that the recommended action proposed in the agenda report is not a "project" subject to the California Environmental Quality Act (CEQA) as defined in Section 21065 of CEQA and Sections 15060(c)(2), 15060(c)(3), and 15378 of the State CEQA Guidelines, and as such, no environmental document pursuant to CEQA is required for this action;
(2) Approve the recommended Water Leak Assistance Program;
and

(3) Authorize the General Manager (or designee) of the Water and Power Department to make adjustments to water utility bills for high usage caused by private property water system leaks.

RESIGNATIONS,
APPOINTMENTS, &
REAPPOINTMENTS

RESIGNATION OF EMMA OSHAGAN FROM THE HUMAN RELATIONS COMMISSION (At Large Nomination/District 4)

APPOINTMENT OF JOHN J. KENNEDY TO THE BURBANK- GLENDALE-PASADENA AIRPORT JOINT POWERS AUTHORITY (City of Pasadena Nomination)

APPOINTMENT OF RAPHAEL HENDERSON TO THE ROSE BOWL OPERATING COMPANY BOARD (District 1 Nomination)

APPOINTMENT OF MARGARET DE LARIOS TO THE COMMISSION ON THE STATUS OF WOMEN (District 7 Nomination)

CLAIMS RECEIVED

Claim No. 13,581	Doris R. Merino	\$	2,182.10
Claim No. 13,582	Hubert L. Carr		1,480.93
Claim No. 13,583	California Automobile Insurance Company		10,000.00+
Claim No. 13,584	Melvin Cohen		590.00
Claim No. 13,585	Farmers Insurance as subrogee for Kevin Chi-Kung Hwang		2,577.07

PUBLIC HEARING SET

August 17, 2020, 2:00 p.m. – Zoning Code Amendment: Update to Single-Family Residential Standards (Mansionization)

It was moved by Councilmember Wilson, seconded by Councilmember Masuda, to approve all items on the Consent Calendar:

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

OLD BUSINESS

ADOPTION OF RESOLUTIONS RELATED TO THE SUBMITTING OF A POLICE OVERSIGHT MEASURE TO VOTERS AT THE NOVEMBER 3, 2020 GENERAL MUNICIPAL ELECTION

Recommendation: It is recommended that the City Council:
(1) Find that the proposed action is not a project subject to California Environmental Quality Act (CEQA) as defined in Section 21065 and Section 15378 of the State CEQA Guidelines and, as

such, no environmental document pursuant to CEQA is required for the project;

(2) Adopt a resolution of the City Council of the City of Pasadena calling a General Municipal Election of the City of Pasadena on Tuesday, November 3, 2020, for the submission of a Police Oversight Measure;

(3) Adopt a resolution of the City Council of the City of Pasadena setting priorities for the filing of written arguments pertaining to the Police Oversight Measure; and directing the City Attorney to prepare an impartial analysis; and

(4) Adopt a resolution of the City Council of the City of Pasadena providing for the filing of rebuttal arguments.

The following item reflects verbatim style minutes for City Council comments in response to requests for full comments to be recorded for the record:

Mayor Tornek: This is a time sensitive matter, as you all know. To approve language to go the voters that would be on this November's ballot. We would have to take action this week. So as a practical matter this is the time and place we would have to take that action. We have had a lot of public comment on these related matters. The Vice Mayor was good enough to step up and take the lead in terms of drafting language that would be appropriate to go to the voters this November with regard to a Charter Amendment to make possible an independent auditor, and I will turn the discussion over to the Vice Mayor at this time to better describe his work.

Vice Mayor Hampton: So the presentation was going to be held by the City Attorney's Office. I was in on the phone conversation about the drafting of this, but my name never should have gone on... In my opinion, my name should never have gone on this. This is actually work of the Public Safety Committee, and the work that we said we were going to do as a body. We said we were going to do parallel actions, so this is not a Tyron Hampton ordinance. This is not a Tyron Hampton measure, this is actually a measure of the people and what they requested. Based on that information and based on the Public Safety Committee, for me to have that discussion with the City Attorney's Office, I did have that discussion with the City Attorney's Office and the City Attorney's Office drafted this full report. They put my name on it, I mentioned to the City Attorney at the time when she put my name on it that my name should not have gone on it. It should have come from the Public Safety Committee because that is what the body tasked me to do. With that being said, I will turn it over to the City Attorney to go over the specifics of the proposal. And then I have comments afterwards.

Councilmember Kennedy: Point of clarification, I would just like to know from the Vice Mayor, were your sentiments accurately represented in the report?

Vice Mayor Hampton: I believe the sentiments of the correspondence that I received, as well as the rest of the City Council received, was accurately recorded in this report. So once again, this is not a Tyron Hampton proposal and I would like to acknowledge the work that you, Councilmember Kennedy and Mayor Tornek, have put to actually getting us to this point today, and where we are in this process, and I'm very grateful for that. This is where we're at because we as a body said we would talk about a parallel track...our City Attorney told us that the way we could get the strongest oversight was through a Ballot Measure and so as we said to the voters and the residents of the City of Pasadena, we would look at two parallel tracks and we did that. The City Attorney has come up with an ordinance that could actually capture everybody's sentiment and I will turn it over to her, Mr. Kennedy, unless you have another question.

Councilmember Kennedy: I would only say that, as difficult as the subject is, that we know around the horseshoe, as well as the community's input, I thought this was a fine piece of work, and I will leave it at that.

Councilmember Madison: Mayor I have a point of order. If I could just really quickly interject. As we turn to the City Attorney, and I want to be measured here, and I should say, I've gotten a lot of communications supporting Tyron Hampton's proposal...I'm telling you what they said...

Vice Mayor Hampton: No, because it says it in the report. Because I believe...I'm going to be honest with you, this is political in nature and when someone's name is on something, typically each and every one of us will look at it and say, well, why is this person's name on it. So, the reason why I had asked for my name not to be on this and this should be coming from the Safety Public Committee, because that is what the Public Safety Committee asked me to do. I think it's fair and reasonable to at least hear me out on this, and yes, my name is on the proposal, but it was not intended that way. I believe the City Attorney will tell you that I told her I did not want my name on this and last meeting that we had I said I did not want my name on this. This is not a Tyron Hampton report, this is actually something the community had asked for and I was tasked with trying to put that together and so that's what I did. I was given the blessing by the Public Safety Committee to do that. So I appreciate the Public Safety Committee empowering me to be able to do that, but I just want to be clear that this is not a Tyron Hampton Measure. Do I support the measure? Yes, absolutely, because it is our strongest path to success for actually putting a

strong measure on the ballot so that...it takes it out of our hands. Really, at the end of the day this is...however everybody votes today on this...I want you to know that this is not an individual thought. This is: Do you trust your voters? Do you trust your neighbors to make the right decision for the City of Pasadena? We entrusted them to put us in the position that we're in and I actually have a lot of trust in my neighbors and faith in my neighbors to hear out what they want. This is a really, really big decision and not a decision, in my opinion, that one City Councilmember should make...I believe this is a decision we should hear from the voters on.

Councilmember Madison: That was just an aside. There is a lot of support for this and it's a serious proposal. But my question, and I want to be measured with the City Attorney, is what can you say in a public meeting about legal impediments to pursue this.

Michele Beal Bagneris, City Attorney/City Prosecutor, provided information on potential legal issues related to the potential labor negotiation requirements of "meet and confer" with affected bargaining units and represented employees as it relates to the proposed measure; and responded to questions.

Vice Mayor Hampton: I would like to mention, to all of our colleagues that I did receive correspondence from our City Attorney about the legal impediments to this. I was briefed on some legal impediments, but everything that we do is legal in nature and we could be sued at any time for anything we do. Right now we are putting something on the ballot for our transfer [of funds] from the Water and Power fund, and these are things that just happen in the course of work that we do. I hope that this is not something that Councilmembers are going to decide. I respect Councilmember Madison's and Councilmember Gordo's legal opinions because they are practicing attorneys. I 100 percent respect that, but I do believe that anything we do could be sued for, but really at the end of the day this is going to be...this is out of our hands as soon as there is a vote of the people. Regardless if you support this action or not, you can go to the ballot box and vote no. As individual City Councilmembers, but really giving the trust to your residents is what's on the line today.

Councilmember Madison: If I could Mayor, the problem that I see is that it sounds like this is a problem that more time and process could solve. The Water and Power matter, for example, is one that has a long administrative record, and was ripe when it was ready for the ballot box. Seems to me that under these labor impediments that this just isn't ripe, right now, and it would be a terrible waste if something was put on the ballot and passed, and then was invalidated because it violated these requirements that I understand can be exhausted if enough time is permitted.

Vice Mayor Hampton: I would just like to add to that, and say that, just like with the water fund [transfer], it is being challenged and we put it on the ballot both before and we put it on the ballot again. So legally, if an organization decides to sue the City for whatever purposes, for this ordinance, we could put it back on the ballot again in two years. So, this is not something new. We have an example with the water fund. I just want to say that if we really want to give the community...I'm definitely advocating for this, because I support it. If we really want to give the community a real fighting chance, I think we should give this over to the community, and to our neighbors and let them decide. This is a big decision and let them decide if they want to vote for this. And I know there are individuals on the Council who think this is maybe unfair, or what not, but I would say, "with extreme power comes extreme responsibility," that's a bible verse...I mention that because...it's also in Spiderman...I mention that because how much longer can people of color, African-Americans in particular, wait. We've waited for hundreds of years. I'm saying that...I'm speaking from a person of color standpoint and not necessarily as a City Councilmember at this point. But, I think the time is now. There is no better time to actually let our voters decide on such a large matter, than now.

Mayor: I would really like to have the proposal explained before we engage.

Councilmember Kennedy: Okay, I will be very brief. I just want to remind my colleagues like the Vice Mayor said, there is another proposal opportunity that Mayor Terry Tornek and the Chair of the Public Safety Committee have provided. And it is worthy, both are worthy of consideration as a way forward. Thank you.

Councilmember Gordo: This is a very serious issue. The Vice Mayor is absolutely correct. Mr. Madison raises a point, but it's not the first time the point has been raised. In reviewing staff's reports, May 8th, and I'll remind the Council that when we act, 1) we have to have done our homework and due diligence, and 2) We have to ensure the integrity, particularly on issues of transparency. The integrity of our action is whole and complete. Next I would say we have to face the voters with an honest discussion, and say we've done our homework, we've done our due diligence, and this is a real alternative. It's not subject to invalidation, as Mr. Madison points out. So when we ask you to vote for Charter change, we are doing it in an honest way, and a transparent way in saying to you this is a real option. So in reviewing the staff reports, I found the July 8 report to the Public Safety Committee from the City Attorney, if you look at page 5, is the relevant point, last paragraph on page 5. Page 5 describes the MMBA. Michele, can you just describe the MMBA, the Meyers-Milias-Brown Act, correct? And now that's state law? And the City is bound to that state law?

City Attorney Bagneris responded to Mr. Gordo's inquiries; and provided information regarding the Meyers-Milias-Brown Act in relation to the proposed Charter Amendment and the need to meet and confer with affected employee unions.

Councilmember Gordo: And you brought this to the attention of the Public Safety Committee on July 8, 2020, so my question to those who have led the charge...the Chair of the Committee, the Mayor...was any direction given to staff to ensure that the City would be in compliance with state law, if and when this alternative came forward?

Councilmember Kennedy: I would assume that the question is directed at the Chair of the Committee. However, any member of the Committee can speak up about it. Thank you very much Councilmember Gordo for the question. The charge that I gave, which is in writing by, and e-mailed to, Javan [Rad] and to Vice Mayor Hampton, was to work together and to comeback with an option to the Public Safety Committee and/or the Council. When you invite the City Attorney to be a part of possible drafting, it is naturally incumbent upon the City Attorney to point out pros and cons, both to the Councilmember or the Mayor, or the whole City Council. So I did not give any particular admonishment related to legal because I'm not qualified to do so. But the assumption is, a reasonable assumption, that our City Attorney, particularly the Chief Deputy City Attorney, is well qualified to point out what is the state of the law as it exists in the drafting, when the drafting takes place of a possible Charter Amendment or even an ordinance. We make that assumption every day when we ask for legal advice or for the City Attorney to participate. So, I hope that is an answer that is satisfactory to you. If not, I would certainly entertain any other questions that are directed to me or I would invite any member of the Council who is on the Public Safety Committee to speak freely in responding.

Councilmember Gordo: This matter has been publicly debated. People have sent in very, very strong opinions publicly. There has been activities, very public in nature, a very strong feel that the public and the Council should have a very real option of a ballot measure. So, when I look at the report on page 5 of 9, and I read under the terms of the MMBA (state law) the City is required... required...not as an option...to meet and confer. And so my question to the Chair of the Public Safety Committee, to the City Manager, and to the City Attorney is: What steps, given that very clear and unambiguous language, what steps have been taken to ensure that what Mr. Madison points out, doesn't come true, that [what] we are holding out as a potential option, a ballot statement, that it may be invalidated? Before that is answered, let me ask this question: Michele, one of the remedies, as I understand it for

violation of this state law is exactly as Mr. Madison points out, isn't it? It's invalidation. It's rescission of the action, correct?

City Attorney Bagneris affirmed that one result, if challenged, could be the invalidation of a ballot measure that violates state law.

Councilmember Gordo: And so, given the level of community input, we saw publicly...demonstrations, hundreds of people...given the charge that was put to the Public Safety Committee, what sort of steps were taken? Even after July 8, what steps were taken to ensure that we can say honestly to the public, that this is a real alternative for your City Council that it's going to consider, and that it seeks to address the very public input that we received?"

Councilmember Kennedy: Let me be clear that the reason that the Public Safety Committee took up this issue is because it naturally lies within the Public Safety Committee. Secondly, it came to us, Mr. Gordo, because of the recent murder of George Floyd, and the national outcry, as you know, revived what I have been trying to bring to the community and to this body. And that was some reasonable civilian or community oversight of the Pasadena Police Department. You are fully aware of that. All we were doing was providing an avenue for those discussions to take place as a sub-unit of the Pasadena City Council. The Mayor...Mayor Terry Tornek...also shared with the full Council that he adopted those principles that came out of the Obama [My Brother's Keeper] admonishments if you will, or requirements, that you do certain things within a certain amount of time. And one of them, was in fact, to look at policies affecting the police department and civilian or community oversight. And there was a timeframe associated with taking the pledge. And the Mayor took the pledge in front of all of us and it was to come back to all of us, I believe the governing body, within 60 days. I could have the amount of days wrong, it could be 90, but at least 60 days. If it was 90, the Mayor committed to the City Council within 60 days. So, as you know, the Committee, as any other Committee...we rely heavily on the advice of our City Attorney to make sure that we stay within boundaries that are governed by our local law, State law and Federal law, wherever applicable. We sought to do that. We sought to ensure our colleagues were fully informed. I think the Mayor has done a great job and I think the Vice Mayor has made every reasonable attempt to provide something to the Council for consideration. As you know, as it relates to Charter Amendments, generally, no absolutely, we have had Charter Amendment committees, because it is so thorny, and so complicated to even offer any kind of Charter reform. So, if there really is an empaneling of a Charter Reform Committee, or Commission, that happens by the Mayor and/or the City Council. In this case, that did not happen. Part of the calculus is trying to move faster in trying to address the community outcry related to what happened to George Floyd, and getting ahead of it. In our

community, in some respects, has really been ahead of it in terms of just addressing these very difficult issues that I think you may agree. I think you are asking legitimate questions.

Councilmember Gordo: It's not a real option if it's an illegally infirmed option, and the community should understand that. So, I want to know, given the July 8th report, given the very clear and unambiguous statement, what steps were taken to address that issue? I understand the meet and confer process is not your shop madam City Attorney, so I'd like...

City Attorney Bagneris explained the statement in the Public Safety Committee report was referencing another proposal, which was previously brought to the City Council and provided information regarding the requirement to "meet and confer" with affected employee bargaining groups.

Vice Mayor Hampton: I would like to say, I know for a fact that the timeline is incorrect because the very first Public Safety Committee meeting that we had during COVID, I mentioned the fact that we need to be working on a parallel track. So, to make it seem like this is something that just came up out of left field, at the last minute is not correct, not accurate. And our records would reflect that in the minutes.

City Attorney Bagneris clarified that she was aware of a parallel track, however, she was not aware it was going to be for this November, which was not clarified until recently.

Councilmember Gordo: Michele this is...Mr. Hampton is correct. The work has backed up on us, is the bottom line, and that's the point I think, Mr. Hampton is drawing here. It's a fact. Public Safety did not meet. Now this report is dated [July 8th]...right thank you...

Councilmember Kennedy: What do you mean Public Safety wasn't meeting Mr. Gordo?

Councilmember Gordo: Regularly.

Councilmember Kennedy: I think we've been meeting when we have items to discuss, quite regularly.

Councilmember Gordo: So, July 8th...so, this report is dated. When did the report actually go to the Committee? I don't think...did Public Safety Committee meet the week of July 8th? If the City Clerk could just double check? Am I incorrect that the meeting of July 8th was cancelled?

Councilmember Kennedy: It is accurate that the Public Safety Committee met, Mr. Gordo, I believe at 2:00 p.m. on July 8th.

Councilmember Gordo: How about the week following, there was a meeting scheduled the week following that was cancelled. Am I incorrect about that Mr. Kennedy?

City Manager Mermell and City Clerk Jomsky provided information on the dates the Public Safety Committee meetings were held in July, as well as the presentation of a conceptual outline of a Community Police Oversight Commission.

Councilmember Kennedy: Just to be clear for the record...often times, [Committee] meetings are cancelled if there are no agenda items, as you know. And secondly, I have to poll, or have someone poll, all of my colleagues to make sure they are available for the meeting. And that has happened where we've had to make adjustments. I believe all the meetings in COVID have been specially called meetings...no regular meetings...just like I suppose City Council may be considered special meetings as well, I think.

Councilmember Gordo: This is the issue, so from July 8 to the 22nd, I think, and I raised it last time, procedurally, I just have concerns how this whole thing has evolved. The Vice Mayor is absolutely correct. The community has asked for this sort of model. The Vice Mayor has demanded it, others and I believe even you Mr. Kennedy, have demanded it. And yet here we are at the last minute with our City Attorney telling us that we potentially have, what we are holding out to be to the public, a real option that may not be a real option, because it may be legally infirmed. So, I would ask again, to the City Manager...since July 8 when this issue arose, did we give notice, formal notice to "meet and confer" to comply with state law?

City Manager Mermell responded to the question by describing the process, steps taken, and discussion on the Civilian Police Oversight issue.

Councilmember Gordo: It's about options for the City Council. It's about alternatives. And, so my question stands, have we ever, since the issue of police reform in this community, wanting real options, including the possibility of a ballot measure...have we ever taken steps to comply with state law and given a notice to "meet and confer"? Just to have a discussion. So, the answer is no. We've not ever given notice, even informally. How about in any other formulation? My question is: On the issue of Police oversight, has the City taken steps, the City of Pasadena, to ensure that the actions put before the City Council are real? So that we can say to the voters, this is real.

Councilmember Kennedy: Mr. Gordo, you asked the question, but you must be fair. You must be fair in the context that whatever we have offered, you have not supported. Whether it is Mr. Tyron Hampton's, or Councilmember Kennedy's, offering of an option, you have not supported. So, I don't understand why you are trying to drill into staff, that maybe somehow they haven't done anything. They've done what they are supposed to do. Now, if you want to instruct the staff and have them provide you with additional information, I think that's fair.

Councilmember Gordo: I was interrupted. These are real questions that deserve real answers, because potentially, there is liability, and potentially credibility of a wrong action before the voters, or lack of credibility. 1) I am on record, very early on since Mr. Floyd's terrible murder, publically Mr. Kennedy, I wrote a piece in Pasadena Now, that I was supportive, so that's one. But 2), I would like the City Manager to answer the question, in general on police oversight, given the importance [of this issue] in this community, did we take any steps at all to ensure the credibility of our options, legally? Did we take steps to comply with state law, generally at all?

City Manager Mermell responded to the question by describing the process of meeting and conferring with City employee bargaining units and on the Civilian Police Oversight issue as required by each union's Memorandum of Understanding (MOU) with the City.

Councilmember Gordo: I'm going to take that as no. And I understand your answer to be there wasn't any specific proposal for you to formalize. So about a week ago when it was brought forward... Well, I think we get the point, thank you.

Mayor Tornek: I would just like to fill out the discussion here a little bit, in terms of the sequence in events. The proposal that...the staff report that is in reference on July 8th, which explains the potential of the "meet and confer" requirement was of great significance, and the proposal that Chair Kennedy and I brought forward was designed to avoid having to undertake the "meet and confer" process. To trip that wire. And the reason for that was to create an opportunity to adopt swift action here. Part of the...as Chair Kennedy explained...part of the motivation in terms of how this proposal has been drafted, and the nature of the process that's been driving the Public Safety Committee, at least from my perspective, has been a commitment to the community that we would bring a proposal to the Council soon. Sooner rather than later, to recognize the tremendous outpouring of public feeling, and reaction, and the concern on the part of the community that if action wasn't taken swiftly, that it would just disappear into the sort of rabbit hole of public discussion and indecision. The tradeoff for trying to move quickly is that the discussion gets truncated. [Vice

Mayor Hampton] has articulated for some time that he had a desire to see...not necessary shy away from...a ballot measure alternative. I have not wanted to pursue a ballot measure alternative because I felt that there hadn't been adequate predicate action for a ballot measure. There hadn't been the kind of long discussion and typical sort of analysis that happens, and to rush it, and try to get an item on the ballot for this November, to make that happen today, the first week in August was unfeasible. [Vice Mayor Hampton] as he pointed out, is really trying to channel community reaction. And the community reaction to the proposal that Councilmember Kennedy and I have drafted, on the part of some members of the community, is that it doesn't go far enough. It's not independent enough. And the impediment to making it independent enough to meet their requirements, or their desire, would be satisfied by a ballot measure. And so the process that we have gone through over the past, just couple of weeks, with the help of the City Attorney's Office, has been to assist Vice Mayor Hampton in at least presenting a ballot measure alternative that might satisfy those in the community that felt that this is an item that should be put before the voters, and done this November. Done right now. The dilemma with that is, that I think it may, and we are just raising this now. The opinion that we had on the July 8th staff report didn't relate to the ballot measure that we have...the potential ballot measure that we have...before us today, because Councilmember Kennedy and I were specifically trying to avoid that process. And we did so successfully. Unfortunately, the ballot measure, there is no definitive judgement on this and the City Attorney hasn't opined on it. But there...as Councilmember Madison and Councilmember Gordo point out...there is a possibility, even a likelihood, that it might trigger a "meet and confer" requirement. And to not do a "meet and confer" requirement before the Council took action today might be a violation of those Memorandum of Understandings. Not just with the PPOA, but whatever bargaining units might be impacted by this ballot measure. The problem is...I mean...that's not defined, as Vice Mayor Hampton says...that remains to be seen. Short of a rescission measure, there might be alternatives in terms of achieving "meet and confer" after the Council takes action. I mean there are a whole variety of things that may happen between now and November. But to understand the sequence, the reason that the "meet and confer" alternative was not put before the various bargaining units and there wasn't meeting and conferring, is that the proposal that Councilmember Kennedy and I crafted was expressly designed not to trigger that requirement, so we could move swiftly on this item. This is an alternate course, which may or may not run afoul of that. Before we have...I really asked the Council, before we spend more time on this, it would be useful, I think for everyone to at least hear what the proposal is that the City Attorney's Office has designed, so that at least everybody on the Council, and the public have an opportunity to know what the proposal consists of.

Councilmember Gordo: Let me just correct the record, it's not a matter of MOU's. It's not a matter of meeting and conferring to meet an obligation under a contract or an agreement with any group. It's a matter of state law, and it's a matter of being honest and transparent, and direct with the people that we represent, to say this is a very real option. We've done the work.

Mayor Tornek: The unknown here Councilmember [Gordo], is whether or not that requirement could be met even after the Council takes action. But I do understand the issue and I do understand the concern.

Councilmember Gordo: And I question, and I'll tell you, I have quite a bit of experience in this area, as you all know. Even the other alternative that you, Mr. Mayor and the Chair of the Committee put together, in my view should be looked at very closely. I'm not going to opine and give legal advice, but I question the viability of that.

Mayor Tornek: Happily that's not before us...I mean we're not going to take action on that tonight under any circumstances. I think it's a fair point and we should examine it.

Councilmember Gordo: So, we have one question that potentially people will say it was sabotaged because we didn't...because the steps weren't taken to ensure its legal viability and ensure that the measure is compliant with state law.

Mayor Tornek: Before that is brought to the Council for action, I assure you that will be fully vetted.

Councilmember McAustin: Thank you, and thank you Mayor for laying out what happened. Just one question at this moment, because I know we want to hear from staff. In the Commission proposal that was initially presented by the two members of the Public Safety Committee, that called for, as I recall after a year but with plenty of time to place something on the ballot for 2022. The Police [Oversight] Commission would prepare a report and give it to the Council, so there would be enough time, if there was a recommendation, and they felt there was a need to go further, to have subpoena powers and require that, something to be put on the ballot. Did you think that would allow enough time for there to be a "meet and confer" process if that were to occur?

Mayor Tornek: Yes.

Councilmember Kennedy: As the Chair of the Committee, I would simply say this...I've always said it is a process and its more than one step. What the Mayor and the Chair of the Public Safety Committee have offered is real oversight. Some would say it's not enough, and that's okay. That's why we have these debates. So,

there is significant number of respected individuals in our community that actually strongly support what Mayor Tornek and Councilmember Kennedy have put forward, and it is a reasonable step forward. It's not getting everything that we want. It's certainly isn't getting everything that I want, but at least it provides community or civilian oversight; and its done in a way where we invite the police to be part of the process. We invite the community to be part of the process. And you may recall Councilmember Gordo, as soon as the Vice Mayor made concerns known, I sent him an email, as well as the Deputy City Attorney...Chief Deputy City Attorney, and just laid out what I thought was reasonable. That was: work together and bring us something back for consideration. Some time elapsed, and now the Vice Mayor has done that. The Vice Mayor has told us that he supports what is on the table for today. If he is going to move it, I'd be more than happy to second it, on the record, now. I want us to move forward. The community deserves reasonable and effective oversight. I still support the Tornek-Kennedy proposal, but I also have respect for the Vice Mayor.

Vice Mayor Hampton: Once again I would like to make it clear that this is not a Vice Mayor proposal. I think that this is becoming extremely political at this point, and really at the end of the day black people have waited 400 years, okay. There is no more time for wait, period. That's all I really have to say about this. I think that we should get a...presentation from the City Attorney Office.

Mayor: I am trying desperately to do that...to get the presentation, to hear the public comments and then have the discussion and action.

Vice Mayor Hampton: And once again, if this proposal is presented to the people of Pasadena, this is such a large decision. Regardless, if you personally support this you can go to the ballot box and vote however you want. You can vote this down if you like. But it's up to the people, and this instance, to give them exactly what they're asking for, and if the residents of Pasadena don't want to vote for this, than they won't vote for it. It's as simple as that. Here is a great opportunity, for us to let our residents get engaged. So with that being said, I would say, for the history of this, I do appreciate the e-mail that Councilmember Kennedy references regularly, but that's not typically how it works in our Committee. We don't typically go off and do our own work. We talk about it as a Committee and we take the time out...unfortunately, in this case we didn't have that parallel track, and we didn't get the proposal that was written from Councilmember Kennedy and Mr. Mayor Terry Tornek until...[Inaudible]. I just sent over something to Mark Jomsky to send out to the rest of the Council, just in case the minutes don't reflect the request...that I had mentioned...that the Public Safety Committee was going to look at a parallel track,

because we had a shot clock that we had to answer to. I just want to make sure that you know, everybody is on the same page, and there would've been an opportunity, according to my conversation...I'm going to be brief about my conversation about "meet and confer"...there would have been an opportunity to do that within the time frame. According to my conversation, so I will just...like I said I don't know who even was supposed to drop this "meet and confer" thing out in public space anyhow, but now that's it's out there, I just want to say that it was not...there wasn't an adequate discussion at the Public Safety Committee meeting on this item. That is what I have to say about it and I think we should've given people options, multiple options, and start with the strongest option possibly. As Councilmember Kennedy said, this is your proposal, this is not a Tyron Hampton...once again, this is your proposal. This is the work that Councilmember Kennedy has done over the years. This is your work, and you have requested that things to be strong. As well as you Mr. Mayor, you guys want to make sure that people are being heard, this is an opportunity.

Mayor: Can we have the City Attorney explain the proposal now?

Councilmember Gordo: And just for the record, I would like my comments for the record. Thank you. I don't know about Vice Mayor Hampton, but I do.

Javan Rad, Chief Assistant City Attorney, summarized the agenda report as part of his oral presentation, explaining the proposed Charter Amendment measure to establish a Community Police Oversight Commission (CPOC), and add to the City Charter an additional City Council appointed position in the form of an Independent Police Auditor (IPA) reporting directly to the City Council; and responded to questions.

Councilmember Wilson: I just have a few follow up questions. Javan, when you drafted this, did you draft it as narrowly as possible with respect to where we thought...I won't call it the Vice Mayor proposal, but...the alternative proposal would conflict with the current form of City Manager government? In the sense that...let me give you an example...Does the membership of the Commission need to be voted on or is that something...I was having that discussion with a couple of my colleagues about different ways to establish the membership...Does that need to be established as part of this Charter Amendment or are those things that can be worked out later? I'm just wondering how narrowly tailored this is...in order to address the issues that are directly in conflict with the current Charter. I understand the timing issue, I was just thinking the challenge here is trying to come up with Charter...opening the Charter is like doing surgery. You want to make sure you have your homework done and the more that we specify all the specifics without doing your homework, is doing

maybe more surgery than we need. I am wondering if there is a strategy to narrow...once again...I know there is a timing issue on getting this right, but...to narrow the Charter Amendment to those things we know would be in conflict. Then, allowing the City Council to continue to iterate and engage the public on other questions that are important to putting the Commission in place, but don't require that we capture that in terms of adjusting or addressing conflicts in the Charter. I think the goal here, like the Charter reform, is creating the independence and autonomy, right? I think that is what really what we're trying to accomplish. I don't think we are necessarily trying to fully resolve, let's say the composition of the Commission, so I think, once again, I'm not in favor of this strategy, but I think if we were to pursue it, making it more surgical and leaving more leeway to kind of get some of the mechanics worked out. Because we are working at maximum velocity here on something that really should be done with great measure. Thank you for a response.

Mr. Rad, Chief Assistant City Attorney, stated that the qualification of the members of a proposed Commission can be established by municipal code, and provided information on the Council Manager form of government; and responded to questions.

Councilmember McAustin: A different question, on sort of the same point Andy brought up, because with the Measure that is before us...because the Commission portion has been added to this...it is my understanding, that the only reason this Commission portion would now have to be part of a Charter change is because of the special power granted to the Commission. Because in the prior proposal submitted by the Public Safety Committee, the Commission did not have powers that required Charter Amendment. Is that right Javan? Why else would you put it in here? I'm just talking about the Charter, the Commission language that the Public Safety Committee had, did not necessitate going for a Charter Amendment. And now the Commission component...you know because there are two components...the auditor and the Commission...the Commission component is now in this Charter...proposed Charter Amendment, and why is that? Is it because of the increased powers you are giving to the Commission in this version? So, it's because the appointment by the City Council component that requires it to go in the Charter based on Exhibit B that we were talking about earlier. So, then, I am correct that it's kind of the expanded powers given to the Commission members under this model, that...in addition to the Council appointments...that necessitates it being part of a Charter change. In the prior...in the Public Safety proposal...in the Public Safety Committee submitted proposal that also called for Councilmembers appointing members, even though I don't agree with that. It called for that, correct? Going back to Exhibit B, to the July 8th memo, on Page 6, where it talks about under 4A, Charter Amendment, "we believe a voter-approved Charter amendment will

be required if the City Council sought, among other things, (a) make direct appointments to the review boards....” So, it’s not just the direct appointments is what I’m hearing you say now. I’m hearing you say it is direct appointments with personnel authority... over personnel. So then, explain this when it says, a Charter Amendment will be required if Council were to make direct appointments to the review board. This paragraph A is referring to appointments under that review board. This was part of the due diligence that the Committee did initially to determine, given the structures that we had, there’s something we could do to achieve the goal that we want; and the answer turned out to be no.

Mr. Rad, Chief Assistant City Attorney, provided information on the proposed Charter Amendment related to the type of authority the Commission would be exercising through members appointed by the City Council; differences between a review board and the proposed Commission; and responded to questions.

Mayor: [Vice Mayor] Hampton was there something you wanted to add there?

Vice Mayor Hampton: No, it was clarified. The Commission and the auditor are two separate things. So, I think right now it’s being compiled into one and the Council decided if they just wanted to produce an auditor position, we could actually do it...the auditor with real teeth and subpoena power, and as a body decide we don’t want to give that kind of power to a Commission, we can just separate them and say we don’t want to give that power to a Commission, and we could build a Commission after the fact. So, I tried to catch you in the middle of your thought and I apologize Councilmember McAustin. I didn’t mean to interrupt you, but I just wanted to make sure that Javan was answering the question as thorough as possible. Because it sounded kind of like you were conflating the Commission and the Auditor position.

Councilmember McAustin: No worries. I got it, thank you.

Mayor: Alright, Councilmember Masuda

Councilmember Masuda: Thank you Mayor. I just wanted to clarify something. When we were talking about the 9 members for this Commission, I assumed 8 will be appointed by the Council. What was meant that they had to be voted upon? I didn’t understand that. Maybe I heard wrong.

Mr. Rad, Chief Assistant City Attorney, provided information on the number of members contemplated for the proposed CPOC; and responded to questions.

Councilmember Wilson: Just one clarification, Javan. You said that the reason we need the Charter Amendment...this is in response to Councilmember McAustin's question...is that the difference and the need for Charter Amendment is that, without it, the Commission would just be reviewing and monitoring personnel matters, versus with it, they would be making recommendations. I wrote that down as a quote. Is that correct? You said in reviewing and monitoring personnel matters without the Charter Amendment, so they are not looking at...am I right, I just want to make sure I understand the distinction. They would be able to look at specific personnel matters without the amendment. Isn't there a confidentiality issue in things like that? I understand the difference between recommending discipline or something like that. Are you saying, that without an [Charter] Amendment, that this Commission would be able to actually evaluate specific personnel activities? I guess, I was under the incorrect assumption that without the Amendment the Commission would be only able to look at procedures and policies, and kind of aggregate versus an individual personnel level. Are you saying that individual personnel...looking at case history...that would all be available to the Commission without a Charter Amendment? Okay, that's helpful clarification, at least for me. I appreciate it. Sorry to take people down that, but I think it's very important distinction.

Mr. Rad, Chief Assistant City Attorney, provided information on the recommendations and evaluation activities a CPOC may make within the personnel process, including with or without Charter Amendment; and responded to questions.

Councilmember Madison: Javan, with regard to the legal issue that is present, is that something that, if we had more time could be addressed and potentially resolved? I understood the Mayor to say, under the Mayor's proposal, along with Mr. Kennedy, was intended to avoid having that issue. Does that mean that the Kennedy-Tornek proposal is somehow less robust? In others words, I understood the Mayor to say that one of the advantages, if you will, of his and Mr. Kennedy's proposal is it avoids this issue of the "meet and confer" and I assume the way that it does that is by taking out certain powers that Mr. Hampton...and I'm sorry Mr. Vice Mayor...I keep looking at the report and it's signed by the Vice Mayor...the Ballot Measure proposal would bestow those powers, correct? Whereas the Ballot Measure proposal would have these advisory recommendations to the Chief, which in turn requires the "meet and confer," correct? Okay, thank you Mayor.

Mr. Rad, Chief Assistant City Attorney, spoke on the lengthy process of discussions and negotiations with the City's collective bargaining units; and responded to questions.

Councilmember Gordo: "Javan...Mr. Rad, on page 6 of the Ballot Measure proposed language, new article, Exhibit A, number 9, I think there is a...talk to us about the interplay between privacy "Pitchess [Motion]" information and how it would be handled under this ballot measure...under this provision...an unelected body of individuals, not accountable to the voters, would have more access than the elected representatives of the voters? Is that correct? And in fact, not only would this group of people...appointed and unelected...not only would they have more access than the elected City Council representatives, but they would have more access than the public to this information, correct? I think it's a very narrow area, in other words, it's not wide open. It would be where the State has acted in 2018 to release some of those documents down the road, but in real time, on real matters, the public wouldn't have access that the Commission would have. Isn't that correct? And so, we would essentially, were this matter to go forward, be setting up a system where the public doesn't have real time information, as I believe the outcry has been. Nor would the elected members of the City of the voters throughout the City, correct?"

Javan Rad, Chief Assistant City Attorney, provided information on the Police Officers confidential personnel files, transparency laws, and charter amendment language that clarifies a Commission may be able to access personnel records in closed session, and the lack of real time information; and responded to questions.

Councilmember Gordo: Back to the City Attorney's report, dated August 3rd to...the memorandum Michele, you produced in response to some of the questions that were posed, I believe last week. One question that I asked, and Vice Mayor Hampton asked, is whether the...City Council has subpoena authority, and can compel testimony, sworn testimony. Accordingly...well what's the answer? Yes?

City Attorney Bagneris responded to the questions, confirming that the City Council has subpoena authority, and can compel sworn testimony.

Councilmember Gordo: And I raised the Code Enforcement Commission, as did Vice Mayor Hampton and in fact we conferred that authority...to the Code Enforcement Commission, correct? Now did that require a ballot initiative? I understand. But my question is when we confer that authority, I think it was [19]86 or 87, did it require a Charter Amendment or was it done by ordinance? So, in that case, isn't it true that we conferred authority...the City Council in 86 or 87...conferred authority to individual members of the Commission? Well, there's three things, 1) The subpoena authority including, subpoena powers to produce documents as well as the compelled testimony. Correct? And

individual members of the Code Enforcement Commission enjoy that authority. So right? I just want to make sure I got it right.

City Attorney Bagneris responded to the questions, confirming that the City Council conferred subpoena authority to the Code Enforcement Commission by ordinance.

Councilmember Gordo: Now back to alternatives, and this again, not to belabor the point, but to the problem we have a truncated process. The alternative that I raised last week, where we could appoint or ask you through your office to hire, an Auditor/Inspector General. Either an attorney or someone who is recognized in the field. Couldn't we do that through your Office and have them report directly to the City Council and not to the City Manager or Police Chief? Let me ask it this way, could we hire someone that would report directly to the City Council and City Council could give direction to say, we would like you to investigate this use of force, and ensure that things are handled as they should be and ensure you issue a public report to declare whether or not the City followed its own policy procedures? Couldn't we hire someone that would report directly to either the Public Safety Committee or to the City Council that we could task with looking at best practices and procedures? Not just in policing, for that matter, in every area of the City, ethics, development. If we're going to hold police officers and police employees to a high standard, I'd be willing to subject myself to that same standard. Couldn't we do that by hiring an Inspector General through your Office? Isn't that achievable without Charter Amendment?

City Attorney Bagneris stated that an Inspector General may be able to achieve the proposed action without Charter Amendment depending on the authority provided; and responded to questions.

Councilmember Gordo: So the Inspector General/Police Auditor that would hold everyone to the same standard could then report to the Public Safety Committee, either in closed session, if need be or in open session when it is appropriate and legal to present information to the public. Everything we do has to be legal. We always, as a City Council have to ensure the integrity of everything that we do. Whether it's governed by the Constitution in privacy, as Javan points out, or State statute either through "Pitchess" or MMDA, whatever it may be. That's another option. So colleagues there are various models here that I believe could be responsive to the public's desire that there be oversight in the Police Department. That there be a review of policies and procedures, and then at public reporting, I don't think we should in any way limit the options available to us and the public, and do it in a way that is artificial and not transparent. And it's feeling more and more like this is being pressed through, and that's the end result. A half-baked, non-

transparent process has brought us proposals that are half-baked and non-transparent.

Mr. Rad, Chief Assistant City Attorney, provided information on the confidentiality of police officers personnel files, transparency laws related to criminal investigations; and responded to questions. Michele Beal Bagneris, City Attorney/City Prosecutor, provided information on the level of authority of the Code Enforcement Commission, and responded to questions.

Correspondence and public comment on Item (6) Creation of a Community Policy Oversight Commission and Consideration of Creating an Independent Police Auditor and Item (7) Adoption of Resolutions Related to the Submitting of a Police Oversight Measure to the Voters

City Clerk Jomsky reported on the correspondence received by the City Clerk's Office: in support of a Charter Amendment Measure on police oversight for voter approval, including provisions for an Independent Police Auditor with subpoena powers; expressing concerns with granting subpoena powers to a Community Police Oversight Committee; expressing support for the Pasadena Police Department; and/or providing suggestions on both models being discussed by the City Council, from the following individuals:

Anna Parker, Pasadena resident
Christopher M., residence not stated
Dan Huynh, Pasadena resident
Mayra Guffin-Masucci, Pasadena resident
Heather Ross, residence not stated
Sonja Berndt, Pasadena resident
John Favre, Pasadena resident
Lisa Fay Matthiessen, residence not stated
Nancy Busacca, Pasadena resident
Carla Boykin, Pasadena resident
Keegan, Dyer, Pasadena resident
Julie McKune, Pasadena resident
Christina Mesesan, Pasadena resident
Dorothy Matthiessen, Pasadena resident
Io McNaughton, Pasadena resident
Angel M. Castillo, residence not stated
Kassandra King, residence not stated
William Sinclair, Pasadena resident
Avram Gold, Pasadena resident
Beth Stone, Pasadena resident
Brett Shears, residence not stated
Jana Coke, Pasadena resident
Fina Arnold, Pasadena resident
Jacqueline Snell, Pasadena resident
Darlene Wyndon, Pasadena resident
Serge Nelson, Pasadena resident
Elois Moore, Pasadena resident
Cheryl McCuin, Pasadena resident
Elizabeth, Pasadena resident
Teodora Ivanova, Pasadena resident
Christopher M. Pasadena resident

Mariaah Murphy, Pasadena resident
Cameron Clayton, Pasadena resident
Chiahwa Lu, Pasadena resident
Basil Ibe, Torrance resident
Lindsay Carlson, Culver City resident
Jane Wishon, San Marino resident
Cam Buzard, Pasadena resident
Danita Smith, Pasadena resident
David Wallet, Pasadena resident
Reid Denham, Pasadena resident
Rev. Angola E. Haynes, Pasadena resident
David Dellinger, Pasadena resident
Jana West, Pasadena resident
Albert West, Pasadena resident
Kimberly Isaac, Pasadena resident
Una Lee Jost, Pasadena resident
Carlos Clayton, Pasadena resident
Andrea Jennings, Pasadena resident

City Clerk Jomsky, Jennifer Driscoll, Librarian I, and Brigida Campos, Librarian III, read aloud comments (or names of individuals) in support of a Charter Amendment Measure on police oversight for voter approval, including provisions for an Independent Police Auditor with subpoena powers; expressing concerns with granting subpoena powers to a Community Police Oversight Committee; expressing support for the Pasadena Police Department; and/or providing suggestions on both models bring discussed by the City Council, from the following individuals:

Elisia Famer, Pasadena resident
Geraldine Kennedy, Pasadena resident
Ivie Lewis, Pasadena resident
Elizabeth R. Ellis, Pasadena resident
Letitia Uko, Pasadena resident
Tammy Mims, Altadena resident
Mrs. Rosalinda Spratling, Pasadena resident
Mattie Betts, Pasadena resident
Linda Jankins, Pasadena resident
Donna Perkins, Pasadena resident
Ana Wilchez, Pasadena resident
Boualem Bouseloub, Pasadena resident
Taleen Hindoyan, Pasadena resident
Jahmal Ellis, Pasadena resident
Leslie Caldwell, Pasadena resident
Pamela Lewis, Pasadena resident
Charles Pulliam, Pasadena resident
Sandi Mitchell, Pasadena resident
Judith Nelson, Altadena resident
Julian Spratling, Pasadena resident
Jacqueline Snow, Altadena resident

Arnold Siegal, Pasadena resident
Alma Stokes, Pasadena resident
Robert Niemack, Pasadena resident
Elena Johansen, Pasadena resident
Jason Johansen, Pasadena resident
Jairus Ellis, Pasadena resident
Thomas Carter, Pasadena resident
Labell Delfosse-Washington, Pasadena resident
Roseline Dauphin, Pasadena resident
Aaron Miller, Pasadena resident
Trixia Buscagan, Pasadena resident
Treasure Sheppard, Pasadena resident
Camille Dudley, Altadena resident
Jacinta Knapp, Rancho Palos Verdes resident
Riea Owens, Pasadena resident
Annice Jackson, Pasadena resident
Jason Bowie, Altadena resident
Alice Allison, Altadena resident
Aisha Jenkins, Pasadena resident
Brian Heckmann, San Marino resident
Patricia White, Glendora resident
Milton White, Glendora resident
Mike Ramos, Los Angeles resident
Greg Bull, Pasadena resident
George Corpuz, Los Angeles resident
Christopher Walker, Pasadena resident
Joan McLaughlin, Pasadena resident
Tawana Carter, Altadena resident
Robert Williams, Pasadena resident
Kimberly Sinclair, Pasadena resident
Melanie Rothschild, Pasadena resident
Michael Cook, Pasadena resident
Cara Robin, Los Angeles resident
Lindsay Carlson, Pasadena resident
Sophie Chang, Rancho Palos Verdes resident
Keely Field, West Hollywood resident
Nancy Litteken, Pasadena resident
Karen Johnson, Los Angeles resident
Olden Dienham, Pasadena resident
Dejuan Taylor, Pasadena resident
Vincent Parie, Los Angeles resident
Stephanie Burroughs, Los Angeles resident
Carlton Walton, Altadena resident
Community Women Vital Voices
Gloria Davis, Duarte resident
Dennis Hayward representing Pasadena Black Pages
Deborah Hooks, Los Angeles resident
Judy Bain, Rolling Hills Estates resident
Kate Wagner, Altadena resident
Myanna Dellinger, Los Angeles resident

David Dellinger, Los Angeles resident
Leanne Moore, Pasadena resident
Caryn Clayton, Pasadena resident
Tyrone L. Skinner, Altadena resident
Mya Taylor, South Pasadena resident
Michael Sinclair, Pasadena resident
Andrea Jennings, Pasadena resident
Stacy Smith Williams, Pasadena resident
Thomas Djan, Pasadena resident
Trude Todd, Los Angeles resident
Helen Carter, Pasadena resident
Jim Barry, Pasadena resident
Alkebulan Cultural, Pasadena resident
Alexander Frobel, Pasadena resident
S. Wiggins, Pasadena resident
Sharon Sinclair, Pasadena resident
John Dean, Pasadena resident
Bob Snodgrass, Pasadena resident
Jason Anthony Hardin, Pasadena resident
Gloria Mushonga-Roberts, Pasadena resident
Elsa DeSantiago, Pasadena resident
Jermon Farmer, Pasadena resident
Ann Hassett, Pasadena resident
Duy Nguyen, South Pasadena resident
Todd Hughes, Pasadena resident
Maria Ahverdyan, Pasadena resident
Jessica Reynoso, Pasadena resident
Lauren Lo Coco, Pasadena resident
Anne Tipton, Altadena resident
Caitlin Diaz, Pasadena resident
Margaret Starbuck, Pasadena resident
Angela Uriu, Altadena resident
Rosa Candida Ramirez, Pasadena resident
Gennia Cui, Pasadena resident
Brigid L. Connors, Pasadena resident
Wesley Reutimann, Pasadena resident
Nicole Moore, Altadena resident
Kathleen Torres, Pasadena resident
Kate Kessler, Pasadena resident
Amy Ifurung-Cook, Pasadena resident
Marcos Canales, Pasadena resident
Susan Debowski, Pasadena resident
Katie Freeze-Becker, Pasadena resident
Rebekah Scheys, Pasadena resident
Dr. Stephanie Threath, Pasadena resident
Zoila Herrera, Pasadena resident
Barbra McPheeters, Pasadena resident
Sonja K. Berndt, Pasadena resident
China Spratling, Pasadena resident
Tyesa Morey, Pasadena resident

Nona Edelen, Pasadena resident
Karen L Stokes, Pasadena resident
Elizabeth Barrios, Pasadena resident
Jihee Huh, Pasadena resident
Katy Townsend, Pasadena resident
Jessica Valentine, Pasadena resident
Myra Brock, Altadena resident
Siobhan MacArdle, Pasadena resident
Joanna Nagata, Pasadena resident
Sandi Hamilton, Los Angeles resident
Red Lhota, Pasadena resident
Olivia Harper Wilkins, Pasadena resident
Shahidah Carter, Pasadena resident
Mindy Pfeiffer, Pasadena resident
Joshua Horton, Pasadena resident
Theresa Kennedy, Pasadena resident
Jacquelyn Dupont-Walker, Los Angeles resident
Joe Fenstermaker, Pasadena resident
Candace, Pasadena resident
Heather Bruce, Pasadena resident
MaryEtta Knox, Pasadena resident
Diane Lewis, Altadena resident
Valerie Nguyen, Colton resident
Jim Morris, Pasadena resident
Breathe Justice
Tamerlin Godley, Pasadena resident
Emily Hopkins, Pasadena resident
May Lee, Pasadena resident
Joanne Long, Pasadena resident
Fern Hayes, Pasadena resident
Shirlette Elder Butler, Pasadena resident
Lydia Breen, Pasadena resident
Slonique Elder, Pasadena resident
Jessamyn Prince, Pasadena resident
Keegan Dyer, Pasadena resident
Hazel Clayton, Altadena resident
Florence Annang, Pasadena resident
Gail Marie Denham, Pasadena resident
Butler Elder Day Care
Leigh Ann Greenfield, Pasadena resident
Emily Greenfield, Pasadena resident
Topher Mathers, Pasadena resident
Concerned Pasadena Parent
Jennifer Collins, Pasadena resident
Zayden Wesley Sauls, Pasadena resident
Raul Ibanez, Pasadena resident
Banaf Rahimi, Pasadena resident
Nicole Klanfer, Pasadena resident
Trevor A Bernard, Sr., Pasadena resident
Kristen Reutimann, Pasadena resident

Lena L. Kennedy, Pasadena resident
Darren Bigby, Pasadena resident
Erica, Pasadena resident
Brett Shears, Los Angeles resident
Dianne Magee, Pasadena resident
Roena Mccurdy, Pasadena resident
Danny Paker, Pasadena resident
Ja Dour Sauls, Pasadena resident
Donna Sider, Pasadena resident
Allen Edson, representing the National Association for the
Advancement of Colored People, Pasadena Branch
Martha Ruffman, Pasadena resident
Jose, Pasadena resident
Ron Carter, Pasadena resident
Angel M. Castillo, Pasadena resident
David Chavez, Pasadena resident
Kimberly Douglas, Pasadena resident
Ella Moran, Pasadena resident
Anthony Manousos, Pasadena resident
Pastor Kerwin Manning, Pasadena resident
Julie Mckune, Pasadena resident
Ed Washatka, Pasadena resident
Gina Dance, Pasadena resident
Jill Shook, Pasadena resident
Brad Arnold, Pasadena resident
Bridget Landry, Pasadena resident
Allison Henry, Pasadena resident
Drs. Emmell and Phyllis Beech, Pasadena resident

All correspondence and public comments received, were distributed to the City Council, posted on-line, and made part of the public record.

In response to public comment, Councilmember Madison clarified that during a community caravan protest that was organized to pass by each Councilmember's house over the weekend, he did not have a Police Officer posted outside his home, as was stated in a public comment. Rather there was a motorcycle officer accompanying the caravan of vehicles.

The following item reflects verbatim style minutes for City Council comments in response to requests for full comments to be recorded for the record:

Vice Mayor Hampton: I would just say thank you to the City Attorney for drafting this, as well as Javan for the presentation. Javan, thank you for your work on this as well...I heard from the public, multiple times, the word oversight, oversight, oversight. During the discussion, I also heard from people that said this is effectively only going to help a small percentage of people. We live

in a City where we think that we should treat everybody fairly, everyone should have a fair shake. I just talked to a young man, and I'll just tell this story really quickly... I just talked to a young man, a few days ago, who was pulled over by the police on numerous amount of occasions. I've asked him, did you get a ticket? What are the reasons for them pulling you over? Have you filed a complaint? He has done all the above. He has filed complaints. He actually shared complaints that he has filed with me, so I actually knew he was filing the complaints. He has been pulled over numerous amounts of times by the same officers, and he hasn't been arrested. There is no criminal record. I bring that up because this young man is a college student and his story reminds me, or is very reminiscent of my own. My own personal experience, and I bring my own personal experience because I think a lot of the times we live in our own world, and we live in our own bubbles. Before our Public Safety Committee, I asked all of my colleagues who were there that day, when was the last time you've actually been pulled over by the police, and what was your interaction? Whether it be good or bad. My colleagues couldn't give me answer the last time that had happened to them. So, I just want to bring things into perspective, and the reason I say that is because I have been pulled over, personally myself, numerous amounts of times. I could probably count well over 30, only received about 5 tickets in my lifetime. I could tell you for a fact, 7 of the times that I have been pulled over, a gun was drawn on me. I have never been arrested in my life. I have filed complaints. Those complaints go on deaf ears, and basically come back as, 'Tyron you just better go and sue.' I don't think that is necessary, especially when there is a group of people that are supposed to protect and serve you. They are supposed to do things by policy. Why, I never know... why they pulled a gun on me. Why that happened? I have no clue, none what so ever. I can tell you that I was scared. I was scared, and I can definitely tell you that. That's my experience, right, so that's not a feeling. That is actual experience of things that are happening to people who look like me. Black and brown people. The reason why I mention this is because someone said to me, 'Oh Tyron, it's only a small percentage of people,' and like I said earlier I want to make sure everyone is treated fairly in Pasadena. African-Americans make up 10% of the population in the City of Pasadena. Latinx or Latinos make up 33.7% or so, maybe more than that at this point, probably now. This is data from 2015. That is 43% of the population that have had, potentially not the greatest experiences with those that are sworn to protect and serve us. I have the most respect for all officers. I will be the first person to tell a resident to call the police if you have an issue because I've had a phone call at 2:00 a.m. in the morning where my residents would actually ask me to come by because somebody is in their backyard. That is not the job I signed up for. I just mention this because what happens when there is... what do you think happens when those complaints go out? They come back with a letter that says it's totally unfounded. It's up

to the resident to actually get a lawyer and do XYZ, or whatever they need to do, to even tease it out. I would just say, and I'm going to motion this, and whatever amendments need to be made I would like to hear them, and be amenable to them. Claiming a system under the control of the City Manager is independent, we would be lying to ourselves, and the people of the City of Pasadena. I can tell you this from experience, and knowing when I asked people to file complaints, and doing things they follow back up with me. Ruthe Holden, who happens to be our Independent Auditor over Finance, and other policies, just last year refused, or wasn't allowed to investigate accusations against our own City Manager. We live in a world which we often know which direction we want to move in. Insisting on perfect incision is an excuse for doing nothing. This is about being directionally accurate. That direction means truly independent oversight. Not a regime set up under the City Manager's Office. Black people and brown people, and black people in particular, have been silenced long enough regarding police performance matters. It's time that we let our voters and the residents of Pasadena decide what they want to do and how we should put this oversight in. As far as oversight goes, I would like to...I know that there are Councilmembers that want to make sure that if there is an opportunity to make changes to this ordinance. City Attorney Bagneris, would there be an ability to broaden the scope, so that if there is an issue that arises the City Council could actually make changes to this without having to go to the voters? Is there a way to put some language in there that we can make changes if need be?

Javan Rad, Chief Assistant City Attorney, responded that language is built into the Charter Amendment that allows the City Council to establish qualifications for commission members and other related matters; and responded to questions.

Councilmember Gordo: I have a question for Vice Mayor Hampton. Vice Mayor Hampton you brought this proposal forward and you said you want real oversight.

Vice Mayor Hampton: Yes, I made the motion. I said I would like to make a motion but I wanted to hear if anyone had amendments that they would like to make. But I can motion it as it.

Councilmember Kennedy: I'll second the motion. The first comment I would like to make is that there is no perfect way forward. I believe the Tornek/Kennedy proposal is the best proposal for the time now. I think it does provide meaningful oversight and I think it will gain the necessary support...I could be wrong...to actually pass without going to the voters until we've had an opportunity to find out if the Tornek/Kennedy proposal really provides the kind of oversight that we can believe in and support. If it cannot, than maybe that would be the right time to go to the voters. Having said that, I believe even

if Vice Mayor Hampton steps back from it, he has done a lot of thought. A lot of thought has gone into the proposal that we are considering under Agenda Item 7. I thank him for sharing his view at the Public Safety Committee, and here with the full Council, of his personal experiences...are really persuasive. I didn't answer his question at Public Safety because I didn't think it was necessary. But I too have been stopped, but I have been treated with the upmost respect. And the last time I was stopped, was by an officer by the name of Blumenthal. I think Craig Blumenthal is still on the Pasadena Police Department, but I have not seen him. That was about 3 years ago. A year ago I was stopped by Los Angeles Police Department, in the Los Feliz area and given a ticket. I believe it was racial profiling at that time. I paid the ticket, and went on about by business. I made a calculated decision to do that as opposed to going through the whole complaint process. A lot of us do that every time we are stopped, and stopped possibly unfairly. I'm listening to the community. A significant portion of the community has said they want what has been termed "subpoena power"...what has been termed "an independent commission." Here again, I believe the Tornek/Kennedy proposal is the right proposal and moves us in the right direction. Moves the ball down the field, and gives us an opportunity to garner greater support from the community, and greater support from the Council. As it relates to the Tornek/Kennedy proposal, you've heard today from a number of speakers who have supported Item 7, and you've heard from a number of speakers who have supported the Tornek/Kennedy proposal as well. The point is, there is a significant number of residents who are asking for oversight. My motion, or my second of Vice Mayor Hampton's motion, is to allow us to have the full discussion on the record on what we could possibly do to put this matter before the voters. My preference is already stated, it's the Tornek/Kennedy proposal. But, I respect my colleague and I think this is an opportunity for us to work together, and really call on each Councilmember to vote their conscience. If not for the Ballot Measure [proposal], then for the Tornek/Kennedy proposal. I might add, in closing, that in terms of the referendum system, the residents and voters of the City of Pasadena have a right by referendum to put a measure before the voters and that is possible. That is one way to ensure that a ballot measure lands on the ballot. Secondly, is the process that we are discussing and debating tonight, and that is a vote of 5 members of the Council to put a matter on the ballot? We have two serious proposals, one is a little more circumspect and one is a little more aggressive. But they both seek to do one thing... involve the community and civilians in the oversight of the Police Department. So I commend Vice Mayor Hampton for not stepping back and going forward. I also commend all of those residents, particular the residents and voters in Pasadena, who have said they want the Independent Auditor, they want a commission, and they voiced that very strongly. So, I gladly support Vice Mayor Hampton's proposal that he claims is not his.

Councilmember Gordo: Given there's a motion, I just want to be clear, Mr. Hampton. Vice Mayor Hampton, the distinction between your proposal, the Charter Amendment, and the other proposal, is your proposal has the auditor reporting...not reporting to the City Manager, in other words outside of the City Manager's chain of command. Is that correct?

Vice Mayor Hampton: Correct. Actually, the auditor...Mr. Rad please correct me if I'm wrong, reports to the commission and they in turn report to the City Council. Is that correct Mr. Rad?

Councilmember Gordo: Mr. Rad while you're there, under the Tornek and Kennedy proposal, the reporting...the hiring of the auditor would be by the City Manager? Actually, what does that bring new to the table? Can't the City Manager do that now? Can't a City Manager, he or she hire someone to assist with oversight of the Police Department? But, in terms of direct oversight, the Tornek/Kennedy proposal doesn't change anything that the City Manager could do on his or her own at the moment? They can hire someone and say, Hey I want a second set of eyes on all of this, police matters and hires, someone to go out and come back and report to he or her, correct?

Javan Rad, Chief Assistant City Attorney, responded that the auditor and the commission will report to the City Council, and that there are certain activities the commission, through the auditor, may deal with the Police Chief; and responded to questions.

Councilmember Gordo: At the moment, can the City Manager, whomever they may be, hire someone to essentially provide an extra set of eyes, work with the Police Chief, review inspections, review policies and procedures and then report back to the City Manager?

Mayor Tornek: The Council has to create the position, Victor. The position doesn't exist, The Council would have to create the position.

Councilmember Gordo: Well the City Council would have to fund it, yeah. But the City Manager could in fact come to us with that recommendation and go on about...or hire through the City Attorney's Office someone to assist with that, a consultant. Our City Manager hires consultants all the time.

City Manager Mermell provided information on the external consultants engaged as part of the chain-of-command review and police policies; and responded to questions.

Councilmember Gordo: Mr. Rad, am I correct that the City Manager has that authority today? I think that is what people are reacting to.

Javan Rad, Chief Assistant City Attorney, responded that the City Manager can engage outside consultants within his contracting authority.

Councilmember Gordo: Now, under Mr. Vice Mayor Hampton's proposal that would be different. The Inspector General would not be hired by, nor report...as is the case under the Tornek and Kennedy proposal...would not report through the City Manager, correct? The Council will have an opportunity to have independent information not...not through the lens of the City Manager, but direct information and advice and consent. Am I correct about that, Mr. Hampton? Is that your intent Mr. Hampton?

Vice Mayor Hampton: Yes, that was it. I'm going to reiterate, it wasn't my intent. It was just me listening to all the correspondence that I received and hearing the word, oversight over and over again. And looking it up and trying to figure out what that meant. So, yes, that was my intent.

Councilmember Gordo: And the City Attorney seems to agree with that's what...the proposal you brought forward accomplishes. And I think that is what people are reacting to when they say independence. It is not independence just for the sake of saying independence. It's saying, let's not have the same people who provide information to those responsible with oversight. And that's what I view as the distinction between Vice Mayor Hampton's proposal and Mayor Tornek and Mr. Kennedy's proposal. Again, I have a problem with the process itself. I think...it's been a bad process that brought us a half-baked proposal. But, I see the intent behind Vice Mayor Hampton's proposal and I've said all along that if we need to strengthen...what we have today, we should do that. I think the message is loud and clear that it should be independent, and in my view and what I've heard loud and clear is independent of the City Manager, and his or her reports, and even independent of all our reports. I think we can accomplish that...Mr. Hampton, you asked for possible amendments. The City Attorney seems to opine that we could create a Commission or Advisory body, whatever you want to call it by ordinance. Would you [Vice Mayor Hampton] be open to going forward with your proposal to create an Inspector General that would be independent of the City Manager that on a future Council vote could provide oversight, if the City Council determined it by ordinance over every department? Provide advice and oversight on ethics, on development, on any City process and it would be done by ordinance, should a future Council or this Council deem it? Would you be open to going forward with the Inspector General and ballot language that allows

and gives the elected representatives of this City the authority to establish...to grow the authority in others words...starting with policing, but grow it to other departments, and then allow this Council and the community to develop by ordinance either a commission or an advisory body, whatever we want to call it, but develop it? Not include that in your motion to change the Charter. Because this is...we've just been moving so quickly, the process has not been thorough in my view, and altering the Charter in that manner is something that we need to be very careful of, and so, do you understand my question? I would separate the two and say let's go forward with your proposal, Vice Mayor Hampton. And create an Inspector General position that would report to the representatives of this Council as we thoughtfully consider a commission model or an advisory model or whatever you want to call it. I make that as a friendly amendment and I am prepared to support you and your efforts, should you accept that.

Vice Mayor Hampton: So your amendment would be to...an Inspector General that would...I mean would it go out to...I'm trying to figure that out. So, it's going to go out to the voters if this person would be over the Police Department, but we would have by ordinance the authority to expand their scope of work later down the road?

Councilmember Gordo: We would have the authority as a City Council to expand the authority, should we deem it necessary, to expand the scope of work of the Inspector General. The Inspector General would be hired by the City Council, the elected representatives of every resident of this City, and report directly to us, as we consider a commission model as we do it thoughtfully and carefully. The initiative would give us the authority to do that.

Vice Mayor Hampton: So your suggestion would be to create this position, and then put a commission model in place by ordinance that would have the same authority and ability as the commission, all of that, that is in front of us right now?

Councilmember Gordo: It would give the Council the authority to establish it by ordinance. The difference is...we're going back and forth. I'm listening to the public comment. I'm listening carefully to views of colleagues. I think there is a middle ground. I think...I for one stand for oversight, strong oversight, independent oversight, and I think that means, in my view, is outside of the City Manager chain of command, not for any reason other than we need to be able to say to the public that we are getting direct information from an individual that is not on a day-to-day basis responsible for the activity, one. And two, I think that this elected City Council should have the authority it needs or warrants it necessary to have oversight direct...unfiltered information in every case, even outside of policing, over every public process. I think that would give us as

elected representatives the confidence to say to the people of Pasadena that we have unfiltered information; and we are exercising our responsibility in every instance, whether its health, whether its land use and zoning, development, whatever it may be. I would offer that as an amendment. I don't like holding out for something...well I would offer that as an amendment and be prepared to support it. I'm saying it would go on the ballot November 3rd as the Vice Mayor proposed. We would go forward with this, a creation of an Inspector General, in the City Charter that would be independent of the City Manager, that would report to the City Council and then subsequently, after more thoughtful discussion, the Council could grow that office to every area of government in Pasadena. It would give authority to the elected body of the City to...it would create in the first instance the Inspector General; and the second instance it would give authority to the elected body to have more oversight as it views it necessary in other areas of our City. The ballot initiative would provide that authority, allow the Council to do it by ordinance and then also by ordinance we could develop either a commission or a whatever you want to call it advisory body, I don't care what we call it, but we need the time to develop that more thoughtfully then I think has occurred in this process.

Michele Beal Bagneris, City Attorney/City Prosecutor, requested clarification on Mr. Gordo's amendment to the motion; spoke on the need for actual language set forth in the various resolutions, the ballot, and specific Charter Amendment language; and responded to questions.

Councilmember Gordo: "That's the job...I mean that's part of the problem. These are the discussions that should've been had at Public Safety [Committee] and here at the City Council, but here we are. If we need to schedule another meeting to let staff come back to us with language...should the amendment be accepted...I don't know that it will be accepted. Should it be accepted, come back with language that we can approve and vote on or vote on and approve before Thursday.?"

Mayor Tornek: The problem I'm having with this, Mr. Gordo, is this is so far reaching that I think it goes way beyond an amendment. I think this is a proposal that is way beyond an oversight function, an audit function over the Police Department. This is a very comprehensive re-writing of the way we do business in Pasadena. This isn't reflective of an amendment. The spirit of this is a much more far reaching oversight function designated for potentially all, unlimited responsibilities. I think it goes far beyond amending of a police audit function.

Councilmember Gordo: Well I think the issue is oversight. The issue is transparency and I don't think it goes far beyond. I think it allows...you know we don't always go to the voters and ask for changes to the Charter...and allows, I think it is responsive to the call for independence...real independence and independent oversight away from the Office of the City Manager or any of our direct reports, and directly to the elected body.

Mayor Tornek: But what's been called for, from all the testimony that we've had, and all the conversations that we've been having at Public Safety [Committee] have been related to...I mean we have a big enough issue, we thought in terms of police oversight, but to begin to broaden it to land use and I don't know what else you referenced, ethics and Council conduct. I mean to not construe that as a gigantic widening of what I already think is a very complicated and intense subject is really not fair.

Councilmember Madison: I've been waiting patiently in the queue. I don't know if you're debating the matter now.

Mayor Tornek: I'm just trying to understand the scope. I'm trying to make a sort of a judgment in terms of, as a point of order, whether it's a proper...whether it can be properly dealt with as an amendment to the matter that's before us on our agenda tonight.

Councilmember Madison: That's a question for the City Attorney. But I haven't heard the maker agree to the friendly amendment yet either.

Mayor Tornek: Well I think the maker is struggling with trying to figure out exactly, as I am, to figure out exactly what it is.

Councilmember Gordo: I understand the procedure aspects, what I'm asking for is enabling, that we use this opportunity as a City Council to put in place a ballot [measure] that is enabling legislation, if you will, that would be responsive to real oversight by creating an Inspector General that would report to us, not to the City Manager as the Kennedy/Tornek proposal does, but report to the elected body and enable us by ordinance to create a commission after some careful and thoughtful consideration. And also enable the City Council, as it's constituted today or in the future, to...by ordinance, have oversight over every aspect...direct oversight using this Inspector General over every aspect of our City.

Mayor Tornek: I understand your proposed amendment Councilmember Gordo, and I think it's just too far afield from what we spent the last three and a half hours talking about, to suggest that it can be done as an amendment; and I think that it's a subject that is not on tonight's agenda and is out of order.

Councilmember Gordo: I would be interested to hear from the Vice Mayor. I don't think it's out of order. I don't think oversight...oversight and transparency is ever out of order.

Mayor Tornek: The argument is not about oversight and transparency. The argument is whether or not the Police Oversight Measure going to the voters is now being transformed into some other thing that is ill defined, and goes far beyond what those hundreds of people have submitted their comments on both tonight and on the website. This is a wholly different subject of discussion that I don't think that is properly before us. So, I go back to the Vice Mayor and ask him if he wants to continue with his motion. I'm going to rule that that amendment is out of order. And if the Vice Mayor wants to continue with his motion as originally made and or entertain another appropriate amendment. I'm happy to continue with that.

Councilmember Madison: Mayor, with all due respect, I don't believe you have the right to make a ruling like that.

Mayor Tornek: Well I think I can make a ruling about whether an item is germane to the discussion or is completely unrelated.

Councilmember Madison: The fact that you disagree with Mr. Gordo is not a basis for you to exclude the debate.

Mayor Tornek: I am not excluding debate. I'm just saying that to propose it in a form of an amendment, a friendly amendment when it changes the whole substance of the discussion is not something we can allow.

Councilmember Madison: That is the body's decision, not yours Mayor.

Vice Mayor Hampton: No I haven't agreed. I haven't disagreed. I want to hear...since the motion is on the floor and Councilmember Gordo brought up another point of discussion. I mean it would be good to hear...as you mentioned Councilmember Madison, to hear the sentiment of the rest of the Councilmembers, and if they think broadening it makes sense to them and it's something they can support, than yeah, I will definitely support the motion. I don't personally see it...the issue is as the Mayor has mentioned, the issue at hand has been police oversight, police oversight, police oversight. And, so unless we are able to put this on the ballot in that form...in a way that lets the voters know that this is police oversight, but you are also giving the authority to the City Council down the line, seeing how this works out, down the line to create oversight over other departments. That way we don't have to go back to the voters. I mean if every time we have to go back out for Charter Amendment every two years, I guess...we could do it.

Because, I don't believe, unless the City Attorney will tell me otherwise. Can we hold special elections in the City of Pasadena?

The City Council and staff discussed Roberts Rules of Order related to motions and the acceptance of amended motions. City Attorney Bagneris stated that she would provide information on the City's ability to hold a special election on Charter Amendment.

Councilmember Gordo: I appreciate the procedural advice, but I am asking the Vice Mayor, that he withdraw his motion and accept my amendment and I'm prepared to second it. I've said this a few times. I've said this a number of times. The problem with this process is it's only allowed a couple of members of this City Council to really delve into these issues. These are serious issues. So here we are at the 11th hour, one person saying we can and can't debate this...the agenda is set and we've not had a real opportunity to put our collective thought into what is appropriate. So, I request that the Vice Mayor withdraw his first motion, accept my amendment, and I will second it and then we can vote it up or down.

Vice Mayor Hampton: And then we can circle back around and vote on the original. Is that correct? This is solely separate of what the original intent of this was. So we could...I can actually remove my motion, Councilmember Gordo can second it and we can formulate some verbiage that gives us some Inspector General with wider powers by the ordinance of the City Council, and then we can vote on the original motion. That's how it worked in the past.

Councilmember Kennedy: I think there is a motion on the floor, duly seconded. The honored distinguished Councilmember Gordo has the right to have a substitute motion, but as it stands now, he calls the Mayor's and Kennedy's proposal half-baked. I don't know what could be more half-baked than what he is doing trying to legislate or to offer amendments on the fly.

Mayor: If you would like to withdraw your motion we can do that.

Vice Mayor Hampton: Before I do that I just want to make sure that if I withdraw my motion and take Councilmember Gordo's motion and we vote on it, we can come back to the original motion. OK, I just want to make sure. That's fine. I just want to make sure that we are going to vote on two separate things tonight. OK.

Councilmember Kennedy: I would like a ruling from the City Attorney. If I do not recall my second...I'm asking for the City Attorney to rule. If I do not withdraw my motion, I mean my second to the motion, is the motion on the floor without Councilmember Gordo offering a substitute motion. I would like a ruling in writing at another meeting of the Council on the process that we just undertook, which I believe is not correct. And I'm not going to hold

up the Council. I would like that ruling or that information to come back at a later date.

City Attorney Bagneris and Mayor Tornek confirmed that the maker of a motion may withdraw his/her motion at any time.

Councilmember Madison: I actually have some questions on the matter that is now being discussed, which I interpret as number 7 on the agenda ,and that is the Vice Mayor's initiative to have a ballot amendment. One of the questions, which may touch on the other ones as well, the City Clerk, if I could ask him, at one point categorized the many letters for us and it wasn't clear to me if all of them had been categorized...if we had a sense of how many were in favor of the Charter Amendment and how many were in favor of the Tornek/Kennedy. How many residents of Pasadena in either group? I just want to make sure we have the benefit of as much information that exists. I don't know that I've heard that the legal impediments that are the subject of a written City Attorney opinion have been resolved. Let me turn to the City Attorney. Is it your understanding, madam City Attorney that the motion that is on the floor still faces those impediments? Mr. Kennedy is supporting the Charter Amendment, so if that motion were to carry, Mr. Kennedy you would no longer be pursuing the Tornek/Kennedy proposal.

City Attorney Bagneris, responded that the motion on the floor still faces legal impediments.

Councilmember Kennedy: I think we can actually do both. I think the Tornek/Kennedy proposal, if the Council so chose, could actually pass. Because it will be quite some time before we get everything squared away, if the Charter Amendment does in fact pass. But at least we will have oversight in place until the voters speak. If the voters vote it up than it replaces what the Tornek/Kennedy proposal says and if the voters votes it down then at least we would have the Tornek/Kennedy oversight measure in place for the Police Department and for the Council.

Councilmember Madison: So now until November/December we would appoint the members of the Commission, hire the auditor that's included in your proposal, and then we would replace all those people in December?

Councilmember Kennedy: I think it's a possibility of a win-win, Councilmember Madison. I wanted to give my colleague, Vice Mayor Hampton, every right to have a full discussion about the Charter Amendment. Like Councilmember Gordo, casting aspersions on the Mayor and myself in terms of our proposal. He refers to it has half-baked. I think what he is doing is essentially what could be termed as half-baked as well. He has every right to do so.

Councilmember Madison: I really, Mayor like to discuss the matters at hand and not engage in these ad hominem attacks. They are just fruitless.

Councilmember Kennedy: Well when you ask the question, how it will proceed, all I wanted to tell you then...let me respond. I think if the measure were to pass by the voters, Councilmember Madison, they would in fact, if the Tornek/Kennedy proposal were to pass at a later date, they would in fact be replaced. Yes.

Councilmember Madison: There was a comment about some investigation of the City Manager that was not pursued. I think Mr. Vice Mayor you made the comment in connection with Ruthe Holden the auditor. That really concerns me because the City Manager is our direct report, and if there is to be any investigation of the City Manager, of which I am not aware of, nor am I aware of any basis or grounds for that, we would make that decision, not anyone else. Am I missing something on that? Let me ask the City Manager, are you aware of what that refers to Mr. City Manager?

City Manager Mermell provided information regarding a possible investigation of the City Manager and other staff, related to the City's cannabis application process, and responded to questions.

Councilmember Madison: That resident, if I recall had an interest in the cannabis process as a consultant. I will have more thoughts as we move forward tonight.

Councilmember McAustin: I know we want to move towards a vote, but I feel I really have to say this. Victor, I think it's disingenuous of you to come in and say that you think that the Kennedy/Tornek public safety proposal was done in secret, and no one had a chance to look at it or talk about it, and now you want to have a vote on it. Now you come up with a brand new, very broad, much bigger proposal just in one night, and think that it's acceptable for us to vote on it and put it on the ballot. That is completely, I think out of order and contrary to the complaints you were making about the process. I object to it in whole.

Councilmember Gordo: If I can just respond. If you recall Councilmember McAustin that I said last week I didn't want to end up in this situation. I want to be able to have a full discussion. Otherwise, individuals who set the agenda at Public Safety [Committee] and at Council get to control the public discourse and debate. I think it's my responsibility to raise options as an elected member of this Council. Otherwise it's two people setting the agenda. One at Public Safety and then one at City Council determining what the elected representatives of the City can and can't discuss. It's not the first time I have raised it. I raised it previously. I put it in my op-ed piece for goodness sake, a couple

of months ago. So, it's been out there. It's known in the public sphere. I tried to get it discussed. I said last week we should agendaize it so the Council can debate it. I asked the City Attorney to do some work on it. I asked the City Manager to do some work on it. To come back and give us a report. We can't allow artificially for public debate and discourse of these important issues to be controlled by, you know a couple members of the City Council. It's not acceptable.

Councilmember Masuda: I'm trying to zero in on where I am going with all this. I have a question for the City Manager. Steve, you talked about hiring an Independent Auditor before. Is that still what you are doing? How many times have you done that? Mayor, I'm sure you heard me last week when I said that I always felt that the Public Safety and the full Council is the best oversight. I'm kind of moving from that now, from what I have been hearing tonight. I am getting closer to yours and Mr. Kennedy's oversight model.

City Manager Mermell provided information on staff's engagement with National Police Foundation, and responded to questions.

Councilmember Wilson: Unlike Mr. Gordo, I do think the Public Safety Committee has worked hard and objectively on trying to come up with a solution. The timeline is hard, and I understand we are trying to balance urgency with thoughtfulness. I do appreciate the Vice Mayor's prospective on this issue. I feel myself fortunate not having had those issues. His story is not alone. I've heard it myself, so I do think it's an important time to take action. I had some confirmation questions. Because I can't separate this motion, from the...I guess from number 7 from number 6. There are two choices in front of us and I guess there may be other choices like what Mr. Gordo has proposed. I have a few follow up questions for the City Attorney. I asked them before, but I think they are really important for my own vote. City Attorney and Javan, under the Tornek/Kennedy proposal the Commission will be able to review and monitor personnel matters, on an individual basis but not make disciplinary recommendations...is that correct? And that Commission, once again setting aside any need to amend the Charter, will have subpoena power? We as the Council can give them subpoena power so they can thoroughly investigate issues of interest? If it is not in the proposal, is it a question of legality without doing an amendment? Could we delegate some level of subpoena power to that group or that commission?

Javan Rad, Chief Assistant City Attorney, responded to questions and provided information on the City Council's ability to provide a Community Police Oversight Commission (CPOC) with subpoena powers; and responded to questions.

Councilmember Wilson: I think that once again...I think for me the time is now to take action. I'm not going to suggest Charter amendments are not appropriate. I just think given the timeline that's a big deal, like doing surgery. I'm not a surgeon but I think you want to avoid emergency room surgery if you can, plan it and get it right. I would be open to, if the [Police Oversight] Commission feels that they're not fully empowered or limited in ways that make them not as effective as they could be, then I think looking at the Charter at a future date would be appropriate. But, I think the Kennedy/Tornek proposal is a good starting point. Questions I still have are, and I think these can be worked out, are I'm not sold on some of the selection process [details]. I think we do compensate some of our other commissions, like the Planning Commission and those are important. So, some idea of a stipend. I really look at this like having as an important a role in our community, as the Planning Commission. I think it needs to stand at that stature, so that would be an area of investigation. I would look for a work plan, in terms of...and I've asked of this before, what is the vision of success? And what does the vision of the metrics look like? If we're not meeting those metrics, then I think that becomes a basis for taking further action. I didn't have an expectation that at this point, we would have it all worked out. I think there needs to be kind of a road map for this commission. One idea I had is, I know we have the Olson/Attard report [Change Integration Consulting firm/Kathryn Olson and Barbara Attard]. I would ask as we come through with a work plan and how to empower this group that we engage them to help us think through some of the questions we have. They are obviously experts and we haven't heard from them for four years. I think they can help us resolve some of these questions. I would look to them not to make decisions, but to have a conversation with them so we can make sure that new commission is well positioned to get started with success. I think we should get started. I don't think Charter reform is quite the right thing for us right now. I think it should be on the table for a future date, but I think the citizens have spoken, and I think we should take action. So I'm...I guess I'm committed to a version of the Kennedy/Tornek model as a place to get going. I would ask that we commit to moving that quickly and set a timeline to when we expect to be able to get that in place.

Councilmember McAustin: Are we voting on that? The Kennedy/Tornek [proposal]...or having discussion on that tonight?

Mayor Tornek: My thought before we got where we are now was that we...needed to vote on Item 7 tonight, which is why I changed the agenda sequence, because of the time pressure. On Item 6, with regard to the proposal that we put forward, there was some specific discussions about alternatives in terms of a place to potentially house that auditor that's contained in that proposal, outside of the City Manager's Office, and I expected to get a report from the City Attorney on that subject, and have some discussion

by the Councilmembers. But not take a vote, I wasn't planning on a vote tonight on Item 6, because I, like Councilmember Wilson, and you feel that we have to do some more work on it. Particularly as it relates to the composition and selection of the commission. So I didn't think we were ready for a vote.

Councilmember McAustin: Right. I actually think we should move that discussion to another meeting. Because one of the things that I would like to do, if we're going to be using that as a foundation for discussion of a Citizens Oversight Commission, I would like to be able to go out to my constituents, because as you all know, in particular, I have concerns about the political appointment of members to the commission. I think there might be a better way to do it, and I think some of our constituents might have really good ideas about a better way to do that. I would like the time to be able to say, "We are moving in this direction." and "These are my concerns." and "I would really like to hear back from you." So that I can get that input and we can all share the input before we have that next discussion. I just want to make sure we don't get too far ahead of ourselves. I think what we got on the table right now with Vice Mayor Hampton's proposal is...I don't know its 8:40 p.m. I think it's a lot for tonight. I just want to clarify, if possible because if it's not time sensitive...if we can move that for another week and allow us to get some feedback from our constituents or do more work on it as you suggested, or you might like to do. I also want to say, I also do want to recognize and thank Vice Mayor Hampton because his passion is undeniable. His heart is absolutely in this and I really admire you, Vice Mayor, for everything you have done on this effort. Unfortunately, I'm not aligned with you on this particular vote, but I really respect your passion and your unwillingness to give up on this. I very much appreciate that. I agree with a lot what Andy said. We have a lot of work to do towards the Commission effort, and we have to give that some real thought. I just wanted to make sure we understood where we were on the two items.

City Clerk Jomsky stated that he would provide Councilmember Madison the data on the public comments received on Items 6 and 7 on the agenda.

Councilmember Gordo: I would say, I want my comments to be on the record about the enabling of the legislation as I see it. Starting with police; and I would offer that if there is any appetite for a second so it can be voted up or down I'd offer that as a substitute motion, otherwise we can get right to Mr. Hampton's...Vice Mayor Hampton's motion.

Mayor Tornek: So it's not an amendment, it's a substitute motion?

Councilmember Gordo: "If there's a... I'd like to hear from any of my colleagues if there is an appetite to furnish a second; and I want my comments on the record. If there isn't we can move on to Item 7...6 excuse me."

Councilmember Wilson: Victor could you please articulate the motion. I'm not sure I even know what his motion is. It wasn't made specifically, so Victor if you would.

Councilmember Gordo: It's along the lines of a friendly amendment that I made, suggested to Vice Mayor Hampton that seemed to me that he was willing to accept but then as we were overruled by the City Attorney in a procedural matter that I've never seen before that a Council has to vote to withdraw. But, making legislation that would go on the ballot, that would create an Inspector General that would not be hired or report through the City Manager, that would report to the City Council and go to the Public Safety Committee, that would allow this Council or a future Council by ordinance to direct the same Inspector General to review any and all City processes, including the areas I outlined. And that would also allow us to give further thought in creating, by ordinance, a Commission or advisory body, whatever we want to call it, that would work with the Inspector General. Again, by ordinance, so it would give us the authority to do all those things.

Councilmember Wilson: I'd be interested in understanding the basis of that, but I guess, like the Mayor feels like that is a solution to a potentially different problem, so I'm not prepared to second that.

Councilmember Gordo: So I again make my comments for the record.

Motion:

Following discussion, it was moved by Vice Mayor Hampton, seconded by Councilmember Kennedy, to approve the recommendation to place a Charter Amendment ballot measure on the November 3, 2020 General Election ballot, as detailed in the agenda report.

Substitute
Motion:

Following further discussion, Councilmember Gordo moved the following substitute motion: Prepare legislation that would go on the ballot that would create an Inspector General that would not be hired or report through the City Manager, that would report directly to the City Council and/or the Public Safety Committee, that would allow this City Council or a future City Council by ordinance to direct the same Inspector General to review any and all City processes including the areas outlined and detailed above, and that would also allow the City Council to give further thought in creating by ordinance a commission/advisory body that would work with the

Inspector General and provide civilian oversight of the Police Department.

(MOTION FAILED DUE TO LACK OF SECOND)

Vote on
Original Motion:

It was moved by Vice Mayor Hampton, seconded by Councilmember Kennedy to approve the recommendation as detailed in the agenda report:

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

ABSENT: None
ABSTAIN: None
(MOTION FAILED)

CREATION OF A COMMUNITY POLICE OVERSIGHT COMMISSION AND CONSIDERATION OF CREATING AN INDEPENDENT POLICE AUDITOR TO REPORT TO THE CITY PROSECUTOR

Recommendation: It is recommended that the City Council consider whether to direct the City Attorney to prepare an amendment to the Pasadena Municipal Code, within 30 days, establishing a Community Police Oversight Commission as described in the background section of the agenda report.

Mayor Tornek echoed Councilmember McAustin's comments related to the need to continue the matter and allow for additional public comment on the City Council's discussion regarding this item. He suggested that the community should provide comment and testimony on the composition and method of selecting a Community Police Oversight Commission (CPOC) members. He also spoke on Vice Mayor Hampton's recommendation to create independent oversight from the City Manager's Office by placing the auditor in a separate City Prosecutor's Office.

Michele Beal Bagneris, City Attorney/City Prosecutor, provided an oral summary of her memo to the City Council; and responded to questions.

Councilmember Gordo reiterated his request that the City Council consider having an Inspector General Office or similar model that would not report to either the City Attorney or City Manager Offices, would not require Charter Reform, but would be retained by the City Attorney's Office for budgetary purposes, and would report directly to either a body constituted by the City Council or directly to the Public Safety Committee and/or City Council.

Councilmember Madison expressed concerns related to the process, the perception that the item is politically motivated in terms of timing prior to the upcoming election, and the way it was

developed. He also expressed concerns with the authority transferred from an elected City Council to a group of private citizens, who may possibly have political ambitions. He spoke in favor of bifurcating the Inspector General/Auditor position from a citizen oversight commission.

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

INFORMATION ITEMS

PREDEVELOPMENT PLAN REVIEW OF A 105-UNIT MULTI-FAMILY PROJECT AT 270-282 NORTH LOS ROBLES AVENUE

Recommendation: This report is intended to provide information to the City Council; no action is required.

PREDEVELOPMENT PLAN REVIEW OF A REVISION TO A PLANNED DEVELOPMENT TO INCLUDE A NEW 60,000 SQUARE-FOOT MEDICAL OFFICE BUILDING AND ASSOCIATED PARKING AT 50 ALESSANDRO PLACE

Recommendation: This report is intended to provide information to the City Council; no action is required.

Due to time constraints, the City Council agreed to delay the discussion on the above two items until the next City Council meeting.

The Mayor reminded the community of the National Night “In” Together, scheduled for Tuesday, August 4, 2020, (Virtual Town Hall Meeting) hosted by the Pasadena Police Department and other City Departments for an evening of information and dialogue.

Councilmember Kennedy expressed sympathy on the death of a child, Keven Arias, and the victims of a fire in an apartment building on July 29, 2020 in Pasadena.

On order of the Mayor, the regular meeting recessed at 9:22 p.m. to discuss the following closed session:

CLOSED SESSION

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

Property Location: 1142 North Allen Avenue, #102, Pasadena, CA 91104

Agency Negotiator: Steve Mermell

Negotiating Party: Gwendolyn A. Ingram

Under Negotiation: Price and terms of Payment

The Mayor called the closed session to order at 9:22 p.m. (Absent: None):

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 9:32 p.m. in memory of all those that have lost their lives during the COVID-19 pandemic, Reverend Michael Bernard Burnes, Sr., Terry Cannon, and the victims of the Pasadena apartment fire.

/s/ Terry Tornek

Terry Tornek, Mayor
City of Pasadena

ATTEST:



City Clerk