

CITY OF PASADENA
City Council Minutes
September 21 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

OPENING: Mayor Tornek called the special meeting to order at 2:03 p.m. The pledge of allegiance was led by Councilmember Gordo.

ROLL CALL: Mayor Terry Tornek
Councilmembers: 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 McAustin spoke on the death of Ruth Bader Ginsburg, Associate Justice of the Supreme Court of the United States, and feminist icon; and asked that the meeting be adjourned her memory.

Mayor Tornek presented a proclamation declaring October 2020 as "First Tee of Greater Pasadena Month," in the City of Pasadena.

Councilmember Madison and Vice Mayor Hampton expressed gratitude to the First Tee of Greater Pasadena for their work and programs in the community.

CONSENT CALENDAR

CONTRACT AWARD TO NATIONAL CNG & FLEET SERVICES LLC, FOR COMPRESSED NATURAL GAS TANK INSPECTION AND REPAIR SERVICES ON CITY-OWNED VEHICLES FOR AN AMOUNT NOT-TO-EXCEED \$375,000 FOR UP TO FIVE YEARS

Recommendation: It is recommended that the City Council:

(1) Find that this action is exempt under the California Environmental Quality Act (CEQA) in accordance with Section 15061(b)(3), the General Rule that CEQA only applies to projects that may have an effect on the environment; and

(2) Accept the bid dated August 12, 2020, submitted by National CNG & Fleet Services LLC (NCFS) for inspection, services, and repairs for compressed natural gas (CNG) trucks and service vehicles; authorize the City Manager to enter into a contract with NCFS for an amount not-to-exceed \$225,000 (which includes a \$15,000 contingency) over a three-year period with the option for two additional one-year extensions in the annual amount of \$75,000 (which includes a \$5,000 contingency), at the discretion of the City Manager, for a maximum total contract length of five years and a total contract amount of \$375,000. (Contract No. 31857)

CONTRACT AWARD TO TOTAL ONLINE PROTECTION, LLC FOR INSPECTION, MAINTENANCE, AND REPAIR SERVICES OF CITY'S UNINTERRUPTIBLE POWER SUPPLY SYSTEM FOR AN AMOUNT NOT-TO-EXCEED \$105,390 FOR UP TO FIVE YEARS

Recommendation: It is recommended that the City Council:

(1) Find that this action is exempt under the California Environmental Quality Act (CEQA) in accordance with Section 15061(b)(3), the General Rule that CEQA only applies to projects that may have an effect on the environment; and

(2) Accept the bid dated August 12, 2020, submitted by Total Online Protection, LLC (Total Online Protection), in response to the Notice Inviting Bids for Inspection, Maintenance, and Repair Services of the City's Uninterruptible Power Supply System (UPS); and authorize the City Manager to enter into a contract with Total Online Protection, LLC for an amount not-to-exceed \$63,234 (which includes a contingency of \$3,009) over a three-year period with the option of two one-year extensions in the annual amount of \$21,078 (which includes a \$1,003 contingency), at the discretion of the City Manager, for a maximum total contract length of five years and a total contract amount of \$105,390. (Contract No. 31878)

CONTRACT AWARD TO FLEETCREW, INC., FOR STATE REGULATED SAFETY INSPECTION AND REPAIRS ON CITY-OWNED VEHICLES FOR AN AMOUNT NOT-TO-EXCEED \$525,000 FOR UP TO FIVE YEARS

Recommendation: It is recommended that the City Council:

(1) Find that this action is exempt under the California Environmental Quality Act (CEQA) in accordance with Section 15061(b)(3), the General Rule that CEQA only applies to projects that may have an effect on the environment; and

(2) Accept the bid dated August 3, 2020, submitted by Fleetcrew, Inc., (Fleetcrew) for Biennial Inspection of Terminals Services; reject all other bids received, and authorize the City Manager to enter into a contract with Fleetcrew for an amount not-to-exceed \$315,000 (which includes a \$37,725 contingency) over a three-year period with the option for two additional one-year extensions in the annual amount of \$105,000 (which includes a \$12,575 contingency), at the discretion of the City Manager, for a maximum

total contract length of five years and a total contract amount of \$525,000. (Contract No. 31856)

CONTRACT AWARD TO BOB WONDRIES MOTORS (DBA: WONDRIES FLEET GROUP) FOR SERVICE AND REPAIR WORK ON CITY-OWNED FORD AUTOMOBILES FOR AN AMOUNT NOT-TO-EXCEED \$625,000 FOR UP TO FIVE YEARS

AUTHORIZATION TO ENTER INTO A CONTRACT WITH PAYMENTUS CORPORATION FOR ELECTRONIC BILL PAYMENT PROCESSING AND SOFTWARE SERVICES

Recommendation: It is recommended that the City Council:

(1) Find that the proposed action is not a project subject to the California Environmental Quality Act (CEQA) 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 the project;

(2) Authorize the City Manager to enter into a seven-year service contract with Paymentus Corporation (Paymentus) for electronic bill payment processing and software services with approval for two additional two-year extensions. Service fees are provided at a fixed 2.65% per transaction, \$0.50 for an electronic check payment, and \$5.95 for a charge back. Competitive Bidding is not required pursuant to City Charter Section 1002(F), contracts for professional or unique services; and

(3) It is further recommended that the City Council grant the proposed contract an exemption from the Competitive Selection process pursuant to Pasadena Municipal Code ("PMC") Section 4.08.049(B) contracts for which the City's best interests are served. (Contract No. 31861)

Item discussed separately

AUTHORIZATION TO ENTER INTO A CONTRACT WITH ROTOCRAFT SUPPORT, INC., FOR PUBLIC SAFETY AVIATION RADIOS AND INSTALLATION FOR AN AMOUNT NOT-TO-EXCEED \$770,298

Item discussed separately

AUTHORIZATION TO ENTER INTO A CONTRACT WITH JTD CONSULTING, INC., DBA WIRELESS INFRASTRUCTURE SERVICES FOR EL MIRADOR ANTENNA MIGRATION FOR AN AMOUNT NOT-TO-EXCEED \$150,030

Item discussed separately

**ECONOMIC DEVELOPMENT AND TECHNOLOGY COMMITTEE:
MODIFICATION OF REPAYMENT AND INHERITANCE PROVISIONS OF HOMEOWNERSHIP OPPORTUNITIES PROGRAM LOANS**

Item discussed separately

PUBLIC SAFETY COMMITTEE: PURCHASE ORDER AWARD TO CUSTOM DESIGN IRON WORKS, INC., FOR THE COLORADO STREET BRIDGE – SUICIDE MITIGATION

ENHANCEMENTS – TEMPORARY MOCK-UP PANELS FOR AN AMOUNT NOT-TO-EXCEED \$160,210

Item discussed separately

PUBLIC SAFETY COMMITTEE: AUTHORIZE THE CITY MANAGER TO ENTER INTO A PURCHASE ORDER WITH VIGILANT SOLUTIONS TO PROVIDE REPLACEMENT AUTOMATED LICENSE PLATE READER HARDWARE AND EQUIPMENT

**RESIGNATIONS,
APPOINTMENTS, &
REAPPOINTMENTS**

RESIGNATION OF ANASTASCIA MEHMOOD FROM THE LIBRARY COMMISSION (District 3 Nomination)

APPOINTMENT OF DAVID AZEVEDO TO THE ROSE BOWL AQUATICS CENTER BOARD (City Nomination)

APPOINTMENT OF RENEE MORGAN-HAMPTON TO THE CODE ENFORCEMENT COMMISSION (District 3 Nomination)

CLAIMS RECEIVED

Claim No. 13,614	Desiree Salazar	\$	922.25
Claim No. 13,615	James Kim		948.31
Claim No. 13,616	Cathy Ann Jones		1,300.00
Claim No. 13,617	Joseph Po		1,850.00

PUBLIC HEARINGS SET

October 5, 2020, 2:00 p.m. - Declaration of Surplus Properties located at 78 N. Marengo Avenue, 255 E. Union Street, 95 N. Garfield Avenue and 280 Ramona Street

October 19, 2020, 2:00 p.m. - Substantial Amendment to the 5-Year Consolidated Plan (2020-2024) and Annual Action Plan (2020-2021) Related to the Coronavirus Aid, Relief, and Economic Security (CARES) Act ESG-CV Funds and HOME Investment Partnerships Program Funds

It was moved by Councilmember Kennedy, seconded by Councilmember Wilson, to approve all items on the Consent Calendar, with the exception of Item 6 (Authorization to Enter into a Contract with Rotocraft Support, Inc.), Item 7 (Authorization to Enter into a Contract with JTD Consulting, Inc. dba Wireless Infrastructure Services), Item 8 (Modification of Repayment and Inheritance Provisions of Homeownership Opportunities Program Loans), Item 9 (Purchase Order Award to Custom Design Iron Works, Inc.), and Item 10 (Authorize the City Manager to Enter into a Purchase Order with Vigilant Solutions), which were discussed separately:

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

NOES: None

ABSENT: None

ABSTAIN: None

CONSENT ITEMS
DISCUSSED SEPARATELY

AUTHORIZATION TO ENTER INTO A CONTRACT WITH ROTOCRAFT SUPPORT, INC., FOR PUBLIC SAFETY AVIATION RADIOS AND INSTALLATION FOR AN AMOUNT NOT-TO-EXCEED \$770,298

Recommendation: It is recommended that the City Council:

- (1) Find that the proposed contract is exempt from the California Environmental Quality Act ("CEQA") pursuant to State CEQA Guidelines Section 15061(b)(3); and
- (2) Accept the bid dated June 9, 2020, submitted by Rotocraft Support, Inc., in response to specifications for Public Safety Aviation Radios and Installation; reject all other bids received; and authorize the issuance of a contract for an amount not-to-exceed \$770,298, which includes the base contract amount of \$700,271 and a contingency of \$70,027 for any necessary change orders. (Contract No. 31880)

Following a brief discussion, it was moved by Vice Mayor Hampton, seconded by Councilmember Gordo, to approve the staff recommendation:

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

AUTHORIZATION TO ENTER INTO A CONTRACT WITH JTD CONSULTING, INC., DBA WIRELESS INFRASTRUCTURE SERVICES FOR EL MIRADOR ANTENNA MIGRATION FOR AN AMOUNT NOT-TO-EXCEED \$150,030

Recommendation: It is recommended that the City Council:

- (1) Find that the proposed contract is exempt from the California Environmental Quality Act ("CEQA") pursuant to State CEQA Guidelines Section 15061(b)(3); and
- (2) Authorize the City Manager to enter into contract, as a result of a competitive selection process pursuant to Pasadena Municipal Code Section 4.08.047 with JTD Consulting, Inc., DBA Wireless Infrastructure Services to provide El Mirador Antenna Migration Services for an amount not-to-exceed \$150,030, which includes the base contract amount of \$136,391 and a contingency of \$13,639 for any necessary change orders. *(Note to Legislative File: this item was processed as a Purchase Order)*

Following a brief discussion, it was moved by Councilmember Madison, seconded by Vice Mayor Hampton, to approve the staff recommendation:

At 2:33 p.m., Vice Mayor Hampton experienced technical difficulties with his

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

virtual connection to the meeting and was unable to vote on the motion.

NOES: None
ABSENT: Vice Mayor Hampton
ABSTAIN: None

ECONOMIC DEVELOPMENT AND TECHNOLOGY COMMITTEE: MODIFICATION OF REPAYMENT AND INHERITANCE PROVISIONS OF HOMEOWNERSHIP OPPORTUNITIES PROGRAM LOANS

Recommendation: It is recommended that the City Council take the following actions:

- (1) Find that the proposed action is exempt from the California Environmental Quality Act ("CEQA") in accordance with State CEQA Guidelines Section 15061(b)(3), the "general rule" that CEQA only applies to projects that may have an effect on the environment;
- (2) Approve the modification of repayment provisions of specified Homeownership Opportunities Program ("HOP") loans as described in the agenda report;
- (3) Approve the modification of inheritance provisions contained in the deed restrictions of HOP loans, as described in the agenda report; and
- (4) Authorize the City Manager to execute loan modification documents in connection with the revised repayment and inheritance terms of specified HOP loans.

In response to Councilmember Madison's legal inquiries related to the staff recommendation, Michele Beal Bagneris, City Attorney/City Prosecutor, stated that after researching the matter, it was determined that the City Employee paid off the loan, and is not impacted by the staff recommendation.

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

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

CONTRACT AWARD TO BOB WONDRIES MOTORS (DBA: WONDRIES FLEET GROUP) FOR SERVICE AND REPAIR WORK ON CITY-OWNED FORD AUTOMOBILES FOR AN AMOUNT NOT-TO-EXCEED \$625,000 FOR UP TO FIVE YEARS

Recommendation: It is recommended that the City Council:

- (1) Find that this action is exempt under the California Environmental Quality Act (CEQA) in accordance with Section

15061(b)(3), the General Rule that CEQA only applies to projects that may have an effect on the environment; and

(2) Accept the bid dated July 31, 2020, submitted by Bob Wondries Motors dba Wondries Fleet Group (Bob Wondries) in response to specifications for Ford automobile service and repair; reject all other bids received; and authorize the City Manager to enter into a contract with Bob Wondries for an amount not-to-exceed \$375,000 (which includes \$9,000 in contingency) over a three-year period with the option for two additional one-year extensions in the annual amount of \$125,000 (which includes \$3,000 in contingency), at the discretion of the City Manager, for a maximum total contract length of five years and a total contract amount of \$625,000.

Following discussion, it was moved by Vice Mayor Hampton, seconded by Councilmember Madison, to reconsider the previous action to approve the staff recommendation for this item:

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

Vice Mayor Hampton stated that the scope of work related to the service and repair of City-owned Ford automobiles should be able to be provided by a local vendor. He asked staff to provide information regarding contractual agreements that require vehicles under the warranty to receive maintenance services from certified dealerships.

Ara Maloyan, Director of Public Works, provided information on the technical scope of the work related to the staff recommendation, including warranty services, as well as the language contained in the Request For Proposals (RFP); and responded to questions.

Councilmember Gordo spoke in favor of re-agendizing the item at a future meeting to allow staff the opportunity to provide the information on warranty contractual agreements, including information on how the City procures warranty services for the City's entire fleet (motor vehicles), machinery, and equipment. He also asked for information on the interplay of the City's contractual agreements at the time of purchase and the service warranty.

Following discussion, it was moved by Vice Mayor Hampton, seconded by Councilmember Madison, to direct staff to return with the requested information at the October 5, 2020 City Council meeting :

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

**PUBLIC SAFETY COMMITTEE: PURCHASE ORDER AWARD
TO CUSTOM DESIGN IRON WORKS, INC., FOR THE
COLORADO STREET BRIDGE – SUICIDE MITIGATION
ENHANCEMENTS – TEMPORARY MOCK-UP PANELS FOR AN
AMOUNT NOT-TO-EXCEED \$160,210**

Recommendation: It is recommended that the City Council:

- (1) Find the contract proposed in the agenda report to be categorically exempt under the California Environmental Quality Act (CEQA) Guidelines in accordance with Title 14, Chapter 3, Article 19, Section 15301, Class 1 – Existing Facilities and that there are no features that distinguish this project from others in the exempt class, and therefore, there are no unusual circumstances;
- (2) Authorize the City Manager to enter into a purchase order for an amount not-to-exceed \$160,210 which includes the base contract amount of \$150,210 and a contingency of \$10,000 to provide for any necessary change orders with Custom Design Iron Works, Inc., for the fabrication and installation of temporary mock-up panels for Colorado Street Bridge – Suicide Mitigation project. Competitive bidding is not required pursuant to City Charter Section 1002(F), contracts for professional or unique services; and
- (3) Grant the proposed purchase order an exemption from the competitive selection process pursuant to Pasadena Municipal Code Section 4.08.049(B), contracts for which the City's best interests are served.

Councilmember Kennedy, Chair of the Public Safety Committee, summarized the Committee's discussion on the item and the unanimous approval of the staff recommendation.

Ara Maloyan presented a PowerPoint presentation on the item, and responded to questions.

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

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

PUBLIC SAFETY COMMITTEE: AUTHORIZE THE CITY MANAGER TO ENTER INTO A PURCHASE ORDER WITH VIGILANT SOLUTIONS TO PROVIDE REPLACEMENT AUTOMATED LICENSE PLATE READER HARDWARE AND EQUIPMENT

Recommendation: It is recommended that the City Council:

- (1) Find that the proposed contract is not subject to the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Sections 15060(c)(2), 15060(c)(3), and 15378; as the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment;
- (2) Authorize a purchase order with Vigilant Solutions, Inc., for the purchase of replacing three (3) Mobile Automated License Plate Reader (ALPR) systems including hardware, equipment and an enterprise service agreement in an amount not-to-exceed \$80,000. Competitive bidding is not required pursuant to City Charter Section 1002(f), for contracts for professional and unique services; and
- (3) It is further recommended that the City Council grant the proposed contract an exemption from the Competitive Selection process pursuant to Pasadena Municipal Code Section 4.08.049(B) contracts for which the City's best interests are served.

Mark Jomsky, City Clerk, reported that a number of correspondence letters and emails in opposition to the staff recommendation were received, distributed to the City Council, posted on-line, and made part of the public record from the following individuals:

Mohammad Tajsar, representing Pasadena Privacy for All
Kris Ockerhauser, residence not stated
Yuny Parada, Pasadena resident
Sonja K. Berndt, Pasadena resident
David Krausse, residence not stated
Yadi Y., Pasadena resident

In addition, he read aloud comments in opposition to the staff recommendation, expressing privacy concerns, and providing comments/suggestions from the following individuals:

Adriana Bautista, Pasadena resident
Jasmine Richards, Pasadena resident
CP, San Marino resident
Jennifer Park, San Marino resident
Cynthia Park, San Marino resident
Taylor Paez, Pasadena resident
T. Jones, Pasadena resident
Concerned Pasadena Citizen
Kris Willis, Pasadena resident
Frank Pocino, Monrovia resident
Kenichi Yoshida, Pasadena resident
Sonja K. Berndt, Pasadena resident

Chris Merchant, Pasadena resident
Gautam Jain, Pasadena resident
David Chavez, Pasadena resident
Mark Williams, Altadena resident
Ferne Hayes, Pasadena resident
Allen Shay, Pasadena resident
Olden Denham, Pasadena resident
Ryan Bell, Pasadena resident
Aletha Johnson, Pasadena resident
Edward J. Washatka, representing Privacy for All Coalition
Cynthia Smith, Long Beach resident
Allison Henry, Pasadena resident
Gina Dance, Pasadena resident
Julie Hoy, Pasadena resident
Kris Ockershauser, Pasadena resident

City Manager Mermell provided introductory comments, and Police Commander Jason Clawson presented a PowerPoint presentation on the item, including background information on the City's use of Automated License Plate Reader (ALPR); and responded to questions.

Councilmember Madison spoke on the need to access the information ALPR provides to solve and prevent crime. He also spoke on the need to adequately ensure that the information will not be misused, which is why the Public Safety Committee (PSC) recommended a limited two-year retention of the storage of data.

Councilmember Kennedy, Chair of the Public Safety Committee, provided information on the role the City's Community Police Oversight Commission would have in the matter; and provided a summary of the PSC's discussion on the item.

Councilmember Gordo expressed concerns with Vigilant Solutions ability to sell information gathered by ALPR to insurance agencies; and asked staff to ensure that the contract includes language to prevent data sharing to protect the integrity of the program and the community.

In response to Councilmember Kennedy's request for information, Michele Beal Bagneris City Attorney/City Prosecutor, stated that staff can seek to negotiate with Vigilant Solutions the privacy and limited use of the sharing of data collected to law enforcement agencies only.

Following discussion, it was moved by Councilmember Madison, seconded by Councilmember Kennedy, to approve the staff recommendation, amended to include provisions in the contract prohibiting data sharing by Vigilant Solutions for monetary reasons and to limit any data sharing to law enforcement agencies only:

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

**RECOMMENDATIONS
FROM OFFICERS AND
DEPARTMENTS**

COVID-19 UPDATE FROM CITY MANAGER:

ORAL REPORTS FROM DR. YING-YING GOH, PUBLIC HEALTH OFFICER, AND DR. KIMBERLY SHRINER, MEDICAL DIRECTOR INFECTIOUS DISEASES, HUNTINGTON HOSPITAL

City Manager Mermell provided introductory comments, and Dr. Kimberly Shriner with Huntington Hospital, provided a PowerPoint presentation on data related to COVID-19 throughout Los Angeles County and the City, including COVID-19 patients; and responded to questions. Dr. Ying-Ying Goh, Public Health Officer, provided information related to the number of COVID-19 cases and deaths, in the nation, state, county and City; information on the new State Health Officer orders framework, "Blueprint for a Safer Economy," risk factors related to Halloween, benefits of the flu vaccination, and responded to questions.

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

**ORDINANCE – FIRST
READING**

Conduct first reading of "AN ORDINANCE OF THE CITY OF PASADENA AMENDING VARIOUS PROVISIONS OF THE PASADENA MUNICIPAL CODE CREATING (A) A COMMUNITY POLICE OVERSIGHT COMMISSION; AND (B) AN INDEPENDENT POLICE AUDITOR"

Recommendation: It is recommended that the City Council:

- (1) Find that this action is exempt from review under the California Environmental Quality Act (CEQA), pursuant to State CEQA Guidelines Section 15061(b)(3), the "general rule" that CEQA only applies to projects which have the potential for causing a significant effect on the environment; and
- (2) Introduce an ordinance creating a Community Police Oversight Commission and Independent Police Auditor, and conduct first reading of the ordinance.

Michele Beal Bagneris City Attorney/City Prosecutor, provided introductory comments, and Javan Rad, Chief Assistant City Attorney, presented a PowerPoint presentation on the item, including amendments to the ordinance, and responded to questions.

City Manager Mermell provided information on clerical staff that will report to the Community Police Oversight Commission (CPOC), and responded to questions.

Councilmember Wilson spoke in favor of providing CPOC members a stipend similar to what is provided to certain City commissioners; and asked that the City Council consider the option now or at a future City Council meeting.

Councilmember Gordo spoke in favor of a Management Analyst (MA) providing support to the Independent Police Auditor (IPA) and both, the MA and IPA jointly supporting the work of the CPOC.

City Clerk Jomsky reported that 4 letters expressing concerns related to the ordinance as drafted, and providing comments/suggestions were received from the following individuals:

Sonja K. Berndt, Pasadena resident
Helen Shi Stafford, Pasadena resident
The B.R.E.A.T.H.E. Justice 365 Team
Yadi Y., Pasadena resident

He read aloud comments in support of an Independent Auditor and a transparent process on the make-up of the Community Police Oversight Commission, expressing concerns related to the ordinance as drafted, and providing suggestions from the following individuals:

Emma Carpenter, Pasadena resident
Daniel James, Pasadena resident
Nishat Alikhan, Pasadena resident
Scott Harden, Pasadena resident
Kenichi Yoshida, Pasadena resident
Sonja K. Berndt, Pasadena resident
Aparna Mukherjee, Pasadena resident
Breath Justice
Pastor Kerwin Manning, Pasadena resident
Topher Mathers, Pasadena resident
George Korzen, Pasadena resident
Gina Dance, Pasadena resident
Juliana Serrano, Pasadena resident
Una Lee Jost, Pasadena resident
Trina Chen, Pasadena resident
Ed Washatka, Pasadena resident
Mark Williams, Altadena resident

Vice Mayor Hampton suggested that staff develop a process to appoint CPOC members, which includes individuals completing an application, an interview process by a community panel (made up

of non-profits that have been engaged in civil rights and/or involved in police oversight advocacy), with the City Council able to appoint members from the recommended from the pool of applicants vetted by the community panel.

Mayor Tornek, member of the Public Safety Committee, summarized the Committee's discussion on the process of CPOC selection; and stated that the CPOC selection process will be by resolution and defined at future PSC and City Council meetings. He stated that it is his understanding that the term "non-profit community" referenced in the ordinance, includes community-based organizations.

Councilmember Masuda strongly advocated for 8 members of the CPOC to be nominated by each member of the City Council (one from each district and one at large by the Mayor), with the City Council to approve the nominations, as discussed in previous City Council meetings.

Councilmember Kennedy expressed concerns with excluding a CPOC applicant solely based on past employment (i.e. attorneys, police officers) and suggested applicants may be considered depending on length of time of past employment. He stated that he agrees that the non-profit community also includes community-based organizations.

Councilmember Gordo expressed concerns with excluding applicants who are police officers or have law enforcement backgrounds, as they may provide a different vantage point, insight, and world experience. He stated that he also agrees the non-profit community includes community-based organizations.

Councilmember Madison expressed concerns with the proposed ordinance, specifically the lack of description that the CPOC is an advisory commission. He spoke on the need for CPOC members to have training on confidentiality, attorney client privilege, and participate in the City's Citizen Police Academy. He also asked staff to clarify in the ordinance that each City Councilmember will make an appointment to the CPOC. Mr. Madison expressed concerns with Section 2.60.50, Absences and Vacancies that notes CPOC member with more than 3 consecutive absences from meetings may be removed and the City Council may declare the seat vacant, which he believes is not necessary. He also suggested that the City Council review all requests for subpoenas.

Councilmember McAustin spoke on the need for the ordinance to include a stronger statement of purpose for the CPOC that includes the CPOC reports primarily to the City Council; and that the CPOC is a community committee with oversight responsibility reporting to the City Council. In addition, she believes that the proposed

ordinance should be broad and the details related to the CPOC and IPA should be included in another document (i.e. resolution). She also advocated that the non-profit community appointees include the faith-based community/organizations. She expressed concerns with moving away from a transparency process; and spoke in favor of CPOC members made up of average individuals and spoke in opposition to the appointment of law enforcement employees (e.g. former police officers).

Councilmember Gordo stated that staff should review the rules and regulations of the City of Los Angeles' Civil Service Commission, and the Employee Relations Board to review their practices of subpoena requests, which are appealable to the Los Angeles City Council, and noted that the commissions have standings to go to court to defend their decisions. He stated that he believes the PSC and City Council should develop standards on the issuance of subpoenas.

Councilmember Wilson spoke in favor of simplifying the proposed ordinance and codifying the details related to the creation of the CPOC and IPA on a separate document, and in favor of developing a community panel to review applicants. He spoke in favor of considering applicants who served in law enforcement as CPOC members.

Vice Mayor Hampton spoke on the need to include unimpeded subpoena power to the IPA as part of the proposed ordinance; and spoke in opposition to the City Council reviewing the IPA's request for subpoenas. He also expressed concerns with police officers as CPOC members, which he believes may cause mistrust in the community.

Mayor Tornek summarized the City Council consensus that the term "non-profit community" organizations should be broaden to community-based organizations. In regards to Section 2.60.110, Purpose and functions, he recommends moving B. 1. "Review and make recommendations regarding the ongoing operations of the police department to the chief of police, city manager, and/or City Council" to section A; including a reference that there intends to be subpoena authority vested to the CPOC and IPA with details to be developed at a later date by resolution; and clearly define the appointment process (2.60.030: Membership – Appointment and terms.), such that each of the Councilmembers/Mayor shall nominate one member to serve as a CPOC member with details to be defined by resolution at a later date.

Michele Beal Bagneris City Attorney/City Prosecutor, confirmed that the City Council would like the CPOC model to emulate the City's traditional appointment process format, therefore, staff will make the following amendments to the ordinance:

- Remove under Section 2.60.030: Membership – Appointment and terms, Item A 1, the following verbiage, “...and each members shall reside in their respective district during their term”
- Under Section 2.60.030: Membership – Appointment and terms, Item A 3, “non-profit community” will be replaced with “community-based organizations,”
- Under Section 2.60.110, Purpose and Functions, include Item B 1 with Item A to read as, “The purpose of the commission is to enhance, develop, and strengthen community-police relations, and review and make recommendations regarding the ongoing operations of the police department to the chief of police, city manager, and/or City Council”
- Under Section 2.60.110, Purpose and Functions, renumber Section B; and
- Under Section 2.610.120, Subpoenas, Section A, amended as, “Subpoenas issued by the Commission and/or the independent police auditor shall be subject to rules and procedures established by the City Council, by resolution.”

In addition, Javan Rad, Chief Assistant City Attorney, reported the following clerical amendments will be made to the ordinance:

- Under Section 2.60.040, Qualifications, orientation, and training, Item C, include the word “currently” to read as, “Practicing attorneys who handle, or are members of firms or entities that currently handle...”
- Under 2.60.120 – Subpoenas, Section A, a new item 6, to read as, “Be served in the same manner as subpoenas issued to nonparties in civil litigation under the California Code of Civil procedure to compel records and/or testimony.”
- Under 2.60.120 – Subpoenas, Section A, a new item 7, to read as, “Notify the served party that if the records are not produced or the testimony is not given, the subpoenaing party may apply to the City Council for an appropriate order or other remedy.”
- Under 2.60.120 – Subpoenas, Section B, remove the word “less” and replace with “more” to read as “within no more than five (5) calendar....”
- Under 2.60.120 – Subpoenas, insert new Section C, “If the records are not produced or the testimony not given, the subpoenaing party may apply to the City Council for an appropriate order or other remedy.” and

- Under 2.60.030 – Membership – Appointment and terms, Item A, 2 to be amended to reflect that the Mayor shall nominate 1 member.

Following discussion, the revised ordinance (amended as detailed above) was offered for first reading by Councilmember Kennedy:

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

ORDINANCE – ADOPTED

Adopt “AN ORDINANCE OF THE CITY OF PASADENA AUTHORIZING THE ISSUANCE BY THE CITY OF NOT TO EXCEED \$50,425,000 AGGREGATE PRINCIPAL AMOUNT OF CITY OF PASADENA WATER REVENUE/REFUNDING BONDS, 2020A SERIES, PAYABLE OUT OF THE WATER FUND, AND APPROVING THE EXECUTION AND DELIVERY OF A SIXTH SUPPLEMENT TO WATER REVENUE BOND INDENTURE AND A CONTINUING DISCLOSURE AGREEMENT IN CONNECTION THEREWITH” (Introduced by Councilmember Kennedy) (Ordinance No. 7367)

The above ordinance was adopted by the following vote:

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

Councilmember Kennedy requested that staff provide a summary on the City’s outreach related to the Pasadena City Services Protection Measure P.

City Manager Mermell stated that he would share the education information related to Measure P that is being distributed to the public, to the City Council and their District Liaisons.

Councilmember Wilson requested that staff provide information on a discussion held at the Planning Commission related to the possibility of affordable housing on church properties, and suggested that the item be agendized at a future Economic Development and Technology Committee.

City Clerk Jomsky read aloud comments from Teresa Eilers, South Pasadena resident (she also submitted a letter), expressing support on affordable and supportive housing in the Civic Center.

On order of the Mayor, the regular meeting recessed at 6:47 p.m. to discuss the following closed session:

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

Vice Mayor Hampton was
excused and disconnected
from the meeting at 7:54 p.m.

**CITY COUNCIL CONFERENCE REGARDING PUBLIC
EMPLOYEE PERFORMANCE EVALUATION pursuant to
Government Code Section 54957 and CITY COUNCIL
CONFERENCE with Labor Negotiator pursuant to Government
Code Section 54957.6**

**Employee Title and Unrepresented Employee: City Manager
City Representative: Terry Tornek**

The above closed session item was discussed, with no reportable action at this time.

**CITY COUNCIL CONFERENCE WITH REAL PROPERTY
NEGOTIATORS Pursuant to Government Code Section 54956.8
Property: 280 Ramona Street (APN 5723-018-910) and 78 N.
Marengo Avenue (APNs 5723-026-902, 5723-026-903 and 5723-
026-900)**

Agency negotiator: Steve Mermell

**Negotiating parties: Abode Communities; a joint venture of
East to West Development Corporation and HDS Group, LLC;
National Community Renaissance of California; HRI Properties
with Bridge Housing Corporation; and Edgewood Realty
Partners, LLC with Abode Communities**

Under negotiation: Price and terms of payment

The above closed session item was not discussed.

ADJOURNMENT

Following closed session discussion, on order of the Mayor, the special meeting of the City Council adjourned at 8:00 p.m., in memory of all those that have lost their lives during the COVID-19 pandemic, and in honor of the passing of Ruth Bader Ginsburg, Associate Justice of the Supreme Court of the United States.

/s/ Terry Tornek

Terry Tornek, Mayor
City of Pasadena

ATTEST:



City Clerk