

CITY OF PASADENA
City Council Minutes
April 12, 2021 – 4:30 P.M.
City Hall Council Chamber

UNOFFICIAL UNTIL
APPROVED BY CITY COUNCIL

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 Gordo called the meeting to order at 4:33 p.m. The pledge of allegiance was led by Councilmember Rivas.

ROLL CALL: Mayor Victor M. Gordo
Councilmembers: Vice Mayor Andy Wilson
Councilmember Tyron Hampton (Absent)
Councilmember John J. Kennedy
Councilmember Steve Madison
Councilmember Gene Masuda
Councilmember Jessica Rivas
Councilmember Felicia Williams

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

PUBLIC COMMENT Marcus Baisley, Pasadena resident, expressed concerns with contractors conducting business in the City and committing "construction industry tax fraud".

The following individuals expressed concerns with the Pasadena Police Department and officers; requested the termination of Pasadena Police Chief Perez and Officer Dumaguindin; and spoke on the need for alternatives to policing measures in the City, including certain social services:

Jane Ward, Altadena resident
Kat Ross, Altadena resident
AnnMarie Nee, Altadena resident
Stephanie Blank, Altadena resident

CEREMONIAL MATTERS Mayor Gordo 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.

Mayor Gordo acknowledged Pasadena resident Stephanie Wiggins on her appointment as the new CEO of LA Metro. He spoke on plans to invite Ms. Wiggins to a future City Council meeting to discuss her goals and challenges as it relates to the City.

CONSENT CALENDAR

APPROVAL OF FINAL TRACT MAP NO. 074594 FOR CREATION OF EIGHT AIR PARCELS FOR RESIDENTIAL CONDOMINIUM PURPOSES AT 704 SOUTH MARENGO AVENUE

Recommendation: It is recommended that the City Council:

- (1) Adopt a resolution to approve Final Tract Map No. 074594 for the creation of eight air parcels for residential condominium purposes; and (Resolution No. 9832)
- (2) Authorize the City Clerk to execute the Certificate on the map showing the City's approval of said map.

Recommendation of the Hearing Officer: The subject tentative map was approved on July 19, 2017 by the Subdivision Hearing Officer. The exercise of the right granted must be commenced within three years, or by July 19, 2020.

AUTHORIZATION TO ENTER INTO A CONTRACT WITH UNION STATION HOMELESS SERVICES IN THE AMOUNT OF \$980,514 TO PROVIDE SUPPORTIVE SERVICES TO ELIGIBLE HOUSEHOLDS WHO RECEIVE A MAINSTREAM HOUSING CHOICE VOUCHER

Recommendation: It is recommended that the City Council:

- (1) Find that the recommended action is exempt from the California Environmental Quality Act ("CEQA") pursuant to State CEQA Guidelines Section 15061(b)(3), the "common sense" provision that CEQA only applies to projects that may have an effect on the environment;
- (2) Authorize the City Manager to enter into a contract, without competitive bidding pursuant to City Charter Section 1002(F), contracts for professional or unique services, with Union Station Homeless Services for implementation of the Mainstream Voucher Program in an amount not-to-exceed \$980,514;
- (3) Grant the proposed contract an exemption from the Competitive Selection process pursuant to Pasadena Municipal Code Section 4.08.049(B), contracts for which the City's best interests are served; and
- (4) Authorize the City Manager to extend the term of the contract and increase the not-to-exceed amount up to \$200,000 based on the receipt of additional federal funding. (Contract No. 32010)

Item discussed separately

AUTHORIZATION TO ENTER INTO A CONTRACT WITH ENVIRONMENTAL SYSTEMS RESEARCH INSTITUTE, INC., (ESRI) FOR AN ENTERPRISE LICENSE AGREEMENT OF GIS SOFTWARE

FINANCE COMMITTEE: AMENDMENTS TO FISCAL YEAR 2021 CAPITAL IMPROVEMENT PROGRAM BUDGET

Recommendation: It is recommended that the City Council:

- (1) Find that the proposed actions are not "projects" as defined in the California Environmental Quality Act (CEQA), Public Resources Code Section 21065 and Section 15378(b)(4) and (5) of the State

CEQA Guidelines and, as such, are not subject to environmental review; and

(2) Amend the Fiscal Year (FY) 2021 Capital Improvement Program (CIP) Budget as detailed in Attachment A of the agenda report. (Budget Amendment Nos. 2021-30, 2021-30a)

Councilmember Kennedy requested that the three items referenced in the staff report related to Sunset Reservoir be agendized at a future City Council or Committee meeting to share his concerns related to the design and safety of the project, prior to any work commencing on those capital improvement projects.

In response, Mayor Gordo stated that the matter will be agendized at a future Municipal Services Committee meeting.

FINANCE COMMITTEE: AMENDMENTS TO THE FISCAL YEAR 2021 GENERAL FEE SCHEDULE

Recommendation: It is recommended that the City Council:

(1) Find that the proposed action is not a project subject to the California Environmental Quality Act (CEQA) pursuant to Section 21065 of CEQA and Sections 15060(c)(2), 15060(c)(3), and 15378 of the State CEQA Guidelines and, as such, no environmental document pursuant to CEQA is required; and

(2) Adopt a resolution amending the Fiscal Year 2021 General Fee Schedule as detailed in the background section of the agenda report, which is retroactive to February 19, 2019 as discussed in the resolution. (Resolution No. 9833)

FINANCE COMMITTEE: PARKING PROGRAM FINANCIAL UPDATE

Recommendation: It is recommended that the City Council:

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

(2) Reinstate collection of citation late fees to be effective July 1, 2021; and

(3) Reinstate collection of zoning parking credits to be effective July 1, 2021 and authorize Department of Transportation to work with the Finance Department to develop repayment plans for past owed fees.

**RESIGNATIONS,
APPOINTMENTS &
REAPPOINTMENTS**

VACATE THE INCUMBENCY OF BRENDA MORALES FROM THE HUMAN RELATIONS COMMISSION (District 1 Nomination)

VACATE THE INCUMBENCY OF CHRISTINA BUDAI FROM THE NORTHWEST COMMISSION (District 3 Nomination)

APPOINTMENT OF VANESSA F. RODRIGUEZ TO THE COMMISSION ON THE STATUS OF WOMEN (District 5 Nomination)

APPOINTMENT OF KATIE YOUNG TO THE HUMAN RELATIONS COMMISSION (District 5 Nomination)
APPOINTMENT OF PATRICIA BARAJAS TAVERA TO THE ROSE BOWL OPERATING COMPANY BOARD (At Large Nomination/District 5)

CONTRACT AWARD TO THOMSON REUTERS FOR ONLINE LEGAL RESEARCH (WESTLAW)

Recommendation: It is recommended that the City Council:

- (1) Find that the action is exempt from the California Environmental Quality Act ("CEQA") pursuant to State CEQA Guidelines Section 15061(b)(3);
- (2) Authorize the City Attorney and/or City Manager to enter into a contract with Thomson Reuters for online research for three years in an amount not-to-exceed \$312,028.60. Competitive bidding is not required pursuant to City Charter Section 1002(F), contracts for professional or unique services; and
- (3) Grant the proposed contract an exemption from the competitive selection process pursuant to Pasadena Municipal Code Section 4.08.049(B), contracts for which the City's best interests are served. (Contract No. 32012)

APPROVAL OF MINUTES

March 15, 2021
 March 22, 2021
 March 29, 2021

CLAIMS RECEIVED

Claim No. 13,696	Jimmie J. Kirk	\$	3,529.00
Claim No. 13,697	Charlene Lohmueller		25,000.00+
Claim No. 13,698	The Shamsi Law Firm representing Stacey Cantrell		25,000.00+
Claim No. 13,699	Megeredchian Law representing Fernando German		25,000.00+
Claim No. 13,700	Horace Mann Insurance as subrogee for Donald Radcliff		36,255.30

PUBLIC HEARINGS SET

May 3, 2021, 4:30 P.M. - City Manager's Recommended Fiscal Year 2022 – 2026 Capital Improvement Program Budget and Adoption of Fiscal Year 2022 – 2026 Capital Improvement Program Budget

May 17, 2021, 4:30 P.M. - Annual Adoption of the Schedule of Taxes, Fees, and Charges

June 7, 2020, 4:30 P.M. - Approval of the Annual Action Plan (2021-2022) and Related Funding Applications for the Community

Development Block Grant, Home Investment Partnership Act, and Emergency Solutions Grant Programs.

It was moved by Councilmember Madison, seconded by Councilmember Williams, to approve all items on the Consent Calendar, with the exception of Item 3 (Authorization to Enter Into a Contract With Environmental Systems Research Institute, Inc.), which was discussed separately:

AYES: Councilmembers Kennedy, Madison, Masuda, Rivas, Williams, Vice Mayor Wilson, Mayor Gordo

NOES: None

ABSENT: Councilmember Hampton

ABSTAIN: None

CONSENT ITEMS DISCUSSED SEPARATELY

Vice Mayor Wilson recused himself due to a potential conflict and removed himself from the meeting at 4:51 p.m.

AUTHORIZATION TO ENTER INTO A CONTRACT WITH ENVIRONMENTAL SYSTEMS RESEARCH INSTITUTE, INC., (ESRI) FOR AN ENTERPRISE LICENSE AGREEMENT OF GIS SOFTWARE

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);

(2) Authorize the City Manager to enter into a contract with Environmental Systems Research Institute, Inc., (ESRI) for an Enterprise License Agreement (ELA) of GIS software in an amount not-to-exceed \$400,000 for a period of three years beginning July 1, 2021. Competitive bidding is not required pursuant to City Charter Section 1002(C), contracts for labor, material, supplies, or services available from only one vendor; and

(3) Grant the proposed contract an exemption from the competitive selection process of the Competitive Bidding and Purchasing Ordinance, Chapter 4.08 of the Pasadena Municipal Code, pursuant to Section 4.08.049(B), contracts for which the City's best interests are served. (Contract No. 32011)

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

AYES: Councilmembers Kennedy, Madison, Masuda, Rivas, Williams, Mayor Gordo

NOES: None

ABSENT: Councilmember Hampton, Vice Mayor Wilson

ABSTAIN: None

PUBLIC HEARING

Vice Mayor Wilson returned to the meeting at 4:53 p.m.

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

Recommendation: It is recommended that the City Council continue the public hearing to April 19, 2021 at 4:30 p.m.

Mark Jomsky, City Clerk, reported that 39 letters were received, and noted that a full report on the correspondence will occur at the April 19, 2021 at 4:30 p.m., City Council meeting.

Following discussion, it was moved by Vice Mayor Wilson, seconded by Councilmember Rivas, to continue to the Public Hearing on the item to April 19, 2021 at 4:30 p.m.:

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

**REPORTS AND
COMMENTS FROM
COUNCIL COMMITTEES**

**PROPOSED ACTIONS TO ADDRESS MOUNTING
ARREARAGES IN UTILITY BILL COLLECTION; AUTHORIZE
ONE-TIME COVID-RELIEF BILL CREDIT FOR ELECTRIC
CUSTOMERS; AND AMEND THE FISCAL YEAR 2021 WATER
AND POWER FUND OPERATING BUDGETS**

Recommendation: It is recommended that the City Council:

- (1) Find that the proposed actions are not projects subject to the California Environmental Quality Act ("CEQA") pursuant to Section 21065 of CEQA and Sections 15060(c)(2), 15060(c)(3), and 15378 of the State CEQA Guidelines and, as such, no environmental documents pursuant to CEQA are required;
- (2) Authorize the City Manager to increase the maximum one-time per year electric bill relief for low income customers facing shut-off for non-payment from \$100 to \$200;
- (3) Authorize the resumption of late fees and service shut-offs for non-payment commencing as follows:
 - a. Resume assessment of all late fees and penalties on City-provided services including but not limited to municipal services (water, power, refuse) and applicable taxes effective July 1, 2021;
 - b. Resume utility shut-offs for non-payment, consistent with City/utility policies and procedures, effective September 7, 2021, for large and medium commercial and October 4, 2021, for small commercial and residential customers as described in the agenda report; or as soon as practical thereafter consistent with applicable law and executive orders issued by the Governor; and
- (4) Amend the Fiscal Year (FY) 2021 Operating Budget to appropriate \$2,400,000 and \$800,000 from the unappropriated fund balance in the Light and Power Operating Fund (401) and the Water Operating Fund (402), respectively, for increases in utility bad debt expenses. (Budget Amendment No. 2021-31)

City Manager Mermell provided introductory comments, and Shari Thomas, Assistant General Manager of Water and Power, presented a PowerPoint presentation on the item, and responded to questions.

Mayor Gordo summarized the Finance Committee's discussion on the matter, including the importance of notifying the public on the City's plans and recommended that staff begin to package the information (i.e. information on how to avoid fees, payment agreements, etc.) for dissemination to Water and Power customers.

Gurcharan Bawa, General Manager of Water and Power, provided information on the large entities that have significant outstanding utility balances, which are currently in bankruptcy proceedings; and responded to questions.

Councilmember Madison asked staff to do everything that is possible to help single-family customers that are currently struggling to pay their utility bills; and expressed concerns with the City issuing refunds to Pasadena Water and Power customers last year, who have arrearages owed for Water and Power services.

City Manager Mermell responded that staff is working with Water and Power to ensure that single-family customers who are in arrears are provided options to assist with righting their situations, including by applying deposits to balances due, and providing payment arrangements.

Councilmember Rivas encouraged staff and the Finance Committee to consider the option of using a portion of the City's American Rescue Plan funds to help pay for certain outstanding Water and Power utility service bills, especially for the City's low-income customers.

Mark Jomsky, City Clerk, reported that one letter providing suggestions on the matter was received from Paul Little, President of the Pasadena Chamber of Commerce, by the City Clerk's Office, which was distributed to the City Council, posted on-line, and made part of the record.

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

AYES: Councilmembers Kennedy, Madison, Masuda, Rivas,
Williams, Vice Mayor Wilson, Mayor Gordo

NOES: None

ABSENT: Councilmember Hampton

ABSTAIN: None

RECOMMENDATION TO DIRECT THE CITY ATTORNEY TO PREPARE AN ORDINANCE WITHIN 60 DAYS TO REQUIRE DISPOSABLE ACCESSORY FOOD SERVICE WARE TO BE MADE AVAILABLE UPON REQUEST

Recommendation: It is recommended that the City Council:

(1) Find that the Disposable Food Service Ware Opt-In ordinance is exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15061(b)(3) (General Rule) and also under Section 15308 as an action by a regulatory agency (the City of Pasadena) for the protection of the environment; and

(2) Direct the City Attorney to draft an ordinance within 60 days consistent with the provisions set forth in the agenda report.

Recommendation of the Municipal Services Committee: At the January 26, 2021 Zero Waste Update, members of the public asked the City to develop an ordinance requiring restaurants and other food service providers to allow their customers to opt-out from automatically receiving accessory food service ware (i.e. utensils, napkins, straws, condiments, etc.) for take-out and delivery orders. As a result of the request, the Municipal Services Committee (MSC) requested that staff draft an ordinance that would require accessory food service ware to be available only upon request for takeout, delivery, and third-party delivery applications. At the March 23, 2021 MSC meeting, the Committee recommended moving the ordinance to the full City Council for approval. The intent of the proposed Accessory Food Service Ware ordinance is to require customers affirmatively request these accessories rather than giving out the items with all orders. The City and County of Los Angeles are also developing a similar ordinance with input from the California Restaurant Association.

Ara Maloyan, Director of Public Works, provided introductory comments, and Gabriel Silva, Environmental Programs Manager, presented a PowerPoint presentation on the item, and responded to questions.

Vice Mayor Wilson, Chair of the Municipal Services Committee, summarized the Committee's discussion and recommendation on the item.

City Clerk Jomsky reported that a number of letters and emails in favor of the staff recommendation and/or providing comments/suggestions on the matter were received, distributed to the City Council, posted on-line, and made part of the public record from the following individuals:

Elizabeth Fife, Pasadena resident
Jazmine De La Torre, Pasadena resident
Elizabeth Elder, Pasadena resident
Pilar Reynaldo, residence not stated
Leigh Adams, residence not stated
Wen Lee, Pasadena resident
Alex Choy, residence not stated

Councilmember Kennedy left
the meeting at 6:00 p.m.

Jessica Craven, Los Angeles resident
Alison Waliszewski, (and 25 other individuals/organization)
representing Reusable LA
Ellen Finkelpearl, Pasadena resident
Banaf Rahimi, residence not stated
Blair Miller, Pasadena resident
Wesly Hernandez, representing McDonald's Corporation
David Juarez, representing California Restaurant Association
Topher Mathers, Pasadena resident
Colin Bogart, Pasadena resident
Lois Brunet, representing Pasadena Audubon
Aurora Nunez, Los Angeles resident
Heather Curtis, Pasadena resident
Thomas Harding, residence not stated
Kelly, residence not stated
Robert Ramos, residence not stated
Nancy Shrodes, residence not stated
Jenna Segal, residence not stated
Joseph Kelly, residence not stated

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

Tatiana, Pasadena resident
Heather Curtis, Pasadena resident
Miriam Gordon, representing UPSTREAM Solutions
Wes Reutimann, representing Pasadena Environmental
Advocates
Cheryl Auger, Pasadena resident
Natalie Freidberg, representing Silver Lake Chamber of
Commerce
Emily Parker, representing Heal the Bay

Councilmember Williams stated her preference that the ordinance
be prepared and ready for adoption in April 2021, which is Earth
Month; and spoke in strong support of the staff recommendation.

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

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

**RECOMMENDATIONS
FROM OFFICERS AND
DEPARTMENTS**

Councilmember Kennedy
returned to the meeting at
6:04 p.m.

**COMMENTS TO STATE HISTORICAL RESOURCES
COMMISSION ON THE NOMINATION OF THE PASADENA
AVENUE HISTORIC DISTRICT FOR LISTING IN THE NATIONAL
REGISTER OF HISTORIC PLACES**

Recommendation: It is recommended that the City Council authorize the Mayor to forward a recommendation to the State Historical Resources Commission in support of the listing of the Pasadena Avenue Historic District in the National Register of Historic Places (prepared and submitted by Shannon L. Papin of Common Bond Preservation on behalf of Pasadena Heritage), with technical comments outlined in the agenda report, including the additional comment provided by the Historic Preservation Commission at its April 6, 2021 meeting.

Recommendation of the Historic Preservation Commission: At a special meeting on April 6, 2021, the Historic Preservation Commission recommended that the City Council support the listing of the Pasadena Avenue Historic District in the National Register of Historic Places, with technical comments outlined in the agenda report and the additional comment that the property at 160 W. State Street be noted as a work of architect Arthur S. Heineman and that he be included in the list and biographies of significant architects in the registration form.

City Clerk Jomsky reported that a number of letters and emails in favor of the staff recommendation and/or providing comments/suggestions on the matter were received, distributed to the City Council, posted on-line, and made part of the public record from the following individuals:

Susan N. Mossman and Andrew Salimian, representing,
Pasadena Heritage
Mark Gallatin, representing South Pasadena Preservation
Foundation

City Manager Mermell provided introductory comments, and Kevin Johnson, Senior Planner, presented a PowerPoint presentation on the item, and responded to questions.

Councilmember Madison spoke in favor of the staff recommendation, and thanked staff for all their work on the matter.

David Reyes, Director of Planning and Community Development, provided information on Pasadena Heritage's registration form for the Pasadena Avenue Historic District, which the staff and the City's Historic Preservation Commission reviewed; and responded to questions.

Councilmember Kennedy requested that staff determine and provide historical information between the years of 1885 and 1938, on the role of African-Americans that lived in the area, especially those that owned housing, as well as information on the First

African Methodist Episcopal Church that was located in the area (before the church moved locations) to be included in the record of the transmittal letter/application.

Mr. Reyes, responded that staff will include the historical information as requested by Councilmember Kennedy in the correspondence being prepared for submission to the State Historical Resources Commission for the Mayor's signature.

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

AYES: Councilmembers Kennedy Madison, Masuda, Rivas, Williams, Vice Mayor Wilson, Mayor Gordo

NOES: None

ABSENT: Councilmembers Hampton

ABSTAIN: None

INFORMATION ITEM

REPORT ON CITY PROCUREMENT - CALENDAR YEARS 2020 AND 2019

Recommendation: It is recommended that the City Council receive the report on City procurement for calendar years 2020 and 2019.

Mark Jomsky, City Clerk, reported that one email expressing concerns related to the City tracking ethnic gender statistics as part of the public contracting process, was received by an anonymous individual, which was distributed to the City Council, posted on-line, and made part of the public record.

City Manager Mermell provided introductory comments, and Erika Estrada, Purchasing Administrator, presented a PowerPoint presentation on the item, and responded to questions.

Councilmember Kennedy spoke on the need for staff to develop goals and a plan to conduct outreach to minority and women-owned businesses in the City to increase the percentage of secured City contracts to such businesses.

Michele Beal Bagneris, City Attorney/City Prosecutor, reminded the City Council, based on modifications to case law and legislation over the past approximately 15 years, that there are limitations as to what City staff is allowed to do in this regard.

Councilmember Kennedy requested information on the City's outreach programs as staff seeks to ensure underrepresented business owners are provided information that may provide assistance in successfully competing for City contracts, through the City Manager's News Letter. He also asked staff to provide information on Inter-Con Security Systems, Inc., historical contractual agreements and services with the City.

Matt Hawkesworth, Director of Finance, provided information on the bid proposals and the City Council awarding the contract to Select Patrol Agency, Inc., to provide security and courier services; and responded to questions.

Vice Mayor Wilson requested that staff provide additional information on historical trends and benchmarks regarding the City's procurement record to provide statistical comparisons with other municipalities that operate under similar constraints.

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

Councilmember Kennedy spoke on the moving of Pasadena Heritage to their new location "Edmund Blinn House" located at 160 N. Oakland Avenue, Pasadena; and thanked Pasadena Heritage for their work in the community.

Mayor Gordo stated that the City will present an accommodation to the leaders of the Women's City Club of Pasadena at a future City Council meeting.

ADJOURNMENT

On order of the Mayor, the special meeting of the City Council adjourned at 6:47 p.m., in memory of all those that are ill and have lost their lives during the COVID-19 pandemic.

Victor M. Gordo, Mayor
City of Pasadena

ATTEST:

City Clerk