

CITY OF PASADENA
City Council Minutes
May 3, 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 4:31 p.m. The pledge of allegiance was led by Vice Mayor Wilson.
- ROLL CALL:**
Councilmembers: Mayor Victor M. Gordo
Vice Mayor Andy Wilson
Councilmember Tyron Hampton
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
- CEREMONIAL MATTERS**
Councilmember Hampton connected to the meeting at 4:35 p.m.
Chief of Police John Perez introduced and welcomed the new Sergeant-at-Arms, Sergeant Milton White, and extended appreciation to Sergeant Mark Mendenhall for his service.
Michelle Perera, Director of Library and Information Services, presented a PowerPoint presentation on the various virtual events and programs the library is participating in recognizing Asian American and Pacific Islander Heritage Month.
- PUBLIC COMMENT**
The following individuals expressed concerns with the Pasadena Police Department and Police 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:
Sara Boland, Los Angeles resident
Jane Ward, Altadena resident
Allen Shay, Pasadena resident
Councilmember Kennedy requested a closed session update on two cases involving Pasadena Police Officers; Christopher Ballew and Anthony McClain.
Mayor Gordo responded that both those matters are scheduled for a future closed session of the City Council meeting.

Jill Shook, representing Making Housing and Community Happen, advocated for the City Council to rezone land owned by churches and other religious organizations to allow for building and providing affordable housing.

Vice Mayor Wilson and Councilmember Hampton asked staff to work on an expedited time frame to return to the City Council with a recommendation on some aspect of rezoning land owned by churches and other religious organizations to allow for building and providing affordable housing.

Councilmember Hampton stated the following for the record: "I would just like to go on the record, mentioning again and I will say this every City Council meeting, I do think that we need to agendize what we can about the Christopher Ballew matter, of course in closed [session]. As well as the Anthony McClain matter in closed [session]. But whatever we could disclose in public record, at the Public Safety [Committee] meeting, there should be an opportunity for the community to voice their opinion. I do not, once again, agree with the Police Chief's assessment and that the officers were acting appropriately. Once again I am not a police officer, so that is their assessment. I do want to say that when matters like this happen, over and over and over again, and then you put the same officers back to patrol the streets in the same community or the same people out there, that's creating the cycle of terror. And so, I don't want to act as if I am complacent in that in any way, so I am going to say what I have to say publicly every time regardless if this has to be at every [City] Council meeting, here on out. I normally hold these comments to Public Safety [Committee meetings], but we have to really look at this in a holistic manner. Because at the end of the day, these are our residents, and our residents should feel safe in the place that they live in. Not only by the people who work for the City, but also safe in the communities that they live in from their own neighbors. So, I think holding people accountable across the board is great, find and dandy; and I'm all for that. But when our employees, City employees, do wrong we need to hold them accountable. Thank you."

CONSENT CALENDAR

AUTHORIZE PURCHASE ORDER WITH SOUTH COAST FIRE EQUIPMENT, INC., FOR THE PURCHASE OF ONE REPLACEMENT 2021 PIERCE ARROW XT TRIPLE COMBINATION ENGINE PUMPER TRUCK FOR A TOTAL OF \$954,549

Recommendation: It is recommended that the City Council:

- (1) Find that this action is exempt under the California Environmental Quality Act (CEQA) in accordance with Section 15061(b)(3), the General Rule that CEQA only applies to projects that may have an effect on the environment;
- (2) Authorize the City Manager to enter into a purchase order with South Coast Fire Equipment, Inc., for the purchase of one 2021 Pierce Arrow XT Triple Combination Engine Pumper Truck in an

amount not-to-exceed \$954,549. Competitive bidding is not required pursuant to City Charter Section 1002(H), contracts with other governmental entities or their contractors for labor, materials, supplies or services; and

(3) It is further recommended that the City Council grant the proposed purchase order an exemption from the Competitive Selection process pursuant to Pasadena Municipal Code Section 4.08.049(B), contracts for which the City's best interests are served.

Item discussed separately

LEGISLATIVE POLICY COMMITTEE: CONFORMING REVISIONS TO THE RULES AND REGULATIONS AND PASADENA MUNICIPAL CODE PROVISIONS FOR THE SEVEN COMMISSIONS STAFFED BY THE PARKS, RECREATION AND COMMUNITY SERVICES DEPARTMENT

LEGISLATIVE POLICY COMMITTEE AMENDMENT OF 2021 STATE LEGISLATIVE PLATFORM REGARDING THE QUALITY OF HEALTH CARE PROVIDED BY SKILLED NURSING FACILITIES

Recommendation: It is recommended that the City Council:

(1) Find that the proposed action is categorically not 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) Amend the 2021 state legislative platform to include support for legislation which assures the quality of health care provided by skilled nursing facility operators.

Recommendation of the Legislative Policy Committee: The Legislative Policy Committee recommended the City Council approve these recommendations at its April 27, 2021, meeting with additional language. The following statement was added to both the report and the amendment (Part II – Legislative Priorities), “As such, the City is committed to exploring ways to hold federal and state regulatory agencies accountable to fulfilling their regulatory roles, as well as identifying local mechanisms to support healthcare quality.”

Item discussed separately

RESIGNATIONS, APPOINTMENTS, & REAPPOINTMENTS

APPROVAL OF MINUTES

April 19, 2021

CLAIMS RECEIVED

Claim No. 13,709	Law Office of April A. Verlato representing Eugenio Leal	\$ 25,000.00+
Claim No. 13,710	United Financial Casualty as subrogee for Parris Brantley	1,405.76
Claim No. 13,711	Lovelyn Ilas Thiha	2,049.80

Claim No. 13,712	Law Offices of Edward J. Deason representing William Marcussen	Not stated
Claim No. 13,713	Timothy Durham	Not stated
Claim No. 13,714	Matthew T. Lusnia	1,763.50
Claim No. 13,715	Annandale Golf Club	5,070.00

PUBLIC HEARING SET

June 7, 2021, 4:30 p.m. - Adoption of the 2020 Urban Water Management Plan and Water Shortage Contingency Plan

It was moved by Councilmember Kennedy, seconded by Vice Mayor Wilson, to approve all items on the Consent Calendar, with the exception of Item 2 (Conforming Revisions to the Rules and Regulations for the Seven Commissions Staffed by Parks, Recreation and Community Services Department), and Item 4 (Resignations, Appointments, and Reappointments), which were discussed separately:

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

CONSENT ITEMS DISCUSSED SEPARATELY

LEGISLATIVE POLICY COMMITTEE: CONFORMING REVISIONS TO THE RULES AND REGULATIONS AND PASADENA MUNICIPAL CODE PROVISIONS FOR THE SEVEN COMMISSIONS STAFFED BY THE PARKS, RECREATION AND COMMUNITY SERVICES DEPARTMENT

Recommendation: It is recommended that the City Council:

- (1) Find that the action proposed in the agenda report is not a project subject to the California Environmental Quality Act ("CEQA") pursuant to CEQA Section 21065 and State CEQA Guidelines Sections 15060(c)(2) and (c)(3), and 15378 of the State CEQA Guidelines;
- (2) Approve and file the proposed amendments to the Rules and Regulations for the seven commissions staffed by the Parks, Recreation and Community Services (PRCS) Department, as set forth in Attachment A of the agenda report; and
- (3) Direct the City Attorney's Office to prepare and return within 60 days with an ordinance making conforming amendments to Chapter 2 of the Pasadena Municipal Code, related to PRCS commissions, as further described in the agenda report.

Councilmember Madison, Chair of the Legislative Policy Committee, summarized the staff report and the Committee's discussion on the matter, and the unanimous vote to move the matter to the City Council for consideration.

Vice Mayor Wilson requested that staff define the role of an elected “Parliamentarian” to a City Commission.

Brenda Harvey-Williams, Director of Parks, Recreation and Community Services, provided information on the City commissions that operate with a parliamentarian position; and responded to questions.

Steve Mermell, City Manager, provided information on the City's Commissions, Committees and Boards that provide annual reports to the City Council Committees; and responded to questions.

Mayor Gordo spoke in favor of the staff recommendation, which he believes helps the focus of commissions and helps members of the City Council track the work of all the commissions.

Vice Mayor Wilson recommended that staff train the Chairs of the commissions/committees on Robert's Rules of Order to help keep order in meetings.

Councilmember Kennedy expressed concerns with why one commission (Recreation and Parks) does not support the position of a Parliamentarian as an officer, and advocated for all commissions to be uniform.

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

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

RESIGNATIONS, APPOINTMENTS, & REAPPOINTMENTS

APPOINTMENT OF SOPHIA GUTIERREZ TO THE HISTORIC PRESERVATION COMMISSION (District 5 Nomination)

APPOINTMENT OF PATRICE MARSHALL MCKENZIE TO THE REDISTRICTING TASK FORCE (At Large Mayoral Nomination)

APPOINTMENT OF DELANO YARBOROUGH TO THE REDISTRICTING TASK FORCE (At Large Mayoral Nomination)

APPOINTMENT OF ADRIANA LIM TO THE REDISTRICTING TASK FORCE (At Large Mayoral Nomination)

Councilmember Kennedy and Mayor Gordo requested that their following comments be submitted for the record.

Mayor Gordo: With regard to item 4, let me just give you a little bit of background. I think Mr. Kennedy has some comments or questions. When we approved the Redistricting Task a number of people commented that we could probably use more diversity then we ended up with on that group. And after consulting with a few members and the City Clerk, I solicited names from members of the City Council to see if we could do two things. One, add 3 new members to help out with having all perspectives in the City be represented on the Redistricting commission [Task Force], but also keep the work of the Redistricting Task Force moving. The first meeting is scheduled for this coming Wednesday. We could open it up if that is the will of the Council and start the process over, but that would of course delay us at least, I think a minimum of 2 to 3 weeks. We can also engage in the process that we engaged in with the Police Oversight and start interviewing folks here at the Council level, but again that is going to take some time and would delay us. The City Clerk has a deadline to meet. The first deadline is in June... correct me If I'm wrong Mr. City Clerk. And with the first meeting scheduled next Wednesday, I thought this was an approach that might move things along. Thank you to all of you who submitted names. Unfortunately, there are only 3 people and there were many more names that were submitted, but there were 3 people that in my view surfaced to the top as very experienced people in Pasadena, very involved people and improved diversity on this Redistricting Task Force. So, I am recommending that we proceed. If members of the Council want to start the process over then we can do that or we can invite these 3 individuals and others to come and interview with us directly.

Councilmember Kennedy: Clarification, If we were to proceed as you requested Mayor, you're not going to ask...this is based upon your comments a moment ago, ask anyone to come and be interviewed correct?

Mayor Gordo: No. If we proceed with these 3 names and we met Patrice Marshall McKenzie during the police oversight and her name was submitted to Jana by a few people on this Council. We also...some of you may know Delano Yarbrough as a former principal, longtime person who's been involved with the community for quite some time, and Adriana Lim who comes from Mr. Masuda's District and is a member of the TAC [Transportation Advisory Committee] representing District 4 who is also very involved, experienced. So, if we went with these 3 names then they would join their colleagues who were recently appointed at this Wednesday's meeting. If we do not go with these 3 names or we want to come back, then we will either have to cancel Wednesday's meeting or the meeting would proceed without them as we engage in another process, either interviews or individual Council nominees.

Councilmember Kennedy: Mayor, if I can have the floor.

Mayor Gordo: I was simply trying to provide an option that allows us to move forward and address the diversity issue and meet the deadlines. As you all know I am not affected by redistricting. Unless you guys want to change the City's boundaries, which I'm open to as well.

Councilmember Kennedy: Mayor, may I please have the floor. Okay, So I too appreciate the difficulty of meeting the needs that you have articulated...diversity or a time element. As it relates to the time element, some of that is flexible and the Council can respond and we are not under the pressure that would prevent us from getting it right, right from the beginning. When I learned who my colleagues had appointed I shared with you that there was another option, but it was some distant past where each Councilmember actually appointed two members to the Task Force, Redistricting Task Force. I think your response, and you can speak for yourself, of essentially saying that's difficult or cannot happen because we're trying to meet the deadline. It was probably a good response, but obviously it was not the full response because we are in fact trying to figure out a way to provide, I assume diversity, but for the record we need to clearly state what it is in terms of adding additional members or potentially adding additional members. So, I thought the way of each councilmember appointing, or recommending for appointment two persons was a good way forward. I think maybe it would take a week, only a week, but certainly it would show that we are being circumspect on how we move forward. So, secondly, If we were to vote in the manner you recommended Mayor, seemingly there would be a total of twelve members of the commission. Is that correct?

Mayor Gordo: I believe that is correct.

Councilmember Kennedy: Ok, as you know Mayor I had recommended Beverly Bogar, someone who has the respect of all Council and the Mayor for this committee and she was not one of the one's selected for consideration by the Council. There is another public policy matter here before us, if we move forward with your recommendation. And, I can support your recommendation for some of the reasons you already articulated, but I would like to move that we move forward with your recommendation the persons you have considered and include Beverly Bogar so there would be 13 members of the Redistricting Task Force to satisfy breaking tie votes from the Task Force. So, instead of 12 members of the Task Force there would be 13. Now, Beverly Bogar is a person all of you know. She has not an axe to grind. She's fair. She worked for the Police Department for a number of years, retired, born and essentially raised in this community. She would do the committee right and she would do our community right, and there is a good

reason. If not her then someone else so we would have 13 members, so we would have 1 member more than the 12 to break a tie vote. And if I may Mayor, rather than to devolve into all the concerns I had, I would ask if you would consider that possibility and I'd like to move that if at all possible.

Mayor Gordo: Well we can do that because the way our agenda is listed, I'll look to the City Attorney. But first let me respond to your initial request Mr. Kennedy to essentially quick start the process again or restart the process by going to two appointees was made to me on the 19th at 1:00 p.m., a couple of hours before our Council meeting. That's why I said we are here already and as you know the agenda is released on Thursdays and when you texted me on Monday afternoon at one o'clock, I just...I didn't want to do that to our colleagues on the Council, say we're going to restart the process and you know...a lot of our, all of our colleagues took the process very seriously. I presumed you did too. You made your appointment. People interviewed different people in their district and appointed people. Again, I presumed that you took the same process and interviewed people and came up with your appointee and I thought it unfair at 1:00 p.m., at the eleventh hour, a couple hours before our Council meeting where we were making the appointments to put the Council in that situation. That's why I said, you know it's...I just couldn't do it to the full Council, and recognizing the need for diversity, I put together an option quickly that might move us along and let the Clerk meet his deadline with the full complement of Commissioners. Mr. Madison?

Councilmember Kennedy: I am not finished. I would like an opportunity to respond.

Mayor Gordo: You can respond John...Mr. Kennedy.

Councilmember Kennedy: I've already asked you Mayor previously to give me the floor. I am the one that has objected to the process. You wanted to respond to what I had to say. I'd like the benefit and the respect to respond to [inaudible]...

Mayor Gordo: That's fine, Mr. Kennedy. I'll let you do that. Mr. Madison did have his hand up so after my...and then I will come back to you.

Councilmember Madison expressed appreciation to the Mayor for appointing additional members to the Redistricting Task Force (RTF) to ensure diverse representation; and spoke in favor of the recommended Resignations, Appointments and Reappointments.

Vice Mayor Wilson spoke on the difficulty in recruiting applicants to serve on the RTF and stated that he did not support repeating the nomination process.

Mayor Gordo: The Clerk and I spent quite a bit of time at the start of the week and over the weekend finding our way through a process that would work and going through the names to find a group of people that would complement the appointments already made.

Councilmember Kennedy: To respond to what you said Mayor, your initial comments, when I provided you by text a kind of wake-up that maybe moved you to think about diversity. You're correct when you said it was at one o'clock, Council begins at four. Often times we communicate with the Mayor prior to a meeting very quickly when we find something that needs to be brought to the Mayor's attention. So, of course we would all like more notice but sometimes that doesn't happen. And I'm fairly sure that all Councilmembers did not know who the other Councilmembers was appointing...appointing to the Task Force until the Thursday or Friday maybe when we received the Council agenda packet at our door, and I'm fairly sure that happened on...it may have happened on the regular Thursday, but sometimes it happens on the Friday. The reason I was pointing out to you this situation at one o'clock it seems obvious that the City needs to do a better job in addressing the diversity question. I was trying to be equitable to all of my colleagues in making that recommendation. There was precedence for the manner which we decided to craft a solution here, although it is noble, it was made...the first process where we appointed and you appointed, and the Council voted on those recommendations or nominees differ in part as it relates to this new tranch of appointees. So, as I said previously, one way...well let me ask this question. If we were to proceed with what you recommended Mayor, can you share or Mark share with us how many members would be from each respective District? Meaning, specifically would Council District 3 have two appointees?

Mayor Gordo: Your district? I don't know that your district would have any, as you chose someone from District 7.

Councilmember Kennedy: No, that is not correct. Not correct, if I may since you are taking jabs at people.

Mayor Gordo: No, I'm not.

Councilmember Kennedy: Delano Yarbrough, excuse me, Delano Yarbrough lives in District 3, Mayor.

Mayor Gordo: Okay, I stand corrected. I did...consulting with the City Clerk thought he was District 1.

Councilmember Kennedy: No, District 3. I was not consulted in the manner that Councilmember Hampton was consulted. That creates a confusion that you've just articulated. What I would like to know,

since the Mayor is not answering the question, I'd ask the City Clerk to answer the question. If we move forward with the recommendation that is before us, can you please share with the whole Council how many appointees will be from the respective Districts, excluding...no, no including the Mayor's appointment.

Mark Jomsky, City Clerk, responded as follows: District 1 will have two representatives; District 2 will have one representative; District 3 will have one representative; District 4 will have three representatives; District 5 will have one representative; District 6 will have two representatives; and District 7 will have two representatives; and responded to questions.

Councilmember Kennedy: Although I appreciate what the Mayor says and I'll possibly, ultimately support this move, I have reservations. I put those reservations in writing. I'd ask that the Clerk include those in the minutes of this meeting as well as the comments that I've made. If they need to be read into the record I will be more than happy to do that, but I hope not. And I just think there is a better process other than the one we've undertaken, and please Mayor don't think that I didn't [state] some concerns to the City Clerk as well in the interest of...although you made fun of it calling it comedy, but its comity, c-o-m-i-t-y, that brings the Council together and works together. So Mayor, I wanted to say that I appreciate the opportunity, like any other Councilmember to address this very serious issue; and I think a better way forward was to allow each Councilmember to appoint at least two members of the Redistricting Task Force.

Mayor Gordo: I did...under normal circumstances, Mr. Kennedy I wouldn't disagree. If I...when we talked over the weekend I told you, you know...you raised the issue and it's an important issue. Thank you for that. But, you know one o'clock on Monday, and maybe we can have my response to your concerns reflected in the minutes as well, Mr. Clerk. My concern is that one...it wasn't fair to the rest of the Council to restart the process that late. So, this is an alternative and again the Council is free to say, "let's go with Mr. Kennedy's idea," restart the process, or interview these three individuals. Any one of those are on the table in my view.

Councilmember Kennedy: I gave another option right at the beginning Mayor. To be supportive of your recommendation and that was to include Beverly Bogar so we can have someone to break a tie vote, if there is a tie vote in the Redistricting Task Force. As it stands now it would be at an impasse as 6-6 if the Council votes today with what you have presented. Mayor, I appreciate the opportunity and the time you have allotted for me to make my comments.

Following discussion, it was moved by Councilmember Kennedy to approve Item No. 4 (Resignations, Appointments, and Reappointments) amended to include as part of the at-large appointments, the additional appoint of Beverly Bogar to the Redistricting Task Force:

(MOTION FAILED DUE TO LACK OF SECOND)

The following correspondence is included as part of the record at the request of Councilmember Kennedy:

Dear Mayor Gordo and Staff,

I am officially requesting that the process for nomination for appointment to the Redistricting Task Force, which is essentially to empower 3 additional Mayoral appointments, be tabled from the City Council Consent Calendar of 3 May 2021 so that a much needed public discussion can take place and the City Council can jointly determine the process.

Some of my concerns are as follows:

1. The process the Mayor has undertaken is different from the process that the City Council undertook to appoint existing Task Force Members,

2. The Mayor would be granted a total of five (5) nominations for appointment to the Task Force, arguably holding the power to sway any recommendation made by said Task Force to the City Council on the new boundaries of individual Council Districts. I recommended previously a more egalitarian process, as one of many potential models, allowing each Councilmember to have 2 appointees to the Redistricting Task Force.

3. The Charter Reform Committee specifically desired the elected Mayor have no more power than any one Councilmember, except with minor exception to set the Agenda, serve as the titular head of city government (exercising those powers attendant or inherent in that role) and possibly form certain committees, and so only the City Council can determine the process for considering members for the various Commissions and appointed bodies.

4. The Redistricting Task Force is required by law and is not an instance where the Mayor is reposed singularly with the power to nominate five (5) of its members and to do would lessen the role of the City Council in shaping this process.

5. The initial set of appointees to the Redistricting Task Force were required to fill out and submit an application for consideration which could be reviewed by the public and the City Council. At a minimum,

an application is a must from each applicant standing for possible appointment.

6. There must be some articulation of the interests these additional appointees are intended to represent. Is it economic, racial, geographic location, renter vs. owner or a combination of various factors? The City Council is the body to establish this as a matter of policy and to evaluate candidates for the ability to represent the identified interests.

I intend to share the aforementioned concerns during our upcoming City Council meeting on Monday as they are public policy matters that deserve the attention of the City Council.

If you or staff require any additional information at this point please simply let me know. I make myself available.

Sincerely,

John

P.S. City Clerk Mark Jomsky, please share this email with the City Council only if the City Attorney/City Prosecutor approves my wish to do so. Thank you.

Following further discussion, it was moved by Councilmember Madison, seconded by Vice Mayor Wilson, to approve Consent Calendar, Item No. 4, Resignations, Appointments and Reappointments, as detailed above:

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

PUBLIC HEARING

PUBLIC HEARING: APPEAL OF THE BOARD OF ZONING APPEALS' DECISION ON HILLSIDE DEVELOPMENT PERMIT NO. 6837 REGARDING THE PROPERTY LOCATED AT 801 SOUTH SAN RAFAEL AVENUE

Recommendation: It is recommended that the City Council:

- (1) Adopt the Environmental Determination that the proposed project is exempt from environmental review pursuant to the guidelines of the California Environmental Quality Act (Public Resources Code Section 21080(b)(9); Administrative Code, Title 14, Chapter 3, Class 3 Section 15303(e), New Construction or Conversion of Small Structures); and
- (2) Overturn the Board of Zoning Appeals' decision and approve Hillside Development Permit No. 6837.

The City Clerk reported that 51 copies of the notice were posted and 75 copies of the notice were mailed on April 19, 2021; and 13 letters in support of the project/staff recommendation to overturn the Board of Zoning Appeal's (BOZA) decision and opposing Landmark status, and 6 letters in support of the BOZA's decision to reject the project were received by the City Clerk's office, distributed to the City Council, posted on-line, and made part of the public record.

Mayor Gordo and Councilmember Madison disclosed for full transparency that they both have friends on both sides of the disputed project; and stated that they will listen to all information provided, including public testimony, and come to an informed decision on the matter.

Councilmember Hampton questioned the assertions and rational being made by certain members of the public that the project is a potential candidate for landmark designation status due to past occupants of the home.

Following discussion, Councilmember Hampton stated that he does not believe it is appropriate for the City Council to conduct the public hearing, and inquired into the possibility of closing or canceling the Public Hearing.

City Attorney Bagneris reported that under State law, the City Council is required to hear the Public Hearing if individuals have submitted public speaker cards, and required to conduct a public hearing; and responded to questions.

Councilmembers Williams and Madison expressed concerns with members of the City Council who are expressing bias related to the matter. Councilmember Madison stated that the matter is a "de novo" review, and expressed concerns with the motion made by Councilmember Hampton that suggests that no evidence on the matter is to be heard by the City Council.

Mayor Gordo encouraged the City Council, as a quasi-judicial body to hear and consider all information and evidence provided by staff, and appellant and applicant in order to avoid litigation for not following normal procedures, therefore he will not support the motion to close the public hearing.

Motion: Following discussion it was moved by Councilmember Hampton, seconded by Councilmember Kennedy, to close the public hearing.

Substitute Motion: Following further discussion, it was moved by Councilmember Madison, seconded by Councilmember Rivas, to proceed with the public hearing as part of the normal course of business, with a full presentation by staff, interested parties and the public, followed by a robust discussion.

Councilmember Kennedy stated that he does not know what “normal” means, and therefore stated he is unable to support the motion.

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

David Reyes, Director of Planning and Community Development, provided introductory comments, and Jennifer Driver, Planner, presented a PowerPoint presentation on the item, and responded to questions.

Councilmember Kennedy noted that the La Loma Road Bridge was renamed in honor of John K. Van De Kamp for his significant contributions to the City and surrounding community, which should be taken into account when deliberating this matter.

Theresa Fuentes, Assistant City Attorney, provided information on the City Council's options to remand this matter back to the Board of Zoning Appeals' (BOZA), however, pursuant to Pasadena Municipal Code (PMC), the remand is only allowed if new or different evidence is presented at the meeting. She also reported that the remand to BOZA is only for a report on the new or different evidence, and then returned to the City Council for a de nova consideration of the appeal hearing; and responded to questions.

Vice Mayor Wilson and Mayor Gordo expressed concerns with the Pasadena Municipal Code (PMC) related to covenants and accessory structures not allowed to be converted to Accessory Dwelling Units (ADU). Mayor Gordo asked staff to determine if the City's covenants related to ADU's will supersede state laws for homeowners to allow accessory structures to be made into living spaces.

Councilmember Madison expressed concerns with the segmentation of the applicant's current construction project.

Mayor Gordo spoke on the need for staff to review and accurately define what projects are required and/or considered ministerial acts for approval versus projects that require further levels of review.

Richard McDonald, and Deborah and Michael Rachlin, all representing the applicant/appellant, presented a PowerPoint presentation on their proposed project, spoke in support of the staff recommendation, expressed concerns with BOZA's decision; and responded to questions.

Roxanne Christ and Steven Lamb, both representing the BOZA appellant, presented a PowerPoint presentation on the concerns related to the proposed project, and spoke in support of the City Council upholding the Board of Zoning Appeals' decision to disapprove Hillside Development Permit No. 6837

Rain Barrett, representing Pasadena-Foothills Realtors, spoke in favor of the staff recommendation to overturn the Board of Zoning Appeals' decision and approve Hillside Development Permit No.6837, and provided comments on the matter.

The following individuals spoke in opposition to the staff recommendation to uphold the Board of Zoning Appeals' decision to disapprove Hillside Development Permit No. 6837, and provided comments on the matter:

Liz Walker, Pasadena resident
Barbara Kelley, Pasadena resident
Andrew Salimian, representing Pasadena Heritage
Nina Chomsky, Pasadena resident

City Attorney Bagneris reported that the next public comment speaker, Jason Lyon, is a member of the City's Planning Commission/BOZA, and if the matter is remanded back to BOZA, Mr. Lyon's comments may raise questions regarding his ability to participate in additional discussions on the matter; and responded to questions.

Jason Lyon, Pasadena resident, stated that he is not representing any party on the matter and provided an overview and information on BOZA's discussion of this project.

City Attorney Bagneris reminded the City Council that the public hearing is a quasi-judicial matter, which requires all Councilmembers (as decision-makers/judges) to consider all evidence that is presented, and make impartial decisions without prejudging. Councilmembers should not participate if they are unable to be objective and fair to both sides after considering the entire record.

Vice Mayor Wilson stated his preference that the property be memorialized as a landmark resource in honor of Mr. Van De Kamp, however, upon hearing all the testimony, regardless of the opinion of all the development on the property, which is all legal, he has determined that the proposed project is compliant and that there is not a basis to deny the owners of the property the opportunity to develop the property as proposed.

Councilmember Williams stated that this matter is a de novo review and that there is new information that is presented today, which is the property may be eligible for Landmark Designation; and recommended that this matter be returned to BOZA to allow the Landmark Designation process to be completed, and additional review of environmental concerns related to the project.

Councilmember Kennedy sated the following for the record, "I would like to know if staff told the Council that the designation has no bearing on any decisions that the Council makes tonight related to landmark status and that whole discussion was subsequent to the initial permitting of the development taking place. So for the record, I would like staff to clarify where we are on the issue that the Councilmember just raised so we will all have a clear understanding."

Mayor Gordo noted that he believes the issue is landmark status eligibility; whether there should have been a different level of review regarding that status and that is what he understands is the concern raised by Councilmember Williams.

Mr. Reyes confirmed that if the proposed project was formally designated as a Landmark and the applicant submitted the current application for a Hillside Development Permit (HDP), staff's perspective would still be to approve the HDP.

Councilmember Gordo expressed concerns with staff's lack of action in conducting a site visit to investigate the concerns raised by the neighbors related to the accessory structures at the back of the proposed project site, protected tree on her property, and view impacts, which he believes to be new evidence; and the lack of information on the property owner accepting the conditions of approval. He also spoke on the need to analyze the project with cumulative impacts in the context of potential landmark structure, which may also be considered new evidence.

Councilmember Williams expressed concerns with making a decision related to CEQA, with the property potentially being eligible for landmark designation status, which may affect the accessory structures; and spoke in favor of upholding the BOZA's decision and disapproving the Hillside Development Permit, which she believes of all the unfavorable options, that is the best option.

Motion:

Following discussion, it was moved by Vice Mayor Wilson, seconded by Councilmember Hampton, to close the public hearing:

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

NOES: None

ABSENT: None

ABSTAIN: None

Councilmember Williams recommended that the public hearing be continued until the property can be evaluated for Landmark Designation status, and a determination can be made on any related impacts as the result of such an analysis.

Ms. Fuentes responded that the time length to determine the property's Landmark Designation status is extensive and will negatively affect the due process rights of the applicant; and responded to questions.

Motion:

Following discussion, It was moved by Vice Mayor Wilson, seconded by Councilmember Hampton, to approve the staff recommendation, overturn the Board of Zoning Appeals' decision, and approve the Hillside Development Permit No. 6837:

AYES: Councilmembers Hampton, Kennedy, Rivas, Vice Mayor Wilson

NOES: Councilmembers Madison, Masuda, Williams, Mayor Gordo

ABSENT: None

ABSTAIN: None

(MOTION FAILED)

Councilmember Kennedy advocated for the City Council to reconsider the matter due to the possible liability created by this decision and the related public hearing. He spoke on the applicant's property rights, and their actions to abide by the City's legislation, and asked the City Council to reconsider the vote.

City Attorney Bagneris informed the City Council that a motion to reconsider the matter can be made, but must be made by a Councilmember who voted and has changed their mind related to the above motion.

PUBLIC HEARING: CITY MANAGER'S RECOMMENDED FISCAL YEAR 2022 – 2026 CAPITAL IMPROVEMENT PROGRAM BUDGET AND ADOPTION OF FISCAL YEAR 2022 – 2026 CAPITAL IMPROVEMENT PROGRAM BUDGET

Mayor Gordo expressed concerns with time constraints and recommended that this item be continued to the next City Council meeting.

Councilmember Hampton requested that the 2022-2026 Capital Improvement Budget related to the Pasadena Police Department be presented to the Public Safety Committee at a future meeting.

Following discussion, it was moved by Councilmember Rivas, seconded by Councilmember Williams, to continue to the Public Hearing on the item to May 10, 2021 at 4:30 p.m.:

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

ORDINANCES – ADOPTED

Councilmember Madison was excused and disconnected from the meeting.

Adopt “AN ORDINANCE OF THE CITY OF PASADENA AMENDING SECTION 17.35.050.C OF TITLE 17 (ZONING CODE) OF THE PASADENA MUNICIPAL CODE TO ALLOW A MAXIMUM BUILDING HEIGHT OF 62 FEET FOR CERTAIN AREAS IN THE SP-2 (SOUTH FAIR OAKS SPECIFIC PLAN) ZONING DISTRICT (590 S. FAIR OAKS)” (Introduced by Councilmember Madison) (Ordinance No. 7376)

City Clerk Jomsky reported that two letters expressing concerns on the matter were received by the City Clerk’s Office, which were distributed to the City Council, posted on-line, and made part of the record.

The above ordinance was adopted by the following vote:

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

Councilmember Kennedy acknowledged the transitioning of Dr. Terrence Roberts and Dr. Rita Roberts, local distinguished speakers and civic leaders, from the City of Pasadena to Atlanta. Councilmember Kennedy, Vice Mayor Wilson and Mayor Gordo expressed appreciation to the Roberts for their work in the community, noting they will be missed by all members of the community.

CLOSED SESSION

On order of the Mayor, the meeting recessed at 9:16 p.m. to discuss the following closed session (Absent Councilmember Madison):

CITY COUNCIL CONFERENCE WITH CITY ATTORNEY REGARDING THREATS TO PUBLIC SERVICES OR FACILITIES pursuant to Government Code Section 54957

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

**CITY COUNCIL CONFERENCE WITH LABOR NEGOTIATORS
pursuant to Government Code Section 54957.6
Agency Designated Representatives: Jennifer Curtis and
Steve Mermell
Employee Organizations: Pasadena Police Officers
Association (PPOA)**

The above closed session item was not discussed.

ADJOURNMENT

On order of the Mayor, the special meeting of the City Council adjourned at 10:09 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