

CITY OF PASADENA  
City Council Minutes  
August 9, 2021 – 4:30 P.M.  
City Hall Council Chamber

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 4:34 p.m. The pledge of allegiance was led by Councilmember Madison.

**ROLL CALL:** Mayor Victor M. Gordo  
Councilmembers: 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 Kennedy stated the following for the record:

“Jayce Ward served the residents of Pasadena with honor, courage, and leadership for 37 years. Jayce began his career as a full time police officer in 1984 and was promoted to Corporal in 1999. Jayce was reared in the City of Pasadena. He was a dedicated and a passionate peace officer in our City.

Jayce worked many assignments within the Pasadena Police Department, including the Neighborhood Crime Task Force, School Resource Division, Robbery - Detective, Field Training Coordinator and Patrol. Officer Ward was responsible for starting the Pasadena Activities League (P.A.L.). The P.A.L. program was successful, in large measure, because of Jayce’s emotional I.Q., life-experiences, leadership, and sheer tenacity. Jayce Ward earned the respect of his peers because of his mentoring of younger officers, professionalism and commitment to the residents of the city of Pasadena. Jayce Ward has received numerous commendations from his supervisors and community members acknowledging his contribution to crime fighting and much needed community-building efforts.

Finally, as we celebrate Corporal Jayce Ward’s 37 years of service to Pasadena, we encourage the wonderful diversity in Pasadena to apply to become a police officer with the Pasadena Police Department. Where else can you earn over \$300,000 in public service, when you include overtime pay?

Again, Corporal Jayce Ward, thank you for 37 years of exemplary service to Pasadena. We wish you well in all of your future endeavors.”

Mayor Gordo on behalf of the City Council thanked Corporal Ward for his exemplary service to the City.

Corporal Jayce Ward expressed his appreciation and thanked the City Council, including Councilmember Kennedy, for the recognition on his years of service to the community.

## PUBLIC COMMENT

Sonja Berndt, Pasadena resident, expressed concerns on the limited time for the public to review and analyze the staff’s recommendations related to the City’s American Rescue Plan Act funds and advocated for those funds to be used towards affordable housing and housing insecurities.

The following individuals expressed concerns with Councilmembers who turn off their Zoom video cameras during public comment, advocated for the termination of Pasadena Police Chief Perez, Officers Dumaguindin, Serrano, and Mulrooney, and City Manager Steve Mermell; and/or spoke on controversial incidents involving Pasadena police officers.

Jasmine Richards Abdullah, representing Black Lives Pasadena  
Adriana Bautista, Pasadena resident  
Evie, Pasadena resident  
Kareena K., Pasadena resident  
Olden Denham, Pasadena resident  
Jason Reedy, Los Angeles resident  
June Williams, representing Black Lives Matter

In response to public comment, Councilmember Kennedy stated for the record, “It takes five votes [of the City Council] to remove the City Manager, City Clerk, and City Attorney.”

Anthony Manousos, representing Making Housing and Community Happen, advocated for the City Council to move forward with the rezoning of land owned by churches and other religious organizations to allow for the building and providing of affordable housing prior to 2022.

Councilmember Hampton reiterated his request to agendaize at a future City Council meeting a discussion on developing a policy that requires internal investigations to be completed within three months.

Mayor Gordo responded that he will communicate with the City Attorney and City Manager to ensure Councilmember Hamptons’ request is clear and will respond accordingly.

## **CONSENT CALENDAR**

### **CONTRACT AWARD TO ITERIS, INC., FOR CONSULTANT SERVICES TO PROVIDE TRAFFIC MANAGEMENT CENTER (TMC) STAFFING SERVICES FOR SPECIAL EVENTS**

**Recommendation:** It is recommended that the City Council:

- (1) Find this action is exempt from the California Environmental Quality Act ("CEQA") pursuant to State CEQA Guidelines Section 15061(b)(3), Review for Exemption; and
- (2) Authorize the City Manager to enter into a contract, as the result of a competitive selection process, as specified by Section 4.08.047 of the Pasadena Municipal Code, with Iteris, Inc., for Traffic Management Center (TMC) Staffing Services for Special Events in an amount not-to-exceed \$334,161 for three years, which includes the base contract of \$290,575 and a contingency of \$43,586 to provide for any necessary change orders. Competitive price bidding is not required pursuant to City Charter Section 1002(F) (contracts for professional or unique services). (Contract No. 32122)

### **AUTHORIZATION TO AMEND CONTRACT NO. 9706- 0 WITH NORTON SIMON MUSEUM TO INCREASE FISCAL YEAR (FY) 2021 CONTRACT BUDGET**

**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) (Common Sense Exemption [formerly the General Rule]); and
- (2) Authorize the City Manager to amend Contract No. 9706-0 with Norton Simon Museum, to increase the FY 2021 annual contract budget from \$158,668 to \$161,875. (Contract No. 9706-4)

### **CONFIRM RECOMMENDATION FOR CONTRACT AUTHORIZATION WITH CROWN PROMOTIONS GROUP INC., DOING BUSINESS AS PASADENA PROMOS, TO REFLECT FULL BUSINESS ENTITY NAME**

**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) Confirm the prior contract authorization with Crown Promotions Group Inc., doing business as Pasadena Promos, to reflect full business entity name. (Contract No. 32132)

### **CONTRACT AWARD TO SCORPIO ENTERPRISES DBA AIRE-MASTERS AIR CONDITIONING FOR HEATING VENTILATION AND AIR CONDITIONING (HVAC) REPLACEMENT AT LA PINTORESCA LIBRARY FOR AN AMOUNT NOT-TO-EXCEED \$315,000**

**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, minor alterations of existing public facilities involving negligible or no expansion of use beyond that previously existing at the time of the lead agency's determination, and that there are no features that distinguish this project from others in the exempt class and, therefore, there are no unusual circumstances; and
- (2) Accept the bid dated July 15, 2021, submitted by Scorpio Enterprises dba Aire-Masters Air Conditioning in response to the Project Plans and Specifications for the HVAC Replacement at La Pintoresca Library, reject all other bids, and authorize the City Manager to enter into a contract for an amount not-to-exceed \$315,000 which includes the base contract amount of \$279,000 and a contingency of \$36,000 to provide for any necessary change orders. (Contract No. 32120)

**CONTRACT AWARD TO BELLFREE CONTRACTORS, INC., FOR ANNANDALE CANYON OPEN SPACE TRAIL ACCESS IMPROVEMENTS PROJECT FOR AN AMOUNT NOT-TO-EXCEED \$247,359**

**Recommendation:** It is recommended that the City Council:

- (1) Adopt the Mitigated Negative Declaration prepared pursuant to California Environmental Quality Act (CEQA) Guidelines Article 6 (Negative Declaration); and
- (2) Accept the bid dated July 15, 2021, submitted by Bellfree Contractors, Inc., in response to the Project Plans and Specifications for the Annandale Canyon Open Space Trail Access Improvements Project, reject all other bids, and authorize the City Manager to enter into a contract for an amount not-to-exceed \$247,359 which includes the base contract amount of \$237,359 and a contingency of \$10,000 to provide for any necessary change orders. (Contract No. 32121)

Mark Jomsky, City Clerk, reported that one letter were received in support of the staff recommendation, which was distributed to the City Council, posted on-line, and made part of the public record.

Item discussed separately

**APPROVAL OF SIDE LETTER OF AGREEMENT BETWEEN THE CITY OF PASADENA AND THE PASADENA POLICE OFFICERS ASSOCIATION**

**FINANCE COMMITTEE: ADOPT A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A STANDARD AGREEMENT (61596) WITH THE STATE OF CALIFORNIA FRANCHISE TAX BOARD (FTB) FOR THE PURPOSE OF THE CITY'S PARTICIPATION IN THE FTB'S CITY BUSINESS TAX DATA PROGRAM**

**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 for the project; and
- (2) Adopt a resolution for the purpose of the City's participation in the Franchise Tax Board (FTB) City Business Tax Data Program and authorize the City Manager to enter into an agreement annually in June for each tax year (2021, 2022, and 2023). The proposed agreement is exempt from competitive bidding pursuant to City Charter Section 1002(H), contract with other governmental entities. (Contract No. 23,541; Resolution No. 9861)

**FINANCE COMMITTEE: AUTHORIZATION TO ENTER INTO CONTRACTS WITH FINANCIAL CREDIT NETWORK, INC. (FCN), AND COLLECTION BUREAU OF AMERICA (CBA) TO COLLECT AS A THIRD PARTY AGENCY ON BAD DEBT OWED TO THE CITY OF PASADENA**

**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 for the project;
- (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 Financial Credit Network, Inc. (FCN), for three (3) years in an amount not-to-exceed \$150,000, which includes the base contract amount of \$125,000 and a contingency of \$25,000 to provide for any necessary change orders; (Contract No. 32135)
- (3) 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 Collection Bureau of America (CBA) for three (3) years in an amount not-to-exceed \$150,000 which includes the base contract amount of \$125,000 and a contingency of \$25,000 to provide for any necessary change orders; and (Contract No. 32134)
- (4) It is further recommended that the City Council grant the proposed contracts 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.

**FINANCE COMMITTEE: RECOGNITION AND APPROPRIATION OF 2020 URBAN AREA SECURITY INITIATIVE (UASI) GRANT FUNDS**

**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 for the project;

(2) Authorize the City Manager to enter into a contract with the City of Los Angeles to accept and administer 2020 Urban Area Security Initiative (UASI) grant funds on behalf of the City of Pasadena; and (Contract No. 23,542)

(3) Amend the Fiscal Year 2022 Operating Budget by recognizing revenue and appropriating \$516,404 awarded by UASI as detailed in the Fiscal Impact section of the agenda report. (Budget Amendment No. 2022-05)

**RESIGNATIONS,  
APPOINTMENTS, &  
REAPPOINTMENTS**

**RESIGNATION OF PERRY HELM FROM THE PASADENA  
COMMUNITY ACCESS CORPORATION BOARD** (District 4  
Nomination)

**APPOINTMENT OF GEORGE PACCERELLI TO THE HUMAN  
SERVICES COMMISSION** (District 4 Nomination)

**APPROVAL OF MINUTES**

June 14, 2021

June 21, 2021

June 28, 2021

July 5, 2021

July 12, 2021

**CLAIMS RECEIVED**

Claim No. 13,749	Interinsurance Exchange of the Automobile Club as subrogee for Deysi Gomez	\$ 6,828.29
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Claim No. 13,750	Jose R. Gonzalez	Not stated
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It was moved by Vice Mayor Wilson, seconded by Councilmember Hampton, to approve all items on the Consent Calendar, with the exception of Item 6 (Approval of Side Letter of Agreement Between the City of Pasadena and the Pasadena Police Officers Association), which was 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**

**APPROVAL OF SIDE LETTER OF AGREEMENT BETWEEN THE  
CITY OF PASADENA AND THE PASADENA POLICE OFFICERS  
ASSOCIATION**

**Recommendation:** It is recommended that the City Council:

(1) Find that the action proposed in the agenda report is not a "project" as defined in the California Environmental Quality Act (CEQA), Public Resources Code Section 21065 and Section



15378(b)(2) of the State CEQA Guidelines and, as such, is not subject to environmental review; and

(2) Approve a Side Letter of Agreement between the City of Pasadena (City) and the Pasadena Police Officers Association (PPOA). (Contract No. 23,542)

The following individuals expressed concerns and provided comments related to the staff recommendation:

Carolynn Ghiloni, Sierra Madre resident  
Jasmine Richards Abdullah, representing Black Lives Matter  
Pasadena  
Adriana Bautista, Pasadena resident  
Evie, Pasadena resident

Following public comment, Councilmember Kennedy asked the City Manager to provide information on the public speaker's complaints and concerns related to Pasadena Police Detective Keith Gomez.

Councilmember Hampton stated that he is not in support of the staff recommendation, as he does not support approving City staff salary increases during a pandemic.

Councilmember Madison spoke in favor of the staff recommendation in order to provide the services expected by the residents.

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: Councilmember Hampton  
ABSENT: None  
ABSTAIN: None

## **PUBLIC HEARING**

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

**Recommendation:** It is recommended that the City Council:

(1) Find that the actions proposed in the agenda report are exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3) (Common Sense Exemption); and 15301(Existing Facilities); there are no features that distinguish this action from others in the exempt class, and there are no unique circumstances; and

(2) Direct the City Attorney's Office to prepare an ordinance to amend the Zoning Code to adopt the proposed Cannabis Regulations with the findings contained in Attachment A of the agenda report, as follows:

1. Allow up to three cannabis retailers per council district instead of one; and
2. Decrease the required distance between cannabis retailers from 1,000 feet to 450 feet.

Mark Jomsky, City Clerk, opened the public hearing; reported that the public hearing notice was published in the Pasadena Press on July 26, July 29, 2021, and August 5, 2021; 8 letters/emails in support of the staff recommendation and providing comment, 3 letters/emails in opposition to the staff recommendation, and providing comment, and 1 letter expressing concerns with one of the City's licensed cannabis retailers were received by the City Clerk's Office, which were distributed to the City Council, posted on-line, and made part of the public record.

City Manager Mermell provided a historical oral overview of the City's cannabis retailer process, and David Reyes, Director of Planning and Community Development, presented a PowerPoint presentation on the item, and responded to questions.

Councilmember Hampton, Chair of the Economic Development and Technology Committee, summarized the Committee's discussion and recommendation on the matter, and responded to questions

Councilmember Kennedy expressed strong concerns with the staff recommendation, describing the work as "shoddy," resulting in the possibility of three cannabis retailers operating in City Council District 3, which he also believes to be discriminatory; and with the cannabis license permitting process. He also expressed concerns with a cannabis retailer that was provided a license, which was sold to a different corporation. Councilmember Kennedy spoke on the need for staff and the City Council to address the California Cannabis Equity Act of 2018 prior to moving forward with the staff recommendation. In addition, he requested that staff number the PowerPoint presentation slides so that the Councilmembers may refer to slides efficiently once the presentation is complete.

Theresa Fuentes, Assistant City Attorney, provided information on the City's Change of Control and Change of Ownership rubric that is utilized prior to an issuance of a cannabis permit; and responded to questions.

Councilmember Williams asked staff to provide information on Harvest of Pasadena change of control prior to February 2021.

Mayor Gordo requested that staff to analyze State legislation related to Conditional Use Permits and cannabis retailers.

Councilmember Masuda echoed concerns raised by Councilmember Kennedy, and spoke in opposition to the staff



recommendation that would allow more than one cannabis retailer per City Council District.

The following individuals provide comments and suggestions on the matter:

Douglas Smurr, representing Harvest of Pasadena, LLC  
Pattyl Aposhian, Pasadena resident  
Dave Barmore, representing MedMen  
Wesley Tyner, Pasadena resident  
Tim Dodd, representing Sweet Flower Pasadena, LLC

Councilmember Kennedy expressed strong concerns with the over concentration of cannabis retailers in Council District 3, and staff's recommendation as presented to the City Council; and advocated for cannabis retailers to be permitted throughout the City (rather than concentrated in one Council District) and that the social equity component be designed in such a way as to benefit those communities and individuals that have been discriminated against in prior enforcement of cannabis laws.

Vice Mayor Wilson spoke on the City's cannabis regulatory scheme that was set in motion which is to follow through on the City's voters request to have a number of cannabis retailers in the City. He spoke in favor of the staff recommendation, and on the need for a Social Equity component related to the City's cannabis retailers.

Councilmember Madison echoed Vice Mayor Wilson's comments.

Motion:

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

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

Councilmember Rivas summarized the discussion at the Economic Development and Technology (EDTech) Committee regarding directing staff to return to the Committee with a recommendation on a City Social Equity component and advocated to direct staff to return with such a recommendation in eight months to the City Council.

Councilmember Williams expressed concerns with staff report that lacks an evaluation of the staff recommendations or options; and the changing of the cannabis permit process rules mid-stream. She spoke on the need for the City Council to determine the City's land uses taking into consideration the needs of the residents, and not

private entities; and advocated for a thoughtful cannabis permitting process that includes social equity. Councilmember Williams spoke in favor of allowing the current cannabis retailers Conditional Use Permits to expire, and start over with another round of applications that includes a social equity program.

Mayor Gordo spoke on the staff and EDTech Committee discussion and recommendation, and spoke in favor of the staff recommendation, which he believes meets the voter's intent in relation to the City's regulations, ensures reasonable safeguards and distance requirements in place to protect neighborhoods and sensitive uses. He spoke on the need for the EDTech Committee to define "social equity" and determine any impacts in terms of changes to the cannabis ordinance.

Councilmember Kennedy recommended that staff use SB 1294 – The California Cannabis Equity Act as a guide on social equity; and advocated that this item be held until the City's 2021 redistricting process is complete.

Following further discussion, it was moved by Councilmember Hampton, seconded by Vice Mayor Wilson, to approve the staff recommendation, including direction to staff to provide a recommendation within eight months on a social equity program at a future City Council meeting:

AYES: Councilmembers Hampton, Madison, Rivas, Vice Mayor Wilson, Mayor Gordo

NOES: Councilmembers Kennedy, Masuda, Williams

ABSENT: None

ABSTAIN: None

### **INFORMATION ITEM**

Councilmember Hampton was excused and left the meeting at 7:31 p.m.

### **PREDEVELOPMENT PLAN REVIEW OF A PROPOSED RESTAURANT WITH A DRIVE-THROUGH AT 1978 E. COLORADO BOULEVARD**

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

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

Luis Rocha, Zoning Administrator, provided information on the six variance findings related to the proposed project; and responded to questions.

Michele Beal Bagneris, City Attorney/City Prosecutor, reminded the Councilmembers that the discussion on the item should not include the merits of the proposed project.

Scott Jenkins, with Hahn & Hahn, representing the applicant, provided information on the proposed drive-through restaurant, and responded to questions.

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

**PUBLIC COMMENT**  
Continued

Lorenzo Cervantes, Altadena resident, advocated for the termination and prosecution of Officer Dumaguindin, and spoke on the officer involved shooting of Anthony McClain.

Bert Newton, representing Making Housing and Community Happen, thanked the City Council for all their work on affordable housing; and spoke on churches in the City that desire to build affordable housing.

Councilmember Kennedy acknowledged the birthday of Mr. Joe Hopkins, a long-time Pasadena resident; and the 93<sup>rd</sup> birthday of Ms. Margaret Martin Sawish, a line dancer at Jackie Robinson Center.

In response to Councilmember Kennedy, Mayor Gordo stated that staff will send both Mr. Hopkins and Ms. Sawish a letter wishing them a happy birthday; with a copy to Councilmember Kennedy.

**CLOSED SESSION**

On order of the Mayor, the meeting recessed at 7:56 p.m. to discuss the following closed session (Absent: None):

**CITY COUNCIL CONFERENCE WITH LABOR NEGOTIATORS  
pursuant to Government Code Section 54957.6**

**Agency Designated Representatives: Jennifer Curtis and Steve Mermell**

**Employee Organizations: Pasadena Firefighters Association (PFFA) and Non-Represented Management**

**CITY COUNCIL CONFERENCE WITH LEGAL COUNSEL  
regarding pending litigation pursuant to Government Code  
Section 54956.9(d)(1)**

**Name of Case: Eve Komesar v. City of Pasadena**

**LASC Case No.: BC677632**

**SUCCESSOR AGENCY TO THE PASADENA COMMUNITY  
DEVELOPMENT COMMISSION CLOSED SESSION  
CONFERENCE WITH REAL PROPERTY NEGOTIATORS  
pursuant to Government Code Section 54956.8**

**Property Location: 1383 Prime Court, Pasadena, California**

**Agency Negotiators: Steve Mermell**

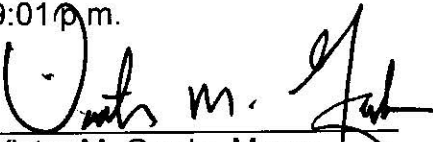
**Negotiating Party: Daniel Freedman**

**Under Negotiation: Price and terms of payment**

The above closed session items were discussed, with no reportable action at this time.

**ADJOURNMENT**

On order of the Mayor, the meeting of the City Council adjourned at 9:01 p.m.

  
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Victor M. Gordo, Mayor  
City of Pasadena

ATTEST:

  
\_\_\_\_\_  
City Clerk