

CITY OF PASADENA
City Council Minutes
August 16, 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 4:35 p.m. The pledge of allegiance was led by Councilmember Masuda.

ROLL CALL: Mayor Victor M. Gordo
Councilmembers: Vice Mayor Andy Wilson (Absent)
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 Williams introduced a District 2 student intern, David Kelly, a student at Marshal Fundamental High School who participated in the Project Talent Launch student intern program; and Stephen Lee, student at Polytechnic School, founder and CEO of Project Talent Launch (PTL), provided information on his organization and on the need for high school internships.

Councilmember Madison connected to the meeting at 4:40 p.m.

ORDINANCE Conduct first reading of “AN ORDINANCE OF THE CITY OF PASADENA AMENDING CHAPTER 17.50 OF TITLE 17 (ZONING CODE) OF THE PASADENA MUNICIPAL CODE TO INCREASE POTENTIAL CANNABIS RETAIL SITES, AND TO CORRECT DISTANCE SEPARATION BETWEEN CANNABIS LABS AND OTHER CANNABIS USES”

The Mayor reported that the ordinance regarding cannabis retail sites is being held and will not be considered.

SPECIAL ITEM COVID-19 UPDATE FROM DR. YING-YING GOH, PUBLIC HEALTH OFFICER

Dr. Ying-Ying Goh, Director of Public Health/Public Health Officer, provided in oral update related to COVID-19, including information on confirmed COVID-19 cases in the US, California, and Pasadena. She also spoke on COVID-19 vaccination clinics in the City, the status of a third dose of COVID-19 vaccination, State Public Health Officer orders that affect the City; and responded to questions. Dr.

Lori Morgan, CEO of Huntington Hospital, provided an update on COVID-19 patients admitted to the hospital and in the Intensive Care Unit, and responded to questions.

Councilmember Kennedy expressed appreciation to Dr. Goh, staff, Jana West, Patrice Marshall McKenzie and Luke Walker, for all their help with hosting a COVID-19 vaccination clinic at Luke Walker's Barber & Beauty shop in Pasadena.

Councilmember Madison asked staff to provide data on California Counties' vaccination rates.

Councilmember Williams requested that staff provide information on hospitalization rates, the number of people who tested positive for COVID-19 and developed COVID-19, the percentage that ended up in the hospital, and a comparison of the data from January and February of 2021 to the current surge.

Steve Mermell, City Manager, provided information on the City's COVID-19 safety protocols for employees in the office; and responded to questions

Mayor Gordo asked staff to monitor closely the number of COVID-19 positive cases of students in the Pasadena Unified School District. He also asked staff to anticipate and prepare for the need to administer additional COVID-19 vaccines for boosters and young children. Mayor Gordo spoke on the need to support the City's business community and protect the public by incentivizing vaccination among the public industry work force in Pasadena. He asked staff to provide a recommendation of a voluntary incentive tool for local businesses to adopt a COVID-19 vaccination policy similar to that in the public sector (i.e. mandatory vaccination, regular testing) by recognizing businesses with a private logo/sign that would indicate a particular business in the City has adopted a mandatory COVID-19 vaccination/testing policy.

Councilmembers Rivas, Hampton and Madison spoke in favor of staff developing a voluntary incentive tool for local businesses that adopt a COVID-19 vaccination/testing policy. Councilmember Madison advocated for the City to adopt a similar ordinance to that of the City of Los Angeles and County of Los Angeles that are considering requiring vaccinations for patrons in order to be allowed into certain businesses.

Councilmember Kennedy recommended that the concept of developing a voluntary incentive tool for local businesses should be agendaized at a future City Council committee meeting; and request input from the Pasadena Chamber of Commerce.

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

PUBLIC COMMENT

The following individuals spoke on affordable housing in Northwest Pasadena; expressed concerns with sidewalk conditions, and empty lots with trash along North Fair Oaks Avenue, and/or 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:

Jill Shook, representing Making Housing and Community Happen
Karen Neue, Pasadena resident

Councilmember Hampton asked staff to provide an update on sidewalk repairs that are scheduled along Fair Oaks Avenue in Pasadena. In response, City Manager Mermell responded that staff will bring forward a contract for City Council to approve in September for miscellaneous concrete repair to address outstanding concrete repairs in the City.

The following individuals advocated for the City Council to agendize the City's investigating process of officer involved shootings, the termination of Pasadena Police Chief Perez, Officers Dumaguindin, Serrano, Mulrooney, and City Manager Steve Mermell, spoke on controversial incidents involving Pasadena police officers, and expressed concerns with the Pasadena Police Department, and the Department's policing policies:

Jasmine Richards Abdullah, representing Black Lives Matter Pasadena
Adriana Bautista, Pasadena resident
Anthony Manousos, representing Making Housing and Community Happen
Evie, Pasadena resident
Jason Reedy, Los Angeles resident
Allen Shay, Pasadena resident
Oldem Dendam, Pasadena resident
Tess Posso, La Crescenta resident
Caleb, El Monte resident

Councilmember Hampton reiterated his request that a discussion on a policy that requires internal investigations to be completed within three months be agendized at a future City Council meeting. Mayor Gordo responded that the City Attorney will provide a memo to the City Council on the matter.

In response to Councilmember Kennedy's inquiry related to staff's actions to expedite the results of the District Attorney's Office investigation on the officer involved shooting of Anthony McClain,

Michele Beal Bagneris, City Attorney/City Prosecutor, stated that she has made several calls to the District Attorney's Office and spoke to a representative who stated that the report is in progress and is not able to provide a specific time frame on when the investigation will be complete.

Councilmember Kennedy asked Mayor Gordo and staff to write a letter to the District Attorney's Office voicing the concerns of the community related to the length of time of the investigation process and request that the investigation of the officer involved shooting of Anthony McClain be expedited.

In response, Mayor Gordo stated he will work with the City Attorney and City Manager to generate correspondence to the District Attorney's Office requesting an update on the matter.

In response to public comment, Councilmember Madison explained that he is not logged off during public comment session; and stated that he is not in support of comments made by the public speakers to terminate City Manager Steve Mermell or Police Chief Perez.

Mayor Gordo stated the following for the record, "The City Manager [Steve Mermell] is here in the Council Chambers with Councilmember Rivas and Councilmember Williams, and City Clerk [Mark Jomsky] and City Attorney [Michele Beal Bagneris]."

In response to public comment, Councilmember Kennedy reported that Donald R. Matthews, member of the Community Police Oversight Commission, is a respected member of the Pasadena community and is the only African American male on the Commission.

In response to public comment, Councilmember Kennedy stated the following for the record: "I want to be crystal clear for the record, only for the record, I have no authority to fire any officer. Solely the City Manager without five votes...it takes five votes to fire the City Manager. It is not reposed in the City Council to fire any employee other than the three employees, and a possible fourth employee. That would be the City Prosecutor, the City Attorney, those could be separate individuals, the City Clerk and the City Manager. And no matter how much the speaker implores that John Kennedy somehow has the power to do what he suggests, is simply isn't true. Thank you Mayor."

CONSENT CALENDAR

CONTRACT AWARD TO EVAN BROOKS ASSOCIATES, INC., TO PROVIDE NEIGHBORHOOD TRAFFIC MANAGEMENT PLANS FOR NORTH RAYMOND AVENUE AND MOUNTAIN STREET CORRIDORS

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); and
- (2) Authorize the City Manager to enter into a contract, as a result of the competitive selection process, as specified by Section 4.08.047 of the Pasadena Municipal Code, with Evan Brooks Associates, Inc., for consultant services to provide Neighborhood Traffic Management Plans (NTMP) for North Raymond Avenue and Mountain Street corridors in an amount not-to-exceed \$130,000 which includes the base contract amount of \$108,149 and a contingency of \$21,851 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. 32100)

CONTRACT AWARD TO KOPPL PIPELINE SERVICES, INC., FOR WATER MAINLINE STOPPING SERVICES

Recommendation: It is recommended that the City Council:

- (1) Find that the project is exempt from the California Environmental Quality Act ("CEQA") pursuant to State CEQA Guidelines Sections 15301 (Existing Facilities) and 15302 (Replacement or Reconstruction) and that there are no features that distinguish this project from others in the exempt classes and, therefore, there are no unusual circumstances;
- (2) Accept the bid dated June 15, 2021, submitted by Koppl Pipeline Services, Inc., in response to Specifications WD-21-04 for water mainline stopping services; and authorize the City Manager to enter into a contract not-to-exceed \$250,000 per year for an initial period of one year; and
- (3) Authorize the City Manager to extend the contract for up to three optional one-year terms of \$250,000 for a total not-to-exceed value of \$1,000,000. (Contract No. 32129)

APPROVAL OF AN AMENDMENT TO CONTRACT NO. 23,522 WITH THE LOS ANGELES HOMELESS SERVICES AUTHORITY TO EXTEND THE MEASURE H CONTRACT TERM INTO FISCAL YEAR 2022

Recommendation: It is recommended that the City Council:

- (1) Find that the recommended actions are 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 an amendment to Contract No. 23,522 with the Los Angeles Homeless Services Authority to extend the contract term through August 31, 2021; and
- (3) Authorize the City Manager to enter into additional amendments which extend the term, but not the not-to-exceed amount of the contract (Contract No. 23,522-1)

AUTHORIZATION TO ENTER INTO A PURCHASE ORDER WITH B&W AUTOMOTIVE INC. DBA: BRAVO CHRYSLER DODGE JEEP RAM OF ALHAMBRA TO PROVIDE AN INCIDENT TRAILER PRIMARY MOVER FOR AN AMOUNT NOT-TO-EXCEED \$111,970

Recommendation: It is recommended that the City Council:

- (1) Find that the proposed actions in the agenda report are exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3) (General Rule); and
- (2) Accept the bid dated July 13, 2021, submitted by B&W Automotive Inc. DBA: Bravo Chrysler Dodge Jeep Ram of Alhambra in response to specifications for an Incident Trailer Primary Mover; reject all other bids received; and authorize the City Manager to enter into a purchase order for an amount not-to-exceed \$111,970.

AUTHORIZATION TO ENTER INTO A FIVE YEAR CONTRACT WITH CENTRALSQUARE TECHNOLOGIES LLC, DBA: SUPERION LLC TO PROVIDE COST RECOVERY SERVICES FOR FALSE FIRE ALARM BILLING FOR AN AMOUNT NOT-TO-EXCEED \$125,000

Recommendation: It is recommended that the City Council:

- (1) Find that the proposed actions in the agenda report are exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3) (General Rule); 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 (P.M.C.), with CentralSquare Technologies LLC, DBA: Superion LLC for cost recovery services for false fire alarm billing in an amount not-to-exceed \$125,000 for five years. Competitive Bidding is not required pursuant to City Charter Section 1002 (F) contracts for professional or unique services. (Contract No. 32133)

AUTHORIZATION TO ENTER INTO A CONTRACT WITH PSOMAS FOR PREPARATION OF ENVIRONMENTAL DOCUMENTATION AND ENVIRONMENTAL PERMITTING SERVICES FOR SAN RAFAEL TREATMENT WETLANDS AND STORM WATER CAPTURE PROJECT FOR AN AMOUNT NOT-TO-EXCEED \$218,000

Recommendation: It is recommended that the City Council:

- (1) Find that the project 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 5, Section 15061(b)(3), the General Rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment; 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 Psomas for the Preparation of Environmental Documentation and Environmental Permitting Services for the San Rafael Treatment Wetlands and Storm Water Capture Project in an amount not-to-exceed \$218,000, which includes the base contract amount of \$174,819 and a contingency of \$43,181 to provide for additional services as deemed necessary. Competitive price bidding is not required pursuant to City Charter Section 1002(F) (contracts for professional or unique services). (Contract No. 32131)

City Clerk Jomsky reported that one letter in support of the staff recommendation, and inquired regarding water quality runoff from the Rose Bowl to small creek near South Pasadena, was received, distributed to the City Council, posted on-line, and made part of the public record.

~~CONTRACT AWARD TO CJ CONCRETE CONSTRUCTION, INC., FOR MISCELLANEOUS SIDEWALK REPAIR 2021 FOR AN AMOUNT NOT TO EXCEED \$800,000~~

The above item was not considered.

AUTHORIZE PURCHASE ORDER WITH SC COMMERCIAL LLC, DBA SC FUELS TO FURNISH AND DELIVER LUBRICATION OILS FOR THE CITY VEHICLE FLEET IN AN AMOUNT NOT-TO-EXCEED \$414,000 FOR UP TO FIVE YEARS

Recommendation: It is recommended that the City Council:

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

(2) Accept the bid dated July 14, 2021, submitted by SC Commercial LLC, DBA SC Fuels (SC Fuels) for Lubrication Oils for City Vehicle Fleet; reject all other bids received; and authorize a purchase order with SC Fuels for an amount not-to-exceed \$248,400 (including a \$32,400 contingency) over a three-year period, with the option for two additional one-year extensions for the annual amount of \$82,800 (including a \$10,800 contingency), at the discretion of the City Manager, for a maximum total contract length of five years and a total contract amount not-to-exceed \$414,000.

AUTHORIZATION TO ENTER INTO A CONTRACT WITH UTILITY DATA CONTRACTORS INC., FOR GEOGRAPHIC INFORMATION SYSTEM ENHANCEMENTS AND DATA MAINTENANCE SERVICES FOR THE WATER AND POWER DEPARTMENT

Recommendation: It is recommended that the City Council:

(1) Find that the proposed action is not a project subject to the California Environmental Quality Act ("CEQA") as defined in Section 21065 and Section 15378 of the 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, as the result of a competitive selection process, as specified by Section 4.08.047 of the Pasadena Municipal Code, with Utility Data Contractors Inc. ("UDC") for Geographic Information System ("GIS") Enhancements and Data Maintenance Services in an amount not-to-exceed \$3,500,000 or a period of five years, whichever occurs first. Competitive price bidding is not required pursuant to City Charter Section 1002(F), contracts for professional or unique services; and (Contract No. 32125)

(3) Authorize the City Manager to extend the contract for up to two additional one-year periods not-to-exceed \$350,000 per year.

CONTRACT AWARD TO WEBER WATER RESOURCES CA, LLC TO PROVIDE LABOR AND MATERIALS FOR DRILLING, CONSTRUCTION AND TESTING OF THE GARFIELD REPLACEMENT WELL FOR THE WATER AND POWER DEPARTMENT

Recommendation: It is recommended that the City Council:

(1) Find on the basis of the whole record, including the Initial Study and any comments received, that the Garfield Replacement Well Project will not have a significant effect on the environment; and, therefore adopt a Mitigated Negative Declaration for the Garfield Replacement Well Project pursuant to the California Environmental Quality Act ("CEQA"), and adopt a Mitigation Monitoring and Reporting Program; and

(2) Accept the bid dated July 15, 2021, submitted by Weber Water Resources CA, LLC in response to Specification WD-21-06 for providing labor and materials for drilling, construction and testing of the Garfield Replacement Well; reject all other bids received; and authorize the City Manager to enter into a contract not-to-exceed \$1,792,163, which includes the base contract amount of \$1,629,239 and a contingency of \$162,924 to provide for any necessary change orders. (Contract No. 32110)

REJECTION OF BIDS FOR PURCHASE OF LOW VOLTAGE WIRE AND CABLES FOR THE WATER AND POWER DEPARTMENT

Recommendation: It is recommended that the City Council:

(1) Find that the proposed action is statutorily exempt from the California Environmental Quality Act ("CEQA") in accordance with Public Resources Code Section 21080(b)(5) and Section 15270 of the State CEQA Guidelines; and

(2) Reject all bids received by March 30, 2021 in response to Specification LD-21-25 for Secondary Wire and Cable.

MUNICIPAL SERVICES COMMITTEE: AUTHORIZE A CONTRACT WITH STAPLES & ASSOCIATES INC., DBA: STAPLES ENERGY IN AN AMOUNT NOT-TO-EXCEED \$4,300,000 FOR THE PROVISION OF COMMERCIAL ENERGY AND WATER DIRECT INSTALLATION PROGRAM SERVICES

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 15301 (Class 1: Existing Facilities) and that there are no features that distinguish this project from others in the exempt class and, therefore, there are no unusual circumstances; and

(2) Authorize the City Manager to enter into a contract, as a result of a competitive selection process, as specified by 4.08.047 of the Pasadena Municipal Code, with Staples & Associates Inc., DBA: Staples Energy in an amount not-to- exceed \$4,300,000 over a three-year term for the installation of beneficial electrification and energy/water-conservation devices, equipment and services for the Water and Power Department's ("PWP") Water and Energy Direct Install Program ("WeDIP"). Competitive price bidding is not required pursuant to City Charter Section 1002(F) (contracts for professional or unique services). (Contract No. 32127)

MUNICIPAL SERVICES COMMITTEE: FIFTH AMENDMENT TO THE HOOVER LONG-TERM TRANSMISSION SERVICE AGREEMENT WITH LOS ANGELES DEPARTMENT OF WATER AND POWER

Recommendation: It is recommended that the City Council:

(1) Find that the recommended 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) Authorize the City Manager to amend the Hoover Transmission Service Agreement (Contract No. 14,442) with the Los Angeles Department of Water and Power ("LADWP") as described in the agenda report. Neither competitive bidding nor competitive selection is required pursuant to City Charter Section 1002(h), and Pasadena Municipal Code Section 4.08.049.A.3, contracts with other governmental entities. (Contract No. 14,442-5)

APPROVAL OF MINUTES

July 19, 2021
July 26, 2021

CLAIMS RECEIVED

Claim No. 13,751	Fatima Pelaez	\$	2,051.07
Claim No. 13,752	Sherman Oaks Capital Associates, LP and Pasadena Holdings, LLC		1,087.00

Claim No. 13,753	KJT Law Group LLP, representing Maria Sofia Perez	25,000.00+
Claim No. 13,754	Jesus Esparza	Not stated
Claim No. 13,755	Foothill Municipal Water District	2,100.00

PUBLIC HEARINGS SET

September 13, 2021 October 18, 2021, 5:00 p.m. - Appeal of the Board of Zoning Appeals' Decision on Hillside Development Permit No. 6838 Regarding the Property Located at 1820 Linda Vista Avenue

Mark Jomsky, City Clerk, reported that the above item's Public Hearing date is corrected to October 18, 2021.

September 20, 2021, 5:00 p.m. - Appeal of the Board of Zoning Appeals' Decision on Conditional Use Permit No. 6816 Regarding the Property Located at 1827 East Villa Street

September 20, 2021, 5:00 p.m. - Substantial Amendment to 2021-2022 Annual Action Plan for Emergency Solutions Grant Program Funding

It was moved by Councilmember Williams, seconded by Councilmember Kennedy, to approve all items on the Consent Calendar, with the exception of Item 7 (Contract Award to CJ Concrete Construction, Inc.), which removed from the agenda and not considered, and including the corrected date for Item 19 (Public Hearings Set) as detailed above:

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

REPORTS AND COMMENTS FROM COUNCIL COMMITTEES

Municipal Services Committee

IMPLEMENT LEVEL 2 WATER SUPPLY SHORTAGE PLAN AS DESCRIBED IN THE PASADENA MUNICIPAL CODE ("PMC") TITLE 13, CHAPTER 13.10; AND ESTABLISH A VOLUNTARY WATER REDUCTION TARGET OF 15 PERCENT

Recommendation: It is recommended that the City Council:

- (1) Find that the recommended actions to encourage water conservation and prevent water waste are categorically exempt from the California Environmental Quality Act ("CEQA") pursuant to State CEQA Guidelines Section 15307 (Actions by Regulatory Agencies for the Protection of Natural Resources); and
- (2) Pursuant to the Pasadena Water Waste Prohibitions and Water Supply Shortage Plans Ordinance (PMC 13.10), establish a voluntary water reduction target of 15 percent from current

consumption levels and implement the Level 2 Water Supply Shortage conservation measures.

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

Councilmember Williams, member of the Municipal Services Committee, summarized the Committee's discussion on the matter and the support of the Committee related to the staff recommendation.

Mayor Gordo stated that he believes there is a nexus between development issues and water shortages, and stated the following for the record, "There is absolutely a nexus." He asked staff, while analyzing development in the City, staff should consider the impacts to precious resources like water because there is a point in time the City will not be able to provide the services including water to the residents.

City Clerk Jomsky reported that four letters/emails in support of the staff recommendation and/or expressing concerns regarding the City approving large development in the City resulting in increased water usage were received, distributed to the City Council, posted on-line, and made part of the public record.

Following discussion, it was moved by Councilmember Hampton, seconded by Councilmember Williams, to approve the staff recommendation:

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

RECOMMENDATIONS FROM OFFICERS AND DEPARTMENTS

City Manager

AMERICAN RESCUE PLAN ACT APPROPRIATIONS

Recommendation: It is recommended that the City Council:

- (1) Find that the proposed action is exempt from 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) Approve the proposed amendments to the Fiscal Year (FY) 2022 Operating and Capital Improvement Budgets as detailed in the background section of the agenda report, or alternatively; (Budget Amendment No. 2022-06)
- (3) Provide direction as to the process by which the City Council wishes to approach allocation of the American Rescue Plan Act funds.

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

William Huang, Director of Housing, provided information on the three emergency rental assistance programs offered by the City, State and Los Angeles County that were made available to Pasadena residents; and responded to questions.

Councilmember Kennedy advocated for the City Council to allocate \$6,000,000 of the City's American Rescue Plan Act (ARPA) funds towards the completion of the Heritage Square South senior affordable housing project. He expressed concerns with staff recommending allocating ARPA funds to the Housing Rights Center without consulting the Executive Director of the Center on their budget justification. He asked staff to provide information on the funding gap for the Robinson Park Recreation Center pool and pool house project. Councilmember Kennedy expressed concerns with voting in support of the staff recommendation related to allocating funds to the Rose Bowl Operating Company (RBOC), as he does not believe the full factual predicate has been provided, specifically the need for the City Council to discuss and provide input on paid California Public Employees Retirement System (CalPERS) employees in City government or any operating company, on who is going to be the highest paid employee in City government on CalPERS income.

In response to Councilmember Kennedy's concerns, Mr. Hawkesworth stated that the staff recommended appropriations does not include RBOC debt, and ARPA regulations prohibits the City from using ARPA funds to make debt service payments.

Mayor Gordo spoke on the City's actions that approved the City's budget; and expressed concern with the City Council getting involved in decisions that the City empowers the RBOC to determine.

Councilmember Madison spoke in favor of the staff's recommended appropriations, and on the need for the City Council to express gratitude to the Federal Government for the ARPA program.

City Clerk Jomsky reported 28 letters/emails in opposition to the staff recommendation and/or expressing concerns and/or providing suggestions regarding the use of ARPA funds; and one letter applauding the City's intention to address homelessness, and advocated for the City to continue to address homeless housing issues; noting that the correspondence received was distributed to the City Council, posted on-line, and made part of the public record.

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

Sonja Berndt, Pasadena resident
Jasmine Richards Abdullah, representing Black Lives Matter Pasadena
Adriana Bautista, Pasadena resident
Anthony Manousos, representing Making Housing and Community Happen
Paul Livingstone, Pasadena resident
Pastor Kerwin Manning, Pasadena resident
Heavenly Hughes, representing My TRIBE Rise
Allen Shay, Pasadena resident
Michelle White, representing Affordable Housing Services

Mayor Gordo noted that the City's COVID-19 response expenditures included rental assistance and food distribution; and spoke in favor of the staff recommendation. He asked staff to research the Federal infrastructure funding available to support the City's housing projects. Mayor Gordo reported on his request to Congresswomen Judy Chu advocating that the City receive direct funding from the Federal Government in order to distribute such funds locally. He asked staff to reach out to the State Senator and Assemblymembers also advocating for the City to receive direct funding from the Federal Government in order to distribute such funds locally.

Councilmember Rivas echoed comments made by the Mayor related to the staff recommendation, agreeing with the general approach of shoring up the impacts of COVID-19 to the City's General Fund and funding the City's approved Capital Improvement Projects. She advocated for funding towards utility assistance/relief for Pasadena residents.

Councilmember Hampton asked staff to provide initiatives to address rental assistance, housing, homelessness and housing vouchers when the second installment of ARPA funds are issued to the City. He asked the Housing Department staff to determine a budget on the necessary number of housing vouchers required for those in need in the City.

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

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

CONSIDER ENACTING LOCAL REGULATIONS GOVERNING CAMPAIGN CONTRIBUTION LIMITS FOR THE CITY OF PASADENA, AND DIRECT THE CITY ATTORNEY TO PREPARE AN ORDINANCE WITHIN 60 DAYS TO CODIFY SUCH DIRECTION IN THE PASADENA MUNICIPAL CODE

Recommendation: It is recommended that the City Council:

- (1) Find that the proposed action is exempt from the California Environmental Quality Act pursuant to State CEQA Guidelines, Section 15061(b)(3), the General Rule that CEQA only applies to projects that may have an effect on the environment; and
- (2) In accordance with California Government Code Section 85702.5, consider whether to enact local regulations governing campaign contribution limits for the City of Pasadena, and direct the City Attorney to prepare an ordinance within 60 days to codify the direction of the City Council in the Pasadena Municipal Code.

Mayor Gordo presented a PowerPoint presentation on the item and responded to questions. City Clerk Jomsky and City Attorney Bagneris provided information on the City's Tax Payer Protection Act (TPA), and responded to questions.

Councilmember Hampton advocated and asked staff to determine the City's ability to limit the amount of campaign contributions from organized labor entities.

Councilmember Williams advocated to include other developers and other entitlements (i.e. cannabis) on campaign contribution limitations.

City Attorney Bagneris summarized the direction to staff, which is for staff to return with an ordinance that provides that there will be no dollar limits on local campaign finance contributions, which is consistent with what has existed historically in Pasadena prior to AB 571, and provide information in the City Manager's Newsletter on the City's ability to further limit campaign contributions by groups or individuals who do business with the City.

Councilmember Rivas spoke in opposition to the staff recommendation; expressed concerns with large campaign contributions and how they are perceived by the public and voiced support for Assembly Bill 571 default limit contributions.

Following discussion, it was moved by Councilmember Kennedy, seconded by Councilmember Masuda, to approve the Mayor's and Ad Hoc Committee recommendations to prepare an ordinance that provides that there will be no dollar limits on local campaign finance contributions, which is consistent with what has existed historically in Pasadena prior to AB 571:

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

**APPROVAL FOR ROSE BOWL OPERATING COMPANY
(RBOC) TO HOST STADIUM CONCERTS IN APRIL OF 2022**

The Mayor and City Manager announced that the above item was being held and would not be considered.

**ORDINANCES – FIRST
READING**

Conduct first reading of “AN ORDINANCE OF THE CITY OF PASADENA, CALIFORNIA AMENDING THE TOBACCO RETAILER LICENSE ORDINANCE, TITLE 5, CHAPTER 5.74 OF THE PASADENA MUNICIPAL CODE; AND THE TOBACCO USE PREVENTION ORDINANCE, TITLE 8, CHAPTER 8.78 OF THE PASADENA MUNICIPAL CODE”

City Manager Mermell provided in overview of the proposed ordinance, and responded to questions.

City Clerk Jomsky reported that one letter providing comments and suggestions on the matter, three letters in opposition to the proposed ordinance, and one letter in support of the proposed ordinance, were received by the City Clerk's Office, distributed to the City Council, posted on-line, and made part of the public record.

The following individuals spoke in opposition to the proposed ordinance:

Mayra Bautista, representing National Association of Tobacco Officers (NATO)
George Johson, representing Hookah Chamber of Commerce
Shibli Haddad, Pasadena resident
Arnold Abramyan, Los Angeles resident
Gulshan, Pasadena resident
Rima Khoury, representing Hookah Chamber of Commerce

The following individuals spoke in favor of the proposed ordinance:

Deirdra Duncan, Pasadena resident
Christy Zamani, representing Day One

Michele Beal Bagneris, City Attorney/City Prosecutor, provided information on Senate Bill (SB) 793 - Flavored Tobacco Products, and responded to questions.

Councilmember Kennedy advocated to table the matter to a future City Council meeting so that staff can provide the City Council with additional information on SB 793 Flavored Tobacco Products or to

amend the proposed ordinance to exclude hookah tobacco, loose leaf tobacco, and premium cigars. He spoke in support of limiting tobacco in any form for minors. Councilmember Kennedy stated the following for the record, "I want to be sure that no one goes away in this conversation or is listening that I called tobacco harmless. I did not."

Manuel Carmona, Deputy Director of Public Health, provided information on tobacco use habits; and responded to questions.

Councilmember Williams voiced support to table the matter, and requested that staff provide additional information on SB 793 - Flavored Tobacco Products, including fiscal impacts of the taxes and other revenues to local stores, local store efforts working with the state, and state actions related to tobacco prevention in order for her to make an informed decision on the matter. She also asked staff to provide information on the pros and cons of SB 793 - Flavored Tobacco Products, and the history of the discussion on the matter at City Council.

Mayor Gordo recommended that the public research NATO and any benefits they may have received from large tobacco organizations. He asked staff to also include information on the long history of the tobacco industry targeting young people.

Following discussion, on the order of the Mayor, and consensus of the City Council, the item was tabled.

Conduct first reading of "AN ORDINANCE OF THE CITY OF PASADENA AMENDING CHAPTER 17.50 OF TITLE 17 (ZONING CODE) OF THE PASADENA MUNICIPAL CODE TO INCREASE POTENTIAL CANNABIS RETAIL SITES, AND TO CORRECT DISTANCE SEPARATION BETWEEN CANNABIS LABS AND OTHER CANNABIS USES"

As noted previously, the above item was not considered.

**PUBLIC COMMENT
(Continued)**

The following individuals advocated for the City Council to terminate and/or prosecute Officers Dumaguindin, and Serrano, Pasadena Police Chief Perez, and/or City Manager Steve Mermell, and spoke on controversial incidents involving Pasadena police officers, and expressed concerns with the Pasadena Police Department, and the Department's policing policies

Hiram Cormier Jr, Los Angeles Resident
Carmen Conde, Pasadena resident
Kaveh Naeeni, Pasadena resident
Michael Williams, Pasadena resident
Heavenly Hughes, representing My TRIBE Rise
Sarah Cruz, Pasadena resident
Tyler, Los Angeles Resident

Bert Newton, 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.

COUNCIL COMMENTS

Councilmember Kennedy asked the community to pray for Haiti, which was struck by a magnitude 7.2 earthquake on August 14, 2021; as well as the men and women in the Armed Services that are at risk in Afghanistan.

CLOSED SESSION

On order of the Mayor, the meeting recessed at 9:48 p.m. to discuss the following closed session (Absent: Vice Mayor Wilson):

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

Agency Designated Representatives: Jennifer Curtis and Steve Mermell

Employee Organization: International Union of Operating Engineers (IUOE)

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

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

Name of Case: Pasadena Civic Center Coalition v. City of Pasadena

CA Court of Appeal Case No. B313942

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

Name of Case: City of Pasadena v. Trove Investments Corporation

LASC Case No. 21STCV07422

CITY COUNCIL CONFERENCE WITH REAL PROPERTY NEGOTIATORS pursuant to Government Code Section 54956.8 **Property: 78 N. Marengo Avenue (Assessor's Parcel No. 5723-026-900 and 5723-026-903), Assessor's Parcel No. 5723-026-902**

Agency Negotiator: Steve Mermell

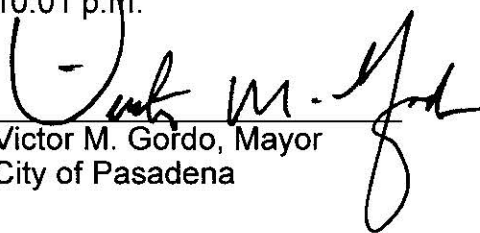
Negotiating Parties: Michael Coolidge (HRI Properties)

Under Negotiation: Price and terms of payment

The above closed session items were not discussed.

ADJOURNMENT

On order of the Mayor, the meeting of the City Council adjourned at 10:01 p.m.



Victor M. Gordo, Mayor
City of Pasadena

ATTEST:



City Clerk