

CITY OF PASADENA
City Council Minutes
August 15, 2022 – 4:30 P.M.
City Hall Council Chamber

The regular meeting was convened and held virtually by videoconference/teleconference.

OPENING: Mayor Gordo called the regular meeting to order at 4:43 p.m. The pledge of allegiance was led by Gloria Roberts, Acting Director of Caltrans District 7.

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

Staff: Interim City Manager Cynthia Kurtz
City Attorney/City Prosecutor Michele Beal Bagneris
City Clerk Mark Jomsky

CEREMONIAL MATTERS Mayor Gordo welcomed Gloria Roberts, Acting Director of Caltrans District 7, and recognized her as part of the official transfer of ownership of the 710 “Stub” from Caltrans to the City of Pasadena. He expressed sincere thanks and appreciation to those collaborative partners that assisted the City in this effort, including Senator Anthony Portantino, Director Tony Tavares, Acting Caltrans District Director Gloria Roberts, Caltrans staff, Laura Rubio Cornejo, Director of Transportation, and other City staff involved in this process.

Councilmember Madison echoed the Mayor’s comments, expressed his excitement for this historic moment and for the opportunity to look to more modern modes of transportation, and an opportunity to repatriate communities of color, underprivileged people, historic churches, and businesses that were in the area of the stub; and thanked Caltrans and City staff for their leadership and collaboration on this effort.

Gloria Roberts, Acting Director of Caltrans District 7, spoke on the momentous occasion for Caltrans and the City; acknowledged the tremendous efforts of past and present members of the City of Pasadena, including former City Manager Steve Mermell, Interim City Manager Cynthia Kurtz, Director of Transportation Laura Rubio Cornejo, and Deputy Director of Transportation Joaquin Siques, and presented a check to the City of Pasadena.

**PUBLIC COMMENT ON
MATTERS NOT ON THE
AGENDA**

The following individuals spoke on the need for accountability and transparency within the Pasadena Police Department (PPD); advocated for the termination of all Pasadena Police Officers involved in the shooting of Anthony McClain; expressed disappointment regarding the ongoing delay of the PPD's Administrative Review, which has still not been completed, noting that August 16th marks the 2 year anniversary of Mr. McClain's death:

Allan Shay, Pasadena resident
Adrian Batista, Pasadena resident
Heavenly Hughes, representing My Tribe Rise
Victor Hodgson, representing My Tribe Rise
Ryan Bell, Pasadena resident
Michael Williams, Pasadena resident
Brittney Pollock, Sherman Oaks resident
Sandy Lee Schaupp, representing The Church We Hope For
Julia R, Los Angeles resident
Hiram Cormier Jr., Pasadena resident
Diondra Williams, Pasadena resident
Pastor Kerwin Manning, Pasadena resident
Jane Panangaden, Pasadena resident
Aeryn Levey, Pasadena resident

Rebecca Tsao, Los Angeles resident, spoke in support of Measure H, and urged the residents of Pasadena to vote yes on the measure; and advocated for the termination of all Pasadena Police Officers involved in the shooting of Anthony McClain.

**CONTINUED
CEREMONIAL
MATTERS**

Mayor Gordo recognized Dr. Ying-Ying Goh on being selected as one of six people for the 2022-2023 class of the Robert Wood Johnson Foundation Health Fellows at the National Academy of Medicine; expressed gratitude and appreciation to Dr. Goh on behalf of the City Council for her hard work and dedication to the City of Pasadena.

Dr. Goh thanked the Mayor, City Council, and City staff for allowing her to take a leave of absence for this professional development opportunity and the opportunity to share with federal decision makers the needs at the local level on health policy matters.

Vice Mayor Wilson and Councilmember Madison congratulated Dr. Goh and expressed their gratitude and appreciation for her dedication to the City of Pasadena.

CONSENT CALENDAR

CONTRACT AWARD TO CHAPMAN COAST ROOF CO., INC., FOR VICTORY PARK RECREATION CENTER ROOF REPLACEMENT FOR AN AMOUNT NOT-TO-EXCEED \$120,470

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) pursuant to Title 14, Chapter 3, Article 19, Section 15301, Class 1 – Existing Facilities,

and that there are no features that distinguish this project from others in the exempt class, and therefore, there are no unusual circumstances; and
(2) i) Accept the bid dated July 14, 2022, submitted by Chapman Coast Roof Co., Inc., in response to the plans and specifications for the Victory Park Recreation Center Roof Replacement Project, ii) reject all other bids received, and iii) authorize the Interim City Manager to enter into a contract for an amount not-to-exceed \$120,470, which includes the base contract amount of \$96,376 and a contingency of \$24,094 to provide for any necessary change orders. (Contract No. 32373)

AUTHORIZATION TO INCREASE PURCHASE ORDER WITH 72 HOUR LLC (DBA: CHEVROLET OF WATSONVILLE/NATIONAL AUTO FLEET GROUP) BY \$13,493 TO AMEND THE MODEL YEAR PURCHASE OF TWO ELECTRIC FORD E-TRANSIT CARGO VANS FOR A REVISED NOT-TO-EXCEED TOTAL AMOUNT OF \$379,977

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 Interim City Manager to increase the purchase order with 72 Hour LLC (72 Hour) for an additional \$13,493 to amend the model year purchase of two electric Ford E-Transit cargo vans, thereby increasing the purchase order not-to-exceed total amount from \$366,484 to \$379,977 for the approved purchase of five electric Ford F-150 Lightning trucks and two electric Ford E-Transit cargo vans; and

(3) Neither Competitive Bidding nor Competitive Selection are required pursuant to City Charter Section 1002(H) and Pasadena Municipal Code Section 4.08.049(A)(3), contracts with other governmental entities.

ASSIGNMENT OF THE NON-EXCLUSIVE SOLID WASTE FRANCHISE FROM DIRECT DISPOSAL TO CALIFORNIA WASTE SERVICES, LLC

Recommendation: It is recommended that the City Council:

(1) Find that the non-exclusive Solid Waste Collection Franchise System Ordinance is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15061(b)(3); and

(2) Direct the City Attorney to draft an amendment to Ordinance No. 7396 that approves the transfer and assignment of the non-exclusive solid waste franchise from Direct Disposal to the new owner, California Waste Services, LLC, for the term beginning immediately upon execution of the agreements through June 30, 2023, with four additional one-year renewal terms at the sole discretion of the City Manager. California Waste Services, LLC, has no vested or contract right in any of the four additional one-year renewal terms.

CONTRACT AWARD TO OPENGOV, INC., FOR AN ELECTRONIC PROCUREMENT SYSTEM FOR AN AMOUNT NOT-TO-EXCEED \$107,000

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 Interim City Manager to enter into a contract, based on a competitive selection process pursuant to Pasadena Municipal Code Section 4.08.047, with OpenGov, Inc., to provide an Electronic Procurement System (eProcurement System) for a five-year term, not-to-exceed \$107,000, which includes a \$7,000 contingency. Competitive bidding is not required pursuant to City Charter Section 1002(F) (contracts for professional or unique services). (Contract No. 32342)

PURCHASE ORDER AWARD TO TURBOSCAPE, INC., FOR ENGINEERED WOOD FIBER MATERIALS

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) i) Accept the bid dated May 24, 2022 submitted by Turboscape, Inc., in response to specifications for engineered wood fiber for Playgrounds; ii) reject all other bids received; and, iii) authorize the Interim City Manager to enter into a purchase order with Turboscape Inc., for an amount not-to-exceed \$208,930 (which includes an \$18,994 contingency) over a three year period with the option of two, one-year extensions in the annual amount of \$69,643 (which includes a \$6,331 contingency), at the discretion of the City Manager.

ADOPTION OF SALARY RESOLUTIONS FOR NON-REPRESENTED NON-MANAGEMENT, NON-REPRESENTED MANAGEMENT, AND EXECUTIVE MANAGEMENT EMPLOYEES

Recommendation: It is recommended that the City Council:

(1) Find that the proposed action 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;

(2) Adopt the Non-Represented Non-Management Salary Resolution; (Resolution No. 9942)

(3) Adopt the Non-Represented Management Salary Resolution; and (Resolution No. 9943)

(4) Adopt the Executive Management Salary Resolution. (Resolution No. 9944)

Item discussed separately

APPROVE THE PURCHASE OF TWO RESCUE AMBULANCES IN PREPARATION FOR THE ADDITION OF A SIXTH FULL-TIME AMBULANCE

Item was pulled from the agenda, and not discussed.

TWO LEASE AGREEMENTS LOCATED AT 150 SOUTH LOS ROBLES AVENUE AND 1055 EAST COLORADO BOULEVARD

Item discussed separately

PUBLIC SAFETY COMMITTEE: AUTHORIZATION TO ENTER INTO CONTRACTS WITH RICKY PICKENS, DEANDRE SCOTT, AND FLAVIO ANDRADE FOR GANG VIOLENCE OUTREACH AND INTERRUPTION SERVICES FOR TWO YEARS WITH AN OPTIONAL ONE-YEAR RENEWAL PERIOD IN AN AMOUNT NOT-TO-EXCEED \$288,000 PER YEAR AND NOT-TO-EXCEED \$864,000 FOR THE MAXIMUM CONTRACT TERM OF 3 YEARS

RESIGNATIONS, APPOINTMENTS, & REAPPOINTMENTS

RESIGNATION OF SANDRA LINDOERFER FROM THE COMMISSION ON THE STATUS OF WOMEN (District 4 Nomination)

REQUEST TO ALLOW COMMISSIONER NICHOLAS SAPONARA (WHO HAS MOVED OUT OF PASADENA) TO CONTINUE TO SERVE ON THE TRANSPORTATION ADVISORY COMMISSION PURSUANT TO PASADENA MUNICIPAL CODE SECTION 2.135.030(C) UNTIL A REPLACEMENT IS APPOINTED (At Large/District 4 Nomination)

City Attorney

CONSIDERATION OF A RESOLUTION TO CONTINUE TO ALLOW THE CITY COUNCIL, ALL OF ITS SUBORDINATE BODIES, AND ALL OF ITS NON-PROFIT CORPORATION BOARDS AND THEIR SUBORDINATE BODIES, TO MEET REMOTELY PURSUANT TO THE BROWN ACT

Recommendation: It is recommended that the City Council:

- (1) Find that this action is exempt from review pursuant to the California Environmental Quality Act (CEQA) in accordance with State CEQA Guidelines Section 15061(b)(3), the "common sense" exemption that CEQA only applies to projects that have the potential for causing a significant effect on the environment; and
- (2) Adopt A Resolution of the City Council of the City of Pasadena Authorizing Remote Teleconference Meetings of the City Council, all City subordinate bodies, and all City non-profit corporation Boards and their subordinate bodies, for the period of August 15, 2022 through September 14, 2022. (Resolution No. 9945)

Yadi, Pasadena resident, spoke in opposition to the staff recommendation, advocated for the City Council to return to in-person meetings, and expressed concerns with members of the City Council participating virtually in meetings with their video cameras turned off.

CLAIMS RECEIVED

| Claim No. | Claimant | Claim Amount |
|-----------|----------------------------------|---------------|
| 2023-0080 | Barbara Osmundson | \$ Not stated |
| 2023-0081 | Micko Gregory White | 10,000.00+ |
| 2023-0082 | Maria Schweitzer | 6,180.28 |
| 2023-0083 | State Farm/Sharon Gonzalez | 3,144.75 |
| 2023-0084 | Duplicate to Claim No. 2023-0083 | |
| 2023-0085 | Daniel S. Pon | 300.00 |
| 2023-0086 | Joe Medina | 5,000.00 |

It was moved by Councilmember Williams, seconded by Councilmember Hampton to approve all items on the Consent Calendar with the exception of Item 7 (Approve the purchase of two rescue ambulances...) and Item 9 (Authorization to enter into Contracts with Ricky Pickens, Deandre Scott, and Flavio Andrade...) which was discussed separately, and Item 8 (Two Lease Agreements at 150 South Los Robles Avenue and 1055 East Colorado Boulevard) which was pulled from the agenda, and not discussed:

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

NOES: None

ABSENT: None

ABSTAIN: None

CONSENT ITEMS DISCUSSED SEPARATELY

APPROVE THE PURCHASE OF TWO RESCUE AMBULANCES IN PREPARATION FOR THE ADDITION OF A SIXTH FULL-TIME AMBULANCE

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 applies solely to projects that may have an effect on the environment;

(2) Authorize the Interim City Manager to enter into a purchase order with Emergency Vehicle Group, Inc., for the purchase and installation of two 2023 Ford E450, 4x2, gasoline powered two-door cab ambulances chassis and patient care compartments in an amount not-to-exceed \$660,000. 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) Grant the proposed contract an exemption from the Competitive Bidding process pursuant to Pasadena Municipal Code Section 4.08.049(B), contracts for which the City's best interests are served.

Mark Jomsky, City Clerk, reported that 5 letters expressing concerns with the City investing in fossil fuel vehicles, and advocating for the City to convert all municipal vehicles to electric vehicles, 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 provided comments on the agenda item:

Kathy Berlin, representing League of Women Voters Pasadena Area

Carl Selkin, representing Social Justice Committee of Pasadena Jewish Temple, Pasadena 100

Adriana Bautista, Pasadena resident

Cynthia Cannady, Pasadena resident

Yadi, Pasadena resident

Chief Augustin responded to questions regarding the Department's extensive research for an EV/Hybrid model that would meet required emergency vehicle specifications and performance, noting that all the Pasadena Fire Department (PFD) ambulances operate as rescue ambulances (RAs), and stated that currently there are no EV/Hybrid models available that meet the required standards. He spoke on the Department's continued efforts to retrofit fire stations to properly support electric ambulances and noted that the Public Works Department will bring forward a report on the related infrastructure needs of the City's fire stations at a future meeting. Chief Augustin also noted he anticipates that in one to two years, the Department will transition all non-emergency vehicles to electric vehicles.

MOTION

Councilmember Hampton expressed his concerns regarding the continued purchase of fossil fuel vehicles and challenged the City Council to set stronger goals to move towards a zero emission fleet. He made a motion to limit/restrict City departments from purchasing fossil fuel vehicles, unless for emergency or other required need.
MOTION DIED DUE TO LACK OF SECOND

Councilmember Williams acknowledged Councilmember Hampton's concerns, spoke on the different alternative fuels available and asked the Fire Chief to include, as part of Public Work's Department report, information on various fuel sources including biodiesel.

Mayor Gordo asked the Fire Chief to circulate to the City Council information on the Fire Department's use of biodiesel.

Councilmember Hampton asked staff to bring forward the report on the fire station electric vehicle infrastructure in next six months, and for the matter to be agendaized through Municipal Services Committee.

Councilmember Madison spoke on the Infrastructure Act that was recently passed by the Federal Government, and its emphasis on climate change, and encouraged the Fire Chief to pursue potential available resources for the Fire Department.

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

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

NOES: None

ABSENT: None

ABSTAIN: None

PUBLIC SAFETY COMMITTEE: AUTHORIZATION TO ENTER INTO CONTRACTS WITH RICKY PICKENS, DEANDRE SCOTT, AND FLAVIO ANDRADE FOR GANG VIOLENCE OUTREACH AND INTERRUPTION SERVICES FOR TWO YEARS WITH AN OPTIONAL ONE-YEAR RENEWAL PERIOD IN AN AMOUNT NOT-TO-EXCEED \$288,000 PER YEAR AND NOT-TO-EXCEED \$864,000 FOR THE MAXIMUM CONTRACT TERM OF 3 YEARS

Recommendation: It is recommended that the City Council:

(1) Find that the proposed action is not a project pursuant to Section 21065 of the California Environmental Quality Act (CEQA) and State CEQA Guidelines Section 15060(c)(3) and 15378, and therefore, is not subject to environmental review; and

(2) Authorize the Interim City Manager to enter into contracts, as a result of a competitive selection process specified by Section 4.08.047 of the Pasadena Municipal Code, for gang violence outreach and interruption services for a two year term with the option of an additional one-year extension at the sole discretion of the City Manager, as follows: (A) with Ricky Pickens in an amount not-to-exceed \$168,000 per year, or the grand total of \$504,000 for the maximum total contract term of 3 years; (Contract No. 32390) (B) with DeAndre Scott in an amount not-to-exceed \$60,000 per year and not-to-exceed the grand total of \$180,000 for the maximum total contract term of 3 years, and (C) with Flavio Andrade in an amount not-to-exceed \$60,000, per year and not-to-exceed the grand total of \$180,000 for the maximum total contract term of 3 years. Competitive bidding is not required pursuant to City Charter Section 1002(F), contracts for professional or unique services.

Mayor Gordo, Chair of the Public Safety Committee (PSC), summarized the Committee's discussion and the unanimous vote to move the matter to the City Council for consideration.

The following individuals provided comments on the agenda item:

Adriana Bautista, Pasadena resident
Heavenly Hughes, representing My Tribe Rise

It was moved by Councilmember Madison, seconded by Councilmember Hampton, to approve the staff recommendation:

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

PUBLIC HEARING

PUBLIC HEARING: APPLICATION TO DESIGNATE THE I. MAGNIN & COMPANY BUILDING LOCATED AT 475 SOUTH LAKE AVENUE, AS A LANDMARK

Recommendation: It is recommended that the City Council:

(1) Find that the designation of a historic resource is categorically exempt from the California Environmental Quality Act ("CEQA") pursuant to State CEQA Guidelines Section 15308, Class 8, pertaining to Actions by Regulatory Agencies for Protection of the Environment and that there are no features that distinguish this project from others in the exempt class, and therefore, there are no unusual circumstances;

(2) Find that the I. Magnin & Company Building located at 475 South Lake Avenue meets Criterion "C" as a landmark pursuant to Pasadena Municipal Code (PMC) Section 17.62.040.D.2 because it embodies the distinctive characteristics of a Mid-Century department store property type, a locally-rare example of the Late Modern architectural style, the Post-WWII development period and poured-in-place concrete method of construction, and exemplifies the work of an architect, Harold C. Chambers, whose work is of local significance to the City;

(3) Adopt the resolution approving a Declaration of Landmark Designation for 475 South Lake Avenue, Pasadena, California; (Resolution No. 9946)

(4) Authorize the Mayor to execute the Declaration of Landmark Designation for 475 South Lake Avenue, Pasadena, California (attached to the resolution); and

(5) Direct the City Clerk to record the declaration with the Los Angeles County Recorder.

Recommendation of the Historic Preservation Commission: On May 3, 2022, the Historic Preservation Commission recommended that the City Council approve the designation of the I. Magnin & Company Building located at 475 South Lake Avenue, as a Landmark under Criterion "C" of PMC Section 17.62.040.D.2.

Mark Jomsky, City Clerk, opened the public hearing; reported publishing was not required; and that copies of the public hearing notice were mailed and posted on August 1, 2022.

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

Following brief comments, it was moved by Vice Mayor Wilson, seconded by Councilmember Madison, to close the public hearing.

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

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

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

**RECOMMENDATIONS
FROM OFFICERS AND
DEPARTMENTS**
City Manager

IMPLEMENT MOVING UP ONE-DAY-PER-WEEK OUTDOOR IRRIGATION SCHEDULE TO SEPTEMBER 1, 2022, AND ADDITIONAL WATER CONSERVATION MEASURES PURSUANT TO PASADENA MUNICIPAL CODE (“PMC”) TITLE 13, CHAPTER 13.10

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 there are no features that distinguish this project from others in the exempt class and therefore there are no unusual circumstances;

(2) Implement moving up one-day-per-week outdoor irrigation schedule from November 1, 2022 to September 1, 2022, pursuant to the City of Pasadena Water Waste Prohibitions and Water Supply Shortage Plans Ordinance in Pasadena Municipal Code (“PMC”) Chapter 13.10; and

(3) Implement additional water conservation measures, specifically enforcement of State-adopted drought conservation emergency regulations, including the State Water Resources Control Board emergency regulation prohibiting irrigation of non-functional turf with potable water at commercial, industrial, and institutional sites as per the State Water Resources Control Board Resolution No. 2022-0018, and pursuant to PMC Chapter 13.10.

The above recommendations were developed with guidance from the Municipal Services Committee (“MSC”) members’ discussion at the MSC meeting on July 12, 2022, following the staff presentation on water conditions and the new statewide emergency regulations.

Mark Jomsky, City Clerk, reported that one letter expressing disappointment that the staff recommendation does not include water rate revisions to encourage water conservation, was received by the

City Clerk's Office, distributed to the City Council, posted on-line, and made part of the public record.

Jeffrey Kightlinger, Interim General Manager, provided introductory comments, and Stacie Takeguchi, Assistant General Manager, presented a PowerPoint presentation on the item; and all responded to questions.

Vice Mayor Wilson, Chair of the Municipal Services Committee (MSC), summarized the Committee's discussion and the unanimous vote to move the matter to the City Council for consideration; noted that there was also discussion regarding tree watering and maintenance, and expressed concerns with the impact the drought will have on the City's urban forest; and stated it anticipated that there would have been additional messaging included as part of staff's presentation on tree watering and maintenance; and asked staff to consider increasing the frequency of watering to all the City trees and provide targeted communication/outreach to the residents on maintaining/caring for their private trees.

Cynthia Kurtz, Interim City Manager, acknowledged Vice Mayor Wilson's concerns; spoke on the authorized funding by the City Council for the Public Works Department to prepare a study that would take a comprehensive look at tree watering and maintenance, which will include a report back to City Council on the status of this effort.

Councilmember Hampton echoed the Vice Mayor's comments and urged staff to significantly increase outreach efforts to residents on maintaining their private trees, in light of the importance of the City's urban forest; expressed strong concerns surrounding the use of fountains, filling swimming pools, and issuing permits for new pools, during Metropolitan Water District of Southern California (MWD) two-week emergency shutdown, advocating for the City to take a proactive approach and regulate the use of fountains and filling pools as part of the proposed water conservation measure.

Cynthia Kurtz, Interim City Manager and Stacie Takeguchi, Assistant General Manager, responded to questions regarding MWDs call for significant water-use reduction during the emergency shutdown and responded to questions surrounding restriction on filling a swimming pool, stating that conservation requirements for filling a swimming pool apply during a declared level 4 water supply.

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

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

ABSTAIN: None

City Clerk

ACKNOWLEDGE THE VACANCY CREATED BY THE PASSING OF HONORABLE COUNCILMEMBER JOHN J. KENNEDY REPRESENTING CITY COUNCIL DISTRICT 3; AND DIRECT THE CITY CLERK TO FILE A NOTICE OF INTENTION TO FILL A VACANCY ON THE CITY COUNCIL BY APPOINTMENT IN ACCORDANCE WITH PASADENA CITY CHARTER SECTION 404

Recommendation: It is recommended that the City Council:

- (1) Find that the proposed action is not a project subject to California Environmental Quality Act (CEQA) as defined in Section 21065 and Section 15378 of the State CEQA Guidelines, and as such, no environmental document pursuant to CEQA is required for the project;
- (2) Acknowledge the vacancy created by the passing of the Honorable Councilmember John J. Kennedy, representing Council District 3;
- (3) Direct the City Clerk to publish a Notice of Intention to Fill the Vacancy on the City Council by Appointment in accordance with Pasadena City Charter Section 404; and
- (4) Provide direction to staff on the application and interview process, and approve the suggested timeline for the appointment process.

Mark Jomsky, City Clerk, reported that five letters advocating for the City Council to appoint Brandon Lamar as Councilmember to represent City Council District 3; and one letter advocating for the City Council to appoint an individual who supports affordable housing and rent control, was received by the City Clerk's Office, distributed to the City Council, posted on-line, and made part of the public record.

Mayor Gordo provided introductory comments, and Mark Jomsky, City Clerk, presented a PowerPoint presentation on the item; and responded to questions.

Councilmember Williams asked that as the Ad Hoc Committee discusses the interview framework, it also consider a process for addressing PowerPoint presentations, so that all applicants can stand on an equal footing; and suggested that Councilmembers publicly disclose whether they are part of a political action committee (PAC)/organization that may be endorsing a potential applicant, as a matter of transparency.

In response to Councilmember Masuda's question regarding minimum residency requirements for a voter residing in the district who desires to become an applicant, City Attorney Michele Bagneris and City Clerk Jomsky, stated that the City Chart does not set minimum residency requirements, but also noting that nothing prohibits the City Council from asking applicants the question of how long they have resided in District 3 and/or taking into consideration such information as they evaluate each applicant as part of the interview process.

Councilmember Madison raised several questions as relates to the appointment process outlined in the staff report, as well as staff's reading of the City Charter, expressing concerns with the duration of the second vacancy (term beginning December 12, 2022 through December 9, 2024), advocating for the City to conduct a special election so that District 3 voters can select their representative; asked whether there is potential for the City Council to consider holding a District 3 special election as part of the November 8 general election; and urged the City Council to explore additional options, such as a declaratory judgment action/court direction for the second vacancy process.

Vice Mayor Wilson expressed his support for a future discussion on the potential for a City Charter amendment to provide more clarity for these types of circumstances; spoke on the need for considering a creative methodology as part of the second vacancy process so that residents can more effectively provide their input on the City Council's appointment decision, within the confines of the current City Charter.

Councilmember Rivas spoke in support of the staff recommendation and stated that she feels the City's current public comment process provides the residents with the opportunity to comment on the matter and asked that staff publicize and encourage the residents to participate through the live public comment portal; and expressed support for a future discussion on possible City Charter amendments to provide more clarity for these circumstances.

The following individuals provided comment on the agenda item:

Andrew Good, representing Pasadena for All
Jeffrey Fenstermaker, Pasadena resident
Aeryn Levey, Pasadena resident
Jill Shook, Pasadena resident
Anthony Manousos, Pasadena resident
Allen Shay, Pasadena resident
Bert Newton, Pasadena resident

Following discussion, Mayor Gordo stated that the Ad Hoc Committee will work with the City Attorney and City Clerk to consider the City Council comments as they relate to the second vacancy that starts on December 12, 2022.

Vice Mayor Wilson asked that as part of the Ad Hoc Committee discussion, to consider other strategies allowing for input from District 3 voters to the greatest extent possible.

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

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

INFORMATION ITEM

Item was held from the agenda, and not discussed

PLANNING PROCESS FOR THE RELINQUISHED 710 PROPERTY

Recommendation: This report is for information only. No action is requested at this time.

Following brief comments, on the order of the Mayor, and consensus of the City Council, the item was held to a future meeting.

ORDINANCE – FIRST READING

Conduct first reading of “AN ORDINANCE OF THE CITY OF PASADENA ADDING A NEW CHAPTER 9.78 TO TITLE 9 OF THE PASADENA MUNICIPAL CODE ENTITLED “UNSERIALIZED FIREARMS”

Mark Jomsky, City Clerk, reported one letter expressing concerns with the proposed ordinance, advocating for the City Council to set aside the matter in favor of pre-empting state law, which was received by the City Clerk's Office, distributed to the City Council, posted on-line, and made part of the public record.

The above ordinance was offered by Councilmember Hampton:

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

Continued Public
Comment on Matters not
on the Agenda

Uno Lee Jost, Pasadena resident, expressed sincere condolences to the City Council and family members on the passing of Honorable Councilmember John J. Kennedy; advocated for justice for Anthony McClain and his family on his 2nd anniversary of his passing; spoke on eradicating racism and social injustices, and uniting as a community; urging the City Manager to discipline and/or terminate all officers and employees involved in the death of Anthony McClain.

CLOSED SESSION

On order of the Mayor, the meeting recessed at 9:03 p.m. to discuss the following closed session.

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

Name of Case: In re: EHT US1, Inc.

U.S. Bankruptcy Court, District of Delaware Lead Case No. 21-10036 (CSS)

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. Urban Commons, LLC
Los Angeles County Superior Court Case No. 20GDCV00393**

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

**Agency Designated Representatives: Cynthia Kurtz
Employee Organization: Pasadena Police Officers Association (PPOA)**

Mayor Gordo stated that he had a conflict, recused himself, and left the meeting at 9:55 p.m.

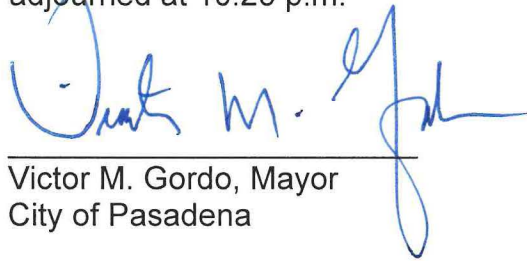
CITY COUNCIL CONFERENCE WITH LEGAL COUNSEL regarding pending litigation pursuant to Government Code Section 54956.9(d)(1)

**Name of Case: Devis v. City of Pasadena
Case No.: 19STCV13542**

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

ADJOURNMENT

On order of the Vice Mayor, the regular meeting of the City Council adjourned at 10:25 p.m.



Victor M. Gordo, Mayor
City of Pasadena

ATTEST:



City Clerk