

CITY OF PASADENA
City Council Minutes
January 31, 2021 – 4:00 P.M.
City Hall Council Chamber

UNOFFICIAL UNTIL
APPROVED BY CITY COUNCIL

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

OPENING: Mayor Gordo called the special meeting to order at 4:04 p.m.
(Absent: Councilmembers Hampton, Williams)

CLOSED SESSION: On the order of the Mayor, the meeting recessed at 4:04 p.m., to discuss the following closed session:

Councilmember Hampton
connected to the meeting at
4:29 p.m.

**CITY COUNCIL CONFERENCE WITH LEGAL COUNSEL -
CONSIDERATION OF INITIATION OF LITIGATION pursuant to
Government Code Section 54956.9(d)(4) (one potential case)**

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

**Name of Case: Pasadena Tournament of Roses v. City of
Pasadena**

US Court of Appeals, 9th Circuit, Case No. 21-55856

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

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

Agency Designated Representatives: Alex Souto and Cynthia Kurtz

**Employee Organization: PASADENA MANAGEMENT
ASSOCIATION (PMA)**

The above closed session item was not discussed.

On order of the Mayor, the meeting reconvened at 5:13 p.m. The pledge of allegiance was led by Domino Scott-Jackson, Sergeant-at-Arms.

ROLL CALL:
Councilmembers:

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

Staff:

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

CEREMONIAL MATTERS

Mayor Gordo, Vice Mayor Wilson and Councilmember Kennedy, spoke on the passing of Betty Ho, long-time Pasadena resident, Field Representative to former Mayor Bill Bogaard, and community volunteer, and Pastor Inman Moore, long-time United Methodist Church minister, civil rights activist and businessman in Pasadena. They expressed condolences to family, friends, and community members, and requested that the meeting be adjourned in their memories.

CONSENT CALENDAR

Item discussed separately

ADOPTION OF A RESOLUTION ORDERING THE SUMMARY VACATION OF THREE PUBLIC SERVICE EASEMENTS LOCATED AT 951 SOUTH FAIR OAKS AVENUE, PASADENA – (PROPERTY OWNER: PASADENA CA SENIOR PROPERTY, LLC)

Item discussed separately

RATIFICATION OF INTERIM CITY MANAGER’S SELECTION OF CALPERS RETIREE TO SERVE AS INTERIM GENERAL MANAGER OF PASADENA DEPARTMENT OF WATER AND POWER (“PWP”)

Item discussed separately

AUTHORIZATION TO ENTER INTO A CONTRACT WITH W. BROWN CREATIVE PARTNERS (WBCP) IN AN AMOUNT NOT-TO-EXCEED \$32,800 TO CONDUCT THE RECRUITMENT PROCESS FOR THE NEXT CITY MANAGER

LEGISLATIVE POLICY COMMITTEE: SUPPORT OF PROPOSED STATE LEGISLATION TO CREATE THE BURBANK-GLENDALE-PASADENA REGIONAL HOUSING TRUST FUND JOINT POWERS AUTHORITY TO GENERATE NEW AFFORDABLE HOUSING FUNDING

Recommendation: It is recommended that the City Council take the following actions:

(1) Find that the action proposed in the agenda report is exempt from environmental review pursuant to the California Environmental Quality Act (CEQA), State CEQA Guidelines Section 15320 (changes in organization of local agencies); and

(2) Authorize the Mayor to transmit a letter of support, and staff to work with the office of State Senator Anthony J. Portantino on proposed legislation which would, among other things, create the Burbank-Glendale-Pasadena Regional Housing Trust Fund joint powers authority to generate new funding to address the need for affordable housing.

Item discussed separately

MUNICIPAL SERVICES COMMITTEE: ADOPT AND APPROVE PASADENA WATER AND POWER 2021 POWER INTEGRATED RESOURCE PLAN UPDATE

RESIGNATIONS,
APPOINTMENTS, &
REAPPOINTMENTS

RESIGNATION OF PATRICIA KINAGA FROM THE COMMUNITY POLICE OVERSIGHT COMMISSION (District 6 Nomination)

RESIGNATION OF HELEN RAHDER FROM THE HISTORIC PRESERVATION COMMISSION (Rose Villa/Oakdale Landmark District Nomination)

REAPPOINTMENT OF VICTOR M. GORDO TO THE GAMBLE HOUSE ADVISORY BOARD (City Nomination)

REAPPOINTMENT OF BOGHOS PATATIAN TO THE LIBRARY COMMISSION (Mayor Nomination)

REAPPOINTMENT OF NICHOLAS SAPONARA TO THE TRANSPORTATION ADVISORY COMMISSION (At Large/District 4 Nomination)

APPOINTMENT OF DAWNEEN LORANCE TO THE SENIOR COMMISSION (At Large/District 5 Nomination)

APPOINTMENT OF JOE FEINBLATT TO THE ARTS AND CULTURE COMMISSION (Mayor Nomination)

CLAIMS RECEIVED

Claim No. 13,810	Millicent Wilson	\$	919.13
Claim No. 13,811	Millicent Wilson		295.00
Claim No. 13,812	Gem de Ocampo		1,366.56
Claim No. 13,813	Arlen Calderon Salazar		1,000.47
Claim No. 13,814	Kevin Khe		277.00
Claim No. 13,815	Jacob Zachariah Skinner		Not stated
Claim No. 13,816	Levon Nadjarian		8,100.00

It was moved by Vice Mayor Wilson, seconded by Councilmember Masuda, to approve all items on the Consent Calendar, with the exception of Item 1 (Adoption of a Resolution Ordering the Summary Vacation of Three Public Service Easements...), Item 2 (Ratification of Interim City Manager's Selection of CalPERS Retiree to Serve as Interim General Manager...), Item 3 (Authorization to Enter into a Contract with W. Brown Creative Partners...), and Item 5 (Adopt and Approve Pasadena Water and Power 2021 Power Integrated Resource Plan Update), which were discussed separately:

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

**CONSENT ITEMS
DISCUSSED SEPARATELY**

ADOPTION OF A RESOLUTION ORDERING THE SUMMARY VACATION OF THREE PUBLIC SERVICE EASEMENTS LOCATED AT 951 SOUTH FAIR OAKS AVENUE, PASADENA – (PROPERTY OWNER: PASADENA CA SENIOR PROPERTY, LLC)

Recommendation: It is recommended that the City Council take the following actions:

- (1) Find that the proposed action is exempt from the California Environmental Quality Act ("CEQA"), pursuant to State CEQA Guidelines Section 15305 (Minor Alterations in Land Use Limitations) and that there are no features that distinguish this project from others in the exempt class, and therefore, there are no unusual circumstances;
- (2) Adopt a resolution ordering the summary vacation of three public service easements located at 951 South Fair Oaks Avenue, Pasadena, APN 5719-022-108 ("Property"); and (Resolution No. 9889)
- (3) Authorize the City Manager, or his or her designee, to execute any other documentation as may be required to accomplish said summary vacation.

RATIFICATION OF INTERIM CITY MANAGER'S SELECTION OF CALPERS RETIREE TO SERVE AS INTERIM GENERAL MANAGER OF PASADENA DEPARTMENT OF WATER AND POWER ("PWP")

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 the following statement:
"Pursuant to Resolution No. 9881, the interim City Manager selected Jeff Kightlinger, a CalPERS retiree, to serve as interim PWP General Manager after the commencement of active recruitment for a regular appointment to the position. Such selection is hereby ratified."

AUTHORIZATION TO ENTER INTO A CONTRACT WITH W. BROWN CREATIVE PARTNERS (WBCP) IN AN AMOUNT NOT-TO-EXCEED \$32,800 TO CONDUCT THE RECRUITMENT PROCESS FOR THE NEXT CITY MANAGER

Recommendation: It is recommended that the City Council:

- (1) Find that the project proposed in the agenda report is exempt under the State California Environmental Quality Act (CEQA) Guidelines, Section 15301(b)(3), the common sense exemption that CEQA only applies to projects that may have an effect on the environment; and
- (2) Authorize the Interim City Manager to execute an agreement with W. Brown Creative Partners (WBCP) in an amount not-to-exceed \$32,800 to conduct the recruitment process for the next City Manager. Competitive bidding is not required pursuant to City Charter Section 1002(F) based on contracts for professional or unique services. (Contract No. 32217)

The above three Consent Calendar items were discussed concurrently.

Vice Mayor Wilson, Chair of the Ad Hoc Committee, summarized the discussion and recommendation of the Committee. Mayor Gordo provided information on the next steps in the recruitment process for the City Manager position; and responded to questions.

Interim City Manager Cynthia Kurtz informed the City Council that WBCP will contact each councilmember for information on community organizations and representatives to include in the process for community input on the recruitment.

The following individuals expressed concern with the proposed staff recommendation, advocated for a City Manager with social justice/equity experience, and provided comments on the matter:

Janee Lennox, representing Black Lives Matters
Hiram Cormier Jr., Los Angeles resident
Carolynn Ghiloni, Sierra Madre resident
Camile Lewis, Pasadena resident
Sara, Pasadena resident
Brittney Pollock, Sherman Oaks resident
Kareena K, representing Black Lives Matters-Los Angeles
Adriana Bautista, representing Black Lives Matters – Pasadena
Kate McInerny, Pasadena resident
Julia R., Los Angeles resident
Heavenly Hughes, representing My TRIBE Rise
Allen Shay, Pasadena resident

Mayor Gordo stated the following for the record, "Mr. Cormier is incorrect. The firm will not be hiring anybody. It's the City Council who does the hiring. This firm....simply assists us [the City Council] with the logistics of the hiring process, but it's the City Council who will do....the interviewing and the hiring. And I'm told neither of the principals who are assigned by the firm have ever worked in policing, so again, incorrect point."

Councilmember Hampton suggested that the firm, W. Brown Creative Partners (WBCP), present their community engagement plan to the City Council or a committee of the City Council. He also recommended that the community encourage individuals to apply for the City Manager position.

In response, Mayor Gordo stated that once the vendor's outreach and community engagement plan is finalized, he will work with staff to present the matter to the City Council or a Council Committee for review and discussion.

MUNICIPAL SERVICES COMMITTEE: ADOPT AND APPROVE PASADENA WATER AND POWER 2021 POWER INTEGRATED RESOURCE PLAN (IRP) UPDATE

Recommendation: It is recommended that the City Council:

- (1) Find that the proposed actions are statutorily exempt from the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines Sections 15262 and 15271; and
- (2) Approve and adopt the 2021 Power Integrated Resource Plan ("IRP") Update.

Mark Jomsky, City Clerk, reported that three letters, expressing concerns with the 2021 Power IRP, staff recommendation, and advocated for the City to contribute to solutions to stop the destruction of the environment and address climate change, were received by the City Clerk's Office, distributed to the City Council, posted online, and made part of the public record for the item.

The following individuals provided comments on the matter:

Cynthia Cannady, representing League of Women Voters Pasadena Area

Carl Selkin, representing Social Justice Committee, Pasadena, Jewish Temple and Center

**MOTION ON REMAINING
CONSENT ITEMS:**

Following discussion, it was moved by Vice Mayor Wilson, seconded Councilmember Hampton, to approve Consent Calendar Item 1 (Adoption of a Resolution Ordering the Summary Vacation of Three Public Service Easements...), Item 2 (Ratification of Interim City Manager's Selection of Calpers Retiree to Serve as Interim General Manager...), Item 3 (Authorization to Enter into a Contract with W. Brown Creative Partners...), and Item 5 (Adopt and Approve Pasadena Water and Power 2021 Power Integrated Resource Plan Update):

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

NOES: None

ABSENT: Councilmember Williams

ABSTAIN: None

PUBLIC HEARING

PUBLIC HEARING: SUBSTANTIAL AMENDMENT TO 2021-2022 ANNUAL ACTION PLAN

Recommendation: It is recommended that upon close of the public hearing, the City Council:

- (1) Find that the recommended action is exempt from the California Environmental Quality Act ("CEQA") pursuant to State CEQA Guidelines, per Section 15061(b)(3), the "common sense" provision that CEQA only applies to projects that may have an effect on the environment; and

(2) Approve the submission to the U.S. Department of Housing and Urban Development (HUD) of a Substantial Amendment to the Annual Action Plan (2021-2022) as described in the agenda report for the reprogramming of \$16,391 in Community Development Block Grant (CDBG) funds, and \$243,398 in Community Development Block Grant CV Round 3 (CDBG-CV3) funds.

Mark Jomsky, City Clerk, opened the public hearing; reported that the public hearing notice was published in the Pasadena Journal and the Pasadena Press on December 30, 2021, and January 20, 2022; and no correspondence was received by the City Clerk's Office on the matter.

Motion: Following a brief discussion, it was moved by Councilmember Kennedy, seconded by Councilmember Masuda, to close the public hearing:

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

NOES: None

ABSENT: Councilmember Williams

ABSTAIN: None

Mayor Gordo provided a brief summary of the amendments to the 2021-2022 Annual Action Plan.

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

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

NOES: None

ABSENT: Councilmember Williams

ABSTAIN: None

In response to Councilmember Hampton's inquiry related to an update on camera installation project at La Pintaresca Park, Interim City Manager Cynthia Kurtz stated that the installation schedule will be included in the City Manager's weekly newsletter.

Councilmember Kennedy requested that in addition, an update be provided on camera installations in all City parks.

RECOMMENDATIONS FROM OFFICERS AND DEPARTMENTS

ORAL PRESENTATION AND DISCUSSION REGARDING PASADENA POLICE OFFICER-INVOLVED SHOOTING INVESTIGATION PROCESS AND RELATED POLICIES

Recommendation: This informational report is provided to facilitate a City Council discussion.

Michele Beal Bagneris, City Attorney/City Prosecutor, and Mayor Gordo provided introductory comments; Javan Rad, Chief Assistant City Attorney and Police Lieutenant Carolyn Gordon jointly presented a PowerPoint presentation on the item, with all responding to questions.

Councilmember Rivas expressed concerns and frustration with the length of time needed by the Los Angeles County District Attorney's (DA) Office to issue determination letters and to provide a response to the City on an Officer Involved Shooting (OIS) incident.

Interim Police Chief Cheryl Moody provided information on the DA's determination letters related to OIS incidents, which is part of a criminal investigation; and responded to questions.

Interim City Manager Cynthia Kurtz spoke on the need for the City to advocate for and set forth some parameters to the DA's Office regarding the urgency in receiving timely responses; and responded to questions.

Vice Mayor Wilson suggested that the City might consider (a) possible alternatives to waiting for the DA's decision on whether to file criminal charges after an OIS, or (b) best practices in determining whether to not wait for the DA's decision involving an OIS incident (e.g. clearly egregious scenarios), and thereby enable the Pasadena Police Chief to act more quickly on certain matters.

Councilmember Hampton spoke on the need to complete administrative reviews of OIS incidents in a timely manner, and stated his strong view that it is not necessary for the City to wait for the DA's decision on whether criminal charges will be filed. In addition, he advocated for all personnel investigations to be completed within six to nine months. Councilmember Hampton asked staff to invite a representative from the DA's Office to a future City Council meeting to provide more information on the determination letter process; and stated that he believes employee management should be part of the City Manager's evaluation to ensure public safety.

Councilmember Madison stated that staff has presented a very reasonable approach to balance all the competing interests of all the stakeholders related to OIS incidents; and supported comments citing the need for the DA to be expeditious, while also providing a thorough and comprehensive review of OIS incidents.

The following individuals provided comments on the matter:

Hiram Cormier Jr., Los Angeles resident
Kat Ross, representing Showing up for Racial Justice (SURJ)
Pasadena Altadena
Jane Ward representing (SURJ) Pasadena Altadena

Heavenly Hughes, representing My TRIBE Rise
Victor Hodgson, representing My TRIBE Rise
Sarah Briuer Boland, Los Angeles resident
Chris Cohen, (SURJ) Pasadena Altadena
Michael Williams, Pasadena resident
Brittney Pollock, Sherman Oaks resident
Carolynn Ghiloni, Sierra Madre resident
Julie Martinez, Pasadena resident
Pastor Kerwin Manning, Pasadena resident
Yoelle Carter Martinez, (SURJ) Pasadena Altadena
Sara, Pasadena resident
Kareena K., representing Black Lives Matter (BLM)
Adriana Bautista, representing BLM
Janee Lennox, representing BLM Los Angeles
Kate McInerney, Pasadena resident
Kaveh Naeeni, Pasadena resident
Allen Shay, Pasadena resident

Mayor Gordo expressed concerns with the length of time being taken by the DA's Office on important matters such as OIS incident renderings. He asked Interim Police Chief Moody to work with other police departments and city councils to draft an advocacy letter to the Los Angeles County District Attorney's Office and the Los Angeles County Board of Supervisors requesting additional dedicated resources to support investigations and ensure timely and thorough determinations on OIS incidents. He also asked staff to agendize the matter at the joint special meeting with Supervisor Kathryn Barger and the City Council. In addition, he asked staff to reiterate the City's policy to Pasadena Police Officers on the requirements to turn on body worn video cameras while on duty; and expressed concerns with amending a system that is intended to protect the public overall.

Vice Mayor Wilson expressed disappointment with the lack of statistics available on the City's OIS incidents and the length of time the DA's Office is taking to provide renderings. He suggested that the Public Safety Committee or the Community Police Oversight Commission should review and recommend best practices to utilize when determining whether or not to wait for the DA's decision for clearly egregious scenarios involving OIS incidents.

Councilmember Hampton stated his intention to make a motion and seek City Council approval on directing the City Manager to complete all administrative reviews for all OIS incidents within six to nine months.

Michele Beal Bagneris, City Attorney/City Prosecutor, noted for City Council information that Councilmember Hampton's motion may not be enforceable based on staff's interpretation of the law, but suggested that there is a possibility to develop a policy as requested and within the bounds of the law.

Councilmember Madison recommended that the City Attorney draft a letter to the Los Angeles County District Attorney's and Los Angeles County Board of Supervisors to dedicate additional resources for investigations of OIS incidents. He stated that he is unable to support Councilmember Hampton's motion as he does not believe a "one size fits all" approach to OIS investigations is possible within the City's legal landscape.

Councilmember Rivas spoke in support of staff reviewing OIS incidents on case-by-case basis, and not limit the investigation based on strict time limits.

Mayor Gordo supported Vice Mayor Wilson's request for data related to the City's OIS incidents and the length of time for the DA to provide decisions/renderings on OIS investigations. He also asked staff to include this information with the correspondence submitted to Los Angeles County District Attorney's Office and Los Angeles County Board of Supervisors.

Motion:

Following discussion, it was moved by Councilmember Hampton, seconded by Councilmember Kennedy, to request that the City Manager develop a policy to complete all administrative reviews for Officer Involved Shooting incidents within six to nine months:

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

Councilmember Kennedy requested in response to recent gun violence in the City, that the City consultants that assist with crime intervention provide an update to the Public Safety Committee on crime intervention. He also expressed concerns with illegal firearms flooding the community.

Interim City Manager responded that staff anticipates agendaing that matter at the special joint City Council and Pasadena Unified School District meeting scheduled for March 7, 2022.

Motion:

It was moved by Councilmember Hampton, for the City Council to condemn the Los Angeles County District Attorney for failing to act within an appropriate time frame related to Officer Involved Shootings.
(MOTION FAILED DUE TO LACK OF SECOND)

Mayor Gordo stated that he believes the direction to staff to draft correspondence to the DA and providing the DA an opportunity to respond is a good step.

ADJOURNMENT

On order of the Mayor, the meeting of the City Council adjourned at 8:46 p.m., in memory of Mrs. Betty Ho and Pastor Inman Moore.

Victor M. Gordo, Mayor
City of Pasadena

ATTEST:

City Clerk