

CITY OF PASADENA
City Council Minutes
August 8, 2022 – 4:30 P.M.
City Hall Council Chamber

UNOFFICIAL UNTIL
APPROVED BY CITY COUNCIL

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

OPENING: Mayor Gordo called the regular meeting to order at 4:51 p.m. The pledge of allegiance was led by Vice Mayor Wilson. (Absent: None)

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 Jason Clawson, Interim Police Chief, introduced the following new Police Officers to the City of Pasadena:

Charles Tucker
Destiny Sanchez
Layla Tulloch
Jose Henriquez
Kyle Hazen
Gabriela Torres
Nicholas King
Alexander Mandujano
Hailey Saurenman

The City Council welcomed and congratulated the new Officers.

Vice Mayor Wilson introduced the 2nd Annual Robert Gorski Access Award; Ali Everett, Accessibility Coordinator, spoke on the award that honors Robert Gorski's legacy as an Accessibility and Disability advocate, and Martin Sweeney, former member of the Accessibility and Disability Commission, introduced and presented the Robert Gorski Access Award to Zebreda Dunham. Ms. Dunham thanked the City for the award and recognition.

**REMARKS TO THE MAYOR AND CITY COUNCIL FROM
COUNCILMEMBER JOHN J. KENNEDY'S SISTER, LENA
KENNEDY**

Lena Kennedy, expressed thanks and gratitude for the kind words of condolences that have provided the Kennedy Family great comfort during this time of grief. Ms. Kennedy personally addressed the Mayor, Vice Mayor and each Councilmember and shared how their relationships impacted the late Councilmember John J. Kennedy. She also expressed her appreciation and gratitude to City Attorney Michele Beal Bagneris, Interim City Manager Cynthia Kurtz, City Clerk Mark Jomsky, Susana Porras, Jana West, Christen Cruz, and Noreen Sullivan, and present and past district liaisons that worked with Councilmember Kennedy for their support and friendship.

On behalf of the City Council, Mayor Gordo thanked Lena Kennedy for her kind remarks, and honored John J. Kennedy for his dedication and contributions to the City of Pasadena.

Councilmember Hampton spoke on his promise to continue Councilmember Kennedy's work and legacy, and expressed gratitude to the entire Kennedy Family for their dedication and contributions to the City of Pasadena.

Public comment on matters not on the agenda

The following individuals spoke on the climate crisis and transitioning to a carbon-free energy goal by 2030:

Carl Selkin, representing Pasadena 100
Cynthia Cannady, representing League of Women Voters

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 that has lasted two years for the PPD's Administrative Review, which has still not been completed; and/or spoke on defunding the Police Department:

Michael Williams, Pasadena resident
Allen Shay, Pasadena resident
Hiram Cormier, Jr., Los Angeles resident
Olden Denham, Pasadena resident
Britney Pollock, Sherman Oaks resident

Councilmember Hampton asked Interim City Manager Kurtz to include an update in the City Manager's Weekly Newsletter on the administrative review, including the anticipated completion date, regarding the Anthony McClain shooting, and an update on the timing for the release of the body worn camera video from the recent officer involved shooting that occurred on July 30, 2022.

CONSENT CALENDAR
Item discussed separately

**AUTHORIZATION TO ENTER INTO A CONTRACT WITH
RAFTELIS FINANCIAL CONSULTANTS, INC., DBA RAFTELIS**

FOR WATER COST OF SERVICE ANALYSIS AND RATE DESIGN SERVICES FOR AN AMOUNT NOT-TO-EXCEED \$142, 724

AUTHORIZATION TO INCREASE CONTRACT NO. 31690 WITH UNION STATION HOMELESS SERVICES BY \$199,000 FOR ADDITIONAL HOPE TEAM STREET OUTREACH AND SERVICES LIAISON PROGRAM FUNDING AND TO EXTEND CONTRACT TERM

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

- (1) Find that the recommended actions are 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;
- (2) Authorize the Interim City Manager to amend Contract No. 31690 with Union Station Homeless Services, to increase the total contract value by \$199,000 through June 30, 2023 for a not-to-exceed amount of \$424,335; and
- (3) Authorize the City Manager to approve additional amendments to Contract No. 31690 such that, subject to approval of the Department's Operating Budget, the total not-to-exceed contract amount may be increased by \$199,000 annually for five (5) consecutive fiscal years through June 30, 2028. (Contract No. 31690-2)

CONTRACT AWARD TO CALIFORNIA PROFESSIONAL ENGINEERING, INC., FOR CORDOVA STREET COMPLETE STREETS PROJECT – FEDERAL AID PROJECT FTIPCM-5064(085) FOR AN AMOUNT NOT-TO-EXCEED \$5,622,488

Recommendation: It is recommended that the City Council:

- (1) Find 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 19, Class 1, Section 15301, Existing Facilities, and that there are no features that distinguish this project from others in exempt class, and therefore, there are no unusual circumstances; and
- (2) i) Accept the bid dated July 14, 2022, submitted by California Professional Engineering, Inc., in response to the project plans and specifications for Cordova Street Complete Streets Project, ii) reject all other bids received June 14, 2022 and July 14, 2022, and iii) authorize the Interim City Manager to enter into a contract for an amount not-to-exceed \$5,622,488 which includes the base contract amount of \$5,111,353 and a contingency of \$511,135 to provide for any necessary change orders. (Contract No. 32353)

CONTRACT AWARD TO WITTMAN ENTERPRISES, LLC FOR EMERGENCY MEDICAL SERVICES (EMS) BILLING AND COLLECTION SERVICES

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 of CEQA and Sections 15060(c)(3), and 15378(b)(5) of the State CEQA Guidelines, and as such, no environmental document pursuant to CEQA is required for the action; and

(2) Authorize the Interim City Manager to enter into a contract as a result of a competitive selection process, as specified by Section 4.08.047 of the Pasadena Municipal Code with Wittman Enterprises, LLC for 3.75 percent of net collections for EMS billing and collection services for a five-year term. Services will include a membership program processing and administration fee upon implementation of \$13.50 for each application and annual renewal received. The fee will transition to 15 percent of net collections once the annual membership program fee reaches \$90.00 due to Consumer Price Index (CPI) adjustments. Competitive bidding is not required pursuant to City Charter section 1002(F) (contracts for professional or unique services). (Contract No. 32370)

Item was pulled from the agenda, and not discussed.

FINANCE COMMITTEE: LOAN TO PASADENA CENTER OPERATING COMPANY (PCOC) TO FUND CAPITAL IMPROVEMENT PROJECTS

MUNICIPAL SERVICES COMMITTEE: ROADSIDE MEMORIAL SIGN PROGRAM

Recommendation: It is recommended that the City Council:

(1) Approve the establishment of a Roadside Memorial Sign Program within the Department of Transportation; and

(2) Approve the draft policy to execute this Program.

Recommendation of the Municipal Services Committee: On July 26, 2022, the Municipal Services Committee requested that the draft policy be modified to allow for a Council District office to submit a request for a Roadside Memorial Sign when the victim is an unhoused individual and when the next of kin cannot be identified or located through the collective efforts of the City. Staff has modified the policy to include such language. In addition, the Municipal Services Committee recommended that staff review if additional language could be included on the memorial sign, such as "In Loving Memory" or the addition of the date of birth and date of death of the victim. Staff will review this request to ensure consistency with the California Manual on Uniform Traffic Control Devices and best practices. In anticipation of such accommodations being allowed, the policy has been modified to allow for the potential for additional language on the sign.

Recommendation of the Transportation Advisory Commission: On June 23, 2022, the Transportation Advisory Commission (TAC) recommended that the City Council approve the recommended staff policy for establishment of the Roadside Memorial Sign Program. The Commission also recommended that memorial sign replacement costs, after the useful life of the initial installation, be borne by the City. Staff concurs with this recommendation and has included it in the draft policy.

PUBLIC SAFETY COMMITTEE: PREPARATION OF AN ORDINANCE AMENDING TITLE 8, CHAPTER 8.80 AND TITLE 14, CHAPTER 14.28 OF THE PASADENA MUNICIPAL CODE REGARDING HAZARDOUS MATERIALS PERMITTING THRESHOLDS

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; and
- (2) Direct the City Attorney to prepare an ordinance and return within 60 days amending the Pasadena Municipal Code Title 8 and Title 14 regarding hazardous materials.

RESIGNATIONS, APPOINTMENTS, & REAPPOINTMENTS

APPOINTMENT OF KEVIN LITWIN TO THE DESIGN COMMISSION (Transportation Advisory Commission Nomination)

Claims Received and Filed

Claim No.	Claimant	Claim Amount
2023-0074	Shi Yi	\$ Not stated
2023-0075	William Domenic Mastreano	2,901.03
2023-0076	Anna Rita Johnson	1,000.00
2023-0077	Amalia Lopez	25,000.00+
2023-0078	Harwell Parks Quillian III	25,000.00+
2023-0079	Charles Brentwood Harlan Poer	25,000.00+

The Mayor reported that Item 6 (Loan to Pasadena Center Operating Company (PCOC)...) had been pulled from the agenda and will return for City Council discussion at a future date.

It was moved by Councilmember Williams, seconded by Vice Mayor Wilson, to approve all items on the Consent Calendar with the exception of Item 1 (Authorization to enter into a Contract with Raftelis Financial Consultants, Inc., dba Raftelis...) which was discussed separately, and Item 6 (Loan to Pasadena Center Operating Company (PCOC)...), which was pulled from the agenda:

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

CONSENT ITEMS DISCUSSED SEPARATELY

AUTHORIZATION TO ENTER INTO A CONTRACT WITH RAFTELIS FINANCIAL CONSULTANTS, INC., DBA RAFTELIS FOR WATER COST OF SERVICE ANALYSIS AND RATE DESIGN SERVICES FOR AN AMOUNT NOT-TO-EXCEED \$142, 724

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 a contract, as a result of a competitive selection process, as specified by Section 4.08.047 of the Pasadena Municipal Code, with Raftelis Financial Consultants, Inc., dba Raftelis ("Raftelis") for an amount not-to-exceed \$142,724 or one year, whichever comes first, with two optional six-month extensions at no additional cost, to provide Water Cost of Service Analysis ("COSA") and Rate Design services; and (Contract No. 32329)

(3) Authorize the Interim City Manager to approve change orders for contracts relating to the Water COSA and Rate Design services in an aggregate amount not-to-exceed \$15,000.

Nina Chomsky, representing Linda Vista-Annandale Association, asked that the Water Cost of Service Analysis and Rate Design services report be made available to the public; that Raftelis Financial Consultants be provided public comments collected on water issues; and expressed concerns regarding the City's water supply in light of growing development, and asked whether the City should rethink the 2015 General Plan.

Jeffrey Kightlinger, Interim General Manager, stated that the analysis will be brought forward through the Municipal Services Committee (MSC), and noted that there will be a public workshop during the rate design process.

Following discussion, Mayor Gordo asked staff to provide the City Council with a timeline detailing the upcoming public hearing and public workshop schedule, including those Municipal Services Committee meetings where this topic will be discussed, so that the Councilmembers can distribute the information to their constituents.

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

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

**ORDINANCE – SECOND
READING**

Adopt “**AN ORDINANCE OF THE CITY OF PASADENA ADDING A NEW CHAPTER 8.92 TO TITLE 8 OF THE PASADENA MUNICIPAL CODE ENTITLED “BUILDING ELECTRIFICATION”** (Introduced by Councilmember Williams) (Ordinance No. 7398)

Mark Jomsky, City Clerk, reported that one letter from nine representatives of local organizations advocating for staff to amend the building electrification ordinance to include a definition on the commercial kitchen exemption, create a reporting process policy, encourage outreach on the matter, and change new construction requirements to include demolition of 50 percent or more linear length of the wall of the building and 50 percent of the roof; as well as one letter in support of the proposed ordinance, which were 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 adopted by the following vote:

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

City Manager

Mayor Gordo stated he had a potential conflict, recused himself, and left the meeting at 5:55 pm.

RENT CONTROL MEASURE: ANALYSIS OF BALLOT MEASURE TITLED PASADENA FAIR AND EQUITABLE HOUSING CHARTER AMENDMENT

Recommendation: This report is for information purposes only. No action is requested by the City Council.

Interim City Manager Kurtz and David Reyes, Acting Assistance City Manager, provided introductory comments; and responded to questions.

Jay Trevino and Andrea Miller, representing Management Partners, presented a PowerPoint presentation on the item; and all responded to questions.

Councilmember Madison raised several questions on the policy rational for imposing the annual fee on landlords; expressed concerns with potential financial effects this measure will have on landlords as a result of the rent control regulations, and potential for a decrease of property value and housing supply in the City; noting that based on his research, a large percentage of economist oppose rent control.

Councilmember Williams echoed Councilmember Madison concerns regarding the anticipated public benefit of rent control in relation to the likely financial burden that will result on landlords, the need for a broader policy discussion on the annual fee, noting that affordable housing is a citywide matter and that cost should be distributed not

only to landlords but to educational institutions and employers. She stated the need for a financial analysis on historical rental increases over the past 10 years, including projected rents in comparison to Consumer Price Index (CPI) increases, as a way to quantify anticipated tenant benefits should the Charter Amendment measure be adopted. She also suggested the need for a comparison of the state's rent control vs the City's proposed Charter Amendment; spoke on the need to preserve the City's old housing market for those families that will benefit from rent regulated units, touching upon illegal subletting and finding a way to tie rent to income, and encouraged the City to explore opportunities to work with the California Statewide Community Development Authority (CSCD).

Vice Mayor Wilson spoke on the Tenant Protection Act (AB 1482), which became law on January 1, 2022, and cautioned that AB 1482 was implemented in the middle of a pandemic; expressed concern with potential impacts to property values and property tax revenue, noting that property tax is the General Fund's largest revenue source, which may result in potential fiscal impacts to the City.

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

Mark Jomsky, City Clerk, reported on the correspondence received for Items 11, 12 and 13, as follows: ten letters advocating for the City Council to support the rent control initiative; thirty seven letters in opposition to the rent control ballot measure, advocating for the City Council to oppose the rent control measures and/or expressing concerns with the rent control initiative; one letter advocating for the City Council to be neutral or support the rent control initiative; and one letter advocating for changes to the proposed text of the Charter Amendment Rent Control Measure ballot question to include a clarification that rent increases are tied to the year-over-year increase in CPI, rent control exempts single family homes, and enumerate specific examples of the just cause for eviction criteria; which were received by the City Clerk's Office, distributed to the City Council, posted on-line, and made part of the public record.

City Council

RENT CONTROL MEASURE: CONSIDERATION OF A CITY COUNCIL POSITION REGARDING THE CHARTER AMENDMENT INITIATIVE PETITION TO ESTABLISH RENT CONTROL, CREATE A RENTAL HOUSING BOARD AND SET CRITERIA FOR JUST CAUSE EVICTIONS ("CHARTER AMENDMENT RENT CONTROL MEASURE")

Recommendation: It is recommended that the City Council provide direction to staff as to whether the City Council will take a position in support or opposition or remain neutral as to the Charter Amendment Rent Control Measure, which has qualified for the November 2022 General Election ballot.

David Reyes, Acting City Manager, provided introductory comments and responded to questions.

The following individuals advocated for the City Council to take a position in support as to the Charter Amendment Rent Control Measure:

Sean Pike, Pasadena resident
Bee Rooney, Pasadena resident
Victor Suarez, Pasadena resident
Ashay Patel, Pasadena resident
Aeryn Levey, Pasadena resident
Mercy Young, Pasadena resident
Rev. Tera Landers, Throop Unitarian Universalist Church
Gina Dance, Pasadena resident
Shireen Krelle, Pasadena resident
Sonja Berndt, Pasadena resident
Brendan Poon, Pasadena resident
Allison Henry, Pasadena resident
Jane Panangaden, Pasadena resident
Carl Selkin, Pasadena resident
Michelle White, Pasadena resident
PJ Johnson, Pasadena resident
Sarah Forman Rodriguez, Pasadena resident
Deepa Varma, representing Tenants Together
Dan, Pasadena resident
Kahlmus Eatman, Pasadena resident
Denise Robb, representing Throop Unitarian Universalist Church
Anthony Manousos, representing Making Housing and
Community Happen
Bert Newton, representing Making Housing and Community
Happen Pasadena resident
Tina Fredericks, Pasadena resident
Jill Shook, representing Making Housing and Community Happen

The following individuals advocated for the City Council to take a position in opposition as to the Charter Amendment Rent Control Measure:

Rian Barrett, representing Pasadena-Foothills Association of Realtors
Exie Marie Leagons, Pasadena resident – oppose
Matthew Buck, representing California Apartment Association
Christina Held, representing Foxdale Properties, LLC
Danielle Leidner-Peretz, representing Apartment Association of Greater Los Angeles
Joel Bryant, Pasadena resident

Councilmember Rivas expressed thanks and appreciation to the public speakers for their comments; spoke on the analysis presented, stating that there is not enough information on the resulting impacts of the proposed voter initiative if the measure passes; and spoke in support for the City Council taking a neutral position on the Charter Amendment Rent Control Measure, and allowing the measure to stand or fail on its own merits.

Councilmember Madison and Councilmember Masuda spoke on the complexities surrounding the matter; expressed concerns with potential impacts to the landlords, while acknowledging the affordability concerns of tenants; and stated their support for the City Council to take a neutral position on the measure.

Councilmember Williams expressed concerns with the findings of the report regarding the potential impacts and implementation of the Charter Amendment, which is not a perfect overlay with existing provisions of the Charter, and stated her support for the City Council to take a neutral position.

Vice Mayor Wilson stated that if the measure passes, it is his hope that it will provide the intended positive benefits, and the negative implications to the landlords, housing stock and housing quality will not come to pass.

Following brief discussion, it was moved by Councilmember Rivas, seconded by Councilmember Hampton, for the City Council to take a neutral position on the Charter Amendment Rent Control Measure:

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

City Clerk

RENT CONTROL MEASURE: ADOPTION OF RESOLUTIONS RELATED TO THE CALLING OF A GENERAL MUNICIPAL ELECTION OF THE CITY OF PASADENA CONSOLIDATED WITH THE STATEWIDE GENERAL ELECTION HELD ON TUESDAY, NOVEMBER 8, 2022, FOR THE PURPOSE OF SUBMITTING A CHARTER AMENDMENT INITIATIVE PETITION MEASURE TO THE VOTERS OF THE CITY OF PASADENA TO IMPOSE RENT CONTROL, CREATE A RENTAL HOUSING BOARD, AND SET CRITERIA FOR JUST CAUSE EVICTIONS (“CHARTER AMENDMENT RENT CONTROL MEASURE”); AND OTHER RELATED ACTIONS

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) Adopt a resolution of the City Council of the City of Pasadena calling and giving notice of a General Municipal Election of the City of Pasadena on Tuesday, November 8, 2022, for the purpose of submitting a Charter Amendment Initiative Petition Measure to the voters of the City of Pasadena to Impose Rent Control, Create a Rental Housing Board, and Set Criteria for Just Cause Evictions (Exhibit A to resolution); requesting the Board of Supervisors of the County of Los Angeles authorize and order the consolidation of the City of Pasadena General Municipal Election with the Statewide General Election to be held on Tuesday, November 8, 2022; and directing the Los Angeles County Registrar-Recorder/County Clerk administer said election on behalf of the City; (Resolution No. 9939)

(3) Adopt a resolution of the City Council of the City of Pasadena setting priorities for filing written arguments pertaining to the Charter Amendment Rent Control Measure; and directing the City Attorney to prepare an impartial analysis; (Resolution No. 9940)

(4) Adopt a resolution of the City Council of the City of Pasadena providing for the filing of rebuttal arguments for the Charter Amendment Rent Control Measure; and (Resolution No. 9941)

(5) Approve the printing of a City of Pasadena supplemental voter guide dedicated to two local measures (as detailed in the agenda report); and authorize the City Clerk to send a letter to the Los Angeles County Registrar-Recorder/County Clerk's Office confirming that the City will produce its own guide, requesting access to Pasadena voter addresses for mailing purposes, and stating the City will forego printing ballot measure information (aside from ballot questions) in the County's guide.

Mark Jomsky, City Clerk, presented a PowerPoint presentation on the item; and all responded to questions.

Tom Webber, outside Council, provided suggestions on the recommended text of the ballot question for the Measure.

Ryan Bell, Proponent, spoke on the text of the ballot question, and possible changes; and that he sent Councilmember Madison an article regarding economists who support rent control.

Following discussion, by consensus, the City Council amended the text of the ballot question as follows:

Pasadena Charter Amendment Initiative Petition Measure Imposing Rent Control
Shall an amendment to the Pasadena City Charter limiting rent ~~increases~~ adjustments in the City of Pasadena annually to 75% of the percentage increase in the Consumer Price Index for most multifamily rental units built before February 1, 1995, ~~creating an independent Rental Housing Board appointed by the City Council, as well as setting its members' initial compensation, and~~ prohibiting evictions from most rental units, except for just cause based on 11 specified criteria; and creating an independent Rental Housing Board appointed by the City Council to oversee and adopt rules and regulations, be adopted?

It was moved by Councilmember Rivas, seconded by Councilmember Hampton, to approve the staff recommendation, incorporating the amended ballot measure question, as detailed above:

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

NOES: None

ABSENT: Mayor Gordo

ABSTAIN: None

ADJOURNMENT

On order of the Mayor, by consensus, the regular meeting of the City Council adjourned at 9:21 p.m.

Victor M. Gordo, Mayor
City of Pasadena

ATTEST:

City Clerk