

CITY OF PASADENA
City Council Minutes
March 27, 2023 – 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 4:30 p.m.
(Absent: Councilmember Rivas)

CLOSED SESSION On the order of the Mayor, the regular meeting recessed at 4:31 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: Bailey, I. v. Dumaguindin, et al.
Ninth Circuit Court of Appeals Case No. 22-56001

Councilmember Lyon
recused himself at 5:06
p.m., due to a potential
conflict of interest and left
the closed session
meeting.

**CITY COUNCIL CONFERENCE WITH REAL PROPERTY
NEGOTIATORS** pursuant to Government Code Section 54956.8
Property Location: 700 Seco Street, Pasadena, CA
Agency Negotiator: Miguel Márquez
Negotiating Party: Proposer David Eads for Pasadena
Tournament of Roses Association, a California nonprofit
corporation
Under Negotiation: Price and terms of Payment

Councilmember Lyon
returned to the meeting at
5:32 p.m.

**CITY COUNCIL CONFERENCE WITH REAL PROPERTY
NEGOTIATORS** Pursuant to Government Code Section 54956.8
Property: 1001 Rose Bowl Drive, Pasadena, CA
Agency negotiator: Miguel Márquez
Negotiating parties: Jens Weiden
Under negotiation: Price and terms of payment

CITY COUNCIL CONFERENCE WITH LEGAL COUNSEL
regarding significant exposure to potential litigation pursuant
to Government Code Section 54956.9(d)(2) (one potential case)

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

On the order of the Mayor, the regular meeting reconvened at 5:54
p.m. The pledge of allegiance was led by Councilmember Madison.
(Absent: Councilmember Rivas)

ROLL CALL:
Councilmembers: Mayor Victor M. Gordo
Vice Mayor Felicia Williams
Councilmember Tyron Hampton
Councilmember Justin Jones

Councilmember Jason Lyon
Councilmember Steve Madison
Councilmember Gene Masuda
Councilmember Jessica Rivas (Absent)

Staff:

City Manager Miguel Márquez
City Attorney/City Prosecutor Michele Beal Bagneris
City Clerk Mark Jomsky

SPECIAL ITEMS

ORAL UPDATE ON LEAF BLOWER ORDINANCE

Recommendation: This oral update is for information only; no action is needed at this time.

Jennifer Paige, Interim Director of Planning, introduced the agenda item, and Israel Del Toro, Neighborhood & Business Services Administrator, presented a PowerPoint presentation on the item; and responded to questions.

Councilmember Hampton asked staff to consider extending outreach to areas just outside the City boundaries (e.g., 1,000 ft. radius), and suggested holding workshops at local landscaping, garden nursery stores, etc., during the early mornings and/or after business hours for increased awareness of the new regulations.

In response to Councilmember Jones, Mr. Del Toro noted that there may be an opportunity to hold a workshop in more of a classroom setting in order to record the workshops and commented that that the information on the gas-powered leaf blower ban will be translated into Spanish and be available on the City's website.

Adriana Bautista, Pasadena resident, spoke in support of outreach efforts at the Pasadena Community Job Center and encouraged a workshop to be hosted by the National Day Laborer Organization Network (NDLON).

On the order of the Mayor, and consensus of the City Council, the information was received and filed.

AIR QUALITY UPDATES: PRESENTATION BY MICHAEL CACCIOTTI, SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT (SCAQMD), GOVERNING BOARD VICE CHAIR

Michael Cacciotti, South Coast Air Quality Management District (SCAQMD), presented a PowerPoint presentation on the item; and responded to questions.

Dan Mabe, American Greens Zone Alliance (AGZA), provided information on AGZA core program outreach and resources, and provided a demonstration of the battery powered leaf blower; and responded to questions.

Councilmember Hampton asked staff to include an update on the City's leaf blower ordinance, as well as AQMD's Commercial Electric Lawn and Garden (EL&G) Equipment Incentive & Exchange Program in the City Manager's Newsletter.

On the order of the Mayor, and consensus of the City Council, the information was received and filed.

Vice Mayor Williams announced that the Hollywood Burbank Airport replacement passenger terminal design boards have been set up in the Council Chamber, which allows for public review and feedback (questionnaire) on the three proposed designs.

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

Allen Shay, Pasadena resident, reiterated his request that the City Council review and discuss how the City is utilizing bodycam and other video sources as part of the investigative process for critical incidences, such as in the Anthony McClain case.

Olden Denham, Pasadena resident, spoke on the need to provide more training to the Pasadena Police Officers (PPD); spoke on the bodycam footage in the shooting of Anthony McClain, and advocated for holding accountable the Officers involved.

The following individuals provided comments on the climate crisis, read an excerpt from the synthesis report of the Intergovernmental Panel on Climate Change (IPCC) Sixth Assessment Report; and thanked the City of Pasadena for declaring a climate emergency and adopting a resolution for 100% carbon free electricity by 2030:

Carl Selkin, representing Pasadena 100
Sophia Schafer-Wharton, student at Sequoya School
Alana Greene, student at Sequoyah School
Harper Gowen, student at Sequoyah School
Gracie O'Malley, student at Sequoyah School
Ioana Craiciu, Pasadena resident
Skyler Gering, Pasadena resident

Heavenly Hughes, representing My TRIBE Rise, echoed the comments from the previous speakers on climate change, and invited the community to the 3rd Annual Dena Juneteenth Celebration on June 17, 2023; and advocated for accountability and transformation within the PPD.

Adriana Bautista, Pasadena resident advocated for holding Officer Dumaguindin accountable for the shooting of Anthony McClain; and spoke on the need for change given the lack of accountability for the Pasadena Police Officers involved in the Kendrick McDade shooting.

CONSENT CALENDAR
Item discussed separately

AUTHORIZATION TO ENTER INTO A CONTRACT WITH THE EL MONTE POLICE DEPARTMENT (EMPD) FOR SUPPLEMENTAL LAW ENFORCEMENT SERVICES FOR SPECIAL EVENTS AT THE ROSE BOWL (Police Dept.)

CONTRACT AWARD FOR SERVICE, REPAIR, AND MAINTENANCE FOR SEAGRAVE AND PIERCE TRUCKS WITH FIRE APPARATUS SOLUTIONS FOR \$1,250,000, SOUTHERN CALIFORNIA FLEET SERVICES INC., FOR \$500,000, AND SOUTH COAST EMERGENCY VEHICLE SERVICE FOR \$500,000 IN A COMBINED GRAND TOTAL AMOUNT NOT-TO-EXCEED \$2,250,000 FOR UP TO FIVE YEARS (Public Works Dept.)

Recommendation: It is recommended that the City Council:

(1) Find that this action is exempt under the California Environmental Quality Act (CEQA);

(2) Accept the bid dated December 15, 2022 submitted by Fire Apparatus Solutions in response to the specifications for Service, Repair, and Maintenance for Seagrave and Pierce Fire Trucks, and authorize the City Manager to enter into a contract for an amount not-to-exceed \$750,000 (which includes a \$75,000 contingency) over a three-year period, with the option for two additional one-year extensions, in the annual amount of \$250,000 (which includes a \$25,000 contingency) at the discretion of the City Manager, for a maximum total contract length of five years and a grand total contract amount of \$1,250,000; (Contract No. 32578)

(3) Accept the bid dated January 9, 2023 submitted by Southern California Fleet Services Inc., in response to the specifications for Service, Repair, and Maintenance for Seagrave and Pierce Fire Trucks, and authorize the City Manager to enter into a contract for an amount not-to-exceed \$300,000 (which includes a \$30,000 contingency) over a three-year period, with the option for two additional one-year extensions, in the annual amount of \$100,000 (which includes a \$10,000 contingency) at the discretion of the City Manager, for a maximum total contract length of five years and a grand total contract amount of \$500,000; and (Contract No. 32579)

(4) Accept the bid dated January 6, 2023 submitted by South Coast Emergency Vehicle Service in response to the specifications for Service, Repair, Maintenance for Seagrave and Pierce Fire Trucks, and authorize the City Manager to enter into a contract for an amount not-to-exceed \$300,000 (which includes a \$30,000 contingency) over a three-year period, with the option for two additional one-year extensions, in the annual amount of \$100,000 (which includes a \$10,000 contingency) at the discretion of the City Manager, for a maximum total contract length of five years and a grand total contract amount of \$500,000. (Contract No. 32580)

AUTHORIZATION TO AMEND CONTRACT NO. 23657 WITH ALESSANDRO, LLC BY \$33,000 FOR A TOTAL AMOUNT NOT-TO-EXCEED \$105,000 FOR TEMPORARY PROPERTY LEASE OF 95 ALESSANDRO PLACE (Public Works Dept.)

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) in accordance with Title 14, Chapter 3, Article 19, Section 15061, Class 3, the General Rule that CEQA only applies to projects that may have an effect on the environment;

(2) Authorize the City Manager to amend Contract No. 23657 with Alessandro, LLC by \$33,000 increasing the not-to-exceed amount to \$105,000 for the lease of the property 95 Alessandro Place, City of Pasadena; and (Contract No. 23,657-1)

(3) To the extent this transaction could be considered a separate procurement subject to the Competitive Selection Process, grant the proposed contract amendment with Alessandro, LLC an exemption from the Competitive Selection Process set forth in the Competitive Bidding and Purchasing Ordinance pursuant to the Pasadena Municipal Code Section 4.08.049(A)(5), contracts relating to the acquisition, disposal or lease of real property.

APPROVAL OF FINAL TRACT MAP NO. 071484 FOR CREATION OF FIVE AIR PARCELS FOR RESIDENTIAL CONDOMINIUM PURPOSES AT 57 AND 65 SOUTH CRAIG AVENUE (Public Works Dept.)

Recommendation: It is recommended that the City Council:

(1) Adopt a resolution to approve Final Tract Map No. 071484 for the creation of five air parcels for residential condominium purposes; and (Resolution No. 9987)

(2) Authorize the City Clerk to execute the Certificate on the Tract Map showing the City's approval of said Map.

Recommendation of the Hearing Officer: Final Tract Map No. 071484, for the creation of five air parcels for residential condominium purposes, was reviewed and approved in tentative form by the Subdivision Hearing Officer on October 17, 2012 (Attachment A of the agenda report). The exercise of the right granted must be commenced within three years, or by October 17, 2015. In addition, State Assembly Bill Nos. 116 and 208 provided automatic extensions to the approved map. As a result, the applicant may commence the exercise of the right granted by October 17, 2019.

In accordance with Pasadena Municipal Code Chapter 16.18.060, "Approved tentative maps and tentative parcel maps shall be valid for the period of time prescribed by the Subdivision Map Act, and shall expire and be void at the end of that period unless a final map or a parcel map has been filed with the City Engineer." The Final Map was first submitted for review in November 2017. It was approved by the City's survey consultant in May 2022 and submitted to the City for final processing in February 2023.

APPROVAL OF THE JOINT EXERCISE OF POWERS AGREEMENT FOR THE ESTABLISHMENT OF THE BURBANK- GLENDALE-PASADENA REGIONAL HOUSING TRUST FUND, A

JOINT POWERS AGENCY, CREATED PURSUANT TO SENATE BILL NO. 1177 (Housing Dept.)

Recommendation: It is recommended that the City Council:

(1) Find that the recommended action does not have a significant effect on the environment and has been determined to be categorically 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) Approve the Joint Exercise of Powers Agreement ("JPA") to establish the Burbank-Glendale-Pasadena Regional Housing Trust as described in the agenda report and attached to the agenda report, and authorize the City Manger to execute any and all documents necessary to effectuate the staff recommendation. (Contract No. 23,832)

Item discussed separately

RECOGNIZE REVENUE AND APPROPRIATE \$152,000 IN STATE FUNDING TO THE POLICE DEPARTMENT'S FISCAL YEAR 2023 OPERATING BUDGET FOR WELLNESS RELATED PROGRAMS AND ACTIVITIES (Police Dept.)

Item discussed separately

CONTRACT TO PERFORMA LABS INC., FOR A WEB-BASED DE-ESCALATION TRAINING PLATFORM NOT-TO-EXCEED \$350,000 (Police Dept.)

AUTHORIZATION TO INCREASE PURCHASE ORDER NO. 1231446 WITH LIVHOME INC., TO PROVIDE HOMEMAKER SERVICES FOR THE TRANSITIONAL AGE YOUTH (TAY) LINK AND GERIATRIC EMPOWERMENT MODEL (GEM) LINK PROGRAMS (Public Health Dept.)

Recommendation: It is recommended that the City Council:

(1) Find that the proposed action in the agenda report is not a project subject to the California Environmental Quality Act (CEQA) pursuant to Section 21065 of CEQA and Sections 15060(c)(2), 15060(c)(3), and 15378 of the State CEQA Guidelines, and as such, no environmental document pursuant to CEQA is required for the project;

(2) Authorize the City Manager to increase Purchase Order No. 1231446 with LivHome Inc., by \$60,000 from \$74,999 to a revised amount of \$134,999. Competitive bidding is not required pursuant to City Charter section 1002(F) (contracts for professional or unique services); and

(3) To the extent this action could be considered a separate procurement subject to the Competitive Selection Process, it is recommended that the City Council grant the contract an exemption pursuant to Pasadena Municipal Code Section 4.08.049(B), contracts for which the City's best interests are served.

Item discussed separately

FINANCE COMMITTEE: AUTHORIZE THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION TO RECOGNIZE AND APPROPRIATE \$61,727 TO THE FISCAL YEAR 2023 PUBLIC HEALTH DEPARTMENT OPERATING BUDGET TO CONDUCT A MENTAL HEALTH AWARENESS AND TRAINING PROGRAM (Public Health Dept.)

FINANCE COMMITTEE: DIRECTION TO PREPARE AN ORDINANCE AMENDING PASADENA MUNICIPAL CODE (PMC) CHAPTER 4.100 TO REFLECT THE CHARTER AMENDMENT TO SECTIONS 1407 AND 1408 AS APPROVED BY VOTERS (Finance Dept.)

Recommendation: It is recommended that the City Council:
(1) Find that the proposed action in the agenda report is exempt from the California Environmental Quality Act ("CEQA") pursuant to State CEQA Guidelines Section 15061(b)(3) (Common Sense Exemption); and
(2) Direct the City Attorney to prepare and return with an ordinance within 60 days, amending Pasadena Municipal Code, Chapter 4.100 (Power Division General Fund Transfer) to conform to the amended Charter provisions for the General Fund Transfer, as further described in the Agenda Report.

FINANCE COMMITTEE: RECOGNIZE AND APPROPRIATE GRANT FUNDS IN THE AMOUNT OF \$50,000 FROM CALIFORNIA STATE LIBRARY TO THE DEPARTMENT OF LIBRARIES AND INFORMATION SERVICES' FISCAL YEAR 2023 OPERATING BUDGET (Library & Information Services Dept.)

Recommendation: It is recommended that the City Council:
(1) Find that the proposed action in the agenda report 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) Recognize and appropriate \$50,000 in Library Services and Technology Act funding administered through the California State Library to the Department of Libraries and Information Services' Fiscal Year 2023 Operating Budget; and (Budget Amendment No. 2023-25)
(3) Authorize the issuance of a purchase order to LYRASIS for the purchase of eBooks for an amount not-to-exceed \$65,000. Neither Competitive Bidding nor Competitive Selection are required pursuant to City Charter Section 1002(H) contracts with other governmental entities, or their contractors for labor, material, supplies, or services and Pasadena Municipal Code Section 4.08.049(B), contracts in the best interest of the City.

RESIGNATIONS,
APPOINTMENTS, &
REAPPOINTMENTS

APPOINTMENT OF NADINE ISAACS TO THE HUMAN SERVICES COMMISSION (District 3 Nomination)

APPOINTMENT OF ANNE MISKEY TO THE HUMAN SERVICES COMMISSION (Agency Nomination)

MINUTES APPROVED

February 27, 2023 City Council
February 27, 2023 Successor Agency to the Pasadena
Community Development Commission

CLAIMS RECEIVED

Claim No.	Claimant	Claim Amount
2023-0236	Melissa Fox Symington	\$ 10,000.00
2023-0237	James Pollerana	25,000.00+
2023-0238	James P. Pollerana	25,000.00+
2023-0239	Deanna Pollerana	25,000.00+
2023-0240	Yunlong Gao	242.22
2023-0241	Duplicate claim to 2023-0198	
2023-0242	Nora Medelin Escobar	3,000.00
2023-0243	Kostas Fergadis	2,040.00
2023-0244	Janice Dixon	Not stated
2023-0245	Artur Gharagozyan	465.49
2023-0246	Harutiun Makinadjian	418.31
2023-0247	James Kohn	25,000.00+
2023-0248	Deborah Levine	624.00
2023-0249	Maria Santos Coy	317.12
2023-0250	John P Morgan	3,500.00

PUBLIC HEARING SET

May 22, 2023, 5:30 p.m. – Amendment to the Schedule of Taxes, Fees and Charges for Fiscal Year 2024

It was moved by Vice Mayor Williams, seconded by Councilmember Hampton, to approve all items on the Consent Calendar, with the exception of Item 1 (Authorization to Enter into a Contract with the El Monte Police Department), Item 6 (Recognize Revenue and Appropriate \$152,000 in State Funding), Item 7 (Contract to Performa Labs Inc.,) and Item 9 (Authorize the City Manager to Enter into an Agreement), which were discussed separately. (Motion unanimously approved) (Absent: Councilmember Rivas)

CONSENT ITEMS
DISCUSSED
SEPARATELY

AUTHORIZATION TO ENTER INTO A CONTRACT WITH THE EL MONTE POLICE DEPARTMENT (EMPD) FOR SUPPLEMENTAL LAW ENFORCEMENT SERVICES FOR SPECIAL EVENTS AT THE ROSE BOWL (Police Dept.)

Recommendation: It is recommended that the City Council:
(1) Find the proposed action in the agenda report is exempt from the California Environmental Quality Act (“CEQA”) pursuant to CEQA Guidelines Section 15061(b)(3);
(2) Authorize the City Manager to enter into a contract, not-to-exceed \$90,000 per year, with the El Monte Police Department for

supplemental law enforcement services for special events at the Rose Bowl, for a period of two years not-to-exceed \$180,000; and (Contract No. 32576)

(3) The proposed contract is exempt from competitive bidding and competitive selection pursuant to City Charter Section 1002(H), and Pasadena Municipal Code, Section 4.08.049(A)(3), contracts with other government entities.

RECOGNIZE REVENUE AND APPROPRIATE \$152,000 IN STATE FUNDING TO THE POLICE DEPARTMENT'S FISCAL YEAR 2023 OPERATING BUDGET FOR WELLNESS RELATED PROGRAMS AND ACTIVITIES (Police Dept.)

Recommendation: It is recommended that the City Council:

(1) Find the proposed action in the agenda report is exempt from the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines Section 15061(b)(3), the General Rule that CEQA only applies to projects which have the potential for causing a significant effect on the environment; and

(2) Amend the Fiscal Year 2023 Operating Budget by recognizing revenue and appropriations of \$152,000 in the Police Department's General Fund (101) as detailed in the Fiscal Impact Section of the agenda report. (Budget Amendment No. 2023-23)

CONTRACT TO PERFORMA LABS INC., FOR A WEB-BASED DE-ESCALATION TRAINING PLATFORM NOT-TO-EXCEED \$350,000 (Police Dept.)

Recommendation: It is recommended that the City Council:

(1) Find that the project proposed in the agenda report is exempt under the California Environmental Quality Act (CEQA) Guidelines 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;

(2) Authorize a contract with Performa Labs Inc., for a web-based de-escalation training platform not-to-exceed \$350,000 over three years. Competitive Bidding is not required pursuant to City Charter Section 1002(C) contracts for labor, material, supplies, or services available from only one vendor; and (Contract No. 32577)

(3) It is further recommended that the City Council grant the proposed purchase an exemption from the competitive selection process pursuant to PMC section 4.08.049(B) for contracts which the City's best interests are served.

FINANCE COMMITTEE: AUTHORIZE THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION TO RECOGNIZE AND APPROPRIATE \$61,727 TO THE FISCAL YEAR 2023 PUBLIC HEALTH DEPARTMENT OPERATING BUDGET TO CONDUCT A MENTAL HEALTH AWARENESS AND TRAINING PROGRAM (Public Health Dept.)

Recommendation: It is recommended that the City Council:

Councilmember Masuda left the meeting at 7:22 p.m.

- (1) Find that the proposed action in the agenda report is not subject to the California Environmental Quality Act (“CEQA”) pursuant to Section 21065 of CEQA and State CEQA Guidelines Sections 15060(2), 15060(c)(3), and 15378, and as such, no environmental document pursuant to CEQA is required;
- (2) Authorize the City Manager to enter into an agreement with the Substance Abuse and Mental Health Services Administration (“SAMHSA”) to accept and administer \$247,623 in Mental Health Awareness and Training (“MHAT”) grant funds on behalf of the City of Pasadena to provide a mental health awareness and training program; and (Contract No. 23,833)
- (3) Amend the Fiscal Year 2023 Public Health Department Operating Budget by recognizing and appropriating \$61,727 of SAMHSA MHAT funding awarded to the Department in December 2022. (Budget Amendment No. 2023-24)

Mark Jomsky, City Clerk reported that Item 1 received one letter expressing concerns with the cost of the supplemental law enforcement services being recommended, asking why El Monte was being proposed instead of the Los Angeles County Sheriffs Department, Glendale, or Burbank Police Departments; Item 6 received one letter from Matellio, Inc., submitting their declaration of interest in building and maintaining a custom-developed Wellness Mobile App for the Police Department; and one letter highlighting potential privacy issues associated with the proposed action, recommending the City mitigate potential harms as part of the procurement process for the proposed Wellness App; and Item 7 received one letter expressing concerns with the digital training modules regarding use of force and de-escalation recommended in the Lexipol manual, noting that Lexipol ignores the changes required by AB 392, with all correspondence 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 expressing concerns with Items 1, 6, 7, and/or 9 detailed above:

Adriana Bautista, Pasadena resident

Yadi, Pasadena resident

Kris Ockershauser, representing Coalition for Increased Civilian Oversight of Pasadena Police

Following discussion, it was moved by Vice Mayor Williams, seconded by Councilmember Hampton, to approve the staff recommendation for Item 1 (Authorization to Enter into a Contract with the El Monte Police Department), Item 6 (Recognize Revenue and Appropriate \$152,000 in State Funding), Item 7 (Contract to Performa Labs Inc.) and Item 9 (Authorize the City Manager to Enter into an Agreement) (Motion unanimously approved) (Absent: Councilmembers Masuda, Rivas)

First Reading

Conduct first reading of “**AN ORDINANCE OF THE CITY OF PASADENA AMENDING PASADENA MUNICIPAL CODE TITLE 17 (ZONING CODE) TO ELIMINATE NEW PLANNED DEVELOPMENT DISTRICT APPLICATIONS**”

The above ordinance was offered by Councilmember Hampton:

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

Mark Jomsky, City Clerk, reported one letter opposing the ordinance and stating that “YIMBY” Law will not hesitate to take legal action to ensure that the law is enforced, was received by the City Clerk’s Office, distributed to the City Council, posted on-line, and made part of the public record.

PUBLIC HEARING

PUBLIC HEARING: RESOLUTION DECLARING RESULTS OF MAJORITY PROTEST PROCEEDINGS AND RENEWING THE PASADENA TOURISM BUSINESS IMPROVEMENT DISTRICT (Pasadena Center Operating Co.)

Recommendation: It is recommended that the City Council:

- (1) Find that the resolution of formation proposed in the agenda report is categorically exempt under California Environmental Quality Act (CEQA) Guidelines Section 15061(b)(3) (common sense exemption) that there is no possibility for causing a significant effect on the environment;
- (2) Hold a final hearing and declaring results of majority protest proceedings; and
- (3) Adopt a Resolution of Formation to declare results of majority protest proceedings and renew the Pasadena Tourism Business Improvement District (PTBID). (Resolution No. 9988)

Mark Jomsky, City Clerk, opened the public hearing; reported that the public hearing notice was mailed on February 9, 2023; and reported one letter in support of the Pasadena Tourism Business Improvement District Renewal; and one letter expressing concerns that the PTBID renewal; were received by the City Clerk’s Office, distributed to the City Council, posted on-line, and made part of the public record.

Mike Ross, Chief Executive Officer of the Pasadena Center Operating Company, provided a PowerPoint presentation, and responded to questions.

Following brief discussion, Mayor Gordo spoke on possibly referring the matter to the Legislative Police Committee to determine if legislative action is needed to address issues with the collection of the PTBID tax through the home-sharing platforms.

Liane Enkelis, representing Pasadena Home Sharing Network, expressed concerns that the PTBID tax will adversely affect potential guests' decision to stay in Pasadena, and asked that the City hold off on applying the tax until at least the Airbnb platform includes the tax automatically as part of any listing fees; and requested to work with staff on compliance with the permitting/registration requirements.

In response to public comment, David Reyes, Assistant City Manager, stated staff is happy to work with Ms. Enkelis regarding how to increase permitting and code enforcement, and spoke on the issue in delaying collection, given that Airbnb is not legally compelled at this point to include collection as part of their fees/home sharing registration costs.

It was moved by Councilmember Hampton, seconded by Councilmember Madison to close the public hearing. (Motion unanimously approved) (Absent: Councilmembers Masuda, Rivas)

The City Clerk announced that no majority protest existed.

It was moved by Councilmember Hampton, seconded by Vice Mayor Williams, to approve the Pasadena Center Operating Company recommendation. (Motion unanimously approved) (Absent: Councilmembers Masuda, Rivas)

City Manager

QUASI-JUDICIAL ACTION: APPEAL OF THE BOARD OF ZONING APPEALS' DECISION OF ZONING ADMINISTRATOR'S DETERMINATION NO. 56, 1312 NORTH LAKE AVEN-E - CROWN CITY BILLIARDS & LOUNGE, AKA JERRY'S FAMILY BILLIARDS (Planning Dept.)

Recommendation: It is recommended that the City Council:

1) Uphold the Board of Zoning Appeals' decision and uphold the Zoning Administrator's Determination that the hours of operation for the business are between 7:00 am to 10:00 pm, pursuant to Zoning Code Section 17.40.070 (Limited Hours of Operation).

Mark Jomsky, City Clerk, reported two letters in support of the staff recommendation, and two letters urging the City Council to grant the appeal and dismiss the citation, were received by the City Clerk's Office, distributed to the City Council, posted on-line, and made part of the public record.

Jennifer Paige, Director of Planning, introduced the agenda item, and Luis Rocha, Planning Manager, presented a PowerPoint presentation on the item; and all responded to questions.

Boyd Hill, representing Crown City Billiards & Lounge, Aka Jerry's Family Billiards (Appellant), provided an oral summary of his correspondence expressing concerns with the staff recommendation; and spoke in opposition to the proposed action, requesting that his client's appeal be granted, and responded to questions.

Frank Yanez, appellant, (owner of Jerry's Family Billiards), provided oral comments expressing concerns with the economic impact on his business if he is forced to close at 10:00 p.m., and spoke in opposition to the staff recommendation, and responded to questions.

The following individuals spoke in opposition to the staff recommendation:

Tod Davenport, representing Los Angeles (LA) Pool League
Saeromi Kim, Los Angeles resident
Arturo Carrillo, member of the LA Pool League
Al Ballesteros, Glendale resident
Patrick Yacoub, Residence not stated
Sonia Perez, Pasadena Business Owner
Darrell Mc Laurin, member of the LA Pool League
Emily Manning, Los Angeles resident
Charles Stanislawski, Landlord/Owner of 1312 North Lake

The following individuals spoke in support of staff recommendation:

Garth Garrett, Pasadena resident
Ginny Roy, Pasadena resident
Gabriel Engel, Pasadena resident
Tina Miller, Pasadena resident
Annette Yasin, representing Bungalow Heaven Neighborhood
Patricia Jockler, Pasadena resident
Evan Sutton, Pasadena resident
Mike Schaffer, Pasadena resident

James Lawson, representing the appellant, provided rebuttal remarks, opposing the proposed action.

Councilmember Madison spoke on resolving this matter by urging the appellant to apply for a Conditional Use Permit (CUP), stating the neighbors also have the right to their quality of life, health, safety, and enjoyment of their property.

Councilmember Hampton raised several questions regarding the calls for service at that location, and other commercial tenants of Block 5, and asked about ways to secure the parking lot after business hours, including requiring a security guard as part of CUP.

Jennifer Paige, Director of Planning, noted that calls for service was not the basis for the underlying issues or the staff recommendation, stating that issues initially started regarding hours of operation, and that calls for service was just additional evidenced used in staff's evaluation.

Following discussion, Vice Mayor Williams stated her support for the staff recommendation, but strongly suggested that the appellant submit a Conditional Use Permit.

Councilmember Lyon expressed his appreciation to everyone who provided public comment, and stated that he is highly sympathetic to the appellant's situation; clarifying that it is the City Council's charge to uphold the Zoning Code as written, and to balance the needs of the community with the needs of local businesses; and echoed the Vice Mayor Williams invitation for the appellant to come to the table to sort this out with a Conditional Use Permit.

Mayor Gordo stated that in light of the facts presented at the appeal, and all of the testimony heard, he noted his support of the staff recommendation. He also encouraged the appellant to attempt to resolve the issued through a Conditional Use Permit process.

Following discussion, Councilmember Hampton suggested that the motion include direction to staff to convene a meeting with all the property owners of the shared parking lot, including the billiards and other commercial tenants of Block 5, to discuss securing the lot.

Mayor Gordo added that further discussion on the parking lot should include discussion around how/if the lot can be used differently, and whether the use can be restricted to help alleviate some of the neighbors' concerns.

Vice Mayor Williams stated that one of the issues with the parking lot is there is a reciprocal easement agreement, and shared that she has held a meeting in the parking lot with the neighbors and the businesses, noting that improvements have been made to address the drainage and handicap parking matters. She stated it is the City's goal to support small businesses (for economic development purposes), which is the basis for the City to enter into the reciprocal easement agreement. She stated she supports Councilmember Hampton's suggestion to include in the motion direction to staff to continue working on addressing the parking lot concerns.

Jennifer Paige, Director of Planning, reported that in the coming months, staff will bring forward a proposed action, following an assessment process, to increase the Block 5 maintenance assessment.

It was moved by Vice Mayor Williams, seconded by Mayor Gordo, to approve the staff recommendation, to uphold the Board of Zoning Appeals' decision and uphold the Zoning Administrator's Determination that the hours of operation for the business will be 7:00 am to 10:00 pm., amended to request that the appellant/owner of Jerry's Family Billiard submit a Conditional Use Permit as a way to address issues raised (as detailed above) and to allow for flexibility in hours of operation, and with direction to staff to convene a meeting with all owners of the parking lot to discuss securing the shared parking lot. (Motion unanimously approved) (Absent: Councilmember Masuda, Rivas)

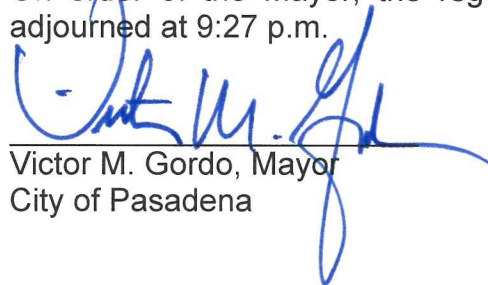
Councilmember Hampton announced that the ROSE Program will be accepting applications April 1st – May 31st, 2023.

Mayor Gordo thanked everyone who attended the West Pasadena Little League Opening Day ceremonies, shared that he attended The Ice House ribbon-cutting ceremony and grand reopening, and congratulated Families Forward Learning Center on their long-standing services to Pasadena's families.

Mark Jomsky, City Clerk, announced the special joint meeting with Los Angeles County Supervisor Kathryn Barger is scheduled for Wednesday, March 29, 2023, at 8:30 a.m.

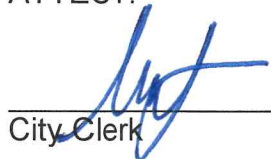
ADJOURNMENT

On order of the Mayor, the regular meeting of the City Council adjourned at 9:27 p.m.



Victor M. Gordo, Mayor
City of Pasadena

ATTEST:



City Clerk