

CITY OF PASADENA
City Council Minutes
December 4, 2023 – 5:30 P.M.
City Hall Council Chamber

OPENING: Mayor Gordo called the regular meeting to order at 6:45 p.m. The pledge of allegiance was led by Vice Mayor Williams. (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 (arrived at 7:15 p.m.)

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

CEREMONIAL MATTERS Mayor Gordo presented commendations to the following long-time employees celebrating 40 and 35 years of service with the City:

Marcia L. Taglioretti, Police Department	40 years
Robert G. Herrera, Library & Information Services	35 years
Derek C. Massengale, Library & Information Services	35 years
Elidia M. Gonzalez, Planning Department	35 years
Karen C. Peterson, Police Department	35 years
Joseph J. Armstrong, Water & Power Department	35 years
Martin G. Lopez, Water & Power Department	35 years
Emory M. Mack, Water & Power Department	35 years

Mayor Gordo requested that the meeting be adjourned in memory of James Robenson, Pasadena Police Department's first Black police chief; he reflected on Chief Robenson's accomplishments during his administration.

Councilmember Madison expressed condolences for the recent passings of former Los Angeles County District Attorney Robert Philibosian, former Descanso Gardens Director David Brown, and finance mogul Charlie Munger; he reflected on their impacts and various contributions to the City.

Mayor Gordo also requested the meeting be adjourned in memory of the passing of former Supreme Court Justice Sandra Day O'Conner, former Grand Marshall of the Rose Parade; and expressed gratitude for her advocacy and devotion to public service.

PUBLIC COMMENT ON
MATTERS NOT ON THE
AGENDA

Councilmember Rivas
joined the dais at 7:15
p.m.

Lakshmanan, representative from Hindu Swayamsevak Sangh, thanked community members for their donations and supporting the Sewa Diwali food drive.

Sylvia Holmes, Pasadena resident, spoke on Pasadena 100's participation in the Doo Dah Parade, and presented "Stop Global Warming" letters signed by community members.

Mark Mastromatteo and Lon Bender, Recreation and Parks Commissioners, advocated for the installation of safety towers in City parks.

Allison Henry, Pasadena Rental Housing Board, shared details of the upcoming in-person Pasadena Rental Housing Board workshop for Spanish speakers.

Allen Shay, Pasadena resident, spoke on the need for change in the City and announced his candidacy for Mayor.

Olden Denham, Pasadena resident, commented on systemic racism and called for changes in the Pasadena Police Department.

Don Rodell, Pasadena resident, commented on his interactions with Pasadena Police Officers.

CONSENT CALENDAR

City Manager/ Executive
Director

Item discussed separately

Item discussed separately

AUTHORIZATION TO ENTER INTO CONTRACTS RELATED TO THE PROVISION OF A CONGREGATE WINTER SHELTER WITH: 1) FRIENDS IN DEED FOR OPERATING SUPPORT WITH FIRST-YEAR CITY FUNDING IN AN AMOUNT NOT-TO-EXCEED \$380,000, AND 2) TRINITY LUTHERAN CHURCH FOR CAPITAL IMPROVEMENTS SUPPORT; AMENDMENT TO THE HOUSING DEPARTMENT'S FISCAL YEAR 2024 OPERATING BUDGET IN THE AMOUNT OF \$275,000 (Housing Dept.)

ADOPT A RESOLUTION TO ACCEPT A CALHOME PROGRAM FUNDING AWARD IN THE AMOUNT OF \$5,000,000 FROM THE STATE OF CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT AND TO ENTER INTO A STANDARD AGREEMENT WITH THE STATE FOR THE UTILIZATION OF THE CALHOME FUNDS (Housing Dept.)

AUTHORIZATION TO ENTER INTO A FIVE-YEAR CONTRACT WITH L N CURTIS & SONS TO PROVIDE PERSONAL PROTECTIVE EQUIPMENT (PPE) CLEANING, INSPECTION AND REPAIR SERVICES FOR AN AMOUNT NOT-TO-EXCEED \$380,000 (Fire Dept.)

Recommendation: It is recommended that the City Council:

(1) Find that the recommended actions in the agenda report are exempt from the California Environmental Quality Act ("CEQA") pursuant to State CEQA Guidelines per Section 15061(b)(3), the

“Common Sense” exemption that CEQA only applies to projects that may have an effect on the environment; and

(2) Authorize the City Manager to enter into a contract as the result of a competitive selection process, as specified by Section 4.08.047 of the Pasadena Municipal Code (PMC), with L N Curtis & Sons for Personal Protective Equipment (PPE) Cleaning, Inspection and Repair Services in an amount not-to-exceed \$380,000 for five years. Competitive Bidding is not required pursuant to City Charter Section 1002(F) contracts for professional or unique services. (Contract No. 32839)

PURCHASE ORDER AWARD TO JCL TRAFFIC SERVICES FOR BARRICADE RENTAL FOR AN AMOUNT NOT-TO-EXCEED \$98,369 (PRCS Dept.)

Recommendation: It is recommended that the City Council:

(1) Find that the recommended action in the agenda report is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Sections 15304 Minor Alterations to Land (Class 4) and 15323 Normal Operations of Facilities for Public Gatherings (Class 23) and that there are no features that distinguish the project from others in the exempt classes, and therefore, there are no unusual circumstances; and

(2) Accept the bid dated October 2, 2023 submitted by JCL Traffic Services in response to specifications for parade barricade rentals and authorize the City Manager to enter into a purchase order with JCL Traffic Services for an amount not-to-exceed \$59,021 (which includes a \$5,366 contingency) over a three-year period with the option of two additional one-year extensions in the annual amount of \$19,674 per year (which includes a \$1,789 contingency) subject to the approval of the City Manager, for a maximum contract length of five years and a total contract amount of \$98,369.

CONTRACT AWARD TO QUALITY FENCE CO INC., FOR FENCE REPAIR AND INSTALLATION FOR AN AMOUNT NOT-TO-EXCEED \$281,780 (PRCS 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 15301, Existing Facilities; and that there are no features that distinguish the project from others in the exempt class, and therefore, there are no unusual circumstances; and

(2) Accept the bid dated September 26, 2023, submitted by Quality Fence Co Inc., in response to specifications for fence repair and installation and authorize the City Manager to enter into a contract with Quality Fence Co Inc., in an amount not-to-exceed \$201,780 over three years with the option for two additional one-year extensions in the annual amount of \$40,000 per year subject to the approval of the City Manager, for a maximum contract length of five years and a total contract amount of \$281,780. (Contract No. 32802)

Item discussed separately

AUTHORIZATION TO AMEND CONTRACT NO. 32390 WITH RICKY PICKENS TO INCREASE THE TOTAL NOT-TO-EXCEED AMOUNT BY \$85,000 FROM \$258,000 TO \$343,000 FOR GANG VIOLENCE OUTREACH AND INTERRUPTION SERVICES IN FISCAL YEAR 2024 (Health Dept.)

ADOPT A RESOLUTION UPDATING THE SALARY OF THE ECONOMIC DEVELOPMENT DIRECTOR CLASSIFICATION (Human Resources 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 CEQA guidelines Section 15061(b)(3) "Common Sense" exemption; and
- (2) Adopt a Resolution Updating Salary of Economic Development Director Classification. (Resolution No. 10026)

CONTRACT AWARD TO GEORGE SALINAS TREE PRESERVATION FOR CITYWIDE TREE AND STUMP REMOVAL SERVICES FOR AN AMOUNT NOT-TO-EXCEED \$687,500 FOR UP TO FIVE YEARS (Public Works Dept.)

Recommendation: It is recommended that the City Council:

- (1) Find the project (Contract if Citywide Tree and Stump Removal) is exempt from the California Environmental Quality Act (CEQA) in accordance with CEQA Guidelines Article 19, Section 15301 (Class 1), 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) Accept the bid dated October 19, 2023 submitted by George Salinas Tree Preservation in response to Notice Inviting Bids for Citywide Tree and Stump Removal, finding any irregularity in the bid to be inconsequential; reject all other bids received; authorize the City Manager to enter into a three-year contract for an amount not-to-exceed \$412,500 (which includes a \$37,500 contingency); and authorize the City Manager to extend the contract for up to two additional one-year terms in the annual amount of \$137,500 each (which includes a \$12,500 contingency), subject to the approval of the City Manager, for a maximum total contract amount of \$687,500 over a maximum contract length of five years, whichever comes first. (Contract No. 32806)

CONTRACT AWARD TO CALIFORNIA PROFESSIONAL ENGINEERING INC., FOR STREET LIGHT INFRASTRUCTURE SERIES CIRCUITS ON LINDA VISTA AVENUE FOR AN AMOUNT NOT-TO-EXCEED \$2,012,290 (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) Guidelines in accordance with Title 14, Chapter 3, Article 19, Section 15301, Class 1, and Section 15302, Class 2, and that there are no

features that distinguish this project from others in the exempt classes, and therefore, there are no unusual circumstances; and
 (2) Accept the bid dated October 18, 2023 submitted by California Professional Engineering Inc., in response to the plans and specifications for the Street Light Infrastructure Series Circuits on Linda Vista Avenue project, reject all other bids received, and authorize the City Manager to enter into a contract for an amount not-to-exceed \$2,012,290, which includes the base contract amount of \$1,748,948 and a contingency of \$263,342 to provide for any necessary change orders. (Contract No. 32801)

City Council

APPROVAL OF FOURTH AMENDMENT TO EMPLOYMENT AGREEMENT FOR CITY CLERK

Recommendation: It is recommended that the City Council:

- (1) Find that the proposed action in the agenda report is exempted from the California Environmental Quality Act (CEQA) pursuant to CEQA guidelines Section 15061(b)(3) "Common Sense" exemption; and
- (2) Approve a fourth amendment to the employment agreement for City Clerk Mark Jomsky to provide an increase to salary and the classification's salary control rate. It is further recommended that the Mayor be authorized to sign the fourth amendment to the employment agreement to reflect the City Council approved changes. (Contract No. 22,943-4)

APPROVAL OF FIFTH AMENDMENT TO EMPLOYMENT AGREEMENT FOR CITY ATTORNEY/CITY PROSECUTOR

Recommendation: It is recommended that the City Council:

- (1) Find that the proposed action in the agenda report is exempted from the California Environmental Quality Act (CEQA) pursuant to CEQA guidelines Section 15061(b)(3) "Common Sense" exemption; and
- (2) Approve a fifth amendment to the employment agreement for City Attorney/City Prosecutor Michele Beal Bagneris to provide an increase to salary and the classification's salary control rate. It is further recommended that the Mayor be authorized to sign the fifth amendment to the employment agreement to reflect City Council approved changes. (Contract No. 23,016-5)

RESIGNATIONS,
 APPOINTMENTS, &
 REAPPOINTMENTS

RESIGNATION OF JULIETA S. ARAGON FROM THE NORTHWEST COMMISSION (District 3 Nomination)

APPOINTMENT OF VALERIE STRUSKI TO THE ACCESSIBILITY & DISABILITY COMMISSION (District 3 Nomination)

**CITY CLERK/
 SECRETARY**

CLAIMS RECEIVED AND
 FILED

Claim No.	Claimant	Claim Amount
2024-0101	Clinton Jones	\$ 438.49
2024-0102	Ashley Abril Gomez Zamudio	7000.00

2024-0103	Paul Bamrungpong	3,500.00
2024-0104	Vadim Llanto	1,800.00
2024-0105	AAA Interinsurance A/S/O Elvia Battoe	9,815.39
2024-0107	Mercury Insurance Company as Subrogee of Gustavo Pena	5,718.60
2024-0108	Farmers Insurance A/S/O Martin Garcia	2,532.46
2024-0109	Farmers Insurance	21,229.39
2024-0110	Interinsurance Exchange of the Auto Club	8,829.05
2024-0111	Denise McElroy	5,000.00
2024-0112	Talib Khalfani	1,456.00
2024-0113	Rains Lucia Ster, PC/Guadalupe Rivas	25,000.00+
2024-0114	California Institute of Technology	Not Stated

City Clerk Jomsky reported that one letter in support of the staff recommendation for Item 1, and one letter expressing concerns for Item 6, were received by the City Clerk’s Office, distributed to the City Council, posted online, and made part of the public record.

Councilmember Madison suggested that City staff include original agreements in the agenda packet when contract amendments are considered to increase transparency, and ensure the City Council and public are aware of the original agreement.

As required by the Brown Act, prior to taking action on Consent Items 10 and 11, Mayor Gordo reported on the compensation increases for the City Clerk and the City Attorney/City Prosecutor.

MOTION:

It was moved by Vice Mayor Williams, seconded by Councilmember Lyon, to approve all items on the Consent Calendar, with the exception of Items 1, 2, and 6 to be heard separately. (Motion unanimously approved) (Absent: None)

ITEMS DISCUSSED SEPARATELY

AUTHORIZATION TO ENTER INTO CONTRACTS RELATED TO THE PROVISION OF A CONGREGATE WINTER SHELTER WITH: 1) FRIENDS IN DEED FOR OPERATING SUPPORT WITH FIRST-YEAR CITY FUNDING IN AN AMOUNT NOT-TO-EXCEED \$380,000, AND 2) TRINITY LUTHERAN CHURCH FOR CAPITAL IMPROVEMENTS SUPPORT; AMENDMENT TO THE HOUSING DEPARTMENT’S FISCAL YEAR 2024 OPERATING BUDGET IN THE AMOUNT OF \$275,000 (Housing Dept.)

Recommendation: It is recommended that the City Council:

(1) Friends In Deed:

a. Find that the recommended actions in the agenda report are exempt from the California Environmental Quality Act ("CEQA") pursuant to State CEQA Guidelines per Section 15061(b)(3), the

“Common Sense” exemption that CEQA only applies to projects that may have an effect on the environment;

b. Authorize the City Manager to enter into a contract with The FID Group dba Friends In Deed, as the result of a competitive selection process as specified by Section 4.08.047 of the Pasadena Municipal Code to provide weather-activated motel vouchers and operate a congregate winter shelter, for a contract term of five (5) years with a total contract amount not-to-exceed \$1,900,000 consisting of \$380,000 from the Housing Department’s Fiscal Year 2024 Operating Budget plus funding for the balance of the contract term which shall be subject to City budget appropriations. Competitive price bidding is not required pursuant to City Charter Section 1002(F) contracts for professional or unique services (Contract No. 32796); and

c. Authorize the City Manager to approve no-cost amendments to the contract with Friends In Deed which extend the term with no impact to the total not-to-exceed amount.

(2) Trinity Lutheran:

a. Find that the recommended action in the agenda report is exempt from the California Environmental Quality Act ("CEQA") pursuant to State CEQA Guidelines per Section 15301 (existing facilities);

b. Authorize the City Manager to enter into a contract with Trinity Evangelical Lutheran Church in an amount not-to-exceed \$275,000 with contract terms ending December 31, 2024, to provide necessary capital improvements to support the operation of a congregate winter shelter (Contract No. 32848);

c. To the extent the Contract authorized under Recommendation 2b, could be considered a separate procurement subject to the Competitive Selection Process, grant the contracts an exemption pursuant to Pasadena Municipal Code (PMC) Section 4.08.049(B), contracts for which the City’s best interests are served. Competitive price bidding is not required pursuant to City Charter Section 1002(F) contracts for professional or unique services; and

d. Amend the Housing Department’s Fiscal Year (FY) 2024 Operating Budget by appropriating \$275,000 for the capital improvement contract with Trinity Lutheran Church. (Budget Amendment No. 2024-28)

ADOPT A RESOLUTION TO ACCEPT A CALHOME PROGRAM FUNDING AWARD IN THE AMOUNT OF \$5,000,000 FROM THE STATE OF CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT AND TO ENTER INTO A STANDARD AGREEMENT WITH THE STATE FOR THE UTILIZATION OF THE CALHOME FUNDS (Housing Dept.)

Recommendation: It is recommended that the City Council:

(1) Find that the recommended action in the agenda report is exempt from the California Environmental Quality Act ("CEQA") pursuant to State CEQA Guidelines per Section 15061(b)(3), the “Common Sense” exemption that CEQA only applies to projects that may have an effect on the environment;

- (2) Adopt a Resolution of the City of Pasadena City Council to accept a five million dollar (\$5,000,000) award from the State of California Department of Housing and Community Development's ("HCD's") CalHome program to provide financing for the rehabilitation and construction of accessory dwelling units and to provide downpayment assistance to low-income households (Resolution No. 10027); and
- (3) Authorize the City Manager and or his designee to execute a Standard Agreement, any amendments, and any and all other related program documents, with HCD in connection with the City's five million dollar (\$5,000,000) CalHome award.

AUTHORIZATION TO AMEND CONTRACT NO. 32390 WITH RICKY PICKENS TO INCREASE THE TOTAL NOT-TO-EXCEED AMOUNT BY \$85,000 FROM \$258,000 TO \$343,000 FOR GANG VIOLENCE OUTREACH AND INTERRUPTION SERVICES IN FISCAL YEAR 2024 (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 amend Contract No. 32390 with Ricky Pickens to increase the contract amount by \$85,000, thereby increasing the total not-to-exceed amount from \$258,000 to \$343,000 for Fiscal Year (FY) 2024; and
- (3) To the extent the amendment to Contract No. 32390 could be considered a separate procurement subject to the Competitive Selection Process, grant the contracts an exemption pursuant to Pasadena Municipal Code (PMC) Section 4.08.049(B), contracts for which the City's best interests are served. This transaction is exempt from competitive bidding per PMC Section 4.08.030 and City Charter Section 1002(F) based on contracts for professional or unique services (Contract No.32390-1).

Consent Calendar Items 1, 2, and 6 were heard concurrently.

The following individuals expressed opposition and/or concerns to the usage of Trinity Evangelical Lutheran Church as a winter shelter for unhoused individuals:

Sylvia Hernandez, Pasadena resident
Theresa Prevatil, Pasadena resident
Shirley Hang, Pasadena resident
Amir Sadjadpaur, Pasadena resident
David Nunley, Pasadena resident

The following individuals expressed support and/provided various comments on the use of Trinity Evangelical Lutheran Church as a winter shelter for unhoused individuals:

Andrew Good, Pasadena resident
Jill Shook, Pasadena resident
Jacob Pierce, residence not stated
Reverend Sharon Richter, Trinity Lutheran Church
Bert Newton, Pasadena resident
Anthony Manousos, Pasadena resident
Ryan Bell, Pasadena resident

Councilmember Rivas thanked City staff for working with Friends In Deed to provide essential services to the unhoused community, noting this approach is more efficient and economical than providing hotel vouchers for unhoused individuals during bad weather events.

In response to questions from Councilmember Rivas, Jennifer O'Reilly Jones, Program Coordinator, reported that the shelter will open depending on weather conditions, minimally 1 night per week, and noting that the shelter could be open 30-40 nights during a winter/cold/wet season. She further stated that security would be provided by the shelter operator, Friends In Deed, and the facility will be staffed whenever the shelter is open.

In response to concerns expressed by Mayor Gordo regarding public safety, safeguard provisions in the contract, and protections for the surrounding neighborhoods, Housing Director Bill Huang, reported that the contract can be revisited, and additional funding can be requested for supplemental services, if necessary.

Mayor Gordo suggested reviewing additional capital improvements in the neighborhood to include better streetlighting and trimming of trees to enhance visibility and public safety; and requested that the item be referred to the Public Safety Committee to discuss/address the questions and concerns raised during this discussion.

Vice Mayor Williams suggested coordination between the Salvation Army's day programs, the City's cold weather shelter, and the PORT team to prevent spillover of unhoused individuals into surrounding neighborhoods and lessen the impacts on neighbors.

Following discussion, was moved by Councilmember Rivas, seconded by Vice Mayor Williams, to approve the staff recommendations for Consent Calendar Items 1, 2, and 6, with direction to City staff to submit a report to the Public Safety Committee on the issues, concerns, and questions detailed above. (Motion unanimously approved) (Absent: None)

City Clerk Jomsky reported that one letter of correspondence for Consent Calendar Item 12 was received late by the City Clerk's Office and will be distributed to the City Council, posted online, and made part of the public record.

PUBLIC HEARINGS

ZONING CODE AMENDMENT: TO AMEND THE CITY'S EXISTING REGULATIONS PERTAINING TO RESEARCH AND DEVELOPMENT (R&D) LAND USES (INCLUDING LIFE SCIENCES) (Planning Dept.)

City Clerk Jomsky opened the public hearing; reported that the public hearing notice was published in the Pasadena Press on November 20, November 27, and November 30, 2023; and that six letters in support of the staff recommendation and/or providing comments on the matter were received by the City Clerk's Office, distributed to the City Council, posted online, and made part of the public record.

The following individuals expressed comments in support of the staff recommendation:

Melanie Cohn, Senior Director of Regional Policy and Government Affairs with Biocom California
Charles Liles, Director of Corporate Communications and Investor Relations at ZenCorp
Casey O'Neill, representative from Biocom California

Councilmember Hampton thanked staff for their work on this item; highlighting the positive impacts that the jobs and careers to be created through these initiatives will have on the community.

It was moved by Councilmember Hampton, seconded by Vice Mayor Williams, to close the public hearing. (Motion unanimously approved.)
(Absent: None)

Following discussion, Councilmember Hampton advocated for allowing Pasadena School Unified District to determine the best use of their properties (in relation to R&D uses at vacant school sites).

Councilmember Madison expressed concerns that vacant school properties in residential neighborhoods may not be viable or suitable sites for research and development uses/businesses.

Mayor Gordo also expressed concerns with R&D uses of vacant school sites in neighborhoods; and suggested that the use of vacant schools for non-educational purposes be carved out of the proposed ordinance if the location is in residential areas to prevent traffic and employment impacts on neighborhoods.

It was moved by Councilmember Hampton, seconded by Vice Mayor Williams, to reopen the public hearing. (Motion unanimously approved)
(Absent: None)

Mic Hansen, Planning Commission Chair, provided details on the Planning Commission's discussion of this item, which it was her understanding that the R&D uses proposed referred to schools such as Pasadena Community College, Cal Tech, and other schools in the large

PS zones; and stated that the Commission did not discuss the public schools in residential areas aspect.

Mayor Gordo expressed concerned for the uses that are currently allowed in PS zones and emphasized that the conditional use permits (CUP) for vacant school sites in residential neighborhoods be appropriate and compatible for the surrounding area.

Discussion ensued regarding the potential uses of the vacant schools in PS zones, drafting an ordinance to carve out public school properties in residential neighborhoods, and returning the item to the Planning Commission for further review and discussion.

It was moved by Vice Mayor Williams, seconded by Councilmember Hampton, to close the public hearing. (Motion unanimously approved) (Absent: None)

MOTION:

Following discussion, it was moved by Councilmember Hampton, seconded by Councilmember Masuda, to approve staff recommendation, amended as follows: prohibiting Research and Development (R&D) uses at K-12 school sites that are in PS Zones, with direction to City staff to work with the Planning Commission on possible uses and to report back in 8 months. (Motion unanimously approved) (Absent: None)

ZONING CODE AMENDMENT: TO AMEND THE CITY'S ACCESSORY DWELLING UNIT ORDINANCE (SECTION 17.50.275 OF THE ZONING CODE AND OTHER APPLICABLE SECTIONS) TO ENSURE CONSISTENCY WITH RECENTLY ADOPTING STATE REGULATIONS AND TO FACILITATE THE PRODUCTION OF ACCESSORY DWELLING UNITS (Planning Dept.)

Recommendation: It is recommended that the City Council:

- (1) Find that the proposed amendments in the agenda report are exempt from the California Environmental Quality Act (CEQA) under California Public Resources Code Section 21080.17 in that the proposed Zoning Code Text Amendment further implements the provisions of Section 65852.2 of the California Government Code;
- (2) Make the Findings for Approval for the Zoning Code Text Amendment (Attachment A of the agenda report); and
- (3) Direct the City Attorney to prepare an ordinance for the Zoning Code Text Amendment within 90 days consistent with the provisions set forth in the agenda report.

Recommendation of the Planning Commission: On October 11, 2023 (Attachment B of the agenda report), the Planning Commission considered the proposed amendments at a publicly noticed hearing and recommended, by a unanimous vote, that the City Council approve the Zoning Code Text Amendment as presented by staff, with the following changes:

- (1) Maintain a maximum height of 16 feet for detached accessory dwelling units (ADUs) in Landmark and Historic Districts when visible from the street;
- (2) In addition to the staff recommendation to allow a maximum height of 18 feet for detached ADUs, allow an additional two feet to match the roof pitch of the primary dwelling (except for ADUs visible from the street in Landmark and Historic Districts, and any ADU in Hillside Overlay Districts (HODs);
- (3) Allow upper story windows along the side and rear lot lines when they abut an alley with a minimum width of 20 feet;
- (4) Require non-exempt, attached and detached ADUs to comply with lot coverage requirements; and,
- (5) Continue to implement permitting improvements and study reducing fees for ADUs.

City Clerk Jomsky opened the public hearing; reported that the public hearing notice was published in the Pasadena Press on November 20, November 27, and November 30, 2023; stating that five letters in support of the staff recommendation, one letter advocating for additional amendments to the ADU guidelines, and two letters expressing concerns with the staff recommendation, were received by the City Clerk's office, distributed to the City Council, posted online, and made part of the public record.

Jennifer Paige, Director of Planning, provided introductory remarks on the item; and Guille Nunez, Senior Planner, provided a PowerPoint presentation on the item, and responded to questions.

In response to Councilmember Hampton's questions regarding the City conducting a fee study, Planning Director Paige shared that a fee study would require working with a consultant and could take at least six months before it could be brought back to Council.

In response to Councilmember Madison's concerns regarding the safety of ADUs on hillsides and narrow streets, Planning Director Paige reported that the construction of ADUs on hillside areas would be limited based on evaluation and the topography, while remaining in compliance with state law. She also noted that the City does have some discretion over the sizing of ADUs in hillside areas with wider streets.

In response to Councilmember Madison and Lyon's questions regarding overnight parking, Planning Director Paige confirmed that each residence, with or without an ADU, is limited to two overnight parking permits in the event the maximum allowed on-site parking spaces are occupied, with permits only valid within 500 feet of the residence.

The following individuals expressed comments and/or concerns regarding state regulations on ADUs and the overnight parking permit policy:

Nina Chomsky, Pasadena resident
Bert Newton, Pasadena resident
Herald Zechner, Pasadena resident
Jacob Pierce, residence not stated
Jill Shook, resident not stated
Andrew Slocum, Pasadena resident
Michael Canavan, Pasadena resident
Micha Sunga, Pasadena resident

It was moved by Councilmember Hampton, seconded by Councilmember Williams, to close the public hearings. (Motion unanimously approved) (Absent: None)

MOTION:

Following discussion, it was moved by Councilmember Hampton, seconded by Councilmember Lyon, to approve the staff recommendation, incorporating the Planning Commission recommendations, with the except of Planning Commission Recommendation No. 5, with direction to City staff to conduct a fee study. (Motion unanimously approved) (Absent: None)

**REPORTS AND
COMMENTS FROM
COUNCIL COMMITTEES**

**Legislative Policy
Committee**

ADOPTION OF RESOLUTIONS TO SUBMIT THREE CHARTER AMENDMENT BALLOT MEASURES TO VOTERS AT THE MARCH 5, 2024 PRIMARY MUNICIPAL ELECTION TO: 1) CODIFY CLERICAL CHANGES TO VARIOUS SECTIONS IN THE CITY CHARTER AND UPDATE THE ACCOUNTING METHODS RELATING TO THE TRANSFER FROM THE POWER FUND TO THE GENERAL FUND, IN ACCORDANCE WITH GENERALLY ACCEPTED ACCOUNTING PRINCIPALS (GAAP); 2) REQUIRE THE CITY COUNCIL TO SET BY ORDINANCE LIMITS RELATED TO PROCUREMENT, SETTLEMENTS, AND CLAIMS; AND 3) AUTHORIZE ADDITIONAL CONTRACT SELECTION AND PROJECT DELIVERY METHODS FOR PUBLIC PROJECTS

Recommendation: It is recommended that the City Council:

- (1) Find that the proposed action in the agenda report 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;
- (2) Adopt a resolution of the City Council of the City of Pasadena calling a Primary Municipal Election to be held in the City of Pasadena, consolidated with the Statewide Primary Election held on Tuesday, March 5, 2024, for the purpose of submitting three ballot measures to amend the Pasadena City Charter related to procurement, legal settlements and claims, alternate project delivery methods, updating accounting methods, and making clerical changes to various sections in the City Charter (Resolution No. 10023);
- (3) Adopt a resolution of the City Council of the City of Pasadena setting priorities for the filing of written arguments pertaining to the three ballot measures; and directing the City Attorney to prepare an impartial analysis for each measure (Resolution No. 10024); and

(4) Adopt a resolution of the City Council of the City of Pasadena providing for the filing of rebuttal arguments for each measure (Resolution No. 10025).

Vice Mayor Williams left the meeting at 10:37 p.m.

Matt Hawkesworth, Director of Finance, provided introductory remarks, gave a brief overview of the proposed clerical changes to various sections of the City Charter and ballot questions, and answered questions. City Clerk Jomsky provided an overview of the proposed resolutions setting priorities for primary and rebuttal arguments, suggesting as an option to appoint the Mayor to coordinate the preparation and signing of ballot arguments for each measure, and requesting that the deadline for submitting arguments and impartial analysis for each measure be changed to December 15, 2023, and responded to questions.

MOTION:

Following discussion, was moved by Councilmember Rivas, seconded by Councilmember Jones, to approve staff the recommendation, amended to authorize the Mayor to coordinate the preparation and signing of arguments, and incorporating an amended deadline of December 15, 2023 for the primary arguments and impartial analysis. (Motion unanimously approved) (Absent: Vice Mayor Williams)

ORDINANCE – FIRST READING

Vice Mayor Williams returned to the meeting at 10:40 p.m.

Mayor Gordo recused himself from participation in the item due to potential conflict, and left the dais at 10:42 p.m.

CONDUCT FIRST READING OF “AN ORDINANCE OF THE CITY OF PASADENA CREATING A NEW CHAPTER 2.302 OF THE PASADENA MUNICIPAL CODE TO ESTABLISH A RENT STABILIZATION DEPARTMENT

Michele Bagneris, City Attorney/City Prosecutor, provided an overview of the proposed ordinance to establish a Rent Stabilization Department with a sunset date of 24 months after the effective date.

In response to Councilmember Madison’s concerns regarding the sunset date, City Attorney Bagneris reported that the City Council has the ability to extend the ordinance before the sunset provision takes effect. She noted that if the ordinance does sunset, other governmental mechanisms would be in place to ensure that the will of the voters is followed through in terms of the adopted City Charter provisions in Article XVIII related to rent stabilization.

Councilmember Madison voiced the need to be consistent with the City Charter and opposed the implementation of a sunset date due to its temporary nature. He also expressed concerns with the lack of other mechanisms in place, and suggested having the Pasadena Rental Housing Board operations carried out by City employees, in a manner similar to that of City Council District Liaisons.

Councilmember Rivas expressed concerns with the proposed sunset provision and the difficulties this will have on personnel recruitments for the department. She suggested that the proposed department be re-evaluated after implementation, regardless of a sunset date.

Discussion ensued regarding a re-evaluation of the organizational structure of the proposed Rent Stabilization Department and the establishment of a sunset date.

The following individuals expressed comments and/or concerns regarding the establishment of a Rent Stabilization Department as requested by the Pasadena Rental Housing Board:

David Kaishehan, Apartment Association of Greater Los Angeles
Simon Gibbons, residence not stated
Dennis Jebbia, residence not stated
Rian Barrett, residence not stated

Ryan Bell, Chair of Pasadena Rental Housing Board, spoke in support of the establishment of a Rent Stabilization Department and provided some context for the various models considered to implement rent stabilization in the City following the adoption of Measure H. He noted that a City department was determined to be the best and most efficient model for the purposes of implementing the will of the voters.


Following discussion, it was moved by Councilmember Madison, seconded by Councilmember Rivas, to amend the language in the ordinance by removing the previously proposed sunset clause, and replacing it with the following clause for reevaluation: "The ordinance shall be reevaluated by the city council on or before December 10, 2025." (see Ordinance No. 7417, Section 2.302.040 – Reevaluation adopted on December 11, 2023)

The amended ordinance above was offered by Councilmember Madison:

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

ADJOURNMENT

Following discussion, on order of the Vice Mayor, the regular meeting of the City Council adjourned at 11:42 p.m. in memory of James Robenson, Sandra Day O’Conner, David Brown, Charlie Munger, and Robert Philiposian.



Victor M. Gordo, Mayor
City of Pasadena

ATTEST:



City Clerk