

CITY OF PASADENA  
City Council Minutes  
November 21, 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 4:30 p.m.

On the order of the Mayor, the regular meeting recessed at 4:30 p.m. to discuss the following closed session: (Absent: Councilmember Hampton)

**CITY COUNCIL CONFERENCE WITH REAL PROPERTY NEGOTIATORS** pursuant to Government Code Section 54956.8  
**Property Location:** 217 S. Marengo Ave, #302 Pasadena, CA 91101

**Agency Negotiator:** Márquez, Miguel

**Negotiating Party:** Brian L. Rich, Executor, Marc Lawrence Rich Estate

**Under Negotiation:** Price and terms of Payment

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

Mayor Gordo called the regular meeting to order at 4:41 p.m. The pledge of allegiance was led by Mr. Eugene Harris, newly hired Chief of Police for Pasadena.

**ROLL CALL:**

Councilmembers:

Mayor Victor M. Gordo  
Vice Mayor Andy Wilson  
Councilmember Tyron Hampton (Arrived at 4:49 p.m.)  
Councilmember Justin Jones  
Councilmember Steve Madison  
Councilmember Gene Masuda (Arrived at 4:43 p.m.)  
Councilmember Jessica Rivas  
Councilmember Felicia Williams

Staff:

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

**CEREMONIAL  
MATTERS**

City Manager Miguel Márquez introduced Mr. Eugene Harris, newly hired Chief of Police for Pasadena, and Mr. Sidney Jackson, newly hired General Manager for the Pasadena Water and Power Department, and provided biographical information on each of their careers. The City Manager also expressed his deep appreciation and praise to Interim Police Chief Jason Clawson for stepping up and leading the department.

Mr. Harris expressed his excitement in starting his new position with the City, and pledged a commitment to ensuring that the Police Department is meeting and exceeding the needs of the community on a regular basis.

Mr. Jackson thanked the City Manager and expressed his excitement in starting his new position, leading both the Water and Power Divisions, working with the Executive Leadership Team, collaborating with the City Council, and engaging with the community, constituents, stakeholders, and customers.

On behalf of the City Council and the residents of Pasadena, Mayor Gordo welcomed and congratulated both Mr. Harris and Mr. Jackson on their new Executive roles with the City.

PUBLIC COMMENT ON  
MATTERS NOT ON THE  
AGENDA

Allan Shay, Pasadena resident, commented on and requested clarification related to the release of the Critical Incident OIS Report - Finalized Use of Force Review of the Anthony McClain incident released by the Police Department, noted the City Manager's responsibility for making final decisions on appeals resulting from discipline orders, and suggested that a final administration report should come from the City Manager.

The following individuals provided comments on the passing of Measure H, thanked Councilmember Rivas for her support; expressed disappointment with members of the City Council that did not support Measure H; urged the City to implement the new Charter provisions successfully and quickly; and thanked the community and volunteers for their votes and hard work in supporting Measure H:

Ashay Patel, Pasadena resident  
Gina Dance, Pasadena resident  
Bee Rooney, Pasadena resident  
Ryan Bell, Pasadena resident  
Jane Panangaden, Pasadena resident

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 (Dumaguindin, Serrano, Mulrooney, Serrano, Duncan, and /or Roza) involved in the shooting of Anthony McClain; and/or provided comments related to the Administrative Review, urging the City Manager and new Police Chief to regard the review as incomplete, take charge of disciplinary actions that need to occur, continue the investigation of the officers actions involved in the incident, and disclose all surveillance footage:

Oldem Denham, Pasadena resident  
Adriana Bautista, Pasadena resident  
Britney Pollock, Sherman Oaks resident

Dawn Burkhardt, Pasadena resident, spoke on the upcoming District 3 appointment process; expressed concerns with the selection process; advocated for the selection of Brandon Lamar; and urged the City Council to listen to the voices of the community during the upcoming appointment process.

In response to Measure H public comment, Vice Mayor Wilson stated that he did write an op-ed piece and stands by his own analysis; commented that he did his own research on rent control; and expressed skepticism that the rent control measure will ultimately serve the long term interests of renters in the City, noting some potential unintended consequences, but congratulated Measure H organizers and advocates on their victory.

Heavenly Hughes, representing My TRIBE Rise, congratulated Ryan Bell and all the organizers of Measure H; welcomed the new Police Chief and urged the Chief to listen to the comments advocating for the termination of the officers involved in the Anthony McClain incident; and expressed thanks to Congresswoman Judy Chu, Mayor Gordo, Black Christian Millionaires of Pasadena, Refuge Christian Center, and to all the community partners and volunteers for distributing and delivering turkey dinners and turkeys to families in Pasadena and Altadena and surrounding cities.

Michael Williams, Pasadena resident, expressed concerns and disappointment with the City Council for their lack of care of community members, and for pushing and promoting their own special interests, pointing to the lack of support for Measure H, the failure to appointment of Brand Lamar to represent District 3, and for not firing the officers involved in the Anthony McClain incident.

**CONSENT CALENDAR**  
Item discussed separately

**APPROVAL OF AMENDMENT TO CONTRACT NO. 32260 WITH CITYWISE TO INCREASE FUNDING FOR CONSULTING SERVICES CONNECTED TO HOMELESS HOUSING, ASSISTANCE AND PREVENTION (HHAP) GRANT FUNDING**

**AUTHORIZATION FOR THE ISSUANCE OF A PURCHASE ORDER IN THE AMOUNT OF \$175,000 TO MAXIM HEALTHCARE SERVICES HOLDINGS, INC., FOR CONTRACTED NURSING SERVICES**

**Recommendation:** It is recommended that the City Council:

- (1) Find that the recommended 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 issuance of a Purchase Order, without competitive bidding pursuant to City Charter Section 1002(F), contracts for professional or unique services, with Maxim Healthcare Services Holdings Inc. (Maxim Health), for the provision of

contracted nursing services in an amount not-to-exceed \$175,000; and

(3) It is further recommended that the City Council grant the proposed purchase order an exemption from the Competitive Selection process pursuant to Pasadena Municipal Code Section 4.08.049(B), contracts for which the City's best interests are served.

**ADOPT A RESOLUTION ESTABLISHING THREE NEW CLASSIFICATIONS AND SALARIES AND UPDATING SALARIES OF FOURTEEN EXISTING CLASSIFICATIONS**

**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 Establishing Three New Classifications and Salaries and Updating Salaries of Fourteen Existing Classifications. (Resolution No. 9961)

**CONTRACT AWARD TO PUBLIC RISK INNOVATION SOLUTIONS MANAGEMENT (PRISM), SUB-CONTRACTING WITH MANAGED HEALTH NETWORK, LLC (MHN) FOR EMPLOYEE ASSISTANCE PROGRAM/BEHAVIORAL WELLNESS SERVICES FOR AN AMOUNT NOT-TO-EXCEED \$298,800**

**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) Authorize the City Manager to enter into a contract, as a result of a competitive selection process specified by Section 4.08.047 of the Pasadena Municipal Code, with Public Risk Innovation Solutions Management (PRISM), a California Joint Powers Authority, sub-contracting with Managed Health Network, LLC (MHN) for a total amount not-to-exceed \$179,280 over a three-year term with the option to extend the contract by two optional one-year extension periods. The value of each optional one-year extension period is not-to-exceed \$59,760. (Contract No. 32459)

**AMENDMENTS TO THE FISCAL YEAR 2023 GENERAL FEE SCHEDULE TO ALLOW FOR COST RECOVERY FOR ADMINISTERING THE CARRYING CONCEALED WEAPONS (CCW) PERMIT PROCESS**

**Recommendation:** It is recommended that the City Council:

(1) Find the proposed action 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) Adopt a resolution amending the Fiscal Year (FY) 2023 General Fee Schedule to allow cost recovery for administering the carrying concealed weapons (CCW) permit process. (Resolution No. 9962)

**AUTHORIZATION TO ENTER INTO A CONTRACT WITH WHITE BOX TECHNOLOGIES, INC., TO PROVIDE MIGRATION SERVICES OF CAD/RMS POLICE DATA IN AN AMOUNT NOT-TO-EXCEED \$133,452**

**Recommendation:** It is recommended that the City Council:

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

(2) Authorize the City Manager to enter into a one-year contract, as a result of a competitive selection process, as specified by Section 4.08.047 of the Pasadena Municipal Code, with White Box Technologies, Inc., to provide migration services of CAD/RMS police data in an amount not-to-exceed \$133,452, which includes a ten percent contingency. Competitive Bidding is not required pursuant to the City Charter Section 1002(F), contracts for professional or unique services. (Contract No. 32460)

**PUBLIC SAFETY COMMITTEE: RECOGNIZE REVENUE AND APPROPRIATE \$40,233 IN GRANT FUNDS FROM THE EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT PROGRAM TO THE POLICE DEPARTMENT'S FISCAL YEAR 2023 OPERATING BUDGET**

**Recommendation:** It is recommended that the City Council:

(1) The proposed action 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;

(2) Authorize the City Manager to execute all grant-related documents pertaining to the Edward Byrne Memorial Justice Assistance Grant (JAG) award in the amount of \$40,233; and

(3) Amend the Fiscal Year 2023 Operating Budget by recognizing revenue and appropriations of \$40,233 in the Police Department's General Fund (101) as detailed in the Fiscal Impact Section of the agenda report. (Budget Amendment No. 2023-11)

**PUBLIC SAFETY COMMITTEE: RECOGNIZE REVENUE AND APPROPRIATE \$350,000 IN STATE FUNDING TO THE POLICE DEPARTMENT'S FISCAL YEAR 2023 OPERATING BUDGET FOR USE OF FORCE AND DE-ESCALATION TRAINING**

**Recommendation:** It is recommended that the City Council:

(1) Find the proposed action 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 \$350,000 in the Police Department's General Fund (101) as detailed in the Fiscal Impact Section of the agenda report. (Budget Amendment No. 2023-12)

Item discussed separately

**PUBLIC SAFETY COMMITTEE: AUTHORIZE THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE CALIFORNIA BOARD OF STATE AND COMMUNITY CORRECTIONS TO RECOGNIZE AND APPROPRIATE \$60,717 IN PROPOSITION 47 GRANT FUNDS TO THE FISCAL YEAR 2023 PUBLIC HEALTH DEPARTMENT OPERATING BUDGET FOR THE PASADENA OUTREACH RESPONSE TEAM EXPANSION ("PORT-E") PROGRAM**

City Advisory Bodies

**LICENSE AGREEMENT WITH AEG FOR TWO (2) INTERNATIONAL SOCCER MATCHES TO BE HELD IN JULY 2023**

**Recommendation of the Rose Bowl Operating Company:** It is recommended that City Council:

(1) Find that the license agreement proposed in the agenda report is categorically exempt under California Environmental Quality Act (CEQA) Guidelines Section 15323 (Normal Operations of Facilities for Public Gatherings), there are no features that distinguish this project from others in this exempt class, and therefore, there are no unusual circumstances present; and

(2) Make the findings set forth in the agenda report and required by Pasadena Municipal Code (PMC) Section 3.32.270.A to authorize the Rose Bowl Operating Company (RBOC) to host displacement event numbers 20 and 21 for 2023. (Contract No. 23,771)

City Council

**APPROVAL OF FOURTH 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 exempt 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 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 fourth amendment to the employment agreement to reflect City Council approved changes. (Contract No. 23,016-4)

**APPROVAL OF THIRD 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 exempt from the California Environmental Quality Act (CEQA), pursuant to CEQA guidelines Section 15061(b)(3) (Common Sense Exemption); and

(2) Approve a third 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 third amendment to the employment agreement to reflect City Council approved changes. (Contract No. 22,943-3)

#### CLAIMS RECEIVED

| Claim No. | Claimant          | Claim Amount |
|-----------|-------------------|--------------|
| 2023-0137 | Aldon Lee Jr.     | \$ 6,000.00  |
| 2023-0138 | William Pickering | 4,252.56     |
| 2023-0139 | Brandon Van       | 10,000.00+   |

Mayor Gordo read the following for the record: "As required by the Brown Act, prior to taking action on Items 3, 11 and 12 regarding compensation for the Director of Libraries and Information Services, City Attorney/City Prosecutor, and City Clerk. This is to announce the recommendation that classification of Director of Libraries and Information Services receive approximately 11.8% increase to the salary control rate effective November 21, 2022. The classification of Director of Libraries and Information Services is currently vacant. The new control rate will be applicable upon hire of a Director. The Director of Libraries and Information Services will make a 10% employee paid pension contribution. This is also to announce the recommendation that the City Attorney/City Prosecutor receive an approximate 5.6% salary adjustment effective the pay period that includes November 21, 2022, and a one-time 4% lump sum management incentive payment. The City Attorney will continue making a 10% employee paid pension contribution. And finally, this is to announce the recommendation that the City Clerk receive an approximate 18% salary adjustment effective November 21, 2022, and a one-time 7% lump sum management incentive payment. The City Clerk will continue making a 10% employee paid pension contribution.

Mark Jomsky, City Clerk reported that one letter in support of the staff recommendation for Item 3, was received by the City Clerk's Office, distributed to the City Council, posted on-line, and made part of the public record.

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 (Approval of Amendment to Contract No. 32260...) and Item 9 (Authorize the City Manager to enter into an Agreement ...), which were discussed separately:

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

**CONSENT ITEM**  
**DISCUSSED**  
**SEPARATELY**

**APPROVAL OF AMENDMENT TO CONTRACT NO. 32260 WITH  
CITYWISE TO INCREASE FUNDING FOR CONSULTING  
SERVICES CONNECTED TO HOMELESS HOUSING,  
ASSISTANCE AND PREVENTION (HHAP) GRANT FUNDING**

**Recommendation:** It is recommended that the City Council:

- (1) Find that the recommended action is exempt from the California Environmental Quality Act ("CEQA") pursuant to State CEQA Guidelines 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 City Manager to amend Contract No. 32260 with CityWise to increase the contract value by \$5,625 for a total not-to-exceed contract value of \$105,620 through June 30, 2023; and (Contract No. 32260-1)
- (3) Authorize the City Manager to approve additional amendments to Contract No. 32260 such that, subject to additional funding, the total contract award may be increased by up to \$25,000 for a total not-to-exceed amount of \$130,620 and the contract term may be extended for up to two years through June 30, 2025.

Adriana Bautista, Pasadena resident, advocated for the consultant to hold community outreach meetings.

It was moved by Councilmember Williams, seconded by Councilmember Jones, to approve the staff recommendation:

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

**PUBLIC SAFETY COMMITTEE: AUTHORIZE THE CITY  
MANAGER TO ENTER INTO AN AGREEMENT WITH THE  
CALIFORNIA BOARD OF STATE AND COMMUNITY  
CORRECTIONS TO RECOGNIZE AND APPROPRIATE \$60,717  
IN PROPOSITION 47 GRANT FUNDS TO THE FISCAL YEAR  
2023 PUBLIC HEALTH DEPARTMENT OPERATING BUDGET  
FOR THE PASADENA OUTREACH RESPONSE TEAM  
EXPANSION ("PORT-E") PROGRAM**

**Recommendation:** It is recommended that the City Council:

- (1) Find that the proposed action is not subject to the California Environmental Quality Act ("CEQA") pursuant to Section 21065 of CEQA and State CEQA Guidelines Sections 15060(c)(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 California Board of State and Community Corrections ("BSCC") to accept and administer \$1,143,953 in Proposition 47 grant funds on behalf of the City of Pasadena to expand Pasadena Outreach Response Team ("PORT") services through June 1, 2026; (Contract No. 23,774)

(3) Amend the Fiscal Year 2023 Public Health Department operating budget by recognizing and appropriating \$60,717 of BSCC Proposition 47 funding awarded to the Department in September 2022; (Budget Amendment No. 2023-13)

(4) Authorize the City Manager to enter into a contract with the Union Station Homeless Services for Licensed Clinical Social Worker ("LCSW") Services for three years, contingent on continued grant funding, in an amount not-to-exceed \$567,007; Competitive Bidding is not required pursuant to City Charter Section 1002(F) Contracts for Professional or Unique Services; (Contract No. 32463)

(5) Authorize the City Manager to enter into a contract, with Huntington Hospital to provide nursing services, contingent on continued grant funding, in an amount not-to-exceed \$231,446; Competitive Bidding is not required pursuant to City Charter Section 1002(F) Contracts for Professional or Unique Services; and (Contract No. 32464)

(6) Grant the proposed contracts an exemption from the competitive selection process pursuant to Pasadena Municipal Code Section 4.08.049(B), contracts for which the City's best interests are served.

The following individuals provided comments on the agenda item:

Adriana Bautista, Pasadena resident

Sonja Berndt, Pasadena resident

It was moved by Councilmember Williams, seconded by Councilmember Jones, to approve the staff recommendation:

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

NOES: None

ABSENT: None

ABSTAIN: None

#### **ORDINANCE - FIRST READING**

**Conduct first reading of "AN ORDINANCE OF THE CITY OF PASADENA AMENDING TITLE 5 (ALARM SYSTEMS), CHAPTER 5.24 OF THE PASADENA MUNICIPAL CODE TO ENHANCE THE CITY'S ABILITY TO PERMIT AND REGULATE ALARM SYSTEMS AND RELATED FALSE ALARM ACTIVATIONS"**

The above ordinance was offered for first reading by Councilmember Hampton:



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

**Conduct first reading of "AN ORDINANCE OF THE CITY OF PASADENA AMENDING TITLE 14 (BUILDING AND CONSTRUCTION) OF THE PASADENA MUNICIPAL CODE BY ADOPTING THE 2022 CALIFORNIA BUILDING STANDARDS CODE INCORPORATING THE 2022 CALIFORNIA ADMINISTRATIVE CODE; 2022 CALIFORNIA BUILDING CODE WITH APPENDIX CHAPTERS G, H, I, J, P; CALIFORNIA RESIDENTIAL CODE WITH APPENDIX CHAPTERS AH, AK, AQ, AX, AND AZ; 2022 CALIFORNIA ELECTRICAL CODE WITH ANNEXES A, C, F, I; 2022 CALIFORNIA MECHANICAL CODE WITH APPENDIX CHAPTERS B, C, F, G, H; 2022 CALIFORNIA PLUMBING CODE WITH APPENDIX CHAPTERS A, D, G, I, J, K, M, N; 2022 CALIFORNIA ENERGY CODE; 2022 CALIFORNIA HISTORICAL BUILDING CODE; 2022 CALIFORNIA FIRE CODE WITH LOCAL AMENDMENTS TO STATE ADOPTED CHAPTERS INCLUDING CHAPTER 1, APPENDIX CHAPTER 4 AND CERTAIN APPENDICES WITHIN APPENDIX CHAPTERS A THROUGH O; 2022 CALIFORNIA EXISTING BUILDING CODE; 2022 CALIFORNIA GREEN BUILDINGS STANDARDS CODE; 2022 CALIFORNIA REFERENCED STANDARDS CODE"**

The above ordinance was offered for first reading by Councilmember Hampton:

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

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

**Recommendation:** It is recommended that the City Council:

(1) Find that the action in the agenda report is exempt from review pursuant to the California Environmental Quality Act (CEQA) in accordance with State CEQA Guidelines Section 15061(b)(3), the "common sense" exemption that CEQA only applies to projects that have the potential for causing a significant effect on the environment; and



(2) Adopt A Resolution of the City Council of the City of Pasadena Authorizing Remote Teleconference Meetings of the City Council, all City subordinate bodies, and all City non-profit corporation Boards and their subordinate bodies, for the period November 21, 2022 through December 21, 2022. (Resolution No. 9963)

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

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

NOES: None

ABSENT: None

ABSTAIN: None

**PROVIDE DIRECTION FOR RETURNING TO IN-PERSON PUBLIC MEETINGS OF CITY LEGISLATIVE BODIES**

**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) Provide direction to staff for returning to in-person meetings.

Phillip Leclair, Chief Information Officer, provided a PowerPoint presentation on the agenda item and responded to questions.

Mark Jomsky, City Clerk, reported that one letter in support of the City providing a hybrid meeting method for members of the public to attend City Council meetings promoting accessibility, and participation, was received by the City Clerk's Office, distributed to the City Council, posted on-line, and made part of the public record.

Councilmember Rivas asked staff to examine further the option to livestream and/or post recordings online for the Council Committee meetings (Economic Development & Technology, Legislative Police, Municipal Services, Public Safety Committee).

Mark Jomsky, City Clerk, responded to questions related to the Council Committee recordings, stating that prior to the pandemic, Committee meetings were audio recorded only for the purposes of preparation of the minutes, with a 2-year retention for said recordings, and with the recordings then available to the public upon request; noting that the audio recordings were not archived online because they were not livestreamed as part of the Granicus System; and noted that staff would need to work with the Department of Information Technology (DOIT) to come up with a way to post online.

Sonja Berndt, Pasadena resident, expressed concerns with the ad hoc committee recommendation and lack of transparency;

advocated for hybrid meeting options to enhance public engagement and/or provide support for members of the public that are unable to attend in-person City Council meetings.

Mayor Gordo stated for the record, "the ad hoc committee was intended to simply research the different options available to the Council and to the public, and present them here for a public discussion, and this is the opportunity."

Councilmember Hampton stated that he would support moving towards a hybrid method for public comment allowing in-person and remote public participation for all legislative body meetings, or at the least offer such an option for City Council and Council Committee meetings; advocated for all meetings to be videotaped and livestreamed; noting that the level of engagement from the community is tremendous in comparison to what it was prior to the pandemic; suggested that cost not be the only reason for not moving in such a direction; and recognized the need to support those individuals that want to be engaged in the City Council meeting process but may not have the time to attend meetings in-person or may have accessibility limitations. Councilmember Hampton stated his support for Council to return to in-person meetings, with the option for public comment participation to be in-person and remote; asked staff to provide data related to how many Commission meetings have been canceled due to the lack of a quorum prior to the changes that enacted to allow for remote meetings.

Vice Mayor Wilson encouraged his colleagues to consider allowing hybrid meetings (in-person and remote participation) for the Senior Commission and Accessibility and Disability Commission, as a selective solution versus an all or nothing solution; commenting that another potential idea would be for staff to consider providing remote support for controversial items only vs routine items.

Councilmember Hampton spoke on potentially limiting the number of committee and/or commission meetings to possibly only bi-monthly meeting vs monthly meetings.

David Reyes, Acting Assistant City Manager, spoke on the potential challenges of cutting meetings out of the calendar given that a lot of staff work is driven by required meetings to address statutory deadlines (etc. permits).

Mayor Gordo acknowledged the comments and concerns of his colleagues and their interest in remote public input and participation; acknowledged Councilmember Hampton's request to check in with the commissioners for input on the matter; commented on taking the initial step of Option 1, with staff to take a deeper dive into the different options as they learn from returning to in-person meetings

and asked staff to check in with other legislative bodies for feedback on the matter.

Councilmember Williams stated that the ad hoc committee had a good discussion, which took into account all the points raised at tonight's meeting; spoke on the ad hoc committee's intention when recommending Option 1, which was to allow for the City to put their training wheels on first, start the process of returning to in-person, and make any necessary adjustments, noting that there is nothing that prevents staff from enhancing the hybrid participation process later.

Following discussion, Mayor Gordo suggested that the matter be reviewed by the Economic Development and Technology Committee (EdTech) rather than the Legislative Policy Committee (as suggested by Councilmember Madison), noting EdTech's responsibilities over technology matters better align with this issue.

Councilmember Rivas stated she agrees with Councilmember Hampton that the City should be working towards a goal of making it as accessible and easy for the public to participate; stated that she agrees with Vice Mayor Wilson that Option 2 is a more logical starting point, but will support Option 1, with the matter to be reviewed through the EdTech Committee, including a clear timeframe around expanding the public comment process as it is feasible; noting that the City is already in a good spot to expand public comment to in-person and remote participation at the City Council and Committee level, while acknowledging that the other legislative bodies are going to be the most difficult meetings to tackle.

Councilmember Hampton spoke on extending remote meetings until the Governor ends the Covid-19 State of Emergency, which is anticipated to end on February 28, 2023, which would give the public enough notice that public comment will resume in-person and provide the EdTech Committee enough time to review the matter.

Following discussion, it was moved by Councilmember Williams, seconded by Councilmember Masuda, to approve staff recommendation, amended to assign the discussion of hybrid meeting format for public participation to the EdTech Committee for review and recommendation, with the matter to return to the City Council at a later date for further discussion:

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

Mayor Gordo made the following statement for the record regarding the next item (public hearing on the Affinity Project): "The last time this public hearing was here, there was a comment related to an interest that a LIUNA local has in moving this project forward, the advocacy that they provide, and I just want to make clear for the record, that is not my employer, that is not a local that I work for. The local that I work for is strictly a public sector local and not a private sector local. There is absolutely no crossover whatsoever between the two [locals] and I receive no compensation from the local that was advocating. I asked the City Attorney to look at it from a legal point of view and engage an outside law firm and render a decision, and the City Attorney did that together with our outside conflicts counsel, and the determination was made that there is absolutely no conflict of interest whatsoever. But notwithstanding, I think its always important to ensure that we are mindful of even the appearance of a conflict of interest. And so while the outside counsel and the City Attorney have determined there is absolutely no conflict of interest, out of a complete abundance of caution...extreme abundance of caution, I am going to recuse myself and turn the matter over to the Vice Mayor for handling."

Prior to leaving, Mayor Gordo expressed his gratitude to Councilmember Hampton, Lena Kennedy, and Alkebu-lan Cultural Center for a very successful turkey giveaway this past weekend in honor of the late Councilmember John Kennedy; expressed thanks to Titan Disposal for the successful turkey giveaway at Villa Parke; thanked Ralph's Market for the turkey giveaway in front of City Hall, with the turkeys distributed to non-profits who then distributed to people in need; and expressed thanks to everyone that participated in these events.

#### **CONTINUED PUBLIC HEARING**

Mayor Gordo recused himself and left the meeting at 6:54 p.m. Vice Mayor Wilson chaired the meeting in his absence.

#### **CONTINUED PUBLIC HEARING: PLANNED DEVELOPMENT #39 (AFFINITY PROJECT) – 465-577 SOUTH ARROYO PARKWAY (LEGISLATIVE AND QUASI-JUDICIAL ACTIONS)**

**Recommendation:** It is recommended that the City Council:

- (1) Adopt a resolution certifying the Final Environmental Impact Report (EIR) (SCH #2021080103), adopt Findings of Fact, and adopt the accompanying Mitigation Monitoring and Reporting Program (MMRP); (Resolution No. 9964)
- (2) Adopt the Findings (Attachment A to the agenda report) for a Zoning Map Amendment to reclassify the project site from CD-6 (Central District Specific Plan, Arroyo Corridor/Fair Oaks) to Planned Development (PD) 39 (Affinity Planned Development) (Legislative Action);
- (3) Adopt the Findings (Attachment A to the agenda report) to approve the PD Plan and establish PD-39 with the Conditions of Approval in Attachment B (Legislative Action) of the agenda report;
- (4) Adopt the Findings (Attachment A to the agenda report) for the Variance for Historic Resources, subject to the Conditions of Approval in Attachment B (Quasi-Judicial) of the agenda report;

(5) Direct the City Attorney to prepare an ordinance within 60 days for a Zoning Map Amendment to change the zoning of the site from CD-6 to PD-39; and

(6) Direct the City Clerk to file a Notice of Determination with the Los Angeles County Recorder pursuant to the California Environmental Quality Act (CEQA) within five (5) days of second reading of the ordinance.

**Recommendation of the Planning Commission:** The Planning Commission conducted a public hearing on July 13, 2022, received a staff recommendation, took public comment, and voted 6-0 to continue the item to August 24, 2022. On August 24, 2022, the Planning Commission reopened the public hearing, took public comment, considered the application, and by a vote of 7-0, recommended that the City Council approve the staff's recommendation, with the following additional recommendations:

- a) Allow a maximum height of 75 feet for Building A;
- b) Require a future residential use in Building A to satisfy a 25 percent inclusionary housing requirement;
- c) Require a Historic American Building Survey for the two historic buildings prior to removal;

Note: Subsequent to the August 24, 2022 Planning Commission meeting, the Planning Commissioner that raised the condition clarified that it was not applicable because all historic buildings are being retained and not demolished.

- d) Amend recommended Condition of Approval No. 12, requiring the applicant Landmark the two historic buildings but also require a historic structures report;
- e) Require Building B provide a MERV 13 air filtration system and that the building owner maintain those filters;
- f) Ensure maximum protection for street trees in relation to the excavation of the parking structure;
- g) Require the parking structure to have the infrastructure in place so that all parking spaces can be retrofitted for electric charging. The required quantities of electric charging spaces are still required;
- h) Require buildings to be all electric with the exception of any needed natural gas for medical uses, assisted living, and/or medical research;
- i) Require buildings to be LEED Gold or higher;
- j) Seek as close as practical to net neutrality in terms of water use on site or if not possible off site; and
- k) Allow residential use as an alternative to the medical office use as a conditional use, except that the use is by right, and that the Conditional Use Permit address the differences.

Mark Jomsky, City Clerk, opened the public hearing; reported that the City Clerk's Office received one letter expressing concerns with the applicant's request to utilize a Variance for Historic Resources for extra height on new buildings, stating that the variance is not intended to allow such additions; one letter strongly opposing the Affinity project proposal in its current form; and one letter stating



concerns with the EIR, calling it inadequate; with all three correspondence received distributed to the City Council, posted on-line, and made part of the public record.

Jennifer Paige, Interim Director of Planning, introduced the agenda item, and Jason Van Patten, Senior Planner, presented a PowerPoint presentation on the item; and all responded to questions.

Councilmember Madison stated that he continues to struggle with the optionality that the applicant has requested for residential use, as an alternative to the medical office use, stating that with a Planned Development, there should be justification and clarity for the community and for Council as to why the concessions are needed; raised several questions regarding the tree plan for the project, and asked whether they are protected under the City's Tree Protection Ordinance.

Councilmember Jones, prefaced his comments with the following statement for the record: "Local hire is important when anyone is planning on doing business or developing in Pasadena because Pasadena is a unique and diverse community and it's filled with talented individuals who deserve an opportunity to work in a place that they live in. And targeted workers are extremely important to me because everyone deserves an opportunity to make an honest living despite prior circumstances they may have faced. So, it's my goal to ensure that we see in this proposal that we hire local workers, and we hire targeted workers." He continued his comments and requested that the following be included as part of Condition 130: Tier 2 and Tier 3 reference Targeted Workers; expand Tier 1 to include workers residing in Altadena; request that the designated job coordinator submit a quarterly report on the progress and status of achieving the local hire goals, and that these quarterly reports be published in the weekly City Manager newsletter; and requested that the applicant set goals and make good-faith efforts to pursue local businesses to occupy the commercial spaces on the ground floor; and asked that the progress towards such goals be included as part of the quarterly reports.

Pete Kutzer, Managing Partner at Edgewood Realty Partners, presented a PowerPoint presentation and requested modification to two of the conditions as follows: 1) *The Maximum allowed height of Building A be 80 feet. For purposes of this condition, maximum height shall be measured from the lowest elevation at the existing grade of an exterior wall at South Arroyo Parkway to the top plate of the structure, as defined at Pasadena Municipal Code Section 17.80.020;* and 2) *Based on the outcome of the Local Mobility Analysis, the applicant may be required to implement improvements in the public right-of-way in an amount not to exceed \$75,000.*



The following individuals spoke in support of the project:

Jose Garcia, representing Northern California District Council  
of Laborers (LiUNA)  
Jayson Baiz, representing LiUNA  
Paul Little, Pasadena Chamber of Commerce and Civic  
Association  
Bill Quisenberry, representing LiUNA  
Josh Christensen, Pasadena resident  
Kevin Duffy, Dana Point resident  
Alex Zamora, representing LiUNA  
Diane Smit, Altadena resident  
Natalie Bazarevitsch, Glendale resident  
Pam Kaye, representing Pasadena Senior Center  
Philip Kroskin, representing Sunrise Senior Living  
Jackie Benavidez, Burbank resident  
Marissa Marchioni, Pasadena resident  
Josh Albrektson, South Pasadena resident  
Charles Stratton, Pasadena resident  
Mike Haddad, representing Pasadena Plumbing  
Jose Macias, Pasadena resident  
Melissa Mooney, San Gabriel resident

The following individuals provided comments and/or expressed  
concerns related to the project:

Pete Ewing, representing West Pasadena Residents  
Association  
Nina Chomsky, representing Linda Vista-Annandale  
Association

Vice Mayor Wilson noted that additional height was worth  
consideration. He asked if the height condition could be changed in  
a way that if the use was for medical offices, the entitlements could  
be adjusted to 80 feet.

Councilmember Madison spoke on the mobility analysis, and  
acknowledged the applicant's commitment that has already been  
made, but noted his reluctance in setting a \$75,000 cap on potential  
mobility improvements, as it seems artificial; commented on the  
number of public speakers that advocated for medical office space,  
suggesting that the applicant enter this PD as a medical office project,  
with the understanding that they can return to seek an amendment  
if necessary; and reiterated his concerns related to the optional  
residential use alternative to the medical office use being approved  
now; and stated he does not support the request for a maximum  
allowed height of Building A to be 80 feet. He thanked the applicant  
for his flexibility and expressed gratitude to staff for all their hard  
work.

Councilmember Williams expressed her support for the project and asked staff to review the requirements for variances of historic resources in the Zoning Code for clarity as to whether it would follow the City's goals for historic preservation as opposed to adding square footage to buildings that are not being preserved. She noted her comfort with the medical office's residential height discussion and stated that an amount higher than \$75,000 for the mobility improvements would be appropriate.

David Reyes, Interim Assistant City Manager, responded to questions related to the residential use as an alternative to medical uses, and suggested modifying the existing condition to require a CUP process tied to the request for a residential use, where the applicant would need to demonstrate that the medical office building is not economically viable. He noted that it would be a discretionary decision, publicly noticed, and require Planning Commission approval, with the City Council able to call it for review, versus having the applicant having to come back and amend the PD to allow for residential.

Following discussion on the applicant's request to limit mobility improvement costs to \$75,000 based on the outcome of the Local Mobility Analysis, Laura Rubio-Cornejo, Director of Transportation, stated she feels it would be best to go through the analysis and work together with the Planning Department, and with the applicant to come to some agreement should there need to be any conditions placed upon the project.

Councilmember Madison noted his support for amending Condition No. 130 to include additional language outlined by Councilmember Jones related to local hire, and include the process outlined by Assistant City Manager Reyes that the residential option be allowed only based on a finding that the medical office use lacks economic viability and that such an option be subject to a CUP approval process.

Pete Kutzer, Managing Partner at Edgewood Realty Partners, stated his support for Councilmember Jones request related to local hire, and asked that Condition No. 129 be amended to include "research" building as it relates to the finding that the medical office/research building is not economically viable, and the residential project be subject to a CUP review. Mr. Kutzer reiterated his request to set a cap not-to-exceed \$75,000 for potential improvements/mitigation measures based on the outcome of the Local Mobility Analysis, and to increase the maximum allowed height of Building A be 80 feet.

Following discussion and in response to questions, Laura Rubio-Cornejo, Director of Transportation, stated if the City Council is asking for the Transportation Department to set a cap on potential improvements based on the Local Mobility Analysis, staff would feel

more comfortable with a \$1,000,000 cap, but noted it would be staff's recommendation to move forward with no cap, and with the understanding that staff will work with Mr. Kutzer in good faith to address any potential conditions that may be needed.

Following discussion, Jennifer Paige, Acting Director of Planning, suggested that any required improvements could be based upon the larger amount required in either the Local Mobility Analysis process or the outside CEQA analysis.

Councilmember Madison stated for the record: "I don't think I said that the mobility analysis that we are discussing is vague. It's just unknown at this point and it's not the policy of the City that this developer just do the one. This Council decides the policy and we are being asked to approve a planned development that provides substantial concessions in terms of our typical zoning to the applicant. So, we're certainly well within our rights to require that."

Laura Rubio-Cornejo, Director of Transportation, stated her agreement with Director Paige's suggestion that project's mobility improvements be based on either the local mobility analysis or the outside CEQA analysis, whichever one has the most impacts, and that those are the conditions that get applied.

It was moved by Councilmember Madison, seconded by Councilmember Hampton, to close the public hearing:

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

Following a renewed request and discussion on the applicant's maximum allowed height of Building A being set at 80 feet for medical office/research, Interim Director Paige noted that the requested height for medical office/research use is consistent with what staff has seen for recent similar projects.

Following discussion Councilmember Madison stated his support for the staff's recommendation, amended as follows:

- Condition 130: Tier 2 and Tier 3 reference Targeted Workers; expand Tier 1 to include workers residing in Altadena; request that the designated job coordinator submit a quarterly report on the progress and status of achieving the local hire goals, said quarterly reports be published in the weekly City Manager newsletter; with the applicant to set goals and make good-faith efforts to pursue local businesses to occupy the commercial spaces on the ground floor; and

asked that the progress towards such goals be included as part of the quarterly reports;

- Subject to a CUP review, approve a residential use as an alternative to medical office/research building use, should it be demonstrated that a medical office/research building is not economically viable;
- Based on the outcome of the Local Mobility Analysis, any required improvements will be based upon the greater of the Local Mobility Analysis process or the outside CEQA analysis; and
- The maximum allowed height of Building A be 80 feet, if it is developed for medical office/research use.

It was moved by Councilmember Madison, seconded by Councilmember Hampton, to approve the staff recommendation, with the amendments as noted above:

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

NOES: None

ABSENT: Mayor Gordo

ABSTAIN: None

City Clerk Jomsky announced the following: "The District 3 vacancy application period is currently open and active. Application materials are available in the Pasadena City Clerk's Office for registered voters that live in, and are registered in, Council District 3. The deadline to submit applications is Thursday, December 1, 2022, no later than 5:30 p.m. For questions or more information, please call the City Clerk's office at (626) 744-4124."

## **ADJOURNMENT**

On order of the Mayor, the special meeting of the City Council adjourned at 8:55 p.m.

\_\_\_\_\_  
Victor M. Gordo, Mayor  
City of Pasadena

ATTEST:

\_\_\_\_\_  
City Clerk