



**Wednesday, May 6, 2020**  
**Minutes of the Regular Meeting of the City Council**

**CALL TO ORDER**

A Regular Meeting of the South Pasadena City Council was called to order by Mayor Joe on Wednesday, May, 6 2020, at 7:42 p.m. The meeting was held in a virtual setting, with all Councilmembers attending via Zoom, and the meeting being broadcast via the Council Chamber, located at 1424 Mission Street, South Pasadena, California.

A brief announcement was made by Mayor Joe of the virtual meeting protocols in place in an effort to prevent the spread of COVID-19.

**ROLL CALL**

**Present via Zoom:** Councilmembers Cacciotti, Khubesrian, and Schneider; Mayor Pro Tem Mahmud; and Mayor Joe.

**Absent:** None

**City Staff Present:** City Manager DeWolfe; City Attorney Teresa Highsmith (in attendance via Zoom); Fire Chief Paul Riddle; Police Chief Joe Ortiz; and Chief City Clerk Ayala were present at Roll Call.

**PLEDGE OF ALLEGIANCE**

Councilmember Michael A. Cacciotti led the Pledge of Allegiance.

**SPECIAL PRESENTATION**

**1. Coronavirus Update and Discussion**

Fire Chief Paul Riddle provided a PowerPoint presentation a general report in addition to a report on the Fire Department. Police Chief Joe Ortiz provided a verbal report on the Police Department. City Manager DeWolfe provided a PowerPoint presentation on State and Los Angeles County reopening strategies.

City Council had various questions and comments throughout the presentation including COVID-19 testing access; Los Angeles County COVID-19 resources; concerns regarding senior residents; concerns regarding unhoused residents; library services; and concerns over reopening strategies at the County level, at City Hall, and at the Arroyo Seco Golf Course.

Fire Chief Riddle, Police Chief Ortiz, and City Manager DeWolfe responded to questions accordingly.

Chief City Clerk Ayala announced public comments received and read them aloud.

**Public Comment:**

- Sam Burgess: Asked City Council to consider implementing new automatic crosswalks.

City Manager DeWolfe provided a brief response to the public comment and indicated that staff would be able to look into this.

**COMMISSION APPOINTMENTS**

**2. Authorize Commission Appointments**

No public comment was received for this item.

MOTION BY MAYOR PRO TEM MAHMUD, SECOND BY COUNCILMEMBER CACCIOTTI, CARRIED 5- 0, to:

1. Appoint the following resident to the Public Safety Commission to an unexpired term ending December 31, 2020:
  - a. Scot Lam

**3. CLOSED SESSION ANNOUNCEMENTS**

City Attorney Highsmith reported on the Special Closed Session held on Sunday, May 3, 2020 at 1:00 p.m. One matter was discussed with City Council; City Council authorized City Attorney Highsmith to include the City in amicus curiae to the Supreme Court case of Higginson v. Becerra, challenging constitutionality of the California Voter Right's Act.

**A. Initiation of Litigation**

CONFERENCE WITH LEGAL COUNSEL—Initiation of Litigation, Pursuant to Government Code Section 54956.9(d)(4):

Number of Potential Cases: 1

City Attorney Highsmith reported the following on tonight's Closed Session:

Item A – Matter was not heard or discussed, as it was heard during a Special Closed Session Meeting on Sunday, May 3, 2020 at 1:00 p.m.

Item B – City Council received a briefing by the City's Labor Negotiator regarding the status of intentional labor negotiations with the City's bargaining units.

**A. Initiation of Litigation**

CONFERENCE WITH LEGAL COUNSEL—Initiation of Litigation, Pursuant to Government Code Section 54956.9(d)(4):

Number of Potential Cases: 1

**B. Labor Negotiations**

CONFERENCE WITH LABOR NEGOTIATOR, Pursuant to Government Code Section 54957.6

Conference with Labor Negotiators regarding labor negotiations with the following groups:

- Unrepresented Management Employees
- South Pasadena Police Officers' Association
- South Pasadena Firefighters' Association
- South Pasadena Public Service Employees' Association
- South Pasadena Public Service Part Time Employees' Association

City Negotiators: City Manager Stephanie DeWolfe; Interim Human Resources Manager Michael Casalou

**4. Public Comments - General**

Mayor Joe announced public comments were received in writing via email from the following individuals on general topics. Comments received would be uploaded to Additional Documents and become part of the final meeting record.

Chief City Clerk Ayala announced the public comment received and read it aloud.

- Alan Ehrlich: Thanked Councilmember Schneider and the Public Works Department for their efforts in improving pedestrian safety at the intersection of Fremont Ave. and Lyndon St.

**COMMUNICATIONS**

**7. Reordering of and Additions to the Agenda**

Mayor Joe announced that Agenda Item No. 5, Councilmembers Communications and Agenda Item No. 6, City Manager Communications would be reordered and heard at the end of the meeting.

## **CONSENT CALENDAR**

Chief City Clerk Ayala announced Additional Documents for Item Nos. 11, 12, 13 and 22.

Councilmember Cacciotti pulled Item Nos. 10, 11, 12, 13, and 18 for individual discussion.

Councilmember Schneider also pulled Item Nos. 12, 13, and 18 for individual discussion.

Mayor Pro Tem Mahmud pulled Item No. 14 to hear public comment prior to Council action.

No public comment was received on the balance of the Consent Calendar.

MOTION BY COUNCILMEMBER CACCIOTTI, SECOND BY MAYOR PRE TEM MAHMUD, CARRIED 5-0, to approve Consent Calendar Items Nos. 8, 9, 15, 16, and 17.

### **8. Minutes of the Regular City Council Meeting on February 5, 2020**

Minutes of the Regular City Council Meeting on February 5, 2020 were approved as presented.

### **9. Minutes of the Regular City Council Meeting on February 19, 2020**

Minutes of the Regular City Council Meeting on February 19, 2020 were approved as presented.

### **15. Adoption of a Resolution No. 7649 Approving the Fiscal Year 2020-21 Engineer's Report Declaring the City's Intention to Provide for an Annual Levy and Collection of Assessments and Setting a Date and Time for a Public Hearing for the FY 2020-21 Lighting and Landscaping Maintenance District**

City Council:

1. Adopted the attached **Resolution No. 7649** approving the Fiscal Year (FY) 2020-21 Engineer's Report declaring the City of South Pasadena's (City) intention to provide for an annual levy and collection of assessments; and
2. Scheduled the Public Hearing for the FY 2020-21 Lighting and Landscaping Maintenance District (LLMD) for June 3, 2020, at 7:30 p.m. in the Council Chamber.

### **16. Authorize the Purchase and Installation of Secureworks Detect and Protect Package for \$37,600, for Security Information and Event Management of the Network**

City Council authorized the City Manager to execute the Service Order for Secureworks Detect and Protect solution for the amount of \$37,600, exclusive of taxes, and approve all other work related to the installation and configuration of the software.

**17. Approval of a Letter of Support to the Legislative Proposal to Form a Commission to Examine the Federal Response to the Coronavirus Pandemic**

City Council approved a letter of support for the formation of a bipartisan commission with subpoena power to provide a full accounting of the Country's response to the coronavirus pandemic.

**ITEMS PULLED FROM CONSENT**

**10. Approval of Prepaid Warrants in the Amount of \$9,045.00; General City Warrants in the Amount of \$1,250,949.24; General City Warrant Voids in the Amount of (\$10,923.29); Supplemental ACH Payments in the Amount of \$180,907.21**

Councilmember Cacciotti asked questions regarding expenses of Toastmasters International as reflected on page 10-72 of the agenda packet.

Karen Aceves, Finance Director, responded to questions accordingly.

Councilmember Cacciotti suggested no longer renewing the Toastmasters International Membership in order to save costs. Councilmember Schneider concurred.

MOTION BY COUNCILMEMBER CACCIOTTI, SECOND BY MAYOR PRE TEM MAHMUD, CARRIED 5-0, to approve: Prepaid Warrants in the Amount of \$9,045.00; General City Warrants in the Amount of \$1,250,949.24; General City Warrant Voids in the Amount of (\$10,923.29); Supplemental ACH Payments in the Amount of \$180,907.21.

**11. Monthly Investment Reports for September 2019 through March 2020**

Councilmember Cacciotti asked questions regarding liquidating investment assets as referred to on page 11-1 of the agenda packet.

Director Aceves responded to questions accordingly.

MOTION BY COUNCILMEMBER KHUBESRIAN, SECOND BY COUNCILMEMBER CACCIOTTI, CARRIED 5-0, to receive and file the monthly investment reports for September 2019 through March 2020.

Additional Documents provided the attachment for Item No.11 - Monthly Investment Reports.

**12. Adoption of Resolution No. 7647 Establishing a Code of Ethics and Conduct Policy Applicable to Elected and Appointed Officials**

Councilmember Cacciotti asked a language be added to the "Board, Committee and Commission Members" section (end of page 12-13 through the beginning of page 12-14 of the agenda packet). He asked that language be added to appoint the necessary official, if needed other than the City Manager, to investigate allegations and report the findings.

Mayor Pro Tem Mahmud, Councilmember Khubesrian, Councilmember Cacciotti and City Attorney Highsmith held a discussion on language that should be added.

Councilmember Schneider asked modifications be made on section No. 9 “Gift and Favors” (page 12-9 of the agenda packet). He asked that language be modified to state no gifts or favors can be received.

City Attorney Highsmith provided suggestions on modifications that can be made to the section.

Significant discussion was held between Mayor Pro Tem Mahmud, Councilmember Cacciotti, Councilmember Khubesrian, Councilmember Schneider, and City Attorney Highsmith regarding the modifications suggested.

MOTION BY COUNCILMEMBER SCHNEIDER, SECOND BY COUNCILMEMBER CACCIOTTI, CARRIED 5-0, to approve: adopting **Resolution No. 7647** establishing a Code of Ethics and Conduct Policy for all elected and appointed officials, including members of advisory boards, commissions and committees to address responsibility, fairness, respect and integrity.

This item was approved with the following amendments:

- Language to be added to the “Board, Committee and Commission Members” section to reflect that “the Mayor or Council shall ask the City Manager or the appropriate official to investigate the allegations and reports findings”.
- Modifications to section No. 9 “Gifts and Favors” of the policy to reflect that “members shall refrain from accepting any gifts, favors or promises of future benefits other than from friends, family members, or employers.”

**13. Adoption of a Resolution No. 7648 Continuing the Proclaiming a Local Emergency Due to the Outbreak of COVID-19, Adopting Regulations for Private and Public Facilities and Gatherings, Establishing Protections for Residential and Commercial Tenants and Property Owners, Requesting Reimbursement of Expenses, and Authorizing the City Manager to Take All Necessary Actions as the Director of Emergency Services**

Councilmember Cacciotti shared various resident concerns regarding COVID-19 and asked they be addressed.

City Manager DeWolfe provide responses to the community concerns mentioned by Councilmember Cacciotti.

Council had various questions and comments regarding measures passed at both the County and local levels; repayment periods stated on Los Angeles County eviction moratorium ordinance; extension on mortgage payments; expiration of Los Angeles County eviction moratorium; etc.

City Attorney Highsmith responded to questions accordingly.

Chief City Clerk Ayala announced public comments received and read them aloud.

**Public Comment:**

- Jorge Rivera – Expressed opposition on the resolution as presented and asked to let the current resolution sunset and allow the Los Angeles County provide tenant protections.
- William Kelly – Expressed opposition on the resolution as presented and asked the city adopt the Los Angeles County tenant protections.
- Delaine Shane and Ron Rosen – Expressed opposition on the resolution as presented and asked Council let the current resolution sunset.
- Teresa Eilers – Provided comments on the importance of tenant protection and suggested amendments be made to the resolution proposed.
- Jacquie Li – Expressed agreeing an eviction moratorium should be extended and asked changes be made to assist tenants.
- Elizabeth A. Bagasao and John Serbalus – Expressed opposition for Section 9F of the resolution and asked Council to allow the current resolution to sunset, and allow Los Angeles County to provide tenant protections.
- Ella Hushagen and Helen Tran – Expressed concerns for tenant protections (comment was signed by an additional 35 individuals).

Council had various comments and questions regarding the enforcement of the Los Angeles County eviction moratorium; property mortgages and foreclosures; financial assistance to property owners; business loans and repayment; the City enacting its own protections; etc.

City Attorney Highsmith responded to questions accordingly.

Councilmember Cacciotti requested that the City prepare a letter to South Pasadena's federal representatives, Congresswoman Judy Chu and two senators, demanding more assistance in the extension of the time for mortgage holders, landlords, etc. to be protected.

Council had further questions and comments regarding importance of implementing tenant protections to prevent harassment; citywide street parking on Section 10 of the resolution; etc.

TWO COUNCIL ACTIONS WERE TAKEN:

MOTION BY COUNCILMEMBER KHUBESRIAN, SECOND BY COUNCILMEMBER CACCIOTTI, CARRIED 5-0, to approve:

1. Continuing the proclamation of a local emergency due to the outbreak of COVID-19;
2. Continuing the application of regulations for private and public facilities and gatherings;
4. Requesting reimbursement of expenses; and
5. Authorizing the City Manager to take all necessary actions as the Director of Emergency Services.

MOTION BY COUNCILMEMBER KHUBESRIAN, SECOND BY COUNCILMEMBER SCHNEIDER, CARRIED 4-1 (MAHMUD), to: NOT approve the following proposed section in the resolution:

3. Continuing and the protections for residential and commercial tenants and property owners.

Additional documents modified the resolution with the following changes:

1. Adding the technical name of the virus that causes COVID-19, severe acute respiratory syndrome coronavirus 2, abbreviated as SARS-CoV-2. SARS-CoV-2 is also known as COVID-19. Also, in the enacting clauses, staff used the name SARS-CoV-2, and placed COVID-19 in parenthesis.
2. Rescinding Section 9, Protection of Affected Tenants, in favor of the application of the April 14, 2020 Executive Order of the Los Angeles Board of Supervisors, which expands an existing temporary rent freeze and moratorium on evictions of both commercial and residential tenants in parts of Los Angeles County in response to the COVID-19 health emergency.

**14. Discretionary Fund Request from Councilmember Khubesrian for \$130 for a Banner Thanking First Responders and City Staff**

Chief City Clerk Ayala announced public comments received and read them aloud.

**Public Comment:**

- Sam Burgess – Expressed opposition for the item.

Mayor Pro Tem Mahmud suggested not to include new allocation of funds to Councilmember Discretionary Funds in the 2020-2021 Fiscal Year Budget.

Mayor Joe had a question regarding Mayor Pro Tem Mahmud’s suggestion.

City Attorney Highsmith responded accordingly.

Councilmember Cacciotti and Councilmember Khubesrian discussed adding “volunteers” to the banner. Councilmember Khubesrian agreed.

MOTION BY MAYOR PRO TEM MAHMUD, SECOND BY COUNCILMEMBER KHUBESRIAN, CARRIED 5-0, to approve: a Discretionary Fund request by Councilmember Khubesrian \$130 for a banner thanking South Pasadena First Responders, City Staff, and Volunteers.

**18. Authorize the City Manager to Execute a Professional Services Agreement with True North Research, Inc., to Design, Conduct, and Analyze a Professional Poll for a Total Not-To-Exceed Amount of \$24,950**



City Council had various questions and comments regarding elections; resident surveys; necessity for community outreach; residential support on the item; etc.

Lucy Demirjian, Assistant to the City Manager, responded to questions accordingly.

Mayor Pro Tem Mahmud requested that donated \$5,000.00 from her discretionary fund for this item.

Councilmember Khubesrian donated \$3,000.00 from her discretionary fund for this item.

Chief City Clerk Ayala announced public comments received and read them aloud.

**Public Comment:**

- Delaine Shane – Expressed opposition for the item and concern on potential biases.
- Jan Marshall – Expressed opposition for the item.
- Alan Ehrlich – Expressed opposition for the item.
- Joanne Nucklos - Expressed opposition for the item and provided low cost methods to inform residents about the UUT.
- Anne Bagasao – Expressed opposition for the item and expressed concern for City employment.

City Manager DeWolfe spoke about the reason for the timing of the polling.

City Council had comments and questions on polling; community knowledge on the UUT; resident's financial uncertainty; changes in demographic in the City; unexpected results after polling; concerns for timing of polling; Airbnb tax; transient occupancy tax (bed tax); etc.

City Manager DeWolfe answered questions accordingly and shared the need for polling and the State regulations on the Housing Element.

Councilmember Cacciotti shared comments on community values and how the city should proceed on community involvement.

MOTION BY MAYOR PRO TEM MAHMUD, SECOND BY COUNCILMEMBER KHUBESRIAN, CARRIED 3-2 (CACCIOTTI, SCHNEIDER), to approve: authorizing the City Manager to execute a Professional Services Agreement (PSA) with True North Research, Inc. (True North) to conduct a professional poll for a total not-to-exceed amount of \$24,950.

An amendment was made by Councilmember Khubesrian to explore new revenue sources such as and Airbnb tax.

Mayor Joe added he would donated \$2,000.00 from his discretionary fund for this item. Second by Councilmember Khubesrian.

**PUBLIC HEARING**

**19. Public Hearing to Adopt a Resolution No. 7650 Approving the Community Development Block Grant (CDBG) Program for Fiscal Year 2020-2021 and the CDBG-CARES Act Supplemental Allocation Program**

Marisol Romero, Management Services Management Analyst, presented a PowerPoint.

Mayor Joe, Mayor Pro Tem Mahmud, Councilmember Cacciotti, and Councilmembers Khubesrian had questions and comments regarding the senior meals program; the City's General Fund; rental housing assistance eligibility; requirements for aid recipients; commercial assistance; additional programs funds can be applied to; etc.

Assistant to the City Manager Demirjian, Sheila Pautsch, Director of Community Services, and Analyst Romero answered questions accordingly.

No public comment was received for this item.

Discussion was held amongst City Council regarding the additional programs funds could be applied to.

MOTION BY COUNCILMEMBER CACCIOTTI, SECOND BY COUNCILMEMBER SCHNEIDER, CARRIED 5-0, to approve: the adoption of a **Resolution No. 7650** approving The Fiscal Year 2020-2021(FY2020) Community Development Block Grant (CDBG) program.

A motion was made by Councilmember Schneider to continue recommendation No. 2 to a future meeting. Second was provided by Councilmember Cacciotti:

2. The new CDBG-CARES Act supplemental allocation of \$73,528 effective March 2020 through September 2022 for the Senior Nutrition Program.

<b>ACTION/DISCUSSION ITEMS</b>
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City Manager DeWolfe advised the City Council that Item No. 20 could be considered with the City's budget and the contract would be terminated; Item No. 21 could be considered in a future meeting as a Consent Calendar item; and that action needed to be taken on Item No. 22 tonight.

Councilmember Cacciotti asked a voted be taken on Item No. 20 tonight.

**20. Reconsideration of Professional Services Agreement with Emanuels Jones and Associates for Legislative Advocacy Services**

Mayor announced a staff report presentation was not needed.

**Public Comment:**

- Joanne Nuckols – Expressed opposition for the item.

MOTION BY COUNCILMEMBER KHUBESRIAN, SECOND BY COUNCILMEMBER SCHNEIDER, CARRIED 5-0, to approve: terminating the Professional Services Agreement (PSA) with Emanuels Jones and Associates (EJA) for legislative advocacy services.

**21. ~~Adopt a Resolution to Execute and Join the San Gabriel Valley Regional Housing Trust Joint Powers Agreement to Attract and Secure Additional Funding for Supportive and Affordable Housing Projects~~**

Recommendation

~~It is recommended that the City Council adopt a Resolution to execute the San Gabriel Valley Regional Housing Trust (SGVRHT) Joint Powers Agreement (Agreement) to attract and secure additional funding for supportive and affordable housing projects.~~

This item was continued to a future City Council Meeting.

**22. Adoption of Urgency Ordinance No. 2346 Amending Several Sections of Chapter 36 (Zoning) of the South Pasadena Municipal Code to Streamline Planning Approval Processes and Toll Planning and Permitting deadlines during the local Declaration of Emergency**

Joanna Hankamer, Director of Planning and Building, presented a PowerPoint.

Mayor Joe, Councilmember Cacciotti, Councilmember Schneider had comments and questions changes to the Zoning Code, regarding Commissions review of the urgency ordinance; planning applications; etc.

Director Hankamer and Kanika Kith, Planning Manager, responded to questions accordingly.

Chief City Clerk Ayala announced one public comment was received, but was not requested to be read aloud.

- Alan Ehrlich – objected to the Urgency Ordinance

MOTION BY MAYOR PRO TEM MAHMUD, SECOND BY COUNCILMEMBER KHUBESRIAN, CARRIED 5-0, to approve:

1. Adoption **Urgency Ordinance No. 2346** making certain findings; amending South Pasadena Municipal Code (SPMC) by modifying Chapter 36 (Zoning), Sections 36.340.030 (Permit and Application Requirements), 36.340.050 (Hillside Project Development Standards), 36.400.020 (Authority of Land Use and Zoning Decisions), 36.400.040 (Application Preparation and Filing), 36.410.040 (Design Review), 36.410.060 (Conditional Use Permits and Administrative Use Permits), 36.410.065 (Hillside Development Permits), 36.420.020 (Time Limits and Extensions), 36.600.050 (Design Review Board), 36.610.050 (Appeal Filing, Processing and Decisions),

36.630.020 (Notice of Hearing), 36.630.040 (Review Authority Decision and Notice), and 36.630.050 (Recommendation by Planning Commission) in order to streamline applications for discretionary review, and tolling all planning and permitting deadlines during the Local Declaration of Emergency.

2. Direct Staff to schedule a public hearing for the Planning Commission to review and make recommendations to the City Council on a regular ordinance adopting amendments to the same sections of the South Pasadena Municipal Code.

Additional Documents included revisions be included in the proposed urgency ordinance and revisions to the tolling language and additional changes to the Zoning Code.

## COMMUNICATIONS

### 5. Councilmembers Communications

Mayor Pro Tem Mahmud provided information on the California Power Alliance and potential payment plans being considered by California Edison in assistance to those who are financially effected by COVID-19.

Councilmember Schneider reported on technical issues with the City's link provided for *The Scoop* for the budget survey and also reported on the timing that Additional Docs are shared with Council so that enough time is permitted to review.

Councilmember Cacciotti requested a second to provide \$2,000.00 from his discretionary fund for a scaled down version of the Festival of Balloons. Mayor Joe added \$1,000.00 from his discretionary fund. Second provided by Mayor Pro Tem Mahmud.

Councilmember Khubesrian reflected on those who have lost their lives due to COVID-19 and thanked City staff for their hard work.

Mayor Joe commented on the difficulties small businesses are facing and asked the community to support them.

### 6. City Manager Communications

City Manager DeWolfe spoke about the City's online budget survey and informed that responses would be collected from May 4<sup>th</sup> through May 17<sup>th</sup>. City Manager DeWolfe also announced an American Red Cross blood drive would be held at the South Pasadena Library Community Room on May 21<sup>st</sup>.

## ADJOURNMENT

Mayor Joe adjourned the meeting and announced the next regular City Council Meeting on May 20<sup>th</sup>.

There being no further business, at 11:50 p.m. Mayor Joe adjourned the meeting.

DocuSigned by:

*Evelyn G. Zneimer, Esq.*

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Evelyn G. Zneimer  
City Clerk

DocuSigned by:

*Robert S. Joe*

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Robert S. Joe  
Mayor