



**Wednesday, September 16, 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, September 16, 2020, at 7:32 p.m., in the Council Chamber, located at 1424 Mission Street, South Pasadena, California.

**ROLL CALL**

**Present via Zoom:** Councilmembers Cacciotti, Rossi (attended in person), and Schneider; Mayor Pro Tem Mahmud; and Mayor Joe.

**Absent:** None

**City Staff Present:** Acting City Manager/Fire Chief Paul Riddle; City Attorney Teresa Highsmith (in attendance via Zoom); and Chief City Clerk Maria E. Ayala were present at Roll Call.

**PLEDGE OF ALLEGIANCE**

The Flag Salute led by Mayor Pro Tem Mahmud.

**1. CLOSED SESSION ANNOUNCEMENTS**

City Attorney Highsmith provided a Closed Session report for the Special Closed Session Meeting held on September 11, 2020 at 6:30 p.m.

**A. 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; Terri Highsmith, City Attorney

**B. Public Employee Performance Evaluation**

PUBLIC EMPLOYEE PERFORMANCE EVALUATION, Pursuant to Government Code Section 54957(b) (1):

Title: City Manager

City Attorney Highsmith reported the following:

Item A – City Council received a briefing by the City’s Labor Negotiator regarding the status of negotiations with the City’s bargaining units. No action was taken by City Council.

Item B – City Council met and discussed a Public Employee Performance Evaluation for the City Manager. City Council voted 5-0 to separate from Former City Manager Stephanie DeWolfe.

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**B. ANTICIPATED LITIGATION**

CONFERENCE WITH LEGAL COUNSEL—Anticipated Litigation, Pursuant to Government Code Section 54956.9(d) (2):

Number of Potential Cases: 1

City Attorney Highsmith reported the following:

Item A – City Council received a briefing by the City’s Labor Negotiator regarding the status of negotiations with the City’s bargaining units. No action was taken by City Council.

Item B – City Council met with Legal Counsel to review a matter of anticipated litigation. No action was taken by City Council, but direction was provided to the City Attorney and the Acting City Manager.

## **2. Public Comment**

Chief City Clerk Ayala announced the names of those who submitted public comment via e-mail (these comments were not read, but are added to the official final record of the meeting and are available under the meeting’s Additional Documents):

- Stephanie Moreno
- Sam Burgess
- Chloe Martinez
- Elizabeth Mason
- Josh Betta

Chief City Clerk Ayala played an audio recording of the public comment received via the City’s public comment phone line:

- Dean Serwin – Expressed support for the renewal of the Utility Users Tax measure on the November 3<sup>rd</sup> election.
- Sam Burgess – Expressed concern for possible fire hazards on the City’s horse and hiking trail.
- Bianca Richards – Expressed support for the K-rails on Mission St. and the Al Fresco Dining program.
- Josh Betta – Expressed concerns of media statements and conduct of City Attorney Highsmith regarding the City’s confidentiality.

## **COMMUNICATIONS**

### **3. Councilmembers Communications**

Councilmember Rossi reported on having received communications from present and former commissioners regarding how commissions are currently ran. Councilmember Rossi requested that the City consider looking at best practices for city commissions by looking at neighboring cities; and establish an Ad Hoc Committee to further discuss and motion to add for an agenda item for next meeting. A second was provided by Councilmember Cacciotti for the topic to be discussed at the next City Council meeting; or the Council meeting thereafter.

Mayor Pro Tem Mahmud suggested waiting on holding discussion until the selection of an Interim City Manager occurs and the individual starts working.

Councilmember Rossi concurred.

Councilmember Cacciotti provided photos with comments regarding: City of Paso Robles Al Fresco dining; City of Paso Robles K-rails usage; City's assistance for unhoused residents; provided an update on recent construction projects from the Metro Gold Line Foothill Extension Construction Authority; etc. Councilmember Cacciotti also announced the Free Compost and Mulch Give Away on October 3<sup>rd</sup>, and thanked City Council and City Staff for their hard work.

Councilmember Schneider reported on the following: City's efforts on reviewing the Police Department's use-of-force policies; City's efforts on preventative measures for evictions of those who are effected by COVID-19; etc.

Mayor Pro Tem Mahmud reported on the following: City efforts and services for tenants who have been affected by COVID-19; resident complaints regarding Southern California Edison; reminded resident to submit public comments for the City's Clean Action Plan meeting; reported on attending a Clean Power Alliance Board Meeting; reminded residents that Clean Power Alliance provides payment credits for those who have been effected by COVID-19; etc.

Mayor Pro Tem Mahmud requested that the area described in Mr. Burgess' public comments be inspected by staff for possible fire hazard. A second was provided by Councilmember Cacciotti.

Mayor Joe announced the City Library's Citywide Reading Program from September 14<sup>th</sup> to November 1<sup>st</sup>.

#### **4. City Manager Communications**

Acting City Manager Chief Riddle announced the City's Housing Element Update Virtual Community Workshops on September 23<sup>rd</sup> and September 26<sup>th</sup>. Chief Riddle also provided brief comments regarding available parking locations after the implementation of the City's Al Fresco Dining Program.

#### **5. Reordering of and Additions to the Agenda**

There was no reordering of agenda items.

### **CONSENT CALENDAR**

Chief City Clerk Ayala announced Additional Documents for Item Nos. 16-19, and 21.

Councilmember Rossi requested Item No. 10 be pulled for individual discussion.

MOTION BY COUNCILMEMBER CACCIOTTI, SECOND BY MAYOR PRO TEM MAHMUD, CARRIED 5-0, to approve Consent Calendar Items Nos. 6-9, and 11-15.

**6. Minutes of the Regular City Council Meeting on August 5, 2020**

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

**7. Minutes of the Special City Council Meeting on August 19, 2020**

City Council approved the Minutes of the Special City Council Meeting on August 19, 2020 as presented.

**8. Minutes of the Regular City Council Meeting on August 19, 2020**

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

**9. Approval of Prepaid Warrants in the Amount of \$371,272.07; Prepaid Warrant Voids in the Amount of (\$121,171.69); General City Warrants in the Amount of \$913,079.29; Supplemental ACH Payments in the Amount of \$490,298.58.**

City Council approved the Warrants as presented.

**11. Designate Romine Funds for Library Fused Glass Public Artwork**

City Council designated \$9,022.00 from the unrestricted Romine Funds toward the Ray Bradbury-themed fused glass artwork to be installed in the Library's Ray Bradbury Conference Room.

**12. Second Reading and Adoption of Ordinance No. 2348 Approving Zoning Code Amendment for Streamline Planning Review and Minor Clean-up**

City Council conducted the Second Reading and Adopted **Ordinance No. 2348** amending South Pasadena Municipal Code (SPMC) Chapter 36 (Zoning) - Sections 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 (Applying, 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).

**13. Adoption of Resolution No. 7679 Updating the City's Conflict of Interest Code**

City Council adopted **Resolution No. 7679** amending the City's Conflict of Interest Code.

**14. Appointment of Voting Delegate and Alternate to Represent the City of South Pasadena**

**at the 2020 League of California Cities' Annual Business Meeting**

City Council appointed Mayor Pro Tem Diana Mahmud as the City of South Pasadena's (City) voting delegate and Councilmember Stephen Rossi as the alternate for the League of California Cities' (League) 2020 Annual Business Meeting on Friday, October 9, 2020, to be held virtually.

**15. Approval of the Recommended City Position for the 2020 League of California Cities Resolutions**

City Council authorized the City delegate to vote in support of the resolution being considered at the upcoming League of California Cities' (League) Annual Business Meeting being held during the League's Annual Conference (virtually).

**ITEMS PULLED FROM CONSENT**

**10. Monthly Investment Reports for July 2020**

Councilmember Rossi requested to meet with Gary Pia, City Treasure, and City Staff to ask several questions regarding the format of the report and would report back City Council after the discussion.

Councilmember Rossi provided comments regarding his review of the investment report, and noted that in 2016 there was a decline in cash balances. Councilmember Rossi requested that staff provide a 1-2 paragraphs report on next month's investment report as to why there was a decline. A second was provided by Councilmember Cacciotti.

MOTION BY COUNCILMEMBER ROSSI, SECOND BY MAYOR PRO TEM MAHMUD, CARRIED 5-0, to: receive and file the monthly investment reports for July 2020.

**PUBLIC HEARING**

**16. Request For Review By the City Council of the Cultural Heritage Commission's Decision to Approve Project No. 2238-COA – Certificate of Appropriateness**

Mayor Joe provided a brief background on the item.

Kanika Kith, Planning Manager, provided a pre-recorded PowerPoint presentation.

City Council had various questions and comments regarding the following: ADU conversions; tree removals; unpermitted patio cover; original conditions approved and additions; timeline in which projects were approved; etc.

Planning Manager Kith, and Malinda Lim, Associate Planner, answered questions accordingly.

Councilmember Schneider requested more attention be directed towards unpermitted tree removals and the additional conditions for replacement of trees.

Mayor Joe opened the public hearing at 8:37 p.m.

Chief City Clerk Ayala announced the names of those who submitted public comment via e-mail (these comments were not read, but are added to the official final record of the meeting and are available under the meeting's Additional Documents):

- Jim Fenske
- Brenda Blatt

Chief City Clerk Ayala played an audio recording of the public comment received via the City's public comment phone line:

- Jan and Richard Marshall – Expressed opposition for the item and provided reasons for the opposition.
- Nicole Dunville – Expressed opposition for the item and provided reasons for the opposition.
- Travis Dunville – Expressed opposition for the item and provided reasons for the opposition.

Mayor Joe closed the public hearing at 8:49 p.m.

Mayor Joe confirmed that the applicant's rebuttal argument was available online under the meeting's Additional Documents. Given that the applicant was not present during the meeting, City Council was unable to ask questions regarding the applicant's rebuttal argument.

During their discussion, City Council had various questions and comments regarding the following: projects slab foundation; unpermitted tree removals; City's potential liability; procedures of obtaining the project permits; ADU parking requirement; City zoning and building laws; deferring issues back for Commission consideration; etc.

City Attorney Highsmith, Planning Manager Kith, and Associate Planner Lim answered questions accordingly.

Councilmember Schneider requested that the Public Works Department provide a statement as to why they were unable to determine the number and types of tree removed at the project site.

**MOTION BY COUNCILMEMBER CACCIOTTI, SECOND BY COUNCILMEMBER SCHNEIDER, CARRIED 5-0, to:**

1. Remand this project back to Cultural Heritage Commission for reconsideration, and when considered have the matters be considered separately.
2. Have the Cultural Heritage Commission considered the matter regarding the illegal additions and alterations to the project.

3. Have the Cultural Heritage Commission consider, proposed to the directive and in respect to the illegal additions and alterations, possible demolition of the slab, patio cover, and any other illegal additions at the property.
4. Refer the projects of unpermitted tree removal and replacement to the Natural Resources and Environmental Commission ultimately making a recommendation to the Cultural Heritage Commission before they meet again.
5. Have the Cultural Heritage Commission examine the proposal of the new addition and imposed regional conditions based on the considerations it made before with regard to any illegal activity on this site that they feel is appropriate.

Recommendation

~~Staff recommends that the City Council uphold the Cultural Heritage Commission's approval of Project No. 2238-COA, Certificate of Appropriateness for 1030 Brent Avenue based on the findings and conditions of approval contained in the July 16, 2020 Cultural Heritage Commission staff report.~~

**ACTION/DISCUSSION ITEMS**

**17. Adoption of a Resolution No. 7680 Confirming the Fire Department's Compliance with Mandated Inspection Duties**

Acting City Manager Chief Riddle provided the staff report.

Councilmember Cacciotti asked that Chief Riddle explain the steps Fire Department personnel follow during a fire inspection.

Chief Riddle answered accordingly.

MOTION BY MAYOR PRO TEM MAHMUD, SECOND BY COUNCILMEMBER CACCIOTTI, CARRIED 5-0, to: adopt the **Resolution No. 7680** acknowledging the receipt of the Fire Department's annual report of compliance for mandated inspection duties.

Additional Documents were acknowledged in the motion showing the redline edits to the staff report clarifying the mandated inspections for South Pasadena schools and nursing facilities.

**18. Ratify Appointments for the Regional Housing Needs Assessment Appeal Ad Hoc Committee**

Margaret Lin, Manager of Long Range Planning and Economic Development, provided a PowerPoint presentation.

Chief City Clerk Ayala announced the names of those who submitted public comment via e-mail (these comments were not read, but are added to the official final record of the meeting and are available under the meeting's Additional Documents):



- Ed Elsner

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

1. Review and provide comments regarding the City's Regional Housing Needs Assessment (RHNA) allocation appeal efforts;
2. Ratify the appointment of two members of the Planning Commission and a minimum of two (and a maximum of five) residents to participate in the temporary RHNA Appeal Ad Hoc Committee (Committee) to assist Staff on matters related to the City's RHNA allocation appeal.

Additional Documents were considered in the motion for the following appointments:

- Planning Commission Representatives
  - Janet Braun, Chair
  - John Lesak, Vice-Chair
- Community Members
  - Mark Gallatin, Cultural Heritage Commission Chair
  - Patrick Kirchen, Resident
  - Zhen Tao, Finance Commission Chair

#### **19. Approval of Option for Continued Virtual Public Commission Meetings**

Chief City Clerk Ayala provided the staff report.

City Council had various questions and comments regarding the following: transparency; recording of the meetings; costs; public comments; current IT services; current commission meeting views; Zoom subscription purchases; reimbursable COVID-19 related costs; reliability of the Zoom platform; future meeting locations; Option 2 presented on the staff report; public participation; meeting hosting controls; etc.

Chief City Clerk Ayala answered questions accordingly. Lucy Demirjian, Assistant to the City Manager, responded to questions regarding COVID-19 reimbursements.

Chief City Clerk Ayala announced the names of those who submitted public comment via e-mail (these comments were not read, but are added to the official final record of the meeting and are available under the meeting's Additional Documents):

- Josh Albrektson

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

1. Review the options as presented to continue virtual public commission meetings; and
2. Selected Option 1 as the designated commission meeting virtual format.

An Additional Document was acknowledged in the motion providing additional information regarding virtual meetings for the Planning Commission, Cultural Heritage Commission, and Design Review Board.

**20. Adopt Resolution No. 7681 authorizing a CalPERS Early Retirement Incentive Program**

Michael Casalou, Human Resources Manager, provided the staff report.

Mayor Pro Tem Mahmud and Councilmember Rossi had questions and comments regarding the following: impact to calculations; department restructuring; cost savings; etc.

Human Resources Manager Casalou answered all questions accordingly.

MOTION BY COUNCILMEMBER CACCIOTTI, SECOND BY COUNCILMEMBER SCHNEIDER, CARRIED 5-0, to: adopt the proposed **Resolution No. 7681** authorizing an early retirement incentive program under CalPERS.

**21. Formation of Finance Ad Hoc Committee**

Assistant to the City Manager Demirjian provided the staff report.

Councilmember Rossi provided additional information on the item.

During their discussion, City Council had questions and comments regarding the following: membership of the ad hoc committee; scope of responsibilities; Brown Act requirements; Finance Commission input; etc.

Councilmember Rossi and City Attorney Highsmith answered questions accordingly.

Mayor Pro Tem Mahmud recommended the item be deferred to the Finance Commission to determine the Finance ad hoc committee scope of responsibilities.

MOTION BY COUNCILMEMBER CACCIOTTI, SECOND BY MAYOR PRO TEM MAHMUD, CARRIED 5-0, to: have this item remanded to the Finance Commission for recommendations to City Council before the next Regular City Council meeting and have Councilmember Rossi present the item at their Commission meeting.

Recommendation

~~It is recommended that the City Council:~~

- ~~1. Provide direction on the scope of work to be assigned to a Finance ad hoc committee, the composition of such an ad hoc committee, and the process for assembling such a committee.~~
- ~~2. Provide direction on the composition of the proposed ad hoc committee and resulting process for filling ad hoc committee positions.~~

**Action/Discussion Item Added to Agenda as Addendum:**

**22. Consideration of Employment Agreement and Resolution No. 7682 for Post-Retirement Employment of Elaine Aguilar for the Position of Interim Assistant City Manager**

Human Resources Manager Casalou provided the staff report.

City Council had various questions and comments regarding: Interim Assistant City Manager start date; terms for length of services; Finance Director’s employment status; fiscal impact; possible modifications to the employment agreement; etc.

City Attorney Highsmith and Human Resources Manager Casalou answered all questions accordingly.

Mayor Joe requested a “Financial Impact” section be included onto the staff report. City Council concurred.

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

1. The **Resolution No. 7682** of the City of South Pasadena Requesting Approval of Public Employee's Retirement System (PERS) for Hiring of Annuitant for Temporary Appointment to Position of Interim Assistant City Manager Pursuant to Government Code Sections 21221(h) and 7522.56(f)(1) and
2. Approve the Employment Agreement with Elaine Aguilar for the Position of Interim Assistant City Manager during the absence of Finance Director, Karen Aceves and/or the recruitment process for a new full time City Manager.

Amendments made by Councilmember Cacciotti (with a second by Mayor Pro Tem Mahmud) were considered in the motion to modify the terms of employment stating September 21, 2020 to March 31, 2021.

**ADJOURNMENT**

Mayor Joe announced a next Regular City Council meeting on October 7<sup>th</sup>.

There being no further business, Mayor Joe adjourned the meeting at 11:13 p.m.

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Maria E. Ayala  
 Chief City Clerk

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Robert S. Joe  
 Mayor

*Adopted on 10/07/2020*