

PASADENA RENTAL HOUSING BOARD MEETING MINUTES
JULY 26, 2023 – 6:00 P.M.
ROBINSON PARK RECREATION CENTER, MULTI-PURPOSE ROOM

OPENING Chair Bell called the meeting of the Pasadena Rental Housing Board to order at 6:02 p.m.

ROLL CALL: Chair Ryan Bell
Vice Chair Brandon Lamar
Board Member Deborah Dunlop-Via Zoom
Board Member Lourdes Gonzalez
Board Member Allison Henry
Board Member Emanuel Najera
Board Member Barbara Pitts
Board Member Dianne Romero Chavez
Board Member Arnold Siegel
Board Member Yaneli Soriano Santiago
Board Member Adela Torres
Alternate Board Member Peter Dreier (At-Large)
Alternate Board Member Aaron Markowitz (Tenant)

Staff: Chanée Franklin-Minor, bhyv Consulting
Nazanin Salehi, Goldfarb Lipmann Attorney-Via Zoom
Karen Tiedemann, Goldfarb Lipmann Attorney
Mark Jomsky, City Clerk
Nick Rodriguez, Assistant City Manager
Dion O'Connell, Deputy City Attorney
Desiree Acosta, Recording Secretary

EMERGENCY MOTION: Chair Bell, stated that due to illness, Member Dunlop has requested Board authorization to allow her to participate remotely for this meeting, Wednesday, July 26, 2023, in compliance with emergency circumstances and pursuant to Government Code Section 54953(F)(2)(A)(ii). Following a brief discussion, it was moved by Vice Chair Lamar, seconded by Member Henry to approve Member Dunlop's request, and allow her to participate remotely via Zoom. (Motion unanimously approved) (Absent: None)

Member Dunlop joined the meeting at 6:05 p.m. via Zoom, and Member Dunlop stated that no one was present with her in the room while she participated remotely.

PUBLIC COMMENT ON MATTERS NOT ON THE AGENDA Leon Victor, Pasadena resident, spoke on behalf of his tenant association, spoke on the urgency, and need for the Board to implement its enforcement powers to ensure landlord compliance with the City's Charter and newly established rent stabilization laws.

Blake Boyd, Pasadena property owner, advocated for the Board to create/setup hearing officers as soon as possible to adjudicate matters of dispute between landlords and tenants.

Lillian Yin, realtor representing a builder in Pasadena, spoke about a situation involving Pasadena tenants that need to be removed as part of a construction project, and requested assistance/guidance from the Board on how to handle the situation in compliance with the new rent control and eviction provisions in the City Charter.

APPROVAL OF MINUTES

It was moved by Member Siegal, seconded by Member Gonzalez, to approve the minutes of July 12, 2023, as submitted:

AYES: Board Members Dunlop, Gonzalez, Henry, Najera, Pitts, Romero Chavez, Siegel, Soriano Santiago, Torres, Vice Chair Lamar, Chair Bell

NOES: None

ABSENT: None

ABSTAIN: None

NEW BUSINESS

ADOPTION OF A RESOLUTION OF THE PASADENA RENTAL HOUSING BOARD APPROVING A CONTRACT AMENDMENT WITH BHYV CONSULTING, TO INCREASE THE NOT-TO-EXCEED AMOUNT OF THE CONTRACT FROM \$74,999 TO \$475,000, AND EXPANDING THE SCOPE OF SERVICES TO BE PROVIDED BY BHYV CONSULTING

Recommendation: It is recommended that the Pasadena Rental Housing Board take the following actions:

- (1) Find that the proposed action is exempt from the California Environmental Quality Act ("CEQA") pursuant to State CEQA Guidelines Section 15061(b)(3) (common sense exemption);
- (2) Adopt a resolution of the Pasadena Rental Housing Board of the City of Pasadena, California approving an increase in the contract with bhyv Consulting from \$74,999 to \$475,000, and expanding the scope of services to be provided by bhyv Consulting;
- (3) Authorize the Chair of the Pasadena Rental Housing Board to execute an amendment to the agreement with bhyv Consulting after approval by the City Council, and direct services to be performed by bhyv Consulting, acting on behalf of the Board;
- (4) To the extent the proposed action is subject to the Competitive Selection process, grant the contract an exemption pursuant to Pasadena Municipal Code ("PMC"), Section 4.08.049(B), contracts for which the City's best interests are served in that these are specialized services, and there is a need to proceed immediately. Competitive price bidding is not required pursuant to City Charter Section 1002(F), contracts for professional or unique services; and

(5) Amend the Pasadena Rental Housing Board's Fiscal Year 2024 Operating Budget by appropriating \$475,000 in the Pasadena Rental Housing Board Fund (689) for said services.

Chair Bell introduced the item, and reviewed an updated scope of work, as well as an amended/reduced contract amount of \$425,000 for bhyv Consulting, that would be subject to the Board's consideration for this item, as part of an oral presentation, and responded to questions.

Chanée Franklin-Minor, bhyv Consulting, responding to questions related to the scope of the contract, the methodology for billing, and the services to be provided by bhyv Consulting, and clarified that the proposal submitted for Board consideration is a project-based contract and not an hourly-based contract.

Member Henry requested that additional reporting occur as part of the proposal, with the consultant to report back to the Board and/or ad hoc Committees as work progresses on each project deliverable.

Member Najera requested that future consultant contracts include a Request for Proposal process to ensure that the Board has options and the ability to compare consultant groups for the best services and at competitive rates.

The following individuals provided comments related to the item, and expanding the scope of services to be provided by BHVY consulting:

Gary Maat-Hotep, residence not stated
Simon Gibbons, Pasadena resident

Board Secretary Acosta reported on correspondence received by the Pasadena Rental Housing Board related to this item, which was distributed to the Board, posted online, and made part of public record.

Member Henry requested that the motion to approve the item be amended to include regular reporting to the Board by the consultant on the scope of work and progress on each project deliverable.

Following discussion, Chair Bell suggested the language under Project Logistics & Staffing, paragraph titled "Working Arrangements", second sentence, be amended as follows, "Consultant will attend all necessary meetings to complete and report on the deliverables of the project including (but not limited to) full board meetings, committee meetings, and staff meetings."

In response to Member Najera's concerns regarding approving a contract without conducting an RFP process, Board Counsel Tiedemann stated that future actions of the Board will require compliance with City Charter provisions, including the need to conduct Request for Proposal processes for professional services consulting work.

Following discussion, it was moved by Vice Chair Lamar, seconded by Member Soriano Santiago, to approve the item and recommendations (incorporating the revisions to the scope of work and contract amount of \$425,000 reviewed by the Chair as part of his presentation), and amended to include the revised language in the "Working Arrangements" paragraph, as noted above.

AYES: Board Members Dunlop, Gonzalez, Henry, Najera, Pitts, Romero Chavez, Siegel, Soriano Santiago, Torres, Vice Chair Lamar, Chair Bell

NOES: None

ABSENT: None

ABSTAIN: None

ADOPTION OF A RESOLUTION OF THE PASADENA RENTAL HOUSING BOARD REQUESTING THE CITY OF PASADENA RECOGNIZE AND COMPENSATE MEMBERS OF THE RENTAL HOUSING BOARD AS EMPLOYEES OF THE CITY OF PASADENA

Recommendation: It is recommended that the Pasadena Rental Housing Board (the "Board"), take the following actions:

- (1) Find that the proposed action is exempt from the California Environmental Quality Act ("CEQA") pursuant to State CEQA Guidelines Section 15061(b)(3) (common sense exemption);
- (2) Adopt a resolution of the Pasadena Rental Housing Board requesting that the City of Pasadena (the "City") City Council deem the members of the Board employees of the City and to compensate said Board Members in accordance with City Charter Article XVIII (the "Charter Amendment");
- (3) Require each member of the Board to record the length of time spent preparing for and participating in Board meetings, including ad hoc committee meetings;
- (4) Require the Board Chair to review each Board Member's record of time spent preparing for and participating in said meetings prior to authorizing compensation for no more than twenty (20) hours per week;
- (5) Authorize the Pasadena Rental Housing Board to compensate each Board Member from the Pasadena Rental Housing Board Fund (689) advanced by the City Council until such time the Board adopts a budget, and sets a rental housing fee, to finance the Board for its

reasonable and necessary expenses in implementing the Charter Amendment; and

(6) Evaluate the above actions to address any issues and determine if an alternative structure for compensation of the Pasadena Rental Housing Board members would better serve the goals of the Charter Amendment no later than ninety (90) days after the implementation of the above actions.

Board Counsel Tiedemann summarized the item as part of an oral presentation, noting the request to the City to make the Board City employees was necessary and only for the purpose of compensating Board Members in accordance with the City Charter, noting that members will be compensated for time committed to meetings (including preparation for meetings and meeting attendance), at an hourly rate of two and half times the minimum wage of Pasadena. She also noted that Board Members will be required to submit timesheets and that Chair Bell (and future Board Chairs) will review Board Member timesheets prior to submission to the City for payment.

Adam Bray-Ali, Pasadena resident, stated his concerns regarding the Board receiving compensation from the City and not from their own budget

Following discussion and clarification on questions from the Board, it was moved by Member Siegal, seconded by Member Soriano Santiago, to approve the item and recommendations.

AYES: Board Members Dunlop, Gonzalez, Henry, Najera, Pitts, Romero Chavez, Siegel, Soriano Santiago, Torres, Vice Chair Lamar, Chair Bell

NOES: None

ABSENT: None

ABSTAIN: None

ADOPTION OF A RESOLUTION OF THE PASADENA RENTAL HOUSING BOARD AUTHORIZING THE CHAIR AND VICE CHAIR TO ENGAGE IN DISCUSSIONS WITH CITY STAFF TO RESOLVE ISSUES RELATED TO INTEGRATING THE RENTAL HOUSING BOARD AS A CITY DEPARTMENT AND TO SUBMIT A FORMAL REQUEST TO THE CITY COUNCIL TO INTEGRATE THE RENTAL HOUSING BOARD AS A CITY DEPARTMENT

Recommendation: It is recommended that the Pasadena Rental Housing Board take the following actions:

(1) Find that the proposed action is exempt from the California Environmental Quality Act ("CEQA") pursuant to State CEQA Guidelines Section 15061(b)(3) (common sense exemption);

(2) Adopt a resolution of the Pasadena Rental Housing Board authorizing the Pasadena Rental Housing Board Chair and Vice Chair to engage in discussions with City staff to resolve all outstanding issues related to the integration of the Pasadena Rental Housing Board as a City Department (or division thereof);

(3) Authorize the Pasadena Rental Housing Board Chair and Vice Chair, as part of the discussions with City staff about integrating the Pasadena Rental Housing Board as a City department, to propose that the City Council provide the following authority with relation to contracting and procurement:

(a) The Chair of the Pasadena Rental Housing Board and/or the Program Manager may enter into contracts on behalf of the City, up to \$75,000;

(b) The Chair of the Pasadena Rental Housing Board and/or the Program Manager shall have all authority granted to the City Council, City Manager, and the Director of Finance under the City's Competitive Bidding Ordinance;

(c) Certain contracts of the Pasadena Rental Housing Board that are consistent with the budget approved by the Pasadena Rental Housing Board shall be deemed approved by the City Council without regard to amount; and

(d) The Chair of the Pasadena Rental Housing Board and/or the Program Manager shall have the authority, in an emergency situation, to immediately procure materials or services without competitive bidding, at the lowest obtainable price, regardless of the amount of the expenditure; and

(4) Authorize the Pasadena Rental Housing Board Chair and the Vice Chair, as part of the discussions with City staff about integrating the Pasadena Rental Housing Board as a City department, to propose the staffing of the Pasadena Rental Housing Board by City employees in accordance with the City's existing hiring and employment policies, with the following modifications:

(a) In the hiring of all positions required to staff the Pasadena Rental Housing Board, the Pasadena Rental Housing Board, as a body, provides input at the beginning of the process as to the attributes and key skills desired;

(b) In the hiring of the Program Manager/Executive Director position, the Chair and the Vice Chair of the Pasadena Rental Housing Board shall participate as part of the review panel interviewing candidates; and

(c) The Chair and the Vice Chair of the Pasadena Rental Housing Board shall meet semi-annually with the City Manager, or their designee, to provide input on staff performance; and

(5) Authorize the Pasadena Rental Housing Board Chair and the Vice Chair, in their sole discretion, to seek input from the entire Pasadena Rental Housing Board or an ad hoc committee thereof in resolving with

City staff any outstanding issues related to the integration of the Pasadena Rental Housing Board as a City department; and
(6) Authorize the Pasadena Rental Housing Board Chair and the Vice Chair, after resolution with City staff of all outstanding issues related to integration of the Pasadena Rental Housing Board as a City department, to submit a formal request to the City of Pasadena City Council to integrate the Pasadena Rental Housing Board as a City department (or a division thereof) for the purposes of personnel and retirement systems, contracts and procurement, and infrastructure and information technology support.

Chair Bell introduced the item, and Board Counsel Tiedemann provided an overview of the proposed action, noting the Board would be authorizing the Chair and Vice Chair to have the discussions with City staff on the process of integrating the Pasadena Rental Housing Board as a City department or a division, as detailed in the staff memo, and stated that the proposed structure as a City department is consistent with the language and intent of the City Charter to have the Board be an integral part of the City.

The Board discussed issues related to overhead costs, whether the proposed structure as a City department would result in charges to the Board, the frequency of reports on the progress of discussions, and clarification on the Board's autonomy in administering the rent control program in Pasadena.

In reference to the Chair and the Vice Chair's role in the discussions with City staff on the issue of integration with the City, Member Henry requested that Recommendation No. 5 be amended as follows:

~~Authorize~~ Require the Pasadena Rental Housing Board Chair and the Vice Chair, ~~in their sole discretion~~, to seek input from the entire Pasadena Rental Housing Board or an ad hoc committee thereof in resolving with City staff any outstanding issues related to the integration of the Pasadena Rental Housing Board as a City department;

The Chair also clarified that the Board would have an opportunity to review the language and scope of the request to City, as well as having final approval of such a proposal, prior to it being formally submitted as a request to the City Council.

Following discussion, it was agreed to also strike Recommendation No. 6 from the proposed action, to ensure the Board would be able to vote on the matter.

Vice Chair Lamar noted that in terms of a full-time Executive Director serving the Pasadena Rental Housing Board and administering the rent control program, that the Board have final decision-making authority for that position.

The following individuals provided public comment on the item, stating concerns with the proposed action, which appears to remove the Board's autonomy to administer the rent control program, shift responsibility and cost to the City, and undermines the intent of the Charter Amendment measure that was approved by voters:

Adam Bray-Ali, Pasadena resident
Tyler Werrin, Pasadena resident

In response to Member Najera's question, Ms. Tiedemann stated that while any change to become an integral part of the City (i.e. City department or division) is not permanent, to revert back or make a future change to "unwind" such an arrangement would be complicated.

Following discussion, it was moved by Member Henry, seconded by Member Najera, to approve the item and recommendations, incorporating the changes to Recommendation No. 5 and striking Recommendation No. 6, as detailed above.

AYES: Board Members Dunlop, Gonzalez, Henry, Najera, Pitts, Romero Chavez, Siegel, Soriano Santiago, Torres, Vice Chair Lamar, Chair Bell

NOES: None

ABSENT: None

ABSTAIN: None

**INFORMATIONAL
ITEMS**

INTRODUCTION OF DESIREE ACOSTA, MANAGEMENT ANALYST II, CITY TEMPORARY WORKER, PROVIDING INTERIM BOARD SECRETARY AND MEETING SUPPORT

Chair Bell introduced Ms. Acosta and provided a brief description of her role to provide Board Secretary and meeting support. Ms. Acosta provided professional background information and thanked the Board for the opportunity to serve in this capacity.

The Chair thanked and acknowledged the City Clerk and City Clerk staff for their work and effort to support the Board's meetings.

PRESENTATION AND DISCUSSION ON THE ELLIS ACT AND RENTAL HOUSING RELOCATION ASSISTANCE ISSUES PERTAINING TO THE PASADENA FAIR AND EQUITABLE HOUSING CHARTER AMENDMENT PRESENTED BY KAREN TIEDEMANN, GOLDFARB & LIPMAN LLP

Chair Bell introduced the item, and Board Counsel Tiedemann provided a presentation on the Ellis Act (landlord protections to ensure fair return on investment) and Rental Housing Relocation Assistance issues, including eviction protections, relocation assistance, City's Tenant Protection Ordinance, and how these issues apply to the Pasadena Rental Housing Board and the Charter Amendment provisions adopted by the City, noting the actions needed to be taken by the City and the PRHB to put in place certain protections under the City's rent control program, and responded to questions.

Adam Bray-Ali, Pasadena resident, spoke on the Barrington Plaza building as a case-study of the Ellis Act, and the benefits Ellis Act protections provided as a last resort when faced with significant issues in their investment property

Following discussion, on the order of the Chair, and consensus of the Board, the information was received and filed.

AD HOC COMMITTEE REPORTS:

- A. STAFFING**
- B. FOUNDATIONS/STRUCTURE**
- C. COMMUNITY OUTREACH**

Chair Bell gave a brief report on the Staffing and Foundations/Structure ad hoc committee work (citing the actions that were formalized as part of this meeting's agenda). Member Henry spoke on the work of the Community Outreach ad hoc committee working with Allegra Consulting.

On the order of the Chair, and consensus of the Board, the information was received and filed.

FUTURE AGENDA ITEMS

Discussion by the Board included the following suggestions for future agenda items:

- Report on the Board's relationship to the City of Pasadena
- An update on compensation for Board Members
- A report on relocation expenses for 'no fault' evictions, forms, and information related to the Ellis Act
- Informational update on the Rules and Regulations ad hoc committee policy developments and proposals

- An update on the Fact sheet

Vice Chair Lamar expressed concerns with the delay in developing and distributing the Fact Sheet, and requested that the consultant provide and distribute the Fact sheet as soon as possible.

Following discussion, by order of the Chair, and consensus of the Board, the information was received and filed.

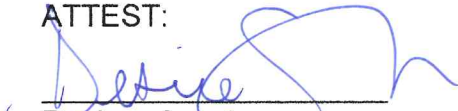
ADJOURNMENT:

On the order of the Chair, the meeting of the Pasadena Rental Housing Board was adjourned at 8:44 p.m.



RYAN BELL, Chair
Pasadena Rental Housing Board

ATTEST:



Desiree Acosta
Recording Secretary