



City of Santa Monica

City Council Meeting

AGENDA

GLEAM DAVIS
MAYOR

KEVIN MCKEOWN
COUNCILMEMBER

TED WINTERER
COUNCILMEMBER

SUE HIMMELRICH
COUNCILMEMBER

ANA MARIA JARA
COUNCILMEMBER

GREG MORENA
COUNCILMEMBER

TERRY O'DAY
MAYOR PRO TEM

RICK COLE
CITY MANAGER

LANE DILG
CITY ATTORNEY

DENISE ANDERSON-WARREN
CITY CLERK

STANDARDS OF BEHAVIOR THAT PROMOTE CIVILITY AT ALL PUBLIC MEETINGS:

- Treat everyone courteously;
- Listen to others respectfully
- Exercise self-control
- Give open-minded consideration to all viewpoints;
- Focus on the issues and avoid personalizing debate;
- Embrace respectful disagreement and dissent as democratic rights, inherent components of an inclusive public process, and tools for forging sound decisions

Meetings are broadcast live on CityTV cable channel 16, Radio Station KCRW FM 89.9 (after 8:00 PM for regular meetings), and on the internet at www.smgov.net and www.kcrw.org. Cable television re-broadcasts air on Thursday and Saturday at 11:30 AM. The agenda will air on CityTV on Saturday and Sunday at 11:00 AM and 6:00 PM, and on Monday and Tuesday at 12:30 PM and 6:00 PM.

RULES OF ORDER FOR THE CONDUCT OF CITY COUNCIL MEETINGS

(Resolution No.11172 (CCS))

Persons wishing to address the City Council regarding items on the agenda must be present and submit their name and address (optional) in writing to the City Clerk **before the public hearing is opened for that item.** Request-to-Speak forms are available prior to the meeting and throughout the meeting. Remarks from the public are limited to a total of 6 minutes per City Council meeting, with a maximum of 2 minutes and a minimum of one minute per item. Except for the author of the request, public comment on 12-items are limited to 1 minute. Except on Public Input, speakers may donate 2 minutes to another person who may speak for a total of 4 minutes on that item. Both the donor of time and the designated speaker must submit their cards in person together.

ORDER OF BUSINESS (may not be changed except by majority vote of the City Council.)

1. Closed Session.
2. Special Agenda Items (City Manager's Report Commendations, Presentations, etc.).
3. Consent Calendar (All items considered in one motion unless removed by a City Councilmember for discussion. Public comment shall be heard prior to City Council discussion).
4. Study Session.
5. Continued Items.
6. Administrative Proceedings.
7. Ordinances:
 - 1st Reading
 - 2nd Reading
8. Staff Administrative Item.
9. Public Hearings.
10. Reports of Boards and Commissions.
11. Resolutions.
12. Written Communications (other than Reports of Commission and Officers).
13. Councilmember Discussion Items.
14. Public Input (members of the public may address the City Council **only** on items not on the agenda, but within the subject matter jurisdiction of the City)

Agendas and reports are accessible on the City's webpage at smgov.net/council/agendas. They are also available at the City Clerk's Office and in alternate formats upon request. For a free email subscription to the City Council Agendas, please contact the City Clerk's Office at (310) 458-8211 or clerk@smgov.net.

Addressing the City Council: State your name, address (optional), and neighborhood for the record; address the City Council as a whole, not as individuals. After the public hearing closes, no member of the public shall address the City Council on the matter under consideration without first securing Council approval. Please be courteous. **Any electronic presentation materials intended to be presented at a City Council meeting must be emailed to the City Clerk at clerk@smgov.net no later than 12 PM on the day of a City Council meeting.**

Members of the audience: Please refrain from clapping, whistling, or acts of disorderly conduct; do not distribute literature without prior authorization of the presiding officer; remain seated unless addressing the City Council; do not stand or sit in aisles or against the wall; do not enter the well area of the dais or go behind rails unless authorized by the presiding officer.

Members of the public unable to attend a meeting but wish to comment on an item(s) listed on the agenda may submit written comments prior to the meeting by mailing them to: City Clerk, 1685 Main Street, Santa Monica, CA 90401 or to councilmtgitems@smgov.net. Written comments received from the public by 12 PM on the day of the City Council meeting will be distributed to the City Council prior to the meeting and **posted online**.

City Hall and the Council Chamber are wheelchair accessible. If you require any special disability related accommodations (i.e. sign language interpreting, access to an amplified sound system, etc.), please contact the City Clerk's Office at (310) 458-8211 or TDD: (310) 917-6626 at least 3 days prior to the scheduled meeting.

Si desea comunicarse con alguien en español, llame a nuestra oficina al (310) 458-8211 y pida hablar con Esterlina Lugo.

Santa Monica Blue Bus Lines #2, #3, #5, #9 and the EXPO Line serve City Hall. Parking is available on Main Street, on Olympic Drive, and in the Civic Center Parking Structure (validation free).



AGENDAS

CITY OF SANTA MONICA

SPECIAL MEETING

CITY HALL COUNCIL CHAMBERS

1685 MAIN STREET, ROOM 213

THURSDAY AUGUST 29, 2019

MEETING BEGINS AT 5:30 PM

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

(This is a special City Council meeting. Public comment is restricted to only items listed on the agenda.)

1. CLOSED SESSIONS

1.A. Public Employee Evaluation:

Title: City Attorney

1.B. Public Employee Evaluation:

Title: City Clerk

1.C. Public Employee Evaluation:

Title: City Manager

ADJOURNMENT

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4. Certain individuals specified on the 20 pages
5. Editor who did a story relating to the Item
6. Community activists regarding the Item, Community Corp; and privacy issues.

Footnote: On Thursday, 8/21, attachment e was removed at about 12 noon at my request. That afternoon it again became a part of the Staff Report's attachment except many residential addresses were removed from the 8/20 language. An issue is how and why it was decided to reinsert e?

Communication: Public Employee Evaluation:

My requests that "e" be removed have been rebuffed (see footnote). At this time, I request that the City do the following:

1. Immediately remove "e".
2. At the beginning of Council's consideration of Item 7B, have the City Manager read a statement drafted by the City and me describing the improper actions.

I intend in good faith to pursue all reasonable regulatory (tax and labor), civil and criminal remedies arising from the foregoing including, without limitation ethical complaints against the many lawyers participating in the fraud. Furthermore, it is arguable that any ordinance adopted may be deemed invalid because it is tainted by the fraud of City officials and Local 11.

This note targets the fraud relating to the "petition." It does not deal with my non-existent opinion on the merits of any part of the proposed ordinance. It arises from a disgust that Santa Monica's top officials, including the only three who report directly to Council, would stoop to this level of deception of the citizenry.

Very truly yours,

Stanley H. Epstein

515 Ocean Avenue #507N

Santa Monica, Ca 90402

310 393-7619

SOURCES OF MY DUE DILIGENCE

Conversations with:

1. Deputy City Manager, Director of Policy and Management Fellow who prepared the Staff Report
2. Two City Clerk staff members
3. Chief of Staff to City Attorney

Communication: Public Employee Evaluation:

Fraudulent petition

From: Stanley H. Epstein (stanatty@yahoo.com)

To: ben.allen@sen.ca.gov; rick.cole@smgov.net; anuj.gupta@smgov.net; clerk@smgov.net; lane.dilg@smgov.net; gleam.davis@smgov.net; council@smgov.net; jcasuso@santamonicalookout.com; editor@smdp.com; editor@smmirror.com; editor@smobserver.com

Date: Monday, August 26, 2019, 9:23 AM PDT

August 26, 2019

Dear Ladies and Gentlemen:

Local 11 and all City staff sent copies of this note still are direct participants in a serious fraud relating to Attachment e to the Staff Report for Item 7B at the 8/27/19 Council meeting.

“fraud” is defined as “deceit, trickery or a sharp practice perpetuated to gain an unfair or dishonest advantage.”

“petition” is a “formally drawn request by a number of people addressed to those in authority, soliciting a favor, rights or other benefit.”

My conclusion that e is a fraud is based on conversations since Thursday, summarized below.

The “petition” consists of a two page letter advocating for passage of an ordinance described in the staff report, and 20 pages containing about 675 names (and many email addresses) of people who supposedly are requesting the legislative action stated in the letter which is not signed and has no indication of who wrote it. It was delivered to the main receptionist at the City Manager’s office on August 9 without written or oral explanation. The package was designated Attachment e and entitled “Hotel Worker Petition.” The City Manager’s Office sent the item to the City Clerk’s Office which had it approved by the City Attorney’s Department and put on the website on August 21.

My due diligence shows without a doubt that none of the people named in the 20 pages were shown, consented to or signed the so-called “petition.” Instead, the names are nothing more than some roster of names in the possession of Local 11. There is no reference on either of the two pages or the 20 pages to the other document.

Communication: Public Employee Evaluation:

8/29/19

Dear Maya & Council Members:

This note relates to your evaluation this evening of the City Attorney, Clerk & Manager.

Attached is an E Mail sent by me Monday morning to Stearn and to those 3 individuals, claiming (with the proof provided) their participation in the fraudulently labeled, non-existent, petition constituting Attachment e to Item 7 B's staff report (with the clear approval, direction and conspiracy with Local 11)

Within a few hours of receiving my E Mail, staff changed the designation of e-6 "Written Comments" ~~but~~ provided neither my comments nor those of anyone except the known fraudulent materials supplied on 8/9 by Local 11.

At no time was the existence of changes related to e (2 on Thursday 8/10 on Monday communicated to the users of the web site or the media.

The big, scary & highly troubling irrefutable point is that a petition never existed (as admitted by the Union), with less one of 665 signatures & that all 3 City officials knew it. My efforts in talking to Mr. Gueple; 2 City Clerk employees; and to the City Attorney; Chief of Staff (all lengthy substantiated calls) were ignored. The fraud has lasted from last Wednesday to now and there will be serious consequences mentioned in my E Mail.

Amel.

Sincerely,
in case

Communication: Public Employee Evaluation:

Stanley H. Epstein
515 Ocean Ave., #N507
Santa Monica, Ca. 90402
Ph: 310 393-7619
Fax: 310 393-7684
stanatty@yahoo.com

Fax

(Confidential)

Urgent!

To: *Mayor & City Council* From: Stanley H. Epstein
and Fax: *to Clerk & Manager* Pages: *5*
 Phone: _____ Date: *8/29/19*
 Re: *Simon Staff Evaluations* CC: _____
This Evening.

Communication: Public Employee Evaluation:

This communication may contain confidential or legally privileged information and is intended only for the named individual. If you receive it in error, please call me immediately. Thank you.