



City of Santa Monica

City Council Meeting

AGENDA

TED WINTERER
MAYOR

SUE HIMMELRICH
COUNCILMEMBER

GLEAM DAVIS
MAYOR PRO TEM

TONY VAZQUEZ
COUNCILMEMBER

TERRY O'DAY
COUNCILMEMBER

KEVIN MCKEOWN
COUNCILMEMBER

PAM O'CONNOR
COUNCILMEMBER

RICK COLE
CITY MANAGER

JOSEPH LAWRENCE
INTERIM 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), 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.

STANDING IN AISLES OR AGAINST THE WALL IS NOT PERMITTED

RULES OF ORDER FOR THE CONDUCT OF CITY COUNCIL MEETINGS

(Resolution No.10928 (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 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 Councilmember for discussion. Public comment shall be heard prior to 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)

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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.

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; 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 wishing to comment on an item(s) listed on the agenda may submit written comments prior to the meeting by meeting by mailing them to: City Clerk, 1685 Main Street, Santa Monica, CA 90401 or to councilmtgitems@smgov.net.

MATERIALS RECEIVED FROM THE PUBLIC BY 4:30 PM THE EVENING OF THE COUNCIL MEETING WILL BE DISTRIBUTED TO COUNCIL PRIOR TO THE MEETING AND POSTED ONLINE.

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SMOKING IS PROHIBITED IN CITY HALL (SMMC 4.44.030)



AGENDAS

CITY OF SANTA MONICA

REGULAR MEETING

CITY HALL COUNCIL CHAMBERS

1685 MAIN STREET, ROOM 213

TUESDAY FEBRUARY 14, 2017

MEETING BEGINS AT 5:30 PM

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

(Please note that Agenda Items may be reordered during the Council meeting at the discretion of the City Council.)

1. CLOSED SESSION

- 1.A. **Conference with Labor Negotiator - City Negotiator: Donna C. Peter, Director of Human Resources - Bargaining Units: Administrative Team Associates (ATA), California Teamsters Local 911 (Teamsters), Management Team Associates (MTA), Public Attorneys Union (PAU), Supervisory Team Associates (STA), Municipal Employees Association (MEA), Firefighters Local 1109 IAFF (Local 1109), Fire Executive Management Association (FEMA), Police Officer Association (POA), SMART-TD, Coalition of SM City Employees**
- 1.B. **Conference with Legal Counsel – Existing Litigation – Litigation has been initiated formally pursuant to Government Code Section 54956.9(d)(1): Federal Aviation Administration v. City of Santa Monica, Notice of Investigation, Part 16 FAA Docket No. 16-16-13**
- 1.C. **Conference with Legal Counsel – Existing Litigation – Litigation has been initiated formally pursuant to Government Code Section 54956.9(d)(1): City of Santa Monica v. Atlantic Aviation, Los Angeles Superior Court Case Number SC 126 653**
- 1.D. **Conference with Legal Counsel – Existing Litigation – Litigation has been initiated formally pursuant to Government Code Section 54956.9(d)(1): City of Santa Monica v. American Flyers, Los Angeles Superior Court Case Number 16RO5422**
- 1.E. **Conference with Legal Counsel – Existing Litigation – Litigation has been initiated formally pursuant to Government Code Section 54956.9(d)(1): City of Santa Monica v. United States of America, U. S. District Court Case Number CV 13-08046**

- 1.F. **Conference with Legal Counsel – Existing Litigation – Litigation has been initiated formally pursuant to Government Code Section 54956.9(d)(1): City of Santa Monica v. Federal Aviation Administration, United States Court of Appeals for Ninth Circuit Case Number 16-72827**
- 1.G. **Conference with Legal Counsel – Existing Litigation – Litigation has been initiated formally pursuant to Government Code Section 54956.9(d)(1): Pico Neighborhood Association, Maria Loya and Advocates for Malibu Public Schools v. City of Santa Monica, Los Angeles Superior Court Case Number BC 616 804**
- 1.H. **Conference with Legal Counsel – Anticipated Litigation – Anticipant significant exposure to litigation pursuant to Government Code Section 54956.9(d)(2): 1 case – Delux Public Charter LLC and Jetsuite X Inc.**
- 1.I. **Conference with Legal Counsel – Anticipated Litigation: Anticipate significant exposure to litigation pursuant to Government Code Section 54956.9(d)(2) - 120 Hart Avenue**
- 1.J. **Conference with Legal Counsel – Existing Litigation – Litigation has been initiated formally pursuant to Government Code Section 54956.9(d)(1): State of Washington, et al., v. Trump, et al., Court of Appeals for the Ninth Circuit Case Number 17-35105, District Court for the Western District of Washington Case Number 2:17-cv-00141-JLR**
- 1.K. **Conference with Legal Counsel – Existing Litigation – Litigation has been initiated formally pursuant to Government Code Section 54956.9(d)(1): Darweesh and Alshawi v. Trump, District Court Eastern District of New York Case Number 1:17-cv-00480**
- 1.L. **Conference with Legal Counsel – Existing Litigation – Litigation has been initiated formally pursuant to Government Code Section 54956.9(d)(1): Los Angeles County Metropolitan Transportation Authority v. City of Santa Monica, Los Angeles Superior Court Case Number BC 598 264**

The following is the order of business for items to be heard no earlier than 6:30 p.m.

2. SPECIAL AGENDA ITEMS

No items

3. CONSENT CALENDAR

(All items will be considered and approved in one motion unless removed by a Councilmember for discussion.)

3.A. Electronic Filing of Statement of Economic Interests

Recommended Action

Staff recommends that the City Council adopt the resolution amending Exhibit 2 of

the City's last adopted Conflict of Interest Code to require filers designated in the City's Conflict of Interest Code to electronically file Statements of Economic Interest.

3.B. Award Bid for Purchase of up to 13 Compressed Natural Gas Front Load Refuse Packer Vehicles

Recommended Action

Staff recommends that the City Council:

1. Award Bid #4256 to Fred M. Boerner Motor Company, a California-based company, for the purchase and delivery of six Compressed Natural Gas Front Load Refuse Packer Vehicles with the option to purchase up to seven additional Compressed Natural Gas Front Load Refuse Packer Vehicles for one year, with one additional one-year renewal option; and
2. Authorize the City Manager to negotiate and execute a contract with Fred M. Boerner Motor Company, in an amount not to exceed \$2,292,107 (including a 10% contingency and a 10% discount) for year one, with one additional one-year renewal option in the amount of 2,672,234, for a total amount not to exceed \$4,964,341 over a 2-year period, with future year funding contingent on Council budget approval.

3.C. Bid Award for the Purchase of up to Five Compressed Natural Gas Side Load Refuse Packer Vehicles

Recommended Action

Staff recommends that the City Council:

1. Award Bid #4257 to Los Angeles Freightliner, a California-based company, for the purchase and delivery of three Compressed Natural Gas Side Load Refuse Packer Vehicles with the option to purchase up to two additional Compressed Natural Gas Side Load Refuse Packer Vehicles over a two-year period; and
2. Authorize the City Manager to negotiate and execute a contract with Los Angeles Freightliner, in an amount not to exceed \$1,146,261 (including a 10% contingency) for one year with one additional one-year renewal option in the amount of \$763,828 for a total amount not to exceed \$1,910,089 over a two-year period, with future year funding contingent on Council budget approval.

3.D. Purchase of Badger Water Meters

Recommended Action

Staff recommends that the City Council authorize the Purchasing Services Manager to issue a purchase order with Badger Meter, Inc., a Wisconsin-based company, for water meters and parts. This recommended award is made pursuant to Santa Monica Municipal Code Section 2.24.080 (b) and is for a total amount not to exceed \$300,000 through November 4, 2018, with future year funding contingent on Council budget approval.

3.E. Strategic Communications and Community Outreach Services

Recommended Action

Staff recommends that the City Council:

1. Award RFP# 89 to GOOD Worldwide Inc., a California-based company for strategic communications and outreach services;
2. Authorize the City Manager to negotiate and execute a three-year agreement with GOOD Worldwide Inc. in an amount not to exceed \$350,000, with future year funding contingent on Council budget approval.

3.F. Resolution to Authorize the City Manager to Execute an Agreement with the State Board of Equalization for Implementation of Measure GSH and Resolution Authorizing Examination of Confidential Transactions and Use Tax Records of the State Board of Equalization

Recommended Action

Staff recommends that the City Council adopt resolutions authorizing the City Manager to execute agreements with the State Board of Equalization for collection and administration of Measure GSH Transaction and Use Tax revenues and designate representatives of the City authorized to examine confidential Transaction and Use Tax records of the State Board of Equalization.

3.G. Award of Construction Contract for Reed Park Playground Improvements

Recommended Action

Staff recommends that the City Council:

1. Award Bid #SP2468 to Cinbad Industry, Inc., a California-based company, to provide construction services for the Reed Park Playground Improvements project;
2. Authorize the City Manager to negotiate and execute a contract with Cinbad Industry, Inc., in an amount not to exceed \$366,300 (including a 10% contingency);
3. Authorize budget changes as outlined in the Financial Impacts & Budget Actions section of the report; and
4. Authorize the Director of Public Works to issue any necessary change orders to complete additional work within contract authority.

3.H. Authorization to Negotiate Funding for the Santa Monica Sustainable Water Infrastructure Project (SWIP), California Clean Water State Revolving Fund and Proposition 1 Funding Programs

Staff recommends that the City Council:

1. Authorize the negotiation of funding from the California State Water Resources Control Board (State Water Board) in the amount of approximately \$57,050,000; and
2. Adopt a resolution authorizing the City Manager to execute all necessary documents to apply and negotiate for funding and if successful, carry out the City's responsibilities under the project financing/funding agreement.

3.I. Memorandum of Understanding for Temporary Public Art Installations for the Colorado Esplanade Triangle and Third Street Promenade, in Partnership with Downtown Santa Monica, Inc. (DTSM)

Recommended Action

Staff recommends that the City Council authorize the City Manager to negotiate and execute a Memorandum of Understanding (MOU) between the City and DTSM for a pilot temporary art program on the City's landscaped triangular open space at the Colorado Esplanade (triangle) adjacent to the intersection of Main Street and extending along the Third Street Promenade to Wilshire Boulevard (Exhibit A) in an amount not to exceed \$75,000 for an 18-month period.

3.J. Construction Contract for Fire Station #3 Seismic Retrofit

Recommended Action

Staff recommends that the City Council:

1. Award Bid #SP2261 to Hoffman Management & Construction Corporation, a California-based company, for construction services for Fire Station No. 3 Seismic Retrofit project;
2. Authorize the City Manager to negotiate and execute a contract with Hoffman Management & Construction Corporation, in an amount not to exceed \$1,067,250 (including 10% contingency); and
3. Authorize the Director of Public Works to issue any necessary change orders to complete additional work within contract authority.

4. STUDY SESSION

No items

5. CONTINUED ITEMS

No items

6. ADMINISTRATIVE PROCEEDINGS

No items

7. ORDINANCES

(Public comment is permitted on ordinances for introduction and first reading. No public discussion is permitted on ordinances for second reading and adoption.)

7.A. Resolution Making Findings of Local Climatic, Geological and Topographical Conditions and Introduce for First Reading an Ordinance Updating Seismic Retrofit Requirements for Potentially Seismically Vulnerable Buildings, Updating Tenant Protection Laws and Implementing a Seismic Retrofit Program

Recommended Action

Staff recommends that the City Council:

1. Adopt the resolution making findings of local climatic, geological and topographical conditions necessary to support the adoption of local amendments to the California State Building Codes;

2. Introduce for first reading the ordinance, amending the California State Building Codes to adopt updates to seismic retrofit requirements and adopting enhancements to local tenant protection laws; and
3. Instruct staff to file the adopted resolution and seismic retrofit ordinance with the California Building Standards Commission following the second reading of the ordinance but at least 30 days before the effective date of the ordinance.

7.B. Introduction and First Reading of an Ordinance to Amend the Zoning Ordinance Making Minor Clerical Changes, Corrections, and Clarifications Including Changes Related to Accessory Dwelling Units to be Consistent With Recent Changes in State Law

8. STAFF ADMINISTRATIVE ITEMS

8.A. Update to Council on Community Choice Aggregation

Recommended Action

Staff recommends that Council:

1. Provide direction to staff to pursue one or more Community Choice Aggregation (CCA) implementation pathways: opt to join either the LA County or the South Bay Clean Power JPA, explore initiating a CCA on its own, or choose not to participate in a CCA; and
2. Adopt a resolution that establishes a platform of goals and objectives for negotiation and appoints one Council representative, one staff liaison and one staff alternate to formally participate in Community Choice Aggregation Joint Powers Authority negotiations.

9. PUBLIC HEARINGS

No items

10. REPORTS OF BOARDS AND COMMISSIONS

No items

11. RESOLUTIONS

No items

12. WRITTEN COMMUNICATIONS OTHER THAN REPORTS OF COMMISSION AND OFFICERS

No items

13. COUNCILMEMBER DISCUSSION ITEMS

- 13.A. Request of Councilmembers O'Day, O'Connor, and Mayor Winterer to request of staff to prepare an update to the Council on the status of the Bike Action Plan adopted 6 years ago and how it is harmonized with Vision Zero objective in our Pedestrian Action Plan, also provide an update on implementation of the Pedestrian Action Plan.**
- 13.B. Request of Mayor Pro Tempore Davis, Mayor Winterer and Councilmember Vazquez that the Council allocate \$10,000 of discretionary funds to Mount Olive Lutheran Church and the Bruin Shelter to assist with the permitting fees for the operation of their student-run shelter for UCLA and SMC students experiencing homelessness. The funds will be available for 60 days, allowing and encouraging our educational partners to make matching contributions.**
- 13.C. Request of Councilmembers O'Day and Vazquez that the Council direct staff to examine its investment practices and consider divesting all City funds from Wells Fargo, due to their business practices and their involvement in financing the Dakota Access Pipeline.**
- 13.D. Request of Councilmember Vazquez that the Council authorize the use of Council travel funds for attendance at the Friendship City Signing Celebration March 8th through 15th, 2017 in Kizugawa, Japan, for the purpose of continuing our long-standing cultural ties with Santa Monica's inaugural friendship city**
- 13.E. Request of Councilmembers Himmelrich and McKeown that Council direct staff to prepare an ordinance prohibiting employers, landlords, housing agencies, and other parties involved in seeking or providing jobs, housing, or other benefits, goods, or services, from gathering information on the religious affiliation of tenants, clients, customers, or other participants, and further prohibiting the sharing of such information that may already have been gathered or have become inadvertently available; and further, that Council authorize staff to work with other entities and organizations on how best to reassure members of our community who are feeling vulnerable on immigration and religious practice issues, returning to Council with a resolution affirming City values on diversity and reasserting Chief Seabrooks' recent statement that the Santa Monica Police Department does not enforce immigration laws.**
- 13.F. Recommendation to accept Anne Dobson's resignation from the Social Services Commission and authorize the City Clerk to publish the vacancy.**

14. PUBLIC INPUT

(Public comment is permitted only on items not on the agenda that are within the subject matter jurisdiction of the City. State law prohibits the City Council from taking any action on items not listed on the agenda, including issues raised under this agenda item.)

ADJOURNMENT

Any documents produced by the City and distributed to a majority of the City Council regarding any item on this agenda will be made available at the City Clerk's Counter located at City Hall, 1685 Main Street, Santa Monica during normal business hours. Documents are also available at www.smgov.net/council/agendas.

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