



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 12 PM ON THE DAY 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 MARCH 28, 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 SESSIONS

- 1.A. **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.B. **Conference with Real Property Negotiator:
Property: 3300 Airport Avenue
Negotiator: Stelios Makrides, Airport Director
Under Negotiation: Lease Terms
Owner of Record: John Clarizio**
- 1.C. **Conference with Legal Counsel – Existing Litigation – Litigation has been initiated formally pursuant to Government Code Section 54956.9(d)(1): National Business Aviation, Inc., et al., v. Michael P. Huerta, Federal Aviation Administrator, U. S. Court of Appeals, District of Columbia Circuit Case No. 17-1054**
- 1.D. **Conference with Legal Counsel – Existing Litigation – Litigation has been initiated formally pursuant to Government Code Section 54956.9(d)(1): Kelly Soo Park v. Karen Thompson, United States Court of Appeals, Ninth Circuit, Case Number 14-56655, D. C. No. 2:14-cv-00330-SJO-RZ**
- 1.E. **Conference with Legal Counsel – Existing Litigation – Litigation has been initiated formally pursuant to Government Code Section 54956.9(d)(1): Hixson v. City of Santa Monica, Los Angeles Superior Court Case Number BC 621 146**

- 1.F. **Conference with Legal Counsel – Existing Litigation – Litigation has been initiated formally pursuant to Government Code Section 54956.9(d)(1): Henderson v. City of Santa Monica and Jade Davis, Los Angeles Superior Court Case No. BC 579 227**
- 1.G. **Conference with Legal Counsel – Existing Litigation – Litigation has been initiated formally pursuant to Government Code Section 54956.9(d)(1): Avilez v. City of Santa Monica, Los Angeles Superior Court Case Number BC 489 178**

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. Second Modification to Software and Maintenance Agreement with Accela, Inc. for Permit and Land Management Software

Recommended Action

Staff recommends that the City Council authorize the City Manager to negotiate and execute a second modification to agreement #9509 (CCS) in the amount of \$230,469 with Accela, Inc., a California-based company, for the maintenance and technical support of the Land Based Management System. This will result in a ten (10) year amended agreement with a new total amount not to exceed \$798,141, with future year funding contingent on Council budget approval.

3.B. Clinical Services Contract to Support Affordable Housing

Recommended Action

Staff recommends that the City Council authorize the City Manager to negotiate and execute a third modification to Agreement #10284 (formerly #2687), to increase the contract by an amount not to exceed \$69,000 and to extend the term of the agreement for one additional year through June 30, 2018, with Ms. Dorothy Berndt, a California Licensed Clinical Social Worker (LCSW), to provide clinical support to maintain housing program participants in housing. The proposed amendment would result in a five-year amended agreement with a total amount not to exceed \$209,800.

3.C. Final Parcel Map No. 73896 for a Three-Unit Condominium Project at 1927 19th Street

Recommended Action

Staff recommends that the City Council adopt a resolution approving Final Parcel Map No. 73896 for the project at 1927 19th Street.

3.D. Water and Storm Water Rebate Tax Exemptions

Recommended Action

Staff recommends that the City Council adopt a resolution requesting that Congress exempt water conservation and storm water/rainwater management rebates from federal taxation.

3.E. Second Modification to Agreement 10313 (CCS) with Clean Cut Landscape, Inc. to Furnish Material and Labor for the Landscape and Irrigation Conversion Project

Recommended Action

Staff recommends that the City Council authorize the City Manager to negotiate and execute a second modification to agreement #10313 (CCS) in the amount of \$445,007 (includes 10% contingency) with Clean Cut Landscape, Inc., a California-based company, to furnish material and labor for the landscape and irrigation conversion project at various City locations and extend the contract term through September 1, 2017. This will result in a one-year amended agreement, with a new total amount not to exceed \$1,145,007 (includes 10% contingency), with future year funding contingent on Council budget approval.

3.F. Award a Professional Services Agreement for Pier Fire Sprinkler Replacement

Recommended Action

Staff recommends that the City Council:

1. Award RFP# 2364 to Jensen Hughes, Inc., a Maryland-based company to provide fire protection engineering services for the Santa Monica Pier Fire Sprinkler System Replacement;
2. Authorize the City Manager to negotiate and execute an agreement with Jensen Hughes, Inc., in an amount not to exceed \$132,000 (including a 10% contingency); and
3. Authorize the Director of Public Works to issue any necessary change orders to complete additional work within contract authority.

3.G. Bequest from the Estate of Salvatore Occhipinti

Recommended Action

Staff recommends that the City Council:

1. Authorize the City Manager to accept a bequest in the amount of \$100,000 from the estate of Salvatore Occhipinti to further the goals, services, and programs of the Santa Monica Public Library;
2. Authorize the City Manager to execute all necessary documents to accept the bequest; and
3. Establish revenue budget at account 04613.401040 in the amount of \$100,000; and appropriate the expenditures to reflect receipt of the \$100,000 bequest from the estate of Salvatore Occhipinti at account 04613.563180.

3.H. Award Contractual Services Agreement to Community Arts Resources for COAST - Open Streets Festival Production

Recommended Action

Staff recommends that the City Council:

1. Award RFP #97 to Community Arts Resources (CARS), a California-based company, to produce the annual COAST Open Streets Festival; and
2. Authorize the City Manager to negotiate and execute a contractual services agreement with Community Arts Resources (CARS), in an amount not to exceed \$300,000 for one year, with four one-year renewal options at a 2% increase, for a total not to exceed amount of \$1,562,000 over a five-year period with future year funding contingent on Council budget approval.

3.I. Revised Resolution Authorizing City Attorney's Office Prosecutors and Staff to Access California Law Enforcement Telecommunications System (CLETS)

Recommended Action

Staff recommends that the City Council adopt a resolution authorizing prosecutors and prosecutorial support staff in the City Attorney's Office access to criminal history information.

3.J. City Council - Special Meeting - Jan 28, 2017 9:00 AM

4. STUDY SESSION

No items

5. CONTINUED ITEMS

No items

6. ADMINISTRATIVE PROCEEDINGS

6.A. Appeal of Landmarks Commission Technical Denial of the Designation of the Former Home Savings Building Located at 2600 Wilshire Boulevard as a City Landmark

Recommended Action

Staff recommends that the City Council grant the appeal and designate the subject building at 2600 Wilshire Boulevard as a City Landmark and the subject property as a Landmark Parcel based upon five of the designation criteria (Criteria 1, 2, 4, 5 and 6) established in SMMC Section 9.56.100(a).

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. Second Reading and Adoption of an Ordinance Amending Articles IV and VIII of the Santa Monica Municipal Code by Updating Seismic Retrofit Standards and Tenant Protection Laws - *Public comment allowed on this second reading*

Recommended Action

Staff recommends that City Council adopt the Ordinance Amending Articles IV and VIII of the Santa Monica Municipal Code.

7.B. Second Reading and Adoption of Ordinance Amending Chapter 8.96 of the Santa Monica Municipal Code to Enhance Public Nuisance Regulations

Recommended Action

Staff recommends that City Council adopt the Ordinance Amending Chapter 8.96 of the Santa Monica Municipal Code.

7.C. Second Reading and Adoption of an Ordinance Amending Section 4.12.030 of the Santa Monica Municipal Code Creating a New Exemption From the Noise Ordinance in Certain Public Spaces

Recommended Action

Staff recommends that City Council adopt the Ordinance Amending Section 4.12.030 of the Santa Monica Municipal Code.

7.D. Second Reading and Adoption Ordinance Amending Article VIII of the Santa Monica Municipal Code by Adopting the California Energy Code and Related Codes and the Santa Monica Local Amendments to Such Codes

Recommended Action

Staff recommends that City Council adopt the Ordinance Amending Article VIII of the Santa Monica Municipal Code.

7.E. Introduction and First Reading of an Ordinance to Amend Santa Monica Municipal Code Section 4.44.020(a) to Clarify the Prohibition of Smoking in Specific Locations to Include Parklets

Recommended Action

Staff recommends that the City Council introduce for first reading an Ordinance amending Santa Monica Municipal Code (SMMC) Chapter 4.44 (Regulation of Smoking) to include the prohibition of smoking in parklets.

7.F. Introduction for First Reading an Ordinance adopting a Development Agreement Amendment 16ENT-0060 Authorizing a Procedural Amendment to the Providence Saint John's Health Center Development Agreement

Recommended Action

Staff recommends that the Council introduce for first reading an ordinance adopting a second amendment to the Providence Saint John's Health Center Development Agreement to authorize a procedural change in the Phase Two Project approval process to require Council review and approval of a Phase Two Project Master Plan that encompasses development on both the north and south campuses.

7.G. Introduction for First Reading of a Reauthorization Ordinance Implementing Provisions of the State's Digital Infrastructure and Video Competition Act of 2006, Public Utilities Code § 5800 et. seq., Related to Video Service Franchises Serving the City of Santa Monica

Recommended Action

Staff recommends that the City Council introduce for first reading an ordinance adopting reauthorizing the City's Public, Educational and Government (PEG) Fee.

8. STAFF ADMINISTRATIVE ITEMS

8.A. Pier Use Study and Twilight Concert Series Update

Recommended Action

Staff recommends that the City Council:

1. Review and comment on the Santa Monica Pier Corporation Board recommendations and Pier Use Study; and
2. Receive an update on changes to the Twilight Concert Series being undertaken for the 2017 season. Staff will return to Council in the fall with an evaluation of the effectiveness of the proposed changes.

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 Mayor Winterer that the Council designate a delegate to participate with the Mayor at the Metro Mayors Roundtable which will meet quarterly with other Los Angeles County elected officials, the Metro CEO, Metro Board Chair and Metro staff on regional transportation issues.

13.B. Request of Councilmembers Himmelrich and Vazquez that staff prepare a resolution similar to the attached City of Los Angeles resolution establishing the City's position regarding S. 349 (Harris), the Access to Counsel Act of 2017, which would ensure that those held or detained while attempting to enter the United States would be guaranteed access to legal counsel

13.C. Appointment to two unscheduled vacancies on the Social Services Commission; one term ending on 06/30/2017 and one term ending on 06/30/2019.

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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